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VOL 34

211

FEDERAL REGISTER

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Agencies in this issue—

The President
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Equal Employment Opportunity Commission
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
Federal Reserve System
Federal Water Pollution Control Administration
Fish and Wildlife Service
Food and Drug Administration
Interior Department
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Securities and Exchange Commission
Small Business Administration
Wage and Hour Division

Detailed list of Contents appears inside.



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1934

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Title 3—THE PRESIDENT

Executive Order 11492

AMENDING EXECUTIVE ORDER NO. 11398 WITH RESPECT TO THE CITIZENS ADVISORY COMMITTEE ON PHYSICAL FITNESS AND SPORTS

By virtue of the authority vested in me as President of the United States, Executive Order No. 11398 of March 4, 1968,[1] entitled "Establishing the President's Council on Physical Fitness and Sports," is hereby amended by substituting for subsection (a) of section 3 thereof the following:

"(a) There is hereby established the Citizens Advisory Committee on Physical Fitness and Sports (hereinafter referred to as the Committee), which shall be composed of so many members as the President may appoint thereto from time to time. The President shall designate the Chairman of the Committee from among its members, and the Committee shall meet on the call of the Chairman."

Richard Nixon

THE WHITE HOUSE,
October 30, 1969.

[F.R. Doc. 69-13105; Filed, Oct. 30, 1969; 3:34 p.m.]

[1] 3 CFR 1968 Comp. p. 102; 33 F.R. 4169.

70 14 AA A 30

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CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1969, is $150 domestic, $40 additional for foreign mailing. The subscription price for revised volumes to be issued as of January 1, 1970, will be $175 domestic, $50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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1	(Rev. Jan. 1, 1969)	$1.00
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10	(Rev. Jan. 1, 1969)	1.50
11	[Reserved]	
12	Parts:	
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	300–end (Rev. Jan. 1, 1969)	2.00
13	(Rev. Jan. 1, 1969)	1.25
14	Parts:	
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16	Parts:	
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25	(Rev. Jan. 1, 1969)	1.75
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30	(Rev. Jan. 1, 1969)	1.50
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	1000–1199 (Rev. Jan. 1, 1969)	1.50
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45	(Rev. Jan. 1, 1969)	3.25
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	80–end (Rev. Jan. 1, 1969)	2.50
48	[Vacated; Reserved]	

CFR Unit:		Price
49	Parts:	
	1–199 (Rev. Jan. 1, 1969)	3.50
	200–999 (Rev. Jan. 1, 1969)	1.50
	1000–1199 (Rev. Jan. 1, 1969)	1.25
	1200–1299 (Rev. Jan. 1, 1969)	3.25
	1300–end (Rev. Jan. 1, 1969)	1.00
50	(Rev. Jan. 1, 1969)	1.25
General Index (Rev. Jan. 1, 1969)		1.25
List of Sections Affected, 1949–1963 (Compilation)		6.75

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Assistant and Confidential Secretary to the Vice President and Special Assistant to the Board is excepted under Schedule C and that the position of Private Secretary to the Vice President for Planning and Export Expansion is excepted under Schedule C in lieu of the position of Private Secretary to the Special Assistant to the President and Chairman. Effective on publication in the FEDERAL REGISTER, paragraph (e) is amended and paragraph (f) is added under § 213.3342 as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(e) One Private Secretary to the Vice President for Planning and Export Expansion.

(f) One Assistant and Confidential Secretary to the Vice President and Special Assistant to the Board.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13077; Filed, Oct. 31, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Agency for International Development

Section 213.3368 is amended to show that the position of Private Secretary to the Assistant Administrator for Legislative and Public Affairs is excepted under Schedule C, and that the Congressional Liaison Staff now is in the Office of that Assistant Administrator. Effective on publication in the FEDERAL REGISTER, paragraph (b) is revoked and paragraph (e) is added to § 213.3368 as set out below.

§ 213.3368 Agency for International Development.

* * * * *

(b) [Revoked]

* * * * *

(e) *Office of the Assistant Administrator for Legislative and Public Affairs.* (1) One Private Secretary to the Assistant Administrator.

(2) One Staff Assistant to the Director, Congressional Liaison Staff.

(3) One Private Secretary to the Director, Congressional Liaison Staff.

(4) One Staff Assistant (Congressional Liaison) to the Director, Congressional Liaison Staff.

(5) Four Congressional Liaison Officers.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13076; Filed, Oct. 31, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1970 Crop

Correction

In F.R. Doc. 69–12677 appearing at page 17155 in the issue of Thursday, October 23, 1969, the heading of § 850.227 (b) on page 17158 now reading "(b) *Source of use and unused acreage.*" should be changed to read "(b) *Source and use of unused acreage.*"

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 398]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.698 Lemon Regulation 398.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 28, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 2, 1969, through November 8, 1969, are hereby fixed as follows:

(i) District 1: 9,300 cartons;

(ii) District 2: 46,500 cartons;

(iii) District 3: 144,150 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 30, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13095; Filed, Oct. 31, 1969; 8:49 a.m.]

[Grapefruit Reg. 67]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.367 Grapefruit Regulation 67.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, a hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 30, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 3, 1969 through November 9, 1969, is hereby fixed at 145,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 31, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13123; Filed, Oct. 31, 1969; 11:26 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 4]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

REPAYMENT OF LOANS

Correction

In F.R. Doc. 69–12762 appearing at page 17328 in the issue of Saturday, October 25, 1969, the section heading now reading "§ 1427.1376 *Repayment of loan by producer.*" should be changed to read "§ 1427.1376 *Repayment of loan.*"

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–CE–107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Columbia, Mo., control zone.

On October 15, 1969, the Columbia, Mo., office of the U.S. Weather Bureau is being moved from its present location on the Columbia Municipal Airport to a new location on the Columbia Regional Airport. Since weather reporting service is required for the designation of a control zone, it is necessary to revoke the Columbia, Mo., control zone designation effective October 15, 1969.

Since this revocation will reduce the amount of designated controlled airspace at Columbia, Mo., it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 15, 1969, as hereinafter set forth in § 71.171 (34 F.R. 4557), the following control zone is revoked: "Columbia, Mo."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. (c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 14, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–13040; Filed, Oct. 31, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

PART 148k—NYSTATIN

PART 148q—GENTAMICIN

PART 148x—LINCOMYCIN

Miscellaneous Amendments

Effective on publication hereof, the antibiotic drug regulations are amended as follows to effect code corrections and editorial changes:

§ 146a.14 [Amended]

1. In § 146a.14(a), the reference to "§ 146a.12" in the fourth sentence is changed to read "§ 146a.12(a)".

2. An order published in the FEDERAL REGISTER of July 1, 1969 (34 F.R. 11091), inadvertently deleted paragraph (c) from § 146a.90. Paragraph (c) is hereby restored to that section and reads as follows:

§ 146a.90 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution veterinary; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

* * * * *

(c) In addition to complying with the requirements of § 146a.67(d), a person

who requests certification of a batch shall submit with his request a statement showing the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the benzathine penicillin G used in making the batch for potency, crystallinity, and penicillin G content, and the number of units of benzathine penicillin G in each milliliter of the batch. He shall also submit in connection with his request a sample consisting of 3 packages containing approximately equal portions of not less than 0.5 gram each of the benzathine penicillin G used in making the batch.

§ 147.7 [Amended]

3. Section 147.7, promulgated July 25, 1969 (34 F.R. 12279), contains a subparagraph concerning fees. An order was published July 1, 1969, removing references to fees from individual sections of the antibiotic drug regulations. For consistency, § 147.7 is amended by deleting subparagraph (5) from paragraph (a).

4. In § 148k.9, as published June 19, 1964 (29 F.R. 7845), the introductory text of paragraph (a)(3) was incomplete and is corrected to read as follows:

§ 148k.9 Nystatin-neomycin sulfate-gramicidin-triamcinolone acetonide cream.

(a) * * *

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

* * * * *

5. The order of July 1, 1969 (34 F.R. 11091), inadvertently deleted subparagraph (4) from § 148q.3(a) instead of subparagraph (5). The section is hereby amended by deleting subparagraph (5) from paragraph (a) and by restoring subparagraph (4) reading as follows:

§ 148q.3 Gentamicin sulfate cream.

(a) * * *

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, moisture, pH, specific rotation, invariance quotient, and identity.

(*b*) The batch for gentamicin potency.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(*c*) In the case of an initial request for certification, each other ingredient used in making the batch: One package of each containing not less than 5 grams.

* * * * *

§ 148x.5 [Amended]

6. The order of July 1, 1969 (34 F.R. 11091), deleted a nonexistent subparagraph (5) from § 148x.5(a). The section is hereby amended by deleting subparagraph (4) from paragraph (a).

(Secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463, as amended; 21 U.S.C. 357, 371(a))

Dated: October 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13027; Filed, Oct. 31, 1969; 8:45 a.m.]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Bacitracin, Dihydrostreptomycin Sulfate, Oleandomycin Phosphate, Polymyxin B Sulfate, Streptomycin Sulfate, and Tetracycline Hydrochloride Diagnostic Sensitivity Powders

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following six new sections are added to Part 147 to provide for certification of the subject sensitivity powders packaged in diagnostic vials:

§ 147.8 Bacitracin diagnostic sensitivity powder.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Bacitracin diagnostic sensitivity powder is bacitracin, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to bacitracin. Each vial contains 2,000 units of bacitracin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.5 and not more than 7.5. The bacitracin used conforms to the standards prescribed by § 146e.401(a) (1), (5), and (6) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of units of bacitracin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacitracin used in making the batch for potency, moisture, and pH.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The bacitracin used in making the batch: 6 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*b*) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

§ 147.9 Dihydrostreptomycin sulfate diagnostic sensitivity powder.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Dihydrostreptomycin sulfate sensitivity powder is crystalline dihydrostreptomycin sulfate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to dihydrostreptomycin. Each vial contains dihydrostreptomycin sulfate equivalent to 20 milligrams of dihydrostreptomycin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 7.0. The dihydrostreptomycin sulfate used conforms to the standards prescribed by § 146b.103(a) of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of milligrams of dihydrostreptomycin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The dihydrostreptomycin sulfate used in making the batch for potency, moisture, pH, streptomycin content, and crystallinity.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The dihydrostreptomycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*b*) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with sterile distilled water to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

§ 147.10 Oleandomycin phosphate diagnostic sensitivity powder.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Oleandomycin phosphate diagnostic sensitivity powder is crystalline oleandomycin phosphate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories, for determining in vitro the sensitivity of micro-organisms to oleandomycin. Each vial contains oleandomycin phosphate equivalent to 20 milligrams of oleandomycin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its moisture content is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 4.0 and not more than 7.0. The oleandomycin phosphate used conforms to the standards prescribed by § 148m.1(a)(1) (i), (v), (vi), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of milligrams of oleandomycin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oleandomycin phosphate used in making the batch for potency, moisture, pH, identity, and crystallinity.

(*b*) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(*a*) The oleandomycin phosphate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*b*) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

§ 147.11 Polymyxin B sulfate diagnostic sensitivity powder.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Polymyxin B sulfate diagnostic sensitivity powder is polymyxin B sulfate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of micro-organisms to polymyxin B. Each vial contains the equivalent of 20,000 units of polymyxin B. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 7.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.5. The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1) (i), (v), (vi), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of units of polymyxin B in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The polymyxin B sulfate used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(1) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

§ 147.12 Streptomycin sulfate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate diagnostic sensitivity powder is streptomycin sulfate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of micro-organisms to streptomycin. Each vial contains streptomycin sulfate equivalent to 20 milligrams of streptomycin. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 5.0 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 7.0. The streptomycin sulfate used conforms to the standards prescribed by § 146b.101(a) (1), (6), and (7) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of milligrams of streptomycin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The streptomycin sulfate used in making the batch for potency, loss on drying, and pH.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The streptomycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with sterile distilled water to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

§ 147.13 Tetracycline hydrochloride diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride diagnostic sensitivity powder is crystalline tetracycline hydrochloride, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to tetracycline. Each vial contains 20 milligrams of tetracycline hydrochloride. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its loss on drying is not more than 2.0 percent. When reconstituted as directed in the labeling, its pH is not less than 1.8 and not more than 3.0. The tetracycline hydrochloride used conforms to the standards prescribed by § 146c.218(a) (1), (6), (7), and (8) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of milligrams of tetracycline hydrochloride in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The tetracycline hydrochloride used in making the batch for potency, moisture, pH, crystallinity, and absorptivity.

(*b*) The batch for potency, sterility, loss on drying, and pH.

(ii) Samples required:

(*a*) The tetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the prescribed reference concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

Data supplied by the manufacturer concerning the subject diagnostic sensitivity powders have been evaluated. Since the conditions prerequisite to providing for certification have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13028; Filed, Oct. 31, 1969; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XV—Federal Reserve System

REG. V—LOAN GUARANTEES FOR DEFENSE PRODUCTION

Maximum Rate of Interest

1. Effective October 27, 1969, section 7(a) of Regulation V is amended to read as follows:

Sec. 7 Supplement.

* * * * * *

(a) *Maximum rate of interest.* The maximum interest rate charged a borrower by a financing institution with respect to a guaranteed loan shall not exceed 7½ percent per annum, except that the agency guaranteeing a particular loan may from time to time prescribe a higher rate if it determines the loan to be necessary in financing an essential defense production contract.

* * * * * *

2a. The purpose of this amendment is to permit the governmental agency guaranteeing a loan under the Defense Production Act of 1950, as amended, to prescribe from time to time a higher interest rate than otherwise payable on such loan if the agency determines that such higher rate is necessary in obtaining V-loan financing of an essential defense production contract.

b. The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. Functions exercised under the Defense Production Act are exempt from such requirements (50 App. U.S.C. 2159). It was considered impracticable under the circumstances to consult with industry representatives.

(50 App. U.S.C. 2091(c), 2153; E.O. 10480, secs. 302(c)(2), 602(b)(1))

By order of the Board of Governors, October 27, 1969.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13026; Filed, Oct. 31, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 4]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Cadets at the U.S. Merchant Marine Academy

NOMINATIONS AND VACANCIES

Effective upon date of publication in the FEDERAL REGISTER, § 310.52 of Subpart C is amended by changing the last sentence of paragraph (e) thereof to read as follows:

§ 310.52 Nominations and vacancies.

* * * * * *

(e) *Appointments.* * * * Further, a limited number of additional appointments, not to exceed 30, may be made annually from among qualified nominees selected from the national list who possess special qualities deemed to be of peculiar value to the Academy in pursuit of its mission.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: October 27, 1969.

By order of the Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-13071; Filed, Oct. 31, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1020-A]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 27th day of October 1969.

Upon further consideration of Service Order No. 1020 (34 F.R. 6530, 8920), and good cause appearing therefor:

It is ordered, That:

Section 1033.1020 *Distribution of boxcars* be, and it is hereby vacated and set aside.

Effective date: This order shall become effective at 12:01 a.m., October 31, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13064; Filed, Oct. 31, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Federal Water Pollution Control Administration

[18 CFR Part 620]

INTERSTATE WATERS OF STATE OF IOWA

Water Quality Standards

Notice is hereby given that, pursuant to the authority of section 10(c)(2) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g(c)(2)), and pursuant to due notice (34 F.R. 4975) and conference held at Davenport, Iowa, on April 8–9, 1969, and at Council Bluffs, Iowa, on April 15–16, 1969, required by the provisions thereof, regulations setting forth standards of water quality to be applicable to the interstate waters located in the State of Iowa, of the Mississippi River, Missouri River, Fox River, Des Moines River, East Fork of the Des Moines River, West Fork of the Des Moines River, Iowa River, Cedar River, Shellrock River, Winnebago River, Wapsipinicon River, Upper Iowa River, Chariton River, Middle Fork Medicine River, Weldon River, Little River, Thompson River, East Fork of the Big River, Grand River, Platte River, East Fork of the 102 River, Middle Fork of the 102 River, Nodaway River, West Tarkio River, Tarkio River, Nishnabotna River, Little Sioux River, Big Sioux River, Rock River, and Kanaranzi Ditch, are proposed to be promulgated. Such proposed water quality standards are in addition to the water quality standards established by Iowa on May 26, 1967, and which were determined to meet the criteria of section 10(c)(3) of the Federal Water Pollution Control Act, as amended, by the Secretary of the Interior on January 16, 1969, and published in the FEDERAL REGISTER (34 F.R. 7801) in the paragraph entitled "Iowa."

Interested persons may submit written data, views, or arguments in triplicate in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than ninety (90) days of this publication in the FEDERAL REGISTER will be considered.

1. Part 620 would be amended to add § 620.11 as follows:

§ 620.11 Iowa water quality standards.

(a) *Waters.* The water quality standards of this section are applicable to the interstate waters located in the State of Iowa, of the Mississippi River, Missouri River, Fox River, Des Moines River, East Fork of the Des Moines River, West Fork of the Des Moines River, Iowa River, Cedar River, Shellrock River, Winnebago River, Wapsipinicon River, Upper Iowa River, Chariton River, Middle Fork Medicine River, Weldon River, Little River, Thompson River, East Fork of the Big River, Grand River, Platte River, East Fork of the 102 River, Middle Fork of the 102 River, Nodaway River, West Tarkio River, Tarkio River, Nishnabotna River, Little Sioux River, Big Sioux River, Rock River, and Kanaranzi Ditch.

(b) *Dilution.* Dilution shall not be considered a substitute for proper waste treatment at any time.

(c) *Temperature.* Heat additions from man-made sources in all interstate waters, except the Mississippi River and Missouri River, shall not raise the mean daily temperature more than 5° F. and shall not exceed a maximum temperature for each individual water body such as is necessary to protect the production of locally occurring desirable fish populations and their associated biota, and in any case shall not exceed at any time a maximum temperature of 90° F.

(d) *Phenols.* Concentrations of phenols from other than natural sources shall not exceed one part per billion (0.001 mg/1).

(e) *Public Water Supply.* Waters designated as a source of public water supply shall be of such quality that USPHS Drinking Water Standards for finished water can be met after conventional water treatment, consisting of coagulation, sedimentation, rapid sand filtration and disinfection.

(f) *Treatment.* All municipal wastes discharged into the interstate waters of the Mississippi River and the Missouri River shall receive a minimum of secondary treatment to achieve a ninety percent (90%) reduction of BOD prior to discharge no later than December 31, 1973. All industrial wastes discharged into such interstate waters shall receive equivalent treatment prior to discharge no later than December 31, 1973.

(g) *Disinfection.* Continuous disinfection shall be provided for all municipal waste treatment effluents and for all other wastes which may be sources of bacterial pollution throughout the year where such wastes are discharged into interstate waters designated for public water supplies, and throughout the recreational season (April 1 to October 31) where such wastes are discharged into interstate waters used or classified for recreational use, and at all other times as necessary to prevent bacterial pollution which may endanger the public health or welfare.

§ 620.10 [Amended]

2. Section 620.10 would be amended by deleting from the paragraph entitled "Iowa" the following: "except for the treatment requirements and implementation plan for waste discharges into the Mississippi and Missouri Rivers, the requirement for disinfection of controllable waste discharges which may be sources of bacteriological pollution, and the temperature criteria for the interstate waters of Iowa other than the Mississippi and Missouri Rivers," and by inserting in lieu thereof the following: "except for any parts thereof which may be in conflict with the provisions of § 620.11."

Dated: October 24, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69–13051; Filed, Oct. 31, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Proposed Conversion Factor Basis of Reporting

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 5 to the Republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed in duplicate with the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 15-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide a change in the conversion factor for granular cereal. This change is deemed necessary as the processor producing this particular type of product has altered his method of production. The new method resulted in extraction percentages which differ from those currently set forth in the Regulations for each of the co-products. Accordingly, it is proposed that the following amendment be issued to change the conversion factor of granular cereal processed on and after July 1, 1969.

The proposed amendment of 7 CFR Part 777 would read as follows:

Section 777.14(c) is amended by changing the conversion factor of granular cereal as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * * * *

(c) *Conversion factors.* * * *

A—*Food Product*	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
* * *	* * *
Granular cereal (extraction approximately 21 percent granular cereal and 55 percent flour)[1]	1.827
* * *	* * *

Signed at Washington, D.C., on October 27, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–13045; Filed, Oct. 31, 1969; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Part 81]

POULTRY CONDEMNATION CERTIFICATES; AVAILABILITY TO GROWERS AND OTHER SUPPLIERS OF LIVE POULTRY AT OFFICIAL ESTABLISHMENTS

Notice of Proposed Rule Making

Notice is hereby given under the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the authority of the Poultry Products Inspection Act (21 U.S.C. and Supp. § 451 et seq.), the Consumer and Marketing Service proposes to amend the Federal Poultry Products Inspection Regulations (7 CFR Part 81) to require poultry slaughterers, subject to inspection requirements under the Act, to separately process and identify each lot of poultry received from each grower, handler, or other supplier; to furnish C&MS in-plant inspection personnel with all information necessary for identification of each lot; and to keep records of birds condemned within each lot. The proposal would require the C&MS veterinarian in charge within each official establishment to furnish live poultry suppliers, upon their request, with certificates showing the number of birds condemned in each lot, the causes for condemnation, and other information specified in the proposal.

Statement of considerations. The proposed amendments would require the maintaining of the identity of lots of poultry delivered by suppliers to establishments inspected under the Act, until post-mortem inspection has been completed and would provide a means for inspectors to obtain all information needed to identify each lot. This information would assist inspectors in the identification and inspection of birds originating from diseased or otherwise abnormal poultry flocks.

Further, under current practice C&MS inspection personnel are not authorized to furnish poultry condemnation certificates to the growers or other persons supplying poultry to such establishments. Such certificates are now furnished upon request only to the management of official establishments when lots of poultry are separately processed at the establishments. The issuing of certificates to growers and other suppliers, showing how many birds were condemned in each lot delivered by the supplier, the causes of condemnation, and other relevant information, would be advantageous to the grower or other supplier in that information concerning disease or other abnormal conditions in a flock would enable the grower or other supplier to take steps for eradication of the disease or abnormal condition. The legislative history of the Act reflects the intent of the Congress that such information should be made available to growers and other suppliers of live poultry, as well as to the processors (June 13, 1968, Cong. Rec. P. H4941). Therefore, it is proposed to amend the Regulations in 7 CFR Part 81 as follows:

§ 81.121 [Amended]

1. The text of § 81.122 prescribing the form of poultry inspection certificates would be transferred to appear as paragraph (c) in § 81.121.

2. A new § 81.122 would be issued to read:

§ 81.122 Maintenance of identity of lots of poultry; poultry condemnation certificates, contents, and disposition; related reports and records.

(a) The management of each official establishment shall identify each lot of live poultry delivered by each grower, handler, or other supplier of live poultry to the establishment and separately handle each such lot so as to maintain the identity of the lot of live poultry and the slaughtered poultry derived therefrom throughout the slaughter process until the post-mortem inspection is complete. Lots of poultry shall be separated by a significant and easily recognizable break in the chain on the slaughter and eviscerating lines and the first and last bird in the lot shall be tagged with a positive lot identificaton tag.

(b) The information required by § 81.114 to be furnished to the inspector shall include the name and address of the grower, handler, or other supplier of each lot of live poultry delivered to the official establishment, the number of birds in each lot, and any other information necessary for proper completion of C&MS Form CP–514–1, Poultry Condemnation Certificate (formerly C&MS Form PY–512–1), or other form required by paragraph (e) of this section.

(c) The official establishment management shall keep records showing the number of birds in each lot of live poultry delivered by each supplier, the number of birds in each such lot that were dead on arrival and the number of birds in each lot that were condemned on ante-mortem or post-mortem inspection, the specific causes for such condemnation as identified by the inspector to the management, and the name and address of each supplier.

(d) Upon request made to a veterinarian in charge at any official establishment, by any grower, handler or other supplier who delivered a lot of live poultry for slaughter to the official establishment, or by the management of the establishment, the veterinarian in charge who supervised the ante-mortem and post-mortem inspection of the lot when slaughtered shall prepare, sign, and issue a poultry condemnation certificate giving the information prescribed in paragraph (c) of this section.

(e) Each poultry condemnation certificate issued pursuant to the regulations in this part shall be on Form CP–514–1 (formerly PY–512–1), or substitute therefor, which has been approved by the Administrator, and shall (1) identify a specific lot of live poultry delivered by a grower or other supplier for slaughter to a specified official establishment and the lot of slaughtered poultry derived therefrom, (2) state the number of live birds in the lot so delivered, the number of birds in the lot so delivered that were dead on arrival at the establishment, the number of birds that were condemned on ante-mortem or post-mortem inspection and the causes for such condemnation as determined by the inspector or inspectors who conducted the inspection, (3) state the name and address of the supplier of the live poultry, and (4) state the times of day the first and last bird in each lot reached the post-mortem inspection station.

(f) The original of each poultry condemnation certificate shall be issued, as provided in paragraph (d) of this section, by the veterinarian in charge of the official establishment to the grower or other supplier who requested the certificate. One copy shall be furnished to the official establishment management, one copy shall be forwarded to the Circuit officer in charge, and one copy shall be retained and filed by the veterinarian in charge.

3. If the aforesaid amendments are adopted, appropriate amendments would be made in the public information regulations of the Consumer and Marketing Service (7 CFR Part 900).

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 90 days after the date of publication of this notice in the FEDERAL REGISTER. All such written submissions will be made available for public inspection at said office during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., on October 29, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69–13074; Filed, Oct. 31, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 727]

[Administrative Order 610]

INDUSTRY COMMITTEES FOR GENERAL AGRICULTURE INDUSTRY IN PUERTO RICO AND SUGARCANE INDUSTRY IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp. p. 1004) and 29 CFR Part 511, I hereby appoint Industry Committees numbered 89–A and 89–B for the General Agricultural Industry in Puerto Rico and the Sugarcane Industry in Puerto Rico, respectively.

This order replaces Administrative Order No. 609 which was published in the FEDERAL REGISTER on August 23, 1969 (34 F.R. 13607).

The General Agriculture Industry in Puerto Rico is defined as follows: Farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur bearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to market; *Provided, however,* That the general agriculture industry shall not include any activities included in the sugarcane industry in Puerto Rico as defined in this order, the food and related products industry in Puerto Rico (29 CFR Part 673), the sugar manufacturing industry in Puerto Rico (29 CFR Part 689), the tobacco industry in Puerto Rico (29 CFR Part 657), and the communications, utilities, and transportation industry in Puerto Rico (29 CFR Part 671): *And provided, further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

The Sugarcane Industry in Puerto Rico is defined as follows: The preparation of the soil, the planting and cultivating of sugarcane (all work related to the growing and maturing of the crop), the harvesting of sugarcane (cutting, piling, loading, transloading, and all transportation by or for the account of the grower to the point at which title to the sugarcane passes to others), and any other work related to the production and delivery of sugarcane by the grower performed on a farm as an incident to or in conjunction with the farming operations of the grower: *Provided, however,* That the industry shall not include any activities included in the general agriculture industry in Puerto Rico as defined in this order, the sugar manufacturing industry in Puerto Rico (29 CFR Part 689), the food and related products industry in Puerto Rico (29 CFR 673), and the communications, utilities and transportation industry in Puerto Rico (29 CFR 671): *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committees.

(b) Refer to the industry committees the question of the minimum rate or rates of wages to be fixed for the General Agriculture industry in Puerto Rico and the Sugarcane Industry in Puerto Rico, as herein defined.

(c) Give notice of the hearings to be held by the industry committees at the time and place indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 89–A shall meet in executive session to commence its investigation at 9:30 a.m. on December 8, 1969, in the office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condomino San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its public hearings at 1:30 p.m. on the same date at the same place. Immediately thereafter, Industry Committee No. 89–B shall meet in the same place to commence its investigation and hold its hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa. However, the industry committee shall not recommend minimum wage rates in excess of $1.30 an hour.

Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not substantially curtail employment in such classification and which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such report may be obtained at the national and Puerto Rican offices of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic report relating to its industry to the extent that they are not refuted at the hearing.

The procedure of the industry committee shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearing shall file written prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for the committees as set forth in this notice of hearing; i.e. November 28, 1969.

Signed at Washington, D.C., this 28th day of October 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-13050; Filed, Oct. 31, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–AL–5]

CONTINENTAL CONTROL AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend the Continental Control Area within Alaska north of latitude 68°00'00" N.

Interested persons may participate in the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

On March 4, 1965 (29 F.R. 19185), the Federal Aviation Administration amended § 71.9 of the Federal Aviation Regulations to include Alaska south of latitude 68°00'00" N., excluding the Alaskan Peninsula west of longitude 160°00'00' W. This action was taken to provide air traffic control service to civil and military aircraft operating at high altitudes over Alaska. At that time there was a requirement for this service over the whole State. However, the agency had neither the air traffic control nor communications capability to provide this service north of latitude 68°00'00" N.

Since the designation of the original Continental Control Area in Alaska, there has been a considerable increase in jet air traffic in the northern portion of Alaska in support of the recent discovery of oil. As the agency now has both the capability and necessary communications to provide air traffic control services to these high altitude operations, action is proposed herein to designate the controlled airspace necessary to the provision of such service.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations as follows:

By amending § 71.9 to read as follows:

§ 71.9 Continental control area.

The continental control area consists of the airspace of the 48 contiguous States, the District of Columbia and Alaska, excluding the Alaskan Peninsula west of long. 160°00'00" W., at and above 14,500 MSL, but does not include—

(a) The airspace less than 1,500 feet above the surface of the earth, or

(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart D of this part.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 24, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-13041; Filed, Oct. 31, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–104]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airway Nos. 45 and 310.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The segments of V–45 and V–310 between Greensboro, N.C., and Raleigh-Durham, N.C., are aligned via the Greensboro 100° T (103° M) and the Raleigh-Durham 280° T (284° M) radials. The Raleigh-Durham VORTAC has a permanent restriction on the 284° M radial below 4,000 feet MSL. In order to obtain a lower MEA of 3,000 feet MSL between Greensboro and Raleigh-Durham, the FAA proposes to realign the segments of V–45 and V–310 via the Greensboro 105° T (108° M) and the Raleigh-Durham 275° T (279° M) radials. Such action would improve the flow of traffic between these terminals.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 24, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–13042; Filed, Oct. 31, 1969; 8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 69–SO–99]

FEDERAL AIRWAY AND JET ROUTE SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign segments of VOR Federal airway Nos. 18, 53, 56, and 185, and Jet Route No. 75.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the following airspace actions:

1. Realign V–18 segment from Augusta, Ga., via the intersection of Augusta 100° T (101° M) and Charleston, S.C., 296° T (298° M) radials to Charleston, including a south alternate via the intersection of Augusta 148° T (149° M) and Allendale, S.C., 273° T (274° M) radials and Allendale.

2. Realign V–53 segment from Charleston via the intersection of Charleston 296° T (298° M) and Columbia, S.C., 152° T (154° M) radials; to Columbia.

3. Realign V–56 south alternate segment from Augusta via the intersection of Augusta 100° T (101° M) and Columbia 236° T (238° M) radials; to Columbia.

4. Realign V–185 segment from Savannah, Ga., direct to Augusta.

5. Realign Jet Route No. 75 segment from Alma, Ga., via the intersection of Alma 034° T (034° M) and Columbia 201° T (203° M) radials; to Columbia.

Action taken in Airspace Docket No. 69–WA–30 (34 F.R. 14462) reduced the lateral limits of the Savannah River Plant, S.C., Restricted Area R–6004 which would permit realignment of the above segments of airways and jet route along more direct lines. The proposed realignments will improve the airway/jet route systems by allowing more direct flight and reducing mileage along these segments.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 24, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–13043; Filed, Oct. 31, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

In the FEDERAL REGISTER of February 21, 1969, a competitive oil and gas lease offering of blocks on the Outer Continental Shelf off Louisiana scheduled for February 25, 1969, as announced in the FEDERAL REGISTER on September 13, 1968, was canceled and withdrawn.

The cancellation notice provided that the lease offering may be rescheduled and announced in the FEDERAL REGISTER.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 3380) sealed bids addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Room T–9003 Federal Office Building, 701 Loyola Avenue, New Orleans, La., or Post Office Box 53226, New Orleans, La. 70150, will be received until 9:30 a.m., c.s.t., on December 16, 1969, for the lease of oil and gas in certain areas of the Outer Continental Shelf adjacent to the State of Louisiana. Bids will be opened on that date at 10 a.m., c.s.t. in the Claiborne Room, Sheraton Charles Hotel, 211 St. Charles Street, New Orleans, La., for the group of tracts designated herein. The opening of bids is for the sole purpose of publicly announcing and recording bids received, and no bids will be accepted or rejected at that time.

Bidders are notified that leases issued pursuant to this notice will be on revised Form 3380–1 (October 1969). The revised lease form will be published in the FEDERAL REGISTER at least 30 days prior to the date announced herein for the opening of bids. Copies of the revised lease form will be available following its publication from the above listed manager or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910.

On December 16, 1969, bids may be delivered in person to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the Claiborne Room in the Sheraton Charles Hotel between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. Bids delivered by mail or in person after 9:30 am, c.s.t. on that date will be returned to the bidders unopened.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3382.2, 3382.4, and 3382.5. Each bidder must submit the certification required by 41 CFR 60–1.6 (b) and Executive Order No. 11246 of September 24, 1965, on Form 1140–1, August, 1969. Bidders are advised that all leases granted pursuant to this notice will include in its provisions a "Certification of Non-segregated Facilities," and that, in submitting their bids, bidders are deemed to have agreed to the inclusion of this certification in any lease issued to them hereunder.

Bids may not be modified or withdrawn unless written modifications or withdrawals are received prior to the end of the period fixed for the filing of bids. Bidders are warned against violation of section 1860 of title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 3(h) and 3(i) of the lease agreement, Form 3380–1 (October 1969). Bidders must submit with each bid one-fifth of the amount bid, in cash or by cashier's check, bank draft, certified check or money order, payable to the order of the Bureau of Land Management. Bidders are notified that any cash, checks, drafts, or money orders submitted with their bids may be deposited in an unearned escrow account in the Treasury during the period their bids are being considered, and that such deposit does not constitute, and shall not be construed as, acceptance of any bid on behalf of the United States. The leases will provide for a royalty rate of one-sixth, and a yearly rental or minimum royalty of $10 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $10 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3384.1 prior to the issuance of each lease.

Bids will be considered on the basis of the highest cash bonus offered for a tract. The United States reserves the right and discretion to reject any and all bids, regardless of the amount offered. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered.

A separate bid, in a separate envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana (insert number of tract) not to be opened until 10 a.m., c.s.t., December 16, 1969."

Official leasing maps in a set of 25, which contains the maps for the areas in which the tracts being offered for lease may be located, can be purchased for $5 per set. The official leasing maps and copies of the Compliance Report Certification (Form 1140–1, August 1969) may be obtained from the above listed manager or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910.

Operations under leases which may be issued pursuant to this sale will be subject to provisions for the protection of fishing operations and aquatic values.

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)

West Cameron Area

Tract No.	Block	Description	Acreage
La. 2037	144	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1B

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

West Cameron Area-South Addition

La. 2038	455	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2

(Approved June 8, 1954; Revised Apr. 28, 1966)

East Cameron Area

La. 2039	163	All	1,933.48
La. 2040	164	All	1,777.38
La. 2041	225	All	5,000.00

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

East Cameron Area-South Addition

La. 2042	260	S½	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3

(Approved June 8, 1954; Revised June 25, 1954; Revised July 22, 1954; Revised Apr. 28, 1966)

Vermilion Area

La. 2043	103	All	5,000
La. 2044	120	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3B

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Vermilion Area-South Addition

La. 2045	265	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3C

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

South Marsh Island Area—South Addition

La. 2046	113	N½	2,500
La. 2047	114	S½; NW¼	3,750

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4

(Approved June 8, 1954; Revised July 22, 1954; Revised Apr. 28, 1966)

Eugene Island Area

La. 2048	157	SE¼	1,250
La. 2049	247	N½	2,500
La. 2050	254	S½	2,500
La. 2051	255	S½	2,500
La. 2052	258	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5

(Approved June 8, 1954; Revised Apr. 28, 1966; Revised July 22, 1968)

Ship Shoal Area

La. 2053	192	W½	2,500
La. 2054	213	W½	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954; Revised Dec. 9, 1954; Revised Apr. 28, 1966)

South Timbalier Area

La. 2055	148	E½	2,500
La. 2056	149	SW¼	1,250
La. 2057	204	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10

(Approved June 8, 1954; Revised July 22, 1954; Revised Apr. 28, 1966)

Main Pass Area

La. 2058	18	S½	2,497.28
La. 2059	104	NW¼; N½SW¼	1,872.96
La. 2060	143	All	4,994.55
La. 2061	152	All [1]	4,977.5
La. 2062	153	All	4,999.96

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Main Pass Area-South and East Addition

La. 2063	291	All	4,560.81

[1] Portion more than 3 geographical miles seaward of the line described in paragraph 1 of the Supplemental Decree of the U.S. Supreme Court entered Dec. 13, 1965, in the United States v. Louisiana No. 9 Original (382 U.S. 288).

Some of the tracts offered for lease may fall in fairway areas (including prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, New Orleans District, Corps of Engineers, U.S. Army. For the location of these areas and for operational restrictions imposed by that Agency, the District Engineer should be consulted.

Leases issued pursuant to this notice for lands which are on the date of their issuance, or are thereafter adjudicated to be, subject to the exclusive jurisdiction and control of the United States, will be subject to all rules and regulations which the Secretary of the Interior is authorized to prescribe and administer under the Outer Continental Shelf Lands Act (43 U.S.C. secs. 1331–1343) including rules and regulations for the prevention of waste and for conservation of the natural resources of the Outer Continental Shelf. The protection of correlative rights therein will be administered by the Secretary of the Interior in accordance with such rules and regulations.

In the event a cooperative agreement is concluded between the Secretary and the conservation agency of the State of Louisiana with respect to enforcement of conservation laws, rules and regulations pursuant to section 5 of the Act, the lessee will be given notice thereof by publication in the FEDERAL REGISTER.

It is suggested that bidders submit their bids in the following form:

Manager, Bureau of Land Management, Department of the Interior, Post Office Box 53226, T–9003 Federal Office Building, New Orleans, La. 70150.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area ---------- Official Leasing Map No. ----------

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

---------- (Signature)

(Please type signer's name under signature)

---------- (Company)

---------- (Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be cash, money order, cashier's check, certified check or bank draft. A separate bid must be made for each tract.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

Approved: October 27, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69–13030; Filed, Oct. 31, 1969; 8:45 a.m.]

[Serial N–1885]

NEVADA

Notice of Classification of Public Lands for Multiple-Use Management

OCTOBER 24, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The record showing the comments received following publication of a Notice of Proposed Classification (34 F.R. 9), or at the public hearing at the Ormsby County Courthouse, Carson City, Nev., which was held on February 19, 1969, and other information is on file and can be examined at the Nevada Land Office. Because of recommendations and comments received from the Douglas County Commissioners following publication of the Notice of Proposed Classification (34 F.R. 9) the following described lands are deleted from this classification and the segregative effect terminated:

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 21 E.,
Sec. 3, NW¼, NE¼SW¼.
T. 13 N., R. 21 E.,
Sec. 27, W½;
Sec. 34, W½.

Totaling 840 acres.

The public lands affected by this classification are located within the following described area and are shown on a map designated N–1885 in the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701, and the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The overall description of the area is as follows:

ORMSBY [1] AND DOUGLAS COUNTIES

MOUNT DIABLO MERIDIAN, NEVADA

The public lands classified are generally located within the eastern one-third of Ormsby County and the eastern one-half of Douglas County.

The area described aggregates approximately 164,520 acres of public land.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LIM, 320, Washington, D.C. 20240.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 69–13031; Filed, Oct. 31, 1969; 8:45 a.m.]

[1] The 1969 Nevada Legislature consolidated Ormsby County and Carson City into one municipal government to be known as Carson City effective July 1, 1969.

AREA MANAGERS, BOISE DISTRICT, IDAHO

Redelegation of Authority

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64–7492; 29 F.R. 10526) as amended, the Area Managers of the Bruneau, Cascade, Jarbidge, and Owyhee Resource Areas of the Boise District, Idaho, are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the District

Manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended, together with any limitations specified below.

(1) Section 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

(2) Section 3.7(a): Licenses to graze or trail livestock.

(3) Section 3.7(a)(3): Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(4) Section 3.7(b): Grazing leases.

(5) Section 3.7(d): Soil and moisture conservation.

(6) Section 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.

(7) Section 3.8—Forest Management: Manager of the Cascade Area may take all the action on: (a) Disposition of forest products except that sales of timber in excess of 10 million feet board measure must be approved by the State Director or his delegate prior to advertisement. All Area Managers may dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR Part 5400. This authority does not include the approval of any free use disposal of forest products exceeding $100 in value.

(8) Section 3.9(g)—Land Use: Material other than forest products not exceeding $100 in value.

(9) Section 3.9(m)—Rights-of-Way: Grant temporary rights-of-way over public land and acquired land pursuant to 43 CFR 2234.2-3(a)(2).

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through the use of Form 1213.1, District Office Authority and Responsibility Guides.

This delegation supersedes Delegation of Authority, published February 16, 1967 (32 F.R. 2978–2979).

This redelegation will become effective upon publication in the FEDERAL REGISTER.

CLAIR M. WHITLOCK,
District Manager.

Approved:

JOE T. FALLINI,
State Director.

[F.R. Doc. 69-13032; Filed, Oct. 31, 1969; 8:45 a.m.]

Fish and Wildlife Service

COASTAL MAINE NATIONAL WILDLIFE REFUGE, MAINE

Notice of Name Change to Rachel Carson National Wildlife Refuge

Notice is hereby given that the Coastal Maine National Wildlife Refuge, established December 21, 1966, shall hereafter be known as the Rachel Carson National Wildlife Refuge.

This name change is in honor of Rachel Carson who elevated the role of women in the field of biology through her painstaking field work; the excellence and stimulation of her writings; and the prestige she gained for the field of ecology and animal behavior.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 15, 1969.

[F.R. Doc. 69-13075; Filed, Oct. 31, 1969; 8:48 a.m.]

Office of the Secretary

HOWARD A. BECK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None—no change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 1, 1969.

Dated: October 1, 1969.

HOWARD A. BECK.

[F.R. Doc. 69-13033; Filed, Oct. 31, 1969; 8:45 a.m.]

C. R. BILBY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 3, 1969.

Dated: October 3, 1969.

C. R. BILBY.

[F.R. Doc. 69-13034; Filed, Oct. 31, 1969; 8:45 a.m.]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 1, 1969.

Dated: October 1, 1969.

JAMES S. BROADDUS.

[F.R. Doc. 69-13035; Filed, Oct. 31, 1969; 8:45 a.m.]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 1, 1969.

Dated: October 1, 1969.

JOHN W. HIERONYMUS.

[F.R. Doc. 69-13036; Filed, Oct. 31, 1969; 8:45 a.m.]

JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 2, 1969.

Dated: October 2, 1969.

JOHN H. KLINE.

[F.R. Doc. 69-13037; Filed, Oct. 31, 1969; 8:46 a.m.]

KENNETH I. SEWELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Added 30 shares of International Protein.
(3) No change.
(4) No change.

This statement is made as of October 1, 1969.

Dated: October 1, 1969.

K. I. SEWELL.

[F.R. Doc. 69-13038; Filed, Oct. 31, 1969; 8:46 a.m.]

E. F. TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 13, 1969.

Dated: October 13, 1969.

E. F. TIMME.

[F.R. Doc. 69-13039; Filed, Oct. 31, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(69)-19]

GERT HYLEN ET AL.

Order Temporarily Denying Export Privileges

In the matter of Gert Hylen, Nicoloviusgatan 6B, Malmo, Sweden, *Respondent;* G. Hylen A.B., Nicoloviusgatan 6B, Malmo, Sweden; A.B. Ramviksverken, Ramvik, Sweden; Firma Gate, Hjo, Sweden; Firma Tom Stenholm, Olofstrom, Sweden, *related parties.*

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, pursuant to the provisions of § 388.11 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above-named respondent. The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for 60 days.

The evidence and recommendation of the Compliance Commissioner have been considered. On the evidence presented there is reasonable basis to believe the following:

The respondent Gert Hylen is engaged in the import-export business and also as a dealer in chemicals in Malmo, Sweden; he owns or controls the following firms located in Sweden: G. Hylen A.B., Malmo; AB Ramviksverken, Ramvik; Firma Gate, Hjo and Firma Tom Stenholm, Olofstrom; he formerly owned or controlled the following firms in Malmo, Sweden which have been declared bankrupt: F. Hylen & Co., S.A.B.A. Scandinavian Automobile Accessories, and S.A.B.A. Distributors Corp.; during the years 1967 and 1968 one or more suppliers in the United States exported to respondent Hylen or his companies automotive and engine parts and accessories having a value in excess of $200,000; respondent reexported or caused the reexportation of said commodities or a substantial portion thereof to one or more consignees in Cuba; respondent knew or had reason to know that the said reexportations to Cuba were in violation of the U.S. Export Control Regulations. There is also reasonable basis to believe that respondent will continue his efforts to obtain U.S.-origin commodities for reexportation to Cuba unless an order is entered for the purpose of preventing such conduct.

Pending further investigation and proceedings, I find that it is reasonably necessary for the protection of the public interest that an order be issued against the respondent temporarily denying all United States export privileges for 60 days.

This order shall also apply to the following firms in Sweden that are owned or controlled by the respondent Gert Hylen which firms are hereby determined to be related parties to him: G. Hylen A.B., Nicoloviusgatan 6B, Malmo; AB Ramviksverken, Ramvik; Firma Gate, Hjo; Firma Tom Stenholm, Olofstrom.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent but also to his agents and employees and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith including the following firms, all located in Sweden: G. Hylen A.B., Malmo; AB Ramviksverken, Ramvik; Firma Gate, Hjo; Firma Tom Stenholm, Olofstrom.

IV. This order shall take effect forthwith and shall remain in effect for a period of 60 days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the U.S. Export Control Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent or any related party or whereby the respondent or such related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any said respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent and the related parties named herein.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondent or any related party named herein may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 27, 1969.

RAUER H. MEYER,
Director Office of Export Control.

[F.R. Doc. 69-12983; Filed, Oct. 31, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DAUBERT CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2470) has been filed by Daubert Chemical Co., 4700 South Central Avenue, Chicago, Ill. 60638, proposing that § 121.2551 *Corrosion inhibitors used for steel or tinplate* (21 CFR 121.2551) be amended to provide for additional use of the regulated corrosion inhibitors in packaging materials for the packaging of aluminum intended for use in, or to be fabricated as, food containers or food-processing or handling equipment.

Dated: October 27, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-13029; Filed, Oct. 31, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

TRESPASSING ON COMMISSION PROPERTY

Sandia Corp. Sites

The notice concerning unauthorized entry into or upon the Sandia Corp. sites of the Atomic Energy Commission appearing at pages 13289-90 of the FEDERAL REGISTER of October 19, 1965 (30 F.R. 13289, F.R. Doc. 65-11115) as amended by the notice appearing at page 5384 of the FEDERAL REGISTER of March 30, 1967 (32 F.R. 5384, F.R. Doc. 67-3475) is hereby further amended by deleting item IV in its entirety and replacing it as follows:

IV. Miscellaneous buildings and other facilities, identified as indicated, with appropriate identification numbers being posted on each building or other facility (except Safeway Building) (Micro-Meteorological Stations 2, 3, 5, and 6 are fenced in their entirety):

Building or other facility	County	Section	NMPM township and range
9900	Bernalillo	13	T. 9 N., R. 4 E.
9901	do	13	Do.
9905	do	13	Do.
9914	do	5	T. 9 N., R. 5 E.
9915	do	5	Do.
9920	do	24	T. 9 N., R. 4 E.
9925	do	18	T. 9 N., R. 5 E.
9930	do	16	Do.
9931	do	17	Do.
9948	do	19	Do.
9949	do	28	Do.
9951	do	24	T. 9 N., R. 4 E.
9916	do	28	Do.
9917	do	28	Do.
9919	do	28	Do.
9920	do	28	Do.
9921	do	28	Do.
9922	Bernalillo	28	Do.
9923	do	28	Do.
9924	do	28	Do.
9925	do	33	Do.
9926	do	28	Do.
9927	do	28	Do.
9928	do	28	Do.
9929	do	28	Do.
9930	do	28	Do.
9931	do	28	Do.
9932	do	28	Do.
9933	do	28	Do.
9934	do	28	Do.
9940	do	28	Do.
9941	do	28	Do.
9942	do	28	Do.
9943	do	28	Do.
9944	do	28	Do.
9950	do	21	Do.
9951	do	21	Do.
9952	do	21	Do.
9953	do	21	Do.
9954	do	21	Do.
9955	do	21	Do.
9956	do	21	Do.
9960	do	27	Do.
9961	do	27	Do.
9962	do	27	Do.
9963	do	33	Do.
9964	do	33	Do.
9965	do	33	Do.
9966	do	33	Do.
9967	do	33	Do.
9970	do	34	Do.
9971	do	35	Do.
9972	do	35	Do.
9975	do	35	Do.
9976	do	35	Do.
9977	do	35	Do.
9983	do	5	T. 8 N., R. 5 E.
9990	do	24	T. 9 N., R. 4½ E.
9992	do	24	Do.
9993	do	24	Do.
9999	do	6	T. 11 N., R. 5 E.
Micro-Met Sta. No. 2.	do	17	T. 9 N., R. 3 E.
Micro-Met Sta. No. 3.	do	11	Do.
Micro-Met Sta. No. 5.	do	28	T. 10 N., R. 5 E.
Micro-Met Sta. No. 6.	do	Town of Albuquerque Grant.	T. 10 N., R. 2 E.
Micro-Met Sta. No. 7.	do	1	T. 9 N., R. 3 E.
Micro-Met Sta. No. 8.	do	32	T. 9 N., R. 4 E.
Safeway Building [1]	do	11	T. 10 N., R. 3 E.

[1] Description: Northeast corner of the Vidas Addition (unplatted). Located on the southwest corner of Menaul and San Mateo Boulevards; 407' on the west, 330' on the north, 407'4- on the east and 249.92' on the south, comprising 2.653 acres, more or less.

Dated at Washington, D.C., this 27th day of October 1969.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 69-13011; Filed, Oct. 31, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18104, etc.]

ADDITIONAL SERVICE TO SAN DIEGO CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on November 19, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 29, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-13067; Filed, Oct. 31, 1969; 8:48 a.m.]

[Dockets Nos. 21474, 21491; Order 69-10-139]

AMERICAN AIRLINES, INC.

Order Regarding Complaint Against Premium Air Freight Rates on Live Rats and Mice

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of October 1969.

By complaint filed October 3, 1969, The Charles River Breeding Laboratories, Inc., Wilmington, Mass., request investigation of American Airlines, Inc.'s (American) currently effective premium percentage rating of 250 percent (applicable to the normal general commodity rate) on live rats and mice.[1] Complainant sets forth a number of reasons why American's premium rate is believed to be unlawful and should be investigated, but which need not be reiterated or considered here, as explained below.

By Order 69-9-149 of September 29, 1969, the Board ordered a general investigation of all live animal and bird rates of all domestic route air carriers, and the American rates complained of are embraced within this proceeding (Docket 21474). The requested investigation has therefore been instituted, prior to the instant complaint, and the pleading is therefore moot and will be dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. Except as otherwise granted herein, the complaint of The Charles River Breeding Laboratories, Inc., filed October 3, 1969, in Docket 21491 is dismissed;

2. Copies of this order shall be served upon the air carrier parties in Docket 21474, and upon The Charles River Breeding Laboratories, Inc., The Aquarium Supply Co., The Allied-American Bird Co., and the United Pet Dealers Association, which are hereby made parties to Docket 21474.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-13068; Filed, Oct. 31; 1969; 8:48 a.m.]

[1] American's 250 percent rating became effective Oct. 23, 1961, prior to which a 150 percent rating was in effect.

[Docket No. 21009]

BRITISH UNITED AIRWAYS (SERVICES) LTD., AND BRITISH UNITED AIRWAYS LTD.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on November 26, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 29, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-13069; Filed, Oct. 31, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-10-138]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 28, 1969.

By Order 69-10-54, dated October 13, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-10-54 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-118 through R-126 be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-13070; Filed, Oct. 31, 1969; 8:48 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EMPLOYER REPORT

Notice of Proposed Changes

Notice is hereby given that revisions outlined below are being proposed in the form and reporting procedures for the 1970 Employer Information Report EEO-1 (Standard Form 100).

Although the Office of the General Counsel of the Equal Employment Opportunity Commission has ruled that the proposed revisions do not require a public hearing pursuant to section 709(c), title VII, Civil Rights Act of 1964, the Commission has decided to give employers and other interested parties the opportunity to submit comments and suggestions before adoption of the changes.

Pertinent statements, arguments, and suggestions with respect to the proposals may be submitted in writing to the Chief, Reports Division, Office of Research, Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C. 20506 by 5:30 p.m., e.s.t., Friday, November 14, 1969.

Description of proposed revisions in Employer Information Report EEO-1:

Changes in the form and format. 1. The form will be streamlined and reduced to two pages, 8'' x 10½", continuous paper, carbon interlaced. The instructions will be shortened and simplified.

2. Name, address, and required codes will be computer printed on all four copies.

3. Apprenticeship Schedule A will be deleted from EEO-1 and made a part of Apprenticeship Information Report EEO-2.

4. The question concerning racially separate facilities will be deleted.

Changes in reporting procedure. 1. The option to combine establishments by Designated City, Standard Metropolitan Area, etc., will not be allowed in 1970.

2. A separate report will be filed for each establishment of the company. However, no separate reports will be required for small establishments with less than 25 employees. Employees of these establishments will only be reported in the company's consolidated report.

3. All special reporting procedures approved in previous years will be voided. All such procedures must be renegotiated with the Joint Reporting Committee and will be granted sparingly.

4. The filing deadline will be May 31. The period in which employment statistics are obtained will be changed to any payroll period in March or April.

5. In Alaska, Eskimos and Aleuts, as well as American Indians, will be reported under the column heading "American Indian".

6. No reports will be required in 1970 for establishments located in the State of Hawaii. Equal Employment Opportunity Commission staff will study the feasibility of obtaining the kind of employment data appropriate to Hawaii in another form.

Approval of the new form and reporting procedures will not be sought from the Bureau of the Budget until all comments have been given consideration. When Budget Bureau approval has been obtained, a letter will be sent to all employers describing the changes.

The letter will also contain a list of all the employer's establishments with 25 or more employees that are in Joint Reporting Committee files, with a request to update the list and return it to the Joint Reporting Committee. In addition, the employer will be asked to indicate the address to which the EEO-1 forms should be mailed. It is expected that these steps will result in a substantial improvement in the procedures for mailing and receipt of the forms.

WILLIAM H. BROWN III,
Chairman.

OCTOBER 29, 1969.

[F.R. Doc. 69-13046; Filed, Oct. 31, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17554 etc.; FCC 69-1139]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Designating Revised Tariff Schedules for Hearing

In the matter of proposed revisions in the rates of the Western Union Telegraph Co. for tie-line domestic interstate telegraph services, Docket No. 17554; in the matter of proposed revisions in the domestic telegraph message tariffs of the Western Union Telegraph Co., Docket No. 18270; in the matter of proposed revisions in the rates of the Western Union Telegraph Co. for domestic telex service, Docket No. 18598.

1. The Commission has under consideration (a) its order adopted June 28, 1967, in Docket No. 17554 (FCC 67-754) instituting an investigation and hearing into the lawfulness of certain tariffs of the Western Union Telegraph Co. (Western Union) applicable to charges for tie-line interstate telegraph services, (b) its order adopted July 29, 1968, in Docket No. 18270 (FCC 68-776) instituting an investigation and hearing into the lawfulness of new and revised rates and service classifications of Western Union applicable to its offering of domestic telegraph message service and consolidating this proceeding with the proceedings in Docket No. 17554, (c) its order adopted July 9, 1969, in Docket No. 18598 (FCC 69-747) instituting an investigation and hearing into the lawfulness of increased charges of Western Union for its offering of Domestic Telex Service and consolidating this proceeding with the proceedings in Dockets Nos. 17554 and 18270, and (d) increased charges of Western Union for its offering of Money Order Service and for Tel(T)ex messages which were submitted under Transmittal No. 6381, to become effective October 15, 1969, designated as follows:

15th Revised Page 9A of Western Union's Tariff FCC No. 229, providing for an overall increase of approximately 16 percent in the schedule of money order fees applicable to telegraphic money orders between points within the continental United States; and 9th Revised Page 25 of Western Union's Tariff FCC No. 240, providing for an upward adjustment from the present $1.25 to the proposed $1.40 in the service charge for each Tel(T)ex message.

2. The above-cited tariff schedules contain increased charges applicable to Money Order Service and Domestic Telex

Service and the Commission is unable to determine from an examination of the above-cited schedules whether the charges contained therein will be lawful under the Communications Act of 1934, as amended. If the above-cited tariff schedules are permitted to become effective on the date specified therein, the rights and interests of the public may be adversely affected thereby.

3. The issues raised by the revised charges for Money Order Service and Tel(T)ex messages are similar to those currently involved in the proceedings in Dockets Nos. 17554, 18270, and 18598 and thus should be considered with those matters by consolidating the proceedings. No protests have been received.

4. The rate levels of the proposed revised charges may be affected by the resolution of the issues involving the allocation of costs in Docket No. 18270.

5. Under the foregoing circumstances, it would appear to be in the public interest to allow the rates to become effective subject to a 1 day suspension and imposition of an accounting order.

6. *Accordingly, it is ordered*, That the hearings in Docket No. 18270 shall include consideration of the lawfulness of the charges set forth in above-cited tariff schedules including any amendments, cancellations, or successive issues thereof, upon the issues and under the procedures heretofore specified in that proceeding; and

7. *It is further ordered*, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules is hereby suspended until October 23, 1969; and

8. *It is further ordered*, That, after said revised charges, classifications, regulations, and practices go into effect, the Western Union Telegraph Co. shall, until further ordered by the Commission, keep accurate account or record of all amounts received by reason of the increased charges specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, as amended, and the carrier shall file with the Commission reports with respect to the aforementioned accounting requirements as shall be prescribed by the Chief, Common Carrier Bureau; and

9. *It is further ordered*, That, a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended.

Adopted: October 15, 1969.

Released: October 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13072; Filed, Oct. 31, 1969; 8:48 a.m.]

[1] Commissioner Bartley dissenting and issuing a statement filed as part of the original document; Commissioner Johnson concurring in the result.

[Dockets Nos. 18711-18712; FCC 69-1162]

WPIX, INC., AND FORUM COMMUNICATIONS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of WPIX Inc. (WPIX), New York, N.Y., Docket No. 18711, File No. BRCT-98, for renewal of broadcast license; Forum Communications, Inc., New York, N.Y., Docket No. 18712, File No. BPCT-4249, for construction permit for new television broadcast station.

1. The Commission has before it for consideration: (a) the application (BRCT-98) of WPIX, Inc. (WPIX), for renewal of its license to operate on Channel 11, New York, N.Y.; (b) the application (BPCT-4249) of Forum Communications, Inc. (Forum), for a construction permit for a new television broadcast station to operate on channel 11, New York, N.Y., and its request for waiver of § 73.610(b) of the Commission's rules; and (c) objections filed by The Association of Maximum Service Telecasters, Inc. (AMST), directed against (b) above.

2. Forum proposes to locate its transmitter atop the North Building of the World Trade Center in New York City. The proposed transmitter site is 169.1 miles from the transmitter site of cochannel station WBAL-TV, Baltimore, Md. Since the proposed site is 0.9 mile short of the 170-mile spacing required by § 73.610(b) of the rules for cochannel VHF stations located in Zone I, Forum has requested a waiver of the mileage separation requirements. Forum indicates that its transmitter location is at the site of the proposed multiple antenna structure to be erected for use by the New York area television broadcast stations. AMST states that if the Commission grants the waiver request, it should require that Forum provide "equivalent protection" to Station WBAL-TV. Forum asserts that "equivalent protection" has not been proposed because the reduction in radiation toward WBAL-TV would involve only a small fraction of a decibel, a value not susceptible of accurate measurement. The Commission believes that in view of the minor nature of the short-spacing involved, waiver of section 73.610(b) of the rules is warranted and that under the circumstances, the use of "equivalent protection" is unnecessary. Therefore, we shall provide that in the event of a grant of Forum's application, we shall waive the provisions of § 73.610(b) of the rules.

3. Based on the information contained in Forum's application, at least $3,316,537 will be needed for the construction and first 3 months cost of operation of the proposed station, consisting of down payment on equipment—$315,000; payments for 9 months on equipment including interest—$334,687; buildings—$250,000; other items—$118,500; and 3 months cost of operation—$2,298,350. Since the Commission's TV Broadcast Financial Data Report for 1968 reveals that the New York City television broadcast stations generated revenues on an average in excess of the applicant's anticipated first-year operating costs ($9,193,400), the cash needed figure has been computed on the basis of requiring that the applicant demonstrate the availability of cash to meet the first 3 months operating costs until the previously established revenues can be generated.

4. To meet the cash needed requirements, the applicant relies upon the availability of $1,100,000 in stock subscription agreements and a $2 million bank loan from the Bank of Commerce, New York, N.Y. The applicant has established the availability of $914,500 in stock subscription agreements. However, the applicant has failed to show how Ronnie Myers Eldridge, Irwin Sonny Fox, and Lawrence K. Grossman will obtain additional funds in the amounts of $2,500, $46,000 and $61,340, respectively, to meet the remainder of their respective stock subscription commitments. While Lawrence K. Grossman relies, in part, upon a $36,000 loan from Daniel V. Grossman and a $22,000 loan from LKG Properties Corp. to meet his total stock subscription commitment of $233,340, since the balance sheets submitted to support the loan commitments do not indicate whether the securities relied upon as liquid assets are listed on major exchanges, it cannot be determined whether the loans in the amounts specified will be available to Lawrence K. Grossman. In addition, the financial statements submitted by Arthur D. Leidesdorf, Elmer Engel, and James Marshall do not comply with the requirements of section III, paragraph 4(d), FCC Form 301, since they do not contain sufficient detail (i.e. amounts payable during the first year on long term liabilities) to enable the Commission to reach a determination as to the ability of these stockholders to meet their respective stock subscription commitments to the applicant. Accordingly, appropriate financial issues have been specified. The applicant has established the availability of a $2 million bank loan from the Bank of Commerce. However, this loan does not specify the terms of principal repayment and security and does not, therefore, meet the requirements of section III, paragraph 4(h), FCC Form 301. An issue will be specified to ascertain this information. The cash needed figure must, of course, be increased to the extent that the terms of repayment require first-year payments on principal.[1] In the event that the applicant is able to satisfactorily demonstrate the availability of all the funds upon which it relies ($3,100,000) and even assuming that no first-year principal repayments will be required in connection with the bank loan, the applicant will still need additional funds ($216,537) in order to be considered financially qualified. We will, therefore, specify an appropriate financial issue.

5. Information before the Commission including the Commission's field inquiry into the operation of Television Broadcast Station WPIX raises a number of questions regarding WPIX, Inc.'s news operation and its control and supervision thereof. Accordingly, appropriate issues have been specified and we have provided that the Chief, Broadcast Bureau shall serve upon the above-captioned applicants, within 20 days of the release of this order, a bill of particulars setting forth the basis for these issues.

6. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961); our public notice of August 22, 1968 (FCC 68-847, 13 RR 2d 1903); and City of Camden (WCAM), 18 FCC 2d 412 (1969), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. While we find that Forum has satisfactorily complied with these requirements, WPIX has not shown that it has contracted a representative cross-section of the community or that it has adequately listed the suggestions received regarding community needs. Consequently, it is not clear whether the programs proposed by WPIX are responsive to community needs. Accordingly, a programing issue will be specified.

7. Except as indicated by the issues set forth below, WPIX, Inc., is qualified to own and operate Television Broadcast Station WPIX and except as indicated by the issues set forth below, Forum Communications, Inc., is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

8. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of WPIX, Inc., and Forum Communications, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of WPIX, Inc.:

(a) Whether the licensee or any of its employees distorted, falsified or misrepresented news.

(b) In view of the facts ascertained under issue "a", whether WPIX, Inc., has demonstrated sufficient knowledge, control or supervision of its news operation.

(c) What actions WPIX, Inc., took to exercise control or supervision of its news operation subsequent to the disclosure of the facts ascertained and relevant to issue "a".

(d) Whether in light of the evidence adduced pursuant to the foregoing issues, WPIX, Inc., is disqualified to remain a licensee of the Commission or if not so disqualified, whether a comparative demerit or demerits should be assessed against it in this proceeding.

(e) The efforts made by WPIX, Inc., to ascertain the community needs and interests of the area to be served and the means by which it proposes to meet those needs and interests.

2. To determine with respect to the application of Forum Communications, Inc.:

(a) Whether Ronnie Myers Eldridge, Irwin Sonny Fox, and Lawrence K. Grossman have available liquid and current assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amounts to meet the remainder of their respective stock subscription commitments to the applicant.

(b) Whether Arthur D. Leidesdorf, Elmer Engel, and James Marshall have available liquid and current assets (as defined in section III, paragraph 4(d)) in excess of current liabilities in sufficient amounts to meet their respective stock subscription commitments to the applicant.

(c) The terms of repayment of principal and the nature of the security in connection with the $2 million loan from the Bank of Commerce.

(d) In view of the evidence adduced under issue "c", the extent, if any, to which the applicant's cash requirements will be increased.

(e) Assuming that all of the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to be used for the construction and first three months operation of the station.

(f) Whether, in view of the evidence adduced under the preceding issues, the applicant is financially qualified.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the above issues, which, if either, of the applications should be granted.

9. *It is further ordered*, That, in the event of a grant of the application of Forum Communications, Inc., the applicant's request for waiver of § 73.610(b) of the Commission's Rules shall be granted.

10. *It is further ordered*, That, the Chief, Broadcast Bureau is directed to serve upon the above-captioned parties, within twenty (20) days of the release of this order, a Bill of Particulars setting forth the basis for the adoption of the above hearing issues 1(a) through 1(c).

11. *It is further ordered*, That the Broadcast Bureau shall proceed with the initial introduction of evidence with respect to issues 1(a) through 1(c) and that WPIX, Inc., shall have the burden of proof with respect to issues 1(a) through 1(d).

12. *It is further ordered*, That WPIX, Inc., shall have the burden of proceeding with the introduction of evidence and the burden of proof with respect to issue 1(e), and that Forum Communications, Inc., shall have the burden of proceeding with the introduction of evidence and the burden of proof with respect to issues 2(a) through 2(f).

13. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants pursuant to §1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

14. *It is further ordered*, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: October 22, 1969.

Released: October 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13073; Filed, Oct. 31, 1969; 8:48 a.m.]

[1] It should be noted that the breakdown of first-year operating expenses submitted by the applicant provides for the first-year repayment of $160,000 in interest on the bank loan. Moreover, while the bank loan provides that the bank will defer repayment of principal during the first 3 months of the station's operation, the cash needed figure must be increased by the amount of any principal repayments made during the remaining portion of the first-year of operation.

[2] By Commissioner Bartley concurring and issuing a statement in which Commissioner Johnson joins filed as part of the original document; Commissioner Robert E. Lee concurring in the result.

FEDERAL MARITIME COMMISSION

FARRELL LINES INC., AND ROYAL INTEROCEAN LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and

the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement No. 9826, between Farrell Lines Inc., and Royal Interocean Lines, establishes a through billing arrangement for the movement of cargo between U.S. Atlantic ports and ports in Mauritius, Reunion, Malagasy Republic, Comoro Islands, and Seychelle Islands with transshipment at ports in the Republic of South Africa in accordance with the terms and conditions set forth in the agreement.

Dated: October 28, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-13048; Filed, Oct. 31, 1969; 8:46 a.m.]

[Independent Ocean Freight Forwarder License 1058]

TRANS-GLOBAL FREIGHT, INC.

Order of Revocation

By letter dated October 2, 1969, to Trans-Global Freight, Inc., 158-12 Rockaway Boulevard, Jamaica, N.Y. 11434, the Federal Maritime Commission advised the company that its Independent Ocean Freight Forwarder License No. 1058 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 23, 1969.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Trans-Global Freight, Inc., has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 1058 of Trans-Global Freight, Inc., be and is hereby revoked effective October 23, 1969.

It is further ordered, That License No. 1058 be returned to the Commission promptly.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Trans-Global Freight, Inc.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-13055; Filed, Oct. 31, 1969; 8:47 a.m.]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. M. L. Duffy, Secretary General, Atlantic Passenger Steamship Conference, 139 Sandgate Road, Folkestone, Kent, England.

Agreement No. 7840-76 of the Atlantic Passenger Steamship Conference provides for the modification of Agreement No. 7840, as amended, by establishing a formula with respect to the contributions of Member Lines and Allied Members toward conference expenses.

Dated: October 28, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-13047; Filed, Oct. 31, 1969; 8:46 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 150-43 between the member lines of the Trans-Pacific Freight Conference of Japan, would give the Neutral Body authorized by Article 25 of the basic agreement unlimited powers to investigate suspected or actual malpractices upon its own initiative. As presently approved, the Neutral Body's authority to act upon its own initiative is limited.

Dated: October 29, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-13054; Filed, Oct. 31, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-193]

NORTHERN NATURAL GAS CO.

Notice of Amendment to Application

OCTOBER 28, 1969.

Take notice that on October 20, 1969 Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-193 a further amendment to its pending application in the same docket filed on January 10, 1968, pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of certain facilities and for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

With the facilities and capacity heretofore authorized and with the addition of further facilities proposed herein, applicant, by the instant amendment, seeks authorization to sell and deliver contract demand volumes in a total amount of 146,493 Mcf per day from October 27, 1970, to October 27, 1972. Applicant proposes to construct and operate the following facilities:

One 12,500 horsepower unit at Clifton, Kans.;
One 9,100 horsepower unit at Beatrice, Nebr.;
One 12,500 horsepower unit at a new midpoint station near Bucklin, Kans.;
One 5,600 horsepower unit at a new station near Eagle Grove, Iowa;
4.3 miles of 3-inch branchline loop to the Neola, Iowa, branchline,

all at a total estimated cost of $8,266,600 to be financed by cash on hand.

Applicant states that it has experienced difficulty in recent years in acquiring sufficient reserves even to replace current production. Applicant further states that it feels that by adding removable compression facilities to its existing system it can obtain sufficient capacity to supply all of the outstanding requirements of its customers for the 1970-71 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission and this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13049; Filed, Oct. 31, 1969; 8:46 a.m.]

[Dockets Nos. RP69-19 et al., RP69-16 et al.[1]]

CONSOLIDATED GAS SUPPLY CORP. AND MANUFACTURERS LIGHT AND HEAT CO. ET AL.

Notice of Opportunity To File Briefs Amicus Curiae

The Commission has before it for decision Phase I (Rate of Return) of the proceedings entitled Consolidated Gas Supply Corp., Docket No. RP69-19 et al., and Manufacturers Light and Heat Co. et al., Docket No. RP69-16 et al. Oral argument therein before the Commission has been scheduled for November 4, 1969.

One of the issues involved in both cases is the treatment that should be given in rate of return determination to the repurchase by a natural gas company of its outstanding debt at a discount. The Commission hereby affords all interested persons an opportunity to file briefs amicus curiae on said issue on or before November 28, 1969.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13122; Filed, Oct. 31, 1969; 9:54 a.m.]

[1] This grouping is not to be construed as consolidation of these two proceedings.

SECURITIES AND EXCHANGE COMMISSION

[812-2585]

CML VARIABLE ANNUITY ACCOUNT B AND CONNECTICUT MUTUAL LIFE INSURANCE CO.

Notice of Filing of Application for Certain Exemptions

OCTOBER 27, 1969.

Notice is hereby given that CML Variable Annuity Account B ("Account") and Connecticut Mutual Life Insurance Co. ("Insurance Company") (hereinafter called "Applicants"), 140 Garden Street, Hartford, Conn. 06115, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), 15 U.S.C. sec. 80a-1 et seq., for an order exempting applicants from provisions of section 17(f)(3), 22(d) and 27(c)(2) of the Act and Rule 17f-2 thereunder to the extent described below. Account is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Insurance Company established Account as the facility through which Insurance Company will set aside and invest assets attributable to variable annuity contracts.

Section 17(f)(3) provides that a registered management investment company may maintain its securities and similar investments in its own custody, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f-2(b) provides, with certain exceptions, that all securities and similar investments must be deposited in the safekeeping of a bank or other company whose functions and physical facilities are supervised by Federal or State authority. Rule 17f-2(d) provides, in relevant part, that no person shall be authorized or permitted to have access to the securities held in the custody of a management investment company except pursuant to a resolution of the board of directors of such company which names not more than five persons, who must be officers or responsible employees of such company, and that access to such investments shall be had only by two or more such persons jointly, at least one of whom shall be an officer. Applicants request an exemption from the provisions of section 17(f)(3) and Rule 17f-2 to the extent necessary to permit the custody by Insurance Company in its vault of the securities and other similar investments held in the Account, and to permit not more than 20 duly authorized officers or responsible employees of Insurance Company as well as representatives of the Connecticut Commissioner of Insurance, members of the National Association of Insurance Commissioners duly designated zonal auditing committee and selected responsible members of Insurance Company's internal audit team to have access to the assets of the Account on the grounds that adequate protection will be afforded to variable annuity contract owners.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants propose to make no sales and administrative charges with respect to payments derived from the surrender or conversion of contracts with Insurance Company which, immediately prior to their surrender or conversion, were payable to the contract owner or annuitant.

Applicants assert that no unfair discrimination would result from elimination of such charges. In all cases of surrender or conversion of contracts with Insurance Company a sales charge on the payments under the contracts will have been paid. By eliminating sales and administrative charges upon the surrender or conversion of such contracts, duplication of charges already made is avoided.

Applicants also request an exemption from the provisions of section 22(d) to permit Insurance Company to employ, in effect, a form of experience rating whereby Insurance Company, a mutual life insurance company, may credit a portion of its divisible surplus with respect to the variable annuity contracts, all of which are issued on a participating basis. Although there is no contractual right to the payment of refunds under the contract, there is an annual determination by the board of directors of Insurance Company of the amount of surplus that may prudently be distributed and the manner in which that amount should be divided among the many classes of contracts administered by Insurance Company based upon each class's contribution to such surplus. Application of the refunds due each participant will be made on the contract anniversary during the period with respect to which any refund is declared. Any refund from divisible surplus will be allocated to the contract owner, the contract or the, amount, as determined by Insurance Company. The most common methods of allocation are expected to be (a) applications against future payments under the contract, (b) crediting of a number of additional accumulation units equal in value to the amount of the refund due or (c) increasing the amount of annuity payments.

Refunds due the participants will be applied without deduction of any amounts for sales or administrative expenses, since any applicable charges therefor would already have been made against the payments giving rise to such surplus.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26 (a) (2) and (3) for a unit investment trust. Section 26 (a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign. Applicants request an exemption from these requirements to permit the proceeds of all payments under the variable annuity contracts to be held by Insurance Company on the grounds that its status as a regulated insurance company, and its obligations as an insurance company to its variable annuity contract owners provide substantially the protection contemplated by these requirements.

Applicants have consented that the requested exemption may be made subject to the conditions (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder it and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 7, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–13058; Filed, Oct. 31, 1969; 8:47 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

OCTOBER 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Commercial Finance Corporation of New Jersey, a New Jersey Corporation, and all other securities of Commercial Finance Corporation of New Jersey being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 28, 1969, through November 6, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–13062; Filed, Oct. 31, 1969; 8:47 a.m.]

[812–2728]

FORD INTERNATIONAL CAPITAL CORP.

Notice of Filing of Application for Order

OCTOBER 24, 1969.

Notice is hereby given that Ford International Capital Corp. ("Applicant"), International Center, Post Office Box 1737, Hamilton, Bermuda, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant intends to issue for offer and sale outside the United States to non-U.S. purchasers an aggregate of not less than approximately $20 million or more than approximately $40 million principal amount, or the equivalent principal amount in another currency, of its guaranteed debentures (the "1969 Debentures") due a minimum of 10 years and a maximum of 15 years from date of issue.

Because of the expiration of the Interest Equalization Tax Act (Internal Revenue Code, Ch. 41, sections 4911–4931) on September 30, 1969, the applicant cannot at this time state with respect to the proposed offer and sale of the 1969 debentures whether the condition specified by paragraph (c)(1) of Rule 6c–1 under the Act will be met. It is expected, based on the following facts, that the conditions contained in paragraph (b) of Rule 6c–1 under the Act will be met.

1. The Applicant is a corporation organized under the laws of the State of Delaware on March 7, 1968, by Ford Motor Co. ("Ford"). All of Applicant's capital stock, consisting only of shares of common stock par value $1 per share, has been issued to and purchased by Ford. Ford was incorporated under the laws of the State of Delaware in 1919. Any additional securities which the Applicant may issue, other than debt securities (which term shall include debt securities convertible into common stock of Ford), will be issued only to Ford or one or more of its subsidiaries. Ford has informed the Applicant that Ford or its subsidiaries will continue to own all shares of the Applicant's capital stock and any additional securities, other than debt securities, of the Applicant so acquired and will not dispose of them except to the Applicant itself or to Ford or one or more other subsidiaries of Ford. Neither Ford nor any subsidiary of Ford which may own the securities, other than debt securities, of the Applicant is or will be an investment company within the meaning of the Act.

2. Ford is utilizing the Applicant to fulfill its general objectives of developing and expanding its foreign operations, including increasing its investments in its existing foreign subsidiaries, the establishment of additional foreign subsidiaries, and otherwise making substantial direct or indirect investments, and at the same time to support the balance-of-payments position of the United States in compliance with applicable Foreign Direct Investment Regulations of the U.S. Department of Commerce.

3. Ford is the issuer of a class of securities which have been registered under section 12 of the Securities Exchange Act of 1934.

4. Ford has unconditionally guaranteed the principal, premium, if any, and interest on and conversion payment of $60 million aggregate principal amount of 5 percent convertible debentures due 1983 which were issued by Applicant on May 2, 1968, for offer and sale outside the United States. Principal, premium, if any, sinking fund and interest payments on the 1969 debentures will be unconditionally guaranteed by Ford. In the event that any additional debt securities of the applicant are issued to or held by the public, such debt securities will be guaranteed by Ford.

5. The 1969 debentures are to be sold by the underwriters under conditions which are intended to assure that they will not be sold within the United States or its territories or possessions or to citizens, nationals, or residents thereof. Each underwriter will agree that it will not offer or sell any 1969 Debentures in the United States or its territories or possessions, or to citizens, nationals, or residents thereof, or to others for reoffering or resale in the United States or its territories or possessions, or to such citizens, nationals, or residents, except with respect to an underwriter or dealer which will agree that it is purchasing as principal and not for reoffering or resale in the United States or its territories or possessions, or to such citizens, nationals, or residents. Any additional debt securities of the Applicant which may be offered to the public in the future will be sold under substantially similar conditions.

6. Any securities of the Applicant which are convertible or exchangeable shall only be convertible or exchangeable for securities of Ford, and such conversion or exchange shall not take place prior to 6 months from the date of issuance or such shorter period of time as the Secretary of the Treasury or his delegate may approve in writing to the Applicant or Ford.

7. Upon completion of the long-term investment program of the Applicant, at least 80 percent of its assets, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign companies (or domestic companies, substantially all the business of which is conducted outside the United States).

8. At least 90 percent of the assets of the Applicant exclusive of U.S. Government securities and cash items and short-term investments in or loaned to companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be, owned, directly or indirectly, by Ford, and any assets of the Applicant not invested in such companies will only be invested in or loaned to companies which are customers or suppliers of Ford or a subsidiary of Ford; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly owned subsidiaries of Ford.

9. The Applicant will not deal or trade in securities.

10. In connection with the proposed issuance of the 1969 debentures, the Applicant will rely upon opinions of its counsel and of counsel for the underwriters to the effect that, since the Applicant was formed and is availed of for the principal purpose of obtaining funds directly or indirectly for foreign issuers or foreign obligors, the acquisition of the 1969 debentures by U.S. persons, as defined in section 4920(a)(4) of the Internal Revenue Code, during the period with respect to which the applicable provisions of the Internal Revenue Code are in effect, will be subject to United States Interest Equalization Tax unless, and to the extent that a specific statutory exclusion or exemption applies. The 1969 debentures will bear a legend to the foregoing effect, thereby discouraging U.S. persons from purchasing the 1969 debentures. The Applicant has been informed that the U.S. Treasury has requested that members of the New York and American Stock Exchanges, and the National Association of Securities Dealers, Inc., continue to collect the Interest Equalization Tax, pending reenactment of such tax (34 F.R. 15386).

The Applicant does not contemplate registering the 1969 debentures under the Securities Act of 1933. It is not presently proposed to list the 1969 debentures on the New York Stock Exchange or any other national securities exchange in the United States. Application will be made for the listing of the 1969 debentures on the Luxembourg Stock Exchange.

Applicant has submitted that it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting the Applicant from each and every provision of the Act. In addition to the foregoing statement of facts, Applicant has represented the following:

(1) Ford could obtain these funds without raising any possible question under the Act by issuing its own debt obligations. The payment of the 1969 debentures which is guaranteed by Ford does not depend on the operation or investment policy of the Applicant because the 1969 debenture holders are entitled ultimately to look to the business enterprise of Ford. Accordingly, the public policy which dictated the enactment of the Act is not applicable to the Applicant nor do the security holders of the Applicant require the protection afforded by the Act.

(2) The Applicant's security holders will have the benefit of the information made generally available by the disclosure and reporting provisions of the Securities Exchange Act of 1934 and the New York Stock Exchange which are applicable to the common stock of Ford.

(3) As described above, the 1969 debentures are to be sold only to non-U.S. persons, and it is not expected that the 1969 debentures will be listed on a national securities exchange in the United States. The probability of payment of the Interest Equalization Tax will further discourage resale to any U.S. national, citizen, or resident.

The Applicant agrees that such an order may be issued subject to the conditions that the Applicant will not issue, subsequent to the offering and sale of the 1969 debentures, without a further order of the Commission, any securities (except to Ford or a subsidiary of Ford which is not an investment company) in the event that the United States Interest Equalization Tax is not reenacted, is reenacted and expires, or is repealed or the rate thereof is reduced to zero and such tax is not replaced by another tax providing comparable deterrent to the purchase of the Applicant's securities by U.S. persons. Nothing contained in the order, or the conditions to which it may be subject, requested by this application shall preclude the Applicant from being exempt from the Act by virtue solely of (i) the Applicant becoming exempt from each and every provision of the Act pursuant to Rule 6c–1 under the Act or (ii) the Commission adopting, amending, or interpreting a rule under the Act which would exempt the Applicant from each and every provision of the Act.

Notice is further given that any interested person may, not later than November 13, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing hereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20459. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–13059; Filed, Oct. 31, 1969; 8:47 a.m.]

LIQUID OPTICS CORP.

Order Suspending Trading

OCTOBER 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp., a New York corporation, and all other securities of Liquid Optics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 28, 1969, through November 6, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13063; Filed, Oct. 31, 1969; 8:47 a.m.]

[812-2625]

OCCIDENTAL OVERSEAS CAPITAL CORP.

Notice of Filing of Application

OCTOBER 22, 1969.

Notice is hereby given that Occidental Overseas Capital Corp. ("Applicant"), 277 Park Avenue, New York, N.Y. 10017, has filed an application pursuant to Rule 6c-1 under the Investment Company Act of 1940 (the "Act") for an order authorizing the issue of $20 million 8¼ percent guaranteed sinking fund debentures due 1979 (the "Debentures"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

1. The offering of the Debentures was made on September 23, 1969, and the Interest Equalization Tax (Internal Revenue Code, ch. 41, secs. 4911-4931), which lapsed on September 30, 1969, was not extended by the time of the completion of the issue of the Debentures, October 7, 1969. For this reason, Applicant has filed an application for an order, as contemplated by paragraph (c) of Rule 6c-1 under the Act, effective as of October 1, 1969, permitting the issuance of the Debentures.

2. Applicant is a Delaware corporation with authorized capital stock consisting of 2,000 shares of common stock with a par value of $1 per share, of which 1,000 shares have been issued and are held by Occidental Petroleum Investment Co., a California corporation, of which all of the outstanding securities have in turn been issued to and are held by Occidental Petroleum Corp. ("Occidental").

3. Occidental is a California corporation principally engaged directly and through subsidiaries, within and outside the United States, in the exploration for, development of, and production related to certain specified natural resources; and the manufacture and distribution of chemicals and plastics.

4. Applicant's principal business is to borrow funds from foreign nationals other than affiliated foreign nationals and to invest such funds in debt or equity securities of affiliated foreign nationals.

5. The common shares of Occidental are registered under the Securities Exchange Act of 1934, as amended, and are listed on the New York, Pacific Coast, and Toronto Stock Exchanges.

6. Occidental has made contributions to the capital of Applicant which on the date of contribution had a value of more than $35 million. Applicant has issued debt obligations totaling approximately $153 million exclusive of the Debentures, all of which are unconditionally guaranteed by Occidental as to payment of principal (and premium, if any) and interest. Applicant expects from time to time to issue additional debt obligations and to obtain additional capital contributions from Occidental or a subsidiary.

7. Applicant is issuing and selling the Debentures to a group of underwriters for offering outside of the United States. The principal of (and premium, if any) and interest on the Debentures will be unconditionally guaranteed by Occidental. Any additional debt securities of Applicant which may be issued to or held by the public will also be guaranteed by Occidental.

8. The underwriting agreement relating to the issue and sale of the Debentures entered into by Applicant, Occidental, and the underwriters contains restrictions designed to ensure that, except for sales to underwriters and securities dealers purchasing for distribution, the Debentures will not be offered or sold directly or indirectly in the United States or come to rest in the hands of purchasers who are nationals or residents of the United States.

9. Upon completion of the long-term investment program of Applicant, at least 80 percent of its assets, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign countries (or domestic companies, substantially all the business of which is conducted outside the United States).

10. At least 90 percent of the assets of Applicant, exclusive of U.S. Government securities and cash items and short-term investments in foreign government and commercial paper, are and will be invested in or loaned to companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be, owned, directly, by Applicant; and any assets of Overseas not invested in such companies are or will only be invested in or loaned to companies which are customers or suppliers of Occidental or a subsidiary of Occidental; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly owned subsidiaries of Applicant.

11. Applicant does not and will not deal or trade in securities.

12. Applicant conducts and intends to conduct its operations so as otherwise to comply with the conditions contained in Rule 6c-1 under the Act.

13. Applicant represents that the purpose and intent of the conditions provided by paragraph (c) of Rule 6c-1 under the Act, that the purchase of the Debentures by U.S. nationals or residents be subject to the deterrent represented by the Interest Equalization Tax, are effectively fulfilled in this case.

14. Applicant has applied for quotation for and listing of the Debentures on the Luxembourg Stock Exchange. No application is presently being made to list the Debentures on a U.S. Stock Exchange.

Applicant has submitted that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order, effective as of October 1, 1969, authorizing the issue of the Debentures under Rule 6c-1 under the Act. In addition to the foregoing statement of facts, Applicant has represented the following:

1. The final offering prospectus, dated September 23, 1969, states that the Debentures are not being offered in the United States or to nationals or residents thereof and that counsel is of the opinion to the effect that U.S. persons (as defined in the Interest Equalization Tax Act) would be required to report and pay Interest Equalization Tax with respect to any acquisitions of the Debentures by them, except where a specific statutory exemption is applicable.

2. The Debentures have been printed and will be delivered containing a legend to this effect.

3. The extension of the Interest Equalization Tax is currently pending in Congress. In anticipation of passage of the bill or a similar bill extending the Interest Equalization Tax Act and making it retroactive through October 1, 1969, the Treasury Department has requested that the Tax continue to be collected (34 F.R. 15386) and the National Association of Securities Dealers has announced it is requiring its members to comply with such request.

Notice is further given that any interested person may, not later than November 11, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13060; Filed, Oct. 31, 1969; 8:47 a.m.]

[812-2623]

VANCE, SANDERS & CO., INC., AND BOSTON MANAGEMENT & RESEARCH CO., INC.

Notice of Filing of Application

OCTOBER 27, 1969.

Notice is hereby given that Vance, Sanders & Co., Inc. ("VS"), a Maryland corporation and Boston Management & Research Co., Inc. ("BMR"), 111 Devonshire Street, Boston, Mass. 02109, a Massachusetts corporation (hereinafter sometimes collectively referred to as the "Applicants") have filed an application as amended, for an order of exemption from the provisions of section 15 of the Investment Company Act of 1940 ("Act"). All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations, which are summarized below.

VS acts, pursuant to contracts now in effect, as investment adviser to Leverage Fund of Boston, Inc., a closed-end investment company registered as such under the Act, and as investment adviser to, among others, the following open-end investment companies, all of which are registered as such under the Act: Capital Exchange Fund, Inc., Depositors Fund of Boston, Inc., Diversification Fund, Inc., The Exchange Fund of Boston, Inc., Fiduciary Exchange Fund, Inc., Second Fiduciary Exchange Fund, Inc., and Vance Sanders Special Fund, Inc. In addition, VS acts, pursuant to contracts now in effect, as national distributor and underwriter for the shares of the following open-end investment companies registered under the Act: Massachusetts Investors Trust, Massachusetts Investors Growth Stock Fund, Inc., Boston Fund, Inc., Boston Common Stock Fund, Inc., Century Shares Trust, and Vance Sanders Special Fund, Inc.

In connection with the investment advisory contracts between VS and Leverage Fund of Boston, Inc., Capital Exchange Fund, Inc., Depositors Fund of Boston, Inc., Diversification Fund, Inc., The Exchange Fund of Boston, Inc., Fiduciary Exchange Fund, Inc., and Second Fiduciary Exchange Fund, Inc., BMR furnishes VS, pursuant to contracts now in effect, with such statistical and other factual information as may from time to time be requested by VS. The contracts have been submitted to and approved by the shareholders of the investment companies listed in the preceding sentence. The contracts between BMR and VS all provide for their termination in the event of their "assignment" (as defined in section 2(a)(4) of the Act) by either BMR or VS.

Pursuant to an agreement and declaration of trust dated November 23, 1959, the holders of all of the outstanding voting stock of VS deposited their stock in a voting trust in exchange for voting trust certificates. The trustees of the voting trust at that time were William F. Shelly, Henry T. Vance, and Kimball Valentine. Effective October 1, 1965, Mr. Valentine resigned and retired as a voting trustee. By agreement dated September 14, 1965, and in contemplation of Mr. Valentine's retirement, the voting trust agreement was amended to provide, among other things, that the voting trustees should be five in number and that Henry T. Vance, William F. Shelly, John A. McCandless, Robert S. Swain, and Arthur H. Hausserman should be the voting trustees thereunder. On account of the 1965 amendment which increased the number of trustees to five and added three new trustees, new investment advisory contracts, effective October 1, 1965, between VS and the investment companies managed by it at that time, as well as new contracts, also effective October 1, 1965, between VS and BMR, were submitted to and approved by shareholders of those investment companies. In 1968, Mr. Shelly died, and the vacancy caused by his illness was filled by Mr. John D. Wilson. Recently, Mr. Hausserman has resigned from the office of senior vice president, treasurer, secretary, and director of VS, and Mr. Swain has announced his intention to resign as vice president and director of VS effective October 31, 1969. Messrs. Hausserman and Swain have also announced their intention to resign as voting trustees of VS before the effective date of the proposed new investment advisory and distribution contracts between VS and the respective investment companies previously referred to.

Section 2(a)(4) of the Act defines the word "assignment" to include, in part, any direct or indirect transfer or hypothecation of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

Applicants submit that Mr. Shelly's death and Messrs. Swain's and Hausserman's proposed resignations and the filling of the vacancies in the number of voting trustees created thereby could be construed to be an assignment of the above-mentioned investment advisory contracts through a change in "control" of VS. VS, therefore, intends to enter into new investment advisory and distribution contracts with each of the Funds and into a new statistical contract with BMR.

Section 15(a) of the Act provides in part that it shall be unlawful for anyone to act as investment advisor of a registered investment company except pursuant to a written contract, which contract whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered investment company.

Of the eight Funds involved, one has scheduled its annual meeting in February 1970, one in March 1970, two in April 1970, one in June 1970, one in July 1970, one in September 1970, and one in October 1970. Because of the expenses involved in calling special shareholder meetings to approve the aforementioned contracts and because of the administrative impossibility that would be involved in holding such meetings prior to October 31, 1969, the shareholders of the Funds will not be able to approve the contracts prior to October 31, 1969, but will be asked to give such approval at the respective annual meetings thereof, next succeeding such date.

Applicants therefore seek an order pursuant to section 6(c) of the Act exempting Applicants from the provisions of section 15 of the Act to the extent its provisions would prevent Applicants from acting as investment adviser and subinvestment adviser to any of the Funds under a contract relating to each Fund. Each contract will become effective on November 1, 1969, and will expire on the first business day following the date of the annual meeting, or any adjournment thereof, of the particular investment company involved unless shareholder approval is obtained. The terms of each contract will be identical to the existing contracts except for effective dates and expiration dates.

Applicants have agreed that approval by a majority of the directors of the investment companies listed above, including a majority of the directors who are not affiliated with the Applicants, of the new investment advisory contracts between such investment companies and VS, and new related contracts between VS and BMR may be made a condition of any exemptive order issued by the Commission.

Applicants have also agreed that, notwithstanding any postponements of meetings, the exemptions requested may expire 45 days after the respective scheduled dates of the annual meetings of Leverage Fund of Boston, Capital Exchange Fund, Depositors Fund of Boston, Diversification Fund, Fiduciary Exchange Fund, and Second Fiduciary Exchange Fund, and in the case of the Exchange Fund of Boston and Vance Sanders Special Fund, Inc., said exemptions may expire 30 days after the respective dates of their scheduled annual meetings.

Applicants represent that the granting of the exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the reasons that:

1. The investment companies involved will be spared the expense of calling and holding special shareholders' meetings to approve the contracts referred to above.

2. Shareholders of each investment company will have an opportunity to vote upon a new contract with VS and upon the related contract between BMR and VS within a reasonable time after Messrs. Swain's and Haussermann's retirement.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 11, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with a request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13061; Filed, Oct. 31, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0066]

FINANCIAL-TECHNICAL ASSISTANCE CORP.

Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), Financial-Technical Assistance Corp., Waltham, Mass., has requested approval of the Small Business Administration (SBA) to surrender its license to operate as a small business investment company. The licensee was incorporated on May 4, 1967, under the laws of the Commonwealth of Massachusetts and licensed by SBA on August 3, 1967, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.). Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice. If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender by Financial-Technical Assistance Corp. of its license will be accepted, and the company will no longer be licensed to operate as a small business investment company.

Dated: October 23, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-13057; Filed, Oct. 31, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 933]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 29, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 32882 (Sub-No. 47 TA), filed October 24, 1969. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Tacoma, Wash., to Medford, Oreg., for 180 days. Supporting shipper: Menasha Corp., Post Office Box 367, Neenah, Wis. 54956. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 94350 (Sub-No. 246 TA), filed October 24, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: G. P. Apperson, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Bunn, N.C., to States east of the Mississippi River, including Louisiana, for 180 days. Supporting shipper: Winston Mobilehomes, Division of Winston Industries, Inc., Bunn, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 107295 (Sub-No. 227 TA), filed October 24, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61824. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards; insulating materials; urethane, urethane products and related materials;* from Dubuque and Fort Dodge, Iowa, L'Anse, Mich., and Port Clinton, Ohio, to points in Alabama, Louisiana, Mississippi, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Texas, Oklahoma, South Dakota, Tennessee, Wisconsin, Wyoming, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 228 TA), filed October 24, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof deck*, from Wilmington, N.C. to points in Arkansas, Louisiana, Kentucky, Mississippi, Tennessee, and Virginia, for 180 days. Supporting shipper: Roll Form Products, Inc., of North Carolina, Suite 424, 1 Charlottetown Center, Post Office Box 4464, Charlotte, N.C. 28204. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 229 TA), filed October 24, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished wall paneling*, from Charlotte, N.C., to points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, and West Virginia, for 180 days. Supporting shipper: Vancouver Plywood Co., Post Office Box 8289. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704

No. MC 107295 (Sub-No. 230 TA), filed October 27, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, plywood panels, and veneer*, from Danville, Va., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Boise Cascade Transportation Department, Post Office Box 7747, Boise, Idaho 83707. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 231 TA), filed October 27, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floors, floor systems, elevated floors, floor components and accessories*, from Jessup, Md., to points in the United States (except Alaska, Hawaii, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida), for 180 days. Supporting shipper: Tate Architectural Products, Inc., Route 2, Box 349C, Montevideo Road, Jessup, Md. 20794. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 276, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107496 (Sub-No. 753 TA), filed October 27, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Huntington, Ind., to the Lower Peninsula of Michigan, for 150 days. Supporting shipper: Sun Oil Co., Sunoco Division, Post Office Box 920, Toledo, Ohio 43601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 113158 (Sub-No. 8 TA), filed October 24, 1969. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21554. Applicant's representative: Harry Harrington Todd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables and canned mushroom products*, from the Township of West Sadsbury, Chester County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, West Virginia, and the District of Columbia; restricted to traffic originating at said township and destined to named points, for 150 days. Supporting shipper: Green Giant Co., Le Sueur, Minn. 56058; Gerald R. Russeth, Motor Transportation Supervisor. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 118706 (Sub-No. 2 TA), filed October 27, 1969. Applicant: JOE L. RUHL, 128 Norvel Street, Sikeston, Mo. 63801. Applicant's representative: Gene R. Yokley, 215 North Stoddard Street, Sikeston, Mo. 63801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone products and road construction materials*, from Blackrock Limestone Products Co. near Black Rock, Lawrence County, Ark., to a point near Arbyrd, Dunklin County, Mo., for 180 days. Supporting shipper: Charles L. Pratt, Vice President, Hot Mix Division, Missouri Petroleum Products Co., 1620 Woodson Road, St. Louis, Mo. 63114. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 125628 (Sub-No. 2 TA), filed October 24, 1969. Applicant: S. S. BAIRD & SONS, LIMITED, 437 Aberdeen Street, Fredericton, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete beams, joints, and tee sections*, from the ports of entry on the international boundary between the United States and Canada at or near Calais and Houlton, Maine, to points in Maine, New Hampshire, Vermont, and Massachusetts, for 150 days. Supporting shipper: Strescon Ltd., Ashburn Lake Road, Postal Station B, Post Office Box 187, St. John, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 125899 (Sub-No. 12 TA) (Correction), filed September 26, 1969, published in the FEDERAL REGISTER issue of October 8, 1969, and republished as corrected this issue. Applicant: JOHN McCABE, 1804 South 27th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald E. Fernaays, 4114 North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone;* (1) between points in California on the one hand, and, on the other, points in Nevada; (2) from points in California and Nevada on the one hand, to points in Washington (including the port of entry on the international boundary line between the United States and Canada, located at Blaine, Wash.), and Oregon, for 180 days. NOTE: The purpose of this republication is to show that applicant proposes to transport stone. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 133776 (Sub-No. 1 TA), filed October 21, 1969. Applicant: ASSOCIATED TRANSFER & STORAGE, INC., 815 East University, Post Office Box 212, Urbana, Ill. Applicant's representative: David Axelrod, 39 South La Salle, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods;* (1) between points in Iroquois, Vermilion, Edgar, Coles, Douglas, Champaign, Ford, McLean, De Witt, Piatt, Macon, and Moultrie Counties, Ill; (2) between points in Iroquois, Vermilion, Edgar, Coles, Douglas, Champaign, Ford, McLean, De Witt, Piatt, Macon, and Moultrie Counties, Ill., on the one hand, and, on the other, points in Illinois; restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 134041 (Sub-No. 1 TA), filed October 24, 1969. Applicant: WAYNE MOTOR EXPRESS, INC., 406 Fairgrounds Avenue, Wayne, Nebr. 68787. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings and parts and accessories therefor*, from Wayne, Nebr., to points in

South Dakota, points in that part of Minnesota south and west of a line formed by Interstate Highways 94 and 35, and that part of Iowa west of a line formed by Interstate Highway 35, for 150 days. Supporting shipper: Carhart Lumber Co., Wayne, Nebr. 68787. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 134123 TA, filed October 24, 1969. Applicant: FRANK CAVALIERI AND VINCENT GANCI, doing business as C & G TRUCKING COMPANY, 650 Grand Street, Jersey City, N.J. 07304. Applicant's representative: F. X. Masterson, 221 Palisade Road, Elizabeth, N.J. 07208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, explosives and commodities in bulk), in trailers arriving in rail service by Plan II piggyback for the Lehigh Valley Railroad Co., between the Lehigh Valley piggyback ramp at Oak Island (Newark), N.J., on the one hand, and points in the New York, N.Y., commercial zone, on the other, for 180 days. Supporting shipper: Lehigh Valley Railroad Co., 140 Cedar Street, New York, N.Y. 10006. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13065; Filed, Oct. 31, 1969; 8:48 a.m.]

[Notice 437]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 29, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

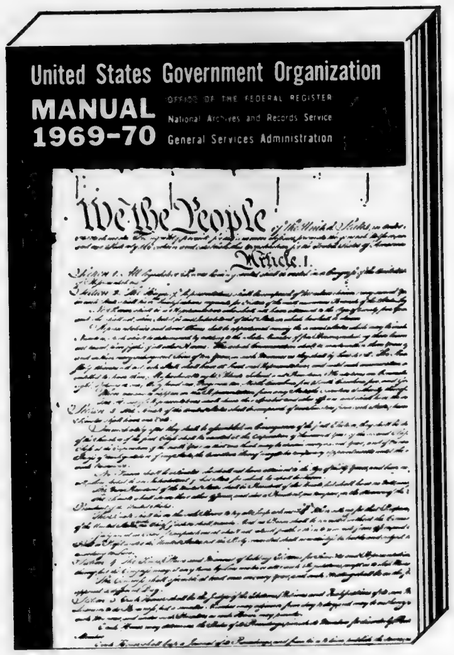
No. MC-FC-71596. By order of October 23, 1969, the Motor Carrier Board approved the transfer to Marc Truck Lines, Inc., Des Plaines, Ill., of the certificate of registration in No. MC-59188 (Sub-No. 4) issued March 20, 1964, to Joseph T. Ryan Cartage, Inc., Chicago, Ill., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the authority granted by the Illinois Commerce Commission in certificate No. 8116-MC dated March 7, 1961. Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-71597. By order of October 23, 1969, the Motor Carrier Board approved the transfer to Francis Margolies, doing business as Marc Baggage Lines, Bronx, N.Y., of the operating rights in certificates Nos. MC-127172 and MC-127172 (Sub-No. 2) issued May 18, 1966, and August 9, 1968, respectively, to Marc Truck Lines, Inc., Des Plaines, Ill., authorizing the transportation of camp baggage, seasonally, between Chicago, Ill., and points in De Kalb, Cook, Du Page, Grundy, Kane, Kendall, Kankakee, Lake, McHenry, and Will Counties, Ill., on the one hand, and, on the other, points in Michigan, Minnesota, and Wisconsin; and between points in Michigan, Minnesota, and Wisconsin, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Ohio, Missouri, and Tennessee. Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13066; Filed, Oct. 31, 1969; 8:48 a.m.]

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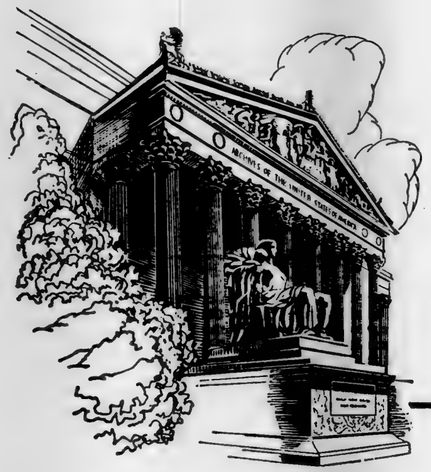
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[Docket No. 69-SO-129; Amdt. 39-865]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model 28 and 32 Series Airplanes

There have been failures of the control wheels on Piper PA-28 and PA-32 model airplanes which resulted in loss of elevator and aileron control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the control wheel hub for cracks and replacement if necessary on Piper PA-28 and PA-32 model airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to the following models; PA-28-140, /-150, /-160, /-180, /-235, and PA-32-260/-300. The following are affected serial numbers: PA-28-140, 28-20001 through 28-25327; PA-28-150/-160/-180, 28-1 through 28-4377; PA-28-235, 28-10001 through 28-11039; PA-32-260, 32-1 through 32-1110, and PA-32-300, 32-40000 through 32-40565.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible failure of the control wheel, accomplish the following:

(a) Remove the Piper medallion from the face of each control wheel.

(b) Inspect each control wheel for cracks which may extend radially from the retaining pin. Cracks may be evident on the bottom of the control wheel hub where the pin enters the wheel as line cracks on the face or back of the hub or as a crack in the hub cavity in line with the pin. The inspection is to be done using any of the following methods. The first inspection method is preferred.

(1) Brush approximately a one-half inch path of dye penetrant from the top of the pin to the bottom on the front and back of the control wheel hub. Wipe clean with a soft dry cloth and inspect with a black light. Cracks will show as a single thin line and will be either needle shaped or extend across the entire surface.

(2) Use a small pen light next to the surface and inspect under at least a 3-power glass. Follow the same path with the pen light as with the penetrant in method (1). Cracks the same shape as described in method (1) will show as black lines in the light field. If a line is only a scratch, the bottom will always be visible.

(3) An equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

(c) If cracks are found in the path along the hub as described in (b)(1), replace the control wheel before further time in service.

(d) The control wheel medallion may be replaced with regular contact cement which has been allowed to dry thoroughly before assembly or with any commercial 2-part epoxy adhesive. Under no circumstances use acetate adhesive or other plastic cements or any form of Locktite as these materials may not be compatible with the plastic material in the wheel.

(e) Piper Service Letter 527a, dated September 30, 1969, pertains to this same subject.

This amendment becomes effective November 4, 1969.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on October 24, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13125; Filed, Nov. 3, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof; and U.S. Classes Standards, and Grades With Respect Thereto (7 CFR Part 70) as set forth below.

STATEMENT OF CONSIDERATIONS

Proposed amendments to the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof; and U.S. Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70) were published in the FEDERAL REGISTER, 34 F.R. 12948, August 9, 1969. Comments were received from three interested parties. The comments were generally favorable and the regulations are amended as proposed.

The amendments provide for the grading of poultry parts after they have been cut from the carcass, make slight changes in the B and C quality poultry standards, and revise Procurement Grade I to provide more realistic tolerances to determine the value of carcasses used in fabricating further processed poultry products. In addition, the number of samples required for lot grading performed on a representative sample basis has been changed in accordance with sample numbers approved by the statistical staff of the Consumer and Marketing Service. The number of samples required for small lots is essentially the same as previously needed. The number of samples required for larger lots has been materially reduced. This change was not proposed previously. The Department feels that rulemaking procedures are not necessary on this change. The number of samples now required will be sufficient to accomplish the same results as were obtained under the previous sampling requirements. In addition, lot grading on a representative sample basis applies primarily to product previously processed and graded under official supervision, assuring greater uniformity of the product.

The amendments are as follows:

1. Section 70.60 and the subheading "violations" preceding it are revised to read:

DENIAL OF SERVICE

§ 70.60 Debarment.

The acts or practices set forth in §§ 70.61 to 70.66 or the causing thereof may be deemed sufficient cause for the debarment by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the act for a specified period. The rules of practice governing withdrawal of inspection and grading services, set forth in Part 50 of this chapter, shall be applicable to such a debarment action.

2. Section 70.180 is revised to read:

§ 70.180 General.

Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

(Minimum number of containers comprising a representative sample.)

Containers in lot	Containers in sample
3 or less	[1]
4–20	4
21–100	6
101–500	8
501–1,000	15
1,001–2,000	25
2,001–4,000	40
Over 4,000	60

[1] All containers.

3. Paragraph (b) of § 70.183 is revised to read:

§ 70.183 Ready-to-cook poultry and specified poultry food products.

* * * * *

(b) Only when ready-to-cook poultry carcasses or parts, including those used in the fabrication of poultry food products, have been graded on an individual basis by a grader or by a person authorized to perform limited grading services pursuant to § 70.30(d) and thereafter checkgraded by a grader, and when fabrication of the poultry food products has been done under the supervision of a grader, may the container or the individual carcass or part or poultry food product be identified with the appropriate official letter grade mark. Checkgrading will be accomplished in accordance with a statistical sampling plan prescribed by the Administrator. Grading with respect to quality factors for freezing defects and appearance of the finished products may be done on a sample basis in accordance with a plan prescribed by the Administrator.

§ 70.350 [Amended]

4. In § 70.350, paragraph (b) is amended by changing the figure "§ 70.356" to read "§ 70.357," and paragraph (d) and the introductory text in paragraph (e) are revised to read:

(d) A ready-to-cook carcass which has a defect may be graded after the defective portion has been removed. The fact that a portion has been removed, will not be considered in determining the quality of the balance of the carcass if the remaining portion of the carcass is to be disjointed and packed as parts or used in the fabrication of poultry food products. Poultry parts which have been properly cut as described in paragraph (e) of this section may be graded after they have been cut from the carcass, if the class is known and the parts are not misshapen or have nearly the same appearance as prior to cutting from the carcass.

(e) The standards of quality are applicable to poultry parts cut in the manner described in subparagraphs (1) through (10) of this paragraph. Similar parts cut in a manner other than described in subparagraphs (1) through (10) of this paragraph may be grade identified only when approved by the Administrator upon his determination that the labeling for such parts accurately describes the product. Requests for such approval shall be made to the National Supervisor.

* * * * *

5. Paragraph (b) of § 70.353 is revised to read:

§ 70.353 A Quality.

* * * * *

(b) *Fleshing.* The carcass has a well-developed covering of flesh considering the kind, class, and part.

(1) The breast is moderately long and deep and has sufficient flesh to give it a rounded appearance with the flesh carrying well up to the crest of the breastbone along its entire length.

(2) The leg is well fleshed and moderately thick and wide at the knee and hip joint area and has a well-rounded, plump appearance with the flesh carrying well down toward the hock and upward to the hip joint area.

(3) The drumstick is well fleshed and moderately thick and wide at the knee joint and has a well-rounded, plump appearance with the flesh carrying well down toward the hock.

(4) The thigh is well to moderately fleshed.

(5) The wing is well to moderately fleshed.

* * * * *

6. In § 70.354, paragraphs (b) and (f) are revised to read:

§ 70.354 B Quality.

* * * * *

(b) *Fleshing.* The carcass has a moderate covering of flesh considering the kind, class, and part.

(1) The breast has a substantial covering of flesh with the flesh carrying up to the crest of the breastbone sufficiently to prevent a thin appearance.

(2) The leg is fairly thick and wide at the knee and hip joint area and has sufficient flesh to prevent a thin appearance.

(3) The drumstick has a sufficient amount of flesh to prevent a thin appearance with a flesh carrying fairly well down toward the hock.

(4) The thigh has a sufficient amount of flesh to prevent a thin appearance.

(5) The wing has a sufficient amount of flesh to prevent a thin appearance.

* * * * *

(f) *Disjoined and broken bones and missing parts.* Parts may be disjointed but are free of broken bones. The carcass may have two disjointed bones or one disjointed bone and one nonprotruding broken bone. Parts of the wing beyond the second joint may be removed at a joint. The tail may be removed at the base. The back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area half way between the base of the tail and the hip joints.

* * * * *

7. Paragraph (b) in § 70.355 is revised to read:

§ 70.355 C Quality.

* * * * *

(b) A carcass that does not meet the requirements for A or B Quality may be C Quality. Both wings may be removed or neatly trimmed. Trimming of the breast and legs is permitted, but not to the extent that the normal meat yield is materially affected. The back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area between the hip joints.

* * * * *

8. A new § 70.357 is added to read:

§ 70.357 Boneless poultry breast and thigh—A Quality.

The standards of quality contained in this section are applicable to raw poultry products labeled as ready-to-cook boneless poultry breasts or thighs or as ready-to-cook boneless poultry breast fillets or thigh fillets, or with words of similar import.

(a) The breast or thigh shall be cut as specified in § 70.350(e) (1) or (5) respectively.

(b) Prior to deboning, the breast or thigh shall meet the A Quality requirements for ready-to-cook poultry parts as specified in § 70.353 (a), (b), (c), (d), (e), and (g).

(c) The bone or bones shall be removed in a neat manner without undue mutilation of adjacent muscle.

§ 70.360 [Amended]

9. In § 70.360, paragraph (a) is amended by changing the figure "§ 70.356" to read "§ 70.357," and paragraph (e) is revised to read:

(e) U.S. Procurement Grades may be assigned to ready-to-cook poultry when graded as a lot on the basis of an examination of each carcass or part in the lot or each carcass in a representative sample thereof. Such ready-to-cook poultry carcasses or parts may be graded in a frozen or unfrozen state.

10. Section 70.367 is revised to read:

§ 70.367 U.S. Procurement Grade I.

Any lot of ready-to-cook poultry composed of one or more carcasses of the same kind and class may be designated and identified as U.S. Procurement Grade I when: (a) 90 percent or more of the carcasses in such lot meet the requirements of A Quality, with the following exceptions: (1) Fat covering and conformation may be as described in this subpart for B Quality; (2) Trimming of skin and flesh to remove defects is permitted to the extent that not more than one-third of the flesh is exposed on any part and the meat yield of any part is not appreciably affected; (3) Discoloration of the skin and flesh may be as described in this subpart for B Quality; (4) One or both drumsticks may be removed if the part is severed at the joint; (5) The back may be trimmed in an area not wider than the base of the tail and extending to the area between the hip joints; (6) The wings or parts of wings may be removed if severed at a joint; (b) The balance of the carcasses meet the same requirements, except they may have only a moderate covering of flesh.

(Sections 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended; 33 F.R. 17050)

The amendments relate to a voluntary program, are noncontroversial and are to the advantage of consumers, and their immediate implementation is desired by the trade. They provide new grade standards for consumer products, more efficient grading methods for poultry parts, and a more realistic grade for poultry used in further processed items. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found, upon good cause, that further rulemaking procedure on the amendments is unnecessary and good cause is found for making the amendments effective less than 30 days after publication thereof.

Issued at Washington, D.C., this 30th day of October 1969, to become effective on date of publication in the FEDERAL REGISTER.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-13119; Filed, Nov. 3, 1969; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Years 1968–70, and Wheat Diversion Program for Crop Years 1969–70

COUNTY PROJECTED YIELDS AND DIVERSION PAYMENT RATES

The regulations pertaining to farm acreage allotments, yields, wheat certificate program for crop years 1968–70, and wheat diversion program for crop years 1969–70, 33 F.R. 6508, as amended, are further amended effective with the 1970 crop year by changing section 728.515 to read as follows:

§ 728.515 County projected yields and county diversion payment rates for the 1970 crop of wheat.

(a) A county projected yield has been determined for each wheat producing county in the United States for the 1970 crop, except for counties in Alaska, Hawaii, and New Hampshire, for which no apparent need for such yields exists. The county projected yield for 1970 was determined on the basis of the average of the 5-year (1964–68) annual yields per harvested acre of wheat for the county as determined by the Statistical Reporting Service, adjusted for abnormal weather conditions affecting such yields, for trends in yields, and for any significant changes in production practices.

(b) Farm per acre payment rates for diverting acreage from the production of 1970 crop wheat are computed by multiplying 50 per centum of the estimated 1970 county price support loan rate for wheat by the farm projected wheat yield. See § 728.406. The 1970 national average price support loan rate for wheat has been announced at $1.25 per bushel, the same as in 1969, and the county rates in paragraph (c) of this section for computing diversion payments are based upon 1969 county price support loan rates for wheat. The county rates in paragraph (c) of this section are to be used only for purposes of computing diversion payments under the 1970 wheat program. The 1970 county price support loan rates for wheat will be established and announced at a later date.

(c) The county projected yields and the county rates to be used in determining diversion payments for 1970 are as follows:

ALABAMA

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Autauga	28.8	1.30
Baldwin	32.4	1.30
Barbour	31.4	1.30
Bibb	24.1	1.30
Blount	25.1	1.30
Bullock	24.6	1.30
Butler		
Calhoun	28.0	1.30
Chambers	26.4	1.30
Cherokee	28.3	1.30
Chilton	23.0	1.30
Choctaw		
Clarke	23.4	1.30
Clay	26.1	1.30
Cleburne	25.9	1.30
Coffee	26.8	1.30
Colbert	28.0	1.30
Conecuh	24.6	1.30
Coosa	24.1	1.30
Covington	24.1	1.30
Crenshaw	24.0	1.30
Cullman	26.0	1.30
Dale	28.3	1.30
Dallas	27.9	1.30
De Kalb	27.1	1.30
Elmore	25.1	1.30
Escambia	27.4	1.30
Etowah	24.0	1.30
Fayette	30.6	1.30
Franklin	28.7	1.30
Geneva	23.4	1.30
Greene	23.9	1.30
Hale	22.5	1.30
Henry	26.3	1.30
Houston	23.8	1.30
Jackson	24.8	1.30
Jefferson	27.2	1.30
Lamar	28.8	1.30
Lauderdale	28.8	1.30
Lawrence	26.8	1.30
Lee	23.0	1.30
Limestone	28.8	1.30
Lowndes	23.7	1.30
Macon	24.5	1.30
Madison	27.2	1.30
Marengo	26.8	1.30
Marion	29.4	1.3
Marshall	26.9	1.30
Mobile	23.7	1.30
Monroe	29.2	1.30
Montgomery	27.6	1.30
Morgan	27.7	1.30
Perry	26.1	1.30
Pickens	26.7	1.30
Pike	28.7	1.30
Randolph	28.0	1.30
Russell	22.0	1.30
St. Clair	25.1	1.30
Shelby	27.0	1.30
Sumter	29.1	1.30
Talladega	24.4	1.30
Tallapoosa	25.3	1.30
Tuscaloosa	26.3	1.30
Walker	25.6	1.30
Washington	26.1	1.30
Wilcox	22.5	1.30
Winston	28.0	1.30
State check yield	26.7	

ARIZONA

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Apache	17.9	0.93
Cochise	52.5	1.25
Coconino	16.5	.93
Gila		
Graham	44.9	1.15
Greenlee	43.6	.93
Maricopa	56.8	1.31
Mohave	25.3	1.15
Navajo	17.0	.93
Pima	48.5	1.28
Pinal	52.0	1.31
Santa Cruz		
Yavapai	26.8	.90
Yuma	61.0	1.33
State check yield	51.3	

ARKANSAS

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Arkansas	31.4	1.37
Ashley	24.2	1.35
Baxter	24.1	1.25
Benton	27.4	1.20
Boone	24.9	1.23
Bradley		
Calhoun		
Carroll	29.6	1.20
Chicot	28.9	1.36
Clark		
Clay	29.8	1.37
Cleburne	19.9	1.37
Cleveland		
Columbia		
Conway	28.8	1.34
Craighead	29.3	1.39
Crawford	31.8	1.21
Crittenden	34.5	1.42
Cross	36.3	1.41
Dallas		
Desha	29.9	1.37
Drew	26.2	1.35
Faulkner	30.2	1.35
Franklin	26.6	1.22
Fulton	19.8	1.31
Garland	15.9	1.29
Grant	20.3	1.31
Greene	28.4	1.38
Hempstead	28.7	1.35
Hot Spring	31.9	1.30
Howard		
Independence	30.0	1.33
Izard	17.6	1.27
Jackson	27.8	1.37
Jefferson	30.7	1.36
Johnson	29.5	1.25
Lafayette	29.3	1.36
Lawrence	28.1	1.38
Lee	30.6	1.40
Lincoln	30.8	1.35
Little River	27.7	1.35
Logan	30.7	1.21
Lonoke	34.7	1.37
Madison	32.0	1.21
Marion	28.4	1.25
Miller	22.0	1.36
Mississippi	34.3	1.40
Monroe	31.6	1.39
Montgomery	20.9	1.25
Nevada		
Newton	21.8	1.23
Ouachita		
Perry	25.2	1.26
Phillips	31.2	1.39
Pike		
Poinsett	33.0	1.41
Polk	23.3	1.35
Pope	25.0	1.25
Prairie	27.1	1.38
Pulaski	28.8	1.36
Randolph	25.6	1.38
St. Francis	32.5	1.41
Saline	18.7	1.30
Scott		
Searcy	17.4	1.25
Sebastian	26.7	1.24
Sevier		
Sharp	26.9	1.31
Stone	21.0	1.29
Union		
Van Buren	31.9	1.34
Washington	32.5	1.21
White	21.1	1.38
Woodruff	30.0	1.39
Yell	27.2	1.25
State check yield	31.0	

CALIFORNIA

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Alameda	31.8	1.40
Alpine	29.8	1.28
Amador	30.5	1.40
Butte	43.2	1.37
Calaveras		
Colusa	50.0	1.38
Contra Costa	49.1	1.40
Del Norte		
El Dorado		
Fresno	50.0	1.38
Glenn	38.0	1.37

CALIFORNIA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Humboldt		
Imperial	66.2	1.35
Inyo	25.4	1.22
Kern	37.6	1.36
Kings	53.9	1.38
Lake	30.4	1.34
Lassen	36.2	1.20
Los Angeles	27.1	1.38
Madera	24.9	1.40
Marin	30.9	1.40
Mariposa	29.9	1.40
Mendocino	34.3	1.29
Merced	43.2	1.40
Modoc	44.0	1.25
Mono	25.5	1.20
Monterey	32.4	1.36
Napa	35.7	1.39
Nevada		
Orange	21.4	1.38
Placer	28.0	1.38
Plumas	22.7	1.28
Riverside	23.6	1.35
Sacramento	47.6	1.39
San Benito	32.1	1.37
San Bernardino	26.2	1.37
San Diego	29.7	1.33
San Francisco		
San Joaquin	56.3	1.42
San Luis Obispo	16.4	1.34
San Mateo	21.5	1.40
Santa Barbara	18.1	1.33
Santa Clara	27.3	1.39
Santa Cruz		
Shasta	25.8	1.26
Sierra	25.4	1.19
Siskiyou	37.1	1.26
Solano	47.4	1.39
Sonoma	24.7	1.38
Stanislaus	34.0	1.41
Sutter	50.5	1.38
Tehama	38.0	1.32
Trinity		
Tulare	28.4	1.37
Tuolumne	25.2	1.40
Ventura	25.7	1.38
Yolo	53.0	1.39
Yuba	41.4	1.38
State check yield	33.1	

COLORADO

Adams	22.0	1.10
Alamosa	35.1	.94
Arapahoe	21.2	1.10
Archuleta	30.6	.93
Baca	16.8	1.13
Bent	20.9	1.11
Boulder	26.7	1.10
Chaffee	31.5	.92
Cheyenne	17.7	1.13
Clear Creek		
Conejos	33.0	.92
Costilla	34.8	.94
Crowley	19.0	1.10
Custer	20.7	1.01
Delta	45.1	.91
Denver		
Dolores	22.0	.93
Douglas	21.3	1.10
Eagle	39.5	.92
Elbert	18.0	1.10
El Paso	15.6	1.10
Fremont	22.0	1.04
Garfield	26.7	.92
Gilpin		
Grand	22.8	.94
Gunnison		
Hinsdale		
Huerfano	16.2	1.05
Jackson	26.4	.96
Jefferson	25.4	1.10
Kiowa	16.0	1.12
Kit Carson	19.9	1.13
Lake		
La Plata	26.1	.93
Larimer	24.2	1.10
Las Animas	14.7	1.10
Lincoln	17.3	1.10
Logan	22.0	1.11
Mesa	27.7	.92
Mineral		
Moffat	28.4	.94
Montezuma	22.2	.93
Montrose	41.2	.91
Morgan	23.7	1.10
Otero	39.5	1.10
Ouray	23.1	.91
Park		
Phillips	24.1	1.13

COLORADO—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Pitkin	40.0	.92
Prowers	19.8	1.13
Pueblo	19.1	1.10
Rio Blanco	26.5	.93
Rio Grande	35.8	.92
Routt	31.1	.94
Saguache	35.2	.92
San Juan		
San Miguel	23.9	.91
Sedgwick	25.3	1.13
Summit		
Teller	33.9	1.10
Washington	20.0	1.10
Weld	22.5	1.10
Yuma	21.8	1.12
State check yield	20.4	

CONNECTICUT

Fairfield	32.7	1.41
Hartford	32.7	1.41
Litchfield	32.7	1.41
Middlesex	32.7	1.41
New Haven	32.7	1.41
New London		
Tolland	32.7	1.41
Windham	32.7	1.41
State check yield	32.7	

DELAWARE

Kent	35.7	1.41
New Castle	41.6	1.41
Sussex	36.7	1.40
State check yield	38.1	

FLORIDA

Alachua	20.2	1.32
Baker	18.2	1.32
Bay		
Bradford		
Brevard		
Broward		
Calhoun	27.7	1.32
Charlotte		
Citrus		
Clay		
Collier		
Columbia	23.9	1.32
Dade		
De Soto		
Dixie		
Duval		
Escambia	27.4	1.32
Flagler		
Franklin		
Gadsden	27.9	1.32
Gilchrist	20.1	1.32
Glades		
Gulf		
Hamilton	23.8	1.32
Hardee		
Hendry		
Hernando		
Highlands		
Hillsborough		
Holmes	25.9	1.32
Indian River		
Jackson	29.6	1.32
Jefferson	22.6	1.32
Lafayette	17.1	1.32
Lake		
Lee		
Leon	22.6	1.32
Levy	21.5	1.32
Liberty	21.2	1.32
Madison	23.9	1.32
Manatee		
Marion	25.0	1.32
Martin		
Monroe		
Nassau		
Okaloosa	27.5	1.32
Okeechobee		
Orange		
Osceola		
Palm Beach		
Pasco		
Pinellas		
Polk		
Putnam		
St. Johns		
St. Lucie		
Santa Rosa	27.7	1.32

FLORIDA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Sarasota		
Seminole		
Sumter	20.7	1.32
Suwannee	20.8	1.32
Taylor		
Union		
Volusia		
Wakulla		
Walton	24.5	1.32
Washington	22.1	1.32
State check yield	26.1	

GEORGIA

Appling	37.9	1.32
Atkinson	34.1	1.32
Bacon	27.8	1.32
Baker	30.9	1.32
Baldwin	28.6	1.32
Banks	24.6	1.32
Barrow	27.2	1.32
Bartow	27.9	1.32
Ben Hill	32.2	1.32
Berrien	30.3	1.32
Bibb	36.0	1.32
Bleckley	37.1	1.32
Brantley		
Brooks	30.5	1.32
Bryan	22.3	1.32
Bulloch	31.1	1.32
Burke	31.5	1.32
Butts	33.0	1.32
Calhoun	34.4	1.32
Camden		
Candler	37.6	1.32
Carroll	32.8	1.32
Catoosa	26.5	1.32
Charlton		
Chatham	20.7	1.32
Chattahoochee		
Chattooga	29.7	1.32
Cherokee	34.0	1.32
Clarke	29.1	1.32
Clay	26.3	1.32
Clayton	31.7	1.32
Clinch		
Cobb	23.6	1.32
Coffee	33.1	1.32
Colquitt	37.3	1.32
Columbia	34.6	1.32
Cook	27.7	1.32
Coweta	22.2	1.32
Crawford	34.2	1.23
Crisp	37.2	1.32
Dade	19.0	1.32
Dawson	22.3	1.32
Decatur	32.4	1.32
De Kalb	26.3	1.32
Dodge	24.5	1.32
Dooly	39.0	1.32
Dougherty	30.1	1.32
Douglas	26.0	1.32
Early	28.6	1.32
Echols	21.3	1.32
Effingham	25.5	1.32
Elbert	27.1	1.32
Emanuel	35.6	1.32
Evans	28.3	1.32
Fannin	27.2	1.32
Fayette	31.2	1.32
Floyd	31.1	1.32
Forsyth	27.5	1.32
Franklin	25.6	1.32
Fulton	25.7	1.32
Gilmer	21.4	1.32
Glascock	29.7	1.32
Glynn		
Gordon	27.0	1.32
Grady	30.4	1.32
Greene	22.1	1.32
Gwinnett	28.1	1.32
Habersham	23.3	1.32
Hall	27.6	1.32
Hancock	24.9	1.32
Haralson	27.5	1.32
Harris	24.0	1.32
Hart	29.3	1.32
Heard	33.1	1.32
Henry	32.0	1.32
Houston	43.0	1.32
Irwin	30.7	1.32
Jackson	28.1	1.32
Jasper	30.1	1.32
Jeff Davis	30.4	1.32
Jefferson	32.6	1.32
Jenkins	32.1	1.32
Johnson	32.0	1.32
Jones	22.9	1.32

GEORGIA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Lamar	31.2	1.32
Lanier	26.9	1.32
Laurens	36.8	1.32
Lee	32.9	1.32
Liberty		
Lincoln	26.2	1.32
Long		
Lowndes	26.1	1.32
Lumpkin	25.0	1.32
McDuffie	32.6	1.32
McIntosh		
Macon	39.9	1.32
Madison	28.9	1.32
Marion	39.5	1.32
Meriwether	32.6	1.32
Miller	27.5	1.32
Mitchell	36.8	
Monroe	31.3	1.32
Montgomery	36.1	1.32
Morgan	29.4	1.32
Murray	31.2	1.32
Muscogee	39.1	1.32
Newton	28.0	1.32
Oconee	38.0	1.32
Oglethorpe	34.5	1.32
Paulding	31.4	1.32
Peach	36.6	1.32
Pickens	28.1	1.32
Pierce	21.3	1.32
Pike	28.9	1.32
Polk	30.2	1.32
Pulaski	39.2	1.32
Putnam	24.4	1.32
Quitman	29.9	1.32
Rabun	22.5	1.32
Randolph	34.5	1.32
Richmond	29.0	1.32
Rockdale	23.6	1.32
Schley	37.7	1.32
Screven	34.3	1.32
Seminole	32.6	1.32
Spalding	33.1	1.32
Stephens	26.0	1.32
Stewart	31.6	1.32
Sumter	41.5	1.32
Talbot	32.9	1.32
Taliaferro	25.2	1.32
Tattnall	33.6	1.32
Taylor	28.7	1.32
Telfair	39.9	1.32
Terrell	36.0	1.32
Thomas	30.8	1.32
Tift	35.0	1.32
Toombs	37.7	1.32
Towns	23.3	1.32
Treutlen	28.1	1.32
Troup	24.4	1.32
Turner	37.9	1.32
Twiggs	36.5	1.32
Union	24.4	1.32
Upson	35.8	1.32
Walker	32.2	1.32
Walton	28.1	1.32
Ware		
Warren	30.1	1.32
Washington	37.8	1.32
Wayne		
Webster	38.0	1.32
Wheeler	36.2	1.32
White	21.9	1.32
Whitfield	29.0	1.32
Wilcox	36.4	1.32
Wilkes	26.5	1.32
Wilkinson	30.6	1.32
Worth	34.0	1.32
State check yield	31.9	

IDAHO

Ada	52.1	1.15
Adams	33.5	1.15
Bannock	31.6	1.16
Bear Lake	32.9	1.13
Benewah	62.6	1.24
Bingham	54.8	1.14
Blaine	46.5	1.16
Boise	39.2	1.15
Bonner	38.5	1.19
Bonneville	43.4	1.13
Boundary	51.8	1.16
Butte	39.7	1.14
Camas	23.6	1.15
Canyon	79.8	1.15
Caribou	36.8	1.15
Cassia	42.6	1.18
Clark	29.3	1.11
Clearwater	52.5	1.22
Custer	48.4	1.14

IDAHO—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Elmore	44.0	1.15
Franklin	37.3	1.17
Fremont	42.0	1.11
Gem	61.7	1.15
Gooding	63.6	1.17
Idaho	56.7	1.22
Jefferson	57.0	1.13
Jerome	73.3	1.18
Kootenai	48.7	1.23
Latah	67.4	1.24
Lemhi	50.5	1.13
Lewis	68.1	1.22
Lincoln	61.9	1.18
Madison	43.3	1.12
Minidoka	66.4	1.18
Nez Perce	63.1	1.24
Oneida	29.8	1.17
Owyhee	76.3	1.15
Payette	69.5	1.15
Power	30.4	1.16
Shoshone		
Teton	32.4	1.10
Twin Falls	72.2	1.20
Valley	31.9	1.14
Washington	44.8	1.15
State check yield	47.8	

INDIANA

Adams	41.4	1.18
Allen	39.1	1.19
Bartholomew	41.2	1.24
Benton	47.8	1.25
Blackford	37.8	1.20
Boone	43.8	1.19
Brown	30.9	1.20
Carroll	43.0	1.24
Cass	41.6	1.24
Clark	38.1	1.28
Clay	41.9	1.22
Clinton	43.9	1.22
Crawford	32.8	1.28
Daviess	44.8	1.16
Dearborn	32.5	1.20
Decatur	40.5	1.23
De Kalb	36.0	1.19
Delaware	42.1	1.18
Dubois	37.6	1.28
Elkhart	35.8	1.24
Fayette	40.2	1.30
Floyd	35.1	1.28
Fountain	44.1	1.18
Franklin	36.2	1.20
Fulton	36.3	1.29
Gibson	46.2	1.24
Grant	42.6	1.19
Greene	41.2	1.17
Hamilton	44.8	1.19
Hancock	44.5	1.20
Harrison	35.6	1.28
Hendricks	42.5	1.20
Henry	41.6	1.20
Howard	44.0	1.21
Huntington	41.9	1.18
Jackson	38.8	1.24
Jasper	39.4	1.29
Jay	35.6	1.18
Jefferson	36.6	1.22
Jennings	37.5	1.22
Johnson	46.1	1.21
Knox	47.8	1.20
Kosciusko	36.8	1.23
Lagrange	34.8	1.18
Lake	41.4	1.31
La Porte	36.3	1.30
Lawrence	37.1	1.24
Madison	44.2	1.19
Marion	42.1	1.20
Marshall	36.3	1.28
Martin	38.2	1.17
Miami	43.0	1.23
Monroe	36.6	1.26
Montgomery	44.3	1.19
Morgan	42.4	1.17
Newton	41.8	1.31
Noble	36.9	1.18
Ohio	37.7	1.20
Orange	38.7	1.27
Owen	38.7	1.17
Parke	41.2	1.19
Perry	32.5	1.28
Pike	39.9	1.22
Porter	39.3	1.31
Posey	46.6	1.23
Pulaski	36.4	1.31
Putnam	41.6	1.19
Randolph	39.5	1.18
Ripley	33.2	1.21

INDIANA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Rush	42.0	1.20
St. Joseph	34.5	1.24
Scott	38.1	1.25
Shelby	42.3	1.20
Spencer	34.6	1.28
Starke	32.4	1.30
Steuben	37.5	1.14
Sullivan	46.1	1.25
Switzerland	34.3	1.21
Tippecanoe	42.8	1.22
Tipton	44.4	1.19
Union	42.7	1.26
Vanderburgh	44.4	1.28
Vermillion	41.3	1.29
Vigo	42.3	1.29
Wabash	40.2	1.21
Warren	46.4	1.24
Warrick	40.0	1.27
Washington	38.1	1.26
Wayne	39.5	1.20
Wells	42.4	1.17
White	43.3	1.30
Whitley	39.1	1.20
State check yield	40.7	

ILLINOIS

Adams	36.8	1.26
Alexander	39.1	1.28
Bond	44.6	1.31
Boone	38.3	1.32
Brown	35.5	1.26
Bureau	40.3	1.31
Calhoun	39.2	1.31
Carroll	38.6	1.29
Cass	36.9	1.23
Champaign	40.6	1.28
Christian	43.6	1.28
Clark	43.7	1.25
Clay	42.7	1.22
Clinton	44.8	1.29
Coles	45.8	1.26
Cook	40.2	1.32
Crawford	44.1	1.25
Cumberland	46.6	1.28
De Kalb	43.2	1.32
De Witt	47.1	1.26
Douglas	46.8	1.26
Du Page	41.8	1.32
Edgar	43.2	1.23
Edwards	46.0	1.27
Effingham	46.4	1.28
Fayette	43.2	1.31
Ford	44.7	1.29
Franklin	39.7	1.30
Fulton	36.2	1.28
Gallatin	44.8	1.20
Greene	40.4	1.32
Grundy	40.8	1.32
Hamilton	40.7	1.27
Hancock	35.1	1.24
Hardin	30.2	1.17
Henderson	37.1	1.27
Henry	39.2	1.28
Iroquois	42.2	1.30
Jackson	40.2	1.30
Jasper	46.6	1.28
Jefferson	41.0	1.31
Jersey	43.6	1.32
Jo Daviess	33.2	1.28
Johnson	32.8	1.19
Kane	41.4	1.32
Kankakee	39.0	1.31
Kendall	41.8	1.32
Knox	39.5	1.28
Lake	41.0	1.31
La Salle	39.6	1.31
Lawrence	43.8	1.30
Lee	39.8	1.31
Livingston	38.9	1.30
Logan	42.3	1.26
McDonough	37.0	1.24
McHenry	42.2	1.32
McLean	44.4	1.27
Macon	46.5	1.28
Macoupin	43.8	1.32
Madison	44.6	1.32
Marion	43.5	1.31
Marshall	39.5	1.30
Mason	36.5	1.25
Massac	36.3	1.23
Menard	41.7	1.25
Mercer	36.2	1.28
Monroe	44.0	1.31
Montgomery	42.7	1.32
Morgan	39.4	1.28
Moultrie	47.0	1.27
Ogle	40.6	1.31

ILLINOIS—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Peoria	38.5	1.28
Perry	40.2	1.32
Piatt	46.3	1.27
Pike	36.6	1.26
Pope	32.9	1.21
Pulaski	34.7	1.27
Putnam	39.0	1.28
Randolph	41.6	1.31
Richland	45.0	1.26
Rock Island	38.3	1.29
St. Clair	45.5	1.30
Saline	38.8	1.20
Sangamon	45.0	1.28
Schuyler	35.3	1.26
Scott	37.6	1.30
Shelby	43.5	1.29
Stark	39.5	1.29
Stephenson	39.3	1.31
Tazewell	37.8	1.26
Union	36.7	1.29
Vermilion	42.7	1.28
Wabash	44.8	1.24
Warren	39.3	1.28
Washington	45.1	1.31
Wayne	41.5	1.26
White	43.5	1.23
Whiteside	38.2	1.31
Will	39.9	1.32
Williamson	34.3	1.29
Winnebago	37.2	1.31
Woodford	38.7	1.28
State check yield	42.3	

IOWA

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Adair	28.0	1.27
Adams	36.0	1.31
Allamakee	34.0	1.31
Appanoose	34.0	1.23
Audubon	31.0	1.25
Benton	37.0	1.29
Black Hawk	28.0	1.30
Boone	30.0	1.28
Bremer	37.0	1.31
Buchanan	33.0	1.29
Buena Vista		
Butler	35.0	1.31
Calhoun	37.0	1.29
Carroll	36.0	1.28
Cass	35.0	1.27
Cedar	33.0	1.28
Cerro Gordo	29.0	1.32
Cherokee	31.0	1.28
Chickasaw	30.0	1.31
Clarke	29.0	1.27
Clay	33.0	1.31
Clayton	37.0	1.29
Clinton	37.0	1.25
Crawford	37.0	1.28
Dallas	31.0	1.28
Davis	32.0	1.23
Decatur	30.0	1.25
Delaware	35.0	1.29
Des Moines	37.0	1.24
Dickinson	35.0	1.31
Dubuque	37.0	1.28
East Pottawattamie	31.0	1.29
Emmet	26.0	1.33
Fayette	37.0	1.30
Floyd	34.0	1.32
Franklin	33.0	1.31
Fremont	36.0	1.31
Greene	33.0	1.28
Grundy	25.0	1.30
Guthrie	32.0	1.28
Hamilton	32.0	1.30
Hancock	27.0	1.32
Hardin	34.0	1.30
Harrison	32.0	1.27
Henry	33.0	1.24
Howard	28.0	1.32
Humboldt	32.0	1.30
Ida	28.0	1.27
Iowa	37.0	1.28
Jackson	34.0	1.26
Jasper	33.0	1.28
Jefferson	30.0	1.24
Johnson	37.0	1.28
Jones	35.0	1.29
Keokuk	29.0	1.25
Kossuth	29.0	1.32
Lee	34.0	1.23
Linn	35.0	1.29
Louisa	35.0	1.25
Lucas	29.0	1.24
Lyon	37.0	1.30
Madison	29.0	1.26
Mahaska	35.0	1.26
Marion	35.0	1.26

IOWA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Marshall	37.0	1.29
Mills	34.0	1.31
Mitchell	30.0	1.33
Monona	30.0	1.28
Monroe	32.0	1.24
Montgomery	34.0	1.31
Muscatine	30.0	1.27
O'Brien	37.0	1.30
Osceola	26.0	1.31
Page	31.0	1.31
Palo Alto	29.0	1.31
Plymouth	33.0	1.31
Pocahontas	27.0	1.30
Polk	33.0	1.28
Poweshiek	36.0	1.28
Ringgold	30.0	1.26
Sac	37.0	1.29
Scott	34.0	1.25
Shelby	33.0	1.28
Sioux	33.0	1.32
Story	37.0	1.29
Tama	37.0	1.29
Taylor	29.0	1.28
Union	37.0	1.30
Van Buren	31.0	1.24
Wapello	31.0	1.24
Warren	37.0	1.27
Washington	33.0	1.25
Wayne	28.0	1.23
Webster	33.0	1.30
West Pottawattamie	32.0	1.19
Winnebago	30.0	1.33
Winneshiek	35.0	1.31
Woodbury	25.0	1.28
Worth	37.0	1.33
Wright	34.0	1.31
State check yield	32.3	

KANSAS

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Allen	28.5	1.28
Anderson	29.6	1.30
Atchison	37.0	1.31
Barber	24.7	1.22
Barton	19.6	1.20
Bourbon	28.7	1.29
Brown	32.5	1.31
Butler	27.5	1.23
Chase	28.1	1.25
Chautauqua	33.0	1.25
Cherokee	30.1	1.27
Cheyenne	24.8	1.15
Clark	19.3	1.17
Clay	25.1	1.24
Cloud	25.3	1.24
Coffey	29.0	1.28
Comanche	17.8	1.19
Cowley	28.0	1.25
Crawford	31.2	1.28
Decatur	25.3	1.19
Dickinson	29.1	1.23
Doniphan	31.5	1.31
Douglas	27.8	1.31
Edwards	20.7	1.20
Elk	27.6	1.25
Ellis	18.0	1.20
Ellsworth	22.1	1.22
Finney	25.1	1.16
Ford	20.2	1.19
Franklin	27.1	1.31
Geary	30.8	1.25
Gove	24.1	1.19
Graham	20.9	1.20
Grant	24.5	1.15
Gray	21.0	1.17
Greeley	20.8	1.15
Greenwood	28.0	1.26
Hamilton	20.3	1.15
Harper	25.7	1.23
Harvey	30.3	1.23
Haskell	21.6	1.16
Hodgeman	18.7	1.20
Jackson	28.5	1.30
Jefferson	28.4	1.31
Jewell	24.5	1.23
Johnson	29.9	1.31
Kearny	25.4	1.15
Kingman	25.7	1.22
Kiowa	20.0	1.20
Labette	31.6	1.27
Lane	23.3	1.19
Leavenworth	28.1	1.31
Lincoln	23.4	1.22
Linn	29.7	1.31
Logan	23.6	1.17
Lyon	27.9	1.27
McPherson	26.8	1.22
Marion	27.6	1.23
Marshall	28.6	1.27

KANSAS—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Meade	19.0	1.16
Miami	30.5	1.31
Mitchell	23.1	1.23
Montgomery	31.7	1.27
Morris	29.0	1.25
Morton	18.9	1.20
Nemaha	31.7	1.28
Neosho	31.5	1.28
Ness	19.2	1.20
Norton	24.1	1.20
Osage	29.3	1.28
Osborne	20.8	1.22
Ottawa	25.0	1.23
Pawnee	20.4	1.20
Phillips	22.9	1.20
Pottawatomie	28.4	1.28
Pratt	21.4	1.20
Rawlins	25.7	1.16
Reno	26.2	1.22
Republic	27.0	1.24
Rice	23.5	1.22
Riley	27.7	1.27
Rooks	20.0	1.21
Rush	19.3	1.20
Russell	18.4	1.21
Saline	26.5	1.23
Scott	26.8	1.17
Sedgwick	28.3	1.23
Seward	19.3	1.21
Shawnee	28.8	1.29
Sheridan	24.2	1.19
Sherman	24.9	1.15
Smith	23.5	1.22
Stafford	22.2	1.20
Stanton	24.3	1.14
Stevens	21.6	1.17
Sumner	27.4	1.24
Thomas	24.9	1.17
Trego	21.1	1.20
Wabaunsee	27.3	1.27
Wallace	20.8	1.15
Washington	29.4	1.25
Wichita	24.0	1.16
Wilson	32.6	1.27
Woodson	28.0	1.28
Wyandotte	31.6	1.31
State check yield	23.9	

KENTUCKY

Parish	Projected yield (bushel per acre)	Rate for computing div. paymt. (dollars per bushel)
Adair	28.1	1.28
Allen	30.9	1.27
Anderson	30.5	1.29
Ballard	35.4	1.25
Barren	37.2	1.27
Bath	27.2	1.29
Bell		
Boone	33.8	1.26
Bourbon	32.3	1.30
Boyd	23.0	1.30
Boyle	28.9	1.30
Bracken	36.3	1.29
Breathitt		
Breckinridge	33.5	1.26
Bullitt	33.3	1.28
Butler	27.1	1.26
Caldwell	36.7	1.26
Calloway	36.9	1.25
Campbell	27.3	1.28
Carlisle	30.5	1.25
Carroll	37.2	1.28
Carter	24.2	1.29
Casey	28.9	1.29
Christian	40.9	1.26
Clark	33.1	1.30
Clay		
Clinton	35.5	1.29
Crittenden	32.4	1.25
Cumberland	27.8	1.28
Daviess	36.1	1.25
Edmonson	28.7	1.26
Elliott		
Estill	33.3	1.29
Fayette	30.1	1.30
Fleming	30.3	1.29
Floyd		
Franklin	36.9	1.29
Fulton	39.2	1.25
Gallatin	37.2	1.28
Garrard	27.5	1.30
Grant	32.4	1.29
Graves	36.5	1.25
Grayson	33.5	1.27
Green	31.4	1.29
Greenup	23.3	1.30
Hancock	31.9	1.26
Hardin	30.7	1.27
Harlan		
Harrison	32.4	1.29

KENTUCKY—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Hart	34.0	1.27
Henderson	40.6	1.25
Henry	35.5	1.28
Hickman	34.6	1.25
Hopkins	32.4	1.26
Jackson	22.6	1.28
Jefferson	37.4	1.28
Jessamine	29.1	1.30
Johnson		
Kenton	32.6	1.28
Knott		
Knox	22.1	1.28
Larue	32.2	1.28
Laurel	24.0	1.29
Lawrence		
Lee	19.9	1.29
Leslie		
Letcher		
Lewis	26.0	1.30
Lincoln	30.4	1.30
Livingston	29.9	1.25
Logan	38.1	1.26
Lyon	32.7	1.26
McCracken	32.2	1.25
McCreary		
McLean	36.5	1.25
Madison	30.2	1.30
Magoffin		
Marion	38.2	1.29
Marshall	34.2	1.25
Martin		
Mason	34.3	1.29
Meade	34.1	1.26
Menifee		
Mercer	28.9	1.30
Metcalfe	34.8	1.27
Monroe	33.0	1.28
Montgomery	29.3	1.29
Morgan	29.0	1.28
Muhlenberg	35.5	1.26
Nelson	37.9	1.29
Nicholas	29.3	1.29
Ohio	27.6	1.26
Oldham	39.2	1.28
Owen	33.5	1.29
Owsley		
Pendleton	26.3	1.29
Perry		
Pike		
Powell	22.9	1.29
Pulaski	33.2	1.30
Robertson	27.3	1.29
Rockcastle	26.4	1.30
Rowan	22.2	1.30
Russell	28.2	1.28
Scott	30.3	1.29
Shelby	35.4	1.28
Simpson	37.7	1.27
Spencer	29.2	1.28
Taylor	33.0	1.29
Todd	39.7	1.26
Trigg	39.8	1.26
Trimble	38.8	1.28
Union	42.2	1.25
Warren	38.8	1.26
Washington	35.4	1.30
Wayne	37.4	1.29
Webster	37.5	1.25
Whitley		
Wolfe		
Woodford	33.6	1.30
State check yield	36.2	

LOUISIANA

Parish	Projected yield (bushel per acre)	Rate for computing div. paymt. (dollars per bushel)
Acadia	22.0	1.35
Allen	22.0	1.35
Ascension		
Assumption		
Avoyelles	24.2	1.35
Beauregard		
Bienville		
Bossier	29.0	1.35
Caddo	24.3	1.35
Calcasieu		
Caldwell	27.1	1.35
Cameron		
Catahoula	25.7	1.35
Claiborne	16.8	1.35
Concordia	27.5	1.35
De Sota	21.3	1.35
East Baton Rouge	24.5	1.35

LOUISIANA—Continued

Parish	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
East Carroll	28.6	1.35
East Feliciana	21.1	1.35
Evangeline	22.3	1.35
Franklin	25.8	1.35
Grant		
Iberia		
Iberville		
Jackson	17.7	1.35
Jefferson		
Jefferson Davis	21.3	1.35
Lafayette	19.8	1.35
Lafourche		
La Salle	21.2	1.35
Lincoln		
Livingston		
Madison	28.7	1.35
Morehouse	25.8	1.35
Natchitoches	24.0	1.35
Orleans		
Ouachita	28.1	1.35
Plaquemines		
Pointe Coupee	21.7	1.35
Rapides	22.2	1.35
Red River	28.7	1.35
Richland	23.7	1.35
Sabine		
St. Bernard		
St. Charles		
St. Helena		
St. James	19.8	1.35
St. John the Baptist		
St. Landry	21.4	1.35
St. Martin		
St. Mary		
St. Tammany		
Tangipahoa		
Tensas	27.2	1.35
Terrebonne		
Union		
Vermilion	21.3	1.35
Vernon		
Washington		
Webster	21.4	1.35
West Baton Rouge		
West Carroll	24.2	1.35
West Feliciana		
Winn		
State check yield	27.5	

MAINE

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Androscoggin		
Aroostook	33.0	1.32
Cumberland		
Franklin		
Hancock		
Kennebec	33.2	1.32
Knox		
Lincoln		
Oxford		
Penobscot	33.0	1.32
Piscataquis		
Sagadahoc		
Somerset	33.0	1.32
Waldo	33.2	1.32
Washington	32.9	1.32
York	33.3	1.32
State check yield	33.2	

MARYLAND

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Allegany	32.7	1.31
Anne Arundel	27.9	1.40
Baltimore	41.1	1.40
Calvert	30.5	1.39
Caroline	42.9	1.41
Carroll	35.4	1.40
Cecil	41.3	1.40
Charles	30.2	1.39
Dorchester	39.5	1.40
Frederick	36.4	1.39
Garrett	30.5	1.30
Harford	42.5	1.41
Howard	37.7	1.44
Kent	48.4	1.41
Montgomery	41.2	1.39
Prince Georges	29.6	1.39
Queen Annes	43.2	1.41

MARYLAND—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
St. Marys	29.8	1.39
Somerset	35.6	1.39
Talbot	42.5	1.41
Washington	36.6	1.36
Wicomico	31.3	1.40
Worcester	31.9	1.39
State check yield	39.0	

MASSACHUSETTS

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Barnstable		
Berkshire	35.4	1.35
Bristol	31.9	1.35
Dukes		
Essex	30.7	1.35
Franklin	32.0	1.35
Hampden	31.7	1.35
Hampshire	31.9	1.35
Middlesex		
Nantucket		
Norfolk		
Plymouth		
Suffolk		
Worcester	31.7	1.35
State check yield	33.0	

MICHIGAN

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Alcona	31.1	1.10
Alger	24.3	1.21
Allegan	36.9	1.16
Alpena	31.7	1.09
Antrim	29.4	1.11
Arenac	42.1	1.12
Baraga	25.5	1.27
Barry	39.6	1.16
Bay	45.0	1.13
Benzie	29.0	1.14
Berrien	36.3	1.27
Branch	33.8	1.20
Calhoun	37.9	1.21
Cass	32.1	1.21
Charlevoix	30.4	1.10
Cheboygan	27.3	1.09
Chippewa	21.9	1.06
Clare	35.0	1.14
Clinton	40.9	1.15
Crawford	23.6	1.11
Delta	21.3	1.21
Dickinson	21.7	1.22
Eaton	42.5	1.16
Emmet	33.6	1.09
Genesee	41.7	1.15
Gladwin	37.4	1.13
Gogebic		
Grand Traverse	35.9	1.12
Gratiot	44.0	1.15
Hillsdale	38.8	1.20
Houghton	23.6	1.24
Huron	40.1	1.15
Ingham	41.8	1.16
Ionia	39.7	1.15
Iosco	32.8	1.11
Iron		
Isabella	37.2	1.14
Jackson	38.5	1.21
Kalamazoo	38.9	1.20
Kalkaska	22.7	1.12
Kent	35.3	1.15
Keweenaw		
Lake	31.7	1.14
Lapeer	38.3	1.15
Leelanau	31.8	1.12
Lenawee	44.9	1.20
Livingston	36.7	1.16
Luce	19.0	1.06
Mackinac	24.8	1.05
Macomb	38.7	1.19
Manistee	24.2	1.14
Marquette		
Mason	39.3	1.14
Mecosta	33.1	1.14
Menominee	23.9	1.21
Midland	45.9	1.14
Missaukee	32.3	1.14
Monroe	43.8	1.20
Montcalm	34.6	1.14
Montmorency	30.7	1.10
Muskegon	41.8	1.15
Newaygo	37.5	1.14
Oakland	36.7	1.17
Oceana	38.4	1.14
Ogemaw	31.1	1.12
Ontonagon	19.8	1.22
Osceola	33.1	1.14
Oscoda	26.1	1.11
Otsego	31.8	1.10

MICHIGAN—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Ottawa	35.3	1.16
Presque Isle	31.1	1.08
Roscommon	31.4	1.13
Saginaw	46.1	1.15
St. Clair	39.6	1.18
St. Joseph	33.1	1.20
Sanilac	41.3	1.15
Schoolcraft	18.8	1.21
Shiawassee	41.8	1.15
Tuscola	45.0	1.15
Van Buren	34.4	1.18
Washtenaw	41.5	1.18
Wayne	41.7	1.18
Wexford	28.7	1.14
State check yield	39.8	

MINNESOTA

Aitkin	22.4	1.44
Anoka	26.0	1.43
Becker	28.5	1.37
Beltrami	25.3	1.39
Benton	25.3	1.43
Big Stone	28.5	1.39
Blue Earth	33.5	1.43
Brown	27.4	1.43
Carlton	20.9	1.44
Carver	29.5	1.43
Cass	20.2	1.41
Chippewa	33.7	1.42
Chisago	25.6	1.43
Clay	33.9	1.35
Clearwater	24.2	1.38
Cook		
Cottonwood	36.0	1.41
Crow Wing	20.6	1.43
Dakota	26.9	1.43
Dodge	29.7	1.43
Douglas	24.9	1.41
East Ottertail	25.8	1.39
East Polk	31.6	1.35
Faribault	36.1	1.42
Fillmore	28.6	1.40
Freeborn	31.1	1.43
Goodhue	27.1	1.43
Grant	29.7	1.39
Hennepin	29.8	1.43
Houston	36.1	1.38
Hubbard	23.4	1.38
Isanti	26.2	1.43
Itasca	26.2	1.44
Jackson	31.2	1.40
Kanabec	22.5	1.43
Kandiyohi	28.6	1.43
Kittson	20.5	1.30
Koochiching	21.6	1.36
Lac Qui Parle	27.5	1.40
Lake		
Lake of the Woods	23.4	1.34
Le Sueur	29.4	1.43
Lincoln	29.7	1.38
Lyon	29.0	1.40
McLeod	30.5	1.43
Mahnomen	29.0	1.36
Marshall	29.6	1.33
Martin	36.5	1.41
Meeker	32.1	1.43
Mille Lacs	22.3	1.43
Morrison	22.9	1.42
Mower	30.3	1.43
Murray	29.8	1.39
Nicollet	32.8	1.43
Nobles	30.3	1.36
Norman	36.0	1.34
North St. Louis	23.4	1.37
Olmsted	28.5	1.43
Pennington	26.4	1.34
Pine	20.4	1.43
Pipestone	26.4	1.36
Pope	26.1	1.41
Ramsey		
Red Lake	30.1	1.36
Redwood	32.7	1.42
Renville	31.8	1.43
Rice	27.7	1.43
Rock	22.8	1.34
Roseau	24.4	1.31
Scott	27.5	1.43
Sherburne	27.4	1.43
Sibley	29.2	1.43
South St. Louis	23.4	1.37
Stearns	28.1	1.43
Steele	30.0	1.43
Stevens	26.5	1.40
Swift	26.8	1.42
Todd	22.5	1.41
Traverse	28.5	1.38
Wabasha	29.9	1.43

MINNESOTA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Wadena	23.2	1.40
Waseca	31.3	1.43
Washington	29.4	1.43
Watonwan	29.8	1.42
West Ottertail	26.0	1.39
West Polk	32.2	1.35
Wilkin	30.1	1.37
Winona	28.8	1.43
Wright	27.3	1.43
Yellow Medicine	29.8	1.41
State check yield	30.2	

MISSISSIPPI

Adams	32.4	1.27
Alcorn	30.6	1.27
Amite		
Attala	31.6	1.27
Benton	32.5	1.27
Bolivar	32.5	1.27
Calhoun	33.2	1.27
Carroll	29.0	1.27
Chickasaw	31.4	1.27
Choctaw		
Claiborne	34.0	1.27
Clarke		
Clay	28.5	1.27
Coahoma	34.1	1.27
Copiah	28.2	1.27
Covington	30.3	1.27
De Soto	31.1	1.27
Forrest		
Franklin		
George	28.2	1.27
Greene		
Grenada		
Hancock		
Harrison		
Hinds	30.5	1.27
Holmes	31.1	1.27
Humphreys	31.6	1.27
Issaquena	31.5	1.27
Itawamba	32.5	1.27
Jackson	24.2	1.27
Jasper		
Jefferson	27.7	1.27
Jefferson Davis	29.4	1.27
Jones	29.4	1.27
Kemper	35.9	1.27
Lafayette	31.1	1.27
Lamar		
Lauderdale		
Lawrence	27.8	1.27
Leake		
Lee	32.2	1.27
Leflore	32.1	1.27
Lincoln		
Lowndes	31.7	1.27
Madison	31.9	1.27
Marion		
Marshall	29.7	1.27
Monroe	32.4	1.27
Montgomery	31.4	1.27
Neshoba	33.1	1.27
Newton		
Noxubee	30.4	1.27
Oktibbeha	33.8	1.27
Panola	31.5	1.27
Pearl River		
Perry	21.6	1.27
Pike	24.6	1.27
Pontotoc	29.5	1.27
Prentiss	28.7	1.27
Quitman	31.6	1.27
Rankin		
Scott	29.7	1.27
Sharkey	33.4	1.27
Simpson		
Smith		
Stone		
Sunflower	31.6	1.27
Tallahatchie	32.2	1.27
Tate	32.5	1.27
Tippah	31.3	1.27
Tishomingo	33.0	1.27
Tunica	34.1	1.27
Union	32.7	1.27
Walthall		
Warren	31.1	1.27
Washington	31.9	1.27
Wayne		
Webster	28.8	1.27
Wilkinson	29.8	1.27
Winston		
Yalobusha	31.9	1.27
Yazoo	32.8	1.27
State check yield	32.6	

MISSOURI

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Adair	30.4	1.24
Andrew	31.2	1.31
Atchison	32.8	1.31
Audrain	37.3	1.30
Barry	30.4	1.26
Barton	33.4	1.28
Bates	33.0	1.31
Benton	32.4	1.29
Bollinger	29.8	1.31
Boone	37.4	1.28
Buchanan	31.8	1.31
Butler	34.8	1.36
Caldwell	30.2	1.31
Callaway	37.5	1.29
Camden	25.0	1.25
Cape Girardeau	38.8	1.34
Carroll	34.5	1.31
Carter	27.8	1.30
Cass	32.9	1.31
Cedar	27.5	1.30
Chariton	34.7	1.30
Christian	31.1	1.36
Clark	32.1	1.25
Clay	34.1	1.31
Clinton	30.9	1.31
Cole	35.2	1.29
Cooper	35.8	1.27
Crawford	27.8	1.29
Dade	33.5	1.27
Dallas	30.8	1.25
Daviess	30.0	1.30
De Kalb	30.2	1.31
Dent	27.7	1.27
Douglas	26.0	1.23
Dunklin	30.0	1.37
Franklin	38.5	1.33
Gasconade	36.1	1.31
Gentry	29.8	1.31
Greene	29.0	1.26
Grundy	32.0	1.31
Harrison	31.5	1.29
Henry	33.1	1.31
Hickory	26.1	1.28
Holt	31.0	1.31
Howard	33.4	1.28
Howell	26.8	1.26
Iron	29.8	1.29
Jackson	32.4	1.31
Jasper	32.8	1.38
Jefferson	36.2	1.32
Johnson	33.3	1.31
Knox	33.4	1.25
Laclede	30.7	1.24
Lafayette	33.6	1.31
Lawrence	30.6	1.26
Lewis	31.8	1.25
Lincoln	40.8	1.33
Linn	31.4	1.29
Livingston	33.4	1.30
McDonald	28.0	1.26
Macon	32.3	1.27
Madison	29.8	1.29
Maries	31.6	1.31
Marion	32.5	1.26
Mercer	28.3	1.28
Miller	34.0	1.28
Mississippi	39.9	1.35
Moniteau	35.4	1.26
Monroe	32.6	1.27
Montgomery	40.1	1.32
Morgan	32.9	1.26
New Madrid	39.9	1.36
Newton	27.8	1.26
Nodaway	32.5	1.31
Oregon	29.8	1.29
Osage	36.7	1.30
Ozark	28.0	1.24
Pemiscot	40.1	1.37
Perry	39.8	1.29
Pettis	35.2	1.29
Phelps	32.1	1.28
Pike	38.5	1.31
Platte	31.7	1.31
Polk	29.6	1.27
Pulaski	28.0	1.26
Putnam	32.1	1.26
Ralls	32.8	1.27
Randolph	31.8	1.28
Ray	33.4	1.31
Reynolds	28.8	1.27
Ripley	27.8	1.34
St. Charles	44.2	1.33
St. Clair	27.4	1.30
St. Francois	38.8	1.30
St. Louis	41.9	1.33
Ste. Genevieve	42.2	1.30
Saline	35.3	1.30
Schuyler	29.8	1.24
Scotland	30.5	1.25
Scott	39.5	1.35
Shannon	27.4	1.27

MISSOURI—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Shelby	31.9	1.26
Stoddard	38.8	1.35
Stone	26.5	1.25
Sullivan	30.6	1.28
Taney	25.9	1.24
Texas	26.0	1.23
Vernon	33.0	1.30
Warren	39.0	1.33
Washington	35.4	1.30
Wayne	33.2	1.31
Webster	28.5	1.24
Worth	30.7	1.31
Wright	27.9	1.23
State check yield	34.2	

MONTANA

Beaverhead	35.8	1.00
Big Horn	31.9	1.07
Blaine	23.0	1.07
Broadwater	27.4	1.04
Carbon	30.1	1.07
Carter	22.6	1.14
Cascade	36.9	1.07
Chouteau	37.1	1.07
Custer	28.0	1.10
Daniels	22.0	1.08
Dawson	28.8	1.12
Deer Lodge	59.7	1.06
Fallon	26.9	1.14
Fergus	32.3	1.09
Flathead	50.0	1.10
Gallatin	38.9	1.06
Garfield	23.7	1.08
Glacier	31.6	1.07
Golden Valley	27.0	1.07
Granite	30.0	1.04
Hill	26.9	1.07
Jefferson	26.0	1.04
Judith Basin	32.1	1.07
Lake	40.0	1.04
Lewis and Clark	27.5	1.07
Liberty	29.7	1.07
Lincoln	28.2	1.10
McCone	24.0	1.10
Madison	36.2	1.06
Meagher	32.2	1.07
Mineral	30.7	1.10
Missoula	31.4	1.08
Musselshell	28.0	1.07
Park	31.3	1.04
Petroleum	25.8	1.07
Phillips	24.6	1.07
Pondera	39.0	1.07
Powder River	29.4	1.08
Powell	39.0	1.06
Prairie	28.5	1.11
Ravalli	35.7	1.04
Richland	24.8	1.10
Roosevelt	22.0	1.08
Rosebud	31.0	1.07
Sanders	31.2	1.08
Sheridan	24.2	1.11
Silver Bow	35.0	1.06
Stillwater	33.1	1.07
Sweet Grass	30.2	1.07
Teton	36.3	1.07
Toole	31.6	1.07
Treasure	33.6	1.07
Valley	24.4	1.07
Wheatland	28.6	1.07
Wibaux	26.4	1.14
Yellowstone	33.5	1.07
State check yield	29.3	

NEBRASKA

Adams	29.9	1.25
Antelope	28.0	1.28
Arthur	17.1	1.15
Banner	26.0	1.11
Blaine		
Boone	26.3	1.28
Box Butte	30.1	1.15
Boyd	23.1	1.26
Brown	23.3	1.21
Buffalo	25.1	1.25
Burt	28.0	1.31
Butler	33.9	1.31
Cass	37.1	1.31
Cedar	23.3	1.27
Chase	28.7	1.16
Cherry	21.3	1.19
Cheyenne	27.2	1.11
Clay	33.6	1.26

NEBRASKA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Colfax	28.6	1.31
Cuming	28.0	1.31
Custer	31.1	1.23
Dakota	28.1	1.28
Dawes	32.0	1.14
Dawson	31.5	1.23
Deuel	27.1	1.14
Dixon	24.0	1.28
Dodge	31.9	1.31
Douglas	33.2	1.31
Dundy	25.9	1.16
Fillmore	32.6	1.28
Franklin	28.9	1.23
Frontier	28.8	1.20
Furnas	25.0	1.21
Gage	31.3	1.29
Garden	29.3	1.15
Garfield	23.7	1.24
Gosper	30.2	1.22
Grant		
Greeley	27.5	1.26
Hall	26.0	1.26
Hamilton	32.0	1.27
Harlan	25.2	1.22
Hayes	26.8	1.16
Hitchcock	28.0	1.18
Holt	17.3	1.25
Hooker	13.9	1.18
Howard	26.1	1.26
Jefferson	32.1	1.28
Johnson	31.2	1.29
Kearney	29.9	1.24
Keith	26.9	1.15
Keya Paha	21.6	1.22
Kimball	22.5	1.10
Knox	23.3	1.28
Lancaster	35.9	1.31
Lincoln	29.5	1.19
Logan	29.2	1.20
Loup	25.0	1.24
McPherson	21.6	1.20
Madison	26.6	1.29
Merrick	24.8	1.28
Morrill	26.2	1.13
Nance	26.0	1.28
Nemaha	33.1	1.30
Nuckolls	29.8	1.26
Otoe	34.8	1.31
Pawnee	31.9	1.28
Perkins	25.3	1.16
Phelps	29.4	1.23
Pierce	26.0	1.29
Platte	29.4	1.30
Polk	33.2	1.29
Redwillow	30.2	1.20
Richardson	30.8	1.28
Rock	17.4	1.22
Saline	32.5	1.30
Sarpy	34.1	1.31
Saunders	36.7	1.31
Scotts Bluff	26.1	1.12
Seward	34.0	1.31
Sheridan	31.2	1.16
Sherman	25.3	1.25
Sioux	34.4	1.13
Stanton	26.2	1.31
Thayer	30.5	1.27
Thomas	13.7	1.20
Thurston	26.9	1.29
Valley	26.8	1.24
Washington	34.1	1.31
Wayne	28.8	1.27
Webster	28.9	1.24
Wheeler	23.5	1.28
York	35.8	1.29
State check yield	29.4	

NEVADA

Churchill	60.0	1.20
Clark	40.0	1.20
Douglas	50.0	1.20
Elko	47.1	1.20
Esmeralda	42.0	1.20
Eureka	40.0	1.20
Humboldt	62.0	1.20
Lander	45.0	1.20
Lincoln	42.0	1.20
Lyon	60.0	1.20
Mineral	40.0	1.20
Nye	40.0	1.20
Ormsby	46.0	1.20
Pershing	80.6	1.20
Storey	46.0	1.20
Washoe	46.0	1.20
White Pine	45.0	1.20
State check yield	60.1	

NEW JERSEY

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Atlantic	38.0	1.39
Bergen		
Burlington	41.9	1.40
Camden	41.3	1.42
Cape May	38.0	1.37
Cumberland	41.9	1.40
Essex		
Gloucester	41.3	1.41
Hudson		
Hunterdon	38.9	1.39
Mercer	41.9	1.40
Middlesex	41.9	1.39
Monmouth	41.9	1.40
Morris	38.0	1.40
Ocean	39.4	1.39
Passaic		
Salem	41.9	1.41
Somerset	38.0	1.39
Sussex	38.2	1.40
Union	37.3	1.40
Warren	41.8	1.38
State check yield	41.0	

NEW MEXICO

Bernalillo	29.7	1.14
Catron	34.6	1.01
Chaves	40.6	1.21
Colfax	26.1	1.13
Curry	37.8	1.26
De Baca	42.2	1.20
Dona Ana	32.2	1.14
Eddy	44.2	1.20
Grant	39.0	.97
Guadalupe	17.1	1.19
Harding	13.4	1.23
Hidalgo	65.4	1.10
Lea	23.0	1.23
Lincoln	18.7	1.17
Luna		
McKinley	17.4	.93
Mora	21.5	1.14
Otero	39.8	1.17
Quay	16.2	1.25
Rio Arriba	20.6	.93
Roosevelt	18.0	1.25
Sandoval	28.7	1.14
San Juan	34.9	.93
San Miguel	25.4	1.14
Santa Fe	20.3	1.15
Sierra	32.1	1.14
Socorro	21.0	1.14
Taos	24.0	.94
Torrance	20.0	1.16
Union	30.8	1.22
Valencia	39.7	1.06
State check yield	26.6	

NEW YORK

Albany	45.5	1.42
Allegany	36.4	1.35
Broome	32.0	1.35
Cattaraugus	33.6	1.30
Cayuga	42.8	1.35
Chautauqua	36.4	1.25
Chemung	35.3	1.35
Chenango	38.1	1.35
Clinton	26.4	1.31
Columbia	43.4	1.40
Cortland	37.9	1.35
Delaware	38.9	1.36
Dutchess	43.8	1.39
Erie	41.5	1.32
Essex	43.3	1.35
Franklin	26.4	1.28
Fulton	41.6	1.36
Genesee	47.5	1.35
Greene	45.3	1.40
Hamilton		
Herkimer	39.2	1.36
Jefferson	37.0	1.31
Lewis	39.1	1.33
Livingston	46.5	1.35
Madison	40.9	1.35
Monroe	46.5	1.35
Montgomery	43.9	1.41
Nassau	47.0	1.37
New York City		
Niagara	45.9	1.35
Oneida	45.6	1.37
Onondaga	39.4	1.35
Ontario	47.8	1.36
Orange	44.9	1.36
Orleans	47.9	1.36

NEW YORK—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Oswego	38.3	1.35
Otsego	38.9	1.37
Putnam		
Rensselaer	43.3	1.41
Richmond		
Rockland		
St. Lawrence	31.0	1.30
Saratoga	44.6	1.40
Schenectady	43.2	1.41
Schoharie	48.8	1.40
Schuyler	32.6	1.35
Seneca	44.7	1.35
Steuben	35.8	1.35
Suffolk	47.9	1.37
Sullivan	24.8	1.33
Tioga	32.9	1.35
Tompkins	37.0	1.35
Ulster	44.2	1.38
Warren		
Washington	44.2	1.39
Wayne	43.0	1.35
Westchester	29.5	1.40
Wyoming	44.4	1.34
Yates	45.3	1.35
State check yield	43.9	

NORTH CAROLINA

Alamance	36.6	1.34
Alexander	31.1	1.34
Alleghany	35.0	1.34
Anson	30.7	1.34
Ashe	29.3	1.34
Avery	26.5	1.34
Beaufort	37.8	1.34
Bertie	36.3	1.34
Bladen	35.0	1.34
Brunswick	35.6	1.34
Buncombe	31.4	1.34
Burke	33.2	1.34
Cabarrus	33.2	1.34
Caldwell	34.0	1.34
Camden	40.7	1.34
Carteret	35.5	1.34
Caswell	33.8	1.34
Catawba	34.5	1.34
Chatham	31.8	1.34
Cherokee	22.9	1.34
Chowan	37.3	1.34
Clay	26.2	1.34
Cleveland	32.3	1.34
Columbus	35.0	1.34
Craven	38.6	1.34
Cumberland	30.9	1.34
Currituck	40.5	1.34
Dare		
Davidson	32.7	1.34
Davie	33.7	1.34
Duplin	36.3	1.34
Durham	35.9	1.34
Edgecombe	39.6	1.34
Forsyth	34.0	1.34
Franklin	35.0	1.34
Gaston	30.5	1.34
Gates	36.4	1.34
Graham		
Granville	31.6	1.34
Greene	41.8	1.34
Guilford	35.8	1.34
Halifax	38.8	1.34
Harnett	35.0	1.34
Haywood	31.3	1.34
Henderson	30.8	1.34
Hertford	35.3	1.34
Hoke	34.2	1.34
Hyde	39.0	1.34
Iredell	34.2	1.34
Jackson	24.2	1.34
Johnston	35.9	1.34
Jones	38.4	1.34
Lee	31.1	1.34
Lenoir	37.8	1.34
Lincoln	35.2	1.34
McDowell	32.5	1.34
Macon	25.2	1.34
Madison	31.5	1.34
Martin	38.7	1.34
Mecklenburg	31.2	1.34
Mitchell		
Montgomery	30.5	1.34
Moore	28.7	1.34
Nash	41.0	1.34
New Hanover	34.6	1.34
Northampton	32.7	1.34
Onslow	35.3	1.34
Orange	35.9	1.34
Pamlico	39.1	1.34
Pasquotank	41.3	1.34
Pender	34.8	1.34
Perquimans	43.2	1.34
Person	32.3	1.34
Pitt	40.7	1.34
Polk	31.6	1.34
Randolph	32.3	1.34
Richmond	30.5	1.34
Robeson	33.3	1.34
Rockingham	34.5	1.34
Rowan	34.2	1.34
Rutherford	32.4	1.34
Sampson	34.0	1.34
Scotland	35.1	1.34
Stanly	32.7	1.34
Stokes	32.3	1.34
Surry	37.3	1.34
Swain		
Transylvania	32.3	1.34
Tyrrell	37.8	1.34
Union	33.7	1.34
Vance	33.1	1.34
Wake	34.8	1.34
Warren	33.7	1.34
Washington	40.9	1.34
Watauga	33.3	1.34
Wayne	39.6	1.34
Wilkes	33.2	1.34
Wilson	44.6	1.34
Yadkin	35.0	1.34
Yancey	28.3	1.34
State check yield	34.5	

NORTH DAKOTA

Adams	22.8	1.20
Barnes	29.9	1.30
Benson	26.7	1.22
Billings	22.1	1.18
Bottineau	28.1	1.16
Bowman	21.6	1.19
Burke	27.1	1.15
Burleigh	22.9	1.23
Cass	31.8	1.32
Cavalier	33.8	1.23
Dickey	25.7	1.31
Divide	25.4	1.13
Dunn	22.4	1.18
Eddy	26.5	1.25
Emmons	22.1	1.25
Foster	28.2	1.26
Golden Valley	27.0	1.15
Grand Forks	31.8	1.31
Grant	21.4	1.21
Griggs	30.5	1.29
Hettinger	26.1	1.20
Kidder	20.7	1.24
La Moure	27.3	1.28
Logan	21.1	1.26
McHenry	24.3	1.18
McIntosh	19.7	1.26
McKenzie	24.0	1.12
McLean	27.2	1.19
Mercer	23.7	1.19
Morton	23.0	1.22
Mountrail	26.7	1.15
Nelson	35.0	1.27
Oliver	21.5	1.20
Pembina	30.8	1.28
Pierce	24.9	1.20
Ramsey	33.7	1.24
Ransom	27.9	1.32
Renville	30.4	1.15
Richland	28.3	1.36
Rolette	28.6	1.19
Sargent	27.2	1.34
Sheridan	22.3	1.21
Sioux	20.5	1.22
Slope	27.6	1.20
Stark	25.5	1.20
Steele	32.8	1.30
Stutsman	28.1	1.27
Towner	32.3	1.20
Traill	33.1	1.31
Walsh	32.8	1.29
Ward	28.6	1.16
Wells	28.0	1.24
Williams	23.6	1.14
State check yield	27.2	

OHIO

Adams	26.6	1.18
Allen	40.0	1.22
Ashland	34.0	1.22
Ashtabula	34.6	1.24
Athens	27.6	1.20
Auglaize	39.1	1.21
Belmont	32.8	1.21
Brown	27.4	1.18
Butler	36.6	1.18
Carroll	34.6	1.21
Champaign	41.5	1.19
Clark	41.6	1.18
Clermont	28.8	1.18
Clinton	35.6	1.18
Columbiana	36.1	1.22
Coshocton	31.2	1.21
Crawford	37.5	1.23
Cuyahoga	36.6	1.21
Darke	40.1	1.20
Defiance	35.2	1.22
Delaware	34.5	1.20
Erie	42.9	1.23
Fairfield	33.8	1.20
Fayette	36.1	1.18
Franklin	35.0	1.20
Fulton	44.7	1.22
Gallia	26.5	1.18
Geauga	30.5	1.24
Greene	38.1	1.18
Guernsey	27.8	1.21
Hamilton	36.9	1.18
Hancock	41.8	1.24
Hardin	36.9	1.22
Harrison	34.8	1.21
Henry	41.8	1.22
Highland	30.9	1.18
Hocking	29.7	1.20
Holmes	35.5	1.21
Huron	39.5	1.23
Jackson	30.4	1.18
Jefferson	32.3	1.23
Knox	40.4	1.21
Lake	33.3	1.23
Lawrence	31.8	1.18
Licking	29.9	1.20
Logan	39.3	1.20
Lorain	37.5	1.22
Lucas	45.6	1.23
Madison	40.9	1.19
Mahoning	36.0	1.24
Marion	37.2	1.20
Medina	35.1	1.21
Meigs	31.6	1.18
Mercer	38.6	1.21
Miami	38.6	1.19
Monroe	31.5	1.21
Montgomery	36.3	1.18
Morgan	31.4	1.21
Morrow	32.9	1.21
Muskingum	28.9	1.21
Noble	27.4	1.21
Ottawa	39.7	1.24
Paulding	37.3	1.22
Perry	29.5	1.20
Pickaway	39.0	1.19
Pike	31.3	1.18
Portage	33.8	1.21
Preble	40.0	1.18
Putnam	39.3	1.23
Richland	34.9	1.22
Ross	33.9	1.19
Sandusky	41.5	1.24
Scioto	31.7	1.18
Seneca	40.2	1.23
Shelby	38.1	1.21
Stark	37.4	1.21
Summit	33.3	1.21
Trumbull	32.2	1.24
Tuscarawas	34.2	1.21
Union	36.1	1.20
Van Wert	42.5	1.22
Vinton	29.8	1.20
Warren	33.8	1.18
Washington	31.4	1.21
Wayne	36.6	1.21
Williams	37.6	1.22
Wood	43.8	1.24
Wyandot	38.4	1.23
State check yield	37.4	

OKLAHOMA

Adair	27.9	1.26
Alfalfa	28.5	1.23
Atoka	23.5	1.26
Beaver	16.3	1.23
Beckham	20.5	1.26
Blaine	25.7	1.26
Bryan	23.7	1.26
Caddo	29.7	1.26
Canadian	27.9	1.26
Carter	24.8	1.26

OKLAHOMA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Cherokee	25.2	1.26
Choctaw	24.1	1.26
Cimarron	16.3	1.21
Cleveland	28.2	1.26
Coal	27.9	1.26
Comanche	21.8	1.26
Cotton	27.3	1.26
Craig	27.6	1.27
Creek	24.7	1.26
Custer	27.1	1.26
Delaware	29.3	1.26
Dewey	22.5	1.26
Ellis	16.5	1.24
Garfield	27.4	1.26
Garvin	26.1	1.26
Grady	28.7	1.26
Grant	27.3	1.25
Greer	20.4	1.26
Harmon	20.0	1.26
Harper	16.4	1.24
Haskell	26.5	1.26
Hughes	24.2	1.26
Jackson	21.9	1.26
Jefferson	23.9	1.26
Johnston	26.3	1.26
Kay	32.3	1.25
Kingfisher	24.8	1.26
Kiowa	22.4	1.26
Latimer	20.1	1.26
Le Flore	28.2	1.26
Lincoln	23.5	1.26
Logan	27.1	1.26
Love	25.7	1.26
McClain	28.7	1.26
McCurtain	21.9	1.26
McIntosh	25.1	1.26
Major	25.5	1.26
Marshall	25.9	1.26
Mayes	30.1	1.25
Murray	26.0	1.26
Muskogee	27.9	1.26
Noble	29.1	1.26
Nowata	30.7	1.27
Okfuskee	24.9	1.26
Oklahoma	27.6	1.26
Okmulgee	23.1	1.26
Osage	28.6	1.25
Ottawa	31.4	1.26
Pawnee	27.4	1.26
Payne	25.9	1.26
Pittsburg	25.5	1.26
Pontotoc	24.5	1.26
Pottawatomie	27.2	1.26
Pushmataha	23.0	1.26
Roger Mills	19.2	1.25
Rogers	29.5	1.25
Seminole	25.5	1.26
Sequoyah	29.9	1.26
Stephens	25.8	1.26
Texas	16.3	1.23
Tillman	26.3	1.26
Tulsa	28.9	1.25
Wagoner	27.6	1.25
Washington	30.8	1.26
Washita	23.7	1.26
Woods	22.8	1.24
Woodward	19.6	1.25
State check yield	23.7	

OREGON

Baker	39.2	1.24
Benton	50.0	1.29
Clackamas	48.6	1.30
Clatsop		
Columbia	47.5	1.26
Coos		
Crook	56.8	1.27
Curry		
Deschutes	43.1	1.27
Douglas	33.2	1.17
Gilliam	26.7	1.30
Grant	23.7	1.29
Harney	25.9	1.11
Hood River	24.2	1.33
Jackson	39.9	1.17
Jefferson	46.0	1.30
Josephine	35.5	1.17
Klamath	41.5	1.25
Lake	27.8	1.25
Lane	46.2	1.23
Lincoln		
Linn	44.3	1.28
Malheur	57.5	1.15
Marion	51.3	1.31
Morrow	24.8	1.29
Multnomah	48.8	1.31
Polk	47.6	1.30
Sherman	29.8	1.32
Tillamook		
Umatilla	33.0	1.28
Union	44.9	1.25
Wallowa	40.4	1.23
Wasco	32.3	1.33
Washington	53.3	1.32
Wheeler	27.8	1.29
Yamhill	51.8	1.31
State check yield	34.6	

PENNSYLVANIA

Adams	36.4	1.30
Allegheny	33.0	1.27
Armstrong	34.2	1.25
Beaver	34.7	1.24
Bedford	36.0	1.30
Berks	39.3	1.38
Blair	37.5	1.29
Bradford	35.2	1.34
Bucks	38.1	1.40
Butler	37.0	1.26
Cambria	34.0	1.28
Cameron	26.4	1.29
Carbon	34.4	1.36
Centre	37.5	1.30
Chester	44.9	1.40
Clarion	31.9	1.26
Clearfield	30.1	1.29
Clinton	35.6	1.31
Columbia	38.6	1.38
Crawford	34.7	1.24
Cumberland	38.6	1.36
Dauphin	38.4	1.35
Delaware	41.0	1.41
Elk	32.3	1.29
Erie	35.2	1.24
Fayette	35.6	1.29
Forest	30.3	1.26
Franklin	38.6	1.36
Fulton	33.0	1.33
Greene	35.3	1.27
Huntingdon	35.6	1.31
Indiana	34.2	1.28
Jefferson	31.9	1.28
Juniata	35.8	1.32
Lackawanna	34.2	1.33
Lancaster	45.6	1.38
Lawrence	37.3	1.27
Lebanon	40.9	1.36
Lehigh	38.6	1.39
Luzerne	34.7	1.34
Lycoming	36.4	1.31
McKean	33.8	1.29
Mercer	35.9	1.24
Mifflin	36.5	1.32
Monroe	36.4	1.36
Montgomery	37.5	1.40
Montour	36.2	1.34
Northampton	42.0	1.38
Northumberland	36.4	1.33
Perry	36.4	1.35
Philadelphia		
Pike	34.2	1.33
Potter	37.5	1.28
Schuylkill	34.2	1.35
Snyder	35.5	1.33
Somerset	34.4	1.29
Sullivan	34.3	1.35
Susquehanna	34.7	1.34
Tioga	34.2	1.31
Union	38.1	1.33
Venango	33.0	1.24
Warren	32.4	1.24
Washington	36.0	1.24
Wayne	34.2	1.33
Westmoreland	36.0	1.26
Wyoming	35.0	1.35
York	40.5	1.38
State check yield	38.1	

RHODE ISLAND

Bristol		
Kent		
Newport	31.4	1.36
Providence		
Washington	31.4	1.36
State check yield	31.4	

SOUTH CAROLINA

Abbeville	29.9	1.33
Aiken	30.0	1.33
Allendale	30.5	1.33
Anderson	30.1	1.33
Bamberg	31.3	1.33
Barnwell	29.7	1.33
Beaufort	34.6	1.33
Berkeley	34.1	1.33
Calhoun	33.2	1.33
Charleston	33.6	1.33
Cherokee	31.1	1.33
Chester	31.6	1.33
Chesterfield	29.3	1.33
Clarendon	31.6	1.33
Colleton	29.1	1.33
Darlington	33.8	1.33
Dillon	34.9	1.33
Dorchester	32.9	1.33
Edgefield	33.0	1.33
Fairfield	29.7	1.33
Florence	32.9	1.33
Georgetown	28.7	1.33
Greenville	29.9	1.33
Greenwood	30.3	1.33
Hampton	31.4	1.33
Horry	33.8	1.33
Jasper	28.3	1.33
Kershaw	30.0	1.33
Lancaster	28.1	1.33
Laurens	31.1	1.33
Lee	34.5	1.33
Lexington	26.6	1.33
McCormick	28.4	1.33
Marion	31.9	1.33
Marlboro	32.3	1.33
Newberry	34.7	1.33
Oconee	29.7	1.33
Orangeburg	30.9	1.33
Pickens	25.8	1.33
Richland	31.9	1.33
Saluda	31.6	1.33
Spartanburg	30.7	1.33
Sumter	32.5	1.33
Union	29.9	1.33
Williamsburg	30.9	1.33
York	31.6	1.33
State check yield	31.0	

SOUTH DAKOTA

Aurora	17.9	1.30
Beadle	16.7	1.33
Bennett	31.0	1.18
Bon Homme	18.0	1.31
Brookings	21.5	1.36
Brown	20.7	1.33
Brule	23.4	1.30
Buffalo	22.3	1.31
Butte	25.2	1.20
Campbell	18.4	1.27
Charles Mix	19.2	1.29
Clark	19.0	1.35
Clay	21.6	1.32
Codington	21.5	1.36
Corson	19.1	1.23
Custer	18.2	1.14
Davison	18.9	1.31
Day	24.2	1.35
Deuel	21.9	1.38
Dewey	18.9	1.23
Douglas	17.6	1.29
Edmunds	16.5	1.31
Fall River	28.7	1.11
Faulk	18.6	1.32
Grant	21.3	1.38
Gregory	27.8	1.25
Haakon	31.1	1.26
Hamlin	21.7	1.36
Hand	18.5	1.32
Hanson	19.5	1.31
Harding	17.3	1.19
Hughes	20.9	1.30
Hutchinson	18.3	1.30
Hyde	19.3	1.31
Jackson	28.3	1.26
Jerauld	17.0	1.31
Jones	28.6	1.29
Kingsbury	18.1	1.35
Lake	21.2	1.34
Lawrence	26.8	1.20
Lincoln	20.2	1.32
Lyman	31.8	1.30
McCook	19.2	1.31
McPherson	15.8	1.29
Marshall	22.8	1.34
Meade	28.7	1.20
Mellette	27.2	1.23
Miner	17.3	1.32
Minnehaha	21.2	1.33
Moody	22.8	1.36
Pennington	30.5	1.23
Perkins	20.0	1.21

SOUTH DAKOTA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Potter	21.0	1.31
Roberts	20.4	1.37
Sanborn	16.5	1.31
Shannon	30.8	1.17
Spink	19.0	1.34
Stanley	28.2	1.30
Sully	21.6	1.31
Todd	25.1	1.23
Tripp	31.1	1.34
Turner	19.0	1.31
Union	21.2	1.32
Walworth	20.7	1.29
Washabaugh	32.4	1.26
Yankton	19.1	1.29
Ziebach	21.5	1.22
State check yield	21.6	

TENNESSEE

Anderson	21.8	1.33
Bedford	28.6	1.30
Benton	25.0	1.27
Bledsoe	23.7	1.31
Blount	27.3	1.34
Bradley	30.7	1.33
Campbell	23.9	1.33
Cannon	30.6	1.29
Carroll	36.9	1.26
Carter	30.5	1.36
Cheatham	31.8	1.28
Chester	32.5	1.26
Claiborne	29.0	1.36
Clay	25.3	1.29
Cocke	29.3	1.34
Coffee	34.2	1.30
Crockett	35.9	1.25
Cumberland	29.4	1.31
Davidson	24.4	1.28
Decatur	29.3	1.27
De Kalb	24.7	1.29
Dickson	32.8	1.28
Dyer	39.6	1.25
Fayette	31.1	1.25
Fentress	36.3	1.31
Franklin	32.8	1.31
Gibson	36.4	1.25
Giles	27.3	1.30
Grainger	28.7	1.34
Greene	31.3	1.35
Grundy	32.9	1.30
Hamblen	32.3	1.35
Hamilton	23.4	1.32
Hancock	25.4	1.36
Hardeman	28.7	1.26
Hardin	31.9	1.27
Hawkins	27.6	1.37
Haywood	36.8	1.25
Henderson	38.3	1.27
Henry	39.1	1.26
Hickman	33.0	1.28
Houston	35.5	1.27
Humphreys	24.3	1.27
Jackson	21.9	1.29
Jefferson	33.9	1.34
Johnson	30.0	1.36
Knox	25.1	1.34
Lake	40.6	1.25
Lauderdale	35.9	1.25
Lawrence	29.5	1.29
Lewis	30.0	1.29
Lincoln	25.5	1.31
Loudon	31.8	1.33
McMinn	27.3	1.33
McNairy	27.4	1.26
Macon	32.1	1.28
Madison	32.7	1.25
Marion	27.0	1.31
Marshall	27.2	1.30
Maury	30.3	1.29
Meigs	23.5	1.32
Monroe	28.7	1.34
Montgomery	40.8	1.27
Moore	25.7	1.30
Morgan	25.8	1.32
Obion	35.9	1.25
Overton	30.2	1.30
Perry	26.3	1.28
Pickett	29.4	1.30
Polk	27.3	1.34
Putnam	33.3	1.30
Rhea	23.6	1.32
Roane	29.3	1.32
Robertson	37.5	1.27
Rutherford	33.3	1.29
Scott		
Sequatchie	26.3	1.31
Sevier	32.9	1.34
Shelby	33.1	1.25
Smith	24.3	1.29

TENNESSEE—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Stewart	34.5	1.27
Sullivan	31.5	1.37
Sumner	35.2	1.27
Tipton	41.7	1.25
Trousdale	29.1	1.28
Unicoi	28.2	1.35
Union	24.0	1.34
Van Buren	25.3	1.30
Warren	31.1	1.30
Washington	31.4	1.36
Wayne	31.4	1.28
Weakley	34.7	1.25
White	31.5	1.30
Williamson	29.3	1.29
Wilson	27.5	1.28
State check yield	32.5	

TEXAS

Anderson		
Andrews		
Angelina		
Aransas		
Archer	16.7	1.26
Armstrong	15.6	1.26
Atascosa	18.2	1.37
Austin		
Bailey	24.4	1.26
Bandera	14.6	1.35
Bastrop	16.9	1.39
Baylor	17.3	1.26
Bee	17.6	1.37
Bell	15.9	1.39
Bexar	21.5	1.39
Blanco	14.9	1.38
Borden	12.6	1.26
Bosque	16.1	1.37
Bowie	26.8	1.50
Brazoria		
Brazos	17.3	1.40
Brewster		
Briscoe	20.7	1.26
Brooks		
Brown	14.0	1.35
Burleson		
Burnet	14.1	1.35
Caldwell	16.6	1.39
Calhoun		
Callahan	15.8	1.26
Cameron		
Camp		
Carson	18.1	1.26
Cass		
Castro	38.7	1.26
Chambers		
Cherokee	14.7	1.40
Childress	14.8	1.26
Clay	20.4	1.28
Cochran	20.4	1.26
Coke	13.8	1.26
Coleman	13.9	1.32
Collin	20.5	1.45
Collingsworth	16.9	1.26
Colorado	19.0	1.47
Comal	14.1	1.39
Comanche	16.1	1.29
Concho	13.0	1.35
Cooke	20.1	1.30
Coryell	15.2	1.35
Cottle	14.7	1.26
Crane		
Crockett		
Crosby	21.8	1.26
Culberson	19.6	1.18
Dallam	27.9	1.23
Dallas	19.3	1.35
Dawson	18.1	1.26
Deaf Smith	35.1	1.26
Delta	22.3	1.32
Denton	20.3	1.35
De Witt	14.9	1.39
Dickens	14.5	1.26
Dimmit	14.7	1.28
Donley	14.9	1.26
Duval		
Eastland	14.0	1.27
Ector		
Edwards	14.7	1.26
Ellis	18.0	1.37
El Paso		
Erath	15.0	1.31
Falls	16.6	1.39
Fannin	23.6	1.30
Fayette		
Fisher	17.6	1.26
Floyd	21.2	1.26
Foard	22.1	1.26
Fort Bend		

TEXAS—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Franklin		
Freestone		
Frio	26.6	1.32
Gaines	24.3	1.26
Galveston		
Garza	12.7	1.26
Gillespie	17.9	1.34
Glasscock	24.0	1.26
Goliad		
Gonzales	16.5	1.39
Gray	15.3	1.26
Grayson	21.5	1.30
Gregg		
Grimes		
Guadalupe	21.1	1.39
Hale	30.8	1.26
Hall	14.0	1.26
Hamilton	14.6	1.32
Hansford	28.0	1.24
Hardeman	18.8	1.26
Hardin		
Harris		
Harrison		
Hartley	23.0	1.24
Haskell	17.1	1.26
Hays	15.2	1.39
Hemphill	16.4	1.24
Henderson	15.0	1.39
Hidalgo		
Hill	16.1	1.38
Hockley	18.5	1.26
Hood	15.8	1.34
Hopkins	17.6	1.32
Houston	21.8	1.40
Howard	12.3	1.26
Hudspeth		
Hunt	21.7	1.34
Hutchinson	26.0	1.24
Irion	15.7	1.23
Jack	17.0	1.30
Jackson	14.3	1.43
Jasper		
Jeff Davis		
Jefferson		
Jim Hogg		
Jim Wells		
Johnson	16.8	1.37
Jones	17.7	1.26
Karnes	17.0	1.37
Kaufman	17.8	1.36
Kendall	15.0	1.35
Kenedy		
Kent	12.5	1.26
Kerr	14.4	1.33
Kimble	13.0	1.35
King	13.0	1.26
Kinney		
Kleberg		
Knox	19.3	1.26
Lamar	24.7	1.30
Lamb	32.3	1.26
Lampasas	18.0	1.35
La Salle		
Lavaca	21.0	1.42
Lee		
Leon	15.7	1.40
Liberty		
Limestone	17.2	1.39
Lipscomb	14.2	1.24
Live Oak	16.5	1.37
Llano	14.7	1.35
Loving		
Lubbock	21.6	1.26
Lynn	15.5	1.26
McCulloch	12.7	1.35
McLennan	16.2	1.39
McMullen		
Madison		
Marion		
Martin	13.6	1.25
Mason	14.2	1.35
Matagorda		
Maverick	22.8	1.24
Medina	22.9	1.37
Menard	14.1	1.35
Midland	15.7	1.24
Milam	17.3	1.41
Mills	16.1	1.35
Mitchell	14.7	1.26
Montague	19.8	1.30
Montgomery		
Moore	31.7	1.24
Morris		
Motley	13.8	1.26
Nacogdoches		
Navarro	19.6	1.37
Newton		
Nolan	19.8	1.26
Nueces		
Ochiltree	15.4	1.24

TEXAS—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Oldham	16.4	1.26
Orange		
Palo Pinto	14.2	1.30
Panola		
Parker	16.5	1.34
Parmer	47.7	1.26
Pecos	34.8	1.19
Polk		
Potter	15.4	1.26
Presidio	24.6	1.17
Rains	19.7	1.35
Randall	18.0	1.26
Reagan	15.3	1.23
Real		
Red River	29.4	1.30
Reeves	30.2	1.19
Refugio		
Roberts	14.5	1.25
Robertson		
Rockwall	18.2	1.35
Runnels	14.3	1.30
Rusk		
Sabine		
San Augustine		
San Jacinto		
San Patricio		
San Saba	17.5	1.35
Schleicher	14.9	1.24
Scurry	12.6	1.26
Shackelford	17.2	1.26
Shelby		
Sherman	27.3	1.23
Smith		
Somervell	15.1	1.34
Starr		
Stephens	15.3	1.30
Sterling	12.4	1.26
Stonewall	17.4	1.26
Sutton		
Swisher	32.4	1.26
Tarrant	18.5	1.36
Taylor	16.1	1.28
Terrell		
Terry	18.8	1.26
Throckmorton	17.7	1.28
Titus		
Tom Green	15.9	1.26
Travis	16.6	1.39
Trinity		
Tyler		
Upshur		
Upton		
Uvalde	17.8	1.31
Val Verde		
Van Zandt	16.6	1.35
Victoria	17.3	1.39
Walker	14.9	1.41
Waller	15.7	1.53
Ward		
Washington	16.7	1.47
Webb		
Wharton	18.2	1.51
Wheeler	16.9	1.26
Wichita	20.4	1.26
Wilbarger	19.3	1.26
Willacy		
Williamson	16.3	1.39
Wilson	16.1	1.37
Winkler		
Wise	17.1	1.32
Wood		
Yoakum	18.1	1.26
Young	19.3	1.30
Zapata		
Zavala	22.7	1.28
State check yield	22.1	

UTAH

Beaver	50.3	1.16
Box Elder	31.5	1.16
Cache	34.6	1.16
Carbon	48.3	.95
Daggett	36.4	.94
Davis	52.5	1.18
Duchesne	44.0	1.01
Emery	42.0	.95
Garfield	36.0	.95
Grand	30.3	.95
Iron	36.0	1.14
Juab	26.0	1.16
Kane	32.0	.95
Millard	26.5	1.16
Morgan	36.2	1.17
Piute	53.0	.95
Rich	29.1	1.08
Salt Lake	35.3	1.18
San Juan	19.1	.95
Sanpete	38.0	.95

UTAH—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Sevier	58.9	.95
Summit	37.9	1.17
Tooele	22.4	1.18
Uintah	41.6	.97
Utah	37.0	1.18
Washatch	52.5	1.04
Washington	30.3	1.14
Wayne	47.5	.95
Weber	48.5	1.18
State check yield	31.5	

VERMONT

Addison	34.5	1.34
Bennington		
Caledonia		
Chittenden	34.5	1.34
Essex		
Franklin		
Grand Isle	34.5	1.34
Lamoille		
Orange		
Orleans	34.5	1.34
Rutland		
Washington		
Windham	34.5	1.34
Windsor		
State check yield	34.5	

VIRGINIA

Accomack	35.4	1.35
Albemarle	37.0	1.34
Alleghany	30.7	1.32
Amelia	33.7	1.35
Amherst	32.0	1.34
Appomattox	32.9	1.35
Augusta	35.7	1.34
Bath	30.9	1.32
Bedford	35.6	1.34
Bland	31.5	1.32
Botetourt	35.1	1.33
Brunswick	29.8	1.34
Buchanan	24.5	1.32
Buckingham	34.9	1.35
Campbell	33.1	1.34
Caroline	33.6	1.35
Carroll	32.4	1.33
Charles City	37.3	1.35
Charlotte	31.7	1.35
Chesapeake	36.0	1.34
Chesterfield	29.5	1.35
Clarke	34.0	1.34
Craig	32.5	1.32
Culpeper	34.5	1.34
Cumberland	34.0	1.35
Dickenson	25.0	1.32
Dinwiddie	33.2	1.35
Essex	36.1	1.35
Fairfax	31.5	1.34
Fauquier	33.9	1.34
Floyd	35.7	1.33
Fluvanna	33.5	1.34
Franklin	33.4	1.33
Frederick	32.2	1.34
Giles	31.8	1.32
Gloucester	32.0	1.35
Goochland	33.3	1.35
Grayson	29.9	1.33
Greene	32.1	1.34
Greensville	31.8	1.34
Halifax	30.5	1.34
Hampton	27.6	1.35
Hanover	37.1	1.35
Henrico	34.3	1.35
Henry	31.0	1.33
Highland	30.1	1.32
Isle of Wight	31.6	1.34
James City	36.3	1.35
King and Queen	34.1	1.35
King George	34.7	1.35
King William	35.4	1.35
Lancaster	33.8	1.35
Lee	34.2	1.33
Loudoun	34.3	1.34
Louisa	34.0	1.34
Lunenburg	31.7	1.35
Madison	34.7	1.34
Mathews	36.5	1.35
Mecklenburg	31.6	1.34
Middlesex	36.1	1.35
Montgomery	30.5	1.32
Nansemond	33.1	1.34
Nelson	36.2	1.34
New Kent	39.8	1.35
Newport News		
Northampton	38.6	1.36

VIRGINIA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Northumberland	38.4	1.35
Nottoway	32.1	1.35
Orange	34.3	1.34
Page	33.9	1.34
Patrick	34.0	1.33
Pittsylvania	31.9	1.34
Powhatan	31.8	1.35
Prince Edward	34.2	1.35
Prince George	30.2	1.35
Prince William	32.7	1.34
Pulaski	28.4	1.33
Rappahannock	36.0	1.34
Richmond	37.0	1.35
Roanoke	35.6	1.33
Rockbridge	36.1	1.34
Rockingham	35.6	1.34
Russell	28.2	1.33
Scott	30.4	1.33
Shenandoah	34.7	1.34
Smyth	31.1	1.33
Southampton	31.8	1.34
Spotsylvania	32.7	1.35
Stafford	34.2	1.35
Surry	32.7	1.34
Sussex	33.6	1.34
Tazewell	28.1	1.32
Virginia Beach	35.1	1.34
Warren	36.4	1.34
Washington	30.0	1.33
Westmoreland	38.0	1.35
Wise	25.0	1.33
Wythe	32.9	1.33
York	36.4	1.35
State check yield	33.7	

WASHINGTON

Adams	34.7	1.27
Asotin	35.1	1.24
Benton	24.7	1.29
Chelan	22.7	1.28
Clallam	46.7	1.15
Clark	40.9	1.32
Columbia	55.5	1.28
Cowlitz	44.3	1.28
Douglas	31.4	1.26
Ferry	39.1	1.22
Franklin	39.0	1.28
Garfield	51.7	1.28
Grant	46.4	1.27
Grays Harbor	41.3	1.23
Island	68.3	1.26
Jefferson	54.4	1.17
King		
Kitsap		
Kittitas	62.1	1.32
Klickitat	33.9	1.32
Lewis	50.6	1.24
Lincoln	43.5	1.26
Mason		
Okanogan	23.4	1.26
Pacific		
Pend Oreille	27.2	1.19
Pierce	40.0	1.30
San Juan	55.0	1.26
Skagit	59.6	1.26
Skamania		
Snohomish	45.4	1.28
Spokane	53.5	1.24
Stevens	43.0	1.30
Thurston	51.3	1.25
Wahkiakum		
Walla Walla	45.0	1.28
Whatcom	39.9	1.25
Whitman	56.0	1.26
Yakima	44.9	1.31
State check yield	43.2	

WEST VIRGINIA

Barbour	31.1	1.29
Berkeley	35.0	1.33
Boone		
Braxton	26.7	1.28
Brooke	31.1	1.26
Cabell	25.0	1.26
Calhoun		
Clay		
Doddridge		
Fayette	27.6	1.30
Gilmer		
Grant	33.5	1.31
Greenbrier	30.6	1.32
Hampshire	32.1	1.32
Hancock	29.3	1.26
Hardy	36.9	1.32
Harrison	28.4	1.28

WEST VIRGINIA—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Jackson	30.0	1.25
Jefferson	34.0	1.34
Kanawha	24.1	1.27
Lewis	27.7	1.28
Lincoln		
Logan		
McDowell		
Marion	29.3	1.27
Marshall	28.6	1.26
Mason	30.0	1.26
Mercer	27.1	1.31
Mineral	35.0	1.31
Mingo		
Monongalia	28.3	1.27
Monroe	33.3	1.31
Morgan	25.6	1.32
Nicholas	28.6	1.30
Ohio	27.6	1.26
Pendleton	30.7	1.32
Pleasants	29.5	1.25
Pocahontas	31.9	1.32
Preston	29.7	1.29
Putnam	24.5	1.26
Raleigh	26.1	1.29
Randolph	32.7	1.31
Ritchie	27.2	1.26
Roane	28.8	1.26
Summers	31.0	1.32
Taylor	29.0	1.29
Tucker	27.2	1.31
Tyler	27.0	1.25
Upshur	28.0	1.29
Wayne	25.0	1.27
Webster	25.0	1.30
Wetzel	27.0	1.26
Wirt	24.1	1.26
Wood	30.5	1.25
Wyoming		
State check yield	32.0	

WISCONSIN

Adams	24.1	1.28
Ashland	26.0	1.41
Barron	25.1	1.39
Bayfield	24.9	1.35
Brown	33.4	1.25
Buffalo	27.8	1.35
Burnett	21.1	1.43
Calumet	35.1	1.26
Chippewa	24.9	1.39
Clark	30.0	1.36
Columbia	36.9	1.27
Crawford	37.5	1.29
Dane	36.4	1.28
Dodge	38.8	1.28
Door	29.5	1.19
Douglas	25.8	1.44
Dunn	27.6	1.39
Eau Claire	28.2	1.36
Florence	22.0	1.24
Fond du Lac	35.0	1.27
Forest	22.2	1.31
Grant	35.1	1.24
Green	38.2	1.29
Green Lake	37.9	1.26
Iowa	35.5	1.26
Iron	20.6	1.36
Jackson	33.6	1.33
Jefferson	38.8	1.29
Juneau	28.2	1.29
Kenosha	43.6	1.32
Kewaunee	35.8	1.22
La Crosse	28.7	1.31
Lafayette	35.3	1.26
Langlade	25.2	1.27
Lincoln	28.5	1.27
Manitowoc	34.4	1.26
Marathon	28.1	1.33
Marinette	24.9	1.24
Marquette	24.9	1.27
Menominee		
Milwaukee	38.9	1.31
Monroe	30.3	1.30
Oconto	26.5	1.23
Oneida	23.2	1.27
Outagamie	33.3	1.25
Ozaukee	37.3	1.30
Pepin	27.1	1.36
Pierce	27.5	1.38
Polk	25.1	1.42
Portage	26.4	1.33
Price	22.2	1.38
Racine	43.5	1.32
Richland	30.1	1.26
Rock	38.4	1.31
Rusk	22.8	1.40
St. Croix	26.3	1.39

WISCONSIN—Continued

County	Projected yield (bushels per acre)	Rate for computing diversion payments (dollars per bushel)
Sauk	33.2	1.27
Sawyer	21.4	1.37
Shawano	30.1	1.28
Sheboygan	39.7	1.26
Taylor	27.6	1.38
Trempealeau	27.3	1.33
Vernon	36.3	1.30
Vilas	21.8	1.25
Walworth	38.4	1.31
Washburn	22.0	1.37
Washington	40.3	1.30
Waukesha	37.7	1.30
Waupaca	32.5	1.28
Waushara	28.3	1.26
Winnebago	34.6	1.26
Wood	33.6	1.36
State check yield	36.7	

WYOMING

Albany	40.6	0.99
Big Horn	26.0	1.06
Carbon	20.6	.99
Converse	21.2	1.06
Crook	25.4	1.09
Fremont	43.1	.96
Goshen	23.9	1.10
Hot Springs	39.7	.97
Johnson	23.1	1.04
Laramie	25.2	1.10
Lincoln	25.3	.98
Natrona	28.8	1.00
Niobrara	21.5	1.10
Park	45.0	.99
Platte	26.2	1.10
Sheridan	27.6	1.04
Sublette		
Sweetwater		
Teton	30.7	1.10
Uinta	30.9	.97
Washakie	40.4	.98
Weston	23.8	1.09
State check yield	25.2	

(Secs. 339(g), 375(b), 379j; 52 Stat. 66, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1339(g), 1375(b), 1379j)

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 23, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-12979; Filed, Nov. 3, 1969; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 7]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

REGULATIONS EXTENDED TO COVER 1970 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool), as amended (31 F.R. 4582, 15234; 32 F.R. 4568, 16391; 33 F.R. 5208, 18009; 34 F.R. 6327), cover the marketing years 1966 through 1969. This amendment of 7 CFR Part 1472 extends such regulations to cover the 1970 marketing year, as follows:

1. Section 1472.1201 is revised to read as follows:

§ 1472.1201 General.

This subpart sets forth the policies, procedures, and requirements governing price support payments for shorn wool and unshorn lambs (pulled wool) for the 1966, 1967, 1968, 1969, and 1970 marketing years by the Commodity Credit Corporation (referred to in this subpart as "CCC").

§ 1472.1203 [Amended]

2. Section 1472.1203 is amended by revising the first sentence to read: "Pursuant to the National Wool Act of 1954, as amended by the Food and Agriculture Act of 1965 (Public Law 89-321) and Public Law 90-559, the Secretary of Agriculture is to announce a price support level for wool which has been determined to meet the requirements of the Act for each of the 5 marketing years, 1966, 1967, 1968, 1969, and 1970."

3. Section 1472.1205 is amended by adding the following new paragraph (f) at the end of the section:

§ 1472.1205 Price support level.

* * * * *

(f) *1970 marketing year.* For the 1970 marketing year, the price support level was announced June 20, 1969, as 72 cents per pound of shorn wool, grease basis.

4. Section 1472.1246 is amended by adding the following new paragraph (e) at the end of the section:

§ 1472.1246 Deductions for promotion.

* * * * *

(e) For the 1969 marketing year, a deduction will be made from each shorn wool payment at the rate of 1.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 7.5 cents per hundredweight of live lambs. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702-708, 68 Stat. 910-912, as amended, secs. 401-403, 72 Stat. 994-995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781-1787, as amended)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 28, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-13096; Filed, Nov. 3, 1969; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 2 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Calcasieu, Caldwell, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Natchitoches, Orleans, Ouachita, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Bordon, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Commanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hill, Hockley, Hood, Howard, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufmann, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Refugio, Roberts, Rockwell, Runnels, Rusk, Sabin, San Augustine, San Saba, Schleicher, Scurry, Shackleford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorten, Tom Green, Travis, Tyler, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): the entire State of Hawaii; Acadia, Calcasieu, and West Carroll Parishes in Louisiana; Garfield and Rock Counties in Nebraska; Cherokee, Hill, Johnson, Kaufmann, Madison, Montague, Refugio, and Tyler Counties in Texas.

Brooks and Howard Counties in Texas were deleted from the list of modified certified brucellosis areas on July 12, 1969. Since said date, it has been determined that such counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as modified certified brucellosis areas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Tensas Parish in Louisiana; Hudspeth and Milam Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of October 1969.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-13118; Filed, Nov. 3, 1969; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1050—MISCELLANEOUS RULES

Freedom of Information

Notice is hereby given that the Office of Foreign Direct Investments, acting under the authority conferred in E.O. 11387 and pursuant to Department of Commerce Order 184-A, hereby amends Part 1050 of Chapter X of Title 15 of the Code of Federal Regulations by adding a new § 1050.111 thereto.

The purpose of this section is to set forth and establish a general statement of policy and rule of agency procedure and practice for the administration of public disclosure requirements contained in 5 U.S.C. §§ 551–558, insofar as they affect documents filed in proceedings under Parts 1025 and 1030 of 15 CFR Ch. X.

This amendment shall become effective upon the date of publication thereof in the FEDERAL REGISTER.

The text of the amendment is as follows:

§ 1050.111 Freedom of Information.

(a) All documents (including transcripts) filed in formal administrative proceedings conducted under Part 1030 of this chapter (except those documents placed in camera pursuant to § 1030.452), and all documents embodying settlements under Part 1025 of this chapter, are part of the public records of the Office. Copies thereof are maintained for public inspection and copying in the office of the Clerk (see § 1050.104) in the case of Part 1030 documents and in the Central Reference and Records Inspection Facility of the Department of Commerce in the case of Part 1025 documents.

(b) The Office may, for good cause shown and upon application by any party submitting documents embodying settlements placed on the public record, as described in paragraph (a) of this section, excise trade secrets and customarily privileged commercial or financial information obtained from any person. Requests for such excision may be made by timely submittal to the Office of a written request specifying with particularity each item sought to be excised and setting forth in each instance a full statement of the party's business reasons for requesting excision. Mere conclusory allegations and requests that entire settlement proposals be omitted from the public record will not be deemed to satisfy the requirements of this paragraph.

(c) All documents of any description received by the Office from any person in connection with an investigation of possible noncompliance with the Foreign Direct Investment Program, and not described in paragraph (a) of this section, are considered part of the investigatory files of the Office, compiled for law enforcement purposes, and will not be disclosed to any person except pursuant to law.

(d) Terms used in this section shall have the meanings ascribed thereto in 5 U.S.C. §§ 551–558.

RICHARD P. URFER,
Director, Office of Foreign Direct Investments.

[F.R. Doc. 69-13113; Filed, Nov. 3, 1969; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 602—COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Foreign Agricultural Labor, Wage Rates

On August 9, 1969, there was published in the FEDERAL REGISTER (34 F.R. 12954) a proposal to amend subparagraph (1) of 20 CFR 602.10b(a). Interested persons were given 15 days in which to submit written data, views, or argument. After consideration of all matter presented by interested persons concerning the proposal, I have decided to and do hereby adopt the amendment as so proposed.

Effective date: As this amendment is an interpretative rule and statement of policy, a delay in effective date is not required and therefore this amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(8 U.S.C. 1184(c), 8 CFR 214.2(h))

Signed at Washington, D.C., this 28th day of October 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

Subparagraph (1) of paragraph (a) of § 602.10b is amended to read as follows:

§ 602.10b Wage rates.

(a) (1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. Workers) shall be offered to agricultural industry workers in accordance with § 602.10a(j):

State	Rate
Alabama	$1.68
Arizona	1.60
Arkansas	1.67
California	1.76
Colorado	1.72
Connecticut	1.75
Delaware	1.58
Florida	1.64
Georgia	1.70
Idaho	1.76
Illinois	1.72
Indiana	1.68
Iowa	1.79
Kansas	1.77
Kentucky	1.71
Louisiana	1.67
Maine	1.72
Maryland	1.65
Massachusetts	1.69
Michigan	1.67
Minnesota	1.85
Mississippi	1.55
Missouri	1.69
Montana	1.78
Nebraska	1.84
Nevada	1.86
New Hampshire	1.76
New Jersey	1.71
New Mexico	1.56
New York	1.74
North Carolina	1.64
North Dakota	1.80
Ohio	1.64
Oklahoma	1.63
Oregon	1.63
Pennsylvania	1.73
Rhode Island	1.67
South Carolina	1.55
South Dakota	1.78
Tennessee	1.72
Texas	1.59
Utah	1.73
Vermont	1.75
Virginia	1.55
Washington	1.80
West Virginia	1.55
Wisconsin	1.77
Wyoming	1.60

[F.R. Doc. 69-13099; Filed, Nov. 3, 1969; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-109]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

Subpart B—Anchorage Grounds

SAN FRANCISCO BAY, SAN PABLO BAY, CARQUINEZ STRAIT, SUISUN BAY, SAN JOAQUIN RIVER, AND CONNECTING WATERS, CALIFORNIA.

1. The Commander, 12th Coast Guard District, San Francisco, Calif., by letter dated August 6, 1969, requested revision of the anchorage regulations for San Francisco Bay and Tributaries and establishment of a special anchorage area in a portion of San Francisco Bay, known as Richardson Bay. The reason for the request is to change the regulations to suit present day conditions and requirements. A public notice dated May 29, 1969, was issued by the Commander, 12th Coast Guard District, San Francisco, Calif., describing the proposed changes. All known interested parties were notified and requested to comment on the proposed changes. Objections to two of the proposals were received. After due consideration these two proposed changes were deleted. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to establish a special anchorage area in Richardson Bay, San Francisco Bay as described in § 110.126a below and to revise § 110.224 (San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California) is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. This document effectuates this request by adding a new § 110.126a describing the limits of the special anchorage area. In this area, vessels not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights. This document also effectuates the request by revising § 110.224.

3. In Part 110, Subpart A is amended by adding a new § 110.126a following § 110.126, to read as follows:

§ 110.126a San Francisco Bay, California.

Richardson Bay Anchorage. That portion of Richardson Bay, north of a line bearing 257° from Peninsula Point to the shore at Sausalito, except for federally-maintained channels, and all channels approved for private use therein.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180; 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(ii))

4. In Part 110, Subpart B is amended by revising § 110.224(a) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California.

(a) *San Francisco Bay*—(1) *Anchorage 3 (general).* That portion of Belvedere Cove west of a line bearing 025°30′ from Peninsula Point to the shore at Tiburon.

(2) *Anchorage 4 (general).* Bounded by the westerly shore of San Francisco Bay and the following lines: Beginning on the shore at Bluff Point; thence to a point bearing 286°, 3,630 yards from Southampton Shoal Light; thence to a point bearing 228°, 4,450 yards from East Brother Island Light; thence along a line bearing 266° to the shore south of Point San Quentin, excluding Explosives Anchorage 13 and the forbidden anchorage surrounding it.

(3) *Anchorage 5 (general).* (i) Bounded by easterly shore of San Francisco Bay and the following lines: Beginning at the shoreward end of the Standard Oil Wharf at Point Orient; thence along the wharf to the southwest corner thereof; thence to a point bearing 334°30′ 4,050 yards from Southampton Shoal Light; thence along a line bearing 093° to the shore; except so much of this area as is included in the restricted area. Naval Fuel Annex, Molate Point (see § 207.640(l) of this chapter), and the improved channel to Richmond Inner Harbor.

(ii) Vessels may anchor in this anchorage immediately adjacent to the improved channel to Richmond Inner Harbor: However, any ship that obstructs the channel must move from its position immediately when the fairway is required by a vessel navigating the channel.

(4) *Anchorage 6 (general).* Bounded by the easterly shore of San Francisco Bay and the following lines: Beginning at the shore at the southernmost extremity of Point Isabel; thence along the northerly shore of Brooks Island to the training wall extending westerly therefrom; thence westerly along the training wall to its bayward end; thence to a point bearing 104°, 1,035 yards, from Treasure Island North End Light; thence along a line bearing 144°30′ to a point 290 yards northerly of the center of Pier K of the San Francisco-Oakland Bay Bridge; thence along a line bearing 071° to the shore; excluding from this area, however, the cable areas therein and a fairway delineated by lines joining the following points:

Latitude	Longitude
37°51′50″	122°19′01″
37°51′48″	122°19′08″
37°51′51″	122°19′10″
37°50′50″	122°22′03″
37°51′00″	122°22′07″
37°52′00″	122°19′15″
37°52′04″	122°19′17″
37°52′08″	122°19′08″
37°52′02″	122°19′03″
37°51′58″	122°19′02″

(5) *Anchorage 7 (temporary).* (i) That portion of San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly shore of Treasure Island at a point bearing 089°, 4,135 yards from Alcatraz Light; thence to points which are the following bearings and distances from Alcatraz Light; 073°30′, 3,100 yards; 065°00′, 2,040 yards; 117°40′, 2,087 yards; 122°30′, 3,730 yards; 111°00′, 4,167 yards; 109°30′, 3,833 yards; 098°30′, 4,583 yards.

(ii) That portion of this anchorage lying westerly of a line having a bearing of 311°30′ from Pier E of the San Francisco-Oakland Bay Bridge is reserved for the use of vessels while undergoing examination by quarantine, customs, immigration, Coast Guard, and other governmental authorities. Upon completion of these examinations, vessels shall promptly move out of this portion of the anchorage.

(iii) That portion of this anchorage lying easterly of the said line, having a bearing of 311°30′ from Pier E of the San Francisco-Oakland Bay Bridge, is for use of vessels undergoing examination, as in subdivision (ii) of this subparagraph, and also for use of vessels requiring a temporary anchorage. Vessels shall not remain in this portion of the anchorage for longer than 72 hours.

(6) *Anchorage 8 (general).* That portion of San Francisco Bay east of the city of San Francisco, the corners of which are the following bearings and distances from the center of the anchor pier (Pier C) of the San Francisco-Oakland Bay Bridge: 157°, 880 yards; 188°, 1,170 yards; 172°, 3,470 yards; 168°, 3,520 yards; 162°, 3,235 yards.

(7) *Anchorage 9 (general).* Bounded on the north by the shore, the breakwater and turning basin at the Naval Air Station, Alameda, and a line from Naval Air Station Channel Lighted Buoy 6 to Naval Air Station Channel Entrance Lighted Buoy 2; thence to a point bearing 343°30′, 3,330 yards from Hunters Point Light, and thence 146°; bounded on the south by a line 1,000 yards northerly from and parallel to the Hayward-San Mateo Bridge; and bounded on the east by the shore; including all of San Leandro Bay. Explosives Anchorage 14 and the forbidden anchorage zone surrounding this anchorage are excluded from Anchorage 9.

(8) *Anchorage 10 (naval).* (i) The triangular-shaped area immediately east of Sausalito northwest of a line bearing 234° from Point Stuard Light, and southwest of a line bearing 303° from Alcatraz Light.

(ii) This anchorage is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels. All yachts making use of this anchorage shall be prepared to move immediately upon notice should the anchorage be required for public vessels. With the permission of the District Commander or Captain of the Port, permanent yacht moorings may be placed within this anchorage, not more than 300 yards from the shore.

NOTE: As used in this section, the term "District Commander" means the Commander, 12th Coast Guard District, and the term "Captain of the Port" means the officer who has been designated by the Commandant, U.S. Coast Guard, as Captain of the Port, San Francisco.

(9) *Anchorage 12 (naval).* That portion of San Francisco Bay east of the city of San Francisco, the corners of which are the following bearings and distances from the center of the anchor pier (Pier C) of the San Francisco-Oakland Bay Bridge: 157°, 880 yards; 111°, 1,000 yards; 095°30′, 3,050 yards; 162°, 3,235 yards.

(10) *Anchorage 13 (explosives).* (i) A circular area having a radius of 333 yards around a white buoy used to mark its location bearing 051°30′, 1,900 yards from the northerly extremity of California Point.

(ii) This anchorage is for the use of vessels loaded with, loading, or unloading explosives. This provision is not intended to prohibit lighters and barges from lying alongside ships for transfer of cargo.

(iii) The maximum total quantity of explosives that may be on board vessels in this anchorage shall be limited to 50 tons; except that, at the discretion of the District Commander or Captain of the Port, vessels in transit, loaded with explosives in excess of this limitation, may be permitted to anchor temporarily in this area provided the hatches to the holds containing explosives are not opened.

(iv) A circular zone 667 yards wide partially surrounding the anchorage is

a forbidden anchorage zone and shall not be used for anchorage purposes by any vessel.

(11) *Anchorage 14 (explosives).* (i) The area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles with radii of 500 yards and centers, respectively, 100°00′, 3,270 yards, and 112°30′, 4,800 yards from Hunters Point South End Light, and the side boundaries of which are parallel tangents joining said semicircles. The anchorage is marked at each extremity by a white buoy.

(ii) The anchorage is for the use of vessels loaded with, loading, or unloading explosives. This provision is not intended to prohibit lighters and barges from lying alongside ships for transfer of cargo.

(iii) The maximum total quantity of explosives that may be on board any one vessel moored in this anchorage shall be limited to 3,000 tons. Vessels will be assigned berths in this anchorage by the District Commander or Captain of the Port on the basis of the maximum quantity of explosives that will be on board the vessel.

(iv) Vessels in this anchorage shall not anchor closer than 400 yards to one another but the number of vessels which may anchor in this area at any one time shall be at the discretion of the District Commander or the Captain of the Port. This provision is not intended to prohibit barges or lighters from lying alongside vessels for transfer of cargo.

(v) The 667-yard-wide area partially surrounding this anchorage is a forbidden anchorage zone and shall not be used for anchorage purposes by any vessel.

(vi) This anchorage and the surrounding forbidden anchorage zone may be temporarily discontinued by the Captain of the Port, San Francisco, Calif., when the area is required for general anchorage purposes.

5. Section 110.224(b) is amended by revoking §§ 110.224(b)(5) and 110.224(b)(6).

6. Section 110.224(c) is amended by revising §§ 110.224(c)(1) and 110.224(c)(2) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California.

* * * * *

(c) *Carquinez Strait*—(1) *Anchorage 24 (general).* Bounded by the northerly shore of Carquinez Strait and lines joining points which are the following bearings and distances from Carquinez Strait Light 4: 332°30′, 1,820 yards; 347°, 1,330 yards; 347°, 710 yards; and 109°30′, 1,800 yards.

(i) Any vessel anchoring in Anchorage 24 must promptly notify the Captain of the Port, San Francisco, and also make notification upon departing.

(2) *Anchorage 25 (general).* Bounded by the south shore of Carquinez Strait and lines joining points which are the following bearings and distances from Benicia City Wharf Light: 145°30′, 2,970 yards; 141°, 1,970 yards; and 234°, 1,300 yards.

(i) Any vessel anchoring in Anchorage 25 must promptly notify the Captain of the Port, San Francisco, and also make notification upon departing.

7. Section 110.224(d) is amended by revising § 110.224(d)(2) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California.

* * * * *

(d) *Suisun Bay* * * *

(2) *Anchorage 27 (general).* An area in the northeast portion of Suisun Bay lying east of a line due north through tripod on Roe Island at Preston Point and north of the Roe Island shoreline to Gillespie Point; thence east of the Roe Island shoreline to the stake at the southernmost point of Roe Island; thence north of a line 100°, 4,400 yards; thence 090°, 6,000 yards to Chipps Island.

8. Section 110.224(e) is amended by revising § 110.224(e)(1) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California.

* * * * *

(e) *San Joaquin River*—(1) *Anchorage 28 (general).* The waters adjacent to Lower Sherman Island southeasterly of a line 450 yards long bearing 238° from Point Sacramento; easterly of a line bearing 163°30′ from the west end of said 450-yard line; and northerly of a line bearing 027° from San Joaquin River Light 2.

* * * * *

9. Section 110.224(g) is amended by revising §§ 110.224(g)(12)(i) and 110.224(g)(13)(i) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River and connecting waters, California.

* * * * *

(g) *General regulations.*

* * * * *

(12) (i) Anchorage 13, 14, and 30 are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored, except as provided in subparagraph (15) of this paragraph.

* * * * *

(13) (i) Whenever any non-self-propelled vessel, or any self-propelled vessel that is unable to maneuver under its own power due to mechanical difficulties, lack of personnel, or for any other reason, occupies explosives anchorages 13, 14, and 30, the District Commander or Captain of the Port may require these vessels to be attended by a tug, when in his judgment, such action is deemed necessary.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(l))

Effective date: This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: October 27, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[F.R. Doc. 69-13094; Filed, Nov. 3, 1969; 8:46 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Issuance of Patent to Assignee

Notice of proposed rule making regarding the revision of § 1.334 of Title 37, Code of Federal Regulations, dealing with the issuance of a patent to an assignee, was published in the FEDERAL REGISTER of February 13, 1969 (34 F.R. 2136), and comments from the general public were invited. In view of the comments received, the Patent Office decided to alter its original proposal, and an amended version was published in the FEDERAL REGISTER of June 11, 1969 (34 F.R. 9213). The public, as was the case with the original proposal, was invited to submit written comments, suggestions or objections pertaining to the amended proposal.

Full attention has been given to all the comments received and minor changes in the text of the amended proposal have been effected where appropriate.

In consideration of the foregoing, and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), § 1.334 of Title 37, Code of Federal Regulations, is hereby revised as follows:

§ 1.334 Issue of patent to assignee.

In case of an assignment of the entire interest in the invention and application, or of the entire interest in the patent to be granted, the patent will normally issue to the assignee. If the assignee should hold an undivided part interest, the patent will normally issue jointly to the inventor and the assignee. If it is desired that the patent so issue the assignment in either case must first have been recorded, and at a day not later than the date payment is made of the issue fee or portion thereof specified in the notice of allowance. At the time of payment of the issue fee, a statement must be furnished indicating whether or not an assignment has been filed with the Patent Office. In the event an assignment has been filed, such statement must include the name of the assignee and indicate whether or not an acknowledgment of a recorded assignment has been received from the Patent Office.

Effective date: This revision shall become effective upon publication in the FEDERAL REGISTER.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: October 29, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-13084; Filed, Nov. 3, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4722]

[Sacramento 080047]

CALIFORNIA

Withdrawal for National Forest Administrative Site and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

KLAMATH NATIONAL FOREST

MOUNT DIABLO MERIDIAN

Matthews Creek Campgrounds

T. 38 N., R. 12 W. (unsurveyed),
Sec. 9, SE¼NE¼, NE¼NE¼SE¼, and N½NW¼NE¼SE¼.

SIERRA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

Jackass Creek Recreation Site

T. 5 S., R. 24 E.,
Sec. 10, SE¼SW¼NE¼, SW¼SE¼NE¼, NW¼NE¼SE¼, and NE¼NW¼SE¼.

Forks Recreation Area

T. 7 S., R. 22 E.,
Sec. 16, SE¼SW¼;
Sec. 21, N½NE¼, NW¼, NE¼NW¼SW¼, W½NW¼SW¼, N½SE¼NW¼SW¼, SW¼SE¼NW¼SW¼, and W½SW¼SW¼.

Teaford Saddle Recreation Area

T. 7 S., R. 22 E.,
Sec. 28, W½NW¼, N½SW¼, and SW¼SW¼.

SIX RIVERS NATIONAL FOREST

HUMBOLDT MERIDIAN

Gasquet Administrative Site

T. 17 N., R. 2 E.,
Sec. 20, that portion of lot 11 south of the Middle Fork of the Smith River;
Sec. 21, that portion of the SW¼SW¼ south of the Middle Fork of the Smith River.

The areas described aggregate approximately 691 acres in Del Norte, Madera, and Siskiyou Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 27, 1969.

[F.R. Doc. 69-13086; Filed, Nov. 3, 1969; 8:45 a.m.]

[Public Land Order 4723]

[Fairbanks 016450]

ALASKA

Partial Revocation of Public Land Order No. 843

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 843 of June 24, 1952, which withdrew lands for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following described lands:

GALENA

Beginning at Corner No. 1, identical with Witness Meander Corner No. 8 of U.S. Survey 2627 which is an iron post with brass cap marked "W.C. S2627–C8" and from which point a tower bears N. 56°24′ W., 6,338.64 feet; thence by metes and bounds: N. 23°25′ E., 1,440.6 feet along line 7–8 U.S. Survey 2627 to Corner No. 2; S. 66°30′ E., 4,500 feet to Corner No. 3; S. 31°30′ E., 1,684 feet to Corner No. 4, S. 62°36′ W., 2,270 feet approximately to Corner No. 5 and the mean high waterline of the Yukon River; northwesterly with the meanders of the Yukon River approximately 4,620 feet to point from which Corner No. 1 bears N. 23°25′ E., 59.4 feet to Corner No. 1 and the point of beginning. Both banks of Beaver Creek are to be within the described area, except at its mouth where the POL line terminates on the river bank.

The areas described aggregate approximately 254 acres.

2. The lands are withdrawn by Public Land Order No. 4582 of January 17, 1969, for the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska. They will be open to location for metalliferous minerals at 10 a.m. on December 3, 1969.

Inquiries concerning the lands should be addressed to the Manager, Fairbanks District and Land Office, Fairbanks, Alaska.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 28, 1969.

[F.R. Doc. 69-13087; Filed, Nov. 3, 1969; 8:45 a.m.]

[Public Land Order 4724]

[Arizona 74]

ARIZONA

Revocation of Administrative Site Withdrawal

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 8598 of November, 18, 1940, reserving lands as an administrative site for the Kofa Game Range, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 19 W.,
Sec. 29, NE¼NE¼.

The area described aggregates 40 acres in Yuma County.

2. The lands shall not be open to disposition under the public land laws, until it is so provided in an appropriate classification and an order of opening of an authorized officer of the Bureau of Land Management.

3. The lands will be open to location under the United States mining laws at 10 a.m. on December 3, 1969. They have been open to applications and offers under the mineral leasing laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 28, 1969.

[F.R. Doc. 69-13088; Filed, Nov. 3, 1969; 8:46 a.m.]

[Public Land Order 4725]

[Nevada 042819]

NEVADA

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental orders of July 2, 1902, and July 9, 1904, which withdrew the lands for reclamation purposes are hereby revoked as far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 22 E.,
Sec. 24, NW¼, W½SW¼.
T. 20 N., R. 23 E.,
Sec. 12;
Sec. 14, SW¼, NW¼SE¼;
Sec. 20, S½S½;
Sec. 22, N½NW¼, S½S½.
T. 20 N., R. 24 E.,
Sec. 2;
Sec. 6, NW¼, S½;
Sec. 8, lot 13;
Sec. 16, NE¼NW¼, S½NW¼;
Sec. 18, S½SE¼.

The areas described aggregate 2,819.51 acres in Washoe and Storey Counties.

The lands are situated, for the most part, on the steep slopes of the Virginia Mountain Range facing the Truckee River, between Sparks and Wadsworth, Nev.

2. At 10 a.m. on December 3, 1969, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 3, 1969, shall be considered as

simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the U.S. mining laws at 10 a.m. on December 3, 1969. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 28, 1969.

[F.R. Doc. 69-13089; Filed, Nov. 3, 1969; 8:46 a.m.]

[Public Land Order 4726]

[Arizona 2934]

ARIZONA

Withdrawal for National Forest Roadside Zones

By virtue of the authority vested in the President and pursuant to Executive Order 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

A strip of land 200 feet on each side of the surveyed centerline of each named road through the following legal subdivisions:

Madera Ridge Road Roadside Zone

T. 1 S., R. 14½ E. (unsurveyed),
Sec. 13, SW¼SW¼, E½SW¼;
Sec. 24, NW¼, W½SW¼;
Sec. 25, W½NW¼, SE¼NW¼, E½SW¼;
Sec. 36, NW¼NE¼, E½W½.
T. 2 S., R. 14 E. (unsurveyed),
Sec. 1, N½NE¼NW¼.

Pinal Mountain Road Roadside Zone

T. 1 S., R. 14½ E. (unsurveyed),
Sec. 36, E½NE¼, N½SE¼.
T. 1 S., R. 15 E. (unsurveyed),
Sec. 19, SE¼NE¼, SE¼;
Sec. 30, W½NE¼, SE¼SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 31, W½NW¼, SW¼SE¼, E½SE¼;
Sec. 32, W½SW¼, SE¼SW¼, SW¼SE¼.
T. 2 S., R. 14 E. (unsurveyed),
Sec. 1, SW¼NW¼NE¼, SW¼NE¼, S½SE¼NE¼, SE¼NE¼NW¼, NE¼SE¼NW¼, NE¼SE¼.
T. 2 S., R. 15 E. (unsurveyed),
Sec. 5, W½NE¼, N½NE¼NE¼NW¼;
Sec. 6, W½NE¼NE¼, W½NE¼, SW¼, NW¼SE¼.

Pioneer Pass Road Roadside Zone

T. 1 S., R. 15 E. (unsurveyed),
Sec. 27, SE¼SE¼NW¼, NE¼SW¼, SE¼;
Sec. 34, E½E½.
T. 2 S., R. 15 E.,
Sec. 2, lot 4;
Sec. 3, E½NE¼, NE¼SE¼;
Sec. 10, NE¼SW¼, S½SW¼, NW¼SE¼.

The areas described aggregate approximately 700 acres in Pinal and Gila Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 28, 1969.

[F.R. Doc. 69-13090; Filed, Nov. 3, 1969; 8:46 a.m.]

[Public Land Order 4727]

[Sacramento 2418]

CALIFORNIA

Withdrawal for National Forest Scenic Observations and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Feather Falls Scenic Area

T. 20 N., R. 6 E.,
Sec. 2, SW¼SW¼SE¼.
T. 21 N., R. 6 E.,
Sec. 2, E½SW¼NE¼ and W½SE¼NE¼;
Sec. 14, SE¼SE¼SW¼, SW¼NE¼SE¼, SE¼NW¼SE¼, and SW¼SW¼SE¼;
Sec. 22, NE¼NW¼SW¼ and SW¼SE¼SE¼;
Sec. 24, S½SE¼NW¼ and N½NE¼SW¼;
Sec. 26, SW¼NE¼ and SE¼SW¼;
Sec. 28, NW¼NW¼NE¼ and NE¼NE¼NW¼.
T. 21 N., R. 7 E.,
Sec. 6, lots 3, 4, 5, and 6, and E½SW¼.

The areas described aggregate approximately 454 acres in Butte County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 28, 1969.

[F.R. Doc. 69-13091; Filed, Nov. 3, 1969; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Confidential Secretary to the Director of the Mint is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER paragraph (f) is added to § 213.3305 as set out below.

§ 213.3305 Treasury Department.

* * * * *

(f) *Bureau of the Mint.*

(1) One Confidential Secretary to the Director of the Mint.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13079; Filed, Nov. 3, 1969; 8:45 a.m.]

Executive Office of the President

Section 213.3303 is amended to show that the position of Associate Executive Director, President's Commission on White House Fellows, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (f) of section 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(f) *President's Commission on White House Fellows.* * * *

(2) The Associate Executive Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13206; Filed, Nov. 3, 1969; 8:49 a.m.]

PART 511—CLASSIFICATION UNDER THE GENERAL SCHEDULE

Subpart B—Coverage of the General Schedule

PART 531—PAY UNDER THE GENERAL SCHEDULE

Notice of Change in Titles and Headings

To identify more clearly the subject matter, the headings for Part 511, Subpart B, and Part 531 are amended to read as set forth above.

The section heading for 511.201 is amended to read as follows:

§ 511.201 Coverage of and exclusions from the General Schedule.

(5 U.S.C. 5115, 5338)

* * * * *

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13207; Filed, Nov. 3, 1969; 8:49 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Specific Exceptions

Section 550.505 is amended by adding a new paragraph (q) which provides an exception from the prohibition against dual pay from more than one position (5 U.S.C. 5533) for the pay of a part-time motion picture operator at the Sierra Army Depot, Herlong, Calif.; and by adding a new paragraph (r) which provides an exception from the same prohibition for pay for part-time employment of an organist, a bookkeeper, and three bartenders at the Navajo Army Depot, Flagstaff, Ariz.

§ 550.505 Specific exceptions.

* * * * *

(q) Pay for part-time employment by the Department of the Army of a motion picture operator at the Sierra Army Depot, Herlong, Calif.

(r) Pay for part-time employment by the Department of the Army of an organist, a bookkeeper, and three bartenders at the Navajo Army Depot, Flagstaff, Ariz.

(5 U.S.C. 5533)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13080; Filed, Nov. 3, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Federal Financial Participation

Correction

In F.R. Doc. 69-12883 appearing at page 17433 in the issue for Wednesday, October 29, 1969, preceding "XIV" in the third line of column 3, insert "X,".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 909]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA AND CERTAIN COUNTIES IN CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif., and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Administrative Committee during the period August 1, 1969, through July 31, 1970, will amount to $144,750.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 909.41, be fixed at three cents ($0.03) per carton, or equivalent quantity of grapefruit; and

(3) That unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 30, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13097; Filed, Nov. 3, 1969, 8:46 a.m.]

[7 CFR Part 1011]

MILK IN APPALACHIAN MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Appalachian marketing area is being considered for the months of November and December 1969 and the months of January and February 1970.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

(1) In § 1011.11, "(1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February:";

(2) In § 1011.44, all of paragraph (c); and

(3) In § 1011.44(d), "located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city hall of Bluefield, W. Va., or from the city limits of Kingsport, Tenn.".

The proposed suspension would permit unlimited diversion of milk during the months of November–December 1969 and January–February 1970 directly from dairy farmers to unregulated plants wherever located, and would further provide for classification of such milk at its actual utilization.

Presently, the order limits the diversion of milk from a producer to not more than 15 days during the months of August through February. Current provisions also require automatic Class I utilization if milk is moved to an unregulated plant more than 200 miles from the nearer of the city hall of Bluefield, W. Va. or the city limits of Kingsport, Tenn.

Dairymen Inc., requests the suspension. This cooperative association, representing nearly all the producers in this market, states the suspension order would tend to maximize returns to producers by increasing the opportunities to dispose of milk for fluid use. Also, that it would reduce costs since it would be more efficient to move milk directly from the farms of producers closest to unregulated plants (located more than 200 miles from either Bluefield or Kingsport) rather than receive such milk at a pool plant and then transfer the milk to distant unregulated plants.

Signed at Washington, D.C., on October 30, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–13120; Filed, Nov. 3, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 423]

CARE LABELING OF TEXTILE PRODUCTS

Notice of Rule Making Proceeding

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11 et seq., has initiated a proceeding for the promulgation of trade regulation rules relating to care labeling of textile products.

For purposes of this proceeding,

"Textile product" is any commodity, made in whole or in part of fibers, yarn, or fabric, which commodity is intended for sale or resale, in the form manufactured, to consumer-purchasers.

"Laundering and cleaning instructions" include information with respect to dry cleaning and pressing; washing, drying, and ironing; or other applicable procedures used to clean a particular textile product.

The Commission has initiated this proceeding having reason to believe that:

(1) In recent years innovative developments in the fields of textiles and wearing apparel have produced a vast array of new fibers, fabrics, and finishes;

(2) This flood of new and different textiles has caused unusual problems for the consumer in making an informed selection from among the many competing products;

(3) Today, it is virtually impossible for even the most knowledgeable person to identify accurately, from appearance or feel alone, the fiber composition of a particular textile product, and it is equally difficult for the same person, even if fiber content is known, to determine with certainty what care procedures or techniques should be used which will insure that the utility and appearance of the product will not be impaired and that satisfactory results will be achieved;

(4) All textile products require definite care procedures or techniques which should be followed in laundering or cleaning in order to insure that satisfactory results will be achieved;

(5) A number of textile products require special care procedures or techniques which should be followed in laundering or cleaning in order to insure that the utility and appearance of that product will not be impaired by shrinking, stretching, fading, or by other means;

(6) Many manufacturers and marketers of these products do not disclose, in any manner, laundering, cleaning, or other care instructions to prospective purchasers;

(7) When such information is supplied, it is normally in the form of detachable labels or tags which may be easily lost or destroyed by the utimate consumer shortly after purchase;

(8) As a result, consumers, and in many cases even professional cleaners and launderers, are misled or deceived with respect to the care procedures necessary to achieve unimpaired utility and appearance; and consumers are deprived of the opportunity to make a rational and informed choice among competing textile products;

(9) This practice constitutes an unfair method of competition in commerce, and an unfair or deceptive act or practice in commerce, in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission now proposes the following trade regulation rules:

Sec.
423.1 Rule 1.
423.2 Rule 2.
423.3 Rule 3.

AUTHORITY: The provisions of this Part 423 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58.

§ 423.1 Rule 1.

It is an unfair method of competition and an unfair or deceptive act or practice to sell any textile product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which does not have a label or tag permanently affixed or attached thereto which accurately and clearly discloses proper instructions for the laundering and cleaning of such product, as well as any other instructions material to the proper care and normal use of such product, which, if not followed, may result in the impairment of its utility or appearance.

§ 423.2 Rule 2.

It is an unfair method of competition and an unfair or deceptive act or practice to sell any textile product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which does not contain, either on the label or tag permanently affixed or attached thereto disclosing instructions for the laundering, cleaning and care of such product, or on a separate permanently affixed or attached label or tag, a certification from the manufacturer of the product to the ultimate consumer-purchaser that the instructions for the laundering, cleaning, and care of such product disclosed on the permanent label or tag are valid and proper, and will not impair the product's utility or appearance.

§ 423.3 Rule 3.

No person shall be adjudged in violation of § 423.1 (Rule 1) if he establishes a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile product guaranteed was manufactured or from whom it was received, that said product is not mislabeled under the provisions of the rules in this part. Said guaranty shall be (a) a separate guaranty specifically designating the textile product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (b) a continuing guaranty given by seller to the buyer applicable to all textile products sold to or to be sold to buyer by seller; or (c) a continuing guaranty filed with the Commission applicable to all textile products handled by a guarantor.

NOTE: The furnishing of a false guaranty, except in good faith reliance upon a guaranty received from a supplier, is an unfair method of competition and an unfair and deceptive act or practice.

For the purposes of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Trade regulation rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearing, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

Where a trade regulation rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve the issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rules with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than January 6, 1970. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are given notice of opportunity to orally present data, views, or arguments with respect to the proposed rules at a public hearing to be held at 10 a.m., e.s.t., January 13 and 14, 1970, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Chief, Division of Trade Regulation Rules, not later than January 6, 1970, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Chief, Division of Trade Regulation Rules, on or before January 6, 1970.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission.

All persons, firms, corporations, or others engaged in the manufacture, sale, or distribution of textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any trade regulation rules promulgated in the course of this proceeding. This proceeding, therefore, is designed to inform all industry members of their obligations under the law and to assure equitable treatment in complying therewith.

Fiber producers and manufacturers and marketers of textile products, as well as other interested parties, including members of the consuming general public, are urged to express their approval or disapproval of the proposed rules, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: November 4, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–13066; Filed, Nov. 3, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

FLOYD FLUD

Notice of Granting of Relief

Notice is hereby given that Floyd Flud, 1147 Terrace, Grapevine, Tex. 76051, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 17, 1958, in the Criminal District Court in and for the County of Dallas, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Floyd Flud, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Flud to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Floyd Flud's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been estabilshed to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Floyd Flud from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Floyd Flud be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of October 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13114; Filed, Nov. 3, 1969; 8:48 a.m.]

JAMES ARTHUR WHITFIELD

Notice of Granting of Relief

Notice is hereby given that James Arthur Whitfield, 4303 Millers Lane, Richmond, Va., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 21, 1964, in the U.S. District Court for the Eastern District of Virginia, of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for James Arthur Whitfield, because of said conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C. Appendix) it would be unlawful for Mr. Whitfield to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered James Arthur Whitfield's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to James Arthur Whitfield from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that James Arthur Whitfield be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of October 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13115; Filed, Nov. 3, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 1201A]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

OCTOBER 24, 1969.

1. The following public lands are hereby classified for transfer out of Federal ownership by State Indemnity Lieu Selection (43 U.S. 851, 852):

PUTAH CREEK PLANNING UNIT

LAKE AND NAPA COUNTIES

Mount Diablo Meridian

T. 9 N., R. 6 W.,
Sec. 3, W½SW¼, SE¼SW¼;
Sec. 4, lots 3, 6, 7, S½SE¼;
Sec. 9, lots 4, 5, and 10 to 16, inclusive;
Sec. 15, all;
Sec. 17, E½E½;
Sec. 19, E½SE¼;
Sec. 20, SW¼NE¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 21, SW¼SE¼, E½SE¼;
Sec. 22, SW¼NW¼, W½SW¼;
Sec. 29, NE¼NW¼.
T. 10 N., R. 6 W.,
Sec. 19, lot 3, NE¼SW¼, W½SE¼;
Sec. 29, NW¼SW¼;
Sec. 30, lots 2 and 3, N½NE¼, SE¼NE¼.
T. 10 N., R. 7 W.,
Sec. 23, lots 4 and 6;
Sec. 24, NE¼NW¼, S½NW¼, SE¼;
Sec. 25, SW¼NE¼, E½NW¼, N½NE¼SW¼, N½SW¼NE¼SW¼, SE¼NE¼SW¼, W½SE¼.

The lands described above aggregate 3,021.86 acres.

2. Publication of this notice segregates the affected public lands from all forms of disposal under the public land laws, including the mining laws, except the form of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their mineral and vegetative resources, other than under the mining laws.

3. The classification has been discussed and analyzed in detail with the State of California, the county and with other agencies, groups, and individuals. Maps and other information are available for inspection in the Ukiah District Office, 168 Washington Avenue, Ukiah, Calif. 95482. The lands are needed by the State of California to further the development of Mount St. Helena State Park.

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 69-13098; Filed, Nov. 3, 1969; 8:46 a.m.]

OIL AND GAS LEASING IN THE OUTER CONTINENTAL SHELF

New Lease Form

Notice is hereby given that the following form, Form 3380–1 (October 1969), has been approved by the Secretary of the Interior for the future leasing of oil and gas deposits in the Outer Continental Shelf of the United States.

JOHN O. CROW,
Associate Director,
Bureau of Land Management.

OCTOBER 30, 1969.

Form 3380–1
(October 1969)

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT

OIL AND GAS LEASE OF SUBMERGED LANDS UNDER THE OUTER CONTINENTAL SHELF LANDS ACT

This lease is made and effective as of ---------- (hereinafter called the Effective Date) by and between the United States of America (hereinafter called the Lessor), by the ----------, Bureau of Land Management, its authorized officer, and ---------- (hereinafter called the Lessee). In consideration of the cash payment heretofore made by the Lessee to the Lessor and in consideration of the promises, terms, conditions and covenants contained herein, the parties hereto agree as follows:

SECTION 1. *Statutes and Regulations.* This lease is made pursuant to the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. secs. 1331, et seq.) (hereinafter called the Act). This lease is subject to all the provisions of the Act and to all the terms, conditions and requirements of the valid regulations promulgated by the Secretary of the Interior (hereinafter called the Secretary) thereunder in existence upon the effective date of this lease, all of which are incorporated herein and, by reference, made a part hereof. This lease shall also be subject to regulations hereafter issued by the Secrtary pursuant to his authority under section 5(a)(1) of the Act to prescribe and amend at any time such rules and regulations as he may determine to be necessary and proper in order to provide for the prevention of waste and for the conservation of the natural resources of the Outer Continental Shelf, and for the protection of correlative rights therein, which regulations shall be deemed incorporated herein and, by reference, made a part hereof when promulgated.

SEC. 2. *Rights of Lessee.* The Lessor hereby grants and leases to the Lessee the exclusive right and privilege to drill for, mine, extract, remove and dispose of oil and gas deposits, except helium gas, in or under the following-described area of the Outer Continental Shelf of the United States:

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containing approximately ------ acres (hereinafter referred to as the leased area), together with:

(a) the nonexclusive right to conduct within the leased area geological and geophysical explorations in accordance with applicable regulations;

(b) the nonexclusive right to drill water wells within the leased area and to use water produced therefrom for operations pursuant to the Act free of cost, provided that such drilling is conducted in accordance with procedures approved by the Regional Oil and Gas Supervisor of the Geological Survey (hereinafter called the "Supervisor"); and

(c) the right to construct or erect and to maintain within the leased area all artificial islands, platforms, fixed or floating structures, sea walls, docks, dredged channels and spaces, buildings, plants, telegraph or telephone lines and cables, pipelines, reservoirs, tanks, pumping stations, and other works and structures necessary to the full enjoyment of the rights granted by this lease, subject to compliance with applicable laws and regulations.

SEC. 3. *Obligations of Lessee.* The Lessee agrees:

(a) *Rentals and royalties.* (1) To pay rentals and royalties as follows:

Rentals. With respect to each lease year commencing prior to a discovery of oil or gas on the leased area, to pay the Lessor on or before the first day of each such year, a rental of ------ per acre or fraction thereof.

Minimum royalty. To pay the Lessor at the expiration of each lease year commencing after discovery a minimum royalty of ------ per acre or fraction thereof or, if there is production, the difference between the actual royalty required to be paid with respect to such lease year and the prescribed minimum royalty, if the actual royalty paid is less than the minimum royalty.

Royalty on production. To pay the Lessor a royalty of ------ percent in amount or value of production saved, removed, or sold from the leased area. Gas of all kinds (except helium and gas used for purposes of production from and operations upon the leased area or unavoidably lost) is subject to royalty.

(2) It is expressly agreed that the Secretary may establish minimum values for purposes of computing royalty on products obtained from this lease, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, or area, to the price received by the Lessee, to posted prices, and to other relevant matters. Each such determination shall be made only after due notice to the Lessee and a reasonable opportunity has been afforded the Lessee to be heard.

(3) When paid in value, royalties on production shall be due and payable monthly on the last day of the month next following the month in which the production is obtained. When paid in production, such royalties shall be delivered at pipeline connections or in tanks provided by the Lessee. Such deliveries shall be made at reasonable times and intervals and, at the Lessor's option, shall be effected either (i) on or immediately adjacent to the leased area, without cost to the Lessor, or (ii) at a more convenient point closer to shore or on shore, in which event the Lessee shall be entitled to reimbursement for the reasonable cost of transporting the royalty substance to such delivery point. The Lessee shall not be required to provide storage for royalty taken in kind in excess of tankage required when royalty is paid in value. When payments are made in production the Lessee shall not be held liable for the loss or destruction of royalty oil or other liquid products in storage from causes over which the Lessee has no control.

(b) *Bonds.* To maintain at all times the bond required prior to the issuance of this lease and to furnish such additional security as may be required by the Lessor if, after operations or production have begun, the Lessor deems such additional security to be necessary.

(c) *Wells.* (1) To diligently drill and produce such wells as are necessary to protect the Lessor from loss by reason of production on other properties or, in lieu thereof, with the consent of the Supervisor, to pay a sum determined by the Supervisor as adequate to compensate the Lessor for failure to drill and produce any such well. In the event that this lease is not being maintained in force by other production of oil or gas in paying quantities or by other approved drilling or reworking operations, such payments shall be considered as the equivalent of production in paying quantities for all purposes of this lease.

(2) After due notice in writing, to diligently drill and produce such other wells as the Secretary may reasonably require in order that the leased area or any part thereof may be properly and timely developed and produced in accordance with good operating practice.

(3) At the election of the Lessee, to drill and produce other wells in conformity with any system of well spacing or production allotments affecting the area, field, or pool in which the leased area or any part thereof is situated, which is authorized or sanctioned by applicable law or by the Secretary.

(d) *Payments.* To make all payments to the the Lessor by check, bank draft or money order payable as indicated herein unless otherwise provided by regulations or by direction of the Secretary. Rental, royalties, and other payments shall be made payable to the United States Geological Survey and tendered to the Supervisor, except that filing charges, bonuses, and first year's rental shall be made payable to the Bureau of Land Management and remitted to the Manager of the appropriate field office of that Bureau.

(e) *Inspection.* To keep open at all reasonable times for the inspection of any duly authorized representative of the Lessor, the leased area and all wells, improvements, machinery, and fixtures thereon and all books, accounts, and records relative to operations and surveys or investigations on or with regard to the leased area or under the lease.

(f) *Conduct of operations.* To conduct all operations under this lease in accordance with applicable law and regulations.

(g) *Indemnification.* To indemnify and save the Lessor harmless against and from any and all claims of any nature whatever, including without limitation claims for loss or damage to property or injury to persons, caused by, or resulting from, any operation on the leased area conducted by or on behalf of the Lessee: *Provided*, That the Lessee shall not be held responsible to the Lessor under this subsection for any loss, damage, or injury caused by, or resulting from: (1) Any negligent action of the Lessor other than the exercise or performance of (or the failure to exercise or perform) a discretionary function or duty on the part of a Federal agency or an employee of such an agency, whether or not the discretion involved is abused; or (2) the Lessee's compliance with an order or directive of the Lessor against which an appeal by the Lessee under 30 CFR 250.81 is filed before the cause of action for such a claim arises and is pursued diligently thereafter.

(h) *Equal Opportunity Clause.* The Lessee agrees that, during the performance of this lease:

(1) The Lessee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Lessee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Lessee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Lessor setting forth the provisions of this Equal Opportunity clause.

(2) The Lessee will, in all solicitations or advertisements for employees placed by or on behalf of the Lessee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Lessee will send to each labor union or representative of workers with which Lessee has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Lessor, advising the labor union or workers' representative of the Lessee's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Lessee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Secretary of the Interior and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Lessee's noncompliance with the Equal Opportunity clause of this lease or with any of said rules, regulations, or orders, this lease may be canceled, terminated or suspended in whole or in part and the Lessee may be declared ineligible for further Federal Government contracts or leases in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Lessee will include the provisions of Paragraphs (1) through (7) of this subsection 3(h) in every contract, subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each contractor, subcontractor or vendor. The Lessee will take such action with respect to any contract, subcontract or purchase order as the Secretary may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the Lessee becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or vendor as a result of such direction by the Secretary, the Lessee may request the Lessor to enter into such litigation to protect the interests of the Lessor.

(i) *Certification of nonsegregated facilities.* By entering into this lease, the Lessee certifies that Lessee does not and will not maintain or provide for Lessee's employees any segregated facilities at any of Lessee's establishments, and that Lessee does not and will not permit Lessee's employees to perform their services at any location, under Lessee's control, where segregated facilities are maintained. The Lessee agrees that a breach of this certification is a violation of the Equal Opportunity clause in this lease. As used in this certification, the term "segregated facilities" means, but is not limited to, any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. Lessee further agrees that (except where Lessee has obtained identical certifications from proposed contractors and subcontractors for specific time periods) Lessee will obtain identical certifications from proposed contractors and subcontractors prior to the award of contracts or subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that Lessee will retain such certifications in Lessee's files; and that Lessee will forward the following notice to such proposed contractors and subcontractors (except where the proposed contractor or subcontractor has submitted identical certifications for specific time periods): Notice to prospective contractors and subcontractors of requirement for certification of nonsegregated facilities. A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a contract or subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each contract and subcontract or for all contracts and subcontracts during a period (i.e., quarterly, semiannually, or annually).

(j) *Assignment of lease.* To file for approval with the appropriate office of the Bureau of Land Management any instrument of transfer of this lease, or any interest therein, required to be filed under applicable regulations, within the time and in the manner prescribed by the applicable regulations.

SEC. 4. *Term.* This lease shall continue for a period of 5 years from the effective date of this lease and so long thereafter as oil or gas may be produced from the leased area in paying quantities, or drilling or well reworking operations, as approved by the Secretary, are conducted thereon.

SEC. 5. *Cooperative or Unit Plan.* Lessee agrees that, within 30 days after demand by Lessor, Lessee will subscribe to and operate under such cooperative or unit plan for the development and operation of the area, field, or pool, or part thereof, embracing lands subject to this lease as the Secretary may determine to be practicable and necessary or advisable in the interest of conservations. Where any provision of a cooperative or unit plan of development which has been approved by the Secretary, and which by its terms affects the leased area or any part thereof, is inconsistent with a provision of this lease, the provision of such cooperative or unit plan shall govern.

SEC. 6. *Reservations to Lessor.* All rights in the leased area not expressly granted to the Lessee by the Act, the regulations, or this lease are hereby reserved to the Lessor. Without limiting the generality of the foregoing, such reserved rights include:

(a) *Geological and geophysical exploration; rights-of-way.* The right to authorize the conduct of geological and geophysical exploration in the leased area which does not interfere with or endanger actual operations under this lease, and the right to grant such easements or rights-of-way upon, through, or in the leased area as may be necessary or appropriate to the working of other lands or to the treatment and shipment of products thereof by or under authority of the United States, its Lessees or Permittees.

(b) *Leases of sulfur and other minerals.* The right to grant leases of any mineral other than oil and gas within the leased area or any part thereof. No lease of other mineral shall authorize or permit the Lessee thereunder unreasonably to interfere with or endanger operations under this lease.

(c) *Purchase of production.* In time of war, or when the President of the United States shall so prescribe, the right of first refusal to purchase at the market price all or any portion of the oil or gas produced from the leased area, as provided in section 12(b) of the Act.

(d) *Taking of royalties.* The right to determine whether royalty will be taken in the amount or the value of production.

(e) *Helium.* Pursuant to section 12(f) of the Act, the ownership of and the right to extract helium from all gas produced under this lease.

(f) *Suspension of operations during war or national emergency.* Upon recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or President of the United States after August 7, 1953, the authority of the Secretary to suspend any or all operations under this lease, as provided in section 12(c) of the Act: *Provided,* That just compensation shall be paid by the Lessor to the Lessee.

(g) *Restriction of exploration and operations.* The right, as provided in section 12(d) of the Act; to restrict from exploration and operations the leased area or any part thereof which may be designated by and through the Secretary of Defense, with the approval of the President, as, or as part of, an area of the Outer Continental Shelf needed for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on the surface of the leased area or the part thereof included within the designation except with the concurrence of the Secretary of Defense; and if operations or production under this lease within any such restricted area shall be suspended, any payments of rentals and royalty prescribed by this lease likewise shall be suspended during such period of suspension of operations and production, and the term of this lease shall be extended by adding thereto any such suspension period, and the Lessor shall be liable to the Lessee for such compensation as is required to be paid under the Constitution of the United States.

SEC. 7. *Directional Drilling.* A directional well drilled under the leased area from a surface location on nearby land not covered by this lease shall be deemed to have the same effect for all purposes of this lease as a well drilled from a surface location on the leased area. In such circumstances, drilling shall be considered to have been commenced on the leased area when drilling is commenced on the nearby land for the purpose of directionally drilling under the leased area, and production of oil or gas from the leased area through any directional well surfaced on nearby land or drilling or reworking of any such directional well shall be considered production or drilling or reworking operations (as the case may be) on the leased area for all purposes of this lease. Nothing contained in this paragraph is intended or shall be construed as granting to the Lessee any leasehold interests, licenses, easements, or other rights in or with respect to any such nearby land in addition to any such leasehold interests, licenses, easements, or other rights which the Lessee may have lawfully acquired under the Act or from the Lessor or others.

SEC. 8. *Surrender of Lease.* The Lessee may surrender this entire lease or any officially designated subdivision of the leased area by filing with the appropriate office of the Bureau of Land Management a written relinquishment, in triplicate, which shall be effective as of the date of filing. No surrender of this lease or of any portion of the leased area shall relieve the Lessee or his surety of the obligation to make payment of all accrued rentals and royalties or to abandon all wells on the area to be surrendered in a manner satisfactory to the Supervisor.

SEC. 9. *Removal of Property on Termination of Lease.* Upon the termination of this lease in whole or in part, or the surrender of the lease in whole or in part, as herein provided, the Lessee shall within a period of 1 year thereafter remove from the premises no longer subject to the lease all structures, machinery, equipment, tools, and materials in accordance with applicable regulations and orders of the Supervisor: *Provided, however,* That the Lessee may continue to maintain any such property on the leased area for whatever longer period it may be needed, as determined by the Supervisor, for producing wells or for drilling or producing on other leases.

SEC. 10. *Remedies in Case of Default.* (a) Whenever the Lessee fails to comply with any of the provisions of the Act, or of this lease, or of the regulations issued under the Act and in force and effect on the Effective Date of this lease, the lease shall be subject to cancellation in accordance with the provisions of section 5(b) of the Act: *Provided, however,* That the 30-day notice provision applicable to nonproducing leases under section 5(b)(1) of the Act shall also apply as a prerequisite to the institution of any legal action by the Lessor to cancel this lease while it is in a producing status. Nothing in this subsection shall be construed to apply to, or require any notice with respect to, any legal action instituted by the Lessor other than an action to cancel the lease pursuant to section 5(b) of the Act.

(b) Whenever the Lessee fails to comply with any of the provisions of the Act, or of this lease, or of any regulations promulgated by the Secretary under the Act, the Lessor may exercise any legal or equitable remedy or remedies which the Lessor may have, including appropriate action under the penalty provisions of section 5(a)(2) of the Act; however, the remedy of cancellation of the lease may be exercised only under the provisions of section 5(b) and section 8(1) of the Act.

(c) A waiver of any particular violation of the provisions of the Act, or of this lease, or of any regulations promulgated by the Secretary under the Act, shall not prevent the cancellation of this lease or the exercise of any other remedy or remedies under paragraphs (a) and (b) of this section by reason of any other such violation or for the same violation occurring at any other time.

SEC. 11. *Heirs and Successors in Interest.* Each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns, of the respective parties hereto.

SEC. 12. *Unlawful Interest.* No member of, or Delegate to, Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, except as provided in 43 CFR 7.4(a)(1), shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and the provisions of section 3741 of the Revised Statutes (41 U.S.C. sec. 22), as amended, and sections 431, 432, and 433 of title 18 of the United States Code, relating to contracts made or entered into, or accepted by or on behalf of the United States, form a part of this lease so far as the same may be applicable.

[F.R. Doc. 69-13092; Filed, Nov. 3, 1969; 8:46 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Miscellaneous Amendments

By notice in the FEDERAL REGISTER of February 25, 1969, at page 2582, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on April 2 (pp. 6018–19), May 6 (p. 7338), June 3 (pp. 8713–14), June 28 (pp. 10007–8), August 5 (pp. 12722–23), September 3 (p. 14002), and October 7 (pp. 15564–65).

Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following corrections are to be made:

MISSOURI

Jackson County

Independence, *Vaile (Harvey M.) Mansion,* 1500 North Liberty and 1518 North Osage Streets.

VIRGINIA

Alleghany County

Covington, *Humpback Bridge,* 0.2 mile south of U.S. 60, 0.8 mile southwest of intersection of U.S. 60 and County Route 651.

Richmond County

Ethel vicinity, *Menokin,* 0.8 mile southwest of Route 690, 1.2 miles northwest of intersection of Routes 690 and 621.

The following properties have been added to the National Register since October 7, 1969:

GEORGIA

Richmond County

Augusta, *MacKay House,* 1822 Broad Street

ILLINOIS

Cook County

Chicago, *Pullman Historic District,* bounded on the north by 103d Street, on the east by C.S.S. and S.B. Railroad spur tracks, on the south by 115th Street, and on the west by Cottage Grove Avenue.

Riverside, *Riverside Landscape Architectural District,* bounded on the north by 26th Street, on the east by Harlem Avenue, on the south by Ogden Avenue and the south bank of the Des Plaines River, and on the west by Forbes Road.

INDIANA

Marion County

Indianapolis, *Military Park,* bounded on the west by Blackford Street, on the north by New York Street, on the east by West Street, and on the south by the canal.

KANSAS

Barber County

Medicine Lodge vicinity, *Medicine Lodge Peace Treaty Site,* just south and east of Medicine Lodge.

MAINE

Waldo County

Stockton Springs vicinity, *Fort Pownall Memorial,* southeast of Stockton Springs on Fort Point.

MARYLAND

Baltimore (independent city)

Otterbein Church, 112 West Conway Street.

St. Mary's County

St. Mary's City, *St. Mary's City Historic District,* bounded on the west by the St. Mary's River, on the south by St. Inigoes Creek and a branch of Broome (Hill) Creek, and on the north by Chancellor's (Fisherman or St. John's) Creek; the eastern boundary extends south and east about 2 miles across the peninsula from Chancellor's Creek to Broome Creek.

MICHIGAN

Wayne County

Dearborn, *Greenfield Village,* Oakwood Boulevard.

MINNESOTA

Olmsted County

Rochester, *1914 and 1928 Mayo Clinic Buildings,* 110–115 Second Avenue.

Rice County

Northfield, *Rolvaag (O.E.) House,* 311 Manitou Street.

NEBRASKA

Antelope County

Neligh, *Neligh Mill,* 111 West Second Street.

Custer County

Broken Bow vicinity, *Haumont House,* northeast of Broken Bow.

Dakota County

Dakota City, *Emmanuel Lutheran Church,* 1500 Hickory Street.

Dawson County

Gothenburg vicinity, *Midway Stage Station,* South of Gothenburg.

Douglas County

Omaha, *Bank of Florence,* 8502 North 30th Street.

Lancaster County

Lincoln, *City Hall,* 920 O Street.

Sarpy County

Bellevue, *Hamilton (William) House,* 2003 Bluff Street.

NEW YORK

Columbia County

Hudson, *General Worth Hotel,* 215 Warren Street.

Dutchess County

Poughkeepsie, *Vassar (Matthew) House, Springside,* Academy and Livingston Streets.

OHIO

Hamilton County

Cincinnati, *Pittman (Benn) House,* 1852 Columbia Parkway.

Wood County

Perrysburg vicinity, *Fort Meigs,* 1.3 miles southwest of Perrysburg.

PENNSYLVANIA

Bucks County

Morrisville vicinity, *Pennsbury Manor,* on Delaware River south of Bordentown Road.

Lancaster County

Lancaster, *Fulton Opera House,* 12–14 North Prince Street.

Philadelphia County

Philadelphia, *Founder's Hall, Girard College,* Corinthian and Girard Avenues.

SOUTH CAROLINA

Spartanburg County

Moore vicinity, *Price's Post Office,* junction of County Routes 86, 199, and 200.

TEXAS

Galveston County

Galveston, *Ashbel Smith Building,* 914–916 Avenue B (Strand Avenue).
Galveston, *El Mina Shrine Temple,* 2328 Broadway.
Galveston, *Sealy (George) House,* 2424 Broadway.

Marion County

Jefferson, *Alley-Carlson House,* 501 Walker Street.
Jefferson, *Epperson-McNutt House,* 409 South Alley Street.
Jefferson, *Excelsior Hotel,* Austin Street between Market and Vale Streets.
Jefferson, *Jefferson Playhouse,* northwest corner of Market and Henderson Streets.
Jefferson, *Old U.S. Post Office and Courts Building,* 223 Austin Street.
Jefferson, *Presbyterian Manse,* northeast corner of Alley and Delta Streets.

VIRGINIA

Fairfax County

Lorton, *Pohick Church,* 9201 Richmond Highway.

Frederick County

Middletown vicinity, *Cedar Creek Battlefield and Belle Grove,* on Interstate 81 between Middletown and Strasburg.

Prince George County

Hopewell vicinity, *Merchant's Hope Church,* 0.5 mile west of intersection of Route 641 and Va. 10.

Warren County

Cedar Creek Battlefield and Belle Grove (see Frederick County).

WISCONSIN

Sauk County

Baraboo, *Ringling Brothers Circus Headquarters, Ringlingville,* bounded roughly by Water Street on the north, Briar Street on the east, Lynn Street on the south, and East Street on the west.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 69–13093; Filed, Nov. 3, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(68)–2]

S.E.D.I.C. AND G. A. FORREST

Order Terminating Indefinite Denial Order

In the matter of S.E.D.I.C., Societe Eurafricaine pour le Developpement de l'Industrie et du Commerce, and G. A. Forrest, 396 Avenue Louise, Brussels, Belgium, respondents.

On May 14, 1968, effective on May 16, 1968 (33 F.R. 7462), an order was entered against the above respondents denying them, for an indefinite period, all privileges of participating in exportations from the United States because they failed to answer interrogatories duly served in accordance with § 382.15 of the Export Regulations (now § 388.15 of the Export Control Regulations) without showing good cause for such failure. The respondents have now furnished complete and responsive answers to the interrogatories.

Accordingly, it is hereby ordered, That the above-mentioned order dated May 14, 1968, be and the same hereby is terminated.

Dated: October 28, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69–13085; Filed, Nov. 3, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18496 etc.]

SERVICE TO LINCOLN, NEBR.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held before the undersigned examiner on December 9, 1969, at 10 a.m., e.s.t. in Room A–250, County-City Building, 10th and J Streets, Lincoln, Nebr., at which time the evidence from the civic parties will be received. After the conclusion of the sessions at Lincoln, the hearing will reconvene on December 16, 1969, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., to receive the evidence of the remaining parties.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served September 2, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 29, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69–13112; Filed, Nov. 3, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE AIR FORCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Air Force to fill by noncareer executive assignment in the excepted service the position of Deputy for Overseas Operations in the Office of Deputy Under Secretary (International Affairs).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13081; Filed, Nov. 3, 1969; 8:45 a.m.]

SOCIAL SCIENTIST, U.S. COMMISSION ON CIVIL RIGHTS

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on October 14, 1969, for the single position of Social Scientist, GS–101–14, Research Division, U.S. Commission on Civil Rights, Washington D.C. This finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13082; Filed, Nov. 3, 1969; 8:45 a.m.]

EDUCATION PROGRAM SPECIALIST, OFFICE OF EDUCATION

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on October 9, 1969, for a single position of Education Program Specialist (Employer-Employee Relations) GS–1720–15, Office of the Commissioner, Office of Education, Department of Health, Education, and Welfare, Washington, D.C. The finding is self-canceling when used.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13083; Filed, Nov. 3, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

GULF/MEDITERRANEAN PORTS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of application to extend approval of a modification to Agreement No. 134 filed by:

Mr. John T. Crook, Chairman, Gulf/Mediterranean Ports Conference, Suite 927, Whitney Building, New Orleans, La. 70130.

Agreement No. 134–31, between the member lines of the Gulf/Mediterranean Ports Conference, approved December 26, 1967, modified the basic agreement to permit the conference carriers to serve Rivalta Scrivia, Italy, an inland distribution center, by the issuance of through bills of lading from ports of origin to this inland point. This permission was limited by the Commission's order of December 26, 1967, to a period of 1 year. On December 5, 1968, the Commission, at the request of the member lines, approved an extension of this service for an additional 1 year period. The member lines request approval of the extension of this service to Rivalta Scrivia for an indefinite period or for the longest period of time acceptable to the Commission.

Dated: October 30, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–13116; Filed, Nov. 3, 1969; 8:48 a.m.]

UNITED KINGDOM/UNITED STATES GULF RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Lykes Lines Agency, Inc., Palmerston House, London E.C.2., England.

Agreement No. 8770–2, between the member lines of the United Kingdom/United States Gulf Rate Agreement, amends the admission provisions of Article (4) and adds a new Article (7) which provides for expulsion of a member line in conformity with the requirements of the Commission's General Order 9 (46 CFR 523). It restates the entire Agreement including these changes, and numbers the self-policing provisions added by Agreement No. 8770–1 as "Article (6)." Present Article (6) has been renumbered "(8)."

Dated: October 30, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–13117; Filed, Nov. 3, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP69–20]

EL PASO NATURAL GAS CO.

Notice of Motion for Modification of Commission Order

OCTOBER 29, 1969.

Take notice that El Paso Natural Gas Co. on October 22, 1969, moved that the Commission modify its order issued in Docket No. RP69–20 on March 20, 1969, as amended by order issued in Dockets Nos. RP69–6 and RP69–20 on June 3, 1969, and by order issued in Docket No. RP69–20 on July 28, 1969.

El Paso states that it seeks further modification of the Commission's order of March 20, 1969, as amended, to permit El Paso to utilize for increases in its Southern Division rates, increased purchased gas costs actually sustained by El Paso during that portion of any suspension period which may be prescribed by the Commission in Docket No. RP70–11 beyond December 31, 1969, the last date upon which El Paso is now authorized to make tracking filings in Docket No. RP69–20. Under this proposal El Paso would be permitted to track supplier rate increases becoming effective after September 17, 1969, with respect to presently attached Southern Division System suppliers identified in its rate increase proposal filed October 13, 1969, in Docket No. RP70–11.

El Paso states that it does not request authority to increase the limitation of 1.72 cents per Mcf as the maximum aggregate amount of increases it may place into effect in Docket No. RP 69–20.

Under its proposed modification, El Paso states that need does not exist for the "Alternative Revised Tariff Sheets" contained in the notice of rate change pending at Docket No. RP70–11 and requests that such alternative revised tariff sheets be deemed withdrawn.

Any person desiring to be heard or to make any protest with reference to said motion should on or before November 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene, protests, answers or objections in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10, or 1.12). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The motion is on file with the Commission and available for public inspection. It appears that good cause exists for shortening the notice period.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13121; Filed, Nov. 3, 1969; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF HONDURAS

Entry or Withdrawal From Warehouse for Consumption

On October 28, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of the Republic of Honduras that it was renewing for an additional 12-month period beginning October 31, 1969 and extending through October 30, 1970, the restraint on imports into the United States of cotton textile products in Category 61, produced or manufactured in the Republic of Honduras. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 61 for the preceding 12-month period. There is published below a letter of October 30, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 61,

produced or manufacured in the Republic of Honduras which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 31, 1969, be limited to the designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

OCTOBER 30, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective October 31, 1969, and for the 12-month period extending through October 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 61 produced or manufactured in the Republic of Honduras, in excess of a level of restraint for the period of 31,500 dozen.

In carrying out this directive, entries of cotton textile products in Category 61, produced or manufactured in the Republic of Honduras and which have been exported to the United States from the Republic of Honduras prior to October 31, 1969, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods during the period October 31, 1968, through October 30, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 61 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Honduras and with respect to imports of cotton textiles and cotton textile products from Honduras have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-13179; Filed, Nov. 3, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4798]

BANGOR HYDRO-ELECTRIC CO. ET AL.

Notice of Proposed Acquisition of Common Stock of Public-Utility Company

OCTOBER 29, 1969.

In the matter of Bangor Hydro-Electric Co., 33 State Street, Bangor, Maine 04401; Central Maine Power Co., 9 Green Street, Augusta, Maine 04330; Maine Public Service Co., 209 State Street, Presque Isle, Maine 04769.

Notice is hereby given that a joint application and an amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by the three companies named above, requesting authorization to acquire shares of common stock of Maine Electric Power Co. ("MEPCO"), in amounts set forth below, to finance the construction of MEPCO's transmission facilities. The application designates sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application, as amended, which is summarized below, for a complete statement of the proposed transactions.

Bangor Hydro-Electric Co. ("Bangor") is an electric utility company incorporated under the laws of the State of Maine and owns 7 percent of the common stock of Maine Yankee Atomic Power Co. ("Maine Yankee") also an electric utility company. Central Maine Power Co. ("Central Maine") and Maine Public Service Co. ("Maine Public") are electric utility companies incorporated under the laws of the State of Maine and are exempt holding companies under the Act. Central Maine owns 9.5 percent of the stock of Yankee Atomic Electric Co., 6 percent of the stock of Connecticut Yankee Atomic Power Co., 4 percent of the common stock of Vermont Yankee Nuclear Power Corp. and 38 percent of the common stock of Maine Yankee. Maine Public owns 100 percent of the stock of Maine and New Brunswick Electrical Power Co., Limited and 5 percent of the common stock of Maine Yankee. Bangor and Central Maine are engaged in the transmission, generation and distribution of electric power in the State of Maine and Maine Public is engaged in the transmission and distribution of electric power in that State.

Pursuant to an agreement of July 31, 1969, MEPCO, a Maine corporation, assumed the rights and obligations of Central Maine under a 25-year Interconnection Agreement and a Power Agreement with The New Brunswick Electric Power Commission ("New Brunswick"), a statutory body created by the Province of New Brunswick, Canada. Under these agreements MEPCO and New Brunswick will build, maintain and operate a 345 kv. transmission line from Keswick, New Brunswick, to Wiscasset, Maine, with MEPCO constructing the portion of the line from the Canadian border to Wiscasset which will there interconnect with the New England transmission grid. After the line is constructed, MEPCO will pay New Brunswick for blocks of power to be delivered at the border, and will be reimbursed, at cost, by the electric utilities in the New England region which have contracted to take power at the border.

All mainland electric utility companies located in the State of Maine were offered an opportunity to participate in the ownership of MEPCO, and all mainland electric utility companies in New England were offered the opportunity to purchase power at the border for transmission over the MEPCO portion of the line.

The five Maine electric utility companies listed below have agreed to purchase 20,000 shares of MEPCO's $100 par value common stock for an aggregate of $2 million, as follows:

	Stock percentage	Number of shares
Central Maine	77.938	15,587
Bangor	14.188	2,838
Maine Public	7.490	1,498
Rangeley Power Co.	.216	43
Woodland Water & Electric Co.	.168	34
	100.000	20,000

There are three additional electric utility companies in Maine, which heretofore have only expressed an interest, and should such companies decide to purchase common stock in MEPCO, then there will be a redistribution of the common stock. Each company which owns common stock of MEPCO will be represented on MEPCO's Board of Directors in approximate proportion to its common stock ownership thereof. Each of MEPCO's principal officers is an officer of the companies which own MEPCO stock.

The proceeds from the sale of the common stock will be used for initial expenses such as land acquisition, engineering, and preliminary construction. MEPCO expects to finance its remaining capital requirements, now estimated at $18 million, by an interim line of credit with banks for $8,200,000, and later, by a public sale of long-term debt of up to $18 million to repay the bank loans and to provide the funds for the balance of the construction.

It is stated that the Maine Public Utilities Commission has authorized the issue and sale of the common stock by MEPCO and the acquisiton of the MEPCO common stock by the five Maine companies. The Federal Power Commission has issued a permit authorizing MEPCO to construct, operate, maintain, and connect electrical transmission facilities at the border between the United States and Canada. The Federal Power Commission also has jurisdiction over the transmission of electric energy for the account of other electric utilities between the United States and Canada. New Brunswick has committed itself to secure the required Canadian regulatory approvals which will be filed by amendment. It is further stated that no other State commission and no other Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The expenses of Bangor, Central Maine, and Maine Public are estimated to total $2,500.

Notice is further given that any interested person may, not later than November 21, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13100; Filed, Nov. 3, 1969; 8:47 a.m.]

[70-4802]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 24, 1969.

Notice is hereby given that Southwestern Electric Power Co. ("Southwestern"), 428 Travis Street, Shreveport, La. 71101, a registered holding company and an electric utility subsidiary company of Central and South West Corp., also a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Southwestern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $35 million principal amount of First Mortgage Bonds, Series K, ------ percent, due December 1, 1999. The interest rate (which shall be a multiple of one-eighth of one percent) and the price, exclusive of accrued interest, to be paid to Southwestern for the bonds (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount of the bonds) will be determined by the competitive bidding. The bonds will be issued under the Mortgage dated February 1, 1940, between Southwestern and Continental Illinois National Bank and Trust Company of Chicago, as Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated December 1, 1969, and which includes a prohibition until December 1, 1974, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

The net proceeds from the sale of the bonds will be used to finance the construction program of Southwestern and its subsidiary companies (including repayment of about $14 million of short-term loans incurred therefor). Construction expenditures for the fourth quarter of 1969 and for the calendar year 1970 are presently estimated at $14,220,000 and $38,160,000, respectively. The net proceeds may also be applied to the retirement of $12,306,000 of First Mortgage Bonds, Series A, maturing on February 1, 1970.

It is stated that the fees and expenses to be incurred in connection with the issue and sale of the bonds are estimated at $67,000, including accountants' fees of $3,000 and counsel fees of $17,200. The fee of counsel for the underwriters, to be paid by the successful bidders, is estimated at $8,500.

It is further stated that the Arkansas Public Service Commission and the Corporation Commission of the State of Oklahoma have jurisdiction over the proposed transaction, that their respective orders of authorization are to be filed by amendment, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 17, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13101; Filed, Nov. 3, 1969; 8:47 a.m.]

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

OCTOBER 29, 1969.

The common stock, $1 par value, of Commonwealth United Corp, a California corporation, being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 30, 1969, through November 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13102; Filed, Nov. 3, 1969; 8:47 a.m.]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corp. and all other securities of Continental Vending Machine Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 29, 1969, through November 7, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13103; Filed, Nov. 3, 1969; 8:47 a.m.]

[812-2627]

TRW INTERNATIONAL FINANCE CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

OCTOBER 29, 1969.

Notice is hereby given that TRW International Finance Corp. ("Applicant"), c/o P. W. Schuette, Esq., Secretary of TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") and Rule 6c-1 thereunder, for an order exempting Applicant from all provisions of the Act effective as of October 10, 1969. All interested persons are referred to the application on file with the Commission for a statement of the material representations made therein, which are summarized below.

The United States Interest Equalization Tax (Internal Revenue Code, ch. 41, secs. 4911-4931) expired on September 30, 1969. The existence of such tax is a condition to the general exemption from the Act of certain finance subsidiaries of U.S. corporations set forth in Rule 6c-1 under the Act. But for such expirations, it would not be necessary for Applicant to make this application.

Applicant states that it will comply with the conditions of Rule 6c-1 under the Act, with the exception that it cannot comply with the condition contained in paragraph (c) (1) thereof if, on the date of issuance of the bonds, there shall not be in force the Interest Equalization Tax or another tax providing a comparable deterrent to the purchase of the bonds by U.S. nationals or residents. Applicant makes the following statements in connection with this undertaking.

1. Applicant was organized under the laws of the State of Delaware on January 17, 1968. All of Applicant's outstanding capital stock (consisting solely of common stock) is owned by TRW Inc., an Ohio corporation, organized in 1916. Any additional securities which Applicant may issue, other than debt securities, shall be issued only to TRW Inc. or to a fully owned subsidiary of TRW Inc. TRW Inc. will continue to retain its present holdings of Applicant's common stock and any additional securities of Applicant which TRW Inc. may acquire, and will not dispose of any of applicant's securities (other than debt securities) except to Applicant itself or to a fully owned subsidiary of TRW Inc.; and TRW Inc. will cause each fully owned subsidiary not to dispose of applicant's securities (other than debt securities) except to TRW Inc., to Applicant, or to one or more fully owned subsidiaries of TRW Inc.

2. The primary purpose of Applicant is to finance the foreign business operations of TRW Inc. through the sale of Applicant's securities, including borrowings, outside the United States. Applicant's organization is consistent with the President's program to improve the balance of payments position of the United States.

3. TRW Inc. is a technically oriented company whose shares are listed on the New York Stock Exchange and other national securities exchanges. Its principal businesses are the manufacture and sale of products and the performance of systems engineering, research, and technical services in the space, defense, and electronic fields, and the manufacture and sale of industrial products and components for aircraft and automobiles and other vehicles.

4. Applicant intends to issue and sell on Wednesday, October 15, 1969, bonds due 1984 (the "Bonds") having an aggregate principal amount of 80 million Deutsche Marks in currency of the Federal Republic of Germany (approximately $20 million in U.S. currency) pursuant to underwriting agreements to be signed in Frankfurt, Germany, on Friday, October 10, 1969, to a group of underwriters for offering and sale only outside the United States. The Bonds are nonconvertible. TRW Inc., will guarantee the payment of principal, interest, and premium, if any, on the Bonds. In the event that any additional debt securities of Applicant are issued to or held by the public, such debt securities are expected to be similarly guaranteed by TRW Inc.

5. The Bonds are to be sold by the underwriters under conditions which are intended to assure that the Bonds will not be sold to nationals or residents of the United States. The underwriting agreements contain restrictions applicable to each underwriter that it will not offer or sell any Bonds directly or indirectly in the United States (which term includes the possessions and territories of the United States) or to nationals or residents thereof, nor will it offer or sell any Bonds to others where it has reason to believe that such Bonds will be reoffered or resold in the United States or to such nationals or residents, except for sales to underwriters and dealers. Each purchaser of Bonds who is a dealer will agree that it is not purchasing such Bonds for the account of nationals or residents of the United States and that it will not offer or sell such Bonds directly or indirectly in the United States or to nationals or residents thereof, and in the case of a U.S. dealer, that it will sell such Bonds within 90 days after purchase. It is contemplated that any additional debt securities of the Applicant which may be offered to the public in the future will be sold under substantially similar conditions.

6. It is intended that, upon completion of the long-term investment of the proceeds received from sale of the Bonds, at least 80 percent of the assets of Applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies (including U.S. companies all or substantially all of whose business is carried on abroad either directly or indirectly through foreign companies).

7. At least 90 percent of Applicant's assets, exclusive of U.S. Government securities and cash items and short-term investments in foreign government and commercial paper, will be invested in or loaned to companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be, owned, directly or indirectly, by TRW Inc.; and any assets of Applicant not invested in such companies will only be invested in or loaned to companies which are customers or suppliers of TRW Inc., or a subsidiary of TRW Inc.; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly owned subsidiaries of TRW Inc.

8. Applicant will not deal or trade in securities. Pending investment of its assets in the manner described above, and from time to time thereafter in connection with changes in long-term investments, Applicant will invest temporarily in debt obligations (including time deposits) of governments, financial institutions, and foreign subsidiaries of TRW Inc., payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition.

9. Except for balance-of-payments considerations, TRW Inc. could have undertaken this program with its own funds without registering under the Act. Such direct investments by TRW Inc. in its foreign operations would present no question of registration under the Act. In order to avoid the outflow of American capital, however, TRW Inc. has determined to raise the principal capital for its foreign operations from sources outside the United States.

10. If the Interest Equalization Tax is extended in substantially the form in which it was previously in force, then TRW Inc., by financing these foreign operations through the Applicant rather than through the sale of its own debt obligations, will utilize an instrumentality the acquisition of whose debt obligations by U.S. persons would generally subject such persons to such tax, thus discouraging them from purchasing such debt obligations. Subject to the timing and form of such extension of such tax, it is anticipated that tax counsel will advise the Applicant that U.S. persons will be required to report and pay such tax with respect to the acquisition of the Bonds except where a specific statutory exemption is available. The underwriting agreements presently contemplate that the Bonds will bear a legend stating that U.S. persons are liable for such tax except where a specific statutory exemption is available.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has submitted that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting Applicant from all provisions of the Act effective as of October 10, 1969. In addition to the foregoing statement of facts, Applicant has represented the following:

(1) The payment of the Bonds does not depend solely on the operations or investment policy of applicant because the bond holders may ultimately look to the business enterprise of TRW Inc. TRW Inc. has net assets in excess of $200 million. Accordingly, the public policy which dictated the enactment of the Act is not applicable to Applicant nor do the security holders of the Applicant require the protection afforded by the Act; (2) applicant's security holders will have the benefit of compliance by TRW Inc., with the disclosure and reporting provisions of the Securities Exchange Act of 1934 and the New York Stock Exchange; and (3) the Bonds will be sold only to foreign nationals; and if the Interest Equalization Tax is extended in substantially the form in which it was previously in force, the burden of such tax will discourage resale to any U.S. national or resident.

The Applicant agrees that such an order may be issued subject to the conditions that:

(1) Applicant will comply, in connection with the sale of the Bonds as described above, with Rule 6c-1 except that the condition contained in paragraph (c) (1) thereof shall not apply to such sale if, on the date of issuance of the Bonds, there shall not be in force either (i) the Interest Equalization Tax in substantially the form in which it was previously in force, or (ii) another tax providing a comparable deterrent to the purchase of the Bonds by U.S. nationals or residents; and

(2) Applicant will not issue, subsequent to the offering and sale of the Bonds, without a further order of the Commission, any securities (except to TRW Inc., or a subsidiary of TRW Inc., which is not an investment company) in the event that the United States Interest Equalization Tax is not reenacted, is reenacted and expires, or is repealed or the rate thereof is reduced to zero and such tax is not replaced by another tax providing a comparable deterrent to the purchase of Applicant's securities by U.S. persons. Nothing contained in the order, or the conditions to which it may be subject, requested by this application shall preclude the Applicant from being exempt from the Act by virtue solely of (i) the Applicant becoming exempt from each and every provision of the Act pursuant to Rule 6c-1 under the Act of (ii) the Commission adopting, amending, or interpreting a rule under the Act which would exempt the Applicant from each and every provision of the Act.

Notice is further given that any interested person may, not later than November 18, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13104; Filed, Nov. 3, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 262]

INCREASED FREIGHT RATES, 1969

OCTOBER 29, 1969.

The railroads have filed, on statutory notices to become effective November 18, 1969, Tariff Schedules providing generally for a 6-percent increase in freight rates.

As stated in the Commission's notice of October 14, 1969:

These Tariffs will be * * * subject to protest, suspension or rejection as provided in the Commission's rules of practice.

Protests to be considered in this connection must be received by the Commission on or before November 6, 1969. For the Commission's use, the original and 24 copies should be addressed to H. Neil Garson, Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Copies (25) of protests must also be sent at the same time to the petitioning railroads and for this purpose, may be addressed to Edward A. Kaler, Room 527, American Railroads Building, Washington, D.C. 20036.

The Commission will hear oral argument regarding the lawfulness of such Tariffs on November 12, 1969. Parties desiring an allotment of time to participate therein must notify the Commission on or before November 6, 1969.

The railroads have the right to reply to all protests and they are required to serve their replies promptly on the respective protestants. To receive consideration, such replies should be filed and served not later than November 10, 1969.

In the interest of conserving the time of all concerned, the parties are authorized and encouraged to submit memorandum briefs supplemental to, or in lieu of, oral argument. The original and 24 copies of all such briefs must be filed with the Secretary of the Commission on or before November 12, 1969; and copies must be made available to any other parties upon request. No reply briefs will be permitted.

Argument of the parties should be addressed to the discretion of the Commission on the following questions:

(1) Should the Commission permit the proposed 6-percent increase to become effective as published on November 18, 1969.

(2) Should the Commission institute an investigation into the lawfulness of the proposed increase.

(3) Should the Commission suspend the proposed increase as applied to any description of traffic.

In reaching its conclusions on the above questions the Commission will give full consideration to all proper protests, replies, briefs, and oral argument.

Single copies of each document filed by the parties, as above provided, should be sent directly to the Cooperating State Commissioners, named below, who will be advising with the Commission in this proceeding.

The Honorable William E. Ozzard, Commissioner, New Jersey Board of Public Utility Commissioners, 101 Commerce Street, Newark, N.J. 07102.

The Honorable C. C. Owen, Commissioner, Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102.

The Honorable Charles J. Fain, Commissioner, Missouri Public Service Commission, Jefferson Building, Jefferson City, Mo. 65102.

The Honorable Robert D. Timm, Chairman, Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash. 98501.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13078; Filed, Nov. 3, 1969; 8:45 a.m.]

[S.O. 1002; Car Distribution Direction No. 64; Amdt. 1]

ILLINOIS CENTRAL RAILROAD CO. AND COLUMBUS AND GREENVILLE RAILWAY CO.

Car Distribution

Upon further conideration of Car Distribution Direction No. 64, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 64 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 23, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 2, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-13109; Filed, Nov. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 62; Amdt. 1]

SEABOARD COAST-LINE RAILROAD CO. ET AL.

Car Distribution

In the matter of Seaboard Coast-Line Railroad Co., St. Louis-San Francisco Railway Co., Columbus and Greenville Railway Co.

Upon further consideration of Car Distribution Direction No. 62, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 62 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 23, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 2, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-13110; Filed, Nov. 3, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 63; Amdt. 1]

SOUTHERN RAILWAY CO. AND COLUMBUS AND GREENVILLE RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 63, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 63 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 23, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 2, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1969.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-13111; Filed, Nov. 3, 1969; 8:47 a.m.]

[Notice No. 934]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 30, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31237 (Sub-No. 4 TA), filed October 27, 1969. Applicant: JOSEPH M. DIGNAN & SON, INC., Post Office Box 7463, Baltimore, Md. 21227. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, automobiles, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Top Value Enterprises, Inc., store located at Centreville, Va., as an off-route point in connection with presently authorized regular routes, between Baltimore, Md., and Alexandria, Va., for 180 days. Supporting shipper: Top Value Enterprises, Inc., Top Value Building, Dayton 1, Ohio; Attention: F. W. Lawson, General Traffic Manager. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 86779 (Sub-No. 32 TA), filed October 27, 1969. Applicant: ILLINOIS CENTRAL RAILROAD COMPANY, 135 East 11th Place, Chicago, Ill. 60605. Applicant's representative: John H. Doeringer, Illinois Central Railroad Co., 135 East 11th Place, Chicago, Ill. 60605. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except commodities in bulk, household goods, and commodities which because of size or weight require special equipment, between Chicago, Kankakee, Pontiac, and Minonk, Ill., restricted to shipments having a prior or subsequent movement by rail, for 180 days. NOTE: Applicant proposes to tack with existing authority at Kankakee and Minonk, Ill. Supporting shippers: Simoniz Co., 110 North Wacker Drive, Chicago, Ill. 60606; Interlake Steel Corp., 135th Street and Perry Avenue, Chicago, Ill. 60627; J. W. Mortell Co., Kankakee, Ill. 60901; A. O. Smith Corp., Kankakee, Ill. 60901; Bennett Industries Inc., Peotone, Ill. 60468. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107496 (Sub-No. 754 TA), filed October 27, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chromate,* in bulk, from Lake Zurich, Ill., to Lake Charles, La., for 150 days. Supporting shipper: Dearborn Chemical Division, W. R. Grace & Co., Merchandise Mart Plaza, Chicago, Ill. 60654. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107544 (Sub-No. 85 TA), filed October 28, 1969. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representative: Baryl J. Henry (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide,* in bulk, in specially designed cargo tank trailers, moving under special permit, between Vicksburg, Miss., and Air Force bases and Missile Test facilities located in Arizona, Arkansas, California, Colorado, Kansas, Florida, New Mexico, Nevada, and Ohio, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 110420 (Sub-No. 602 TA), filed October 28, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chocolate, and coating and flavoring compounds,* in bulk, from Milwaukee, Wis., to points in Arkansas, for 180 days. Supporting shipper: Ambrosia Chocolate Co., Division W. R. Grace & Co., 1133 North Fifth Street, Milwaukee, Wis. 53203, James E. McMahon, Traffic Manager. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 117940 (Sub-No. 10 TA), filed October 27, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in container, from Houston, Tex., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Pennfield Oil Co., 9001 Arbor Street, Omaha, Nebr. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 120800 (Sub-No. 21 TA), filed October 28, 1969. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda, Compton, Calif. 90222. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid oxygen,* in specially designed vacuum jacketed trailers, from Michoud, La., to the Mississippi Test Facility, Bay St. Louis (Santa Rosa), Miss., for 150 days. Supporting shipper: Eamtmts-Slo, 405 South 12th Street, 10th Floor, U.S. Government Mart Building, St. Louis, Mo. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124328 (Sub-No. 38 TA), filed October 28, 1969. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. E. Wells (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Currency,* between Toledo, Ohio, and Deerfield, Mich., for 120 days. Supporting shipper: The Deerfield State Bank, Deerfield, Mich. 49238. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 19 TA), filed October 27, 1969. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Metal containers, and components,* from the plantsite and/or facilities of Crown Cork & Seal Co., Inc., at or near Bradley, Ill., to Seymour, Jeffersonville, and Fort Wayne, Ind., and Holland, Mich., for 150 days. Supporting shipper: Crown Cork & Seal Co., Inc., 3501 West 31st Street, Chicago, Ill. 60623. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127668 (Sub-No. 4 TA), filed October 27, 1969. Applicant: WILLIAM WELCH AND JOHN WELCH, doing business as WELCH TRUCKING COMPANY, 1105 South Boulder, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated buildings or houses,* metal, iron and steel, complete, knocked down or in sections, including all *component parts, materials, supplies, and fixtures,* and when shipped with such buildings, *accessories used in the erection, construction, and completion thereof; structural steel and metal panels,* from Oklahoma City, Okla., and the plant of Star Manufacturing Co. located at or near Oklahoma City, Okla., on South Interstate Highway 35 to points in Arizona and Nevada, under a continuing contract or contracts, with Flynn Steel Buildings Co., Phoenix, Ariz., for 180 days. Supporting shipper: Flynn Steel Buildings Co., 2621 East Indian School Road, Phoenix, Ariz. 85016. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 129054 (Sub-No. 6 TA), filed October 27, 1969. Applicant: GILDER TRUCKING COMPANY, 280 Memorial Drive SE., Atlanta, Ga. 30312. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass* (preglazed or not preglazed); *glass and preglazed glass panel entrance units with aluminum framing; preglazed curtain wall units;* also, *parts and accessories necessary in installing above commodities, including caulking compound,* from Atlanta, Ga., to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Tuxedo Glass & Mirror Co., Inc., 1680 Monroe Drive NE., Atlanta, Ga. 30324. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 129307 (Sub-No. 23 TA), filed October 28, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Frankfort, Mich., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Pet, Inc., Frozen Foods Division, St. Louis, Mo. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 134104 (Sub-No. 1 TA) (Amendment), filed October 17, 1969, and published in the FEDERAL REGISTER issue of Notice No. 930, and republished as amended this issue. Applicant: GILBERT FONT AND PETER J. BETZ, doing business as B&F TRANSPORT COMPANY, 110 Moriches Bypass, Center Moriches, N.Y. 11934. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Industrial refuse containers;* and (2) *lamp shades;* (1) from Lindenhurst and Farmingdale, N.Y., to points in Delaware, Florida, Iowa, Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota, New Jersey, New York, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, Wisconsin, Washington, D.C., and *materials and supplies* used in the manufacture of industrial refuse containers from points in Maryland, Ohio, Pennsylvania, and West Virginia, to Lindenhurst and Farmingdale, N.Y.; (2) from East Patchogue, N.Y., to points in Delaware, Maryland,

Pennsylvania, and Washington, D.C., and on return, materials and supplies used in the manufacture of industrial refuse containers, from points in Pennsylvania and West Virginia, to Lindenhurst and Farmingdale, N.Y.; (3) *industrial refuse containers* from Baltimore, Md., to Lindenhurst and Farmingdale, N.Y., for 180 days. NOTE: The purpose of this amendment is to make a change in part (2) above, and added part (3). Supporting shippers: Gen Sani-Can Corp., 21 Gear Avenue, Lindenhurst, N.Y. 11757; DeBono Inc., 1165 Montauk Highway, East Patchogue, N.Y. 11772. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134124 TA, filed October 27, 1969. Applicant: NEW JERSEY INTERNATIONAL MOVERS, INC., Post Office Box 551, Freehold, N.J. 07728. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in New Jersey, for 180 days. Supporting shippers: Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22304; Delcher Intercontinental Moving Service, 262 Riverside Avenue, Post Office Box 507, Jacksonville, Fla.; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 134125 TA, filed October 27, 1969. Applicant: BRUNSWICK PETROLEUM TRANSPORT LIMITED, Toomb Street, Post Office Box 1011, Moncton, New Brunswick, Canada. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Liquid alum*, in bulk, from ports of entry on the international boundary line between the United States and Canada, at or near Madawaska, Maine, to Madawaska, Maine, for 150 days. Supporting shipper: Allied Chemical Canada, Ltd., 1155 Dorchester Boulevard West, Montreal 102, Quebec, Canada. Send protests to: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13107; Filed, Nov. 3, 1969; 8:47 a.m.]

[Notice 438]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 30, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71630. By order of October 28, 1969, the Motor Carrier Board approved the transfer to G & H Motor Freight Lines, Inc., Greenfield, Iowa, of certificate No. MC-110581 and certificate of registration No. MC-110581 (Sub-No. 3) issued October 7, 1963, and August 18, 1964, to R. C. Gross, doing business as G & H Motor Freight Line, Greenfield, Iowa, authorizing the transportation, in interstate or foreign commerce, of: General commodities, with exceptions, and Freight, between points in Iowa. Russell H. Wilson, 3839 Merle Hay Road, Des Moines, Iowa 40210, attorney for applicants.

No. MC-FC-71670. By order of October 28, 1969, the Motor Carrier Board approved the transfer to R. Paul McKeen, Wheeling, W. Va., of the operating rights in certificate No. MC-79065 issued October 2, 1950, to The D. C. McCurdy Co., a corporation, Martins Ferry, Ohio, authorizing the transportation of: Such commodities, in bulk, as are transported in dump trucks, from specified points in Ohio and West Virginia to points in Ohio, Pennsylvania, and West Virginia. D. L. Bennett, 129 Edgington Land, Wheeling, W. Va. 26003, practitioner for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13108; Filed, Nov. 3, 1969; 8:47 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

POTENTIAL OIL POLLUTION IN LAKE ERIE

Notice of Public Hearings

The International Joint Commission will conduct public hearings on December 2, 1969, at 9:30 a.m., in the Auditorium of the Education Centre, 155 College Street, Toronto, Ontario, and on December 3, 1969, at 9:30 a.m., Thirty-First Floor Auditorium, New Federal Building, 1240 East Ninth Street, Cleveland, Ohio, to inquire into the adequacy of existing safety requirements applicable to drilling and production operations in Lake Erie to prevent oil escaping into the Lake; the adequacy of known methods of cleaning up major oil spills; and the adequacy of existing contingency plans to deal with oil spills that may occur in Lake Erie.

All interested persons will be given opportunity to express their views orally or by written statement. All statements should be addressed to the purpose of the enquiry outlined above. Where possible fifteen (15) copies of written statements should be filed with each Secretary ten (10) days in advance of the hearing with thirty (30) additional copies deposited with either of them at the hearing.

A report entitled "Potential Oil Pollution Incidents from Oil and Gas Well Activities in Lake Erie—Their Prevention and Control", was prepared for the Commission by its International Lake Erie Pollution Board and was released on October 27. Copies may be obtained from the Secretaries of the Commission at either of the addresses noted below.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Washington, D.C. 20440 STOP 86.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario Canada.

OCTOBER 27, 1969.

[F.R. Doc. 69-13106; Filed, Nov. 3, 1969; 8:47 a.m.]

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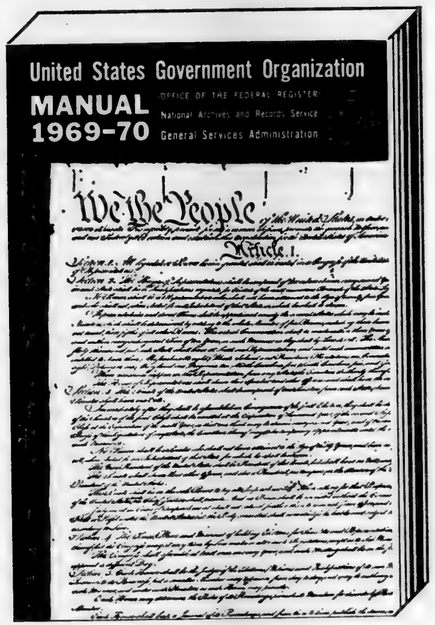
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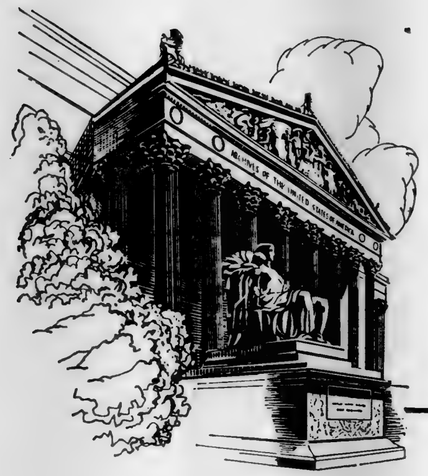
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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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PROPOSED RULES:
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83 (2 documents) ---- 17916, 17917
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1033 ---- 17805
PROPOSED RULES:
195 ---- 17916

50 CFR
32 (2 documents) ---- 17915

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Director, Bureau of the Census, is excepted under Schedule C during the 1970 Decennial Census period. Effective on publication in the FEDERAL REGISTER, paragraph (d) is added to § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(d) *Bureau of the Census.* (1) During the 1970 Decennial Census period, one Confidential Assistant to the Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13208; Filed, Nov. 4, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Interstate Commerce Commission

Section 213.3322 is amended to show that one position of Secretary to the Congressional Liaison Officer is in Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (f) is added to § 213.3322 as set out below.

§ 213.3322 Interstate Commerce Commission.

* * * * *

(f) One Secretary to the Congressional Liaison Officer.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13209; Filed, Nov. 4, 1969; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Second Apportionment of the Special Food Service Program for Children Funds Pursuant to the National School Lunch Act, Fiscal Year 1969

Amendments of reapportionment for the States and total as listed below:

A second apportionment pursuant to section 13, National School Lunch Act, as amended, food assistance and nonfood assistance funds available for fiscal year 1969 and through September 30, 1969, was published in the FEDERAL REGISTER on August 2, 1969 (34 F.R. 12623). The second apportionment is amended for the States and total listed as follows:

State	Total Apportionment
Indiana	$92,597
Maine	38,247
Pennsylvania	32,240
Texas	420,000
Trust Territory	11,000
Total	8,396,297

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: October 30, 1969.

HOWARD P. DAVIS,
Acting Administrator.

[F.R. Doc. 69-13204; Filed, Nov. 4, 1969; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

PART 863—SUGARCANE; FLORIDA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Belle Glade, Fla., on July 1, 1969, the following determination is hereby issued:

Sec.
863.28 Requirements.
863.29 Applicability of wage requirements.
863.30 Payment of wages.
863.31 Evidence of compliance.
863.32 Subterfuge.
863.33 Claim for unpaid wages.
863.34 Failure to pay all wages in full.
863.35 Checking compliance.

AUTHORITY: §§ 863.28 to 863.35 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 863.28 Requirements.

A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work, as provided in § 863.29, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on November 10, 1969, and shall remain in effect until amended, superseded, or terminated.

(1) *Work performed on a time basis.*

Class of Worker	Rate per hour
(i) Tractor drivers and principal operators of mechanical harvesting and loading equipment	$1.90
(ii) All other workers, including those employed to assist in the operation of mechanical harvesting and loading equipment such as harvester cutter blade operators	$1.65

(2) *Workers 14 and 15 years of age and full-time students when employed on a time basis.* For workers 14 and 15 years of age and, where the Secretary of Labor has by certificate or order provided for the employment of full-time students 14 years of age or older on a part-time basis (not to exceed 20 hours in any workweek during the time school is in session) or on a part-time or full-time basis during school vacations, the rate shall be not less than 85 percent of the applicable hourly rate for the class of worker prescribed in subparagraph (1) of this paragraph. (The act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.)

(3) *Apprentice operators of tractors and mechanical harvesting and loading equipment when employed on a time basis.* The hourly wage rate for a learner or apprentice, who is being trained as a tractor driver or the principal operator of mechanical harvesting or loading equipment, shall be not less than $1.65. The training period for such workers shall not exceed 6 workweeks.

(4) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Regional Director, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 1371 Peachtree Street NE., Atlanta, Ga. 30309, to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly rate for the class of worker prescribed in subparagraph (1) of this paragraph.

(5) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of 2 weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate for the class of worker prescribed in subparagraph (1), (2), (3), or (4) of this paragraph.

(b) *Compensable working time.* For work performed under paragraph (a) of this section, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working

day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(c) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

§ 863.29 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar, harvested for seed, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crops proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 863.30 Payment of wages.

Workers shall be paid in cash for all work performed, except to the extent that the cash payment is reduced by the following deductions: cash advances made to the worker by the producer; the market value or the amount agreed upon for supplies furnished by the producer at the request of the worker; meals, lodging, and transportation expense which the producer agreed to furnish for a stated amount; and mandatory deductions such as taxes and Social Security contributions. In addition, a producer may deduct the amounts he has paid to a third party on behalf of the worker in connection with his employment as a farm worker which are acknowledged in writing signed by the worker or his agent or substantiated by other evidence acceptable to the county ASC committee to be an indebtedness of the worker, and which cover the expense of services and benefits furnished the worker by the third party, and which the worker or his agent has agreed may be deducted from his wages, such as public utilities, medical services, group hospitalization or other insurance for the benefit of the worker. As evidence of payments to a third party for which a deduction is made from the earnings of a worker, the producer shall maintain for a period of 3 years, for the inspection of the worker and the local county ASCS office, receipted bills or other written satisfactory evidence that support such deductions. Payments made to a labor contractor, supervisor, or labor trainer, or the cost of meals, lodging, transportation, and insurance covering injury or illness resulting from employment, any or all of which the producer agreed to furnish the worker free of charge, shall not be deducted from cash wages due the worker. When any deductions are made, the producer shall furnish to the worker, at time of settlement, a statement showing the gross amount of wages due for work performed and the amount of each deduction properly identified.

§ 863.31 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 863.32 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 863.33 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the local Agricultural Stabilization and Conservation County Committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU–191, entitled "Claim Against Producer for Unpaid Wages," within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and Forms SU–191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Florida State Agricultural Stabilization and Conservation Committee, 401 Southeast First Avenue, Gainesville, Fla. 32601, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this Title 7 of the Code of Federal Regulations.

§ 863.34 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this Part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment, representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such a farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them; or if unpaid workers cannot be located, and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 863.35 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the heading "Wage Rate Determinations" in Handbook 3–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbook 3–SU may be inspected at local county ASCS offices, and copies may be obtained from the Florida State ASCS Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida as one of the conditions with which producers must comply to be eligible for payment under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearng, and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

Wage determination. This determination differs from the prior determination in that the minimum wage rates for work performed on a time basis are increased 10 cents per hour—to $1.90 for tractor drivers and principal operators of mechanical harvesting and loading equipment, and to $1.65 for all other workers. In addition, a provision has been added requiring producers, who make payments in connection with the worker's employment to a third party for items, such as utility bills, which the worker or his agent has agreed may be deducted from his wages, to maintain on file receipted bills for the inspection of the worker or the local county ASCS office for a period of 3 years. Other provisions of the prior determination remain unchanged.

A public hearing was held in Belle Glade, Fla., on July 1, 1969, at which interested persons were afforded the opportunity to testify with respect to whether the wage rates established for Florida sugarcane fieldworkers in the determination which became effective on November 18, 1968, continue to be fair and reasonable under existing circumstances, or whether such determination should be amended. Testimony was presented by representatives of processor-producers, cooperative producers, independent producers, and fieldworkers.

Representatives of producers recommended that the wage rate and other provisions of the prior determination be continued for the 1969–70 season. These witnesses testified that the producers' ability to pay higher wages has been restrained by acreage reductions and higher production costs, and that sugar prices and worker productivity have not kept pace with wage rates. The witnesses pointed out the helpfulness to their employee training programs of the provision which allows the payment of an apprentice rate for a maximum period of 6 weeks to inexperienced operators of mechanical equipment. They stated that additional worker classifications applicable to mechanical harvesting are not needed at present, since workers will be employed as harvester operators only for experimental purposes.

An independent producer of sugarcane recommended that a producer be deemed to be in compliance with the minimum hourly guarantee requirements if the individual earnings of not less than 90 percent of all workers employed on a piecework basis average for each pay period not less than the applicable hourly rate prescribed in the determination. The witness testified that this would discourage the use by slow workers of the minimum hourly guarantee as a tool to put forth the least possible effort.

Representatives of workers appearing at the hearing recommended a minimum wage ranging from $1.70 to $2.50 per hour. In support of this recommendation, the witnesses stated that an hourly increase of 15 cents in the minimum rate is necessary to offset the cost of living increase, and that workers in the Glades area of Florida earn wages ranging from $2.36 (citrus workers) to $4.15 (construction workers) per hour. One witness recommended that producers advertise for labor at progressively higher rates until domestic workers are attracted to harvest work; that workers receive portal-to-portal compensation rather than pay for actual field time only; that young people 14 and 15 years of age not be permitted to work; that a neutral arbitrator be provided to settle row price disputes; and that each worker be provided a record of his starting and finishing time, and number of hours worked. This witness also recommended that the Department publish the criteria used each year in determining wages.

Consideration has been given to the recommendations and testimony presented at the public hearing; to the returns, costs, and profits of producing surgarcane obtained by field survey for recent crops and recast in terms of conditions likely to prevail for the 1969 crop; and to other standards generally considered in wage determinations, including the cost of living and the producers' ability to pay. The increase during the past year in the cost of living has been in excess of 5 percent. Although the 1969 crop has been curtailed by restrictions on total acreage, present prospects are for a good crop, and the average producer is expected to make a profit. Analysis of all data and factors indicate that the increases in the minimum wage rates established in this determination are fair and reasonable and are within the producers' ability to pay.

This determination provides, in those instances where the producer pays utility bills or other obligations for the account of the worker and the worker has agreed in advance that such obligations may be deducted from his wage, that such deductions may be made provided the producer maintains receipted bills or other evidence for at least 3 years for the inspection of the worker or the local county ASCS office. Deductions from a worker's pay for consumer debts to a third party, such as household appliances, not connected with the worker's

employment as a farm worker are not proper and may not be withheld from wages due the worker. In addition, the producer is required to furnish to the worker an itemized statement showing the gross amount of wages due, and each deduction properly identified.

Section 301(c)(1) of the Sugar Act requires that all persons be paid in full at rates not less than those determined to be fair and reasonable. For this reason, the recommendation that the individual earnings of not less than 90 percent of all workers employed on a piecework basis average for each pay period not less than the applicable minimum hourly rate has not been adopted.

Information available to the Department indicates that unskilled workers employed on a piecework basis as cane cutters earned an average of approximately $1.90 per hour during the 1968–69 harvest, as compared to the minimum rate of $1.55 per hour. The hourly rates for tractor drivers and principal operators of mechanical harvesting and loading equipment ranged from $1.80 up to $2. The unskilled labor force in Florida cane fields is composed primarily of workers imported from the British West Indies, while the skilled and semiskilled labor force is composed of local domestic workers who are customarily employed on a year-round basis.

This determination is issued on a continuing basis and will remain in effect until amended or terminated. However, the Department will keep the wage situation under review and will hold hearings annually and conduct such investigations as may be necessary.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on November 10, 1969.

Signed at Washington, D.C., on October 30, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-13124; Filed, Nov. 4, 1969; 8:45 a.m.]

PART 864—WAGES; SUGARCANE; LOUISIANA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Houma, La., on June 26, 1969, the following determination is hereby issued.

Sec.
864.23 Requirements.
864.24 Applicability of wage requirements.
864.25 Payment of wages.
864.26 Evidence of compliance.
864.27 Subterfuge.
864.28 Claim for unpaid wages.
864.29 Failure to pay all wages in full.
864.30 Checking compliance.

AUTHORITY: §§ 864.23 to 864.30 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 864.23 Requirements.

A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work, as provided in § 864.24, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but no less than the following, which shall become effective on November 10, 1969, and shall remain in effect until amended, superseded, or terminated:

(1) *For work performed on a time basis.*

Class of Worker:

Harvest work	*Rate per hour*
Harvester and loader operators	$1.55
Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators	1.50
All other harvesting workers	1.40

Production and cultivation work	*Rate per hour*
Tractor drivers	1.45
All other production and cultivation workers	1.40

(2) *Workers 14 and 15 years of age and full-time students when employed on a time basis.* For workers 14 and 15 years of age and, where the Secretary of Labor has by certificate or order provided for the employment of full-time students 14 years of age or older on a part-time basis (not to exceed 20 hours in any workweek during the time school is in session) or on a part-time or a full-time basis during school vacations, the rate shall be not less than 85 percent of the applicable hourly rate for the class of worker prescribed in subparagraph (1) of this paragraph. (The act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.)

(3) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Regional Director, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 1931 Ninth Avenue South, Birmingham, Ala. 35205, to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly rate for the class of worker prescribed in subparagraph (1) of this paragraph.

(4) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of 2 weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate for the class of worker prescribed in subparagraphs (1), (2), and (3) of this paragraph.

(b) *Compensable working time.* For work performed under paragraph (a) of this section, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm, is not compensable working time.

(c) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

§ 864.24 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar, harvested for seed, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 864.25 Payment of wages.

Workers shall be paid in cash for all work performed, except to the extent that the cash payment is reduced by the following deductions: Cash advances made to the worker by the producer; the market value or the amount agreed upon for supplies furnished by the producer at the request of the worker; meals, lodging, and transportation expense which the producer agreed to furnish for a stated amount; and mandatory deductions such as taxes and Social Security contributions. In addition, a producer may deduct the amounts he has paid to a third party on behalf of the worker in connection with his employment as a farm worker which are acknowledged in writing signed by the worker or his agent or substantiated by other evidence acceptable to the county ASC Committee to be an indebtedness of the worker, and which cover the expense of services and benefits furnished the worker by the third party, and which the worker or his agent has agreed may be deducted from his wages, such as public utilities, medical services, group hospitalization or other insurance for the benefit of the worker. As evidence of payments to a third party for which a deduction is made from the earnings of a worker, the producer shall maintain for a period of three years, for the inspection of the worker and the local county ASCS office, receipted bills or other written satisfactory evidence that support such deductions. Payments made to a labor contractor, supervisor, or labor trainer, or the cost of meals, lodging, transportation, and insurance covering injury or illness resulting from employment, any or all of which the producer agreed to furnish the worker free of charge, shall not be deducted from cash wages due the worker. When any deductions are made, the producer shall furnish to the worker, at time of settlement, a statement showing the gross amount of wages due for work performed and the amount of each deduction properly identified.

§ 864.26 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 864.27 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 864.28 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the local Agricultural Stabilization and Conservation County Committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU–191 entitled "Claim Against Producer for Unpaid Wages," within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and Forms SU–191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Agricultural Stabilization and Conservation State Committee, 3737 Government Street, Alexandria, La. 71303, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this Title 7 of the Code of Federal Regulations.

§ 864.29 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such a farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer

prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 864.30 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the heading "Wage Rate Determinations" in Handbook 3–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Copies of Handbook 3–SU may be inspected at local county ASCS offices and copies may be obtained from the Louisiana State ASCS Office, 3737 Government Street, Alexandria, La. 71303.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations, the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

Wage determination...This determination continues the requirements of the prior determination except that (1) the minimum time wage rates are increased 10 cents per hour for all classes of workers, and (2) a provision has been added requiring producers, who make payments in connection with the worker's employment to a third party for items such as utility bills which the worker or his agent has agreed may be deducted from his wages, to maintain on file receipted bills for the inspection of the worker or the local county ASCS office for a period of 3 years.

A public hearing was held in Houma, La., on June 26, 1969, at which interested persons were afforded the opportunity to testify on whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective on October 14, 1968, continue to be fair and reasonable under the circumstances, or whether such determination should be amended.

Witnesses appearing at the public hearing on behalf of sugarcane workers generally recommended a minimum wage of $2 to $2.50 per hour. These witnesses testified that the present minimum wage of $1.40 or $1.45 per hour will not yield to a fully employed worker an annual income sufficient to feed, clothe, and house his family. One witness stated that previous wage rate increases have hardly kept up with increases in the cost of living. The witness further stated that a wage is not fair and reasonable unless it will provide an income sufficient to maintain a family "above the poverty level."

A witness provided details of the findings of a June 1969 study of the socio-economic characteristics of sugarcane fieldworkers. He stated that the average age of workers surveyed was 42 years, that educational attainment averaged 4.5 years of schooling, and that annual earnings averaged $2,446. The witness stated that a family with the characteristics described is living in poverty. Other witnesses testified that housing for sugarcane workers is substandard; that many homes do not have running water or indoor toilets; and that in some instances deductions are made from workers' wages for the cost of utilities which the worker had agreed to pay, but that the worker had not been furnished a copy of the bill and therefore could not judge its validity.

A professor of agricultural economics at Louisiana State University presented data from studies of large-scale sugarcane farms (200 acres or more) and from family-sized sugarcane farms (less than 200 acres). The witness stated that wage rates have been increased in every year since 1961 and that adverse weather conditions such as the hurricanes of 1964 and 1965 and the freeze of 1966 apparently have not been taken into account. The witness presented data for the 1967 crop showing that large-scale farms had gross returns of $276 per acre, incurred expenses of $238 per acre, and realized net income of $38 per acre. He further stated that the 26 percent acreage cut between 1965 and 1969 had brought about lower total returns while at the same time causing increased unit costs.

Another witness, testifying on behalf of sugarcane producers, recommended no change in the present minimum wage rates. He stated that $1.30 per hour is the minimum established for all farm workers in the United States, and that it is not proper to increase the minimum wage for unskilled sugarcane fieldworkers above that figure. He also stated that since 1957 the cost of living has increased 27.6 percent while during the same period sugarcane fieldworkers' wage rates have increased by 195 percent. The witness stated that the most significant factor to consider in setting wage rates should be the drastic reduction in sugarcane acreage. He stated that in 1964 producers harvested 348,000 acres of sugarcane, while in 1969 this acreage has been reduced due to acreage restrictions to 257,000 acres.

Consideration has been given to the testimony presented at the public hearing, and to the returns, costs, and profits of producing sugarcane for recent crops and recast in terms of conditions likely to prevail for the 1969 crop, and to other pertinent factors. Analysis of these data indicate that the minimum rates established in this determination are fair and are within the producer's ability to pay.

This determination provides, in those instances where the producer pays utility bills or other obligations for the account of the worker and the worker has agreed in advance that such obligations may be deducted from his wages, that such deductions may be made provided the producer maintains for at least 3 years receipted bills or other evidence for the inspection of the worker or the local county ASCS office. Deductions from a worker's pay for consumer debts to a third party, such as household appliances, not connected with the worker's employment as a farm worker, are not proper and may not be withheld from the wages due the worker. In addition, the producer is required to furnish to the worker an itemized statement showing the gross amount of wages due and each deduction properly identified.

This determination provides for an increase in minimum wage rates of 10 cents per hour for all classes of workers. This will result in hourly wage rates for sugarcane fieldworkers ranging from $1.40 to $1.55 during the coming harvest season, and from $1.40 to $1.45 for cultivating the 1970 crop. Although the 1969 crop has been curtailed somewhat by acreage restrictions, present prospects are for a successful crop, and the average producer is expected to make a profit.

This determination is issued on a continuing basis and will remain in effect until amended or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on November 10, 1969.

Signed at Washington, D.C., on October 30, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69–13125; Filed, Nov. 4, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of Walnut Control Board and Rates of Assessment for 1969–70 Marketing Year

Notice was published in the October 15, 1969, issue of the FEDERAL REGISTER (34 F.R. 15845) regarding proposed expenses of the Walnut Control Board for the 1969–70 marketing year and rates of assessment for that year. This action approves such expenses and assessment rates. It is pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Walnut Control Board, and other available information, it is found that the expenses of the Board and rates of assessment for the 1969–70 marketing year (which began August 1, 1969, and ends July 31, 1970), shall be as follows:

§ 984.321 Expenses of the Walnut Control Board and rates of assessment for the 1969–70 marketing year.

(a) *Expenses.* Expenses in the amount of $130,000 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1969, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, are fixed at 0.10 cent per pound for merchantable inshell walnuts and 0.20 cent per pound for merchantable shelled walnuts.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the 1969–70 marketing year began August 1, 1969, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 31, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13203; Filed, Nov. 4, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 7]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair

1970 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for mohair, as amended (31 F.R. 5817, 15234; 32 F.R. 4568, 16391; 33 F.R. 5208, 18009; 34 F.R. 6328), cover the marketing years 1966 through 1969. This amendment of 7 CFR Part 1468 extends such regulations to cover the 1970 marketing year, as follows:

1. Section 1468.251 is revised to read as follows:

§ 1468.251 General.

This subpart sets forth the policies, procedures, and requirements governing price support payments for mohair for the 1966, 1967, 1968, 1969, and 1970 marketing years by the Commodity Credit Corporation (referred to in this subpart as "CCC").

§ 1468.253 [Amended]

2. Section 1468.253 is amended by revising the first sentence to read: "Pursuant to the National Wool Act of 1954, as amended by the Food and Agriculture Act of 1965 (Public Law 89–321) and Public Law 90–559, the Secretary of Agriculture is to announce a price support level for mohair which has been determined to meet the requirements of the Act for each of the 5 marketing years, 1966, 1967, 1968, 1969, and 1970."

3. Section 1468.255 is amended by adding the following new paragraph (f) at the end of the section:

§ 1468.255 Price support level.

* * * * * *

(f) *1970 marketing year.* For the 1970 marketing year, the price support level was announced June 20, 1969, as 80.2 cents per pound of mohair, grease basis.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781–1787, as amended)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 28, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–13201; Filed, Nov. 4, 1969; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. RP66–24]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Pricing for New Gas Produced by Pipelines and Pipeline Affiliates

On June 29, 1964, the Federal Power Commission issued an order instituting an area rate proceeding for the Hugoton-Anadarko Area, Dockets Nos. AR64–1, et al, published July 7, 1964, in the FEDERAL REGISTER (29 F.R. 8501).

After certain direct evidence had been submitted, upon Staff's motion, the Commission by order issued on April 13, 1966, severed the pipeline production issue and instituted a separate proceeding entitled Pipeline Production Area Rate Proceeding, Docket No. RP66–24, to determine whether, in pipeline rate making, the Commission should depart from the cost of service method and adopt an area method for pricing gas produced by pipelines or acquired by them from their affiliates. The proceeding was divided into two phases. We are here concerned with only Phase I,[1] namely, "What is the most appropriate price method to be applied to natural gas utilized in a pipeline's interstate system which is produced by the pipeline or its affiliated producing company from leases acquired after the date of determination of this issue."

The order issued April 13, 1966, in Phase I, directed that a public hearing be held and provided for a prehearing conference. Persons wishing to participate in the prehearing conference, or desiring to intervene in the proceeding, were asked to so advise the Commission by May 2, 1966. Following conclusion of the prehearing conference and public notice, extensive public hearings were held before a presiding examiner. Parties were afforded full opportunity to submit evidence, cross-examine witnesses, file rebuttal evidence, and submit briefs. The presiding examiner issued his initial decision on March 3, 1969. Subsequently,

[1] Phase II is concerned with pricing policy for gas which pipelines produce from leases acquired prior to the determination of the issue in Phase I.

briefs on exceptions to the presiding examiner's initial decision and briefs opposing exceptions were filed, and the Commission then heard oral argument on June 27, 1969. After consideration of the entire record in this proceeding, the Commission, on October 7, 1969, issued Opinion No. 568. Among other things, Opinion No. 568 set up a new § 2.66 in the rules of practice and procedure, relating to the pricing of new gas produced by pipelines and pipeline affiliates.

In the opinion, the Commission also directed the Secretary to cause prompt publication to be made in the FEDERAL REGISTER of a notice of availability of the entire opinion and of the findings and ordering paragraphs. The findings and ordering paragraphs are set out below.

Excerpts from Federal Power Commission Opinion No. 568, Pipeline Production Area Rate Proceeding (Phase I), FPC Docket No. RP66-24, 42 FPC ---------, issued October 7, 1969:

The Commission further finds:

(1) The notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply with respect to the amendment here adopted.

(2) It is appropriate and in the public interest in administering the Natural Gas Act to promulgate Commission policy on pricing natural gas produced by pipelines and their affiliates from leases acquired after the date of this order.

The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 8 and 16 thereof (52 Stat. 822, 823, 825, 830; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717g, 717o), orders:

(A) Effective upon issuance of this statement, Part 2, Subchapter A, general rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.66 to read as follows:

§ 2.66 Pricing of new gas produced by pipelines and pipeline affiliates.

(a) As a matter of policy in future pipeline rate proceedings, gas produced by pipelines or by their affiliates from leases acquired after the date of this order will be priced for ratemaking purposes at the just and reasonable area rate applicable to gas of a vintage corresponding to the date of completion of the first well on the lease, otherwise at the "in-line" price, or, if there is no in-line price, on the basis of the guideline price set forth in § 2.56 with the following exceptions:

(1) If a pipeline or pipline affiliate acquires a developed lease from which jurisdictional sales are being made, the applicable price of gas shall be the lower of (i) the contract price applicable to the gas, or (ii) the applicable area price (or in-line or guideline price);

(2) If a pipeline or pipeline affiliate acquires a developed lease from which nonjurisdictional sales are being made, gas produced from the lease will be priced at the just and reasonable area price applicable to gas of the vintage corresponding to the date of lease acquisition (or in-line or guideline price);

(3) If the pipeline is able to show in a rate proceeding that special circumstances exist which justify different treatment, such a showing should be made by means of a special schedule and supporting evidence filed in addition to the material otherwise required by § 154.63 of this chapter.

(b) Pipelines acquiring production leases subsequent to the date of this opinion either on their own part or through affiliates should:

(1) Where they have their own production, maintain separate subdivisions of their plant and expense accounts related to production properties and production activities, so as to show separately costs related to production from present leases and costs related to production from leases acquired after the date of this opinion;

(2) In making a rate filing, provide additional detail in subdivisions within the production function, i.e., as between gas from present leases and gas from leases acquired after the date of this opinion with respect to their own production and also with respect to any production of their affiliates.

(B) The Secretary shall cause prompt publication of the findings and ordering paragraphs, together with notice of the availability of this entire opinion, to be made in the FEDERAL REGISTER.

(C) Union Producing's request to be discharged from these proceedings is denied.

(D) The petition filed July 16, 1969, by the United Distribution Cos. for leave to intervene and file statement of position is denied.

(E) Except as herein granted, the exceptions to the initial decision are denied.

Copies of the complete text of opinion No. 568 may be obtained in person from the Office of Public Information, of the Federal Power Commission, or by written request addressed to the Secretary, Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13135; Filed, Nov. 4, 1969; 8:45 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3)

EXPERIMENTAL SCHOOL SUPERVISED AND SCHOOL ADMINISTERED WORK-EXPERIENCE AND CAREER EXPLORATION PROGRAM

On August 8, 1969, a proposal was published in the FEDERAL REGISTER (34 F.R. 12892) inviting written data, views, or arguments on an amendment varying some of the requirements of subpart C of part 1500 of title 29 of the Code of Federal Regulations for the employment of minors between 14 and 16 years of age who are enrolled in and employed pursuant to an experimental school supervised and school administered work-experience and career exploration program. After consideration of all relevant matters submitted, subpart C of part 1500 of the Code of Federal Regulations is amended by adding a new § 1500.35a. The amendment shall be effective immediately upon publication in the FEDERAL REGISTER because it relieves certain restrictions, and there is a clear need for promptness in considering applications under the programs involved in relation to present school sessions.

The new § 1500.35a reads as follows:

§ 1500.35a Work experience and career exploration programs.

(a) This section varies some provisions of this subpart for the employment of minors between 14 and 16 years of age who are enrolled in and employed pursuant to an experimental school supervised and school administered work-experience and career exploration program which meets the requirements of paragraph (b) of this section, in the occupations permitted under paragraph (c) of this section, and for the periods and under the conditions specified in paragraph (d) of this section. With these safeguards, such employment is not found to interfere with the schooling of the minors or with their health and well-being and therefore is not deemed to be oppressive child labor.

(b)(1) An experimental school supervised and school administered work-experience and career exploration program shall meet the educational standards established and approved by the State Educational Agency in the respective State.

(2) The State Educational Agency shall file with the Director of the Bureau of Labor Standards a written application for approval of a particular program as one not interfering with schooling or with the health and well-being of the minors involved and therefore not constituting oppressive child labor. The application must include the information listed in subparagraph (3) of this paragraph. The director of the Bureau of Labor Standards shall approve the application, or give prompt notice of any denial and the reasons therefor.

(3) The criteria to be used in consideration of applications are the following:

(i) *Admission.* Any student aged 14 or 15 years who authoritative local school personnel identify as being able to benefit from the program shall be eligible to participate.

(ii) *Credits.* Students shall receive school credits for both in-school related instruction and on-the-job experience.

(iii) *Size.* Each program unit shall be a reasonable size. A unit of 12 to 20 students to one teacher-coordinator would be generally considered reasonable. Whether other sizes are reasonable would depend upon the individual facts and circumstances involved.

(iv) *Time schedule.* Except when necessary to accommodate to State law requirements of equivalent instruction, on each school day there shall be (*a*) a minimum of two classroom hours of instruction devoted to job-related and to employability skill instruction, and (*b*) a minimum of two classroom hours of instruction devoted to regularly required subjects or elective subjects which meet State standards for graduation.

(v) *Teacher-coordinator.* Each program unit shall be under the supervision of a school official to be designated for the purpose of the program as a teacher-coordinator, who shall generally supervise the program and perform the following specific duties:

(*a*) Select and place students.

(*b*) Choose work stations for the students.

(*c*) Coordinate the work and education aspects of the program.

(*d*) Maintain records and prepare reports.

(*e*) Conduct in-school related class instruction.

(vi) *Physical facilities.* The school will furnish adequate classroom facilities and supplies.

(vii) *Written training agreement; administration.* The program shall provide that no student shall participate in the program until there has been made a written training agreement signed by the teacher-coordinator, the employer, and the student. The agreement shall also be signed or otherwise consented to by the student's parent or guardian. The program shall require the employer to have on file a copy of this training agreement for each student employed by him for the duration of the program.

(viii) *Permissible occupations.* The program shall permit the assignment of students only in work in those occupations permitted under paragraph (c) of this section.

(ix) *Reports and records.* The program shall provide that all records and reports made and kept by each program unit for the purposes of this section shall be made available for inspection to representatives of the director of the Bureau of Labor Standards.

(x) *Other provisions.* Any other provisions of the program providing safeguards ensuring that the employment permitted under this section will not interfere with the schooling of the minors or with their health and well-being may also be submitted for use in consideration of the application.

(c) Employment of minors enrolled in a program approved pursuant to the requirements of this section shall be permitted in all occupations except the following:

(1) Manufacturing and mining.

(2) Occupations declared to be hazardous for the employment of minors between 16 and 18 years of age in Subpart E of this part.

(3) Occupations other than those permitted under §§ 1500.33 and 1500.34, except upon approval of a variation in individual cases or classes of cases by the Director of the Bureau of Labor Standards after notice to interested persons and opportunity to be heard. Any such variation of general application shall be published as an amendment to this subpart. Applications for such approval may be included with the application for approval of the program; or filed specifically under § 1500.38. Such applications shall be processed under § 1500.38.

(d) Employment of minors enrolled in a program approved pursuant to the requirements of this section shall be confined to not more than 28 hours in any 1 week when school is in session and not more than 4 hours in any day when school is in session, any portion of which may be during school hours. Insofar as these provisions are inconsistent with the provisions of § 1500.35, this section shall be controlling.

(e) This section shall terminate and have no force and effect after August 31, 1972.

(Sec. 3, 52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C. this 31st day of October 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-13226; Filed, Nov. 4, 1969; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1032, Amdt. 2]

PART 1033—CAR SERVICE

Great Northern Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of October 1969.

Upon further consideration of Service Order No. 1032 (34 F.R. 12180, 15356), and good cause appearing therefor:

It is ordered, That § 1033.1032 *Service Order No. 1032* (Great Northern Railway Co., authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co.) Be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., October 31, 1969.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies secs. 1(10-17), 15(4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13180; Filed, Nov. 4, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SW-64]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R-5112 Magdalena, N. Mex.

The Department of the Air Force has informed the Federal Aviation Administration that there is no longer a requirement for R-5112 and that it may be revoked. Such action is taken herein.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth: In § 73.51 New Mexico (34 F.R. 4837) "R-5112 Magdalena, N. Mex." is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 28, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division

[F.R. Doc. 69-13171; Filed, Nov. 4, 1969; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

[1969 General Bulletin]

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Interpretative Analyses and Statements With Respect to the Regulations

Notice is hereby given that the Office of Foreign Direct Investments ("OFDI") has issued the following 1969 General Bulletin (the "1969 Bulletin" or the "Bulletin"), interpreting and analyzing the Foreign Direct Investment Regulations (the "regulations") applicable to the Foreign Direct Investment Program (the "Program") for calendar year 1969.

The purpose of the Bulletin is to interpret, explain, and amplify, by text and illustrative examples, principal provisions of the current regulations for the benefit of persons affected by, or otherwise interested in, the Program. Certain statements in the Bulletin may have the effect of qualifying or modifying certain provisions of the regulations, the instructions applicable to reporting forms or other official OFDI publications. Unless subsequently modified or rescinded by public notice, statements contained in this Bulletin shall represent the official position of OFDI.

General Bulletin No. 1 and General Bulletin No. 2, dated October 10 and 25, 1968 (33 F.R. No. 198 (Part II) and No. 209 (Part III), respectively) were issued by OFDI as general interpretive guidelines for the regulations applicable to the Program in effect during 1968. To the extent expressly or implicitly overruled or modified by the 1969 Bulletin, General Bulletin Nos. 1 and 2 are hereby superseded insofar as concerns compliance with the regulations in effect for 1969. While certain portions of the text and particular examples in General Bulletins Nos. 1 and 2 may continue to be pertinent to the 1969 Regulations, extreme care should be exercised in basing substantive decisions upon the material in those Bulletins. In case of doubt concerning relevance of any such material, OFDI should be consulted.

The 1969 Bulletin is principally interpretive and, to the extent that any provision of the regulations or other official OFDI publications may be modified, the changes are generally in the nature of liberalization or relaxation. Accordingly, it is not deemed necessary in the public interest to publish the Bulletin in proposed form for comment.

Effective date. The 1969 General Bulletin, as set forth below, shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan 1, 1968, 33 F.R. 47)

RICHARD P. URFER,
Director, Office of Foreign Direct Investments.

OCTOBER 28, 1969.

EDITORIAL NOTE: The Foreign Direct Investment Regulations are published in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations ("CFR"). All sections of the regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.201 etc.). The "1000" designation has, for convenience, been eliminated from section references contained in the 1969 General Bulletin. Sections of the Bulletin correspond to section numbers of the regulations, but are distinguished by use of the prefix "B" and a hyphenated numeral suffix indicating major topical divisions of the related analytical discussion (e.g., § B201–1 etc.). References by OFDI to the Bulletin in correspondence and for other purposes will sometimes be abbreviated (e.g., 1969 Bulletin § B201–1 etc.).

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Appendices*

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B. Instructions for Submitting Applications for Specific Authorizations Pertaining to Triangular or Parallel Financing Arrangements (Sept. 24, 1969).
C. 1969 General Guidelines for Direct Investors Engaged in International Construction Contract Operations (Feb. 17, 1969).
D. Addition to 1969 General Guidelines for Direct Investors Engaged in International Construction Contract Operations (May 15, 1969).
E. Revised Instructions for Submitting Applications for Specific Authorizations Regarding an Increase in Intercompany Accounts Resulting from Increased Exports (Oct. 24, 1969).

*Not filed with the Office of the Federal Register. These appendices have been issued and distributed by OFDI to direct investors and other interested persons on the dates respectively indicated. They will also be reproduced in a reprint of the 1969 General Bulletin to be issued by OFDI following this publication in the FEDERAL REGISTER.

Introduction

General.

The purpose of this Bulletin is to provide a reliable and authoritative source of information concerning interpretation and application of the regulations in effect for 1969.

The Program is administered on a calendar year basis, and a number of significant changes have been made in the regulations either by amendment or by interpretation since the end of calendar year 1968. Accordingly, extreme care should be exercised in relying on General Bulletins Nos. 1 and 2 (issued, respectively, on Oct. 10 and 25, 1968) for purposes other than as an interpretive adjunct to the regulations in effect for 1968. Likewise, caution should also be exercised in applying the material in this 1969 Bulletin to the regulations that will govern during calendar year 1970.

Program liberalization in 1969.

The initial objective of the Program, as established by Executive Order No. 11387 and Department of Commerce Order 184-A, both dated January 1, 1968, was to reduce foreign direct investment financed by U.S.-source funds during 1968 to $2.7 billion (from the 1967 level of $3.7 billion).

The target ceiling for 1969 was established at a level of $3.35 billion. To implement this change, OFDI effected several fundamental changes in the regulations.

(i) *The § 503 minimum allowable.* The foreign direct investment allowable for a direct investor ("DI") provided in § 503 was raised from a level of $200,000 in effect during 1968 to $1 million for 1969, and was made applicable on a worldwide basis without restriction by "scheduled area", in contrast to the direct investment allowables provided in § 504 (a) and (b).

(ii) *The alternative earnings allowable in § 504.* An optional investment allowable for DIs electing to be governed by § 504 rather than by § 503 was also introduced in 1969, based on earnings of affiliated foreign nationals in each of the three scheduled areas during the preceding year. This "earnings" allowable is an alternative to the "historical" allowable that is based essentially on 1965-66 direct investment experience by scheduled area.

(iii) *Use of long-term foreign borrowing.* Another modification in the 1969 regulations permits increased flexibility in use of proceeds obtained by long-term foreign borrowing to make or to offset direct investment subject to the Program that would normally be charged against a DI's allowables if made with U.S.-source funds.

(iv) *Miscellaneous amendments.* Steps have also been taken to accommodate the 1969 Program to particular problems encountered by the airline, shipping, and construction industries, and quarterly reporting requirements have been eliminated for all but the major DIs.

Summary of the regulations.

The regulations contain the operative rules of the Program, the principal features of which are discussed in general terms below.

(i) *Applicability.* The regulations apply to "direct investors." A DI is any person (whether an individual or a business entity) within the United States that owns or holds a 10 percent or greater interest in an incorporated or unincorporated foreign entity (§ 305). A foreign entity in which such interest is owned or held is referred to as an "affiliated foreign national" ("AFN") (§ 304). Interest in an AFN is measured by voting power in the case of a corporation and by the right to a share of profits in the case of an unincorporated enterprise (§ 304(b)(2)). Persons may be DIs either in their individual capacity or by virtue of their relationships with other U.S. persons (§§ 903-906). The regulations specifically do not apply to banks or other financial institutions subject to the Voluntary Foreign Credit Restraint Program administered by the Board of Governors of the Federal Reserve System (§ 201(b)(2)).

(ii) *Direct investment restrictions.* Three fundamental requirements are imposed on all DIs:

The amount of annual direct investment in AFNs must not exceed the level authorized under the general allowables provided for in the regulations or the amount specifically authorized by OFDI;

The amount of certain foreign balances or other forms of foreign property must be restricted as specified in the regulations; and

Reports reflecting allowables and transactions pertinent to foreign direct investment activities must be filed with OFDI.

DIs may seek relief from a particular restraint imposed by the regulations through application to OFDI for specific authorizations or exemptions (§ 801).

A DI making foreign direct investment in excess of that authorized either generally under the regulations or specifically by OFDI, or otherwise violating the Program restrictions, is subject to enforcement proceedings. Noncompliance with the requirements of the regulations may give rise to imposition of sanctions, either criminal or administrative (§§ 201(d), 701). Rules and procedures concerning the enforcement function of OFDI (including investigations and administrative remedies) are contained in 15 CFR Parts 1020-1050.

(iii) *Calculation of direct investment.* Direct investment by a DI is calculated (usually on a calendar year basis) by adding the DI's net transfer of capital to AFNs and the DI's share of earnings reinvested by incorporated AFNs (§ 306(a)).

"Net transfer of capital" means (a) aggregate transfers of capital by a DI to incorporated AFNs during the year, less (b) aggregate transfers of capital by such incorporated AFNs to the DI during the same period, plus (c) the DI's share of net increase or decrease in net assets of unincorporated AFNs (§ 313). A transfer of funds or other property that increases a DI's aggregate equity and debt investment in an AFN is generally a transfer of capital by the DI to the AFN (§ 312(a)). A transfer of funds or other property that decreases a DI's investment in an AFN is generally a transfer of capital by the AFN to the DI (§ 312(b)). In computing a DI's transfers of capital and net transfer of capital, special rules apply to transactions between a DI's AFNs that are located in different scheduled areas (§ 505).

"Reinvested earnings" means (a) total earnings (defined in § 306(c)) of incorporated AFNs, less (b) dividends paid by incorporated AFNs to the DI, plus (c) dividends and remittances received by incorporated AFNs from certain other AFNs (§ 306(b)).

For purposes of the regulations, each of the countries in the world is assigned to one of three "scheduled areas" (A, B, and C) (§ 319). Direct investment of a DI is generally calculated on the basis of these scheduled areas, reflecting aggregate transactions involving all AFNs located in each such area (§§ 306, 313). Schedule A generally comprises the less-developed countries; Schedule B, certain specified developed countries; and Schedule C, the remaining countries.

For certain purposes, however, direct investment allowables may be used on a worldwide rather than a schedular basis (§§ 503, 504(f)(3)(i), and 506; see also Subpart M).

(iv) *Authorized direct investment.* Positive direct investment in AFNs is prohibited except to the extent that it is authorized either generally under the regulations or individually by specific authorization (§§ 201(a), 801).

Subpart E (§§ 501-506) provides three direct investment allowables, one of which a DI must elect for each year (§ 502):

A worldwide "minimum allowable" of $1 million (§ 503);

An "historical allowable" for each scheduled area based primarily on direct investment in each such area by the DI during 1965-66 (§ 504(a)); and

An "earnings allowable" for each scheduled area based on the DI's share of AFN earnings in each such area during the preceding year (§ 504(b)).

In general, the unused portion of an allowable (other than the $1 million § 503 minimum allowable) may be carried forward to succeeding years (§§ 504(d) and (f), 506(c)).

Historical allowables in Schedule C or B are increased by a limited "upstream" redistribution (§ 504(c)).[1] The historical or the earnings allowables provided in § 504 may be used "downstream" (§ 504(d)).

Commencing in 1970, DIs will be eligible for a worldwide "incremental earnings" allowable (in addition to one of the foregoing allowables) based on the amount by which aggregate AFN earnings in a calendar year exceed the average of such earnings during 1966-67 (§ 506).

Because of considerations unique to the airlines industry, special rules for computing authorized direct investment for U.S.-flag air carriers are provided in the regulations (Subpart M).

Although Canada is assigned to Schedule B, the regulations do not restrict direct investment made in that country (Subpart K).

[1] "Upstream" and "downstream" refer to the relationship of one scheduled area to another. The upstream sequence is Schedule A, Schedule B, and Schedule C. The downstream sequence is Schedule C, Schedule B, and Schedule A.

(v) *Long-term foreign borrowing.* In general, direct investment in AFNs that is financed with or offset by proceeds of long-term foreign borrowing (defined in § 324) will not be charged against the DI's allowables until the borrowing is repaid. "Available proceeds" of long-term foreign borrowing (defined in § 324(d)) may be used as a deduction against a DI's net transfer of capital if expended in making transfers of capital (§ 313(d)(1)), or as an offset to positive direct investment if "allocated" in accordance with certain prescribed conditions (§ 306(e)). Proceeds that have been expended may subsequently be allocated, and allocated proceeds may later be reallocated, as an offset to positive direct investment in a different scheduled area (§ 203(d)(2) and (3)).

The deferred charge against allowables permitted for direct investment transactions that involve proceeds of long-term foreign borrowing is available to any DI who satisfies the necessary certification, recordkeeping and reporting requirements. (See, generally, Subpart J.)

DIs, except those electing the $1 million minimum allowable, may not make a net transfer of capital (other than one attributable to repayment of long-term foreign borrowing authorized by § 1002) resulting in positive direct investment while holding available proceeds of long-term foreign borrowing in excess of $25,000 in the form of foreign property (§ 203(d)(1) and (e)(2)).

(vi) *Foreign balance restrictions.* The regulations restrict the amount of assets that a DI may hold in liquid form abroad. In general, such balances may not exceed the greater of $25,000 or the average of month-end liquid foreign balances held by the DI in 1965-66 (§ 203(c) and (e)(1)).

(vii) *Reporting requirements.* DIs are required to keep records and to submit certain reports to OFDI (§§ 203(b), 601, 602). If the DI's interest in all AFNs is $100,000 or more, a Base Period Report (Form FDI-101) of direct investment by scheduled area during 1965-66 (and 1964 earnings for Schedule C) must be submitted, and an Annual Report (Form FDI-102F) is required to be filed within four months after the end of each calendar year. In addition, a DI must file Cumulative Quarterly Reports (Form FDI-102) beginning in the quarter that direct investment (positive or negative) exceeds $1 million for the year. In calculating direct investment to determine whether the quarterly reports are required, a DI must include direct investment in Canada and exclude deductions for expenditure or allocation of proceeds of long-term foreign borrowing.

Special rules apply to reporting by DIs that are members of an affiliated, family, or associated group or are owners of other DIs (§ 907).

Additional comments.

As used in this Bulletin, "OFDI" refers generally to the Office of Foreign Direct Investments, but may also be used, for the sake of convenience, to include the Secretary of Commerce and all other persons to whom any function, duty or authority referred to in Executive Order 11387 or in the regulations has been delegated pursuant to Department Order 184-A (issued on Jan. 1, 1968), Department Order 184-B (as amended) or § 806 of the regulations.

Bulletin references to the amount of general allowables set forth in Subparts E and M of the regulations are based on applicable provisions in effect for 1969. Certain examples that involve transactions in years subsequent to 1969 assume retention of the 1969 allowables for future years. All such references are intended for illustrative purposes only, and no inference should be drawn concerning the actual amount of direct investment that will or may be generally authorized in future years. In submitting certificates described in § 1002(b), however, a DI may assume that general allowables in future years will not be less than the amounts applicable during 1969.

Unless expressly stated to the contrary in a particular instance, reference in the text and examples of this Bulletin to an AFN means only an AFN of the DI being discussed, and reference to AFNs means only AFNs of the same DI. Thus, for example, in discussing the effect of interschedular transfers of capital between AFNs under § 505, it should be understood that each foreign national referred to is an AFN of the same DI.

The analysis, interpretation and application of the regulations in this Bulletin may be relied upon by DI's and other interested persons as representative of the policy determinations and official view of OFDI with regard to the 1969 Program, unless superseded by amendment, modification, or revocation of the regulations, by published revision of particular material in the Bulletin, or by direct notice to all persons known by OFDI to be DI's on the date of any change adopted.

B201—Prohibited Direct Investment

§ B201-1 Introduction.

Section 201 sets forth the basic prohibitions on direct investment and the regulatory authority of OFDI, as derived from Executive Order 11387 of January 1, 1968. The section covers: General prohibition of positive direct investment (§ 201(a)); exclusion of financial institutions subject to the Voluntary Foreign Credit Restraint Program administered by the Board of Governors of the Federal Reserve System (§ 201(b)(2)); exclusion of transactions arising from a foreign national's interest in a U.S. business (§ 201(c)); and discretionary conditions or sanctions (§ 201(d)).

§ B201-2 General prohibition.

Section 201(a) prohibits a DI from making positive direct investment in AFNs during any year, beginning with the effective date of the regulations (Jan. 1, 1968), subject to express authorization for certain kinds and amounts of positive direct investment set forth in Subpart E (general allowables), Subpart J (repayment of borrowings), Subpart K (direct investment in

Canada), and Subpart M (U.S.-flag air carriers). In addition, OFDI may permit other transactions by means of specific authorizations or exemptions, as provided in § 801.

The prohibition of § 201(a) is addressed to "positive direct investment (a technical term defined in § 306(a)(3)) during any year." This does not mean that specific transactions between a DI and an AFN are prohibited; rather, the focus is on the net effect of all transactions during a year, measured at yearend.

The term "year" normally means a calendar year. However, in certain circumstances, a DI may be specifically authorized to measure compliance with § 201(a) on the basis of a fiscal year. (See § 321.)

Example 1. DI has a wholly owned incorporated AFN (C) in Germany. During 1969, DI loans $1,200,000 to C. The loan does not violate § 201(a) at the time it is made, although the transaction constitutes a transfer of capital under § 312(a) and will be taken into account in determining the amount of direct investment made by DI in all AFNs in Schedule C for the entire year.

Example 2. DI is authorized, by § 504 (a) and (c), to make positive direct investment of $1,500,000 in Schedule A during 1969. Between January 1, and December 31, 1969, DI's positive direct investment in that scheduled area is $1,700,000. DI is out of compliance (i.e., has violated § 201(a)) in the amount of $200,000.

§ B201–3 Exclusions.

(i) *Financial institutions.* Under the terms of Executive Order 11387, and as provided in § 201(b)(2), banks and nonbank financial institutions are exempt from the regulations if they are subject to the Voluntary Foreign Credit Restraint Program administered by the Board of Governors of the Federal Reserve System. Included in this category are commercial banks, bank holding companies, savings banks, trust companies and trust departments of banks, insurance companies, mutual funds, finance companies, investment bankers and brokers, pension funds, foundations and other nonprofit institutions, "Edge Act" and "Agreement" subsidiaries of commercial banks, and U.S. branches of foreign banks or nonbank financial institutions. The Federal Reserve Program calls upon such institutions to refrain from making loans or extending credit to U.S. borrowers that would "directly or indirectly" permit an outflow of funds inconsistent with the provisions and intent of the OFDI Program.

(ii) *Transfers of capital to foreign owners.* The regulations do not restrict bona fide transfers of capital or distribution of earnings to a foreign national arising from the foreign national's ownership interest in a U.S. entity.

Example 3. A U.S. corporation (X) is 50 percent owned by an Italian corporation (Y). Y is publicly owned by foreign nationals. During 1969, Y purchases $500,000 of goods on credit from X, and X pays Y a dividend of $100,000. During 1970, X is liquidated and a liquidating dividend is paid to Y. The transactions are not subject to the regulations.

§ B201–4 Reduction of authorized direct investment or of period for measuring compliance.

Section 201(d) authorizes OFDI to impose conditions on, or to reduce the amount of, authorized direct investment by a DI. These sanctions constitute the basic administrative enforcement authority under the Program. Criminal penalties are also available in certain circumstances. (See § 701.)

Although direct investment is generally measured on an annual basis, § 201(d) gives OFDI the right to impose a shorter period for compliance purposes with respect to any DI. Considerations bearing on such a decision are, among other things, (a) whether direct investment by a DI in any scheduled area during any quarter is, or may reasonably be estimated to be, materially in excess of 25 percent of the amount generally authorized for the entire year, (b) whether the transactions resulting in such material excess were in accordance with customary business practices of the DI, and (c) whether the DI has complied with the provisions of Subpart F (relating to required records and reports).

In this connection, DIs are required to submit a supplemental statement to OFDI with the cumulative quarterly report (Form FDI–102) for the second and third quarters if their positive direct investment during the reporting period exceeds certain percentages (40 percent for the first quarter, 65 percent for the first two quarters, and 85 percent for the first three quarters) of the annual amount generally authorized. (See the specific instructions to line 09 of Form FDI–102, as revised October 1969.)

It is recognized that in many instances it may not be feasible for DIs to spread positive direct investment during any year equally over the four calendar quarters. For example, uneven outflow may result when the entire amount of positive direct investment arises from a single acquisition of a foreign company, or is concentrated in a particular quarter or quarters due to the seasonal nature of a DI's business, or results from unexpectedly high earnings of AFNs that customarily pay dividends or otherwise remit profits only at yearend. OFDI would not ordinarily invoke the provisions of § 201(d) in these cases, or in other cases where concentration of investment in a particular quarter or quarters cannot reasonably be avoided.

A major objective of the administrative sanctions available under § 201(d), apart from insuring compliance generally with the regulations, is to prevent concentration of direct investment in a particular quarter or quarters unless justified by legitimate business reasons. It provides authority for administrative action by OFDI where large outflows early in a year indicate that serious violations could occur unless remedial steps are taken. Collaterally, the section also contains authority for appropriate sanctions in flagrant instances of disregard for the objectives of the Program, such as in the case of a company that temporarily makes a large reduction in foreign investments at the very end of a year (thereby producing literal compliance with the regulations for that year) and then offsets the reduction with a major reinvestment abroad in the beginning of the following year.

B203—Liquid Foreign Balances

§ B203–1 Introduction.

The principal purpose of § 203 is to limit the amount of funds or other liquid assets (i.e., holdings that are readily withdrawable, transferable or marketable) that a DI may hold abroad as of the end of each month. Section 203(c) requires DIs to repatriate to the United States "liquid foreign balances" (defined in § 203(a)(2)) in excess of specified historical levels for such holdings or of $25,000, whichever is greater. An exception from the repatriation requirement is made for liquid foreign balances held in Canada (§ 1105(b)), and for available proceeds of long-term foreign borrowing that are held in the form of liquid foreign balances (§ 203(c)).

While § 203(c) refers to monthend holdings for purposes of the limitation on liquid foreign balances, the spirit and intent of this restriction is that DIs should not exceed the specified level throughout the month.

A second purpose of § 203 is to encourage utilization of available proceeds of long-term foreign borrowing held in the form of liquid foreign balances for positive net transfers of capital that result in positive direct investment.

§ B203–2 Summary.

Section 203(a) defines the terms "foreign balances" and "liquid foreign balances" and indicates that under certain circumstances foreign balances held by another person will be deemed held by a DI.

Section 203(b) requires a DI to keep books and records listing each long-term foreign borrowing and the uses to which the proceeds of each such borrowing have been put.

Section 203(c) limits the amount of liquid foreign balances (other than Canadian balances or available proceeds of long-term foreign borrowing) a DI may hold at the end of any month to average end-of-month balances held by the DI during 1965 and 1966 (subject to a $25,000 "de minimis" exemption provided in § 203(e)(1)).

Section 203(d)(1) qualifies the exemption in § 203(c) for available proceeds of long-term foreign borrowing. While available proceeds held in liquid form outside the U.S. are not subject to the monthend balance restrictions of § 203(c), there is a yearend restriction imposed by § 203(d)(1). That is, the general authorization under § 504 for positive direct investment will not be available to a DI making a positive net transfer of capital (resulting in positive direct investment) if the DI holds available proceeds in the form of foreign balances or foreign property as of yearend. This qualification does not apply, however, (a) if the available proceeds do not exceed $25,000 (§ 203(e)(2)); (b) the positive net transfer of capital represents debt repayment authorized by § 1002; or (c) the positive net transfer of capital is made pursuant to the § 503 minimum allowable. It should be emphasized that available proceeds held in liquid form in Canada are not exempt from the yearend repatriation requirement of § 203(d)(1).

Section 203(d)(2) permits proceeds of long-term foreign borrowing that have been previously expended in and deducted from net transfer of capital pursuant to § 313(d)(1) to be "allocated" to positive direct investment in another scheduled area. When expended proceeds are subsequently allocated, the DI must recognize a positive transfer of capital to the scheduled area in which the § 313(d)(1) deduction was previously taken; further allocation will likewise result in a transfer of capital to the scheduled area to which the proceeds were last allocated. (For a more detailed analysis of § 203(d)(2), see § B324–10.)

Section 203(d)(3) permits a DI to reallocate proceeds of long-term foreign borrowing as an offset to positive direct investment in a scheduled area other than that in which such proceeds were originally allocated (whether such original allocation was made pursuant to § 306(e) or pursuant to § 313(d)(1) as in effect prior to July 23, 1969). In such event, a transfer of capital must be charged to the scheduled area to which the immediately preceding allocation was made. (For a more detailed analysis of § 203(d)(3), see § B324–10.)

§ B203–3 Definition of foreign balances.

The term "foreign balances" is defined in § 203(a)(1) to mean money on deposit in a foreign bank (including demand, time and fixed interest deposits and certificates of deposit); negotiable instruments; nonnegotiable instruments acquired after June 30, 1968, and commercial paper issued by unaffiliated foreign nationals (other than such instruments or paper acquired as a result of a DI's export of goods and services from the United States); and securities issued or guaranteed by a foreign country.

The term "money on deposit in a foreign bank" includes all bank deposits, whether interest-bearing or not, maintained with a "foreign bank" as defined in § 317(b).

The terms "negotiable instruments," "nonnegotiable instruments," "commercial paper," and "securities" includes notes, bonds, debentures, drafts, bills of exchange, or other evidences of indebtedness. The physical location of such evidences of indebtedness is immaterial.

The term "securities issued or guaranteed by a foreign country" includes debt securities issued or guaranteed by any governmental unit of a foreign country; i.e., the national government, states, cities, municipalities, counties, cantons, provinces, and the like. The physical location of such securities is immaterial.

Equity interests do not constitute foreign balances. Furthermore, items such as accounts receivable (not evidenced by any note or security), silver bullion, precious metals, jewels or jewelry, commodities futures contracts, and currency futures contracts do not constitute foreign balances.

§ B203–4 Definition of liquid foreign balances.

As defined in § 203(a)(2), "liquid foreign balances" do not include:

Negotiable instruments, nonnegotiable instruments, commercial paper and securities issued or guaranteed by a foreign country that were acquired on or before June 30, 1968 that are not redeemable at the option of the DI and are not transferable and readily marketable (but see comment following in text);

Bank deposits, negotiable instruments, nonnegotiable instruments, commercial paper and securities issued or guaranteed by a foreign government that have a period of more than 1 year remaining to maturity when acquired by the DI and are not redeemable in full at the option of the DI within a period of 1 year after such acquisition;

Foreign balances subject to restrictions on liquidation and transfer imposed by a foreign country (i.e., exchange controls or similar restrictions); and

Foreign balances pledged or hypothecated by the DI to secure a borrowing by the DI or by an AFN.

The exception for holdings described in the first category above is applicable only to acquisition of such items prior to July 1, 1969.

The exception described in the last category above includes only foreign balances that are pledged or hypothecated according to local law, and does not apply to any amount pledged or hypothecated in excess of the amount of the related borrowing by the DI or by an AFN.

Example 1. DI obtains a 3-year loan of $200,000 from a foreign bank and immediately expends the proceeds in an AFN. As a condition of obtaining the loan, DI is required to keep $40,000 on deposit with the foreign bank during the 3-year term, but the deposit is not specifically pledged or hypothecated as security. The $40,000 is a liquid foreign balance. (It should be noted, in addition, that this arrangement may involve a $40,000 transfer of capital to the AFN in addition to the $200,000 transfer of capital resulting from investment of the loan proceeds. See § 312(a)(9).)

Example 2. DI enters into an arrangement with a foreign bank pursuant to which DI deposits $100,000 with the bank and the bank immediately lends $100,000 to an AFN. The $100,000 deposited by DI is a liquid foreign balance. (It should be noted, in addition, that this arrangement may involve a $100,000 transfer of capital to the AFN. See § 312(a)(9).)

Example 3. DI enters into an arrangement with a foreign bank pursuant to which the bank lends $100,000 to an AFN. DI must maintain a $100,000 deposit with the bank until the loan is repaid by the AFN. If the loan is not repaid when due, the bank is entitled to satisfy any deficiency by resort to DI's $100,000 cash deposit. The $100,000 cash deposit is considered to have been pledged or hypothecated with the bank and, therefore, is not a liquid foreign balance. (This arrangement, however, will result in a $100,000 transfer of capital to AFN. See § 312(a)(9).)

§ B203–5 Foreign balances deemed held by a DI.

Section 203(c) comes into effect if liquid foreign balances are "held" by a DI. Generally, a DI holds foreign balances if it has title to the various securities, instruments or rights that are included within the meaning of the term, as defined in § 203(a)(1).

In addition, § 203(a)(4) establishes certain circumstances in which a DI is deemed to hold foreign balances even though title is vested in another person. Subparagraph (i) imputes foreign balances to a DI if they are held by any person (including an AFN) "principally formed or availed of by the DI for the purpose of holding title to such balances"; i.e., a DI having the real beneficial interest in foreign balances will be deemed to hold such balances notwithstanding that another person has nominal legal title.

Example 4. DI forms an incorporated AFN and transfers liquid foreign balances to its name. The AFN does not engage in any business. The liquid foreign balances are deemed to be held by DI under § 203(a)(4)(i). (Note that the transfer also constitutes a transfer of capital from DI to the AFN, pursuant to § 312(a)(2).)

Example 5. DI enters into an arrangement with an unaffiliated foreign national whereby the latter will hold title to DI's liquid foreign balances but will not use the funds for any purpose. The liquid foreign balances are deemed to be held by DI under § 203(a)(4)(i).

Subparagraph (ii) of § 203(a)(4) imputes foreign balances to a DI even though title is held by another person (including an AFN), if the balances (or cash equivalent) are returnable to the DI on demand without material conditions and they are not reasonably related to the business needs of the holder. Foreign balances are not returnable to a DI upon demand without material conditions merely because, by virtue of stock ownership, the DI controls the person holding title. However, foreign balances of a branch AFN generally will be deemed returnable to a DI on demand without material conditions.

Example 6. DI has an incorporated AFN (A) engaged in manufacturing operations. From 1960 through 1968, A earned $10,000,000 and on June 30, 1969 has $8,000,000 invested in 6-month certificates of deposit of foreign banks. No part of these funds is needed by A to meet business requirements. Nevertheless, the foreign balances are not deemed to be held by DI, since they are not considered to be returnable to DI upon demand without material conditions.

On the other hand, assume that on June 1, 1969, A declared a $500,000 dividend in favor of DI and such dividend became payable on demand on June 15, 1969. In this event, $500,000 of the $8,000,000 are deemed liquid foreign balances held by DI as of June 30, 1969. Note also that, since the dividend was not paid when due, a debt obligation is deemed to have been created in favor of DI, resulting in a $500,000 transfer of capital by DI to A under § 312(a)(1). Accordingly, payment of the past due dividend will constitute a transfer of capital from A to DI pursuant to § 312(b)(3).

Example 7. DI has 50 percent interest in a German company (C). In June 1969, DI lends $100,000 to C, repayable on demand. The $100,000 is invested by C in a 6-month certificate of deposit of a foreign bank. C does not need any part of the $100,000 to meet business requirements. The certificate of deposit is deemed to be held by DI. (Note also that the loan would constitute a transfer of capital from DI to C pursuant to § 312(a)(1).)

Determining whether liquid foreign balances held by an AFN are "unrelated to the business needs" of the AFN requires analysis of all facts and circumstances of the particular case. The nature of the AFN's business and customary holdings of liquid funds are relevant factors. As a general rule, liquid foreign balances held by an AFN will not be considered unrelated to its business needs if required to pay current operating expenses (including tax, royalty, interest and similar obligations), to pay for reasonably current or planned capital improvements or additions, or as standby contingency reserves.

Example 8. DI has a branch in the United Kingdom (B) engaged in manufacturing operations. For many years, B has maintained an account averaging $500,000 with a local bank. As of June 30, 1969, B's account with the local bank has a balance of $500,000, related to its business needs. Thus, although the $500,000 is deemed returnable to DI upon demand without material conditions because B is a branch, the liquid foreign balances are not attributable to DI under § 203(a)(4).

Example 9. DI has a branch in the United Kingdom (B) engaged in manufacturing operations. For many years, B has maintained an account averaging $500,000 with a local bank. However, as of June 30, 1969, B's balance in the account is $1,000,000. B has recently been expanding business at a rapid pace and estimates that, for the remainder of 1969 and thereafter, it will have to maintain cash balances of at least $1,000,000 in order to meet increased operating commitments. The liquid foreign balances held by B are related to business needs and, therefore, are not treated as liquid foreign balances of DI under § 203(a)(4), even though returnable to DI upon demand without material conditions.

Example 10. DI has a wholly owned subsidiary in Mexico (A) engaged in manufacturing operations. A holds $1,000,000 in liquid foreign balances as of June 30, 1969, of which only $250,000 may reasonably be required for working capital purposes. However, A has entered into a contract for expansion of facilities and plans to expend the remaining $750,000 in 1969 and 1970 for this purpose. The liquid foreign balances held by A are, therefore, related to business needs and are not treated as liquid foreign balances of DI under § 203(a)(4) even if returnable to DI upon demand without material conditions.

Example 11. DI has a wholly owned subsidiary (C) in Germany engaged in manufacturing operations. As of June 30, 1969, C holds liquid foreign balances of $1,000,000. C requires only $250,000 of this amount for working capital purposes, and intends to lend the remaining $750,000 from time to time to other AFNs on a short-term basis. Accordingly, $750,000 of the liquid foreign balances held by C are unrelated to its business needs and will be treated as liquid foreign balances of DI under § 203(a)(4)(ii) if they are returnable to DI upon demand without material conditions.

Example 12. An individual (X) who is a "person within the United States" owns a substantial apartment house complex in France. As a result, X is a DI and the apartment house complex is his AFN. X also owns a chalet in France purchased principally for his own personal use, although he and his family reside there only from June through August each year. During the remainder of the year, X and his family reside in the United States and the chalet is rented on a month-to-month basis to others. The chalet is not an AFN of X. X maintains two demand accounts with French banks. The funds in one account (account No. 1), consisting principally of the income earned from the apartment house complex, are needed and utilized to pay the operating expenses of the apartment house complex and for repairs and improvements to this property. Operating expenses of the chalet and the cost of repairs and improvements to this property are paid out of the second account (account No. 2), but the principal use of this account is for X's personal expenses when he resides in France. The funds in account No. 1 are not liquid foreign balances of X, as they are related to the business needs of X's AFN (i.e., the apartment house complex); the funds in account No. 2 are liquid foreign balances of X, since their principal use is not for business needs.

§ B203–6 Valuation of foreign balances.

Negotiable instruments, nonnegotiable instruments, commercial paper and securities constituting foreign balances shall be valued, for purposes of § 203, at fair market value, or, if fair market value is not readily determinable, at the cost of acquisition. In the case of items the prices of which are quoted on a daily basis, the final bid price (or the closing sale price, if available) on the relevant date will be considered the fair market value on such date.

Foreign balances in the form of bank deposits or other claims denominated in a foreign currency are valued at the prevailing official exchange rate in terms of U.S. dollars.

§ B203–7 Limitation on amount of liquid foreign balances.

Section 203(c) requires a DI to limit the amount of liquid foreign balances (other than Canadian foreign balances and available proceeds of long-term foreign borrowing held in the form of liquid foreign balances) held as of the end of any month to the average end-of-month amounts held during 1965 and 1966 (i.e., the sum of liquid foreign balances held on the last day of each month during 1965 and 1966 divided by 24), subject to the $25,000 "de minimis" exemption in § 203(e)(1).

Under § 1105(b), Canadian foreign balances are not subject to the limitations of §§ 203(c) and 203(e)(1) and can be held by a DI without restriction on amount (subject, however, to the year-end repatriation requirement in § 203(d)(1)).

It should be noted in this connection that § 1105(b), in addition to excluding Canadian balances from the end-of-month restrictions on liquid foreign balances contained in § 203(c), is also intended to exclude Canadian balances from the calculation of total liquid foreign balances for purposes of the $25,000 "de minimis" exemption under § 203(e)(1). The parenthetical reference to "direct investment liquid foreign balances" in § 1105(b) is intended merely to reflect the exclusion of available proceeds of long-term foreign borrowing (as defined in § 324(d)) from the restrictions of § 203(c). It is not the intention of § 1105(b) to authorize inclusion of available proceeds held in Canada during 1965 and 1966 for purposes of calculating average end-of-month liquid foreign balances under § 203(c).

Section 203(c) also permits a DI to hold available proceeds of long-term foreign borrowing in the form of liquid foreign balances subject only to the limitation in § 203(d)(1). "Proceeds of long-term foreign borrowing" and "available proceeds" of long-term foreign borrowing are defined in § 324 (c) and (d).

Calculations under § 203(c) are to be made on a worldwide rather than on a schedular basis. Accordingly, a DI may transfer liquid foreign balances from one foreign country to another, but the aggregate amount held abroad at the end of any month may not exceed the amount permitted by § 203(c).

Example 13. DI held liquid foreign balances (other than Canadian foreign balances and available proceeds of long-term foreign borrowing) of $200,000 on March 31, 1965, $200,000 on April 30, 1965, $100,000 on May 31, 1965, $400,000 on April 30, 1966, and $300,000 on May 31, 1966. DI held no liquid foreign balances of any kind as of the end of any other month during 1965 or 1966. Therefore, DI may hold $50,000 of liquid foreign balances (other than Canadian liquid foreign balances and available proceeds of long-term foreign borrowing held in the form of liquid foreign balances) as of the end of any month commencing June 30, 1968 (i.e., $1,200,000 divided by 24).

Example 14. DI did not hold any liquid foreign balances during 1965 or 1966. Nevertheless, by operation of § 203(e)(1), DI may hold up to $25,000 in liquid foreign balances (other than Canadian liquid foreign balances and available proceeds held in the form of liquid foreign balances).

Example 15. DI held liquid foreign balances during 1965 and 1966, but all were Canadian foreign balances. DI may not (except for the "de minimis" exception in § 203(e)(1)) hold any liquid foreign balances (other than Canadian liquid foreign balances and available proceeds held in the form of liquid foreign balances) as of the end of the month.

Only available proceeds of long-term foreign borrowing (i.e., borrowings reported on appropriate records and OFDI reporting forms, the proceeds of which have not been expended or allocated (see § 324 (c) and (d)) may be held in the form of liquid foreign balances outside the limitations of § 203(c). Note, however, that if a DI does not properly report the borrowing as a long-term foreign borrowing, then the funds received, if held as liquid foreign balances, will be subject to the restrictions of § 203(c). (See §§ B203–8(1) and B324–6 and 7.)

Available proceeds held as liquid foreign balances denominated in a foreign currency cannot exceed the U.S. dollar equivalent of the original borrowing. (See § 324–2.) Accordingly, if a DI's $1 million long-term foreign borrowing is held in a DM deposit and the mark is revalued by 8.5 percent, available proceeds will remain $1 million. The $85,000 exchange gain realized by the DI does not constitute available proceeds and, therefore, will be subject to the provisions of § 203(c).

Once available proceeds are either expended in making transfers of capital (and deductions taken under § 313(d)(1)) or are allocated to offset positive direct investment pursuant to § 306(e), such funds cease to be available proceeds and will not qualify for the exemption contained in § 203(c). Moreover, § 306(e) provides that available proceeds allocated to positive direct investment may not thereafter be held in the form of foreign balances or foreign property, liquid or otherwise.

Example 16. On May 1, 1969, DI negotiates a $1,000,000 long-term foreign borrowing, the proceeds of which are placed in a demand deposit with a London bank. The proceeds are available proceeds of long-term foreign borrowing, and may be held in the form of liquid foreign balances outside the limitations of § 203(c). On June 1, 1969, DI withdraws $600,000 from the London bank and loans the funds to a French AFN (C) on a 60-day note. The loan is a transfer of capital from DI to C, but since proceeds of long-term foreign borrowing were used, an amount equal to the transfer of capital must be deducted under § 313(d)(1). In July 1969, C repays the $600,000 loan. DI now holds $600,000 of proceeds of long-term foreign borrowing that are not available proceeds of such borrowing since they were expended in making the loan to C. Therefore, if the $600,000 is again placed on deposit with the London bank, it would have to be included in the computation of liquid foreign balances held by DI under § 203(c). On December 30, 1969, DI withdraws $400,000 from the London bank and repatriates the funds to the United States, for the purpose of allocating such proceeds to positive direct investment in Schedule B pursuant to § 306(e). If the criteria of § 306(e) for allocation are met, the $400,000 could not thereafter be held in the form of foreign balances or any other foreign property.

§ B203–8 Available proceeds of long-term foreign borrowing: Effect on positive net transfer of capital.

Section 203(d)(1) prohibits a DI holding more than $25,000 of available proceeds of long-term foreign borrowing in the form of foreign property at year-end from making a positive net transfer of capital to any scheduled area, to the extent such positive net transfer of capital would result in positive direct investment for such year, unless the positive direct investment is authorized by § 503 or by § 1002. A DI may be relieved from the prohibition of § 203(d)(1) only by § 203(e)(2) (the $25,000 "de minimis" exemption) or by specific authorization or exemption. The effect of § 203(d)(1) is to encourage use of available proceeds of long-term foreign borrowing, in whatever form held, for direct investment purposes in foreign countries before such investment is financed with funds from U.S. sources.

For purposes of § 203(d)(1), a DI need not take into account positive direct investment that occurs by reason of interschedular transfers of capital charged against an allowable "downstreamed" pursuant to § 504(d). Under § 505, transfers of capital between AFNs in different scheduled areas are attributed to the DI. Under § 504(d), a DI is permitted to "downstream" unused schedular allowables without limitation. Accordingly, circumstances may arise where, by reason of § 505, positive direct investment charged to a DI in a scheduled area will be authorized only by application of § 504(d). If, as of year-end, the DI holds available proceeds, such positive direct investment would be prohibited by a literal application of § 203(d)(1). However, OFDI construes § 203(d)(1) as being inapplicable to positive direct investment arising from a § 505 transfer of capital that is charged against a DI's § 504(d) allowable.

(i) *Available proceeds held in the form of foreign property.* The prohibitions of § 203(d)(1) apply during any year only if the DI holds available proceeds of long-term foreign borrowing in the form of foreign balances or other foreign property as of the end of such year. The term "available proceeds of long-term foreign borrowing" is defined in § 324(d) to mean the proceeds of long-term foreign borrowing remaining after deducting (a) amounts expended in making transfers of capital to AFNs (other than Canadian AFNs) and deducted from net transfer of capital under § 313 (d)(1) and (b) amounts allocated to and deducted from positive direct investment in any scheduled area (other than positive direct investment in Canada) under § 306(e). If a DI does not report a long-term foreign borrowing on all required periodic reports following the borrowing the proceeds cannot be treated as available proceeds and, therefore, are not subject to the prohibitions of § 203(d)(1). (See § B324–6 and 7.) Note also that the proceeds of an unreported borrowing do not qualify for use as a deduction from net transfer of capital under § 313(d)(1) or from positive direct investment under § 306(e), nor can such proceeds be excluded in computing liquid foreign balances for purposes of § 203(c).

The prohibitions of § 203(d)(1) apply if available proceeds are held in any form of foreign property including Canadian balances or assets, debt or equity securities of a foreign national (including debt or equity securities of a Canadian person, whether or not such person is an AFN of the DI) or any other foreign property.

For purposes of the following examples, asume that DI elects the § 504(a) historical allowable for 1969 and has historical allowables of $3 million in Schedule A, $2 million in Schedule B and $1 million in Schedule C:

Example 17. In June 1969, DI negotiates a long-term foreign borrowing of $10,000,000. The borrowing is not reported in DI's second quarter report on Form FDI–102 because the proceeds were intended for use in the United States. DI repatriates $8,000,000 to the United States for immediate use and purchases 6-month certificates of deposit of a London bank with the remaining $2,000,000. DI has not made and does not make during 1969 any other long-term foreign borrowings. As of the end of 1969, DI has made a positive net transfer of capital to Schedule A of $2,500,000. The positive net transfer of captial is not prohibited by § 203(d)(1); DI has no available proceeds because the borrowing was not reported as provided in § 324(c). Note, however, that the 6-month certificates of deposit are liquid foreign balances, subject to the limitation of § 203(c).

Example 18. In March 1969, DI negotiates a long-term foreign borrowing of $10,000,000, immediately expends $5,000,000 of the proceeds in a transfer of capital to a Schedule C AFN and purchases 6-month certificates of deposit of a London bank with the remaining $5,000,000. DI reports the borrowing on Form FDI–102 for the first quarter of 1969, pursuant to § 324(c). Upon maturity of the certificates of deposit in September, DI withdraws the funds (constituting "available proceeds") and deposits them with a New York bank. During November, DI makes a transfer of capital to Schedule A of $2,500,000, but not with the available proceeds, resulting in a positive net transfer of capital to Schedule A at the end of 1969 of $2,500,000. The positive net transfer of capital to Schedule A is not prohibited by § 203(d)(1), because DI does not hold, as of the end of the year, any available proceeds in the form of foreign property.

Example 19. In December 1968, DI negotiated a long-term foreign borrowing of $15,000,000, reported the borrowing as required by § 324(c), and invested $10,000,000 in 13-month certificates of deposit of a London bank. During 1969, DI makes a $2,000,000 positive net transfer of capital to Schedule A and a $1,000,000 positive net transfer of capital to Schedule B. Both positive net transfers of capital are prohibited by § 203(d)(1), since DI had available proceeds held in the form of foreign property on December 31, 1969 (i.e., the 13-month certificates of deposit of the London bank).

Example 20. During 1969, DI negotiates and properly reports a $10,000,000 long-term foreign borrowing and loans the proceeds to a Canadian AFN under a 5-year note. DI also makes a $2,000,000 positive net transfer of capital to Schedule A. Assuming no other transactions, the positive net transfer of capital to Schedule A is prohibited because DI holds available proceeds of long-term foreign borrowing in the form of debt obligations of a foreign person; i.e., the Canadian AFN. (DI could, however, avoid noncompliance with § 203(d)(1) by allocating and repatriating, pursuant to § 306(e), $2,000,000 of the available proceeds to offset the positive direct investment in Schedule A.)

Example 21. During 1969, DI's only AFN, a branch in Schedule C, increases net assets by $1,000,000. By operation of § 313(b), DI is deemed to have made a $1,000,000 positive net transfer of capital to Schedule C. DI has $2,000,000 of available proceeds of long-term foreign borrowing and such proceeds are invested in short-term foreign government securities. During the final quarter of 1969, DI allocates $1,000,000 of these proceeds to the positive net transfer of capital to Schedule C, liquidates that amount of foreign securities, repatriates the funds received, and deposits them in a U.S. bank. As of the end of 1969, DI does not have a positive net transfer of capital to Schedule C, and therefore DI is not affected by § 203(d)(1). Note that DI will carry over into 1970 $1,000,000 of available proceeds that are not subject to the repatriation requirements of § 203(c).

(ii) *Positive net transfer of capital authorized by § 503 or § 1002.* Section 203(d)(1) does not prohibit a DI holding available proceeds at yearend from making a positive net transfer of capital resulting in positive direct investment if the DI has elected to be governed by § 503, nor does that prohibition apply to a positive net transfer of capital authorized by § 1002 (resulting from the repayment of debt).

Example 22. DI has § 504 allowables for 1969 of $500,000 in Schedule A, $300,000 in Schedule B and $100,000 in Schedule C. During 1969, DI negotiates and properly reports a long-term foreign borrowing of $10,000,000. DI expends $6,000,000 to acquire a Schedule C AFN and invests the remaining $4,000,000 in 6-month certificates of deposit of a London bank. DI thereafter makes a positive net transfer of capital of $750,000 to Schedule A. DI elects to be governed by the § 503 allowable for 1969. The positive net transfer of

capital to Schedule A is not prohibited by § 203(d)(1), even though DI holds available proceeds in the form of foreign balances at the end of 1969.

Example 23. During 1967, DI negotiated a long-term foreign borrowing of $15,000,000 and expended all proceeds to acquire a Schedule B AFN. The terms of the borrowing called for repayment of principal in the amount of $2,500,000 in each of 1969, 1970, and 1971, the remainder being due in 1972. DI has a § 504 allowable in Schedule B of $2,000,000 for 1969. During 1969, DI acquires available proceeds from a second long-term foreign borrowing. The proceeds of this borrowing are held in a demand account with a foreign bank. During 1969 DI makes the first required repayment of the 1967 borrowing as authorized by § 1002(a)(4), and there are no other relevant transactions during the year. The positive net transfer of capital resulting from the repayment is not prohibited by § 203(d)(1).

Example 24. During 1968, DI negotiated a long-term foreign borrowing of $5,000,000. DI filed a certificate pursuant to Subpart J with respect to the borrowing. The borrowing was made under a $5,000,000 line of credit and was evidenced by a 90-day note renewable at fluctuating interest rates for a period of 5 years from the original date of the borrowing. During 1968, DI loaned all proceeds of the borrowing to a Schedule B AFN. During 1969, DI has a § 504 allowable in Schedule B of $2,000,000, and DI elects to be governed by § 504. During 1969, DI negotiated another long-term foreign borrowing of $20,000,000 and invested $10,000,000 of the proceeds in short-term certificates of deposit of a German bank. DI desires to repay $2,000,000 of the 1968 long-term foreign borrowing. Should such repayment result in positive direct investment for the year 1969, the transaction would be prohibited by § 203(d)(1). The repayment would not be covered by § 1002, because it would be made at the option of DI (i.e., DI would be electing not to exercise the right to renew that portion of the borrowing; see § 1002(d)). Note, however, that if DI uses $2,000,000 of the 1969 borrowing to curtail the 1968 borrowing, the transaction would be considered a refinancing to that extent rather than a repayment, and no transfer of capital will be charged. (See § 324(b)(1).)

(iii) *Positive net transfer of capital prohibited only if positive direct investment results.* A DI holding available proceeds in the form of foreign balances or property at year-end is prohibited by § 203(d)(1) from making a positive net transfer of capital to a scheduled area only to the extent such transfer results in positive direct investment.

For purposes of the following examples, assume that DI has elected a § 504 allowable for 1969 and that more than $25,000 in available proceeds of long-term foreign borrowing are held in the form of foreign property:

Example 25. DI has five Schedule C AFNs, all incorporated, and the AFNs have total losses of $3,000,000 during 1969. During 1969, DI makes a positive net transfer of capital to these Schedule C AFNs of $2,500,000. The positive net transfer of capital is not prohibited by § 203(d)(1), because it does not result in positive direct investment. (Section 504(e), which prohibits losses in Schedule C from being used as an offset to a positive net transfer of capital for purposes of determining compliance with the § 504 allowable, is not relevant to the application of § 203(d)(1).) The result would be the same if the AFNs and the positive net transfer of capital were in Schedule A or B.

Example 26. DI has five Schedule C AFNs, all incorporated, that have aggregate earnings of $4,000,000 during 1969, but declare dividends to DI of $5,500,000. During 1969, DI makes a positive net transfer of capital to Schedule C of $1,000,000. The positive net transfer of capital is not prohibited by § 203(d)(1), because it does not result in positive direct investment in Schedule C.

(iv) *Allocation or reallocation to positive direct investment deemed first to reduce positive net transfer of capital.* Section 203(d)(1) provides that any allocation to positive direct investment pursuant to § 203(d)(2), § 203(d)(3), or § 306(e) shall be deemed, for purposes of § 203(d)(1), first to reduce the positive net transfer of capital component of positive direct investment. Accordingly, an allocation that serves to offset positive direct investment in a scheduled area for purposes of conforming to a DI's § 504 allowable may also be availed of for purposes of satisfying the requirement of § 203(d)(1), even if the allocation had actually been made to the reinvested earnings component rather than to the positive net transfer of capital component of positive direct investment in the scheduled area.

Example 27. DI elects the 30 percent earnings allowable under § 504(b) for 1969, resulting in a Schedule B allowable of $2,000,000. During 1969, DI makes a positive net transfer of capital to Schedule B of $2,500,000 and its Schedule B AFNs earn $1,000,000. In addition, DI holds $5,000,000 in available proceeds of long-term foreign borrowing in the form of short-term deposits in a German bank. DI's Schedule B AFNs pay no dividends during 1969. DI must repatriate $1,500,000 of the available proceeds prior to the end of the year and allocate and deduct such amount from positive direct investment pursuant to § 306(e), thereby achieving compliance with § 504(b). However, since DI would still hold $3,500,000 of available proceeds in the form of foreign balances, and the net transfer of capital to Schedule B, after taking into account the second proviso to § 203(d)(1), would be $1,000,000 ($2,500,000 less $1,500,000), DI is also required to allocate before the end of the year at least an additional $1,000,000 to comply with § 203(d)(1). If this repatriated amount is allocated to positive direct investment under § 306(e), DI will report on its Form FDI-102F positive direct investment of $1,000,000 in Schedule B during 1969 (deemed to consist of a zero net transfer of capital plus reinvested earnings of $1,000,000) and would have a Schedule B carryforward into 1970 of $1,000,000 for its unused allowable in that amount. As an alternative to allocation, DI may repatriate the remaining $3,500,000 of available proceeds from abroad and hold them in nonforeign assets. Section 203(d)(1) would not then apply and DI would show positive direct investment in Schedule B of $2,000,000, no carryforward of the § 504 allowable and $3,500,000 of available proceeds for use in succeeding years.

(v) *Specific exemption from the prohibitions of § 203(d)(1).* A DI subject to the prohibitions of § 203(d)(1) may comply with the requirements of the section in any of three ways: (a) The DI may expend available proceeds of long-term foreign borrowing in making transfers of capital, so as to avoid having a positive net transfer of capital in any scheduled area; (b) the DI may allocate available proceeds of long-term foreign borrowing to positive direct investment in each scheduled area, to the extent of a positive net transfer of capital in each scheduled area; or (c) the DI may repatriate all available proceeds of long-term foreign borrowing to the United States by yearend. Compliance with § 203(d)(1) may, however, be impossible or may result in substantial hardship in certain instances. OFDI will consider applications for specific exemption from § 203(d)(1) upon showing by a DI that compliance with that section cannot be accomplished by any of the means listed above, for one or more of the following reasons:

The expenditure of available proceeds in making positive transfers of capital during the year and the liquidation and repatriation to the United States of available proceeds would contravene express representations made by the DI to, or restrictions imposed on the DI by, persons from whom the relevant long-term foreign borrowings were obtained (as conditions to obtaining such borrowings);

Available proceeds cannot be expanded in making positive transfers of capital or repatriated to the United States, because they were invested in nonliquid long-term foreign investments prior to June 18, 1969, the date § 203(d)(1) for 1969 was published in proposed form in the FEDERAL REGISTER;

The expenditure of available proceeds in making positive transfers of capital during the year and the liquidation and repatriation to the United States of available proceeds would create a substantial probability of material adverse United States or foreign tax consequences to the DI (such as jeopardizing the exemption of an international finance subsidiary's interest payments on debt issued to foreign persons from U.S. withholding tax because of an increase in U.S. source income of the international finance subsidiary); or

Available proceeds cannot be expended in making positive transfers of capital or repatriated to the United States without causing demonstrable, material economic hardship for the DI (generally, market yield differentials will not be considered sufficient grounds for such hardship relief).

DIs should note Internal Revenue Service Technical Information Release No. 1005, issued December 27, 1968 (Rev. Rul. 69-27), in which there is discussion of several options available under §§ 861-864 of the Internal Revenue Code (1954) that are consistent with the objectives and requirements of the Foreign Direct Investment Program and will not adversely affect an international finance subsidiary's "foreign-source income" position.

B304—Affiliated Foreign Nationals

§ B304-1 Introduction.

The term "affiliated foreign national" is a key concept in the regulations, since only persons within the United States who are or who become DIs by virtue of their interests in AFNs are subject to the Program.

As a general rule, any transaction between a person within the United States and any foreign national (as defined in § 302) that does not affect the U.S. person's equity or debt investment in an AFN, or does not result in a foreign national becoming an AFN, is not subject to the direct investment prohibitions imposed by § 201(a) of the regulations.

§ B304-2 Summary.

Restrictions on foreign direct investment under the Program are applicable only to persons within the United States having or acquiring, directly or indirectly, a 10 percent or greater interest in an affiliated foreign national. A "foreign national" is defined in § 302(a) as—

> • • • any person which is not a person within the United States • • •, including a corporation or partnership organized under the laws of a foreign country • • •, a business venture conducted within a foreign country • • •, and a foreign bank • • •.

The interest in a foreign national required to make it an AFN for purposes of the regulations is, in general, determined by the U.S. investor's voting rights if the foreign national is a corporation, or by the share of profits to which the investor is entitled if an unincorporated foreign business activity is involved. Furthermore, to be an AFN a business venture must have gross assets of more than $50,000 at some time during the year and be in existence (or have reasonable prospect of existence) for more than 12 consecutive months.

Foreign nationals of a nonprofit nature, such as charitable, educational, religious, scientific, literary, or similar organizations, are not treated as AFNs.

Business ventures in which an AFN has an interest may themselves be AFNs if located in a scheduled area other than that of the parent. Since Canada is accorded special treatment pursuant to Subpart K of the regulations, Canadian business ventures of AFNs located in Schedule B and non-Canadian, Schedule B business ventures of Canadian AFNs are treated as separate AFNs, even though such relationships within the same scheduled area would ordinarily result in a single AFN.

§ B304-3 Requisite financial interest.

The interest that will give rise to a DI-AFN relationship is, generally, a 10 percent or greater voting interest in a foreign corporation or a 10 percent or greater interest in the profits of a foreign partnership or business venture. (See §§ 304(b)(2), 901 and 902.) However, § 304(b)(4) provides that a DI-AFN relationship may be deemed to exist notwithstanding this general rule. Under present OFDI policy, this caveat applies principally to cases where the U.S. investor actually participates in and exercises a controlling interest over the affairs of the foreign national, and has transferred funds or other property in excess of $200,000 to the enterprise during any year commencing with 1968. (The $200,000 figure is a "de minimis" test, unrelated to the minimum allowable in effect for 1968 under § 503.)

The 10-percent interest test is inapplicable to creditor-debtor relationships (whether or not the loan is secured), even though principal and/or interest payments by the foreign borrower may result in the U.S. creditor receiving all or a substantial portion of the foreign enterprise's revenues.

§ B304-4 Foreign nationals.

(i) *Corporations.* A foreign corporation includes any organization incorporated under the laws of a foreign country, or having all or a substantial part of the legal characteristics commonly attributed to corporations under the laws of the United States (§ 307(b)). Thus, an organization that (a) is not formally incorporated under foreign law but has transferable interests, that (b) is organized so that holders of interests are not liable for its obligations except to the extent of their contributions or subscriptions, and (c) has perpetual duration (or for a substantial fixed period), would be considered a foreign corporation.

Pursuant to § 304(b)(1), an incorporated AFN is generally assigned to the scheduled area where organized, regardless of the situs of operations. However, if the AFN conducts no operations in the scheduled area of incorporation but merely maintains a required statutory office there, it may be assigned to a different scheduled area for purposes of the Regulations (§ 304(b)(4)).

(ii) *Partnerships.* A foreign partnership includes formally structured noncorporate organizations created under a partnership law or similar statute of a foreign country. A foreign joint venture will ordinarily be treated as a "business venture" (see below), rather than as a partnership, if it is formed to engage in a specific transaction or series of related transactions and is to be liquidated when the transaction or transactions have been completed.

A foreign partnership is assigned to the scheduled area where it is organized (§ 304(b)(1)).

(iii) *Business ventures.* A foreign business venture encompasses business activities in a foreign country (a) by a DI, (b) by employees or partners of a DI on behalf of the DI, or (c) by employees or partners of an AFN on behalf of such AFN (§ 304(a)(1)(ii) and (iii)), as limited by § 304(c) and (d)). Some types of facilities abroad, such as storage areas and display offices owned or physically controlled by the DI, may be treated as business ventures for purposes of the regulations even though frequently not considered "permanent establishments" for other legal purposes.

The term "employee" as used in § 304 is not necessarily synonymous with its meaning for Federal tax purposes. For example, an agent working substantially full-time for a U.S. principal and having a stock of goods from which orders are filled, or having authority to accept orders or otherwise execute contracts on behalf of his principal, may be considered an employee for purposes of this section. Furthermore, the agent's lack of authority to conclude contracts may be immaterial if acceptance by the DI is, in actual practice, merely a ministerial act.

Ownership interests in real property abroad (excluding mortgages secured by real property) will constitute business ventures if held primarily for business purposes (including real property held for appreciation). Therefore, crop or grazing acreage, apartment houses and land held for subdivision are considered business ventures. On the other hand, real property such as a house in a foreign country purchased by a U.S. resident principally for personal use will not be considered held for business purposes even though rented to others for a portion of the year.

Contract construction, engineering, oil exploration, and similar operations involving a jobsite or project office in a foreign country are also business ventures. Drilling operations on the U.S. continental shelf or geological drilling in the deep ocean over which no nation asserts jurisdiction are deemed to be conducted within the United States for purposes of the regulations, while drilling operations conducted on the continental shelf adjacent to a foreign country are deemed to be conducted in that country. While drilling operations over water are in all other respects treated the same as drilling operations on land, vessels registered in the United States that are used in connection with such operations in the jurisdiction of a foreign country are assigned a value of zero (and related liabilities or depreciation charges should be excluded) in computing net branch assets of that business venture.

Under § 304(a)(1)(ii), a DI's overseas sales or manufacturing branch is a business venture. This is true whether or not the DI customarily maintains separate books and records reflecting the assets, liabilities, earnings, and expenses, etc. attributable or allocable to the branch. Similarly, a sales or manufacturing branch of an incorporated AFN would be a foreign business venture. However, if located in the same scheduled area as the parent AFN, the parent and its business venture are grouped as a single AFN for purposes of the regulations, provided neither is Canadian (§ 304(a)(1)(i), as qualified by § 304(a)(1)(iii)). If the parent AFN and its business venture are in different scheduled areas, or if in the same scheduled area and one is Canadian, two AFNs would be attributed to the DI (§ 304(a)(1)(iii)).

A special rule is provided in § 304(b)(1) for certain nonpermanent or transient business ventures conducted in more than one scheduled area during any year. In that case, the scheduled area in which the business venture is conducted for the greatest period of time during such year will govern. Thus, for example, a traveling circus performing for short periods of time during a given year in a number of countries in different scheduled areas, but primarily in continental European countries, will be treated as a Schedule C AFN for that year.

§ B304-5 Specific exceptions.

Section 304 (c) and (d) enumerate certain categories of foreign business activities that are not treated as AFNs for purposes of the Regulations regardless of

the quantum of interest that a person within the United States may have or may acquire. Excepted are foreign enterprises solely of a charitable, educational, religious, scientific, literary, or other similar nature not engaged in for profit. Also excepted from treatment as AFNs during a given year are business ventures that (a) do not have or involve, at any time during the year, gross assets of more than $50,000, valued at the greatest of cost, book, replacement or market (§ 304(d)(i)); (b) are commenced during the year and are not reasonably expected to be conducted for more than 12 consecutive months (§ 304(d)(ii)); or (c) are terminated within the year and were not, in fact, conducted for more than 12 consecutive months (§ 304(d)(iii)).

The test under § 304(d)(i) relates to gross assets determined in accordance with accounting principles generally accepted in the United States. If, at any time during the year, the business venture has gross assets of more than $50,000, it is deemed an AFN for the entire year.

The determination whether a business venture in a foreign country is reasonably expected to be conducted, or is in fact conducted, for a period of 12 consecutive months, under § 304(d)(ii) and (iii), is governed by the primary activity of the enterprise during such period. Continuous physical presence is not required. If, for example, a traveling circus spent substantially all of the requisite 12-month period abroad, but returned to the United States occasionally for appearances, the business venture would nevertheless be considered to have been conducted within one or more foreign countries for more than 12 consecutive months.

With specific reference to contract construction, engineering, and similar operations conducted directly by U.S. companies involving opening of a job site and/or project office in a foreign country (or in waters under the jurisdiction of a foreign country), the following rules will generally be applied under § 304(d)(ii) and (iii):

The commencement date of the business venture is the date on which the first materials or equipment arrive at the job site, or the date the project office is opened, whichever is earlier; and

The termination date of the business venture is the date when all transfers of capital and earnings attributable to the relevant contract (except for guaranty retentions of a reasonable amount) are charged off the job's books and repatriated to the United States. (Payments under guaranty retentions should be charged off and the balance repatriated to the United States as soon as practicable.)

A determination under § 304(d)(ii) whether an overseas business venture is reasonably expected to be conducted for more than 12 consecutive months should be based on the facts and circumstances existing when the venture is commenced. Determinations need not anticipate delays or interruptions that are not foreseeable when the venture is commenced, such as delays or interruptions due to unanticipated labor strikes or slowdowns or unusual weather conditions.

The rule with respect to termination of a business enterprise during any year under § 304(d)(iii) is not intended to be applied inflexibly. If, due to unforeseeable delays or interruptions, a business venture cannot be terminated within the required 12-month period, but is in fact terminated with reasonable dispatch in view of the unanticipated difficulties, a specific exemption from application of the Regulations may be granted (see § 801).

Should an exemption under § 304(d) be applicable to a business venture owned directly by a DI (e.g., a branch of the DI), the venture is not considered to be an AFN of the DI. Therefore, transfers of capital between the DI and the venture have no effect under the regulations, nor do profits (or losses) of the venture. The result is different, however, if an exemption under § 304(d) applies to an AFN's business venture that is located in a different scheduled area from the AFN. Section 304(d) then merely serves to exclude the venture as an AFN of the DI, not to remove it from the reach of the regulations altogether. Ventures of this nature are deemed a part of the parent AFN (as are an AFN's business ventures in the same scheduled area). Accordingly, profits (or losses) of an incorporated AFN's ventures of this nature would be deemed earnings of the parent AFN, transfers of capital to the venture would be deemed transfers to the parent AFN, and any net change in the net assets of the venture would not be reflected in calculating the DI's net transfer of capital to unincorporated AFNs for purposes of § 313(b).

§ B304–6 Application of § 304.

The operation and effect of § 304 are illustrated by the following examples:

Example 1. (*General.*) A U.S. corporation (X) owns 10 percent of the outstanding voting stock of a corporation organized under the laws of France. The foreign company is an incorporated AFN in Schedule C (see § 304(a)(1)(i) and (b)(1)). If the company were incorporated under the laws of Brazil, it would be an incorporated AFN located in Schedule A. If it were incorporated under the laws of the United Kingdom, it would be an incorporated AFN located in Schedule B.

If the French AFN has a branch in Italy, or if the AFN in the United Kingdom has a branch in Japan, the branch operations would be subsumed under the parent company for purposes of the regulations, since both parent and branch would be in the same scheduled area (§ 304(a)(1)(i)). An exception to this rule applies where either the parent AFN or its branch is located in Canada, in which case both would be AFNs (§ 304(a)(1)(iii)).

By the same token, if the French corporation has a branch in Germany and a wholly-owned corporate subsidiary in Australia, and the latter has a branch in Canada, DI would have only three AFNs: (a) The French corporate subsidiary, (b) the French corporation's Australian subsidiary, and (c) the latter's Canadian branch. The French AFN's branch in Germany would not be a separate AFN, since Germany and France are in the same scheduled area. The Canadian branch would be a separate AFN since, for purposes of § 304(a)(1)(iii), Canada is not deemed to be a Schedule B country.

Example 2. (*Voting interest test.*) A U.S. corporation owns 95 percent of the outstanding voting stock of a company in France, the remainder being owned by unaffiliated foreign nationals. The French company has a 10 percent direct interest in a corporation in Japan. Only the French company is an AFN, since X's indirect interest in the Japanese company is only 9.5 percent, i.e., 95 percent × 10 percent (see §§ 901, 902).

Example 3. (*Profit interest test.*) An individual (X) who is a person within the United States is a partner in a partnership (C) organized under the laws of Germany, although he is not actively engaged in C's business. Under the partnership agreement, X is entitled to receive 15 percent of the profits of C. C is an unincorporated AFN of X (see § 304(a)(1)(i) and (b)(1)).

Example 4. (*Indirect profit interest through non-AFN parent.*) A French corporation (C) has 200,000 shares of stock outstanding, 100,000 of which are voting and 100,000 of which are nonvoting fixed-dividend preferred. C has numerous branches in Schedules A and B. For many years, substantially all of C's profits (including branch profits) have been distributed as dividends to holders of the preferred stock and no dividends have been paid on the common stock. A corporation in the United States (X) owns 8,000 shares of C's voting stock (8 percent) and 70,000 shares of the preferred stock (70 percent); however, this investment has not been accompanied by active participation in or control over C's business affairs. C is not an AFN of X. Moreover, although X has for many years received more than 10 percent of the profits of C's Schedule A and B branches, in the form of preferred stock dividends from C, OFDI would not consider the branches to be AFNs. A foreign business venture owned directly by a foreign corporation or partnership is not treated as an AFN of a U.S. person unless the parent is also an AFN of the U.S. person.

Example 5. (*Exception to the 10 percent interest test.*) A U.S. corporation (X) owns 9 percent of the outstanding voting stock of a French corporation (C). X also owns a current option to acquire additional voting stock of C that, if exercised, would give X ownership of 35 percent of C's outstanding voting stock. Moreover, a majority of C's directors are designees of X and, for a number of years, X has actively participated in and exercised a controlling influence over the affairs of C. Under § 304(b)(4), OFDI could deem C to be an AFN notwithstanding X's present 9 percent interest. As a matter of policy, however, such discretion would not normally be exercised unless X transfers more than $200,000 in funds or other property to C during any year commencing with the year 1968.

Example 6. (*Second-tier AFNs.*) A U.S. corporation (X) owns 10 percent of the outstanding voting stock of a French corporation (C). C owns a factory in Argentina, a sales office in Brazil, a sales office in Japan, a sales office in the United Kingdom and numerous factories and sales offices in continental Europe. The Japanese sales office has gross assets of less than $50,000 and, therefore, cannot be an AFN because of the exemption in § 304(d)(i). Accordingly, C is an incorporated AFN located in Schedule C, embracing also the factories and sales offices in continental Europe and in Japan. Assuming the inapplicability of the exemptions set forth in § 304(d), the factory in Argentina, the sales office in Brazil, and the sales office in the United Kingdom are separate unincorporated AFNs of X (§ 304(a)(1)(iii) and (b)(1)).

Example 7. (*Bank or brokerage account.*) An individual within the United States maintains a number of bank accounts with foreign banks and also maintains an account with a German stock brokerage firm. The foregoing facts do not give rise to a DI–AFN relationship.

Example 8. (*Investment real estate.*) An individual within the United States purchased a parcel of 1,000 acres of undeveloped real estate in Brazil for $75,000 in 1967. The land is being held for investment. The real estate is an unincorporated AFN (see § 304(a)(1)(ii) and (b)(1)).

Example 9. (*Commission salesmen.*) A U.S. corporation (X) enters into a contract with an individual citizen of Argentina (A) pursuant to which A will be X's exclusive representative in Latin America to solicit orders for X's products. A is not to handle the products of any other company but is to work full time in soliciting orders for X. A has no authority to accept orders, but must forward them to X for approval. A is to be compensated on a commission basis based on the gross sales of X's products attributable to A's efforts. All payments for such sales must be remitted directly to X by the purchaser. X is to pay the rental for A's office in Buenos Aires, but all of A's other expenses (including the salaries of clerical and other required personnel) are to be paid by A out of his commissions. The Buenos Aires telephone directory is to carry a listing in X's name showing the telephone number of A's office. X also rents space in a warehouse in Buenos Aires, from which orders from Latin American customers are filled. Under the foregoing facts A's operation is not an AFN.

Example 10. (*Sales agents.*) A U.S. corporation (X) employs five salesmen who travel throughout Europe to solicit orders for X's products. The salesmen operate out of a rented office in France and are all permanent residents of France. All orders must be accepted by X in the United States, but payment is made to the office in France. The rental and all other expenses of the sales office, including the salaries of the salesmen and other office personnel, are paid by X. Assuming the inapplicability of § 304(d), the sales office operation is an unincorporated AFN of X because it is a business venture conducted on behalf of X by employees of X (see § 304(a)(1)(ii) and (b)(1)).

Example 11. (*Sales agents; leased warehouse facilities.*) A U.S. corporation (X) sells its products in continental Europe through independent sales agents in Europe, who also sell products of many other U.S. corporations. The agents are compensated strictly on a commission based on their gross sales of X's products. X also employs salaried salesmen in the United States who periodically travel to Europe to make sales to X's largest European customers. X does not maintain any permanent manufacturing or sales facility in Europe. Under the foregoing facts X does not have AFNs in Schedule C. In addition, if in order to expedite deliveries to its European customers, X rents space in a warehouse in the Netherlands where a substantial inventory is maintained and orders from X's European customers are filled from this inventory, periodically being replenished by X, such operation would not constitute an AFN. Note that the result would be different if X owned the warehouse (assuming the inapplicability of § 304(d)); in that case, the warehouse itself would be an AFN.

Example 12. (*U.S.-based consulting services.*) A U.S. corporation (X) is engaged in rendering management consulting services. Many of its clients are unaffiliated foreign corporations. During the course of a year, X's salaried personnel, all of whom are permanent residents of the United States, travel to X's foreign customers to render consulting services. They typically work at the head offices of the foreign companies for 1 to 2 months at a time. X does not have any AFNs by virtue of the foregoing facts.

Example 13. (*Construction projects.*) A U.S. corporation (X) is engaged in the construction business. During the course of a year, X bids on numerous European construction projects and receives contracts on a small fraction thereof. X has a permanent office in France where a variety of personnel are employed, principally to gather information concerning contemplated construction projects and to supervise and coordinate all projects on which X is then working. In January 1968, X received two contracts for construction of factories in Germany and Belgium. Soon thereafter, X transferred men and equipment to the project sites. Assuming the inapplicability of § 304(d), each project site is an unincorporated AFN of X, as is X's office in France (see § 304(a)(1)(iii) and (b)(1)). (Note that the office in France is an AFN without regard to the opening of the German and Belgian project sites, and vice versa.)

Example 14. (*Oil concessions and licenses for exploration.*) A U.S. corporation (X) obtains a concession from a Middle Eastern Schedule B country to drill for oil within that country. X then enters into a joint venture agreement with two U.S. and two foreign companies for the purpose of exploiting the concession. Under the terms of the agreement, X is entitled to receive 25 percent of any ensuing production. The oil exploration venture is an unincorporated AFN of X located in Schedule B (see § 304(a)(1)(ii) and (b)(1)). Note that the joint venture will also be an unincorporated AFN of the other U.S. corporations, and that X and the other U.S. corporations are members of an "associated group". (See § 905.)

Example 15. (*Retail franchises.*) A U.S. corporation (X) operates, under a single trade name, a chain of quick-service restaurants throughout the United States. X franchises an unaffiliated French corporation (C) to open a restaurant in France using X's trade name. C agrees to purchase some of its goods from X, maintain certain quality standards, and pay X a yearly royalty based on profits. X does not have an AFN in France by virtue of this franchise arrangement.

Example 16. (*Break-even or loss ventures.*) Four U.S. news-publishing corporations (V, W, X, and Y) establish a membership corporation under New York law (Z). V, W, X, and Y each contributes 25 percent of the capital required by Z and each has 25 percent of the voting power in Z. Z is to gather news for the respective publications of V, W, X, and Y. In this connection, Z will establish and staff various permanent news-gathering offices throughout the world. Z is designed to operate on a break-even basis. The offices established by Z are unincorporated AFNs of V, W, X, Y, and Z even though not themselves operated for profit, since they are directly related to business activities that are for profit.

Example 17. (*U.S. charity as DI.*) A membership corporation (X) is organized under New York law, its principal purpose being to provide funds to educational and charitable institutions. X acquires 15 percent of the voting stock of a foreign manufacturing corporation (Y) from a foreign national. The dividends received by X from Y are all distributed among various educational and charitable institutions, as required by X's charter. Y is an AFN of X since the AFN does not fall within the nonprofit exemption set forth in § 304(c).

B305—Direct Investor

Section 305 defines the term "direct investor" ("DI") generally to mean any person within the United States (defined in § 322) owning or acquiring (directly or indirectly) a 10 percent or greater interest in a corporation or partnership organized under the laws of a foreign country or in a business venture conducted within a foreign country (an "affiliated foreign national," defined in § 304).

A DI may be a multiple entity or several individuals treated as a single person under § 323 (international finance subsidiaries of a direct investor), § 903 (affiliated groups), or § 904 (family groups). The term also includes a person owning less than a 10 percent interest in a particular foreign corporation, partnership or business venture, if (a) such person is a member of an associated group, as defined in § 905, that acts in concert pursuant to an agreement or understanding to own or to acquire a 10 percent interest in the foreign enterprise, or (b) such person owns a direct interest in another DI and an election, consented to by such person, is made with respect to such other DI under § 906(b)(1).

A person within the United States first acquiring the requisite interest in a foreign corporation, partnership, or business venture will be treated as having been a DI in the foreign enterprise immediately preceding the acquisition. Accordingly, initial acquisition of the requisite interest will involve a § 312(a)(1) transfer of capital (see also § 313(d)(2)). Thus, for example, if a U.S. corporation (X), owning no interest in a French corporation (C), acquires 10 percent or more of the outstanding voting stock of C from an unaffiliated foreign national for $1 million in cash, X will be treated as a DI in C immediately prior to the closing of such acquisition and will, therefore, be treated as having made a $1 million transfer of capital to C.

Although acquisition or ownership of a 10 percent voting interest in a foreign corporation, or a 10 percent profits interest in a foreign partnership or business venture, is ordinarily required to constitute the foreign enterprise an AFN of a person within the United States, the Regulations provide that a foreign enterprise in which a lesser interest is held may nevertheless be deemed an AFN (§ 304(b)(4)). For example, such discretionary authority might be exercised if a U.S. person were to acquire a contingent 10 percent interest in the voting securities of a foreign corporation, or a 10 percent present interest in the capital or earnings of a foreign corporation without voting rights. As a general rule, however, such determination would not be made by OFDI unless the U.S. person actually participates in and exercises a controlling influence over the affairs of the foreign enterprise and transfers funds or other property to the foreign enterprise exceeding $200,000 during any year commencing with 1968.

B306—Direct Investment

§ B306–1 Introduction.

Section 306(a) defines the term "direct investment" for purposes of the regulations. Direct investment means the sum

of a DI's net transfer of capital (defined in § 313(c)) and the DI's share of reinvested earnings of AFNs (defined in § 306(b)) during any period, usually a calendar year (see § 321). A DI governed by the § 503 minimum allowable will calculate direct investment on a worldwide basis. A DI governed by the § 504(a) historical allowable or the § 504 (b) earnings allowable will calculate direct investment on a schedular basis.

Deductions in the calculation of net transfer of capital and positive direct investment are permitted, resulting in temporary deferral of a charge against a DI's direct investment allowables, for transactions respectively made with or offset by long-term foreign borrowing. Under § 313(d)(1), proceeds of such borrowing (defined in § 324(c)) actually expended by a DI in making transfers of capital to AFNs are deducted in calculating the net transfer of capital component of direct investment. Similarly, § 306(e)(1) permits deduction of "available proceeds" of such borrowing (defined in § 324(d)) that are "allocated" on the DI's books and records as an offset to positive direct investment.

§ B306–2 Summary.

In addition to defining the term "direct investment," § 306 deals with calculation of "reinvested earnings" of a DI's AFNs and sets forth a number of rules to be followed in deriving the DI's share of such earnings as a component of direct investment.

The major topics covered in § 306 are: Basic definition of direct investment (§ 306(a)); definition of reinvested earnings (§ 306(b)); calculation of AFN earnings or losses (§ 306(c)); branch AFN earnings deemed remitted (§ 306(d)(1)); definitions and rules for dividends (§ 306(d)(2)), and deduction of allocated proceeds of long-term foreign borrowing (§ 306(e)).

§ B306–3 Relation of § 306 to other sections.

Direct investment, as defined in § 306, is the basic point of reference for substantive provisions of the regulations delineating the extent to which U.S. persons may engage in foreign financial transactions, viz, § 201 (general prohibition of direct investment), § 503 (minimum allowable), § 504 (schedular allowables), § 506 (incremental earnings allowable), §§ 1002–1003 (transfers of capital in repayment of borrowing), § 1102 (positive direct investment in Canada), and § 1302 (positive direct investment by U.S.-flag air carriers). The actual calculation of direct investment under § 306 is based, in turn, upon other sections that define certain components and subcomponents of direct investment, viz, § 312 (transfer of capital), § 313 (net transfer of capital), § 505 (transfers between AFNs), § 1103 (exclusion of Canadian AFNs in calculating net transfer of capital), § 1104 (exclusion of Canadian AFNs in calculating reinvested earnings), and § 1301 (exclusion of certain transfers of capital by U.S.-flag air carriers). The provisions of § 203(d)(2) and (3), relating to allocation and reallocation of proceeds of long-term foreign borrowing previously expended or allocated, are also relevant.

The interrelationship of the elements of direct investment and the sections of the regulations defining such elements is intricate. The following diagram summarizes the various components and their bearing on derivation of direct investment in each scheduled area. (The diagram is for illustrative purposes only and is not intended to supersede or modify any provisions of the regulations, of this Bulletin or of applicable instructions to reporting forms.)

COMPUTATION OF DIRECT INVESTMENT

NET TRANSFER OF CAPITAL (§ 313)		REINVESTED EARNINGS (§ 306(b))		
Components		*Components*		
+Transfers of capital: DI to AFNs (§ 312(a)).		DI's share of:		
−Transfers of capital: AFNs to DI (§ 312(b)).		+Total earnings (§ 306(c)).		
−Expended proceeds of long-term foreign borrowing (§ 313(d)(1)).	*plus*	−Dividends to DI (§ 306(b)(2)(x)).	*less*	ALLOCATED PROCEEDS OF LONG-TERM FOREIGN BORROWING (§§ 306(e), 203(d)(2) and (3).)
±Transfers of capital: AFNs to AFNs (§ 505).		−Dividends paid by AFNs to AFNs in other areas (§ 306(b)(2)(y)).		
±Net transfer of capital: DI to unincorporated AFN, i.e., net increase or decrease in assets (§ 313(b)).		+Dividends received by AFNs from AFNs in other areas (§ 306(b)(1)(ii)).		
		+Profits remitted from unincorporated AFNs in other areas (§ 306(b)(1)(ii).		

The term "total earnings" (computed pursuant to § 306(c)) is significant for purposes of computing direct investment under § 306(a) and for calculating certain of the allowables provided in Subpart E, viz, §§ 503(b), 504(b)(4), 504(e), and 506(a)(1). Total earnings (or losses) computed in accordance with § 306(c) are adjusted by dividends paid to the DI, interschedular dividends between AFNs, and profit remittances among AFNs in calculating reinvested earnings under § 306(b).

§ B306–4 Application of § 306.

The § 306 (a) and (b) definitions of direct investment and reinvested earnings apply to calculations in all scheduled areas during 1965–66 as well as for subsequent years, and § 306(b) also applies to earnings reinvested in Schedule C during 1964.

The rules for calculating direct investment are modified in §§ 503(b) and 504 (e). For 1969 and subsequent years, if the AFNs of a DI governed by the § 503 minimum allowable have, for any calendar year, an aggregate annual loss, the DI must omit this aggregate annual loss in calculating direct investment. On the other hand, a DI governed by one of the § 504 allowables is required to omit only total losses of Schedule C incorporated AFNs in calculating direct investment in that scheduled area.

§ B306–5 Basic definition and calculation of direct investment.

Section 306(a) defines direct investment during any period as the sum of (a) net transfer of capital (defined in § 313(c)) and (b) the DI's share in the reinvested earnings of all incorporated AFNs (defined in § 306(b)).

Direct investment in Canada is excluded from the computation of direct investment under § 306(a). (See §§ 1103–1104.)

The concept of direct investment generally relates to the net change, over the course of a year, in the DI's aggregate equity and debt investment in AFNs in a particular scheduled area. If the DI's aggregate investment at the end of the year in the scheduled area is greater than at the beginning of the year (after deducting investments made with or offset by expended or allocated proceeds of long-term foreign borrowing), the sum of the net transfer of capital and reinvested earnings will be a positive amount, and the DI will have made "positive direct investment" in the scheduled area during that year. Conversely, if the DI's aggregate investment in the scheduled area at the end of a year is less than at the beginning of the year (after deducting investments made with or offset by expended or allocated proceeds of long-term foreign borrowings, the sum of the net transfer and reinvested earnings will be a negative amount, and the DI will have made "negative direct investment" in the scheduled area during that year.

Direct investment is a schedular concept. It does not apply to individual AFNs or countries, but to all AFNs of a DI located in each scheduled area. Since § 503 provides a worldwide allowable, however, a DI governed by this section will report direct investment on a consolidated, worldwide basis.

Direct investment is also an aggregate concept. It does not refer to individual transactions, but to all transactions over a specified period of time, generally a calendar year. (See § 321.)

The following examples illustrate calculation of direct investment under § 306(a):

Example 1. DI has several wholly owned incorporated AFNs in Schedule A. (The number of individual AFNs is not important.) DI has no other AFNs. During 1969 the AFNs together earn $800,000 and pay dividends of $200,000 to DI. DI's share in reinvested earnings, therefore, is $600,000. DI also makes a § 313(a) net transfer of capital to the AFNs of $500,000. DI has made positive direct investment in Schedule A for 1969 of $1,100,000.

In 1970 the same AFNs earn $600,000 and pay no dividends. During that year, however, the AFNs jointly loaned DI $700,000, resulting in a negative net transfer of capital in that amount, by operation of §§ 312(b)(1) and 313(a). Accordingly DI has made negative direct investment of $100,000.

Example 2. DI's only AFNs are two wholly owned incorporated AFNs in Schedule B: X and Y. During 1969 X earns $400,000, and Y has losses of $200,000. No dividends are paid, and DI makes no net transfer of capital.

DI's share of reinvested earnings is $200,000. Positive direct investment for 1969 is also $200,000, since the net transfer of capital was zero.

During 1970 X has earnings of $100,000, and Y has losses of $300,000. X pays DI a dividend of $50,000. Reinvested earnings are negative in the amount of $250,000 (total losses and dividends). DI's net transfer of capital to Schedule B under § 313(a) is $600,000. Positive direct investment for 1970 is, therefore, $350,000 ($600,000 positive net transfer of capital less the $250,000 negative reinvested earnings).

If X and Y had been located in Schedule C and DI had elected a § 504 allowable, § 504(e) would have required the total losses of $200,000 to be omitted from calculation of direct investment. Direct investment would then have been $550,000.

Example 3. DI has a group of wholly owned incorporated AFNs in Schedule C that have subsidiaries (also AFNs of the DI) in Schedules A and B. In 1969 the Schedule C AFNs have earnings of zero and pay no dividends. DI makes no transfers of capital. However, the Schedule C AFNs receive dividends of $300,000 from their subsidiaries in Schedules A and B. As a result, DI has made positive direct investment of $300,000 in Schedule C consisting entirely of reinvested earnings. (Reinvested earnings in a given scheduled area are increased by dividends received by AFNs from AFNs in other scheduled areas, and reinvested earnings are reduced in the scheduled area from which the dividends are paid (see § 306(b).)

§ B306–6 Reinvested earnings of incorporated AFNs.

To compute a DI's share in the reinvested earnings of all incorporated AFNs in a scheduled area during any year, it is first necessary to determine the DI's share of the total earnings (or total losses) of such AFNs during the year, as defined in § 306(c). Total earnings or losses consist of the aggregate earnings or losses of each of the incorporated AFNs in a particular scheduled area. Reinvested earnings are then found by adjusting total earnings to take into account dividens to the DI and interschedular dividends and profit remittances.

(i) *Total earnings.* Earnings or losses of each incorporated AFN should be computed in accordance with accounting principles (including principles of consolidation) generally accepted in the United States and consistently applied by the DI in financial reports for presentation to stockholders. Any material change in accounting procedures followed by a DI should be disclosed on the reporting form filed with OFDI for the period in which the change was made, together with an indication of the effects of such change.

In calculating total earnings of incorporated AFNs, the following considerations merit particular attention:

Dividends: Dividends received by an incorporated AFN from another incorporated AFN, whether in the same or another scheduled area, should not be included in calculating earnings of the recipient AFN. (See § 306(c).)

Profit interest in unincorporated AFN of the DI: If an incorporated AFN has an interest in a partnership or business venture in another scheduled area that is a separate unincorporated AFN under § 304, the incorporated AFN's share in any profits of the unincorporated AFN should not be included in calculating earnings of the incorporated AFN, whether or not any such profits are actually remitted. (See § 306 (c) and (d)(1).)

Interests in United States: If an incorporated AFN has an interest in a U.S. corporation, partnership or business venture that would be a separate AFN of the DI if such U.S. corporation were a foreign national, neither dividends received from such corporation or the share in profits of such partnership or business venture (whether or not any such profits are actually remitted), as the case may be, should be included in calculating earnings of the incorporated AFN.

Foreign taxes: Earnings of incorporated AFNs should be computed net of foreign taxes on income or net worth. Foreign withholding taxes on dividends paid or branch profits distributed should not, however, be deducted except for withholding taxes on dividends received by an incorporated AFN from AFNs in the same scheduled area. (See § 306(c).)

Charge for intangibles: No deduction for amortization or any like charge against earnings should be made with respect to an intangible owned by an AFN, if transfer of the intangible by the DI to the AFN was made on or after January 1, 1968, and was not considered a transfer of capital by virtue of § 312 (c)(11).

Blocked earnings: Earnings that are "blocked" because of exchange controls or other like restrictions imposed by the government of a foreign country should nevertheless be included in earnings. Under certain conditions, OFDI may grant appropriate relief (pursuant to § 801) in these circumstances. (See Appendix A hereto.)

Reserve requirements: No deductions from earnings should be made because of reserves for reinvestment, asset revaluation or legal reserve requirements, whether or not locally required, if they would not be proper charges to income under generally acepted U.S. accounting principles consistently applied.

Valuation: The assets, liabilities, and earnings of an AFN expressed in foreign currency should be converted into U.S. dollar equivalents in accordance with generally accepted U.S. accounting principles consistently applied. Such accounting treatment should also be followed with respect to gain or loss resulting from currency devaluation or revaluation.

Extraordinary gains and losses: Extraordinary gains and losses of an incorporated AFN (including gains or losses resulting from sales by the AFN of interests in other AFNs), calculated in accordance with generally accepted U.S. accounting principles consistently applied, should generally be included in earnings. However, gains, or losses realized by a DI resulting from sale of an interest in an AFN are not included in reinvested earnings under § 306(b) in any scheduled area; rather, they constitute a transfer of capital to the DI under § 312(b)(5).

The following example illustrates calculation of total earnings of incorporated AFNs in a given scheduled area, pursuant to § 306(c):

Example 4. DI has three wholly owned subsidiaries in Schedule C. One subsidiary (D) has a branch (W) in Schedule A and a branch (X) in Schedule C; W is a separate AFN of the DI, but X is not. (See § 304(a)(1)(iii).) Another subsidiary (E) has a wholly owned subsidiary (Y) in Schedule B and another wholly owned subsidiary in (Z) in Schedule C. The third subsidiary (F) has no branches or subsidiaries.

The following occurs during 1969: D earns $1,700,000, $200,000 of which is attributable to earnings of W and $500,000 to earnings of X. Y earns $500,000 and pays a dividend of $300,000 to E. Z earns $200,000, a portion of which is attributable to sale of merchandise to D, and pays a dividend of $100,000 to E. E earns $2,400,000, including the dividends from Y and Z. F incurs a loss of $400,000.

Under § 306(c), total earnings of DI's incorporated Schedule C AFNs (D, E, and F) are $3,300,000 computed as follows (000 omitted):

Earnings of D under § 306(c) (W's earnings of $200 are excluded, since W is in another scheduled area. X's earnings of $500 are not excluded, because X is not a separate AFN.)	$1,500
Earnings of E under § 306(c) (Dividends of $300 from Y and $100 from Z are excluded.)	2,000
Earnings of Z under § 306(c) (Portion attributable to sales to D included.)	200
Loss of F	(400)
Total earnings	3,300

(ii) *DI's share of total earnings.* A DI's share in the total earnings (or losses) of incorporated AFNs in a given scheduled area is the sum of the DI's percentage interest in total earnings (or losses) of each such AFN in that scheduled area.

Example 5. DI has three incorporated AFNs in Schedule C (companies D, E, and F). DI owns 50 percent of the stock of D, 60 percent of the stock of E and 80 percent of the stock of F. D has a branch (W) in Schedule A and a branch (X) in Schedule C; W is a separate AFN of DI, but X is not. (See § 304(a)(1)(iii).) E has a wholly owned subsidiary (Y) in Schedule B and another wholly owned subsidiary (Z) in Schedule C.

The following occurs during 1969: D earns $1,700,000, $200,000 of which is attributable to earnings of W and $500,000 to earnings of X. Y earns $500,000 and pays a dividend of $300,000 to E. Z earns $200,000, a portion of which is attributable to sale of merchandise to D, and pays a dividend of $100,000 to E. E earns $2,400,000, including the dividends from Y and Z. F incurs a loss of $400,000.

DI's share in the total earnings of incorporated Schedule C AFNs is $1,750,000 computed as follows, pursuant to § 306(c) (see table in Example 4 for treatment of earnings of the AFNs' branches of subsidiaries):

AFN earnings (000 omitted)	*DI's share (000 omitted)*
Earnings of D ($1,500×50%)	$750
Earnings of E ($2,000×60%)	1,200
Earnings of Z ($200×60%)	120
Loss of F ($400×80%)	(320)
DI's share of total earnings	1,750

It should be stressed that in Examples 4 and 5 above, only earnings of DI's Schedule C incorporated AFNs were the subject of consideration. Y's earnings would be included in the calculation of reinvested earnings for DI's Schedule B incorporated AFNs under § 306(b), and the profits of W would be included in DI's net transfer of capital to unincorporated AFNs in Schedule A under § 313(b).

Total earnings should always be carefully distinguished from reinvested earnings and from earnings of unincorporated AFNs.

(iii) *Reinvested earnings.* After computing total earnings of incorporated AFNs and DI's share thereof, the next step in calculating direct investment is to find the DI's share of reinvested earnings. The method of determining reinvested earnings of incorporated AFNs in any scheduled area during a year is

set forth in § 306(b). The DI's share of reinvested earnings in a scheduled area will generally equal the DI's share of total earnings of such AFNs for the year, less all dividends paid during the year by the AFNs to the DI and to AFNs in other scheduled areas, plus dividends received from incorporated AFNs in other scheduled areas and profits remitted from unincorporated AFNs in other scheduled areas.

Under § 306(d)(1), profits of an unincorporated AFN during the year are deemed to have been remitted to the extent that profits exceed the net increase in the net assets of such AFN during the year; if there has been no change, or a decrease, in such net assets during the year, all profits for such year are deemed to have been remitted. Dividends paid by incorporated AFNs to the DI or other AFNs are reported before deduction of foreign dividend withholding taxes; dividends and other profit distributions received by AFNs from AFNs in other scheduled areas are reported after deduction of foreign dividend withholding taxes.

For purposes of the Regulations, dividends include all cash dividends, whether paid out of current or accumulated earnings. Stock dividends or dividends in kind do not qualify as dividends under the Regulations. (See § 306(d)(2).) Distributions in complete or partial liquidation will qualify as dividends, but only to the extent the corporation being liquidated has current or accumulated earnings properly allocable to the distributions. Payments to a DI of amounts previously taxed under the provisions of §§ 551 through 558 and 951 through 981 of the Internal Revenue Code (1954) will qualify as dividends.

Dividends paid by one AFN to another AFN in the same scheduled area do not enter into any of the calculations required by § 306. They are not included in determining earnings of the recipient AFN, they are not deducted in calculating total dividends paid by the recipient AFN, and they are not included as dividends in calculating total dividends paid by the paying AFN. However, any foreign withholding taxes imposed on the payment of such dividends should be deducted in calculating total earnings of incorporated AFNs in the scheduled area involved. For example, DI has a wholly owned subsidiary (X) in Schedule C, that in turn has a wholly owned subsidiary (Y) in Schedule C. X and Y each earns $100,000, Y pays a $50,000 dividend to X on which there is imposed a $15,000 foreign withholding tax, and X pays a $50,000 dividend to DI on which there is also imposed a foreign withholding tax of $10,000. Total earnings of DI's Schedule C incorporated AFNs are $185,000 (i.e., $200,000 minus the $15,000 tax on dividend from Y to X) and DI's share in reinvested earnings of all such AFNs is $135,000 (i.e., $185,000 minus the $50,000 dividend (excluding the $10,000 tax) paid by X to DI).

A dividend will generally be considered as having been paid or received when it first becomes payable on demand. This will ordinarily coincide with the dividend payment date, cases it may coincide with the declaration date. Note that a dividend declared but not paid by an AFN when due is treated as having been paid (thus reducing the DI's share in reinvested earnings of the AFN) and then loaned back to the AFN (resulting in a transfer of capital by the DI to the AFN); subsequent payment of the amount due by the AFN will then be treated as a transfer of capital by the AFN to the DI. The same reciprocal attribution of transfers of capital is applicable to dividends declared by an AFN that are not paid when due to AFNs in another scheduled area.

It should be noted that a DI may elect, on its original Base Period Report (Form FDI–101), to treat dividends received from AFNs within 60 days after the end of any compliance year as having been paid during such year; such practice, if elected, must also be reflected in the calculation of direct investment during the base period years, and cannot be changed without the permission of OFDI.

The following formula may be helpful in applying the § 306(b) definition of reinvested earnings:

$$RE = TE - [(DP + dp) - (dr + pr)]$$

RE = DI's share of reinvested earnings of all incorporated AFNs in a scheduled area.

TE = DI's share of total earnings of all incorporated earnings in the scheduled area.

DP = Dividends declared by AFNs in the scheduled area that are paid or payable to DI.

dp = DI's share of dividends declared by AFNs in the scheduled area that are paid or payable to AFNs in other areas.

dr = DI's share of dividends that are paid or payable to AFNs in the scheduled area by AFNs in other areas.

pr = DI's share of profits remitted to AFNs in the scheduled area from unincorporated AFNs in other areas.

Example 6. DI has two wholly owned and two 60-percent-owned subsidiaries in Schedule C. One wholly owned subsidiary (D) has a branch (V) in Schedule A. The second wholly owned subsidiary (E) has a 50-percent-owned subsidiary (W) in Schedule A. One 60-percent-owned subsidiary (F) has a branch (X) in Schedule A. The branches V and X in Schedule A are separate AFNs. See § 304(a)(1)(iii). The other 60-percent-owned subsidiary (G) has a wholly owned subsidiary (Z) in Schedule A. DI also has wholly owned subsidiary (H) in Schedule A.

In 1969 D earns $800,000 and pays a dividend of $500,000 to DI. Of D's earnings, $300,000 is attributable to profits of V, which had an increase in net assets of $100,000. E earns $500,000 and pays no dividends to DI. Of E's earnings, $200,000 is attributable to a dividend received from W, which itself earns $600,000. F earns $1,000,000 and pays a dividend of $200,000 to DI. Of F's earnings, $200,000 is attributable to profits of X, which had no change in its net assets. G earns $2,000,000 and pays a dividend of $500,000 to DI. Of G's earnings, $400,000 is attributable to a dividend received from Z, which itself earns $900,000. H earns $1,500,000 and pays a dividend of $1,000,000 to DI. Reinvested earnings of DI's incorporated AFNs are computed as follows:

Schedule C reinvested earnings [RE]:

DI's share in the total reinvested earnings of its incorporated Schedule C AFNs (D, E, F, and G) is $1,800,000 computed as follows (000 omitted):

Total earnings [TE]:	
DI's share of earnings of D: $800 less profits of V ($300)	$500
DI's share of earnings of E: $500 less dividend received from W ($200)	300
DI's share of earnings of F: $600 less profits of X ($200×60%)	480
DI's share of earnings of G: $1,200 less dividend received from Z ($400×60%)	960
DI's share of total earnings	2,240
Dividends paid to DI [DP]:	
By D	$500
By E	0
By F	200
By G	500
Total	1,200
Dividends paid to AFNs in other areas [dp]	0
Dividends received and profits remitted [dr+pr]:	
DI's share of profits deemed remitted by V to D under § 306(d)(1): Earnings ($300) less net increase in assets ($100)	$200
DI's share of dividends received by E from W	200
DI's share of profits deemed remitted by X to F under § 306(d)(1) ($200×60%)	120
DI's share of dividend received by G from Z ($400×60%)	240
DI's share of all dividends received and profits remitted	760

Applying the formula $RE = TE - [(DP + dp) - (dr + pr)]$:

$$RE = \$2,240 - [\$1,200 - \$760] = \$1,800$$

Schedule A reinvested earnings [RE]:

DI's share in the total reinvested earnings of its incorporated Schedule A AFNs (H, W, and Z) is $900,000 computed as follows (000 omitted):

Total earnings [TE]:	
DI's share of earnings of H	$1,500
DI's share of earnings of W ($600×50 percent)	300
DI's share of earnings of Z ($900×60 percent)	540
DI's share of total earnings	2,340
Dividends paid to DI and DI's share of dividends paid to AFNs in other areas [DP+dp]:	
Dividend paid by H to DI	$1,000
DI's share of dividend paid by W to E	200
DI's share of dividend paid by Z to G ($400×60 percent)	240
Total	1,440
Dividends received and profits remitted [dr+pr]	0

Applying the formula $RE = TE - [(DP + dp) - (dr + pr)]$:

$$RE = \$2,340 - [\$1,440 - 0] = \$900$$

Example 7. Assume the same facts as in Example 6 above, except that H incurs a loss of $1,000,000 and pays no dividend. DI's share in the total reinvested earnings of Schedule A AFNs is a negative $600,000, computed as follows (000 omitted):

Total earnings [TE]:	
DI's share of loss of H	($1,000)
DI's share of earnings of W	300
DI's share of earnings of Z	540
DI's share of total earnings	(160)
DI's share of dividends paid [dp]:	
W to E	$200
Z to G	240
Total	440

$$RE = TE - [(DP + dp) - (dr + pr)]$$
$$RE = -\$160 - [(0 + \$440) - 0] = -\$600$$

§ B306–7 Deduction from positive direct investment: Allocated proceeds of long-term foreign borrowing.

Under § 306(e), the amount of positive direct investment charged to a direct investor may be reduced by allocating available proceeds of a long-term foreign borrowing (see § 324(d)). Positive direct investment may also be reduced by allocating proceeds of long-term foreign borrowing that were previously expended in making a transfer of capital to another scheduled area (see § 203(d)(2)), and by reallocating proceeds previously allocated to a transfer of capital or positive direct investment in another scheduled area (see § 203(d)(3)).

An allocation of available proceeds to reduce positive direct investment is subject to certain conditions:

The allocation must be reflected on the books and records required to be maintained by the DI under §§ 203(b) and 601.

The allocation and reduction of positive direct investment must be reported on the DI's Form FDI–102F covering the year in which the reduction is made.

At the end of a year in which an allocation is made, proceeds that were allocated may not be held, directly or indirectly, in the form of foreign balances (see § 203(a)(1)), securities of foreign nationals, or any other foreign property.

In succeeding years, allocated proceeds may not be held in the form of foreign property, except that such proceeds may be expended in making transfers of capital to AFNs. Such an expenditure will not be eligible for the deduction from net transfer of capital provided under § 313(d)(1), however.

The concept of allocation is illustrated in the following example.

Example 8. In 1969 DI makes a net transfer of capital to its AFNs in Schedule A in the amount of $800,000, and its share of reinvested earnings of incorporated AFNs in Schedule A is $500,000. DI has made positive direct investment under § 306(a) of $1,300,000. If DI has available proceeds in the amount of $1,300,000 at the end of 1969, and the proceeds are not then held in the form of foreign property, DI may allocate such proceeds to its positive direct investment in Schedule A and reduce the amount of such investment to zero. The allocation and reduction must be reflected on DI's books and records and on Form FDI–102F for the year 1969.

In addition to § 306(e), three other provisions of the regulations relate to deductions for use of proceeds of long-term foreign borrowing. Section 313(d)(1) provides for a deduction from net transfer of capital of the amount of proceeds (defined in § 324(c)) actually expended in making transfers of capital. Section 203(d)(2) and (3), on the other hand, are analogous to § 306(e) insofar as they allow deductions from positive direct investment for allocation of proceeds. Section 203(d)(2) allows a DI to allocate previously expended proceeds (or proceeds allocated during 1968) to a new scheduled area, thus obtaining a deduction from positive direct investment in the new area (with a corresponding § 312(a) transfer of capital to the old area). Section 203(d)(3) allows a DI to reallocate to a new scheduled area proceeds previously allocated under § 306(e) (with a corresponding § 312(a) transfer of capital to the prior area).

For a more detailed analysis of long-term foreign borrowing, see § B324.

§ B306–8 Calculation of direct investment during year of acquisition or disposition of interest in an AFN.

By operation of § 312(c)(1), acquisition by a DI of a debt or equity interest in an AFN from another DI does not give rise to a transfer of capital. However, on and after June 10, 1969, if the acquisition is of an equity interest, the divesting DI's direct investment (calculated without regard to § 313(d)(1)) in the AFN during the year of acquisition and in 1965–66 will be imputed to the acquiring DI in proportion to the interest acquired, as will the divesting DI's share in earnings or losses of the AFN prior to acquisition.

If a DI disposes of an AFN (other than by sale covered by § 312(c)(1), the sale does not affect any transfers of capital between the DI and the AFN preceding the date of disposition. Thus, for example, if DI makes a $1 million transfer of capital to an AFN in January 1969 and sells the AFN in October 1969 to a foreign national for $900,000, DI would be charged with a $100,000 net transfer of capital during 1969 with respect to such AFN.

If a DI sells an interest in an incorporated AFN to a foreign national, reinvested earnings attributable to the interest sold should not be included in computation of the DI's direct investment for the year of sale.

Example 9. DI has a wholly owned incorporated AFN in Schedule A. During 1969 DI sells a 40 percent interest in such AFN to a foreign national. The AFN earns $300,000 and pays no dividends. DI's share of reinvested earnings of the AFN is $180,000 ($300,000×60 percent), regardless of the date of divestiture of the 40 percent interest.

If a DI acquires an interest in an incorporated AFN from a foreign national during a year, the DI must reflect a pro rata share of reinvested earnings in computing direct investment, based on the DI's share of total earnings multiplied by the fraction of the year during which the interest was held.

Example 10. DI reports on a calendar year basis. On April 1, 1969, DI acquires from a foreign national a 100 percent interest in an incorporated AFN that earns $200,000 for the entire year and pays a $50,000 dividend on March 1 and a $75,000 dividend on September 1. DI's share of total earnings is $150,000 ($200,000×¾). DI's share of reinvested earnings is $75,000 ($150,000−$75,000). Note that the dividend paid prior to DI's acquistion is not reflected in the calculation of DI's reinvested earnings.

Example 11. During 1969 DI acquires from a foreign national the following interests in an AFN: 25 percent on January 1, an additional 30 percent on March 1 and an additional 20 percent on September 1. The AFN earns $1,200,000 during 1969 and pays no dividends. DIs share of reinvested earnings in the AFN for 1969 is $680,000:

$1,200,000×(12/12)×25% equals	$300,000
$1,200,000×(10/12)×30% equals	300,000
$1,200,000×(4/12)×20% equals	80,000
Total	680,000

If earnings of the AFN acquired have fluctuated substantially during the year, the foregoing rule for determining the DI's share may be modified by OFDI upon application for specific authorization pursuant to § 801.

B312—Transfers of Capital

§ B312–1 Introduction.

The major operative concept of the regulations is "direct investment," defined in § 306(a) as the sum of a DI's net transfer of capital and the DI's share of reinvested earnings of incorporated AFNs. Computation of a DI's net transfer of capital (defined in § 313) depends, in turn, upon the computatiton under § 312 of all transfers of capital from the DI to AFNs and all transfers of capital from AFNs to the DI. Section 312 sets forth rules and definitions for determining whether a given transaction constitutes a transfer of capital.

In general, a transfer of funds or other property that increases a DI's aggregate equity and debt investment in an AFN (or decreases an AFN's aggregate equity and debt investment in a DI) is a "positive" transfer of capital, i.e., a transfer by the DI to the AFN. Conversely, a transfer of funds or other property that decreases a DI's aggregate equity and debt investment in an AFN (or increases an AFN's aggregate equity and debt investment in a DI) is generally a "negative" transfer of capital, i.e., a transfer by the AFN to the DI.

§ B312–2 Summary.

Under § 312, transfers of capital by a DI to an AFN are defined in subsection (a), transfers of capital by an AFN to a DI are defined in subsection (b), certain transactions that are not considered transfers of capital are described in subsection (c), and the definition of "debt obligation" or "debt interest" is set forth in subsection (d). Generally, transactions occurring during base period years and transactions occurring after the effective date of the regulations are treated similarly in determining whether a transfer of capital has been made.

Under § 312(a), any transfer of funds or other property (without regard to the situs of the property) by, on behalf of, or for the benefit of a DI, directly or indirectly to, on behalf of, or for the benefit of an AFN, is a transfer of capital by the DI to the AFN. Also, any transaction or occurrence as a result of or in connection with which a DI directly or indirectly acquires or increases a debt or equity interest in an AFN, or the AFN directly or indirectly disposes of or reduces a debt or equity interest in the DI, is generally a transfer of capital by the DI to the AFN.

Under § 312(b), certain enumerated transactions or occurrences as a result

of or in connection with which an AFN directly or indirectly acquires or increases a debt or equity interest in a DI, or the DI directly or indirectly disposes of or reduces a debt or equity interest in the AFN, are defined as transfers of capital by the AFN to the DI.

The language of subsection (a) of § 312 is substantially broader than that of subsection (b). Also, the specific transactions enumerated in subsection (a) as transfers of capital by a DI to an AFN do not purport to be all-inclusive; the transactions listed in subsection (b), on the other hand, are defined as the only transactions which are considered transfers of capital by an AFN to a DI.

A current transaction, involving immediate cash payment for goods sold or services rendered, is not a transfer of capital. If a DI sells goods on credit or renders services on account to an AFN, the sale of goods or performance of services involves a transfer of capital by DI to the AFN, since it increases DI's debt investment in the AFN. Subsequent payment on account by the AFN is a transfer of capital by the AFN to DI, since DI's debt investment in the AFN is thereby decreased.

Aggregate transfers of capital by a DI to all AFNs in a scheduled area during a year, less aggregate transfers of capital by such AFNs to the DI during the year, is the "net transfer of capital" by DI to the scheduled area during such year. (See § 313.) A DI electing to be governed by schedular allowables under § 504 will compute net transfers of capital on a schedular basis. A DI electing to be governed by the minimum allowable under § 503 will compute a single net transfer of capital on a worldwide basis. In either case, the net transfer of capital may be a positive or negative amount; it will be a positive amount if the aggregate of transfers of capital by DI to AFNs exceeds the aggregate of transfers or capital by AFNs to DI.

"Direct investment" is likewise computed on an annual basis; it consists of a DI's net transfer of capital and the DI's share in the reinvested earnings of its incorporated AFNs. (See § 306.) A DI electing to be governed by schedular allowables (§ 504) will compute direct investment on a schedular basis. A DI electing to be governed by the "minimum" allowable will compute direct investment on a worldwide basis as provided in § 503(b). In either case, direct investment may be a positive or negative amount, depending on the amount of net transfer of capital and reinvested earnings.

Particular transactions constituting transfers of capital during a year have no independent significance under the regulations. A transfer of capital has significance only with respect to the computation, on an annual basis, of a DI's net transfer of capital and direct investment.

If proceeds of long-term foreign borrowing have been expended in transfers of capital (see § 313(d)(1)) or allocated to positive direct investment (see § 306(e)), repayment of the borrowing will be a transfer of capital by the DI. (See § 312(a)(7).) Positive direct investment attributable to such a transfer of capital may be authorized by § 1002, provided the certification requirements of that section have been met.

Since positive direct investment in Canada is generally authorized without any limitation as to amount (see § 1102), transfers of capital by a DI to Canadian AFNs, and the resulting positive net transfer of capital and positive direct investment, may be made in unlimited amounts without contravening the regulations. However, a transfer of funds or other property by a Canadian AFN to a non-Canadian AFN of the DI will, under certain circumstances, be treated as a transfer of capital by the Canadian AFN to the DI, and as a further transfer of capital by the DI to the non-Canadian AFN. (See § 505.) Furthermore, if an interest is acquired in a Canadian AFN from another AFN, the transfer of capital is deemed to have been made by DI to the latter AFN; and if a DI acquires a Canadian AFN from any foreign nationai (other than another AFN), an appropriate portion of the transfer of capital by DI will be allocated among any non-Canadian second-tier AFNs owned by the Canadian AFN.

A net transfer of capital by a DI to unincorporated AFNs in any scheduled area during any period is computed in the manner set forth in § 313(b).

Transfers of funds or other property between AFNs of a DI are treated as set forth in § 505. In general, a transfer by one AFN to another AFN is treated as a transfer of capital by the transferor AFN to the DI, and a further transfer of capital in the same amount by the DI to the transferee AFN, provided that (a) at least one of the AFNs is an affiliate of the DI (i.e., the DI owns, alone or with other affiliates, a greater than 50-percent direct interest in the AFN) and (b) the transfer of funds or other property would be a transfer of capital under § 312(a) if actually made by the DI. (See § 505(a).) Extension of a trade credit for less than 1 year by one AFN to another AFN in the ordinary course of business normally will not involve a transfer of capital, provided neither AFN is Canadian. (See §§ 505(b), 1103(c).)

§ B312–3 Valuation of transfers of capital.

The amount of a transfer of capital is ordinarily determined in accordance with generally accepted U.S. accounting principles consistently applied, but in no event will the amount be less than the value of the transferred property at the time of the transfer as shown on the books and records of the transferor for financial reporting purposes. Thus, for example, if a transfer involves an export credit sale by a DI to an AFN, the amount of the transfer will ordinarily be the intercompany billing price. If transfers of property are valued by a DI at amounts that vary materially from the export declaration value of the property (if applicable), the DI's quarterly report including the transfers should contain a note to such effect and an appropriate explanation of the basis therefor.

A transfer of capital arising from repayment of a foreign currency loan from a DI to an AFN or from an AFN to a DI must be reflected as the actual dollar equivalent at the rate of exchange prevailing at the time of repayment, regardless of intervening devaluation or revaluation of the foreign currency. Likewise, a transfer of capital arising from repayment by the DI of an AFN's foreign currency borrowing pursuant to the DI's guarantee thereof, or a transfer of funds by the DI to the AFN to enable the latter to repay a foreign currency borrowing, will be charged in the actual dollar equivalent at the rate of exchange prevailing at the time of repayment. On the other hand, a transfer of capital arising from repayment by a DI of its own foreign currency long-term foreign borrowing will be charged at the dollar equivalent at the time of the original borrowing, regardless of intervening devaluation or revaluation of the foreign currency. (For all purposes under the regulations, proceeds of a long-term foreign borrowing will also remain the dollar equivalent of the original borrowing, and partial repayment will reduce outstanding proceeds pro rata.)

§ B312–4 Acquisition of interest in an AFN.

Acquisition of an equity or profit interest in a foreign corporation, partnership or business venture (defined in § 304) by a person within the United States (defined in § 322) will involve a transfer of capital by such person under § 312(a)(1), and will be included in the calculation of the net transfer of capital to unincorporated AFNs under § 313(b), if the following conditions are satisfied:

The person from whom the acquisition is made is either a foreign national (defined in § 302), including the foreign corporation, partnership, or business venture in which the interest is acquired, or another person within the United States that is not, at the time of the acquisition, a DI in the foreign corporation, partnership, or business venture;

The person making the acquisition is, at the time of the acquisition, a DI in the foreign corporation, partnership or business venture under §§ 305, 905(b)(1) (members of an associated group treated as separate DIs) or 906(b)(3) (owners of a DI electing to be treated themselves as DIs), or becomes a DI as a result of or in connection with the acquisition; and

The acquisition is made for value other than a transfer of intangibles as described in § 312(c)(11).

If the acquisition is from a DI in the foreign corporation, partnership or business venture, no transfer of capital is involved (§ 312(c)(1). Also, under certain conditions, OFDI will specifically authorize positive direct investment attributable to transfers of capital arising from a related series of equity acquisitions in a foreign corporation from non-DIs within the United States. A specific authorization may likewise be granted, under certain conditions, for positive direct investment attributable to creation of a DI-AFN relationship by acquisition of a foreign corporation's assets in exchange for property (e.g., stock) of the new DI, where the foreign corporation is to be liquidated in a related transaction by distribution of the property received (e.g., stock of the DI purchasing the assets) to persons within the United States.

If acquisition of an equity interest involves a transfer of capital by the DI, the transfer of capital will generally be deemed to have been made to the AFN in which the interest is acquired. There are, however, two exceptions to this rule. First, if the interest is acquired from another AFN of the DI, the transfer of capital will be deemed to have been made to the selling AFN. Second, if (a) the interest is acquired from an unaffiliated foreign national after December 31, 1967, (b) the AFN in which the interest is acquired first become an AFN as a result of the acquisition, and (c) such AFN has an interest in other foreign corporations, partnerships or business ventures that become separate AFNs of the DI as a result of the acquisition, the transfer of capital will be allocated among the separate AFNs in a manner reasonably reflecting the respective values of each direct and indirect interest acquired. As a general rule, an allocation based on the respective book values of the foreign corporations, partnerships and business ventures involved will be acceptable.

Example 1. On June 1, 1969, a U.S. citizen and resident (X), who owns no voting stock in a foreign corporation, purchases 10 percent of the outstanding voting stock of a French corporation (C) from a citizen and resident of the United Kingdom for $1,000,000 cash. C has no subsidiaries or branches in Schedule A or B that would constitute separate AFNs under § 304.

(a) Under the facts as presented, X has made a $1,000,000 transfer of capital to C under § 312(a)(1).

(b) If X had purchased ony 9 percent of the voting stock of C, no transfer of capital would be involved unless or until (a) additional stock acquisitions give rise to a DI-AFN relationship or (b) OFDI determines that such relationship does, in fact, exist. (See §§ 305, 313(d)(2); see also § 304(b)(4).)

(c) If X purchased only 9 pecent of the voting stock of C, but X were a member of an affiliated, associated or family group, and another member or members of the group owned or acquired an additional 1 percent or more of the voting stock of C, X's acquisition would have involved a transfer of capital. (See §§ 903–905.)

(d) If X had purchased only 9 percent of the voting stock of C, but X acquired an additional 1 percent or more of the voting stock of C between June 2, 1969, and May 31, 1970, X's net transfer of capital to Schedule C in 1969 or 1970 (depending on when the additional stock was acquired) would be increased by the $1,000,000 expended in purchasing the 9 percent interest on June 1, 1969. (See § 313(d)(2).)

(e) If X had purchased 10 percent of C's outstanding preferred stock that has no voting rights (other than contingent voting rights not presently exercisable), instead of 10 percent of the voting stock, X would not have made a transfer of capital to C. (See § 304(b)(2)(i).)

(f) If X purchased 10 percent of the voting stock of C and subsequently purchased nonvoting preferred stock of C for $1,000,000, purchase of the preferred stock would involve a $1,000,000 transfer of capital to C. (See § 312(a)(1).)

(g) If X purchased nonvoting preferred stock of C for $1,000,000 and subsequently, within a 12-month period, purchased 10 percent of the voting stock of C, X's net transfer of capital to Schedule C during the year when the voting stock was acquired would be increased by the $1,000,000 expended in purchasing the preferred stock. (See § 313(d)(2).)

(h) If X had purchased C's voting stock from a Panamanian AFN (P), instead of from the nonaffiliated U.K. resident, the purchase would involve a transfer of capital to P, since acquisition of an equity interest in an AFN from another AFN is treated as a transfer of capital to the selling AFN.

(i) If C had a wholly owned subsidiary in the United Kingdom (B) with net assets of $600,000, and a branch in Brazil (A) with net assets of $400,000 (calculated in accordance with § 313(b)), and C itself had net assets of $1,000,000 (exclusive of debt and equity interests in B and A), X's purchase of 10 percent of C's voting stock from the United Kingdom resident for $1,000,000 would involve a transfer of capital required to be allocated among A, B, and C. The $1,000,000 transfer of capital made by X might be allocated $500,000 to C (i.e., 50 percent of $1,000,000), $300,000 to B (i.e., 30 percent of $1,000,000), and $200,000 to A (i.e., 20 percent of $1,000,000), or might be allocated among C, B, and A in any other manner fairly reflecting the interests acquired in C, B, and A.

(j) If C had a wholly owned subsidiary in the United Kingdom (B) with net assets of $600,000, and a branch in Brazil (A) with net assets of $400,000, and C itself had net assets of $1,000,000 (exclusive of its interests in A and B), X's purchase of 10 percent of C's voting stock from a Panamanian AFN (P) for $1,000,000 would involve a $1,000,000 transfer of capital to P, since no allocation among AFNs is made when the acquisition is from another AFN.

(k) If X had inherited 10 percent of the outstanding voting stock of C, or had received the stock as an inter vivos gift from a relative residing in the United Kingdom, X would not have made a transfer of capital, since he would not have transferred funds or other property in connection with the acquisition of the equity interest in C.

(l) If X, after acquiring 10 percent of the outstanding voting stock of C, transfers equipment and machinery valued at $20,000 to C in exchange for additional stock of C, X has made a $20,000 transfer of capital to C. (See § 312(a)(1).)

(i) *Equity financing.* A DI's acquisition of an AFN from an unaffiliated foreign national in exchange for stock of the DI involves a transfer of capital to the AFN in the amount of the value of DI's stock on the date of the transfer. Deferral, in whole or in part, of a charge to DI's allowables for positive direct investment attributable to such transfer of capital may be specifically authorized by OFDI under certain circumstances and subject to certain conditions. (See § B801 and Part I.E. of Appendix A.)

(ii) *Unincorporated AFNs.* Acquisition of an interest in an unincorporated AFN will be reflected as an increase in DI's share of the AFN's aggregate net assets, and will have significance under the regulations only insofar as it contributes to yearend positive net transfer of capital or positive direct investment. Acquisition of an interest in an incorporated AFN will be reflected as a transfer of capital under § 312(a)(1); similarly, it will have significance only insofar as a positive net transfer of capital or positive direct investment results. Although earnings and losses of incorporated AFNs are reflected as reinvested earnings and not in the determination of a DI's net transfer of capital, while earnings and losses of unincorporated AFNs are taken into account in determining a DI's net transfer of capital, the disparity arising from this difference in treatment of incorporated and unincorporated AFNs is minimized under the Program, since direct investment is the sum of the net transfer of capital plus reinvested earnings.

The following instances of similar or identical treatment of unincorporated and incorporated AFNs in transactions involving transfers of capital should be noted:

The same rules regarding valuation of the interest acquired apply, whether the AFN is unincorporated or incorporated.

The same rule and exceptions thereto apply to determination of the AFN to which the transfer of capital will be deemed made, whether the acquisition is of an equity interest or of a profit interest. Normally, the transfer of capital will be to the acquired AFN. However, if the acquisition is made from another AFN, the transfer of capital will be to the selling AFN. Thus, DI's acquisition of an unincorporated AFN from an incorporated AFN will be reflected as a transfer of capital to the incorporated AFN, and not as an increase in the DI's share of the unincorporated AFN's aggregate net assets. Nevertheless, for future transactions the DI will be deemed to have the share in such AFN's net assets as was acquired on the date of acquisition. Also, if (i) the interest in the AFN is acquired after December 31, 1967, (ii) the interest is not acquired from another AFN, (iii) the AFN in which the interest is acquired is not, at the time of acquisition, an AFN of DI but becomes an AFN as a result of or in connection with the acquisition, and (iv) such AFN owns an interest or interests in other foreign entities that become separate AFNs of DI as a result of or in connection with the acquisition, the transfer of capital will be allocated among all of the separate AFNs in a manner reasonably reflecting the respective values of each direct and indirect interest acquired.

In calculating the amount of net transfer of capital by a DI during any period, there is deducted an amount equal to proceeds of long-term foreign borrowing actually expended in transfers of capital to incorporated AFNs or actually transferred to unincorporated AFNs. (See § 313(d)(1).)

§ B312–5 Acquisition of an AFN's debt obligation.

Acquisition by a DI of an AFN's debt obligation, regardless of the nature of the transaction or occurrence giving rise to the obligation (e.g., a loan or advance by the DI to an AFN on open account or otherwise), involves a transfer of capital by the DI to the AFN in an amount equal to the amount of the obligation so acquired. If, however, a debt obligation of an AFN is acquired by a DI from another AFN, a transfer of capital will be deemed to have been made by the DI to the selling AFN in an amount equal to the cost of the obligation to the selling AFN; any gain or loss realized by the selling AFN will be included in calculating earnings of that AFN for the period involved.

The exemptions provided in § 312(c)(1) (relating to acquisitions from DI's) and § 312(c)(11) (relating to transfers of intangibles), and the provisions of § 313(d)(1) (relating to deduction of

proceeds of long-term foreign borrowing), are applicable to acquisiton of debt obligations as well as to acquisition of equity interests.

Example 2. The foregoing concepts are illustrated by the alternative transactions considered below. In each instance, assume that DI has a 50-percent interest in a Mexican AFN (A).

(a) DI lends A $500,000 against A's 3-year term note and advances an additional $500,000 to A on open account. DI has made two $500,000 transfers of capital A under § 312(a)(1). Repayments of each indebtedness by A will involve transfers of capital from A to DI under § 312(b)(3), in the amounts repaid.

(b) DI sells merchandise to A for resale and bills A for $100,000 payable within 60 days. DI has made a $100,000 transfer of capital to A under § 312(a)(1). A repays DI during the same reporting period. The transfer of capital under § 312(b)(3) from A to DI will offset DI's transfer of capital to A, and no net transfer of capital will result from the transactions. It should be recognized that the transfer of capital from DI to A in this instance does not arise from the transfer of merchandise, but rather from the extension of credit involved in the transaction. If the total amount of credit outstanding in connection with the sale of merchandise by a DI to its AFNs increases during a year, OFDI may issue a specific authorization for positive direct investment attributable to such increase in outstanding credit, subject to certain conditions (see Part I.C. of Appendix A, and Appendix E, hereto).

(c) DI ships merchandise on consignment to A for resale. A is to pay DI $100,000 when all the merchandise is sold. The shipment has the same effect under the regulations as a sale on credit, and involves a $100,000 transfer of capital by DI to A at the time of consignment.

(d) DI renders management services to A, as a result of which A owes DI $10,000. DI has made a $10,000 transfer of capital to A under § 312(a)(1). Repayment of the indebtedness will be a transfer of capital from A to DI under § 312(b)(3).

(e) DI licenses A to manufacture and sell certain products for a royalty of 5 percent of A's gross sales of such products. Any accrual of unpaid royalties will involve a transfer of capital under § 312(a)(1).

(f) A foreign bank lends $100,000 to A against A's 3-year note bearing interest at the prevailing rate. DI's acquisition of the note from the bank for $95,000 will involve a $95,000 transfer of capital by DI to A under § 312(a)(1). Repayment of the note by A will involve a $100,000 transfer of capital by A to DI under § 312(b)(3).

(g) A declares a dividend to DI that is not actually remitted on the date payable. DI has acquired a debt obligation of A, and has made a transfer of capital to A under § 312(a)(1). Actual payment of the dividend will be a transfer of capital by A to DI under 312(b)(3). Note that, for purposes of calculating reinvested earnings, however, the dividend is deemed to have been paid on the date it becomes payable. (See § 306(d)(2).)

(h) Renewal of a loan from DI to A in a previous year will not involve a transfer of capital, since renewal is not deemed repayment of the old obligation or creation of a new obligation. However, accrual of unpaid interest on the loan will involve a transfer of capital to A under § 312(a)(1). Subsequent payment of such accrued interest will be a transfer of capital by A to DI under § 312(b)(3).

(i) DI sends A certain equipment to be repaired by A and returned to DI. No transfer of capital is involved.

(j) Semiprocessed goods or raw materials are shipped by DI to A for processing or testing, and such goods or materials (title to which is retained by DI) will be returned to DI after processing or testing. No transfer of capital is involved. Payments by DI for the services rendered by A will not involve transfers of capital, but may be reflected in earnings of A.

§ B312–6 Contributions by a DI to capital of AFNs.

Section 312(a)(2) is intended to cover a transfer of funds or other property by a DI to an AFN that is not reflected on the books and records of the DI or the AFN as either an acquisition of equity interest by the DI or creation of a debt obligation from the AFN to the DI. Thus, for example, if no stock is issued and no debt obligation is created in return for machinery shipped by a DI for use of an AFN, the DI will be deemed to have made a contribution of capital to the AFN (a transfer of capital under § 312(a)(2)) in the amount of the value of the machinery. (Long-term lease of property by a DI to an AFN will also involve a transfer of capital under § 312(a)(8).)

Increases in capital of an AFN, whether incorporated or unincorporated, that do not have a transactional basis are not ordinarily treated as transfers of capital to the AFN. Thus, for example, if marketable securities owned by AFN increase in value, or fixed assets of an AFN are reappraised to increase their value, no transfer of capital to the AFN will result. Similarly, no transfer of capital will result if an incorporated AFN capitalizes retained earnings.

Expenses incurred by a DI in rendering services primarily for the benefit of an incorporated AFN will not result in transfers of capital, under § 312(a)(2) or otherwise, provided such expenses are charged to the DI under generally accepted U.S. accounting principles consistently applied. If such expenses are charged to the AFN and the DI is not compensated therefor, transfers of capital under § 312(a) (1) or (2) will result.

§ B312–7 Repayment of DI's indebtedness to an AFN.

Any repayment by a DI of indebtedness to an AFN will involve a transfer of capital by the DI to the AFN under § 312(a)(3), provided the AFN is still an AFN of the DI at the time of repayment. If the indebtedness is created in a transaction involving a transfer of capital from an AFN to a DI under § 312(b)(1), and is repaid by the DI during the same compliance period, no net transfer of capital will result.

§ B312–8 Reduction of an AFN's equity interest in a DI.

Under § 312(a)(4), reduction of an AFN's equity interest in a DI as a result of a redemption of stock, liquidating dividend (whether or not any part is allocable to earnings of the DI), or like transaction is a transfer of capital to the AFN. Thus, for example, if an AFN purchases stock of a DI from the DI for $1 million and the DI subsequently redeems the stock for $1 million, the AFN's purchase involves a $1 million transfer of capital to the DI under § 312(b)(1) and the DI's redemption involves a $1 million transfer of capital to the AFN under § 312(a)(4).

§ B312–9 Disposition of an equity or debt interest in a DI held by an AFN.

Whereas § 312(a)(4) encompasses those cases where an equity interest in a DI held by an AFN is reduced or liquidated by virtue of a redemption, liquidating dividend or like transaction, § 312(a)(5) covers those cases where such an equity or debt interest of a DI is sold or otherwise transferred by an AFN to another person. Such disposition will involve a transfer of capital by the DI to the AFN only if (a) the interest is sold back to the DI, or (b) the selling AFN is an affiliate of the DI (as defined in § 903(a)), or (c) the interest is sold to another AFN that is an affiliate of the DI. (See § 312(c)(2).) For example, an AFN that is an affiliate of a DI purchases stock of the DI from the DI for $1 million and subsequently sells the stock to an unaffiliated foreign national for $1.2 million. The AFN's purchase involves a $1 million transfer of capital from the AFN to the DI under § 312(b)(1). Subsequent sale of the stock involves a $1 million transfer of capital to the AFN under § 312(a)(5), and a $200,000 capital gain to be reflected in calculation of the AFN's earnings.

§ B312–10 DI's satisfaction of an AFN's debt obligation.

Under § 312(a)(6), any payment by a DI to satisfy an obligation in respect of which an AFN is the primary obligor will involve a transfer of capital by the DI to the AFN. Thus, for example, payment by a DI of an AFN's rent, salary expenses, advertising expenses, legal fees, auditing fees, or other expenses will involve transfers of capital to the AFN. Similarly, if a DI guarantees an obligation owed by an AFN to another person, payment by the DI of any part of the principal amount of such obligation and payment of interest with respect thereto that has accrued prior to the AFN being relieved of or defaulting upon the obligation, will involve a transfer of capital by the DI to the AFN.

The making of a guarantee by a DI does not itself involve a transfer of capital. (See § 312(c)(7).) However, a DI's assumption of an AFN's obligation in a transaction in which the AFN is relieved of liability will involve a transfer of capital by the DI to the AFN, while subsequent payments of the obligation will not involve transfers of capital. Payment by a DI of interest on the obligation of an AFN after the DI has become primarily liable for the obligation does not involve a transfer of capital by the DI to the AFN. (See § 312(c)(8).)

§ B312–11 Repayment of a DI's long-term foreign borrowing.

Repayment by a DI of a long-term foreign borrowing involves a transfer of capital by the DI under § 312(a)(7), if proceeds of the borrowing were:

Expended by DI in making a transfer of capital on or after January 1, 1965; or

Allocated to a transfer of capital made by the DI during 1968; or

Allocated to positive direct investment made during any year commencing with 1969.

A transfer of capital under § 312(a)(7) is deemed to have been made to the scheduled area in which proceeds of the DI's borrowing were expended or are allocated at the time of the repayment. Positive direct investment attributable to a transfer of capital under § 312(a)(7) is generally authorized by § 1002(a), subject, in certain instances, to the certification requirements of § 1002(b).

§ B312–12 Lease of property by a DI to an AFN.

Under § 312(a)(8), a lease of property by a DI to an AFN is considered a transfer of capital to the AFN if the property has a useful life at the time of the lease of 1 year or more, and is not required or expected to be returned to the DI in less than 1 year. This rule recognizes that long-term leases are substantially similar in economic effect to outright transfers. Accordingly, such long-term leases of property by a DI to an AFN will be considered transfers of capital, without regard to the nature or expected use of the property, while a transfer of capital from the AFN to the DI will be recognized under § 312(b) at the time the property is returned to the DI.

Payment of current rentals under such a long-term lease will not be considered a transfer of capital by the AFN to the DI (§ 312(c)(9)), since rental payments are deducted in calculating the AFN's earnings. A sublease will be treated, under these provisions, in the same manner as an original lease.

Example 3. DI leases machinery and equipment to an incorporated AFN (X) for a 10-year term for a rental of $1,000 per year. The machinery and equipment have an aggregate value of $12,000 at the time the lease is made. At the end of 10 years, the machinery and equipment will be returned to DI, at which time it will have a value of $2,000. DI has made a $12,000 transfer of capital to X at the time of the lease and X will make a $2,000 transfer of capital to DI when the property is returned. The $1,000 annual rental payments will not constitute transfers of capital from X to DI.

§ B312–13 Inducements for loans to a DI or to an AFN.

Under § 312(a)(9), a DI's pledge, hypothecation, or transfer of foreign balances (defined in § 203(a)(1)), or of equity securities of a foreign corporation (other than equity securities of an AFN), will involve a transfer of capital by the DI if the pledge, hypothecation, or transfer is made to or with a foreign national (a) to induce a loan to an AFN, or (b) to induce a loan to the DI that qualifies as a long-term foreign borrowing and the proceeds of which are invested in an AFN. The amount of the transfer of capital for purposes of § 312(a)(9) is the lesser of (a) the value of the foreign balances or equity securities or (b) the amount borrowed by or invested in the AFN. The transfer of capital occurs as of the date the funds are borrowed by or invested in the AFN.

A pledge or hypothecation constituting a transfer of capital under § 312(a)(9) will, upon release, be considered a transfer of capital to the DI under § 312(b) in the amount of the DI's initial transfer of capital. If, on the other hand, the property pledged or hypothecated is not released but is applied to payment of the secured indebtedness, no additional transfer of capital by the DI will result therefrom.

Example 4. DI deposits $1,000,000 (cash or securities) with a foreign bank as an inducement (or collateral) for an $800,000 loan by the bank to an AFN (X). The deposit is an $800,000 transfer of capital by DI to X. If cash was deposited, only the $200,000 excess over the amount of the loan would constitute a liquid foreign balance (see § B203–4). The result would be the same if the deposit were made as collateral for an $800,000 long-term borrowing by DI from the foreign bank and the proceeds of the borrowing were loaned by DI to X. (The loan by DI to X would involve a transfer of capital, with a corresponding deduction from net transfer of capital by operation of § 313(d)(1).) Similarly, if the collateral itself represented proceeds of a long-term foreign borrowing, a deduction under § 319(d)(1) would also be taken in respect of the transfer of capital involved in the pledge. No transfer of capital under § 312(a)(9) would be involved if the pledge or deposit were made as collateral for a short-term borrowing by DI. DI's loan of the proceeds of the short-term borrowing to X would involve a transfer of capital, but no deduction under § 313(d)(1) could be taken.

Example 5. DI deposits $1,000,000 with the home office of a domestic bank, as security for a $1,000,000 loan by a foreign branch of the bank to an AFN (X). The deposit is not a transfer of capital, since it was not placed with a foreign national, but does constitute a guarantee by DI of X's borrowing. (In this connection, positive direct investment attributable to a subsequent transfer of capital pursuant to DI's guarantee (under § 312(a)(6)) will be authorized by § 1002(a)(5), provided DI has complied with the certification requirements of § 1002(b).)

Example 6. DI pledges equity securities of U.S. corporations, together with equity securities of an AFN, with a foreign bank as collateral for a loan by the bank to another AFN (X) or, alternatively, as collateral for a long-term borrowing by DI from the foreign bank. The pledge is not a transfer of capital in either instance, since the securities pledged are not those of an unaffiliated foreign national. (However, the pledge of securities as collateral for the loan to X would be considered a guarantee by DI of X's obligation.)

Example 7. DI deposits $1,000,000 with a foreign bank pursuant to an arrangement whereby the bank lends $1,000,000 to an AFN (X). The deposit constitutes a $1,000,000 transfer of capital by DI to X, whether or not the bank has a legal right to resort to the deposit should there be default by X. However, if DI's deposit was not specifically to induce the loan to X, but rather was a deposit in the ordinary course of business, there would be no transfer of capital even though DI and the bank agreed that the funds would stay on deposit while the loan was outstanding. In this case, the funds on deposit would constitute a liquid foreign balance.

§ B312–14 Indirect transfers by a DI to an AFN.

It is important to recognize that § 312(a) focuses on the substance rather than the form of transactions. Transactions that do not come precisely within the language of any of the subparagraphs of § 312(a), but nevertheless are undertaken by a DI for the benefit of an AFN, may involve a transfer of capital by the DI to the AFN even though the transactions are effected through nominees, financial conduits or other intermediaries. While the outcome of each transaction will depend on the specific facts and circumstances involved, DIs should recognize the general rule that transactions effected indirectly with an AFN will be treated under the Regulations as if effected directly by the DI.

§ B312–15 Transfers of capital by an AFN to a DI.

The provisions of § 312(b), relating to transfers of capital by an AFN to a DI, are roughly parallel to the provisions of § 312(a) (1)–(6), relating to transfers from a DI to an AFN. Thus, with certain exceptions, any transaction that would involve a transfer of capital by a DI to an AFN under subparagraphs (1) through (6) of § 312(a) will involve a transfer of capital by the AFN to the DI under § 312(b) if the position of the parties is reversed (e.g., the AFN, rather than the DI, is the lender). The following points, however, deserve specific mention.

Under § 312(a)(1), acquisition of an equity or debt interest in an AFN will ordinarily involve a transfer of capital by the DI, regardless of the identity of the person from whom the interest is acquired; the only exception is an acquisition from another DI. Under § 312(b), on the other hand, acquisition by an AFN of an equity or debt interest in a DI involves a transfer of capital by the AFN only if the person from whom the interest is acquired is the DI itself (§ 312(c)(3)). Thus, for example, if an AFN lends $100,000 to a DI, a $100,000 transfer of capital from the AFN to the DI is involved under § 312(b)(1). If the loan were made to the DI by a bank and the AFN subsequently acquired the debt obligation, no transfer of capital to the DI would be involved; however, satisfaction of the obligation by the DI would involve a $100,000 transfer of capital to the AFN under § 312(a)(3).

Disposition by an AFN of an equity or debt interest in a DI involves a transfer of capital by the DI under § 312(a)(5) if the selling AFN is an "affiliate" (defined in § 903(a)), or if the transferee is the DI or another AFN that is an affiliate of the DI. Under § 312(b)(5), however, disposition by a DI of an equity or debt interest in an AFN involves a transfer of capital to the DI only if the transferee is either (a) a foreign national or (b) a domestic bank or nonbank financial institution subject to the Voluntary Foreign Credit Restraint Program (administered by the Board of Governors of the Federal Reserve System) and the transfer is charged against the ceiling of such bank or is treated as a covered asset of such institution under that Program (§ 312(c)(4)). Thus, if a DI lends $100,000 to an AFN (resulting in a $100,000 transfer of capital to the AFN) and discounts the AFN's note for $98,000 with a domestic bank, a $98,000 transfer of capital by the

AFN to the DI will result if the bank is subject to the Voluntary Foreign Credit Restraint Program and the note is charged against the bank's ceiling under that Program. The result would be the same if the note is discounted with a foreign bank (including a foreign branch of a domestic bank) or another foreign national. If the DI's disposition of the note did not involve a transfer of capital under § 312(b)(5), satisfaction of the note by the AFN would involve a transfer of capital to the DI.

When a DI disposes of a debt or equity interest in an AFN (under circumstances constituting a transfer of capital to the DI under § 312(b)(5)), the transfer of capital to the DI is the full value of consideration received therefor, whether the transaction results in a gain or a loss to the DI. However, liquidation of an unincorporated AFN should be reflected in accordance with § 313(b) as a decrease in net assets of such AFN, based on valuation of such net assets at the end of the preceding year.

A transfer of capital under § 312(b)(5) will generally be deemed to have been made to the DI by the AFN that issued the debt or equity interest disposed of. There are, however, two exceptions to this rule. First, if the debt or equity interest in an AFN is sold by a DI to another AFN, the transfer of capital is deemed to have been made to the DI by the latter AFN. Second, if an equity interest in an AFN is both acquired from and sold to unaffiliated foreign nationals after December 31, 1967, and at the time of the disposition the AFN involved has subsidiaries or branches in other scheduled areas that are separate AFNs under § 304, the transfer of capital to the DI should be allocated among all such AFNs in a manner fairly reflecting the respective values of all direct and indirect interests in the AFNs disposed of. As a general rule, an allocation based on the book value of each AFN will be acceptable.

Sale of an AFN to an unaffiliated foreign national during a year does not affect any transfers of capital between the DI and the AFN preceding the date of disposition. Thus, if a DI makes a $1 million transfer of capital to an AFN in the beginning of 1969 and in December sells all equity interest in the AFN to an unaffiliated foreign national for $900,000 in cash, the DI has made a positive net transfer of capital of $100,000 during 1969 to the scheduled area of the AFN (assuming no other relevant transactions during 1969).

§ B312–16 Sale of an AFN to an unaffiliated foreign national with deferred payment.

If a DI receives a long-term debt obligation of an unaffiliated foreign national as consideration for an interest in the AFN disposed of, no transfer of capital to the DI will result from the disposition until the obligation is paid or is sold by the DI to another unaffiliated foreign national for cash or other property (other than a long-term debt obligation).

Example 8. DI sells 50 percent of the stock of a wholly owned French corporation (C) to an unaffiliated foreign national (F) for $1,000,000 in cash. C has no subsidiaries or branches outside Schedule C. DI had originally acquired all of the stock of C for $100,000.

(a) Under the facts as presented, the sale involves a $1,000,000 transfer of capital from C to DI, pursuant to § 312(b)(5).

(b) If F had given DI a 5-year note for $1,000,000, instead of cash, the transfer of capital from C to DI would occur when the note is paid or is sold by DI to another unaffiliated foreign national for cash or other property (other than a long-term debt obligation).

(c) If F had been an AFN of DI located in Schedule B, the sale of C for cash would involve a $1,000,000 transfer of capital from F to DI.

(d) If F had been an AFN of DI located in Schedule B and paid DI with a 5-year note for $1,000,000, DI's exchange of stock in C for a debt obligation of F would not involve a transfer of capital. However, payment of the note by F would involve a transfer of capital from F to DI, pursuant to § 312(b)(3).

(e) If C had a subsidiary in Schedule A (X), a branch in Schedule B (Y) that was a separate AFN of DI, and a subsidiary in Schedule C (Z), the transfer of capital to DI involved in a cash sale of C to an unaffiliated foreign national would be allocated among C, X, Y, and Z in a manner reasonably reflecting the respective values of each direct and indirect interest disposed of by DI. If C were sold to another AFN for cash, no allocation of the transfer of capital to DI would be made among the second-tier AFNs; the transfer of capital under § 312(b)(5) would be from the acquiring AFN to DI.

(f) The fact that DI had originally acquired C with proceeds of a long-term foreign borrowing would not alter any of the above results.

§ B312–17 Triangular and parallel foreign financing.

Triangular loan arrangements are generally those in which a loan by a DI to an unaffiliated foreign national is the basis for, or is otherwise associated with, a loan by such foreign national to an AFN. Parallel loan arrangements are generally those in which a loan by a DI to a U.S. subsidiary of an unaffiliated foreign national is the basis for, or is otherwise associated with, a loan by such foreign national to an AFN.

As stated in the Memorandum for Direct Investors issued September 24, 1969 (Appendix B hereto), each such type of arrangement will generally give rise to a transfer of capital by the DI to the AFN at the time and in the principal amount of the foreign loan to the AFN. However, such Memorandum indicates that relief will be available (in the form of a specific authorization to exclude the current charge against allowable resulting from such transfer of capital) in cases where assurance can be given that there will be no contravention of the objectives of the Program, i.e., that the proceeds of the DI's loan (a) will be invested or retained in the United States, (b) will not be used as a substitute for funds that the unaffiliated foreign national or its U.S. subsidiary otherwise intended to provide from sources outside the United States, and (c) will not enable the unaffiliated foreign national or its U.S. subsidiary to make transfers of funds from the United States that would not have occurred in the absence of such loans by the DI.

§ B312–18 Certain transactions not involving a transfer of capital; § 312(c).

Section 312(c) sets forth particular transactions not deemed to involve transfers of capital although technically encompassed by the language of § 312 (a) or (b).

Under § 312(c)(1), acquisition by a DI of a debt or equity interest in an AFN (as described in § 312(a)(1)) will not be deemed to involve a transfer of capital if the acquisition is made from another DI. The selling party must be a DI at the time of the sale, but may cease to be a DI as a result of the transaction. Under certain conditions, OFDI may specifically authorize positive direct investment in excess of applicable allowables attributable to acquisition by a DI of an interest in an AFN from a person within the United States that is not a DI (i.e., a person holding less than 10-percent interest in the foreign national). OFDI may also specifically authorize positive direct investment in excess of applicable allowables attributable to acquisition of assets of a U.S.-owned incorporated foreign national that will be liquidated by sale of the assets in a related transaction to U.S. persons.

If a DI acquired an interest in an AFN from another DI prior to June 10, 1969, and the divesting DI ceased to be a DI as to that AFN as a result of the acquisition, both net transfer of capital by the divesting DI in the year of acquisition and direct investment by the divesting DI during the base period are deemed to have been made by the acquiring DI. If the divesting DI does not cease to be a DI as to the AFN as a result of the acquisition, only the net transfer of capital in the year of acquisition and the base-period direct investment that are allocable to the interest transferred will be deemed to have been made by the acquiring DI.

Under § 312(c)(1), as effective June 10, 1969, if a DI acquires an equity interest in an AFN from another DI, the divesting DI's direct investment in the year of the acquisition and during 1965–66 is deemed to have been made by the acquiring DI, to the extent allocable to the interest transferred. Similarly, the divesting DI's share in the AFN's earnings or losses prior to acquisition is attributed to the acquiring DI, to the extent allocable to the interest transferred. In calculating the divesting DI's direct investment in the AFN, deductions from net transfer of capital may not be made pursuant to § 313(d)(1). The acquiring and divesting DIs must file revised Forms FDI–101 and FDI–102F for the year preceding the year of acquisition, reflecting the above treatment, in order for the acquisition to be covered by § 312(c)(1).

If a DI acquires a debt obligation of an AFN from another DI in the same AFN, no transfer of capital is involved and no allocation of direct investment between the DIs is made.

Pursuant to § 312(c)(2), disposition of an equity or debt interest in a DI by an AFN involves a transfer of capital by the DI to the AFN under § 312(a)(5) only if (a) the interest is sold back to the DI, or (b) the selling AFN is an affiliate of the DI, or (c) the interest is sold to another AFN that is an affiliate of the DI.

Pursuant to § 312(c)(3), acquisition by an AFN of an equity or debt interest in a DI is not a transfer of capital to the DI under § 312(b)(1) unless the acquisition is from the DI.

Pursuant to § 312(c)(4), transfer by a DI of an equity or debt interest in an AFN is not a transfer of capital by the AFN to the DI under § 312(b)(5) unless the transfer is made to a foreign national or is subject to the Federal Reserve Board's Voluntary Foreign Credit Restraint Program.

Under § 312(c)(5), increase of equity interest in an incorporated AFN resulting from reinvestment of the AFN's earnings does not involve a transfer of capital. Reinvestment of the DI's share of an incorporated AFN's earnings does, however, constitute an element of direct investment, as defined in § 306(a).

Under § 312(c)(6), increase or decrease in the value of an AFN's assets resulting from reappraisal of such assets does not involve a transfer of capital.

Under § 312(c)(7), a DI's guarantee of borrowing by an AFN does not itself involve a transfer of capital. (For a definition of the term "guarantee", see § 1001(c).) However, payments pursuant to a guarantee may involve transfers of capital under § 312 (a)(6) or (b)(6). Positive direct investment attributable to a DI's performance under a guarantee of an AFN's obligation will be authorized in excess of applicable allowables, provided that in the case of a guarantee made on or after January 1, 1968 the DI has complied with applicable certification requirements of § 1002(b).

Under § 312(c)(8), payment by the primary obligor of interest currently due, or fees or commissions in connection with borrowings, does not involve a transfer of capital. Prepayments of interest pursuant to customary lending practices or commercial transactions likewise do not involve transfers of capital. (The fees or commissions referred to above include commitment and termination fees, premiums, underwriters' commissions, original issue discounts, broker-dealer fees, legal and accounting fees, and other like items.) Thus, for example, an AFN's payment of interest on a loan from a DI, or vice versa, does not involve a transfer of capital if the interest is paid when due. If not paid when due, however, an additional debt obligation will be created, involving a transfer of capital from the obligee to the obligor under § 312 (a)(1) or (b)(1) and a transfer of capital in the opposite direction under § 312 (a)(3) or (b)(3) when the additional obligation is paid. It should be noted that the exemption under § 312(c)(8) applies only to the primary obligor. Thus, payments by a DI, pursuant to a guarantee of an AFN's borrowing, of interest, commissions and fees owed by the AFN, are transfers of capital to the AFN under § 312(a)(6).

Under § 312(c)(9), payment of rental currently due under a lease, or prepayment of rental if customary under leases of the type involved, does not involve a transfer of capital. However, a lease of property by a DI to an AFN may involve a transfer of capital under § 312(a)(8).

Under § 312(c)(10), payment of royalties currently due by a licensee does not involve a transfer of capital, absent circumstances indicating that such payments are essentially equivalent to transfers of capital and are merely disguised as royalty payments. Likewise, prepayment of royalties will not be treated as transfers of capital if such prepayments are customarily made by licensees under similar license agreements. As in the case of interest payments, the exemption under § 312(c)(10) applies only to payments by a primary obligor.

Section 312(c)(11) provides, as a general rule, that a transfer of any of the following items does not involve a transfer of capital by a DI to an AFN, or vice versa: Patents, copyrights, trademarks, trade names, trade secrets, technology, proprietary processes, proprietary information, and similar intangibles, and any rights, interests, contracts or applications relating to the foregoing items. These exemptions are applicable regardless of the form of the transfer, or the consideration received in exchange therefor. However, DI's transfer of any of the foregoing intangibles to an AFN on or after January 1, 1968, in exchange for a debt or equity interest in the AFN, is considered a transfer of capital by the DI if (a) the transfer represents a substantial departure from a previously established practice of the DI with respect to exploitation of intangibles of the type transferred, and (b) the intangible transferred was, prior to the transfer, a substantial source of royalty or other like fixed or determinable, annual or periodic, income.

If a post-January 1, 1968, transfer of an intangible does not involve a transfer of capital because of the foregoing rule, no deduction for amortization or any like charge with respect to the intangible transferred may be made against earnings in calculating the transferee AFN's earnings. Also, even if a transfer of intangibles does not involve a transfer of capital, a person within the United States making such transfer may become a DI if a 10-percent interest (as defined in § 304) in the foreign enterprise is received in exchange for the transfer.

The determination whether transfer of an intangible represents a substantial departure from previously established practice and whether the intangible transferred was a substantial source of royalty or like income will depend on the facts and circumstances in each case.

§ B312–19 Unenumerated transactions not involving a transfer of capital.

Certain other transactions not enumerated in § 312(c) will be deemed not to involve transfers of capital between a DI and an AFN, even though a foreign enterprise may become or cease to be an AFN as a result of the transactions. However, if a foreign enterprise ceases to be an AFN as a result of any such transaction, this will not change the amount of direct investment chargeable to the DI during the base period in the appropriate scheduled area. The transactions referred to are as follows:

Acquisition by a DI, from an AFN or unaffiliated foreign national, of stock or assets of a foreign corporation, partnership or business venture in exchange for stock of an AFN;

Contribution by a DI of stock or assets of an AFN to capital of another AFN;

Merger of one incorporated AFN into another incorporated AFN of the same DI, or consolidation of AFNs of the same DI, or merger or consolidation of an AFN into or with the DI;

Division of an AFN into two or more entities; and

Recapitalization of an AFN involving an exchange of stock for stock, debt for debt, stock for debt, or debt for stock.

§ B312–20 International construction projects.

Commencing with 1969, bid preparation expenditures in connection with international construction projects are to be excluded from computation of a DI's net transfer of capital, whether such expenditures have been incurred by the DI or it has advanced funds for such purpose to an AFN. However, such expenditures may not subsequently be deducted in computing earnings of incorporated AFNs or aggregate net assets of unincorporated AFNs. Specific authorizations with respect to transfers of capital to foreign construction projects may also be granted in appropriate circumstances under § 801 (see Appendices C and D hereto).

B313—Net Transfer of Capital

§ B313–1 Introduction.

Net transfer of capital as defined in § 313(c) is one of the components of direct investment (§ 306). Net transfer of capital under § 313(c) consists of:

The net transfer of capital to incorporated AFNs in a scheduled area (§ 313(a)); plus

The net transfer of capital to unincorporated AFNs in the scheduled area (§ 313(b)); less

Expended proceeds of long-term foreign borrowing in the scheduled area (§ 313 (d)(1)).

Section 313(d)(2) provides that transfers in connection with the acquisition of AFNs, including transfers during the 12-month period preceding any such acquisition, must be included in computing net transfer of capital.

Net transfer of capital to incorporated AFNs under § 313(a) consists of all § 312 (a) transfers of capital from the DI to AFNs, less all § 312(b) transfers from AFNs to the DI. The net transfer of capital to unincorporated AFNs under § 313 (b) equals the DI's share in any net increase or decrease in the aggregate net assets of its unincorporated AFNs.

While § 313 provides the basic definition of net transfer of capital, § 505 contains additional rules essential to the application of § 313, viz:

Transfers involving certain unincorporated AFNs are treated as transfers of capital by the immediate parents or to the immediate parents of such AFNs (§ 505(a) (1), (2), and (3)):

A DI is charged with the net change in assets of an unincorporated AFN under § 313(b) only if the immediate parent of such AFN is the DI or another AFN that is a § 903(a) affiliate of the DI (§ 505(a)(4));

A change in net assets of an unincorporated AFN that is not attributable to earnings or losses results in a corresponding § 312 (a) or (b) transfer of capital between the DI and the immediate parent of such AFN, provided the immediate parent is an incorporated AFN and a § 903(a) affiliate (§ 505(a) (5) and (6));

Certain short-term trade credits between non-Canadian AFNs are, in effect, excluded from the calculation of net transfer of capital (§§ 505(b), 1103(c)); and

Transfers between two incorporated AFNs, if either is a § 903(a) affiliate, result in a § 312(b) transfer by the transferor AFN to the DI and a § 312(a) transfer by the DI to the transferee AFN (§ 505(a)(3)).

The rules set forth in § 313 apply to the base period as well as to subsequent years.

§ B313–2 Net transfer of capital to incorporated AFNs.

Under § 313(a), a DI's net transfer of capital to all incorporated AFNs in any scheduled area during any period consists of:

Aggregate transfers of capital during such period by the DI to such AFNs (as described in §§ 312(a) and 505); less

Aggregate transfers of capital during such period by such AFNs to the DI (as described in §§ 312(b) and 505).

The following examples illustrate this concept.

Example 1. During 1969, DI transfers $1,000,000 to an incorporated subsidiary in Schedule A (AFN) as an advance on open account, $500,000 as a contribution to capital, and $400,000 resulting from an increase in accounts receivable due from AFN to DI. In the same year, AFN repays $1,100,000 of a $2,000,000 loan received from DI in 1967. DI has no other incorporated AFNs in Schedule A. DI's net transfer of capital during 1969 to AFN is $800,000, calculated as follows (000 omitted):

Transfers by DI under § 312(a):	
Advance on account to AFN	$1,000
Contribution to capital of AFN	500
Increase in accounts receivable from AFN	400
Total	1,900
Transfers to DI under § 312(b):	
Repayment of loan by AFN	(1,100)
Net transfer (positive)	800

Example 2. At the beginning of 1969, DI has two wholly owned incorporated AFNs in Schedule A (X and Y). In March 1969, DI purchases all the stock of a Brazilian corporation (Z) from an unaffiliated foreign national for $2,000,000 in cash. The following transactions also occur during 1969: DI lends $1,000,000 to X on open account and leases equipment valued at $500,000 to X for a term of 3 years; X redeems (at cost) an issue of preferred stock held by DI for $500,000; Y repays a 1966 loan from DI of $3,000,000; Y declares a $200,000 dividend to DI, payable on December 15 but not remitted during 1969, and DI repays a $1,000,000 loan owed by Y to a U.S. bank, together with accrued interest and other charges aggregating $100,000. DI's net transfer of capital during 1969 to its incorporated Schedule A AFNs (X, Y, and Z) is $1,300,000, computed as follows (000 omitted):

Transfers by DI under § 312(a):	
Purchase of Z	$2,000
Open account loan to X	1,000
Lease of equipment to X	500
Dividend not paid by Y when due	200
Payment on Y's loan	1,100
Total	4,800
Transfers to DI under § 312(b):	
Redemption by X	(500)
Repayment of loan by Y	(3,000)
Total	(3,500)
Net transfer (positive)	1,300

§ B313–3 Net transfer of capital to unincorporated AFNs.

(i) *General.* Under § 313(b), a net transfer of capital by a DI to all unincorporated AFNs in any scheduled area during any period is defined as the DI's share of the aggregate net increase or decrease during such period in the aggregate net assets of such AFNs. Computation of net assets should take into account all assets (wherever located) and liabilities allocable to the AFN under generally accepted U.S. accounting principles consistently applied, whether such assets and liabilities are recorded in the AFN's legal books of account or in other books of account (including those of the parent AFN).

(ii) *Rules applicable to § 313(b).* In calculating the net change in net assets of an unincorporated AFN the following rules apply:

There should be excluded from liabilities all equity interests in and debt obligations of the unincorporated AFN that are held by the DI and other AFNs of the DI; likewise, there should be excluded from assets all equity interests in and debt obligations of the DI and other AFNs that are held by the unincorporated AFN (§ 313(b) (1) and (2)).

The foregoing rule does not apply with respect to short-term trade credits. That is, if another AFN extends a short-term trade credit to an unincorporated AFN of the same DI, the trade credit should be included as a liability of the unincorporated AFN for the purposes of § 313 (b). The asset received and the liability incurred will net out, and there will be no change resulting therefrom in the AFN's net assets. Note that this is the result prescribed by § 505(b), i.e., short-term trade credits extended or received by an unincorporated AFN (to or from another AFN) should not be taken into account under § 313(b).

On the other hand, if either the AFN extending the credit or the AFN receiving the credit is Canadian, § 505(b) is inapplicable (§ 1103(c)). Thus, if an unincorporated AFN in Schedule C receives a short-term trade credit from a Canadian affiliate of the DI, the liability so incurred will be excluded and the AFN's net assets will include the amount of the credit for purposes of § 313(b).

Any increase or decrease in net assets of an unincorporated AFN resulting from changes in the valuation of such assets during the period involved (such as unrealized gains or losses), should be eliminated from the calculation under § 313(b). However, depreciation of tangible assets should be taken into account to the extent such depreciation is reflected in the calculation of the unincorporated AFN's earnings.

§ B313–4 DI's share of net change in assets under § 313(b).

(i) *Direct ownership.* Where a DI directly owns an unincorporated AFN (e.g., a branch of the DI), the DI's share in the net change in net assets will equal the profits (or losses) of the AFN plus all transfers of capital made by the DI (or other AFNs of the DI) to the AFN less all remittances made by the AFN to the DI. When the DI does not own all of the unincorporated AFN, transfers between the AFN and its other owners and such other owners' share of the AFN's profits or losses are not included in calculating the DI's share in the net change in the AFN's net assets.

Example 3. DI has two branches in Schedule A (X and Y). Net assets of X and Y at the beginning of 1969 are $200,000 and $300,000, respectively. During 1969, X incurs a loss of $100,000 and DI transfers $50,000 to X on open account; Y earns $90,000, remitting $30,000 to DI; and DI spends $500,000 for construction of a factory in Schedule A, which becomes an unincorporated AFN (branch) (Z) of DI. At the end of 1969, X and Y have net assets of $150,000 and $360,000, respectively. DI's net transfer of capital during 1969 to its unincorporated Schedule A AFNs is $510,000 ($50,000 net decrease in X's assets plus $60,000 net increase in Y's assets plus $500,000 net increase in Z's assets).

Example 4. In March 1969, DI's unincorporated AFN in Schedule A (Y) invests $50,000 of its own funds in a parcel of local real estate having a fair market value of $100,000 at the end of 1969. Assuming no other relevant transactions, Y's net assets would remain unchanged for purposes of the regulations, since unrealized gains are not taken into account under § 313(b).

Example 5. During 1969, a U.S. corporation (X) enters into a joint venture agreement with an unaffiliated foreign corporation (Y) to operate a factory in Schedule C. Y contributes an existing plant in Schedule C and equipment, valued in the aggregate at $10,000,000. X contributes patents and technology valued at $5,000,000 (under circumstances exempting the contribution from treatment as a transfer of capital under section 312(c)(11)) and $5,000,000 in cash for working capital. X and Y each has a 50-percent-profit interest in the joint venture. During 1969, a wholly owned subsidiary of X in Australia (B) lends $3,000,000 to the joint venture, repayable at the end of 5 years. Also during 1969, the joint venture realizes $500,000 in gross revenues, spends $300,000 for operating expenses and depreciates its plant and equipment by $200,000. At the end of 1969, the joint venture has $8,200,000 in cash, patents valued at $5,000,000, plant and equipment valued on its books at $9,800,000, and no liabilities other than the $3,000,000 liability to B. X's net transfer of capital during 1969 to its unincorporated AFNs in Schedule C is $8,000,000, calculated as follows (000 omitted):

Net assets of joint venture as of Jan. 1, 1969	0
Net assets of joint venture as of Dec. 31, 1969 (the $3,000 loan by B is not included as a liability of the joint venture under § 313(b)(1)):	
Plant and equipment	$9,800
Patents and technology	5,000
Cash	8,200
Total	23,000
Increase in net assets during 1969	23,000
X's share in net increase:	
Net increase	23,000
Less:	
Plant and equipment contributed by Y	10,000
Patents and technology	5,000
Net transfer of capital by X	8,000

Note that the loan by B to the joint venture involves a transfer of capital by B to X under § 505(a) (1) and (2).

Example 6. DI is a partner in a partnership organized under German law and doing business only in Germany. DI has a 50-percent share in the partnership profits. The other partners (X and Y), each of whom has a 25-percent interest, are residents and citizens of Germany. At the beginning of 1969, the partnership has net assets of $1,000,000. During 1969 the partnership earns $100,000 and distributes $20,000 to DI and $10,000 to each of X and Y. Also during 1969, DI lends $200,000 to the partnership on open account. At the end of 1969, the partnership has net assets of $1,260,000 (excluding liabilities to DI). DI's net transfer of capital during 1969 to its unincorporated Schedule C AFN is $230,000 (i.e., DI's $50,000 share of profits plus the $200,000 loan, less the $20,000 remitted to DI).

Had the partnership incurred a loss of $50,000 and made no distributions to the partners, the net assets at the end of 1969 would be $1,150,000 (excluding liabilities to DI), and DI's net transfer of capital during 1969 to its unincorporated Schedule C AFN would be $175,000 (i.e., the $200,000 loan less DI's $25,000 share of the loss).

(ii) *Indirect ownership.* Section 505(a)(4) provides that in calculating a DI's net transfer of capital to unincorporated AFNs under § 313(b), there shall be included the net change in assets of an unincorporated AFN only if the immediate parent of the AFN is the DI or another AFN that is an "affiliate" of the DI under § 903(a). (An "affiliate" is defined in § 903(a) as any person, other than an individual, in which the aggregate of direct interests held by the DI and by any other of its affiliates exceeds 50 percent.)

In cases where an unincorporated AFN's immediate parent is an "affiliate" AFN of the DI, the DI's share in the net change in the assets of the unincorporated AFN is equal to the immediate parent's share, multiplied by the DI's percentage interest in such immediate parent.

Example 7. DI has a wholly owned subsidiary in Germany (C) that has a branch in Brazil (A). At the beginning of 1969, A's balance sheet is as follows (000 omitted):

Assets

Cash	$75
Customer receivables	140
Inventory	360
Fixed assets (net)	400
Total	975

Liabilities and net assets

Trade payables (liabilities)	$210
Home office (net assets)	765
Total	975

During 1969, A earns $25,000 and DI and C each make cash advances to A of $75,000. On August 1, 1969, a wholly owned subsidiary of DI in Australia (B) sells $50,000 of inventory to A on 6-month credit terms. At the end of 1969, A's balance sheet is as follows (000 omitted):

Assets

Cash	$340
Customer receivables	175
Inventory	410
Fixed assets (net)	325
Total	1,250

Liabilities and net assets

Trade payables[1]	$310
Home office account (net assets)[2]	940
Total	1,250

DI's net transfer of capital during 1969 to Schedule A unincorporated AFNs is $175,000 (i.e., the increase in home office account (net assets) from $765,000 to $940,000 during 1969). However, DI will have a $75,000 negative net transfer of capital to Schedule C (i.e., the $75,000 deemed transferred by DI to C by operation of § 505 (a)(1) and (a)(2), less the $150,000 deemed transferred by C to DI by operation of § 505(a)(6)).

If DI owned only 80 percent of C's voting stock, DI's net transfer of capital during 1969 to Schedule A unincorporated AFNs would be $140,000 (i.e., $175,000 × 80 percent). However, DI would have a $45,000 negative net transfer of capital to Schedule C (the $75,000 deemed transferred by DI to C by operation of § 505 (a)(1) and (a)(2), less the $120,000 deemed transferred by C to DI by operation of § 505(a)(6)).

If DI were to own only 50 percent of C's voting stock, DI's net transfer of capital during 1969 to Schedule A unincorporated AFNs would be zero (see § 505(a)(4)). In this event, however, DI will have a $75,000 positive net transfer of capital to Schedule C, deemed transferred by DI to C by operations of § 505 (a)(1) and (a)(2).

§ B313–5 Special treatment of certain § 312(a) transfers in computing net transfer of capital to unincorporated AFNs.

In computing net transfer of capital to unincorporated AFNs under § 313(b), certain § 312(a) transfers of capital require separate consideration.

(i) *Repayment of long-term foreign borrowing.* Section 312(a)(7) provides that when a DI satisfies, in whole or in part, a long-term foreign borrowing (whenever made), and the proceeds of such borrowing were either expended in making transfers of capital on or after January 1, 1965, or were allocated to positive direct investment, such repayment constitutes a transfer of capital to the scheduled area or areas in which the proceeds were expended or allocated at the time of repayment and with respect to which a deduction (against net transfer of capital or positive direct investment, as the case may be) was taken pursuant to § 203(d), § 306(e), or § 313(d)(1).

Example 8. In January 1968, DI makes a long-term foreign borrowing of $5,000,000 from a London bank, the proceeds of which are used to construct a factory in Chile (Schedule A) resulting in a net increase in net assets of DI's Schedule A AFN in 1968 of $5,000,000 (from $0 to $5,000,000). DI deducts this expenditure from 1968 net transfer of capital to Schedule A, pursuant to § 313(d)(1). In 1969, the AFN has earnings of $450,000, and transfers $200,000 to DI. The net increase in net assets is, therefore, $250,000. On December 1, 1969, DI repays $1,000,000 to the London bank. Accordingly, DI's net transfer of capital to Schedule A in 1969 is $1,250,000 ($250,000 net increase in the Chilean factory's net assets, plus repayment of $1,000,000 that had previously been expended in, and deducted from, net transfer of capital to Schedule A).

(ii) *Offshore drilling rigs.* When a vessel directly owned by a person within the United States is used as part of an offshore drilling operation (i.e., a branch of a DI), it is assigned a value of zero for purposes of computing any net change in net branch assets.

Example 9. In January 1969, DI began drilling operations off the coast of Australia. This venture constitutes an unincorporated Schedule B AFN. In February 1969, DI sends its U.S.-flag barge to the worksite, and the barge is used during 1969 in drilling operations. Although transfer of the barge constitutes a transfer of capital to the AFN under § 312(a), the barge is assigned a value of zero for purposes of computing the net assets of the AFN. The same rule would also apply to other U.S.-flag vessels used in support of the offshore drilling operations (such as supply or crew vessels). Note that since such vessels are deemed to have a value of zero, no deductions for depreciation of such vessels may be taken.

§ B313–6 Deduction for expended proceeds of long-term foreign borrowing.

In calculating a DI's net transfer of capital to a scheduled area during any period (including the base period years of 1965 and 1966), the DI should deduct an amount equal to the proceeds of long-term foreign borrowings (defined in § 324 (c)) expended during such period in making transfers of capital to AFNs in the scheduled area (§ 313(d)(1)).

To be deductible under § 313(d)(1), the borrowing must qualify as a long-term foreign borrowing of the DI under § 324 (borrowings by AFNs will not qualify for the deduction).

Under § 324(c), the gross amount of proceeds borrowed is deductible in calculating net transfers of capital. In effect, therefore, DI is treated as having paid the interest and other charges on the borrowing out of its own funds (such payment not involving a transfer of capital).

Example 10. In March 1969, a U.S. corporation (X), previously having no AFNs, acquires all the stock of a corporation in Argentina from an unaffiliated foreign national (Y). The purchase price is $1,000,000, $500,000 payable in cash at closing and the

[1] Including the payable of $50 [thousand] owed to B. If the credit terms extended by B had been for more than 12 months, the amount due would be included under the home office account rather than in "trade payables." DI's net transfer to A would, therefore, be increased by $50 [thousand] and result in a $50 [thousand] negative net transfer of capital to Schedule B (see § 505 (b) and 505(a)(2)).

[2] Including payable of $75 [thousand] owed to DI.

balance payable in equal annual installments of $100,000 thereafter. Each installment is represented by a promissory note of X, with respect to which Y makes the necessary written representations referred to in § 324(e)(4). X's net transfer of capital to Schedule A during 1969 is, therefore, $500,000 (i.e., the $1,000,000 purchase price, minus $500,000 proceeds of the long-term foreign borrowing). Each principal payment by X on the outstanding notes will constitute a transfer of capital to the AFN under § 312(a)(7), and must be so reflected in calculating X's net transfer of capital to Schedule A in 1970 and in each subsequent year of payment.

Example 11. DI has a wholly owned subsidiary in France (C). On June 1, 1969, DI purchases equipment from an unaffiliated foreign national (X). The purchase price is $1,000,000 all of which is to be paid on May 31, 1970. DI gives X its promissory note for $1,000,000, payable on that date, but is unable to induce X to make the representations required by § 324(e). DI then transfers the equipment to AFN as a contribution to its capital. DI has made a § 312(a)(2) transfer of capital to Schedule C during 1969 that cannot be deducted from net transfer of capital for the year pursuant to § 313(d)(1), since the deferred payment does not meet any of the § 324(e) requirements to constitute it a long-term foreign borrowing. (If the purchase had been made prior to June 10, 1968, on a 1-year note, DI's note would have constituted a long-term foreign borrowing; the transfer of capital occurring upon transfer of the equipment to C would have been deductible from net transfer of capital in 1968 pursuant to § 313(d)(1); and the transfer of capital would not have been charged in Schedule C until the following year, when DI would have satisfied the 1-year note, pursuant to § 312(a)(7).)

§ B313–7 Step acquisitions.

In calculating a DI's net transfer of capital to all AFNs in a scheduled area during any period (including the base period years of 1965 and 1966), the DI should include (a) all transfers of funds or other property as a result of which the DI acquires an AFN and (b) all transfers of funds or other property to, on behalf of, or for the benefit of such AFN made by, on behalf of, or for the benefit of such DI within 12 months prior to the date of the transfer by which it became a DI in such AFN.

Example 12. On November 1, 1969 a U.S. corporation (X) having no AFNs acquires 8 percent of the voting stock of a French corporation (C) from an unaffiliated foreign national for $1,000,000 in cash. On December 1, 1969, X lends C $500,000. On March 1, 1970, X acquires an additional 2 percent of C's voting stock from a second unaffiliated foreign national for $250,000 in cash. X's net transfer of capital during 1969 to Schedule C is zero. X's net transfer of capital during 1970 to Schedule C is $1,750,000.

If the initial purchase of X's voting stock had been made on February 1, 1969, there would still be no net transfer of capital in 1969, and X's net transfer of capital during 1970 to Schedule C would be $750,000 (i.e., the $250,000 transfer of capital that gave rise to the DI-AFN relationship plus the $500,000 lent to C within 12 months prior thereto).

Example 13. On January 1, 1969, a U.S. corporation (X), having no AFNs, enters into a construction contract with an unaffiliated foreign national (Y) whereby X is to construct a factory for Y in a Schedule C country. On March 1 a project office is opened and preliminary survey work on the project is commenced. On April 1, 1969, X sends equipment, machinery and supplies valued at $1,000,000 to the project site. At the time the project office was opened, X reasonably expected that the work would be completed by the end of February 1970. Thus, the project is not an AFN of X (see § 304(d)(ii)). At the end of 1969, net assets of the project are $1,000,000, but there has been no net transfer of capital to Schedule C during 1969 since the project is not an AFN. Significant difficulties of an unexpected nature are encountered, and during 1970, X sends additional equipment, machinery and supplies valued at $1,000,000 to the project site. At the end of 1970, the net assets employed in the project amount to $2,000,000. Work on the project is not in fact completed until March 1, 1971. Accordingly, since work on the project was not in fact completed within 12 months from the date it commenced, the project is an AFN of X commencing January 1, 1970, and, because of the provisions of § 313(d)(2), X has made a positive net transfer of capital of $2,000,000 to Schedule C during 1970.

§ B313–8 Net transfer of capital to all AFNs in a scheduled area.

Under § 313(c), a DI's net transfer of capital to all AFNs in a scheduled area during any period is calculated by adding the DI's net transfer of capital to all incorporated AFNs in the scheduled area during such period (i.e., the result of the calculation under § 313(a)) and the DI's net transfer of capital to all unincorporated AFNs in the scheduled area during such period (i.e., the result of the calculation under § 313(b)). If the calculation produces a positive result, the DI is said to have made a "positive net transfer of capital" to the scheduled area; if a negative figure results, the DI is said to have made a "negative net transfer of capital" to the scheduled area.

B321—Calendar Year and Fiscal Year

The term "year", as used in the regulations, is defined in § 321(a) to mean a calendar year except for DIs securing permission under § 321(b) to measure compliance on the basis of their normal fiscal year. Although, in appropriate cases, a fiscal year DI may be permitted to comply with the substantive provisions of the Regulations on such basis (§ 321(b)), all DIs (including all fiscal year DIs) are required to submit cumulative quarterly reports (Form FDI–102) and the annual report (Form FDI–102F) on a calendar basis. DIs receiving permission to measure compliance on a fiscal year basis must file an additional annual compliance report covering operations for such fiscal year.

DIs may request permission to comply with the regulations on a fiscal year basis by applying for a specific exemption under § 801. The applicant must demonstrate that by reason of the nature of its business, accurate reflection of total annual operations for purposes of the regulations can only be on the basis of its fiscal year. DIs maintaining normal books and records on a calendar year basis are not eligible for relief under § 321(b) merely because one or more AFNs operate on a fiscal year basis. DIs should refer to the general instructions to Forms FDI–102 and 102F with respect to reporting earnings of AFNs that operate on the basis of a fiscal year different from the DI's.

B322—Person Within the United States

§ B322–1 Introduction.

The regulations apply only to DIs, and a person is not a DI unless he (or it) is a "person within the United States," as defined in § 322. (The term "United States" is defined in § 318.)

§ B322–2 Individuals.

(i) *Residence.* Section 322(a)(1) provides that a resident of the United States is a person within the United States. This rule applies without regard to citizenship.

The determination whether a person is a "resident" of the United States depends on the facts and circumstances of each particular case. In general, a permanent place of abode within the United States or physical presence in the United States for more than 183 days during the year will be conclusive. However, aliens will not be considered residents of the United States if they have no intention to remain in the United States permanently or for an indefinite period. Thus, for example, an alien present in the United States as a student, an entertainer on tour, an athlete competing in one or more athletic contests, a patient undergoing medical treatment, or a traveler will not be treated as a resident of the United States. Residence in the United States will be treated as continuous notwithstanding occasional trips out of the country during such residence.

(ii) *Center of economic interest.* Section 322(a)(2) provides that a citizen of the United States residing abroad is nevertheless a person within the United States, if the center of his economic interests is located within the United States. Whether a U.S. citizen's center of economic interests is located within the United States depends on the particular facts and circumstances of each case. Among the factors that will be considered are the length of time residence has been outside the United States, the person's intention concerning future residence, the relative values of investments in the United States and in foreign countries, and the nature of the U.S. investments (i.e., whether passive portfolio investments or active participation in business is involved).

Example 1. A U.S. citizen (X) becomes a resident of a foreign country in February 1968. X owns all the stock of a U.S. corporation (Y). After X becomes a nonresident of the United States, he nevertheless continues actively to participate in Y's business and makes frequent trips to the United States for this purpose. X's only other investments are of a portfolio and short-term debt nature. X is a person within the United States.

Example 2. A U.S. citizen (X) owns a retail merchandising business in the United States. Upon reaching age 65, X sells his business to an unrelated person within the United States and purchases an annuity from a U.S. insurance company. In January 1968, X sells his home in the United States and he and his wife move to Iceland, X's ancestral homeland, where he establishes a permanent residence. X's grown children continue to live in the United States. X continues to maintain bank accounts in the United States, into which periodic payments from the proceeds of his annuity are made. X also continues to own a small parcel of undeveloped real estate in the United States, purchased many years ago for investment. X is not a person within the United States.

Example 3. A U.S. citizen (W), resident in a foreign country for many years, owns 75 percent of the stock of X and Y, both U.S. corporations. Y owns 75 percent of Z, a third U.S. corporation. X owns all the share capital of 6 foreign corporations and has 12 branch operations in foreign countries, and Y owns all the share capital of six different foreign corporations and has 10 branch operations in foreign countries. X, Y, and Z all have substantial manufacturing or selling operations in the United States. The products of X, Y, and Z are sold both in the United States and in foreign countries. Total sales of X, Y, and Z and their 12 foreign affiliated corporations and 22 foreign branches amount to several million dollars annually. All major policy decisions of X, Y, and Z and their affiliated foreign nationals are made by W, who maintains no fixed office abroad.

Decisions on particular matters within the policy guidelines laid down by W are made at the head offices of the three U.S. corporations and are relayed to all domestic and foreign operations from such head offices, subject only to the periodic review of W. W conducts no significant separate foreign business activities aside from those conducted through his direction of the affairs of X, Y, and Z corporations. W is a person within the United States.

Example 4. A U.S. citizen (X) owns all the stock of Y, a U.S. corporation with extensive, worldwide foreign operations. In 1965, X establishes his permanent residence in Belgium, and C, a foreign corporation, in Belgium. In September 1966, C purchases all the stock of Y from X, in exchange for additional shares in C. In a series of corporate reorganizations carried out in 1966 and 1967, the foreign operations formerly conducted by Y and the foreign corporations previously owned by Y become foreign operations and corporations conducted and owned, respectively, by C. Direction of all such operations is carried on in Belgium; the head offices and senior managerial staff are moved to Belgium; and by December 1967, Y has no foreign holdings of its own. X is not a person within the United States in 1968.

Example 5. A U.S. citizen (X), having permanently resided in Italy since 1961, owns several parcels of undeveloped and commercial real estate in the United States with an aggregate fair market value in excess of $10,000,000 in January 1968. The commercial real estate is managed for X by an independent real estate organization, and profits are remitted to X periodically. X maintains certain bank accounts in the United States in connection with his real estate investments. His only other U.S. investments consist of marketable securities of large U.S. corporations. X makes one or two trips per year to the United States, primarily to visit relatives. X has no significant investments in foreign countries. X is not a person within the United States.

§ B322–3 Corporations or partnerships.

Section 322(a)(3) provides that a corporation or partnership organized under the laws of the United States (excluding a branch of such corporation or partnership, if the branch is a separate foreign national under § 302) is a person within the United States.

§ B322–4 Trusts.

Trusts (other than a trust deemed to be a corporation under § 307(b)) deemed to be persons within the United States, under § 322(a)(4), include inter vivos or testamentary trusts established by persons within the United States in which a person or persons within the United States have substantial beneficial interest.

An inter vivos trust governed by the laws of the United States to which any property is or has been contributed by a person who, at the time of making the contribution, is or was a person within the United States would be governed by § 322(a)(4), if: (a) Such contribution is or was made on or after January 1, 1968; or (b) the terms of the trust are such that the income therefrom is currently taxable to such person for U.S. Federal Income Tax purposes; or (c) a majority of the trustees thereof are or were, at any time after January 1, 1968, persons within the United States and OFDI has not been furnished with satisfactory evidence that no person or persons within the United States have a substantial beneficial interest in the trust.

A testamentary trust governed by the laws of the United States and created by a person who, at the time of his death, was a person within the United States, would likewise be governed by § 322(a)(4), if a majority of the trustees thereof are or were, at any time after January 1, 1968, persons within the United States and OFDI has not been furnished satisfactory evidence that no person or persons within the United States have a substantial beneficial interest in the trust.

§ B322–5 Estates.

A decedent's estate is deemed to be a person within the United States under 322(a)(5), if the deceased was a person within the United States at the time of his death, and: (a) A majority of the executors or administrators are persons within the United States, or substantial assets of the estate are being administered under the laws of the United States; and (b) OFDI has not been furnished satisfactory evidence that no person or persons within the United States have a substantial beneficial interest in the estate.

§ B322–6 Domestic banks.

Section 322(a)(6) makes clear that a domestic bank (including a domestic branch or office of a foreign bank), as defined in § 317(a), will be considered a person within the United States.

§ B322–7 Special cases.

Under § 322(b), OFDI may determine, in particular cases based on the facts and circumstances involved, that a person not described in § 322(a), or an activity (such as a branch) of a person not described in § 322(a), is nevertheless a person within the United States for purposes of the regulations.

Example 6. Corporation Y, a foreign corporation, has no managerial office or operations in the country of incorporation. Ninety-five percent of Y's share capital is held by persons within the United States and shares are traded on a national securities exchange in the United States. The principal office of Y is in the United States and all officers and directors are citizens and residents of the United States. Y owns more than 10 percent of the share capital (in proportions ranging from 15 percent to 100 percent) of more than 20 foreign corporations. Under the foregoing facts, Y could be deemed a person within the United States for purposes of the regulations.

B323—International Finance Subsidiaries

Section 323 defines the term "international finance subsidiary" ("IFS") to mean a corporation organized under the laws of the United States, all the stock of which (disregarding directors' qualifying shares) is owned directly or indirectly by a DI, and the principal business of which is to borrow funds from foreign nationals, other than AFNs of the DI, and to invest such funds in debt or equity securities of AFNs of the DI. The section further provides that a DI and its IFS are considered a single person for all purposes of the regulations.

Accordingly, direct investment transactions of, and foreign balances held by, an IFS are attributed to the DI, and transactions between the DI and the IFS are ignored for purposes of the regulations. Similarly, long-term foreign borrowings obtained by the IFS are considered borrowings by the DI, and only one certificate need be filed by the DI under § 1002(a)(6) and (b) concerning each such borrowing. Therefore, if the DI guarantees due and punctual payment of the principal, premium (if any), and interest on debt obligations of the IFS, together with due and punctual mandatory sinking fund payments (if any), the DI should file the "Subpart J" certificate as a borrower, not a guarantor, and any payments made by DI under the guarantee (including delivery of capital stock of DI pursuant to exercise of conversion privileges) will be treated as repayments by a borrower and not by a guarantor.

In light of the foregoing, records maintained pursuant to §§ 203(c) and 601, and reports filed under § 602, by the DI should include all relevant items attributable to the IFS.

B324—Long-Term Foreign Borrowing

§ B324–1 Introduction.

Section 324 defines one of the key concepts of the regulations, "long-term foreign borrowing," by stipulating the conditions under which a borrowing is a "long-term foreign borrowing" and hence an offset against direct investment for the purposes of the Program. Related provisions of the regulations that deal with use of proceeds of such borrowing and repayment thereof are also discussed in this segment of the Bulletin.

§ 324–2 Summary.

Only proceeds of a borrowing that qualify as a long-term foreign borrowing under § 324 may be used as an offset to direct investment under the regulations.

Section 324(a) requires that the lender be a foreign national (Canadians are excluded by § 1106) and that the borrowing have an original maturity of at least 12 months. In addition, § 324(e) establishes four conditions, at least one of which must be satisfied with respect to a foreign borrowing made on or after June 10, 1968, in order for such borrowing to qualify as a long-term foreign borrowing for purposes of the regulations.

If a borrowing qualifies under § 324, the regulations permit the gross amount of funds or other property received from the borrowing to be treated as "proceeds of long-term foreign borrowing" until the underlying borrowing is repaid. For all purposes under the Regulations, proceeds of a long-term foreign borrowing denominated in a foreign currency are valued throughout the life of the loan (including refinancings under § 324(b)(1)) at the dollar equivalent prevailing when the borrowing was made, regardless of subsequent exchange rate fluctuations (note particularly §§ 203(d), 306(e), 312(a)(7), 313(d)(1), and 1001(b)). When first received by a DI from the lender, the proceeds are "available proceeds" and remain such until expended in making transfers of capital to AFNs or allocated to positive direct investment.

It is not necessary that funds expended in direct investment transactions be the actual proceeds of long-term foreign borrowing. If a DI acquires debt or stock of an AFN during a given year with U.S.-source funds, but makes a long-term foreign borrowing in an equal amount prior to the end of such year and maintains the proceeds thereof in the United States, § 306(e) permits the DI to offset positive direct investment by "allocating" available proceeds of a long-term foreign borrowing to such investment.

Deductions under §§ 306(e) and 313(d)(1) may be taken in any scheduled area, and the DI may, if certain conditions are satisfied, change the scheduled area in which such deductions are taken so long as the underlying long-term foreign borrowing remains outstanding (see § 203(d)(2) and (3)). For example, if a DI expended and deducted (under § 313(d)(1)) available proceeds of long-term foreign borrowing in Schedule A, those proceeds could subsequently be allocated to and deducted from positive direct investment in Schedule B (under § 203(d)(2)). Upon such allocation to Schedule B, however, DI must recognize a transfer of capital to Schedule A, where the previous deduction was taken. Section 203(d)(2) also permits further allocations of the proceeds while the borrowing is outstanding, with the same effects. Proceeds originally expended and subsequently allocated to a different scheduled area under § 203(d)(2) may remain expended in an AFN or may be expended in another AFN, but no deduction under § 313(d)(1) may be taken for such expenditure.

Repayment (in whole or in part) of the underlying long-term foreign borrowing from which the direct investment offset was derived is recognized as a transfer of capital (§ 312(a)(7)). When repayment occurs, the charge is made against the allowable in the last scheduled area in which a deduction was taken, whether under § 306(e), § 313(d)(1), § 203(d)(2), or § 203(d)(3). If deductions were last taken in more than one scheduled area, the charge is made on a proportional basis among the scheduled areas.

The regulations require a DI to keep separate books and records with respect to long-term foreign borrowings and the uses to which the proceeds of such borrowings have been put. Such records must distinguish between deductions taken by reason of the borrowing and the actual flow of funds from one investment to another. (See § 203(b).)

§ B324–3 Related sections.

The following sections of the regulations, discussed elsewhere in this Bulletin, are also pertinent to the concept of long-term foreign borrowing:

(i) *Section 1002.* Even though a transfer of capital is charged to a DI's allowable upon repayment of a long-term foreign borrowing if the proceeds of that borrowing had been expended or allocated, positive direct investment resulting from such repayment may be authorized by § 1002 subject to the provisions of § 1003 if the certification requirements of § 1002 have been complied with.

(ii) *Section 203(c).* Permits a DI to hold available proceeds of long-term foreign borrowing in the form of liquid foreign balances without limitation in amount.

(iii) *Section 203(d)(1).* Prohibits a positive net transfer of capital (subject to certain exemptions) to any scheduled area during any year if a DI holds available proceeds of long-term foreign borrowing in the form of foreign property at the end of such year.

§ B324–4 Basic definition of long-term foreign borrowing.

The term "long-term foreign borrowing" is defined in § 324(a) as any borrowing by a DI from a foreign national (other than an AFN) with an original maturity of at least 12 months or that is expressly renewable for a total term of at least 12 months from the original date and is not expected to be repaid, in whole or in part, within that period. In addition, a borrowing by a DI on or after June 10, 1968 must fulfill one of four conditions contained in § 324(e) in order to qualify as a long-term foreign borrowing. Also, borrowings from Canadian nationals are generally excluded from treatment as long-term foreign borrowing. (See § 1106.)

The term "borrowing," as used in § 324(a), refers not only to the typical loan of funds to or sale of debt obligations by a DI, but also to every transaction, however designated, resulting in acquisition of an equity interest in consideration for a fixed sum or sums for which payment is completely or partially deferred. For example, an installment purchase (including a long-term lease or charter that is treated, consistent with accounting principles generally accepted in the United States, as an installment purchase) would qualify as a long-term foreign borrowing under § 324(a).

The following examples are illustrative of transactions constituting long-term foreign borrowing:

Example 1. On June 1, 1968, DI purchased all the voting stock of a French corporation from an unaffiliated foreign national. The purchase price was $1,000,000, $250,000 of which was paid in cash at the closing, the balance being payable (together with interest) in three equal annual installments commencing 1 year from the date of closing. DI has made a transfer of capital of $1,000,000 and a long-term foreign borrowing of $750,000 on June 1, 1968. (Note that if the borrowing had been made on or after June 10, 1968, the borrowing would have had to meet one of the conditions in § 324(e), as well as the requirements of § 324(a).)

Example 2. On June 1, 1969, DI acquires all the voting equity of a French corporation from foreign shareholders, in exchange for 20,000 shares of DI's common stock at the closing, 10,000 shares of such stock 3 years after the closing, and an indeterminate number of shares (based on future earnings of the French corporation) 5 years after the closing. DI did not make a long-term foreign borrowing with respect to the obligation to deliver common stock three years and 5 years hence. (The value of the transfer of capital during 1969 will depend on all the facts and circumstances of the acquisition. The issue of valuation may be submitted to OFDI for interpretation.)

Example 3. On June 1, 1968, DI purchased a parcel of commercial real estate in Belgium from an unaffiliated foreign national. The purchase price was $500,000, $200,000 of which was paid in cash at the closing, the balance being payable (together with interest) in five equal annual installments commencing 1 year from the closing date. The balance of the purchase price was secured by a mortgage on the property. DI has made a transfer of capital of $500,000 and a long-term foreign borrowing of $300,000 on June 1, 1968. (Note that if the borrowing had been made on or after June 10, 1968, the borrowing would have had to meet one of the conditions in § 324(e), as well as the requirements of § 324(a).)

Example 4. On June 1, 1968, DI purchased equipment and machinery from an unaffiliated foreign national and immediately leased the property to an AFN for a 3-year term. The purchase price was $100,000, all of which was payable (together with interest) 1 year from the date of purchase. DI has made a transfer of capital of $100,000 and a long-term foreign borrowing of $100,000 on June 1, 1968. (Note that if the borrowing had been made on or after June 10, 1968, the borrowing would have had to meet one of the conditions in § 324(e), as well as the requirements of § 324(a).)

Example 5. On March 1, 1968, DI entered into a 10-year equipment lease with an unaffiliated foreign national (X) and immediately leased the equipment to an AFN for a term of 5 years. The equipment lease with X was appropriately treated as an installment purchase by DI under accounting principles generally accepted in the United States. Assuming no rental payments are to be made to X under the lease for at least 1 year from the commencement thereof, an appropriate portion of the aggregate rentals should be treated as a long-term foreign borrowing by DI, the remainder being allocated to interest charges. (Note that if the borrowing had been made on or after June 10, 1968, the borrowing would have had to meet one of the conditions in § 324(e), as well as the requirements of § 324(a).)

The term "borrowing" involves only issuance of debt obligations, not equity securities, by a DI. An international finance subsidiary of a DI (see § 323) is considered the same entity as the DI. If such subsidiary issues debentures convertible into stock of the DI, the debentures will be considered debt obligations of the DI; however, if the debentures have detachable warrants entitling the holder to purchase DI's stock, the issue will be considered to be part debt and part equity. (For discussion of the computation of proceeds of long-term foreign borrowing when debentures are issued with warrants attached, see Examples 7 and 17 below.)

Example 6. On March 1, 1968, an international finance subsidiary of a U.S. corporation (A) sold abroad $20,000,000 face amount of debentures at par. The debentures had a 12-year maturity, were convertible into common stock of A after 6 months from date of issue, and required no sinking fund payments. A made a long-term foreign borrowing of $20,000,000. (Note that if the borrowing had been made on or after June 10, 1968, the borrowing would have had to meet one of the conditions in § 324(e), as well as the requirements of § 324(a).)

Example 7. On March 1, 1968, an international finance subsidiary of a U.S. corporation (A) sold abroad $20,000,000 face amount of debentures at par. The debentures have a 12-year term and have no required sinking fund payments. Each $1,000 debenture was sold with a warrant attached for five shares of common stock of A. The warrants are detachable after 6 months, and are exercisable after 12 months from the issue date. A made a long-term foreign borrowing of $20,000,000, less an amount reasonably allocable to the value of the warrants. (Note if the borrowing had been made on or after June 10, 1968, the borrowing would have had to meet one of the conditions in § 324(e), as well as the requirements of § 324(a).)

Example 8. On March 1, 1969, a U.S. corporation (A) sold abroad 500,000 shares of preferred stock for $50 per share. A did not make a long-term foreign borrowing. (But see § B801–3(il)(a).)

The date of a borrowing refers to the date the proceeds are received by the DI. Opening of a line of credit, such as a revolving credit agreement or an overdraft facility, is not itself a borrowing; borrowing under a line of credit occurs on the date of call, in the amount of funds taken down.

Example 9. On July 1, 1969, DI entered into a 5-year agreement with a German bank under which the bank agreed to loan DI up to $10,000,000, with the loan or loans to be evidenced by 12-month notes. As of that date, DI had not made a long-term foreign borrowing. On September 1, 1969, DI made a takedown of $5,000,000, evidenced by ten 12-month notes for $500,000 each. Thus, on September 1, 1969, DI made a long-term foreign borrowing of $5,000,000.

The "original maturity" of a borrowing refers to the date the first principal payment is required (without regard to provisions for acceleration upon default or conversion privileges in convertible debt obligations). For example, if a borrowing of $500,000 on June 1, 1969 from a foreign bank is evidenced by two promissory notes of $250,000 each, payable on January 1, 1970 and June 1, 1970, respectively, no part of the borrowing constitutes a long-term foreign borrowing under § 324(a) because the first principal repayment is required within 12 months of the date of the borrowing.

In certain instances where more than one instrument of indebtedness is involved, a factual question will be presented whether more than one borrowing is involved. If two or more borrowings are involved, the fact that one is repayable within 12 months will not disqualify the others as long-term foreign borrowings.

A borrowing made prior to January 1, 1968, is considered to have had an original maturity of at least 12 months if no principal payments were, in fact, made within 12 months from the date of the borrowing. On the other hand, a borrowing made on or after January 1, 1968, will be treated as having an original maturity of at least 12 months only if there are express provisions for renewal, extension, or continuance of the debt for a total term of at least 12 months (as in Example 9 above) and the DI reasonably expects that no principal payment will be made within 12 months from the date of the borrowing.

Example 10. On July 1, 1967, DI borrowed $1,000,000 from a foreign bank, giving a 6-month note. The note contained no provision for renewal or extension, but was, in fact, renewed for four additional 6-month terms. DI has outstanding a long-term foreign borrowing of $1,000,000 in 1969.

Example 11. On July 1, 1968, DI borrowed $1,000,000 abroad, giving a 6-month note. There was no express provision for renewal, extension or continuance but the note was, in fact, renewed for two additional 6-month terms. The borrowing does not constitute a long-term foreign borrowing.

For purposes of determining whether a borrowing is from a foreign national, the lender will be considered to be the person extending the credit. With respect to issuance of debt obligations, only the first public purchasers are considered lenders. Accordingly, sales of debt obligations to underwriters or dealers, U.S. or foreign, in a public offering are irrelevant in determining whether the debt obligations are sold to foreign nationals. Similarly, if a foreign national does not act for its own account, but as agent or fiduciary for the account of another person, the nationality and residence of the person actually extending credit will determine whether the borrowing is from a foreign national.

Example 12. DI desires to borrow $1,000,000 from a Swiss bank. The bank states that it would not itself lend the funds, but that it can place the loan with a U.S. resident and national who has an account at the Swiss bank. The loan, if consummated, would not constitute a long-term foreign borrowing.

§ B324–5 Additional requirements under § 324(e).

In addition to the requirements of § 324(a), a borrowing made on or after June 10, 1968 must meet one of the following tests under § 324(e) in order to qualify as a long-term foreign borrowing:

The borrowing must be from a foreign bank; or

The borrowing must be from or be guaranteed by a foreign country or any agency thereof; or

The borrowing must have an original maturity of at least 3 years, and (as of the date of the borrowing) acquisition of the debt obligation must be subject to the U.S. Interest Equalization Tax; or

The lender agrees in writing that, for a period of 3 years from the date of the borrowing or until final maturity, whichever first occurs, it will not sell or otherwise transfer the debt obligation resulting from the borrowing (a) to a resident or national of the United States (other than a foreign bank as defined in § 317) or to a Canadian person (as defined in § 1101), or (b) to any person who the lender has reason to believe will sell or otherwise transfer the debt obligation to a U.S. resident or national or to a Canadian person.

In connection with the first alternative, note that a foreign branch of a U.S. bank is considered a foreign bank under § 317. However, in order for a borrowing to qualify under this category, it is not enough that the borrowing be made through an entity organized or operating as a "bank" under the laws of a foreign country. In addition to meeting that institutional test, the borrowing must meet a functional test. For instance, if a foreign bank acts as agent for a foreign principal and not as a commercial bank, and is not itself the obligee on the DI's debt obligation with respect to a borrowing, the borrowing cannot qualify as a long-term foreign borrowing under § 324(e)(1). (See Example 12 above.) Similarly, if a foreign bank acts as underwriter for a DI with respect to sale of debt obligations, the borrowing will not be from a foreign bank and must qualify as a long-term foreign borrowing under one of the other categories of paragraph (e).

Example 13. DI desires to place with Europeans $5,000,000 principal amount of long-term notes convertible into common stock. DI contracts with a French subsidiary of a U.S. investment bank, the subsidiary being organized as a French bank, to underwrite the placement with European nationals. The $5,000,000 borrowing is not from a foreign bank and, therefore, must qualify under a category other than § 324(a)(1) if it is to be a long-term foreign borrowing as that term is used in the regulations.

In connection with § 324(e)(2), an industrial or commercial enterprise of a foreign government operating essentially in the private business sector shall not be considered as part of the government of that country or as an agency thereof.

Section 324(e)(3) is intended to permit debentures of a DI's international finance subsidiary that are sold to foreign nationals to qualify as long-term foreign borrowings. Typically, such debentures are guaranteed as to payment of principal and interest by the parent DI, and may or may not be convertible into common stock of the parent. In order to satisfy the requirements of § 324(e)(3), the debentures must be subject to the U.S. Interest Equalization Tax (I.E.T.), if purchased by residents or nationals of the United States.

The requirement concerning applicability of the I.E.T. does not mean that the tax actually must be imposed on a

particular U.S. resident or national. The requirement is satisfied if the nature of the debt obligation is such that under normal circumstances the tax would be imposed upon acquisition by any U.S. resident or national. Accordingly, debt obligations issued by a less-developed country corporation (exempt from the I.E.T. under I.R.C. § 4916) will not satisfy the conditions of § 324(e). On the other hand, a debt obligation the acquisition of which is exempt from the tax under I.R.C. § 4918, because previously held by a U.S. person, is not disqualified under § 324(e).

The term "original maturity of at least 3 years," as used in § 324(e)(3), is analogous to the term "original maturity of at least 12 months" in § 324(a). (See Examples 10 and 11 above.) Thus, a requirement that there be a principal repayment within three years will make § 324(e)(3) inapplicable to the entire borrowing. Since a public issue of debentures is considered to be a single borrowing, the original maturity of a public issue refers to the date the first principal payment is required to be made with respect to any of the debentures issued. Therefore, if mandatory redemption of any debenture falls within three years of the issue date, the entire borrowing will fail to qualify as a long-term foreign borrowing. It is possible, however, for a DI to request specific authorization, pursuant to § 801, with respect to transactions that are subject to this rule. Such authorization will ordinarily be granted only upon the DI's undertaking that redemptions during the initial three-year period be offset by other foreign borrowing that meets the requirements of § 324 (a) and (e).

Example 14. DI proposes to make a borrowing of $25,000,000 through a debenture offering of its international finance subsidiary to persons other than United States or Canadian persons. The debentures will be guaranteed as to payment of principal and interest by the DI and will have a 12-year term. DI has received a ruling from the Internal Revenue Service that acquisition of the debentures by the U.S. residents or nationals will be subject to the Interest Equalization Tax. The underwriting agreement provides, however, that 12 months and 10 days after issue, a New York trustee must redeem a portion of the debentures in face amount of $2,000,000 utilizing mandatory sinking fund payments by DI for such purpose. The entire $25,000,000 fails to qualify as a long-term foreign borrowing, because the original maturity of the borrowing is less than 3 years.

An agreement such as described in § 324(e)(4) is not the typical agreement entered into between underwriters and a DI with respect to issuance of debentures to foreign nationals. Ordinarily, underwriters will agree not to offer or sell the debentures to persons who are nationals or residents of the United States or residents of Canada. Section 324(e)(4), by contrast, contemplates a more restrictive agreement, in which the obligee agrees not to sell or otherwise transfer the debt obligation to any United States or Canadian person or to any person whom the obligee has reason to believe will so sell or otherwise transfer the debt obligation.

§ B324–6 Proceeds of long-term foreign borrowing.

The term "proceeds of long-term foreign borrowing" is defined in § 324(c) to mean the gross amount or value received from a long-term foreign borrowing (before deducting discounts, commissions or fees) less repayment of principal of such borrowing. A borrowing must be reported to OFDI on the DI's first required periodic report following the borrowing (whether quarterly or annual) in order for funds received from the borrowing to qualify as proceeds of long-term foreign borrowing.[2] Therefore, if a DI contemplates using funds received from a borrowing as an offset to direct investment under §306(e) or § 313(d)(1) at any time in the current or succeeding years, the borrowing should be reported on Form FDI–102 or FDI–102F, whichever is first required thereafter. If a borrowing is not reported, the DI will not have available proceeds from such borrowing at the end of 1969 and will not be subject to the restriction on positive net transfer of capital under § 203(d)(1). (Note, however, that funds received from an unreported borrowing will, if held as liquid foreign balances, be subject to the repatriation requirements of § 203(c).)

Example 15. On March 1, 1969, DI's international finance subsidiary sells a public offering in Europe of 12-year, $20,000,000 face amount convertible debentures in a form that qualifies as a long-term foreign borrowing. The debentures are sold at an aggregate discount of $500,000 and DI pays $500,000 in underwriting fees. DI thus receives $19,000,000 net as a result of the borrowing. However, for purposes of § 324(c), the proceeds of the borrowing are nevertheless $20,000,000. DI reports this borrowing on Form FDI–102 for the second quarter of 1969. Accordingly, DI has $20,000,000 in available proceeds, including the $1,000,000 representing discount and fees. DI may allocate a full $20,000,000 to positive direct investment under § 306(e) even though only the $19,000,000 received is repatriated before the end of the year. DI may alternatively transfer $1,000,000 abroad and hold in liquid foreign balances a full $20,000,000 without regard to the limitations of § 203(c). Thereafter, if it expends such proceeds in making transfers of capital, the full $20,000,000 will be deductible under § 313(d)(1).

Example 16. DI purchases equipment from an unaffiliated foreign national and contributes it to the capital of an AFN. The purchase price for the equipment is $500,000, $100,000 of which is paid at the time of the purchase, the remainder being due (together with interest thereon) 1 year later, the extension of credit qualifying as a long-term foreign borrowing. In connection with the purchase, DI incurs expenses of $5,000. The proceeds of the borrowing are $400,000.

Example 17. DI's international finance subsidiary issues debentures in aggregate principal amount of $10,000,000, in a form that qualifies as a long-term foreign borrowing. Attached to each debenture is a warrant entitling the holder to purchase N number of shares of DI's common stock at P price. DI obtains the opinion of its independent financial counsel that the value attributable to the warrants (based on coupon rate of the debentures and the interest-cost saving to the issuer over the life of the issue represented thereby in relation to prevailing market rates for nonconvertible debt issues, or on some other basis acceptable to OFDI) is $1,000,000. DI has made a long-term foreign borrowing, the proceeds of which are $9,000,000. The $1,000,000 attributable to the warrants is not proceeds of long-term foreign borrowing.

§ B324–7 Available proceeds.

"Available proceeds" are defined in § 324(d) as proceeds of long-term foreign borrowing that have not been expended in a transfer of capital for which a deduction was made under § 313(d)(1), or allocated to positive direct investment and deducted therefrom under § 306(e), and are, therefore, still available for use as an offset to direct investment.

Available proceeds are computed somewhat differently for 1969 and subsequent years from the manner in which direct investment liquid foreign balances were computed for 1968. During 1968, § 324(c) of the regulations contained a provision whereby the return of proceeds of long-term foreign borrowing to the DI by an AFN, by reason of repayment or other liquidation of debt or equity interests in such AFN acquired with such proceeds, was treated as an increase in available proceeds of long-term foreign borrowing, and not as a transfer of capital under § 312(b). Transfers of capital or allocation using such "returned proceeds" could again result in a deduction from positive net transfer of capital. For example, a DI made a long-term foreign borrowing in 1965 and made a transfer of capital with the proceeds of such borrowing, in the form of a loan to an AFN. The AFN subsequently repaid the DI prior to December 31, 1968. The repayment would not result in a transfer of capital from the AFN to the DI under § 312(b), but would increase the amount of proceeds of long-term foreign borrowing in the DI's possession. If the DI subsequently expended such proceeds in a transfer of capital to another AFN, a deduction from net transfer of capital could again be taken under § 313(d)(1).

The rule stated above has been changed, effective January 1, 1969. Deductions under § 313(d)(1) may now be made only for expenditure of "available proceeds" and once expended such proceeds cease to be "available proceeds". Commencing in 1969, repayment of the loan by the AFN during 1969 would result in a negative transfer of capital to DI, but the proceeds will not be "available proceeds" and no further deductions under § 313(d)(1) may be taken. However, § 203(d)(2) has been added to the regulations, the provisions of which permit a DI to change the scheduled area in which positive direct investment is offset by proceeds. This alteration may be made whether or not proceeds previously

[2] An apparent anomaly is created by the fact that the term "proceeds of long-term foreign borrowing," as defined in § 324(c), requires that the borrowing be reported to OFDI before the funds received can be regarded as "proceeds" for purposes of the Regulations. However, in the interim between a borrowing and the time such borrowing must be reported under § 324, a DI may treat the funds received as proceeds; provided the requirements are thereafter satisfied.

expended are returned to the DI by the AFN. Any such transfer by the AFN to the DI will be treated like any other negative transfer of capital (with no effect whatever on the amount of outstanding proceeds or the manner in which they may be utilized as an offset to positive direct investment). Allocation of previously expended proceeds to a different scheduled area is accomplished by entering the allocation on the DI's records maintained pursuant to §§ 203 (b) and 601 and reporting such allocation on Form FDI–102F filed for the year in which the resulting deduction is made. As a consequence of the change, DI must recognize a positive transfer of capital to the scheduled area in which the § 313(d)(1) deduction was previously taken (since the amount of positive direct investment offset by proceeds may not exceed the total amount of proceeds). If the AFN actually returns the proceeds which the DI originally expended, the negative transfer of capital will offset the positive transfer which must be recognized as a consequence of the allocation, but the DI will be prohibited, as of the end of the year in which such allocation is made, and thereafter, from holding such proceeds in the form of foreign balances or any other foreign property (other than as investments in AFNs, for which no deduction may be taken).

Section 203(d)(3) is a companion provision to § 203(d)(2). Section 203(d)(3) permits reallocation of proceeds previously allocated to positive direct investment under § 306(e) (or to net transfer of capital during 1968 under § 313(d)(1) as in effect during 1968) with consequences similar to allocation of previously expended proceeds. For a more detailed discussion of reallocation under § 203(d)(3), see § B324–10.

A DI should compute available proceeds in two steps: First, under the rules in effect during 1968 with respect to transactions during 1965–68; and second, under the rules in effect during 1969 with respect to 1969 transactions. A DI's available proceeds as of December 31, 1968 were proceeds of an outstanding long-term foreign borrowing that had not been allocated at the end of 1968 or expended in making transfers of capital to AFNs during 1965–68, or, if so expended, had been returned to the DI as of December 31, 1968. A DI's available proceeds at any time during 1969 or thereafter are those proceeds of an outstanding long-term foreign borrowing that were available as of December 31, 1968, and have not been expended or allocated since that date, plus proceeds of long-term foreign borrowing made subsequent to that date that have not been expended or allocated. (See § B324–11 regarding reductions in proceeds and available proceeds resulting from repayment of long-term foreign borrowing.)

Example 18. During 1966, DI made a long-term foreign borrowing of $15,000,000, and used the entire amount that same year to acquire a debt obligation of a Schedule B AFN (B). During 1967, B repaid $5,000,000 principal amount of the $15,000,000 debt obligation, and during 1968, B repaid another $5,000,000 principal amount of such debt obligation. At the end of 1968, DI allocated $2,000,000 of the $10,000,000 returned (considered to be "available proceeds" under the 1968 regulations) to a positive net transfer of capital to Schedule C. At the end of 1968, DI had proceeds of long-term foreign borrowing of $15,000,000; $8,000,000 were available proceeds, $5,000,000 were expended in B, and $2,000,000 were allocated to Schedule C.

In March 1969, B repaid the final $5,000,000 principal amount of its debt obligation to DI. This repayment is recognized as a § 312 (b) negative transfer of capital from B to DI and does not change the amount of available proceeds. After the March transaction, DI held $8,000,000 of available proceeds, $5,000,000 of returned proceeds and $2,000,000 of allocated proceeds. In June 1969, DI expended the cash received from B in March 1969 to acquire stock of a new Schedule A AFN. This constituted a transfer of capital under § 312(a). DI received no deduction with respect to this transfer of capital, since the funds expended were not available proceeds. At the end of 1969, DI allocates $4,000,000 of the available proceeds to positive direct investment in Schedule C. At the end of 1969, DI still has $15,000,000 of proceeds of long-term foreign borrowing, $4,000,000 of which are available proceeds, $5,000,000 of which are considered to be expended in B, and $6,000,000 are allocated to C.

§ B324–8 Expenditure of available proceeds and deduction from net transfer of capital.

If a DI expends available proceeds of long-term foreign borrowing in a transfer of capital to an AFN (other than a Canadian AFN), the amount of such proceeds so expended is deducted from net transfer of capital to the appropriate scheduled area (§ 313(d)(1)). The deduction is mandatory when available proceeds are so expended.

Example 19. In March 1969, a U.S. corporation acquires all the stock of an Argentinian company from an unaffiliated foreign national (X). The purchase price is $4,000,000, $1,000,000 of which is payable in cash at the closing. The balance is to be paid in three equal annual installments of $1,000,000 (together with accrued interest) commencing 1 year from the date of closing. Each future installment is represented by a promissory note of DI payable to X. The borrowing qualifies as a long-term foreign borrowing under § 324 (a) and (e)(4). Assuming no other transactions, DI's net transfer of capital to Schedule A (and worldwide) during 1969 will be $1,000,000 (i.e., a $4,000,000 transfer of capital under § 312(a)(1) resulting from the stock acquisition, from which is deducted the $3,000,000 available proceeds of long-term foreign borrowing expended in making that transfer of capital pursuant to § 313(d)(1)).

Example 20. DI has a Schedule C AFN (C). On June 1, 1969, DI purchases machinery from an unaffiliated foreign national (X). The purchase price is $1,000,000, all of which is to be paid on May 31, 1970. DI gives X its promissory note for $1,000,000 payable on May 31, 1970, and X makes an agreement with DI as described in § 324(e)(4), so that the borrowing qualifies as a long-term foreign borrowing. DI then transfers the machinery to C. Assuming no other transactions, DI's net transfer of capital to Schedule C during 1969 will be zero, because DI receives a deduction under § 313(d)(1) with respect to the available proceeds of long-term foreign borrowing expended in the transfer of capital to C.

Example 21. On March 1, 1969, DI purchases from an unaffiliated foreign national (X) all outstanding stock of an Australian corporation for $3,000,000, of which $1,000,000 is paid in cash at closing, the balance being payable in 1972. The $1,000,000 cash paid at closing was borrowed by DI from a foreign bank against a 3-year term note, so the proceeds qualified as a long-term foreign borrowing under § 324 (a) and (e)(1). X has made an agreement as described in § 324(e)(4), so the extension of credit qualifies as a long-term foreign borrowing. Assuming no other transactions during 1969, DI's net transfer of capital to Schedule B will be zero. DI's $3,000,000 transfer of capital (the acquisition of the Australian corporation) is reduced, pursuant to § 313(d)(1), by the $1,000,000 borrowed from the foreign bank and the $2,000,000 credit extended by X.

Example 22. On April 1, 1969, DI purchases from unaffiliated foreign nationals all outstanding stock of a closely held German corporation. In exchange therefor, DI delivers to the sellers $5,000,000 principal amount of 1-year debentures convertible into common stock of DI, that qualify as a long-term foreign borrowing under § 324(a). The foreign nationals make an agreement described in § 324(e)(4). DI has made a $5,000,000 transfer of capital to the German corporation on April 1, 1969, and receives a deduction under § 313(d)(1) in an equal amount. Assuming no other transactions during the year, DI's net transfer of capital to Schedule C during 1969 will be zero.

Example 23. DI borrows $5,000,000 in December 1968, that qualified as a long-term foreign borrowing under § 324 (a) and (e)(1). In January 1969, DI loaned the $5,000,000 to a Schedule A AFN (A) on A's 6-month note. Accordingly, DI made a $5,000,000 transfer of capital and received a deduction under § 313 (d)(1), so that its net transfer of capital to Schedule A at the end of the first quarter was zero. In July 1969, A repaid the $5,000,000, as a result of which there was a § 312(b) transfer of capital from A to DI. In August 1969, DI loaned the $5,000,000 to a Schedule B AFN (B), resulting in a § 312(a) transfer of capital to Schedule B. Assuming no other relevant transactions during the year, DI has made positive direct investment of $5,000,000 to Schedule B. Under § 203(d)(2), DI may allocate the proceeds to such positive direct investment in Schedule B, if DI complies with the reporting requirements of § 203(d)(2)(i) and (ii). If such allocation is made, DI must recognize a transfer of capital to Schedule A of $5,000,000 (thereby effectively cancelling the July § 312(b) transfer from A to DI). Note that a § 313(d)(1) deduction cannot be taken with respect to the 1969 loan to B, but the § 203(a)(2) reallocation has the same effect as a § 313(d)(1) deduction.

Example 24. In November 1968, DI's international finance subsidiary made a public issue of convertible debentures in principal amount of $25,000,000, which qualified as a long-term foreign borrowing under § 324 (a) and (e)(3). In February 1969, DI purchased machinery with $5,000,000 of available proceeds derived from the public issue and installed the machinery in its Australian branch (B). Assuming that the transfer of machinery to B results in a net increase of $5,000,000 in B's assets and there are no other relevant transactions during 1969, DI's net transfer of capital to Schedule B during 1969 is zero, because the $5,000,000 transfer of capital is offset by a deduction in an equal amount of available proceeds of long-term foreign borrowing expended in such transfer of capital, pursuant to § 313(d)(1).

Example 25. In December 1968, DI's international finance subsidiary made a public issue of convertible debentures in principal

amount of $20,000,000 which qualified as a long-term foreign borrowing under § 324 (a) and (e)(3). In February 1969, DI expended $10,000,000 of available proceeds of such borrowing to acquire the assets of a German corporation, which DI organized as a direct branch. Upon acquisition, net assets of the branch (disregarding DI's equity interest) were $10,000,000. During the remainder of 1969, DI made no further debt or equity investment in the branch. However, after acquisition by DI, the branch incurred a loss in 1969 of $500,000, so that its net assets at the end of 1969 were $9,500,000. DI has no other Schedule C AFNs. Although DI's net transfer of capital to the German branch during 1969 would normally be $9,500,000 (by operation of § 313(b)), the $10,000,000 expended in acquisition of the branch is offset by a $10,000,000 deduction under § 313(d)(1), because the acquisition was made with available proceeds. Therefore, after taking into account the loss of $500,000, DI will have a negative net transfer of capital to Schedule C during 1969 of $500,000.

Example 26. In January 1969, DI borrowed $5,000,000 from a foreign bank, which qualified as a long-term foreign borrowing under § 324 (a) and (e)(1). During the same month, DI loaned the $5,000,000 to a Canadian AFN. The proceeds so expended are still available proceeds. (See § 324(d).) No deduction with respect to their expenditure was received under § 313(d)(1) because § 1103 excludes Canada from Schedule B for purposes of § 313 (a) and (b).

§ B324–9 Allocation of available proceeds.

A DI may reduce positive direct investment during a year by "allocating" available proceeds of long-term foreign borrowing (made during the same or a prior year) to such positive direct investment. Allocation is accomplished when (a) an entry is made on the books and records maintained by DI pursuant to § 203(b); (b) the allocation and deduction are reported on Form FDI–102F for the year in which made; and (c) the allocated proceeds, as of the end of the year in which allocation is made, are repatriated to the United States and are not held in any form of foreign property.

Whereas deductions under § 313(d)(1) are confined to transfers of capital (for purposes of calculating the amount of net transfer of capital), allocations and deductions under § 306(e) may be applied to direct investment (comprised of both net transfer of capital and reinvested earnings).

Example 27. DI has five wholly owned incorporated AFNs in Schedule B. During 1969, DI is authorized to make positive direct investment of $1,000,000 in Schedule B. In 1969, the Schedule B AFNs have earnings of $1,400,000 and pay no dividends, DI's net transfer of capital to Schedule B is zero, and positive direct investment is, therefore, $1,400,000. In November 1969, DI makes a borrowing from a foreign bank of $900,000 which qualifies as a long-term foreign borrowing under § 324 (a) and (e)(1) and deposits the $900,000 in a demand deposit in a London bank. To reduce Schedule B positive direct investment to the authorized $1,000,000 for 1969:

(a) DI repatriates $400,000 to the United States by December 31, 1969 as required by § 306(e)(1)(iii), and invests the $400,000 in bonds of a U.S. corporation.

(b) Thereafter DI enters an allocation on its books and records, as required by § 306(e)(1)(i), and deducts $400,000 from positive direct investment on its FDI–102F for 1969, as required by § 306(e)(1)(ii).

Accordingly, DI has made positive direct investment of $1,000,000 in Schedule B for 1969. As to 1970 and subsequent years DI holds $500,000 in available proceeds ($900,000 less $400,000 allocated).

During 1970, DI lends its AFNs in Schedule B $900,000, composed of the $500,000 of available proceeds deposited in the London bank and $400,000 of allocated proceeds, liquidating its holding of U.S. corporate bonds. DI receives a deduction under § 313(d)(1) of $500,000 for the transfer of capital made with the available proceeds, but does not receive a deduction for the transfer of capital made with the $400,000 of previously allocated proceeds.

Example 28. DI has three Schedule C AFNs, X, Y, and Z, and a $200,000 Schedule C allowable. In November 1968, DI had secured a commitment for a line of credit from a foreign bank of up to $5,000,000 for a period of 5 years. During 1969, the following transactions take place:

(a) X has $175,000 in earnings and pays no dividends. X repays $100,000 of a loan from DI and thereby satisfies a debt obligation of X held by DI.

(b) Y has $25,000 of earnings and pays no dividends. DI performs services on behalf of Y worth $400,000, for which DI is not paid at the end of 1969.

(c) Z has $50,000 of earnings and pays no dividends. DI leases machinery having a value of $500,000 to Z for a period of 10 years.

DI thus has Schedule C reinvested earnings of $250,000 and a positive net transfer of capital of $800,000, resulting in positive direct investment of $1,050,000, only $200,000 of which is authorized. During December 1969, DI takes down $850,000 under its line of credit, repatriates the funds to the United States, and utilizes the funds to make a payment to a U.S. lender on a real estate loan. Thereafter, pursuant to § 306(e)(1), DI records an allocation of $850,000 in its § 203(b) books and reports the allocation on its Form FDI–102F for 1969. DI's positive direct investment in Schedule C after the deduction is $200,000.

Example 29. DI has one Schedule C AFN, a direct branch of the DI, and zero Schedule C allowable. During 1969, DI transfers used machinery of a value of $250,000 to its Schedule C branch, and the branch has $100,000 of earnings, all of which is retained, thereby increasing branch net assets by $350,000. In December of 1969, DI makes a long-term foreign borrowing from a foreign bank of $350,000, repatriates the proceeds thereof to the United States and deposits them in a New York bank. Thereafter, DI makes an entry in its § 203(b) books and reports an allocation in its Form FDI–102F for 1969. DI's positive direct investment in Schedule C is zero.

Example 30. In 1968, DI made a long-term foreign borrowing of $10,000,000 and expended or allocated $8,000,000 of the proceeds thereof to transfers of capital in Schedules A and C. In December 1968, DI also loaned $2,000,000 of such proceeds on 6-month terms to a Canadian AFN. In June 1969, the 6-month notes were renewed for another 6 months. During 1969, DI has positive direct investment of $3,000,000 in Schedule B and a $1,000,000 allowable in Schedule B. In December 1969, DI causes its Canadian AFN to repay the loan to the DI, places the funds on deposit in a New York bank, makes an entry in its § 203(b) books and reports an allocation and deduction of $2,000,000 in its Form FDI–102F for 1969. DI's positive direct investment in Schedule B is $1,000,000.

§ B324–10 Allocation of expended proceeds and reallocation of previously allocated proceeds.

Section 203(d)(2) permits a direct investor expending proceeds of long-term foreign borrowing, and making a corresponding § 313(d)(1) deduction during 1968 or in subsequent years, to make unlimited successive deductions, in the same or successive years, from positive direct investment in other scheduled areas.

Under § 203(d)(3), a direct investor allocating proceeds of long-term foreign borrowing to positive net transfer of capital during 1968 or to positive direct investment in succeeding years may thereafter reallocate such proceeds to positive direct investment in other scheduled areas.

Whenever a deduction against positive direct investment is made under § 203(d)(2) or (3), a transfer of capital in an amount equal to the deduction must be recognized in the scheduled area in which the last prior deduction was made.

Allocation of expended proceeds under § 203(d)(2) is accomplished in a manner similar to allocation of available proceeds under § 306(e). Both sections require the DI to make appropriate entries in the books and records maintained pursuant to § 203(b), and the allocation must be reported on the DI's next annual report (Form FDI–102F). Allocations under § 203(d)(2) are subject to the repatriation requirements of that section.

Reallocation under § 203(d)(2) and (3) of proceeds previously deducted under § 313(d)(1), § 203(d), or § 306(e) requires appropriate bookkeeping entries. The DI must reflect the reallocation on books and records required to be kept by § 203(b) and the corresponding deduction together with the transfer of capital to the appropriate scheduled area on the next annual report (Form FDI–102F). Reallocations made pursuant to § 203(d)(3) are subject to the proscriptions of § 306(e) with respect to the form in which the underlying proceeds may be held.

No allocation or reallocation under § 203(d)(2) or (3) may take place with respect to any part of a long-term foreign borrowing that has been repaid, since "proceeds" are extinguished by repayment.

Example 31. During 1968, DI made a long-term foreign borrowing of $5,000,000, and allocated the proceeds to positive net transfer of capital to Schedule A (under § 313(d)(1) of the 1968 regulations). At the end of 1969, DI has positive direct investment of $6,000,000 in Schedule C. OFDI will interpret § 203(d)(3) as permitting DI to reallocate the $5,000,000 previously allocated to Schedule A during 1968 to the Schedule C positive direct investment, thereby reducing it to $1,000,000, by recording the reallocation in the books and records required in § 203(b), by reporting the reallocation and deduction in the annual report (Form FDI–102F) for 1969, and by holding the $5,000,000 of allocated proceeds, as of the end of 1969, in a form permitted by § 306(e)(2). Upon such reallocation, DI must recognize a transfer of capital to Schedule A of $5,000,000.

Example 32. During 1968, DI made a long-term foreign borrowing of $2,000,000 and used the proceeds to extend a one-year loan to a Schedule B AFN (B). During 1969, B repays the loan, constituting a § 312(b) transfer of capital to DI, and DI invests the $2,000,000 in bonds of a U.S. corporation. During 1969, DI allocates (pursuant to § 203(d)(2)) the $2,000,000 to positive direct investment in Schedule C by making an entry in the books and records required by § 203(b), and by reporting the allocation and deduction on the annual report (Form FDI–102F) for 1969. DI must, as of yearend, continue to hold the $2,000,000 in the U.S. corporate bonds (or in some other form of U.S. property), unless the $2,000,000 is expended in making a further transfer of capital to an AFN. As a result of the allocation, positive direct investment in Schedule C is reduced by $2,000,000, but DI must recognize a § 312(a) transfer of capital of $2,000,000 to Schedule B.

Example 33. DI makes a long-term foreign borrowing of $3,000,000 in March 1969 and loans the proceeds to a Schedule B AFN (B), recognizing a § 312(a) transfer of capital to B and making a deduction from net transfer of capital to that scheduled area under § 313(d)(1). In October 1969, B repays the loan and DI then loans the $3,000,000 to a Schedule A AFN, resulting in a § 312(b) transfer of capital from B and a § 312(a) transfer of capital to A. On the annual report (Form FDI–102F), however, DI makes a § 203(d)(2) allocation of the $3,000,000 to positive direct investment in Schedule C, resulting in a deduction of $3,000,000 from positive direct investment in Schedule C and a § 312(a) transfer of capital in the same amount to Schedule B. DI is permitted to leave the $3,000,000 proceeds actually invested in Schedule A, notwithstanding the allocation to Schedule C.

Example 34. During 1967, DI made a long-term foreign borrowing of $5,000,000 and, in turn, lent the funds received to a Schedule A AFN for a 3-year term, repayment to be made in full at maturity. During 1969, DI desires to allocate such proceeds to positive direct investment in Schedule C. This is not permissible. The proceeds of the borrowing do not qualify for allocation under § 203(d)(2) since they were expended as of December 31, 1968.

§ B324–11 Repayment of long-term foreign borrowing.

Repayment of long-term foreign borrowing reduces the amount of proceeds held by the DI, to the extent of the repayment. In addition, a transfer of capital must be recognized by the DI (under § 312(a)(7)) upon repayment of the long-term foreign borrowing to the extent that the proceeds were expended in making transfers of capital to AFNs or were allocated to positive direct investment. The charge to allowables is made in the scheduled area in which the deduction from net transfer of capital or positive direct investment had been taken. If, as a result of allocation or reallocation, deductions were taken in successive scheduled areas, the charge to allowable occurs in the last scheduled area in which a deduction was taken. However, if the total deductions with respect to the amount of the borrowing repaid were last taken in two or more scheduled areas, the transfer of capital resulting from repayment will be charged proportionally based on the last deductions taken in each scheduled area.

Example 35. In 1968, DI made a long-term foreign borrowing of $1,000,000, and loaned the proceeds to a Schedule C AFN, receiving a deduction with respect to such transfer of capital under § 313(d)(1). During 1969, DI repays the long-term foreign borrowing. DI must recognize a $1,000,000 transfer of capital to Schedule C under § 312(a)(7).

Example 37. In 1968, DI made a long-term foreign borrowing of $1,000,000, and allocated the proceeds to a positive net transfer of capital in Schedule A, thereby receiving a deduction from Schedule A net transfer of capital under § 313(d)(1). In 1969, DI reallocated, under § 203(d)(3), the proceeds to positive direct investment in Schedule C, recognizing a transfer of capital to Schedule A and a deduction from positive direct investment in Schedule C, each in the amount of $1,000,000. If, in 1970, DI repays the long-term foreign borrowing, DI must recognize a transfer of capital under § 312(a)(7) to Schedule C, since the last deduction with respect to the proceeds was received in that scheduled area.

Example 38. In 1968, DI made a long-term foreign borrowing of $1,000,000. DI expended $600,000 of the proceeds in a transfer of capital to Schedule B, receiving a deduction under § 313(d)(1) from net transfer of capital in Schedule B, and allocated the remaining $400,000 to a positive net transfer of capital to Schedule C, receiving a similar deduction in Schedule C. During 1969, DI repays the long-term foreign borrowing and DI recognizes a $600,000 transfer of capital to Schedule B and a $400,000 transfer of capital to Schedule C, under § 312(a)(7).

Example 39. In 1968, DI made a long-term foreign borrowing of $1,000,000. DI expended $500,000 of the proceeds in a transfer of capital to Schedule A, allocated $200,000 to a positive net transfer of capital in Schedule B, and allocated the remaining $300,000 to a positive net transfer of capital in Schedule C. Appropriate deductions were also taken from net transfer of capital in each scheduled area, under § 313(d)(1). During 1969, DI allocated to Schedule C, under § 203(d)(2), $250,000 of the proceeds previously expended in Schedule A, thereby recognizing a transfer of capital to Schedule A and receiving a deduction from positive direct investment in Schedule C in the same amount. If, in 1970, DI repays the long-term foreign borrowing, DI must recognize transfers of capital, under § 312(a)(7), in the amount of $250,000 to Schedule A, $200,000 to Schedule B, and $550,000 to Schedule C.

Example 40. In February 1969, DI makes a long-term foreign borrowing of $1,000,000 and loans the proceeds to a Schedule C AFN (C), receiving a deduction with respect to the transfer of capital under § 313(d)(1). In March 1970, C repays the loan, resulting in a $1,000,000 transfer of capital under § 312(b). In June 1970, DI repays the long-term foreign borrowing. The repayment is recognized as a transfer of capital to Schedule C of $1,000,000 under § 312(a)(7), since the last deduction with respect to the proceeds was received in that scheduled area. Note that the § 312(b) transfer of capital in March 1970 will offset the June 1970 § 312(a)(7) transfer of capital for purposes of calculating the net transfer of capital to Schedule C during 1970.

Repayment of a long-term foreign borrowing does not result in a transfer of capital if the proceeds of such borrowing are available proceeds at the time of repayment. Generally, available proceeds are those proceeds that have not been expended or allocated and with respect to which a deduction under § 313(d)(1) or § 306(e) has not been received. Proceeds expended or allocated during the years 1965 through 1968 will be considered available proceeds if returned to the DI prior to December 31, 1968, and not thereafter expended or allocated.

Example 41. DI makes a $1,000,000 long-term foreign borrowing during 1969 and loans the proceeds to a domestic subsidiary for working capital purposes. Such proceeds are not allocated to positive direct investment at the end of 1969. If such proceeds are not expended in 1970, repayment of the long-term foreign borrowing in 1970 will not be a transfer of capital under § 312(a)(7).

Example 42. During 1968, DI made a $1,000,000 long-term foreign borrowing and loaned the proceeds, during May 1968, to a Schedule B AFN (B) on a 6-month note, receiving a deduction with respect to the transfer of capital under § 313(d)(1). In November 1968, B repaid the DI. Under the regulations in effect during 1968, the repayment did not constitute a § 312(b) transfer of capital from B to DI, but did constitute an increase in available proceeds of $1,000,000. In 1969, without having again expended the $1,000,000 in a transfer of capital or allocated such proceeds, DI repays the long-term foreign borrowing. DI has not made a transfer of capital under § 312(a)(7). If B's note had been for 9 months and repayment occurred in February 1969, DI would recognize a § 312(b) transfer of capital from B in 1969, the repayment would not have constituted an increase in available proceeds, and repayment of the long-term foreign borrowing in 1969 would be recognized as a $1,000,000 transfer of capital to Schedule B under § 312(a)(7).

Delivery of a DI's equity securities to holders of debt instruments issued by the DI (or its international finance subsidiary) in connection with a long-term foreign borrowing, pursuant to the exercise of conversion or similar rights, is deemed a repayment of the borrowing in the principal amount of indebtedness surrendered. The conversion will result in repayment of the borrowing (and reduction of proceeds) in the year the delivery of stock occurs. However, transfers of capital under § 312(a)(7) resulting from such repayment by conversion are not recognized (and therefore are not a charge against Subpart E allowables) until the year following the conversion. Thus, for example, if a DI's international finance subsidiary issues $20 million face amount of debentures convertible into stock of the parent and invests the proceeds in Schedule C AFNs of the parent, conversion by the foreign debenture holders of $1 million face amount into stock in 1969 (the stock being delivered in 1969) results in a $1 million repayment of the borrowing (i.e., a $1 million transfer of capital to Schedule C) in 1969 (see § 324(b)(2)). However, assuming such repayment in 1969 is generally authorized by Subpart J, no reduction in the DI's 1969 Subpart E allowables will be made in 1969; rather, by operation of § 1002(a)(3), the 1969 repayment will be charged against Subpart E allowables in 1970 (and in subsequent years if such "repayment charge" exceeds 1970 allowables).

Surrender of debentures upon exercise of attached warrants is treated similarly. However, since a portion of the funds received from sale of debentures with warrants attached is attributed to the warrants, the DI did not receive proceeds of long-term foreign borrowing to the full extent of the face amount of the

issue. Therefore, when a debenture is surrendered, a ratable portion of the principal amount will not result in repayment of a long-term foreign borrowing.

Example 43. During 1968, DI's international finance subsidiary issued $10,000,000 principal amount of debentures with warrants attached, entitling holders to purchase 10 shares of DI's common stock at $100 and to present the debenture, having a principal amount of $1,000, in payment for the stock. DI's independent financial counsel valued the warrants in an aggregate amount of $1,000,000. Therefore, DI realized $9,000,000 proceeds of long-term foreign borrowing from sale of the debentures with warrants attached. Also during 1968, DI's international finance subsidiary loaned the entire $9,000,000 to DI's Schedule B AFNs, resulting in a § 313(b)(1) deduction. In 1969, upon the presentation of a warrant and debenture, and delivery of common stock to the holder, there is a repayment of the debenture, a reduction of proceeds of long-term foreign borrowing (to the extent such proceeds were received from sale of the debenture), and a transfer of capital under § 312(a)(7). (The transfer of capital occurs because such proceeds were invested in Schedule B and a deduction under § 313(d)(1) had been received during 1968.) However, although the amount of repayment is $1,000, the proceeds of long-term foreign borrowing received from sale of the debenture were $900. Accordingly, the transfer of capital to Schedule B and the corresponding reduction of proceeds will be $900. Recognition of the transfer of capital, if authorized by Subpart J, will be postponed until 1970, when the charge to Subpart E allowables occurs (see § 1002(a)(3)).

Generally, whether a transfer of capital or a reduction of available proceeds results from repayment of a long-term foreign borrowing may be ascertained by a DI from the books and records kept pursuant to § 203(b). Accordingly, when a DI repays a long-term foreign borrowing, all proceeds of which have been expended or allocated, the DI must report a transfer of capital under § 312(a)(7). If a DI has not expended or allocated any part of a particular long-term foreign borrowing, repayment of the borrowing (in whole or in part) results in a reduction of available proceeds. However, if a portion of proceeds of a borrowing has been expended or allocated, while the remainder has not been expended or allocated and thus constitutes available proceeds, the effect of partial repayment cannot be ascertained from the DI's books and records. In such case, any repayment shall be treated first as a reduction of available proceeds (until the available proceeds are reduced to zero) and then as a transfer of capital under § 312(a)(7). On the other hand, if a long-term foreign borrowing is in the form of debentures convertible into stock of the DI and a portion of the proceeds has been expended or allocated and the remainder is held as available proceeds, OFDI will permit the DI to elect whether repayments resulting from conversions will be treated as reductions of available proceeds or as transfers of capital under § 312(a)(7).

Example 44. In March 1968, DI made a long-term foreign borrowing from a foreign bank. DI gave the bank 20 notes, each for $1,000,000. At the end of 1968, DI had expended or allocated $10,000,000 of the proceeds. By June 1969, DI had expended an additional $5,000,000. Accordingly, there remained $5,000,000 of available proceeds. On October 1, 1969, DI repaid $2,000,000. The repayment did not constitute a transfer of capital under § 312(a)(7); rather, available proceeds were reduced from $5,000,000 to $3,000,000.

Example 45. During 1968, DI's international finance subsidiary made a public issue of debentures convertible into common stock of DI. The issue qualified as a long-term foreign borrowing. The proceeds of such borrowing were $20,000,000. As of the end of June 1969, DI had expended $15,000,000 of these proceeds in transfers of capital to a Schedule B AFN and $5,000,000 remained as available proceeds. During July 1969, $2,000,000 principal amount of debentures was converted into common stock of the DI. DI may treat the conversions either as reductions of available proceeds or as transfers of capital to Schedule B.

§ B324–12 Refinancing.

For purposes of §§ 324, 312(a)(7), and 1002, refinancing of a long-term foreign borrowing, in whole or in part, (by virtue of the renewal, extension or continuance of the borrowing or by virtue of repayment of the borrowing with proceeds of a subsequent long-term foreign borrowing obtained from the same or another lender) is not deemed a repayment of the borrowing or the making of a new borrowing. Thus, for example, if a DI renews a 1-year note for any additional period of time, the renewal is not considered repayment of the original borrowing or making of a new borrowing. (The result would be the same if the original borrowing had been denominated in a foreign currency that under went revaluation or devaluation prior to the renewal.) If a DI has a long-term foreign borrowing of $100 and obtains a new long-term foreign borrowing of $500, using $100 of the proceeds to repay the original borrowing, that payment of $100 is not considered a "repayment" of the original borrowing; rather, a new borrowing of only $400 will be deemed to have been made.

Refinancing cannot retroactively qualify a borrowing (made on or after Jan. 1, 1968) as a long-term foreign borrowing (see § 324(b)(1)). Thus, if a 6-month note that contains no express provisions for extension or renewal is, in fact, renewed for another six months, the borrowing as so renewed does not constitute a long-term foreign borrowing.

§ B324–13 Recordkeeping.

Because funds or property that are proceeds of long-term foreign borrowing have special status under the regulations, it is necessary that special records be kept by DIs showing disposition of such proceeds at any given time. Therefore, § 203(b) requires DIs to identify separately each long-term foreign borrowing and to record each separate use of the proceeds. The term "use" refers not only to actual investments, but also to deductions taken under § 203(d), § 313(d)(1) or § 306(e). For example, proceeds loaned by a DI to an AFN in Schedule C will occasion a deduction from net transfer of capital to Schedule C under § 313(d)(1), and the proceeds will actually be invested in the Schedule C AFN. However, if the Schedule C AFN repays the loan and the DI does not thereafter allocate the returned proceeds under § 203(d)(2), the Schedule C deduction will remain in effect until repayment of the underlying long-term foreign borrowing. (Upon such repayment, a § 312(a)(7) transfer of capital to Schedule C would have to be reflected.) Similarly, proceeds allocated to and deducted from positive direct investment in any scheduled area pursuant to § 306(e) may actually be invested in bonds of a U.S. corporation, or expended in making a transfer of capital to an AFN. Accordingly, the DI must identify actual investment of proceeds, as well as record direct investment deductions taken with respect to such proceeds.

Example 46. During 1969, the international finance subsidiary of a U.S. corporation (DI) sells $25,000,000 face amount of debentures convertible into DI's common stock in a form that qualifies the issue as a long-term foreign borrowing. (a) DI sells the debentures at a discount of $1,250,000 and pays the underwriters commissions of $1,250,000, receiving $22,500,000 net from the sale. (b) DI immediately expends $10,000,000 of the proceeds received to acquire a French corporation (C), which then becomes a Schedule C affiliated foreign national. (c) DI deposits the remaining proceeds of the borrowing ($12,500,000) in a demand account with a London bank. (d) At the end of 1969, DI allocates $3,000,000 of these available proceeds to positive direct investment in Schedule B. (e) In 1970, DI loans $5,000,000 of the funds deposited in the London bank to C. (f) Subsequently, in 1970, $2,000,000 face amount of debentures are converted. (g) At the end of 1970, DI allocates $2,500,000 of available proceeds to positive direct investment in Schedule B.

The above transactions should be recorded on the books and records required by § 203(b) in the following manner:

With respect to transaction (a), DI enters proceeds of a long-term foreign borrowing in the amount of $25,000,000.

With respect to transaction (b), DI enters an expenditure of $10,000,000 in connection with the transfer of capital incident to acquisition of C (§ 312(a)), and a deduction from net transfer of capital with respect to Schedule C (§ 313(d)(1)). After these entries, DI's records will reflect $15,000,000 available proceeds and $10,000,000 expended proceeds (the latter being held in the form of C's stock).

With respect to transaction (c), DI enters the demand deposit of $12,500,000 available proceeds in the London bank; these proceeds are now held in the form of liquid foreign balances. (Note that available proceeds are exempted from the repatriation requirement of § 203(c).) DI does not transfer U.S. funds abroad, as might have been done, to augment liquid foreign balances up to the full $15,000,000 available proceeds (see § 324(c)). Accordingly, DI would reflect $2,500,000 (the amount of discount and commissions) of available proceeds as being held in the United States.

With respect to transaction (d), the $3,000,000 allocation to Schedule B, DI may use the foregoing $2,500,000 available proceeds deemed held in the United States. Accordingly, only $500,000 need be allocated out of available proceeds held as liquid foreign balances. This $500,000 must be withdrawn from the London bank and repatriated to the United States. (§ 306(e)); DI does so, investing the $500,000 in bonds of a U.S. corporation. The allocation, the source of available proceeds used, and the repatriation transaction would be reflected in DI's books and records pursuant to § 203(b).

Accordingly, at the end of 1969, DI has recorded a long-term foreign borrowing, the proceeds of which are $25 million. Of such proceeds, $10 million have been expended, with a deduction received in Schedule C, and are held in the form of stock of C; $2.5 million relate to the discount and commission, are treated as being held in the United States and are allocated, with the deduction in Schedule B; $500,000 are held in the form of bonds of a U.S. corporation and are allocated, with the deduction in Schedule B; and $12 million are held on deposit in the London bank and are available proceeds.

With respect to transaction (e), DI enters an expenditure of $5,000,000 available proceeds to C. Available proceeds in the London bank are decreased by such amount, and DI now has another $5,000,000 deduction in Schedule C under § 313(d)(1), the expended proceeds being held in the form of a debt obligation of C.

With respect to transaction (f), DI is permitted to treat the repayment by conversion of the debentures either as a reduction of available proceeds or as a transfer of capital. DI elects to recognize a transfer of capital. Since total expended and allocated proceeds at the time of conversion are $18,000,000, with $15,000,000 expended in Schedule C and $3,000,000 allocated to Schedule B, 5/6 of $2,000,000 ($1,667,000), is a transfer of capital to Schedule C and 1/6 of $2,000,000 ($333,000) is a transfer of capital to Schedule B. Simultaneously, proceeds expended in C and allocated to B are reduced in an equal amount. Accordingly, DI treats the proceeds held in the form of debt obligation of C as reduced by $1,667,000, and DI treats allocated proceeds held in the form of corporate bonds as having been reduced by $333,000.

With respect to transaction (g), the allocation of $2,500,000 to Schedule B is entered by DI. The deposit in the London bank is shown as reduced by $2,500,000. Since DI must repatriate these allocated proceeds, the funds are deposited in a New York bank. Accordingly, DI would enter such deposit on its records also.

At the end of 1970, DI has $23 million proceeds of long-term foreign borrowing ($25 million less $2 million repayment). Of such proceeds, $4.5 million are still available and are held on deposit in the London bank; $2.5 million (comprising the discount and commission) are allocated to Schedule B and are treated as held in the United States; $167,000 are allocated to Schedule B and are held in the form of U.S. corporate bonds; $2.5 million are allocated to Schedule B and are held on deposit with a New York bank; and $10 million are expended in C and held in the form of equity securities of C; and $3,333,000 are expended in C and held in the form of debt obligations of C.

B502—Election of Allowables

Section 502 requires a DI to elect, for each year, (a) the § 503 "minimum" allowable of $1 million, (b) the § 504(a) "historical" allowable or (c) the § 504(b) "earnings" allowable.

The election is required to be made on Form FDI–102F (Annual Report) filed for the year with respect to which the election is made. Therefore, DIs will not be obliged to make a binding election for 1969 until the due date of the 1969 annual report (Apr. 30, 1970, unless hereafter modified). However, Form FDI–102F for 1968 called for a tentative indication of the allowable to be elected for 1969, and DIs required to file quarterly reports (Form FDI–102) during 1969 were instructed to indicate in such reports any change of this tentative decision.

Beginning in 1970, an "incremental earnings" allowable under § 506 will be available in addition to the allowable elected pursuant to § 502.

In the event of a merger between two or more DIs during a year, the resulting entity will be regarded as having been a single DI for the entire year in question, as well as for the base-period years. Accordingly, merger during a year of two DIs, each of which had tentatively elected to be governed by the § 503 minimum allowable for such year, will not result in combination or pro rata attribution for such year of two § 503 minimum allowables with respect to the surviving DI. Likewise, in the event of merger between DIs each of which had tentatively elected to be governed either by the same § 504 allowable, or between a DI tentatively electing § 503 and a DI tentatively electing § 504, or between a DI tentatively electing § 504(a) and a DI tentatively electing § 504(b), the surviving DI may choose to be governed by § 503, § 504(a) or § 504(b), but such election will extinguish any right or entitlement to the benefit, for the year of election, of the sections not elected.

Note that the special allowable provided in § 1302 of Subpart M for U.S.-flag carriers is applicable only if a § 504 allowable is elected under § 502.

B503—Worldwide Minimum Allowable

§ B503–1 Introduction.

Section 503 in effect for 1969 allows any DI electing (under § 502) to be governed by the provisions of § 503 to make positive direct investment not exceeding an aggregate of $1 million in all scheduled areas. The section is intended primarily for the benefit of DIs that have small or no historical or earnings allowables under § 504.

§ B503–2 Summary.

The § 503 minimum allowable of $1 million applies worldwide, as opposed to the schedular application of the "historical" or the "earnings" allowables provided in § 504. A significant qualification to § 503 is that "aggregate annual losses" of all AFNs (defined in § 503(b)), whether incorporated or unincorporated, must be excluded in computing positive direct investment.

Beginning in 1969, election of § 503 in any year operates to eliminate allowables otherwise available during such year under § 504 (including carryforwards from prior years) and to eliminate carryforwards into succeeding years.

A DI having positive direct investment of $200,000 or less during 1968 under former § 503 and not electing § 503 for 1969 may carry forward the amount of 1968 § 504 allowables, reduced by the positive direct investment actually made in each scheduled area during 1968.

§ B503–3 Calculation of direct investment under § 503.

(i) *Worldwide basis.* Section 503(a) provides that positive direct investment is authorized on a worldwide basis up to $1 million, in contrast to the "schedular" limitations imposed by § 504.

Example 1. DI has a wholly owned incorporated AFN (B) in the United Kingdom and a wholly owned incorporated AFN (A) in Argentina. During 1969, B has a loss of $500,000, and A has earnings of $1,500,000 all of which are reinvested. There are no other earnings, resulting in worldwide positive direct investment made by DI during 1969 of $1,000,000, that is authorized by § 503(a).

Example 2. DI has three AFNs: A, a corporation in Brazil; B, a corporation in Australia; and C, a branch in Germany. During 1969, DI makes a positive transfer of capital of $700,000 to A and a negative transfer of capital of $400,000 to B. C earns $500,000, none of which is remitted, so that its net assets increase by $500,000. A has losses of $300,000, and B earns $500,000 and pays no dividends. Positive direct investment in all scheduled areas for 1969 is $1,000,000 which is authorized by § 503(a), as shown by the following table (000 omitted):

	Amount by scheduled area			
	A	B	C	Total
Net transfer of capital	$700	($400)	$500	$800
Reinvested earnings	(300)	500	0	200
Positive direct investment	400	100	500	1,000

As illustrated by Examples 1 and 2 above, all of the positive and negative components of direct investment are taken into consideration without regard to the scheduled area of the particular transactions. In addition, dividends, remittances of branch profits and transfers of capital between AFNs in different scheduled areas (except between Canadian and non-Canadian AFNs) will "net out". Any number of such interschedular transactions may take place without affecting the amount of direct investment for purposes of the regulations.

Example 3. DI has two AFNs: B, a corporation in Schedule B, and C, a corporation in Schedule C. During 1969 DI transfers $1,000,000 to C, and B transfers $2,000,000 to C. Under § 505(a)(3) the transfer from B to C is treated as a transfer of capital from B to DI of $2,000,000 and a transfer of capital from DI to C of $2,000,000. DI has made positive direct investment of $1,000,000 in all scheduled areas under § 503 (000 omitted):

Net transfer of capital

To Schedule C ---------- $3,000
To Schedule B ---------- (2,000)

Positive direct investment

In Schedule C ---------- $3,000
In Schedule B ---------- (2,000)

Total ---------- 1,000

(ii) *Aggregate annual losses.* Section 503(b) provides that in calculating direct

investment, aggregate annual losses of incorporated and unincorporated AFNs shall be disregarded. This provision is a departure from the general rule, set forth in § 306, that direct investment is the sum of net transfer of capital and the DI's share of reinvested earnings. The purpose of the § 503(b) rule is to prevent DIs electing the § 503 minimum allowable from using aggregate annual losses as an offset against transfers of capital. Section 503(b) is thus analogous to § 504(e), which requires that total losses of Schedule C incorporated AFNs be eliminated in calculating Schedule C direct investment under § 504.

The term "aggregate annual losses" is derived from the "annual earnings" of the DI's incorporated and unincorporated AFNs as defined in § 504(b)(4) consolidated on a worldwide basis. If the computation of "annual earnings," as provided in § 504(b)(4), for all AFNs in all scheduled areas results in a negative amount, such negative amount constitutes "aggregate annual losses" and must be eliminated in calculating the amount of direct investment for § 503 purposes.

Example 4. DI has three AFNs: X and Y, both corporations, and Z a branch. During 1969, X has earnings of $500,000, and Y has earnings of $200,000. Z has a net loss of $800,000. DI's AFNs have aggregate annual losses for 1969 of $100,000.

Annual earnings under § 504(b)(4) and aggregate annual losses under § 503(b) are calculated for incorporated AFNs on the basis of total earnings (see § 306(c)), i.e., without taking into account dividends paid to the DI and interscheduler dividends and remittances.

Example 5. DI has two AFNs: A, a corporation, that has a branch, B, in a different scheduled area.

In 1969, A earns $1,000,000 and pays DI a dividend of $1,500,000. B has losses of $500,000.

There are no aggregate annual losses. There are negative "reinvested earnings" in A of $500,000 but aggregate annual earnings are $500,000 (positive).

If A had losses of $1,000,000 and paid no dividends, and B had earnings of $500,000 and remitted $200,000 to A, DI's AFNs would have had aggregate annual losses of $500,000. Note that A has negative reinvested earnings of $800,000, i.e., a loss of $1,000,000 reduced by the $200,000 remission of funds to A from B.

Calculation of direct investment by a DI with aggregate annual losses can be achieved most simply by adding the amount of aggregate annual losses to direct investment as computed under § 306.

The following examples illustrate the treatment of aggregate annual losses in computing positive direct investment under § 503:

Example 6. During 1969, DI makes a $750,000 positive transfer of capital to its wholly owned incorporated AFN (X). X earns $300,000 and pays no dividends. DI also has a branch (Y) that has losses of $500,000, resulting in a decrease in net branch assets of $500,000. DI also makes a negative transfer of capital of $50,000 to a second incorporated AFN (Z). There are no other relevant transactions during 1969.

DI's direct investment for 1969 under § 503 is computed as follows: The $750,000 positive transfer of capital to X is partially offset by the $50,000 negative transfer of capital from Z. X's earnings of $300,000 are offset by $300,000 of the $500,000 of Y's losses, but the remaining $200,000 of losses constitute "aggregate annual losses," which are disregarded under § 503(b). Therefore, DI's direct investment for 1969 is $700,000, which is authorized by § 503(a).

Alternatively, direct investment can first be computed under § 306 (000 omitted):

Net transfer of capital to X	$750
Net transfer of capital to Y	(500)
Net transfer of capital to Z	(50)
Reinvested earnings of X	300
Positive direct investment	500

Then, aggregate annual losses of $200 [thousand] are added to this figure, resulting in a total $700 [thousand] which is positive direct investment for purposes of applying § 503.

Example 7. DI has two wholly owned incorporated AFNs (X and Z). X has a wholly owned subsidiary (Y) in a different scheduled area, and Z has a branch (W) in a different scheduled area. The following takes place during 1969: X has earnings (excluding dividends received from Y) of $2,000,000 and pays a dividend to DI of $1,500,000 (before withholding taxes); Y has losses of $3,000,000 but pays a dividend to X of $250,000 (before withholding taxes); DI makes a positive transfer of capital of $2,500,000 to Z; and W earns $500,000, all of which is remitted to Z, and there is no change in W's net asset position. To compute direct investment under § 503, direct investment under § 306 is first computed (000 omitted):

Net transfer of capital to Z	$2,500
Net transfer of capital to W	0
Reinvested earnings of X [$2,000—$1,500—$250)]	750
Reinvested earnings of Y [$3,000—($250)]	(3,250)
Reinvested earnings of Z [0—(—$500)]	500
Direct investment under § 306	500
Next "aggregate annual losses" are computed (000 omitted):	
Earnings of X	$2,000
Losses of Y	(3,000)
Net earnings of W	500
Aggregate annual losses	(500)

Thus, positive direct investment under § 503 is $1 million the sum of direct investment under § 306 of $500 [thousand] and aggregate annual losses of $500 [thousand], as calculated above.

(iii) *Canadian AFNs.* As a result of §§ 1103 and 1104 of Subpart K, direct investment in Canadian AFNs is not included in calculating direct investment under § 503. Accordingly, dividend distributions, profit remissions, and transfers of capital between Canadian and non-Canadian AFNs will not net out. For example, if a Canadian AFN transfers funds or other property to a non-Canadian AFN, the DI will be deemed to have made such transfer if the conditions of § 505 are met. However, because of § 1103, the transfer deemed to have been made by the Canadian AFN to the DI (under § 505) will not offset the corresponding transfer deemed made by the DI to the non-Canadian AFN. Also, by virtue of § 504(b)(4), earnings of Canadian AFNs are excluded in calculating aggregate annual losses under § 503.

§ B503–4 Carryforward of unused portion.

Unused § 503 allowables may not be carried forward to succeeding years. In addition, § 503(c) provides that the election of § 503 eliminates all existing § 504 allowables as of the year of electing § 503, including historical and earnings allowables for such year, carryforwards from prior years and carryforwards into succeeding years.

Example 8. In 1969, DI has allowables under § 504 of $50,000 in Schedule C, $500,000 in Schedule B, and $200,000 in Schedule A. A portion of the allowables in Schedules A and B are carryforwards of § 504 allowables not used in 1968. In 1969, DI, in order to make positive direct investment in Schedule C in excess of its § 504 allowable of $50,000, elects § 503 and makes worldwide positive direct investment of $600,000. As a result of this election, the DI loses the § 504 schedular allowables carried forward from 1968, and the unused portion of the 1969 § 503 allowable may not be carried forward into subsequent years.

Section 504 as in effect during 1968 permitted a DI to carry forward any unused portion of the schedular allowables authorized by that section. Present § 504(f) preserves that carryforward for use in 1969 and succeeding years. However, to make clear that positive direct investment authorized by § 503 in 1968 must be taken into account in calculating the amount of such § 504 carryforward, § 503(d) provides that if a DI elects to be governed by § 504 in 1969, the § 504 allowables carried forward from 1968 must be reduced by the amount of positive direct investment actually made in 1968. The reduction is made first in the scheduled area where the positive direct investment was made under § 503 in 1968 and then in the remaining scheduled areas in the following order: C–B–A.

Example 9. In 1968, DI had allowable under § 504 of $50,000 in Schedule C, $50,000 in Schedule B, and $200,000 in Schedule A. During 1968, DI made positive direct investment of $100,000 in Schedule C and $50,000 in Schedule B under § 503 as then in effect. DI also made negative direct investment of $50,000 in Schedule A, which, under § 504(f), may be carried forward to succeeding years together with any other unused Schedule A allowable. While the investment in Schedule C was not authorized under § 504, DI's overall positive direct investment in 1968 was authorized under § 503, since positive direct investment in each scheduled area, when added together, was $200,000 or less (in this case, $150,000), and positive direct investment in any one scheduled area did not exceed $200,000. If DI does not elect the § 503 minimum allowable for 1969, DI will carry forward to 1969 § 504 allowables not used in 1968 of $200,000, after the reductions provided for in § 503(d), distributed in the scheduled areas as follows: Zero in Schedule C, zero in Schedule B, and $200,000 in Schedule A. The carryforward of $200,000 is in addition to any earnings allowables or historical allowables which DI may have for 1969 under § 504. The above calculations are set forth in tabular form as follows (000 omitted):

	Amount by scheduled area		
	C	B	A
1968 § 504 allowables	$50	$50	$200
Direct investment under § 503 in 1968	100	50	(50)
Reductions to 1968 § 504 allowables under § 503(d)	50	50	05
§ 504 carryforwards to 1969	0	0	200

If DI elects to make positive direct investment in 1969 under § 503, DI will lose the foregoing $200 [thousand] carryforward in Schedule A for 1969 and succeeding years, by reason of § 503(c).

If positive direct investment under § 503 in 1968 exceeded the § 504 historical allowable in two scheduled areas, § 503(d) operates to eliminate the § 504 carryforward for those areas. Carryforward in the remaining area will then be reduced by the aggregate amount of such excess.

Example 10. In 1968, DI had allowables under § 504 of $100,000 in Schedule C, $200,000 in Schedule B and $50,000 in Schedule A. During 1968, DI's positive direct investment was $130,000 in Schedule C, zero in Schedule B, and $70,000 in Schedule A. While DI exceeded the applicable allowables on a schedular basis under § 504, the positive direct investment made during 1968 was, nevertheless, within the "minimum allowable" under § 503, since neither positive direct investment in any one scheduled area nor the total of positive direct investment in each scheduled area exceeded $200,000. If DI elects to be governed by one of the § 504 allowables for 1969, there will be no carryforward of § 504 allowables in Schedules C and A since positive direct investment in those scheduled areas was in excess of such allowables. Furthermore, carryforward of the unused Schedule B allowable from 1968 must be reduced by the amount of positive direct investment made during 1968 in Schedules C and A in excess of the § 504 schedular allowables, i.e., $30,000 in Schedule C and $20,000 in Schedule A. Accordingly, DI's carryforward of § 504 allowables into 1969 will be zero for Schedules C and A, and $150,000 in Schedule B (the unused 1968 allowable of $200,000, reduced by 1968 positive direct investment in excess of § 504 allowables of $30,000 in Schedule C and $20,000 in Schedule A), computed as follows (000 omitted):

Item	Amount by scheduled areas		
	C	B	A
1968 § 504 allowable	$100	$200	$50
Direct investment under § 503 in 1968	130	0	70
Reductions in 1968 § 504 allowable under § 503(d)	100	50	50
§ 504 carryforward to 1969	0	150	0

§ B503–5 Related provisions.

(i) *Available proceeds.* Section 203(d)(1) exempts DIs electing § 503 from the restrictions otherwise applicable to positive net transfers of capital while holding available proceeds of long-term foreign borrowing in the form of foreign property.

(ii) *Associated groups and persons owning interests in DIs.* Section 905(b)(2) limits the use of § 503 by members of an associated group with respect to a group AFN, and § 906(b)(3)(ii) limits the use of § 503 to persons making an election under § 906(b)(1).

(iii) *Quarterly reports.* A DI may be exempt from filing quarterly reports on Form FDI–102 if, among other requirements, the DI has not made direct investment (whether positive or negative) in any year, beginning with the year 1968, in excess of $1 million. For this purpose, direct investment in Canada must be included and no deduction will be made for proceeds of long-term foreign borrowing expended in transfers of capital to AFNs, even though deducted under § 313(d)(1) for purposes of determining compliance under § 201(a), or allocated to positive direct investment, even though deducted under § 306(e) for purposes of determining compliance under § 201(a). (See General Instruction B, including examples, of Instructions for Completing the 1969 Quarterly Report on Form FDI–102, Revised October 1969.)

B504—Schedular and Carryforward Allowables

§ B504–1 Introduction.

Section 504 provides alternative allowables applicable to direct investment in each of the three geographical "schedules" (or "scheduled areas") established for purposes of the Program (see §§ 201 and 319): An historical allowable (§ 504(a) and (c)) and an earnings allowable (§ 504(b)). A DI may elect to be governed by either of these § 504 allowables as an alternative to the $1 million minimum allowable of § 503.

Unlimited "downstream" utilization of § 504(a) or (b) allowables is permitted (i.e., from Schedule C to Schedules B and A, and from Schedule B to Schedule A). Provision is also made for "upstream" adjustment of allowables under certain circumstances. Carryforward of unused allowables into succeeding years is also permitted, so long as the DI continues electing to be governed by § 504. (See § 503(b).)

§ B504–2 Summary.

A DI electing to be governed by § 504(a) for a given year may make positive direct investment in Schedules A and B based on a percentage of average annual direct investment in those areas during 1965–66, viz., 110 percent in Schedule A and 65 percent in Schedule B. For Schedule C, the allowable is the lesser of (a) 35 percent of the DI's average annual direct investment in 1965–66 in Schedule C, or (b) the DI's share of the current year's earnings of incorporated AFNs in Schedule C multiplied by the ratio of reinvested earnings to total earnings of such AFNs during 1964–66.

Section 504(c)(1) and (2) provides that the § 504(a) historical allowable in Schedule C may be increased if such allowable is less than 30 percent of DI's annual earnings in that scheduled area during the preceding year. The amount of authorized increase will be equal to the full amount of the difference between such 30-percent earnings figure and the "basic" historical allowable for Schedule C determined under § 504(a)(3), if the sum of the § 504(a) historical allowables in Schedules A and B are sufficiently large. The historical allowable in Schedule A and, if necessary, in Schedule B must be charged with such authorized increase. An "upstream" adjustment for the Schedule B allowable is also authorized by § 504(c)(3) in the same circumstances, to the extent there remains (after increasing the Schedule C historical allowable) any of the Schedule A historical allowable against which such increase can be charged.

A DI electing the § 504(b) earnings allowable is permitted to make positive direct investment in each scheduled area not exceeding 30 percent of "annual earnings" (defined in § 504(b)(4)) for the immediate preceding year in the respective scheduled area.

All or any part of the allowables computed pursuant to § 504 (a) and (c) or § 504(b) may be used "downstream", i.e., the Schedule C allowable may be used in Schedule B or A instead of Schedule C and the Schedule B allowable may be used in Schedule A instead of Schedule B. A DI may carry forward into succeeding years any portion of a schedular allowable not used during the year. Negative direct investment for a year in any scheduled area may also be carried forward and may also be used in other areas "downstream" in the same or subsequent years. However, in any year for which a DI elects to be governed by the § 503 minimum allowable, all accrued carryforward of § 504 allowables will be permanently lost.

In calculating direct investment in Schedule C for purposes of measuring use of the § 504 allowable elected by a DI, losses of incorporated AFNs in the scheduled area must be excluded. Such losses may, however, be carried forward to subsequent years as an offset to additional reinvestment of earnings of incorporated AFNs in Schedule C.

Carryforwards authorized in 1968 under § 504 as in effect for that year may be used in the same or downstream scheduled areas in 1969 and succeeding years, with the exception that losses of Schedule C AFNs during 1968 may be carried forward only as an offset to reinvested earnings in Schedule C (§ 504(f)).

§ B504–3 Calculation of historical allowables under § 504(a).

(1) *Schedule A and B.* Section 504(a)(1) and (2) authorizes annual positive direct investment in Schedule A in an amount equal to 110 percent of a DI's average annual direct investment in that scheduled area during 1965 and 1966, and in Schedule B in an amount equal to 65 percent of a DI's average annual direct investment in that scheduled area during 1965 and 1966. The following examples illustrate calculation of historical allowables for Schedule A (under § 504(a)(1)) and for Schedule B (under § 504(a)(2)):

Example 1. DI made positive direct investment in Schedule A in 1965 of $3,000,000 and in 1966 of $1,000,000. Average annual direct investment in Schedule A for 1965–66 is $2,000,000 ($3,000,000 plus $1,000,000 divided by 2.) The amount of annual positive direct investment authorized under § 504(a)(1) is $2,200,000 (110 percent of $2,000,000). If Schedule B rather than Schedule A were involved, § 504(a)(2) would authorize $1,300,000 of annual positive direct investment (65 percent of $2,000,000).

Example 2. DI made positive direct investment in Schedule A during 1965 of $1,000,000 and negative direct investment in 1966 of $500,000. Average annual direct investment was, therefore, $250,000. DI made positive direct investment of $1,000,000 in Schedule

B during 1965 and negative direct investment of $2,000,000 in 1966. Thus, annual average investment was a negative amount (i.e., minus $500,000), treated as zero for purposes of calculating the historical allowable under § 504(a) (1), (2), or (3)(i). Accordingly, DI's historical allowable for Schedule A is $275,000; for Schedule B, it is zero. (These are DI's "basic" historical allowables, and the Schedule B allowable is subject to upward adjustment by "borrowing" from the Schedule A allowable if the conditions specified in § 504(c)(3) are satisfied. See § B504–4 (iii).)

(ii) *Schedule C.* Section 504(a)(3) authorizes annual positive direct investment in Schedule C during a year in an amount equal to the *lesser* of:

35 percent of a DI's average annual direct investment in Schedule C during 1965 and 1966; or

The DI's share of current total annual earnings of incorporated Schedule C AFNs multiplied by the "reinvestment ratio."

The "reinvestment ratio" is a fraction, the numerator of which is DI's share of reinvested earnings of all incorporated AFNs in Schedule C during 1964–66 (calculated according to § 306(b)), and the denominator of which is DI's share of total earnings of such AFNs during those years (calculated according to § 306(c)). The reinvestment ratio will be zero if the AFNs had no earnings during the base years, or if such earnings as they did have were not reinvested during the base years. While the numerator may exceed the denominator, the reinvestment ratio may not be greater than 1 (i.e., reinvested earnings during 1964–66 may be recognized for purposes of § 504(a)(3)(ii) in an amount no greater than 100 percent of total earnings for those years).

Example 3. During 1964 through 1966, DI had three wholly owned incorporated AFNs in Schedule C, that, in turn, had subsidiaries and branches located in other scheduled areas. Total earnings and reinvested earnings of DI's Schedule C AFNs were as shown below (000 omitted):

Year	Total earnings, as defined in § 306(c)	*plus*	Dividends and profits received (net of withholding taxes)	*less*	Dividends paid to DI (before withholding taxes)	*equals*	Reinvested earnings as defined in § 306(b)
1964	$500		$200		$200		$500
1965	600		100		400		300
1966	300		300		200		400
Total	1,400		600		800		1,200

Accordingly, the reinvestment ratio is 1,200,000/1,400,000, or 0.86. During 1965 and 1966, DI's average annual direct investment in Schedule C was $3,000,000. In 1969, DI's share of total earnings of the Schedule C AFNs is $1,500,000. If DI elects to be governed by § 504(a), positive direct investment of $1,050,000 will be authorized in Schedule C under § 504(a)(3); i.e., 35 percent of 1965–66 average annual direct investment ($1,050,000) is less than total earnings for 1969 times the reinvestment ratio ($1,500,000 × 0.86 = $1,290,000).

In any of the following circumstances, a DI will have a zero allowable in Schedule C under § 504(a)(3):

Zero or negative average annual direct investment during 1965–66;

Zero or negative reinvested earnings for 1964–66;

Zero or negative total earnings for 1964–66;

Zero or negative total earnings for the current year; or

No incorporated AFNs in Schedule C.

However, some relief in the above situations may be available in Schedule C under the carryforward provisions of §§ 504(d)(3), 504(e), and 504(f)(3), the § 504(b) earnings allowable or the upstream adjustment to the § 504(a) historical allowable provided for in § 504(c).

§ B504–4 Calculation of § 504(b) earnings allowables and § 504(c) adjustment to § 504(a) historical allowables.

The § 504(b) earnings allowable is intended to benefit DIs with small or no historical allowables under § 504(a), and the § 504(c) "upstream adjustment" to § 504(a) historical allowables is intended principally to aid DIs with small or no historical allowables in Schedule C. Either the earnings allowable or the upstream adjustment may be advantageous when 30 percent of earnings for the year immediately preceding the year of electing either the § 504 historical or earnings allowable exceeds a DI's historical allowables.

Accordingly, a DI with no Schedule C historical allowable may, nevertheless, be authorized to make positive direct investment in that scheduled area based on Schedule C earnings during the preceding year. Election of the earnings allowable under § 504(b), however, requires its use in all scheduled areas. Where historical allowables in Schedules A and B are substantial, it may not be to a DI's advantage to elect § 504(b) because the historical allowables in Schedules A and B could not then be utilized. Under these circumstances, the DI may benefit from the "upstream adjustment" to historical allowables provided by § 504(c), whereby the historical allowables can be shifted "upstream" to Schedule C from Schedules A and B.

(i) *Section 504(b): 30 percent earnings allowables.* A DI may elect, under § 502(a)(3), to be governed by the allowable provided in § 504(b), authorizing positive direct investment in each scheduled area equal to 30 percent of the DI's share of AFN earnings in such area during the immediately preceding year.

The earnings allowable is computed on the basis of a DI's annual earnings in a scheduled area, defined in § 504(b)(4) as the DI's share of "total earnings or total losses" of all incorporated AFNs in such scheduled area (determined as provided in § 306(c)) plus the DI's share of "net earnings or losses" of all unincorporated AFNs during the year in such scheduled area. Earnings or losses of Canadian affiliates are excluded from this computation.

Example 4. DI's 1968 share of AFN annual earnings are $1,000,000 in Schedule C and $1,500,000 in Schedule A. DI's Schedule B AFNs incurred aggregate losses during 1968 of $200,000. Schedule B "annual earnings" in 1968 are, therefore, a negative $200,000. If DI elects the 30 percent earnings allowable for 1969 under § 502(a)(3), allowables under § 504(b) will be $300,000 in Schedule C (30 percent of $1,000,000), zero in Schedule B (since DI had aggregate losses in Schedule B in 1968), and $450,000 in Schedule A (30 percent of $1,500,000).

Example 5. DI's sole AFN, a Schedule C branch (C), had earnings of $2,000,000 in 1968, that resulted in a net increase of $2,000,000 in C's net assets and, therefore, a positive net transfer of capital of $2,000,000 to C (under § 313(b)) and, assuming no other relevant transactions, a positive net transfer of capital of $2,000,000 to Schedule C (under § 313(c)). DI had no historical allowables in Schedule C under § 504(a)(3). Therefore, DI's positive net transfer of capital in 1968 was not authorized under § 504(a)(3), as in effect for that year (such section only permitted reinvestment of current earnings of incorporated AFNs in Schedule C). (The only positive net transfer of capital to Schedule C that DI could make in 1968 under § 504 would have been pursuant to the "excess dividend" provision of § 504(c)(1)(ii), as in effect for that year.) During 1969, however, a positive net transfer of capital to C would be authorized in the amount of $600,000 (30 percent of $2,000,000), under the 30 percent earnings allowable of § 504(b). (Alternatively, if DI elects the historical allowables under § 502(a)(2), a positive net transfer of capital to C would be authorized if there are Schedule A or B historical allowables available to "upstream" under § 504(c).)

(ii) *Section 504(c): "Upstream" use of allowables.* A DI electing under § 502(a)(2) to be governed by the schedular § 504(a) historical allowables obtains the benefit of an "upstream" adjustment of such allowables as required by § 504(c). Section 504(c)(1) and (2) automatically increases the Schedule C allowable if 30 percent of DI's annual earnings in Schedule C in the preceding year exceed the § 504(a) historical allowable in that scheduled area for the current year and if there are historical allowables in Schedules A and/or B. Section 504(c)(3) will operate in a corresponding manner to increase the Schedule B allowable, if any Schedule A historical allowable remains after the § 504(c)(1) adjustment.

The upstream adjustment is the lesser of (a) the excess of 30 percent of the preceding year's annual earnings in the upstream scheduled area over the historical allowable for that area, or (b) the aggregate amount of the historical allowables in the downstream schedules.

Although the "upstream" adjustment is automatic, § 504(d)(2) and (3) permits a DI to utilize allowables for positive direct investment in a "downstream" schedule.

Unused allowables carried forward from 1968 pursuant to § 504(f), or carried forward from 1969 or later years pursuant to § 504(d), are not available for adjustment upstream; only a current year's historical allowable calculated under § 504(a) may be used for this purpose. On the other hand, the additional allowables in Schedules B and C resulting from an upstream adjustment may themselves be carried forward into succeeding years.

Example 6. In 1969, DI has § 504(a) historical allowables in each of the scheduled areas as shown on line (1) of the table below. DI also has a carryforward of unused allowables from 1968 in Schedule A of $1,000,000 (line (2) below). In 1968 DI's share of annual earnings of AFNs in each scheduled area was as shown on line (3) below. If DI elects, pursuant to § 502(a)(2), to be governed by § 504(a) for 1969, DI's historical allowables under § 504(a) are adjusted pursuant to § 504(c), thereby increasing the Schedule C allowable by $2,000,000. Of this amount, $1,500,000 is moved upstream from Schedule A and $500,000 is upstreamed from Schedule B, with corresponding reductions in the historical allowables for those schedules, as shown below (000 omitted):

Item	Amount by scheduled area			
	C	B	A	Total
(1) § 504(a) historical allowables	$1,000	$2,500	$1,500	$5,000
(2) § 504(f) carryforward allowable from 1968	0	0	1,000	1,000
(3) 1968 annual earnings	10,000	4,000	2,000	16,000
(4) 30 percent of line (3)	3,000	1,200	600	4,800
(5) 1969 § 504(a) historical allowables after § 504(c) "upstream" adjustments	3,000	2,000	0	5,000

Presumably, DI will elect to use the adjusted historical allowables rather than the 30 percent earnings allowable under § 504(b), since (1) total historical allowables ($5,000,000) available under § 504(a) exceed total earnings allowables ($4,800,000) available under § 504(b); (2) the Schedule C allowable is as great and the Schedule B allowable greater under § 504(a) than under § 504(b); and (3) under § 504(d), DI may use any portion of the Schedule C adjusted historical allowable downstream in Schedule B or A, and any portion of the Schedule B allowable in Schedule A. While no part of the $1,000,000 carryforward in Schedule A from 1968 can be adjusted upstream, DI may use that as an additional allowable in Schedule A.

Since DI has an unadjusted historical allowable in Schedule C of $1,000,000, the amount moved to Schedule C from Schedules A and B is $2,000,000, i.e., the difference between 30 percent of 1968 earnings in Schedule C and the historical allowable in Schedule C. Note, however, that if the aggregate historical allowables for Schedules A and B had been less than $2,000,000, the Schedule C allowable could have been increased only by such lesser amount of aggregate historical allowables for Schedules A and B. The total adjusted historical allowable of $3,000,000 in Schedule C can be used in Schedules C, B, or A in 1969 or in succeeding years in the same manner as is generally permitted for § 504 allowables in Schedule C.

Example 7. In 1969, DI has § 504(a) historical allowables in each scheduled area as shown in line (1), and DI's share of annual earnings in 1968 is as shown in line (2) of the table below (000 omitted):

Item	Amount by scheduled area			
	C	B	A	Total
(1) § 504(a) historical allowables	$500	$2,000	$4,000	$6,500
(2) 1968 annual earnings	10,000	8,000	10,000	28,000
(3) 30 percent of line (2)	3,000	2,400	3,000	8,400
(4) 1969 § 504(a) historical allowables after § 504(c) upstream adjustments	3,000	2,400	1,100	6,500

Presumably, DI will elect to be governed by the 30 percent earnings allowable provided in § 504(b), since total allowables available to DI under the 30 percent earnings allowable ($8,400,000) exceed total historical allowables ($6,500,000 under § 504(a) and (c) and since the § 504(b) allowables in each scheduled area are as great or greater than in each schedule under § 504(b). The 30 percent earnings allowables are divided among the scheduled areas to reflect DI's share of 1968 annual earnings in each schedule. Whichever category of allowable is elected, DI may use such allowables "downstream" under § 504(d). For example, all allowables could be used in Schedule A.

Example 8. DI has no historical allowables under § 504(a). In 1968, DI had earnings in each scheduled area as shown in line (2) of the table below (000 omitted):

Item	Amount by scheduled area			
	C	B	A	Total
(1) § 504(a) historical allowables	0	0	0	0
(2) 1968 annual earnings	$10,000	$6,000	$1,000	$17,000
(3) 30 percent of line (2)	3,000	1,800	300	5,100
(4) 1969 § 504(a) historical allowable after § 504(c) upstream adjustments	0	0	0	0

Presumably, DI will elect under § 502(a)(3) to compute its 1969 allowables based on the 30 percent earnings allowable under § 504(b). Section 504(a) and (c) would not be elected, since DI has no historical allowables. During 1969, however, DI may make positive direct investment in Schedule B or Schedule A in excess of the amounts indicated in line (3) above, by virtue of the "downstream" provisions of § 504(d). In other words, DI may carry down all or part of the Schedule B earnings allowable to Schedule A under § 504(d)(2), and all or part of the Schedule C earnings allowable to Schedule B or A under § 504(d)(3).

§ B504–5 Transfer or carryforward of schedular allowables.

Section 504(d) provides that the unused portion, if any, of the historical or earnings allowables provided in § 504 may be utilized in the same scheduled area in succeeding years to authorize positive direct investment in addition to that otherwise permitted, or may be used in other scheduled areas "downstream" in the same or succeeding years.

Schedule C allowables, to the extent unused in that area during the year, may be used in Schedules A and B in the same year or in Schedules C, B, and A in succeeding years. An unused allowable in Schedule B may be used in Schedule A in the current year or in Schedules B and A in succeeding years. An unused allowable in Schedule A may be used only in Schedule A in succeeding years.

The effect of the downstream and carryforward provisions is that, in addition to the amounts authorized by the basic historical or earnings allowable elected, a DI may make positive direct investment in each scheduled area up to the amount of any allowables that were available but unused in such area in prior years and that were available but unused in upstream areas in the same and prior years.

Both the historical allowable of § 504(a) and (c) and the earnings allowable of § 504(b) can be used downstream or carried forward. The amount that may be carried forward is the excess of authorized positive direct investment over direct investment actually made during a given year, whether positive or negative. If no positive direct investment is authorized but negative direct investment is made, then the amount of such negative direct investment may be used downstream or carried forward.

(i) *Schedule A carryforward.* The following examples illustrate § 504(d)(1), governing the carryforward of unused Schedule A allowables:

Example 9. DI elects the historical allowable for 1969. Under § 504(a)(1) the Schedule A allowable is $500,000, but DI makes positive direct investment of only $200,000. Under § 504(d)(1), DI may carry forward the $300,000 difference as an additional Schedule A allowable for use in succeeding years. If the historical allowable is elected again in 1970, DI may make positive direct investment of $800,000, consisting of the $500,000 authorized by § 504(a)(1) and the $300,000 authorized by § 504(d)(1).

Example 10. DI elects the historical allowable for 1969. Under § 504(a)(1), DI has a zero allowable in Schedule A. In 1969, DI's sole incorporated AFN in Schedule A has earnings of $500,000, pays DI a dividend of $500,000, and transfers $500,000 to DI. For 1969, DI has negative direct investment of $500,000 in Schedule A. Under § 504(d)(1), this may be used to offset a corresponding amount of positive direct investment in Schedule A in succeeding years.

In 1970, DI elects the 30 percent earnings allowable under § 504(b). Authorized positive direct investment in Schedule A in 1970 will be $650,000: $150,000 (30 percent of 1969 total earnings) plus $500,000 carryforward under § 504(d)(1).

If DI's historical allowable had been $100,000 in Schedule A, the carryforward allowable would have been $600,000 (the sum of the historical allowable of $100,000 and negative direct investment of $500,000).

If a DI had unused allowables in Schedule A in 1968, former § 504(b)(1) in effect for 1968 authorized their carryforward into 1969 and succeeding years. Present § 504(f)(1) specifically preserves these carryforwards.

(ii) *Schedule B downstream or carryforward.* Unused historical or earnings allowables in Schedule B may be carried forward in the same manner as those in Schedule A, as provided by § 504(d)(2).

The unused Schedule B allowables may also be used downstream in Schedule A in the same or succeeding years. Under former § 504(b)(2), unused 1968 Schedule B allowables authorized additional positive direct investment in Schedules B and/or A in 1969 and succeeding years. Present § 504(f)(2) specifically preserves these carryforwards.

Example 11. DI's Schedule B historical allowable is $1,000,000. Positive direct investment of $500,000 is made during 1968 in that schedule.

In 1969, DI elects the historical allowable and may make positive direct investment in Schedule B of $1,500,000, consisting of the $1,000,000 historical allowable under § 504(a)(2) plus the $500,000 carryforward from 1968 under § 504(f)(2). All or any part of this $1,500,000 not used in Schedule B during 1969 may be used in Schedule A in 1969 or in Schedule B and/or A in succeeding years, under § 504(d)(2).

(iii) *Schedule C downstream or carryforward.* Unused allowables in Schedule C may be used downstream or carried forward, pursuant to § 504(d)(3).

Section 504(f)(3) preserves the Schedule C carryforwards authorized under former § 504 in effect for 1968 and increases the scope of their use. During 1968, § 504(c)(1) authorized carryforward of Schedule C allowables unused as a result of "excess dividends", and § 504(c)(2) in effect for 1968 authorized carryforward unused as a result of negative net transfer of capital. Under present § 504(f)(3)(i), these 1968 carryforward allowables can be used by the DI to make positive direct investment in Schedules C, B, and/or A in 1969 and succeeding years in addition to that otherwise authorized.

"Total losses" of incorporated AFNs in Schedule C during 1968 may be carried forward to 1969 and succeeding years only as an authorization for additional reinvested earnings in Schedule C. See § 504(f)(3)(ii).

§ B504–6 Total losses of incorporated AFNs in Schedule C.

Section 504(e) provides that total losses (as defined in § 306(c)) of incorporated AFNs in Schedule C must not be taken into account in calculating positive direct investment in that scheduled area under § 504. However, this requirement does not affect the computation of allowables under § 504(a)(3) or § 504(b); it is applicable only in calculating the amount of direct investment made during a year and the extent to which the given allowable for such year has been used up. The principal purpose of § 504(e) is to prevent total losses of incorporated AFNs in Schedule C from being utilized in the current year or succeeding years to authorize transfers of capital to AFNs that result in positive direct investment in any scheduled area. Such losses may, however, be carried forward for use to authorize additional reinvested earnings of incorporated AFNs in Schedule C in subsequent years.

By operation of this section, total losses of incorporated Schedule C AFNs are, in effect assigned a value of zero for purposes of computing direct investment in Schedule C under § 306. (Accordingly, the formula suggested in § B306–6(iii) for determining reinvested earnings pursuant to § 306(b) would, if total earnings are zero or a negative amount, be:

$$RE = O - [(DP + dp) - (dr + pr)].$$

Example 12. DI has both incorporated and unincorporated AFNs in Schedule C. In 1969 DI elects the earnings allowable under § 504(b). The § 504(b) earnings allowable for 1969 in Schedule C is $500,000.

The incorporated AFNs have losses of $200,000 and pay no dividends. The unincorporated AFNs have earning of $600,000 and a net increase in assets of $600,000. At this point, DI has made positive direct investment of $600,000 because the $200,000 total losses are disregarded under § 504(e). In order to be in compliance for 1969, DI will have to reduce this positive direct investment by $100,000 through a negative transfer of capital or an offset using proceeds of long-term foreign borrowing. However, DI can carry the $200,000 loss forward into 1970 to authorize additional reinvested earnings of incorporated AFNs in Schedule C.

If the AFNs had been in Schedule A or B, positive direct investment would have been $400,000 ($600,000 net transfer of capital, plus total losses (negative reinvested earnings) of $200,000).

Example 13. DI has only incorporated AFNs in Schedule C, that earn $500,000 in 1969 and pay dividends of $700,000 to the DI. Thus, total earnings are $500,000, while reinvested earnings are negative in the amount of $200,000. If there are no other relevant transactions during the year, DI will have made negative direct investment of $200,000. This can be used to authorize positive direct investment (positive transfers of capital or reinvested earnings) of up to $200,000 in Schedule C in subsequent years, or in Schedules A and B in the same and subsequent years (see § 504(d)(3)). (This example illustrates the difference between losses of incorporated AFNs in Schedule C and negative reinvested earnings of such AFNs in terms of permissible use as a carryforward into subsequent years.)

Example 14. DI has a wholly owned incorporated AFN (C) in Schedule C with a branch (A) in Schedule A. DI elects the § 504(b) earnings allowable for 1969, pursuant to which the Schedule C allowable is $700,000. A earns $1,000,000.

On December 30, 1969, it appears that C will have losses of $200,000. Nevertheless, A may remit no more than $700,000 to C. By operation of § 306(b), profits received by an incorporated AFN from a branch in another scheduled area are considered to be reinvested earnings of the parent. Therefore, if A remits $700,000 to C, net reinvested earnings (and DI's positive direct investment) would be only $500,000. However, in computing positive direct investment in Schedule C under § 306, C's losses must be excluded; in effect, they are treated as earnings of zero. Therefore, positive direct investment in Schedule C would be the full $700,000 permitted under the § 504(b) earnings allowable for 1969.

If the incorporated AFN had been in Schedule B, however, its branch could have remitted $900,000, since the restrictions imposed with regard to losses in calculating positive direct investment apply only to Schedule C.

§ B504–7 Related provisions.

Section 504 allowables will be reduced pursuant to § 1003 in the amount of repayment of borrowing authorized by § 1002. (See also § 312(a)(6) and (7)).

Section 203(d)(1) requires a DI to expend or allocate available proceeds of long-term foreign borrowing, other than available proceeds that have been repatriated to the United States, before the DI is permitted to make any net transfer of capital under § 504 that results in positive direct investment.

Section 312(c)(1) provides, in effect, that a DI acquiring an equity interest in an AFN from another DI must assume the 1965–66 direct investment and the 1964–66 earnings experience of the divesting DI with respect to the AFN acquired. In addition, the acquiring DI is charged with direct investment made with respect to the AFN by the divesting DI during the year of acquisition.

See the discussion in § B1003–1(ii) concerning the order in which allowables are reduced by repayment charges incurred incident to repayment of long-term foreign borrowings.

B505—Transfers of Capital Between Affiliated Foreign Nationals

§ B505–1 Introduction.

Section 505 is primarily concerned with the treatment of transactions between AFNs of a DI in calculating the DI's annual net transfer of capital to a given scheduled area under § 313. It should be emphasized that § 505 affects only the calculation of transfers of capital and net transfers of capital under §§ 312 and 313; it has no bearing on the calculation of a DI's share in reinvested earnings of incorporated AFNs under § 306.

§ B505–2 Summary.

As a general rule, a transfer of capital from an AFN in one scheduled area to an AFN in another scheduled area will result under § 505 in (a) a decrease in the DI's net transfer of capital to the scheduled area of the AFN making the transfer and (b) an equivalent increase in the net transfer of capital to the scheduled area of the AFN to which the transfer was made.

Transfers between AFNs are so treated only if at least one of the AFNs is an "affiliate" of the DI. (As defined in § 903(a), an "affiliate" is an entity in which the aggregate of direct interests held by the DI and any of its other affiliates exceeds 50 percent.) Transfers between AFNs will effectively "net out" under § 505, if both AFNs are located in the same scheduled area, or if the net transfer of capital is computed worldwide (such as for purposes of the § 503 minimum allowable).

Section 505 provides special rules with respect to treatment of unincorporated AFNs. A transfer to or from an unincorporated AFN is attributed to the immediate parent of such AFN (§ 505(a)(1)); and a DI is deemed to have no share in the change in assets of an unincorporated AFN, for purposes of § 313(b), unless the immediate parent of such AFN is either the DI or an incorporated AFN that is an affiliate of the DI (§ 505(a)(4)).

Section 505 excludes from its operation charters of vessels (§ 505(a)(3)) and certain short-term trade credits between AFNs (§ 505(b)). In this connection, the term "time charter" as used in § 505(a)(3) is intended to apply to any vessel charter for a period of time however denominated, including "bareboat" and "voyage" charters.

§ B505–3 Transfers by or to unincorporated AFNs attributed to immediate parent.

Section 505(a)(1) provides that, for purposes of § 505, a transfer of funds or other property by an unincorporated AFN to the DI or to another AFN is treated as a transfer by the immediate parent of such unincorporated AFN (provided that the transferee is not the immediate parent, and that the immediate parent is the DI or an incorporated AFN). Conversely, a transfer to an unincorporated AFN by the DI or by another AFN is treated as a transfer to the immediate parent of the unincorporated AFN (provided that the transferor is not the immediate parent, and that the immediate parent is the DI or an incorporated AFN). Section 505(c) defines the "immediate parent" of an unincorporated AFN owned directly by a DI as the DI itself, while the "immediate parent" of an unincorporated AFN owned indirectly by the DI is the intervening AFN that directly owns the unincorporated AFN.

Example 1. DI has a wholly owned incorporated AFN (A) in Schedule A that has a branch (B) in Schedule B. DI also has an incorporated AFN (C) in Schedule C. In 1969 B lends $100,000 directly to C. The $100,000 is deemed transferred by A (i.e., the immediate parent of B) to C.

If C loaned $100,000 directly to B, the $100,000 would be deemed transferred by C to A (i.e., the immediate parent of B). Likewise, if the $100,000 loan to B were made by a branch of C located in Schedule A, the $100,000 would be deemed transferred by C (i.e., the immediate parent of the branch in Schedule A) to A (i.e., the immediate parent of B).

Example 2. DI has a wholly owned subsidiary (A) in Schedule A that has a branch (B) in Schedule B. In 1969 DI lends $100,000 to B. The $100,000 is deemed transferred by DI to A, the immediate parent of B.

Section 505(a)(1) does not apply if both the transferor and the transferee are unincorporated AFNs and if both have the same immediate parent. Thus, a transfer from a Schedule A branch of a DI to a Schedule B branch of the same DI is not governed by § 505(a)(1); any net changes in net assets of the branches resulting from this transfer will be taken into account under § 313(b).

§ B505–4 Treatment of transfers deemed made under § 505(a)(1).

Section 505(a)(2) provides that any transfer of funds or other property deemed by § 505(a)(1) to be a transfer between the DI and an incorporated AFN shall be treated as a transfer of capital under § 312 if (a) the transaction would have constituted a transfer of capital under § 312 had the parties actually been the DI and the incorporated AFN or (b) the transfer is between AFNs of the DI and either the actual transferor AFN or actual transferee AFN is an "affiliate" of the DI as defined in § 903(a).

Under § 903(a) an "affiliate" of a person within the United States is any other person (other than an individual) in which the aggregate of direct interests (defined in § 901) owned by such person and any of its affiliates exceeds 50 percent.

Example 3. DI has a branch (A) in Schedule A and a 60-percent owned subsidiary (C) in Schedule C. In 1969 C lends $500,000 to A. The loan from C to A is deemed made by C to DI, the immediate parent of A, under § 505(a)(1)(ii). If the loan had actually been made by C to DI, it would have constituted a transfer of capital from C to DI under § 312(b)(1). Therefore, under § 505(a)(2), C has made a transfer of capital of $500,000 to DI.

If no other transactions take place during 1969, DI will have made a $500,000 negative net transfer of capital to Schedule C, under § 313(a), and a $500,000 positive net transfer of capital to Schedule A, under § 313(b), the latter being the net increase in A's assets as a result of the loan from C. (If A and C had been located in the same scheduled area, DI's net transfer of capital under § 313(c) during 1969 to such scheduled area would have been zero.)

Example 4. DI has a branch (B) in Schedule B and a wholly owned subsidiary (A) in Schedule A. During 1969 B lends A $100,000. Under § 505(a)(1), DI is deemed to have made the loan to A (a transfer of capital under § 312(a)(1)). Therefore, § 505(a)(2) applies, and DI has made a positive net transfer of capital to Schedule A of $100,000 (under § 313(a) and a negative net transfer of capital to Schedule B (under § 313(b)) of $100,000, the latter being the decrease in B's assets after making the loan to A. (If both AFNs had been in one scheduled area, DI's net transfer of capital under § 313(c) would have been zero.)

Example 5. DI has a wholly owned subsidiary (A) in Schedule A that has a branch (B) in Schedule B. In 1969 DI lends $100,000 directly to B. The transfer results in a $100,000 transfer of capital from DI to A by virtue of §§ 505(a)(1) and (2). To the extent that the transfer results in a net increase in the net assets of the branch, DI will have made a positive net transfer of capital to Schedule B under § 313(b). However, to the extent that DI's share in the increase in B's assets is not attributable to earnings, A is deemed to have made a transfer of capital to DI, according to § 505(a)(6). Therefore, for 1969, DI will have made a net transfer of capital to Schedule A of zero ($100,000 deemed transferred from DI to A, under §§ 505(a)(1) and (2), less $100,000 deemed transferred from A to DI, under § 505(a)(6)) and a net transfer of capital to Schedule B of $100,000.

§ B505–5 Transfers between incorporated AFNs.

Under § 505(a)(3), a transfer of funds or other property from one incorporated AFN to another incorporated AFN (including a transfer deemed under § 505(a)(1) to have been made between incorporated AFNs) is treated as a transfer of capital by the transferor AFN to the DI (equal to the full amount or value of the funds or other property transferred) and as a further transfer of capital in an equivalent amount from the DI to the transferee AFN. The rule applies only if either the transferor or the transferee AFN is an "affiliate" of the DI, as defined in § 903(a), and if the transfer would have constituted a transfer of capital under § 312 if made by the DI. If the transferor and transferee are in the same scheduled area, the transaction will "net out" (i.e., result in a net transfer of capital of zero) under § 313(a).

Example 6. During 1969 a wholly owned Schedule C subsidiary of DI (C) makes a $200,000 a 3-year loan to A, a wholly owned Schedule A subsidiary of DI. Under § 505(a)(3), the transaction is treated as a $200,000 transfer of capital from C to DI and a $200,000 transfer of capital from DI to A. Accordingly, the transaction reduces by $200,000 the net transfer of capital made by DI to Schedule C during 1969 and increases by an equivalent amount the net transfer of capital made by DI to Schedule A during the same year. The result would be the same even if neither of the AFNs were wholly owned by DI so long as DI owned more than a 50-percent interest in one of them. Thus, for example, the same result would be reached if DI owned 51 percent of A and only 10 percent of C, or vice versa, the theory being that DI can prevent the transaction if it owns more than a 50-percent interest in either of the AFNs.

Example 7. During 1969 a wholly owned Schedule A subsidiary (A) of DI leases machinery to B, a wholly owned Schedule B subsidiary of DI. The machinery has a value of $1,000,000 when leased and the lease expires in 1972. The transaction is treated under § 505(a)(3) as a $1,000,000 transfer of capital from A to DI and a $1,000,000 transfer of capital from DI to B (see § 312(a)(8)).

Current rental payments under the lease will not involve transfers of capital; rather, they will reduce the earnings of B and increase the earnings of A. When the machinery is returned to A at the end of the lease term, there will be a transfer of capital from B to DI (equal to the residual value of the machinery) and an equivalent transfer of capital from DI to A.

Example 8. During 1969 a wholly owned Schedule C subsidiary (C) of DI borrows $1,000,000 from a foreign bank. Repayment of the loan is guaranteed by B, a wholly owned Schedule B subsidiary of DI. In 1971 B is called upon to pay $500,000 under its guarantee and makes such payment. The transfer is treated under § 505(a)(3) as a $500,000 transfer of capital from B to DI and a $500,000 transfer of capital from DI to C. Any resulting positive direct investment in Schedule C would be generally authorized under Subpart J of the regulations if DI had filed an appropriate certificate under § 1002(b) within 10 days after the guarantee was made.

Example 9. DI has a wholly owned subsidiary (A) in Schedule A, that has a branch (B) in Schedule B. DI also has a wholly owned subsidiary (C) in Schedule C, that has a branch (X) in Schedule A. During 1969 X lends $100,000 directly to B. Under § 505(a)(1) and (3), the transaction results in a $100,000 transfer of capital from C to DI and a $100,000 transfer of capital from DI to A. The transfer of funds from X is treated as a transfer from the immediate parent (i.e., C) under § 505(a)(1)(i). The transfer of funds to B is treated as a transfer to its immediate parent (i.e., A) under § 505(a)(1)(ii). Since the transfer is deemed to be from C to A, § 505(a)(3) provides that it is treated as a § 312(b) transfer of capital from C to DI, and then as a § 312(a) transfer of capital from DI to A.

Under § 313(b), DI has made a positive net transfer of capital to Schedule B of $100,000 (the amount of net increase in B's assets) and a negative net transfer of capital to Schedule A (the amount of net decrease in X's assets). Under § 505(a)(5), DI is deemed to have made a § 312(a) transfer of capital to C (the amount of net decrease in X's assets not attributable to losses); and under § 505(a)(6), A is deemed to have made a § 312(b) transfer of capital to DI of $100,000 (the amount of net increase in B's assets not attributable to earnings).

Assuming no other transactions during 1969, DI will report a negative net transfer of capital of $100,000 to Schedule A; a positive

net transfer of capital of $100,000 to Schedule B and a zero net transfer of capital to Schedule C.

§ B505–6 Purchase and sale of interests in other AFNs.

Section 505(a)(3) also covers the purchase and sale by incorporated AFNs of interests in other AFNs.

The following general rules are applicable to such transactions:

(i) *Purchase of AFN.* If an incorporated AFN acquires from an unaffiliated foreign national an interest in a foreign national that becomes an AFN of the parent DI as a result of the acquisition, the full purchase price is treated as a transfer of capital by the acquiring AFN to the DI and as a further transfer of capital by the DI to the acquired AFN. However, if the acquisition is made after December 31, 1967, and the acquired AFN has subsidiaries and/or branches in other scheduled areas that become separate AFNs of the DI as a result of the acquisition, the transfer of capital by the DI should be allocated among the different scheduled areas involved in a manner fairly reflecting the respective values of the direct and indirect interests acquired. As a general rule, an allocation based on the respective book values of the entities involved is acceptable. The result is the same whether the acquiring AFN pays cash or gives a debt obligation in exchange for the interests acquired. If, however, the consideration for the acquisition is stock of the acquiring AFN, no transfer of capital to or from the DI will result.

(ii) *Sale of AFN.* If an incorporated AFN sells an interest in another AFN to an unaffiliated foreign national, there will be a transfer of capital by such other AFN to the DI in an amount equal to the purchase price and a further transfer of capital by the DI to the selling AFN in an amount equal to the cost or other basis to the selling AFN of the interest sold. Any capital gain or loss realized by the selling AFN from the sale will be included in determining the earnings of the AFN for the period involved. An allocation of the transfer of capital to the DI among different scheduled areas will be required (generally, based on relative book value of the components divested) if the interest sold was acquired after December 31, 1967, and the AFN in which the interest is sold has subsidiaries and/or branches in different scheduled areas that are separate AFNs of the DI. The result is the same whether the selling AFN receives cash or a debt obligation of the purchaser in exchange for the sale. If, however, consideration for the sale is stock in a foreign national that becomes an AFN as a result of the transaction, no transfer of capital to or from the DI will result.

Example 10. During 1969 a wholly owned Schedule B subsidiary (B) of DI purchases from an unaffiliated foreign national, for $1,000,000 in cash, all of the stock of a Schedule C corporation (C). Under § 505(a)(3), the transaction is treated as a $1,000,000 transfer of capital from B to DI and a $1,000,000 transfer of capital from DI to C. Accordingly, the transaction reduces by $1,000,000 the net transfer of capital made by DI to Schedule B during 1969 and increases by an equivalent amount the net transfer of capital made by DI to Schedule C during the same year.

If B had paid only $500,000 in cash and gave a 5-year note to the seller for the $500,000 balance of the purchase price, the result would be the same. No transfers of capital will be involved when B subsequently makes payments on the note.

The result would also be the same even if DI owned only 51 percent of the Schedule B AFN. Note, however, that if DI owned an interest of 50 percent or less in the Schedule B AFN, the transaction would not involve any transfer of capital to or from DI, regardless of the amount of the interest in the Schedule C corporation acquired by the Schedule B subsidiary, since the DI is presumed in this situation to lack control over the transaction. Note also that if the acquiring and the acquired corporation were in the same scheduled area, the transaction would effectively "net out."

Example 11. DI has a wholly owned Schedule B subsidiary (B) that has a wholly owned Schedule C subsidiary (C). During 1969, B sells all stock of C, that had been purchased for $500,000, to an unaffiliated foreign national for $1,000,000 in cash. Under § 505(a)(3), the transaction is treated as a $1,000,000 transfer of capital from C to DI and a $500,000 transfer of capital from DI to B. The $500,000 profit (measured by historical cost) realized by B will be taken into account in calculating that subsidiary's 1969 earnings.

If B had received $500,000 in cash and a five-year note of the purchaser for the $500,000 balance of the purchase price, the result would be the same. No transfers of capital will be involved when B subsequently receives payments on the note.

The result would be the same even if DI owned only 51 percent of the Schedule B AFN. Note, however, that if DI owned an interest of 50 percent or less in the Schedule B AFN, the transaction would not involve any transfer of capital to and from DI, since the DI is presumed in this situation to lack control over the transaction.

§ B505–7 Transactions between AFNs not involving transfers of capital.

Transfers between AFNs will not involve transfers of capital to or from the DI unless the transfer, if actually made by the DI, would be a transfer of capital under § 312. Consequently, the transactions described in § 312(c) will not result in transfers of capital when carried out by AFNs.

(i) *Stock for stock transactions and reorganizations.* As a general rule, a transfer of capital to or from a DI will not be involved under § 505(a)(3) if (a) an AFN of a DI transfers an interest in a lower-tier AFN and receives in exchange stock of a foreign corporation that becomes an AFN of the DI as a result of the transaction or if (b) there is a recapitalization, reorganization, merger or consolidation involving one or more AFNs. Although a foreign enterprise may cease to be an AFN of a DI as a result of the transaction, the transaction does not affect the amount of direct investment made by the DI during the base period years in the scheduled area of such foreign enterprise.

Example 12. B, a wholly owned Schedule B subsidiary of DI, transfers to an unaffiliated foreign national all of the stock of a wholly owned Brazilian subsidiary in exchange for all of the stock of a French corporation. The transaction does not result in any transfer of capital to or from DI. However, as a result of the transaction DI becomes a DI in the French corporation and ceases to be a DI in the Brazilian corporation. (The result would be the same if the other party to the transaction were also an AFN of DI.)

Example 13. A wholly owned German subsidiary of DI is reincorporated in the United Kingdom (or, alternatively, merged into a wholly owned U.K. subsidiary of the DI). Neither transaction results in any transfer of capital to or from the DI. However, the business of the newly created U.K. subsidiary (or the U.K. subsidiary after the merger) that is conducted in Germany will be a branch of the U.K. subsidiary and may, therefore be a separate unincorporated Schedule C AFN of DI by operation of § 304.

(ii) *Transfers of certain intangibles.* A transfer of property from one AFN to another AFN of the same DI before or after January 1, 1968, in exchange for a debt or equity interest in the transferee AFN does not involve a transfer of capital to or from the DI (regardless of the form of the transfer or the consideration exchanged therefor) if the property transferred consists of patents, copyrights, trademarks, trade names, trade secrets, technology, proprietary processes, proprietary information, or similar intangibles or any rights or interests therein or applications or contracts relating thereto (see § 312(c)(11)). No deduction for amortization or any like charge with respect to such an intangible transferred after January 1, 1968, shall be made against earnings in calculating the earnings of the transferee AFN.

(iii) *Vessel charters.* Any charter of a vessel for a period of time made or deemed made by an incorporated AFN to another incorporated AFN of the DI is excluded from treatment as a transfer of capital under § 505(a)(3). This exclusion applies to voyage and bareboat charters a well as to time charters, notwithstanding a statement to the contrary contained in the FEDERAL REGISTER notice of August 8, 1969 (34 F.R. 12884) accompanying promulgation of amended § 505(a)(3).

Example 14. During 1969 a wholly owned Panamanian subsidiary (A) of DI, charters one of its ships to C, a wholly owned German subsidiary of the DI, for a period of 6 months. There is no transfer of capital to or from DI under § 505(a)(3).

(iv) *Short-term trade credits between AFNs.* Section 505(b) provides, in effect, that the extension or satisfaction of a short-term trade credit between non-Canadian AFNs (see § 1103(c)) of a DI will not result in a transfer of capital to or from the DI, or in any net change in the net assets of an unincorporated AFN extending or receiving such credit for purposes of § 313(b). Section 505(b) applies to trade credits that are extended in the ordinary course of business pursuant to arm's-length terms and are in fact paid within 12 months after they are extended.

Example 15. On September 1, 1969, a wholly owned French subsidiary (C) of DI sells equipment to A, a Brazilian subsidiary of DI in the ordinary course of business pursuant to arm's-length terms. The $1,000,000 purchase price is payable in full by March 1, 1970. There is no transfer of capital to or from DI. (The result would be the same if the sale of services, rather than the sale of goods, were involved.) If, however, no part of the purchase price is paid by September 1, 1970, there would be a $1,000,000 transfer of capital from C to DI and from DI to A, deemed to have occurred on September 1, 1970, or on such sooner date as it became apparent that A would not be able to make payment prior to September 1, 1970. (The result would be the same if the sale of services, rather than the sale of goods, were involved.)

§ B505–8 Transactions between AFNs and their branches in different scheduled areas.

The net transfer of capital by a DI to unincorporated AFNs in any scheduled area during any period will generally equal the DI's share in the aggregate net increase or decrease, during the year, in such AFNs' aggregate net assets (see § 313(b)). This calculation is based on changes in the net assets of all unincorporated AFNs located in such scheduled area, including those in which DI has an indirect interest, e.g., a branch of an AFN that is headquartered in another scheduled area. However, § 505(a)(4) provides that a DI is chargeable with a net transfer of capital only to unincorporated AFNs the immediate parent of which is either the DI or another AFN that is an "affiliate" of the DI as defined in § 903(a).

While a DI's share of the change in net assets of a § 903(a) affiliate incorporated AFN's branch is automatically included in the DI's net transfer of capital to the scheduled area where the branch is located, certain changes in branch assets also result in a corresponding transfer of capital from or to the parent AFN. Section 505(a)(5) and (6) provides that a corresponding transfer of capital from or to the parent occurs when the net increase or decrease in branch assets cannot be attributed to earnings or losses of the branch.

Example 16. DI has a wholly owned AFN in France (Schedule C), that has a branch in Brazil (Schedule A). DI has no other AFNs. During 1969 the branch has earnings of $50,000 but its net assets increase by $100,000 because of a transfer of $50,000 from the AFN to the branch. This results, under § 313(b), in a $100,000 positive net transfer of capital to Schedule A (DI's share of the net increase in branch assets) and, under § 505(a)(6), in a $50,000 negative net transfer of capital to Schedule C (the amount by which DI's share in the net increase in branch assets ($100,000) exceeded DI's share in the branch's earnings ($50,000)).

If DI owned only 60 percent of the French AFN, the result would be a $60,000 positive net transfer of capital to Schedule A (60 percent of $100,000) and a $30,000 negative net transfer of capital to Schedule C (60 percent of $50,000). If DI owned 50 percent or less of the French AFN, no net transfer of capital would be involved.

The following are variations of the facts given above:

(a) *Positive earnings-decrease in assets.* If the branch had 1969 earnings of $50,000 but its net assets decreased by $150,000 because of a remittance of $200,000 to the parent AFN, this would result, under § 313(b), in a $150,000 negative net transfer of capital to Schedule A (DI's share of the $150,000 net decrease in branch assets) and, under § 505(a)(5), in a $150,000 positive net transfer of capital to Schedule C (DI's share of the $150,000 net decrease in branch assets not attributable to losses). Moreover, the full amount of branch earnings ($50,000) would be treated as having been distributed to the Schedule C parent and would be deducted from dividends paid by the parent to DI (see § B306–6(iii)). If DI owned only 70 percent of the French AFN, the result would be a $105,000 negative net transfer of capital to Schedule A (70 percent of $150,000) and a $105,000 positive net transfer of capital to Schedule C (70 percent of $150,000). Moreover, $35,000 of the earnings of the branch (DI's 70 percent share of the $50,000 branch earnings) would be treated as having been distributed to the Schedule C parent and should be deducted from dividends paid by the parent to DI. If DI owned 50 percent or less of the French AFN, no net transfer of capital would be involved; however, an appropriate percentage of the earnings of the branch would still be treated as having been distributed to the Schedule C parent and would be deducted from dividends paid by the parent to DI.

(b) *Zero earnings-decrease in assets.* If the branch had 1969 earnings of zero and net assets decreased by $100,000 because of a remittance of $100,000 to the parent AFN, this would result, under § 313(b), in a $100,000 negative net transfer of capital to Schedule A (DI's share of the $100,000 net decrease in branch assets) and, under § 505(a)(5), in a $100,000 positive net transfer of capital to Schedule C (DI's share of the $100,000 net decrease in branch assets not attributable to losses).

(c) *Loss-no change in assets.* If the branch incurred a loss of $100,000 during 1969, but there was no change in net assets because of a transfer of $100,000 from the parent AFN, this would result, under § 505(a)(6), in a $100,000 negative net transfer of capital to Schedule C (DI's share of the $100,000 loss).

(d) *Loss-increase in assets.* If the branch incurred a loss of $100,000 during 1969 but had a $50,000 increase in net assets because of a transfer of $150,000 from the parent AFN, this would result, under § 313(b), in a $50,000 positive net transfer of capital to Schedule A (DI's share of the $50,000 net increase in branch assets) and, under § 505(a)(6), in a $100,000 negative net transfer of capital to Schedule C (DI's share of the $50,000 net increase in net assets plus DI's share of the $100,000 loss).

(e) *Decrease in assets smaller than loss.* If the branch incurred a loss of $100,000 during 1969 while net assets decreased by only $25,000 because of a transfer of $75,000 from the parent AFN, this would result, under § 313(b), in a $25,000 negative net transfer of capital to Schedule A (DI's share of the $25,000 net decrease in branch assets) and, under § 505(a)(6), in a $75,000 negative net transfer of capital to Schedule C (the amount by which DI's share of the loss ($100,000) exceeds DI's share of the net decrease in branch assets ($25,000)).

(f) *Decrease in assets greater than loss.* If the branch incurred a loss of $100,000 during 1969 while net assets decreased by $250,000 because of a remittance of $150,000 to the parent AFN, this would result, under § 313(b), in a $250,000 negative net transfer of capital to Schedule A (DI's share of the $250,000 net decrease in branch assets) and, under § 505(a)(5), in a $150,000 positive net transfer of capital to Schedule C (DI's share of the $250,000 net decrease in branch assets not attributable to the $100,000 loss).

B506—Incremental Earnings Allowable

§ B506–1 Introduction.

In addition to allowables available pursuant to §§ 503 and 504, commencing in 1970 a DI will also be eligible for an "incremental earnings allowable" pursuant to § 506.

Generally, this additional allowable may benefit only DIs that have AFNs with an unusually high growth rate of earnings. The provision was originally intended to facilitate certification of borrowings under Subpart J for DIs experiencing difficulty in forecasting (on the basis of future AFN earnings) that debt repayments could be made within the applicable limits of § 503 or § 504. However, the § 506 allowable is not limited to this particular situation and is available for positive direct investment in any scheduled area, whatever the purpose.

§ B506–2 Summary.

The incremental earnings allowable, if any, available to a DI will be the amount by which 40 percent of incremental earnings (defined in § 506(a)(3)) for the current year exceed the greatest amount of positive direct investment authorized in all scheduled areas pursuant to § 503, § 504(a), or § 504(b) without regard to allowables carried forward from prior years. For purposes of this calculation, it is immaterial whether the DI has elected to be governed by § 503 or by § 504 for the current year.

The additional positive direct investment authorized by § 506 may be made in any or all scheduled areas.

In computing positive direct investment in Schedule C under § 506, losses of the DI's incorporated AFNs in Schedule C must be excluded. (See § 506(d).)

Unused § 506 allowables may be carried forward to succeeding years.

§ B506–3 Calculation of incremental earnings allowables.

The following steps are required to calculate the incremental earnings allowable:

Compute current "aggregate annual earnings" ("annual earnings," as defined in § 504(b)(4)) of all incorporated and unincorporated AFNs for all scheduled areas combined, excluding Canada;

Compute "base period aggregate annual earnings;" i.e., 50 percent of the sum of aggregate annual earnings for the years 1966 and 1967 (but not less than zero); and

Determine the current year's "incremental earnings," if any, by subtracting base period aggregate annual earnings from aggregate annual earnings for the year involved.

The incremental earnings allowable is the amount by which 40 percent of the DI's incremental earnings exceeds the greatest amount of positive direct investment authorized in all scheduled areas for the current year (excluding any carryforward of allowables from prior years, and without regard to any reduction under § 1008, or to the § 502 election actually made).

The following examples illustrate calculation of the § 506 allowables:

Example 1. DI has an AFN (A) in Pakistan. In 1966 A had losses of $100,000 and in 1967 earnings of $500,000. DI's base period aggregate annual earnings under § 506(a)(2) is $200,000 ($500,000−$100,000 divided by 2).

Assume that DI's historical and earnings allowables under § 504 (a) and (b) are each less than $1,000,000. In 1970 A has earnings of $3,400,000.

DI's incremental earnings allowable under § 506 in 1970 is $280,000, calculated as follows (000 omitted):

1970 aggregate annual earnings	$3,400
Deduct: Base period aggregate annual earnings	−200
Incremental earnings	3,200
40 percent of incremental earnings	1,280
Deduct: Largest of available allowables (i.e., § 503)	−1,000
Incremental earnings allowable	280

Example 2. DI has six AFNs: Two incorporated in Schedule A, two incorporated in Schedule B and two branches in Schedule C. In 1966 the AFNs had aggregate annual losses of $200,000 and in 1967 aggregate annual earnings of $100,000. DI's base period aggregate annual earnings are, therefore, zero.

Assume that DI's historical allowables in Schedules A and B are, respectively, $300,000 and $400,000. The Schedule C historical allowable is zero, because the AFNs are not incorporated (see § 504(a)(3)). Accordingly, DI's § 504(a) allowables for all scheduled areas are $700,000.

In 1969 the AFNs had annual earnings of $1,500,000 in Schedule A, $1,200,000 in Schedule B, and $1,000,000 in Schedule C. Therefore, DI's 30 percent earnings allowable for 1970 is $450,000 in Schedule A, $360,000 in Schedule B and $300,000 in Schedule C; a total of $1,110,000 worldwide. In 1970 the AFNs have aggregate annual earnings of $4,000,000.

DI's incremental earnings allowable for 1970 is $490,000, computed as follows (000 omitted):

1970 aggregate annual earnings	$4,000
Deduct: Base period aggregate annual earnings	0
Incremental earnings	4,000
40% of incremental earnings	1,600
Deduct: Largest of available allowables (i.e., § 504(b))	−1,110
Incremental earnings allowable	490

§ B506–4 Application of the § 506 allowable.

Unlike the allowables provided in § 504 (a) and (b), which are schedular, the incremental earnings allowable applies on a modified worldwide basis. In other words, the additional direct investment authorized by § 506 can be made entirely in one scheduled area, or can be divided among two or more scheduled areas. Any unused § 506 allowable may be carried forward to subsequent years for use in any one or more scheduled areas, without regard to the election made under § 502.

Use (as contrasted with amount) of the § 506 allowable may vary, depending upon whether the DI elects to be governed by § 503 or by § 504 for the year in question. The election establishes whether direct investment is to be computed worldwide or by schedules, and whether total losses of Schedule C incorporated AFNs (see § 504(e)) must be excluded. These factors, in turn, influence the manner in which the incremental earnings allowable can be utilized.

Example 3. In 1970 DI elects to be governed by § 504(a), and has historical allowables of $500,000, $600,000, and $400,000 in Schedules A, B, and C, respectively. DI also has an incremental earnings allowable of $100,000.

DI makes positive direct investment of $750,000 in Schedule A, $400,000 in Schedule B and $450,000 in Schedule C, all of which is authorized. In Schedule A, $500,000 is authorized by § 504(a), $200,000 of the Schedule B historical allowable is carried "downstream" pursuant to § 504(d), and $50,000 of the § 506 allowable is used. In Schedule C, $400,000 is authorized by § 504 and the remaining $50,000 is authorized by § 506.

Example 4. DI has incorporated AFNs in Schedules A and C, with a § 504(a) historical allowable in Schedule A of $700,000 and a carryforward allowable of $450,000 in Schedule C pursuant to § 504(d). In 1970 DI has an incremental earnings allowable of $200,000.

During 1970 DI makes positive direct investment (consisting of reinvested earnings) in Schedule A of $700,000. In Schedule C, DI makes a positive net transfer of capital of $700,000. DI's Schedule C AFNs have total losses of $200,000.

If DI should elect to be governed by § 503 in 1970, the foregoing amount of positive direct investment would be authorized. Positive direct investment under § 503 would be $1,200,000 ($700,000+$700,000−$200,000). Of this amount, $1,000,000 would be authorized by § 503, and $200,000 by § 506.

Under § 504, however, DI would be out of compliance (i.e., in violation of § 201). Positive direct investment would be $1,400,000 ($700,000 in Schedule A and, because § 504(e) requires total losses of incorporated AFNs in Schedule C to be excluded, $700,000 in Schedule C). Of the $700,000 positive direct investment in Schedule C, $450,000 would be authorized by § 504 and $200,000 would be authorized by § 506, but DI would have no allowable to cover the remaining $50,000. Under the foregoing circumstances, and assuming no other transactions, DI presumably would elect, on Form FDI–102F for 1970, to be governed by § 503.

§ B506–5 Carryforward of the § 506 allowable.

Unused § 506 allowables may be carried forward to subsequent years for use in any scheduled area. Section 506(c) provides that, to the extent any positive direct investment in any year is authorized by § 503 or § 504, it shall be deemed to have been made first pursuant to those sections.

Example 5. DI elects to be governed by § 503 in 1970 and has an incremental earnings allowable of $200,000. During 1970, DI makes positive direct investment worldwide of $1,100,000. DI has a § 506 carryforward of $100,000.

Example 6. In 1970 DI has historical allowables of $700,000 in Schedule A and $700,000 in Schedule C. DI also has a carryforward allowable of $100,000 in Schedule A pursuant to § 504(d)(1) and an incremental earnings allowable under § 506 of $100,000. During 1970, DI makes positive direct investment of $800,000 in Schedule A and $700,000 in Schedule C. The § 504(d)(1) carryforward allowable will be deemed to have been utilized to offset the $100,000 positive direct investment that exceeds DI's $700,000 historical allowable in Schedule A, and DI will be permitted to use the $100,000 incremental earnings allowable in any scheduled area in subsequent years.

§ B506–6 Miscellaneous.

Repayment charges incurred under § 1003 in connection with repayment of certain borrowings will, starting in 1970, reduce the § 506 incremental earnings allowable to the extent that such repayments exceed the DI's worldwide § 503 allowable, or exceed the DI's total § 504 allowables. (See § 1003.)

B801—Applications for Specific Authorizations or Exemptions or for Interpretive Opinions

§ B801–1 Introduction.

Section 201 prohibits DIs from making positive direct investment in AFNs in excess of amounts generally authorized by the regulations, or as may be specifically authorized by OFDI. Section 801 provides that DIs may file applications for (a) specific authorizations to effect positive direct investment otherwise prohibited, (b) specific exemptions from complying with particular requirements of the regulations, and (c) interpretive opinions concerning particular factual situations, including those involving the possibility that a DI may have to apply for a specific authorization or exemption.

§ B801–2 Procedures.

Applications for specific authorizations or exemptions and requests for interpretive opinions must be submitted in writing and must comply with instructions contained in the Revised Instructions for Submitting Applications for Specific Authorizations or Exemptions or for Interpretive Opinions (the "Instructions"), issued by OFDI on June 6, 1969, and amended and supplemented from time to time (see appendices hereto).

If a DI is uncertain whether it may or may not require a specific authorization or exemption concerning a particular transaction, a combined request for an interpretive opinion or, in the alternative, a specific authorization or exemption may be submitted.

§ B801–3 Particular authorizations or exemptions.

Note that the instructions set forth particular requirements concerning applications for specific authorizations or exemptions regarding (a) export credit extended by a DI to its AFNs (see Part I.C. as revised Oct. 24, 1969, and attached as Appendix E hereto), (b) reinvested earnings of AFNs (see Part I.D.), (c) foreign equity financing of direct investment (see Part I.E.), (d) the requirement to repatriate to the United States allocated proceeds of long-term foreign borrowing (see Part I.F.), and (e) triangular or parallel financing arrangements (see the Sept. 24, 1969, supplement to the instructions, Appendix B hereto). The following comments supplement the information contained in the instructions (as revised) regarding particular specific authorizations or exemptions.

(i) *Export credit extended by a DI to AFNs.* DIs may apply for specific authorization to increase the amount of export credit extended to AFNs as of the end of the current year over the amount of export credit that had been extended by the DI to AFNs as of the end of the immediately preceding year. For these purposes, the term "export credit" generally includes arrangements for financing exports of goods by the DI to AFNs, such as advances to, notes from and open accounts with AFNs, which result in transfers of capital by the DI to AFNs. It is immaterial whether the goods exported by the DI were produced by the DI or by other suppliers, or whether the goods exported are to be sold by the AFN to foreign customers or used by the AFN itself.

Specific authorization relief is generally granted only if total exports by the DI to AFNs increase during the current year, or can be expected to increase, over the immediately preceding year, and only to the extent that goods are sold to AFNs on credit terms generally consistent with the DI's export financing experience with respect to AFNs during the years 1965 through 1968. Relief is normally granted on a worldwide basis.

Each request for export credit relief will be considered on its own merits and on the facts presented. The decision of OFDI will be influenced by reasonable alternatives available to the applicant and the manner in which the DI's general allowables provided by Subpart E have been used. DIs having a general allowable that is adequate to finance a normal rate of export credit expansion, or DIs merely seeking to extend longer credit terms to AFNs, may not qualify for specific authorization relief.

(ii) *Foreign equity financing of direct investment.* Application may be for specific authorization to defer, in whole or in part, charges to Subpart E allowables resulting from transfers of capital arising from equity financing of direct investment, such as in connection with equity financings of the types described below.

(a) Specific authorization may be sought to allow deferral of charges to Subpart E allowables that would otherwise result from the use of convertible preferred shares issued by an international finance subsidiary (see § 323), or the use of proceeds of sale of such shares, for direct investment purposes. To obtain such relief, the DI must demonstrate that the Interest Equalization Tax would be applicable if the shares were sold to residents or nationals of the United States, and that an exemption from withholding of U.S. income taxes will apply to the dividend payments to foreign nationals.

Ordinarily, the conversion right will involve common stock of the DI. When conversion takes place, the DI's Subpart E allowables will be charged in the year following conversion with an amount equal to the value of each preferred share converted. Such value will be stated in the specific authorization and will generally be determined as of the closing date for the issuance of the preferred shares.

In general, the terms and features of the convertible preferred shares should be designed to encouraged retention of such shares by foreign holders.

(b) Specific authorization may also be sought to defer for a limited period the charge to Subpart E allowables that would otherwise result from exchange of a DI's common stock in limited dollar amounts for the stock or assets of a foreign business entity held by a foreign family group or a limited number of foreign nationals. Express restrictions on sale, transfer or other disposition of DI's common stock by the recipients for a period of at least three years must be demonstrated. Accordingly, an agreement with the foreign recipients evidencing such restrictions must be executed, whether or not an "investment letter" is given by the recipients for Securities Act purposes. The DI's Subpart E allowables will be charged, in the year the restrictions expire or as otherwise provided in the specific authorization, with an amount equal to the value of DI's shares as originally established in the specific authorization.

In addition, DI must submit clear evidence of ability to report quarterly as to retention of the shares abroad. The burden of proof will rest on DI to show that shares have not been sold, transferred or otherwise disposed of during the "lock-up" period.

(c) Also, applications may be submitted for specific authorization to defer a portion of the charge to Subpart E allowables resulting from foreign equity financing transactions involving exchanges of DI's stock for stock or assets of foreign entities in transactions that may not qualify under category (b) above, because of large dollar amounts of equity securities and/or large receiving groups, or because assurance cannot be given that the U.S. securities will be retained abroad for the requisite period of time.

In cases qualifying for this relief, 30 percent of the value of the DI's equity securities exchanged, as stated in the specific authorization, will be charged as a transfer of capital in the year in which the direct investment transaction is effected. In each of the five succeeding years, 10 percent of the original value of the shares exchanged will be charged as a transfer of capital. Therefore, in addition to permitting "installment" charges against Subpart E allowables, this form of relief will completely exempt 20 percent of the transfer of capital involved.

(iii) *Offshore finance subsidiaries.* An "offshore finance subsidiary" is a corporation organized under the laws of a foreign country, all the share capital of which (except for directors' qualifying shares) is directly or indirectly owned by a DI and the principal business of which is to borrow funds from foreign nationals, other than AFNs of the DI, and to invest such funds in debt or equity securities of the DI or AFNs of the DI. Although a corporation organized under the laws of a foreign country does not technically come within the definition of an international finance subsidiary (see § 323(a)), OFDI will generally issue a specific authorization permitting the DI and its offshore finance subsidiary to be treated as a single person within the United States for some purposes of the regulations, subject to appropriate conditions. In particular, as a result of such specific authorization, the proceeds of long-term borrowings of an offshore finance subsidiary from unaffiliated foreign nationals may, subject to appropriate conditions, be treated as if they are "proceeds of long-term foreign borrowing," as defined in § 324(c), and "available proceeds," as defined in § 324(d): *Provided,* That the borrowings by the offshore finance subsidiary would have qualified as "long-term foreign borrowing," under §§ 324(a), 324(e), and 1106, if made by the DI or an international finance subsidiary. (See § 323(a).)

B900—Subpart I (§§ 901–907)

§ B900–1 Introduction.

Subpart I of the regulations (§§ 901–907) deals with direct investment by persons within the United States who are related, affiliated or associated with other persons within the United States. These relationships are described as affiliated groups (§ 903), family groups (§ 904), associated groups (§ 905), and ownership of direct investors (§ 906). Section 907 provides rules for reporting direct investment transactions involving such groups. Sections 901 and 902 define the terms "direct interests" and "indirect interests," which are significant in determining:

Existence of a DI-AFN relationship under §§ 304 and 305;

A DI's share in reinvested earnings of an incorporated AFN under § 306(b);

Whether an AFN is an "affiliate" of a DI, so that transfers made by or to the AFN should be attributed to the DI under § 505;

Existence of an affiliated or associated group under §§ 903 and 905; and

Availability and consequences of an election under § 906(b)(1).

Members of an affiliated group or a family group are treated as a single entity for reporting and compliance purposes under the regulations. An affiliated group consists of a U.S. person and all of such person's U.S. affiliates (see § 903). A family group consists of all family members residing in the same household (see § 904): An affiliated or family group files a consolidated Form FDI–101 (Base period Report), FDI–102 (Cumulative Quarterly Report), and FDI–102F (Annual Report); members of the group do not file reports individually (see § 907(d)).

Two or more U.S. persons acting in concert to own or acquire an aggregate 10 percent or greater interest in a foreign national constitute an associated group. Each member of an associated group is treated as a separate DI in the AFN acquired (the "group AFN"), and is

required to report individually unless certain requirements pertaining to consolidated reporting are met (see §§ 905(b)(3) and 907(c)(2)).

Direct investment transactions of a DI normally will not be attributed to any other person merely because such other person owns an interest in the DI. However, an option under § 906(b)(1) is available to direct owners of a DI, whereby each such owner may elect to be put in the position of the DI as to direct investment, allowables and foreign balances, in accordance with such owner's proportionate interest in the DI.

§ B901–1 Definition of direct interest.

A direct interest in a corporation, partnership, joint venture, trust or other entity is defined in § 901 as an interest that is not owned through an intervening person or chain of persons.

(i) *Direct interest in a corporation.* The amount of a direct interest in a corporation is determined by the percentage held of total combined voting power (represented by all outstanding voting securities of the corporation). Voting power means the power to vote presently in an election of directors of the corporation or, if the corporation does not have directors, in the election or appointment of persons performing management control functions. Treasury shares and shares reserved for issuance upon the exercise of options, warrants, conversion or other similar rights, and shares owned by a wholly owned subsidiary, are not deemed outstanding for purposes of determining the magnitude of a direct interest.

Example 1. As of January 1, 1969, a corporation (X) has 100,000 outstanding shares of capital stock, 60,000 of which are class "A" common, 20,000 are class "B" common, and 20,000 are preferred. In the election of directors, each class A carries three votes and each class B share carries one vote. Holders of preferred stock are entitled to vote on major matters such as mergers, consolidations, etc., or amendments to the certificate of incorporation affecting the preferred stock; they are not entitled to vote in the election of directors unless four quarterly dividend payments are in arrears. Y, an individual, owns 8,000 shares of class A common stock, 6,000 shares of class B common stock and 500 shares of preferred stock. No dividends on the preferred stock are in arrears as of January 1, 1969. Y's direct interest in X as of January 1, 1969, is 15 percent, since Y owns 15 percent of the total combined voting power of X (30,000 of a total 200,000 votes).

Beneficial ownership of voting stock is ordinarily the test of interest in a corporation for determining whether one is a DI, but ownership of such stock is not necessarily determinative of a DI's share in earnings of an incorporated AFN for purposes of § 306 because a corporation may have two classes of stock outstanding that share equally in earnings but do not have equal voting rights. Examples in this Bulletin involving incorporated AFNs are based on the assumption that the DI's voting interest and interest in earnings of the AFN are coextensive.

(ii) *Direct interest in unincorporated business activities.* The amount of a direct interest in an unincorporated enterprise, such as a partnership or joint venture, is usually determined by the percentage share of profits to which one is entitled. If one is entitled to a fixed amount rather than a percentage of profits, or the amount is for any reason variable, the direct interest normally should be calculated by reference to the portion of profits actually distributed or distributable at the close of the most recently ended annual accounting period of the organization, assuming there was no change in the interest since that time. If neither of the foregoing rules appropriately reflects the direct interest in an unincorporated entity, the amount of direct interest should be calculated by whatever method will produce a reasonable result.

Example 2. On January 1, 1969, P, a partnership, has three partners (A, B, and C). Under the partnership agreement, A is entitled to the first $100,000 of distributed profits, and if there are additional profits, he is entitled to receive 5 percent of all such additional profits. B is entitled to 50 percent of profits after the first $100,000 up to $500,000 of total profits and to 35 percent of all profits over $500,000. C is entitled to 45 percent of profits after the first $100,000 up to $500,000 and 60 percent of all profits over $500,000. Between January 1 and December 31, 1969, P distributed $1,000,000 to the partners. A received $145,000, B received $375,000, and C received $480,000. As of January 1, 1970, A's interest in the partnership is 14.5 percent, B's interest is 37.5 percent, and C's interest is 48 percent.

The result would be the same if no distribution were made but the profits were retained and added to the capital accounts of the partners in the same proportion.

Example 3. P and Q, two U.S. corporations, enter into a joint venture agreement for the purpose of constructing and owning an apartment house in Rome. The land on which the building is to be constructed is owned by R, an Italian national, who leases it to P and Q for a rental equal to 20 percent of the annual net rental received by P and Q from the tenants of the building. P and Q are to share equally the remaining 80 percent of net rentals received. The apartment house is an AFN of P and Q, and each has a 50 percent direct interest in the AFN.

If R were a person within the United States, the result would be the same. In addition, the real estate would be an AFN of R in which R has a 100 percent direct interest. If, however, R were not only a person within the United States but a party to the joint venture agreement, P, Q, and R would be members of an associated group (see § 905). The land and building would be an AFN of P, of Q, and of R, in which P and Q each have a 40 percent interest and in which R has a 20 percent interest.

If Z, an Italian corporation, becomes a member of the construction joint venture and will share equally with P and Q net rentals of the apartment house after R has received his share, the apartment house would be an AFN of P and of Q, and P and Q each would have a 33⅓ percent direct interest in that AFN.

§ B902–1 Definition of indirect interest.

An indirect interest in a corporation, partnership, joint venture, trust or other entity is an interest owned through an intervening person or chain of persons. The amount of an indirect interest is calculated by multiplying together the direct interests of each person in the chain.

Example 4. DI owns 50 percent of outstanding voting stock of P, a U.S. corporation. P owns 70 percent of outstanding voting stock of C, a French corporation, while C owns 50 percent of outstanding voting stock of B, a United Kingdom corporation. DI has a 50 percent direct interest in P, a 35 percent indirect interest in C (50 percent × 70 percent), and a 17.5 percent indirect interest in B (35 percent of C's 50 percent interest).

Example 5. DI has a 17.5 percent interest in B, a United Kingdom corporation. B has a manufacturing branch in Brazil (A) and is entitled to 80 percent of the profits of C, a partnership organized under the laws of Germany. DI has a 17.5 percent indirect interest in a (17.5 percent × 100 percent) and a 14 percent indirect interest in C (17.5 percent × 80 percent).

§ B903–1 Definition of affiliate.

As defined in § 903(a), an "affiliate" of a person within the United States is any other person in which the aggregate of direct interests (defined in § 901) owned by the former person and its affiliates exceeds 50 percent. An "affiliate" may be a U.S. person or a foreign national.

Example 6. X is a U.S. corporation. X has a 51 percent direct interest in corporation Y. Y is an affiliate of X. X has a 30 percent direct interest in corporation Z, and Y has a 25 percent direct interest in Z. Z is an affiliate of X, since X and Y (affiliate of X) together have more than 50 percent direct interest in Z. The location of Y and Z is immaterial. Y has a 50 percent direct interest in corporation A. A is not an affiliate of X.

Example 7. An individual resident and citizen of the United States (P) directly owns 51 percent of outstanding voting stock of corporation A, 10 percent of voting stock of corporation C, and all voting stock of corporation Y. Corporation A directly owns 30 percent of outstanding voting stock of corporation B, and corporation B directly owns 45 percent of outstanding voting stock of corporation C. Corporation Y directly owns 60 percent of outstanding voting stock of corporation Z, and corporation Z directly directly owns 40 percent of outstanding voting stock of corporation B. All corporations are affiliates of P.

(i) *Consequences of being an affiliate.* A U.S. person and all U.S. affiliates constitute an "affiliated group" (see § 903(b)). When a U.S. person has an AFN that is an "affiliate" under § 903(a), transactions between the affiliate AFN and any other AFN of the U.S. person are subject to § 505.

(ii) *Definition of affiliated group.* As defined in § 903(b), an "affiliated group" is a person within the United States and all such person's "affiliates" who are persons within the United States.

Example 8. P is an individual resident and citizen of the United States. P has a 60 percent direct interest in X, a U.S. corporation. X has a 60 percent interest in C, a French corporation. X and C are affiliates of P. P and X are an affiliated group. C is not a member of the affiliated group, because C is not a person within the United States.

(iii) *Treatment of members of an affiliated group as a single person.* Except for purposes of an election under § 906(b)(1), all members of an affiliated group are treated as a single person (see § 903(c)). Consequently, the foreign balances, direct investment transactions and allowables of each member are attributed to the group. The group files a single report for each period for which a report is required, aggregating reportable items of all members of the group (see § 907(d)). In addition, the group, as a whole, makes one election of allowables under § 502.

Example 9. Since 1963 X, a U.S. corporation, has owned 51 percent of outstanding stock of another U.S. corporation Y. X and Y are members of an affiliated group, under § 903(b). Since 1963 X has had a wholly owned subsidiary (B) in Schedule B and Y has had a 10-percent-owned subsidiary (A) in Schedule A. B is X's sole AFN and A is Y's sole AFN. During 1965–66 X made positive direct investment of $1,000,000 in Schedule B and lent $300,000 to A. Y made positive direct investment in Schedule A of $1,300,000. X and Y, as an affiliated group, filed a single Form FDI–101 showing the following § 504(a) historical allowables (000 omitted):

Schedule A:	
Positive direct investment for 1965–66 ($1,300 plus $300)	$1,600
§ 504(a) allowable ($1,600 × 50% × 110%	880
Schedule B:	
Positive direct investment for 1965–66	1,000
§ 504(a) allowable ($1,000,000 × 50% × 65%	325

In 1969, X and Y elect the historical allowable of § 504 (a) and (c). X and Y make positive direct investment in Schedules A and B in an amount aggregating the amounts authorized pursuant to the foregoing calculations. Unused allowables will be available for carryforward or carryover under § 504 by the affiliated group.

Positive direct investment made during the year by X and Y will be reported on a single Form FDI–102 and Form FDI–102F.

Example 10. A, B, C, and D constitute an affiliated group. During 1965 and 1966, average end-of-month liquid foreign balances subject to § 203(c) held by each member of the group were as follows: A—$100,000; B—$50,000; C—$25,000; and D—none. The Form FDI–101 filed by the group should show an average end-of-month liquid foreign balance of $175,000 (the sum of the monthly 1965–66 averages of each member of the group).

An affiliated group may itself be a member of an "associated group", as defined in § 905, if any member of the affiliated group acts in concert with another U.S. person (not a member of the same affiliated group) in acquiring or owning an interest in a foreign national.

Example 11. X is a member of an affiliated group. X enters into an agreement with an unrelated U.S. corporation, Y, pursuant to which X and Y each acquire 5 percent of the outstanding voting stock of C, a Netherlands corporation, from an unrelated foreign national. C thereby becomes an AFN both of the affiliated group and of Y.

§ B904–1 Definition of family group.

A "family group" is defined in § 904 as an individual within the United States, his spouse (unless legally separated), and all relatives of such individual or his spouse residing with such individual. As with an affiliated group, all members of a family group are deemed a single person within the United States and file one report under § 602 aggregating all foreign balances, direct investment transactions and other reportable items attributable to each member of the group. Members of a family group cannot elect to report separately (see § 907–1(iv)).

Example 12. H, a U.S. citizen and resident, lives in New York City with his wife (W) and two teenage daughters (P and Q). H and W also have two sons (R and S). R is 20 years of age, unmarried, attends undergraduate college in California, and is supported by H and W; S is 28 years of age, married, with a child of his own, is self supporting, and maintains his own home. W's grandfather (G) resides with H and W. H, R, and S each own 5 percent of outstanding voting stock of a French corporation (C). W who is wealthy in her own right, is a joint owner with her grandfather, G, of a substantial parcel of commercial real property (K) in the United Kingdom. H, W, P, Q, R, and G are members of a family group and X and K are AFNs of the group. S is not a member of the family group. The family group should file a single report under § 602 for each reporting period, aggregating the direct investment transactions during the relevant period between each member of the group and X and K.

A family group may itself be a member of an affiliated group as defined in § 903, or of an associated group as defined in § 905.

Example 13. Same facts as in Example 12, except that H owns 100 percent of outstanding voting stock of a U.S. corporation (U), and H and W each own 30 percent of outstanding voting stock of another U.S. corporation (V). The family group (i.e., H, W, P, Q, R, and G), together with U and V, constitute an affiliated group and are subject to the rules governing reporting and other obligations of affiliated groups.

Example 14. Same facts as in Example 12. In 1969, H, a son (S), and T, are an unrelated U.S. person, enter into an agreement pursuant to which each purchases 4 percent of outstanding voting stock of a Japanese corporation (J) from an unrelated foreign national for $100,000 in cash, or a total of $300,000. The family group together with S and T, are an associated group under § 905(a). J becomes an AFN of the family group as well as of S and of T, and each has made a $100,000 transfer of capital to J (Schedule B).

Example 15. A U.S. citizen and resident (X) owns all outstanding voting stock of a French corporation (C). In 1967, X establishes an inter vivos trust under New York law and contributes all stock of C to the trust. The trust beneficiaries are X's three minor children, all of whom reside with X. X and a domestic bank are cotrustees of the trust and X expressly retains the right to revoke or amend the trust without consent of the trust beneficiaries. No associated group is involved in this situation. However, X and his children are members of a family group, and the family group and the trust are members of an affiliated group. C is an AFN of the affiliated group.

§ B905–1 Definition of associated group.

An "associated group" is defined in § 905(a) as two or more persons within the United States, including individuals, legal entities, affiliated groups or family groups, if: (a) Such persons act in concert, pursuant to an express or implied agreement or understanding, to own or acquire interests in the same corporation or partnership organized under the laws of a foreign country or in the same business venture conducted within a foreign country; (b) the interests in the foreign enterprise owned or acquired are not owned or acquired through a corporation, partnership (other than a joint venture) or trust within the United States, whether or not such corporation, partnership, or trust is organized or created for the purpose of owning or acquiring the interests; and (c) the aggregate interests in the foreign enterprise owned or acquired would, if owned or acquired by one U.S. person, cause such person to be a DI.

The basic consequences of being designated an associated group are: (a) Each member of an associated group is deemed a DI in the foreign enterprise owned or acquired (referred to as the group AFN) even though no single member of the group may own a 10 percent or greater interest in the group AFN; (b) the amount of positive direct investment that each member of the associated group is authorized by § 503 to make in the group AFN is limited (see § B905–1(iv)); and (c) reporting requirements imposed by § 602 must be complied with by each member of the group unless the election set forth in § 907(c)(2) is properly made.

A person owning a direct or indirect interest in a U.S. corporation or partnership is not a member of an associated group merely because the U.S. corporation or partnership directly owns an interest in a foreign enterprise.

Example 16. In 1968, three U.S. citizens and residents (A, B, and X) enter into an agreement pursuant to which they form and capitalize a Delaware corporation (D) and D purchases all outstanding voting stock of a French corporation (C) from an unrelated foreign national (N), for $300,000 in cash. A, B, and X each acquire 33⅓ percent of the voting stock of D. A, B, and X are not members of an associated group although, as a result of the purchase, C will become an AFN of each of A, B, X, and D. Unless an election under § 906(b)(1) is made with respect to D, the transfer of capital to C (Schedule C), resulting from purchase of C's stock, as well as all subsequent direct investment transactions between D and C, will be charged to and reported by D alone (see § B907–1(iii)).

Example 17. Same facts as in Example 16, except that A, B, and X do not organize D, but enter into an agreement pursuant to which each of them directly acquires 8 percent of outstanding voting stock of C from N for $100,000 in cash, or a total of $300,000. A, B, and X are members of an associated group and each will be charged with a $100,000 transfer of capital to C (Schedule C). Moreover, unless A, B, and X exercise the election provided in § 907(c)(2) to report as a group, A, B, and X will each file separate Forms FDI–102 and FDI–102F.

Example 18. In 1969, three U.S. corporations (A, B, and C) enter into a joint venture agreement for the purpose of developing and exploiting an oil concession in Iran. The agreement is made in New York and provides that it is to be governed by New York law. Under the pertinent concession agreement, the Iranian government is entitled to 50 percent of all oil produced, while A, B, and C are to share the remaining 50 percent. A, B, and C are members of an associated group; the joint venture in Iran is an AFN of each.

(i) *Acting in concert pursuant to an agreement or understanding.* An associated group exists only if two or more persons within the United States act in

concert pursuant to an agreement or understanding. The agreement may be oral or written, and an agreement may be implied from the surrounding facts and circumstances even when no express agreement is involved. The most common examples of an express agreement are a joint venture or stockholders' agreements with respect to the stock and management of the foreign enterprise involved. The mere signature, adherence to or acceptance of the articles of incorporation or bylaws of a foreign corporation will not, of themselves, be considered an express or implied agreement or understanding to act in concert within the meaning of § 905(a). The result may be different, however, if the articles or bylaws contain provisions ordinarily contained in a stockholders' agreement. Similarly, the purchase of stock of a foreign corporation by U.S. underwriters and dealers or U.S. investors in connection with a bona fide public offering, and the execution and performance of customary agreements in connection with such offering, will not, of themselves, be considered such an agreement or understanding.

Example 19. In 1969, two U.S. corporations (A and B) each acquire 30 percent of outstanding voting stock of a foreign corporation (F). Simultaneously, A and B enter into a written stockholders' agreement concerning the stock so acquired and the participation of A and B in the management of F. A and B are an associated group.

Example 20. F is a publicly owned foreign corporation. Seventy-five percent of F's outstanding voting stock is owned by foreign nationals, the remaining 25 percent being owned by U.S. citizens and residents no one of whom owns more than 2 percent. In this situation, in the absence of any facts indicating that the U.S. shareholders acted, or are acting, in concert with respect to the purchase of F's stock or the voting of such stock, or with respect to the management of F, the U.S. shareholders are not an associated group.

Example 21. In 1967, a U.S. citizen and resident (A) became interested in purchasing majority control of a foreign corporation (F). A contacted 20 other U.S. citizens and residents with a view toward inducing them to purchase stock of F as an investment. Such persons were unknown to each other, but were informed by A that he was organizing a group of U.S. investors to purchase control of F. A informed such other persons that F was being mismanaged and that with proper management F would be a very profitable venture. Thereafter, A purchased 20 percent of outstanding voting stock of F and 10 other U.S. citizens and residents contacted by A each purchased 2 percent of F's voting stock. No express written agreement was entered into among A and the other U.S. shareholders with respect to such purchase or with respect to any other matter concerning F, but each of the U.S. shareholders voted for A's nominees for directors. A and the other U.S. shareholders are an associated group.

(ii) *Aggregate 10 percent interest.* An associated group exists only if the aggregate of direct and indirect interest in the foreign enterprise acquired or owned by the U.S. persons acting in concert amounts to at least 10 percent.

Example 22. In December 1967, three U.S. citizens and residents (A, B, and C) entered into an agreement pursuant to which each purchased 3 percent of the outstanding voting stock of a foreign corporation (F). A, B, and C are not an associated group, since the aggregate of their interests in F is only 9 percent. In June 1968, in furtherance of the 1967 agreement, A, B, and C each purchased an additional 2 percent of outstanding voting stock of F. Accordingly, A, B, and C became members of an associated group in June 1968. Whether an associated group would have resulted if only one of them had purchased an additional 2 percent of the outstanding voting stock of F, and, if so, as of what date they became members of such group, would depend on all the facts and circumstances surrounding the purchase.

(iii) *Members of associated group as separate DIs.* Unlike members of an affiliated or family group, members of an associated group are not treated as a single person under the Regulations. The principal effect of the associated group rule is to establish a DI-AFN relationship. Each member of an associated group is considered a separate DI in the foreign national (referred to as the "group AFN") owned by the group, with the following consequences:

Allowables must be individually elected under § 502 and calculated separately by each member of the group.

For compliance purposes (§ 201), each member of an associated group must compute direct investment during 1968 and subsequent years without reference to direct investment transactions of other members of the group. Long-term foreign borrowing by one member of an associated group may not be offset against the net transfer of capital or positive direct investment of other members of the group. However, if two or more members of an associated group elect to be governed by the minimum allowable of § 503, aggregate positive direct investment in the group AFN by those particular members may not exceed $1,000,000.

Foreign balances held by a member of an associated group are calculated without reference to foreign balances held by other members. Under § 905(b)(1), a U.S. person who is a DI by virtue of the associated group rules, but does not own a 10 percent or greater interest in a foreign national, is not subject to the restrictions on liquid foreign balances of § 203(c) and is not required to report such balances (see § 907(c)(1)).

Separate reports are required from members of an associated group, unless they elect to report as a group under § 907(c)(2). However, even if the members elect to report as a group, compliance is still measured individually. Members of an associated group may be exempt from reporting on Forms FDI-101 (Base Period Report) and FDI-102 (Cumulative Quarterly Report), pursuant to the instructions to such forms, but only if the associated group as a whole would be exempt if an election under § 907(c)(2) had been made.

Example 23. In 1965, three U.S. corporations (A, B, and C) enter into an agreement pursuant to which each purchases 5 percent of the outstanding voting stock of a United Kingdom corporation (K) from an unaffiliated foreign national for $500,000 in cash, or a total of $1,500,000. The following also occurs during 1965 and 1966: A lends $200,000 to K, $50,000 of which is repaid in 1966; B sells $500,000 in merchandise to K on open account, the open account indebtedness of K to B being $300,000 at the end of 1966; C contributes $200,000 of equipment to the capital of K; during 1965 and 1966, K earns an aggregate of $3,000,000 and pays dividends of $2,000,000, of which A, B, and C each received $100,000. A, B, and C had no other AFNs during 1965 or 1966, individually or collectively. A, B, and C are an associated group and K is a group AFN of the associated group. Assuming an election to report as a group is not made under § 907(c)(2), A, B, and C will each submit a separate Form FDI-101 showing the following § 504(a)(2) historical allowables in Schedule B (000 omitted):

Corporation A:	
Purchase of stock of K	$500
Loan to K	200
Repayment by K	(50)
Share in reinvested earnings of K (5% of $3,000 earnings minus $100 dividends)	50
Total positive direct investment	700
Allowable (65% of 50% of $700)	$227.50
Corporation B:	
Purchase of stock of K	500
Open account indebtedness	300
Share in reinvested earnings of K	50
Total positive direct investment	850
Allowable (65% of 50% of $850)	$276.25
Corporation C:	
Purchase of stock of K	500
Contribution to capital	200
Share in reinvested earnings of K	50
Total positive direct investment	750
Allowable (65% of 50% of $750)	$243.75

If A, B, and C had not acted in concert in acquiring the stock of K, none of them would have an historical allowable in Schedule B since a DI-AFN relationship would not have existed. Also, if A, B, and C elected to report as a group under § 907(c)(2), they would file a single Form FDI-101 showing aggregate positive direct investment of $2,300,000 in Schedule B during 1965 and 1966 and an aggregate Schedule B allowable of $747,500. However, since compliance by each member of an associated group is measured separately, the FDI-102F would have to indicate in a supplemental statement the portion of aggregate positive direct investment and the portion of the aggregate allowable allocable to each member of the group (see § B907-1(iv)).

Example 24. A, B, and C are members of an associated group, each owning 5 percent of one group AFN. A, B, and C have no other AFNs. By virtue of § 905(b)(1), A, B, and C are not required to limit their liquid foreign balances because none has the 10 percent interest necessary to be an individual DI. In 1968, A, B, and C each made positive direct investment under § 504 of $300,000, or a total of $900,000. During 1969, A, B, and C are exempt from filing quarterly reports on Form FDI-102, provided their total direct investment (negative or positive) does not exceed $1,000,000 from January 1, 1969, through the end of any reporting period. (See General Instruction B to Form FDI-102.)

(iv) *Associated group investment under § 503.* Section 905(b)(2) provides that no positive direct investment is authorized under § 503 to any member of an associated group during a year is aggregate positive direct investment by all members of the group during the year in all group AFNs exceeds $1 million. Thus, each member of an associated group electing to be governed by § 503 must meet two separate tests: First, aggregate positive direct investment by such member in all AFNs (including, but not limited to, group AFNs of the associated group) may not exceed $1 million; and second, aggregate positive direct investment in group AFNs by such member and all other members of the associated group electing to be governed by § 503 may not exceed $1 million. In computing aggregate positive direct investment under § 905(b)(2), aggregate annual losses of group AFNs must be excluded in accordance with § 503(b). Positive direct investment in group AFNs by members of the associated group electing to be governed by § 504 and positive direct investment pursuant to the incremental earnings allowable of § 506 are not included in computing direct investment for purposes of § 905(b)(2).

Example 25. Three U.S. corporations (A, B, and C) are members of an associated group. A Brazilian corporation (F) is a group AFN of the associated group. A, B, and C each own a 33⅓ percent interest in F. A, B, and C have no other AFNs during 1969 and have no § 504 allowables. Accordingly, they each elect to be governed by the § 503 allowable for 1969. During 1969 A, B, and C each lend $500,000 to F on a long-term basis; F incurs a loss of $500,000 and pays no dividends to A, B, or C. As a result, A, B, and C have each made positive direct investment of $500,000 in Schedule A during 1969. F's loss is not available as an offset in calculating positive direct investment under § 503(b). Since aggregate positive direct investment ($1,500,000) exceeds $1,000,000, A, B, and C are out of compliance for 1969.

Example 26. X, Y, and Z are members of an associated group, each owning a 33⅓ percent interest in a group AFN (B) in Schedule B. During 1969, X and Y elect to be governed by § 503. Z elects to be governed by § 504(a), pursuant to which he has a historical allowable of $400,000 in Schedule B. X transfers $600,000 to B; Y transfers $400,000 and Z transfers $500,000. B has losses of $300,000. All such direct investment is authorized. X and Y together have made $1,000,000 of positive direct investment in B, an amount authorized by § 503 and § 905(b)(2). Z has made positive direct investment of $400,000 ($500,000 less Z's share of B's losses ($100,000)), an amount authorized by § 504. (Z's investment is not included in applying § 905(b)(2) to direct investment made by X and Y.)

Example 27. X and Y are members of an associated group with respect to a group AFN (G). X has a wholly owned AFN (A) and Y has a wholly owned AFN (B). X and Y each elect to be governed by § 503 for 1969. X makes positive direct investment of $300,000 and G and $600,000 in A. Y makes positive direct investment of $700,000 in G and $300,000 in B.

All such positive direct investment is authorized. The investment made by X in A and G ($900,000) is authorized by § 503. The investment made by Y in B and G ($1,000,000) is authorized by § 503. The investment made by X and Y in G ($1,000,000) is within the limitation of § 905(b)(2).

(v) *Related AFNs.* Although U.S. persons acting in concert must ordinarily own or acquire an interest in the same foreign enterprise before an associated group can exist, there may be instances where ownership or acquisition of interests in different foreign enterprises by U.S. persons acting in concert will be sufficient to constitute such persons an associated group. This will be true where the businesses conducted by the different foreign enterprises involved are so related as to justify treating them as a single economic unit for purposes of the regulations.

Example 28. A Danish citizen and resident (D) owns all the stock of two Danish corporations (E and F). E is engaged in the manufacture of widgets, while F markets the widgets produced by E. The management of E and F is substantially identical. Two U.S. citizens and residents (A and B) enter into an agreement with D pursuant to which A purchases all the stock of E from D, while B purchases all the stock of F from D. A and B have an understanding that the businesses of E and F will be operated in the same integrated manner as they have in the past and that the net profits of E and F will ultimately be split equally between them. A and B are an associated group, and E and F are group AFNs of the associated group.

Example 29. Three U.S. citizens and residents (A, B, and C) enter into an agreement to establish a chain of six drive-in restaurants in continental Europe. Each restaurant is to be established as a separate foreign corporation, and A, B, and C will each own 100 percent of two such corporations. A, B, and C are an associated group, and all of the restaurant corporations are group AFNs of the associated group.

(vi) *Effect of § 505.* Under § 505, certain transfers between AFNs are treated as transfers by the transferor AFN to the DI and as further transfers by the DI to the transferee AFN. This rule applies only if either of the AFNs involved is an "affiliate" of the DI (defined in § 903(a)). AN AFN is not considered an "affiliate" of the DI unless the DI (itself or together with other affiliates) owns more than 50 percent of the AFN. If, however, in the case of a group AFN of an associated group (a) no one member of the group (either itself or together with other affiliates of such member) owns more than 50 percent of the AFN, but (b) the members of the group as a whole (either themselves or together with their affiliates) own more than 50 percent of the AFN, then (c) the group AFN will be treated as an affiliate of each member of the group for purposes of § 505.

Example 30. A, B, C, and D are members of an associated group and F, a French corporation, is a group AFN of the associated group. A, B, C, and D each own 25 percent of the outstanding stock of J, a Japanese corporation. F lends $100,000 to J on a long-term basis. F and J are considered to be affiliates individually of A, B, C, and D for purposes of § 505. Accordingly, under § 505(a)(3), F is deemed to have made a transfer of capital to A, B, C, and D in the amount of $25,000 each and A, B, C, and D are each deemed to have made a transfer of capital to J in the amount of $25,000.

If A were to own 70 percent of F's stock and B, C, and D each held 10 percent, F and J would be considered affiliates of A, but not of B, C, or D, for purposes of § 505. Accordingly, the $100,000 loan from F to J would be treated under § 505(a)(3) as a $100,000 transfer of capital from F to A, and as a further $100,000 transfer of capital from A to J.

(vii) *Reporting.* Unless an election to report as a group is made under § 907(c)(2), members of an associated group should file separate Forms FDI-101, FDI-102, and FDI-102F reflecting such member's individual direct investment transactions (see § 905(b)(3)). If members of a group file separately, the FDI-102F filed by each member of an associated group should indicate on a supplemental statement the names of all other members of the associated group and the names of group AFNs. If positive direct investment in group AFNs is made under § 503, each member of the group electing to be governed by § 503 should submit a supplemental statement indicating his positive direct investment and the positive direct investment of the other members of the group in group AFNs.

§ B906–1 Ownership of DIs.

A U.S. person may be a DI by reason of either a direct or an indirect interest in an AFN (see § 305). For example, if A and B (U.S. corporations) each own 50 percent of C (a U.S. corporation), and C has a wholly owned AFN (X), all three corporations are DIs with respect to X. C has a 100 percent direct interest, and A and B each have a 50 percent indirect interest in X (see §§ 901 and 902). However, unless A and B elect under § 906(b)(1) to be treated separately under the regulations, C's direct investment transactions will ordinarily not be deemed to have been made by A or B (see § 906(a)). In other words, direct investment transactions between C and X will normally be charged to and reported by C alone (the owner of the direct interest in the AFN).

Example 31. A, B, C, and D each own 25 percent of E. During 1965–66 E made positive direct investment in Schedule A of $2,000,000, and A made positive direct investment of $800,000 in Schedule A. In addition, E maintained average end-of-month liquid foreign balances of $100,000, A maintained $50,000, and D maintained $80,000.

Absent an election under § 906(b)(1), E must file a Form FDI-101 (Base Period Report) showing $2,000,000 of positive direct investment in Schedule A during 1965–66 and a Schedule A historical allowable of $1,100,000 ($2,000,000×50%×110%). E's Form FDI-101 should also reflect base-period average end-of-month liquid foreign balances of $100,000. A would file a Form FDI-101 showing positive direct investment of $800,000 in Schedule A during 1965–66, an historical allowable of $440,000 ($800,000×50%×110%) and average end-of-month liquid foreign balances of $50,000. D would file a Form FDI-101 showing only end-of-month liquid foreign balances of $80,000. B and C would not file a Form FDI-101. B, C, and D would have no Schedule A historical allowables under § 504.

If A were to own 70 percent of E and B, C, and D were each to own 10 percent, A and E would be an affiliated group. Absent an election under § 906(b)(1), A and E would file a consolidated Form FDI-101 showing $2,800,000 of positive direct investment in Schedule A, an historical allowable of $1,540,000 and liquid foreign balances of $150,000; D would file a Form FDI-101 showing only its balances; and B and C would not be required to file a Form FDI-101. B, C, and D would have no Schedule A historical allowables.

§ B906–2 Person deemed acting for or on behalf of a DI.

Under § 906(a)(2), a person within the United States owning an interest in a DI (whether or not such U.S. person is also a DI) may be deemed to be acting for or on behalf of the DI, if such person

transfers funds or other property to an AFN of the DI. Application of the provisions of § 906(a)(2) to particular transactions will depend on analysis of all surrounding facts and circumstances.

§ B906–3 Election under § 906(b)(1).

Under § 906(b)(1), persons within the United States owning direct interests in a DI may, under certain circumstances, elect not to be governed by the rule set forth in § 906(a)(1). The principal effect of this provision is that, whereas direct investment transactions of and foreign balances held by a DI are not ordinarily attributable to or reportable by the stockholders or other owners of the DI, an election under § 906(b)(1) will reverse the ordinary rule and cause such direct investment transactions and foreign balances to be charged pro rata to the stockholders or other owners consenting to the election. An election once made may not be changed without the permission of OFDI.

(i) *Conditions for making election.* An election under § 906(b)(1) can be made with respect to a DI only if electing U.S. persons own, in the aggregate, a majority interest in such DI and there are not more than 10 persons (including foreign nationals) owning direct interests in the DI. If more than 10 persons own direct interests in the DI, OFDI may nevertheless permit an election if it is demonstrated, upon written application, that the election will not cause substantial administrative difficulties.

(ii) *Procedure for making election.* An election under § 906(b)(1) is made by filing a written notice thereof with the Program Reports Branch of OFDI. All persons within the United States owning direct interests in a DI must be afforded a reasonable opportunity to join in any election made with respect to such DI. Notice of such election (counterparts of which may be filed in lieu of a single instrument) must be executed by or on behalf of all persons consenting to the election and, if all U.S. persons owning direct interest in the DI do not join in the election, the notice must recite that such persons were in fact afforded a reasonable opportunity to do so.

(iii) *Effect of election.* A DI with respect to which an election is made under § 906(b)(1) is referred to as a "principal DI," while a person consenting to the election is referred to as a "consenting owner." An election under § 906(b)(1) with respect to any principal DI has the following consequences:

Each consenting owner is himself deemed a DI in every AFN of the principal DI, notwithstanding that he may not directly or indirectly own a 10 percent or greater interest in any such AFN (see § 906(b)(3)(i)). Thus, if a U.S. citizen (A) owns 5 percent of outstanding stock of a U.S. corporation (C), and C owns 100 percent of the stock of two foreign corporations (F and G), A will be a DI in both F and G if A consents to a § 906(b)(1) election, even though A's indirect interest in F and in G is merely 5 percent (and A would not otherwise be a DI under § 305). A would also be subject to the liquid foreign balance provisions of § 203(c) if he consented to an election with respect to C.

The entire amount of direct investment made and foreign balances held by the principal DI, the principal DI's share in earnings and losses of its AFNs for purposes of determining annual earnings, and total earnings and reinvested earnings under § 504(a)(3)(ii) and (b)(4) are attributed to each of the consenting owners according to their share of the direct interests in the principal DI held by all consenting owners (see § 906(b)(3)(i)). Thus, if A, B, C, and D each own 25 percent of the principal DI and all consent to an election, they will each be deemed to have made 25 percent of the principal DI's direct investment transactions. If only three consent to the election, their proportionate share would be 33⅓ percent (25 percent/75 percent) of the principal DI's direct investment transactions.

Allowables of the principal DI are also attributed pro rata to the consenting owners. Compliance is then measured individually on the basis of the prorated allowable as well as other applicable allowables of each consenting owner. Each consenting owner may make an independent election under § 502 so that one consenting owner might elect § 504(a), another § 504(b), and another § 503. The § 503 minimum allowable is not distributed pro rata. Instead, the § 503 limit of $1,000,000 is applied to aggregate positive direct investment made (and deemed made under § 906(b)(3)(i)) in AFNs of the principal DI by all consenting owners electing to be governed by § 503 (see § 906(b)(3)(ii)).

Each consenting owner files reports under § 602 showing its pro rata share of all reportable items of the principal DI, as well as its own direct investment activity. An exemption from filing reports is available to consenting owners only if the principal DI would have been exempt absent the election.

Operation and effect of the foregoing principles are demonstrated in the following examples:

Example 32. A, B, C, and D each own 25 percent of E. All are U.S. corporations. E made positive direct investment in Schedule B during 1965–66 of $2,000,000 and held average end-of-month liquid foreign balances of $80,000. A, B, C, and D consent to an election under § 906(b)(1) with respect to E. A, B, C, and D will each file a Form FDI–101 showing positive direct investment of $500,000 ($2,000,000 × 25%) in Schedule B during 1965–66, an historical allowable in Schedule B of $162,500 ($2,000,000 × 50% × 65% × 25%) and average end-of-month liquid foreign balances of $20,000 ($80,000 × 25%). A, B, C, and D will also include direct investment made and balances held by them individually during 1965–66. E will not file a Form FDI–101.

If one owner (D) does not consent to the § 906(b)(1) election, A, B, and C will each report 33⅓ percent of E's direct investment and liquid foreign balances, i.e., the direct interest of each consenting owner divided by the aggregate of direct interests of all such consenting owners.

Example 33. During 1969 A, B, and C each own 33⅓ percent of D and consent to an election under § 906(b)(1). D has an historical allowable in Schedule A of $1,200,000 and in Schedule B of zero. During 1968 D's share of annual earnings of Schedule A AFNs was $2,000,000 and of Schedule B AFNs, $1,500,000. As a result, D has a § 504(b) earnings allowable in Schedule A of $600,000 and in Schedule B of $450,000. Should A elect to be governed by § 504(a) for 1969, A would acquire, as a result of § 906(b)(3)(i), a $400,000 historical allowable in Schedule A and zero in Schedule B. If B and C chose to be governed by the § 504(b) allowable, each would acquire an earnings allowable of $300,000 in Schedule A and $150,000 in Schedule B.

Example 34. A, B, C, and D each own 25 percent of E. E has an historical allowable in Schedule A of $800,000. During 1969, E repays a 1967 long-term foreign borrowing (authorized borrowing under § 1002) and incurs a repayment charge under § 1003 of $2,000,000 in Schedule A. E has no AFNs in Schedules B or C. A, B, C, and D make a § 906(b)(1) election. For 1969, A elects to be governed by § 504(a) with an historical allowable in Schedule C of $500,000, in Schedule B of $600,000, and zero in Schedule A (other than what is available as A's pro rata share of E's historical allowable). A's pro rata share of the repayment charge ($500,000) reduces A's Schedule A allowable ($200,000, derived from E by virtue of the § 906(b)(1) election) to zero, and the excess ($300,000) reduces A's allowables in Schedule C from $500,000 to $200,000 (see § 1003). The Schedule B allowable is not affected.

Consenting owners may utilize allowables passed on to them by virtue of a § 906(b)(1) election either to make individual positive direct investments in AFNs of the principal DI or in their own AFNs. However, positive direct investment by the principal DI will be charged to consenting owners on the same pro-rata basis as allowables are "passed on". Thus, if the principal DI makes positive direct investment in any year that exceeds the applicable allowable "passed on" to the consenting owners, such owners might be in violation of § 201.

(iv) *Election by affiliated groups.* Members of an affiliated group are deemed to be a single person under the regulations, except for purposes of making an election under § 906(b)(1) in which case they are treated as separate persons. However, the purpose of this rule is to make the § 906(b)(1) election available to members of an affiliated group, and not to break up the affiliated group.

Example 35. A, B, and C are U.S. corporations. A owns 51 percent of C and B owns 49 percent. A and C are an affiliated group. Nevertheless, A may elect under § 906(b)(1). If both A and B elect under § 906(b), A will assume 51 percent of C's direct investment position, and B will be accorded 49 percent. However, A and C are still an affiliated group and therefore will be treated as one person with respect to 51 percent of C's direct investment transactions.

Example 36. A, B, C, and D are all U.S. corporations. A owns 80 percent of D, and B and C each own 10 percent of D. B owns 100 percent of C. A and D are an affiliated group, and B and C are another affiliated group. If A, B, and C make a § 906(b)(1) election with respect to D, the A-D affiliated group will report as to 80 percent of D's direct investment and the B–C affiliated group will report as to 20 percent of D's direct investment.

(v) *Limitation on use of § 503 by consenting owners.* If direct owners electing under § 906(b)(1) also elect to be governed by the § 503 minimum allowable, the $1 million allowable is not divided proportionally among the consenting owners, as it would be with respect to §§ 504 and 506 allowables. Instead, § 906(b)(3)(ii) provides that the aggregate direct investment made, and deemed made, by all consenting and nonconsenting owners in AFNs of the principal DI may not exceed $1 million. Thus, if A and B each own 50 percent of C and elect under § 906(b)(1), A may make $700,000 of positive direct investment in AFNs of C, while B may make $300,000.

Each consenting owner electing to be governed by § 503 must meet two separate tests: First, aggregate positive direct investment made by such member in all AFNs (including, but not limited to, AFNs of the principal DI) may not exceed $1 million; second, aggregate positive direct investment in AFNs of the principal DI by such owner and all other consenting and nonconsenting owners electing to be governed by § 503 may not exceed $1 million. (This parallels the requirements of § 905(b)(2) applicable to individual members of associated groups.) In computing aggregate positive direct investment under § 906(b)(3)(ii), aggregate annual losses must be excluded in accordance with § 503(b). By the same token, positive direct investment in AFNs of the principal DI by consenting owners electing to be governed by § 504, and all positive direct investment made under the § 506 incremental earnings allowable, are not included in computing direct investment for purposes of § 906(b)(3)(ii).

Example 37. A, B, C, and D, U.S. citizens and residents, each own a 25 percent interest in E, a U.S. corporation, and consent to an election with respect to E under § 906(b)(1). E owns all outstanding stock of foreign corporations F, G, and H. A, B, C, and D elect to be governed by § 503 for 1969. During 1969, E makes a $100,000 long-term loan to F, contributes $200,000 to capital of G, and sells $250,000 of merchandise to H on credit. F, G, and H earn an aggregate of $50,000 but pay no dividends to E. Also during 1969, A makes a long-term loan of $100,000 each to F and G, while C makes a long-term loan of $250,000 to H. E's total positive direct investment is, therefore, $600,000, of which $150,000 (25%) is allocable each to A, B, C, and D because of the election. In addition, A has made positive direct investment of $200,000 and C has made positive direct investment of $250,000. The total positive direct investment made and deemed made in all AFNs of E by A, B, C, and D is, therefore, $350,000 for A, ($150,000 plus $200,000), $150,000 for B, $400,000 for C ($150,000 plus $250,000), and $150,000 for D. To the extent that the total ($1,050,000) exceeds $1,000,000, A, B, C and D are all in noncompliance.

Example 38. X owns 60 percent of D, and Y owns 40 percent. X and Y elect under § 906(b)(1) with respect to D. During 1970, D has a § 506 allowable of $100,000. As a result of the election under § 906(b)(1), $60,000 of D's § 506 allowable is acquired by X and $40,000 by Y. X and Y each elect to be governed by the § 503 minimum allowable.

During 1970 D makes worldwide positive direct investment of $600,000. X lends $400,000 to D's AFNs and acquires an AFN of its own for $300,000. Y leases machinery valued at $40,000 to D's AFNs and acquires an AFN for $760,000. The foregoing direct investment is authorized by §§ 503 and 506 as shown below (000 omitted):

Authorized Direct Investment			
Pro rata share of D's § 506 allowable		§ 503 allowable	Total
X [60%] $60		$1,000	$1,060
Y [40%] $40		$1,000	$1,040

Actual Direct Investment			
	In AFNs of D		
Pro rata share of D's direct investment	Own direct investment	In own AFNs	Total
X [60%] $360	$400	$300	$1,060
Y [40%] $240	$40	$760	$1,040
$1,040			

Direct Investment for Purposes of Compliance with § 906(b)(3)(ii):	
Aggregate direct investment of X and Y in AFNs of D	$1,040
Less: Amount authorized by § 506	−100
Balance: Direct investment under § 503	940

The foregoing tables demonstrate that individual direct investment by X and Y was within the amounts respectively authorized under §§ 503 and 506, and that their collective direct investment (actual and imputed) in AFNs of D was within the limitation imposed by § 906(b)(3)(ii).

Example 39. A, B, and C each own 33⅓ percent of D. A and B elect under § 906(b)(1). C does not consent to the election. A, B, and C each elect to be governed by § 503 for 1969. During 1969 D makes positive direct investment of $900,000. C lends $150,000 to D's AFNs. The direct investment deemed made by A and B violates the limitation of § 906(b)(3)(ii), because aggregate direct investment made and deemed made by them and the nonconsenting owner (C) in the principal DI's AFNs exceeds $1,000,000.

Example 40. A, B, C, and D, each owning 25 percent of E, consent to an election under § 906(b)(1) with respect to E. In addition, they all elect to be governed by § 503 for 1969. In 1969 E makes a $500,000 repayment under § 1002. By operation of § 1003, each consenting owner's § 503 allowable is reduced by $125,000 (25 percent of the total repayment charge) so that each may make only $375,000 of positive direct investment in all AFNs (including, but not limited to, AFNs of E). In addition, the aggregate direct investment made by A, B, C and D in AFNs of E during 1969 may not exceed $500,000 (§ 906(b)(3)(ii)).

§ B907–1 Reporting.

Section 907 sets forth a number of rules concerning the responsibility of DIs to file base period, quarterly and annual reports under § 602.

The general rule is that all DIs must file reports unless exempt from reporting as provided by the instructions to the applicable reports or by § 907(b)(3) or § 907(c)(2). It is important to note that persons consenting to an election under § 906(b)(1), and members of an associated group, are not exempt from reporting on Forms FDI–101, FDI–102, and FDI–102F under the provisions of the instructions to such forms, unless the "principal DI" or the associated group as a whole would be exempt.

(i) *Consenting owners.* Section 907(b)(1) provides that if a U.S. person consents to an election under § 906(b)(1) with respect to any principal DI, reports filed by such person should include such person's pro rata share (calculated as provided in § 906(b)(3)(i)) of the amount of foreign balances, direct investment and other items that the principal DI would have included in its reports had the election not been made.

Example 41. A U.S. corporation (D) owns 25 percent of U.S. corporation (E) and 40 percent of U.S. corporation (F). Elections are made under § 906(b)(1) with respect to both E and F with D and all other U.S. stockholders of E and F consenting to such elections. During 1969 E makes positive direct investment of $1,000,000 in Schedule A and $2,000,000 in Schedule B, while F makes positive direct investment of $500,000 in Schedule A and $300,000 in Schedule B. D also has a number of directly owned foreign subsidiaries in Schedules A and B, and D itself makes positive direct investment of $1,000,000 in Schedule A and $800,000 in Schedule B during 1969. The Form FDI–102F filed by D for 1969 should show positive direct investment of $1,450,000 in Schedule A ($1,000,000 plus 25 percent of $1,000,000 plus 40 percent of $500,000) and $1,420,000 in Schedule B ($800,000 plus 25 percent of $2,000,000 plus 40 percent of $300,000).

(ii) *Nonconsenting owners and owners of indirect interests.* Section 907(b)(2) provides that reports filed by a U.S. person should not include any direct investment or other items attributable to (a) DIs is which the U.S. person owns merely an indirect interest, or (b) DIs in which the U.S. person owns a direct interest but has not consented to an election under § 906(b)(1).

Example 42. A U.S. citizen and resident (D) owns 25 percent of a U.S. corporation (E), which in turn owns 50 percent of another U.S. corporation (F). D also owns 50 percent of U.S. corporation (G) and 40 percent of U.S. corporation (H). No elections are made under § 906(b)(1) with respect to corporation E, F, or G. An election is made under § 906(b)(1) with respect to corporation H, but D does not consent to the election after being given a reasonable opportunity to do so. During 1969 E, F, G, and H, with various AFNs throughout the world, make positive direct investment of $1,000,000, $500,000, $800,000 and $600,000, respectively. Also during 1969, D himself makes positive direct investment of $200,000 by cash purchase of foreign commerical real estate from an unaffiliated foreign national. The Form FDI–102F filed by D for 1969 should include his own positive direct investment of $200,000, but should not include any of the positive direct investment made by E, F, G, or H.

If D had made no positive direct investment of his own during 1969, D would not be required to file reports on Forms FDI–102 and FDI–102F for 1969.

(iii) *Associated groups.* Section 907(c)(1) provides that reports filed by a member of one or more associated groups should include all direct investment made by such person in group AFNs of the relevant associated groups. Although the general rule is that each member of an associated group files a separate report under § 602 showing his own direct investment transactions, § 907(c)(2) permits a majority in interest of an associated group to elect, subject to the approval of OFDI, to have the group file

a single report showing direct investment transactions of all members of the group in all group AFNs during the relevant period. The election is made by filing a notice of election with the Program Reports Branch of OFDI, the notice being executed by or on behalf of a majority in interest of the group. Notwithstanding an election under § 907(c)(2), each member of an electing associated group having independent direct investment transactions with respect to AFNs other than group AFNs must file separate reports reflecting such transactions.

Example 43. (a) A U.S. citizen and resident (A) is a member of two different associated groups (G1 and G2). The group AFN of G1 is a French corporation (F) and the group AFN of G2 is an Australian corporation (K). A owns 5 percent of outstanding voting stock of F and 8 percent of outstanding voting stock of K. A also owns all outstanding stock of a Panamanian corporation (P). The following occurs during 1969: A contributes $100,000 to capital of K; F earns $80,000 and pays a dividend of $40,000, of which $2,000 was paid to A; K earns $200,000 and pays a dividend of $100,000, of which $8,000 is paid to A; A lends $300,000 to P on a long-term basis; P earns $50,000 and pays no dividends to A. Neither G1 nor G2 elects to report as a group. A's Form FDI-102F for 1969 should show positive direct investment of $350,000 in Schedule A (the $300,000 loan to P plus $50,000 reinvested earnings of P), positive direct investment of $108,000 in Schedule B (the $100,000 loan to K plus $8,000 reinvested earnings of K) and positive direct investment of $2,000 in Schedule C ($2,000 reinvested earnings of F).

(b) Should G2 elect, with approval of OFDI, to report as a group under § 907(c)(2), the Form FDI-102F filed by A for 1969 will not include the $108,000 of positive direct investment made by A in K (Schedule B). The FDI-102F filed by G2 will include all positive direct investment made by the members of G2 (including A's positive direct investment of $108,000) in K (Schedule B).

(c) If A does not own any stock of P, and G1 and G2 both elect, with approval of OFDI, to report as a group under § 907(c)(2), G1 will file a Form FDI-102F for 1969 showing the positive direct investment made by all members of G1 (including A's positive direct investment of $2,000) in F (Schedule C) and G2 will file a Form FDI-102F for 1969 showing the positive direct investment made by all members of G2 (including A's positive direct investment of $108,000) in K (Schedule B). A himself will not file a Form FDI-102F for 1969.

It is essential to recognize that compliance by each member of an associated group is measured separately and without reference to direct investment transactions of the group's other members, whether or not the group elects to report as a group under § 907(c)(2). The only exception to this rule is contained in § 905(b)(2), with respect to cumulation of direct investment transactions with group AFNs by members of a group electing § 503. Accordingly, the Form FDI-102F filed by a member of the group under § 907(c)(2) should indicate, on a supplemental statement, the portion of the group's direct investment allocable to each member of the group.

(iv) *Affiliated and family groups.* Section 907(d) provides that reports filed by an affiliated or family group for any period should aggregate all direct investment transactions and other reportable items attributable to each member during the relevant period.

Example 44. A U.S. corporation (A) owns 60 percent of outstanding voting stock of another U.S. corporation (B), and 80 percent of outstanding voting stock of a third U.S. corporation (C). B owns a 70 percent interest in a U.S. partnership (P). All outstanding stock of A is owned by a U.S. citizen and resident (D). During 1969, A makes positive direct investment of $100,000, B makes positive direct investment of $200,000, C makes positive direct investment of $300,000, D makes positive direct investment of $50,000, and P makes positive direct investment of $150,000. The Form FDI-102F filed by the affiliated group of A, B, C, D, and P for 1969 should show positive direct investment of $800,000, allocated among the appropriate scheduled areas. A, B, C, D, and P need not file a separate Form FDI-102F.

Had A and all other stockholders of B made an election under § 906(b)(1) with respect to B, the Form FDI-102F filed by the affiliated group for 1969 would include only 60 percent of B's positive direct investment, rather than the entire $200,000. Total positive direct investment to be reported by the group will, therefore, be $720,000.

B1000—Subpart J (§§ 1001–1003)

§ B1000–1 Introduction.

For a number of years prior to institution of the Foreign Direct Investment Program, informal efforts were made by the U.S. Government to reduce outflow of investment capital by encouraging financing of foreign business operations with foreign borrowings. This policy has been explicitly incorporated into the regulations by provision that direct investment may be made by DIs with proceeds of long-term foreign borrowing without current charge to allowables. Similarly, a DI's guarantee of an AFN borrowing does not constitute a transfer of capital.

On the other hand, repayment of a long-term foreign borrowing is a transfer of capital under § 312(a)(7) if the proceeds of such borrowing have been expended in making transfers of capital or allocated to positive direct investment. The transfer of capital under § 312(a)(7) is deemed to have been made to the scheduled area or areas where the last deduction or deductions with respect to the proceeds have been made. Furthermore, satisfaction by a DI of the debt obligation of its AFN is a transfer of capital, under § 312(a)(6), from the DI to the AFN, because the DI has thereby indirectly increased its debt or equity interest in the AFN. Repayment by a DI either of its own long-term foreign borrowing or of an AFN borrowing guaranteed by the DI may, therefore, result in positive direct investment in a particular year prohibited by § 201, if such positive direct investment in the relevant scheduled area is in excess of the amount authorized to the DI in that scheduled area during that year under Subpart E. However, § 1002(a) generally authorizes positive direct investment in excess of applicable Subpart E or M allowables attributable to transfers of capital resulting from repayment of certain borrowings enumerated therein.

The general authorization under § 1002(a) applies to: (a) Repayment of long-term foreign borrowings made prior to January 1, 1968; (b) repayment by a DI, pursuant to a guarantee, of AFN borrowings made prior to January 1, 1968; (c) repayment of AFN borrowings not guaranteed by the DI, if the borrowings were made prior to January 1, 1968, from a bank; and (d) repayment of AFN borrowings made from a bank after January 1, 1968, pursuant to a fixed loan commitment established by the AFN prior to that date. Section 1002(a) thus removes any potential prohibition that might otherwise apply to repayment of borrowings contracted prior to the effective date of the Program.

Section 1002(a) also authorizes repayment by a DI of borrowings made by an AFN and guaranteed by the DI, on or after June 10, 1968, provided that the DI files, with respect to the borrowing, a certificate described in § 1002(b). In the certificate, the DI must state, in the light of all facts and circumstances existing at the time of the guarantee, that it has reason to believe either that the DI will not make any repayment of the borrowing within seven years of the guarantee, or that any positive direct investment resulting from repayment within 7 years will not exceed the amount of positive direct investment authorized by Subpart E. The section similarly authorizes repayment of a DI's own long-term foreign borrowing made on or after June 10, 1968, provided that the DI files a similar certificate with respect to the long-term foreign borrowing.

Section 1002(a) further authorizes repayment of a DI's borrowing made during the period from January 1, 1968, through June 9, 1968. During that period the predecessor of Subpart J, General Authorization No. 1, was in effect. General Authorization No. 1 authorized repayment of a DI's long-term foreign borrowing and an AFN borrowing guaranteed by the DI, conditioned upon the filing of a certificate similar to the certificate required by present § 1002(a). Even though the language in the certificate required by General Authorization No. 1 differs somewhat from the representations required by § 1002(b), § 1002(a) authorizes repayment of guaranteed borrowings by AFNs and DI's long-term foreign borrowings made during the period from January 1, 1968, through June 9, 1968 provided that the certificate described in General Authorization No. 1 was properly filed.

Finally, § 1002(a) authorizes repayment by the DI of a long-term foreign borrowing or a borrowing by an AFN, whether or not guaranteed by the DI, if repayment occurs by issuance of stock of the DI pursuant to conversion by holders of debt obligations issued by the DI (or its AFN) in connection with the borrowing.

Although repayments pursuant to § 1002(a) are independent of Subpart E, any resulting positive direct investment is charged against the appropriate allowables and has the effect of reducing such allowables for the year in which

charged. Section 1003 charges positive direct investment first against the allowable in the scheduled area where the transfer of capital is recognized pursuant to § 312(a)(6) or (7), then against allowables in Schedules C, B, and A, in that order, and finally against allowables in future years, in the same order. The charge is equal to the amount of positive direct investment resulting from repayment, but the charge does not reduce allowables in any scheduled area to less than zero in any year. The charge to allowables occurs in the year in which repayment is made, except for repayment by means of conversion of debt obligations into stock of the DI, in which case the charge is not made until the following year (see § 1002(a)(3)).

Section 702 should be read in conjunction with Subpart J. This section is intended to make clear that lenders, absent actual knowledge of a violation of the regulations, may enforce obligations entered into with DIs or AFNs whether or not performance by the obligor is authorized by the regulations.

§ B1001–1 Definition of borrowing by a DI and by an AFN.

Section 1001(b) defines the term "borrowing by a DI" as a borrowing by a DI, repayment of which would constitute a transfer of capital under § 312(a)(7). Since § 312(a)(7) applies to any long-term foreign borrowing (as defined in § 324), the proceeds of which have been expended in making transfers of capital or allocated to positive direct investment, repayment of all long-term foreign borrowings are eligible for authorization under § 1002. Repayment of borrowings by the DI that are not long-term foreign borrowings, and repayments of long-term foreign borrowings, the proceeds of which have not been expended or allocated, do not result in transfers of capital.

Section 1001(a) defines the term "borrowing by an AFN". As is the case with a DI's long-term foreign borrowing, a "borrowing by an AFN" includes not only the typical loan of funds and sale of debt obligations, but may also include every transaction, however designated, the practical economic effect of which is that the AFN acquires an interest in property, with all or part of the payment deferred to some future date. Thus, for example, an installment purchase of property by an AFN may involve a "borrowing" for purposes of Subpart J. (See § B 324–4.)

Section 1002(e)(1) provides that a borrowing by a DI or by an AFN is deemed to have been made on the date the proceeds are received by the borrower, or, if a purchase of property on credit is involved, on the date the property is purchased. If, however, the borrowing involves a public offering of securities, the borrowing is deemed to have been made on the date the securities are issued, and if the borrowing involves the use of an overdraft facility, the borrowing is deemed to have been made when the overdraft is used. The date of a borrowing is significant in determining (1) whether the borrowing, if made by a DI, has a maturity which will qualify such borrowing as a long-term foreign borrowing under §324 and (2) whether any repayments of the borrowing are expected to be made within 7 years from the date thereof.

As is the case with respect to a long-term foreign borrowing under § 324(b)(1), the refinancing of a borrowing by an AFN, by virtue of renewal, extension or continuance thereof or a subsequent borrowing from the same or another lender, is not a repayment of the borrowing or the making of a new borrowing. (See § 1002(a)(2) and § B324–12.)

Delivery of equity securities of a DI to holders of debt obligations issued by an AFN, in exchange for the debt obligations of the AFN, constitutes repayment by the DI of the AFN's borrowing (a transfer of capital under § 312(a)(6)) in the amount of the debt retired). Such treatment is analogous to the treatment of delivery of equity securities of a DI in exchange for the debt obligations issued in connection with a long-term foreign borrowing. (See § B324–11 regarding repayment by conversion with respect to long-term foreign borrowing.)

There are, however, some significant differences between a borrowing by an AFN and a long-term foreign borrowing by a DI.

First, while a DI's long-term foreign borrowing must be made from a foreign person (other than a Canadian person), a borrowing by an AFN may be made from any person, including a United States or a Canadian person, so long as such person is neither an AFN of the DI nor the DI itself.

Second, expenditure or allocation of proceeds of long-term foreign borrowing by the DI will give rise to deductions from net transfer of capital and positive direct investment, under §§ 313(d)(1) and 306(e). Although neither the "borrowing by an AFN" nor a guarantee thereof by the DI constitutes a transfer of capital by the DI, investment by the AFN, of funds received from its borrowing, in other AFNs of the DI will result in transfers of capital under §§ 505 and 312.

Third, while repayment of a DI's long-term foreign borrowing results in a transfer of capital under § 312(a)(7), if the proceeds thereof have been expended or allocated, repayment of a "borrowing by an AFN" by the AFN will not result in a transfer of capital. Repayment of such borrowing by the DI, however, will result in a transfer of capital under § 312(a)(6) to the borrower AFN, since repayment indirectly increases the DI's debt or equity interest in the AFN. Such transfer will include the amount of both principal and interest paid by the DI. The transfer of capital under § 312(a)(7), on the other hand, will be considered to have been made to the scheduled area where the last deduction was made with respect to the proceeds of the long-term foreign borrowing. Any such transfer of capital will be limited to the principal amount of the debt repaid, since payment of interest by the primary obligor is exempt from being a transfer of capital under § 312(c)(8).

§ B1001–2 Borrowing by a business venture AFN.

The identity of a borrower is normally ascertainable by reference to the instrument evidencing the debt obligation. However, when a borrowing transaction is purportedly entered into by a business venture AFN that is a direct branch of a DI (described in § 304(a)(1)(ii)), identity of the actual primary obligor is difficult to ascertain. Similar difficulty is encountered when a borrowing is purportedly made by a business venture AFN that is a branch of an incorporated AFN (as described in § 304(a)(1)(ii)). Since the regulations distinguish between borrowing by a DI and borrowing by an AFN for many purposes, DIs are advised to submit transactions involving questions of this nature to OFDI for an interpretation.

§ B1001–3 Definition of guarantee.

The term "guarantee" is defined in § 1001(c). The written acknowledgment of secondary responsibility referred to in § 1001(c)(1) is confined to acknowledgements given to a bank. Such acknowledgments refer to general assurances of repayment that, in the typical case, are not intended to be legally enforceable against the DI but represent a moral commitment of the DI that the loan will be repaid.

The written guarantee, endorsement, etc., specified in § 1001(c)(2), refers to the customary legally binding commitment whereby the DI guarantees payment of principal and interest by, or collection thereof from, an AFN. It does not include subordination agreements.

The reference to "through-put" agreements, "take or pay" contracts, "keep-well" agreements and similar written agreements in § 1001(c)(3) covers certain types of financial arrangements designed to assure that the AFN will have sufficient funds to repay the relevant borrowing. Generally, a "through-put" agreement is an agreement (typically made by companies in the extractive industries) whereby the DI agrees to put certain types of raw materials through a particular processing, refining or delivery facility of an AFN, while a "take or pay" contract is a supply agreement whereby the DI contracts to pay for production made available by the AFN, whether or not the DI in fact accepts delivery. A "keep-well" agreement refers generally to an agreement whereby the DI agrees to supply sufficient funds to the AFN for working capital to enable repayment of the borrowing in question.

Section 1001(c)(4) provides that mortgages, pledges, or hypothecations of property made by a DI as security for repayment of a borrowing by an AFN will constitute a "guarantee" if the transaction does not involve a transfer of capital by the DI under § 312(a)(9).

Example 1. DI pledges stock of a domestic "affiliate" to a domestic bank as security for a borrowing by an AFN from such bank. The pledge constitutes a guarantee under § 1001(c)(4).

Example 2. DI pledges portfolio securities of foreign corporations (other than AFN)

to a domestic bank as security for a borrowing by an AFN from a foreign branch of such bank. The pledge constitutes a guarantee under § 1001(c)(4).

Example 3. DI pledges a Deutsche mark deposit in a German bank as security for a borrowing by an AFN from such bank. The pledge constitutes a transfer of capital under § 312(a)(9) and does not constitute a guarantee under § 1001(c)(4).

Example 4. DI pledges a demand deposit in a domestic bank as security for a borrowing by an AFN from a foreign branch of such bank. The pledge constitutes a guarantee under § 1001(c)(4).

The term "guarantee" includes a guarantee given by one AFN in respect of a borrowing by another AFN of the same DI, if repayment pursuant to the guarantee would result in a transfer of capital by the DI under § 505. A § 312(a)(6) transfer of capital would be charged to the DI by operation of § 505(a)(3) if the guarantor AFN that makes repayment pursuant to the guarantee is an affiliate of the DI under § 903(a).

Example 5. DI has two AFNs: A wholly owned subsidiary in Panama (P) that in turn has a wholly owned subsidiary in Sweden (S). S borrows from a foreign bank. Repayment of the borrowing is guaranteed by P. If P is called upon to repay the borrowing of S, the payment (whether made directly to the lender or to S) is deemed a transfer from Schedule A to the DI and from the DI to Schedule C, pursuant to § 505(a)(3). Any positive net transfer of capital to Schedule C attributable to the transfer deemed made by the DI will generally be authorized under Subpart J if the DI files a certificate within 10 days after the execution of the guarantee by P.

§ B1001–4 DI's guarantee of an AFN borrowing.

Except for certain borrowings from banks made prior to January 1, 1968, only repayment by a DI pursuant to guarantee of an AFN's borrowing will be authorized by § 1002(a). Thus, in most cases, in order for repayment to be authorized, there must be both a "guarantee" and a "borrowing by an AFN," as those terms are defined in § 1001.

Example 6. DI's AFN arranges to borrow $1,000,000 from a New York bank. On June 1, 1969, AFN receives $1,000,000 from the bank and gives the bank a note in that amount, payable in 2 years, and also gives the bank a guarantee of repayment of principal and interest executed by the DI. On June 1, 1969, the AFN has made a borrowing that is guaranteed by the DI.

Example 7. On June 1, 1969, DI's AFN receives machinery purchased from an English manufacturer with a value of $1,000,000. Under the terms of the purchase agreement, $250,000 is payable upon receipt of the machinery, the remainder being payable in three equal annual installments of $250,000 (plus interest), commencing 1 year from date of receipt of the machinery. Upon receipt of the machinery, the AFN delivers to the seller a guarantee of repayment of principal and interest executed by the DI. On June 1, 1969, AFN has made a borrowing guaranteed by the DI.

Example 8. On June 1, 1969, DI's Schedule C AFN, pursuant to a purchase agreement previously entered into, acquires all the stock of a corporation in Schedule A for $2,000,000. The AFN must pay $500,000 at the closing on June 1, the remainder being payable to the selling shareholders of the foreign corporation in five equal annual installments of $300,000 (plus interest), commencing 1 year from the closing date. At the closing, the AFN delivers to the selling shareholders a guarantee of payment of the principal and interest executed by the DI. On June 1, 1969, the AFN has made a borrowing guaranteed by the DI. (Acquisition of the Schedule A corporation will result in a transfer of capital, under §§ 505 and 312(a)(1), of $2,000,000 from the Schedule C AFN to the DI and from the DI to the Schedule A AFN. Since the borrowing is not a long-term foreign borrowing as defined in § 324(a), no deduction with respect to net transfer of capital will be received by the DI. If the DI must repay the borrowing pursuant to the guarantee, a transfer of capital to the Schedule C AFN will result under § 312(a)(6).)

Example 9. DI's AFN arranges with a group of investment banking organizations for the sale of 12-year debentures in face amount of $10,000,000 to be dated September 1, 1969. The debentures will be guaranteed by the DI as to payment of principal, interest and premium (if any). The debentures also will be convertible into common stock of the DI. On September 5, 1969, an underwriting agreement is signed pursuant to which the debentures are to be sold to the underwriters at a discount of 3 percent and sold to the public at par. At the closing on September 25, 1969, AFN issues the debentures and receives a check from the underwriters for $9,500,000, the 3 percent discount and other underwriting commissions, fees and expenses having been deducted. On September 25, 1969, the AFN has made a borrowing of $10,000,000 guaranteed by the DI.

Example 10. DI's Schedule C AFN (C) arranges with a group of investment banking organizations for the sale of $10,000,000 of 12-year debentures to be dated September 1, 1969. The debentures will be guaranteed by DI as to payment of principal, interest, and premium (if any). Attached to the debentures will be warrants which may be detached after a period of 6 months from the date of issuance and which entitle the holder to purchase a certain number of shares of the common stock of DI at a specified price. The warrants are valued by DI's independent financial counsel at $750,000 (a valuation acceptable to OFDI). On September 5, 1969, an underwriting agreement is signed pursuant to which the debentures are to be sold to the underwriters at a discount of 3 percent and sold to the public at par. At the closing on September 25, 1969, C issues the debentures and receives a check from the underwriters for $9,500,000, the 3 percent discount and other underwriting commissions, fees and expenses having been deducted. C has made a borrowing of $10,000,000 guaranteed by the DI on September 25, 1969. On the same date DI is considered to have made a transfer of capital under § 312(a) to C in the amount of the value of the warrants ($750,000) that are attached to the debentures.

Example 11. On September 15, 1968, DI's AFN entered into a revolving credit arrangement with a foreign bank, pursuant to which AFN could borrow up to $5,000,000 during a period ending September 15, 1975. The agreement provided that each takedown under the arrangement would be evidenced by a 180-day note, each note being renewable by its terms within the overall period of the arrangement. DI executed and delivered to the foreign bank a guarantee of payment of principal and interest of any borrowings made by the AFN pursuant to the revolving credit arrangement. On October 1, 1968, AFN took down $3,000,000 and on February 1, 1969, it took down $2,000,000. AFN made a borrowing guaranteed by the DI of $3,000,000 on October 1, 1968, and another borrowing guaranteed by the DI of $2,000,000 on February 1, 1969.

The authorization contained in § 1002(a) is limited to repayment of a guaranteed borrowing. Payments made by a DI pursuant to guarantees of performance by its AFN of contractual obligations other than the repayment of debt are not authorized by § 1002(a).

Example 12. DI has a Schedule C AFN (C) that is engaged in the business of road construction. C enters into a contract with a foreign government for construction of a highway that must meet certain specifications. DI guarantees performance by C of the contract according to specifications contained therein. If DI is called upon to pay money to the foreign government or to transfer funds to the AFN to enable performance according to the contract specifications, the payment or transfer is not authorized by § 1002(a).

Example 13. DI has a Schedule C AFN involved in the construction business. From time to time, AFN makes bids on certain construction projects, in connection with which the AFN must file a bond that is forfeited if AFN is let a contract that it cannot perform. AFN has an arrangement with its local bank, in the form of an overdraft whereby the bank will pay any such forfeited amounts. DI has issued a guarantee of payment of principal and interest of any amounts paid by the bank pursuant to its arrangement with the AFN. If the AFN utilizes the arrangement to pay a forfeit which results in an overdraft, the AFN, at that time, will have made a borrowing guaranteed by the DI, and repayment by the DI may be authorized under § 1002(a).

Example 14. On July 1, 1969, DI's AFN entered into a 20-year charter-hire agreement with an unaffiliated foreign national (X) for a ship. The terms of the charter-hire agreement with X are constructed by AFN's public accounting firm as an installment purchase under accounting principles generally accepted in the United States, and AFN treats an appropriate portion of the charter-hire payments as return of principal to X and treats the remainder as interest charges. Under the charter-hire agreement, AFN also agrees, among other things, to keep the ship in good repair, to keep it clear of any liens, and to hold X harmless from any liabilities that may arise out of the operation of the ship. At the closing, DI executes and delivers to X a guarantee of payment and performance of all of the obligations of AFN under the charter-hire agreement. At the closing, AFN has made a borrowing guaranteed by the DI in the amount of the aggregate principal portion of charter-hire payments to be made during the term of the charter-hire agreement. The DI's guarantee of any other obligations of AFN under the charter-hire agreement is not a guarantee of a borrowing by the AFN, and any payments or transfers to the AFN to enable it to perform any such obligation cannot be authorized under § 1002(a).

Renewal of a prior guarantee, or execution of a guarantee upon refinancing of a previously guaranteed AFN borrowing, is not considered to be a new guarantee: *Provided*, That the principal amount guaranteed is not increased. Moreover, renewal of a guarantee or execution of a new guarantee with respect to an AFN borrowing that is still outstanding is not considered to be the making of a new guarantee.

Example 15. On September 1, 1968, DI's AFN entered into a revolving credit agreement with a foreign bank (X) that permitted AFN to borrow up to $2,000,000. The borrowing was guaranteed by DI. AFN immediately took down the entire $2,000,000. On September 1, 1969, AFN makes a $2,000,000 borrowing from another foreign bank (Y), giving Y a 3-year note in the principal amount of $2,000,000. The $2,000,000 is used to repay AFN's borrowing from X. Even though DI executes a new guarantee of repayment of the 3-year note in favor of Y, DI is not considered to have made a new guarantee.

Example 16. On September 1, 1968, DI's AFN entered into a revolving credit agreement with the foreign branch of a United States bank for a period of 5 years. Under the agreement, AFN could make borrowings of up to $5,000,000 evidenced by 180-day notes renewable by their terms. The agreement also provided that the DI guarantees repayment of each 180-day note as to the payment of principal and interest. On September 1, 1968, AFN immediately took down the full $5,000,000. On March 1, 1969, AFN executed new 180-day notes for the full $5,000,000 and delivered to the bank a new guarantee of DI with respect to the new notes. DI is not considered to have made a new guarantee.

§ B1002–1 Authorization of positive direct investment attributable to repayment of certain borrowings.

Positive direct investment attributable to a DI's repayment of an AFN's borrowing is authorized by § 1002(a) if:

The borrowing was guaranteed by the DI prior to January 1, 1968 (§ 1002(a)(1));

The borrowing was guaranteed by the DI on or after January 1, 1968, but prior to June 10, 1968, and the DI complied with the certification requirements of § 2(a)(1) of General Authorization No. 1 (§ 1002(a)(1));

The borrowing was guaranteed by the DI on or after June 10, 1968, and the DI complied with the § 1002(b) certification requirements (§ 1002(a)(5));

The borrowing was obtained from a bank prior to January 1, 1968 (§ 1002(a)(2));

The borrowing was obtained from a bank on or after January 1, 1968, pursuant to a fixed loan commitment or line of credit established prior to January 1, 1968 or any renewal or extension thereof (§ 1002(a)(2)); or

The borrowing involved issuance of debt obligations by the AFN convertible into stock of the DI (the date of the borrowing being irrelevant), and repayment by the DI consists of delivery of DI's stock upon exercise of conversion rights (§ 1002(a)(3)).

Positive direct investment attributable to repayment of a DI's long-term foreign borrowing is also authorized by § 1002(a) if:

The borrowing was made prior to January 1, 1968 (§ 1002(a)(4));

The borrowing was made from January 1, 1968 through June 9, 1968, and the DI complied with the certification requirements of § 2(b) of General Authorization No. 1 (§ 1002(a)(4));

The borrowing was made on or after June 10, 1968, and the DI complied with the § 1002(b) certification requirements (§ 1002(a)(6)); or

The borrowing involved the issuance of debt obligations of the DI convertible into stock of the DI, and repayment by the DI consists of delivery of the DI's stock upon exercise of conversion rights (§ 1002(a)(3)).

Section 1002(a) authorizes not only a DI's actual repayment of the enumerated AFN borrowings, but also transfers of capital by a DI to AFNs to enable direct repayment of such borrowings.

However, § 1002(d) provides that positive direct investment by a DI is not authorized under § 1002(a) if repayment of the borrowing is made at the option of the DI. Repayment pursuant to a call or like provision vesting control of the time of repayment in the DI or an AFN, or the existence of unexercised options to renew, extend or continue the borrowing at the time of repayment, will be deemed to result in repayment at the option of the DI.

(i) *Preprogram guarantee of AFN borrowing.* Repayment by a DI of an AFN borrowing, pursuant to a guarantee made prior to January 1, 1968, is authorized by § 1002(a)(1). A transfer of capital by the DI to an AFN to enable the AFN to repay a borrowing is similarly authorized, if the borrowing was guaranteed prior to the effective date. For the purposes of § 1002(a)(1), a guarantee will be considered to have been made prior to the effective date if it was executed prior to the effective date, even though the AFN might not have actually made its borrowing until after the effective date. Renewal of such guarantee or execution of a new guarantee in connection with the same borrowing of the AFN or the refinancing thereof for which the first guarantee was executed will not be considered a new guarantee.

Example 17. DI has an AFN (C) in Schedule C. On September 1, 1967, C borrowed $300,000 from a foreign bank for a term of 2 years, repayment of the borrowing being guaranteed by DI on the same date. During 1969, DI has zero historical allowable in Schedule C. On August 31, 1969, when the loan becomes due, DI is called upon under the guarantee to repay the loan, plus $20,000 in accrued unpaid interest, C itself being unable to make repayment. DI makes repayment as demanded. Repayment of the borrowing plus accrued interest in the aggregate of $320,000 is authorized by § 1002(a)(1) regardless of the fact that no positive direct investment is authorized to DI under Subpart E during 1969.

(ii) *Repayment of AFN bank borrowing made or committed prior to January 1, 1968.* A transfer of capital is authorized if made in repayment of, or to enable an AFN to repay, a borrowing by such AFN from a bank made prior to January 1, 1968, or a borrowing by such AFN from a bank made on or after January 1, 1968, pursuant to a fixed loan commitment or line of credit established prior to such date or pursuant to any renewal or extension thereof. Such repayment is authorized, however, only if the liquid assets of the AFN are not sufficient to repay the borrowing at maturity and if the AFN has made every reasonable effort to refinance the borrowing on terms generally available to companies of similar size and financial position. If, on or after January 1, 1968, the amount of such pre-January 1, 1968, fixed loan commitment or line of credit is increased by 10 percent or more, a new fixed loan commitment or line of credit is deemed to have been established at the time of the increase in an amount equal to the amount of the increase (see § 1002(a)(2)); repayments under the new fixed loan commitment or line of credit are not authorized by § 1002(a)(2) but may, if the applicable certification requirements are complied with, be authorized by § 1002(a)(1) or (a)(5).

If an AFN made a pre-January 1, 1968, borrowing from a bank and such borrowing was also guaranteed prior to January 1, 1968, the repayment will be generally authorized under § 1002(a)(1), rather than under § 1002(a)(2). If, however, the borrowing by the AFN was made prior to January 1, 1968, and the guarantee was made after January 1, 1968, § 1002(a)(2) will apply, unless DI, at the time of the guarantee, filed a certificate pursuant to General Authorization No. 1.

Example 18. DI has an AFN (C) in Schedule C. On September 1, 1967, C borrowed $300,000 from a foreign bank (F) for a term of 2 years. Repayment of the borrowing was not guaranteed by DI, but DI repaid the principal and accrued interest of $320,000 voluntarily on August 31, 1969, when the loan became due. At the time of such repayment, C had liquid assets which were just sufficient to meet its current operating expenses, and C had diligently, though unsuccessfully, attempted to refinance the borrowing with F and with other foreign lenders. The repayment by DI is authorized by § 1002(a)(2).

Example 19. DI has an AFN (C) in Schedule C. On December 1, 1967, C entered into a revolving credit agreement with a foreign bank (F) pursuant to which X may borrow up to $1,000,000 over a period ending November 30, 1969. Borrowings under the agreement are to be made against notes with maturities of 90 days which can be renewed within the overall period of the agreement. On January 15, 1968, C took down the entire $1,000,000 and the note was rolled-over until November 30, 1969, at which time the outstanding indebtedness, plus $50,000 in accrued interest, became due. At this time, C had liquid assets which were sufficient to repay only $300,000 of the amount due and C was unable after diligent effort, to refinance the balance with F or with other foreign lenders. Accordingly, the remaining $750,000 due was paid by DI on November 30, 1969. The payment by DI to F of $750,000 is authorized by § 1002(a)(2).

Example 20. On September 1, 1967, an AFN of DI entered into a revolving credit agreement under which AFN could borrow up to $1,000,000, and AFN immediately took down the entire amount. On September 20, 1968, the amount available to X under the revolving credit agreement was increased to $1,500,000, and X borrowed the additional $500,000 in October 1968. As a result, a new $500,000 line of credit is deemed to have been established on September 20, 1968, and repayment by DI of any part of the additional $500,000 borrowing will not, therefore, be authorized by § 1002(a)(2) but would be authorized by § 1002(a)(5) if DI had guaranteed the additional $500,000 borrowing and had complied with the certification requirements of § 1002(b) of Subpart J.

(iii) *Repayment of AFN borrowing pursuant to guarantee made in the period January 1, 1968 through June 9, 1968.* Repayment by a DI of an AFN borrowing, pursuant to a guarantee made on or after the effective date through June 9, 1968, is authorized by § 1002(a)(1), if the DI filed a certificate described in § 2(a)(1) of General Authorization No. 1. A transfer of capital by the DI to an AFN

to enable the AFN to repay such borrowing is similarly authorized.

Section 2(a)(1) of General Authorization No. 1 required the DI to state that the DI "has no reason to believe, under existing circumstances, that the affiliated foreign national will be unable to pay or otherwise satisfy such indebtedness without resort to performance under the guarantee * * *." Although, should the DI be called upon to repay the AFN's borrowing pursuant to the guarantee, positive direct investment would be authorized by § 1002(a)(1) even if in excess of the amount authorized to the DI in the year of repayment, the Office may inquire into the good faith of the statement made by the DI in its certificate.

Example 21. DI elects to be governed by § 503 during 1969. On March 15, 1968, DI executed its guarantee of payment of principal and interest under its AFN's 1-year note in the principal amount of $2,000,000, executed that same day. DI filed a General Authorization No. 1 certificate, based upon the belief that AFN could renew the borrowing at the time that it came due. During 1968, the AFN experienced financial difficulties, the market for AFN's products diminished, and DI, at the beginning of 1969, was forced to discontinue the AFN's operations. DI therefore repaid the $2,000,000, pursuant to its guarantee, on the maturity date of the note. The transfer of capital in repayment resulted in positive direct investment in excess of $1,000,000, but the entire amount of positive direct investment attributable to repayment of the borrowing is authorized by § 1002(a)(1). Upon inquiry by the Office into the basis for DI's statement in the certificate, DI may offer as an explanation the changed circumstances which were beyond its control.

(iv) *Repayment of a long-term foreign borrowing made prior to January 1, 1968.* Repayment of a long-term foreign borrowing (other than a repayment resulting from conversions of debt into equity as described in § 1002(a)(3)) made prior to the effective date is authorized by § 1002(a)(4).

Example 22. In 1967, DI purchased all of the stock of a United Kingdom corporation from an unaffiliated foreign national. The purchase price was $5,000,000, $1,000,000 being paid in cash at the closing and the balance being payable (together with interest of $480,000) 2 years from the date of closing. The $4,000,000 balance constitutes a long-term foreign borrowing and payment of such balance in 1969 is authorized by § 1002(a)(4). Payment of the $480,000 in interest does not constitute a transfer of capital and thus does not require authorization (see § 312(c)(8)).

(v) *Repayment of a long-term foreign borrowing made in the period from January 1, 1968 through June 9, 1968.* Repayment of a long-term foreign borrowing (other than a repayment resulting from conversions of debt into equity as described in § 1002(a)(3)) made from the effective date through June 9, 1968, is authorized by § 1002(a)(4), provided that the DI filed a certificate described in § 2(b) of General Authorization No. 1.

Section 2(b) of General Authorization No. 1 required the DI to state that it "has reason to believe that, under existing circumstances, the borrowing will ultimately be repaid or satisfied from sources outside the United States."

Example 23. On March 15, 1968, DI made a long-term foreign borrowing from a foreign bank, the proceeds of which were $2,000,000. DI gave the bank its note with an original maturity of 12 months and filed a General Authorization No. 1 certificate in the belief that it could either renew the note when it became due or repay the borrowing with proceeds of another long-term foreign borrowing. DI immediately loaned all of the proceeds to a Schedule C AFN. During 1968, the AFN experienced financial difficulties, the market for AFN's products diminished, and DI, at the beginning of 1969, was forced to discontinue the AFN's operations. DI was unable to renew the note or refinance the long-term foreign borrowing from another foreign lender, and DI repaid the borrowing from its funds in the United States. The transfer of capital in repayment of the borrowing resulted, at the end of 1969, in positive direct investment in excess of DI's Schedule C allowable and was authorized by § 1002(a)(4). Upon inquiry by the Office into the basis for DI's statement in the certificate, DI may offer as an explanation the changed circumstances beyond its control.

(vi) *Repayment through conversion of debt obligations into stock of DI.* Repayment by reason of the delivery of equity securities of the DI to holders of debt obligations of the DI (including an international finance subsidiary of the DI) or of debt obligations issued by an AFN, pursuant to conversion or similar rights, is authorized by § 1002(a)(3). No certificate is required to be filed in order to authorize such repayment, regardless of when the borrowing was made. A certificate must be filed, however, in order to provide authorization for cash payment of principal upon maturity of a convertible debenture offering, under § 1002(a)(5) and (6), since § 1002(a)(3) does not authorize such cash repayment.

For purposes of § 1003, a transfer of capital resulting from a repayment by conversion is deemed to have been made in the year immediately following the year in which the conversion or similar rights are exercised.

Example 24. In February 1968, an international finance subsidiary of a DI sold $20,000,000 of 12-year debentures in a public offering, the proceeds of which qualify as long-term foreign borrowing proceeds under § 324. The debentures are convertible into common stock of DI commencing 6 months from the date of issue. The proceeds of the debentures were invested in incorporated AFNs of DI in Schedule A, where DI, during 1968, was authorized under § 504 to make positive direct investment of $3,000,000. During 1968, DI delivered $5,000,000 worth of its common stock (in aggregate market value at the time of delivery) to holders of the debentures as a result of the conversion of $3,500,000 in principal amount of the debentures. Such delivery resulted in a $3,500,000 repayment of the borrowing in 1968 (i.e., a transfer of capital to Schedule A during 1968 which is deemed to be made the following year for purposes of § 1003). (See § B1003-1(i).) During the same year, DI made additional positive direct investment of $3,000,000 in Schedule A, which was authorized by § 504(a)(1). The positive direct investment resulting from delivery of the stock was authorized under § 1002(a)(3). Pursuant to § 1003, DI's Subpart E allowables are reduced by $3,500,000 in 1969.

Example 25. In November 1968, a Luxembourg AFN of DI (L) sold $20,000,000 of 12-year debentures in a public offering. Attached to the debentures were warrants entitling the holder to purchase a certain number of shares of DI's common stock at a certain price. A holder of the warrants may also exchange a debenture, upon presentation of the warrant, for common stock of DI. DI's independent financial counsel valued the warrants at $2,000,000 (which valuation was acceptable to OFDI), and DI recognized a transfer of capital to L in that amount in connection with issuance of the debt and warrant package. During 1969, an aggregate principal amount of $3,000,000 of debentures was presented along with the warrants, and DI issued common stock in exchange therefor. The exchange constitutes the satisfaction of an AFN debt obligation, resulting in an additional transfer of capital under § 312(a)(6) in the principal amount of the debt surrendered ($3,000,000). Under § 1002(a)(3), the transfer of capital is deemed to be made in the year following exchange, so that DI's Schedule C allowable will not be charged, under § 1003, until 1970.

(vii) *Guarantee made on or after June 10, 1968.* Repayment by a DI of an AFN borrowing, pursuant to a guarantee made on or after June 10, 1968, is authorized by § 1002(a)(5), provided that the DI filed a certificate described in § 1002(b). A transfer of capital by the DI to an AFN to enable the AFN to repay such borrowing is similarly authorized.

Section 1002(b) requires the DI to state that it has reason to believe either that it will make no transfers of capital in repayment of the AFN borrowing within 7 years of the date of the guarantee; or, if it does make transfers of capital in repayment of the borrowing within the 7-year period, positive direct investment resulting therefrom, if any, will be authorized by the DI's Subpart E allowable in the appropriate scheduled areas.

Example 26. During 1968, DI had historical Subpart E allowables of $300,000 in Schedule C, $750,000 in Schedule B and $1,250,000 in Schedule A. DI had two AFN's in Schedule C, one being a French corporation (F) that had existed for a number of years. F had maintained a substantial level of earnings for the past 3 years. The other AFN was an Italian corporation (X) that had been organized in 1967 and had lost money in that year, but that DI expected would break even in 1968 and perhaps have small earnings in 1969. On July 1, 1968, DI negotiated an overdraft facility for X from an Italian bank, pursuant to which X could make overdrafts of up to $1,000,000. The term of the facility was 1 year, and DI guaranteed repayment of any amount outstanding at the end of that year. DI filed a certificate under § 1002(b) stating that DI had reason to believe that no transfers of capital would be involved in repayment of the guaranteed borrowing, because renewal of the overdraft facility was anticipated until such time as X would have the financial resources to be able to repay the borrowing itself. DI had reason to believe that, should X not be able to repay at any time, F would be able to loan funds to X out of its substantial cash reserves, while still being able to fulfill any earnings repatriation requirements of the regulations.

Through the remainder of 1968, X and F encountered unprecedented business reverses, causing X to operate again at a loss, and resulting not only in a loss for F, but also necessitating substantial invasion of capital reserves. During 1968, X took down the full $1,000,000 under the overdraft facility. During June 1969, the Italian bank indicated that it would not renew the overdraft facility for $1,000,000, but only for $500,000. DI attempted and failed to secure financing from other sources to refinance the $500,000. Therefore, on June 30, 1969, DI repaid $500,000 to the Italian bank pursuant to the guarantee. This repayment was authorized by § 1002(a)(5), and the positive direct investment resulting therefrom had the immediate effect, pursuant to § 1003, of reducing DI's Schedule C historical allowable to zero and DI's Schedule C loss allowable under § 504(e) by $200,000. If OFDI should inquire into the inability of DI to perform according to its reasonable expectations at the time of filing the certificate, DI may offer the unforeseen, changed circumstances as an explanation.

(viii) *Repayment of long-term foreign borrowing made on or after June 10, 1968.* Repayment of a long-term foreign borrowing (other than a repayment resulting from conversions of debt into equity as described in § 1002(a)(3)) made on or after June 10, 1968, is authorized by § 1002(a)(6): *Provided*, That the DI filed a certificate described in § 1002(b).

Section 1002(b) requires the DI to state that it has reason to believe either that (a) no transfers of capital will be involved in repayment of the long-term foreign borrowing within 7 years of the date of the borrowing; or, (b) if transfers of capital are made in repayment of the borrowing within the 7-year period, positive direct investment resulting therefrom, if any, will be authorized by the DI's Subpart E allowable in the appropriate scheduled area.

Example 27. On September 1, 1968, DI made a long-term foreign borrowing of $5,000,000 from a foreign bank, giving the bank its 12-month note. DI immediately loaned the funds to its Schedule C AFN (C). Although the terms of the note did not make it renewable, DI was assured by the lender that, if there would be no material change in the DI's business and financial condition and in the prevailing money market, it would give favorable consideration to requests by the DI to roll-over the loan until August 31, 1975. Based on existing circumstanes, DI did not anticipate any material adverse change in its business or financial condition and intended to request renewal to August 31, 1975. In this situation, DI filed a certificate under § 1002(b)(1). During the remainder of 1968 and in 1969, however, both C and DI suffered unexpected business reversals, and in August 1969, the lender indicated that it would renew the note only to the extent of $2,500,000. DI attempted and failed to find financing from other sources, and therefore repaid the borrowing to the extent of $2,500,000 from U.S. sources on August 31, 1969. The positive direct investment resulting therefrom is authorized by § 1002(a)(6). If OFDI inquires into the inability of DI to perform according to its reasonable expectations at the time of filing the certificate, DI may offer the unforeseen and changed circumstances as an explanation.

§ B1002-2 Standard Certificate Form FDI-106.

All certificates filed on or after June 10, 1969, must be made on Standard Certificate Form FDI-106. (Prior to June 10, 1969, the format of submission was immaterial so long as the certification contained all information and statements required by Subpart J.)

As indicated in the FEDERAL REGISTER notice published on August 8, 1968 (33 F.R. 11268), certificates submitted prior to August 12, 1968, pursuant to and in compliance with § 1002(b) as published in proposed form on June 8, 1968 (33 F.R. 8506), are acceptable as filed. Furthermore, new certificates need not be filed where prior submissions were made in accordance with the regulations or proposed regulations in effect at the time of filing, notwithstanding the fact that the borrowing or guarantee may not actually have taken place until after Subpart J was published in final form in 1968 or until after the 1969 amendment requiring use of the Standard Certificate Form.

The certificate must be delivered to OFDI within 10 days after the date of a borrowing by the DI, or the date of DI's guarantee of an AFN borrowing, as the case may be. For purposes of computing the 10-day period, the date of a borrowing by the DI is fixed according to the rules of § 1002(e)(1). The date of a guarantee is not simply the date on which DI executes the guarantee or when the last act necessary to complete a deposit, pledge or hypothecation has taken place. Rather, the date of the guarantee of an AFN borrowing is the first date on which both the guarantee and the borrowing are in existence, under § 1002(e)(1). Thus, if on January 1 DI executes a written repayment guarantee with respect to AFN borrowings up to $1 million and the AFN borrows only $500,000 on that date, then borrows another $500,000 on June 1, DI may file two certificates, each covering a $500,000 guarantee of an AFN borrowing, the first by January 10, and the second by June 10.

As noted above, however, if a DI executed a guarantee of an AFN borrowing prior to January 1, 1968, but the AFN did not actually borrow until after that date, OFDI will not require a certificate to have been filed, in order for repayment to be authorized. Also, if a DI executed a guarantee in the period January 1, through June 9, 1968, but the AFN borrowing took place on or after June 10, 1968, the DI is not required to replace its General Authorization No. 1 certificate with a Subpart J certificate.

The following sections explain the substantive requirements of Form FDI-106, except for those portions that are self-explanatory.

(i) *Item 1.* The certificate should be filed only by DI (or a duly authorized representative). If an international finance subsidiary of a DI (see § 323) makes a borrowing guaranteed by the DI, the borrowing is treated as if made by the DI itself and only one certificate need be filed. A guarantee by one AFN of a borrowing by another AFN in a different scheduled area would likewise require a certificate filing only by the DI.

When a shareholder guarantees a borrowing by a principal DI, a single certificate should be filed by the principal DI on the basis of its allowable, unless the principal DI is an affiliate of the shareholder or unless the shareholder has consented to an election under § 906(b)(2). Transfers of capital pursuant to such guarantee that result in positive direct investment will reduce the principal DI's allowables as provided in § 1003. If the principal DI is an affiliate of the shareholder guaranteeing the borrowing, the member of the affiliated group filing reports under § 602 should file the certificate. (See § 907(d).) If the shareholder has consented to an election under § 906(b)(2), the shareholder (and any other consenting shareholder guaranteeing the borrowing) should file a single certificate. Positive direct investment attributable to transfers of capital made by a consenting shareholder pursuant to such guarantee will be deducted from the allowables of such consenting shareholder in accordance with the provisions of § 1003.

In the case of a guarantee described in § 1002(a)(5) by an indirect owner of a borrowing by an AFN of the principal DI, the principal DI should file a single certificate, whether or not the election under § 906(b)(1) has been made, unless the principal DI is an affiliate of the shareholder. In this case, the member of the affiliated group filing report under § 602 should file the certificate. Positive direct investment attributable to transfers of capital made pursuant to such guarantee will be deducted from the allowables of the principal DI.

(ii) *Item 2.* DI should check the appropriate box beside "long-term foreign borrowing" or "guaranteed borrowing" by an AFN. The guaranteed borrowing of an AFN includes, by implication, a borrowing by an AFN that is guaranteed by another AFN of the DI. If such is the case, the name of the guarantor AFN should also be included, along with the name of the borrower AFN and the country where the borrower AFN is located.

(iii) *Item 5.* In entry a(1), the term "credit facility" refers to an arrangement with a lender (such as a line of credit or revolving credit arrangement) whereby funds may be taken down from time to time over a specified period up to a stated maximum aggregate amount, as described in § 1002(e)(3). In such cases, a DI may file a single certificate with respect to such credit facility, instead of filing separate certificates for each borrowing by the DI or guarantee of an AFN's borrowing pursuant to the arrangement involved. (Although § 1002(e)(3) provides that a certificate with respect to a credit facility should be filed on or prior to the date of the first takedown, OFDI will treat such certificates as timely filed if they are delivered within 10 days after the first takedown.) A credit facility will be certified only when first made or at the time of its renewal. A DI must file a new certificate upon expiration of a credit facility and the execution of a new credit facility, but only to the extent that borrowings pursuant to the credit facility are not outstanding at the time of renewal. If borrowings are outstanding, the renewal of the credit facility is simply a renewal of the borrowing, and no new certificate need be filed. (The renewal or refinancing, as described in § 1002(e)(2), of a takedown under a credit facility or of an isolated borrowing need not be certified at that time, since the renewal or

refinancing is not the making of a new borrowing or guarantee of an AFN borrowing (see § 324(b)(1).)

Entry a(2) deals with a single takedown pursuant to a credit facility. This entry normally applies only when the DI did not file a certificate with respect to the entire credit facility, but is filing separately for each separate takedown pursuant to a credit facility. In such case, the first two boxes should be checked. In a few isolated instances, however, such as where DI desires to change the statement made in a certificate or where changed or additional facts provide a more favorable basis for making a certificate, the DI may desire to file a second certificate for a single takedown under a credit facility for which a certificate has previously been filed. In that event, the first and third boxes should be checked.

Entry a(3) refers to a borrowing that is not connected with a credit facility, i.e., is not made pursuant to an arrangement described in § 1002(e)(3).

Example 28. On September 1, 1969, DI enters into a revolving credit arrangement with a foreign bank pursuant to which DI may borrow up to $5,000,000 through August 31, 1972. Borrowings under the arrangement are to be made against notes with maturities of 180 days, renewable within the overall period of the arrangement. Funds borrowed under this arrangement are to be invested by DI in a Schedule A AFN, where the DI has a historical allowable of $7,500,000. DI believes, as of September 1, 1968, that positive direct investment in Schedule A in 1971, when all outstanding indebtedness will be paid in full, will not exceed $6,500,000. In this situation, DI would have filed a single certificate under § 1002(b)(2), stating the belief that all repayments made within 7 years from the date of each borrowing under the revolving credit arrangement will be authorized by § 504. In completing item 5 of Form FDI–106, DI would have checked the first two boxes of entry a.(1), entering $5,000,000 as the amount of the credit facility, entering August 31, 1972, as the stated maturity date, and entering the expected date and amount of the first takedown, if that information was known.

On August 31, 1972, consider the following alternative possibilities:

(a) All borrowings made under the arrangement have been repaid in full. DI and the bank renew the revolving credit arrangement on the same terms for an additional 3-year period, ending August 31, 1974. Funds borrowed under the arrangement as renewed are also to be invested in Schedule A AFNs. In this situation, DI must file a new certificate under § 1002(b)(2) stating the belief that all repayments made within 7 years from the date of each borrowing will be authorized by § 504. DI will check the first and third boxes of entry a(1) and, since no portion of the credit was outstanding at the time of renewal, will enter "zero" for the portion of the arrangement that is certified by a previous certificate. DI will also enter the amount of the credit facility ($5,000,000) and the maturity date, August 31, 1974.

(b) The arrangement is renewed, with $5,000,000 of borrowings under the prior arrangement still outstanding. The funds to be borrowed under the renewed arrangement are to be used to refinance the outstanding indebtedness. Since, by virtue of the provisions of § 1002(e)(2), funds borrowed under the renewed arrangement to refinance existing indebtedness will not constitute new borrowings, DI is not required to file any additional certificates because of the renewal of the arrangement.

(c) The arrangement is renewed, with $3,000,000 of borrowings under the prior arrangement outstanding. Thus, $3,000,000 of borrowing under the renewal will be used to refinance outstanding indebtedness, and does not constitute a new borrowing. The remaining $2,000,000 will constitute a new borrowing, when DI takes down that amount. DI plans to invest the $2,000,000 in the Schedule A AFN, so that DI may file a single certificate with respect to the $2,000,000 borrowing it may make under the renewal agreement. If DI files a single certificate, the first and third boxes under entry a(1) should be checked and $3,000,000 should be shown as the portion of the maximum amount of the arrangement that has been previously certified and need not now be certified. The amount of the arrangement is $5,000,000 and the stated maturity date is August 31, 1975. However, DI will certify only to $2,000,000 of borrowings ($5,000,000 less $3,000,000).

The filing requirements and amounts to be certified would be exactly the same if the credit facility arrangement and borrowings thereunder were by the Schedule A AFN with DI's guarantee.

(iv) *Item 6.* DI must check the box preceding the category of § 324(e) under which a borrowing qualifies as a long-term foreign borrowing.

(v) *Item 7.* If the borrowing by DI or by an AFN involves issuance of bonds or debentures, the DI must indicate, by checking the appropriate boxes, whether the securities are convertible or non-convertible, and whether they are issued in a private placement or a public offering.

For purposes of Item 7, bonds or debentures are convertible not only if according to their terms they may be exchanged for stock of the DI, but also if they may be so exchanged upon presentation of a warrant attached to the bonds or debentures (whether or not the warrant is detachable). If an offering with warrants attached is made by a DI, a certain portion of the funds or other property received from the offering will be attributable to sale of the warrants and, therefore, will not constitute proceeds of long-term foreign borrowing. In such case, the DI should indicate the value of the warrants, based upon a valuation by one or more of the principal underwriters or by DI's independent financial counsel. (OFDI reserves the right to review the reasonableness and accuracy of any such valuation.) The value of the warrants should be deducted from aggregate principal amount of the bonds or debentures, and the difference is the amount of potential repayment that must be certified. (See § 324.) If such an offer is made by an AFN of DI, attachment of warrants will not have an effect on the amount of the borrowing. However, DI must reflect, on the appropriate Form FDI–102, a transfer of capital from DI to AFN in the amount of the value of the warrants. The DI must certify with respect to potential repayment of the full aggregate principal amount of the debt.

The term "public offering" for purposes of the second proviso in § 1002(c)(2) means generally that at least half of the issue must be distributed through normal investment banking channels abroad, or sold to foreign purchasers engaged in the business of dealing in securities, in a manner affording reasonable prospects of an effective secondary market for the securities.

(vi) *Item 8.* Item 8 follows the structure of § 1002(b). Statement A restates § 1002(b)(1), and Statement B restates § 1002(b)(2). In order to obtain authorization to repay a borrowing described in § 1002(a) (5) or (6), a DI must make one of the two statements by checking the appropriate box opposite A or B. If existing facts and circumstances permit, a DI may make both statements in the alternative. With respect to either statement, a DI must check at least one of the boxes. If none of the premises expressly stated under Statement A or B corresponds to the particular facts of the transaction, the DI must check the box marked "Other" and write the particular reason for making the statement.

In order to make Statement A, a DI must have reason to believe, based on all the facts and circumstances existing at the time the certificate is delivered to OFDI, that there will not be any repayment of the borrowing within 7 years of the date of the borrowing, or the date of the guarantee if the borrowing is by an AFN. For purposes of determining the 7-year period when a guaranteed borrowing by an AFN is involved, the date of the guarantee of the borrowing is considered to be the first date when both the guarantee and the borrowing by the AFN are in existence, e.g., when the guarantee has been executed and the borrowing has been taken down.

When making Statement A, a DI need consider only whether repayment of the borrowing can be postponed for a period of 7 years. Whether positive direct investment resulting from repayment at that time will be authorized by the DI's Subpart E allowables is irrelevant. For example, a DI that has only a § 503 allowable may make the statement with respect to a $10 million borrowing made in 1969, even though repayment in 1976 would exceed the present § 503 allowable. However, when the borrowing is repaid in 1976, § 1003 requires that positive direct investment resulting from repayment will be a first charge against Subpart E allowables.

Statement B may be made if a DI cannot make Statement A, or may be made in addition to such statement. In order to make Statement B a DI must have reason to believe, based on all the facts and circumstances existing at the time the certificate is delivered to OFDI, that any repayment within seven years of the borrowing either will not result in positive direct investment in Schedules A, B, or C, or that, if such repayment does result in positive direct investment, such positive direct investment will be authorized during the year when repayment is made by the DI's Subpart E allowables in the scheduled area in which the transfer of capital under § 312(a) (6) or (7) is incurred. When making such statement, a DI may assume that the § 503 allowable will continue to be the amount in effect during the year when the certificate is filed. Thus, a DI filing during 1969 may assume that the § 503 allowable will continue, in future years, at $1 million. Similarly, a DI may assume that historical allowables will continue, in future years, at the amounts set by § 504 (a) and (c) in the year of filing, that for purposes of § 504(b) earnings allowables will continue to be based on 30 percent of earnings in the appropriate prior year or years, and that the § 506 incremental earnings allowable (available commencing in 1970) will continue at the same level. On the other hand, where the transaction involved is a borrowing by an AFN with the DI's guarantee, DI must make a reasonable estimate of future AFN earnings, based on facts and circumstances existing at the time the certificate is filed.

When filing each certificate with respect to a borrowing, the DI must also take into consideration the projected use of allowables in the year when repayment falls due. For example, a DI electing to be governed by § 503 during 1969 and expecting to use the § 503 allowable through 1971 could not file certificates in 1969 containing Statement B during 1969, with respect to two borrowings, each for $1 million and each requiring full principal repayment in 1971.

The following examples illustrate situations in which the assurances contained in Statement A would be appropriate:

Example 29. DI borrows $1,000,000 from a foreign bank on September 1, 1969, giving the bank a note maturing on August 31, 1976. The DI may file a certificate under § 1002(b) by checking the box opposite Statement A and the box opposite the first reason therefor, since no principal payments are required within seven years.

Example 30. DI borrows $1,000,000 from a foreign bank on September 1, 1969, giving the bank a note having a maturity date of August 31, 1974, but containing express terms that permit renewal until August 31, 1976. The DI may file a certificate under § 1002(b) by checking the box opposite Statement A and the box opposite the second reason therefor, because the borrowing (including the express provisions for its renewal) is for a term of 7 years.

Example 31. DI borrows $10,000,000 from a foreign bank on September 1, 1969, giving the bank a note maturing on August 31, 1972. DI intends to refinance the borrowing within the 3-year period through sale of $20,000,000 principal amount of convertible debentures to foreign nationals, which sale will qualify as a long-term foreign borrowing. The debentures will have an original maturity of more than 7 years. The DI may file a certificate under § 1002(b) by checking the box opposite Statement A and the box opposite the third reason therefor, because DI believes that the borrowing can be refinanced for a period of more than 7 years.

Example 32. DI's sole AFN in Schedule C borrows $1,000,000 from a foreign bank on September 1, 1969, giving the bank its note maturing on August 31, 1971. The note is guaranteed by DI. DI has reason to believe, under existing circumstances, that the AFN will have sufficient financial resources in 1971 (generated by depreciation, earnings, and borrowings) to repay the loan and to pay all dividends required to satisfy limitations on positive direct investment imposed by the Regulations. (See § 1002(c)(3).) DI may file a certificate under § 1002(b)(1) by checking the box opposite Statement A and the box opposite the fourth reason therefor, because DI does not anticipate being called upon to make any principal repayments of the borrowing pursuant to the guarantee.

The following examples illustrate situations in which the assurances contained in Statement B would be appropriate:

Example 33. DI borrows $500,000 from a foreign bank in 1969, using the proceeds to purchase all voting stock of a company in Schedule A. The borrowing is repayable in 1971, but DI does not anticipate having any allowable for positive direct investment under § 504 or § 506 during 1971. The DI believes, under existing circumstances, that the acquired company will earn $40,000 in 1971, all of which will be reinvested, but (apart from repayment of the loan and such reinvested earnings) does not intend to make any other positive direct investment in excess of $250,000. In this situation, DI may file a certificate under § 1002(b)(2), checking Statement B. Repayment of the $500,000 borrowing in 1971, plus the $40,000 of reinvested earnings in 1971, plus $250,000 of other positive direct investment would result in positive direct investment of $790,000 during that year, all of which would be authorized by § 503.

Example 34. During 1969, DI has historical allowables of $400,000 in Schedule C, $5,000,000 in Schedule B and $10,000,000 in Schedule A. The § 504(a) historical allowable is elected and, under the upstream provision of § 504(c)(1), DI has a total allowable in Schedule C of $600,000 for 1969, based on 1968 annual earnings of DI's Schedule C AFNs of $2,000,000. During 1969, DI makes a long-term foreign borrowing, giving a note for $1,000,000, due in 1971. DI intends to invest the $1,000,000 in Schedule C AFNs. DI has reason to believe, based on existing circumstances, that the Schedule C AFNs will have annual earnings in 1970 of $4,000,000, giving DI a Schedule C allowable during 1971 of $1,200,000. DI further has reason to believe that the AFNs, in 1971, will reinvest no more than $200,000 of their earnings. Under these circumstances, DI may file a certificate under §1002(b)(2), checking Statement B, because there is reason to believe that repayment of the borrowing in 1971 will be authorized within the Schedule C allowable for that year. (Note that DI cannot base certification on the allowable available in Schedule B or A, even though such allowable would be charged in 1971 (pursuant to § 1003) if the Schedule C allowable is not sufficient to absorb the charge when the debt is repaid.)

Example 35. During 1969, DI elects the historical § 504(a) allowable, with a Schedule B allowable of $1,200,000. During 1969, DI's Schedule B AFNs have earnings of $2,000,000, all of which DI desires to reinvest (resulting in positive direct investment of $2,000,000). DI makes a long-term foreign borrowing during 1969 with an original maturity of 1-year, the proceeds of which are $800,000, and allocates the proceeds to positive direct investment in Schedule B at the end of 1969. DI has reason to believe that the AFNs in Schedule B will again have $2,000,000 of earnings during 1970, but that they will be able to declare $800,000 of dividends. DI further plans, during 1970, to liquidate certain Schedule B holdings, which liquidation will result in a negative net transfer of capital during 1970 of $900,000. Under these circumstances, DI may file a certificate under § 1002(b)(2), checking Statement B, because there is reason to believe that positive direct investment resulting from repayment of the borrowing in 1970 will be authorized under the Schedule B allowable.

§ B1002–3 Certification with respect to convertible debt.

Section 1002(c)(2) provides that, under certain circumstances, a DI may exclude potential transfers of capital resulting from conversion of debt instruments into equity securities of the DI in determining (for purposes of Subpart J) whether positive direct investment resulting from repayment will be authorized by Subpart E allowables. No certificate is required with respect to positive direct investment resulting from the conversion itself (§ 1002(a)(3)). Accordingly, the certification to which § 1002(c)(2) is addressed relates to (i) repayment by a DI pursuant to guarantee of an AFN's convertible debt (under § 1002(a)(5)), (ii) certification of cash repayment of a DI's convertible long-term foreign borrowing (under § 1002(a)(6)), or (iii) certification of other borrowing unrelated to the convertible debt (under § 1002(a) (1) or (4)) at a time such debt is outstanding.

The effect of § 1002(c)(2) is that, in the stated circumstances, a DI may rely on future allowables, and their availability to authorize cash repayment of borrowings, without regard to the potential charge to such allowables resulting from a conversion. For example, if a DI operating under § 503 has made a public offering of 20-year convertible debentures in principal amount of $20 million, and subsequently makes a $1 million long-term foreign borrowing having an original maturity of 1 year, a § 1002(b)(2) certificate may properly be executed notwithstanding that conversions of the outstanding convertible debt could use up DI's § 503 allowable for the year the $1 million borrowing matures (assuming the criteria in the proviso to § 1002(c)(2) are satisfied).

On the other hand, if a convertible debt fails to meet either of the two conditions in the proviso to § 1002(c)(2), potential conversions must be taken into account when filing certificates. If the convertible debt does not have an original maturity of 7 years, potential charges to positive direct investment resulting from conversions must be considered by the DI in determining whether sufficient allowables will exist during any year to authorize cash retirement of the convertible debt or of any other borrowing by the DI or an AFN. Similarly, potential charges against allowables must also be taken into account by the DI if a nonpublic debt issue is convertible within three years of the date of issuance. (Potential charges against allowables resulting from conversion need not be taken into account, even if the debt is convertible within 3 years of the date of issuance, if the convertible debt is a public offering.)

Since the DI need not, when making a certificate under § 1002(b)(1) stating that no principal repayments will be made within 7 years of the borrowing, consider the availability of allowables to authorize positive direct investment resulting from repayment at that time, the form of the convertible debt will not matter when the DI files under that provision. However, whenever DI makes a

certificate under § 1002(b)(2), and convertible debt is outstanding that falls into either of the categories of the proviso to § 1002(c)(2), potential conversions must be considered by the DI.

Example 36. DI qualifies only for the § 503 allowable in 1968–70. In September 1968, DI purchased all stock of a German corporation from an unaffiliated foreign national (X) in exchange for a $5,000,000 debenture issue maturing in 10 years and convertible (in whole or in part) into common stock of DI commencing three years from date of issuance. Interest on the debentures is payable semiannually, but in the event of default on payment of any interest installment, X has the right to declare the entire principal sum to be immediately due and payable. However, DI was in good financial condition and did not anticipate default in interest payments. DI filed a certificate under § 1002(b)(1), since no principal repayments are required to be made within 7 years from the date of issue. (Repayment by reason of conversion would be authorized by § 1002(a)(3), without regard to the Subpart J certification requirements.) In 1970, DI desires to make a long-term foreign borrowing of $1,000,000 with an original maturity of 2 years, and to allocate the proceeds thereof to positive direct investment in Schedule B. Without regard to any charge against the § 503 allowable resulting from conversion of the debenture, DI may file a certificate with respect to the long-term foreign borrowing under § 1002(b)(2) if there is reason to believe that the entire § 503 allowable will be available to authorize repayment in 1972.

Example 37. In 1968, DI made a public offering of $2,000,000 principal amount of convertible debentures, maturing in 1988 and convertible after 6 months from the date of issue. The proceeds were immediately invested in Schedule C. DI filed a certificate under § 1002(b)(1) with respect to the borrowing. In 1969, DI made a $5,000,000 long-term foreign borrowing from a foreign bank, repayable at the rate of $1,000,000 annually for the next 5 years, and DI allocated the proceeds thereof to Schedule C positive direct investment. In 1969, DI has a § 504(b) Schedule C allowable of $2,500,000, and has reason to believe that (except for any positive direct investment resulting from conversion of the convertible debt) curtailment of the bank loan can be accomplished within this allowable over the next 5 years. (DI expects to have annual earnings of $6,000,000 in Schedule C, to cause Schedule C AFNs to declare dividends of $4,500,000 per year, and does not expect to make any positive net transfer of capital for the next 5 years.) DI does not have to make allowance for positive direct investment resulting from potential conversions of the debenture issue when analyzing its ability to file a certificate with respect to the bank borrowing under § 1002(b)(2).

Example 38. On September 1, 1969, DI publicly offers $20,000,000 principal amount of debentures with maturity of 25 years, convertible into stock of DI at any time after 6 months from the date of issue. The offering qualifies as a long-term foreign borrowing, and DI immediately invested the proceeds in Schedule C, where DI has a historical allowable of $2,000,000. Under the underwriting agreement, DI must make mandatory sinking fund payments, and a trustee must make redemption of debentures in principal amount of $1,000,000 in each of the years 1974 through 1993. Because original maturity of the debenture issue is only 5 years, and not 7 years, consideration must be given to whether the $1,000,000 repayment of principal that will be charged to DI's Schedule C allowable during the years 1971–74, together with potential conversions, can be made within the allowable for that schedule. While DI cannot certify under § 1002(b)(2) in these circumstances, a certificate under § 1002(b)(1) could still be executed if DI has reason to believe that any cash principal repayments or conversions in excess of the Schedule C allowable could be refinanced with a maturity date at least 7 years from the date of the borrowing.

§ B1003–1 Effect of transfers of capital in repayment of borrowings.

Section 1002 provides that positive direct investment attributable to transfers of capital in connection with repayments of certain borrowings are generally authorized, subject to § 1003. Repayments may be made, consistent with the regulations, even though positive direct investment attributable to the resulting transfers of capital may exceed a DI's available allowables during the year of repayment. To the extent DI has available allowables in that year, § 1003 generally requires such allowables to be reduced by the amount of repayment. If the charge required exceeds the allowables available in the year of repayment, the excess will be carried over and charged against allowables in succeeding years until reductions so made total the amount of repayment. Accordingly, repayment of a borrowing is permitted, but a DI's allowables are correspondingly reduced in the year of repayment and, if necessary, in succeeding years.

The amount of positive direct investment made by a DI under § 1002 is called the "repayment charge." The repayment charge is generally incurred in the year of repayment, even if it is necessary to carry forward part or all of the charge into succeeding years.

The allowables elected by DI under Subpart E (and M, if applicable) are reduced, but not to less than zero, until such reductions equal the repayment charge. Section 1003(c)(2) provides that reductions of § 504 allowables in Schedule C are made first under § 504 (a) or (b), and then under § 504(e). A repayment charge incurred in connection with a U.S.-flag air carrier's foreign air transport operations reduces first its Subpart M allowable and then its § 504 allowables.

Section 1003(c)(1) provides that allowables are reduced first in the scheduled area where positive direct investment was made under § 1002 and, commencing in 1969, to the extent the repayment charge exceeds allowables available for that scheduled area, then in Schedules C, B and A, in that order.

To the extent that the repayment charge in any year exceeds all applicable Subpart E and M allowables, allowables in the following year or years are reduced in the same manner.

(i) *The repayment charge.* A repayment charge is incurred in the amount of positive direct investment resulting from transfers of capital enumerated in § 1002(a)(1)–(6), viz., (a) those to repay or enable the AFN to repay certain borrowings of the AFN; (b) those consisting of the delivery of equity securities of the DI upon conversion of certain debt obligations of the DI or an AFN; or (c) those made in repayment of long-term foreign borrowings of the DI.

Although the repayment charge is generally incurred in the year that positive direct investment is made, transfers of capital resulting from conversion of debt obligations are deemed (solely for purposes of § 1003) to occur in the year immediately following the year of conversion. (See § 1002(a)(3).)

Repayment of a long-term foreign borrowing by a direct investor (including delivery of equity securities upon conversion) results in a transfer of capital to the scheduled area where the proceeds were expended or allocated at the time of repayment and with respect to which a deduction was made under § 203(d), § 306(e), or § 313(d)(1). If proceeds of the borrowing were utilized to offset positive direct investment in more than one scheduled area at the time of repayment, the transfer of capital resulting from repayment will be charged proportionally based on the deduction taken in each scheduled area. (See § 312(a)(7).) Note that when there is repayment of a long-term foreign borrowing that was not expended or allocated, no transfer of capital will result, because no deduction from net transfer of capital or positive direct investment was previously taken.

Transfers of capital to repay or to enable an AFN to repay a borrowing made by the AFN are charged against the DI's allowables in the scheduled area of the AFN.

(ii) *Reduction of allowables.* Section 1003 (c) and (d) prescribe the manner in which allowables under Subparts E and M are reduced because of a repayment charge incurred pursuant to § 1002.

Example 39. During 1969, DI repays a $1,000,000 long-term foreign borrowing, the proceeds of which had been expended in Schedule A. Under § 1002, DI has made positive direct investment in Schedule A of $1,000,000, constituting the "repayment charge" for purposes of § 1003. DI's allowables under § 504(a), which is elected for 1969, are $600,000 in A, $300,000 in B and $300,000 in C.

Under § 1003(c)(1), the Schedule A allowable ($600,000) is first reduced to zero; then, to the extent the repayment charge exceeds the reduction in A, the excess reduces allowables first in C (by $300,000, to zero) and then in B (by $100,000, to $200,000). Therefore, in 1969 DI may make no positive direct investment in C, no additional positive direct investment in A, and positive direct investment in B is limited to $200,000.

Example 40. During 1968, DI, with allowables of $2,000,000 in Schedule A and zero in Schedules B and C, repaid a $1,000,000 1967 borrowing used to acquire all outstanding shares of a German corporation. Since the "repayment charge" was incurred during 1968 (see § 1003(a)), no reduction of any allowables could be made under the applicable 1968 regulations, which did not provide (as does § 1003(c)(1) of the 1969 regulations) for reducing allowables in other scheduled areas.

Although the $1,000,000 repayment charge may be applied in subsequent years (under § 1003(c)(3) as in effect for 1968), only Schedule C allowables or the worldwide § 503 or § 506 allowables may be charged.

There is a special rule applicable to the charge against a Schedule C allowable. Section 1003(c)(2) provides that the reduction of Schedule C allowables shall first be made in the "historical" or the "earnings" allowables under § 504 (a) or (b), and then in the "carryforward reinvested earnings" allowable under § 504(e).

Example 41. In 1970, DI elects § 504(a) with an allowable of $2,000,000 in Schedule C. In addition, DI has a carryforward allowable of $1,000,000 from 1968 under § 504(f)(3)(i) and a carryforward reinvested earnings allowable from 1969 under § 504(e) of $1,000,000. During 1970 DI sends $2,500,000 to its Schedule C AFN to enable it to repay a loan, resulting in positive direct investment under § 1002(a) of $2,500,000 in Schedule C, and makes no other direct investment.

Under § 1003(c)(2), DI's § 504(a) allowable is reduced to zero; the excess of $500,000 then reduces its § 504(e) reinvested earnings allowable by $500,000.

In 1971, DI will have a reinvested earnings allowable in Schedule C under § 504(e) of $500,000 and a positive direct investment allowable under § 504(f)(3)(i) of $1,000,000 (which also can be carried downstream), in addition to its § 504(a) allowable.

A special rule also applies to U.S.-air carriers engaged in international air transportation. Section 1003(c)(3) provides that where a transfer of capital resulting in a repayment charge is primarily related to operations in foreign air transportation (as defined in § 1302(a)), the Subpart M allowable shall be reduced first and then the § 504 (a) or (b) allowable.

Example 42. In 1969, DI, a U.S.-flag airline, has a foreign air transport allowable of $1,000,000 and § 504(a) allowables of $500,000 in Schedule A, $600,000 in Schedule B and $400,000 in Schedule C.

In 1969 DI repays a $1,500,000 borrowing made in connection with its operations in foreign air transportation, resulting in a repayment charge of $1,500,000 under §§ 1002 and 1003.

First, DI's foreign air transport allowable is reduced to zero and the excess of $500,000 is charged against its § 504(a) allowables in Schedules C, B, and A, in that order. Therefore, DI's Scheduled C allowable is reduced to zero and its B allowable is reduced to $500,000. The $500,000 allowable in Schedule A is not affected.

Allowables under § 506, the "incremental earnings allowable" (to be effective initially in 1970), will be the last allowable to be reduced in any year in which reductions under § 1003 are applied.

Example 43. DI elects to be governed by § 503 in 1970 and has a § 506 allowable of $100,000. DI makes a $1,050,000 repayment under § 1002.

After the reductions under § 1003, DI has $50,000 of its § 506 allowable left.

Section 1003 provides that all applicable allowables (including carryforwards) otherwise available in the year of repayment of a borrowing are reduced to the extent of the repayment charge, i.e., §§ 503, 504 (a) or (b), 504(e), 504(d), 504(f), 1302, and 506. To the extent the repayment charge is not equaled by reductions in allowables for any year, the difference is "carried forward" to the following year, and the same procedure for reducing allowables is repeated.

Example 44. DI elects § 503 in 1969 and repays a $1,500,000 borrowing, of which $900,000 had been expended in Schedule C and $600,000 in Schedule A.

In 1969, DI's § 503 allowable is reduced to zero. The remaining $500,000 repayment charge is carried to 1970.

In 1970, DI elects § 504(a) with allowables of $500,000 in Schedule A, $400,000 in Schedule B and $100,000 in Schedule C.

Since the underlying borrowing had been expended in more than one scheduled area, the repayment charge must be allocated between Schedules A and C. Accordingly, under §§ 1003 and 312(a)(7) a repayment charge of $200,000 is incurred in Schedule A (⅘ x $500,000) and a repayment charge of $300,000 is incurred in Schedule C (⅗ x $500,000).

The Schedule A allowable is therefore reduced by $200,000 from $500,000 to $300,000; the Schedule C allowable is reduced to zero; and the excess of $200,000 reduces the Schedule B allowable to $200,000.

B1100—Subpart K (§§ 1101–1107)

§ B1100–1 Introduction.

Subpart K is intended to reflect the exchange of letters of March 7, 1968, between the U.S. Secretary of the Treasury and the Canadian Minister of Finance. The Secretary of the Treasury, in his letter to the Minister of Finance, stated that Canada would be granted an exemption from the U.S. balance of payments programs affecting capital flows administered by OFDI and by the Board of Governors of The Federal Reserve System. The Minister of Finance, in turn, gave assurances of Canada's intention to insure that the exemption would not result in "pass-through" transactions adversely affecting the U.S. balance of payments programs.

While retaining the Schedule B classification for Canada, Subpart K permits unlimited positive direct investment in Canada and excludes direct investment in Canada from the base period and post-January 1, 1968 direct investment calculations for Schedule B. Borrowings by a DI from a Canadian person, however, do not qualify as long-term foreign borrowings under § 324.

§ B1101–1 Canadian AFNs and non-Canadian Schedule B AFNs.

Paragraph (a) of § 1101 defines a "Canadian affiliate" as an AFN in Canada, and paragraph (b) defines a "non-Canadian Schedule B affiliate" as an AFN in a Schedule B country other than Canada. The term "Canadian affiliate" should not be confused with the definition of "affiliate" in § 903(a). Thus, a "Canadian affiliate" will include a corporation organized under the laws of Canada (or any province thereof) in which the DI has a 10 percent or greater voting interest, and a partnership organized under the laws of Canada and a business venture conducted in Canada in which the direct investor has a 10 percent or greater profit interest (see §§ 304, 305, 901, and 902). Such "Canadian affiliates" are referred to in this Bulletin as "Canadian AFNs."

Example 1. DI has a wholly owned subsidiary (S) organized under the laws of Canada and a wholly owned subsidiary (T) organized under the laws of the United Kingdom. DI also owns 100 percent of an apartment house complex (U) in Canada and is a 50 percent participant in a partnership (V) organized under Canadian law engaged in the real estate business. T has an 80 percent interest in a subsidiary (X) organized under the laws of Canada, and T also has a branch sales office (W) in Montreal. S has a 60 percent interest in a subsidiary (Z) organized under the laws of Australia. S and X are incorporated Canadian AFNs of DI. T and Z are incorporated non-Canadian Schedule B AFNs of DI. U, V, and W are unincorporated Canadian AFNs of DI.

§ B1102–1 Authorized positive direct investment in Canadian AFNs.

Section 1102 authorizes a DI to make positive direct investment in Canadian AFNs in an unlimited amount during any year.

Example 2. In 1969, DI acquires all the stock of a Canadian corporation (C) from its sole stockholder, an individual citizen and resident of Germany, for $1,000,000 in cash. The transfer of capital is made to Canada and is generally authorized under § 1102.

Example 3. In 1969, DI acquires all the stock of a German corporation (C) from an individual citizen and resident of Canada for $1,000,000 in cash. The transfer of capital is made to Germany (Schedule C) and thus does not fall within the scope of § 1102.

Example 4. During 1969 DI purchases, for $2,000,000, the stock of a Canadian corporation (C) that owns a subsidiary (A) located in Panama. This transaction results in a transfer of capital both to Canada (authorized under § 1102) and to Schedule A. The purchase price must be apportioned between C and A in a manner that will fairly reflect the relative values of the interests acquired in the two corporations (such as relative book value, relative price/earnings ratios, etc.).

Example 5. In 1969, DI acquires, for $1,000,000 in cash, all the stock of a German corporation (C) from a Canadian corporation in which DI has a 10 percent voting interest. The transfer of capital is made to Canada and is generally authorized under § 1102.

Example 6. In 1969, DI acquires, for $1,000,000 in cash, all the stock of a German corporation (C) from a Lebanese corporation (A) in which DI has a 10 percent voting interest. C has a wholly owned Canadian subsidiary. DI has made a $1,000,000 transfer of capital to Schedule A, and no apportionment is made since the acquisition is from another AFN.

It should be noted that the authorization for unlimited positive direct investment in Canada does not constitute an exemption from the reporting requirements of § 602. Accordingly, even DIs with only Canadian AFNs are nevertheless required to file Forms FDI–101, FDI–102, and FDI–102F, absent a specific exemption from reporting based upon other factors.

(i) *Calculation of positive direct investment in Canada (§§ 1103–1104).* Although Canada is technically a Schedule B country, it is necessary, in view of the unlimited positive direct investment in Canadian AFNs authorized by § 1102, that positive direct investment in Canadian AFNs be excluded from the calculation of positive direct investment in Schedule B during the base period years and during 1968 and succeeding years. Accordingly, § 1103 (a) and (b) provide, in essence, that in computing a DI's net transfer of capital to all AFNs in Schedule B during any year under § 313(c), the only factors considered are transfers of capital between the DI and incorporated non-Canadian Schedule B

AFNs and the DI's share of the aggregate net change in net assets of unincorporated non-Canadian Schedule B AFNs. Similarly, § 1104 provides that, in determining a DI's share in reinvested earnings of incorporated AFNs in Schedule B during any year, only the DI's share in reinvested earnings of incorporated non-Canadian Schedule B AFNs is taken into account.

In calculating positive direct investment, Canada is treated, in effect, as being in its own separate scheduled area. For example, a transfer of capital by an incorporated Canadian AFN to an incorporated United Kingdom AFN is treated under § 505(a)(3) as a transfer of capital to the DI from Canada in calculating positive direct investment in Canadian AFNs and as a transfer of capital from the DI to Schedule B in calculating positive direct investment in non-Canadian Schedule B AFNs; if the transferee AFN is in Schedule A or Schedule C, the transfer of capital from the DI would be charged to Schedule A or C, respectively.

Similarly, in calculating a DI's share of an incorporated Canadian AFN's reinvested earnings, Canada is also treated as a separate scheduled area. Consequently, the gross amount of a dividend paid by a Canadian AFN to a non-Canadian AFN effectively reduces the DI's share in reinvested earnings of all incorporated AFNs in Canada, while the net amount of the dividend (i.e., net of foreign withholding taxes) effectively increases the DI's share in reinvested earnings of all incorporated AFNs in the payee's scheduled area.

The provisions of §§ 1103 and 1104 are thus designed to permit computation of direct investment separately for Canada, Schedule A, Schedule B (excluding Canada) and Schedule C. Such provisions are also designed, in conjunction with § 505, to prevent Canadian AFNs from being used as a "pass-through" for direct investment in foreign countries other than Canada.

Example 7. DI owns an incorporated AFN (X) in Canada and another incorporated AFN (B) in the United Kingdom. In 1969, B makes a 3-year loan to X in the amount of $500,000. Under § 505(a)(3), B is treated as having made a $500,000 transfer of capital to DI, thereby reducing DI's net transfer of capital to incorporated AFNs in Schedule B in 1969 by $500,000, and DI is treated as having made a transfer of capital in the same amount to X, thereby increasing DI's net transfer of capital to incorporated Canadian AFNs in 1969 by $500,000. All resulting positive direct investment in Canada is authorized by § 1102. If the loan had been from X to B, the DI would be deemed to have made a $500,000 transfer of capital to B.

Example 8. DI has branch sales operations in Canada (X) and Australia (B), and no other AFNs in Schedule B. In 1969 X's net assets increase by $150,000 and B's branch assets increase by $400,000. DI's net transfer of capital to B in 1969 is $400,000. DI's net transfer of capital to X during 1969 is $150,000.

Example 9. DI has a wholly owned subsidiary in Canada (X) and a wholly owned subsidiary in Japan (B). In 1969 X has earnings of $50,000 and B has earnings of $100,000. X pays a dividend of $25,000 to DI. B pays no dividend. DI's share in reinvested earnings of incorporated non-Canadian Schedule B AFN is $100,000, the earnings and dividend paid by X not being taken into account. DI's share in reinvested earnings of the incorporated Canadian AFN is $25,000.

Example 10. DI has a wholly owned subsidiary in Canada (X) that, in turn, has a wholly owned subsidiary in the United Kingdom (B). During 1969 X earns $500,000 and pays a dividend of $400,000 to DI; B earns $500,000 and pays a dividend of $300,000 to X. DI's share in reinvested earnings of B is $200,000 and in reinvested earnings of X is $400,000 (the $400,000 dividend paid by X is reduced by the $300,000 dividend received from B).

The exemption provided in § 505(b) for short-term trade credits extended by one AFN to another does not apply if either of the AFNs involved in the transaction is a Canadian AFN (see § 1103(c)). Therefore, if a wholly owned Canadian AFN extends a 6-month trade credit of $100,000 to a French AFN on September 1, 1969, the transaction results in a $100,000 transfer of capital from the Canadian AFN to the DI, and a $100,000 transfer of capital from the DI to the French AFN. Similarly, if the French AFN extends a 6-month trade credit of $100,000 to the Canadian AFN, the transaction results in a $100,000 transfer of capital from the French AFN to the DI, and a $100,000 transfer of capital from the DI to the Canadian AFN.

§ B1105–1 Canadian foreign balances.

Section 1105 provides generally that, for purposes of § 203(c), "Canadian foreign balances" shall not be included in computing a DI's average end-of-month liquid foreign balances. Accordingly, the regulations do not restrict the amount of liquid foreign balances held by a DI in Canada, and the amount of Canadian foreign balances are excluded for purposes of calculating the $25,000 "de minimus" exemption under § 203(e)(1).

"Canadian foreign balances" are defined in § 1105(a) to include: (a) Money on deposit in a Canadian bank (as defined in § 1101(c)), including fixed interest deposits, without regard to the currency deposited and without regard to the terms of such deposits; and (b) negotiable instruments, nonnegotiable instruments and commercial paper of Canadian persons.

The term "Canadian bank," as defined in § 1101(c), includes Canadian branches and offices within Canada of banks organized outside Canada and banks organized under the laws of Canada or of any province of Canada; the term does not include offices of Canadian banks located outside Canada.

§ B1106–1 Long-term foreign borrowing from Canada.

Section 1106 provides, in general, that a DI's borrowing from a Canadian person, whether before or after January 1, 1968, cannot be a "long-term foreign borrowing," as defined in § 324.

A "Canadian person" is defined in § 1101(d) as an individual resident of Canada, a Canadian bank, or a corporation or other entity (other than a bank) organized under the laws of Canada or any political subdivision thereof. The term "Canadian person" includes foreign branches of Canadian corporations (other than Canadian banks), and also includes pension, profit-sharing and other similar trusts organized under or governed by the laws of Canada or any political subdivision thereof. For example, the pension fund of a Canadian corporation and the London branch of a Canadian insurance company are each considered a "Canadian person."

(i) *Public offerings prior to April 1, 1968.* A borrowing prior to April 1, 1968, involving the public offering of a DI's instruments of indebtedness is considered long-term foreign borrowing for purposes of § 324 if less than 25 percent of the aggregate principal amount of such instruments was sold to "Canadian persons" during the original offering. In the event 25 percent or more of the aggregate principal amount of such debt instruments was sold to Canadian persons during the original offering, the portion proved by the DI (to the satisfaction of OFDI) to have been sold to non-Canadian or non-U.S. persons will be considered a long-term foreign borrowing for purposes of § 324.

Example 11. On March 1, 1968, DI organized an international finance subsidiary (IFS) (see § 323) in the United States for the principal purpose of borrowing funds from nonaffiliated foreign nationals and investing such funds in debt or equity securities of AFNs. On March 15, 1968, IFS made a public offering outside the United States of $50,000,000 in 20-year convertible debentures, $10,000,000 of which were purchased by Canadian persons for investment. The entire $50,000,000 constitutes "proceeds of long-term foreign borrowings".

Example 12. If $15,000,000 of the foregoing debentures had been purchased by a Canadian insurance company for investment during the original offering, only the remaining $35,000,000 would constitute proceeds of a long-term foreign borrowing.

Example 13. If, in Example 12, in addition to the $15,000,000 purchased by the Canadian insurance company, $5,000,000 of the debentures had been acquired by a Canadian nominee of a person within the United States during the original offering, only $30,000,000 of the proceeds would constitute proceeds of a long-term foreign borrowing.

(ii) *Public offerings on or after April 1, 1968.* A borrowing on or after April 1, 1968, involving the public offering of a DI's instruments of indebtedness is considered a long-term foreign borrowing in its entirety if such instruments are sold through underwriters in accordance with agreements limiting such sales to persons other than Canadian or U.S. persons, and if the borrowing otherwise qualifies under § 324. It should be noted that sales to Canadian underwriters or securities dealers for resale to non-Canadian and non-U.S. persons will not disqualify the borrowing from being treated in its entirety as a long-term foreign borrowing. Similarly, sales to Canadian agents or fiduciaries acting on behalf of non-Canadian and non-U.S. persons will not affect the status of the borrowing under § 324.

Following is an example of a provision in the agreement between the DI and Canadian underwriters that would be considered acceptable by OFDI for purposes of preserving the long-term foreign borrowing status of an offering:

> Each Underwriter [agrees] [has agreed] that it will not directly or indirectly sell any Debentures to Canadian persons except for (i) sales to Underwriters or securities dealers who are Canadian persons but who agree that they are purchasing Debentures as principals for resale to persons who are not Canadian or United States persons, and (ii) sales to agents or fiduciaries who are Canadian persons but who are acting for the benefit of persons who are not Canadian or United States persons. For the purpose of this paragraph, a Canadian person includes an individual who is a resident of Canada, a corporation, pension, profit-sharing or other trust or other entity (other than a bank) organized under or governed by the laws of Canada or any political subdivision thereof (including the foreign branch of any Canadian corporation other than the foreign branch of a Canadian bank), and any branch or office within Canada of any of the following: Any bank or trust company organized under the banking laws of Canada or any province thereof, or any private bank or banker subject to supervision and examination under the banking laws of Canada or any province thereof.

B1300—Subpart M (§§ 1301–1303)

§ B1300–1 Introduction.

Subpart M applies to direct investment activities of DIs that are U.S.-flag air carriers, including scheduled and supplemental air carriers and air taxi operators.

Under § 1301, such DIs may elect to exclude from transfers of capital the transfer to foreign inventory of certain categories of equipment related to the DIs' operations in foreign air transportation.

Sections 1302 and 1303 provide a 30 percent foreign air transport earnings allowable for U.S.-flag air carrier DIs electing to be governed by § 504, based upon financial reports required by the Civil Aeronautics Board with respect to U.S.-flag carriers' international and territorial operations.

§ B1301–1 Exclusions from transfers of capital.

Under § 1301, a U.S.-flag air carrier may elect to exclude from net transfers of capital (as determined under § 313) any increases in certain equipment accounts of incorporated or unincorporated AFNs: *Provided*, That the equipment is necessary to the carrier's own operations in foreign air transportation, as distinguished from any separate operations in air transportation of an AFN or the operations of third persons to whom the DI or an AFN may be providing support or selling parts and services. If the election is made, related charges for depreciation or other expenses must also be excluded in determining earnings of the AFNs.

A DI electing under this section must do so with respect to all applicable AFNs in all scheduled areas. The election may be made for any compliance year beginning with 1968. The election is made on the last quarterly report (Form FDI–102) for the year for which it is made. Once made, the election is thereafter binding on the DI and may not be changed for subsequent years without permission from OFDI.

§ 1302–1 Earnings allowable for foreign air transport operations.

Section 1302 authorizes U.S.-flag air carriers to make positive direct investment, in connection with their foreign air transport operations, of up to 30 percent of aggregate annual foreign air transport earnings for the immediately preceding year. The § 1302 allowable is not subject to schedular limitations, but it may be used only for positive direct investment that is primarily related to the DI's own operations in foreign air transportation.

Section 1302 applies automatically to foreign air transport operations of any DI that does not elect to be governed by § 503 for the year involved. If § 1302 is applicable, both transfers of capital related to the DI's foreign air transport operations and aggregate annual foreign annual air transport earnings will be excluded from the computation of DI's allowables under § 504 (a) or (b).

A U.S.-flag air carrier's choices are, therefore, as follows:

The § 503 minimum allowable for all operations;

An adjusted § 504(a) historical allowable for all operations plus a § 1302 allowable for foreign air transport operations only; or

An adjusted § 504(b) earnings allowable for all operations plus a § 1302 allowable for foreign air transport operations only.

(i) *Aggregate annual foreign air transport earnings.* The § 1302 allowable is based upon "aggregate annual foreign air transport earnings", defined in § 1302 (b) largely in terms of Civil Aeronautics Board income statement accounts. For this purpose, there is excluded from territorial and international operating profits reported to the Civil Aeronautics Board all related air transport interest and amortization charges, substantially all net operating revenues not directly attributable to air transport (such as profits or losses from hotels, income from foreign-flag air transport operations and other corporate investments) and relevant foreign taxes.

(ii) *Relation of § 1302 to § 504.* Investments not related to a carrier's foreign air transportation operations are treated separately for all years (including the base period years 1964–66). Accordingly, a carrier may make positive direct investment, as provided in § 504, in the same manner and subject to the same limitations as other DIs, except that the historical and earnings allowables under § 504 are adjusted by § 1302(d) to exclude consideration of the carrier's foreign air transport operations.

While § 1302 allowables may not be used to authorize positive direct investment in activities other than foreign air transport operations, § 504 allowables may, if the direct investor so chooses, be added to the § 1302 allowables for use in such operations (see § 1302(c)(1)).

(iii) *Carryforwards.* Unused foreign air transport allowables may be carried forward to subsequent years (see § 1302 (c)(2)).

The following examples illustrate the effect of § 1302:

Example 1. During 1968, a U.S.-flag air carrier (DI) has foreign air transport earnings of $25,000,000 and unrelated investment earnings in Schedule A of $5,000,000. DI has Schedule A historical allowables under § 504 (a) of $3,000,000 as a result of equity investment in and loans to hotels, and ground transportation operations associated therewith, in the base period years of 1965 and 1966. Under § 1302, DI would have a worldwide air transport earnings allowable of $7,500,000 (30 percent of $25,000,000). During 1969, the carrier may make worldwide positive direct investment related to air transport activities of $7,500,000 and, assuming that the historical allowable under § 504 (a) is elected, unrelated positive direct investment in Schedule A of $3,000,000. Any unused nonair transport allowable may be used by DI worldwide for air transport activities, as well as on a schedular basis for operations not related to foreign air transport. Any unused air transport allowable may only be used in succeeding years for foreign air transportation operations. Any unused carryforward of allowables under § 504(f) may be used worldwide if devoted to foreign air transportation, or in the appropriate scheduled areas if used for other operations.

Example 2. A U.S.-flag air carrier has allowables under § 504, unrelated to air transport activities, of zero. For 1969, the carrier elects § 503 and during 1969 transfers $1,000,000 to Schedule C as a contribution to the capital of a wholly owned hotel corporation in that scheduled area. No other relevant transactions occur. Such investment is authorized by § 503. No further positive direct investment is authorized during 1969 either in air transport or nonair transport activities.

(iv) *Repayment charges under § 1003.* Section 1302 allowables are, like the allowables of Subpart E, reduced by repayment charges incurred under § 1003 (see § 1003(c)(1) and, in particular, § 1003 (c)(3)).

§ 1303–1 Coordination of §§ 503, 504, 506, and 1302.

Section 1302(d) provides that foreign air transport earnings are to be excluded from "annual earnings" computed under § 504(b)(4). However, since "aggregate annual earnings" under § 506 and "aggregate annual losses" under § 503 are each derived from the § 504(b)(4) computation, § 1303(a) provides that foreign air transport earnings excluded from § 504(b)(4) should be taken into account for purposes of computing aggregate annual earnings under § 506 and aggregate annual losses under § 503.

Section 1303(b) provides that all reference to § 504 in § 506 (a)(4) and (c) shall be deemed to include reference to § 1302(a).

The following example illustrates the operation of §§ 1302 and 1303:

Example 3. During each of the years 1969 and 1970, DI, a U.S.-flag air carrier, has $1,000,000 in earnings from hotel operations in Schedule B and $3,000,000 of foreign air transport earnings. DI has no § 504(a) historical allowable, and hotel and foreign air transport earnings during 1966–67 were zero.

In 1970 DI elects § 504(b). DI's § 504(b) annual earnings for 1969 were $1,000,000

(since foreign air transport earnings were excluded under § 1302(d)). DI's § 504(b) allowable for 1970 is $300,000 ($1,000,000×30%). DI's § 1302 foreign air transport allowable is $900,000 ($3,000,000×30%). In 1970 DI also has a § 506 allowable of $400,000, computed as follows (000 omitted):

§ 506(a)(4) aggregate annual earnings for 1970	$4,000
Under § 1303(a), § 504(b)(4) earnings of $1,000 are added to § 1302(b) foreign air transport earnings of $3,000.)	
Less base period aggregate annual earnings [1]	0
Incremental earnings	$4,000
40 percent of incremental earnings	$1,600
Less the largest of the allowables available under § 503 ($1,000); § 504(a) and § 1302 ($900); and § 504(b) and § 1302 ($1,200), as required by § 1303(b)	−$1,200
§ 506 allowable	$400

During 1970 DI makes positive direct investment of $400,000 in connection with hotel operations, and positive direct investment of $1,100,000 in connection with foreign air transport operations. Such positive direct investment is authorized by §§ 504(b), 1302, and 506. DI then has a carryforward under § 506 of $100,000 because, under § 506(c), positive direct investment to the extent authorized by § 504 (and § 1302, as provided by § 1303(b)) is deemed made pursuant to those sections and not under § 506. Only the excess of $300,000 is charged against DI's § 506 allowable.

§ B1302–2 Reporting.

Each DI that is a U.S.-flag air carrier engaged in foreign air transport operations was required to file, on or before June 30, 1969, a revised Form FDI–101, indicating historical investment in activities other than air transport ventures. Separate Forms FDI–102 and FDI–102F for air transport investment and earnings and for other investment and earnings will thereafter also be required to be filed by such DI's electing to be governed by § 504 (see § 1302(e)).

If a U.S.-flag air carrier should commence foreign air transport activity after June 30, 1969, a revised Form FDI–101 should be filed within 30 days after such status is established. Thereafter, the same reporting requirements applicable to other U.S.-flag foreign air transport carriers will apply.

[F.R. Doc. 69-12987; Filed, Nov. 4, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1588]

PART 13—PROHIBITED TRADE PRACTICES

American Dental Laboratories, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–30 Connections or arrangements with others; 13.15–235 Producer status of dealer or seller; 13.15–235(k) Laboratory; § 13.42 Connection of others with goods; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1530 *Producer status of dealer;* Misrepresenting oneself and goods—Goods: 13.1608 Dealer or seller assistance; § 13.1615 *Earnings and profits;* § 13.1745 *Source or origin;* 13.1745–60 Maker or seller. Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Dental Laboratories, Inc., et al., Affton, Mo., Docket C–1588, Sept. 10, 1969]

In the Matter of American Dental Laboratories, Inc., a Corporation, and Ed Zenthoefer and Ray Kowalskey, Individually and as Officers of Said Corporation

Consent order requiring Affton, Mo., distributors of toothbrush vending machines and supplies to cease misrepresenting that they will furnish profitable locations to purchasers of their vending machines, that they will train such purchasers, that no soliciting will be required, that they are connected with the DuPont Company or any motel chain, and to cease using the word "Laboratories" in their trade name which misrepresents that they operate a laboratory.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents American Dental Laboratories, Inc., a corporation, and its officers, and Ed Zenthoefer and Ray Kowalskey, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of vending machines and vending machine supplies, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That respondents will furnish satisfactory or profitable sales-producing locations or misrepresenting, in any manner, the sales potential or character of the locations in which respondents place their vending machines and products at the time of the purchase of the machines.

2. That purchasers of respondents' products will earn any stated amount of gross or net profits or other earnings.

3. The past earnings of respondents' purchasers; provided, however, it shall be a defense in any enforcement proceeding instituted hereunder to establish that the past earnings represented, are those of substantial number of purchasers and accurately reflect the average earnings of these purchasers under circumstances similar to those of the purchaser or prospective purchaser to whom the representation is made.

4. That the net profits from the operation of said vending machines will be sufficient to return the investment of the purchaser within 1 year or misrepresenting any other period of time in which the net profits from the operation of said vending machines will be sufficient to return the investment of the purchaser.

5. That purchasers of respondents' vending machines will be trained by the respondents as to the operation of the machines or the methods to be used in servicing the locations where installed.

6. That no selling or soliciting will be required.

7. That respondents' vending machines will average as many as seven vends per day, per machine, or misrepresenting in any manner, respondents' machines average.

8. That respondents or their representatives are connected with the DuPont Co. or otherwise misrepresenting respondents' relationship with DuPont or any other company or the source of their merchandise.

9. That respondents have an agreement with Holiday Inns of America, or any other motel or restaurant chain, to accept respondents' vending machines, or otherwise misrepresenting the class or type of locations available to customers of respondents.

10. That respondents grant exclusive sales territories to their customers; provided, however, it shall be a defense in any enforcement proceeding instituted hereunder to establish that exclusive sales territories are in fact granted by respondents.

11. That respondents' machines or other merchandise will be delivered within thirty (30) days after the contract is signed, or misrepresenting in any manner the amount of time that will transpire between the time the contract is signed and the time the merchandise is delivered.

12. That respondents, or any other organization, are planning to place national advertising respecting the vending machines or other merchandise respondents sell, or misrepresenting in any manner the promotional or advertising assistance respondents will provide for their customers.

B. Using the word "Laboratories" as part of any business name or representing in any other manner, directly or by implication, that a laboratory is operated by or for the said business, or that the said business differs in any manner from its true nature.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: September 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-13194; Filed, Nov. 4, 1969; 8:49 a.m.]

[1] Base period earnings are computed in the same manner as aggregate annual earnings for the current year. They were assumed to be zero here for simplicity.

[Docket No. C–1590]

PART 13—PROHIBITED TRADE PRACTICES

Empress Sterling Corp. and Ernest M. Bernstein

Subpart—Advertising falsely or misleadingly: § 13.42 *Connection of others with goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155–35 *Discount savings;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1505 *Operations as educational or religious;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.1715 *Quality;* Misrepresenting oneself and goods—Prices: § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Empress Sterling Corp. et al., Richmond, Va., Docket C–1590, Oct. 6, 1969]

In the Matter of Empress Sterling Corporation, a Corporation, and Ernest M. Bernstein, Individually and as an Officer of Said Corporation

Consent order requiring a Richmond, Va., marketer of cookware, tableware and other household products to cease misrepresenting that prospective customers are being called long distance, that its offering prices constitute a saving, that prospective purchasers have been specially selected or will receive any article free, making deceptive guarantee claims, inferring that its products are advertised nationally, and implying that it is connected with the publishers of the International Sunday School Lessons.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents, Empress Sterling Corp., a corporation, and its officers, and Ernest M. Bernstein, individualy and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of cookware, tableware, chinaware, books, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that persons called by local telephone are being called by long distance telephone.

2. Representing, directly or by implication, that any price amount is respondents' regular selling price for any item of merchandise or that purchasers save $50 or any other amount from respondents' selling price unless the amount referred to as respondents' selling price is the price at which said item of merchandise has been openly and actively sold or offered for sale, for a reasonably substantial period of time, in good faith, by respondents in the recent regular course of business; or misrepresenting, in any manner, the price at which respondents' merchandise has been sold or offered for sale.

3. Falsely representing that savings are afforded purchasers or prospective purchasers; or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers.

4. Representing, directly or by implication, that the prospective purchaser has been specially selected for enrollment in a club or other organized group plan, or has won a prize or award; or misrepresenting, in any manner, the nature or purpose of a purchaser solicitation.

5. Representing, directly or by implication, that a price is the retail price of a product in respondents' trade area unless such price does not appreciably exceed the price at which substantial sales of said product are being made in said trade area.

6. Representing, directly or by implication, that purchasers of respondents' products will not have to pay any c.o.d., postage, interest, carrying or service charges.

7. Representing, directly or by implication, that any article of merchandise is being gven free or as a gift, or without cost or charge, in connection with the purchase of other merchandise unless the stated price of the merchandise required to be purchased in order to obtain said article is the same or less than the customary and usual price at which such merchandise has been sold separately for a substantial period of time in the recent and regular course of business in the trade area in which the representation is made.

8. Representing, directly or by implication, that their products are guaranteed unless the nature, conditions and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and where the guarantee extends for the "Life" or "Lifetime" or the like and relates to any life other than that of the original purchaser, the life referred to shall be clearly and conspicuously disclosed.

9. Representing, directly or by implication, that their products are advertised in Good Housekeeping magazine or in leading national magazines; or misrepresenting the manner or extent of their advertising.

10. Representing, directly or by implication, that their Royal Heiden Society Bohemian chinaware products are the finest, that is, the best quality imported Bohemian china that can be purchased in this country; or misrepresenting, in any manner, the quality or value of their products.

11. Representing, directly or by implication, that the user of respondents' stainless steel cookware products will save $10 to $12 per month from the purchaser's food purchasing bill; or falsely representing the savings which accrue to users of respondents' cookware products.

12. Representing, directly or by implication, that they have made any arrangement, or are working in cooperation with, an organization known as International Sunday School Lessons in the sale of their Bible products; or misrepresenting, in any manner, respondents' connections or affiliations with businesses or organizations.

13. Representing, directly or by implication, that they will emboss or print the purchaser's name in gold on the covers of their book products, when in fact the names are merely printed on an adhesive-backed tape which is affixed to the covers.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-13195; Filed, Nov. 4, 1969; 8:49 a.m.]

[Docket No. C–1593]

PART 13—PROHIBITED TRADE PRACTICES

Kasbar Quilting Corp. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Kasbar Quilting

Corp. et al., Brooklyn, N.Y., Docket C–1593, Oct. 10, 1969]

In the Matter of Kasbar Quilting Corp., a Corporation, and Joseph A. Kasbar and Adel Kasbar, Individually and as Officers of Said Corporation

Consent order requiring a Brooklyn, N.Y., manufacturer of quilted interlining fabrics, to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Kasbar Quilting Corp., a corporation, and its officers, and Joseph A. Kasbar and Adel Kasbar, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Kasbar Quilting Corp., a corporation, and its officers, and Joseph A. Kasbar and Adel Kasbar, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of quilted interlining materials or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent corporation forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them, of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–13196; Filed, Nov. 4, 1969; 8:49 a.m.]

[Docket No. C–1589]

PART 13—PROHIBITED TRADE PRACTICES

Metomic Manufacturing Corp. and Martin Zahler

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–30 Durability or permanence; § 13.175 *Quality of product or service.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order Metomic Manufacturing Corp. et al., Brooklyn, N.Y., Docket C–1589, Sept. 15, 1969]

In the Matter of Metomic Manufacturing Corp., a Corporation, and Martin Zahler, Individually and as an Officer of Said Corporation

Consent order requiring a Brooklyn, N.Y., manufacturer and distributor of electroplating kits to cease misrepresenting the quality or durability of the plating imparted by its process.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Metomic Manufacturing Corp., a corporation, and its officers, and Martin Zahler, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of electroplating kits, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the coating produced by the use of said kits or components is comparable in durability and other aspects to the finish imparted by commercial electroplating.

2. Representing, directly or by implication, that their kits or components are capable of imparting a chrome plating to any other material.

3. Representing, directly or by implication, that their kits or components produce results through an electroplating process.

4. Representing, directly or by implication, that their kits or components contain enough materials to completely plate such objects as automobile bumpers, washing machines, or any other large object.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 15, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–13197; Filed, Nov. 4, 1969; 8:49 a.m.]

[1] Commissioner Elman dissenting.

[Docket No. 8548]

PART 13—PROHIBITED TRADE PRACTICES

National Dairy Products Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.737 *Localized price cutting.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Modified order to cease and desist, National Dairy Products Corp., New York, N.Y. Docket No. 8548, Oct. 2, 1969]

In the Matter of National Dairy Products Corp., a Corporation

Order modifying a cease and desist order dated June 28, 1967, 32 F.R. 11432, which prohibited a major food products distributor from discriminating in price among its customers, by limiting the prohibition, pursuant to a decision of the U.S. Court of Appeals, Seventh Circuit, 412 F. 2d 605, dated June 19, 1969, to the jam, jelly, and preserve products of the respondent company's Kraft Foods Division.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent National Dairy Products Corp., a corporation, and its officers, representatives, agents and employees, directly or through any corporate device, in connection with the sale or offering for sale of jam, jelly, and preserve products of its Kraft Foods Division, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling such products to any purchaser for resale at a price which is less than the price charged any other purchaser for resale at the same level of distribution when such lower price is either the result of a reduction from the regular list price of the products or is the result of a promotional offer involving a concession from regular list price; provided, however, that in addition to the defenses set forth in sections 2(a) and 2(b) of the statute it shall be a defense in any enforcement proceeding instituted hereunder for respondent (1) to establish that its lower price was the result of a promotional offer involving a price concession which does not undercut the lowest net price and/or the terms and conditions resulting from a promotional offer made to the purchaser receiving the lower price by any seller of a competitive product within the previous 12 months, or (2) to establish that such lower price does not undercut the lowest price concurrently offered generally throughout the same trading area by any other seller of a competitive product having a substantially smaller annual volume of sales of such products than respondent's annual volume of sales of the product on which the discriminatory price was granted.

It is further ordered, That respondent National Dairy Products Corp., shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth herein.

Issued: October 2, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–13198; Filed, Nov. 4, 1969; 8:49 a.m.]

[Docket No. C–1594]

PART 13—PROHIBITED TRADE PRACTICES

Sportpiper Of Miami, Inc., and Louis Goldleaf

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Sportpiper Of Miami, Inc., et al., Miami, Fla., Docket C–1594, Oct. 10, 1969]

In the matter of Sportpiper Of Miami, Inc., a Corporation, and Louis Goldleaf, Individually and as an Officer of Said Corporation

Consent order requiring a Miami, Fla., clothing manufacturer to cease misbranding its textile fiber products and failing to preserve required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sportpiper of Miami, Inc., a corporation, and its officers, and Louis Goldleaf, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Indentification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–13199; Filed, Nov. 4, 1969; 8:49 a.m.]

[Docket No. 8759]

PART 13—PROHIBITED TRADE PRACTICES

Swingline, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Order of divestiture, Swingline, Inc., Long Island City, N.Y., Docket No. 8759, Oct. 9, 1969]

In the Matter of Swingline, Inc., a Corporation

Order requiring a Long Island City, N.Y., manufacturer of stapling, tacking, and riveting devices, to divest itself to an eligible company, approved by the Commission, of all the assets, patents, and equipment of an acquired company (Speedfast, Inc.), to cause its wholly owned subsidiary (Spotnails, Inc.) to grant a royalty-free license to said eligible company, to refrain for a period of 10 years from acquiring any competitor without prior approval of the Federal Trade Commission, and take other steps to restore competition in the industry as provided in the order.

The order of divestiture is as follows:

I. For the purposes of this order, the following definitions shall apply:

(a) "Portable industrial pneumatic staplers and nailers" are tools which utilize compressed air to drive various types of metallic fasteners to attach wood, fabric, sheet metal, and other substances to each other.

(b) "Fasteners" are metallic staples, nails, brads, pins, and corrugated clips, which are used in the machines described in subparagraph I(a).

(c) The term "heavy duty," when used in conjunction with the fasteners defined in subparagraph I(b), shall describe staples, nails and corrugated clips having a gauge measurement of eighteen (18) or less, and pins and brads having a gauge measurement of sixteen (16) or less. When used in conjunction with the machines described in subparagraph I(a), the term "heavy duty" shall mean that such machines are designed to drive heavy duty fasteners.

II. *It is ordered*, That respondent shall as soon as practicable, but in no event in excess of one (1) year from the date this order becomes final, present a financially sound and eligible company (hereinafter referred to as "eligible company") and a contract between respondent and said eligible company, both subject to Commission approval. Said contract shall provide that the eligible company will within one (1) year following Commission approval, enter into business as a producer and seller of heavy duty portable industrial pneumatic nailers and staplers, and as a manufacturer and seller of fasteners therefor.

III. *It is further ordered*, That respondent, in connection with the requirements of paragraph II of this order, will present an eligible company with sufficient capital resources and financial capability to assure, to the satisfaction of the Commission, that said eligible company can provide for itself the following:

(1) Manufacturing space suitable for the operation of a heavy duty portable industrial pneumatic nailer, stapler, and fastener plant with capacity to produce annually a minimum of $2 million of said fasteners and $500,000 of said nailers and staplers;

(2) Such machinery, equipment, facilities, and other property as may be necessary to make such plant a sound and going concern for the manufacture and sale annually of $2 million of heavy duty fasteners, and such machinery, equipment, facilities, and other property as may be necessary to make such plant a sound and going concern for the finishing, assembling and selling annually of a minimum of $500,000 of heavy duty portable industrial pneumatic nailers and staplers;

(3) Adequate working capital for the opening and early expansion of the business above described for a period of three (3) years beginning with the opening of the plant for business.

IV. *It is further ordered*, That respondent shall within 1 year from the date this order becomes final divest itself to eligible company absolutely and in good faith of all the following assets, properties, rights and privileges, tangible or intangible, acquired by said respondent as a result of its acquisition of the stock of Speedfast, Inc., relating to the

production, distribution and sale of all heavy duty portable industrial pneumatic nailers and staplers manufactured and sold by Speedfast prior to its acquisition by respondent; all inventory in stock of said nailers and staplers and of parts therefor; names of suppliers of said nailers, staplers and parts; a list of all customers to which Speedfast products have been sold, prior to and since September 1, 1965; and all plans, drawings, blueprints, tooling, patents, trademarks, and tradenames both domestic and foreign, which relate to the production distribution and sale of the said heavy duty portable industrial pneumatic nailers and staplers. Each of said heavy duty portable industrial pneumatic nailers and staplers is listed in Appendix A hereto,[1] and each of said patents, trademarks and tradenames is listed in Appendix B hereto.[1]

V. *It is further ordered*, That respondent shall cause its wholly owned subsidiary Spotnails, Inc., to grant a royalty-free license to eligible company, if such license is desired by said company, under any or all of said Spotnails' patents, patent applications and know-how existing at the date of said divestiture and relating to the manufacture, use or sale of all heavy duty portable industrial pneumatic nailers and staplers which were or are produced, distributed or sold by Spotnails. Each of said heavy duty portable industrial pneumatic nailers and staplers is listed in Appendix C hereto,[1] and each of said presently existing patents and patent applications to be so licensed is listed in Appendix D hereto.[1]

VI. *It is further ordered*, That respondent shall cause to be granted to eligible company a license for a reasonable royalty, if such license is desired by said company, under any and all future patents, patent applications and know-how issued, filed or acquired by respondent or any of its subsidiaries and, to the extent that it has the right to do so, by any of its officers, directors, agents, representatives, and employees within a period of 3 years from the date of divestiture relating to the manufacture, use or sale of heavy duty portable industrial pneumatic staplers and nailers: *Provided*, That the first Spotnails roundhead nailer shall be included under such license regardless of when the patent for such nailer shall issue.

VII. *It is further ordered*, That pending divestiture, respondent shall not take any action with respect to any of the assets, properties, rights and privileges of the former Speedfast, Inc., required to be divested hereby, which may impair their usefulness for the manufacture, sale or distribution of heavy duty portable industrial pneumatic nailers and staplers, or their market value.

VIII. *It is further ordered*, That, in accomplishing the aforesaid divestiture, respondent shall not sell or transfer the assets, properties, rights or privileges described in paragraph IV of this order, directly or indirectly, to any person who, at the time of such divestiture, is a stockholder, officer, director, employee, or agent of, or otherwise directly or indirectly connected with or under the control or influence of respondent, or to a subsidiary or affiliated corporation of respondent, or to any person who is not approved in advance by the Federal Trade Commission.

IX. *It is further ordered*, That respondent shall agree to purchase from the eligible company, for a period of three (3) years after opening of its plant, heavy duty fasteners, or to assign customers' orders therefor to said eligible company, in the following amounts: Two Hundred Fifty Thousand Dollars ($250,000) during the first year; Three Hundred Fifty Thousand Dollars ($350,000) during the second year; and Two Hundred Thousand Dollars ($200,000) during the third year. Respondent shall agree to assign to said company all orders for heavy duty fasteners previously manufactured and sold by Speedfast, and not manufactured and sold by Spotnails prior to August 16, 1965, which are ordered under the trade name or trademark "Speedfast." The purchases or assignments of customers' orders required by the first sentence of this paragraph shall be reduced by the dollar amount of customers' orders assigned to eligible company pursuant to the second sentence of this paragraph.

X. *It is further ordered*, That respondent shall assign to the eligible company all orders received for Speedfast heavy duty portable industrial pneumatic nailers and staplers and parts therefor, which have been and are currently sold under the Speedfast trade name or trademark.

XI. *It is further ordered*, That respondent's contract with the eligible company for purchase and/or assignment of customers' orders under paragraph IX will be in form approved by the Commission with prices to be paid to the eligible company by respondent equal to the lowest Spotnails' prices to distributors for the items, or items of like kind, and with prices on any and all assigned orders billed directly by the eligible company to the customers or distributors at the price set forth in such assigned orders. The fasteners to be purchased or orders assigned therefor as provided in paragraph IX shall be manufactured to respondent's specifications or to the specifications stated on the assigned orders. Said contract may, upon the agreement of both parties, also provide that the eligible company may consider any such assigned business which it has been directly servicing with the customers as its own continuous volume at the risk of holding against competitors other than respondent. Such purchases by respondent from eligible company shall consist of fasteners which said eligible company informs respondent it has the capability of supplying, but in no case shall such purchases exceed actual orders by respondent.

XII. *It is further ordered*, That respondent shall cause Spotnails to supply the eligible company, for a period of 6 months from the date said company commences selling heavy duty portable industrial pneumatic staplers and nailers or fasteners therefor, to the extent that said company so requests, with fasteners suitable for use in the Speedfast heavy duty portable industrial pneumatic staplers and nailers listed in Appendix A,[1] at a price of 50 percent of the list price published by Spotnails for such fasteners.

XIII. *It is further ordered*, That respondent shall provide the eligible company with a current list of all customers to whom its wholly owned subsidiary Spotnails, Inc. is selling. This list shall contain an appropriate designation of those customers who purchased in significant volume.

XIV. *It is further ordered*, That, for a period of 1 year from the date of divestiture hereunder, respondent shall cause Spotnails to furnish at its cost to the eligible company such technical assistance as may be necessary to enable said company to commence to engage in the manufacture of the Speedfast heavy duty portable industrial pneumatic nailers and staplers listed in Appendix A hereto[1] and to fasteners therefor. In the event that said company elects under paragraphs V and VI of this order to acquire a license under Spotnails patents and know-how, and provided that said company shall in fact engage in the manufacture of Spotnails heavy duty portable industrial pneumatic staplers and nailers and fasteners therefor, respondent shall cause Spotnails for a period of not more than 1 year from the date of such license to furnish at its cost to said company such technical assistance as may be necessary to enable said company to commence to engage in the manufacture of Spotnails heavy duty portable industrial pneumatic staplers and nailers and fasteners therefor.

XV. *It is further ordered*, That, upon the grant of licenses described in paragraph V of this order, and if requested by eligible company in writing, respondent and its officers, directors, agents, representatives and employees shall, in writing (with a copy to said company), authorize its vendors to supply to the eligible company, for a period of 3 years from the date of disposition of the assets, properties, rights and privileges ordered divested hereunder, and upon terms and conditions comparable to those afforded to Spotnails, the components which are made by such vendors to Spotnails' specifications and which are used to assemble the heavy duty portable industrial pneumatic nailers and staplers listed in Appendix C hereto.[1] In the event that, during said 3-year period, said vendors' ability to supply any of such components shall become impaired so that any of said vendors shall become unable to supply sufficient quantities of any such components to satisfy the requirements of both Spotnails and eligible company, the respondent shall cause Spotnails to authorize any such vendor to divide its supply of such components between Spotnails and the eligible company in a manner that reasonably reflects the past purchases by each.

XVI. *It is further ordered*, That respondent shall cause Spotnails, if eligible company requests, to notify employees of Spotnails that said company is interested in hiring personnel, and, in addition, shall cause Spotnails to release any and all Spotnails personnel who desire to work for said company from their employment obligations and from any obligations and confidentiality relating to heavy duty portable industrial pneumatic staplers and nailers, saving any and all rights to confidentiality relating to any products not subject to divestiture or license.

XVII. *It is further ordered*, That for a period of ten (10) years from the date this order becomes final, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the share capital or assets of any concern, corporate, or noncorporate, engaged in the production, distribution or sale of portable industrial pneumatic staplers, nailers, or tackers or fasteners therefor. For the purposes of this paragraph, the definitions in the complaint shall apply.

XVIII. *It is further ordered*, That respondent shall, within sixty (60) days after the date of service of this order, and every ninety (90) days thereafter until respondent has fully complied with the provisions of this order, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent intends to comply, is complying, or has complied with this order. All compliance reports shall include, among other things that are from time to time required, a summary of all contacts and negotiations with persons relating to carrying out the provisions of this order, and copies of all written communications to and from such persons.

XIX. *It is further ordered*, That respondent shall forthwith distribute a copy of this order to each of its operating subsidiaries and divisions.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That the time within which respondent shall begin submitting the compliance reports ordered in paragraph XVIII of the order, as set forth in the initial decision, shall commence with the service of this order upon respondent.

Issued: October 9, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-13200; Filed, Nov. 4, 1969; 8:49 a.m.]

[1] Filed as part of the original document.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-1174]

PART 73—RADIO BROADCAST SERVICES

Noncommercial Educational FM Stations Operating on Unreserved FM Channels

Memorandum opinion and order. In the matter of clarification of Subparts B and C of Part 73 of the Commission's rules and regulations (noncommercial educational FM stations operating on unreserved FM channels); request by WBAI-FM, Inc., for declaratory ruling.

1. The Commission has under consideration a "Request for Declaratory Ruling" filed on October 10, 1969, by WBAI-FM, Inc., licensee of FM Station WBAI, New York City, a noncommercial educational station operating on Channel 258, which is an unreserved or "commercial" channel. The request concerns the question of whether such stations, noncommercial educational in character even though they operate on unreserved channels, are governed by the provisions of Subpart B of Part 73 of the Commission's rules, § 73.201 et seq., which relate to commercial FM stations, or by the provisions of Subpart C of that part, § 73.501 et seq., governing noncommercial educational FM stations. WBAI was cited for violation of three of the sections of the "commercial" rules—§ 73.282 concerning program logging, § 73.287 concerning station identification, and § 73.254 concerning annual equipment performance measurements—and it claims that these citations were in error since it is governed instead by the educational FM rules, specifically §§ 73.582, 73.587, and 73.554, which it did not violate. It seeks a declaratory ruling to this effect, to remove uncertainty (Administrative Procedure Act, section 554(d)). There are 18 such noncommercial educational FM stations on unreserved or "commercial" FM channels.

2. We recognize that, as to stations such as WBAI, the rules at present are ambiguous as to whether the regular commercial FM rules or the noncommercial education FM rules apply. Therefore, it is not appropriate to impose any penalty on WBAI-FM, Inc., or its parent Pacifica Foundation, in connection with the matters discussed herein, and none will be imposed.[1] To remove the uncertainty for the future, we are amending Subpart C as set forth hereinbelow. As to the basic merits of the three situations—which set of rules should apply—the conclusions discussed below appear appropriate and are embodied in the rule amendment herein.

3. *Program logging.* With respect to program logging, it is clear that the noncommercial educational FM rules should apply, since the character of these stations' programing is completely different from that of commercial AM, FM, and TV stations, even though they operate on unreserved or "commercial" FM channels, and is the same as the much more numerous FM stations on reserved channels. The provisions of § 73.582 are much simpler than those of the corresponding commercial-station rule, § 73.282, and are geared to the much smaller amount of information which noncommercial educational stations are required to furnish with initial and renewal applications (they use FCC Forms 340 and 342 instead of Forms 301 and 303).[2] Therefore it is appropriate that § 73.582 should apply instead to § 73.282, and the rule adopted herein so provides.

4. *Station identification.* The rules concerning required station identification—§§ 73.287 and 73.587—are much the same in their requirements, the difference being that the former, governing commercial stations, permits an ID not to be given on schedule only where certain types of material would be interrupted ("single speech, play," etc.) while the educational rule permits postponement of an ID when it would interrupt "a single continuous program of longer duration than 30 minutes." WBAI claims that the rules recognize a valid distinction in this respect between commercial and educational operations, and that the latter present many types of programs which do not fall within the types listed in the commercial rule as permitting ID postponement but which nonetheless would suffer from a required interruption.[3]

5. The justification for applying the educational rather than the commercial rule in this case is less clear than in the matter of program logging mentioned above. However, the ID rules for all of the aural services—which are now unduly complex and in part obsolescent—are in the process of revision in Docket 18243. Pending this revision, it does not appear appropriate to require stations such as WBAI to meet the more stringent requirements of the commercial rule. Accordingly, the rule amendment adopted herein makes the educational rule applicable for the time being.

[1] The citation to WBAI included a number of matters. The statement that no penalty will be imposed relates only to those involved in the "Request for Declaratory Ruling" and discussed here, i.e., situations where WBAI would not have been in violation if the educational FM rules, rather than the commercial FM rules, are regarded as applicable.

[2] Apart from other violations of § 73.282 not involved here, the citation stated that WBAI's program logs failed to show program classifications as required by that rule for the programs of commercial stations. § 73.582, for educational FM stations, does not contain this requirement.

[3] It appears from the citation and WBAI's response that an ID was not made where it would have interrupted a discussion program. This would not fall within the "single speech" exception of § 73.282, but it would come within the "single continuous program" exception of § 73.587.

6. *Annual equipment performance measurements.* Section 73.254, for commercial FM stations, provides that stations shall make equipment performance measurements of their transmitters at least annually (audio frequency response, audio frequency harmonic distortion, and AM and FM output noise levels); they shall keep the records of such measurements for 2 years. WBAI was cited for several violations of this rule. Its position is that, while it has made such measurements at times in the past, it is not required to do so because of the nonapplicability of this rule. The corresponding educational FM rule, § 73.554, contains certain specifications for transmitter performance but does not require performance measurements.

7. We are of the view that in this situation the regular commercial rule should, and does, apply to stations such as WBAI. In general, equipment performance measurements are necessary in order to insure proper station operation, and there is no reason why these stations should be any less subject to equipment performance measurement requirements than commercial stations operating in the same band. In fact, WBAI–FM does not urge that this requirement is not generally a good thing; its argument is simply that noncommercial educational FM stations on reserved channels are not required to do this, that (subscription-supported as it is) WBAI–FM is no more able to bear the expense involved than they are, and that whatever the reasons are for exempting such stations, they apply equally to WBAI.

8. We are of the view that educational FM stations generally—other than low-power 10-watt stations—should no longer be exempt from this requirement, and in a notice of proposed rule making adopted today we propose to make them subject to it. For the period in the meantime, we hold that such stations on unreserved or "commercial" channels are subject to the commercial rule, § 73.254, since the operations do not differ technically in any respect from commercial stations on these channels. We point out that, on the other hand, there are some differences between the situations of stations such as WBAI and those of educational FM stations on the 20 reserved channels (Channels 201–220), even those which are not 10-watters. Many of the educational stations on the reserved channels, other than 10-watters, operate with relatively small facilities, effective radiated power of less than 1 kw and low antenna height, whereas WBAI operates with 5.40 kw. E.R.P. and antenna height above average terrain of 1,220 feet, the maximum permitted for a high-power (Class B) facility in the New York City area under present rules. Therefore, technically improper operation is a matter of significance over a much greater distance than is the case with a typical FM facility on a reserved channel.

9. *Conclusions and rule amendment.* For the reasons discussed above, we conclude that stations such as WBAI—noncommercial educational stations operating on unreserved or "commercial" channels—are subject to the educational FM rules in Subpart C of Part 73, rather than the commercial FM rules in Subpart B of that part, in most respects including program logging and station identification. However, they are subject to the provisions of Subpart B with respect to assignment and classification rules (§§ 72.201–73.213), and the requirements concerning transmitters, performance and measurements (§ 73.254), rather than the corresponding educational FM rules. We are accordingly adopting a new section concerning such stations, § 73.506, making this explicit.[4] Since this is declaratory, clarifying, and interpretative in nature, notice and prior proceedings are not required under the Administrative Procedure Act (5 U.S.C. 553).

10. In view of the foregoing: *It is ordered*, That, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, Subpart C of Part 73 of the Commission's rules is amended by adding the following new § 73.506, effective December 12, 1969:

§ 73.506 Noncommercial educational broadcast stations operating on unreserved channels.

Noncommercial educational FM stations which operate on channels listed in § 73.202 rather than § 73.501, but which comply with § 73.503 as to licensing requirements and the nature of the service rendered, shall comply with the provisions of the following sections of Subpart B of this part: §§ 73.201 through 73.213 (Classification of FM Broadcast Stations and Allocation of Frequencies); § 73.254 (Required Transmitter Performance); and such other sections of Subpart B of this part as are made specifically applicable by the provisions of this Subpart C. In all other respects such stations shall be governed by the provisions of this subpart and not Subpart B of this part.

11. *It is further ordered*, That the "Request for Declaratory Ruling" filed on October 10, 1968, by WBAI–FM, Inc., is granted to the extent indicated hereinabove, and in all other respects is denied.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: October 29, 1969.

Released: October 31, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–13128; Filed, Nov. 4, 1969; 8:45 a.m.]

[4] It should be emphasized that this provision of the rules will apply only to stations on these channels which are truly noncommercial educational, those complying with the provisions of § 73.503 concerning the nature and character of the service rendered. New § 73.506 so states. It does not apply to other stations even though their service may be largely noncommercial in character; they are subject to the regular commercial rules in Subpart B.

[5] Commissioner Bartley dissenting.

[Docket No. 17873; FCC 69–1176]

PART 73—RADIO BROADCAST SERVICES

Remote Control Operation of Standard Broadcast Stations

Report and order. In the matter of amendment of Part 73 of the Commission's rules and regulations to permit standard broadcast stations operated by remote control to transmit telemetry signals directly related to the technical operation of the broadcast station; Docket No. 17873, RM–320.

1. This proceeding was initiated by a notice of proposed rule making, adopted November 15, 1967, in response to a petition filed by Moseley Associates, Inc., of Santa Barbara, Calif. This firm has developed a system by which transmitter meter readings, and other information pertinent to the supervision of the technical operation of a standard broadcast station, can be transmitted to a remote control point by means of tones amplitude modulated directly on the carrier of the broadcast station. Moseley proposed that the frequencies of these tones be restricted to a band of 20 to 36 c/s, and that the modulation amplitude not exceed 10 percent. It was Moseley's contention that within these parameters, a broadcast station could transmit such tones simultaneously with its regular programs without compromising the technical quality of such programs, or causing annoyance to listeners. The employment of such a system would free the station licensee from his dependence on wire lines for bringing transmitter operating data to a remote control point, and make for greater reliability of operation, and a reduction in operating expense.

2. While the Commission has followed a consistent policy of rejecting proposals to utilize the broadcast carrier for purposes other than broadcast program transmission, it held that, in this case, Moseley's proposal was basically related to the broadcast function, and otherwise had sufficient merit to justify its consideration in a rule making proceeding. Rules were proposed which specified the technical parameters set forth by the petitioner, but comment was requested as to whether the 10 percent modulation ceiling could or should be further restricted. A rule was proposed to insure that the addition of the telemetry signal would not result in overmodulation, and rules generally requiring that such data transmission not produce a sensible degradation of program quality or effects resulting in harmful interference to other broadcast stations. In addition to the comments it requested on these proposed rules, the Commission asked for information as to the accuracy of indication of type approved AM modulation monitors when the envelope contains frequencies in the 20 to 30 c/s range, and as to whether automatic gain control amplifiers and peak limiters might affect the accuracy of the telemetery system.

3. While December 26, 1967, and January 5, 1968, were set as the final dates for filing comments and reply comments, respectively, at the request of the parties several extensions of time were granted by appropriate Commission orders, the last dates for filing comments being set as January 16, 1969, and for filing reply comments, January 30, 1969.

4. Subsequent to these dates, the Consumer Products Division of Electronic Industries Association (EIA), on April 3, 1969, filed a "Motion", which embodies further comments, and a Request for the late acceptance of this document. Since EIA's "Motion" contains information important to the resolution of this proceeding and its acceptance will not prejudice any other party, it will be accepted and considered with other timely filed comments.

5. Twenty-one parties participated in this proceeding, viz.;

WMBO, Auburn, N.Y.
KGMI, Bellingham, Wash.
Mt. Washington TV, Inc.
WSM, Nashville, Tenn. (WSM).
WKIK, Leonardtown, Md.
Montana Power Co.
KTMS, Santa Barbara, Calif.
Marti Electronics (Marti).
Moseley Associates, Inc. (Moseley).
Columbia Broadcasting System, Inc. (CBS).
Bonneville International Corp.
WSAU, Wausau, Wis.
WKBH, La Crosse, Wis.
KEEE Radio, Nacogdoches, Tex.
James Greenwood, Chief Engineer, WTAE AM–FM.
National Association of Broadcasters (NAB).
Collins Radio Co. (Collins).
WGN Continental Broadcasting Co. (WGN).
Electronic Industries Association (EIA).
Radio Corp. of America (RCA).
Gates Radio Co. (Gates).

The majority of the participants filed formal and timely comments; in some instances pertinent information was contained in Petitions for extension of time. Moseley Associates, Inc., and the National Association of Broadcasters filed reply comments. NAB's document is properly a supplement to its earlier filed comments, and, as such, is late. However, in the circumstances it will be accepted.

6. At least half of the filings, principally by broadcast station licensees, contained no technical information, but consisted principally of testimony as to the need for a telemetry system such as contemplated by the proposed rules to improve the reliability of meter readings reproduced at remote control points.

7. Technical data with respect to the performance of type approved modulation monitors were submitted by several parties. While we do not have information on all such types of monitors, there would appear to be no general problem with respect to the response of such monitors in the range 20 to 30 c/s, although Collins points out that in the monitors it tested reliance must be placed on the peak indicator in assessing the total effect of tone and program modulation—even when a sinusoidal signal was substituted for the program portion of the envelope there was a considerable error in the indication of the semipeak meter of the total effect of this signal and the telemetry tones. Moseley calls attention to the importance of avoiding overmodulation of negative peaks, not only because spurious signals may be emitted, but, under such conditions, the reliability and accuracy of the remote indications transmitted by the system is compromised.

8. Various makes and types of transmitters have been modulated with low frequency tones in the range proposed both in house and in field tests, and no difficulty in achieving the desired degree of modulation has been reported.

9. With respect to another question on which we requested specific comments—the effect of automatic level control amplifiers and peak limiters on the telemetry system, it appears that there are adverse effects if the telemetry tones are injected into the program line at a point where these circuit components would operate on the tones. However, as Moseley, McMartin, and others point out, the proper point for injection of the tones is after program limiting has taken place. To avoid possible overmodulation resulting from injection at this point at least one of the available telemetry systems automatically reduces the program level by 0.8 decibel during the periods when tones are being injected.

10. To make such systems function reliably with low levels of tone modulation it has been found necessary to insert a high-pass filter in the program line to minimize the presence of program components falling in the frequency range encompassed by the telemetry signals. It was demonstrated that this can be done without jeopardizing the ability of the transmitter to meet the requirements of § 73.40(a)(4) of the rules as to its audio frequency transmitting characteristics. Where such a filter is employed it should be retained in the program line when equipment performance measurements are made pursuant to § 73.47 of the rules.

11. In this proceeding we are primarily concerned with the formulation of rules which will insure that a telemetry system of the type discussed will not adversely affect the quality of programs broadcast by a station using the system, or produce harmful interference to other stations. On the other hand, if the modulation of tones on the broadcast carrier for telemetry purposes is authorized but the restrictions placed on such use are so great as to effectively preclude the operation of a feasible system, or severely limit its utility, the adoption of such rules is an exercise in futility.

12. The range of telemetry tones and the maximum percentage of modulation of these tones set forth in the proposed rules are those requested by Moseley. The only substantial area of controversy revolves around whether a telemetry system can operate within these parameters without causing a substantial derogation of program quality.

13. RCA initially raised this question in its Request for Additional Time To File Comments, filed March 25, 1968, in which it stated "* * * laboratory tests just completed on AM receiving equipment indicate that transmission of telemetry tones in the proposed frequency range at amplitudes above 2 percent may cause serious interference with reception by high fidelity AM receivers during main program lulls and during low amplitude program transmissions." It requested additional time in which to conduct field tests.[1]

14. In a "Motion" filed on July 26, 1968, EIA opposed "adoption of the proposed rule at this time." It based its opposition on the results of

(a) Laboratory tests by 6 EIA member companies, which included measurements and listening tests with standard signal generators "with simultaneous and sequential modulation with program material and simulated telemetering tones. It was unanimously concluded that 10 percent modulation by the telemetering tones would cause serious deterioration of the received signal for many types of receivers, including better grade table radios. It appeared that a modulation level of about 2 percent maximum might be acceptable * * *".

(b) Field tests at Chicago, Ill., and Pittsburgh, Pa., were conducted on June 17, 1968, and July 15, 1968, respectively. WIND, Chicago, and WTAE, Pittsburgh, transmitted the signals for these tests, pursuant to Commission authorizations. In both tests, audio oscillators were used to simulate the telemetering tones, which were transmitted separately and simultaneously with various kinds of program material with tone modulation percentages of 10, 5, 2, and 1. Tone frequencies between 35 and 20 c/s were employed. Listening observations were made on a variety of receivers, including large consoles. EIA reports that at Chicago noticeable distortion and interference was observed on console receivers at 2 percent tone modulation, and the tones were objectionable at 1 percent with voice modulation and in program pauses. It also found 2 percent tone modulation "quite noticeable and objectionable on table and portable receivers and on one car radio * * *."

15. At Pittsburgh EIA found the "overall effect * * * considerably less objectionable" than at Chicago, but noted that "on the two consoles used, critical listening could observe the presence of telemetering tones at 5 percent modulation during high percentage modulation of piano music or speech."

16. "The intermodulation effect using a 2 kHz tone at 30 percent modulation and the telemetering tones at 2 percent

[1] In a pleading filed on July 26, 1968, RCA stated that it had decided to coordinate its field tests and comments through EIA, and accordingly would file no separate comments.

modulation was observable on the consoles. This effect was also clearly audible on several table radios." [2]

17. "During several of the tests utilizing 10 percent and 5 percent modulation by the telemetering tones and high percentage modulation with popular music, several small portable receivers exhibited signs of blocking and motorboating due to the tones." [2]

18. Prior to the initiation of this proceeding, in support of the Moseley petition, WSM, Nashville, Tenn., had conducted field tests, pursuant to Commission authorization, of telemetry with low frequency tones, using Moseley's equipment. Tests were run intermittently over a 90-day period, ending July 23, 1964. Tones between 22 and 36 cycles were employed with modulation of from 5 to 10 percent. The results of these tests were reported to the Commission on December 2, 1964. Among the conclusions reached, WSM stated: "Listening tests did not reveal any inteference to our normal program service from the telemetering signals."

19. Field tests were conducted by WGN, Chicago, Ill., on January 9, 1968, and the results thereof were reported in an engineering statement appended to the comments filed by WGN Continental Broadcasting Co. in this proceeding. In these tests continuous tones were used over the range 20–36 c/s, at 5 and 10 percent modulation, and aural observations were made at seven different locations by WGN engineering personnel and officers, on 14 different broadcast receivers considered to be a representative sample of present day receivers. Various types of program material were employed. WGN reports "The consensus of the monitoring personnel at the remote locations was that the inserted telemetry signals were perceptible. The 5 percent modulation being much less perceptible to the monitors, and therefore, has much less possibility of public annoyance." (WGN supports the proposed rules subject to the reservation that modulation by the telemetry signals be limited to 5 percent.)

20. On the basis of the material filed by EIA and its opposition to adoption of the proposed rules, NAB and Moseley concluded that further field tests were necessary, and, the time for filing comments having run, NAB filed a petition on August 21, 1968, for additional time in which to conduct these tests. A Commission order, adopted September 9, 1968, set a new deadline for additional comments as January 6, 1969, and for reply comments as January 20, 1969.

21. On January 16, 1969, Moseley filed with its comments the results of a test conducted in conjunction with KTMS Santa Barbara, Calif. This test was conducted over a 5-day period, with tones having a duration between 2 and 4 minutes being placed on the KTMS carrier at half-hour intervals, except on the fourth day of the series, when no tones were used. KTMS carried its regular programs. Tones of 29 and 35 c/s were employed the first and second days, the first day at 5 percent modulation and the second day at 10 percent. On the third day 29 c/s at 10 percent was used, with 22 c/s at 3 percent and 10 percent during different portions of the day. The last day tones were of 29 c/s at 5 percent and 10 percent, and 35 c/s at 5 percent modulation.

22. In addition to observers at Moseley laboratories and at KTMS a panel of seven listeners was recruited. These listeners were told to indicate on appropriate written forms any effects noted which detracted from the technical quality of KTMS's program transmissions. During the initial days of the tests the listeners were not told specifically of what to look for. Then each was individually apprised of what was being done, and told what effects should be observed. While the panel reported several disturbances, they were either noted at times tones were not being transmitted, or were of such a nature that they could not reasonably be attributed to such transmissions.

23. NAB presented with its reply comments reports on tests concluded in cooperation with KXYZ, Houston, Tex., and WFAA/WBAP, Dallas/Fort Worth, Tex. In the Houston test a 28 c/s tone was modulated on the carrier at a 10 percent level for a 1-minute period, once every quarter hour, between 8 a.m. and 4 p.m., for a period of 7 days. Regular programs were, of course, carried by KXYZ. The conclusion to this report states: "A cross-section of receivers was used to monitor these tests by station engineering, programming, and general administrative personnel. The listening report submitted by the station states that: 'During these tests there were no complaints or reports at any time that the sub-audible tones could be heard or were objectionable.'"

24. The Dallas/Fort Worth tests were conducted with telemetry equipment manufactured by Marti Electronics, operated so that meter readings were reproduced at three separate locations. The Marti equipment provided tones between 22 and 28 c/s, which were transmitted for 1 minute each half hour for a period of 510 hours, at a modulation level of approximately 5½ percent. Personnel of WFAA, WBAP, and Marti periodically monitored the transmissions, using 18 different receivers, including types having extremely good bass response. The report states: "A cross-section of receivers was used to monitor these tests by station engineering, programing, and general administrative personnel. The listening report submitted by the station states that: 'During these tests there were no complaints or reports at any time that the sub-audible tones could be heard or were objectionable.'"

25. Moseley and NAB urged that the results of these new tests provide further substantiation of their position that the proposed rules be adopted.

26. In a motion filed January 30, 1969, EIA, stated that, because of short notice it had been unable to participate in the above described tests, and requested that further action in this proceeding be held in abeyance until such time as further joint tests could be made. It was particularly interested in the performance of the Marti telemetry equipment.

27. A further motion was filed by EIA on April 3, 1969, accompanied by a request for acceptance of late filed comments. In this motion, EIA indicated that on March 20, 1969, NAB had sponsored a field test of Marti equipment over radio Station WTOP, Washington, D.C., which was observed at a receiver site in Bethesda, Md.

28. EIA stated it would withdraw its previous objections to the rule making proposal, subject to the following:

(1) Telemetry tones from 20–28 Hz at 5½ percent modulation do not appear to cause any harmful interference.

(2) Modulation level of tones in the 20–36 Hz range should not exceed 6 percent at any time.

(3) We still have strong reservations about the use of tones in the 30–36 Hz range at 5 percent modulation but will withdraw our objections at this time.

(4) Implicit in the above is the understanding from many discussions with FCC staff that it is FCC policy to allow no harmful interference to continue, and that complaints of such interference will be investigated and resolved on an individual basis

We will accept EIA's late filed motion.

29. Except for EIA's Chicago tests, where the reported effects were so severe as to suggest some deficiency in the test procedure—perhaps an inaccurate setting of modulation levels—the results of the field tests, no matter by whom conducted, are not necessarily inconsistent with each other. The subjective element in all of the tests is considerable. Even though two trained observers agree an effect is perceptible, they may disagree as to the level at which it can be deemed obtrusive, and a judgment as to whether an untrained observer, not looking for the effect, would notice it, or find it annoying. Our conclusions, set forth below, are based upon a full evaluation of the complete test reports, and on the reports of Commission engineers who observed the tests at Pittsburgh and Washington.

30. The perceptibility, even to trained observers, in the presence of program material of tones of fairly short duration of frequencies no higher than 30 c/s at modulation levels approximating 5 percent is so marginal that their employment is quite unlikely to be detected by the broadcast listener. While the perceptibility of tones up to 35 cycles and with modulation percentages as high as 10 percent is undoubtedly higher, the Moseley test at KTMS with a panel of listeners indicates that a system held within these limits is unlikely to present a listener problem. Under these conditions, steady tones with modulation levels of 5 to 10 percent can be perceptible in program pauses to a listener with a receiver with extended bass response, especially so if this response is exaggerated by bass boost. We do not believe, however, that the vast majority of listeners would notice, much less be disturbed by their use, particularly since the tones, as normally employed, would be of short duration.

31. Nevertheless, if sufficiently accurate and reliable performance of the telemetry function can be achieved with modulation levels substantially less than 10 percent, and with a range of tones not extending as far upward in frequency as we have proposed, the risk is minimized that, in the exceptional case, a listener might find the tone transmissions disturbing.

32. In at least three of the tests reported (in connection with WSM, WFAA/WBAP, and KTMS) the tone modulation was employed to transmit meter readings to remote points. In all three instances it was reported that when the system was properly installed and operated, satisfactory performance of the telemetry function was achieved with modulation levels approximating 5 percent. In the Dallas/Fort Worth test, furthermore, the tone range utilized was between 22 and 28 c/s. It would thus appear practical to set both the maximum modulation level and the upper frequency limit for the telemetry tones at lower figures than we had initially proposed. We shall therefore set the upper limit for the tone modulation level at 6 percent, and the value of the highest frequency telemetry tone at 30 c/s. We believe this action should meet EIA's reservations with respect to the matter.

33. Moseley has urged that, even though satisfactory functioning of the telemetry system has been demonstrated at lower modulation levels, the 10 percent ceiling should be retained in the rules to permit its employment where low signal levels and/or noise make it necessary for reliable operation. We have no information as to the field strength of the signals in the above tests at the points the tones were uilized for telemetry purposes, or as to the minimum recovered audio level required to actuate the telemetry equipment now available. Obviously, the higher the modulation level permitted the more generally applicable will be the equipment. Usually, we believe, remote control points are at locations where the transmitted signal is reasonably strong and noise-free. Sometimes this is not the case. We rather doubt in the most difficult case (as for instance, during a period when a station may be operating "pre-sunrise" with extremely low power) that the feasibility of employing such a telemetry system will hinge on whether the modulation ceiling is set at 6 or 10 percent.

34. While the proponents of this system of telemetry have emphasized the fact that the transmitted tones will be of short duration (only long enough to permit meter readings) and the Commission's evaluation of the acceptability of the system rests at least partially on the assumption that this normally will be the case,[3] in the proposed rules any numerical limitation on the length of individual transmissions, or the total duration of transmissions in any 1-hour period was intentionally omitted. The reason for this omission is that, although our rules require the logging of specified operating parameters at half hour intervals, a licensee is responsible for the proper operation of his station on a continuous basis, and we wished to avoid the imposition of any rule which, even indirectly, might appear to limit that responsibility. Thus, should periodic meter readings reveal a possible irregularity in transmitter functioning, we would expect more frequent, and perhaps continuous monitoring of operating parameters until the irregularity is corrected.

35. On further reflection, we believe that preclusion of continuous tone transmission in normal operation can be accomplished without limiting necessary transmitter supervision by including in the rules a stipulation that the low frequency tones may only be transmitted during periods when the transmitter operating parameters are actually being observed at the remote control point. We have included such a requirement in the rules we adopt.

36. In its comments, CBS called attention to its long-standing "HomeALERT" proposal for a system under which especially designed broadcast receivers would be activated for the reception of urgent news or emergency weather warnings by the transmission of a low frequency tone by the broadcasting station to which they are tuned. This tone would be transmitted continuously during the period of time the receiver is actuated for the urgent announcement. The technical description of this alerting system appended to CBS's comments states that the actuating tone would be in a range between 30 and 50 c/s, and would be transmitted at a modulation level of 20 percent.

37. CBS is concerned that any rules adopted for low frequency telemetry not set technical standards incompatible with those which its proposed alerting system may employ. It suggests that its proposal and the proposal which initiated this proceeding are interrelated and should be considered together. CBS accordingly requests that we "move at once to implement a public signalling system on a basis compatible with the use of subsonic carrier tones for telemetric information."

38. As CBS is aware, its HomeALERT system is only one of a number of proposed public alerting systems which has been the subject of exhaustive study by a special working group of the National Industry Advisory Committee (NIAC). HomeALERT was one of four such systems selected for field testing some time ago, after which NIAC recommended a two-tone system employing activating tones of 853 and 960 c/s. This system is compatible with telemetry systems operating pursuant to the rules under consideration in this proceeding.

39. In response to a public notice of February 13, 1969 (FCC 69–134), which set May 1, 1969, as a deadline for the submission of proposals for public alerting systems not previously examined by the special working group, the International Electric Corp. offered data on the "Cue Signal system" and the Department of the Army outlined a public alerting system currently under study by the Office of Civil Defense. Neither of these systems utilizes activating tones below 100 c/s. Therefore, should one of these alerting systems be adopted, no conflict with telemetry system operation is anticipated.

40. Since it is unlikely that a public alerting system having activating characteristics similar to HomeALERT will be adopted we do not find it necessary to link AM telemetering to public alerting in the manner requested by CBS.

41. It should be noted that telemetry systems operated pursuant to these rules are quite restricted in the rate at which they can convey information and, their use will be limited to remote systems utilizing visual meter observations and manual logging, or to automatic logging with a graphical record.

42. James Greenwood has suggested in his comment that the employment of frequency shift keying of the broadcast carrier for telemetry purposes not only would minimize the possibility of interference with programming but would possible a much higher rate of information transmittal-facilitating digital read out and print out at the remote control point. He cites various tests that have been conducted which demonstrate the general feasibility of this technique.

43. By adopting these rules, which should make possible the installation of comparatively simple telemetry systems in the many stations utilizing manual logging, we do not preclude possible later consideration of other more sophisticated systems which may formally be proposed and supported by adequate technical and experimental data. However, we do not believe that action in this proceeding should be further delayed for such consideration at this time.

44. *Accordingly, it is ordered*, Effective December 8, 1969, that Part 73 of the rules and regulations is amended as set forth below.

45. Authority for the rule amendments adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

46. *It is further ordered*, That this proceeding is terminated.

[2] We quote these two results, since they are presented by EIA as having a significant bearing on the problem. In our view, the intermodulation test demonstrated only that, at least under the conditions of the test, transmitter or receivers were demonstrating considerable nonlinearity, which would be reflected, in less easily observable form, in distortion of program material, even without the low frequency tones. The incipient "blocking and motorboating" exhibited by some of the small receivers, if anything, is a commentary on the extreme audio level at which these receivers were operated in an attempt to discern the presence of the low frequency tones.

[3] As pointed out by Moseley and Marti, the bandwidth of the system is insufficient to permit the transmission of modulation indications, and they must be observed at the remote point by other means. Since this is the case, there should be no occasion for the continuous transmission of the telemetry tones when the transmitter is functioning normally.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: October 29, 1969.

Released: October 31, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

Section 73.67 is amended by adding a new paragraph (c) to read as follows:

§ 73.67 Remote control operation.

* * * * *

(c) The broadcast transmitter carrier may be amplitude modulated with a tone for the purpose of transmitting to the remote control point essential meter indications and other data on the operational condition of the broadcast transmitter and associated devices, subject to the following conditions:

(1) The tone shall have a frequency no higher than 30 cycles per second.

(2) The amplitude of modulation of the carrier by the tone shall not be higher than necessary to effect reliable and accurate data transmission, and shall not, in any case, exceed 6 percent.

(3) The tone shall be transmitted only at such times and during such intervals that the transmitted information is actually being observed or logged.

(4) Measures shall be employed to insure that during the periods the tone is being transmitted the total modulation of the carrier does not exceed 100 percent on negative peaks.

(5) Such tone transmissions shall not significantly degrade the quality of program transmission or produce audible effects resulting in public annoyance.

(6) Such tone transmissions shall not result in emissions of such a nature as to result in greater interference to other stations than is produced by normal program modulation.

[F.R. Doc. 69-13129; Filed, Nov. 4, 1969; 8:45 a.m.]

[Docket No. 18271; FCC 69-1185]

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

PART 85—PUBLIC FIXED STATIONS AND STATIONS OF MARITIME SERVICES IN ALASKA

Transition of Ship and Coast Stations From Double Sideband to Single Sideband Radiotelephony on Certain Frequencies

Second report and order. In the matter of amendments of Parts 2, 81, 83 and 85 to effect orderly shifts from present double sideband (DSB) and/or single sideband (SSB) to new (replacement) frequencies; to establish a revised schedule of dates, technical standards, frequencies and other requirements for the transition of ship and coast stations from DSB to SSB radiotelephony on frequencies within the revised frequency allotments adopted by the World Administrative Radio Conference, Geneva—1967, for the exclusive HF maritime mobile service bands between 4 and 23 Mc/s.; Docket No. 18271.

1. A notice of proposed rule making in the above-captioned matter was released on August 8, 1968, and was published in the FEDERAL REGISTER on August 16, 1968 (33 F.R. 11669). By its order released September 24, 1968, and published in the FEDERAL REGISTER on September 28, 1968 (33 F.R. 14603), the Commission granted an extension of time in which to file comments. The dates for filing comments and replies thereto have passed.

2. The Commission has been requested by Hull Electronics Co. (HULL), Southern California Marine Radio Council (SCMRC), and Benmar Division of Computer Equipment Corp. (BENMAR), to immediately release the report and order in this proceeding. These requests are directed to the matter of availability of frequencies for use by limited coast and ship stations and, more specifically, to frequency changes as required by the WARC agreement.

3. These commentators, as well as others, have pointed out a number of problems which are anticipated in completing the change-over to the replacement limited coast/ship station frequencies by the completion date set by the WARC, namely, by March 1, 1970. One of these problems is that the Commission has not made final the list of frequencies which will be available for use by limited coast and ship stations as replacements for frequencies currently available.

4. In the comments filed with the Commission in this proceeding, none of the commentators indicated any problem existed with regard to the specific frequencies set forth in the notice for us by limited coast and ship stations. The Commission concurs that there is need to finalize and to make available the list of replacement frequencies for limited coast and ship stations, as requested by HULL, SCMRC, and BENMAR, and that this action should be effected immediately.

5. In the notice the Commission proposed, in accordance with the WARC implementation schedule, that these replacement frequencies would become available on January 1, 1970, and, further, that the current frequencies be withdrawn effective February 28, 1970. In various letters received from west coast fishing interests and others, hundreds of fishing vessels must leave port on January 1, 1970, and will be at sea for an indefinite period. In view thereof, to facilitate conversion by these vessels to the replacement frequencies, the Commission has advanced the date of availability of the replacement frequencies to December 1, 1969, and extended to April 1, 1970, the effective date for withdrawal of the current frequencies. Details in regard to current frequencies and associated replacement frequencies, date of availability of the replacement frequencies, and date of withdrawal of current frequencies are set forth below.

6. Operation on the replacement frequencies during the period December 1 through December 31, 1969 and on the current frequencies during the period March 1 through March 31, 1970 will be on a secondary basis to stations operating in accordance with the time schedule set by the WARC. Operation on the replacement frequencies prior to January 1, 1970 may be subject to interference from ship stations using wideband telegraphy, facsimile or special transmission systems and operation on the current frequencies after March 1, 1970 may be subject to interference from ship stations using single sideband duplex mode of operation.

7. For the reasons stated herein, the Commission finds that good cause exists for making these rule changes effective November 5, 1969. This action is taken pursuant to 5 U.S.C. 553.

8. An application for modification submitted solely for a frequency change that is necessary to comply with any rule amendments adopted as a result of this proceeding may be submitted without a fee.

9. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules are amended effective November 5, 1969, as set forth in paragraph 5 above.

10. The formal codification of the changes described above will be accomplished by a subsequent order of the Commission in this docket.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: October 29, 1969.

Released: October 31, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Carrier frequencies (kc/s)		Conditions of use
Available until Apr. 1, 1970	Available after Dec. 1, 1969	
(1)	(2)	(3)
4133.0	4139.5	1, 2, 3, 4
4136.5	4136.3	1, 2, 3, 4
	4434.9	1, 4
6200.5	6210.4	1, 2, 3, 4
6204.0	6213.5	1, 2, 3, 4
6207.5	6518.6	1, 2, 3, 4, 5
8273.0	8281.2	1, 2, 3, 4
8276.5	8284.4	1, 2, 3, 4
12407.0		1, 3
12410.5	12421.0	1, 2, 3, 4
12414.0	12424.5	1, 2, 3, 4
12417.5	12428.0	1, 2, 3, 4
16537.0		1, 3
16540.5		1, 3
16544.0		1, 3
16547.5		1, 3
16551.0	16565.0	1, 2, 3, 4
16554.5	16568.5	1, 2, 3, 4
16558.0	16572.0	1, 2, 3, 4
23078.0		1, 3
22081.5	22094.5	1, 2, 3, 4
22085.0	22098.0	1, 2, 3, 4
22088.5	22101.5	1, 2, 3, 4
22092.0	22105.0	1, 2, 3, 4
22095.5	22108.5	1, 2, 3, 4

[4] Commissioner Robert E. Lee absent; Commissioner Johnson dissenting.

[1] Commissioner Robert E. Lee absent; Commissioner Johnson concurring in the result.

Assignment of the specific carrier frequencies designated above and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph:

(i) (1) The applicant must show that the desired communications are primarily over distances for which frequencies above 27.5 Mc./s. would not be suitable;

(ii) These frequencies are available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee;

(iii) Normally no more than one frequency from each of the frequency bands will be authorized;

(iv) These frequencies are not authorized for use in communicating with stations aboard aircraft;

(v) Transmitter peak envelope power shall not exceed 1 kW; and

(vi) The class of emission shall be A3J.

(2) During the period December 1, 1969, to April 1, 1970, transition may be effected from the currently available frequency listed in column (1) to the replacement frequency listed in column (2).

(3) Authorization for use of the frequency listed in column (1) is withdrawn effective April 1, 1970.

(4) The frequency listed in column (2) will be available for assignment on and after December 1, 1969.

(5) Use should be limited to daytime.

[F.R. Doc. 69-13130; Filed, Nov. 4, 1969; 8:45 a.m.]

Chapter II—Director of Telecommunications Management

[Telecom Circular 3300.3]

PART 203—GOVERNMENT AND PUBLIC CORRESPONDENCE TELECOMMUNICATIONS PRECEDENCE SYSTEM

Correction

In F.R. Doc. 69-12735 appearing at page 17294 in the issue of Friday, October 24, 1969, the introductory paragraph of paragraph (b) of § 203.6 *Criteria*, should read as set forth below:

(b) *Immediate, Immediate Emergency, Urgent.* Immediate, Immediate Emergency, or Urgent telephone calls or messages shall be handled as fast as possible and ahead of all other calls or messages except those having a higher precedence. Any message or call of a lower precedence in the process of transmission will be halted, if feasible, to clear the channel for this transmission. It will be reserved generally for calls or messages pertaining to:

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 200—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Changes in Field Organization Addresses

Part 200, Chapter II, Title 36 of the Code of Federal Regulations is amended as follows:

1. Paragraph (e) of § 200.2 is revised as follows:

§ 200.2 Field organization.

* * * * *

(e) The addresses of Regional Foresters, Research Station Directors, Area Directors, and Forest Supervisors are given below. Location of specific Ranger District headquarters may be obtained from Forest Supervisors.

NATIONAL FORESTS BY REGIONS

REGION 1, NORTHERN REGION

Regional Forester, Federal Building, Missoula, Mont. 59801.

* * * * * *

REGION 2, ROCKY MOUNTAIN REGION

Regional Forester, Federal Center, Building 85, Denver, Colo. 80225.

State in which forest is located	National Forest	Headquarters of supervisor
Colorado	Arapaho	Golden.
	Grand Mesa-Uncompahgre	Delta.
	Gunnison	Gunnison.
	Pike	Colorado Springs.
	Rio Grande	Monte Vista.
	Roosevelt	Fort Collins.
	Routt	Steamboat Springs.
	San Isabel	Pueblo.
	San Juan	Durango.
	White River	Glenwood Springs.
Nebraska	Nebraska	Chadron.
South Dakota	Black Hills	Custer.
Wyoming	Bighorn	Sheridan.
	Medicine Bow	Laramie.
	Shoshone	Cody.

REGION 3, SOUTHWESTERN REGION

Regional Forester, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

* * * * * *

REGION 4, INTERMOUNTAIN REGION

Regional Forester, 324 25th Street, Ogden, Utah 84401.

* * * * *

REGION 5, CALIFORNIA REGION

Regional Forester, 630 Sansome Street, San Francisco, Calif. 94111.

California	Angeles	Pasadena.
	Cleveland	San Diego.
	Eldorado	Placerville.
	Inyo	Bishop.
	Klamath	Yreka.
	Lassen	Susanville.
	Los Padres	Goleta.
	Mendocino	Willows.
	Modoc	Alturas.
	Plumas	Quincy.
	San Bernardino	San Bernardino.
	Sequoia	Porterville.
	Shasta-Trinity	Redding.
	Sierra	Fresno.
	Six Rivers	Eureka.
	Stanislaus	Sonora.
	Tahoe	Nevada City.

REGION 6, PACIFIC NORTHWEST REGION

Regional Forester, 319 Southwest Pine Street, Portland, Oreg. 97208 (Post Office Box 3623).

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REGION 8, SOUTHERN REGION

Regional Forester, 50 Seventh Street NE., Atlanta, Ga. 30323.

Alabama	William B. Bankhead	Montgomery.
	Conecuh	Do.
	Talladega	Do.
	Tuskegee	Do.
Arkansas	Ouachita	Hot Springs.
	Ozark-St. Francis	Russellville.
Florida	Apalachicola	Tallahassee.
	Ocala	Do.
	Osceola	Do.
Georgia	Chattahoochee-Oconee	Gainesville.
Kentucky	Daniel Boone	Winchester.
Louisiana	Kisatchie	Pineville.
Mississippi	Bienville	Jackson.
	Delta	Do.
	DeSoto	Do.
	Holly Springs	Do.
	Homochitto	Do.
	Tombigbee	Do.
North Carolina	Croatan	Asheville.
	Nantahala	Do.
	Pisgah	Do.
	Uwharrie	Do.
South Carolina	Francis Marion and Sumter	Columbia.
Tennessee	Cherokee	Cleveland.
Texas	Angelina	Lufkin.
	Davy Crockett	Do.
	Sabine	Do.
	Sam Houston	Do.
Virginia	George Washington	Harrisonburg.
	Jefferson	Roanoke.

REGION 9, EASTERN REGION

Regional Forester, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203.

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REGION 10, ALASKA REGION

Regional Forester, Federal Office Building, Post Office Box 1628, Juneau, Alaska 99801.

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FOREST AND RANGE EXPERIMENT STATIONS

Name of station and headquarters of director

Intermountain—507 25th Street, Ogden, Utah 84401.

North Central—Forest Service, Folwell Avenue, St. Paul, Minn. 55101.

Northeastern—6816 Market Street, Upper Darby, Pa. 19082.

Pacific Northwest—809 Northeast Sixth Avenue, Post Office Box 3141, Portland, Oreg. 97208.

Pacific Southwest—1960 Addison Street, Berkeley, Calif. 94701.

Rocky Mountain—240 West Prospect Street, Fort Collins, Colo. 80521.

Southeastern—Post Office Building, Post Office Box 2570, Asheville, N.C. 28802.

Southern—Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

Institute of Tropical Forestry—University of Puerto Rico Experiment Station Grounds, Post Office Box AQ, Rio Piedras, P.R. 00928.

Forest Products Laboratory—Post Office Box 5130, North Walnut Street, Madison, Wis. 53705.

STATE AND PRIVATE FORESTRY AREAS

Director, Northeastern Area—6816 Market Street, Upper Darby, Pa. 19082.

Director, Southeastern Area—50 Seventh Street NE., Atlanta, Ga. 30323.

NOTE: In Regions 1 through 6 and 10, State and Private Forestry activities are directed from Regional headquarters.

2. Paragraphs (b) and (d) of § 200.9 are revised to read as follows:

§ 200.9 Rules governing inspection and copying.

* * * * * *

(b) The Department of Agriculture has established a schedule of fees for copies of information. The Forest Service charges for copies of records in accordance with the Department fee schedule.

* * * * * *

(d) Informational material published for general public distribution is furnished without charge.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(5 U.S.C. 552)

THOMAS K. COWDEN,
Assistant Secretary of Agriculture.

OCTOBER 31, 1969.

[F.R. Doc. 69-13205; Filed, Nov. 4, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Sections 1.320, 1.322-1, 1.322-2, 1.322-3, 1.322-4, and 1.322-5(b) are revised, and new §§ 1.322-6 and 1.322-7 are added, as follows:

§ 1.320 Industrial security.

Certain required procedures designed to safeguard classified defense information are set forth in the Department of Defense Industrial Security Regulation, DoD 5220.22-R (Implemented for the Army by AR 380-131; for the Navy by OPNAV Instruction 5540-8E; for the Air Force by AFR 205-4; and for the Defense Supply Agency by DSAM 8500.1), and DD Form 441 "Security Agreement" and its attachment, the Department of Defense Industrial Security Manual together with Supplements thereto. Security requirements governing work to be performed outside the United States, its possessions, and Puerto Rico by United States or foreign nationals, or work to be performed in the United States by foreign nationals (including companies located in the United States which are owned, controlled, or influenced by nationals of a foreign country), are subject to security agreements which the United States maintains with a number of foreign countries. The requirements of these agreements are set forth in the Department of Defense Industrial Security Regulation. The Defense Supply Agency administers the Industrial Security Program on behalf of all the Departments.

§ 1.322-1 General.

(a) *Description of procedure.* Multiyear procurement is a method for competitive contracting for known requirements for military supplies or services in quantities and total cost not in excess of planned requirements for 5 years, set forth in or in support of, the Department of Defense 5-Year Defense Program, even though the total funds ultimately to be obligated by the contract are not available to the contracting officer at the time of entering into the contract. Under this method, contract quantities are budgeted for and financed in accordance with the program year for which each quantity is authorized. This procedure provides for solicitation of prices based either on award of the current 1-year program quantity only, or, in the alternative, on the total multiyear quantities. Award is made on whichever of these two alternative bases reflects the lowest unit prices to the Government. If award is made on the multiyear basis, funds are obligated only for the first year's quantity, with succeeding years' contract quantities funded annually thereafter. In the event funds are not made available to support one or more succeeding year's quantities, cancellation is effected. The contractor is protected against loss resulting from cancellation by contract provisions allowing reimbursement of unrecovered nonrecurring costs included in prices for canceled items.

(b) *Policy.* (1) Multiyear procurement shall be used to the maximum extent consistent with paragraphs (c), (d), and (e) of this section. Advantages of this method include, for example:

(i) Lower costs;

(ii) Enhancement of standardization;

(iii) Reduction of administrative burden in the placement and administration of contracts;

(iv) Substantial continuity of production or performance;

(v) Stabilization of work forces; and

(vi) Broadening the competitive base with opportunity for participation by firms not otherwise willing or able to compete for lesser quantities, particularly in cases involving high startup costs.

(2) The principal objective of the multi-year procedure is to generate realistic competition by minimizing competitive disadvantage and by increasing contractor interest in particpating in procurements which involve high startup costs and make-ready expense and which also may require substantial capital investment by contractors for expansion of their facilities. Under this procedure:

(i) Nonrecurring costs are distributed over a large number of units, thus narrowing any price advantage of a firm already in production or performance;

(ii) There is greater assurance of depreciation recovery for capital investment; and

(iii) The competitive base is broadened with better prospects for lower prices, where firms otherwise might be unwilling or unable to compete.

(3) Another major objective is to obtain lower prices in those procurements which do not necessarily involve high startup cost but which do provide opportunity for substantial cost savings and other advantages through assurance of continiuty for production or performance over longer periods of time. In determining whether substantial cost savings and related advantages can be realized, consideration may be given to whether:

(i) Production or performance closeout or shutdown costs, including employee severance pay, represent a substantial cost contingency in prices quoted on only 1 year's program;

(ii) Stabilization of work forces will provide greater assurance of sustaining and improving efficiency and quality;

(iii) Substantial cost and quality advantage will accrue through avoidance of the possible need for establishing and "proving out" quality control techniques and procedures for a new contract each year;

(iv) Costly preproduction or pilot testing will be avoided;

(v) The ability to recruit and retain highly skilled personnel will be enhanced through assurance to employees of longer periods of employment than would be the case in single-year procurement, thereby avoiding costs of repeated training of new personnel;

(vi) The ability to vary production or performance rates during peak and off-peak periods in each program year will result in economies; and

(vii) Substantial in-house savings in maintenance and supply operations will accrue from standardization of supplies or services accomplished by procurement from a single source throughout the multiyear period.

(c) *Set-asides.* Total small business set-asides are compatible with the multiyear method of procurement and may be used when both procedures are appropriate. Partial set-aside procedures (both small business and labor surplus area) generally are not compatible with the multiyear procedure when high startup costs are involved because of the potential duplication of such costs by the set-aside contractor and the non-set-aside contractor. However, when the multiyear procedure is based not on high startup costs but on the opportunity for cost savings through assurance of continuity of production over longer periods of time, partial set-aside procedures are compatible with the multiyear procedure. Furthermore, even when high startup costs are involved, use of partial set-aside procedures together with the multiyear procedure may be appropriate in exceptional circumstances, such as where the criteria for partial set-asides are met under Subparts G and H of this part, and it is likely that broader or more realistic competition will result from a combination of both procedures, and this broader competition is likely to more than offset any duplication of startup costs. When reviewing a proposed procurement involving possible use of this procedure, in addition to consideration of the criteria established in this paragraph and paragraph (b) of this section, the contracting officer shall invite the advice and counsel of the activity's small business specialist and the SBA representative, if one is assigned to that activity, permitting either or both to review all pertinent facts and make recommendations thereon.

(d) *Multiyear subcontracts.* The same benefits and advantages that are derived from multiyear prime contracts may frequently be increased by multiyear subcontracts thereunder. The prime contractor in the exercise of his management responsibilities must freely choose the subcontract types that best satisfy his needs. However, multiyear prime contractors should be encouraged to employ multiyear subcontracts selectively and only when:

(1) The subcontract item or service is of stable design and specification;

(2) The quantity required is known and firm;

(3) Effective competition is assured; and

(4) The use of multiyear subcontracts can reasonably be expected to result in reduced prices.

In such cases, the prime contractor is adequately protected against cancellation since appropriate cancellation charges for such multiyear subcontracts are included within the cancellation charge of the multiyear prime contract. Multiyear subcontracts may be particularly desirable under a sole source multiyear prime contract since effective competition at the subcontract level may thereby be enhanced and the attendant cost reductions realized by the prime contractor and the Government.

(e) *Use of options.* (1) The use of options can be of assistance to the contracting officer when some future requirements are definite and additional quantities are likely, though not definitive as to amount: *Provided,* The option quantities are not disproportionately large in relation to the known requirements.

(2) The solicitation document (IFB or RFP) shall contain language to require the bidders (offerors) to submit prices for option quantities which reflect only the recurring costs to produce additional items, and specifically excludes those costs of a startup and nonrecurring nature which have been amortized in the unit prices of the definitive program year quantities.

§ 1.322-2 Procedures for supply contracts.

(a) Except as provided in paragraph (j) of this section, the multiyear procurement method for supplies should be used when all of the following criteria are present:

(1) Reduced unit prices can reasonably be anticipated over annual buys by reason of continuity of production or elimination of repetitive substantial startup costs, including such costs as preproduction engineering, special tooling, plant rearrangement, initial rework, initial spoilage, and pilot runs;

(2) There is reasonable expectation that effective competition can be obtained;

(3) There are known requirements for the quantities to be purchased under the multiyear contract;

(4) The design and specifications of the item are not expected to change to an extent that would involve a major impact on contract price; and

(5) The items being procured are not regularly manufactured and offered for sale in substantial quantities in the commercial market, except that (i) when quantities to be procured by the Government represent a substantial portion of the total market and would require special manufacturing runs for all or substantially all of the Government's requirements and (ii) significant cost savings would result from multiyear procurement; this procedure may be authorized by the head of a procuring activity or his designee with the procurement file fully documented as to reasons why the expected substantial savings are not obtainable under annual procurements.

(b) Formal advertising, including two-step formal advertising, is the preferred method for use in multiyear procurement. In cases where the period of production is such that a contingency for labor and material costs is likely otherwise to be included in the multiyear contract price, the contracting officer should normally use a provision for price escalation.

(c) Solicitations shall include:

(1) A statement of the requirements, separately identified by bid or proposal item in the schedule, for—

(i) The first program year; and

(ii) The multiyear procurement including the quantities for each program year thereunder;

(2) When previous production procurements of the item have been made with competition—

(i) A provision that a price may be submitted for the total requirements of the first program year, or for the total multiyear requirements, or both, or

(ii) When competition in future procurements of the items would be impracticable after award of a contract covering the first program year quantity alone and the head of a procuring activity determines that, in order to eliminate the possibility of a first program year "buy-in," these provisions will be in the best interests of the Government—provisions that a price may be submitted only for the total multiyear quantity and that prices on a single-year basis will not be considered for any purpose;

(3) When there has been no previous competition for the production of the item—

(i) (*a*) Provisions that a price must be submitted for the total requirements of the first program year, that a price may be submitted for the total multiyear quantity; and that a bid or offer on the multiyear quantity only will be considered nonresponsive, and

(*b*) A provision that if only one responsive bid or offer on the multiyear requirements is received from a responsible bidder or offeror, the Government reserves the right to disregard the bid or offer on the multiyear quantity and to make an award only for the first program year requirements; or

(ii) When competition in future procurements of the items would be impractical after award of a contract covering the first program year quantity alone and the head of a procuring activity determines that, in order to eliminate the possibility of a first program year "buy-in," these provisions will be in the best interests of the Government—

(*a*) Provisions that a price may be submitted only for the total multiyear quantity and that prices on a single-year basis will not be considered for any purpose, and

(*b*) A provision that if only one responsive bid or offer on the multiyear requirements is received from a responsible bidder or offeror, the Government reserves the right to cancel the solicitation and resolicit on a single-year basis by whatever procedures are then appropriate;

(4) A provision that the unit price of each item in the multiyear requirement shall be the same for all program years included therein;

(5) Criteria for comparing the lowest evaluated submission on the first program year's requirement against the lowest evaluated submission on the multiyear requirements (see § 1.322-3 (c));

(6) When the solicitation permits bids or offers on either the first program year requirements or the multiyear requirements or both, a provision that in the event the Government determines prior to award (but see §§ 2.208 and 3.505 of this chapter) that only the first program year quantities are actually required, the Government may evaluate bids or offers and make award solely on the basis of prices bid or offered on the first program year requirements;

(7) A provision setting forth a separate cancellation ceiling (on a percentage basis) applicable to each program year subject to cancellation (see paragraph (d) of this section);

(8) A prominently placed provision directing attention to the multiyear features of the solicitation, and to—

(i) The Limitation of Price and Contractor Obligations clause (see § 1.322-5(a)) which limits the payment obligation of the Government to the requirements of the first program year and to those of such succeeding program years as may be funded by the Government (see § 1.322-5(b));

(ii) The Cancellation of Items clause (see § 1.322-5(b)) which allows the Government to cancel, by a specified date or within a specified period, all remaining program years; and

(iii) The cancellation set forth in the schedule; and

(9) A statement in the solicitation schedule that award will not be made on less than the quantity stated as the first program year requirements.

(d) The term "cancellation" as used in multiyear procurement refers only to the cancellation of the total requirements of all remaining program years. Such cancellation results from (1) notification from the contracting officer to the contractor of nonavailability of funds for contract performance for any subsequent program year, or (2) failure of the contracting officer to notify the contractor that funds have been made available for performance of the succeeding program year requirement. For each program year except the last, the contracting officer shall establish a cancellation ceiling applicable to the remaining program years which are subject to cancellation.

Cancellation ceilings will be lower for each succeeding program year in that such ceilings must exclude all amounts allocable to items included in prior program years. Such ceilings shall be expressed in the schedule and shall apply to all bidders alike. The reduction in the cancellation ceilings percentage for each program year shall be in direct proportion to the reduction in the quantity remaining subject to cancellation. For example, if the total nonrecurring costs are estimated at 10 percent of the total multiyear price and program year quantities for 5 years are 30, 30, 20, 10, and 10, the cancellation percentages after deducting 3 percent for the first program year would be 7 percent, 4 percent, 2 percent, and 1 percent of the total multiyear price applicable to the second, third, fourth, and fifth program years respectively. In determining cancellation ceilings, the contracting officer must estimate reasonable preproduction, labor learning and other nonrecurring costs, to be incurred by an "average" prime or subcontractor which would be applicable to and which normally would be amortized in all items to be furnished under the multiyear requirements. They include such costs as plant rearrangement, special tooling, preproduction engineering, initial rework, initial spoilage, pilot runs, and unrealized labor learning. They shall not include any costs of labor or materials, or other expenses (except as indicated above) which might be incurred for production of the items subject to cancellation for each program year. The total estimate must then be compared with the best estimate of the procurement cost to arrive at a reasonable percentage figure. To perform this calculation, it is essential that the contracting officer obtain in-house engineering cost estimates which will identify the detailed recurring and nonrecurring costs, and indicate labor learning implications. Cancellation dates for each program year's requirements shall be established with due regard for production lead time and the date by which funding therefor can reasonably be accomplished.

(e) Original cancellation ceilings may be revised from information developed after issuance of a solicitation discloses that such ceilings are not realistic. In the case of formal advertising, such changes shall be by amendment of the invitation for bid prior to bid opening. In two-step formal advertising, discussion conducted during the first step may indicate the need for revised ceilings in step two. Negotiations with offerors in a negotiated procurement may provide information requiring a change in cancellation ceilings for all offerors, prior to final negotiation and contract award. In order to assure that all interested sources of supply are thoroughly aware of how multiyear procurement is accomplished, use of presolicitation or prebid conferences may be advisable. During such conferences the contracting officer should ascertain whether escalation provisions are appropriate (see § 2.104–3 of this chapter) and whether the proposed cancellation ceiling is adequate.

(f) For each program year requirement, funds shall be obligated to cover the quantities to be delivered thereunder. There is presently no requirement to fund cancellation charges.

(g) In the event of a cancellation the contractor is entitled to payment as consideration therefor in accordance with the terms of the Cancellation of Items clause (see § 1.322–5(b)) in an amount not to exceed the cancellation ceiling.

(h) The Schedule shall contain a provision limiting the payment obligation of the Government to a monetary amount there described as being available for contract performance. Such amount for the first program year requirements shall be inserted by the contracting officer upon award of the contract and shall be modified for successive program years upon availability of funds for such years (see §1.322–5(a)).

(i) In the event the contract is terminated for the convenience of the Government in whole, including items subject to cancellation, the Government's obligation shall not exceed the amount set forth in the Schedule as available for contract performance, plus the applicable amount established as the cancellation ceiling.

(j) Limitations: Multiyear procurement of supplies shall not be used:

(1) When funds covering the procurement are limited by statute for obligation during the fiscal year in which the contract is executed;

(2) For quantities or total costs in excess of the planned requirements for 5 years set forth in, or in support of, the 5-Year Defense Program; or

(3) When any one of the criteria set forth in paragraph (a) of this section is not present.

§ 1.322–3 Evaluation.

(a) Evaluation of offers in a multiyear procurement involves not only determination of the lowest overall evaluated cost to the Government for both alternatives, the multiyear procurement and the first program year procurement; it also involves the comparison of the cost of buying the total requirement under a multiyear procurement with cost of buying the total requirement in successive independent procurements. All the factors to be considered for the various evaluations involved shall be set forth in the solicitation.

(b) In the event the Government determines prior to award (but see §§ 2.208 and 3.505 of this chapter) that only the first program year quantities are actually required, the procurement will no longer be evaluated on a multiyear basis:

(1) When the solicitation permits bids or offers on either the first program year requirements or the multiyear requirements or both, only bids or offers on the first program year requirements will be evaluated; and

(2) When the solicitation does not permit the submission of prices on a single-year basis, the single-year requirement will be resolicited.

(c) The cancellation ceiling shall not be a factor for evaluation. Unless Government administrative costs incident to annual procurement methods and contract administration can be reasonably established and supported, they shall not be used as a factor for evaluation. When administrative costs are to be used in evaluation, the dollar amount to be used shall be stated in the solicitation.

(d) Delivery destinations may be unknown for certain quantities due to the extended duration of contract performance. In such cases, destinations shall be developed on the basis of best estimates; a definite place or places shall be designated in the solicitation as the point to which transportation costs will be computed (but only for the purpose of evaluating bids or proposals); and the solicitation shall contain the notice required under § 2.201(b)(30) of this chapter.

(e) When Government production and research property is provided pursuant to Subpart C, Part 13 of this chapter, the use of such property may be on a rent-free basis under the policies contained in Subpart E, Part 13 of this chapter. In this event, the solicitation shall set forth a detailed description of the procedure to be followed and the factors to be considered in accordance with Subpart E, Part 13 of this chapter, for the elimination of competitive advantage. The amount added for evaluation to each offeror's unit price for the first program year requirement shall also be added to his unit price for the multiyear requirements.

(f) When the solicitation requires the submission of prices on the first program year requirements in accordance with § 1.322–2(c)(3)(i), bids or offers which submit prices on the multiyear requirements only shall be rejected as nonresponsive.

(g) When the solicitation provides for submission of prices only for the total multiyear quantity in accordance with § 1.322–2 (c)(2)(ii) and (c)(3)(ii)(a), submission of prices for the single-year quantity will be disregarded for any purpose but will not render the bid or offer nonresponsive as to any alternate multiyear submission by the same bidder or offeror.

(h) To determine the lowest evaluated unit price, compare the lowest evaluated bid or offer on the first program year alternative against the lowest evaluated bid or offer on the multiyear alternative as follows:

(1) Multiply the evaluated unit price for each item of the lowest evaluated bid or offer on the first program year alternative times the total number of units of that item required by the multiyear alternative, and then

(2) Take the sum of these products for all the items, plus the dollar amount of any administrative costs of the Government which are to be used in the evaluation, and finally

(3) Compare this result against the total evaluated price of the lowest bid or offer on the multiyear alternative.

§ 1.322–4 Award.

(a) Except as provided in paragraphs (b) and (c) of this section, award shall be made on the basis of the lowest evaluated unit price determined in accordance with § 1.322–3, whether that price is on a single-year basis or a multiyear basis.

(b) If only one responsive bid or offer is received on the multiyear requirements from a responsible bidder or offeror, then award shall be made as follows:

(1) If the solicitation gave the bidder or offeror the choice of submitting prices on a single-year basis or multiyear basis or both, then award shall be made in accordance with paragraph (a) of this section;

(2) If the solicitation required the submission of prices on the first program year requirements in accordance with § 1.322–2(c)(3)(i), award shall be made to the lowest evaluated bidder or offeror on the single-year basis, even though the multiyear price submission may represent the lowest evaluated price submission, except that if the multiyear price offers distinct advantages to the Government a multiyear award may be made with the advance approval of the head of a procuring activity;

(3) If the solicitation restricted the submission of prices to the multiyear basis only, the solicitation shall be canceled and a new solicitation issued by whatever procedures are then appropriate, except that if the multiyear price offers distinct advantages to the Government a multiyear award may be made with the advance approval of the head of a procuring activity.

(c) In no event shall award be made at an unreasonable price (see §§ 2.404–1 and 3.801 of this chapter).

§ 1.322–5 Clauses.

* * * * *

(b) *Cancellation of items.*

CANCELLATION OF ITEMS (AUGUST 1968)

(a) This clause applies only in the event this contract is awarded on the alternative basis for award described in the Schedule as "Multi-Year Procurement".

(b) As used herein, the term "cancellation" means that the Government is canceling, pursuant to this clause, its Program Year requirements for items as set forth in the Schedule for all Program Years subsequent to that in which notice of cancellation is provided. Such cancellation shall occur only if, by the date or within the time period specified in the Schedule, or such further time as may be agreed to, the Contracting Officer (i) notifies the Contractor that funds will not be available for contract performance for any subsequent Program Year; or (ii) fails to notify the Contractor that funds have been made available for performance of the Program Year requirement for the succeeding Program Year.

(c) Except for cancellation pursuant to this clause or for termination pursuant to the "Default" clause, any reduction by the Contracting Officer in the quantities called for under this contract shall be considered a termination in accordance with the "Termination for Convenience of the Government" clause of this contract.

(d) In the event of cancellation pursuant to this clause, the Contractor will be paid, as consideration therefor, a cancellation charge not to exceed the cancellation ceiling described and separately set forth in the Schedule as being applicable at the time of cancellation.

(e) The cancellation charge is intended to cover (i) only costs reasonably necessary for production which would have been equitably amortized in the unit prices for the entire multiyear contract period, but which, because of the cancellation, are not so amortized and (ii) a reasonable profit on such costs. The cancellation charge shall be computed and claim therefor made as would be applicable under the "Termination for Convenience of the Government" clause of this contract. The claim may include reasonable preproduction and other nonrecurring costs, incurred by the prime contractor or his subcontractor, applicable to and which normally would be amortized in all items to be furnished under the multiyear requirements, such as plant rearrangement, special tooling, preproduction engineering, initial rework, initial spoilage and pilot runs, as well as costs not amortized by the level contract unit price solely because the cancellation had precluded anticipated benefits of contractor or subcontractor learning. The claim shall not include any amount for:

(i) Labor, materials, or other expenses incurred by the Contractor or its subcontractors for production of the canceled items;

(ii) Any item or cost for which payment has already been made to the Contractor; or

(iii) Anticipated profit on the canceled items.

Where options are otherwise authorized, multiyear contracts may include an appropriate "Option to Increase Quantities" clause in which the period for exercise of the option is limited to the date set forth in the contract schedule for notifying the contractor that funds are available for the requirements of the next succeeding program year. If such an option is included, the following paragraph (f) should be added to the clause set forth above.

(f) The Contractor agrees not to include in the price for option quantities any costs of a startup or nonrecurring nature, which costs have been fully provided for in the unit prices of the firm quantities of the Program Years, and further agrees that the prices offered for option quantities will reflect only those recurring costs, and a reasonable profit thereon, which are necessary to furnish the additional option quantities. Therefore, any quantities added to the original contract quantities through exercise of the Government option in the "Option to Increase Quantities" clause of this contract shall not be subtracted from what would otherwise be considered the quantity canceled for the purpose of computing allowable cancellation charges.

§ 1.322–6 Multiyear procurement of services.

(a) *Description of procedure.* Multiyear procurement of services is a method for competitive contracting for known requirements for services and items of supply incidental to service contracts in quantities and total cost not in excess of planned requirements for 5 years, set forth in, or in support of, the 5-Year Defense Program, even though the total funds ultimately to be obligated by the contract are not available to the contracting officer at the time of entering into the contract. Under this method, requirements are budgeted for and financed in accordance with the program year for which each quantity is authorized. This procedure provides for solicitation of prices based either on award of the current 1-year requirements only, or, in the alternative, on total requirements representing the first and one or more succeeding years' requirements (multiyear). Award is made on whichever of these two alternative bases reflects the lowest prices to the Government. If award is made on the multiyear basis, funds are obligated only for the first year's quantity, with succeeding years' contract quantities funded annually thereafter. In the event funds are not made available to support one or more succeeding year's requirements, cancellation is effected. The contractor is protected against loss resulting from cancellation by contract provisions allowing reimbursement of unrecovered nonrecurring costs included in prices for canceled requirements.

(b) *Objectives.* The principal objectives of multiyear procurement of services are:

(1) Generation of realistic competition by increasing contractor interest in participating in procurements which involve substantial startup costs, investment in equipment or the incurrence of substantial contingent liabilities for the assembly, training, or transportation of a specialized work force;

(2) Lower costs and prices because of continuity of performance over longer periods of time by eliminating duplication of startup costs, make ready expenses, and phaseout costs including employee severance pay associated with annual turnover of contractors;

(3) Higher quality of performance because of unrealized labor learning, stabilization of work forces and improved quality control techniques; and

(4) Reduction of administrative cost and burden to the Government in preparing and issuing annual procurement solicitations and in the annual evaluation and award process.

(c) *Limitations.* Multiyear contracts for services shall not be used:

(1) When funds covering the procurement are limited by statute for obligation during the fiscal year in which the contract is executed (1-year funds); except that multiyear procurement may be employed with 1-year funds in the case of contracts to be performed outside the 48 contiguous States and the District of Columbia for the following services:

(i) Operation, maintenance, and support of facilities and installations;

(ii) Maintenance or modification of aircraft, ships, vehicles, and other highly complex military equipment;

(iii) Specialized training necessitating high quality instructor skills (for example, pilot and other aircrew members; foreign language training); and

(iv) Base services (for example, ground maintenance; in-plane refueling; bus transportation; refuse collection and disposal).

(2) To procure requirements which are in excess of the 5-Year Defense Program;

(3) Until a written determination has been made that there will be a continuing requirement for the services and incidental supplies consonant with current plans for the proposed contract period, and the furnishing of such services and incidental supplies will require a substantial initial investment in plant or equipment, the incurrence of substantial contingent liabilities for the assembly,

training, or transportation of a specialized work force, or other substantial startup costs, and the use of such a contract will promote the best interests of the United States by encouraging effective competition and promoting economies of operation. These determinations and findings shall be executed by:

(i) The Commanding Officer of the installation or activity, when the contract period will not exceed 2 years and the estimated annual expenditures thereunder do not exceed $350,000;

(ii) The head of the procuring activity when the contract period will exceed 2 years but not 3 years or when the contract period will not exceed 2 years but the estimated annual contract expenditure will exceed $350,000;

(iii) The Assistant Secretary for Installations and Logistics, of the respective Departments, or the Directors of Defense Agencies when the contract period will exceed 3 years regardless of dollar value.

§ 1.322–7 Procedures for service contracts.

(a) Formal advertising, including two-step formal advertising, is the preferred method for use in multiyear procurement.

(b) Solicitations shall include:

(1) A statement of the requirements, separately identified, for—

(i) The first program year; and

(ii) The multiyear procurement including the requirements for each program year thereunder;

(2) When previous procurements of the services have been made with competition—

(i) A provision that a price may be submitted for the total requirements of the first program year, or for the total multiyear requirements, or both, or

(ii) When competition in future procurements would be impracticable after award of a contract covering the first program year alone and the head of a procuring activity determines that, in order to eliminate the possibility of a first program year "buy-in," these provisions will be in the best interests of the Government—provisions that a price may be submitted only for the total multiyear requirements and that prices on a single-year basis will not be considered for any purpose;

(3) When there has been no previous competition for the services—

(i) (*a*) Provisions that a price must be submitted for the total requirements of the first program year, that a price may be submitted for the total multiyear requirements, and that a bid or offer on the multiyear requirements only will be considered nonresponsive; and

(*b*) A provision that if only one responsive bid or offer on the multiyear requirements is received from a responsible bidder or offeror, the Government reserves the right to disregard the bid or offer on the multiyear requirements and to make an award only for the first program year requirements; or

(ii) when competition in future procurements of the service would be impractical after award of a contract covering the first program year requirement alone and the head of a procuring activity determines that, in order to eliminate the possibility of a first program year "buy-in," these provisions will be in the best interests of the Government—

(*a*) Provisions that a price may be submitted only for the total multiyear requirement and that prices on a single-year basis will not be considered for any purpose; and

(*b*) A provision that if only one responsive bid or offer on the multiyear requirements is received from a responsible bidder or offeror, the Government reserves the right to cancel the solicitation and resolicit on a single-year basis by whatever procedures are then appropriate;

(4) A provision that the unit price of each item in the multiyear requirement shall be the same for all program years included therein;

(5) Criteria for comparing the lowest evaluated submission on the first program year's requirement against the lowest evaluated submission on the multiyear requirements;

(6) When the solicitation permits bids or offers on either the first program year requirements or the multiyear requirements or both, a provision that in the event the Government determines prior to award (but see §§ 2.208 and 3.505 of this chapter) that only the first program year services are actually required), the Government may evaluate bids or offers and make award solely on the basis of prices bid or offered on the first program year requirements;

(7) A provision setting forth a separate cancellation ceiling (on a percentage basis) and dates applicable to each program year subject to cancellation (see paragraph (c) of this section);

(8) A prominently placed provision directing attention to the multiyear features of the solicitation; and to—

(i) The Limitation of Price and Contractor Obligations clause (see § 1.322–5 (a)) which limits the payment obligation of the Government to the requirements of the first program year and to those of such succeeding program years as may be funded by the Government (see paragraph (m) of this section).

(ii) The Cancellation of Items-Service Contracts clause (paragraph (m) of this section) which allows the Government to cancel, by a specified date or within a specified period, all remaining program years; and

(iii) The cancellation ceiling set forth in the schedule; and

(9) A statement in the solicitation schedule that award will not be made on less than the service stated as the first program year requirements.

(c) The term "cancellation" as used in multiyear procurement refers only to the cancellation of the total requirements of all remaining program years. Such cancellation results from (1) notification from the contracting officer to the contractor of nonavailability of funds for contract performance for any subsequent program year, or (2) failure of the contracting officer to notify the contractor that funds have been made available for performance of the succeeding program year requirement. For each program year except the last, the contracting officer shall establish a cancellation ceiling applicable to the remaining program years which are subject to cancellation. Cancellation ceilings will be lower for each succeeding program year in that such ceilings must exclude all amounts allocable to items included in prior program years. Such ceilings shall be expressed in the Shcedule and shall apply alike to all bidders or offerors. The reduction in the cancellation ceiling percentage for each program year shall be in direct proportion to the reduction in the requirements remaining subject to cancellation. For example, consider that the total nonrecurring costs are estimated at 10 percent of the total multiyear price and the total multiyear requirements for 5 years are 30 percent in the first year, 30 percent in the second, 20 percent in the third, 10 percent in the fourth, and 10 percent in the fifth. The cancellation ceiling contained in the first through fourth program years should be 7 percent (100 percent less 30 percent times 10 percent), 4 percent, 2 percent, and 1 percent respectively. In determining cancellation ceilings, the contracting officer must estimate reasonable startup, labor learning, and other nonrecurring costs, to be incurred by an "average" prime or subcontractor which would be applicable to and which normally would be amortized in all services to be furnished under the multiyear requirements. They include such costs as the following, where applicable: plant or equipment relocation costs: the costs of special tooling and special equipment; allocable portions of the costs of facilities to be acquired or established for the conduct of the work; costs incurred for the assembly training and transportation of a specialized work force to and from the jobsite; and unrealized labor learning. They shall not include any costs of labor or materials, or other expenses (except as indicated above) which might be incurred or performance of subsequent program year requirements. The total estimate must then be compared with the best estimate of the procurement cost to arrive at a reasonable percentage figure. Cancellation dates for each program year's requirements shall be established, as appropriate, and shall always be prior to expiration of the preceding program year, giving due regard to phaseout time required by the contractor.

(d) Original cancellation ceilings and dates may be revised from information developed after issuance if a solicitation discloses that such ceilings and dates are not realistic. In the case of formal advertising, such changes shall be by amendment of the invitation for bids prior to bid opening. In two-step formal advertising, discussion conducted during the first step may indicate the need for revised ceilings and dates in step two. Negotiations with offerors in a negotiated procurement may provide information requiring a change in cancellation ceilings and dates for all offerors, prior to final negotiation and contract award. In order to assure that all interested sources of supply are thoroughly aware

of how multiyear procurement is accomplished, use of presolicitation or prebid conferences may be advisable.

(e) Escalation: When labor escalation provisions are considered appropriate, the clause in § 7.107(d) may be used. That clause may be modified in overseas contracts to allow escalation when laws, regulations, or international agreements require contractors to pay higher wage rates.

(f) For each program year requirement, funds shall be obligated to cover performance thereunder. Funds to cover cancellation charges will be committed in accordance with DoD Directive 7220.7 "Accounting for Commitments."

(g) In the event of a cancellation, the contractor is entitled to payment as consideration therefor in accordance with the terms of the Cancellation of Items—Service Contracts clause (see paragraph (m)(2) of this section) in an amount not to exceed the cancellation ceiling.

(h) The schedule shall contain a provision limiting the payment obligation of the Government to a monetary amount there described as being available for contract performance. Such amount for the first program year requirements shall be inserted by the contracting officer upon award of the contract and shall be modified for successive program years upon availability of funds for such years (see § 1.322–5(a)).

(i) In the event the contract is terminated for the convenience of the Government in whole, including items subject to cancellation, the Government's obligation shall not exceed the amounts set forth in the schedule as available for contract performance, plus the applicable amount established as the cancellation ceiling.

(j) Options: Consideration should be given to the desirability of obtaining an option to increase quantities and an option to renew the contract for a reasonable period at prices not to include (1) charges for plant and equipment already amortized, or (2) such other nonrecurring charges as startup costs, make ready expenses, and phaseout costs which were included in and already recovered under the basic contract price. Any such option provision shall not exceed a period equal to the basic contract period or 3 years, whichever is less. The exercise of an option to extend the contract period will require a determination and finding executed by that level of authority set forth in § 1.322–6(c)(3) as would have been required had the basic contract included the option period contemplated. (See also § 1.322–1(e).) Consideration shall be given to the inclusion of a provision which would allow the Government the option, upon payment of the unamortized portion of the cost of the plant or equipment, to take title thereto.

(k) Evaluation:

(1) Evaluation of offers in a multiyear procurement involves not only the determination of the lowest evaluated cost to the Government for both alternatives, the multiyear procurement and the first program year procurement; it also involves the comparison of the cost of buying the total requirement under a multiyear procurement with cost of buying the total requirement in successive independent procurements. All the factors to be considered for the various evaluations involved shall be set forth in the solicitation.

(2) In the event the Government determines prior to award (but see §§ 2.208 and 3.505 of this chapter) that only the first program year services are actually required, the procurement will no longer be evaluated on a multiyear basis:

(i) When the solicitation permits bids or offers on either the first program year requirements or the multiyear requirements or both, only bids or offers on the first program year requirements will be evaluated; and

(ii) When the solicitation does not permit the submission of prices on a single-year basis, the single year requirement will be resolicited.

(3) The cancellation ceiling shall not be a factor for evaluation. Unless Government administrative costs incident to annual procurement methods and contract administration can be reasonably established and supported, they shall not be used as a factor for evaluation. When administrative costs are to be used in evaluation, the dollar amount to be used shall be stated in the solicitation.

(4) When Government production and research property is provided pursuant to Subpart C, Part 13 of this chapter, the use of such property may be on a rent-free basis under the policies contained in Subpart E, Part 13 of this chapter. In this event, the solicitation shall set forth a detailed description of the procedure to be followed and the factors to be considered in accordance with Subpart E, Part 13 of this chapter, for the elimination of competitive advantage. The amount added for evaluation to each offeror's unit price for the first program year requirement shall also be added to his unit price for the multiyear requirements.

(5) To determine the lowest evaluated unit price, compare the lowest evaluated bid or offer on the first program year alternative against the lowest evaluated bid or offer on the multiyear alternative as follows:

(i) Multiply the evaluated unit price for each item of the lowest evaluated bid or offer on the first program year alternative times the total number of units of that item required by the multiyear alternative, and then

(ii) Take the sum of these products for all the items, plus the dollar amount of any administrative costs of the Government which are to be used in the evaluation, and finally

(iii) Compare this result against the total evaluated price of the lowest bid or offer on the multiyear alternative.

(l) Award:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, award shall be made on the basis of the lowest evaluated unit price determined in accordance with paragraph (k) of this section, whether that price is on a single-year basis or a multiyear basis.

(2) If only one responsive bid or offer is received on the multiyear requirements from a responsible bidder or offeror, then award shall be made as follows:

(i) If the solicitation gave the bidder or offeror the choice of submitting prices on a single-year basis or multiyear basis or both, then award shall be made in accordance with subparagraph (1) of this paragraph;

(ii) If the solicitation required the submission of prices on the first program year requirements in accordance with paragraph (b)(3)(i) of this section, award shall be made to the lowest evaluated bidder or offeror on the single-year basis, even though the multiyear price submission may represent the lowest evaluated price submission, except that if the multiyear price offers distinct advantages to the Government, a multiyear award may be made with the advance approval of the head of a procuring activity;

(iii) If the solicitation restricted the submission of prices to the multiyear basis only, the solicitation shall be canceled and a new solicitation issued by whatever procedures are then appropriate, except that if the multiyear price offers distinct advantages to the Government, a multiyear award may be made with the advance approval of the head of a procuring activity.

(3) In no event shall award be made at an unreasonable price (see §§ 2.404–1 and 3.801 of this chapter).

(m) Clauses: The following clauses shall be included in all contracts for the procurement of services under the multiyear procurement method.

(1) *Limitation of price and contractor obligations.* Insert the clause at § 1.322–5(a).

(2) *Cancellation of items—service contracts.*

CANCELLATION OF ITEMS—SERVICE CONTRACTS (AUGUST 1968)

(a) This clause applies only in the event this contract is awarded on the alternative basis for award described in the Schedule as "Multi-Year Procurement."

(b) As used herein, the term "cancellation" means that the Government is canceling, pursuant to this clause, its Program Year requirements for items as set forth in the Schedule for all Program Years subsequent to that in which notice of cancellation is provided. Such cancellation shall occur only if, by the date or within the time period specified in the Schedule, or such further time as may be agreed to, the Contracting Officer (i) notifies the Contractor that funds will not be available for contract performance for any subsequent Program Year; or (ii) fails to notify the Contractor that funds have been made available for performance of the Program Year requirement for the succeeding Program Year.

(c) Except for cancellation pursuant to this clause or for termination pursuant to the "Default" clause, any reduction by the Contracting Officer in the quantities called for under this contract shall be considered a termination in accordance with the "Termination for Convenience of the Government" clause of this contract.

(d) In the event of cancellation pursuant to this clause, the Contractor will be paid, as

consideration therefor, a cancellation charge not to exceed the cancellation ceiling described and separately set forth in the Schedule as being applicable at the time of cancellation.

(e) The cancellation charge is intended to cover only expenses incurred by the Prime Contractor or his subcontractor which would have been equitably amortized in the unit prices for the entire multiyear contract period, but which, because of the cancellation are not so amortized. The cancellation charge shall be computed and the claim therefor made as would be applicable under the "Termination for Convenience of the Government" clause of this contract. The claim may include reasonable startup and other nonrecurring costs such as plant or equipment relocation costs; the costs of special tooling and special equipment; allocable portions of the costs of facilities acquired or established for the conduct of the work, provided such costs have not been charged to the contract through overhead, or otherwise depreciated, and to the extent that it is impracticable for the Contractor to utilize such facilities in the conduct of his commercial work; costs incurred for the assembly training and transportation of a specialized work force to and from the job site; and costs not amortized by the level contract unit price solely because the cancellation had precluded anticipated benefits of Contractor or subcontractor learning. The claim shall not include any amount for:

(i) Labor, material, or other expenses incurred by the Contractor or its subcontractor for performance of the canceled work;

(ii) Any item of cost for which payment has already been made to the Contractor;

(iii) Anticipated profit on the canceled work;

(iv) The remaining useful commercial life of facilities. Useful commercial life, for this purpose, means the commercial utility of the facilities rather than the physical life thereof, with due consideration given to such factors as location of facilities, specialized nature thereof, and obsolescence.

Where options are otherwise authorized, multiyear contracts may include an appropriate "Option to Increase Quantities" clause in which the period for exercise of the option is limited to the date set forth in the contract schedule for notifying the contractor that funds are available for the requirements of the next succeeding program year. If such an option is included, the following paragraph (f) should be added to the clause set forth above.

(f) The Contractor agrees not to include in the price for option quantities any costs of a startup or nonrecurring nature, which costs have been fully provided for in the unit prices of the firm quantities of the Program Years, and further agrees that the prices offered for option quantities will reflect only those recurring costs, and a reasonable profit thereon, which are necessary to furnish the additional option quantities. Therefore, any quantities added to the original contract quantities through exercise of the Government option in the "Option to Increase Quantities" clause of this contract shall not be subtracted from what would otherwise be considered the quantity canceled for the purpose of computing allowable cancellation charges.

2. Sections 1.324–2(b) and 1.324–3 (a) and (b) are revised; new § 1.324–11 is added; in § 1.701–1(a)(2), subdivision (i) is revised; and in § 1.703(b), the introductory text of subparagraph (1) and subparagraph (5) are revised, as follows:

§ 1.324–2 Policy.

* * * * *

(b) Except as authorized in § 1.324–11, a warranty clause shall not be included in cost-reimbursement type contracts, since the warranty aspects of the clause "Inspection of Supplies and Correction of Defects" in § 7.203–5 of this chapter are sufficient to protect the interests of the Government.

* * * * *

§ 1.324–3 Use of warranty.

(a) Except for technical data warranties under § 1.324–11, the commercial warranty clauses covered in § 1.324–4, and warranties contained in Federal, military, or construction guide specifications, the decision to use a warranty clause, or to include a warranty provision in a specification other than a Federal, military, or construction guide specification, shall be made by the head of a procuring activity or his designee. This decision may be made either for individual procurements or for classes of procurements.

(b) In deciding whether to use a warranty clause, at least the following factors shall be considered:

(1) Nature of the item and its end use;

(2) Cost of the warranty and degree of price competition as it may affect this cost;

(3) Criticality of meeting specifications;

(4) Damages to the Government that might be expected to arise in the event of defective performance;

(5) Cost of correction or replacement, either by the contractor or another source, in the absence of a warranty;

(6) Administrative cost and difficulty of enforcing the warranty;

(7) Ability to take advantage of the warranty, as conditioned by storage time, distance of the using agency from the source, or other factors;

(8) Operation of the warranty as a deterrent against deficiencies;

(9) The extent to which Government acceptance is to be based upon contractor inspection or quality control;

(10) Whether because of the nature of the items the Government inspection system would not be likely to provide adequate protection without a warranty;

(11) Whether the contractor's present quality program is reliable enough to provide adequate protection without a warranty, or, if not, whether a warranty would cause the contractor to institute an effective and reliable quality program;

(12) Reliance on "brand-name" integrity;

(13) Whether a warranty is regularly given for a commercial component of a more complex end item;

(14) Criticality of item for protection of personnel or property, e.g., for safety inflight;

(15) The stage of development of the item and the state of the art; and

(16) Customary trade practices.

* * * * *

§ 1.324–11 Technical data warranty and extended liability provisions.

(a) The clause set forth in § 7.105–8 (a) of this chapter is authorized for use in contracts in which the contractor is required to deliver technical data. The factors contained in § 1.324–3(b) shall be considered in deciding whether to use the clause.

(b) The factors of § 1.324–3(b) should also be considered in determining whether the Extended Liability clause set forth in § 7.105–8(b) of this chapter should be added to the § 7.105–8(a) Data Warranty clause. Particular emphasis should be placed on whether the extended liability is justified by (1) the likelihood that correction or replacement of the nonconforming data, or a price adjustment in lieu thereof, will not afford adequate protection to the Government and (2) the effectiveness of the additional remedy as a deterrent against furnishing nonconforming data.

§ 1.701–1 Small business concern.

(a) * * *

(2) Industry small business size standards. * * *

(i) *Construction industries.* For construction, alteration, or repair (including painting and decorating), of buildings, bridges, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $7,500,000. For dredging, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $5 million. Also, in order to be eligible for a small business set-aside award on dredging contracts, the firms must perform the dredging of at least 40 percent of the yardage advertised in the plans and specifications with dredging equipment owned by the bidder or obtained from another small business dredging concern.

* * * * *

§ 1.703 Determination of status as small business concern.

* * * * *

(b) * * *

(1) *Protest of small business status.* Any bidder or offeror may, in connection with a contract involving a small business set-aside or otherwise involving small business preferential consideration, question the small business status of any apparently successful bidder or offeror by sending a written protest to the contracting officer responsible for the particular procurement. The protest shall contain the basis for the protest together with specific detailed evidence supporting the protestant's claim that such bidder or offeror is not a small business. Such protest must be received by the contracting officer prior to the close of business on the fifth working day exclusive of Saturday, Sunday, and Federal Legal Holidays (hereinafter referred to as working day) after bid opening date for formally advertised and small business restricted advertised procurements. In procurements requiring submission of proposals, the contracting officer shall, except under the circumstances specified in § 3.508–2(b) of this chapter, notify the apparently unsuccessful offerors in writing of the name and location of the apparently successful offeror(s) and establish a deadline date (at least five working days plus a reasonable time for the notice to reach the unsuccessful offerors) by which any size protest on the instant procurement must be received. A protest received after the appropriate time indicated herein shall be considered timely, if in the case of (i) a mailed protest, it is sent by registered or certified mail and the postmark thereon indicates that it would have been delivered within the time limit except for delays beyond the control of the protestant, or (ii) a telegraphic protest, the telegram date and time line indicates that it would have been delivered within the time limit except for delays beyond the control of the protestant. The following procedures shall apply:

* * * * *

(5) *Award of set-aside procurements.* Except as provided in § 3.508–1 of this chapter or when the contracting officer determines in writing that award must be made without delay to protect the public interest, award will not be made prior to 5 working days after (i) the bid opening date for procurements placed through small business restricted advertising, or (ii) the deadline date for submitting a protest set forth in the notification to the apparently unsuccessful offeror(s) for small business set-aside procurements placed through conventional negotiation.

* * * * *

3. In § 1.1503, new paragraphs (b)(5) and (c) are added; and § 1.1504 is revised, as follows:

§ 1.1503 Applicability.

* * * * *

(b) * * *

(5) The option quantities represent known firm requirements for which procurement funds are available unless (i) the basic quantity is a learning or testing quantity and there is some uncertainty as to contractor or equipment performance and hence multiyear procurement is not appropriate, and (ii) realistic competition for the option quantity is impracticable once the initial contract is awarded.

(c) When options are to be evaluated pursuant to § 1.1504(d), the total of the basic and option periods shall not exceed 5 years in the case of services, and the total of the basic and option quantities shall not exceed the requirements for 5 years in the case of supplies.

§ 1.1504 Procedures.

(a) When a contract is to contain an option clause, the solicitation must contain an appropriate option provision. If the contract is to be negotiated, the determination and findings shall set forth the approximate quantity to be awarded and the extent of the increase to be permitted by the option. The contract shall limit the additional quantities of supplies or services which may be procured, or the duration of the period for which performance of the contract may be extended, under the option and will fix the period within which the option may be exercised. This period shall be set so as to afford the contractor adequate notice of the requirement for performance under the option but with respect to service contracts may extend beyond the contract completion date when exercise of the option would obligate funds not available in the fiscal year in which the contract would otherwise be completed. In fixing the period within which the option may be exercised, consideration shall be given to (1) necessary lead time in order to assure continuous production and (2) the time required for additional funding and other necessary approval action. The period specified for exercising the option shall in all cases be kept to a minimum. When a solicitation contains an option which requires the offering of additional quantities of supplies at unit prices no higher than those for the initial quantities, it shall provide that the option quantities shall not exceed 50 percent of the initial quantity. When unusual circumstances exist, however, the head of the procuring activity or his designee may approve a greater percentage of quantity. The quantities and the period under option and the period during which the option may be exercised shall be justified and documented by the contracting officer in the contract file.

(b) Except as provided in paragraphs (c), (d), and (e) of this section, solicitations containing option provisions shall state that evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity.

(c) When it is anticipated that the Government may exercise the option at time of award, the solicitation shall include an Evaluation of Options provision substantially as follows:

EVALUATION OF OPTIONS

If the Government elects to exercise an option simultaneously with award, bids or proposals will be evaluated for purposes of award on the basis of the total price for the basic quantity and the option quantity exercised with award.

(d) In firm fixed price contracts, the option quantity may be considered in the evaluation for award if, before issuance of the solicitation, it has been determined at a level higher than the Contracting Officer that:

(1) There is a known requirement which exceeds the basic quantity to be awarded, but either (i) the basic quantity is a learning or testing quantity and there is some uncertainty as to contractor or equipment performance, and hence multiyear procurement (§ 1.322) is not appropriate, or (ii) due to the unavailability of funds, the option cannot be exercised at the time of award of the basic quantity: *Provided* That in this latter case there is reasonable certainty that funds will be available thereafter to permit exercise of the option; and

(2) Realistic competition for the option quantity is impracticable once the initial contract is awarded and hence it is in the best interests of the Government to evaluate options in order to eliminate the possibility of a "buy-in" (§ 1.311). This determination shall be based on factors such as, but not limited to, substantial startup or phase-in costs, superior technical ability resulting from performance of the initial contract, and long preproduction lead time for a new producer.

In such cases, the solicitation shall contain an Evaluation of Options provision substantially as follows:

EVALUATION OF OPTIONS

A. Bids and proposals will be evaluated for purposes of award by adding the total price for all option quantities to the total price for the basic quantity. Evaluation of options will not obligate the Government to exercise the option or options.

B. Any bid or proposal which is materially unbalanced as to prices for basic and option quantities may be rejected as nonresponsive. An unbalanced bid or proposal is one which is based on prices significantly less than cost for some work and prices which are significantly overstated for other work.

(e) In fixed price incentive contracts, options may be evaluated for award only if the solicitation (1) specifies a cost-sharing arrangement applicable to all proposals, and (2) specifies that the ceiling price and target profit for the basic and option quantities are to be based on stated percentages of the offeror's target cost. These percentages shall be set forth in the solicitation and shall be applicable to all proposals. In such cases, the Evaluation of Options provision set forth in paragraph (d) of this section shall be inserted in the solicitation except that the following shall be inserted between the first and second sentences of paragraph A:

The offeror's target cost for the basic and option quantities will be deemed to be the price of the basic and option quantities for purposes of evaluation.

(f) Solicitations which allow the offer of option quantities at unit prices which differ from the unit prices for the basic contract quantities shall also state that varying prices may be offered for the option quantities depending on the quantities actually ordered and the date or dates when ordered. However, if the solicitation contains an Evaluation of Options provision pursuant to paragraphs (c) and (d) of this section, it shall also specify the price at which the options will be evaluated (e.g., highest option price offered or option price for specified quantities or dates).

(g) Where exercise of the option would result in increased quantities of supplies, the option may be expressed in terms of (1) percentage of specific contract line items, (2) a number of additional units of specific contract line items, or (3) additional numbered line items identified as the option quantity with the same nomenclature as line items initially included in the contract. Where exercise of the option would result in an increase in the performance of services

by the contractor, the option may similarly be expressed in terms of percentages, increase in specific line items, or additional numbered line items, expressed in terms of the units of work initially used in the contract such as man hours, man years, square feet, pounds or tons handled. Where exercise of the option would result in an extension of duration of the contract, the option may be expressed in terms of an extended terminal date or of an additional time period, such as days, weeks, or months.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

4. New subparagraph (13) is added to § 2.201(c); §§ 2.303–2, 2.303–3, 2.303–4, and 2.303–6 are revised; and new § 2.306 is added, as follows:

§ 2.201 Preparation of invitation for bids.

(c) * * *

(xiii) The following notice shall be used in accordance with § 16.401–1 of this chapter:

LATE BIDS AND MODIFICATIONS OR WITHDRAWALS (DECEMBER 1968)

(a) Bids and modifications or withdrawals thereof received at the office designated in the invitation for bids after the exact time set for opening of bids will not be considered unless: (1) They are received before award is made; and either (2) they are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained and it is determined by the Government that the late receipt was due solely to delay in the mails for which the bidder was not responsible; or (3) if submitted by mail (or by telegram if authorized), it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; provided, that timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it. However, a modification which makes the terms of the otherwise successful bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Bidders using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late bid was timely mailed.

(c) The time of mailing of late bids submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (1) Where the Receipt for Certified Mail identifies the post office station of mailing, evidence furnished by the bidder which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (2) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the bid shall not be considered.

§ 2.303–2 Consideration for award.

A late bid shall be considered for award only if it is received before award and, (a) if submitted by mail, the circumstances outlined in § 2.303–3 are applicable; or (b) if submitted by telegram (where authorized), the circumstances set forth in § 2.303–4 are applicable.

§ 2.303–3 Mailed bids.

(a) *Circumstances permitting consideration for award of a late mailed bid.* A late mailed bid received before award may be considered for award only if:

(1) It was sent by registered mail or by certified mail for which an official dated post office stamp (postmark) on the original receipt for certified mail has been obtained, and it is determined that the lateness was due solely to a delay in the mails (based on evidence obtained pursuant to paragraphs (b), (c), and (d) of this section) for which the bidder was not responsible; or

(2) It was received at the Government installation in sufficient time to be received at the office designated in the invitation by the time set for opening and, except for delay due to mishandling on the part of the Government at the installation, would have been received on time at the office designated. The only evidence acceptable to establish timely receipt at the Government installation is that which can be established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt at such installation (if readily available) within the control of such installation or of the post office serving it.

(b) *Registered mail.* The time of mailing of a late bid mailed by registered mail may be determined by the date in the postmark on the registered mail receipt or registered mail wrapper. The time of mailing shall be deemed to be the last minute of the date shown in such postmark unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. Such evidence, if appropriately verified in writing by the post office station of mailing, may consist of an entry in ink on the registered mail receipt showing the time of mailing and the initials of the postal employee receiving the item and making the entry. If the postmark does not show a date, the bid shall be deemed to have been mailed too late unless the bidder furnishes evidence from the post office station of mailing which establishes timely mailing.

(c) *Certified mail.* The time of mailing of a late bid, mailed by certified mail for which a postmarked receipt for certified mail was obtained shall be deemed to be the last minute of the date shown in the postmark on such receipt, except where (1) the receipt for certified mail identifies the post office station of mailing and the bidder furnishes evidence from such station that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (2) an entry in ink on the receipt for certified mail, showing the time of mailing and the initials of the postal employee receiving the item and making the entry, is appropriately verified in writing by the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark does not show a date, the bid shall be deemed to have been mailed too late.

(d) *Delivery time.* Information concerning the normal time for mail delivery shall be obtained by the procuring activity from the postmaster, superintendent of mails, or a duly authorized representative for that purpose, of the post office serving that activity. When time permits, such information shall be obtained in writing.

§ 2.303–4 Telegraphic bids.

A late telegraphic bid received before award shall not be considered for award, regardless of the cause of the late receipt, including delays caused by the telegraph company, except for delays due to mishandling on the part of the Government in its transmittal to the office designated in the invitation for bids for the receipt of bids, as provided for bids submitted by mail (see § 2.303–3(a)(2)).

§ 2.303–6 Notification to late bidders.

(a) Where a late mailed bid is received and it is clear from available information that under § 2.303–2 such late bid cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his bid was received late and will not be considered (see also § 2.303–7). However, where a late bid is transmitted by registered mail and received before award but it is not clear from available information whether the bid can be considered, or in any case of a late bid transmitted by certified mail and received before award, the bidder shall be promptly notified substantially as follows:

Your bid in response to Invitation for Bids No. ------, dated ----------, was received after the time for opening specified in the Invitation. Accordingly, your bid will not be considered for award unless (1) there is received from you by ------ (date) ------, clear and convincing evidence from the post office station of mailing which establishes the date (and time, if possible) that the bid was deposited with that station, and (2) it is determined by the Government that the late receipt was due solely to a delay in the mail for which you are not responsible. In the case of certified mail, the original postmarked Receipt for Certified Mail must be furnished and is the only evidence acceptable under (1) above, except that, where the Receipt for Certified Mail identifies the post office station of mailing, evidence from such station of its closing time or written verification by such station of an approved time entry on the receipt are also acceptable.

(b) Where a late telegraphic bid is received and it is clear from available information that under § 2.303–2 such late bid cannot be considered, the contracting officer, or his authorized representative, shall promptly notify the bidder that his bid was received late and will not be considered (see also § 2.303–7).

§ 2.306 Late offers and modifications and withdrawals.

The following notice shall be used in accordance with § 16.101–1 of this chapter.

LATE OFFERS AND MODIFICATIONS OR WITHDRAWALS (DECEMBER 1968)

(This paragraph applies to all advertised solicitations. In the case of Department of Defense negotiated solicitations, it shall also apply to late offers and modifications (other than the normal revisions of offers by selected offerors during the usual conduct of negotiations with such offerors) but not to withdrawal of offers. Unless otherwise provided, this paragraph does not apply to negotiated solicitations issued by civilian agencies.)

(a) Offers and modifications of offers (or withdrawals thereof, if this solicitation is advertised) received at the office designated in the solicitation after the exact hour and date specified for receipt will not be considered unless: (1) They are received before award is made; and either (2) they are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained and it is determined by the Government that the late receipt was due solely to delay in the mails, for which the offeror was not responsible; or (3) if submitted by mail (or by telegram if authorized) it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an apropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it. However, a modification of an offer which makes the terms of an otherwise successful offer more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Offerors using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late offer was timely mailed.

(c) The time of mailing of late offers submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (1) Where the Receipt for Certified Mail identifies the post office station of mailing, evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (2) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the offer shall not be considered.

PART 3—PROCUREMENT BY NEGOTIATION

5. New paragraph (c) is added to § 3.409; §§ 3.410–2(a)(1), 3.501(b)(48), 3.506 (b) and (c), 3.508–2 and the introductory text of § 3.508–3 are revised to read as follows:

§ 3.409 Indefinite delivery type contracts.

* * * * *

(c) When it is desired to authorize the use of the fast pay procedure for orders not in excess of $2,500, the special data required by § 3.606–3(b) shall be included in the contract. The clause in § 3.606–3(b)(4) shall be modified for this purpose to refer to delivery orders and to the appropriate contract clause of the indefinite delivery type contract for the preparation of invoices.

§ 3.410–2 Basic ordering agreement.

(a) *Description.* (1) A basic ordering agreement is not a contract (but see §§ 12.302, 12.602–1, and 12.1001 of this chapter). It is an agreement which is similar to a basic agreement (see § 3.410–1) except that it also includes a description, as specific as practicable, of the supplies to be furnished or services to be performed when ordered and a description of the method for determination of the prices to be paid to the contractor for the supplies or services. Such method shall be consistent with the contract types authorized by this subpart. Either the specific terms and conditions of delivery or a description of the method for their determination shall be set forth in the basic ordering agreement. The basic ordering agreement shall list one or more activities which are authorized to issue orders under the agreement. Any activity so named may issue orders specifying the supplies or services required. Orders shall be issued on DD Form 1155 or Standard Form 26 and shall incorporate by reference the provisions of the basic ordering agreement. When it is desired to use the fast pay procedure for orders not in excess of $2,500, the special data required by § 3.606–3(b) shall be included in the basic ordering agreement. The clause in § 3.606–3(b)(4) shall be modified for this purpose to refer to orders and to the appropriate clause of the basic ordering agreement for the preparation of invoices.

* * * * *

§ 3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

(48) If the contract is for multiyear procurement, the provisions required by § 1.322–2(c) of this chapter;

* * * * *

§ 3.506 Late proposals and modifications.

* * * * *

(b) Written requests for proposals using other than Standard Form 33A shall contain the following provisions.

LATE PROPOSALS (DECEMBER 1968)

(a) Proposals and modifications received at the office designated in the request for proposals after the close of business on the date set for receipt thereof (or after the time set for receipt if a particular time is specified) will not be considered unless:

(i) They are received before award is made; and either

(ii) They are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained and it is determined by the Government that the late receipt was due solely to delay in the mails, for which the offeror was not responsible; or

(iii) If submitted by mail (or by telegram, if authorized) it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; provided, that timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it. However, a modification of an offer which makes the terms of the otherwise successful offer more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Offerors using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late proposal was timely mailed.

(c) The time of mailing of late proposals submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (1) Where the Receipt for Certified Mail identifies the post office station of mailing evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (11) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the offer shall not be considered.

(c) Telegraphic proposals shall not be considered late proposals if they meet the requirements of § 2.302 of this chapter. Proposals which are received in the office designated in the requests for proposals after the time specified for their submission are "Late Proposals." (Unless a specific time for receipt of proposals is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals.) Late proposals shall not be considered for award, except under the following circumstances:

(1) Where only one proposal is received;

(2) Where the Secretary concerned determines that consideration of a late proposal is of extreme importance to the Government, as for example where it offers some important technical or scientific breakthrough; or

(3) Under the circumstances set forth in § 2.303 permitting consideration of late bids if proven to have been timely mailed or timely filed with the telegraph company.

To determine whether subparagraph (2) of this paragraph applies, notwithstanding § 2.303–7 of this chapter, all late proposals shall be opened and evaluated.

* * * * *

§ 3.508–2 Preaward notice of unacceptable offers.

(a) In any procurement in excess of $10,000 in which it apears that the period of evaluation of proposals is likely to exceed 30 days or in which a limited number of suppliers have been selected for additional negotiation (see § 3.805–1), the contracting officer, upon determination that a proposal is unacceptable, shall provide prompt notice of that fact to the source submitting the proposal. Such notice need not be given where the proposed contract is to be awarded within a few days and notice pursuant to § 3.508–3 would suffice. In addition to stating that the proposal has been determined unacceptable, notice to the offeror shall indicate, in general terms, the basis for such determination and shall advise that, since further negotiation with him concerning this procurement is not contemplated, a revision of his proposal will not be considered.

(b) In any procurement involving a small business set-aside to be placed through conventional negotiation, upon final completion of negotiations and determinations of responsibility but prior to award, the contracting officer shall inform each unsuccessful offeror by written notice of the name and location of the apparently successful offeror(s). Each apparently unsuccessful offeror should be advised that any subsequent revisions of his proposal will not be considered, since no further negotiations are contemplated, and no further contact with the contracting officer need be made regarding the instant procurement unless the unsuccessful offeror has grounds to challenge the small business size status of the apparently successful offeror(s). This notification procedure shall not apply to procurements exempt by § 3.508–1 or to any urgent procurement action which the contracting officer determines in writing must be awarded without delay to protect the public interest. The contracting officer's determination shall be placed in the contract file.

§ 3.508–3 Postaward notice of offerors.

(a) Promptly after making all awards in any procurement in excess of $10,000, the contracting officer shall give written notice to the unsuccessful offerors that their proposals were not accepted, except that such notice need not be given where notice has been provided pursuant to § 3.508–2(a). Such notice shall include:

* * * * *

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

6. Section 4.503–3 is revised to read as follows:

§ 4.503–3 Step two—information to Commodity Credit Corporation.

(a) *General.* If the proposed procurement initially appears to be susceptible to barter, the information contained in the sample message in paragraph (b) of this section shall be cabled to the Commodity Credit Corporation prior to issuance of solicitations. Such cable and other communications to the Commodity Credit Corporation concerning barter, shall be addressed to:

Assistant Sales Manager, Barter, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The AUTODIN–ARS routing "RUEVDFL" should be used on all wire communications addressed to this office.

Telex number for the above is: 089–661. Answer back code is: AGREFAS.

(b) *Sample cable.*

FSC Group	FSC Class	Title of schedule	Remarks
25		VEHICULAR EQUIPMENT AND COMPONENTS	No exceptions.
	2520	Clutch facings (metallic)	
	2530	Brake linings (metallic)	
	2540	Tire chains	
26		TIRES AND TUBES, PART II	
	2610	Pneumatic tires and tubes, except aircraft	Not mandatory for military tires.
	2640	Valves and valve cores	
26		TIRES AND TUBES, PART IV	No exceptions.
	2630	Tires, solid and cushion	
29		ENGINE ACCESSORIES	Not mandatory on spark plugs for diesel, semidiesel, aircraft, and marine engines; and oil filter elements, and engine preheaters.
	2920	Spark plugs, suppressed and non-suppressed	
	2940	Oil filters and oil filter elements	
	2990	Engine preheaters	
35		SERVICE AND TRADE EQUIPMENT	No exceptions.
	3590	Heat and cold process laminating presses	
36		SPECIAL INDUSTRY MACHINES, PART I	No exceptions.
	3610	Rubber offset blankets, lithographic printing plates and solutions.	
36		PRINTING, DUPLICATING AND BOOKBINDING EQUIPMENT, PART II, SECTIONS A, B, AND C	Not mandatory for the following items: 51-1 through 51-54, 51-125, 51-125-1, 51-126, and 51-127 in section A and all items in section C.
	3610	Machines: Printing, duplicating, folding, paper drilling, and bookbinding.	
36	3615	Machines: Pulp pulverizing and paper shredding	Not mandatory for rental, repair, and maintenance of machines in section B.
36	3695	SAWS, CHAIN, PORTABLE, POWER, PART III	No exceptions.
41	4120	AIR CONDITIONERS, WINDOW AND FLOOR MOUNTED, PART I	No exceptions.
41	4130	AIR FILTER MEDIA	No exceptions.
42		FIREFIGHTING EQUIPMENT, PART I	Not mandatory for items listed in paragraph 1, scope of contract, special provisions, Federal supply schedule.
45		MISCELLANEOUS PLUMBING, HEATING, AND SANITATION EQUIPMENT, PART II	No exceptions.
	4540	Incinerators security (document destruction)	
	6685	Replacement pyrometers	
51		HAND AND POWER TOOLS	No exceptions for items in FSCs 5120 and 5130.
	5120	Hand tools, nonpowered	
	5130	Hand tools, powered NOTE: This schedule also includes certain items in FSCs 3220, 3416, 3615, 4910, 4940, 6140, 3413, 3433, 3750, 4930, and 6130.	

Have requirements appearing susceptible to barter. 1. Description ____. 2. Proposals will be requested in the following countries ____. 3. Estimated total dollar value ____. 4. Performance period: (Date) to (date). 5. No requirement exists for restriction to U.S. end products, services or sources. Advise ASAP whether susceptible to barter.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

7. Section 5.102–3 is revised to read as follows:

§ 5.102–3 Applicability of listed Federal Supply Schedules.

Supplies and service covered by the Federal Supply Schedules listed herein are mandatory in whole or in part upon some element of the Department of Defense. Some of the Federal Supply Schedules listed include classes unrelated to the Federal Supply Group which identifies the Schedule. To aid in locating an item in the mandatory Schedules, the classes included in each Schedule have been listed. The Remarks column states exceptions to the mandatory provisions of the Schedule when applicable. The Schedules should be checked for complete detail concerning the exceptions.

(a) *Mandatory nationally.*

FSC Group	FSC Class	Title of schedule	Remarks
67		PHOTOGRAPHIC EQUIPMENT, PART II, SECTION A	Mandatory on DoD only for items for which GSA has assumed the responsibility for supply support. A list of such items is included in the schedule under paragraph 1(c) of special provisions entitled "Scope of Contract."
	6750	Photographic sensitized and chemical supplies (items for paper, photographic photocopying machines).	
67		PHOTOGRAPHIC EQUIPMENT, PART III	Mandatory only for Item 20.70 etc., prompter projectors, professional television-studio type.
	6710	Cameras, motion picture	
	6720	Cameras, still picture, and accessories	
	6730	Photographic projection equipment	
	6740	Photographic developing and finishing equipment.	
	6750	Photographic supplies	
	6760	Photographic equipment and accessories	
	6780	Photographic sets, kits, and outfits	
67		PHOTOGRAPHIC EQUIPMENT, PART IV, SECTION A (ADVERTISED ITEMS)	No exceptions.
	6750	Film, direct positive (Diazo type)	
67		PHOTOGRAPHIC EQUIPMENT, PART IV, SECTION B (NEGOTIATED ITEMS)	Mandatory except for Items 21-10; 21-11; 21-12; (intermediate film description to current Thomas register microfilm) film library and microfilmed library systems).
	6720	Microfilm cameras	
	6780	Microfilm projectors, readers and viewers	
	6740	Microfilm and paper processing machines; printers, rewinds; and film splicers.	
	6750	Microfilm and supplies; developing solution	
	6760	Microfilm spools, reels and cartons	
	7830	Microfilm print paper	
	7870	Microfilmed library systems	
68		CHEMICALS AND GASES, PART III, SECTIONS E AND F	No exceptions.
	6830	Refrigerant gases and sulphur hexafluoride	
68		CHEMICALS AND GASES, PART III, SECTION G	No exceptions.
	6830	Helium	
68		CHEMICALS AND GASES, PART III, SECTION H	No exceptions.
	6830	Dibromodifluoromethane	
71		HOUSEHOLD FURNITURE, PART I	No exceptions.
	7105	Bed springs, Doily, Danish style, Early American style, tailed style.	
71		HOUSEHOLD FURNITURE, PART II, SECTION A	No exceptions.
	7105	Upholstered living room furniture, contemporary, conventional, Lawson, Modern, Traditional; miscellaneous chairs.	
71		HOUSEHOLD FURNITURE, PART II, SECTION B	No exceptions.
	7105	Multiple seating units, modular, wood or metal	
71		HOUSEHOLD FURNITURE, PART III, SECTIONS A AND B	No exceptions.
	7105	Modern, provincial and traditional bedroom, dining room, living room furniture and miscellaneous chairs and tables.	
71		HOUSEHOLD FURNITURE, PART IV	No exceptions.
	7105	Rattan furniture, bedroom, dining room, living room and recreation room. Squared stock rattan furniture; bedroom, dining room, living room and recreation room.	
52	6210	MEASURING TAPES	No exceptions.
53		LEAD SEALS AND BINDER STRAPS, PART II	No exceptions.
	5340	Hardware	
53		ABRASIVES, PART III	No exceptions.
	5345	Abrasive belts, disks, and stones	
	5360	Abrasive cloth, grain and paper	
56		SOUND RECORDING AND TRANSCRIPTION SERVICES, PART I	Not mandatory when satisfactory security arrangements for handling classified material cannot be made in accordance with requirements under paragraph 13 of the special provisions, Federal supply schedule and on instantaneous recordunc; recording of one tape only, or multiple duplication.
	8835	Studio rental, tape, recording, recording and editing; disc recording and pressing.	
58		COMMUNICATION EQUIPMENT, PART III, SECTION A (ADVERTISED ITEMS)	No exceptions, except not mandatory on DoD for language laboratory type intercommunications sets.
		NOTE: Also, includes items of foreign origin.	
	6830	Intercommunication sets (language laboratory type).	
	8835	Sound recording and reproducing equipment.	
58		COMMUNICATION EQUIPMENT, PART III, SECTION B, (NEGOTIATED ITEMS)	No exceptions, except not mandatory for rental repair, and maintenance.
	8835	Sound recording and reproducing equipment; purchase, rental, repair, and maintenance; recorder-reproducer sets, sound; and reproducers, sound, office type.	
58		COMMUNICATION EQUIPMENT, PART V	Mandatory only for sound recording tape.
	5820	Video tape	
	5835	Tapes—Instrumentation, high resolution and Sound recording.	
	7440	Electronic data processing tape (widths other than ½ inch).	
58		COMMUNICATION EQUIPMENT, PART V, SECTION A	No exceptions.
	7440	Tape, electronic data processing, ½ inch 800 BPI.	
58		COMMUNICATION EQUIPMENT, PART V, SECTION B	No exceptions.
	8835	Reels and hubs	
61		DRY BATTERIES, PART III	No exceptions.
	6135	Batteries and dry cells for: Alarm systems, emergency lighting, flashlights and lanterns, telephone circuits and radio tubes.	
62		LIGHTING FIXTURES AND LAMPS, PART I	Not mandatory on Army or Air Force for items covered by Army or military specifications.
	6230	Household and quarters lamps	
62		ELECTRIC LAMPS, PART II	Not mandatory for Type II light sets—Items 180-5 and 180-6.
	6230	Light sets, general illumination, emergency and auxiliary.	
62 & 67		ELECTRIC AND PHOTOGRAPHIC LAMPS	No exceptions.
	6240 6750	Fluorescent lamps, glow lamps, incandescent lamps, mercury vapor high-intensity lamps, photographic lamps.	
66		INSTRUMENTS AND LABORATORY EQUIPMENT, PART III	No exceptions.
	6645	Time measuring instruments and card racks	

FSC Group	Class	Title of schedule	Remarks
71	....	OFFICE FURNITURE (WOOD AND METAL), PART V	No exceptions.
	5340	Parts for folding chairs	
	7105	Ash receptacles, folding chairs, mirrors, wardrobes.	
	7110	Office furniture	
	7125	Drawer kits, storage, small parts	
	7195	Bulletin boards	
71	....	EXECUTIVE TYPE OFFICE FURNITURE, PART VI	No exceptions.
	7110	Bookcases; cabinets; chairs; credenzas; desks; telephone cabinets; typewriter stands.	
	7195	Costumers	
71	..	HOUSEHOLD FURNITURE, PART VII	No exceptions.
	7105/ 7110	Metal, indoor-outdoor, hospital and quarters, recreation room and lobby use.	
71	....	OFFICE FURNITURE, PART VIII	No exceptions.
	7110	Unitized wood office furniture and companion chairs.	
71	....	OFFICE FURNITURE, PART VIII, SUPPLEMENT 1, SECTIONS A AND B	No exceptions.
	7105/ 7110	Section A—Traditional office furniture	
		Section B—Modern office furniture	
71	....	OFFICE FURNITURE, PART IX	No exceptions.
	7110	Accessories for EAM and ADP systems, address plate cabinets, key punch cabinets.	
71	....	CLASSROOM FURNITURE, PART X	No exceptions.
	7110	Chairs; chair and desk units; desks; tables	
71	....	OFFICE FURNITURE, PART XI	No exceptions.
	7110	Security filing cabinets, insulated and noninsulated.	
71	....	OFFICE FURNITURE, PART XI, SUPPLEMENT 1	No exceptions.
	7110	Vault doors, security steel	
71	....	OFFICE FURNITURE, EXECUTIVE, WOOD AND METAL, PART XII	No exceptions.
	7110	Bookcases; telephone cabinets; chairs; credenzas; desks; desk attachments.	
71	....	LIBRARY FURNITURE, WOOD AND METAL, PART XIII	No exceptions.
	7195	Bookcases; bookstacks; book trucks; cabinets; chairs; desks; end panels; racks; settees and chairs; stands; stools; tables.	
71	....	MISCELLANEOUS FURNITURE AND FIXTURES	No exceptions.
	7195	Workbenches and shop desks	
72	....	HOUSEHOLD FURNISHINGS, PART I, SECTIONS A AND B	Not mandatory on DoD for deck covering, items required aboard vessels, and wall-to-wall carpeting.
	7220	Bituminous coverings; carpets and rugs; carpet cushions; desk covering; floor mats; linoleum; matting; special purpose carpeting; tile; vinyl sheets.	
72	....	HOUSEHOLD FURNISHINGS, PART I, SECTION C	No exceptions.
	7220	Special purpose carpet type floor matting	
72	....	HOUSEHOLD WINDOW FURNISHINGS, PART II	Mandatory for window shades only.
	7230	Window shades	
73	....	FOOD PREPARATION AND SERVING EQUIPMENT	Mandatory for glassware only.
	7350	Glassware: stemware and tumbler	
74	....	OFFICE MACHINES, PART I, SECTIONS A, B AND C	Mandatory for all items in section A; optional for items in sections B and C.
	7430	Section A—Office-type composing machines and typewriters (on July 1, 1968, portable typewriters were transferred from this schedule to stores stock). Section B—Rental, repair, and maintenance of composing machines and electric typewriters. Section C—Exchange allowance on typewriters and composing machines.	
74		OFFICE MACHINES OTHER THAN TYPEWRITERS, PARTS II AND III	Mandatory for all items in Part III only.
	7420	Accounting and calculating machines	
	7450	Office type sound recording and reproducing machines.	
	7490	Miscellaneous office machines—(on July 1, 1968, embossing machine identification tape, FSN 7490-835-0443 was transferred from this schedule to stores stock).	
74		OFFICE MACHINES, PART IV, SECTIONS A AND B	Mandatory for all items in section A only.
	7460	Visible record equipment: Files, frames, racks, and trays.	
74		DATA PROCESSING EQUIPMENT, PART VI, SECTIONS A THROUGH F	No exceptions.
	7410	Punched card machine equipment	
	7440	Automatic data processing equipment	
75		OFFICE SUPPLIES, PART I, SECTION A	No exceptions.
	7510	Office supplies	
	7690	Tape label markings	
75		OFFICE SUPPLIES, PART I, SECTION B	No exceptions.
	7520	Office devices and accessories	
	7530	Stencil, paper	
	8110	Tubes, mailing	
	8115	Boxes, set-up	
	8135	Tape, pressure sensitive, plastic back and tags, merchandise.	
	9310	Cardboard bristol	
75	....	OFFICE SUPPLIES, PART I, SECTION C	No exceptions.
	7530	Filing systems; stationery paper; graph, drawing and tracing; cross section, carbon, overlay and waterproof paper; paper board; binder indexes; pressboard folders; labels; plotting sheets; and plastic sheets.	
75	..	OFFICE SUPPLIES, PART IV	No exceptions.
	7520	Rubber stamps	
75		OFFICE SUPPLIES, PART V	No exceptions; however, plain envelopes for use in the District of Columbia shall be procured from GPO in accordance with title 44, U.S.C., section 225.
	7530	Envelopes, printed and plain	
76	..	BOOKS, DICTIONARIES AND OTHER PUBLICATIONS, PART I	No exceptions.
	7610	Books and pamphlets	
	7640	Maps, atlases, charts, and globes	
76	....	LAW BOOKS AND TAX AND OTHER REGULATORY REPORTING PERIODICALS, PART II	No exceptions.
	7610	Law books	
	7630	Tax and other regulatory reporting periodicals	
77	7740	PHONOGRAPH RECORDS	No exceptions.
78/84	....	RECREATION AND ATHLETIC EQUIPMENT, PART I/ ATHLETIC FOOTWEAR AND CLOTHING, PART I	Mandatory for items in Classes 7810 and 7820.
	7810		

FSC Group	Class	Title of schedule	Remarks
78/84	7820 8415 8430		
79		CLEANING EQUIPMENT AND SUPPLIES	No exceptions.
	7910	Vacuum cleaners, parts and attachments; floor polishing and scrubbing machines, parts and attachments; steel wool floor polishing pads; floor polishing and scrubbing brushes.	
81	....	PACKAGING AND PACKING BULK MATERIALS, PART II, SECTIONS I AND II	No exceptions.
	8135	Section I: Steel strapping flat; seals, steel strapping and edge protectors. Section II: Strapping, nonmetallic, flat, cord and synthetic plastic; seals for nonmetallic strapping; buckles for nonmetallic strapping.	
91	....	SERVICE STATION DELIVERIES, GASOLINE AND RELATED PRODUCTS AND SERVICES, PART III	No exceptions.
	9130	Gasoline	
	9140	Fuel oil (diesel) and kerosene	
	9150	Oils and greases, cutting, lubricating and hydraulic.	

(b) *Mandatory in Washington, D.C., and Contiguous Area.*

FSC Group	Class	Title of schedule	Remarks
42	....	FIREFIGHTING EQUIPMENT, PART I	Not mandatory for those items indicated below; any items of fire hose or Items 55-1 through 55-6, 55-9, 55-10, 55-12, 4210-251-7906; 4210-595-1762; 4210-720-1815; 4210-789-1845; 4210-889-2299; 4210-973-1865.
	4210	Fire extinguishers, extinguishing agents (dry chemicals), extinguishing charges, and repair parts and accessories.	
66	....	INSTRUMENTS AND LABORATORY EQUIPMENT, PART II, SECTION B	Mandatory except for supplies procured through Defense Personnel Support Center and Repair Parts.
	6640	Laboratory equipment and supplies	
	8125	Prescription bottles	
66	....	INSTRUMENTS AND LABORATORY EQUIPMENT, PART II, SECTION C	Mandatory except for supplies procured through Defense Personnel Support Center and Repair Parts.
	6625	pH Meters	
	6640	Centrifuges, microtomes, stirrers and shakers	
	6650	Microscopes	
66	....	INSTRUMENTS AND LABORATORY EQUIPMENT, PART II, SECTION D	Mandatory except for supplies procured through Defense Personnel Support Center and Repair Parts.
	6685	Film, X-Ray, industrial, radiographic	
66	....	INSTRUMENTS AND LABORATORY EQUIPMENT, PART II, SECTION E	Mandatory except for supplies procured through Defense Personnel Support Center and Repair Parts.
	6670	Balances, analytical and scales, laboratory precision	
66	....	INSTRUMENTS AND LABORATORY EQUIPMENT, PART II, SECTION F	Mandatory except for supplies procured through Defense Personnel Support Center and Repair Parts.
	6625	Analyzers, spectrum; counters, electronic frequency; generators, electronic; voltmeters, digital; voltmeters, electronic.	
66	....	INSTRUMENTS AND LABORATORY EQUIPMENT, PART II, SECTION G	Mandatory except for supplies procured through Defense Personnel Support Center and Repair Parts.
	6625	Charts, recording; pens and styli; oscilloscopes; oscillographs; recorders, analog (graphic).	
66	....	INSTRUMENTS AND LABORATORY EQUIPMENT, PART II, SECTION H	Mandatory except for supplies procured through Defense Personnel Support Center and Repair Parts.
	6630	Chromatographs; clinical analyzers; pipetting dilutors; blood cell counters.	
	6640	Fermentation apparatus; bacteriological incubator; tissue processors; laboratory graphite and carbon products.	
	6650	Flame Photometers and Spectrophotometers.	
66	....	INSTRUMENTS AND LABORATORY EQUIPMENT, PART II, SECTION I	Mandatory except for supplies procured through Defense Personnel Support Center and Repair Parts.
	6625	Bridges, laboratory and portable; multimeters; and potentiometers.	
67	....	PHOTOGRAPHIC EQUIPMENT, PART II, SECTION B.	Mandatory for Items 19-1, 19-2, and 19-6 only.
	6750	Photographic sensitized and chemical supplies.	
68	..	CHEMICAL AND CHEMICAL PRODUCTS, PART III, SECTIONS A, B, AND C	Items in section A mandatory except for supplies procured through Defense Personnel Support Center.
	6830	Gases: Compressed and liquefied (includes certain Items in FSC 6505)	
72	....	HOUSEHOLD WINDOW FURNISHINGS, PART II	No exceptions.
	7230	Window shades	
87	....	AGRICULTURE SUPPLIES, PART I	No exceptions.
	8710	Forage and Feed	
87	....	AGRICULTURE SUPPLIES, PART II	No exceptions, including Department of Navy U.S. Naval Air Test Center, Patuxent, Md.
	8730	Seed	
89	....	SUBSISTENCE, PART II	No exceptions.
	8920	Bread and Rolls	
	8940	Syrup	
	8950	Yeast	
89	....	SUBSISTENCE, PART III	No exceptions.
	8960	Ice	
(1)	....	SWEEPING CLOTH AND WIPING CLOTH SERVICE	No exceptions.
	7213	(Rentals) (Formerly Industrial Group 103, Part IV).	
68	....	CHEMICALS AND CHEMICAL PRODUCTS, PART III, SECTIONS A, B, C, AND D	Mandatory on DoD activities located within the specified GSA Geographical Area other than Region 3 except for items procured through Defense Personnel Support Center.
	6505	Medical Gases	
	6830	Industrial gases: Compressed and liquefied	

[1] Industrial Group 721.

PART 6—FOREIGN PURCHASES

8. Section 6.103–2 (b) and (e) is revised; new § 6.103–7 and paragraph (h) in § 6.303 are added; the introductory text of § 6.306 is revised; and §§ 6.805–2 (a)(11), (b), (c), and (d)(3), and 6.806–1(b)(1) are revised, as follows:

§ 6.103–2 Nonavailability in the United States.

* * * * *

(b) Notwithstanding the foregoing, procurement of foreign end products on the basis of "nonavailability," whether or not listed in § 6.105, shall be made only if the procurement is approved by:

(1) The Secretary of the Department concerned if the procurement is estimated to exceed $100,000;

(2) The head of the procuring activity or his immediate deputy, if the amount is estimated not to exceed $100,000; or

(3) The principal staff officer responsible for procurement within the procuring activity (or, in the Air Force, within the major air command) concerned, if the amount involved is estimated not to exceed $10,000.

Before granting such approval, or making such determination, the feasibility of foregoing the requirement or providing a U.S. substitute shall be consdered.

* * * * *

(e) *Commissary resale.* See § 6.103–7.

§ 6.103–7 Commissary resale.

The provisions of the Buy American Act do not apply to supplies purchased specifically for commissary resale. Accordingly, notwithstanding § 6.103–2(b), approvals are not required for purchases for resale in domestic commissaries of brand-name subsistence items of foreign origin for which there are no substitutes of U.S. origin. All purchases of such brand-name subsistence items of foreign origin shall be made from domestic concerns. The commissary officer is responsible for the exercise of judgement as to whether domestic items which may be available on the U.S. market are acceptable substitutes for brand-name subsistence items of foreign origin. Nonbrand-name subsistence items of foreign origin and nonsubsistence items of foreign origin purchased for resale in domestic commissaries, although not subject to the Buy American Act restrictions, are subject to approval in accordance with § 6.103–2(b) ("Gold Flow Procedures").

§ 6.303 Exceptions.

* * * * *

(h) Supplies purchased specifically for commissary resale (see § 6.103–7).

§ 6.306 Acquisition of foreign buses.

Section 404 of the Act of September 20, 1968 (Public Law 90–500), the Department of Defense Appropriation Authorization Act for Fiscal year 1969, provides that:

> No funds authorized for appropriation for the use of the Armed Forces of the United States under the provisions of this Act or the provisions of any other law shall be available for the purchase, lease, rental, or other acquisition of multipassenger motor vehicles (buses) other than multipassenger motor vehicles (buses) manufactured in the United States, except as may be authorized by regulations promulgated by the Secretary of Defense solely to insure that compliance with this prohibition will not result in either an uneconomical procurement action or one which would adversely affect the national interests of the United States.

The objective of this statutory provision is to assure that only buses manufactured in the United States shall be used to satisfy requirements of U.S. Armed Forces located throughout the world for bus transportation, where such buses are available and where their use would not be uneconomical or contrary to the national interests of the United States. It should be applied whether the buses are purchased, leased, rented, or made available under contracts for transportation services. The use of foreign manufactured buses is authorized where the head of the procuring activity determines that the use of U.S. manufactured buses would be uneconomical or would adversely effect the national interests of the United States. However, foreign buses may be acquired without such determination in the following circumstances:

* * * * *

§ 6.805–2 Procurement limitations.

(a) * * *

(11) Unreasonable cost—procurements, other than those covered in subparagraphs (1) through (10) of this paragraph, where United States end products or services are available, the domestic cost is not estimated to exceed $10,000, and the difference between the domestic cost and the foreign cost is determined to be so large as to make procurement of foreign end products and services clearly desirable. Such determinations shall be made by the individuals designated in paragraph (b) of this section. (Where the domestic cost is estimated to exceed $10,000, and the difference between the domestic cost and the foreign cost exceeds 50 percent of the foreign cost, the matter will be forwarded to the Secretary of the Department concerned for determination.)

* * * * *

(b) The individuals listed below, and the immediate deputies of those listed in subparagraph (1) of this paragraph, are designated to make the determinations required by paragraph (a) (5) and (11) of this section.

(1) Procurements estimated not to exceed $1 million in foreign cost, except that this authority may be redelegated to other individuals specifically designated for this purpose for procurements estimated not to exceed $10,000:

(i) Department of the Army—

(*a*) Commanding General, U.S. Theater Army Support Command, Europe;

(*b*) Commander in Chief, U.S. Army, Pacific, and ACofS, G–4, U.S. Army Pacific;

(*c*) Commanding General, U.S. Army Forces, Southern Command;

(*d*) Chief, U.S. Army Security Agency;

(*e*) Chief of Engineers;

(ii) Department of the Navy—

(*a*) Commander-in-Chief, U.S. Naval Forces, Europe;

(*b*) Commander, U.S. Naval Forces, Japan;

(*c*) Commander, U.S. Naval Forces, Philippines;

(*d*) Chief of Naval Material;

(*e*) Commander-in-Chief, U.S. Atlantic Fleet;

(*f*) Commander, Service Force, Pacific Fleet;

(*g*) Commander, Military Sea Transportation Service (MSTS);

(*h*) Commandant, U.S. Marine Corps;

(*i*) Commander, Naval Facilities Engineering Command;

(iii) Department of the Air Force—

(*a*) Commander, U.S. Air Forces in Europe;

(*b*) Commander, USAF Southern Command;

(*c*) Commander, Pacific Air Force;

(*d*) Commander, Military Airlift Command (MAC);

(*e*) Commander, Air Force Logistics Command;

(*f*) Commander, Air Force Systems Command;

(*g*) Commander, Strategic Air Command;

(*h*) Commander, Tactical Air Command;

(*i*) Commander, Aerospace Defense Command;

(iv) Defense Supply Agency—Executive Director, Procurement and Production;

(v) Defense Communications Agency—Director.

(2) Procurements estimated to exceed $1 million but not $3 million in foreign cost—Secretary of the Department concerned.

(3) Procurements estimated to exceed $3 million in foreign cost—Assistant Secretary of Defense (Installations and Logistics).

(c) Procurements of scientific and technical knowledge resulting in expenditures outside the United States and Canada shall be made only in the following cases:

(1) Those set forth in paragraphs (a) (1), (2), (3), and (9) of this section;

(2) When it is determined in advance, by the individuals designated in paragraph (d) of this section, that the requirement can only be filled by foreign end products or services and that it is not feasible to forego filling the requirement or to provide a U.S. substitute for it; and

(3) Procurements other than those covered in subparagraphs (1) and (2) of this paragraph when U.S. end products or services are available, the domestic cost is not estimated to exceed $10,000, and the difference between the domestic cost and the foreign cost is determined by the individuals designated in paragraph (d) of this section to be so large as to make procurement of foreign end products and services clearly desirable. (Where the domestic cost is estimated to exceed $10,000, and the difference between the domestic cost and the foreign cost exceeds 50 percent of the foreign cost, the matter will be forwarded to the Director of Defense Research and Engineering for determination.)

Whenever practicable, such procurements shall be made on a cost sharing basis or other arrangement designed to limit any adverse effect on the balance of payments. Policy questions concerning such arrangements should be directed to the Principal Deputy of the Office of the Director of Defense Research and Engineering.

(d) * * *

(3) Procurements estimated to exceed $3 million in foreign cost—Director of Defense Research and Engineering.

* * * * *

§ 6.806–1 Restricted solicitation.

* * * * *

(b) * * *

(1) If the domestic cost is in excess of $10,000, forward the matter to the Secretary of the Department concerned for a determination; or

* * * * *

PART 7—CONTRACT CLAUSES

9. New paragraph (j) is added to § 7.104–9; new §§ 7.105–8, 7.204–19, and 7.205–7 are added; §§ 7.304–8 and 7.304–9 are revised; and new §§ 7.304–10 and 7.304–11 are added, as follows:

§ 7.104–9 Rights in data.

* * * * *

(j) *Identification of experimental, developmental or research work.* In accordance with § 9.203(f) of this chapter, to prevent any misinterpretation of the scope of the rights in data provisions of the contract, the following schedule provision may be included in contracts which, in whole or in part, call for experimental developmental or research work as an element of performance.

CONTRACT SCHEDULE ITEMS REQUIRING EXPERIMENTAL, DEVELOPMENTAL OR RESEARCH WORK (AUGUST 1969)

For purposes of defining, pursuant to Clause ------, entitled "Rights in Technical Data," the nature of the work and the scope of rights in data granted to the Government it is understood and agreed that items (list applicable schedule line items or subline items or data exhibit numbers) require the performance of experimental, developmental, or research work. This clause does not constitute a determination as to whether or not any data required to be delivered under this contract falls within the definition of limited rights data.

§ 7.105–8 Technical data warranty.

(a) In accordance with § 1.324–11(a) of this chapter, the following clause may be inserted.

WARRANTY OF TECHNICAL DATA (AUGUST 1969)

(a) Technical data, as used in this clause, refers to recorded information required to be delivered under this contract used to define a design and to produce, support, maintain, or operate items of defense materiel. These data may be recorded as graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design-type documents; in machine forms such as punched cards, magnetic tape, computer memory printouts; or may be retained in computer memory. Examples of recorded information include engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. For purposes of this clause, research and engineering data are included but financial and administrative data are excluded.

(b) Notwithstanding inspection and acceptance by the Government of technical data furnished under this contract and notwithstanding any provision of this contract concerning the conclusiveness thereof, the Contractor warrants that all technical data delivered under this contract will at the time of delivery conform with the specifications and all other requirements of this contract. The warranty period shall extend for 3 years after completion of the delivery of the line item of data (as identified in DD Form 1423) of which the data forms a part; or any longer period specified in the contract.

(c) The Contractor agrees to notify the Contracting Officer in writing immediately of any breach of the above warranty which the Contractor discovers within the warranty period.

(d) The following remedies shall apply to all breaches of the above warranty provided that the Government notifies the Contractor of the breach in writing within the warranty period.

(1) Within a reasonable time after the Contracting Officer notifies the Contractor of a breach of warranty, he may:

(i) By written notice, direct the Contractor to correct or replace the nonconforming technical data promptly; or

(ii) If he determines that the Government no longer has a requirement for correction or replacement of the data, or that the data can be more reasonably corrected by the Government, inform the Contractor by written notice that the Government elects a price or fee adjustment in lieu of correction or replacement.

(2) If the Contractor refuses or fails to comply with a direction under (1)(i) above, the Contracting Officer may, within a reasonable time of such refusal or failure:

(i) By contract or otherwise, correct or replace the nonconforming technical data and charge the Contractor the cost occasioned to the Government thereby; or

(ii) Elect a price or fee adjustment in lieu of correction or replacement.

(e) The remedies set forth in this clause represent the exclusive means by which the rights conferred on the Government by this clause may be enforced.

(f) The provisions of this clause apply anew to that portion of any technical data which is corrected or furnished in replacement under (d)(1)(i) above.

(b) In accordance with § 1.324–11(b) of this chapter, the following provision may be inserted in firm fixed-price contracts as paragraph (d)(3) of the Warranty of Technical Data clause set forth above.

(3) In addition to the remedies specified under (1) and (2) above, Contractor shall be liable to the Government for all damages sustained by the Government as a result of breach of the warranty specified in this clause; however, the additional liability under this subparagraph (3) shall not exceed 10 percent of the total contract price. If the breach of the warranty specified in (b) of this clause is with respect to data supplied by an equipment subcontractor, the limit of the prime contractor's liability shall be 10 percent of the total subcontract price in the case of a firm fixed-price subcontract, 75 percent of the total subcontract fee in the case of a cost-plus-fixed-fee or cost-plus-award-fee subcontract, or 75 percent of the total subcontract target profit or fee in the case of a fixed-price or cost-plus-incentive-type contract. The additional liability specified in this paragraph (3) shall not apply:

(i) With respect to the requirement under Category E or I of MIL–D–1000: *Provided*, That the data furnished by the Contractor was current, accurate at time of submission and did not involve a significant omission of data necessary to comply with such requirements; or

(ii) With respect to specific defects as to which the Contractor discovers and gives written notice to the Government before the error is discovered by the Government.

(c) In accordance with § 1.324–11(b) of this chapter, the following provision may be inserted in fixed-price-incentive contracts as paragraph (d)(3) of the Warranty of Technical Data clause set forth in paragraph (a) of this section.

(3) In addition to the remedies specified under (d) (1) and (2) above, Contractor shall be liable to the Government for all damages sustained by the Government as a result of breach of the warranty specified in this clause; however, the additional liability under this subparagraph (3) shall not exceed 75 percent of the target profit. If the breach of the warranty specified in (b) of this clause is with respect to data supplied by an equipment subcontractor, the limit of the prime contractor's liability shall be 10 percent of the total subcontract price in the case of a firm fixed-price subcontract, 75 percent of the total subcontract fee in the case of a cost-plus-fixed-fee or cost-plus-award-fee subcontract, or 75 percent of the total subcontract target profit or fee in the case of a fixed-price or cost-plus-incentive-type contract. The additional liability specified in this paragraph (3) shall not apply:

(i) With respect to the requirement under Category E or I of MIL–D–1000: *Provided*, That the data furnished by the Contractor was current, accurate at time of submission and did not involve a significant omission of data necessary to comply with such requirements; or

(ii) With respect to specific defects as to which the Contractor discovers and gives written notice to the Government before the error is discovered by the Government.

§ 7.204–19 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.205–7 Technical data warranty.

(a) In accordance with § 1.324–11(a) of this chapter, the clause set forth in § 7.105–8(a) may be inserted.

(b) Extended liability. In accordance with § 1.324–11(b) of this chapter, the following clause may be inserted as paragraph (d)(3) to the Warranty of Technical Data clause provided for in paragraph (a) of this section:

(3) In addition to the remedies specified under (d) (1) and (2) above, Contractor shall be liable to the Government for all damages sustained by the Government as a result of breach of the warranty specified in this clause; however, the additional liability under this subparagraph (3) shall not exceed 75 percent of the Contractor's fee in the case of cost-plus-fixed-fee contracts; 75 percent of the final fee (base plus award)

in the case of cost-plus-award-fee contracts; or 75 percent of the target fee in the case of cost-plus-incentive-fee contracts. If the breach of the warranty specified in (b) of this clause is with respect to data supplied by an equipment subcontractor, the limit of the prime contractor's liability shall be 10 percent of the total subcontract price in the case of a firm fixed-price subcontract, 75 percent of the total subcontract fee in the case of a cost-plus-fixed-fee or cost-plus-award-fee subcontract, or 75 percent of the total subcontract target profit or fee in the case of a fixed-price or cost-plus-incentive-type contract. Damages due the Government under the provisions of this warranty shall not be considered as an allowable cost. The additional liability specified in this paragraph (3) shall not apply:

(i) With respect to the requirement under Category E or I of MIL-D-1000: *Provided*, That the data furnished by the Contractor was current, accurate at time of submission and did not involve a significant omission of data necessary to comply with such requirements; or

(ii) With respect to specific defects as to which the Contractor discovers and gives written notice to the Government before the error is discovered by the Government.

§ 7.304–8 Technical data warranty.

In accordance with § 1.324–11(a) of this chapter, the clause set forth in § 7.105–8(a) may be inserted.

§ 7.304–9 Extended liability under technical data warranty.

In accordance with § 1.324–11(b) of this chapter, the applicable clause set forth in § 7.105–8(b) may be added as paragraph (g) to the Technical Data Warranty clause provided for in § 7.304–8.

§ 7.304–10 Other warranties.

In accordance with § 1.324 of this chapter, an appropriate warranty may be inserted.

§ 7.304–11 Stop work orders.

In accordance with § 7.105–3, the clause set forth therein may be inserted.

10. New §§ 7.403–32, 7.404–8, 7.404–9, and 7.504–11 are added; § 7.604–5 is redesignated as § 7.604–7, and § 7.604–6 is redesignated as § 7.604–8, and new §§ 7.604–5 and 7.604–6 are added; and new §§ 7.605–41, 7.606–19, and 7.606–20 are added, as follows:

§ 7.403–32 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.404–8 Technical data warranty.

In accordance with § 1.324–11(a) of this chapter, the clause set forth in § 7.105–8(a) may be inserted.

§ 7.404–9 Extended liability under technical data warranty.

In accordance with § 1.324–11(b) of this chapter, the clause set forth in § 7.105–8(b) may be added as paragraph (g) to the Technical Data Warranty clause provided for in § 7.404–8.

§ 7.504–11 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.604–5 Technical data warranty.

In accordance with § 1.324–11(a) of this chapter, the clause set forth in § 7.105–8(a) may be inserted.

§ 7.604–6 Extended liability under technical data warranty.

In accordance with § 1.324–11(b) of this chapter, the applicable clause set forth in § 7.105–8(b) may be added as paragraph (g) to the Technical Data Warranty clause provided for in § 7.604–5.

§ 7.604–7 Contractor-prepared network analysis system. [Redesignated]

§ 7.604–8 Government-prepared network analysis system. [Redesignated]

§ 7.605–41 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.606–19 Technical data warranty.

In accordance with § 1.324–11(a) of this chapter, the clause set forth in § 7.105–8(a) may be inserted.

§ 7.606–20 Extended liability under technical data warranty.

In accordance with § 1.324–11(b) of this chapter, the clause set forth in § 7.105–8(b) may be added as paragraph (g) to the Technical Data Warranty clause provided for in § 7.606–19.

PART 8—TERMINATION OF CONTRACTS

11. Sections 8.303 (a) and (b) (3) and (8), and 8.406 are revised; in § 8.702(a), the clause heading and clause paragraph (e)(i)(D)(I) are revised; and in § 8.707, the clause heading is revised and new clause paragraph (g) is added, as follows:

§ 8.303 Allowance for profit.

(a) *General.* Profit shall be allowed on preparations made and work done by the contractor for the terminated portion of the contract. Although the contractor's settlement efforts will be considered, profit will not be based on the dollar amount of the contractor's settlement expenses. Anticipatory profits and consequential damages shall not be allowed (but see § 8.209–5). Any reasonable method may be used to arrive at a fair profit, separately or as a part of the whole settlement.

(b) *Factors to be considered.* * * *

(3) Efficiency of the contractor, with particular regard to—

(i) Attainment of quantity and quality production,

(ii) Reduction of costs,

(iii) Economy in the use of materials, facilities, and manpower, and

(iv) Disposition of termination inventory;

* * * * *

(8) Character and difficulty of subcontracting including selection, placement, and management of subcontracts; engineering, technical assistance, and other services rendered; and effort in negotiating settlement of terminated subcontracts. The profit allowed for the contractor's efforts shall not be measured by the amount of the contractor's payment to subcontractors for settlement of their termination claims. The termination of a contract removes risks and responsibilities with respect to material or services which have not been delivered or furnished by the subcontractor. Therefore, no allowance to the prime contractor for profit may be made for such material or services which, as of the effective date of termination, have not been delivered by the subcontractor, regardless of the percentage of completion; and

* * * * *

§ 8.406 Adjustment of fee.

The adjusted fee to be paid, if any, shall be determined in the manner provided by the contract, generally based on percentage of completion of the contract or of the terminated portion thereof. Where this basis is used, factors such as the extent and difficulty of the work performed by the contractor (including but not limited to planning, scheduling technical study, engineering work production and supervision, placing and supervising subcontracts to the extent reasonably required, and work performed by the contractor in (a) stopping performance, (b) settling claims of subcontractors, and (c) disposing of termination inventory) shall be compared with the total work required by the contract or by the terminated portion thereof. The prime contractor's adjusted fee shall not include an allowance for fee for subcontract effort included in subcontractors' termination claims. The ratio of costs incurred to the total estimated cost of performing the contract or the terminated portion thereof is only one factor in computing the percentage of completion. This percentage may be either greater or less than that indicated by the ratio of costs incurred, depending upon the evaluation by the TCO of the above factors and other relevant considerations.

§ 8.702 Determination clause for cost-reimbursement type contracts.

(a) * * *

TERMINATION (AUGUST 1969)

* * * * *

(e) * * *
(i) * * *
(D) * * *

(I) in the event of the termination of this contract for the convenience of the Government and not for the default of the Contractor, there shall be paid a percentage of the fee equivalent to the percentage of the completion of work contemplated by the contract, but exclusive of subcontract effort included in subcontractors' termination claims, less fee payments previously made hereunder; or

* * * * *

§ 8.707 Default clause for fixed-price supply contracts.

* * * * *

DEFAULT (AUGUST 1969)

* * * * *

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

12. In § 8.708(a), the clause is revised; in § 8.709(a), the clause heading is revised and new clause paragraph (g) is added; and in § 8.710(a), the clause heading is revised and new clause paragraph (g) is added, as follows:

§ 8.708 Excusable delays clause for cost-reimbursement type contracts.

(a) *General.* * * *

EXCUSABLE DELAYS (AUGUST 1969)

Except with respect to defaults of subcontractors, the Contractor shall not be in default by reason of any failure in performance of this contract in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to: Acts of God or of the public enemy; acts of the Government in either its sovereign or contractual capacity; fires; floods; epidemics; quarantine restrictions; strikes; freight embargoes; and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform or make progress, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to be in default, unless (i) the supplies or services to be furnished by the subcontractor were obtainable from other sources, (ii) the Contracting Officer shall have ordered the Contractor in writing to procure such supplies or services from such other sources, and (iii) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the clause hereof entitled "Termination". (As used in this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.)

* * * * *

§ 8.709 Default clause for fixed-price construction contracts.

(a) * * *

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS (AUGUST 1969)

* * * * *

(g) As used in paragraph (d)(1) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

* * * * *

§ 8.710 Default clause for fixed-price research and development contracts.

(a) * * *

DEFAULT (AUGUST 1969)

* * * * *

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

* * * * *

PART 9—PATENTS, DATA, AND COPYRIGHTS

13. Section 9.201(b) is revised; in § 9.202–2, paragraph (d) is revised and new paragraph (h) is added; and in § 9.203, paragraphs (b) and (c) are revised, and new paragraph (f) is added, as follows:

§ 9.201 Definitions.

* * * * *

(b) "Limited rights" means rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party furnishing such technical data, be released or disclosed in whole or in part outside the Government, used in whole or in part by the Government for manufacture, or used by a party other than the Government, except for:

(1) Emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work: *Provided*, That the release or disclosure thereof outside the Government shall be made subject to a prohibition against further use, release or disclosure; or

(2) Release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of subparagraph (1) of this paragraph.

* * * * *

§ 9.202–2 Policy.

* * * * *

(d) *Predetermination of rights in data.* (1)(i) When the Government needs data with unlimited rights, any data which the offeror intends to deliver with limited rights pursuant to paragraph (c) of this section should be identified prior to contrct award, if feasible, and an agreement with respect thereto shall be incorporated in the contract. This procedure is called predetermination of rights in data.

(ii) The procedure may be initiated by the contracting officer or an offeror during the negotiation of a negotiated contract. In order to be productive, the procedure should apply only to that data for which rights may practicably be identified. Although the agreement may also cover data to be delivered with unlimited rights, in no case shall the procedure be used to require the contractor to furnish, with unlimited rights, data which he is entitled to furnish with limited rights under the policy in paragraph (c) of this section. The contracting officer shall consult his counsel as fully as possible in determining whether to use the procedure and in connection with the various steps of the procedure.

(2) Any agreements reached shall be incorporated in the Schedule of the contract directly or by reference and shall describe specifically the data which may be furnished with limited rights pursuant to paragraph (c) of this section. The contracting officer may, however, review the data asserted to be limited rights data to determine whether to invoke the procedures of paragraph (g) of this section to negotiate to purchase unlimited rights in any of the data, or adopt some alternative such as to:

(i) Delete or modify the requirement for the data in which the Government would need unlimited rights if it were ordered, or

(ii) Modify the specifications so as not to require or permit the use of the item, component or process covered by the limited rights data, or

(iii) Include a contractual option to acquire unlimited rights.

(3) When the predetermination of rights in data procedure is to be used, include the following provision in the Request for Proposals.

PREDETERMINATION OF RIGHTS IN DATA (AUGUST 1969)

(a) The offeror is requested to identify in his proposal which of the below listed data (including those to be furnished in whole or in part by a subcontractor) when delivered, may be marked with a restrictive legend of the kind quoted in paragraph (b) of the "Rights in Technical Data" clause of this Solicitation. This identification need not be made as to data which relate to standard commercial items which are manufactured by more than one source of supply.

(The Solicitation should list here that data or portions thereof with respect to which the Government proposes use of the predetermination procedure. Data which clearly comes within paragraph (b)(1) of the "Rights in Technical Data" clause and would therefore be acquired with unlimited rights should not be listed.)

(b) Limited rights data may be identified as such, pursuant to (a) above only if it pertains to items, components or processes developed at private expense. Nevertheless, it cannot be so identified if it comes within paragraph (b)(1) of the "Rights in Technical Data" clause, for example, if it has previously been furnished to the Government without restriction by the offeror or his proposed subcontractor. At the request of the Contracting Officer or his representative, the offeror agrees to furnish evidence to support his view that the data which will be so marked comes within the definition of limited rights data.

(c) The listing of a data item in paragraph (a) above does not mean that the Government considers such item to come within the definition of limited rights data.

(4) If completion of predetermination proves impracticable before award, or if contractual requirements relating to design or data items are changed during the course of a contract, an appropriate provision shall be included in the contract, requiring the contractor to complete the identification of limited rights with respect to that data listed in the solicitation for which predetermination was proposed, or to identify limited rights data relating to the changed requirements.

* * * * *

(h) *Notice of certain limited rights.* (1) Whether or not the procedure of paragraph (d) of this section for predetermination of rights in data is used, if continuing information is desired under a contract about a contractor's intention to use in the performance of the contract any item, component, or process for which data suitable for competitive procurement could be furnished by the contractor or a subcontractor with limited rights in accordance with the policy of paragraph (c) of this section, the contractor may be required to advise the contracting officer of this fact promptly (see § 9.203(c)). If possible, the schedule should indicate the specific areas pertaining to which limited rights data is of concern and the notice requirement should be restricted to those areas of concern.

(2) No such advice shall be required as to items, components, or processes for which notice was previously given pursuant to the predetermination procedure in the same contract, or with respect to standard commercial items which are manufactured by more than one source of supply. No contracting officer approval under this clause is necessary for the contractor to use any item, component, or process, identified pursuant to this requirement, in the performance of the contract.

(3) If the contracting officer agrees that under the policy stated in paragraph (c) of this section such contractor or subcontractor data could be furnished with limited rights, he may then determine whether to invoke the procedure of paragraph (g) of this section to negotiate for the purchase of unlimited rights in such data or to adopt other suitable alternatives. The contract shall be amended to reflect any changes required by these procedures.

§ 9.203 Contract clauses.

* * * * *

(b) *Basic data clause.*

RIGHTS IN TECHNICAL DATA (AUGUST 1969)

(a) *Definitions.* (1) Technical data, as used in this clause, means technical writing, sound recordings, pictorial reproductions, drawings, or other graphic representations and works of a technical nature, whether or not copyrighted, which are specified to be delivered pursuant to this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(2) Limited rights means rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party furnishing such technical data, be (a) released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture, or (c) used by a party other than the Government, except for:

(i) Emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work: *Provided*, That the release or disclosure thereof outside the Government shall be made subject to a prohibition against further use, release or disclosure; or

(ii) Release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of (i) above.

(3) Unlimited rights means rights to use, duplicate or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

(b) *Government rights.* (1) The Government shall have unlimited rights in:

(i) Technical data resulting directly from performance of experimental, developmental or research work which was specified as an element of performance in this or any other Government contract or subcontract;

(ii) Technical data necessary to enable manufacture of end-items, components and modifications, or to enable the performance of processes, when the end-items, components, modifications or processes have been, or are being, developed under this or any other Government contract or subcontract in which experimental, developmental or research work is, or was specified as an element of contract performance, except technical data pertaining to items, components or processes developed at private expense (but see (2) (ii) below);

(iii) Technical data constituting corrections or changes to Government-furnished data;

(iv) Technical data pertaining to end-items, components or processes which was prepared for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit, and function" data, *e.g.*, specification control drawings, catalog sheets, envelope drawings, etc.);

(v) Manuals or instructional materials prepared for installation, operation, maintenance or training purposes;

(vi) Other technical data which has been, or is normally furnished without restriction by the Contractor or subcontractor; and

(vii) Technical data listed or described in an agreement incorporated into the Schedule of this contract, which the parties have predetermined, on the basis of subparagraphs (i) through (vi) above, and agreed will be furnished with unlimited rights.

(2) The Government shall have limited rights in:

(i) Technical data, listed or described in an agreement incorporated into the Schedule of this contract, which the parties have agreed will be furnished with limited rights; and

(ii) Technical data pertaining to items, components or processes developed at private expense, other than such data as may be included in the data referred to in (b)(1)(i), (iii), (iv), (v), and (vi);

Provided that each piece of data to which limited rights are to be asserted pursuant to (2) (i) and (ii) above is marked with the following legend in which is inserted the number of the prime contract under which the technical data is to be delivered and the name of the Contractor or subcontractor by whom the technical data was generated:

This technical data, furnished under U.S. Government Contract No. _____, shall not, without the written permission of _____ be either (a) used, released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or (c) used by a party other than the Government, except for: (i) Emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work: *Provided*, That the release or disclosure hereof outside the Government shall be made subject to a prohibition against further use, release, or disclosure; or (ii) release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of (i) above. This legend shall be marked on any reproduction hereof in whole or in part.

No legend shall be marked on, nor shall any limitation on rights of use be asserted as to, any data which the Contractor has previously delivered to the Government without restriction. The limited rights provided for by this paragraph (b) (2) shall not impair the right of the Government to use similar or identical data acquired from other sources.

(c) *Material covered by copyright.* (1) Notwithstanding the provisions of (b) above, the Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all technical data now or hereafter covered by copyright.

(2) No such copyrighted matter shall be included in technical data furnished hereunder without the written permission of the copyright owner for the Government to use such copyrighted matter in the manner described above.

(3) The Contractor shall report to the Government (or higher-tier Contractor) promptly and in reasonable written detail each notice or claim of copyright infringement received by the Contractor with respect to any technical data delivered hereunder.

(d) *Removal of unauthorized markings.* Notwithstanding any provisions of this contract concerning inspection and acceptance, the Government may modify, remove, obliterate, or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder, if—

(i) The Contractor fails to respond within sixty (60) days to a written inquiry by the Government concerning the propriety of the use of the marking, or

(ii) The Contractor's response fails to substantiate his contention that the use of the marking is authorized, in which case the Government shall give written notice to the Contractor.

(e) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) *Limitation on charges for data.* The Contractor recognizes that the Government, or a foreign government with funds derived through the Military Assistance Program or otherwise through the U.S. Government, may contract for property or services with respect to which the vendor may be liable to the Contractor for charges for the use of technical data on account of such a contract. The Contractor further recognizes that it is the policy of the Government not to pay in connection with its contracts, or to allow to be paid in connection with contracts made with funds derived through the Military Assistance Program or otherwise through the U.S. Government, charges for data which the Government has a right to use and disclose to others, which is in the public domain, or which the Government has been given without restrictions upon its use and disclosure to others. This policy does not apply to reasonable reproduction, handling, mailing, and similar administrative costs incident to the furnishing of such data. In recognition of this policy, the Contractor agrees to participate in and make appropriate arrangements for the exclusion of such charges from such contracts, or for the refund of amounts received by the Contractor with respect to any such charges not so excluded.

(g) *Acquisition of data from subcontractors.* (1) Whenever any technical data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's or the Contractor's rights in that subcontractor data which is required for the Government.

(2) Technical data required to be delivered by a subcontractor shall normally be delivered to the next higher-tier Contractor. However, when there is a requirement in the prime contract, or in the deferred order, for data which may be supplied with limited rights pursuant to (b) (2) above, a subcontractor may fulfill such requirement by submitting such data directly to the Government rather than through the prime Contractor.

(3) The Contractor and higher-tier subcontractors will not use their power to award subcontracts as economic leverage to acquire rights in data from their subcontractors for themselves.

(c) *Notice of certain limited rights.* The paragraph (h) set forth below may be added to the clause in paragraph (b) of this section in any contract in which the contracting officer desires notification of limited rights data (see § 9.202–2(h)).

(h) (1) Unless the Schedule provides otherwise, and subject to (2) below, the Contractor will promptly notify the Contracting Officer in writing of the intended use by the Contractor or a subcontractor in performance of this contract of any item, component or process for which data [called for by this contract,][1] [whether or not called for by this contract,][2] suitable for competitive procurement, would fall within paragraph (b)(2) above (i.e., if and when furnished, might be furnished with limited rights).

(2) Such notification is not required with respect to:

(i) Standard commercial items which are manufactured by more than one source of supply; or

(ii) Items, components or processes for which such notice was given pursuant to predetermination of rights in data in connection with this contract.

(3) Contracting Officer approval is not necessary under this clause for the Contractor to use the item, component or process in the performance of the contract. (August 1969)

* * * * *

(f) *Identification of experimental, developmental or research work.* To prevent any misinterpretation of the scope of the rights in data provisions of the contract, the following schedule provision may be included in contracts which, in whole or in part, call for experimental, developmental or research work as an element of performance.

CONTRACT SCHEDULE ITEMS REQUIRING EXPERIMENTAL, DEVELOPMENTAL OR RESEARCH WORK (AUGUST 1969)

For purposes of defining, pursuant to Clause _____, entitled "Rights in Technical Data," the nature of the work and the scope of rights in data granted to the Government it is understood and agreed that items (list applicable schedule line items or subline items or data exhibit numbers) require the performance of experimental, developmental, or research work. This clause does not constitute a determination as to whether or not any data required to be delivered under this contract falls within the definition of limited rights data.

[1] Use this language, without brackets, unless the language at [2] is used.

[2] Use this language, without brackets, when the data is not called for under the present contract, but the Contracting Officer is reasonably sure that data suitable for competitive procurement will be called for in follow-on contracts.

PART 12—LABOR

14. New §§ 12.107 and 12.307 are added, and Subpart J is revised, as follows:

§ 12.107 Labor standards enforcement report.

(a) A semiannual report is required on compliance with and enforcement of the labor standards provisions of the Davis-Bacon Act and Contract Work Hours Standards Act. The reporting periods are January 1 through June 30 and July 1 through December 31. The reports shall be prepared by the contract administration office and will be submitted through channels so as to reach the labor relations advisor of the Headquarters concerned not later than 25 days after the close of the reporting period. Within the next 5 days a report thereafter will be submitted by the Headquarters to the Director for Industrial Relations, Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs).

(b) The report shall contain the following information which shall be stated separately, as applicable, in two columns—one column for construction work subject to the Davis-Bacon Act and Contract Work Hours Standards Act and the other column for nonconstruction work subject to the Contract Work Hours Standards Act, except subparagraphs (2) and (3) will not be reported for nonconstruction work:

(1) Period covered;

(2) Number of construction prime contracts awarded;

(3) Total dollar amount of construction prime contracts awarded;

(4) Number of contractors/subcontractors against whom complaints were received—

(i) Prime,

(ii) Subcontractors;

(5) Number of investigations—

(i) Undertaken,

(ii) Completed;

(6) Number of contractors/subcontractors found in violation—

(i) Prime,

(ii) Subcontractors;

(7) Amount of wage restitution found due—

(i) Davis-Bacon Act,

(ii) Contract Work Hours Standards Act;

(8) Number of employees due wage restitution under—

(i) Davis-Bacon Act,

(ii) Contract Work Hours Standards Act;

(9) Amount of liquidated damages assessed under the Contract Work Hours Standards Act—

(i) Number of contracts involved;

(10) Number of complaints received from—

(i) Labor unions,

(ii) Individual employees,

(iii) Department of Labor, and

(iv) Others, including Congressional;

(11) Number of employees and the total amount paid or withheld under—

(i) Davis-Bacon Act,

(ii) Contract Work Hours Standards Act,

(iii) Copeland Act;

(12) Preconstruction activities—

(i) Number of conferences held,

(ii) Letters sent;

(13) Number of compliance checks performed;

(14) Number of employees interviewed.

§ 12.307 Labor standards enforcement report.

See § 12.107.

Subpart J—Service Contract Act of 1965

Sec.	
12.1001	Statutory requirements.
12.1002	Applicability.
12.1002–1	General.
12.1002–2	Geographical coverage of the Act.
12.1002–3	Service employee.
12.1003	Department of Labor regulations.
12.1004	Contract clauses.
12.1005	Administration and enforcement.
12.1005–1	Responsibilities of Department of Labor.
12.1005–2	Notice of intention to make a service contract.
12.1005–3	Contract minimum wage determinations and fringe benefit specification.
12.1005–4	Additional classifications (conformable rates).
12.1005–5	Notice of award.
12.1005–6	Department of Labor Form SC–1.
12.1005–7	Inquiries concerning the Act.
12.1005–8	Contract modifications.
12.1005–9	Withholding of contract payments and contract termination.
12.1005–10	Cooperation with the Department of Labor.
12.1005–11	Role of the Comptroller General.
12.1006	Labor Standards Enforcement Report.

AUTHORITY: The provisions of this Subpart J issued under secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314.

§ 12.1001 Statutory requirements.

The McNamara-O'Hara Service Contract Act of 1965, U.S.C. 351, referred to in this Part as the "Act", embraces two general requirements with respect to service contracts entered into by Federal agencies.

(a) No contractor or subcontractor holding a Federal service contract shall pay any of his employees engaged in such work less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.); and

(b) Federal service contracts in excess of $2,500 shall contain the provisions required by the Act with respect to such matters as minimum wages, including fringe benefits, to be paid the various classes of service employees engaged in the performance of the contract, safe and sanitary working conditions, and notification to employees of the compensation required under the Act.

§ 12.1002 Applicability.

§ 12.1002–1 General.

Subject to statutory exemptions or administrative exemptions by the Secretary of Labor under section 4(b) of the Act:

(a) The requirement set forth in §12.1001(a) applies to any contract with the Federal Government, the principal purpose of which is to furnish services through the use of service employees (as defined in § 12.1002–3); and

(b) The requirement set forth in § 12.1001(b) applies to every contract (and any bid specification therefor) entered into by the Federal Government in excess of $2,500 whether negotiated or advertised, the principal purpose of which is to furnish services through the use of service employees (as defined in § 12.1002–3).

§ 12.1002–2 Geographical coverage of the Act.

The Act applies to work performed in any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnson Island, but does not apply to work performed in any other territory under the jurisdiction of the United States or any U.S. base or possession within a foreign country.

§ 12.1002–3 Service employee.

(a) *Definition of service employees.* As defined in the Act, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(b) *Types of covered service contracts illustrated.* Types of contracts, the principal purpose of which is to furnish services through the use of service employees, are too numerous and varied to permit an exhaustive listing. The following list is illustrative, however, of the types of services called for by such contracts that have been found to come within the coverage of the Act.

(1) Aerial spraying.
(2) Aerial reconnaissance for fire detection.
(3) Ambulance service.
(4) Cafeteria and food service.
(5) Chemical testing and analysis.
(6) Clothing alteration and repair.
(7) Custodial and janitorial services.
(8) Electronic equipment maintenance and operation.
(9) Flight training.
(10) Forest firefighting.
(11) Geological field surveys.
(12) Grounds maintenance.
(13) Guard or watchman service.
(14) Landscaping (other than part of construction).
(15) Laundry and dry cleaning.
(16) Linen supply service.
(17) Lodging and meals.
(18) Mail hauling.
(19) Maintenance and repair of motor equipment.
(20) Maintenance and repair of office equipment.
(21) Miscellaneous housekeeping.
(22) Motor pool operation.
(23) Packing and crating.
(24) Parking services.
(25) Snow removal.
(26) Stenographic reporting.
(27) Support services at military installations.
(28) Taxicab services.
(29) Tire and tube repairs.
(30) Transporting property or personnel.
(31) Trash and garbage removal.
(32) Warehouse or storage.
(33) Drafting and illustrating.
(34) Mortuary services.

§ 12.1003 Department of Labor regulations.

Pursuant to the Service Contract Act of 1965, the Department of Labor has issued Parts 4 and 1516, Title 29, Code of Federal Regulations, providing for the administration and enforcement of the Act. The regulations include coverage of the following matters relating to the requirements of the Act:

(a) Service contract labor standards provisions and procedures (Subpart A, Part 4 (29 CFR));

(b) Equivalents of determined fringe benefits (Subpart B, Part 4 (29 CFR));

(c) Application of the Service Contract Act of 1965 (rulings and interpretations) (Subpart C, Part 4 (29 CFR)); and

(d) Safe and sanitary working conditions (Part 1516 of Title 29 CFR).

§ 12.1004 Contract clauses.

(a) *Clause for Federal service contracts in excess of $2,500.* The Act provides for inclusion of an appropriate clause in every contract entered into by Federal agencies in excess of $2,500 the principal purpose of which is to furnish services in the United States through the use of service employees, except contracts identified in section 7 of the Act or those exempted by the Secretary of Labor under section 4(b) of the Act. Accordingly every invitation for bids, request for proposals, or other form of solicitation to which this paragraph is applicable shall provide for inclusion of, and every contract shall contain, the following clause:

SERVICE CONTRACT ACT OF 1965
(SEPTEMBER 1968)

This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (Public Law 89–286) applies, is subject to the following provisions and to all other applicable provisions of the Act and the regulations of the Secretary of Labor thereunder (29 CFR Parts 4 and 1516).

(a) *Compensation.* Each service employee employed in the performance of this contract by the Contractor or any subcontractor shall be paid not less than the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employees which is not listed therein, but which is to be employed under this contract, shall be classified by the Contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties, who shall be deemed to be the contracting agency, the Contractor, and the employees who will perform on the contract or their representatives. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the Contracting Officer shall submit the question, together with his recommendation, to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, or his authorized representative for final determination. Failure to pay such employees the compensation agreed upon by the interested parties or finally determined by the Administrator or his authorized representative shall be a violation of this contract. No employee engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour).

(b) *Obligation to furnish fringe benefits.* The Contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor (Subpart B of Part 4 (29 CFR)).

(c) *Minimum wage.* In the absence of a minimum wage attachment for this contract, neither the Contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938 ($1.60 per hour). However, in cases where section 6(e)(2) of the Fair Labor Standards Act of 1938 is applicable, the rates specified therein will apply. Nothing in this provision shall relieve the Contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(d) *Notification to employees.* The Contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(e) *Safe and sanitary working conditions.* The Contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the Contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services. Except insofar as a noncompliance can be justified as provided in section 1516.1 (c) of Title 29 CFR, this will require compliance with the applicable standards, specifications, and codes developed and published by the U.S. Department of Labor, any other agency of the United States, and any nationally recognized professional organization such as, without limitation, the following:

National Bureau of Standards, U.S. Department of Commerce.
Public Health Service, U.S. Department of Health, Education, and Welfare.
Bureau of Mines, U.S. Department of the Interior.
United States of America Standards Institute (American Standards Association).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
American Conference of Governmental Industrial Hygienists.

Information as to the latest standards, specifications, and codes applicable to the contract is available at the office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, or at any of the regional offices of the Bureau of Labor Standards as follows:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).

(2) Middle Atlantic Region, 1110–B Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21201 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).

(4) Great Lake Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

(f) *Records.* The Contractor and each subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work records containing the information specified below for each employee subject to the Act and shall make them available for inspection and transcription by authorized representatives of the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

(1) His name and address.

(2) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation.

(3) His daily and weekly hours so worked.

(4) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(5) A list of monetary wages and fringe benefits for those classes of service employees not included in the minimum wage attachment to this contract, but for which such wage rates or fringe benefits have been determined by the interested parties or by the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, or his authorized representative pursuant to the labor standards in paragraph (a) of this clause. A copy of the report required by paragraph (j) of this clause shall be deemed to be such a list.

(g) *Withholding of payments and termination of contract.* The Contracting Officer shall withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract with the Prime Contractor such sums as he, or an appropriate officer of the Labor Department, decides may be necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of this clause relating to the Service Contract Act of 1965 may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the Contractor in default with any additional cost.

(h) *Subcontractors.* The Contractor agrees to insert the paragraphs of this clause relating to the Service Contract Act of 1965 in all subcontracts. The term "Contractor" as used in these paragraphs in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(i) *Service employee.* As used in this clause relating to the Service Contract Act of 1965, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman, or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a Contractor or subcontractor and such persons.

(j) *Contractor's report.* If there is a wage determination attachment to this contract and one or more classes of service employees which are not listed thereon are to be employed under the contract, the Contractor shall report to the Contracting Officer the monetary wages to be paid and the fringe benefits to be provided each such class of service employee. Such report shall be made promptly as soon as such compensation has been determined as provided in paragraph (a) of this clause.

(k) *Regulations incorporated by reference.* All interpretations of the Service Contract Act of 1965 expressed in Subpart C of Part 4 (29 CFR) are hereby incorporated by reference in this contract.

(l) These clauses relating to the Service Contract Act of 1965 shall not apply to the following:

(1) Any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works;

(2) Any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036);

(3) Any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line, or oil or gas pipeline where published tariff rates are in effect, or where such carriage is subject to rates covered by section 22 of the Interstate Commerce Act;

(4) Any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934;

(5) Any contract for public utility services, including electric light and power, water, steam, and gas;

(6) Any employment contract providing for direct services to a Federal agency by an individual or individuals;

(7) Any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations;

(8) Any services to be furnished outside the United States. For geographic purposes, the "United States" is defined in section 8(d) of the Service Contract Act to include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands, as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island. It does not include any other territory under the jurisdiction of the United States or any U.S. base or possession within a foreign country.

(9) Any of the following contracts exempted from all provisions of the Service Contract Act of 1965, pursuant to section 4(b) of the Act, which exemptions the Secretary of Labor hereby finds necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business: Contracts entered into by the United States with common carriers for the carriage of mail by rail, air (except air star routes), bus, and ocean vessel, where such carriage is performed on regularly scheduled runs of the trains, airplanes, buses, and vessels over regularly established routes and accounts for an insubstantial portion of the revenue therefrom;

(m) Notwithstanding any of the provisions in paragraphs (a) through (k) of this clause, relating to the Service Contract Act of 1965, the following employees may be employed in accordance with the following variations, tolerances, and exemptions, which the Secretary of Labor hereby finds pursuant to section 4(b) of the Act to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(1) (i) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical, or mental deficiency or injury may be employed at wages lower than the minimum wages otherwise required by section 2(a)(1) or 2(b)(1) of the Service Contract Act of 1965, without diminishing any fringe benefits or case payments in lieu thereof required under section 2(a)(2) of that Act, in accordance with the procedures prescribed for the employment of apprentices, student-learners, handicapped persons, and handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor (Parts 520, 521, 524, and 525 of 29 CFR).

(ii) The Administrator will issue certificates under the Service Contract Act of 1965 for the employment of apprentices, student-learners, handicapped persons, or handicapped clients of sheltered workshops not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe

benefits or supplementary case payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (Parts 520, 521, 524, and 525 of 29 CFR).

(iii) The Administrator will also withdraw, annul, or cancel such certificates in accordance with the regulations in Parts 525 and 528 of Title 29 of the Code of Federal Regulations.

(2) An employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips may have the amount of his tips credited by his employer against the minimum wage required by section 2(a)(1) or section 2(b)(1) of the Act, in accordance with the regulations in Part 531 of 29 CFR: *Provided, however,* That the amount of such credit may not exceed 80 cents per hour.

(b) *Clause for Federal service contracts not in excess of $2,500.* Federal agencies are required to include the following clause in every contract not in excess of $2,500 which has as its principal purpose the furnishing of services through the use of service employees, except:

(1) Those transactions identified in paragraph (1) of the clause in paragraph (a) of this section;

(2) A contract for services to be furnished outside the United States (see § 12.1002-2), or

(3) A contract exempted by the Secretary of Labor under section 4(b) of the Act (see paragraph (m) of the clause in paragraph (a) of this section).

SERVICE CONTRACT OF 1965 (SEPTEMBER 1968)

Except to the extent that an exemption, variation, or tolerance would apply pursuant to 29 CFR 4.6 if this were a contract in excess of $2,500, the Contractor and any subcontractor hereunder shall pay all of his employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour). However, in cases where section 6(e)(2) of the Fair Labor Standards Act of 1938 is applicable, the rates specified therein will apply. All regulations and interpretations of the Service Contract Act of 1965 expressed in 29 CFR Part 4 are hereby incorporated by reference in this contract.

(c) *Basic ordering agreements and blanket purchase agreements.* In the case of the basic ordering agreement or blanket purchase agreement, the amount thereof for purposes of paragraphs (a) and (b) of this section shall be the aggregate amount of all orders estimated to be placed thereunder for 1 year after the effective date of the agreement. If a basic ordering agreement continues or is extended, such estimate shall be made annually for each year after the first and the agreement modified accordingly.

(d) *Linen supply service clauses.* (1) In contracts for linen supply services containing the clause in paragraph (a) of this section (i.e., contracts in excess of $2,500) insert the Linen Supply Services clause set forth in § 7.104-22 of this chapter.

(2) In contracts for linen supply services containing the clause in paragraph (b) of this section (i.e., contracts for $2,500 or less), insert the following:

LINEN SUPPLY SERVICE CONTRACTS (SEPTEMBER 1968)

The special minimum wage provisions of section 6(e)(2) of the Fair Labor Standards Act for linen supply service contracts entered into with the U.S. Government on or after February 1, 1967, shall apply to all employees (except those qualifying for the minimum wage and overtime exemption under section 13(a)(1) of the Fair Labor Standards Act) in an establishment providing such linen supply services. Such employees must be paid not less than $1.15 per hour as of February 1, 1968, with annual increments of 15 cents per hour, as of February 1 each year, increasing to a minimum rate of $1.60 per hour as of February 1, 1971. However, if more than 50 per centum of the gross annual dollar volume of sales made or business done by an establishment is derived from providing linen supply services under contracts or subcontracts with the United States, all employees in the establishment (other than employees qualifying for the minimum wage and overtime exemption under section 13(a)(1) of the Fair Labor Standards Act) must be paid at least $1.60 per hour as of February 1, 1968.

(e) *Price adjustment clause.* In a service contract with an option to renew which contains the clause in paragraph (a) of this section, insert the Fair Labor Standards Act and Service Contract Act—Price Adjustment clause set forth in § 7.107(d) of this chapter.

§ 12.1005 Administration and enforcement.

§ 12.1005-1 Responsibilities of Department of Labor.

The Secretary of Labor is authorized and directed to administer and enforce the provisions of the Act, to make rules and regulations, issue orders, make decisions, and take other appropriate action under the Act.

§ 12.1005-2 Notice of intention to make a service contract.

(a) Not less than 30 days prior to any invitation for bids or the commencement of negotiations for any contract exceeding $2,500 which may be subject to the Act (or for any contract of an indefinite amount, unless the contracting officer has definite knowledge that it will not exceed $2,500 in any event), the contracting officer shall file Standard Form 98, Notice of Intention to Make a Service Contract and Response to Notice, with the Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor, and include all available payroll data. The back of the form contains instructions for its completion (notwithstanding the instructions on the form, only the original and three copies shall be forwarded). Whenever detailed information which is requested is not readily available, such pertinent general information as is available should be provided. For example, if meaningful estimates of the number of service employees in various classes to be used on the contract cannot be made, estimates of the total number of employees or of the numbers falling within the categories enumerated in § 12.1002-3(a) should be supplied, if practical. The "Response" portion of the original of the form will be completed by the Wage and Hour and Public Contracts Divisions and returned to the contracting agency, advising the agency of any determination of minimum monetary wages and fringe benefits applicable to the contract. Supplies of Standard Form 98 are available in all GSA supply depots under stock number 7540-926-8972.

(b) If exceptional circumstances prevent the filing of the notice of intention required by this section on or before a date 30 days prior to any invitation for bids or the commencement of negotiations, the notice shall be submitted to the Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor, as soon as practicable with a detailed explanation of the special circumstances which prevented timely submission.

§ 12.1005-3 Contract minimum wage determinations and fringe benefit specification.

(a) *Prior to award.* The invitation for bids or request for proposals actually issued, as well as any contract entered into, in excess of $2,500, shall contain an attachment setting forth the minimum wages and fringe benefits specified in any applicable currently effective determination, including any expressed in any document referred to in subparagraphs (1) or (2) of this paragraph:

(1) Any written communication from the Administrator, responsive to the notice required by § 12.1005-2(a); however, such communications received by the Federal agency later than 10 days before the opening of bids or the date established for the initial receipt of proposals shall not be effective except where the agency finds that there is a reasonable time to notify bidders or offerors thereof;

(2) Any revision of the wage determination prior to the award of the contract or contracts; however, revisions received by the Federal agency later than 10 days before the opening of bids or the date established for the initial receipt of proposals shall not be effective except where the agency finds that there is a reasonable time to notify bidders or offerors of the revision.

(b) *Subsequent to award.* If a required wage determination is not included in the solicitation or contract (either because the notice required by § 12.1005-2 is not filed or is not filed in the time provided by § 12.1005-2(a)), and if the contracting officer receives a wage determination from the Department of Labor within 30 days of the late filing of the notice or the discovery by the Department of Labor of the failure to include a wage determination required by this subpart—

(1) The contracting officer shall attempt to negotiate a bilateral modification to:

(i) Incorporate the Service Contract Act Clause in § 12.1004(a), if not previously included;

(ii) Incorporate the wage determination which shall be effective as of the date of issuance unless otherwise specified; and

(iii) Equitably adjust the contract price to compensate for any increased cost of performance under the contract caused by the wage determination.

(2) If the contracting officer is unable to negotiate a contract modification incorporating the wage determination, he shall document the contract file to show the efforts made.

(3) In the event the contracting officer questions the applicability of the Service Contract Act to the contract, he shall forward the matter for resolution as follows:

For the Army: Assistant Secretary of the Army (I&L), Attention: Labor Advisor.
For the Navy: Chief of Naval Material, Attention: MAT 02L.
For the Air Force: Deputy Chief of Staff Systems and Logistics, Attention: AFSP PDA.
For DSA: Executive Director for Procurement and Production, Attention: DSAH-PL.
For DCA: Defense Communications Agency Headquarters, Attention: Counsel.

If the appropriate foregoing office determines that the Service Contract Act is not applicable to the contract, it shall advise the Department of Labor of the basis for the determination of inapplicability. No further action need be taken on the wage determination by the contracting officer in the absence of a determination by the Secretary of Labor that the contract is subject to the Act.

§ 12.1005-4 Additional classifications (conformable rates).

(a) *Prior to award.* If, as a result of submission of a Notice of Intention (Standard Form 98), and prior to issuance of an invitation for bids or request for proposals, the Department of Labor issues a wage determination containing some, but not all, of the classifications and rates requested, the contracting officer shall delete from the attachment those classifications for which no wage determinations were received. The contracting officer then shall proceed with the procurement (but see paragraph (b) of this section).

(b) *Subsequent to award.* Where a classification was deleted from the attachment to the solicitation because no wage determination for that classification was received from the Department of Labor or where additional classifications not previously contemplated are found necessary after award, the procedure set forth in paragraph (a) of the contract clause set forth in § 12.1004(a) shall be followed.

§ 12.1005-5 Notice of award.

(a) *Standard Form 99.* Two copies of Standard Form 99 shall be prepared for contracts of $2,500 or more but less than $10,000 containing the clause required by § 12.1004(a), the initial order (if less than $10,000) under an indefinite delivery type contract or basic order agreement containing the clause required by § 12.1004(a), and the initial call under a blanket purchase agreement containing the clause required by § 12.1004(a). Standard Form 99 shall be forwarded to the Department of Labor, Attention: Administrator, Wage and Hour and Public Contracts Divisions, Washington, D.C. 20210. The form shall be completed as follows:

(1) Items 1 through 7 and 12 and 13: Self-explanatory;

(2) Item 8: Enter the notation "Service Contract Act of 1965";

(3) Item 9: Leave blank;

(4) Item 10: (i) Enter the notation "Major Category," and indicate beside this entry the general service area into which the contract falls (e.g., food services, custodial-janitorial service, garbage collection, insect and rodent control, laundry and dry cleaning services), and

(ii) Enter the heading "Detailed Description," and following this entry set forth a detailed description of the services to be performed; and

(5) Item 11: Enter the dollar amount of the contract, or the estimated dollar value with a notation "estimated" (if the exact amount is not known). If neither the exact nor the estimated dollar value is known, enter "Indefinte," or "Not to exceed $_____."

Supplies of Standard Form 99 are available in all GSA supply depots under stock number 7540-634-4049.

(b) *DD Form 350.* Awards of service contracts of $10,000 or more and orders of $10,000 or more under indefinite delivery type contracts and basic ordering agreements are reported to the Department of Labor by the Office of the Secretary of Defense from information contained in the Individual Procurement Action Report (DD Form 350). Therefore, the contracting officer need not report such awards directly to the Department of Labor.

§ 12.1005-6 Department of Labor Form SC-1.

The contracting officer shall furnish the contractor with Department of Labor Form SC-1 (combination letter and poster) at the time of contract award and shall ensure that the form is in the possession of the contractor for appropriate posting prior to performance of the contract. The form advises employees of their benefits under the Act and satisfies the notice requirements in paragraph (d) of the contract clause prescribed in § 12.1004(a). Contractors are required to post the form at a prominent and accessible place at the worksite. Supplies of the form may be obtained from the Wage and Hour and Public Contracts Divisions, Department of Labor, Washington, D.C. 20210.

§ 12.1005-7 Inquiries concerning the Act.

Contractors or contractor employees who inquire concerning the Act shall be advised that rulings regarding such matters fall within the jurisdiction of the Department of Labor and shall be given the address of the appropriate Regional Director of the Wage and Hour and Public Contracts Divisions of the Department of Labor (see § 12.607).

§ 12.1005-8 Contract modifications.

(a) *Bilateral contract modifications.* Generally, a bilateral contract modification affecting the scope of the work is regarded as a new contract for purposes of the Act and the regulations thereunder. Therefore, prior to entering into such modification, the contracting officer shall forward Standard Form 98 to the Administrator, in accordance with the procedure set forth in § 12.1005-2(a), except that:

(1) In the "Estimated Solicitation Date" block, enter the date the information is needed; and

(2) In Block 4, enter "Modification of Existing Contract for_____ (Describe type of services) _____Services."

Bilateral contract modifications that are unrelated to the labor requirements of a contract shall not be deemed to create a new contract for purposes of the Act, nor shall insignificant changes related to labor requirements.

(b) *Extension of contract through exercise of option or otherwise.* A new contract shall be deemed entered into for purposes of the Act when the term of an existing contract is extended, pursuant to an option clause or otherwise, so that the contractor furnishes services over an extended period of time rather than being granted extra time to fulfill his original commitment. Prior to extending the term of the contract, the Contracting Officer shall forward Standard Form 98 as provided in § 12.1005-2(a) in paragraph (a) of this section, inserting appropriate wording in Block 4.

§ 12.1005-9 Withholding of contract payments and contract termination.

(a) *Withholding.* (1) As provided by the Act, any violation of the contract stipulations required under paragraphs (a) and (c) of the contract clause set forth in § 12.1004(a) or under the contract clause set forth in § 12.1004(b) renders the party responsible therefor liable for a sum equal to the amount of any deductions, rebates, refunds, or underpayment of compensation due to any employee engaged in the performance of such contract. Upon the written request of the Department of Labor at a level no lower than a District Director, so much of the accrued payment due on the contract or any other contract between the Government prime contractor and the Federal Government, provided such other contract is not assigned pursuant to 31 U.S.C. 203 or 41 U.S.C. 15, shall be withheld as is necessary to pay such employees. Such withheld sums shall be held in a deposit fund. On order of the Administrator, any compensation which the head of Federal agency or the Administrator of the Wage and Hour and Public Contracts Divisions has found to be due pursuant to the Act shall be paid directly from any accrued payments withheld under the Act.

(2) If the accrued payments withheld are insufficient to reimburse all underpaid service employees, the Government may bring an action against the contractor, subcontractor, or any contract sureties to recover the remaining amount of underpayments. Any sums thus recovered shall be held in the deposit fund

and shall be paid, on order of the Secretary of Labor, directly to such underpaid employees. Instances of insufficient funds withheld shall be reported to: The General Accounting Office for possible setoff as may be appropriate; to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor for any of his purposes; and to the Department of Justice for any other necessary action.

(b) *Termination.* In addition, as provided by the Act, any failure to comply with the requirements of any of the provisions of the contract clauses set forth under § 12.1004 may be grounds for termination, by written notice, of the contractor's right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor with any additional cost.

§ 12.1005–10 Cooperation with the Department of Labor.

The contracting officer shall cooperate with representatives of the Department of Labor in the examination of records, interviews with service employees, and all other aspects of investigations undertaken by the Department of Labor. When requested, agencies shall furnish to the Administrator any available information with respect to contractors, subcontractors, their contracts and the nature of the contract services. Violations apparent to the contracting agency and complaints received shall be promptly referred to the Department of Labor. In no event, however, shall complaints by employees be disclosed to the employer.

§ 12.1005–11 Role of the Comptroller General.

The Act provides that the Comptroller General shall distribute a list to all Federal agencies giving the names of persons of firms which have been found to be in violation of the Act. Unless the Secretary of Labor otherwise recommends, no Government contract shall be awarded to any violator so listed or to any firm, corporation, partnership, or association in which such violator has a substantial interest until three years have elapsed from the date of publication of the list containing the name of the violator.

§ 12.1006 Labor standards enforcement report.

See § 12.107.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

15. The introductory text of § 15.102 is revised; § 15.104(a) is revised; new § 15.108 is added; and §§ 15.205–9, 15.205–23, 15.205–32, 15.205–33, 15.205–41, and 15.205–47(a) are revised, as follows:

§ 15.102 Cost-reimbursement supply and research contracts with concerns other than educational institutions.

This category includes all cost-reimbursement type contracts (§ 3.405 of this chapter) for supplies, services, or experimental, developmental, or research work (other than with educational institutions as to which § 15.103 applies, and other than with State and local governments as to which § 15.108 applies), except that it does not include facilities contracts (see § 15.105) or construction contracts (see § 15.104). The cost principles and procedures set forth in Subpart B of this part shall be incorporated by reference in cost-reimbursement supply and research contracts with other than educational institutions as the basis—

* * * * *

§ 15.104 Construction contracts.

(a) Subpart D of this part contains principles and procedures for the evaluation and determination of costs in connection with contracts and subcontracts for construction, and other than with State and local governments as to which § 15.108 applies. This category includes all contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. It also includes contracts for architect-engineer services related to such construction. It does not include contracts for vessels, aircraft, or other kinds of personal property.

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§ 15.108 Grants and contracts with State and local governments.

Subpart G of this part provides principles and standards for determining costs applicable to grants and contracts with State and local governments. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and the Government. These cost principles apply to all programs that involve grants and contracts with State and local governments. They do not apply to grants and contracts with:

(a) Publicly financed educational institutions subject to Subpart C of this part; or

(b) Publicly owned hospitals and other providers of medical care subject to requirements promulgated by the sponsoring Government agencies. Any other exceptions will be approved by the Bureau of the Budget in particular cases when adequate justification is presented.

§ 15.205–9 Depreciation (CWAS–NA).

(a) Depreciation is a charge to current operations which distributes the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular contractor's operations as distinguished from physical life and shall be evidenced by the actual or estimated retirement and replacement practice of the contractor.

(b) Normal depreciation on a contractor's plant, equipment, and other capital facilities is an allowable element of contract cost *provided* the contractor is able to demonstrate that such costs are reasonable and properly allocable to the contract. Subject to paragraphs (e) and (f) of this section:

(1) Depreciation will ordinarily be considered reasonable if the contractor follows depreciation policies and procedures which:

(i) Are consistent with the policies and procedures he follows in the same cost center in connection with his business other than Government business;

(ii) Are reflected in his books of accounts and financial statements; and

(iii) Are used by him for Federal income tax purposes, and are acceptable for such purposes;

(2) Where the depreciation reflected on a contractor's books of account and financial statements differs from that used and acceptable for Federal income tax purposes, reimbursement shall be based upon the cost of the asset to the contractor amortized over the estimated useful life of the property using depreciation methods (straight line, sum of the years' digits, etc.) acceptable for income tax purposes. Allowable depreciation shall not exceed the amounts used for book and statement purposes and shall be determined in a manner consistent with the depreciation policies and procedures followed in the same cost center in connection with his business other than Government business.

(3) Depreciation for reimbursement purposes in the case of tax-exempt organizations shall be determined on the basis outlined in subparagraph (2) of this paragraph.

(c) Special considerations are required for assets acquired prior to the effective date of this principle where, on the effective date of this principle, the undepreciated balance of such assets resulting from depreciation policies and procedures used previously for Government contracts and subcontracts is different from the undepreciated balance of such assets on the books and financial statements. Generally, the undepreciated balance for contract cost purposes shall be depreciated over the remaining life using the methods and lives followed for book purposes. The aggregate depreciation on any asset allowable after the effective date of this section shall not exceed the cost basis of the asset less any depreciation allowed or allowable under prior procurement regulations.

(d) Depreciation should usually be allocated to the contract and other work as an indirect cost. The amount of depreciation allowed in any accounting period may, consistent with the basic objectives set forth in paragraph (a) of this section, vary with volume of production or use of multishift operations.

(e) In the case of emergency facilities covered by certificates of necessity, a contractor may elect to use normal depreciation without requesting a determination of "true depreciation" or may elect to use either normal or "true depreciation" after a determination of "true depreciation" has been made by an Emergency Facilities Depreciation Board. The method elected must be followed consistently throughout the life of the emergency facility. When an election is made to use normal depreciation, the criteria in paragraph (b) of this section shall apply for both the emergency period and the post-emergency period. When an election is made to use "true depreciation", the amount allowable as depreciation—

(1) With respect to the emergency period (5 years), shall be computed in accordance with the determination of the Emergency Facilities Depreciation Board and allocated rateably over the full 5-year emergency period; provided no other allowance is made which would duplicate the factors, such as extraordinary obsolescence, covered by the Board's determination; and

(2) After the end of the emergency period, shall be computed by distributing the remaining undepreciated portion of the cost of the emergency facility over the balance of its useful life provided the remaining undepreciated portion of such cost shall not include any amount of unrecovered "true depreciation."

(f) No depreciation, rental, or use charge shall be allowed on property acquired at no cost from the Government by the contractor or by any division, subsidiary or affiliate of the contractor under a common control.

(g) The depreciation on any item which meets the criteria for allownace at a "price" in accordance with § 15.205–22 (e) may be based on such price, provided the same depreciation policies and procedures are used for costing purposes for all business of the using division, subsidiary, or organization under common control.

(h) No depreciation or rental shall be allowed on property fully depreciated by the contractor or by any division, subsidiary, or affiliate of the contractor under a common control; however, a reasonable charge for the use of fully depreciated property may be agreed upon and allowed (but see § 15.107). In determining this charge, consideration should be given to cost, total estimated useful life at time of negotiation, effect of any increased maintenance charges or decreased efficiency due to age and the amount of depreciation, if any, previously charged to Government contracts or subcontracts.

§ 15.205–23 Organization costs (CWAS–NA).

Expenditures in connection with (a) planning or executing the organization or reorganization in the corporate structure of a business, including mergers and acquisitions, or (b) raising capital, are unallowable. Such expenditures include but are not limited to incorporation fees and costs of attorneys, accountants, brokers, promoters and organizers, management consultants and investment counsellors, whether or not employees of the contractor.

§ 15.205–32 Gains and losses on disposition of depreciable property or other capital assets (CWAS–NA).

(a) Gains and losses from the sale, retirement or other disposition (but see § 15.205–16) of depreciable property, for purposes of computing contract costs, shall be included in the year in which they occur as credits or charges to the cost grouping(s) in which the depreciation or amortization applicable to such assets was included (but see paragraph (e) of this section).

(b) Two methods of computing gains and losses are provided in paragraphs (c) and (d) of this section. Contractors have the option to use either of the methods except that once the method in paragraph (d) of this section is elected for use, that method shall be used thereafter.

(c) This paragraph provides for a reasonably precise computation of gains and losses and in certain situations may yield more equitable results than paragraph (d) of this section:

(1) The gain on depreciable personal property shall be limited to the total depreciation or amortization charges included in the cost grouping(s) during those years in which Government contracts participated in such charges.

(2) The gain on depreciable real property held for less than 10 years shall be included depending upon the length of time the property was held. The amount of the gain to be included is the applicable percentage of the lesser of (i) the total depreciation charges included in the cost grouping(s) during those years in which Government contracts participated in such charges which are in excess of straight line depreciation, or (ii) the excess of the amount realized over the cost of the property less the total depreciation charges included in the cost group(s) during those years in which Government contracts participated in such charges. The applicable percentage for property held 20 months or less shall be 100 percent; for property held more than 20 months the applicable percentage shall be 100 percent minus 1 percent for each full month the property was held over 20 months.

(3) The loss to be included shall be the difference between the amount realized for the asset and its undepreciated basis resulting from the depreciation method used for Government contract cost purposes.

(d) This paragraph facilitates the computations of gains and losses by recognizing certain data used by the contractor and acceptable for Federal Income Tax purposes.

(1) The gains on depreciable personal and real property shall be limited to the amount representing ordinary income recognized for Federal Income Tax purposes. (See sections 1238, 1254, and 1250 of the 1954 Internal Revenue Code, as amended.)

(2) Subject to § 15.205–16, the losses on depreciable personal and real property shall consist of the gross capital losses recognized for Federal Income Tax purposes. (See section 1231 of the 1954 Internal Revenue Code, as amended.)

(e) Gains and losses on the disposition of depreciable property shall not be recognized as a separate charge or credit where:

(1) Such gains and losses are processed through the depreciation reserve account and reflected in the depreciation allowable under § 15.205–9, or

(2) The property is given in exchange as part of the purchase price of a similar item and the gain or loss is taken into consideration in the depreciation cost basis of the new item.

(f) Gains and losses arising from mass or extraordinary sales, retirements or other dispositions shall be considered on a case-by-case basis.

(g) Gains and losses of any nature arising from the sale or exchange of capital assets other than depreciable property, shall be excluded in computing contract costs.

§ 15.205–33 Recruitment costs (CWAS).

(a) Subject to paragraph (b), (c), and (d) of this section: *And provided,* That the size of the staff recruited and maintained is in keeping with workload requirements, costs of help-wanted advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocations costs incurred incident to recruitment of new employees are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the contractor uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(b) Cost of help-wanted advertising is unallowable if the advertising:

(1) Is for other than for personnel required for the performance of obligations under a defense contract (see § 15.205–1);

(2) Does not describe specific positions or classes of positions;

(3) Is excessive in relation to the number and importance of the positions, or in relation to the practices of the industry;

(4) Includes material that is not relevant for recruitment purposes, such as extensive illustrations or descriptions of the company's products or capabilities;

(5) Is designed to "pirate" personnel from another defense contractor; or

(6) Includes color (in publications).

(c) Costs of excessive salaries, fringe benefits and special emoluments that have been offered to prospective employees, designed to "pirate" personnel from another defense contractor, or in excess of the standard practices in the industry, are unallowable.

(d) Relocation costs incurred incident to recruitment of new employees are subject to § 15.205–25. Where such costs have been allowed either as an allocable direct or indirect cost and the newly hired employee resigns for reasons within his control within 12 months after hire, the contractor shall be required to refund or credit such relocation costs to the Government.

§ 15.205–41 Taxes.

(a) (CWAS) Taxes are charges levied by Federal, State, or local governments. They do not include fines and penalties except as otherwise provided herein. In general, taxes (including State and local income taxes, except as provided in paragraph (b) of this section) which the contractor is required to pay and which are paid or accrued in accordance with generally accepted accounting principles are allowable, except for—

(1) Federal income and excess profits taxes; (CWAS–NA)

(2) Taxes in connection with financing, refinancing, or refunding operations (see § 15.205–17); (CWAS–NA)

(3) Taxes from which exemptions are available to the contractor directly or available to the contractor based on an exemption afforded the Government except when the contracting officer determines that the administrative burden incident to obtaining the exemption outweighs the corresponding benefits accruing to the Government; (CWAS–NA)

(4) Special assessments on land which represent capital improvements; (CWAS–NA) and

(5) Taxes on any category of property which is used solely in connection with work other than on Government contracts. (Taxes on property used solely in connection with either non-Government or Government work should be considered directly applicable the respective category of work unless the amounts involved are insignificant or comparable results would otherwise be obtained; e.g., taxes on contractor-owned work-in-process which is used solely in connection with non-Government work should be allocated to such work; taxes on contractor owned work-in-process inventory (and Government-owned work-in-progress inventory when taxed), used solely in connection with Government work should be charged to such work.) (CWAS).

(b) (CWAS–NA) Income tax accruals designed to account for the tax effects of differences between taxable income and pretax income as reflected by the books of account and financial statements are unallowable.

(c) (CWAS) Taxes otherwise allowable under paragraph (a) of this section, but upon which a claim of illegality or erroneous assessment exists, are allowable: *Provided*, That the contractor prior to payment of such taxes—

(1) Promptly requests instructions from the contracting officer concerning such taxes; and

(2) Takes all action directed by the contracting officer arising out of subparagraph (1) of this paragraph or an independent decision of the Government as to the existence of a claim of illegality or erroneous assessment, including coopertion with and for the benefit of the ment to (i) determine the legality of such assessment, or, (ii) secure a refund of such taxes.

Reasonable costs of any such action undertaken by the contractor at the direction or with the concurrence of the contracting officer are allowable. Interest and penalties incurred by a contractor by reason of the nonpayment of any tax at the direction of the contracting officer or by reason of the failure of the contracting officer to assure timely direction after prompt request therefor, are also available.

(d) (CWAS) Any refund of taxes, interest, or penalties, and any payment to the contractor of interest thereon, attributable to taxes, interest, or penalties which were allowed as contract costs, shall be credited or paid to the Government in the manner directed by the Government, provided any interest actually paid or credited to a contractor incident to a refund tax, interest or penalty shall be paid or credited to the Government only to the extent that such interest accrued over the period during which the contractor had been reimbursed by the Government for the taxes, interest or penalties.

§ 15.205–47 Economic planning costs.

(a) (CWAS) This category includes costs of generalized long-range management planning which is concerned with the future overall development of the contractor's business and which may take into account the eventual possibility of economic dislocations or fundamental alterations in those markets in which the contractor currently does business. Economic planning costs do not include organization or reorganization costs covered by § 15.205–23.

* * * * *

16. In § 15.205–48, subparagraphs (3) and (4) of paragraph (b) are revised and new subparagraph (5) is added, and subparagraph (2) of paragraph (c) is revised; and a new Subpart G is added, as follows:

§ 15.205–48 Automatic data processing equipment (ADPE) leasing costs (CWAS).

* * * * *

(b) * * *

(3) Rental costs under a sale and leaseback arrangement shall be allowable only up to the amount the contractor would be allowed had he retained title to the ADPE, except that rental costs may be allowed in accordance with subparagraphs (1) and (2) of this paragraph (i) where the sale and leaseback immediately followed purchase of the ADPE, or (ii) where the sale and leaseback is otherwise in the best interest of the Government.

(4) Rental costs of ADPE which is leased from any division, subsidiary, or organization under a common control shall be limited to the cost of ownership (excluding interest or other unallowable costs pursuant to this subpart) except as provided in subparagraph (5) of this paragraph.

(5) Rental costs of ADPE which is leased from any division, subsidiary or organization under a common control which has an established practice of leasing the same or similar equipment to unaffiliated lessees shall be allowed in accordance with subparagraphs (1) and (2) of this paragraph, except the purchase price for the purposes of subparagraph (1) of this paragraph and costs of ownership for the purpose of paragraph (c)(2) of this section shall be determined in accordance with § 15.205–22(e).

(c) * * *

(2) In estimating the least cost to the Government for such useful life, the cumulative costs that would be allowed if the contractor owned the property should be compared with cumulative costs that would be allowed under any of the various types of leasing arrangements available. For the purposes of this comparison, the costs of ADPE exclude interest or other unallowable costs pursuant to this subpart; they include but are not limited to the costs of operation, maintenance, insurance, depreciation, and rental, and the cost of machine services, as applicable.

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Subpart G—Principles for Determining Costs Applicable to Grants and Contracts With State and Local Governments

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AUTHORITY: The provisions of this Subpart G issued under secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314.

§ 15.701 Purpose and scope.

§ 15.701–1 Objectives.

This subpart sets forth principles for determining the allowable costs of programs administered by State and local governments under grants from and contracts with the Federal Government. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal and State or local participation in the financing of a particular grant. They are designed to provide that federally assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended.

§ 15.701–2 Policy guides.

The application of these principles is based on the fundamental premises that:

(a) State and local governments are responsible for the efficient and effective administration of grant and contract programs through the application of sound management practices.

(b) The grantee or contractor assumes the responsibility for seeing that federally assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.

(c) Each grantee or contractor organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques may be necessary to assure proper and efficient administration.

§ 15.701–3 Application.

These principles will be applied by all Federal agencies in determining costs incurred by State and local governments under Federal grants and cost reimbursement type contracts (including subgrants and subcontracts) except those with (a) publicly financed educational institutions subject to Subpart C of this part, and (b) publicly owned hospitals and other providers of medical care subject to requirements promulgated by the sponsoring Federal agencies.

§ 15.702 Definitions.

§ 15.702–1 Approval or authorization of the grantor Federal agency.

This term means documentation evidencing consent prior to incurring specific cost.

§ 15.702–2 Cost allocation plan.

This term means the documentation identifying, accumulating, and distributing allowable costs under grants and contracts together with the allocation methods used.

§ 15.702–3 Cost.

Cost, as used herein, means cost as determined on a cash, accrual, or other basis acceptable to the Federal grantor agency as a discharge of the grantee's accountability for Federal funds.

§ 15.702–4 Cost objective.

This term means a pool, center, or area established for the accumulation of cost. Such areas include organizational units, functions, objects or items of expense, as well as ultimate cost objectives including specific grants, projects, contracts, and other activities.

§ 15.702–5 Federal agency.

This term means any department, agency, commission, or instrumentality in the executive branch of the Federal Government which makes grants to or contracts with State or local governments.

§ 15.702–6 Grant.

This term means an agreement between the Federal Government and a State or local government whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this subpart as applicable to grants in general also apply to any federally sponsored cost reimbursement type of agreement performed by a State or local government, including contracts, subcontracts and subgrants.

§ 15.702–7 Grant program.

This term means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.

§ 15.702–8 Grantee.

This term means the department or agency of State or local government which is responsible for administration of the grant.

§ 15.702–9 Local unit.

This term means any political subdivision of government below the State level.

§ 15.702–10 Other State or local agencies.

This term means departments or agencies of the State or local unit which provide goods, facilities, and services to a grantee.

§ 15.702–11 Services.

This term, as used herein, means goods and facilities, as well as services.

§ 15.702–12 Supporting services.

This term means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing services to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like.

§ 15.703 Basic guidelines.

§ 15.703–1 Factors affecting allowability of costs.

To be allowable under a grant program, costs must meet the following general criteria:

(a) Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State or local governments.

(b) Be authorized or not prohibited under State or local laws or regulations.

(c) Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items.

(d) Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of government of which the grantee is a part.

(e) Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

(f) Not be allocable to or included as a cost of any other federally financed program in either the current or a prior period.

(g) Be net of all applicable credits.

§ 15.703–2 Allocable costs.

(a) A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

(b) Any cost allocable to a particular grant or cost objective under the principles provided for in this subpart may not be shifted to other Federal grant programs to overcome fund deficiencies, avoid restrictions imposed by law or grant agreements, or for other reasons.

(c) Where an allocation of joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in § 15.709.

§ 15.703–3 Applicable credits.

(a) Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: Purchase discounts, rebates or allowances, recoveries or indemnities on losses; sale of publications, equipment, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.

(b) Applicable credits may also arise when Federal funds are received or are available from sources other than the grant program involved to finance operations or capital items of the grantee. This includes costs arising from the use or depreciation of items donated or financed by the Federal Government to fulfill matching requirements under another grant program. These types of credits should likewise be used to reduce related expenditures in determining the rates or amounts applicable to a given grant.

§ 15.704 Composition of cost.

§ 15.704–1 Total cost.

The total cost of a grant program is comprised of the allowable direct cost incident to its performance, plus its allocable portion of allowable indirect costs, less applicable credits.

§ 15.704–2 Classification of costs.

There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential therefore that each item of cost be treated consistently either as a direct or an indirect cost. Specific guides for determining direct and indirect costs allocable under grant programs are provided in §§ 15.705 through 15.709.

§ 15.705 Direct costs.

§ 15.705–1 General.

Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts, or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.

§ 15.705–2 Application.

Typical direct costs chargeable to grant programs are:

(a) Compensation of employees for the time and effort devoted specifically to the execution of grant programs.

(b) Cost of materials acquired, consumed, or expended specifically for the purpose of the grant.

(c) Equipment and other approved capital expenditures.

(d) Other items of expense incurred specifically to carry out the grant agreement.

(e) Services furnished specifically for the grant program by other agencies, provided such charges are consistent with criteria outlined in § 15.707 of these principles.

§ 15.706 Indirect costs.

§ 15.706–1 General.

Indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other department in supplying goods, services, and facilities, to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect cost within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration of relative benefits derived.

§ 15.706–2 Grantee departmental indirect costs.

All grantee departmental indirect costs, including the various levels of supervision, are eligible for allocation to grant programs provided they meet the conditions set forth in this subpart. In lieu of determining the actual amount of grantee departmental indirect costs allocable to a grant program, the following methods may be used:

(a) *Predetermined fixed rates for indirect costs.* A predetermined fixed rate for computing indirect costs applicable to a grant may be negotiated annually in situations where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment (1) as to the probable level of indirect costs in the grantee department during the period to be covered by the negotiated rate, and (2) that the amount allowable under the predetermined rate would not exceed actual indirect cost.

(b) *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of indirect costs may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined as in the case of small, self-contained or isolated activity. When this method is used, a determination should be made that the amount negotiated will be approximately the same as the actual indirect cost that may be incurred. Such amounts negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

§ 15.706–3 Limitation on indirect costs.

(a) Federal grants may be subject to laws that limit the amount of indirect costs that may be allowed. Agencies that sponsor grants of this type will establish procedures which will assure that the amount actually allowed for indirect costs under each such grant does not exceed the maximum allowable under the statutory limitation or the amount otherwise allowable under this subpart, whichever is the smaller.

(b) When the amount allowable under a statutory limitation is less than the amount otherwise allocable as indirect costs under this subpart, the amount not recoverable as indirect costs under a grant may not be shifted to another federally sponsored grant program or contract.

§ 15.707 Cost incurred by agencies other that the grantee.

§ 15.707–1 General.

The cost of service provided by other agencies may only include allowable direct costs of the service plus a pro rata share of allowable supporting costs (§ 15.702–12) and supervision directly required in performing the service, but not supervision of a general nature such as that provided by the head of a department and his staff assistants not directly involved in operations. However, supervision by the head of a department or agency whose sole functions is providing the service furnished would be an eligible cost. Supporting costs include those furnished by other units of the supplying department or by other agencies.

§ 15.707–2 Alternative methods of determining indirect cost.

In lieu of determining actual indirect cost related to a particular service furnished by another agency, either of the following alternative methods may be used provided only one method is used for a specific service during the fiscal year involved.

(a) *Standard indirect rate.* An amount equal to 10 percent of direct labor cost in providing the service performed by another State agency (excluding overtime, shift, or holiday premiums and fringe benefits) may be allowed in lieu of actual allowable indirect cost for that service.

(b) *Predetermined fixed rate.* A predetermined fixed rate for indirect cost of the unit or activity providing service may be negotiated as set forth in § 15.706–2(a).

§ 15.708 Cost incurred by grantee department for others.

§ 15.708–1 General.

The principles provided in § 15.707 will also be used in determining the cost of services provided by the grantee department to another agency.

§ 15.709 Cost allocation plan.

§ 15.709–1 General.

A plan for allocation of costs will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records which will substantiate the propriety of eventual charges.

§ 15.709–2 Requirements.

The allocation plan of the grantee department should cover all joint costs of the department as well as costs to be allocated under plans of other agencies or organizational units which are to be included in the costs of federally sponsored programs. The cost allocation plans of all the agencies rendering services to the grantee department, to the extent feasible, should be presented in a single document. The allocation plan should contain, but not necessarily be limited to, the following:

(a) The nature and extent of services provided and their relevance to the federally sponsored programs.

(b) The items of expense to be included.

(c) The methods to be used in distributing cost.

§ 15.709–3 Approval of cost allocation plan.

The allocation plan for a given cost area or objective will serve all the Federal agencies involved.

(a) At the State level, the Department of Health, Education, and Welfare will be responsible for the negotiation and approval of the cost allocation plans for central support services to grant programs. The approved plans will be accepted by other Federal agencies, unless an agency determines that the approved plan would result in significant inequitable or improper charges to programs for which it is responsible. The Department of Health, Education, and Welfare will collaborate with the other Federal agencies concerned in the development of guidance material concerning the cost allocation plan and in the negotiation and approval of the plan. It will also collaborate with the States concerning procedures for the administration of the cost allocation plan. The Department of Health, Education, and Welfare will be responsible for the audit of costs resulting from the cost allocation plan, the results of which will be accepted by other Federal agencies.

(b) At the grantee department level in a State, and for local governments, Federal agencies will work towards the objective of designating a single Federal agency, the one with predominant interest, which will have responsibility similar to that set forth in paragraph (a) of this section for the negotiation and approval of the cost allocation plan and for the audit of costs.

§ 15.710 Standards for selected items of cost.

Sections 15.711, 15.712, and 15.713 provide standards for determining the allowability of elected items of cost. These standards will apply irrespective of whether a particular item of cost is treated as direct or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the general policies and principles stated in §§ 15.701 through 15.709.

§ 15.711 Allowable costs.

§ 15.711–1 Accounting.

The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall State or local government purposes, such as appropriation and fund accounts by the Treasurer, Comptroller, or similar officials, is considered to be a general expense of Government and is not allowable.

§ 15.711–2 Advertising.

Advertising media includes newspapers, magazines, radio and television programs, direct mail, trade papers, and the like. The advertising costs allowable are those which are solely for:

(a) Recruitment of personnel required for the grant program.

(b) Solicitation of bids for the procurement of goods and services required.

(c) Disposal of scrap or surplus materials acquired in the performance of the grant agreement.

(d) Other purposes specifically provided for in the grant agreement.

§ 15.711–3 Advisory councils.

Costs incurred by State advisory councils or committees established pursuant to Federal requirements to carry out grant programs are allowable. The cost of like organizations is allowable when provided for in the grant agreement.

§ 15.711–4 Audit service.

The costs of audit necessary for the administration and management of functions related to grant programs is allowable.

§ 15.711–5 Bonding.

Costs of premiums on bonds covering employees who handle grantee agency funds are allowable.

§ 15.711–6 Budgeting.

Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Costs for services of a central budget office are generally not allowable since these are costs of general government. However, where employees of the central budget office actively participate in the grantee agency's budget process, the cost of identifiable services is allowable.

§ 15.711–7 Building lease management.

The administrative cost for lease management which includes review of lease proposals, maintenance of a list of available property for lease, and related activities is allowable.

§ 15.711–8 Central stores.

The cost of maintaining and operating a central stores organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

§ 15.711–9 Communications.

Communication costs incurred for telephone calls or service, telegraph, teletype service, wide area telephone service (WATS), centrex, telpak (tie lines), postage, messenger service and similar expenses are allowable.

§ 15.711–10 Compensation for personal services.

(a) *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits (§ 15.711–13). The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) Is reasonable for the services rendered, (2) follows an appointment made in accordance with State or local government laws and rules and which meets Federal merit system or other requirements, where applicable; and (3) is determined and supported as provided in paragraph (b) of this section. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State or local government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the State or local government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

(b) *Payroll and distribution of time.* Amounts charged to grant programs for personal services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the State or local agency. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.

§ 15.711–11 Depreciation and use allowances.

(a) Grantees may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

(b) The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The computation will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal Government through charges to Federal grant programs or otherwise, irrespective of where title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the grantor Federal agency.

(c) Where the depreciation method is followed, adequate property records must be maintained, and any generally accepted method of computing depreciation may be used. However, the method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.

(d) In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding 2 percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable equipment.

(e) No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated: *Provided, however,* That reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

§ 15.711–12 Disbursing service.

The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records of accountability and reconciliation of such records with related cash accounts.

§ 15.711–13 Employee fringe benefits.

Costs identified under pargaraphs (a) and (b) of this section are allowable to the extent that total compensation for employees is reasonable as defined in § 15.711–10.

(a) Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like, if they are: (1) Provided pursuant to an approved leave system, and (2) the cost thereof is equitably allocated to all related activities, including grant programs.

(b) Employee benefits in the form of employer's contribution or expenses for social security, employees' life and health insurance plans, unemployment insurance coverage, workmen's compensation insurance, pension plans, severance pay, and the like, provided such benefits are granted under approved plans and are distributed equitably to grant programs and to other activities.

§ 15.711–14 Employee morale, health and welfare costs.

The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with general State or local policy, are allowable. Income generated from any of these activities will be offset against expenses.

§ 15.711–15 Exhibits.

Costs of exhibits relating specifically to the grant programs are allowable.

§ 15.711–16 Legal expenses.

The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or his staff solely for the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

§ 15.711–17 Maintenance and repair.

Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

§ 15.711–18 Materials and supplies.

The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

§ 15.711–19 Memberships, subscriptions and professional activities.

(a) *Memberships.* The cost of membership in civic, business, technical and professional organizations is allowable provided: (1) The benefit from the membership is related to the grant program, (2) the expenditure is for agency membership, (3) the cost of the membership is reasonably related to the value of the services or benefits received, and (4) the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.

(b) *Reference material.* The cost of books and subscriptions to civic, business, professional, and technical periodicals is allowable when related to the grant program.

(c) *Meetings and conferences.* Costs are allowable when the primary purpose of the meeting is the dissemination of technical information relating to the grant program and they are consistent with regular practices followed for other activities of the grantee.

§ 15.711–20 Motor pools.

The costs of a service organization which provides automobiles to user grantee agencies at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.

§ 15.711–21 Payroll preparation.

The cost of preparing payrolls and maintaining necessary related wage records is allowable.

§ 15.711–22 Personnel administration.

Costs for the recruitment, examination, certification, classification, training, establishment of pay standards, and relatde activities for grant programs are allowable.

§ 15.711–23 Printing and reproduction.

Cost for printing and reproduction services necessary for grant administration, including but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating to grant program accomplishments or results are allowable when provided for in the grant agreement.

§ 15.711–24 Procurement service.

The cost of procurement service, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing goods, facilities and services for grant programs, is allowable.

§ 15.711–25 Taxes.

In general, taxes or payments in lieu of taxes which the grantee agency is legally required to pay are allowable.

§ 15.711–26 Training and education.

The cost of in-service training, customarily provided for employee development which directly or indirectly benefits grant programs is allowable. Out-of-service training involving extended

periods of time is allowable only when specifically authorized by the grantor agency.

§ 15.711–27 Transportation.

Costs incurred for freight, cartage, express, postage, and other transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

§ 15.711–28 Travel.

Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in nonfederally sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not reasonably available.

§ 15.712 Costs allowable with approval of grantor agency.

§ 15.712–1 Automatic data processing.

The cost of data processing services to grant programs is allowable. This cost may include rental of equipment or depreciation on grantee-owned equipment. The acquisition of equipment, whether by outright purchase, rental-purchase agreement or other method of purchase, is allowable only when specific prior approval of the grantor Federal agency is provided under the selected item for capital expenditures.

§ 15.712–2 Building space and related facilities.

The cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the conditions stated below. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy, without authorization of the grantor Federal agency.

(a) *Rental cost.* The rental cost of space in a privately owned building is allowable.

(b) *Maintenance and operation.* The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.

(c) *Rearrangements and alterations.* Cost incurred for rearrangement and alteration of facilities required specifically for the grant program or those that materially increase the value of useful life of the facilities (§ 15.712–3) are allowable when specifically approved by the grantor agency.

(d) *Depreciation and use allowances on publicly owned buildings.* These costs are allowable as provided in § 15.711–11.

(e) *Occupancy of space under rental-purchase or a lease with option-to-purchase agreement.* The cost of space procured under such arrangements is allowable when specifically approved by the Federal grantor agency.

§ 15.712–3 Capital expenditures.

The cost of facilities, equipment, other capital assets, and repairs which materially increase the value or useful life of capital assets is allowable when such procurement is specifically approved by the Federal grantor agency. When assets acquired with Federal grant funds are (a) sold, (b) no longer available for use in a federally sponsored program, or (c) used for purposes not authorized by the grantor agency, the Federal grantor agency's equity in the asset will be refunded in the same proportion as Federal participation in its cost. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable.

§ 15.712–4 Insurance and indemnification.

(a) Costs of insurance required, or approved and maintained pursuant to the grant agreement, are allowable.

(b) Costs of other insurance in connection with the general conduct of activities are allowable subject to the following limitations:

(1) Types and extent and cost of coverage will be in accordance with general State or local government policy and sound business practice.

(2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property are unallowable except to the extent that the grantor agency has specifically required or approved such costs.

(c) Contributions to a reserve for a self-insurance program approved by the Federal grantor agency are allowable to the extent that the type of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

(d) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, and minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools which occur in the ordinary course of operations, are allowable.

(e) Indemnification includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the grantee only to the extent expressly provided for in the grant agreement, except as provided in paragraph (d) of this section.

§ 15.712–5 Management studies.

The cost of management studies to improve the effectiveness and efficiency of grant management for on-going programs is allowable except that the cost of studies performed by agencies other than the grantee department or outside consultants is allowable only when authorized by the Federal grantor agency.

§ 15.712–6 Preagreement costs.

Costs incurred prior to the effective date of the grant or contract, whether or not they would have been allowable thereunder if incurred after such date, are allowable when specifically provided for in the grant agreement.

§ 15.712–7 Professional services.

Cost of professional services rendered by individuals or organizations not a part of the grantee department is allowable subject to such prior authorization as may be required by the Federal grantor agency.

§ 15.712–8 Proposal costs.

Costs of preparing proposals on potential Federal Government grant agreements are allowable when specifically provided for in the grant agreement.

§ 15.713 Unallowable costs.

§ 15.713–1 Bad debts.

Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable.

§ 15.713–2 Contingencies.

Contributions to a contingency reserve or any similar provision for unforseen events are unallowable.

§ 15.713–3 Contributions and donations.

Unallowable.

§ 15.713–4 Entertainment.

Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are unallowable.

§ 15.713–5 Fines and penalties.

Costs resulting from violations of, or failure to comply with Federal, State, and local laws and regulations are unallowable.

§ 15.713–6 Governor's expenses.

The salaries and expenses of the Office of the Governor of a State or the chief executive of a political subdivision are considered a cost of general State or local government and are unallowable.

§ 15.713–7 Interest and other financial costs.

Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection

therewith, are unallowable except when authorized by Federal legislation.

§ 15.713–8 Legislative expenses.

Salaries and other expenses of the State legislature or similar local governmental bodies such as county supervisors, city councils, school boards, etc., whether incurred for purposes of legislation or executive direction, are unallowable.

§ 15.713–9 Underrecovery of costs under grant agreements.

Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

17. Section 18.705 is revised to read as follows:

§ 18.705 Labor standards enforcement report.

See § 12.107 of this chapter.

PART 19—TRANSPORTATION

18. Section 19.402(a) is revised to read as follows:

§ 19.402 Volume movements within the continental United States.

(a) Volume movement means the aggregate of one or more freight shipments to move during the contract period, amounting to or exceeding 25 carloads, 25 truckloads, or 500,000 pounds, from one point of origin for delivery to one destination point or area.

* * * * * * *

PART 24—DISPOSITION OF PERSONAL PROPERTY IN THE POSSESSION OF CONTRACTORS

19. Section 24.302–5 is revised to read as follows:

§ 24.302–5 Instructions for assigning plant clearance case number.

(a) The plant case number shall consist of a three-part, 11-digit number constructed as follows:

(1) The first part shall be a six digit (Alphanumeric combination), as shown in the DoD Activity Address Directory (see DSAH 4140.1, AR 725–50–1, MCOP 4420.2C, CG 364, AFM 75–6) assigned to the contract administering activity.

(2) The second part, digits 7 through 10 shall consist of the following:

7th through 9th digits.	Consecutively numbered serial number, locally assigned, using Alpha and numeric characters commencing with 001 at the beginning of each calendar year, and continuing as necessary through ZZZ.
10th digit	The last digit of the calendar year.

(3) The third part, 11th digit, will be a single Alpha code to identify the Military Department:

C—Army.
Q—Navy.
E—Air Force.
L—Marine Corps.
U—Defense Supply Agency.

(b) Combined, the plant clearance case number assigned by the plant clearance officer will be in accordance with the following examples:

"S2302A–0010–Q" and "S2302A–ZZZ2–Q"

(1) "S2302A" indicates that the Detroit Defense Contract Administration Services Region is designated as the office to which the plant clearance officer is assigned.

(2) "0010" indicates that this is the first case established by the Detroit Defense Contract Administration Services Region in calendar year 1970 and "ZZZ2" the 8199th case in calendar year 1972.

(3) "Q" indicates that the Navy is the owning military service.

(c) The plant clearance case number assigned will be recorded on DD Form 1635, Plant Clearance Case Register, which will provide a permanent numerical listing of plant clearance cases.

Item	*Explanation and instructions*
* * * * * * *	
Block 16—Signal	Enter one of the following codes which indicate the "ship to" or "bill to" activity when applicable:

Ship to requisitioner	*Bill to*
A	Blocks 9 and 10.
B	Blocks 14 and 15.
C	Bill to activity designated by block 17. However, if the third digit of the document identifier is "5" or "E," the Remarks block may indicate other billing information. See H–606.
D	No billing required (free issue). Not to be used on requisitions submitted to General Services Administration.

Ship to supplementary address	*Bill to*
J	Blocks 9 and 10.
K	Blocks 14 and 15.
L	Bill to activity designated by block 17. However, if the third digit of the document identifier is "5" or "E," the Remarks block may indicate other billing information. See H–606.
M	No billing required (free issue). Not to be used on requisitions submitted to General Services Administration.

See H–605.

NOTE: Codes A, B, C, J, K, and L will be provided by the contract or otherwise furnished by the Military Department to the contractor.

* * * * * * *

H–303.1 *Use of DD Form 1348m as a requisition.* * * *

(b) * * *

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

20. In § 30.6, item H–204(1) is revised; in item H–302.2, so much of the table as pertains to "Block 16" is revised; in item H–303.1(b), so much of the table as pertains to "51—Signal" is revised; new item H–308 is added; items H–404.2 and H–405 are revised; in item H–602.2, a new entry in the table following "AF2 Followup" is made; item H–603.5(iv) is revised; in item H–604.3(d), "Code L", in the table, is revised and new "Code U" is added; item H–605.2 (a)(iv) and (b)(iv) are revised; items H–607.2(a), H–607.3, and H–610 are revised; in item H–611, so much of the table as pertains to "Estimated availability" is revised, as follows:

§ 30.6 Appendix H—Manual for Military Standard Requisitioning and Issue Procedure (MILSTRIP) for Defense Contractors.

H–204 *Time-frames.* Time-frames have been established for furnishing supply status and for delivery of material as follows:

(1) Supply status—

Priority designator	*Dispatched after receipt of requisition or followup*
1 through 08	Within 2 days.
09 through 20	Within 5 days.

* * * * * * *

H–302.2 *Use of DD Form 1348 as a requisition.* * * *

Item	*Explanation and instructions*
* * * * * * *	
Block 16—Signal	Enter one of the following codes which indicate the "ship to" or "bill to" activity when applicable:

Ship to requisitioner	*Bill to*
A	Blocks 9 and 10.
B	Blocks 14 and 15.
C	Bill to activity designated by block 17. However, if the third digit of the document identifier is "5" or "E," the Remarks block may indicate other billing information. See H–606.
D	No billing required (free issue). Not to be used on requisitions submitted to General Services Administration.

Ship to supplementary address	*Bill to*
J	Blocks 9 and 10.
K	Blocks 14 and 15.
L	Bill to activity designated by block 17. However, if the third digit of the document identifier is "5" or "E," the Remarks block may indicate other billing information. See H–606.
M	No billing required (free issue). Not to be used on requisitions submitted to General Services Administration.

See H–605.

NOTE: Codes A, B, C, J, K, and L will be provided by the contract or otherwise furnished by the Military Department to the contractor.

* * * * * * *

H–303.1 *Use of DD Form 1348m as a requisition.* * * *

(b) * * *

Block	*Data which may be entered*	*Block*	*Data which may be entered*
V	For internal use.	GG	Provided for any special notes or instructions deemed appropriate. For Air Force Government-furnished material, the Expendability-Recoverability-Repair Code (ERRC) shall be entered in block GG by the shipping activity.
W	For internal use.		
X	Item nomenclature.		
Y	For internal use.		
1–4	Shipper and receivers use.	11–15	Self-explanatory.
5	Block 5 of DD Forms 1348–1 will reflect the shipping container number and the total number of containers in a shipment under the rules contained in paragraph 5.3.4 of MIL–STD 129D. The shipping container number(s) will indicate the specific container(s) in which the item reflected on a DD Form 1348–1 is packed. EXAMPLE: 7/12; container number 7 of a 12-container shipment. When an item is shipped in more than one container of a shipment, the container numbers and number of containers will be entered in block 5 as: 3, 5, 7/12; container 3, 5, and 7 of a 12-container shipment.	H–605	*Document distribution.* Distribution of the individual copies of DoD Single Line Item Release/Receipt Document (DD Form 1348–1) shall be as follows: (i) Copy 1 is retained by the distribution point (shipper); (ii) Copies 2 and 3—to consignee with material; (iii) Copy 4—to consignee attached to outside of No. 1 shipping container after use for picking, packing and item identification; (iv) Copy 5*—to consignee with advance copy of the bill of lading; (v) Copy 6—transportation copy retained by the distribution point (shipper). H–602.2 *Entry.* * * *
6–10	Shipper and receivers use.		
AA–FF	Provided for any special notes or instructions deemed appropriate.		

*When shipment is accomplished by a method not requiring backup documentation to a movement document (i.e., parcel post, Government truck, etc.), this copy will be destroyed by the shipping point.

Columns 1,2,3	Field Legend	Explanation and instructions
* * *	* * *	* * *
51	Signal	Enter one of the following codes which indicates the "ship to" and "bill to" activity:

Ship to requisitioner	*Bill to*
A	Requisitioner.
B	Supplementary address.
C	Bill to activity designated by column 52. However, if the third digit of the identifier is "5" or "E," the Remarks block may indicate other billing information. See H–606.
D	No billing required. Not to be used on requisitions submitted to General Services Administration.

Ship to supplementary address	*Bill to*
J	Requisitioner.
K	Supplementary address.
L	Bill to activity designated by column 52. However, if the third digit of the document identifier is "5" or "E," the Remarks block may indicate other billing information. See H–606.
M	No billing required. See H–605. Not to be used on requisitions submitted to General Services Administration.

NOTE: Codes A, B, C, J, K, and L will be provided by the contract or otherwise furnished by the Military Department to the contractor.

* * * * * * *

H–308 *Submission and use of follow-up (Request for improved EAD/ESD).* (a) A follow-up requesting improvement of Estimated Availability Dates/Estimated Shipping Dates (EADs/ESDs) contained in previously furnished supply status documents may be initiated by prime contractors. These followup inquiries will contain Document Identifier Code AFC in card columns 1–3 and the data from the previously received supply status document in card columns 4–66. The AFC documents will be prepared only for transactions applicable to Priority Designators 01–08. The necessity for such inquiries will generally result from such conditions which necessitate receipt of materiel prior to expiration of certain dates

(b) When determination is made that improvement in EADs/ESDs can be accomplished, supply status documents, containing the revised EAD/ESD in columns 62–64, will be transmitted to status recipients designated in the original requisitions. When actions taken by management do not result in improved EADs/ESDs, status recipients designated in the original requisitions will be provided the latest status applicable to the requisitions concerned with the requests for EAD/ESD improvement.

H–404.2 *Other data.* In order to accommodate the various distribution systems and equipment, DD Form 1348–1 provides blocks for entry of other data. The use of these blocks with the exception of block 5 is optional; but, when used, they shall contain the following:

Block	*Data which may be entered*
A	The shipping point identified by name and/or code.
B	The consignee by name and address and/or code listed in DoD Activity Address Directory.
C	Repeat of data entered in the supplementary address field (columns 45–50).
D	The project and/or code, if any.
E	The extended value of the transaction.
F	The location from which materiel is to be selected.
G	Coded cargo data.
H	The number of issue units in a package.
I	The unit weight applicable to the unit of issue.
J	The unit cube applicable to the unit of issue.
K	Uniform freight classification.
L	National motor freight classification.
M	Percentage of first class.
N	For internal use.
O	Date of document preparation.
P	Materiel condition code.
Q	For service use.
R	For internal use.
S	For internal use.
T	Stock or part number of item originally requested, if other than item released.
U	Freight classification nomenclature.

Columns 1,2,3	Field Legend	Explanation
* * *	* * *	* * *
AF2 Followup	Request for Improved EAD/ESD.	By supplementary addressee (cols 45–50). Furnished by prime contractors as requests to supply sources to initiate actions which will improve estimated availability dates provided in supply status transactions.
AFC		
* * *	* * *	* * *

H–603.5 *Additional rules.* * * *

(iv) Any requisition containing a Production Equipment Code (PEC), DoD Ammunition Number, or locally assigned number, etc., must contain a "4" or "D" unless additional data is entered in the "Remarks" space.

When additional data is entered in the "Remarks" space, regardless of the content of any columns of the requisition (including columns 8 through 22), column 3 must contain a "5" or "E" and the requisition must not be transcribed. When these requisitions are mailed, the envelopes will be conspicuously marked "MILSTRIP Exception Data Requisitions."

H–604.3 *Entries.*

* * * * * * *

(d) * * *

Code	*Explanation*
* * *	* * *
L	To identify requisitions and other Redistribution Documents resulting from screening DLSC excess listings, flyers, brochures, contractor excess inventory listings, Property Disposal Officer and GSA excess bulletins and other special offers of DoD potential excess and declared excess personal property. Code "L" will be entered in column 40 of requisitions and other redistribution documents prepared by ICPs, Research and Development Activities, schools, bases, posts,

Columns 65	66	Explanation
B	M	Requisition referred to activity indicated in columns 67 through 80. Forward all future transactions to that activity.
B	N	Requisition being processed as free issue. Signal and fund code fields corrected as noted. Adjust local fund obligation records.
B	P	Item requested is for procurement for direct delivery. Shipping action will be delayed. Revised estimated shipping date (ESD) is in columns 62–64.
B	Q	Canceled. Results from receipt of cancellation request from requisitioner, consignee, manager, or other authorized activity.
B	T	Requisition in process of technical edit and identification. Additional status will be furnished upon completion of the review and item identification.
B	V	Item being procured for direct shipment to consignee. The estimated shipping date is entered in columns 62–64.
B	7	Unit price change. The latest unit price for the item, identified by the stock or part number in columns 22, is reflected in Columns 74–80.

(b) *Rejection codes.* **All interservice rejections shall contain "C" in column 65 followed by an alphabetic or numeric character in column 66 which shall furnish the appropriate "reason for rejection". Items rejected, if still required, shall be requisitioned using new document numbers. To preclude similar rejection, the requisitioner shall consider the reason for the previous rejection and correct or adequately elaborate on the new requisition.** Rejection codes are as follows:

Columns 65	66	Explanation
C	A	Rejected. (1) Explanation for rejection is stated in the remarks field (continued on reverse side of card as necessary). In this case, the status card will be mailed, not transmitted. This code will not be used when other status codes have been established to convey a specific condition. (2) When due to lengthy explanation, the remarks field is insufficient, the entry will be "see letter" and the explanation will be furnished by letter.
C	B	Rejected. Initial requisition requested rejection of that quantity not available for immediate release. Quantity field indicates quantity not being filled.
C	F	Rejected. This requisition is an exact duplicate of a previously received requisition presently in process.
C	G	Rejected. Unable to identify requested item. Resubmit requisition and furnish correct Federal Stock Number or part number (including reference to appropriate publication or drawing), or end-item identification and item manager, if known.
C	H	Rejected. Requisition submitted to incorrect single-manager/inventory manager/technical service/distribution depot or GSA. Research for correct source and submit new requisition.
C	J	Rejected. Item coded (or being coded) "obsolete" in latest stock lists/catalogs and not available for issue.
C	K	Rejected. Item not available. Returned for supply by local issue of next higher assembly, component or kit, or submit requisition for next higher assembly.
C	L	Rejected. Item not available. Requisition component parts if practicable.
C	M	Rejected. Fund obligation not entered and/or item is not or no longer free issue. Furnish new requisition with valid fund code.
C	N	Rejected. Source of supply is local manufacture or fabrication.
C	P	Rejected. Source of supply is local procurement. If not available locally, submit a new requisition with Advice Code 2A citing appropriate funds.
C	Q	Rejected. Item requested is command or Department regulated or controlled. Requisition through appropriate channels.
C	S	Rejected. Quantity requisitioned is suspect of error or indicates excessive quantity. Partial quantity available for issue is in quantity field in this transaction; reflects quantity rejected. If requirement still exists, submit a new requisition for the required quantity using Advice Code 2L.
C	T	Rejected. Make, model, series, serial number, and/or end item usage or publication reference as applicable, is necessary in order to determine item required. Submit new requisition (by mail or message if necessary) and furnish required information.
C	U	Rejected. Item requested is procured only in a repair kit. Requisition appropriate kit.
C	V	Rejected. Item temporarily requisitioned. The effective date for requisitioning is contained in Card Columns 62–64.
C	W	Rejected. Item not available. Local procurement is authorized for this requisition only. If item cannot be locally procured, submit new requisition using Advice Code 2A.
C	X	Rejected. Unable to identify the "bill to" and or "ship to" address as designated by the signal code.
C	Z	Rejected. Item not available for resale. Reserved for troop issue only.
C	1	Your document is rejected for the reason indicated in accordance with the provisions of the MILSTRIP Manual. Resubmission using prescribed format. (2) MILSTRIP followup submitted for item excluded from provisions of the MILSTRIP Manual.

Columns 65	66	Explanation
B	U	Quantity requisitioned is in excess of normal demands; however, this is a confirmed valid requirement.
B	V	Item being procured for direct shipment to consignee. The estimated shipping date is entered in columns 62–64.
B	7	Unit price change. The latest unit price for the item, identified by the stock or part number in columns 22, is reflected in Columns 74–80.

(b) *Rejection codes.* **All interservice rejections shall contain "C" in column 65 followed by an alphabetic or numeric character in column 66 which shall furnish the appropriate "reason for rejection". Items rejected, if still required, shall be requisitioned using new document numbers. To preclude similar rejection, the requisitioner shall consider the reason for the previous rejection and correct or adequately elaborate on the new requisition.** Rejection codes are as follows:

Columns 65	66	Explanation
C	A	Rejected. (1) Explanation for rejection is stated in the remarks field (continued on reverse side of card as necessary). In this case, the status card will be mailed, not transmitted. This code will not be used when other status codes have been established to convey a specific condition. (2) When due to lengthy explanation, the remarks field is insufficient, the entry will be "see letter" and the explanation will be furnished by letter.
C	B	Rejected. Initial requisition requested rejection of that quantity not available for immediate release. Quantity field indicates quantity not being filled.
C	F	Rejected. This requisition is an exact duplicate of a previously received requisition presently in process.
C	G	Rejected. Unable to identify requested item. Resubmit requisition and furnish correct Federal Stock Number or part number (including reference to appropriate publication or drawing), or end-item identification and item manager, if known.
C	H	Rejected. Requisition submitted to incorrect single-manager/inventory manager/technical service/distribution depot or GSA. Research for correct source and submit new requisition.
C	J	Rejected. Item coded (or being coded) "obsolete" in latest stock lists/catalogs and not available for issue.
C	K	Rejected. Item not available. Returned for supply by local issue of next higher assembly, component or kit, or submit requisition for next higher assembly.
C	L	Rejected. Item not available. Requisition component parts if practicable.
C	M	Rejected. Fund obligation not entered and/or item is not or no longer free issue. Furnish new requisition with valid fund code.
C	N	Rejected. Source of supply is local manufacture or fabrication.
C	P	Rejected. Source of supply is local procurement. If not available locally, submit a new requisition with Advice Code 2A citing appropriate funds.
C	Q	Rejected. Item requested is command or Department regulated or controlled. Requisition through appropriate channels.
C	S	Rejected. Quantity requisitioned is suspect of error or indicates excessive quantity. Partial quantity available for issue is in quantity field in this transaction; reflects quantity rejected. If requirement still exists, submit a new requisition for the required quantity using Advice Code 2L.
C	T	Rejected. Make, model, series, serial number, and or end item usage or publication reference as applicable, is necessary in order to determine item required. Submit new requisition (by mail or message if necessary) and furnish required information.
C	U	Rejected. Item requested is procured only in a repair kit. Requisition appropriate kit.
C	V	Rejected. Item temporarily requisitioned. The effective date for requisitioning is contained in Card Columns 62–64.
C	W	Rejected. Item not available. Local procurement is authorized for this requisition only. If item cannot be locally procured, submit new requisition using Advice Code 2A.
C	X	Rejected. Unable to identify the "bill to" and or "ship to" address as designated by the signal code.
C	Z	Rejected. Item not available for resale. Reserved for troop issue only.
C	1	Your document is rejected for the reason indicated in accordance with the provisions of the MILSTRIP Manual. Resubmission using prescribed format. (2) MILSTRIP followup submitted for item excluded from provisions of the MILSTRIP Manual.

Columns 65	66	Explanation
B	A	Item being processed for release and shipment.
B	B	Item back-ordered. The estimated shipping date is entered in columns 62 through 64.
B	C	Item on original requisition, containing this document number, has been backordered. Long delay is anticipated and estimated shipping date is not available. Item will be furnished as substitute. The price for the substitute item is in columns 74–80. If desired, submit cancellation of original requisition and requisition the offered substitute.
B	D	Item delayed. Supply action being continued. The estimated date of release is entered in columns 62 through 64.
B	F	No record of your document for which your Document Identifier AF followup or cancellation request is submitted. For requisitions, shipment date, consignee, document number and if two-digit required, submit requisition using identical data.
B	G	Stock number changed or stock number now assigned to part number submitted. Examine also unit of issue and quantity held for possible changes. Adjust all records accordingly.
B	H	Substitute/interchangeable item being supplied. See substitute interchanged stock or part number in stock number field. Examine unit of issue and quantity fields for possible changes. Adjust records if applicable.
B	J	Unit of issue and/or quantity changed. Adjust all records accordingly.
B	K	Your document erroneously addressed and has been rerouted. Forward subsequent followups or cancellation requests to activity indicated in Columns 67–69.

H-610. *Mode of shipment codes.*

Code	Description
A	Motor, truckload.
B	Motor, less truckload.
C	Van (unpacked, uncrated personal and/or Government property).
D	Driveaway, truckaway, towaway.
E	Busline.
F	Military Airlift Command (MAC).
G	Surface, parcel post.
H	Air, parcel post.
I	Government truck, including common service.
J	REA express.
K	Rail, carload.
L	Rail, less carload.
M	Freight forwarder.
N	LOGAIR.
O	Organic military air.
P	Through bill of lading.
Q	Air freight.
R	Air express.
S	Air charter.
T	Air freight forwarder.
U	QUICKTRANS.
V	Sea-van service.
W	Water, river, lake, coastal (commercial).
X	SEA-lift Express Service (SEA-EX).
Y	Intratheater airlift system.
Z	MSTS (controlled/contract/arranged space).
2	Government Watercraft, Barge/Lighter.
3	Roll on/Roll off service.
4	Armed Forces Courier Service (ARFCOS).
5	United Parcel Service.
6	Military Ordinary Mail (MOM).
7	Weapons System Pouch Service.
8	Pipeline.
9	Local delivery, including deliveries between air or water terminals and adjacent activities.

H-611 *Supply status card entries.* • • •

Field/Legend	Columns	Explanation of entries
• • •	• • •	• • •
Estimated shipping date.....	62–64	The estimated shipping date (ESD) when materiel shipments will be received by intended consignees later than the priority delivery or required delivery date. When the ESD extends beyond the current calendar year, the date will be expressed in terms of months. In this instance, column 62 will contain an "X" and the number of months will be entered in columns 63 and 64. When columns 62–64 are blank, it will be assumed the materiel will be received within the prescribed priority designator time frame or by the required delivery date.

• • • • • • • • •

[Rev. 4, ASPR, Aug. 29, 1969, and DPC 72] (Secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314)

For the Adjutant General.

F. A. Moss,
Major, AGC, Acting Chief, Management Division, TAGO.

[F.R. Doc. 69-13134; Filed, Nov. 4, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Batchtown Division designated by signs as open to hunting. This open area, comprising 2,249 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of raccoons and subject to the following conditions:

(1) The open season for hunting raccoons on the refuge is from December 1, 1969, through January 31, 1970 (12:00 noon) inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in title 50, Code of Federal Regulations, part 32, and are effective through January 31, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

OCTOBER 27, 1969.

[F.R. Doc. 69-13162; Filed, Nov. 4, 1969; 8:47 a.m.]

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Calhoun Division designated by signs as open to hunting. This open area, comprising 5,050 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of raccoons and subject to the following conditions:

(1) The open season for hunting raccoons on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Batchtown Division designated by signs as open to hunting. This open area, comprising 2,249 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of raccoons and subject to the following conditions:

(1) The open season for hunting raccoons on the refuge is from December 1, 1969, through January 31, 1970 (12 noon), inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

OCTOBER 27, 1969.

[F.R. Doc. 69-13161; Filed, Nov. 4, 1969; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Calhoun Division designated by signs as open to hunting. This open area, comprising 5,050 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of raccoons and subject to the following conditions:

(1) The open season for hunting raccoons on the Mark Twain National Wildlife Refuge, Ill., is from December 1, 1969, through January 31, 1970 (12 noon), inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

OCTOBER 27, 1969.

[F.R. Doc. 69-13162; Filed, Nov. 4, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 195]

[Docket No. HM-6]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Notice of Extension of Public Hearing Date

On October 4, 1969 the Hazardous Materials Regulations Board published a Notice of Public Hearing (34 F.R. 15489) (Docket No. HM-6; Notice 69-27), to be held November 18, 1969 at 10 o'clock, in the Department of Transportation Building (Federal Office Building 10A) 800 Independence Avenue SW., Washington, D.C.

The American Petroleum Institute, by letter dated October 13, 1969, requested the Board to extend the date of Hearing for 60 days. Upon consideration of the reasons stated in petitioner's request, it has been determined that it is in the public interest to grant the requested extension. Therefore, the Hearing will be held at 10 o'clock on January 20, 1970, at the same address.

Any person wishing to make oral statements at the Hearing should notify the Secretary of the Hazardous Materials Regulations Board by January 14, 1970.

Issued in Washington, D.C., on October 31, 1969.

CARL V. LYON,
Deputy Administrator,
Federal Railroad Administration.

[F.R. Doc. 69-13172; Filed, Nov. 4, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 85]

[Docket No. 18632]

MARITIME SERVICES AND PUBLIC FIXED STATIONS IN ALASKA

Use of Radiotelephony, Radiotelegraphy, and Single Sideband Emissions on Certain Frequencies; Order Extending Time for Filing Comments

In the matter of amendment of Parts 2, 81, and 83 and the deletion of Part 85 to establish for the State of Alaska a schedule of dates, technical standards, frequencies, and other requirements for the use of radiotelephony, radiotelegraphy, and single sideband emissions on frequencies below 4,000 kc/s, for the maritime services in Alaska, and below 12,000 kc/s, for Alaska public fixed stations, and to make other incidental rule changes; Docket No. 18632.

1. The above-captioned notice of proposed rule making (FCC 69-873), which was released on August 25, 1969, provided for the filing of comments by September 29, 1969, and reply comments by October 10, 1969. Subsequently, by order released September 26, 1969, the time for filing comments and reply comments in this proceeding was extended to October 29, 1969, and November 10, 1969, respectively. The Central Committee on Communication Facilities of the American Petroleum Institute and the National Marine Electronic Association, Inc. (NMEA) have filed additional requests for extension of time in which to file comments.

2. The Central Committee requests a 15-day extension on the grounds that as a result of the earlier extension of time they have now held three separate meetings to further study the proposed amendments and to formulate the petroleum industry's comments thereon. They submit that the pending sale of Alaskan Communications System (ACS) and the recent oil discoveries on the Alaska North Slope have created communications requirements which must be considered in reviewing the broad amendments proposed by the Commission. Accordingly, the Committee feels that 15 days additional time is necessary to further analyze the complex questions raised by the overall proposal and to finalize the comments received from their members. NMEA requests a 30-day extension, if possible, or the maximum amount of time which the Commission may be in a position to grant, on the grounds that it has been necessary to obtain clarification of various aspects of the proposed rules from the Commission's staff, that their Telecommunications Committee has met to review the Commission's proposal in light of this new information, but will be unable to complete its evaluation of the proposed rules and to submit comments thereon by the extended date of October 29, 1969.

3. The Commission is not unmindful of the problems associated with preparing comments where, as in this case, the notice covers complex technical proposals requiring detailed examination by the affected maritime industry and remote telecommunication users in the State of Alaska. A 30-day extension of time would unduly delay the proceeding; however, some additional time appears warranted and it will not have an adverse effect on these proceedings. In view of the foregoing: *It is ordered*, That the time for filing comments and reply comments in this proceeding is extended to November 13, 1969, and November 24, 1969, respectively. *It is further ordered*, That the requests for extension of time for filing comments set forth in this order are granted to the extent indicated herein and are otherwise denied.

4. This action is taken pursuant to authority contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules.

Adopted: October 29, 1969.

Released: October 30, 1969.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69-13131; Filed, Nov. 4, 1969; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 18713; FCC 69-1175]

EQUIPMENT PERFORMANCE MEASUREMENTS BY EDUCATIONAL FM STATIONS

Notice of Proposed Rule Making

1. Equipment performance measurements, of the station's transmitter and related equipment, are now required at least annually in the standard broadcast (AM) service and for FM stations operating on unreserved or "commercial" channels (§§ 73.47 and 73.254).[1] They are not now required for for non-commercial educational FM stations on the 20 reserved FM channels (201-220). In this this notice we propose to extend the equipment-performance measurement requirement for commercial stations, contained in § 73.254 of the rules, to educational FM stations on reserved channels other than 10-watt Class D stations.

2. Annual equipment performance measurements are, we believe, in general necessary to insure proper station operation and a good quality of broadcast output. Educational stations on reserved channels have not up to now been required to make such measurements, since it was thought that the expense involved would be a substantial handicap to the development of this service. Moreover, a very substantial number of these stations—roughly half—are low-power 10-watt (Class D) stations, and a large number of the rest operate with rather small facilities. Therefore the effects of operation with improper or poorly functioning equipment are usually significant only in a relatively small area as compared to the stations on the 80 "commercial" FM channels.

3. However, in both respects the situation appears to be changing. Interest in educational radio is growing, and is expected to result in both more stations and higher levels of facilities in the near future, particularly with the resources which appear likely to be available from the Department of Health, Education, and Welfare and the Corporation for Public Broadcasting. Therefore the results of operation with improper or malfunctioning equipment may be more serious than has hitherto been the case. Moreover, the increased economic support means that the relatively small expense entailed in annual equipment performance measurements is less of a burden, and we do not believe it will substantially hamper the development of this service.

4. We therefore conclude that educational FM stations other than 10-watt stations should be subject to the same requirement as commercial FM stations. Accordingly, we propose to amend § 73.554, which pertains to the transmitters of educational FM stations, to read the same as § 73.254, the corresponding rule for commercial FM stations. Briefly, this rule now provides that equipment performance measurements shall be made at least once each calendar year, including all circuits between the main microphone terminals and the antenna circuit, and measuring audiofrequency response, audiofrequency harmonic distortion, and output noise level (frequency modulation and amplitude modulation), at various frequencies and for various modulation levels specified in the rules. The results of such measurements are required to be kept for at least 2 years.

5. It is not proposed to apply this requirement to 10-watt educational (Class D) FM stations, even though it would be desirable from the standpoint of improved operation. These stations are designed to be very inexpensive operations, and, in view of the low power involved, it appears that continuing exemption from this requirement should be granted for them.

6. In view of the foregoing, and pursuant to authority contained in sections 4(i) and 303 (f), (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 73.554 of the Commission's rules to read as set forth below, i.e., by adding provisions concerning annual equipment performance measurements (for other than 10-watt stations) identical with those in § 73.254(b).

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before December 8, 1969, and reply comments on or before December 18, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: October 29, 1969.

Released: October 31, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend § 73.554 of the Commission's rules and regulations by the addition of new paragraphs (c) and (d), as follows:

§ 73.554 Transmitter performance.

* * * * *

(c) The licensee of each noncommercial educational FM broadcast station with transmitter output power above 10 watts shall make equipment performance measurements at least once each calendar year: *Provided, however*, That the dates of completion of successive sets of measurements shall be no more than 14 months apart. One set of measurements shall be made during the 4-month period preceding the filing date of the application for renewal of station license. Equipment performance measurements shall be made with equipment adjusted for normal program operation and shall include all circuits between the main studio microphone terminals and the antenna circuit, including telephone lines, preemphasis circuits and any equalizers employed, except for microphones, and without compression if a compression amplifier is installed. The measurement program shall yield the following information:

(1) Audiofrequency response from 50 to 15,000 cycles per second (c/s) for approximately 25, 50, and 100 percent modulation. Measurements shall be made on at least the following audiofrequencies: 50, 100, 400, 1,000, 5,000, 10,000 and 15,000 c/s. The frequency response measurements should normally be made without deemphasis; however, standard 75 microsecond deemphasis may be employed in the measuring equipment or system provided the accuracy of the deemphasis circuit is sufficient to insure that the measured response is within the prescribed limits.

(2) Audio frequency harmonic distortion for 25, 50, and 100 percent modulation for the fundamental frequencies of 50, 100, 400, 1,000, and 5,000 c/s. Audio frequency harmonics for 100 percent modulation for fundamental frequencies of 10,000 and 15,000 c/s. Measurements shall normally include harmonics to 30,000 c/s. The distortion measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(3) Output noise level (frequency modulation) in the band of 50 to 15,000 c/s in decibels (db) below the audiofrequency level representing a frequency swing of 75 kc/s. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(4) Output noise level (amplitude modulation) in the band of 50 to 15,000 c/s in db below the level representing 100 percent amplitude modulation. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(d) The data required by paragraph (b) of this section, together with a description of instruments and procedure signed by the engineer making the measurements, shall be kept on file at the transmitter and retained for a period of 2 years, and shall be made available during that time upon request to any duly authorized representative of the Federal Communications Commission.

[F.R. Doc. 69-13132; Filed, Nov. 4, 1969; 8:45 a.m.]

[47 CFR Part 83]

[Docket No. 18715; FCC 69-1187]

SHIP RADIOTELEPHONE TEST PROCEDURES

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The U.S. Coast Guard has advised the Commission that their shore stations are receiving so many calls from ship stations on the radiotelephone distress frequency 2182 kc/s solely for the purpose of verifying the proper functioning of the ship's radio equipment, that it is seriously impairing the Coast Guard station's more important functions including handling of distress traffic. The Commission now proposes to amend Part 83 to prohibit calls to U.S. Coast Guard stations on 2182 kc/s for test purposes except under very limited conditions and to permit general calls by ship radiotelephone stations for test purposes.

3. The rules presently require tests of compulsory ship radiotelephone stations to be made on the calling and distress frequency 2182 kc/s or in the case of VHF stations or. the distress safety and calling frequency 156.8 Mc/s. It is believed that this could be extended profitably to permit tests on working frequencies.

4. The Commission proposes to amend §§ 83.178, 83.365, 83.502, 83.531, and 83.548 to:

(a) Permit general calls by ship radiotelephone stations for test purposes;

(b) Prohibit calls on 2182 kc/s to U.S. Coast Guard stations for test purposes except during inspections by Commission representatives or when qualified technicians are installing equipment or correcting deficiencies; and

(c) Permit required testing of compulsorily installed radiotelephone stations on other than distress frequencies.

5. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 4(i), and 303 (f) and (r) of the Communications Act of 1934, as amended.

[1] In another action today, we are amending Subpart C of the rules, concerning noncommercial educational FM stations, to make it clear that such stations operating on unreserved or "commercial" channels are required to make the equipment performance measurements required by § 73.254 of commercial stations.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before December 8, 1969, and reply comments on or before December 18, 1969. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: October 29, 1969.

Released: October 31, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

1. In § 83.178, paragraph (c) is amended as follows:

§ 83.178 Unauthorized transmissions.

Stations subject to this part shall not:

* * * * * *

(c) When using telephony, transmit a general call or transmit signals or communications not addressed to a particular station or stations: *Provided,* That this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals, or to transmissions solely for test purposes.

* * * * * *

2. In § 83.365, paragraph (a) is amended to read as follows:

§ 83.365 Procedure in testing.

(a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The[2] licensed radio operator or other person responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the working of a coast or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur;

(2) The applicable identification of the testing station, followed by the word "test," shall be announced on the radio channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2) of this paragraph, any station transmits by voice the word "wait," testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall, if further testing is necessary, proceed as set forth in subparagraphs (4) and (5) of this paragraph;

(4) Testing of transmitters shall, in so far as practicable be confined to working frequencies without two-way communications, however, 2182 kc/s and 156.8 Mc/s may be used to contact other ship or coast stations when signal reports are necessary. U.S. Coast Guard stations may be contacted on 2182 kc/s for test purposes only when tests are being conducted during inspections by Commission representatives or when qualified radio technicians are installing equipment or correcting deficiencies in the station radiotelephone equipment. In these cases the test shall be identified as "FCC" or "technical" and logged accordingly.

(5) When further testing is necessary beyond the two "test" announcements specified in subparagraphs (2) and (3) of this paragraph, the operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4, * * * etc." or by test phrases or sentences not in conflict with normal operating signals. The test signals in either case shall have a duration not exceeding 10 seconds. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station, the name of the ship on which the station is located, and the general location of the ship at the time the test is being made. This test transmission shall not be repeated until a period of at least 1 minute has elapsed; on the frequency 2182 kc/s or 156.8 Mc/s a period of at least 5 minutes shall elapse before the test transmission is repeated.

* * * * *

3. Section 83.502 is amended to read as follows:

§ 83.502 Test of radiotelephone station.

Unless the normal use of the required radiotelephone station demonstrates that the equipment is in proper operating condition, a test communication for this purpose on a required frequency shall be made by a qualified operator each day the vessel is navigated. When this test is performed by a person other than the master and the equipment is found not to be in proper operating condition, the master shall be promptly notified thereof.

4. Section 83.531 is amended to read as follows:

§ 83.531 Test of radiotelephone installation.

Unless the normal use of the required radiotelephone installation demonstrates that the equipment is in proper operating condition, a test communication for this purpose on a required frequency in the 2000 to 3000 kc/s band or the 156–162 Mc/s band shall be made by a qualified operator each day the vessel is navigated. When this test is performed by a person other than the master and the equipment is found not to be in proper operating condition, the master shall be promptly notified thereof.

5. Section 83.548 is amended to read as follows:

§ 83.548 Trial of radiotelephone installation.

At least once during each calendar day in which a vessel of the United States is navigated while subject to the Great Lakes Radio Agreement, a test communication on a required frequency to demonstrate that the radiotelephone installation is in proper operating condition shall be made by a certified person who is required in accordance with § 83.158, unless the normal daily use of the equipment demonstrates that this installation is in proper operating condition for that purpose. Should the equipment be found at any time by a person other than the master not to be in proper operating condition, the master shall be promptly notified thereof. A record shall be made in the radio station log showing the operating condition of the equipment as determined by either the daily normal communication or the daily test communication referred to in this section, and showing that, if an improper operating condition was found, the master was properly notified thereof.

[F.R. Doc. 69-13133; Filed, Nov. 4, 1969; 8:45 a.m.]

[1] Commissioner Robert E. Lee absent.

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q]

CERTAIN BORROWINGS BY BANK AFFILIATES AS DEPOSITS

Notice of Proposed Rule Making

The Board of Governors is considering amending § 217.1(f) of Regulation Q to add the following sentence: "For the purposes of this part, 'deposits' of a member bank also include the liability of (i) an organization that controls a majority of the stock of the bank or (ii) a corporation that is majority-controlled by such an organization, on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral), with a maturity of 2 years or less, that is issued or undertaken principally as a means of supplying funds to the bank for use in its banking business, or maintaining the availability of such funds."

The main purpose of this proposal is to apply the rules governing payment of interest on deposits (Regulation Q) to funds received by member banks as the result of issuance, by affiliates of the banks, of obligations commonly described as commercial paper.

Types of obligations within the coverage of this proposal are commercial paper issued for the specified purpose by a member bank's parent company—either one-bank or registered under the Bank Holding Company Act—or by a collateral affiliate of a member bank in such a holding company system.

In the Board's judgment, adoption of a proposal along these lines is necessary because the purposes of section 19 of the Federal Reserve Act are in danger of being frustrated, to a substantial degree, as a result of the issuance of commercial paper by bank affiliates of the types described, the proceeds being channeled to the bank for lending and investing.

The proposal does not refer to issuance of obligations by subsidiaries of member banks. In a related action, on which Governor Maisel dissented, the Board determined that obligations of such subsidiaries are, under present provisions of both Regulations Q and D, in the same status as obligations issued directly by the bank, and, accordingly, covered by § 217.1(f) of Regulation Q and § 204.1(f) of Regulation D. See 12 CFR 250.141; 1968 Fed. Res. Bulletin 681.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 1, 1969. Under the Board's rules regarding availability of information (12 CFR Part 261), such materials will be made available for inspection and copying upon request unless the person submitting the material requests that it be considered confidential.

By order of the Board of Governors, October 28, 1969.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13150; Filed, Nov. 4, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 2153]

ARIZONA

Notice of Termination of Classification of Public Lands for Transfer Out of Federal Ownership

OCTOBER 30, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411 the public lands described below were classified for sale under section 2455 of the revised statutes (43 U.S.C. 1171). The notice of classification published December 19, 1968, in 33 F.R. 18947 segregated the lands from all forms of appropriation under the public land laws, including the mining laws, except for applications for sale under section 2455 of Revised Statutes (43 U.S.C. 1171).

GILA AND SALT RIVER MERIDIAN

PIMA COUNTY

T. 18 S., R. 12 E., secs. 9 and 10, all remaining public land.

The public lands described above aggregate approximately 430 acres.

2. The classification of these public lands for sale under section 2455 of Revised Statutes is hereby terminated. Publication of this notice terminates the segregative effect of the notice of classification as to these lands.

GLENDON E. COLLINS,
Acting State Director.

[F.R. Doc. 69-13193; Filed, Nov. 4, 1969; 8:49 a.m.]

CALIFORNIA

Notice of Filing of Protraction Diagrams

OCTOBER 28, 1969.

Notice is hereby given that effective December 15, 1969, the following protraction diagrams are officially filed and of record in the Sacramento Land Office. In accordance with title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM 150

(Approved Aug. 27, 1969)

T. 20 N., R. 11 E., M.D.M.
Secs. 3 and 4, fractional.

T. 16 N., R. 5 W.,
Sec. 4, W½;
Sec. 5, all;
Sec. 6, E½;
Sec. 8, W½NE¼, NW¼.

CALIFORNIA PROTRACTION DIAGRAM 152

(Approved May 29, 1969)

T. 11 N., R. 19 E.,
Sec. 4, W½, SE¼;
Sec. 5, E½;
Sec. 9, N½NE¼, NW¼.
T. 12 N., R. 19 E.,
That area between the Von Schmidt Line and the California-Nevada State line in secs. 7, 8, and 17.
T. 10 N., R. 20 E.,
Sec. 25, NE¼, S½;
Sec. 36, N½, N½SE¼.
T. 10 N., R. 21 E., M.D.M.,
Sec. 7, S½;
Sec. 18, N½;
Sec. 30, W½;
Sec. 31, W½, except M.S. 426.

CALIFORNIA PROTRACTION DIAGRAM 153

(Approved May 29, 1969)

T. 23 N., R. 9 E., M.D.M.,
Sec. 29, S½;
Sec. 30, S½;
Sec. 31, N½, N½SE¼;
Sec. 32, N½, N½SW¼.
T. 21 N., R. 10 E., M.D.M.,
Secs. 1 and 2, all;
Sec. 3, NE¼ except Mineral Lots 45 and 46, S½;
Sec. 10, all except M.S. 2638;
Sec. 11, all except M.S. 2638;
Secs. 12 to 15, inclusive, all;
Sec. 22, all except M.S. 5739;
Secs. 23 to 27, inclusive, all;
Sec. 34, N½, SE¼;
Secs. 35 and 36, all.
T. 22 N., R. 10 E., M.D.M.,
Secs. 1 and 2, all;
Sec. 3, NE¼, S½ except M.S. 3624 and Lot 39;
Sec. 10, all, except Mineral Lot 40;
Sec. 11, all, except Mineral Lot 40;
Secs. 12 and 13, all;
Sec. 14, all, except Mineral Lot 40;
Sec. 15, all, except Mineral Lot 40;
Sec. 22, N½, SE¼;
Sec. 23, all;
Sec. 24, N½, SW¼.
T. 23 N., R. 10 E., M.D.M.,
Sec. 22, NE¼, S½;
Sec. 23, NW¼, S½;
Sec. 25, NW¼, S½;
Secs. 26 and 27, all;
Sec. 28, NE¼, S½;
Sec. 33, N½, SE¼;
Secs. 34 to 36, inclusive, all.

CALIFORNIA PROTRACTION DIAGRAM 155

(Approved May 29, 1969)

T. 25 N., R. 4 E., M.D.M.,
Secs. 1 and 2, all;
Sec. 3, NE¼, S½;
Sec. 10, N½, SE¼ except tract 40;
Sec. 11, all, except Lot 39;
Sec. 12, all, except M.S. 4018;
Sec. 13, all, except M.S. 4018;
Sec. 14 all, except lots 38 and 39;
Sec. 15, E½;
Sec. 22, E½;
Sec. 23, all;
Sec. 24, all, except M.S. 4389;
Sec. 25, all, except M.S. 4389;
Sec. 26 all, except M.S. 4386 and 4390;
Sec. 27, E½, except M.S. 4387;
Sec. 34, NE¼, except M.S. 4388;
Sec. 35, N½, except M.S. 4386 and M.S. 4390;
Sec. 36, N½, SE¼.
T. 24 N., R. 7 E., M.D.M.,
Sec. 1, N½;
Sec. 2, N½;
Sec. 3, N½;
Sec. 4, N½;
Sec. 5, N½;
Sec. 6, N½, SW¼;
Sec. 7, W½;
Sec. 18, W½;
Sec. 19, W½.

CALIFORNIA PROTRACTION DIAGRAM 157

(Approved Apr. 23, 1969)

T. 26 N., R. 5 E., M.D.M.
Sec. 5, N½, SW¼;
Sec. 6, all;
Sec. 7, N½.
T. 27 N., R. 5 E., M.D.M.
Sec. 1, fractional;
Secs. 2 to 11, inclusive, all;
Secs. 12 and 13, fractional;
Secs. 14 to 20, inclusive, all;
Sec. 21, all, except H.E.S. 52;
Sec. 22, all;
Sec. 23, all, except H.E.S. 64;
Secs. 24 and 25, fractional;
Sec. 26, all, except H.E.S. 64;
Sec. 27, all, except H.E.S. 64;
Secs. 28 to 32, inclusive, all;
Sec. 33, W½;
Sec. 34, NE¼;
Sec. 35, N½.
T. 28 N., R. 5 E., M.D.M.
Sec. 6, S½;
Sec. 7, N½;
Sec. 33, SE¼;
Secs. 34 and 35, all;
Secs. 36, W½, SE¼.
T. 27 N., R. 6 E., M.D.M.
Sec. 5, W½;
Secs. 6 and 7, all;
Sec. 8, W½;
Sec. 18, all;
Sec. 19, N½, SW¼.

CALIFORNIA PROTRACTION DIAGRAM 159

(Approved Apr. 23, 1969)

T. 30 N., R. 3 E., M.D.M.,
Secs. 1 and 2, fractional;
Secs. 11 to 14, inclusive, all;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 to 26, inclusive, all;
Sec. 35, N½, SE¼;
Sec. 36, all.
T. 31 N., R. 4 E., M.D.M.,
Sec. 21, E½;
Sec. 22, W½;
Sec. 31, S½;
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, NE¼, S½;
Sec. 35, W½.
T. 30 N., R. 6 E., M.D.M.,
Sec. 25, W½SE¼;
Sec. 26, all;
Sec. 27, NE¼, S½;
Sec. 34, N½, SE¼;
Sec. 35, all;
Sec. 36, N½, SW¼.

CALIFORNIA PROTRACTION DIAGRAM 160

(Approved Apr. 23, 1969)

T. 4 S., R. 7 E., M.D.M.,
Sec. 1, E½.
T. 5 S., R. 8 E., M.D.M.,
Secs. 1 and 2, all;
Sec. 3, all, except H.E.S. 233;
Secs. 10 and 11, all;
Sec. 12, N½, SW¼;
Sec. 15, N½.
T. 5 S., R. 8 E., M.D.M.
Sec. 4, W½;
Sec. 5, E½;
Secs. 26, 27, 34, and 35, fractional.

CALIFORNIA PROTRACTION DIAGRAM 161

(Approved Apr. 23, 1969)

T. 1 S., R. 5 E., H.M.,
Sec. 14, SE¼;
Sec. 13, S½;
Sec. 23, E½;
Sec. 24, all;
Sec. 25, all
Sec. 26, NE¼N½SE¼, SE¼SE¼;
Sec. 36, N½, SE¼.
T. 2 S., R. 5 E., H.M.,
Sec. 1, all;
Sec. 2, NE¼, S½;
Sec. 11, N½, SE¼.
Secs. 12 and 13, all;
Sec. 14, E½;
Sec. 23, NE¼;
Sec. 24, N½, SE¼.
T. 1 S., R. 6 E., H.M.
Sec. 19, NW¼, S½;
Sec. 28, NW¼, S½;
Secs. 29 to 33, inclusive, all;
Sec. 34, NW¼, S½.
T. 2 S., R. 6 E., H.M.,
Secs. 3 to 10, inclusive, all;
Secs. 15 to 22, inclusive, all;
Secs. 29 and 30, all;
Sec. 31, all, except H.E.S. 130;
Sec. 32, all.

CALIFORNIA PROTRACTION DIAGRAM 162

(Approved Apr. 23, 1969)

T. 6 N., R. 6 E., H.M.,
Secs. 1 to 5, inclusive, all;
Sec. 6, all, except Tract No. 40;
Sec. 7, all, except Tracts 40, 41, and 42;
Sec. 8, all, except Tracts 41, and 42;
Secs. 9, 10, and 11, all;
Sec. 12, all, except Tracts 43, 44, and 58;
Sec. 13, all, except Tracts 43, 44, and 58;
Secs. 14 to 17, inclusive, all;
Sec. 18, all, except Tracts 47, 48, and 49;
Sec. 19, all, except Tracts 47, 48, 49, 50, 51, and 52, and lots 37 and 38;
Sec. 20, all, except Tracts 45, 46, 53, 54, 55, H.E.S. 203, Tract 62, and lots 37 and 38;
Sec. 21, all, except Tracts 45, 46, 53, 54, and 55;
Secs. 22 and 23, all;
Sec. 24, all, except Tract 57;
Sec. 25, all, except Tracts 60 and 61;
Sec. 26, all, except Tracts 60 and 61;
Sec. 27, all;
Sec. 28, all, except Tract 58, H.E.S. 322;
Sec. 29, all, except Tracts 59 and 62, and lots 37 and 38;
Sec. 30, all, except Tracts 59 and 62;
Secs. 31 to 36, inclusive, all.
T. 20 N., R. 11 W., M.D.M.,
Sec. 31, W½.

CALIFORNIA PROTRACTION DIAGRAM 163

(Approved Apr. 23, 1969)

T. 37 N., R. 12 W., M.D.M.,
Secs. 1 to 17, inclusive, all;
Sec. 18, all, except M.S. 2279 and M.S. 2321;
Sec. 19, all, except M.S. 2279, 2831, 2832, and 2833;
Secs. 20 to 36, inclusive, all.
T. 38 N., R. 12 W., M.D.M.,
Secs 1 to 12, inclusive, all;
Sec. 13, all, except M.S. 4532;
Secs. 14 to 24, inclusive, all;
Sec. 25, all, except M.S. 6725;
Secs. 26 to 36, inclusive, all.

CALIFORNIA PROTRACTION DIAGRAM 165

(Approved May 29, 1969)

T. 32 N., R. 11 E., M.D.M.,
Secs. 3 to 5, inclusive, fractional.
T 31 N., R. 13 E., M.D.M.,
Sec. 1, all;
Sec. 2, N½, N½SW¼, SW¼;
Sec. 3, N½, N½S½;
Secs. 4 and 5, all;
Sec. 6, N½, SE¼;
Sec. 8, E½;
Sec. 9, all.
Sec. 12, N½;
Sec. 16, all;
Sec. 17, NE¼, S½;
Secs. 20 and 21, all;
Sec. 28, N½, E½SW¼, SE¼;
Sec. 33, fractional.

CALIFORNIA PROTRACTION DIAGRAM 173

(Approved Apr. 23, 1969)

T. 48 N., R. 2 E., M.D.M.,
Secs. 14 to 18, inclusive, fractional;
Secs. 19 to 22, inclusive, all;
Sec. 23, all except NE¼NE¼;
Sec. 24, fractional;
Sec. 25, all, except NE¼NE¼;
Secs. 26 and 27, all;
Secs. 28 to 31, inclusive, fractional;
Sec. 32, W½NW¼, NW¼SW¼;
Secs. 34 to 36, inclusive, all.
T. 47 N., R. 4 E., M.D.M.,
Sec 9, NE¼NE¼, S½NE¼, SE¼;
Sec. 10, all, except NE¼NE¼;
Sec. 11, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 14, W½;
Sec. 15, all;
Sec. 16, NE¼, E½SE¼.

CALIFORNIA PROTRACTION DIAGRAM 176

(Approved May 29, 1969)

T. 12 N., R. 5 W., M.D.M.,
Sec. 14, S½;
Sec. 23, N½, fractional;
Secs 31 to 33, inclusive, all;
Sec. 34, W½.
T. 10 N., R. 8 W., M.D.M.,
Sec. 1, all, except M.S. 1067;
Sec. 2, all, except M.S. 1067;
Sec. 3, W½;
Sec. 4, E½; except M.S. 1272 and M.S. 6042.
T. 10 N., R. 9 W., M.D.M.,
Sec. 3, fractional.

CALIFORNIA PROTRACTION DIAGRAM 177

(Approved May 29, 1969)

T. 17 N., R. 12 E., M.D.M.,
Sec. 18, all.
T. 24 N., R. 18 E., M.D.M.,
Sec. 19, S½;
Secs. 30 and 31, all.

CALIFORNIA PROTRACTION DIAGRAM 178

(Approved Apr. 23, 1969)

T. 36 N., R. 10 W., M.D.M.,
Sec. 2, all;
Secs. 4 to 10, inclusive, all;
Sec. 12, all;
Sec. 14, all;
Secs. 16 to 22, inclusive, all;
Sec. 24, all;
Sec. 26, all;
Secs. 28 to 34, inclusive, all;
Sec. 36, all, except E½SE¼SW¼.
T. 36½ N., R. 10 W., M.D.M.,
Secs. 29 to 36, inclusive, fractional.
T. 36 N., R. 11 W., M.D.M.,
Secs. 1 to 36, inclusive, all.
T. 36½ N., R. 11 W., M.D.M.,
Secs. 25 to 30, inclusive, fractional;
Secs. 31 to 36, inclusive, all.
T. 36 N., R. 12 W., M.D.M.,
Secs. 1 to 35, inclusive, all;
Sec. 36, all, except Tract 37.
T. 36½ N., R. 12 W., M.D.M.,
Secs. 25 to 31, inclusive, fractional;
Secs. 32 to 36, inclusive, all.

Copies of these diagrams are for sale at two dollars ($2.00) each by the Survey Records Office, Bureau of Land Management, Room E–2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

JOHN E. CLUTE,
Chief, Branch of Title and Records.

[F.R. Doc. 69-13166; Filed, Nov. 4, 1969; 8:47 a.m.]

[Serial No. N–3319]

NEVADA

Notice of Classification of Public Lands for Multiple-Use Management

OCTOBER 24, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412), the public lands within the area decribed below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described land from appropriation under the agriculture land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and from exchange (43 U.S.C. 315g), from sale under the Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), and from operation of the mining laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The land is located near Ash Meadows in Nye County, Nev., containing a spring inhabited by Nevada Pupfish, a rare and endangered species. The land is physically suitable and adaptable to the use for which it is classified.

3. The public land affected by this classification is located within the following described area and is shown on maps on file and available for inspection in the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108, and the Nevada Land Office, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

4. The land involved is located in Nye County and is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 S., R. 51 E.,
Sec. 18, lot 2, W½SE¼NW¼.

The land described contains 56.35 acres of public land.

5. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 69-13164; Filed, Nov. 4, 1969; 8:47 a.m.]

[OR 5049 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 28, 1969.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 5049 (Wash.), for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land as an addition to the Snoqualmie Pass-Denny Creek Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

SNOQUALMIE NATIONAL FOREST

WILLAMETTE MERIDIAN

Snoqualmie Pass-Denny Creek Recreation Area Addition

T. 22 N., R. 11 E.,
Sec. 5, lots 5, 18, 19, and 20;
Sec. 8, NW¼NE¼, S½NE¼, and N½NW¼SE¼.

The area described contains approximately 265 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-13165; Filed, Nov. 4, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. C-310]

JOHN T. TARANTINO

Notice of Loan Application

OCTOBER 30, 1969.

John T. Tarantino, 957 North Point Street, San Francisco, Calif. 94109, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 42.6-foot registered length steel vessel to engage in the fishery for salmon, Dungeness crab, and albacore.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-13163; Filed, Nov. 4, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, has withdrawn its petition (C35-807V), notice of which was published in the FEDERAL REGISTER of March 22, 1967 (32 F.R. 4366), proposing amendments to the food additive regulations (21 CFR Part 121) to provide for the safe use in chicken feed of aklomide and sulfanitran combined with chlortetracycline with or without sodium sulfate, for the prevention of coccidiosis and for the prevention or treatment of certain conditions in chickens in the amounts and for the purposes specified in § 121.208 *Chlortetracycline*.

Dated: October 27, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-13154; Filed, Nov. 4, 1969; 8:46 a.m.]

BUCKMAN LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OH2468) has been filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for the safe use of 2-(thiocyanomethylthio) benzothiazole and 2-hydroxypropyl methanethiolsulfonate to control slime in the manufacture of food-contact paper and paperboard.

Dated: October 28, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-13155; Filed, Nov. 4, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CERTAIN HUD EMPLOYEES IN REGION II (PHILADELPHIA)

Redelegation of Authority To Administer Oaths Under Title VIII (Fair Housing) of Civil Rights Act of 1968

The redelegation of authority to certain HUD employees in Region II (Philadelphia), effective April 18, 1969 (34 F.R. 6664, Apr. 18, 1969), is hereby amended as follows:

(1) In Item 4, delete "Karl O. Jackson" and insert as Item 4 "Theodore M. Daly".

(Redelegation of authority by Regional Administrator, effective Apr. 18, 1969 (34 F.R. 6664, Apr. 18, 1969))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

WAGNER D. JACKSON,
Assistant Regional Administrator for Equal Opportunity, Region II.

[F.R. Doc. 69-13189; Filed, Nov. 4, 1969; 8:49 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR FHA, REGION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Assistant Regional Administrator for FHA, Region III, during the absence of the Assistant Regional Administrator for FHA, with all the powers, functions and duties redelegated or assigned to the Assistant Regional Administrator for FHA: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for FHA unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Assistant Regional Administrator for FHA.
2. Director, Project Review Division.

(Delegation effective May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 5th day of November 1969.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 69-13190; Filed, Nov. 4, 1969; 8:49 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR FHA, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Federal Housing Administration, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Federal Housing Administration with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Federal Housing Administration: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Federal Housing Administration unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Federal Housing Administration.
2. Director, Project Review Division.

This designation revokes the designation effective January 25, 1967 (32 F.R. 4085, March 15, 1967).

(Delegation effective May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 23d day of September 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69-13191; Filed, Nov. 4, 1969; 8:49 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Renewal Assistance with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Renewal Assistance.
2. Director, Field Service Division.
3. Chief, Project Planning and Engineering Branch.

The designation effective March 3, 1968 (33 F.R. 5897, Apr. 17, 1968) is hereby revoked.

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of September 21, 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69-13192; Filed, Nov. 4, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20244, 20336; Order 69-10-158]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of October 1969.

By tariff revisions[1] marked to become effective November 1, 1969, Aloha Airlines, Inc. (Aloha), and Hawaiian Airlines, Inc. (Hawaiian), propose to increase most of their regular one-way fares 1 or 2 dollars. Both carriers also propose to increase their various discount fares which are based on a percentage of the regular one-way fares and to increase their excursion and group fares.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 101, filed on Sept. 26, 1969, by Aloha and Oct. 2, 1969, by Hawaiian.

The State of Hawaii (Hawaii) has filed a complaint against the proposed fare increases of Aloha and Hawaiian. Hawaii asserts that such increases would have a severe adverse effect on the State's economy; that they would seriously limit people's travel; and that the Hawaiian carriers have had various fare increases in the past 2 years. The complainant contends that the islands of Hawaii cannot have the benefit of competing modes of travel and that almost all of the passenger travel between the islands is by the two certificated inter-island carriers. Hawaii further urges that in lieu of a fare increase favorable consideration be given to the subsidy requests of Aloha and Hawaiian and that, pending disposition of the subsidy case, an investigation of the proposed fare increases be undertaken by the Board.

In support of their proposals Aloha and Hawaiian submit that fare increases are necessary to help alleviate their deteriorating financial position. Aloha asserts that its losses have been mounting and that even with the proposed fare increase, and assuming a significant growth of inter-island traffic, it will barely break even for the year ending June 30, 1970. Hawaiian cites the fact that its financial position has gone from profit to loss during 1969. It experienced a loss of $883,325 in the first 7 months of 1969 and indicates that had the proposed fare increase been in effect for the full 7 months of the year it would have been able to show a profit of $167,000. Both carriers assert that the economic factors which prompted the Board to recently grant the domestic carriers a fare increase apply with equal force to the inter-island operations.

Upon consideration of all relevant facts, the Board finds that the fares proposed by Aloha and Hawaiian may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The deteriorating financial results upon which the carriers predicate their proposal to raise their passenger fares reflect not only increasing costs of doing business but also a very sharp reduction in load factor as compared with recent periods. Accordingly, we conclude it is necessary to undertake an investigation of these fares to assure that they will reflect the statutory criteria. There is presently before the Board a proceeding in Dockets 20244 and 20336 which concerns the determination of whether Federal subsidy should be provided to these carriers. Many of the basic facts and issues would be common to both investigations, and therefore, we will consolidate the investigation ordered herein with the proceeding in Dockets 20244 and 20336.

We have decided, however, not to suspend the tariff proposals pending investigation. Revenues have not kept pace with increases in expenses, and these two carriers over an extended period of time have not realized earnings at a level the Board has considered reasonable. If effective competitive air service is to be assured in this State, the economic viability of both inter-island carriers

must be maintained. We will therefore deny the request for suspension.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 404 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[1] including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. The complaint of the State of Hawaii in Docket No. 21501 is denied insofar as it requests suspension and is otherwise consolidated into the investigation herein ordered;

3. The investigation ordered herein is consolidated in Dockets Nos. 20244 and 20336; and

4. A copy of this order be filed with the aforesaid tariffs and served upon Aloha Airlines, Inc., Hawaiian Airlines, Inc., and the State of Hawaii.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-13173; Filed, Nov. 4, 1969; 8:48 a.m.]

[Docket Nos. 20878, 21068]

ATLANTA-KANSAS CITY PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on November 20, 1969, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., October 31, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-13174; Filed, Nov. 4, 1969; 8:48 a.m.]

[Docket No. 21009]

BRITISH UNITED AIRWAYS (SERVICES), LTD., AND BRITISH UNITED AIRWAYS, LTD.

Notice of Cancellation

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case assigned to be held on November 26, 1969, is canceled.

Dated at Washington, D.C., October 31, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-13175; Filed, Nov. 4, 1969; 8:48 a.m.]

[Docket No. 21569; Order 69-10-155]

EAGLE AIR DISPATCH, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of October 1969.

By tariff revision[1] marked to become effective November 3, 1969, Eagle Air Dispatch, Inc. (Eagle), an air freight forwarder, proposes to increase its excess valuation rate for air freight shipments from 15 cents to 20 cents for each $100 (or fraction thereof) by which the declared value exceeds 50 cents per pound or $50 per shipment, whichever is higher.

The forwarder does not present any justification in support of its proposal.

Upon consideration of all relevant matters, the Board finds that the proposed rate may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Eagle's proposal involves increasing its rate by 33⅓ percent, but no basis has been advanced by the forwarders for such increase.[2] With relatively few exceptions, the air freight forwarders publish excess valuation rates for general domestic traffic amounting to $0.10 or $0.15 per $100 of declared value in excess of $0.50 per pound, subject to a minimum of $50 per shipment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions and charges in rule No. 85, paragraph 1.(B), appearing on 2d revised page 7 of Eagle Air Dispatch, Inc.'s C.A.B. No. 7, and rules, regulations, and practices affecting such provisions and charges, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges, and rules, regulations, or practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the provisions and charges in rule No. 85, paragraph 1.(B), appearing on 2d revised page 7 of Eagle Air Dispatch, Inc.'s C.A.B. No. 7, are suspended and their use deferred to and including January 31, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Eagle Air Dispatch, Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-13176; Filed, Nov. 4, 1969; 8:48 a.m.]

[Docket No. 20655]

LUFTVERKEHRSUNTERNEHMEN ATLANTIS A. G.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard by the Board on November 26, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., October 31, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-13177; Filed, Nov. 4, 1969; 8:48 a.m.]

[Docket No. 21545]

NORTH CANADA AIR, LTD.

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference on the above-entitled application is assigned to be held on November 17, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 31, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-13178; Filed, Nov. 4, 1969; 8:48 a.m.]

[Docket No. 21496]

CALEDONIAN AIRWAYS (PRESTWICK), LTD.

Notice of Proposed Approval

Application of Caledonian Airways (Prestwick), Ltd., for approval of an aircraft purchase pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 21496.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority on November 5, 1969. Prior to that time, interested persons may file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 3, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING PURCHASE

Issued under delegated authority.

Application of Caledonian Airways (Prestwick) Ltd., for Board action respecting section 408 of the Federal Aviation Act, as amended; Docket 21496.

By application filed October 7, 1969, and amended thereafter Caledonian Airways (Prestwick) Ltd. (Caledonian), requests that the Board disclaim jurisdiction, or in the alternative approve, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), an agreement calling for acquisition by Caledonian through Airlease International (Airlease) of one Boeing 707-320C aircraft and related equipment from Executive Jet Sales, Inc. (EJS).[1] The purchase price of the aircraft and related equipment is $7,148,581.[2]

Caledonian is a United Kingdom independent air carrier engaged in worldwide passenger and property charter transportation activities. The carrier is the holder of a foreign air carrier permit issued by the Board which authorizes Caledonian to engage in transatlantic charter air transportation.[3] The applicant has submitted its request since it believes it may be deemed to be "a person engaged in any phase of aeronautics," a factor which potentially places the proposed transaction under section 408(a)(2) of the Act.

EJS, in turn, is a wholly owned subsidiary of Executive Jet Aviation, Inc. (EJA). The parent company is an air taxi operator pursuant to Part 298 of the Board's economic regulations and also holds exemption authority to perform charter transportation using designated aircraft types. At the time of filing, EJS owned or leased two Boeing 707-320's, two Boeing 727's, two Falcon jets and 13 Lear Jet aircraft. The aircraft which Caledonian proposes to purchase from EJS was formerly leased to Transavia Holland, N.V., a registered Dutch charter carrier.[4]

The applicant states it intends to assign the Aircraft Purchase Agreement, in one manner or another, to Airlease who will purchase the aircraft and associated equipment and thereupon lease them to Caledonian.[5] The activities of Airlease are managed by Airlease International Management, Ltd. (Management), a British company formed by, and whose shareholders are, the partners of Airlease plus Price Forbes & Co., Ltd. The managing official of Management is R. S. Sowter, formerly of Hawker Siddeley International. The applicant adds that neither Airlease, Management nor Mr. Sowter have any interest, relationships, arrangement, or agreement of any type with EJS, EJA, or any company affiliated with either of them except the agreements and arrangements referred to in the application. The applicant states that under the purchase agreement the aircraft and associated equipment will be delivered into the possession of Caledonian in Brussels, Belgium on October 15, 1969 so that Caledonian can cause Sabena Airlines to undertake such modifications as are required to place the aircraft on British Registry after its purchase. Under the agreement, if the Board grants the relief requested, the sale of the aircraft to Caledonian will take place two banking days after the Board gives notice of its favorable action. On the other hand, if such favorable action is not forthcoming by November 5, 1969, the agreements will terminate and Caledonian will be required to redeliver the aircraft and associated equipment to EJS and to pay the cost entailed in remodifying the aircraft to its original delivery condition. In further support of its request, the applicant states that the proposed aircraft transaction is in the public interest and that the only persons with a substantial interest in the proposed transaction are EJS and Caledonian, and that consequently no other person possesses the requisite interest to require a hearing.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the application it is concluded that the sale involves a substantial part of the properties of EJA and therefore is subject to section 408 of the Act. The aircraft represents 25 percent of EJS' fleet of large jet aircraft.[6] However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The transaction results from the Board's direction that EJA terminate the lease involving this particular aircraft with Transavia. Approval of the transaction is not inconsistent with the public interest as previously determined in Order 69-10-67.[7]

Pursuant to authority delegated by the Board in its Organization Regulations, 14 CFR 385.13, it is found that the foregoing purchase should be approved without hearing under section 408(b).

Accordingly, it is ordered:

1. That the sale of one Boeing 707-320C aircraft by Executive Jet Sales, Inc., to Airlease International under the agreement filed in Docket 21496 between Executive Jet Sales, Inc., and Caledonian Airways (Prestwick) Ltd., to Airlease International, be and it hereby is approved; and

2. That to the extent not granted, the application be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

Because the imminence of the purchase date requires immediate action, this order shall be effective upon issuance, and the filing of petitions for review shall not stay its effectiveness.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13243; Filed, Nov. 4, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1253]

JOSE ASTENGO, JR.

Order of Revocation

By letter dated October 15, 1969, Mr. Jose Astengo, Jr., Post Office Box 1888, 1300 South Beacon Street, San Pedro,

[1] Revision to Eagle Air Dispatch, Inc.'s Tariff C.A.B. No. 7 filed October 3, 1969.

[2] Cf., "Increased valuation and c.o.d. charges proposed by Railway Express Agency, Inc.," 27 C.A.B. 542 (1958). The Board after investigation found REA's proposed increases in excess valuation and c.o.d. charges unjust and unreasonable chiefly on the ground that REA had failed to sustain the burden of coming forward with evidence to show what the increased costs of such services are. In similar actions, the Board suspended, pending investigation: (1) increased excess valuation charges proposed by REA (order E-13820, May 1, 1959), (2) revision to its liability rule for parcel post shipments proposed in 1965 by WTC (order E-22846, Nov. 4, 1965), (3) increased excess valuation charges proposed by Bekins Airvan Co. of $1.50 per $100 (order E-23746, May 27, 1966), (4) increased excess valuation rates for parcel post shipments proposed by WTC Air Freight (order 69-2-10, Feb. 3, 1969); and (5) increased excess valuation rates by Astro Air Express, Inc., and Comet Air Freight (order 69-4-26, Apr. 4, 1969).

[1] Apparently, Caledonian has determined to finance the purchase of the aircraft and associated equipment from EJS through the medium of Airlease for financial and tax considerations. Acquisition will result either from the assignment to Airlease of the Caledonian-EJS aircraft purchase agreement, or, by a novation wherein Airlease will appear as party in lieu of Caledonian in the exact existing form of the aircraft purchase agreement. Immediately upon purchase of the aircraft, Airlease will lease the aircraft and associated equipment to Caledonian for a period of 10 years with options to extend the lease term thereafter.

[2] The related equipment comprises one spare JT3D-3B engine, one BEC Kit and a small amount of miscellaneous spare parts.

[3] Authority granted in Order 68-9-62, served Sept. 16, 1968.

[4] Under a settlement agreement reached with the Board in Docket 17657 and cited in the order to cease and desist, Oct. 14, 1969, 69-10-67, EJA agreed that it would cancel and terminate all agreements to wet lease or dry lease aircraft to Transavia, no later than Oct. 21, 1969. The subject agreement flows from that termination.

[5] Airlease International (Airlease) is a British partnership formed in August 1969, for the purpose of leasing aircraft and aircraft equipment. Its partners are as follows: Bank of Scotland; Barclays Bank Ltd.; Barclays Bank D.C.O.; Brown, Shipley & Co., Ltd.; Kleinwort, Bensen, Ltd.; Lazard Brothers & Co., Ltd.; Lloyds Bank Ltd.; Midland Bank Finance Corp., Ltd.; Morgan Grenfell & Co., Ltd.; National Westminister Bank, Ltd.; and The Commercial Union Assurance Co., Ltd.

[6] The Board previously asserted jurisdiction over the lease by EJA to Transavia of the particular aircraft which will now be sold to Caledonian. See Order E-26756, May 6, 1968.

[7] EJA and the Penn Central Transportation Co. have filed affidavits stating that neither they, their subsidiaries, officers or directors have any direct or indirect interest in Caledonian, Airlease, or in any subsidiary thereof.

[2] Statement of members Minetti and Murphy and Appendix A filed as part of the original document.

Calif. 90733, voluntarily returned his individual Independent Ocean Freight Forwarder License No. 1253 to the Federal Maritime Commission for cancellation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 1253 of Jose Astengo, Jr., be and is hereby revoked effective October 30, 1969.

It is further ordered, That this revocation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Jose Astengo, Jr.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-13156; Filed, Nov. 4, 1969; 8:47 a.m.]

[Independent Ocean Freight Forwarder License No. 72]

SHIPPING UNLIMITED

Order of Revocation

By letter dated September 18, 1969, Shipping Unlimited, 11 Broadway, New York, N.Y. 10004, advised that it had ceased operations as an independent ocean freight forwarder and under cover of letter dated October 8, 1969, voluntarily returned its License No. 72 for cancellation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 72 of Shipping Unlimited be and is hereby revoked effective October 30, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Shipping Unlimited.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-13157; Filed, Nov. 4, 1969; 8:47 a.m.]

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. R. Nickerson, Executive Secretary, California Association of Port Authorities, 9 First Street, San Francisco, Calif. 94105.

Agreement No. 7345-13, between the members of the California Association of Port Authorities, modifies the basic agreement which provides for the establishment and maintenance of just and reasonable terminal rates, rules, and regulations at members' terminals at ports in the State of California. The purpose of the modification is to provide for activity within the organization of "operating" and "non-operating" members.

Dated: October 31, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-13158; Filed, Nov. 4, 1969; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND GULF & SOUTH AMERICAN STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. L. J. Fitzpatrick, Lykes Bros. Steamship Co., Inc., Post Office Box 50998, New Orleans, La. 70150.

Agreement No. T-2348 between Lykes Bros. Steamship Co., Inc. (Lykes), and Gulf & South American Steamship Co., Inc. (G&SA), is a terminal agreement whereby Lykes agrees to provide certain labor, materials, and services to G&SA at Lykes' Nashville Avenue Terminal, New Orleans, La. The parties will share wharf space on an agreed upon schedule and priority use. Costs incurred by Lykes in the operation of the terminal will be prorated between the two companies as outlined in the agreement.

Dated: October 31, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-13159; Filed, Nov. 4, 1969; 8:47 a.m.]

PORT OF SEATTLE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2185-1 between the Port of Seattle (Port) and Alaska Steamship Co. (Alaska Steam) amends the month-to-month basic agreement, which superseded and canceled several previous individual lease agreements between the parties. The purpose of the modification is to reinstitute a term lease for a portion of the area previously covered on a month-to-month lease basis.

Dated: October 31, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-13160; Filed, Nov. 4, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-349]

ATLANTIC RICHFIELD CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 29, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before December 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-349	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	158	[2][3]37	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 43 Field, West Delta Area) (Offshore Louisiana).	$56,250	10-1-69	[4]11-1-69	11-2-69	[7][8]19.0	[4][6][8]19.5	

[1] Applicable only to acreage added by Supplement No. 10. Acreage located in Disputed Zone.
[2] Applies only to the sale of gas well gas.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[6] Includes 1.5 cents tax reimbursement.
[7] Temporary certificated rate being collected subject to a refund floor of 18.5 cents.
[8] Such rate to hold for sale of casinghead gas pending dissolution of the stay of the effectiveness of the rate reduction provided for in Opinion No. 546.

Atlantic Richfield Co.'s (Atlantic) proposed rate increase under its FPC Gas Rate Schedule No. 158 is applicable to gas produced from acreage dedicated by an agreement dated August 31, 1964, on file as Supplement No. 10 to Rate Schedule No. 158. The proposed increase [9] from 19 cents to 19.5 cents per Mcf is for second vintage gas well gass sold from the Grand Isle Block 43 Field, West Delta Area, Offshore Louisiana (Disputed Zone). There is a dispute now pending in court as to whether this gas is produced from the Federal Domain or within the taxing jurisdiction of the State of Louisiana. The currently effective rate of 19 cents per Mcf is being collected subject to refund down to a floor of 18.5 cents under a temporary certificate.[10]

Atlantic's proposed rate of 19.5 cents is equal to the area rate established in Opinion No. 546 for second vintage gas well gas produced from within the state taxing jurisdiction but exceeds the 18-cent rate established for second vintage gas well gas produced from the Federal Domain. In these circumstances, we conclude that it would be in the public interest to suspend Atlantic's proposed increase for 1 day from November 1, 1969, the requested effective date, and thereafter to permit Atlantic to collect the increased rate subject to refund down to 18 cents per Mcf for all gas finally held to have been produced in the Federal Domain.

[F.R. Doc. 69-13142; Filed, Nov. 4, 1969; 8:46 a.m.]

[9] Limited to the sale of gas well gas only.
[10] As of Oct. 1, 1968, Atlantic under Opinion No. 546 has a refund obligation down to 18 cents of the gas is finally held to have been produced in the Federal Domain.

[Docket No. E-7508]

DEPARTMENT OF THE INTERIOR AND BONNEVILLE POWER ADMINISTRATION

Notice of Request for Confirmation of Rate Schedules and Rate Schedule Provisions, and for Extension of Confirmation of Wholesale Rates and Charges

OCTOBER 23, 1969.

Notice is hereby given that the Secretary of the Interior on behalf of Bonneville Power Administration (BPA), pursuant to section 5 of the Bonneville Project Act (50 Stat. 731, 734-735, as amended 59 Stat. 546) and section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), on October 16, 1969, filed with the Federal Power Commission a request for confirmation and approval of proposed rate schedules and general rate schedule provisions for the sale of power by BPA, to become effective December 20, 1969.

The Secretary states that the proposed rate schedules and general rate schedule provisions are identical to those currently in effect with the exception that section 9 "Billing Modification" of Schedule E-5 is deleted. That section was included in 1965 when the BPA rates were increased and modified to provide a floor and ceiling on the billing under that rate schedule. It was designed to smooth the impact of the rate increase on the customers purchasing power under the E-5 rate by providing a maximum and minimum increase as compared to the preceding E-4 rate schedule. It was an interim arrangement to be effective only through December 20, 1969. Consequently, section 9 is deleted from the E-5 rate schedule now being filed.

The Commission's aproval is also requested for continued special application of the wholesale rates and charges as previously approved in the following:

1. Docket No. E-6611 concerning sale of provisional energy to any industrial customer purchasing firm and interruptible or modified firm and interruptible energy as last approved in Docket 7242.

2. Docket No. E–7312 concerning sale of energy to the Washington Public Power Supply System for use only at the Hanford generating plant.

3. Docket No. E–7449 concerning sale of energy to the U.S. Bureau of Reclamation to firm up output of the Roza project.

4. That portion of Docket No. E–7242 dated May 29, 1968, concerning modification of the general rate schedule provisions applicable to contracts for the sale of power and energy transferred over the Pacific Northwest-Pacific Southwest intertie lines.

Copies of the proposed rate schedules and rate schedule provisions are attached hereto as Exhibit A.[1]

The proposed rate schedules and general rate schedule provisions are on file with the Commission for public inspection. Any person desiring to make comment or suggestions for the Commission's consideration should submit the same in writing on or before November 14, 1969, to the Federal Power Commission, Washington, D.C. 20426.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13140; Filed, Nov. 4, 1969; 8:46 a.m.]

[Docket No. CP70–104]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

OCTOBER 29, 1969.

Take notice that on October 21, 1969, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP70–104 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of volumes of natural gas to Florida Gas Transmission Co., Lakeland Division, for resale in the cities of Frostproof and Avon Park, Fla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 7.35 miles of pipeline loop paralleling its existing 6-inch Avon Park lateral gas transmission line between the cities of Frostproof, in Polk County, and Avon Park, in Highlands County, and to construct and operate two 4-inch sales laterals and install measuring, regulating and appurtenant facilities to sell and deliver natural gas to Florida Gas Co.

The total estimated cost of the proposed facilities is $294,000, to be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13136; Filed, Nov. 4, 1969; 8:45 a.m.]

[Project No. 2336]

GEORGIA POWER CO.

Notice of Application for Approval of Exhibit R (Recreational Use Plan) for Project

OCTOBER 29, 1969.

Public notice is hereby given that application has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Co. (correspondence to: I. S. Mitchell, vice president and secretary, Georgia Power Co., Post Office Box 4545, Atlanta, Ga. 30302), for approval of an exhibit R for the Lloyds Shoals Project No. 2336, located on Ocmulgee River in Butts, Jasper, and Newton Counties, Ga., in the vicinity of the towns of Jackson and Monticello.

The plan of recreational development presented by exhibit R lists the following existing privately owned recreation facilities open to the public: (1) Two areas for boat launching, picnicking, and camping; (2) one site for boat launching and camping; and (3) three sites for boat launching only. Company proposes to set aside four tracts of land for future recreational development by State and local agencies; (1) a 50-acre site adjacent to the dam and a 400-acre site at the Newton Factory Bridge Road, each of which could be developed for camping, swimming, picnicking, and other outdoor activities; and (2) a 6-acre tract at Conley Ditch Road Bridge and a 1.5-acre tract at the crossing of Tussahaw Creek by Georgia Highway 36 for boat launching ramps.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13137; Filed, Nov. 4, 1969; 8:45 a.m.]

[Docket No. RP70–6]

LAWRENCEBURG GAS TRANSMISSION CORP.

Order Suspending Proposed Changes in Rates; Correction

OCTOBER 23, 1969.

In the order suspending proposed changes in rates, issued September 30, 1969 and published in the FEDERAL REGISTER October 9, 1969 (34 F.R. 15667) beginning in the twelfth line of ordering paragraph (A): Change "Texas Gas' FPC Gas Tariff" to "Lawrenceburg's FPC Gas Tariff."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13138; Filed, Nov. 4, 1969; 8:46 a.m.]

[Docket No. RI70–337, etc.]

UNION PRODUCING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 24, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 10, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

[1] Exhibit A filed as part of original document.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70–337	Union Producing Co., [3] 900 Southwest Tower, Houston, Tex. 77012.	64	[4] 8	United Gas Pipe Line Co. (Carthage Field, Panola County, Tex.) (R.R. District No. 6).	.....	10–2–69	[5] 11–2–69	(Accepted)	.....	.....	.....
		64	9		$588	10–2–69	[5] 11–2–69	[6] 11–3–69	11.9004	[7] [8] 14.0	RI69–333.
RI70–338	Union Producing Co. (Operator) et al. [3]	65	[4] 17	do	.....	10–2–69	[5] 11–2–69	(Accepted)	.....	.....	.....
		65	18		335,936	10–2–69	[5] 11–2–69	[6] 11–3–69	11.9004	[7] [8] 14.0	RI69–331.

[3] Union and United are wholly subsidiaries of Penzoil United, Inc.
[4] Contract amendment dated Sept. 1, 1969, which provides for 13.8231 cents from Sept. 1, 1969 to Jan. 1, 1972, and 14.8104 cents thereafter or the area rate, whichever is higher. Also extends term of contract to Jan. 1, 1983.
[5] The stated effective date is the effective date requested by Respondent.
[6] The suspension period is limited to 1 day.
[7] Renegotiated rate increase.
[8] Pressure base is 14.65 p.s.i.a.

Union Producing Co. and Union Producing Co. (Operator), et al. (both referred to herein as Union) have submitted proposed renegotiated rate increases from 11.9004 cents to 14 cents per Mcf for sales to United Gas Pipe Line Co. (United), in Texas Railroad District No. 6. Even though Union's proposed rate increases do not exceed the area increased rate ceiling for Texas Railroad District No. 6 they should be suspended for one day from November 2, 1969, the proposed effective date, because Union and United are affiliates.

Concurrently with the filing of their rate increases, Union submitted two contract amendments dated September 1, 1969, designated as Supplement Nos. 8 and 17 to Union's FPC Gas Rate Schedules Nos. 64 and 65, respectively, which provide the basis for Union's proposed rate increases. We believe that it would be in the public interest to accept for filing Union's contract amendments to become effective as of November 2, 1969, the proposed effective date, but not the proposed rates contained therein which are suspended as ordered herein.

[F.R. Doc. 69–13149; Filed, Nov. 4, 1969; 8:46 a.m.]

[Docket No. CP70–103]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 29, 1969.

Take notice that on October 20, 1969, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP70–103 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon, and transfer to a wholly owned subsidiary, Pennzoil Pipeline Co. (Pennzoil), certain natural gas facilities, and to abandon certain sales of natural gas; and for a certificate of public convenience and necessity authorizing the sale of natural gas to Pennzoil, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

To reflect the intrastate nature of the gas utilized, applicant proposes to transfer facilities in Texas known as its Beaumont properties to Pennzoil, and to sell to Pennzoil volumes of gas approximately the former volume utilized by the Beaumont properties. Applicant states that the transfer will be at the net book cost in exchange for common stock and the assumption by Pennzoil of contracted obligations and certain incident liabilities. Applicant further states that there will be no changes in gas deliveries or rates.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13139; Filed, Nov. 4, 1969; 8:46 a.m.]

[Project No. 2334]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Application for Amendment of License for Constructed Project

OCTOBER 24, 1969.

Public notice is hereby given that application for amendment of its license for constructed Project No. 2334 has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Western Massachusetts Electric Co. (correspondence to Robert E. Barrett, Jr., President, Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass.).

The existing project, known as Gardners Falls Project, is located on Deerfield River in the towns of Buckland and Shelburne in Franklin County, Mass.

The application seeks Commission authorization to remove generating Unit No. 1 of 400 kilowatts capacity because the company states that its operation is no longer economical. The penstock leading to the unit will be filled with sand and plugged with concrete. Removal of the Unit No. 1 will reduce the installed capacity of the project from 3,980 kw. to 3,580 kw. but the application states that the dependable capacity rating for the project of 3,100 kw. will not be affected and that the unit has not produced any kilowatt-hours since 1964 due to mechanical unreliability.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13141; Filed, Nov. 4, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

DENVER UNITED STATES BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Denver United States Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition by Applicant of at least 80 percent of the voting shares of The Colorado Springs National Bank, Colorado Springs, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 29th day of October 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13151; Filed, Nov. 4, 1969; 8:46 a.m.]

FIRST NATIONAL BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by The First National Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition of 80 percent or more of the voting shares of The First National Bank of Greeley, Greeley, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 29th day of October 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13152; Filed, Nov. 4, 1969; 8:46 a.m.]

MERRILL BANKSHARES CO.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Merrill Bankshares Co., which is a bank holding company located in Bangor, Maine, for prior approval by the board of governors of the acquisition by applicant of at least 51 percent of the voting shares of Federal Trust Co., Waterville, Maine.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 29th day of October 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13153; Filed, Nov. 4, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2632]

BORG-WARNER OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company

OCTOBER 29, 1969.

Notice is hereby given that Borg-Warner Overseas Capital Corp. ("Applicant"), care of Robert W. Murphy, Esq., Borg-Warner Corp., 200 South Michigan Avenue, Chicago, Ill. 60604, has filed an application, pursuant to section 6(c) under the Investment Company Act of 1940 ("Act") for an order effective as of November 10, 1969, exempting Applicant from each and every provision of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

1. Applicant intends to issue for offer and sale outside the United States to non-United States purchasers not more than DM (Deutsche Mark) 100,000,000 principal amount (worth approximately $25,000,000 American dollars) of bearer bonds (hereinafter called the Bonds) to be issued in 1969 with final maturity in 1984.

2. Applicant is now, and upon issuance of the Bonds referred to above will be, in compliance with all of the provisions of paragraph (b) of rule 6c–1 under the Act and would be in compliance with the provisions of paragraph (c)–1 of such rule with respect to the Bonds if the Interest Equalization Tax (Internal Revenue Code, ch. 41, sections 4911–4931) were in effect at the time of issuance thereof in the form in which it existed immediately prior to its expiration on September 30, 1969.

3. Applicant is a Delaware corporation with authorized capital stock consisting of 2 million shares of common stock with a par value of $1 per share, all of which is owned by Borg-Warner Corp. ("Borg-Warner"), a Delaware corporation which manufactures a broad line of durable goods and chemicals. Borg-Warner represents that either it or one of its wholly-owned subsidiaries (other than any investment company as defined in section 3(a) of the Act) will purchase any additional equity securities which Applicant may issue in the future and that neither Borg-Warner nor its wholly-owned subsidiaries will dispose of any equity securities of Applicant except to the Applicant, to Borg-Warner, or to another wholly-owned subsidiary of Borg-Warner (other than any investment company as defined in section 3(a) of the Act.)

4. Applicant was formed by Borg-Warner for the purpose of making investments, including loans, in connection with various international operations of Borg-Warner and its subsidiaries outside the United States. A principal purpose of Applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Borg-Warner may obtain funds in foreign countries for its foreign operations.

5. The common stock of Borg-Warner is registered under section 12 of the Securities Exchange Act of 1934.

6. Debt securities of Applicant heretofore issued to or now held by the public have been, and debt securities of Applicant which may hereafter be issued to or held by the public will be, guaranteed by Borg-Warner as to payment of principal, interest, and premium, if any.

7. The Bonds will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States or its territories or possessions or to any United States national or president or any Canadian resident in connection with this offering. The underwriters agree that they will not offer, or deliver the Bonds directly or indirectly in the United States of America. The underwriters further represent that they will not offer, sell, or deliver any Bonds to nationals or residents of the United States or to Canadian persons, except with respect to an underwriter or dealer who will agree that it is purchasing as principal and not for reoffering or resale in Canada or the United States or its territories or possessions, or to citizens, nationals, or residents thereof.

8. Upon completion of the long-term investment program of Applicant, at least 80 percent of its assets, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign companies (or domestic companies, substantially all the business of which is conducted outside the United States).

9. At least 90 percent of the assets of Applicant, exclusive of U.S. Government securities and cash items and short-term investments in foreign government and commercial paper, are and will be invested in or loaned to companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be, owned, directly, by Applicant; and any assets of Applicant not invested in such companies are or will only be invested in or loaned to companies which are customers or suppliers of Borg-Warner or a subsidiary of Borg-Warner; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly owned subsidiaries of Applicant.

10. Applicant will not deal or trade in securities.

11. The Treasury Department has requested the National Association of Securities Dealers, Inc., and national securities exchanges to request members and member firms to continue existing procedures on securities transactions which previously were subject to the Interest Equalization Tax (34 F.R. 15386). It is the opinion of counsel for Borg-Warner that if the Interest Equalization Tax is reinstated in the form in which it existed immediately prior to its expiration, acquisition of the Bonds will be subject to the Interest Equalization Tax unless, and to the extent that, a specific statutory exclusion or exemption is available. Even if the offering of the Bonds occurs prior to reinstatement of the Interest Equalization Tax, counsel believes that the likelihood of retroactive reinstatement of such tax and the burden of paying such tax if reinstated, should have the practical effect of discouraging purchases of the Bonds by U.S. persons.

12. The Bonds will bear a legend in the English language prominently indicating that the Bonds would, if purchased by nationals or residents of the

United States, its territories or possessions, be subject to the Interest Equalization Tax unless, and to the extent that, a specific statutory exemption or exclusion is available, if such Tax shall be in effect at the time of such purchase.

13. It is presently contemplated that the Bonds will be listed on the Frankfurt Stock Exchange.

Applicant has submitted that it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order effective as of November 10, 1969, exempting the Applicant from each and every provision of the Act. In addition to the foregoing statement of facts, Applicant has represented the following:

1. The payment of the Bonds which is guaranteed by Borg-Warner does not depend on the operation or investment policy of the Applicant because the Bond holders are entitled ultimately to look to the business enterprise of Borg-Warner. Accordingly, the public policy which dictated the enactment of the Act is not applicable to the Applicant, nor do the security holders of the Applicant require the protection afforded by the Act.

2. The Applicant's security holders will have the benefit of the information made generally available by the disclosure and reporting provisions of the Securities Exchange Act of 1934 and the New York Stock Exchange with respect to the business operations and financial condition of Borg-Warner.

Applicant agrees that this order may be issued subject to the condition that Applicant will not issue, subsequent to the sale and offering of the Bonds, without a further order of the Commission, any securities (except to Borg-Warner or a subsidiary of Borg-Warner which is not an investment company) in the event that the U.S. Equalization Tax is not reenacted, or is reenacted and expires, or is repealed or the rate thereof is reduced to zero and such tax is not replaced by another tax providing a comparable deterrent to the purchase of Applicant's securities by U.S. persons.

Nothing contained in the order, or the conditions to which it may be subject, requested by this application shall preclude the Applicant from being exempt from the Act by virtue solely of (i) the Applicant becoming exempt from each and every provision of the Act pursuant to rule 6c–1 under the Act or (ii) the Commission adopting, amending, or interpreting a rule under the Act which would exempt the Applicant from each and every provision of the Act.

Notice is further given that any interested person may, not later than November 18, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing hereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20459. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13167; Filed, Nov. 4, 1969; 8:47 a.m.]

[70–4804]

GULF POWER CO.

Notice of Proposed Issue and Sale of Commercial Paper Notes and Notes to Banks and Request for Exception From Competitive Bidding

OCTOBER 30, 1969.

Notice is hereby given that Gulf Power Co. ("Gulf"), 75 North Pace Boulevard, Pensacola, Fla. 32502, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Gulf requests that from the effective date of the Commission's order herein to December 31, 1970, the exemption from the provisions of section 6(a) of the Act afforded by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased from 5 percent of the principal amount and value of the other securities of Gulf at the time outstanding to approximately 10 percent thereof. Such increase will permit Gulf to issue the maximum aggregate principal amount of short-term notes permissible under its charter (without a vote of holders of its outstanding preferred stock). As at September 30, 1969, this amount was approximately $15,900,000, and such amount represents the maximum amount of notes presently to be authorized herein. Changes may be made in the maximum amount of notes to be outstanding and in the amounts to be borrowed from the various banks by the filing of a posteffective amendment and a further order of the Commission. Under the proposed exemption pursuant to section 6(b), Gulf proposes to issue and sell short-term notes to a group of banks and to issue and sell commercial paper from time to time prior to December 31, 1970, which together shall not exceed $15,900,000 in aggregate principal amount at any one time outstanding, including currently outstanding short-term notes which consist of bank loans aggregating $3,195,000 in principal amount.

The proposed notes to banks will be dated the date of the borrowing, will mature not more than 9 months after the date of issue, and will not exceed $7,695,000 outstanding at any one time. The group of banks to which notes are to be issued consists of two New York City banks, The Chase Manhattan Bank and Irving Trust Co. (maximum of $2 million and $3 million, respectively, to be borrowed) and 21 local banks (maximum of $2,695,000 to be borrowed). Each bank note will bear interest at the prime rate in effect at the lending bank on the date of the borrowing, except that notes to The Chase Manhattan Bank will bear interest at the rate in effect from time to time at that bank. Gulf may prepay the notes, in whole or in part, without penalty or premium.

The proposed commercial paper will be in the form of promissory notes with varying maturities not to exceed 270 days, will be issued in denominations of not less than $50,000 and not more than $5 million, and will not be prepayable prior to maturity. The commercial paper will be sold by Gulf directly to a dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality of the particular maturity sold by issuers thereof to commercial paper dealers: *Provided, however,* That no commercial paper notes will be issued having a maturity more than 90 days at an effective interest cost which exceeds the effective interest cost at which the applicant company could borrow from banks. No commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer, as principal, will reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing discount rate to Gulf to not more than 100 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer.

The proceeds from the bank notes and commercial paper will be used by Gulf to reimburse its treasury for part of the expenditures in connection with its construction program, to finance in part its future construction program, to pay at maturity from time to time outstanding notes and commercial paper, and for other lawful purposes. The total estimated construction expenditures of Gulf for 1969 and 1970 are $31,114,000 and $21,664,000, respectively. The application states that any bank notes and commercial paper of Gulf outstanding after December 31, 1970, will be retired from internal cash resources or from the proceeds of permanent debt or equity financing.

Gulf asserts that the issue and sale of commercial paper should be excepted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for prime borrowers such as Gulf are published daily in financial publications, and it is not practical to invite invitations for bids for commercial paper. Gulf also requests authority to file certificates of notification under Rule 24 in respect of its commercial paper on a quarterly basis.

Gulf's fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,050, including legal fees of $650. The application represents that the Florida Public Service Commission has jurisdiction over the issuance by Gulf of its notes to banks and the issuance and sale of its commercial paper and that no Federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 21, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13168; Filed, Nov. 4, 1969; 8:47 a.m.]

[70–4803]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding and Proposed Increase of Common Stock Capital Account

OCTOBER 30, 1969.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), Post Office Box 1640, Jackson, Miss. 39205, a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $20 million principal amount of its First Mortgage Bonds,_____percent Series due 1999. The interest rate on the bonds (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to Mississippi (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Mississippi's Mortgage and Deed of Trust, Trust Company of New York and Frederick G. Herbst (E. J. McCabe, Successor), as Trustees, as heretofore supplemented and as to be further supplemented by a Tenth Supplemental Indenture to be dated as of December 1, 1969, and which contains a prohibition until December 1, 1974, against refunding the issue with the proceeds of funds borrowed at a lower cost of money. The net proceeds from the sale of the bonds are to be used by Mississippi for its 1969–70 construction program (estimated at $21,687,000 and $46,593,000, respectively) and for other corporate purposes, including the payment of short-term bank notes and commercial paper.

As of August 31, 1969, the earned surplus of Mississippi amounted to $15,081,000 and the common stock capital account amounted to $62 million. Mississippi proposes to transfer $3,100,000 of its earned surplus to its common stock capital account, thus increasing the stated value of its common stock, no par value, from $20 to $21 per share and thereby permanently capitalizing such amount.

It is stated that the fees and expenses incident to the proposed issuance and sale of the bonds are estimated at $70,000, including auditors' fees of $4,500 and counsel fees of $20,000. The fees and expenses of counsel for the underwriters, estimated at $8,000, are to be paid by the successful bidders. In connection with the proposed increase in the common stock capital account, no special or separable expenses of any kind are anticipated. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 21, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13169; Filed, Nov. 4, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

PALO ALTO CAPITAL CO.

Notice of Application for License as Small Business Investment Corporation

On September 5, 1968, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (34 F.R. 14098) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 103, 33 F.R. 326) for a license as a small business investment company by Palo Alto Capital Co., 611 Hansen Highway, Palo Alto, Calif. 94303.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, License No. 12/12–0149 was issued in Washington, D.C., on October 16, 1969, to Palo Alto Capital Co. to operate as a small business investment company.

Dated: October 23, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–13170; Filed, Nov. 4, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 64, Amdt. 4]

STEEL CARRIERS' TARIFF ASSOCIATION, INC.

Petition for Approval of Amendments to Agreement

OCTOBER 31, 1969.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed October 22, 1969, by Warren A. Rawson, Managing Director, Steel Carriers' Tariff Association, Inc., 6410 Kenilworth Avenue, East Riverdale, Md. 20840.

The amendments involve: Changes in the agreement so as to (1) remove the specification of Cleveland, Ohio, as the city in which the monthly meetings of the Tariff Committee are to be held; (2) revise and clarify the circumstances warranting emergency handling under the Emergency Proposal procedure; (3) introduce a new section to cover tariff changes in those situations not subject to docket procedures; (4) revise the schedule of dues and charges and eliminate the precise schedules of fees; and (5) renumber certain sections and paragraphs made necessary by the foregoing changes.

The petition is docketed and may be inspected at the office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion may proceed to investigation and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–13181; Filed, Nov. 4, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 31, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41794—*Blacks from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B–100), for interested rail carriers. Rates on carbon blacks, in carloads, as described in the application, from specified points in Louisiana and Texas, to Institute, W. Va.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 34 to Southwestern Freight Bureau, agent, tariff ICC 4814.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41793—*Superphosphate from Occidental, Fla.* Filed by O. W. South, Jr., agent (No. A6138), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, as described in the application, from Occidental, Fla., to specified points in Connecticut and Massachusetts, also Fox Point, R.I.

Grounds for relief—Market competition.

Tariff—Supplement 33 to Southern Freight Association, agent, tariff ICC S–818.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–13182; Filed, Nov. 4, 1969; 8:48 a.m.]

[Notice 574]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 31, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59583 (Deviation No. 35), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, Tenn. 37622, filed October 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New York, N.Y., over Interstate Highway 80 to junction Interstate Highway 69, thence over Interstate Highway 69 to Fort Wayne, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., thence over U.S. Highway 19 to junction U.S. Highway 40, thence over U.S. Highway 40 to Richmond, Ind., thence over U.S. Highway 35 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction Indiana Highway 9, thence over Indiana Highway 9 to Fort Wayne, Ind., and return over the same route.

No. MC 59655 (Deviation No. 1), SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, N.Y. 10901, filed October 20, 1969. Carrier's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) Between Albany, N.Y., and Suffern, N.Y., over the New York State Thruway (Interchange 15 at Suffern, N.Y.), and (2) between Suffern, N.Y. (Interchange 15) and Newburgh, N.Y., over the New York State Thruway, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Albany, N.Y., over U.S. Highway 9W to Newburgh, N.Y., thence over New York Highway 32 to Harriman, N.Y., thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 to junction unnumbered highway, thence over unnumbered highway to Lodi, N.J., thence over unnumbered highway to Newark, N.J., and return over the same route, and (2) from Lodi, N.J., over unnumbered highway via Ridgewood, Midland Park, and Ramsey, N.J., to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line, thence over New York Highway 17 to junction New York Highway 302, thence over New York Highway 302 to Pine Bush, N.Y., thence over New York Highway 52 to Newburgh, N.Y.; and return, from Newburgh over U.S. Highway 9W to Nyack, N.Y., thence over New York Highway 59 to Suffern, N.Y., thence over U.S. Highway 202 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction unnumbered highway (near Ramsey, N.J.), thence over unnumbered highways via Ramsey, Allendale, Waldwick, Hohokus, and Ridgewood, N.J., to Paterson, N.J., thence over U.S. Highway 46 to junction unnumbered highway, thence over unnumbered highway to Lodi, N.J.

No. MC 59680 (Deviation No. 79), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed October 23, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 75 to junction Interstate Highway 280, within the city limits of Toledo, Ohio, thence over Interstate Highway 280 to junction of Interstate Highway 90, thence over Interstate Highway 90 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Detroit, Mich., over Interstate Highway 94 (formerly U.S. Highway 12) to Ann Arbor, Mich., thence over unnumbered highway via Lima, Mich., to junction Interstate Highway 94 (formerly U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway, thence over unnumbered highway via Battle Creek, Marshall, Marengo, Albion, and Parma, Mich., to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Interstate Business Highway 94, thence over Interstate Business Highway 94 via Kalamazoo, Mich., to junction unnumbered highway (formerly U.S. Highway 12), thence over unnumbered highway via Oshtemo, Paw Paw, Lawrence, Hartford, Watervliet, and Columa, Mich., to junction Business Interstate Highway 94, thence over Business Interstate Highway 94 via Benton Harbor, Mich., to junction Interstate Highway 94 (formerly U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway (formerly U.S. Highway 12), thence over unnumbered highway via Herbert, Lakeside, and Union Pier, Mich., to junction U.S. Highway 12 at or near New Buffalo, Mich., thence over U.S. Highway 12 to Gary, Ind., thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, and return over the same route.

No. MC 75651 (Deviation No. 3), R. C. MOTOR LINES, INC., Post Office Box 2501, Jacksonville, Fla. 32203, filed October 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 75 to junction of Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to New York, N.Y., and (2) from Atlanta, Ga., over Interstate Highway 75 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 66, thence over Interstate Highway 66 to Washington, D.C., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Athens, Ga., thence over U.S. Highway 29 to Charlotte, N.C., thence over North Carolina Highway 49 to junction U.S. Highway 64, thence over U.S. Highway 64 to Raleigh, N.C., thence over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 13 to Trenton, N.J., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 67308 (Deviation No. 1), COLONIAL TRAILWAYS, 520 North Court St., Post Office Box 1427, Montgomery, Ala. 36104, filed October 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Montgomery, Ala., over Interstate Highway 65 to junction Alabama Highway 225 (an access road), thence over Alabama Highway 225 to junction U.S. Highway 31 at Spanish Fort, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Monroeville, Ala., over Alabama Highway 21 to Montgomery, Ala., and (2) from Monroeville, Ala., Highway 21 (formerly Alabama Highway 11) to Atmore, Ala., thence over U.S. Highway 31 to Mobile, Ala., and return over the same routes.

No. MC 67308 (Deviation No. 2), COLONIAL TRAILWAYS, 520 North Court Street, Post Office Box 1427, Montgomery, Ala. 36104, filed October 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Montgomery, Ala., over U.S. Highway 31 to Georgiana, Ala., thence over Alabama Highway 106 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Alabama Highway 225, thence over Alabama Highway 225 to junction U.S. Highway 31 at Spanish Fort, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Monroeville, Ala., over Alabama Highway 21 to Montgomery, Ala., and (2) from Monroeville, Ala., over Alabama Highway 21 (formerly Alabama Highway 11) to Atmore, Ala., thence over U.S. Highway 31 to Mobile, Ala., and return over the same routes.

No. MC–67308 (Deviation No. 3), COLONIAL TRAILWAYS, 520 North Court Street, Post Office Box 1427, Montgomery, Ala. 36104, filed October 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 90 and Alabama Highway 59 (near Loxley, Ala.), over Alabama Highway 59 (an access road) to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Interstate Highway 110, thence over Interstate Highway 110 to Pensacola, Fla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction U.S. Highway 31 and unnumbered highway east of Mobile, Ala., over unnumbered highway to junction U.S. Highway 90 near Malbis, Ala., thence over U.S. Highway 90 via Loxley, Ala., to junction unnumbered highway near Rosinton, Ala., thence over unnumbered highway to junction U.S. Highway 90 approximately 3.5 miles east of Robertsdale, Ala., thence over U.S. Highway 90 via Seminole, Ala., to junction Alternate U.S. Highway 90, thence over Alternate U.S. Highway 90 to junction U.S. Highway 29 approximately 9 miles north of Pensacola, Fla., thence over U.S. Highway 29 to Pensacola, Fla., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–13183; Filed, Nov. 4, 1969; 8:48 a.m.]

[Notice 1344]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 31, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 61592 (Sub-No. 156), filed October 20, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Altavista and Rocky Mount, Va., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, South Carolina, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved.

HEARING: November 13, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before an examiner to be later designated.

No. MC 2542 (Sub-No. 13) (Republication), filed April 9, 1969, published in the FEDERAL REGISTER issue of May 1, 1969, and republished this issue. Applicant: THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, 900 Chapel Street, New Haven, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. By application filed April 9, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular routes of general commodities (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction Interstate Highway 91 and Massachusetts-Vermont State line and Island Pond, Vt., from junction Interstate Highway 91 and the Massachusetts-Vermont State line over Interstate Highway 91 to the end of Interstate Highway 91 near Norwich, Vt., thence over U.S. Highway 5 to St. Johnsbury, Vt., thence over Vermont Highway 114 to Island Pond, Vt., and return over the same route, as an alternate route, in connection with applicant's authorized regular route authority, serving no intermediate points. By order dated June 19, 1969, and served June 30, 1969, it was ordered that this proceeding be handled under modified procedure.

An order of the Commission Operating Rights Board, dated October 14, 1969, and served October 28, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Greenfield, Mass., and Island Pond, Vt., from Greenfield, Mass., over interstate Highway 91 to junction U.S. Highway 5 near Norwich, Vt., thence over U.S. Highway 5 to St. Johnsbury, Vt., thence over Vermont Highway 114 to Island Pond, Vt., and return over the same routes, serving no intermediate points, but serving Island Pond, Vt., for the purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations, restricted to the transportation of traffic moving between Greenfield, Mass., and the port of entry on the Canadian-United States international boundary line at Norton, Vt.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who may have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen, or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107295 (Sub-No. 172) (Republication), filed February 24, 1969, published in the FEDERAL REGISTER issue of March 20, 1969, and republished this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant), and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. By application filed on February 24, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of prefabricated building parts; heating, cooling, and air handling systems and materials, supplies, and accessories used in the installation of such systems, from Rockford, Ill., to points in the United States (except Iowa, Missouri, Arkansas, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Tennessee, Alaska, and Hawaii). The application was referred to Examiner Earl E. Meisenbach for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 20, 1969, at Chicago, Ill. A report and order of the Commission, served September 24, 1969, effective October 24, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *air duct, and fittings therefor*, from the plantsite and facilities of United Sheet Metal Division of United McGill Corp. at Rockford, Ill., to points in the United States (except Alaska, Arkansas, Hawaii, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Tennessee, and Wisconsin), restricted to shipments originating at the described origin sites; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109397 (Sub-No. 169) (Republication), filed May 20, 1969, published in the FEDERAL REGISTER issue of June 12, 1969, and republished this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Interstate Business Route I-44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. By application filed May 20, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over routes, of explosives, nitro-carbo-nitrate, blasting materials and supplies, from Biwabik, Minn., to points in Alabama, Arizona, Arkansas, California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin. An order of the Commission, Operating Rights Board, dated October 14, 1969, and served October 27, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *explosives, nitro-carbo-nitrate, blasting materials and supplies* from Biwabik, Minn., to points in Alabama, Arizona, Arkansas, California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin, limited, in point of time, to a period expiring 5 years from the date of the issuance of a certificate herein; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115067 (Sub-No. 3) (Republication), filed May 1, 1967, published in the FEDERAL REGISTER issue of May 25, 1967, and republished this issue. Applicants: CLARENCE D. SPENCER AND LOUISE M. SPENCER, a partnership, doing business as INDEPENDENCE MOTOR TRANSPORT, 530 West Queen Avenue, Albany, Oreg. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. By application filed May 1, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Linn and Benton Counties, Oreg., restricted to shipments moving on through bill of lading of a forwarder operating under the section 402(b)(2) exemption, and having an immediately prior or subsequent line-haul movement by rail, motor, water, or air carrier. By Order dated July 11, 1967, and served July 17, 1967, it was ordered that this proceeding be handled under modified procedure. A Report of the Commission, Review Board No. 2, decided September 23, 1968, found that applicant failed to establish that the present or future public convenience and necessity require the operations proposed; and that the application should be denied without prejudice to the right of applicant to petition this Commission.

Upon consideration of the petition filed by applicant the proceeding was reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, acting as an Appellate Division; the verified statement tendered by applicant was received in evidence and made a part of the record in MC 115067 (Sub-No. 3). A Report of the Commission on further consideration, Review Board No. 2, decided October 13, 1969, and served October 20, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Linn and Benton Counties, Oreg.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126203 (Sub-No. 2) (Republication), filed December 26, 1968, published in the FEDERAL REGISTER issue of January 30, 1969, and republished this issue. Applicant: EVERETT CHARTER SYSTEM, INC., 3532 Smith Street, Everett, Wash. 98201. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. By application filed December 26, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, in charter coach service, beginning and ending at points in Snohomish County, Wash., and extending to points in Oregon, Idaho, Montana, California, Nevada, Utah, Colorado, Arizona, Wyoming, and New Mexico and points in British Columbia and Alberta Provinces, Canada. An order of the Commission, Review Board Number 5, decided September 23, 1969, and served October 6, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Snohomish County, Wash., and extending to points in Oregon, Idaho, Montana, Salt Lake City, Utah, and those points in Washington which are ports of entry on the international boundary line between the United States and Canada; that applicant is fit, willing and able properly to perform such service and to conform to the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Nos. MC 128814 (Sub-No. 4) (Republications), filed June 26, 1967, published in the FEDERAL REGISTER issues of July 13, 1967, July 27, 1967, and August 10, 1967; MC 128814 (Sub-No. 11) filed December 8, 1967, published in the FEDERAL REGISTER December 21, 1967; MC 128814 (Sub-No. 13) filed December 8, 1967, published in the FEDERAL REGISTER December 21, 1967; and MC 128814 (Sub-No. 14) filed December 8, 1967, published in the FEDERAL REGISTER issues of December 21, 1967, and February 1, 1968. Applicant: TRI-STATE MOTOR TRANSIT CO., as operator of H. MESSICK, INC., Post Office Box 113, Business I-44, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. In the above-entitled proceedings, applicant, a common carrier, seeks permits to transport explosives and certain other dangerous commodities from, to, or between various points under contract with Hercules, Inc. In each application, applicant requested that if its separate application, jointly filed with H. Messick, Inc., a motor contract carrier, on November 21, 1966, for authority under section 5 of the act to purchase the permanent and temporary authority operating rights and certain other property is approved, that the applications be treated as applications for common carrier authority. A Report of the Commission, Review Board Number 3 has determined that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below.

An order of the Commission, Review Board No. 3, decided October 10, 1969, and served October 21, 1969, finds that the operations proposed by applicant in each proceeding are actually those of a common carrier by motor vehicle; that the persent and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle over irregular routes: (1) In No. MC-128814 (Sub-No. 4), of *explosives, blasting agents, and supplies*, between Hampton and St. Paul, Minn., and points within 5 miles thereof, on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, and those in the upper Peninsula of Michigan; (2) in No. MC-128814 (Sub-No. 11), of *explosives* from Kenvil, N.J., to Electra, Bridgeport, and Laredo, Tex., and points within 5 miles of each; (3) in No. MC-128814 (Sub-No. 13), of *explosives* from the plantsite of Hercules, Inc., at Kenvil, N.J., to Merriam, Kans., and points within 5 miles thereof; and (4) in No. MC-128814 (Sub-No. 14), of *blasting caps* between Port Ewen, N.Y.; Jasonville, Ind.; Fairbanks, Pa.; Carthage, Mo.; Sedalia, Colo.; North Salt Lake City, Utah; Lincoln, Calif.; and points within 5 miles of each; that the authority granted herein should be limited, in point of time, to a period expiring 5 years from the date of the issuance of a certificate in each proceeding; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder; that to the extent the authority granted in each proceeding herein duplicates applicant's existing authority it shall not be construed as conferring more than a single operating right. Because it is possible that other persons, who have relied upon

the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificates in each proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128975 (Republication), filed March 30, 1967, published in the FEDERAL REGISTER issue of April 13, 1967, and republished this issue. Applicant: KLAMATH MOVING & STORAGE CO., a corporation, Post Office Box 1527, Klamath Falls, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. By application filed March 30, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Klamath, Lake, and Jackson Counties, Oreg., and points in Siskiyou and Modoc Counties, Calif., restricted to shipments having an immediately prior or subsequent movement by rail, water, motor, or air and moving on the through bill of lading of a forwarder operating under the exemption of section 402(b)(2) of the Interstate Commerce Act. By order dated June 28, 1967, and served July 7, 1967, it was ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 2, decided September 23, 1968, found that applicant failed to establish that the present and future public convenience and necessity require the operations proposed; and that the application should be denied without prejudice to the right of applicant to petition this Commission.

Upon consideration of the petition filed by applicant the proceeding was reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, acting as an Appellate Division; the verified statement tendered by applicant was received in evidence and made a part of the record in MC 128975. A report of the Commission on further consideration, Review Board No. 2, decided October 13, 1969, and served October 20, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Klamath, Lake, and Jackson Counties, Oreg., and Siskiyou and Modoc Counties, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128979 (Sub-No. 1) (Republication), filed July 28, 1967, published in the FEDERAL REGISTER issue of August 10, 1967, and republished this issue, Applicant: SMITH TRANSFER, INC., 1024 East Pike Street, Seattle, Wash. 98122. Applicant's representative: E. L. Hahn (same address as applicant). By application filed July 28, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in King, Kitsap, Island, Pierce, Thurston, Mason, and Snohomish Counties, Wash., restricted to shipments having a prior or subsequent out-of-State movement. By order dated September 21, 1967, and served September 26, 1967, it was ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 2, decided September 23, 1968, found that the applicant failed to establish that the present or future public convenience and necessity require the operations proposed; and that the application should be denied without prejudice to the right of applicant to petition this Commission. Upon consideration of the petition filed by applicant the proceeding was reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, acting as an Appellate Division; the verified statement tendered by applicant was received in evidence and made a part of the record in MC 128979 (Sub-No. 1).

A report of the Commission on further consideration, Review Board No. 2, decided October 13, 1969, and served October 20, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in King, Kitsap, Island, Pierce, Thurston, Mason, and Snohomish Counties, Wash.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129515 (Sub-No. 1) (Republication), filed February 12, 1968, published in the FEDERAL REGISTER issue of February 22, 1968, and republished this issue. Applicant: TORRANCE VAN & STORAGE COMPANY, doing business as S & M TRANSFER & STORAGE COMPANY, 1916 Border Avenue, Torrance, Calif. 90501. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. By application filed February 12, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods between points in Los Angeles, Orange, San Diego, and Ventura Counties, Calif., restricted to the transportation of shipments having an immediately prior or subsequent movement by rail, water, motor, or air and moving on the through bill of lading of a forwarder operating under the exemption of section 402(b)(2) of the Interstate Commerce Act. An order of the Commission, dated April 4, 1968, and served April 10, 1968, ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 2, decided September 23, 1968, found that applicant failed to establish that the present and future convenience and necessity require the operations proposed; and that the application should be denied without prejudice to the right of applicant to petition this Commission.

Upon consideration of the petition filed by applicant the proceeding was reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, acting as an Appellate Division; the verified statement tendered by applicant was received in evidence and made a part of the record in MC 129515 (Sub-No. 1). A report of the Commission on further consideration, Review Board No. 2, decided October 13, 1969, and served October 20, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Los Angeles County, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Commission and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129677 (Republication) filed January 26, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: YOUNG'S TRANSFER & STORAGE, INC., 402 California Avenue, Bakersfield, Calif. 93304. By application filed January 26, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between Bakersfield, Oildale, East Bakersfield, Edison, Techachapi, Arvin, Lamont, Gorman, New Cuyama, Frazier Park, Maricopa, Taft, Ford City, Fellows, McKittrick, Buttonwillow, Lost Hills, Wasco, McFarland, Shafter, Delano, Earlimart, Corcoran, and Porterville, Calif., with no restrictions. By order dated March 20, 1968, and served March 26, 1968, it was ordered that this proceeding be handled under modified procedure. A report of the Commission, Review Board No. 2, decided September 23, 1968, found that applicant failed to establish that the present and future public convenience and necessity require the operations proposed; that the application should be denied without prejudice to the right of applicant to petition this Commission. Upon consideration of the petition filed by applicant the proceeding was reopened for further processing under modified procedure on July 11, 1969, by the Commission, Division 1, acting as Appellate Division; the verified statement tendered by applicant was received in evidence and made a part of the record in MC 129677.

A report of the Commission on further consideration, Review Board No. 2, decided October 13, 1969, and served October 20, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate of foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Los Angeles County, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129780 (Sub-No. 1) (Republication), filed August 6, 1968, published in the FEDERAL REGISTER issue of September 6, 1968, and republished this issue. Applicant: LABERGE & FILS LTEE, Route 640, St-Eustache, Province of Quebec, Canada. Applicant's representative: Adrien Roger Paquette, 200 St. James Street West, Room 1010, Montreal, Province of Quebec, Canada. By report and order entered in the above-entitled proceeding, the examiner recommended the issuance of a permit to applicant, authorizing the operations, in foreign commerce as a contract carrier by motor vehicle over irregular routes of, the commodities, to and from points substantially as indicated below. An order of the Commission, Division 1, served September 22, 1969, and effective October 22, 1969, finds that operation in foreign commerce by applicant as a *contract carrier* by motor vehicle, under a continuing contract with Dion Freres, Inc., of St. Therese, Quebec, Canada, of (1) *agricultural machinery, and agricultural machinery parts*, from ports of entry on the International boundary line between the United States and Canada, located in Maine, Michigan (except port of entry at Detroit, Mich.), New Hampshire, New York, and Vermont to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; and

(2) *Damaged, defective, and returned agricultural machinery, and agricultural machinery parts, and materials, equipment, and supplies* used in the manufacture of agricultural machinery and of agricultural machinery parts, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin, to ports of entry on the international boundary line between the United States and Canada, located in Maine, Michigan (except the port of entry at Detroit, Mich.), New Hampshire, New York, and Vermont, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules, and regulations thereunder. Because it is possible that other persons, who have relief upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and the issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10644. Authority sought for purchase by LIGHTNING EXPRESS, INC., 2701 Railroad Street, Pittsburgh, Pa. 15222, of a portion of the operating rights of ARTHUR R. WILLIAMS, doing business as H. A. PARKS AND SON, 40 North Pittsburgh Street, Uniontown, Pa. 15401, and for acquisition by CHARLES E. SALVATORA, also of Pittsburgh, Pa., of control of such rights through the purchase. Applicants' attorneys: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, and Jerome Solomon, 704 Grant Building, Pittsburgh, Pa. 15219. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives,

household goods and commodities in bulk, as a *common carrier*, over regular routes, between Washington, Pa., and Uniontown Pa., serving all intermediate points, and certain off-route points, between Washington, Pa., and Monongahela, Pa., between Waynesburg, Pa., and West Brownsville, Pa., serving all intermediate points; *general commodities*, except those of unusual value, classes A and B explosives, livestock, fresh and smoked meats, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between points in Fayette County, Pa., on the one hand, and, on the other, certain specified points in West Virginia; *general commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, between points in Fayette County, Pa., on the one hand, and, on the other, points in Garrett County, Md.; *fresh and smoked meats*, between points in Fayette County, Pa., on the one hand, and, on the other, certain specified points in West Virginia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, West Virginia, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10645. Authority sought for purchase by A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717, of a portion of the operating rights and certain property of TENNESSEE CARTAGE CO., INC., 813 Ewing Avenue, Post Office Box 1193, Nashville, Tenn. 37202, and for acquisition by DONALD H. ANDERSON, 981 Meadow Road, Evansville, Ind., of control of such rights and property through the purchase. Applicants' attorney: Robert H. Kinker, 711 McClure Building, Frankfurt, Ky. Operating rights sought to be transferred: *General commodities*, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, as a *common carrier*, over regular routes, between Nashville, Tenn., and Nashville, Tenn., in a circuitous route, serving all intermediate points in Kentucky on said route between Greenville and Hopkinsville, including Greenville, and serving Hopkinsville for purpose of joinder only, between Springfield, Tenn., and Hopkinsville, Ky., serving no intermediate points, and serving Springfield and Hopkinsville for purpose of joinder only, between Princeton, Ky., and Hopkinsville, Ky., serving all intermediate points, and serving Hopkinsville for purpose of joinder only, between Dawson Springs, Ky., and Providence, Ky., serving all intermediate points. Restriction: The operations authorized herein are restricted against the transportation of shipments originating at or destined to the plantsite of Princeton Co., at or near Princeton, Ky. Vendee is authorized to operate as a *common carrier* in Indiana, Kentucky, Ohio, Tennessee, Illinois, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10647. Authority sought for purchase by SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, Maine 04101, of a portion of the operating rights of J. SCHWARTZ MOTOR TRANSPORTATION, INC., 185 Woodland Avenue, Manchester, /N.H. 03101, and for acquisition by HOWARD L. SANBORN, H. BLAINE SANBORN, and DWIGHT L. SANBORN, all also of Portland, Maine, of control of such rights through the purchase. Applicants' attorney and representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155, and Robert Dastin, 875 Elm Street, Manchester, N.H. 03101. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Manchester, N.H., and Boston, Mass., serving all intermediate points; and off-route points within 5 miles of Boston, and those within 5 miles of Manchester, from Manchester over U.S. Highway 3 to junction U.S. Highway 3A (formerly portion of U.S. Highway 3), thence over U.S. Highway 3A via North Chelmsford, Lowell, and Billerica, Mass., to junction U.S. Highway 3, thence over U.S. Highway 3 to Boston, and return over the same route, from Manchester over New Hampshire Highway 28 to the New Hampshire-Massachusetts State line, thence over Massachusetts Highway 28 to Boston, and return over the same route. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Massachusetts, New York, Connecticut, Rhode Island, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-10646. Authority sought for purchase by TRENTON-PHILA. COACH CO., 200 West Wyoming Avenue, Philadelphia, Pa. 19140, of a portion of the operating rights of RED ARROW LINES, INC., 69th Street Terminal Building, Upper Darby, Pa. 19082, and for acquisition by SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY, 2028 PSFS Building, 12 South 12th Street, Philadelphia, Pa. 19107, of control of such rights through the purchase. Applicants' representative: John W. Ennis, Jr., 2028 PSFS Building, Philadelphia, Pa. 19107. Operating rights sought to be transferred: Passengers and their baggage, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Philadelphia, Pa., and Medford Lakes, N.J., between Ellisburg, N.J., and Kingsway Village, N.J., between Kingsway Village, N.J., and Downs Farm, N.J., serving all intermediate points; and passengers and their baggage, between Ellisburg, N.J., and Kingston Estates, N.J., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Pennsylvania and New Jersey. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13184; Filed, Nov. 4, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 31, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-5317, filed October 17, 1969. Applicant: NED R. McWHERTER, doing business as VOLUNTEER TRUCKING COMPANY, 22 Bypass Road, Dresden, Tenn. 38225. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except classes A and B explosives, household goods, commodities in bulk, and articles requiring special equipment; (1) from Nashville, Tenn., via Interstate Highway 40 to junction with Tennessee Highway 22, thence via Tennessee Highway 22 to Weakley County line, thence via any and all highways and roads in Weakley and Obion Counties, Tenn., serving all points in said counties, and return over the same routes; (2) from Nashville, Tenn., via U.S. Highway 70 to Huntingdon, Tenn., thence via Tennessee Highway 22 to Weakley County line, thence via any and all highways and roads in Weakley and Obion Counties, Tenn., serving all points in said counties, and return over the same routes; and (3) via any and all connecting roads and highways between Interstate Highway 40 and U.S. Highway 70 between Nashville and Tennessee Highway 22, for operating convenience only in connection with routes (1) and (2) above. Both intrastate and interstate authority sought.

HEARING: Tuesday, January 13, 1970 at 9:30 a.m., Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10569, filed October 15, 1969. Applicant: COMET DISTRIBUTION SERVICE, INC., doing business as COMET TRUCKING SERVICE, 2125 Sorrell Avenue, Baton Rouge, La. 70802. Applicant's representative: Clint L. Pierson, 947 Gardere Lane, Route 3, Baton Rouge, La. 70808. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, particularly industrial chemicals, materials and supplies, in packages, bags, or drums and excepting bulk shipments, either dry or liquid, over the following described routes and territories: (1) U.S. Highway 61 from St. Francisville to Baton Rouge, La.; (2) U.S. Highway 61 from Baton Rouge to New Orleans, La.; (3) Louisiana Highway 30 from Baton Rouge to Union, La.; and from Highway 30 across Sunshine Bridge to Highway 1 at Donaldsonville, La.; thence over Highway 1 from Donaldsonville to Port Allen, La.; and thence to Baton Rouge over the I-10-Mississippi River Bridge; (4) U.S. Highway 190 and/or Interstate 12 from Baton Rouge to Hammond, La.; and (5) U.S. Highway 51 or Interstate 55 from Hammond to Highway 61 at La Place, La., and serving all intermediate points along said routes and connected thereto within 5 miles of either side of said highways. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Louisiana Public Service Commission, Baton Rouge, Louisiana, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13187; Filed, Nov. 4, 1969; 8:48 a.m.]

[Notice 935]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 31, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 47 TA), filed October 28, 1969. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Eastton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation material*, from Parsonsburg, Md., to points in Connecticut, Pennsylvania, Rhode Island, Virginia, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, and New York, for 180 days. Supporting shipper: Cellutron Products Corp., Post Office Box 76, Route 346, Parsonsburg, Md. 21849; Roland S. Jones. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 96098 (Sub-No. 35 TA), filed October 29, 1969. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery 2, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper other than newsprint, not printed*, from Lock Haven, Pa., to points in Maryland, Virginia, and the District of Columbia, for 150 days. Supporting shipper: Hammermill Paper Co., Lock Haven, Pa. 17745. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 98154 (Sub-No. 5 TA), filed October 28, 1969. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 East Washington Road, Saginaw, Mich. 48601. Applicant's representative: Karl L. Gotting, Union Savings & Loan Building, 117 West Allegan Street, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise as is dealt with by retail department stores*, between Saginaw and Grand Rapids, Mich., on the one hand, and, on the other, J. C. Penney stores and warehouses located at points in Michigan south of a line formed by the north boundaries of Manistee, Wexford, Missaukee, Roscommon, Ogenaw, and Iosco Counties, Mich., restricted against movements to or from stores and warehouses located in Monroe, Washtenaw, Oakland, Macomb, St. Clair, and Wayne Counties, Mich., for 180 days. Supporting shipper: J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 112593 (Sub-No. 16 TA), filed October 27, 1969. Applicant: SIDNEY W. JOHNSON, doing business as SOUTHWESTERN FILM SERVICE, 8319 Aztec Northeast, Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 LaVeta Drive NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith*, between Albuquerque, N. Mex., and Clovis, Deming, Farmington, Gallup, Grants, Las Cruces, Las Vegas, Los Alamos, Lordsburg, Raton, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Truth or Consequences, N. Mex., on traffic having a prior or subsequent out-of-State movement, for 120 days. NOTE: Applicant intends to interline at Albuquerque with regular route air carriers. Supporting shipper: Eastman Kodak Co., General Traffic Department, Building 205, Kodak Park Division, Rochester, N.Y. 14650. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 113388 (Sub-No. 94 TA), filed October 29, 1969. Applicant: LESTER C. NEWTON TRUCKING CO., Post Office Box 618, Seaford, Del. 19973. Applicant's representative: Robert E. Scott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables and canned mushrooms*, from Sadsbury, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and West Virginia, for 180 days. Supporting shipper: Green Giant Co., LeSueur, Minn.; Gerald R. Russeth, Motor Transportation Supervisor. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md.

No. MC 127505 (Sub-No. 29 TA), filed October 28, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam articles, insulating materials, wallboard, and plumbing materials and supplies and bathroom or lavatory fixtures*, from Bloomington, Ill., to points in Minnesota, Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Louisiana (on and east of Mississippi River), and all States east thereof including Washington, D.C., for 180 days.

NOTE: Applicant states no tacking possible but intends to interline at all possible points with all possible carriers. Supporting shipper: Chembest Division, Unarco Industries, Inc., 111 West Perry Street, Bloomington, Ill. 61701. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133207 (Sub-No. 1 TA), filed October 29, 1969. Applicant: UNITED COURIER CORPORATION, 301 South Tryon Street, Charlotte, N.C. 28201. Applicant's representative: William F. King, Suite 301, Tavern Square, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency, coin and bullion) as are used in the business of banks and banking institutions, between points in North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shippers: North Carolina National Bank, Charlotte, N.C.; American Bank and Trust, Orangeburg, S.C.; First National Bank of Norfolk, Norfolk, Va.; Southern Bank and Trust Co., Greenville, S.C.; Virginia National Bank, Norfolk, Va.; National Bank of South Carolina, Sumter, S.C.; and First Union National Bank of North Carolina, Charlotte, N.C. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Bldg.), Charlotte, N.C. 28202.

No. MC 134050 (Sub-No. 1 TA), filed October 28, 1969. Applicant: J. M. FOSTER, Route 6, Brookhaven, Miss. 39601. Applicant's representative: Donald B. Morrison, Post Office Box 22628, Deposit Guaranty National Bank Building, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *lumber*, from Ferriday, Newellton, Plaquemine, St. Francisville, Sondheimer, Tallulah, and Zachary, La., to Fayette, Miss.; and (2) *cross-ties*, from Brookhaven and Bogue Chitto, Miss., to Mobile, Ala., and Slidell and Alexandria, La., for 150 days. Supporting shippers: Cullen Beeson, Route 1, Brookhaven, Miss. 39601; W. C. Ingle, Route 1, Box 94-A, Brookhaven, Miss., 39601; James Ferguson, Bogue Chitto, Miss. 39629; Fayette Enterprises, Inc., Post Office Box 188, Fayette, Miss. 39069. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 134129 (Sub-No. 1 TA), filed October 29, 1969. Applicant: WILLIAM A. LONG, Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Culvert pipe, culvert sectional plate and couplings and coatings for culvert pipe and sections*, from Bedford, Pa. to Bealeton, Va. (2) *Culvert banding and coupling materials, coatings and steel plates* used in the manufacture of culvert pipe and couplings, from Bealeton, Va., to Bedford, Pa. (3) *steel coil*, from the plantsite of Bethlehem Steel Corp., at Sparrows Point, Md., to Bedford, Pa., for 180 days. Supporting shipper: Lane Juniata, Inc., Post Office Box 164, Bedford, Pa. 15522. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 2210, Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13185; Filed, Nov. 4, 1969; 8:48 a.m.]

[Notice 439]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 31, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71605. By order of October 29, 1969, the Motor Carrier Board approved the transfer to Flinton Eitzen, Coin, Iowa 51636, of certificate No. MC-94206 issued November 23, 1949, to Harold Inman, Northboro, Iowa 51647 authorizing the transportation of livestock between points in Missouri and Iowa within 15 miles of College Springs, Iowa; from College Springs, Iowa, and points within 15 miles of College Springs to Omaha and Nebraska City, Nebr., and St. Joseph, Mo., from points within 10 miles of Clarinda, Iowa, except those within 15 miles of College Springs, Iowa, to St. Joseph, Mo., and Omaha, Nebr.; from Omaha, Nebr., to College Springs, Iowa, and points within 15 miles of College Springs, and Clarinda, Iowa, and points within 10 miles of College Springs, except those within 15 miles of College Springs; and from St. Joseph, Mo., to College Springs, Iowa, and points within 15 miles of College Springs; feed, from Omaha, Nebr., to College Springs, and Clarinda, Iowa, and points within 15 miles of College Springs, and those points within 10 miles of Clarinda; and from St. Joseph, Mo., to College Springs, Iowa; building materials, fencing, and posts, from Omaha, Nebr., to College Springs, Iowa; brick and tile from Nebraska City, Nebr., to College Springs, Iowa; animal and poultry feed from Humboldt, Nebr., to College Springs, Iowa; grain, hay, and livestock between points in Missouri and Iowa, within 15 miles of College Springs, Iowa; and between Maryville, Mo., and points in Iowa within 15 miles of College Springs, Iowa, and farm machinery between Omaha, Nebr., and points in Iowa within 10 miles of Clarinda, not including Clarinda.

No. MC-FC-71681. By order of October 28, 1969, the Motor Carrier Board approved the transfer to John F. D'Andrade, doing business as Red D'Andrade Marine Transport, East Northport, N.Y., of certificate No. MC-117802 (Sub-No. 1) issued July 17, 1960, to Seaford Marine Boat Haulers, Inc., Seaford, N.Y., authorizing the transportation of: Boats, not exceeding 33 feet in length, from specified points in Maine, New York, and Virginia, to points in Massachusetts, Rhode Island, Connecticut, New Hampshire, New Jersey, Maryland, and Florida. Arthur J. Piken, 160 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13186; Filed, Nov. 4, 1969; 8:48 a.m.]

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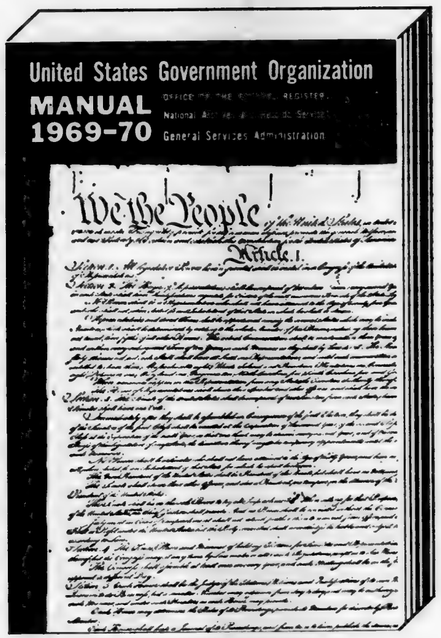
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[Navel Orange Reg. 182]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.482 Navel Orange Regulation 182.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 7, 1969, through November 13, 1969, are hereby fixed as follows:

(i) District 1: 768,501 cartons.
(ii) District 2: Unlimited movement.
(iii) District 3: 64,504 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13322; Filed, Nov. 5, 1969; 11:19 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–SW–68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Monticello, Ark., transition area.

On September 20, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 14641) designating the Monticello, Ark., transition area, effective 0901 G.m.t., November 13, 1969.

The southeasterly extension of the transition area was based on the Monticello VORTAC 336° true (330° magnetic) radial. This radial was the proposed approach course of the VOR instrument approach procedure which had been developed to serve the Monticello Municipal Airport. The U.S. Coast and Geodetic Survey has changed the 330° magnetic (336° true) radial to the 331° magnetic (337° true) radial. Action is taken herein to correct the extension designation to include the Monticello VORTAC 337° radial rather than the 336° radial. The amount of controlled airspace will not be increased by this change.

Since this amendment is minor in nature and is required in the interest of safety, notice and public procedures hereon are not practical and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637, 14641), the Monticello, Ark., transition area is amended to read:

MONTICELLO, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monticello Municipal Airport (lat. 33°38'-10" N., long. 91°45'10" W.), and within 2 miles each side of the Monticello VORTAC 337° radial extending from the 5-mile radius area to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on October 27, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69–13230; Filed, Nov. 5, 1969; 8:46 a.m.]

[Airspace Docket No. 69–SW–67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Warren, Ark., transition area.

On August 16, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 13301) designating the Warren, Ark., transition area, effective 0901 G.m.t., October 16, 1969.

The easterly extension of the transition area was based on the Monticello VORTAC 271° true (265° magnetic) radial. This radial was the proposed approach course of the VOR/DME instrument approach procedure which had been developed to serve the Warren Municipal Airport. The U.S. Coast and Geodetic Survey has changed the 265° magnetic (271° true) radial to the 264° magnetic (270° true) radial. Action is taken herein to correct the extension designation to include the Monticello VORTAC 270° radial rather than the 271° radial. The amount of controlled airspace will not be increased by this change.

Since this amendment is minor in nature and is required in the interest of safety, notice and public procedures

hereon are not practical and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (34 F.R. 4637, 13301), the Warren, Ark., transition area is amended to read:

WARREN, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (lat. 33°33'50" N., long. 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 270° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on October 27, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13229; Filed, Nov. 5, 1969; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation No. ER-590]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Deletion of Safety Record Retention Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of November 1969.

The National Transportation Safety Board (NTSB) has amended Part 430 of its investigation regulations (34 F.R. 15750, Oct. 11, 1969), effective 30 days after publication, to require that all operators of aircraft involved in an accident or incident retain all records and reports (including internal documents and memoranda) made in connection with such accidents and incidents until otherwise authorized by NTSB.

The function of investigating aircraft accidents was transferred from the Civil Aeronautics Board to NTSB by section 5 of the Department of Transportation Act of 1966 (80 Stat. 1935). However, Part 249 still provides that records and reports incident to aircraft accidents be retained by certificated air carriers until disposal is authorized by the Civil Aeronautics Board. Moreover, Part 249 requires that other aircraft maintenance, overhaul, and flight operations records be retained to facilitate aircraft accident investigations. These safety records are also prescribed by the Federal Aviation Administration. It is therefore appropriate that the Board delete safety records from its record retention requirements to avoid overlapping or inconsistent requirements in this area.

The Board finds that notice and public procedure hereon are unnecessary and that the amendment shall be effective on the effective date of the amendment to Part 430.

Accordingly, the Board hereby amends Part 249 of the Economic Regulations (14 CFR Part 249), effective November 10, 1969, as follows:

1. Amend § 249.8 by deleting from the "Category of Records" list, Categories 3, 4, 5, 6, 7, 8, 9, and 10.

2. Amend paragraph (f) of § 249.13 by deleting from the "Schedule of Records" list, the center heading "Maintenance and Overhaul" and Categories 350, 351, and 352 thereunder; and the center heading "Transportation" and Categories 400, 401, 402, 403, and 404 thereunder.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13244; Filed, Nov. 5, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1592]

PART 13—PROHIBITED TRADE PRACTICES

Century Fabrics, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–235 Producer status of dealer or seller; 13.15–235(m) Manufacturer; § 13.30 *Composition of goods:* 13:30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act. Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Century Fabrics, Inc., et al., Chicago, Ill., Docket C-1592, Oct. 10, 1969]

In the Matter of Century Fabrics, Inc., a Corporation, Doing Business Under its Own Name and as Grant Looms

Consent order requiring a Chicago, Ill., converter and jobber of drapery and upholstery fabrics, and an importer of Italian tapestry fabrics to cease falsely advertising and misbranding its textile fiber products, and using the word "Looms" or any other word implying that it mills or manufactures the textiles it sells.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Century Fabrics, Inc., a corporation, doing business under its own name and as Grant Looms or any other name, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product whether in its original state or contained in other textile fiber products as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Placing nonrequired information on labels in such a manner as to minimize, detract from, or conflict with the required information or to be false or deceptive as to fiber content.

4. Using a fiber trademark on labels affixed to textile fiber products without the generic name of the fiber appearing on the said labels.

5. Using the generic names of fibers in nonrequired information on any label in such a manner as to be false, deceptive, or misleading as to fiber content or to indicate directly or indirectly that such textile fiber products are composed wholly or in part of a particular fiber when such is not the case.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber products unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in said advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

5. Using the generic name of a fiber in advertising textile fiber products in such a manner as to be false, deceptive, or misleading as to fiber content or to indicate directly or indirectly that such textile fiber products are composed wholly or in part of such fiber when such is not the case.

6. Failing to set forth all parts of the required information in advertisements of textile fiber products in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence.

It is further ordered, That respondent Century Fabrics, Inc., a corporation, doing business under its own name and as Grant Looms or any other name, and its officers, representatives, agents, and employees directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of fabrics or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Directly or indirectly using the word "Looms" or any other word or term of similar import or meaning in or as a part of respondent's corporate or trade name or representing in any other manner that respondent performs the functions of a mill or otherwise manufactures or processes the fabrics or other products sold by it unless and until respondent owns, operates, or directly and absolutely controls the mill, factory, or manufacturing plant wherein said fabrics or other products are manufactured.

2. Misrepresenting in any manner that respondent has mills, factories, or manufacturing plants where its products are manufactured.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of the order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-13241; Filed, Nov. 5, 1969; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO TITLE

Title 24 is amended as follows:

PART 5—RENT SUPPLEMENT PAYMENTS

In § 5.15 paragraph (b)(4) is amended to read as follows:

§ 5.15 Eligible housing owner.

* * * * *

(b) * * *

(4) A nonprofit, limited distribution, or cooperative mortgagor under a mortgage insured pursuant to section 236 of the National Housing Act (or insured under section 233 of such Act pursuant to section 236(j)(1)) which is receiving interest reduction payments pursuant to section 236 of the Act and is approved for receiving the benefits provided in this part.

* * * * *

(Sec. 101(g), 79 Stat. 453; 12 U.S.C. 1701s)

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

Section 203.285 is amended to read as follows:

§ 203.285 Computation of adjusted premium.

(a) Where the principal obligation of any mortgage accepted for insurance is paid in full before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayment, the mortgagee shall pay to the Commissioner an adjusted premium of 1 percent of the original principal amount of the prepaid mortgage, except as otherwise provided in this subpart.

(b) The adjusted premium shall be remitted to the Commissioner with the notice of prepayment. Payment shall be made either in cash or debentures at par plus accrued interest.

Subpart B—Contract Rights and Obligations

In § 203.492 paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read as follows:

§ 203.492 Assignments, pledges and transfers by approved lender.

* * * * *

(b) An assignment or transfer of an insured loan or group of insured loans may be made by an approved lender to other than an approved lender provided the requirements under paragraph (a) (1) and (2) are met and the following additional requirements are met:

(1) The assignee or transferee shall be a corporation, trust or organization (including but not limited to any pension trust or profit-sharing plan) which certifies to the approved lender that:

(i) It has assets of $100,000 or more; and

(ii) It has lawful authority to hold an insured loan or group of insured loans.

(2) The assignment or transfer shall be made pursuant to an agreement under which the transferor or assignor is obligated to take one of the following alternate courses of action within one year from the date of the assignment or within such additional period of time as may be approved by the Commissioner:

(i) The transferor or assignor shall repurchase and accept a reassignment of such loan or group of loans.

(ii) The transferor or assignor shall obtain a sale and transfer of such loan or group of loans to an approved lender.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.1 paragraph (h) is amended to read as follows:

§ 207.1 Application filing and required fee.

* * * * *

(h) *Transfer fee.* Upon application for approval of a transfer of physical assets or the substitution of mortgagors, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage in all cases, except that a transfer fee shall not be paid where both parties to the transfer transaction are nonprofit organizations.

* * * * *

In § 207.33 paragraph (h) is amended to read as follows:

§ 207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.

* * * * *

(h) At the time a mortgage is insured, the mortgagor shall have constructed and completed, or shall have rehabilitated and completed, pursuant to a commitment to insure upon completion, or shall be obligated to construct and complete, or to rehabilitate and complete pursuant to a commitment to insure advances, a trailer court or park, designed principally for rental use for trailers or mobile homes, and conforming to standards, specifications, plans and requirements satisfactory to the Commissioner.

* * * * *

Subpart B—Contract Rights and Obligations

In § 207.253 paragraph (a)(2) is amended to read as follows:

§ 207.253 Adjusted premium and termination charges.

(a) * * *

(2) Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The adjusted premium shall be remitted to the Commissioner with the notice of prepayment. Payment shall be made either in cash or debentures at par plus accrued interest. The insurance contract shall terminate effective as of the date of the prepayment.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations—Projects

In § 213.262 paragraph (a) is amended by adding a new subparagraph (3) to read as follows:

§ 213.262 Termination of mortgage insurance—prepayment in full—management, purchasing cooperative, sales, and existing construction project mortgages.

* * * * *

(a) *Adjusted premium charge.* * * *

(3) The adjusted premium shall be remitted to the Commissioner with the notice or prepayment. Payment shall be made either in cash or debentures at par plus accrued interested.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.510 paragraph (c) is amended to read as follows:

§ 221.510 Eligible mortgagors.

* * * * *

(c) *Limited distribution mortgagor.* The limited distribution mortgagor shall be a corporation, trust, partnership, association, other equity, or an individual. Such mortgagor shall be restricted by law (or by the Commissioner) as to distribution of income and shall be regulated as to rents, charges, rate of return, and methods of operation in such form and manner as is satisfactory to the Commissioner to effectuate the purposes of this subpart.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

Section 232.13a is amended to read as follows:

§ 232.13a Transfer fee.

Upon application for approval of a transfer of physical assets or the substitution of mortgagors, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage in all cases, except that a transfer fee shall not be paid where both parties to the transfer transaction are nonprofit organizations.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.1 paragraph (k) is amended to read as follows:

§ 234.1 Definitions used in this subpart.

* * * * *

(k) "Multifamily project" means a project containing four or more family units.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER Q–1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

In Part 242, Subpart A in the Table of Contents, § 242.15 is deleted.

Subpart A—Eligibility Requirements

In Part 242, Subpart A, § 242.15 is deleted as follows:

§ 242.15 Transfer fee. [Deleted]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z–7)

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Subpart A—Eligibility Requirements for Mortgage Insurance

In § 236.10 paragraph (c) is amended to read as follows:

§ 236.10 Eligible mortgagors.

* * * * *

(c) *Limited distribution mortgagor.* The limited distribution mortgagor shall be a corporation, trust, partnership, association, other entity, or an individual. Such mortgagor shall be restricted by law (or by the Commissioner) as to distribution of income and shall be regulated as to rents, charges, rate of return, and methods of operation in such form and manner as is satisfactory to the Commissioner to effectuate the purposes of this subpart.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 236, 82 Stat. 498; 12 U.S.C. 1715z–1)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

Section 1000.20 is amended to read as follows:

§ 1000.20 Transfer fee.

Upon application for approval of a transfer of physical assets or the substitution of mortgagors, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage in all cases, except that a transfer fee shall not be paid where both parties to the transfer transaction are nonprofit organization.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

Issued at Washington, D.C., October 31, 1969.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 69–13242; Filed, Nov. 5, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, Martin, S. Dak., is permitted only on the Little White River Recreational Area and a portion of Waterfowl Management Unit 10, which are designated by signs as open to fishing. These open areas, comprising a total of 710 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the Little White River Recreational Area extends from January 1, through December 31, 1970, inclusive; daylight hours only.

(2) The open season for sport fishing on the Waterfowl Management Unit No. 10 extends from December 15, 1969, through March 15, 1970, inclusive; daylight hours only.

(3) The use of motorized vehicles on ice is prohibited.

(4) Opening and closing dates will be subject to ice conditions.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

VICTOR M. HALL,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak. 57551.

OCTOBER 16, 1969.

[F.R. Doc. 69–13223; Filed, Nov. 5, 1969; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 225—ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

The Department of the Treasury finds it necessary further to amend, pursuant to 6 U.S.C. 15, its regulations at 31 CFR Part 225 (also appearing as Treasury Department Circular No. 154) which govern the acceptance of Treasury securities in lieu of surety or sureties on penal bonds in order to delete an uncurrent office title designation; to replace obsolete statutory references and descriptions with current references and descriptions; to update a reference to Department Circular No. 154, and to revoke two obsolete sections. The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the amendments involve rules of agency procedure.

Accordingly, Part 225, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended in the following ways:

1. Footnote No. 1 is amended by deleting the phrase "Surety Bonds Branch" therefrom.

2. Section 225.12 is amended by revising the section heading and the text of the second sentence, and by dividing the existing section into three paragraphs. As amended the entire § 225.12 reads:

§ 225.12 Return to obligor of security.

(a) *Generally.* As soon as security for the performance of the penal bond is no longer necessary, the bonds or notes deposited in lieu of surety or sureties on such penal bond, together with the power of attorney and agreement accompanying such bonds or notes, shall be returned to the obligor by the bond-approving officer, without application therefor from the obligor. The determination of the question whether security is any longer necessary for the performance of the penal bond shall rest with the bond-approving officer.

(b) *Miller Act payment bonds.* If a person who supplied labor or material to a contractor, required by the Miller Act, as amended (40 U.S.C. 270a–d), to give a payment bond to the United States, files with the Comptroller General the application and affidavit provided for in that Act after a default in the performance of a contract covered by that Act, the bond-approving officer shall not return to the contractor-obligor the deposited bonds, notes or any surplus proceeds thereof until the expiration of the time within which such a person may commence suit on the payment bond as provided in the Act, i.e., 1 year after the day on which the last of the labor was performed or material supplied by that person. If suit is instituted within that time, the bond-approving officer shall hold such bonds, notes or proceeds subject to the order of the court having jurisdiction of the suit. If suit is not instituted within that time but the bond-approving officer is on notice of a claim against the contractor-obligor on the basis of his payment bond, the bond-approving officer shall determine the time at which, and the evidence of settlement of the claim upon which, he will release the bonds, notes or proceeds.

(c) *Claim of United States unaffected.* Nothing in this section shall affect or impair the priority of any claim of the United States against bonds or notes deposited, or any right or remedy granted by the Miller Act or by this part to the United States for default upon any obligation of a penal bond.

3. Section 225.16 is amended by deleting "Treasury Department Circular No. 154, dated February 6, 1935" from the statement form set forth and substituting therefor "31 CFR Part 225".

4. Section 225.18 is revoked since its subject matter is now covered by § 25.14, Chapter I, Title 19 of the Code of Federal Regulations.

5. Section 225.19 is revoked since its subject matter is now covered in Subchapter E and § 301.7101, Chapter I, Title 26 of the Code of Federal Regulations.

Effective date: These amendments are effective upon publication in the FEDERAL REGISTER.

Dated: October 31, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69–13249; Filed, Nov. 5, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–1—GENERAL

Records Retention Requirements Under Small Business Subcontracting Program Clause and Labor Surplus Area Subcontracting Program Clause

This amendment establishes a retention period of 1 year from the date of award of applicable contracts during which period certain records must be maintained by Government contractors pursuant to the Small Business Subcontracting Program clause and the Labor Surplus Area Subcontracting Program clause.

Subpart 1–1.7—Small Business Concerns

Section 1–1.710–3(b) is amended by the revision of paragraph (a)(4) of the clause contained therein, as follows:

§ 1–1.710–3 Required clauses.

* * * * *

(b) * * *

SMALL BUSINESS SUBCONTRACTING PROGRAM

(a) * * *

(4) Maintain records showing (i) whether each prospective subcontractor is a small business concern, (ii) procedures which have been adopted to comply with the policies set forth in this clause, and (iii) with respect to the letting of any subcontract (including purchase orders) exceeding $10,000, information substantially as follows:

(A) Whether the award went to large or small business.

(B) Whether less than three or more than two small business firms were solicited.

(C) The reason for nonsolicitation of small business if such was the case.

(D) The reason for small business failure to receive the award if such was the case when small business was solicited.

The records maintained in accordance with (iii) above may be in such form as the Contractor may determine, and the information shall be summarized quarterly and submitted by the purchasing department of each individual plant or division to the Contractor's cognizant small business liaison officer. Such quarterly summaries will be considered to be management records only and need not be submitted routinely to the Government; however, records maintained pursuant to this clause will be kept available for review by the Government until the expiration of 1 year after the award of this contract, or for such longer period as may be required by any other clause of this contract or by applicable law or regulation.

* * * * *

[End of Clause]

Subpart 1–1.8—Labor Surplus Area Concerns

Section 1–1.805–3(b) is amended by the revision of paragraph (a)(4) of the clause contained therein, as follows:

§ 1–1.805–3 Required clauses.

* * * * *

(b) * * *

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM

(a) * * *

(4) Maintain records showing procedures which have been adopted to comply with the policies set forth in this clause. Records maintained pursuant to this clause will be kept available for review by the Government until the expiration of 1 year after the award of this contract, or for such longer period as may be required by any other clause of this contract or by applicable law or regulations; and

* * * * *

[End of Clause]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective December 1, 1969.

Dated: October 30, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–13221; Filed, Nov. 5, 1969; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–19—MANAGEMENT OF BUILDINGS AND GROUNDS

Changes in Rules and Regulations Governing Public Buildings and Grounds

Subpart 101–19.3 is amended to state more specifically the rules governing disruptive occurrences in and near Federal buildings and to assign to the occupant agency affected the initial responsibility for coordinating the rules against disturbances. The action and presence of individuals in varying numbers in and about the premises of Government administrative offices interrupts and impedes the normal administrative governmental functions.

The table of contents for Part 101–19 is changed by revising the titles of §§ 101–19.300, 101–19.304, 101–19.306, and 101–19.307 and by adding new § 101–19.307a as follows:

Sec.
101–19.300 Applicability.
101–19.304 Disturbances.
101–19.306 Alcoholic beverages and narcotics.
101–19.307 Soliciting, vending, and debt collection.
101–19.307a Distribution of handbills.

Subpart 101–19.3—Conduct on Federal Property

Sections 101–19.300, 101–19.302, 101–19.304, 101–19.306, 101–19.307, and 101–19.308 are revised and new § 101–19.307a is added, as follows:

§ 101–19.300 Applicability.

These rules and regulations apply to all Federal property under the charge and control of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

§ 101–19.302 Preservation of property.

The improper disposal of rubbish on property; the spitting on property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from a building; the climbing upon the roof or any part of the building; or the willful destruction, damage, or removal of property or any part thereof, is prohibited.

§ 101–19.304 Disturbances.

The disorderly conduct on property, or conduct on property which creates loud and unusual noise, or which obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways, and parking lots, or which otherwise tends to impede or disturb the public employees in the performance of their duties, or which otherwise impedes or disturbs the general public from obtaining the administrative services provided on property, is prohibited. The occupant agency involved in a disturbance shall have the initial responsibility for coordinating the observance of this rule by the public.

§ 101–19.306 Alcoholic beverages and narcotics.

The entering on property or the operating of a motor vehicle on property, by a person under the influence of alcoholic beverage or narcotic drug is prohibited. The use of any narcotic drug on property is prohibited. The use of alcoholic beverage on property is prohibited except on occasions and on property upon which the Administrator of General Services has for appropriate official uses granted an exemption permit in writing.

§ 101–19.307 Soliciting, vending, and debt collection.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on property, is prohibited. This rule does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the occupant agencies concessions, or personal notices posted by employees on authorized bulletin boards.

§ 101–19.307a Distribution of handbills.

The distribution of material such as pamphlets, handbills, and flyers, is prohibited without prior approval of an authorized official of the agency occupying the space where the material is to be distributed.

§ 101–19.308 Photographs for news, advertising, or commercial purposes.

Photographs for news, advertising, or commercial purposes may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned. Except where security regulations apply, or a Federal court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of an authorized official of the agency occupying the space where the photographs are to be taken.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and 40 U.S.C. 318)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: November 5, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–13310; Filed, Nov. 5, 1969; 10:10 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—U.S. Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A: Alabama

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," a change in the place for filing in Jefferson County, Ala.:

ALABAMA

County; Place for Filing; Beginning date.

* * * * *

Montgomery: (1) Montgomery—Post Office and Courthouse Building, corner of Church, Lee, and Moulton Streets, Rooms 332, 334, 336; October 6, 1965, to November 6, 1969; (2) Montgomery—Aronov Building, 474 South Court Street, Room 132; November 7, 1969; (3) Mount Meigs—trailer at U.S. Post Office, intersection of U.S. Highway 80 and Pike Road; February 26, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965; Public Law 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13309; Filed, Nov. 5, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 966]

[Docket No. AO–265–A2]

TOMATOES GROWN IN FLORIDA

Decision With Respect to Proposed Amendment of Marketing Agreement and Order; and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900), a public hearing was held in Orlando, Fla., June 30, 1969. The notice thereof was published in the FEDERAL REGISTER on June 14, 1969 (34 F.R. 9393) upon a proposed amendment to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), hereinafter collectively referred to as the "order," regulating the handling of tomatoes grown in the Florida production area.

On the basis of evidence introduced at the hearing and the record thereof, a recommended decision in this proceeding was filed on September 16, 1969, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, allowing 15 days to file written exception thereto, was published in the FEDERAL REGISTER September 20, 1969 (34 F.R. 14653).

Material issues, findings and conclusions, rulings, and general findings. The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (34 F.R. 14653) are hereby approved and adopted as hereinafter modified, and are set forth in full herein.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The amendment of § 966.7, *Handle*, to extend its applicability so as to authorize regulation of shipments of tomatoes within the regulated area;

(2) The amendment of § 966.12, *Maturity*, to provide for determination of the degree of ripeness of each lot of tomatoes at the time of inspection; and the amendment of § 966.60, *Inspection and certification*, to delete the reinspection requirement for regraded, resorted or repacked tomatoes if the identity of the inspected lot can be maintained;

(3) The amendment of § 966.18 *Export*, to mean the shipment of tomatoes beyond the boundaries of the 48 contiguous States of the United States, to clear up an ambiguity which exists in the present definition and to include Alaska;

(4) The amendment of the authority to regulate containers, in § 966.52, by adding "markings," including labels and stamps; and

(5) The amendment of such other sections as are necessary to conform the present order to the proposed amendments.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence presented at the hearing and the record thereof, are as follows:

(1) The term "handle," as defined in the present order, as amended, is synonymous with "ship" and means to sell, transport or in any other way to place fresh tomatoes, produced in the production area, in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

The proposed amendment of this section would add authority to regulate shipments within the regulated area, if the Committee so recommends, in addition to the present authority for regulating shipments moving out of the area.

The proposed new definition would exclude "field-run" tomatoes delivered or sold to a "registered handler" by the producer of the tomatoes for grading and packing within the production area, from the definition "handle."

The proposed new definition also would change the phrase "regulation area" to read "regulated area" for clarification, and it would delete the phrase "in the United States, Canada, or Mexico" from the end of the definition.

These are the important changes in the proposed new definition, all of which were well supported in the record for the purpose of improving the administration and operation of the order.

The term "regulated area" has the same meaning as "regulation area" in the present order. It is defined in the present order to mean "that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico." No change is proposed in the meaning of the phrase, as the geographic boundaries of the regulated area remain the same as the boundaries of the regulation area.

For information purposes, the regulated area encompasses the same territory as the production area did when the order was first made effective at which time there were five districts. The present order, as amended, has four districts in the production area, as former District No. 5 in North Florida was deleted. So the regulated area includes all of the production area, Districts 1 through 4, plus former District No. 5 which is no longer in the production area but which is included in the regulated area only for purposes of compliance.

According to the record evidence, over five million people live in the State of Florida and a good majority of them live within the regulated area. They comprise an important segment of the consuming public and a substantial market for tomatoes, especially Florida grown tomatoes.

The market within the regulated area should be protected, when necessary, against the sale of poor quality and under-sized tomatoes the same as markets outside the regulated area. The practice of selling below grade and below size tomatoes, that is, tomatoes which do not meet the grade or size requirements of the marketing order regulations, within the regulated area depresses prices for the better quality and preferred sizes of tomatoes. In addition, sales of restricted tomatoes often return little or nothing to the producer.

During the 1968–69 marketing season, shipments of tomatoes out of the regulated area were restricted as to grade, size, pack and maturity. However, tomatoes shipped within the regulated area were not restricted. As a result, below grade and below size tomatoes were permitted to move freely within the regulated area. The handling of these tomatoes resulted in the regulated area becoming a dumping ground for restricted grades and sizes of tomatoes and caused a depressing effect upon the tomato market.

With no limitations on movement within the regulated area, restricted tomatoes moved freely from packing houses and fields, from one town to another and from one county to another. Sometimes these restricted grades and sizes of tomatoes found their way into channels of commerce to points outside the regulated area.

A trucker, for example, could obtain a load of restricted tomatoes and state that he was selling them within the regulated area. Some of these truckers were able to bypass the road guard stations and sell such tomatoes outside the regulated area. This added to the enforcement problems.

Tomatoes below permitted grades and sizes compete with preferred grades and sizes. To sell, they must be discounted. Since they also increase the supply, lower prices are offered for good quality tomatoes. The result is a lower price to producer for all tomatoes and the producers probably receive little or no returns for the restricted grades and sizes.

Modern methods of rapid communication enable tomato buyers and sellers to be in close touch with one another. When markets are generally overloaded with tomatoes at the receiving points, prices decline and supplies of tomatoes back up resulting in a surplus at shipping points and a weakening of prices. Conversely, reductions in supplies of tomatoes at shipping points, due to weather

or other conditions, are quickly reflected in receiving markets by a strengthening of prices for tomatoes. Prices at shipping points and at terminal markets tend to be closely related because factors affecting supplies at shipping points are soon known and reflected in prices at terminal markets and the reverse is also the case.

Production area tomatoes that are shipped to a market within the regulated area are sometimes diverted to markets outside the regulated area and even outside the State. On very short notice, a shipper can, and often does, divert tomatoes moving to a particular market to some other market and it is not always known at the time of shipment whether the tomatoes will be marketed within the regulated area or outside of it.

The price of tomatoes handled for marketing within the regulated area has a direct effect on the price of tomatoes sold in the terminal markets. In fact, all handling of tomatoes, including handling within the State, or in the regulated area, directly affects the handling of tomatoes in interstate commerce.

Because of the interdependence of markets and the effect on all markets of any sale and shipment of tomatoes, whether for distribution within the regulated area or outside thereof, it is found that all handling, as described herein, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce. Hence, all movement and sale of tomatoes grown in the production area, whether for distribution within the regulated area or for shipment outside thereof, should be subject to the authority of the act and to the order as herein proposed to be amended.

The record indicates that during normal production and marketing seasons shipments within the regulated area as well as shipments to destinations outside thereof should be regulated. There is authority in the order, however, to regulate differently for different markets. There may be times when marketing conditions would make it economically desirable to regulate differently for the market within the regulated area than for markets outside or even to have no regulations for shipments within the regulated area if the committee so recommends and the Secretary approves.

Under the present order, the growing and harvesting of tomatoes are producer functions and should continue to be construed as operations of the producer in his capacity as a producer.

Growers who sell tomatoes from the field, however, are performing a handler function and should be held responsible for compliance with the handling regulations issued pursuant to the order.

Similarly, growers who transport tomatoes to market are performing a handling function and they too are responsible for compliance with the handling regulations issued under the order.

The most common practice in the production area, however, is for the grower to produce and harvest the tomatoes and then to sell, transport, or deliver them to a packinghouse in the production area for grading, packaging, and marketing.

Under the present order there is a rule and procedure for registering handlers with the committee. The rule provides that any handler who has adequate facilities in the production area for grading and packing tomatoes may be registered by the committee as a registered handler. When registered, he must assume the responsibility for compliance with the quality, inspection, assessment and other requirements of the order.

The transportation, sale or delivery of field-run tomatoes, therefore, by a producer of such tomatoes to a registered handler within the production area for grading and packing should be excepted from the definition of "handle." Such tomatoes have not yet been prepared for market nor are they in their existing condition being transported to market and most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions. Accordingly, the definition of "Handle" should be amended to reflect the procedure of registering handlers.

With the exception of the activities which are specifically excluded from the definition of the term handle, all activities, from the time the tomatoes grown in the production area are harvested until they are offered for retail sale, are included in the process of handling. The definition of handle should not include the producing functions nor the sale of tomatoes at retail by a person in his capacity as a retailer as these are excluded under the act.

It is concluded, therefore, that the definition of "handle" should be amended as hereinafter set forth and that such amendment will tend to effectuate the declared policy of the Act.

(2) The term "maturity," as defined in the present order, means the various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

The U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877 of this title), which are part of the record evidence, contain a section on color classification (§ 51.1864) specifying six different stages of maturity as determined by color, with a description of each.

The record indicates that the Federal-State inspectors can certify the degree of ripeness of tomatoes at the time the inspection is performed in accordance with the color classifications in the U.S. Standards for Grades of Fresh Tomatoes, or as such standards are modified by the regulations. The inspector will indicate on the inspection certificate the pertinent information with respect to color and the degree of ripeness of the tomatoes at the time inspection is performed.

It is concluded, therefore, that the definition of "maturity" should be amended to clearly specify that the maturity of each lot of tomatoes shall be determined at the time the tomatoes are inspected.

The record indicates that during the 1968–69 marketing season, when the regulation specified a larger minimum size for ripe tomatoes than for mature greens, repackers within the regulation area were at a comparative disadvantage with repackers outside the regulation area. If they bought mature green tomatoes of the permitted sizes, ripened them in their ripening rooms and repacked them as had been their practice, they could not ship the smaller sizes to their customers outside the regulation area. Otherwise, they would have been in violation of the size requirement for ripe tomatoes. Their competitors outside the regulation area could do this. Tomato repackers in the regulation area were prevented from carrying out their customary commercial practices by the provision in § 966.60, *Inspection and certification*, which requires a second inspection on any lot of tomatoes which had been previously inspected but has been regraded, resorted, or repacked.

About the only tomatoes which have been regraded, resorted, and repacked, are those tomatoes which were shipped to repackers within the regulation area. The repackers in the regulation area receive mature green tomatoes and hold them in their ripening rooms until they are ready for repackaging. They resort, regrade, and repackage them and deliver them to their customers.

It was testified that it should not normally be necessary to require more than one inspection and certification of the tomatoes if the committee and the Secretary of Agriculture can be assured that that all tomatoes handled by the repacker have been inspected and certified as meeting the requirements of the regulations which are in effect. Such inspection and certification is usually performed before the tomatoes are delivered to the repacker's plant. If, however, they have not been inspected and accompanied by an inspection certificate, then they must be inspected at the Florida repacking plant.

In order to provide assurance to the committee and the Secretary of Agriculture that all tomatoes handled have been inspected and certified, and that the regulations are being complied with, the committee should establish adequate safeguard rules which will be required of repackers. Such safeguards should include the requirement that complete records will have to be maintained by each repacker and reports shall be made by him to the committee on the quantities, sizes, qualities, and maturities of tomatoes received by him and of the quantities, sizes, qualities, and maturities of tomatoes disposed of by him. Such reports shall be submitted on a weekly or other basis as required by the committee and/or the Secretary pursuant to § 966.80, *Reports*.

It is concluded, therefore, that paragraph (b) of § 966.60, *Inspection and certification*, should be deleted, and paragraphs (c) and (d) should be redesignated as paragraphs (b) and (c), so that the revised § 966.60 will read as hereinafter set forth.

(3) The definition of "Export," § 966.18, in the present order, conflicts to a certain extent with the wording in the definition of "handle" with respect to destinations outside the United States.

The record indicates that both of these definitions should be revised to clarify

the meaning intended. By deleting reference to Canada and Mexico from the definition of handle, as proposed herein, shipments to Canada and Mexico would be considered as export markets. Also, by revising the definition of "Export" as proposed herein, to mean the shipment of tomatoes beyond the boundaries of the 48 contiguous States (including the District of Columbia) of the United States, Alaska would be considered an export market. The proposed new definition would permit the same regulations which would apply to shipments of tomatoes to Canada to apply to shipments to Alaska.

Most export markets, such as European Countries, Mexico and Canada, normally use smaller sizes of tomatoes than are preferred by consumers within the 48 States. Also, the Alaska market may be considered in this group. It is quite possible that the committee will find it desirable at times to recommend smaller sizes to move into the export market, especially since such shipments would not have a detrimental effect on the domestic market.

At the present time, export shipments of tomatoes are comparatively small. However, in the future, it is possible that export markets may become a big factor and the authority of the committee to recommend, and the Secretary to issue, different regulations for such export markets is both necessary and desirable.

The definition of the term "Export" should, therefore, be amended accordingly, so that it will clearly show that shipments beyond the 48 contiguous States of the United States may be considered as export shipments and hence may be subject to different regulations than those which are made applicable to the domestic market.

(4) An amendment to add "markings," including labels and stamps, to the authority already included in the order for regulating containers, was also proposed by the proponents.

The record shows that there has been a practice among some handlers of Florida tomatoes of packing tomatoes in used containers which have markings already on them and which may not correspond to the grade, size, quality, pack, or maturity of the tomatoes packed in these used containers. Such a practice is contrary to the provisions of the Perishable Agricultural Commodities Act and the Food, Drug, and Cosmetic Act. It should not, therefore, work a hardship on handlers if the committee were to recommend, and the Secretary were to issue regulations requiring that old markings on containers be obliterated if they do not correspond to what is actually in the container; also, to require markings, including labels or stamps, to be placed on containers to correspond to the grade, size, quality, pack, or maturity of the tomatoes packed in such containers. This is good commercial practice and would help promote more orderly marketing. It would also help to solve some of the compliance problems with respect to production area tomatoes.

Authority to require markings, upon committee recommendations with the approval of the Secretary, should also benefit distributors and producers, in that distributors would know what they are purchasing in the way of grade, size, maturity, or pack. Each quality and size would be identifiable and sell for what it is.

Authority to regulate markings (including labels and stamps) is considered by the proponents to be incidental to, and not inconsistent with, the grade, size, quality, maturity, pack, and container provisions already authorized under this marketing order program and the record shows that such additional authority is necessary to properly effectuate these provisions.

It is concluded that paragraph (d) of § 966.52, *Issuance of regulations*, should be amended as hereinafter set forth.

(5) Conforming changes are necessary in § 966.4, *Production area and regulation area*, to change the phrase "regulation area" to read "regulated area."

As set forth in item (1), under the findings for the proposed amendment of "handle," it was stated that "regulation area" should be changed to read "regulated area." Such a change would not alter the meaning in any way but would simply be made to facilitate the understanding of the phrase. Therefore, such conforming changes should be made in two places in § 966.4 to read as hereinafter set forth.

No evidence was presented by the proponents in support of the proposal which appeared in the notice of hearing to establish a new section titled "Shippers Advisory Committee." Therefore, no action is being taken on this proposal in this proceeding.

Rulings on proposed findings and conclusions. The Hearing Examiner set August 4, 1969, as the final date for filing briefs with respect to the matters involved at the hearing. No briefs were filed. However, a motion was filed by counsel for William Wright, Inc., Walter Holm & Co., and West Coast Vegetable Distributors Association of Nogales, Ariz. In said motion counsel states that the Arizona importers of Mexican tomatoes which he represents had intended to participate in the hearing under the belief that they might be affected by any amendment of the tomato order resulting from the hearing by reason of section 608e–1 of the Agricultural Marketing Agreement Act of 1937, as amended. However, the Hearing Examiner ruled that they were not interested parties to the proceeding and, therefore, would not be allowed to present testimony or cross-examine witnesses. Counsel, therefore, moved that the Secretary quash the proceeding and exempt the parties he represents and all others similarly situated from the effects of any amendments resulting from this hearing.

In order to be in a better position to rule on this motion the Department on August 15, 1969, sent a letter to said counsel requesting additional information relating to his clients' interest in the hearing. In said letter it was requested that he specify which of the proposed amendments contained in the notice of hearing his clients had desired to present testimony on, and to provide a summary statement of the facts and information they proposed to elicit by testimony and by the cross-examination of witnesses. A reply was requested on or before August 25, 1969.

A reply dated August 25, 1969, was received from counsel in which he commented solely on the 10 days provided in which to reply and stated:

> We find that we are unable to comply with your request during such a short period. As you can understand, it is very difficult to figure out what a witness might have said if he had been cross-examined when the cross-examination was prohibited.

However, the Department's letter requested facts and information pertaining to the direct testimony the Arizona importers would have presented as well as facts and information they proposed to elicit by cross-examination of witnesses. Since such importers appeared at the hearing intending to participate therein, they were obviously aware of any facts and information they desired to present by way of direct testimony.

In any event, the proposed amendments to the Florida Tomato Marketing Order which were the subject of the hearing were not of the type which, if adopted, would have an effect on regulations issued under section 608e–1 of the Act pertaining to the importation of tomatoes. Section 608e–1 of the Act provides that whenever a marketing order contains any terms or conditions regulating the grade, size, quality, or maturity of tomatoes and other specified commodities produced in the United States, the importation into the United States of any such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order. As previously indicated, the proposed amendments to the Florida tomato order which were under consideration at the hearing were concerned with:

(1) Amending the order to provide for the regulation of tomatoes grown in the production area and marketed within the regulated area within the State of Florida. Under the terms of the present order such tomatoes marketed within the regulated area are not subject to the marketing order controls;

(2) Amending the Florida order to delete their requirement for reinspection of Florida grown tomatoes after they have been regraded, resorted or repacked within the regulated area provided that the identity of the tomatoes involved in the original inspection can be maintained with respect to such inspection. Thus, the maturity of the tomatoes would be determined at the time of the original inspection; and

(3) Other proposed amendments related to the redefinition of the term "export" to mean shipments of Florida tomatoes beyond the boundaries of the 48 contiguous States of the United States; and amending the authority to regulate containers of Florida tomatoes by adding to that provision the word "markings."

A further amendment to provide for a shippers advisory committee was not supported at the hearing and no action thereon is taken in this decision.

Clearly the issues under consideration at the hearing and the amendments herein proposed would not and do not involve the substance of the grade, size, quality, and maturity provisions of the Order in a way which would affect regulations pertaining to the importation of Mexican tomatoes. Accordingly, the motion filed by the Arizona importers of Mexican tomatoes is denied and the Hearing Examiner's ruling relating to their participation in the hearing is upheld.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The amended marketing agreement and order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The amended marketing agreement and order, as both are hereby proposed to be amended, regulate the handling of tomatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing order upon which a hearing has been held;

(3) The amended marketing agreement and order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The amended marketing agreement and order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes grown in the production area, as defined in the amended marketing agreement and order, as hereby proposed to be amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on exceptions. Within the period provided therefor, exceptions to the proposed amendment, together with a request to the Secretary of Agriculture for an opportunity to present oral argument thereon, were filed by Charles E. Davis, attorney for Walter Holm & Co., William Wright, Inc., and West Coast Vegetable Distributors Association of Nogales, Ariz.

Exception was taken by counsel for said opponents to each subsection of the material issues, the findings and conclusions, the rulings on proposed findings and conclusions, the general findings, and the recommended amendments to the marketing agreement and order.

Counsel stated that the proposed amendment would give an undue advantage to the Florida Tomato Committee and this would probably result in additional impairment or restrictions on tomatoes imported into the United States. Also, counsel pointed out that under section 608e–1 of the Act the same grade, size, quality, and maturity regulations which are applied to domestic tomatoes under a marketing order are mandatorily applied to imported tomatoes. In view of this the exceptors requested that inspection be provided to Mexican tomatoes in the production areas of Mexico claiming that this would result in the same or comparable treatment for both domestic and Mexican grown tomatoes.

As previously stated herein, this amendatory proceeding is confined to limited amendment of certain provisions of the Florida tomato marketing agreement and order and does not deal with import regulations. Procedures for the inspection of tomatoes imported from Mexico are, therefore, not properly in issue in this proceeding nor could the Florida order program be amended to provide for inspection of Mexican tomatoes in the production area of Mexico as suggested by the exceptors.[1]

It is noted, however, that the current practice of inspecting Mexican tomatoes at the port of entry into the United States is within the purview of 7 U.S.C. 608e–1 and that the proposed limited amendment of the Florida tomato order is fully consistent therewith.

As contemplated by section 608e–1, imports of tomatoes become subject to regulation at the time and place of importation, which is at the port of entry into the United States. This is the first point at which the regulatory jurisdiction of the United States attaches to imported tomatoes. In the case of Florida tomatoes, the marketing agreement and order, as proposed to be amended, similarly fixes the basic point of inspection to ascertain grade, size, quality, and maturity at the time and place of the first handling of the commodity. Thus, both with respect to imports and domestic production, the grade, size, quality, and maturity of the tomatoes is to be ascertained at the time of the first handling subject to regulation under the statute or order.

There is nothing inherently unlawful, arbitrary, or capricious in providing, as to imported tomatoes, that an inspection conducted at the port of entry is to govern determination as to grade, size, quality, and maturity of the tomatoes then being imported. This is the first point at which the tomatoes come within the regulatory jurisdiction of the United States under 7 U.S.C. 608e–1, and is a practicable and logical point for determining, under 7 U.S.C. 608e–1, that the grade, size, quality, and maturity of the tomatoes being imported meet the requirements of the act.

Further, the current practice of inspecting Mexican tomatoes at the port of entry into the United States results in comparable treatment in that there is no requirement for another inspection if after importation the tomatoes are regraded, resorted, or repacked. After the tomatoes are picked in the Mexican production area, they are packed in containers of various sizes and transported to ports of entry at the Mexican-United States border. They are inspected at that point prior to entry into the United States to determine whether they meet the requirements applicable to either mature green or ripe tomatoes. If the inspection reveals that the tomatoes meet the applicable requirements then they are allowed to enter the United States. Mature greens so imported can be ripened, regraded, resorted, and repacked and treated in a similar manner to tomatoes grown in the Florida production area. Imported Mexican tomatoes, like those grown in Florida and shipped to repacking plants outside the regulated area of the State of Florida, are no longer subject to any marketing order or section 608e–1 restrictions. It was noted earlier in this decision that the requirement for an additional inspection applies only to Florida grown tomatoes which are repacked within the regulated area in the State of Florida prior to handling. Accordingly, tomatoes imported from Mexico are treated in substantially the same manner as tomatoes shipped from the Florida production area to repacking plants located outside the State of Florida regulated area.

Each of the points included in the exceptions was fully and carefully considered along with the evidence in the record, the findings thereon and the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the exceptions are inconsistent with the findings and conclusions contained herein they are denied on the basis of the facts found and stated in the decision.

With respect to counsel's request for oral argument the Rules of Practice and Procedure Governing Proceedings to Formulate Marketing Agreements and Marketing Orders (7 CFR Part 900) do not provide for oral argument on exceptions. Accordingly this request is also denied.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement as Amended Regulating the Handling of Tomatoes Grown in Florida" and "Order Amending the Order as Amended Regulating the Handling of Tomatoes Grown in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) it is hereby directed that a referendum be conducted among the producers who during the period August 1, 1968, through July 31, 1969 (which is hereby determined to be a representative period for the purpose of such referendum), have been engaged within the production area as defined in the order, in the production of tomatoes for market, to determine whether such producers favor the issuance of the annexed order.

Minard F. Miller and Donald S. Kuryloski of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary of the proposed amendment to be voted on.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee or at any county agent's office within the aforesaid production area.

It is hereby ordered, That this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said annexed order which will be published with this decision.

Signed at Washington, D.C., on November 3, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[2] Amending the Order, as Amended, Regulating the Handling of Tomatoes Grown in Florida

§ 966.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the marketing agreement and to the order, both as amended, regulating the handling of tomatoes grown in the Florida production area. The hearing was held at Orlando, Fla., on June 30, 1969, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of tomatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The said order, as amended, and as further amended, prescribes, so far as practicable, such different terms, applicable to the different stages of maturity, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes grown in the production area, as defined in said order, as amended, and as hereby further amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of tomatoes produced in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, as hereby further amended, as follows:

1. The section heading of § 966.4, *Production area and regulation area,* and the text of paragraph (b) of that section are amended to read, respectively, as follows:

§ 966.4 Production area and regulated area.

* * * * *

(b) "Regulated area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

2. Section 966.7 *Handle* is amended to read:

§ 966.7 Handle.

"Handle" or "ship" means to sell, transport, deliver, or in any other way to place fresh tomatoes, produced in the production area, in the current of commerce within the regulated area or between any point in the regulated area and any point outside thereof. Such term shall not include the transportation, sale or delivery of field-run tomatoes within the production area by the producer thereof to a registered handler for the purpose of having such tomatoes prepared for market. A registered handler is a handler who has adequate facilities in the production area for grading and packing tomatoes and who is registered with the committee pursuant to rules established with the approval of the Secretary.

3. Section 966.12 *Maturity* is amended to read:

§ 966.12 Maturity.

"Maturity" means any of the various degrees of ripeness of tomatoes as established by the committee with approval of the Secretary as determined at the time of inspection, pursuant to § 966.60(a).

4. Section 966.18 *Export* is amended to read:

§ 966.18 Export.

"Export" means shipment of tomatoes beyond the boundaries of the 48 contiguous States (including the District of Columbia) of the United States.

5. Paragraph (d) of § 966.52 *Issuance of regulations* is amended to read:

§ 966.52 Issuance of regulations.

* * * * *

(d) Fix the size, weight, capacity, dimensions, markings (including labels and stamps), or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

6. Section 966.60 *Inspection and certification* is amended to read:

§ 966.60 Inspection and certification.

(a) During any period in which the handling of tomatoes is regulated pursuant to this subpart no handler shall handle tomatoes unless such tomatoes have been inspected and certified as meeting the requirements of this subpart by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and such tomatoes are covered by a valid inspection certificate except when relieved from such requirements pursuant to §§ 966.53 or 966.54 or both.

(b) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the Secretary upon the recommendation of the committee.

(c) When tomatoes are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

[F.R. Doc. 69–13252; Filed, Nov. 5, 1969; 8:48 a.m.]

[1] Notice of proposed rule making concerning procedures, etc., for importing tomatoes, pursuant to 7 U.S.C. 608e–1, was published in the FEDERAL REGISTER on Oct. 16, 1969, 34 F.R. 16548.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1133]

[Docket No. AO–275–A20]

MILK IN INLAND EMPIRE MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Inland Empire marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Spokane, Wash., pursuant to notice thereof issued on June 26, 1969 (34 F.R. 1147).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on October 6, 1969 (34 F.R. 15716; F.R. Doc. 69–12121), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record relate to:

1. Pool plant qualifications;
2. Elimination of supply-demand adjustor;
3. Clarification of the Class II milk definition; and
4. Partial payments to producers.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications.* The "in-area" route disposition requirement for a pool distributing plant should be the lesser of 15 percent of its Grade A receipts during the month or 150,000 pounds.

A plant that disposes of 15 percent of its Grade A receipts or 150,000 pounds of Class I milk on routes in the marketing area during the month is sufficiently associated with the regulated market to be a competitive influence on fully regulated handlers. Accordingly, such a plant should be fully regulated on the same terms and conditions as are binding on fully regulated handlers.

The order now provides that a plant must have Class I distribution in the marketing area during the month of at least 20 percent of its Grade A receipts or 250,000 pounds. In addition, the plant must dispose of during the month at least 40 percent (50 percent in September–November) of its receipts on routes (both inside and outside the marketing area). There was no proposal to change the latter requirement.

Two cooperatives representing most of the producers on the market proposed reducing the in-area disposition requirement for pooling to "the lesser of 100,000 pounds or 10 percent" (from "the lesser of 250,000 or 20 percent").

In support of their position to revise the qualifications for pool distributing plants, producers stated that the Class I distribution in the marketing area from nonpool plants had increased in recent years. They noted particularly that such sales from nonpool plants were 0.79 percent of the 10.6 million pounds of Class I milk sold by pool handlers in May 1967 and that such sales from nonpool plants increased to 1.66 percent of the 10.2 million pounds of Class I milk sold by pool handlers in July 1968.

Three partially regulated distributing plants sell in the marketing area. About 70 percent of these Class I sales is from a plant in Missoula, Mont. No testimony was presented relative to the operations of the other two partially regulated plants.

The Missoula plant has been a partially regulated plant under the order since March 1962 when the marketing area was expanded to include Shoshone and Kootenai Counties in Idaho. Its present marketing area sales are currently confined to this Idaho portion of the marketing area. The principal sales area of the plant is in Montana. In the 2-year period, June 1967 to May 1969, the plant's average monthly sales in the Inland Empire marketing area were 106,000 pounds, representing 3.6 percent of the total quantity of milk handled in the Missoula plant.

The proportion of Class I sales in the marketing area from all nonpool plants still remains relatively small. There has been no substantial change in the level of such sales within the past 2 years. In the 2-year period of June 1967 to May 1969, such sales averaged 153,000 pounds monthly and were 1.41 percent of the average monthly Class I sales of 10.9 million pounds of producer milk for the same period. The most significant change in that period was from May to June 1967, when a nonpool handler obtained a chain store account in the marketing area in the latter month. The total Class I sales from nonpool plants in the marketing are increased from 84,000 pounds in May 1967 to 115,000 pounds in June 1967 to 163,000 pounds in December of the same year. In May 1969, the most recent month in which data are available, the total Class I distribution in the marketing area from nonpool plants was 150,000 pounds.

The Missoula handler opposed the in-area pooling qualifications proposed by producers (the lesser of 10 percent of Grade A receipts or 100,000 pounds). Based on his present sales in the marketing area, adoption of the producer proposal would result in fully regulating the Missoula plant as a pool plant unless the handler discontinued some of his sales in the marketing area to retain his partially regulated distributing plant status. The handler stated that if such plant became a pool plant under the order, he would be disadvantaged competitively because his principal sales territory is in Montana where he must compete with an entirely different group of distributors under substantially different marketing conditions.

The purpose of a minimum in-area route disposition requirement to qualify a distributing plant for pooling has been discussed in previous decisions on this order. It is to assure that, to be pooled, a plant must be associated with the market in a significant and regular manner. Otherwise, dairy farmers and handlers who ordinarily have no affiliation with the market could casually or incidentally associate themselves with the market only when it was to their advantage to do so and thus share unwarrantedly in the Class I proceeds of the market. On the other hand, if a plant is associated regularly and in a significant manner, the market equalization plan should be applicable to insure uniform pricing.

Proponents' proposal could have one of two results, either to pool all milk at the Missoula plant or to cause such plant to reduce sales in the marketing area to avoid pooling. Neither result is appropriate. The marketing area sales of this plant and other nonpool plants presently are minor and do not warrant extension of pooling to such operations. In view of the fact that the Missoula plant obtained its marketing area sales under the present provisions and over a substantial period of time, it likewise would not be reasonable now to require such plant to reduce its in-area sales to avoid pooling on all its Class I milk, including Montana sales.

Consequently, the minimum requirements for pooling should not be reduced to the extent proposed by proponents. However, the substitution of partially regulated milk for producer milk to the extent allowed by the present provisions could have, in a market of this size, significant adverse effect on the uniform price to regular producers. This possibility should be avoided. It is reasonable, therefore, to reduce the minimum requirements for pooling to the Class I sales on routes in the marketing area of 15 percent of a plant's Grade A milk receipts, or not less than 150,000 pounds.

Since the quantity of milk that a partially regulated handler distributes in the marketing area without becoming a fully regulated plant (as herein provided) is limited, he may not increase appreciably his sales in the marketing area at the expense of fully regulated handlers and their producers. Moreover, the order contains provisions to insure that for Class I milk distributed within the marketing area the partially regulated handler must pay an amount which approximates its value at the order Class I price. Consequently, the integrity of the regulation is maintained. At the same time a partially regulated handler, such as the Missoula handler, may continue to compete on the same terms as his main competitors in the area where most of his business is conducted and where such terms differ substantially from those prevailing in the regulated marketing area. There was no showing on the record that the Missoula plant, which is more than 200 miles from Spokane, the principal city in the marketing area, presently has an advantage over fully regulated handlers on its limited sales in the marketing area.

2. *Elimination of supply-demand adjustor.* The supply-demand adjustment provisions should be deleted from the order. As a corollary change, the Class I differential should be adjusted to maintain the Class I price level that has been effective under the order.

The order now provides that the Class I price shall be adjusted monthly to reflect changes in the supply of milk in the market relative to fluid milk sales. When milk supplies are more than adequate in relation to Class I sales, the Class I price is reduced. Conversely, when supplies are less than adequate relative to sales, the Class I price is increased.

In the 24-month period of July 1967 through June 1969, the supply-demand adjustment averaged minus 15 cents. It ranged from a low of minus 6 cents in November 1967 to minus 28 cents in January 1969. The minus 15-cent adjustment that prevailed in the most recent 24-month period approximates the average monthly supply-demand adjustment under the order in the previous several years.

The two principal cooperatives in the market proposed that the supply-demand adjustor be discontinued. There was no opposition to the proposal.

Producers contended that the supply-demand provisions are no longer suitable under current conditions in the market. They cited particularly that the adjustments to the Class I price resulting from the supply-demand adjustor are no longer seasonally appropriate.

The monthly stated standard utilization percentages, or "norms", are designed to reflect the normal or desired relationship of producer deliveries to Class I sales. If the seasonal supply-demand relationship of the market shifts and is no longer accurately reflected by the norms, a seasonal bias is injected into the computation of the supply-demand adjustment. Supply-demand adjustments can then result which are seasonally inappropriate. Such a change in seasonality has occurred with respect to the relationship of producer milk to Class I sales in the Inland Empire market. For example, adjustments to the Class I price for the months of January, February, and March 1969 averaged minus 25 cents; for the seasonally high production months of April, May, and June of the same year, the average adjustment was minus 16 cents.

Discontinuing the supply-demand adjustor not only will eliminate the inappropriate contraseasonal Class I price adjustments which have occurred, but also will enable the seasonal incentive plan provided in the order to have maximum effect in inducing more even deliveries throughout the year as intended by such provisions. Such seasonal incentive plan is aimed at discouraging production during the spring months when the supply of milk is highest relative to demand and to encourage production during the fall months when production is lowest relative to demand.

The Class I price level which has prevailed under the order in recent months has obtained an adequate total supply of milk for the Inland Empire market. In 1968, the Class I utilization of producer deliveries ranged from a low of 56 percent in June to a high of 71 percent in January; the average for the year was 65 percent. For the 5-year period, 1964 through 1968, the Class I utilization of producer milk averaged 67 percent. In addition, the Class I price should be maintained in close alignment with the Class I prices under other orders to provide a reasonable basis for intermarket competition and to minimize uneconomic shifting of producers between markets.

It is concluded the Class I price applicable under the Inland Empire order in recent years has been reasonably aligned with the Class I prices in nearby markets and has maintained an adequate but not burdensome supply of milk for the market.

The Class I price therefore should be maintained at the average level which has been effective in the market in recent months. This may be accomplished by reducing the stated Class I differential 15 cents to reflect the average supply-demand adjustment of minus 15 cents that has prevailed.

3. *Class II milk.* The Class II milk definition and related allocation provisions should be clarified as to the appropriate classification treatment of other source milk used to produce Class II milk products.

A handler proposed that the order be made more explicit concerning applicability of the classification provisions to other source milk reprocessed or converted for use in a Class II product. The purpose of the proposal is to insure, in effect, that the skim milk represented by any nonfluid milk product (e.g., nonfat dry milk) used to produce a Class II product (e.g., ice cream mix) will be deducted directly from Class II in the allocation procedure to determine the appropriate classification of producer milk.

The order is now silent regarding the allocation of skim milk and butterfat represented by a nonfluid milk product used to produce a Class II product. Because of this, some such skim milk is allocated to a handler's Class III utilization and consequently results in allocating to Class II an equal amount of producer milk.

It is intended that only fluid milk products derived from producer milk and utilized in Class II milk shall be so classified for the purpose of applying the order's minimum prices. Specifying a Class II classification for all skim milk and butterfat used to produce a Class II product but deducting, in allocation, any other source milk so used directly from the handler's Class II uses, as herein proposed, will insure appropriate application of the pricing provisions.

4. *Partial payment to producers.* The order provides that handlers shall make an "advance payment" to producers before the end of the month for milk delivered during the first 15 days of the month at not less than the Class III price for the preceding month. The amount thus paid is deducted from the total amount due producers when completing payment in the following month for their total month's deliveries.

The payment made on the basis of milk delivered in the first 15 days of the month is, in fact, a partial payment for the milk delivered during this 15-day period. "Partial payment", the term which is most commonly used in the various orders in designating such payments, is more descriptive of this type of payment and should replace the term "advance payment" that is now used in the Inland Empire order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions

of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement and an order, which regulate the handling of milk in the Inland Empire marketing area and which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

August 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Inland Empire marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 3, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] as Amended, Regulating the Handling of Milk in the Inland Empire Marketing Area

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on October 6, 1969, and published in the FEDERAL REGISTER on October 10, 1969 (34 F.R. 15716; F.R. Doc. 69-12121), shall be and are the terms and provisions of this order, amending the order and are set forth in full herein.

§ 1133.8 [Amended]

1. In § 1133.8(a)(1), "the lesser of 250,000 pounds or 20 percent" is changed to "the lesser of 150,000 pounds or 15 percent."

2. Section 1133.13(b) is revised as follows:

§ 1133.13 Other source milk.

* * * * * * *

(b) Products, other than fluid milk products, from any source (including those processed at the plant) which are reprocessed in connection with, or converted to, another product in the plant during the month, and any disappearance during the month of nonfluid milk products not otherwise accounted for.

3. Section 1133.41(b) is revised as follows:

§ 1133.41 Classes of utilization.

* * * * * * *

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen deserts, cocoa mixes and cottage, pot and bakers' cheese; and

* * * * * * *

4. In § 1133.46(a), a new subparagraph (2a) is added and subparagraph (3)(i) is revised as follows:

§ 1133.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(2a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk in products other than fluid milk products that are used (directly or as a reconstituted fluid milk product) to produce Class II products;

(3) * * *

(i) Other source milk (that was not subtracted pursuant to subparagraph (2a) of this paragraph) in a form other than that of a fluid milk product;

* * * * * * *

5. In § 1133.51, paragraph (d) is revoked and paragraph (a) is revised as follows:

§ 1133.51 Class prices.

* * * * * * *

(a) *Class I milk price.* For each month the price for Class I milk shall be the basic formula price for the preceding month plus $1.75 and plus 20 cents.

* * * * * * *

(d) [Revoked]

§ 1133.80 [Amended]

6. In § 1133.80(a), the word "advance" is changed to "partial".

7. In § 1133.80(d)(1), the word "advance" is changed to "partial".

[F.R. Doc. 69-13239; Filed, Nov. 5, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

BHC; LINDANE

Proposed Reduction of Tolerances for Residues in or on Raw Agricultural Commodities

Following the spray residue public hearings held in 1950, and pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, tolerances for residues of the insecticides BHC (benzene hexachloride) and lindane (the gamma isomer of BHC) were established in Part 120 (21 CFR Part 120) at 5 parts per million for BHC and 10 parts per million for lindane on 41 raw agricultural commodites. The order was published in the FEDERAL REGISTER of March 11, 1955 (20 F.R. 1473). Subsequently, tolerances were established for residues of lindane in or on mushrooms at 10 parts per million; in fat of meat from cattle, goats, horses, and sheep at 7 parts per million; and in fat of meat from hogs at 4 parts per million.

The President's Science Advisory Committee recommended in a report "Use of Pesticides" (May 15, 1963) that the accretion of residues in the environment be controlled by orderly reduction in the use of persistent pesticides. A policy of the Food and Drug Administration is to review its pesticide tolerances with respect to new scientific data and information and in response to recommendations be recognized scientific advisory bodies.

The U.S. Department of Agriculture has advised that they have no objection to the proposed reduction of tolerances for BHC and lindane. They also advise that there are no registered uses for BHC on guavas, mangoes, pineapple, and quinces.

A review of tolerances for BHC and lindane has been made. A reevaluation of the available experimental residue data reflecting specified patterns of use shows that:

1. Tolerances of 5 parts per million for BHC and 10 parts per million for lindane are higher than necessary for the crops for which they were established.

2. Tolerances are unnecessary for those crops for which there are no registered uses.

3. Residues for which tolerances are not established could occur in eggs, meat, milk, and poultry from feeding livestock with certain treated raw agricultural commodities or their byproducts bearing residues of BHC or lindane. These commodities are beans, citrus, corn, and peas.

4. Registered uses for which there are no established tolerances should be revoked.

To bring these tolerances into line with the policy that a pesticide tolerance should be no higher than the amount reasonably required to cover the residue when the USDA registered directions for use are followed, the Commissioner of Food and Drugs proposes to: (1) Reduce tolerances for these insecticides where available residue data indicate that the currently registered uses do not require a higher level; (2) revoke tolerances for residues in or on those crops for which there are no registered uses; (3) revoke tolerances for residues in or on those crops from which the presently registered uses could result in residues in other commodities for which tolerances are not established.

Therefore, pursuant to the provisions of the act (sec. 408 (e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 120.133 and § 120.140 be revised to read as follows:

§ 120.133 Lindane; tolerances for residues.

Tolerances are established for residues of the insecticide lindane (gamma isomer of benzene hexachloride) in or on raw agricultural commodities as follows:

7 parts per million in or on the fat of meat from cattle, goats, horses, and sheep.

4 parts per million in or on the fat of meat from hogs.

3 parts per million in or on cucumbers, lettuce, melons, mushrooms, pumpkins, squash, summer squash, and tomatoes.

1 part per million in or on apples, apricots, asparagus, avocados, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, eggplants, grapes, guavas, kale, kohlrabi, mangoes, mustard greens, nectarines, okra, onions (dry bulb only), peaches, pears, peppers, pineapples, plums (fresh prunes), quinces, spinach, strawberries, and Swiss chard.

§ 120.140 BHC; tolerances for residues.

Tolerances are established for residues of the insecticide BHC (benzene hexachloride) in or on the raw agricultural commodities apples, apricots, asparagus, avocados, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, eggplants, grapes, kale, kohlrabi, lettuce, melons, mustard greens, nectarines, okra, onions (dry bulb only), peaches, pears, peppers, plums (fresh prunes), pumpkins, spinach, strawberries, squash, summer squash, Swiss chard, and tomatoes at 1 part per million.

Any person who had registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing lindane or BHC may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 29, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-13222; Filed, Nov. 5, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69-SW-70]

BELL MODEL 47 SERIES HELICOPTERS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 47 series helicopters and other helicopters incorporating certain tail rotor drive shaft assemblies.

Excessive corrosion has been found on internal surfaces of tail rotor drive shaft assemblies on some of these helicopters. This corrosion can cause failure of the shaft assembly with resultant loss of control of the helicopter. There is no known method or procedure available to effectively inspect the assembly for corrosion and determine if the corrosion is excessive. Since this condition is likely to exist in other helicopters using these shaft assemblies, the proposed airworthiness directive would require replacement of these shaft assemblies with new shaft assemblies incorporating improved internal surface protection and other design features intended to minimize corrosion.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received on or before December 5, 1969, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available for examination by interested persons before and after the closing date for comments, in the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to all Bell Model 47 series helicopters and all other helicopters incorporating any of the following tail rotor drive shaft assemblies:

47-644-172-8	47-644-186-1
47-644-180-1	47-644-187-5
47-644-180-5	47-644-187-11
47-644-214-1	

Compliance required no later than January 1, 1971; however, replacement is recommended at the next 1,200-hour overhaul.

To prevent failure from internal corrosion, remove and replace all tail rotor drive shaft assemblies installed on applicable helicopters as indicated below in accordance with the applicable maintenance and overhaul manual:

Remove	*Replace with*
47-644-172-8	47-644-172-9
47-644-180-1	47-644-180-9
47-644-180-5	47-644-180-11
47-644-214-1	47-644-214-9
47-644-186-1	47-644-186-5
47-644-187-5	47-644-187-17
47-644-187-11	47-644-187-19

Alternate or equivalent replacement parts may be acceptable if approved by the Director, Southwest Region, Federal Aviation Administration.

Issued in Forth Worth, Tex., on October 27, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-13232; Filed, Nov. 5, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-72]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Santa Ana, Calif. (MCAS Santa Ana) control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposal will increase the airspace configuration from a 3- to a 5-mile zone. This amendment is necessary to provide controlled airspace protection for the approved ground controlled approach for Santa Ana, MCAS.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (34 F.R. 4557) the description of the Santa Ana, Calif. (MCAS Santa Ana control zone is amended to read as follows).

SANTA ANA, CALIF. (MCAS SANTA ANA)

Within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117° 49'35" W.) and within a 5-mile radius of Orange County Airport, Santa Ana, Calif. (latitude 33°40'10" N., longitude 117°52'15" W.), excluding the portion within the El Toro, Calif., control zone, the portion within a 1-mile radius of Mile Square MCOLF, and that portion south of a line from latitude 33°41'15" N., longitude 117°48'10" W. to latitude 33°42'30" N., longitude 117°56'40" W., except that portion northwest of a line from latitude 33°43'55' N., longitude 117°47'00" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on October 27, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-13233; Filed, Nov. 5, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-69]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Carlsbad, N. Mex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

VOR RWY 32L instrument approach procedure to Cavern City Air Terminal, Carlsbad, N. Mex., has been revised effective November 13, 1969. In addition, the criteria for designation of terminal controlled airspace has been changed. Accordingly, it is necessary to alter the Carlsbad, N. Mex., control zone and transition area to provide controlled airspace protection for aircraft executing the revised procedure and to comply with the new criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4568) the Carlsbad, N. Mex., control zone is amended to read:

CARLSBAD, N. MEX.

Within a 5-mile radius of Cavern City Air Terminal (lat. 32°20'20" N., long. 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 337° and 157° radials extending from the 5-mile radius zone to 10 miles southeast of the VOR.

(2) In § 71.181 (34 F.R. 4659), the Carlsbad, N. Mex., transition area is amended to read:

CARLSBAD, N. MEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cavern City Air Terminal (lat. 32°20'20" N., long. 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 157° radial extending from the 7-mile radius area to 11 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles southeast and 9.5 miles northwest of the Carlsbad VOR 065° and 245° radials extending from 8 miles southwest to 19 miles northeast of the VOR, within 6 miles southwest and 9.5 miles northeast of the Carlsbad VOR 157° radial extending from 5.5 miles southeast to 19 miles southeast of the VOR, and within 5 miles each side of the Carlsbad VOR 157° radial extending from 19 miles southeast to 33 miles southeast of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on October 27, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13234; Filed, Nov. 5, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-81]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter control airspace in the Texarkana, Ark., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4774), the Texarkana, Ark., transition area 700-foot portion is amended to read:

TEXARKANA, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Texarkana Municipal Airport (lat. 33°27'20" N., long. 93°59'15" W.), within 2 miles each side of the Texarkana ILS localizer northeast course extending from the 5-mile-radius area to the OM, and within 2 miles each side of the Texarkana VORTAC 129° radial extending from the 5-mile-radius area to the VORTAC.

The northeasterly transition area extension will provide airspace protection for aircraft executing instrument approach procedures based on a proposed new instrument landing system (ILS) at the Texarkana Municipal Airport. The proposed reduction in size of the northwesterly extension is made possible by a forthcoming amendment to the VOR RWY 13 instrument approach procedure to the Texarkana Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on October 27, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13235; Filed, Nov. 5, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ELMER P. COBETTO

Notice of Granting of Relief

Notice is hereby given that Elmer P. Cobetto, Taylor Springs, Ill., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 11, 1952, in the U.S. District Court for the Southern District of Illinois at Springfield, Ill., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(2). Unless relief is granted, it will be unlawful for Elmer P. Cobetto, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible to obtain a license as a firearm or ammunition importer, manufacturer, dealer, or collector under chapter 44, title 18, United States Code. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Cobetto to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby further given that I have considered Elmer P. Cobetto's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Elmer P. Cobetto from disabilities incurred by reason of his conviction would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Elmer P. Cobetto be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of October 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13250; Filed, Nov. 5, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 19 to Facility License No. R-46 to Industrial Reactor Laboratories, Inc. (IRL), of Plainsboro, N.J. The license authorizes IRL to possess, use, and operate the IRL reactor located in Plainsboro Township, Middlesex County, N.J. The amendment, effective as of the date of issuance, authorizes IRL to increase the amount, type and form of byproduct material which may be stored in its reactor pool at any one time. The license presently authorizes possession and storage of up to 200,000 curies of encapsulated cesium-137. The amendment permits IRL to possess and store in welded stainless steel capsules up to 600,000 curies of either cesium-137 or cobalt-60, or a combination of these two isotopes in a quantity not to exceed a total of 600,000 curies.

The Commission has found that the application for amendment dated August 26, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I, and that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) IRL's application dated August 26, 1969, (2) Amendment No. 19 to Facility License No. R-46, and (3) a related Safety Evaluation by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of October 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-13238; Filed, Nov. 5, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-343—RI70-348; RI70-384—RI70-385]

H. H. PHILLIPS, JR., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 24, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are

[1] Does not consolidate for hearing or dispose of the several matters herein.

suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 10, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-343..	H. H. Phillips, Jr. et al., 319 Milam Bldg., San Antonio, Tex. 78205.	1	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seeligson Field, Jim Wells County, Tex.) (R.R. District No. 4).	$13	9-29-69	[8] 10-1-69	[4] 10-2-69	[7] 14.6	[8] [9] 14.65475	
RI70-344..	Fred W. Shield, 1442 Milam Bldg., San Antonio, Tex. 77001.	8	6	Trunkline Gas Co. (Heard Ranch Field, Bee County, Tex.) (RR. District No. 2).	1,174	9-26-69	[8] 10-1-69	[4] 10-2-69	[4] 14.6	[8] [9] 14.65475	
	do	9	6	United Gas Pipe Line Co. (Boyce and Brandt Fields, Goliad, De Witt, and Karnes Counties, Tex.) (RR. District No. 2).	68	9-26-69	[8] 10-1-69	[4] 10-2-69	14.6	[8] [9] 14.6365	
RI70-345..	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	10	17	Transcontinental Gas Pipe Line Corp. (North Markham-North Bay City Field, Matagorda County, Tex.) (RR. District No. 3).	10,740	9-26-69	[8] 10-1-69	[4] 10-2-69	[8] 15.5	[8] [9] 15.55655	
	do	67	[11] 11	Natural Gas Pipeline Co. of America (North Pasture Field, San Patricio County, Tex.) (RR. District No. 4).	106	[10] 9-29-69	[8] 10-1-69	[4] 10-2-69	[11] 16.0	[8] [9] 16.05724	
RI70-346..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	137	[13] 5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (LaCopito Field, Starr County, Tex.) (RR. District No. 4).	450	9-29-69	[8] 10-1-69	[4] 10-2-69	[13] 14.6	[8] [9] 14.6548	
	do	188	[13] 4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seeligson Field, Jim Wells County, Tex.) (RR. District No. 4).	1,775	9-29-69	[8] 10-1-69	[4] 10-2-69	[13] 14.6	[8] [9] 14.6548	
	do	4	21	Texas Eastern Transmission Corp. (Helen Gohlke Field, De Witt and Victoria Counties, Tex.) (RR. District No. 2).	417	9-29-69	[8] 10-1-69 [1]	10-2-69	[11] 14.6	[8] [9] 14.6639	
RI70-347..	Shell Oil Company (Operator) et al.	359	1	Texas Eastern Transmission Corp. (Sheridan Field, Colorado County, Tex.) (RR. District No. 3).	2,678	9-29-69	[8] 10-1-69	[4] 10-2-69	[14] 17.0	[8] [9] 17.0744	
RI70-348..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	244	[13] 2	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Magnolia City Field, Jim Wells County, Tex.) (RR. District No. 4).	42	9-29-69	[8] 10-1-69	[4] 10-2-69	[13] 15.0	[8] [9] 15.0563	
	do	349	[13] 1	Natural Gas Pipeline Co. of America (Willamar and Willamar, Southeast Fields, Willacy County, Tex.) (RR. District No. 4).	3,360	9-29-69	[8] 10-1-69	[4] 10-2-69	[13] 16.0	[8] [9] 16.06	
	do	395	[13] 3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (San Roman Field, Starr County, Tex.) (RR. District No. 4).	632	9-29-69	[8] 10-1-69	[4] 10-2-69	[13] 16.0	[8] [9] 16.06	
RI70-384..	Magna Oil Corp., 1000 Mercantile-Continental Bldg., Dallas, Tex. 75201.	9	3	Lone Star Gas Co. (Cooke County, Tex.) (RR. District No. 9).	630	9-25-69	[8] 10-1-69	[4] 10-2-69	14.490	[8] [9] 14.525	
RI70 385..	J. M. Huber Corp., 2300 West Loop, Houston, Tex. 77027.	31	6	Colorado Interstate Gas Co. (Panhandle Field, Hutchinson County, Tex.) (RR. District No. 10).	8,616	9-29-69	[8] 10-1-69	[4] 10-2-69	[17] 16.0	[8] [17] 16.06	

[3] The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[4] The suspension period is limited to 1 day.
[7] Tax reimbursement increase.
[8] Pressure base is 14.65 p.s.i.a.
[9] Increase to 15.6 cents suspended in Docket No. RI65-181 but has not been placed into effect subject to refund.
[10] Increase to 15.6 cents suspended in Docket No. RI65-516 but has not been placed into effect subject to refund.
[11] Inclusive of 0.2103¢ cent dehydration charge.
[13] As corrected by filing submitted Oct. 6, 1969.
[11] Applicable to added acreage only. Basic acreage tax increase has been filed with the Commission.
[13] Settlement rate as approved by Commission order issued Aug. 1, 1962, in Docket Nos. G-9446 et al.
[12] Periodic increase submitted concurrently. Separate action will be taken.
[14] Initial rate as conditioned by temporary certificate issued May 23, 1968, in Docket No. C168-1193.
[15] Settlement rate as approved by Commission order issued July 8, 1964, in Docket Nos. G-9287 and G-9288 et al.
[16] Initial rate.
[17] Subject to upward and downward B.t.u. adjustment.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

[F.R. Doc. 69-13145; Filed, Nov. 5, 1969; 8:45 a.m.]

[Dockets Nos. RI70-339, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 24, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 10, 1969.

By the Commission.

GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-339..	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	242	[7] 11	Transwestern Pipeline Co. (Catesby Field, Ellis County, Okla.) (Panhandle Area).	$252	[2] 9-25-69	[3] 10-26-69	3-26-70	[4] 17.0	[4] [6] 19.5175	
RI70-340..	Delta Drilling Co. (Operator) et al., Post Office Box 2102, Tyler, Tex. 75701.	37	1	El Paso Natural Gas Co. (San Juan County, N. Mex.) (San Juan Basin Area).	600	9-29-69	[3] 10-30-69	3-30-70	13.0	[4] [6] 14.0	
RI70-341..	Husky Oil Co. of Delaware, Post Office Box 380, Cody, Wyo. 82414.	23	3	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.) (Permian Basin Area).	1,360	9-29-69	[3] 10-31-69	3-31-70	16.608	[4] [6] 17.646	
RI70-342..	Jerome P. McHugh (Operator) et al., 930 Petroleum Club Bldg., Denver, Colo. 80202.	4	2	El Paso Natural Gas Co. (Gallup and Basin Dakota Fields, Rio Arriba County, N. Mex.) (San Juan Basin Area).	2,409	9-29-69	[5] 10-30-69	3-30-70	14.0505	[4] [6] 15.0541	RI67-273.
	do	5	4	El Paso Natural Gas Co. (Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	135	9-29-69	[5] 10-30-69	3-30-70	13.0	[4] [10] 13.0469	

[2] Completed by corrective notice of change dated Oct. 3, 1969, filed on Oct. 8, 1969.
[3] The stated effective date is the effective date requested by Respondent.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Applicable to interest of Sun Oil Co. added by Supplement No. 6.
[8] Pressure base is 15.025 p.s.i.a.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Tax reimbursement increase.

Jerome P. McHugh (Operator) et al. (McHugh), request that their proposed rate increases be permitted to become effective as of October 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for McHugh's rate filings and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 69-13146; Filed, Nov. 5, 1969; 8:45 a.m.]

[Docket Nos. G-5061 etc.]

SHELL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 28, 1969.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition. In the event applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5061 ..... D 10-15-69	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020 (Operator), et al.	Cities Service Gas Co., Hugoton Field, Stanton County, Kans.	Depleted	
G-7043 ..... D 10-13-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Northern Natural Gas Co., Hugoton Field, Stevens County, Kans.	(1)	
G-7670 ..... C 10-15-69	Southern Union Gathering Co., Fidelity Union Tower, Dallas, Tex. 75201.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	[2] 13.0	15.025
G-11945 ..... C 10-13-69 [3]	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Eumont Field, Jim Wells County, Tex.	15.6	14.65
G-11957 ..... C 10-9-69 [4]	Mobil Oil Corp. (Operator) et. al...	El Paso Natural Gas Co., Spraberry (Trend Area) Field, Upton and other counties, Tex.	14.5	14.65
G-13212 ..... (G-5145) D 10-3-69 [4]	Hanley Co. et al., 3777 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Blanco Pictured Cliffs, Glasscock County, Tex.	14.5	14.65
G-18498 ..... D 5-22-69	Mobil Oil Corp.	El Paso Natural Gas Co., South Erick Field, Beckham County, Okla.	(5)	
C161-548 ..... (C986-119) C 10-9-69	Mobil Oil Corp. (Operator)	El Paso Natural Gas Co., Jingle-Mattix and Jalmat Fields, Lea County, N. Mex.	10.0	14.65
C161-847 ..... E 10-10-69	Franklin Adkins (successor to Edith Swadley et al., doing business as Conrad Oil & Gas Co.), 35 Valley View Dr., Vienna, W. Va. 26101.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
C161-1024 ..... D 10-13-69	Mobil Oil Corp. (Operator) et al...	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	(5)	
C162-366 ..... C 10-9-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Lindrith Area, Rio Arriba County, N. Mex.	13.0	15.025
C162-890 ..... E 10-3-69	Sun Oil Co. (successor to Yale-Grisso Oil Co.), 1608 Walnut St., Philadelphia, Pa. 19103.	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	17.0	14.65
C163-284 ..... D 10-13-69	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer and other counties, Okla.	(5)	
C165-154 ..... F 10-8-69	Gulf Oil Corp. (successor to Warren Petroleum Corp.), Post Office Box 1589, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Thomas Area, Dewey and Custer Counties, Okla.	15.0	14.65
C166-53 ..... D 10-13-69	Mobil Oil Corp.	Northern Natural Gas Co., East Clark Area, Harper County, Okla.	(5)	
C166-853 ..... C&D 10-14-69 [10]	Service Gas Products Co. (Operator), et al., 1010 Wilshire Blvd., Los Angeles, Calif., 90017.	Panhandle Eastern Pipe Line Co., acreage in Alfalfa, Major, Woods and Dewey Counties, Okla.	[9] 15.0	14.65
C169-1179 ..... C 10-15-69	MacDonald Spidel, c/o John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	27.0	15.325
C170-64 ..... (C167-858) F 7-17-69	Pennzoil Producing Co. (successor to Resources, Inc.) Post Office Box 2514 Casper, Wyo. 82601.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sweetwater Field, Sweetwater County, Wyo.	[11] 18.15 [11] 15.0	14.65 14.65
C170-346 ..... A 10-9-69	George Jackson, 801 Goff Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., West Union District, Doddridge County, W. Va.	[12] 28.0	15.325
C170-347 ..... A 10-9-69	VaRoy Drilling Co., Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	27.0	15.325
C170-367 ..... A 10-13-69	Hershberger Explorations, Inc., c/o James F. Scott, agent, Post Office Drawer 112, Salem, W. Va. 26426.	Consolidated Gas Supply Corp., Union and Elk Districts, Barbour County; and Warren District, Upshur County, W. Va.	[12] 28.0	15.325
C170-368 ..... A 10-13-69	Dinilyn Corp., Post Office Box 3427, Odessa, Tex. 79760.	Sea Robin Pipeline Co., Block 222, Ship Shoal Area, Offshore Louisiana.	21.25	15.025

[2] Applicable to interest of Sun Oil Co. added by Supplement No. 6.
[3] Pressure base is 15.025 p.s.i.a.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] Tax reimbursement increase.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Subject to upward and downward B.t.u. adjustment.
[10] Amends application to delete acreage.
[11] Subject to upward B.t.u. adjustment.
[12] Subject to upward and downward B.t.u. adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C170-369 ..... A 10-13-69	William A. Sidwell, Jr., et al., 2503 First National Bank Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Washington County, Colo.	10.0	16.4
C170-370 ..... B 10-13-69	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840	Michigan Wisconsin Pipe Line Co., Nichols Field, Kiowa County, Kans.	Depleted	
C170-371 ..... A 10-13-69	Huntington Oil Co., Inc., 14701 Detroit Ave., Lakewood, Ohio 44107.	The Ohio Fuel Gas Co., Groundhog Creek Field, Meigs County, Ohio.	[10] 27.0	15.025
C170-372 ..... B 10-14-69	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Farms Area, Laforche Parish, La.	Depleted	
C170-373 ..... A 10-14-69	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Sea Robin Pipeline Co., Ship Shoal Area, Offshore Louisiana.	21.25	15.025
C170-374 ..... A 10-14-69	Service Gas Products Co.....	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	[9] [17] 15.0	14.65
C170-375 ..... A 10-14-69	Service Gas Products Co.....	Panhandle Eastern Pipe Line Co., acreage in Alfalfa, Major, and Woods Counties, Okla.	[9] [17] 15.0	14.65
C170-376 ..... B 10-15-69	Grant Mullenax (Operator) et al., 401 St. Claire Dr., Owensboro, Ky. 42301.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	Depleted	
C170-377 ..... A 10-15-69	M. F. McCain et al., 730 Lane Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	20.0	15.025
C170-378 ..... A 10-15-69	Sanford P. Fagadau (Operator), Praetorian Bldg., Dallas, Tex. 75201.	Lone Star Gas Co., Blue Grove Field Area, Clay County, Tex.	17.0	14.65

[1] Deletes nonproductive acreage.
[2] Includes 1 cent per Mcf minimum guarantee for liquids and tax reimbursement.
[3] Applicant requests that its certificate in Docket No. G-11946 be amended to include those sales now authorized in Dockets Nos. G-7640 and C163-466 to be made pursuant to its FPC GRS Nos. 296 and 319, respectively, and that the certificates in Dockets Nos. G-7640 and C163-466 be terminated. No new sales are proposed.
[4] Applicant requests that its certificate in Docket No. G-11957 be amended to include those sales now authorized in Dockets Nos. G-12614, G-13216, G-16303, C164-1315, C164-1316, G-14787, G-17847, G-17629, G-18785, G-12354, C161-34, G-17963, G-20318, C166-833, G-17459, and C169-1070 to be made pursuant to its FPC GRS Nos.119, 133, 175, 346, 347, 348, 349, 350, 351, 353, 355, 279, 384, 386, 443, and 453, respectively and that the certificates in the latter dockets be terminated. No new sales are proposed.
[5] Adds acreage acquired from Humble Oil & Refining Co., Docket No. G-5145.
[6] Acreage sold to pipeline buyer.
[7] Adds acreage acquired from George L. Buckles, Docket No. CS66-119. Applicant also requests that its certificate be further amended to include those sales now authorized in Dockets Nos. G-13380, G-15061, C160-605, C161-914, C161-915, C161-913, and C161-1585 to be made pursuant to its FPC GRS Nos. 135, 157, 235, 252, 253, 254, and 265, respectively, and that the certificates in the latter dockets be terminated.
[8] Deletes acreage due to expiration or cancellation of nonproducing leases.
[9] Subject to upward and downward B.t.u. adjustment.
[10] Deletes all acreage in Dewey County from subject contract.
[11] Rate in effect subject to refund in Docket No. RI68-618.
[12] By letter dated Aug. 14, 1969, Applicant agreed to accept a permanent certificate at 15 cents per Mcf, plus B.t.u. adjustment for additional acreage.
[13] Includes 3 cents per Mcf gathering and transportation charge.
[14] Contract provides for rate of 17 cents per Mcf; however, Applicant states its willingness to accept certificate condition to area rate of 15 cents per Mcf.
[15] Subject to deduction for compression, if required.
[16] Less than 500 Mcf per month, rate shall be 22 cents per Mcf; 500 Mcf but less than 1,000 Mcf per month, rate shall be 25 cents per Mcf; 1,000 Mcf or more per month, rate shall be 27 cents per Mcf.
[17] Contract provides for rate of 18 cents per Mcf, subject to B.t.u. adjustment; however, Applicant states its willingness to accept permanent certificate at 15 cents per Mcf, subject to B.t.u. adjustment.

[F.R. Doc. 69-13147; Filed, Nov. 5, 1969; 8:45 a.m.]

[Docket No. RI70-386 etc.]

TEXACO INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 29, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted. [2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearings or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos
RI70-386	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	226	2	Natural Gas Pipeline Co. of America (West Panhandle Field, Carson County, Tex.) (RR. District No. 10).	$722	10-3-69	[3] 10-1-69	[4] 10-2-69	[7] 13.2	[5] [6] [7] 13.2495	
	do	337	1	El Paso Natural Gas Co. (East Panhandle Field, Wheeler County, Tex.) (RR. District No. 10).	39	10-6-69	[3] 10-1-69	[4] 10-2-69	13.0	[5] [6] 13.0488	
	do	153	3	Phillips Petroleum Co.[8] (West Panhandle Area, Carson County, Tex.) (RR. District No. 10).	20	10-6-69	[3] 10-1-69	[4] 10-2-69	[9] 9.0	[5] [6] [9] 9.0225	
RI70-387	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	363	1	Phillips Petroleum Co. (Panhandle Field, Hutchinson County, Tex.) (RR. District No. 10).	108	10-3-69	[3] 10-1-69	[4] 10-2-69	[10] 13.0 [11] 15.3851	[5] [6] [10] 13.0325 [5] [6] [11] 15.4236	
RI70-388	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	334	4	Northern Natural Gas Co. (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	202	10-6-69	[3] 10-1-69	[4] 10-2-69	[9] 15.0	[5] [6] [9] 15.0563	
	do	408	2	Transwestern Pipeline Co. (Mendota Field, Roberts and Hemphill Counties, Tex.) (RR. District No. 10).	2,000	10-6-69	[3] 10-1-69	[4] 10-2-69	[12] 17.0	[5] [6] [12] 17.0744	
	do	444	2	United Gas Pipe Line Co. (Laura Lavelle Field, Houston County, Tex.) (RR. District No. 6).	685	10-6-69	[3] 10-1-69	[4] 10-2-69	[9] 15.0	[5] [6] [9] 15.0656	
	do	455	4	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	5	10-6-69	[3] 10-1-69	[4] 10-2-69	[9] [12] 17.0	[5] [6] [9] 17.0744	
RI70-389	Longhorn Production Co. (Operator) et al., 540 Meadows Bldg., Dallas, Tex. 75206.	1	6	Natural Gas Pipeline Co. of America (Boonesville Field, Wise County, Tex.) (RR. District No. 9).	90	10-3-69	[3] 10-1-69	[4] 10-2-69	[13] [14] 14.50	[5] [6] [13] [14] 14.5499	
	do	2	2	do	269	10-3-69	[3] 10-1-69	[4] 10-2-69	[13] [14] 14.50	[5] [6] [13] [14] 14.5499	
	do	3	2	do	180	10-3-69	[3] 10-1-69	[4] 10-2-69	[13] [14] 14.50	[5] [6] [13] [14] 14.5499	
	do	5	2	do	90	10-3-69	[3] 10-1-69	[4] 10-2-69	[13] [14] 14.50	[5] [6] [13] [14] 14.5499	
RI70-390	Longhorn Production Co.	6	2	do	225	10-3-69	[3] 10-1-69	[4] 10-2-69	[13] [14] 14.50	[5] [6] [13] [14] 14.5499	
RI70-391	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	108	11	Lone Star Gas Co. (Red Springs Field, Smith County, Tex.) (RR. District No. 6).	195	10-6-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [6] 15.0557	
RI70-392	Humble Oil & Refining Co. (Operator).	414	1	United Gas Pipe Line Co. (Neches Gas Plant, Cherokee County, Tex.) (RR. District No. 6).	134	10-6-69	[3] 10-1-69	[4] 10-2-69	[12] 14.0	[5] [6] [12] 14.035	
RI70-393	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	79	12	Transwestern Pipeline Co. (Waha Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	309	[16] 9-29-69	[3] 10-1-69	[4] 10-2-69	[13] 16.40	[5] [6] [13] 16.4389	
					[18]				[17] 16.84	[5] [6] [17] 16.8809	
					[18]				[13] 14.50	[5] [6] [13] 14.5306	
	do	101	2	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	198	10-1-69	[3] 10-1-69	[4] 10-2-69	17.41	[5] [6] 17.49705	
	do	102	2	Natural Gas Pipeline Co. of America (Lochridge-South Pyote Area, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	346	10-1-69	[3] 10-1-69	[4] 10-2-69	14.54773	[5] [6] 14.60228	
RI70-394	Marathon Oil Co., agent and (Operator) et al.	82	5	Northern Natural Gas Co. (Yates Casinghead Gas Plant, Pecos County, Tex. (RR. District No. 8) (Permian Basin Area).	88	10-1-69	[3] 10-1-69	[4] 10-2-69	14.50	[5] [6] 14.52025	

[3] The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[8] It cannot be determined under which of Phillips' plants the acreage is dedicated. Phillips' rates for resale are in effect subject to refund.
[9] Subject to downward B.t.u. adjustment. Gas contains approximately 863 B.t.u.'s per cubic foot.
[10] Rate applicable for seven-eighths of gas.
[11] Rate applicable for one-eighth of gas attributable to royalty-owners.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Rate of 19.5 cents suspended in Docket No. RI70-55 until Jan. 3, 1970.
[14] Includes 0.25-cent dehydration charge.
[15] Residue gas from new gas-well gas.
[16] Corrected by filing of Oct. 2, 1969.
[17] New gas-well gas.
[18] Casinghead gas.
[19] No sales being made.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on October 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceilings for the areas involved as set forth in the Commission's statement of general policy No. 61–1, as amended, with the exception of the rate increase filed by Texaco, Inc. (Texaco), in Supplement No. 3 to Texaco's FPC Gas Rate Schedule No. 153.

Respondents request waiver of the statutory notice to permit their proposed rate increases to become effective as of October 1, 1969, the effective date of the tax increase enacted by the State of Texas. Pursuant to the Commission's Order No. 390 issued October 10, 1969, we believe that it would be in the public interest to waive the statutory notice requirement provided in section 4(d) of the Natural Gas Act to permit an October 1, 1969 effective date for the producers' rate filings and suspend such rate increases from underlying firm rates for 1 day from October 1, 1969, the proposed effective date.

Supplement No. 3 to Texaco Inc. FPC Gas Rate Schedule No. 153 reflects a rate increase based on tax reimbursement from 9 cents to 9.0225 cents per Mcf subject to a downward B.t.u. adjustment for a wellhead sale to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas and resells the residue to interstate pipeline companies in the area at rates which are in effect subject to refund. Texaco's rate does not exceed the area ceiling rate. However, since Phillips' resale rates are in effect subject to refund, we believe that Texaco's proposed rate increase should be suspended for 1 day from October 1, 1969.

[F.R. Doc. 69–13148; Filed, Nov. 5, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

TENNESSEE NATIONAL BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Tennessee National Bancshares, Inc., Maryville, Tenn., for prior approval by the Board of action whereby Applicant would become a bank holding company through the acquisition of at least 80 percent of the voting shares of each of the following banks: The Blount National Bank of Maryville, Maryville; Merchants & Farmers Bank, Greenback; The First National Bank of Oneida, Oneida, all located in the State of Tennessee.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger of consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 30th day of October 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–13240; Filed, Nov. 5, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 5011 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 30, 1969.

The Bureau of Sport Fisheries and Wildlife, Department of the Interior, has filed an application, Serial Number OR 5011 (Wash.), for the withdrawal of public land described below, from all forms of appropriation under the public land laws, including the mining laws but not from leasing under the mineral leasing laws.

The applicant desires the use of the land known as Puffin Island as an addition to Matia Island National Wildlife Refuge for the management of migratory birds and other wildlife.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Ore. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

T. 38 N., R. 1 W.,
Portions of secs. 28 and 33, unsurveyed.
Puffin Island.

Containing about 10 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69–13224; Filed, Nov. 5, 1969; 8:46 a.m.]

[Wyoming 21482]

WYOMING

Order Providing for Opening of Public Lands

OCTOBER 30, 1969.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269) as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

GROUP I

T. 46 N., R. 88 W.,
Sec. 29, lots 3 and 4, SW¼NE¼ and NW¼SE¼.
T. 45 N., R. 89 W.,
Sec. 2, lots 5 and 9, and S½N½.
T. 46 N., R. 89 W.,
Sec. 2, lots 6, 7, 8, 9, 10, and 11;
Sec. 7, E½;
Sec. 25, N½S½ and SE¼SE¼;
Sec. 26, E½SE¼;
Sec. 35, E½E½;
Sec. 36, N½N½, SW¼NW¼, W½SW¼, and SE¼SW¼.
T. 47 N., R. 89 W.,
Sec. 33, SE¼NW¼;
Sec. 34, SE¼;
Sec. 35, S½S½.
T. 53 N., R. 103 W.,
Sec. 21, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 22, SW¼NW¼, N½SW¼, SW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 23, W½SW¼;
Sec. 26, SW¼NE¼, W½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼.

GROUP II

T. 39 N., R. 89 W.,
Sec. 6, lot 1;
Sec. 29, SW¼SW¼;
Sec. 30, lot 4, SE¼SW¼, and S½SE¼.
T. 30 N., R. 90 W.,
Sec. 36, lots 2, 3, 5, 6, and 7.
T. 39 N., R. 90 W.,
Sec. 25, S½S½;
Sec. 36.
T. 39 N., R. 93 W.,
Sec. 16.
T. 28 N., R. 94 W.,
Sec. 36, N½, N½SW¼, and SE¼.
T. 30 N., R. 94 W.,
Sec. 36, S½.
T. 30 N., R. 95 W.,
Sec. 36.

The areas described aggregate 6,117.35 acres.

2. The lands are located in Fremont, Park, and Washakie Counties. The topography ranges from rolling to rough and broken, and the lands have values for watershed, grazing, wildlife, and recreation.

3. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on December 8, 1969, be open to appliaction, petition and selection under the public land laws with the exception that all lands in Group II are subject to multiple use classification W–6228 and are not open to application under the agricultural land laws (43 U.S.C., Parts 7 and 8; 25 U.S.C. sec. 334), or to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m. on December 8, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 1828, Cheyenne, Wyo. 82001.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 69–13225; Filed, Nov. 5, 1969; 8:46 a.m.]

Federal Water Pollution Control Administration

INTERSTATE WATERS OF THE COMMONWEALTH OF VIRGINIA

Notice of Standard Setting Conference

The waters of the Shenandoah River, North and South Forks of the Potomac River, Clinch River, Powell River, New River, Bluestone River, Blackwater River, Meherrin River, Roanoke River, Dan River, Yadkin River, Chowan River, Rappahannock River, Hyco River, James River, Russell Fork of Big Sandy River, Louisa Fork of Big Sandy River, Dry Fork of Tug Fork, Knox Creek, Holston River, North Fork Holston River, North-west River, North Landing River, York River, Smith River, John Kerr Reservoir, Lake Gaston, Back Bay, Chesapeake Bay and all other coastal and estuarine waters, tidal and nontidal, interstate streams in Virginia Beach, Chesapeake, and Nansemond Counties, and interstate tributaries and subtributaries to such waters of the Commonwealth of Virginia are interstate waters.

The water quality standards established by the Commonwealth of Virginia in accordance with section 10(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 466g(c)(1)) to be applicable to these waters are determined in part not to be consistent with the protection of the public health and welfare, the enhancement of the quality of the water, and the purposes of the Federal Water Pollution Control Act, as provided by section 10(c)(3) of that Act, with particular reference to:

1. Water use designations;
2. Water quality criteria; and
3. Waste treatment requirements and implementation plans.

Therefore, in accordance with the provisions of section 10(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 466g(c)(2)), I hereby call a conference to consider the establishment of water quality standards applicable to the above interstate waters of the Commonwealth of Virginia.

The conference will convene on December 9, 10, and 11, 1969, at 9:30 a.m. at Sheraton Motor Inn, Belvidere and Franklin Streets, Richmond, Va., to consider the appropriate water quality standards for the interstate waters of Virginia. I have designated Mr. Murray Stein, U.S. Department of the Interior, as Chairman of the conference.

Parties to the conference will be representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries who are contributing to, affected by, or have an interest in the water quality standards for the waters to be covered by the conference and who register their intent to be parties at the conference sessions, and such other persons whom the Chairman, upon application and good cause shown, admits as parties to the conference.

Dated: November 3, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 13263; Filed, Nov. 5, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

GRAZING AND HARVESTING OF HAY ON DIVERTED ACREAGE IN DESIGNATED COUNTIES

Notice of Authorization

Notice is hereby given that the Secretary of Agriculture has authorized the grazing or harvesting of hay, as indicated, on acreage designated as diverted from the production of crops under the Soil Bank Program (7 CFR Part 750), the Cropland Adjustment Program (7 CFR Part 751), the Cropland Conversion Program (7 CFR Part 751), the Feed Grain Program (7 CFR Part 775), and the Wheat Diversion Program (7 CFR Part 728), in the counties specified in this notice. Grazing and haying on the diverted acreage shall be permitted only when specifically approved by the county ASC committee, or its designee. Grazing and haying shall be subject to the terms and conditions in the regulations for each program and instructions issued with respect thereto, which are available in the county ASCS offices. The designated counties are as follows:

GRAZING AND HARVESTING HAY

ALABAMA

Blount.
Chambers.
Choctaw.
Clarke.
Colbert.
Conecuh.
Crenshaw.
De Kalk.
Fayette.
Franklin.
Jackson.
Lauderdale.
Lawrence.
Marion.
Morgan.
Pickens.
Pike.
Russell.
Sumter.
Tallapoosa.
Tuscaloosa.
Walker.
Washington.
Winston.

ARKANSAS

Cleburne.
Izard.
Little River.
Nevada.
Stone.
White.

GEORGIA

Baker.
Barrow.
Brooks.
Colquitt.
Decatur.
Early.
Grady.
Madison.
Mitchell.
Seminole.
Stephens.
Thomas.

IOWA

Adair.
Black Hawk.
Bremer.
Buchanan.
Butler.
Cerro Gordo.
Floyd.
Franklin.
Grundy.
Hardin.
Iowa.
Johnson.
Mitchell.
Monroe.
Muscatine.
Shelby.
Story.
Tama.

KENTUCKY

Allen.
Butler.
Calloway.
Carlisle.
Crittenden.
Graves.
Hickman.
Hopkins.
Livingston.
Logan.
Lyon.
Marshall.
Muhlenberg.
Simpson.
Warren.

LOUISIANA

Avoyelles.
Bienville.
Bossier.
Caddo.
Caldwell.
Catahoula.
Claiborne.
Concordia.
De Soto.
East Carroll.
Franklin.
Grant.
Jackson.
Lincoln.
Madison.
Morehouse.
Natchitoches.
Ouachita.
Rapides.
Red River.
Richland.
Sabine.
Tensas.
Union.
Webster.
West Carroll.
Winn.

MISSISSIPPI

Alcorn.	Lawrence.
Claiborne.	Madison.
Clay.	Marion.
Copiah.	Perry.
Covington.	Rankin.
Forrest.	Simpson.
Greene.	Stone.
Hinds.	Walthall.
Holmes.	Warren.
Jefferson Davis.	Wayne.
Jones.	Webster.
Kemper.	Winston.
Lamar.	Yazoo.

MISSOURI

Adair.	Linn.
Audrain.	Livingston.
Barry.	McDonald.
Bates.	Macon.
Benton.	Mercer.
Bollinger.	Miller.
Boone.	Mississippi.
Butler.	Moniteau.
Callaway.	Monroe.
Cape Girardeau.	Morgan.
Carroll.	Newton.
Carter.	Oregon.
Cass.	Ozark.
Charlton.	Pettis.
Christian.	Pike.
Clark.	Polk.
Clinton.	Putnam.
Cole.	Ralls.
Dade.	Randolph.
Dallas.	Ray.
De Kalb.	Reynolds.
Dent.	Ripley.
Douglas.	Ste. Genevieve.
Dunklin.	Schuyler.
Gentry.	Scotland.
Greene.	Scott.
Grundy.	Shannon.
Henry.	Shelby.
Howard.	Stoddard.
Howell.	Stone.
Jasper.	Sullivan.
Jefferson.	Taney.
Johnson.	Texas.
Knox.	Wayne.
Laclede.	Webster.
Lawrence.	Worth.
Lewis.	Wright.

NEBRASKA

Boyd.	Keya Paka.
Brown.	Loup.
Cherry.	Rock.
Custer.	Valley.
Garfield.	Wheeler.
Holt.	

NORTH DAKOTA

Golden Valley.

SOUTH DAKOTA

Gregory.	Tripp.
Lyman.	

TENNESSEE

Bedford.	Houston.
Benton.	Humphreys.
Carroll.	Jackson.
Cheatham.	Lake.
Chester.	Lauderdale.
Clay.	Lawrence.
Coffee.	Lewis.
Crockett.	McNairy.
Decatur.	Macon.
Dyer.	Madison.
Fayette.	Maury.
Franklin.	Meigs.
Gibson.	Montgomery.
Giles.	Obion.
Hardeman.	Perry.
Hardin.	Pickett.
Haywood.	Robertson.
Henderson.	Shelby.
Henry.	Smith.
Stewart.	Wayne.
Sumner.	Weakley.
Tipton.	Williamson.
Trousdale.	

TEXAS

Bell.	Mc Lennan.
Bosque.	Milam.
Brazos.	Morris.
Burleson.	Rains.
Camp.	Robertson.
Cass.	Shelby.
Coryell.	Titus.
Falls.	Upshur.
Franklin.	Van Zandt.
Hopkins.	Washington.
Lee.	Wood.

VIRGINIA

Albermarle.	Goochland.
Amherst.	Louisa.
Bath.	Nelson.
Buckingham.	Powhatan.
Cumberland.	Rockbridge.
Fluvanna.	

WEST VIRGINIA

Berkeley.	Jefferson.
Grant.	Mineral.
Hampshire.	Morgan.
Hardy.	Pendleton.

GRAZING ONLY

IOWA

Clinton.	Linn.
Hamilton.	Louisa.
Jones.	

MISSISSIPPI

Hancock.	Jackson.
Harrison.	Pearl River.

VIRGINIA

Botetourt.	Hanover.

Signed at Washington, D.C., on October 31, 1969.

CHARLES M. COX,
Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-13251; Filed, Nov. 5, 1969; 8:48 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

November Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced the minimum prices at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.s.t., October 31, 1969. These prices, subject to amendment, will continue until superseded by the December Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, soybeans, peanuts, tung oil, cottonseed meal, cottonseed oil, butter, and nonfat dry milk.

Soybeans and soybean meal have been added to the list of commodities eligible for CCC credit.

Grain sorghum sales will be made only on-track port, in-store port, or at selected interior terminals basis delivered port.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list. For commodities stored at other locations, the information may be attained from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Regulations GSM–4) for November 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include barley, bulgur, cattle (beef and dairy breeding), corn, cornmeal, cotton (upland and extra long staple), cottonseed meal, cottonseed oil, dairy products, flaxseed, grain sorghum, lard, linseed oil, oats, raisins, rice (milled and brown), rye, soybeans, soybean meal, soybean oil, tallow, tobacco, wheat, and wheat flour. These commodities are subject to certain area limitations. Commodities purchased from CCC may be financed for export from private stocks under the GSM–4 regulations.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of Assistant Sales Manager, Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; cottonseed oil and soybean oil under Announcement PS–2; tobacco under Announcement PS–3; upland and extra long staple cotton under Announcement PS–4; and inedible tallow and grease under Announcement PS–5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter, Hard Red Spring, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated by the U.S. Department of Commerce. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for unrestricted or restricted use. Countries and commodities are specifically listed in the U.S. Department of Export Control Regulations. Additional information is available from the Bureau of International Commerce or from the offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate [2] for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store).* [3]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.10	$0.07½	Minneapolis—No. 1 DNS ($1.57) 115 percent +$0.07½; $1.88½. Portland—No. 1 SW ($1.45) 115 percent +$0.07½; $1.74½. Kansas City—No. 1 HRW ($1.45) 115 percent +$0.07½; $1.74½. Chicago—No. 1 RW ($1.46) 115 percent +$0.07½; $1.75½.

Export.

A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

SOYBEANS, BULK

Unrestricted use.

A. *Storable—Port positions (basis Grade 1 in-store).* Market price but not less than $2.61½ per bushel at Great Lakes terminals; $2.67½ gulf; and $2.68½ east coast.

Interior positions (basis Grade 1 in-store). Market price but not less than the 1969 base loan rate where stored plus 30½ cents per bushel.

Market discounts will be applied in determining the minimum price of lower grades.

B. *Nonstorable.* At not less than the market price as determined by CCC.

Available. Kansas City, Chicago, and Minneapolis ASCS Grain Offices.

CORN, BULK

Unrestricted use.

A. *Storable—Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate [2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [3] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.05½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.05½; $1.34½.

See footnotes at end of document.

Available. Chicago, Kansas City, and Minneapolis, ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Storable—Redemption of domestic payment-in-kind certificates.* Sales will be made only on-track port, in-store port, or at selected interior terminals basis delivered port. The minimum price, basis in-store port, will be the market price as determined by CCC but not less than the price support loan rate at port for the applicable class and grade plus 27 cents per hundredweight.

B. *Nonstorable.* At not less than market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable—Redemption of domestic payment-in-kind certificates (basis in-store):* Market price, as determined by CCC, but not less than the 1969 price-support loan rate where stored for the class, grade, and quality of the barley plus 22½ cents per bushel if received by truck or 20 cents per bushel if received by rail or barge.

B. *Nonstorable.* At not less than market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

OATS, BULK

Unrestricted use.

A. *Storable (basis in-store).* Market price, as determined by CCC, but not less than the applicable 1969 price-support rate where stored for the class, grade, and quality of the oats plus 19½ cents per bushel.

B. *Nonstorable.* At not less than the market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1969 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.10	$0.07½	Agriculture Act of 1949; statutory minimums. Rollete County, N. Dak. ($0.86); 115 percent +$0.10; $1.09. Minneapolis, Minn. ($1.22) 115 percent +$0.07½; $1.48½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1969 loan rate plus 5 percent, plus 22 cents per hundredweight, basis f.o.b. warehouse.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

See footnotes at end of table.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1969 price-support rate[2] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.12	$0.07¾	Minneapolis, Minn. ($3.01): 105 percent + $0.07¾; $3.23¾.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

COTTON, UPLAND

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–31 (Revised) (Disposition of Upland Cotton—In Liquidation of Rights in a Certificate Pool, Against the "Shortfall," and Under Barter Transactions). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC which will be based on 110 percent of the price-support loan rate for Middling 1-inch cotton at average location at the time of delivery, plus reasonable carrying charges for the month in which the sale is made. Carrying charges are 15 points per pound. In no event will the price for any cotton be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time of delivery.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2). Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made. Carrying charges are 15 points per pound. Notwithstanding the foregoing, until otherwise announced by CCC, cotton will be available under Announcement NO–C–6 in an amount not to exceed the unsold shortfall at the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED OIL, REFINED (BULK)

Export.

Competitive offers under the terms and conditions of Announcement NO–CS–9. Sales will be made only for export to restricted destinations. Oil sold under NO–CS–9 may be exported only against dollar sales or under the CCC export credit sales program (GSM–4).

Available. New Orleans ASCS Commodity Office.

COTTONSEED MEAL, BULK

Unrestricted use.

Competitive offers for meal under the terms and conditions of Announcement NO–CS–8. Delivery periods will commence in November.

Small quantities may be sold on competitive offers in any area if necessary to avoid deterioration or if storage cannot be obtained on a basis satisfactory to CCC.

Available. New Orleans ASCS Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Tex. 76454.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Oilseed and Special Crops Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–7120.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price, and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for in-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on October 31, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–13202; Filed, Nov. 5, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00214–33–46040. Applicant: University of California, Davis, School of Medicine, Davis, Calif. 95616. Article: Electron microscope, Model EM 98 and spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for training purposes, high negative output electron microscopy, low magnification electron microscopy, and general high speed scanning electron microscopy. The specific intended uses are listed below:

a. Training of students, technicians, predoctoral and postdoctoral fellows, and scientists who are unfamiliar with electron microscopy on the operation, theory, and applications of the electron microscope and its relation with Comparative Medicine.

b. Very low magnification electron microscopy for mapping the general structure of lung, liver, brain, and other tissues by stereological and stereometrical analyses of a necessarily large number of electron micrographs.

c. High negative output electron microscopy of a variety of tissues from several species of animals for pathological, physiological, or morphological changes or differences.

d. Low magnification electron microscopy of the granule cells of the gyrus dentata of irradiated and control rat brain.

Application received by Commissioner of Customs: September 26, 1969.

Docket No. 70–00217–01–77030. Applicant: Southeastern Massachusetts Technological Institute, North Dartmouth, Mass. 20747. Article: Nuclear magnetic resonance spectrometer, Model JNM–C–60HL and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for both instructional purposes, in connection with programmed instrumental analysis and research which include:

(1) a Carbon 13 study of some cyclic carbohydrate derivatives to aid determination of ring conformation and existence of resonance;

(2) a study of energy differences between diasteriomeric carbohydrates by use of nmr at widely different temperatures;

(3) a study of reaction intermediates which will in many cases require use of an internal lock and elevated temperatures.

Application received by Commissioner of Customs: September 30, 1969.

Docket No. 70-00218-65-74600. Applicant: Hines Veterans Administration Hospital, Hines, Ill. 60141. Article: Signal averaging computer, Model DL-102. Manufacturer: Data Laboratories Ltd., United Kingdom. Intended use of article: The article will be used for averaging evoked responses in neurophysiological laboratory and, specifically, to study clinical applications and improved usages of echoencephelographic technique. Application received by Commissioner of Customs: September 30, 1969.

Docket No. 70-00220-33-46040. Applicant: St. Andrews Presbyterian College, Laurinburg, N.C. 28352. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used primarily for the training of undergraduate students. The training of undergraduate students will consist of research problems under the direction of the faculty. Research problems in biology will investigate the ultrastructure of plant and animal cells. Research problems in chemistry will involve studies of the surface configurations of various metals. Application received by Commissioner of Customs: September 30, 1969.

Docket No. 70-00222-00-66700. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Prevost projector spare parts. Manufacturer: Prevost, Italy. Intended use of article: The article will be used as spare parts to an existing prevost projector. Application received by Commissioner of Customs: September 30, 1969.

Docket No. 70-00221-33-46040. Applicant: The University of Alabama, Birmingham, 1919 Seventh Avenue South, Birmingham, Ala. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Sweden. Intended use of article: The article will be used to study the ultrastructure of the cardiac conduction system. Current examples of research programs are as follow:

a. To determine the nature and extent of sarcoplasmic reticulum in cells of the His bundle in hamster, dog and man, with particular attention to the question of transverse tubules and a "T system."

b. The problem of categorization of cells and intercellular organization in the AV node.

c. The nature of the transition of the AV nodal cells into cells of the His bundle, with particular reference to fine definition of cell junctions.

d. A careful further examination for structural differences in the sarcolemma of the pacemaker cells as opposed to working myocardium.

Application received by Commissioner of Customs: September 30, 1969.

Docket No. 70-00223-89-74000. Applicant: University of Missouri, Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Portable facsimile seismograph, Model FS-3. Manufacturer: Huntec Ltd., Canada. Intended use of article: The article will be utilized to familiarize the student with the field techniques of refraction seismology. Seismic recordings obtained will be interpreted to determine shallow subsurface structures, thickness of soil and rock formation, and elastic constants of earth materials. Application received by Commissioner of Customs: September 30, 1969.

Docket No. 70-00224-33-46040. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for instruction and research training of graduate students and faculty. Some of the courses that will utilize the article are as follow:

AY 561	Ultrastructural Cytology.
AY 705	Biological Preparations for Electron Microscopy.
AY 707	Electron Microscope Operation.
AY 704	Biological Preparations for Electron Microscopy.
AY 706	Electron Microscope Operation.
AY 875	Advanced Electron Microscopy.

Currently, 13 graduate students are undergoing training in the Electron Microscope Training Laboratory from 10 departments within four colleges on the campus. Some of the projects under study are:

1. Pathogenesis of high mountain disease in cattle lungs.
2. Effects of viper venoms on skeletal muscle.
3. Virus diseases of potatoes.
4. Morphogenesis of Hamster heart muscle.
5. Morphogenesis of Hamster adrenals.
6. Virus diseases of trout pancreas.
7. Formation of ice crystal nuclei.
8. Thin metallic films.
9. Diffraction of single crystals.
10. Differentiation of bacteria.
11. Nematode parasites.
12. Chiton of Acarines.
13. Contractile vacuoles of amoebae.

Application received by Commissioner of Customs: October 1, 1969.

Docket No. 70-00226-33-46070. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Scanning electron microscope, Model JSM-U3 with hot stage. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used to provide visual data with regard to sintering of ceramics at high temperatures. Auxiliary uses will include fractography and studies of surfaces including fracture surfaces in other Inorganic Materials Research Divisions. In the high temperature area, the hot stage with a capability of at least 1,000 degrees Centigrade is essential. Application received by Commissioner of Customs: October 2, 1969.

Docket No. 70-00227-33-46040. Applicant: Boston University School of Medicine, 78 East Concord Street, Boston, Mass. 02118. Article: Electron microscope, Model Hu-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for virus-cancer research concerning the following projects:

1. Ultrastructural studies of virus-induced sarcoma.
2. Pathogenesis of viral leukemia.
3. Virion ultrastructure.

Application received by Commissioner of Customs: October 3, 1969.

Docket No. 70-00228-33-43400. Applicant: Washington University, Biology Department, Lindell and Skinker, St. Louis, Mo. 63130. Article: Miniature micromanipulator, Model MM-3. Manufacturer: Narishige Scientific Instrument Co., Japan. Intended use of article: The article will be used to insert electrodes into animal tissue while teaching a biology course. Application received by Commissioner of Customs: October 3, 1969.

Docket No. 70-00229-33-46040. Applicant: D.C. Department of Public Health, Bureau of Laboratories, 300 Indiana Avenue, NW., Washington, D.C. 20001. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for the following pathological research programs:

a. Morphological characterization and comparison with biopsy specimens from the same patient of Exfoliated Cancer Cells collected by the irrigation method.

b. Identification of earliest nuclear derangements indicative of change from normal cells to malignant cells in persons placed on birth control pills.

c. Effect of Chemo-Therapeutic agents and solvents (Di-methyl Sulfoxide) on the membranes of Mycobacterium tuberculosis and Atypical tubercle bacilli.

d. Role of lysozomes in inflammatory changes associated with pyelonephritis caused by Escherichia coli.

e. Investigation of potential eye and lung damage causable by CM, CS, and Mark IV weapons acquired by Metropolitan Police force.

f. Identification of submicroscopic asbestos particles in the lungs and tissues of urban dweller, who are subjects of accidental death, to determine the extent of air pollution in Metropolitan Washington.

g. Investigation of viral diseases of the nervous system which may be the cause of sudden death of infants in the District of Columbia.

h. Investigation of the collagen dissolving properties of polyvinyl nitrous oxide in cases of chemical and viral hepatitis.

Application received by Commissioner of Customs: October 3, 1969.

CHARLES M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13210; Filed, Nov. 5, 1969; 8:45 a.m.]

CEDARS-SINAI MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00533-33-46040. Applicant: Cedars-Sinai Medical Center, 4833 Fountain Avenue, Los Angeles, Calif. 90029. Article: Electron microscope, Model JEM-7A. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in connection with the following projects:

a. Survey electron microscopy of the thymus of amphibians, reptiles, birds, and mammals, including normal and diseased tissue will be made.

b. The origin, structure and fate of annuluated lamellae within the mucosa of the epididymis will be studied with the electron microscope.

c. The fine structure of "chalk streaks" in breast cancer, the relationship of extracellular fibers to cancer cells and the overall picture of lobular carcinoma will be examined.

d. Studies will be made of red blood cell membranes.

e. Several problems will be examined related to heart diseases. Both experimental and human tissues will be studied.

f. The evolution of cilia and steroclia and the relationship of stereocilia to secretion, resorption and membrane flow will be investigated.

g. A study of myoid cells of the retina will be made.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: For the purposes for which the foreign article is intended to be used the applicant is required to construct montages at various magnifications ranging from very low to very high powers. The foreign article provides distortion-free microphotographs having a continuous variation between 600 and 250,000 magnifications without requiring the change of a pole piece. The most closely comparable domestic electron microscope is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA) and is currently being supplied by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope provides magnifications of 500 to 70,000 and, after an exchange of pole pieces which involves breaking the vacuum in the column, 1,400 to 240,000. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated July 23, 1969, that the greater magnification range which is obtained without exchanging pole pieces is a pertinent characteristic of the foreign article for the applicant's intended purposes. We, therefore, find that the RCA Model EMU-4B electron microscope is not scientifically equivalent to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13211; Filed, Nov. 5, 1969; 8:45 a.m.]

UNIVERSITY OF COLORADO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00528-33-46040. Applicant: University of Colorado Medical Center, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in research, teaching of graduate students, and in technical training. In research, an enzyme-labeled antibody technique has been developed for ultrastructural localization of macromolecules. This technique requires the ultimate in resolving power in an electron microscope because of the involvement in the ultrastructural localization of single molecules of hormone, for example. The problems of the graduate students will include high resolution electron microscopy, and low magnification, low resolution work with minimal manipulation in the switchover from one type of microscopy to the other. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving power of 3 angstroms (point to point). The most closely comparable domestic instrument is the Model EMU-4B, manufactured by the Radio Corp. of America (RCA), which has a guaranteed resolution of 5 angstroms (point to point). (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities.)

We are advised by the Department of Health, Education, and Welfare in a memorandum dated July 7, 1969, that the additional guaranteed resolving capabilities of the foreign article are pertinent to the purposes for which the foreign article is intended to be used. For this reason, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13212; Filed Nov. 5, 1969; 8:45 a.m.]

PURDUE UNIVERSITY

Amendment to Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Volume 34, No. 94 of the FEDERAL REGISTER (Friday, May 16, 1969) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read: Article: Interferometer, Fabry-Perot standard model instead of Article: Interferometer, Michelson special model with motor.

Docket No. 69-00564-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Fabry-Perot standard model. Manufacturer: SOPRA, France. Intended use of article: The article will be used for the instruction of students in the theory and operation of a Michelson interferometer in the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements, both relative and absolute, of wavelengths, index of

refraction, wavelength differences, etc. Application received by Commissioner of Customs: May 1, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13213; Filed, Nov. 5, 1969; 8:45 a.m.]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00564-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Fabry-Perot standard model. Manufacturer: SOPRA, France. Intended use of article: The article will be used for the instruction of students in the theory and operation of a Michelson interferometer in the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements both relative and absolute, of wavelengths, index of refraction, wavelength differences, etc. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides spacing between reflecting surfaces that is continuously adjustable from 0.075 to 5 millimeters (mm.), both fine and coarse adjustments for parallelism and can be used in either a horizontal or vertical position. We are advised by the National Bureau of Standards (NBS) in a memorandum dated July 23, 1969, that continuously adjustable spacing between reflecting surfaces with both fine and coarse adjustments for parallelism are pertinent characteristics for the purposes for which the foreign article is intended to be used and that it knows of no scientifically equivalent Fabry-Perot interferometer produced in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13214; Filed, Nov. 5, 1969; 8:45 a.m.]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00565-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Michelson standard model. Manufacturer: SOPRA, France. Intended use of article: The article will be used for the instruction of students in the theory and operation of a Michelson interferometer in the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements, both relative and absolute, of wavelengths, index of refraction, wavelength differences, etc. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides moveable mirrors that can be translated in either direction without backlash and it maintains its parallelism over the entire range of movement to within one-half wavelength. We are advised by the National Bureau of Standards (NBS) in a memorandum dated July 23, 1969, that the lack of backlash and parallelism within one-half wavelength for the entire mirror travel are pertinent characteristics of the foreign article for the purposes for which the foreign article is intended to be used. NBS further advises that comparable domestic instruments such as the Gaertner Michelson, Cenco, and Davidson interferometers are inferior with respect to one or both of these characteristics, and that it knows of no other scientifically equivalent instrument or apparatus produced in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13215; Filed, Nov. 5, 1969; 8:45 a.m.]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00563-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Michelson special model with motor. Manufacturer: Spora, France. Intended use of article: The article will be used for the instruction of students in the theory and operation of a Michelson interferometer in the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements, both relative and absolute, of wavelengths, index of refraction, wavelength differences, etc. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope has a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) In addition the foreign article is equipped with a goniometer stage capable of 0°-360° rotation and plus or minus (±) 60° tilt. The Model EMU-4B electron microscope is equipped with a goniometer stage having a maximum tilt of only ±30°. We are advised by the Department of Health, Education, and Welfare in a memorandum dated August 6, 1969, that a guaranteed resolving capability of 3.5 angstroms and the availability of a goniometer stage having 360° rotation and ±60° tilt are both pertinent to the applicant's intended purposes.

For these reasons, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13216; Filed, Nov. 5, 1969; 8:45 a.m.]

ROCKEFELLER UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00561-33-46040. Applicant: The Rockefeller University, 66th and York Avenue, New York, N.Y. 10021. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for high resolution studies of viruses, viral components, macromolecules such as proteins and nucleic acids macromolecular complexes, and virus-infested cells and cellular organelles, particularly cell membranes. Viruses under study incude polio, influenza, parainfluenza, reo and adenoviruses. In addition to high resolution studies of the intact virus particles, extensive examination of components such as capsomeres, nucleocapsids, hemagglutinins, neuraminidase, and viral nucleic acids will be carried out. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope has a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) In addition the foreign article is equipped with a goniometer stage capable of 0°-360° rotation and plus or minus (±) 60° tilt. The Model EMU-4B electron microscope is equipped with a goniometer stage having a maximum tilt of only ±30°. We are advised by the Department of Health, Education, and Welfare in a memorandum dated August 6, 1969, that a guaranteed resolving capability of 3.5 angstroms and the availability of a goniometer stage having 360° rotation and ±60° tilt are both pertinent to the applicant's intended purposes.

For these reasons, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operation, Business and Defense Services Administration.

[F.R. Doc. 69-13217; Filed, Nov. 5, 1969; 8:45 a.m.]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00523-00-40600. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ion source components. Manufacturer: Aukland Nuclear Accessory Co., Ltd., New Zealand. Intended use of article: The article will be used in connection with research and education of graduate students in nuclear physics experiments. These components, when assembled with others manufactured here, will produce beams of polarized protons and deuterons. For scientific research and education, it is important to have available polarized ions, since they allow new experiments not feasible with the domestically produced unpolarized ions. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article consists of an ion source system which in its completed form has the capability to produce polarized protons and deuterons. We are advised by the National Bureau of Standards in a memorandum dated July 2, 1969, that it knows of no domestic instrument or apparatus which is scientifically equivalent to the foreign article for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13218; Filed, Nov. 5, 1969; 8:45 a.m.]

UNIVERSITY OF TEXAS

Amendment to Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Volume 34, No. 198 of the FEDERAL REGISTER (Wednesday, Oct. 15, 1969) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read: Docket No. 70-00181-33-46070 instead of Docket No. 70-00181-33-46060.

Docket No. 70-00181-33-46070. Applicant: The University of Texas at Austin, Purchasing Office, Box 7306, University Station, Austin, Tex. 78712. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used as a faculty-staff, graduate student, and undergraduate student research tool, as well as a teaching aid in the instruction of a special course in scanning electron microscopy. All research projects involve active participation by graduate students. Application received by Commissioner of Customs: September 8, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13219; Filed, Nov. 5, 1969; 8:45 a.m.]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00530-33-46040. Applicant: University of Washington, Medical

School, Department of Pathology, Seattle, Wash. 98105. Article: Electron microscope, Model AEI EM 801 and accessories. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for research and training by present and future trainees, as well as by the principal instructors who are experienced electron microscopists. A number of projects concerned with research require the highest resolution available in electron microscopes. These include studies of fibrils, collagen, the components of elastic fiber, and bacteriophage. In addition, high resolution microscopy will be used for studying elementary particles of mitochondrial membranes and isolated ribosomes after negative staining procedures. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a tilt stage with a plus or minus 30° tilt and a guaranteed resolving power of 5 angstroms or better. The most closely comparable domestic instrument is the Model EMU-4B electron microscope manufactured by the Radio Corp. of America (RCA) which provides a tilt stage with a plus or minus of 30° tilt, but does not guarantee the resolving power obtainable with this stage. We are advised by the Department of Health, Education, and Welfare in a memorandum dated July 1, 1969, that the guaranteed resolving power of the foreign article with the tilt stage is pertinent to the purposes for which the foreign article is intended to be used, and that theoretically a resolving power of 5 angstroms could not be obtained with the tilt stage provided by RCA. For this reason, we find that RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13220; Filed, Nov. 5, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-104]

GETTY OIL CO.

Registration of House Flag and Funnel Mark

1. The Commandant, U.S. Coast Guard, in accordance with the provisions of § 3.81, Customs Regulations (19 CFR 3.81), issued under the authority of the Act of May 28, 1908, as amended (46 U.S.C. 49), has registered the house flag and funnel mark of the Getty Oil Co. as described below:

(a) *House Flag.* The house flag is rectangular in shape. The hoist is 4 feet, the fly 6 feet. Superimposed and centered on a white field is the work "Getty." The letter "G" is a modified upper case letter and is red. The remaining letters are orange lower case letters. The Letter "G" is 1′ 4⅜″ high, and 1′ 3¾″ wide. Centered within the "G" is a 6½″ in diameter red nuclear symbol with a 1¾″ red dot or ball centered therein. The letter "e" is 1′ ⅞″ high and 11$^{13}/_{16}$″ wide. Each letter "t" is 1′ 1⅞″ high and 6⅜″ wide. The letter "y" is 1′ 2⅞″ high and 1′ wide.

(b) *Funnel Mark.* The funnel mark is to appear on a white funnel. The insignia consists of a modified upper case letter "G" painted red with an orange color dot or ball set within the letter "G". The distance from the top of the funnel to the top of the letter "G" is 4′ 6″. The letter "G" is 14′ 8″ high and 14′ 6″ wide. The distance from the bottom of the "G" to the fidley deck area is 6′ 6″. The orange dot or ball set within the letter "G" is 4′ 4″ in diameter.

2. Colored drawings of the house flag and funnel mark described on file with the Federal Register Division, National Archives and Records Service.

Dated: October 28, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69-13228; Filed, Nov. 5, 1969; 8:46 a.m.]

Federal Aviation Administration

AIR TRAFFIC CONTROL TOWER AT TWEED-NEW HAVEN AIRPORT, NEW HAVEN, CONN.

Notice of Commissioning

Notice is hereby given that an Air Traffic Control Tower will be commissioned at the Tweed-New Haven Airport, New Haven, Conn., on or about December 1, 1969. It will provide for the safe and expeditious movement of terminal traffic consisting of air carrier, general aviation and air taxi aircraft. Communications to the Air Traffic Control Tower should be addressed as follows:

Air Traffic Control Tower, Department of Transportation, Federal Aviation Administration, Tweed-New Haven Airport, Terminal Building, New Haven, Conn. 06512.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in New York, N.Y., on October 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13237; Filed, Nov. 5, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-10-153]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 31, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20806, R-59 through R-64.

By Order 69-10-79, dated October 16, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-10-79 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-59 through R-64, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-13245; Filed, Nov. 5, 1969; 8:47 a.m.]

[Docket No. 20993; Order 69-10-154]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Matters

Issued under delegated authority October 31, 1969.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to cargo matters, Docket 20993, Agreement CAB 21262, R-1 through R-5, Agreement CAB 21263.

By Order 69-10-85, dated October 17, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA). The agreements amend the existing resolutions governing bulk unitization charges so as to clarify that such charges shall not apply to the carriage of live animals, animal stalls, or human remains, and provide that minimum charges for consignments from Bulgaria/Hungary/Rumania be maintained at the level which existed prior to the recent Athens worldwide cargo conference.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 69-10-85 will herein be made final.

Accordingly, it is ordered, That:

Agreements CAB 21262, R-1 through R-5 and CAB 21263 be, and hereby are, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-13246; Filed, Nov. 5, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-10-152]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 31, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R-127 through R-129.

By Order 69-10-77, dated October 16, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-10-77 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-127 through R-129 be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-13247; Filed, Nov. 5, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 1345]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 31, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publication hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 531 (Sub-No. 260), filed October 15, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite or storage facilities of the Monsanto Chemical Co. located at or near Gonzales and Pensacola, Fla., to points in Louisiana and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., New Orleans, La., or Houston, Tex.

No. MC 531 (Sub-No. 261), filed October 15, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Decatur, Ala., to points in Louisiana and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., New Orleans, La., or Houston, Tex.

No. MC 11220 (Sub-No. 116), filed October 7, 1969. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Remington Arms Co., Inc., located adjacent to Interstate Highway 40, approximately 5 miles west of Lonoke, Ark., as an off-route point in connection with applicant's regular-route operations between Memphis, Tenn., and Fort Smith, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.; Memphis, Tenn.; or Washington, D.C.

No. MC 16334 (Sub-No. 7), filed October 3, 1969. Applicant: ARNOLD E. DEBRICK, doing business as DEBRICK TRUCK LINE, R.F.D. No. 2, Paola, Kans. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products, sewer pipe joint compound, waste water pumping stations, and waste water treatment plants*, between points in Kansas, Missouri, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary,

applicant requests it be held at Topeka, Kans., or Kansas City, Mo.

No. MC 25798 (Sub-No. 200), filed October 6, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson & Co., at or near Albert Lea, Minn., to points in Alabama, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the above specified origin and destined to the above-named destination points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41116 (Sub-No. 38), filed September 30, 1969. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, and paper products, and products* produced or distributed by manufacturers and converters of paper and paper products; and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) (except commodities in bulk, and commodities which because of size or weight require the use of special equipment), between the sites of the plant or storage facilities of Boise-Southern Co., in Beauregard Parish, La., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; under a continuing contract with Boise-Cascade Corp. NOTE: Applicant holds common carrier authority under MC-123993 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 56679 (Sub-No. 33), filed October 17, 1969. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes, and potato products*, from plantsite and/or warehouse facilities of Ore-Ida Foods, Inc., in Montcalm City, Mich., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 59507 (Sub-No. 12), filed October 17, 1969. Applicant: EDGAR H. ALLEN & SONS, INC., Bordentown Avenue, Post Office Box 184, Old Bridge, N. J. 08857. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, ties, wooden poles, wooden piling, forest products, steel piling, structural steel beams, contractors supplies*, between Carteret, N.J., and Newport, Del. on the one hand, and on the other, points in Pennsylvania, New York, Connecticut, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 59680 (Sub-No. 173), filed October 16, 1969. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, from Tate Cove, Cabot, Carboco, North Bend, and Westlake, La., to points in Wisconsin, Illinois, Indiana, Ohio, New York, Pennsylvania, those points in Michigan on and south of Michigan Highway 21, and St. Louis, Mo. NOTE: Applicant states it will tack at Westlake, La., and New York, N.Y., with presently held authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 59680 (Sub-No. 174), filed October 17, 1969. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, 3011 Gulden Avenue, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), serving the plantsites of the Browning Arms Co., and The Tenbrook Co., at or near Arnold (Jefferson County), Mo., as off-route points in connection with applicant's presently held authority to and from St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 60066 (Sub-No. 7), filed October 13, 1969. Applicant: BEE-LINE MOTOR FREIGHT, 1804 Paul Street, Omaha, Nebr. 68102. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission in *Practice of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between North Platte and McCook, Nebr., over U.S. Highway 83, serving the intermediate points of Wellfleet and Maywood, and the off-route point of Curtis, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 61440 (Sub-No. 122), filed October 17, 1969. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurous or contaminating to other lading), between Fort Wayne, Ind., and Indianapolis, Ind.: From Fort Wayne, Ind., over U.S. Highway 24 to Junction of U.S. Highway 24 and Interstate Highway 69, thence over Interstate Highway 69 to the Junction of Interstate Highway 69 and Indiana Highway 67, thence over Indiana Highway 67 to Indianapolis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, restricted to the transportation of traffic to and from St. Louis, Mo., and points west thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 64932 (Sub-No. 482), filed October 16, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals and related products*, in bulk, in tank vehicles, between the plantsite of Reichhold Chemicals, Inc., located in Grundy County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 70172 (Sub-No. 4), filed October 14, 1969. Applicant: BERNARD J. KIRK, 672 Roosevelt Avenue, Pawtucket, R.I. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and, in connection therewith, *materials, supplies, fixtures, and equipment* used in the operation of such stores, between Cumberland, R.I., and Danvers, Mass. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 70172 (Sub-No. 5), filed October 15, 1969. Applicant: BERNARD J. KIRK, 672 Roosevelt Avenue, Pawtucket, R.I. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials* moved therewith, from Merrimac, N.H., to Providence, R.I. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 71452 (Sub-No. 6), filed October 20, 1969. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris Street, Indanapolis, Ind. 46241. Applicant's representative: David A. Sutherlund and Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the Weir-Cook Municipal Airport (near Indianapolis, Ind.), on the one hand, and, on the other, points in Allen, Whitley, Huntington, Kosciusko, Wells, Jefferson, Adams, Ripley, Vanderburgh, Gibson, Warrick, Spencer, and Knox Counties, Ind., restricted to shipments having a prior or subsequent movement by aircraft. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 72442 (Sub-No. 31), filed October 10, 1969. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052. Applicant's representatives: Lennox O. Boyles (same address as above), also Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving the plantsite of Deering Milliken, Inc., in Bacon County, Ga., as an off-route point in connection with carrier's existing regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Charlotte, N.C.

No. MC 73165 (Sub-No. 273), filed October 15, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic and iron fittings and connections, valves, and gaskets*, between the plantsite and warehouse facilities of Razorback Plastic Products, Inc., Fort Smith, Ark., on the one hand, and, on the other, points in Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 76436 (Sub-No. 38), filed October 8, 1969. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. 40216. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Cadiz, Ky., and Memphis, Tenn.: From Cadiz, Ky., over U.S. Highway 68 to Hardin, Ky., thence over U.S. Highway 641 to Paris, Tenn., thence over U.S. Highway 79 to Milan, Tenn., thence over U.S. Highway 45E to its junction with U.S. Highway 45, thence over U.S. Highway 45 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to its junction with Interstate Highway 240, thence over Interstate Highway 240 to Memphis, Tenn., and return over the same route, serving no intermediate points. Restriction: Service at Memphis, Tenn., and its commercial zone is restricted against the handling of traffic originating at, destined to, or interchanged at Nashville, Tenn., and its commercial zone; and Evansville, Ind., and its commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 92983 (Sub-No. 538), filed October 17, 1969. Applicant: ELDON MILLER, INC., Post Office Box 2503, Kansas City, Mo. 64142. Applicant's representative: Eldon Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils, including blends thereof*, in bulk, from St. Joseph, Mo., to Topeka, Kans., and Omaha, Nebr. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94201 (Sub-No. 78), filed September 18, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite of Glasrock Products, Inc., at or near Barton, Ala., on the one hand, and, on the other, points in Kentucky, Illinois, Indiana, Ohio, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 94350 (Sub-No. 237), filed October 6, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Charleston County, S.C., to points east of the Mississippi River, including Louisiana and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston or Columbia, S.C.

No. MC 94350 (Sub-No. 240), filed October 13, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, and *buildings*, complete or in sections, from points in Cherokee County, S.C., to points in the United States excluding Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 94350 (Sub-No. 241), filed October 13, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, (1) from points in Washington County, Md., to points in the United States (excluding Alaska and Hawaii); and (2) from points in Williams County, Ohio, to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 242), filed October 9, 1969. Applicant: TRANSIT

HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *trailers* designed to be drawn by passenger automobiles in initial movements, and (2) *buildings*, complete or in sections, from points in Stanley County, N.C., to points east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 94350 (Sub-No. 243), filed October 20, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements, and (2) *buildings*, complete and in sections, from points in Franklin County, N.C., to points east of the Mississippi River, including Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 95540 (Sub-No. 765), filed October 10, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and accessories therefor, textiles*, and *textile products*, between points in Alabama, Florida, Georgia, North Carolina, and South Carolina, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 95540 (Sub-No. 766), filed October 10, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Frozen foods*, from points in Maine and New York to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia; restricted to traffic originating in Canada. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 95540 (Sub-No. 767), filed October 15, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Dodge City, Kans., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 100666 (Sub-No. 151), filed October 17, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112 and Paul Caplinger, Post Office Box 7666, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, between points in Cooke County, Tex., on the one hand, and, on the other, points in Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority, however applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 100666 (Sub-No. 152), filed October 17, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112 and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products* produced or distributed by manufacturers and converters of paper and paper products; and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, and commodities which, because of size or weight, require the use of special equipment), between the plantsites and storage facilities of Boise-Southern Co. in Beauregard Parish, La., on the one hand, and, on the other, points in the continental United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 100666 (Sub-No. 153), filed October 20, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112 and Paul L. Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic and iron fittings and connections, valves, hydrants and gaskets*, from Fort Smith, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103993 (Sub-No. 466), filed October 12, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bar coil and strip steel*, between Canton, Ohio, on the one hand, and, on the other, Kankakee, Peoria, and Rock Island, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 103993 (Sub-No. 469), filed October 8, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards, and materials, and accessories used in the installation thereof*, from points in Henry County, Tenn., to points in Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, New York, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Tennessee, and the District of Columbia; and (2) *materials used in the manufacture of composition boards*, from the above named destination States to points in Henry County, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 104149 (Sub-No. 187), filed October 1, 1969. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, Ala. Applicant's representative: William P. Jackson, Jr., 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and contractor's equipment, materials and supplies*, between Montgomery and Birmingham, Ala., on the one hand, and, on the other, points in North Carolina and South Carolina. NOTE: Applicant states that although there are no present plans to tack, tacking will be accomplished as possible and required but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 104149 (Sub-No. 188) filed October 15, 1969. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, Ala. Applicant's representative: William P. Jackson, Jr., 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants, gaskets, and accessories* for the above named articles, from Birmingham, Ala., to points in North Carolina and South Carolina. NOTE: Applicant states although there are no present plans, tacking will be accomplished as possible and required. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 105413 (Sub-No. 37), filed October 13, 1969. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway No. 275, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, fertilizer solutions, and anhydrous ammonia*, in bulk in tank vehicles, from Audubon, Iowa, to points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 105813 (Sub-No. 171), filed October 17, 1969. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities of Wilson & Co., Inc., located at or near Albert Lea, Minn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the above named plantsite and/or storage facilities and destined to the above named States. NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 426), filed October 15, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Todd County, Ky., to all points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority; however applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Bowling Green, Ky.

No. MC 106407 (Sub-No. 24) (Amendment), filed August 20, 1969, published in the FEDERAL REGISTER issue of September 25, 1969, and republished as amended, this issue. Applicant: T. E. MERCER TRUCKING CO., a corporation, 920 North Main, Post Office Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, III, Post Office Box 17007, Century Life Building, Fort Worth, Tex. 76101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, between points in Cooke County, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. This republication is for the purpose of reflecting Arkansas as a destination State. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 106943 (Sub-No. 102), filed October 6, 1969. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47801. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey within a 50-mile radius of Union, N.J. Restriction: No service to be performed between any two points both of which are located east of the Ohio-Pennsylvania State line. NOTE: Applicant states that the purpose of the instant application is to add an alternative gateway to the presently authorized Union, N.J., gateway (MC 106943 Sub-No. 65). Applicant further states that this application is for joinder only. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 107227 (Sub-No. 108), filed October 17, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled all terrain vehicles*, in truck-away service, from Reno, Nev., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107403 (Sub-No. 783), filed October 17, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oil*, in bulk, from Carnegie, Pa., to points in Alabama, Florida, Georgia, Maryland, Michigan, New York, North Carolina, Ohio, South Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 680), filed October 14, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Albert Lea, Minn., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the named plantsite and cold storage facilities and destined to the above named States. NOTE: Applicant states that it could tack with its authority in MC 107515 Sub 507 at Gatesville, N.C., to serve Virginia, but that tacking is not contemplated at this time. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 107515 (Sub-No. 681), filed October 16, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Unexposed photographic paper, unexposed photographic film, photographic chemicals*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in North Carolina, South Carolina, Tennessee, Florida, Mississippi, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New York, N.Y.

No. MC 108207 (Sub-No. 273), filed October 6, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Decriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766; (1) from Austin, Minn., to points in Louisiana, Texas, and Memphis, Tenn.; (2) from Mitchell and Huron, S. Dak., to points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas and Memphis, Tenn.; and (3) from Fort Dodge, Iowa, and Fremont, Nebr., to Memphis, Tenn.; restricted to traffic originating at plantsites and/or warehouse facilities of Geo. A. Hormel & Co., and destined to the States and points named above. NOTE: If a hearing is deemed necessary, applicants requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 111170 (Sub-No. 133), filed September 24, 1969. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*, in bulk, from El Dorado, Ark., to points in New Jersey and Mississippi, (2) *petroleum solvent extract*, from Tulsa and Cushing, Okla., to West Memphis, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111231 (Sub-No. 167), filed October 16 1969. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, corpses, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of Remington Arms Co., a subsidiary of E. I. du Pont de Nemours Co., near Lonoke, Ark., as an off-route point in connection with applicant's regular route authority in MC 111231. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 112822 (Sub-No. 129) (Correction), filed September 19, 1969, published in FEDERAL REGISTER issue October 9, 1969, and republished as corrected, this issue. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet, carpets, carpeting, yarn, floor covering, and padding*, and materials, supplies, and equipment used in the installation thereof, from points in Oklahoma to points in the United States (except Alaska and Hawaii) and (2) *materials and supplies and equipment* used in the manufacture of carpet, carpets, carpeting, yarn, floor covering, and padding, from points in the United States (except Alaska and Hawaii) to Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to show in part (2) to Oklahoma which was erroneously omitted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 112822 (Sub-No. 130), filed October 15, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Pine Bluff, Ark., to points in Oklahoma, Texas, Kansas, Missouri, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 132), filed October 20, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla 74023. Applicant's representative: Car' L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and closures therefor*, (1) from Okmulgee, Okla., to points in New Mexico, (2) from Sand Springs, Okla., to points in Idaho, Montana, Oregon, Utah, Washington, Wyoming, New Mexico, and those in Colorado on and east of U.S. Highway 87, and (3) from Sapulpa, Okla., to points in Idaho, Montana, Oregon, Utah, Washington, Wyoming, Texas, Colorado, and New Mexico. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 112963 (Sub-No. 16), filed October 13, 1969. Applicant: ROY BROS., INC., 764 Boston Road, Billerica, Mass. 01821. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, and in bulk, from Albany, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.; Concord, N.H.; or Albany, N.Y.

No. MC 113535 (Sub-No. 12), filed September 26, 1969. Applicant: A & W TRUCKING CO., INC., Rural Route No. 2, Box 370, Mosinee, Wis. 54455. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Mosinee, Green Bay, Nekoosa, Port Edwards, Appleton, Menasha, Columbus, and Plover, Wis., and Dubuque, Iowa, to points in Grant, Iowa, and points in Lafayette County, Wis., Jo Daviess and Carroll Counties, Ill.; points in Clayton, Delaware, Dubuque, Jones, Jackson, and Clinton Counties, Iowa (except Dubuque, Iowa). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 114334 (Sub-No. 19), filed October 13, 1969. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Memphis, Tenn., and points in Kentucky. NOTE: Applicant states it could tack with its pending Sub 18 within the Memphis commercial zone to provide a service from points on the Arkansas River in Arkansas to points in Kentucky. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115840 (Sub-No. 49), filed October 16, 1969. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel articles*, from points in Shelby County, Tenn., to points in North Carolina, South Carolina, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn., or Birmingham, Ala.

No. MC 116119 (Sub-No. 22), filed October 14, 1969. Applicant: John F. Harris, doing business as HOGAN'S TRANSFER & STORAGE COMPANY, 112 South Davis Avenue, Elkins, W. Va. 26241. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured milk and dairy products, honeys, syrups, dips, spreads, margarines, and oleomargarines*, in containers, between points in Pennsylvania, Ohio, West Virginia, Virginia, Maryland, and the District of Columbia, under a continuing contract with Elkins Baking Co., Inc., of Elkins, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 116273 (Sub-No. 120), filed October 16, 1969. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Napoleon, Mich., to points in Williams, Fulton, Henry, Defiance, Paulding, and Putnam Counties, Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 116414 (Sub-No. 6), filed September 8, 1969. Applicant: WILLIAM G. McGROSSEN, doing business as McGROSSEN CARTAGE COMPANY, 6550 West Forest Home Avenue, Milwaukee, Wis. 53220. Applicant's representative: Thomas J. Regan, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glue stock*, from Waukegan, Ill., to Oak Creek, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 116725 (Sub-No. 15), filed October 16, 1969. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, Box 626, 2207 Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Buffalo, N.Y., on the one hand, and, on the other, points in New York and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117212 (Sub-No. 6), filed October 7, 1969. Applicant: LEAMINGTON TRANSPORT (WESTERN) LIMITED, Box 188, Leamington, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Logansport, Ind., and cold storage facilities utilized at Lafayette, Ind., to the ports of entry on the international boundary line between the United States and Canada located at or near Noyes, Minn., Pembina, N. Dak., and Detroit, and Port Huron, Mich., restricted to traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above specified destination points for international movement. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117395 (Sub-No. 18), filed October 14, 1969. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, Ark. 71854. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler* (ground limestone), in bulk, in tank vehicles, from Okay Junction, Ark., to points in Louisiana in and north of the following parishes; Vernon, Rapides, La Salle, Catahoula, and Concordia, under a continuing contract with The Ideal Cement Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 118831 (Sub-No. 67), filed October 13, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, Uwharrie Road, High Point, N.C. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Sumner siding (Rowan County), N.C., to points in Georgia, North Carolina, South Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 118959 (Sub-No. 54), filed October 16, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and equipment materials, and supplies* used in the manufacture and processing of paper and paper products, except commodities in bulk, between Taylorville, Ill., and points in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kentucky, Massachusetts, Maryland, Mississippi, Minnesota, Louisiana, North Carolina, New Mexico, New York, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Washington, Wisconsin, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 125664, therefore duel operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 119302 (Sub-No. 5), filed October 16, 1969. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, Post Office Box 6077, Akron, Ohio 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnets and magnet laminations* for atomic research, between the plantsite of Valley Machine Co. at Martins Ferry, Ohio, on the one hand, and, on the other, points in the United States (except points in Alaska and Hawaii); under a continuing contract or contracts with Valley Machine Co. of Martins Ferry, Ohio. NOTE: Applicant holds common carrier authority under MC 87103, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Cleveland, Ohio, or Pittsburgh, Pa.

No. MC 119643 (Sub-No. 8), filed August 19, 1969. Applicant: RUSSELL TRUCKING COMPANY, INCORPORATED, 4923 Old Midlothian Pike, Richmond, Va. 23225. Applicant's representative: Donald R. Beverley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages* in nonreturnable glass and cans, from Braddock, Pa., to Alexandria, Bristol, Danville, Keysville, Marion, Newport News, Norton, Onancock, Portsmouth, Pulaski, Roanoke, Warrenton and Winchester, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlottesville or Richmond, Va.

No. MC 119777 (Sub-No. 165), filed October 10, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and/or fluid coolers and parts thereof, and lumber*, from points in San Joaquin County, Calif., to all points in the United States (except Alaska and Hawaii). NOTE: Common control and

dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 119974 (Sub-No. 28), filed October 20, 1969. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from Champaign, Ill., to points in that part of the Lower Peninsula of Michigan north of the northern boundary of Muskegon, Kent, Montcalm, Gratiot, Midland, Gladwin, Arenac, and Iosco Counties, Mich.; points in Iowa (except Ottumwa, Burlington, Keokuk, and points in thir commercial zones, and points in that portion of Iowa bounded by U.S. Highway 18 from Marquette to Garner on the north, U.S. Highway 69 from Garner to Des Moines on the west, and U.S. Highway 6 from Des Moines to Davenport on and south; points in Ohio, Kentucky, and Sharon, Pa., restricted to traffic originating at the plantsites and/or storage facilities of Kraftco at or near Champaign, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 120836 (Sub-No. 5), filed October 10, 1969. Applicant: BARTON LYMAN, doing business as LYMAN TRUCK LINE, Post Office Box 377, Blanding, Utah 84511. Applicant's representative: William S. Richards, 1605 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, and commodities requiring special equipment). Between Phoenix and Fredonia, Ariz., (1) from Phoenix over Arizona Highway 69 to Junction Arizona Highway 79, thence over Arizona Highway 79 (Interstate 17) to Flagstaff, thence over U.S. Highway 89 to Junction Alternate U.S. Highway 89 near Bitter Springs, Ariz., thence over Alternate U.S. Highway 89 to Fredonia, and return over the same route; (2) from Phoenix over U.S. 89 to Junction Alternate U.S. Highway 89, thence over Alternate U.S. Highway 89 to Flagstaff, thence over U.S. Highway 89 to Junction Alternate U.S. Highway 89 near Bitter Springs, Ariz., thence over Alternate U.S. Highway 89 to Fredonia, and return over the same route; and (3) from Phoenix over U.S. Highway 89 to Junction Alternate U.S. Highway 89 near Bitter Springs, Ariz., thence over Alternate U.S. Highway 89 to Fredonia, and return over the same route; (1), (2), (3) above serving Flagstaff as an intermediate point, and the off-route point of Tuba City. If a hearing is deemed necessary, Applicant requests it be held at Salt Lake City, Utah, or Phoenix, Ariz.

No. MC 123061 (Sub-No. 49), filed October 6, 1969. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, 315 East Second South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, (1) from points in Benton, Clatsop, Columbia, Lane, Linn, Marion, Polk, and Yamhill Counties, Oreg., to points in Idaho north of and including Nez Perce, Lewis, and Idaho Counties; (2) from points in Clackamas, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lincoln, Morrow, Multnomah, Sherman, Tillamook, Wallowa, Wasco, Washington, and Wheeler Counties, Oreg., to points in Utah and Idaho; (3) between points in Idaho on the one hand, and, on the other points in Montana and Washington, and (4) between points in Washington on the one hand, and, on the other, points in Montana and Oregon. NOTE: Applicant states that it will tack in Idaho to serve points in California, Montana, Utah, and Colorado. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 123061 (Sub-No. 50), filed October 13, 1969. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt (sodium chloride), salt cake, sodium sulphate and potassium sulphate*, in bulk or in bags (loose or on pallets); *magnesium chloride* in bulk, *magnesium chloride brine or bitterns*, from plant at Little Mountain, approximately 12 miles west of Ogden, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123067 (Sub-No. 97), filed October 8, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 123407 (Sub-No. 63), filed October 16, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive cement and materials, ingredients, and accessories* used in the installation thereof, from points in Wayne County, Mich., to points in Minnesota, Wisconsin, Illinois, Iowa, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 73), filed September 23, 1969. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, 6801 L Street, Omaha, Nebr. 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities involved) and *foodstuffs* except meats, meat products, meat byproducts and articles distributed by meat packinghouses, from the plantsite and/or warehouse facility of the Geo. A. Hormel & Co., Austin, Minn., to points in Virginia, West Virginia, those in Hertford County, N.C., and Sullivan County, Tenn., restricted to traffic originating at the plantsite and/or warehouse facility of Geo. A. Hormel & Co. and destined to the named points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124211 (Sub-No. 137), filed October 8, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over (A) Regular routes: *Plumbing fixtures, materials, and supplies, and accessories*, serving points in Knox County, Ill., and the plantsite and warehouses of William H. Harvey Co. at Omaha, Nebr., as intermediate and off-route points in connection with carrier's presently authorized regular route operations; (B) Irregular routes: (1) *Plumbing fixtures, materials, and supplies, and accessories*, from points in Columbiana County, Ohio, and Armstrong County, Pa., to points in the United States west of U.S. Highway 61, except Hawaii; (2) *Paint, and plumbing materials and supplies, and chemical compounds*, (a) from Omaha, Nebr., to points in the United States, except Hawaii; and, (b) from points in Kentucky, Missouri, and Texas, to Omaha, Nebr. Restriction: The authority sought herein, to the extent that it duplicates any authority heretofore granted to or now held by carrier, shall not be construed as conferring more than one operating right severable by sale or otherwise.

Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124341 (Sub-No. 3), filed September 28, 1969. Applicant: LAWRENCE LAWYER, 747 North Indiana Street, Mooresville, Ind. 46158. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale* (Haydite), in bulk, from Brooklyn, Ind., to points in Ill.; points in Michigan on and south of Interstate Highways 196 and 96; and points in Campbell, Kenton, Boone, Gallatin, Carroll, Trimble, Oldham, Jefferson, Bullitt, Meade, Breckinridge, Hancock, Daviess, and Henderson Counties, Ky. Restriction: Limited to a transportation service to be performed under a continuing contract or contracts with Hydraulic Press Brick Co. of Brooklyn, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124796 (Sub-No. 52), filed October 10, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air conditioning equipment, furnaces and water heaters, and parts and accessories for air conditioning equipment, furnaces and water heaters*, (a) from Tyler, Tex., to points in the United States (except Alaska and Hawaii); (b) from Industry, Calif., to points in Alabama, Georgia, Florida, Kentucky, South Carolina, North Carolina, West Virginia, Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New Jersey, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, and Maine; (2) *returned shipment and materials, supplies and equipment* used in the manufacture and distribution of *air conditioning equipment, furnaces and water heaters*, (a) from the destination points to the respective origin points specified in 1(a) and 1(b) above; and (3) *air filters, air cleaners or filtering machines* from Murray, Ky., to Morrison and Collierville, Tenn.; Syracuse, N.Y.; Indianapolis, Ind., and Industry, Calif., under contract with Carrier Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y., or Washington, D.C.

No. MC 125081 (Sub-No. 3), filed October 15, 1969. Applicant: EIDSON & USSERY, INC., Route No. 2, Marshall, Mo. 65340. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, from Hutchinson, Kans., to all plantsites, exchanges or other facilities of Missouri Farmers Association located in Missouri; (2) *twine*, from New Orleans, La., to all plantsites, exchanges or other facilities of Missouri Farmers Association located in Missouri; (3) *oyster shell*, from Houston, Tex., to all plantsites, exchanges, or other facilities of Missouri Farmers Association located in Saline, Buchanan, Boone, Carroll, Chariton, Howard, Cooper, Pettis, Johnson, and Lafayette Counties, Mo.; (4) *paper*, in rolls, from Pasadena and Houston, Tex., to all plantsites, exchanges or other facilities of Missouri Farmers Association located in Saline, Boone, Carroll, Chariton, Howard, Cooper, Pettis, Johnson, and Lafayette Counties Mo.; (5) *animal and poultry feeds*, from Kansas City, Kans., to points in Saline, Boone, Carroll, Chariton, Howard, Cooper, Pettis, Johnson, and Lafayette Counties, Mo.; and (6) *calcium*, from the site of Columbia Quarries, at or near Valmeyer, Ill., to points in Saline, Boone, Carroll, Chariton, Howard, Cooper, Pettis, Johnson, and Lafayette Counties, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Kansas City, or St. Louis, Mo.

No. MC 126222 (Sub-No. 10) (Correction), filed October 6, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, and republished as corrected this issue. Applicant: JOSEPH A. SIEFERT AND JOSEPH J. SIEFERT, a partnership, doing business as SIEFERT BROS. TRUCKING CO., Post Office Box 310, Du Quoin, Ill. 62832. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bar stools*, from the plantsite of Turco Manufacturing Co., at Du Quoin, Ill., to points in the United States (except Alaska and Hawaii), under contract with Turco Manufacturing Co. NOTE: This republication is for the purpose of reflecting *Siefert Bros. Trucking Co.*, as the trade name. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 126899 (Sub-No. 38), filed October 9, 1969. Applicant: USHER TRANSPORT, INC., 3925 Benton Road, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material* when shipped in connection with malt beverages; return movement, *returned empty malt beverage containers* (used) used in transporting malt beverages, (1) from La Crosse and Sheboygan, Wis., to Milwaukee, Wis., on shipments having immediate prior or subsequent movement by rail; (2) from La Crosse and Sheboygan, Wis., to points in Ohio, Indiana, and the Lower Peninsula of Michigan; and (3) from Newport, Ky., to points in the Lower Peninsula of Michigan, Pennsylvania, New York, and North Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at La Crosse, Wis.

No. MC 128007 (Sub-No. 21), filed October 2, 1969. Applicant: HOFER, INC., 4032 Parkview Drive, Post Office Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic fabrications*, from the plantsite of Polytron, Inc., located in Barton County, Mo., to points in the United States (except Alaska and Hawaii); (2) *material and supplies* used in plastic fabrications, from points in the United States (except Alaska and Hawaii), to the plantsite of Polytron, Inc., located in Barton County, Mo.; and (3) *oil well sealing mixture*, from the plantsite and storage facilities of Gravette Shelling Co., Inc., at Gravette, Ark., to points in Louisiana, Oklahoma, Texas, New Mexico, Mississippi, Alabama, Kansas, Colorado, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 128722 (Sub-No. 1) filed October 9, 1969. Applicant: STANDARD CARTAGE CO., INC., 86–70 Francis Lewis Boulevard, Hollis, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Humidifiers, lawn sprinklers, garden tools, garden implements and parts thereof, and materials, supplies, equipment and machinery* used in the manufacture and shipping of above articles, between Moonachie, N.J., on the one hand, and on the other, points in New York, Pennsylvania, Connecticut, and Massachusetts, under contract with Melnor Industries, Division of Beatrice Foods Co., and/or Walton Division of Melnor Industries. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 128939 (Sub-No. 7), filed September 29, 1969. Applicant: AYRCO CORPORATION, 3921 Imlay Street, Toledo, Ohio 43612. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from the plantsites of the G. Heileman Brewing Co. located at Sheboygan, and La Crosse, Wis., and Newport, Ky., to Toledo, Ohio; and *empty containers, rejected or damaged merchandise*, on return, under contract with Seaway Beverage Co. NOTE: Applicant states it presently holds authority in MC 128939 (Sub-No. 2) which duplicates in part authority requested herein. If a hearing

is deemed necessary, applicant requests it be held at Toledo, Ohio, or Chicago, Ill.

No. MC 129080 (Sub-No. 1), filed October 15, 1969. Applicant: CHARLES CORBISHLEY, doing business as QUICKWAY, 99 Union Road, Spring Valley, N.Y. 10977. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dresses* on hangers, and *such commodities* as are dealt in or used by chain grocery or department stores, from Paramus and Mahwah, N.J., to Burlington, Vt., Plattsburgh and Albany, N.Y., and Westchester and Sunbury, Pa., and (2) *surplus and damaged merchandise*, from Burlington, Vt., Plattsburgh and Albany, N.Y., and Westchester and Sunbury, Pa., to Paramus and Mahwah, N.J., under contract with Grand Union Co., East Paterson, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133631 (Sub-No. 2), filed October 6, 1969. Applicant: AAA DELIVERY SYSTEM, INC., Post Office Box 1148, Flint, Mich. 48501. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint test samples, color panels, and communication media* (orders, reports, business forms, memorandum, etc.), (1) between Toledo, Ohio, on the one hand, and, on the other, Detroit, Pontiac, and Flint, Mich., and (2) between Flint, Mich., on the one hand, and, on the other, Detroit, Mich., and Toledo, Ohio, under contract with E. I. du Pont de Nemours & Co., restricted to transportation between plants and facilities of E. I. du Pont de Nemours & Co.; and transportation between said Du Pont plants and facilities, on the one hand, and, on the other, Detroit Metropolitan Airport. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 133722 (Sub-No. 2), filed October 9, 1969. Applicant: PAUL LAWRENCE DRUMMOND, Rural Delivery, Parksley, Va. 23421. Applicant's representative: Alfred Lynch, c/o Perdue Foods, Inc., Box 1537, Salisbury, Md. 21801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, from points in Northampton and Accomack Counties, Va., to Perdue Foods, Inc., Salisbury, Md., and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury, Md.

No. MC 133930 (Sub-No. 1), filed September 19, 1969. Applicant: GENE PIKE AND KIRK PIKE, a partnership, doing business as PIKE & SONS MOVERS, 418 South Spring Street, Lexington, Ky. 40508. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kentucky in and east of Trimble, Henry, Shelby, Anderson, Washington, Boyle, Lincoln, Pulaski, and McCreary Counties, Ky., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 133939 (Sub-No. 2), filed October 14, 1969. Applicant: IMPERIAL AIR FREIGHT SERVICE, INC., 151 Oliver Street, Newark, N.J. 07105. Applicant's representative: Charles E. Creager, Suite 1609, 11215 Oak Leaf Drive, Silver Spring, Md. 20901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, commodities in bulk, and those requiring special equipment, between John F. Kennedy Airport, Jamaica, N.Y., La Guardia Airport, Flushing, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, points in Orange County, N.Y., restricted to shipments having prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134080, filed September 15, 1969. Applicant: CERTIFIED HEATING OILS, INC., 2970 Amboy Road, Staten Island, N.Y. 10306. Applicant's representative: Silvio P. Marraccini, 2803 Hylan Boulevard, Staten Island, N.Y. 10306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline fuel oils* in tank vehicles, from Staten Island, N.Y., to Carteret, Newark, Port Reading, and Elizabeth, N.J., and return, under contract with Major's Department Store, Staten Island, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134101, filed October 13, 1969. Applicant: EMPIRE WAREHOUSE COMPANY, a corporation, doing business as EMPIRE MOVING & STORAGE CO., 9201 Empire Avenue, El Paso, Tex. 79925. Applicant's representative: Richard B. Perrenot, 525 Southwest National Bank Building, El Paso, Tex. 79901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Interstate Commerce Commission, between points in El Paso, Hudspeth, and Culberson Counties, Tex., and Dona Ana and Otero Counties, N. Mex., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at El Paso or Fort Worth, Tex.; or Albuquerque, N. Mex.

No. MC 134103, filed October 13, 1969. Applicant: GARAFALO & SONS, INC., 142–144 21st Street, Brooklyn, N.Y. 11232. Applicant's representative: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ships stores*, between points in the New York, N.Y., commercial zone on the one hand, and, on the other, Bayonne, Bayway, Carteret, Port Reading, Woodbridge, Perth Amboy, South Amboy, Trenton, Bellmawr, Paulsboro, and Camden, N.J.; Palmyra, Philadelphia, Marcus Hook, and Chester, Pa.; and (2) *Machinery and parts thereof*, between points in the New York, N.Y., commercial zone on the one hand, and on the other, points in Warren, Essex, Hudson, Passaic, and Union Counties, N.J.; restricted to shipments having a prior or subsequent movement by water in foreign commerce. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134112, filed October 17, 1969. Applicant: ALLEN & SPITTLER, INC., 3204 South 121st Street, Omaha, Nebr. 68144. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, skins, switches, or tails, and pieces thereof*, (a) from Denison, Iowa, to the plantsite and warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr.; and (b) from the plantsite and warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., to points in the United States in, east and north of Michigan, Ohio, West Virgina, and Virginia, and to points in Wisconsin, and Chicago, Ill.; New Orleans, La., and San Francisco, Calif.; and (2) *such commodities* as are used by or dealt in by processors and distributors of commodities named in (1) above, (a) from destinations named in "(1)(b)" above, to the plantsite of warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., and, (b) from the plantsite or warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., to Hackettstown, N.J. Restriction: The authority sought herein is to be restricted to transportation services to be performed, under a continuing contract, or contracts with Lackawanna of Omaha, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

MOTOR CARRIERS OF PASSENGERS

No. MC 3677 (Sub-No. 49), filed October 9, 1969. Applicant: W.M.A. TRANSIT COMPANY, a corporation, 4421 Southern Avenue SE., Washington, D.C. 20019. Applicant's representative: Woodrow W. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers, express, and mail* in the same vehicle with passengers, (1) between Washington, D.C., and Friendship Airport, near Baltimore, Md., from Washington over Interstate Highway 95 to junction Maryland Route 176 thence over Maryland Route 176, to National Security Building at Friendship Airport, and return over the same route, serving no intermediate points, and (2) between junction Interstate Highway 95 and Maryland Highway 197, and junction Maryland Highway 32 and Interstate Highway 95, from junction Interstate Highway 95 and Maryland Highway 197 over Maryland Highway 197 to Laurel, thence over Maryland Highway 198 to Fort Meade, thence over Maryland Highway 32 to junction Interstate Highway 95, and return over the same route, serving no intermediate points on Interstate Highway 95, and serving all intermediate points on Highways 197, 198, and 32. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123916 (Sub-No. 14), filed October 14, 1969. Applicant: GROVE CITY BUS LINES, INC., Rural Delivery No. 4, Grove City, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, in the same vehicle with passengers*, (1) between Warren and Ravenna, Ohio, over Ohio Highway 5, and return over the same route, serving all intermediate points and (2) between Warren and Aurora, Ohio, from Warren over Ohio Highway 5 to its intersection with Ohio Highway 82 to Aurora, and return over the same route serving all intermediate points. NOTE: Applicant states the authority sought herein will be conducted in conjunction with existing authority held by the applicant to engage in regular route service. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130047 (Sub-No. 1) (Correction), filed August 18, 1969, published in FEDERAL REGISTER issue of September 24, 1969, and republished as corrected this issue. Applicant: SOL ZELLER TOURS, INC., 820 Ocean Parkway, Brooklyn, N.Y. 11230. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. For a license (BMC–5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and charter groups, between points in the United States. NOTE: The purpose of this republication is to show applicant intends to act as a broker at New York, N.Y., in lieu of Brooklyn, N.Y., as previously published.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 531 (Sub-No. 257), filed September 2, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease* in bulk, in tank vehicles, from the plantsite of International Lubricant Co., New Orleans, La., to points in Alabama, Michigan, Ohio, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 133928 (Sub-No. 1), filed October 16, 1969. Applicant: ANTHONY H. OSTERKAMP, JR., doing business as OSTERKAMP TRUCKING, 764 North Cypress Street, Orange, Calif. 92666. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials, and materials and supplies* used in the manufacture, installation or distrbiution thereof, from the plantsite of the United States Gypsum Co. at or near Plaster City, Calif., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington under a continuing contract with the United States Gypsum Co.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–13188; Filed, Nov. 5, 1969; 8:45 a.m.]

[Notice 440]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71474. By order of October 29, 1969, the Motor Carrier Board approved the transfer to Amadel, Inc., New York, N.Y., of a portion of certificate No. MC–109186 issued November 22, 1950, to New York & Worcester Express, Inc., Carlstadt, N.J., authorizing the transportation of: General commodities, with the usual exceptions, between New York, N.Y., and points in specified counties in New Jersey, in a radial movement. Arthur J. Piken, 160 Jamaica Avenue, Jamaica, N.Y. 11432, and Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005, attorneys for applicants.

No. MC–FC–71680. By order of October 29, 1969, the Motor Carrier Board approved the transfer to Dick's Auto Express, Inc., Syracuse, N.Y., of the certificate and certificate of registration in Nos. MC–17825 and MC–17825 (Sub-No. 2) issued March 20, 1957, and February 28, 1964, respectively, to Fred's Express, Inc., Syracuse, N.Y., authorizing the transportation of general commodities, with usual exceptions, between Syracuse, N.Y., and Norwich, N.Y., serving all intermediate points; and between Syracuse, N.Y., and Williamson, N.Y., serving all intermediate points, and evidencing a right to engage in transportation corresponding to rights granted by the New York Public Service Commission in certificate No. 2902 dated February 18, 1957. Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–13248; Filed, Nov. 5, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

RAJAC INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 31, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc., a New York corporation, and all other securities of Rajac Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 3, 1969, through November 12, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13227; Filed, Nov. 5, 1969; 8:46 a.m.]

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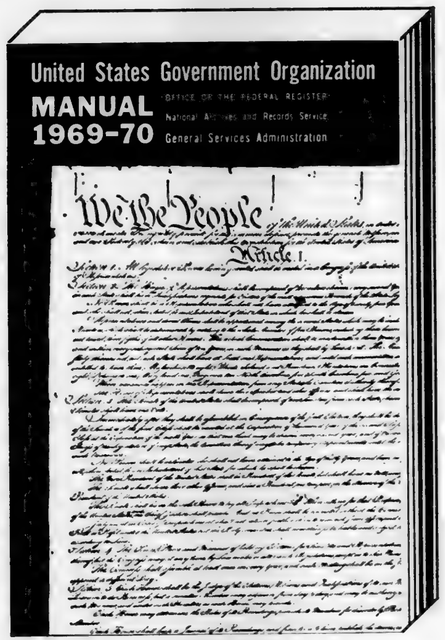
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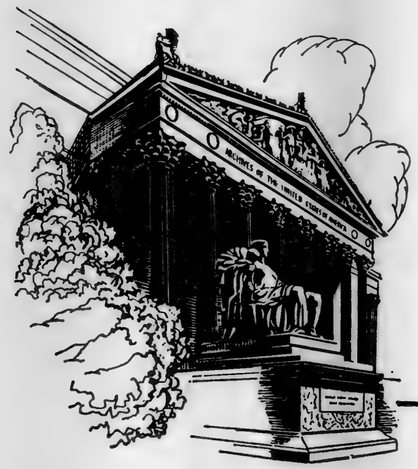
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PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

REGULATED AREAS

Under the authority of § 301.48–2 of the Japanese Beetle Quarantine regulations, 7 CFR 301.48–2, as amended, 33 F.R. 11888, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.48–2a as follows:

§ 301.48–2a Regulated areas; suppressive and generally infested areas.

The civil divisions, and parts of civil divisions, described below, are designated as Japanese beetle regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

CONNECTICUT

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None

DELAWARE

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

DISTRICT OF COLUMBIA

(1) *Generally infested area.* The entire District.

(2) *Suppressive area.* None.

GEORGIA

(1) *Generally infested area.*

Banks County. The entire county.

Barrow County. That portion of the county lying within Georgia Militia Districts 1744, 243, and 1743, and that portion of Georgia Militia Districts 1740 and 316 lying north of U.S. Highway 29, including the cities of Auburn and Carl.

Cherokee County. Georgia Militia Districts 1031, 1000, 818, 1174, 1010, and 1015.

Clayton County. Georgia Militia Districts 548, 1189, 1406, 1446, 1644, and 1088.

Cobb County. That portion of the county lying south of State Highway 120, including all the area within the corporate limits of the city of Marietta, and that portion of Georgia Militia Districts 1319, 1679, and 897 lying north of State Highway 120.

Dawson County. The entire county.

De Kalb County. That portion of the county bounded by a line beginning at a point where the Fulton-Gwinnett-De Kalb County lines intersect and extending southeast along the De Kalb-Gwinnett County line to the junction of said line and Interstate Highway 85, thence southwest along Interstate Highway 85 to its intersection with Interstate Highway 285, thence south and west along Interstate Highway 285 to its intersection with the De Kalb-Fulton County line, thence north and east along said line to the point of beginning; and that portion of Georgia Militia District 1342 lying south of Interstate Highway 285.

Fannin County. Georgia Militia Districts 1027, 1242, 1488, and 1308, and that portion of Georgia Militia District 913 lying east of State Highway 60, including the city of Morgantown.

Fayette County. That portion of the county lying within Georgia Militia Districts 1248, 709, and 1262, and that portion of Georgia Militia District 496 lying north of State Highway 54, including the city of Fayetteville.

Forsyth County. The entire county.

Franklin County. Georgia Militia Districts 211, 812, and 212, and that portion of Georgia Militia Districts 1686, 263, and 264 lying north of State Highway 59, including the city of Carnesville.

Fulton County. The entire county, excluding Georgia Militia Districts 1165, 757, and 652.

Gilmer County. Georgia Militia Districts 864, 932, 1355, 1498, and 1091.

Gwinnett County. That portion of the county lying within Georgia Militia Districts 406, 560, 1263, 1604, 1587, 1749, 1397, and that portion of 444 north of State Highway 124.

Habersham County. The entire county.

Hall County. The entire county.

Jackson County. That portion of the county lying north of Interstate Highway 85 and that portion of Georgia Militia District 1765 lying south of Interstate Highway 85.

Lumpkin County. The entire county.

Madison County. That portion of the county lying within Georgia Militia District 262.

Pickens County. That portion of the county lying east of State Highway 5, including the city of Jasper; and that portion of Georgia Militia Districts 1129 and 1492 west of State Highway 5.

Rabun County. The entire county.

Richmond County. That portion of the county lying north of Butler Creek and that area lying north of Spirit Creek between the Savannah River and State Highway 56.

Stephens County. The entire county.

Towns County. The entire county.

Union County. Georgia Militia Districts 994, 995, 1241, and 834.

White County. The entire county.

(2) *Suppressive area.*

Spalding County. That portion of the county lying within the corporate limits of the city of Griffin.

ILLINOIS

(1) *Generally infested area.*

Coles County. Secs. 1, 2, 3, and the portions of secs. 11 and 12 located outside the city limits of Mattoon, T. 12 N., R. 7 E.; secs. 25, 34, 35, and 36, T. 13 N., R. 7 E.; sec. 6, T. 12 N., R. 8 E.; secs. 30 and 31, T. 13 N., R. 8 E.; secs. 2, 3, and that portion of sec. 11 outside the city limits of Charleston, T. 12 N., R. 9 E.; and secs. 34 and 35, T. 13 N., R. 9 E.

Cook County. That portion of the city of Chicago and vicinity bounded by a line beginning at a point where First Avenue (State Highway 171) intersects with Cermak Road; thence east along Cermak Road to South Halsted Street; thence south on South Halsted Street to its intersection with West 31st Street; thence east along West 31st Street and East 31st Street to the point where an extension of 31st Street would intersect the Lake Michigan shoreline; thence southeastward along the Lake Michigan shoreline to its intersection with East 79th Street; thence west on East 79th Street to its intersection with Commercial Avenue; thence south along Commercial Avenue and its extension to the intersection with East 95th Street; thence west along East 95th Street to its intersection with Stoney Island Avenue; thence south along Stoney Island Avenue to its intersection with the Calumet Expressway (Interstate 94); thence generally south along Calumet Expressway (Interstate 94) to its intersection with 167th Street (in some instances, this street is known as 170th Street); thence west along 167th Street and its extensions to its intersection with Cicero Avenue (State Highway 50); thence north along Cicero Avenue (State Highway 50) to its intersection with Tri-State Tollway (Interstate 294); thence in a northwesterly direction along Tri-State Tollway (Interstate 294) to its intersection with La Grange Road (Highway U.S. 45); thence northwest and north along La Grange Road (Highway U.S. 45) to its intersection with Joliet Road (Highway U.S. 66); thence northeast on Joliet Road (Highway U.S. 66) to its intersection with First Avenue (State Highway 171); thence north on First Avenue (State Highway 171) to the point of beginning.

Iroquois County. That portion of the county lying east of State Highway 49.

La Salle County. Secs. 13, 14, 23, 24, 25 26, 35, and 36, T. 31 N., R. 3 E.; and secs. 18, 19, 30, and 31, T. 31 N., R. 4. E.

(2) *Suppressive area.*

Madison County. T. 3 N., R. 9 W., including the cities of Granite City, Madison, and Venice; and T. 3 N., R. 10 W.

St. Clair County. That portion of the county lying north of U.S. Highway 40; and that area bounded on the west by Kings Highway (Illinois No. 111), on the south by Bunkum Road, on the east by Black Lane Road, and on the north by the Madison-St. Clair County line.

INDIANA

(1) *Generally infested area.*

Allen County. The entire county.

Benton County. The entire county.

Boone County. The entire county.

Carroll County. The entire county.

Cass County. The entire county.

Clark County. That portion of the county bounded by a line beginning at a point where State Highway 62 intersects the Floyd-Clark County line; thence extending northeastward along said highway to the point where it junctions with State Highway 131; thence northeastward along said highway to the point where it intersects Interstate Highway I–65; thence continuing in a northeastward direction along the bituminous surfaced road located on the northern boundary of secs. 20 and 21 to the point where it junctions with Allison Lane; thence southeastward along said lane to the Ohio River; thence westward along the Ohio River to the point where it intersects the Floyd-Clark County line; thence north along said line to the point of beginning.

Clinton County. The entire county.

Daviess County. Secs. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 3 N., R. 7 W.; and secs. 1, 2, 3, 4, 5, and 6, T. 2 N., R. 7 W.

De Kalb County. The entire county.

Elkhart County. The entire county.

Fulton County. The entire county.
Huntington County. The entire county.
Jasper County. The entire county.
Kosciusko County. The entire county.
Lagrange County. The entire county.
Lake County. The entire county.
La Porte County. The entire county.
Lawrence County. T. 4 N., R. 2 W.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, T. 3 N., R. 2 W.
Marion County. The entire county.
Marshall County. The entire county.
Martin County. The entire county.
Miami County. The entire county.
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Newton County. The entire county.
Noble County. The entire county.
Orange County. Secs. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 3 N., R. 2 W.
Porter County. The entire county.
Pulaski County. The entire county.
Putnam County. Secs. 4, 5, 6, 7, 8, 9, T. 16 N., R. 3 W.; secs. 1, 2, 3, 10, 11, and 12, T. 16 N., R. 4 W.
St. Joseph County. The entire county.
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Steuben County. The entire county.
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Vanderburgh County. The entire county.
Vigo County. The entire county.
Wabash County. The entire county.
Wayne County. The entire county.
Wells County. The entire county.
White County. The entire county.
Whitley County. The entire county.
(2) *Suppressive area*.
Jefferson County. Secs. 12, 13, 24, and 25, T. 3 N., R. 9 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, and 30, T. 2 N., R. 10 E.; secs. 2, 3, 4, 5, 6, 7, 8, 18, 19, 30, 31, and 32, T. 3 N., R. 10 E.; and secs. 32, 33, 34, and 35, T. 4 N., R. 10 E.
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KENTUCKY

(1) *Generally infested area*.
Bath County. The entire county.
Bell County. The entire county.
Boone County. The entire county.
Boyd County. The entire county.
Campbell County. The entire county.
Carroll County. The entire county.
Carter County. The entire county.
Clay County. The entire county.
Elliott County. The entire county.
Estill County. The entire county.
Fleming County. The entire county.
Floyd County. The entire county.
Gallatin County. That portion of the county bounded by a line beginning at the intersection of the Carroll-Gallatin County line and the Ohio River; thence east along the Ohio River to a point where the extension of County Road 184 meets the Ohio River; thence south along the extension of County Road 184 and County Road 184 to its intersection with the Carroll-Gallatin County line; thence north along the Carroll-Gallatin County line to the point of beginning.
Grant County. The entire county.
Greenup County. The entire county.
Harlan County. The entire county.
Jefferson County. That portion of the county bounded by a line beginning at the Sherman Milton Bridge over the Ohio River; thence extending northeast along the Ohio River to a point opposite Blankenbaker Lane; thence south on Blankenbaker Lane to Interstate Highway 71; thence east on Interstate Highway 71 to the Henry Watterson Expressway; thence south on Henry Watterson Expressway to Breckenridge Lane; thence south on Breckenridge Lane to Taylorsville Road; thence east on Taylorsville Road to Hunsinger Lane; thence south on Hunsinger Lane to Fredericks Lane; thence south on Fredericks Lane to Bardstown Road; thence southeast on Bardstown Road to the Jefferson-Bullitt County line; thence west on the Jefferson County line to Pendleton Road; thence northwest on Pendleton Road to Dixie Highway; thence southwest on the Dixie Highway to Watson Lane; thence northwest on Watson Lane and its extension to the Ohio River; and thence northeast up the river to the point of beginning at the Sherman Milton Bridge.
Johnson County. The entire county.
Kenton County. The entire county.
Knott County. The entire county.
Knox County. The entire county.
Laurel County. The entire county.
Lawrence County. The entire county.
Leslie County. The entire county.
Letcher County. The entire county.
Lewis County. The entire county.
Martin County. The entire county.
Mason County. The entire county.
Menifee County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Powell County. The entire county.
Rowan County. The entire county.
Whitley County. The entire county.
(2) *Suppressive area*. None.

MAINE

(1) *Generally infested area*.
Androscoggin County. The entire county.
Cumberland County. The entire county.
Kennebec County. The entire county.
Lincoln County. The entire county.
Oxford County. The entire county.
Sagadahoc County. The entire county.
York County. The entire county.
(2) *Suppressive area*. None.

MARYLAND

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

MASSACHUSETTS

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

MICHIGAN

(1) *Generally infested area*.
Barry County. Johnstown Township, secs. 25, 26, 35, and 36.
Calhoun County. The city of Battle Creek and the townships of Pennfield, Bedford, Battle Creek, and Emmett; in Leroy Township, secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 28, 29, 32, and 33; in Newton Township, secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 30; in Fredonia Township, secs. 6 and 7; in Marshall Township, secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33; in Convis Township, secs. 19, 30, 31, 32, 33, 34, and 35.
Kalamazoo County. Ross Township, secs. 1, 12, 13, 14, 23, 24, 25, 26, 27, 34, 35, and 36; in Charleston Township, secs. 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36; in Climax Township, secs. 1, 2, 3, 11, and 12.
Lenawee County. Secs. 25 and 36, T. 8 S., R. 4 E.; sec. 1, T. 9 S., R. 4 E.; secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 8 S., R. 5 E.; secs. 1, 2, 3, 4, 5, and 6, T. 9 S., R. 5 E.
Monroe County. Secs. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 6 S., R. 6 E.; secs. 1, 2, 3, 4, 5, and 6, T. 9 S., R. 6 E.; secs. 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 8 S., R. 7 E.; secs. 1, 2, 3, 4, 5, and 6, T. 9 S., R. 7 E.
(2) *Suppressive area*. None.

NEW HAMPSHIRE

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

NEW JERSEY

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

NEW YORK

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

NORTH CAROLINA

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

OHIO

(1) *Generally infested area*.
Adams County. The entire county.
Ashland County. The entire county.
Ashtabula County. The entire county.
Athens County. The entire county.
Belmont County. The entire county.
Brown County. The entire county.
Butler County. The townships of Fairfield, Hanover, Liberty, Morgan, Reily, Ross, St. Clair, and Union; and cities of Fairfield and Hamilton.
Carroll County. The entire county.
Clermont County. The entire county.
Columbiana County. The entire county.
Coshocton County. The entire county.
Crawford County. The townships of Auburn, Chatfield, Cranberry, Jackson, Jefferson, Liberty, Polk, Sandusky, Vernon, and Whetstone; and the cities of Bucyrus, Crestline, and Galion.
Cuyahoga County. The entire county.
Erie County. The entire county.
Fairfield County. The townships of Berne, Greenfield, Hocking, Liberty, Madison, Pleasant, Richland, Rush Creek, and Walnut; and the city of Lancaster.
Franklin County. The townships of Blendon, Clinton, Jefferson, Mifflin, Plain, Sharon, and Truro; and the cities of Bexley, Columbus, Grandview Heights, Marble Cliff, Reynoldsburg, Upper Arlington, Westerville, Whitehall, and Worthington.
Fulton County. The townships of Amboy and Fulton.
Gallia County. The entire county.
Geauga County. The entire county.
Guernsey County. The entire county.
Hamilton County. The entire county.
Hancock County. The township of Washington; and the city of Fostoria.
Harrison County. The entire county.
Hocking County. The entire county.
Holmes County. The entire county.
Huron County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Knox County. The entire county.
Lake County. The entire county.
Lawrence County. The entire county.
Licking County. The entire county.
Lorain County. The entire county.
Lucas County. The townships of Adams, Harding, Monclova, Oregon, Ottawa Hills, Providence, Richfield, Spencer, Springfield, Swanton, Sylvania, Washington, and Waterville; and the cities of Maumee, Oregon, Sylvania, and Toledo.
Mahoning County. The entire county.
Marion County. The townships of Big Island, Claridon, Marion, and Tully; and the city of Marion.
Medina County. The entire county.
Meigs County. The entire county.
Monroe County. The entire county.

Morgan County. The entire county.
Muskingum County. The entire county.
Noble County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Portage County. The entire county.
Preble County. The township of Jefferson.
Richland County. The entire county.
Ross County. The townships of Colerain, Franklin, Green, Harrison, Huntington, Jefferson, Liberty, Paxton, Scioto, Springfield, and Twin; and the city of Chillicothe.
Sandusky County. The city of Bellevue.
Seneca County. The townships of Jackson and Louden; and the city of Fostoria.
Scioto County. The entire county.
Stark County. The entire county.
Summit County. The entire county.
Trumbull County. The entire county.
Tuscarawas County. The entire county.
Vinton County. The entire county.
Warren County. The townships of Deerfield, Hamilton, Harlan, Salem, and Union; and the city of Loveland.
Washington County. The entire county.
Wayne County. The entire county.
Wood County. The townships of Lake, Perry, Perrysburg, Ross, and Rossford; and the cities of Fostoria and Perrysburg.
(2) *Suppressive area*. None.

PENNSYLVANIA

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

RHODE ISLAND

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

SOUTH CAROLINA

(1) *Generally infested area*.
Aiken County. The entire county.
Cherokee County. The entire county.
Dillon County. The entire county.
Florence County. The entire county.
Greenville County. The entire county.
Horry County. That portion of the county bounded by a line beginning at a point where State Secondary Highway 215 junctions with Bryant Road, thence extending northeast along said road to its intersection with 29th Avenue extension, thence southeast along said extension to its junction with the corporate limits of the city of Myrtle Beach, thence in a westerly direction along said corporate limits to its intersection with State Secondary Highway 215, thence north along said highway to the point of beginning.
Lancaster County. That area bounded by a line beginning at a point where State Primary Highway 9 (Business) junctions with U.S. Highway 521 (Business) and State Primary Highway 200, said junction being approximately 1 mile southeast of the intersection of State Primary Highway 9 (Bypass) and U.S. Highway 521, thence extending south and southwest along State Primary Highway 200 to its junction with State Primary Highway 914 and State Secondary Highway 25, thence northwest along State Primary Highway 914 to its junction with State Primary Highway 9 (Business), thence northeast along said highway to the point of beginning.
Lexington County. The entire county.
Marion County. The entire county.
Marlboro County. The entire county.
McCormick County. The entire county.
Oconee County. The entire county.
Pickens County. The entire county.
Richland County. The entire county.
Spartanburg County. The entire county.
(2) *Suppressive area*. None.

TENNESSEE

(1) *Generally infested area*.
Carter County. That portion of the county bounded by a line beginning at the intersection of Walnut Mountain Road and the south shoreline of Watauga Lake; thence extending in an easterly direction along the shoreline of Watauga Lake to its intersection with the Carter-Johnson County line and extending southeast along said line to the Tennessee-North Carolina State line; thence southwest along said State line to its intersection with Walnut Mountain Road; thence northwest along Walnut Mountain Road to the point of beginning.
Johnson County. The entire county.
Loudon County. The entire county except the southeast corner lying east of the Little Tennessee River and lying south of Federal Aid Secondary Road 2423.
Roane County. That portion of the county bounded by a line beginning at the intersection of U.S. Highway 70 and Federal Aid Secondary Road 2555; thence easterly along U.S. Highway 70 to the Roane-Loudon County line; thence south along said line to its intersection with the Tennessee River; thence in a westerly direction along the north shoreline of said river to its intersection with Wolf Creek; thence north along said creek to its intersection with Federal Aid Secondary Road 2555; thence north along said road to the point of beginning.
Sullivan County. That portion of the county bounded by a line beginning at the intersection of the Tennessee-Virginia State line and the western city limits of Bristol; thence easterly along said State line to its intersection with the Sullivan-Johnson County line; thence southwesterly along said county line to its intersection with the Right Prong Hatcher Creek; thence northwesterly along said creek to its intersection with Federal Aid Secondary Road 2373; thence westerly and northerly along said road to its intersetcion with the Bristol City limits; thence westerly and north along said city limits to the point of beginning.
That portion of the county lying within the incorporated city boundary and the unincorporated urban boundary of the city of Kingsport.
Washington County. That portion of the county lying within the incorporated city boundary and the unincorporated urban boundary of the city of Johnson City.
(2) *Suppressive area*. None.

VERMONT

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

VIRGINIA

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

WEST VIRGINIA

(1) *Generally infested area*. The entire State.
(2) *Suppressive area*. None.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.48–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede 7 CFR 301.48–2a, effective December 28, 1968.

The Director of the Plant Pest Control Division has determined that infestations of the Japanese beetle exist or are likely to exist in the civil divisions and parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities.

The Director has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the Japanese beetle. Therefore, such civil divisions and parts of civil divisions listed above, are designated as Japanese beetle regulated areas.

The purpose of this revision is to add to the regulated areas all or parts of the following counties: Barrow, Fayette, Jackson, and Madison in Georgia; Jefferson, Orange, and Switzerland in Indiana; Clay, Gallatin, and Powell in Kentucky; Hancock and Seneca in Ohio; and Loudon, Roane, Sullivan, and Washington in Tennessee. It also extends the regulated areas in some previously regulated counties.

This document imposes restrictions that are necessary in order to prevent the dissemination of Japanese beetles and should be made effective promptly to accomplish its purposes in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 3d day of November 1969.

D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 69–13300; Filed, Nov. 6, 1969; 8:48 a.m.]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports (7 CFR 354.1), effective July 13, 1969 (34 F.R. 11548), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, April 19, 1968, July 25, 1968, December 14, 1968, February 19, 1969, June 6, 1969, July 12, 1969, August 14, 1969, and October 9,

1969 (32 F.R. 11981, 33 F.R. 2757, 5987, 10561, 18580, 34 F.R. 2351, 9025, 11547, 13148, 15636), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to and deleting from the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Baytown, Tex. (served from Houston, Tex.).

THREE HOURS

Delete: Baytown, Tex. (served from Houston, Tex.).

FOUR HOURS

Add: Arecibo, P.R. (served from San Juan, P.R.).

* * * * *

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 3d day of November 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-13299; Filed, Nov. 6, 1969; 8:48 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR POTATO CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13651), which were designated for potato crop insurance for the 1970 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

CALIFORNIA

Modoc.

IDAHO

Bannock.	Jefferson.
Bingham.	Minidoka.
Bonneville.	Owyhee.
Canyon.	Power.
Cassia.	Twin Falls.

OREGON

Jefferson.	Malheur.
Klamath.	

WASHINGTON

Adams.	Grant.
Franklin.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69-13268; Filed, Nov. 6, 1969; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 847.2, Rev., Supp. 15]

PART 847—PUERTO RICO

Approved Local Producing Areas for 1968–69 Crop

Pursuant to the provisions of S.D. 847.2, as revised (27 F.R. 6080), the following determination is hereby issued:

§ 847.17 Approved local producing areas in Puerto Rico.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1968–69 sugarcane crop in Puerto Rico, the Director of the Caribbean Area Agricultural Stabilization and Conservation Service Office, has determined with respect to the local producing areas listed herein, that, due to flood, the actual yields of commercially recoverable sugar for the 1968–69 crop year from 10 percent or more of the total number of farms or part of farms; or from 10 percent or more of the total planted acreage of sugarcane in each such local producing area were below 80 percent of the applicable farm normal yields:

Single wards. Wards Cidra, Corcovada, Miraflores, and Playa, of the municipality of Anasco; and Ward Quebrada Vueltas, of the municipality of Fajardo.

STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a farm in Puerto Rico for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Caribbean Area Agricultural Stabilization and Conservation Service Office determines that drought, flood, storm, disease, or insects have damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to set forth that the specified single wards have been determined to comprise local producing areas for the 1968–69 crop which have qualified under the requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in any one of these local producing areas, and which is otherwise qualified, may apply for payment accordingly, if he has not already done so.

(Secs. 303, 403, 61 Stat. 930, 932; 7 U.S.C. 1133, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on November 3, 1969.

CHARLES M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 69-13264; Filed, Nov. 6, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On October 2, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 15361) regarding proposed expenses and the related rate of assessment for the period August 1, 1969, through July 31, 1970, and the carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 906.209 Expenses and rate of assessment and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1969, through July 31, 1970, will amount to $660,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at $0.045 per 7/10 bushel carton, or an equivalent quantity of oranges and grapefruit.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended July 31, 1969, shall be carried over as a reserve in accordance with applicable provisions of § 906.35(a)(2) of the said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period, and (2) the current fiscal period began on August 1, 1969, and the rate of assessment being fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13303; Filed, Nov. 6, 1969; 8:48 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Expenses of Raisin Administrative Committee and Rate of Assessment for 1969–70 Crop Year

Notice was published in the October 18, 1969, issue of the FEDERAL REGISTER (34 F.R. 17032) regarding proposed expenses of the Raisin Administrative Committee for the 1969–70 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received during the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is found that the expenses of the Raisin Administrative Committee and the rate of assessment for the crop year beginning September 1, 1969, shall be as follows:

§ 989.320 Expenses of the Raisin Administrative Committee and rate of assessment for the 1969–70 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $132,600 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1969, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 85 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins released or sold to the handler for use as free tonnage during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and order require that the rate of assessment fixed for a particular crop year which handlers are required to pay shall be applicable to all free tonnage raisins of the crop year and to all reserve tonnage raisins released or sold to handlers for use as free tonnage during the crop year; and (2) the current crop year began on September 1, 1969, and the rate of assessment fixed herein will automatically apply to all such raisins beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 3, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13265; Filed, Nov. 6, 1969; 8:45 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Subpart—Administrative Rules and Regulations

ADVANCE PAYMENTS BY EQUITY HOLDERS OF POOLED RESERVE HOPS

Notice was published in the October 18, 1969, issue of the FEDERAL REGISTER (34 F.R. 17032) of a proposal based upon the unanimous recommendation of the Hop Administrative Committee, whereby the Committee may require advances by equity holders of pooled reserve hops to cover expenses relative to such hops. This subpart is operative pursuant to Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee and other available information, it is hereby found that amendment of the administrative rules and regulations, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, § 991.205 of Subpart—Administrative Rules and Regulations is hereby amended to read as follows:

§ 991.205 Advance payments by equity holders of pooled reserve hops.

As a condition of accepting and including the reserve hops of any producer-handler in the reserve pool, the Committee may require advance payments from equity holders of pooled reserve hops. Such advances shall be in an amount, as determined by the Committee, as will be necessary to meet all charges attributable to reserve pooling but shall not exceed $4 per bale.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Producer-handlers are in the process of beginning to deliver reserve hops to the reserve pool; (2) should advances be required, and, if so, in what amount, equity holders should be informed as soon as possible prior to such deliveries; and (3) no useful purpose would be served by delaying the effective time hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 3, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 69-13266; Filed, Nov. 6, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

On July 11, 1969, there was published in the FEDERAL REGISTER (34 F.R. 11489) and on July 17 republished in the FEDERAL REGISTER (34 F.R. 12042) a notice

of proposed rule making with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Parts 112, 113, and 114 of Title 9, Code of the Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158). A notice extending the period to submit written data, views, or arguments to October 17, 1969, was published in the September 10, 1969, issue of the FEDERAL REGISTER (34 F.R. 14224).

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the proposed amendments of Parts 112, 113, and 114 of Subchapter E, Chapter I, Title 9, of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth in full herein, subject to the following noted modifications:

The words "Standard Requirements" have been deleted from the section headings as being repetitious and superfluous. The index has been changed accordingly.

Section 113.3(a)(1) has been clarified by deleting the word "inactivation" and inserting "safety" in (i) and rewording (ii) and (iii) to provide for random selection. Subdivision (i) has also been changed to provide for samples of bulk material.

Section 113.3(b)(4) has been clarified by deleting the words "the exclusive of" from the first sentence and rewording the second sentence.

Section 113.4(a) has been redesignated § 113.4(b) and the proviso has been deleted. Section 113.4(b) has been redesignated § 113.4(a).

Section 113.5 has been clarified by deleting the words "of day" from the second sentence of paragraph (b); by rewording the second sentence of paragraph (c) to provide for results of tests instead of test reports; and by rewording paragraph (e) to limit applicability to products not released and restrict release to products found to be satisfactory.

The word "licensed" has been deleted from § 113.6(a).

Section 113.7(b) has been rewritten for clarification. The words "at least" have been inserted in § 113.7(d).

The word "animal" has been substituted for the words "vaccination challenge" in § 113.8 (a) and (b). Section 113.8(c) has been deleted.

PART 112—LABELS

1. Part 112 is amended by deleting §§ 112.26 and 112.27. The heading and index is to read as follows:

LABELS

Sec.
112.1 Containers.
112.2 Required and permitted information.
112.3 Diluent labels.
112.4 Reference to distributors and permittees.
112.5 Review and approval of labels and other material.
112.6 Packaging desiccated products.
112.7 Special additional requirements.

PART 113—STANDARD REQUIREMENTS

2. Chapter I of Title 9 of the Code of Federal Regulations is amended by adding a new Part 113, reading as follows:

APPLICABILITY

Sec.
113.1 Compliance.
113.2 Ingredients of biological products.
113.3 Sampling of biological products.
113.4 Outline of production.
113.5 General testing.
113.6 Division testing.
113.7 Multiple fractions.
113.8 Virus titrations in lieu of test for antigenicity.

AUTHORITY: The provisions of this Part 113 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

APPLICABILITY

§ 113.1 Compliance.

The regulations in this part apply to each serial or subserial of a licensed biological product manufactured in a licensed establishment and to each serial or subserial of a biological product in each shipment imported for distribution and sale.

§ 113.2 Ingredients of biological products.

All ingredients used in a licensed biological product shall meet accepted standards of purity and quality; shall be sufficiently nontoxic so that the amount present in the recommended dose of the product shall not be toxic to the recipient; and in the combinations used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 113.3 Sampling of biological products.

Each licensee and permittee shall furnish representative samples of each serial or subserial of a biological product manufactured in the United States or imported into the United States as prescribed in paragraphs (a) and (b) of this section. Additional samples may be purchased in the open market by a Division representative.

(a) Prerelease test samples for Division use shall be forwarded to the place designated by the Director and in the number and quantity as prescribed. Comparable samples shall be used by the licensee and permittee for similar tests.

(1) Each licensee shall select prerelease samples as follows:

(i) Nonviable liquid products—either bulk or final container samples of completed product shall be used for purity, safety, or potency tests. Biological product in final containers shall be used for sterility tests.

(ii) Viable liquid products; samples shall be in final containers and shall be randomly selected at the end of the filling operation. Samples from bulk containers of completed product may be submitted when authorized by the Director.

(iii) Desiccated products; samples shall be in final containers and shall be randomly selected if desiccated in the final container. Biological products desiccated in bulk shall be sampled at the end of the filling operation.

(2) Each permittee shall select prerelease samples so that each serial or subserial in each shipment shall be represented.

(b) Reserve samples shall be selected from each serial and subserial of every biological product. Such samples shall be selected at random from finished product by the licensee or permittee. Each sample shall:

(1) Consist of 5 single dose or 2 multiple dose packages as the case may be;

(2) Be adequate in quantity for appropriate examination and testing;

(3) Be truly representative and in final containers;

(4) Be held in a special compartment or equivalent set aside by the licensee or permittee, for holding these samples under refrigeration at 35° to 45° F. for 6 months after the expiration date stated on the labels. These samples shall be stored in this manner and shall be delivered to the Division upon request.

§ 113.4 Outline of production.

(a) The test methods and procedures contained in all applicable Standard Requirements shall be complied with unless otherwise exempted by the Director and provided that such exemption is noted in the approved outline.

(b) To comply with the test requirements in § 114.8(b) of this chapter, each outline shall designate the test methods and procedures by which the biological product shall be evaluated for purity, safety, and potency.

§ 113.5 General testing.

(a) No biological product shall be released prior to the completion of required tests necessary to establish the product to be satisfactory for purity, safety, and potency.

(b) Tests of biological products shall be observed by a competent employee of the manufacturer during all critical periods. A critical period shall be the time when certain specified reactions must occur in required tests to properly evaluate the results.

(c) Records of all tests shall be kept in accordance with Part 116 of this chapter. Results of all tests shall be submitted to the Division. Blank forms shall be furnished upon request to the Veterinary Biologics Division.

(d) When a serial or subserial has not been found satisfactory by the test methods and procedures designated in § 113.4, and a repeat test is to be conducted, the same test method shall be used.

(e) When new test methods are developed and approved by the Division, biological products released thereafter shall be evaluated by such methods, and if not found to be satisfactory when so tested shall not be released.

§ 113.6 Division testing.

A biological product shall with reasonable certainty yield the results intended when used as recommended or suggested in its labeling or proposed labeling prior to the expiration date.

(a) The Director is authorized to cause a biological product, manufactured in the United States or imported into the United States, to be examined and tested for one or more of the following: purity, safety, potency, or effectiveness; in which case, the licensee or permittee shall withhold such product from the market until a determination has been made.

(b) A serial or subserial of a biological product which has not been found satisfactory by applicable test methods or procedures is not in compliance with the regulations in Parts 101 through 121 of this subchapter and shall not be released for market.

§ 113.7 Multiple fractions.

(a) When a biological product contains more than one immunogenic fraction, the completed product shall be evaluated by tests applicable to each fraction.

(b) When similar potency tests are required for more than one fraction of a combination biological product, different animals must be used to evaluate each fraction except when written Standard Requirements or outlines of production make provisions and set forth conditions for use of the same animals for testing different fractions.

(c) When the same safety test is required for more than one fraction, requirements are fulfilled by satisfactory results from one test of the completed product.

(d) Biological products containing one or more chemically inactivated fraction(s) and one or more live virus or modified live virus fraction(s) shall be prepared as recommended for use and held at room temperature for at least 30 minutes before initiating virus titrations or potency tests.

(e) Virus titrations for a multivirus product shall be conducted by methods which will quantitate each virus.

§ 113.8 Virus titrations in lieu of test for antigenicity.

(a) The Director may exempt a live virus vaccine from a required animal test for release if the efficacy can with reasonable certainty be determined by:

(1) Testing the seed virus for potency in a manner approved by the Director; and

(2) Establishing the lowest satisfactory virus titer based on the minimum protective does plus an adequate overage allowance for uncertain conditions; and

(3) Conducting virus titrations on each serial or subserial in an accepted titration test system.

(b) One or more serials or subserials of a biological product which has been exempted from a required animal test according to the conditions in paragraph (a) of this section may be subjected to said test by the Division or the licensee. If found unsatisfactory, the biological product shall be removed from the market.

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

3. Part 114 is amended by deleting §§ 114.5(c), 114.13, 114.14, and 114.18.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of November 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-13301; Filed, Nov. 6, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-CE-116]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the segment of VOR Federal airway No. 430 between Havre, Mont., and Williston, N. Dak.

V-430 airway is presently designated from Havre via Glasgow, Mont., to Williston, with a south alternate segment between Glasgow and Williston. The FAA is relocating the Glasgow VOR to a new site on the Glasgow International Airport (lat. 48°12'48" N., long 106°37'07" W.) to provide better instrument approach procedures into the International Airport. The relocation of the VOR must be accomplished before inclement weather prohibits the moving of the VOR. Accordingly, action is taken herein to redesignate V-430 segment from Havre via Glasgow; INT Glasgow 100° T (083° M) and Williston 263° T. (248° M); to Williston.

Since the relocation of the VOR and the redesignation of V-430 segment must be accomplished before the onset of inclement weather and since the deviation of the new alignment from the present designation is minor in nature, notice and public procedure are impracticable and unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., December 11, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-430 is amended by deleting all between "Havre, Mont.;" and "Minot, N. Dak.;" and substituting "14 miles, 100 miles 50 MSL, Glasgow, Mont.; INT Glasgow 100° and Williston, N. Dak., 263° radials, 22 miles, 33 miles 55 MSL, Williston;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 3, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-13286; Filed, Nov. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-128]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Aiken, S.C., transition area.

The Aiken transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the 048° bearing from the Aiken RBN and has a designated width of 2 miles each side of the bearing and a length of 8 miles.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the description by increasing the width of the transition area extension from 2 to 3 miles each side and the length from 8 to 8.5 miles.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Aiken, S.C., transition area is amended as follows: All after "* * * longitude 81°41'-25" W.); * * *" is deleted and "* * * within 3 miles each side of the 048° bearing from Aiken RBN (lat. 33°39'06" N., long. 81°40'38" W.), extending from the 8-mile radius area to 8.5 miles northeast of the RBN * * *." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in East Point, Ga., on October 27, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13262; Filed, Nov. 6, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9933; Amdt. 674]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Thousand Oaks Int	Woodland Int	Direct	5000	T-dn%	300-1	300-1	#300-1
Twin Lakes Int	Woodland Int	Direct	5000	C-d*	900-1½	900-1½	900-1½
LAX VOR	BUR ILS LOM	Direct	4000	C-n*	900-2	900-2	900-2
Woodland Int	BUR ILS LOM (final)	Direct	2800	S-dn-7**	600-1	600-1	600-1
				A-dn	900-2	900-2	900-2

Radar available.
Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 4000′ within 10 miles.
Minimum altitude over facilty on final approach crs, 2800′ at BUR ILS LOM.
Crs and distance, facility to airport, 076°—5.7 miles LOM to LIM; 076°—0.4 mile LIM to airport.¢
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, at BUR ILS LIM, make immediate right-climbing turn direct to LOM, climb via 256° bearing LOM to 4000′ within 10 miles of LOM or, when directed by ATC: (1) Turn right, climb heading 105° to intercept and proceed via VNY R 096° to El Monte Int at 4500′. Positive Radar crs monitor required on alternate missed approach.
NOTE: ADF and VOR receivers required for execution of this approach.
AIR CARRIER NOTES: Sliding scale not authorized. Air carriers will not reduce landing visibility due to local conditions. Air carrier reduction not authorized below ¾ mile for takeoff Runways 7, 15, and 33.
¢Procedure requires use of both BUR ILS Outer Compass Locator and Inner Compass Locator.
#200-½ authorized for takeoff on Runway 25 only.
*Circling not authorized NE of airport between extended centerlines of Runways 15/33 and 7/25. Runway 25—Intercept approach centerline within 2 miles.
%Northbound and southbound (270° CW through 240°) IFR departures: Must comply with published Burbank SID's.
**Inoperative table does not apply to HIRL or ALS Runway 7.
MSA within 25 miles of facility: 000°–090°—8500′; 090°–180°—5100′; 180°–270°—4100′; 270°–360°—6000′.

City, Burbank; State, Calif.; Airport name, Hollywood-Burbank; Elev., 775′; Fac. Class., LOM; Ident., BU; Procedure No. NDB (ADF)–, Amdt. 4; Eff. date, 27 Nov. 69; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 11 July 68

Meadow Int	BD LOM	Direct	3000	T-dn%	300-1	300-1	200-½
Bristol Int	Penwood Int	Direct	2700	C-dn	600-1	600-1	600-1½
Penwood Int	BD-LOM (NOPT)	Direct	1800	S-dn-6	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

ASR.
Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 058°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing BD LOM, make right-climbing turn to 2300′ direct BD LOM. Hold SW of BD LOM, 058° Inbnd, 1 minute, right turns.
NOTE: Final approach from a holding pattern not authorized; procedure turn required.
CAUTION: 768′ obstruction light on hills 2.4 miles W of airport.
%Departures from Runway 33, make a right turn to 350°, as soon as practicable after takeoff and climb to 1500′.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–180°—2300′; 180°–270°—3600′; 270°–360°—3000′.

City, Windsor Locks; State, Conn.; Airport name, Bradley International; Elev., 173′; Fac. Class., LOM; Ident., BD; Procedure No. NDB (ADF) Runway 6, Amdt. 15; Eff. date, 27 Nov. 69; Sup. Amdt. No. ADF 1, Amdt. 14; Dated 14 Jan. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
AM LOM	AMA VOR	Direct	5000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-21*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

ASR.
Procedure turn N side of crs, 028° Outbnd, 208° Inbnd, 5000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 208°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing. AMA VOR, climb to 5000′ on R 208° within 15 miles or, when directed by ATC, turn left, climb to 5000′ on R 076° within 15 miles.
CAUTION: 3764′ grain elevator located adjacent to SW boundary of airport.
*Runway 21: 400-¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–180°—4900′; 180°–360°—6000′.

City, Amarillo; State, Tex.; Airport name, Amarillo Air Terminal; Elev., 3605′; Fac. Class., H-BVORTAC; Ident., AMA; Procedure No. VOR Runway 21, Amdt. 16; Eff. date, 27 Nov. 69; Sup. Amdt. No. 15; Dated, 5 Dec. 68

FIM VORTAC	Chatsworth Int	FIM, R 100°	5000	T-dn%	300-1	300-1	#300-1
Sherwood Int	Chatsworth Int	VTU R 057°	5000	C-d¢	900-1¼	900-1½	900-1½
Twin Lakes Int	Chatsworth Int	Direct	5000	C-n¢	900-2	900-2	900-2
Chatsworth Int	VNY VOR (final)	Direct	3000	S-dn-7*	500-1	500-1	500-1
				A-dn	900-2	900-2	900-2

Radar available.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport 089°, 6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing VNY VOR, turn right, climb to VNY VOR, then via R 255° to Susana Int at 4500′ or, when directed by ATC, turn right, climb heading 105° to intercept and proceed via VNY R 096° to El Monte Int at 4500′. Positive Radar crs monitor required on alternate missed approach.
AIR CARRIER NOTES: Sliding scale not authorized. Air carriers will not reduce landing visibility due to local conditions. Air carrier reduction not authorized below ¾ mile for takeoff Runways 7, 15, and 33.
*Inoperative table does not apply to HIRL or ALS Runway 7.
%Northbound and southbound (270° CW through 240°) IFR departures: Must comply with published Burbank SID's.
¢Circling not authorized NE of airport between extended centerlines of Runways 15/33 and 7/25. Runway 25—Intercept approach centerline within 2 miles.
#200-½ authorized for takeoff on Runway 25 only.
MSA within 25 miles of facility: 000°–090°—8600′; 090°–180°—5100′; 180°–270°—4100′; 270°–360°—6100′.

City, Burbank; State, Calif.; Airport name, Hollywood-Burbank; Elev., 775′; Fac. Class., L-BVOR; Ident., VNY; Procedure No. VOR-1, Amdt. 2; Eff. date, 27 Nov. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 11 July 68

Berenda Int	FAT VOR (final)	Direct	1900	T-dn	300-1	300-1	200-¾
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-d-11	500-1	500-1	500-1
				S-n-11	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2
				If Gordon Int identified, the following minimums apply:			
				C-dn	500-1	500-1	500-1½
				S-dn-11#	400-1	400-1	400-1

Radar available.
Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′; over Gordon Int, 832′.
Crs and distance, facility to airport, 133°—7.1 miles; Gordon Int to airport, 133°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing FAT VOR, climb to 2000′ on R 133° within 20 miles of FAT VOR.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—7200′; 090°–180°—4200′; 180°–270°—1900′; 270°–360°—5200′.

City, Fresno; State, Calif.; Airport name, Fresno Air Terminal; Elev., 332′; Fac. Class., B-VORTAC; Ident., FAT; Procedure No. VOR-1, Amdt. 2; Eff. date, 27 Nov. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 18 Sept. 68

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Fairbanks, Alaska—Fairbanks International, LFR 1, Amdt. 4, 1 Jan. 1966 (established under Subpart C).
Allentown, Pa.—Allentown-Bethlehem-Easton, NDB (ADF) Runway 6, Amdt. 6, 19 Dec. 1968 (established under Subpart C).
Bristol, Tenn.—Tri-City, ADF 2, Amdt. 6, 14 May 1966 (established under Subpart C).
Bristol, Tenn.—Tri-City, ADF 1, Amdt. 8, 16 Apr. 1966 (established under Subpart C).
Fairbanks, Alaska—Fairbanks International, ADF 1, Amdt. 9, 1 Jan. 1966 (established under Subpart C).
Allentown, Pa.—Allentown-Bethlehem-Easton, VOR 1, Amdt. 4, 23 July 1966 (established under Subpart C).
Dover-Cheswold, Del.—Delaware Airpark, VOR Runway 26, Amdt. 1, 16 Sept. 1967 (established under Subpart C).
Dowagiac, Mich.—Cass County Memorial, VOR 1, Orig., 6 Nov. 1965 (established under Subpart C).
Painesville, Ohio—Concord Airpark, VOR–1, Orig., 1 Apr. 1967 (established under Subpart C).
Silver City, N. Mex.—Silver City-Grant County, VOR–1, Amdt. 2, 16 Dec. 1967 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Pago Pago, Tutuila Island, American Samoa, ADF 2, Amdt. 1, effective 20 Mar. 1965, canceled, effective 27 Nov. 1969.

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Pago Pago, Tutuila Island, American Samoa, TerVOR (R–230), Amdt. 5, 28 Aug. 1965 (established under Subpart C).

5. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ventura VOR	ILS W crs	057°–16.9 miles	5000	T–dn%*	300–1	300–1	#300–1
Saugus Int	LOM	Direct	5600	C–d*	900–1½	900–1½	900–1½
Fillmore VOR	Woodland Int	Direct	5000	C–n*	900–2	900–2	900–2
Int LAX VOR R 276° and Lake Hughes VOR R 170°.	Woodland Int	Direct	5000	S–dn–7°*	300–1	300–1	300–1
				A–dn	900–2	900–2	900–2
Twin Lakes Int	Woodland Int	Direct	5000				
Woodland Int	LOM (final)	Direct	2800				

Radar available.
Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 4000′ within 10 miles of LOM. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 2800′.
Altitude of glide slope and distance to approach end of runway at OM, 2738′—6.1 miles; at MM, 1355′—1.8 miles; at Inner Compass Locator, 924′—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate right-climbing turn to 4000′ on W crs BUR ILS within 10 miles W of LOM or, when directed by ATC, turn right, climb heading 105° to intercept and proceed via VNY R 096° to El Monte Int at 4500′. Positive Radar crs monitor required on alternate missed approach.
CAUTION: High terrain NE and E of airport.
AIR CARRIER NOTES: Sliding scale not authorized. Air carriers will not reduce landing visibility due to local conditions. Air carrier reduction not authorized below ¼ mile for takeoff Runways 7, 15, and 33.
NOTES: (1) Nonstandard installation. Localizer antenna at approach end of runway.
%Northbound and southbound (270° CW through 240°) IFR departures: Must comply with published Burbank SID's.
#200–½ authorized for takeoff on Runway 25 only.
*Circling not authorized NE of airport between extended centerlines of Runways 15/33 and 7/25. Runway 25—Intercept approach centerline within 2 miles.
**For minimums of 300–1 all components of ILS must be utilized. If glide slope not received, then minimums of 400–1 apply. Inoperative table does not apply to HIRL or ALS Runway 7.

City, Burbank; State, Calif.; Airport name, Hollywood-Burbank; Elev., 778′; Fac. Class, ILS; Ident., I-BUR; Procedure No. ILS Runway 7, Amdt. 23; Eff. date, 27 Nov. 69; Sup. Amdt. No. ILS–7, Amdt. 22; Dated, 11 July 68

Lexington LOM	Fayette Int	Direct	2800	T–dn	300–1	300–1	200–½
R 191°, LEX VORTAC (CCW)	LEX LOC (BC) (Centerville Int)	14-mile Arc LEX VORTAC, 020° lead radial.	3000	C–dn	400–1	500–1	500–1½
Centerville Int	Fayette Int (NOPT)	Direct	2300	S–dn–22°	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 042° Outbnd, 222° Inbnd, 2800′ within 10 miles of Fayette Int.
Minimum altitude over Fayette Int, 2300′.
Crs and distance, Fayette Int to airport, 222°—4.8 miles.
If visual contact not estabsished upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Fayette Int, climb to 2000′ on SW crs ILS to Lexington LOM. Hold SW, 1-minute left turns, 042° Inbnd.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978′; Fac. Class., ILS; Ident., I-LEX; Procedure No. LOC (BC) Runway 22, Amdt. 6; Eff. date, 27 Nov. 69; Sup. Amdt. No. 5; Dated, 26 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LDA

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	200–½
				C–dn	NA	NA	NA
				LDIN–18*	1100–2	1100–2	1100–2
				A–dn	1200–2	1200–2	1200–2
				#VGS inoperative minimums:			
				LDIN–18*	1100–2	1100–2	1100–2

Radar required.
Radar vectors will be provided to intercept final approach crs NW of #VGS interception point.
Procedure turn not authorized.
Final approach crs, 146°.
Minimum altitude at #VGS interception Inbnd, 2500′.
Altitude of #VGS and distance to a beam approach end of runway at Echo Park Int, 2500′—7.5 miles; at OM, 1822′—5.6 miles; at MM, 791′—2.4 miles.
If visual contact not established upon descent to DH or 2.2 miles after passing OM, make right-climbing turn direct to Washington RBn at 1800′. Hold S, 1 minute, left turns, 001° Inbnd.
#VGS unusable below 1115′ MSL.
#VGS (Vertical Guidance System) This guidance is provided by standard glide slope equipment and is paired in frequency with the localizer. No special tuning required.
*LDIN lights must be operational to execute this approach.
CAUTION: 596′ Washington Monument 1.7 miles N of airport.
Inoperative components table does not apply to this procedure. Reductions for lighting aids not authorized.
Supplementary charting information: Start profile at 7.5 miles from end of runway at MEA 2500′.

City, Washington; State, D.C.; Airport name; Washington National; Elev., 15′; Facility, I–ASO; Procedure No. LDA Runway 18, Amdt. 2; Eff. date, 27 Nov. 69; Sup. Amdt. No. 1; Dated, 14 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Meadow Int	BD LOM	Direct	3000	T–dn%#	300–1	300–1	200–½
Bristol Int	Penwood Int	Direct	2700	C–dn	500–1	500–1	500–1½
Penwood Int	BD LOM (NOPT)	Direct	1800	S–dn–6#	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
				With glide slope inoperative:			
				S–dn–6*	500–1	500–1	500–1

ASR.
Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2300′ within 10 miles of BD LOM.
Minimum altitude at glide slope interception Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1522′—4.5 miles; at MM, 392′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing BD LOM, climb to 3000′ on NE crs of ILS to CTR VOR R 149°, then SE on ORW VOR R 330° to Skylark Int. Hold E of Skylark Int, right turns, 1 minute, 276° Inbnd.
NOTE: Final approach from a holding pattern not authorized; procedure turn required.
CAUTION: 768′ obstruction light on hills 2.4 miles W of airport.
%Departures from Runway 33, make a right turn to 350°, as soon as practicable after takeoff and climb to 1500′.
#RVR 2000′, 4-engine turbojet, 1800′ other aircraft authorized for Runway 6.
*Minimum altitude over BD LOM, 1800′; 500–½ Categories A, B, and C; 500–¾ Category D with operative ALS.
MSA within 25 miles of BD LOM: 000°–090°—2800′; 090°–180°—2300′; 180°–270°—2600′; 270°–360°—3000′.

City, Windsor Locks; State, Conn.; Airport name, Bradley International; Elev., 173′; Fac. Class., ILS; Ident., I-BDL; Procedure No. ILS Runway 6, Amdt. 17; Eff. date, 27 Nov. 69; Sup. Amdt. No. ILS–6, Amdt. 16; Dated, 14 Jan. 67

Putnam VOR	Redstone Int	Direct	3000	T–dn%	300–1	300–1	*200–¼
Redstone Int	Thompson Int (final)	Direct	1900	C–dn	500–1	500–1	500–1¼
Bradley Int	DL LMM	Direct	2700	S–dn–24#	400–1	400–1	400–1
Bristol Int	DL LMM	Direct	2700	A–dn	800–2	800–2	800–2

Radar required.
Procedure turn S side of crs, 058° Outbnd, 238 Inbnd, 2700′ within 13 miles of DL LMM, but NE of Thompson Int.
Minimum altitude over Thompson Int on final approach crs, 1900′.
Crs and distance, Thompson Int to airport 238°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Thompson Int, climb straight ahead to 2300′ direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1 minute, right turns.
CAUTION: 768′ obstruction light on hills 2.4 miles W of airport.
%RVR 2000′, 4-engine turbojet, 1800′ other aircraft authorized for Runway 6.
#Departures from Runway 33, make a right turn to 350°, as soon as practicable after takeoff and climb to 1500′.
*400–¾ authorized except for 4-engine turbojet aircraft with operative high-intensity runway lights.

City, Windsor Locks; State, Conn.; Airport name, Bradley International; Elev., 173′; Fac. Class., ILS; Ident., I-BDL; Procedure No. LOC (BC) Runway 24, Amdt. 5; Eff. date, 27 Nov. 69; Sup. Amdt. No. ILS–24(BC), Amdt. 4; Dated, 9 Apr. 66

6. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Allentown, Pa.—Allentown-Bethlehem-Easton, ILS Runway 6, Amdt. 9, 19 Dec. 1968 (established under Subpart C).
Allentown, Pa.—Allentown-Bethlehem-Easton, ILS–24 (BC), Amdt. 7, 10 July 1965 (established under Subpart C).
Bristol, Tenn.—Tri-City, ILS Runway 32, Amdt. 13, 14 Oct. 1967 (established under Subpart C).
Fairbanks, Alaska—Fairbanks International, ILS–1, Amdt. 5, 16 Apr. 1966 (BC) (established under Subpart C).
Fairbanks, Alaska—Fairbanks International, ILS Runway 19, Amdt. 10, 15 July 1967 (established under Subpart C).

7. By amending § 97.19 of Subpart B to amend radar procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
					Surveillance approach		
		Within:					
342°	007°	30 miles	7000	T–dn‰	300–1	300–1	*300–1
007°	060°	30 miles	10,500	C–dn‡	900–1½	900–1½	900–1½
060°	210°	30 miles	3000	C–n‡	900–2	900–2	900–2
210°	270°	30 miles	4000	S–dn–7°°	500–1	500–1	500–1
270°	342°	30 miles	6000	A–dn	900–2	900–2	900–2

Radar transitions and vectoring using Burbank Radar authorized in accordance with approved patterns.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate right-climbing turn, climb on W crs BUR ILS to 5000' within 10 miles W of LOM or, when directed by ATC, turn right, climb heading 105° to intercept and proceed via VNY R 096° to El Monte Int at 4500'. Positive Radar crs monitor required on alternate missed approach.

AIR CARRIER NOTE: Sliding scale not authorized. Air carriers will not reduce landing visibility due to local conditions. Air carrier reduction not authorized below ¾ mile for takeoff Runways 7, 15 and 33.

*200–½ authorized for takeoff on Runway 25 only.
**Inoperative table does not apply to HIRL or ALS Runway 7.
‡Circling not authorized NE of airport between extended centerlines of Runways 15/33 and 7/25. Runway 25—Intercept approach centerline within 2 miles.
‰Northbound and southbound (270° CW through 240°) IFR departures; must comply with published Burbank SID's.
CAUTION: 2000' terrain 2.2 miles NE of airport rising to 3126' approximately 3.5 miles ENE of airport.

City, Burbank; State, Calif.; Airport name, Hollywood-Burbank; Elev., 775'; Facility, Burbank Radar; Procedure No. Radar-1, Amdt. 7; Eff. date, 27 Nov. 69; Sup. Amdt. No. Radar 1, Amdt. 6; Dated, 11 July 68

8. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Bristol, Tenn.—Tri-City, Radar 1, Amdt. 4, 18 Nov. 1967 (established under Subpart C).
Fairbanks, Alaska—Fairbanks International, Radar 1, Amdt. 2, 7 May 1966 (established under Subpart C).

9. By amending § 97.21 of Subpart C to establish low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3 miles after passing FI LFR.
FAI VORTAC	FI LFR	Direct	4000	Climbing left turn to 3000' direct to FI LFR.
FOX NDB	FI LFR	Direct	4000	Supplementary charting information: Terrain rising to 1000' within 2 miles W of airport. 1580' hill 3 miles SW of airport.

Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 2700' within 10 miles of FI LFR.
FAF, FI LFR. Final approach crs, 233°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over FI LFR, 1600'.
MSA: NE—5500'; SE—4000'; SW—3500'; NW—4300'.
NOTES: (1) ASR. (2) Visual flight required from missed approach point to airport.
*Circling not authorized W of Runways 1/19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1060	1	626	1060	1	626	1060	1¼	626	1060	2	626
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434'; Facility, FI LFR; Procedure No. LFR-1, Amdt. 5; Eff. date, 27 Nov. 69; Sup. Amdt. No. LFR 1, Amdt. 4; Dated, 1 Jan. 66

10. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing ABE VORTAC.
				Climbing right turn to 2700' direct ETX VORTAC and hold. Supplementary charting information: Hold W, 1 minute, right turns, 112° Inbnd. 745' powerline 1 mile SSE ABE VOR.

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 2700' within 10 miles of ABE VORTAC.
FAF, ABE VORTAC. Final approach crs, 180°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over ABE VORTAC, 2200'.
MSA: 000°–090°—3500'; 090°–180°—2300'; 180°–270°—2700'; 270°–360°—3500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	980	1	592	980	1	592	980	1¼	592	980	2	592
A	Standard.		T 2-eng. or less—RVR 24', Runway 6; Standard all others.				T over 2-eng.—RVR 24', Runway 6; Standard all others.					

City, Allentown; State, Pa.; Airport name, Allentown-Bethlehem-Easton; Elev., 388'; Facility, ABE; Procedure No. VOR-1, Amdt. 5; Eff. date, 27 Nov. 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 23 July 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing ENO VORTAC.
Bridgeton Int	ENO VORTAC	Direct	1600	Climbing right turn to 1500' direct to ENO VORTAC and hold. Supplementary charting information: Hold E on R 067°, 1 minute, right turns, 267° Inbnd. Chart antenna 434' at 240° 2.9 miles from ENO. Only western 2000' of runway lighted. Runway 26, TDZ elevation, 50'.
Leesburg Int	ENO VORTAC (NOPT)	Direct	1500	

One-minute holding pattern E of ENO VORTAC on R 087°, right turns, 267° Inbnd, 1500'.
FAF, ENO VORTAC. Final approach crs., 267°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over ENO VORTAC, 1500'.
MSA: 000°–090°—1600'; 090°–180°—1500'; 180°–270°—1600'; 270°–360°—1600'.
NOTES: (1) Radar vectoring. (2) Use Dover AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–26	400	1	350	400	1	350	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	460	1	410	500	1	450	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Dover-Cheswold; State, Del.; Airport name, Delaware Airpark; Elev., 50'; Facility, ENO; Procedure No. VOR Runway 26, Amdt. 2; Eff. date, 27 Nov. 69; Sup. Amdt. No. 1; Dated, 16 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9 miles after passing ELX VORTAC.
				Make right-climbing turn to 2300′ and return to ELX VORTAC.

Procedure turn W side of crs, 001° outbnd, 181° Inbnd, 2300′ within 10 miles of ELX VORTAC.
FAF, ELX VORTAC. Final approach crs, 181°. Distance FAF to MAP, 9 miles.
Minimum altitude over ELX VORTAC, 2300′.* (*1340′ over 5-mile DME Fix.)
MSA: 045°–225°—2400′; 225°–315°—2200′; 315°–045°—2300′.
NOTE: Use South Bend altimeter setting.
% Takeoff Runway 14 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1340	1	590	1340	1	590	1340	1¼	590	NA
	VOR/DME Minimums:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1220	1	470	1220	1	470	1220	1¼	470	NA
A	Not authorized.		T 2-eng. or less— Standard. %				T over 2-eng.—Standard. %			

City, Dowagiac; State, Mich.; Airport name, Cass County Memorial; Elev., 750′; Facility, ELX; Procedure No. VOR-1, Amdt. 1; Eff. date, 27 Nov. 69; Sup. Amdt. No. VOR1, Orig.; Dated, 6 Nov. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: TUT VOR.
TUT NDB	TUT VOR	Direct	4100	Climbing right turn to 4100′ on R 210° Return to TUT VOR.

Supplementary charting information:
Final approach crs lies 500′ S of Runway 5 centerline at 3000′ from threshold.
Chart LOG NDB as stepdown fix 1.7 miles to threshold.
Terrain—1279′, 1.4 miles NW; 1000′, 1.3 miles NW; 1545′, 2.1 miles W; 642′, 1.1 miles N final approach crs.

Procedure turn right teardrop S side of crs, 210° Outbnd, 048° Inbnd, 2700′ within 11 miles of TUT VOR.
Final approach crs, 048°.
Minimum altitude over LOG NDB, 960′.
MSA: 000°–360°—4100′.
NOTE: Air carrier will not reduce takeoff visibility due to local conditions Runway 23.
#Circling to N of centerline Runways 5/23 not authorized.
%Climb so as to cross facility 4100′ or above.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	960	1½	930	960	1½	930	960	2	930	960	2	930
	VOR/NDB Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	620	1	590	620	1	590	620	1½	590	740	2	710
A	1000–2.		T 2-eng. or less—Landing weather minimums, Left Runway 23, Right Runway 5.%				T over 2-eng.—Landing weather minimums, Left Runway 23, Right Runway 5.%					

City, Pago Pago, Island, Tutuila Island; Territory, American Samoa; Airport name, Pago Pago International; Elev., 30′; Facility, TUT; Procedure No. VOR-1, Amdt. 6; Eff. date, 27 Nov. 69; Sup. Amdt. No. Ter VOR (R-230), Amdt. 5; Dated, 28 Aug. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9 miles after passing CXR VORTAC.
				Left climbing turn to 3000′; return to CXR VORTAC and hold.

Supplementary charting information:
Hold S, 1 minute, left turns, 354° Inbnd.
Final approach crs to intersection of Runways 2 and 12.

Procedure turn W side of crs, 174° Outbnd, 354° Inbnd, 2900′ within 10 miles of CXR VORTAC.
FAF, CXR VORTAC. Final approach crs, 354°. Distance FAF to MAP, 9 miles.
Minimum altitude over CXR VORTAC, 2900′; over 6-mile DME Fix, R 354°, 1960′.
MSA: 000°–090°—2300′; 090°–180°—2700′; 180°–270°—3000′; 270°–360°—2600′.
NOTES: (1) Use Cleveland, Ohio, altimeter setting. (2) Night operations not authorized Runways 12/30.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1960	1¼	940	1960	1½	940	NA	NA
	VOR/DME Minimums:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1660	1	640	1660	1	640	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Painesville; State, Ohio; Airport name, Concord Airpark; Elev., 1020′; Facility, CXR; Procedure No. VOR-1, Amdt. 1; Eff. date, 27 Nov. 69; Sup. Amdt. No. Orig.; Dated, 1 Apr. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SVC VOR.
				Climbing left turn to 8000′ on R 128° within 20 miles of SVC VOR. Proceed to SVC VOR or as directed by ATC.

Procedure turn S side of crs 128° Outbnd, 308° Inbnd, 7300′ within 10 miles of SVC VOR.
Final approach crs 308°.
Minimum altitude over SVC VOR, *5860′.
MSA: 000°–090°—11,200′; 090°–180°—9500′; 180°–270°—9000′; 270°–360°—10,100′.
*When control zone not effective, the following limitations apply except for operators with approved weather reporting service: (1) Use Deming, N. Mex. altimeter setting; (2) alternate minimums not authorized; (3) MDA increased 140′.
%IFR departures: Takeoff Runway 8, turn right; Runway 26, turn left; climb in the holding pattern on R 128°, SE of SVC VOR to minimum crossing altitude for direction of flight. MCA for departing aircraft: 8400′ southwestbound on V-202, 8700′; northeastbound on V-202.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	5860	1	417	5960	1	517	NA	NA
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Silver City; State, N. Mex.; Airport name, Silver City-Grant County; Elev., 5443′ Facility, SVC; Procedure No. VOR-1, Amdt. 3; Eff. date, 27 Nov. 69; Sup. Amdt. No. 2; Dated, 16 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: R 058° 4-mile DME.
FOX NDB	FAI VORTAC	Direct	4000	Climbing left turn to 4000′ on R 100° within
FAI LFR	FAI VORTAC	Direct	4000	15 miles; thence direct to FAI VORTAC
R 100° FAI VORTAC CCW	R 058° FAI VORTAC (NOPT)	19-mile Arc FAI R 065° lead radial.	2100	Supplementary charting information Final approach crs to threshold of Run-
EIL TACAN	FAI R 058° 19-mile Fix (NOPT)	Direct	2100	way 1.
FAI VORTAC	9-mile DME Fix (R 058° FAI)	FAI, R 058°	2600	Terrain rising to 1000′ within 2 miles W of airport. 1580′ hill 3 miles SW of airport.

Procedure turn S side of crs, 058° Outbnd, 238° Inbnd, 2100′ within 10 miles of 9-mile DME (R 058°).
Final approach crs, 238°. Distance FAF to MAP, 5 miles.
Minimum altitude over 9-mile DME (FAF) 1200′.
MSA: 000°–090°—3600′; 090°–180°—3500′; 180°–270°—4000′; 270°–360°—4300′.
NOTE: ASR.
*Circling not authorized W of Runways 1-19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
*C	840	1	406	900	1	466	900	1½	466	1000	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434′; Facility, FAI VORTAC; Procedure No. VORTAC-1, Amdt. Orig.; Eff. date, 27 Nov. 69

11. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.2 miles after passing CGT VORTAC.
Steamboat Int	CGT VORTAC	Direct	2300	Turn right, climbing to 2300′ and proceed
Peotone VORTAC	Monee Int	Direct	2300	direct to CGT VORTAC.
Monee Int	CGT VORTAC (NOPT)	Direct	2300	Supplementary charting information 2 chimneys, 823′—(1) 41°38′21″/87°24′25″; (2) 41°38′20″/87°24′23″. Runway 2, TDZ elevation, 588′.

Procedure turn S side lf crs, 226° Outbnd, 046° Inbnd, 2300′ within 10 miles of CGT VORTAC.
FAF, CGT VORTAC. Final approach crs, 046°. Distance FAF to MAP, 9.2 miles.
Minimum altitude over CGT VORTAC, 2300′, over Hammond Int., 1480′.
MSA: 090°–180°—2200′; 180°–270°—2400′; 270°–090°—3100′.
NOTES: (1) Radar vectoring. (2) Use Midway altimeter setting when control zone not effective; circling and straight-in MDA increased 80′.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-2	1480	1¼	892	1480	1¼	892	1480	1¼	892	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1480	1¼	889	1480	1½	889	1480	1¼	889	NA
VOR/DME or VOR/NDB Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-2	1100	1	512	1100	1	512	1100	1	512	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1180	1	589	1180	1	589	1180	1½	589	NA
A	Standard#.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Gary; State, Ind.; Airport name, Gary; Elev., 591′; Facility, CGT; Procedure No. VOR Runway 2, Amdt. 5; Eff. date, 27 Nov. 69; Sup. Amdt. No. 4; Dated, 22 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing JBR VOR.
ARG VORTAC	JBR VOR	Direct	2000	Climbing left turn to 2000′ direct JBR
Hellemann Int	JBR VOR	Direct	3000	VOR and hold. Supplementary charting information: Hold NE of JBR VOR on R 042°–222° Inbnd, right turns, 1 minute. Runway 23, TDZ elevation, 258′.

Procedure turn N side of crs, 042° Outbnd, 222° Inbnd, 2000′ within 10 miles of JBR VOR.
FAF, JBR VOR. Final approach crs, 222°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over JBR VOR, 1000′.
MSA: 000°–360°—2000′.
*When control zone not effective except for operators with approved weather service: (1) Use Blytheville AFB altimeter setting. (2) Increase circling and straight-in MDA 150′. (3) Alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-23	660	1	402	660	1	402	660	1	402	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	820	1	559	820	1	559	860	1½	599	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Jonesboro; State, Ark.; Airport name, Jonesboro Municipal; Elev., 261′; Facility, JBR; Procedure No. VOR Runway 23, Amdt. 1; Eff. date, 27 Nov. 69; Sup. Amdt. No. Orig.; Dated, 4 Sept. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LWV VOR.
Decker Int	LWV VOR	Direct	2100	Climb to 2100′ on LWV R 172° and return
New Hebron Int	LWV VOR	Direct	2100	to VOR. Supplementary charting information: Final approach crs intercept runway centerline 5000′ from threshold. TDZ elevation, 428′.

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 2100′ within 10 miles of VOR.
Final approach crs, 172°.
MSA: 000°–090°—2600′; 180°–360°—2500′; 090°–180°—2100′.
NOTE: Use Lawrenceville-Vincennes altimeter setting through UNICOM; when not available, use Terre Haute altimeter setting and circling and straight-in MDA's become 1160′, straight-in visibility for Category C aircraft becomes 1¼ mile.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
8-18	960	1	532	960	1	532	960	1	532	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	960	1	532	960	1	532	960	1½	532	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Lawrenceville; State, Ill.; Airport name, Lawrenceville-Vincennes Municipal; Elev., 428′; Facility, LWV; Procedure No. VOR Runway 18, Amdt. 1; Eff. date, 27 Nov. 69; Sup. Amdt. No. Orig.; Dated, 12 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: LWV VOR.
Decker Int	LWV VOR	Direct	2100	Climb to 2100′ on LWV R 006° and return to VOR.
New Hebron Int	LWV VOR	Direct	2100	Supplementary charting information: Final approach crs intercept runway centerline 3055′ from threshold.

Procedure turn E side of crs 186° Outbnd 006° Inbnd 2100′ within 10 miles of LWV VOR.
Final approach crs 006°.
MSA: 000°–090°—3600′; 180°–360°—2500′; 090°–180°—2100′.
NOTE: Use Lawrenceville-Vincennes altimeter setting through UNICOM; when not available use Terre Haute altimeter setting and circling and straight-in MDA come 1100′ straight-in visibility for Category C aircraft becomes 1¼ mile.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-36	900	1	472	900	1	472	900	1¼	472	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	900	1	472	900	1	472	900	1	472	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Lawrenceville; State, Ill.; Airport Name, Lawrenceville-Vincennes Municipal; Elev. 428′; facility, LWV; Procedure No. VOR Runway 36, Amdt. 1; Eff. date 27 Nov. 69; Sup. Amdt. No. Orig.; Dated 12 Dec. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4 miles after passing Nason Int
ENL VORTAC	VNN VOR	Direct	2100	Climb to 2100′ direct to VNN VOR.
Carter Int	VNN VOR	Direct	2100	Supplementary charting information:
SAM VOR	VNN VOR	Direct	2300	Final approach crs crosses threshold Runway 5.
FVV VORTAC	VNN VOR	Direct	2300	Runway 5, TDZ elevation, 460′.
MWA VOR	Waltonville Int	V 179	2400	
MWA VOR	Nason Int (NOPT)	Direct	2400	
Waltonville Int			1700	

Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 2100′ within 10 miles of Nason Int.
FAF, Nason Int. Final approach crs, 043°. Distance FAF to MAP, 4 miles.
Minimum altitude over Nason Int, 1700′.
MSA: 180°–270°—2400′; 270°–180°—2100′.
NOTE: Use Vandalia, Ill., altimeter setting when control zone not effective.
$Dual VOR receivers required.
*Circling and straight-in MDA increased 200′ when control zone not effective except operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-5$*	1000	1	531	1000	1	531	1000	1	531	1000	1¼	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C5*	1000	1	520	1000	1	520	1000	1½	520	1040	2	560
A	Standard.#		T 2-Eng. or less—Standard.				T over 2-Eng.—Standard.					

City, Mount Vernon; State, Ill., Airport name, Mount Vernon-Outland; Elev., 480′; Facility, VNN; Procedure No. VOR Runway 5, Amdt. 2; Eff. date, 27 Nov. 69; Sup. Amdt. No. 1; Dated, 25 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.3 miles after passing Ector Int.
				Turn right, climbing to 5000′ on MAF VORTAC R 235° within 20 miles. Supplementary charting information: Depict MAP at 1 mile from airport due circling restriction.

Procedure turn N side of crs, 051° Outbnd, 231° Inbnd, 4600′ within 10 miles of MAF VORTAC.
FAF, Ector Int. Final approach crs, 231°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over MAF VORTAC, 4600′; over Ector Int, 3500′.
MSA: 000°–180°—4300′; 180°–360°—5100′.
NOTE: Use Midland approach control altimeter setting.
*Night minimums authorized Runways 16–34 only. Circling not authorized SW of airport defined by Runway 16 and Runway 20 centerline extended.
%400–1 required Runway 20 and Runway 16.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D VIS
C*	3360	1	381	3440	1	461	3440	1¼	461	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Odessa; State, Tex.; Airport name, Ector County; Elev., 2979′; Facility, MAF; Procedure No. VOR-1, Amdt. 1; Eff. date, 27 Nov. 69; Sup. Amdt. No. Orig.; Dated, 16 Oct. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 1.8 miles after passing ARG VOR TAC.
				Left turn climb to 2000′ on R 015° within 20 miles.

Procedure turn S side of crs, 239° Outbnd, 059° Inbnd, 2000′ within 10 miles of ARG VOR.
FAF, ARG VORTAC. Final approach crs, 059°. Distance FAF to MAP, 1.8 miles.
Minimum altitude over ARG VORTAC, 1000′.
MSA: 000°–270°—1800′; 270°–360°—2300′.
#When control zone not effective, the following limitations apply except for operators with approved weather reporting service.
(1) Use Jonesboro, Ark., FSS altimeter setting when available and increase circling MDA 185′; or, use Blytheville AFB altimeter setting and increase circling MDA 320′.
(2) Alternate minimums not authorized.
*Night landing minimums authorized Runways 17/35 only.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D VIS
C*#	660	1	385	740	1	465	740	1¼	465	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Walnut Ridge; State, Ark.; Airport name, Walnut Ridge Municipal; Elev., 275′; Facility, ARG; Procedure No. VOR-1, Amdt. 6; Eff. date, 27 Nov. 69; Sup. Amdt. No. 5; Dated, 21 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5-mile DME Fix, R 147°.
FSD VORTAC	Cliff 10-mile DME Fix	Direct	3800	Climb to 3800′ direct to VORTAC.
R 046°, FSD VORTAC CW	R 135°, FSD VORTAC	16-mile DME Arc	4400	Supplementary charting information:
R 135°, FSD VORTAC CW	Alvin 16-mile DME Fix	16-mile DME Arc	3800	3444′ tower 10 miles SE of airport at 43°29′ 00″/96°38′20″.
R 319°, FSD VORTAC CCW	Alvin 16-mile DME Fix	16-mile DME Arc	3800	
Alvin 16-mile DME Fix	Cliff 10-mile DME Fix (NOPT)	FSD, R 147°	2900	Runway 33, TDZ elevation, 1421′.

Procedure turn E side of crs, 147° Outbnd, 327° Inbnd, 3800′ within 10 miles of Cliff 10-mile DME Fix.
Final approach crs, 327°.
Minimum altitude over Cliff 10-mile DME Fix, 2900′.
MSA: 000°–090°—3800′; 090°–180°—4500′; 180°–360°—3100′.
NOTE: Final approach from holding pattern at the Cliff 10-mile DME Fix not authorized, procedure turn required.
*Sliding scale below ½ mile not authorized.
‡: IFR departure procedures: Aircraft departing southeastbound when weather is below 2100′-2, flight below 3900′ beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of FSD VORTAC. Aircraft departing Runways 21 and 33 climb to 1800′ on runway heading before turning on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33*	1920	1	499	1920	1	499	1920	1	499	1920	1	499
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1960	1	532	1960	1	532	1960	1¼	532	1980	2	552
A	Standard.		T 2-eng. or less—300–1, Runway 15; RVR 24′, Runway 3, Standard all others.‰				T over 2-eng.—300–1, Runway 15; RVR 24′, Runway 3, Standard all others.‰					

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428′; Facility, FSD; Procedure No. VOR/DME Runway 33, Amdt. 2; Eff. date, 27 Nov. 69; Sup. Amdt. No. 1; Dated, 28 Sept. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.9-mile DME Fix.
R 015°, ARG VORTAC CW	R 051°, ARG VORTAC (NOPT)	14-mile Arc ARG, R 041° lead radial.	2000	Climb to 2000′ on ARG VORTAC R 230° within 20 miles.
R 140°, ARG VORTAC CCW	R 051°, ARG VORTAC (NOPT)	14-mile Arc ARG, R 061 lead radial	2000	
14-mile DME Fix, R 051° ARG VORTAC	6-mile DME Fix (NOPT)	R 051°	1800	

Procedure turn N side of crs, 051° Outbnd, 231° Inbnd, 2000′ within 10 miles of 6-mile DME (Kean Int).
Final approach crs, 231°.
Minimum altitude over 6-mile DME (Kean Int), 1800′.
MSA: 000°–270°—1800′; 270°–360°—2300′.
‡When control zone not effective, the following limitations apply except for operators with approved weather reporting service:
(1) Use Jonesboro, Ark., FSS altimeter setting when available and increase circling and straight-in MDA 185′; or, use Blytheville AFB altimeter setting and increase circling and straight-in MDA 320′.
(2) Alternate minimums not authorized.
*Night landing minimums authorized Runways 17/35 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-22‡	640	1	365	640	1	365	640	1	365	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*‡	660	1	385	740	1	465	740	1¼	465	NA
A	Standard.‡		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Walnut Ridge; State, Ark.; Airport name, Walnut Ridge Municipal; Elev., 275′; Facility, ARG; Procedure No. VOR/DME Runway 22, Amdt. 2; Eff. date, 27 Nov. 69; Sup. Amdt. No. 1; Dated, 21 Aug. 69

12. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing Bath Int.
Allentown VORTAC	Bath Int	Direct	2400	Climb to 3000′ on LOC front crs to AB LOM, right turn direct to ETX VOR TAC and hold.
Allentown LOM	Bath Int	Direct	2400	
Tannersville VORTAC	Nazareth Int	Direct	3000	
Nazareth Int	Bath Int (NOPT)	Direct	1400	Supplementary charting information: Hold W, 1 minute, right turns, 112° Inbnd. Runway 24, TDZ elevation, 387′.

Procedure turn E side of crs, 061° Outbnd, 241° Inbnd, 2400′ within 10 miles of Bath Int.
FAF, Bath Int. Final approach crs, 241°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over Nazareth Int., 2400′; over Bath Int, 1400′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	800	¾	413	800	¾	413	800	¾	413	800	1	413
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	412	840	1	452	840	1½	452	940	2	552
A	Standard.		T 2-eng. or less—RVR 24′, Runway 6; Standard all others.				T over 2-eng.—RVR 24′, Runway 6; Standard all others.					

City, Allentown; State, Pa.; Airport name, Allentown-Bethlehem-Easton; Elev., 388′; Facility, I-ABE; Procedure No. LOC (BC) Runway 24, Amdt. 8; Eff. date, 27 Nov. 69; Sup. Amdt. No. IL8-24 (BC), Amdt. 7; Dated, 10 July 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Cache Int.
FAI VORTAC	Cache Int	Direct	2600	Climbing right turn to 3000′ direct to FI LFR.
FI LFR	Cache Int	Direct	2600	
ENN VORTAC	Wood Int	Direct	2600	Alternate missed approach: When directed by ATC, climbing right turn to 4000′ to FAI R 100°, thence direct to FAI VORTAC.
Wood Int	Cache Int (NOPT)	S crs LOC	1500	
FAI R 168°, 15-mile DME Fix	FAI LOC S crs (NOPT)	FAI, R 168°	1500	Supplementary charting information: Terrain rising to 1000′ within 2 miles W of airport. 1580′ hill 3 miles SW of airport.

Procedure turn E side of crs, 190° Outbnd, 010° Inbnd, 2600′ within 10 miles of Cache Int.
FAF, Cache Int. Final approach crs, 010°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Cache Int. 1500′.
NOTE: ASR.
*Circling not authorized W of Runways 1/19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-1	780	¾	346	780	¾	346	780	¾	346	780	1	346
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	820	1	386	900	1	466	900	1½	466	1000	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434′; Facility, I-FAI; Procedure No. LOC (BC) Runway 1, Amdt. 6; Eff. date, 27 Nov. 69; Sup. Amdt. No. ILS-1 (BC), Amdt. 5; Dated, 16 Apr. 66

13. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing Renner Int.
FS LOM	Renner Int	Direct	2800	Climb to 3200′ on SW crs of ILS direct to FS LOM, return to Renner Int.
FSD VORTAC	Renner Int	Direct	2700	
Sherman Int	FSD LOC	251° crs 2 miles	2700	Supplementary charting information: 3444′ tower 10 miles SE of airport at 43°29′00″/96°38′20″.
D R Position LOC crs	Renner Int (NOPT)	LOC crs	2500	
R 202°, FSD VORTAC CW	FSD LOC	9-mile Arc, 035° lead radial	3000	Runway 21, TDZ elevation, 1422′
9-mile Arc	Renner Int (NOPT)	LOC crs	2500	
R 160°, FSD VORTAC CCW	R 092°, FSD VORTAC	12-mile Arc	4400	
R 092°, FSD VORTAC CCW	R 051°, FSD VORTAC	12-mile Arc	3000	
12-mile DME Fix, R 051° FSD VORTAC	FSD LOC	251° crs 2 miles	2700	

Procedure turn W side of crs, 026° Outbnd, 206° Inbnd, 2700′ within 10 miles of Renner Int.
FAF, Renner Int. Final approach crs, 206°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over Renner Int, 2500′.
NOTE: Dual VOR receivers required.
*Reduction below ¾ mile not authorized.
c½IFR departure procedures: Aircraft departing southeastbound when weather is below 2100–2, flight below 3900′ beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of FSD VORTAC. Aircraft departing Runways 21 and 33 climb to 1800′ on runway heading before turning on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–21*	1760	¾	338	1760	¾	338	1760	¾	338	1760	1	338
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1960	1	532	1960	1	532	1960	1½	532	1980	2	552
A	Standard.		T 2-eng. or less—300–1, Runway 15; RVR 24′, Runway 3; Standard all others.%			T over 2-eng.—300–1, Runway 15; RVR 24′, Runway 3; Standard all others.%						

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428′; Facility, I-FSD; Procedure No. LOC (BC) Runway 21, Amdt. 12; Eff. date, 27 Nov. 69; Sup. Amdt. No. 11; Dated, 18 Sept. 69

14. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing AB LOM.
Allentown VORTAC	AB LOM	Direct	2400	Climbing left turn to 2500′ direct to AB LOM and hold.
Lehigh Int	AB LOM	Direct	2700	
Coopersburg Int	AB LOM	Direct	2500	Supplementary charting information:
East Texas VORTAC	AB LOM	Direct	2400	Hold SW, 1 minute, left turns, 061° Inbnd.
Pottstown VORTAC	Shamrock Int	Direct	2400	Runway 6, TDZ elevation, 386′.
Shamrock Int	AB LOM (NOPT)	Direct	2000	

Procedure turn N side of crs, 241° Outbnd, 061° inbnd 2400′ within 10 miles of AB LOM.
FAF, AB LOM. Final approach crs, 061°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over Shamrock Int., 2400′; over AB LOM, 2000′.
MSA: 000°–090°—3500′; 090°–180°—2600′; 180°–270°—2500′; 270°–360°—3500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–6	960	RVR 40	574	960	RVR 40	574	960	RVR 40	574	960	RVR 50	574
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	572	960	1	572	960	1¼	572	980	2	572
A	Standard.		T 2-eng. or less—RVR 24′. Runway 6; Standard all others.			T over 2-eng.—RVR 24′, Runway 6; Standard all others.						

City, Allentown; State, Pa.; Airport name, Allentown-Bethlehem-Easton; Elev., 388′; Facility, AB; Procedure No. NDB (ADF) Runway 6, Amdt. 7; Eff. date, 27 Nov. 69; Sup. Amdt. No. 6; Dated, 19 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing BON NDB.
HMV VORTAC	Piney Int	Direct	6000	Climb to 3600′ on crs 044° to T R LOM and hold; or, when directed by ATC, climbing right turn to 3600′ direct to BON NDB and hold SW, 1 minute, right turns, 044° Inbnd.
Piney Int	BON NDB	Direct	3600	
Telford Int	BON NDB	Direct	3600	
Hilton Int	Weber Int	Direct	3600	
Weber Int	BON NDB	Direct	5000	
Yuma Int	BON NDB	Direct	3600	
Unicoi Int	Jay Int	Direct	4900	Supplementary charting information:
Jay Int	BON NDB	Direct	6000	Hold NE, 1 minute, left turns, 224° Inbnd.
BLA VOR	Wallace Int	Direct	3600	HIRLS Runways 9/27 and 4/22.
Wallace Int	BON NDB	Direct	5700	Runway 4, TDZ elevation, 1505′.
TR LOM	BON NDB	Direct	3600	
V 16	BON NDB	Direct	3600	
	BON NDB (NOPT)	Via BON bearing 224°	2700	

Procedure turn E side of crs, 224° Outbnd, 044° Inbnd, 3600′ within 10 miles of BON NDB.
FAF, BON NDB. Final approach crs, 044°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over BON NDB, 2700′.
MSA: 000°–090°—6400′; 090°–180°—8300′; 180°–270°—7600′; 270°–360°—6300′.
NOTE: ASR.
*Circling not authorized N and W of centerline of Runways 4/22.
CAUTION: Abrupt changes in terrain elevations immediately adjacent to procedure areas. Due to high terrain, aircraft within limited climb capability departing on routes via HMV VORTAC should request clearance to climb on track of 044° from BON NDB or 224° from T R LOM to 4000′ before continuing climb on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–4	2080	1	575	2080	1	575	2080	1	575	2080	1¼	575
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2080	1	561	2080	1	561	2080	1½	561	2080	2	561
A	1000–2.		T 2-eng. or less—RVR 50′, Runway 22; Standard all others.			T over 2-eng.—RVR 24′, Runway 22; Standard all others.						

City, Bristol; State, Tenn.; Airport name, Tri-City; Elev., 1519′; Facility, BON; Procedure No. NDB (ADF) Runway 4, Amdt. 7; Eff. date, 27 Nov. 69; Sup. Amdt. No. ADF 2, Amdt. 6; Dated, 14 May 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing T R LOM.
HMV VORTAC	Silver Int	Direct	6000	Climb to 3600′ direct to BON NDB and hold; or, when directed by ATC, turn right, climb to 4000′ on R 293° HMV VORTAC to Yuma Int and hold NW, 1 minute, right turns, 113° Inbnd.
Silver Int	T R LOM	Direct	3600	
Telford Int	T R LOM	Direct	3600	
Yuma Int	T R LOM	Direct	3600	
Hilton Int	T R LOM	Direct	5000	
Greendale Int	Wallace Int	Direct	5000	Supplementary charting information:
Wallace Int	T R LOM (NOPT)	Direct	3600	Hold SW, 1 minute, right turns, 044° Inbnd.
Damascus Int	Emmett Int	271° bearing to T R LOM	6000	HIRLS Runways 9/27 and 4/22.
Emmett Int	T R LOM	Direct	3600	Chart: Silver, Wallace, and Emmett Int.
BON NDB	T R LOM	Direct	3600	Runway 22, TDZ elevation, 1518′.

Procedure turn E side of crs, 044° Outbnd, 224° Inbnd, 3600′ within 10 miles of T R LOM.
FAF, T R LOM. Final approach crs, 224°. Distance FAF to MAP, 6 miles.
Minimum altitude over T R LOM, 3600′; over Beaver Int., 2400′.
MSA: 000°–090°—6300′; 090°–180°—8300′; 180°–270°—7300′; 270°–360°—6300′.
NOTE: ASR.
CAUTION: Abrupt changes in terrain elevation immediately adjacent to procedure areas. Due to high terrain, aircraft with limited climb capability departing on routes via HMV VORTAC should request clearance to climb on a track of 044° from BON NDB or 224° from T R LOM to 4000′ before continuing climb on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–22	2400	1	882	2400	1¼	882	2400	1¼	882	2400	1¾	882
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2400	1	881	2400	1¼	881	2400	1½	881	2400	2	881
	NDB/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–22	2320	1	802	2320	1	802	2320	1¼	802	2320	1½	802
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2320	1	801	2320	1	801	2320	1½	801	2320	2	801
A	900–2.		T 2-eng. or less—RVR 50′, Runway 22; Standard all others.			T over 2-eng.—RVR 24′, Runway 22; Standard all others.						

City, Bristol; State, Tenn.; Airport name, Tri-City; Elev., 1519′; Facility, TR; Procedure No. NDB (ADF) Runway 22, Amdt. 9; Eff. date, 27 Nov. 69; Sup. Amdt. No. ADF 1, Amdt. 8; Dated, 16 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing FA LOM.
FAI VORTAC	FOX NDB	Direct	4000	Climb to 4000′ on 190° bearing from FA LOM within 15 miles.
FI LFR	FOX NDB	Direct	4000	Alternate missed approach: When directed by ATC, turn left, climb to 4000′ on FAI VORTAC R-100° thence proceed direct to FAI VORTAC.

Supplementary charting information:
Terrain rising to 1000′ within 2 miles W of airport.
1580′ hill 3 miles SW of airport.

Procedure turn W side of crs, 010° Outbnd, 190° Inbnd, 4000′ within 10 miles of FOX NDB.
FAF, FA LOM. Final approach crs, 190°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over FOX NDB, 4000′; over FA LOM, 2300′; over 3-mile Radar Fix, 1300′.
MSA: 000°–090°—4600′; 090°–180°—3600′; 180°–270°—4000′; 270°–360°—4300′; within 25 miles of FA LOM.
NOTE: ASR.
*Circling not authorized W of Runways 1/19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	1300	¾	866	1300	1	866	1300	1	866	1300	1¼	866
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1300	1	866	1300	1¼	866	1300	1½	866	1300	2	866
Utilizing 3-mile Radar Fix:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	920	¾	486	920	¾	486	920	¾	486	920	1	486
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	920	1	486	920	1	486	920	1½	486	1000	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434′; Facility FA LOM; Procedure No. NDB (ADF) Runway 19, Amdt. 10; Eff. date, 27 Nov. 69; Sup. Amdt. No. ADF 1, Amdt. 9; Dated 1 Jan. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LOG NDB.
TUT NDB	LOG NDB	Direct	4100	Climbing right turn to 4100′ on 205° bearing. Return to LOG NDB.
TUT VOR	LOG NDB	Direct	4100	

Supplementary charting information:
Terrain: 1279′, 1.4 miles NE; 1000′, 1.3 miles NW; 1545′, 2.1 miles W; 642′, 1.1 miles N of final approach crs.

Procedure turn right teardrop S side of crs, 205° Outbnd, 048° Inbnd, 2400′ within 10 miles of LOG NDB.
Final approach crs, 048°.
Minimum altitude over LOG NDB, 1000′.
MSA: 000°–360°—4100′.
NOTE: Air carrier will not reduce takeoff visibility due to local conditions Runway 23.
#Circling to N of centerline Runways 5/23 not authorized.
%Climb so as to cross facility 4100′ or above.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1000	2	970	1000	2	970	1000	2	970	1000	2	970
A	1000-2.		T 2-eng. or less—1000-2, Right Runway 5; Left Runway 23.%				T over 2-eng.—1000-2, Right Runway 5; Left Runway 23.%					

City, Pago Pago, Island, Tutuila Island; Territory, American Samoa; Airport name, Pago Pago International; Elev., 30′; Facility LOG; Procedure No. NDB (ADF)-1, Amdt. Orig.; Eff. date, 27 Nov. 69

15. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BVX NDB.
ARG VORTAC	BVX NDB	Direct	2500	Climbing right turn to 2300′ direct BVX NDB and hold.

Supplementary charting information:
Hold E of BVX NDB on bearing 100°–280° Inbnd, right turns, 1 minute.

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2300′ within 10 miles of BVX NDB.
Final approach crs, 280°.
Minimum altitude over BVX NDB, 1140′.
MSA: 000°–180°—2000′; 180°–360°—2600′.
NOTE: When Walnut Ridge, Ark., altimeter setting not available, use Jonesboro, Ark., FSS altimeter setting and increase MDA 40′; or, use Little Rock approach control altimeter setting and increase MDA 300′.
%Takeoff Runway 35: 300–1 required or water tank located ¾ mile N of airport must be visible.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1140	1	677	1140	1	677	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Batesville; State, Ark.; Airport name, Batesville Municipal; Elev., 463′; Facility, BVX; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 27 Nov. 69; Sup. Amdt. No. 2; Dated, 4 Sept. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PGR NDB.
ARG VORTAC	PGR NDB	Direct	2100	Climb to 2100′, left turn direct PGR NDB and hold.

Supplementary charting information:
Hold S of PGR NDB on bearing 230°–050° Inbnd, 1 minute, left turns.

Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 2100′ within 10 miles of PGR NDB.
Final approach crs, 050°.
Minimum altitude over PGR NDB, 1000′.
MSA: 000°–360°—2000′.
NOTE: When Jonesboro, Ark., FSS altimeter setting not available, use Blytheville AFB altimeter setting and increase circling and straight-in MDA 100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-05	1000	1	709	1000	1	709	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1000	1	709	1000	1	709	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Paragould; State, Ark.; Airport name, Paragould Municipal; Elev., 291′; Facility, PGR; Procedure No. NDB (ADF) Runway 5, Amdt. 3; Eff. date, 27 Nov. 69; Sup. Amdt. No. 2; Dated, 4 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing RO LOM.
ROW VORTAC	RO LOM	Direct	6000	Climb to 6000' on crs 213°, left turn, direct to RO LOM and hold*.
Hope Int	RO LOM	Direct	5500	Supplementary charting information:
Hagerman Int	RO LOM	Direct	5000	*Hold NE, 1 minute, right turns, 213° Inbnd.
Ranch Int	RO LOM (NOPT)	Direct	5000	TDZ elevation, 3623'.
Nelson DME Fix	RO LOM	Direct	5000	
Dexter DME Fix	RO LOM	Direct	5500	
Hondo DME Fix	RO LOM	Direct	5500	
Dunlap DME Fix	RO LOM	Direct	5500	

Procedure turn N side of crs, 033° Outbnd, 213° Inbnd, 5000' within 10 miles of RO LOM.
FAF, RO LOM. Final approach crs, 213°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over RO LOM, 5000'.
MSA: 000°-180°—5200'; 180°-360°—7000'.
NOTE: Use Roswell FSS altimeter setting when control zone not effective.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21	3980	¾	347	3980	¾	347	3980	¾	347	3980	1	347
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4120	1	451	4120	1	451	4120	1½	451	4220	2	551
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Roswell; State, N. Mex.; Airport name, Roswell Industrial Air Center; Elev., 3669'; Facility, RO; Procedure No. NDB (ADF) Runway 21, Amdt. 3; Eff. date, 27 Nov. 69; Sup. Amdt. No. 2; Dated, 3 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AWM NDB.
Walls Int	AWM NDB	Direct	1800	Climb to 1800' right turn direct to AWM NDB and hold.
Porter Int	AWM NDB	Direct	1800	Supplementary charting information:
Kerrville Int	AWM NDB	Direct	1800	Hold N of AWM NDB on bearing 347°-167° Inbnd, right turns, 1 minute.
				TDZ elevation, 212'.

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 1800' within 10 miles of AWM NDB.
Final approach crs, 167°.
Minimum altitude over AWM NDB, 700'.
MSA: 045°-135°—2400'; 135°-045°—1700'.
NOTES: (1) Use Memphis altimeter setting. (2) Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-17	700	1	488	700	1	488	700	1	488	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	700	1	488	700	1	488	700	1½	488	NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, West Memphis; State, Ark.; Airport name, West Memphis Municipal; Elev., 212'; Facility, AWM; Procedure No. NDB (ADF) Runway 17, Amdt. 2; Eff. date, 27 Nov. 69; Sup. Amdt. No. 1; Dated, 9 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AWM NDB.
Walls Int	AWM NDB	Direct	1800	Climb to 1800' left turn direct to AWM NDB and hold.
Porter Int	AWM NDB	Direct	1800	Supplementary charting information:
Kerrville Int	AWM NDB	Direct	1800	Hold S of AWM NDB on bearing 182°-002° Inbnd, left turns, 1 minute.
				TDZ elevation, 212'.

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 1800' within 10 miles of AWM NDB.
Final approach crs, 002°.
Minimum altitude over Island Int., 740'.
MSA: 045°-135°—2400'; 135°-045°—1700'.
NOTES: (1) Use Memphis altimeter setting. (2) Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S-35	740	1	528	740	1	528	740	1	528	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	740	1	528	740	1	528	740	1½	528	NA		
	NDB/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	660	1	448	660	1	448	660	1	448	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	448	680	1	468	680	1½	468	NA		
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, West Memphis; State, Ark.; Airport name, West Memphis Municipal; Elev., 212'; Facility, AWM; Procedure No. NDB (ADF) Runway 35, Amdt. 1; Eff. date, 27 Nov. 69; Sup. Amdt. No. Orig.; Dated, 12 Dec. 68

16. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 586'; LOC 6.1 miles after passing AB LOM.
Allentown VORTAC	AB LOM	Direct	2400	Climb to 3000' to Belfast Int via LOC back crs and ABE R 115° and hold.
Lehigh Int	AB LOM	Direct	2700	Supplementary charting information:
Coopersburg Int	AB LOM	Direct	2500	Hold SE, 1 minute, right turns, 295° Inbnd
East Texas VORTAC	AB LOM	Direct	2400	Runway 6, TDZ elevation, 386'.
Pottstown VORTAC	Shamrock Int	Direct	2400	
Shamrock Int	AB LOM (NOPT)	Direct	2400	

Procedure turn N side of crs, 241° Outbnd, 061° Inbnd, 2400' within 10 miles of AB LOM.
FAF, AB LOM. Final approach crs, 061°. Distance FAF to MAP, 6.1 miles.
Minimum glide slope interception altitude, 2400'. Glide slope altitude at OM, 2390'; at MM, 603'.
Distance to runway threshold at OM, 6.1 miles; at MM, 0.6 mile.
MSA: 000°-090°—3500'; 090°-180°—2600'; 180°-270°—2500'; 270°-360°—3500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-6	586	RVR 24	200	586	RVR 24	200	586	RVR 24	200	586	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-6	720	RVR 24	334	720	RVR 24	334	720	RVR 24	334	720	RVR 40	334
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	352	840	1	452	840	1½	452	940	2	552
A	Standard.		T 2-eng. or less—RVR 24', Runway 6; Standard all others.				T over 2-eng.—RVR 24', Runway 6; Standard all others.					

City, Allentown; State, Pa.; Airport name, Allentown-Bethlehem-Easton; Elev., 388'; Facility, I-ABE; Procedure No. ILS Runway 6, Amdt. 10; Eff. date, 27 Nov. 69; Sup. Amdt. No. 9; Dated, 19 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1718'; LOC 6 miles after passing TR LOM.
HMV VORTAC	Silver Int	Direct	6000	Climb to 3600' direct to BON NDB and hold; or, when directed by ATC, turn right climb to 4000' on R 293° HMV VORTAC to Yuma Int; and hold NW, 1 minute, right turns, 113° Inbnd. Supplementary charting information: Hold SW, 1 minute, right turns, 044° Inbnd. HIRLS Runways 9/27 and 4/22. Chart: Silver, Wallace, and Emmett Int Runway 22, TDZ elevation, 1518'.
Silver Int	TR LOM	Direct	3600	
Telford Int	TR LOM	Direct	3600	
Yuma Int	TR LOM	Direct	3600	
Hilton Int	TR LOM	Direct	5000	
Greendale Int	Wallace Int	Direct	5000	
Wallace Int	TR LOM (NOPT)	Direct	3600	
Damascus Int	Emmett Int	271° bearing to TR LOM	6000	
Emmett Int	TR LOM	Direct	3600	
BON NDB	TR LOM	Direct	3600	

Procedure turn E side of crs, 044° Outbnd, 224° Inbnd, 3600' within 10 miles of TR LOM.
FAF, TR LOM. Final approach crs, 224°. Distance FAF to MAP, 6 miles.
Minimum altitude over TR LOM, 3600'; over Beaver Int, 2400'.
Minimum glide slope interception altitude, 3600'. Glide slope altitude at OM, 3462'; at MM, 1742'.
Distance to runway threshold at OM, 6 miles; at MM, 0.5 mile.
MSA: 000°–090°—5300'; 090°–180°—8300'; 180°–270°—7300'; 270°–360°—6300'.
NOTES: (1) ASR. (2) Localizer back crs unusable.
CAUTION: Abrupt changes in terrain elevations adjacent to procedure areas. Due to high terrain, aircraft with limited climb capability departing on routes via HMV VORTAC should request clearance to climb on a track of 044° from BON NDB or 224° from TR LOM to 4000' before continuing climb on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-22	1718	RVR 24	200	1718	RVR 24	200	1718	RVR 24	200	1718	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22	2340	RVR 50	822	2340	RVR 50	822	2340	RVR 60	822	2340	1¼	822
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2340	1	821	2340	1	821	2340	1¼	821	2340	2	821
	LOC/VOR Minimums:											
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22	2200	RVR 50	682	2200	RVR 50	682	2200	RVR 50	682	2200	RVR 60	682
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2260	1	741	2260	1	741	2320	1¼	801	2320	2	801
A	Standard.		T 2-eng. or less—RVR 50', Runway 22; Standard all others.				T over 2-eng.—RVR 24, Runway 22; Standard all others.					

City, Bristol; State, Tenn.; Airport name, Tri-City; Elev., 1519'; Facility, I-TRI; Procedure No. ILS Runway 22, Amdt. 14; Eff. date, 27 Nov. 69; Sup. Amdt. No. 13; Dated, 14 Oct. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH, 634'; LOC 5.6 miles after passing FA LOM.
FAI VORTAC	FOX NDB	Direct	4000	Climb to 4000' on S crs ILS LOC within 15 miles. Alternate missed approach: When directed by ATC, climbing left turn to 4000' to FAI R 100° thence direct to FAI VORTAC. Supplementary charting information: Terrain rising to 1000' within 2 miles W of airport. 1580' hill 3 miles SW of airport.
FI LFR	FOX NDB	Direct	4000	

Procedure turn W side of crs, 010° Outbnd, 190° Inbnd, 4000' within 10 miles of FOX NDB.
FAF, FA LOM. Final approach crs, 190°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over FOX NDB, 4000'; over FA LOM, 2300'; over 3-mile Radar Fix, 1020'.
Minimum glide slope interception altitude, 2300'. Glide slope altitude at OM, 2310'; at MM, 660'.
Distance to runway threshold at OM, 5.6 miles; at MM, 0.6 mile.
MSA: 000°–090°—4600'; 090°–180°—3600'; 180°–270°—4000'; 270°–360°—4300'; within 25 miles FA LOM:
NOTE: ASR.
*Circling not authorized W Runways 1/19.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-19	634	½	200	634	½	200	634	½	200	634	½	200
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	820	1	386	900	1	466	900	1½	466	1000	2	566
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	1020	½	586	1020	½	586	1020	½	586	1020	1	586
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1020	1	586	1020	1	586	1020	1½	586	1020	2	586
	Utilizing 3-mile Radar Fix:											
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	760	½	326	760	½	326	760	½	326	760	¾	326
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	820	1	386	900	1	466	900	1½	466	1000	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434'; Facility, I-FAI; Procedure No. ILS Runway 19, Amdt. 11; Eff. date, 27 Nov. 69; Sup. Amdt. No. 10; Dated, 15 July 67

17. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 1978'; LOC 5.9 miles after passing AB LOM.
ABI VORTAC	AB LOM	Direct	3900	Climb to 3300' on LOC crs 350° within 20 miles; or, turn right, climb to 3300' on ABI VORTAC R 086° within 20 miles. Supplementary charting information: Runway 35L, TDZ elevation, 1778'.
DYS VOR	AB LOM	Direct	3900	
Clyde Int	AB LOM	Direct	3900	
Trussell Int	AB LOM	Direct	3900	
Nugent Int	AB LOM	Direct	3900	
Oplin Int	AB LOM	Direct	3900	

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 3900' within 10 miles of AB LOM.
FAF, AB LOM. Final approach crs, 350°. Distance FAF to MAP, 5.9 miles.
Minimum glide slope interception altitude, 3500'. Glide slope altitude at OM, 3406'; at MM, 1966'.
Distance to runway threshold at OM, 5.9 miles; at MM, 0.6 mile.
MSA: 225°–315°—4600'; 315°–225°—3900'.
NOTE: ASR.
*Circling not authorized NW defined by Runway 35 centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D			E		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-35L	1978	½	200	1978	½	200	1978	½	200	1978	½	200	1978	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-35L	2160	½	382	2160	½	382	2160	½	382	2160	¾	382	2160	¾	382
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2160	1	382	2240	1	462	2240	1½	462	2340	2	562	2360	2	582
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.								

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility, I-ABI; Procedure No. ILS Runway 35L, Amdt. 7; Eff. date, 27 Nov. 69; Sup. Amdt. No. 6; Dated, 10 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
SJU NDB	Townsend Int	Direct	2200	Climb to 1600′ on E crs of LOC within 15 miles.
Townsend Int	SJ NDB/LOM	Direct	1400	
R 341°, SJU VORTAC CCW	LOC crs SJU, R 255°	11-mile DME arc SJU R 265° lead radial.	1800	Supplementary charting information: TDZ elevation, 9′.
LOC crs 11-mile DME Fix SJU, R 255°	SJ NDB/LOM	LOC crs	1400	

Procedure turn not authorized.
Approach crs (profile) starts at Townsend Int.
FAF, SJ NDB. Final approach crs, 075°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over Townsend Int, 2200′.
Minimum glide slope interception altitude, 1400′. Glide slope altitude at OM, 1317′; at MM, 194′.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.5 mile.
MSA within 25 miles of SJ NDB/LOM: 000°-090°—1300′; 090°-180°—5100′; 180°-270°—5100′; 270°-360°—1800′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7	209	½	200	209	½	200	209	½	200	209	½	200
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
LOC	520	¾	511	520	¾	511	520	¾	511	520	¾	511
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	511	520	1	511	520	1½	511	560	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, San Juan; State, P.R.; Airport name, Puerto Rico International; Elev., 9′; Facility, I-SJU; Procedure No. ILS Runway 7, Amdt. 2; Eff. date, 27 Nov. 69; Sup. Amdt No. 1; Dated, 21 Nov. 68

18. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude

As established by Tri-City, Tenn, APC ASR minimum altitude vectoring chart.
All airway segments from 0 to 35 miles published MEA or sector altitudes whichever is lower. All sector azimuths are clockwise with distance and altitudes based on antenna located on Tri-City airport.

Notes

1. Descend aircraft after passing FAF.
2. Runway 22, FAF 6 miles from threshold. Minimum altitude over 3-mile radar Fix, 2400′. TDZ elevation, 1515′.
3. Runway 4, FAF 6 miles from threshold. Minimum altitude over 3-mile Radar Fix, 2400′. TDZ elevation, 1505′.
4. Radar will provide 1500′ vertical clearance within 3-mile radius of exceptionally high terrain or obstructions displayed on radar scope or depicted on MAV charts.

CAUTION: Abrupt changes in terrain elevation adjacent to procedure areas. Due to high terrain, aircraft with limited climb capability departing on routes via HMV VORTAC should request clearance to climb on a track of 044° from Boone NDB or 224° from TR LOM to 4000′ before continuing climb on crs.

Missed approach:
Runway 4—Climb to 3600′ on crs 044° TR LOM and hold. Hold NE, 1 minute, left turns, 224° Inbnd. Alternate: Climbing left turn to 4000′ to intercept R 293° HMV VORTAC to Yuma Int.
Runway 22—Climb to 3600′ on crs 224° to Bon NDB and hold. Hold SW, 1 minute, right turns, 044° Inbnd. Alternate: Climbing right turn to 4000′ to intercept R 293° HMV VORTAC to Yuma Int.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22	2260	RVR 50	742	2260	RVR 50	742	2260	RVR 50	742	2260	RVR 60	742
S-4	2100	1	595	2100	1	595	2100	1	595	2100	1¼	595
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2260	1	741	2260	1	741	2320	1¼	801	2320	2	801
A	Standard.		T 2-eng. or less—RVR 50′, Runway 22; Standard all others.				T over 2-eng.—RVR 24′, Runway 22; Standard all others.					

City, Bristol; State, Tenn.; Airport name, Tri-City; Elev., 1519′; Facility, Tri-City Radar; Procedure No. Radar-1, Amdt. 5; Eff. date, 27 Nov. 69; Sup. Amdt. No. Radar 1, Amdt. 4; Dated, 18 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude

As established by FAI ASR minimum altitude vectoring chart.

Notes

1. Runway 1, FAF 4 miles from threshold.
2. Minimum altitude over 4-mile FAF, 1500′.
3. Terrain rising to 1000′ within 2 miles W of airport.
4. 1580′ hill 3 miles SW of airport.
*Circling not authorized W of Runways 1/19.

Missed approach: Climbing right turn to 3000′ direct to FI LFR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1	1160	¾	726	1160	¾	726	1160	1¼	726	1160	1½	726
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1160	1	726	1160	1	726	1160	1½	726	1160	2	726
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434′; Facility, Fairbanks Radar; Procedure No. Radar-1, Amdt. 3; Eff. date, 27 Nov. 69; Sup. Amdt. No. Radar 1, Amdt. 2; Dated, 7 May 66

19. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude

As established by MEM ASR minimum altitude vectoring chart.

Notes

1. Approach crs from 000° CW to 360°.
2. Descend aircraft to MDA after FAF 4 miles from airport.
3. Missed approach point over airport.

Missed approach: Climb to 1800′ reverse crs direct to AWM NDB and hold N on the 347° bearing, right turns, 1 minute, 167° Inbnd.
Use Memphis approach control altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	700	1	488	700	1	488	700	1½	488	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, West Memphis; State, Ark.; Airport name, West Memphis Municipal; Elev., 212′; Facility, MEM 1 ASR; Procedure No. ASR-1, Amdt. 4; Eff. date, 27 Nov. 69; Sup. Amdt. No. 3; Dated, 6 Nov. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 21, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-12860; Filed, Nov. 6, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Government National Mortgage Association, Department of Housing and Urban Development

PART 1665—GUARANTY OF MORTGAGE-BACKED SECURITIES

On August 13, 1969 (34 F.R. 13110), notice was given that the Government National Mortgage Association, under the authority contained in section 309 of the National Housing Act (12 U.S.C. 1723a), was considering the addition of a new Part 1665 to Title 24 of the Code of Federal Regulations. Although the proposed regulations relating to a guaranty are not subject to the rule-making requirements of 5 U.S.C. 553, interested persons were invited to submit written comments, suggestions, or objections to such regulations. After consideration of all relevant material submitted, the proposed regulations, modified as set forth below, are hereby adopted.

Part 1665 of Title 24 is established to read as follows:

Sec.
1665.1 General.
1665.3 Eligible issuers of securities.
1665.5 Securities.
1665.7 Mortgages.
1665.9 Pool administraton.
1665.11 Excess collateral.
1665.13 Guaranty.
1665.15 Fees.
1665.17 Audits and reports.
1665.19 Applications.

AUTHORITY: The provisions of this Part 1665 issued under sec. 309, National Housing Act; 12 U.S.C. 1723a.

§ 1665.1 General.

The Association is authorized by section 306(g) of the National Housing Act, upon such terms and conditions as it may deem appropriate, to guarantee the timely payment of principal of and interest on securities which are based on and backed by a trust or pool composed of mortgages which are insured by the Federal Housing Administration or the Farmers' Home Administration, or insured or guaranteed by the Veterans' Administration. The Association's guaranty of mortgage-backed securities is backed by the full faith and credit of the United States. This part is limited to "pass-through" securities, including (a) "straight pass-through" and (b) "modified pass-through" types, and does not purport to set forth all the procedures and requirements that apply to the issuance and guaranty of such securities. All such transactions are governed by the specific terms and provisions of the Association's Mortgage-Backed Securities Guide and contracts entered into by the parties. Further information may be obtained from the Government National Mortgage Association, 451 Seventh Street SW., Washington, D.C. 20414.

§ 1665.3 Eligible issuers of securities.

Any mortgagee, including a State or local governmental instrumentality, which has been approved by the Federal Housing Administration and which has adequate experience and facilities to issue mortgage-backed securities may be approved for a guaranty by the Association, except that no guaranty shall be made of any security which is tax exempt under the Internal Revenue Code of 1954. No issue of securities will be approved for guaranty unless the issuer has net worth, in assets acceptable to the Association, in a ratio of (a) not less than 3 percent on the first $5 million of guaranteed securities outstanding after such issue, (b) not less than 2 percent on the succeeding $5 million, and (c) not less than 1 percent on all over $10 million, but in no case need such net worth exceed $500,000.

§ 1665.5 Securities.

(a) *Instruments.* Securities to be issued pursuant to the provisions of this part may, at the option of the issuer, be of one of the following types, but only one of such types may be issued against any single pool of mortgages: (1) Straight pass-through securities, which provide for the payment by the issuer to the holders of a proportionate share of the proceeds of principal and interest, as collected, on account of a pool of mortgages, less servicing fees and other specified costs approved by the Association; and (2) modified pass-through securities, which provide either (i) for the payment by the issuer to the holders of a proportionate share of the proceeds of principal, as collected, together with a fixed rate of interest on the unpaid principal balance, whether or not collected, or (ii) for such payment, whether or not collected, of both specified principal installments and a fixed rate of interest on the unpaid principal balance, with all prepayments being passed through to the holder. In the case of delinquent mortgages in a pool backing modified pass-through securities, the issuer is required to make advances if necessary to maintain the specified schedule of payments to the holders, whether of interest only or of interest and principal, or at its option, at any time 90 days or more after default of any such mortgage, the issuer may repurchase such mortgage. Both straight pass-through and modified pass-through securities must specify the dates by which payments are to be made to the holders thereof, and must indicate the accounting period for collections on the pool's mortgages relating to each such payment, and the securities must also specify a date on which the entire principal to be collected will have been paid or will be payable.

(b) *Issue amount.* Each issue of guaranteed securities must be in a minimum face amount of $2 million. The total face amount of any issue of securities cannot exceed the aggregate unpaid principal balances of the mortgages in the pool.

(c) *Face amount of securities.* The face amount of any security cannot be less than $50,000.

(d) *Transferability.* Securities are transferable, but the share of the proceeds collected on account of the pool of mortgages may not be payable to more than one holder with respect to any security.

(e) *Disclosure.* The issuer must disclose both the average and the total costs to the issuer of the mortgages in the pool, whether the issuer acquired the mortgages by origination or purchase.

§ 1665.7 Mortgages.

Each issue of guaranteed securities must be backed by a separate pool of mortgages which:

(a) Are insured under the National Housing Act or title V of the Housing Act of 1949, or insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code;

(b) Cover residential property;

(c) Have been insured or guaranteed no longer than 12 months prior to the date on which the Association issues its commitment to guarantee the securities;

(d) Will be replaced by the issuer if found defective by the Association at any time prior to 4 months after the date on which the Association issues its guaranty of the securities; and

(e) Meet such other standards of acceptability as may be prescribed by the Association.

§ 1665.9 Pool administration.

The Association will not guarantee securities if the pool arrangement proposed by the issuer does not satisfactorily provide for:

(a) Servicing of the mortgages in the pool;

(b) Segregation of the cash flow from mortgages in the pool from the other assets of the issuer;

(c) Timely payment of principal and interest, in accordance with the terms of the guaranteed securities;

(d) Notification to the Association of an impending default, on the part of the issuer, in adequate time for the Association to make timely payments on the securities; and

(e) Delivery to a designated custodial agent satisfactory to the Association of the mortgage notes or other evidences of indebtedness secured by the mortgages in the pool and protection of the Association's interest in all assets in the pool as collateral for its guaranty.

§ 1665.11 Excess collateral.

The issuer shall maintain, for the benefit of the Association, excess collateral in assets acceptable to the Association of 3 percent of the amount of guaranteed securities outstanding. In lieu of such excess collateral the Association may accept a bond or other assurance of the faithful performance of the fiduciary responsibilities of the issuer.

§ 1665.13 Guaranty.

With respect to straight pass-through securities, the Association guarantees the timely payment to the security holder of the proceeds of principal and interest, as collected, as undertaken in the Association's guaranty appearing on the face of the security. With respect to modified pass-through securities, the Association guarantees the timely payment, whether or not collected, of the fixed rate of interest on the outstanding principal balance, or the fixed rate of interest on such outstanding balance and the specified principal installments, as undertaken in the Association's guaranty appearing on the face of the security. As to straight pass-through type securities, any failure or inability of the issuer to make payment as due, to the holders of the securities, from the proceeds from the pool of mortgages which have been collected, or because of failure to make collections, under reasonable and accepted standards of mortgage servicing, shall constitute a default of the issuer. As to modified pass-through securities, any failure or inability of the issuer to make fixed or other payments as due shall be deemed such a defaut. Upon any default by the issuer and payment under its guaranty by the Association, or any failure of the issuer to comply with the terms of the guaranty transaction, the Association may institute a claim against the excess collateral or other assets of the issuer, or against any assurance in lieu of excess collateral, or may, pursuant to section 306(g) of the National Housing Act, extinguish all the ownership, control, or other interest of the issuer in the pooled mortgages, by letter directed to the issuer and making the mortgages the absolute property of the Association, subject only to unsatisfied rights therein of the holders of the securities, or the Association may do both.

§ 1665.15 Fees.

The Association may impose application and guaranty fees, which may vary for straight pass-through and modified pass-through issuances.

§ 1665.17 Audits and reports.

The Association may at any time audit the books and examine the records of any issuer, mortgage servicer, trustee, or agent or other person bearing on its guaranty of mortgage-backed securities, and may require periodic reports from such persons.

§ 1665.19 Applications.

Applications for guaranty should be submitted to the Association's office located at 451 Seventh Street SW., Washington, D.C. 20414.

Effective date. This part shall be effective upon publication in the FEDERAL REGISTER.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-13306; Filed, Nov. 6, 1969; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 683—RETAILING, WHOLESALING, AND WAREHOUSING INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 607 (34 F.R. 9346), the Secretary of Labor appointed and convened Industry Committee No. 87–A for the retailing, wholesaling, and warehousing industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 87–A are hereby published, to be effective November 23, 1969, in this order amending § 683.2 of Title 29, Code of Federal Regulations. As revised § 683.2 reads as follows:

§ 683.2 Wage rates.

* * * * *

(b) *Retailing 1961 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(d) *1966 coverage classification.* (1) The minimum wage for this classification is $1.15 per hour for the period ending January 31, 1969; $1.30 per hour for the period beginning February 1, 1969, and ending January 31, 1970; $1.45 per hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 per hour thereafter.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C. this 3d day of November 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor.

[F.R. Doc. 69-13307; Filed, Nov. 6, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 239—HOMEOWNERS ASSISTANCE PROGRAM—APPLICATION PROCESSING

Appendix A

The following agreement, approved by the Secretary, Department of Housing and Urban Development and Assistant Secretary of Defense (Installations and Logistics) on behalf of the Secretary of Defense, is published as new Appendix A:

APPENDIX A—AGREEMENT, HOMEOWNERS ASSISTANCE PROGRAM AGREEMENT BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARTICLE I—INTRODUCTION

SECTION 1. Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89–754, enacted Nov. 3, 1966) authorizes the Secretary of Defense to provide assistance to owners of one- or two-family dwellings located at or near military installations, ordered to be closed in whole or in part subsequent to November 1, 1964, when certain determinations have been made with respect to eligibility. In certain instances this assistance may be rendered by acquiring title to the properties of such owners under terms and conditions prescribed by the statute.

SEC. 2. Section 1013(d) of the Act provides a fund for the purpose of this program, which has been established as the Homeowners Assistance Fund, Defense. Section 1013(g) authorizes the Secretary of Defense to enter into agreement with the Secretary of Housing and Urban Development with respect to administration of the program. This agreement is executed on behalf of the Secretary of Defense by the Assistant Secretary of Defense (Installations and Logistics) pursuant to delegation of authority contained in DoD Directive 5100.54, dated December 29, 1967 (33 F.R. 2570) and by the Secretary of Housing and Urban Development.

SEC. 3. For the purposes of this agreement, the following definitions shall apply:

(a) "Act" means section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, Public Law 89–754, enacted November 3, 1966.

(b) "Secretary of Defense" means the Secretary of Defense or an officer or employee of the Department of Defense empowered to exercise any of the functions of the Secretary of Defense under the Act.

(c) "DOD" means the Department of Defense.

(d) "Secretary, HUD" or "HUD" means the Secretary of Housing and Urban Development or an officer or employee of the Department of Housing and Urban Development empowered to exercise any of the functions of the Secretary of Housing and Urban Development under the Act.

(e) "Corps" means the Office of the Chief of Engineers, Department of the Army.

(f) "Division/District Engineer" means either the Division Engineer of the Corps or the District Engineer of the Corps, as applicable under the circumstances, having military jurisdiction in the area in which the property is located.

(g) "FHA" means the Federal Housing Administration.

(h) "Assistant Commissioner-Comptroller" means the Assistant Commissioner-Comptroller of the Federal Housing Administration.

(i) "FHA Insuring Office" means the local insuring office of FHA having jurisdiction over the area where the property is located.

(j) "Fund" means the Homeowners Assistance Fund, Defense, established pursuant to the authority contained in section 1013(d) of the Act.

(k) "Acquired property" means property acquired pursuant to the Act.

ARTICLE II—POLICY AND OBJECTIVE

SECTION 1. As more fully set forth below, Secretary, HUD will accept custody, subject to funds made available by DOD, of property acquired pursuant to the Act and maintain, manage, and dispose of such properties on behalf of the Secretary of Defense. In the event the Fund no longer has any monies available, the Secretary, HUD may terminate this Agreement and DOD shall in that event assume custody and responsibility for all properties accepted, and mortgage payment liabilities assumed, by HUD pursuant to this agreement. It is the agreed objective that acquired properties will be held, managed and disposed of in such a way as to:

(a) Avoid further depression of local real estate market conditions in areas where the housing market is depressed, and

(b) Consistent with item (a) above and with the desirability of disposing of the properties as rapidly as feasible, seek to obtain the best possible financial return to the Fund. During the period properties are held by FHA, and when it is feasible and in the best interest of the Government, consistent with HUD/FHA policy as to Secretary, HUD-owned property in the areas acquired in the course of FHA mortgage insurance operations, properties will be rented to third parties at rates generally obtainable for comparable properties in the area.

SEC. 2. The Secretary of Defense and the Secretary, HUD will expedite action in all offices and at all levels of their organizations relative to matters that are the subject of this agreement, and each will use all available means to assure that the purposes of the Act are accomplished in accordance with the spirit and intent of the Act.

ARTICLE III—ACQUISITION AND ASSUMPTION OF CUSTODY

SECTION 1. As to properties acquired by the Corps under this Act, acquisition will be accomplished by the Division/Distfict Engineer, who will negotiate with the owner as to terms, will effect the closing, and will pay to the property owner such sums as may be due to him. The Division District Engineer will obtain a merchantable title to the property which meets the title requirements of the Attorney General of the United States.

SEC. 2. HUD FHA, on behalf of the Fund, will assume custody of properties acquired as of the date that title in the property vests in the United States, for the purpose of holding, managing, renovating, renting, and disposing of said properties. The District/Division Engineer will file the deed for record promptly upon title vesting in the United States, and on the same date will notify the FHA insuring office of the acquisition, using FHA Form 1174,[1] Notice of Military Acquisition, copy attached hereto and made a part hereof, and will on the same date forward the keys to the property and any other data concerning the property which is requested by FHA to the FHA insuring office. The original and two copies of FHA Form 1174, completely executed, will be forwarded to the FHA insuring office for each property acquired. The FHA insuring office will assign an FHA identification number to the property, insert this identification number on one copy of Form 1174 and promptly return this copy to the Division/District Engineer.

SEC. 3. Properties acquired pursuant to the Act shall be conveyed to, and acquired in the name of, the United States. Title to the properties shall be of sufficient quality and standard as to be readily merchantable in the locality. Encumbrances that do not affect the merchantability of the properties, such as easements for roads and utilities will not be required to be cleared from the title. In the event HUD/FHA determines that there is any encumbrance to title which, under local custom and legal procedures of the situs of the property, would preclude or diminish HUD/FHA's ability to dispose of the property, it is agreed that HUD/FHA may remove the encumbrance and that the costs of such removal will be borne by the Fund. In those instances where a defect in title is discovered, the Fund will be responsible for the cost of curing said defect.

SEC. 4. As a prerequisite to acquisition of the property, the Division/District Engineer will procure adequate title evidence covering the property and will have the title evidence continued through the date and time of recording the deed to the United States. When the opinion of the Attorney General approving the title has been received, the Division/District Engineer will transmit same by FHA Form 1175,[1] Transmittal of Recorded Deed and Title Assembly, copy attached hereto and made a part hereof, together with the recorded deed and other muniments of title, to the FHA Assistant Commissioner-Comptroller at his offices in Washington, D.C.

SEC. 5. Where title to a property is acquired subject to the existing mortgage, the Government will assume and agree to pay said mortgage in accordance with the terms of the mortgage. The mortgage will not be prepaid unless HUD FHA determines that prepayment is mandatory to enable HUD FHA to effectively manage and dispose of the property.

SEC. 6. Any mortgage, other than a first mortgage, which is assumed by the Government pursuant to the Act, will be paid off as a part of the closing of the purchase transaction. All mortgage arrears existing with respect to the first mortgage will be brought current at the time of the property acquisition. If HUD/FHA ascertains that mortgage arrears have not been brought current, HUD FHA is authorized to make the necessary payment to restore the mortgage account to a current condition and the Fund will bear the costs of same.

SEC. 7. Possession of acquired properties will normally be obtained at the time title is vested in the United States and at the time FHA Form 1174 is forwarded to HUD/FHA. Properties will be delivered vacant to FHA, except in the following circumstances:

(a) HUD/FHA will accept custody of a property occupied under a lease which cannot be terminated and has an unexpired portion of less than 1 year provided all payments due under the lease are current, and provided, further, that the leasee will waive any right to exclusive extension of the lease, other than month-to-month occupancy.

(b) Owners or tenants, on a month-to-month basis, of acquired properties may be permitted a 30-day period following acquisition of title in the name of the United States to vacate the property.

(c) Upon agreement with the Director of the FHA insuring office, HUD/FHA will accept custody of properties occupied under leases in excess of a year's duration.

SEC. 8. In cases where properties are acquired subject to existing leases, the leases must be assigned and transferred to the United States. Such leases will be delivered to the FHA insuring office with FHA Form 1174. All costs of eviction incurred by HUD/FHA will be reimbursed by the Fund. Except in cases involving a lease in which the unexpired portion is less than 1 year, no agreement shall be entered into with owners or occupants of properties to be acquired concerning their continued occupancy in the property without prior written approval of the Director of the FHA insuring office and the tenure of any occupancy will be entirely at the option of the FHA insuring office.

SEC. 9. The Government will normally be a self-insurer of acquired properties and hazard insurance will be cancelled by HUD/FHA as soon as possible after passing of title. Any unearned premium will be the property of the former owner who will be responsible for claiming same from the insurer. The Department of Defense understands that the decision as to whether or not hazard insurance must be carried is that of the mortgagee and HUD/FHA must abide by the requirements of the mortgagee. In the event the mortgagee, pursuant to the terms of the mortgage, requires that hazard insurance be carried, HUD/FHA will obtain a hazard insurance policy on the property in an amount sufficient to comply with the mortgage. In the event hazard insurance is obtained, HUD/FHA will pay for such insurance and will be reimbursed from the Fund.

ARTICLE IV—MAINTENANCE, MANAGEMENT AND DISPOSAL

SECTION 1. To the extent not inconsistent with the provisions of this Agreement, HUD/FHA will maintain, manage, renovate, rent, sell, and dispose of the acquired properties in the same manner and under the same procedures as are used by HUD/FHA for properties acquired pursuant to FHA insurance contracts. HUD/FHA will give neither advantage nor disadvantage insofar as sale or other activity is concerned to properties acquired pursuant to this Agreement. HUD/FHA will treat such properties in the same manner as properties acquired pursuant to FHA insurance contracts. HUD/FHA is hereby authorized to repair, renovate, restore, or take any protective maintenance deemed necessary by HUD/FHA insofar as any property covered by this Agreement is concerned. The terms of rental, sale for cash or credit or by assumption of the existing mortgage, or by other means of disposal of any property covered by this Agreement which is contracted for or otherwise entered into by FHA shall be final.

SEC. 2. While any acquired property is under HUD FHA's custody, payments in lieu of taxes will be made by the FHA Assistant Commissioner-Comptroller to local taxing authorities in amounts equivalent to the taxes which would be payable were the properties in private hands, except when the Government is making expenditures for streets, utilities or other public services. In such cases, the Division/District Engineer will advise the FHA Assistant Commissioner-Comptroller of such expenditures and specify what allowances are to be deducted. It shall be the responsibility of the Division/District Engineer to advise the FHA Assistant Commissioner-Comptroller in such cases sufficiently prior to the time that the Assistant Commissioner-Comptroller makes payment of any tax bill received by FHA on acquired properties. In the event that such notice is not received from the Division/District Engineer by such time, the Assistant Commissioner-Comptroller may pay the amount of the net tax bill without penalties.

[1] Filed as part of original.

[1] Filed as part of original.

SEC. 3. This agreement contemplates that disposal of the properties will be accomplished by the financing arrangements available to HUD/FHA and beneficial to DOD. The following financial arrangements will generally be used and FHA will be guided by the same considerations that govern FHA sales of its properties:

1. Sale of the property for cash or through the use of a conventional uninsured mortgage.

2. Sale of the property providing for assumption of the existing mortgage indebtedness by the buyer or sale of the property subject to the existing mortgage indebtedness.

3. Sale of the property by use of FHA's insured private financing program or FHA's instant FNMA closing program if available.

4. Sale of the property by use of a purchase money mortgage taken by the Secretary, Department of Housing and Urban Development. In those cases where an existing mortgage is assumed and the assumptor subsequently defaults, the Fund will be responsible for all costs, expenses or losses sustained by HUD/FHA in satisfying the Government's liability on the mortgage. In the event it is advantageous to the Government to sell by assumption and the sales price is less than the outstanding mortgage balance, the Fund shall be responsible for the money which is required to reduce the outstanding principal balance of the mortgage. When, in order to facilitate the sale of acquired properties, FHA insures the mortgage, the Fund will be responsible for all expenses incurred by FHA on the first sale, including losses in connection therewith, as computed by the FHA Assistant Commissioner-Comptroller.

ARTICLE V—FINANCING, ACCOUNTING, AND REPORTING

SECTION 1. The Corps will furnish to HUD/FHA by June 1 of each year an estimate of the number of housing units expected to be acquired and transferred to HUD/FHA during the succeeding fiscal year and those during the following budget year. The estimates will show the number of housing units, FHA insuring office jurisdiction, estimated average monthly principal and interest payments and expected quarterly phasing of transfer to FHA.

On August 1 of each year HUD/FHA will submit a budget estimate to the Corps setting forth the estimated financial requirements for the activities that FHA is to perform for the Secretary of Defense pursuant to the terms of this agreement covering the then current fiscal year and the following budget year. The estimate, in terms of obligations/expenditures, should be by FHA insuring office jurisdiction and in the same cost categories as maintained in the automatic tape record as set forth in Article V, section 2, for each acquired property and as included in the monthly reimbursement request set forth in Article V, section 3, for all other expenses. On May 1 of each year FHA will furnish to the Corps in the same format as the August 1 statement an updated estimate of obligations/expenditures then estimated to be incurred in the succeeding fiscal year.

Based on the estimated financial requirements, in consonance with budgetary and appropriation actions, the Corps will issue to FHA on July 1 of each year a reimbursable order including an obligation/expenditure limitation as to the amount which the FHA may, on a net basis, obligate/expend in anticipation of reimbursement from the Fund for that fiscal year. FHA will promptly advise the Corps whenever it determines that the performance of its responsibility under this Agreement requires any adjustment, together with an estimate and explanation of the changes needed so as to permit the continued effective operation of the program as contemplated under this agreement. The Corps of Engineers will arrange to provide for the necessary adjustment within its authority. Where this is infeasible the Corps of Engineers will submit the requirement promptly to the Secretary of Defense. The Secretary of Defense will either provide the additional resources required or will directly advise FHA as to the course of action necessary to be taken pending the availability of additional resources.

SEC. 2. The FHA will maintain in its automated tape records an account for each acquired property. The account will separately identify each of the following:

(a) The FHA identification number, which will be assigned by the FHA insuring office. The Corps will be advised of the FHA identification number on the copy of the FHA Form 1174 returned to the Corps per Article III, section 2.

(b) Property address, entered by the Corps on the FHA Form 1174 within the space allotted in ADP records.

(c) Outstanding mortgage balance at acquisition.

(d) Property acquired. Contra to (c) above, this will be established in the same amount and will offset the outstanding mortgage balance. In the event a property is sold with the purchaser assuming the mortgage or with FHA taking a purchase money mortgage the outstanding balance assumed by the purchaser or the amount of the purchase money mortgage accepted will be recorded as a reduction of the amount originally established.

(e) Principal payments including prepayments of the entire balance when necessary by FHA on the mortgage.

(f) Interest payments by FHA on the mortgage.

(g) Payments in lieu of taxes and insurance payments by FHA. The Corps will notify FHA on the FHA Form 1174 of Escrow Accounts retained by the mortgagee.

(h) Maintenance and operating expenses paid by FHA including any special payments for evictions and removal of title impediments. Direct expense transactions of $100 or more will be a direct charge to the affected property account. All other expenses, generally derived from net settlements with brokers, made pursuant to FHA 2570 Acmay be amended from time to time, will be prorated monthly to all home properties in FHA's inventory, including those acquired pursuant to this agreement. Net settlement means expenses paid by brokers less rental collections.

(i) Sales expenses paid by FHA which will be for sales, closing costs, and discount on notes.

(j) Net FHA incurred expense, which will be the net total of amounts recorded in items (e) through (j) of this section.

(k) Gross Sales Price agreed to by FHA. This is not the same as cash proceeds which will be reported separately by FHA.

(l) Net Expense or Collection on Sold Properties, which will be the gross sales price less adjustments to item (d) of this section less item (j) of this section.

(m) A Corps' furnished base identification and homeowner classification code consisting of 7 digits (2 digits for State code and 4 digits for installation number plus the number "2" for civilian or the number "1" for military homeowner).

SEC. 3. FHA will furnish to the Corps the following reports:

(a) Monthly, no later than 30 working days after the end of each calendar month the FHA Form 1131, "Acquired Home Property, Maintenance Phase Trial Balance," showing separate totals to date for items (c) through (l) of Article V, section 2, for each FHA identification number.

(b) Monthly, no later than 30 working days after the end of each calendar month a statement supporting an SF 1080 billing setting forth the following:

(1) Net change in FHA expenses for acquired properties as reported on the current and prior month, Article V, section 3, item (a) reports, separately for "on hand" and for "sold" properties.

(2) Sales proceeds, which will be detailed by the gross sales price agreed to by FHA less amount of mortgages assumed by buyers less purchase money mortgages accepted by FHA.

(3) Principal and interest collections separately on purchase money mortgages.

(4) FHA insuring office expenses directly related to this agreement, developed on basis of reports received in accordance with FHA Manual, Field Expense and Performance Handbook, as may be amended from time to time. This item will be supported by a schedule showing total expenses incurred by each FHA insuring office.

(5) FHA Headquarters expenses directly related to this agreement developed on basis of reports received in accordance with FHA Manual, Departmental Expenses and Performance Handbook, as may be amended from time to time.

(6) HUD departmental level expenses directly related to this program which will include Automatic Data Processing (ADP) services, printing and some other minor expenses, which in the judgment of FHA are appropriately chargeable under this Agreement. ADP services will include the cost of magnetic tapes furnished the Corps under Article V, section 3, item (c) and Article V, section 4, and personal service costs.

Personal service costs included in items (4), (5), and (6) will be limited to those directly related to this program on the basis of time worked and will consist of salary cost plus FICA and the Government contribution for health benefits, life insurance, and retirement funds. An additional 15.9 percent of this total will be added to cover the cost of earned annual leave, sick leave taken, and holiday leave.

(7) Amount due FHA from the Fund or amount due the Fund from FHA.

(c) Quarterly, not later than 30 working days after the end of each calendar quarter a duplicate of the FHA automated tape record for all acquired properties.

SEC. 4. Whenever FHA determines that they do not plan to offer properties for sale within 12 months after acquisition, the FHA will so advise the Secretary of Defense, with the expected prospects for such disposition. The Secretary of Defense will consult with the FHA on alternative means of disposal in such cases where such alternatives are considered feasible.

SEC. 5. FHA will not drop closed cases for properties acquired pursuant to the Act from the automated tape records except by special agreement with the Corps, at which time a duplicate of FHA's automated tape record of such cases will be furnished to the Corps.

SEC. 6. It is agreed and understood that, in performing the accounting and reporting operations set out herein, FHA will accomplish the objectives using its existing automated data processing routines and programs, and that no special programming or detailed printouts will be required from FHA.

SEC. 7. The Corps, within 6 working days after receipt of a monthly statement indicating an amount due FHA, will reimburse FHA by check for the amount shown on the statement. The check will be made payable to the Federal Housing Administration and will be forwarded to the FHA Assistant Commissioner-Comptroller.

SEC. 8. In those instances where the statement indicates an amount due the Fund, a check payable to the Homeowners Assistance Fund, Defense, for such amount will accompany the monthly statement submitted to the Corps by FHA.

SEC. 9. The following FHA issuances and changes thereto will be furnished to the Corps:

(a) FHA 2750, Accounting Manual for Acquired Properties;

(b) FHA Manual, Field Expense and Performance Handbook;

(c) FHA Manual, Departmental Expense and Performance Handbook.

SEC. 10. FHA will maintain a separate document file for each acquired property. The file will contain at least the FHA Form 1174 and FHA Form 1175 and attachments thereto.

ARTICLE VI—FINALITY OF ACTION

SECTION 1. This agreement embodies the full understanding of the Department of Defense and the Department of Housing and Urban Development concerning their responsibilities and it is understood that all decisions made and all actions taken by HUD/FHA within the terms of this agreement with respect to all aspects of clearing impediments of title, prepayment of mortgages, eviction of occupants, prepayment of hazard insurance coverage premiums, and all other matters relating to the maintenance, management, renovation, rental, sale, or other disposal of properties and the selection and use of brokers shall be final and conclusive as fully as if made or taken by the Secretary of Defense.

ARTICLE VII—DELEGATION OF AUTHORITY

SECTION 1. The Secretary of Housing and Urban Development is hereby authorized, with respect to acquired properties, to acquire title to, hold, manage, sell for cash or credit by taking a purchase money mortgage in the name of the Secretary of Housing and Urban Development, and, in connection therewith, to execute deeds of conveyance and all other instruments necessary to fulfill the purposes of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89–754, enacted Nov. 3, 1966), to issue rules and regulations and to make any or all determinations and to take any or all further actions in connection with acquired properties which the Secretary of Defense is authorized to undertake pursuant to the provisions of the Act. The Secretary of Housing and Urban Development is further authorized to redelegate any of the functions, powers and duties delegated herein to officers and employees of HUD and to authorize successive redelegations.

Approved: June 18, 1968.

THOMAS D. MORRIS,
Assistant Secretary of Defense (Installations and Logistics), Department of Defense.

ROBERT C. WEAVER,
Secretary, Department of Housing and Urban Development.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69–13127; Filed, Nov. 6, 1969; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGFR 69–80]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

Miscellaneous Amendments

The purpose of this document is to delete certain obsolete regulations in 33 CFR Part 8 applicable to members of the U.S. Coast Guard Reserve and to show the assignment of functions to the U.S. Coast Guard in the Department of Transportation, including deletions of references to Secretary of the Treasury and the Treasury Department from the existing regulations and substitution of the Secretary of Transportation and the Department of Transportation therefor.

The amendments to 33 CFR Part 8 prescribed herein are considered to be revisions to delete various provisions which are now obsolete or of an editorial nature and it is hereby found that compliance with the Administrative Procedure Act (5 U.S.C. 551–559) (respecting notice of proposed rule making, public rule-making procedure thereon, and effective date requirements thereof) is unnecessary to such changes.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of title 14, United States Code, and the delegation of authority in 49 CFR 1.4 (a)(2), (f), and (g) to promulgate regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed:

1. The authority citation following the table of sections of Part 8 is revised to read as follows:

AUTHORITY: The provisions of this Part 8 issued under sec. 4, 62 Stat. 605, as amended; sec. 633, 63 Stat. 545; sec. 280, 70A Stat. 14; sec. 6(b)(1), 80 Stat. 938; 50 U.S.C. app. 454; 14 U.S.C. 633; 10 U.S.C. 280; 49 U.S.C. 1655 (b)(1); 49 U.S.C. 1.4 (a)(2), (f), (g).

GENERAL—ADMINISTRATION AND ORGANIZATION

DEFINITIONS AND APPLICABILITY OF REGULATIONS

§ 8.1001 [Amended]

2. Section 8.1001 is amended by changing the words "Treasury Department" in lines 5 and 6 of paragraph (a) and in line 4 of paragraph (b) to read "Department of Transportation".

3. Section 8.1002 is revised to read as follows:

§ 8.1002 Meaning of terms "Secretary of Transportation" and "Secretary".

As used in this part, the terms "Secretary of Transportation" and "Secretary" mean the Secretary of Transportation when the Coast Guard is operating as a service in the Department of Transportation and the Secretary of the Navy when the Coast Guard is operating as a service in the Navy.

4. Section 8.1003 is revised to read as follows:

§ 8.1003 Definitions.

(a) "Active service" means service on active duty.

(b) "Active duty" means full-time duty in the active military service of the United States. It includes duty on the active list, full-time training duty, annual training duty, and attendance while in the active military service, at a school designated as a service school by law or by the Secretary.

(c) "Federal service" includes all service as a member of any Armed Force, including Regular and Reserve components, and the Army National Guard or Air National Guard when ordered into such status by law.

(d) "Active status" means membership in the Reserve, except the Standby Reserve (Inactive Status List) or the Retired Reserve.

(e) "Chief, Office of Reserve" is the officer of flag rank designated by the Secretary as directly responsible to the Commandant for Coast Guard Reserve affairs.

(f) "District Commander(r)" is the officer on the staff of a District Commander who is in charge of district Reserve affairs as Chief, Reserve Division.

§ 8.1004 [Deleted]

5. Section 8.1004 is deleted.

§ 8.1105 [Amended]

6. The word "rating" in line 2 of § 8.1105 is corrected to the plural "ratings".

§ 8.1202 [Amended]

7. Section 8.1202(b) is amended by substituting the words "the Commandant" for "Headquarters" and "District Commander" for "district commander" therein.

§ 8.1203 [Amended]

8. Section 8.1203 is amended by substituting the words "the Commandant" for "Headquarters" in the first sentence.

§ 8.1204 [Amended]

9. Section 8.1204 is amended by changing "Coast Guard Headquarters" to read "the Chief, Office of Reserve" in the heading; remove the word "Headquarters" in line 1 of paragraph (a) and insert the words: "Under the supervision and direction of the Commandant, the flag officer serving as the Chief, Office of Reserve"; and in line 6 of paragraph (a) remove the word "Headquarters" and insert the words "the Chief, Office of Reserve".

§ 8.1504 [Amended]

10. Section 8.1504 (a) and (b) is amended by changing the word "Headquarters" in both paragraphs to read "the Commandant".

§ 8.1507 [Deleted]

11. Section 8.1507 is deleted.

§ 8.1508 [Amended]

12. Section 8.1508 (a) and (b) is amended by changing the word "Headquarters" in both paragraphs to read "the Commandant".

§ 8.1604 [Deleted]

13. Section 8.1604 is deleted.

AVIATION

§ 8.1612 [Amended]

14. Section 8.1612 is amended by changing "reservists" to read "Reservists" in the first line thereof.

§ 8.1612c [Amended]

15. Section 8.1612c is amended by changing "reservist" to read "Reservist" in line 4 thereof.

§ 8.1613 [Amended]

16. In § 8.1613, paragraph (a) is amended by changing the word "Headquarters" in line 14 to read "the Commandant".

PROCUREMENT

GENERAL REQUIREMENTS

§ 8.2103 [Amended]

17. Section 8.2103(b) is amended by changing the word "Headquarters" to read "the Commandant" at the beginning of the second sentence and by changing the word "indorsement" to read "endorsement" in the last line; paragraph (d)(2) is amended by removing the words "on Form 2525–B" in line 3 and changing the word "Headquarters" to read "the Commandant (PTP)" in the last line; paragraph (g)(1) is amended by changing the word "Reserves" to "Reserve" in line 4; and paragraph (h) is amended by changing the word "Headquarters" to read "the Commandant" in line 1.

§ 8.2105 [Amended]

18. Section 8.2105(b) is amended by changing the word "Headquarters" to read "the Commandant" in lines 3 and 4; and paragraph (b)(3) is amended by changing the word "Headquarters" to read "the Commandant" in line 4.

SPECIAL ENLISTMENT PROGRAMS

§ 8.2403 [Amended]

19. Section 8.2403(b) is amended by changing the words "Secretary of the Treasury" in lines 3 and 4 to read "Secretary of Transportation".

PROMOTION

PROMOTION OF "COMMISSIONED" OFFICERS

§ 8.3103 [Amended]

20. Section 8.3103 is amended by changing the words "6 or more" to read "not less than 5" in line 2.

§ 8.3108 [Amended]

21. Section 8.3108 is amended by changing the words "district commander" to read "District Commander" in lines 2, 6, and 10 of paragraph (b).

§ 8.3113 [Amended]

22. Section 8.3113 is amended by changing the words "of this subpart" to read "in this part" in line 1.

TRANSFERS

TRANSFERS BETWEEN SHIPS AND STATIONS

§ 8.4202 [Amended]

23. Section 8.4202 is amended by changing the word "Headquarters" to read "the Commandant" in the last line.

INSTRUCTION AND TRAINING

INSTRUCTION AND TRAINING POLICY AND ASSIGNMENT OF INSTRUCTORS FOR COAST GUARD RESERVE

§ 8.5102 [Amended]

24. Section 8.5102 is amended by amending the heading to read "Responsibility for Instruction and Training" and by changing the word "Headquarters" in line 1 of paragraph (a) to read "The Commandant" and changing the word "Headquarters" in line 3 of § 8.5102 (b) and line 4 of § 8.5102(c) to read "the Commandant".

COMMANDING OFFICERS OF VESSELS AND UNITS TO WHICH RESERVISTS REPORT FOR TRAINING DUTY: RESERVE INSTRUCTORS

§ 8.5401 [Amended]

25. Section 8.5401 is amended by amending paragraph (a) by changing the word "Reservist" in line (5) to read "Reservists".

§ 8.5402 [Amended]

26. Section 8.5402(a) is amended by changing the word "Headquarters" in lines (4) and (11) to read "the Commandant".

INSTRUCTIONS AND TRAINING OF RESERVE

§ 8.5502 [Amended]

27. Section 8.5502(a), (b), and (c) are amended by changing the word "Headquarters" to the words "the Commandant".

DISCIPLINE, DISCHARGES, RESIGNATIONS AND RETIREMENTS

DISCHARGES

§ 8.6201 [Amended]

28. Section 8.6201 is amended by deleting the words "of the Treasury" in paragraph (a).

§ 8.6205 [Amended]

29. Section 8.6205 is amended by deleting the words "of the Treasury" in paragraph (c)(1).

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: November 3, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–13261; Filed, Nov. 6, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 20, Amdt. 6]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Modifications, Alterations, Additions and Betterments

Effective upon the date of publication in the FEDERAL REGISTER, Part 272 is hereby amended by revising § 272.9 to read as follows:

§ 272.9 Modifications, alterations, additions and betterments.

(a) Any modification, alteration, addition, or betterment (work of such nature being herein called "improvements") effected during any one or a series of repair periods, whether or not in conjunction with other repairs, the aggregate cost of which does not exceed $100,000, if otherwise eligible, shall be considered for operating-differential subsidy participation, provided that the vessel is not permanently withdrawn from the subsidy contract (except under circumstances beyond the control of the operator) within a period of 3 years after completion of the work.

(b) Any improvement effected during any one or series of repair periods involving an aggregate cost in excess of $100,000 shall ordinarily be considered capital expenditures; however, subject to findings in each instance that the work involved constitutes reconditioning or reconstruction, expenditures of this nature in excess of $100,000 will be given consideration for construction-differential subsidy, if application is made to the Assistant Administrator for Maritime Aids for such subsidy under the provisions of Title V, Merchant Marine Act, 1936, as amended, and the Maritime Subsidy Board grants such subsidy prior to the award of such work.

(c) When the operator desires to spread the work incident to any improvement over more than one repair period, he shall notify the Chief, Division of Ship Repair and Maintenance in writing, as to the scope of work involved, expected benefits, number of voyages over which the work will be spread and the estimated total cost, and shall report the actual total cost of such work in the Repair Summary, covering the repair period in which it is finally completed, and shall attach a copy of the acknowledgement of the above mentioned notification to the appropriate Summary (Form MA–140).

(d) The provisions of this section shall not be applicable to improvements required to alter, outfit, or otherwise equip a vessel for its intended subsidized service which in the opinion of the Administration should have been effected prior to the initial entry of the vessel into subsidized service. Such improvements shall not be subsidizable, except in accordance with section 501(c), Merchant Marine Act, 1936, as amended.

(e) The procurement cost of furniture, furnishings, fixtures or any other item in the category of expendable or portable equipment utilized in connection with alterations or additions to a vessel is not eligible for subsidy participation at the maintenance and repair rate.

(f) Any contract or work order involving an improvement, the aggregate cost of which is in excess of $10,000, shall be supported in its respective repair summary with an explanation by the operator as to the reason for or purpose of, such improvements, and anticipated benefits.

Dated: November 4, 1969.

By order of the Acting Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-13323; Filed, Nov. 6, 1969; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18453; FCC 69-1209]

PART 73—RADIO BROADCAST SERVICES

VHF Television Broadcast Channel; Mount Vernon, Ill.

Report and order. In the matter of amendment of § 73.606(b) of the Commission's rules and regulations to add a VHF television broadcast channel to Mount Vernon, Ill.; Docket No. 18453, RM-1372.

1. Based on a petition of Soillcom, Inc., the Commission, on February 14, 1969, issued a notice of proposed rule making requesting comments on a proposal to assign VHF television Channel 13 to Mount Vernon, Ill., FCC 69-147, 34 F.R. 2359. Following numerous extensions, all comments were filed by June 17, 1969. Mount Vernon has no present TV assignment, nor is there any commercial assignment or station within about 50 miles.[1]

2. The comments filed in the proceeding were lengthy and set forth different conclusions concerning UHF impact and available existing service to the area proposed to be served under the Soillcom proposal. Soillcom specified a tower height of approximately 990 feet in its petition for rule making. In the supplementary engineering statement submitted with its reply comments, overlap was computed based on a tower height of 800 feet, as well as assuming the earlier height.

3. The chief and fundamental question facing the Commission is whether this VHF assignment—which admittedly would provide a first Grade B signal to substantial "white area", a first Grade A signal to a larger area, and a first local television service to Mount Vernon—can be made consistently with the Commission's policy of fostering UHF development.

4. Eleven parties besides the petitioner (whose initial comments simply incorporated its petition by reference) filed initial comments in the proceeding, two of them joining in an opposition. Three parties—Association of Maximum Service Telecasters, Inc. (AMST), Mid-American Television Co. (KRCG-TV, Channel 13, Jefferson City, Mo.) and RKO General, Inc. (WHBQ-TV, Channel 13, Memphis, Tenn.)—did not oppose the proposed assignment as such but expressed views relating to the extremely close separation between Channel 13 at Mount Vernon as proposed by Soillcom and three cochannel stations (at Jefferson City, Bowling Green (Ky.), and Indianapolis (Ind.)) and a possible offset problem with a fourth at Memphis some 250 miles away (WHBQ-TV).[2] Because of the 250-mile distance between the proposed site and WHBQ-TV, WHBQ-TV requests that any construction permit be made on condition that "very precise" frequency control equipment be specified; and WHBQ-TV states that it will also install such equipment to eliminate as much interference as possible. KRCG-TV requests also that because of the limited area in which the assignment can be made consistent with our rules, any construction permit that is issued be in full compliance with all the Commission's rules. MST simply requests that any construction permit be in compliance with all the Commission's rules. The State of Illinois and the Salem Airport Authority filed comments not opposing the assignment of Channel 13 as such but objecting to the proposed site (about the only location where the station could be located and meet mileage separations) on air hazard grounds, since it would be some 6 miles due north of the Salem airport. These objections were based on the original 990-foot proposal. The two reply comments filed other than those of petitioner (submitted by Mid-America and by the parties filing jointly mentioned below) relate to this matter, alleging that either there will be an air hazard problem or the Commission will be under pressure to waive the mileage separation rules.

5. The other six commenting parties oppose the Channel 13 assignment largely because of asserted impact on UHF, in the Springfield-Decatur area of Central Illinois and the St. Louis area. Evans Broadcasting Co., permittee of Channel 30 (KDNL-TV), St. Louis, Mo., and Continental Summit Television Corp., permittee of Channel 24 (KGSL-TV), St. Louis, Mo., filed comments stating that the Soillcom engineering studies concerning UHF-VHF overlap were based on their prior facilities, and that both now have substantially greater authorized coverage. Thus, they claim that they overlap areas as computed by Soillcom and referred to in the notice herein are substantially understated, and they conclude that the assignment of Channel 13 to Mount Vernon would have a substantial impact on the operation of these St. Louis UHF stations. KGSL-TV further contends that the Mount Vernon area is not underserved as alleged by Soillcom, and that the area generally is not depressed economically, even though the immediate Mount Vernon area may be somewhat so. KGSL-TV further suggests that the Mount Vernon area should examine the possibility of securing a low-power community station in the Channel 70-83 range. The main thrust of the comments of KDNL-TV and KGSL-TV is that the proposed assignment would have an adverse effect on UHF development in a UHF area.

6. WAND (Channel 17), Decatur, Ill., filed comments in which it is stated that the assignment would affect WAND because it would put a second VHF station into this UHF area. WAND states that it would not oppose the issuance of a construction permit if the operation would be directionalized away from the semi-UHF enclave in Illinois, or the authorization of a low-power community station to the Mount Vernon area. The All-Channel Television Society (ACTS) contends that the assignment would have an adverse effect on UHF in the area and be contrary to the all-channel law and policies, especially in view of the increased coverage of KDNL-TV, St. Louis.

7. The most detailed comments were filed jointly by Plains Television Corp. (licensee of WICS, Channel 20, Springfield, Ill., and WICD, Channel 15, Champaign, Ill.) and Turner-Farrar Association (licensee of WSIL-TV, Channel 3, Harrisburg, Ill.). The joint comments rest on three premises: (1) Assignment of Channel 13 to Mount Vernon would have a significant adverse effect on UHF stations in the area; (2) the Mount Vernon area does not have a sufficient economic base to support a television station; and (3) there is ample television service to the area.

8. The reply comments of Soillcom, Inc., include amended engineering data, additional economic data and an affidavit from an airspace consultant. Also submitted is a lengthy petition, requesting

[1] The closest commercial station is WSIL-TV, Harrisburg (VHF), some 50 miles south of Mount Vernon. VHF educational Station WSIU, Carbondale, is some 25 miles from the city. The location actually proposed for Channel 13 use, some 30 miles north of Mount Vernon near Salem, is more than 70 miles from any commercial station or assignment, and about 45 miles from WSIU.

[2] It appears that in order to meet the minimum 170-mile separation to the three stations mentioned (§ 73.610(b) of the rules), the proposed station would have to be located in a very small area, a triangle with sides of between 1 and 2 miles.

the assignment of Channel 13 to the area, from residents in the proposed service area. The amended engineering data is based on a tower height of 800 feet, rather than the 990 feet altitude specified in the petition for rule making. Soillcom therefore presents new overlap figures which it contends reduces the impact on UHF operations. The UHF impact and air hazard matters are discussed below. Soillcom also reiterates its contentions that the area is inimical to a successful UHF operation in Mount Vernon and again contends that the assignment of VHF Channel 13 is the only feasible assignment to the area because of the low ratio of all-channel receivers to total receivers. It is stated that petitioner will file an application for a construction permit for Channel 13 if the channel is assigned to Mount Vernon, as proposed.

9. *Impact on UHF.* As pointed out in the notice herein (pars. 8-9), neither Mount Vernon itself nor the proposed transmitter site is within the Grade B contour of any UHF station; the closest such stations are at St. Louis, some 70 miles away. However, within slightly more than 100 miles there are seven operating commercial UHF stations (at St. Louis (Mo.) and Springfield, Champaign, Decatur, and Jacksonville (Ill.) and Evansville (Ind.)). There are also three commercial UHF stations authorized but not yet operational (at St. Louis, Owensboro, and Paducah), an application for Channel 66 at Terre Haute, Ind., unused commercial assignments in some of these places and at Danville (Ill.), Cape Girardeau (Mo.), and Urbana (Ill.), and educational UHF stations operating at Olney, Ill., and Vincennes, Ind. The parties opposing the assignment, particularly the two joining in the lengthy comments mentioned in paragraph 7 above, vigorously urge that the Channel 13 assignment should not be made, because of the adverse impact which an additional VHF signal in this area would, assertedly, have on these stations and assignments, as well as on the cause of UHF generally.

10. *Channel 13 overlap with UHF.* The parties discuss at length the extent of overlap between the coverage contours of the proposed Channel 13 station and the various UHF stations. It appears that, under either the original 990-foot or revised 800-foot proposal, there would be Grade B overlap between Mount Vernon and the four operating Illinois stations mentioned, and with the two St. Louis and two Evansville stations. There would be overlap of the Channel 13 Grade A contour with the Grade A contours of the two St. Louis stations only (under either proposal). Data is submitted as to the overlap area and population in the case of the two St. Louis stations and the operating Springfield and Champaign stations (WICS and WICD; since WICD is commonly owned with and operated as an auxiliary outlet for WICS, it is appropriate to consider these stations together, as Soillcom does in its reply). It appears that as to KDNL-TV (operating), the B-to-B overlap area would include 3,510 square miles and 481,620 persons if Channel 13 were operated with a 990-foot tower or 3,210 square miles and 220,106 persons if an 800-foot tower were used; the A-to-A overlap area would include 540 square miles and 26,240 persons or 365 square miles and 21,840 persons on the same assumptions. The Grade B overlap would represent 31.5 percent or 28 percent of the KDNL-TV Grade B coverage area and 20.3 percent or 9.3 percent of the population therein, which is more than 2,370,000 persons. The Grade A overlap would be 540 square miles and 26,420 persons or 365 square miles and 21,840 persons, which is 9.2 or 6.2 percent of the area and 1.2 or 1.0 percent of the population within the KDNL-TV Grade A contour. The amounts of area and population are slightly less in the case of KGSL, although the Grade B area percentage would be slightly higher (32.1 percent). The two St. Louis stations also showed the overlap between the principal-city contour of Channel 13 (with a 990-foot antenna) and their coverage contours: 1,120 square miles and 47,330 persons within the KDNL-TV Grade B contour, and 870 square miles and 29,780 persons within the KGSL Grade B contour (57 square miles and 1,720 persons within the KGSL Grade A contour). There would be no overlap of principal-city contours. KGSL also gives the distance of overlap involved (assuming 990 feet for Channel 13): 47 miles Grade B, 12.5 miles Grade A, and 4 and 19.5 miles Channel 13 principal-city contour to KGSL Grade A and Grade B respectively.

11. As to WICS-WICD, Springfield and Champaign, the Grade B overlap would be 2,720 or 2,040 square miles and 132,162 or 86,616 persons, or 14.8 or 11.1 percent of the area and 10.6 or 7.0 percent of the population within these stations' combined Grade B area. With a 990-foot tower, the Channel 13 Grade B contour would penetrate to some 49 miles within the Grade B contour of WICS and 16 miles of that of WICD; the distance would be less with an 800-foot tower. As to the Jacksonville and Decatur stations, the only specific information is that in Soillcom's petition, based on a 990-foot tower: Grade B overlap of 1,268 square miles and 95,280 persons with Jacksonville and 1,224 square miles and 80,116 persons with Decatur, or 7.8 and 15.1 percent of their respective Grade B areas and 11.3 and 12.1 percent of the population therein. The distances of penetration (not specifically mentioned in the record) would be less than in the case of WICS; it appears that the Grade B contour would come within about 12 miles of Decatur with a 990-foot tower and 24 miles with 800 feet. The overlap with the Evansville stations would be much less;[3] there would be none with the Paducah UHF station.

12. Soillcom makes two general lines of argument to deprecate the extent of this potential impact: (1) All but a very small portion of the areas of overlap which it would have with those stations already receives one or more VHF signals, so that it would not be intruding into "UHF-only" areas; (2) in terms of a technically comparable or superior signal, the "overlap" population of the St. Louis stations is much smaller than the above figures would indicate, since the bulk of the "overlap" population is within the Grade A contours of the UHF stations and only within the Grade B contour of Channel 13. In support of the first contention, it is pointed out that all of the Grade B coverage areas of the St. Louis stations receive Grade B signals from St. Louis VHF stations (three network, a commercial independent and an educational station).[4] It is shown that in the case of WICS-WICD, Channel 13 would provide a Grade B signal to only 257 or 222 square miles, containing 8,493 or 7,068 persons, which now receives no VHF signals (the remainder receives signals from VHF stations at Champaign, Terre Haute, or St. Louis). This, in either event, is less than 0.75 percent of the population covered by these stations. With respect to the Decatur and Jacksonville stations and assuming a 990-foot tower, a first Grade B VHF signal would be provided to 20 square miles and 687 persons, and 170 square miles and 6,626 persons, respectively (0.1 and 0.79 percent of population).[5]

13. In the second connection, it is pointed out that more than 75 percent of the populations within the Grade B overlap areas of the two St. Louis stations, or nearly 340,000 in one case and 320,000 in the other, receives a Grade A

[3] The St. Louis stations and Soillcom also made showings as to overlap between the proposed Grade B (990 feet) and UHF Grade A contours, and vice versa. The situation as to the St. Louis stations is indicated in the next paragraph. In the case of WICS (based on its former lower power), the proposed Grade B to UHF Grade A overlap area would be 520 square miles and 29,600 people, with penetration to a distance of 13 miles; it would be less with Decatur and Jacksonville and there would be none with Evansville stations or Champaign. The Channel 13 Grade A overlap with UHF Grade B areas would be slightly smaller (360 square miles, 15,110 persons and 9-mile penetration for Springfield).

[4] From Soillcom's maps it does not appear that this is true of Grade A signals as to KDNL-TV, Channel 30, though it is as to KGSL, Channel 24. The KDNL-TV Grade A contour extends beyond that of the St. Louis VHF stations in some directions, including some areas within the proposed Channel 13 Grade A contour.

[5] As to the Evansville and Paducah UHF stations, their Grade A and Grade B contours in the pertinent directions lie entirely within those of VHF stations assigned to the same city.

signal from them and would receive only a Grade B signal from Channel 13. In the case of KDNL–TV, 8 percent of the "overlap" population would receive a Grade B signal from both stations, 5 percent would receive Grade A signals from both, and 9 percent (41,420) would receive a Grade A signal from Channel 13 and only a Grade B from KDNL–TV. For KGSL, the corresponding percentages are 11, 5 and 8 percent.

14. *Need for a VHF assignment at Mount Vernon.* Soillcom in its petition and reply comments urges the great need for the VHF station: (1) To provide additional service in the underserved area of Southern Illinois;[6] (2) to provide an additional TV outlet to this Southern Illinois area, which now has only one commercial station (WSIL–TV, Harrisburg), and that not devoting any substantial amount of time to local news or other material of local significance; (3) to provide a local TV outlet to Mount Vernon. It is claimed that a UHF station is out of the question because of the low UHF set circulation and VHF competition which would be obstacles to such a station. The opposing parties, particularly those filing jointly, claim that the area is now well provided with service, and that UHF set circulation in it is already fairly high and may be expected to rise with additional UHF stations at St. Louis and elsewhere. It is claimed that the particular needs of Mount Vernon and surrounding area could be met by a low-power "community" station, CATV with program origination, or a UHF station (particularly an educational one without the problem of initial viability), none of them involving the same impact on UHF development as is entailed in the Channel 13 proposal.

15. As to signals available in terms of the Commission's rules, Soillcom's showing—which is not controverted—is as follows: It would provide a Grade B or better signal to 526,614 persons in 10,745 square miles assuming an 800-foot tower, or more using a 990-foot tower; in either event, it would provide a first Grade B or better signal to what is now "white area" including 47,483 persons in 1,056 square miles. It appears that this "white area"—all of which would receive a predicted Grade A signal—lies in the northern and eastern portion of the nine-county area mentioned above, 15 miles or further from Mount Vernon and including most of Marion and Fayette Counties and parts of Clay, Effingham, and Wayne Counties. The Grade A contour with an 800-foot tower would include 208,809 persons in 5,275 square miles, and nearly 90 percent of this population and area—183,728 persons in 4,865 square miles—now receives no Grade A or better signals.[7] This area includes Mount Vernon (which receives Grade B signals from Harrisburg, Cape Girardeau and (in part) Paducah VHF stations) and the great bulk of the nine-county area mentioned.

16. The joint opposing comments assert (on the basis of a statistical analysis attached) that, despite the absence of predicted signals in terms of the Commission's rules, all of the proposed Channel 13 coverage area is now well served. This is asserted to be demonstrated by: (1) High TV set ownership in the area, with all counties lying wholly or largely within the Grade B contour showing at least 88 percent and nearly all 90 percent or more, of total homes as TV homes; (2) an analysis of American Research Bureau (ARB) data as to stations which can be received in these counties clearly enough for regular viewing. In the latter connection, it is asserted that the average number of stations so receivable in the nine Grade A counties mentioned above is 5.4; the average for the 14 other counties entirely or largely within the Grade B contour is 4.4, for an overall average of 4.8. All but about 6 percent of the homes in these areas, it is asserted, can receive three or more stations; some (4.7 percent overall) can receive 10 or more.[8] It is asserted (based on the same data) that more than 90 percent of the TV homes in both the Grade A and Grade B areas can now receive full network service; two-thirds of the TV homes in the Grade A counties and 21.8 percent of those in the Grade B counties (outside of the 100 percent served St. Louis area) receive also service from an independent station; and a large number (52.5 percent in the Grade A counties, 38.9 percent in the Grade B counties outside of the St. Louis area) can receive an educational TV station.

17. Soillcom in reply, including a statement by an economic consultant, attacks the validity and significance of these showings. It is urged that: (1) The fact that persons report several stations as viewable is of little significance, since it is well known that viewers unable to get good TV service will go to great lengths to get, and will accept, poor service; the only objective standard, it is said, is service as defined in the Commission's rules; (2) the absence of correlation in some cases between the showing for a particular county, and its actual location with respect to signals, makes the real meaning of the showing doubtful;[9] (3) the small number of ARB diaries used in the study (numbers per county ranging from five to 16) makes the showing doubtful on statistical grounds; (4) in some counties the viewing shown unquestionably represents CATV viewing (four are mentioned as having wide CATV audience), and this is not the equivalent of local, off-air TV service.[10]

18. The parties also disagree as to the extent of UHF development in this area, which is urged both in connection with the existence or absence of significant UHF impact and as to the possibility of UHF for a Mount Vernon station. In its petition Soillcom claimed that the percentage of UHF homes was quite low (only about one-third); the joint opposition shows it as considerably higher (based on ARB data). It is asserted that in the 9-county area the percentage of UHF-equipped homes is 53 percent (41 percent in Jefferson County, where Mount Vernon is located), and that it is 78.2 percent in the other counties within the Grade B contour and outside of the St. Louis area, and 60 percent in that area, for a total overall of 62.9 percent. It is claimed that UHF net-weekly circulation is 46.3 percent in the Grade B counties and 10.2 percent in the Grade A counties, with about a 17 percent overall share of viewing in the entire area on an average quarter-hour basis. It is asserted that these figures will increase as more UHF stations come on the air, particularly the two new St. Louis stations. In reply, Soillcom and its economic consultant question whether the homes shown by ARB as "UHF-equipped" really are more than simply all-channel homes, without necessarily having the special

[6] Soillcom emphasizes its potential for service to "Southern Illinois", defined generally as the area south of a line running roughly east-northeast across the State from north of Alton to north of Terre Haute, approximately the route of Illinois State Highway 16. It also emphasizes the "nine-county area" consisting of the nine counties all or most of which lie within the proposed Grade A contour and centering around Salem (Bond, Clay, Clinton, Effingham, Fayette, Jefferson, Marion, Washington, and Wayne counties).

[7] With a 990-foot tower, the operation would provide a first Grade A signal to 202,878 persons in 5,569 square miles.

[8] The figures for the individual counties in the nine-county Grade A area are shown as ranging from 4.4 (Bond) to 6.4 (Wayne).

[9] It is noted that in four counties the number of stations reported as viewable substantially exceeds the number of Grade B signals available off the air, while in four other cases the number reported is less than the number of Grade B signals available. It is concluded that what the opposing material shows is that persons with a number of good signals available regard others as unacceptable (even when they are Grade B), whereas viewers with no good signals available regard all "fringe" signals as acceptable; but when a good local signal becomes available they will change their appraisal.

[10] Soillcom's petition lists 15 CATV systems as of August 1967 within the proposed coverage area, including seven (in six counties) within the nine-county area. Most of these (all of those in the nine-county area) are of nine-channel or greater capacity. The seven totaled some 9,250 subscribers as of February 1969 (Television Factbook, 1969, pp. 418-a—423-a).

An analysis of Television Factbook (1969) data on reception of various stations tends to confirm the view that stations are received, in one way or another, beyond their Grade B contours. Of the nine counties mentioned, viewers in two are shown as watching only the four St. Louis stations; the others show six to 12 stations received in the county. However, it appears probable that this does represent CATV viewing to some extent, e.g., the viewing of St. Louis stations in Effingham County, well outside the Grade B contour.

antenna usually necessary for UHF reception at this distance.[11] Soillcom again asserts the great handicap which a potential UHF station in the Mount Vernon area would face, with only about 40 percent UHF circulation in its home county and 53 percent in its Grade A area, and with all-VHF competition from the stations to the south.

19. With respect to the needs of the Mount Vernon area for a locally oriented service, Soillcom attached to its original petition letters from a number of civic, political, and educational figures in and around that city, and potential advertisers, concerning the need for a local outlet and its advantages in improving the social, economic, cultural and educational aspects of the city's life. It is claimed that this will be an additional impetus to the economic development of what has been a "depressed area". It is asserted that such TV service as is available does not adequately deal with local needs. WSIL–TV, the only station in Southern Illinois and the only Illinois station providing a Grade B signal in or near Mount Vernon, is claimed to present very little material pertaining to this area (for example, no results of elections held in April 1969 in 59 southern Illinois communities, no non-network news at all on weekends, no coverage of various area matters which were the subject of newspaper stories recently, and only three announcements for Mount Vernon commercial advertisers in a week). The opponents claim that such needs as exist may be met by a UHF educational station (which would serve the cultural needs mentioned), the numerous CATV systems in Mount Vernon and elsewhere which may be permitted to originate program materia', and/or a "community" type UHF station of the type proposed in Docket 14429, to operate with low power and meet local TV needs. In reply, Soillcom dismisses all of these alternatives as grossly inadequate; CATV is not a substitute for regular TV service, particularly in sparsely settled rural areas such as that around Mount Vernon; a UHF satellite would not provide local origination and would have limited coverage; and an educational station could not fulfill the need for a full-fledged local station and aid in economic development.

20. *The air-hazard question.* As mentioned earlier, Channel 13 can be used in an extremely limited area consistent with our mileage separation rules, and objection to the proposed location was raised because of the alleged danger to air navigation from a tower 6 miles north of the Salem-Leckrone airport. This was based on the original 990-foot proposal. As described in an affidavit from an aeronautical consultant (Mr. Edward H. Cockerham) the proposed structure would protrude into the established departure path to the extent of 351 feet, requiring, at best, a change in instrument-flight procedures which make FAA approval unlikely. As noted above, the State of Illinois and the local airport authority indicated objection to the original proposal.

21. In reply, Soillcom submits an affidavit from another aeronautical consultant (Mr. Lowell Wright), describing the situation. It is stated that in order to meet the problem with its original proposal, Soillcom offered to give to the airport authority a nondirectional beacon, and (after this was unacceptable because of limited usability) a VOR (VHF omnidirectional ranging), which would serve all radio-equipped aircraft and permit lower IFR minimums. When there was still objection because the tower height of 990 feet would violate State criteria for joint financing of airport expansion, Soillcom amended its proposal to specify an 800-foot tower, which (1,355 feet above MSL) would meet the State's criteria and requirements. Mr. Wright states that in his opinion, the amended proposal will not be a hazard to air navigation and (if a suitable VOR site can be secured, which he believes is no problem) FAA approval can be secured. The VOR which Soillcom will provide will be an added benefit to air navigation generally.

Conclusions. 22. In this case, as in other situations involving a new VHF channel assignment or change in VHF facilities, we must weigh on the one hand the possible impact to the development of UHF, and on the other the need for the service which the new assignment or facilities would provide. It is appropriate to take into account in this evaluation various forms which the adverse impact on UHF could possibly take: (1) Impact on development in the proposed city itself or its immediate area; (2) impact on existing or potential UHF stations further removed but involving some signal overlap, such as those discussed at length above; and (3) impact on the cause of UHF development in the nation generally, which we are committed to foster. Where there is any likelihood of impact at all, we must also take into account possible alternative means of achieving service benefits, particularly the possibility of using a UHF assignment instead.

23. As to the first, we cannot conclude that there is any substantial likelihood that the proposed assignment would have an adverse impact on UHF development in the proposed Grade A or Grade B coverage area, simply because there appears no likelihood of such development in the near or medium-range future. There are no UHF assignments now in Mount Vernon or the Soillcom proposed Grade A area, or within the proposed Grade B area at least using its later 800-foot proposal; and, while such assignments could readily be made, no demand therefor has been evinced. In view of the rather low UHF set penetration in the area except near the Central Illinois UHF stations to the north (no more than about 40 percent in Mount Vernon's county), and the fact that any station in or near Mount Vernon would face competition from numerous long-standing VHF stations (particularly those to the south, and also those at St. Louis and Terre Haute) we cannot conclude that an affirmative action here would impair a possibility of UHF development in this area which would otherwise exist.

24. As to impact on UHF generally, as mentioned in the Notice, circumstances have changed with the passage of over 7 years since enactment of the all-channel receiver law, and over 5 years since our rules implementing it became effective (Apr. 30, 1964). Receivers with UHF capability are now in widespread use, their purchase being spurred by increased interest in color TV and thus purchase of new sets. We are aware that the VHF–UHF disparity has not been entirely eliminated; this is the reason for our pending inquiry proceeding looking toward improved UHF tuning mechanisms and processes (Docket 18433). Until the disparity is eliminated and UHF becomes substantially equal and fully competitive, the question of "UHF impact" must continue to be of substantial concern. But to say this is not to say that we must insulate every UHF station or potential station from any possible small wind of VHF impact, where there is a substantial service benefit involved in a different course. The time when such caution was appropropriate has, in our judgment, passed. Therefore, we believe the assignment here must be made unless there is some substantial specific impact on UHF to be avoided.

25. We turn, then, to the second area mentioned—effect on stations and possible stations at some distance from, but with some signal contour overlap with, the proposed station. In this case, this is chiefly the stations in St. Louis and central Illinois (Springfield, Decatur, Jacksonville, and to a lesser extent Champaign). While there is substantial contour overlap involved, we do not find the likely impact substantial enough to warrant denial of the assignment. Turning first to the St. Louis situation, we note the substantial amount of Grade B to B, B to A, A to A, and even some principal-city to Grade B and A, overlap which would be involved. We recognize that the new VHF signal will come fairly close to St. Louis and its Illinois environs; with the originally proposed 990-foot tower the Grade B contour would reach to the Mississippi River and include places such as East St. Louis and Granite City. As revised to 800 feet, the proposal would put a Grade B contour some 8 miles short of the city, including Belleville but not the places mentioned. But it must be remembered that the UHF stations here face already the competition of four St. Louis commercial VHF stations (all networks and one independent), as well as VHF signals from other stations such as that at Cape Girardeau. We cannot conclude that the addition of another signal to part of these stations' areas, from a much smaller place such

[11] The ARB diary question asks whether the set is equipped to receive any channels from 14 to 83. The data clearly does include homes receiving UHF via CATV.

as Mount Vernon, will add significantly to their burden, so as to warrant denial of the proposal involved here, with its obvious service benefits in terms of section 307(b) of the Communications Act and our traditional allocations objectives as set forth in the sixth report and order.

26. With respect to the Central Illinois stations, again we believe the same conclusion is required, even though the considerations are somewhat different. Since much of the area of possible impact receives only one VHF signal at present (usually that of WCIA, Champaign), the addition of a second could conceivably represent a competitively significant increment, as WAND points out. But we also note that the amount of contour overlap is less than with the St. Louis stations, and the position of three of the stations (WAND and WICS–WICD, the only stations whose licensees opposed the assignment) as well-established, network-affiliated, reasonably profitable operations.[12] Located in cities substantially larger than Mount Vernon, with high UHF circulation and established audiences, it is not likely that they will be unduly affected. We agree with the parties filing a joint opposition that impact is not confined to the demise of the station affected, but can be manifested in other ways such as restrictions on its facilities or program service. But in view of the established character of these operations, we cannot conclude that the likelihood of their being so affected is great,[13] so as to warrant denial to the Mount Vernon and southern Illinois area of the benefits which would accrue from the drop-in of Channel 13.

27. Thus, neither individually nor collectively do we believe the possible impact warrants denial of the proposed assignment. The parties filing jointly accuse the Commission and Soillcom of inconsistency, of emphasizing on the one hand the "changed circumstances" of the improved situation of UHF, and on the other the remoteness of any future development of UHF in the Mount Vernon area. But this is a distinction which must be made, here as in other UHF–VHF decisions. UHF is developing, though it has not yet reached parity with VHF, to a point where, as mentioned, we believe we need not take absolute, total heed of possible impact consequences. This is true in areas such as Central Illinois, of long-standing and advanced UHF development. But that does not mean that the two areas of the television service are as yet equal, so that UHF development in southern Illinois is likely in the near future.

28. With respect to the need for the service, the unquestioned advantages involved need not be repeated here. We do not believe the material concerning viewing of stations in the proposed Grade A and Grade B area is of substantial merit in this connection; taking into account the extent to which it may represent CATV viewing and straining for "fringe" signals. We regard the provision of a service meeting the minimum requirement of our rules as important, completely aside from and in addition to the undoubted benefits to Mount Vernon and its area of an additional TV station meeting local needs which appear largely unsatisfied at present. Nor do we regard the suggested alternatives as capable of meeting those needs. CATV, which is now permitted to originate program material, can do so only for those who are subscribers, in places large enough to warrant the installation of systems, and thus not in the many small places and rural areas of this region. A "community" station would not bring the service benefits mentioned in terms of signal availability, particularly to the area north of Mount Vernon which is where service is now lacking. An educational station would not fulfill the same function in many respects, as Soillcom points out, and, as we have indicated, the establishment of a regular UHF station appears unlikely for the foreseeable future.

29. The joint opponents of the proposal cite a number of Commission decisions denying VHF channel additions or moves of VHF stations, in urging that denial is appropriate here also. Of these, the only one warranting discussion is Salina, Kans. 11 F.C.C. 2d 255, 11 R.R. 2d 1704 (January 1968). There we denied a request by the UHF station at Salina (which had been forced to suspend operation) that a VHF channel be assigned, largely on the ground that (with the all-channel law and rules now effective for some time) the area appeared likely to develop support for a UHF station. While the situation with respect to available VHF signals was roughly the same as that here, there were two important differences otherwise as far as UHF potential is concerned: (1) The population of Salina is considerably greater than that of Mount Vernon (1960 Census populations 43,202 and 15,566, respectively); and (2) a UHF station had operated in Salina, whereas here there is no significant background of UHF activity. Rather, we believe that here—where there are very few communities of substantial size within a considerable distance of Mount Vernon—the situation is similar to that dealt with in KTTV Television Co., 4 R.R. 2d 243, 247 (1965) where we observed that:

> Since these communities constitute small markets which for the most part have existing television reception service, and have low population density in their surrounding areas, they represent little realistic potential for UHF in the near future.

Also, in the Salina case there was an adverse factor not here present—the VHF assignment could not be made without deleting a VHF educational assignment which could not be replaced consistent with the separation rules, whereas here Channel 13 can be assigned without disturbing other assignments and would otherwise be wasted. Moreover, the service benefits to be gained, in terms of first service, were less than those here.[14]

30. In making this assignment, we, of course, do not pass on the economic viability of a station at Mount Vernon; that is initially for consideration in passing on any application which is filed, as to financial qualifications as in other respects, and later for the judgment of the marketplace. If a station in Mount Vernon cannot be supported (as the opponents claim), then it will simply fail and the adverse consequences claimed will not occur. We note in this connection that it is not a matter of wasting an otherwise useable assignment; if Channel 13 is not assigned to Mount Vernon or another community nearby, and used at the location to the north mentioned, it cannot be used at all. We emphasize in this connection, however—and also in connection with the air hazard issue—that we expect the station to be built, by Soillcom or whatever other applicant ultimately becomes the grantee, in strict compliance with the rules. If it cannot be so constructed and successfully operated, at such a location, it will have to go off the air. We are not making this assignment for the purpose of providing "another St. Louis station", as some of the opponents seem to fear. Also, in view of Soillcom's modification of its proposal—and the resulting alleviation of the two chief problems involved in it—we will give most careful scrutiny to any proposal for a tower height of more than 800 feet. It appears that this height is enough to provide the substantial service benefits mentioned and minimize possible adverse impact on UHF.

31. Accordingly, pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective December 10, 1969, § 73.606(b) of the Commission's rules is amended by the addition of the following entry (offset will be supplied at a later date):

City	Channel No.
Mount Vernon, Ill.	13

32. *It is further ordered*, That this proceeding (Docket 18453) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 31, 1969.

Released: November 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION[15]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-13289; Filed, Nov. 6, 1969; 8:47 a.m.]

[Docket No. 18397]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Community Antenna Television Systems; Correction

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397.

The Commission's first report and order in Docket No. 18397, released October 27, 1969, FCC 69-1170, and published in the FEDERAL REGISTER on October 31, 1969, 34 F.R. 17651, is corrected as follows:

1. In footnote 18 to paragraph 29, the comma after "Tex." in the last line is changed to a semicolon and the words "Gridtronics, Inc., New York, N.Y." are inserted before "etc."

2. In the second line of paragraph 45 the abbreviation "pp." is changed to the word "paragraphs".

Released: November 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-13256; Filed, Nov. 6, 1969; 8:45 a.m.]

[Ex Parte No. MC-19 (Sub-No. 5)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Determination of Weights

NOVEMBER 3, 1969.

This proceeding was initiated by notice of proposed rule making published on page 16301 of the November 6, 1968, issue of the FEDERAL REGISTER. All household goods carriers subject to the Interstate Commerce Act were made respondents and were invited to participate as parties. After parties filed verified statements, the proceeding was referred to a hearing examiner for recommendation of an appropriate order accompanied by the reasons therefor.

After consideration of all the evidence of record, the hearing examiner issued his report and order which was served September 12, 1969, and recommended that a new paragraph (d) be added to § 1056.3 of Chapter X of Title 49 of the Code of Federal Regulations.

Since no exceptions were filed to the examiner's recommended report and order and the Commission did not stay or postpone the effect of the examiner's recommendations, the amendment to § 1056.3 became effective, pursuant to Rule 97 of the Commission's general rules of practice (49 CFR 1100.97), on October 13, 1969.

§ 1056.3 **Determination of weights.**

* * * * *

(d) The provisions of paragraphs (a), (b), and (c) of this section shall not apply to shipments consisting solely of machinery (including auxiliary and component parts thereof) which are being transported by household goods carriers pursuant to the definition of household goods in § 1056.1(a)(3).

(49 Stat. 546, as amended, 558, as amended, 560, as amended; 49 U.S.C. 304, 316, 317)

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13295; Filed, Nov. 6, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 246]

PART 1002—FEES

Services Performed in Connection With Licensing and Related Activities

NOVEMBER 3, 1969.

To reflect increased maximum rates for transcripts of testimony and oral argument purchased by the public from the Commission's official reporter, the heading and paragraph (h) of § 1002.1 of Chapter X of Title 49 of the Code of Federal Regulations are amended as follows:

§ 1002.1 **Fees for copying, certification, and related services.**

* * * * *

(h) Transcript of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter, the CSA Reporting Corporation, 300 Seventh Street SW., Washington, D.C. 20024. Transcripts will be furnished to the public at the following maximum rates per page of approximately 200 words:

85 cents per page for regular copy and $1.75 per page for daily copy for hearings or arguments held at Washington, D.C., and * * *.

* * * * *

These amendments are effective upon publication in the FEDERAL REGISTER.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13294; Filed, Nov. 6, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 **Special regulations: big game; for individual wildlife refuge areas.**

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

The public hunting of deer and foxes on the Horicon National Wildlife Refuge, Wis., is permitted only on the area designated by signs as open to hunting, during the period November 22 through November 23, 1969, with designated firearms, and during the period December 6 through December 31, 1969, with bow and arrow. The open area, comprising 20,700 acres, is delineated on maps available at refuge headquarters, Mayville, Wis., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1970.

ROBERT S. PERSONIUS, *Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.*

OCTOBER 31, 1969.

[F.R. Doc. 69-13273; Filed, Nov. 6, 1969; 8:46 a.m.]

[12] WICS–WICD are the NBC affiliate, and WAND the ABC affiliate, for this central and eastern Illinois area. WAND mentions a small profit in 1968 of about $25,000; but to this must be added a substantial expense item in the form of depreciation, in evaluating its economic situation.

[13] These observations about established position and network affiliation do not, of course, apply to station WJJY–TV, Jacksonville, which has just started operation. However, it does have the benefit of high UHF conversion in the Springfield area, and in any event, with a highly directional east-west pattern, features service to Springfield and areas further west around Quincy, rather than to the southeast in the direction of Mount Vernon. With respect to other UHF stations mentioned earlier—at Evansville and Paducah—the overlap involved is small or nonexistent, clearly not enough to warrant denial of the proposal.

[14] The other three Commission decisions cited are Hutchinson-Wichita, Kansas, 3 F.C.C. 2d 556, 7 R.R. 2d 1577 (1966); Bloomington-Indianapolis, Ind., 1 F.C.C. 2d 496, 5 R.R. 2d 1744 (1965); and Triangle Publications, Inc., 37 F.C.C. 307, 3 R.R. 2d 37 (1964), involving the move of the New Haven VHF station north toward Hartford and Springfield. In the first case there would have been no gain in service at all (no change in facilities was involved); in the others, the UHF impact was on stations much closer to the proposed VHF operation. In the Indiana case it does not appear what service gain or loss would have been involved; in the Connecticut case, it appears that while there would have been a net gain in population covered, there would have been a loss in needed service to what would become "white" areas.

[15] Commissioner Robert E. Lee dissenting; Commissioners Cox and Johnson concurring in the result.

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Proposed Requirements for Exportation of Controlled Substances

Notice is hereby given pursuant to the provisions of section 701 of the Food, Drug, and Cosmetic Act, 52 Stat. 1055, as amended (21 U.S.C. 371); and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.200 of Title 28 of the Code of Federal Regulations, that the regulations set forth in tentative form below are proposed to be prescribed by the Director, Bureau of Narcotics and Dangerous Drugs in order to establish definite procedures for the exportation of controlled substances which will allow the efficient enforcement of the provisions of section 801(d) of the Act (21 U.S.C. 381).

It is proposed that Part 320 of Title 21 of the Code of Federal Regulations be amended by adding to the existing sections the following new section:

§ 320.20 Exportation.

(a) The provisions of section 801(d) of the act (21 U.S.C. 381(d)), provide that a drug intended for export shall not be deemed to be adulterated or misbranded but that if such an article is sold or offered for sale in domestic commerce, it is not exempt from control. The provisions of Part 370 of Title 15 of the Code of Federal Regulations (15 CFR 370.2), contain the following definition: "*U.S. Exporter*. That person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the commodities and technical data out of the United States." Therefore, any manufacturer, compounder, processor, wholesaler, or distributor of controlled substances that engages in exportation will be deemed the "U.S. Exporter" under 15 CFR 370.2, and must comply with one of the following alternative procedures in order to insure that controlled substances "intended for export" are in fact exported:

(1) The "U.S. Exporter" will execute the Shipper's Export Declaration, Form 7225–V, if required by 15 CFR 379.1–379.13, and have the controlled substances shipped by bonded carrier directly to the consignee in the foreign country without the use of a "forwarding agent." A copy of the invoice describing the controlled substance must be attached to each copy of the Shipper's Export Declaration and these documents must accompany the shipment. Form 7525–V may be obtained at a cost of $1 per 100 from any local Customs or Department of Commerce Field Office, and assistance in the execution of such Forms is also available at such offices. A "U.S. Exporter" may not, under any circumstances, release a shipment of controlled substances to anyone, including the consignee, or his agent, within the United States.

(2) The "U.S. Exporter" may ship the controlled substances to a "forwarding agent" as defined in 15 CFR 379.4(f), who will execute the required Shipper's Export Declaration and further act as an exporting agent for the principal. When a "forwarding agent" is utilized, a copy of the invoice describing the controlled substance must be attached to each copy of the Shipper's Export Declaration and these documents must accompany the shipment. A "forwarding agent" may not, under any circumstances, release a shipment of controlled substances to anyone, including the consignee, or his agent, within the United States. The "forwarding agent" must either deliver the controlled substances to the port or border, or deliver the controlled substances to a bonded carrier approved by the principal for delivery to the border.

(b) In the event that controlled substances intended for export by a "U.S. Exporter" or a "forwarding agent" are introduced or delivered into domestic commerce before they are exported, such introduction or delivery shall be considered a domestic sale, delivery, or other disposition of a controlled substance under 21 U.S.C. 360a, and a prohibited act under 21 U.S.C 331(q)(2).

All interested persons are invited to submit their views in writing regarding this proposal. Views and comments should be submitted, preferably in quintuplicate, addressed to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street NW., Washington, D.C. 20537, within 30 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: October 31, 1969.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69–13260; Filed, Nov. 6, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

JAPANESE AND WHITE-FRINGED BEETLES, EUROPEAN CHAFER, IMPORTED FIRE ANT, GOLDEN AND SOYBEAN CYST NEMATODES, AND WITCHWEED

Soil Samples From Regulated Areas

Notice is hereby given under the administrative procedure provisions in 5 U.S.C. 553, that it is proposed, under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to delete the supplemental regulations (7 CFR 301.48–2b, 301.72–2b, 301.77–2b, 301.81–2b, 301.85–2b, 301.79–2b, and 301.80–2b) pertaining to the movement of soil samples to laboratories for processing, testing, or analysis from areas regulated under the Federal domestic plant quarantines relating to Japanese and white-fringed beetles, European chafer, imported fire ant, golden and soybean cyst nematodes, and witchweed, and to substitute new provisions in the regulations as described below.

It is proposed to allow the interstate movement of soil samples of any size, without a certificate or permit, from areas regulated under said quarantines provided the soil samples are shipped only to approved laboratories, and are packaged so that no spillage or breakage would result in transit; and to condition laboratory approval on the agreement by the laboratory operator to:

(1) Decontaminate soil residues and shipping containers by heating such soil and containers to a minimum temperature of 250° F. for 2 hours or by other approved treatments; and

(2) Decontaminate the effluent used in soil sample processing by boiling for 1 minute or by other approved treatments.

Only laboratories agreeing to these procedures and listed as approved laboratories by the Director of the Plant Pest Control Division in the FEDERAL REGISTER would be allowed to receive soil samples being shipped interstate from regulated areas.

If the proposed amendments are adopted it is proposed to make them effective 4 months after their final publication.

Any interested person who desires to submit written data, views, or arguments on this proposal may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before January 2, 1970.

Done at Washington, D.C., this 4th day of November 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69–13302; Filed, Nov. 6, 1969; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 912]

GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Indian River Grapefruit Committee, established pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, during the period August 1, 1969 through July 31, 1970, will amount to $25,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 912.41, be fixed at $0.005 per standard packed box.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 3, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13267; Filed, Nov. 6, 1969; 8:45 a.m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Modification of Salable and Reserve Percentages for 1969–70 Crop Year

Notice is hereby given that the Department has under consideration a proposal to revise the salable and reserve percentages previously established (§ 993.205; 34 F.R. 13697) for California dried prunes for the 1969–70 crop year from 80 percent and 20 percent, respectively, to 87 percent and 13 percent, respectively. The percentages as proposed to be modified would provide, based on the October 10, 1969, crop estimate of the USDA Crop Reporting Board, as near as possible 113,199 tons, natural condition weight, of salable prunes from the 1969 California dried prune crop. The modification of the percentages would be in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed modification of percentages was unanimously recommended by the Prune Administrative Committee.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

Dated: November 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13304; Filed, Nov. 6, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397.

1. The Commission has received a request from Information Industry Association, filed on October 22, 1969, for a 30-day extension of the time for filing reply comments on Part V of this proceeding. Other parties have also inquired informally as to whether some extension could be granted. Reply comments on Part V are presently scheduled to be filed on or before November 3, 1969.

2. In previous orders granting extensions of the times for filing comments and reply comments on Part V, as well as on other parts of this docket, the Commission has indicated its desire to receive comments and reply comments on Part V at an early date, because the questions involved are pertinent to other portions of the proceeding which are now pending before the Commission. It has also pointed out that no final action would be taken on Part V without further proceedings in which all parties will have an opportunity to amplify their views in light of the record already compiled. In the circumstances, and considering the time that has already elapsed since the issuance of the notice on December 13, 1969, it does not appear that any substantial further extension would be desirable or serve the public interest. However, in view of the recent issuance of the first report and order (FCC 69–1170) in this docket on October 27, 1969, the time for filing reply comments on Part V will be extended for 3 weeks.

3. *Accordingly, it is ordered*, Pursuant to § 0.289(c)(4) of the Commission's rules and regulations, that the time for filing reply comments on Part V of this proceeding is extended through November 24, 1969.

Adopted: October 29, 1969.

Released: October 30, 1969.

[SEAL] SOL SCHILDHAUSE,
Chief, CATV Task Force.

[F.R. Doc. 69–13257; Filed, Nov. 6, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[41 CFR Part 50–204]

RADIATION SAFETY AND HEALTH STANDARDS

Application in North Dakota and South Carolina

The States of North Dakota and South Carolina have each recently entered into an agreement with the Atomic Energy Commission (North Dakota Agreement published at 34 F.R. 13950, and South Carolina Agreement published at 34 F.R. 15315) pursuant to section 274(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b)). Each agreement makes that State's program for control of radiation sources effective pursuant to 41 CFR 50–204.34(c)(1) and eligible for a determination pursuant to 41 CFR 50–204.34(c)(2) that such program is currently compatible with the requirements of the Department of Labor's safety and health standards for Federal supply contracts (41 CFR Part 50–204).

Each agreement brings into compliance with 41 CFR Part 50–204 any employer in the respective State who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has registered such sources with the State involved or is operating under a

license issued by the appropriate State, and in accordance with the requirements of such State's laws and regulations, insofar as his possession and use of such material is concerned, unless the Secretary of Labor after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of 41 CFR Part 50–204. No such determination has been made.

Each agreement shall also be deemed to bring in compliance with 41 CFR Part 50–204 any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), insofar as his possession and use of such material is concerned, if he has registered such sources with the appropriate State or is operating under a license issued by the appropriate State and if his operation is entirely in accordance with the requirements of such State's laws and regulations, if and when the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of 41 CFR Part 50–204. I hereby propose to make such a determination.

I also propose to add the States of North Dakota and South Carolina to the list of States set forth in 41 CFR 50–204.34(c) (1) and (2).

Interested persons may submit written data, views, or argument, regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 30 days after this notice is published in the FEDERAL REGISTER.

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; 5 U.S.C. 556)

Signed at Washington, D.C., this 4th day of November 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-13308; Filed, Nov. 6, 1969; 8:49 a.m.]

Wage and Hour Division

[29 CFR Parts 613, 616, 688, 690]

[Administrative Order 611]

INDUSTRY COMMITTEES FOR FABRICATED PLASTIC PRODUCTS; BUTTON, JEWELRY AND LAPIDARY WORK; ARTIFICIAL FLOWER, DECORATION AND PARTY FAVOR; AND STRAW, HAIR AND RELATED PRODUCTS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp. p. 1004), and 29 CFR Part 511, I hereby appoint industry committees for the (1) Fabricated Plastic Products Industry in Puerto Rico (Committee No. 90–A); (2) Button, Jewelry, and Lapidary Work Industry in Puerto Rico (Committee No. 90–B); (3) Artificial Flower, Decoration and Party Favor Industry in Puerto Rico (Committee No. 90–C); and (4) Straw, Hair, and Related Products Industry in Puerto Rico (Committee No. 90–D).

These industries are defined as follows:

The fabricated plastic products industry in Puerto Rico is defined as follows: the molding, extrusion, lamination, or other forming, and the fabrication of plastic products: *Provided, however,* That the industry shall not include the manufacture of buttons, buckles, jewelry (including rosaries), and jewelry findings (including beads); the manufacture from plastic materials (except plastic molded to shape) of footwear and cut stock and findings for footwear; the manufacture of apparel and apparel furnishings and accessories; and any activity included in the artificial flower, decoration, and party favor industry (29 CFR Part 688), the leather, leather goods, and related products industry (29 CFR Part 602), the needlework and fabricated textile products industry (29 CFR Part 612), and the chemical, petroleum, and related products industry (29 CFR Part 670), as defined in the wage orders for those industries in Puerto Rico.

The button, jewelry, and lapidary work industry in Puerto Rico is defined as the manufacture from any material of buttons, buckles, jewelry (including rosaries), jewelry findings (including beads), and hair ornaments and accessories; and the processing of natural or synthetic stones for jewelry or industrial use.

The artificial flower, decoration, and party favor industry in Puerto Rico is defined as the manufacture of flowers, buds, berries, foliage, leaves, fruits, plants, stems, and branches which are commonly or commercially known as artificial; and the manufacture of party favors and ornaments and decorations for holidays, except those made of molded plastic or metal other than metallic chenille, foil or tinsel.

The straw, hair, and related products industry in Puerto Rico is defined as the manufacture of products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials: *Provided, however,* That the industry shall not cover products or activities included in the artificial flower, decoration, and party favor industry (29 CFR Part 688), the button, jewelry, and lapidary work industry (29 CFR Part 616), the children's dress and related products industry (29 CFR 610), the men's and boys' clothing and related products industry (29 CFR Part 615), the shoe and related products industry (29 CFR Part 601), or the textile and textile products industry (29 CFR Part 699).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp. p. 1004), and 29 CFR Part 511 I hereby:

(a) Convene the above appointed industry committees;

(b) Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico as herein defined:

(c) Give notice of the hearings to be held by the several committees at the time and place indicated below. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 90–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearings at 10:30 a.m. on Monday, January 19, 1970. The investigations and hearings of Industry Committees Nos. 90–B through 90–D will follow in seriatim upon the termination of the previous committee hearing.

The hearings will take place in the offices of the Wage and Hour and Public Contracts Divisions on the seventh floor of the Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa. However, no industry committee shall recommend minimum wage rates in excess of $1.60 an hour for work which would have been covered by section 6 of the Act if it had been performed prior to the effective date of the Fair Labor Standards Amendments of 1966. Nor shall any committee recommend minimum wage rates in excess of $1.45 an hour for the period ending January 31, 1971, nor in excess of $1.60 per hour thereafter, for work brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not substantially curtail employment in such classification and which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

The procedures of the industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the hearing date set for the committees as set forth in this notice of hearing; i.e., January 9, 1970.

Signed at Washington, D.C., this 3d day of November 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-13269; Filed, Nov. 6, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 141]

ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Proposed Tests Regarding Residual Quaternary Amines

To establish limits for quaternary amines as a certification requirement for bulk antibiotics used in oral and parenteral products, the Commissioner of Food and Drugs proposes that the tests set forth below be added to Part 141 of the antibiotic drug regulations. The first test concerns quaternary ammonium compounds in procaine penicillin G and the second in tetracycline antibiotics. After these proposed sections are adopted and become effective, Parts 141 and 146 will be amended to establish maximum limits of 100 parts per million of quaternary ammonium compounds for antibiotics to be used in the manufacturer of parenteral products and 500 parts per million for antibiotics to be used in the manufacture of oral formulations.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that two new sections be added to Part 141 as follows:

§ 141.120 Microbiological agar diffusion assay method for residues of quaternary ammonium compounds in procaine penicillin G.

(a) *Preparation of inoculated plates.* Proceed as directed in § 141.110(a), using 10 milliliters of medium 11 for the base layer and 4 milliliters of medium 11, inoculated with 0.3 to 0.4 milliliter of test organism D per 100 milliliters of media, for the seed layer. Incubate the plates at 32° C.

(b) *Preparation of standard stock solution and standard response line solutions.* Use the particular quaternary ammonium compound known to be used in the process of manufacturing the batch of procaine penicillin G being tested. Prepare a convenient standard stock solution of the quaternary ammonium compound in 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3). Further dilute an aliquot of the standard stock solution with sufficient solution 3 to obtain the proper concentrations for the standard response line. These concentrations are 2.5, 5.0, 10.0, 20.0, and 40.0 micrograms per milliliter, with the 10.0 micrograms per milliliter solution as the midpoint of the standard response line.

(c) *Preparation of sample for test.* Accurately weigh approximately 200 milligrams of the sample to be tested into a glass-stoppered Erlenmeyer flask. Add 0.5 milliliter of sterile penicillinase solution and sufficient solution 3 to make a suspension containing 40 milligrams of sample in each milliliter. Inactivate and dissolve the procaine penicillin G by incubating the suspension for 3 to 4 hours at 37° C. with occasional shaking.

(d) *Procedure for assay.* Proceed as directed in § 141.110(c).

(e) *Estimation of potency.* Proceed as directed in § 141.110(d).

(f) *Calculation of content of quaternary ammonium compounds.* Parts per million of quaternary ammonium compounds = $P \times 25$, where:

P = Potency in terms of micrograms of quaternary ammonium compounds per milliliter of assay solution.

§ 141.585 Colorimetric method for quaternary ammonium compounds in tetracycline antibiotics.

(a) *Reagents.* (1) Bromothymol blue solution: Dissolve 150 milligrams of bromothymol blue and 150 milligrams of anhydrous sodium carbonate in 100 milliliters of distilled water.

(2) pH 9.0 buffer: Dissolve 84 grams of sodium bicarbonate in 800 milliliters of water. Adjust the pH to 9.0 with 1.0*N* sodium hydroxide and dilute to 1 liter with distilled water.

(3) Concentrated hydrochloric acid.

(4) 6.0N Hydrochloric acid.

(5) Chloroform.

(6) Benzethonium chloride standard solution: Dissolve 500 milligrams of benzethonium chloride (molecular weight 466.09) in 1 liter of distilled water.

(7) Bromophenol blue indicator: Prepare a 0.1 percent aqueous solution.

(8) Sodium carbonate solution: Prepare a 10 percent aqueous solution.

(9) Sodium lauryl sulfate standard solution: Dissolve 200 milligrams of sodium lauryl sulfate in 1 liter of distilled water.

(10) Alkyl (C_{12}-C_{18}) trimethyl ammonium chloride standard solution: Use a preparation of alkyl trimethyl ammonium chloride, the alkyl portion of which is predominantly C_{16}. Prepare a solution containing 0.6 milligram per milliliter of the alkyl (C_{16}) trimethyl ammonium chloride compound in distilled water.

(b) *Standardization of sodium lauryl sulfate standard solution.* Transfer 5 milliliters of benzethonium chloride standard solution into a 125-milliliter separatory funnel. Add 3 milliliters of chloroform, 1 milliliter of 10 percent sodium carbonate solution. three drops of bromophenol blue indicator and titrate with the sodium lauryl sulfate standard solution. Shake after each addition of the sodium lauryl sulfate standard solution until the strong blue color in the chloroform layer disappears. Calculate the benzethonium chloride equivalent of each milliliter of sodium lauryl sulfate standard solution as follows:

$$W_b = \frac{2.5}{V},$$

where:

W_b = Benzethonium chloride equivalent (in milligrams) of each milliliter of sodium lauryl sulfate standard solution.

V = Milliliters of sodium lauryl sulfate standard solution used.

(c) *Standardization of alkyl (C_{12}-C_{18}) trimethyl ammonium chloride standard solution.* Transfer exactly 3 milliliters of the alkyl (C_{12}-C_{18}) trimethyl ammonium chloride stock solution to a 125-milliliter separatory funnel. Add 3 milliliters of chloroform, 1 milliliter of sodium carbonate solution, and 3 drops of the bromophenol blue solution and titrate with sodium lauryl sulfate standard solution (standardized as described in paragraph (b) of this section). Shake after each addition of the sodium lauryl sulfate standard solution until the strong blue color in the chloroform layer disappears. Determine the equivalent number of milligrams as alkyl (C_{16}) trimethyl ammonium chloride per milliliter by means of the following calculation:

$$W_s = \frac{V \times W_b \times MW}{3 \times 466.09},$$

where:

W_s = Milligrams of alkyl (C_{16}) trimethyl ammonium chloride per milliliter.

MW = Molecular weight of alkyl (C_{12}–C_{18}) trimethyl ammonium chloride standard (If compound used is alkyl (C_{16}), $MW = 319.5$).

(d) *Preparation of sample solution.* From the following table select the appropriate solvent for the particular antibiotic to be tested. Transfer an accurately weighed sample of approximately 0.5 gram to a 125-milliliter separatory funnel, dissolve with 8.0 milliliters of the designated solvent solution, and proceed as directed in paragraph (e) of this section.

Antibiotic	*Solvent*
Chlortetracycline ----	1. *ON* Sodium hydroxide.
Chlortetracycline bisulfate.	Do.
Chlortetracycline hydrochloride.	Do.
	Do.
Demethylchlortetracycline hydrochloride.	Do.
Tetracycline ---------	Do.
Tetracycline hydrochloride.	Distilled water.
Oxytetracycline -----	1. *ON* Sodium hydroxide.
Oxytetracycline hydrochloride.	Distilled water.

(e) *Procedure.* Acidify the sample solution with 2.0 milliliters of concentrated hydrochloric acid. Add 10.0 milliliters of chloroform and shake for 2 minutes. Allow the phases to separate and drain the chloroform layer into a second separatory funnel. (When testing demethylchlortetracycline, it may be necessary to centrifuge in order to separate the layers.) Wash the chloroform layer with 10.0 milliliters of 6.0*N* hydrochloric acid and drain the chloroform layer into a third separatory funnel. To the third separatory funnel, add 10.0 milliliters of pH 9.0 buffer and 1.0 milliliter of bromothymol blue solution. Shake for 2 minutes, allow the phases to separate, and determine the absorbance of the chloroform layer at a wavelength of 420 millimicrons using chloroform as a blank. Dilute an aliquot of the alkyl (C_{12}–C_{18}) trimethyl ammonium chloride standard solution in distilled water to a concentration of exactly 100 micrograms of alkyl (C_{16}) trimethyl ammonium chloride per milliliter and transfer 1.0 milliliter to a separatory funnel. Add 10.0 milliliters of chloroform, 10.0 milliliters of pH 9.0 buffer, and 1.0 milliliter of bromothymol blue solution; shake for 2 minutes and determine the absorbance of the chloroform layer at a wavelength of 420 millimicrons using chloroform as a blank.

(f) *Calculation.* Determine the amount of quaternary ammonium compounds in the sample by the following calculation:

$$\text{Quaternary ammonium compounds (parts per million) as alkyl } (C_{16}) \text{ trimethyl ammonium chloride} = \frac{\text{Absorbance of sample solution} \times 100}{\text{Absorbance of standard solution} \times \text{weight of sample in grams}}$$

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 30, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13259; Filed, Nov. 6, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 7)]

MOTOR CARRIERS OF HOUSEHOLD GOODS

Notice of Proposed Rule Making

NOVEMBER 4, 1969.

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 23d day of October 1969.

Upon further consideration of a petition filed on April 29, 1969 by the Household Goods Carriers' Bureau seeking approval of a proposed rule prohibiting household goods carriers from participating in more than one level of rates for the same transportation between the same points in the same direction; and the order of Division 2 entered herein on August 8, 1969 directing the institution of a rule-making proceeding and requiring petitioner to submit an amended proposed rule, as follows:

It is further ordered, That the petitioner shall submit a rephrasing of the proposed rule to except from the operation thereof the transportation of machinery of unusual nature or value and the services of persons holding authority of the type authorized in Kingpak, Inc., Investigation of Operations, supra;

It appearing, that the date for filing indications of desire to participate, namely, September 25, 1969, is now past, with various individual shippers and household goods carriers, associations of movers and warehousemen, and a forwarder association responding;

And it further appearing, that petitioner has under date of September 29 and October 2, 1969 refused to submit an amended rule for consideration as directed by the order instituting the instant proceeding; which refusal has prompted a demand dated October 2, 1969, by the Household Goods Forwarders Association of America, Inc., that the proceeding be terminated; wherefore:

It is ordered, That in view of petitioner's failure to comply with the requirement imposed in the instituting order herein, which was in effect a condition precedent to further consideration and disposition, this proceeding be, and it is hereby, dismissed.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13298; Filed, Nov. 6, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 69-106]

REPORTS OF HAZARDOUS MATERIALS INCIDENTS

Proposed Rule Making and Public Hearing

Correction

In F.R. Doc. 69-12877 appearing at page 17446 in the issue of Wednesday, October 29, 1969, the date in the second sentence of the third paragraph now reading "January 12, 1969" should read "January 12, 1970".

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BETH ISRAEL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00542-33-46040. Applicant: Beth Israel Hospital, 330 Brookline Avenue, Boston, Mass. 02215. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in a large number of scientific investigations which include the following:

a. Cytochemical localization of several hydrolytic enzymes in smooth muscle cells, and their alterations in response to various physiologic, pharmacologic and pathologic stimuli.

b. Cytochemical study of lysosomal enzymes in platelets during aggregation.

c. Ionic movements in the turtle bladder preparation, including the effects of enzymatic poisons.

d. Studies of experimental injury to the gastrointestinal mucosa. In experimental injury to the gastric mucosa induced by generalized stress situations or local increase in intraluminal pressure, an ischemic factor appears important.

e. Analysis of the cellular transformations involved in hyperplasia, metaplasia and neoplasia of the gastrointestinal epithelium.

f. Composition of tubular casts encountered in experimental renal failure.

g. Structure and function of various subcellular fractions of myocardial cells in normal and in experimental cardiac hypertrophy.

h. Pathways and control mechanisms of mammalian epidermal protein synthesis.

i. Effects of various humoral and cellular enzymatic agents on isolated platelet organellar fractions.

j. Effects of various antimicrobial agents on Mycoplasma.

k. Structural and functional alterations in ribosomes and related subcellular organelles in tissue and organ cultures of various mammalian neoplasms.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article specifies a resolving capability of 3.5 angstroms at an accelerating voltage of 20 kilovolts. The most closely comparable domestic instrument is the Model EMU-4B formerly manufactured by the Radio Corp. of America (RCA) and currently being produced by the Forgflo Corp. (Forgflo). The Model EMU-4B specifies a resolving capability of five Angstroms, but does not indicate whether this can be attained at 20-kilovolt accelerating voltage. The Department of Health, Education, and Welfare (HEW) advises us that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. (HEW memorandum dated July 19, 1969.) (2) The foreign article provides a continuous range from 200 to 500,000 magnifications, whereas the Model EMU-4B provides a range from 400 to 220,000 magnifications. But for the highest quality, low magnification electron micrographs, RCA specifies a change from the standard pole piece to a special wide, bore, long focal length pole piece. (RCA specifications for EMU-4B Electron Microscope; SI-103A, July 1, 1968, page 1, specification 3(c).) In this connection, HEW advises that a change in pole pieces requires breaking the vacuum in the lens column, thus inducing the contamination of the specimen. Since the achievement of the applicant's research purposes necessitates the capability to shift immediately from intensive scanning at low magnifications to high magnification of selected areas of the specimen, HEW advises that the continuous magnification range of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business Defense Services Administration.

[F.R. Doc. 69-13255; Filed, Nov. 6, 1969; 8:45 a.m.]

HANOVER BOROUGH SCHOOL DISTRICT, PA., ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00258-16-61800. Applicant: Hanover Borough School District, 190 East Walnut Street, Hanover, Pa. 17331. Article: Planetariums and auxiliary projectors, Apollo model. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used for instruction in courses in astronomy, navigation and weather for different grade levels and will be operated by both students and teachers. Application received by Commissioner of Customs: October 16, 1969.

Docket No. 70-00259-33-46070. Applicant: U. S. Department of Agriculture, ARS, Southern Administrative Division, Post Office Box 53326, 701 Loyola Avenue, Room T-12017, New Orleans, La. 70113. Article: Scanning electron microscope, model "Stereoscan". Manufacturer: Cambridge Scientific Instruments Co., Ltd., United Kingdom. Intended use of article: The article will be used for a wide variety of entomological investigations. Location and identification of insect sensory structures will be studied, as well as surface architecture of the insect integument, its pores, and membranes. Application received by Commissioner of Customs: October 16, 1969.

Docket No. 70-00260-33-46040. Applicant: University of Florida, Gainesville, Fla. 32601. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The

article will be used in a course in electron microscopy. For teaching, the applicant requires an instrument that is simple and convenient to operate. In addition to the teaching program, the electron microscope will be used by graduate students for thesis and dissertation research. Application received by Commissioner of Customs: October 16, 1969.

Docket No. 70–00263–41–35550. Applicant: University of California, Santa Barbara, Santa Barbara, Calif. 93106. Article: Demonstration gyro. Manufacturer: Phywe Aktiengesellschaft, West Germany. Intended use of article: The article will be used to demonstrate problems of nutation and precession due to wheel unbalance and gimbal masses. Application received by Commissioner of Customs: October 20, 1969.

Docket. No. 70–00264–33–46040. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Electron microscope, Model 100B. Manufacturer: Japan Electron Optics Laboratory, Ltd., Japan. Intended use of article: The article will be used for long term on-going studies on the primary, secondary, and tertiary organization of structural macromolecules, principally collagen and myosin. Application received by Commissioner of Customs: October 20, 1969.

Docket. No. 70–02265–33–46500. Applicant: University of Connecticut, Health Center, School of Medicine, Hartford Plaza, Hartford, Conn. 06105. Article: Ultramicrotome, LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used as a research tool in a biomedical laboratory concerned primarily with research in the cytology of the central nervous system. Application received by Commissioner of Customs: October 20, 1969.

Docket No. 70–00267–16–61800. Applicant: Whitehall-Coplay School District, 3126 Lehigh Street, Whitehall, Pa. 18052. Article: Planetarium, Venus model. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky simulation for educational and public programs including astronomy and navigation instruction. Application received by Commissioner of Customs: October 20, 1969.

Docket No. 70–00268–33–46040. Applicant: Tulane University, 6823 St. Charles Avenue, New Orleans, La. 70118. Article: Electron microscope, Model 300. Manufacturer: Philips Electron Instruments. The Netherlands. Intended use of article: The article will be used in research concerning the isolated intraerythrocytic viral particles, the reported transmission of the small protozoan, and an ultrastructural study of nematode gametes. Application received by Commissioner of Customs: October 20, 1969.

Docket No. 70–00269–99–46040. Applicant: Whittier College, 13406 East Philadephia Street, Whittier, Calif. 90608. Article: Electron microscope, Model HS–8–1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will function primarily as a teaching and training instrument for undergraduate and graduate students in the biological sciences. As a teaching facility, it will be used in 13 biology courses as outlined by the applicant and, in a 2-week introductory training course in techniques of electron microscopy. As a research facility, it will be used by both graduate students and faculty. Application received by Commissioner of Customs: October 20, 1969.

Docket No. 70–00270–63–46500. Applicant: Western Illinois University, Macomb, Ill. 61455. Article: Ultramicrotome, Model "Om U2." Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used in a fine structure study of barley which is infected with the powdery mildew fungus, specifically the study concerning the events which occur in the initial penetration of the fungus into the host barley cell leading to fungal haustorial formation. Application received by Commissioner of Customs: October 21, 1969.

Docket No. 70–00271–33–46040. Applicant: Northwestern University Medical School, Chicago Wesley Memorial Hospital, 303 East Chicago Avenue, Chicago, Ill. 60611. Article: Electron microscope, Model EM 300. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: The article will be used for a number of biological research projects by faculty members of the university and the staff of the hospital. Projects include correlative chemical and electron microscope investigation of the various storage forms of iron, human tumors and myelinated nerve fibers. Application received by Commissioner of Customs: October 21, 1969.

Docket No. 70–00272–33–46040. Applicant: University of Virginia, School of Medicine, Charlottesville, Va. 22901. Article: Electron microscope, Model AEI EM 801. Manufacturer: Associated Electrical Industries Ltd., United Kingdom. Intended use of article: The article will be used for ultrastructural studies of nerve tissues. Studies of brain will focus on development of the cerebral cortex. Another project will be high resolution studies of membranes, microtubules, filaments, synapses, and myelin sheaths. Application received by Commissioner of Customs: October 21, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–13254; Filed, Nov. 6, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (34 F.R. 13378, 14445, and 16634) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to swine with respect to Broadway Packing Co., Inc., Establishment 2264, is deleted. The reference to calves with respect to Fort Plain Packing Co., Inc., Establishment 5074, is deleted. The reference to sheep with respect to White Packing Co., Establishment 6595, is deleted. The reference to cattle with respect to Western Meat Packers, Inc., Establishment 7028, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Oakland Farms Packing Corp.	83	(*)						
Pawnee Packing Co.	270	(*)						
Pioneer Boneless Beef, Inc.	461A	(*)						
American Beef Packers, Inc.	866	(*)						
Northwest Packing Co.	2283	(*)						
Bob Evans Farms, Inc.	6785					(*)		
Metzger Packing Co., Inc.	7306	(*)				(*)		
Contris Packing Co.	7438					(*)		
New establishments reported: 8.								
Frisco Packing Co.	327	(*)						
Fineberg Packing Co.	428					(*)		
Downs Packing, Inc.	520					(*)		
Greendell Packing Co.	542		(*)					
Frosty Morn Meats	731		(*)					
Siouxland Dressed Beef Co.	857F			(*)				
Walden Packing Co.	886		(*)					
Jack Agee & Co.	2281			(*)				
Ralph Packing Co., Inc.	5228	(*)						
Hershey Estates Abattoir	5388					(*)		
Mount Vernon Meat Co., Inc.	6039			(*)				
Species added: 11.								

Done at Washington, D.C., on November 4, 1969.

G. H. WISE,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69–13305; Filed, Nov. 6, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A–510]

DOUGLAS E. SWANBERG

Notice of Loan Application

NOVEMBER 3, 1969.

Douglas E. Swanberg, Box 296, Yakutat, Alaska 99689, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 35.0-foot registered length wood vessel to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief, Division of Financial Assistance.

[F.R. Doc. 69–13274; Filed, Nov. 6, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GIBBERELLIC ACID

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of Amdal Co., Division of Abbott Laboratories, North Chicago, Ill. 60064, a temporary tolerance of 0.15 part per million is established for negligible residues of the plant regulator gibberellic acid in or on the raw agricultural commodity sugarcane. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the plant regulator will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Amdal Co. name.

This temporary tolerance expires October 31, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 512; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 31, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–13271; Filed, Nov. 6, 1969; 8:46 a.m.]

Office of Education

CONSTRUCTION OF ACADEMIC FACILITIES AND IMPROVEMENT OF UNDERGRADUATE INSTRUCTION

Promulgation of Allotment Ratios

Pursuant to both section 103 of the Higher Education Facilities Act of 1963, Public Law 88–204, 77 Stat. 363, which provides for grants for construction of academic facilities for public community colleges and technical institutes, and section 602 of the Higher Education Act of 1965, Public Law 89–329, 77 Stat. 1219, which provides for financial assistance for the improvement of undergraduate instruction, and on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce, the following allotment ratios for the States are hereby promulgated, effective with respect to the allotment of such funds as may be appropriated for the fiscal year ending June 30, 1970:

Alabama	0.6547
Alaska	.4156
Arizona	.5681
Arkansas	.6646
California	.4154
Colorado	.5069
Connecticut	.3733
Delaware	.4119
Florida	.5534
Georgia	.6020
Hawaii	.4769
Idaho	.5844
Illinois	.4041
Indiana	.4882
Iowa	.5015
Kansas	.5157
Kentucky	.6222
Louisiana	.6168
Maine	.5806
Maryland	.4560
Massachusetts	.4437
Michigan	.4535
Minnesota	.5110
Mississippi	.6667
Missouri	.5244
Montana	.5573
Nebraska	.5126
Nevada	.4157
New Hampshire	.5236
New Jersey	.4161
New Mexico	.6020
New York	.4060
North Carolina	.6196
North Dakota	.5950
Ohio	.4858
Oklahoma	.5839
Oregon	.5076
Pennsylvania	.4978
Rhode Island	.4820
South Carolina	.6559
South Dakota	.5912
Tennessee	.6245
Texas	.5696
Utah	.5799
Vermont	.5588
Virginia	.5593
Washington	.4548
West Virginia	.6328
Wisconsin	.5012
Wyoming	.5308
District of Columbia	.3445
American Samoa	.6667
Canal Zone	
Guam	.6667
Puerto Rico	.6667
Virgin Islands	.6667

Approved: November 3, 1969.

JAMES E. ALLEN, JR.,
U.S. Commissioner of Education.

[F.R. Doc. 69–13288; Filed, Nov. 6, 1969; 8:47 a.m.]

Office of the Secretary

GENERAL COUNSEL ET AL.

Delegation of Authority To Certify True Copies

Under the authority vested in me by the Secretary, 34 F.R. 17346:

1. I hereby redelegate to the following the authority to certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such, to certify that true copies are true copies of the entire file of the Department, to certify the complete original record, or to certify the nonexistence of records on file within the Department, and to cause the Seal of the Department to be affixed to such certifications.

These same officials are authorized to cause the Seal to be affixed to agreements, awards, citations, diplomas, and similar documents.

To whom delegated	*Area of Authority*
General Counsel	Department.
Executive Officer, Office of the Secretary.	Office of the Secretary.
Administrator, Social and Rehabilitation Service.	Social and Rehabilitation Service.
Commissioner of Education.	Office of Education.
Commissioner of Social Security.	Social Security Administration.
Administrator, Consumer Protection and Environmental Health Service.	Consumer Protection and Environmental Health Service.
Administrator, Health Services and Mental Health Administration.	Health Services and Mental Health.
Director, National Institutes of Health.	National Institutes of Health.

This authority may be redelegated.

2. I also redelegate to the Administrative Assistant, Reviewing Authority (Civil Rights) Office of the Assistant Secretary for Administration, the authority as official custodian of the files in all matters pertaining to compliance proceedings under title VI of the Civil Rights Act and as such custodian the authority to certify true copies of any books, records, papers, or other documents of the

Department pertaining to such matters and to certify extracts from any such books, records, papers, or other documents on file within the Department as true extracts and to certify that true copies are true copies of the entire file of the Department in any such matters and to cause the Seal of the Department to be affixed to such certifications. This authority may not be redelegated.

3. Redelegations made under the previous redelegation of authority shall remain in effect until appropriate new redelegations are made.

Dated: November 1, 1969.

JAMES FARMER,
Assistant Secretary for Administration.

[F.R. Doc. 69-13287; Filed, Nov. 6, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Notice 69-RD-1]

U.S. NATIONAL AVIATION STANDARD FOR THE VORTAC SYSTEM

Notice of Proposed Selection

The Federal Aviation Administration is considering adopting a selection order which establishes a U.S. National Aviation Standard for the VORTAC (VOR-TACAN-DME) System. This Standard defines the VORTAC system and the performance required of its components to the extent necessary to satisfy overall operational use requirements and provide compatibility between components of the system.

The vehicle used by the Federal Aviation Administrator for selection and adoption of a U.S. National Aviation Standard is a selection order. U.S. National Aviation Standards issued by the Administrator in selection orders are binding only on FAA. While not in themselves regulatory, U.S. National Aviation Standards may serve as the basis for subsequent rulemaking actions. With respect to selection orders, a notice of proposed selection is issued, as a matter of policy, in those instances where invitation of public comments is considered to be in the public interest. Such notice is not a notice of proposed rule making or other rulemaking action. With reference to any subsequent rulemaking action, the rulemaking procedures provide the opportunity for separate public comment on the proposed rulemaking.

The FAA recognizes that certain existing airborne components of the system do not fully conform to the standard. Since use of such components may impair services to other users of the airspace, degrade navigational accuracy or in other ways adversely affect operational use of the VORTAC system, the FAA may initiate rulemaking action to achieve conformance with the standard after it is adopted.

Interested persons are invited to submit such written data and comments on the proposed selection order as they may desire. Communications should identify the notice number and be submitted in duplicate to: Director, Systems Research and Development Service, Attention: RD-54, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590, on or before January 15, 1970. All comments submitted will be available for examination in Room 720, 800 Independence Avenue SW., Washington, D.C., before and after the closing date for comments.

The text of the proposed selection order and the embodied U.S. National Aviation Standard for the VORTAC system is as follows:

1. *Purpose.* This order establishes the VORTAC (VOR-TACAN-DME) standard which defines the performance required of the system and its components.

2. *Requirement.* VORTAC (VOR-TACAN-DME) is the primary short distance navigation aid used in the National Airspace System of air navigation and traffic control. Achievement of navigation system performance commensurate with the overall operational use requirements necessitates definition of the functional and performance characteristics required of the system and its components.

3. *Selection decision.* The U.S. National Aviation Standard for the VORTAC system described in paragraph 4 of this order is responsive to the requirement stated in paragraph 2 hereof and is hereby selected pursuant to section 312(c) of the Federal Aviation Act.

4. *Description.* The standard attached to this order defines those functional and operational characteristics of the VORTAC (VOR-TACAN-DME) system and its components which are required to satisfy overall operational use requirements and to provide compatibility between components of the system. For ground components, the standard identifies the functional, signal, and performance characteristics provided and with which all airborne components must operate as specified. For airborne components, the standard identifies signal characteristics, where applicable, and functional and performance characteristics which are necessary to satisfy system use requirements and to prevent impairment of services to other users of the airspace.

5. *Implementation criteria.* This standard applies to all VOR, TACAN, and DME ground and airborne components used in the National Airspace System.

6. *Directed action.* The standard covered by this order will be used by elements of the FAA to define the VORTAC (VOR-TACAN-DME) system to identify the functional and performance characteristics required of the system and its components. Subject to applicable rule making, programing, and budgetary procedures, action shall be taken, by the FAA elements concerned, to implement this selection in accordance with the foregoing implementation criteria or such modifications thereof as may be hereafter approved by or on behalf of the Federal Aviation Administrator.

This notice is issued under sections 307(b) and 312(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(b) and 1353(c)).

Issued in Washington, D.C., on October 30, 1969.

J. D. CONERLY,
Acting Director, Systems Research and Development Service.

U.S. NATIONAL AVIATION STANDARD FOR THE VORTAC (VOR-TACAN-DME) SYSTEM

1. GENERAL

Under Public Law 85-726, the FAA (Federal Aviation Administration) is charged with providing for the regulation and promotion of civil aviation in such a manner as to best foster its development and safety, and to provide for the safe and efficient use of the airspace by both civil and military aircraft, and for other purposes. Explicitly, the Administrator shall develop, modify, test, and evaluate systems, procedures, facilities, and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation operating in a common Civil/Military System of Air Navigation and Traffic Control.

1.1 *The VORTAC (VOR-TACAN-DME) system characteristics.* Pursuant to 1, this standard defines the VOR (VHF Omnidirectional Radio Range)—TACAN (Tactical Air Navigation)—DME (Distance Measuring Equipment) system in the United States, its application and its performance characteristics. For ground components of the system, the material identifies the functional, signal, and performance characteristics provided and with which all airborne components of the system must operate as specified. For airborne components, the material identifies signal characteristics, where applicable, and functional and performance characteristics which are required to meet overall operational use requirements and to provide compatibility between components of the system.

The respective airborne component characteristics for VOR, TACAN, and DME apply in entirety to those components used in aircraft operations performed under IFR (Instrument Flight Rules). However, for other aircraft operations the applicability is limited to requirements as identified in sections 4 and 6 hereof which are essential to prevent impairment of services to other users of the airspace. It is recognized that certain existing components do not comply with all requirements of this standard. Since such components may impair services to other users of the system, degrade navigational accuracy or otherwise adversely affect operational use of the system, it is expected that use of nonconforming components will be discontinued as soon as practicable.

1.2 *Revisions.* This standard will be revised as needs of the National Airspace System warrant.

2. VOR-TACAN-DME SYSTEM DESCRIPTION

The VOR-TACAN-DME system is a short distance rho-theta air navigation system which provides properly equipped aircraft with bearing, identification, and distance information referenced to selected ground components. When the airborne component complement includes a suitable area navigation (RNAV) device operating from data derived from the system, nonradial routes are afforded in addition to those corresponding to radials from the selected ground component. The system provides all civil and military aviation with an aid to navigation for the safe and efficient conduct of aircraft operations, the safe and efficient exercise of air traffic control and the efficient utilization of airspace.

2.1 *Principal components of the system—*

2.1.1 *Ground components.* The principal ground components, which produce and radiate signals as specified hereinafter, are: VOR providing ground to air communications and azimuth information to all civil aviation; TACAN providing azimuth information to military users and distance information to both civil and military users; and DME only providing distance information to all users of the airspace.

2.1.1.1 *Facility type designations.* Components comprising ground facilities of the system are identified in the Airman's Information Manual by type designations as follows to identify the type of service provided. VOR type designators are prefixed by the letter "B" when the component provides scheduled voice broadcasts, and are suffixed by the letter "W" when the component does not provide voice transmissions.

Designator	*Type of facility*
VOR	VHF navigational facility, omnidirectional, azimuth only.
DME	UHF navigational facility, distance only.
TACAN	UHF navigational facility, omnidirectional, azimuth, and distance.
VOR/DME	Associated VOR and DME navigational facilities.
VORTAC	Associated VOR and TACAN navigational facilities.

2.1.1.2 *Facility operational classifications.* Each ground facility is identified as to the normally anticipated interference-free service volume by one of the following classification letters applied in parentheses as a prefix to the applicable facility type designation. Such classification is without regard to the fact that the frequency-protected service volume, operational requirements and use limitations may vary between facilities at different locations, or that propagation anomalies, multipath propagation, and site conditions may alter the characteristics of ground component signals available to aircraft within the normally anticipated interference-free service volume.

Class	*Normal usable altitudes and radius distance*
H	Above 45,000 feet MSL and out to a radius of 100 nautical miles; From 18,000 feet to and including 45,000 feet MSL and out to a radius of 130 nautical miles; From 14,500 feet to 18,000 feet and out to a radius of 100 nautical miles.
L	Up to 18,000 feet MSL and out to a radius of 40 nautical miles.
T	Up to and including 12,000 feet MSL and out to a radius of 25 nautical miles.

H facilities also provide L and T service volumes and L facilities also provide T service volumes. To the extent that frequency protection is in accordance with 2.1.1.6 and to the extent that the respective minimum signal power densities of 3.3 and 5.3.2 are available to aircraft, facilities may also provide expanded operational service volumes which extend: (a) Beyond the normal service radius to not more than 110 nautical miles at MSL altitudes below 18,000 feet or 185 nautical miles at MSL altitudes above 18,000 feet; or (b) above the normal altitude; or both.

2.1.2.1 *Vertical angle coverage limitations.* Within the normally anticipated interference-free service volume of each facility, azimuth signal information permitting satisfactory performance of airborne components is normally provided from the radio horizon up to an elevation angle of not less than 60° for VOR components and not less than 40° for TACAN components. At higher elevation angles the azimuth signal information may not be usable. Components providing distance information permit satisfactory performance of airborne components from the radio horizon to an elevation angle of not less than 60°.

2.1.1.3 *Colocation of components.* A VOR and either TACAN or DME shall be considered as associated components only when:

(a) Operated on a standard frequency pairing in accordance with 2.1.1.5;

(b) Colocated within the limits prescribed for associated facilities in 2.1.1.3.1; and

(c) Complying with the identification provisions of 2.1.1.7.2.2.

2.1.1.3.1 *Colocation limits for associated components.* When either TACAN or DME components are associated with a VOR, the components shall be colocated in accordance with the following:

(a) *Coaxial colocation.* The VOR and TACAN or DME antennas are located on the same vertical axis; or

(b) *Offset colocation.* (1) For those facilities used in terminal areas for approach purposes or other procedures where the highest position fixing accuracy of system capability is required, the separation of the VOR and DME or TACAN antennas will not exceed 100 feet. However, at Doppler VOR components the antennas will be separated by not more than 260 feet.

(2) For purposes other than those indicated in (1), the separation of the VOR and either DME or TACAN antennas will not exceed 2,000 feet.

With the exception of a Doppler VOR at which a TACAN antenna must be offset colocated, the standard is a coaxial colocation configuration.

2.1.1.4 *Radiofrequency allocations.* Radiofrequencies allocated for VOR, TACAN and DME are those correspondingly designated in Table A.

2.1.1.4.1 *VOR radiofrequency assignments.* Radiofrequency assignments shall be selected from the VOR channel frequencies listed in Table A.

NOTE: The implementation of VOR channels having frequencies ending in odd-twentieths of a MHz has not been planned; however, those channels may be used in the future.

2.1.1.4.2 *DME and TACAN radiofrequency assignments.* Radiofrequency assignments shall be selected from the DME and TACAN ground transponder channel frequencies listed in Table A. Channels 1 through 16 and 60 through 69 shall not be assigned to components of the common system.

NOTE: The implementation of DME and TACAN channels designated by the suffix "Y" has not been planned; however, those channels may be used in the future.

2.1.1.5 *Radiofrequency channel pairing.* When a DME or TACAN component is intended to operate in association with a VHF component in the 108.0 to 117.95 MHz frequency band, the DME or TACAN operating channel shall be paired with the VHF channel as given in Table A. Nonassociated VOR, TACAN, and DME components shall not be frequency paired in accordance with the standard pairing of Table A when the components provide overlapping frequency protected service volumes.

2.1.1.6 *Radiofrequency interference protection.* The usable distance and usable altitude of aeronautical navigation aids are determined by the protection from radiofrequency interference caused by cochannel or adjacent-channel components. Geographical separation of navigational aid components is used to provide this frequency protection from adjacent-channel and other cochannel assignments. The separation criterion takes into account the permissible deterioration in ground component radiated power levels. The frequency-protected volume of airspace shall at least be as great as the published operational service volume limitations.

NOTE: The protection ratios stated in the following subparagraphs are based on the data, conditions and factors set forth for VOR and TACAN in the March 1967 Environmental Science Services Administration (ESSA) technical report IER 26-ITSA 26 entitled "Interference Predictions for VHF/UHF Air Navigation Aids."

2.1.1.6.1 *Geographical separation of VOR frequency assignments.* The following interference protection is provided, within the frequency-protected service volume, by geographical separation of VOR frequency assignments.

(a) The signal from an undesired cochannel component will not exceed −20 db of the signal from the desired component;

(b) The signal from an undesired first adjacent-channel component will not exceed the desired signal by more than +46 dB;

(c) The signals from other than cochannel or first adjacent-channels will not exceed +60 dB of the desired signal at any point which is above the radio horizon and within the operational service volume of the desired component.

2.1.1.6.2 *Geographical separation of DME and TACAN frequency assignments.* The following interference protection is provided, within the frequency-protected service volume, by geographical separation of DME and TACAN frequency assignments:

(a) The signal from an undesired cochannel component will not exceed −8 dB of the signal from the desired component;

(b) The signal from an undesired first adjacent-channel component will not exceed the desired signal by more than +42 dB;

(c) The signals from other than cochannel or first adjacent-channels will not exceed +50 dB of the desired signal at any point which is above the radio horizon and within the operational service volume of the desired component.

2.1.1.6.3 *Protection of components near Canadian and Mexican borders.* In areas of the United States where facility congestion creates a problem, components near the U.S. border may not be frequency-protected in any airspace volume that lies beyond the U.S. border. However, expanded service volume protection will be provided wherever specific airways, routes, or procedures beyond the border are based on the component.

2.1.1.7 *Component identification signals.* Each ground component shall transmit an identification signal consisting of three letters in the form of International Morse Code transmitted at a rate of approximately seven words per minute. In addition, voice identification in accordance with 2.1.1.7.2.1 through 2.1.1.7.2.3 may be provided by a VOR.

2.1.1.7.1 *Identification code characteristics.* The identification code characteristics shall conform to the following:

(a) The dots shall be a time duration of 0.1 second to 0.125 second and the dashes 0.3 second to 0.375 second;

(b) The duration between dots and dashes of a code letter shall in each case be equal to that of one dot plus or minus 10 percent;

(c) The time duration between consecutive letters of the identification code group shall not be less than three dots; and

(d) The total period for transmission of an identification code group shall not exceed 5 seconds.

2.1.1.7.2 *Identification cycle and synchronization.* The repetition and synchronization of component identification signals shall conform to the following.

2.1.1.7.2.1 *Independent components.* Whenever a facility is operated as a VOR, a DME or TACAN only, its identification signal shall be transmitted as follows:

(a) For VOR providing code and voice identification signals, each 30-second interval is divided into four equal periods. The code identification signal shall be transmitted during alternate periods and, subject to 2.1.1.7.2.3, voice identification signals will occur during the remaining periods.

(b) For VOR providing only code identification signals, each 30-second interval is divided into five equal periods. The code identification shall be transmitted during each period.

(c) When voice communication signals are being transmitted by a VOR, the VOR code identification signals shall not be suppressed.

(d) For DME and TACAN the International Morse Code identification signal shall be repeated at intervals of 30 seconds.

2.1.1.7.2.2 *Associated components.* When in accordance with 2.1.1.3 a VOR and either a DME or TACAN are operated as associated components, the identification signals shall conform to the respective requirements of 2.1.1.7.2.1 except that:

(a) The identification letters shall be the same for each component;

(b) For VOR of 2.1.1.7.2.1(a), the DME or TACAN identification signal shall be transmitted during one of the periods allocated for VOR voice identification and the latter shall not be transmitted during that period;

(c) For VOR of 2.1.1.7.2.1(b), the DME or TACAN identification signal shall be transmitted during one of the periods allocated for VOR code identification and the latter shall not be transmitted during that period;

(d) The International Morse Code identification signals of VOR, DME, and TACAN shall be synchronized and interlocked such that simultaneous transmission will not occur; and

(e) When voice communications are being transmitted on the VOR, the code identification signals of DME and TACAN shall not be suppressed.

NOTE: Whenever one component is temporarily out of service, the remaining component, when operated, will transmit facility identification signals in accordance with 2.1.1.7.2.2 without regard to the facility type designation.

2.1.1.7.2.3 *Precedence of VOR voice communications.* VOR voice identification signals shall be suppressed for the duration of voice communications or broadcasts.

2.1.1.8 *VOR voice communication signals.* In accordance with the need for communications, a VOR may provide ground to air voice communications.

2.1.2 *Airborne components.* Airborne components of the system consist of a VOR component conforming to section 4 hereof and TACAN and DME components conforming to the applicable requirements of section 6 of this Standard.

2.2 *System traffic handling capacity.* Each VOR and TACAN ground component of the system provides azimuth and facility identification information to an unlimited number of airborne components. Under conditions in which interrogating TACAN and DME components are in the track mode of operation not less than 95 percent of the time, TACAN and DME ground components provide slant range distance information adequate for the peak traffic or 100 interrogators, whichever is the lesser.

2.3 *System azimuth accuracy.* System azimuth accuracy, expressed in terms of error, is a function of the error factors associated with the ground and airborne components. For purposes of defining these errors, the following terms are used with the meanings indicated.

(a) *Radial signal error* (Eg). Radial signal error is the difference between the nominal magnetic bearing to a point of measurement from the ground component and the bearing indicated by the ground component signal at that same point. The radial signal error is made up of (1) certain stable elements such as course displacement and most site and terrain effect errors which may be considered as fixed for long periods of time, and (2) certain random variable errors which can be expected to vary about the essentially constant remainder. The radial signal error is associated with the ground component only and excludes other error factors.

(b) *Airborne component error* (Ea). Airborne component error is that error attributable to the inability of the equipment in the aircraft to translate correctly the bearing information contained in the radial signal. This element embraces all factors in the airborne component which introduces errors in the information presented to the pilot. (Errors resulting from the use of compass information in some VOR and TACAN displays are not included.)

(c) *Aggregate error* (Es). Aggregate error is the difference between the magnetic bearing to a point of measurement from the ground component and the bearing indicated by airborne components of stated accuracy. This is the error in the information presented to the pilot (exclusive of any errors resulting from use of compass information) taking into account not only the ground component and propagation path errors but also the error contributed by the airborne component and its instrumentation. The entire radial signal error, both fixed and variable, is used.

Since the errors of (a) and (b), when considered on a total system basis (not any individual radials or components) are independent variables, they may be combined by the root-sum-square (RSS) method to calculate aggregate system error (Es) when the same probability is given to each element. For purposes of this standard, each element is considered to have a 95 percent probability.

In practice, based on hundreds of thousands of accumulated data points, the radial signal error value (Eg) has been found to be $\pm 1.9°$ (95 percent probability). Airways, routes and terminal area procedures in the United States are designed on the basis of a system use accuracy of $\pm 4.5°$ (95 percent probability). To satisfy that operational use requirement, accuracies specified for airborne components in sections 4 and 6 hereof provide a nominal aggregate system azimuth error value (Es) of 3.5 degrees (95 percent probability). The aggregate system error value is derived as follows.

Radial Signal Error (Eg): $\pm 1.9°$ (95 percent probability).

Airborne Component Error (Ea): $\pm 3.0°$ (95 percent probability).

Aggregate System Error (Es) $= \sqrt{Eg^2 + Ea^2}$ (1)

$= \sqrt{1.9^2 + 3.0^2}$ (2)

$= \sqrt{3.61 + 9.00}$ (3)

$= \sqrt{12.61}$ (4)

(Rounded) $= 3.5°$ (95 percent probability) (5)

With respect to the $\pm 4.5°$ system use accuracy, the aggregate system error of $\pm 3.5°$ allows a factor for error in utilization of the information presented to the pilot. This utilization error, which is an independent variable and is attributable to the fact that a pilot can not or does not keep the aircraft precisely centered on the radial or bearing presented, is strictly a pilotage error contribution and does not include presentation errors.

2.4 *System distance accuracy.* System distance accuracy is a function of the ground and airborne component accuracies. The component values in this Standard provide a system distance accuracy of ± 0.5 nautical mile or 3 percent of the slant range distance, whichever is greater (95 percent probability) when the error values are combined by the root-sum-square method.

2.5 *Area navigation use accuracy.* When area navigation devices are used with inputs from components of the system, those devices, must be implemented in such a manner that route dimension requirements are not increased. Any errors introduced by area navigation devices may, therefore, necessitate a compensating reduction in other error elements.

2.6 *System functional and performance capabilities.* The functional and performance characteristics set forth in this standard are those needed to satisfy current system use and performance requirements. Many ground and airborne components used in the system afford accuracy valves appreciably better than those stated in this standard. The VOR–TACAN–DME system is inherently capable of greater accuracies and additional functions to meet future needs for safe and efficient air navigation, traffic control, and utilization of the airspace.

3. OPERATIONAL CHARACTERISTICS FOR VOR GROUND COMPONENTS

The subparagraphs hereto identify standard signal characteristics and tolerances for VOR components of the system. Except as noted these characteristics represent the performance which shall normally be provided by each facility subject to limitations as noted under 2.1.1.2 and 2.1.1.6.

3.1 *Polarization.* The ground component antenna shall radiate horizontally polarized signals. Azimuth error in airborne components due to the vertically polarized component of the radiated signal will not exceed $\pm 2.0°$ at aircraft attitudes encountered in normal operational use of the system.

3.2 *Radiofrequency accuracy.* The radiofrequency carrier shall be within ± 0.005 percent of the assigned channel frequency.

3.3 *Radiated power level.* The effective radiated power level shall not be less than that necessary to provide a signal power density of -111 dBw/m² at the minimum service altitude at the maximum specified operational service radius.

NOTE: At 118 MHz the value -111 dBw/m² corresponds to -114 dBw in an isotropic receiving antenna.

At the nearest aircraft position expected during flight, the maximum signal power density available to aircraft will be of the order of -34 dBw/m².

3.4 *Azimuth signal characteristics.* The VOR shall radiate a radiofrequency carrier with which are associated two separate 30 Hz modulations. One of these modulations shall be such that its phase is independent of the azimuth of the point of observation (reference phase). The other modulation (variable phase) shall be such that its phase at the point of observation differs from that of the reference phase by an angle equal to the magnetic bearing of the point of observation with respect to the VOR. The radiofrequency carrier as observed at any point in space shall be amplitude modulated by two signals in accordance with the following.

3.4.1 *Subcarrier frequency modulation.* One signal component shall be a subcarrier of 9,960 Hz of constant amplitude, frequency modulated at 30 Hz and having a deviation ratio of 16 ± 1 (i.e., 15 to 17) as follows:

(a) For the conventional VOR the 30 Hz component of the FM subcarrier is fixed without respect to azimuth and is termed the "reference phase".

(b) For the Doppler VOR the phase of the 30 Hz component varies with azimuth and is termed the "variable phase".

3.4.1.1 *Subcarrier frequency and accuracy.* The subcarrier modulation mid-frequency shall be 9,960 Hz within ± 1.0 percent.

3.4.1.2 *Subcarrier modulation frequency and accuracy.* The modulation frequency shall be 30 Hz within ± 1.0 percent.

3.4.1.3 *Subcarrier amplitude modulation.* Amplitude modulation of the subcarrier shall conform to the following:

(a) For the conventional VOR, the percentage of amplitude modulation of the 9,960 Hz subcarrier shall not exceed 5 percent.

(b) For the Doppler VOR, the percentage of amplitude modulation of the 9,960 Hz subcarrier shall not exceed 40 percent when measured at a point at least 1,000 feet from the VOR.

3.4.1.4 *Sideband level of subcarrier harmonics.* When 50 kHz VOR channel spacing is implemented, the sideband level of the harmonics of the 9,960 Hz component in the radiated signal shall not exceed the following levels referred to the level of the 9,960 Hz sideband:

Subcarrier	*Level*
9,960 Hz	0 dB reference.
2d harmonic	-30 dB.
3d harmonic	-50 dB.
4th harmonic	-60 dB.

3.4.2 *30 Hz amplitude modulation.* The other signal component shall be 30 Hz amplitude modulation as follows:

(a) For the conventional VOR, this component results from a rotating field pattern, the phase of which varies with azimuth, and is termed the "variable phase".

(b) For the Doppler VOR, this component, of constant phase with relation to azimuth and constant amplitude, is radiated omnidirectionally and is termed the "reference phase".

3.4.2.1 *Amplitude modulation frequency and accuracy.* The modulation frequency shall be 30 Hz within ± 1.0 percent.

3.4.3 *Depth of reference and variable phase modulations.* The depth of modulation of the radiofrequency carrier due to the 30 Hz or 9,960 Hz signals shall, for each signal, be within the limits of (a) 28 to 32 percent at all elevation angles from 0° to 5° above the horizon; and (b) 25 to 35 percent at all elevation angles between 5° and 60° above the horizon.

3.4.4 *Phase relationships of reference and variable phase signals.* The reference and variable phase modulations shall be in phase along the radial corresponding to magnetic north. The reference and variable phase modulations are in phase when the maximum value of the sum of the radiofrequency carrier and the sideband energy due to the amplitude modulation signal occurs at the same time as the highest instantaneous frequency of the frequency modulation signal.

3.4.5 *Radial signal characteristics.* Coverage, course alignment and structure characteristics are periodically examined through flight inspection to ascertain that radial signals conform to standards prescribed for the intended operational usage. However, no component is commissioned for unrestricted use unless radial signal errors are within prescribed limits.

3.4.5.1 *Ground test measurement.* When a ground test is made in the near field of the antenna for purposes of verifying the radial signal alignment accuracy, the measurement shall be made at not less than 8 points each of which are in the horizontal plane and at equal angular increments as referenced to the center of the antenna array. The requirements of the following subparagraph shall apply.

NOTE: Due to measurement limitations, the alignment error for Doppler VOR shall not be determined through ground test.

3.4.5.1.1 *Ground test tolerances.* The ground component shall meet the following tolerances when radial signal alignment accuracy is verified by ground tests.

(a) Monitor azimuth indication within a 15 minute period shall not vary more than 0.3°;

(b) Ground test error curves shall not deviate in excess of $\pm 1.0°$ from the reference ground test error curve. The reference ground test error curve is the average of three successive error curves taken immediately following a basic altitude flight inspection. These curves shall not vary more than 0.3° from each other;

(c) The maximum error spread of any ground test error curve shall not exceed 2.0°; and

(d) The ground test error curves for each of dual equipments shall not deviate from each other by more than 1.0°.

3.5 *Code identification signal characteristics.* The characteristics of the code identification signal shall conform to the following.

3.5.1 *Tone modulation frequency and accuracy.* The modulation frequency shall be 1,020 Hz ± 50 Hz.

3.5.2 *Depth of modulation.* The depth to which the radiofrequency carrier is modulated by the code identification signal shall:

(a) Normally be 5.0 ± 1 percent at components where voice services are provided but shall not exceed 8.0 percent; and

(b) Be close to but not in excess of 10 percent at components where voice services are not provided.

3.6 *Voice identification and communications signal characteristics.* The characteristics of voice identification and voice communications signals, when provided, shall conform to the following.

3.6.1 *Voice channel frequency response.* Throughout the frequency range from 300 to 2,500 Hz, the frequency response characteristics for the voice channel shall be within 3 dB of the response at 1,000 Hz.

3.6.2 *Depth of modulation.* The depth to which the radiofrequency carrier is modulated by voice signals shall not be greater than 30 percent.

3.7 *Monitoring.* Continuous monitoring of the ground component shall be provided which causes the radiation of azimuth and identification signals to cease and a warning to be indicated at a control point when any one or a combination of the following fault conditions are sensed by the monitor:

(a) The bearing of the azimuth signal at the monitored radial changes by $\pm 1.0°$ and all greater deviations from the normal value.

(b) The radiofrequency signal voltage level at the monitored radial of either the subcarrier or 30 Hz amplitude modulation signal components, or both, are reduced by 15 percent and all greater reductions from the normal value.

(c) The 1,020 Hz code identification tone signal is absent.

The faults of (a) and (b) may persist for a period not to exceed 15 seconds before radiation is interrupted. The fault of (c) may persist for an additional interval not to exceed 30 seconds before radiation is interrupted.

3.7.1 *Monitor failure.* When the continuity of transmitter signal radiation is under the control of monitor equipment, the absence of either monitor operating power or the monitored signals at the fault sensing circuits of the monitor shall automatically cause radiation of the transmitter signals to cease and result in a warning indication at a control point.

NOTE: A high degree of fail-safe monitoring is provided. However, completely fail-safe monitoring is not possible.

4. OPERATIONAL CHARACTERISTICS FOR VOR AIRBORNE COMPONENTS

Paragraphs hereunder specify in-use functional capability and performance characteristics required of VOR airborne components. The term "component", as used herein, includes the complete aircraft installation of all items, such as the antenna and its transmission line, the receiver, electrical power source(s), identification and voice communications signal reproduction devices, and selector and display instrumentation devices for bearing and course indication, which are necessary to provide the required functions and performance. All requirements apply to airborne components used in the performance of aircraft operations under IFR. For other aircraft operations the requirements are limited to those of this paragraph and 4.6. Components shall be capable of performing as specified throughout the advertised operational service volume of ground facilities in which use is intended and under all expected aircraft and airborne component operating conditions. The requirements shall be met under conditions in which the performance characteristics of ground components are in accordance with sections 2 and 3 of this standard.

4.1 *Receiver radiofrequencies.* For each channel in use, the center radiofrequency of the receiver shall be the corresponding ground facility frequency listed in Table A.

4.2 *Sensitivity to VOR signals.* Based on the signal power densities of 3.3, the airborne component shall provide sensitivity as necessary for the display of navigation information to the accuracy specified and for clear and distinct reproduction of communication and identification signals.

4.3 *Rejection of undesired signals.* The airborne component shall provide undesired signal rejection characteristics adequate to assure the specified performance. For cochannel and adjacent-channel signals, this requirement shall be met when the respective signals provide undesired to desired signal ratios up to the maximum values stated in 2.1.1.6.1.

4.4 *Facility identification and voice signals.* The airborne component shall provide the pilot with an inteligible and unambiguous signal which permits positive identification of the ground facility from which navigation information is displayed. The reproduction and aural level of voice signals shall be adequate to preserve and clearly convey to the pilot the intelligence transmitted by ground components.

4.5 *Bearing and aircraft position information.* The airborne component shall provide devices for unambiguous determination of the aircraft magnetic bearing with respect to each selected ground component and for display of the aircraft position with respect to each selected course.

4.5.1 *Course deviation indicator devices.* The response, readability, and resolution of course deviation indicator devices shall be such as to permit the pilot to determine the direction and extent of the aircraft deviation from the selected course.

4.5.2 *Warning function.* The airborne component shall provide a warning indication which is clearly evident to the pilot whenever azimuth signals necessary for the prescribed performance are not present.

4.5.3 *Accuracy of bearing and aircraft position information.* The total airborne component error in bearing and aircraft azimuth position information, as displayed to the pilot, shall not at any bearing exceed $\pm 3.0°$ (95 percent probability).

4.6 *Radiation.* Radiation from airborne components shall not result in derogation of operational use of this system to other users or in the derogation of other aeronautical services.

5. OPERATIONAL CHARACTERISTICS FOR TACAN AND DME GROUND COMPONENTS

The subparagraphs hereto identify standard signal and performance characteristics

for TACAN and DME ground components of the system. These characteristics represent the performance which shall normally be provided by each component subject to limitations as noted under 2.1.1.2 and 2.1.1.6. Except where a designation of either TACAN or DME is used thus denoting that a requirement applies only to the designated component, requirements apply to both TACAN and DME components.

5.1 *Polarization.* The ground component antenna shall radiate and receive vertically polarized signals. TACAN azimuth error in airborne components due to the horizontally polarized component of the radiated signal will not exceed ±2.0° at aircraft attitudes encountered in normal operational use of the system.

5.2 *Transponder response to interrogation signals.* The response of the transponder to interrogation signals shall conform to the requirements of the following paragraphs.

NOTE: The presence at the ground component antenna of CW signals within a frequency band of ±3.0 MHz with respect to the interrogation frequency in use and which have a signal power density of −113 dBw/m² and all higher values will normally derogate the performance of the component and the system.

5.2.1 *Interrogation radio frequency.* The receiver center frequency shall be the interrogation frequency from Table A appropriate to the assigned operating channel.

5.2.2 *Sensitivity to interrogation signals.* Transponder sensitivity shall be measured in terms of a triggering level which is defined as the peak pulse power level of the weakest interrogation signal measured at the input of the receiver which will cause the transponder to reply with a specified reply efficiency. For a reply efficiency of 70 percent, the sensitivity shall conform to the following.

NOTE: Ground components may not respond to interrogation as specified if the difference in level of the constituent pulses of interrogation pulse pairs is greater than 1 dB.

5.2.2.1 *On-channel sensitivity.* For interrogation signals within ±100 kHz of the assigned channel frequency, which have a repetition rate not higher than 200 pulse pairs per second and which have spacings of the constituent pulses of a pair equal to the design center value for the channel in use, the sensitivity of the ground component shall be not less than −122 dBw (−101 dBw/m²) as referenced to a lossless isotropic radiator.

5.2.2.1.1 *Sensitivity at other pulse spacings.* Under conditions in which the spacing of the constituent pulses of interrogation pulse pairs vary from the design center value for the channel in use by as much as ±0.5 microsecond, the sensitivity in the absence of other interrogations shall not be reduced by more than 1 dB.

5.2.2.1.2 *Sensitivity variation with interrogation loading.* The sensitivity shall not vary by more than 1 dB for interrogation loadings between 0 to 90 percent of the maximum for which the component was designed. When the interrogation loading exceeds 90 percent of the maximum design value, the sensitivity shall, for the duration of such loading, be reduced the minimum amount necessary to limit the reply pulse rate to the maximum design value.

5.2.2.2 *Sensitivity to adjacent channel interrogation.* Interrogation signals 900 kHz removed from the assigned channel interrogation frequency and having an amplitude up to 80 dB above the on-channel sensitivity of the component shall not trigger the transponder.

5.2.3 *Transponder dead time.* The transponder dead time immediately following the decoding of interrogation signal pulse pairs and during which the transponder will not respond to other interrogation signals shall normally be 60 microseconds. However, dead time may be increased when necessary to satisfy system performance requirements.

5.3 *Transponder output signal characteristics.* The radiofrequency output signals of the transponder shall conform to the following.

5.3.1 *Transmitter radiofrequency and accuracy.* The transponder shall transmit on the reply frequency of Table A appropriate to the assigned channel. The radiofrequency of operation shall not vary more than ±0.002 percent from the assigned frequency.

5.3.2 *Radiated power level.* The effective radiated power level at the peak of the RF pulse envelope shall not be less than that necessary to provide a signal power density of −86 dBw/m² at the minimum service altitude at the maximum service radius.

NOTE: At 1200 MHz, the value of −86 dBw/m² corresponds to −108.5 dBw in an isotropic antenna.

At the nearest aircraft position expected during flight, the maximum signal power density available to aircraft will be of the order of −17 dBw/m².

5.3.3 *Radio frequency signal spectrum.* The spectrum of the pulse modulated signal shall be such that during the pulse the effective radiated power contained in a 0.5 MHz band centered on frequencies 0.8 MHz above and 0.8 MHz below the nominal channel frequency in each case shall not exceed 200 milliwatts, and the effective radiated power contained in a 0.5 MHz band centered on frequencies 2.0 MHz above and 2.0 MHz below the nominal channel frequency shall not exceed 2.0 milliwatts. Any lobe of the spectrum shall be of less amplitude than the adjacent lobe nearer the nominal channel frequency.

5.3.4 *Spurious radiation.* During the interval between transmission of pulse pairs the power level of signals radiated by the ground component on any interrogation or reply frequency shall not exceed a level which is 50 dB below the maximum level during the pulses.

5.3.5 *Pulse shape.* The following shall apply to all radiated pulses.

5.3.5.1 *Pulse rise time.* The time required for the leading edge of the pulse to rise from 10 to 90 percent of its maximum voltage amplitude shall be nominally 2.5 microseconds, but shall not exceed 3.0 microseconds. The minimum rise time is governed by the spectrum requirements of 5.3.3.

5.3.5.2 *Pulse top.* The instantaneous amplitude of the pulse shall not, at any instant between the point on the leading edge which is 95 percent of the maximum voltage amplitude and the point on the trailing edge which is 95 percent of the maximum voltage amplitude, fall below a value which is 95 percent of the maximum voltage amplitude of the pulse.

5.3.5.3 *Pulse duration.* The pulse duration, as measured at the 50 percent maximum voltage amplitude points on the leading and trailing edge of the pulse, shall be 3.5±0.5 microseconds.

5.3.5.4 *Pulse decay time.* The time required for the trailing edge of the pulse to decay from 90 to 10 percent of the maximum voltage amplitude shall nominally be 2.5 microseconds, but shall not exceed 3.0 microseconds. The minimum decay time is governed by the spectrum requirements of 5.3.3.

5.3.6 *Pulse coding.* Transponder output signals shall consist of paired pulses. The spacing of the constituent pulses of each pulse pair, as measured between the 50 percent maximum voltage amplitude points on the leading edge of each RF pulse, shall be:

(a) 12.0±0.25 microseconds for channel numbers ending in the suffix "X"; or

(b) 30.0±0.25 microseconds for channel numbers ending in the suffix "Y".

5.3.7 *Pulse power variation.* The peak power of the constituent pulses of any pair shall not differ by more than 1 dB.

5.3.8 *Distance reply signals.* Distance reply signals shall consist of pulse pairs which, in accordance with the following, are transmitted in response to interrogations.

5.3.8.1 *Reply efficiency.* Reply efficiency is defined as the percentage of interrogations to which the transponder replies under specified load conditions. Except when limited by receiver dead time, the reply efficiency for interrogation signals at and above the minimum sensitivity levels of 5.2.2 shall be at least 70 percent for all values of interrogation loading up to the maximum for which the transponder is designed.

5.3.8.2 *Reply delay time.* Reply delay time is defined as the time in microseconds of all delay introduced by the transponder component in transmitting a pair of reply pulses in response to an interrogation signal. When airborne components are to indicate distance with respect to the transponder site, the zero-distance reply delay time shall be 50.0 microseconds as measured between the 50 percent voltage point on the leading edge of the second constituent RF pulse of the interrogation pulse pair and the corresponding point on the second constituent RF pulse of the reply pulse pair. When airborne components are to indicate distance to a point which is remote from the transponder site, the 50.0 microsecond time delay shall be reduced by a value corresponding to the offset distance.

NOTE: As referenced to the first constituent RF pulse of interrogation and reply pulse pairs, reply delay times of (a) 50.0 microseconds for "X" channels and (b) 56.0 microseconds for "Y" channels are considered to be equivalent to the 50.0 microsecond value stated above for timing referenced to the second pulse of the respective pairs.

5.3.9 *Random pulse pair signals.* In addition to distance reply pulse pairs, the ground component shall radiate randomly occurring pulse pairs in a quantity as necessary to maintain a total pulse pair rate in accordance with the following.

5.3.9.1 *DME components.* For ground components providing DME service only, the total pulse pair rate, exclusive of code identification signal pulses, shall be of a value between the limits of 700 to 2,850 pulse pairs per second.

5.3.9.2 *TACAN components.* For TACAN ground components, the total pulse pair rate, exclusive of code identification signal and reference burst pulses, shall be 2,700 ±90 pulse pairs per second. For a transponder dead time of 60 microseconds, the distribution of random pulse pairs shall conform to Figure 1.

5.3.10 *Distance accuracy.* Exclusive of reply delay time errors resulting from variation in the level of interrogation signals, the ground component shall not contribute more than ±0.25 microsecond to overall system error.

5.3.11 *Code identification signal characteristics.* Subject to the provisions of 5.3.11.1, Code identification signals shall consist of groups of two pulse pairs transmitted for the duration of dots and dashes in accordance with 2.1.1.7.1. The spacing between the first and second pulse pairs constituting each pulse group, as measured between the 50 percent voltage amplitude points on the leading edge of the first pulse of each pair, shall be 100±10 microseconds. The repetition rate shall conform to the following.

5.3.11.1 *DME components.* For ground components providing DME service only, the identification signal may consist of groups of either one or two pulse pairs. The repetition rate shall be 1,350±10 groups per second.

5.3.11.2 *TACAN components.* For TACAN ground components, the repetition rate shall be 1,350±0.23 percent groups per second which are phase-locked within ±50.0 microseconds of the 10th harmonic of the 135 Hz reference bearing signal. The first pulse of each identification signal pulse group shall occur 740±50 microseconds after the first pulse of each 40° sector reference signal.

5.3.12 *TACAN azimuth signal characteristics.* TACAN azimuth signals consist of north (main) and 40° sector (auxiliary) bearing reference signals and 15 Hz (coarse) and 135 Hz (fine) variable bearing signals. The azimuth signals radiated by the antenna shall conform to the following.

5.3.12.1 *Bearing reference signals.* Transmission of the north and 40° sector reference signals shall occur synchronously with antenna pattern rotation. For each consecutive complete rotation of the antenna pattern, one north reference signal shall be transmitted and followed at each of eight consecutive angular increments of 40° by the transmission of a 40° sector reference signal. A ninth 40° sector reference signal, which otherwise would coincide in time with the north reference signal, shall not be transmitted. The characteristics of reference signals shall be as follows.

5.3.12.1.1 *North reference signal.* The north reference signal shall consist of:

(a) A group of 12 pulse pairs having a spacing of the constituent pulses of a pair in accordance with 5.3.6(a) and a pulse pair spacing, as measured between the 50 percent voltage amplitude points on the leading edge of the first pulse of each pair, of 30.0±0.3 microseconds for channel numbers ending in the suffix "X"; or

(b) A group of 13 single pulses having a spacing, as measured between the 50 percent voltage amplitude points on the leading edge of consecutive pulses, of 30.0±0.3 microseconds for channel numbers ending in the suffix "Y".

5.3.12.1.2 *40° sector reference signal.* The 40° sector reference signal shall consist of:

(a) A group of six pulse pairs having a spacing of the constituent pulses of a pair in accordance with 5.3.6(a) and a pulse pair spacing, as measured between the 50 percent amplitude points on the leading edge of the first pulse of each pair, of 24.0±0.25 microseconds for channel numbers ending in the suffix "X"; or

(b) A group of 13 single pulses having a spacing, as measured between the 50 percent voltage amplitude points on the leading edge of consecutive pulses, of 15.0±0.25 microseconds for channel numbers ending in the suffix "Y".

5.3.12.2 *Variable bearing signals.* The variable bearing signals shall be a rotating directional antenna pattern which produces a composite amplitude modulation of the transponder radio frequency pulse signals at 15 and 135 Hz. The characteristics of the variable bearing signals shall be as follows.

5.3.12.2.1 *Amplitude modulation frequencies and accuracy.* The amplitude modulation frequencies shall nominally be 15.0 and 135.0 Hz. Each frequency shall vary from the nominal value in exact synchronism with the antenna pattern rotation rate.

5.3.12.2.1.1 *Antenna pattern rotation rate.* The antenna radiation pattern shall rotate in a clockwise direction as viewed from above at a rate of 15.0 revolutions per second ±0.23 percent.

5.3.12.2.2 *Depth of modulation.* Within the vertical angle from 0° to 40° above the horizon, the normal range of 15 and 135 Hz modulation depths produced by the antenna will be 21±9 percent for each frequency with a sum for both frequencies equal to or less than 55 percent. At elevation angles between 40° and 50° above the horizon, 15 Hz modulation depths will be within the range from 7 to 35 percent and 135 Hz modulation depths will be within the range from 7 to 45 percent. However, the sum of depths for both frequencies will not exceed 65 percent.

5.3.12.2.3 *Harmonic content.* At all angles from 0° to 45° above the horizon:

(a) The root-sum-square of the second through the seventh harmonics of the 15 Hz signal component will not exceed 30 percent of the 15 Hz modulation coefficient; and

(b) The root-sum-square of the second through the fourth harmonics of the 135 Hz signal component will not exceed 20 percent of the 135 Hz modulation coefficient.

5.3.12.3 *Relationships of reference and variable bearing signals.* On the magnetic north radial from the antenna, the relationships of the reference and variable bearing signals shall conform to the requirements of the subparagraphs hereto.

5.3.12.3.1 *Coarse bearing signal.* The negative slope point of inflection of the 15 Hz amplitude modulation component shall coincide within ±2.0 azimuth degrees of:

(a) The 10th pulse of the north reference signal for channels ending in the suffix "X"; or

(b) The sixth pulse of the north reference signal for channels ending in the suffix "Y".

5.3.12.3.2 *Fine bearing signal.* The negative slope point of inflection of the 135 Hz amplitude modulation component shall coincide within ±0.33 azimuth degrees of the average position of:

(a) The 12th pulse of the 40° reference signal for channels ending in the suffix "X"; or

(b) The 11th pulse of the 40° reference signal for channels ending in the suffix "Y".

5.3.12.4 *Radial signal characteristics.* Coverage, course alignment, and structure characteristics are periodically examined through flight inspection to ascertain that radial signals conform to standards prescribed for the intended operational usage. However, no component is commissioned for unrestricted use unless radial signal errors are within prescribed limits.

5.3.13 *Precedence of pulse transmissions.* The order of precedence for transmission of transponder pulse signals shall be in accordance with the following.

5.3.13.1 *DME components.* For ground components providing DME service only, the precedence shall be:

1. Code Identification Signals;
2. Distance Reply Signals; and
3. Random Pulse Pair Signals.

Neither distance reply or random pulse pair signals shall be transmitted during the "key-down" interval of code identification signal transmissions.

5.3.13.2 *TACAN components.* For TACAN components, the precedence shall be:

1. Bearing Reference Signals;
2. Code Identification Signals;
3. Distance Reply Signals; and
4. Random Pulse Pair Signals.

Neither code identification, distance reply or random pulse pair signals shall be transmitted during the interval required for transmission of all pulses in each bearing reference signal. Distance reply and random pulse pair signals shall not be transmitted during the "key-down" interval of code identification signal transmission.

5.4 *Monitoring.* Continuous monitoring of the ground component shall be provided which causes the radiation of transponder output signals to cease and a warning to be indicated at a control point when any one or a combination of the fault conditions identified in the subparagraphs hereto are sensed by the monitor.

5.4.1 *DME and TACAN components.* For DME and TACAN components, a fault condition shall exist when:

(a) The reply efficiency of the transponder to monitor interrogation signals at the minimum sensitivity level of 5.2.2.1 is less than 60 percent.

(b) The reply delay time of the transponder to monitor interrogation signals differs from the assigned value by ±1.0 microsecond and all greater values.

(c) The spacing of the constituent pulses of transponder output signal pulse pairs differs from the design center value of 5.3.6 by 1.0 microsecond and all greater values.

(d) The radiated power level of transponder output signals decreases from the normal level by 3 dB and all greater reductions.

(e) The code identification signal of 2.1.1.7.

(1) Is transmitted as a continuous tone (i.e., signals not in the form of dots or dashes) for a period of 5 seconds or more; or

(2) Is not repeated within a nominal period of 75 seconds from the last transmission.

The faults of (a) through (e–1) may persist for a period not to exceed 8 seconds before radiation is interrupted. For fault (e–2) radiation shall be interrupted upon expiration of the 75-second period.

NOTE: When radiation of signals commences, monitor action to interrupt radiation in the event of a fault may be delayed for approximately 40 seconds from the time radiation begins.

5.4.2 *TACAN components.* In addition to the conditions of 5.4.1, a fault condition shall exist when:

(a) The sum of distance reply and randomly occurring pulse pairs deviates from the design center value of 5.3.9.2 by more than ±150 pulse pairs per second.

(b) The number of pulse pairs in either the north or 40° reference signals, or both, are one or more pairs less than the numbers respectively specified in paragraphs 5.3.12.1.1 and 5.3.12.1.2.

(c) The fine bearing signal at the monitored radial changes by ±1.0° and all greater deviations from the correct value.

(d) The antenna pattern rotation rate differs from the design center value of 5.3.12.2.1.1 by a value greater than ±0.23 percent.

The faults of (a), (b), and (c) may persist for a period not to exceed 8 seconds before radiation is interrupted. Fault (d) may persist for not more than 20 seconds before radiation is interrupted.

NOTE 1: When radiation of signals commences, monitor action to interrupt radiation in the event of a fault may be delayed for approximately 40 seconds from the time radiation begins.

NOTE 2: After the monitor has sensed one or more of the above faults, radiation may be restored to provide only distance and identification signals.

5.4.3 *Monitor failure.* When the continuity of transponder signal radiation is under the control of monitor equipment the absence of either monitor operating power or the monitored signals at the fault sensing circuits of the monitor shall automatically cause radiation of the transponder signals to cease and result in a warning indication at a control point.

NOTE: A high degree of fail-safe monitoring is provided. However, completely fail-safe monitoring is not possible.

6. OPERATIONAL CHARACTERISTICS FOR TACAN AND DME AIRBORNE COMPONENTS

Paragraphs hereunder specify in-use functional capability and performance characteristics required of DME and TACAN airborne components. The term "component" as used herein, includes the complete aircraft installation of all items, such as the

antenna and its transmission line, the interrogator-receiver, electrical power source(s), identification signal reproduction or display devices, distance indicator and, when applicable, selector and display instrumentation devices for bearing and course indication, which are necessary to provide the required functions and performance.

All requirements apply to airborne components used in the performance of aircraft operations under IFR. For other aircraft operations the requirements are limited to those of this paragraph and paragraphs 6.1.4, 6.1.4.1, and 6.1.7. Except where a designation of either DME or TACAN is used, thus denoting that the requirement applies only to the designated component, requirements apply to both DME and TACAN components. Components shall be capable of performing as specified throughout the advertised operational service volume of ground facilities in which use is intended and under all expected aircraft and airborne component operating conditions. The requirements shall be met under conditions in which the performance characteristics of ground components are in accordance with sections 2 and 5 of this standard.

6.1 *Interrogator signal characteristics.* The subparagraphs hereto identify interrogation signal characteristics and tolerances therefor which are applicable to the radiated radiofrequency signal.

6.1.1 *Interrogation radio frequencies and accuracy.* The interrogator shall transmit interrogation signals on the frequency appropriate to the channel in use. For each channel in use, the center radiofrequency of the interrogation signal shall be within ±100 kHz of the channel interrogation frequency listed in Table A.

6.1.2 *Pulse shape.* The radiofrequency pulse envelope shall have a shape as follows.

6.1.2.1 *Pulse rise time.* The time required for the leading edge of the pulse to rise from 10 to 90 percent of its maximum voltage amplitude shall be nominally 2.5 microseconds, but shall not exceed 3.0 microseconds. The minimum rise time is governed by the spectrum requirements of 6.1.6.

6.1.2.2 *Pulse top.* The instantaneous amplitude of the pulse shall not, at any instant between the point on the leading edge which is 95 percent of the maximum voltage amplitude and the point on the trailing edge which is 95 percent of the maximum voltage amplitude, fall below a value which is 95 percent of the maximum voltage amplitude of the pulse.

6.1.2.3. *Pulse duration.* The pulse duration, as measured at the 50 percent maximum voltage amplitude, points on the leading and trailing edges of the pulse, shall be 3.5±0.5 microseconds.

6.1.2.4 *Pulse decay time.* The time required for the trailing edge of the pulse to fall from 90 to 10 percent of the maximum voltage amplitude shall nominally be 2.5 microseconds, but shall not exceed 3.5 microseconds. The minimum decay time is governed by the spectrum requirements of 6.1.6.

6.1.3 *Pulse coding.* Interrogation signals shall consist of paired pulses. The spacing of the constituent pulses of each pulse pair, as measured between the 50 percent maximum voltage amplitude points on the leading edge of each RF pulse, shall be:

(a) 12.0±0.5 microseconds for channel numbers ending in the suffix "X"; or

(b) 36.0±0.5 microseconds for channel numbers ending in the suffix "Y".

6.1.4 *Interrogation signal repetition rate.* The interrogator average pulse pair repetition rate shall not exceed 30 pairs of pulses per second based on the assumption that at least 95 percent of the time is occupied for tracking reply signals. The repetition rate may be increased during search for replies, but the maximum repetition rate shall not exceed 150 pairs of pulses per second.

6.1.4.1 *Variation of repetition rate.* The variation in time between successive pairs of interrogation pulses shall be sufficient to preclude the airborne component from locking on to distance reply pulses intended for another airborne component tuned to the same ground facility, and to preclude capture of the interrogations of one interrogator within the ground facility transponder dead time caused by the interrogations of other interrogators.

6.1.5 *Radiated power level.* The effective radiated power level at the peak of the RF pulse envelope shall not be less than that necessary, under line of sight conditions, to provide a signal power density of −101 dbw/m² (95 percent probability) at the ground component antenna. The design center effective radiated power level, as referenced to an isotropic radiator, shall not exceed a value of +33 dBw.

NOTE: EIRP levels higher than +33 dBw may impair system performance.

6.1.6 *Radiofrequency signal spectrum.* The spectrum of the RF interrogation signal shall be such that at least 90 percent of the energy in each pulse shall be within a 0.5 MHz band centered on the nominal channel frequency.

6.1.7 *Spurious radiation.* At all frequencies between 960 and 1215 MHz, the level of radiated CW signals, as referenced to an isotropic radiator, shall not exceed −60 dBw. Spurious radiation from airborne components shall not result in derogation of operational use of this system to other users or in the derogation of other aeronautical services.

6.2 *Component functional capabilities and performance.* The subparagraphs hereto identify functional and operational performance requirements applicable to the airborne component.

6.2.1 *Receiver radiofrequencies.* For each channel in use, the center radiofrequency of the receiver shall be the corresponding ground component reply frequency listed in Table A.

6.2.2 *Sensitivity to ground component signals.* Based on the signal power densities of 5.3.2, the airborne component shall provide sensitivity as necessary for the acquisition and display of navigation information to the accuracy specified and for clear and distinct reproduction of identification signals.

6.2.3 *Rejection of undesired signals.* The airborne component shall provide undesired signal rejection characteristics adequate to assure the specified performance. For cochannel and adjacent-channel signals, this requirement shall be met when the respective signals provide undesired to desired signal ratios up to the maximum values stated in 2.1.1.6.2. When the maximum range capability of the airborne component is such as to permit receipt of two cochannel signals within the frequency protected service volume of a selected ground component and when one cochannel signal is 8 dB or greater in amplitude than the other, the navigation information provided shall be that of the stronger signal and a positive identification signal shall be provided to identify the ground component from which navigational information is provided.

6.2.4 *Distance information.* The airborne component shall function to measure and display the distance in nautical miles between the aircraft and the selected ground component.

6.2.4.1 *Warning function.* The airborne component shall provide an indication which is clearly evident to the pilot whenever the airborne component is either not tracking a distance reply signal or is not in memory.

6.2.4.2. *Accuracy of distance information.* When the airborne component error is combined by root-sum-square with a ground component error of 0.1 nautical miles, the total error in slant range distance information, as displayed to the pilot, shall not (except during memory) exceed ±0.5 nautical miles or 3 percent of the actual distance, whichever is greater (95 percent probability).

6.2.4.3 *Memory function.* The airborne component shall provide a memory function which upon loss of a suitable reply signal while tracking, will cause continuation of the display of distance information for a period not to exceed 15 seconds. The minimum distance memory shall be sufficient to cover the loss of distance reply signals during transmission of the ground component identification signal. The distance displayed during memory shall be within the range between ±1.0 nautical miles of the last indicated distance and ±1.0 nautical miles of the distance indicated upon resumption of the tracking function on the same signal.

6.2.5 *Tacan bearing and aircraft position information.* The airborne component shall provide devices for unambiguous determination of the aircraft magnetic bearing with respect to each selected ground component and for display of the aircraft position with respect to each selected course.

6.2.5.1 *Course deviation indicator devices.* The response, readability and resolution of course deviation indicator devices shall be such as to permit the pilot to determine the direction and extent of the aircraft deviation from the selected course.

6.2.5.2 *Warning function.* The airborne component shall provide a warning indication which is clearly evident to the pilot whenever the azimuth signals necessary for the prescribed operation of the component are not present and when the component is not operating in memory.

6.2.5.3 *Accuracy of bearing and aircraft position information.* The total airborne component error in bearing and aircraft azimuth position information, as displayed to the pilot, shall not at any bearing exceed ±3.0° (95 percent probability).

TABLE A

VOR-TACAN-DME CHANNEL FREQUENCIES AND PAIRING

DME-TACAN channel No.	VHF channel frequency MHz	DME-TACAN interrogation frequency MHz	DME-TACAN transponder reply frequency MHz
1X		1025	962
1Y		1025	1088
2X		1026	963
2Y		1026	1089
3X		1027	964
3Y		1027	1090
4X		1028	965
4Y		1028	1091
5X		1029	966
5Y		1029	1092
6X		1030	967
6Y		1030	1093
7X		1031	968
7Y		1031	1094
8X		1032	969
8Y		1032	1095
9X		1033	970
9Y		1033	1096
10X		1034	971
10Y		1034	1097
11X		1035	972
11Y		1035	1098
12X		1036	973
12Y		1036	1099
13X		1037	974
13Y		1037	1100
14X		1038	975
14Y		1038	1101
15X		1039	976
15Y		1039	1102
16X		1040	977
16Y		1040	1103
17X	108.0[1]	1041	978
17Y	108.05 VOR	1041	1104
18X	108.1 ILS	1042	979
18Y	108.15 ILS	1042	1105
19X	108.2 VOR	1043	980
19Y	108.25 VOR	1043	1106
20X	108.3 ILS	1044	981
20Y	108.35 ILS	1044	1107

[1] 108.0 MHz is not scheduled for facilities. The frequencies of channel 17X are assigned to facilities for testing airborne system components.

TABLE A—Continued

VOR-TACAN-DME CHANNEL FREQUENCIES AND PAIRING

DME-TACAN channel No.	VHF channel frequency MHz	DME-TACAN interrogation frequency MHz	DME-TACAN transponder reply frequency MHz
21X	108.4 VOR	1045	982
21Y	108.45 VOR	1045	1107
22X	108.5 ILS	1046	983
22Y	108.55 ILS	1046	1109
23X	108.6 VOR	1047	984
23Y	108.65 VOR	1047	1110
24X	108.7 ILS	1048	985
24Y	108.75 ILS	1048	1111
25X	108.8 VOR	1049	986
25Y	108.85 VOR	1049	1112
26X	108.9 ILS	1050	987
26Y	108.95 ILS	1050	1113
27X	109.0 VOR	1051	988
27Y	109.05 VOR	1051	1114
28X	109.10 ILS	1052	989
28Y	109.15 ILS	1052	1115
29X	109.20 VOR	1053	990
29Y	109.15 VOR	1053	1116
30X	109.30 ILS	1054	991
30Y	109.35 ILS	1054	1117
31X	109.40 VOR	1055	992
31Y	109.45 VOR	1055	1118
32X	109.50 ILS	1056	993
32Y	109.55 ILS	1056	1119
33X	109.60 VOR	1057	994
33Y	109.65 VOR	1057	1120
34X	109.70 ILS	1058	995
34Y	109.75 ILS	1058	1121
35X	109.80 VOR	1059	996
35Y	109.85 VOR	1059	1122
36X	109.90 ILS	1060	997
36Y	109.95 ILS	1060	1123
37X	110.00 VOR	1061	998
37Y	110.05 VOR	1061	1124
38X	110.10 ILS	1062	999
38Y	110.15 ILS	1062	1125
39X	110.20 VOR	1063	1000
39Y	110.25 VOR	1063	1126
40X	110.30 ILS	1064	1001
40Y	110.35 ILS	1064	1127
41X	110.40 VOR	1065	1002
41Y	110.45 VOR	1065	1128
42X	110.50 ILS	1066	1003
42Y	110.55 ILS	1066	1129
43X	110.60 VOR	1067	1004
43Y	110.65 VOR	1067	1130
44X	110.70 ILS	1068	1005
44Y	110.75 ILS	1068	1131
45X	110.80 VOR	1069	1006
45Y	110.85 VOR	1069	1132
46X	110.90 ILS	1070	1007
46Y	110.95 ILS	1070	1133
47X	111.00 VOR	1071	1008
47Y	111.05 VOR	1071	1134
48X	111.10 ILS	1072	1009
48Y	111.15 ILS	1072	1135
49X	111.20 VOR	1073	1010
49Y	111.25 VOR	1073	1136
50X	111.30 ILS	1074	1011
50Y	111.35 ILS	1074	1137
51X	111.40 VOR	1075	1012
51Y	111.45 VOR	1075	1138
52X	111.50 ILS	1076	1013
52Y	111.55 ILS	1076	1139
53X	111.60 VOR	1077	1014
53Y	111.65 VOR	1077	1140
54X	111.70 ILS	1078	1015
54Y	111.75 ILS	1078	1141
55X	111.80 VOR	1079	1016
55Y	111.85 VOR	1079	1142
56X	111.90 ILS	1080	1017
56Y	111.95 ILS	1080	1143

TABLE A—Continued

VOR-TACAN-DME CHANNEL FREQUENCIES AND PAIRING

DME-TACAN channel No.	VHF channel frequency MHz	DME-TACAN interrogation frequency MHz	DME-TACAN transponder reply frequency MHz
57X	112.00 VOR	1081	1018
57Y	112.05 VOR	1081	1144
58X	112.10 VOR	1082	1019
58Y	112.15 VOR	1082	1145
59X	112.20 VOR	1083	1020
59Y	112.25 VOR	1083	1146
60X		1084	1021
60Y		1084	1147
61X		1085	1022
61Y		1085	1148
62X		1086	1023
62Y		1086	1149
63X		1087	1024
63Y		1087	1150
64X		1088	1151
64Y		1088	1025
65X		1089	1152
65Y		1089	1026
66X		1090	1153
66Y		1090	1027
67X		1091	1154
67Y		1091	1028
68X		1092	1155
68Y		1092	1029
69X		1093	1156
69Y		1093	1030
70X	112.30 VOR	1094	1157
70Y	112.35 VOR	1094	1031
71X	112.40 VOR	1095	1158
71Y	112.45 VOR	1095	1032
72X	112.50 VOR	1096	1159
72Y	112.55 VOR	1096	1033
73X	112.60 VOR	1097	1160
73Y	112.65 VOR	1097	1034
74X	112.70 VOR	1098	1161
74Y	112.75 VOR	1098	1035
75X	112.80 VOR	1099	1162
75Y	112.85 VOR	1099	1036
76X	112.90 VOR	1100	1163
76Y	112.95 VOR	1100	1037
77X	113.00 VOR	1101	1164
77Y	113.05 VOR	1101	1038
78X	113.10 VOR	1102	1165
78Y	113.15 VOR	1102	1039
79X	113.20 VOR	1103	1166
79Y	113.25 VOR	1103	1040
80X	113.30 VOR	1104	1167
80Y	113.35 VOR	1104	1041
81X	113.40 VOR	1105	1168
81Y	113.45 VOR	1105	1042
82X	113.50 VOR	1106	1169
82Y	113.55 VOR	1106	1043
83X	113.60 VOR	1107	1170
83Y	113.65 VOR	1107	1044
84X	113.70 VOR	1108	1171
84Y	113.75 VOR	1108	1045
85X	113.80 VOR	1109	1172
85Y	113.85 VOR	1109	1046
86X	113.90 VOR	1110	1173
86Y	113.95 VOR	1110	1047
87X	114.00 VOR	1111	1174
87Y	114.05 VOR	1111	1048
88X	114.10 VOR	1112	1175
88Y	114.15 VOR	1112	1049
89X	114.20 VOR	1113	1176
89Y	114.25 VOR	1113	1050
90X	114.30 VOR	1114	1177
90Y	114.35 VOR	1114	1051
91X	114.40 VOR	1115	1178
91Y	114.45 VOR	1115	1052
92X	114.50 VOR	1116	1179
92Y	114.55 VOR	1116	1053

TABLE A—Continued

VOR-TACAN-DME CHANNEL FREQUENCIES AND PAIRING

DME-TACAN channel No.	VHF channel frequency MHz	DME-TACAN interrogation frequency MHz	DME-TACAN transponder reply frequency MHz
93X	114.60 VOR	1117	1180
93Y	114.65 VOR	1117	1054
94X	114.70 VOR	1118	1181
94Y	114.75 VOR	1118	1055
95X	114.80 VOR	1119	1182
95Y	114.85 VOR	1119	1056
96X	114.90 VOR	1120	1183
96Y	114.95 VOR	1120	1057
97X	115.00 VOR	1121	1184
97Y	115.05 VOR	1121	1058
98X	115.10 VOR	1122	1185
98Y	115.15 VOR	1122	1059
99X	115.20 VOR	1123	1186
99Y	115.25 VOR	1123	1060
100X	115.30 VOR	1124	1187
100Y	115.35 VOR	1124	1061
101X	115.40 VOR	1125	1188
101Y	115.45 VOR	1125	1062
102X	115.50 VOR	1126	1189
102Y	115.55 VOR	1126	1063
103X	115.60 VOR	1127	1190
103Y	115.65 VOR	1127	1064
104X	115.70 VOR	1128	1191
104Y	115.75 VOR	1128	1065
105X	115.80 VOR	1129	1192
105Y	115.85 VOR	1129	1066
106X	115.90 VOR	1130	1193
106Y	115.95 VOR	1130	1067
107X	116.00 VOR	1131	1194
107Y	116.05 VOR	1131	1068
108X	116.10 VOR	1132	1195
108Y	116.15 VOR	1132	1069
109X	116.20 VOR	1133	1196
109Y	116.25 VOR	1133	1070
110X	116.30 VOR	1134	1197
110Y	116.35 VOR	1134	1071
111X	116.40 VOR	1135	1198
111Y	116.45 VOR	1135	1072
112X	116.50 VOR	1136	1199
112Y	116.55 VOR	1136	1073
113X	116.60 VOR	1137	1200
113Y	116.65 VOR	1137	1074
114X	116.70 VOR	1138	1201
114Y	116.75 VOR	1138	1075
115X	116.80 VOR	1139	1202
115Y	116.85 VOR	1139	1076
116X	116.90 VOR	1140	1203
116Y	116.95 VOR	1140	1077
117X	117.00 VOR	1141	1204
117Y	117.05 VOR	1141	1078
118X	117.10 VOR	1142	1205
118Y	117.15 VOR	1142	1079
119X	117.20 VOR	1143	1206
119Y	117.25 VOR	1143	1080
120X	117.30 VOR	1144	1207
120Y	117.35 VOR	1144	1081
121X	117.40 VOR	1145	1208
121Y	117.45 VOR	1145	1082
122X	117.50 VOR	1146	1209
122Y	117.55 VOR	1146	1083
123X	117.60 VOR	1147	1210
123Y	117.65 VOR	1147	1084
124X	117.70 VOR	1148	1211
124Y	117.75 VOR	1148	1085
125X	117.80 VOR	1149	1212
125Y	117.85 VOR	1149	1086
126X	117.90 VOR	1150	1213
126Y	117.95 VOR	1150	1087

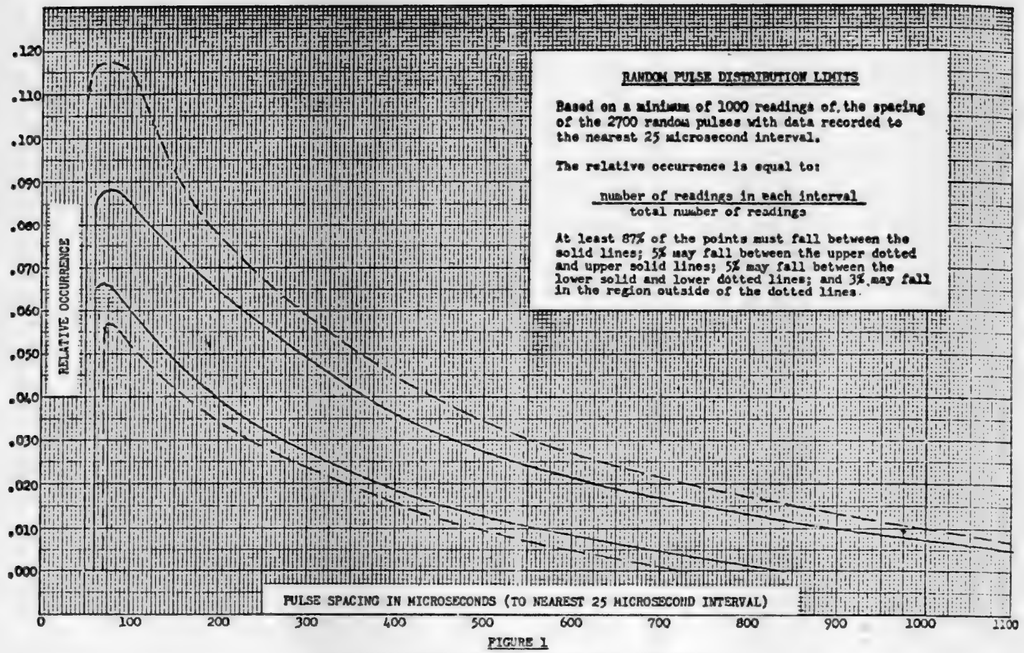


FIGURE 1

[F.R. Doc. 69-13236; Filed, Nov. 6, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. P-153-1]

PICKER CORP.

Order Reconvening Evidentiary Hearing

By a notice of hearing issued on September 24, 1969, and published in the FEDERAL REGISTER on September 26, 1969, the Commission in accordance with the requirements of section 153 of the Atomic Energy Act, as amended (Act), set October 27, 1969, as the date for the commencement of the evidentiary hearing in this proceeding. At the prehearing conference which commenced on October 17 in accordance with the aforesaid notice of hearing, and also at a second session of the conference which was held on October 24, both the Picker Corp., as applicant here for a patent license, and the Nuclear-Chicago Corp., asserted that they could not be fully prepared to present evidence at the hearing to commence on the required statutory date of October 27.[1] The parties[2] appearing at the conference therefore were urged to stipulate regarding a date convenient for the hearing, after completion of the preparation for hearing. This date submitted is February 16, 1970.

As required by the Act and the direction of the Commission, the evidentiary hearing in this proceeding did initially convene on October 27, 1969, for a consideration of the readiness of the parties to proceed to hearing and the presentation of evidence. Upon the basis of the statements and representations made at the two sessions of the prehearing conference, as well as the matters considered at the initial session of the evidentiary hearing, good cause has been shown for a postponement of the evidentiary hearing until February 16, 1970. Announcement was made at the October 27 hearing that the evidentiary hearing was recessed to reconvene on February 16, 1970, in Washington, D.C., and that an Order would be issued specifying the location for the hearing.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, particularly section 181 thereof, and the rules of practice of the Commission, particularly §§ 2.711 and 2.718 thereof, and in conformance with the announcement made at the first session thereof held on October 27, 1969, the further evidentiary hearing in this proceeding shall reconvene at 10 a.m. on February 16, 1970, in Room 117, Lafayette Building, 811 Vermont Avenue NW., Washington, D.C.

Issued: November 3, 1969, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 69-13253; Filed, Nov. 6, 1969; 8:45 a.m.]

[1] The Atomic Energy Act, as amended, directs the Commission to "* * * hold a hearing within 60 days after the filing of such application."

[2] The parties to the proceeding are Picker Corp., Nuclear-Chicago Corp., and Hal O. Anger, although Anger did not appear either at the prehearing conference or at the initial session of the evidentiary hearing.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18706; FCC 69-1147]

COASTAL AUTO PARTS, INC., AND COASTAL UTILITIES, INC.

Memorandum Opinion and Order Assigning Matter for Public Hearing

1. The Commission has before it (a) a complaint by Coastal Auto Parts, Inc. (Coastal Auto), 109 Ryon Avenue, Hinesville, Ga., filed on May 29, 1969, stating that Coastal Auto had on or about April 25, 1968, requested Coastal Utilities, Inc., Ryon Avenue, Hinesville, Ga., to provide a private line for interstate communications usage. Coastal Auto further states that as of the date of the complaint no private line service had been instituted and that as a result of this failure to provide service it has suffered damages; and (b) an answer and motion to dismiss filed by Coastal Utilities, Inc., on July 10, 1969, admitting that Coastal Auto had requested service but alleging by way of defense that installation of the necessary equipment was delayed by a shortage of carrier facilities and carrier channels resulting from a great influx of military and civilian personnel in the Hinesville area. Coastal Utilities, Inc., alleges that it had applied for a Rural Electrification Administration loan on November 7, 1968, and became eligible to draw on the approved loan on March 11, 1969. It further alleges that after securing approval of the loan, Coastal Utilities, Inc.'s engineers determined the equipment needed to serve Coastal Auto and placed orders for it. The estimated date for installation of the cable facilities and carrier channel facilities was scheduled for October 1, 1969, but it now appears that further delay has occurred. The motion to dismiss requests dismissal of the complaint for lack of legal sufficiency.

2. The gravamen of Coastal Auto's complaint is that Coastal Utilities, Inc. has violated section 201(a) of the Communications Act of 1934, as amended (Act) by failing to provide interstate communications service upon reasonable request. All common carriers providing interstate communications service by wire or radio are required by section 201(a) "to furnish such communications service upon reasonable request therefor." A carrier's obligation under that section is to furnish reasonably adequate communications facilities to the public it serves. The types of services required to be furnished upon reasonable request include, by necessity, those services offered in the carrier's tariffs. Coastal Utilities, Inc., as a "connecting carrier," is not required to file tariffs with this Commission. Its rates for the interstate services it does offer, however, are filed by the carrier to which it connects that does provide the physical interstate service. In this case, Coastal Utilities, Inc., is a connecting carrier of Southern Bell Telephone and Telegraph Co. and its rates and service offering are governed by A.T. & T. Tariff F.C.C. No. 260. That tariff provides for the provision by the carrier of private lines of the type requested by Coastal Auto.

3. The duty of a common carrier to furnish the service offered in its tariff is not absolute. For example, a carrier is not liable to provide for unexpected or great demands which it had no reason to apprehend would be made and which it could not reasonably have been expected to meet in full. But the carrier must carefully anticipate demand and when the unexpected situation arises, it must, in keeping with its obligation to the public, strive to meet that demand promptly. This may, of course, require the carrier to expend sufficient sums of money necessary for the purchase of the required facilities.

4. As noted above, Coastal Utilities, Inc., has alleged a great increase in demand for service. It further states that a Rural Electrification Administration loan was obtained to purchase the equipment necessary to meet the increased demand. However, a letter from Glenn E. Bryant, President of Coastal Utilities, Inc., to the Commission dated December 2, 1968, stated that no part of that loan would be available to serve the needs of Coastal Auto.[1] That letter further states: "if the amount involved (in serving Coastal Auto) is moderate the required facilities will be purchased from funds that may be available for plant replacements." Facts of this nature showing that 8 months after a request for service the carrier had not progressed far enough to know the cost of providing the service nor contemplated obtaining funds for the necessary facilities raises a question as to whether Coastal Utilities, Inc., has satisfied the requirements of section 201(a). In addition, there is posed a question as to whether Coastal Utilities has been discriminatory or prejudicial in its treatment of private line customers.

5. *Accordingly, it is ordered*, That pursuant to the provisions of sections 201 through 209 of the Communications Act of 1934, as amended, a public hearing shall be held at a time and place to be hereinafter designated upon the following specific issues:

Issues. a. Whether Coastal Utilities, Inc., has violated section 201(a) of the Communications Act of 1934, as amended, by failing to provide service to Coastal Auto Parts, Inc., from on or about April 25, 1968, to the present date;

b. Whether Coastal Utilities, Inc., has subjected Coastal Auto Parts, Inc., to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) by not providing service from on or about April 25, 1968, to the present date.

c. If the Commission finds that there has been a violation of the Act, what action should be taken with respect thereto.

6. *It is further ordered*, That Coastal Utilities, Inc., and Coastal Auto Parts, Inc., are hereby designated parties to this proceeding;

7. *It is further ordered*, That a Hearing Examiner shall be designated to preside in the proceeding herein, who shall prepare an initial decision on all of the issues in the complaint proceeding as provided in § 1.267 of the Commission's rules.

Adopted: October 22, 1969.

Released: October 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13290; Filed, Nov. 6, 1969; 8:47 a.m.]

[1] The letter from Coastal Utilities, Inc., was part of the correspondence between the Commission and the carrier with respect to the informal complaint filed by Coastal Auto on Sept. 23, 1968.

[Report 464]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 3, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., Applicant, Call Sign, and Nature of Application

2161-C2-P-70—The Allied Companies, Inc. (KAL873), C.P. to change antenna system and antenna location to 1337 Lane Street, Topeka, Kans., operating on frequency 152.21 MHz.

2162-C2-P-(4)-70—The Redco Corp., Roy M. Teel & Lowry McKee doing business as Mobilfone (KKJ459), C.P. for additional facilities to be located at a new site identified as location No. 3: 2501 Suntide Road, Corpus Christi, Tex., to operate on frequencies 454.175, 454.225, 454.275, and 454.325 MHz.

2163-C2-P-70—Wisconsin Telephone Co. (KSC871), C.P. to change frequency from: 152.51 MHz to 152.54 MHz at its station located at 5 miles northwest of Manitowoc, Wis.

2164-C2-MP-70—Louisville 2-way Radio Service, Inc. (KIF656), Modify C.P. to change antenna location to: 800 South Fourth Street, Louisville, Ky., operating on frequency 158.70 MHz. Replace transmitter for same.

2165-C2-MP-70—LaVergne L. Bordelon, doing business as LaVergne's Telephone Answering Service (KLF657), Modify C.P. to lower antenna located at ¼-mile south of Donahue Ferry Road, 4½ miles northeast of Alexandria, La., operating on frequency 152.24 MHz.

2166-C2-MP-(3)-70—Intrastate Radio Telephone, Inc., of Los Angeles (KMA200), Modify C.P. to change antenna system at location No. 1: 8999 Alto Cedro Drive, Los Angeles, Calif. and location No. 2: End of TV Row, Mount Wilson, Calif., operating on frequency 454.275 MHz.

2167-C2-P-(2)-70—Southwestern Bell Telephone Co. (KKD289), C.P. to change antenna system and antenna location to: 5 miles northwest of Ardmore, Okla., operating on frequencies 152.51, 152.63 MHz. Replace transmitter for same.

2232-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for new 1-way station to be located at 3203 Lincoln Avenue, Two Rivers, Wis., to operate on frequency 152.840 MHz.

2233-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for new 2-way station to be located at 3203 Lincoln Avenue, Two Rivers, Wis., to operate on frequency 152.690 MHz.

2234-C2-P-70—Edward C. Smith, doing business as Answerite Professional (New), C.P. for new 2-way station to be located at Corner Avenue D and Fourth Street SW., Winter Haven, Fla., to operate on frequency 152.06 MHz.

2168-C2-AL-70—Lufkin Telephone Exchange, Inc. (KKX717), Consent to Assignment of License from: Lufkin Telephone Exchange, Inc. Assignor To: Lufkin Telephone Exchange, Inc. Assignee, a new corporation to be distinguished for assignor.

2244-C2-P-70—Land of Lincoln Mobile Telephone Co. (New), C.P. for new 2-way station to be located at 1841 North River Drive, Algonquin, Ill., to operate on frequency 454.025 MHz.

2245-C2-P-(3)-70—North Carolina Mobile Telephone Co. (New), C.P. for new 2-way station to be located at 102 West Trade Street, Charlotte, N.C., to operate on frequencies 454.025, 454.225, 454.325 MHz.

2246-C2-P-70—Telephone Answering Service, Inc., doing business as Paducah Radio Telephone Service (KJU799), C.P. to change antenna system and replace transmitter operating on frequency 152.03 MHz at its station located at 231 South Seventh Street, Paducah, Ky.

2247-C2-P-70—Lewis M. Kelley, doing business as Seattle Radiotelephone Service (KOA733), C.P. for additional facilities to be located at a new site identified as location No. 2: Seattle-First National Bank Building, Seattle, Wash., to operate on frequency 454.30 MHz.

2252-C2-P-70—Harry Tarbell, doing business as Pacific Union (KUA287), C.P. to replace transmitter operating on frequency 43.58 MHz at station located at Council Crest Drive and Villard Drive SW., Portland, Oreg.

2254-C2-P-70—Albert M. Steiner, trading as Long Island Telephone Co. (KEJ885), C.P. for additional facilities to operate on frequency 454.25 MHz to be located at a new site identified as location No. 3: Foot of Commercial Avenue, Garden City, N.Y.

2256-C2-AL-70—Chattanooga Venetian Blind Co., Inc. (KIK580), Consent to assignment of license from: Chattanooga Venetian Blind Co., Inc. Assignor to: Metro Radio, Inc., Assignee.

2279-C2-P-(3)-70—Mobile Radio-Telephone Service, Inc. (KOE252), C.P. for additional facilities at location No. 1: Coon Peak, Oquirrh Range, 5.2 miles south-southwest of Garfield, Utah, to operate on frequencies 454.125, 454.225, 454.325 MHz.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

2280-C2-P-70—Mobile Radio Message Service, Inc. (KEA260), C.P. for additional facilities to operate on frequency 454.125 MHz located at Empire State Building, 350 Fifth Avenue, New York, N.Y.

2357-C2-P-70—Edward C. Smith doing business as Answerite Professional Telephone Service (KIY581), C.P. for additional channel to operate on frequency 152.180 MHz at location No. 1: Park Plaza Hotel, 431 East Central Boulevard, Orlando, Fla.

2358-C2-P-70—Telephone Secretarial Service (KEA263), C.P. for additional channel to operate on frequency 454.125 MHz at its station located at 1180 Raymond Boulevard, Newark, N.J.

Major Amendment

3824-C2-P-69—Ark-La-Tex Mobile Radio Service (KLB494), Amend to read: To operate on a frequency 152.15 MHz. All other particulars to remain the same as reported on public notice dated Jan. 6, 1969, Report No. 421.

Correction

5531-C2-P-69—Francis I. Lambert and Harry L. Brock, Jr., doing business as Advanced Communications Co. (New), Correct to read: 5531-C2-P-69 Francis I. Lambert and Harry L. Brock, Jr., doing business as Advance Communitions Co. (KLF495), C.P. to add a second channel to operate on base frequency 454.300 MHz. All other particulars to remain the same as reported on public notice dated Mar. 24, 1969, Report No. 432.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2169-C1-P-70—General Telephone Co. of Wisconsin (New), C.P. for a new fixed station to be located at Rib Mountain, 3 miles south-southwest of junction of U.S. Highway No. 51 and State Highway No. 29, township of Rib Mountain, Wis. Frequency 11,200.0 MHz toward Wausau, Wis.

2170-C1-P-70—Minnesota Telephone Co. (New), C.P. for a new fixed station to be located at Park and Second Streets, Big Falls, Minn. Frequency 2168.4 MHz toward Little Fork, Minn.

2171-C1-P-70—Minnesota Telephone Co. (New), C.P. for a new fixed station to be located at approximately 0.75 mile east of International Falls, Minn. Frequency 2174.8 MHz toward Littlefork, Minn.

2172-C1-P-70—Minnesota Telephone Co. (New), C.P. for a new fixed station to be located near Littlefork, Minn. Frequency 2118.4 MHz toward Big Falls, Minn. and 2124.8 MHz toward International Falls, Minn.

2173-C1-P-70—The Bell Telephone Co. of Pennsylvania (KYJ36), C.P. to change frequency from 6360.3 MHz to 11,445 MHz and add frequencies 6286.19 and 6404.79 MHz toward Manada, Pa. Location: 210 Pine Street, Harrisburg, Pa.

2174-C1-P-70—The Bell Telephone Co. of Pennsylvania (KYJ37), C.P. to change frequency 6137.9 MHz to 10,995 MHz and add frequencies 6034.15 and 6152.75 MHz toward Harrisburg, Pa., and add frequencies 5945.20 and 6063.80 MHz toward Millbach, Pa. Location: Manada, 2.7 miles northwest of Grantville, Pa.

2175-C1-P-70—The Bell Telephone Co. of Pennsylvania (New), C.P. for a new fixed station to be located at Millbach, 2 miles south of Newmanstown, Pa. Frequencies 6197.24 and 6315.84 MHz toward Manada, Pa., and 6286.19 and 6404.79 MHz toward Haafsville, Pa.

2176-C1-P-70—The Bell Telephone Co. of Pennsylvania (New), C.P. for a new fixed station to be located at 0.9 mile southwest of Haafsville, Pa. Frequencies 11665 and 11425 MHz toward Allentown and 6034.15 and 6152.75 MHz toward Millbach, Pa.

2177-C1-P-70—The Bell Telephone Co. of Pennsylvania (KIK88), C.P. to add frequencies 11175 and 10935 MHz toward Haafsville, Pa. Location: 110 North Hall Street, Allentown, Pa.

2235-C1-P-70—American Telephone & Telegraph Co. (KGH33), C.P. to add frequencies 3890 and 3970 MHz toward Winder, Pa. Location: 3.5 miles northwest of Jennerstown, Pa.

2236-C1-P-70—American Telephone & Telegraph Co. (KGN82), C.P. to add 3930 and 4010 MHz toward Jennerstown and 10755 and 10915 MHz toward Claysburg, Pa. Location: 8.8 miles east of Windber, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2237-C1-P-70—American Telephone & Telegraph (New), C.P. for a new fixed station to be located at 4.7 miles northwest of Claysburg, Pa. Frequencies 11285 and 11605 MHz toward Windber and 11405 and 11565 MHz toward Altoona, Pa.

2238-C1-P-70—American Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 1311 12th Avenue, Altoona, Pa. Frequencies 10875 and 11035 MHz toward Claysburg, Pa.

2239-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPX68), C.P. to add frequencies 6315.9 and 11155 MHz toward Humboldt Mountain, Ariz. Location: Mount Ord, 23 miles south-southwest of Payson, Ariz.

2240-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPX85), C.P. to add frequencies 11525 and 11285 MHz toward Phoenix, Ariz. Location: Shaw Butte, 10 miles north of Phoenix, Ariz.

2241-C1-P-70—The Mountain States Telephone & Telegraph Co. (KOV63), C.P. to add frequencies 10835 and 11075 MHz toward Shaw Butte, Ariz. Location: 228 West Adams Street, Phoenix, Ariz.

2242-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at Humboldt Mountain, 13.4 miles northeast of Cave Creek, Ariz. Frequencies 6063.8 and 11605 MHz toward Mount Ord, Ariz.

2248-C1-P-70—American Telephone & Telegraph Co. (KJH70), C.P. to add frequencies 5974.8 and 6093.5 MHz toward Ojus, Fla. Location: 6 miles west-southwest of Pennsuco, Fla.

2249-C1-P-70—American Telephone & Telegraph Co. (KJJ68), C.P. to add frequencies 6226.9 and 6345.5 MHz toward Pennsuco and 6004.5 and 6123.1 MHz toward Fort Lauderdale, Fla. Location: 3.5 miles northwest of Ojus, Fla.

2250-C1-P-70—American Telephone & Telegraph Co. (KJA62), C.P. to add frequencies 6256.5 and 6375.2 MHz toward Ojus, Fla. Location: 3 miles west-northwest of Fort Lauderdale, Fla.

2257-C1-P-70—Mount Rural Telephone Cooperative Corp., Inc. (New), C.P. for a new fixed station to be located near West Liberty, Ky. Frequencies 6034.2 and 10755 MHz toward Morehead, Ky.

2258-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPP34), C.P. to add frequencies 6071.2 and 6130.5 MHz toward Price, Utah. Location: 8 miles north-northeast of Dragerton, Utah.

2259-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPR35), C.P. to add frequencies 6323.3 and 6382.6 MHz toward Bruin Peak, Utah. Location: 107 East First North Street, Price, Utah.

2260-C1-P-70—South Central Bell Telephone Co. (KIV67), C.P. to add frequencies 10815 and 11135 MHz toward Pikeville, Ky. Location: Approximately 1.8 miles southwest of Pikeville, Ky.

2261-C1-P-70—South Central Bell Telephone Co. (KVD77), C.P. to add frequencies 11225 and 11545 MHz toward Pikeville, Ky. Location: 402 Second Street, Pikeville, Ky.

2262-C1-MP-70—The Mountain States Telephone & Telegraph Co. (KPQ57), Modification of C.P. to add frequencies 6271.4 and 6390.0 MHz toward Casper Junction, Wyo., and 2162.4 MHz toward Casper Mountain, Wyo., and change the antenna system location: 103 North Durbin Street, Casper, Wyo.

2263-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 2.8 miles south-southeast of Casper, Wyo. Frequencies 6019.3 and 6137.9 MHz to 6004.5 and 6123.1 MHz toward Orpha, Wyo.

2264-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 8 miles southwest of Orpha, Wyo. Frequencies 6256.5 and 6375.2 MHz toward Casper Junction, Wyo., and 6256.5 and 6375.2 MHz toward South Douglas, Wyo.

2265-C1-MP-70—The Mountain States Telephone & Telegraph Co. (KEU78), Modification of C.P. to add frequencies 6256.5 and 6375.2 MHz toward South Douglas and Chugwater, Wyo., 6271.4 and 6390.0 MHz toward Wheatland, Wyo., and change the antenna system location: 8 miles west-northwest of Wendover, Wyo.

2266-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 4.3 miles southeast of Douglas, Wyo. Frequencies 6004.5 and 6123.1 MHz toward Orpha and Wendover, Wyo., and 6019.3 and 6137.9 MHz toward Douglas, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2267-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 301 East Oak Street, Douglas, Wyo. Frequencies 6271.4 and 6390.0 MHz toward South Douglas, Wyo.

2271-C1-MP-70—United Inter-Mountain Telephone Co. (KJH26), Modification of C.P. to add frequency 6338.1 MHz toward Sand Mountain, Va. Location: 175 South First Street, Wytheville, Va.

2272-C1-MP-70—United Inter-Mountain Telephone Co. (KJH27), Modification of C.P. to add frequencies 6026.7 and 6145.3 MHz toward Galax, Va., via passive reflector and 6056.4 MHz toward Wytheville, Va. location: 3 miles south of Wytheville, at Sand Mountain, Va.

2273-C1-P-70—United Inter-Mountain Telephone Co. (KJH28), C.P. to replace transmitters operating on frequencies 6249.1 and 6367.7 MHz toward Sand Mountain, Va., via passive reflector location: 107 East Center Street, Galax, Va.

2277-C1-P-70—Southern Bell Telephone & Telegraph Co. (KJL30), C.P. to replace transmitter operating on frequency 2178.4 MHz toward Hilton Head Island, S.C. location: 322 Drayton Street, Savannah, Ga.

2278-C1-P-70—Southern Bell Telephone & Telegraph Co. (KJW76), C.P. to replace transmitter operating on frequency 2128.4 MHz toward Savannah, Ga. location: State Highway No. 46, Hilton Head Island, S.C.

2359-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPL23), C.P. to change frequencies from 10795 and 11035 MHz to 6382.6 and 6293.6 MHz toward Mingus Mountain, Ariz., and change the antenna system location: 140 North Marina Street, Prescott, Ariz.

2360-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPC70), C.P. to change frequencies from 11245 and 11485 MHz to 6130.5 and 5982.3 MHz toward Prescott, Ariz.; change frequencies from 11325 and 11565 MHz to 6130.5 and 5982.3 MHz toward Mount Elden, Ariz., and change the antenna system location: Mingus Mountain, 7.5 miles south of Jerome, Ariz.

2361-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPC71), C.P. to change frequencies from 10875 and 11115 MHz to 6241.7 and 6212.1 MHz toward Mingus Mountain, Ariz., and change the antenna system location: Mount Elden, 3.7 miles northeast of Flagstaff, Ariz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2356-C1-ML-70—West Texas Microwave Co. (KTR35), Modification of license to permit carriage of audio programing of FM broadcast stations WRR-FM and KCWM-FM to Lubbock, Tex., for delivery to Lubbock Television Cable Co., Inc.

Corrections

1854-C1-P-70 thru 1858-C1-P-70—United Video, Inc., The informative note appearing on public notice dated October 13, 1969, should show the signal of KDTV rather than KMEC-TV to be delivered to Pryor, Okla.

1894-C1-P-70—Mountain Microwave Corp. (KAQ88), Frequency 6586.2 MHz shown on public notice dated October 20, 1969, should be corrected to read 6286.2 MHz.

[F.R. Doc. 69-13258; Filed, Nov. 6, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of

this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Burton H. White, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8210–9, between the member lines of the Continental North Atlantic Westbound Freight Conference, adds a new paragraph "e" to Article 2 of the basic agreement to provide (1) that when an emergency demanding special rate flexibility is declared to exist, the Conference may take special steps to protect the situation, including the appointment of a Rate Committee to make special emergency rates, alter tariff rules and regulations, open and close rates and permit independent action in accordance with the powers from time to time granted, and (2) that action by the Rate Committee may be authorized by a majority vote of those present and entitled to vote at any Rate Committee meeting. Reports of all such actions shall be furnished the Commission.

Dated: November 4, 1969.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–13291; Filed, Nov. 6, 1969; 8:47 a.m.]

UNIVERSAL TERMINAL & STEVEDORING CORP. AND PACIFIC FAR EAST LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John F. Farrell, Jr., Vice President, Universal Terminal & Stevedoring Corp., 1 Broadway, New York, N.Y. 10004.

Agreement No. T–2351 between Universal Terminal & Stevedoring Corp. (UTS) and Pacific Far East Line, Inc. (PFEL) provides for the sublease to PFEL of certain marine terminal property in Alameda, Calif., which UTS leases from Encinal Terminals. PFEL will use the premises for receiving, assembling, and distributing containers, for non-container cargo and for uses incidental thereto. As compensation, PFEL will pay UTS full wharfage and dockage charges as set forth in Encinal's tariff with a minimum payment of $172,000 per year. If during any calendar year tariff charges are between $172,000 and $225,000, PFEL will pay UTS 50 percent of tariff charges for containers and 75 percent of tariff charges for noncontainer cargo; if PFEL's payments reach $225,000 then, during the remainder of the year, PFEL will pay UTS no further tariff charges for containers and only 65 percent of tariff charges for noncontainer cargo.

Dated: November 4, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–13292; Filed, Nov. 6, 1969; 8:48 a.m.]

WSUP ALLOCATION AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward D. Ransom, Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104.

Agreement No. T–2188–2 between Hawaiian stevedore companies (Employers) modifies the basic agreement which provides for an allocation among the Employers of the costs of a Work Stabilization and Utilization Program Fund for their employees. The purpose of the modification is to provide for an increase in benefits to the employees, resulting in an increase in the amount of the funds to be raised pursuant to the method and formula provided for in Agreement No. T–2188 as modified.

Dated: November 4, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–13293; Filed, Nov. 6, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70–308 etc.]

GENERAL CRUDE OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 24, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 10, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-308	General Crude Oil Co., Post Office Box 2252, Houston, Tex. 77001.	8	5	West Lake Natural Gasoline Co.[3] (Nena Lucia Field, Noland County, Tex.) (RR. District No. 7–B).	$490	9-24-69	[2] 10-25-69	[4] 1-1-70	9.0	[5] [6] 9.5	RI65-190.
RI70-309	Chevron Oil Co., Western Division, Post Office Box 599, Denver, Colo. 80201.	5	2	Montana-Dakota Utilities Co. (Muddy Ridge Field, Fremont County, Wyo.).	4,745	9-29-69	[7] 12-4-69	5-4-70	15.384	[8] [9] 16.384	
	....do	6	2	Kansas-Nebraska Natural Gas Co., Inc. (Lost Cabin and Waltman Fields, Fremont and Natrona Counties, Wyo.).	35,131	9-29-69	[7] 11-1-69	4-1-70	15.0	[6] [9] 16.0	
RI70-310	M. J. Brannon, Jr., 4225 Glenwood Dr., Fort Worth, Tex. 76109.	1	3	El Paso Natural Gas Co. (Undesignated Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	620	9-30-69	[2] 10-31-69	3-31-70	13.0	[9] [10] 14.0	RI65-92.
RI70-311	P & M Oil & Gas Co., 406 Wood St., West Union, W. Va. 26325.	2	[11] 3	Equitable Gas Co. (Doddridge County, W. Va.).	1,440	9-30-69	[2] 10-31-69	3-31-70	25.0	[10] [11] 27.0	
RI70-312	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	33	7	Kansas-Nebraska Natural Gas Co., Inc. (Various Fields, Logan County, Colo.).	128	9-29-69	[7] 10-30-69	3-30-70	16.0	[6] [12] 17.0	RI69-327.
RI70-313	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	178	12	El Paso Natural Gas Co. (Aneth Area Fields, San Juan County, Utah).	8,675	9-29-69	[7] 10-30-69	3-30-70	17.8549	[9] [13] 22.1925	
RI70-314	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	165	8	Michigan Wisconsin Pipe Line Co. (Cedardale and Northeast Cedardale Fields, Dewey and Major Counties, Okla.) (Oklahoma "Other" Area).	2,171	9-29-69	[7] 10-30-69	3-30-70	[10] 15.75	[6] [12] [13] 17.75	
	....do	214	3	Lone Star Gas Co. (Pone Field, Rusk County, Tex.) (RR. District No. 6).	270	9-25-69	[7] 10-26-69	3-26-70	15.0	[6] [12] 17.0	
	....do	143	2	Panhandle Eastern Pipe Line Co. (Hugoton Field, Texas County, (Panhandle Area) and Mohler Field, Meade County, Kans.).	6,939	10-3-69	[7] 11-3-69	4-3-70	[10] 16.0	[6] [12] [13] 18.0	
	....do	163	2	Northern Natural Gas Co. (McKinney Field, Clark County, Kans.).	135	10-3-69	[7] 11-3-69	4-3-70	[20] 15.0	[6] [9] [20] 16.0	RI69-188.
	....do	161	1	Texas Gas Transmission Corp. (Sugar Creek Field, Claiborne Parish, La.) (North Louisiana Area).	226	10-1-69	[7] 11-1-69	4-1-70	[20] [21] 18.25	[7] [9] [20] [21] 19.75	
	....do	111	3	Panhandle Eastern Pipe Line Co. (Meade County, Kans.).	1,153	10-1-69	[7] 11-1-69	4-1-70	15.5	[6] [12] 17.5	
	....do	114	2	Northern Natural Gas Co. (Karns Unit, Ford County, Kans.).	336	10-1-69	[7] 11-1-69	4-1-70	[20] 15.0	[6] [12] [20] 17.0	
	....do	166	2	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	2,264	10-1-69	[7] 11-1-69	4-1-70	[20] 12.0	[6] [12] [20] 14.5	RI61-329.
	....do	191	2	Northern Natural Gas Co. (Banner Block Area, Stevens County, Kans.).	7,232	10-1-69	[7] 11-1-69	4-1-70	[20] [22] 16.0	[6] [9] [20] [22] 17.0	
RI70-315	Force Co., 3700 First National Bank Bldg., Dallas, Tex. 75202.	2	2	Transwestern Pipeline Co. (Northwest Doby Spring Field, Harper County, Okla.) (Panhandle Area).	11,922	[24] 10-1-69	[7] 11-1-69	4-1-70	[25] 19.5	[6] [9] [23] [25] 26.0175	RI66-6.
RI70-316	Charles J. Richard (Operator) et al., 1320 First National Bank Bldg., Oklahoma City, Okla.	1	3	Cities Service Gas Co. (Eureka Area, Grant County, Okla.) (Oklahoma "Other" Area).	231	10-3-69	[7] 1-1-70	6-1-70	[20] 14.0	[6] [20] 15.0	RI65-390.
RI70-317	Alfred C. Glassell, Jr. et al., 2300 First City National Bank Bldg., Houston, Tex. 77002.	1	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	62,790	10-3-69	[2] 11-3-69	4-3-70	[20] 15.4248	[6] [20] 16.4248	RI65-413.
RI70-318	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	28	15	Texas Eastern Transmission Corp. (Andrews Unit, Logansport Field, De Sota Parish, La.) (North Louisiana Area).	4	9-29-69	[7] 11-1-69	4-1-70	[21] 17.8519	[9] [21] 18.0570	RI69-164.
	....do	29	16	Texas Eastern Transmission Corp. (Charlie No. 1 Well, Logansport Field, De Sota Parish, La.) (North Louisiana Area).	66	9-29-69	[7] 11-1-69	4-1-70	[21] 17.8519	[9] [21] 18.0570	RI69-164.
	....do	69	16	Texas Eastern Transmission Corp. (Greenwood Waskom Field, Caddo Parish, La.) (North Louisiana Area).	88	9-29-69	[7] 11-1-69	4-1-70	[21] 17.8519	[9] [21] 18.0570	RI69-164.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-319	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003.	400	1	El Paso Natural Gas Co. (Dumas Plant, Hugoton-Andarko Area, Moore County, Tex.) (RR. District No. 10).	$155,855	9-26-69	[7] 11-10-69	4-10-70	17.0	[8] [9] 18.0675	
	do	447	4	Panhandle Eastern Pipe Line Co. (Cimarron plant, Anadarko Basin Area, Ellis County, Okla. (Panhandle Area) and Major County, Okla.) (Oklahoma "Other" Area).	190,875 53,018	9-26-69	[10] 10-27-69	3-27-70	[11] 17.5050 [12] 18.8263	[9] [13] [14] 20.8803 [9] [13] [14] 21.0063	
RI70-320	Graham-Michaelis Drilling Co. et al., 211 North Broadway Wichita, Kans. 67202.	35	4	Northern Natural Gas Co. (Hansford Morrow Field, Hansford County, Tex., RR. District No. 10).	1,072	9-29-69	10-30-69	3-30-70	[15] 17.5	[16] 18.5	RI65-64.
RI70-321	Hassie Hunt Trust (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	4	25	Texas Eastern Transmission Corp. (Northeast Lisbon Field, Claiborne Parish, La.) (North Louisiana Area).	3,076	9-29-69	11-1-69	4-1-70	[15] 17.8510	[16] [17] 18.0570	RI69-173.
RI70-322	Hunt Oil Co. (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	28	11	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana Area).	1,041	9-29-69	11-1-69	4-1-70	[15] 17.8510	[16] [17] 18.0570	RI69-162.
RI70-323	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	333	31	Arkansas Louisiana Gas Co. (Red Oak Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	60	9-29-69	10-30-69	3-30-70	15.0	[18] [19] 16.015	
	do	418	4	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana Area).	624	9-29-69	11-1-69	4-1-70	15.73	[20] 16.30	RI68-666.
RI70-324	Mobil Oil Corp.	452	[21] 4	Arkansas Louisiana Gas Co. (Kinta Field, Le Flore County, Okla.) (Oklahoma "Other" Area).	612	9-26-69	10-27-69	3-27-70	15.0	[22] 16.0	
RI70-325	Graham-Michaelis Drilling Co. (Operator) et al. 211 North Broadway, Wichita, Kans. 67202.	23	10	Northern Natural Gas Co. (Hansford Upper Morrow and North Perryton Fields, Hansford and Ochiltree Counties, Tex., RR. District No. 10).	2,170	9-30-69	[10] 10-31-69	3-31-70	[23] 17.5	[24] [25] 18.5	RI65-618.
RI70-326	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	205	11	Kansas-Nebraska Natural Gas Co., Inc. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	910	10-1-69	[7] 11-1-69	4-1-70	[26] 18.41	[24] [27] 18.61	RI69-156.
	do	443	10	H. L. Hunt et al.,[28] North Lansing Field, Harrison County, Tex.) (RR. District No. 6).	114	10-1-69	11-1-69	4-1-70	[29] 16.1	[24] [25] 16.37775	RI70-16.
RI70-327	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	354	5	Lone Star Gas Co. (Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	16,200	10-1-69	11-1-69	4-1-70	15.0	[24] [30] 19.0	
RI70-328	Standard Oil Co. of Texas, a division of Chevron Oil Co. (Operator) et. al., Post Office Box 1249, Houston, Tex. 77001.	37	19	Cimarron Transmission Co. (Southeast Marietta Unit Field, Love County, Okla.) (Oklahoma "Other" Area).	51,880	10-1-69	11-1-69	4-1-70	[31] [32] 15.720	[24] [33] 16.767	RI68-267.
RI70-329	J. M. Huber Corp., 2300 West Loop, Houston, Tex. 77027.	62	2	Panhandle Eastern Pipe Line Co. (South Tegarden Field, Woods County, Okla.) (Oklahoma "Other" Area).	2,211 703	10-2-69	[7] 11-2-69	4-2-70	[34] [35] [36] 15.33 [34] [35] [37] 15.09	[38] [39] [40] [41] [42] 17.345 [38] [39] [40] [41] [42] [43] 17.105	
RI70-330	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	35	6	Cimarron Transmission Co. (Love County, Okla.) (Oklahoma "Other" Area).	284	10-3-69	[7] 11-3-69	4-3-70	[23] [35] [44] 17.6175	[38] [39] [40] [41] [44] 18.7175	RI68-129.
	do	37	7	do	4,117	10-3-69	[7] 11-3-69	4-3-70	[23] [35] [44] 17.6175	[38] [39] [40] [41] [44] 18.7175	RI68-129.
	do	36	6	do	885	10-2-69	[7] 11-2-69	4-2-70	[23] [35] [44] [45] 15.7675	[38] [39] [40] [41] [44] [45] 18.3925	RI68-129.
	do	53	4	do	90	10-3-69	[7] 11-3-69	4-3-70	[23] [35] 16.0175	[38] [39] [40] 17.0175	RI68-129.
	do	55	3	do	10,092	10-3-69	[7] 11-3-69	4-3-70	[23] [35] 16.0175	[38] [39] [40] 17.0175	RI68-129.
	do	38	1	Panhandle Eastern Pipe Line Co. (Morton County, Kans.).	123	10-3-69	[7] 11-3-69	4-3-70	[23] 16.0	[38] [39] 17.0	
	do	40	5	Lone Star Gas Co. (Bryan County, Okla.) (Oklahoma "Other" Area).	229	10-3-69	[7] 11-3-69	4-3-70	15.015	[24] 17.015	RI68-129.
	do	52	3	Panhandle Eastern Pipe Line Co. (Beaver County, Okla.) (Panhandle Area).	261	10-3-69	[7] 11-3-69	4-3-70	[46] 17.01	[24] [25] 18.01	RI68-129.
	do	56	2	Lone Star Gas Co. (Stephens County, Okla.) (Oklahoma "Other" Area).	165	10-3-69	[7] 11-3-69	4-3-70	15.01	[24] [25] 16.01	RI68-129.
	do	66	6	Michigan Wisconsin Pipe Line Co. (Dewey County, Okla.) (Oklahoma "Other" Area).	3,000	10-3-69	[7] 11-3-69	4-3-70	[46] 15.015	[24] [25] [47] 18.015	RI68-129.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-331	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	207	2	Cities Service Gas Co. (Granite Wash Field, Hemphill County, Tex.) (RR. District No. 10).	$4,175	10-1-69	[7] 11-1-69	4-1-70	[48] 17.25	[24] [48] 18.72	RI68-167.
RI70-332	Texaco, Inc. (Operator) et al., Post Office Box 2420, Tulsa, Okla. 74102.	166	13	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).	3,340	10-3-69	[7] 11-7-69	4-7-70	[48] 18.2	[24] [48] 18.4	RI69-678.
RI70-333	Edwin L. Cox (Operator) et al., 3800 First National Bank Bldg., Dallas, Tex. 75202.	20	2	Panhandle Eastern Pipe Line Co. (Seward County, Kans.).	667	10-3-69	[7] 11-3-69	4-3-70	[48] 16.0	[24] [48] 17.0	
RI70-334	H. L. Hunt et al., 1401 Elm St., Dallas, Tex. 75202.	4	25	Texas Eastern Transmission Corp. (Whelan Field, Harrison County, Tex.) (RR. District No. 6).	3,013	9-29-69	[7] 11-1-69	4-1-70	16.67263	[24] 16.67250	RI66-129.
RI70-335	Texaco, Inc., Post Office Box 430, Bellaire, Tex. 77401.	54	8	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Santellana Field, Hidalgo County, Tex.) (RR. District No. 4).	2,600	9-29-69	[49] 11-1-69	4-1-70	[48] 15.6	[24] [48] 16.6	RI66-333.
	do	55	11	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Raymondville Field, Willacy County, Tex.) (RR. District No. 4).	20,000 20,000	9-29-69	[49] 11-1-69	4-1-70	[48] [50] 15.6 [48] [51] 16.0	[24] [48] [50] 16.6 [24] [48] [51] 17.0	RI66-333. RI66-333.
	do	59	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Government Wells Field, Duval County, Tex.) (RR. District No. 4).	400	9-29-69	[49] 11-1-69	4-1-70	[48] 15.6	[24] [48] 16.6	RI66-607.
	do	130	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Magnolia City Field, Jim Wells County, Tex.) (RR. District No. 4).		9-29-69	[49] 11-1-69	4-1-70	[48] 15.6	[24] [48] 16.6	RI66-333.
	do	138	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Rincon Field, Starr County, Tex.) (RR. District No. 4).	2,600	9-29-69	[49] 11-1 69	4-1-70	[48] 15.6	[24] [48] 16.6	RI66-333.
	do	193	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seeligson Field, Jim Wells County, Tex.) (RR. District No. 4).	300	9-29-69	[49] 11-1-69	4-1-70	[48] 15.6	[24] [48] 16.6	RI66-333.
	do	260	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Plymouth Field, San Patricio County, Tex.) (RR. District No. 4).		9-29-69	[49] 11-1-69	4-1-70	[48] 15.6	[24] [48] 16.6	RI66-333.
	do	261	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Spartan Field, San Patricio County, Tex.) (RR. District No. 4).	1,120	9-29-69	[49] 11-1-69	4-1-70	[48] 15.6	[24] [48] 16.6	RI66-333.
	do	263	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seven Sisters Field, Duval County, Tex.) (RR. District No. 4).		9-29-69	[49] 11- 1-69	4- 1-70	[48] 15.6	[24] [48] 16.6	RI66-333.
	do	373	2	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Jennings Field, Zapata County, Tex.) (RR. District No. 4).	6,000	9-29-69	[49] 11- 1-69	4- 1-70	[48] [50] 16.0	[24] [48] 17.0	
RI70-336	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	80	6	United Gas Pipe Line Co. (Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.).	633	9-29-69	[7] 11-24-69	4-24-70	21.5	[24] [52] 23.0	RI68-424.

[1] Gas resold to El Paso Natural Gas Co. under West Lake's FPC Gas Rate Schedule No. 1.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The date West Lake's increased rate of 19 cents becomes effective. West Lake's rate is suspended in Docket No. RI70-54 until Jan. 1, 1970.
[4] Revenue-sharing rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] The stated effective date is the effective date requested by Respondent.
[7] Periodic rate increase.
[8] Pressure base is 15.025 p.s.i.a.
[9] Renegotiated rate increase.
[10] Pressure base is 15.325 p.s.i.a.
[11] For new gas delivered after Feb. 1, 1969. Filing includes letter from the buyer providing for the increase.
[12] Pressure base is 16.4 p.s.i.a.
[13] Increase from initial rate to contract rate.
[14] "Fractured" rate increase. Respondent contractually due base rate of 22 cents per Mcf.
[15] Includes 0.75-cent upward B.t.u. adjustment (1,075 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[16] Includes 0.0675-cent tax reimbursement.
[17] Respondent is filing from initial certificated rate to second periodic increase under contract.
[18] Two-step periodic increase.
[19] Subject to 0.8-cent deduction by buyer if buyer desulfurizes gas.
[20] Subject to a downward B.t.u. adjustment.
[21] Includes 1.75-cent tax reimbursement.
[22] Applicable only to gas produced below the Top of the Morrowan Series of the Pennsylvanian System.
[23] Includes 0.0175-cent tax reimbursement.
[24] Corrected notice of change replaces notices of change dated Sept. 1, 1969, and Sept. 22, 1969, filed on Sept. 15, 1969, and Sept. 24, 1969, respectively.
[25] Includes 0.0675-cent tax reimbursement.
[26] "Fractured" rate increase. Respondent filing from initial certificated rate and is contractually due 18 cents initial contract base rate.
[27] Oklahoma "Other" Area production.
[28] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 17.9 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.

[39] Respondent filing from initial certificated rate to initial contract rate.
[40] Oklahoma Panhandle Area production.
[41] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and 18 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[42] Applicable only to acreage added by Supplement No. 25.
[43] Includes 0.015-cent tax reimbursement.
[44] "Fractured" increase. Respondent contractually due base rate of 16.3070 cents plus 1.75 cents tax reimbursement.
[45] Applicable only to acreage added by Supplement No. 2.
[46] Respondent filing from initial certificated rate to initial contract rate.
[47] H. L. Hunt et al., resells the gas under its Rate Schedule No. 4 to Texas Eastern Transmission Corp. at an effective rate of 16.6 cents subject to refund in Docket No. RI69-160. Hunt filed a related increase to 16.87350 cents on Sept. 29, 1969, for which a 5-month suspension period from Nov. 1, 1969, is ordered herein in Docket No. RI70-334.
[48] Subject to a 0.75-cent per Mcf deduction by buyer for compression.
[49] Filing from initial certificated rate to second periodic increase.
[50] Subject to upward and downward B.t.u. adjustment.
[51] Includes base price of 15 cents plus 0.705-cent upward B.t.u. adjustment (1,067 B.t.u. gas) plus 0.015-cent tax reimbursement before increase and base price of 16 cents plus 0.752-cent upward B.t.u. adjustment plus 0.015-cent tax reimbursement.
[52] Applicable to production from Loshbough No. 1 Gas Unit.
[53] Filing from initial certificated rate to initial contract rate plus tax reimbursement.
[54] Includes 0.33-cent upward B.t.u. adjustment (1,033 B.t.u. gas).
[55] Base rate subject to upward and downward B.t.u. adjustment.
[56] Applicable to production from Piper No. 1 Gas Unit.
[57] Includes 0.09-cent upward B.t.u. adjustment (1,009 B.t.u. gas).
[58] Includes base price of 16 cents plus upward B.t.u. adjustment before increase and base price of 17 cents plus upward B.t.u. adjustment after increase.
[59] Filing from initial certificated rate to first periodic increase.
[60] Includes base price of 15 cents plus upward B.t.u. adjustment before increase and base price of 17.5 cents plus upward B.t.u. adjustment after increase.
[61] "Fractured" rate increase. Respondent contractly due 19.5 cents per Mcf plus reimbursement.
[62] The stated effective date is the contractual effective date.
[63] For gas produced from basic acreage.
[64] For gas produced from acreage added by Supplement No. 6.
[65] Initial rate.

M. J. Brannon, Jr., requests that his proposed rate increase be permitted to become effective as of October 1, 1969. P & M Oil & Gas Co. requests a retroactive effective date of February 1, 1969, for its proposed rate increase. Forest Co. and Alfred C. Glassell, Jr., et al., request an effective date of September 1, 1969, for their proposed rate increases. Graham-Michaelis Drilling Co. (Operator) et al., request a retroactive effective date of May 21, 1969, for their rate increase. Edwin L. Cox requests retroactive effective dates of July 1, 1968, July 1, 1967, June 1, 1968, and July 1, 1968, for his proposed rate increases. Edwin L. Cox (Operator) et al., also requests a retroactive effective date of October 1, 1966, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

General Crude Oil Co.'s (General) proposes a revenue-sharing rate increase to 9.5 cents per Mcf for a sale of gas to West Lake Natural Gasoline Co. (West Lake) in Nolan County, Tex. The proposed increase is 50 percent of West Lake's resale rate of 19 cents per Mcf to El Paso Natural Gas Co. which is suspended in Docket No. RI70-54 until January 1, 1970. Although General's proposed increased rate is below the increased ceiling rate for Texas Railroad District No. 7-B as announced in the Commission's statement of general policy No. 61-1, as amended, it is a percentage portion of a suspended rate, and consistent with prior Commission action we conclude that it should be suspended until January 1, 1970, the expiration date of the suspension period for West Lake's related increase.

Shell Oil Co.'s (Shell) proposed increased rate of 22.1925 cents per Mcf is for a sale of gas in the Aneth Area of Utah that was certificated in Opinion No. 335. No formal guideline prices have been announced by the Commission for the Aneth Area. Since the proposed rate exceeds the authorized initial rate we conclude that it should be suspended for 5 months from October 30, 1969, the proposed effective date.

M. J. Brannon, Jr. (Brannon), did not include in his proposed rate increase the 1 cent per Mcf minimum guarantee for liquids as provided by the contract. Brannon is advised that a notice of change in rate will be required if he intends to collect the 1 cent minimum guarantee for liquids in the future.

Supplement No. 10 to Atlantic Richfield Co.'s (Atlantic) FPC Gas Rate Schedule No. 433 reflects a rate increase from 16.1 cents to 16.37775 cents per Mcf for a sale for resale to H. L. Hunt, et al. (Hunt). Hunt processes and resells the gas under its FPC Gas Rate Schedule No. 4 at a present effective rate of 16.6 cents which is subject to refund in Docket No. RI69-160. Hunt has filed a related increase to 16.87350 cents per Mcf which is suspended herein for 5 months in Docket No. RI70-334. Both Atlantic and Hunt's proposed rates exceed the area increased rate ceiling for Texas Railroad District No. 6. They are suspended for 5 months from November 1, 1969, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56) with the exception of the rate increase filed by Shell Oil Co. in the Aneth Area of Utah for which there is no announced formal ceiling for the area involved, but exceeds the authorized initial rate.

[F.R. Doc. 69-13143; Filed, Nov. 6, 1969; 8:45 a.m.]

[Docket No. G-7588 etc.]

EDGAR McCOMAS ET AL.

Findings and Order

OCTOBER 29, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, petitions to intervene by Philadelphia Gas Works Division of UGI Corp., Consolidated Edison Company of New York, Inc., and Long Island Lighting Co. were filed in Docket No. CI69-1175, in the matter of the application filed on June 10, 1969, in said docket. Said petitions have either been withdrawn or are not in opposition to the granting of the application, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on October 23, 1969, the Commission in its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commissioner thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a certificate of public convenience and necessity should be issued in Docket No. CI61-1332 authorizing Cities Service Oil Co. (Operator) to continue the sales of natural gas heretofore authorized in said docket to be made pursuant to Presidio Operating Co. (Operator) et al., FPC Gas Rate Schedule No. 1.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a certificate of public convenience and necessity should be issued in Docket No. CI70-44 authorizing applicants to continue the sales of natural gas heretofore authorized to be made pursuant to the predecessors' certificates in Dockets Nos. CI65-582, CI65-844, CI65-1224, and CI66-134; and that the certificates in the latter dockets should be terminated and the related rate schedules canceled, except Humble Oil & Refining Co. FPC Gas Rate Schedule No. 366 which will be redesignated as a rate schedule of applicants.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(8) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(9) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein are subject to the following conditions:

(a) The initial rates for sales authorized in Docket No. CI61-1332 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by applicant deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate. Within 45 days from the date of this order applicant shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(b) Applicant in Docket No. CI61-1332 shall file a refund report within 90 days from the date of this order, with a copy served upon Transwestern Pipeline Co., showing all amounts collected in excess of the applicable area rate for each category of gas from September 1, 1966, the interest at the rate of 7 percent per annum through September 30, 1969. Transwestern shall file with the Commission its written concurrence or disagreement with such report, and if it disagrees, the reason for such disagreement, and serve a copy thereof on applicant.

(c) Presidio Operating Co. (Operator) et al., and Eugene E. Nearburg and Tom L. Ingram, doing business as Nearburg & Ingram (Operator) are not relieved of their obligation to refund monies collected in excess of the ultimate rate determined to be proper in Docket No. CI61-1332 for sales made under their temporary certificates from October 30, 1964, to September 1, 1966, for Presidio Operating Co. and from the date of initial delivery to October 30, 1964, for Nearburg & Ingram.

(d) The initial rates for sales authorized in Docket No. CI69-1175 shall be 20 cents per Mcf at 15.025 p.s.i.a. (gaswell gas) and 18.5 cents per Mcf at 15.025 p.s.i.a. (casinghead gas), the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 546-A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by applicant deviates at any time from the quality standards set forth in Opinion No. 546, as modified by Opinion No. 546-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate. Within 90 days from the date of initial delivery applicant shall file a rate schedule quality statement in the form prescribed in Opinion No. 546.

(e) The initial rate for the sale authorized in Docket No. CI66-489 (Oklahoma Panhandle area only) shall be 17 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment.

(f) The initial rate for the sale authorized in Docket No. CI66-489 (Oklahoma "Other" area only) shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas, applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket.

(g) The initial rate for the sale authorized in Docket No. CI69-1227 shall be 15 cents per Mcf at 15.025 p.s.i.a.

(h) The initial rate for the sale authorized in Docket No. CI70–82 shall be 17 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment. Applicant shall not require buyer to take-or-pay for an annual quantity of gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves.

(F) A certificate of public convenience and necessity is issued in Docket No. CI61–1332 authorizing Cities Service Oil Co. (Operator) to continue the sales of natural gas heretofore authorized in said docket to be made pursuant to Presidio Operating Co. (Operator) et al., FPC Gas Rate Schedule No. 1.

(G) A certificate of public convenience and necessity is issued in Docket No. CI70–44 authorizing applicants to continue the sales of natural gas heretofore authorized to be made pursuant to the predecessors' certificates in Dockets Nos. CI65–582, CI65–844, CI65–1224, and CI66–134; the certificates in the latter dockets are terminated and the related rate schedules are canceled, except Humble Oil & Refining Co. FPC Gas Rate Schedule No. 366 which is redesignated as J. Gregory Merrion et al., FPC Gas Rate Schedule No. 10.

(H) The orders issuing certificates in Dockets Nos. CI61–1024, CI63–1300, CI67–205, and CI88–1033 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(I) The orders issuing certificates in Dockets Nos. G–14369 and G–15052 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to applicants in Dockets Nos. CI70–43 and CI70–172, respectively.

(J) The orders issuing certificates in Dockets Nos. G–7588, CI61–980, CI62–1459, CI63–1524, CI64–923, CI65–645, CI65–870, CI65–951, CI65–1344, CI66–659, CI66–761, CI66–1201, and CI67–1164 are amended by substituting the successors in interest as certificate holders.

(K) Royal Oil & Gas Corp. et al., shall be responsible for any refunds to Natural Gas Pipeline Company of America which may be ordered in Docket No. CI62–1459 for the period subsequent to April 1, 1963, and Cherosage Enterprises, Inc., shall be responsible for refunds prior to April 1, 1963.

(L) Permission for an approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(M) The certificates heretofore issued in Dockets Nos. G–8350, G–12974, and CI66–1280 are terminated.

(N) Rush Run Oil & Gas Co. FPC Gas Rate Schedule No. 1 is canceled.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–7588 F 8–15–69	Edgar McComas (successor to R. H. Adkins, doing business as John Gas Co.).	United Fuel Gas Co., Laurel Hill District, Lincoln County, W. Va.	R. H. Adkins, doing business as John Gas Co., FPC GRS No. 5.	1	
			Supplement Nos. 1–2	1	1–2
			Notice of succession 8–15–69.		
			Assignment 5–12–55 [1]	1	3
			Effective date: 5–12–55	1	
G–8350	Rush Run Oil & Gas Co.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.			
CI61–980 F 8–15–69	Roy C. and Freeda M. Davisson (successor to Henry C. Breck).	Equitable Gas Co., Freemans Creek District, Lewis County, W. Va.	Henry C. Breck, FPC GRS No. 1.	3	
			Notice of succession 8–6–69.		
			Assignment 7–1–69 [1]	3	1
			Effective date: 7–1–69		
CI61–1024 D 8–18–69	Mobil Oil Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	Notice of partial cancellation 8–14–69 [3]	266	10
			Notice of partial cancellation 8–14–69 [3]	266	11
CI61–1024 D 2–17–69	do	do	Assignment 1–30–69 [1]	266	12
			Assignment 1–30–69 [2] [3]	266	13
CI61–1332 A 3–13–61 E 12–3–64 E 9–19–66	Cities Service Oil Co. (Operator) [7] (successor to Presidio Operating Co. (Operator) et al.).	Transwestern Pipeline Co., Bluitt Plant, Roosevelt County, N. Mex.	Presidio Operating Co. (Operator) et al., FPC GRS No. 1.	213	
			Supplement Nos. 1–2	213	1–2
			Notice of succession 9–15–66.		
			Assignment 9–1–66	213	3
CI62–1459 E 8–14–69	Royal Oil & Gas Corp. et al. (successor to Patchin-Wilmoth Industries, Inc., et al.).	Natural Gas Pipeline Co. of America, Hebbronville Area, Jim Hogg County, Tex.	Patchin-Wilmoth Industries, Inc., et al., FPC GRS No. 1.	11	
			Article of merger 12–18–68.	11	1
			Effective date: 1–1–69		
CI63–1300 D 8–18–69	Mobil Oil Corp. (Operator).	Natural Gas Pipeline Co. of America, West Crane and Putnam Fields, Dewey County, Okla.	Notice of partial cancellation 8–14–69 [3]	339	14
CI63–1300 D 2–17–69	Mobil Oil Corp. (Operator) et al.	do	Assignment 1–30–69 [1]	339	15
			Assignment 1–30–69 [2] [3]	339	16
CI63–1524 E 7–22–69	Royal Oil & Gas Corp. (successor to Trojan Coal & Petroleum Corp.).	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	Trojan Coal & Petroleum Corp., FPC GRS No. 1.	3	
			Supplement No. 1	3	1
			Article of merger 12–18–68.	3	2
			Effective date: 1–1–69		
CI64–923 E 8–20–69	D. W. Hamilton (Operator) et al. (successor to W. H. Bryant (Operator) et al.).	Lone Star Gas Co., Penn-Griffith Field, Rusk County, Tex.	W. H. Bryant (Operator) et al., FPC GRS No. 3.	1	
			Supplement No. 1	1	1
			Notice of succession 8–16–69.		
			Assignment 10–22–68 [1]	1	2
			Effective date: 10–1–68		
CI65–645 E 7–22–69	Royal Oil & Gas Corp. (successor to Trojan Coal & Petroleum Corp.).	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	Trojan Coal & Petroleum Corp., FPC GRS No. 2.	4	
			Supplement No. 1	4	1
			Article of merger 12–18–68.	4	2
			Effective date: 1–1–69		
CI65–870 E 7–22–69	do	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Trojan Coal & Petroleum Corp., FPC GRS No. 3.	5	
			Supplement No. 1	5	1
			Article of merger 12–18–68.	5	2
			Effective date: 1–1–69		
CI65–951 E 7–22–69	do	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Trojan Coal & Petroleum Corp., FPC GRS No. 4.	6	
			Supplement No. 1	6	1
			Article of merger 12–18–68.	6	2
			Effective date: 1–1–69		
CI65–1344 E 7–22–69	do	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	Trojan Coal & Petroleum Corp., FPC GRS No. 5.	7	
			Article of merger 12–18–68.	7	1
			Effective date: 1–1–69		
CI66–489 A 12–9–65	Phillips Petroleum Co. (Operator) et al. [10]	Panhandle Eastern Pipe Line Co., Selling Field, Dewey County, Okla., and Woodward County, Okla.	Contract 10–25–65	421	
CI66–659 E 7–22–69	Royal Oil & Gas Corp. (successor to Trojan Coal & Petroleum Corp.).	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	Trojan Coal & Petroleum Corp., FPC GRS No. 6.	8	
			Article of merger 12–18–68.	8	1
			Effective date: 1–1–69		
CI66–761 E 7–22–69	do	do	Trojan Coal & Petroleum Corp., FPC GRS No. 7.	9	
			Article of merger 12–18–68.	9	1
			Effective date: 1–1–69		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI70–178 A 8–25–69	Westrans Petroleum, Inc.	Consolidated Gas Supply Corp., Cooper Creek Field, Kanawha County, W. Va.	Contract 7–11–69 [11]	3	
CI70–182 (CI66–1280) B 8–28–69	Phillips Petroleum Co. (Operator) et al.	Southern Natural Gas Co., Kelly Field, Jackson Parish, La.	Notice of cancellation 8–22–69 [13]	450	1
CI70–183 (G–14369) B 8–28–69	Phillips Petroleum Co.	Cities Service Gas Co., Avard Field, Woods County, Okla.	Notice of cancellation 8–22–69 [13]	207	2
CI70–186 A 8–26–69 [11]	Royal Oil & Gas Corp.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	Contract 3–18–69 [11]	13	
CI70–187 A 8–26–69 [11]	Rockey Drilling Co. et al.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	Contract 3–18–69 [11]	1	
CI70–188 A 8–26–69 [11]	Winnie Fae Morris, agent for Russell G. Beall et al.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 4–14–69 [11]	10	
CI70–189 A 8–26–69 [11]	Hershberger Explorations, Inc.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	Contract 3–6–69 [11]	1	
CI70–190 A 8–26–69 [11]	James F. Scott, agent for Hershberger Explorations, Inc., et al.	Consolidated Gas Supply Corp., Grant District, Wetzel County, W. Va.	Contract 3–7–69 [11]	14	
CI70–192 A 8–26–69 [11]	Lloyd L. Long Co. agent for Lee Scott.	Consolidated Gas Supply Corp., Elk District, Gilmer County, W. Va.	Contract 3–19–69 [11]	338	
CI70–193 A 8–26–69 [11]	William K. Hinshaw, agent for Robinson Gas Co., et al.	Consolidated Gas Supply Corp., Clay District, Ritchie County, W. Va.	Contract 3–4–69 [11]	1	
CI70–194 A 8–26–69 [11]	Hayes L. Long, agent for Harrell L. Long d.b.a. Prior Oil Well Drilling Co.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Contract 2–12–69 [11]	322	
CI70–195 A 8–26–69 [11]	James F. Scott, d.b.a., Buffalo Oil Co.	Consolidated Gas Supply Corp., Union District, Harrison County, W. Va.	Contract 2–11–69 [11]	15	
CI70–196 A 8–26–69 [11]	H. E. Acker et al.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 2–24–69 [11]	2	
CI70–197 A 8–26–69 [11]	Harold Phillips, agent for J. & H. Productions.	Consolidated Gas Supply Corp., Coal District, Harrison County, W. Va.	Contract 2–26–69 [11]	1	
CI70–198 A 8–26–69 [11]	Joseph H. Hager et al.	Consolidated Gas Supply Corp., Collins and Hanks Districts, Lewis and Upshur Counties, W. Va.	Contract 2–11–69 [11]	8	
CI70–200 A 8–26–69 [11]	Allegheny Land & Mineral Co.	Consolidated Gas Supply Corp., Washington Districts, Upshur County, W. Va.	Contract 9–5–68 [11] [12]	17	
CI70–201 A 8–26–69 [11]	Lloyd G. Jackson et al., d.b.a. J. & G. Development Co.	Consolidated Gas Supply Corp., Union District, Upshur and Barbour Counties, W. Va.	Contract 12–10–68 [11]	8	
CI70–205 A 8–27–69 [11]	Jones & Pellow Oil Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 7–14–69	11	
CI70–1201 E 7–22–69	Royal Oil & Gas Corp. (successor to Patchin-Wilmoth Industries, Inc.).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Patchin-Wilmoth Industries, Inc., FPC GRS No. 2.	12	
			Supplement No. 1	12	1
			Article of merger 12–18–68	12	2
			Effective date: 1–1–69		
CI67–205 C 7–17–69 [11]	Dalco Oil Co.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendment 2–14–69 [11]	3	
CI67–1164 E 7–22–69	Royal Oil & Gas Corp. et al. (successor to Trojan Coal & Petroleum Corp.) et al.	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	Trojan Coal & Petroleum Corp., et al., FPC GRS No. 8.	10	
			Article of merger 12–18–68.	10	
			Effective date: 1–1–69		
CI68–1038 C 8–4–69 [11]	Tenneco Oil Co.	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	Supplemental agreement 7–16–69 [11]	223	
CI69–1175 A 6–10–69 [13]	Gulf Oil Corp. [14]	Texas Gas Transmission Corp., Church Point Field, Acadia Parish, La.	Contract 5–9–69 [11]	411	
CI69–1227 A 6–26–69	Marathon Oil Co. (Operator) [15]	Kansas-Nebraska Natural Gas Co., Inc., West Sidney Area, Cheyenne County, Nebr.	Contract 4–1–69	109	
CI70–43 (G–14369) F 7–7–69	J. Gregory Merrion et al. (successor to Humble Oil & Refining Co.).	El Paso Natural Gas Co., Bluff Pool, San Juan County, Utah.	Contract 11–25–57 [16]	9	
			Letter agreement 11–25–57	9	
			Letter agreement 12–15–58	9	
			Letter agreement 12–15–58	9	
			Assignment 4–17–69 [17]	9	
			Effective date: 5–1–69		
(G–14369) [15]	Humble Oil & Refining Co.	El Paso Natural Gas Co., Aneth Area, San Juan County, Utah.	Assignment 4–17–69 [17]	212	
			Effective date: 5–1–69		
CI70–44 E 7–7–69 (CI65–582) [18] (CI65–1224) [18] (CI66–134) [18] (CI65–844) [18]	J. Gregory Merrion et al.	Montana-Dakota Utilities Co., Poison Creek Unit, Fremont County, Wyo.	Humble Oil & Refining Co., FPC GRS No. 366.	10	
			Supplement No. 1	10	1
			Notice of succession 7–1–69.		
			Assignments 4–17–69 [17]	10	2
			Agreement 7–30–69 [19]	10	3
			Letter 4–30–69 [3]	10	4
			Letter 3–20–69 [3]	10	5
			Effective date: date of transfer of properties.		
			Assignment 4–1–69 [3]	10	6
			Effective date: 7–1–69		
CI70–82 A 7–28–69 [11]	Petrodynamics, Inc. (Operator) et al.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Contract 6–17–69	15	
			Letter agreement 6–9–69	15	1
			Compliance 9–2–69 [13] [20]	15	2
CI70–155 A 8–12–69 [11]	W. G. Bailey	United Fuel Gas Co., Lincoln District, Wayne County, W. Va.	Contract 5–10–48 [13]	1	
			Letter agreement 12–15–52	1	1
			Assignment 10–20–54 [21]	1	2
CI70–159 A 8–15–69 [11]	White Shield Oil & Gas Corp.	Consolidated Gas Supply Corp., Center District, Gilmer County and Salt Lick and Otter Districts, Braxton County, W. Va.	Contract 2–11–69 [11]	1	
CI70–162 A 8–15–69 [11]	David A. Paschke	Consolidated Gas Supply Corp., Hackers Creek District, Lewis County, W. Va.	Contract 5–19–69 [11]	3	
CI70–172 (G–15052) F 8–19–69	Northeast Texas Production Co. (successor to M & O Production Co.).	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Contract 9–25–51 [22]	1	
			Amendment 4–29–66	1	1
			Letter agreement 2–16–67 [23]	1	2
			Assignment 12–1–68 [3]	1	3
			Effective date: 12–1–68		

See footnotes at end of table.

[1] Assigns acreage from R. H. Adkins, doing business as Gulf Gas Co., to Edgar McComas.
[2] No abandonment filing made by Applicant. By letter dated June 30, 1969, Consolidated states that Applicant's gas purchase Contract No. 1042 dated Jan. 7, 1936, was canceled because deliveries had declined to the point where purchase thereof was no longer economical. Therefore, the certificate heretofore issued in Docket No. G-850 will be terminated and the related rate schedule canceled.
[3] Effective date: Date of this order.
[4] Assigns acreage from Henry C. Breck to Roy C. and Freeda M. Davisson.
[5] Acreage being deleted due to cancellation or expiration of lease as identified by letter agreement with buyer submitted concurrently with filing (service never commenced).
[6] Assigns acreage to Sun Oil Co. who drilled a dry hole and does not intend to develop the acreage further; Assignment No. S-6030BA (Supp. No. 12) and Assignment No. S-6030B (Supp. No. 13), respectively.
[7] By letter dated Sept. 30, 1968, Applicant expressed willingness to accept a permanent certificate containing Opinion No. 468 and 468-A conditions and by letter dated Aug. 25, 1969, expressed willingness to refund amounts in excess of applicable Opinion No. 468 rates.
[8] Assigns acreage to Sun Oil Co. who drilled a dry hole and does not intend to develop the acreage further; Assignment No. S-6224-V (Supp. No. 15) and Assignment No. S-6224-W (Supp. No. 16), respectively.
[9] Assigns acreage from W. H. Bryant (Operator) et al., to D. W. Hamilton (Operator) et al.
[10] By letter filed July 22, 1969, Applicant advised willingness to accept a permanent certificate conditioned to initial rates of 17 cents per Mcf (Panhandle area) and 15 cents per Mcf (Other area), both including tax reimbursement and subject to B.t.u. adjustment.
[11] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[12] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[13] Jan. 1, 1974, moratorium provided by Opinion No. 546-A.
[14] Applicant states its willingness to accept a permanent certificate conditioned to the provisions of Opinion Nos. 546 and 546-A.
[15] Temporary certificate issued Aug. 22, 1969. By letter filed Sept. 8, 1969, Applicant advised willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf at 15.025 p.s.i.a.
[16] Between The Carter Oil Co. and El Paso Natural Gas Co.; on file as Humble Oil & Refining Co. FPC GRS No. 212.
[17] Assigns acreage from Humble Oil & Refining Co. to Merrion and Bayless.
[18] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[19] Applicants are filing to continue in toto the sales of natural gas heretofore authorized to be made pursuant to the predecessors' certificates in Dockets Nos. C165-862, C165-844, C165-1224, and C166-134; therefore, said certificates will be terminated and the related rate schedules canceled except for Humble's FPC GRS No. 366 which is being redesignated as that of Applicants.
[20] Ratification of the Humble contract by Merrion et al.
[21] Preliminary assignment of Gulf Oil Corp. interest presently covered under its FPC GRS No. 368.
[22] Preliminary assignment of Patrick A. Doheny et al., interest covered under its FPC GRS No. 5.
[23] Assigns interest of Featherstone Farms Ltd., to Merrion et al., presently covered under its FPC GRS No. 1.
[24] Complies with temporary certificate issued Aug. 29, 1969. Applicant states willingness to accept a permanent certificate conditioned to a take-or-pay obligation of 1 to 3,650 ratio of reserves for the first 2 years.
[25] Between M. D. Bailey, seller and United Fuel Gas Co., buyer.
[26] From M. D. Bailey to W. G. Bailey. Sale being rendered on June 7, 1954, by predecessor; no certificate or rate filings were made by predecessor.
[27] Currently on file as MAPCO Production Co. (Operator) et al., FPC GRS No. 4.
[28] Not previously filed by predecessor. Provides basis for connection of deficient wells (as defined in letter agreement), at lower price.
[29] Conveys acreage from MAPCO Production Co. to Applicant (Colodex Davis Gas Unit No. 1 and Frank Davis Gas Unit No. 1).
[30] Source of gas depleted.
[31] Limited to gas produced from the Benson Sand and above.

[F.R. Doc. 69-13144; Filed, Nov. 6, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL BANCORPORATION

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)), and § 222.4(a) of the Board's Regulation Y (12 CFR 222.4(a)), by the First National Bancorporation, Denver, Colo., a bank holding company, for a determination that the planned insurance activities of its proposed nonbanking subsidiaries, Diversified Insurance, Inc. and Guaranty Insurors, Inc., are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the acquisition or retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c)(8) of the Bank Holding Company Act and in accordance with §§ 222.4(a) and 222.5(a) of the Board's Regulation Y (12 CFR 222.4(a), 222.5(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on December 11, 1969, at 10 a.m. at the Denver Branch of the Federal Reserve Bank of Kansas City, 17th and Arapahoe Streets, Denver, Colo. 80217, before Leonard J. Ralston (whose address is Small Business Administration, 1441 L Street NW., Washington, D.C. 20416), a hearing examiner selected by the Civil Service Commission, pursuant to section 3344 of title 5 of the United States Code. The hearing will be conducted according to the Board's rules of practice for formal hearings (12 CFR Part 263). The right is reserved to the Board or the hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, "Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, representatives of the Board, witnesses while testifying, and other persons having an official interest in the proceeding: *Provided, however*, That, on written request by a party or a representative of the Board, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony at the hearing should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Kansas City, Federal Reserve Station, Kansas City, Mo. 64198, on or before November 28, 1969, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such requests will be present to the hearing examiner, and the persons submitting the requests will be notified, prior to the hearing, of his determination thereon. The applications may be inspected at the Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Mo., or at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C.

Dated at Washington, D.C., this 31st day of October 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13270; Filed, Nov. 6, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2592]

COMMON STOCK FUND OF STATE BOND AND MORTGAGE CO. AND STATE BOND AND MORTGAGE CO.

Notice of Filing of Application for Order of Exemption

NOVEMBER 3, 1969.

Notice is hereby given that Common Stock Fund of State Bond and Mortgage Co. ("Common Stock Fund"), an open-end management investment company organized under the laws of the State of Maryland and registered under the Investment Company Act of 1940 ("Act"), and State Bond and Mortgage Co. ("State Bond and Mortgage"), 28 North Minnesota Street, New Ulm, Minn. 56073 (a registered face-amount certificate company organized under the laws of the State of Minnesota), which acts as principal underwriter for and investment adviser to Common Stock Fund ("Applicants"), have filed an application pursuant to section 6(c) of the Act, requesting an order of the Commission, exempting from the provisions of section 22(d) of the Act the sale by Applicants and any successor principal underwriter, of redeemable securities of Common Stock Fund without the usual sales charge to officers, directors, salesmen, and bona-fide full-time employees of wholly owned subsidiaries of State Bond and Mortgage who have been such for more than 90 days. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below:

Shares of Common Stock Fund are ordinarily offered to the general public at a public offering price which is the net asset value per share at the time of purchase plus a maximum sales charge of 8 percent of the public offering price, reduced on a declining scale for sales involving larger amounts.

Section 22(d) of the Act provides in substance that no registered investment company shall sell any redeemable security issued by it, and no principal underwriter of such security shall sell any such security except at a current public offering price described in the prospectus.

Common Stock Fund and State Bond and Mortgage seek the exemption in order to place employees, directors, and officers of wholly owned subsidiaries of State Bond and Mortgage in a position of equality with employees, directors and officers of State Bond and Mortgage. The sales would be made pursuant to a uniform offer described in the prospectus of Common Stock Fund and would be made only upon the written representation of the purchaser that the purchase is made for investment purposes and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

Applicants represent that the exemption would aid in improving relationships with employees, promote internal harmony among the employees of wholly owned subsidiaries of State Bond and Mortgage, facilitate the coordination of employee benefits, and provide for equal treatment of all employees, the proper performance of whose duties are of prime concern to State Bond and Mortgage.

Applicants further state that no sales expense will be incurred in the sales of shares for which exemption from the provisions of section 22(d) is sought. There will be no personal contact by sales representatives in connection with such sales, announcement of the availability of the shares will be made through internal house publications, and investments will ordinarily be made through a payroll deduction plan.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally, exempt any person or transaction from any provision of the Act or any regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 19, 1969, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13275; Filed, Nov. 6, 1969; 8:46 a.m.]

[812-2593]

DIVERSIFIED FUND OF STATE BOND AND MORTGAGE CO. AND STATE BOND AND MORTGAGE CO.

Notice of Filing of Application for Order of Exemption

NOVEMBER 3, 1969.

Notice is hereby given that Diversified Fund of State Bond and Mortgage Co. ("Diversified Fund"), an open-end management investment company organized under the laws of the State of Maryland and registered under the Investment Company Act of 1940 ("Act"), and State Bond and Mortgage Co. ("State Bond and Mortgage"), 28 North Minnesota Street, New Ulm, Minn. 56073 (a registered face-amount certificate company organized under the laws of the State of Minnesota), which acts as principal underwriter for and investment adviser to Diversified Fund ("Applicants"), have filed an application pursuant to section 6(c) of the Act, requesting an order of the Commission, exempting from the provisions of section 22(d) of the Act the sale by Applicants and any successor principal underwriter, of redeemable securities of Diversified Fund without the usual sales charge to officers, directors, salesmen, and bona-fide full-time employees of wholly owned subsidiaries of State Bond and Mortgage who have been such for more than 90 days. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below:

Shares of Diversified Fund are ordinarily offered to the general public at a public offering price which is the net asset value per share at the time of purchase plus a maximum sales charge of 8 percent of the public offering price, reduced on a declining scale for sales involving larger amounts.

Section 22(d) of the Act provides in substance that no registered investment company shall sell any redeemable security issued by it, and no principal underwriter of such security shall sell any such security except at a current public offering price described in the prospectus.

Diversified Fund and State Bond and Mortgage seek the exemption in order to place employees, directors, and officers of wholly owned subsidiaries of State Bond and Mortgage in a position of equality with employees, directors and officers of State Bond and Mortgage. The sales would be made pursuant to a uniform offer described in the prospectus of Diversified Fund and would be made only upon the written representation of the purchaser that the purchase is made for investment purposes and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

Applicants represent that the exemption would aid in improving relationships with employees, promote internal harmony among the employees of wholly owned subsidiaries of State Bond and Mortgage, facilitate the coordination of employee benefits, and provide for equal treatment of all employees, the proper performance of whose duties are of prime concern to State Bond and Mortgage.

Applicants further state that no sales expense will be incurred in the sales of shares for which exemption from the provisions of section 22(d) is sought. There will be no personal contact by sales representatives in connection with such sales, announcement of the availability of the shares will be made through internal house publications, and investments will ordinarily be made through a payroll deduction plan.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally, exempt any person or transaction from any provision of the Act or any regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 19, 1969, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any

time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13276; Filed, Nov. 6, 1969; 8:46 a.m.]

[File No. 7–3268]

ELECTRONIC MEMORIES & MAGNETICS CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 3, 1969.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Electronic Memories & Magnetics Corp., File No. 7–3268.

Upon receipt of a request, on or before November 18, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13279; Filed, Nov. 6, 1969; 8:46 a.m.]

[File No. 7–3269]

ELECTRONIC MEMORIES & MAGNETICS CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 3, 1969.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which, security is listed and registered on one or more other national securities exchange:

Electronic Memories & Magnetics Corporation, File No. 7–3269, $1.00 cumulative convertible preferred stock, $1 par value.

Upon receipt of a request, on or before November 18, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13280; Filed, Nov. 6, 1969; 8:47 a.m.]

[File No. 7–3275]

GENERAL PUBLIC UTILITIES CORP. (PENNSYLVANIA)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 3, 1969.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

General Public Utilities Corp. (Pennsylvania), File No. 7–3275.

Upon receipt of a request, on or before November 18, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13281; Filed, Nov. 6, 1969; 8:47 a.m.]

[File No. 7–3272]

LEASCO DATA PROCESSING EQUIPMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 3, 1969.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which, security is listed and registered on one or more other national securities exchange:

Leasco Data Processing Equipment Corp., File No. 7–3272, $2.20 Series B convertible preferred stock, $1 par value.

Upon receipt of a request, on or before November 18, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13282; Filed, Nov. 6, 1969; 8:47 a.m.]

[File No. 7–3273]

LEASCO DATA PROCESSING EQUIPMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 3, 1969.

In the matter of application of the Philadelphia - Baltimore - Washington - Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Leasco Data Processing Equipment Corp., File No. 7–3273, warrants (expiring June 4, 1978).

Upon receipt of a request, on or before November 18, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13283; Filed, Nov. 6, 1969; 8:47 a.m.]

[812–2591]

PROGRESS FUND, INC., AND STATE BOND AND MORTGAGE CO.

Notice of Filing of Application for Order of Exemption

NOVEMBER 3, 1969.

Notice is hereby given that Progress Fund, Inc. ("Progress Fund"), an open-end management investment company organized under the laws of the State of Maryland and registered under the Investment Company Act of 1940 ("Act"), and State Bond and Mortgage Co. ("State Bond and Mortgage"), 28 North Minnesota Street, New Ulm, Minn. 56073 (a registered face-amount certificate company organized under the laws of the State of Minnesota) which acts as principal underwriter for and investment adviser to Progress Fund ("Applicants"), have filed an application pursuant to section 6(c) of the Act, requesting an order of the Commission, exempting from the provisions of section 22(d) of the Act the sale by Applicants and any successor principal underwriter, of redeemable securities of Progress Fund without the usual sales charge to officers, directors, salesmen and bona-fide full-time employees of wholly owned subsidiaries of State Bond and Mortgage who have been such for more than 90 days. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below:

Shares of Progress Fund are ordinarily offered to the general public at a public offering price which is the net asset value per share at the time of purchase plus a maximum sales charge of 8 percent of the public offering price, reduced on a declining scale for sales involving larger amounts.

Section 22(d) of the Act provides in substance that no registered investment company shall sell any redeemable security issued by it, and no principal underwriter of such security shall sell any such security except at a current public offering price described in the prospectus.

Progress Fund and State Bond and Mortgage seek the exemption in order to place employees, directors, and officers of wholly owned subsidiaries of State Bond and Mortgage in a position of equality with employees, directors and officers of State Bond and Mortgage. The sales would be made pursuant to a uniform offer described in the prospectus of Progress Fund and would be made only upon the written representation of the purchaser that the purchase is made for investment purposes and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

Applicants represent that the exemption would aid in improving relationships with employees, promote internal harmony among the employees of wholly owned subsidiaries of State Bond and Mortgage, facilitate the coordination of employee benefits, and provide for equal treatment of all employees, the proper performance of whose duties are of prime concern to State Bond and Mortgage.

Applicants further state that no sales expense will be incurred in the sales of shares for which exemption from the provisions of section 22(d) is sought. There will be no personal contact by sales representatives in connection with such sales, announcement of the availability of the shares will be made through internal house publications, and investments will ordinarily be made through payroll deduction plan.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally, exempt any person, or transaction from any provision of the Act or any regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 19, 1969, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13277; Filed, Nov. 6, 1969; 8:46 a.m.]

[File Nos. 7-3270, 7-3271]

ROHR CORP. AND AMERADA HESS CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 3, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Rohr Corp.	7-3270
Amerada Hess Corp.	7-3271

Upon receipt of a request, on or before November 18, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such requests should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13284; Filed, Nov. 6, 1969; 8:47 a.m.]

[812-2422]

SECURITY BENEFIT LIFE INSURANCE CO. AND SBL VARIABLE ANNUITY ACCOUNT

Notice of Application To Permit Offer of Exchange and for Exemption

NOVEMBER 3, 1969.

Notice is hereby given that Security Benefit Life Insurance Co. ("SBL"), a mutual life insurance company organized under the laws of the State of Kansas, and SBL Variable Annuity Account ("VAA"), 700 Harrison Street, Topeka, Kans. 66603, a unit investment trust registered under the Investment Company Act of 1940 ("Act") (hereinafter called "Applicants"), have filed an application pursuant to sections 6(c) and 11(c) of the Act for an order of the Commission permitting an offer of exchange and exempting Applicants from certain provisions of sections 12(d)(1), 22(d), 26(a)(2), and 27(c)(2) of the Act, as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

VAA was established by SBL on November 8, 1968, in connection with the proposed sale to individuals and to groups of tax qualified variable annuity contracts ("Contracts") designed to provide retirement annuity benefits.

VAA was established pursuant to the laws of Kansas. Under these laws the income, gains, and losses of VAA may be credited to or charged against the amounts allocated to it in accordance with the Contracts without regard to the other income, gains or losses of SBL, and the assets of VAA are not chargeable with liabilities arising out of any other account or business SBL may conduct.

Net purchase payments under Contracts will be allocated to VAA and invested in shares of either Security Equity Fund, Inc., or Security Investment Fund, Inc. ("Funds"), both of which are open-end, diversified management investment companies registered under the Act. Net purchase payments under Series E Contracts will be invested in Security Equity Fund, Inc., and net purchase payments under Series I Contracts will be invested in Security Investment Fund, Inc.

Applicants propose to offer at retirement to holders of Series E Contracts the right to exchange their Contracts for Series I Contracts and holders of Series I Contracts the right to exchange their Contracts for Series E Contracts at the relative net asset values of the Contracts which are equal to the net asset value of the underlying Fund shares.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants represent that if an exchange at retirement between Series E Contracts and Series I Contracts or between Series I Contracts and Series E Contracts is permitted, Contract holders will have the opportunity to choose between shares of underlying Funds having different investment objectives, the objectives of one of which might well be more suitable to a Contract holder's retirement needs than would be the objectives of the other.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), in pertinent part, provides in substance that it shall be unlawful for any registered investment company (VAA) to purchase any security issued by any other investment company (Funds) if such registered investment company will, as a result of that purchase, own more than 3 percent of the outstanding voting stock of the other investment company, unless the registered investment company owns at least 25 percent of the outstanding voting stock of such other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates, pursuant to the terms of the trust indenture under which such certificates are issued.

VAA, which does not own at least 25 percent of the outstanding voting stock of either of Funds, may acquire more than 3 percent of the outstanding voting stock of either or both of Funds with the proceeds of payments on periodic payment plan certificates which are not issued pursuant to the terms of a trust indenture. Applicants state that an exemption from section 12(d)(1) is appropriate because the terms of Contracts together with the provisions of the applicable custodian agreement provide substantially the same framework as is normally contained in a corporate trust indenture, and the investment of the proceeds of such payments does not result in the abuses which section 12(d)(1) was designed to prevent.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus.

Applicants offer a redeemable security in the form of a Pension Trust Variable Annuity Contract which has a sales and administrative deduction of 8.5 percent. Applicants request an exemption to permit the sale of SBL's Group Variable Contract with a 6 percent sales deduction to any employer described in section 403(b) of the Internal Revenue Code of 1954, as amended, if the sale is made pursuant to a uniform offer described in the prospectus and the same offer is also made to all organizations listed in Rule 22d-1(e).

Variable Contracts issued by SBL will not participate in the surplus of SBL. However, whenever expenses relating to Variable Contracts are less than expected or the mortality of the participants is more favorable to SBL than anticipated, the directors of SBL may, at their discretion, increase the number of accumulation units standing to the credit of the owner or the participants' individual accounts or increase the number of annuity units standing to the credit of

participants. Any such adjustment and credit does not lend itself to a determination or specific allocation as between sales expense and administrative and other expense, nor is it possible to determine in advance the amount of such adjustments. Applicants request an exemption from the provisions of section 22(d) to permit such adjustments and credits without any deduction for sales and administrative expenses, since any applicable expenses would already have been made against the payments giving rise to such surplus.

Under the fixed Annuity Contracts issued by SBL, an election may be made to change the allocation from fixed to variable payments at the maturity date. The Applicants state that the sales expense described in the prospectus will already have been paid in connection with the purchase of the fixed annuity and it is not proposed to make any additional sales charge. An exemption is accordingly requested to permit the elimination of any requirement of a sales load with respect to the exercise of an option in a fixed annuity to change the allocation from fixed to variable payments.

The Variable Annuity Contracts permit the beneficiary of an individual who has died prior to the commencement of annuity payments to elect to have the proceeds applied, without reduction for sales and administrative expenses, to an annuity in lieu of a lump sum payment, and for this purpose Applicants request an exemption from section 22(d). Applicants also propose to eliminate the charges for sales and administrative expenses where amounts otherwise payable as a lump sum cash settlement by SBL under a life insurance policy issued by SBL are applied, at the election of the contract holder or the beneficiary, to provide a single payment immediate Variable Annuity Contract. The Applicants state that in all such cases a sales charge will already have been paid with respect to the life insurance policy and assert that the elimination of a second sales charge under such circumstances would appear to involve no unfair discrimination as between contract holders.

Sections 26(a)(2) and 27(c)(2) provide, in pertinent part, that a registered investment company and any depositor or underwriter for such company are prohibited from selling periodic payment plan certificates unless the proceeds are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing certain specified provisions. Section 26(a)(2) requires that the trustee or custodian shall have possession of all securities and properties of a unit investment trust and shall segregate and hold the same in trust.

VAA has entered into a Custodian Agreement with First National Bank of Topeka, Kans., covering the assets of VAA. The Custodian Agreement does not technically create a trust with respect to the assets. SBL, under Kansas insurance law, is required to retain the ownership and control of disposition of its property. The Applicants state that although a strict trust is not created with respect to the assets of the VAA, those assets will be in the possession of the bank as custodian, will be deposited for safekeeping in its vaults and will be physically segregated and held separately from the properties of any other persons; that SBL and the administration of the VAA are subject to the comprehensive regulatory supervision and control of the Commissioner of Insurance for Kansas; and that any basic protective measures contemplated by sections 26(a) and 27(c)(2) are substantially provided by the custodian arrangement and the extensive supervision of the Kansas Commissioner of Insurance. An exemption is requested from the provisions of sections 26(a)(2) and 27(c)(2) so as to make the requirement of a separate trust not applicable to the custodial arrangements of the VAA. The Applicants have consented that the requested exemption may be subject to the conditions (1) that the charges to Variable Annuity Contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payment of sums and charges out of the assets of the VAA shall not be deemed to be exempted from regulation by the Commission by reason of the requested order: *Provided*, That the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than the charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 18, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13278; Filed, Nov. 6, 1969; 8:46 a.m.]

[File No. 7-3274]

UNIVERSITY COMPUTING CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 3, 1969.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

University Computing Co., File No. 7-3274.

Upon receipt of a request, on or before November 18, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13285; Filed, Nov. 6, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Apco Manufacturing Co., Brodhead, Wis.; 10–11–69 to 10–10–70 (infants' and children's knit shirts and pajamas).

Blue Bell, Inc., Arab, Ala.; 10–17–69 to 10–16–70 (men's, boys', ladies' and girls' dungarees).

Blue Bell, Inc., Oneonta, Ala.; 10–17–69 to 10–16–70 (men's and boys' work clothing).

Cluett, Peabody & Co., Inc., Carbon Hill, Ala.; 10–15–69 to 10–14–70 (men's dress shirts).

Ely & Walker of Kennett, Inc., Kennett, Mo.; 10–12–69 to 10–11–70 (men's and boys' dress shirts and swim suits).

Ephrata Apparel Co., Ephrata, Pa.; 10–6–69 to 10–5–70 (children's dresses).

Form-O-Uth Brassiere Co., Inc., Pampa, Tex.; 10–14–69 to 10–13–70 (women's lingerie).

Greensboro Manufacturing Corp., Greensboro, N.C.; 10–19–69 to 10–18–70 (women's and children's nightwear).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; 10–10–69 to 10–9–70 (men's pants).

Irene Sportswear Co., Inc., Plant No. 2, Dalton, Pa.; 10–10–69 to 10–9–70; 10 learners (women's blouses and dresses).

Joyner Fields, Inc., Sherman, Miss.; 10–15–69 to 10–14–70 (men's shirts).

Kellwood Co., Alamo, Tenn.; 10–9–69 to 10–8–70 (women's foundation garments).

Kenrose Manufacturing Co., Inc., Roanoke, Va.; 10–19–69 to 10–18–70 (women's dresses).

Lexington Sportswear Co., Lexington, S.C.; 10–17–69 to 10–16–70 (men's and boys' outerwear jackets).

Logan Manufacturing Co., Russellville, Ky.; 10–2–69 to 10–1–70 (men's work pants).

Mitchell Manufacturing Inc., Corinth, Miss.; 10–20–69 to 10–19–70 (men's sport shirts).

Murcel Manufacturing Corp., Glennville, Ga.; 10–12–69 to 10–11–70 (nurses' and maids' uniforms).

Newport News Children's Dress Co., Newport News, Va.; 10–20–69 to 10–19–70 (children's and girls' dresses and playsuits).

Oshkosh B'Gosh, Inc., Celina, Tenn.; 10–8–69 to 10–7–70 (men's pants and shirts).

Pella Manufacturing Corp., Pella, Iowa; 10–14–69 to 10–13–70; 10 learners (men's work clothing).

Rappahannock Sportswear Co., Inc., Fredericksburg, Va.; 10–9–69 to 10–8–70 (men's pants).

Red Hill Apparel Co., Red Hill, Pa.; 10–6–69 to 10–5–70 (children's dresses).

J. H. Rutter Rex Manufacturing Co., Inc., New Orleans, La.; 10–11–69 to 10–10–70 (men's and boys' work pants and shirts).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; 10–14–69 to 10–13–70 (men's and boys' pants).

Southern Garment Co., Robbins, N.C.; 10–12–69 to 10–11–70; 10 learners (women's dresses).

Southland Manufacturing Co., Inc., Wilmington, N.C.; 10–14–69 to 10–13–70 (men's and boys' shirts).

Sullcraft Manufacturing Co., Inc., Dushore, Pa.; 10–4–69 to 10–3–70 (boys' pajamas).

Tioga Sportswear, Fall River, Mass.; 10–4–69 to 10–3–70 (men's and boys' sport jackets).

Tom & Huck Togs, Inc., Amory, Miss.; 10–15–69 to 10–14–70 (men's, boys' and ladies' slacks and walking shorts).

Tracy City Manufacturing Co., Tracy City, Tenn.; 10–17–69 to 10–16–70 (men's and boys' sport shirts).

The Van Heusen Co., Clayton, Ala.; 10–4–69 to 10–3–70 (men's shirts).

The Van Heusen Co., Geneva, Ala.; 10–4–69 to 10–3–70 (men's shirts).

The Van Heusen Co., Hartford, Ala.; 10–4–69 to 10–3–70 (men's shirts).

The Van Heusen Co., Ozark, Ala.; 10–4–69 to 10–3–70 (pajamas).

J. M. Wood Manufacturing Co., Inc., Dublin, Tex.; 10–5–69 to 10–4–70 (men's work pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

B. & D. Manufacturing Co., Inc., Sanford, Fla.; 10–13–69 to 4–12–70; 10 learners (men's sport shirts).

Don Juan Manufacturing Corp., Hertford, N.C.; 10–20–69 to 4–19–70; 40 learners (men's and boys' shirts).

Kellwood Co., Coffeeville, Miss.; 10–3–69 to 4–2–70; 40 learners (boys' pants).

So-Neet, Inc., Somerset, Pa.; 10–15–69 to 4–14–70; 10 learners (girl's coats).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

The Glove Corp., Heber Springs, Ark.; 10–8–69 to 10–7–70; 10 learners for normal labor turnover purposes (combination leather and cotton work gloves).

The Glove Corp., Heber Springs, Ark.; 10–18–69 to 4–17–70; 20 learners for plant expansion purposes (combination leather and cotton work gloves).

Monte Glove Co., Inc., Maben, Miss.; 10–20–69 to 10–19–70; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Amos Hosiery Mills, Inc., High Point, N.C.; 10–12–69 to 10–11–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Bayuk Caribe, Inc., Ciales, P.R.; 9–3–69 to 9–2–70; 10 learners for normal labor turnover purposes in the occupations of cigar making and packing, each for a learning period of 320 hours at the rates of $1.26 an hour for the first 160 hours and $1.36 an hour for the remaining 160 hours (cigars).

Ciales Manufacturing Corp., Ciales, P.R.; 8–27–69 to 8–26–70; 13 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.23 an hour (women's underwear).

Consolidated Caguas Corp., Caguas, P.R.; 9–8–69 to 9–7–70; 22 learners for normal labor turnover purposes in the occupations of cigar making and packing, each for a learning period of 320 hours at the rates of $1.26 an hour for the first 160 hours and $1.36 an hour for the remaining 160 hours (cigars).

Consolidated Cigar Corp., Caguas, P.R.; 9–8–69 to 9–7–70; 68 learners for normal labor turnover purposes in the occupations of cigar making and packing, each for a learning period of 320 hours at the rates of $1.26 an hour for the first 160 hours and $1.36 an hour for the remaining 160 hours (cigars).

Corozal Knitting Mills, Inc., Corozal, P.R.; 9–3–69 to 9–2–70; 10 learners for normal labor turnover purposes in the occupations of finger knitting and finger closing, each for a learning period of 320 hours at the rate of $1.30 an hour (knitted gloves and mittens).

Puerto Rico Knitting Mills, Inc., Corozal, P.R.; 9–3–69 to 9–2–70; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 320 hours at the rate of $1.30 an hour (sewing leather palms on knitted gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 31st day of October 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69–13272; Filed, Nov. 6, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 4, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41795—*Class and commodity rates from and to Robertson, Ala.* Filed by O. W. South, Jr., agent (No. A6139), for interested rail carriers. Rates on property moving on class and commodity rates, between Robertson, Ala. (when in connection with Arrow Transportation Co.), on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–13296; Filed, Nov. 6, 1969; 8:48 a.m.]

[Notice 936]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 4, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR, Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3094 (Sub-No. 16 TA), filed October 31, 1969. Applicant: SERVICE MOTOR FREIGHT, INC., Post Office Box 36, Barrington, N.J. 08007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Tallman, N.Y., to points in New Jersey, for 180 days. Supporting shipper: International Paper Co., 220 East 42d Street, New York, N.Y. 10017. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 8973 (Sub-No. 17 TA), filed October 27, 1969. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, building materials, equipment, and supplies* (except in bulk), from the warehouse and plant facilities of Alcan Aluminum Corp., located at Woodbridge, N.J., on the one hand, and, on the other, points in New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Virginia, and the District of Columbia, restricted against shipments when originating at Woodbridge, N.J., and destined to points in New York, New Jersey, and Connecticut within 150 miles of Columbus Circle, New York, N.Y., for 150 days. Supporting shipper: Alcan Aluminum Corp., 100 Erieview Plaza, Cleveland, Ohio 44101. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 29886 (Sub-No. 252 TA), filed October 20, 1969. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Paul E. LaRose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, from South Bend, Ind., to points in Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: William A. Roe, Traffic Manager, Procurement Division, Post Office Department, Bureau of Facilities, Washington, D.C. 20260. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 61417 (Sub-No. 1 TA), filed October 27, 1969. Applicant: FIREPROOF STORAGE COMPANY, 728 East Shiawassee Street, Lansing, Mich. 48902. Applicant's representatives: Alan F. Wohlstetter and Joseph F. Mullins, Jr., 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Ingham, Livingston, Eaton, Barry, Shiawassee, Clinton, Ionia, Kent, Montcalm, Gratiot, Midland, Kalamazoo, Calhoun, Jackson, Washtenaw, Oakland, and Macomb Counties, Mich., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: DeWitt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, Calif. 90042; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif.; Mollerup Freight Forwarding Co., 2900 South Main Street, Salt Lake City, Utah 84115. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 94350 (Sub-No. 247 TA), filed October 28, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: G. P. Apperson, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Williams County, Ohio, to points in Youngstown, Portsmouth, Cincinnati, Dayton, Columbus, Cleveland, and Toledo, Ohio; Mayfield, Bowling Green, Lexington, Louisville, and Nashville, Ky.; Evansville, Terre Haute, South Bend, Indianapolis, Gary, and Fort Wayne, Ind.; Detroit, Lansing, Grand Rapids, Ishpeming, and Flint, Mich.; Rockford, Chicago, Peoria, St. Louis, and Springfield, Ill.; and Superior, Eau Claire, Green Bay, Madison, and Milwaukee, Wis., for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., Post Office Box 7638, Riverside, Calif. 92503. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 106398 (Sub-No. 430 TA), filed October 30, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, buildings in sections, building panels, building parts, and accessories*, from plantsite of Crown, Inc., Bristol, Conn., to points in Pennsylvania, Kentucky, North Carolina, South Carolina, West Virginia, Ohio, Michigan, and Indiana, for 180 days. Supporting shipper: Karl Schwartz, Crown, Inc., Post Office Box 98, Cross Street, Bristol, Conn. 06010. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107295 (Sub-No. 234 TA), filed October 30, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and varnish* (except in bulk), from Paterson, N.J., to points in Ohio, Kentucky, Tennessee, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, and Arkansas, for 180 days. Supporting shipper: Frisch & Co., Inc., 88 East 11th Street, Paterson, N.J. 07524. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations,

Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113908 (Sub-No. 202 TA), filed October 30, 1969. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Box 3180, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete admixtures*, in bulk, in tank vehicles, from Springfield, Mo., to Dallas, Tex., for 180 days. Supporting shipper: Master Builders Division, Martin Marietta Corp., 2490 Lee Boulevard, Cleveland, Ohio 44118. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 118127 (Sub-No. 13 TA), filed October 30, 1969. Applicant: HALE DISTRIBUTING COMPANY, INC., 914 South Vail Avenue, Montebello, Calif. 90640. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Southboro, Mass., to points in Los Angeles County, Calif., for 150 days. Supporting shipper: Ever-Freez Food Distributors, Inc., 904 West Whittier Boulevard, Montebello, Calif. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128648 (Sub-No. 4 TA), filed October 28, 1969. Applicant: TRANS UNITED, INC., Post Office Box 215, South Gate, Calif. 90280. Applicant's representatives: Wm. J. Lippman and Arthur Bernstein, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractor parts, loader parts, tractor attachments, and loader attachments, and equipment materials and supplies* used in the manufacture of the above-named commodities, (1) between Saginaw, Tex., and points within 4 miles thereof, and Chicago, Ill., and points within 25 miles thereof, and the storage and distribution facilities of the Pettibone Mulliken Corp. at East Rutherford, N.J., and (2) between the points described in (1) above, on the one hand, and on the other, points in the United States, except Alaska and Hawaii. Restriction: the operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Pettibone Mulliken Corp. of Torrance, Calif., for 180 days. NOTE: Applicant intends to tack with MC 128648 Sub 1. Supporting shipper: Pettibone Westrac, a division of Pettibone Mulliken Corp., Post Office Box 4389, Fort Worth, Tex. 76107. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133154 (Sub-No. 3 TA), filed October 30, 1969. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, Calif. 92335. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses and box springs*, in packages, from Los Angeles, Calif., to Phoenix and Tempe, Ariz., for 180 days. Supporting shipper: Ortho Mattress, 5431 West 104th Street, Los Angeles, Calif. 90045. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134114 TA (Amendment), filed October 20, 1969, published in the FEDERAL REGISTER, issue of October 28, 1969, and republished, this issue. Applicant: ELMER WILSON, doing business as NEBRASKA BEEF EXPRESS, 8024 State Street, Ralston, Nebr. 68051. Applicant's representative: Kenneth P. Weiner, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Will, Cook, Du Page, and Kane Counties, Ill., Cedar Rapids, Iowa, and Milwaukee, Kenosha, Madison, and Green Bay, Wis., for 180 days. Supporting shipper: J. F. O'Neill Packing Co., 3120 L Street, Omaha, Nebr.; Geo. F. Kleine, Office Manager. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102. NOTE: The purpose of this republication is to redescribe the territorial description involved and to reflect a change in the time duration to 180 days in lieu of 150 days as previously published.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-13297; Filed, Nov. 6, 1969; 8:45 a.m.]

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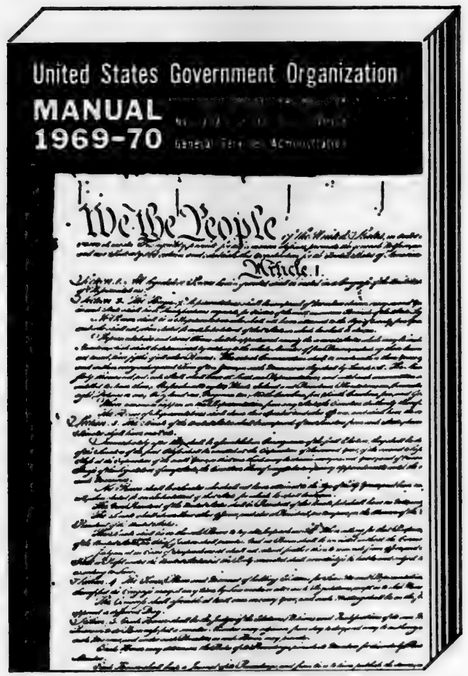
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Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

[File No. CO 845-P]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Subparagraph (5) of paragraph (b) of § 212.8 is amended to read as follows:

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(b) *Aliens not required to obtain labor certifications.* The following persons are not considered to be within the purview of section 212(a)(14) of the Act and do not require a labor certification: * * *

(5) an alien who establishes satisfactorily that he has been accepted by an institution of learning in the United States, that he will be pursuing a full course of study in the United States for at least two full consecutive academic years, and that he has sufficient financial resources to support himself and will not seek employment during that period. If it will be necessary for the spouse of such a student to accept employment in the United States, the spouse must obtain a labor certification notwithstanding the provisions of subparagraph (2) of this paragraph.

PART 214—NONIMMIGRANT CLASSES

§ 214.1 [Amended]

1. The second and third sentences of paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* are amended to read as follows: "A nonimmigrant other than one in the classes defined in section 101(a)(15) (A) (i) or (ii) or (G) (i), (ii), (iii), or (iv) of the Act (members of which classes are not required to obtain extensions of stay if they continue to be so recognized by the Secretary of State as members of such classes); section 101(a)(15) (C) or (D) of the Act (members of which classes are ineligible for extensions of stay), or section 101(a)(15) (F) or (J) of the Act, and whose period of admission has not expired, shall apply on Form I-539 and may be granted or denied, without appeal, an extension of his period of temporary admission by an officer in charge of a suboffice or a district director. A separate application must be executed and submitted for each alien seeking an extension of temporary stay; however, regardless of whether they accompanied the applicant to the United States, the minor, unmarried children of any applicant may be included in the application of the principal applicant and may be granted the same extension without fee."

§ 214.2 [Amended]

2. The last sentence of subparagraph (1) *General* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is deleted and the following two sentences are inserted in lieu thereof: "A student shall not be eligible to transfer to another school unless he submits a valid Form I-20 completed by that school and the Service grants him permission to transfer. Application for transfer shall be made on Form I-538 and shall be filed in the Service office having jurisdiction over the school which he was last authorized by the Service to attend."

3. The second sentence of subparagraph (2) *Extension* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is deleted and the following two sentences are inserted in lieu thereof: "Application for extension of stay shall be made on Form I-538. A student who desires an extension of stay for his spouse and children in a classification under section 101(a)(15)(F)(ii) of the Act may include them in his application."

4. Subparagraph (3) of paragraph (f) of § 214.2 is amended and a new subparagraph (4) is added to read as follows:

(3) *Employment.* An application by a student for permission to accept or continue employment shall be filed on Form I-538. If a student requests permission to accept part-time employment because of economic necessity, he must establish that the necessity is due to unforeseen circumstances arising subsequent to entry, or subsequent to change to student classification, and an authorized school official must certify that part-time employment will not interfere with the student's ability to carry successfully a full course of study. Permission to accept or continue employment because of economic necessity may be granted in increments of not more than 12 months each. If a student requests permission to accept or continue employment in order to obtain practical training, an authorized school official must certify that the employment is recommended for that purpose and will provide the student with practical training in his field of study and, upon information and belief, would not be available to the student in the country of his foreign residence. Permission to accept or continue temporary employment to obtain practical training may be granted in increments of not more than 6 months each for a maximum of not more than 18 months in the aggregate. The application for the first period of practical training shall be submitted to the office of the Service having jurisdiction over the school recommending practical training. Subsequent applications to continue practical training must contain the recommendation of that school and may be submitted to the office of the Service having jurisdiction over the actual place of training. A student enrolled in a college or university having alternative work-study courses as a part of its regular prescribed curriculum may participate in such courses without obtaining a change of status and without filing an application for permission to accept employment; however, such periods of actual employment shall be considered as practical training. A student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period if he presents Form I-20 endorsed by his school to indicate the date to which such training was authorized by the district director. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto. A student who is offered this kind of on-campus employment, or any other on-campus employment which will not displace a U.S. citizen resident, does not require Service permission to engage in such employment. Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of his authorized stay and is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place where the student is employed.

(4) *Decision on application for extension, permission to transfer to another school, or permission to accept or continue employment.* The applicant shall be notified of the decision and, if the application is denied, of the reason therefor. No appeal shall lie from the decision.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3

Aliens in immediate and continuous transit is amended by adding the following transportation lines in alphabetical sequence: "Aeroflot-Soviet Airlines" and "China Airlines, Ltd."

§ 238.4 [Amended]

The listings of transportation lines in § 238.4 *Preinspection outside the United States* are amended as follows:

1. Under "At Montreal" the transportation line "Quebecair" is added in alphabetical sequence.

2. Under "At Vancouver" the transportation line "Universal Airlines, Inc." is added in alphabetical sequence.

3. Under "At Toronto" the transportation line "Quebecair" is added in alphabetical sequence.

4. Under "At Winnipeg" the transportation line "Trans Air Limited" is added in alphabetical sequence.

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.4 [Amended]

Section 316a.4 *International Organizations Immunities Act designations* is amended by adding the following public international organization in alphabetical sequence: "United International Bureaux for the Protection of Intellectual Property (BIRPI) (E.O. 11484, Sept. 29, 1969)."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Except with respect to the amendments to §§ 214.1 and 214.2, which shall become effective on January 1, 1970, the other amendments in this order shall be effective on the date of their publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 212.8 is clarifying in nature; the amendments to §§ 214.1 and 214.2 confer benefits upon persons affected thereby; and the amendments to §§ 238.3, 238.4, and 316a.4 add transportation lines and a public international organization to the listings.

Dated: November 4, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-13320; Filed, Nov. 7, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENT OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rate of Interest on Time and Savings Deposits

1. Effective November 5, 1969, § 329.3 (g) is amended to read as follows:

(g) *Time deposits of foreign governmental entities and international organizations.* Section 329.6 does not apply to the rate of interest that may be paid by an insured nonmember bank on a time deposit having a maturity of 2 years or less and representing funds deposited and owned by (1) a foreign government, or an agency or instrumentality thereof engaged principally in activities which are ordinarily performed in the United States by governmental entities, (2) an international entity of which the United States is a member, or (3) any other foreign, international or supranational entity specifically designated by the Board of Directors as exempt from § 329.6. All certificates of deposit issued by insured nonmember banks to such entities on which the contract rate of interest exceeds the maximum prescribed under § 329.6 shall provide that (i) in the event of transfer, the date of transfer, attested to in writing by the transferor, shall appear on the certificate, and (ii) the maximum rate limitations of § 329.6 in effect on the date of issuance of the certificate shall apply to the certificate for any period during which it is held by a person other than an entity exempt from § 329.6 under the foregoing sentence.[1] Upon the presentment of such a certificate for payment, the bank may pay the holder the contract rate of interest on the deposit for the time that the certificate was actually owned by an entity so exempt.

2. The present footnote 11 at the end of § 329.3(f) is redesignated as footnote 10.

3a. The purposes of this amendment are (1) to expand the categories of organizations on whose time deposits insured nonmember banks may pay rates of interest in excess of those permitted by § 329.6, and (2) to provide an alternative method by which an exempt organization may transfer a certificate of deposit to a nonexempt holder. Formerly, a time deposit of a foreign government, a monetary or financial authority of a foreign government when acting as such, or an international financial institution of which the United States is a member was exempt from the interest rate limitations of § 329.6. A broadening of the categories of exempt organizations is consistent with the purposes of § 329.3 (g)—to encourage the maintenance of foreign governmental time deposits in American banks. An alternative method of transferring to a nonexempt holder a certificate of deposit issued to an exempt organization is included in footnote 11. The alternative method provides the same safeguards as the method heretofore prescribed by § 329.3(g).

b. The procedures of 5 U.S.C. § 553(b) and of 12 CFR 302.1–302.5, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. The alternative method of transfer is procedural in nature and involves no substantive change. The revision of the categories of exempt organizations is a liberalization resulting in the relaxation of their restrictive nature. In these circumstances, the Board of Directors found such procedures to be unnecessary and contrary to the public interest.

(Sec. 9, 18(g), 64 Stat. 881–82, 80 Stat. 824; 12 U.S.C. 1819, 1828(g))

Dated at Washington, D.C., this 5th day of November 1969.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-13353; Filed, Nov. 7, 1969; 8:48 a.m.]

[1] A new certificate not maturing prior to the maturity date of the original certificate may be issued by the insured nonmember bank to the transferee, in which event the original must be retained by the bank. The new certificate may not provide for interest after the date of transfer at a rate in excess of the applicable maximum rate authorized by § 329.6 as of the date of issuance of the original certificate.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9699; Amdt. 672]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 69-12370 appearing at page 17233 in the issue of Friday, October 24, 1969, the third entry under the heading "Via" at the top of page 17239 should be changed to read "10 mile Arc AKN, R 280° lead radial."

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Package Containing Single Consumer Commodity

Section 503.4 (34 F.R. 8351) was published May 30, 1969, to clarify the requirement for declaration of net quantity in terms of count for the purpose of §§ 500.6 and 500.7 of the regulations in Part 500. To illustrate § 503.4, examples were cited which identified certain commodities which are now excluded from

"consumer commodity" status as that term was interpreted on August 9, 1969, in § 503.5 (34 F.R. 12944). For the purpose of consistency, and to prevent possible misunderstanding, the need to amend § 503.4 by deleting the commodity examples used and replacing them with commodities which are "consumer commodities", is recognized.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 80 Stat. 1297, 1298; 15 U.S.C. 1453, 1455) § 503.4 is revised to read as follows:

§ 503.4 Net quantity of contents, numerical count.

To clarify the requirement for declaration of net quantity in terms of count for the purpose of §§ 500.6 and 500.7 of the regulations in Part 500 of this subchapter, the following interpretation is rendered.

(a) When a consumer commodity is properly measured in terms of count only, or in terms of count and weight, volume, area, or dimension, the regulations are interpreted not to require the declaration of the net content as "one", provided the statement of identity clearly expresses the fact that only one unit is contained in the package. Thus the unit synthetic sponge, the unit light bulb, and the unit dry cell battery do not require a net quantity statement of "one sponge," "one light bulb," or "one dry cell battery." However, there still exists the necessity to provide a net quantity statement to specify weight, volume, area, or dimensions when such are required. For example, the synthetic sponge which is packaged, requires dimensions such as "5 in. x 3 in. x 1 in." A multicomponent package or a package containing two or more units of the same commodity shall bear the net quantity statement in terms of count, and weight, volume, area, or dimensions as required. This interpretation does not preclude the option to enumerate a unit count on a single packaged commodity if so desired.

Issued: November 5, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-13326; Filed, Nov. 7, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin-Sulfonamide Combination Products for Oral Administration; Postponement of Effective Date of Order and Extension of Time for Submitting Data

Drugs for human use; drug efficacy study implementation.

An order was published in the FEDERAL REGISTER of September 27, 1969 (34 F.R. 14890), to become effective in 40 days, amending Part 148e of the antibiotic drug regulations to repeal provisions for certification of combination drugs containing erythromycin and triple sulfonamides for oral administration. Thirty days were provided for filing proper objections to the order and requests for a hearing.

The Commissioner of Food and Drugs has received objections and a request for an extension of the effective date to allow time for the submission of additional data.

Good reason therefor appearing, the effective date of the order is hereby postponed, and an additional 30 days from November 6, 1969, will be allowed for the submission of pertinent data. The order shall become effective January 5, 1970, unless stayed by the Commissioner upon the filing of substantial evidence of the effectiveness of the drugs, consisting of adequate and well-controlled studies, or by the filing of legally adequate objections.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357, 21 CFR 2.120)

Dated: November 4, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-13330; Filed, Nov. 7, 1969; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—IRRIGATION PROJECTS: OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Tribal and Trust Patent Indian Lands of the San Carlos Irrigation Project, Ariz.; Basic Charges

On page 15361 of the FEDERAL REGISTER of October 2, 1969, there was published a notice of intention to modify § 221.110 of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assessments against tribal lands and trust patent Indian lands of the San Carlos Irrigation Project, Ariz.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, nor objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

The revised section will read as follows:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the Act of March 3, 1905 (33 Stat. 1081), as amended and supplemented by the Acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the Act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U.S.C. 387), and the Act of August 9, 1937 (50 Stat. 577), as amended by the Act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Ariz., and the basic rate assessed for the calendar year 1970 and the subsequent years unless changed by further order, is hereby fixed at $8.50. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. The assessment for the 50,000 acres of Indian land will be payable as provided in § 222.111 to § 221.116, inclusive.

GEORGE W. HEDDEN,
Assistant Area Director.

[F.R. Doc. 69-13324; Filed, Nov. 7, 1969; 8:45 a.m.]

PART 221—OPERATION AND MAINTENANCE CHARGES

Colorado River Indian Irrigation Project, Ariz.; Charges

On page 15360 of the FEDERAL REGISTER of October 2, 1969, there was published a notice of intention to amend § 221.6 of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assessments against lands of the Colorado River Indian Irrigation Project, Ariz.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, nor objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Section 221.6 is amended to read as follows:

§ 221.6 Charges.

Pursuant to the provisions of the Acts of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385–387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed at $11 per irrigable acre, whether water is used or not. Payment of this charge will entitle the water user to, but not in excess of, 8 acre-feet of water per acre per annum on certain sandy areas as described in a schedule on file at the Colorado River Indian Agency, and available for inspection by interested parties, and to 5 acre-feet of water per annum per irrigable acre on all other lands. With

the approval of the Superintendent, additional water, reasonably sufficient to carry away alkali salts, may be allowed on certain alkali tracts at no additional charge for the purpose of reclaiming lands by the usual methods, such as flooding and leaching. The foregoing charges and allotments of water shall become effective for the calendar year 1970 and continue in effect thereafter, until further notice.

GEORGE W. HEDDEN,
Assistant Area Director.

[F.R. Doc. 69-13325; Filed, Nov. 7, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-114]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

MANHASSET BAY AT KINGS POINT, NEW YORK

1. The Commander, 3d Coast Guard District, New York, N.Y., by letter dated September 23, 1969, requested the establishment of a special anchorage area in Manhasset Bay, Western Long Island, in the vicinity of Kings Point, N.Y. A public notice dated July 17, 1969, was issued by Commander, 3d Coast Guard District, New York, N.Y., describing the proposed anchorage. All known interested parties were notified and requested to comment on the proposal. No objections were received. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to establish a special anchorage area in Manhasset Bay, Western Long Island, in the vicinity of Kings Point, N.Y., as described below, is granted, subject to the right to change the requirements and to amend the regulation if and when necessary in the public interest. In this special anchorage area vessels not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

2. In Part 110, Subpart A is amended by adding a new § 110.60(i-1), following § 110.60(i), reading as follows:

§ 110.60 Port of New York and vicinity.

* * * * * *

(i-1) *Manhasset Bay, at Kings Point.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155 (a)(6)) bounded as follows: Beginning at a point on the shoreline at latitude 40°49'24.4", longitude 73°43'41.5"; thence to a point at latitude 40°49'32.5", longitude 73°43'30.1"; thence to a point at latitude 40°49'42.9", longitude 73°43'55.2"; thence to a point on the shoreline at latitude 40°49'39", longitude 73°43'59"; thence along the shoreline to the point of beginning.

* * * * * *

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180; 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(11))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: November 3, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-13367; Filed, Nov. 7, 1969; 8:49 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 67—POSTAL SERVICE

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, Part 67 of Title 35 of the Code of Federal Regulations is amended as follows:

1. Subparagraph (5) of paragraph (a) of § 67.701 is amended to read as follows:

§ 67.701 Domestic and domestic-international money orders.

(a) *Procedure for issuance.* * * *

(5) The issuing employee's initials shall be inserted in the space provided and a clear impression of the office dating stamp shall be placed on the order, purchaser's receipt, post office record stub, and accounting copy.

* * * * * *

2. The third sentence of paragraph (b) of § 67.702 is amended to read as follows:

§ 67.702 International money orders.

* * * * * *

(b) * * * The post office record stub of the domestic money order shall be endorsed on the back "Int. M.O.—Postmaster, Washington, D.C.," and placed in proper sequence with other stubs. * * *

3. The first sentence of subparagraph (1) of paragraph (b) of § 67.703 is amended to read as follows:

§ 67.703 Spoiled or not issued money order forms.

* * * * * *

(b) * * *

(1) Stamp or write boldly "Not Issued" or "Spoiled" across the face of the money order, purchaser's receipt, and post office record stub, and cross out the amount. * * *

* * * * * *

4. Subparagraph (1) of paragraph (g) of § 67.722 is amended to read as follows:

§ 67.722 General procedures for payment of money orders.

* * * * * *

(g) * * *

(1) *Initial procedure.* When a money order more than 60 days old is presented at the issuing office for payment or repayment, the paying clerk shall examine the related money order post office record stub to ascertain whether an application for duplicate has been certified and forwarded to the Director of Posts.

* * * * * *

5. Subparagraph (1) of paragraph (b) of § 67.723 is amended to read as follows:

§ 67.723 Payment of invalid Canal Zone and United States money orders.

* * * * * *

(b) *Payment of stale Canal Zone money order—(1) Procedure.* In order to obtain payment of the amount of an original or duplicate money order which remains unpaid after the lapse of one year from the last day of the month of issue of the original, the holder shall present such original or duplicate order to the Postmaster at any office, who shall complete Form 1250-Rev., attach the order thereto, and forward it to the Director of Posts. If the request is made by the issuing Postmaster, he shall make appropriate endorsement on the post office record stub of the original money order. If made by a Postmaster at a post office other than the issuing office, the Director of Posts will send Form 1250-Rev. to the issuing Postmaster who shall make appropriate endorsement on the post office record stub, complete the "Certificate of Issuing Postmaster" and return the form to the Director of Posts. If the Director of Posts is satisfied that the order has not been paid or repaid and that the applicant is entitled thereto, the money order submitted will be returned to the Postmaster making the request with authorization for payment.

* * * * * *

6. Paragraph (b) of § 67.761 is amended to read as follows:

§ 67.761 Time limitations.

* * * * * *

(b) An application may be accepted, certified, and forwarded at once, if the mutilated order accompanies the application or the original money order has been inadvertently destroyed and the person in whose favor the application is made executes a good and sufficient bond of indemnity in a penal sum not less than the amount of the order, conditioned upon the refund of the amount paid on the duplicate in the event that, after payment thereof, any other person establishes a valid claim to the original order, or in case the original order has been paid to the rightful owner.

* * * * * *

7. Section 67.762 is amended as follows: Paragraphs (a) and (d) are revised and new paragraph (e) is added. As amended § 67.762 reads as follows:

§ 67.762 Acceptance of application for duplicate money order.

(a) An application for duplicate money order may be accepted at any post office or branch on Form No. 1266, for a money order issued by the Canal Zone Postal Service, or on Form No. 6401, for a money order issued by the U.S. Postal Service.

* * * * * *

(d) Application for a duplicate of a Canal Zone money order (Form 1266) shall be sent to the Postmaster having custody of corresponding post office record stub for certification and transmittal to Director of Posts in accordance with § 67.763.

(e) Application for duplicate of a U.S. money order (Form 6401) shall be completed in accordance with 39 CFR and forwarded to the U.S. Postal Service address preprinted on the front of Form 6401.

8. Section 67.763 is revised to read as follows:

§ 67.763 Certification and forwarding of application for duplicate money order.

(a) In certifying an application for a duplicate money order, the particulars thereon (number, amount, date of issue) shall be compared with those on the post office record stub to see that all are entered correctly.

(b) When an application for a duplicate is certified, the post office record stub shall be endorsed: "Duplicate applied for in favor of _____ _____ (remitter, payee, endorsee, as the case may be), _____ 19__".

(c) Upon certification of an application for duplicate money order (Form 1266) and the endorsement of the corresponding post office record stub, a dummy post office record stub shall be prepared and inserted in post office files in place of the post office record stub. The particulars noted in paragraph (a) of this section will be entered on the front of the dummy post office record stub, and endorsement noted in paragraph (b) of this section will be entered and completed on the back of the dummy post office record stub.

(d) Upon certification, each Form 1266, "Application for Duplicate" (including those accompanied by bond of indemnity or by a mutilated, defaced or illegally endorsed money order) shall be forwarded to the Director of Posts accompanied by the corresponding post office record stub.

9. Paragraph (a) of § 67.765 is revoked.

(2 C.Z.C. §§ 1131-1133, 76A Stat. 38-39)

Dated: October 17, 1969.

[SEAL] W. P. LEBER,
Governor.

[F.R. Doc. 69-13346; Filed, Nov. 7, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 12]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

COUNTY AND FARM ALLOTMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.) to modify the procedure for establishing farm allotments for 1970 in the light of the 1970 national allotment of 17 million acres compared to the 1969 national allotment of 16 million acres. Included in this amendment are the following:

1. The limit on the computed county allotment in § 722.408(a) is raised from 110 percent to 116 percent of the county total of farm preliminary allotments determined under § 722.409(a). Acreage regained due to the limitation shall be apportioned to the remaining counties on the basis of a second factor and any remainder shall be added to the State reserve as a set-aside.

2. Section 722.409(a) is amended to provide that the preliminary allotment initially used shall be the preceding year's allotment without reduction for minimum buildup.

3. Section 722.410(a) is amended to require use of a preliminary allotment reduced for minimum buildup in cases where the factored allotment otherwise would cause the farm to lose eligibility as a small farm under the upland cotton program.

Since the State and county committees and farmers need to know the provisions of this amendment as soon as possible in connection with the establishment of 1970 farm allotments, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the FEDERAL REGISTER.

The subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, 19823, 34 F.R. 924, 2351, 3733, 5099, 7231, 12325) is amended as follows:

1. Paragraph (a) of § 722.408 is revised to read as follows:

§ 722.408 Apportionment of State allotment and State's share of national reserve among counties and establishment of county reserve.

(a) *Apportionment of State allotment.* The State allotment less (1) the allotment attributable to history pooled as a result of productivity adjustments under § 722.429(c), and (2) the State reserve for the current year, shall be apportioned among counties on the basis of the average acreage planted to cotton in each county in the 5 base years with adjustments in such acreage for failing to seed cotton because of abnormal weather conditions. Such adjustments shall be made in the manner provided in § 722.405(a). Notwithstanding the foregoing, no county shall receive a computed county allotment in excess of 116 percent of the county total of farm preliminary allotments determined under § 722.409(a). Acreage regained due to this limitation shall be apportioned to the remaining counties in the State on the basis of a second factor. Acreage not allocated on the basis of such second factor shall be added to the State reserve as a set-aside. The acreage apportioned under this paragraph shall be the computed county allotment.

* * * * * *

2. The second sentence up to the colon of paragraph (a) of § 722.409 is revised to read as follows:

§ 722.409 Establishment of preliminary allotments.

(a) *Preliminary allotment is preceeding year's allotment.* * * * The preliminary allotment shall be the preceding year's allotment after any permanent adjustment to or from the farm for the year preceding the current year in the following cases:

* * * * * *

3. Paragraph (a) of § 722.410 is amended by adding the following language at the end thereof:

§ 722.410 Establishment of farm allotments.

(a) *Factored allotments for old cotton farms in all counties.* * * * Notwithstanding the foregoing provisions of this paragraph and § 722.409, if the preliminary allotment for the farm was established under § 722.409(a) and the factored allotment so determined causes the farm to lose its status as a "small farm" (i.e., farm on which the farm allotment is 10 acres or less, or on which the projected farm yield times the farm allotment is 3,600 pounds or less, and the farm allotment has not been reduced by release under § 722.412) for purposes of the 1970 Upland Cotton Program, the preliminary allotment for this purpose for such farm shall be the preceding year's allotment prior to any increase for minimum allotment but after any permanent adjustment to or from the farm for the year preceding the current year: *Provided,* That if the factored allotment so determined also causes the farm to lose its status as a "small farm", the factored allotment shall be the larger of the two calculated for the farm.

* * * * * *

(Secs. 344, 375; 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C. on November 4, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-13369; Filed, Nov. 7, 1969; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangerine Reg. 37, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order

No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida tangerine crop and the current and prospective market conditions. More restrictive regulation requirements should be made effective no later than November 10, 1969, because maturity of the tangerines is such that larger amounts are available, hence, a higher minimum grade regulation for Florida tangerines for fresh shipment is needed to (1) maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable tangerines to fresh market outlets, and (2) provide consumers with Florida tangerines of the most desirable quality.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 10, 1969. Domestic shipments of Florida tangerines are currently regulated pursuant to Tangerine Regulation 37 (34 F.R. 14379) and determinations as to the need for, and extent of, continued regulation of domestic shipments of tangerines must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such tangerine shipments subsequent to November 10, 1969, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 6, 1969, held to consider recommendations for regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(a) *Order.* In § 905.515 (Tangerine Reg. 37, 34 F.R. 14379) the provisions of paragraph (a)(1)(i) are amended to read as follows:

§ 905.515 Tangerine Regulation 37.

(a) * * *

(1) * * *

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 7, 1969, to become effective November 10, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13429; Filed, Nov. 7, 1969; 11:22 a.m.]

[966.307]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments Regulation

Notice of rule making with respect to a proposed limitation of shipments, to be effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966) regulating the handling of tomatoes grown in the production area, was published in the October 16, 1969, FEDERAL REGISTER (34 F.R. 16547). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Interested persons were allowed 15 days for filing data, views and arguments pertaining thereto. Within the period specified, comments were filed in support of the regulation by John C. Lynn, executive vice president, Florida Farm Bureau Federation, Gainesville, Fla.

Statement of consideration. The notice was based on recommendations and information submitted by the Florida Tomato Committee, established pursuant to the said marketing agreement and order, and other available information. The committee's recommendations reflect its appraisal of the composition of the 1969–70 crop of Florida tomatoes and of the marketing prospects for this season. The grade, size and quality requirements are necessary to prevent tomatoes of poor quality and undesirable sizes from being distributed in fresh market channels. The standardization of weights, containers and size classifications is needed in the interest of orderly marketing so as to improve net returns to producers. The provisions with respect to special pack and special purpose shipments are designed to meet the different requirements for such shipments.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice and other available informaiton, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 fall crop tomatoes grown in the production area will begin on or about the effective date specified herein; (2) to maximize benefits to producers, this regulation should apply to all such shipments; (3) compliance with this regulation will not require any special preparation by handlers which cannot be completed by the effective date; (4) reasonable time is permitted under the circumstances for such preparation; and (5) notice of the proposed regulation, including a November 15, 1969, effective date, has been given to producers and handlers in the production area and by publication in the FEDERAL REGISTER of October 16, 1969.

§ 966.307 Limitation of shipments.

During the period from November 15, 1969, through July 31, 1970, the following regulation shall be effective with respect to all varieties of tomatoes handled for shipment outside the regulation area as defined in § 966.4, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; cerasiform type tomatoes, commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(a) *Grade.* No person shall handle any lot of tomatoes for shipment outside the regulation area unless they are U.S. No. 3, or better grade.

(b) *Size.* No person shall handle any lot of tomatoes for shipment outside of the regulation area unless they are over $2\frac{1}{32}$ inches in diameter: *Provided,* That not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(c) *Size classifications.* (1) No person shall handle any lot of tomatoes for shipment outside the regulation area unless they are packed in one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the United States Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
7 x 7	Over $2\frac{1}{32}$ to $2\frac{6}{32}$, inclusive.
6 x 7	Over $2\frac{6}{32}$ to $2\frac{17}{32}$, inclusive.
6 x 6	Over $2\frac{17}{32}$ to $2\frac{7}{32}$, inclusive.
5 x 6	Over $2\frac{7}{32}$.

(2) Tomatoes shall be packed separately for each designated size range except that size 6 x 6 and larger may be commingled.

(3) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

(d) *Containers.* (1) No person shall handle any lot of tomatoes for shipment outside the regulation area unless they are packed in one of the following container sizes and the net weights of the tomatoes contained therein are within the specified weight tolerances:

Container weight (pounds)	Minimum weight (pounds)	Maximum weight (pounds)
8	8	$9\frac{1}{2}$
20	20	$21\frac{1}{2}$
30	30	$31\frac{1}{2}$
40	40	$41\frac{1}{2}$
60	60	62

(2) To allow for variations incident to proper packing, not more than a total of ten (10) percent of the aforesaid containers in any lot, by count, may exceed the specified maximum net weight specified for each such container.

(3) No person shall handle tomatoes in 8-pound containers after December 31, 1969.

(e) *Inspection.* No person shall handle any lot of tomatoes for shipment outside the regulation area unless such tomatoes are inspected and certified pursuant to the provisions of § 966.60.

(f) *Truck shipments.* For purposes of these regulations, the rule, § 966.140, relating to truck shipments of tomatoes grown in the Florida production area, shall continue in effect.

(g) *Minimum quantity.* For purposes of these regulations, each person subject thereto may handle, pursuant to § 966.53, up to, but not to exceed, 60 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(h) *Special pack requirements.* The tomato size classifications of paragraph (c) of this section and the container weight requirements of paragraph (d) of this section shall not be applicable to tomatoes packed in cupped trays, or when in containers customarily packed for the retail trade, if such tomatoes are handled in accordance with the reporting requirements of paragraph (i) of this section.

(i) *Reporting requirements.* Each handler making shipments of tomatoes pursuant to this section shall report to the committee on forms furnished by the committee such information on the shipments as may be required by the committee pursuant to § 966.80. Such reports shall be made within 10 days after shipment.

(j) *Special purpose shipments.* The requirements of paragraphs (a), (b), (c), (d), and (e) of this section shall not be applicable to shipments of tomatoes for processing into pickles, for canning, for relief or charity, or for export: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (k) of this section.

(k) *Safeguards.* Each handler making shipments of tomatoes for processing into pickles, for canning, for relief or charity, or for export in accordance with paragraph (j) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (j) of this section;

(3) Bill or consign each shipment directly to the designated applicable receiver; and

(4) Forward one copy of such report to the committee office, and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within 10 days after shipment, or after receipt of export shipment, shall be cause for cancellation of such handler's certificate and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate the handler may appeal to the committee for reconsideration.

(l) *Definitions.* "Hydroponic Tomatoes" means tomatoes grown in solution without soil. "Greenhouse Tomatoes" means tomatoes grown indoors. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 5, 1969, to become effective November 15, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13386; Filed, Nov. 7, 1969; 8:49 a.m.]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of fresh tomatoes into the United States to be made effective under section 8e–1 of the Agricultural Marketing Agreement Act, as amended (7 U.S.C. 608e–1) was published in the October 16, 1969 FEDERAL REGISTER (34 F.R. 16548). The notice afforded interested persons an opportunity to file written data, views, or arguments in regard thereto not later than October 31, 1969. Comments were filed by three interested parties. One of the comments favored the regulation and another opposed the size requirement but favored a tighter grade requirement. The other comment questioned the need for a finding concerning parity, the current market price of tomatoes, and its relation to parity. These matters are not specified as prerequisites in Section 8e–1 of the Act with respect to import prohibitions, but rather the Act requires that importation of tomatoes shall be prohibited unless they comply with the grade, size, quality, and maturity regulations applicable to domestic shipments under a Federal Marketing Order. All prerequisites for the issuance of the domestic regulation have been complied with.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the written comments, and other available information, it is hereby found that the proposal as published in the notice should be made effective as hereinafter set forth, and the grade, size, quality, and maturity requirements applicable to tomato imports are the same as those being made applicable under Marketing Order No. 966, as amended (7 CFR Part 966), to shipments of tomatoes grown in the Florida production area. This regulation is subject to amendment with reasonable notice as the domestic regulation is changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e–1 of the Act; (2) all known tomato importers were notified of proposed requirements upon issuance of the proposed regulation; (3) notice of the proposed regulation was published in the October 16, 1969, FEDERAL REGISTER (34 F.R. 16548); (4) in fixing the effective date hereof due consideration was given to the time required for the transportation and entry into the United States after picking of imported tomatoes; and (5) such notice is in excess of 3 days, the minimum required by the Act, and is determined to be reasonable.

§ 980.204 Tomato import regulation.

Except as otherwise provided, during the period November 15, 1969, through July 31, 1970, no person may import fresh tomatoes, except pear shaped tomatoes, cherry tomatoes, hydroponic tomatoes, and greenhouse tomatoes, as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Grade requirement.* Imports shall be limited to tomatoes which are U.S. No. 3 grade or better.

(b) *Size requirement.*—(1) *Size.* Imports shall be limited to tomatoes which are larger than $2\frac{4}{32}$ inches in diameter.

(2) *Tolerance for size.* Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(c) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the U.S. import requirements for tomatoes under section 8e–1 (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by accertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, Tex. 78767 (Phone—512-385-5385).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, Ariz. 85621 (Phone—602-287-2962).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, Hawaii 96814 (Phone—941-3071).	1 day.
New York City.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7669 and 7668).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-527-6741 and 6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-388-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e–1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Importation" means release from custody of the U.S. Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top, and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. Measurement of the diameter of tomatoes shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated November 5, 1969, to become effective November 15, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13387; Filed, Nov. 7, 1969; 8:49 a.m.]

[Lemon Reg. 399]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.699 Lemon Regulation 399.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 9, 1969, through November 15, 1969, are hereby fixed as follows:

(i) District 1: 12,090 cartons;

(ii) District 2: 40,920 cartons;

(iii) District 3: 123,690 cartons.

(2) As used in this section; "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 6, 1969.

ELDON E. SHAW,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13405; Filed, Nov. 7, 1969; 8:49 a.m.]

[Grapefruit Reg. 68]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.368 Grapefruit Regulation 68.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 6, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 10, 1969, through November 16, 1969, is hereby fixed at 170,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 6, 1969.

ELDON E. SHAW,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13406; Filed, Nov. 7, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 21]

[Docket No. 9510; Notice 69-49]

CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering amending Part 21 of the Federal Aviation Regulations (FARs) to expand the purposes for which experimental certificates may be issued by the holder of a delegation option authorization.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before February 6, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 21.191 provides for the issuance of experimental certificates for the purposes of research and development, showing compliance with regulations, crew training, exhibitions, air racing, market surveys, and operating amateur-built aircraft.

Under the delegation option authorization (DOA) procedures set forth in Subpart J of Part 21, a manufacturer may now issue experimental certificates for an aircraft for which it has applied for a type certificate, or an amended type certificate, under § 21.253, only for the purpose of showing compliance with the applicable airworthiness requirements of the FARs. The Aerospace Industries Association of America, Inc. (AIA) has requested an amendment to the regulations to permit the holder of a delegation option authorization to issue experimental certificates for all the purposes for which those certificates may be issued under § 21.191, except for the operation of amateur-built aircraft.

In support of its request, the AIA points out that an amendment to the regulations authorizing a DOA manufacturer to issue experimental certificates for additional purposes would permit the timely issuance of those certifictes, conserve man-hour expenditures and reduce the FAA workload accordingly. Moreover, the AIA states that it would be in accord with the FAA's policy of increasing industry participation in delegation option authorization programs.

The FAA recognizes merit in the amendment requested by the AIA. However, since the experimental certificates would be issued in accordance with the delegation option authorization procedures, the purpose for which they are issued must be related to the functions covered by a delegation option authorization. Therefore, it is not proposed to permit delegation option authorizations to be used for the issuance of experimental certificates for the purpose of exhibiting an aircraft at air shows, motion pictures, television or similar productions, or for the purpose of participating in air races.

As proposed herein, a delegation option authorization could be used to issue experimental certificates not only for the purpose of showing compliance with the applicable airworthiness regulations, but also for the purposes of research and development, crew training, and market surveys. However, it should be noted that a DOA manufacturer would still be required to obtain from the Administrator any limitations or conditions that the Administrator considers necessary for safety before issuing any experimental certificate.

In consideration of the foregoing, it is proposed to amend § 21.251(b)(4)(i) of Part 21 of the Federal Aviation Regulations to read as follows:

§ 21.251 Limits of applicability.

* * * * *

(b) Delegation option authorizations may be used for—

* * * * *

(4) The issue of—

(i) Experimental certificates for aircraft for which the manufacturer has applied for a type certificate, or amended type certificate, under § 21.253, for the purpose of showing compliance with the applicable airworthiness requirements, and for the purposes of research and development, crew training, and market surveys.

* * * * *

This amendment is proposed under the authority of section 313(a), 314, 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 3, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-13352; Filed, Nov. 7, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 1

Proposed Expenses

Consideration is being given to the approval of proposed expenses as hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.262 Expenses.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1970, will amount to $50.

(b) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13370; Filed, Nov. 7, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 318; Delegation of Authority No. 120]

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, I hereby delegate to the Assistant Secretary of State for Administration the following authorities and functions:

1. The authority to prescribe, promulgate, and amend such rules and regulations and make such delegations and redelegations of authority, consistent with law, as may be necessary to carry out his assigned responsibilities, as listed in the Department of State Organizational Manual, as amended;

2. To the extent consistent with law, the authority to perform all functions heretofore reserved to or performed by the Deputy Under Secretary for Administration with respect to matters which are within the scope of the aforesaid assigned responsibilities of the Assistant Secretary for Administration, including but not limited to functions reserved to or performed by the Deputy Under Secretary for Administration in or under the Department of State Procurement Regulations and the Standardized Regulations (Government Civilians, Foreign Areas).

This Delegation of Authority shall not be construed as divesting the Deputy Under Secretary for Administration of any of the authorities presently conferred upon him or vested in him.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

OCTOBER 30, 1969.

[F.R. Doc. 69-13354; Filed, Nov. 7, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DARRELL LaVERNE FARISS

Notice of Granting of Relief

Notice is hereby given that Darrell LaVerne Fariss, 2870 Crater Lake Highway, Medford, Oreg., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 5, 1961, in the Circuit Court of the State of Oregon for the County of Jackson, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Darrell LaVerne Fariss, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Fariss, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Darrell LaVerne Fariss' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Darrell LaVerne Fariss from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Darrell LaVerne Fariss be, and he hereby is, granted relief from any and all disabilities imposed by Federal Laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13365; Filed, Nov. 7, 1969; 8:48 a.m.]

FRANK A. GUNTREN

Notice of Granting of Relief

Notice is hereby given that Frank A. Guntren, Rural Route No. 3, Jerseyville, Ill., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 19, 1960, in the County Court of Jersey County, Jerseyville, Ill., of larceny, a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frank A. Guntren, because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Guntren, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Frank A. Guntren's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Frank A. Guntren from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Frank A. Guntren be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C. this 4th day of November, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13366; Filed, Nov. 7, 1969; 8:48 a.m.]

Office of Foreign Assets Control

NICKEL-BEARING MATERIALS FROM CZECHOSLOVAKIA

Issuance of Importation License

The Office of Foreign Assets Control has reason to believe that nickel-bearing materials and articles made in Czechoslovakia may be made or derived in whole or in part from forms of nickel which are of Cuban origin.

Notice is hereby given that, effective as of November 7, 1969, imports of the following nickel-bearing materials and

articles directly or indirectly from Czechoslovakia will be detained by Customs until such time as their release from Customs custody, or other disposition thereof, is authorized by the Office of Foreign Assets Control under the provisions of the Cuban Assets Control Regulations (31 CFR Part 515):

(1) Nickel, its alloys, their so-called basic shapes and forms, and also nickel waste and scrap, provided for in Schedule 6, Part 2, Subpart E, Tariff Schedules of the United States (TSUS);

(2) Nickel oxides provided for in item 419.72, TSUS;

(3) Nickel formate provided for in item 426.62, TSUS;

(4) Nickel sulfate provided for in item 419.74, TSUS;

(5) Other nickel salts provided for in item 426.64, TSUS.

Licenses will generally be issued to importers for imports in those cases where prior to November 7, 1969, (1) the goods were exported from Czechoslovakia; (2) the goods were paid for by a person in the United States; or (3) an irrevocable letter of credit covering the goods was established by a domestic bank.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-13364; Filed, Nov. 7, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

MIDDLE FORK CLEARWATER WILD AND SCENIC RIVER

Classification, Boundaries, and Development Plan

Correction

In F.R. Doc. 69-11922 appearing at page 15565 in the issue of Tuesday, October 7, 1969, the sixth entry under the first paragraph in the third column on page 15568 should be changed to read "T. 36 N., R. 10 E.—Unsurveyed, but which probably will be when surveyed, Secs. 25, 26, 34, 35, and 36."

Packers and Stockyards Administration

ATKINS LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Atkins Livestock Auction, Atkins, Ark.
MFA Livestock Association, Inc. (Marshall, Mo.), Imboden Concentration Point, Imboden, Ark.
Schuyler Livestock Sales, Rushville, Ill.
Kentwood Livestock Sales, Inc., Kentwood, La.
Oakland Stables, Accokeek, Md.
M.F.A. Livestock Association, Inc., Ellington Concentration Point, Ellington, Mo.
Lea County Livestock Auction, Inc., Lovington, N. Mex.
Penasco Area Development Association, Vadito, N. Mex.
C and M Livestock Market, Inc., Jamestown, Tenn.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 4th day of November 1969.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-13371; Filed, Nov. 7, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 5046]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

NOVEMBER 3, 1969.

In F.R. Doc. No. 68-6941 appearing on page 8682 of the FEDERAL REGISTER issue of Thursday, June 13, 1968 (33 F.R. 8682), the following correction should be made:

In T. 11 N., R. 12 W., Sec. 20, add "N½S½NW¼."

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-13318; Filed, Nov. 7, 1969; 8:45 a.m.]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 3, 1969.

Notice of a U.S. Forest Service application, New Mexico 5046, for withdrawal and reservation of lands for withdrawal for recreational areas, was published as F.R. Doc. 68-6941 on page 8682 of the issue for June 13, 1968. The applicant agency has canceled its application insofar as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 N., R. 12 W.,
Sec. 6, SE¼NE¼SW¼;
Sec. 18, SE¼SE¼.
T. 12 N., R. 12 W.,
Sec. 31, N½SW¼NE¼ and SW¼SW¼NE¼.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on November 28, 1969, will be relieved of the segregative effect of the above-mentioned application.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-13319; Filed, Nov. 7, 1969; 8:45 a.m.]

Office of the Secretary

ALEX S. CHAMBERLAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 21, 1969.

Dated: October 20, 1969.

ALEX S. CHAMBERLAIN.

[F.R. Doc. 69-13328; Filed, Nov. 7, 1969; 8:46 a.m.]

HARRY J. PECKHEISER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months.

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 15, 1969.

Dated: October 15, 1969.

HARRY J. PECKHEISER.

[F.R. Doc. 69-13329; Filed, Nov. 7, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[S-241]

UNITED STATES LINES, INC.

Notice of Hearing

On October 3, 1969, notice was published in the FEDERAL REGISTER of the United States Lines, Inc.'s, September 23, 1969, Title VI application for a new 2-year subsidy agreement covering its existing subsidized services on Trade Routes 5-7-8-9, 11, and 12 (34 F.R. 15427). The notice requested interested persons to offer views and comments for consideration by the Board with respect to its taking any action deemed appropriate and several responses were received. Thereafter, on October 30, 1969, United States Lines, Inc., amended its original application to withdraw its request of subsidy for its Trade Routes 5-7-8-9 and 11 cargo vessel services. Having considered the submitted comments and United States Lines, Inc.'s, partial withdrawal, the Board, in its discretion determined that a hearing on the remaining Trade Route 12 operations would be in the public interest.

Accordingly, and notwithstanding the applicability or inapplicability of section 605(c) of the 1936 Act to a Title VI application for renewal of a subsidy contract covering existing subsidized services, notice is hereby given that a hearing is administratively ordered to be held in connection with the applicant's Trade Route 12, U.S. Atlantic/Far East operations. The hearing will be expedited to the maximum extent consistent with the rights of the parties. The purpose of the hearing will be to receive evidence relevant to (1) whether the effect of a new subsidy contract would be to give undue advantage or be unduly prejudicial as between citizens of the United States in the operations of vessels in the competitive services on the route involved and (2) whether a subsidy contract is necessary to provide adequate U.S.-flag service in the accomplishment of the objects and policy of the Act.

The prehearing conference will be before the Chief Hearing Examiner of the Maritime Administration (or a designee of his office) as the duly authorized representative of the Maritime Subsidy Board, in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C., at 10 a.m., on November 24, 1969, and a recommended decision will be issued.

Any American-flag carrier by water having any interest and desiring to be heard on the referred-to issues must file such request by close of business on November 17, 1969, with the Secretary, Maritime Subsidy Board, in writing, in triplicate, stating clearly and concisely the grounds of interest, and the alleged facts relied on in support of its position in the matter.

If no requests to participate in the hearing are received within the specified time, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: November 6, 1969.

By Order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-13327; Filed, Nov. 7, 1969; 9:36 a.m.]

Office of the Secretary

[Dept. Order 184-B]

OFFICE OF FOREIGN DIRECT INVESTMENTS

Organization and Functions

The following order was issued by the Secretary of Commerce on October 27, 1969. This material supersedes the material appearing at 34 F.R. 8303 of May 29, 1969.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Office of Foreign Direct Investments (the "Office").

SEC. 2. *Organization structure.* The organization structure and line of authority within the Office shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Director.* .01 The *Director,* as head of the Office, directs and is responsible for all operations of the Office.

.02 The *Deputy Director for Operations* assists the Director in management of the Office, is responsible for coordinating activities of the Authorizations and Reports Division and of the Compliance Division and assumes the functions of the Director during the latter's absence.

.03 The *Deputy Director for Planning* assists the Director in management of the Office and is responsible for coordinating activities of the Program Analysis and Policy Division and, consistent with Department Order 104, of the Legal Division.

.04 The *Assistant Director* shall assist the Director by representing the Office in contacts with representatives of foreign governments and commercial and banking communities and maintaining liaison with U.S. banking, business and trade associations and with agencies of the U.S. Government, as directed.

.05 The *Special Assistant to the Director* shall perform such duties as the Director will assign.

SEC. 4. *Staff Offices.* .01 The *Administrative Officer* shall arrange for and facilitate the provision of administrative services from the Office of the Secretary, formulate and execute the budget of the Office, develop and maintain the internal administrative management system of the Office, and perform other specific administrative assignments as directed by the Director.

.02 The *Information Officer* shall provide public information services for the Office.

SEC. 5. *Program Analysis and Policy Division.* The Program Analysis and Policy Division shall:

a. Measure the effect of the Foreign Direct Investment Program on U.S. balance of payments and on relevant national indices;

b. Formulate recommendations concerning policy issues relating to the Foreign Direct Investment Program;

c. Conduct studies of foreign borrowing trends and problems associated with financing direct investment abroad, of certain industries, of particular direct investment problems, and of the relationship between the Foreign Direct Investment Program to other U.S. Government balance of payments programs, utilizing the advice and assistance of the Office of Business Economics and other interested Federal agencies as appropriate;

d. Plan, coordinate and prepare reporting forms and respective instructions, prepare special periodic internal analytical reports and special studies requested by the Director and prepare data on the program for publication; and

e. Provide policy input in the specific authorization and exemption process.

SEC. 6. *Legal Division.* The Legal Division shall:

a. Provide legal advice on applications for specific authorization or exemption and prepare necessary correspondence for transmitting recommendations and decisions;

b. Participate in the determination of need for amendments to the Foreign Direct Investment Regulations (the "Regulations") and prepare such amendments;

c. Prepare and issue general bulletins to the public containing detailed interpretations of the Regulations and policy statements of the Office;

d. Prepare and issue to applicants interpretive opinions concerning the Regulations;

e. Provide legal review and advice on internal documents and on documents for public release; and provide legal advice and assistance, as may be required, to officials of the Office, the Foreign Direct Investments Appeals Board, and the Office of the Secretary; and

f. Participate in the determination of need for reporting forms and changes in reporting forms and in the preparation of such forms.

SEC. 7. *Authorizations and Reports Division.* The Authorizations and Reports Division shall:

a. Review and recommend action on applications from direct investors for specific authorization or exemption;

b. Provide assistance and advice to current or potential investors regarding any problems they may have under the Regulations and to help them proceed with their investment plans within the context of goals of the Foreign Direct Investment Program;

c. Maintain central files of: Specific authorization, exemption, and compliance cases; direct investor reports regarding conditions attached to authorizations and exemptions; and certificates

regarding foreign borrowing filed by direct investors;

d. Evaluate reporting forms and related instructions on the basis of problems and difficulties experienced by reporters; answer inquiries about reporting forms and instructions; monitor and assure timely receipt of reports from direct investors, and contact reporters who have not filed on time; review direct investors' reports for completeness, accuracy, validity, and potential compliance problems; evaluate reports from direct investors for consistency with specific authorizations or exemptions previously granted; and contact reporters regarding problems encountered on their reports; and

e. Process reports in an orderly manner to assure timely provision of data; plan and coordinate internal information flows; arrange for computer programing and processing to meet data requirements; and develop statistical and special reports with respect to specific authorizations or exemptions, and foreign borrowing certified to the Office.

SEC. 8. *Compliance Division.* The Compliance Division shall:

a. Conduct routine and special audits and investigations to determine whether direct investors are complying with the requirements of the Foreign Direct Investment Program and take appropriate action;

b. Develop and present evidence in any administrative proceeding instituted for the enforcement of the Foreign Direct Investment Program;

c. Examine investigation reports and information from other sources for possible violations of the Regulations or other agency actions and prepare materials for use in connection with proceedings in the Federal Courts; and

d. Advise and assist in the preparation of forms required to be filed by direct investors and advise other divisions on general accounting matters.

SEC. 9. *Support Services.* The Office of the Assistant Secretary for Administration shall provide personnel, finance, and administrative services to the Office.

Effective date: October 27, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-13314; Filed, Nov. 7, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 159]

DRUGS FOR HUMAN USE; DRUG EFFICACY STUDY IMPLEMENTATION

Sulfapyridine for Systemic Use

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following sulfonamide preparations for systemic use:

1. Sulfapyridine Tablets, 0.5 gram; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 0-695).

2. Sulfapyridine Tablets, 0.5 gram; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 0-159).

This drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. The submission of a new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approved new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

SULFAPYRIDINE

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that sulfapyridine is effective when administered for the treatment of dermatitis herpetiformis.

B. *Form of drug.* Sulfapyridine preparations are in tablet form suitable for oral administration and contain, per dosage unit, an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

DESCRIPTION

Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.

ACTIONS

To be supplied by the manufacturer: This is to be confined to an appropriate statement of the demonstrated pharmacological/physiologic actions by the active ingredients of the drug. When such actions are based on animal studies alone, this should be clearly stated. When the mode of action has not been determined, this should be clearly indicated.

INDICATIONS

For the treatment of dermatitis herpetiformis.

CONTRAINDICATIONS

Hypersensitivity to sulfonamides.
Infants less than 2 months of age.
Pregnancy at term and during the nursing period because sulfonamides pass the placenta and are excreted in the milk, and may cause kernicterus.

WARNINGS

Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reactions, agranulocytosis, aplastic anemia, and other blood dyscrasias.

The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice may be early indications of serious blood disorders.

Blood counts and renal function tests are recommended during treatment: frequently during the first 2 weeks of therapy and at appropriate intervals thereafter.

PRECAUTIONS

Sulfonamides should be given with caution to patients with impaired renal or hepatic function and in those with severe allergy or bronchial asthma.

In glucose-6-phosphate dehydrogenase deficient individuals hemolysis may occur. This reaction is frequently dose related.

Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

ADVERSE REACTIONS

Blood dyscrasias: Agranulocytosis aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, methemoglobinemia.

Allergic reactions: Erythema multiforme (Stevens-Johnson Syndrome), generalized skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritus, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, allergic myocarditis.

Gastrointestinal reactions: Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, stomatitis.

C.N.S. reactions: Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, insomnia.

Miscellaneous reactions: Drug fever, chills, and toxic nephrosis with oliguria and anuria. Periarteritis nodosum and L.E. phenomenon have been noted.

The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemic agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

DOSAGE AND ADMINISTRATION

Usual Adult Dose—0.5 Gm., 4 times a day until improvement is noted. The daily dose is then reduced by 0.5 Gm., at 3 day intervals, until maintenance free of symptoms is achieved. Increased dosage may be required with recurrences. The minimum effective dose is the maximum maintenance dose.

D. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described here for the drug, and complete current container labeling, unless recently submitted.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described in the proposal for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER February 27, 1969. (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

E. *New Applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in the proposed regulation, § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of February 27, 1969. Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time, additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein.

G. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than that provided for in this announcement, it may be regarded as an unapproved new-drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in §§ 130.4 or 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Marketed Drugs (MD-300), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to the firms referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the drug listed in this announcement or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 159 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300).
Supplements (identify with NDA number): Office of Marketed Drugs (MD-300), Bureau of Medicine.
Original abbreviated new-drug applications (identify as such): Office of Marketed Drugs (MD-300), Bureau of Medicine.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: November 3, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-13331; Filed, Nov. 7, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20244 and 20336]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Notice of Second Prehearing Conference

Notice is hereby given that a second prehearing conference in the above-entitled matter is assigned to be held on November 18, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 4, 1969.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 69-13360; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 20760; Order 69-11-12]

BERWIND CORP. ET AL.

Order Regarding Approval or a Disclaimer of Jurisdiction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of November 1969.

The Berwind Corp. (Berwind), Tradewinds and Western Airways, Inc. (Tradewinds), Tradewinds Investment Co. (TWIC), Berwind Lines, Inc. (Berwind Lines), and the Porto Rico Lighterage Co. (Porto Rico) have submitted an application for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) or, in the alternative, a disclaimer of jurisdiction with respect to (1) the acquisition of 90 percent of the stock of Tradewinds by Berwind, (2) the acquisition of control of TWIC by Berwind, and (3) the lease of certain aircraft from TWIC by Tradewinds. The application also seeks approval, to the extent required, or, alternatively, a disclaimer with respect to various interlocking relationships.

Berwind is a company engaged in various business enterprises through numerous subsidiaries and divisions.[1] Among these companies controlled by Berwind are Porto Rico and Berwind Lines. Porto Rico owns and operates seven tugboats and one barge. Its services include, among other things, hauling bulk material barges for various customers, hauling barges of Berwind Lines in the Caribbean, and, on occasion, the hauling of property on its own barge. Berwind Lines is in the business of transporting property by water between San Juan, St. Thomas, and St. Croix. Applicants state that Berwind Lines is considered by the Federal Maritime Commission to be a water carrier by vessel.

Tradewinds is an air taxi operator conducting operations on a scheduled basis

[1] The Berwind-White Co., a nonoperating holding company, owns 100 percent of the stock of Berwind. Charles G. Berwind and C. G. Berwind, Jr., hold 90 percent of Berwind-White's stock.

within Puerto Rico and between Puerto Rico and the Virgin Islands. TWIC was formed by Berwind for the purpose of acquiring and leasing aircraft to Tradewinds.

Applicants indicate that Tradewinds became insolvent in the fall of 1968, and had to suspend scheduled passenger service. Under these circumstances, negotiations were undertaken with Berwind, and, on December 13, 1968, Berwind purchased 90 percent of the stock of Tradewinds. Shortly thereafter, Berwind formed TWIC to purchase and lease equipment to Tradewinds. TWIC has leased one aircraft to Tradewinds and Tradewinds resumed scheduled service on January 22, 1969. As a result of the foregoing transactions, various interlocking relationships have been created between Tradewinds and various companies in the Berwind-White corporate structure, as well as relationships between Berwind and Western Pacific Railroad Co. (Western-Pacific) involving Mr. A. W. Whittlesey.

No comments have been received.[2]

I. It appears that Berwind Lines and Porto Rico are common carriers and that TWIC is a person engaged in a phase of aeronautics—all within the meaning of section 408 of the Act. Thus, the application presents a situation where a person who controls two common carriers has acquired control of an air carrier. The Board has held that such common control relationships are subject to section 408 of the Act.[3] However, having considered the record herein, we have determined that there do not appear to be any immediate regulatory problems raised by the common control relationships resulting from Berwind's acquisition of control of Tradewinds, and accordingly, we have tentatively[4] decided to exempt the acquisition of Tradewinds by Berwind from the requirements of section 408 pursuant to subsection (a)(5), as amended by Public Law 91-62.[5] Tentatively, we do not find that the acquisition will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

In reaching our decision in this matter we have taken into consideration the fact that Tradewinds is engaged essentially in the passenger transportation business and the surface carrier subsidiaries of Berwind are in the cargo transportation business. Furthermore, both Berwind Lines and Porto Rico, although operating between some of the same points as Tradewinds, provide transportation by barge. Due to the relatively slow speed of this type of service, and in light of the bulky nature of many of the commodities transported, it appears that the cargo operations of Porto Rico and Berwind Lines would not, from a practical standpoint, be competitive with those of Tradewinds since the type of commodity normally shipped by barge would not be suitable for shipment by air. Furthermore, the small cargo capacity of the relatively light aircraft used by Tradewinds appears to make it unlikely that Tradewinds could accommodate such commodities, even if it wished to do so. Moreover, the striking difference in cost of shipment by water, as compared with shipment by air, tends to preclude the shipment by air of those commodities of high volume and weight normally associated with barge transportation.[6] Although there is always the possibility that goods suitable for air transportation (i.e., goods of low weight and high value) could be sent via barge between Puerto Rico and the Virgin Islands, the effect of such an occurrence on Tradewinds would appear to be minimal. In this connection, the application asserts that Tradewinds carried no air freight between Puerto Rico and the Virgin Islands in 1968, and it expects to carry little, if any, in 1969.

II. Regarding the common control by Berwind of TWIC and Tradewinds, the Board concludes that TWIC is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act by reason of its ownership and leasing of aircraft and, therefore, that its establishment and control by Berwind, a person controlling an air carrier, is subject to section 408(a)(6) of the Act. According to the application Berwind has invested substantial funds in TWIC, and plans to provide TWIC with approximately $2 million in 1969 for aircraft acquisition. To date, TWIC has contracted to purchase four aircraft. Moreover, there have been and will be transactions among Berwind, TWIC and Tradewinds. Normally, the Board would be reluctant to approve without limitation the acquisition of control of a phase of aeronautics by a person controlling an air carrier when such acquisition would result in transactions between the companies under common control. However, it appears that the control of TWIC by Berwind will benefit Tradewinds, who will have available the equipment necessary to meet the needs of the public, and that the transaction therefore is in the public interest. Moreover, Tradewinds is exempt from the provisions of section 408 of the Act which normally apply to the lease of aircraft from a person engaged in a phase of aeronautics.[7]

Upon consideration of the foregoing, the Board has concluded tentatively that the acquisition of control of TWIC by Berwind, while Berwind controls Tradewinds, does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing, and it is found that the public interest does not require a hearing.[8] In this connection, we will defer action on Caribair's petition for leave to intervene, which will be moot if the Board makes final the tentative approval proposed herein.

III. Various officers and directors of Berwind have assumed similar positions with Tradewinds and TWIC, thereby creating interlocking relationships among the three companies. However, Tradewinds, pursuant to § 298.11(h) of the Board's economic regulations, is exempt from the provisions of section 409. Similarly, the individuals involved in such interlocking relationships are exempt from the provisions of section 409 pursuant to § 298.14 of the economic regulations, with the exception of Mr. A. W. Whittlesey.

As regards Mr. Whittlesey, we have decided to disclaim jurisdiction over the holding by him of directorships in Berwind and Western Pacific. Literally, the provisions of section 409(a) of the Act are not applicable to a person simultaneously holding directorships in a person controlling an air carrier (Berwind) and in a common carrier (Western Pacific). However, the Board has stated in the past that, where necessary, separate corporate entities may be disregarded and that persons controlling air carriers would be considered as air carriers for section 409 purposes.[9] In all such cases the Board must be guided by the substantial practical relationships involved, rather than by form. In the instant case there do not appear to be any regulatory problems raised by Mr. Whittlesey's holding directorships in Berwind and Western Pacific. Western Pacific is primarily engaged in the transportation of freight by rail on the west coast of the United States, while Berwind, through Tradewinds, is concerned with the transportation of passengers by air in the area of Puerto Rico and the Virgin Islands. Because of an apparent lack of a conflict of interest, the Board has determined that it will recognize and respect the separate corporate entities involved and disclaim jurisdiction over the interlocking relationships.

In view of the foregoing, the Board tentatively concludes that it should (1) exempt the acquisition of control of Tradewinds by Berwind, while Berwind controls Berwind Lines and Porto Rico; and (2) approve without hearing, under the third proviso of section 408(b) of the Act, the acquisition of control of TWIC by Berwind, who controls Tradewinds. The Board also concludes that it should disclaim jurisdiction over the interlocking relationships created by the holding by Mr. Whittlesey of directorships with Berwind and Western Pacific. In its final order the Board will reserve jurisdiction generally over the control relationships which it will therein exempt or approve. Accordingly, under section 408 of the Act, this order constitutes, among other things, notice of the Board's tentative findings, and will be published in the FEDERAL REGISTER. Interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered, That:

1. The acquisition of control of Tradewinds by Berwind be and it hereby is tentatively exempted from the requirements of section 408(a)(5) of the Act;

2. The acquisition of control of TWIC by Berwind be and it hereby is tentatively approved;

3. The request for a disclaimer of jurisdiction under section 409 of the Act over the interlocking relationship pertaining to Mr. A. W. Whittlesey be and it hereby is granted;

4. Interested persons are hereby afforded a period of ten (10) days from the date of issuance of this order within which to file comments or request a hearing with respect to the Board's proposed action described in ordering paragraphs 1 and 2 above;[10] and

5. The Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13359; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 20946 etc.]

HARLLEE BRANCH, JR. ET AL. AND UNITED STATES STEEL CORP.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 2, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 25, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 28, 1969.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 69-13361; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 20398]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

Notice of Postponement of Hearing

By letters of October 21 and 24, 1969, Bureau Counsel requested a postponement of the hearing in the above-entitled proceeding and suggested new procedural dates for the submission of information responses, exhibits, and testimony. The Bureau states that this information is essential to assure an adequate record for decision.

Under these circumstances, and pursuant to the provisions of the Federal Aviation Act of 1958, as amended, notice is hereby given that hearing in this proceeding now assigned to be held on November 18, 1969, is postponed pending receipt of answers and a ruling on Bureau Counsel's request.

Dated at Washington, D.C., November 3, 1969.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[F.R. Doc. 69-13363; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 21577; Order 69-11-10]

NORTHWEST AIRLINES, INC. AND WESTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of November 1969.

By tariff revisions marked to become effective November 8 and 12, 1969,[1] Northwest Airlines, Inc. (Northwest) and Western Air Lines, Inc. (Western)[2] propose a requirement in connection with local youth advance reservation fares that the reservation be confirmed and the ticket issued at least 48 hours prior to departure from point of origin. Presently reservations may be made and ticketing accomplished at any time prior to scheduled departure.

No justification has been submitted by either carrier in support of their proposals and no complaints have been filed.

Upon consideration of all relevant matters, the Board finds that Northwest's and Western's proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated.

The carriers' proposals require that youth advance reservation fare passengers confirm their reservations 48 hours prior to departure yet no explanation or statements supporting these proposed tariff revisions have been provided. Consequently, the Board concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 26(F)(4) on 15th and 16th Revised Pages 18-C of Airline Tariff Publishers, Inc., Agent's C.A.B. No. 98, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of Rule No. 26(F)(4) on 15th and 16th Revised Pages 18-C of Airline Tariff Publishers, Inc., Agent's CAB No. 98 are suspended and their use deferred to and including February 5, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and served upon Northwest Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13358; Filed, Nov. 7, 1969; 8:48 a.m.]

[Docket No. 21554]

QUEBECAIR

Application for a Foreign Air Carrier Permit; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 14, 1969, at 10 a.m., e.s.t., in

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[2] Caribbean Atlantic Airlines, Inc. (Caribair) has filed a petition for leave to intervene.

[3] Cf. Air Freight Forwarder Case 9 CAB 473, 504 (1948).

[4] We propose to grant final exemption relief at the same time we issue a final order approving the other relationships hereinafter discussed.

[5] The basis for the Board's use of its exemption power depends on the facts known by the Board when it acts. Thus, any change in the method of operations of any of the corporate entities (e.g. the acquisition of larger aircraft by Tradewinds) which would give rise to possible conflicts of interest on the part of Berwind could result in the subsequent reappraisal of the acquisition by the Board.

[6] We understand that many of the commodity rates charged by Berwind Lines are below $0.01 per pound, and that Porto Rico charges a minimum daily rate of $1,500 per barge on a contract basis. In comparison, Tradewinds has a standard rate of $0.06 per pound on all commodities between San Juan and St. Thomas.

[7] Under § 298.11 of the Board's economic regulations, transactions involving the lease of aircraft by Tradewinds from TWIC are exempt from the requirements of section 408 of the Act, and require no further Board approval.

[8] It appears that the control relationships involving Berwind, Tradewinds and TWIC have been in effect for some time. Nevertheless, it has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships (15 CAB 876, 1952), to the extent applicable, and to consider the application on its merits.

[9] Studebaker Corp., Disclaimer 37 CAB 738 (1962).

[10] Comments shall conform to the requirements of the Board's rules of practice (14 CFR 302). Further, since an opportunity to file comments is being provided, petitions for reconsideration of this order will not be entertained.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 98.

[2] Western is proposing to offer youth reservation fares for the first time.

Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., November 4, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-13362; Filed, Nov. 7, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

CORRECTIVE THERAPIST SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the Corrective Therapist Series, GS-635. The requirements, the duties of the positions, and the reasons for the Commission's decision that requirements are necessary are set forth below.

THE CORRECTIVE THERAPIST SERIES, GS-635 (ALL POSITIONS)

Minimum Educational Requirements. Candidates must have successfully completed a 4-year course of study at an accredited college or university leading to a bachelor's degree in physical education, corrective therapy, or physical therapy.

Duties. Corrective therapists perform professional work requiring the application of knowledge of the concepts, principles, and practices of physical education and rehabilitation therapy. They plan and carry out treatment in which they use or adapt various types of physical exercised physical activities, and equipment for the health maintenance, physical reconditioning, resocialization, or mental restoration of patients. They perform tests and evaluations of muscle strength, endurance, coordination, balance, and vital capacity. They provide individual or group instruction in physical exercise to patients. They devise adaptations of equipment for use of patients.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without a sound basic knowledge of the principles, theories, concepts, and practices of physical education and rehabilitation therapy. The duties of the positions require the application of highly technical information and skills acquired only through the successful completion of a course of study in an accredited college or university which has technical libraries, well-equipped laboratories, and thoroughly trained instructors; gives expert guidance; and evaluates progress competently.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13311; Filed, Nov. 7, 1969; 8:45 a.m.]

EDUCATIONAL THERAPIST SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the Educational Therapist Series, GS-637. The requirements, the duties of the positions, and the reasons for the Commission's decision that requirements are necessary are set forth below.

EDUCATIONAL THERAPIST SERIES, GS-639 (ALL POSITIONS)

Minimum Educational Requirements. Candidates must have successfully completed a 4-year course of study at an accredited college or university leading to a bachelor's degree with major study in education, or in a field directly applicable to the work such as occupational therapy or psychology provided that the curriculum has included or been supplemented by a minimum of 12 semester credit hours in education.

Duties. Educational therapists perform professional work utilizing the concepts, principles, methods, and practices of education in the treatment and rehabilitation of patients having physical or mental disabilities. Educational therapists evaluate the learning ability or educational level of patients by use of educational tests and measurements. They use educational situations, methods, and equipment to enable the patient to achieve therapeutic objectives such as diminishing emotional stress, providing a sense of achievement, or channeling energies into acceptable forms of behavior.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without a sound basic knowledge of the principles, theories, concepts, and practices of education. The duties of the positions require the application of highly technical information and skills acquired only through the successful completion of a course of study in an accredited college or university which has technical libraries, well-equipped laboratories, and thoroughly trained instructors; gives expert guidance; and evaluates progress competently.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13312; Filed, Nov. 7, 1969; 8:45 a.m.]

MANUAL ARTS THERAPIST SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the Manual Arts Therapist Series, GS-637. The requirements, the duties of the positions, and the reasons for the Commission's decision that requirements are necessary are set forth below.

THE MANUAL ARTS THERAPIST SERIES, GS-637 (ALL POSITIONS)

Minimum Educational Requirements. Candidates must have successfully completed a 4-year course of study at an accredited college or university leading to a bachelor's degree in industrial education, industrial arts education, manual arts therapy, or occupational therapy.

Duties. Manual Arts Therapists perform professional work utilizing industrial arts activities in the treatment and rehabilitation of patients having physical or mental disabilities. Manual arts therapists evaluate the vocational potential of patients; devise projects and equipment to maintain or improve skills or promote recovery of patients; and evaluate ability of patients to work in actual or simulated work environments.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without a sound basic knowledge of the scientific and technological principles, concepts, and practices underlying professional work in manual arts therapy. The duties of the positions require the application of highly technical information and skills acquired only through the successful completion of a course of study in an accredited college or university which has technical libraries, well-equipped laboratories, and thoroughly trained instructors; gives expert guidance; and evaluates progress competently.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13313; Filed, Nov. 7, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-107]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

NOVEMBER 4, 1969.

Take notice that on October 24, 1969, Arkansas Louisiana Gas Co. (applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-107 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the calendar year 1970 and the operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

Applicant requests that the cost limitation set forth in § 2.58(a) of the Commission's General Policy and Interpretations be waived to permit the expenditure of up to $5,720,100 for all facilities. The application states that the total cost for facilities for any single project wil not exceed $500,000. The proposed facilities will be financed with cash on hand, cash generated from internal sources, and short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13338; Filed, Nov. 7, 1969; 8:46 a.m.]

[Docket No. RP69-22]

CASCADE NATURAL GAS CORP.

Order Instituting Investigation and Permitting Intervention

OCTOBER 29, 1969.

On February 7, 1969, Cascade Natural Gas Corp. (Cascade) filed a petition with the Commission requesting the Commission to institute an investigation as to the lawfulness and reasonableness of the rates and charges set out in its FPC Gas Rate Schedule No. 1, and the lawfulness of certain other terms and conditions also contained in that rate schedule. Cascade alleges that the rate levels are so low as to adversely impair its financial ability to continue or expand its services, cast upon its other customers an excessive burden, and is therefore unjust, unlawful, unreasonable, unduly discriminatory, confiscatory, and contrary to the public interest. It further urges that certain other provisions in Rate Schedule No. 1 are also unjust, unlawful, unduly discriminatory, in restraint of trade, illegal, and contrary to the public interest. Cascade requests that a hearing be held on these matters, that the Commission by order permit the filing of just and reasonable rates, and to the extent that the Commission finds other terms and conditions unlawful or contrary to the Natural Gas Act that such provisions be declared inoperative, and of no force and effect.

Mountain Fuel Supply Co. (Mountain Fuel), Cascade's sole customer under that rate schedule, filed a petition to intervene in opposition to Cascade's request. Notices of intervention in support of Cascade's petition were filed by the Public Utility Commissioner of Oregon and the Washington Utilities and Transportation Commission. Notices of intervention in opposition were filed by the Public Service Commission of Utah and the Public Service Commission of Wyoming.

In opposition, Mountain Fuel asserts a number of reasons for rejecting Cascade's petition. Among the principal reasons advanced by Mountain Fuel are the following: the decisions in United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332, and F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348, stand for the proposition that private gas purchase contracts should not be disturbed except in extraordinary circumstances; Cascade voluntarily agreed to the 21-cent contract rate; Cascade, which is primarily a gas distribution company, has not shown that the rate for the sale to Mountain Fuel is so low as to impair its financial ability; and the calculations furnished by Cascade purporting to show an inadequate return on its sale to Mountain Fuel are of no probative value for several reasons, the most significant of which is Cascade's assumption that it will sell only 13,140,000 Mcf annually to Mountain Fuel rather than 18,250,000 Mcf annually (50,000 Mcf per day) which Mountain Fuel is obligated to purchase under the contract if Cascade can show requisite deliverability.

On June 26, 1969, Cascade filed a letter supplementing its petition and on July 1 and July 17, Mountain Fuel filed letters answering the claims in Cascade's June 26 letter. In its supplement Cascade alleges that "additional facilities and gas supply are required to increase the deliverability of Cascade's system" to meet contract requirements, that "Cascade is required by the regulations and the public interest to show a market to justify the additional expansion" and that "Mountain Fuel has repeatedly refused to furnish Cascade a schedule of future requirements". In answer, Mountain Fuel asserts that "if Cascade were able to deliver 50,000 Mcf per day, Mountain Fuel would, as it has from the inception of the contract, stand ready, willing and able to purchase said amount."

It appears that the question of whether Cascade can deliver and Mountain Fuel will take 18,250,000 Mcf annually under the terms of the contract is critical to the determination of whether the contract rate is so low as to adversely affect the public interest. If sales of 18,250,000 Mcf were made, there would appear to be no basis in Cascade's pleadings for undertaking an investigation of the lawfulness and reasonableness of its rates and charges to Mountain Fuel. The presentation in Cascade's petition is predicated on a lower level of sales and, obviously, in the absence of a significant increase in facilities, or cost of purchased gas, neither of which it has suggested is likely, Cascade's return will be markedly greater than shown in its petition, if Mountain Fuel can and will take at the 18,250,000 Mcf annual rate.

Because of the conflicting claims in the pleadings, we are unable to determine from those pleadings how much gas Cascade can deliver and Mountain Fuel would take under the contract. Accordingly, we will institute an investigation, and provide for evidentiary hearings to the extent necessary, limited to the threshold issue of how much gas can be delivered by Cascade and would be taken by Mountain Fuel under this contract. Resolution of that issue should enable us to determine whether further proceedings upon the complaint are warranted.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of section 5(a) of the Natural Gas Act that an investigation and hearing be instituted to determine how much gas Cascade can deliver and Mountain Fuel would purchase under the terms of the contract filed as Cascade's FPC Gas Rate Schedule No. 1.

(2) The participation of Mountain Fuel in this proceeding is in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 5,

14, 15, and 16 thereof, and the Commission's rules of practice and procedure, an investigation is hereby instituted to determine how much gas Cascade can deliver and Mountain Fuel would purchase under the terms of the contract filed as Cascade's FPC Gas Rate Schedule No. 1.

(B) Mountain Fuel is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on November 18, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of defining the issues, reaching an agreement and stipulation thereon with respect to any facts relevant to this proceeding and, if necessary to set dates for the filing evidence and to prescribe procedures for hearing.

(D) A presiding examiner designated by the Chief Examiner for that purpose [see Delegation of Authority, 18 CFR 3.5 (d)], shall preside at the prehearing conference in this proceeding and at hearings to be held at times he designates, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13337; Filed, Nov. 7, 1969; 8:46 a.m.]

[Docket No. CP70-113]

COLORADO INTERSTATE GAS CO.

Notice of Application

NOVEMBER 4, 1969.

Take notice that on October 27, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-113 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to increase deliveries of natural gas to Plateau Natural Gas Co. (Plateau), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 6.5 miles of 4-inch pipeline to loop a portion of an existing 3-inch pipeline owned by Plateau. Applicant also proposes to replace an existing positive displacement meter with a dual 2-inch orifice meter having a larger delivery capacity, to meet Plateau's increased peak day gas requirements.

Applicant estimates the total cost of the proposed facilities to be $90,012.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13339; Filed, Nov. 7, 1969; 8:46 a.m.]

[Project No. 1432]

CWC FISHERIES, INC.

Notice of Application for New License for Constructed Project

OCTOBER 30, 1969.

Public notice is hereby given that application for new license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by CWC Fisheries, Inc. (correspondence to: A. W. Brindle, 88 East Hamlin Street, Seattle, Wash. 98105), for constructed Project No. 1432 located on an unnamed creek, tributary to Dry Spruce Bay, in Kodiak Recording District, Kodiak Island, Alaska, and affecting lands of the United States under the supervision of the Bureau of Land Management, Department of the Interior.

The existing project consists of: (1) Two ditches, one about 850 feet long and the other about 950 feet long, which divert water from four small creeks into two ponds; (2) an upper pond, surface area of about 10 acres, and a lower pond, surface area of about 1.5 acres; (3) earth-fill dams raising the surface of each pond 6 feet; (4) a 12-inch pipeline 6,722 feet long leading from the lower pond to the powerhouse; (5) a powerhouse containing one generator rated at 75 kw., and (6) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13340; Filed, Nov. 7, 1969; 8:47 a.m.]

[Docket No. CP70-112]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 4, 1969.

Take notice that on October 27, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Texas 79999, filed in Docket No. CP70-112 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary for the sale and delivery of additional quantities of natural gas to Southern Union Gas Co. (Southern) for resale and distribution in the area of Clarksdale and Cottonwood, Ariz., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Southern has requested additional volumes of natural gas to satisfy the increased requirements of its customers. Applicant proposes to construct and operate a 6⅝-inch O.D. pipeline loop of a portion of its existing 4½-inch O.D. Clarksdale line beginning at a point of connection on its 20-inch O.D. San Juan-Maricopa line and extending for a distance of approximately 4.5 miles. Applicant also proposes to make certain minor modifications to its existing American Cement Co. metering facilities serving Southern. The total estimated cost of the proposed facilities is $175,313, to be financed by working funds and short-term borrowings.

The estimated third year peak day and annual requirements of the area of Clarksdale and Cottonwood are 9,673 Mcf and 2,315,578 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13341; Filed, Nov. 7, 1969; 8:47 a.m.]

[Docket No. E-7509]

GULF STATES UTILITIES CO.

Notice of Application

OCTOBER 30, 1969.

Take notice that on October 27, 1969, Gulf States Utilities Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $80 million principal amount of unsecured short-term promissory notes.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Tex., and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the city of Baton Rouge, La., and vicinity.

Applicant proposes to issue the notes to commercial banks and to commercial paper dealers. Notes issued to commercial banks will be issued on various dates and will mature on December 31, 1970. Notes issued to commercial paper dealers will be issued on various dates and for varying periods of time, but no note will have a maturity of more than 9 months from the date of its issuance and in no event will the final maturity date be beyond December 31, 1971.

The proceeds from the notes will be added to the general funds of the applicant and will be used, among other things, to provide part of the funds for construction expenditures made and to be made. The preliminary estimated total for 1970 construction is $119,500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13342; Filed, Nov. 7, 1969; 8:47 a.m.]

[Docket No. CP70-105]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 3, 1969.

Take notice that on October 22, 1969, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70-105 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to reassign volumes of natural gas by community within the presently authorized contract demand and for the initiation of certain firm industrial service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to reassign contract demand to allow Northern States Power Co. to achieve maximum utilization of its presently authorized service and to initiate firm industrial service of 210 Mcf per day to Iowa Public Service Co. for Armour & Co.—Sioux Quality Packers from existing volumes of contract demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13343; Filed, Nov. 7, 1969; 8:47 a.m.]

[Docket No. RP70-7]

SOUTH GEORGIA NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing Hearing Procedures

OCTOBER 29, 1969.

South Georgia Natural Gas Co. (South Georgia) on September 30, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective on October 30, 1969, or on such later date as the Commission may permit the proposed rates of Southern Natural Gas Co. in Docket No. RP70-5 to become effective. The proposed rate changes would increase charges for jurisdictional service by $1,340,475 based on sales volumes for the 12-month period ended May 31, 1969, as adjusted.

South Georgia states that the principal reasons for the proposed rate increase are (1) increases in cost of financing which gives rise to the need for a 7.75-percent rate of return, (2) increased cost of purchased gas, (3) higher operating and maintenance expenses, (4) increased cost of materials and supplies, and (5) increases in taxes.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Sixth Revised Sheet No. 11; Seventh Revised Sheet No. 9; 10th Revised Sheet No. 12B; 15th Revised Sheet No. 6; and 16th Revised Sheet No. 5, to its FPC Gas Tariff, Original Volume No. 1

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

South Georgia requests that the effective date of its proposed rate increase be no later than the date the proposed rates of its supplier Southern Natural Gas Co. in Docket No. RP70–5 are made effective. We suspended Southern Natural's proposed rate increase until March 1, 1970. Accordingly, in order to allow the proposed rates to become effective March 1, 1970, we would have to suspend South Georgia's proposed rate increase for 4 months. Since a substantial portion of South Georgia's rate increase is a result of a claimed increase in costs other than purchased gas costs, we find that good cause does not exist to warrant waiver of the 5-month statutory suspension period with respect to the total rate increase requested. Therefore, we will suspend South Georgia's proposed rates until March 30, 1970. However, this action is not intended to preclude South Georgia from filing for increased rates to track Southern Natural's increase for the 1 month during which Southern Natural's increase can be made effective while South Georgia's rate increase is under suspension.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, and tariff provisions contained in South Georgia's FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, ch. I), a public hearing shall be held commencing December 2, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in South Georgia's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon South Georgia's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until March 30, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on December 2, 1969, South Georgia's prepared testimony (Statement P) filed and served on October 13, 1969, together with its entire rate filing as submitted and served on September 30, 1969, shall be admitted to the record as South Georgia's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to any motions by the parties with respect thereto.

(D) Following admission of South Georgia's complete case-in-chief the parties shall present their views and the Presiding Examiner in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and interveners' evidence and South Georgia's rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) Presiding Examiner, Howell Purdue, or any other designated by the Chief Examiner for that purpose [see Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–13335; Filed, Nov. 7, 1969; 8:46 a.m.]

[Docket No. RI70–210 etc.]

TEXAS PACIFIC OIL CO., INC. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates

OCTOBER 23, 1969.

In the order providing for hearings on and suspension of proposed changes in rates, issued September 12, 1969, and published in the FEDERAL REGISTER September 20, 1969, 34 F.R. 14673, appendix A, on page 14674, Docket No. RI70–211, Texas Pacific Oil Co., Inc., (Operator) et al. Under column headed "Rate Schedule No." change "56" to read "50". Appendix A, Docket No. RI70–211: Under column headed "Respondent" add "Inc." to Respondent's name opposite all rate schedules involved in Docket No. RI70–211, to read thusly: "Texas Pacific Oil Co., Inc., (Operator) et al."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–13336; Filed, Nov. 7, 1969; 8:46 a.m.]

[Docket No. CP70–106]

VALLEY GAS CO.

Notice of Application

NOVEMBER 3, 1969.

Take notice that on October 22, 1969, Valley Gas Co. (applicant), 1595 Mendon Road, Cumberland, R.I. 02864, filed in Docket No. CP70–106 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Blackstone Gas Co (Blackstone), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized by order issued January 7, 1954, in Docket No. G–2272 to sell not more than 23 Mcf per day to Blackstone and that natural gas from applicant's Woonsocket distribution system would feed into Blackstone's distribution mains. Applicant states that in 1964 Blackstone agreed to take its entire supply from Tennessee Gas Pipe Line Co., a division of Tenneco Inc. (Tennessee), but has failed to do so. Applicant further states that Blackstone's peak day takes from applicant keep increasing, but applicant claims not to be a conventional wholesaler, and the deliveries through applicant's distribution system create problems. Applicant states further that Blackstone has an interconnection with Tennessee, and is presently receiving a portion of its supply therefrom, and that no additional facilities would be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–13345; Filed, Nov. 7, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of voting shares of the successor by merger to First National Bank of Cambridge, Cambridge, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Banc Group of Ohio, Inc., Columbus, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to First National Bank of Cambridge, Cambridge, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 20, 1969 (34 F.R. 13441), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved; *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this Order, or (b) later than 3 months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

Dated at Washington, D.C., this 3d day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69–13315; Filed, Nov. 7, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of voting shares of the successor by merger to Coshocton National Bank, Coshocton, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Banc Group of Ohio, Inc., Columbus, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Coshocton National Bank, Coshocton, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 20, 1969 (34 F.R. 13441), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved; *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this Order, or (b) later than 3 months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

Dated at Washington, D.C., this 3d day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69–13316; Filed, Nov. 7, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Daane, Brimmer, and Sherrill.

WYOMING BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) by Wyoming Bancorporation, Cheyenne, Wyo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: Cheyenne National Bank, Cheyenne; East Cheyenne National Bank, Cheyenne; First Cheyenne State Bank, Cheyenne; and Stock Growers' Bank of Wheatland, Wheatland, all in Wyoming.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 which would result in a monopoly or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 3d day of November 1969.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Daane, Brimmer, and Sherrill.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13317; Filed, Nov. 7, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4719]

THE CONNECTICUT LIGHT & POWER CO.

Notice of Filing of Post-effective Amendment Proposing an Additional Issue and Sale of Commercial Paper and Notes to Banks

NOVEMBER 4, 1969.

Notice is hereby given that The Connecticut Light & Power Co. ("CL&P"), Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities ("Northeast"), a registered holding company, has filed a post-effective amendment to an application-declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The application-declaration designates sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated April 1, 1969 (Holding Company Act Release No. 16332), this Commission granted and permitted to become effective the application-declaration now being amended, which order authorized CL&P to issue and sell no later than March 31, 1970, its short-term unsecured promissory notes up to an aggregate principal amount outstanding at any one time of $54 million to banks or to a dealer in commercial paper. CL&P now seeks authorization to increase the aggregate amounts of short-term notes that may be outstanding from $54 million to $55,600,000. In all other respects the transactions as heretofore authorized and approved by order of the Commission remain unchanged.

Notice is further given that any interested person may, not later than November 24, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is in order will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13347; Filed, Nov. 7, 1969; 8:47 a.m.]

[70-4806]

MISSISSIPPI POWER CO.

Notice of Proposed Issue and Sale of Commercial Paper Notes and Notes to Banks and Request for Exception From Competitive Bidding

NOVEMBER 4, 1969.

Notice is hereby given that Mississippi Power Co. ("Mississippi"), 2992 West Beach, Gulfport, Miss. 39501, an electric utility subsidiary company of the Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Mississippi requests that from the effective date of the Commission's order herein to December 31, 1970, the exemption from the provisions of section 6(a) of the Act afforded by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased from 5 percent of the principal amount and value of the other securities of Mississippi at the time outstanding to approximately 10 percent thereof. Such increase will permit Mississippi to issue the maximum aggregate principal amount of short-term notes permissible under its charter (without a vote of holders of its outstanding preferred stock). This amount is approximately $16 million, and such amount represents the maximum amount of notes presently to be authorized herein. Changes may be made in the maximum amount of notes to be outstanding and in the amounts to be borrowed from the various banks by the filing of a post-effective amendment and a further order of the Commission. Under the proposed exemption pursuant to section 6(b), Mississippi proposes to issue and sell short-term notes to a group of banks and to issue and sell commercial paper from time to time prior to December 31, 1970, which together shall not exceed $16 million in aggregate principal amount of any one time outstanding, including currently outstanding short-term notes, which consist of bank notes aggregating $9,713,000 in principal amount which were issued pursuant to prior authorization of the Commission (Holding Company Act Release No. 15947 (Jan. 17, 1968)).

The proposed notes to banks will be dated the date of the borrowing, will mature not more than 9 months after the date of issue, and will not exceed $11,218,000 outstanding at any one time. The group of banks to which notes are to be issued consists of Continental Illinois National Bank & Trust Company of Chicago and Guaranty Trust Company of New York (maximum of $600,000 and $3,200,000, respectively, to be borrowed) and 34 local banks (maximum of $7,418,000 to be borrowed). Each bank note will bear interest at the prime rate in effect at the lending bank and may be prepaid, in whole or in part, without penalty or premium.

The proposed commercial paper will be in the form of promissory notes with varying maturities not to exceed 270 days, will be issued in denominations of not less than $50,000 and not more than $5 million, and will not be prepayable prior to maturity. The commercial paper will be sold by Mississippi directly to a dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality of the particular maturity sold by issuers thereof to commercial paper dealers, provided, however, that no commercial paper notes will be issued having a maturity more than 90 days at an effective interest cost which exceeds the effective interest cost at which the applicant company could borrow from banks. No commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer, as principal, will reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing discount rate to Mississippi to not more than 100 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer.

The proceeds from the bank notes and commercial paper will be used by Mississippi to reimburse its treasury for part of the expenditures in connection with its construction program, to finance in part its future construction program, to pay at maturity from time to time outstanding notes and commercial paper, and for other lawful purposes. The total estimated construction expenditures of Mississippi for 1969 and 1970 are $9,024,000 and $21,947,000, respectively. The application states that any bank notes and commercial paper of Mississippi outstanding after December 31, 1970, will be retired from internal cash resources or from the proceeds of permanent debt or equity financing.

Mississippi asserts that the issue and sale of commercial paper should be excepted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for prime borrowers such as Mississippi are published daily in financial publications, and it is not practical to invite invitations for bids for commercial paper. Mississippi also requests authority to file certificates of notification under Rule 24 in respect of its commercial paper on a quarterly basis.

Mississippi's fees and expenses to be incurred in connection with the proposed transactions are estimated at $900, including legal fees of $600. The application states that no State or Federal commission, other than this commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 28, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13348; Filed, Nov. 7, 1969; 8:47 a.m.]

[70-4801]

OHIO POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

NOVEMBER 4, 1969.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44702, an electric utility subsidiary company of American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, has filed an application-declaration, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell $80 million aggregate principal amount of its first mortgage bonds ------ percent series. The proposed series of bonds will bear a single maturity date within the range of 5 to 30 years, such maturity date to be determined not less than 72 hours prior to the opening of the bids. Such bonds will be sold under competitive bidding and the interest rate (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Ohio (which shall be not less than 99 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the mortgage and deed of trust dated as of October 1, 1938, between Ohio and Manufacturers Hanover Trust Co. and Donald B. Herterich, as trustees, as heretofore supplemented and amended and as to be further supplemented by a supplemental indenture to be dated as of the first day of the month in which the bonds are issued and which includes a 5-year prohibition against refunding the issue with the proceeds of funds borrowed at lower interest costs.

The proceeds of the sale of the bonds are to be applied to the extent necessary to pay Ohio's commercial paper and to prepay without premium Ohio's notes payable to banks. As of September 26, 1969, commercial paper was outstanding in the amount of $52,825,000 and bank notes in the amount of $17,965,000. It is expected that, at the time of issuance and delivery of the bonds, an aggregate amount not exceeding $74,600,000 of commercial paper and bank notes will be outstanding. The proceeds remaining after the repayment of Ohio's outstanding commercial paper and notes payable to banks will be applied to Ohio's construction program. Ohio's construction expenditures are estimated to total $280,640,000 for the years 1969 and 1970.

The application-declaration states that the Public Utilities Commission of Ohio has jurisdiction over the proposed transactions, and that an appropriate order will be obtained from this Commission and copies thereof will be filed by amendment. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than November 25, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13349; Filed, Nov. 7, 1969; 8:47 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

NOVEMBER 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liberty Equities Corp. (a District of Columbia corporation), and all other securities of Liberty Equities Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 5, 1969, through November 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13350; Filed, Nov. 7, 1969; 8:47 a.m.]

[File No. 24D-2811]

MONTE CRISTO CORP.

Notice and Order for Hearing

NOVEMBER 3, 1969.

I. Monte Cristo Corp. (issuer), 1102 Continental Bank Building, Salt Lake

City, Utah, a Nevada corporation, with offices located at 1102 Continental Bank Building, Salt Lake City, Utah, filed with this Commission on October 23, 1968, a notification and offering circular relating to a proposed offering of 300,000 shares of its $0.10 par value common stock at $1 per share, for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provision of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission, on May 14, 1969, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. The time within which to request a hearing in this matter was extended until October 24, 1969. The Commission on October 22, 1969, received a request for a hearing in the matter signed by Clarence C. Neslen, Secretary for the issuer.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., December 1, 1969, at the Salt Lake Branch Office, Room 6004, Federal Building, 125 South State Street, Salt Lake City, Utah, with respect to the matters set forth in the Commission's order of May 14, 1969, which temporarily suspended the Regulation A exemption of Monte Cristo Corp., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

It is further ordered, That an officer or officers, to be appointed by the Commission for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by certified mail on Monte Cristo Corp., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before November 10, 1969, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice, and an answer to the allegations contained in the temporary suspension order of May 14, 1969, as provided in Rule 7 of the Commission's rules of practice. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That Monte Cristo Corp., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7) shall file an answer to the allegations set forth in the Commission's temporary suspension order dated May 14, 1969. Such answer shall be filed in the manner, form, and within the time prescribed by 17 CFR 201.7.

Notice is hereby given that if Monte Cristo Corp. fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against Monte Cristo Corp. by the Commission upon consideration of this notice and order for hearing and the allegations in the Commission's temporary suspension order dated May 14, 1969, which may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13351; Filed, Nov. 7, 1969; 8:47 a.m.]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 69-1]

TRADE INFORMATION COMMITTEE

Request for Public Views on Possible Tariff Changes

1. *Notice.* Pursuant to section 3(b)(3) of Directive No. 1 of the Office of the Special Representative for Trade Negotiations (15 CFR 1102.3(b)(3)), the Trade Information Committee (hereinafter referred to as the Committee) will provide an opportunity for interested parties to present written statements of views concerning possible tariff changes described below.

2. *Subject matter.* The United States has notified the General Agreement on Tariffs and Trade (GATT), under paragraph 1 of Article XXVIII, of its reservation of all rights, including the right to modify all or part of the U.S. concessions on the products described in the following items of the Tariff Schedules of the United States (TSUS):

Stainless-steel table flatware:
TSUS items:
650.08 650.40
650.10 650.54
650.38 651.75

Canned fish and canned whale meat, not fit for human consumption:
TSUS item 184.55 (statistical suffix 0.10).

Light airplanes (less than 10,000 pounds empty weight):
TSUS item 694.40 (statistical suffix 0.40).

The provision of the GATT invoked by the United States permits members once every 3 years to change their commitments to maintain tariffs at the levels bound in previous negotiations. In notifying by September 30, 1969, the United States reserved this option for the products specified.

It is suggested that in presenting their views, interested persons should devote particular attention to the consequences of terminating or suspending in whole or in part the tariff concessions now applicable to the above-listed TSUS items.

3. *Time for submission of written statements.* Not later than twenty (20) days after the publication of this notice in the FEDERAL REGISTER, written statements may be filed with the Committee.

4. *Form of written statement.* The statement shall state clearly the position taken and shall describe with particularity the evidence supporting such position. It shall be submitted in not less than twenty (20) copies, which shall be legibly typed, printed, or duplicated, and of which at least one copy shall be made under oath or affirmation.

5. *Information exempt from public inspection.* Parties are encouraged to support their written statements with all available information, including material that may be of a confidential nature. In this regard, parties are referred to sections 7(c) and 8 of the regulations of the Committee (15 CFR 1111.7(c) and 1111.8) for the provisions concerning information exempt from public inspection. These regulations will be provided on request.

6. *Public inspection of written statements.* Subject to the regulations of the Committee, and in particular sections 7(c) and 8 (15 CFR 1111.7(c) and 1111.8), all written statements filed with the Committee will be open to public inspection, by appointment, at the office of the Chairman, Room 729, 1800 G Street NW., Washington, D.C. 20506.

7. *Communications.* All communications with regard to this notice shall be addressed to: Chairman, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Room 729, 1800 G Street NW., Washington, D.C., 20506.

LOUIS C. KRAUTHOFF II, *Chairman.*

[F.R. Doc. 69-13321; Filed, Nov. 7, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 35173]

NORFOLK AND PORTSMOUTH BELT LINE RAILROAD CO.

Intrastate Switching Charges at Norfolk, Chesapeake, and Portsmouth, Va.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of October 1969.

Upon consideration of the petition filed on October 14, 1969, by Norfolk and Portsmouth Belt Line Railroad Co.; and

It appearing, That the petitioner, in its Tariff 1-B, ICC No. 128, V.C.C. No. 52, effective September 30, 1967, increased the switching charges applicable on interstate traffic to $27.70 and $50.24 per car for interterminal and intraterminal movements, respectively; that application was made to the State Corporation Commission of Virginia for authority to increase the charges applicable on intrastate traffic to the same level; but that, by order of January 10, 1969, the State Corporation Commission declined to grant the full amount of the increases sought, allowing instead the establishment of charges of $27 and $38 per car for interterminal and intraterminal movements, respectively;

It further appearing, That the Interstate Commerce Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 714 (1969), approved a general increase of 6 percent on, among other things, certain classes of switching charges, such increases having been made effective on interstate traffic over the petitioner's lines on January 30, 1969; that application was made to the State Corporation Commission of Virginia for authority to increase the charges applicable to intrastate traffic by the same amount; but that, by order of July 14, 1969, the State Corporation Commission declined to grant the increases sought;

It further appearing, That the petitioner alleges in its petition that: (1) interstate and intrastate traffic are generally commingled and handled by the same yard-engine switching movements; (2) the cost of performing the service and the transportation conditions are no more favorable to intrastate traffic than to interstate traffic; (3) the currently applicable intrastate charges are unjustly and unreasonably low for the service performed; (4) the sought increases on intrastate traffic will not cause any substantial diversion of traffic and will produce sufficient revenue to enable the petitioner to provide adequate and efficient service at the lowest possible cost consistent therewith; (5) the disparity in charges operates as a discrimination against, and results in an undue burden upon, interstate commerce; and (6) the disparity in charges causes an undue and unreasonable advantage and preference to shippers and receivers in Virginia intrastate commerce, on the one hand, and undue prejudice to shippers and receivers in interstate and foreign commerce, on the other;

And it further appearing, That the matters raised in the petition are sufficient to require an investigation thereof by this Commission;

Wherefore, and for good cause:

It is ordered, That, pursuant to section 13 of the Interstate Commerce Act, an investigation be, and it is hereby, instituted into the matters and things presented in the petition.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying the Commission in writing on or before December 3, 1969. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; however, mere casual interest does not justify participation. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has past, the Secretary will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That a copy of this order be served upon the petitioner; that the Commonwealth of Virginia be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Virginia, Richmond, Va., and a copy to the State Corporation Commission of Virginia, Richmond, Va.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as may hereafter be designated.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13355; Filed, Nov. 7, 1969; 8:48 a.m.]

[Special Permission No. 70-1843]

ATLANTIC-GULF COASTWISE STEAMSHIP FREIGHT BUREAU

Authority To Depart From the Necessary Tariff Publishing Rules To Publish a Master Tariff

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on this 3d day of November 1969.

Upon consideration of special permission application No. 90, as amended, filed by Atlantic-Gulf Coastwise Steamship Frieght Bureau, agent, for and on behalf of carriers engaged in transportation by water and partly by motor or rail and parties to tariffs listed in Appendix I to the application, authority is sought to depart from the necessary rules of Tariff Circular No. 20 to amend by blanket or conventional supplements, effective upon statutory notice, Atlantic-Gulf Coastwise Steamship Freight Bureau, agent's tariff ICC No. 16 and its member carriers' tariffs enumerated in Appendix I of the application to provide that all-water, water-motor, motor-water, motor-water-motor, motor-water-rail, and rail-water-motor rates and charges published therein will be subject to petitioner's Tariff of Increased Rates and Charges X-262, ICC No. 47, as set forth in the application and exhibits attached thereto. A full investigation of the matters and things involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That,

1. Authority to depart from the necessary tariff publishing rules to publish a master tariff, connecting link supplements and other publications outlined in the application, effective upon not less than statutory notice, be, and it is hereby, granted, on condition that, near the bottom of the title page of the proposed publication to ICC No. 16 where it now reads, "Rates and Charges in Tariffs enumerated herein and in prior supplements thereto," shall be changed to read, "rates and charges in this tariff or in prior supplements thereto."

2. The rule relief granted herein extends only to the publications made under the relief authorized in the preceding ordering paragraph.

3. The connecting-link supplements, and provisions within supplements to tariffs which refers to the master tariff, using the short form method shall bear a notation reading substantially as follows:

This form of publication is permitted by authority of Interstate Commerce Commission Permission No. 70-1843 dated November 3, 1969.

4. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted. This and all other relief from the Commission's tariff publishing rules authorized herein shall expire with October 14, 1970.

5. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of publications containing the proposed increased rates and charges, and all tariff filings made hereunder shall be subject to protest, suspension or rejection.

It is further ordered, That, notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13356; Filed, Nov. 7, 1969; 8:48 a.m.]

[Notice 441]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 5, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings with 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71656. By order of October 28, 1969, the Motor Carrier Board approved the transfer to R & S Transit, Inc., Marshall, Mo., of a portion of the operating rights in certificate in No. MC-123393 (Sub-No. 127), issued September 6, 1967, to Bilyeu Refrigerated Transport Corp., Marshall, Mo., authorizing the transportation of: Drugs, medicines, toilet preparations, cotton swabs and cotton balls, from Jefferson City, Mo., to Seattle, Wash.; Portland, Oreg.; and Los Angeles and San Francisco, Calif. David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, attorney for applicants.

No. MC-FC-71663. By order of October 30, 1969, the Motor Carrier Board approved the transfer to Tanner Gray Line of Phoenix, Inc., Phoenix, Ariz., of the operating rights in certificate No. MC-65389 issued April 25, 1942, to Arizona Tours, Inc., Phoenix, Ariz., authorizing the transportation of passengers and their baggage, in charter and special operations, from Phoenix, Ariz., and points within 20 miles of Phoenix, to points in Arizona, California, Colorado, Nevada, New Mexico, Utah, and El Paso County, Tex., and return; and in special operations, on one-way sightseeing or pleasure tours, between Globe, Ariz., and Phoenix, Ariz. Harold L. Jerman, 222 North Central Avenue, Suite 1004, Phoenix, Ariz. 85004, attorney for applicants.

No. MC-FC-71683. By order of October 30, 1969, the Motor Carrier Board approved the transfer to Billows Truck Service, Inc., Trenton, N.J., of certificate No. MC-81010 issued November 16, 1964, to Albert L. Billows, doing business as Billows Truck Service, Bakers Basin Road, Rural Delivery No. 1, Trenton, N.J. 08638, authorizing the transportation of: Building materials, machinery, and iron and steel articles, between specified points in New Jersey, and Pennsylvania. Edward N. Barol, 715 One East Penn Square Building, Philadelphia, Pa. 19107, attorney for transferee.

No. MC-FC-71686. By order of October 30, 1969, the Motor Carrier Board approved the transfer to Norma G. Williams and Carol G. Rothermel, a partnership, doing business as Nor-Cal Tank Lines, La Habra, Calif., of the certificate of registration in No. MC-120999 (Sub-No. 1) issued February 3, 1964, to Merrill E. Erskine, doing business as Romar Tank Lines, and acquired by Richard J. Sisneros, doing business as Al-Rich Tank Lines, Santa Fe Springs, Calif., pursuant to approval and consummation in No. MC-FC-70426, evidencing a right to engage in transportation in interstate commerce corresponding in scope to the grant of authority in Decision No. 44399 dated June 20, 1950, and transferred in Decision No. 53350 dated July 10, 1956, issued by the Public Utilities Commission of California. Ernest D. Salm, Registered Practitioner, 3846 Evans Street, Los Angeles, Calif. 90027, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13357; Filed, Nov. 7, 1969; 8:48 a.m.]

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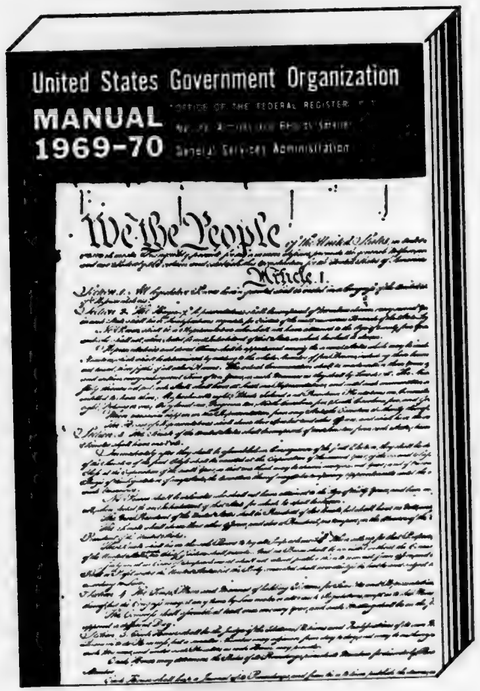
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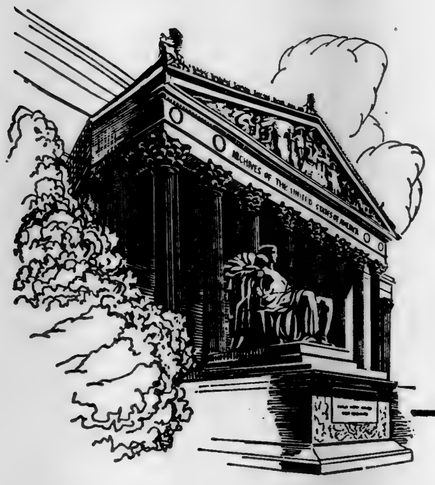
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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

On August 16, 1969, there was published in the FEDERAL REGISTER (34 F.R. 13323) a notice of proposed rule making with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Parts 101, 108, 109, 114, 116, 117, 118, 119, 120, and 121 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the proposed amendments of Parts 101, 108, 109, 114, 116, 117, 118, 119, 120, and 121 of Subchapter E, Title 9, of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth in full herein, subject to the following noted modifications:

The definition of "distributor" in § 101.1(m) is reworded for clarity. The definition of "sterility" in § 101.1(ll) is retained unchanged.

In § 116.1(b) the word "permittee" is substituted for the word "importer" for clarity. The spelling of the word "biological" is corrected.

In § 117.8(b) the spelling of the term "anti-corynebacterium pasteurella serum" is corrected.

PART 101—GENERAL PROVISIONS

1. Section 101.1 is amended by revising paragraphs (l), (m), (n), (y), and (ww) to read:

§ 101.1 Definitions.

* * * * *

(l) *Inspection.* An examination made by an inspector to determine the fitness of animals, establishments, facilities, and procedures used in connection with the preparation, testing, and distribution of biological products under the regulations in Parts 101 through 121 of this subchapter and the examination or testing of biological products by the Division.

(m) *Distributor.* A person who sells, distributes, or otherwise places in channels of trade, one or more biological products he does not produce or import.

(n) [Reserved]

* * * * *

(y) *Batch.* A quantity of properly identified biological product which may be incorporated in whole or in part into a serial.

* * * * *

(ww) *Approved feed lot.* A feed lot approved by the Director for the raising of immune hogs for anti-hog-cholera serum production by a person who, under an agreement or contract, furnishes such hogs to a plant producing anti-hog-cholera serum.

* * * * *

PART 108—SANITATION AT LICENSED ESTABLISHMENTS

2. Section 108.12 is revised to read:

§ 108.12 Rooms and equipment.

(a) All rooms, compartments, and other places used in connection with the preparation, handling, or storing of any biological product at licensed establishments shall be so constructed and arranged as to prevent cross contamination of biological products. Such rooms, compartments, and other places shall be of such material, construction, and design as can be readily and thoroughly cleaned.

(b) All containers, instruments and other apparatus and equipment used for preparing, handling, or storing biological products shall not be used for handling preparing, or storing other forms of biological products until such containers, instruments and other apparatus and equipment have been cleaned and sterilized and so handled thereafter as to prevent contamination.

PART 109—STERILIZATION AT LICENSED ESTABLISHMENTS

3. Section 109.1 is amended by revising paragraph (b) to read:

§ 109.1 Equipment and the like.

* * * * *

(b) Instruments which are found to be damaged by exposure to the degree of heat prescribed in this section, after having been thoroughly cleaned, may be sterilized by boiling for not less than 15 minutes.

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

§§ 114.6, 114.10, 114.15, 114.16, 114.17, 114.19 [Deleted]

4. Part 114 is amended by deleting §§ 114.6, 114.10, 114.15, 114.16, 114.17 and 114.19.

§ 114.5 [Amended]

5. In paragraphs (a) and (b) of § 114.5, the words "Biologics Veterinarian or Biologics Field Agent" are changed to read "inspector."

6. Section 114.8 is amended by revising paragraph (b) to read:

§ 114.8 Methods.

* * * * *

(b) An outline, describing fully the entire process of preparing, handling, storing, marking, treating, and testing each biological product shall be submitted by each licensee to the Division. Tests that are applicable and necessary to prevent the marketing of an unsatisfactory product shall be made by the licensee and the tests shall be included in the outline for the product. Such tests shall establish the purity, safety, and potency of the product. Each outline shall clearly state a definite expiration date for the product and on what it is based.

* * * * *

PART 116—RECORDS AND REPORTS

7. Part 116 is revised to read:

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116.1 Preparation of records.
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116.3 Reports.

§ 116.1 Preparation of records.

(a) Detailed production records, including reports of all tests for purity, safety, and potency shall be prepared for each serial of biological product manufactured in or offered for importation into the United States; such records shall be prepared by the licensee or the foreign manufacturer, respectively.

(b) Detailed disposition records, in a form satisfactory to the Director, shall be maintained by each licensee, each distributor, and each permittee, showing the sale, shipment, or other disposition made of the biological products handled by such person.

§ 116.2 Completion and retention of records.

All records (other than disposition records) required by this part shall be completed by the licensee or the foreign manufacturer, as the case may be, before any portion of a serial of any product may be marketed in the United States or exported. Such records shall be retained for a period of 2 years after the expiration date of the product involved and for such longer period as may be required by the Director in specific cases.

§ 116.3 Reports.

Reports containing accurate information of production activities in each establishment by the licensee or the foreign manufacturer whose products are either

being offered for importation or being imported into the United States, as the case may be, shall be prepared and forwarded to the Division in such form and manner as may be required by the Director.

PART 117—ANIMALS

§ 117.1 [Amended]

8. In § 117.1 the words "Parts 101 to 122" are changed to read "Parts 101 to 121."

§ 117.5 [Amended]

9. In paragraph (d) of § 117.5 the words "and the inspector in charge" are deleted from the second sentence.

10. Section 117.6 is revised to read:

§ 117.6 Certificates.

(a) All cattle, hogs, sheep, and goats admitted to the premises of any licensed establishment which procures no animals from public stockyards, abattoir pens, or similar places need not be held in contact with contact calves if the licensee has a certificate as provided for in paragraph (b) of this section prepared and signed by the supplier for each group of animals admitted. Such certificates shall become a part of the records for each serial or subserial of a biological product the animals are used to produce or test.

(b) Each certificate prepared in accordance with paragraph (a) of this section shall be in the following form:

---------- 19--

This is to certify that ----------

(Specify number and kind of animals) which are offered for admission to the licensed establishment of the ---------- Co. are from the farm or premises of ----------, in the State of ----------, County of ----------, Township of ----------, and to the best of our knowledge and belief were on said farm or premises at least 21 days prior to this date, and were not exposed to any infectious, contagious, or communicable disease, and no new stock was brought onto said farm or premises during that time. The said animals have not been in or transported through any public stockyards, abattoir pens, or similar places, nor have they been exposed to any infectious, contagious, or communicable disease since their removal from said farm or premises.

(Signed) ---------- Co.,

Per ----------

11. Section 117.7 is revised to read:

§ 117.7 Examination and identification.

(a) All animals admitted to the premises of licensed establishments shall be examined by the licensee as soon as practicable after they are received to determine their physical condition. No animals shall be used for production purposes which show any clinical signs of disease.

(b) All animals admitted to the premises of a licensed establishment and permitted to enter the holding pens of the establishment shall be permanently identified by the licensee with tags, marks, or other means acceptable to the Director.

(c) All animals used for test purposes shall be identified either collectively or individually in a manner conducive to an accurate interpretation of the results of the test.

12. Section 117.8 is amended by revising paragraph (b) to read:

§ 117.8 Treatment.

* * * * *

(b) Contact calves shall not be immunized against diseases to which they are susceptible except pasteurellosis. Such calves may be treated with pasteurella bacterin or anti-corynebacterium pasteurella serum.

§ 117.9 [Amended]

13. In paragraph (b) of § 117.9, the words "Parts 101 to 122" are changed to read "Parts 101 to 121."

14. Section 117.10 is revised to read:

§ 117.10 Removal of animals.

Animals may be removed from the premises of licensed establishments; provided, such removal is accomplished in a manner as will preclude the dissemination of disease and in accordance with the following conditions:

(a) Animals which received a viable microorganism within 30 days shall not be removed;

(b) Establishments producing or testing hog-cholera products shall not remove swine from the premises except:

(1) To an approved feed lot in which case the licensee shall obtain a certificate from the consignee of the animals showing their receipt; or

(2) For immediate slaughter in an abattoir operated in accordance with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(3) By truck which shall be cleaned and disinfected as provided in § 117.12(c).

(c) Calves that are in a healthy condition may be removed from licensed establishments after disinfection as described in § 117.12(a). When removed to an abattoir without passing through stockyards or over public highways which are not traversed by animals from public stockyards or similar places, the animals need not be so disinfected.

(d) Other animals that are injured or otherwise unhealthy, except when affected with a communicable disease, may be removed for immediate slaughter to an abattoir operated in accordance with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.); provided, they are properly marked for identification and the inspector in charge of slaughter operations is given due notice in advance.

(e) All animals on the premises shall be disposed of in accordance with the provisions of the regulations in this part and where specific provision is not made therefor shall be disposed of as required by the Director.

15. Section 117.11 is revised to read:

§ 117.11 Swine; treatment prior to removal.

All swine which require treatment or vaccination against hog cholera shall be treated with modified live virus vaccine alone or with modified live virus vaccine in conjunction with anti-hog-cholera serum, both of which shall have been prepared at a licensed establishment. After vaccination, those animals which have received modified live virus vaccine shall be held on the premises for a period of not less than 30 days.

PART 118—HOG-CHOLERA VIRUS

PART 119—ANTI-HOG-CHOLERA SERUM

16. Parts 118 and 119 of Chapter I of Title 9, of the Code of Federal Regulations are revoked.

PART 120—APPROVED FEED LOTS

17. Part 120 is amended by revising §§ 120.2, 120.3, 120.4, 120.5, 120.8, 120.10, and 120.11. Part 120, as amended, reads as follows:

Sec.
120.1 Approval required.
120.2 Application for approval.
120.3 Feed lot approval.
120.4 Listing of approved feed lots.
120.5 Deletion from list of approved feed lots.
120.6 Admitting pigs to premises.
120.7 Method of identification.
120.8 Vaccination in approved feed lots.
120.9 Records of vaccination and disposition.
120.10 Removal of animals.
120.11 Dead animals, removal.

AUTHORITY: The provisions of this Part 120 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 120.1 Approval required.

In order to be designated as an approved feed lot, a feed lot shall meet the requirements set forth in this part and be approved by the Director, Veterinary Biologics Division. Prior to final determination, the Director shall obtain the recommendations of the appropriate official of the State in which such feed lot is located. Any person desiring to have his feed lot designated as an approved feed lot shall make written application for such designation to the Director in accordance with the provisions of § 120.2.

§ 120.2 Application for approval.

The application for approval of a feed lot shall contain the following information: The name of the owner of the feed lot, the name of the person responsible for its operations, the location of the premises, the types of operations of the premises and adjoining premises, the approximate number of animals to be maintained on the premises, whether animals are fed grain, or cooked garbage, method used for identifying animals, the percentage of animals sold to anti-hog-cholera serum producers with names of such producers, the name and location of abattoirs to which hogs not sold to such producers are sent; and a justification or reasons why such feed lot operations will not endanger other swine or impair the Hog-Cholera Eradication Program.

§ 120.3 Feed lot approval.

Before a feed lot is approved by the Director, an inspection shall be made to determine whether such lot meets the requirements of this part. A feed lot shall not be approved unless, in the opinion of the Director, its location and method of operation will not endanger other swine or impair the Hog-Cholera Eradication Program. The volume of swine handled for anti-hog-cholera serum producers must be sufficient to warrant approval as an approved feed lot.

§ 120.4 Listing of approved feed lots.

The Director shall compile a list of approved feed lots, copies of which will be available to all licensed establishments, operators of approved feed lots, and officials of the State in which such approved feed lots are located.

§ 120.5 Deletion from list of approved feed lots.

(a) An approved feed lot will be deleted from the list of approved feed lots upon a request from the operator thereof.

(b) The Director shall delete an approved feed lot from such list when he finds that the handling of swine in the lot is no longer adequate to effectuate the purposes of the regulations of this part, or the lot's location or method of operation endangers other swine or impairs the Hog-Cholera Eradication Program or is not operated in accordance with the provisions of this part. In the event of the deletion of a feed lot, all animals remaining in the lot shall be disposed of in accordance with § 120.10.

§ 120.6 Admitting pigs to premises.

Pigs for feeding purposes may be purchased vaccinated or unvaccinated from any source. Upon receipt, such pigs shall be vaccinated or revaccinated and identified. If pigs are received from a licensed establishment they need not be revaccinated.

§ 120.7 Method of identification.

All tags or other methods used for identification of animals shall be applied in such a manner that identification may be maintained. Tags, if used, shall be of a distinctive design or color so as to differentiate them from identification used for official vaccinates under the Hog-Cholera Eradication Program.

§ 120.8 Vaccination in approved feed lots.

Vaccination on the premises of an approved feed lot shall be with modified live virus vaccine alone or in conjunction with anti-hog-cholera serum or hog-cholera-antibody concentrate.

§ 120.9 Records of vaccination and disposition.

(a) Records of vaccination and disposition of all animals shall be maintained by each operator of an approved feed lot on forms approved by the Department and made available to such operators. A copy of such records shall be furnished to the inspector.

(b) An inventory of animals showing the daily admission to and removal from the premises of all animals shall be maintained by the operator of an approved feed lot.

(c) Records described in paragraphs (a) and (b) of this section shall be retained for a period of 1 year.

§ 120.10 Removal of animals.

(a) Swine shall not be removed from an approved feed lot without a permit in response to a written application therefor. Removal of animals shall be permitted by the Director under the following conditions provided such removal is accomplished in a manner as to preclude the dissemination of disease:

(1) Swine are in a healthy condition as determined by veterinary inspection.

(2) Swine are transported directly to an abattoir for immediate slaughter or to an establishment producing anti-hog-cholera serum. Such transportation shall be by truck.

(3) Swine are removed not earlier than 30 days after vaccination.

(b) A certificate of receipt from the consignee of such animals shall be furnished to the operator of the feed lot.

§ 120.11 Dead animals, removal.

Dead animals to be removed from an approved feed lot shall be removed only to a rendering plant. Trucks used for this purpose shall have watertight bodies and be covered by a suitable covering to prevent flies from reaching the carcasses.

PART 121—ADMISSION OF BIOLOGICAL PRODUCTS AND MATERIALS TO LICENSED ESTABLISHMENTS

§§ 121.1, 121.2, 121.3, 121.4 [Amended]

18. Part 121 is amended by revising each reference to the regulations in §§ 121.1, 121.2, 121.3, and 121.4 to read "Parts 101 to 121 of this subchapter."

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of November 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-13407; Filed, Nov. 10, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9661; Amdt. 39-872]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring installation of a modified propeller cylinder on Dowty Rotol Propellers was published in the FEDERAL REGISTER, 34 F.R. 9683.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to the following Dowty Rotol propellers with propeller cylinder P/N's RA 44133/1 or RA 44709 or RA 62807 or RA 67888, except propeller cylinders modified by Modification No. (c) VP.2422: (c) R.130/4–20—4/12E installed on Vickers Viscount Model 745D aircraft; (c) R.148/4–20—4/21E on Viscount Model 744 aircraft; (c) R.186/4–30—4/16 on Hawker Siddeley Argosy AW–650 aircraft; and (c) R.175/4–30—4/13E on Fairchild F.27 and F.27B aircraft.

Compliance is required as indicated, unless already accomplished.

To prevent failure of propeller cylinders, at the next scheduled propeller overhaul after the effective date of this AD, or before the cylinder accumulates 6,000 hours total time in service, whichever occurs later, incorporate Dowty Rotol Modification No. (c) VP.2480 in accordance with Dowty Rotol Service Bulletin No. 61–564, Revision 4, dated December 1968, or later ARB-approved issue, or FAA-approved equivalent.

This amendment becomes effective December 11, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 3, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-13381; Filed, Nov. 10, 1969; 8:45 a.m.]

[Docket No. 9827; Amdt. 39-873]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt—Bolkow Model—Bolkow Junior Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the existing lower engine—attaching bolts with new bolts having improved fatigue resistance was published in the FEDERAL REGISTER (34 F.R. 14227).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MESSERSCHMITT—BOLKOW GmbH. Applies to Bolkow Model Bolkow Junior Aircraft, Serial Nos. 505 through 684.

Compliance is required as indicated, unless already accomplished.

To prevent failures of the lower engine-mounting bolts, within the next 100 hours' time in service after the effective date of this AD, replace the lower engine-mounting bolts P/N 208–21093.22 with new bolts P/N 208–21093.22 in accordance with Messerschmitt—Bolkow Mounting Instructions No. 04/68, dated October 1968, or an FAA-approved equivalent (Messerschmitt—Bolkow Service Bulletin No. 208—1/68, dated Nov. 14, 1968, covers this same subject).

This amendment becomes effective December 11, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 4, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–13382; Filed, Nov. 10, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

UPDATING LIST OF PRESCRIBED FORMS

Chapter X of Title 49 is amended as follows:

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

The list of prescribed motor carrier and broker application forms in paragraph (a) of § 1003.1 of Chapter X of Title 49 of the Code of Federal Regulations is amended as follows:

1. The heading "B.M.C. 44 (Revised)" is changed to read "OP–F–44".

2. The heading "B.M.C. 45 (Revised)" is changed to read "OP–F–45".

3. The heading "BOR–95" is changed to read "OP–95".

4. Following the listing of form OP–95, the following two forms are added:

OP–TA–19.

Request for extension of emergency temporary authority.

CROSS REFERENCE: Part 1131 of this chapter.

OP–TA–19(a).

Certificate of continuing need for emergency temporary authority.

CROSS REFERENCE: Part 1131 of this chapter.

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1131—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 210a(a) OF THE INTERSTATE COMMERCE ACT

In § 1131.2 of Title 49 of the Code of Federal Regulations, the first sentence of paragraph (b) and the last sentence of paragraph (d)(1) are amended by changing "BOR–95" to read "OP–95".

PART 1134—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

Part 1134 of Title 49 of the Code of Federal Regulations is amended as follows:

1. In paragraph (a) of § 1134.1, "B.M.C. 44 (Revised)" is changed to read "OP–F–44".

2. In paragraph (a) of § 1134.50, "B.M.C. 45 (Revised)" is changed to read "OP–F–45".

These amendments are effective upon publication in the FEDERAL REGISTER.

These forms are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. Copies may also be obtained from the Commission's detached offices listed in 49 CFR Part 1001.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304)

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–13401; Filed, Nov. 10, 1969; 8:47 a.m.]

[Ex Parte No. 241]

PART 1033—CAR SERVICE

Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules, and Practices; Postponement of Effective Date

NOVEMBER 4, 1969.

By order of the Commission, Commissioner Tuggle, dated November 4, 1969, the effective date of the amendments to Part 1033 of Title 49 of the Code of Federal Regulations published on page 14172 of the September 9, 1969, issue of the FEDERAL REGISTER is postponed until further order of the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–13402; Filed, Nov. 10, 1969; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Letters of Commitment to Suppliers

Part 201 of Chapter II, Title 22 (A.I.D. Regulation 1) is amended by adding the following paragraph (e) at the end of § 201.51:

§ 201.51 Methods of financing.

* * * * *

(e) *Letter of commitment to a supplier.* At the request of a borrower/grantee, A.I.D. may issue a letter of commitment to a supplier assuring payment by A.I.D. of specified amounts to cover the cost of commodities and commodity-related services. The letter of commitment to a supplier will identify the sales contract to which it relates and the implementing document under which it is issued.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: November 3, 1969.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 69–13378; Filed, Nov. 10, 1969; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Adjustments and Resumptions; School Attendance

In § 3.667, paragraph (b) is amended to read as follows:

§ 3.667 School attendance.

* * * * *

(b) *Vacation periods.* A child is considered to be in school during a vacation or other holiday period if he was attending school at the end of the preceding school term and resumes attendance, either in the same or a different approved school, at the beginning of the next term. If an award has been made covering a vacation period, and the child fails to resume attendance, or the required evidence of attendance is not received within 30 days after the date the child expected to commence or resume school attendance benefits will be terminated the date of last payment or the last day of the month preceding the date of failure to pursue the course, whichever is the earlier. Benefits may be paid from the day following the date of discontinuance only if notice is received within 1 year from that date showing that the child resumed attendance at the commencement of the term.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: November 4, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69–13386; Filed, Nov. 10, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Location of Field Engineering Bureau's Field Offices and Monitoring Stations

Order. In the matter of amendment of Part 0 of the Commission's rules and regulations to effect certain editorial changes therein.

1. The Commission has before it the desirability of making an editorial change in § 0.121 of its rules showing the location of the Field Engineering Bureau's field offices and monitoring stations.

2. Authority for the amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules. Because the amendment is editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered,* That effective November 14, 1969, Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: October 31, 1969.

Released: November 5, 1969.

[SEAL] BEN F. WAPLE,
Secretary.

In § 0.121 the address of the Engineer in Charge for Radio District 6 is amended to read as follows:

Radio district	*Address of Engineer in Charge*
6	1602 Gas Light Tower, 235 Peachtree Street NE., Atlanta, Ga. 30303.

[F.R. Doc. 69–13408; Filed, Nov. 10, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–19—MANAGEMENT OF BUILDINGS AND GROUNDS

Use of Government Auditoriums and Meeting Places, and Posting Notices

Subpart 101–19.8 is amended to state more specifically authorized and prohibited uses of auditoriums, conference rooms, and other meeting places, and the rules concerning the posting of notices and information bulletins in or on Government-owned or leased buildings.

The table of contents for Part 101–19 is changed by revising the title of Subpart 101–19.8 to read:

Subpart 101–19.8—Auditoriums, Conference Rooms, Other Meeting Places, and Posting Notices or Information Bulletins

1. The title of Subpart 101–19.8 is revised and §§ 101–19.801 and 101–19.803 are revised, as follows:

Subpart 101–19.8—Auditoriums, Conference Rooms, Other Meeting Places, and Posting Notices or Information Bulletins

§ 101–19.801 Authorized and prohibited uses.

(a) For the purposes of this subpart, a "recognized" group or organization is a labor organization recognized under the President's Executive orders governing employee or labor management relations, or an organization that has been in existence at least three months which has been specifically recognized in writing by the occupant agency as an organization whose purpose is to promote the social, health, welfare, or employment interests of the agency's employees.

(b) Except as provided in paragraph (c) of this section, agencies having exclusive use of and/or exercising authority over meeting places may permit their use for:

(1) Meetings to carry out the assigned functions of Federal agencies.

(2) Meetings of recognized Federal employee groups and organizations, including retired Federal employee groups.

(3) Meetings conducted by or actively participated in by employees of the agency and approved by the head of the agency.

(4) Presentation to the public of lectures, concerts, or similar performances by a Federal agency or at which its employees participate in an official capacity, or for the presentation of such a performance by a recognized employee group.

(5) Meetings or performances not directly related to the functions of Federal agencies or activities of employee groups when authorized by the head of the Federal agency occupying the building and controlling the use of the meeting place, and such agency head determines that such meetings or performances would not adversely affect the interests of the Government. (See § 101–19.805 concerning possible reimbursements.)

(c) Meetings places may not be used for:

(1) Meetings or performances sponsored or conducted by any organization, individual, or activity practicing or advocating discrimination based on race, creed, color, sex, or national origin.

(2) Meetings or activities having a partisan political, sectarian, or similar nature or purpose.

(3) Meetings or activities for the purpose of advocating or influencing action on legislation.

(4) Meetings or activities sponsored or conducted by or for commercial enterprises for profit-making purposes through the direct sale of articles, charging of admission fees or the making of an indirect assessment for admission, or the taking of a collection.

(d) All requests for meeting places shall be in writing addressed to the head of the occupying agency. Such requests shall state the date, time, purpose of meeting, the name and description of the applicant organization, the estimated number of persons expected to attend, the duration of the meeting, and the meeting place requested.

(e) Excluding meetings to carry out the assigned functions of Federal agencies, meeting places will not be available during official working hours of the occupant agencies except for one hour during the normal luncheon period.

§ 101–19.803 Posting of notices and information bulletins.

The following types of notices or information bulletins only may be posted on bulletin boards or placed otherwise about the premises:

(a) Official business notices of the occupant agency.

(b) Request for funds for welfare, health, and other purposes, approved by the head of the occupant agency.

(c) Notices to Federal employees by concessionaires and agency employee welfare organizations.

(d) Personal notices of agency employees, such as the sale of an employee's home, requests for car pool participation, etc.

§§ 101–19.800, 101–19.807 [Amended]

2. In §§ 101–19.800 and 101–19.807, for the term "building lines" substitute the term "property lines."

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c); and 40 U.S.C. 318)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: November 10, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–13553; Filed, Nov. 10, 1969; 12:25 p.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

Emergency Closure of Hunting Season for Little Brown Cranes in South Dakota

Notice is hereby given that the open hunting season for little brown cranes in portions of South Dakota from November 8 through December 7, 1969, as published in the FEDERAL REGISTER of Thursday, September 4, 1969, on page 14032

(§ 10.54) is suspended until further notice.

This emergency closure is necessary to afford greater protection to whooping cranes, a rare and endangered species which migrates through South Dakota, one having been sighted in that State on November 7.

For the reason set forth above, it has been found that notice and public procedure are impracticable, unnecessary, and contrary to the public interest.

(16 U.S.C. 704 (40 Stat. 755, as amended))

Effective date. This notice is effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69-13552; Filed, Nov. 10, 1969; 10:54 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Parts 222, 223]

SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Notice of Proposed Rule Making

The Department of the Treasury finds that it is necessary for the following purposes to amend Parts 222 and 223 of Title 31 of the Code of Federal Regulations, covering the certification of surety companies as acceptable sureties on obligations to the United States and the acceptability of such obligations: (1) To simplify and clarify the requirements in the light of current procedures and practices; (2) to consolidate into one part, Part 223, the regulations pertaining to the acceptability of obligations, and (3) to promulgate regulations regarding the continued acceptance by Federal agencies of obligations of surety companies considered delinquent, and defining the circumstances in which the Secretary of the Treasury will take action with regard to such companies and the action that will be taken.

Regulations to carry out the first and second purpose of this issuance are found necessary for the following reasons. Certain existing sections, or sentences therein, in Part 223 (also appearing as Department Circular No. 297) are unnecessary or obsolete and should be revoked. Other existing sections in Part 223 need restatement to clarify the procedures and requirements set forth therein, and to reflect current practices of the Department, for the information of applicant companies or companies already holding certificates of authority. The regulation constituting Part 222 (also appearing as Treasury Department Circular No. 56) does not require the use of a separate part, and surety companies applying for certificates of authority would be more effectively advised thereof by inclusion of the regulation in Part 223.

Regulations to carry out the third purpose of this issuance are found necessary for the reason that the Secretary of the Treasury receives from time to time complaints from Federal agencies concerning the apparent failure of certificated companies to settle claims of those agencies based on bonds written in their favor by such companies. In 1963 the Department of the Treasury took the position that the bond approving officers of one of its bureaus might decline to accept bonds from a surety company holding a certificate of authority where that bureau, after reviewing the situation, determined that the company's failure to pay a claim against it was not based on adequate and nonfrivolous grounds. Other Federal agencies have been advised of that position since that time. In each appropriate instance of a complaint from an agency the surety company concerned has been requested to supply to the Treasury Department explanatory information before renewal of its certificate of authority. In accord with 5 U.S.C. 552(a)(1)(D) the Department of the Treasury has determined that a formal statement is necessary regarding this subject, and further, that that statement should take the form of new sections added to the existing regulations at Part 223.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering the adoption, under the authority of 5 U.S.C. 301 and 558, and 6 U.S.C. 9, of amendments to Parts 222 and 223, of Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations. The amendments proposed for adoption are as follows:

1. Part 222 is amended by revoking the part and section heading, by revising the text, and by redesignating the revised text as paragraph (b) of § 223.5 (see 4 below).

2. Section 223.2 is amended by revising the section heading and text to read:

§ 223.2 Application for certificate of authority.

Every company wishing to apply for a certificate of authority shall address the Assistant Comptroller (Chief Auditor), Bureau of Accounts, U.S. Department of Treasury, Washington, D.C. 20226, who will notify the company of the data which the Secretary of the Treasury determines from time to time to be necessary to make application. In accord with 6 U.S.C. 8 the data will include a copy of the applicant's charter or articles of incorporation and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities.

3. Section 223.3 is amended by revoking the final sentence thereof.

4. Section 223.5 is amended by designating the existing section as paragraph (a) and by adding a new paragraph (b), so that the entire section as amended reads:

§ 223.5 Business.

(a) The company must engage in the business of fidelity insurance and suretyship, whether or not also making contracts of insurance in other classes of insurance, but shall not be engaged in any type or class of business not authorized by its charter or by the laws of the State in which the company is incorporated. It must be the intention of the company to engage actively in the execution of fidelity and surety bonds in favor of the United States.

(b) No bond is acceptable if it has been executed by a company or its agent in a State where it has not obtained that State's license to do a fidelity and surety business. However, bonds executed by any surety company at its home office or outside the boundaries of a State wherein it is not licensed for a principal residing in such State or for a contract to be performed therein are acceptable.

5. Section 223.9 is amended by revising the text to read:

§ 223.9 Valuation of assets.

In determining the financial condition of every such company, its assets and liabilities will be computed on the basis recommended by the National Association of Insurance Commissioners so far as practicable and consistent with the regulations in this part. However, the Secretary of the Treasury may, in his discretion, value the assets or other securities of such companies in accordance with the best information obtainable. Credit will be allowed for reinsurance in all classes of risks if the reinsuring company holds a certificate of authority from the Secretary of the Treasury, or has been recognized as an admitted reinsurer in accord with § 223.12.

6. Section 223.10 is amended by revising the text to read:

§ 223.10 Limitation of risk.

Except as provided in § 223.11, no company holding a certificate of authority shall underwrite any risk on any bond or policy on behalf of any individual, firm, association, or corporation, whether or not the United States is interested as a party thereto, the amount of which is greater than 10 percent of the paid-up capital and surplus of such company, as determined by the Secretary of the Treasury. That figure is hereinafter referred to as the underwriting limitation.

7. Section 223.11 is amended by revising the section heading and text to read:

§ 223.11 Limitation of risk: Protective methods.

The limitation of risk prescribed in § 223.10 may be complied with by the following methods:

(a) *Coinsurance.* Two or more companies may underwrite a risk on any bond or policy, the amount of which does not exceed their aggregate underwriting limitations. Each company shall limit its liability upon the face of the bond or policy, to a definite specified amount which shall be within its underwriting limitation.

(b) *Reinsurance.* (1) In respect to bonds running to the United States, liability in excess of the underwriting limitation shall be reinsured within 45 days from the date of execution and delivery of the bond with a company holding a certificate of authority from

the Secretary of the Treasury. Reinsurance is not permissable on bonds covering formal contracts with the United States for the construction of any building, or the prosecution and completion of any public work, or for repairs upon any public building or public work; such liability shall be protected in the manner set forth in paragraph (a) of this section; i.e., coinsurance.

(2) In respect to risks covered by bonds or policies not running to the United States, liability in excess of the underwriting limitation shall be reinsured within 45 days from the date of execution and delivery of the bond or policy with:

(i) Any company holding a certificate of authority from the Secretary of the Treasury, or

(ii) Any company recognized as an admitted reinsurer in accord with § 223.12, or

(iii) A pool, association, etc., to the extent that it is composed of such companies.

(3) No certificate-holding company may cede to a reinsuring company recognized under § 223.12 any risk in excess of 10 percent of the latter company's paid-up capital and surplus.

(c) *Other methods.* Excess liability may otherwise be protected:

(1) By the deposit with the company in pledge, or by conveyance to it in trust for its protection, of property the current market value of which is at least equal to the liability in excess of its underwriting limitation, or

(2) If such obligation was incurred on behalf of or on account of a fiduciary holding property in a trust capacity, by a joint control agreement which provides that the whole or a sufficient portion of the propery so held may not be disposed of or pledged in any way without the consent of the insuring company.

8. Section 223.12 is amended by revising the section heading and the text to read:

§ 223.12 Recognition as reinsurer.

(a) *Application by U.S. company.* Any company organized under the laws of the United States or of any State thereof, wishing to apply for recognition as an admitted reinsurer (except on excess risks running to the United States) of surety companies doing business with the United States, shall file with the Assistant Comptroller (Chief Auditor):

(1) A certified copy of its charter or articles of incorporation, and

(2) A certified copy of a license from any State in which it has been authorized to do business, and

(3) A copy of the latest available report of its examination by a State Insurance Department, and

(4) A statement of its financial condition, as of the close of the preceding calendar year, on the annual statement form of the National Association of Insurance Commissioners, signed and sworn to by two qualified officers of the company, showing that it has a capital stock paid up in cash of not less than $250,000, in the case of a stock insurance company, or has net assets of not less than $500,000 over and above all liabilities, in the case of a mutual insurance company, and

(5) Such other evidence as the Secretary of the Treasury may determine necessary to establish that it is solvent and able to keep and perform its contracts.

(b) *Application by a U.S. branch.* A U.S. branch of an alien company applying for such recognition shall file with the Assistant Comptroller (Chief Auditor):

(1) The submissions listed in subparagraphs (1) through (5) of paragraph (a) of this section, except that the financial statement of such branch shall show that it has net assets of not less than $250,000 over and above all liabilities and

(2) Evidence satisfactory to the Secretary of the Treasury to establish that it has on deposit in the United States not less than $250,000 available to its policyholders and creditors in the United States.

(c) *Financial reports.* Each company recognized as an admitted reinsurer shall file with the Assistant Comptroller (Chief Auditor) on or before the first day of March of each year its financial statement and such additional evidence as the Secretary of the Treasury determines necessary to establish that the requirements of this section are being met.

9. Section 223.16 is amended by revising the section heading and text to read:

§ 223.16 List of certificate holding companies.

A list of qualified companies is published annually as of July 1 in Department Circular No. 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, with information as to underwriting limitations, areas in which licensed to transact a fidelity and surety business and other details. If the Secretary of the Treasury shall take any exceptions to the annual financial statement submitted by a company, he shall, before issuing Department Circular 570, give a company due notice of such exceptions. Copies of the Circular are available from the Assistant Comptroller (Chief Auditor) upon request.

10. The existing §§ 223.17 and 223.18 are revoked.

11. New §§ 223.17 and 223.18 are added to read:

§ 223.17 Performance of obligations.

(a) Every company shall honor its obligations to Federal agencies promptly. A company which has failed to settle a claim by a Federal agency when default is clear, and when the agency, after review of the situation, has determined that the refusal to pay was not based on adequate and nonfrivolous grounds, may thereafter be refused by that agency as surety on obligations in its favor.

(b) On report of such refusal by the agency to the Secretary of the Treasury, the Secretary will notify the company concerned that the agency report may demonstrate that the company is not keeping and performing its contracts and that, in the absence of satisfactory explanation, the company's default may preclude the renewal of the company's certificate of authority, or warrant prompt revocation of the existing certificate. This notice will provide opportunity to the company to demonstrate its qualification for a continuance of the certificate of authority.

§ 223.18 Revocation.

Whenever in the judgment of the Secretary of the Treasury a company is not complying with the requirements of 6 U.S.C. 6–13 and of the regulations in this part, he shall (a) in all cases notify the company of the facts or conduct which indicate such failure, and provide opportunity to the company to respond, and (b) in those cases where the public interest in the constant financial stability of such a company allows, also provide opportunity to the company to demonstrate or achieve compliance with those requirements. The Secretary shall revoke a company's certificate of authority with advice to it if (1) the company does not respond satisfactorily to his notification of noncompliance, or (2) the company, provided an opportunity to demonstrate or achieve compliance, fails to do so.

Prior to the adoption of the proposed amendments, consideration will be given to written data, views or arguments submitted to the Commissioner of Accounts, U.S. Department of the Treasury, Washington, D.C. 20226, and received not later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER.

Dated: November 6, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69–13397; Filed, Nov. 10, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment, as hereinafter set forth, which were recommended by the Florida Celery Committee.

This committee was established pursuant to Marketing Agreement No. 149 and Marketing Order No. 967, both as amended (7 CFR 967), herein referred to collectively as the "order." The order regulates the handling of celery grown in Florida, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 7th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 967.205 Expenses and rate of assessment.

(a) The expenses that are reasonable and likely to be incurred during the fiscal year August 1, 1969, through July 31, 1970, by the Florida Celery Committee for its maintenance and functioning and for such purposes as the Secretary may determine to be appropriate, will amount to $39,250.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one-half of one cent ($0.005) per crate of celery handled by him as the first handler thereof during said fiscal year.

(c) As provided in § 967.62, unexpended income in excess of expenses for the fiscal year ending July 31, 1970, may be carried over as an operating reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: November 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–11394; Filed, Nov. 10, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9946]

AIRWORTHINESS DIRECTIVE

British Aircraft Corp. Viscount Models 744, 745D, and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Viscount Models 744, 745D, and 810 series airplanes. There have been cases reported of corrosion of the fuselage skin under the dorsal fin structure. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require inspections for corrosion and repair or replacement of the damaged parts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 11, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Viscount Models 744, 745D, and 810 Series airplanes.

Compliance is required as indicated.

To prevent possible failure of the fuselage pressure shell in the area under the dorsal fin structure, accomplish the following:

(a) Within the next 90 days after the effective date of this airworthiness directive or within 8 years after the date of manufacture, whichever occurs later, and thereafter at intervals not to exceed 12 months from the last inspection, visually inspect the fuselage skin under the dorsal fin for corrosion and breakdown of the protective paint. These inspections may be accomplished through the leading edge access panel for the anti-icing duct connection at the base of the fin and through new inspection holes installed in the dorsal fin in accordance with Figures 2 and 3 of the British Aircraft Corp. Preliminary Technical Leaflet No. 278, Issue 1, for Models 744 and 745D airplanes; or Preliminary Technical Leaflet No. 143, Issue 1, for Model 810 airplanes; or an FAA-approved equivalent.

(b) If skin corrosion is found during the inspections required by paragraph (a), before further flight:

(1) Repair the corroded area in accordance with the Viscount Repair Manual, or

(2) Remove the complete dorsal fin (segments or all at once), repair the corroded skin, and reseal, and repaint the fuselage skin under the dorsal fin in accordance with the Airframe Corrosion Section of the Viscount Overhaul Manual, for Model 744 airplanes; the Instruction Manual, for Model 745D airplanes; the Aircraft Manual, for Model 810 airplanes; or an FAA-approved equivalent.

(c) The repetitive inspections required by paragraph (a) may be discontinued when all segments of the dorsal fin have been removed and the corrective action required by paragraph (b)(2) has been accomplished.

Issued in Washington, D.C., on November 4, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69–13383; Filed, Nov. 10, 1969; 8:45 a.m.]

[14 CFR Part 39]

[Docket No. 9947]

AIRWORTHINESS DIRECTIVE

British Aircraft Corporation Viscount Models 744, 745D, and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Viscount Models 744, 745D, and 810 Series Airplanes. There have been cases reported of corrosion of the fuselage skin under the cockpit hood fairing. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require inspections for corrosion and repair or replacement of the damaged parts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 11, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Viscount Models 744, 745D, and 810 Series Airplanes.

Compliance is required as indicated.

To prevent possible failure of the fuselage pressure shell in the areas under the cockpit hood, accomplish the following:

(a) For airplanes manufactured before February 28, 1959—

(1) Within the next 90 days after the effective date of this airworthiness directive, comply with the inspection requirements of paragraph (c).

(2) Within the next 12 months after the effective date of this airworthiness directive, unless already accomplished, accomplish the rework required in paragraph (f).

(b) For airplanes manufactured on or after February 28, 1959—

(1) Within the next 90 days after the effective date of this airworthiness directive, or within 8 years after the date of manufacture, whichever occurs later, and thereafter at intervals not to exceed 12 months since the last inspection, comply with the inspection requirements of paragraph (c).

(2) Within 11 years after the date of manufacture, accomplish the rework required in paragraph (f).

(c) Remove the cockpit hood fairing side panels. Visually inspect the exposed skin panels for corrosion, and visually inspect the wood packing strips around the window frames for water saturation. Guidance on identification of the degree of corrosion is given in the Airplane Corrosion Section of the Viscount Overhaul Manual for Model 744 airplanes; in the Instruction Manual for Model 745D airplanes; and in the Aircraft Manual for Model 810 airplanes.

(d) If, during the inspections required by paragraph (c), skin corrosion is found which does not extend beyond the skin area exposed by removal of the cockpit hood fairing side panels, before further flight repair the corroded skin in accordance with the Viscount Repair Manual or comply with the requirements in paragraph (f).

(e) If, during the inspections required by paragraph (c), skin corrosion is found which extends beyond the skin area exposed by removal of the cockpit hood fairing side panels, or the wood packing strips around the windows are found to be saturated with water, before further flight comply with the requirements stated in paragraph (f).

(f) Remove the complete cockpit hood assembly, including the eyebrow fairing panels located above the windshield panels. Rework and reprotect the fuselage skin under these panels, and replace the wood window packing strips in accordance with paragraph 5.2.3 of British Aircraft Corp. Preliminary Technical Leaflet No. 278, Issue 1, for Models 744 and 745D airplanes; Preliminary Technical Leaflet No. 143, Issue 1, for Model 810 airplanes; or a later ARB-approved issue or FAA-approved equivalent.

(g) The repetitive inspections required by paragraph (b)(1) may be discontinued after compliance with the requirements of paragraph (f) has been accomplished.

Issued in Washington, D.C., on November 4, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-13384; Filed, Nov. 10, 1969; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 9948]

AIRWORTHINESS DIRECTIVE

British Aircraft Corporation Model BAC 1-11 400 Series Airplanes

Amendment 39-471 (32 F.R. 12711), AD 67-25-3 requires periodic inspection of the main landing gear door jack attachment saddle bracket which projects on either side of the keel structure for cracks or damage. The AD also provides for the incorporation of, among other things, Modification PM 3082. However, subsequent inspection by the British Aircraft Corp. indicated the need to limit the service life replacement time on brackets installed in accordance with Modification PM 3082 to 20,000 landings. The British Aircraft Corp. has also revised their Alert Service Bulletin to include a new bracket replacement Modification, PM 3871, that will remove all service life limits. The FAA, therefore, proposes to supersede Amendment 39-471 with a new AD that incorporates the new service life limits for Modification PM 3082 and includes Modification PM 3871 as an alternative means of compliance.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 11, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Model BAC 1-11, 400 Series Airplanes.

Compliance required as indicated.

To prevent fatigue failure of the main landing gear, inner door jack attachment, saddle bracket structure, located on the keel in the main landing gear bay at station 575, accomplish the following:

(a) For airplanes which have not incorporated British Aircraft Corporation Modification PM 2510 or PM 3082 on the effective date of this AD, comply with the following:

(1) Visually inspect all components of the main landing gear, inner door jack attachment, saddle bracket structure assembly which projects outboard on either side of keel structure for cracks or signs of damage in accordance with BAC 1-11 Alert Service Bulletin 53-A-PM 2510, Issue 5, dated May 16, 1969, or later ARB-approved issue, or an FAA-approved equivalent at the following intervals:

(i) For airplanes with less than 2,000 landings on the effective date of this AD, inspect prior to the accumulation of 2,350 landings, and thereafter at intervals not to exceed 350 landings from the last inspection until the accumulation of 3,500 landings and thereafter at intervals not to exceed 50 landings from the last inspection.

(ii) For airplanes with from 2,000 to 3,500 landings on the effective date of this AD, unless already accomplished within the last 350 landings, inspect within the next 350 landings after the effective date of this AD and thereafter at intervals not to exceed 350 landings from the last inspection until the accumulation of 3,500 landings, and thereafter at intervals not to exceed 50 landings from the last inspection.

(iii) For airplanes with 3,500 or more landings on the effective date of this AD, unless already accomplished within the last 50 landings, inspect within the next 50 landings after the effective date of this AD and thereafter at intervals not to exceed 50 landings from the last inspection.

(2) Within the next 50 landings after the effective date of this AD or before the accumulation of 5,000 landings, whichever occurs later after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 5,000 landings from the last replacement, replace the upper web angles P/N AK27-1639 with serviceable web angles of the same part number. Compliance with this subparagraph may be discontinued after the modifications specified in either subparagraph (3)(ii), (3)(iii), or (3)(iv) has been accomplished.

(3) If cracks or damage are found during the inspections required by paragraph (a) before further flight accomplish one of the following:

(i) Replace cracked or damaged components with serviceable components of the same part number.

(ii) Modify the saddle bracket structure in accordance with British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 53-PM 2510, Revision 4, dated October 30, 1967, or later ARB-approved issues, or an FAA-approved equivalent, and replace all cracked or damaged components not replaced by modification PM 2510 with new components of the same part number.

(iii) Accomplish the modification and replacement required by subparagraph (ii) of this paragraph and in addition modify the saddle bracket in accordance with British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 53-PM 3082, Revision 3, dated December 2, 1968, or later ARB-approved issues, or an FAA-approved equivalent.

(iv) Accomplish the modifications and replacement required by subparagraph (ii) and (iii) of this paragraph and in addition modify the saddle bracket structure in accordance with British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 53-PM 3871, dated March 31, 1969, or later ARB-approved issues, or an FAA-approved equivalent.

(4) The inspections required by subparagraph (1) of this paragraph may be discontinued after the modifications specified in either subparagraph (3)(ii), (3)(iii), or (3)(iv) of this paragraph have been accomplished.

(b) For airplanes which have incorporated BAC modification PM 2510 within the next 100 landings or before the accumulation of 14,000 landings after modification PM 2510 was accomplished, whichever occurs later after the effective date of this AD, and thereafter at intervals not to exceed 14,000 landings since the last replacement, replace upper web angles P/N AK27-10133 with new web angles of the same part number.

(c) For airplanes which have incorporated the modifications required by paragraph (a)(3)(iii), within the next 100 landings or before the accumulation of 20,000 landings after modification PM 3082 was installed, whichever occurs later after the effective date of this AD, and thereafter at intervals not to exceed 20,000 landings since the last replacement, replace the upper web angles P/N AK27-10133 with new web angles of the same part number.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operators' fleet average time from takeoff to landing for the airplane type.

This supersedes Amendment 39-471 (32 F.R. 12711), AD 67-25-3.

Issued in Washington, D.C., on November 4, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-13385; Filed, Nov. 10, 1969; 8:46 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69-17; Notice 1]

HOOD LATCH SYSTEMS; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS AND BUSES

Advance Notice of Proposed Motor Vehicle Safety Standard

Standard No. 113, Hood Latch Systems—Passenger Cars, Multipurpose Passenger Vehicles, Trucks and Buses, which became effective January 1, 1969, requires the provision of a hood latch system, and also a secondary latch position or system on vehicles whose front opening hoods can, in any open position, obstruct the view of the driver.

The Federal Highway Administration is considering the issuance of an amendment, to be effective January 1, 1972, to Federal Motor Vehicle Safety Standard No. 113 that would specify performance requirements that will minimize the likelihood of hoods penetrating the windshield as a result of impact, and performance requirements for primary and secondary hood latch systems on all vehicles to which the standard applies. Also under consideration are requirements for separately mounted primary and secondary hood latch systems incorporating independent release mechanisms that will engage automatically from the weight of the hood when the vehicle is at rest, and for means of providing visible evidence when the hood is not properly latched.

Comments and information on the above subjects are requested, including test methods and other data that might be considered in the formulation of reasonable and practicable performance requirements for preventing penetration of the windshield by the hood during impact, and for hood latch systems. In particular, information is requested concerning test procedures, including barrier collision tests and road tests, or any other nondestructive tests, by which hood deformation characteristics and dynamic and static load levels for primary and secondary hood latch systems and hood hinge assemblies can be determined, taking into account specific variations in hood and body designs. Information is also requested concerning aerodynamic forces to which hoods are subjected at various vehicle speeds, inertial forces that affect latch and hinge systems as a result of impact or of operation on uneven road surfaces, and other environmental factors that should be taken into consideration. Information regarding costs of meeting suggested requirements is also requested.

Municipalities, agencies, and other parties engaged in the collection of accident data are requested to provide information as to accidents, injuries and fatalities which have resulted from accidental hood openings.

Comments should identify the docket and notice number and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 514, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business on February 10, 1970, will be considered by the Administrator. All comments will be available in the docket for examination both before and after the closing date for comments. If further rule making action is deemed appropriate, a notice of proposed rule making will be issued.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on November 4, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-13395; Filed, Nov. 10, 1969; 8:46 a.m.]

[49 CFR Part 393]

[Docket No. MC-15; Notice 69-19]

MOTOR CARRIER SAFETY REGULATIONS

Mounting Height of Reflectors

The Federal Highway Administrator is considering rule making which would amend § 393.26(a) of the Motor Carrier Safety Regulations in Part 393 of Title 49, CFR, by lowering the minimum height at which reflectors are required to be mounted on commercial motor vehicles. Section 393.26(a) of the regulations now specifies that as a general rule, all required reflectors must be mounted at a height not less than 24 inches nor more than 60 inches above the ground on which the motor vehicle stands. Under the proposal the 24-inch requirement would be lowered to 15 inches.

Under the proposed amendment, the minimum mounted height for reflectors specified in the Motor Carrier Safety Regulations would be identical with the requirements of Motor Vehicle Safety Standard No. 108, which specifies that required reflectors on new trucks, truck-tractors, trailers, and buses must be mounted not less than 15 inches or more than 60 inches above the road surface. Studies conducted by the staff of the Administration have indicated that, in normal operation, a reflector mounted at 15 inches appears to receive and reflect a greater intensity of light than a 24-inch-high reflector.

In consideration of the foregoing, the Administrator proposes to amend the first sentence of § 393.26(a) in Part 393 of Title 49, CFR, to read as set forth below.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendment. Comments must identify the docket number and must be submitted in three copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety. All comments received before the close of business on January 12, 1970, will be considered by the Administrator before further action is taken. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

The notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority at 49 CFR 1.4(c).

Issued on October 24, 1969.

E. H. HOLMES,
Acting Federal
Highway Administrator.

§ 393.26 Requirements for reflectors.

(a) *Mounting.* All required reflectors shall be mounted upon the motor vehicle at a height not less than 15 inches nor more than 60 inches above the ground on which the motor vehicle stands, except that reflectors shall be mounted as high as practicable on motor vehicles which are so constructed as to make compliance with the 15-inch requirement impractical. * * *

* * * * * *

[F.R. Doc. 69-13391; Filed, Nov. 10, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[General Order 13; Docket No. 69-53]

FILING OF THROUGH ROUTES AND THROUGH RATES

Rescheduling of Filing Dates

Counsel for several conferences has requested a 30-day extension of time within which to file comments in this proceeding.

The Commission is of the opinion that a certain extension of time is warranted. In order not to delay unduly the course of the proceeding, the time within which answers to Hearing Counsel's reply may be made is being reduced. Accordingly, the following schedule for filing is established.

Comments may be filed on or before December 1, 1969.

Reply of Hearing Counsel shall be filed on or before January 5, 1970.

Answers to Hearing Counsel's reply may be filed on or before January 20, 1970.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-13399; Filed, Nov. 10, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q]

SUSPENSION OF RATE LIMITATION ON CERTAIN OBLIGATIONS OF BANK SUBSIDIARIES

Notice of Proposed Rule Making

On October 29, 1969, in conjunction with a notice of proposed rule making with respect to "Certain Borrowings by Bank Affiliates as Deposits" (published in the FEDERAL REGISTER of November 5, 1969, 34 F.R. 17918), the Board pointed out that obligations of bank subsidiaries are, under present provisions of Regulations Q and D, subject to interest rate limitations and reserve requirements to the same extent as obligations issued directly by the bank.

On November 4, 1969, the Board announced measures to allow member banks whose subsidiaries had commercial paper outstanding on October 29, 1969, a reasonable time to adjust to that determination. The following is the text of a letter to the Federal Reserve Banks setting out those measures:

In answer to inquiries from some Reserve Banks as to appropriate steps for implementing the Board's determination, announced October 29, 1969, that certain kinds of obligations issued by member bank subsidiaries are presently covered by Regulations Q and D, the Board has responded as follows:

1. *Regulation Q.* The Board has suspended until December 1, 1969, the limitations on the rate of interest that may be specified in commercial paper or similar obligations with a maturity of 30 days or more issued by a subsidiary of a member bank, to the extent that the total amount of such obligations does not exceed the total amount of the subsidiary's commercial paper outstanding on October 29.

2. *Regulation D.* The Board regards it as appropriate for a Reserve Bank to waive (a) penalties for member bank reserve deficiencies in reserve periods ending on or before October 29, 1969, that result from the treatment of bank subsidiary obligations as deposits and (b) penalties for such deficiencies in reserve periods ending on or before December 3, 1969, that result from such treatment of obligations of the subsidiary, to the extent that the total amount of such obligations does not exceed the total amount of the subsidiary's commercial paper outstanding on October 29.

3. *Discount window accommodation.* The Board also regards it as appropriate for a Reserve Bank to provide accommodation at the discount window for member banks affected by the October 29 determination, in order to allow such banks a reasonable time to adjust in an orderly manner to that determination.

By order of the Board of Governors, November 4, 1969.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13372; Filed, Nov. 10, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 230, 239, 240, 249]

[Releases Nos. 33-5019, 34-8735]

DISCLOSURE STUDY REPORT PROPOSALS

Extension of Time for Submitting Comments

The Securities and Exchange Commission has received various requests for an extension of time in which to submit comments on the proposals published September 15 and October 7 in Securities Act Releases 4996-4998 and 5010-5012, and Securities Exchange Act Releases 8680-8684. These proposals are recorded at 34 F.R. 14227-42, 34 F.R. 17033-34, and 34 F.R. 17180-82. These proposals relate to the implementation of the recommendations made in the Disclosure Study Report submitted to the Commission last March. In view of the importance of these proposals and the Commission's desire to have the benefit of the views and comments of all interested persons, the time for submitting such comments has been extended to November 28, 1969.

By the Commission, October 31, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13392; Filed, Nov. 10, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF COMMERCE

National Bureau of Standards

NOTICE OF PROPOSED FEDERAL INFORMATION PROCESSING STANDARDS

Under the provisions of Public Law 89-306, the Secretary of Commerce is authorized to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards.

Three proposed standards relating to punched cards are being recommended by the National Bureau of Standards. These standards, when approved, will be published as Federal Information Processing Standards.

Prior to final endorsement of these proposals to the President, it is essential to assure that proper consideration is given the needs and views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

Interested parties may submit comments to the Director, Center for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, within 30 days after publication of this notice in the FEDERAL REGISTER.

The specifications of these three proposed standards were developed and adopted by the American National Standards Institute, Inc. (formerly the United States of America Standards Institute, Inc.) by joint cooperation among manufacturers, users, and general interest groups. These copyrighted documents are reproduced in the FEDERAL REGISTER by permission of the Institute. They may be purchased from the Institute, 1430 Broadway, New York, N.Y. 10018. Refer to American National Standard X3.11-1966, Specifications for General Purpose Paper Cards for Information Processing; X3.21, Rectangular Holes in 12-Row Punched Cards; and X3.26, Hollerith Punched Card Code.

LEWIS M. BRANSCOMB,
Director.

SEPTEMBER 30, 1969.

NOTE: Federal Information Processing Standards Publications are issued by the National Bureau of Standards under the direction of the Bureau of the Budget in accordance with the provisions of Public Law 89-306 and Bureau of the Budget Circular No. A-86.

PROPOSED STANDARD FOR GENERAL PURPOSE PAPER CARDS FOR INFORMATION PROCESSING

Name of standard. General Purpose Paper Cards for Information Processing. (FIPS _____)

Category of standard. Hardware Standard, Interchange Codes and Media.

Explanation. This standard specifies the quality, dimensions, and test methods for general purpose paper cards of 7⅜-inch length in which the primary method of recording information is by punched holes.

Approving authority. Bureau of the Budget.

Maintenance agency. Department of Commerce, National Bureau of Standards (Center for Computer Sciences and Technology).

Cross index.

a. USA Standard X3.11-1966, General Purpose Paper Cards for Information Processing (revised).

b. FIPS Publication 1, Code for Information Interchange.

c. FIPS Publication 7, Implementation of the Code for Information Interchange and Related Media Standards.

d. FIPS Publication _____, Hollerith Punched Card Code.

e. FIPS Publication _____, Rectangular Holes in 12-Row Punched Cards.

f. Federal Specification G-C 116d, Cards; Tabulating, April 5, 1966 (hereby superseded).

Applicability. Applicable to general purpose cards in which the primary method of recording information is by punched holes. This standard is not intended to exclude the use of such cards in other applications. Epoxy resin treated cards are not covered by this standard.

Implementation schedule. All general purpose cards procured by the Federal Government on or after (date to be established as 6 months after the publication date of this FIPS Publication), must conform to this standard. Those provisions of FIPS Publication 7, Implementation of the Code for Information Interchange and Related Media Standards, relating to waivers, also apply to this FIPS Publication. All general purpose cards procured by the Federal Government (6 months after the publication date of this FIPS Publication) must conform to the standard unless a waiver is obtained in accordance with paragraph 9 (page 11) of FIPS Publication 7. Exception is made for cards ordered before the date of this FIPS Publication.

Specifications. This Federal standard adopts in whole USA Standard X3.11-1966 (as revised), General Purpose Paper Cards for Information Processing. The revisions to X3.11-1966 which have been developed and approved by the United States of America Standards Institute are reflected in document X3.2/773.

Qualifications. None.

Special information. The size and location of rectangular holes in 12-row 3¼-inch wide punched cards are specified in FIPS _____. The hole-patterns for the 128 characters of the Standard Code for Information Interchange (FIPS 1) are specified in FIPS _____, Hollerith Punched Card Code.

Where to obtain copies of the specifications of the standard.

a. Federal Government activities should obtain copies from established sources within each agency. When there is no established source, purchase orders should be submitted to the General Services Administration, Specifications Activity, Printed Materials Supply Division, Building 197, Washington Navy Yard Annex, Washington, D.C. 20407. Refer to Federal Information Processing Standard Number _____ (FIPS _____).

b. Others may obtain copies from the United States of America Standards Institute, 10 East 40th Street, New York, N.Y. 10016. Refer to USA Specifications for Standard X3.11-1966, General Purpose Paper Cards for Information Processing (revised). (Discounts are available on quantity orders. See USASI catalog.)

AMERICAN STANDARD SPECIFICATION FOR GENERAL PURPOSE PAPER CARDS FOR INFORMATION PROCESSING

NOTE: This material is reproduced from USA Standard X3.11-1966, General Purpose Paper Cards for Information Processing (revised), copyrighted 1966 by the United States of America Standards Institute, copies of which may be purchased from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018.

1. Scope

This standard specifies the quality of paper, dimensions and quality of general purpose cards, and test methods for general purpose cards of 7⅜-inch length. This standard is intended to apply to general purpose cards in which the primary method of recording information is by punched holes. This standard is not intended to exclude the use of such cards in other applications.

2. Detail Requirements

Cards shall meet the following requirements when conditioned at 50 percent relative humidity and 73° F., unless otherwise noted. Tolerances for humidity and temperature are ±2 percent rh and ±3.5° F. (See 4.1 and Fig. 1.)

2.1 *Card Edge.*

2.1.1 *Condition.* All edges shall be smooth and free from burrs.

2.1.2 *Straightness.* All edges shall fall between two straight parallel lines 0.003 inch apart.

2.1.3 *Parallelism.* Opposite edges shall be parallel within 0.003 inch.

2.1.4 *Squareness.* All angles formed by adjacent sides shall be 90° ±5′.

2.2 *Card dimensions.* All edges of the card, except as modified by 2.3, shall fall between two concentric, similarly aligned parallelograms dimensioned as follows:

OUTER	
Height	3.257 inches.
Base length	7.380 inches.

INNER

Height ---------- 3.247 inches.
Base length------ 7.370 inches.

ANGLES

90° ±5'

2.3 *Corners.*

2.3.1 *Diagonal Corner Cut.* The corner cut shall remove 0.250 inch ±0.016 inch from the long edge and 0.433±0.016 inch from the short edge of the card (at a reference angle of 60° to the long edge of the card).

2.3.1.1 Preferred location: The preferred location for the cut shall be at the upper left corner.

2.3.1.2 Alternate location: An alternate location for the cut shall be at the upper right corner.

2.3.2 *Other Corners.*

2.3.2.1 Preferred corners: All corners, except the diagonally cut corner, shall be square. (See 2.1.4 and Fig. 1.)

2.3.2.2 Alternate corners: All corners, except the diagonally cut corner shall be rounded to a nominal radius of 0.250 inch. The edge of the rounded corner shall fall between two concentric arcs. The center of the arcs is located 0.242± 0.000 inch from the long edge and 0.250±0.000 inch from the short edge of the card.

The inner arc shall be 92° and shall have a radius of 0.242 inch; the outer arc shall have a radius of 0.272 inch. (See Fig. 2.)

2.4 *Grain.* The grain of the paper shall be in the direction of the card length.

2.5 *Defects.* Cards shall be free from defects which may cause excessive wear or interfere with the normal operation of data processing equipment. These defects are: holes, electrically conductive particles, loose dust, fuzz, abrasive materials, residual chemicals, static charges, and slime spots.

2.6 *Printing.* Printing shall be legible, without excess ink, and cause no embossment or distortion of the card. The ink shall be nonconductive, nonabrasive, and nonblocking when dry, and shall not transfer to feed rolls, contact rolls, or brushes of data processing machines.

2.7 *Curl.* The maximum curl of cards, when at equilibrium with any relative humidity between 20 percent and 75 percent, shall not exceed the following values when tested according to 4.2.

2.7.1 Axis of curl parallel to the grain of the paper: 0.12 inch.

2.7.2 Axis of curl at right angles to the grain of the paper: 0.25 inch.

2.7.3 Axis of curl diagonal to the grain of the paper: 0.25 inch.

3. Paper Requirements

3.1 *Composition.* The paper shall be 100 percent chemical wood fiber; no ground wood allowed. (See 4.3.)

3.2 *Basis weight.* The paper shall weigh 99 pounds ±5 percent per ream of 500 sheets, 24 inches x 36 inches. (See 4.4.)

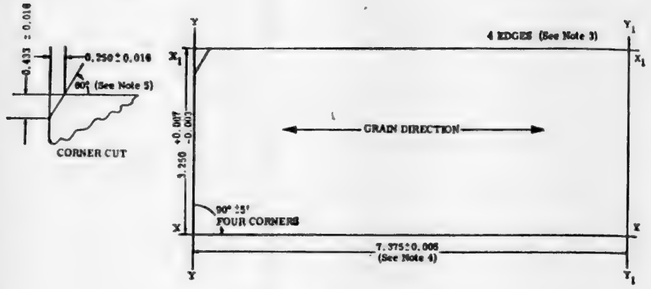


Fig. 1
Paper Card for Information Processing

NOTES:
(1) XX Parallel to X_1X_1 within 0.003.
(2) YY Parallel to Y_1Y_1 within 0.003.
(3) Straight within 0.003.
(4) Length of base, not overall length.
(5) For reference use only.
(6) Card thickness 0.0070 ±0.0004
(7) All linear dimensions in inches.
(8) Dimensions stated for cards conditioned at 50 percent relative humidity and 73°F (see Section 2 and 4.1).

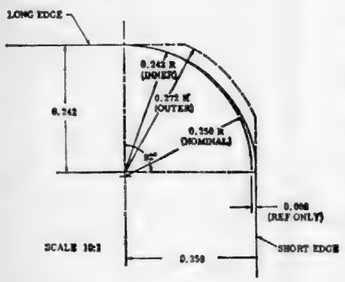


Fig. 2
Rounded Corner

3.3 *Thickness.* The thickness shall be 0.0070 inch±0.0004 inch. (See 4.5.)

3.4 *Bursting strength.* The minimum bursting strength shall be 55 p.s.i. (pounds per square inch). (See 4.6.)

3.5 *Stiffness.* The minimum stiffness in the grain direction shall be 17.0 g.-cm. (gram-centimeters) and in the cross direction shall be 8.0 g.-cm. (See 4.7.)

3.6 *Retention of folding endurance after accelerated aging.* After accelerated (heat) aging for 72 hours at 105° C., the M.I.T. folding endurance retention in the grain direction shall not be less than 25 percent of the original average folding endurance and never less than 25 double folds. (See 4.8.)

3.7 *Internal tearing resistance.* The minimum resistance to tear in each direction shall be 125 grams. (See 4.9.)

3.8 *Ash.* The ash content shall not exceed 2.0 percent. (See 4.10.)

3.9 *Hydrogen ion concentration.* The pH by the hot extraction method shall not be below 5.0. (See 4.11.)

3.10 *Frictional characteristics.*

3.10.1 The static coefficient of friction shall be between 0.30 and 0.45.

3.10.2 The kinetic coefficient of friction shall not be less than 75 percent of the static coefficient of friction. (See 4.12.)

3.11 *Expansion and contraction.* Maximum expansion and contraction with 20 percent to 75 percent and 75 percent to 20 percent change in relative humidity shall be:

3.11.1 Grain direction: 0.25 percent.

3.11.2 Cross direction: 0.70 percent. (See 4.13.)

3.12 *Writing quality.* The paper shall be suitable for writing with pen and ink. (See 4.14.)

3.13 *Smoothness (roughness).* The maximum roughness on either side of the paper shall correspond to a reading of 125 Sheffield units. (See 4.16.)

3.14 *Abrasion loss (resistance to abrasion).* The loss of weight from each side of the paper shall not exceed 50 milligrams when tested according to 4.17.

4. Testing Methods

Unless otherwise specified, the following tolerances shall apply:

Relative humidity--------	±2 percent rh.
Temperature ------------	±3.5° F.

4.1 *Conditioning.* Unless otherwise specified, tests for physical requirements shall be performed on cards conditioned at 50 percent rh and 73° F. by TAPPI (Technical Association of the Pulp and Paper Industry) method T 402 m–49.

4.2 *Curl of cards.* This test is performed at 20 percent rh and at 75 percent rh. In each case, the temperature is maintained at 73° F. A deck of 10 cards is laid on a smooth, horizontal surface with the wire side of the paper up. A similar deck is laid on a smooth, horizontal surface with the felt side of the paper up. After 24 hours, the cards are examined and, if necessary, the deck is turned so that the concave side of the deck is up. A straight edge, weighing 2.5±0.1 grams, is placed across the two high points of the deck of cards. The amount of curl is then measured from the bottom of the straight edge to the low point of the top card of the deck. The test should be performed with separate decks at 20 percent rh and at 75 percent rh, though the deck used at 20 percent rh may later be used at 75 percent rh. The cards tested at 75 percent rh shall not, however, later be tested at 20 percent rh.

4.3 *Composition.* The fiber composition shall be determined by TAPPI method T 401 m–60.

4.4 *Basis weight.* Weight shall be determined by TAPPI method T 410 os 61.

4.5 *Thickness.* Thickness shall be determined by TAPPI method T 411 m–44.

4.6 *Bursting strength.* Bursting strength shall be determined by TAPPI method T 403 ts 63.

4.7 *Stiffness.* Stiffness shall be determined by TAPPI method T 489 m–60.

4.8 *Retention of folding endurance after accelerated aging.* Folding endurance shall be determined by TAPPI method T 423 m–50, Method II (M.I.T. testing instrument). Accelerated heat aging shall be according to TAPPI method T 453 ts 63.

4.9 *Internal tearing resistance.* Tearing resistance shall be determined by TAPPI method T 414 m–49.

4.10 *Ash.* Percent ash shall be determined by TAPPI mehod T 413 m–58.

4.11 *Hydrogen ion concentration.* Hydrogen ion concentration shall be determined by TAPPI method T 435 m–52, Hot Extraction.

4.12 *Coefficient of friction.* The instrument for performing this test shall consist of a smooth, level, metal plate to support the cards, a 3 x 3-inch 1,000-gram weight, a 1,000-gram capacity Chattilon push-pull gage calibrated for horizontal use, and a motor-driven mount for the gage which can advance the gage horizontally and steadily at the rate of 3 feet per minute. The bottom of the weight shall have a smooth, clean rubber surface.

In performing the test, 11 properly conditioned cards, which have been handled by their edges only, are laid flat on the metal plate with the left end of the cards against a stop. The top card is advanced to the right about 2 inches and the weight is placed on the cards, near the right end, so that it is supported by all cards. The gage is then advanced toward the left so that it pushes against the weight in the direction of the long axis of the cards. A reading is taken when the weight and the top card move. This reading, in grams, divided by 1,000 is the static coefficient of friction. Ten successive readings are taken by sequentially placing the top card on the bottom of the deck and repeating the procedure. If, as the movement of the weight and top card continues, there is a change in the reading, the new reading, in grams, divided by 1,000 is the kinetic coefficient of friction.

4.13 *Expansion and contraction.* Expansion and contraction tests are made by exposing cards sequentially to 20 percent, 75 percent, and 20 percent rh at 73° F. These cards shall remain fully exposed for a minimum of 2 hours at each humidity. The cards are then measured with a precision of ±0.0005 inch. The percent expansion is calculated from the difference between the original measurement at 20 percent rh and that made at 75 percent rh. The percent contraction is calculated from the difference between the measurement at 75 percent rh and final measurement at 20 percent rh. If the relative humidity, as measured with a wet and dry bulb psychrometer, is not exactly 20 percent and 75 percent, but within the specified tolerance, corrections are applied assuming a straight line relationship between relative humidity and card dimensions.

4.14 *Writing quality.* A clean, unhandled sample of the paper shall be written upon in a normal manner on both sides with a firm, medium point.[1] The ink using a pen with a firm, medium point.[1] The ink used[2] shall be prepared by dissolving 2 grams of C.I. Acid Red 1 (C.I. 18050) or 2 grams of C.I. Acid Green 3 (C.I. 42085) in 100 cc. of distilled water heated to 100° F. The surface tension of the ink shall be tested at 73° ± 1° F. using a Traube stalagmometer.[3] Reduce the surface tension by adding a wetting agent[4] until 105 to 110 drops fall while the level of the liquid descends from the upper to the lower encircling marks. The written material shall be dry to the touch within 10 seconds. The lines or characters shall be clear-cut and legible, without excessive feathering or spreading.

4.15 *Card dimensions.* All measurements shall be made between parallel anvils having flat contacting surfaces between 3/16-inch and 3/4-inch long and contacting pressures between 20 and 40 grams.

4.16 *Smoothness (roughness).* Smoothness shall be determined by TAPPI method RC–285.

4.17 *Abrasion loss (resistance to abrasion).* Abrasion loss shall be determined by TAPPI method T/476/m-51, Procedure 1, Dry Abrasion Test, except that the turntable of the abrading instrument shall make exactly 100 revolutions.

[1] Esterbrook point No. 9668 or equivalent.
[2] Sheaffer's Skrip, No. 22 permanent blue-black ink or equivalent may be substituted.
[3] Fisher Scientific No. 5–945 or equivalent.
[4] A 25 percent solution of clear Aerosal OT (approximately 2 drops).
[5] This Appendix is not a part of the American Standard Specification for General Purpose Paper Cards for Information Processing, X3.11–1966.

APPENDIX [5]

A1. Recommended Storage and Handling Procedures

Maximum reliability of cards will be maintained by complying with the storage and handling procedures recommended in this Appendix.

A2. Importance of Environment

Cards are affected by heat, cold, and most significantly, relative humidity. Variations in temperature and humidity alter the physical and dimensional characteristics and will reduce the reliability of the card as an information interchange medium. A uniform relative humidity (between 30 percent and 65 percent) is recommended. Even within this range, abrupt changes should always be avoided. Therefore, cards should not be stored where they are exposed to such changes, such as near heated pipes, radiators, windows, and air ducts.

A3. Operating Conditions

Even when relative humidity is not ideal (50 percent rh and 73° F.) cards will usually perform satisfactorily if given time to acclimate. However, cards exposed to sharp differences in relative humidity, such as encountered when moving cards from the storage area to the working area, may become temporarily or permanently warped. As used herein, the term "warp" includes "waviness."

When humidity is high, moisture is absorbed by the cards causing them to swell in length, width, and thickness. When humidity is low, cards lose moisture, shrink in all dimensions, and tend to warp.

Cards transferred from a cold room to a warm room may collect moisture and develop temporary warp. Such cards must be given ample time to achieve a moisture balance with the machine room environment.

If space permits, storage facilities should be provided in the working area for a 5- to 10-day supply.

Caution should be exercised in regulating thermostats and opening windows in working areas.

In winter, favorable relative humidity conditions are more easily maintained at lower temperatures, as continuous high heat dries the air and reduces relative humidity levels.

In summer, excessive humidity can be offset by the use of dehumidifiers.

A4. Warp Correction

Mechanical warp is caused by poor storage or operating procedures. Stacking of partially filled cartons may crush the cards, while storing cartons in damp places may cause cards to become swollen and cramped in their containers. If not too severe or of long duration, mechanical warp may be corrected by storing cards under pressure within the recommended relative humidity (30 percent to 65 percent).

Temporary warp is a common cause of card feeding problems. It is generally caused by exposure to abrupt changes in relative humidity. Provided the humidity is within recommended levels, temporary warp will usually disappear as soon as the cards reach a moisture balance with their new environment.

Cards may become permanently warped if they have been exposed for an extended period of time outside the recommended humidity range (30 percent to 65 percent), and cannot be easily corrected.

Inherent warp is very rarely excessive. Once cards have been exposed to extreme levels of humidity, the warp is magnified and cannot be corrected.

A5. Conditioning

The time required for cards to become sufficiently acclimated to the machine room atmosphere and perform properly depends primarily on the difference between the relative humidity of the machine room and the moisture content of the cards. The following table applies to cards packed in open containers such as 2,000-card boxes or trays:

Difference in relative humidity	*Minimum time required for conditioning*
±10 percent----------	1 day.
±20 percent----------	10 days.
±30 percent or more----------	15 days.

A6. Card Handling

Cards should be flat for machine feeding. Slight distortions can generally be eliminated by lightly fanning the cards.

A7. Storage Procedures

Cartons of cards should be stacked upright. They should not be placed directly on the floor, but should be squarely supported at the bottom and not stacked more than three high.

PROPOSED REVISION TO X3.11–1966 USA STANDARD SPECIFICATION FOR GENERAL PURPOSE PAPER CARDS FOR INFORMATION PROCESSING

Substitute the following for the corresponding sections of X3.11–1966:

2.1.4 *Squareness.* All angles formed by adjacent sides shall be 90°±5′ (0.0047 inch at 3.2500 inches).

2.2 *Angles.* 90°±5′ (0.0047 inch at 3.2500 inches).

Figure 1. 90°±5′ Four Corners (see Note 9). (9) ±5 minutes=0.0047 deviation at 3.2500.

3.4 *Bursting strength.* The bursting strength shall not be less than 55 p.s.i. (pounds per square inch). (See 4.6.)

3.5 *Stiffness.* The stiffness shall be as specified by either of the following (since results of either instrument are satisfactory, testing by both is not necessary).

3.5.1 The Taber stiffness in the grain direction shall not be less than 17.0 g.-cm. (gram-centimeters) and in the cross direction shall not be less than 8.0 g.-cm. (See 4.7.1.)

3.5.2 The Gurley stiffness in the grain direction shall not be less than 1,200 mg. and in the cross direction shall not be less than 500 mg. (See 4.7.2.)

3.6 *Folding endurance.* The average M.I.T. folding endurance shall not be less than 100 double folds in each direction. (See 4.8.)

3.7 *Internal tearing resistance.* The resistance to tear in each direction shall not be less than 125 grams. (See 4.9.)

3.11 *Expansion and contraction.* The expansion and contraction with 20 percent to 75 percent and 75 percent to 20 percent change in relative humidity shall not exceed:

3.11.1 Grain direction: 0.25 percent.

3.11.2 Cross direction: 0.70 percent. (See 4.14.)

3.13 *Smoothness* (roughness). The roughness shall be as specified by either of the following (since results of either instrument are satisfactory, testing by both is not necessary):

3.13.1 The average Sheffield roughness on each side of the paper shall not exceed a reading of 125 Sheffield units. (See 4.16.1.)

3.13.2 The average Bekk roughness on each side of the paper shall not be less than 40 seconds and shall not exceed 100 seconds. (See 4.16.2.)

4.7 *Stiffness.*

4.7.1 Taber stiffness shall be determined by TAPPI method T 489 m–60.

4.7.2 Gurley stiffness shall be determined by Gurley method given by the manufacturer of the testing instrument, using 2-inch by 2½-inch specimens.

4.8 *Folding endurance.* Folding endurance shall be determined by TAPPI method, T 432 m 50, Method II (M.I.T. testing instrument).

4.16 *Smoothness (roughness).*

4.16.1 Sheffield smoothness shall be determined by TAPPI method RC–285.

4.16.2 Bekk smoothness shall be determined by TAPPI method T 479 sm–48.

Revise referenced TAPPI test methods as follows:

	FROM	TO
4.10	T 413 m–58	T 413 ts–66.
4.9	T 414 m–49	T 414 ts–65.
4.17	T 476 m–51, I, Dry	T 476 ts–63, I, Dry.

PROPOSED STANDARD FOR RECTANGULAR HOLES IN 12-ROW PUNCHED CARDS

Name of standard. Rectangular Holes in 12-Row Punched Cards. (FIPS_____).

Category of standard. Hardware Standard, Interchange Codes and Media.

Explanation. This standard specifies the size and location of rectangular holes in 12-row 3¼-inch wide punched cards.

Approving authority. Bureau of the Budget.

Maintenance agency. Department of Commerce, National Bureau of Standards (Center for Computer Sciences and Technology).

Cross index.

a. USA Standard X3.21—1967—Rectangular Holes in 12-Row Punched Cards (revised).

b. FIPS Publication 1, Code for Information Interchange.

c. FIPS Publication 7, Implementation of the Code for Information Interchange and Related Media Standards.

d. FIPS ------, General Purpose Paper Cards for Information Processing.

e. FIPS ------, Hollerith Punched Card Code.

Applicability. This standard applies to card reading and punching equipment used in data processing, communications, and similar operations. This standard does not exclude other types of equipment such as those which punch round holes or cards of other width dimension.

Implementation schedule. All devices which punch or read rectangular holes in 3¼-inch wide 12-row punched cards brought into the Federal Government inventory on or after (date to be established as 6 months after the publication date of this FIPS Publication), must have the capability to use this standard. Those provisions of FIPS Publication 7, "Implementation of the Code for Information Interchange and Related Media Standards" relating to waivers, also apply to this FIPS Publication. All equipment brought into the Federal Government inventory (6 months after the publication date of this FIPS Publication) must conform to the standard unless a waiver is obtained in accordance with paragraph 9 (page 11) of FIPS Publication 7. Exception is made for equipment ordered before the date of this FIPS Publication.

Specifications. This Federal standard adopts in whole USA X3.21–1967, Rectangular Holes in 12-Row Punched Cards (as revised), which has been developed and approved by the United States of America Standards Institute.

Qualifications. None.

Special information. This Federal standard is used in conjunction with FIPS ------, General Purpose Paper Cards for Information Processing which specifies the dimensions, quality of paper, and test methods of 7⅜-inch length cards for information processing. The hole patterns for punching the 128 characters of the Federal Standard Code for Information Interchange (FIPS 1) are contained in FIPS ------, Hollerith Punched Card Code.

Where to obtain copies of the specifications of the standard.

a. Federal Government activities should obtain copies from established sources within each agency. When there is no established source, purchase orders should be submitted to the General Services Administration, Specifications Activity, Printed Materials Supply Division, Building 197, Washington Navy Yard Annex, Washington, D.C. 20407. Refer to Federal Information Processing Standard Number ------ (FIPS ------).

b. Others may obtain copies from the United States of America Standard Institute, 10 East 40th Street, New York, N.Y. 10016. Refer to USA Standard X3.21–1967, Rectangular Holes in 12-Row Punched Cards (revised). (Price $2.25 a copy. Discounts are available on quantity orders. See USASI catalog.)

USA STANDARD RECTANGULAR HOLES IN 12-ROW PUNCHED CARDS

NOTE: This material is reproduced from USA Standard X3.21–1967, Rectangular Holes in 12-Row Punched Cards, copyrighted 1967 by the United States of America Standards Institute, copies of which may be purchased from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018.

1. Scope

This standard specifies the size and location of rectangular holes in 12-row 3¼-inch-wide punched cards. To be a processable document, suitable for information interchange, cards must also meet USA Standard Specifications for General Purpose Paper Cards for Information Processing, X3.11–1966.

2. Detail Requirements (See Fig. 1)

2.1 *Size.* All edges of the hole shall fall between two concentric rectangles whose edges are parallel to the *X* and *Y* datum lines. (See 2.2.1.1 and 2.2.2.1.) The rectangles are dimensioned as follows:

Outer:
Height: 0.126 inch.
Length: 0.056 inch.
Inner:
Height: 0.124 inch.
Length: 0.054 inch.

2.2 *Location.* All holes shall nominally center on the intersection of longitudinal and transverse grid lines located as in the following.

2.2.1 *Longitudinal grid lines.* Twelve longitudinal grid lines (rows) shall be spaced at increments of 0.250 inch from the *X* datum line.

2.2.1.1 *X* Datum line—A horizontal line lying along the top edge of the card.

2.2.2 *Transverse grid lines.* Transverse grid lines (columns) shall be spaced at increments of 0.087 inch from a transverse grid line spaced 0.251 inch from the *Y* datum line.

2.2.2.1 *Y* Datum line—A vertical line exactly at right angles to the *X* datum line and intersecting the mid-point of the right edge of the card.

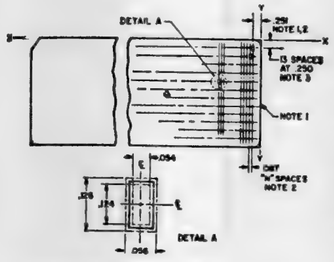
2.2.3 *Tolerance on hole location.*

2.2.3.1 Reading tolerance. The centerline of each hole shall be within 0.018 inch of their corresponding longitudinal and transverse grid lines at the time of reading.

2.2.3.2 Punching tolerance. Because changes in environment affect the dimensions of paper cards (see appendix), the centerlines of each hole should be within 0.010 inch of their corresponding longitudinal and transverse grid lines at the time of punching.

2.3 *Environments.* Environment is not specified in this standard but should be agreed upon by those responsible for punching, reading, transporting, and storing cards.

Fig. 1



All dimensions are in inches.

NOTES:

(1) *Y–Y* is perpendicular to *X–X* and intersects the mid-point of right edge of card.

(2) Vertical centerline of holes may vary ±0.010 from *Y–Y* at time of punching (see 2.2.3.2) and ±0.018 at time of reading.

(3) Horizontal centerline of holes may vary ±0.010 from *X–X* at time of punching (see 2.2.3.2) and ±0.018 at time of reading.

APPENDIX [1]

ENVIRONMENTAL CONSIDERATIONS

A1. Cardstock Dimensional Instability

Cardstock used for punched cards is inherently subject to changes in dimensions with changes in environmental conditions, particularly changes in relative humidity (RH).

A1.1 *Variation of card dimensions.* At a constant temperature of 73° F., a change in relative humidity from 20 percent to 75 percent, or from 75 percent to 20 percent, will change the dimensions of the card as much as 0.018 inch in length and 0.023 inch in width.

Temperature variations within ranges normally maintained for human comfort will not substantially affect dimensional changes as stated above.

A1.2 *Variation in hole location.* The location of punched holes will vary in accordance with the above variations in card dimensions.

[1] (This Appendix is not a part of the USA Standard Rectangular Holes in 12-Row Punched Cards, X3.21–1967, but is included to facilitate its use.)

A1.3 *Additional information.* For additional information, see the appendix to the USA Standard Specifications for General Purpose Paper Cards for Information Processing, X3.11–1966.

A2. User Responsibility

The users of card equipment must accept the responsibility for maintaining the proper environment to assure reliable information interchange.

Maximum reliability of information interchange will result when cards are punched, read, transported, and stored at the same temperature and RH levels. Excursions in RH in excess of 20 percent should be avoided after the cards are punched. Cards exposed to above 75-percent RH undergo dimensional changes, some of which, due to relaxation of paper fiber stresses, may not be reversible when the cards are reconditioned to below 75-percent RH.

PROPOSED REVISION OF USA STANDARD X3.21—1967

1. Add to the end of paragraph 2.2.3.2: "Subsequent punching of additional holes should maintain a minimum distance of 0.011 inch between the nearest edges of any two adjacent holes in the same horizontal row, measured parallel to the X datum line."

2. Substitute for the present Appendix paragraph A1.2:

"A1.2 *Variations in hole location.* When cards are punched near the punching tolerance limits of the standard, changes in relative humidity can result in variations in hole location beyond the specified tolerances at the time of reading. Also, when cards are punched at different times, it is possible that the web between holes in adjacent columns may be less than that stated in paragraph 2.2.3.2.

3. Add a paragraph to Appendix A2:

"The user is cautioned that the recommended minimum distance between adjacent holes (reference paragraph 2.2.3.2) resulting from subsequent punching operations on the same card can only be maintained through proper consideration of machine punching tolerances and relative humidity variations."

PROPOSED STANDARD FOR HOLLERITH PUNCHED CARD CODE

Name of standard. Hollerith Punched Card Code (FIPS ------).

Category of standard. Hardware Standard, Interchange Codes and Media.

Explanation. This standard specifies the representation of the Federal Standard Code for Information Interchange (FIPS 1) in 12-row, 80-column, rectangular hole, "Hollerith" punched cards used in Federal information processing systems, communications systems, and associated equipments.

Approving authority. Bureau of the Budget.

Maintenance agency. Department of Commerce, National Bureau of Standards (Center for Computer Sciences and Technology).

Cross index.

a. USA Standards Institute Document X3.2/771—Proposed Revised USA Standard Hollerith Punched Card Code (pending publication as USA Standard X3.26–1969—Hollerith Punched Card Code).

b. FIPS Publication 1, Code for Information Interchange.

c. FIPS Publication 7, Implementation of the Code for Information Interchange and Related Media Standards.

d. FIPS Publication ------, Specifications for General Purpose Paper Cards for Information Processing.

e. FIPS Publication ------, Rectangular Holes in 12-Row Punched Cards.

Applicability. Generally applicable to the representation of character coded information in 12-row, 80-column, rectangular hole, "Hollerith" punched cards used with data processing, communications, and related equipments. This standard does not exclude the use of other types of punched cards, such as those with round holes, or other than 80 columns. It is not applicable to "edge-punched" cards, whose code holes resemble those used in perforated tape. (Separate standards are being developed for edge-punched cards, but no standardization is underway for the other varieties of punched cards).

Implementation schedule. All 12-row, 80-column, rectangular hole, punched card devices used for representing character coded information brought into the Federal Government inventory on or after (date to be established as 6 months after the publication date of this FIPS Publication), must have the capability to use this standard or a subset thereof as specified by the procuring activity. Those provisions of FIPS Publication 7, Implementation of the Code for Information Interchange and Related Media Standards, relating to waivers, also apply to this FIPS Publication. All equipment brought into the Federal Government inventory (6 months after the publication date of this FIPS Publication) must conform to the standard unless a waiver is obtained in accordance with paragraph 9 (page 11) of FIPS Publication 7. Exception is made for equipment ordered before the date of this FIPS Publication.

Specifications. This Federal standard adopts only that part of (pending) USA Standard X3.26–1969, Hollerith Punched Card Code (attached document X3.2/771) which assigns hole patterns to the 128 characters of the Federal Information Processing Standard Code for Information Interchange (FIPS 1). The applicable code assignments are specified in Columns 0 through 7 of Code Table 2.1, of the (pending) USA Standard.

Qualifications. This Federal standard does not include the 128 additional hole patterns contained in columns 8 through 15 of Code Table 2.1 (pending) USA Standard X3.26—1969 (attached document X3.2/771). Variations such as character substitutions or additional hole patterns will result in a code which does not conform to the standard. Such variations, if required by agencies having special requirements, must be coordinated with the National Bureau of Standards and waived by the Agency

head prior to final agency procurement authorization.

Special information. The size and location of rectangular holes in 12-row $3\frac{1}{4}$-inch wide punched cards are specified in FIPS _____. The quality of paper, dimensions and test methods for $7\frac{3}{8}$-inch length cards are specified in FIPS _____.

Where to obtain copies of the specifications of the standard.

a. Federal Government activities should obtain copies from established sources within each agency. When there is no established source, purchase orders should be submitted to the General Services Administration, Specifications Activity, Printed Materials Supply Division, Building 197, Washington Navy Yard Annex, Washington, D.C. 20407. Refer to Federal Information Processing Standard Number _____ (FIPS _____).

b. Others may obtain copies from the United States of America Standards Institute, 10 East 40th Street, New York, N.Y. 10016. Refer to USA Standard X3.26—1969, Hollerith Punched Card Code. (Discounts are available on quantity orders. See USASI catalog.)

PROPOSED REVISED USA STANDARD HOLLERITH PUNCHED CARD CODE

NOTE 1: This proposed standard has been approved by USA Standards Sectional Committee X3 for forwarding to the American National Standards Institute for consideration as an American National Standard.

Note 2: (This Note 2 is not a part of the USA Standard Hollerith Punched Card Code.)

This USA Standard presents the standard Hollerith Punched Card Code representation of 256 characters, including the 128 characters of USASCII and 128 additional characters in 12-row punched cards.

Other standards specify the dimensions and quality of punched paper cards, and the dimensions and locations of the holes punched in the cards.

This coded representation of the USASCII character set for the 12-row punched card was developed from research, review of historical work and careful consideration of the use of punched cards in information processing and communication. Resolution of several conflicting requirements is reflected herein.

Suggestions for improvement gained in the use of this standard will be welcome. They should be sent to the USA Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016.

1. Scope

This standard specifies 256 hole-patterns in 12-row punched cards. Hole-patterns are assigned to the 128 characters of USASCII (USA Standard Code for Information Interchange) (X3.4—1967) and to 128 additional characters for use in 8-bit coded systems. The assignments incorporate the commonly used "Hollerith" hole-patterns for the numerals and single case letters.

2. STANDARD HOLLERITH PUNCHED CARD CODE

X3.2/771
1968 December 5
(X3.2/695 Rev.)

2.1 Code Table

b8 b7 b6 b5 / COL ROW	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CCL / HEX
0000	NUL 12-0-9-8-1	DLE 12-11-9-8-1	SP NO PCH	0	@ 8-4	P 11-9	` 8-1	p 12-11-7	11-0-9-8-1	12-11-0-9-8-1	12-0-9-1	12-11-9-8	12-11-0-9-5	12-11-8-7	12-11-0-8	12-11-9-8-8	0
0001	SCH 12-9-1	DC1 11-9-1	① 12-8-7-11	1	A 12-1	Q 11-9-8	a 12-0-1	q 12-11-8	0-9-1	9-1	12-0-9-2	11-8-1	12-11-0-9-7	11-0-8-1	12-11-0-9	12-11-9-8-5	1
0010	STX 12-9-2	DC2 11-9-2	" 8-7	2	B 12-2	R 11-9-2	b 12-0-2	r 12-11-9	0-9-2	11-9-8-2	12-0-9-3	11-0-9-2	12-11-0-9-8	11-9-8-2	12-11-0-8-2	12-11-9-8-6	2
0011	ETX 12-9-3	DC3 11-9-3	# 8-3	3	C 12-3	S 11-0-2	c 12-0-3	s 11-0-2	0-9-3	9-3	12-0-9-4	11-0-9-1	12-0-8-1	11-0-8-3	12-11-0-8-3	12-11-9-8-7	3
0100	EOT 9-7	DC4 9-8-4	$ 11-8-3	4	D 12-4	T 11-0-3	d 12-0-4	t 11-0-3	0-9-4	9-4	12-0-9-5	11-0-9-8	12-0-8-2	11-0-8-4	12-11-0-8-4	11-0-9-8-2	4
0101	ENQ 0-9-8-5	NAK 9-8-5	% 0-8-4	5	E 12-5	U 11-0-4	e 12-0-5	u 11-0-4	11-9-5	9-5	12-0-9-6	11-0-9-5	12-0-8-3	11-0-8-5	12-11-0-8-5	11-0-9-8-3	5
0110	ACK 0-9-8-6	SYN 9-2	& 12	6	F 12-6	V 11-0-5	f 12-0-6	v 11-0-5	12-9-6	9-6	12-0-9-7	11-0-9-6	12-0-8-4	11-0-8-6	12-11-0-8-6	11-0-9-8-4	6
0111	BEL 0-9-8-7	ETB 0-9-6	' 8-5	7	G 12-7	W 11-0-6	g 12-0-7	w 11-0-6	11-9-7	12-9-8	12-0-9-8	11-0-9-7	12-0-8-5	11-0-8-7	12-11-0-8-7	11-0-9-8-5	7
1000	BS 11-9-6	CAN 11-9-8	(12-8-5	8	H 12-8	X 11-0-7	h 12-0-8	x 11-0-7	10-9-8	9-8	12-8-1	11-0-9-8	12-0-8-6	12-11-0-8-1	12-0-9-8-2	11-0-9-8-6	8
1001	HT 12-9-5	EM 11-9-8-1	) 11-8-5	9	I 12-9	Y 11-0-8	i 12-0-9	y 11-0-8	0-9-8-1	9-8-1	12-11-9-1	10-8-1	12-0-8-7	12-11-8-1	12-0-9-8-3	11-0-9-8-7	9
1010	LF 0-9-5	SUB 9-8-7	* 11-8-4	: 8-2	J 12-11	Z 11-0-9	j 12-11-1	z 11-0-9	0-9-8-2	9-8-2	12-11-9-2	12-11-0	12-11-8-1	12-11-0-2	12-0-9-8-4	12-11-0-9-8-2	10
1011	VT 12-9-8-3	ESC 0-9-7	+ 12-8-6	; 11-8-6	K 11-2	[12-8-2	k 12-11-2	{ 12-8	0-9-8-3	9-8-3	12-11-9-3	12-11-0-9-1	12-11-8-2	12-11-0-3	12-0-9-8-5	12-11-0-9-8-3	11
1100	FF 12-9-8-4	FS 11-9-8-4	, 0-8-3	< 12-8-4	L 11-3	\ 0-8-2	l 12-11-3	| 12-11	0-9-8-4	12-9-8	12-11-9-4	12-11-0-9-2	12-11-8-3	12-11-0-4	12-0-9-8-6	12-11-0-9-8-4	12
1101	CR 12-9-8-5	GS 11-9-8-5	- 11	= 8-6	M 11-8	] 11-8-2	m 12-11-4	} 11-8	12-9-8-1	11-9-8	12-11-9-5	12-11-0-9-3	12-11-8-4	12-11-0-5	12-0-9-8-7	12-11-0-9-8-5	13
1110	SO 12-9-8-6	RS 11-9-8-6	. 12-8-3	> 0-8-6	N 11-5	^ ② 11-8-7	n 12-11-5	~ 11-0-1	12-9-8-2	9-8-6	12-11-9-6	12-11-0-9-4	12-11-8-5	12-11-0-6	12-11-9-8-3	12-11-0-9-8-6	14
1111	SI 12-9-8-7	US 11-9-8-7	/ 0-1	? 0-8-7	O 11-6	_ 0-8-5	o 12-11-6	DEL 12-9-7	11-9-8-3	11-0-9-1	12-11-9-7	12-11-0-9-5	12-11-8-6	12-11-0-7	12-11-9-8-3	EC 12-11-0-9-8-7	15
					For Control						For Graphics						

① may be " ! "

② may be " ¬ "

③ The top line in each entry to the table represents an assigned character (Columns 0 to 7). The bottom line in each entry is the corresponding card hole-pattern.

2.2 The standard row positional order and notation for the 12-row punched card is shown in Figure 1. The card code hole-patterns in the Code Table represent punches in the corresponding rows of the card.

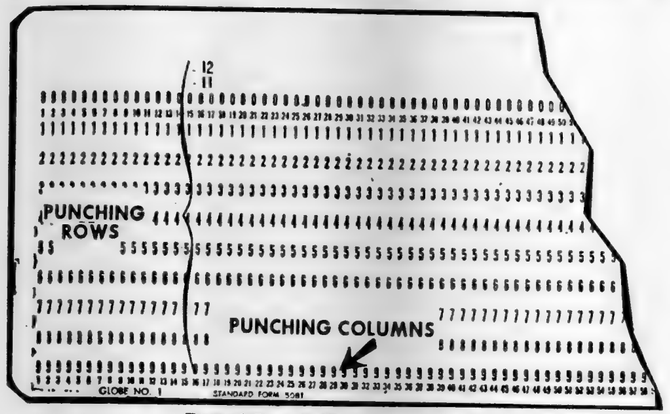


FIGURE 1. Layout of Punching Positions.

2.3 This standard specifies the Hollerith card hole-patterns for representing the characters of the USASCII when punched in the standard 12-row punched card. A single hole-pattern (such as 12–2, or 11–8–6, or 11–9–8–6) is to be punched in a single column of the standard 12-row punched card.

2.4 A particular hole-pattern may be referred to as being in Code Table position x/y, where x is the table column and y is the table row. The vertical columns (x) in the body of the Code Table (not to be confused with columns on a punched card) are designated column 0, 1, 2, 3, 4, 5, 6, ... 15 for reference purposes only. The horizontal rows (y) in the body of the Code Table (not to be confused with rows on the punched card) are designated row 0, 1, 2, 3, - - -, and 15 for reference purposes only.

Example: Hole-pattern 12–9–8–4 is in Code Table position 0/12.

2.5 A particular hole-pattern may also be related to a particular bit-pattern in an 8-bit system, e.g., X3.22—1967.

Example: Hole-pattern 12–9–8–4 corresponds to bit-pattern 0000 1100.

3. Qualifications

3.1 This standard does not include any redundancy, or define techniques for error control.

3.2 This standard does not specify a standard card sorting sequence.

3.3 In specific applications it may be desirable to stylize the graphics in code table positions 2/1 and 5/14 into those frequently associated with Logical OR (|) and Logical NOT (¬) respectively. Other graphics may be similarly stylized in specific applications, as provided for in X3.4—1967.

3.4 Punched card systems have used the convention of overpunching digits with 12 or 11 to represent signed numbers or for other purposes. This standard does not provide a simple translation of overpunched digits to the USASCII representation of digits. Where possible, signs of numbers should be in separate card columns. Overpunched digits should be used in information interchange only by specific agreement between sender and receiver.

3.5 Deviations from the standard may create serious difficulties in general information interchange. Such deviation should be used only with full cognizance of the parties involved. The use of hole-patterns not defined in this standard is considered a deviation from the standard. (See Appendix A.)

4. Hole-Pattern Cross Reference Table

The following table shows the 256 hole-patterns of section 2.1 rearranged for ease of reference. In the body of the table are shown two types of entry. One type is a single-line entry, such as A, #, SOH, etc. There are 128 of these entries, and they are the 128 characters from columns 0 through 7 of Code Table 2.1.

The other type of entry is a double-line entry. The upper line of such entries is the column/row notation explained in section 2.4. The lower line of such entries is the hexadecimal column/row notation which is used in the literature with respect to EBCDIC. (See Appendix B.) There are 128 of these entries, and they are the 128 characters from columns 8 through 15 of Code Table 2.1.

1969 Jan 16

X3.2/771
1968 Decembe
(X3.2/695 Rev.)

	12	11	0		12 0	12 11	11 0	12 11 0	12	11	0		12 0	12 11	11 0	12 11 0	
	&	-	ø	SP	{	!	}	11/10 70	10/8 49	11/1 59	11/9 69	`	12/3 80	12/10 90	13/1 A0	13/8 B0	8-1
1	A	J	/	1	a	j	~	13/9 B1	SOH	DC1	8/1 21	9/1 31	10/0 41	10/9 51	9/15 E1	11/11 71	9 -1
2	B	K	S	2	b	k	s	13/10 B2	STX	DC2	8/2 22	SYN	10/1 42	10/10 52	11/2 62	11/12 72	9 -2
3	C	L	T	3	c	l	t	13/11 B3	ETX	DC3	8/3 23	9/3 33	10/2 43	10/11 53	11/3 63	11/13 73	9 -3
4	D	M	U	4	d	m	u	13/12 B4	9/12 04	9/13 14	8/4 24	9/4 34	10/3 44	10/12 54	11/4 64	11/14 74	9 -4
5	E	N	V	5	e	n	v	13/13 B5	HT	8/5 15	LF	9/5 35	10/4 45	10/13 55	11/5 65	11/15 75	9 -5
6	F	O	W	6	f	o	w	13/14 B6	8/6 06	BS	ETB	9/6 36	10/5 46	10/14 56	11/6 66	12/0 76	9 -6
7	G	P	X	7	g	p	x	13/15 B7	DEL	8/7 17	ESC	EOT	10/6 47	10/15 57	11/7 67	12/1 77	9 -7
8	H	Q	Y	8	h	q	y	14/0 B8	9/7 08	CAN	8/8 28	9/8 38	10/7 48	11/0 58	11/8 68	12/2 78	9 -8
9	I	R	Z	9	i	r	z	14/1 B9	8/13 09	EM	8/9 29	9/9 39	NUL	DLE	8/0 20	9/0 30	9-8-1
8-2	[	]	\	:	12/4 BA	12/11 9A	13/2 AA	14/2 BA	8/14 0A	9/2 1A	8/10 2A	9/10 3A	14/8 CA	14/14 DA	15/4 EA	15/10 FA	9-8-2
8-3	.	$	,	#	12/5 8B	12/12 9B	13/3 AB	14/3 BB	VT	8/15 1B	8/11 2B	9/11 3B	14/9 CB	14/15 DB	15/5 EB	15/11 FB	9-8-3
8-4	<	*	%	@	12/6 8C	12/13 9C	13/4 AC	14/4 BC	FF	FS	8/12 2C	DC4	14/10 CC	15/0 DC	15/6 EC	15/12 FC	9-8-4
8-5	(	)	—	'	12/7 8D	12/14 9D	13/5 AD	14/5 BD	CR	GS	ENQ	NAK	14/11 CD	15/1 DD	15/7 ED	15/13 FD	9-8-5
8-6	+	;	>	=	12/8 8E	12/15 9E	13/6 AE	14/6 BE	SO	RS	ACK	9/14 3E	14/12 CE	15/2 DE	15/8 EE	15/14 FE	9-8-6
8-7	①!	②^	?	"	12/9 8F	13/0 9F	13/7 AF	14/7 BF	SI	US	BEL	SUB	14/13 CF	15/3 DF	15/9 EF	15/15 FF	9-8-7

① may be "|"

② may be "¬"

APPENDIX A—DESIGN CONSIDERATIONS

NOTE: These appendices are not a part of the USA Standard Hollerith Punched Card Code USASI X3-------, 196-- but are included to facilitate its use.)

A.1 Introduction

The standard Hollerith representation was designed to provide for representation of the full USASCII character set in punched cards, in a code which incorporated and extended commonly used Hollerith practices. Such a code would thus permit continued use in many applications of existing equipment, files, tabulating procedures and data code structures based on a subset of the full USASCII. The potential benefits of a capability for full interchange of cards and data from users of the subset to the full set and limited interchange in the reverse direction are thus extended to the large body of producers and users of current card equipment.

The punch card is unique as an input/output medium for data processing systems, in the variety of types of usage to which it is put. In some applications it serves as the unit record for storage of data, being created, processed, stored and reprocessed repeatedly over a long life cycle in a single machine facility and handled exclusively by trained operators. In other applications it is punched solely for the purpose of a single reading into an electronic data processing system, and having served that purpose is immediately destroyed. In a different situation, it is punched as a result of a data processing operation, distributed to clerical staffs or the general public and after considerable manual handling is returned to a data processing facility, not necessarily its originator, to serve as an input medium to further processing. The majority of cards used for these various purposes have to date been punched with Hollerith coding, which had thus acquired the status of a de facto standard. The ability of the code to serve this variety of purposes, together with the large investment in hardware and software based on the code, warrants its extension to include the full USASCII character set and provide for an additional 128-character set.

A.2 Commonly Used Hollerith Codes

The Hollerith coding in general usage had many requisites of a standard specification. The majority of punched card equipments and, hence, the applications employing them had a set of 48 characters. This set provided:

Blank or space—1 character.
Digits 0–9—10 characters.
Letters A–Z—26 characters.

for a total of 37 characters, leaving 11 character positions for assignment to punctuation or other special symbols. For the basic 37 characters there was almost complete uniformity in the hole-pattern assigned to each graphic.

For the 11 positions in the set remaining for special symbols, there were a number of different subsets developed by producers and users. However, the majority of applications were found to use one of two common groupings of special symbols, identified as follows:

Set A	SP	0-9	A-Z	.	,	*	/	-	$	&	@	#	%	¤
Set II	SP	0-9	A-Z	.	,	*	/	-	$	+	'	=	(	)

The same 48 hole-patterns were assigned in all cases, but between these two sets, the last five of the graphics listed were different for the same hole-pattern.

In addition to these 48, some punched card equipments had sets containing as many as 16 additional, for totals up to 64 characters. These varied widely, both in the graphics and in the hole-patterns assigned in the extension to the basic set.

A.3 Extension

Since there were almost no deviations in the hole-pattern assignments to the digits and letters, these code assignments were placed directly in the Standard Hollerith Punched Card Code.

Surveys of existing installations showed the single most widely used grouping of special symbols to be Set A. Accordingly, the hole-patterns assigned to these symbols were incorporated in the standard. However, since the lozenge (□) is not a USASCII character, the hole-pattern assigned to it in Set A has been assigned to the USASCII character "less than" (<).

On some Hollerith-related data processing equipments certain hole-patterns were assigned to control characters such as Group Mark, Record Mark, Segment Mark, Tape Mark, Word Separator, and Substitute Blank. In general, identifying graphics were assigned to these control characters. However, neither these control characters nor their graphic representations are in USASCII. To preserve the usefulness of existing punches which produce these hole-patterns, these hole-patterns were reassigned to USASCII graphics in this standard.

Further assignments of hole-patterns were then made to accommodate the remaining USASCII graphics. The previous Hollerith practices had not contained the USASCII control characters. However, EBCDIC, which is an extension of Hollerith practices used on a number of existing equipments (Appendix B), contains a number of controls. For those control characters contained in both USASCII and EBCDIC, the EBCDIC hole-patterns were selected. The remaining USASCII control characters were assigned hole-patterns having a translation relationship to USASCII.

The following table showing the relation of the Standard Hollerith Punched Card Code to EBCDIC is provided for reference.

A particular hole-pattern may be referred to as being in a code table position according to a hexadecimal column/row convention. Both rows and columns are numbered 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, A, B, C, D, E, F. The code table position is given as "*xy*," when "*x*" is the column hexadecimal number, and "*y*" is the row hexadecimal number.

Example: In the table, hole-pattern 11–8–4 is in position 5C.

In the 15 x 16 table, the card hole-patterns are found by the heavy lines partitioning the table into four blocks as follows:

1	3
2	4

Block 1: Zone punches at top, digit punches at left, of table.

Block 2: Zone punches at bottom, digit punches at left, of table.

Block 3: Zone punches at top, digit punches at right, of table.

Block 4: Zone punches at bottom, digit punches at right, of table.

BIT POSITIONS 4,5,6,7 / SECOND HEXADECIMAL DIGIT / DIGIT PUNCHES	00				01				10				11				BIT POSITIONS 0,1
	00	01	10	11	00	01	10	11	00	01	10	11	00	01	10	11	BIT POSITIONS 2,3
	0	1	2	3	4	5	6	7	8	9	A	B	C	D	E	F	FIRST HEXADECIMAL DIGIT
	12				12	12		12	12				12				ZONE PUNCHES
		11			11	11		11		11	11	11		11			DIGIT PUNCHES
			0		0		0	0	0		0	0			0		
	9	9	9	9	9	9	9	9									
0000 0	0-1	NUL	DLE			SP	&										0-1
0001 1	1	SOH	DC1						a	j	~		A	J		1	1
0010 2	2	STX	DC2		SYN				b	k	s		B	K	S	2	2
0011 3	3	ETX	TM						c	l	t		C	L	T	3	3
0100 4	4								d	m	u		D	M	U	4	4
0101 5	5	HT		LF					e	n	v		E	N	V	5	5
0110 6	6		BS	ETB					f	o	w		F	O	W	6	6
0111 7	7	DEL		ESC	EOT				g	p	x		G	P	X	7	7
1000 8	8		CAN						h	q	y		H	Q	Y	8	8
1001 9	8-1		EM					\	i	r	z		I	R	Z	9	9
1010 A	8-2					[	]	! ②	¢								8-2
1011 B	8-3	VT				.	$	,	#								8-3
1100 C	8-4	FF	IFS		DC4	<	*	%	@								8-4
1101 D	8-5	CR	IGS	ENQ	NAK	(	)	_	'								8-5
1110 E	8-6	SO	IRS	ACK		+	;	>	=								8-6
1111 F	8-7	SI	IUS	BEL	SUB		¬	?	"								8-7
		12				12				12	12		12	12	12		12
			11				11				11	11	11		11	11	ZONE PUNCHES
				0				0		0		0	0	0		0	
	9	9	9	9											9	9	

② may be "¬"

CARD HOLE PATTERNS

① 12-0-9-8-1
② 12-11-9-8-1
③ 11-0-9-8-1
④ 12-11-0-9-8-1
⑤ NO PUNCHES
⑥ 12
⑦ 11
⑧ 12-11-0
⑨ 12-0
⑩ 11-0
⑪ 0-9-8
⑫ 0
⑬ 0-1
⑭ 11-0-9-1
⑮ 12-11

APPENDIX C—SUBSETS

There exist several recognized subsets of the punched card code.

1. A subset of 63 characters (including space) consisting of the characters of column 2, 3, 4, and 5, exclusive of the "reverse slash" (position 5/12), is normally associated with typewriter-like keyboards limited to 44 keys (see also the 89-character subset).

2. A subset of 89 characters which includes the 63 characters above and the 26 lower case characters of the alphabet (position 6/1 to 6/15 and 7/0 to 7/10) also normally associated with 44 key, typewriter-like keyboards.

3. A subset of 64 characters consisting of the characters of columns 2, 3, 4, and 5, exclusive of position 5/11 (12–8–2) and 5/13 (11–8–2) and inclusive of position 7/11 (12–0) and 7/13 (11–0) normally used in keypunches intended for a 6-bit environment.

4. A subset of 66 characters consisting of the characters of columns 2, 3, 4, and 5, and those of position 7/11 (12–0) and 7/13 (11–0) used primarily in existing keypunches.

5. A subset of 95 or more characters; 95 of these characters are the graphic characters of ASCII, columns 2, 3, 4, 5, 6, and 7, exclusive of position 7/15. Additional characters may be selected from columns 0 and 1 and may include position 7/15.

6. A subset of 128 characters consisting of all the characters of columns 0–7 of the Code Table (section 2.1) for "full ASCII" keyboard devices.

APPENDIX D—RELATED STANDARDS

D.1 USA Standard Code for Information Interchange; X3.4—1967, July 7, 1967.

D.2 USA Standard Specification for General Purpose Paper Cards for Information Processing; X3.11—1966, March 7, 1967.

D.3 USA Standard Rectangular Holes in 12-Row Punched Cards; X3.21—1967, October 27, 1967.

D.4 USA Standard Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI); X3.22—1967, November 13, 1967.

Expository Remarks Supporting the Proposed Revised USA Standard Hollerith Punched Card Code

R1. *Introduction.* The pUSAS Hollerith Punched Card Code (X3.2/616, Nov. 9, 1967) now before the IPSSB (and there tentatively designated X3.26—1968) provides 128 hole-patterns and associated graphics and controls. The assigned graphics and controls correspond precisely to those adopted by the standard USASCII 7-bit code (X3.4—1967) which defines 128 characters—95 graphics, DELETE and 32 controls.

Current trends in architecture and technology in computer design recognize the needs of a variety of applications by implementing 8-bit codes.

To assure continued future consistency between the punched card code and the already existing 8-bit implementations, it is desirable to define now a 256-position punched card code, even though only 128 graphics or controls of the 256 positions are precisely defined in the pUSAS.

R2. *Rationale.* In the development of this 256 character punched card code, certain objectives were sought, certain assumptions were made, and certain constraints were recognized.

R2.1 *Objectives.*

Objective 1. 256 hole-patterns must be provided, to meet the needs of 8-bit computer manufacturers.

Objective 2. The assignment of hole-patterns to control and graphic characters must be as compatible as possible with existing de facto assignments on 6-bit and 8-bit computers.

Objective 3. The needs of countries using non-Latin alphabets, and of countries using Latin alphabets, must be given consideration.

Objective 4. The translation of the Hollerith Card Code to EBCDIC should be as simple as possible.

Objective 5. The translation of the Hollerith Card Code to USASCII–8 (the 8-bit expansion of USASCII) should be as simple as possible.

Objective 6. The collating sequence of an alphabet should be code-independent.

NOTE: It is not possible to achieve all of these objectives. In particular, Objectives 4 and 5 are not mutually achievable.

R2.2 *Assumptions.*

Assumption 1. The set of 256 Hollerith hole-patterns shown in section 4 of the Standard would be used.

Assumption 2. The structure of USASCII–8 was assumed to be as follows:

(a) The embedment algorithm would be E8=0; i.e., the 128 characters of USASCII would be located contiguously in the first 8 columns of the 16 by 16 code tableau.

(b) Columns 8 and 9 would be reserved for future assignment of additional control characters.

(c) Columns 10, 11, 12, 13, 14, and 15 would be reserved for future assignment of graphic characters.

Assumption 3.

For countries with non-Latin alphabets, such as Katakana, Cyrillic, etc., programing (FORTRAN, COBOL PL/I) would use the Latin alphabet, but normal data processing would use the non-Latin alphabet.

Assumption 4.

The Katakana set is generally shown as 63 graphics. This is understood to consist of 47 basic Katakana graphics, and 16 small Katakana graphics and punctuation symbols. In current implementations, the 16 small Katakana graphics and punctuation symbols collate low to the 47 basic Katakana graphics.

Assumption 5. The collating sequence of the non-Latin alphabets should be the same in USASCII–8 and EBCDIC.

Assumption 6. The non-Latin alphabets should be self-contiguous in USASCII–8, but need not be in EBCDIC.

R2.3. *Constraints.*

Certain constraints arising from de facto Hollerith Card practices were recognized.

Constraint 1. The hole-patterns long associated with numerics, upper case alphabetics, and special graphics were used.

Constraint 2. The hole-patterns associated with lower case alphabetics in many manufacturers' card equipments were used.

Constraint 3. The hole-patterns associated with certain control characters in some manufacturers' card equipment (NUL, HT, DEL, BS, DC3/TM, LF, ETB, ESC, EOT, SUB) were used.

Constraint 4. The 96 graphics of columns 10 through 15 of USASCII–8 would be assigned in the same sequence, although not necessarily contiguously, in EBCDIC.

Constraint 5. EBCDIC is structured so that the first four columns are for control characters, the last 12 columns are for graphic characters. USASCII–8 is structured so that columns 0, 1, 8, and 9 are for control characters, columns 2 through 7 and 10 through 15 are for graphic characters. The same set of 64 hole-patterns should be used for control characters in both USASCII–8 and EBCDIC, and the same set of 192 hole-patterns should be used for graphic characters in both USASCII–8 and EBCDIC.

R2.4 *Resolution.* Constraints 1, 2, and 3 prescribe the Hollerith hole-patterns for the 94 graphics, space, delete, and 9 control characters of USASCII. The remaining 23 control characters were subject to constraint 5, but under this constraint, were assigned hole-patterns with a translation as simple as possible, to the 8-bit bit-patterns of USASCII–8.

The set of 128 Hollerith hole-patterns above became the subject of a proposed USA standard. Subsequently, some manufacturers have implemented it in equipment.

Assumption 2 and Constraint 5 prescribed the set of 32 hole-patterns to be assigned to columns 8 and 9 of USASCII–8, though not their precise assignment within those columns. Their precise assignment within columns 8 and 9 of USASCII–8 was chosen to make the translation as simple as possible.

Constraint 4 prescribed the precise assignment of hole-patterns to columns 10 through 15 of USASCII–8.

R3. *International Considerations.* This Standard is based on ISO/TC97/SC2/346E, Option 1. At the Berlin 1968 May meeting of SC2, the majority favored Option 1. Option 2 was inserted at the request of the USA. Since then, X3.2 has approved option 1 as the USA position, thus paving the way for virtually unanimous international acceptance of the card code standard.

[F.R. Doc. 69–12971; Filed, Nov. 10, 1969; 8:45 a.m.]

DEPARTMENT OF STATE

Agency for International Development

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Announcement for Chile and Colombia

On April 16, 1969, the Agency for International Development announced in the FEDERAL REGISTER, Volume 34, No. 76, page 6741, the reopening of the Latin American Housing Guaranty Program and establishing November 1–15 as the dates for receiving new applications in Colombia.

On September 13, 1969, a special notice was published in the FEDERAL REGISTER, Volume 34, No. 176, page 14412, announcing the reopening of the Housing Guaranty Program for Chile and establishing the dates of November 15 to December 1, 1969 as the dates for receiving new applications.

The sole purpose of this special publication is to announce publicly the cancellation of the above dates and the setting of the following new dates during which competitive applications will be received:

Chile, January 1–15, 1970.
Colombia, February 1–15, 1970.

Except for this change of dates, all terms and conditions of prior announcements will remain in full force and effect.

STANLEY BARUCH,
Director, Housing and Urban Development.

OCTOBER 29, 1969.

[F.R. Doc. 69–13379; Filed, Nov. 10, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 2701]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

NOVEMBER 3, 1969.

1. The following public lands are hereby classified for transfer out of Federal ownership under the public land exchange laws of the United States and in aid of the land acquisition program of the Redwood National Park, Act of October 2, 1968 (82 Stat. 931).

DEL NORTE AND HUMBOLDT COUNTIES
HUMBOLDT MERIDIAN

T. 15 N., R. 1 E.,
Sec. 1, lot 1 and SE¼NE¼.
80.13 acres.
T. 3 N., R. 2 E.,
Sec. 1, lots 1, 2, 3, 4, 5, and 8;
Sec. 2, lots 2, 3, 4, 5, 6, 7, and N½SE¼.
601.41 acres.
T. 4 N., R. 2 E.,
Sec. 25, S½SE¼.
80 acres.
T. 11 N., R. 2 E.,
Sec. 26, NW¼SW¼.
40 acres.
T. 13 N., R. 2 E.,
Sec. 16, SW¼NE¼, SE¼SE¼.
80 acres.
T. 15 N., R. 2 E.,
Sec. 18, NE¼.
160 acres.
T. 3 N., R. 3 E.,
Sec. 6, lots 1 and 2, SE¼NW¼, W½SE¼.
199.19 acres.
T. 4 N., R. 3 E.,
Sec. 31, lot 2, SE¼NW¼, NW¼SE¼, SE¼SE¼.
162.35 acres.
T. 7 N., R. 3 E.,
Sec. 4, SW¼SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NE¼, SE¼NE¼, N½NW¼, SW¼NW¼;
Sec. 14, SE¼NW¼.
320 acres.
T. 10 N., R. 3 E.,
Sec. 21, SW¼SW¼;
Sec. 31, NE¼NE¼.
80 acres.
T. 11½ N., R. 3 E.,
Sec. 31, lots 1, 2, 3, and 4;
Sec. 32, lots 1, 2, 3, and 4;
Sec. 33, lots 1, 2, 3, and 4;
Sec. 34, lots 1, 2, 3, and 4;
Sec. 35, lots 1, 2, 3, and 4.
780.40 acres.
T. 12 N., R. 3 E.,
Sec. 28, NE¼NE¼.
40 acres.
T. 3 N., R. 4 E.,
Sec. 8, SE¼SW¼.
40 acres.
T. 4 N., R. 4 E.,
Sec. 17, NE¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 22, SW¼SW¼.
120 acres.
T. 5 N., R. 4 E.,
Sec. 30, SW¼SE¼;
Sec. 32, NE¼SW¼.
80 acres.
T. 3 N., R. 5 E.,
Sec. 18, lots 3, 4, and E½SE¼.
166.33 acres.

The lands described above aggregate 3,035.81 acres.

2. Publication of this notice segregates the affected public lands from all forms of disposal under the public land laws, including the mining laws, except the form of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their mineral and vegetative resources, other than under the mining laws.

3. The above described lands classified for disposal are located in Del Norte and Humboldt Counties. Maps and other information are available for inspection in the Ukiah District Office. Parties who owned lands taken in Redwood National Park have demonstrated an interest in acquiring the above lands as partial or complete compensation.

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 69–13389; Filed, Nov. 10, 1969; 8:46 a.m.]

[ES 5279]

LOUISIANA

Notice of Proposed Withdrawal and Reservation of Land

The U.S. Army District, New Orleans, Corps of Engineers, Department of the Army, has filed an application for withdrawal of the lands described below, subject to valid existing rights, for control of their use for navigation purposes in Southwest Pass of the Mississippi River in Plaquemines Parish, La.:

LOUISIANA MERIDIAN, LOUISIANA

T. 23 S., R. 31 E.,
Fractional sec. 7.
Fractional sec. 11.
Fractional sec. 13.
T. 24 S., R. 31 E.,
Fractional sec. 16.

The area described contains 49.06 acres.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, Md. 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

WILLIAM J. DORASAVAGE,
Acting Manager.

OCTOBER 31, 1969.

[F.R. Doc. 69–13390; Filed, Nov. 10, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 0F0895) has been filed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94804, proposing the establishment of tolerances (21 CFR Part 120) for residues of the fungicide *cis* - *N* - [(1,1,2,2 - tetrachloroethyl) thio] - 4 - cyclohexene - 1,2 - dicarboximide in or on the raw agricultural commodities: Apples at 20 parts per million; potatoes at 1 part per million; and almonds, macadamia nuts, and pineapples at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a gas liquid chromatographic procedure using an electron capture detector.

Dated: November 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–13373; Filed, Nov. 10, 1969; 8:45 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP OF0896) has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing the establishment of tolerances (21 CFR Part 120) for residues of the herbicide 2-*sec*-butyl-4,6-dinitrophenol, as the alkanolamine salts of the ethanol and isopropanol series (calculated as 2-*sec*-butyl-4,6-dinitrophenol), in or on the raw agricultural commodities soybean forage at 1 part per million and soybeans at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the residue is extracted, buffered, and reextracted with 3-pentanone. The yellow color of the 2-*sec*-butyl-4,6-dinitrophenol salt is measured directly in the 3-pentanone solution with a spectrophotometer.

Dated: November 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–13374; Filed, Nov. 10, 1969; 8:45 a.m.]

FISONS CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 0F0897) has been filed by Fisons Corp., Wilmington, Mass. 01887, proposing the establishment of a tolerance (21 CFR Part 120) of 2 parts per million for residues of the insecticide 5,6-dichloro-1-phenoxycarbonyl-2-trifluoromethylbenzimidazole in or on the raw agricultural commodity applies.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using an electron capture detector.

Dated: November 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–13375; Filed, Nov. 10, 1969; 8:45 a.m.]

LILY PRODUCTS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8H2286) has been filed by Lily Products Co., 324 East Pima Street, Phoenix, Ariz. 85004, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution of chlorine dioxide as a sanitizing solution on food-processing equipment and utensils.

Dated: November 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–13376; Filed, Nov. 10, 1969; 8:45 a.m.]

[Docket No. FDC–D–128; NDA No. 8–668V]

NORDEN LABORATORIES, INC.

Vetistat; Notice of Withdrawal of Approval of New-Drug Application

Norden Laboratories, Inc., Lincoln, Nebr. 68501, holder of approved new-drug application No. 8–668V and all amendments and supplements thereto for the drug Vetistat (contains 0.5 percent of oxalic acid and 0.25 percent of malonic acid), has waived opportunity for a hearing on the proposed withdrawal of approval of said application as announced in the FEDERAL REGISTER of June 7, 1969 (34 F.R. 9097).

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–47, 21 U.S.C. 360b (e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated with evidence available when the application was approved that substantial evidence is lacking that the subject drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of the new-drug application No. 8–668V and all amendments and supplements thereto applying to Vetistat is withdrawn effective on the date of signature of this document.

Dated: November 3, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–13377; Filed, Nov. 10, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–320]

JERSEY CENTRAL POWER & LIGHT CO. AND METROPOLITAN EDISON CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated October 31, 1969, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR–66 to Jersey Central Power & Light Co. and Metropolitan Edison Co. for construction of a pressurized water nuclear reactor, designated as the Three Mile Island Nuclear Station, Unit 2, on the applicants' site on Three Mile Island, in Londonderry Township, Dauphin County, Pa., about 10 miles southeast of Harrisburg, Pa. The reactor is designed for initial operation at 2,452 megawatts (thermal).

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 4th day of November 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 69–13388; Filed, Nov. 10, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18128; FCC 69–1196]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Designating Tariff Schedules for Hearing

In the matter of American Telephone and Telegraph Co., Long Lines Department, Revisions of Tariff FCC No. 260, Private Line Services, Series 5000 (Telpak).

1. The Commission has before it for consideration proposed revisions to FCC Tariff No. 260, filed by the American Telephone and Telegraph Co. (A.T. & T.) (1) on March 28, and August 29, 1969, for a new offering titled Series 11,000, to become effective November 1, 1969,[1] and (2) on October 1, 1969, in the Telpak tariff to be effective November 1, 1969. Petitions to suspend the Series 11,000 offering were filed June 16 and 17, 1969, by Microwave Communications Inc. (MCI), and The Western Union Telegraph Co. (Western Union).[2] A petition to reject this offering was also filed by MCI. After the August 29, 1969, filing by A.T. & T., MCI filed a supplement to complaint and petition for rejection and/or suspension. Replies to the aforementioned pleadings were filed by A.T. & T.[3] Western Union has submitted no comments as to the revised schedules filed August 29, 1969. Petitions to reject, or require or secure withdrawal of further Telpak increases or other relief were filed by Air Transport Association of America (ATA), Aeronautical Radio, Inc. (ARINC), United Air Lines, Inc. (United), Eastern Air Lines, Inc. (Eastern), Emery Air Freight Corp. (Emery), Aerospace Industries Association of America, Inc. (AIA), the Secretary of Defense on behalf of all Executive agencies of the United States (Secretary of Defense), Associated Press (AP), Bethlehem Steel Corp. (Bethlehem), E. I. du Pont de Nemours and Co. (Du Pont), Ford Motor Co. (Ford), Monsanto Co. (Monsanto), Olin Corp. (Olin), Republic Steel Corp. (Republic), Union Carbide Corp. (Union Carbide), United States Steel Corp. (U.S. Steel), Westinghouse Electric Corp. (Westinghouse), and Chicago, Rock Island and Pacific Railroad Co.[4]

2. The proposed filing titled Series 11,000 is intended to provide high capacity wideband channels on a discrete spectrum basis which can be arranged by A.T. & T. for a variety of wideband uses or for individual voice grade channels. Major features alleged are that (1) the proposed service will be furnished only over A.T. & T.'s coaxial and high capacity microwave routes, and that pricing is related to the low unit costs of such facilities; (2) provisions in the tariff will permit joint users to share in the base capacity of the wideband channels; and (3) provision of a continuous wideband spectrum will accommodate a combination of wideband data and voice grade arrangements as requested by the customer. The proposed offering is experimental in nature, limited to a term of 3 years to expire November 1, 1972, and to specific routes to ascertain market potential, effect on other services, joint use provisions, pricing structure, and rearrangement implications of a discrete spectrum offering.

3. MCI, in its petition to suspend, alleges generally that the proposed offering is (a) a revival of the illegal Telpak A, (b) that the revised tariff schedules are duplicative, at cut rates, of existing private line services for a few of the users and that (c) in general, it is an anticompetitive move without the slightest public benefit or need. Western Union in its petition requests that the Commission request A.T. & T. to voluntarily suspend the proposed revision or in the alternative order its suspension. Basically, Western Union alleges (1) that the rates for the Series 11,000 are unreasonable, (2) that the titling of the service as experimental is a ploy since its design and structure precludes the assembly of meaningful data, and (3) that the proposed revisions are unduly complicated and ambiguous further confusing the present conglomeration of private line services.

4. MCI's petition for rejection of tariff alleges that the proposed filing for the Series 11,000 is in contravention of § 61.55 of the rules requiring clarity of tariffs and that additional section 214 authority is required to effectuate the proposal. The revised schedules filed August 29, 1969, remove substantially the complexities and ambiguities previously noted in this filing. To the extent that ambiguities may continue to exist they appear to be of a minor nature. We need not decide at this time whether additional section 214 authority or radio licenses will be necessary for this service and will defer action on the question pending development of facts on the hearing record herein.

5. The trial service, Series 11,000, differs from Telpak and the other private line services in that, (1) the service is

[1] A.T. & T. extended the effective date of the revised schedules from July 1, to Oct. 1, 1969, then to Nov. 1, 1969.

[2] Western Union, pursuant to section 1.773, sent a telegraphic request for suspension on June 16, 1969.

[3] Comments were also filed concerning the filing by Air Transport Association of America and Aeronautical Radio Inc.

[4] A.T. & T. filed an opposition to the petitions and AIA filed a reply to the opposition.

experimental, offered only in a specified area for a limited time, (2) the new service is a two-point service only and not multipoint, (3) the new service is offered only over certain designated high capacity physical routes of the telephone company, (4) the individual data or voice channel derived in the new service from the wideband facility will be furnished only from such physical facility and will not be furnished over diverse routes and (5) the unlimited sharing provisions in Series 11,000 relate to the sharing of a discrete physical facility rather than a theoretical pricing concept.

6. By order adopted July 11, 1968, and released July 16, 1968 (FCC 68–711), the Commission instituted an investigation and hearing into the lawfulness of charges by A.T. & T. for private line services in general (other than program transmission). The investigation of A.T. & T.'s Telpak rates ordered in the April 12, 1968, order (FCC 68–388) was included in the private line investigation. By order adopted July 24, 1968, and released July 29, 1968, the Commission included in the hearing and investigation in Docket No. 18128, the schedules of Western Union in its Tariff FCC No. 237 and specified that the issues heretofore specified in that docket shall apply with equal force to the tariff schedules of Western Union.

7. Although there appear to be differences between the new experimental wideband, shared service offering, on the one hand, and existing Telpak and other private line services, on the other hand, we are unable to determine at this time whether any such differences warrant the differences in charges proposed in the new offering. Moreover, we cannot conclude at this time that the charges proposed for the new service designed to recover calculated full additional costs plus 20 percent thereof, will be just and reasonable and otherwise lawful. Accordingly, we believe that these questions should be examined in the context of our private line investigation. No useful purpose will be served, however, by suspending inauguration of the experiment for a period of 3 months, and therefore we will permit the Series 11,000 offering to become effective as filed.

8. We wish to emphasize that all customers of this experimental service are on notice that this service is a trial for a limited period of time and that the lawfulness thereof is yet to be determined. Therefore, any subscriber to this service is forewarned that use of the service will not constitute any equitable or other basis for continuance of the service in the future.

9. The revisions to the Telpak (Series 5000) Tariff proposes an increase in rates for the Telpak C and D base capacities, a change from six (three in the case of 150 baud service) to two in the number of telegraph channels and an increase in rates for certain service terminals. A.T. & T. alleges that the increase in rate levels will improve the revenue cost relationship of Telpak and increase the contribution of that service to overall earnings. For its justification of such substantial increases, A.T. & T. relies upon studies recently completed in recognition of the Statement on Ratemaking Principles and Factors in Docket No. 16258, Phase 1–B (Appendix A of the Commission's memorandum opinion and order adopted July 29, 1969, 18 FCC 2d 761, 765). The petitioners filing against the Telpak increases allege generally (1) that the instant rate increases violate the Statement of Ratemaking Principles and Factors in Docket No. 16258, Phase 1–B, (2) that the tariff increases are patently improper and involved, and that (3) suspension and investigation of these tariffs, together with an accounting order, are inadequate remedies and that extraordinary relief is necessary. We cannot agree with the petitioners' construction of the Statement of Ratemaking Principles and Factors in Docket No. 16258, Phase 1–B (agreement), FCC 69–842, 18 FCC 2d 761 (1969). We made it abundantly clear in our memorandum opinion and order that we were not necessarily approving the stipulation, merely noting it. Of equal concern, is the petitioners' reliance upon their alleged contractual rights pursuant to the agreement. A careful reading of the agreement denotes an accord as to certain ratemaking principles and factors embodied in this agreement. We fail to find any contractual rights and obligations flowing to, from, or between the parties involved, nor indeed, do we discover the use of any terminology which would imply the establishment of such rights and obligations. This is not to suggest that we would not be concerned if any of the parties departed substantially from the import of this accord. We are merely stating that the agreement per se does not establish substantive rights and obligations which, if not observed, can be viewed as a breach of contract. The parties who allege certain departures from the accord may raise questions in Docket No. 18128 with respect thereto. The revised tariff schedules for Telpak, while raising questions that may be explored in hearing, can not be construed as being so defective as to require rejection. The interested parties will have ample opportunity during the proceeding in Docket No. 18128 to explore those areas in which they express concern and to develop their position on the record.

10. We now address ourselves to petitioners' requests for extraordinary relief and oral argument. We fail to perceive in petitioners' pleadings sufficient circumstances that would require the extraordinary remedies they seek, or any benefit that would accrue at this point, by granting the petitioners' request for oral argument. We have previously responded to petitioners' contention that we possess plenary power pursuant to sections 4(i), and 303(r) of the Communications Act of 1934, as amended, to accord the requested relief, in our Order adopted August 28, 1968, 14 FCC 2d 564, and find no reason to disturb our conclusion reached therein. As to petitioners' conclusion that section 203(b) of the Communications Act of 1934, as amended, conveys sufficient authority to defer the effective date of the proposed tariff revisions in Telpak, it suffices to say that we find no necessity for the imposition of such extraordinary relief. However, we are not deciding at this time the extent of our authority to grant the kind of relief petitioners' request.

11. On the basis of the information now before us, we are unable to determine that the charges, classifications, regulations and practices contained in the Telpak revised schedules are or will be just and reasonable or otherwise lawful. As noted in paragraph 6 above, we have instituted an investigation and hearing into the lawfulness of charges by A.T. & T. for private line services in general, including Telpak, other than program transmission services. This covers any amendments, cancellations or successive issues thereof effected during the pendency of the investigation in Docket No. 18128, including the revisions to Telpak presently before us.

12. We now come to the question of whether we should suspend the Telpak revised schedules for a portion or all of the statutory period. At this point it is well to dwell briefly upon the history of the Telpak offering. These rates were filed in 1961, principally to meet the threat of competition from private microwave systems which had arisen as the result of the Commission's decision in the Above 890 Mc case. Telpak rates were originally offered in four classifications, A, B, C, and D, based on the number of channels required between a given pair of points. After extensive hearings, the Commission found the A and B classifications, which encompassed the lesser number of channels, to be unlawfully discriminatory since they applied to a service similar to private line service but afforded different rates for such service. The justification of competitive necessity was found not to be applicable to the A and B classifications, since it would not be practical for a customer to construct his own microwave system if his need was limited to the number of channels encompassed by these classifications. The Commission found, however, that there was apparent competitive necessity for the C and D classifications which encompassed larger capacities, but required a further showing on the question of whether the existing rates for such classifications were compensatory. In accordance with our decision in the original Telpak case, Telpak A and B were canceled. Upon such cancellation, the proceeding was terminated and the question as to whether Telpak C and D were compensatory was placed at issue in Docket No. 16258, and subsequently incorporated into Docket No. 18128. It must be kept in mind that Telpak classifications C and D were found to be discriminatory and that we were unable to find the rates for such services compensatory. This question is still posed and the lawfulness of the revised tariff schedules presently before us will be resolved upon the record made in Docket No. 18128. We are cognizant

of the fact that the intervenors in Docket No. 16258 have not yet had the opportunity to present their cases which presumably would seek to establish that the original rates were compensatory and that competitive necessity requires their maintenance at the present level. The revised tariff schedules for Telpak presently before us propose substantial increases as did the presently existing tariff schedules which became effective approximately a year ago. In view of the substantial increases the company now proposes, we feel compelled to exercise the extent of our statutory authority and suspend for 3 months the proposed tariff schedules for Telpak. Moreover, we are issuing an accounting order as to the contemplated increases to protect the interests of the parties involved. We note that some parties have expressed concern about the effectiveness of the accounting orders, but see no merit in these contentions. The carriers and interested parties are again put on notice that the Telpak increases effective September 1, 1968, and which will continue to February 1, 1970, are subject to an accounting order and that if after completion of this hearing, the Commission issues an order refunding charges paid during this period, the accounting procedures should be sufficiently accurate to insure all customers are recompensed. Similar action should also be accorded the accounting to be required for the proposed tariffs presently before us.

13. The Commission in its memorandum opinion and order of July 16, 1968, 13 F.C.C. 2d 853, deferred proceedings in Docket No. 18128 pending a determination with respect to the proceedings in Phase 1–B of Docket No. 16258 and the Telpak Sharing case, Docket No. 17457. Since that time, the Chief, Common Carrier Bureau, has issued a recommended decision in Docket No. 17457, which is now pending before us. Furthermore, the parties in Phase 1–B of Docket No. 16258 have entered into an agreement as to ratemaking principles and factors looking toward determinating that phase (see 18 F.C.C. 2d 761, 765). We also note that the cost studies submitted by A.T. & T. in support of the proposed Telpak revisions assume a continuation of the sharing provisions as now in effect. Under such circumstances, we will no longer defer the proceedings in Docket No. 18128, and the examiner presiding in that case is authorized to schedule hearings therein at such time as he may deem appropriate.

14. *Accordingly, it is ordered*, That pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the hearing and investigation in Docket No. 18128 concerning the lawfulness of the private line tariff schedules of American Telephone and Telegraph Co. shall include the like revisions of A.T. & T. Tariff FCC No. 260 forwarded with Transmittals Nos. 10396 and 10562 filed on March 28, and August 29, 1969, and Transmittal No. 10609 filed on October 1, 1969, as enumerated in the appendices hereto,[6] and that the issues heretofore specified in that docket shall apply with equal force to the above-described revised tariff schedules of A.T. & T.

15. *It is further ordered*, That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the tariff schedules listed in Appendix B as becoming effective November 1, 1969, is hereby suspended, unless otherwise ordered by the Commission, until February 1, 1970, and that during said period of suspension, no charges shall be made in said tariff schedules or in the charges sought to be altered thereby unless authorized by special permission of the Commission and that respondents, as to the operation of such tariff schedules, shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Act, and the carrier shall file with the Commission a report on or before the 10th day of each month, commencing March 10, 1970, showing the amounts accounted for as aforesaid during the previous calendar month.

16. *It is further ordered*, That the petitions for rejection, suspension, withdrawal, or other relief are granted to the extent noted and otherwise denied;

17. *It is further ordered*, That all parties named in paragraph 1, supra, as having filed petitions for relief are granted leave to intervene upon filing a notice of intention to appear and participate within 20 days of the release date of this order.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13409; Filed, Nov. 10, 1969; 8:47 a.m.]

[6] Filed as part of the original document.

FEDERAL MARITIME COMMISSION

ABC INTERNATIONAL, INC., ET AL.

Notice of Intent To Cancel Certain Inactive Tariffs

The domestic offshore files of the Federal Maritime Commission contain several tariffs which have for a period of time been classified as inactive either due to the absence of any tariff changes for a period of 1 year or longer; or because the Commission's staff has been advised in writing that the tariff filers no longer offer a common carrier service. The following carriers (including their last known addresses) fall into the "inactive" category:

ABC International, Inc., 26 Beaver Street, New York, N.Y. 10004.
Apex Marine Co., 428 Ninth Avenue, New York, N.Y. 10001.
Carib Shipping Corp., 1134 Broadway, Brooklyn, N.Y. 11221.
Caribbean Van Lines, Inc., G.P.O. Box 3133, San Juan, P.R. 00936.
Malabe Shipping Co., Inc., 47 Bergen Street, Brooklyn, N.Y. 11201.
Mr. Syd Kline, Puerto Real, Inc., 1090 V.F.W. Parkway, West Roxbury, Mass. 02132.
Superior Fast Freight, Box 60100, Terminal Annex, Los Angeles, Calif. 90060.
Waterborne Trailers, Inc., Miami Terminal, 3491 Northwest 71st Terrace, Miami, Fla. 33147.

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. Further, Rule 18(g) of Tariff Circular No. 3, as amended (46 CFR 531.18(g)) requires the cancellation of inactive tariffs; and accordingly the Commission proposes to cancel these tariffs in the absence of a showing of good cause as to why they should not be canceled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Domestic Regulation at 1405 I Street NW., Washington, D.C. 20573, in writing within 30 days after the publication of this order in the FEDERAL REGISTER of any reasons why the Commission should not cancel inactive tariffs;

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this order will be canceled;

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with any tariff canceled pursuant to this notice.

By the Commission.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-13400; Filed, Nov. 10, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3789 etc.]

PAULEY PETROLEUM, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

OCTOBER 31, 1969.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production unless the period prescribed therein unless the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, that it is Applicant indicates in writing that it unwilling to accept such a condition. In the event applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3780 E 10-6-69	Pauley Petroleum Inc. et al. (successor to Edwin W. Pauley et al.), 1101 Thousand Ranks Monica Blvd., Los Angeles, Calif. 90067.	Phillips Petroleum Co., Panhandle Field, Hutchinson County, Tex.	8.6789	14.65
G-12254 E 10-16-69	Braden Drilling, Inc. (Operator) et al. (successor to The PWC Oil Co. (Operator) et al.), 1620 Wichita Plaza Bldg., Wichita, Kans. 67202.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Hamilton County, Kans.	13.5	14.65
G-13558 E 6-4-69	Kimbell, Inc. et al. (successor to the Estate of Kay Kimbell et al.), 1000 Fort Worth Club Bldg., Box 1540, Fort Worth, Tex. 76101.	El Paso Natural Gas Co., Spraberry-Clearfork Field, Upton County, Tex.	17.0	15.025
G-14327 10-20-69 [2]	Union Oil Co. of California (Operator) et al., Union Oil Center, Los Angeles, Calif. 90017.	Northern Natural Gas Co., Farnsworth Unit, Ochiltree County, Tex.	18.5	14.65
G-18228 E 6-4-69	Kimbell, Inc. (Operator) et al. (successor to the Estate of Kay Kimbell (Operator) et al.).	El Paso Natural Gas Co., Dakota Pictured Cliffs Formation, Rio Arriba County, N. Mex.	[3] 14.0	15.025
G-18229 E 6-4-69	do	do	13.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[2] Commissioner Robert E. Lee absent; Commissioner Cox issuing a separate statement; Commissioner Johnson dissenting and issuing a statement; statements filed as part of the original document.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-1849 10-13-69 [2]	Texas Pacific Oil Co., Inc. (Operator) et al.	Northern Natural Gas Co., Eumont Field, Lea County, N. Mex.	[3] 14.8260	14.65
G-2639 E 6-4-69	Kimbell, Inc. et al. (successor to the Estate of Kay Kimbell et al.).	El Paso Natural Gas Co., Spraberry Formation, Upton County, Tex.	16.0	14.65
C160-467 E 9-18-69 [4]	Amoco Production Co. (Successor to Operator of Texas John L. Harlan, Trustee (Operator) et al.), Post Office Box 2180, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Southeast Kermit Field, Harris County, Tex.	[5] 15.5	14.65
C160-715 E 6-4-69	Kimbell, Inc. (Operator) et al. (successor to the Estate of Kay Kimbell (Operator) et al.).	El Paso Natural Gas Co., Dakota Formation, Rio Arriba County, N. Mex.	13.0	15.025
C161-138 E 6-4-69	do	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	[3] 14.0	15.025
C161-154 E 6-4-69	do	do	[3] 14.0	15.025
C161-155 E 6-4-69	do	do	[3] 14.0	15.025
C161-537 D 9-29-69	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001 (partial abandonment).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lacrosse Field, Vermilion Parish, La.	(7)	------
C161-605 E 6-4-69	Kimbell, Inc. (Operator) et al. (successor to the Estate of Kay Kimbell (Operator) et al.).	El Paso Natural Gas Co., Pictured Cliffs Formation, San Juan County, N. Mex.	13.0	15.025
C161-1049 E 6-4-69	do	El Paso Natural Gas Co., Dakota Formation, Rio Arriba County, N. Mex.	[3] 14.0	15.025
C161-1286 E 6-4-69	do	do	[3] 14.0	15.025
C161-1334 E 6-4-69	Kimbell, Inc. et al. (successor to the Estate of Kay Kimbell et al.).	do	[3] 14.0	15.025
C162-1105 E 6-4-69	Kimbell, Inc. (successor to the Estate of Kay Kimbell).	El Paso Natural Gas Co., Pictured Cliffs Formation, Rio Arriba County, N. Mex.	13.0	15.025
C162-1105 E 6-4-69	Kimbell, Inc. (successor to the Estate of Kay Kimbell).	Northern Natural Gas Co., Hansford Upper Morrow Field, Hansford County, Tex.	[9] 19.46	14.65
C168-1416 E 6-4-69	do	Northern Natural Gas Co., Hansford Upper Morrow Field, Hansford County, Tex.	[9] 19.46	14.65
C169-345 C 10-21-69	James A. Ford d.b.a. Cypress Gas Co., Post Office Box 9102, Shreveport, La. 71106.	Arkansas Louisiana Gas Co., Northeast Waskom Field, Le Flore County, Okla.	15.0	14.65
C169-1176 C 10-17-69	Jerome P. McHugh et al., 930 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Blanco Mesaverde and Dakota Fields, La Plata County, Colo.	14.0	15.025
C170-293 A 9-22-69	Hanley Co., [8] 377 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex.	14.5	14.65
C170-379 H 10-16-69	Ferguson Oil Co., Inc.	Lone Star Gas Co., acreage in Stephens County, Okla.	(11)	------
C170-380 A 10-16-69	Groves-Pierce Gas Co., c/o Warren E. Haught, agent, Smithville, W. Va. 26178.	Equitable Gas Co., Otter District, Braxton County, W. Va.	27.0	15.325
C170-381 A 10-16-69	Commonwealth Gas Corp., Post Office Box 1433, Charleston, W. Va. 25325.	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	29.0	15.325
C170-382 H 10-17-69	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Depleted	------
C170-383 A 10-20-69	Omega Gas Co., c/o Thomas G. Powell, Attorney, 2830 Republic National Bank Tower, Dallas, Tex. 75201.	Montana-Dakota Utilities Co., Ute Field, Campbell County, Wyo.	15.384	15.025
C170-384 A 10-20-69	Carl M. Archer, Box 468, Spearman, Tex. 79081.	Panhandle Eastern Pipe Line Co., Clement Line Field, Hansford County, Tex.	[10] 18.0	14.65
C170-385 A 10-20-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Kansas-Nebraska Natural Gas Co., Inc., Northwest Tyrone Field, Texas County, Okla.	17.0	14.65
C170-386 A 10-20-69	David C. Bintliff (Operator) et al., 1309 Bank of the Southwest Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., South Hall City Field, Calcasieu and Jefferson Davis Parishes, La.	21.25	15.025

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-388..... A 10-16-69	Ralph Kirtley Gas Co., Route No. 2, Milton, W. Va. 25541.	United Fuel Gas Co., acreage in Cabell County, W. Va.	16.0	15.325
CI70-389..... A 10-17-69	Coastal States Gas Producing Co., Post Office Box 521, Corpus Christi, Tex. 78403.	South Texas Natural Gas Gathering Co., Cinco de Mayo Field, Zapata County, Tex.	17.8	14.65
CI70-390..... A 10-20-69	The Waverly Oil Works Co., 1627 Bryn Mewr Dr., Newark, Ohio 43055.	Equitable Gas Co., Otter District, Braxton County, W. Va.	27.0	15.325
CI70-391..... A 10-21-69	Cody C. Beasley et al., Post Office Box 5697, Bossier City, La. 71010.	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	13.2	14.65

[1] Rate in effect subject to refund in Docket No. G-20538.
[2] Amendment to certificate filed to cover interest of nonsignatory coowners.
[3] Rate in effect subject to refund in Docket No. RI64-524 (includes 1 cent per Mcf minimum guarantee for liquids). Proposed increased rate of 14 cents per Mcf is suspended in Docket No. RI69-480 (exclusive of 1 cent per Mcf minimum guarantee for liquids).
[4] Amendment to certificate filed to add interest of coowner, Mobil Oil Corp.
[5] Application to amend the certificate to reflect change in operator only; no change in interest owners.
[6] Rate in effect subject to refund in Docket No. RI64-426.
[7] Acreage released to lessor.
[8] Rate in effect subject to refund in Docket No. RI68-243.
[9] Rate in effect subject to refund in Docket No. RI68-515.
[10] By letter filed Oct. 16, 1969, Applicant agreed to accept permanent certificate conditioned as Opinion No. 468.
[11] Abandoned due to water encroachment.
[12] Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 69-13344; Filed, Nov. 10, 1969; 8:45 a.m.]

[Docket No. RI70-396 etc.]

H. H. PHILLIPS, JR., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 30, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-396..	H. H. Phillips, Jr. et al., 319 Milam Bldg., San Antonio, Tex. 78205.	1	3	Natural Gas Pipeline Co. of America (LaGloria Field, Jim Wells and Brooks Counties, Tex.) (R.R. District No. 4).	$37	10- 2-69	[3] 10-1-69	[4] 10-2-69	14.0	[5] [6] 14.0525	
RI70-397..	Sun Oil Co., Post Office Box 2831, Beaumont, Tex. 77704.	27	30	Transcontinental Gas Pipe Line Corp. (North Markham and North Bay City Field, Matagorda County, Tex.) (R.R. District No. 3).	5,790	9-30-69	[3] 10-1-69	[4] 10-2-69	[7] 15.5	[5] [6] 15.5581	
	do	42	14	Texas Gas Pipe Line Corp., (Nome Field, Jefferson County, Tex.) (R.R. District No. 3).	1,774	9-30-69	[3] 10-1-69	[4] 10-2-69	[7] 15.0	[5] [6] 15.0563	
	do	133	[8] [9] 11	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Lockhart Field, Starr County, Tex.) (R.R. District No. 4).	776	10- 1-69	[3] 10-1-69	[4] 10-2-69	16.0	[5] 16.0488	
	do	133	[8] [10] 12		117	10- 1-69	[3] 10-1-69	[4] 10-2-69	16.0	[5] [6] 16.0488	
RI70-398..	Sun Oil Company (Operator) et al.	41	13	Texas Gas Pipe Line Corp. (Caplan Field, Galveston County, Tex.) (R.R. District No. 3).	534	9-30-69	[3] 10-1-69	[4] 10-2-69	[7] [11] 15.0	[5] [6] [11] 15.0525	
RI70-399..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	70	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Nelsonville Field, Austin County, Tex.) (R.R. District No. 3).	635	9-30-69	[3] 10-1-69	[4] 10-2-69	[12] 15.0	[5] [6] [12] 15.05543	
RI70-400..	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	68	[13] 10	Natural Gas Pipeline Co. of America (Plymouth and Protilla Fields, San Patricio County, Tex.) (R.R. District No. 4).	0	10- 2-69	[3] 10-1-69	[4] 10-2-69	[12] 16.0	[5] [6] 16.06	

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-401	Texaco, Inc., Post Office Box 52332, Houston Tex. 77052.	388	[13] 1	Florida Gas Transmission Co. (Skipper Field, Brooks County, Tex.) (R.R. District No. 4).	0	10- 2-69	[3] 10-1-69	[4] 10-2-69	[15] 16.0	[5] [6] 16.06	
	do	416	1	Texas Eastern Transmission Corp. (Dallas Husky (Deep) Field, Goliad County, Tex.) (R.R. District No. 2).	$210	10- 2-69	[3] 10-1-69	[4] 10-2-69	[15] 16.0	[5] [6] 16.07	
	do	417	2	South Texas Natural Gas Gathering Co. (Encinitas (V-7) Field, Brooks County, Tex.) (R.R. District No. 4).	0	10- 3-69	[3] 10-1-69	[4] 10-2-69	[15] 16.0	[5] [6] 16.06	

[1] The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Settlement rate.
[6] Periodic increase under subject rate schedule has been filed.
[7] Depth to 4,000 feet.
[8] Between 4,000 feet to 4,800 feet.
[9] Subject to 1-cent amortization charges deducted by buyer.
[10] Subject to 0.2193-cent dehydration deduction.
[11] Initial rate as conditioned by temporary certificate issued Aug. 18, 1967, in Docket No. G-2602.
[12] Applicable only to acreage added by Supplement No. 9.
[13] As corrected.
[14] Initial rate.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective October 1, 1969. All of the proposed rates exceed the applicable area ceiling for the areas involved as set forth in the Commission's statement of general policy No. 61-1, as amended.

Respondents request waiver of the statutory notice to permit their proposed rate increases to become effective as of October 1, 1969. We believe that it would be in the public interest to waive the statutory notice requirement provided in section 4(d) of the Natural Gas Act. Accordingly, the proposed rate increases herein from underlying firm rates are suspended for one day from October 1, 1969.

Marathon Oil Co. (Marathon) is proposing a tax increase from an initial rate issued under a temporary certificate containing a Condition (2) proviso prohibiting changes in the initial rate. In this situation, we conclude that it would be in the public interest to waive Condition (2) of Marathon's temporary certificate issued August 18, 1967, in Docket No. G-2602 to permit Marathon's proposed tax increase to be filed.

[F.R. Doc. 69-13332; Filed, Nov. 10, 1969; 8:45 a.m.]

[Docket No. RI70-378 etc.]

TENNECO OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 31, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-378..	Tenneco Oil Co., Post Office Box 2511, Houston, Tex., 77001.	[3] 204	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc,[13] (South Borosa Field, Starr County, Tex.) (R.R. District No. 4).	$849	10-1-69	[4] 11-1-69	[5] 11-2-69	[3] 14.6	[7] 15.6	
RI70-379..	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	[6] 173	1	Panhandle Eastern Pipe Line Co., (Eva Pool Area, Texas County, Okla.) (Panhandle Area).	211	10-6-69	[4] 11-6-69	[5] 11-7-69	[10] 16.0	[7] [10] 17.0	
RI70-380..	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	195	[11] 23	El Paso Natural Gas Co., (Pictured Cliffs and other Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	447	10-9-69	[4] 11-9-69	[5] 11-10-69	13.0	[12] [13] [14] 13.2486	

[3] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed 16 cents per Mcf area initial rate ceiling.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Initial rate.
[9] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and increased rate does not exceed initial area rate ceiling of 17 cents per Mcf.
[10] Subject to a downward B.t.u. adjustment.
[11] Pertains only to acreage added by Supplement No. 21.
[12] Tax reimbursement increase.
[13] Pressure base is 15.025 p.s.i.a.
[14] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[15] Both seller and buyer are wholly owned subsidiaries of Tenneco Inc.

The contracts related to the rate filings proposed by Tenneco Oil Co. (Tenneco) and Skelly Oil Co. (Skelly) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Tenneco and Skelly's proposed rate filings should be suspended for 1 day from November 1, 1969 (Tenneco) and November 6, 1969 (Skelly), the proposed effective dates.

Pan American Petroleum Corp. (Pan American) filed a proposed rate increase from 13 cents to 13.2486 cents per Mcf which reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. Since the proposed rate exceeds the area increased rate ceiling for the San Juan Basin Area as set forth in the Commission's statement of general policy No. 61-1, as amended, by the amount of the tax reimbursement only, we conclude that it would be suspended for 1 day from November 9, 1969, the proposed effective date.

El Paso Natural Gas Co. (El Paso), the buyer under Pan American's aforementioned rate increase, in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to Pan American's above rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein for Pan American shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of the proposed increased rate and charge.

[F.R. Doc. 69-13334; Filed, Nov. 10, 1969; 8:45 a.m.]

[Docket No. RI70-226 etc.]

DIXILYN CORP. ET AL.

Notice of Extension of Time

NOVEMBER 7, 1969.

Notice is hereby given that the time within which to file petitions to intervene in the above-designated matter is extended to and including November 28, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13478; Filed, Nov. 7, 1969; 3:31 p.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

PUBLIC INDEX FILE

Notice of Publication

Notice is hereby given, pursuant to section 3(e)(2) of Public Law 90-146, that on or about November 20, 1969, the Public Index File of the National Commission on Product Safety will be made available for public purchase. At that time, an announcement will be made in the FEDERAL REGISTER as to the cost and procedure for ordering this document, and orders will not be accepted prior to such announcement. The Public Index File has previously been available for inspection in the Commission's library.

The Public Index File is an index to, and contains excerpts from, documents collected by the Commission in studying the safety of household products. The File includes the following: An index by products to medical notes and statistics on injuries; a partial index to some of the Commission hearings; an index to some products being studied by the Commission based on news reports and letters from the public; a chronology of the Commission's work; an index to, and excerpts from, letters from the public regarding product safety, which are reported without verification in accordance with section 4(d) of the Commission's Regulations on Availability of Information (34 F.R. 12197) and which have previously been referred for comment to the manufacturers concerned; excerpts from manufacturers' letters concerning complaints; addresses of certain manufacturers; names and addresses of individuals associated with aspects of the Commission's product safety study; a product cross-reference file relating other elements of the data to products; an index to newspaper reports and articles on product safety; an index to technical articles and books on product safety; an index to product standards; addresses of testing laboratories, trade associations, professional societies, and consumer groups; and a list of Commission documents which have been made public.

The purpose of this notice is to afford interested persons and manufacturers of any products referred to in the Index an opportunity to submit their views and comments with respect to the contemplated duplication and distribution of the File.

Persons wishing to examine the Public Index file prior to its duplication and distribution may do so in the Commission offices, and persons who wish to comment on the file prior to its duplication and distribution may do so by communication to the Commission at 1016 16th Street NW., Washington, D.C. 20036.

Dated: November 3, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-13398; Filed, Nov. 10, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

PACIFIC FIDELITY CORP.

Order Suspending Trading

NOVEMBER 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pacific Fidelity Corp., a Nevada corporation, and all other securities of Pacific Fidelity Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 6, 1969, through November 15, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13393; Filed, Nov. 10, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 937]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 6, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42343 (Sub-No. 19 TA), filed October 30, 1969. Applicant: MACHISE EXPRESS COMPANY, INC., 500 Egg Harbor Road, Hammonton, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and distillates*, in bulk, in tank vehicles, from Duck Island, N.J., to Penndel, Pa., for 150 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 51146 (Sub-No. 149 TA), filed October 29, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Green Bay, Wis., to points in Ohio on and north of U.S. Highway 224, for 180 days. Supporting shipper: Pauly Cheese Co., Green Bay, Wis. 54305 (1750 Morrow Street) (George Harris, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 82658 (Sub-No. 6 TA), filed October 30, 1969. Applicant: ECONOMY FREIGHT LINES, INC., 6357 Normandy Avenue, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, empty containers, and incidental supplies*, used in the manufacture and sale of malt beverages, from LaCrosse and Sheboygan, Wis., to Chicago and Elk Grove Village, Ill., and Hobart, Ind., for 180 days. Supporting shippers: South Side Distributors, Inc., Chicago, Ill. 60637; Christian Brothers Distributors, Elk Grove Village, Ill. 60007; Charter Beers of America, Inc., Chicago, Ill. 60632; Alliance Beverage Corp., Gary, Ind. 46401. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 94350 (Sub-No. 245 TA), filed October 23, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: G. P. Apperson, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Washington County, Md., to Baltimore, Hagerstown, and Cumberland, Md.; Bluefield, Charleston, Fairmont, Huntington, and Parkersburg, W. Va.; Pittsburgh, New Castle, Scranton, Allentown, Philadelphia, Harrisburg, and Johnstown, Pa.; Trenton, Elizabeth, Paterson, Atlantic City, and Camden, N.J.; Buffalo, Rochester, Syracuse, Plattsburgh, Binghamton, New York, and Albany, N.Y.; Richmond, Roanoke, Charleston, and Lynchburg, Va., for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., Prowler Industries of Maryland, Inc. (Subsidiary), Post Office Box 458, 35 South Street, Hancock, Md. 21750. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 96098 (Sub-No. 36 TA), filed October 31, 1969. Applicant: MILTON TRANSPORTATION, INC., Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Akron, Ohio, to points in New York and Pennsylvania on and east of a line beginning at Oswego, N.Y., thence over New York Highway 57 to Syracuse, N.Y., thence over Interstate Highway 81 to Binghamton, N.Y., thence over New York Highway 17 to Waverly, N.Y., thence over Interstate Highway 220 to the Pennsylvania-Maryland State line, for 150 days. Supporting shipper: Diamond Crystal Salt Company, Akron, Ohio. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 102616 (Sub-No. 847 TA), filed October 31, 1969. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, empty containers, and incidental supplies*, used in the manufacture and sale of malt beverages, from LaCrosse and Sheboygan, Wis., to Chicago and Elk Grove Village, Ill., and Hobart, Ind., for 180 days. Supporting shippers: South Side Distributors, Inc., Chicago, Ill. 60637; Christian Brothers Distributors, Elk Grove Village, Ill. 60007; Charter Beers of America, Inc., Chicago, Ill. 60632; Alliance Beverage Corp., Gary, Ind. 46401. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 103993 (Sub-No. 471 TA), filed October 30, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Hancock, Md., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, for 180 days. Supporting shippers: (1) Prowler Industries of Maryland, Inc., 35 South Street, Post Office Box 458, Hancock, Md., 21750; (2) Fleetwood Enterprises, Inc., 3196 Myers Street, Post Office Box 7638, Riverside, Calif. 92503. NOTE: (1) Is represented to be a subsidiary of (2). Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 106398 (Sub-No. 431 TA), filed October 31, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, from the plantsite of Fountain Mobile Home Co., at Albuquerque, N. Mex., to points in Colorado, Arizona, Texas, Oklahoma, and Louisiana, for 180 days. Supporting shipper: Tom Freeman, Secretary, Fountain Mobile Home Co., Post Office Box 7366, Albuquerque, N. Mex. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 106760 (Sub-No. 120 TA), filed October 31, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and accessories* used in the installation thereof, from plantsite of Celotex Corp. at Camden, Ark., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, and Louisiana, for 180 days. Supporting shipper: Clay Geer, The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107295 (Sub-No. 233 TA), filed October 30, 1969. Applicant: PREFAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, and fittings therefor, and shapes and forms, and steel tubing*, from the plantsite of Allied Tube & Conduit Corp., Harvey, Ill., to points in the United States (except Alaska, Hawaii, Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, and Illinois), for 180 days. Supporting shipper: Allied Tube & Conduit Corp., 16100 South Lathrop, Harvey, Ill. 60426. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 108207 (Sub-No. 277 TA), filed October 31, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Florence, Ariz., to Berkeley, Calif., for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, Calif. 94710. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 111467 (Sub-No. 19 TA) (Amendment), filed October 22, 1969, and published in the FEDERAL REGISTER, issue of October 30, 1969, and republished as amended, this issue. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1381 Rockdale Road, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the Iowa Gateway Terminal located in Lee County, Iowa, to points in Iowa and Missouri and to points in Illinois located on and west of U.S. Highway 51, for 180 days. NOTE: The purpose of this republication is to change the territorial description. Supporting shipper: Diamond Crystal Salt Co., St. Clair, Mich. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 127705 (Sub-No. 30 TA) (Amendment), filed October 16, 1969, published in the FEDERAL REGISTER, issue of October 24, 1969, and republished, as amended, this issue. Applicant: KREVDA BROS. EXPRESS, INC., Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Mundelein, Ill., to points in New Jersey, New York, Pennsylvania, and Maryland, for 180 days. NOTE: The purpose of this republication is to add the State of Maryland. Supporting shipper: Ball Corp., Muncie, Ind. 47302. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 129307 (Sub-No. 28 TA), filed October 31, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Benton Harbor, Mich., to points in Ohio, for 180 days. NOTE: Applicant states there will be no tacking nor interline intended. Supporting shipper: Pasquales Food Products, Inc., Red Arrow Highway, Benton Harbor, Mich. 49022. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 134086 (Sub-No. 1 TA) (Correction), filed October 22, 1969, published in the FEDERAL REGISTER issue of October 31, 1969, and republished in part, this issue. Applicant: LEWIS A. HANNABASS, Box 119, Goodview, Va. 24095. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. NOTE: The purpose of this partial republication is to show applicant seeks to operate as a contract carrier in lieu of common carrier. The rest of the application remains as published.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-13403; Filed, Nov. 10, 1969; 8:47 a.m.]

[Notice 442]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 6, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71682. By order of October 31, 1969, the Motor Carrier Board approved the transfer to Cattelyne, Inc., Wisner, Nebr., of certificate No. MC-93401 issued July 11, 1941, to John Graber, Wisner, Nebr., authorizing the transportation of: Livestock, grain, feed, and agricultural implements and parts, between Wisner, Nebr., and 20 miles thereof, and points in Iowa. Thomas E. Brogan, 1105 South 13th Street, Norfolk, Nebr. 68701, attorney for applicants.

No. MC-FC-71684. By order of October 30, 1969, the Motor Carrier Board approved the transfer to Mobile Home Transport, Inc., Terre Haute, Ind., of certificate No. MC-128895 issued March 6, 1969, to Henry Schuur, doing business as Indiana Mobile Home Transport, Terre Haute, Ind., authorizing the transportation of: *Mobile homes*, in secondary movements by truckaway method, between points in Vigo County, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, and Ohio. W. L. Jordan, 205 Merchants Savings Building, Terre Haute, Ind. 47801, practitioner for applicants.

No. MC-FC-71687. By order of October 30, 1969, the Motor Carrier Board approved the transfer to Raymond F. Hand, doing business as Arch Transportation, Pawtucket, R.I., of the certificate of registration in No. MC-121226 (Sub-No. 1) issued March 26, 1965, to Chester Arcisz, doing business as Arch Transportation, Pawtucket, R.I., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. MC-413 dated May 10, 1961, issued by the Public Utility Administrator of the State of Rhode Island. James E. Murphy, 326 Industrial Bank Building, Providence, R.I. 02903, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-13404; Filed, Nov. 10, 1969; 8:47 a.m.]

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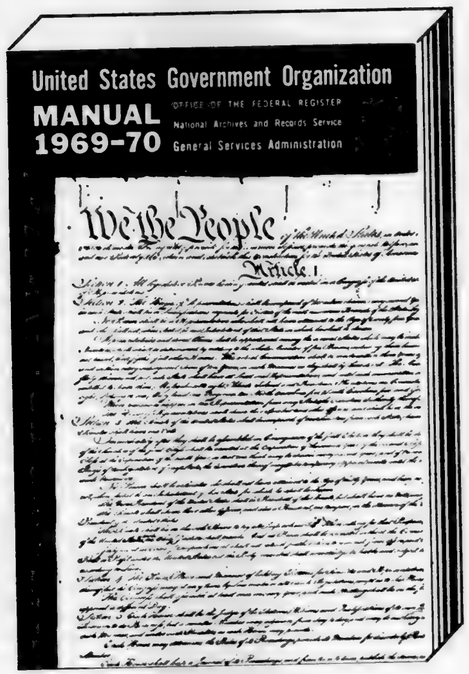
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Chapter I—Immigration and Naturalization Service, Department of Justice

[File No. CO 845–P]

PART 214—NONIMMIGRANT CLASSES

Readmission of Certain Nonimmigrants

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* is amended by inserting the following sentence after the existing first sentence: "A nonimmigrant whose visa has been automatically revalidated pursuant to 22 CFR 41.125 (f) shall, if otherwise admissible, be readmitted for a period not to exceed the unexpired period of his initial admission or extension of stay which had been authorized by the Service prior to his departure to foreign contiguous territory or adjacent islands, as endorsed by the Service on the Form I-94 issued in connection with the returning nonimmigrant's prior admission or stay and presented by him, or as endorsed by the issuing school official or program sponsor on Form I–20 or DSP–66 presented by a returning nonimmigrant as defined in paragraph (F) or (J) of section 101 (a)(15) of the Act."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits upon persons affected thereby.

Dated: November 6, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69–13430; Filed, Nov. 12, 1969; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Director of Congressional Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (a) of § 213.3337 as set out below.

§ 213.3337 General Services Administration.

(a) * * *

(9) The Director of Congressional Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13410; Filed, Nov. 12, 1969; 8:45 a.m.]

PART 591—ALLOWANCES AND DIFFERENTIALS PAYABLE IN NONFOREIGN AREAS

Based on an annual review of the living-cost surveys made in 1968, the Commissioners terminated the allowance for the Virgin Islands effective the first day of the first pay period in July 1969, simultaneous with the implementation of the new General Schedule and PFS Schedule. Section 591.202 is amended by deleting the reference to the Virgin Islands of the United States.

(5 U.S.C. 5941, sec. 202, E.O. 10000; 3 CFR, 1943–1948 Comp., p. 794, E.O. 10636; 3 CFR, 1954–1958 Comp., p. 268)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13411; Filed, Nov. 12, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Miscellaneous Amendments

1. Effective November 5, 1969, § 217.3(g) is amended to read as follows:

(g) *Time deposits of foreign governmental entities and international organizations.* Section 217.7 does not apply to the rate of interest that may be paid by a member bank on a time deposit having a maturity of 2 years or less and representing funds deposited and owned by (1) a foreign government, or an agency or instrumentality thereof engaged principally in activities which are ordinarily performed in the United States by governmental entities, (2) an international entity of which the United States is a member, or (3) any other foreign, international, or supranational entity specifically designated by the Board as exempt from § 217.7. All certificates of deposit issued by member banks to such entities on which the contract rate of interest exceeds the maximum prescribed under § 217.7 shall provide that (1) in the event of transfer, the date of transfer, attested to in writing by the transferor, shall appear on the certificate, and (2) the maximum rate limitations of § 217.7 in effect at the date of issuance of the certificate shall apply to the certificate for any period during which it is held by a person other than an entity exempt therefrom under the foregoing sentence.[a] Upon the presentment of such a certificate for payment, the bank may pay the holder the contract rate of interest on the deposit for the time that the certificate was actually owned by an entity so exempt.

2. Section 217.12 of this part is hereby revoked.

3a. The purposes of this amendment are (1) to expand the categories of organizations on whose time deposits member banks may pay rates of interest in excess of those permitted by § 217.7, and (2) to provide an alternative method by which an exempt organization may transfer a certificate of deposit to a nonexempt holder. Formerly, a time deposit of a foreign government, a monetary or financial authority of a foreign government when acting as such, or an international financial institution of which the United States is a member was exempt from the interest rate limitations of § 217.7. A broadening of the categories of exempt organizations is consistent with the purposes of § 217.3 (g)—to encourage the maintenance of foreign governmental time deposits in American banks. An alternative method of transferring to a nonexempt holder a certificate of deposit issued to an exempt organization is included in footnote 6. The alternative method provides the same safeguards as the method heretofore prescribed by § 217.3(g).

b. The procedures of section 553(b) title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. The alternative method of transfer is procedural in nature and involves no substantive change. The revision of the

[a] A new certificate not maturing prior to the maturity date of the original certificate may be issued by the member bank to the transferee, in which event the original must be retained by the bank. The new certificate may not provide for interest after the date of transfer at a rate in excess of the applicable maximum rate authorized by § 217.7 as of the date of issuance of the original certificate.

categories of exempt organizations is a liberalization resulting in the relaxation of their restrictive nature. In these circumstances, the Board found such procedures to be unnecessary and contrary to the public interest.

By order of the Board of Governors, November 5, 1969.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13420; Filed, Nov. 12, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-121]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Rockingham, N.C., transition area.

The Rockingham transition area is described in § 71.181 (34 F.R. 4637). An extension to the transition area, predicated on Pinehurst VORTAC 206° radial, has a designated width of 2 miles each side of the radial and extends from the 5-mile radius area to 13 miles southwest of the VORTAC.

The application of Terminal Instrument Procedures (TERPs) and the redefinement of the final approach radial of AL-5578 VOR/DME-1 instrument approach procedure requires redesignating the transition area extension to Pinehurst VORTAC 203° radial; increasing the width to 4 miles each side of this radial, and reducing the length by 5 miles. These actions result in an overall reduction of approximately 15 square miles of controlled airspace.

Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to alter the transition area description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Rockingham, N.C., transition area is amended to read:

ROCKINGHAM, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rockingham-Hamlet Airport (lat. 34°53'-30" N., long. 79°45'35" W.); within 4 miles each side of Pinehurst VORTAC 203° radial, extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 3, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13460; Filed, Nov. 12, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-136]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Camden, S.C., transition area.

The Camden transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the 040° bearing from the Camden RBN and has a designated width of 2 miles each side of the bearing and a length of 8 miles.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the description by increasing the width of the extension from 2 to 3 miles each side of the 040° bearing from Camden RBN and by increasing the length from 8 to 8.5 miles.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Camden, S.C., transition area is amended to read:

CAMDEN, S.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Woodward Field (lat. 34°17'03" N., long. 80°33'53" W.); within 3 miles each side of the 040° bearing from Camden RBN (lat. 34°17'02" N., long 80°33'42.5" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 3, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13461; Filed, Nov. 12, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Aurora, Oreg., transition area.

On July 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11103) stating that the Federal Aviation Administration was considering designating a transition for Aurora State Airport, Aurora, Oreg. The transition area was to be described in part on the 125° T (104° M) and 305° T (284° M) radials of the Newberg VORTAC. No objections were received to this proposal.

A final rule was issued on August 12, 1969 with an effective date of October 16, 1969, adopting the proposal subject to changing the Newberg VORTAC radials to 123° T (101° M) and 303° T (282° M). This change was made to provide better alignment of the final approach course. Recent updated data has now been received from Coast and Geodetic Survey which again requires changes in the Newberg VORTAC radials. Action is taken herein to reflect this change.

In consideration of the foregoing in §71.181 (34 F.R. 13412) the description of the Aurora, Oreg. transition area is amended by deleting reference to the Newberg VORTAC "* * * 123° * * *" and "* * * 303° * * *" radials and substituting "* * * 126° * * *" and "* * * 306° * * *" therefor.

Since these changes are minor in nature, notice and public procedure hereon are unnecessary.

Effective date: This amendment shall be effective 0901 G.m.t., January 8, 1970.

Issued in Los Angeles, Calif., on November 3, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-13462; Filed, Nov. 12, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-133]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Stuart, Fla., transition area.

The Stuart transition area is described in § 71.181 (34 F.R. 4637).

The controlled airspace protection at Witham Airport will no longer be required after December 1, 1969, as the Special ADF Instrument Approach Procedure, utilizing Commercial Broadcast Station WSTU, will be canceled on that date. It is necessary to revoke the transition area which was established to provide required controlled airspace protection for IFR aircraft executing this approach.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Stuart, Fla., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on October 31, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13463; Filed, Nov. 12, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-130]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Louisville, Miss., transition area.

The Louisville transition area, described in § 71.181 (34 F.R. 4637), was designated to provide controlled airspace protection for IFR operations at Louisville-Winston County Airport. Two prescribed instrument approach procedures to this airport, utilizing a proposed (private) nondirectional radio beacon, were developed.

Louisville-Winston County officials advised that the proposal to establish the nondirectional radio beacon had been abandoned. Accordingly, it is necessary to amend Part 71 of the Federal Aviation Regulations by revoking this transition area.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Louisville, Miss., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on October 29, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13464; Filed, Nov. 12, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-127]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Orlando, Fla. (McCoy AFB), control zone and the Orlando, Fla., transition area.

The Orlando (McCoy AFB) control zone is described in § 71.171 (34 F.R. 4557) and the Orlando transition area is described in § 71.181 (34 F.R. 4637). In the descriptions, references are made to the McCoy AFB LOM. Since the compass locator, which is collocated with the outer marker, will be decommissioned, effective January 29, 1970, it is necessary to alter the descriptions to delete references to the LOM and make reference to the OM.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1970, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Orlando, Fla. (McCoy AFB), control zone and in § 71.181 (34 F.R. 4637), the Orlando, Fla., transition area are amended as follows: "* * * LOM * * *" is deleted and "* * * OM * * *" is substituted therefor, wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 4, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13473; Filed, Nov. 12, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SO-90]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14737), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Clarksdale, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the gegoraphic coordinate (lat. 34°17'45" N., long. 90°30'50" W.) for Fletcher Field was obtained from Coast and Geodetic Survey. Also, it was determined that the word "area" was inadvertently omitted from the extensions predicated on the 010° and 163° bearings from Clarksdale RBN. It is necessary to alter the description by inserting the geographic coordinate for the airport and appropriately inserting the word "area."

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

CLARKSDALE, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fletcher Field (lat. 34°17'45" N., long. 90°30'50" W.); within 3 miles each side of the 010° and 163° bearings from the Clarksdale RBN (lat. 34°17'33" N., long. 90°30'57" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 4, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13474; Filed, Nov. 12, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENT OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order

In the matter of amending § 500.3 (c) and (d) by inserting the words "packaged and labeled" immediately before the words "consumer commodity" where the latter appears in each paragraph, and amending § 500.16 by inserting "thirds" in the listing of common fractions which may be used to express linear measurements in yards and feet:

Pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1454, 1455), notice is given that no objections were filed in the above-identified matter published in the FEDERAL REGISTER of September 24, 1969 (34 F.R. 14730). Accordingly, the October 24, 1969 effective date of the amendments to §§ 500.3 (c) and (d) and 500.16 is confirmed.

Issued: November 7, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-13504; Filed, Nov. 12, 1969; 8:51 a.m.]

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Measurement of Container Type Commodities, How Expressed

In the matter of amending Part 500 by the addition of a new § 500.15a prescribing the manner of expressing the measurement of container type commodities:

Pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1454, 1455), notice is given that no objections were filed in the above-identified matter published in the FEDERAL REGISTER of September 24, 1969 (34 F.R. 14731). Accordingly, the February 1, 1970, effective date of the new § 500.15a is confirmed.

Issued: November 7, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR. Doc. 69-13503; Filed, Nov. 12, 1969; 8:51 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5018 and 34-8733]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Sale and Distribution of Whisky Warehouse Receipts

The Securities and Exchange Commission today called attention to the applicability of the Federal securities laws to the sale and distribution of whisky warehouse receipts in areas subject to the jurisdiction of the United States. The Commission pointed out that the promotion and sale of such receipts may involve an offering of a security in the form of an investment contract within the meaning of the Securities Act of 1933 and the Securities Exchange Act of 1934, and that any public offering of any such securities must comply with the registration and prospectus requirements of the Securities Act, unless an exemption therefrom is available, and must comply with the antifraud provisions of the Securities Act and the Securities Exchange Act and the regulations thereunder.

Recently, the public promotion and distribution of whisky warehouse receipts has been increasing in the United States. In most cases the whisky warehouse receipts offered have related to unblended whisky, usually unblended Scotch whisky being aged in a bonded warehouse in Scotland. The production of Scotch whisky involves distilling, aging, and blending. The blenders, who blend many varieties of aged whisky to arrive at their final product, are frequently unable to finance the purchase of all their needs from distillers because of the burden of financing the long aging process and because of the risks associated with changes in the whisky as it mellows. The aging process is a fundamental part of the production process. Freshly distilled Scotch whiskies vary considerably and change as they age, and blenders' needs change as public tastes change; consequently the need for a particular whisky cannot be determined until it is ready for blending. In order to finance the risks involved in the final production of a blended whisky, whisky warehouse receipts are sold to persons and institutions. Generally, the receipt covers casks of whisky which are contained in one or more warehouses, and the arrangement under which the whisky warehouse receipt is sold to the investor-purchaser generally contemplates that the whisky will continue to be stored until it is aged and that it will eventually be sold for him to the blenders who will use it to blend other whiskies to produce the final product.

The purchaser of the whisky warehouse receipt is not being offered or sold such receipts with a view to acquiring and taking possession of the whisky. Rather, the purchaser in these cases is making an investment under an arrangement which contemplates that others will perform services which will increase the value of the whisky and will also eventually sell the whisky under circumstances which are expected to result in a profit to the purchaser-investor.

In S.E.C. v. W. J. Howey Co., 328 U.S. 293, 301 (1946), the Supreme Court stated that the test of whether a security is being offered "is whether the scheme involves an investment of money in a common enterprise with profits to come solely from the efforts of others. If that test be satisfied, it is immaterial whether the enterprise is speculative or nonspeculative, or whether there is a sale of property with or without intrinsic value * * *. The statutory policy of affording broad protection to investors is not to be thwarted by unrealistic and irrelevant formulae." In Howey the Supreme Court noted that the Commission has followed the same definition in In re National Resources Corporation, 8 S.E.C. 635 (1941). The Commission there stated that "transactions which, in form, appear to involve nothing more than the sale of real estate, chattels or services, have been held to be investment contracts where, in substance, they involve the laying out of money by the investor on the assumption and expectation that the investment will return a profit without any active effort on his part, but rather as the result of the efforts of someone else." 8 S.E.C. at 637.[1]

The anti-fraud provisions of the Federal securities laws, including section 17(a) of the Securities Act and section 10(b) and Rule 10b-5 [17 CFR 240.10b-5] under the Securities Exchange Act, make it unlawful, in connection with the purchase or sale of a security, to make misstatements or misleading omissions of material facts, and prohibit other fraudulent and deceptive practices. The antifraud provisions apply to advertisements, literature and other statements and representations made in connection with the offer and sale of securities, and particular attention is called to these provisions in view of the exaggerated claims made in some of the advertisements and other material used to promote sales of whisky warehouse receipts.

It should also be noted that persons engaged in the business of buying or selling investment contracts taking the form of whisky warehouse receipts as agents for others, or in the business of buying and selling such securities as principal for their own account, would be brokers or dealers within the meaning of the Securities Exchange Act of 1934, and would generally be required to be registered as such with the Commission under the provisions of section 15 of the Act. Such a broker or dealer would be subject also to other regulatory provisions, including the Commission's Rule 15c3-1 (17 CFR 240.15c3-1), which imposes net capital requirements on brokers and dealers.

Persons engaging in the sale of whisky warehouse receipts who have any questions concerning the applicability of the Federal securities laws to their activities should consult the nearest regional office of the Commission.

By the Commission, November 4, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13455; Filed, Nov. 12, 1969; 8:47 a.m.]

[1] This is not the first time that the Commission has been concerned with the sale of whisky warehouse receipts in the context of investment contracts. In two related cases, Penfield Co. v. S.E.C., 143 F. 2d 746 (9th Cir. 1944), and S.E.C. v. Bourbon Sales Corp., 47 F. Supp. 70 (W.D. Ky., 1942), subpoenas issued by the Commission were enforced by the courts despite respondents' objections that no securities were involved. The respondents sold bourbon whisky warehouse receipts to investors and then, in exchange for the receipts, offered them contracts under which the respondents would bottle and sell the whisky for the investor with the respondents keeping a percentage of the profit. The court in Penfield stated: "These contract provisions and representations, as well as the fact that the contract-holders, being ordinary investors and not liquor dealers, would not have the facilities or the necessary Federal and State liquor licenses to take the whisky out of bond and dispose of it, make it clear that they must look entirely to the efforts of the promoters to make their investment a profitable one, the criterion in our opinion in Atherton v. United States * * * [128 F. 2d 463 (9th Cir. 1942)] at page 465." 143 F. 2d at 751.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE (OR TETRACYCLINE-) CONTAINING DRUGS

PART 148n—OXYTETRACYCLINE

Certain Tetracycline-Nystatin, Oxytetracycline-Nystatin, and Demethylchlortetracycline-Nystatin Combination Preparations for Oral Use in Humans

In the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6007), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

A. Combination drugs containing tetracycline, tetracycline hydrochloride, or tetracycline phosphate complex with nystatin:

1. Mysteclin-V Capsules; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

2. Tetrastatin for Oral Suspension; Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

3. Tetrastatin Capsules; Chas. Pfizer & Co., Inc.

4. Comycin Half-Strength Capsules; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

5. Comycin Capsules; The Upjohn Co.

6. Achrostatin V for Oral Suspension; Lederle Laboratories, Division of American Cyanamid Co., West Middletown Road, Pearl River, N.Y. 10965.

7. Achrostatin V Capsules; Lederle Laboratories, Division of American Cyanamid Co.

B. Combination drugs containing oxytetracycline and nystatin:

1. Terrastatin for Oral Suspension; Chas. Pfizer & Co., Inc.

2. Terrastatin Capsules; Chas. Pfizer & Co., Inc.

C. Combination Drugs containing demethylchlortetracycline and nystatin:

1. Declostatin for Oral Suspension; Lederle Laboratories, Division of American Cyanamid Co.

2. Declostatin Capsules; Lederle Laboratories, Division of American Cyanamid Co.

The Academy evaluated these drugs as ineffective as fixed combinations for simultaneous antimicrobial therapy and monilial prophylaxis and found that adequate documented evidence is lacking that the fixed combinations are useful during therapy in preventing clinical disease due to monilial superinfection. The Food and Drug Administration concurred with the views expressed by the Academy and concluded that substantial evidence is lacking that each of these combination drugs will have the effect it purports or is represented to have.

All interested persons who might be adversely affected by removal of drugs containing any of the above-listed combinations from the market were invited to submit within 30 days, any pertinent data bearing on the proposal to amend the antibiotic drug regulations to delete from the list of drugs acceptable for certification, those that contain the above-listed antibiotic combinations.

Lederle Laboratories submitted responses to the announcement which have been reviewed and found to contain no new clinical data. The Food and Drug Administration concludes that the material submitted does not provide substantial evidence of effectiveness of such combination drugs.

In addition to the above-listed products, for which the conditions of certification are described in §§ 141c.224, 141c.225, 141c.229, 141c.236, 141c.259, 141c.263, 146c.224, 146c.236, 146c.259, 146c.263, 148n.9 and 148n.10, other sections, §§ 141c.271, 146c.225, 146c.229, and 146c.271, described the conditions for certification of other oral dosage forms of such combinations. Preparations currently marketed under these regulations in addition to those listed above are:

1. Tetrex-F Capsules (tetracycline phosphate complex-nystatin) and Tetrex-F for Oral Suspension (tetracycline-nystatin); Bristol Laboratories, Division of Bristol-Myers Co., Thompson Road, Syracuse, N.Y. 13201.

2. Declostatin 300 Tablets (demethylchlortetracycline-nystatin); Lederle Laboratories, Division of American Cyanamid Co.

The data submitted in support of these preparations, though not evaluated by the National Academy of Sciences—National Research Council, have been reviewed by the Food and Drug Administration and have been found to lack substantial evidence that the fixed combinations will have the effect they purport or are represented to have.

Accordingly, the Commissioner of Food and Drugs concludes (1) that the regulations for the certification of antibiotic drugs should be amended as follows to delete the above-listed antibiotic combinations of oral dosage forms for human use from the list of drugs acceptable for certification and (2) that all outstanding certificates heretofore issued for such combination drugs should be revoked.

Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141c, 146c and 148n are amended by repealing §§ 141c.224, 141c.225, 141c.229, 141c.236, 141c.259, 141c.263, 141c.271, 146c.224, 146c.225, 146c.229, 146c.236, 146c.259, 146c.263, 146c.271, 148n.9, and 148n.10, and all antibiotic certificates issued under those regulations are revoked.

Any person who will be adversely affected by the removal of any such drugs from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing (1) should identify the claimed errors in the National Academy of Sciences—National Research Council's evaluation and the Administration's conclusions as to the effectiveness of the combination drug and (2) should identify any adequate and well-controlled investigations on the basis of which it reasonably could be concluded that the drug would have the effectiveness claimed for its intended uses. Objections should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

If objections accompanied by reasonable grounds are received, the Commissioner will promptly announce a hearing. If a hearing is scheduled, it will be held under the provisions of section 507 (f) of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER unless stayed by the filing of proper objections. The Commissioner will announce in the FEDERAL REGISTER whether or not requests for hearing with reasonable grounds have been received during the 30-day period. At that time the Commissioner will specify how the outstanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: November 4, 1969.

HERBERT L. LEY, JR., *Commissioner of Food and Drugs.*

[F.R. Doc. 69-13425; Filed, Nov. 12, 1969; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.612]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Automatic Revalidation of Nonimmigrant Visas in Certain Cases

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide for automatic revalidation of

nonimmigrant visas in certain circumstances for nonimmigrant aliens reentering the United States from contiguous territory or adjacent islands. Section 41.125 is amended to read as follows:

§ 41.125 Revalidation of visas.

* * * * *

(f) *Automatic revalidation of visas in certain cases.*

(1) An expired nonimmigrant visa issued pursuant to the provisions of section 101(a)(15)(F) or (J) of the Act, or an expired or unexpired nonimmigrant visa issued pursuant to the provisions of another paragraph of section 101(a)(15) if the nonimmigrant status has been changed by the Immigration and Naturalization Service to that of a nonimmigrant as defined in paragraph (F) or (J), may be considered to be automatically revalidated to the date of application for readmission to the United States and converted, if necessary, to classification under paragraph (F) or (J), in the case of a nonimmigrant alien who:

(i) Is applying for readmission into the United States after an absence not exceeding 2 weeks solely in contiguous territory or adjacent islands other than Cuba;

(ii) Has maintained and intends to resume his status under paragraph (F) or (J) in the United States;

(iii) Presents, or is the accompanying spouse or child of an alien who presents, a current Form I-20 (in the case of student) or Form DSP-66 (in the case of an exchange visitor) issued by the school the student has been authorized to attend by the Immigration and Naturalization Service, or by the sponsor of the exchange program in which he has been authorized to participate by the Immigration and Naturalization Service, and endorsed by the issuing school official or program sponsor to indicate the period of initial admission or extension of stay authorized by the Immigration and Naturalization Service;

(iv) Is applying for readmission within the authorized period of initial admission or extension of stay;

(v) Is in possession of a valid passport; and

(vi) Does not require the authorization of his temporary admission into the United States under section 212(d)(3) of the Act.

(2) An expired nonimmigrant visa issued pursuant to the provisions of any paragraph of section 101(a)(15) of the Act may be considered to be revalidated to the date of application for readmission to the United States and an expired or unexpired nonimmigrant visa issued pursuant to the provisions of any paragraph of section 101(a)(15) of the Act may, if the original nonimmigrant status has been changed by the Immigration and Naturalization Service to another nonimmigrant status, be considered to be revalidated to the date of application for readmission to the United States and converted to that changed status in the case of a nonimmigrant alien who:

(i) Has maintained nonimmigrant status in the United States and is in possession of an Arrival-Departure Card (Form I-94) endorsed by the Immigration and Naturalization Service to show an unexpired period of initial admission or extension of stay;

(ii) Is applying for readmission into the United States after an absence not exceeding 7 days solely in contiguous territory;

(iii) Intends to resume nonimmigrant status in the United States;

(iv) Is applying for readmission within the authorized period of initial admission or extension of stay;

(v) Is in possession of a valid passport; and

(vi) Does not require the authorization of his temporary admission into the United States under section 212(d)(3) of the Act.

(g) *Fee for revalidation.* The fee for the revalidation of a nonimmigrant visa shall be that prescribed for the issuance of such a visa, if any; provided, however, that

(1) When the visa was issued valid for a lesser number of applications for admission or for a period of validity less than the maximum permitted by reciprocity, it may be revalidated for the remaining number of applications for admission and validity permitted without the payment of an additional fee; and

(2) No fee shall be charged in the case of a visa considered to be automatically revalidated pursuant to the provisions of paragraph (f) of this section.

Effective date. The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

OCTOBER 22, 1969.

[F.R. Doc. 69-13431; Filed, Nov. 12, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 885—APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

Part 885 is revised to read as follows:

Sec.
885.0 Purpose.
885.2 Policy.
885.4 Requirements.
885.6 Selection procedures for distinguished graduates of the AFROTC program.
885.8 Category of personnel to be considered for regular Air Force appointment and statutory authority.
885.10 Consideration for regular appointment.
885.12 Basic eligibility.
885.14 How to apply.
885.16 Service credit for AFROTC graduate.
885.18 Permanent grade.
885.20 Temporary grade.
885.22 Sample letter to references (physicians and dentists).

AUTHORITY: The provisions of this Part 885 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 36-5, Oct. 18, 1968 and Change 1, July 10, 1969.

§ 885.0 Purpose.

This part outlines eligibility for consideration for appointment as commissioned officers in the regular Air Force.

§ 885.2 Policy.

(a) The regular Air Force appointment program is established by public law. The law stipulates how many regular officers the Air Force may have, outlines eligibility criteria for appointment, and specifies the procedures to be used in the selection process.

(b) Regular Air Force appointments are made annually to sustain the regular officer structure established by law.

§ 885.4 Requirements.

(a) *Citizenship.* A person must be a U.S. citizen to be eligible for regular Air Force consideration. Anyone selected for regular appointment who is not a citizen by birth is required to furnish documentary evidence of citizenship, if such evidence is not in his Master Personnel Record.

(b) *Physical qualification.* (1) Physical qualification is a prerequisite to appointment. The Surgeon General, USAF, determines this qualification, according to the physical standards for unrestricted worldwide service according to AFM 35-4 (Physical Evaluation for Retention, Retirement, and Separation). (2) An officer found medically disqualified for regular apopintment continues to be eligible for appointment, provided he can reasonably be expected to qualify medically within 1 year of the date of Presidential approval of his appointment.

(c) *Additional requirements.* (1) Each appointee must be of a background, character, and reputation that assures his appointment in the regular Air Force is clearly in the best interests of the Air Force. Before regular appointment can be finalized, favorable National Agency Check (NAC) requirements must be fulfilled. (2) Male selectees with dependents are not restricted. However, a female selectee may not be appointed if she: (i) Is the mother, by birth or adoption, of a child under 18 years old, of whom she has personal or legal custody. (ii) Is the stepmother of a child under 18 years old who is within her household for a period of more than 30 days a year; or (iii) Has, or has assumed, personal custody of any child under 18 years old. (3) An officer who is in a deferred promotion status, due to failure of selection for a permanent grade, or an officer who failed temporary promotion from within the primary zone of eligibility, is not eligible for consideration for regular Air Force appointment. (4) Not eligible for consideration for regular Air Force appointment are officers: (i) Ordered to active duty under title 10, U.S.C.: section 265, from Air National Guard; section 8033, from Air Force Reserve; section 8495, from Air National Guard. (ii) Ordered to active duty for training only; (iii) Whose Date of Separation (DOS) is established during the month of, or in the 2-month period after, the month of a board convening date. For example, a Regular Appointment Board convenes in April 1969; officers with established DOS's through June 1969 would be ineligible for consideration. Officers may and should be encouraged to establish eligibility through a Specified Period of Time Contract (SPTC) under AFR 36-94 to obtain additional service retainability, or Career Reserve Status (CRS) under Part 888c of this title. To insure proper consideration, applications for SPTC or CRS must be initiated at least 3 months before the selection board convening date.

§ 885.6 Selection procedures for distinguished graduates of the AFROTC program.

Hq AU convenes boards twice annually in November and May, to align in "order of merit" all prospective DGs who are scheduled to graduate during the periods April through August and September through March, respectively. Such alignments are based on the "best qualified" method of selection.

§ 885.8 Category of personnel to be considered for regular Air Force appointment and statutory authority.

If individual is to be considered for Regular Air Force appointment as—	*Statutory authority for such appointment is contained in—*
Line of the Air Force	Ch. 835, 10 U.S.C.
Physician (including osteopath).	Ch. 835, 10 U.S.C.
Dentist	Ch. 835, 10 U.S.C.
Nurse	Ch. 835, 10 U.S.C.
Biomedical science (except dietitian, physical and occupational therapist).	Ch. 835, 10 U.S.C.
Biomedical science (dietitian, physical and occupational therapist).	Ch. 835, 10 U.S.C.
Medical service officer	Ch. 835, 10 U.S.C.
Veterinarian	Ch. 835, 10 U.S.C.
Judge Advocate	Ch. 835, 10 U.S.C.
Chaplain	Ch. 835, 10 U.S.C.
OTS Distinguished Graduate.	Ch. 835, 10 U.S.C.
AFROTC Distinguished Graduate (graduated before Oct. 13, 1964).	Ch. 835, 10 U.S.C.
AFROTC Distinguished Graduate (graduated on or after Oct. 13, 1964).	Ch. 103, 10 U.S.C.
Cadet or midshipman of the U.S. Military or Naval Academy.	10 U.S.C. 541 and 9353, and Ch. 835, 10 U.S.C.
Regular officer of Army, Navy, or Marine Corps applying for interservice transfer.	10 U.S.C. 716

§ 885.10 Consideration for regular appointment.

(a) If the person is a dentist not on EAD, he must submit AF Form 17, "Application for Appointment in the Regular Air Force" to be considered for appointment.

(b) An AFROTC distinguished cadet will not submit an application for consideration.

§ 885.12 Basic eligibility.

(a) If a person to be considered is an AFROTC or OTS Distinguished Graduate, then he:

(1) At the time of appointment must be at least 21 years old and of an age that would permit the completion of 20 years active commissioned service in the U.S. Armed Forces before his 55th birthday [1]

(2) Must have been designated as a Distinguished Graduate by appropriate authority.

(i) For service credit see § 885.16.

(b) If a person to be considered is a dentist not on EAD applying more than one year after graduation from dental school, then he:

(1) At the time of appointment must be at least 21 years old, and may not exceed age 35 by more than the number of years, months, and days that he has served on active duty as a commissioned officer of the U.S. Armed Forces.[2]

(2) Must be a graduate (or prospective graduate) of a dental school acceptable to the Surgeon General, USAF, and possess a license to practice dentistry in a State or territory of the United States or in the District of Columbia.

(i) For service credit see § 885.14.

(c) If a person to be considered is a dentist not on EAD applying less than 1 year after graduation from dental school and senior dental students within 4 months of graduation—

(1) See paragraph (b)(1) of this section.

(2) And must be a graduate (or prospective graduate) of a dental school acceptable to the Surgeon General, USAF.

(i) For service credit see § 885.14.

§ 885.14 How to apply.

(a) A dentist not on EAD and applying less than 1 year after graduation from dental school must:

(1) Prepare and submit 2 copies of AF Forms 17 and 17a.

(2) Include with AF Form 17 a copy of DD Form 214, for any prior military service; copy of diploma awarding DDS degree; evidence of post graduate work or residency; current head-and-shoulder type photo, 3" x 5" or larger, with name typed or printed on back; one DD Form 398; one FBI Fingerprint Card; and one DD Form 1584.

(3) Submit AF Form 17 to USAFMPC (AFPMAJC1), Randolph AFB, TX 78148.

(4) In addition requests (in writing) a letter of reference from persons listed in Item 7, AF Form 17a, one of whom must be the Dean of the appropriate medical or dental school. See § 885.22.

(b) A dentist not on EAD and applying more than 1 year after graduation from dental school must:

(1) Prepare and submit two copies of AF Forms 17 and 17a.

(2) Same as items listed in paragraph (a)(2) of this section, plus a copy of State license.

(3) Submit AF Form 17 to USAFMPC (AFPMAJC1), Randolph AFB, TX 78148.

(4) Same as paragraph (a)(4) of this section.

(c) A senior dental student within 4 months of graduation (see footnotes 2 and 3).

(1) Prepares and submits two copies of AF Forms 17 and 17a.

(2) Include with AF Form 17 a copy of DD Form 214, for any prior military service; current head-and-shoulder type photo, 3" x 5" or larger, with name typed or printed on back; one DD Form 398; one FBI Fingerprint Card; one DD Form 1584.

(3) Submits AF Form 17 to USAFMPC (AFPMAJC1), Randolph AFB, TX 78148.

(4) Same as paragraph (a)(4) of this section.

§ 885.16 Service credit for AFROTC graduate.

If an AFROTC graduate is selected for appointment then, upon appointment in the Regular Air Force, he is credited with an amount of service equal to the length of active Federal commissioned service that he performed in the U.S. Armed Forces before Regular appointment and after becoming 21 years old.[1] To determine permanent grade see § 885.18.

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[1] Distinguished graduates, appointed under the ROTC Vitalization Act of 1964, may be appointed in the Regular Air Force before attaining age 21.

[2] Age requirement may be waived upon recommendation by the Surgeon General, USAF.

[1] Applicants who are not U.S. citizens by birth furnish a certificate accomplished by an officer, notary public, or other person authorized by law to administer oaths, as follows: "I certify that I have this date seen the original Certificate of Citizenship No. ------- (or certified copy of court order establishing citizenship) stating that (full name) was admitted to U.S. citizenship by the ---------- Court of (District or County and State) on (Date)." Facsimiles or copies, photographs or otherwise of naturalization certificates will not be made under any circumstances. (18 U.S.C. 1426(h).)

[2] Persons who are participating in the Senior Dental Student Program must be made available for active duty within 90 days after graduation.

[3] After graduation and receipt of notification of selection, and before finalization of appointment, selectees are required to furnish a copy of a diploma awarding the DDS degree and a statement indicating actual date of graduation, to USAFMPC (AFPMAJC1).

[1] Distinguished graduates of the AFROTC program under the ROTC Vitalization Act of 1964, may be appointed in the regular Air Force before attaining age 21.

§ 885.18 Permanent grade.

If promotion list service credit is—	*Then Regular grade upon appointment is—*[1]
Less than 3 years	2d lieutenant.
3 years but less than 7	1st lieutenant.
7 years but less than 14	captain.
14 years but less than 21	major.
21 years or more [2]	lieutenant colonel.

[1] All regular Air Force appointed grades and corresponding dates of rank are computed as of the date of Presidential nomination.

[2] When the Surgeon General, USAF, determines that a medical or dental applicant has had outstanding professional training or experience, and recommends that he be awarded more than 28 years promotion list service credit upon regular appointment, the appointment is made in the grade of colonel. Dental appointments in the grade of major and above normally require the person to be certified by an American Specialty Board and/or to have outstanding qualifications for a special position as determined by the Surgeon General.

§ 885.20 Temporary grade.

(a) If an AFROTC distinguished graduate is:

(1) Serving on EAD in a Reserve of the Air Force grade that is equal to or higher than the Regular grade to which appointed, then he vacates any Reserve appointment, upon acceptance of Regular appointment, and is tendered a temporary appointment in grade equal to the Reserve grade in which he was serving with no change in active duty date of rank.

(2) Serving on EAD in a temporary grade that is equal to or higher than the Regular grade to which appointed, then upon acceptance of Regular appointment, continues to serve in his temporary grade and date of rank, which are not affected by Regular appointment.

(3) Serving on EAD in a lower grade than the Regular grade to which he would be appointed, then he is not eligible for Regular Air Force appointment.

(b) If a dentist is not serving on EAD and is being appointed in the Regular Air Force grade of first lieutenant or captain, then, upon acceptance of Regular appointment, is appointed to the temporary grade of captain with rank from date of graduation from dental school.

§ 885.22 Sample letter to references (physicians and dentists).

DEAR _____:

I am applying for a commission in the Regular Air Force. My application must be indorsed by members of our profession who can render a personal evaluation of my suitability for such an appointment, professional capabilities and potential, relative class standing,[1] personal attributes, and any other appropriate comments. I have listed your name for such reference. Please furnish this information to USAFMPC (AFMSMB), Randolph AFB, TX 78148, at your earliest convenience. That office will hold your evaluation and comments in confidence and not disclose them to me.

[1] Include only in letter to the Dean.

For the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-13419; Filed, Nov. 12, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Miscellaneous Amendments

This amendment makes changes in and additions to Subpart 1-15.2. The changes deal with problems that have arisen in connection with the applicability of home office overhead to isolated locations, contracts with conglomerates, greater use of in-house patent counsel and higher patent costs, increased expenditures for rental of automatic data processing equipment (ADPE), and differing contractor treatment of depreciation for contract cost and tax purposes. In addition, several cost principles have been clarified.

The table of contents for Part 1-15 is amended to provide the following new or revised entries:

Sec.
1-15.205-31 Professional and consultant service costs—legal, accounting, engineering, and other.
1-15.205-50 Automatic data processing equipment (ADPE) leasing costs.

Subpart 1-15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

Section 1-15.203 is amended; §§ 1-15.205-9, 1-15.205-23, 1-15.205-25, 1-15.205-26, 1-15.205-31, and 1-15.205-47(a) are revised; and new §§ 1-15.205-1(c) and 1-15.205-50 are added, as follows:

* * * * *

(c) Each grouping shall be distributed to the appropriate cost objectives. This necessitates the selection of a distribution base common to all cost objectives to which the grouping is to be allocated. The base should be selected so as to permit allocation of the grouping on the basis of the benefits accruing to the several cost objectives. This principle for selection is not to be applied so rigidly as to complicate unduly the allocation where substantially the same results are achieved through less precise methods. Once an appropriate base for the distribution of indirect costs has been accepted, such base shall not be fragmented by the removal of individual elements. Consequently, all items properly includable in an indirect cost base should bear a pro rata share of indirect costs irrespective of their acceptance as Government contract costs. For example, when a cost of sales base is deemed appropriate for the distribution of general and administrative (G&A) costs, all items chargeable to cost of sales, whether allowable or unallowable, shall be included in the base and bear their pro rata share of G&A costs.

(d) The method of allocation of indirect costs must be based on the particular circumstances involved. The method shall be in accord with those generally accepted accounting principles which are applicable in the circumstances. The contractor's established practices, if in accord with such accounting principles, shall generally be acceptable. However, the method used by the contractor may require examination or reexamination when:

(1) Any substantial difference occurs between the cost patterns of work under the contract and other work of the contractor;

(2) Any significant change occurs in the nature of the business, the extent of subcontracting, fixed asset improvement programs, the inventories, the volume of sales and production, manufacturing processes, the contractor's products, or other relevant circumstances; or

(3) Indirect cost groupings developed for a contractor's primary location are applied to offsite locations. Separate cost groupings for costs allocable to offsite locations may be necessary to permit equitable distribution of costs on the basis of the benefits accruing to the several cost objectives.

* * * * *

§ 1-15.205-1 Advertising costs.

* * * * *

(c) Advertising costs other than those specified above are not allowable.

§ 1-15.205-9 Depreciation.

(a) Depreciation is a charge to current operations which distributes the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular contractor's operations as distinguished from physical life and shall be evidenced by the actual or estimated retirement and replacement practice of the contractor.

(b) Normal depreciation on a contractor's plant, equipment, and other capital facilities is an allowable element of contract cost provided the contractor is able to demonstrate that such costs are reasonable and properly allocable to the contract. Subject to paragraphs (c) through (h) of this § 1-15.205-9:

(1) Depreciation will ordinarily be considered reasonable if the contractor follows depreciation policies and procedures which:

(i) Are consistent with the policies and procedures he follows in the same cost center in connection with his business other than Government business;

(ii) Are reflected in his books of account and financial statements; and

(iii) Are used by him for Federal income tax purposes, and are acceptable for such purposes.

(2) Where the depreciation reflected on a contractor's books of account and financial statements differs from that used and acceptable for Federal income tax purposes, reimbursement shall be based upon the cost of the asset to the contractor, amortized over the estimated useful life of the property, using depreciation methods (straight line, sum of the years' digits, etc.) acceptable for income tax purposes. Allowable depreciation shall not exceed the amounts used for book and statement purposes and shall be determined in a manner consistent with the depreciation policies and procedures followed in the same cost center in connection with the contractor's business other than Government business.

(3) Depreciation for reimbursement purposes in the case of tax-exempt organizations shall be determined on the basis outlined in paragraph (b)(2) of this § 1-15.205-9.

(c) Special considerations are required for assets acquired prior to the effective date of this principle where, on the effective date of this principle, the undepreciated balance of such assets, resulting from depreciation policies and procedures used previously for Government contracts and subcontracts, is different from the undepreciated balance of such assets on the books and financial statements. Generally, the undepreciated balance for contract cost purposes shall be depreciated over the remaining life using the methods and lives followed for book purposes. The aggregate depreciation on any asset allowable after the effective date of this § 1-15.205-9 shall not exceed the cost basis of the asset less any depreciation allowed or allowable under prior procurement regulations.

(d) Depreciation should usually be allocated to the contract and other work as an indirect cost. The amount of depreciation allowed in any accounting period may, consistent with the basic objectives set forth in paragraph (a) of this § 1-15.205-9, vary with volume of production or use of multishift operations.

(e) No depreciation, rental, or use charge shall be allowed on property acquired at no cost from the Government by the contractor or by any division, subsidiary, or affiliate of the contractor under a common control.

(f) The depreciation on any item which meets the criteria for allowance at a "price" in accordance with § 1-15.205-22(e) may be based on such price, provided the same depreciation policies and procedures are used for costing purposes for all business of the using division, subsidiary, or organization under common control.

(g) No depreciation or rental shall be allowed on property fully depreciated by the contractor or by any division, subsidiary, or affiliate of the contractor under a common control; however, a reasonable charge for the use of fully depreciated property may be agreed upon and allowed (see § 1-15.107). In determining this charge, consideration should be given to cost, total estimated useful life at time of negotiation, effect of any increased maintenance charges or decreased efficiency due to age, and the amount of depreciation, if any, previously charged to Government contracts or subcontracts.

(h) For depreciation on idle facilities and idle capacity, see § 1-15.205-12.

§ 1-15.205-23 Organization costs.

Expenditures in connection with (a) planning or executing the organization or reorganization in the corporate structure of a business, including mergers and acquisitions, or (b) raising capital, are unallowable. Such expenditures include, but are not limited to, incorporation fees and costs of attorneys, accountants, brokers, promoters and organizers, management consultants, and investment counselors, whether or not employees of the contractor (see § 1-15.205-47).

§ 1-15.205-25 Relocation costs.

(a) Relocation costs, for the purpose of this Subpart 1-15.2, are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period of no less than 12 months) of an existing employee or upon recruitment of a new employee (see §§ 1-15.107 and 1-15.205-33). These costs may include, but are not limited to:

(1) Cost of travel of the employee and members of his immediate family (see § 1-15.205-46) and transportation of his household and personal effects to the new location;

(2) Cost of finding a new home, such as advance trips by employees and spouses to locate living quarters, and temporary lodging during the transition period;

(3) Closing costs (i.e., brokerage fees, legal fees, appraisal fees, etc.) incident to the disposition of actual residence owned by the employee when notified of transfer;

(4) Other necessary and reasonable expenses normally incident to relocation, such as cost of canceling an unexpired lease, disconnecting and reinstalling household appliances, and purchase of insurance against damage to or loss of personal property;

(5) Loss on sale of home;

(6) Acquisition of a home in a new location and all costs incident thereto;

(7) Continuing costs of ownership of the vacant former actual residence being sold, such as maintenance of building and grounds (exclusive of fixing-up expenses), utilities, taxes, property insurance, etc., after settlement date or lease date of new permanent residence; and

(8) Continuing mortgage principal and interest payments on residence being sold.

(b) Subject to paragraphs (c) and (f) of this § 1-15.205-25, relocation costs of the type covered in paragraph (a) (1), (2), (3), (4), and (7) of this § 1-15.205-25 are allowable, provided:

(1) The move is for the benefit of the employer;

(2) Reimbursement is an accordance with an established policy or practice consistently followed by the employer, and such policy or practice is designed to motivate employees to relocate promptly and economically;

(3) The costs are not otherwise unallowable under the provisions of § 1-15.205-33 or any other provision of this Subpart 1-15.2 (see § 1-15.107 as related to large scale contractor relocation); and

(4) Amounts to be reimbursed shall not exceed the employee's actual (or reasonably estimated) expenses.

(c) Costs otherwise allowable under paragraph (b) of this § 1-15.205-25 are subject to the following additional provisions:

(1) The transition period for incurrence of costs of the type covered in paragraph (a)(2) of this § 1-15.205-25 shall be kept to the minimum number of days necessary under the circumstances, but shall not, in any event, exceed a cumulative total of 30 days including advance trip time;

(2) Allowance for the combined total of costs of the type covered in paragraph (a) (3) and (7) of this § 1-15.205-25 shall not exceed 8 percent of the sales price of the property sold;

(3) Cost of canceling an unexpired lease under paragraph (a)(4) of this § 1-15.205-25 shall not exceed three times the monthly rental; and

(4) Costs of the type covered in paragraph (a) (3), (4), and (7) of this § 1-15.205-25 are allowable only in connection with the relocation of existing employees, and are not allowable for newly recruited employees.

(d) Costs of the type covered in paragraph (a) (5), (6), and (8) of this § 1-15.205-25 are not allowable.

(e) Payments for employee income taxes incident to reimbursed relocation costs are not allowable.

(f) Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost and the newly hired employee resigns for reasons within his control within 12 months after hire, the contractor shall be required to refund or credit such relocation costs to the Government.

§ 1-15.205-26 Patent costs.

(a) Costs of (1) preparing disclosures, reports, and other documents required by the contract and of searching the art to the extent necessary to make such invention disclosures, (2) preparing documents and any other patent costs, in connection with the filing and prosecution of a United States patent application where title or royalty free license is required by Government contract to be conveyed to the Government, and (3) general counseling services relating to patent matters, such as advice on patent laws, regulations, clauses, and employee agreements, are allowable (see § 1-15.205-31).

(b) Costs of preparing documents and any other patent costs, in connection with the filing and prosecution of any foreign patent application, or of a United States patent application where exclusive title is retained by the contractor without the grant of a royalty free license to the Government, are unallowable (see § 1–15.205–36).

§ 1–15.205–31 Professional and consultant service costs—legal, accounting, engineering, and other.

(a) Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill and who are not officers or employees of the contractor are allowable, subject to paragraphs (b), (c), and (d) of this § 1–15.205–31, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government (see §§ 1–15.205–23 and 1–15.205–26).

(b) In determining the allowability of costs in a particular case, no single factor or any special combination of factors is necessarily determinative. However, the following factors among others may be relevant:

(1) The nature and scope of the service rendered in relation to the service required;

(2) The necessity of contracting for the service, considering the contractor's capability in the particular area;

(3) The past pattern of such costs, particularly in the years prior to the award of Government contracts;

(4) The impact of Government contracts on the contractor's business (i.e., what new problems have arisen);

(5) Whether the proportion of Government work to the contractor's total business is such as to influence the contractor in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government contracts;

(6) Whether the service can be performed more economically by employment rather than contracting;

(7) The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-Government contracts; and

(8) Adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required, rate of compensation, and termination provisions).

(c) In addition to the factors in paragraph (b) of this § 1–15.205–31, retainer fees to be allowable must be supported by evidence of bona fide services available or rendered.

(d) Cost of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization, defense of antitrust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the contract (see § 1–15.205–23).

§ 1–15.205–47 Economic planning costs.

(a) This category includes costs of generalized long-range management planning which is concerned with the future overall development of the contractor's business and which may take into account the eventual possibility of economic dislocations or fundamental alterations in those markets in which the contractor currently does business. Economic planning costs do not include organization or reorganization costs covered by § 1–15.205–23.

* * * * *

§ 1–15.205–50 Automatic data processing equipment (ADPE) leasing costs.

(a) This § 1–15.205–50 is applicable to all leased ADPE except as components of an end item to be delivered to the Government. (Allowability of costs related to contractor-owned ADPE are governed by other provisions of this Subpart 1–15.2.)

(b) (1) If the contractor leased ADPE but cannot demonstrate (on the basis of the facts existent at the time of the decision to lease or to continue leasing and documented in accordance with paragraph (d) of this § 1–15.205–50) that leasing will result in less cost to the Government over the anticipated useful life (as those terms are explained in paragraph (c) of this § 1–15.205–50), then rental costs are allowable only up to the amount that the contractor would be allowed had he purchased the ADPE.

(2) Furthermore, the costs of leasing ADPE are allowable only to the extent that the contractor can annually demonstrate in accordance with paragraph (d) of this § 1–15.205–50 that:

(i) They are reasonable and necessary for the conduct of his business in light of such factors as the contractor's requirements for ADPE, costs of comparable facilities, the various types of leases available, and the provisions of the rental agreement;

(ii) They do not give rise to a material equity in the facilities (such as an option to renew or purchase at a bargain rental or price) other than that normally given to industry at large, but represent charges only for the current use of the equipment, including but not limited to any incidental service costs such as maintenance, insurance, and applicable taxes; and

(iii) If the total cost of leasing the ADPE is to be reimbursed under one or more cost-reimbursement type contracts, or if the total cost of leasing ADPE in a single plant, division, or cost center exceeds $500,000 per year and 50 percent or more of the total leasing cost is to be allocated to cost-reimbursement type contracts, the approval of the contracting officer was obtained for the leasing arrangement (see § 1–15.107).

(3) Rental costs under a sale and leaseback arrangement shall be allowable only up to the amount the contractor would be allowed had he retained title to the ADPE, except that rental costs may be allowed in accordance with (b) (1) and (2) of this § 1–15.205–50, (i) where the sale and leaseback immediately followed purchase of the ADPE, or (ii) where the sale and leaseback is otherwise in the best interest of the Government.

(4) Rental costs of ADPE which is leased from any division, subsidiary, or organization under a common control shall be limited to the cost of ownership (excluding interest or other unallowable costs pursuant to Subpart 1–15.2), except as provided in (b)(5) of this § 1–15.205–50.

(5) Rental costs of ADPE which is leased from any division, subsidiary, or organization under a common control which has an established practice of leasing the same or similar equipment to unaffiliated lessees shall be allowed in accordance with (b) (1) and (2) of this § 1–15.205–50, except the purchase price for the purpose of (b)(1) of this § 1–15.205–50, and costs of ownership for the purpose of (c)(2) of this § 1–15.205–50, shall be determined in accordance with § 1–15.205–22(e).

(c)(1) An estimate of the anticipated useful life of the property may represent the application life (utility in a given function), technological life (utility before becoming obsolete in whole or in part), or physical life (utility before physically wearing out), depending upon the facts and circumstances and the particular facilities involved. Therefore, each case must be evaluated individually. In estimating anticipated useful life, the contractor may use the application life if he can clearly demonstrate that the facility has utility only in a given function and the duration of the function can be determined. Technological life may be used by the contractor if he can demonstrate that existing facilities must be replaced because of:

(i) Specific program objectives or contract requirements which cannot be accomplished with the existing facilities;

(ii) Cost reductions which will produce identifiable savings in production or overhead costs;

(iii) Increase in workload volume cannot be accomplished efficiently by modifying or augmenting existing facilities; or

(iv) Consistent patterns of capacity operation (2½–3 shifts) on existing facilities.

However, technological advances (affecting technological life), per se, will not justify replacement of existing facilities before the end of their physical life if such existing facilities will be able to satisfy future requirements or demands.

(2) In estimating the least cost to the Government for such useful life, the cumulative costs that would be allowed if the contractor owned the property should be compared with cumulative costs that would be allowed under any of the various types of leasing arrangements available. For the purposes of this comparison, the costs of ADPE exclude interest or other unallowable costs pursuant to Subpart 1–15.2; they include, but are not limited to, the costs of operation, maintenance, insurance, depreciation, and rental, and the cost of machine services, as applicable.

(d) The contractor's justification, under paragraph (b) of this § 1–15.205–50, of his leasing decisions shall consist of, but is not limited to, the following supporting data, prepared prior to acquisition:

(1) Analysis of utilization of existing ADPE;

(2) Application of the criteria in paragraph (b) of this § 1–15.205–50;

(3) Specific objectives or requirements, generally in the form of a data system study and data system specification;

(4) Solicitation of proposals from qualified sources based on the data system specification; and

(5) Proposals received in response to the solicitation, and reasons for selection of the equipment chosen and for the decision to lease.

The contractor's annual justification, under paragraph (b) of this §1–15.205–50, of his decision to retain or change his existing ADPE capability and the need to continue leasing that capability, shall consist of, but is not limited to, current data as specified in (1) through (3) of this § 1–15.205–50(d).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective January 5, 1970, but may be observed earlier.

Dated: November 5, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–13424; Filed, Nov. 12, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4737]

[New Mexico 0558331]

NEW MEXICO

Partial Revocation of Waterpower Designation No. 1

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, Note), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission, docketed as DA–76–New Mexico, Powersite Cancellation No. 279, it is ordered as follows:

1. The Departmental Orders creating Waterpower Designation No. 1, New Mexico No. 1, approved August 7, 1916, and Interpretation No. 368 of September 16, 1949, are hereby revoked so far as they affect the following described national forest lands:

SANTA FE NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 N., R. 12 E.,
Sec. 10, that part of the NE¼ lying between Pecos Canyon Estate and State Highway No. 63, which includes part of lots 1 and 2 and part of SW¼NE¼.
T. 19 N., R. 12 E.,
Sec. 34, S½SE¼NW¼NE¼, E½SW¼NE¼, E½NW¼SE¼, SW¼SE¼.

The areas described aggregate approximately 90.90 acres in San Miguel County, of which 16.25 acres are privately owned.

2. At 10 a.m. on December 12, 1969, the lands shall be open to such forms of disposition as may be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69–13449; Filed, Nov. 12, 1969; 8:47 a.m.]

[Public Land Order 4738]

[Wyoming 0308864]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of September 13, 1918, creating Stock Driveway Withdrawal No. 36 (Wyoming No. 17), adjusted on December 8, 1928, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 23 N., R. 112 W.,
Secs. 11 to 15, inclusive;
Sec. 17, S½;
Secs. 18 to 23, inclusive.
T. 21 N., R. 113 W.,
Sec. 6.
T. 22 N., R. 113 W.,
Secs. 5, 6, 7, 18, 19, 29, and 30;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 32.
T. 23 N., R. 113 W.,
Secs. 3 and 4;
Sec. 8, E½;
Sec. 9;
Sec. 10, W½;
Sec. 13, NE¼ and S½;
Sec. 14, SE¼;
Sec. 16, lots 1 to 4, inclusive, N½ and N½S½;
Sec. 17;
Sec. 20, lots 1 to 9, inclusive, lots 11 and 12, NW¼NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 21, lots 3, 4, 9, 10, 11, and 12, SE¼NE¼, and S½;
Sec. 22, S½;
Sec. 23, lot 1, NE¼, NE¼NW¼, S½NW¼, and S½;
Secs. 24 to 26, inclusive;
Sec. 29, lots 2, 3, and 4, E½W½, and E½;
Secs. 32, 33, 34 and 35.
T. 24 N., R. 113 W.,
Secs. 10, 11, 14, 15, 22, 23, 26, and 27;
Sec. 33, E½;
Sec. 34;
Sec. 35, W½.
T. 21 N., R. 114 W.,
Sec. 1, N½N½;
Sec. 2;
Sec. 10, lot 1, N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 12 and 14;
Sec. 22, lots 1, 2, and 3, SE¼SE¼, N½, and N½S½;
Sec. 24, lots 1, 2, 3, and 4, N½, and N½S½.
T. 22 N., R. 114 W.,
Sec. 1;
Secs. 12 to 15, inclusive;
Secs. 17 to 25, inclusive.
T. 23 N., R. 114 W.,
Sec. 25, S½NE¼, NW¼NW¼, and S½;
Sec. 26, NE¼NE¼, W½NE¼, NW¼, and S½;
Sec. 35.
T. 21 N., R. 115 W.,
Sec. 6;
Sec. 7, N½.
T. 22 N., R. 115 W.,
Sec. 4, W½;
Sec. 5, E½NE¼ and SE¼;
Sec. 8, E½, NE¼SW¼, and S½SW¼;
Sec. 9, W½;
Secs. 13 and 14;
Sec. 15, N½, SW¼, and N½SE¼;
Sec. 17;
Sec. 19, E½NE¼, NW¼NE¼, and S½SE¼;
Sec. 20, N½, NE¼SW¼, and SE¼;
Sec. 21;
Sec. 22, N½NW¼;
Sec. 24;
Sec. 25, N½NW¼, S½N½, and S½;
Sec. 26, SE¼;
Secs. 28 and 29;
Sec. 30, NE¼, N½SE¼, and SE¼SE¼;
Sec. 31, lots 1, 2, 3, and 4, NE¼NE¼, S½NE¼, SE¼, SE¼NW¼, and E½SW¼;
Sec. 33, NE¼;
Sec. 34, N½;
Sec. 35, N½.
T. 23 N., R. 115 W.,
Sec. 5, NW¼NW¼, S½NW¼, and SW¼;
Sec. 6, N½NE¼, SE¼NE¼, and E½SE¼;
Sec. 7, E½;
Sec. 8, W½;
Sec. 18, lots 1, 2, 9, 10, 11, 12, 19, 20, and E½;
Sec. 19, lots 1, 2, 9, 10, 11, 12, 19, 20, and E½;
Sec. 30, lots 1, 2, 9, 10, 11, 12, 19, 20, and E½;
Sec. 31, lots 1, 2, 9, 10, and NE¼;
Sec. 32, W½.
T. 24 N., R. 115 W.,
Sec. 5, lots 11 and 12, SW¼;
Sec. 6, lots 1, 2, 13, 14, 15, 16, and SE¼;
Sec. 7, E½;
Sec. 8, W½;
Sec. 18, E½;
Sec. 19, E½;
Sec. 20, W½;
Sec. 29, W½;
Sec. 30, E½;
Sec. 31, E½.
T. 21 N., R. 116 W.,
Sec. 6, W½ and W½E½.
T. 22 N., R. 116 W.,
Secs. 5 and 8;
Sec. 15, lot 2;
Sec. 16, lots 1 to 6, inclusive, W½NW¼ and NW¼SW¼;
Sec. 17, lots 1 and 5, NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼;
Sec. 21, lot 1;
Sec. 22, lots 4 and 5, NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 23, lots 2, 3, 4, 5, 9 to 20, inclusive, SW¼NW¼ and W½SW¼;
Sec. 24, lots 3, 4, 7, 8, 9, 10, 12, and SE¼SW¼;
Sec. 29, W½;
Secs. 30 to 33, inclusive;
Sec. 34, lots 1 and 2, W½ and W½SE¼.

T. 23 N., R. 116 W.,
Sec. 4;
Sec. 9, lots 1, 2, and 3, N½, N½S½ and SW¼SW¼;
Sec. 16, lots 1 to 4, inclusive, and W½W½;
Sec. 17, E½;
Sec. 20;
Sec. 21, NW¼;
Secs. 29 and 32.
T. 24 N., R. 116 W.,
Sec. 3, W½;
Sec. 4, N½ and SE¼;
Sec. 5, N½;
Sec. 9, NE¼;
Secs. 10 and 15;
Sec. 21, NE¼ and S½;
Sec. 22, N½ and SW¼;
Secs. 28 and 33.
T. 25 N., R. 116 W.,
Sec. 20;
Sec. 27, SW¼;
Sec. 28, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 29, NE¼, NE¼NW¼, and N½SE¼;
Sec. 33, N½NE¼ and NE¼NW¼;
Sec. 34.
T. 23 N., R. 117 W.,
Sec. 29, E½.
T. 21 N., R. 118 W.,
Secs. 1, 2, and 3;
Sec. 4, lots 5, 6, and 7, S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 5, N½ and N½S½;
Sec. 6, N½ and N½S½.
T. 23 N., R. 118 W.,
Sec. 5, W½;
Secs. 6 and 7;
Sec. 18, W½;
Sec. 19, W½;
Sec. 30, NW¼.
T. 24 N., R. 118 W.,
Sec. 5;
Sec. 8, N½, E½SW¼, and SE¼;
Secs. 9 to 13, inclusive;
Secs. 17, 20, 24, and 29;
Sec. 31, E½;
Sec. 32.
T. 25 N., R. 118 W.,
Secs. 2, 11, and 14;
Sec. 22, E½;
Sec. 23, N½ and SW¼;
Sec. 26, W½;
Sec. 27, E½;
Sec. 34, E½;
Sec. 35, W½.
T. 21 N., R. 119 W.,
Sec. 1, N½ and N½S½;
Sec. 2, N½ and N½S½.
T. 22 N., R. 119 W.,
Sec. 1, W½;
Sec. 2, E½;
Sec. 11, E½;
Sec. 12, W½;
Sec. 13, W½;
Sec. 14, E½;
Sec. 23;
Sec. 24, W½;
Sec. 25, lots 3 and 4, N½SW¼, and NW¼;
Sec. 26, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 27, E½;
Sec. 34, NE¼;
Sec. 35, lots 1, 2, 3, and 4, W½E½, and W½.
T. 23 N., R. 119 W.,
Sec. 12, E½;
Sec. 13, E½;
Sec. 24, lots 10 and 11, E½E½ and NW¼NE¼;
Sec. 25, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 26, lot 5, N½SE¼, and SW¼SE¼;
Sec. 35, lots 14, 15, 16, and 17, and W½E½.
T. 25 N., R. 119 W.,
Sec. 2, lots 8, 9, 10, 11, 12, 13, 20, 21, 22, 23, 24, and W½SW¼;
Sec. 3, lots 5, 6, 11, 12, 13, 14, and SE¼;
Sec. 10, lots 9 and 12, NE¼ and N½SE¼;
Sec. 11, lots 4, 5, 6, 7, 14, 15, 16, 17, and 18, and W½W½;
Sec. 14, lots 4, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, and W½W½;
Sec. 23, E½.
T. 26 N., R. 119 W.,
Sec. 2, W½;
Sec. 3, E½;
Sec. 10, E½;
Sec. 11, W½;
Sec. 14, W½;
Sec. 15, E½;
Sec. 22, E½;
Sec. 23, W½;
Sec. 26, W½;
Sec. 27, E½;
Sec. 34, E½;
Sec. 35, W½.
T. 27 N., R. 119 W.,
Sec. 2, NW¼SW¼, and S½SW¼;
Sec. 3, N½, N½S½, and S½SE¼;
Sec. 10, E½;
Sec. 11, NW¼, N½SW¼, and SW¼SW¼;
Sec. 14, W½;
Sec. 15, E½;
Sec. 22, E½;
Sec. 23, W½;
Sec. 26, W½;
Sec. 27, E½;
Sec. 34, E½;
Sec. 35, W½.
T. 28 N., R. 119 W.,
Sec. 1, W½;
Sec. 11, E½;
Sec. 12, W½;
Sec. 13, NW¼;
Sec. 14, N½, SW¼, and N½SE¼;
Sec. 15, SE¼;
Sec. 22;
Sec. 23, NW¼;
Sec. 27, E½NE¼, W½NW¼, and S½;
Sec. 34.

The areas described, including both public and nonpublic lands, aggregate 122,054.20 acres, of which 121,855.26 acres are public lands.

The following described lands are nonpublic:

T. 21 N., R. 118 W.,
Sec. 4, lot 7, SE¼NW¼.
T. 27 N., R. 119 W.,
Sec. 15, E½SE¼.
T. 28 N., R. 119 W.,
Sec. 13, SE¼NW¼.

Containing 198.94 acres in Lincoln County.

The public lands are situated in the Kemmerer area of Lincoln County. Vegetation is typical of Wyoming grazing lands and consists of aspen, lodgepole pine, big sagebrush, grasses, and shadscale in various associations. Topography of the area ranges from rough and broken to foothills and mountains. About 4,000 acres will remain withdrawn from all forms of appropriation by Executive Order No. 5327 as supplemented by Public Land Order No. 4522 and for reclamation project purposes.

2. At 10 a.m. on February 6, 1970, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 6, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3, except where such location has been precluded by other existing withdrawals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13450; Filed, Nov. 12, 1969; 8:47 a.m.]

[Public Land Order 4739]

[Sacramento 506, 1282]

CALIFORNIA

Powersite Cancellation No. 278; Partial Cancellation of Powersite Classification Nos. 183 and 425

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, Note), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-1074 and DA-1085-California, it is ordered as follows:

1. The Departmental Orders of July 9, 1927, and June 24, 1952, creating Powersite Classification Nos. 183 and 425, are hereby cancelled so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

(SACRAMENTO 506)

T. 17 N., R. 13 E.,
Sec. 30, NW¼NE¼, N½NE¼NW¼, N½S½NE¼NW¼, SE¼SW¼NE¼NW¼, S½SE¼NE¼NW¼, and E½NE¼ lot 1 (now lot 5).

(SACRAMENTO 1282)

T. 17 N., R. 13 E.,
Sec. 32, NE¼NW¼.

The areas described aggregate approximately 122.50 acres in the Tahoe National Forest, in Nevada and Placer Counties.

2. At 10 a.m. on December 12, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13451; Filed, Nov. 12, 1969; 8:47 a.m.]

[Public Land Order 4740]

[N-3660]

NEVADA

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which

are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws and reserved for Lahontan Reservoir of the Newlands Project:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 25 E.,
Sec. 25, E½;
Sec. 36, E½.
T. 18 N., R. 25 E.,
Sec. 24, N½.
T. 18 N., R. 26 E.,
Sec. 16, S½;
Sec. 20, E½.

The areas described aggregate 1,600 acres.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13452; Filed, Nov. 12, 1969; 8:47 a.m.]

[Public Land Order 4741]

[Riverside 06978]

CALIFORNIA

Revocation of Executive Orders of November 11, 1901, and April 30, 1902

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive orders of November 11, 1901, and April 30, 1902, withdrawing the following described public lands for lighthouse purposes, are hereby revoked:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 18 W.,
Sec. 29, SW¼;
Sec. 30, SE¼;
Sec. 32, lot 4, NW¼NW¼.

The areas described aggregate approximately 298.04 acres in Los Angeles County.

2. This order shall not otherwise be effective to change the status of the lands until it is so provided by an authorized officer of the Bureau of Land Management.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13453; Filed, Nov. 12, 1969, 8:47 a.m.]

[Public Land Order 4742]

[New Mexico 2501]

NEW MEXICO

Withdrawal for Grulla National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Grulla National Wildlife Refuge:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 S., R. 36 E.,
Sec. 1, NE¼SE¼ and S½SE¼;
Sec. 12, N½NE¼.
T. 2 S., R. 37 E.,
Sec. 27, lots 4, 5, and 6;
Sec. 28, S½;
Sec. 29, lots 1, 4, and 6;
Sec. 31, lots 4, 5, 6, and SE¼SE¼;
Sec. 32, lots 2, 3, NE¼, SE¼NW¼, and S½;
Sec. 33, lots 2, 3, N½, SW¼, and W½SE¼;
Sec. 34, lots 1, 2, 4, 5, 8, 9, 10, and 11.
T. 3 S., R. 37 E.,
Sec. 4, lots 5 to 8, inclusive, and SW¼NW¼;
Sec. 5, lots 3 to 6, inclusive, and S½N½, N½SW¼;
Sec. 6, lots 9 to 15, inclusive.

The areas described aggregate 3,230.55 acres of public land in Roosevelt County, New Mexico.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13475; Filed, Nov. 12, 1969; 8:49 a.m.]

[Public Land Order 4743]

[Idaho 2969]

IDAHO

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

PAYETTE NATIONAL FOREST

BOISE MERIDIAN

Evergreen Campground Enlargement

T. 18 N., R. 1 E.,
Sec. 18, lot 4 except the E½SW¼, E½W½ SW¼.

The area described aggregates approximately 33.5 acres in Adams County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13476; Filed, Nov. 12, 1969; 8:49 a.m.]

[Public Land Order 4744]

[Utah 7566]

UTAH

Withdrawal for National Forest Campground and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

UINTA NATIONAL FOREST

SALT LAKE MERIDIAN

Lodgepole Recreation Area

T. 6 S., R. 6 E.,
Sec. 10, SW¼NE¼NW¼, SE¼NW¼NW¼, W½SE¼NW¼, E½SW¼NW¼, SW¼SW¼NW¼, W½NE¼SW¼, NW¼SW¼, NW¼SW¼SW¼.

Maple Canyon Recreation Area

T. 14 S., R. 2 E.,
Sec. 34, NW¼NW¼SE¼, SW¼SW¼NE¼.

Mill Hollow Recreation Area

T. 4 S., R. 7 E.,
Sec. 12, S½NW¼NW¼, N½SW¼NW¼.

Payson Lake Recreation Area

Ts. 10 S., Rs. 2½ and 3 E., unsurveyed. When surveyed will probably be in the SE¼SE¼, sec. 13, NE¼, N½SE¼, sec. 24, T. 10 S., R. 2½ E.; and the S½NW¼, SW¼, sec. 19, T. 10 S., R. 3 E., more particularly described as:
Beginning at a point on the west side of a cattle guard which is the lower entrance to Payson Lake Campground, said point is located N. 26°30' W., 5,360 feet of Payson Station BM No. 8042; thence by metes and bounds along an existing wire fence: N. 81° W., 109 feet; S. 66° W., 565 feet; S. 35° W., 1,037 feet; S. 51° W., 490 feet; S. 18° W., 569 feet; S. 20° E., 1,013 feet; S. 36° E., 888 feet; N. 79° E., 448 feet; S. 62° E., 409 feet; N. 60° E., 153 feet; N. 44° E., 285 feet; N. 49° E., 236 feet; N. 29° E., 749 feet; N. 24° E., 210 feet; N. 35° E., 104 feet; N. 29° E., 52 feet; N. 40° E., 117 feet; N. 29° E., 658 feet; N. 36° E., 126 feet; N. 21° E., 134 feet; N. 34° W., 163 feet; N. 30° W., 1,215 feet; N. 66° W., 406 feet; N. 68° W., 142 feet; N. 81° W., 269 feet to the west of lower cattle guard, the place of beginning.

Wolf Creek Campground

T. 4 S., R. 6 E.,
Sec. 9, E½SE¼SE¼;
Sec. 10, lot 7.

UINTAH MERIDIAN

T. 1 N., R. 10 W.,
Sec. 16, W½ lot 3.

The areas described aggregate approximately 434 acres in Sanpete, Utah, and Wasatch Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of

their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13477; Filed, Nov. 12, 1969; 8:49 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

[CGFR 69-112]

PART 2—VESSEL INSPECTION

Subpart 2.50—Assessment, Mitigation or Remission of Penalties

DELEGATION OF AUTHORITY, REPORTS OF VIOLATIONS AND CIVIL PENALTIES

This document contains amendments to §§ 2.50-1, 2.50-10 and 2.50-20 which reflect the transfer of the Coast Guard from the Treasury Department to the Department of Transportation and which expand the authority of District Commanders of Coast Guard Districts to redelegate to appropriate staff officers the authority to assess, mitigate and remit civil penalties under the navigation and vessel inspection statutes.

Present regulations provide that the District Commander may by specific order in writing delegate the authority to assess, mitigate or remit penalties to his Chief of Staff, Chief, Merchant Marine Safety Division, and/or Chief, Operations Division. Since the increase in recreational boating and changes in law enforcement programs have resulted in a reorganization of the district offices, the amendments will permit the District Commander a broadened authority to redelegate within the district offices as presently organized.

Since these amendments involve delegations of authority and relate to the internal management of the Coast Guard, notice and public procedures therein are not required and these amendments can be made effective in less than 30 days.

1. Section 2.50-1 is revised to read as follows:

§ 2.50-1 Delegation of authority.

(a) The Secretary of Transportation by 49 CFR 1.4(a)(2) and 1.4(g), has delegated to the Commandant, U.S. Coast Guard, with the authority to redelegate and authorize successive redelegations of that authority, the functions vested in him under the navigation and vessel inspection statutes.

(b) The Commandant hereby authorizes each District Commander in his assigned district to administer certain statutes in accordance with procedures set forth in this subpart. The District Commander may further delegate that authority as he deems proper to appropriate staff officers of his command.

2. Section 2.50-10(b) is revised to read as follows:

§ 2.50-10 Reports of violations of laws or regulations and instituting civil penalty proceedings generally.

* * * * *

(b)(1) The District Commander may by specific order in writing delegate to appropriate staff officers of his command the authority to determine whether to invoke the statutory civil penalty and, upon receipt from the offender of a petition for relief from a penalty so invoked, whether to mitigate, or to remit the penalty, as he may deem proper. The order shall prescribe the types of cases which the designated officer may initiate and process to the same extent permitted the District Commander by this subpart, and those types of cases which that officer may initiate and process to a lesser extent. With respect to the latter category of cases, the District Commander's order shall set forth in detail the limits of the authority delegated to the designated officer.

(2) The term "District Commander", as hereinafter used in this subpart to designate the officer authorized to assess, mitigate or remit penalties, shall also include appropriate staff officers to whom authority to perform such function has been delegated.

3. Section 2.50-20(d)(2) is revised to read as follows:

§ 2.50-20 Civil penalties.

* * * * *

(d) * * *

(2) In the event that there is an appeal from the decision of a staff officer, acting under delegated authority, the District Commander shall review the case. In the event the District Commander determines that the assessment of the penalty is not warranted, the case shall be closed and notification thereof given to the appellant. Those cases which upon review by the District Commander are determined to be properly instituted and administered in accordance with the regulations in this subpart and for which remission of the penalty is not considered justified shall be forwarded to the Commandant with the District Commander's recommendation.

* * * * *

(R.S. 5294, as amended, sec. 26, 23 Stat. 59, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 7, 8, 49 U.S.C. 1655 (b)(1); 49 CFR 1.4(a)(2) and (g))

Effective date: This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: November 7, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-13499; Filed, Nov. 12, 1969; 8:50 a.m.]

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 20, 2d Rev., Amdt. 6]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Miscellaneous Amendment

In F.R. Doc. 69-13323 appearing in the FEDERAL REGISTER issue of November 7, 1969 (34 F.R. 18035), the bracketed portion of the heading should read as written above in lieu of "[General Order 20, Amdt. 6]".

Dated: November 7, 1969.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-13505; Filed, Nov. 12, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Naval Orange Reg. 182]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Correction

In F.R. Doc. 69-13322 appearing at page 17949 in the issue for Thursday, November 6, 1969, the figure "768,501" in § 907.482(b)(1)(i) should read "768,502".

[Navel Orange Reg. 183]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.483 Navel Orange Regulation 183.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 10, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 14, 1969, through November 20, 1969, are hereby fixed as follows:

(i) District 1: 940,000 cartons.

(ii) District 2: Unlimited movement.

(iii) District 3: 60,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13618; Filed, Nov. 12, 1969; 11:31 a.m.]

[Lemon Reg. 400]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.700 Lemon Regulation 400.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Lemon Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Lemons are shipped from the production area throughout the year. The size requirement provided herein is necessary to prevent the handling, on and after November 16, 1969, of any lemons of a smaller size than that herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. This proposed size regulation is the same as one currently in effect, which will continue to be effective through November 15, 1969.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified to provide for the continued size regulation of lemons; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 28, 1969.

(b) *Order.* (1) During the period November 16, 1969, through November 14, 1970, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle", "handler", "District 1", "District 2", and "District 3", shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 7, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13432; Filed, Nov. 12, 1969; 8:46 a.m.]

[947.328, Amdt. 2]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, was published in the FEDERAL REGISTER October 17, 1969 (34 F.R. 16626). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded

an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days after publication.

Within this time period the Oregon-California Potato Committee, established pursuant to the said amended marketing agreement and order, recommended the provision of § 947.328, Limitation of Shipments, (a)(3), Cleanliness, be removed for the balance of the season. This was done in Amendment 1 to § 947.328, October 23, 1969 (34 F.R. 17161). The committee further recommended that such "cleanliness" requirements not be contained in the limitation of shipments regulations hereinafter set forth. No other written data, views or arguments pertaining thereto were filed.

Statement of consideration. The notice was based on the recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said amended marketing agreement and order, and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1969 crop in the production area and of the marketing prospects for this season.

The grade, size, and maturity requirements provided herein are necessary to prevent potatoes that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

Findings. After consideration of all relevant matter presented, including that in the aforesaid notice, based upon the recommendations of the Oregon-California Potato Committee, and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area have already begun therein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) similar regulations are currently in effect and producers and handlers are aware of the provisions of this regulation, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective date.

The proposal is to amend the introductory text and paragraphs (a), (b), (c), and (h) of § 947.328 (34 F.R. 11136, 16626, 17161) to read as follows:

§ 947.328 Limitation of shipments.

During the period November 15, 1969, through October 14, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Grade and size requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* All varieties—6 ounces minimum weight: *Provided,* That potatoes which are 2 inches minimum diameter or 4 ounces minimum weight may be shipped if U.S. No. 1 grade or better.

(b) *Maturity (skinning) requirements.* (1) All varieties—"Slightly skinned."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, or prepeeled products, potato chips, or potato sticks.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Export: *Provided,* That all varieties of potatoes handled pursuant to this subparagraph shall be at least U.S. No. 1 grade and 1¾ to 2¼ inches in diameter.

(7) Potato chipping: *Provided,* That all potatoes handled for chipping shall be at least "U.S. No. 2 Potatoes for Processing" grade 1¾ inches minimum diameter.

(8) Dehydration.

(9) Prepeeling.

(10) Potato sticks (French fried shoestring potatoes): *Provided,* That all varieties of potatoes handled pursuant to subparagraphs (8) through (10) of this paragraph shall be 1¾ to 2¼ inches in diameter and at least 85 percent U.S. No. 1 grade.

* * * * *

(h) *Definitions.* (1) The terms "U.S. No. 1," "U.S. No. 2," and "slightly skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

(2) The term "U.S. No. 2 Potatoes for Processing" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes for Processing (§§ 51.3410–51.3424 of this title), including the tolerances set forth therein.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(4) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 7, 1969, to become effective November 15, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13502; Filed, Nov. 12, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1036]

[Docket No. AO-179-A32]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and opportunity to file exceptions thereto are issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Cleveland, Ohio, on September 9–12 and 15, 1969, pursuant to notice thereof which was issued August 14, 1969 (34 F.R. 13419).

The material issues on the record of the hearing relate to:

1. Class I price;
2. Expansion of the marketing area;
3. Pooling standards for supply plants;
4. Definition of distributing plant;
5. Provisions relating to diverted milk;
6. Definition of producer-handler;
7. Pooling exemption for a handler's own production;
8. Classification of certain milk products;
9. Direct delivery differentials;
10. Price for milk used to produce cottage cheese, yogurt and sour cream;
11. Price for milk used to produce butter;
12. Location adjustments on other source milk;
13. Producer-settlement fund reserve; and
14. Seasonal production incentive plans.

This decision deals only with Issue No. 1. The remaining issues are reserved for a later decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on Issue No. 1 are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The present Class I price should remain in effect beyond December 31, 1969.

Effective July 1, 1968, the area regulated by Order 36 was enlarged to include the marketing areas of the Northeastern Ohio, Youngstown-Warren and Wheeling Federal orders and certain unregulated areas in western Pennsylvania and Ohio. In the decision leading to this expansion, it was concluded that the newly established Class I price should be applicable for only an 18-month period. This was to provide an opportunity to reexamine the Class I price provisions at a public hearing after the accumulation of at least 1 year's data on milk supplies and sales. This price review was one of the issues at the September hearing.

The present Class I price per hundredweight of milk is the basic formula price for the preceding month plus $1.87 for the Cleveland-Erie pricing district and $1.97 for the Pittsburgh district. The basic formula price is the average pay price for manufacturing grade milk in Minnesota and Wisconsin, but limited to not less than $4.33. Class I prices at Cleveland and Pittsburgh during the first year (July 1968–June 1969) under the expanded order averaged $6.20 and $6.30, respectively. For the first 10 months, the $4.33 "floor" was the effective basic formula price.

Major cooperative associations in the market proposed an increase in the Class I price level in amounts ranging from 11 cents to 44 cents per hundredweight. In supporting their position, they contended that a price increase is necessary to have the Order 36 price reasonably aligned with Class I prices in other markets, primarily those to the east. They also pointed to what they considered a relatively short supply situation in the market.

One cooperative proposed that the Class I price for the Pittsburgh district be equal to the Delaware Valley order Class I price less the transportation cost (at 1.5 cents per 10 miles) for the 289-mile distance between Philadelphia and Pittsburgh. In September 1969, this would have resulted in a Class I price of $6.83, 44 cents over the actual Pittsburgh district price of $6.39. The 44-cent change was proposed also for the Cleveland-Erie district.[1]

Another producer group proposed that the Class I price level in the two pricing districts be increased 11 cents. The cooperative indicated that this change would establish for the Order 36 market the same Class I price relationship with the Chicago market that the northeastern markets generally have. A transportation allowance of 2.11 cents per 10 miles was used in arriving at the proposed 11-cent increase.

The position of a third cooperative was that the Class I price under the order should be increased, because of higher milk production costs, to at least the level of the overorder, or premium, price which it claimed handlers are paying for Class I milk. The price proposed by the cooperative was $6.66 for the Cleveland-Erie district and $6.75 for the Pittsburgh district, 36 to 37 cents over the actual September prices in these districts.

To assure the continued application of classified pricing in the Eastern Ohio-Western Pennsylvania market, provision should be made for a Class I price beyond the present December 31 expiration date. The present relationship of producer milk supplies to Class I sales in this market, however, does not warrant Class I differentials that are greater than those now provided in the order.

For the 12-month period of July 1968 through June 1969, 2.280 billion pounds of producer milk were used in Class I in the Eastern Ohio-Western Pennsylvania market. This was 70 percent of the 3.251 billion pounds of milk received from producers during that time. The monthly Class I utilization of producer milk ranged from a high of 82 percent in November 1968 to a low of 56 percent in June 1969.

Although only a limited comparison may be made for the enlarged market, supplies relative to Class I sales in recent months are more ample than a year earlier. For July, August, and September 1969, producer milk used in Class I was 60 percent, 62 percent, and 73 percent, respectively, of monthly receipts. This may be compared with the higher Class I utilization of 63 percent, 69 percent, and 75 percent, respectively, in the same months in 1968. There is no indication

[1] Official notice is taken of the Eastern Ohio-Western Pennsylvania monthly statistical releases of the market administrator for August and September 1969. Official notice is also taken of the Delaware Valley Federal order (Part 1004), which provides that the Class I price shall be $7.17 plus any amount by which the Minnesota-Wisconsin manufacturing milk price for the preceding month exceeds $4.33.

that milk will be in short supply in the near future.

Cooperatives cited the relatively "tight" supply situation in November 1968 (82 percent Class I utilization of producer milk) as a warning that higher Class I prices are necessary in this market to induce more production. This has been the only occasion under the enlarged order, though, when Class I utilization reached this level. Only in October 1968 (79 percent) and January 1963 (77 percent) did the Class I utilization of producer milk exceed 75 percent of receipts. When the lowest monthly Class I utilization of 56 percent is noted, the real significance of the November 1968 supply situation is that it points up the wide seasonal variation in milk production in this market. As will be discussed in a later decision, cooperatives proposed various seasonal production incentive plans for the purpose of leveling production.

As stated earlier, producers indicated a need for an intermarket realignment of Class I prices. No change in the Order 36 Class I price is warranted for this purpose.

Any consideration of price alignment should take into account the cost of obtaining milk, whether for supplemental purposes or on a regular supply basis, from alternative sources. Over the long-run, the Class I price level in the local market cannot exceed by any substantial amount the cost of buying milk in another supply area and transporting it to the consuming market. If a significant price advantage exists long enough, handlers customarily relying on local supplies will recognize the advantages of another supply and will change their buying arrangements.

The Chicago milkshed is a major source of supplemental supplies for markets throughout the United States. Class I prices in these markets gradually increase the more distant the markets are from the Chicago area. This reflects the increasing cost of moving milk from the heavy production areas to the distant markets.

Milk is commonly moved, for instance, from the Madison, Wisconsin, area, which is in the Chicago milkshed, to other States. The basis for pricing milk received from that location is the Class I price at Madison plus the cost of transporting the milk from there to the consuming market.

The Class I price differential under the Chicago Regional order, which uses the same basic formula price contained in Order 36, is $1.12 at Madison.[2] Using a transportation rate of 1.5 cent per 10 miles, which is provided in this and many other orders, the cost of moving milk over the 480-mile distance from Madison to Cleveland would be 72 cents per hundredweight. This alternative supply cost would suggest a Class I differential of $1.84 at Cleveland, which is within 3 cents of the present differential of $1.87.

[2] Official notice is taken of the Chicago Regional Federal order (Part 1030).

Order 36 handlers experience competition for route sales from handlers in the Southern Michigan market and in other Ohio markets. The Order 36 Class I price should be reasonably aligned with prices in these competing markets.

The Southern Michigan and Tri-State orders, for example, which also use the same basic formula price as Order 36, provide for Class I differentials of $1.60 and $1.67 (Athens-Scioto district), respectively. Using the same transportation rate of 1.5 cent per 10 miles, a Detroit handler's cost of milk moved to Cleveland (166 miles) would be increased 25 cents per hundredweight. Similarly, the cost of milk moved from Coshocton, Ohio, where Tri-State order sales in the Order 36 area emanate, to Cleveland (98 miles) would be 15 cents higher. The Order 36 price at Cleveland is in reasonable alignment with the prices in these other markets.

At the time the western Pennsylvania territory was added to the Order 36 marketing area, a Class I price was established for the Pittsburgh district at 10 cents over the Cleveland-Erie district price. Although this price spread was not an issue at the hearing, producers and handlers indicated that the intramarket price structure should be continued.

As noted earlier, one cooperative would use a transportation rate of 2.11 cents per 10 miles in determining the proper intermarket alignment of Class I prices. This rate was derived by first determining the difference between the Chicago Regional order Class I price and the order Class I price in each of six northeastern markets. Using the corresponding mileage between Chicago and the principal pricing point in each northeastern market, a price difference per each 10 miles was computed. The 2.11-cent rate is the average of the price differences as expressed on a per 10-mile basis. The cooperative contended that the prevailing milk prices in the northeastern markets more nearly reflect a buyer's actual cost in obtaining milk from alternative sources than does the commonly-used rate of 1.5 cents per 10 miles since these are the prices that have evolved over the many years of attempting to maintain a realistic intermarket alignment of prices.

The 1.5-cent rate used in the analysis above, however, appropriately reflects the cost of moving milk efficiently under present economic conditions in the market. It is the rate most commonly used in Federal orders throughout the United States and is recognized as an appropriate and representative rate for transporting milk to the market. Because of its wide applicability, it insures a reasonable alignment of prices between this and other markets at the various locations at which handlers under the different orders compete.

Cooperatives complained that Order 36 prices are not satisfactorily aligned with Class I prices in the northeastern markets. The prices in the northeast have had no particular impact on orderly marketing conditions in the Eastern Ohio-Western Pennsylvania area. Although it was contended that such Class I prices, as reflected in the blend prices, were inducing Eastern Ohio-Western Pennsylvania producers to shift to northeastern markets, such shifts have occurred to only a very limited extent. Any significant shift of producers to the northeastern markets does not appear imminent.

A number of handlers expressed substantial concern, either at the hearing or in their briefs, about prices in excess of the order Class I price which they claimed they are having to pay producers, through their cooperatives, for Class I milk. They questioned the propriety of such "premiums" in the Eastern Ohio-Western Pennsylvania market when handlers are subject to a regulatory program that is intended to carry out the purposes of the Act, including the establishment of an appropriate Class I price. Handlers maintained that it is the Secretary's responsibility to fix a Class I price under the order that is fully adequate for the market as determined under the pricing standards of the Act. This price, handlers argued, should then be the only prevailing, or effective, Class I price in the market for milk purchased by all handlers for fluid use.

The prices which the Secretary has responsibility for fixing under an order are minimum prices only. This is clearly established by the language of the Act. The provisions of the Act do not preclude producers from selling their milk at prices above those fixed by the order.

The present Class I price set forth in Order 36, which is proposed herein to be continued, is appropriate for this market under the standards of the Act. Such price, as it functions within the total marketing system existing in the Order 36 area, tends to reflect the supply and demand for milk, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

In § 1036.51, paragraph (a) is revised to read as follows:

§ 1036.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.67 for plants in the Cleveland-Erie district and $1.77 for plants in the Pittsburgh district, plus 20 cents for each district. At a plant outside the marketing area, add to the basic formula price for the preceding month the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest (by the shortest hard-surfaced highway distance as determined by the market administrator) such plant: Canton and Cleveland, Ohio; Erie, Pittsburgh and Uniontown, Pa.; and Clarksburg, W. Va.

* * * * *

Signed at Washington, D.C., on November 6, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-13433; Filed, Nov. 12, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-131]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Anderson, S.C., control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Regional Headquarters, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Regional Headquarters, Room 724, 3400 Whipple Street, East Point, Ga.

The Anderson control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Anderson County Airport (lat. 34°29'40" N., long. 82°42'30" W.); within 1.5 miles each side of Anderson VORTAC 039° radial, extending from the 5-mile-radius zone to 1.5 miles northeast of the VORTAC.

The Anderson transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Anderson County Airport (lat. 34°-29'40" N., long. 82°42'30" W.).

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Anderson terminal area requires the following actions:

1. Decrease the control zone extension predicated on Anderson VORTAC 039° radial 1 mile in width and 1.5 miles in length.

2. Increase the transition area basic radius circle from 8 to 8.5 miles.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on October 31, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13466; Filed, Nov. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-132]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Elizabeth City, N.C., control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Regional Headquarters, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Regional Headquarters, Room 724, 3400 Whipple Street, East Point, Ga.

The Elizabeth City control zone described in § 71.171 (34 F.R. 4557 and 8274) would be redesignated as:

Within a 5-mile radius of CGAS Elizabeth City (lat. 36°15'35" N., long. 76°10'20" W.); within 3 miles each side of Elizabeth City VOR 195° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; within 2.5 miles each side of Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective from 0700 to 2200 hours, local time, daily.

The Elizabeth City transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of CGAS Elizabeth City (lat.

36°15'35" N., long. 76°10'20" W.); within 3 miles each side of the 127° bearing from Weeksville RBN, extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within 8 miles east and 5 miles west of Elizabeth City VOR 195° radial, extending from the 8.5-mile radius area to 12 miles south of the VOR; within 3 miles each side of Elizabeth City VOR 357° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; excluding the portion within R-5301B.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Elizabeth City terminal area requires the following actions:

1. Increase the control zone extension predicated on Elizabeth City VOR 195° radial 2 miles in width and 0.5 mile in length.

2. Increase the control zone extension predicated on Elizabeth City VOR 357° radial 1 mile in width and 0.5 mile in length.

3. Increase the transition area basic radius circle from 8 to 8.5 miles.

4. Increase the transition area extension predicated on the 127° bearing from Weeksville RBN 2 miles in width and 0.5 mile in length.

5. Designate a transition area extension predicated on Elizabeth City VOR 357° radial 3 miles each side of the radial and 8.5 miles in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 4, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13467; Filed, Nov. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-134]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Sarasota, Fla., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Sarasota control zone described in § 71.171 (34 F.R. 4557 and 7849) would be redesignated as:

Within a 5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of the Sarasota 050°, 142°, and 302° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast, and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The Sarasota transition area described in § 71.181 (34 F.R. 4637 and 7849) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VOR 050°, 142°, and 302° radials, extending from the 8.5-mile radius area to 8.5 miles northeast, southeast, and northwest of the VOR; excluding that airspace outside the continental limits of the United States.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Sarasota terminal area and the proposed establishment of two additional prescribed instrument approach procedures requires the following actions:

1. Increase the control zone extension predicated on the Sarasota VOR 302° radial 2 miles in width and 0.5 mile in length.

2. Designate control zone extensions predicted on the Sarasota VOR 050° and 142° radials 6 miles in width and 8.5 miles in length.

3. Increase the transition area basic radius circle from 8 to 8.5 miles.

4. Increase the transition area extension predicated on the Sarasota VOR 302° radial 1 mile in width and 0.5 mile in length.

5. Designate transition area extensions predicated on the Sarasota VOR 050° and 142° radials 6 miles in width and 8.5 miles in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations during climb to 1,200 feet above the surface and during descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 4, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13468; Filed, Nov. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-137]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Stewart, Ga., control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Fort Stewart control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Lyle H. Wright AAF (lat. 31°53'20" N., long. 81°33'45" W.); within a 1.5-mile radius of Liberty County Airport (lat. 31°47'22" N., long. 81°38'15" W.); within 3 miles each side of the 230° bearing from Liberty RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of Liberty TVOR 242° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TVOR.

The Fort Stewart transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lyle H. Wright AAF (lat. 31°53'20" N., long. 81°33'45" W.).

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Fort Stewart terminal area requires the following actions:

1. Redesignate the control zone extension predicated on the 231° bearing from Liberty RBN to the 230° bearing; increase the width from 2 to 3 miles each side of the bearing, and increase the length from 8 to 8.5 miles.

2. Increase the control zone extension predicated on Liberty TVOR 242° radial from 4 to 6 miles in width and from 8 to 8.5 miles in length.

3. Revoke the control zone extension predicated on the 049° bearing from Allenhurst RBN.

4. Increase the transition area basic radius circle from 6 to 8.5 miles.

The proposed alterations are required to provide controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 4, 1969.

CHESTER W. WELLS,
Acting Deputy Director, Southern Region.

[F.R. Doc. 69-13469; Filed, Nov. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-138]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Raleigh control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 3 miles each side of Raleigh-Durham VORTAC 034° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of Raleigh-Durham VORTAC 231° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC.

The Raleigh transition area described in § 71.181 (34 F.R. 4637 and 12595) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham VORTAC 231° radial, extending from the VORTAC to 18.5 miles southwest of the VORTAC.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Raleigh terminal area requires the following actions:

Control zone. 1. Revoke the extension predicated on the ILS localizer southwest course.

2. Increase the extension predicated on the VORTAC 034° radial 2 miles in width and 0.5 mile in length.

3. Increase the extension predicated on the VORTAC 231° radial 2 miles in width and 0.5 mile in length.

Transition area. 1. Revoke the extension predicated on the 045° bearing from Leaksville RBN.

2. Increase the extension predicated on the ILS localizer southwest course 1 mile in width and 6.5 miles in length.

3. Designate an extension predicated on the VORTAC 231° radial 14 miles in width and 18.5 miles in length.

The proposed alterations are required for the protection of IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 4, 1969.

CHESTER W. WELLS,
Acting Deputy Director, Southern Region.

[F.R. Doc. 69-13470; Filed, Nov. 12, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-78]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Gunnison, Colo., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The instrument approach procedure has been revised in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPS). Therefore, it is necessary to amend the transition area in accordance with the new criteria. These changes are reflected herein.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.181 (34 F.R. 4637) the description of the Gunnison, Colo., transition area is amended to read as follows:

GUNNISON, COLO.

That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Gunnison VORTAC 045° and 225° radials extending from 12 miles northeast to 19 miles southwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on November 3, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-13471; Filed, Nov. 12, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-75]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Gillette-Campbell County Airport, Wyo.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The City of Gillette, Campbell County, and the State of Wyoming are establishing a non-Federal VOR on the Gillette-Campbell County Airport. This navaid will be used to support public use instrument flight rule (IFR), approach, departure, and holding procedures.

The 700-foot portion of the transition area is required to provide controlled airspace protection for aircraft executing prescribed instrument procedures while operating above 700 feet above the surface. The 1,200-foot portion is necessary for controlled airspace protection for aircraft transitioning between the Crazy Woman, Wyo. VORTAC and Gillette, Wyo. VOR.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.181 (34 F.R. 4637) the following transition area is added.

GILLETTE, WYO.

That airspace extending upward from 700 feet above the surface within 6 miles east and 9.5 miles west of the Gillette VOR (latitude 44°20'52" N., longitude 105°32'34" W.) 176° and 356° radials, extending from 8 miles south to 18.5 miles north of the VOR. That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line between the Crazy Woman VORTAC and the Gillette VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on November 3, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-13472; Filed, Nov. 12, 1969; 8:49 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 69-SO-71]

FEDERAL AIRWAY, JET ROUTES, AND ASSOCIATED CONTROL AREA

Proposed Alteration; Supplemental Notice

In a notice of proposed rule making published in the FEDERAL REGISTER on October 2, 1969 (34 F.R. 15364), it was stated in part that the Federal Aviation Administration was considering:

1. Realign VOR Federal airway No. 3 east alternate segment from Biscayne Bay, Fla., to Palm Beach, Fla., via the Biscayne Bay VOR 008°T (008°M) and Palm Beach VORTAC 166°T (166°M) radials.

2. Realign Jet Route No. 77 segment with associated control area from Biscayne Bay to Vero Beach, Fla., via the Biscayne Bay VOR 008°T (008°M) and Vero Beach VORTAC 143°T (143°M) radials.

Subsequent to the issuance of the notice, it was determined that one of the primary arrival fixes should be changed from the north to the northeast. This change would require the following changes to the original notice:

1. Item 1 would be canceled.

2. Item 2 would be amended to read:

Realign Jet Route No. 77 segment with associated control area from Biscayne Bay to Vero Beach, Fla., via the Biscayne Bay VOR 021°T (021°M) and Vero Beach VORTAC 143°T (143°M) radials.

The time within which comments will be received for consideration on the original expires on October 31, 1969. Action is taken herein to extend the comment period on Airspace Docket No. 69-SO-71 to November 20, 1969.

Communications should be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provision of Executive Order 10854.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Executive Order 10854 (24 F.R. 9565); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 31, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-13465; Filed, Nov. 12, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 31]

EXEMPT CONCENTRATIONS AND GENERALLY LICENSED ITEMS

Notice of Proposed Rule Making

Section 30.70, Schedule A, of 10 CFR Part 30 lists concentration values for various radionuclides which are exempt from the licensing requirements of the Atomic Energy Act and the Atomic Energy Commission's regulations pursuant to § 30.14. The purpose of the exemption for the scheduled concentrations is to permit the distribution of products such as oil and gasoline containing trace quantities of byproduct materials that may remain in the products following their use in industrial operations for purposes of quality control, tracer studies, and process control.

The exempt concentrations in § 30.70, Schedule A, are equal to the lowest concentration for each byproduct material given in table I of National Bureau of Standards Handbook 69 for continuous occupational exposure (168-hour week).

Section 30.70 does not include a specific listing for strontium-85 which is a gamma emitter with a half-life of 64 days. Strontium-85 has physical and chemical properties which would make it useful in certain types of tracer experiments. It appears, however, that the concentration of 1×10^{-4} uc/ml, presently exempt under the provision for beta and/or gamma emitting byproduct material not specifically listed in § 30.70 with half-life less than 3 years, is inadequate for such uses of strontium-85.

The proposed amendment of § 30.70 set out below would add a specific listing for strontium-85 of 1×10^{-3} uc/ml in liquid and solid concentration. This value is listed in NBS Handbook 69 and is consistent with the criteria used in deriving the concentration values for the 152 radioisotopes presently listed in § 30.70.

The Commission also is proposing an amendment of 10 CFR Part 31. Section 31.3(c) of 10 CFR Part 31 provides a general license for devices designed for use in measuring or determining light intensity which contain as a sealed source byproduct material consisting of a total of not more than 200 microcuries of strontium-90 per device. This general license was issued in 1956. Light meters have never been distributed for use under the general license and the specific license issued to the manufacturer by the Commission has expired. There appears to be no need for retaining a general license for such light meters. Accordingly, the proposed amendment of § 31.3 set out below would revoke the general license for light meters in § 31.3(c).

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 30 and 31 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed rule may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 30.70 Schedule A—Exempt Concentrations, is amended by adding the isotope Sr 85 next to the element Strontium and adding a concentration value of 1×10^{-3} for Sr 85 in Column II, as follows:

Element (atomic number)	Isotope	Column I Gas concentration uc/ml [1]	Column II Liquid and solid concentration uc/ml [2]
• • •	• • •	• • •	• • •
Strontium (38)	Sr 85		1×10^{-3}
• • •	• • •	• • •	• • •

2. Paragraph (c) *Light meter* of § 31.3 of 10 CFR Part 31 is revoked.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 23d day of October 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-13437; Filed, Nov. 12, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[No. MC-C-1 (Sub-No. 6)]

ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Proposed Redefinition of Limits

NOVEMBER 7, 1969.

Petitioners: The Childrens Shop, Ludwig Music House, Inc., F. W. Woolworth Co., The Singer Co., Worths, Thayer McNeil Shoes, Pope's Cafeterias, Wolff's Clothiers, Inc., Barricini Stores, Inc., Boyd-Richardson Co., B. Dalton, Bookseller, Glaser Drug Co.

Petitioners' representative: B. W. LaTourette, Jr., 611 Olive Street, St. Louis, Mo. 63101.

By petition filed May 9, 1969, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone which were most recently defined on October 2, 1969, in MC-C-1 (Sub-No. 7) *St. Louis, Mo.-East St. Louis, Ill., Commercial Zone*, 110 M.C.C. 438 at pages 439-440 (49 CFR 1048.3) so as to include therein an area west of the present western limits of the zone.

As presently defined, the St. Louis, Mo.-East St. Louis, Ill., commercial zone is bounded, in part, by a line beginning at the junction of Treecourt Avenue and Big Bend Road, thence easterly along Big Bend Road to the western boundary of Kirkwood, Mo., thence along the western and northern boundaries of Kirkwood to the western boundary of Huntleigh, Mo. Petitioners request the Commission to include within the zone an area bounded by a line as follows: Beginning at the intersection of Manchester Road and the western boundary of Kirkwood, Mo., said point being at the present commercial zone limits, westerly along Manchester Road to its intersection with Interstate Highway 244, thence southerly along Interstate Highway 244 to its intersection with Dougherty Ferry Road, thence easterly along Dougherty Ferry Road to its intersection with the present limits of said commercial zone, thence northerly along the present zone limits to the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views or arguments shall be filed with the Commission on or before December 22, 1969. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13480; Filed, Nov. 12, 1969; 8:49 a.m.]

[49 CFR Part 1048]

[No. MC-C-1 (Sub-No. 9)]

ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Proposed Redefinition of the Limits

NOVEMBER 7, 1969.

Petitioners: Hussman Refrigerator Co., Lianco Container Corp., St. Louis Diecasting Corp., Central Hardware Co., Industrial Construction, Inc., Montgomery Egg & Poultry Co., Gardner-Denver Co., Associated Grocers Co., Majestic Building Material Corp., Trussbilt Homes, Inc., Schnuck Markets, Inc., and F. F. Kirchner, Inc.

Petitioners' representatives: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101, and G. M. Refman, 1230 Boatman's Bank Building, St. Louis, Mo. 63102.

By petition filed July 21, 1969, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone which were most recently defined on October 2, 1969, in MC-C-1 (Sub. No. 7) *St. Louis, Mo.-East St. Louis, Ill., Commercial Zone*, 110 M.C.C. 438 at pages 439-440 (49 CFR 1048.3) so as to include therein an area west of the present northwestern limits of the zone.

As presently defined, the St. Louis, Mo.-East St. Louis, Ill., commercial zone is bounded, in part, by a line beginning at the junction of Dorsett Road and U.S. Highway 66, thence in a northerly direction along U.S. Highway 66 to its junction with Natural Bridge Road, thence in an easterly direction along U.S. Highway 66 to the western boundary of St. Ferdinand, Mo. Petitioners request the Commission to include within the zone an area bounded by a line as follows: Beginning at the intersection of Lindbergh Boulevard and St. Charles Rock Road, said point being at the present commercial zone limits, westerly along St. Charles Rock Road to its intersection with the Missouri River, thence northerly along the east shore of the Missouri River to its junction with the Norfolk and Western Railway Co. right-of-way, thence easterly along the southern boundary of the Norfolk and Western Railway right-of-way to Lindbergh Boulevard, thence southerly along Lindbergh Boulevard to the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views or arguments shall be filed with the Commission on or before December 22, 1969. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representatives.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13481; Filed, Nov. 12, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-374]

AREA RATES FOR SMALL PRODUCERS (PERMIAN BASIN AREA)

Proposed Increased Rate Filings

NOVEMBER 4, 1969.

1. Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. 553, et seq. (1967) and sections 4, 5, 7, and 16 of the Natural Gas Act [1] that the Commission proposes to amend § 157.40 of the Commission's regulations under the Natural Gas Act, Part 157, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR 157.40) by adding a new paragraph (g) thereto to permit small producers operating in the Permian Basin Area under small producer certificates, issued pursuant to § 157.40, to file increased rates for the sale of natural gas, if contractually authorized to do so, above the rate ceilings set forth in § 157.40(b).

2. On October 29, 1965, we issued Order No. 308, Docket No. R-279, 34 FPC 1202, amending the regulations under the Natural Gas Act to grant relief from certificate and rate filing requirements in the case of small producer sales in the Permian Basin area. The amendment, inter alia, added a new § 157.40 to the regulations, and in paragraph (b) thereof the Commission set out the applicable rate ceilings for small producer sales in the Permian Basin area. Such rates were in accordance with those found to be the just and reasonable base area rates in the Commission's Opinion No. 468, 34 FPC 159, 239.

3. In Opinion No. 468 the Commission provided that no increase in rate in excess of the applicable area rate would be filed by any producer prior to January 1, 1968. Since January 1, 1968, producers in the Permian Basin area have been permitted, where contractually authorized, to file rates for sales not covered by a small producer certificate in excess of the just and reasonable rates determined in the Permian case and to put them into effect at the end of the suspension period, subject to refund. However, because of the provisions in paragraph (b) of § 157.40 of the regulations, small producers operating under a small producer certificate have been proscribed from filing contractually authorized increased rates for sales included in the small producer certificate above the applicable area base rates.[2] In the event the Commission decides in a later Permian proceeding that the just and reasonable ceilings for old and new gas in Opinion No. 468 should be increased for the period following the expiration of the moratorium, those small producers operating under a small producer certificate in Permian would be adversely affected by the rate limitation in § 157.40(b) because they would not be permitted to collect a higher rate for the period prior to any such Commission determination. However, if small producers were allowed to collect rates in excess of the present just and reasonable ceilings they would be required to refund, with interest, any amounts collected in excess of the just and reasonable rates determined in the later Permian proceeding.

4. The problem involved in the present rate limitation in § 157.40(b) would be alleviated by permitting small producers operating under small producer certificates in the Permian Basin area to file contractually due increases above the area ceilings prescribed in that section, without filing any rate schedule or obtaining new certificate authorization with respect to such sales.[3] We think this is desirable and, therefore, propose to amend § 157.40 so as to permit such filings.

5. In consideration of the foregoing it is proposed that § 157.40 of the Commission's Regulations under the Natural Gas Act, Part 157, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR 157.40) be amended by adding a new paragraph (g) reading as follows:

§ 157.40 Small producer certificates of public convenience and necessity.

* * * * *

(g) Notwithstanding the provisions of paragraph (b) of this section, a small producer who is operating under a small producer certificate with respect to sales in the Permian Basin area may file under § 154.94(f) of this chapter (18 CFR 154.94(f)) an increase in rate in excess of the applicable rate set forth in said paragraph (b) where contractually authorized to do so without making the rate schedule and certificate filings required by §§ 154.92 and 157.23 of the Commission's regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR 154.91, 154.92 and 157.23).

6. This amendment to the Commission's Regulations under the Natural Gas Act is proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825 and 830; 56 Stat. 83, 84; 61 Stat. 459; 79 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o).

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426 on or before December 19, 1969, data, views, and comments in writing concerning the amendment proposed herein. An original and fourteen (14) copies of any such submittals shall be filed with the Secretary of the Commission. The Commission will consider all such submittals before acting on the proposed amendment.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13439; Filed, Nov. 12, 1969; 8:47 a.m.]

[1] (52 Stat. 822, 823, 824, 825 and 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. § 717c, d, f, and o.)

[2] At the present time a small producer operating under a small producer certificate cannot collect an above ceiling rate for a particular sale until it has obtained certificate authorization for that sale (or reinstatement of its earlier authorization) and filed a notice of change in rate and a quality statement. See order issued July 10, 1968, in Thornton Oil Company, Docket No. RI69-1.

[3] If a small producer made a filing but did not have a contractual right to do so, it would be incumbent upon the purchaser to so notify the Commission.

Notices

FEDERAL POWER COMMISSION

[Docket No. RI70-350 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 31, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-350	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	9	16	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Government Wells Field, Jim Wells County, Tex.) (RR. District No. 4).	$13,048	10-2-69	[2] 11-2-69	4-2-70	[3] 15.6569	[3] [4] 16.6606	RI68-100.
	-----do-----	11	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Gyp Hill Field, Brooks County, Tex.)(RR. District No. 4).	5,010	10-2-69	[2] 11-2-69	4-2-70	[3] 15.6538	[3] [4] 16.6576	RI68-100.
	-----do-----	15	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Edinburg Field, Hidalgo County, Tex.) (RR. District No. 4).	602	10-2-69	[2] 11-2-69	4-2-70	[3] 15.6563	[3] [4] 16.6600	RI68-100.
	-----do-----	67	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (San Salvador Field, Hidalgo County, Tex.) (RR. District No. 4).	803	10-2-69	[2] 11-2-69	4-2-70	[3] 15.6585	[3] [4] 16.6623	RI68-100.
	-----do-----	79	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Sullivan Field, Starr County, Tex.) (RR. District No. 4).	(5)	10-2-69	[2] 11-2-69	4-2-70	[3] 15.6585	[3] [4] 16.6623	RI68-100.
	-----do-----	104	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seeligson Field, Jim Wells County, Tex.) (RR. District No. 4).	50,190	10-2-69	[2] 11-2-69	4-2-70	15.6585	[3] [4] 16.6623	RI68-100.
	-----do-----	125	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seeligson (Deep) Field, Jim Wells County, Tex.) (RR. District No. 4).	24,963	10-2-69	[2] 11-2-69	4-2-70	[3] 18.0675	[3] [4] 19.31563	
	-----do-----	170	12	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Sun (K-1 sand) Field, Starr County, Tex.) (RR. District No. 4).	2,710	10-2-69	[2] 11-2-69	4-2-70	[3] 15.6458	[3] [4] 16.6495	RI68-100.
	-----do-----	171	10	-----do-----	1,355	10-2-69	[2] 11-2-69	4-2-70	[3] 15.6458	[3] [4] 16.6495	RI68-100.
	-----do-----	133	13	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (El Puerto, Pederal and Guerra Fields, Lockhart Field, Starr County, Tex.) (RR. District No. 4).	539	10-2-69	[2] 11-2-69	4-2-70	[3] [4] 18.05344	[3] [4] [6] 20.3018	RI66-312.
					4,856				[3] [6] 18.06	[3] [4] [6] 20.3084	RI66-312.
					2,428				[3] [6] 18.05625	[3] [4] [6] 20.3047	RI66-312.
		133	14	-----do-----	3,613				[3] [6] [7] 16.0488	[3] [4] [7] 17.0525	
		133	15	-----do-----	5,405				[3] [6] [7] 16.0488	[3] [4] [6] [7] 18.30067	
RI70-351	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	3	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (La Reforma Pool Field, Starr and Hidalgo Counties, Tex.) (RR. District No. 4).	8,220	10-6-69	[2] 11-6-69	4-6-70	15.6	[3] [4] 16.6	RI66-276.
RI70-352	Sohio Petroleum Co. (Operator) et al.	72	11	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Lopeno Field, Zapata County, Tex.) (RR. District No. 4).	1,611	10-6-69	[2] 11-6-69	4-6-70	[8] 16.0	[4] [8] 20.24	
RI70-353	Rodney DeLange (Operator) et al., D-304 Petroleum Center., San Antonio, Tex. 78209.	3	2	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Alte Hunde Field, Zapata County, Tex.) (RR. District No. 4).	2,309	10-1-69	[9] 11-1-69	4-1-70	[8] 16.0	[3] [4] 17.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-354	Phillips Petroleum Co., Bartlesville, Okla. 74003.	428	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Sullivan City Field, Starr and Hidalgo Counties, Tex.) (RR. District No. 4).	$23,090	9-30-69	[16] 11-1-69	4-1-70	[20] 15.0	[3 4] 17.5656	
RI70-355	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	7	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Jake Hamon Field, McMullen County, Tex.) (RR. District No. 1).	11,352	10-1-69	[16] 11-1-69	4-1-70	[19] 14.0	[4 17 18] 17.24347	
RI70-356	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	36	11	United Gas Pipe Line Co. (Baxterville Field, Lamar and Marion Counties, Miss.).	822	10-2-69	[16] 11-2-69	4-2-70	15.0	[22 23] 15.5	RI64-762.
	do	68	7	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis and Simpson Counties, Miss.).	13,193	10-2-69	[16] 11-2-69	4-2-70	15.0	[22 24] 15.5	RI64-762.
RI70-357	Shell Oil Co. (Operator) et al., New York, N.Y. 10020.	191	9	Florida Gas Transmission Co. (East White Point Field, San Patricio County, Tex.) (RR. District No. 4).	7,300	10-1-69	[16] 11-1-69	4-1-70	18.0	[4 24] 18.5	RI67-418.
RI70-358	do	192	8	Florida Gas Transmission Co. (Lochridge Field, Brazoria County, Tex.) (RR. District No. 3).	9,125	10-1-69	[16] 11-1-69	4-1-70	19.0	[4 38] 19.5	RI67-419.
	do	137	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Lacopita Field, Starr County, Tex.) (RR. District No. 4).	4,332	[26] 9-29-69	[16] 11-1-69	4-1-70	[3 27] 14.6548	[3 4] 15.1817	
	do	188	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seeligson Field, Jim Wells County, Tex.) (RR. District No. 4).	17,062	9-29-69	[16] 11-1-69	4-1-70	[3 27] 14.6548	[3 4] 15.1817	
	do	201	5	Florida Gas Transmission Co. (East Mustang Island Field, Nueces County, Tex.) (RR. District No. 4).	6,688	10-1-69	[16] 11-1-69	4-1-70	[3 18] 18.0788	[3 4] 18.5809	RI67-429.
	do	264	4	Florida Gas Transmission Co. (Southwest Helen Gohlke Field, Victoria County, Tex.) (RR. District No. 2).	54,986	10-1-69	[16] 11-1-69	4-1-70	[3 18] 18.0788	[3 4] 19.0831	RI67-509.
	do	261	9	Natural Gas Pipeline Co. of America (Bryans Mill Field, Cass County, Tex.) (RR. District No. 6).	6,524	10-1-69	[16] 11-1-69	4-1-70	[29] 17.0638	[3 4 29] 19.0713	RI67-341.
	do	236	2	Northern Natural Gas Co. (Wilburton Field, Morton County, Kans., and Texas County, Okla.) (Panhandle Area).	7,800 100	10-10-69	[16] 1-1-70	6-1-70	[29 30] 15.0 [30 31] 17.0	[3 4 29 30] 16.0 [3 4 30 31] 18.0	RI65-475. RI65-475.
	do	317	4	Panhandle Eastern Pipe Line Co. (Northwest Oakdale Field, Woods County, Okla) (Oklahoma "Other" Area).	4,517	10-10-69	[16] 1-1-70	6-1-70	[20] 17.0	[3 4 30] 18.015	RI67-382.
RI70-359	Sun Oil Co., DX Division (Operator) et al., 907 South Detroit Ave., Tulsa, Okla. 74120.	43	[32] 12 [32] 13	United Gas Pipe Line Co. (Slick-Wilcox Field, Goliad and De Witt Counties, Tex.) (RR. District No. 2).	17,872	10-6-69	[16] 11-6-69	4-6-70	13.2002	[4 34] 18.34575	
RI70-360	R. L. Lynd, Agent for Robert Burke Trustee, Post Office Box 290, Alice, Tex. 78332.	1	[33] 8	United Gas Pipe Line Co. (Boyce Field, Goliad County, Tex.)(RR. District No. 2).		10-8-69	[16] 11-8-69	(Accepted)			
		1	9		3,570	10-8-69	[16] 11-8-69	4-8-70	13.2002	[4 34] 18.3	
RI70-361	A. G. Hill, 1401 Elm St., Dallas, Tex. 75202.	8	14	Texas Eastern Transmission Corp. (Agua Dulce Field, Nueces County, Tex.) (RR. District No. 3).	181	9-29-69	[16] 11-1-69	4-1-70	[4] 16.67263	[3 4] 16.87350	RI69-153.
RI70-362	William Herbert Hunt, Trust Estate, 1401 Elm St., Dallas, Tex. 75202.	1	18	Texas Eastern Transmission Corp. (North Cottonwood Field, Liberty County, Tex.) (RR. District No. 3).	301	9-29-69	[16] 11-1-69	4-1-70	[3] 16.67263	[3 4] 16.87350	RI69-155.
RI70-363	Shell Oil Co. (Operator), 50 West 50th St., New York, N.Y. 10020.	13	14	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) (RR. DistrictNo. 3).	231,587	9-29-69	[16] 11-1-69	4-1-70	[3 26] 19.0713	[3 4] 20.7737	
RI70-364	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	244	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Magnolia City Field, Jim Wells County, Tex.) (RR. District No. 4).	3,211	10-1-69	[16] 11-1-69	4-1-70	[3 27] 15.0563	[3 4] 19.31567	
	do	300	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Northeast Loma Novia and South Lundell Fields, Duval County, Tex.) (RR. District No. 4).	75,740	10-1-69	[16] 11-1-69	4-1-70	[3] 18.0675	[3 4] 19.31567	RI65-347.
	do	341	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Northeast Kohler et al., Fields, Duval County, Tex.) (RR. District No. 4).	11,055	10-1-69	[16] 11-1-69	4-1-70	[3] 18.0675	[3 4] 19.31567	RI66-194.
	do	349	2	Natural Gas Pipeline Co., of America (Willamar and Willamar Southeast Fields, Willacy County, Tex.) (RR. District No. 4).	56,211	10-1-69	[16] 11-1-69	4-1-70	[3 28] 16.06	[3 4] 17.0638	
	do	395	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (San Roman Field, Starr County, Tex.) (RR. District No. 4).	10,583	10-1-69	[16] 11-1-69	4-1-70	[3 28] 16.06	[3 4] 17.0638	
	do	359	3	Kansas-Nebraska Natural Gas Co., Inc. (Frenchie Draw Field, Fremont and Natrona Counties, Wyo.).	29,520	9-29-69	[16] 11-1-69	4-1-70	15.0	[3 4] 16.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-365	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	80	8	Michigan Wisconsin Pipe Line Co. (Southeast Selling Field, Major County, Okla.) (Oklahoma "Other" Area).	$4,398	10-6-69	[16] 11-6-69	4-6-70	[40 42] 19.46	[4 39 40 41] 25.172	RI67-39,
	do	137	8	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	10,060	10-6-69	[16] 11-6-69	4-6-70	[40 42] 20.52	[3 4 40 41] 23.035	RI66-371.
	do	139	7	El Paso Natural Gas Co. (Clear Lake Field, Beaver County, Okla.) (Panhandle Area).	763	10-6-69	[16] 11-6-69	4-6-70	[44] 19.62	[4 39 44] 23.635	RI67-124.
	do	141	4	Panhandle Eastern Pipe Line Co. (North Knowles Field, Beaver County, Okla.) (Panhandle Area).	6,329	10-6-69	[16] 11-6-69	4-6-70	[40 43] 22.328	[3 4 40 41] 25.205	RI64-552.
	do	184	4	Michigan Wisconsin Pipe Line Co. (Northeast Selling Field, Major County, Okla.) (Oklahoma "Other" Area).	1,001	10-6-69	[16] 11-6-69	4-6-70	[40 44] 19.255	[3 4 40 41] 24.815	RI68-106.
RI70-366	Placid Oil Co. (Operator) et al., 2500 First National Bank Bldg., Dallas, Tex. 75202.	30	10	H. L. Hunt,[45] (North Lansing Field, Harrison County, Tex.) (RR. District No. 6).	191	9-22-69	[16] 11-6-69	4-1-70	16.1805	[3 4] 16.3815	RI69-161.
RI70-367	Edwin L. Cox (Operator) et al., 3800 First National Bank Bldg., Dallas, Tex. 75202.	69	2	Natural Gas Pipeline Co. of America (Harper County, Okla.) (Panhandle Area).	17,201	10-8-69	[16] 1-1-70	6-1-70	[40] 18.7	[3 4 40] 19.8	
RI70-368	Diamond Shamrock Corp. (Operator), et al., Post Office Box 631, Amarillo, Tex. 79105.	3 3	[46 47] 7 8	Northern Natural Gas Co. (McKee Plants, Moore County, Tex.) (RR. District No. 10).	86,128	10-6-69 10-6-69	[2] 11-6-69 [2] 11-6-69	(Accepted) 4-6-70	[29 31] 10.5742	[3 4 29 31] 14.0190	
RI70-369	Petroleum Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	22	3	Panhandle Eastern Pipe Line Co. (Beaver County, Okla.) (Panhandle Area).	1,414	10-6-69	[2] 11-6-69	4-6-70	17.0	[3 4 42] 18.01	RI65-337.
RI70-370	E. C. Sidwell (Operator) et al., Post Office Box 2475, Pampa, Tex. 79065.	5	9	El Paso Natural Gas Co. (Mocane-Tonkawa Field, Beaver County, Okla.) (Panhandle Area).	1,253	10-10-69	[16] 11-10-69	4-10-70	[44] 19.5	[4 43 44] 21.5	RI65-632.
RI70-371	James A. Ford, d.b.a. Cypress Gas Co., Post Office Box 9102, Shreveport, La. 71109.	[48] 4	[49 5]	Arkansas Louisiana Gas Co. (Northwest Cartersville Field, Le Flore County, Okla.) (Oklahoma "Other" Area).	7,300	10-8-69	[2] 11-8-69	4-8-70	15.0	[3 4] 16.0	
RI70-372	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	97	2	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	1,381	10-6-69	[16] 11-6-69	4-6-70	[28] 16.0	[4 28 46] 18.0	
	do	106	1	Northern Natural Gas Co. (Schafer, Crawford, and Kingsmill Plants, Gray and Carson Counties, Tex.) (RR. District No. 10).	95,403 80,511	10-6-69	[16] 11-6-69	4-6-70	[28 36] 15.0 [28 36] 16.0	[4 28 37 38] 17.0 [4 28 37 38] 18.0	
	do	188	4	Panhandle Eastern Pipe Line Co., (Mouser Field, Texas County, Okla.) (Panhandle Area).	308	10-6-69	[16] 11-6-69	4-6-70	[75] 18.275	[3 4 78] 19.350	
	do	148	3	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	119	10-6-69	[16] 11-6-69	4-6-70	[28] 16.6	[4 28 60] 18.0	
	do	152	2	do	686	10-6-69	[16] 11-6-69	4-6-70	[28] 16.6	[4 28 60] 18.0	
	do	180	3	do	412	10-6-69	[16] 11-6-69	4-6-70	[28] 17.0	[3 4 28] 18.5	
	do	160	2	Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	741	10-6-69	[16] 11-6-69	4-6-70	[62] 18.275	[4 61 62] 19.350	
	do	169	4	Transwestern Pipe Line Co. (Beaver and Cimarron Counties, Okla.) (Panhandle Area).	707	10-6-69	[16] 11-6-69	4-6-70	[28] 17.0	[4 28 63] 18.0	
	do	179	1	Arkansas Louisiana Gas Co. (Chenière Brake Field, Ouachita Parish, La.) (North Louisiana Area).	112	10-6-69	[16] 11-6-69	4-6-70	[64] 18.33	[3 23 64] 19.33	
	do	146	3	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).	1,881	10-6-69	[16] 11-6-69	4-6-70	[28] 16.4	[4 28 65] 18.0	
	do	189	2	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	1,006	10-6-69	[16] 11-6-69	4-6-70	[30 67] 18.275	[4 30 66 67] 19.8875	
	do	194	3	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	487	10-6-69	[16] 11-6-69	4-6-70	[30 68] 18.275	[3 4 30 68] 19.350	
	do	1	7	Lone Star Gas Co. (Velma Plant, Stephens County, Okla.) (Panhandle Area).	32,749	10-6-69	[16] 11-7-69	4-7-70	16.8	[4 69] 17.5	RI60-253.
	do	196	2	Texas Gas Transmission Corp. (Northwest Cotton Valley Field, Webster Parish, La.) (North Louisiana Area).	176	10-6-69	[16] 11-6-69	4-6-70	[28 70] 18.25	[3 23 28 70] 19.25	
RI70-373	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	26	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Bethany Field, Panola County, Tex.) (RR. District No. 6).	54	9-29-69	[16] 11-1-69	4-1-70	[29] 14.6936	[3 4 29] 15.7674	RI66-127.
	do	11	8	do	50	9-26-69	[16] 11-1-69	4-1-70	[29] 14.7501	[3 4 29] 15.7674	RI66-127.
RI70-374	Skelly Oil Co. (Operator) et al.	185	1	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area).	1,238	10-6-69	[16] 11-6-69	4-6-70	[29] 17.0	[3 4 29] 18.0	
RI70-375	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	71	2	Natural Gas Pipeline Co. of America (Texas County, Okla.) (Panhandle Area).	689	10-8-69	[16] 1-1-70	6-1-70	[29 72] 18.7	[4 29 71 72] 19.8	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-376..	Hassie Hunt Trust (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	30	[78] 5	El Paso Natural Gas Co. (Hokit-North Ellenburger Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	12,208	9-26-69	[16] 11-1-69	4-1-70	18.3105	[64] 19.3278	RI69-552.
RI70-377..	George Jackson, Post Office Box 351, Clarksburg, W. Va. 26301.	10	[78] [79] 6	Equitable Gas Co. (Otter District, Braxton County, W. Va.).	586	10-8-69	[2] 11-8-69	4-8-70	25.0	[80] [74] 27.0	
RI70-402..	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	150	14	Natural Gas Pipeline Co. of America (Wise County Area, Jack, Wise, and Parker Counties, Tex.) (RR. District No. 9).	19,759	10-6-69	[16] 12-30-69	5-30-70	[38] [77] 16.25	[64] [77] 17.31375	RI68-444.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes the Texas tax increase on which separate action is being taken.
[6] No current production.
[7] Tax change, from 18 cents to 18.0675 cents, will be suspended for 1 day from Oct. 1, 1969.
[8] El Puerto Field gas.
[9] Pedernal Field gas.
[10] Guerra Field gas.
[11] Lockhart Field gas (to 4,000 feet).
[12] Tax change, from 16 cents to 16.0488 cents, will be suspended for 1 day from Oct. 1, 1969.
[13] Lockhart Field gas (4,000 feet to 4,800 feet).
[14] Periodic increase from initial In-Line rate to contractually provided for rate.
[15] Initial In-Line rate per Opinion Nos. 422 and 478.
[16] The stated effective date is the effective date requested by Respondent.
[17] Favored-nation rate increase.
[18] Does not include reimbursement for Oct. 1, 1969, tax increase.
[19] Settlement rate as approved by Commission Order issued Oct. 8, 1964, in Dockets Nos. G-9283 and G-9284 et al.
[20] Settlement rate as approved by Commission Order issued Mar. 7, 1968, in Dockets Nos. C165-974 et al.
[21] Initial rate.
[22] "Fractured" rate increase. Contractually entitled to base rate of 20 cents per Mcf.
[23] Pressure base is 15.025 p.s.i.a.
[24] "Fractured" rate increase. Contractually entitled to base rate of 22 cents per Mcf.
[25] From fractured rate to contractually provided for periodic.
[26] Corrected by filing submitted Oct. 13, 1969.
[27] Tax increase from 14.6 cents to 14.6548 cents will be suspended for 1 day from Oct. 1, 1969.
[28] Subject to a downward B.t.u. adjustment.
[29] Applicable to formations below the Class Group of the Wolfcamp Series and above the Top of the Morrowan Series.
[30] Subject to upward and downward B.t.u. adjustment.
[31] Applicable to formations below the Top of the Morrowan Series.
[32] Amendment dated Sept. 22, 1969, which provides for the proposed rate increase.
[33] As corrected by filing submitted Oct. 16, 1969.
[34] Renegotiated rate increase.
[35] Amendment dated July 7, 1969, which provides for the proposed rate increase.
[36] Tax increase from 19 cents to 19.0713 cents will be suspended for 1 day from Oct. 1, 1969.
[37] Tax increase from 14.6 cents to 14.6548 cents will be suspended for 1 day from Oct. 1, 1969.
[38] Tax increase from 16 cents to 16.06 cents will be suspended for 1 day from Oct. 1, 1969.
[39] Filing from fractured rate to first periodic increase.
[40] Base rate subject to upward and downward B.t.u. adjustment.
[41] Includes base rate of 22 cents plus tax reimbursement and upward B.t.u. adjustment.
[42] Includes base rate of 16.89 cents plus tax reimbursement and upward B.t.u. adjustment.
[43] Includes base rate of 19.5 cents plus upward B.t.u. adjustment.
[44] Includes base rate of 23 cents plus tax reimbursement and 0.62 cent paid by buyer for liquids.
[45] Includes base rate of 19 cents plus .62 cents paid by buyer for liquids.
[46] Includes base rate of 17.9 cents plus tax reimbursement and upward B.t.u. adjustment.
[47] Hunt processes the gas and resells it under its FPC Gas Rate Schedule No. 4 to Texas Eastern Transmission Corp. at a rate of 16.67263 cents effective subject to refund in Docket No. RI69-160. Hunt has filed its related increase to 16.87350 cents which has been suspended in Docket No. RI70-334.
[48] Placid, the seller, is a subsidiary of the buyer, H. L. Hunt.
[49] Includes base rate of 17 cents plus 1.7 cents upward B.t.u. adjustment (1,110 B.t.u. gas) before increase and base rate of 18 cents plus 1.8 cents upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[50] Contract Amendment dated Sept. 26, 1969, provides for increased rate and increases compression charge paid by buyer to seller from 0.5 cent to 1 cent per Mcf.
[51] Include 0.5-cent compression charge paid by buyer before increase and 1-cent compression charge after increase.
[52] Includes 0.01-cent tax reimbursement.
[53] "Fractured" rate increase. Respondent contractually due 25 cents periodic increased rate.
[54] Subject to a maximum upward B.t.u. adjustment of 0.95 cent per Mcf or a payment for liquid hydrocarbons. Rate shown does not include such adjustments.
[55] Applicable to acreage added by Supplement No. 4.
[56] Ten-step periodic increase.
[57] Two-step periodic increase.
[58] Schafer Plant gas.
[59] Crawford and Kingsmill Plants gas.
[61] "Fractured" rate increase. Respondent contractually due 22 cents per Mcf.
[62] Includes base price of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18 cents plus upward B.t.u. adjustment. Base price subject to upward and downward B.t.u. adjustment.
[63] "Fractured" rate increase. Respondent contractually due 26 cents per Mcf.
[64] Includes 1.333-cent tax reimbursement.
[65] Eight-step periodic increase.
[66] "Fractured" rate increase. Respondent contractually due 19.5 cents per Mcf.
[67] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18.5 cents plus upward B.t.u. adjustment after increase.
[68] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18 cents plus upward B.t.u. adjustment after increase.
[69] "Fractured" rate increase. Respondent contractually due periodic increase to 19.5 cents per Mcf.
[70] Includes 1.75 cent tax reimbursement.
[71] Filing from initial certificated rate to initial contract rate.
[72] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and 18 cents plus upward B.t.u. adjustment after increase.
[73] Tax increase has been filed.
[74] Pressure base is 15.325 p.s.i.a.
[75] Pertains only to new gas delivered after Feb. 1, 1969, from new wells or old wells that have been deepened or worked over.
[76] Includes letter from buyer providing for increased rate.
[77] Includes 0.25-cent dehydration charge paid by buyer.
[78] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base price of 18 cents plus upward B.t.u. adjustment after increase. Base price subject to upward and downward B.t.u. adjustment.

Sun Oil Co., Sohio Petroleum Co., and Sohio Petroleum Co. (Operator) et al., request that their proposed rate increases be permitted to become effective on November 1, 1969, the contractually provided effective date. Petroleum, Inc. (Operator) et al., requests an effective date of November 4, 1969. James A. Ford doing business as Cypress Gas Co. requests an effective date of November 6, 1969, and George Jackson requests a retroactive effective date of September 25, 1969, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Placid Oil Co. (Operator) et al. (Placid), proposes a rate increase from 16.1805 cents to 16.3815 cents per Mcf for a sale for resale to H. L. Hunt (Hunt). Hunt processes and resells the gas under its FPC Gas Rate Schedule No. 4 to Texas Eastern Transmission Corp. at a present effective rate of 16.67263 cents which is effective subject to refund in Docket No. RI69-160. Hunt has filed its related increase to 16.87350 cents per Mcf which is suspended for 5 months from November 1, 1969, in Docket No. RI70-334. Placid's proposed rate increase exceeds the area rate ceiling of 14 cents for Texas Railroad District No. 6. Since Hunt's proposed related rate increase has been suspended for 5 months from November 1, 1969, we conclude that Placid's proposed rate increase should be suspended for 5 months from November 1, 1969.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I, Part 2, section 2.56), with the exception of the rate increase filed by Hassie Hunt Trust (Operator) et al., in the Permian Basin Area which exceeds the just and reasonable rate established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

Concurrently with the filing of their rate increases, Sun Oil Co., DX Division (Operator) et al. (Sun), R. L. Lynd, Agent for Robert Burke Trustee (Lynd), and Diamond Shamrock Corp. (Operator) et al. (Diamond), each submitted a contract amendment [79] which provides the basis for their proposed rate increases. We believe that it it would be in the public interest to accept the aforementioned producers' contract amendments to become effective on the dates shown in the "Effective Date" column listed above, but not the proposed rates contained therein which are suspended as ordered herein.

[F.R. Doc. 69-13333; Filed, Nov. 12, 1969; 8:45 a.m.]

[79] Designated as Supplement No. 12 to Sun's FPC Gas Rate Schedule No. 43.
Designated as Supplement No. 8 to Lynd's FPC Gas Rate Schedule No. 1.
Designated as Supplement No. 7 to Diamond's FPC Gas Rate Schedule No. 3.

LANDS WITHDRAWN IN PROJECT NO. 134

Order Vacating Withdrawals Under Section 24 of the Federal Power Act

NOVEMBER 4, 1969.

Pursuant to the filing on December 23, 1920, and supplements thereto, by the city of Los Angeles, Calif. (City) of an application for license for a then unconstructed transmission line system, designated as Project No. 134, portions (totaling about 3,942 acres) of lands of the United States listed in the attachment hereto were withdrawn under section 24 of the Federal Power Act. Commission notices of the withdrawals were given to the General Land Office (now Bureau of Land Management) by letters dated March 22 and September 29, 1922, respectively.

Project No. 134 was to have consisted of a transmission system extending from the Owens River Gorge to the City, a distance of 270 miles. However, the City withdrew its filings for license, having obtained Congressional authorization to construct under the Act of June 30, 1906 (34 Stat. 801), as amended by the Act of June 5, 1920 (41 Stat. 983). Following such Congressional authorization, the Commission on May 23, 1925 (Fifth Annual Report, p. 142) vacated the withdrawals for Project No. 134 (and other withdrawals in connection with the City's Aqueduct System) to the extent necessary to enable the City to avail itself of the Congressional authorization. The Commission's action was to become effective upon the action of the Department of the Interior as authorized under the Congressional acts. On March 14, 1933 the Department of the Interior approved right-of-way Los Angeles 035753 covering the Owens River Gorge—Los Angeles transmission system.

The limiting language used in the Commission's 1925 order has resulted in problems for the Bureau of Land Management and others as to the effect of the Commission's action. Complete vacation of the withdrawals for Project No. 134 would in no way affect any other power withdrawals pertaining to the subject lands and, further, would serve to clarify the public land records involved.

The Commission finds: The withdrawals for Project No. 134 serve no useful purpose and should be vacated in their entirety.

The Commission orders: The withdrawals of the subject lands pursuant to the filings for Project No. 134 are hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

PROJECT NO. 134—CALIFORNIA

CITY OF LOS ANGELES

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 6 S., R. 31 E.,
Secs. 3, 10, 14, 15, 23, 24, 25.
T. 6 S., R. 32 E.,
Sec. 30.
T. 7 S., R. 32 E.,
Secs. 4, 25.
T. 7 S., R. 33 E.,
Sec. 30.
T. 8 S., R. 33 E.,
Secs. 5, 17, 20, 28, 33.
T. 9 S., R. 33 E.,
Secs. 2, 11, 14, 23, 25, 26, 31, 32, 33, 34, 35, 36.
T. 10 S., R. 33 E.,
Secs. 1, 12, 13, 24, 25.
T. 10 S., R. 34 E.,
Secs. 30, 31.
T. 11 S., R. 34 E.,
Secs. 6, 7, 18, 19, 29, 30, 32.
T. 12 S., R. 34 E.,
Secs. 5, 8, 9, 21, 27, 28, 34.
T. 13 S., R. 34 E.,
Secs. 1, 2, 12, 13.
T. 13 S., R. 35 E.,
Secs. 18, 19, 29, 30, 32.
T. 14 S., R. 35 E.,
Secs. 5, 8, 9, 21, 27, 28, 34.
T. 15 S., R. 35 E.,
Secs. 3, 11, 14, 23, 24, 25, 36.
T. 15 S., R. 36 E.,
Sec. 31.
T. 16 S., R. 36 E.,
Secs. 17, 20, 28, 29, 33.
T. 17 S., R. 36 E.,
Secs. 3, 10, 11, 14, 17, 18, 20, 21, 22, 23, 26, 27, 35, 36.
T. 18 S., R. 36 E.,
Secs. 1, 12, 13, 24, 25, 36.
T. 19 S., R. 36 E.,
Secs. 1, 2, 11, 12, 13, 14, 24, 25.
T. 31 S., R. 36 E.,
Secs. 24, 36.
T. 32 S., R. 36 E.,
Secs. 2, 10, 16, 20, 32.
T. 19 S., R. 37 E.,
Secs. 30, 31.
T. 20 S., R. 37 E.,
Secs. 5, 6, 7, 8, 17, 20, 28, 29, 33.
T. 21 S., R. 37 E.,
Secs. 3, 10, 11, 14, 23, 26, 35.
T. 22 S., R. 37 E.,
Secs. 1, 2, 12, 13, 24, 25, 36.
T. 28 S., R. 37 E.,
Secs. 1, 12, 13, 14, 23, 26, 27, 34.
T. 29 S., R. 37 E.,
Secs. 2, 3, 10, 15, 16, 21, 28, 33.
T. 30 S., R. 37 E.,
Secs. 4, 16, 21, 22, 28, 32.
T. 31 S., R. 37 E.,
Secs. 5, 6, 7, 18.
T. 22 S., R. 38 E.,
Sec. 31.
T. 23 S., R. 38 E.,
Secs. 6, 7, 18, 19, 20, 29, 32.
T. 24 S., R. 38 E.,
Secs. 4, 5, 9, 21, 28, 33.
T. 25 S., R. 38 E.,
Secs. 3, 15, 22, 27, 34.
T. 26 S., R. 38 E.,
Secs. 3, 10, 15, 22, 27, 33, 34.
T. 27 S., R. 38 E.,
Secs. 4, 8, 9, 17, 19, 20, 30, 31.
T. 28 S., R. 38 E.,
Sec. 6.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 11 N., R. 12 W.,
Secs. 8, 18.
T. 12 N., R. 12 W.,
Sec. 32.
T. 10 N., R. 13 W.,
Sec. 16.
T. 11 N., R. 13 W.,
Sec. 36.
T. 6 N., R. 14 W.,
Secs. 5, 7.
T. 7 N., R. 14 W.,
Secs. 28, 33.
T. 9 N., R. 14 W.,
Sec. 36.
T. 4 N., R. 15 W.,
Sec. 30.
T. 5 N., R. 15 W.,
Secs. 5, 6, 7.
T. 6 N., R. 15 W.,
Secs. 11, 12, 14, 15, 22, 23, 27, 33, 34.
T. 5 N., R. 16 W.,
Secs. 11, 12, 13, 14, 24.

[F.R. Doc. 69-13440; Filed, Nov. 12, 1969; 8:47 a.m.]

[Docket No. G-2712 etc.]

CITIES SERVICE CO., ET AL.

Findings and Order After Statutory Hearing

OCTOBER 23, 1969.

Cities Service Company (Operator), et al., and other Applicants listed herein, Docket No. G-2712, et al.; Sun Oil Company (DX Division) (successor to Viersen & Chochran) Docket No. CI70-10 (G-10690) Docket No. RI65-339.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, making rate change effective accepting agreements and undertakings for filing, accepting surety bond for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued October 9, 1969, and published in the FEDERAL REGISTER October 21, 1969 (34 F.R. 17080), on page 17081, 1st column, 15th line: Change Docket No. "RI65-539" to read Docket No. "RI65-339". On page 17081, paragraph (16), 4th line: Change Docket No. "RI65-539" to read Docket No. "RI65-339". On page 17083, paragraph (U), 3d line: Change Docket No. "RI65-539" to read Docket No. "RI65-339".

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13441; Filed, Nov. 12, 1969; 8:47 a.m.]

[Docket No. RI70-226 etc.]

DIXILYN CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

SEPTEMBER 23, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 14, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos
RI70-226	Dixilyn Corp., Post Office Box 3427, Odessa, Tex. 79760.	[1] 1	2	Sep Robin Pipeline Co. (Block 15 Field, South Marsh Island Area, Offshore Louisiana).	$10,800	8-26-69	[4] 9-26-69	[5] 9-27-69	[6] [10] 18.5	[7] [8] 20.0	
	do	[11] 2	2	Sep Robin Pipeline Co. (Block 16 Field, South Marsh Island Area, Offshore Louisiana).	43,200	8-26-69	[4] 9-26-69	[5] 9-27-69	[6] [12] 18.5	[7] [8] 20.0	
RI70-227	TransOcean Oil, Inc., 1700 Houston Natural Gas Bldg., Houston Tex. 77002.	[13] 20	1	Trunkline Gas Co. (South Timbalier Blocks 179 and 187, Offshore Louisiana).	5,220	8-26-69	[4] 9-26-69	[5] 9-27-69	[6] [13] 18.5	[7] [8] 20.0	
RI70-228	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	[14] 242	1	Texas Eastern Transmission Corp. (Block 6 Field, Main Pass Area, Offshore Louisiana).	40,500	8-27-69	[4] 9-27-69	[5] 9-28-69	[6] [14] 18.5	[7] [8] 20.0	
RI70-229	Union Carbide Petroleum Corp., 270 Park Ave., New York, N.Y. 10017.	[15] 2	1	Trunkline Gas Co. (South Timbalier Blocks 179 and 187, Offshore Louisiana).	15,000	8-27-69	[4] 9-27-69	[5] 9-28-69	[6] [15] 18.5	[7] [8] 20.0	

[1] Contract dated Nov. 4, 1960.
[4] The stated effective date is the first day after expiration of the statutory notice, or date of initial delivery, whichever is later.
[5] The suspension period is limited to 1 day.
[6] Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A issued March 20, 1969.
[7] Pressure base is 15.025 p.s.i.a.
[8] Subject to quality adjustments.
[9] Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[10] Initial rate as conditioned by temporary certificate issued Aug. 1, 1969, in Docket No. CI69-912.
[11] Contract dated Nov. 4, 1969.
[12] Initial rate as conditioned by temporary certificate issued Aug. 1, 1969, in Docket No. CI69-913.
[13] Initial rate as conditioned by temporary certificate issued July 7, 1969, in Docket No. CI69-825.
[14] Initial rate as conditioned by temporary certificate issued Aug. 1, 1969, in Docket No. CI69-1240.
[15] Initial rate as conditioned by temporary certificate issued July 7, 1969, in Docket No. CI69-888.
[16] Contract dated Nov. 27, 1968.
[17] Contract dated June 16, 1969.
[18] Contract dated Nov. 27, 1968.

Dixilyn Corp. and TransOcean Oil, Inc., request waiver of the statutory notice to permit their proposed rate increases to become effective as of August 26, 1969. Union Carbide Petroleum Corp. requests that its proposed rate increase be permitted to become effective as of September 25, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

These five proposed rate increases, from 18.5 cents to 20 cents per Mcf, involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustments). Deliveries of gas have not as yet commenced thereunder.

Consistent with previous Commission action on similar rate filings, we conclude that the producers' proposed rate increases should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the producers' proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 69-13479; Filed, Nov. 12, 1969; 8:49 a.m.]

[Docket No. CP70-110]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 5, 1969.

Take notice that on October 27, 1969, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La. 70112, filed in Docket No. CP70-110 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the calendar year 1970 and the operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The application states that the total cost of all facilities will not exceed $200,000, and that the total cost of facilities for any single project will not exceed $50,000. The proposed facilities will be financed with working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13442; Filed, Nov. 12, 1969; 8:47 a.m.]

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order After Statutory Hearing

OCTOBER 23, 1969.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing applications, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, substituting respondents, redesignating proceedings, making rate changes, effective, accepting surety bonds for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued September 4, 1969, and published in the FEDERAL REGISTER September 17, 1969 (34 F.R. 14489), on page 14494, 3d column: Change field and location to read "Acreage in Woods County, Oklahoma" in lieu of "South Peek Field, Roger Mills County, Oklahoma".

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13443; Filed, Nov. 12, 1969; 8:47 a.m.]

[Docket No. CP70-108]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 5, 1969.

Take notice that on October 27, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70-108 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the calendar year 1970 and the operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The application states that the total cost of all facilities will not exceed $3 million. Applicant requests that the cost limitation set forth in section 2.58(a) of the Commission's general policy and interpretations be waived to permit the expenditure of up to $750,000 for facilities for any single project. The proposed facilities will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the meeting.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13444; Filed, Nov. 12, 1969; 8:47 a.m.]

[Docket No. CP70-109]

UNITED GAS PIPE LINE CO.

Notice of Application

NOVEMBER 5, 1969.

Take notice that on October 27, 1969, United Gas Pipe Line Co. (Applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP70-109 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of increased quantities of natural gas to Gulf Power Co. (Gulf Power) near Pensacola, Fla., and the construction and operation of certain facilities required therefor, all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 2.7 miles of 10-inch pipeline from the Escambia Chemical Corp. Line to Gulf Power Delivery Station No. 2 to augment its ability to supply the additional fuel requirements of Gulf Power necessitated by the installation of additional electric generating capacity. Applicant requests authorization to deliver an additional 84,000 Mcf of natural gas from March through October to Gulf Power for this purpose.

The total estimated cost for the proposed facilities is $386,688.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13445; Filed, Nov. 12, 1969; 8:47 a.m.]

[Project No. 2550]

WISCONSIN MICHIGAN POWER CO.

Notice of Application for Approval of Exhibit R (Recreational Use Plan) For Project

NOVEMBER 4, 1969.

Public notice is hereby given that application has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Wisconsin Michigan Power Co. (correspondence to: J. K. Babbitt, Vice President and General Manager, Wisconsin Michigan Power Co., 807 South Oneida Street, Appleton, Wis. 54911) for approval of an Exhibit R for the Weyauwega Project No. 2550, located on Waupaca River in Waupaca County, Wis., adjacent to the city of Weyauwega.

Exhibit R lists the following recreational development at the project: (1) A city-owned swimming beach and picnic area; (2) a city-owned boat landing area that also has playground equipment; (3) a second boat landing; and (4) a privately owned park open to the public. The exhibit states that Wisconsin Michigan Power Co. owns no land on the reservoir except the area occupied by the dam and powerhouse. No additional recreational development is planned.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 24, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13446; Filed, Nov. 12, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

WILLIAM A. MORGAN

Notice of Granting of Relief

Notice is hereby given that William A. Morgan, 1703 East Chester Drive, High Point, N.C., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 3, 1935, in the U.S. District Court, Greensboro, N.C., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William A. Morgan, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Morgan, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered William A. Morgan's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to William A. Morgan from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that William A. Morgan be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 5th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13492; Filed, Nov. 12, 1969; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Criminal Division

[Directive 19]

SENIOR DEPUTY ASSISTANT ATTORNEY GENERAL

Redelegation of Authority With Respect to Approval of Certain Applications by U.S. Attorneys to Federal Courts for Orders Compelling Testimony or the Production of Evidence by Witnesses

Delegation of Authority to the senior Deputy Assistant Attorney General. By virtue of the authority vested in me by § 0.59(b) of Title 28 of the Code of Federal Regulations, as amended, the authority delegated to me by § 0.59(a) of that title to approve the application by a U.S. Attorney to a Federal Court for an order compelling testimony or the production of evidence by a witness is hereby redelegated to the senior Deputy Assistant Attorney General in the Criminal Division to be exercised solely during my absence from the city of Washington.

This directive shall become effective upon the date of its publication in the FEDERAL REGISTER.

Dated: November 5, 1969.

WILL R. WILSON,
Assistant Attorney General.

[F.R. Doc. 69-13454; Filed, Nov. 12, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-511]

DENNIS OLIVER

Notice of Loan Application

NOVEMBER 5, 1969.

Dennis Oliver, 2617 Fourth Avenue, Ketchikan, Alaska 99901, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 47.6-foot registered length wood vessel to engage in the fishery for salmon and tuna.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-13427; Filed, Nov. 12, 1969; 8:46 a.m.]

[Docket No. G-456]

WAYNE VIZIER AND DEMPSEY BORNE

Notice of Loan Application

NOVEMBER 5, 1969.

Wayne Vizier and Dempsey Borne, 126 Camley Lane, Golden Meadow, La. 70357, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 47-foot length overall wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-13428; Filed, Nov. 12, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS AND FLORIDA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Arkansas and Florida, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Boone.	Little River.
Lafayette.	

FLORIDA

Jackson.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-13434; Filed, Nov. 12, 1969; 8:46 a.m.]

LOUISIANA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named parishes in the State of Louisiana, a natural disaster has caused a need for agricultural credit to oyster planters not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

Plaquemines.	St. Bernard.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named parishes after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-13435; Filed, Nov. 12, 1969; 8:46 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Calhoun.	Refugio.
Cameron.	Victoria.
Jackson.	Willacy.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-13436; Filed, Nov. 12, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 134-7]

OFFICE OF PUBLICATIONS

Organization and Functions

This material supersedes the material appearing at 32 FR 10384 of July 14, 1967.

SECTION 1. *Purpose.* This order delegates authority to the Director, Office of Publications, and prescribes the organization and functions of the Office of Publications.

SEC. 2. *General.* The Office of Publications shall be headed by a Director, who

shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134 and subject to the applicable provisions of law, regulation, and such policies and directives as the Assistant Secretary for Administration may prescribe, the Director, Office of Publications, is delegated the authority vested in the Assistant Secretary for Administration in the fields of publications, printing, and allied activities, including the approval of prices for publications sold to the public.

.02 The Director, Office of Publications, may redelegate his authority to appropriate officials of the Office of Publications and operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Organization and functions.* .01 The Office of Publications shall comprise:

Office of the Director.
Financial Management Division.
Publications Policy and Development Division.
Design and Graphics Division.
Printing Division.
Microreprographic Division.

.02 The Director shall be an advisor to, and serve as the representative of, the Assistant Secretary for Administration in matters relating to publications, printing, and allied activities, and serve as adviser to all other Departmental officials with respect to these matters; formulate, direct, and coordinate the development of publications and printing policies and activities; procure or approve for procurement all printing, binding, and allied reproduction and publications distribution equipment; develop standards for essentiality, utility, content, format, and style for all publications; direct the activities of the Department's central printing plant and related graphics and photographic activities; manage the Working Capital Fund for printing and related activities; and conduct sole liaison (a) between the Department of Commerce and Joint Committee on Printing and Binding and between the Department of Commerce and the Government Printing Office on printing matters, and (b) between the Department of Commerce and the Superintendent of Documents on publications pricing, sales, distribution, promotion, and mailing list activities. He shall represent the Assistant Secretary for Administration on boards and committees and before other branches of the Government concerned with the activities described herein. The Deputy Director who shall be the chief operating aide to the Director, shall provide general direction of the operations of the Office, and perform other duties as assigned.

.03 The Financial Management Division shall plan and direct the financial control operations related to the Department's printing plants; develop guidelines for cost controls for all printing, binding, and related activities; review and evaluate costs of printing, binding, and related activities and develop uniform price schedules; and prepare required reports relating to the activities of the Office of Publications.

.04 The Publications Policy and Development Division shall review requests for new Commerce publications against policies and standards of the Department; advise organizations concerning publication possibilities; analyze the desirability of consolidation or elimination of existing publications; provide specialized guidance to organizations of the Department on publications projects; provide writing and editing assistance in the preparation of publications; review all publications material for conformance to publications policies and standards; and direct the Department's publications mailing and sales promotion programs.

.05 The Design and Graphics Division shall provide central design, illustration, photographic, and graphics services and prepare or procure the necessary design, illustration, and art work for all publications.

.06 The Printing Division shall procure or approve for procurement all printing and binding and related services for organizations of the Department, control and schedule all printing operations; operate the Department's central printing plant including addressing and mailing services; and investigate and analyze new printing methods.

.07 The Microreprographic Division shall operate the Department's central microphoto and related reproduction services facility.

SEC. 5. *Commerce Publications Committee.* There shall be a Commerce Publications Committee, which shall consist of the Director as Chairman, and representatives from the operating units. The Committee will meet on call from the Chairman for the purpose of advising and assisting on publications, graphics and printing policies and procedures and to consult on problems of common interest.

Effective date: November 3, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-13497; Filed, Nov. 12, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21472]

INTERLUDE INTERNATIONAL CORP.

Notice of Proposed Approval for Exemption

Application of Interlude International Corporation for an exemption pursuant to section 408(a)(5) of the Act, and Sheldon G. Adelson for approval of interlocking relationships, Docket 21472.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 6, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority:

By application filed September 29, 1969, Interlude International Corp. (Interlude) requests an exemption under section 408(a)(5) of the Act with respect to its acquisition of those assets of Continental Travel, Ltd., which are used by Continental in its activities as an inclusive tour operator under Part 378 of the Board's regulations.[1] Contemporaneously, Sheldon G. Adelson requests approval under section 409 of the Act of interlocking relationships which will result from his being a director of both Interlude and Cutlass Aviation, Inc. (Cutlass), an air taxi operator pursuant to Part 298 of the Board's regulations.

Interlude operates as a travel agent, a ground tour operator, and a wholesaler of affinity group charter tours. Continental is, inter alia, an inclusive tour operator and presently has tour prospectus IT 69-47 on file with the Board pursuant to which it operates a weekly pattern of inclusive tours to Hawaii with Universal Airlines.

The applicants state that in the last 6 months, inclusive tour traffic to Hawaii has declined substantially and Continental has been losing some $100,000 per month on its ITC operations. Instead of terminating its tour program, Continental has elected to sell its ITC "division" to Interlude.[2] Interlude will utilize the resources and personnel thus acquired to continue Continental's programs and develop new programs as marketing conditions permit. Grant of the requested exemption, the applicants assert, will permit continued employment of some twenty (20) Continental employees who would have their employment terminated if Continental ceased its losing operations. The applicants summarily state that the proposed transaction will not result in creating a monopoly and that it will not restrain competition, particularly in view of the fact that Interlude has not heretofore been engaged in the inclusive tour business and does not control any other person engaged in such operations.

With respect to the interlocking relationships involving Mr. Adelson, Interlude, and Cutlass, the applicants state that no conflicts of interest will result therefrom because inclusive tour charters must, by definition, be operated by supplemental carriers which Cutlass clearly is not. They state that Cutlass is a Part 298 air taxi operator utilizing small aircraft and does not, and cannot under its present authority, perform the type of air transportation which Interlude will utilize. Thus, the applicants conclude that by nature of their operations, Cutlass and Interlude do not compete or do business with each other.

No comments relative to the application have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

We turn first to the applicant's request for an exemption under section 408(a)(5) of the Act. Upon consideration of that issue, we have concluded that the proposed transaction will not result in the acquisition of control of Continental by Interlude within the meaning of that section. The transaction is essentially an acquisition by Interlude of a substantial portion of the properties of Continental and as such does not literally fall within the ambit of the amended section 408(a)(5).

The proposed transaction falls rather within the meaning of section 408(a)(2) of the Act. However, it is concluded that such acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The proposed acquisition will enable Interlude to engage in the promotion of air transportation through the preparation and marketing of inclusive tours, and will bring to Interlude experienced personnel and existing facilities used for that purpose. It therefore appears that the proposed transaction will not be inconsistent with the public interest. Consequently, it has been decided to approve the transaction under the third proviso of section 408(b).

The interlocking relationships involving Mr. Adelson, Interlude and Cutlass are not adverse to the public interest and will be approved. As the applicants indicated, inclusive tour operators under Part 378 of the Board's regulations, must avail themselves only of the services of supplemental air carriers and thus it does not appear that any regulatory problems are presented by the fact that Mr. Adelson will serve on the Board of both Interlude and Cutlass.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the acquisition by Interlude of those assets of Continental relating to the latter's inclusive tour charter operations is not adverse to the public interest and should be approved. It is further found that the interlocking relationships involving Mr. Adelson, Interlude and Cutlass are not adverse to the public interest and should be approved.

Accordingly, it is ordered, That:

1. The acquisition by Interlude of those assets of Continental relating to its inclusive tour charter operations as described herein, be and it hereby is approved;

2. Subject to the provisions of Part 251 of the Board's economic regulations as now in effect or hereinafter amended, the interlocking relationships described herein be and they hereby are approved; and

3. To the extent not granted herein, the application contained in Docket 21472 be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13501; Filed, Nov. 12, 1969; 8:50 a.m.]

[1] The assets include, inter alia, operation materials, promotional materials, mailing lists reservations, insurance, trade names and trademarks, Continental personnel, and ground package contracts. The transaction also includes the transfer of Continental's ATC, IATA, and similar licenses and appointments to Interlude.

[2] In consideration, Interlude will issue and deliver to Continental 35,000 shares of Interlude's presently authorized common stock subject to the restriction that said shares are taken and held for investment only. Continental in turn has further agreed to sell to Interlude at the price of $0.01 each a total of 17,500, 5-year, nontransferable warrants, each of which will evidence the right to purchase one share of the common stock of Continental at varying prices during the 5-year term subject to the restriction that the warrants and the shares purchased upon the exercise of said warrants are taken and held for investment only.

ATOMIC ENERGY COMMISSION

[Docket No. 50-345]

WESTINGHOUSE ELECTRIC INTERNATIONAL CO., DIVISION OF WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on October 7, 1969 (34 F.R. 15576), the Atomic Energy Commission has issued License No. XR-70 to Westinghouse Electric International Co., Division of Westinghouse Electric Corp., authorizing the export of components of a 350-megawatt electric nuclear power reactor to Nordostschweizerische Kraftwerke, A.G., Baden, Switzerland. The export of these components to Switzerland is within the purview of the present Agreement for Cooperation Between the Governments of the United States and Switzerland.

Dated at Bethesda, Md., this 29th day of October 1969.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[F.R. Doc. 69-13438; Filed, Nov. 12, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0898) has been filed by FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide carbofuran including its cholinesterase-inhibiting metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl *N*-methylcarbamate in or on the raw agricultural commodities alfalfa hay at 20 parts per million; alfalfa (fresh) at 5 parts per million; and in milk at 0.02 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide and its metabolite is a gas chromatographic technique using a nitrogen-specific microcoulometric detection system.

Dated: September 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-13426; Filed, Nov. 12, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

NOVEMBER 6, 1969.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR 170, following is a list of new DOT special permits upon which Board action was completed during October 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
5961	Ethyl Corp. for the shipment of methyl phosphonothioic dichloride in a DOT-4BA240 cylinder or a DOT-5 lined steel drum.	Water, highway, and rail.
6037	International Carriers Ltd., for the shipment of alcohols, n.o.s. in 14.9 p.s.i.g. design pressure, MC-306 type portable tanks.	Water and highway.
6043	Shippers upon specific registration with this Board, for the shipment of nitrocarbo-nitrate slurries in a 5-gallon capacity DOT-12P/2U packaging.	Highway and rail.
6069	Shippers upon specific registration with this Board, for the shipment of liquefied petroleum gases in Australian DOT-4B or 4BA type steel cylinders.	Highway.
6070	Shippers upon specific registration with this Board, for the shipment of sulfur trioxide (without additive) in a DOT-105A300W tank car.	Rail.

Special permit No.	Issued to—Subject	Mode or modes of transportation
6073	Oxirane Chemical Co. for the shipment of t-butyl hydroperoxide in at least 50 percent by weight of water, in a DOT–MC 307 cargo tank, or in a DOT–103W, 103AW, 111A60F1, 111A60W1, 111A100F2, or 111A100W2 tank car.	Highway and rail.
6078	Shippers upon specific registration with this Board, for the shipment of fissile radioactive materials in Applied Design Co.'s Model No. 927A packaging.	Highway.
6079	Shippers upon specific registration with this Board, for the shipment of radioactive materials in the Union Miniere Model No. UM24.27.8 packaging.	Water and highway.
6082	Department of Defense, for the shipment of palletized incendiary cluster bombs having an M4 wood shipping guard.	Highway and rail.
6084	Woodward Wight Big Three, Inc., for the shipment of oxygen, nitrogen, argon, hydrogen, helium, neon, krypton, xenon, compressed air, and mixtures thereof, in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
6085	Willard C. Starcher, Inc., for the shipment of oxygen in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
6086	Suburban Propane-Jaeger Welding Supply Co., for the shipment of oxygen and nitrogen in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
6088	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Carden Carrier No. 2 Shipping Cask.	Do.
6090	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in the ORNL Fast Neutron Shipping Cask.	Water, highway, and rail.
6091	Alabama Oxygen Co., Inc., for the shipment of pressurized liquefied oxygen in a specially designed and insulated cargo tank.	Highway.
6093	Lep Transport, Inc., for one shipment of fissile radioactive materials in the British Model GB:0013Q/GB:TCC1 packaging.	Passenger-carrying aircraft, cargo-only aircraft, and highway.
6094	General Electric Co., for one shipment of fissile radioactive material in two Naval Reactor D1G Core 2 Cell Containers (DOT SP 5782) with one Model 814A Container (DOT SP 5349).	Highway.
6095	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the General Electric Co. Model RML–29 Shipping Cask.	Do.
6096	Silver City Welding Supply, for the shipment of oxygen, nitrogen, and hydrogen in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6097	Andrus Equipment Corp., for the shipment of argon, oxygen, and nitrogen in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
6098	Indianapolis Welding Supply, Inc., for the shipment of oxygen in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
6099	Department of Defense, for the shipment of a Class B, liquid propellant explosive, in a DOT–34 Polyethylene drum, overpacked in a DOT–5B, 6A, 6B, 6C, 17C, or 17H steel drum.	Do.
6100	Shippers upon specific registration with this Board, for the shipment of monochlorodifluoromethane and dichlorodifluoromethane in a nonrefillable inside steel cylinder having a maximum capacity of 750 cubic inches.	Do.
6101	Matheson Gas Products, for the shipment of oxygen, nitrogen, argon, hydrogen, helium, neon, krypton, xenon, compressed air, and mixtures thereof, in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
6102	Connecticut Oxygen Corp., for the shipment of oxygen, argon, and compressed air in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
6103	Dominion Oxygen & Supply Co., Inc., for the shipment of oxygen in DOT–3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
6104	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Argonne National Laboratory EBR–II Fuel Shipping Cask.	Do.
6105	Shippers upon specific registration with this Board, for the shipment of Class B poison solids (which have been specifically identified to the Board), in a DOT–17C steel drum having a heavier than specification steel removable head sheet.	Do.
6106	Diamond Shamrock Chemical Co., for one shipment of 98,000 pounds of chlorine in a 55-ton capacity DOT–105A500W tank car.	Rail.
6107	Beaumont Oxygen Co. for the shipment of oxygen, nitrogen, hydrogen, helium, and argon in DOT 3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6109	Shippers upon specific registration with this Board, for the shipment of anhydrous phosphorus trichloride in a lined DOT MC–310, MC–311, or MC–312 cargo tank.	Highway.
6112	U.S. Atomic Energy Commission and Westinghouse Electric Corp. for one series of shipments of fissile radioactive materials in 55-gallon, drum-type "birdcage" metal containers.	Do.
6113	Gas Inc., Lowell Gas Co., and Indianhead Truck Line, Inc., for the transportation of liquefied methane in a specially designed and insulated cargo tank.	Do.

WILLIAM C. JENNINGS,
Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 69–13500; Filed, Nov. 12, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, Rural Community Development Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13412; Filed, Nov. 12, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Regional Economic Coordinator, Office of the Special Assistant for Regional Economic Coordination.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13413; Filed, Nov. 12, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Operation Breakthrough, Assistant Secretary for Research and Technology.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13414; Filed, Nov. 12, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the accepted service the position of General Assistant to the Deputy Under Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13415; Filed, Nov. 12, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of Industry and Labor Relations, Office of Assistant Secretary for Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13416; Filed, Nov. 12, 1969; 8:45 a.m.]

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the U.S. Arms Control and Disarmament Agency to fill by noncareer executive assignment in the excepted service the position of Deputy Public Affairs Advisor, Office of the Public Affairs Advisor.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13417; Filed, Nov. 12, 1969; 8:45 a.m.]

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the U.S. Arms Control and Disarmament Agency to fill by noncareer executive assignment in the excepted service the position of Disarmament Advisor, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13418; Filed, Nov. 12, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18719–18729; FCC 69–1199]

COMMUNICATIONS SATELLITE CORP., ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Communications Satellite Corp., Docket No. 18719, File Nos. 6406 through 6408–C1–P–69; for construction permits for three new stations in the Domestic Public Point-to-Point Microwave Radio Service at Talkeetna, Scotty Lake, and Twelvemile, Alaska; Matanuska Telephone Association, Inc., Docket No. 18720, File Nos. 102 through 104–C1–P–70; for construction permits for three new stations in the Domestic Public Point-to-Point Microwave Radio Service at Talkeetna, Scotty Lake, and Twelvemile, Alaska; RCA Alaska Communications, Inc., Docket No. 18721, File Nos. 553 through 556–C1–P–70; for construction permits for four new stations in the Domestic Public Point-to-Point Microwave Radio Service at Anchorage, Twelvemile, Scotty Lake and Talkeetna, Alaska; Western Union International, Inc., Docket No. 18722, File Nos. 1174 through 1176–C1–P–70; for construction permits for three new stations in the Domestic Public Point-to-Point Microwave Radio Service at Talkeetna, Scotty Lake, and Twelvemile, Alaska; Communications Satellite Corp., Docket No. 18723, File No. P–C–7590; Western Union International, Inc., Docket No. 18724, File No. PC–7589; for authorization pursuant to section 214 of the Communications Act of 1934, as amended, to construct and operate channelizing equipment in connection with the proposed microwave system between Talkeetna and Anchorage, Alaska; RCA Alaska Communications, Inc., Docket No. 18725, File No. P–C–7585; for authorization pursuant to section 214 of the Communications Act of 1934, as amended, to construct and operate channelizing equipment in connection with the proposed microwave system between Talkeetna and Anchorage, Alaska, and to provide service between points in Alaska and points in the 48 continental States via satellite, and petitions of Communications Satellite Corp., Docket No. 18726; Matanuska Telephone Association, Inc., Docket No. 18727; Western Union International, Inc., Docket No. 18728; pursuant to section 201(a) of the Communications Act of 1934, as amended, for establishment of physical connections between its proposed facility at Twelvemile, Alaska, and the existing toll center at Anchorage, Alaska, and RCA Alaska Communications, Inc., Docket No. 18729; pursuant to section 201(a) of the Communications Act of 1934, as amended, for establishment of physical connections between the terminus of the proposed microwave facilities at Anchorage, Alaska, and the facilities of the Anchorage Telephone Utility.

1. The Commission has before it: (a) The captioned mutually exclusive applications proposing construction of a microwave system to link the recently authorized satellite earth station at Talkeetna, Alaska, with Anchorage, Alaska; (b) the captioned applications pursuant to section 214 of the Communications Act for authorization to install and operate multiplex equipment in connection with the microwave system; (c) the captioned petitions pursuant to section 210(a) of the Act for the necessary interconnection of the microwave system with the existing toll facilities in Anchorage, Alaska; and (d) the pleadings listed in the appendix hereto.[1]

2. Communications Satellite Corp. (Comsat), Matanuska Telephone Association, Inc. (Matanuska), and Western Union International, Inc. (WUI), each have filed applications for microwave stations at Talkeetna, Scotty Lake, and Twelve-mile, respectively. RCA Alaska Communications, Inc. (RCA),[2] filed four applications for stations at the above sites plus Anchorage thus making its proposal the only complete system between Anchorage and Talkeetna. However, Comsat, Matanuska, and WUI each have filed section 201 petitions requesting the Commission to order a mid-air interconnection between its Twelvemile station and the Anchorage toll center. RCA has also filed a section 201 petition requesting the Commission to order an interconnection between its proposed microwave system and the facilities of the Anchorage Telephone Utility (Anchorage Telephone).

3. The positions of the various applicants and petitioners may be briefly sumarized as follows: (a) RCA, as the successful bidder for the facilities of the Alaska Communications System (ASC)[3] contends that it should be the sole long lines carrier in Alaska inasmuch as its commitment to reduce rates and improve service throughout the State was predicated on such basis; (b) Matanuska contends that it should provide the earth station microwave link since it represents expansion into Matanuska's presently franchised telephone service area; (c) Comsat stated that it filed only to insure an appropriate link with the earth station; it proposes to construct and operate the facilities only until the Commission authorizes permanent operation by another qualified carrier; (d) WUI, which has filed a section 214 application (file No. T–C–2274) to provide telegraph service to Alaska, contends that RCA fails to offer authorized carriers equitable and nondiscriminatory access to the earth station via the microwave system but that it (WUI) would offer authorized carriers participation by outright ownership, indefeasible right of use (IRU) or lease; (e) ACS opposes the applications of Matanuska and WUI, contending that the facilities should be provided by RCA as its successor in interest; (f) Western Union Telegraph Co. (Western Union) states that it opposes the applications of

[1] Due to the urgency of this proceeding action is being taken prior to the expiration of the prescribed time for filing all responsive pleadings.

[2] The applications were originally filed by RCA Global Communications, Inc., but were subsequently adopted by RCA Alaska Communications which is a wholly owned subsidiary of the former formed to operate the Alaska facilities purchased from the Alaska Communications System (ACS).

[3] The sale of ACS to RCA was approved in accordance with Public Law 90–135 (40 U.S.C. 771–792) by President Nixon on June 25, 1969, subject to RCA receiving appropriate authorization from the FCC and the Alaska Public Service Commission.

WUI, RCA, and Comsat because it has long been settled by statute (section 222 of the Communications Act) and Commission ruling that the public interest requires a separation of the area of operations of international and domestic telegraphic carriers.

BACKGROUND

4. Before proceeding further, it may be helpful to summarize the preceding events. Comsat filed its microwave applications on April 29, 1969, in connection with its application for the Alaska earth station which was granted on May 14, 1969 (17 FCC 2d 640). Competing applications were filed by Matanuska on July 10, by RCA on July 18 and by WUI on September 2.[4] In view of the importance of the matter, meetings were held between representatives of the applicants and members of the Common Carrier Bureau staff on August 14,[5] September 11, September 16, and September 19, 1969, in an attempt to effect a reasonable overall compromise between the parties or, failing that, a compromise on the varied technical proposals which would enable the Commission to authorize, on a joint and mutually agreeable basis, construction pending resolution of ownership and other issues in a hearing.

REQUEST FOR INTERIM AUTHORITY

5. While no agreement was reached in these meetings, each of the applicants has subsequently requested that it be issued an interim authorization to construct the facilities subject to a final determination by the Commission in a hearing concerning ownership and other issues. Moreover, both Matanuska and WUI indicate they would not oppose the grant of interim authorization to Comsat. However, RCA opposes an interim grant to any carrier other than itself.

6. Since the earth station is scheduled to be completed on about July 1, 1970, it is obvious, especially in light of the substantial lead time necessary for ordering electronic equipment, that the issuance of construction authorization cannot await the resolution of the substantive comparative issues even in an expedited hearing. Under these circumstances, unless the Commission undertakes to authorize construction on an interim basis, service to a large segment of the public will be substantially delayed, perhaps up to a year. The onus for any delay clearly belongs to the competing applicants whose desire for private competitive advantage necessarily conflicts with their obligations to insure the availability of service to the public, particularly when compromise on the technical proposals would not have substantially prejudiced their comparative standing with respect to the ultimate issues. It would be easier, and certainly more conventional, for the Commission to resolve all issues in a comparative hearing. However, we believe that the public interest factor is too great in this instance to excuse the Commission from initiating unusual measures designed to resolve the difficult problem of interim authorization. Although we are reluctant to have to make a selection of competing technical proposals on the basis of necessarily tentative conclusions, § 21.27(g) of the rules specifically authorizes the conditional grant, pending a hearing, of one or more mutually exclusive applications under circumstances of extraordinary public need.

7. The principal problem before us is to determine which of the four technical proposals would be best suited for interim authorization. All applicants propose similar frequency use (with one exception) and essentially the same route (with stations similarly located). Matanuska would construct what is generally termed a "short haul" system with remodulating transmitters while WUI, RCA and Comsat would use heterodyne transmitters, a type normally used for longer routes. Although the Comsat proposal is very similar to RCA's and WUI's, there are some differences. For instance, RCA would use horn type antennas throughout while WUI and Comsat would use parabolic antennas, except on one path (Scotty Lake to Twelvemile) where Comsat would use a horn type. Aside from the disagreement on frequency usage on one path, which is discussed in the following paragraph, the differences between the technical proposals of RCA, Comsat, and WUI do not appear substantial.

8. Due to possible harmful interference with the earth station, all of the applicants originally requested waiver of the frequency allocation rules to permit them to use frequencies in the 6575–6875 MHz Operational Fixed-International band in both directions on the Scotty Lake-Twelvemile path. However, on October 7, 1969, Comsat amended its applications to use 4 and 6 GHz common carrier frequencies on that path, stating that it has concluded that it is possible to operate on common carrier frequencies "without an undue risk of harmful interference." Shortly thereafter, the three other applicants amended their applications to propose essentially the same common carrier frequencies on the Scotty Lake to Twelvemile path.[6] However, RCA continues to assert the need for the use of noncommon carrier frequencies in the opposite direction (WUI and Matanuska would use 4 GHz frequencies but different from Comsat). Apparently, everyone agrees that absent shielding by terrain on the Twelvemile to Scotty Lake path harmful interference would be caused by operations on either the 4 or 6 GHz band. The disagreement appears to lie on the degree of actual shielding available, which to a substantial extent is a matter of judgment. RCA states that Comsat may be correct and practice would prove the shielding to be adequate. However, it contends that the risk isn't worth it. If in operation harmful interference is caused to the earth station, not only will the cost of converting equipment to new frequencies be substantial (RCA estimates it at some $60,000), but satellite communications to Alaska will be impaired, if not terminated, during the time required to obtain equipment and make the physical conversion. While we would find it much more desirable for these, or any other facilities, to operate with the frequencies prescribed by the rules, it appears under these circumstances more reasonable to grant a waiver than accept the risk of harmful interference.[7] Furthermore, inasmuch as all of the applicants' originally proposed frequencies in the 6575–6875 MHz band, there would appear to be no prejudicial factor in such use. However, the ultimate system operator will be expected to reevaluate the necessity for continued use of noncommon carrier frequencies at the 1976 license renewal period.

9. In considering the various proposals we have to give substantial weight to RCA's statement that it intends to use these facilities as part of a Fairbanks to Anchorage and south major route which it will propose as a result of its commitments with respect to the ACS purchase. In view of the location of the facilities being considered in this proceeding, such integration and expansion would seem to be efficient and logical. While it appears that the Matanuska proposal would be satisfactory to serve the earth station, we believe that the remodulating type equipment it proposes would not be as satisfactory as heterodyne equipment if, as expected, the system is later expanded to become a trunk route between major population centers in Alaska.[8] Therefore, under these circumstances, it would appear that the technical proposals of WUI, RCA, and Comsat are superior. As between these, we believe that Comsat should be the chosen agent since it is not a contender for authorization as the permanent carrier. Matanuska and WUI have made a substantial concession in agreeing to interim construction by Comsat. We have not been convinced by RCA that construction by Comsat would substantially prejudice its position in this or any other proceeding. Accordingly, we will authorize Comsat to construct, on an interim basis pending a final Commission decision, the facilities it proposes at Talkeetna, Scotty Lake and Twelvemile, but using noncommon carrier frequencies as discussed in paragraph 8. In addition, we will likewise authorize RCA to construct the station at Anchorage since it is the only carrier that has applied for the necessary facilities at that location.

10. In constructing these facilities we will expect Comsat and RCA to coordinate in good faith with each other and the other applicants. We realize that some technical modification may be desired or necessary in order to accommodate appropriate interconnection or for other reasons. To the extent that such modifications are agreeable to each applicant, we will delegate to the Common Carrier Bureau authority to act on such requests, consistent with normal procedures, so that construction can go forward without undue delay.

OTHER ISSUES

11. To resolve ownership and other issues, we will designate the matter for hearing with normal comparative issues. It would serve no purpose to recite the various arguments made pro and con by each applicant since these generally relate to standard comparative consideration. However, RCA has made several allegations against Matanuska that are worthy of comment. In essence they are:

(a) That Matanuska is not financially qualified to construct and operate the proposed facilities;

(b) That Matanuska has no State franchise authority to provide the intrastate service it also proposes to provide over the microwave facilities;

(c) That the operation of the proposed facilities would be beyond the corporate powers of Matanuska as a cooperative association; and

(d) That Matanuska does not propose to be a carrier fully subject to title II of the Communications Act.

12. As to (a), (b), and (c), they appear to pose reasonable questions of fact, and we will designate appropriate issues for resolution. In reference to (b), if Matanuska cannot show that it has the necessary authorization to provide the local or intrastate service contemplated, the Commission can give little, if any, weight to such use for comparative purposes in this proceeding. As to (d), we consider any carrier proposing to provide a critical link in what is essentially an interstate and international communication line to be fully subject to title II of the Act insofar as that interstate link is concerned. (All America Cables and Radio, Inc., 15 FCC 2d 1.) The fact that a section 214 application was not filed does not derogate the applicability of title II. Where an application is made for radio authorization which covers the entire service proposed, and all particulars thereof, no separate section 214 application is necessary. (TransAmerican Microwave, Inc., 9 FCC 2d 159.)

PETITIONS FOR INTERCONNECTION

13. The petitions for interconnection filed by Matanuska, WUI, and Comsat request the Commission to order RCA, or other appropriate carrier, to build facilities at Anchorage to connect the toll center in that city with the southern terminus of their proposed facilities at Twelvemile. Involved would be the construction of a microwave station, including related multiplex equipment, in Anchorage which would transmit toward the Twelvemile station and in turn, receive transmission from that station. Since we are granting an interim construction authorization for that link to Comsat and RCA, such interconnection is not likely to be a problem. However, we will frame an issue which will enable the Commission to order such interconnection as may be necessary upon the resolution of comparative issues.

14. The petition filed by RCA requesting the Commission to order an interconnection between its proposed facilities and those of Anchorage Telephone presents a different question. We understand that there has been a controversy for some time between Anchorage Telephone and ACS over the operation of the Anchorage toll center and, in particular, the operation of direct distance dialing (DDD) equipment. ACS now operates the toll center and, of course, makes all interconnections for long distance calls. Anchorage Telephone, which is owned by the city, states that it is committed to the purchase of DDD equipment which it intends to install and operate. RCA, as the appointed successor to ACS, contends that the interconnection should be at the present Anchorage toll center.

15. In essence, the Anchorage controversy involves the point and terms of interconnection for all long distance facilities, of which the proposed earth station microwave link would be only a small portion. In view of this and the need for expeditious action on the proposals before us, it does not appear desirable to attempt to resolve the whole dispute in context with this proceeding. However, we wil include an issue to determine if there is any impediment to the interconnection of the proposed facilities and, if so, to order the interconnection including the terms thereof. Nevertheless, we wish to make it clear that the scope of such issue be restricted to include only those determinations that are absolutely necessary to this proceeding.[9]

CONCLUSIONS

16. In view of the foregoing, we are granting authority to Comsat to immediately proceed with interim construction of the proposed facilities at Talkeetna, Scotty Lake, and Twelvemile and to RCA to construct the Anchorage facility with questions of ownership, interconnection, etc. to be determined in an expedited hearing. In view of Comsat's limited objective in this proceeding, Comsat will not be considered an applicant for permanent authorization. However, it will be named a party, primarily for the purpose of retaining complete Commission control over the interim construction and subsequent transfer of facilities to the carrier or carriers finally selected to be the permanent operator. Since RCA's place in this proceeding is largely dependent upon its position as successor to ACS, which has yet to be considered by this Commission or the Alaska Public Service Commission, any permanent authorization to RCA that may result from this proceeding will be conditioned upon and subject to RCA being approved as the successor to ACS, unless it is shown that the public interest demands otherwise.[10] Likewise, it appears that WUI's position is largely dependent upon favorable Commission consideration of its recent section 214 application to provide service to Alaska (file No. T–C–2274), and, therefore, any permanent authorization to WUI that may result from this proceeding will be conditioned upon and subject to its certification in that proceeding, unless it is shown that the public interest demands otherwise.

17. *Accordingly, it is hereby ordered*, That Communications Satellite Corp. is authorized to construct (and conduct equipment tests) but not operate, facilities at Talkeetna, Scotty Lake, and Twelvemile, Alaska, as proposed in applications 6406 through 6408–C1–P–69 and P–C–7590, subject to the exception of the following paragraph, and RCA Alaska Communications, Inc., is authorized to construct (including equipment tests) but not operate, facilities at Anchorage, Alaska, as proposed in applications 553–C1–P–70 and P–C–7585, pursuant to § 21.27(g) of the Commission's rules, upon condition that said authorizations are subject to being withdrawn if, at a hearing, it is shown that the public interest will be better served by a grant of one of the other applications. For the purposes of this authorization, Communications Satellite Corp. and RCA Alaska Communications, Inc., are considered trustees and are directed to maintain separate detailed accounts and records of all expenditures incurred in such construction and to furnish copies thereof to the Commission or other applicants in this proceeding upon reasonable request.

18. *It is further ordered*, That §§ 2.106 and 21.701(a) of the Commission's rules

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[4] The cutoff date for filing mutually exclusive applications was extended by the Common Carrier Bureau from the normal 60 days (pursuant to rule section 21.26(b)) to September 2 because of the incomplete nature of the Comsat filings and the uncertainties introduced by the sale of the ACS facilities.

[5] WUI was not represented at the August 14 meeting inasmuch it was not an applicant at that time.

[6] Inasmuch as 30 days has not elapsed since public notice of such major amendments (which have been determined to be consistent with Rule § 21.26(b)), any person that may be adversely affected by the use of such frequencies should file a petition to intervene in this proceeding in lieu of a petition to deny.

[7] One other alternative to the use of Operational Fixed-International frequencies would be the use of the 11 GHz (10,700–11,700 MHz) common carrier band. However, RCA has convinced us that due to the propagation characteristics of those frequencies, an additional relay station would be required, adding substantially to system cost with possible adverse impact on system reliability.

[8] In a remodulating system, at each relay station the microwave signal received is demodulated down to the base band of transmitted intelligence, amplified and then remodulated to a microwave frequency for retransmission to the next station. In a heterodyne system there is no demodulation to the base band, but only to an intermediate frequency for amplification. Since full demodulation at each repeater introduces a substantial cumulative noise factor, the use of a heterodyne system is generally considered highly desirable for longer routes, especially where circuit density is heavy. (For a more thorough discussion see, among others, the Lenkurt Demodulator, Vol. 13, No. 8.)

[9] If the principal controversy is not subsequently settled between the parties or at the State level, the Commission may more appropriately consider the matter in connection with the recently filed applications of RCA to acquire the ACS facilities.

[10] Also, since RCA's section 214 application requests, in part, authorization to provide service via satellite between Alaska and the lower 48 States, we will defer any action on that portion of the application until we have considered the ACS acquisition.

are waived and Communications Satellite Corp. is directed to utilize the frequencies proposed by RCA Alaska Communications in its application File No. 554–C1–P–70 on the Twelvemile to Scotty Lake path, using appropriate type accepted transmitters.

19. *It is further ordered*, That the Chief, Common Carrier Bureau is delegated authority to act on any request for authority to modify the technical proposal involved in the construction authorized above if such request is not opposed by any other applicant.

20. *It is further ordered*, Pursuant to section 309(e) of the Communications Act of 1934, as amended, That the captioned matters are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D.C., before an examiner and on a date to be hereafter specified by separate order, upon the following issues:

(a) To determine, on a comparative basis, whether and to what extent, the proposals of Matanuska Telephone Association, Inc., RCA Alaska Communications, Inc., or Western Union International, Inc., would better serve the public interest, convenience and necessity including the following:

(1) The rates, charges, practices, classifications, regulations, personnel, and services;

(2) The proposed or required degree of operational reliability and whether such reliability is likely to be achieved;

(3) The cost of the proposed system including estimated maintenance and operating costs;

(4) The manner by which the facilities and services of the proposed system shall be made available to authorized carriers;

(5) The public policies and other considerations that may favor one carrier over another;

(b) To determine whether it is necessary and desirable to establish physical connections between facilities at Twelvemile and facilities at Anchorage within the meaning of section 201(a) of the Communications Act of 1934, as amended, and, if so, what connections, charges, facilities and regulations should be established;

(c) To determine whether any impediment exists to the interconnection of the proposed facilities with the existing facilities of the Anchorage Telephone Utility and, if so, to determine, within the meaning of section 201(a) of the Communications Act what connections, routes, charges, facilities, and regulations should be established;

(d) To determine whether Matanuska Telephone Association, Inc., has authority under its corporate charter as a cooperative association to own and operate the proposed facilities;

(e) To determine whether Matanuska Telephone Association, Inc., is financially qualified to own and operate the proposed facilities;

(f) To determine whether Matanuska Telephone Association, Inc., has all necessary State authority to provide intrastate communications circuits as proposed;

(g) To determine whether it is necessary and desirable to establish conditions in order to insure that all present and future authorized carriers shall have nondiscriminatory use of, and equitable access to, the communications satellite system and, if so, the terms thereof;

(h) To determine, in light of the evidence adduced on the foregoing issues, whether and under what conditions the public interest, convenience, and necessity will be served by grant of any of the captioned applications, and/or by the establishment of an interconnected system, and which applicant or applicants should be authorized, under what terms and conditions, to acquire and operate the facilities which are to be constructed on an interim basis.

21. *It is further ordered*, That the hearing shall be held on an expedited basis, and the record shall be certified to the Commission by the examiner without an initial decision.

22. *It is further ordered*, That the parties are allowed 30 days after the record is closed to file proposed findings and conclusions, including briefs, and 10 days thereafter to file replies.

23. *It is further ordered*, That oral argument be held before the Commission en banc, commencing at a date and time to be hereafter announced on the matters placed in issue herein.

24. *It is further ordered*, That Communications Satellite Corp., RCA Alaska Communications, Inc., Matanuska Telephone Association, Inc., Western Union International, Inc., Alaska Communications System, Western Union Telegraph Co., Anchorage Telephone Utility, and the Chief, Common Carrier Bureau are made parties to the proceeding.

25. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with section 1.221 of the Commission's rules.

26. *It is further ordered*, That all petitions and motions, to the extent they are not granted herein, are otherwise denied.

Adopted: October 29, 1969.

Released: November 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

APPENDIX

Pleadings received by the Commission as of October 29, 1969:

Petition to deny applications of Matanuska Telephone Association, Inc., filed by Alaska Communications System and responsive pleadings thereto.

Petition to deny applications of Western Union International, Inc., filed by Alaska Communications System and opposition thereto by Western Union International.

Petition for grant or for conditional grant and designation for expedited hearing filed by RCA Alaska Communications, Inc., and oppositions thereto filed by Matanuska Telephone Association and Western Union International.

Opposition of RCA Alaska Communications, Inc., to petitions for interconnection filed by Western Union International, Matanuska Telephone Association, and Communications Satellite Corp.

Petition to deny applications of Western Union International, RCA Alaska Communications, and Communications Satellite Corp. filed by Western Union Telegraph Co., motion to dismiss filed in response thereto by RCA Alaska Communications, and opposition by Western Union International.

Petition to deny applications of RCA Alaska Communications filed by Matanuska Telephone Association, responsive pleadings thereto.

Petition to deny applications of RCA Alaska Communications filed by Western Union International.

Petition to deny section 214 application of Western Union International by Alaska Communications System.

Opposition of Alaska Communications System to petitions for interconnection filed by Western Union International and Communications Satellite Corp.

Petition to deny section 214 application of Communications Satellite Corp. filed by Alaska Communications System.

Conditional petition to deny section 214 and microwave applications of RCA Alaska Communications filed by Anchorage Telephone Utility.

[F.R. Doc. 69–13493; Filed, Nov. 12, 1969; 8:50 a.m.]

[Docket No. 18714; FCC 69–1184]

MARVIN C. HANZ

Designating Application for Hearing on Stated Issues

In re application of Marvin C. Hanz, Las Cruces, N. Mex., Docket No. 18714, File No. BP–17044; requests: 1280 kc., 1 kw., DA-Day, for construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) a petition to deny filed October 27, 1966, by Radio Alamogordo, Inc., licensee of Station KINN, Alamogordo, N. Mex.; (c) an opposition by the applicant; (d) a Petition to Deny, as supplemented, filed December 4, 1967, by Las Cruces Broadcasting Co. (N.S.L.), licensee of Station KOBE, Las Cruces, N. Mex.;[1] (e) pleadings in opposition and reply thereto; (f) a Motion to Strike KOBE's pleading, filed May 7, 1968, by the applicant; (g) Opposition to Motion to Strike; (h) a second petition to deny filed January 27, 1969 by KOBE; and (i) pleadings in opposition and reply thereto.

2. The first two petitions alleged that the proposed operation would involve prohibited overlap of 0.5 millivolt per meter contours with Station KINN in violation of § 73.37(a) of the Commission's rules. Field intensity measurement data were submitted in support of the allegation. However, the applicant amended his application October 28, 1968 to specify a directional antenna system from a new site and removed any question of prohibited overlap of contours with Station KINN. Thus, the aforementioned pleadings filed prior to October 28, 1968 have been rendered moot and will be dismissed.

3. In its subsequent petition to deny of January 27, 1969, the licensee of KOBE, hereinafter called petitioner, alleged that the applicant's amendment of October 28, 1968, changing to directional operation, was in patent violation of section 1.522(a) of the rules since a copy of the amendment was not served on petitioner. Further, KOBE stated that it in no way concedes that the amendment resolved the engineering problems, and that petitioner was in the process of conducting a complete engineering study to determine if suspected violations of the Commission's engineering requirements did in fact exist. Petitioner also alleged that the applicant had not indicated in any way that the proposed site is available and that, while the applicant's amendment to a two tower directional antenna system anticipates greatly increased construction and operating costs, applicant made no showing either as to an estimate or increased expenses or as to the availability of additional liquid assets that will be required to construct and operate for 1 year.

4. An additional alleged infirmity by petitioner is the applicant's failure to adequately ascertain the community needs and interests; that although the applicant claims to have interviewed a cross-section of the business community and representatives of various local groups, none of the persons is specifically identified by name, position and organization. In sum, petitioner contends, "the applicant's so-called ascertainment of community needs and interests and his proposed programing, intended to fulfill these needs, amounts to no more than a few paragraphs, so indefinitely stated, that they place a question whether a survey was in fact taken at all". Petitioner also contends that the applicant proposes to allocate an inordinate amount of time (75 percent) to commercial advertising, far in excess of the limits of commercial matter normally felt by the Commission to be in the public interest.

5. The applicant, in its response of February 24, 1969, to the KOBE petition to deny refers to the provisions of § 1.580(i) and states that the KOBE pleading is not timely filed since the "cut-off" date assigned under the provisions of § 1.571(c) of the Commission's rules was October 28, 1966; that, petitioner's brief hint of economic injury[2] did not provide the Commission with the very basic ingredients necessary to determine if such injury did in fact exist and that the pleading was filed in excess of 1 year past the "cut-off" date of the application. Applicant further states that it was not required to advise petitioner of any amendment since petitioner was not and is not now legally before the Commission in this matter; that Commission acceptance of its amendment to a directional antenna system in no way entitled petitioner to become a party to this application. Also applicant states that it most certainly has control of the acreage in the tract of land which includes the new proposed transmitter site.

6. With regard to petitioner's allegation concerning financing, applicant refers to an attached letter dated February 20, 1969, to the applicant from Mr. Don Renault, a "Broadcast Consultant" at Del Rio, Tex., who states that, "Your total cost will be $27,000 for a turnkey job and our firm will arrange for a lease for at least $23,000 of this amount with lease payments to be made at the rate of approximately $755 per month". The applicant further asserts that he has recently provided the Commission with a firm letter of credit for $50,000 with complete details for repayment. In referring to petitioner's contention concerning the proposal to allow a maximum of 75 percent of commercial matter during a typical week, the applicant states that the 75 percent was a typographical error and the normal maximum will not exceed 30 percent. In commenting on petitioner's allegation concerning his ascertainment of community needs and interests, the applicant claims that he has conducted a thorough investigation.

7. In its reply of March 12, 1969, petitioner states that while the applicant's amendment to a directional antenna system would result in additional construction and operating costs, no revision of the original cost estimates have been submitted. Petitioner also points out that the bank letter mentioned in the applicant's answer and exceptions is silent as to terms of repayment or security. In addition the petitioner draws attention to applications filed on February 27, 1969, in which the applicant is committed to furnish funds for the construction and operation of two other standard broadcast stations. Regarding the applicant's claim to have made a thorough investigation of the needs and interests of the community, petitioner states that the applicant has yet to furnish the necessary specifics required by the application form and case precedent. With further reference to the applications previously mentioned which were filed on February 27, 1969, petitioner points out that one of the applications requests authority to construct still another standard broadcast station at Las Cruces, the applicant being Don Renault, Annie Emmons, Douglas A. Williams, and J. E. Shahan doing business as Desert Radio, File No. BP–18506. Petitioner notes that Don Renault is a partner with the applicant in an application for a construction permit for a new standard broadcast station at Bossier City, La., and Annie Emmons is a partner with the applicant in an application for a new standard broadcast station at Ozona, Tex. Petitioner questions whether the Desert Radio principals with close business relations with the applicant in other, simultaneous broadcast ventures, would propose a facility that would be directly and adversely competitive with Hanz' proposed Las Cruces station. Petitioner suggests the strong likelihood that some form of understanding exists between the two Las Cruces applicants raising both undisclosed principal problems and potential violations of the duopoly prohibition (§ 73.35(a) of the Commission's rules).

8. We first consider the applicant's contention that KOBE's petitions were untimely. As previously noted, the KOBE petition filed December 4, 1967, has been rendered moot by the applicant's amendment of October 28, 1968, and therefore, the timeliness of the earlier petition need be of no concern. It is true, as the applicant points out, that § 1.580(i) of the Commission's rules includes the proviso that petitions to deny an application which has been listed in a public notice fixing a "cutoff" date will not be accepted after the date specified. However, the proviso must be read with the entire paragraph. The basic provision contemplates the acceptance of petitions to deny an application within thirty days of a public notice of the acceptance of a significant amendment to an application. The public notice of the acceptance of Hanz's amendment referred to the KOBE's petition of January 27, 1969, was released on December 26, 1968. The 30-day period provided in § 1.580(i) expired on Saturday, January 25, 1969, and the petition received on Monday, January 27 was, pursuant to section 1.4(i) of the rules, timely. Thus, it was proper for petitioner to express its reservation on the question of whether the amendment resolved the previous overlap question and to comment on the availability of the site and the probable increased cost of the directional antenna system over the previously proposed omnidirectional system. Although the matters of the applicant's proposed commercial practices and the ascertainment of the needs and interests of the prospective listeners could have been raised earlier, these matters concern questions which would have been raised on the Commission's own motion. Therefore, it would not be appropriate to dispose of petitioner's contentions on procedural grounds alone. Accordingly, the Commission will consider the petition on the merits.

9. With regard to the applicant's comment on the inadequacy of the petitioner's "brief hint at economic injury," it appears that the applicant misconstrues the thrust of the petitioner's reference to the economic impact of another station in the community. It seems clear that the petitioner was referring to the well settled principal that an existing station is a party in interest with standing to oppose the application of a prospective competitor. Federal Communications Commission *v.* Sanders Brothers Radio Station, 309 U.S. 470, 9 R.R. 2008 (1940). Accordingly, the Commission finds that KOBE has standing to oppose the Hanz application.

10. As previously noted, KOBE has stated that it did not concede that Hanz had resolved the engineering problem by

[1] Commissioner Robert E. Lee absent.

[1] KOBE also purports to speak for the licensee of Station KGRT, Las Cruces. However, since the pleading is not signed by KGRT, we have considered licensee of KOBE as sole petitioner—an assumption which in no way affects the merits of this case. On the Commission's own motion, the licensee of KGRT, Chaparal Broadcasting Service, Inc., will be made a party to the hearing ordered herein.

[2] Referring to KOBE's original petition to deny of Dec. 4, 1967.

amending to specify the use of a directional antenna. However, the petitioner has not pursued the matter further. Also as previously noted, the Commission has examined the directional proposal and finds that the problem of any possible overlap with KINN has been resolved.

11. With reference to KOBE's allegation concerning the availability of the transmitter site and proposed commercial practices, an amendment to the application filed April 10, 1969, appears to resolve these questions. The applicant points out that the proposal to allow 75 percent commercial matter was a typographical error and now proposes to allow a normal maximum of 30 percent commercial matter. The applicant submitted a lease agreement which appears to establish the availability of the transmitter site.

12. Regarding the applicant's financial proposal, in addition to the matters raised by KOBE, there are other aspects of the financial material which require clarification. The balance sheet filed with the application is dated November 1, 1965, and is not sufficiently current to provide a proper basis for a determination of the applicant's present financial position. The applicant has apparently abandoned his plan to acquire equipment from Gates Radio Co., at a cost of approximately $32,000. Instead, the applicant incorporates a letter from a radio consultant offering a "turnkey job" at a total cost of $27,000, but there is no indication of whether the quoted cost is for equipment only or whether it includes the construction of a building at the proposed site on which it appears, from an examination of the applicant's site photograph, there is no building at present. There is no explanation of how it is possible to construct a station with a two-tower directional antenna array for less than the original estimate for a single antenna tower. The applicant's payments under this arrangement are said to be approximately $755 per month, presumably after a $4,000 down payment. Assuming the $27,000 covers the cost of equipment alone, this appears to be unusually low for an installation of the type proposed. Moreover, there is no indication of who the lessor might be or whether the lessor has the financial ability to accomplish whatever is to be done. The applicant has submitted a letter from the San Angelo National Bank offering what appears to be a line of credit of up to $50,000 and stating that the current interest rate is 8 percent per annum, but no terms of repayment or security is indicated. Thus, it cannot be determined what the applicant's obligation to the bank during the first year of operation will be nor can it be determined whether any security required will affect other resources the applicant may have. Furthermore, other applications on file indicate the applicant has other financial commitments which are substantial. It is apparent that the applicant must seek leave to file a completely revised financial amendment and to establish on the hearing record whether he has the resources to meet all current commitments including those in connection with proposed new stations in Bossier City, La., and Ozona, Tex.

13. In Suburban Broadcasters, 30 FCC 1021, 20 R.R. 951 (1961); Public Notice of August 22, 1968, FCC 68-847, 13 R.R. 2d 1906 and City of Camden, 18 FCC 2d 412, 16 R.R. 2d 555 (1969), the Commission has indicated that applicants are expected to provide full information on their awareness of and responsiveness to local community needs and interests. Although the applicant claims to have conducted a thorough investigation into the needs and interests of the community, his contacts appear to have been confined to the business community, Chamber of Commerce and service clubs, to the exclusion of other members of the listening public and community leaders. None of the contacts were identified by name. The applicant claims to have found an interest in a "Country and Western" program format, but gives nothing in the way of community needs having been ascertained. The applicant does not include any comments of the persons interviewed and, with the exception of brief descriptions of a few program features, he does not provide a listing of specific programs responsive to specific community needs as evaluated. Therefore, a Suburban issue will be specified.

14. Three applications for standard broadcast stations mentioned by KOBE which were filed on February 27, 1969, are the following:

BP-18505	Marvin C. Hanz, Annie Emmons and Joel E. Wharton doing business as Ozona Broadcasting Co., Ozona, Tex. Requests: 1090 kc., 1 kw., Day.
BP-18506	Don Renault, Annie Emmons, Douglas A. Williams, and J. E. Shahan doing business as Desert Radio, Las Cruces, N. Mex. Requests: 1090 kc., 50 kw. (5 kw.-CH), Day.
BP-18507	Don Renault, Joel E. Wharton, and Marvin C. Hanz doing business as Bossier Broadcast Co., Bossier City, La. Requests: 1300 kc., 1 kw., Day.

As may be observed, of all the members of the three partnerships, four of those individuals, Marvin C. Hanz, Annie Emmons, Joel E. Wharton, and Don Renault, have interests in two of the partnerships, but none has an interest in all three. In addition to the relationships indicated above, Renault and Wharton presently serve Hanz as an individual applicant as consulting engineers and, apparently, Renault will have a substantial part in financing Hanz's Las Cruces station. In the light of these relationships, it seems reasonable to infer that there is some understanding, as yet undisclosed, concerning the operation of the proposed Las Cruces stations. These relationships also give rise to the inference that, in practice, the Las Cruces stations may be operated under what, in effect, is common control. However, a consideration of possible contravention of § 73.35(a) of the rules would be premature at this time. The Desert Radio application is now under study by the Commission's staff, but it may be anticipated that it will not be reached for action by the Commission for a period of several months. When the Commission does reach the Desert Radio application for action, appropriate consideration will be given to this matter in the light of whatever develops in the meantime.

15. Since the filing of the Bossier City and Ozona applications, Hanz has failed to amend his Las Cruces application to reflect the pendency of those applications. Moreover, the Las Cruces application was not amended to show the filing of an application for Commission consent to the assignment of the license of KABH, Midland, Tex., to a corporation in which Hanz had an interest. That application was filed in December 1968 but dismissed in July 1969. Furthermore, the application was not amended to reflect the acquisition by Hanz in 1968 of an interest in KWFR, San Angelo, Tex. Therefore, it appears that the applicant has, during the pendency of the application failed to comply with section 1.65 of the Commission's rules in that he has failed to inform the Commission of changes material to his application. An issue inquiring into this matter will be specified.

16. From the information before the Commission, it appears that, except as indicated by the issues below, the applicant is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application will serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

17. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant is financially qualified to construct and operate his proposed station.

2. To determine the efforts made by the applicant to ascertain the community needs and interests of the area to be served and the means by which he proposes to meet those needs.

3. To determine whether the applicant has kept the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules; and, if not, whether the applicant possesses the requisite qualifications to be a Commission licensee.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

18. *It is further ordered*, That the Las Cruces Broadcasting Co. (N.S.L.) and Chaparral Broadcasting Services, Inc., licensees of Stations KOBE and KGRT, respectively, are made parties to the proceeding.

19. *It is further ordered*, That the petition to deny filed October 27, 1966, by Radio Alamogordo, Inc., the petition to deny filed December 4, 1967, by the Las Cruces Broadcasting Co. (N.S.L.) and supplements thereto and the applicant's motion to strike all KOBE pleadings filed prior to May 7, 1968, are dismissed as moot.

20. *It is further ordered*, That the petition to deny filed January 27, 1969, by KOBE is granted to the extent indicated above and is denied in all other respects.

21. *It is further ordered*, That the burden of proceeding with the introduction of the evidence and burden of proof with respect to all issues herein shall be upon the applicant.

22. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

23. *It is further ordered*, That the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 29, 1969.

Released: November 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-13494; Filed, Nov. 12, 1969; 8:50 a.m.]

[2] Commissioner Robert E. Lee absent; Commissioner Johnson concurring in the result.

[Docket Nos. 18716, 18717; FCC 69-1188]

TELEGRAPH-HERALD, INC. AND ANSWER-IOWA, INC.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Telegraph-Herald, Inc., Docket No. 18716, File No. 3637-C2-P-67; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Kieler, Wis. Answer-Iowa, Inc. Docket No. 18717, File No. 3982-C2-P-67; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Dubuque, Iowa.

1. The Commission has before it for consideration: (a) an application filed February 14, 1967, by Telegraph-Herald, Inc. (Telegraph) for a construction permit to establish new two-way facilities in the Domestic Public Land Mobile Radio Service at Kieler, Wis., on frequency 152.15 Mc/s (base) and 158.61 Mc/s (mobile); and, (b) an application filed March 20, 1967, by Answer-Iowa, Inc. (Answer) for a construction permit to establish new two-way and one-way facilities in the Domestic Public Land Mobile Radio Service at Dubuque, Iowa, utilizing the frequency 152.15 Mc/s (base), 158.61 Mc/s (mobile) and additional mobile frequencies.[1]

2. Telegraph and Answer are each seeking to provide communications service on the same frequency in the same general area and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either of the applicants would serve the public interest, convenience and necessity.

3. Section 21.504(a) of the rules and regulations of this Commission describes a field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service in the 150-162 Mc/s band; and propagation data set forth in section 21.504(b) are a proper basis for establishing the location of service contour (F50,50) for facilities involved in this proceeding. The procedures for determining the latter are set forth in the Commission's Report No. R-6406 entitled "Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service."

4. Section 21.205(o) of the Commission's rules concerns the personnel requirements for common carriers. It requires that a licensee have available on call at all times (either as an employee or through appropriate contractual arrangement with a person holding the requisite class of radio operator license) a licensed first—or second-class commercial radio operator (either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used) to perform necessary, and expeditious servicing and maintenance of the radio facilities. Telegraph proposes to utilize the operations manager, chief engineer, transmitter engineers and nontechnical personnel of its radio broadcast stations, KFMD and KDTH, in servicing and maintaining its proposed facility in the Domestic Public Land Mobile Radio Service. The extent of personnel sharing raises the issue of whether Telegraph's proposed common carrier facility will be accorded the priorities which the Commission's rules require.

5. It appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

6. Accordingly, in view of our conclusions above: *It is ordered*, Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C. on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine whether Telegraph would, under its present proposal, accord to the common carrier facility the priorities required by § 21.205(o) of the Commission's rules.

(c) To determine whether any harmful interference (within 37 dbu contours of the proposed base stations) would result from simultaneous operations on the frequency 152.15 Mc/s by Telegraph and Answer; and, if so, whether such interference would be intolerable or undesirable.

(d) To determine, on a comparative basis, the areas and populations that Telegraph and Answer propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 3 above; and to determine the need for the proposed services in said areas.

(e) To determine, in light of all the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of any or all of the captioned applications, and the terms or conditions which should be attached thereto, if any.

7. *It is further ordered*, That the burden of proof on the issues (a), (c), (d), and (e) is placed on the respective applicants herein, and the burden on issue (b) is placed on Telegraph.

8. *It is further ordered*, That the parties desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-13495; Filed, Nov. 12, 1969; 8:50 a.m.]

[1] The additional frequencies are 158.49, 158.52, 158.55, 158.58, 158.64, and 158.67.

[Dockets Nos. 18559-18563; FCC 69R-435]

UNITED TELEVISION CO., INC. (WFAN-TV) ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18559, File No. BRCT-585; for renewal of license; Washington Community Broadcasting Co., Washington, D.C., Docket No. 18560, File No. BPCT-3849; for construction permit for new television broadcast station; United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18561, File No. BPCT-3917; for construction permit; United Broadcasting Co., Inc. (WOOK), Washington, D.C., Docket No. 18562, File No. BP-1104; for renewal of license; Washington Community Broadcasting Co., Washington, D.C., Docket No. 18563,

[1] Commissioner Robert E. Lee absent.

File No. BP-17416; for construction permit for new standard broadcast station.

1. This proceeding involves, in part, the applications for renewal of licenses of television broadcast station WFAN-TV (formerly WOOK-TV) and standard broadcast station WOOK, Washington, D.C., licensed to United Television Co., Inc., and United Broadcasting Co., Inc., respectively (collectively referred to as "United"); and the applications of Washington Community Broadcasting Co. (Community), for the frequencies now occupied by stations WFAN-TV and WOOK. By Memorandum Opinion and Order, 18 FCC 2d 363, 16 R.R. 2d 621, released June 13, 1969, the Commission designated these applications for hearing on Suburban and deceptive advertising issues against United and standard comparative issues. Presently before the Review Board is a petition to enlarge issues, filed June 23, 1969, by Community [1] which seeks, in general, the addition of issues to determine whether station WOOK "has been carrying programs that, in the guise of religion, actively promote the illegal lottery known as the 'numbers' game" and whether carriage of such programs reflect adversley on United's qualifications to be a Commission licensee.[2]

2. In support of the requested issues, Community alleges that, every Sunday, station WOOK carries many hours of spurious "religious" programs which are, in reality, simply devices for obtaining moneys by promising "inside tips" on the numbers lottery in the Washington, D.C., area.[3] While these programs do not usually include the words "numbers" or "bet",[4] Community avers that three-digit scripture references are used as a verbal subterfuge for lottery number "tips". Thus, a reference to the "74th Psalm and the 7th verse" allegedly refers to the lottery number "747". Such programing, Community argues, violates 18 U.S.C. section 1304 and section 73.122 of the Commission's rules,[5] constitutes an aid to illegal gambling, and is contrary to the public interest. Community submits excerpts from eight broadcasts which, it argues, are typical of the "religious" programs being offered on the station and which allegedly establish a prima facie showing in support of its instant request.[6] According to petitioner, the program speakers: (a) Usually promise help to the listener by offering to give or mail three-digit scripture numbers which the recipient is to use for a "financial blessing"; and (b) claim to have brought "financial blessings" to others by previously giving them such scripture references.

3. In petitioner's view, the most blatant promotion of the "numbers" lottery occurred on a program of one Reverend John W. Dow, broadcast on June 15, 1969. During this broadcast, Reverend Dow allegedly read testimonials from persons who had visited him 2 weeks before (on June 2, 1969, and who had received "straight hits" or "straight blessings" on June 3, 1969), by "using" the "37th Psalm and Sixth Verse." According to petitioner, the winning number in the numbers lottery on June 3, 1969, was 376. Petitioner avers that Reverend Dow urged his listeners to visit him on June 16th because, while driving into the city, "he had seen in the heavens 'a number' and then 'another number' and that he would give them out, one for 'Tuesday' and the other for 'Thursday' ". Community cites numerous other examples of three-digit scripture references offered by station WOOK speakers which allegedly correspond to daily winning numbers.[7] Petitioner estimates that the mathematical odds against guessing a three-digit number are 1,000 to 1, against guessing two such three-digit numbers are 1 million to 1, and against guessing three such numbers are 1 billion to 1, and that, therefore, a question is also raised as to whether the "preachers" in their factual claims are guilty of false, misleading and deceptive advertising. Community argues, however, that the Commission need not concern itself with this question of guilt, for, in any event, the programs are clearly contrary to the public interest in that they "prey on the gullibility of the poor ghetto dwellers to whom the programs are directed, all to the financial benefit of organized crime, the 'preachers' and

[1] Also under Board consideration are: (a) Comments, filed June 26, 1969, by the Broadcast Bureau; (b) opposition, filed July 22, 1969, by United; (c) supplement and request to file supplement to opposition, filed July 30, 1969, by United; (d) letter of counsel for Community, dated Aug. 4, 1969; (e) further supplement and request to file further supplement to opposition, filed Aug. 20, 1969, by United; and (f) reply, filed Aug. 22, 1969, by Community.

[2] The addition of the following specific issues is requested by Community:

(a) To determine whether WOOK has been carrying programs that, in the guise of religion, actively promote the illegal lottery known as the "numbers" game and seek money from listeners by promising supposedly "inside" or "sure" tips on winning numbers in such lottery;

(b) To determine what revenues WOOK derives from said programs;

(c) To determine whether said broadcasts reflect adversely on the qualifications [of] United Broadcasting Co., Inc., and United Television Co., Inc. (herein both called "United"), to operate stations in the public interest in that:

(1) Carrying such programs violates the provisions of 18 U.S.C. sec. 1304 and § 73.122 of the Commission's rules, proscribing the "advertisements of or information concerning" a lottery;

(2) Carrying such programs violates the Commission's "long established concern that broadcast stations not be used to aid illegal gambling" (See Report and Order on Broadcast of Horse Race Information, 2 R.R. 2d 1609, at 1612);

(3) Carrying such programs, by encouraging poor "ghetto" listeners to spend money not only to bet on the lottery known as the "numbers" game but also to pay for supposed tips on winning numbers, aggravates the already severe plight of such listeners.

(4) Carrying such programs helps fill the coffers of organized crime as well as inuring to the financial profit of United.

(5) Carrying such programs constitutes false, misleading and deceptive advertising.

[3] According to a letter of John B. Layton, former Chief of Police of the District of Columbia, attached to the petition:

The "numbers game" is a form of gambling in which a player attempts to pick a number or combination of numbers up to three and wagers an amount of money with the person or persons operating the lottery. The winning numbers in question are derived from taking the total parimutuel payoff on the win, place and show horses in certain races (usually the 5th, 7th, and 9th) at a given race track each day. The payoffs on a two dollar wager on win, place and show are totaled for the horses who finish in the money. The winning number is the first number to the left of the decimal point for each race. For example with the total parimutuels for the 5th race, $41.40, the 7th race $35.60 and the 9th race $28.40; it would establish the number of the day as 158. By taking the numbers from three races, the operator of the lottery derives a lead number, 2nd and 3rd number. The player may play any one of the three numbers singly, in parlay with another number, or attempt to pick all three numbers for the day.

[4] Community submits that, on occasion, the actual word "numbers" and other gambling terminology are based on the broadcasts.

[5] 18 U.S.C. section 1304 reads:

Whoever broadcasts by means of any radio station for which a license is required by any law of the United States, or whoever, operating such station, knowingly permits the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be fined not more than $1,000 or imprisoned not more than one year, or both. Each day's broadcasting shall constitute a separate offense.

Section 73 122(a) of the Commission's rules reads:

An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. (See 18 U.S.C. 1304.)

[6] In an affidavit attached to the petition to enlarge issues, Community's counsel, on the basis of his own monitoring of station WOOK, affirms the accuracy of the quotations from, and the description of, the broadcasts in question.

[7] Petitioner submits that, in gambling parlance, the term "hit" is the numbers term for a winning bet whether on one, two, or three numbers; a "straight hit" is a winning bet on a three-digit number.

[8] In various instances, the speaker urges the listener to send in "love offerings" for which he promises help in the form of a "Bible scripture."

United itself." [9] The Broadcast Bureau is of the view that Community has set forth facts sufficient to warrant an enlargement of the issues. However, the Bureau disagrees with the issues as framed by Community in that they are argumentative and are not designed to elicit pertinent facts relevant to the ultimate determination to be made herein in regard to United's renewal applications and suggests alternatives.[10]

4. Without conceding Community's allegations to be true,[11] United suggests that the Board assume, for the purpose of disposing of the instant petition, that the broadcasts in question mentioned past winning numbers and invited listeners to contact the preachers to secure future winning predictions. United submits, however, that Community has not alleged sufficient facts to warrant an inquiry into a violation of 18 U.S.C. section 1304. United offers an affidavit of Saul J. Mindel, former assistant general counsel in the Post Office Department, who avers that the lottery provisions of 18 U.S.C. section 1304 are almost identical with the provisions of the postal lottery statute, 18 U.S.C. section 1302; that the courts have interpreted the broadcasting statute through previous administrative and judicial constructions of the postal law; and that, if reduced to writing, the subject broadcasts would be mailable under the postal statute. In addition, United notes that the lottery statute prohibits a station operator from knowingly permitting the broadcasting of lottery information and argues that the station personnel who were directly responsible for the presentation of these programs were not aware of any connection between these broadcasts and the numbers game. Affidavits to this effect are submitted by United's general manager and by its marketing and promotion manager. Furthermore, United argues that, based on general administrative practice followed by the Commission, something more than the announcement of past results of a lottery or of predictions of future winners is required in order to render section 1304 applicable; that such results and predictions are contained in various "tip sheets" and newspapers which are freely sold in the Washington area; and that the information contained in the programs did not relate to the operation of a "specific lottery",[12] but rather to the numbers game in general. Finally, United contends that it has not been Commission policy to pass judgment on the merits of individual broadcasts, but rather to consider types of programing in connection with the overall performance of a station; and that, therefore, the instant questions, including whether the programs, in fact, were an aid to illegal gambling, whether they were portions of bona fide religious programs and whether the licensee exercised adequate supervision and care in their presentation, may be explored under the standard comparative issue in this proceeding.

5. United's supplement to opposition [13] contains a letter from Jerry Wilson, acting Chief of Police for the District of Columbia, which states that, although a letter from the former Chief of Police was submitted with the Community petition (see footnote 3, supra), it was not the intent of the Police Department or the Chief of Police to endorse the allegations contained in Community's petition. According to the statement, the correspondence was merely designed to describe the operation of the numbers game in the Washington, D.C., area.

6. In its reply, Community argues that, contrary to United's claim that the broadcasts related to "the numbers game in general", the programs dealt with a very specific lottery, i.e., the one currently played in the Washington, D.C., area; that specific three-digit "tips" were discussed for particular days; that, for obvious reasons, the names and addresses of the individuals with whom bets may be placed are not announced; and that the numbers game in the Washington, D.C., area generally follows the same pattern, with the same winning number and odds. Community also avers that section 1304 is broader in scope than the postal statute and prohibits (in addition to any "advertisement" of a lottery) "any information concerning" a lottery; and that the Commission has previously held that a licensee had "permitted the facilities of the station to be used to broadcast information pertaining to a lottery" where announcements of the names of the winners of a lottery already concluded were broadcast. (Metropolitan Broadcasting Corp. (WMBO), 5 FCC 501 (1938).) With respect to United's claim that it did not "knowingly" broadcast programs involving numbers tips, Community notes the difficulty of ascertaining whether an act was knowingly committed, but, in any event, avers that United was put on notice as early as January 1967 (when Community filed its petition to deny), that at least one of United's religious broadcasts was openly encouraging gambling. In addition, Community argues that the broadcasts violated 18 U.S.C. section 1952 since the programs plainly utilized a "facility of interstate commerce" to promote an "unlawful activity." [14] Furthermore, while the sale of "tip sheets" may not constitute a violation of District of Columbia law, petitioner asserts that this has no bearing on the question of whether interstate shipment of tip sheets or interstate broadcast of promises of tips violates Federal law or Commission policy. Finally, inasmuch as United allegedly failed to dispute Community's charge that the predictions of the preachers were prima facie fraudulent due to the mathematical odds against selecting winning numbers, Community urges that addition of an issue to determine whether United took adequate safeguards against the airing of such fraudulent claims.[15]

7. Initially, the Board recognizes that, in considering the questions raised by the instant pleadings, matters relating to first amendment privileges and religious censorship cannot be overlooked. However, as stated in American Broadcasting Company, Inc. v. United States, 110 F. Supp. 374 [8 RR 2055] (S.D. N.Y. 1953), affirmed sub nom. FCC v. American Broadcasting Company, Inc., 347 U.S. 284 [10 RR 2030] (1954), the first amendment guarantee "does not shield either the individual or the press, or any media for the communication of thought, from the application of criminal laws designed for the protection of

[9] Community attaches to its petition a newspaper transcript of President Nixon's Apr. 23, 1969, message to Congress concerning organized crime. Therein, the President estimates that the "take" from illegal gambling in the United States ranges from 20 to 50 billion dollars. Petitioner also contends that United is a beneficiary of the proceeds of this illegal conduct through the moneys it receives for carrying these programs; it is estimated that United's income from this source runs into "many thousands of dollars a year."

[10] The Bureau recommends the addition of the following issues:

To determine whether Station WOOK permitted the carriage of programs which promoted and gave information concerning lotteries and whether the carriage of such programs constituted a violation of 18 U.S.C., section 1304. (Footnote omitted.)

To determine whether Station WOOK permitted the carriage of programs in which listeners were promised advice in making bets in lotteries and whether the carriage of such programs fulfilled the licensee's obligation to operate Station WOOK in the public interest.

[11] United does not dispute that the subject broadcasts were aired and does not challenge the authenticity of the program excerpts offered by Community in support of its petition.

[12] United contends that the statutes under consideration are penal and, therefore, have been strictly construed. According to Mindel, the broadcasts cannot be considered "advertisements of a lottery", for there is an absence of information concerning any specific numbers game operation, i.e., where or with whom a person may bet; how much he may bet; what prizes may be awarded. Mindel cites various cases in support of his proposition that more than the announcement of past winning numbers and prediction of future numbers is required for a criminal violation: Halseth v. United States, 342 U.S. 277 (1952); France v. United States, 164 U.S. 676 (1897); United States v. Azar, 243 F. Supp. 345 (D.E.D. Mich. 1964). In addition, United has filed a copy of the recent decision in The New York State Broadcasters Association, Inc. v. United States, Case Nos. 633 and 634 (C.A. 2d Cir. 1969) [16 RR 2d 2179] in support of its position. Due to relevancy of this recent opinion, the Board finds good cause for the filing of a copy of this decision as a further supplement to United's opposition.

[13] The Board finds good cause to grant United's request to file this supplementary pleading and has considered its contents. A letter from Community's counsel, dated Aug. 4, 1969, to the Chief of Police of the District of Columbia, stating that there was no intention to imply Police Department endorsement of the petition to enlarge issues, has also been considered.

[14] Petitioner also notes that in United States v. Azar, supra, cited by United, the court found the defendants guilty of violating 18 U.S.C. section 1952.

[15] In the Board's view, matters relating to alleged false, misleading or deceptive advertisements may be properly considered at hearing through modification of existing issues. The inquiry specified by existing Issue 1, therefore, will be modified as indicated herein to include a determination of whether the broadcasts in question constituted false, misleading, or deceptive advertising.

the general public." Section 1304 neither improperly restricts broadcasters to an official government view nor inhibits the free expression of ideas by reason of overbreadth. See The New York State Broadcasters Association, Inc. v. United States, supra. Thus, to the extent that a substantial question is raised concerning Station WOOK's alleged violation of section 1304,[16] an inquiry into such matters at an administrative hearing is not foreclosed by claims of constitutional right, and we reject United's claim that such an inquiry here would involve religious censorship.

8. In the New York State Broadcasters Association, Inc. v. United States, supra, the Court of Appeals for the Second Circuit held that section 1304 proscribes "the broadcasting of advertisements and information that directly promotes a particular lottery."[17] In the instant case, petitioner alleges that broadcasts aired by Station WOOK contained announcements and information of previous winning numbers (employing a subterfuge of three-digit scripture references) and invitations to listeners to secure future winning numbers by contacting the particular speaker. If these allegations are determined ultimately to be true,[18] and the scripture references indeed are found to be a means of promoting the operation of the Washington, D.C., area numbers game, then it could be concluded in this proceeding that United has violated both the subject criminal statute and the relevant provisions of the Commission's rules. Thus, assuming the truth of the allegations, as United would have us do in order to test the legal sufficiency of Community's factual showing, it would appear that: (1) The announcements of past winning numbers served as "testimonials" to the previous accuracy of the preachers and were designed to engender confidence in future predictions; and (2) the predictions ultimately secured by the listener would be of no value except as utilized by the recipient thereof in a specific lottery or numbers game. Such allegations do raise a substantial question of whether United has, in fact, knowingly engaged in proscribed activity and whether its broadcasts contained announcements or information that directly promoted a particular lottery.[19] United's disclaimer of knowledge of the nature of the broadcasts in question is insufficient to resolve the question of section 1304 violation, for the very texts of the broadcasts, themselves, and the apparent subterfuge employed therein (assuming the truth of the allegations), the asserted notice of the subterfuge in Community's petition to deny of January 1967, and the Commission's recitation of that specific example in its designation order,[20] persuasively argue for the conclusion that the licensee did have knowledge of the nature and purpose of the broadcasts in question. If the licensee persists in its disclaimer of knowledge in order to refute the strict application of the statutory provisions, and if it is ultimately determined that the broadcasts in question were, in fact, a subterfuge, then a serious question would arise concerning the proper exercise of the licensee's responsibility in the management and operation of Station WOOK. However, we need not reach that question here since, at present, there is some conflict on the question of the licensee's knowledge and since the issue to be added will permit inquiry into this area.

9. Also unpersuasive is United's claim that the sale of tip sheets in the District of Columbia effectively disposes of the question of whether there has been a violation of section 1304. The mere fact that such sheets may be sold freely in a local jurisdiction is irrelevant to the question posed here, i.e., whether interstate broadcasts of similar information violates a Federal statute. In this regard, we note that, under judicial and administrative interpretation of section 1304, the legality of a lottery under local law is irrelevant to the question of statutory violation. See The New York State Broadcasters Association, Inc. v. United States, supra; and the Commission's Declaratory Ruling on the Broadcasting of Lottery Information, 14 FCC 2d 707, 14 RR 2d 1901 (1968). In regard to United's further claim that material similar to the contents of the broadcasts in question, if reduced to writing, would be mailable, the obvious defect in that rationale is the implicit assumption that section 1302 of title 18 is analogous in all respects to section 1304 and that, therefore, judicial and administrative interpretation of the former is binding on the latter. However, we note that the analogous provision of section 1302, the newspaper provison (analogous by virtue of its concern with media of mass communication), relates only to "any advertisement of any lottery" and does not address itself to "any information concerning any lottery" as does section 1304. Since the applicability of this portion of section 1304 could be the ultimate determination here, we cannot accept the opinion of United's postal expert that the mailability of the material at issue here necessarily is dispositive of Community's request. In the final analysis, then, we must conclude, on the basis of the showing before us and with recognition of available judicial and administrative precedent, that a serious question has been raised concerning the possible violations of section 1304 of title 18 and § 73.122 of the Commission's rules and that appropriate issues should be specified to inquire into these matters and to determine the effect thereof on the requisite and/or comparative qualifications of United.[21] We will reject petitioner's requested specification of the issues, however, since, as the Bureau correctly notes, they are basically argumentative in nature and do not necessarily facilitate the ultimate determination to be made in this proceeding, i.e., whether United's renewal applications should be granted or denied. Since the requested issues are essentially founded on alleged violations of section 1304 of title 18 and § 73.122 of the rules, we will refrain from specifying any issues other than those that pertain to possible violations of those applicable statutory and administrative provisions.[22] In the event it is concluded that United has engaged in proscribed activity, the Examiner is not hereby precluded from receiving evidence in mitigation or extenuation of such conduct.

10. *Accordingly, it is ordered*, That the request to file supplement to opposition, filed July 30, 1969, and the request to file further supplement to opposition, filed August 20, 1969, by United Broadcasting Co., Inc., and United Television Co., Inc., are granted, and the supplements contained therein are accepted; and

11. *It is further ordered*, That the petition to enlarge issues, filed June 23, 1969, by Washington Community Broadcasting Co., is granted to the extent indicated below and is denied in all other respects; and

12. *It is further ordered*, That existing Issue 1 is modified to read as follows:

1. To determine whether the broadcast by Station WOOK of announcements which advertised articles such as "Conquer Roots", "Money-Drawing Roots", and "Spiritual Baths", or which offered to give three-digit scripture references to be used for "financing blessing", constituted false, misleading or deceptive advertisements.

13. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

3. To determine whether Station WOOK has broadcast announcements or information concerning a lottery in contravention of section 1304 of title 18 of the United States Code, and of § 73.122 of the Commission's rules.

4. To determine, in light of the evidence adduced under Issue 3 above, whether United Broadcasting Co., Inc., and United Television Co., Inc. possess the requisite and/or comparative qualifications to be Commission licensees.

and existing Issues 3 through 7 are redesignated as Issues 5 through 9; and

14. *It is further ordered*, That the burden of proceeding with the introduction of evidence on Issue 3 added herein will be on Washington Community Broadcasting Co., and the burden of proof on said issue will be on United Broadcasting Co., Inc., and United Television Co., Inc.

Adopted: October 24, 1969.

Released: October 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[23]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-13495; Filed, Nov. 12, 1969; 8:50 a.m.]

[16] Matters which raise substantial questions as to the violation of section 1304 would present similar questions as to the violation of section 73.122 of the rules, which was designed to implement the penal statute.

[17] While noting the absence of previous judicial interpretation of the statutory phrase "information concerning any lottery", the Court defined said phrase as prohibiting the broadcasting of "information that directly promotes a particular existing lottery."

[18] Community's allegations are addressed not only to the factual circumstances of this case, but also to the legal interpretation of the subject statute and rule.

[19] Inasmuch as United adopts an "assuming arguendo" approach to Community's allegations in its opposition pleading, United has not conceded that the scripture references were designed to provide "illegal", as opposed to "spiritual", guidance.

[20] According to Community, its petition to deny, served on United's counsel on Jan. 3, 1967, quoted "Bishop Bonner's" offer of "conquer roots" to bring "success in the game." This allegation was recited by the Commission in footnote 6 of the designation order, which also acknowledged Community's further claim that some broadcasts on Station WOOK are not in the public interest since they encourage gambling and prevarication. It should be noted that a deceptive advertising issue was specified by the Commission in its order and that Community now points to similar broadcasts, including one after the adoption of the order, to support its petition.

[21] In its opposition, United concedes that all of the circumstances relating to the broadcasts in question may be explored under the standard comparative issues already specified herein since such matters would relate to the quality of performance of the licensee. On this basis, therefore, the Examiner may permit inquiry into the merits of this type of programing, irrespective of its relation to applicable statutory and administrative regulations on the broadcasting of lottery information, under the standard comparative issues.

[22] It should also be noted that Community, in its reply pleading, for the first time raises the claim of United's alleged violation of 18 U.S.C. section 1952. Consistent with our prior practice, we will reject this attempt to plead new matters in a reply pleading.

[23] Board Member Slone absent, Board Member Pincock not participating.

[F.R. Doc. 69-13422; Filed, Nov. 12, 1969; 8:45 a.m.]

FIRST NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First National Corp., which is a bank holding company located in Appleton, Wis., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Freedom State Bank, Freedom, Wis.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 5th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13421; Filed, Nov. 12, 1969; 8:45 a.m.]

FIRST FINANCIAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Financial Corp., which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition of not less than 51 percent of the voting shares of the First National Bank in Plant City, Plant City, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of Columbia National Bank, Columbia, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Columbia National Bank, Columbia, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 9, 1969 (34 F.R. 14189), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 6th day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13422; Filed, Nov. 12, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 6th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13423; Filed, Nov. 12, 1969; 8:45 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 69-2]

EXTRATERRESTRIAL EXPOSURE

Establishment of Quarantine Period

Pursuant to authority vested in me, and in accordance with 14 CFR 1211.104 (a)(1), I hereby determine that with respect to the Apollo 12 space mission:

a. The beginning of the quarantine period for extraterrestrial exposure is November 20, 1969.

b. The termination of the quarantine period for extraterrestrially exposed persons shall be on December 11, 1969, unless modified prior to that date.

c. The duration of the quarantine period for extraterrestrially exposed property, animals, other form of life (other than persons) or matter whatever, shall continue until successful completion of safety tests, decontamination or both.

J. W. HUMPHREYS, Jr.
Major General, U.S. Air Force, M.C., Director, Space Medicine, Office of Manned Space Flight.

[F.R. Doc. 69-13491; Filed, Nov. 12, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4805]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

NOVEMBER 6, 1969.

Notice is hereby given that Arkansas Power & Light Co. ("Arkansas") Ninth and Louisiana Streets, Little Rock, Ark. 72203, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The filing designates section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Arkansas proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $25 million principal amount of its First Mortgage Bonds, ____ percent Series due December 1, 1999. The interest rate of such bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Arkansas (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Arkansas' Mortgage and Deed of Trust, dated as of October 1, 1944, to Morgan Guaranty Trust Company of New York and Grainger S. Greene, as Trustees, as heretofore supplemented and as to be further supplemented by an 18th Supplemental Indenture to be dated as of December 1, 1969 and which includes a 5-year prohibition against refunding the issue with the proceeds of funds borrowed at lower interest costs.

The net proceeds from the sale of the bonds are to be used by Arkansas for the payment of bank notes and commercial paper notes of approximately $21,500,000 issued or to be issued to finance its construction program and for other corporate purposes. Any remaining balance will be used for Arkansas' construction program and for other corporate purposes. Arkansas' construction expenditures are estimated to amount to $65,900,000 in 1969 and $86,200,000 in 1970.

It is stated that the fees and expenses incident to the proposed issue and sale of the bonds are estimated at $80,000, including auditors' fees of $4,750 and counsel fees of $23,500. The fee of counsel for the underwriters, estimated at $9,000, will be paid by the successful bidders.

The proposed transaction is subject to the jurisdiction of the Arkansas Public Service Commission, the State commission of the State in which Arkansas is organized and doing business. The filing states that the Tennessee Public Service Commission, the commission of a State in which Arkansas also does business, asserts jurisdiction over the proposed transaction and that the order of said commission is to be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 1, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgate under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13456; Filed, Nov. 12, 1969, 8:48 a.m.]

[70-4794]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Debentures, of Notes to Banks and to Dealers in Commercial Paper and of Request for Exception From Competitive Bidding

NOVEMBER 5, 1969.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to issue and sell, subject to the competitive bidding requirements of Rule 50(b) under the Act, $50 million principal amount of debentures, ____ percent series due 1974. The interest rate of the debentures (which will be multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to GPU (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture dated December 1, 1969, between GPU and Marine Midland Grace Trust Company of New York, trustee.

GPU also proposes to issue and sell, from time to time, but not later than December 31, 1972, commercial paper notes having a principal amount outstanding at any time not in excess of $100 million. Such sales shall be made through two dealers in commercial paper.

The dealers will each reoffer the commercial paper purchased by them to not more than 100 of their customers. It is expected that GPU's commercial paper will be held to maturity by the purchaser, but, if any such purchaser should wish to resell prior thereto, each dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper from the customer and reoffer the same to others in its group of customers.

The commercial paper issued and sold by GPU will be in the form of promissory notes in denominations of not less than $100,000 and not more than $5 million with maturities not to exceed 270 days, the actual maturities to be determined by the market conditions, the effective interest cost to GPU, and GPU's anticipated cash requirements at the time of issuance. The commercial paper will be sold at the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality and of the particular maturity sold at the same time by other issuers to commercial paper dealers. The commercial paper may be reoffered by the dealers at a discount rate not to exceed one-eighth of 1 percent per annum less than the discount rate to GPU. The commercial paper will be sold by GPU at an effective interest cost that will not exceed the effective interest cost (after taking into account compensating balance requirements) of bank loans made at the same time at the prime rate then generally prevailing in New York City.

In addition, GPU proposes to enter into a credit agreement with a group of banks, to be named by amendment, pursuant to which GPU may, from time to time, but not later than December 31, 1972, issue and sell its promissory notes maturing not later than December 31, 1972, to evidence borrowings from the banks for the purpose of meeting maturities of promissory notes issued by GPU as commercial paper if it shall not be feasible for GPU to issue further notes as commercial paper in order to meet said maturities, provided that (a) the aggregate principal amount of the notes so issued to banks outstanding at any one time, shall not exceed $85 million, and (b) the aggregate principal amount of notes issued as commercial paper plus the aggregate principal amount of notes issued to banks outstanding at any one time, shall not exceed $100 million. The credit agreement will require GPU to (i) pay a commitment fee, at the rate of one-half of 1 percent per annum, on the unutilized portion of the commitment, with GPU having the right at any time to reduce or terminate the bank's commitment to it; (ii) maintain a compensating balance with each participating bank averaging, on a monthtly basis, at least 10 percent of that bank's obligation to make loans to the extent that such obligation has not been utilized, or, at least 20 percent of any amounts borrowed from such bank under the credit agreement, whichever is higher; and (iii) pay interest quarterly on amounts borrowed at a rate per annum which is one-half of 1 percent above that bank's prime rate for short-term loans to commercial and responsible borrowers.

GPU further proposes to issue and sell, from time to time, but not later than December 31, 1972, its unsecured promissory notes, maturing not more than 9 months from the date of issue, to evidence borrowings from banks, to be named by amendment, having an aggregate principal amount outstanding at any one time not in excess of $50 million.

GPU requests that the issue and sale of its commercial paper notes be excepted from the competitive bidding requirements of Rule 50, pursuant to subparagraph (a)(5) thereof, in view of the fact that the proposed commercial paper notes will have a maturity of not more than 9 months, the interest cost thereon generally will not exceed the effective interest cost (after taking into account compensating balance requirements) of bank loans made at the prime rate then generally prevailing in New York City, and because the current rates for commercial paper are readily ascertainable by reference to the daily financial publications and, therefore, do not require competitive bidding to determine the reasonableness thereof.

The net proceeds of the debentures and promissory notes proposed to be issued and sold pursuant to this declaration will be used for additional investments by GPU in its public utility subsidiary companies or to reimburse its treasury for such investments theretofore made, or to pay notes the proceeds of which were previously used for such purposes.

GPU's subsidiary companies are engaged in major construction programs involving an estimated expenditure of approximately $260 million for facilities in 1969, and approximately $650 million in 1970 and 1971, or a total of approximately $900 million in the 1969-71 period. Of this total, almost one-half represents the cost of new generating capacity, the great bulk of which is base load nuclear and mine mouth coal-fired capacity.

The fees and expenses (other than dealers' fees) to be incurred by GPU will be supplied by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than noon on November 28, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13457; Filed, Nov. 12, 1969; 8:48 a.m.]

LIQUID OPTICS CORP.

Order Suspending Trading

NOVEMBER 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp. and all other securities of Liquid Optics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period November 7, 1969, through November 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13459; Filed, Nov. 12, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

ALABAMA CAPITAL, INC.

Notice of Intention To Surrender Small Business Investment Company License

On October 17, 1969, Alabama Capital, Inc., Room 445, State National Bank Building, 230 West Court Square, Huntsville, Ala. 35801, License No. 05/05-0094, a Federal Licensee under the Small Business Investment Act of 1958; as amended, requested approval of the Small Business Administration (SBA), pursuant to section 107.105 of the regulations (33 F.R. 326, 13 CFR Part 107), to surrender its license.

Matters involved in SBA's consideration include the fact that the licensee is not indebted to SBA and, in granting its approval, SBA may impose such terms and conditions as it may determine appropriate.

Prior to final action on this matter, consideration will be given to any comments pertaining thereto which are received in writing to the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of fifteen (15) days of the date of publication of this notice.

For SBA.

Date: October 29, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-13646; Filed, Nov. 12, 1969; 8:46 a.m.]

TARIFF COMMISSION

[332-61]

ASSEMBLED AND PROCESSED ARTICLES

Postponement of Hearing

In response to a request dated August 18, 1969, by the President of the United States, the Tariff Commission, instituted an investigation of the economic factors affecting the use of items 806.30 and 807.00 of the Tariff Schedules of the United States and ordered a hearing in connection therewith to begin on November 18, 1969 (34 F.R. 14043).

Notice is hereby given of the postponement of the hearing in this investigation until further notice by the Commission.

Issued: November 7, 1969.

By order of the Commission:

[SEAL] WILLARD W. KANE, *Acting Secretary.*

[F.R. Doc. 69-13498; Filed, Nov. 12, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 34896[1]]

TEXAS INTRASTATE PASSENGER COACH FARES

OCTOBER 7, 1969.

Notice is hereby given that the common carriers by railroad shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission for modification of the outstanding orders of the Commission in these proceedings.

The petitioners point out that effective June 15, 1969, the basic interstate one-way and round-trip first-class fares were increased by 5 percent; that the maximum intrastate passenger fares are fixed by statute of the Legislature of the State of Texas, fares in excess thereof not being subject to the jurisdiction of the regulatory body of that State (Railroad Commission); and that interstate and intrastate passengers are transported on the same trains, the transportation conditions of the one being no more favorable than those in respect to the other. Wherefore, the petitioners pray that this Commission modify the outstanding orders in these proceedings to the extent necessary to enable them to establish and maintain the sought 5 percent increase in first-class passenger fares applicable on intrastate movements within the State of Texas.

The petitioners are: The Atchison, Topeka, and Santa Fe Railway Co.; The Kansas City Southern Railway Co.; Missouri Pacific Railroad Co.; Southern Pacific Co.; and The Texas and Pacific Railway Co.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon either J. D. Feeney or James W. Nisbet, 280 Union Station Building, Chicago, Ill. 60606. Thereafter, the Commission will proceed to dispose of the instant petition.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] ANDREW ANTHONY, Jr., *Acting Secretary*

[F.R. Doc. 69-13482; Filed, Nov. 12, 1969; 8:49 a.m.]

[1] Embraces also: No. 28846, Increases in Texas Rates, Fares, and Charges, and No. 33683, Texas Intrastate Passenger Coach Fares.

Not to be confused with the unopposed petition relating to a similar increase in coach fares filed by the same parties on May 14, 1969, which was assigned the same docket number and titles and subsequently embraced in and granted by order of Sept. 9, 1969, headed Docket No. 11761, Iowa Passenger Fares and Charges.

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 7, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41796—*Alloys or metals from Johnstown, Pa., and Kingwood, W. Va.* Filed by Southwestern Freight Bureau, agent (No. B-95), for interested rail carriers. Rates on alloys or metals, in carloads, as described in the application, from Kingwood, W. Va., to Cypress, Tex., also from Johnstown, Pa., and Kingwood, W. Va., to Bayport, East Baytown, and Houston, Tex.

Grounds for relief—Market competition.

Tariffs—Supplements 222 and 29 to Southwestern Freight Bureau, agent, tariffs ICC 4645 and 4847, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13483; Filed, Nov. 12, 1969; 8:49 a.m.]

[Notice 575]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 7, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Deviation No. 79), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From San Jose, Calif., over Interstate Highway 680 to junction Interstate Highway 80 at or near Vallejo, Calif., and (2) from San Jose, Calif., over Interstate Highway 680 to junction California Highway 21 at or near Benecia, Calif., thence over California Highway 21 to junction Interstate Highway 80 at or near Cordelia, Calif., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Los Angeles, Calif., over U.S. Highway 101 to San Francisco, Calif., (2) from Los Angeles, over U.S. Highway 99 to junction California Highway 152, thence over California Highway 152 to Gilroy, Calif., thence over U.S. Highway 101 to San Jose, Calif., thence over California Highway 17 to Oakland, Calif., thence over U.S. Highway 40 to San Francisco, Calif., (3) from San Francisco, Calif., over U.S. Highway 40 to Wells, Nev., thence over U.S. Highway 93 to Twin Falls, Idaho, (4) from San Francisco, Calif., over U.S. Highway 101 to junction California Highway 37, thence over California Highway 37 to junction California Highway 12, thence over California Highway 12 to Cordelia, Calif., (5) from San Francisco, Calif., over U.S. Highway 101 to Crescent City, Calif., (6) from San Francisco, Calif., over U.S. Highway 40 to junction U.S. Highway 99W near Daves, Calif., thence over U.S. Highway 99W to Red Bluff, Calif. (also from junction U.S. Highway 40 and U.S. Highway 99W over U.S. Highway 40 to Sacramento, Calif., thence over U.S. Highway 99E to Red Bluff), thence over U.S. Highway 99 to Weed, Calif., thence over U.S. Highway 97 to Klamath Falls, Oreg., and (7) from San Francisco, Calif., to Weed, Calif., as specified above, thence over U.S. Highway 99 to Medford, Oreg., and return over the same routes.

No. MC 59583 (Deviation No. 36), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, Tenn. 37662, filed October 31, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New Market, Va., and Gainesville, Va., over U.S. Highway 211, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From New Market, Va., over U.S. Highway 11 to Strasburg, Va., thence over Virginia Highway 55 to Gainesville, Va., and return over the same route.

No. MC 61616 (Deviation No. 35) (Cancels Deviation Nos. 33 and 34), MIDWEST BUSLINES, INC., 433 West Washington Ave., North Little Rock, Ark. 72214, filed October 27, 1969. Carrier's representative: Nathaniel Davis, Post Office Box 1188, Little Rock, Ark. 72203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 64 and Interstate Highway 40, 1.7 miles west of the west city limits of Clarksville, Ark., over Interstate Highway 40 to North Little Rock, Ark., with the following access routes: (1) From junction Interstate Highway 40 and Arkansas Highway 103 over Arkansas Highway 103 to junction U.S. Highway 64, (2) from junction Interstate Highway 40 and Arkansas Highway 315 over Arkansas Highway 315 to junction U.S. Highway 64, (3) from junction Interstate Highway 40 and Arkansas Highway 333 over Arkansas Highway 333 to junction U.S. Highway 64, (4) from junction Interstate Highway 40 and Arkansas Highway 7 over Arkansas Highway 7 to junction U.S. Highway 64, (5) from junction Interstate Highway 40 and Arkansas Highway 331 over Arkansas Highway 331 to junction U.S. Highway 64, (6) from junction Interstate Highway 40 and Arkansas Highway 105 over Arkansas Highway 105 to junction U.S. Highway 64, (7) from junction Interstate Highway 40 and unnumbered access road over unnumbered road to junction U.S. Highway 64 at Blackwell, Ark., (8) from junction Interstate Highway 40 and Arkansas Highway 95 over Arkansas Highway 95 to junction U.S. Highway 64;

(9) From junction Interstate Highway 40 and Arkansas Highway 9 over Arkansas Highway 9 to junction U.S. Highway 64, (10) from junction Interstate Highway 40 and Arkansas Highway 92 over Arkansas Highway 92 to junction U.S. Highway 64, (11) from junction Interstate Highway 40 and unnumbered access road over unnumbered access road to junction U.S. Highway 64 at Menifee, Ark., (12) from junction Interstate Highway 40 and U.S. Highway 64 east of Conway, Ark., over U.S. Highway 64 to junction Arkansas Highway 365 (formerly U.S. Highway 65), (13) from junction Interstate Highway 40 and U.S. Highway 65-B over U.S. Highway 65-B to junction Arkansas Highway 365 (formerly U.S. Highway 65), and (14) from junction Interstate Highway 40 and Arkansas Highway 89 over Arkansas Highway 89 to junction Arkansas Highway 365 (formerly U.S. Highway 65), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over US. Highway 70 to Memphis, Tenn., and return over the same route.

No. MC 69833 (Deviation No. 20), ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502, filed October 28, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Cincinnati, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Shelbyville, Ind., over Indiana Highway 9 to junction Indiana Highway 46, thence over Indiana Highway 46, to Columbus, Ind., thence over Alternate U.S. Highway 31 to Seymour, Ind., thence over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31-W to Louisville, Ky., (2) from Indianapolis, Ind., over U.S. Highway 421 (formerly Indiana Highway 29) to junction Indiana Highway 46, thence over Indiana Highway 46 to Penntown, Ind., thence over Indiana Highway 101 to junction Indiana Highway 48, thence over Indiana Highway 48 to junction U.S. Highway 50, thence over U.S. Highway 50 to Cincinnati, Ohio, and (3) from Penntown, Ind., over Indiana Highway 46 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same route.

No. MC 107109 (Deviation No. 14), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Ave., Indianapolis, Ind. 46202, filed October 27, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 75 and U.S. Highway 25 at or near Mount Vernon, Ky., over Interstate Highway 75 to junction access road approximately 4 miles north of Corbin, Ky., with the following access route: from London, Ky., over Kentucky Highway 80 to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows; from Mount Vernon, Ky., over U.S. Highway 25 to junction access road approximately 4 miles north of Corbin, Ky., a distance of 36 miles, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13484; Filed, Nov. 12, 1969; 8:49 a.m.]

[Notice 1346]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 7, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue

of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 107715 (Sub-No. 4) (Republication), filed July 24, 1968, published in the FEDERAL REGISTER issue of August 15, 1968, and republished this issue. Applicant: VERNON LIVESTOCK TRUCKING COMPANY, INC., 3308 Bandini Boulevard, Los Angeles, Calif. 90023. Applicant's representatives: Richard Minne and Bob Barker, 609 Luhrs Building, Phoenix, Ariz. 85003. By report and order in the above-entitled proceeding, the Joint Board No. 47 recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of the commodities, to and from points substantially as indicated below. An order of the Commission, Division 1, served September 26, 1969, and effective October 27, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, of *feeds and fertilizer*, except liquids in bulk, from points in Los Angeles, Orange, Kern, San Bernardino, and Riverside Counties, Calif., except Blythe, Calif., to points in Arizona; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that to the extent that the authority granted herein duplicates authority now held by applicant, it will be construed as conferring but a single grant of authority. Because it is possible that other persons who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111401 (Sub-No. 265) (Republication), filed August 29, 1968, published in the FEDERAL REGISTER issue of September 19, 1968, and republished this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). By report and order entered in the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of, the commodities, to, and from points substantially as indicated below. An order of the Commission, Division 1, served September 26, 1969, and effective October 27, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *material handling devices*, from the plantsite and storage facilities of Tradewind Industries, Inc., at or near Liberal, Kans., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at said plantsite or storage facilities; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES OF FILING OF PETITIONS

No. MC 30657 (Sub-No. 23) (Notice of Filing of Petition for modification of permit), filed October 24, 1969. Petitioner: DIXIE HAULING COMPANY, a corporation, Atlanta, Ga. Petitioner's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Petitioner is authorized in No. MC 30657 Sub-No. 23 to conduct operations as a motor contract carrier, over irregular routes, transporting: Culvert pipe and tanks, from the plantsite of Armco Steel Corp., in Rockdale County, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Armco Steel Corp., of Middletown, Ohio. By the instant petition, petitioner requests that said permit be modified authorizing the transportation of pipe and accessories, connections, couplings, and fittings therefor, over irregular routes, from the plantsite of Armco Steel Corp., in Rockdale County, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, with no transportation for compensation on return except as otherwise authorized, subject to the following restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Armco Steel Corp., of Middletown, Ohio, and further restricted against the transportation of pipe used in connection with the construction, operation, maintenance, servicing, or dismantling of pipelines as related to the oilfield industry. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 87720, Subs 26, 27, 29, 36, 37, 42, 56, 61, and 85 (Notice of Filing of Petition Requesting Amendment of Permits To Modify Commodity Description), filed October 6, 1969. Petitioner: BASS TRANSPORTATION CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Petitioner serves and has contracts with American Biltrite Rubber Co., Inc. It is authorized to transport hard surface floor coverings and materials and supplies used in the installation thereof when moving in the same vehicle with hard surface floor coverings (Sub 26). Petitioner states that in the other permits, the related materials and supplies authority is not exactly the same, but the intent thereof, is the same. The purpose of this petition is to change the authority which describes "hard surface floor coverings" and remove the words "hard" and "floor", leaving the authority as "surface coverings". Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 93003 (Sub-No. 15) (Notice of Filing of Petition for Waiver of Rule 101(e) for Reopening and Reconsideration), filed September 8, 1969. Petitioner: CARROLL TRUCKING COMPANY, a corporation, 4901 U.S. Route 60, Post Office Box 5455, Huntington, W. Va. Petitioner is authorized, in No. MC 93003 Sub-No. 15, the part here pertinent, to transport mine cars, shovels, scrapers, and scoops and parts thereof, between Huntington, W. Va., on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 27, those in Virginia on and west of U.S. Highway 219, and those in Pennsylvania on and west of U.S. Highway 219, and those in Ohio on and north of U.S. Highway 40. By the instant petition, petitioner seeks waiver of Rule 101(e), and requests the Commission to issue an appropriate order permitting it to transport separate shipments of parts. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 59120 (Sub-No. 34), filed October 6, 1969. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Atlanta, Ga., and Chattanooga, Tenn., over U.S. Highway 41 to Chattanooga and return over the same route, serving (a) the junction of U.S. Highways 41 and 411 at Cartersville, Ga., and (b) Chattanooga, Tenn., for purposes of joinder only; (2) between points in that part of Georgia and Tennessee within 15 miles of Chattanooga, Tenn., including Chattanooga. NOTE: This application is a matter directly related to Docket No. MC-F-10617, published FEDERAL REGISTER issue of October 3, 1969. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75651 (Sub-No. 68), filed October 16, 1969. Applicant: R. C. MOTOR LINES, INC., 2500 Laura Street, Post Office Box 2501, Jacksonville, Fla. 32203. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Rhode Island. NOTE: Applicant states it intends to tack at points in northern Rhode Island with its presently held authority wherein it is authorized to conduct operations in the States of Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. This application is directly related to MC-F 10641 which was published in the FEDERAL REGISTER issue of October 29, 1969. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120307 (Sub-No. 4), filed June 19, 1969. Applicant: MORVEN FREIGHT LINES, INC., Post Office Box 718, County Road 1627, Wadesboro, N.C. 28170. Applicant's representatives: Charles B. Ratliff (same address as applicant) and H. P. Taylor, Jr., Anson Professional Building, Wadesboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, petroleum products, and liquified petroleum gas* in bulk, in tank vehicles, from Wilmington, Morehead City, Beaufort, River Terminal, Thrift, Friendship, and Salisbury, N.C., to points in Anson, Richmond, Scotland, Montgomery, and Union Counties, N.C.; (2) *petroleum, petroleum products, and liquified petroleum gas*, from terminals in Wadesboro, N.C., to points in Anson, Richmond, Scotland, Montgomery, and Union Counties, N.C.; (3) *general commodities* (except those requiring special equipment), between points in Henderson, McDowell, Rutherford, Cleveland, Caldwell, Wilkes, Catawba, Gaston, Iredell, Mecklenburg, Rowan, Cabarrus, Union, Forsyth, Davidson, Stanly, Anson, Rockingham, Guilford, Montgomery, Richmond, Alamance, Durham, Wake, Vance, Johnston, Lee, Cumberland, and New Hanover Counties, N.C.; (4) *prefabricated steel, reinforcing bars, steel pipe, steel windows, finished lumber and construction machinery*, between points in North Carolina; (5) *cotton* in bales, *fertilizer materials and such commodities* as are usually transported in dump trucks, between points in North Carolina; (6) *household goods*, as defined by the Commission, between points in Anson County, N.C., and points in North Carolina; and (7) *sand, gravel and dirt* in containers, from points in Anson County, N.C., to points in North Carolina. NOTE: Applicant states the authority sought will be joined with its existing authority in MC 120307 (Sub-No. 1), wherein it is authorized to operate throughout the State of North Carolina. This is a matter directly related to MC-F-10519, published in the FEDERAL REGISTER issue of July 2, 1969. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 123685 (Sub-No. 4), filed October 15, 1969. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio. Applicant's representative: James Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, commodities requiring special equipment, those injurious or contaminating to other lading), (a) between points in Franklin County, Ohio, on the one hand, and, on the other, points in Ohio, and (b) between points in Stark County, Ohio, points in Brown Township, Carroll County, Ohio, points in that part of Smith Township, Mahoning County, Ohio, on and west of Bandy Road, and points in that part of Green Township, Summit County, Ohio, on and south of Greensburg Road and on and east of U.S. Highway 241, on the one hand, and, on the other, points in Ohio; (2) *building materials, clay products, and commodities in bulk*, in dump trucks, between points in Wayne County, Ohio, except Wooster, Ohio, on the one hand, and, on the other, points in Ohio; (3) *Commodities*, in bulk, in dump trucks, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Ohio; (4) *Commodities*, in bulk, in dump trucks, except lime and sand, between Mansfield, Ohio, and Springfield Township, Monroe Township, and Sharon Township, Richland County, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states that joinder with authority sought for purchase in related section 5(2) application could occur at points in Ohio within 10 miles of Wheeling, W. Va., to permit service between applicant's Ohio points and specified points in Pennsylvania and West Virginia. Applicant further states that it presently holds the entire authority set forth above under MC 123685 Subs 2 and 3 in accordance with the provisions of section 206(a)(7) and is seeking conversion of the same to certificates of public convenience and necessity. This application is a matter directly related to Docket No. MC-F-10637, published FEDERAL REGISTER issue of October 22, 1969. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

TRANSFER APPLICATIONS TO BE ASSIGNED FOR ORAL HEARING

MC-FC-71498. Authority sought by transferee, NYPENN DISTRIBUTION LINES, INC., 1285 William Street, Buffalo, N.Y. 14206, for purchase of a portion of the operating rights of transferor, PETER P. DeCASPER, JR., AND HERMAN DeCASPER, a partnership, doing business as DeCASPER DELIVERY, Post Office Box 230, Bradford, Pa. 16701. Applicants' representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Operating rights in certificate No. MC-120449 (Sub-No. 5) sought to be transferred: General commodities, usual expections, between Honeoye, N.Y., points in Livingston County, N.Y. (except Retsof), and points in Wyoming County, N.Y. (except Silver Springs), on the one hand, and, on the other, points in McKean County, Pa., and points in that part of Pennsylvania on and south and west of a line beginning at the Ohio-Pennsylvania State line and extending eastward along U.S. Highway 422 to junction U.S. Highway 219 at or near Ebensburg, Pa., and thence south along U.S. Highway 219 from Ebensburg, Pa., to the Maryland-Pennsylvania State line.

MC-FC-71499. Authority sought by transferee, NYPENN DISTRIBUTION LINES, INC., 1285 William Street, Buffalo, N.Y. 14206, for purchase of the operating rights of transferor, ANTHONY H. SANTIAGO, doing business as BISON CITY CARTAGE CO., 1285 William Street, Buffalo, N.Y. 14206. Applicants' representative: Raymond A. Richards, registered practitioner, 23 West Main Street, Webster, N.Y. 14580. Operating rights in certificate No. MC-119449 sought to be transferred: Meats, meat products and byproducts, dairy products, packinghouse products, frozen foods, canned goods, live lobsters, candy, confections, and confectionary products, from Buffalo, N.Y., to points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Stueben, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties, N.Y., varying with the commodity involved, and to points in Bradford, Cameron,

Crawford, Erie, Elk, Forest, McKean, Mercer, Potter, Susquehanna, Tioga, Venango, and Warren Counties, Pa., varying with the commodity involved.

MC–FC–71500. Authority sought by transferee, DECASPER BROS. FREIGHT LINES, INC., 5 River Street, Bradford, Pa. 16701, for purchase of a portion of the operating rights of transferor, PETER P. DECASPER, JR., AND HERMAN DECASPER, a partnership, doing business as DECASPER DELIVERY, Post Office Box 230, Bradford, Pa. 16701. Applicants' representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Operating rights in Certificates Nos. 120449 (Sub-No. 2) and MC–120449 (Sub-No. 3) sought to be transferred: General commodities, with usual exceptions and except brick, tile, and clay products, between Bradford, Farmers Valley, and Kane, Pa., and between Bradford, Farmers Valley, and Kane, Pa., on the one hand, and, on the other, points in McKean County, Pa., and points in that part of Warren County, Pa., located north and east of a line beginning at the New York-Pennsylvania State line and extending south along U.S. Highway 62 to junction U.S. Highway 6, and thence southeast along U.S. Highway 6 through Sheffield, Pa., to Warren County-McKean County line, including points on the highways named; general commodities, with usual exceptions, between Jamestown, N.Y., and Bradford, Pa., serving no intermediate points, but serving the off-route points of Farmers Valley and Kane, Pa., and composition cans and closures for composition cans, from the plantsite of R. C. Can Co., at Bradford, Pa., to Dundee, N.Y.

The above-entitled transfer applications filed under section 212(b) of the Interstate Commerce Act are to be assigned for hearing at a time and place to be fixed for the purpose of determining, among other things, whether common control of transferors and/or C. H. Bromley Motor Lines, Inc., may have been effectuated in violation of section 5(4) of the Act; whether the proposed transfers are within the exemption of section 5(10) of the Act, and, if so, whether the applications satisfy the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce, 49 CFR Part 1132. Interested persons have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR Part 240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10648. Authority sought for control and merger by BURNHAM VAN SERVICE, INC., 1636 Second Avenue, Columbus, Ga. 31902, of the operating rights and property of B & B SERVICES, INC., 821 Joy Road, Columbus, Ga. 31906, and for acquisition by B. LEROY BURNHAM, and B. E. REESE, both also of 1636 Second Avenue, Columbus, Ga. 31902, of control of such rights and property through the transaction. Applicants' attorney: Wade H. Tomlinson, Post Office Drawer 160, Columbus, Ga. 31902. Operating rights sought to be controlled and merged: (The issuance of a certificate is being withheld until Commission approval of common control under section 5(2) of the Act is obtained.) In pending Docket No. MC–126811 Sub–1, covering the transportation of used household goods, as a common carrier, over irregular routes, between Columbus, Ga., on the one hand, and, on the other, points in Muscogee and Chattahoochee Counties, Ga., and Chambers, Lee, and Russell Counties, Ala., with restrictions. BURNHAM VAN SERVICE, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10649. Authority sought for purchase by WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058, of the operating rights of JOHN W. SNAPE, INC., 701 May Street, Geneva, Ill., and for acquisition by DONALD E. CANTLAY, as VOTING TRUSTEE, also of Los Angeles, Calif., of control of such rights through the purchase. Applicants' attorneys: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603, and Theodore W. Russell, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–98808 Sub-1, covering the transportation of general freight and paper, as a common carrier, in intrastate commerce within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Indiana, Illinois, Kansas, Michigan, Louisiana, Maryland, Iowa, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC–8948 Sub-90 is a matter directly related.

No. MC–F–10650. Authority sought for purchase by EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. 62206, of a portion of the operating rights of L. A. TUCKER TRUCK LINES, INC., Post Office Box 538, Cape Girardeau, Mo. 63701, and for acquisition by EDWARD J. DOUGHERTY, also of East St. Louis, Ill., of control of such rights through the purchase. Applicants' attorney and representative: Mr. Ernest Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101 and G. M. Redman, 314 North Broadway, St. Louis, Mo. 63102. Operating rights sought to be transferred: *Calcium, carbonate of lime, and limestone*, in bulk, in hopper type equipment, as a *common carrier* over irregular routes, from Sainte Genevieve, Mo., to points in Illinois (except those in Madison County, Ill.). Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Arkansas, Iowa, Kansas, Kentucky, Missouri, Nebraska, Tennessee, Minnesota, Oklahoma, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10651. Authority sought for purchase by CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030, of the operating rights of JUDITH L. McKEEVER, doing business as WEBSTER VAN LINES, 4411 East 119th Street, Grandview, Mo. 64030, and for acquisition by WILLIAM F. CARTWRIGHT, JESSIE MAY CARTWRIGHT, WILLIAM F. CARTWRIGHT, Jr., THOMAS W. CARTWRIGHT, and MICHAEL CARTWRIGHT, all also of Grandview, Mo., of control of such rights through the purchase. Applicants' attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Weber County, Utah, on the one hand, and, on the other, certain specified points in Idaho and Wyoming. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Nevada, New Mexico, Alaska, and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–10652. Authority sought for purchase by CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030, of (1) the operating rights of R. H. OZMER, doing business as ATLANTIC TRANSFER COMPANY, 236 West 25th Street, Norfolk, Va. 23501, and (2) a portion of the operating rights of C. R. BOWLBY & SON, INC., Buena Vista Road, Somerville, Mass., and for acquisition by WILLIAM F. CARTWRIGHT, JESSIE MAY CARTWRIGHT, WILLIAM F. CARTWRIGHT, Jr., THOMAS W. CARTWRIGHT, and MICHAEL CARTWRIGHT, all also of Grandview, Mo., of control of such rights through the purchases. Applicants' attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Operating rights sought to be transferred: (1) *Household goods* as defined by the Commission as a *common carrier*, over irregular routes, between Wallace, N.C., and points in North Carolina within 100 miles thereof, and those in Virginia and South Carolina; and (2) *household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, and the District of Columbia, and those in Maryland and Virginia within 10 miles of the District of Columbia. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Nevada, New Mexico, Alaska, and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10653. Authority sought for purchase by IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, Utah 84110, of a portion of the operating rights of GRATALE BROTHERS, INC., 461 River Road, Clifton, N.J. 07011, and for acquisition by GATES CORPORATION, and, in turn by THE GATES RUBBER COMPANY, both of 999 South Broadway, Denver, Colo., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *General commodities*, except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between New York, N.Y., and points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.J., on the one hand, and, on the other, points in that part of New York east of a line beginning at Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, thence along U.S. Highway 9W to Albany, thence along U.S. Highway 9 to junction New York Highway 67, and south of a line extending along New York Highway 67 to the New York-Vermont State line, and those in New Jersey. Vendee is authorized to operate as a *common carrier* in Utah, Colorado, Wyoming, Nevada, Nebraska, California, Illinois, Iowa, Arizona, Idaho, Kansas, Missouri, Oregon, Ohio, Kentucky, Indiana, Washington, Pennsylvania, New York, Connecticut, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10654. Authority sought for purchase by GEM CITY TRANSFER LINE, INC., 1811 North 30th Street, Quincy, Ill. 62301, of a portion of the operating rights and certain property of WARSAW TRUCKING CO., INC., 1102 West Winona, Warsaw, Ind. 46580. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *Such commodities* as are sold by retail mail order houses, as a *common carrier*, over irregular routes, from Quincy, Ill., to points in Illinois, Missouri, Iowa, and Wisconsin. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, and Iowa; and as a *contract carrier* in Illinois and Missouri. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–13485; Filed, Nov. 12, 1969; 8:49 a.m.]

[Notice 1348]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 7, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 82492 (Sub-No. 30), filed November 3, 1969. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Avenue NE., Grand Rapids, Mich. 49505. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles*, distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides, from points in the Omaha, Nebraska-Council Bluffs, Iowa, commercial zone, to points in Indiana, Michigan, and Ohio, restricted to traffic originating at points in the Omaha, Nebraska-Council Bluffs, Iowa, commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: December 1, 1969, at the Sheraton-Fontenelle Hotel, 1806 Douglas Street, Omaha, Nebr., before Examiner James O'D Moran.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13486; Filed, Nov. 12, 1969; 8:49 a.m.]

[Notice 938]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 7, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29919 (Sub-No. 19 TA), filed October 23, 1969. Applicant: KOWALSKY'S EXPRESS SERVICE, 2235 West Main Street, Millville, N.J. 08332. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, and closures therefor*, from Lakewood, Ocean County, N.J., to Suffern,

N.Y.; Pearl River, N.Y., points in Nassau and Suffolk Counties, N.Y., point in Connecticut, points in Pennsylvania, Maryland, and Delaware, bounded by a line beginning at Easton, Pa., thence over U.S. Highway 22 to Allentown, Pa., thence over U.S. Highway 222 to Lancaster, Pa., thence over U.S. Highway 30 to the east bank of the Susquehanna River, thence along U.S. Highway 1 to Baltimore, Md., thence southeast across Chesapeake Bay to Centerville, Md., Carville, Md., and Ingleside, Md., to the Delaware State line at or near Marydel, Md., thence over Delaware Highway 8 to Dover, Del., thence along the Delaware River to Easton, Pa., and the point of beginning, including all points on the described line; *pallets and containers*, used in the transportation of and returned shipments of the commodities specified above, from points in the above-described territory to Lakewood, N.J., for 180 days. NOTE: Applicant will accept no tacking restriction. Supporting shipper: Wheaton Plastics Co., Mays Landing, N.J. 08330. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 71452 (Sub-No. 7 TA), filed November 3, 1969. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris Street, Indianapolis, Ind. 46241. Applicant's representative: H. J. Noel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments having a prior or subsequent movement by aircraft, between the Weir-Cook Municipal Airport (near Indianapolis, Ind.), on the one hand, and, on the other, points in Allen, Whitley, Huntington, Kosciusko, Wells, Jefferson, Adams, and Ripley Counties, Ind., for 180 days. Supporting shippers: There are approximately 29 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 110525 (Sub-No. 939 TA), filed November 3, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, from Belle, W. Va., to Perth Amboy, N.J., for 150 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 114115 (Sub-No. 21 TA), filed November 3, 1969. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Manistee, Mich., to points in Illinois and Indiana, for 180 days. Supporting shipper: Hardy Salt Co., 800 South Vandeventer Avenue, St. Louis, Mo. 63166. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Street, Detroit, Mich. 48226.

No. MC 117686 (Sub-No. 108 TA), filed October 31, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 Highway 75 North, Sioux City, Iowa 51103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or packaged animal feed*, when moving in the same vehicle and at the same time with shipments of canned goods (presently authorized), from the plantsite and/or warehouse facilities of Mavar Shrimp & Oyster Co., Ltd., at or near Biloxi, Miss., to points in Kansas, Nebraska, Missouri (except St. Louis, Mo., and points in its commercial zone), Iowa, and Arkansas, for 180 days. Supporting shipper: Mavar Shrimp & Oyster Co., Ltd., Biloxi, Miss. 39533. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 125770 (Sub-No. 5 TA), filed November 3, 1969. Applicant: SPIEGEL TRUCKING, INC., 504 Essex Street, Harrison, N.J. 07029. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture and equipment* for the account of Hillside Metal Products, Inc., from Newark, N.J., to Savannah, Ga., for 180 days. Supporting shipper: Hillside Metal Products, Inc., 300 Passaic Street, Newark, N.J. 07104. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 127274 (Sub-No. 18 TA), filed October 31, 1969. Applicant; SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Dunkirk, Ind., to points in Arkansas, Georgia, Mississippi, North Carolina, and South Carolina, for 180 days. Supporting shipper: Kerr Glass Manufacturing Corp., Packaging Products Division, Lancaster, Pa. 17604. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 127349 (Sub-No. 3 TA) (Correction), filed October 6, 1969, and published in the FEDERAL REGISTER issue of October 16, 1969, and October 28, 1969, and republished as corrected, this issue. Applicant: GLENN DAVIS AND DON R. DAVIS, a partnership, doing business as DAVIS BROS., Post Office Box 962, Missoula, Mont. 59801. Applicant's representative: John P. Thompson, 450 Capitol Life Building, East 16th Avenue, at Grant, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Stone, refractories, brick, and tile, and related masonry* items when moving in mixed shipments with brick and tile, from points in Colorado to points in Montana; (b) *stone, brick, tile, lime, and manufactured concrete building products*, from points in Utah to points in Montana; and (c) *stone and sand*, from points in Idaho to points in Montana; all under a continuing contract with Forzley Sales, Inc., Great Falls, Mont., for 180 days. NOTE: The purpose of this republication is to change (a) above. Supporting shipper: Forzley Sales Co., Post Office Box 2870, 930 Riverdrive South, Great Falls, Mont. 59401. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133741 (Sub-No. 4 TA), filed October 31, 1969. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the manufacturing of concrete products, between Riverton, Wyo., on the one hand, and on the other hand, Butte, Glasgow, Great Falls, Helena, and Billings, Mont.; Minot, Williston, Bismarck, and Jamestown, N. Dak.; Watertown, Rapid City, and Mitchell, S. Dak.; Windom, Austin, Crookston, Chester, Olivia, Elk River, Duluth, and Fergus Falls, Minn.; Hampton, Cedar Rapids, and Des Moines, Iowa, for 180 days. Supporting shipper: Riverton Concrete Products, Division of The Cretex Companies Inc., Post Office Box 452, Riverton, Wyo. 82501. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, 259 South Center Street, Casper, Wyo. 82601.

No. MC 134135 TA, filed November 3, 1969. Applicant: WOODROW W. GLIDEWELL, doing business as ACTION VAN & STORAGE, Post Office Box 135, Santa Maria, Calif. 93454. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Luis Obispo and Santa Barbara Counties, Calif., for 180 days. Supporting shipper: Lyon Van & Storage Co., 1950 South Vermont Avenue, Los Angeles, Calif. 90007. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90006.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13487; Filed, Nov. 12, 1969; 8:50 a.m.]

[Notice 443]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 7, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

F.D. No. 25493. By order of October 31, 1969, Division 3, acting as an Appellate Division, on reconsideration, approved the transfer to Brusco Towboat Co., a corporation, Cathlamet, Wash., of the water carrier operating rights in the second amended certificate and order in No. W-71 issued May 22, 1958, to Roland Brusco, doing business as Brusco Towboat Co., Cathlamet, Wash., authorizing the performance of general towage, as a common carrier by towing vessels, in interstate commerce, between ports and points along the Willamette River and tributaries below and including Portland, Oreg., and the Columbia River and Tributaries from Vancouver, Wash., to Wauna, Oreg., inclusive. Alex L. Parks, Parks, Teiser and Norrell, 710 Morgan Building, Portland, Oreg. 97205, attorney for applicants.

No. MC-FC-71667. By order of October 30, 1969, the Motor Carrier Board approved the transfer to E. R. Jarrell, Pittsburgh, Pa.; of permit in No. MC-19917, issued October 12, 1949, to Arthur B. Jarrell, Pittsburgh, Pa.; authorizing the transportation of: Oysters, fish, prepared food products, and advertising matter and stationery used or useful in the sale of such products, and packinghouse products, from, to, or between, specified points in Maryland, Pennsylvania, Massachusetts, and Washington, D.C. Frank R. Bolte, 302 Frick Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-71691. By order of October 30, 1969, the Motor Carrier Board approved the transfer to Rosa Mae Keys, Arlington, Va., of the operating rights in permits Nos. MC-126966 (Sub-No. 1) and MC-126966 (Sub-No. 3) issued April 26, 1966, and October 18, 1968, respectively, to Grady A. Lanning, Arlington, Va., authorizing the transportation, over irregular routes, of sand and gravel from the plantsite of the Davis Sand & Gravel Co., near Clinton, Md., to Arlington and Franconia, Va., restricted to service performed under contracts with a named shipper. L. Agnew Myers, Jr., 1122 Warner Building, Washington, D.C. 20004, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13488; Filed, Nov. 12, 1969; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 7, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-1062, filed October 11, 1969. Applicant: JAMES R. CLARK, Crosby, N. Dak. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, excluding liquids and cement in bulk as follows: U.S. Highway 52 Northwest of Minot, N. Dak., to junction of State Highway 8, thence north to Northgate, N. Dak., thence west to Montana and North Dakota border, thence south to Westby, N. Dak., thence east on State Highway 5 to junction U.S. Highway 85, thence south to junction State Highway 50, thence east on State Highway 50 and county road to junction U.S. Highway 52, serving all intermediate points on said highways and the points of Kenaston, located on Ward County Road W-2; Niobe, located on Ward County Road W-2a; Ambrose, located on North Dakota State Highway 42; Colgan, located on Divide County Road 2; Lignite, located on Burke County Road 11; Wildrose, located on Williams County Road 17; and Coteau, located on a township road off from North Dakota Highway 8. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the North Dakota Service Commission, Bismarck, N. Dak. 58501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 2395, filed September 11, 1969. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third Street, Amarillo, Tex. 79105. Applicant's representative: Richard Craig, 900 Perry-Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) to, from, and between Midland, Tex., and San Angelo, Tex., via Texas Highway 158 and U.S. Highway 87, serving all intermediate points, and serving all Government installations and industrial plants whose main access is from the described highways, and coordinating this authority with all other existing authority; and (2) to, from, and between Robert Lee, Tex., and San Angelo, Tex., via Texas Highway 158 from Robert Lee to Ballinger, Tex., U.S. Highway 83 from Ballinger to Menard, Tex., and U.S. Highway 87 from Eden to San Angelo, Tex., serving all intermediate points, and serving all Government installations and industrial plants whose main access is from the described highways, and coordinating this authority with all other existing authority. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. A 51435, filed October 17, 1969. Applicant: SMITH TRANSPORTATION CO., a corporation, 731 South Lincoln Street, Santa Maria, Calif. 93454. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, with the usual exceptions: (A) between all points and places in the Los Angeles Region (as described in paragraph (C) below), on the one hand, and Paso Robles and Cambria and all points and places on and along U.S. Highways Nos. 101 (Interstate No. 5) and 101A (Interstate No. 405), State Highways Nos. 1, 118, 126, 150, and 246, including service to all points and places within 10 miles laterally of said named highways, on the other hand; (B) to, from, and between all intermediate points and places between the said Los Angeles Region, on

the one hand, and Paso Robles and Cambria, on and along U.S. Highways Nos. 101 (Interstate No. 5) and 101A (Interstate No. 405), State Highways Nos. 1, 23, 118, 126, 150, and 246, and all points within 10 miles laterally of said highways, on the other hand; (C) Los Angeles Region includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101 Alternate; northeasterly on Sunset Boulevard to State Highway No. 7 northerly along State Highway No. 7 to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Los Angeles National Forest to the Los Angeles County line; southerly along the Los Angeles County line to its intersection with State Highway No. 71; southerly along State Highway No. 71 to State Highway No. 91; westerly along State Highway No. 91 to State Highway 55; southerly on State Highway 55 to the Pacific Ocean; thence northwesterly along the shoreline of the Pacific Ocean to point of beginning. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13489; Filed, Nov. 12, 1969; 8:50 a.m.]

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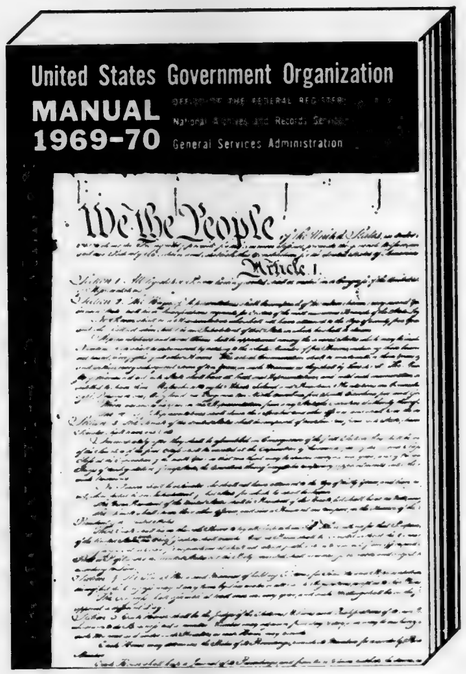
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Title 3—THE PRESIDENT

Proclamation 3944

THANKSGIVING DAY, 1969

By the President of the United States of America

A Proclamation

On October 3, 1863, President Abraham Lincoln invited his fellow citizens to "set apart and observe the last Thursday of November next as a day of Thanksgiving. . . ." This was the year of the battle of Gettysburg and of other major battles between Americans on American soil. To many, this call for a national day of Thanksgiving must have seemed strange, coming as it did at a time of war and bitterness.

Yet Lincoln knew that the act of thanksgiving should not be limited to times of peace and serenity. He knew that it is precisely at those times of hardship when men most need to recognize that the Source of all good constantly bestows His blessings on mankind.

Today, despite our material wealth and well-being, Americans face complex problems unknown before in our nation's history. In giving thanks today, we express gratitude for past bounty and we also confidently face the challenges confronting our own nation and the world because we know we can rely on a strength greater than ourselves.

This year, let us especially seek to rekindle in our respective hearts and minds the spirit of our first settlers who valued freedom above all else, and who found much for which to be thankful when material comforts were meager. We are, indeed, a most fortunate people.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with Section 6103 of Title 5 of the United States Code designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 27, 1969, as a day of national thanksgiving.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of November, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-fourth.

Richard Nixon

[F.R. Doc. 69-13666; Filed, Nov. 13, 1969; 11:35 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Years 1968–70, and Wheat Diversion Program for Crop Years 1969–70

Correction

In F.R. Doc. 69-12271 appearing at page 16596 in the issue of Friday, October 17, 1969, the following changes should be made:

1. On page 16603 the acreage apportionment for Suffolk County, N.Y., now reading "1,662" should read "1,622".

2. On page 16604 the county reserve for Hettinger County, N. Dak., should read "150" and the reserve for La Moure County, N. Dak., should read "155".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Rules and Regulations

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER issues of October 10 and 23, 1969 (34 F.R. 15713, 17176), that the Department was giving consideration to a proposed amendment of the rules and regulations (Subpart—Rules and Regulations 7 CFR 907.100 et seq.), currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Navel Orange Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof.

During the period provided in said notice for filing written data, views, or arguments in connection with said proposal, the Navel Orange Administrative Committee and Sunkist Growers, Inc., Los Angeles, Calif., submitted additional recommendations, and considerations with respect thereto, concerning minor modifications of §§ 907.110(f) and 907.114(a) as published in the notice. Such modifications, as contained herein, reflect the additional recommendations submited during the period provided in said notice for filing written data, views, or arguments in connection with the proposed amendment.

In § 907.110(f) a new second sentence is added to make it clear that adjustments in the weekly shipping schedule in any prorate district shall be based on the tree crop of handlers in that district who are on the prorate base when the adjustment is made and the tree crop of all handlers in such district who received short-life allotment. The committee reported that this modification is needed to clarify the procedure to be followed in adjusting such schedules. In § 907.114(a) the last phrase in the sentence is changed to "the same proportion of his oranges as the average which will be handled by all handlers as prescribed in § 907.110(g)." This change is in conformity with the committee's original recommendations and changes the language back to its current form except for the addition of "pursuant to § 907.110(g)." The latter addition is a cross reference to § 907.110(g) which will make it readily apparent that the proportion referred to is the result of the calculations prescribed in § 907.110(g).

After consideration of all relevant matter presented, including that in the notice, the recommendations, considerations, and informations submitted by the committee and by Sunkist Growers, Inc., and other available information, it hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act in that it will facilitate more efficient handling of Navel oranges and contribute to more effective operations under said marketing agreement and order.

Therefore, said rules and regulations (Subpart—Rules and Regulations, 7 CFR 907.100 et seq.) are hereby amended as follows:

1. A new paragraph (g) is added to § 907.100 *Definitions* to read as follows:

§ 907.100 Definitions.

* * * * *

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Los Angeles, Calif., except when specifically stated otherwise.

§ 907.101 [Amended]

2. The provisions of § 907.101 following the colon are amended to read as follows:

Navel Orange Administrative Committee, 117 West Ninth Street, Room 913, Los Angeles, Calif. 90015.

3. The provisions of subparagraphs (2) and (3) of paragraph (a) of § 907.102 *Nomination procedure* are amended to read as follows:

§ 907.102 Nomination procedure.

(a) * * *

(2) All cooperative marketing organizations which market oranges and which are not qualified under § 907.22(b), or the growers affiliated therewith, shall nominate members and alternate members as provided in § 907.22(c). The vote of each such organization shall be weighted, as provided in § 907.22(c), by the quantity of oranges which it handled during the marketing year in which the nominations are made.

(3) Not less than seven meetings shall be held at such times and places throughout the production area as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate members and alternate members as provided in § 907.22(d). The number of ballots to be cast in selecting the nominees at any such meeting shall be determined at that meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

* * * * *

§ 907.103 [Deleted]

4. Section 907.103 is deleted.

§ 907.108 [Redesignated]

5. Section 907.110 is redesignated as § 907.108.

6. A new § 907.110 *Equity of marketing opportunity* is added to read as follows:

§ 907.110 Equity of marketing opportunity.

Equity of marketing opportunity between prorate districts shall be afforded by the following procedure:

(a) The committee shall establish an equity factor which is the same for all prorate districts. The equity factor shall be stated as a percentage of the tree crop in each district and shall reflect a quantity of oranges (grown in each district) for which there will be equitable marketing opportunity under volume regulation during the ensuing season.

(b) At the marketing policy meeting for each prorate district the committee

shall formulate a weekly shipping schedule for the ensuing season reflecting, insofar as practicable, the desire of growers and handlers of oranges within the district as to the quantity of oranges grown in that district to be shipped under volume regulation each week. The quantity of oranges on such schedules shall be computed by application of the equity factor to the tree crop of the district. The seasonal periods covered by such schedules shall be determined by the committee. Prior to any marketing policy meeting for a prorate district the committee may consult with such growers and handlers regarding formulation of such schedule.

(c) Following the marketing policy meetings for all districts, the committee may review and make equitable modifications as it deems advisable in the equity factor and weekly shipping schedules.

(d) The committee shall combine into a weekly total the quantities of oranges that growers and handlers in each district desire to handle each week, as shown on the weekly shipping schedules. The weekly quantity shown on the applicable schedule for a district shall be converted into a percentage of the said weekly total. This percentage shall be known as the percentage allocation to such district.

(e) Insofar as practicable, the committee shall base its recommendations each week (pursuant to § 907.51(a)) to the Secretary as to the respective quantities of oranges that should be handled in the prorate districts, upon the percentage allocations for such districts for such week except when allotments are granted on the basis of the requests of handlers of early maturity oranges pursuant to § 907.60 or the requests of handlers for freeze damage allotments pursuant to § 907.61a.

(f) The committee shall make such adjustments as it deems advisable in the equity factor, the weekly shipping schedules, and the percentage allocations to prorate districts, so as to reflect changing crop or market conditions. Any such adjustment in the weekly shipping schedule for a prorate district shall be based on the tree crop of handlers in the district who are on the prorate base at the time of adjustment and on the tree crop of all handlers in the district who received short-life allotment. Appropriate adjustments shall be made in the schedules and percentage allocations as soon as possible after a change in the estimated tree crop of any prorate district. Whenever a prorate district nears the end of the shipping schedule for that district and the committee ascertains that oranges (grown in that district) remain for handling under volume regulation, the committee may (1) adjust the equity factor upward with corresponding changes in the weekly shipping schedules for all districts or (2) adjust the schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly shipping schedule of each district during all of the preceding weeks and the sum of the aggregate quantity of oranges fixed by the Secretary for handling under general maturity, early maturity, and freeze damage allotments during such preceding weeks of regulation in each of the respective districts plus the aggregate quantity of oranges that were handled in each district when no such regulation was in effect. Adjustments in the weekly shipping schedules for each of the prorate districts may be made by adding weeks to or deleting weeks from the schedule and, if deemed advisable, by proportionate modification of the desired shipments shown thereon for the remaining weeks of the season or any portion thereof.

(g) The committee shall calculate each season, as soon as it is feasible, an estimated percentage of the total tree crop in the production area which, in the judgment of the committee, will be handled under volume regulation and prepare a schedule of estimated weekly shipments based thereon, taking into account the purposes of the act. Such percentage and schedule shall be used as the reference for determining adjustments in the prorate base of handlers, for granting short life allotment, and for matters wherein it is necessary to consider utilization of the crop within a district.

7. The provisions of § 907.111 *Allotment loans* are revised to read as follows:

§ 907.111 Allotment loans.

(a) Loans arranged by handlers: Loans arranged by handlers shall be subject to the following:

(1) *Payback date.* Each allotment loan agreement entered into by a handler must provide for a payback date specified by the lender. Each loan agreement entered into by a handler to whom short-life allotments have been issued shall provide for the repayment of the loan during the time the borrowing handler will be issued allotment.

(2) *Ability to repay.* Allotment loan transactions shall be limited to the borrowing handler's calculated ability to make repayment whenever the payback date falls within the scheduled shipping period of the borrowing handler.

(3) *Confirmation.* All allotment loans made on Saturday shall be confirmed as required by § 907.57 but not later than 4:30 p.m. on the following Monday.

(b) Loans arranged by the committee: The committee shall arrange loans for handlers subject to paragraph (a) (1) and (2) of this section and, to the extent practicable, in accordance with the following:

(1) The committee shall give priority, in arranging loans, to those offers which have a payback date within the current scheduled shipping period of borrowing handlers.

(2) Except as otherwise provided in subparagraph (4) (iii) of this paragraph (b), the committee shall consider offers to loan and requests to borrow prior to 12 m. Monday separately from offers and requests received thereafter during the week.

(3) Each handler offering allotment for loan shall specify at least two payback dates. To receive a loan of any such allotment, or portion thereof offered, the payback date specified by the requesting handler must be the same as one of the repayment dates specified by the offering handler.

(4) Loan offers and requests received by the committee prior to 12 m. Monday shall be applied first to the arrangement of loans between handlers within the same prorate district in accordance with the following provisions:

(i) If requests from handlers, in a prorate district, for general maturity allotment exceed the quantity offered by handlers in that district, the quantity offered shall be equitably apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of general maturity allotment offered in any prorate district exceeds the quantity requested in the district, the same proportion of each offering handler's allotment shall be loaned; and any surplus general maturity allotment from such prorate district shall be equitably apportioned, as aforesaid, to fill requests from borrowing handlers in all other prorate districts.

(ii) If requests from handlers, in a prorate district, for short-life allotment exceed the quantity offered by handlers in that district, the quantity offered shall be equitably apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of short-life allotment offered in a prorate district exceeds the quantity requested in that district, the same proportion of each lending handler's allotment shall be loaned.

(iii) Such loan offers and requests may be modified or withdrawn any time prior to 12 m. Monday, after which time the committee shall arrange allotment loans on the basis of the offers and requests, including modifications thereof, then pending without further action by the handlers involved. Loan offers and requests not fully utilized in such allotment loan arrangements may be modified or withdrawn.

(5) Offers to loan allotment received by the committee at, or subsequent to, 12 m. Monday shall be applied first to the arrangement of loans to handlers within the same prorate district whose requests were received prior to such time, but had not been completely filled. Any remaining allotment shall then be applied to the arrangement of loans to handlers within that district to fill any requests as thereafter received. Allotment loan offers received from handlers in a prorate district at, or subsequent to, 12 m. Monday and for which there are no requests by handlers in that district, may be applied by the committee to the arrangement of loans to fill requests from handlers in other prorate districts. If the total allotment offered for loan in the same prorate district exceeds total requests in such district, the same proportion of each lending handler's allotment shall be loaned. If the quantity of allotment requested by handlers in a prorate district exceeds the quantity offered, the quantity each borrowing handler receives shall bear the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers.

(i) Offers to loan, and requests to borrow, allotment received at, or subsequent to, 12 m. Monday may be modified or withdrawn: *Provided*, That allotment loan arrangements with respect to such offered allotment have not been completed by the committee.

(6) Offers to loan, and requests for, allotment may be made in person, by telephone, or telegram, or in writing. Immediately after completing arrangements for a loan the committee shall confirm the terms thereof by mailing NOAC Form 6 Confirmation of Allotment Loan to the handlers involved.

(c) Whenever any Monday herein specified falls on a legal holiday, the next following business day shall be applicable.

8. Paragraph (a) and the second sentence of paragraph (b) of § 907.114 *Short-life allotments* are revised to read as follows:

§ 907.114 Short-life allotments.

(a) *Qualification for short-life allotment.* A handler shall be considered to have short-life oranges when he has oranges which historically are known to lack keeping qualities which will permit him to handle, during the normal marketing period for the oranges grown in the prorate district, the same proportion of his oranges as the average which will be handled by all handlers pursuant to § 907.110(g).

(b) *Application to be filed.* * * * The application shall contain the following information: Name and address of applicant; location of each grove producing short-life oranges; a record covering the maximum years available, but not in excess of the 10 immediately preceding years, showing the marketing period of the oranges covered by the application; a suggested shortened marketing season showing the final date when the short-life oranges covered by the application should be marketed; and, a showing satisfactory to the committee why the oranges covered by the application cannot be marketed during the normal marketing period for the applicable district through appropriate adjustments in the handler's packinghouse operations.

9. A new § 907.116 *Credit forfeitures* is added to read as follows:

§ 907.116 Credit forfeitures.

(a) The forfeiture of any handler's general maturity allotment that was neither used nor loaned to another handler shall be applied to reduce overshipments of handlers as provided in § 907.55 unless the forfeiting handler made a bona fide and timely offer to the committee to lend his undershipment. An offer shall be considered bona fide and timely if such offer (1) was received in the office of the committee by 12 m. Monday, or the next following business day if Monday is a legal holiday, and (2) contained at least two alternative payback dates. All short-life allotment that is forfeited shall be applied to reduce overshipments of handlers as provided in § 907.55.

(b) If the forfeiture of allotment in a prorate district exceeds that required to offset overshipments in such district and overshipments exceed forfeitures in other districts, the surplus forfeiture credit shall be allocated, as provided in § 907.55, to the handlers in the deficit districts in proportion to their permissible overshipments.

10. A new § 907.117 *Freeze damage allotments* is added to read as follows:

§ 907.117 Freeze damage allotments.

(a) At least 6 days before any meeting held by the committee to consider the quantity of allotments to be issued in any one or more prorate districts pursuant to § 907.61a, the committee shall mail written notice to handlers in such districts of its intention advising handlers that applications for such allotments shall be filed with the committee as hereinafter provided.

(b) Whenever freeze damage allotments are to be issued in a prorate district pursuant to § 907.61a on the basis of requests by handlers, the committee shall determine on the basis of all available information and after consideration of all of the factors enumerated in § 907.51(b), the extent to which freeze damage allotments should be granted in such district.

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filling NOAC Form 35 on or before 12 m. of the day preceding the regular weekly meeting of the committee. Such requests may be made at any of the offices of the committee. NOAC Form 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made by a properly completed NOAC Form 35 shall be confirmed by delivering to the committee at any of its offices, not later than the day preceding the committee's regular weekly meeting, a properly completed NOAC Form 35 or by mailing a properly completed form to the committee not later than the day preceding the committee's regular weekly meeting.

(d) Whenever the total amount of freeze damage allotment the committee determines should be granted to handlers within a prorate district equals or is larger than the total amount applied for in such district, the full amount applied for in each application shall be granted. Whenever the total amount applied for exceeds the total amount of freeze damage allotment the committee deems should be granted in the district, the request of each handler in such district shall be granted in the same proportion as the handler's tree crop bears to the total tree crop of requesting handlers in that district, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in the same proportion as aforesaid, but not in excess of the amount requested.

(e) Any handler to whom freeze damage allotment is issued may transfer such allotment, or portion thereof, to another such handler in the same prorate district; and such handlers shall notify the committee of such transfer on or before 12 m. Friday, or the following business day if Friday is a legal holiday, of the week following the one for which such allotment was issued. Such notification shall show names of the parties, the amount of the allotment transferred, and the week thereof.

(f) Any handler to whom freeze damage allotment is issued and who desires transfer of freeze damage allotment from or to other such handlers within another prorate district shall so notify the committee in person, by telephone, or telegram, or in writing by 12 m. Wednesday of the week for which the allotment was issued, or by 12 m. of the preceding day if Wednesday is a legal holiday. The committee shall endeavor to effect a transfer of allotment and shall confirm each such transfer to the handlers involved. In the event the total amount of the allotment available for transfer is less than the total amount requested, the committee shall transfer the available allotment to the requesting handlers proportionately as provided in paragraph (d) of this section.

§ 907.139 [Amended]

11. In § 907.139 *Conversion factors*, "40" is deleted from the second sentence and "37½" is inserted in lieu thereof.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give further notice and good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) seasonal handling of California-Arizona Navel oranges is currently in progress and to be of maximum benefit the provisions of this amendment should become effective as soon as possible to afford handlers more efficiency in their operations, (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, and (3) this amendment was unanimously recommended by members of the Navel Orange Administrative Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 12, 1969, to become effective November 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13637; Filed, Nov. 13, 1969; 8:50 a.m.]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Expenses and Rate of Assessment

On October 25, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 17335) regarding proposed expenses and the related rate of assessment for the period beginning August 1, 1969, and ending July 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913, 34 F.R. 12428), regulating the handling of grapefruit grown in the Interior District in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Grapefruit Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 913.205 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee during the period August 1, 1969, through July 31, 1970, will amount to $32,500.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 913.31, is fixed at $0.005 per standard packed box of grapefruit.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of grapefruit are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (3) such period began on August 1, 1969, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 7, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13554; Filed, Nov. 13, 1969; 8:49 a.m.]

PART 966—TOMATOES GROWN IN FLORIDA

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in designated counties in the State of Florida, was published in the FEDERAL REGISTER of October 22, 1969 (34 F.R. 17114). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 15 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Florida Tomato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 966.206 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1969, and ending July 31, 1970, by the Florida Tomato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $113,900.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-fourths of a cent ($0.0075) per 40-pound container of tomatoes, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1970, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable tomatoes from the beginning of such period, and (2) the current fiscal period began on August 1, 1969, and the rate of assessment herein fixed will automatically apply to all assessable tomatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 7, 1969.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13555; Filed, Nov. 13, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69–EA–133; Amdt. 39–867]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 Part 39 of the Federal Aviation Regulations so as to amend AD 69–8–12 applicable to DeHavilland DHC-6 type airplanes.

Subsequent to publication of AD 69–8–12 it was determined that it should not be applicable to airplanes which incorporated service bulletin 6/181.

Since the foregoing is less restrictive in nature, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

Amend AD 69–8–12 by adding after the word "categories" in the applicability statement the words "except airplanes altered in accordance with DeHavilland Service Bulletin 6/181".

This amendment is effective November 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–13547; Filed, Nov. 13, 1969; 8:48 a.m.]

SUBCHAPTER D—AIRMEN

[Docket No. 9646; Amdt. 65–13]

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

Reduction of Minimum Age for Air Traffic Control Tower Operator Certificate

The purpose of this amendment to Part 65 of the Federal Aviation Regulations is to reduce the minimum age for eligibility for an air traffic control tower operator certificate from 21 to 18 years.

This amendment was proposed in Notice 69–25, issued on June 6, 1969, and published in the FEDERAL REGISTER on June 13, 1969 (34 F.R. 9347). Eight comments were received on the notice, four of which concurred in the proposal. The other four comments opposed the proposal, generally on an asserted lack of maturity and judgment of persons only 18 years old. However, as stated in the notice, although a person less than 21 years old would be eligible for a certificate he would not receive a rating to control aircraft at any particular airport until he shows the qualifications to perform the duties of an operator at that airport.

One opposing commentator stated he would concur if the proposed lowering of the minimum age were limited to controllers who were previously certificated as air traffic controllers in a military service. While the notice referred to discharged military control tower operators as a ready source of trained recruits, it is not considered appropriate to limit the scope of the rule change to those persons, in view of the fact that a certificated operator would not receive a rating to control aircraft at any particular airport until qualified, regardless of whether he came from the military.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing § 65.31 of the Federal Aviation Regulations is amended, effective December 14, 1969, as follows:

1. By amending paragraph (a) to read as follows:

§ 65.31 Eligibility requirements: general.

To be eligible for an air traffic control tower operator certificate, a person must—

(a) Be at least 18 years of age;

* * * * * *

2. By striking out the flush sentence at the end of the section.

(Sec. 313(a), 601, 602, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1422; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 5, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69–13548; Filed, Nov. 13, 1969; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket 9944; Amdt. 675]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Ormond Beach, Fla.—Ormond Beach Municipal, VOR Runway 8, Amdt. 1, 9 Dec. 1967 (established under Subpart C).
Red Hook, N.Y.—Stark-Tator Skypark, VOR Runway 1, Orig., 5 Aug. 1967 (established under Subpart C).
Starkville, Miss.—Oktibbeha, VOR Runway 27, Amdt. 2, 29 July 1967 (established under Subpart C).

2. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Transition							
Cardinal Int	Limestone (LM) LOM	Direct	2400	T–dn##	300–1	300–1	200–½
St. Paul Int	Limestone (LM) LOM (NOPT)	Via STL R 277° and NW crs LMR ILS.	2400	C–dn	500–1	500–1	500–1½
				S–dn–12R@	400–1	400–1	400–1
				A–dn	600–2	600–2	600–2
STL VORTAC	Limestone (LM) LOM	Direct	2400				
Lake Int	Limestone (LM) LOM	Direct	2400				
Steeple (ST) LOM	Limestone (LM) LOM	Direct	2400				
Staunton Int	Limestone (LM) LOM	Direct	2400				
Barracks Int	Limestone (LM) LOM	Direct	2800				
Maryland Heights VORTAC	Limestone (LM) LOM	Direct	2400				
Imperial Int	Limestone (LM) LOM	Direct	2600				
Mounds Int	Limestone (LM) LOM	Direct	2400				

Radar vectoring.
Procedure turn N side of crs, 297° Outbnd, 117° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2303′, 5.3 miles; at MM, 801′, 0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LM LOM, proceed to MTS VORTAC via Cardinal Int, climbing to 2400′ or, when directed by ATC, proceed to Steeple (ST) LOM via Cardinal Int, climbing to 1900′.
CAUTION: Trees approximately 3800′ from approach end of Runway 12R, on runway centerline, to an elevation of 649′ MSL may obscure portions of approach light system during final approach.
##RVR 2400′ authorized Runway 24.
@Reduction not authorized.
MSA within 25 miles of LM LOM: 000°–090°—2100′; 090°–180°—2700′; 180°–270°—2200′; 270°–360°—2200′.
NOTE: Glide slope inoperative minimums, 400–1 required when glide slope not utilized.

City, St. Louis; State, Mo.; Airport name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I–LMR; Procedure No. ILS Runway 12R, Amdt. 6; Eff. date 4 Dec. 69; Sup. Amdt. No. 5; Dated, 10 Apr. 69

3. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DAB VORTAC.
R 161°, DAB VORTAC CW	R 256°	8-mile DME Arc	1500	Left-climbing turn to 1500' on DAB R 360° within 15 miles.
R 360°, DAB VORTAC CCW	R 256°	8-mile DME Arc	1500	
8-mile DME Arc	DAB VORTAC (NOPT)	R 256°	490	

Procedure turn N side of crs, 256° Outbnd, 076° Inbnd, 1500' within 10 miles of DAB VORTAC.
Final approach crs, 076°.
MSA: 000°–090°—1400'; 090°–180°—1600'; 180°–270°—2100'; 270°–360°—1400'.
NOTE: Use Daytona Beach altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8	480	1	451	480	1	451	480	1	451	480	1	451
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	451	480	1	451	480	1½	451	580	2	551
A	Not authorized.			T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Ormond Beach; State, Fla.; Airport name, Ormond Beach Municipal; Elev., 29'; Facility, DAB; Procedure No. VOR Runway 8, Amdt. 2; Eff. date, 4 Dec. 69; Sup Amdt. No. 1; Dated 9 Dec. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing School Int.
Kingston VOR	School Int (NOPT)	Direct	1500	Climbing left turn to 3000' direct to IGN VOR and hold.
Pawling VOR	Kingston VOR	Direct	3000	
Pawling VOR	School Int	Direct	3000	Supplementary charting information: Hold S, 1 minute, right turns, 010° inbnd. 1570' tower 1.7 miles SW PWL VOR. 1403' terrain 6 miles E IGN VOR. 920' tower 41°51'28" N. 73°46'26" W.

Procedure turn W side of crs. 190° outbnd, 010° Inbnd, 3000' within 10 miles of School Int.
FAF, School Int. Final approach crs, 010°, Distance FAF to MAP, 5 miles.
Minimum altitude over School Int., 1500'.
MSA: 000°–090°—3400'; 090°–180°—2900'; 180°–270°—2800'; 270°–360°—4200'.
NOTES: (1) Radar vectoring. (2) Use Poughkeepsie altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAT	VIS	VIS	VIS
S-1	1200	1¼	880	NA	NA	NA
	MDA	VIS	HAA			
C	1200	1¼	880	NA	NA	NA
A	Not authorized.		T 2-eng. or less—Runway 1/19, 500-1.		T over 2-eng.—Not authorized.	

City, Red Hook; State, N.Y.; Airport name, Stark-Tator Skypark; Elev., 320'; Facility IGN; Procedure No. VOR Runway 1, Amdt. 1; Eff. date, 4 Dec. 69; Sup Amdt. No. Orig.; Dated, 5 Aug. 67.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.3 miles after passing UBS VORTAC.
Millport Int	UBS VORTAC (NOPT)	Direct	1900	Climb to 2000' to College Int via R 266° UBS VORTAC and hold. Supplementary charting information: Hold W, 1 minute, right turns, 086° Inbnd.

Procedure turn S side of crs, 091° Outbnd, 271° Inbnd, 1900' within 10 miles of UBS VORTAC.
FAF, UBS VORTAC. Final approach crs, 271°. Distance FAF to MAP, 8.3 miles.
Minimum altitude over UBS VORTAC, 1900'; over Doris DME Fix, 780'.
MSA: 000°–180°—1800'; 180°–360°—1900'.
NOTES: (1) Use Columbus approach control altimeter setting. (2) Night minimums not authorized. (3) Intensive student jet training areas 16 miles NE and 6 miles SW of airport. (4) Radar vectoring.
#Weather reporting not available.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAT	VIS	VIS	VIS
S-27	780	1	530	NA	NA	NA
	MDA	VIS	HAA			
C	830	1	570	NA	NA	NA
	VOR/DME Minimums:					
	MDA	VIS	HAT			
S-27	660	1	410	NA	NA	NA
	MDA	VIS	HAA			
C	720	1	470			
A	Not authorized.#		T 2-eng. or less—Standard.		T over 2-eng.—Not authorized.	

City, Starkville; State, Miss.; Airport name, Oktibbeha; Elev., 250'; Facility, UBS; Procedure No. VOR Runway 27, Amdt. 3; Eff. date, 4 Dec. 69; Sup. Amdt. No. 2; Dated, 29 July 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 25.5-mile DME Fix.
CZI VORTAC	317°/10-mile DME Fix	Direct	7000	Climbing right turn to 7000' to CZI 317°/20-mile DME Fix, and hold,* or when directed by ATC, climb straight ahead to 9000', direct to SHR VOR.
317°/10-mile DME Fix	317°/20-mile DME Fix (NOPT)	Direct	6000	Supplementary charting information: *Hold SE, 1 minute, right turns, 317° Inbnd to Fix. Final approach crs aligned to Runway 30 threshold. Chart MAP as 25.5-mile DME. Runway 30, TDZ elevation, 4937'.

Procedure turn E side of crs, 137° Outbnd, 317° Inbnd, 7000' within 10 miles of 317°/20-mile DME Fix.
Final approach crs, 317°.
Minimum altitude over 317°/20-mile DME, 6000'.
MSA: 000°–180°—7100'; 180°–360°—11,600'.
NOTES: (1) Use Sheridan altimeter setting. (2) Final approach from holding pattern not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30	5660	1	723	5660	1¼	723	5660	1¼	723	5660	1¼	723
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5660	1	706	5660	1¼	706	5660	1¼	706	5660	2	706
A	Not authorized.			T 2-eng. or less.—Standard.					T over 2-eng.—Standard.			

City, Buffalo; State, Wyo.; Airport name, Buffalo Municipal; Elev., 4954'; Facility, CZI; Procedure No. VOR/DME Runway 30, Amdt. Orig.; Eff. date, 4 Dec. 69

4. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.8 miles after passing ADM VOR.
ADM NDB	ADM VORTAC	Direct	2500	Climb to 2700′ on R 046° within 20 miles
DUC VOR	ADM VORTAC	Direct	2600	Supplementary charting information Tower 1.7 miles N 1075′.

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2500′ within 10 miles of ADM VORTAC.
FAF, Ardmore VORTAC. Final approach crs, 046°. Distance FAF to MAP, 8.8 miles.
Minimum altitude over ADM VORTAC, 2000′; over Autry Int, 1360′.
MSA: 000°–090°—2700′; 090°–180°—2900′; 180°–270°—2500′; 270°–360°—2700′.
#Night operations not authorized Runways 4/22.
*When control zone not effective, the following limitations apply except for operators with approved weather reporting service: (1) Use Perrin AFB altimeter setting; (2) circling and straight-in MDA's increased 180′; (3) alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4*#	1360	1	598	1360	1	598	1360	1	598	1360	1	598
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1360	1	598	1360	1	598	1380	1½	618	1400	2	638
	VOR/DME or VOR/ADF Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4*#	1200	1	438	1200	1	438	1200	1	438	1200	1	438
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1300	1	538	1300	1	538	1380	1½	618	1400	2	638
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Ardmore; State, Okla.; Airport name, Ardmore Municipal; Elev., 762′; Facility, ADM; Procedure No. VOR Runway 4, Amdt. 8; Eff. date, 4 Dec. 69; Sup. Amdt. No. 7; Dated, 7 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing ADM VOR.
				Climb to 2500′, right turn direct to ADM VOR and hold. Supplementary charting information: Hold SW of Ardmore VORTAC R 224°, Inbnd 044° right turns, 1 minute pattern.

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2500′ within 10 miles of ADM VOR.
FAF, ADM VOR. Final approach crs, 140°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over ADM VOR, 1800′.
MSA: 180°–270°—2500′; 270°–180°—2900′.
*When control zone not effective, increase circling MDA 160′ and use Perrin AFB altimeter setting.
%N takeoff maintain runway heading until reaching 1300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS	
C*	1540	1	700	1540	1	700	1580	1¾	740		NA	
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Ardmore; State, Okla.; Airport name, Downtown Ardmore; Elev., 840′; Facility, ADM; Procedure No. VOR-1, Amdt. 3; Eff. date, 4 Dec. 69; Sup. Amdt. No. 2; Dated, 17 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FTY VOR.
				Climbing left turn to 3000′ proceed to Wade Int via FTY VOR R 275° and hold or as directed by ATC. Supplementary charting information: Hold W, 1 minute, left turns, 095° Inbnd. REIL, Runway 8.

Radar vector to final approach crs.
Procedure turn not authorized. Approach crs (profile) starts at Wade Int.
Final approach crs, 095°.
Minimum altitude over Wade Int, 3000′; over Margaret Int, 2600′; over Terry FM, 1520′.
MSA: 000°–180°—3100′; 180°–270°—2700′; 270°–360°—2900′.
NOTES: (1) Radar required. (2) ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS	
C	1520	1	680	1520	1	680	1520	1½	680		NA	
	VOR/FM Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1380	1	540	1380	1	540	1480	1½	640		NA	
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Atlanta; State, Ga.; Airport name, Fulton County; Elev., 840′; Facility, FTY; Procedure No. VOR-1, Amdt. 11; Eff. date, 4 Dec. 69; Sup. Amdt. No. 10; Dated, 24 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 11.7 miles after passing JAN VORTAC.
R 335°, JAN VORTAC within 15 miles	JAN VORTAC (NOPT)	Direct	1900	Climbing left turn to 2000′, R 129° JAN VORTAC within 15 miles.
Berryville Int	JAN VORTAC (NOPT)	Direct	1900	Supplementary charting information:
R 249°, JAN VORTAC CW	R 332°, JAN VORTAC (NOPT)	7-mile DME Arc	1900	HIRLs all runways.
R 049°, JAN VORTAC CCW	R 332°, JAN VORTAC (NOPT)	7-mile DME Arc	1900	Runway 15L, TDZ elevation, 310′.

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 1900′ within 10 miles of JAN VORTAC.
FAF, JAN VORTAC. Final approach crs, 152°. Distance FAF to MAP, 11.7 miles.
Minimum altitude over JAN VORTAC, 1900′; over Sawmill Int/JA LOM, 1240′.
MSA: 000°–090°—1800′; 090°–180°—2300′; 180°–270°—3500′; 270°–360°—1800′.
NOTE: ASR.
*Authorized VOR/DME, VOR/NDB, VOR/FM only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-15L	1240	RVR 50	930	1240	RVR 60	930	1240	1¾	930	1240	2	930
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	895	1240	1¼	895	1240	1½	895	1240	2	895
	VOR/DME, VOR/NDB, VOR/FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-15L	660	RVR 24	350	660	RVR 24	350	660	RVR 24	350	600	RVR 50	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	435	800	1	455	800	1½	455	900	2	555
A	Standard.*		T 2-eng. or less—RVR 24, Runway 15L; Standard all others.				T over 2-eng.—RVR 24′, Runway 15L; Standard all others.					

City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345′; Facility, JAN; Procedure No. VOR Runway 15L, Amdt. 1; Eff. date, 4 Dec. 69; Sup. Amdt. No. Orig.; Dated, 9 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1 mile after passing JFN VORTAC.
			Climb to 2700' left turn to JFN VORTAC and hold. Supplementary charting information: Hold NE of JFN VORTAC 1-minute right turns, 246° Inbnd.

Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 2700' within 10 miles of JFN VORTAC.
FAF, JFN VORTAC. Final approach crs 251°. Distance FAF to MAP, 1 mile.
Minimum altitude over JFN VORTAC, 1800'.
MSA: 000°–090°—2600'; 090°–180°—2900'; 180°–270°—2600'; 270°–360°—2400'.
NOTE: Use ERI altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1560	1	625	1560	1	625	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Runways 9-27, 1 mile required.	

City, Jefferson; State, Ohio; Airport name, Ashtabula-Jefferson; Elev., 935'; Facility, JFN; Procedure No. VOR Runway 27, Amdt. 4; Eff. date, 4 Dec. 69; Sup. Amdt. No. 3 Dated, 16 May 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BFM VORTAC.
R 098°, BFM VORTAC CW	R 146°, BFM VORTAC (NOPT)	10-mile Arc	1800	Climbing right turn to 2000' to Stockton Int via R 026° BFM VORTAC and hold.
R 236°, BFM VORTAC CCW	R 146°, BFM VORTAC (NOPT)	10-mile Arc	1800	
10-mile Arc	Trace Int/3-mile DME Fix	R 146°, BFM VORTAC	600	Supplementary charting information: Hold NE, 1 minute, left turns, 238° Inbnd. Runway 32, TDZ elevation, 26'.

Procedure turn W side of crs, 146° Outbnd, 326° Inbnd, 1800' within 10 miles of BFM VORTAC.
Final approach crs, 326°.
Minimum altitude over Trace Int/3-mile DME Fix, 600'.
MSA: 000°–180°—2400'; 180°–270°—1400'; 270°–360°—1700'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–32	600	1	574	600	1	574	600	1	574	600	1¼	574
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	600	1	574	600	1	574	600	1½	574	600	2	574
VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–32	280	1	254	280	1	254	280	1	254	280	1	254
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Mobile; State, Ala.; Airport name, Brookley Field; Elev., 26'; Facility, BFM; Procedure No. VOR Runway 32, Amdt. 1; Eff. date, 4 Dec. 69; Sup. Amdt. No. Orig; Dated, 25 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing Antenna Int.
SJU NDB	SJU VORTAC	Direct	2000	Turn right and climb to 1500' on R 094° to Isla Verde Int.
SJU R 359° CCW	R 258°, SJU VORTAC	11-mile Arc, R 270° lead radial.	1800	
11-mile DME Fix	Antenna Int (NOPT)	R 258°	1500	Supplementary charting information: Final approach crs intercepts runway centerline 6900' from threshold, 240' laterally at 3000'. Runway 7, TDZ elevation, 9'.

Procedure turn N side of crs, 258° Outbnd, 078° Inbnd, 2000' within 10 miles of SJU VORTAC.
FAF, Antenna Int. Final approach crs, 078°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Antenna Int, 1500'.
MSA: 000°–090°—1200'; 090°–180°—4600'; 180°–270°—5100'; 270°–360°—1800'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–	520	¾	511	520	¾	511	520	¾	511	520	1¼	511
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	511	520	1	511	520	1½	511	560	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, San Juan; State, P.R.; Airport name, Puerto Rico International; Elev., 9'; Facility, SJU; Procedure No. VOR Runway 7, Amdt. 9; Eff. date, 4 Dec. 69; Sup. Amdt. No. 8; Dated, 16 Oct. 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing SAV VORTAC.
SA LOM	SAV VORTAC	Direct	3000	Right turn, climb to 2000' on R 283° within 15 miles.
R 322°, SAV VORTAC CW	R 062° SAV VORTAC	10-mile Arc, R 049° lead radial.	3000	
10-mile Arc	SAV VORTAC (NOPT)	R 062°	1500	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. Runway 27, TDZ elevation, 50'.
Burton Int	SAV VORTAC (NOPT)	Direct	1500	

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 2000' within 10 miles of SAV VORTAC.
FAF, SAV VORTAC. Final approach crs, 242°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over SAV VORTAC, 1500'.
MSA: 000°–090°—1400'; 090°–180°—1600'; 180°–360°—2200'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–27	520	¾	470	520	¾	470	520	¾	470	520	1	470
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	470	520	1	470	520	1½	470	600	2	550
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Savannah; State, Ga.; Airport name, Savannah Municipal; Elev., 50'; Facility, SAV; Procedure No. VOR Runway 27, Amdt. 6; Eff. date, 4 Dec. 69; Sup. Amdt. No. 5; Dated, 9 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SYI VOR.
				Climb to 2500′ via SYI R 090° and return to SYI VOR and hold.

Supplementary charting information:
Hold West, 1 minute, right turns, 090° Inbnd.
LRCO 122.1R, 122.6R.

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 2000′ within 10 miles of SYI VOR.
Final approach crs, 090°.
MSA: 000°–090°—3300′; 090°–270°—2600′; 270°–360°—2400′.
NOTE: Use Nashville altimeter setting when local altimeter setting not available, increase all MDA's 160′.
*Standard alternate minimums authorized operators with approved weather reporting service.
%CAUTION: Due to high terrain NE and SE of airport departing aircraft with limited climb capability should climb to 3000′ on a westerly heading before continuing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1340	1	538	1340	1	538	1340	1½	538	NA
A	Not authorized.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802′; Facility, SYI; Procedure No. VOR-1, Amdt. 1; Eff. date, 4 Dec. 69; Sup. Amdt. No. Orig.; Dated, 26 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SYI VOR.
Walterhill Int	SYI VOR	Direct	2500	Climbing left turn to 2500′ on R 290° SYI VOR to SYI VOR and hold.
Summitville Int	SYI VOR	Direct	2500	

Supplementary charting information:
Hold S, 1 minute, left turns, 013° Inbnd.
LRCO 122.1R, 122.6R.
Chart 1520′ tower 12 miles S of airport.
Runway 36, TDZ elevation, 800′.

Procedure turn W side of crs, 193° Outbnd, 013° Inbnd, 2500′ within 10 miles of SYI VOR.
Final approach crs, 013°.
Minimum altitude over Bomar FM, 1800′.
MSA: 000°–090°—3300′; 090°–270°—2600′; 270°–360°—2400′.
NOTE: Use Nashville FSS altimeter setting when local altimeter setting not available and increase MDA 160′; increase visibility straight-in and circling all categories ¼ mile. (VOR/FM visibility minimums not affected.)
*Standard alternate minimums authorized operators with approved weather reporting service.
%CAUTION: Due to high terrain NE and SE of airport, departing aircraft with limited climb capability should climb to 3000′ on a westerly heading before continuing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–36	1800	1¼	1000	1800	1½	1000	1800	1¾	1000	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1800	1¼	998	1800	1½	998	1800	1¾	998	NA
	VOR/FM Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–36	1160	1	360	1160	1	360	1160	1	360	NA
A	Not authorized.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802′; Facility, SYI; Procedure No. VOR Runway 36, Amdt. 6; Eff. date, 4 Dec. 69; Sup. Amdt. No. 5; Dated, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.4 miles after passing SOP VORTAC
R 186°, SOP VORTAC CW	R 266°, SOP VORTAC	10-mile DME Arc	2200	Left turn climb to 2200′ direct to SOP VORTAC and hold.
R 266°, SOP VORTAC CCW	R 266°, SOP	10-mile DME Arc	2200	
10-mile Arc	SOP VORTAC (NOPT)	SOP, R 266°	2200	

Supplementary charting information:
Hold W, 1 minute, right turns, 077° inbnd.
Final approach crs to center of landing area.

Procedure turn S side of crs, 266° Outbnd, 086° Inbnd, 2200′ within 10 miles of SOP VORTAC.
FAF, SOP VORTAC. Final approach crs, 086°. Distance FAF to MAP, 9.4 miles.
Minimum altitude over SOP VORTAC, 2200′; over 4-mile DME Fix, 1020′.
MSA: 000°–090°—1900′; 090°–180°—1800′; 180°–270°—1800′; 270°–360°—2500′.
NOTES: (1) Use FAY altimeter setting. (2) No weather reporting.
*Alternate minimums not authorized and VOR and VOR/DME minimums increased 120′ all categories aircraft for operators not having approved local weather reporting service.
§Night minimums not authorized on Runways 14/32.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*§	1020	1	565	1020	1	565	1020	1¼	565	NA
	VOR/DME:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*§	860	1	405	920	1	465	920	1¼	465	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Southern Pines; State, N.C.; Airport name, Pinehurst-Southern Pines, Elev., 455′; Facility, SOP; Procedure No. VOR-1, Amdt. 7; Eff. date, 4 Dec. 69; Sup. Amdt. No. 6; Dated, 27 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10.6-mile DME Fix.
R 080°, FAM VORTAC CW	R 115°, FAM VORTAC (NOPT)	7-mile Arc	2900	Climbing left turn to 2900′ direct to FAM VORTAC.
R 196°, FAM VORTAC CCW	R 115°, FAM VORTAC (NOPT)	7-mile Arc	2900	

Supplementary charting information:
Final approach crs to airport reference point.

Procedure turn N side of crs, 115° Outbnd, 295° Inbnd, 2900′ within 10 miles of FAM VORTAC.
Final approach crs, 295°.
Minimum altitude over FAM VORTAC, 2900′; over 6-mile DME Fix, 2000′.
MSA: 000°–180°—2400′; 180°–270°—2800′; 270°–360°—3000′.
NOTES: (1) Use Cape Girardeau, Mo., altimeter setting, except operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 200 feet.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1600	1	654	1600	1	654	1600	1¾	654	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Farmington; State, Mo.; Airport name, Farmington Municipal; Elev., 946′; Facility, FAM; Procedure No. VOR/DME-1, Amdt. 1; Eff. date, 4 Dec. 69; Sup. Amdt. No. Orig.; Dated, 13 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 23.3-mile DME Fix.
SOP VORTAC	8-mile DME Fix, R 060°	Direct	2100	Climb to 2100′ right turn to 18-mile DME Fix, R 060° and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 060° Inbnd.

Procedure turn not authorized. Approach crs (profile) starts at 8-mile DME Fix.
Final approach crs, 060°.
Minimum altitude over 8-mile DME Fix, 2100′; over 18-mile DME Fix, 2100′.
MSA: 000°–270°—1900′; 270°–360°—2500′.
NOTE: Use FAY altimeter setting and weather.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-3	1180	1	750	1180	1¼	750		
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1180	1	750	1180	1¼	750		
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Sanford; State, N.C.; Airport name, Sanford Municipal; Elev., 430′; Facility, SOP; Procedure No. VOR/DME Runway 3, Amdt. 2; Eff. date, 4 Dec. 69; Sup. Amdt No. 1; Dated, 9 May 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				Map: 21-mile DME Fix.
				Left turn climb to 2500′ return to SOP VORTAC via R 206° and hold. Supplementary charting information: Hold NE SOP VORTAC 206° Inbnd, right turn, 1 minute. Request SOP R 206° be shown as approach radial.

Procedure turn not authorized. One-minute holding pattern NE of SOP VORTAC, 206° Inbnd, right turns, 2500′.
Final approach crs, R 206°.
Minimum altitude over 14-mile DME, 2500′; over 19-mile DME, 1340′.
MSA: 000°–090°—1800′; 090°–180°—1800′; 180°–270°—1900′; 270°–360°—2500′.
NOTE: Use FAY altimeter setting.
*Night landings Runways 31-13 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1060	1	702	1060	1	702	NA	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Nor authorized.	

City, Rockingham; State, N.C.; Airport name, Rockingham-Hamlet; Elev., 358′; Facility, SOP; Procedure No. VOR/DME-1, Amdt. 1; Eff. date, 4 Dec. 69; Sup. Amdt. No. Orig.; Dated, 7 Nov. 68

5. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.9 miles after passing Amite Int.
BTR VOR	Amite Int	Direct	2000	Climb to 1600′ direct BT LOM.
Int. SE crs ILS, BTR VOR R 109°	Amite Int (NOPT)	Direct	1800	Supplementary charting information: Depict: BTR Radial 091° (Amite Int). Runway 31, TDZ elevation, 70′.

Procedure turn N side of crs, 127° Outbnd, 307° Inbnd, 1800′ within 10 miles of Amite Int.
FAF, Amite Int. Final approach crs, 307°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over Amite Int, 1800′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	420	¾	350	420	¾	350	420	¾	350	420	1	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	490	560	1	490	560	1½	490	620	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Baton Rouge; State, La.; Airport name, Ryan; Elev., 70′; Facility, I-BTR; Procedure No. LOC (BC) Runway 31, Amdt. 9; Eff. date, 4 Dec. 69; Sup. Amdt. No. 8 Dated, 26 Sept. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.9 miles after passing Gloria Int.
SAV VORTAC	Gloria Int	Direct	2000	Climb to 2000′ on front crs SAV LOC 272° to SA LOM; or, when directed by ATC, climbing right turn to 2000′ direct to SAV VORTAC. Supplementary charting information: Runway 27, TDZ elevation, 50′.
SA LOM	Gloria Int	LOC crs	2000	
SAV VORTAC, R 024° CW	SAV LOC crs	8-mile Arc SAV, R 092° lead radial.	2000	
SAV VORTAC, R 196° CCW	SAV LOC crs	8-mile Arc SAV, R 121° lead radial.	2000	
8-mile Arc	Gloria Int (NOPT)	LOC crs	1200	

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 2000′ within 10 miles of Gloria Int.
FAF, Gloria Int. Final approach crs, 272°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over Gloria Int., 1200′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	440	¾	390	440	¾	390	440	¾	390	440	1	390
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	450	500	1	450	500	1½	450	600	2	550
A	Standard.		T 2-eng. or less—RVR 24′, Runway 9; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 9; Standard all other runways.					

City, Savannah; State, Ga.; Airport name, Savannah Municipal; Elev., 50′; Facility, I-SAV; Procedure No. LOC (BC) Runway 27, Amdt. 5; Eff. date, 4 Dec. 69; Sup. Amdt. No. 4; Dated, 9 Oct. 69

6. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MRC NDB.
Hampshire Int	MRC NDB	Direct	3000	Climbing right turn to 3000′ to MRC NDB and hold.
BNA VORTAC	MRC NDB	Direct	3000	
Gordonsburg Int	MRC NDB	Direct	3000	Supplementary charting information: Hold SW, 1 minute, right turns, 044° Inbnd. Final approach crs intercepts runway centerline 3000′ from threshold. Runway 5, TDZ elevation, 671′.

Procedure turn E side of crs, 224° Outbnd, 044° Inbnd, 2100′ within 10 miles of MRC NDB.
Final approach crs, 044°.
MSA 000°–090°—2400′; 090°–180°—2400′; 180°–270°—2300″ 270°–360°—2200′.
NOTE: Use Nashville altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–5	1580	1¼	909	1580	1½	909	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1580	1¼	908	1580	1½	908	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Columbia-Mount Pleasant; State, Tenn.; Airport name, Maury County; Elev., 672′; Facility, MRC; Procedure No. NDB (ADF) Runway 5, Amdt. Orig.; Eff. date, 4 Dec. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MRC NDB.
Hampshire Int	MRC NDB	Direct	3000	Climbing right turn to 3000′ to MRC NDB and hold.
BNA VORTAC	MRC NDB	Direct	3000	
Gordonsburg Int	MRC NDB	Direct	3000	Supplementary charting information: Hold NE, 1 minute, left turns, 237° Inbnd. Final approach crs intercepts runway centerline 2400′ from threshold. Runway 23, TDZ elevation, 672′.

Procedure turn S side of crs, 057° Outbnd, 237° Inbnd, 2100′ within 10 miles of MRC NDB.
Final approach crs, 237°.
MSA: 000°–090°—2400′; 090°–180°—2400′; 180°–270°—2300′; 270°–360°—2200′.
NOTE: Use Nashville altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–23	1440	1	768	1440	1¼	768	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1440	1	786	1440	1¼	768	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.*				T over 2-eng.—Not authorized.	

City, Columbia-Mount Pleasant; State, Tenn.; Airport name, Maury County; Elev., 672′; Facility, MRC; Procedure No. NDB (ADF) Runway 23, Amdt. Orig; Eff. date, 4 Dec. 69

7. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing ADM NDB.
ADM VORTAC	ADM NDB	Direct	2500	Climb to 2700′ on crs 076° within 20 miles.
DUC VOR	ADM NDB	Direct	2600	Supplementary charting information: Tower 1.7 miles N 1075′.

Procedure turn S side of crs, 256° Outbnd, 076 Inbnd, 2500′ within 10 miles of ADM NDB.
FAF, ADM NDB. Final approach crs, 076°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over ADM NDB, 2300′.
MSA: 000°–090°—2700′; 090–180°—2300′; 180°–270°—2500′; 270°–360°—2700′.
*Night operations not authorized Runways 4,22.
†When control zone not effective, the following limitations apply except for operators with approved weather reporting service: (1) Use Perrin AFB altimeter settings; (2) circling and straight-in MDA's increased 180′; (3) alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S8	1300	1	538	1300	1	538	1300	1	538	1300	1	538
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C†	1300	1	538	1300	1½	538	1380	1½	618	1400	2	638
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Ardmore; State, Okla.; Airport name, Ardmore Municipal; Elev., 762′; Facility, ADM; Procedure No. NDB (ADF) Runway 8, Amdt. 6; Eff. date, 4 Dec. 69; Sup. Amdt. No. 5; Dated, 28 Nov. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing LOM.
Savannah VORTAC	SA LOM	Direct	2000	Climb to 2000′ on crs 092° from the LOM or when directed by ATC, turn left, climbing to 2000′ direct to SAV VORTAC and hold.
Marlow Int	SA LOM (NOPT)	Direct	2000	Supplementary charting information: Hold E of SAV VORTAC, 1 minute, right turns, 270° Inbnd. 1181′ antenna 14.5 miles W of LOM. Runway 9, TDZ elevation, 30′.

One-minute holding pattern, W of SA LOM, 092° Inbnd left turn, 2000′.
FAF, SA LOM. Final approach crs, 092°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over SA LOM, 2000′.
MSA: 000°–180°—1600′; 180°–360°—2200′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S9	420	RVR 40	390	420	RVR 40	390	420	RVR 40	390	420	RVR 50	390
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	450	500	1	450	500	1½	450	600	2	550
A	Standard.		T 2-eng. or less—RVR 24′, Runway 9; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 9; Standard all other runways.					

City, Savannah; State, Ga.; Airport name, Savannah Municipal; Elev., 50′; Facility, SA; Procedure No. NDB (ADF) Runway 9, Amdt. 10; Eff. date, 4 Dec. 69; Sup. Amdt. No. 9; Dated, 18 July 68

8. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are **magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA.** Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Clifton Int	AVN NDB	Direct	2700	MAP: ILS DH, 785'; LOC 6.0 miles after passing AVN NDB.
ROC VORTAC	AVN NDB	Direct	2700	Climb to 3000', left turn, to R 288° ROC VORTAC to Spencerport Int and hold,* or when directed by ATC, climb to 3000' on 041° crs, right turn to Brighton LOM, hold E, 1 minute, right turns, 227° Inbnd.
GEE VORTAC	AVN NDB (NOPT)	GEE R 340°, 8-mile SW LOC crs.	2500	
Linwood Int	AVN NDB (NOPT)	Direct	2500	
Fishers Int	AVN NDB	Direct	2700	

Supplementary charting information:
*Hold W, 1 minute, left turns, 118° Inbnd.
Steel tower 3.6 miles E of airport 1035' and 2.6 miles SW of airport 946'.
Chart centerline and touchdown lighting Runway 4 and centerline lighting Runway 22.
Runway 4, TDZ elevation, 535'.

Procedure turn E side of crs, 221° Outbnd, 041° Inbnd, 2700' within 10 miles of Avon NDB.
FAF, AVN NDB. Final approach crs, 041°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over AVN NDB, 2500'; over OM without glide slope, 1623'.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 1623'; at MM, 735'.
Distance to runway threshold at OM, 3.9 miles; at MM, 0.6 mile.
MSA 25 miles of AVN NDB: 000°–090°—2100'; 090°–180°—3300'; 180°–270°—2900'; 270°–360°—2200'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-4	785	RVR 40	250	785	RVR 40	250	785	RVR 40	250	785	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4	1060	RVR 50	525	1060	RVR 50	525	1060	RVR 50	525	1060	RVR 60	525
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	520	1080	1	520	1080	1½	520	1120	2	560
A	Standard.			T 2-eng. or less—RVR 24', Runways 28 and 4; Standard all other runways.			T over 2-eng.—RVR 24', Runways 28 and 4; Standard all other runways.					

City, Rochester; State, N.Y.; Airport name, Rochester-Monroe County; Elev., 560'; Facility, I-MCU; Procedure No. ILS Runway 4, Amdt. 3; Eff. date, 4 Dec. 69; Sup. Amdt. No. 2; Dated, 16 Oct. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
SAV VORTAC	SA LOM	Direct	2000	MAP: ILS DH 230'. LOC 5.7 miles after passing LOM.
Marlow Int	SA LOM (NOPT)	Direct	2000	Climb to 2000' on E crs of LOC within 15 miles; or, when directed by ATC, turn left, climb to 2000' direct SAV VORTAC and hold.

Supplementary charting information:
Hold E of SAV VORTAC, 1 minute, right turns, 270° Inbnd.
1181' antenna 14.5 miles W of LOM.
Runway 9, TDZ elevation, 30'.

One-minute holding pattern, W of SA LOM, 092° Inbnd, left turns, 2000'.
FAF, SA LOM. Final approach crs, 092°. Distance FAF to MAP, 5.7 miles.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 1717'; at MM, 219'.
Distance to runway threshold at OM, 5.7 miles; at MM, 0.6 mile.
MSA: 000°–180°—1600'; 180°–360°—2200'.
NOTE: ASR

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9	230	RVR 24	200	230	RVR 24	200	230	RVR 24	200	230	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	380	RVR 40	350	380	RVR 40	350	380	RVR 40	350	380	RVR 40	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	450	500	1	450	500	1½	450	500	2	450
A	Standard.			T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.			T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Savannah; State, Ga.; Airport name, Savannah Municipal; Elev., 50'; Facility, I-SAV; Procedure No. ILS Runway 9, Amdt. 12; Eff. date, 4 Dec. 69; Sup. Amdt. No. 11; Dated, 18 July 68

9. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are **magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation.** Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
000°	360°	0–30	1600									FAF to Runways 9, 18, 27, and 36, 5 miles from threshold. Radar control will provide 1000' vertical separation within a 3-mile radius of tower 1181', 20.5 miles W of airport. Terminal radar vectors approved only in Savannah RAPCON delegated airspace.

Radar azimuths are clockwise with distance and altitudes based on antenna at Hunter AAF.
Missed approach: Over Municipal Airport, climb to 2000' direct to SAV VORTAC or, when directed by ATC, climb to 2000' direct to SA LOM

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
ASR:												
C	580	1	530	580	1	530	580	1½	530	600	2	550
A	Standard.			T 2-eng. or less—RVR 24, Runway 9; Standard all other runways.			T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Savannah; State, Ga.; Airport name, Savannah Municipal; Elev., 50'; Facility, Hunter AAF Radar; Procedure No. Radar-1, Amdt. 3; Eff. date, 4 Dec. 69; Sup. Amdt. No. 2; Dated, 18 July 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on October 29, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-13231; Filed, Nov. 13, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Virus Titrations in Lieu of Test for Antigenicity

Correction

In F.R. Doc. 69-13301 appearing at page 18003 in the issue of Friday, November 7, 1969, the word "does" appearing in the third line of § 113.8(a)(2) should read "dose".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that 15 additional positions of Secretary and Confidential Assistant to U.S. Attorneys are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (o) of § 213.3310 is amended as set out below.

* * * * *

§ 213.3310 Department of Justice.

(o) *Office of U.S. Attorney.* (1) Secretary and Confidential Assistant to the U.S. Attorney (25 positions).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13511; Filed, Nov. 13, 1969; 8:46 a.m.]

THE UNIVERSITY OF MICHIGAN LIBRARIES

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

Financing of Stock Options

§ 207.105 Applicability of plan-lender provisions to financing of stock options and stock purchase rights qualified or restricted under Internal Revenue Code.

(a) The Board has recently been asked whether the plan-lender provisions of § 207.4(a) of Regulation G, "Securities Credit by Persons other than Banks, Brokers, or Dealers," were intended to apply to the financing of stock options restricted or qualified under the Internal Revenue Code where such options or the option plan do not provide for such financing.

(b) Section 207.4(a) of Regulation G permits a corporation or its plan-lender to extend credit to its employees without regard to the normal credit limitations of the regulation for the purpose of exercising stock options or stock purchase rights if the plan or agreement under which the credit is extended complies with certain requirements. Subparagraph (1) of § 207.4(a) is in effect a "grandfather clause," exempting from most of the credit limitations of Regulation G any such credit extended in connection with options or rights meeting certain specified "pre-existing" conditions. Generally, these conditions recognize inequities that would result from application of the regulation's restrictions to credit extended in connection with options or rights granted, or contractual commitments made prior to February 1, 1968, the date the adoption of Regulation G was announced. Subparagraph (2) of § 207.4(a) provides a more limited exemption for credit extended in connection with options or rights granted after February 1, 1968, and establishes requirements for plans seeking to qualify for this exemption.

(c) Subdivision (iii) of § 207.4(a)(1), which was added effective July 8, 1969, was designed to provide exemption, from all but certain reporting provisions, for credit extended pursuant to the exercise of stock options or rights that are qualified or restricted under sections 422–424 of the Internal Revenue Code, if the options or rights were granted prior to February 1, 1968. This exemption applies only to those plans that provided for credit. This is because (1) employer-lenders who intended to supply credit when granting such options could not have anticipated the requirements of Regulation G and (2) the position of the Commissioner of Internal Revenue that such plans cannot be modified, would frustrate that intention. If a particular plan did not provide for credit, no expectations would be defeated by the fact that it could not be modified to add such provisions.

(d) The recent amendment to subparagraph (2) of § 207.4(a), which applies to stock purchase as well as option plans, was to clarify that to be treated as subject to the more limited exemption in that subparagraph, an otherwise appropriate credit arrangement need not be part of the plan. It is the Board's experience that in some nonqualified plans, particularly stock purchase plans, the credit arrangement is distinct from the plan. So long as the credit extended, and particularly, in the present context, the character of the plan-lender, conforms with the requirements of the regulation, the fact that option and credit are provided for in separate documents is immaterial. It should be emphasized that the Board does not express any view on the preferability of qualified as opposed to nonqualified options; its role is merely to prevent excessive credit in this area.

(e) The amendments promulgated on February 10, 1969, made one other change in § 207.4(a). This was the addition of the provision that the plan-lender must be wholly owned as well as controlled by the issuer of the collateral (taking as a whole, corporate groups including subsidiaries and affiliates). This insertion was made to clarify the Board's intent that, to qualify for special treatment under that section, the lender must stand in a special employer-employee relationship with the borrower, and a special relationship of issuer with regard to the collateral. The fact that the Board, for convenience and practical reasons, permitted the employing corporation to act through a subsidiary or other entity should not be interpreted to mean the Board intended the lender to be other than an entity whose overriding interests were coextensive with the issuer. An independent corporation, with independent interests was never intended, regardless of form, to be at the base of exempt stock-plan lending.

(15 U.S.C. 78g. Interprets or applies 15 U.S.C. 78g)

By order of the Board of Governors, October 30, 1969.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13524; Filed, Nov. 13, 1969; 8:47 a.m.]

[Reg. Z]

PART 226—TRUTH IN LENDING

Agricultural Credit—Information Not Determinable

1. Effective November 6, 1969, § 226.8 is amended by the addition of paragraph (p) and § 226.9(g)(4) is amended as follows:

§ 226.8 Credit other than open end—specific disclosures.

* * * * *

(p) *Agricultural credit—information not determinable.* (1) In any transaction subject to this section, if the amount or date of any advance or payment in connection with an extension of credit for agricultural purposes under a written agreement is to be determined by production, seasonal needs, or similar operational factors, and is not determinable at the time of execution of the agreement, disclosures may be made at the creditor's option in accordance with this paragraph, provided the use of this paragraph is not for the purpose of circumvention or evasion of this part.

(2) If a creditor elects to make disclosures under this paragraph, he shall disclose the following items in accordance with paragraph (a) of this section, which shall constitute compliance with the requirements of this § 226.8, and under § 226.9(a) shall constitute "all other material disclosures required under this part":

(i) The method of computing the amount of the finance charge including an identification of each component thereof in accordance with § 226.4;

(ii) Any item required to be disclosed under paragraph (b)(3) of this section which is determinable at the time the disclosures are required to be made under this paragraph.

(iii) The disclosures, as applicable, required under paragraph (b) (4), (5), (6), and (7) of this section and the items described in paragraph (e) (1) and (2) of this section.

(iv) The disclosures as applicable, required under paragraph (o) (1), (2), (3), (4), (5), (8), and (9) of this section.

(3) Disclosures made pursuant to subparagraph (2) (i), (ii), and (iii) of this paragraph need be made only on the agreement or on a separate statement as specified in paragraph (a) of this section.

(4) If a creditor making disclosures pursuant to this paragraph transmits a periodic billing statement of the type described in paragraph (n) of this section, such statement shall be in a form which the customer may retain and shall set forth the date by which, or the period, if any, within which payment must be made in order to avoid late payment or delinquency charges.

§ 226.9 Right to rescind certain transactions.

* * * * *

(g) *Exceptions to general rule.* * * *

(4) Any advance for agricultural purposes made pursuant to either:

(i) Paragraph (j) of § 226.8 under an open end real estate mortgage or similar lien, provided the disclosure required under paragraph (b) of this section was made at the time the security interest was acquired by the creditor or at any time prior to the first advance made on or following the effective date of this part, or

(ii) Paragraph (p) of § 226.8 under a written agreement, provided the disclosure required under paragraph (b) of this section was made at the time the written agreement was executed by the customer.

2a. The purpose of the amendments is to facilitate meaningful disclosure of credit terms in certain types of agricultural credit extensions where information regarding the dates or amounts of advances or payments is not determinable at the time of entering into an agreement for the extension of credit.

b. The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments. The effect of the amendments in general is to provide relief from a restriction and, in view of the unnecessary hardship on certain creditors in complying with the original §§ 226.8 and 226.9, the Board found that following such procedures would result in delay that would be contrary to the public interest.

By order of the Board of Governors, November 6, 1969.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13525; Filed, Nov. 13, 1969; 8:47 a.m.]

[Reg. Z]

PART 226—TRUTH IN LENDING

Interpretation

§ 226.812 Advances under open end real estate mortgages for agricultural purposes.

(a) Under § 226.8(p) disclosures are permitted in connection with certain extensions of credit for agricultural purposes which may involve advances under an open end real estate mortgage or similar lien. Section 226.8(j) in part treats advances for agricultural purposes under an open end real estate mortgage or similar lien. The question arises as to the respective application of these paragraphs to such advances.

(b) If an extension of credit involving multiple advances, whether or not under an open end mortgage, meets the tests of § 226.8(p), disclosures need only be made prior to consummation of the credit transaction and need not be made at the time of each individual advance, even though such advance for agricultural purposes may not meet the tests in § 226.8(j). Conversely, extensions of credit for agricultural purposes involving advances under an open end real estate mortgage or similar lien which do not meet the tests for disclosure under § 226.8 (p) are subject to the relevant provisions of § 226.8(j) dealing with such advances.

(Interprets and applies 15 U.S.C. 1638 and 1639)

Dated at Washington, D.C., the 6th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13526; Filed, Nov. 13, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Locks

§ 15.385 Disclosure of origin of imported locks.

(a) The Commission advised concerning locks imported from England and Italy that it would be necessary to make a clear and conspicuous disclosure of the foreign country of origin on the locks. If the locks are displayed at the point of sale in a container so that the disclosure of origin is not likely to be seen, it would also be necessary to make the same disclosure of foreign origin on the containers in which they are packaged.

(b) Under the facts involved in the ruling, the locks will be used for both residential and commercial purposes and some of them could be marketed under the trade name of a domestic company, which contains the name of a well-known American city.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: November 13, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-13447; Filed, Nov. 13, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLEMENTATION OR INJECTION

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Zearalanol

The Commissioner of Food and Drugs, having evaluated the data submitted in an application (38–233V) filed by Commercial Solvents Corp., 1331 South First Street, Terre Haute, Ind. 47808, and other relevant material, concludes that new animal drug regulations should be promulgated to provide for the safe and effective use of zearalanol for the subcutaneous ear implantation of beef steers to increase rate of gain and improve feed efficiency. Since the drug is a potential carcinogen, the Commissioner concludes that the analytical method by which it is determined that no residues are present in the edible tissues of treated cattle should be included in the regulations.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), a new section is established in new Part 135b and a new section is added to Part 135g, as follows:

§ 135b.12 Zearalanol.

(a) *Chemical name.* 6-(6,10-Dihydroxyundecyl)-β-resorcylic acid-μ-lactone ($C_{18}H_{30}O_5$).

(b) *Specifications.* (1) Melting point range 180°–185° C.

(2) Ultraviolet absorbance: A solution of zearalanol in methanol having a concentration of 10 micrograms per milliliter exhibits three maxima at approximately 218, 265, and 304 μ.

(c) *Sponsor.* Commercial Solvents Corp., 1331 South First Street, Terre Haute, Ind. 47808.

(d) [Reserved]

(e) *Related tolerances.* Section 135g.64 of this chapter.

(f) *Conditions of use.*

	Amount	Limitations	Indications for use
Zearalanol.	Three 12-milligram implants per dose.	For beef steers weighing 500 pounds or more; for subcutaneous ear implantation; not to be used within 65 days of slaughter.	Increase rate of gain and feed efficiency.

§ 135g.64 Zearalanol.

No residues of zearalanol (6-(6,10-dihydroxyundecyl)-β-resorcylic acid-μ-lactone) are found in the uncooked edible tissues of beef steers as determined by the following method of analysis:

I. METHOD OF ANALYSIS—ZEARALANOL

A gas chromatographic method for the determination of the drug in frozen beef tissues is described. Tissue is frozen and stored in a deep freezer until ready for examination. A weighed portion of wet tissue (with exception of fat) is homogenized and lyophilized to dry solid. The drug is recovered from dry tissue by an extraction with methanol in a Soxhlet extractor. The methanol extract is digested in the presence of hydrochloric acid to hydrolyze conjugates should any be present. Elimination of impurities is brought about by liquid partition transfer successively to chloroform to 1*N* sodium hydroxide, to carbon tetrachloride, to 1*N* sodium hydroxide, to ethyl ether, and, finally, to a dry residue. The residue is reacted with a silane mixture to create a volatile derivative which is quantitated by peak area measurements from a flame ionization detector. The drug can be detected at a level of 20 parts per billion with negligible interference from tissues or reagents.

II. REAGENTS

A. Carbon tetrachloride, N.F., Fisher Scientific C-186, or equivalent.

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B. Chloroform, N.F., Fisher Scientific C–296, or equivalent.

C. Chromatograph gases, flow rates adjusted to maximize sensitivity for specific chromatograph.

1. Carrier gas, conventional tank helium.
2. Flame makeup gas.
a. Oxygen, conventional tank oxygen.
b. Hydrogen, Linde high purity, or equivalent.

D. Column packing, 3 percent GE SE–52 (Applied Science Laboratories) on P.E. Celite 60–80 mesh (Johns Manville Product No. 154–0048), or equivalent.

E. Ether, anhydrous, Fisher Scientific E–138, or equivalent.

F. Hexamethyldisilazane, Dow-Corning, Peninsular, or equivalent.

G. Hydrochloric acid, analytical reagent grade.

H. Methanol, certified A.C.S., spectranalyzed, Fisher Scientific A–408, or equivalent.

I. Phosphoric acid, analytical reagent grade.

J. Pyridine, anhydrous, A.C.S. reagent grade.

K. Silating reagent mixture: Pipet 8 milliliters each of pyridine and hexamethyldisilazane and 4 milliliters of trimethylcholorosilane into a clean glass vial with a polyethylene cap and mix thoroughly. Let stand overnight and decant supernatant liquid into a vial. Cap and store at room temperature for daily use. If kept dry, the reagent is stable for more than a month. Blanks are scanned by gas chromatography on each new bottle of J, F, and N material used in the silating reagent mixture for possible peak interference in the region of zearalanol derivative.

L. Sodium chloride, analytical reagent grade.

M. Sodium hydroxide, analytical reagent grade.

N. Trimethylchlorosilane, Dow-Corning, Peninsular, or equivalent.

O. Water, distilled in glass.

P. Zearalanol, primary standard.

Q. Solutions.

1. 2*N* Hydrochloric acid in water.
2. 3*N* Phosphoric acid in water.
3. 2 percent w/v sodium chloride in water.
4. 1*N* Sodium hydroxide in water.

III. Apparatus

A. Extraction assemblies, Soxhlet, improved, standard taper grindings, Pyrex brand glass, 1,000 milliliters capacity, Sargent Catalog S–31265D, or equivalent.

B. Flasks, freeze drying, widemouth, 1,000 milliliters capacity, 24/40 standard taper grindings, Pyrex brand glass, Sargent Catalog S–28875–20–F, or equivalent.

C. Flasks, homogenizing, 250 milliliters, Sargent Catalog S–61716, or equivalent.

D. Funnels, separatory, Squibb stopper, with Teflon stopcock plug, Pyrex brand glass, 250- and 500-milliliter capacities, Sargent Catalog S–35815–20–F or G, or equivalent.

E. Gas chromatograph, F and M Model 5750 with flame ionization detector, or equivalent.

F. Gas chromatography column: Stainless steel tubing, 6 feet by 3/16 inch packed with 3 percent by weight GE SE–52 (Applied Science Laboratories) deposited on P.E. Celite 60–80 mesh (product No. 154–0048), or equivalent. Condition the column by baking for 40–80 hours at 325° C. with a helium flow, but detached from the detector input. Injections of 1–2 microliters of a 50/50 mixture of hexamethyldisilazane and trimethylchlorosilane will help remove active sites in the column.

1. Prepare a TMS derivative of a 1,000-microgram zearalanol standard as described in the procedure section. Inject 1-microliter quantities to determine whether the column is responding to the conditioning. After the column shows a response at the 1,000-microgram level, proceed to smaller quantities to optimize conditions.

2. The column and chromatograph must be conditioned to achieve a minimum sensitivity response so that a peak 5 millimeters in height results from an injection of 5 microliter of standard preparation containing 1 microgram of zearalanol in the derivative preparation. This criterion must be met before tissue assay is attempted.

3. The column is brought to 250° C. after conditioning and held at that temperature for at least 12 hours before making a run.

G. Heating mantle, electric, Glas-Col, Sargent Catalog S–40866H, or equivalent.

H. Hot plate, with gradient rheostat heat control.

I. Meat grinder, manually operated or equivalent.

J. Steam bath.

K. Syringe, Hamilton Micro Syringe Model 701, 10-microliter capacity, or equivalent.

L. Torsion balance, 0.1 gram sensitivity, 500 grams capacity.

M. Vials, 1-dram glass with plastic tops, Owens-Illinois, Opticlear, or equivalent.

N. Virtis freeze drier, Sargent Catalog S–28881–80, or equivalent.

O. Virtis homogenizing mill, macro, Virtis No. 45, Sargent Catalog S–61700, or equivalent.

IV. Standard Solutions

A. Stock solution A: Accurately weigh 0.1000 gram of zearalanol, primary standard, into a 250-milliliter beaker. Dissolve the standard in 80 milliliters of methanol and accurately dilute to 100 milliliters in a volumetric flask with methanol. By preparation, the solution contains 1,000 micrograms per milliliter.

B. Stock solution B: Dilute 10.0 milliliters of stock solution A to 100 milliliters with methanol to provide a standard containing 100 micrograms of the drug per milliliter.

C. Stock solution C: Dilute 5.0 milliliters of stock solution B to 100 milliliters with methanol to provide a standard of 5 micrograms per milliliter.

D. Stock solution D: Dilute 2.0 milliliters of stock solution B to 100 milliliters with methanol to provide a standard of 2 micrograms per milliliter. Transfer 1.0 milliliter of stock solution D to a 1-dram glass vial, evaporate to a dry residue in a vacuum desiccator at reduced pressure. The residue contains 2 micrograms of zearalanol to be used as a calibration standard in operation of the gas chromatograph.

V. Procedure

A. Preparation of glassware: Glassware should be washed in detergent or chromic acid solution to remove contaminants and rinsed in water to remove traces of cleaning agent. Rinse with methanol before using.

B. Preparation of sample.

1. Collect muscle, liver, kidney, and tripe from a freshly sacrificed animal under the cleanest conditions possible.

2. Grind the fresh tissue in a meat grinder, divide into 100-gram portions, and wrap in aluminum foil. Store wrapped tissue in a deep freeze. Fat should be wrapped in foil and stored in deep freeze.

C. Extraction procedure for muscle, liver, kidney, and tripe.

1. Weigh 100 grams of partially thawed tissue into a 250-milliliter homogenizing flask, add 60 milliliters of water, and attach to a Virtis "45" Tissue Mill, or equivalent.

2. Mix the materials at 45,000 r.p.m. for 5 minutes to obtain a thin homogenate.

3. Transfer the homogenate to a 1-liter, widemouth, freeze drying flask using 10–20 milliliters of water for a rinse.

4. Place the flask on its side in a nearly horizontal position in a slurry of dry ice and acetone. Rotate the flask on its side as the homogenate cools to set down a uniform frozen solid layer on the wall of the flask.

5. Mount the flask on a Virtis freeze drier, or equivalent, and lyophilize to dry solids. This operation usually requires 20–24 hours. *Stopping place.*

6. Transfer the solid cake to a clean sheet of paper and crumble by hand to a size convenient for transfer to an extraction thimble.

7. Transfer the solids to a single thickness 60 x 180 millimeter Soxhlet extraction thimble and compact the solids sufficiently to guarantee complete immersion during solid extraction.

8. Transfer 600 milliliters of methanol to a 1-liter pot of a Soxhlet extraction assembly and place the thimble in the extractor. Mount a large glass funnel in the neck of the extractor with the stem extending into the thimble. Rinse the 1-liter freeze drying flask with three 50-milliliter portions of fresh methanol and transfer the rinses through the funnel into the thimble. Mount the condenser in the extractor and extract the solids for 15 hours. The extractor should be heated with the electric heating mantle so that a fill-empty cycle requires 18–24 minutes.

9. Drain the methanol from the thimble. Composite the methanol from the extractor and pot in an 800-milliliter beaker.

10. Rinse the pot with 10 milliliters of methanol and add to the methanol composite. Transfer 50 milliliters of 2*N* HCl down the pot side wall, and add to methanol composite. Concentrate to 125 milliliters by boiling on a hotplate.

D. Extraction procedure for fat.

1. Cut fat into ¼-inch cubes. The lyophilization of fat is unnecessary since it is essentially water free.

2. Transfer 100 grams of the prepared fat to a 60- x 180-millimeter extraction thimble and extract with 750 millimeters of methanol for 15 hours in the Soxhlet extractor. The extractor should be heated with the electric heating mantle so that a fill-empty cycle requires 18–24 minutes.

3. Drain the methanol from the thimble. Composite the methanol from the extractor and pot in an 800-milliliter beaker.

4. Rinse the pot with 10 milliliters of methanol and add to the methanol composite. Transfer 50 milliliters of 2*N* HCl down the pot side wall, and add to methanol composite. Concentrate to 125 milliliters by boiling on a hot plate.

E. Solvent partition.

1. Transfer the methanol concentrate to a 500-milliliter separatory funnel, identified by number as 1, with 70 milliliters of chloroform rinse and mix.

2. Add 300 milliliters of water and without shaking allow liquid phases to separate.

3. Withdraw the chloroform layer into a separatory funnel, identified by number as 2, containing 100 milliliters of 2 percent aqueous sodium chloride.

4. Gently mix the contents of funnel 2 horizontally end to end 30 times and allow phases to separate. Usually about 20 minutes are required to obtain maximum chloroform separation.

5. Withdraw the chloroform layer into a beaker.

6. Extract with shaking the contents of funnels 1 and 2 successively with three more 50-milliliter portions of chloroform.

7. Composite the chloroform extracts and concentrate to 125 milliliters by evaporation on a steam bath and cool to room temperature.

8. Transfer the chloroform composite to a 250-milliliter separatory funnel, fitted with a Teflon stopcock, using 10 milliliters of chloroform as a rinse.

9. Extract the chloroform with three separate 20-milliliter portions of 1*N* sodium hydroxide solution retaining the emulsion in the sodium hydroxide phase. Agitation of sodium hydroxide with the chloroform extract for the first time is accompanied by the appearance of emulsion.

10. Perform an extraction by gently inverting the closed funnel and returning the funnel to an upright position.

11. Repeat phase mixing 30 times per extraction.

12. Allow phases to separate for 10 minutes. The time delay allows for gradual dissipation of the emulsion to improve phase separation. The zearalanol transfers from the chloroform to the upper sodium hydroxide phase in this operation.

13. Composite the sodium hydroxide extracts.

14. Wash the sodium hydroxide extract with three 50-milliliter portions of chloroform using the technique as in step 9 and the same 10-minute interval for phase separation. Washing the chloroform removes the emulsion and unwanted impurities from the sodium hydroxide phase.

15. Discard the chloroform washes. Transfer the sodium hydroxide extracts to a 250-milliliter beaker. Rinse each separatory funnel with two 5-milliliter portions of water and add to the sodium hydroxide extract. Wash each funnel twice with tap water and twice with distilled water before next use.

16. Neutralize the washed sodium hydroxide extract to pH 8.0 by dropwise addition of 3*N* phosphoric acid using a pH meter for pH detection.

17. Transfer the pH 8.0 water extract to a 250-milliliter separatory funnel using 10 to 20 milliliters of water for a rinse.

18. Extract the solution with three separate 50-milliliter portions of carbon tetrachloride. The zearalanol transfers to the lower carbon tetrachloride phase. Use the same 30-count phase-mixing technique as in step 9 and allow the mixture to stand 5 minutes for phase separation.

19. Composite the carbon tetrachloride extracts.

20. Extract the carbon tetrachloride composite with two 20-milliliter portions of 1*N* sodium hydroxide. Zearalanol transfers from carbon tetrachloride to the upper sodium hydroxide phase. After phase mixing, allow the mixture to stand 5 minutes for phase separation.

21. Composite the sodium hydroxide extracts.

22. Wash the extract with two 50-milliliter portions of carbon tetrachloride. Allow the mixture to stand 5 minutes for phase separation. Discard the carbon tetrachloride washes.

23. Transfer the sodium hydroxide extract into a 250-milliliter beaker. Rinse the separatory funnel with two 5-milliliter portions of water and add to the sodium hydroxide extract. Wash each funnel twice with tap water and twice with distilled water before next use. Adjust the sodium hydroxide extract to a pH of 9.5 by dropwise addition of 3*N* phosphoric acid and transfer to a 250-milliliter separatory funnel using 10–20 milliliters of water for a rinse.

24. Extract the pH 9.5 water solution with three separate 30-milliliter portions of anhydrous ethyl ether. Allow the mixture to stand 5 minutes for phase separation. The zearalanol transfers to the upper ether phase.

25. Composite the ether extracts in a 125-milliliter Erlenmeyer flask.

26. Reduce the volume of ether to about 1–2 milliliters by evaporation on a hot plate with low heat while removing vapor from top of flask by vacuum aspiration.

27. Transfer ether residue to a 1-dram glass vial. Rinse down flask side wall with 1–2 milliliters of fresh ether and transfer to the glass vial.

28. Continue evaporation of ether to 0.1 milliliter.

29. Place vial in a vacuum desiccator and evaporate residue at line vacuum and room temperature overnight to dryness.

30. Close vial with a plastic cap and submit ether residue for preparation of TMS derivative and gas chromatographic assay. *Stopping place.*

F. Gas liquid chromatography.

1. Start the gas chromatography and maintain the following operational conditions:

Carrier gas pressure: 50 p.s.i. at tank.

Carrier gas flow rate: Sufficient to give zearalanol derivative peak a retention time of 4–8 minutes.

Electrometer range: 10^2 or 10^1.

Injection port temperature: 325° C.

Detector temperature: 325° C.

Column temperature: 250°–280° C., operate isothermally.

Recorder sensitivity: 1 millivolt.

Recorder chart speed: 1 inch per minute.

Sample size: 1 microliter to 5 microliters as necessary to give desired peak area for quantitative measurement.

Septums: Replace each evening and allow to condition overnight at operational temperature.

Flame assembly: Remove silica ash from the flame assembly each week. The flame assembly is removed; the anode, flame jet, and chimney are cleaned with a nylon bristle brush. Water and acetone are drawn through the jet capillary to remove any foreign material.

2. Add 0.2 milliliter of silating reagent to the sample or to the zearalanol standard.

3. Stopper the vial and shake vigorously.

4. Warm the vial at 40°–50° C. for a few minutes, then roll the vial on a horizontal plane to insure that all of the interior surfaces of the vial have been in contact with the reagent.

5. Let vial stand for 4 hours or overnight in a warm area (40° C.) to allow reaction to reach completion.

6. Place vial in a small padded centrifuge tube and centrifuge to settle the precipitate and insure that all the liquid is at the bottom of the vial.

7. Inject 1.0–5.0 microliters of clear solution into the chromatograph. At the beginning of the day's run, make 3–5 injections of a standard to condition the column for that day before taking quantitative data.

8. Run known mixtures at the beginning, middle, and end of the day's run over the concentration range of samples to be analyzed to compensate for day-to-day sensitivity fluctuations and drift. If four or less samples are to be run, calibrating at the beginning and end of the run is sufficient.

VI. Calculations

Area values are obtained on known mixtures and samples by multiplying the net peak height by the peak width at half height or by counting squares. Area values obtained on knowns are plotted versus zearalanol concentration. Calibration plots indicate a near linear function in the 0–10 microgram range. Area values obtained on samples are converted directly to microgram quantities using the curve. Control tests demonstrated a 70 percent recovery of zearalanol from spiked wet beef liver and muscle necessitating a correction factor.

$$\text{Zearalanol, parts per billion} = \frac{\text{Micrograms of zearalanol found} \times 1{,}000}{W \times 0.7},$$

Where:

0.7 = Correction factor for 70 percent recovery.

W = Grams of tissue examined.

VII. Recovery Study

A. Fortification of reagent blank.

1. For those using this method for the first time either for recovery study or tissue assay, a solvent blank and solvent fortified with zearalanol should be processed through the entire procedure. This preliminary operation will establish whether or not the procedure is free from contamination arising from solvents and glassware and demonstrate the level of recovery of the standard zearalanol. Level of recovery should be in the same range as the samples.

2. Transfer 600 milliliters of methanol to a 1-liter beaker. Add 50 milliliters of 2*N* HCl to the methanol and concentrate to 125 milliliters by boiling on a hot plate.

3. Transfer 600 milliliters of methanol to a 1-liter beaker. Add 50 milliliters of 2*N* HCl to the methanol and concentrate to 125 milliliters by boiling on a hot plate. Spike the concentrate with 1.0 milliliter of stock solution D.

4. Assay both samples as described in the procedure beginning extraction step V–E1.

B. Fortification of samples.

1. Transfer 100-gram portions of partially thawed tissues into 250-milliliter homogenizing flasks and set half of them aside to serve as tissue blanks.

2. Add to the remaining samples 1 milliliter of stock solution D to serve as fortified samples to which 20 parts per billion zearalanol have been added.

3. Assay both fortified and unfortified tissue as described in the procedure section beginning with V–C1.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: November 5, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–13529; Filed, Nov. 13, 1969; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4736]

[Sacramento 1609]

CALIFORNIA

Powersite Cancellation No. 286; Partial Cancellation of Powersite Classification No. 179

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization

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Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, note), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA–1090–California, it is ordered as follows:

1. The Departmental order of May 13, 1927, creating Powersite Classification No. 179, modified August 11, 1930, is hereby canceled so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 25 N., R. 9 E.,
Sec. 22, S½NW¼NE¼, N½N½SW¼NE¼.

The areas described aggregate 30 acres in Plumas County in the Plumas National Forest.

2. At 10 a.m. on December 12, 1969, the lands described shall be open to such disposition as may by law be made of national forest lands.

The State of California has waived the preference right afforded it by section 24 of the Federal Power Act (16 U.S.C. 818), as amended.

3. The lands have been open to application and offers under the mineral leasing laws and to location under the U.S. mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69–13534; Filed, Nov. 13, 1969; 8:47 a.m.]

[Public Land Order 4745]

[Oregon 956]

OREGON

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. Public Land Order No. 1967 of September 1, 1959, withdrawing lands for a stock driveway, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 33 S., R. 18 E.,
Sec. 14, N½NW¼, S½NE¼, and that portion of the NE¼SE¼ lying north of a line with a bearing of North 64°35' W., beginning 1,144 feet north of a section corner common to sections 13, 14, 23, and 24.

The areas described aggregate approximately 195 acres in Lake County.

The lands are adjacent to the town of Paisley and are being used as an airport.

2. This revocation is made to accommodate a proposed airport lease for the State of Oregon. Therefore, the lands will not be opened to application under the general land laws. The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws, subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 7, 1969.

[F.R. Doc. 69–13535; Filed, Nov. 13, 1969; 8:48 a.m.]

[Public Land Order 4746]

[Montana 12809]

MONTANA

Revocation of National Forest Administrative Site and Ranger Station Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Departmental orders of November 10, 1906, August 28 and September 23, 1907, January 24, March 9, April 4, May 5 and 6, August 20, and October 15, 1908, February 16, 1909, and Executive order of July 19, 1912, withdrawing lands as administrative sites and ranger stations, are hereby revoked so far as they affect the following described lands:

LOLO NATIONAL FOREST

PRINCIPAL MERIDIAN

Blackfoot Ranger Station

T. 14 N., R. 15 W.,
Sec. 10, SW¼SE¼.

Coldbrook Ranger Station

T. 15 N., R. 15 W.,
Sec. 34, SE¼NE¼.

Placid Creek Administrative Site

T. 16 N., R. 16 W.,
Sec. 14, E½NE¼.

Thompson Creek

T. 17 N., R. 26 W.,
Sec. 32, SW¼NE¼, NW¼SE¼, W½NE¼SE¼, W½SE¼NE¼, NE¼SE¼NE¼, S½S½NE¼NE¼, S½S½NW¼NE¼.

Weeksville Ranger Station

T. 21 N., R. 27 W.,
Sec. 26, N½NE¼, SE¼NE¼.

Thompson Creek Enlargement

T. 17 N., R. 26 W.,
Sec. 32, SE¼SE¼NE¼, N½SE¼SE¼NW¼, NE¼SE¼NW¼, S½SE¼NE¼NW¼.

Thompson River

T. 21 N., R. 28 W.,
Sec. 7, E½E½.

Mount Silcox Ranger Station

T. 22 N., R. 29 W.,
Sec. 26, NE¼NE¼SW¼.

Lake Ranger Station

T. 22 N., R. 29 W.,
Sec. 28, SW¼.

Key Ranger Station

T. 15 N., R. 20 W.,
Sec. 6, lots 3, 4, and 5.

Pioneer Mill Ranger Station

R. 15 N., R. 21 W.,
Sec. 26, NE¼SE¼ (also called lot 6), and S½SE¼.

Petty Creek Ranger Station

T. 14 N., R. 22 W.,
Sec. 29, SW¼NE¼, NW¼, NE¼SW¼, SE¼;
Sec. 30, N½NE¼.

Ninemile Ranger Station

T. 15 N., R. 22 W.,
Sec. 10, SW¼SW¼.

Whiskey Gulch

T. 15 N., R. 25 W.,
Sec. 28, that part in lot 5;
Sec. 29, those parts in lots 1 and 2.

The areas described aggregate approximately 1,615.77 acres in Mineral, Missoula, and Sanders Counties.

2. At 10 a.m. on Decmeber 13, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 7, 1969.

[F.R. Doc. 69–13536; Filed, Nov. 13, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–22; Amdts. 171–4, 173–16, 177–8, 178–7]

MATTER INCORPORATED BY REFERENCE; REQUIREMENTS FOR SHIPPING REFRIGERATING MACHINES

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to (1) add a section specifically stating the terms by which material is incorporated by reference in these regulations and the availability of the material incorporated by reference; (2) make appropriate changes throughout the regulations consistent with the proposed new section on incorporation by reference; and (3) make certain changes in the requirements for shipping refrigerating machines.

On April 23, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM–22; Notice No. 69–10 (34 F.R. 6797) which proposed to amend 49 CFR to state the terms by which material is incorporated by reference in the Hazardous Materials Regulations and the availability of the material incorporated by reference. It was also proposed to modify the exemptions for refrigerating machines by (1) requiring pressure vessels installed therein to be equipped with shut-off valves and (2) to require marking of shipping name on packages regardless of the mode of transportation.

Incorporation by reference. Of the comments received in response to the notice no exception was taken to the provisions stating the terms by which material is incorporated by reference. Certain areas of editorial inconsistency were pointed out and have been corrected.

In addition to the specific sections set forth in the notice, this amendment makes minor changes in a number of additional sections where there is reference to the ASME Code, ASTM Standards, NFPA Standards, and CGA Pamphlets. The Board recognizes that there are additional incorporations by reference not affected by this amendment that require updating, and it is intended to correct these as needed in future rule making actions.

One commenter recommended that NGPA Publication 2140 (1968 edition) be recognized in proposed § 171.7(d). Recent proposals in Docket No. HM–34; Notice No. 69–26, if adopted, would remove reference to the aforementioned publication from various sections of the regulations. Therefore, the reference to NGPA proposed to be included in § 171.7(c)(4) has not been included in this amendment. When final action on Notice 69–26 is taken, any necessary changes in § 171.7 will be made.

Another commenter requested that specification MC 331 be further amended to require that the designation "WF" be on the tank identification plate and the manufacturer's data report to indicate compliance with the wet fluorescent magnetic particle test for tanks constructed in accordance with Part UHT of the ASME Code. This proposal has not been made a part of this amendment since it is beyond the scope of this rule making action.

One commenter suggested that the proposed wording of § 178.337–16(b) (1) and (2) be changed to differentiate between the type of welds in or on the tank shell and heads. The Board believes the proposal adequately expresses the requirement for the test of all welds and that there is no need to distinguish between pressure welds and nonpressure attachment welds.

Another commenter suggested modification of § 173.315(j)(1), as proposed in the notice, to permit construction of storage tanks to requirements of editions of the ASME Code dated subsequent to the 1959 edition. The parenthetical phrase included in § 173.315(j)(1) as proposed, was intended to authorize the continued use of storage tanks built to earlier editions of the ASME Code starting with the 1943 edition. Additional language has been included to make this intent clear.

Refrigerating machines. The last sentence in the Notice No. 69–10 preamble discussion of the proposed change to § 173.306(e)(1) stated, "It is also proposed to require marking of shipping name on packages regardless of the mode of transportation." Some commenters assumed that this sentence proposed a change that would affect the shipment of all hazardous materials that are presently exempt from the requirement that the shipping name be marked on the outside of the package. This was not the intent. As the proposed change in § 173.306(e)(1) indicated, this sentence related only to the marking of the shipping name of the refrigerant on each refrigerating machine. It was the Board's intent to require the common or chemical name of the refrigerant be marked on each refrigerating machine. Since the preamble of the notice indicated "shipping name" and not "common or chemical name", and the proposed language for such a requirement did not appear in the notice this matter will be handled in the future.

Interested persons have been given an opportunity to comment on the changes contained in this amendment and all comments received have been carefully considered.

In consideration of the foregoing, Parts 171, 173, 177, and 178 of Title 49, Code of Federal Regulations are amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

I. Part 171 is amended as follows:

(A) In the table of contents, § 171.6 is canceled; § 171.7 is amended as follows:

Sec.
171.6 [Canceled]
171.7 Matter incorporated by reference.

§ 171.6 [Canceled]

(B) Section 171.6 is canceled.

(C) Section 171.7 is amended in its entirety to read as follows:

§ 171.7 Matter incorporated by reference.

(a) There is incorporated by reference in Parts 170–179 of this chapter all matter referred to that is not specifically set forth. These materials are hereby made a part of the regulations in Parts 170–179 of this chapter. Unless the reference provides otherwise, matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter.

(b) All incorporated matter is available for inspection in the Docket Room, Room 304, 400 Sixth Street SW., Washington, D.C. 20590.

(c) Matter incorporated by reference is available for distribution as follows:

(1) ASME: American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

(2) American National Standard: American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

(3) CGA: Compressed Gas Association, Inc., 500 Fifth Avenue, New York, N.Y. 10036.

(4) Bureau of Explosives: Bureau of Explosives, Association of American Railroads, 2 Pennsylvania Plaza, New York, N.Y. 10001.

(5) AAR: Association of American Railroads, 59 East Van Buren Street, Chicago, Ill. 60605.

(6) ASTM: American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

(7) API: American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020.

(8) AISI: American Iron and Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.

(9) The Chlorine Institute, 342 Madison Avenue, New York, N.Y. 10017.

(10) MCA: Manufacturing Chemists' Association, Inc., 1825 Connecticut Avenue, NW., Washington, D.C. 20009.

(11) NFPA: National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110.

(d) The full title and application of the matter incorporated by reference in Parts 170–179 of this chapter are as follows:

(1) ASME Code means sections VIII (Division I) and IX of the 1968 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code," and addenda thereto through December 31, 1968.

(2) AAR Specifications for Tank Cars means the 1969 edition of the "Association of American Railroads Specification for Tank Cars".

(3) Compressed Gas Association:

(i) CGA Pamphlet C–3 is titled, "Standards for Welding and Brazing on Thin Walled Containers," 1968 edition;

(ii) CGA Pamphlet C–6 is titled, "Standards for Visual Inspection of Compressed Gas Cylinders," 1963 edition;

(iii) CGA Pamphlet C–8 is titled, "Standard for Requalification of ICC–3HT Cylinders," 1969 edition;

(iv) CGA Pamphlet S–1.2 is titled, "Safety Relief Device Standards Part 2—Cargo and Portable Tanks for Compressed Gases," 1966 edition.

(4) American National Standard B9.1 is titled, "Safety Code for Mechanical Refrigeration," 1964 edition.

(5) American Society for Testing and Materials:

(i) ASTM D1310 is titled, "Standard Method of Test for Flash Point of Volatile Flammable Materials By Tag Open-Cup Apparatus," 1967 edition;

(ii) ASTM D323 is titled, "Test for Vapor Pressure of Petroleum Products (Reid Method)," 1958(68) edition.

(6) NFPA Pamphlet No. 58 is titled, "Standard for the Storage and Handling of Liquefied Petroleum Gases," 1969 edition.

PART 173—SHIPPERS

II. Part 173 is amended as follows:

(A) In § 173.31 the third sentence in paragraph (d)(9) is amended to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

* * * * * *

(d) * * *

(9) * * * Acceptance or rejection of tanks must be based upon the methods

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used for cylinders in CGA Pamphlet C–6, and the results must be recorded on a suitable data sheet, the completed copies of which must be kept by the owner as a permanent record. * * *

* * * * *

(B) In § 173.34 the second sentence of paragraph (e)(10) is amended, footnote 1 referenced therein is canceled; the introductory text of paragraph (e)(13) is amended; the third sentence of paragraph (e)(14) is amended to read as follows:

§ 173.34 Qualification, maintenance, and use of cylinders.

* * * * *

(e) * * *

(10) * * * External visual inspection as described in CGA Pamphlet C–6 will, in addition to the following requirements prescribed herein, meet the requirements for visual inspection. * * *

* * * * *

(13) In addition to the requirements of this paragraph (e), cylinders marked DOT–3HT must be requalified in accordance with CGA Pamphlet C–8 and must comply with the following:

* * * * *

(14) * * * Examination must be as required by CGA Pamphlet C–6. * * *

* * * * *

§ 173.115 [Amended]

(C) In § 173.115 footnote 1 referenced in paragraph (a) is amended to read as follows:

[1] ASTM Test D1310.

§ 173.119 [Amended]

(D) In § 173.119 footnote 1 referenced in the introductory text of paragraphs (a) and (b) is amended to read as follows:

[1] ASTM Test D323.

(E) In § 173.126 the last sentence of paragraph (a) is amended, footnote 2 referenced therein is canceled as follows:

§ 173.126 Nickel carbonyl.

(a) * * * Visual inspection must be in accordance with CGA Pamphlet C–6.

* * * * *

(F) In § 173.300 paragraph (a) is amended to read as follows:

§ 173.300 Definitions.

(a) *Compressed gas.* The term "compressed gas" shall designate any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70° F. or, regardless of the pressure at 70° F., having an absolute pressure exceeding 104 p.s.i. at 130° F.; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100° F. as determined by ASTM Test D–323.

* * * * *

(G) In § 173.306 paragraph (e)(1) is amended to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

* * * * *

(e) * * *

(1) Refrigerating machines or components thereof which are to be shipped only once to a point of installation are exempt from specification packaging, marking and labeling except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway are exempt also from Part 177 of this chapter, except § 177.817, and Part 397 of this title. Shipments under these exemptions may be made only under the following conditions:

(i) Each pressure vessel may not contain more than 1,000 pounds of Group I refrigerant as classified in American National Standard B9.1 or not more than 50 pounds of refrigerant other than Group I.

(ii) Machines or components having two or more charged vessels may not contain an aggregate of more than 2,000 pounds of Group I refrigerant or more than 100 pounds of refrigerant other than Group I.

(iii) Each pressure vessel must be equipped with a safety device meeting the requirements of American National Standard B9.1.

(iv) Each pressure vessel must be equipped with a shut-off valve at each opening except openings used for safety devices and no other connection. Such valves must be closed prior to and during transportation.

(v) Pressure vessels must be manufactured, inspected and tested in accordance with American National Standard B9.1, or when over 6 inches internal diameter, in accordance with the ASME Code.

(vi) All parts subject to refrigerant pressure during shipment must be tested in accordance with American National Standard B9.1.

(vii) The liquid portion of the refrigerant, if any, may not completely fill any pressure vessel at 130° F.

(viii) The amount of refrigerant, if liquified, may not exceed the filling density prescribed in § 173.304.

* * * * *

(H) In § 173.315 NOTE 3 following the table in paragraph (a)(1) and the first sentence of Note 11 are amended; paragraph (j) (1) and (2) is amended to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

NOTE 3: If cargo tanks and portable tank containers for carbon dioxide and nitrous oxide are designed to comply with the requirements of the ASME Code for Low Temperature Operation, the design pressure may be reduced to 100 p.s.i.g. or the controlled pressure, whichever is greater.

* * * * *

NOTE 11: Before an MC 330 or MC 331 (§ 178.337) cargo tank may be used for the transportation of vinyl fluoride, inhibited, the following requirements must be met: Tanks must be designed for a service temperature of minus 100°F. or below and comply with the requirements of the ASME Code for Low Temperature Operation. * * *

* * * * *

(j) * * *

(1) Each container must be constructed in compliance with the requirements of the ASME Code (containers built in compliance with earlier editions starting with 1943 are authorized) and must be marked to indicate compliance in the manner specified by the respective Code.

(2) Each container must be equipped with safety devices in compliance with the requirements for safety devices on containers as specified in NFPA Pamphlet No. 58.

* * * * *

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

III. Part 177 is amended as follows:

(A) In § 177.824 the first sentence of paragraph (f)(2) is amended to read as follows:

§ 177.824 Retesting and inspection of cargo tanks.

* * * * *

(f) * * *

(2) The inspection required by subparagraph (1) of this paragraph must be conducted in accordance with the applicable parts of Appendix 6, section VIII of the ASME Code. * * *

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

IV. Part 178 is amended as follows:

(A) In § 178.47–8 the last sentence of paragraph (a) is amended, footnote 1 referenced therein is canceled as follows:

§ 178.47 Specification 4DS; inside containers, welded stainless steel for aircraft use.

§ 178.47–8 Manufacture.

(a) * * * Certification of welders and/or process is required in accordance with the sections of CGA Pamphlet C–3 that apply.

* * * * *

(B) In § 178.51–17 the second complete sentence in paragraph (a) is amended, footnote 2 referenced therein is canceled; the last sentence of paragraph (b) is amended; the first sentence of paragraph (c) is amended to read as follows:

§ 178.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.

§ 178.51–17 Tests of welds.

* * * * *

(a) * * * The specimen must be taken across the major seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3. * * *

(b) * * * Specimens must be taken across the major seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3.

(c) *Alternate guided-bend test.* This test may be used and must be as required by CGA Pamphlet C–3. * * *

(C) In § 178.54–8 the last sentence of paragraph (a)(2) is amended, footnote 2 referenced therein is canceled; in § 178.54–17 the second sentence of paragraph (a) is amended; in § 178.54–18 paragraph (a) is amended, footnote 2 referenced therein is canceled as follows:

§ 178.54 Specification 4B240–FLW; welded or welded and brazed cylinders with fusion-welded longitudinal seam.

§ 178.54–8 Manufacture.

(a) * * *

(2) * * * For welding the cylinder, procedure and operators must be qualified in accordance with the sections of CGA Pamplet C–3 that apply.

§ 178.54–17 Weld tests.

(a) * * * Specimens must be taken across the major seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3.

* * * * *

§ 178.54–18 Radiographic examination.

(a) The techniques and acceptability of radiographic inspection must conform to the standards set forth in CGA Pamphlet C–3.

* * * * *

(D) In § 178.56–17 the second sentence of paragraph (a) is amended, footnote 2 referenced therein is canceled; the last sentence of paragraph (b) and the first sentence of paragraph (c) are amended to read as follows:

§ 178.56 Specification 4AA480; welded steel cylinders made of definitely prescribed steels.

§ 178.56–17 Tests of welds.

(a) * * * The specimens must be taken across the major seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3. * * *

(b) * * * Specimens must be taken across the major seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3.

(c) *Alternate guided-bend test.* This test may be used and must be as required by CGA Pamphlet C–3. * * *

(E) In § 178.57–9 the first sentence of paragraph (c) is amended, footnote 1 referenced therein is canceled; in § 178.57–17 the second sentence of paragraph (a), the last sentence of paragraph (b), and the first sentence of paragraph (c) are amended, footnote 2 referenced in paragraph (b) is canceled; in § 178.57–18 paragraph (a) is amended to read as follows:

§ 178.57 Specification 4L; welded cylinders insulated.

§ 178.57–9 Welding.

* * * * *

(c) For welding the cylinder, each procedure and operator must be qualified in accordance with the sections of CGA Pamphlet C–3 that apply. * * *

* * * * *

§ 178.57–17 Tests of welds.

(a) * * * The specimen must be taken across the major seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3. * * *

(b) * * * Specimens must be taken across the particular seam being tested and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3.

(c) *Alternate guided-bend test.* This test may be used and must be as required by CGA Pamphlet C–3. * * *

* * * * *

§ 178.57–18 Radiographic examination.

(a) The techniques and acceptability of radiographic inspection must conform to the standards set forth in CGA Pamphlet C–3.

* * * * *

(F) In § 178.58–8 the last sentence of paragraph (a) is amended, footnote 2 referenced therein is canceled as follows:

§ 178.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 178.58–8 Manufacture.

(a) * * * Certification of welders and/or process required in accordance with the sections of CGA Pamphlet C–3 that apply.

* * * * *

(G) In § 178.60–18 the second sentence of paragraph (a)(1) is amended, footnote 2 referenced therein is canceled; the last sentence of paragraph (a)(2) and the first sentence of paragraph (a)(3) are amended to read as follows:

§ 178.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 178.60–18 Weld tests.

(a) * * *

(1) * * * The specimen must be taken across the major seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3. * * *

(2) * * * Specimens must be taken across the major seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3.

(3) *Alternate guided-bend test.* This test may be used and must be as required by CGA Pamphlet C–3. * * *

(H) In § 178.61–8 paragraph (d) is amended, footnote 1 referenced therein is canceled; in § 178.61–17 the second sentence of paragraph (a) is amended, footnote 1 referenced therein is canceled; the last sentence of paragraph (b) and the first sentence of paragraph (c) are amended; in § 178.61–18 the first sentence of paragraph (a) is amended to read as follows:

§ 178.61 Specification 4BW; welded steel cylinders made of definitely prescribed steels with electric-arc welded longitudinal seam.

§ 178.61–8 Manufacture.

* * * * *

(d) Welding procedure and operators must be qualified in accordance with the sections of CGA Pamphlet C–3 that apply.

§ 178.61–17 Tests of welds.

(a) * * * The specimen must be taken across the longitudinal seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3. * * *

(b) * * * Specimens must be taken across the longitudinal seam and must be prepared and tested in accordance with and must meet the requirements of CGA Pamphlet C–3.

(c) *Alternate guided bend test.* This test may be used and must be as required by CGA Pamphlet C–3. * * *

§ 178.61–18 Radiographic examination.

(a) Radiographic inspection must conform to the techniques and acceptability criteria set forth in CGA Pamphlet C–3. * * *

* * * * *

(I) In § 178.68–17 the third sentence of paragraph (b) is amended, footnote 1 referenced therein is canceled as follows:

§ 178.68 Specification 4E; welded aluminum cylinders.

§ 178.68–17 Weld tests.

* * * * *

(b) * * * The specimen must be bent to refusal in the guided bend test jig illustrated in paragraph 6.10 of CGA Pamphlet C–3. * * *

(J) In § 178.245–1 paragraph (a) is amended to read as follows:

§ 178.245 Specification 51; steel portable tanks.

§ 178.245–1 Requirements for design and construction.

(a) Tanks must be of seamless or welded steel construction or combination of both and must have in excess of 1,000 pounds water capacity. Fusion welded tanks must be postweld heat treated and radiographed to provide the highest joint efficiency provided by the ASME Code. Tanks must be designed and constructed in accordance with and fulfill the requirements of the ASME Code. Tanks constructed in accordance with the requirements of Part UHT of the ASME Code must comply with the following additional requirements:

(1) Welding procedure and welder performance tests must be made annually in accordance with section IX of the ASME Code. In addition to the essential variables named therein the following must be considered to be essential variables: Number of passes, thickness of plate, heat input per pass,

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and manufacturer's identification of rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25 percent from the procedure qualification. Records of the qualification must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

(2) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full-sized specimens shall be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0° F. Charpy V-Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

* * * * *

(K) In § 178.255–1 paragraphs (a), (b), and (c) are amended; in § 178.255–2 paragraph (a) is amended to read as follows:

§ 178.255 Specification 60; steel portable tanks.

§ 178.255–1 General requirements.

(a) Tanks must be of fusion welded construction, cylindrical in shape with seamless heads concave to the pressure. Tank shells may be of seamless construction.

(b) Tanks must be designed and constructed in accordance with and fulfill all the requirements of the ASME Code.

(c) Tanks including all permanent attachments must be postweld heat treated as a unit.

* * * * *

§ 178.255–2 Material.

(a) Material used in the tank must be steel of good weldable quality and conform with the requirements of the ASME Code.

* * * * *

(L) In § 178.337–1 paragraph (a), Note 1 following paragraph (b) and paragraph (f) are amended; in § 178.337–2 paragraph (a) (1) and (2) is amended; in § 178.337–4 paragraphs (a), (b), and (e) are amended; in § 178.337–6 paragraph (a) is amended; in § 178.337–16 paragraphs (a) and (b) (1) and (2) are amended; in § 178.337–17 the last sentence of paragraph (a) is amended; in § 178.337–18 the first sentence of paragraph (a) is amended to read as follows:

§ 178.337 Specification MC 331; cargo tanks constructed of steel primarily for transportation of compressed gases as defined in the Compressed Gas Section. Requirements to be met in all particulars with respect to all such tanks constructed after September 1, 1965.

§ 178.337–1 General requirements.

(a) *ASME Code construction.* Tanks must be seamless or welded steel construction or combination of both and must be designed and constructed in accordance with and fulfill the requirements of the ASME Code. Each tank must also meet the following additional requirements.

(b) * * *

NOTE 1: The term "design pressure" as used in this specification, is identical to the term "maximum allowable working pressure" as used in the ASME Code.

* * * * *

(f) *Postweld heat treatment.* Postweld heat treatment must be as prescribed in the ASME Code except that each tank constructed in accordance with Part UHT of the ASME Code must be postweld heat treated. Each chlorine tank must be fully radiographed and postweld heat treated in accordance with the provisions of the ASME Code under which it is constructed. Where postweld heat treatment is required, the tank must be treated as a unit after completion of all the welds in and/or to the shells and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment.

§ 178.337–2 Material.

(a) * * *

(1) All material used for construction of the tank and appurtenances must be suitable for use with the commodities to be transported therein and must comply with the requirements of the ASME Code and/or requirements of the American Society for Testing and Materials in all respects.

(2) Impact tests are required on steel used in fabrication of each tank constructed in accordance with Part UHT of the ASME Code. The tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat treatment processing lot having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full size specimens must be 20 foot-pounds in the longitudinal direction at −30° F., Charpy V-Notch and 15 foot-pounds in the transverse direction at −30° F., Charpy V-Notch. The required values for subsize specimens must be reduced in direct proportion to the cross-sectional area of the specimen beneath the notch. It a lot does not meet this requirement, individual plates may be accepted if they individually meet this requirement.

* * * * *

§ 178.337–4 Joints.

(a) Joints shall be as required by the ASME Code, with all undercutting in shell and head material repaired as specified therein.

(b) Welding procedure and welder performance tests must be made annually in accordance with section IX of the ASME Code. In addition to the essential variables named therein, the following must be considered to be essential variables: Number of passes; thickness of plate; heat input per pass; and manufacturer's identification of rod and flux. When fabrication is done in accordance with Part UHT of the ASME Code, filler material of nickel-molybdenum-vanadium type must not be used. The number of passes, thickness of plate, and heat input per pass may not vary more than 25 percent from the procedure or welder qualifications. Records of the qualification must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

* * * * *

(e) The maximum tolerance for misalignment and butting up shall be in accordance with the ASME Code.

* * * * *

§ 178.337–6 Closure for manhole.

(a) Each tank constructed in accordance with Part UHT of the ASME Code and other tanks above 3,500 gallons water capacity must be provided with a manhole conforming to paragraph UG–46 (g)(1) and other requirements of the ASME Code.

§ 178.337–16 Testing.

(a) *Inspection and tests.* Inspection of materials of construction of the tank and its appurtenances and original test and inspection of the finished tank and its appurtenances must be as required by the ASME Code and as further required by this specification except that for tanks constructed in accordance with Part UHT of the ASME Code the original test pressure must be at least twice the tank design pressure.

(b) * * *

(1) Each tank constructed in accordance with Part UHT of the ASME Code must be subjected, after postweld heat treatment and hydrostatic tests, to a wet fluorescent magnetic particle inspection to be made on all welds in or on the tank shell and heads both inside and out. The method of inspection must conform to Appendix VI of the ASME Code, paragraph UA–70 through UA–72 except that permanent magnets shall not be used.

(2) On tanks of over 3,500 gallons water capacity other than those described in subparagraph (1) of this paragraph unless fully radiographed, a test must be made of all welds in or on the shell and heads both inside and outside by either the west fluorescent magnetic particle method conforming to Appendix VI of the ASME Code, liquid dye penetrant method, or ultrasonic testing in accordance with Appendix U of the ASME Code. Permanent magnets must not be used to perform the magnetic particle inspection.

* * * * *

§ 178.337–17 Marking.

(a) * * * The plate shall be plainly marked by stamping, embossing, or other means of forming letters into the metal of the plate, with the following information in addition to that required by the ASME Code, in characters at least ⅜-inch high:

* * * * *

§ 178.337–18 Certification.

(a) For each tank the tank vehicle manufacturer shall supply and the owner shall obtain the tank manufacturer's data report required by the ASME Code, and a certificate stating that the completed tank vehicle is in complete compliance in all respects with specification MC 331 including the ASME Code. * * *

(M) In § 178.340–4 paragraph (a) is amended to read as follows:

§ 178.340 General design and construction requirements applicable to specifications MC 306 (§ 178.341), MC 307 (§ 178.342), and MC 312 (§ 178.343) cargo tanks.

§ 178.340–4 Structural integrity.

(a) *Maximum stress values.* The maximum calculated stress value must not exceed 20 percent of the minimum ultimate strength of the material as authorized in § 178.340–3, except when ASME Code pressure vessel design requirements apply.

* * * * *

(N) In § 178.342–1 the second sentence of paragraph (b) is amended to read as follows:

§ 178.342 Specification MC 307; cargo tanks.

§ 178.342–1 General requirements.

* * * * *

(b) * * * For working pressures in excess of 50 p.s.i.g. the tank must be designed in accordance with the requirements of the ASME Code.

* * * * *

(O) In § 178.343–1 the first sentence of paragraph (b) is amended to read as follows:

§ 178.343 Specification MC 312; cargo tanks.

§ 178.343–1 General requirements.

* * * * *

(b) Tank design: Cargo tanks built under this specification that are unloaded by pressure in excess of 15 p.s.i.g. must be designed and constructed in accordance with and fulfill all requirements of the ASME Code. * * *

* * * * *

These amendments are effective December 30, 1969.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h)))

Issued in Washington, D.C., on November 7, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Federal Highway Administrator.

SAM SCHNEIDER,
Board Member, For the
Federal Aviation Administration.

[F.R. Doc. 69–13566; Filed, Nov. 13, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Archery hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie, and crow on the Monte Vista National Wildlife Refuge, Colo., is permitted only on the area designated by signs or maps as open to hunting. This open area, comprising 2,865 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Archery hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie, and crow subject to the following special conditions:

(1) The archery hunting season on the refuge extends from November 15 through November 23, 1969, inclusive.

(2) Archery hunters must register at the refuge headquarters between 9 a.m. and 11:30 a.m. on each day prior to entering the hunting area.

(3) Hunting hours: 12 m. until sunset.

(4) Weapons: Only nonmechanical bow as permitted by State regulations and flu-flu arrows may be used for hunting.

(5) Dogs: Not to exceed two dogs per hunter may be used in the hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie, and crow.

(6) Admittance: Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in title 50, Code of Federal Regulations, Part 32, and are effective through November 23, 1969.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista
National Wildlife Refuge,
Monte Vista, Colo.

OCTOBER 8, 1969.

[F.R. Doc. 69–13531; Filed, Nov. 13, 1969; 8:47 a.m.]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres and are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions:

(1) The refuge areas shall be open to the taking of fish from January 1 through March 22, 1970. The refuge shall then be closed to the taking of fish from March 23 through May 1, 1970. The refuge shall then be open to the taking of fish from May 2 through September 30, 1970.

The refuge shall then be closed to the taking of fish from October 1 through December 14, 1970, and open to fishing from December 15 through December 31, 1970. Shore fishing will be permitted on those road crossings and areas designated by the Refuge Manager as open for the period October 1 through December 14, 1970.

(2) The use of once frozen smelt, perch eyes, and commercially pickled minnows is permitted.

(3) One outboard motor of not more than 10 horsepower may be attached to any boat or floating craft and to be used for fishing purposes only. Speed limit on the Souris River above the Mouse River Park not to exceed 5 miles per hour.

(4) Snowmobiles may be used on Lake Darling from the Lake Darling dam to the Grano road crossing during the winter fishing season only. Snowmobiles prohibited on all other parts of the refuge. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

JOHN M. DAHL,
Refuge Manager, Upper Souris
National Wildlife Refuge,
Foxholm, N. Dak.

NOVEMBER 7, 1969.

[F.R. Doc. 69–13557; Filed, Nov. 13, 1969; 8:49 a.m.]

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Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 9950; Notice 69-50]

ALTIMETER SYSTEM REQUIREMENTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending § 91.170 of Part 91 of the Federal Aviation Regulations by revoking the provision that permits the postponement of the first test and inspection of the altimeter system for airplanes under annual inspection until the first annual inspection after July 31, 1967.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before February 12, 1970, will be considered by the administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Paragraph (a) of § 91.170 prohibits a person from operating an airplane in controlled airspace under IFR unless, within the preceding 24 calendar months, each static pressure system and each altimeter instrument has been tested and inspected and found to comply with Appendix E of Part 43. Paragraph (b) of that section states that, for airplanes under annual inspection, the first test and inspection is not required to be made until the first annual inspection after July 31, 1967.

Under the original amendment to Part 91 (Amendment 91-20, 30 F.R. 8262) in 1965, the upgraded altimeter system performance was to be obtained by August 1, 1966. However, in response to petitions from industry, the FAA extended the compliance date to August 1, 1967, for airplanes that were not under the annual inspection provisions of § 91.169. At the same time, it was determined appropriate to provide that for airplanes under annual inspection, the first test and inspection was not required to be made until the first annual inspection after July 31, 1967. The compliance date was extended on the basis that the supply of new altimeters that met the test requirements was limited; that it would not be possible for persons owning the 30,000 to 40,000 airplanes involved to obtain the new altimeters by the original compliance date; and that a significant number of existing repair stations were not equipped or ready to perform the required altimeter tests. The purpose in permitting compliance by the first annual inspection after July 31, 1967, was to insure a more efficient scheduling of the altimeter system inspections and tests in view of the large number of airplanes that would be initially involved. However, during the intervening 2 years, all the airplanes operating in controlled airspace under IFR should have had the first altimeter test and inspection. Therefore, the FAA considers that paragraph (b) has now served its purpose.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations by revoking § 91.170(b).

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 6, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-13550; Filed, Nov. 13, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 424]

RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Notice of Proposed Rule Making

Notice is hereby given that the Federal Trade Commission pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provision of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding food store advertising and marketing practices.

The Commission has initiated this proceeding, having reason to believe that:

(1) Many food retailers engaged in the sale or distribution of food and grocery products or other merchandise, make extensive use of advertising to announce the availability and price of such items;

(2) Such food retailers also make extensive use of advertised "specials" which purport to make available during a particular period of time, food and grocery products or other merchandise at reductions from prevailing prices;

(3) Food retailers rely upon and profit from such price advertising, which attracts customers to their stores and thereby induces sales;

(4) Consumers regard and rely upon such advertising as a declaration that all of the items advertised will be available for purchase in the stores, and at the advertised prices during the effective period of the advertisement;

(5) Consumers can benefit from advertised low-priced "specials" saving perhaps up to 10 percent or more on their total food bills, when the items are readily available at advertised prices;

(6) In a substantial number of cases, advertised items or "specials" are found to be unavailable during the effective period of the advertisement, particularly in those stores located in low-income areas;

(7) Many food retailers have failed to disclose in advertising that specified advertised items would be in limited supply or altogether unavailable in specified stores during the effective period of the advertisement;

(8) In a substantial number of cases advertised items or "specials" have not been marked down in accordance with the advertised prices, but bear a price higher than the advertised price;

(9) The failure to disclose that advertised items are not readily available at the advertised prices constitutes failure to disclose material facts to prospective patrons of the stores;

(10) Food retailers engaged in the above practices divert to themselves business which might, and probably would otherwise go to competitors, causing injury to competition;

(11) Such marketing practices constitute unfair methods of competition, and unfair and deceptive acts or practices in violation of sections 5 and 12 of the Federal Trade Commission Act.

In taking this action the Commission has considered, among other things, the results of extensive staff investigations conducted in three large metropolitan areas. Investigations in two of these cities and the results are described in detail in the Bureau of Economics' staff report to the Commission titled "Economic Report on Food Chain Selling Practices in the District of Columbia and San Francisco," which was published in July 1969. The investigation covered by this report included surveys of a total of 137 stores operated by 10 leading food chains.

The report disclosed that a total of 11 percent of the advertised items in the two cities were found to be unavailable, and only eight of the 137 stores checked had every advertised item available for the consumer. In each of the two cities

considerably more items were unavailable in low-income-area stores as compared to higher-income-area stores.

Also described in the report is the extent to which deviations existed between the prices items were advertised at and the prices appearing on the items in 99 stores. The results indicated deviations of 9 percent in Washington and 8.8 percent in San Francisco. Several chains had 10 percent or more items mispriced. In a very substantial majority of the instances of deviations, the prices marked on the items were higher than the advertised prices. Further surveys in June and August 1969 of 154 Washington, D.C., and Baltimore area supermarkets operated by nine firms, revealed findings similar to those in the above cited Economic Report.

Prior to taking this action, the Commission has taken into account its accumulated experience with retail food marketing practices, and has also carefully considered other available studies and reports on the subject. As a result of its deliberations, the Commission is of the opinion that the public interest in a proceeding of this nature, is specific and substantial. Accordingly, it therefore proposes the following Trade Regulation Rule:

§ 424.1 The Rule.

In connection with the sale or offering for sale by food retailers of food and grocery products or other merchandise, subject to the jurisdictional requirements of sections 5 and 12 of the Federal Trade Commission Act, it is an unfair method of competition and/or an unfair or deceptive act or practice to:

(a) (1) Offer any such product for sale at a stated price, by means of any advertisement disseminated in an area served by any of its stores which do not have such products in stock, and readily available to customers in self-service areas of such stores. (If not readily available on a self-service basis, clear and adequate notice shall be provided at the point where customers would normally expect the products to be offered for sale, that the item or items are in stock and may be obtained upon request.)

(2) Provided, however, that it shall constitute a defense to a charge under subparagraph (1) of this paragraph, if the retailer maintains records sufficient to show that the advertised products were ordered and delivered to the stores in quantities sufficient to meet reasonably anticipated demands.

(b) (1) Fail to make the advertised items conspicuously and readily available for sale at or below the advertised prices:

(2) Unless, in each of the above cases, there is clear and conspicuous disclosure in all such advertisements as to all exceptions with respect to specific stores, products or prices otherwise included within the advertisement.

NOTE I: General disclaimers in advertising relating to product availability will not be considered to be in compliance with the disclosure provisions of the rule. Examples of such general disclaimers would be:

(a) "Not all items available at all stores."

(b) A statement that a particular item or group of items is "Available at most stores."

(c) "Available at stores featuring delicatessen departments." In this case the specific stores where the advertised item is either available or unavailable shall be disclosed.

NOTE II: Some food retailers have utilized a "raincheck" policy whereby customers may subsequently purchase at the advertised prices items which were unavailable during the effective period of the advertisement. Such a system will not be considered as compliance with (a)(1) of the rule.

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such rules and regulations express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve the issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Protection of the consuming public from false, misleading, deceptive, or unfair labeling or advertising of products is a prime duty of the Commission.

All interested persons, including the consuming public, are hereby notified that they may file written data, views or arguments concerning the practices described herein, with Joseph W. Shea, Secretary, Federal Trade Commission, Washington, D.C. 20580, not later than January 14, 1970. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to orally present data, views, or arguments with respect to these practices and the proposed rule at a public hearing to be held at 10 a.m., e.s.t., January 20 and 21, 1970, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Secretary not later than January 14, 1970, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Secretary of the Commission on or before January 14, 1970.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in retail food store marketing, in commerce, as "commerce" is defined in the Federal Trade Commission Act, will be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: November 14, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-13448; Filed, Nov. 13, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EDGAR A. MILLS

Notice of Granting of Relief

Notice is hereby given that Edgar A. Mills, Greensboro, N.C., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 14, 1954, in the U.S. District Court for the Middle District of North Carolina, of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Edgar A. Mills, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Mills to receive, possess or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Edgar A. Mills' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Edgar A. Mills, from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Edgar A. Mills be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13559; Filed, Nov. 13, 1969; 8:49 a.m.]

MICHAEL GEORGE PRIME

Notice of Granting of Relief

Notice is hereby given that Michael George Prime, 6850 East Kenyon Drive, Tucson, Ariz., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 23, 1966, in the Superior Court of the State of Arizona in and for the County of Pima, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Michael George Prime because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Prime to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Michael George Prime's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Michael George Prime be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13560; Filed, Nov. 13, 1969; 8:49 a.m.]

EDWARD O. SHEPHERD

Notice of Granting of Relief

Notice is hereby given that Mr. Edward O. Shepherd, 7544 Third Street Road, Louisville, Ky. 40214, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 15, 1945, by the Jefferson Circuit Court, Criminal Division, for the Commonwealth of Kentucky of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Edward O. Shepherd because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Edward O. Shepherd to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Edward O. Shepherd's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Edward O. Shepherd be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13561; Filed, Nov. 13, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-12133]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 3, 1969.

The Bureau of Indian Affairs has filed an application, serial number F-12133, for the withdrawal of the lands described herein from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, grazing laws, and the disposal of materials act of 1947, as amended. The applicant agency has acquired existing facilities on the land from the Bureau of Land Management and the tract is to be used as an administrative site in administering the affairs of the Native people in the Bethel area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation, 43 CFR 2311.1-3(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotitaions with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BETHEL AREA, ALASKA

Beginning at Corner No. 1 of U.S. Survey 4383, located on the centerline of the Bethel Airport Road; thence north 63°28' W., 7.5 chains along the centerline of said road to corner No. 1 of this tract, the point of beginning; thence south 2 chains to corner No. 2; thence west 4 chains to corner No. 3; thence north 4 chains to corner No. 4 located on the centerline of the Bethel Airport Road; thence south 63°28' E., 4.5 chains along the centerline of the Bethel Airport Road to the point of beginning. Containing approximately 1.2 acres, located 4 miles west of Bethel.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 69-13537; Filed, Nov. 13, 1969; 8:45 a.m.]

[AA-3128]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 6, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. AA-3128, for the withdrawal of the lands described herein from location or entry under the mining laws. The land lies within the South Tongass National Forest and the purpose of the proposed withdrawal is to protect the tract for use as a recreation area for the general public. The land contains totems and a community house of the Haida Indian Tribe and is known as the New Kasaan Totem Park.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation, 43 CFR 2311.1-3(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SOUTH TONGASS NATIONAL FOREST

PRINCE OF WALES ISLAND

Corner No. 1 bears N. 62°30' W., from USLM No. 5 for 2,680 feet; thence S. 66°30' W., for 1,230 feet to Corner No. 2; thence N. 47° W., for 270 feet to Corner No. 3; thence N. 8° W., for 540 feet to Corner No. 4; thence N. 85°30' E., for 990 feet to Corner No. 5; thence S. 54°30' E., for 580 feet to Corner No. 1. The boundaries should follow the mean high tide between these points and the boundary line between Corner No. 5 and Corner No. 1, point of beginning, will follow southeasterly the west bank of the Sun-I-Hat Creek. Containing approximately 14 acres on the north shore of the Kasaan Bay, approximately one-half mile west of the community of New Kasaan.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 69-13538; Filed, Nov. 13, 1969; 8:45 a.m.]

[OR 5052]

OREGON

Notice of Proposed Classification of Public Lands for Disposal by Exchange

SEPTEMBER 24, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), and to the regulations in 43 CFR 2411.1-2, it is proposed to classify the lands described below for disposal through exchange, under the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR Subpart 2244), for lands within the Burns and Vale Districts:

WILLIAMETTE MERIDIAN

HARNEY COUNTY

T. 19 S., R. 33½ E.,
Sec. 11, SE¼SE¼;
Sec. 12, S½S½;
Sec. 13, NW¼NE¼, NW¼, N½SW¼, SE¼SW¼, and NW¼SE¼;
Sec. 14, E½E½;
Sec. 24, E½NW¼ and W½SE¼;
Sec. 25, NW¼NE¼.

MALHEUR COUNTY

T. 15 S., R. 45 E.,
Sec. 24, SW¼NW¼ and E½SW¼;
Sec. 25, NE¼, E½NW¼, and N½SE¼.
T. 15 S., R. 46 E.,
Sec. 30, lot 4 and SE¼SW¼;
Sec. 31, lots 1 and 2, NE¼, and E½NW¼.
T. 16 S., R. 38 E.,
Sec. 4, SE¼SE¼;
Sec. 19, lot 1.
T. 16 S., R. 42 E.,
Sec. 1, NE¼SW¼ and N½SE¼;
Sec. 9, N½SE¼;
Sec. 11, SE¼NE¼;
Sec. 12, E½NE¼, SW¼NE¼, W½NW¼, and SE¼NW¼;
Sec. 14, NW¼NE¼ and S½NW¼;
Sec. 15, E½SE¼;
Sec. 25, SE¼NW¼, SW¼, and S½SE¼.
T. 16 S., R. 43 E.,
Sec. 20, NE¼ and NW¼SE¼;
Sec. 21, E½SW¼ and SW¼SW¼;
Sec. 28, N½NW¼ and SW¼NW¼;
Sec. 29, SE¼SW¼ and SW¼SE¼;
Sec. 30, lot 4, SE¼SW¼, and S½SE¼;
Sec. 31, lots 1, 2, and 3, NE¼NE¼, SW¼NE¼, and E½NW¼;
Sec. 32, NW¼NE¼ and N½NW¼.

T. 16 S., R. 45 E.,
Sec. 1, lots 1, 2, 3, 4, and 6, and S½NE¼;
Sec. 2, lots 2, 3, 4, 5, and 6;
Sec. 3, lots 5, 6, 7, and 8, and S½NW¼.
T. 16 S., R. 46 E.,
Sec. 6, lot 5 and S½NE¼.
T. 17 S., R. 43 E.,
Sec. 3, SW¼;
Sec. 4, S½S½;
Sec. 8, NE¼, N½SE¼, and SW¼SE¼;
Sec. 9, NW¼NE¼, NW¼, and N½SW¼;
Sec. 10, NW¼SE¼.
T. 17 S., R. 44 E.,
Sec. 31, lot 4.
T. 18 S., R. 42 E.,
Sec. 1, lot 4, SW¼NW¼, and S½;
Sec. 12, N½.
T. 18 S., R. 44 E.,
Sec. 4, SE¼NE¼;
Sec. 6, S½NE¼, W½, and SE¼;
Sec. 8, NW¼NE¼ and W½.
T. 20 S., R. 39 E.,
Sec. 26, S½S½;
Sec. 33, NE¼NE¼, S½NE¼, and SE¼;
Sec. 34;
Sec. 35.
T. 20 S., R. 40 E.,
Sec. 31, lots 1 and 2.
T. 21 S., R. 39 E.,
Sec. 25, lots 1, 2, 3, and 4, W½E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 26, NE¼SW¼;
Sec. 35, SE¼NW¼ and NE¼SW¼;
Sec. 36, lots 1 and 2, NW¼NE¼, N½NW¼, and S½SW¼.
T. 23 S., R. 38 E.,
Sec. 12, NE¼SE¼;
Sec. 24, NE¼SW¼;
Sec. 25, SE¼NE¼, SW¼, and S½SE¼;
Sec. 26, E½SE¼.
T. 23 S., R. 39 E.,
Sec. 7, W½SE¼;
Sec. 16, S½;
Sec. 17;
Sec. 18, lot 4 and E½;
Sec. 19, lots 1 to 11, inclusive, NE¼, and N½SE¼;
Sec. 20, N½ and N½S½;
Sec. 21, N½, N½S½, and SW¼SW¼;
Sec. 30, lots 2 to 10, inclusive, and S½NE¼.
T. 24 S., R. 39 E.,
Sec. 7, S½NE¼;
Sec. 18, lots 6, 7, 10, and 12;
Sec. 19, lots 3, 4, 5, 8, 9, 10, and 11;
Sec. 30, NE¼NE¼.
T. 30 S., R. 43 E.,
Sec. 34.
T. 31 S., R. 41 E.,
Sec. 14, SE¼SW¼ and SW¼SE¼;
Sec. 24, SW¼NW¼, SW¼, and SW¼SE¼.
T. 31 S., R. 42 E.,
Sec. 11, E½SW¼ and SW¼SW¼;
Sec. 12, NE¼SW¼ and SE¼;
Sec. 14, NW¼NE¼ and NW¼;
Sec. 31, lots 3 and 4, SW¼NE¼, E½SW¼, and W½SE¼.
T. 31 S., R. 43 E.,
Sec. 8, S½N½ and NW¼NW¼;
Sec. 10, N½NW¼.
T. 32 S., R. 40 E.,
Sec. 2, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 10.
T. 32 S., R. 42 E.,
Sec. 6, lots 5 to 11, inclusive.

The areas described aggregate approximately 18,497.84 acres.

Publication of this notice will segregate the lands from all appropriations including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. In accordance with 43 CFR 2244.1–2 (a) and (b)(1), no application for an exchange will be accepted until the land has been classified and the application is accompanied by a statement from the Bureau of Land Management, Vale District Manager, that the proposal is feasible.

Information concerning these lands is available at the Vale District Office, Bureau of Land Management, 365 A Street West, Vale, Oreg. 97918.

For a period of 60 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 365 A Street West, Post Office Box 220, Vale, Oreg. 97918.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

After having considered comments received as a result of this publication and hearing if such is deemed necessary to be held, the authorized officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

MURL W. STORMS,
Acting State Director.

[F.R. Doc. 69–13539; Filed, Nov. 13, 1969; 8:45 a.m.]

[OR 4971]

OREGON

Notice of Proposed Classification of Public Lands for Disposal by Exchange

OCTOBER 1, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), and to the regulations in 43 CFR 2411.1–2, it is proposed to classify the lands described below for disposal through exchange, under the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR Subpart 2244), for lands within the Prineville District:

WILLAMETTE MERIDIAN

CROOK, DESCHUTES, JEFFERSON, WASCO AND WHEELER COUNTIES

T. 1 N., R. 12 E.,
Sec. 11, SE¼SE¼;
Sec. 35, NE¼SE¼.
T. 2 N., R. 12 E.,
Sec. 11, lot 2 and NE¼SE¼;
Sec. 33, NW¼NE¼.
T. 1 S., R. 12 E.,
Sec. 1, NW¼SE¼.
T. 1 S., R. 13 E.,
Sec. 6, fractional NW¼NE¼ and fractional NE¼NW¼;
Sec. 7, SE¼SE¼.
T. 5 S., R. 13 E.,
Sec. 14, lot 3, SE¼NW¼ and NE¼SW¼;
Sec. 15, lot 1, N½SE¼ and SW¼SE¼;
Sec. 22, lot 2.
T. 5 S., R. 15 E.,
Sec. 15, SE¼SE¼;
Sec. 21, SE¼;
Sec. 23, NW¼NE¼;
Sec. 28, NE¼NE¼.
T. 5 S., R. 16 E.,
Sec. 10, NE¼SW¼;
Sec. 22, SW¼NE¼;
Sec. 23, SE¼NE¼;
Sec. 25, SW¼SE¼;
Sec. 34, NE¼SW¼ and SW¼SE¼.
T. 6 S., R. 15 E.,
Sec. 3, E½SW¼;
Sec. 11, SE¼NW¼ and NE¼SW¼.
T. 6 S., R. 16 E.,
Sec. 1, NE¼SW¼ and NW¼SE¼;
Sec. 2, SW¼NE¼ and SE¼SE¼;
Sec. 3, lots 2 and 3, and SE¼NE¼;
Sec. 4, NE¼SE¼;
Sec. 10, NE¼SW¼;
Sec. 11, NE¼NW¼;
Sec. 12, N½NE¼ and NE¼SE¼;
Sec. 13, NE¼NW¼ and S½NW¼;
Sec. 17, NW¼NE¼;
Sec. 20, SE¼SE¼;
Sec. 23, W½NW¼;
Sec. 27, N½NW¼;
Sec. 28, NE¼NE¼;
Sec. 29, NE¼NE¼;
Sec. 31, lots 1 and 2, and SW¼SE¼;
Sec. 33, SE¼NE¼ and SW¼SW¼.
T. 6 S., R. 17 E.,
Sec. 6, lots 3, 5, and 6.
T. 7 S., R. 15 E.,
Sec. 12, NW¼SW¼.
T. 7 S., R. 16 E.,
Sec. 5, lot 1, SW¼NE¼ and SE¼NW¼.
T. 10 S., R. 18 E.,
Sec. 26, SE¼SE¼.
T. 10 S., R. 19 E.,
Sec. 26, SW¼SE¼;
Sec. 30, NE¼SW¼;
Sec. 31, SE¼SE¼.
T. 10 S., R. 23 E.,
Sec. 28, SE¼SW¼ and W½SE¼;
Sec. 32, NE¼SE¼;
Sec. 33, N½N½, SW¼NE¼, SE¼NW¼, and N½S½.
T. 11 S., R. 19 E.,
Sec. 1, lot 3;
Sec. 2, SE¼SW¼ and W½SE¼;
Sec. 3, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 12, NE¼SE¼;
Sec. 13, W½SE¼.
T. 11 S., R. 20 E.,
Sec. 3, SW¼SE¼;
Sec. 9, NW¼NE¼ and SE¼SE¼;
Sec. 10, NE¼, E½NW¼, and NW¼NW¼;
Sec. 12, lots 5 to 16, inclusive;
Sec. 19, NE¼SW¼ and NW¼SE¼;
Sec. 20, NW¼NW¼;
Sec. 21, SE¼NW¼ and E½SW¼;
Sec. 24, lot 14;
Sec. 26, SW¼NE¼, NW¼NW¼, and SE¼SE¼;
Sec. 27, NE¼NE¼;
Sec. 28, NE¼NW¼;
Sec. 29, NE¼NE¼;
Sec. 30, lot 3.
T. 11 S., R. 21 E.,
Sec. 18, lots 1, 2, 3, and 4, NW¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 32, SW¼SE¼;
Sec. 34, S½S½.
T. 12 S., R. 25 E.,
Sec. 32, NE¼.
T. 13 S., R. 21 E.,
Sec. 31, lot 3;
Sec. 32, NE¼SE¼.
T. 13 S., R. 24 E.,
Sec. 12, E½E½NW¼SE¼, E½E½SW¼SE¼, and SE¼SE¼;
Sec. 13, NE¼NE¼, E½E½NW¼NE¼, E½NE¼SW¼NE¼, W½SE¼NE¼, and SE¼SE¼NE¼.
T. 13 S., R. 25 E.,
Sec. 6, SE¼SE¼;
Sec. 7, lot 6;
Sec. 17, E½, NW¼, and SW¼SW¼;
Sec. 18, lots 1, 8, 9, and 10, SE¼NW¼, W½SE¼, and SE¼SE¼;
Sec. 19, lots 1, 2, 3, and 4, SW¼NE¼, E½W½, and SE¼;
Sec. 20, NW¼NW¼ and W½SW¼.

T. 14 S., R. 11 E.,
Sec. 13, SW¼NE¼ and NW¼SE¼;
Sec. 24, NE¼NW¼.
T. 14 S., R. 13 E.,
Sec. 13, N½SE¼;
Sec. 22, NE¼SE¼;
Sec. 23, NW¼NW¼, S½NW¼, and SW¼;
Sec. 26, N½NW¼ and SW¼NW¼;
Sec. 28, SE¼NE¼ and NE¼SE¼;
Sec. 32, S½NE¼, N½SE¼, and SE¼SE¼.
T. 14 S., R. 14 E.,
Sec. 24, N½N½ and SW¼NW¼;
Sec. 26, SE¼NW¼.
T. 14 S., R. 20 E.,
Sec. 1, lot 1;
Sec. 12, NW¼NW¼ and S½N½.
T. 14 S., R. 21 E.,
Sec. 1, S½S½ and N½SE¼;
Sec. 2, lots 1, 3, and 4;
Sec. 3, lots 1 and 2, and SE¼SE¼;
Sec. 6, lot 4;
Sec. 10, NE¼SW¼ and N½SE¼;
Sec. 12, NE¼SW¼;
Sec. 13, N½SW¼ and SW¼SW¼;
Sec. 14, SE¼SE¼;
Sec. 17, S½NW¼;
Sec. 18, SE¼NE¼;
Sec. 19, lot 1;
Sec. 20, NE¼NW¼;
Sec. 21, NE¼, E½NW¼, and SW¼NW¼;
Sec. 23, NE¼NE¼;
Sec. 24, S½NE¼, N½NW¼, and SW¼NW¼;
Sec. 26, NW¼NE¼;
Sec. 28, S½NW¼;
Sec. 29, NW¼SE¼.
T. 15 S., R. 10 E.,
Sec. 12, SE¼NW¼ and E½SW¼.
T. 15 S., R. 11 E.,
Sec. 17, NE¼NE¼, S½NE¼, and W½SW¼;
Sec. 18, E½SE¼.
T. 15 S., R. 15 E.,
Sec. 8, E½.
T. 15 S., R. 17 E.,
Sec. 12, SE¼SW¼ and SW¼SE¼.
T. 15 S., R. 18 E.,
Sec. 6, S½SE¼;
Sec. 8, N½NE¼;
Sec. 18, NE¼SW¼.
T. 16 S., R. 12 E.,
Sec. 35, N½NE¼, NE¼NW¼, and SE¼SW¼.
T. 16 S., R. 15 E.,
Sec. 24, E½E½ and SW¼SE¼;
Sec. 25, S½SE¼.
T. 16 S., R. 16 E.,
Sec. 4, lots 1, 2, and 3, and SE¼NE¼;
Sec. 6, lot 5, NW¼SE¼, and SE¼SE¼;
Sec. 10, SW¼NW¼;
Sec. 14, SW¼NW¼;
Sec. 18, lots 1 and 4, SE¼NE¼, and NE¼SW¼;
Sec. 19, lots 1, 2, 3, and 4, W½E½, SE¼NE¼, and E½W½;
Sec. 30, SE¼SE¼.
T. 16 S., R. 18 E.,
Sec. 13, S½SE¼;
Sec. 24, SE¼NE¼ and S½NW¼.
T. 16 S., R. 19 E.,
Sec. 4;
Sec. 10, SE¼NE¼ and N½S½;
Sec. 12, NE¼NE¼, W½SW¼, and SW¼SE¼;
Sec. 17, SE¼SE¼;
Sec. 18, lots 1 and 2, NE¼, E½NW¼, and SE¼SE¼;
Sec. 19, lot 4.
T. 16 S., R. 22 E.,
Sec. 24, W½W½, E½SW¼, and S½SE¼.
T. 16 S., R. 23 E.,
Sec. 22, NW¼NE¼.
T. 16 S., R. 25 E.,
Sec. 3, N½SW¼;
Sec. 6, S½SE¼;
Sec. 8, N½.

T. 17 S., R. 12 E.,
Sec. 2, lots 3 and 4, S½NW¼, and S½SW¼;
Sec. 3, lot 1, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 10;
Sec. 11, W½W½;
Sec. 24, W½NE¼, SE¼NE¼, SW¼SE¼, and E½SE¼;
Sec. 25, W½NE¼, N½SW¼, and SW¼SW¼;
Sec. 35, NW¼NE¼.
T. 17 S., R. 13 E.,
Sec. 21, N½NE¼, SE¼NE¼, SE¼NW¼, and SE¼;
Sec. 27, S½SW¼;
Sec. 32, N½SW¼, SW¼SW¼, and SE¼.
T. 17 S., R. 14 E.,
Sec. 15, NW¼SE¼;
Sec. 27, W½SE¼.
T. 17 S., R. 24 E.,
Sec. 26, NE¼NE¼ and E½NW¼;
Sec. 34, E½NE¼.
T. 18 S., R. 13 E.,
Sec. 3, NW¼;
Sec. 6, NE¼NE¼ and S½SE¼;
Sec. 7, N½NE¼, SE¼NE¼, and SE¼SE¼;
Sec. 8, NE¼SW¼ and S½SW¼;
Sec. 15, W½;
Sec. 17, N½NW¼ and SE¼NW¼;
Sec. 18, N½NE¼, SW¼NE¼, E½SW¼, and W½SE¼;
Sec. 19, E½ and E½SW¼.
T. 19 S., R. 24 E.,
Sec. 2;
Sec. 14, N½, N½S½, and SE¼SE¼;
Sec. 22.
T. 19 S., R. 25 E.,
Sec. 8, NW¼SE¼ and SE¼SE¼.
T. 20 S., R. 23 E.,
Sec. 36.
T. 20 S., R. 24 E.,
Sec. 8, S½SW¼ and SE¼SE¼;
Sec. 18;
Sec. 30.
T. 21 S., R. 20 E.,
Sec. 12, SE¼SE¼;
Sec. 24, N½SW¼ and SE¼SE¼;
Sec. 25, SW¼SW¼;
Sec. 26, NW¼SE¼;
Sec. 33, S½SW¼.
T. 21 S., R. 24 E.,
Sec. 4;
Sec. 8, N½NE¼, W½NW¼, and S½;
Sec. 16, E½NE¼, NW¼NE¼, W½, and SE¼;
Sec. 18, E½E½, SE¼SW¼, and SW¼SE¼;
Sec. 20;
Sec. 30.
T. 22 S., R. 20 E.,
Sec. 1, lots 4, 5, 6, and 7;
Sec. 3, SE¼;
Sec. 4, SE¼NW¼, NE¼SW¼, and E½SE¼;
Sec. 9, NE¼NW¼, SW¼NW¼, W½SW¼, and S½SE¼;
Sec. 10, NE¼, SE¼NW¼, S½SW¼, and SE¼;
Sec. 11, W½SW¼, SE¼SW¼, and E½SE¼;
Sec. 12, W½SW¼ and SW¼SE¼.
T. 22 S., R. 21 E.,
Sec. 4, E½SW¼;
Sec. 5, SE¼SW¼;
Sec. 7, lot 4;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NE¼ and N½NW¼;
Sec. 22, NW¼SE¼ and S½SE¼.

The areas described aggregate approximately 30,220 acres.

Publication of this notice will segregate the lands from all appropriations including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. In accordance with 43 CFR 2244.1–2 (a) and (b)(1), no application for an exchange will be accepted until the land has been classified and the application is accompanied by a statement from the Bureau of Land Management, Prineville District Manager, that the proposal is feasible.

Information concerning these lands is available at the Prineville District Office, Bureau of Land Management, 185 East Fourth Street, Post Office Box 550, Prineville, Oreg. 97754.

For a period of 60 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 185 East Fourth Street, Post Office Box 550, Prineville, Oreg. 97754.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

After having considered comments received as a result of this publication and hearing if such is deemed necessary to be held, the authorized officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 69–13540; Filed, Nov. 13, 1969; 8:45 a.m.]

[Wyoming 053732, 062258, 0133968]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 6, 1969.

Notices of Fish and Wildlife Service applications, W–053732, W–062258, and W–0133968, for withdrawal and reservation of lands for use in connection with the game management unit known as the Whiskey Basin Game Winter Range, were published as F.R. Doc. 59–7923, on page 7657 of the issue for September 23, 1959, and F.R. Doc. 61–5427, on pages 5276 and 5277 of the issue for June 13, 1961. The applicant agency has canceled its applications involving the lands in the FEDERAL REGISTER publications referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at 10 a.m. on December 8, 1969, will be relieved of the segregative effect of the abovementioned applications.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 69–13541; Filed, Nov. 13, 1969; 8:45 a.m.]

DISTRICT MANAGERS, IDAHO

Delegation of Authority

Designating Acting Area Managers and Acting Chiefs, Division of Resource

Management, Operations, and Administration in Idaho District Offices. The authorities delegated to the Area Managers, Chiefs, Division of Resource Management, Operations, and Administration in the District Offices may in the absence of the designated Area Manager, Chiefs, Division of Resource Management, Operations, or Administration be performed by an Acting Area Manager or Acting Chief, Division of Resource Management, Operations, or Administration. Such "acting" officials shall be designated by written order of the District Manager.

Each designated employee who serves in such capacity shall, when serving, sign documents and other papers as "Acting (name of position)." Each such acting official shall prepare a memorandum to be kept in the district office showing the date and hour of commencement and termination of each period of such service as "Acting (name of position)".

JOE T. FALLINI,
State Director, Idaho.

[F.R. Doc. 69-13558; Filed, Nov. 13, 1969; 8:49 a.m.]

Fish and Wildlife Service

[Docket No. S-479]

FRANK B. AND HELEN F. BOHANNON

Notice of Loan Application

NOVEMBER 6, 1969.

Frank B. Bohannon and Helen F. Bohannon, Route 1, Box 664, Rockaway, Oreg. 97136, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 60-foot length overall wood vessel to engage in the fishery for salmon, albacore, shrimp, and Dungeness crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-13532; Filed, Nov. 13, 1969; 8:47 a.m.]

[Docket No. A-512]

STEVEN R. SMITH

Notice of Loan Application

NOVEMBER 6, 1969.

Steven R. Smith, Box 277, Cordova, Alaska 99574, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 33.1-foot registered length wood vessel to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-13533; Filed, Nov. 13, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

MEDICAL COLLEGE OF OHIO AT TOLEDO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00562-33-46040. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in a research program requiring the study of normal and diseased human lymphoid tissue, experimentally altered tissue in laboratory animals, and the distribution of foreign proteins in experimental animals. It will also be used for studying normal and pathological prostate and cardiac tissue of humans and experimental animals. Particular attention will be paid to the substructure of mitochondria. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a continuous range of 220 to 500,000 magnifications without changing the pole piece or breaking the vacuum of the specimen chamber. The Radio Corp. of America (RCA) Model EMU-4B provides a range of 500 to 240,000 magnifications. However, in order to obtain the lower magnifications of the RCA Model EMU-4B it is necessary to change pole pieces with the consequent breaking of the vacuum in the specimen chamber. We are advised by the Department of Health, Education, and Welfare in a memorandum dated July 18, 1969, that for the experiments to be conducted with the foreign article the ability to change from low to high magnification without changing the pole piece is a pertinent characteristic of the article.

For the foregoing reason, the RCA Model EMU-4B is not considered to be of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13506; Filed, Nov. 13, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00558-33-46040. Applicant: University of California, Davis, School of Veterinary Medicine, Davis, Calif. 95616. Article: Electron microscope, Model EM 6B. Manufacturer: GEC-AEI Electronics, Ltd., United Kingdom. Intended use of article: The article will be used for both teaching and research. It is essential for the students obtaining advanced degrees in pathology, microbiology, parasitology, and immunology to be well trained in this area so that investigations on the molecular level can be carried out. Biomedical research will include the following areas:

a. Morphology and ultrastructure of animal viruses that produce disease and cancer in different kinds of animals.

b. Replication of animal viruses on the cellular level with emphasis on the sites and mode of virus reproduction.

c. Studies on feline and canine leukemia with special reference to the mode of transmission, cell types and sites of virus synthesis.

d. Effects of beta-lysins and other cationic proteins on morphological alterations of bacteria.

e. Changes in the pulmonary system in response to toxic and physical factors.

f. Study of glomerular lesions in canine pyometra and associated renal disorders.

g. Ultrastructure of macrophages in cellular immunity and antibody production.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of continuous magnification from 60x to 250,000x without the need to change pole pieces. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA) and currently being produced by the Forgflo Corp. (Forgflo). The Model EMU-4B provides a capability of continuous magnification from 1,400x to 220,000x without the need to change pole pieces. Direct lower magnification can be obtained by decreasing the objective lens current of the Model EMU-4B. For the highest quality, low magnification electron microscopes between 500x and 70,000x, RCA specifies a special, wide bore, long focal length pole piece to replace the standard pole piece of the EMU-4B (specifications 3(c), page 1, "Specifications for EMU-4B Electron Microscope", SI-103A, dated July 1, 1968.)

We are advised by the Department of Health, Education, and Welfare (HEW) that changing pole pieces requires breaking the vacuum in the specimen chamber and thus exposing the specimen to possible contamination. (Memorandum from HEW dated July 8, 1969.)

HEW further advises that the rapid continuous change from very low to very high magnification is pertinent to the purposes for which the foreign article is intended to be used.

For these reasons, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13507; Filed, Nov. 13, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PALADIDE (CUPROUS IODIDE)

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Paladide; each ounce contains 1.56 grams of cuprous iodide; by Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., 520 West 21st Street, Kansas City, Mo. 64141.

The Academy classified this product as not effective for foot rot in cattle since no evidence of efficacy was demonstrated and all data on foot rot lacked controls. The Academy also classified the product as probably not effective as an expectorant in respiratory tract congestion of cattle and swine since (1) no data were presented on expectorant activity in livestock, (2) references which were submitted did not support the claims, (3) no clinical or experimental studies as an expectorant are reported in swine or cattle, and (4) more information is needed.

Based on the foregoing the Food and Drug Administration concludes there is a lack of substantial evidence that this product has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new animal drug application for this drug. Prior to initiating such action however, the Commissioner invites the holder of the new animal drug application for this drug, or any other interested person who may be adversely affected by its removal from the market, to submit any pertinent data bearing on the proposal, within 30 days after publication hereof in the FEDERAL REGISTER, addressed to the Bureau of Veterinary Medicine, Special Assistant for Drug Efficacy Study Implementation, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13530; Filed, Nov. 13, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION DISTRICT OFFICES AT LAS VEGAS AND RENO, NEV., AND SALT LAKE CITY, UTAH

Notice of Opening and Boundary Changes

Notice is hereby given that the General Aviation District Office at Las Vegas, Nev., was opened on August 25, 1969.

The Nevada counties of Clark, Esmeralda, Lincoln, and Nye (south of the 38th parallel) and the California county of Inyo, which were formerly serviced by the Reno GADO, and the Utah counties of Iron, Kane, and Washington, which were formerly serviced by the Salt Lake City GADO, have been transferred to the Las Vegas GADO. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, Calif., on October 2, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-13551; Filed, Nov. 13, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 21421 and 18381; Order 69-11-32]

AIR WISCONSIN, INC., AND NONPRIORITY MAIL RATES

Order To Show Cause Regarding Establishment of Final and Temporary Service Mail Rates

Issued under delegated authority November 10, 1969.

Air Wisconsin, Inc. (Air Wisconsin) is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed

September 12, 1969, Air Wisconsin requested the Board to establish final mail rates for the transportation of mail by aircraft between Kokomo/Logansport/Peru, Ind. (Kokomo) and both Chicago, Ill., and Detroit, Mich., and between Marion, Ind., and both Chicago, Ill., and Detroit, Mich., effective with Allegheny's suspension of service at Kokomo and Marion.

No service mail rates are currently in effect for this service by Air Wisconsin. Air Wisconsin requests that the multi-element rates established in Orders E–25610 and E–17255 and which are in effect for Allegheny on these routes be made applicable to Air Wisconsin.

On September 18, 1969, the Postmaster General filed a reply supporting Air Wisconsin's petition provided that Air Wisconsin will be subject to all of the provisions of Orders E–25610 and E–17255, as amended, and that these rates[1] will be effective at the same time suspension by Allegheny is approved.

By Order 69–11–8, November 4, 1969, the Board authorized suspension of service by Allegheny at Kokomo and at Marion.

The rate in Order E–25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Air Wisconsin at the level established in Order E–25610, as amended, and the terms and provisions of that order also shall be applicable to Air Wisconsin in the same manner as they were applicable to Allegheny in providing mail services in these markets.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail, established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Air Wisconsin receive the same compensation as Allegheny for the same services, we propose to establish temporary service rates for nonpriority mail for Air Wisconsin at the level established in Order E–17255, as amended. We will also make Air Wisconsin a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Air Wisconsin by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith between Kokomo and Chicago, Kokomo and Detroit, Marion and Chicago, and Marion and Detroit. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid on and after November 4, 1969, to Air Wisconsin, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Kokomo/Logansport/Peru, Ind. and both Chicago, Ill., and Detroit, Mich., and between Marion, Ind., and both Chicago, Ill., and Detroit, Mich., shall be the rates established by the Board in Order E–25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after November 4, 1969, to Air Wisconsin, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Kokomo/Logansport/Peru, Ind., and both Chicago, Ill., and Detroit, Mich., and between Marion, Ind., and both Chicago, Ill., and Detroit, Mich., shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Air Wisconsin, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Air Wisconsin, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Air Wisconsin, Inc., is hereby made a party to the proceedings in Docket 18381;

6. This order shall be served upon Air Wisconsin, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–13564; Filed, Nov. 13, 1969; 8:49 a.m.]

[Dockets Nos. 20993 and 20291; Order 69–11–27]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare and Rate Matters

Issued under delegated authority November 7, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB Agreement number.

The agreement raises from 5 to 10 the unit used in the rounding-off of passenger fares and cargo rates in Spain to reflect the removal of 5-cent coins from legal use in that country.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolutions*
21382, R–1	100 (Mail 817) 023a. 200 (Mail 958) 023a. 300 (Mail 314) 023a. JT12 (Mail 718) 023a. JT23 (Mail 231) 023a. JT31 (Mail 169) 023a. JT123 (Mail 624) 023a.
21382, R–2	100 (Mail 817) 023b. 200 (Mail 958) 023b. 300 (Mail 314) 023b. JT12 (Mail 718) 023b. JT23 (Mail 231) 023b. JT31 (Mail 169) 023b. JT123 (Mail 624) 023b.

Accordingly, it is ordered, That:

Action on Agreement CAB 21382, R–1 and R–2, be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 7 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–13565; Filed, Nov. 13, 1969; 8:49 a.m.]

[1] The present rates per Order 69–9–118, Sept. 19, 1969, are as follows:

Priority Mail: 24 cents per ton-mile plus 9.36 cents per pound at Marion and Kokomo and 2.34 cents per pound at Chicago and Detroit. Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Marion and Kokomo and 1.66 cents per pound at Chicago and Detroit.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67–13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Assistant to the Secretary" to "Advisor to the Secretary for Policy and Planning".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13512; Filed, Nov. 13, 1969; 8:46 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Associate Director for Health Affairs, Office of Health Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13513; Filed, Nov. 13, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 465]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

NOVEMBER 10, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., Applicant, Call sign, and nature of application

2362–C2–AL–70—Secretarial Telephone Answering Service (KMD998), Consent to assignment of license from: Secretarial Telephone Answering Service, Assignor to: Pacific Radiotelephone, Inc., Assignee.

2363–C2–MP–70—Gerard T. Uht (KGI780), Modification of C.P. to change antenna location to: 1611 Peach Street, Erie, Pa., operating on frequency 158.70 MHz. Also replace transmitter.

2364–C2–P–70—Radio Electronics Products Corp. (KMD687), C.P. for an additional channel to operate on frequency 152.18 MHz at location No. 2: 310 Lake Boulevard, Redding, Calif.

2365–C2–P–(3)–70—The Redco Corp. and Roy M. Teel and Lowry McKee doing business as Mobilfone (KKA403), C.P. to change location, transmitters and antennas for the base (152.18 MHz) and repeater (459.30 MHz) stations at location No. 2: Approximately 3.5 miles northwest of junction Highway 100 and FM 1575, Los Fresnos, Tex. Also change transmitter and antenna and reorient antenna for the control (454.30 MHz) station at location No. 1: 2.5 miles north of U.S. Highway No. 83, on North 10th Street, McAllen, Tex.

2366–C2–P–70—Clear Valley Telephone Co. (KLF532), C.P. for an additional channel to operate on frequency 152.54 MHz at its station located off Highway No. 52, 5 miles northwest of Clear Lake, Minn.

2367–C2–P–70—Contoocook Valley Telephone Co., Inc. (KCI301), C.P. to change antenna location to: Southeast of Henniker, Craney Hill, N.H.; also change frequency to: 152.75 MHz.

2368–C2–P–70—Wisconsin Telephone Co. (KSA804), C.P. to add a second channel at location No. 2: 5.5 miles northwest of Green Bay, Wis., to operate on frequency 152.57 MHz.

2369–C2–P–70—Wisconsin Telephone Co. (KSC882), C.P. for an additional channel to operate on frequency 152.78 MHz at a new site to be identified as location No. 2: 222 West College Avenue, Appleton, Wis.

2397–C2–P–(2)–70—The Chesapeake & Potomac Telephone Co. of Virginia (KIB529), C.P. to change antenna system on channels 152.63 and 152.81 MHz at location No. 1: 703 East Grace Street, Richmond, Va.

2444–C2–P–70—Columbus Radio Paging Co. (New), C.P. for new 1-way station to be located at 88 East Broad Street, Columbus, Ohio, to operate on frequency 43.58 MHz.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

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Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New York

Radio Relay Corp. (New), 153–C2–P–70.
Tel-Page Corp. (New), 1172–C2–P–70.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2398–C1–MP–70—General Telephone Co. of Florida (KIN50), Modification of C.P. to change frequencies from 3730 and 3810 MHz to 3750 and 3830 MHz and add frequency 2112.4 MHz toward Odessa, Fla. Station location: Cleveland Avenue and Betty Lane, Clearwater, Fla.

2399–C1–MP–70—General Telephone Co. of Florida (KYJ43), Modification of C.P. to change frequencies from 3770 and 3850 MHz to 3710 and 3790 MHz toward Clearwater and Zephyrhills, Fla.; add frequency 2162.4 MHz toward Clearwater and 2167.2 MHz toward Zephyrhills, Fla., and to relocate the station from previous proposed location to lat. 28°11'35" N., long. 82°35'43" W.

2400–C1–MP–70—General Telephone Co. of Florida (KYJ44), Modification of C.P. to change frequencies from 3730 and 3810 MHz to 3750 and 3830 MHz; add frequency 2117.2 MHz toward Odessa, Fla., and frequency 2112.4 MHz toward Polk City (Eva), Fla. Station location: 201 South Gall Boulevard, Zephyrhills, Fla.

2401–C1–MP–70—General Telephone Co. of Florida (KGP53), Modification of C.P. to add frequencies 6226.9 and 6345.5 MHz toward Highland City, Fla., and frequency 2162.4 MHz toward Zephyrhills, Fla., and change the antenna system. Station location: 2.3 miles south of Eva, Fla.

Southwestern Bell Telephone Co.—Seven (7) C.P. applications for authority to add a second point-to-point microwave radio system to the Oklahoma City-Lawton route, as follows:

2402–C1–P–70—Southwestern Bell Telephone Co. (KSW26), Add frequencies 6189.8 and 11,365 MHz toward Mustang, Okla. Station location: 405 North Broadway, Oklahoma City, Okla.

2403–C1–P–70—Southwestern Bell Telephone Co. (KSW27), Add frequencies 5937.8 and 10,915 MHz toward Oklahoma City, Okla., and 5952.6 and 11,115 MHz toward Minco, Okla. Station location: 3.8 miles northwest of Mustang, Okla.

2404–C1–P–70—Southwestern Bell Telephone Co. (KSW28), Add frequencies 6204.7 and 11,565 MHz toward Mustang, Okla., and 6189.8 and 11,365 MHz toward Chickasha, Okla. Station location: 2.2 miles south-southwest of Minco, Okla.

2405–C1–P–70—Southwestern Bell Telephone Co. (KSW29), Add frequencies 5937.8 and 10,915 MHz toward Minco, Okla., and 5952.6 and 11,115 MHz toward Rush Springs, Okla. Station location: 2.6 miles west of Chickasha, Okla.

2406–C1–P–70—Southwestern Bell Telephone Co. (KSW30), Add frequencies 6204.7 and 11,565 MHz toward Chickasha, Okla., and 6189.8 and 11,365 MHz toward Lawton, Okla. Station location: 5.3 miles west of Rush Springs, Okla.

2407–C1–P–70—Southwestern Bell Telephone Co. (KSW31), Add frequencies 6189.8 and 11,365 MHz toward Rush Springs, Okla., and 11,325 and 11,565 MHz toward Lawton, Okla. Station location: 6.5 miles east of Lawton, Okla.

2408–C1–P–70—Southwestern Bell Telephone Co. (KSW32), Add frequencies 11,325 and 11,565 MHz toward Lawton, Okla. Station location: 1702 Gore Street, Lawton, Okla.

931–C1–R–70—New York Telephone Co. (KEH95), Renewal of developmental license expiring Nov. 29, 1969. Term: Nov. 29, 1969–Nov. 29, 1970.

Major Amendment

950–C1–P–70—Mountain States Telephone & Telegraph Co. (KAN32), Change frequencies from 6301.0 and 6419.6 MHz to 6271.4 and 6390.0 MHz. All other particulars same as reported in public notice dated Sept. 2, 1969.

Correction

2263–C1–P–70—Mountain States Telephone & Telegraph Co. (New), Correct to read: Frequencies 6019.3 and 6137.9 MHz toward Casper, Wyo., and 6004.5 and 6123.1 MHz toward Orpha, Wyo. All other particulars same as reported in public notice dated Nov. 3, 1969.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2501–C1–P–70—South Central Bell Telephone Co. (KZA97), C.P. to add frequency 3950 MHz toward Lexington, Ky. Location: 1.8 miles southwest of Sadieville, Ky.

2503–C1–P–70—The Pacific Telephone & Telegraph Co. (KYO80), C.P. to add frequencies 6078.6 and 6137.9 MHz toward Yucca Valley, Calif., via passive reflector. Location: 295 North Sunrise Way, Palm Springs, Calif.

2504–C1–P–70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at the northeast corner of Yucca Trail and Joshua Lane, Yucca Valley, Calif. Frequencies 6330.7 and 6390.0 MHz toward Palm Springs, Calif., via passive reflector.

2505–C1–P–70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located near Grace Street on Requa Avenue, Indio, Calif. Frequencies 10,935 and 11,175 MHz toward Mecca, Calif.

2506–C1–P–70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located 8 miles northeast of Mecca, Calif. Frequencies 11,345 and 11,585 MHz toward Indio, Calif., and 11,385 and 11,625 MHz toward Chiriaco Summit, Calif.

2507–C1–P–70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located 0.5 mile northeast of Chiriaco Summit, Calif. Frequencies 10,735 and 10,975 MHz toward Mecca, Calif., and 10,775 and 11–15 MHz toward Desert Center, Calif., via passive reflector.

2508–C1–P–70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located 1.5 miles north-northeast of Desert Center, Calif. Frequencies 11,425 and 11,665 MHz toward Chiriaco Summit, Calif., via passive reflector.

2445–C1–P–70—MCI Pacific Coast, Inc. (New), Site 1: C.P. for a new fixed station at Ninth Avenue and C Street, San Diego, Calif., at latitude 32°43'00" N., longitude 117°09'21" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 96°10'.

2446–C1–P–70—MCI Pacific Coast, Inc. (New), Site 2: C.P. for a new fixed station 3.6 miles west-southwest of Jamul, Calif., at latitude 32°41'47" N. and longitude 116°56'08" W. Frequencies 6049.0 and 6167.6 on azimuth 276°17', and 5960.0 and 6067.6 on azimuth 333°53'.

2447–C1–P–70—MCI Pacific Coast, Inc. (New), Site 3: C.P. for a new fixed station 6.5 miles east-southeast of Silverado, Calif., at latitude 33°42'42" N. and longitude 117°31'54" W. Frequencies 6182.4 and 6301.0 MHz on azimuth 153°34'.

2448–C1–P–70—MCI Pacific Coast, Inc. (New), Site 4: C.P. for a new fixed station 6.4 miles east-southeast of Silverado, Calif., at latitude 33°42'38" N. and longitude 117°32'00" W. Frequencies 11,665.0 and 11,425.0 MHz on azimuth 276°15', and 11,385.0 and 11,625.0 MHz on azimuth 7°30'.

2449–C1–P–70—MCI Pacific Coast, Inc. (New), Site 5: C.P. for a new fixed station 1.2 miles south-southeast of Home Gardens, Calif., at latitude 33°51'37" N. and longitude 117°30'35" W. Frequencies 10,975.0 and 10,735.0 MHz on azimuth 187°31', and 10,775.0 and 11,015.0 MHz on azimuth 60°52'.

2450–C1–P–70—MCI Pacific Coast, Inc. (New), Site 6: C.P. for a new fixed station 2.8 miles north of Edgemont, Calif., at latitude 33°57'55" N. and longitude 117°16'59" W. Frequencies 11,665.0 and 11,425.0 MHz on azimuth 241°00', and 11,385.0 and 11,625.0 MHz on azimuth 356°23'.

2451–C1–P–70—MCI Pacific Coast, Inc. (New), Site 7: C.P. for a new fixed station at 501 East Street, San Bernardino, Calif., at latitude 34°06'16" N. and longitude 117°17'37" W. Frequencies 10,975.0 and 10,735.0 MHz on azimuth 176°23'.

2452–C1–P–70—MCI Pacific Coast, Inc. (New), Site 8: C.P. for a new fixed station at 401 Civic Center Drive W., Santa Ana, Calif., at latitude 33°45'08" N. and longitude 117°59'54" W. Frequencies 10,775.0 and 11,015.0 MHz on azimuth 95°59' and 10,975.0 and 10,735.0 MHz on azimuth 348°38'.

2453–C1–P–70—MCI Pacific Coast, Inc. (New), Site 9: C.P. for a new fixed station at 6131 Orangethorpe Road, Buena Park, Calif., at latitude 35°51'34" N. and longitude 118°01'27" W. Frequencies 11,385.0 and 11,625.0 MHz on azimuth 168°37', and 11,665.0 and 11,425.0 MHz on azimuth 312°24'.

2454–C1–P–70—MCI Pacific Coast, Inc. (New), Site 10: C.P. for a new fixed station at 8141 East Second Street, Downey, Calif., at latitude 33°56'33" N. and longitude 118°08'00" W. Frequencies 10,775.0 and 11,015.0 MHz on azimuth 132°21', and 10,975.0 and 10,975.0 and 10,735.0 MHz at 317°23'.

2455–C1–P–70—MCI Pacific Coast, Inc. (New), Site 11: C.P. for a new fixed station at Fifth and Figueron Streets, Los Angeles, Calif., on latitude 34°03'10" N. and longitude 118°15'19" W. Frequencies 11,665.0 and 11,425.0 on azimuth 4.8°, and 11,385.0 and 11,625.0 MHz on azimuth 137°19', and 11,425.0 and 11,585.0 MHz on azimuth 225°35'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2456–C1–P–70—MCI Pacific Coast, Inc. (New), Site 12: C.P. for a new fixed station at the Tishman Building, Century Boulevard, Inglewood, Calif., at latitude 33°56'46" N. and longitude 118°23'00" W. Frequencies 11,725.0 and 11,935.0 MHz on azimuth 137°31', and 10,975.0 and 10,735.0 MHz on azimuth 45°31'.

2457–C1–P–70—MCI Pacific Coast, Inc. (New), Site 13: C.P. for a new fixed station at 110 Pine Avenue, Long Beach, Calif., at latitude 33°46'06" W. and longitude 118°11'28" N., Frequencies 10,775.0 and 11,175.0 MHz on azimuth 317°38'.

2458–C1–P–70—MCI Pacific Coast, Inc. (New), Site 14: C.P. for a new fixed station 5.3 miles north of La Crescenta, Calif., at latitude 34°16'08" N. and longitude 118°14'11" W. Frequencies 10,775.0 and 11,015.0 MHz at azimuth 184°09' and 6019.3 and 6137.9 MHz on azimuth 310°05', and 5960.0 and 6078.6 MHz on azimuth 254°21'.

2459–C1–P–70—MCI Pacific Coast, Inc. (New), Site 15: C.P. for a new fixed station at 8155 Van Nuys Boulevard, Sepulveda, Calif., at latitude 34°13'10" N. and longitude 118°26'51" W. Frequencies 6271.4 and 6390.0 MHz on azimuth 74°14'.

2460–C1–P–70—MCI Pacific Coast, Inc. (New), Site 16: C.P. for a new fixed station 3.4 miles south of Frazier Park, Calif., at latitude 34°46'30" N. and longitude 118°58'08" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 126°40', and 6185.4 and 6301.0 MHz on azimuth 0°19'.

2461–C1–P–70—MCI Pacific Coast, Inc. (New), Site 17: C.P. for a new fixed station 5.6 miles east-southeast of Glennville, Calif., at latitude 35°45'38" N. and longitude 118°46'11" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 354°58', and 5989.7 and 6108.3 MHz on azimuth 189°26', and 6019.3 and 6137.9 MHz azimuth 208°04'.

2462–C1–P–70—MCI Pacific Coast, Inc. (New), Site 18: C.P. for a new fixed station at 1813 H Street, Bakersfield, Calif., at latitude 35°22'30" N. and longitude 119°01'14" W. Frequencies 6182.4 and 6271.4 MHz on azimuth 27°55'.

2463–C1–P–70—MCI Pacific Coast, Inc. (New), Site 19: C.P. for a new fixed station 4.8 miles north-northeast of Milo, Calif., at latitude 36°17'34" N. and 118°49'40" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 174°56', and 6241.7 and 6360.3 on azimuth 336°29'.

2464–C1–P–70—MCI Pacific Coast, Inc. (New), Site 20: C.P. for a new fixed station 4.3 miles north of Shaver Lake, Calif., at latitude 37°10'12" N. and longitude 119°18'27" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 156°05', and 6019.3 and 6137.9 on azimuth 301°37', and 6212.0 and 6330.7 on azimuth 221°52'.

2465–C1–P–70—MCI Pacific Coast, Inc. (New), Site 21: C.P. for a new fixed station at 2220 Tulare Street, Fresno, Calif., at latitude 36°44'08" and longitude 119°37'24" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 41°34'.

2466–C1–P–70—MCI Pacific Coast, Inc. (New), Site 22: C.P. for a new fixed station 2.3 miles northwest of Mount Bullion, Calif., at latitude 37°32'17" N. and longitude 120°03'47" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 121°10', and 6182.4 and 6301.0 MHz on azimuth 344°34'.

2467–C1–P–70—MCI Pacific Coast, Inc. (New), Site 23: C.P. for a new fixed station 2 miles northwest of Twain Harte, Calif., at latitude 38°03'48" N. and longitude 120°14'48" W. Frequencies 6049.0 and 6167.6 MHz on azimuth 164°27', 6019.3 and 6137.9 MHz on azimuth 323°46'.

2468–C1–P–70—MCI Pacific Coast, Inc. (New), Site 24: C.P. for a new fixed station 1.4 miles west of Pioneer, Calif., at latitude 38°25'56" N. and longitude 120°35'27" W. Frequencies 6271.4 and 6390.0 MHz on azimuth 143°34', and 6241.7 and 6360.3 MHz on azimuth 304°35', and 6212.0 and 6330.7 MHz on azimuth 229°04'.

2469–C1–P–70—MCI Pacific Coast, Inc. (New), Site 25: C.P. for a new fixed station at 345 East Main Street, Stockton, Calif., at latitude 37°57'13" N. and longitude 121°17'05" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 48°39'.

2470–C1–P–70—MCI Pacific Coast, Inc. (New), Site 26: C.P. for a new fixed station 2.9 miles northwest of Latrobe, Calif., at latitude 38°35'08" N. and longitude 121°01'11" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 114°19', 6019.3 and 6137.9 MHz on azimuth 37°48', 5960.0 and 6078.6 MHz on azimuth 269°42'.

2471–C1–P–70—MCI Pacific Coast, Inc. (New), Site 27: C.P. for a new fixed station at the corner of J and Fourth Streets, Sacramento, Calif., at latitude 38°34'57" N. and longitude 121°30'05" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 89°24', and 6241.7 and 6360.3 MHz on azimuth 248°01'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2472–C1–P–70—MCI Pacific Coast, Inc. (New), Site 28: C.P. for a new fixed station 5.6 miles west-northwest of Vacaville, Calif., at latitude 38°23'31" W. and longitude 122°05'45" N. Frequencies 6049.0 and 6167.6 MHz on azimuth 67°39', and 6019.3 and 6137.9 MHz on azimuth 227°37'.

2473–C1–P–70—MCI Pacific Coast, Inc. (New), Site 29: C.P. for a new fixed station 2.5 miles southwest of Ignacio, Calif., at latitude 38°02'46" and longitude 122°34'24" N. Frequencies 6212.0 and 6330.7 MHz on azimuth 47°19', and 6241.7 and 6360.3 MHz on azimuth 153°25'.

2474–C1–P–70—MCI Pacific Coast, Inc. (New), Site 30: C.P. for a new fixed station 1275 Greenwich Street, San Francisco, Calif., at latitude 37°48'03" N. and longitude 122°-25'07" W. Frequencies 6049.0 and 6167.6 MHz on azimuth 333°31', and 6019.3 and 6137.9 MHz on azimuth 149°22', and 5989.7 and 6108.3 MHz on azimuth 88°17'.

2475–C1–P–70—MCI Pacific Coast, Inc. (New), Site 31: C.P. for a new fixed station at 436 14th Street, Oakland, Calif., at latitude 37°48'16" N. and longitude 122°16'10" W. Frequencies 6182.4 and 6301.0 MHz on azimuth 268°22'.

2476–C1–P–70—MCI Pacific Coast, Inc. (New), Site 32: C.P. for a new fixed station at the corner of Forest and Cooper Streets, Palo Alto, Calif., at latitude 37°26'48" N. and longitude 122°09'20" W. Frequencies 6271.4 and 6390.0 MHz on azimuth 329°31', and 6241.7 and 6360.3 on azimuth 117°23'.

2477–C1–P–70—MCI Pacific Coast, Inc. (New), Site 33: C.P. for a new fixed station at 111 West St. John Street, San Jose, Calif., at latitude 37°20'15" N. and longitude 121°53'34" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 297°33'.

2478–C1–P–70—MCI Pacific Coast, Inc. (New), Site 34: C.P. for a new fixed station 7.1 miles east of Georgetown, Calif., at latitude 38°54'15" N. and longitude 120°42'14" W. Frequencies 6182.4 and 6301.0 on azimuth 326°01', and 6271.4 and 6390.0 MHz on azimuth 217°55'.

2479–C1–P–70—MCI Pacific Coast, Inc. (New), Site 35: C.P. for a new fixed station 1.4 miles southeast of Challenge, Calif., at latitude 39°28'30" N. and longitude 121°12'05" W. Frequencies 6019.3 and 6137.9 MHz on azimuth 322°10', and 5989.7 and 6108.3 MHz on azimuth 145°43'.

2480–C1–P–70—MCI Pacific Coast, Inc. (New), Site 36: C.P. for a new fixed station 2.4 miles north-northeast of Cohasset, Calif., at latitude 39°57'30" N. and longitude 121°42'48" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 312°14', and 6212.0 and 6330.7 MHz on azimuth 140°33'.

2481–C1–P–70—MCI Pacific Coast, Inc. (New), Site 37: C.P. for a new fixed station 3.2 miles west-northwest of Lakehead, Calif., at latitude 40°54'53" N. and longitude 122°26'39" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 18°32', 5989.7 and 6108.3 MHz on azimuth 149°29'.

2482–C1–P–70—MCI Pacific Coast, Inc. (New), Site 38: C.P. for a new fixed station 2 miles west-northwest of Dunsmuir, Calif., at latitude 41°13'19" N. and 122°18'28" W. Frequencies 6182.4 and 6301.0 MHz on azimuth 341°14', and 6271.4 and 6390.0 MHz on azimuth 198°37'.

2483–C1–P–70—MCI Pacific Coast, Inc. (New), Site 39: C.P. for a new fixed station 5.9 miles southwest of Klamath Falls Junction, Oreg., at latitude 42°04'57" N. and 122°42'02" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 327°25', and 6019.3 and 6137.9 MHz on azimuth 160°58', and 5989.7 and 6108.3 MHz on azimuth 332°32'.

2484–C1–P–70—MCI Pacific Coast, Inc. (New), Site 40: C.P. for a new fixed station at 128 East Main Street, Medford, Oreg., at latitude 42°19'35" N. and longitude 122°52'17" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 152°25'.

2485–C1–P–70—MCI Pacific Coast, Inc. (New), Site 41: C.P. for a new fixed station at 5.8 miles north of Placer, Oreg., at latitude 42°41'31" N. and longitude 123°13'46" W. Frequencies 6182.4 MHz and 6301.0 MHz on azimuth 6°55', and 6212.0 MHz and 6330.7 MHz on azimuth 147°04'.

2486–C1–P–70—MCI Pacific Coast, Inc. (New), Site 42: C.P. for a new fixed station at 3.1 miles south-southwest of Blachly, Oreg., at latitude 43°31'33" N. and longitude 123°-05'26" W. Frequencies 5960.0 MHz and 6078.6 MHz on azimuth 333°45', and 5989.7 MH and 6108.3 MHz on azimuth 187°00'.

2487–C1–P–70—MCI Pacific Coast, Inc. (New), Site 43: C.P. for a new fixed station 6.8 miles northwest of Blachly, Oreg., at latitude 44°16'41" N. and longitude 123°36'28" W. Frequencies 6241.7 MHz and 6360.3 MHz on azimuth 54°39', and 6212.0 MHz and 6330.7 MHz on azimuth 153°23', and 6182.4 MHz and 6301.0 MHz on azimuth 120°31'.

THE UNIVERSITY OF MICHIGAN LIBRARIES

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POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2488–C1–P–70—MCI Pacific Coast, Inc. (New), Site 44: C.P. for a new fixed station at 350 Pearl Street, Eugene, Oreg., at latitude 44°03'24" N. and longitude 123°05'23" W. Frequencies 5989.7 MHz and 6108.3 MHz on azimuth 300°53'.

2489–C1–P–70—MCI Pacific Coast, Inc. (New), Site 45: C.P. for a new fixed station 5.9 miles north of Mill City, Oreg., at latitude 44°50'28" N. and longitude 122°28'53" W. Frequencies 5960.0 MHz and 6078.6 MHz on azimuth 355°43', and 5989.7 MHz and 6108.3 MHz on azimuth 235°26', and 6019.3 MHz and 6137.9 MHz on azimuth 284°13'.

2490–C1–P–70—MCI Pacific Coast, Inc. (New), Site 46: C.P. for a new fixed station at 495 State Street, Salem, Oreg., at latitude 44°56'24" N. and longitude 123°02'18" W. Frequencies 6271.4 MHz and 6390.0 MHz on azimuth 103°49'.

2491–C1–P–70—MCI Pacific Coast, Inc. (New), Site 47: C.P. for a new fixed station at 3 miles north-northeast of Clackamas, Oreg., at latitude 45°27'14" N. and longitude 122°32'48" W. Frequencies 6271.4 MHz and 6390.0 MHz on azimuth 303°35', and 6212.0 MHz and 6330.7 MHz on azimuth 175°40'.

2492–C1–P–70—MCI Pacific Coast, Inc. (New), Site 48: C.P. for a new fixed station at 735 Southwest Chair Street, Portland, Oreg., at latitude 45°31'23" N. and longitude 122°41'41" W. Frequencies 6049.0 MHz and 6167.6 MHz on azimuth 8°20', and 6019.3 MHz and 6137.9 MHz on azimuth 123°29'.

2493–C1–P–70—MCI Pacific Coast, Inc. (New), Site 49: C.P. for a new fixed station 2.8 miles northwest of Ariel, Wash., at latitude 45°59'36" N. and longitude 122°35'45" W. Frequencies 6241.7 MHz and 6360.3 MHz on azimuth 319°19', and 6271.4 MHz and 6390.0 MHz on azimuth 188°24'.

2494–C1–P–70—MCI Pacific Coast, Inc. (New), Site 50: C.P. for a new fixed station 6.2 miles west-northwest of Wildwood, Wash., at latitude 46°29'18" N. and longitude 123°12'51" W. Frequencies 5960.4 MHz and 6078.6 MHz on azimuth 46°11', and 6019.3 MHz and 6137.9 MHz on azimuth 138°52'.

2495–C1–P–70—MCI Pacific Coast, Inc. (New), Site 51: C.P. for a new fixed station 3.7 miles south of Rainier, Wash., at latitude 46°50'06" N. and longitude 122°41'10" W. Frequencies 6182.4 MHz and 6301.0 MHz azimuth 20°19', and 6212.0 MHz and 6330.7 MHz on azimuth 226°34'.

2496–C1–P–70—MCI Pacific Coast, Inc. (New), Site 52: C.P. for a new fixed station (KTNT Radio Tower) South 11th and Grant Street, Tacoma, Wash., at latitude 47°15'05" N. and longitude 122°27'35" W. Frequencies 5960.0 MHz and 6078.6 MHz on azimuth 345°56' and 5989.7 MHz and 6108.3 MHz on azimuth 200°29'.

2497–C1–P–70—MCI Pacific Coast, Inc. (New), Site 53: C.P. for a new fixed station 3.2 miles south-southwest of Harper, Wash., at latitude 47°28'43" N. and longitude 122°32'37" W. Frequencies 6182.4 MHz and 6301.0 MHz on azimuth 47°32', and 6212.0 MHz and 6330.7 MHz on azimuth 165°53'.

2498–C1–P–70—MCI Pacific Coast, Inc. (New), Site 54: C.P. for a new fixed station at Third Avenue and University Street, Seattle, Wash., at latitude 47°36'29" N. and longitude 122°20'03" W. Frequencies 5960.0 MHz and 6078.6 MHz on azimuth 57°19', and 5989.7 MHz and 6108.3 MHz on azimuth 227°41'.

2499–C1–P–70—MCI Pacific Coast, Inc. (New), Site 55: C.P. for a new fixed station at 5.7 miles southeast of Monroe, Wash., at latitude 47°48'26" N. and longitude 121°52'17" W. Frequencies 6241.7 MHz and 6360.3 MHz on azimuth 307°38', and 6212.0 MHz and 6330.7 MHz on azimuth 237°39'.

2500–C1–P–70—MCI Pacific Coast, Inc. (New), Site 56: C.P. for a new fixed station at 1719 Hewitt Street, Everett, Wash., at latitude 47°58'45" N. and longitude 122°12'15" W. Frequencies 5989.7 MHz and 6108.3 MHz on azimuth 127°23'. (Informative: Applicant proposes to provide a "customized" communications service between San Diego, Calif., and Seattle/Everett, Wash., with service to intermediate points.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2410–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for new station at 4548 Market Street, Philadelphia, Pa., lat. 39°57'29" N., long. 75°12'46" W. Frequency 11,055 MHz on azimuth 345°35'.

2411–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for new station at Roxborough, Pa., at lat. 40°02'40" N., long. 75°14'30" W. Frequency 5974.8 MHz on azimuth 346°13', and frequency 11,265 MHz on azimuth 165°34'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

2412–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for new station at West Rockhill, 2 miles northwest of Sellersville, Pa., at lat. 40°23'02" N., long. 75°21'02" W. Frequency 6226.9 MHz on azimuth 166°09', and frequency 11,135 MHz on azimuth 340°30'.

2413–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station at Bauer Rock, Pa., at lat. 40°33'58" N., long. 75°26'06" W. Frequency 11,345 MHz on azimuth 160°27', 11,265 MHz on azimuth 53°12', and frequencies 5960.0 and 6019.3 MHz on azimuth 275°22'.

2414–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station south of Bethlehem, Pa. at lat. 40°35'48" N., long. 75°22'53" W. Frequency 11,055 MHz on azimuth 233°14'.

2415–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station 2 miles northeast of Port Clinton, Pa., at lat. 40°36'17" N., long. 75°59'34" W. Frequencies 6212.1 and 6271.4 MHz on azimuth 95°00', and frequencies 10,735 and 11,135 MHz on azimuth 245°01'.

2416–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station on Blue Mountain, 2.6 miles north-northwest of Strausstown, Pa., at lat. 40°31'55" N., long. 76°11'49" W. Frequencies 11,345 and 11,425 MHz on azimuth 64°53', 5960.0, 5989.7, and 6078.6 MHz on azimuth 234°36', and frequency 6123.1 MHz on azimuth 11°12'.

2417–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station on Girard Hill, 2.1 miles west-northwest of Delano, Pa., at lat. 40°51'02" N., long. 76°08'50" W. Frequency 6375.2 MHz on azimuth 191°15', and 6345.5 MHz on azimuth 28°48'.

2418–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station on Penobscot Mountain, 0.8 mile north of Mountain Top, Pa., at lat. 41°10'57" N., long. 75°52'20" W. Frequency 6093.5 MHz on azimuth 208°57', and 5960.0 MHz on azimuth 35°30'.

2419–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station at 2300 Adams Avenue, Scranton, Pa., at lat. 41°25'57" N., long. 75°38'06" W. Frequency 6390.0 MHz on azimuth 215°40'.

2420–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station at Chocolate and Cocoa Avenue in Hershey, Pa., at lat. 40°17'07" N., long. 76°38'55" W. Frequencies 6212.1, 6241.7, and 6330.7 MHz on azimuth 54°19', and 6264.0, 6323.3, 6382.6, and 6412.2 MHz on azimuth 278°07'.

2421–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station on Little Mountain, 0.6 mile northwest of Summerdale, Pa., at lat. 40°19'03" N., long. 76°56'50" W. Frequencies 6011.9, 6041.6, 6071.2, and 6130.5 MHz on azimuth 97°56', frequencies 11,225, 11,265, 11,345, 11,465, 11,505, 11,545, and 11,585 MHz on azimuth 136°02', and 5937.8, 5967.4, and 6160.2 MHz on azimuth 276°09'.

2422–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station at Lowell and 13th Street, Harrisburg, Pa., at lat. 40°14'59" N., long. 76°51'43" W. Frequencies 10,815, 10,855, 10,895, 10,935, 11,055, 11,095, and 11,135 MHz on azimuth 316°05'.

2423–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station at Burnt Knob, 1.8 miles north-northwest of Blair, Pa., at lat. 40°21'50" N., long. 77°31'42" W. Frequencies 6189.8, 6212.1, and 6412.2 MHz on azimuth 95°46', and azimuth 336°07'.

2424–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station at Little Flat Tower, 2.2 miles southeast of Boalsburg, Pa., at lat. 40°45'12" N., long. 77°45'19" W. Frequencies 5937.8, 5967.4, and 6160.2 on azimuth 155°58', frequencies 6286.2 and 6345.5 MHz on azimuth 267°24', and frequency 11,055 MHz on azimuth 303°26'.

2425–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station at 201 Wagner Building, Penn State University in University Park, Pa., at lat. 40°48'21" N., long. 77°51'36" W. Frequency 11,265 MHz on azimuth 123°22'.

2426–C1–P–70—New York-Penn Microwave Corp. (KZA86), C.P. to add points of communication at Little Flat Tower and Kinter Hill. Location: Tyrone Mountain, 6 miles northwest of Tyrone, Pa., at lat. 40°43'56" N., long. 78°19'33" W. Frequencies 6019.2 and 6078.6 MHz on azimuth 87°02', and frequencies 5945.2 and 6123.1 MHz on azimuth 277°25'.

2427–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station on Kinter Hill, 1.7 miles south-southeast of Rochester Mills, Pa., at lat. 40°47'41" N., long. 78°58'33" W. Frequencies 6197.2 and 6375.2 MHz on azimuth 97°00', 6256.5 MHz on azimuth 338°06', and 6226.9 on azimuth 238°38'.

2428–C1–P–70—New York-Penn Microwave Corp. (New), C.P. for a new station 0.9 mile southeast of Bell Point, Pa., at lat. 40°32'03" N., long. 79°31'59" W. Frequency 5974.8 MHz on azimuth 58°16', and 6034.2 MHz on azimuth 255°10'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

2429 C1 P 70 New York-Penn Microwave Corp. (New), C.P. for a new station on University of Pittsburgh Campus, Pittsburgh, Pa., at lat. 40°26'46" N., long. 79°57'51" W. Frequency 6389.2 MHz on azimuth 74°50', and frequency 11,265 MHz on azimuth 86°44'.

2430 C1 P 70 New York-Penn Microwave Corp. (New), C.P. for a new station at 4802 Fifth Avenue, Pittsburgh, Pa., at lat. 40°26'40" N., long. 79°56'42" W. Frequency 11,055 MHz on azimuth 266°40'.

2431 C1 P 70 New York-Penn Microwave Corp. (New), C.P. for a new station on McNaughtan Hill, 1.7 miles southeast of Fisher, Pa., at lat. 41°14'48" N., long. 79°13'00" W. Frequency 6152.6 MHz on azimuth 346°42', and frequency 6004.5 MHz on azimuth 157°56'.

2432 C1 P 70 New York-Penn Microwave Corp. (New), C.P. for a new station 4 miles east-northeast of Oshkum, Pa., at lat. 41°44'14" N., long. 79°16'23" W. Frequency 6404.8 MHz on azimuth 176°30', and frequency 6470.2 MHz on azimuth 311°10'.

2433 C1 P 70 New York-Penn Microwave Corp. (New), C.P. for a new station at Pekin Point, 6 miles west-northwest of Olmer, N.Y., at lat. 42°03'34" N., long. 79°44'53" W. Frequency 6123.1 MHz on azimuth 130°51', and 6152.6 MHz on azimuth 266°33'.

2434 C1 P 70 New York-Penn Microwave Corp. (New), C.P. for a new station 4 miles south of Erie, Pa., at lat. 42°02'11" N., long. 80°03'57" W. Frequency 6404.8 MHz on azimuth 86°39'. (Informative: Applicant proposes to provide a two-way wide-band video service for carriage of educational television signals and their related audio signals and other such audio subcarriers that can be accommodated within the frequency, amplitude, phase, noise, and modulation limits of the wide-band video service. The subscriber, Commonwealth of Pennsylvania, requests the right to add or change the information carried on the system at its discretion, provided it remains within the electrical input limitations of the system. The system will provide service between the following locations in Pennsylvania: Harrisburg, Bethlehem, Erie, Hershey, Philadelphia, Pittsburgh, Scranton, and University Park.)

2409 C1 AH 70 Pacific Telephone, Inc. (KIY138). Modification of license to change frequency 6387.7 MHz operating toward Horse Mountain on azimuth 288°27' to frequency 5963.4 MHz. Location: Shasta Bally Mountain, 13 miles west of Redding, Calif.

Informative

It appears that the following sets of applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations of exclusive competition:

Oklahoma Texas

Microwave of New Mexico, Inc., Files Nos. 1166 through 1170–C1–P–70 (PN 9–6–69).
United Video, Inc., Files Nos. 1843 through 1849 C1 P 70 (PN 10 13 69).
Applications filed pursuant to section 214 of the Communications Act of 1934, as amended.

Telephone Wire Facilities

P–C–4814 9—American Telephone & Telegraph Co. Formal: For authority to grant to Kokusai Denshin Denwa Co. Ltd. on an indefeasible right of user basis, a half interest in one voice grade circuit in the Guam-Japan section of the Transpacific Cable System.

P–C–4816–16—American Telephone & Telegraph Co. Formal: (Section 63.01) For authority to lease from the Communications Satellite Corp. four whole voice-grade circuits between an appropriate North American earth station and an Atlantic satellite, to lease from Compania Telefonica Nacional de Espana, four whole voice-grade circuits between an Atlantic satellite and the Buitrago earth station, in transiting facilities between Buitrago and the cable terminal, and in the submarine cable between Spain and the Canary Islands, and to operate these circuits to provide communication services between the United States Mainland and the Republic of South Africa.

P–C–7618—Hawaiian Telephone Co. Formal: Section 63.01: For authority to acquire and to operate circuits between Hawaii and Guam to provide communication service.

P–C–7619—New England Telephone & Telegraph Co. Informal: (Section 63.03) To supplement existing facilities between Boston, Mass.-Concord, N.H., Boston, Mass.-Dover, N.H., Boston, Mass.-Lawrence, N.H., Boston, Mass.-Manchester, N.H., Boston, Mass.-Nashua, N.H., Boston, Mass.-Portsmouth, N.H., Boston, Mass.-Newton, Mass.

Telephone Wire Facilities—Continued

P–C–7620—American Telephone & Telegraph Co. and Ohio Bell Telephone Co., Informal: (Section 63.03) To supplement existing facilities between West Palm Beach, Fla.-Wright Patterson, AFB, Ohio; West Palm Beach, Fla.-Hartford, Conn.

P–C–7622—American Telephone & Telegraph Co. and Southern Bell Telephone & Telegraph Co., Informal: (Section 63.03) To establish one broadband channel group between Greensboro, N.C.-Newark, N.J.

P–C–7623—The Pacific Telephone & Telegraph Co. and Pacific Northwest Bell Telephone Co., Informal: (Section 63.03) To supplement existing facilities between Los Angeles, Calif.-Portland, Oreg.; Portland, Oreg.-Seattle, Wash.

P–C–7624—American Telephone & Telegraph Co., Informal: (Section 63.03) To supplement existing facilities between Moseley, Va.-Jacksonville, N.C.; Moseley, Va.-New Bern, N.C.

P–C–7625—Southern Bell Telephone & Telegraph Co., Formal: (Section 63.01) To supplement existing facilities between Cocoa, Fla.-Merritt Island, Fla.; Cocoa Beach, Fla.-Merritt Island, Fla.; Kennedy Space Center, Fla.-Merritt Island, Fla.

Correction

P–C–7617—ITT World Communications, Inc., Correct name of applicant to read: ITT Communications, Inc.-Virgin Islands. All other particulars same as reported in public notice dated Nov. 3, 1969.

Telegraph Wire Facilities

T–C–1896–12—Western Union International, Inc., Formal: (Section 63.01) For authority to acquire from the Communications Satellite Corp. (Comsat) one voice-grade circuit between an appropriate earth station on the east coast of North America and an appropriate communication satellite over the Atlantic Ocean, to provide services between the United States and Lebanon and points served via either or both.

T–C–2287—Western Union International, Inc., Formal: (Section 63.01) For authority to provide services between the United States and Pakistan and points served via either or both.

[F.R. Doc. 69–13563; Filed, Nov. 13, 1969; 8:49 a.m.]

[Docket No. 18730; FCC 69–1202]

INTERCONNECTION ARRANGEMENTS FOR LANDLINE HANDLING OF OVERSEAS MESSAGES

Memorandum Opinion and Order Instituting Investigation

In the matter of an investigation into the interconnection arrangements for the landline handling of overseas messages filed by domestic telex subscribers.

1. We have before us a letter, dated July 3, 1969, from the Western Union Telegraph Co. (Western Union) informing the Commission that it intends on or about November 1, 1969, to modify certain existing arrangements for the handling of international message traffic originated by domestic telex subscribers. Presently, a telex subscriber of Western Union may file an international telegram by making a noncharge telex call terminating in the operating room of the international carrier of his choice. Western Union now proposes, in the case of traffic for ITT World Communications, Inc. (ITT), RCA Global Communications, Inc. (RCA), and Western Union International, Inc. (WUI), to have such telex calls terminate at a Western Union operating room in Greensboro, N.C. At the Greensboro location the messages will be put into international message format and transmitted to the international carrier over dedicated circuits. Similarly, arrangements are proposed to handle traffic routed via Tropical Radio Telegraph Co. (Tropical) at a Western Union location in Atlanta, Ga., and traffic routed via French Cable Co. (French) at a Western Union office in Newark, N.J.[1] Letters opposing the proposed arrangements were submitted by WUI dated August 11, 1969, by Tropical dated August 22, 1969 and October 16, 1969, and by RCA dated October 6, 1969. Western Union by letter dated October 7, 1969, replied to WUI's opposition.

[1] Western Union does not state what arrangements, if any, it would establish for telegrams routed over the facilities of United States-Liberia Radio Corp.

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Background. 2. Prior to May 1968, Western Union had no special arrangements for the handling of overseas messages filed over telex tielines. Traffic routed via a particular international carrier which was filed by any means in most of the country was transferred over the Western Union reperforator system to various operating centers where, with certain exceptions, it was put into international message format, and transferred to the international carriers. Such routed traffic filed at Western Union's central offices in the 25 cities in the United States with the largest volume of international traffic was put into international format at such central offices and telexed directly to the international carriers. Unrouted traffic was transferred over the reperforator system to Western Union's CD office in New York City, where it was put into international format and transferred to an international carrier under the quota system set out in the Formula for the Distribution of Outbound International Traffic (Formula) prescribed by the Commission.

3. On May 1, 1968, Western Union established its so-called "CD arrangements." Under this plan, a telex subscriber could file an international message via a specific international carrier by dialing a number assigned to such carrier. A separate number could be dialed to file an international message when the sender did not want to make a choice as to routing. Telex subscribers thus could file international messages by making a nonchargeable telex call. In the case of traffic routed via ITT, RCA, WUI, and French, and unrouted traffic, such calls were received at Western Union's CD office in New York City. Calls placed for the filing of messages via Tropical were received at Western Union's operating room in Atlanta, Ga. Messages received at the CD office or at Atlanta were repunched in F-31 format, if desired by the international carrier, and transferred to the international carriers.

4. Prior to the inauguration of these arrangements, Western Union requested a declaratory ruling from the Commission that such would be consistent with the Formula. In its pleading on Western Union's request, WUI argued that service could be improved if telex subscribers were connected directly to the offices of the international carriers without any intermediate handling by Western Union. In our declaratory ruling we responded to WUI's argument as follows:

> * * * the question of direct connection between a Western Union telex subscriber and the overseas carriers for the filing of messages is one of interest to us. We think that modern communications techniques should be adopted to the fullest potential, and that such direct connections may be consistent with this approach. However, Western Union may have in mind considerations that militate against direct connections at this time. We feel that it should have an opportunity to advise us in detail on its position and we, therefore, hereby request their views regarding direct connection of the telex system to the several overseas carriers. However, we see no persuasive reason in the meantime to withhold our ruling on the limited request by Western Union for interpretation of the formula now before us. Western Union Telegraph Co., 11 F.C.C. 2d 946 at 954 (Feb. 21, 1968).

5. With respect to the above request for its views, Western Union advised us on June 14, 1968, that, because of an unanticipated demand for service, the new arrangements had resulted in a deterioration, instead of the expected improvement in service. Accordingly, it had entered into discussions with the international carriers regarding the installation of connections for the filing of outbound messages by telex subscribers directly with the international carriers. Such discussions resulted in an agreement providing for the existing arrangements. Thereunder, the telex receiving positions for the filing of international messages are located in the offices of the international carriers and the domestic telex subscribers may file international messages by dialing and communicating directly with the international carrier of his choice. Unrouted traffic, as under prior arrangements, is received at the CD office.

6. The present "direct access" arrangements were put into effect on September 30, 1968, for a 3-month period pending agreement on the division of charges on the traffic so handled. Such temporary agreement has been extended to the present time. However, negotiations between Western Union and the international carriers on an appropriate division of tolls have been unsuccessful. The presently effective divisions which have been prescribed by the Commission provide for a landline charge of $6\frac{1}{2}$ cents per full-rate word to compensate Western Union for the landline handling of international messages. Western Union Telegraph Co., 3 F.C.C. 2d 314 (1966). The temporary agreement provides for the continuation of the payment of the landline charge subject to retroactive adjustments upon the reaching of agreement between Western Union and the international carriers on permanent divisions and operating arrangements. In the negotiations on divisions, Western Union has taken the position that it should continue to receive the prescribed landline charges on the traffic handled under these arrangements and that the international carriers should receive a per message payment to compensate them for the added expenses which they incur in handling traffic under the direct customer access arrangements. Western Union has offered a 7 cents a message reimbursement for all messages received via direct telex connections. The major international carriers, on the other hand, have taken the position that the cost to Western Union of providing this service is no more than a normal telex call and, accordingly, Western Union should be compensated for its landline function for this service at the telex pulse metered rate.

International Carriers' position. 7. WUI states that the Western Union Greensboro proposal (which is identical to the CD arrangements, except that messages which were received at the Western Union New York office will now be received at Greensboro), represents a technological step backwards, that the present arrangements give a good quality of service to the public, and that there would be an unnecessary intermediate handling by Western Union which in the past has resulted in poor service. Tropical urges that the present arrangements be retained. It states that during the period when such messages were previously handled by Western Union in Atlanta, service was deficient and subject to very heavy delays. It believes that a return to this kind of arrangement would be a backward step and not in the public interest. Tropical hopes that the present arrangements be continued and an equitable financial agreement be worked out for the handling of traffic. RCA also opposes Western Union's proposed arrangements. It stated that Western Union has failed to demonstrate that any improvement in the quality of service would result under its proposal. In RCA's opinion, handling under the Greensboro proposal would be more costly than under the present arrangements. Moreover, RCA objects to Western Union unilaterally, without the agreement of other parties concerned, attempting to change existing interconnection arrangements for the service. None of the other carriers have filed any comments at this point.

Western Union's position. 8. Western Union believes that service under the proposed arrangements will be at least as good as at present and expects it to be better. It has, it states, amply provided in its proposed arrangements for the difficulties that had arisen under its previous CD arrangements and care has been taken to see that they do not occur again. It argues that the imposition of the Greensboro operation does not increase the number of handlings because the functions to be provided at Greensboro (or Atlanta or Newark) must be provided by either Western Union or the international carriers. Western Union believes that these functions will be provided more efficiently by it than by the international carriers.

Discussion. 9. In our declaratory ruling of February 21, 1968, we expressed our intention to inquire into the desirability of the establishment of direct interconnection between the domestic telex system and the international carriers for the filing of international messages. The matter was not pursued further because of the agreement between Western Union and the international carriers providing for direct connection under the present arrangements. In view of Western Union's plans to abandon direct access under these arrangements, we believe that we should renew our inquiry.

10. Each carrier is required to interconnect with its connecting carriers for through traffic in "the most direct, prompt, and feasible means at its disposal." Doniphan Telephone Co. v. A.T. & T., et al., 34 FCC 949 at 971 (1963). The international carriers claim that Western Union's proposed arrangements will derogate from existing service. Western Union, on the other hand, claims that service will be at least as good, most likely better, than under the present arrangements. The questions are thus presented as to which is the best mode of interconnection and whether the public interest does not require that the mode of interconnection be established which will provide the public with the more rapid, efficient, and economic service. We will therefore, institute an investigation and hearing to determine these matters.

11. We have previously stated that, "Ordinarily, the initiative rests with Western Union to determine the manner in which it will collect and transfer overseas message traffic to the overseas carriers." Western Union Telegraph Co., 11 FCC 2d 946 at 951. The information before us presents a question as to whether the implementation of the Greensboro arrangements will result in a derogation of service. However, we have no present basis to conclude that service will not be improved as Western Union anticipates, nor do we have evidence as to the quality of the present handling. We will, therefore, interpose no objection at this time to the implementation of the Greensboro arrangements. Western Union should understand, however, that it will do so at its own risk and that it may be directed to return to the present arrangements as a result of the proceeding that we are instituting.[2]

Accordingly, it is ordered, Pursuant to sections 4(i), 201(a), 222(e), and 403 of the Communications Act, that an investigation is hereby instituted into the arrangements for the handling of overseas message traffic filed by domestic telex subscribers;

It is further ordered, That without in any way limiting the scope of the proceeding it shall include inquiry into the following issues:

1. Which of the two methods of interconnection for the landline handling of overseas messages filed by domestic telex subscribers, i.e., the present "direct access" arrangements or the "Greensboro" arrangements proposed by Western Union, would result in more rapid, efficient, and economical service to the public;

2. Whether it is necessary or desirable in the public interest to require pursuant to sections 201(a) and 222(e) of the Communications Act that the interconnection arrangements found to be superior pursuant to issue 1 above, be reestablished (or retained) by the carriers concerned;

3. If it is determined pursuant to issue 2 above that the carriers concerned should be directed to reestablish the present "direct access" arrangements, whether the divisions previously prescribed for the landline handling of international messages (3 FCC 2d 315), as applied to traffic handled under such arrangements, are or will be unjust, unreasonable, and not in the public interest within the meaning of section 222(e)(3) of the Communications Act and, if so, what division of charges therefore the Commission should prescribe which will be just, reasonable, equitable, and in the public interest and will be, so far as is consistent with the public interest, in accordance with existing contractual rights of the carriers.

It is further ordered, That an expedited hearing be held in the proceeding at the Commission's offices in Washington, D.C., at a time to be specified in a subsequent order and that the Hearing Examiner designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an initial decision or a recommended decision, and that the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282.

It is further ordered, That Western Union, ITT, RCA, WUI, Tropical, French, and United States-Liberia Radio Corp. are hereby made parties respondent to the proceeding.

Adopted: October 31, 1969.

Released: November 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13562; Filed, Nov. 13, 1969; 8:49 a.m.]

[2] Of course to the extent that service is impaired within the meaning of section 214 of the Communications Act, a question is presented as to the applicability of that section.

[3] Commissioner Robert E. Lee absent.

FEDERAL MARITIME COMMISSION

CITY OF ANCHORAGE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Gerald A. Malia, Ragan & Mason, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. T-1685-4 between the City of Anchorage (City) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement which provides for the lease and preferential use of berth space and a transit shed at Anchorage, Alaska. The purpose of the modification is to provide for the construction of an additional crane to be placed and operated on the City Dock, Anchorage. City will reimburse Sea-Land for the crane from bond funds and retire the bond indebtedness from the preferential use payments provided in the agreement. After City takes title to the crane, Sea-Land will have a preferential right to its use upon payment of an annual preferential use fee. While under Sea-Land's control, City has secondary use rights, the charge for which will be negotiated by City and Sea-Land, reflected in the then current Port Terminal tariff and charged to secondary users. Under certain conditions Sea-Land will have the right to approve or disapprove of proposed secondary use, and such approval shall not be unreasonably withheld.

Dated: November 7, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-13508; Filed, Nov. 13, 1969; 8:46 a.m.]

[Independent Ocean Freight Forwarder License No. 249]

GUNVALD E. REYERSON

Order of Revocation

By letter dated July 15, 1969, Gunvald E. Reyerson, 5155 23d Avenue North, St. Petersburg, Fla. 33710, advised that he had ceased operations as an independent ocean freight forwarder.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 249 of Gunvald E. Reyerson be and is hereby revoked effective November 6, 1969, and that said license be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Gunvald E. Reyerson.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-13509; Filed, Nov. 13, 1969; 8:46 a.m.]

[No. 69-12 etc.]

SOUTH ATLANTIC & CARIBBEAN LINE, INC., ET AL.

Reconsideration of Modified Order of Consolidation and Revised Order of Consolidation

No. 69-12, South Atlantic & Caribbean Line, Inc., general increase in rates in the U.S. South Atlantic/Puerto Rico trade. Nos. 69-13 and 69-23, General increases in rates in the U.S. Gulf/Puerto Rico trade. No. 69-24, Seatrain Lines, Inc., general increases in the U.S. North Atlantic/Puerto Rico trade. No. 69-25, Transamerican Trailer Transport, Inc., temporary strike surcharge in the U.S. North Atlantic/Puerto Rico trade. No. 69-26, Sea-Land Service, Inc. and Gulf-Puerto Rico Lines, Inc., general increase in rates in the U.S. Atlantic/Puerto Rico trade, and investigation of financial and operating relationship.

On October 6, 1969, Sea-Land Service, Inc., petitioned for reconsideration of the Commission's modified order of consolidation in the subject proceedings served September 30, 1969, which consolidated the investigation of the South Atlantic/Puerto Rico service of Sea-Land with Docket 69-12. Sea-Land argues that such consolidation is inappropriate because it would require a separation of its financial data into North and South Atlantic-Puerto Rico trade areas, which it does not and is not presently required to make, and asks that the rate increase of South Atlantic and Caribbean Line, Inc. (SACAL), under investigation in Docket 69-12 be consolidated with Docket 69-26.

The Commission has received replies to the subject petition from SACAL, the Commonwealth of Puerto Rico, and Hearing Counsel, none of which is opposed to the consolidation of the investigation of SACAL's service with the investigation of Sea-Land's service in Docket 69-26.

The matter of the segmentation of financial data into trade areas to which Sea-Land objects is one which we feel is best left to the discretion of the Examiner who, as the hearing develops, will be in a position to determine if such segmentation is desirable. It appears, however, that a more orderly and less time consuming proceeding will be achieved by considering all of Sea-Land's Atlantic Coast/Puerto Rico service in Docket 69-26 and consolidating Docket 69-12 with it for hearing. The styles of Dockets Nos. 69-12 and 69-26 have been modified in the caption of this order to reflect this change in procedure.

The consolidation for hearing of the investigation of the service of SACAL with the investigations of the service of Sea-Land and the service of the carriers serving only the North Atlantic ports will, moreover, facilitate the handling of the issue of the need to maintain overall rates, in the interests of the maintenance of adequate, varied, and modern service, at a higher level than would be the case if the operations of carriers were considered without respect to those of their competitors.

Hearing Counsel have requested a clarification of the scope of the investigations in the subject proceedings. Although no change has been effected in these proceedings by this order other than the consolidation for hearing of Dockets Nos. 69-12 and 69-26, because several revisions have already been made in the orders consolidating these proceedings for hearing, we feel it is appropriate, and issue herewith a revised order of consolidation.

Therefore, it is ordered, That Dockets Nos. 69-13 and 69-23 (General Increases in Rates in the U.S. Gulf/Puerto Rico Trade) shall be consolidated for hearing.

It is further ordered, That Docket No. 69-12 (South Atlantic & Caribbean Line, Inc.—general increase in rates in the U.S. South Atlantic/Puerto Rico trade), Docket No. 69-24 (Seatrain Lines, Inc.—general increases in rates in the U.S. North Atlantic/Puerto Rico trade), Docket No. 69-25 (Transamerican Trailer Transport, Inc., temporary strike surcharge in the U.S. North Atlantic/Puerto Rico trade), and Docket No. 69-26 (Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc.—general increase in rates in the U.S. Atlantic/Puerto Rico trade, and investigation of financial and operating relationship) be consolidated for hearing.

It is further ordered, That Gulf-Puerto Rico Lines, Inc., shall remain a party to the consolidation of Dockets Nos. 69-23 and 69-26 for hearing and decision with respect to the questions in Docket No. 69-26 of whether the financial and operating relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., are proper under the shipping acts, and whether they shall be treated in the future as a single party for regulatory purposes.

It is further ordered, That, in addition to the matters which are material to rate investigations relating solely to the operations of individual carriers, and such other issues as have been placed under investigation in the orders of investigation, and additions, modifications or supplements thereto, the consolidated proceedings shall include an examination of the need for a requirement that the overall rates of carriers in the Atlantic/Puerto Rico consolidated proceedings or carriers in the Gulf/Puerto Rico consolidated proceedings be maintained, in the interests of adequate, varied, and modern service, at a higher level than if the operations of such carriers were considered separately, and the establishment of rates of return considering such requirement, if appropriate.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-13510; Filed, Nov. 13, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Project 378]

OREGON

Order Vacating Land Withdrawal

OCTOBER 15, 1969.

Application has been filed by the U.S. Forest Service for vacation of the land withdrawal pertaining to the following described lands of the United States:

WILLAMETTE MERIDIAN, OREGON

All portions of the following tracts lying within 75 feet of the center line of the transmission line location shown on a map designated "Exhibit C" and entitled "Power Line to Buffalo-Monitor Mine, Grant County, Oreg. Operated by Beaver Gold Mining Co." and filed in the office of the Federal Power Commission on January 23, 1923.

T. 8 S., R. 35½ E.,
Sec. 14, N½SW¼, SW¼SW¼;
Sec. 15, SE¼SE¼;
Sec. 22, NE¼SE¼, S½SE¼;
Sec. 23, W½NW¼, NW¼SW¼.
(Approximately 29 acres.)

The subject lands are variously located within the Umatilla and Wallowa-Whitman National Forests and are withdrawn pursuant to the filing on January 19, 1923, of an application for license for transmission line Project No. 378. The lands lie about 3 miles north of the community of Granite in Grant County, Oreg. A 25-year license for Project No. 378, which consisted of a 2.3 kv. woodpole line about 1.67 miles long, was issued June 28, 1923. By order issued June 9, 1942, the Commission accepted the surrender of license for Project No. 378 after finding that the transmission line involved was neither a primary line nor part of a "project" as defined in section 3(11) of the Federal Power Act. The transmission line formerly under license in Project No. 378 has continued in operation under a special-use permit issued by the Forest Service and the power value of the lands involved is adequately protected by the use permit.

The Commission finds: The withdrawal for Project No. 378 serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 378 is hereby vacated in its entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-13514; Filed, Nov. 13, 1969; 8:46 a.m.]

[Project 952]

OREGON

Order Vacating Land Withdrawal

OCTOBER 15, 1969.

Application has been filed by the U.S. Forest Service (applicant) for vacation of the power withdrawal pertaining to the following described lands of the United States:

WILLAMETTE MERIDIAN, OREGON

T. 3 S., R. 8½ E.,
Sec. 24, SE¼NW¼, NE¼SW¼.
(80 acres).

The lands lie within the Mount Hood National Forest and are located along Still Creek, a tributary of the Zigzag River which is a tributary of the Sandy River, near the Village of Government Camp, in Clackamas County, Oreg.

The lands are withdrawn pursuant to the filing on January 2, 1929, of an application for license for Project No. 952. Notice of land withdrawal for the project was given to the General Land Office (now the Bureau of Land Management) by Commission letter dated January 7, 1929.

A 10-year license for Project No. 952 was issued March 13, 1929. The project plan called for a 23 horsepower diversion-conduit development on Still Creek and a 7 horsepower diversion-conduit development on Swim Creek although only the 7 horsepower unit was constructed. The project provided power for a public resort operated by the licensee under a Forest Service special use permit. Applicant reports that both the resort and the project works have been removed and the land has been restored to a satisfactory condition. A Forest Service campground now occupies the project area. The general area is now served by commercial power and the value of the lands for power development is negligible. Vacation of the power withdrawal is requested to facilitate management of the lands.

The Commission finds: The withdrawal for Project No. 952 serves no useful purpose and should be vacated in its entirety.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 952 is hereby vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-13515; Filed, Nov. 13, 1969; 8:46 a.m.]

[Docket No. CP70-114]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 6, 1969.

Take notice that on October 29, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-114 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in the Emperor Field of Winkler County, Tex., and Lea County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that El Paso's Emperor Field source is a prime gas well gas supply source with extremely high deliverability capability. However, the present design capacity of facilities necessary to treat, transport, and process such gas is limited to 210,000 Mcf daily. In order for El Paso to take an additional 50,000 Mcf daily from the Emperor Field source, to be used as peak covering or swing supply, El Paso proposes the installation of a check meter, a new 50,000 Mcf per day capacity dehydration plant and approximately 10.3 miles of 16-inch O.D. pipeline.

The total estimated cost of the proposed facilities is $863,343, to be financed by working funds and short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13516; Filed, Nov. 13, 1969; 8:46 a.m.]

[Docket No. CP70-115]

LONE STAR GAS CO.

Notice of Application

NOVEMBER 6, 1969.

Take notice that on October 29, 1969, Lone Star Gas Co. (applicant), 301 Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP70-115 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1970, and operation of gas sales facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct facilities for sales of natural gas to industrial customers outside the franchise area of local distributors, and various rearrangements including changes in existing field operations or relocation of existing facilities. Applicant states that the maximum delivery to any one customer will not exceed 100,000 Mcf annually, and that none of the gas will be used for boiler fuel purposes.

The total estimated cost of the proposed facilities will not exceed $200,000, with no single project to exceed $25,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13517; Filed, Nov. 13, 1969; 8:46 a.m.]

[Docket No. CP70-21]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Amendment to Application

NOVEMBER 6, 1969.

Take notice that on October 28, 1969, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-21 an amendment to its pending application in the same docket, to reflect a change in the route of the 30-inch pipeline applicant proposes to construct from its pipeline system near Appleton, Wis., to a point of interconnection with the pipeline system of Great Lakes Gas Transmission Co. near Crystal Falls, Mich., all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

Applicant states that the new terminus of the 30-inch pipeline at the Denmark, Wis., tap will be approximately 20 miles closer to the Green Bay, Wis., market than originally proposed and that this change will provide a ready means for Wisconsin Public Service Corp. to obtain a second source of gas for required reinforcement of its Green Bay distribution system from the northwest.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13518; Filed, Nov. 13, 1969; 8:46 a.m.]

[Docket No. CP70-111]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 6, 1969.

Take notice that on October 27, 1969, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70-111 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove, during the 1970 calendar year, certain unspecified gas-sales facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon and remove minor sales measuring stations in cases where the consumer or utility customer requests termination of service. Applicant also requests a waiver of the provision of § 157.7(e) of the regulations wherein "blanket" authority to abandon minor gas sales facilities is limited to direct sales facilities only.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13519; Filed, Nov. 13, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

EXCHANGE BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Exchange Bancorporation, Inc., which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Peninsula State Bank, Tampa, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 7th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13527; Filed, Nov. 13, 1969; 8:47 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on August 12, 1969.[1]

The information reviewed at this meeting indicates that expansion in real economic activity slowed somewhat in the first half of 1969 and some further moderation is projected. Substantial upward pressures on prices and costs are persisting. Most market interest rates recently have receded slightly from their earlier highs. In July the money supply expanded as U.S. Government deposits decreased further; bank credit declined on average, after adjusting for an increase in assets sold to affiliates and to customers with bank guarantees. The runoff of large-denomination CD's which began in mid-December continued without abatement in July, and there apparently were net outflows from consumer-type time and savings accounts at banks and nonbank thrift institutions combined. The overall balance of payments deficit on the liquidity basis remained very large in July; the balance on the official settlements basis was still in surplus in the first half of the month but subsequently shifted toward deficit as U.S. banks' borrowings of Eurodollars leveled off. Foreign exchange markets appear initially to be adjusting in an orderly fashion to the announced devaluation of the French franc. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging sustainable economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in money and short-term credit markets: *Provided, however,* That operations shall be modified if bank credit appears to be deviating significantly from current projections or if pressures arise in connection with foreign exchange developments or with bank regulatory changes.

By order of the Federal Open Market Committee, November 6, 1969.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-13528; Filed, Nov. 13, 1969; 8:47 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of Aug. 12, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SECURITIES AND EXCHANGE COMMISSION

[812-2457]

CHAGRES FUND, INC.

Notice of Application for Order of Exemption

NOVEMBER 7, 1969.

Notice is hereby given that Chagres Fund, Inc. ("Applicant"), c/o Robert Van Wagner, Post Office Box 914, Hendersonville, N.C. 28739, an open end, diversified management investment company registered under the Investment Company Act of 1940 ("the Act"), has applied pursuant to section 6(c) of the Act for an order exempting applicant from Rule 22c-1 of the rules and regulations under the Act to the extent that said rule requires that shares of applicant be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant presently computes net asset value twice a month, as of the close of business on the 5th and 20th day, and offers its shares for sale at the net asset value next computed following receipt of a subscription order. Applicant proposes to offer its shares at the net asset value per share computed as of the close of business on the Thursday next succeeding the receipt of a subscription order or on the day of receipt of a subscription order if it is received on a Thursday. Applicant has and will continue to redeem shares at the net asset value per share computed as of the close of business on the day such shares are properly tendered for redemption.

As of September 29, 1969, applicant had 233 shareholders and net assets of approximately $597,000. Sales of its shares are limited to U.S. citizen employees (past and present) of the Panama Canal Company, the Canal Zone Government, other U.S. Government Agencies located in the Canal Zone, and members of the Canal Zone Central Labor Union—Metal Trades Council, AFL-CIO, including its member unions. Applicant states that during a recent 8-week period, applicant's custodian had received an average of three subscriptions per week for applicant's shares. Applicant has been advised that it will be charged by its custodian approximately $40 for each valuation of net asset value if applicant is required to follow Rule 22c-1.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant represents (a) that in view of its relatively small asset size and the limited number of transactions in its shares, the additional cost imposed by daily pricing of applicant's shares would be an excessive financial burden, (b) that its present and proposed pricing method, under which shares are prospectively valued, is consistent with the objectives of Rule 22c-1 to prevent dilution in the value of shares and prevent short-term speculation resulting from sale of shares at a previously determined price, and (c) that daily pricing would be unduly burdensome and expensive.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Applicant seeks an order permitting it to price shares for sale once a week at the close of business on Thursday until the weekly average number of subscriptions received by applicant totals 15 or more during any consecutive 8-week period ending on a valuation date, and thereafter, applicant will determine the net asset value in conformity with Rule 22c-1.

Notice is further given that any interested person may not later than November 28, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13542; Filed, Nov. 13, 1969; 8:48 a.m.]

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

NOVEMBER 7, 1969.

The common stock, $1 par value, of Commonwealth United Corp. (a California corporation), being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible

preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 9, 1969, through November 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13543; Filed, Nov. 13, 1969; 8:48 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 8, 1969, through November 17, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13544; Filed, Nov. 13, 1969; 8:48 a.m.]

[812-2640]

DREYFUS LEVERAGE FUND, INC.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During Underwriting

NOVEMBER 7, 1969.

Notice is hereby given that The Dreyfus Leverage Fund, Inc., 767 Fifth Avenue, New York, N.Y. 10022 ("applicant"), registered as an open-end, diversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the prohibitions of section 10(f) the proposed purchase by applicant of up to 80,000 shares of the common stock of Stirling Homex Corp. ("Stirling") at a contemplated public offering price of approximately $13 a share. The stock proposed to be purchased by applicant is part of a total of 825,000 shares of common stock of Stirling to be offered to the public pursuant to a registration statement filed with the Commission under the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The investment adviser of applicant is an affiliated person of Dreyfus & Co. under section 2(a)(3) of the Act; and Dreyfus & Co. is expected to participate as one of the principal underwriters of the issue to the extent of purchasing 5,000 shares of the Stirling common stock to be offered.

Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall purchase any security during the existence of any underwriting or selling syndicate, if an investment adviser of such registered investment company is an affiliated person of a principal underwriter of such security. Section 10(f) provides further that the Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

Applicant represents in support of its application that the proposed purchase is consistent with applicant's investment objectives and policies; that the underwriting is a firm commitment underwriting; that applicant will execute the proposed purchase through nonaffiliated members of the underwriting group; and that the provisions of Rule 10f-3 of the rules adopted by the Commission under the Act are met in all other respects except that the underwriting discount may exceed 7 percent of the public offering price, the number of shares under consideration for purchase exceeds 3 percent of the offering and Stirling, the issuer, has not been in continuous operation for 3 years. Applicant states that the underwriting spread, even if it exceeds 7 percent, will be fair and equitable when viewed in light of the size of the issue and the unseasoned nature of the issuer.

Notice is further given that any interested person may, not later than November 24, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13545; Filed, Nov. 13, 1969; 8:48 a.m.]

GRAY LINE CORP.

Order Suspending Trading

NOVEMBER 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Gray Line Corp. (a New York corporation), and all other securities of Gray Line Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 7, 1969, 12 p.m., e.s.t., through November 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13546; Filed, Nov. 13, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1347]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 7, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications, as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 340 (Sub-No. 15), filed August 20, 1969. Applicant: QUERNER TRUCK LINES, INC., 1131 Austin Street, San Antonio, Tex. 78208. Applicant's representative: T. S. Christopher, 2412 Continental Life Building, Fort Worth, Tex. 76102. In No. MC-340 applicant holds irregular route common carrier authority authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; from St. Louis, Mo.; Cleveland, Ohio; and Coal City, Chicago, and Mendota, Ill.; to Austin, Dallas, Fort Worth, San Antonio, and Waco, Tex., with no transportation for compensation on return except as otherwise authorized. Thereafter applicant acquired Thru Truck Service by Commission order dated May 29, 1959 (see MC-F-6737), which certificate authorized transportation of general commodities (limited as described above), between San Antonio, Tex. and Houston, Tex., over U.S. Highway 90. Since acquisition of said *regular route* authority, applicant has, by tacking at the common or gateway point of San Antonio, transported *general commodities* from St. Louis, Cleveland, Coal City, Chicago, Mendota, and their commercial zones, to Houston, Tex., with no transportation on return trip, except as otherwise authorized. The foregoing is in addition to other authority in the certificates contained. From the foregoing it is clear that by use of a combination of irregular and regular routes and San Antonio, Tex., as a gateway, applicant is authorized to transport general commodities, as defined above, from St. Louis, Mo.; Cleveland, Ohio; Coal City, Chicago, and Mendota, Ill., and their commercial zones to Houston, Tex. The sole and only purpose of this application is to eliminate the use of San Antonio, Tex., as a gateway in the transportation of general commodities from presently authorized origin points to destination, Houston, Tex. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., St. Louis, Mo., or Chicago, Ill.

No. MC 2202 (Sub-No. 380), filed October 21, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Gilmer and Pickens Counties, Ga., as off-route points in connection with its regular route authority between Atlanta, Ga., and Chattanooga, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Dalton, Ga.

No. MC 2860 (Sub-No. 64), filed October 7, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representatives: Alvin Altman and Irving Abrams, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, including plantains and agricultural commodities otherwise exempt from economic regulation under section 203(b)(6) of the Act*, when transported in mixed shipments with bananas or plantains, from Wilmington, Del., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., New York, N.Y., or Washington, D.C.

No. MC 2860 (Sub-No. 65), filed October 20, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Wellsboro, Pa., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Oregon, South Carolina, Tennessee, Texas, Virginia, Washington, Wisconsin, and the Lower Peninsula of Michigan. NOTE: Common control may be involved. NOTE: Applicant states that tacking is possible to an extent but is not presently contemplated. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 4483 (Sub-No. 13), filed October 3, 1969. Applicant: MONSON DRAY LINE, INC., Rural Route No. 1, Red Wing, Minn. 55066. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, from Chaska, Minn., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 8958 (Sub-No. 23), filed October 9, 1969. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Post Office Box 119, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *MC 8958, Sheet 2:* (1) *Household goods, contractors' equipment, machinery, and iron and steel articles*, of the kind used in construction and manufacture; (a) between points in that part of Ohio on the east of U.S. Highway 21, and on and north of a line beginning at junction U.S. Highways 21 and 36 and extending eastward along U.S. Highway 36 to junction U.S. Highway 22, and thence along U.S. Highway 22 to the Ohio-West Virginia State line; and (b) between points in the Ohio territory described immediately above, on the one hand, and, on the other, points in Ohio, Pennsylvania, West Virginia, New York, New Jersey, and those in that part of Michigan on and south of Michigan Highway 21 and on and east of U.S. Highway 27 *and the junction and interchange of U.S. Routes 80 and 90 with U.S. Route 27 in Steuben County, Ind., which is also known as interchange No. 12 of the Indiana Toll Road;*

(2) *Metal, metal products, asphalt, roofing cement, and prepared roofing materials;* (a) from Toledo, Ohio, and points in that part of Ohio on and north of U.S. Highway 30 and on and east of Ohio Highway 13, to points in that part of Michigan east of U.S. Highway 27 and on and south of Michigan Highway 20 and south of Saginaw Bay, *and the junction and interchange of U.S. Routes 80 and 90 with U.S. Route 27 in Steuben County, Ind., which is also known as interchange No. 12 of the Indiana Toll Road*, with no transportation for compensation on return except as otherwise authorized; (b) from Monroe, Mich., and points in Wayne County, Mich., and the junction and interchange of U.S. Routes 80 and 90 with U.S. Route 27 in Steuben County, Ind., which is also known as interchange No. 12 of the Indiana Toll Road, to points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 23 to upper Sandusky and extending eastward along U.S. Highway 30 to the Ohio-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized.

(3) *MC 8958 Sub 20: Contractors' equipment, metal and metal products, machinery and iron and steel articles*, between Niles, Ohio, *and the junction of interstate Route 80 and Ohio Route 18 also known as interchange No. 15 on the Ohio Turnpike*, on the one hand, and, on the other, points in Ohio; (4) *MC 8958 Sub 22, Sheet 3: General commodities*, except those of unusual value, livestock, classes A and B explosives, and household goods as defined by the Commission; (a) between points in Cook County, Ill., on the one hand, and, on the other, points in Lake and Porter Counties, Ind., on and north of U.S. Highway 30; and (b) between points in Cook County, Ill., on and south of U.S. Highway 34 and those in Lake County, Ind., on and north of U.S. Highway 30, on the one hand, and, on the other, points in Michigan on and south of a line beginning at Detroit, and extending along Michigan Highway 14 to Ann Arbor, thence along Interstate Highway 94 to Marshall; thence along Michigan Highway 96 through Battle Creek to Kalamazoo and thence along Interstate Highway 94 through Benton Harbor to the Michigan-Indiana State line (formerly shown as points in Michigan on and south of U.S. Highway 12), *and the junction and interchange of U.S. Routes 80 and 90 with U.S. Route 27 in Steuben County, Ind., which is also known as interchange No. 12 of the Indiana Toll Road.* Restriction: Service is not authorized between Chicago, Ill., and Detroit, Mich., on the two routes next above. NOTE: Applicant states by inserting the above-mentioned interchanges on the interstate highway systems the applicant will not be able to perform any service that applicant is not now performing by operating its vehicles off the interstate highway systems to nearby gateway points and then returning them to the interstate highway systems. The purpose of this application is to amend certain existing grants of authority under specified subs by inserting the interchanges. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 11220 (Sub-No. 117), filed October 10, 1969. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), between Birmingham, Ala., and Louisville, Ky.: From Birmingham over U.S. Highway 31 and/or Interstate Highway 65 to the Alabama-Tennessee State line, thence over Interstate Highway 65 to Nashville, Tenn., thence over U.S. Highway 31W and/or Interstate Highway 65 to the Kentucky-Tennessee State line, thence over Interstate Highway 65 to Louisville and return over the same route, serving all intermediate points within 65 miles of Birmingham. NOTE: Applicant states its does not seek duplicate authority. It further states the purpose of this application is to convert from irregular route to regular route authority that portion of the above authority, and is agreeable to the revocation of the corresponding portions of its irregular route authority. Applicant states it is also agreeable that the restrictions attached to its irregular route authority be attached to the converted regular route authority where applicable. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Louisville, Ky., or Washington, D.C.

No. MC 19936 (Sub-No. 13), filed October 24, 1969. Applicant: R. D. FOWLER MOTOR LINES, INC., 2702 Westchester Drive, Post Office Box 1128, High Point, N.C. 27262. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from points in Guilford, Randolph, Davidson, Forsyth, Alamance, Orange, and Surry Counties, N.C., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Greensboro or Raleigh, N.C.

No. MC 22229 (Sub-No. 56), filed October 9, 1969. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews, Post Office Box 1918, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities;* (1) Between Cordele and McRae, Ga., over U.S. Highway 280, serving no intermediate points and serving Cordele and McRae as points of joinder only; and (2) between Tifton and Waycross, Ga., over U.S. Highway 82, serving no intermediate points, and serving Tifton and Waycross as points of joinder only. NOTE: Applicant is presently authorized to transport the above-described commodities under its certificate of public convenience and necessity issued in Docket No. MC 22229 between Baldwin, Fla., and Atlanta, Ga., serving all intermediate points. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 23618 (Sub-No. 14), filed October 27, 1969. Applicant: McALISTER TRUCKING COMPANY, a corporation, Post Office Box 2377, Abilene, Tex. 79604. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Pipe*, from Gainesville, Tex., and points in Cook County, Tex., to points in Texas, Oklahoma, Missouri, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 25869 (Sub-No. 96), filed October 23, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Huron, S. Dak., to points in Colorado and Wyoming; and (2) *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as set forth in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs* in mixed shipments with meat and meat products as described above, from Fremont, Nebr., to points in Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, and Ohio, restricted to shipments at plantsite and/or warehouse facilities of Rod Barnes Packing Co., Huron, S. Dak., and Geo. A. Hormel & Co., Fremont, Nebr., and destined to the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 30844 (Sub-No. 295), filed September 24, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material, supplies, and products used in or produced by the food processing industry* (except commodities in bulk), from Lawton, Mattawan, and Decatur, Mich., to points in Iowa, Minnesota, Wisconsin (except Eau Claire, La Crosse, Prairie du Chien, and Rice Lake), and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Waterloo, Iowa, or Washington, D.C.

No MC 30844 (Sub-No. 296), filed September 26, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C., or Chicago, Ill.

No. MC 35628 (Sub-No. 299), filed June 30, 1969. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites of Southwire Co. and National-Southwire Aluminum Co., at Hawesville, Ky., as off-route points in connection with regular-route operations to and from Owensboro, Ky., as authorized in MC 35628. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 36900 (Sub-No. 13), filed October 24, 1969. Applicant: U. S. VAN LINES, INC., 1314 Chattahoochee Avenue NW., Atlanta, Ga. 30318. Applicant's representatives: Lee Reeder and Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in States west of the Mississippi River (except Nevada and New Mexico); and (2) between points in States west of the Mississippi River (except Nevada and New Mexico), on the one hand, and, on the other, points in States east of the Mississippi River and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. NOTE: U.S. Van Lines, Inc., is presently authorized to transport household goods as defined by the Commission, between all points sought above (except Nevada and New Mexico), by observing certain gateways. The purpose of this application is to eliminate gateway requirements and circuitous mileage. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 61440 (Sub-123), filed October 20, 1969. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma, City, Okla. 72108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, gold bullion, articles of virtu, silver, paper money, classes A and B explosives, light and bulky articles, commodities in bulk, livestock, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between Beaumont and Marshall, Tex., from Beaumont over U.S. Highway 96 to Tenaha, Tex., thence over U.S. Highway 59 to Marshall, and return over the same route, serving no intermediate points as an alternate route for operating convenience only, and serving Marshall, Tex., as a point of joinder only. NOTE: If a hearing is deemed necessary applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 61592 (Sub-No. 155), filed October 20, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures, store equipment, store furnishings, light fixtures, wire baskets, furniture, materials, equipment, and supplies* used in the manufacture, installation, and distribution of the above-specified commodities, between Charlevioux, Traverse City, Grand Rapids, Central Lake, and Suttons Bay, Mich., on the one hand, and, on the other, points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 85255 (Sub-No. 35), filed October 21, 1969. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: Clyde H. MacIver, 2112 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and can parts*, from Hillsboro, Oreg., to Markham, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 85934 (Sub-No. 55), filed October 16, 1969. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, Dearborn, Mich. 48120. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Akron, Mich., to Delta, Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 93224 (Sub-No. 21), filed October 7, 1969. Applicant: S & N FREIGHT LINE, INCORPORATED, Post Office Box 12147, Norfolk, Va. 23502. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and pulpboard*, from the plantsite and storage facilities of Union Camp Corp., located at or near Franklin, Va., to points in Virginia within 30 miles of Norfolk, Va. NOTE: Applicant states that it intends to tack with its authority in No. MC 93224, which authorizes transportation of general commodities between the base area and points in a described area. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 239), filed October 13, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, and *buildings*, complete or in sections, from points of manufacture in Faulkner County, Ark., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Conway, Ark.

No. MC 99653 (Sub-No. 3), filed September 29, 1969. Applicant: VICTORY FREIGHT LINES, INC., 214 South 10th Street, Birmingham, Ala. 35233. Applicant's representative: J. Douglas Harris, 409–412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled vehicles and replacement vehicles*, between Birmingham, Ala., on the one hand, and, on the other, points in Georgia and Mississippi; (2) *new furniture*, between Birmingham, Tuscaloosa, Sylacauga, Montgomery, and Alexander City, Ala.; (3) *building materials, lumber, paints, glass, roofing and tar, machinery, culvert pipe, boilers, and stacks, boiler parts, petroleum products, empty drums, and automobile parts*, between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, north of and including Choctaw, Clarke, Monroe, Conecuh, Butler, Crenshaw, Pike, Barbour, and Russell Counties; (4) *cast iron pipe; iron and steel articles, and contractors' equipment*, between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, north of and including Choctaw, Clarke, Monroe, Conecuh, Covington, Coffee, and Barbour Counties; (5) *groceries, produce, burial vaults, caskets, hardware, and plumbing goods*, between Tuscaloosa and Birmingham, Ala.; (6) *paper and paper articles*, between Birmingham and Tuscaloosa, Ala., on the one hand, and, on the other, points in Alabama, bounded by and including Lauderdale, Limestone, Madison, Jackson, De Kalb, Cherokee, Cleburne, Randolph, Chambers, Lee, Macon, Montgomery, Butler, Monroe, Clarke, and Choctaw Counties;

(7) *General commodities*, between Birmingham, and Tuscaloosa, Ala.; (8) *machinery, material, supplies and equipment, incidental to, or used in, the construction, development, and production of natural gas and petroleum*; (9) *machinery, material, supplies and equipment* used in the construction, operation and maintenance of petroleum refineries; (c) *heavy machinery, heavy and cumbersome commodities*, which because of size and weight require the use of special equipment and parts thereof; (d) *machinery, materials, supplies and equipment* used in the construction, operation and maintenance of natural gas, water, and petroleum pipelines, including, but not restricted to, the stringing of pipe along right-of-way; and (e) *contractors' equipment and supplies, heavy machinery parts, accessories and supplies*; including *heavy materials and machinery*, between points in Alabama; (9) *telephone, telegraph, and power line construction materials*, between points in Alabama; and (10) *household goods*, between points in Alabama. NOTE: Applicant states that the authority sought in paragraphs (2) through (10) constitutes a registration of Alabama Public Service Commission Certificate No. 2485 and 718. Such is registered by applicant in Docket MC–99653 Sub-No. 2. The authority sought in paragraph (1) is new authority not now held by applicant and since the authority sought in paragraph (1) involves States other than Alabama, it is necessary for applicant to convert its certificate of registration to a certificate of public convenience and necessity. Applicant further states that it will tack all separate paragraphs with any other paragraph where possible. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 100666 (Sub-No. 154), filed October 20, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112 and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic moulding, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products*, and *accessories* used in the installation of such products (except commodities in bulk), (1) from McPherson, Kans., to points in the United States (except Alaska and Hawaii), and (2) from Waco, Tex., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, Oklahoma, Kansas, Colorado, New Mexico, Texas, Arizona, Utah, Nevada, and California. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., St. Louis, Mo., or Wichita, Kans.

No. MC 106398 (Sub-No. 428), filed October 23, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, *campers and truck covers*, in initial movements, from points in Charleston County, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charleston or Columbia, S.C.

No. MC 106603 (Sub-No. 106) (Correction), filed September 19, 1969, published FEDERAL REGISTER, issue of October 23, 1969, and republished in part, as corrected, this issue. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. The purpose of this republication, in part, is to show Item (A)(2), from Marysville, Mich., and Rittman, Ohio, to points in Connecticut, Delaware, Maryland, New Jersey, *New York*, and Pennsylvania. The New York point was inadvertently omitted. The rest of the application remains the same.

No. MC 107295 (Sub-No. 232), filed October 23, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought conduit pipe and fittings, and metallic tubing and fittings*, from Ambridge, Pa., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 778) (Amendment), filed August 15, 1969, published in FEDERAL REGISTER issue of September 11, 1969, amended October 30, 1969, and republished as amended, this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, in tank vehicles, from Adrian, Mich., to points in Wisconsin, Illinois, Indiana, Ohio, Pennsylvania,

Kentucky, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 107541 (Sub-No. 29), filed October 20, 1969. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Oreg. 97222. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and chipboard, hardboard, particleboard and fiberboard*, excepting gypsum board, paperboard, and pulpboard, from points in Oregon to points in California. NOTE: Applicant states it would tack with its MC 107541, lumber between points in Oregon, on the one hand, and, on the other, points in Washington, lumber products, between points in Yakima, Skamania, and Klickitat Counties, Wash., on the one hand, and, on the other, points in Oregon and building material, between points in Klickitat County, Wash., on the one hand, and, on the other, points in Wasco, Hood River, Multnomah Counties, Oreg. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 109914 (Sub-No. 24), filed October 8, 1969. Applicant: DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio 43609. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Wauseon, Ohio, and West Unity, Ohio, over Alternate U.S. Highway 20, as an alternate route for operating conveniences only, serving no intermediate points; (2) between Oak Shade, Ohio, and Napoleon, Ohio, over Ohio Highway 108, as an alternate route for operating convenience only, serving no intermediate points except for purposes of joinder with other authorized routes at intermediate points; and (3) between junction Ohio Highways 246 and 109, and the junction of Ohio Highway 109 and U.S. Highway 24, as an alternate route for operating convenience only, serving no intermediate points except for purposes of joinder with other authorized routes at intermediate points. NOTE: Applicant states it is now authorized to serve all of the termini points involved in the above described routes. The above described routes are sought as alternate routes for operating convenience only. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 110659 (Sub-No. 15), filed October 29, 1969. Applicant: COMMERCIAL CARRIERS, INC., Post Office Box 366, Charleston, W. Va. 25301. Applicant's representative: Theodore H. Ghiz, 300 Union Building, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, (1) from Winston-Salem, N.C., to Charleston, W. Va., (2) from Detroit, Mich., to Clarksburg, Fairmont, and Morgantown, W. Va., (3) from Newark, N.J., to Huntington, W. Va., and (4) from Peoria, Ill., to Huntington, W. Va., and *empty containers*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston or Huntington, W. Va.

No. MC 111401 (Sub-No. 290), filed September 29, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst*, dry, in bulk, between points in Kansas, Oklahoma, and Texas. NOTE: Applicant states the catalyst described above is that used in the refining process of petroleum and petroleum products. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 131), filed October 20, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass and plastic containers, caps, covers, cartons, and related commodities*, from Waco, Tex., to points in Oklahoma. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 113267 (Sub-No. 221), filed October 6, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and storage facilities utilized by Wilson & Co., Inc., in Albert Lea, Minn., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the above-specified origins and destined to the above-described destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114004 (Sub-No. 77), filed October 19, 1969. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, in initial movements, in truckaway service, from points in Crawford and Hempstead Counties, Ark., to points in the United States, excluding Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114070 (Sub-No. 3) (Amendment), filed August 4, 1969, published FEDERAL REGISTER issue of September 5, 1969, under No. MC 133938, and republished this issue. Applicant: WAGONER TRANSPORTATION COMPANY, a corporation, 755 East Hackley Avenue, Muskegon Heights, Mich. 49444. Applicant's representative: John P. Boeschenstein, 810 Hackley Bank Building, Muskegon, Mich. 49440. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Napoleon, Mich., to points in Williams, Fulton, Henry, Defiance, Paulding, and Putnam Counties, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show that applicant now seeks common carrier authority in lieu of contract carrier, as previously published. This publication also reflects the new docket number assigned thereto. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 114211 (Sub-No. 121) (Amendment), filed February 24, 1969, published in the FEDERAL REGISTER issue of March 13, 1969, and republished, as amended, this issue. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery*; (2) *tractors* (except those with vehicle beds, bed frames, or fifth wheels), including lawn and garden tractors and tractors and tractor excavating, grading, or loading attachments, combined; (3) *attachments and accessories* for, and *equipment* designed for use with, the foregoing articles; and

(4) *twine*, from West Chicago, Ill., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, restricted to traffic originating at the plantsite of, or storage or distribution facilities used by, International Harvester Co., at West Chicago, Ill. NOTE: Applicant states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant further states that no duplication authority is being sought. This republication is for the purpose of reflecting Oklahoma and South Dakota as destination States, and to clarify the fact that the restriction relates to the facilities at West Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114569 (Sub-No. 87), filed October 23, 1969. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal briquets*, from Meta, Mo., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (2) *flour*, from Buffalo, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (3) *flour and cereals*, from Highspire, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115322 (Sub-No. 63), filed October 24, 1969. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, Sanford, Fla. 32771. Applicant's representatives: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601, and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Pet Inc., Frozen Foods Division, located at Allentown and Chambersburg, Pa., to points in Florida and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 278), filed October 16, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages, syrups and flavoring compounds* (in containers) and *empty containers and pallets*, between Warrenton, Mo., on the one hand, and, on the other, points in Iowa, Indiana, Kentucky, Arkansas, Alabama, Missouri, Kansas, Illinois, Tennessee, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 117395 (Sub-No. 19), filed October 16, 1969. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, Ark. 71854. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer blends thereof*, from the plantsite and storage facilities of the Monsanto Co. at or near El Dorado, Ark., to points in the States of Louisiana, Oklahoma, and Texas, under contract with Monsanto Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 118831 (Sub-No. 66), filed October 17, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, Uwharrie Road, High Point, N.C. 27262. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in New Hanover County, N.C., and Spartanburg and Greenville Counties, S.C., to points in Tennessee and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Raleigh, N.C., or Columbia, S.C.

No. MC 118831 (Sub-No. 68), filed October 13, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. Applicant's representative: Wilmer B. Hill, 666 11th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, from Baltimore, Md., to Dothan, Ala., and Westminster, S.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 118904 (Sub-No. 12), filed October 26, 1969. Applicant: MOBILE HOME EXPRESS, LTD., 1915 F Avenue, Lawton, Okla. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements; and (2) *buildings* complete, knocked down and in sections, from points in Le Flore County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 118959 (Sub-No. 55), filed October 16, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: A. S. Dunn (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, from Alton, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant presently holds contract carrier authority under its permit No. MC 125664, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119777 (Sub-No. 166), filed October 17, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and lift truck attachments* (except commodities the transportation of which because of size or weight require the use of special equipment) from the ports of entry to the United States located at Baton Rouge, La., Beaumont, Tex., Boston, Mass., Brownsville, Tex., Charleston, S.C., Chicago, Ill., Cleveland, Ohio, Corpus Christi, Tex., Detroit, Mich., Everett, Wash., Galveston, Tex., Green Bay, Wis., Houston, Tex., Lake Charles, La., Long Beach, Calif., Longview, Wash., Los Angeles, Calif., Miami, Fla., Milwaukee, Wis., Mobile, Ala., New Orleans, La., Norfolk, Va., Oakland, Calif., Pensacola, Fla., Portland, Oreg., Portsmouth, Va., San Diego, Calif., Savannah, Ga., Seattle, Wash., Stockton, Calif., Tacoma, Wash., Tampa, Fla., Toledo, Ohio, and Wilmington, N.C., to all points in the United States (except Hawaii); restricted to shipments having a prior movement by water. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 119829 (Sub-No. 37), filed October 20, 1969. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio 44286. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles from the plantsite of Agrico Chemical Co., located at Wilders, Ky., to points in Illinois, Indiana, Michigan, and Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 121158 (Sub-No. 3), filed October 17, 1969. Applicant: WAGNER FREIGHT LINES, INC., 200 East 28th Street, Chattanooga, Tenn. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods, commodities in bulk, and articles requiring special equipment, (1) between Anderson and South Pittsburg, Tenn., as follows: From Anderson over Tennessee Highway 56 to the Tennessee-Alabama State line, thence over Alabama Highway 117 to its junction with U.S. Highway 72, thence over U.S. Highway 72 to South Pittsburg, Tenn., and return over the same route serving all intermediate points, and serving Widow's Creek Dam, Tenn., as an off-route point; (2) between Chattanooga and Palmer, Coalmont and Tracy City, Tenn., as follows: From Chattanooga over Tennessee Highway 27 to its junction with Tennessee Highway 108 near Whitwell, Tenn., thence over Tennessee Highway 108 to its junction with Tennessee Highway 56, thence over Tennessee Highway 56 to Tracy City, Tenn., and return over same route serving all intermediate points, also from Tracy City, Tenn., over Tennessee Highway 56 to its junction with U.S. Highway 41 to Chattanooga and return over the same route, with closed doors between Monteagle and Chattanooga; (3) between Chattanooga and Pikeville, Tenn., from Chattanooga over Tennessee Highway 27 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to Pikeville, and return over same route, serving all intermediate points;

(4) Between Chattanooga and Richard City, Tenn., over Tennessee Highway 27, serving all intermediate points, (5) *general commodities*, except liquid commodities in bulk, in tank vehicles, dry cement in bulk, and fertilizer in bulk, over the following routes: (a) Between Chattanooga and Sewanee, Tenn., over U.S. Highway 64, serving all intermediate points; (b) between Chattanooga and Jasper, Tenn., over Tennessee Highway 27, serving all intermediate points; (c) between Pikeville and Jasper, Tenn., over Tennessee Highway 28, serving all intermediate points; (d) between Whitwell, Tenn., and junction of Tennessee Highways 8 and 28, from Whitwell over Tennessee Highway 108 to its junction with Tennessee Highway 27, thence over Tennessee Highway 27 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to its junction with Tennessee Highway 8 and return over same route, serving all intermediate points, and operating over unnumbered highway known as Whitwell Dunlap Road about 1 mile south of Dunlap, Tenn., serving all intermediate points on said road; (e) between junction Tennessee Highways 8 and 27 at or near Valdeau, Tenn., and junction of Tennessee Highways 8 and 28 about 5 miles south of Dunlap, Tenn., over Tennessee Highway 8 serving all intermediate points; (f) between junction of Tennessee Highways 150 and 27 about 1 mile north of Jasper, Tenn., and Tracy City, Tenn., over Tennessee Highway 150, serving all intermediate points; (g) between junction of Tennessee Highways 27 and 108 about 2 miles south of Whitwell, Tenn., and junction of Tennessee Highways 56 and 198 about 2 miles west of Gruetli, Tenn., over Tennessee Highway 108, serving all intermediate points;

(h) Between junction of Tennessee Highways 56 and 108 about 2 miles west of Gruetli, Tenn., and Tennessee-Alabama State line about 1 mile south of Anderson, Tenn., over Tennessee Highway 56, serving all intermediate points; (i) between junction U.S. Highway 64 and Tennessee Highways 134 and 156 at or near Guild, Tenn., and South Pittsburg, Tenn., over Tennessee Highway 156, serving all intermediate points; (j) between junction U.S. Highway 64 and Tennessee Highways 134 and 156 at or near Guild, Tenn., and Tennessee-Georgia State line, about 2 miles east of Whiteside, Tenn., over Tennessee Highways 134 and 156, serving all intermediate points; (k) between Kimball, Tenn., and Tennessee-Alabama State line, over U.S. Highway 72, serving all intermediate points; and (l) serving Bennett Lake on west side of Tennessee River between Tennessee Highways 28 and 27, and U.S. Highway 64, as an off-route point. NOTE: Any duplicating routes or portion of routes shall not be construed as conferring more than one operating right. Route No. 1 constitutes new, additional authority sought and which lies in Tennessee and Alabama. Routes No. 2 through No. 5, constitutes applicant's present registered authority and which it seeks to have converted in this proceeding from a certificate of registration to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville or Chattanooga, Tenn.

No. MC 123329 (Sub-No. 17), filed August 18, 1969. Applicant: H. M. TRIMBLE & SONS LTD., 4056 Ogden Road South East, Calgary, Alberta, Canada. Applicant's representative: R. F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Muriatic acid*, in bulk, from ports of entry on the United States-Canada international boundary at or near Blaine, Wash., to Bellingham, Wash.; (2) *muriatic acid*, in bulk, from Tacoma, Wash., to ports of entry on the United States-Canada international boundary at or near Blaine and Sumas, Wash.; and (3) *hydrofluorosilicic acid*, in bulk, from all State of Washington ports of entry on the United States-Canada international boundary, to Seattle, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at any location in the State of Washington at the Commission's discretion.

No. MC 124070 (Sub-No. 13), filed October 10, 1969. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from the plantsites of Occidental Chemical Co. located at Kenton and Mount Victory, Ohio, to points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Indianapolis, Ind.

No. MC 124078 (Sub-No. 413), filed October 23, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Fort George Meade Junction (Anne Arundel County), Md., to points in Delaware, Maryland, Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 136), filed October 8, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides, and except commodities in bulk; and, foodstuffs, when moving in mixed loads with the aforementioned commodities, from Fremont, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted to traffic originating at the plantsite or storage facilities utilized by Geo. A. Hormel & Co., at Fremont, Nebr., and destined to points

in the above-named States; and (b) *such commodities* as are dealt in or used by manufacturers, or wholesale, retail, and chain grocery or food business houses, from points in the United States west of U.S. Highway 61, to points in Saline County, Nebr. (except Crete, Nebr.), restricted to traffic originating at the above-named origins and destined to points in Saline County, Nebr. (except Crete, Nebr.). NOTE: Applicant states it can perform services sought in "(a)" above by interlining or tacking existing authority held in Docket No. MC-124211 Sub Nos. 38, 62, 104, 109, and 121 at Saunders County, Nebr. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 125813 (Sub-No. 10), filed October 20, 1969. Applicant: FRANK A. CRESSLER, doing business as CRESSLER'S TRUCKING, Rural Delivery No. 4, Post Office Box 312, Shippensburg, Pa. 17257. Applicant's representative: James W. Hagar, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Valves, air separators, vacuum breakers, thermostatic traps, float traps, bucket traps, thermo-disc traps, temperature regulators, pressure regulators, water hammer arresters, expansion joints, elbows and their fittings and connectors, vent tees, and distribution flow tees;* (B) *components, accessories, and parts of plumbing and drainage systems;* (C) *pumps and pump parts; and* (D) *installation manuals and advertising materials* for commodities in parts (A), (B), and (C), (1) between Peru and Indianapolis, Ind., and Shippensburg, Pa.; and (2) between Peru and Indianapolis, Ind., and Shippensburg, Pa., on the one hand, and, on the other, Philadelphia, Pa., and points in California, Massachusetts, New Jersey, New York, Oregon, Texas, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought and any duplicating shall be considered to grant only one operating right. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127239 (Sub-No. 6), filed October 19, 1969. Applicant: UNIVERSAL BOW TRANSPORT, INCORPORATED, Concord Industrial Park, Concord, N.H. 03301. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaging and paperboard cartons*, knocked-down, from Fort Smith, Ark., to points in the United States (except Alaska and Hawaii), (2) *paperboard*, from Demopolis, Ala., to Fort Smith, Ark., and (3) *paperboard*, from Silsbee, Tex., to Bow, N.H., and Fort Smith, Ark., restricted to a transportation service to be performed, under a continuing contract, or contracts, with Universal Packaging Corp., Bow, N.H., in connection with (1) thru (3) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 127834 (Sub-No. 44), filed October 10, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel containers, and storage racks, and accessorial commodities* used in the installation and/or operation of steel containers and/or storage racks, from the plantsite of Car-Rack Corp. at or near Macedonia, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 128426 (Sub-No. 3), filed October 9, 1969. Applicant: JOHN PFROMMER, INC., Post Office Box 307, Douglassville, Pa. 19518. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and stone*, from points in Berks County, Pa., to points in Maryland, Delaware, and New Jersey. NOTE: Applicant holds authority under MC 118745 as a contract carrier, therefore, dual operations may be involved. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128552 (Sub-No. 3), filed October 21, 1969. Applicant: SPACE, INC., Post Office Box 982, 500 South Industry Road, Cidco Park, Cocoa, Fla. 32922. Applicant's representative: Edward H. Menges (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies*, between points in Brevard County, Fla., and Space, Inc., warehouse at Cocoa, Fla., under contract with Western Electric Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cocoa, Orlando, Jacksonville, Tampa, or Miami, Fla.

No. MC 128988 (Sub-No. 4), filed October 20, 1969. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furnaces, air conditioners, air coolers, air heaters, air cleaners, air dehumidifiers, and component parts and accessories* for such products, from the plantsites and warehouse facilities of Fraser & Johnston Co., located in San Francisco and Oakland, Calif., to points in Alabama, Georgia, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the products described in (1) above, on return, restricted to a transportation service performed under a continuing contract with Fraser & Johnston Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 129162 (Sub-No. 9), filed October 16, 1969. Applicant: SCHILLI TRANSPORTATION, INC., 230 St. Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: J. R. Ferris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitro-carbo-nitrate*, in containers, from Central City, Ky., to points in Illinois, Indiana, and Missouri. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 133424 (Sub-No. 2), filed October 23, 1969. Applicant: AARON COPE, doing business as AARON COPE TRUCKING COMPANY, 101 North Oakhill Drive, McMinnville, Tenn. 37110. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground Limestone*, from the quarry and facilities of Cowan Stone Co. at or near Anderson, Franklin County, Tenn., to points in Alabama, Georgia, Florida, Kentucky, that part of Louisiana east of the Mississippi River, Mississippi, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133426 (Sub-No. 1), filed October 6, 1969. Applicant: B & T TRUCKING & LEASING, INC., 8240 Beachwood Road, Baltimore, Md. 21222. Applicant's representative: Charles McD. Gillan, Jr., 113 Montrose Avenue, Baltimore, Md. 21228. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bins or boxes*, wooden, set up, from Baltimore and Sparrows Point, Md., to points in New Jersey, and (2) *pallets*, wooden, set up, *reels, shipping*, wooden, or wood and steel combined, set up or knocked down, *skids*, wooden, set up, (a) from Baltimore and Sparrows Point, Md., to Camden, Edison, Hightstown, Jersey City, Linden, North Bergen, Paterson, Perth Amboy, Piscataway, Teterboro, Trenton, and Washington, N.J.; Albany, Brooklyn, Buffalo, Fairport, Maspeth, and Rochester, N.Y., Allentown, Chester, Harrisburg, Johnstown, Letterkenny, Leetsdale, Monessen, Philadelphia, Pittsburgh, Primos, Sunbury, Williamsport, and York, Pa., and Norfolk, Va., and (b) from Baltimore and Sparrows Point, Md., to Piscataway, N.J., and Leetsdale, Pa., under contract with The Nelson Co., of

Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 133435 (Sub-No. 1), filed September 29, 1969. Applicant: WESTERN-PACIFIC JADE, LTD., a corporation, Building 429, Grant County Airport, Moses Lake, Wash. 98837. Applicant's representative: Paul A. Waterstrat (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Seattle-Tacoma International Airport, Portland International Airport, Yakima, Ellensburg, Sunnyside, Pasco, Wenatchee, Okanogan, Omak, Twisp Intercity, Brewster, Ephrata, Moses Lake (Grant County), Othello, Cashmere, Chelan, Waterville, Oroville, and Coulee Dam municipal airports; points in Washington lying east of Cascade Mountain range, except those south and east of U.S. Highway 395, restricted to traffic having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or within a 200-mile radius.

No. MC 133655 (Sub-No. 15), filed October 20, 1969. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 894, Hurst, Tex. 76053. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal products, carbon and carbon products, products produced or distributed by manufacturers of the above described commodities, and advertising material used in connection therewith* from Jacksonville, Fla., and points in Marion County, Fla., to points in the United States (except Alaska and Hawaii), and (2) *returned and rejected shipments of commodities described in (1) above*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 133840 (Sub-No. 1), filed September 24, 1969. Applicant: EVERLAND EXPRESS INC., 45 Fleet Street, New Bedford, Mass. 02740. Applicant's representative: James P. Sexton, same address as applicant and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste meat products and meat by-products, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, and canned and frozen foods, from St. Paul and Twin Lake, Minn., and Monroe, Eau Claire, and Portage, Wis., to points in Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 133840 (Sub-No. 1), filed October 20, 1969. Applicant: TROY I. SMITH, doing business as TROY I. SMITH TRUCKING COMPANY, 2228 South Santa Fe, Post Office Box 94788, Oklahoma City, Okla. 73109. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter and cheese*, in bulk, packages and containers, from Chilli-cothe, Emma, Kansas City, Mansfield, Seneca, and Springfield, Mo.; Enid, Mangum, Oklahoma City, and Tulsa, Okla.; and Arkansas City, Hillsboro, Kansas City, and Ottawa, Kans., to points in Arizona and New Mexico, and San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif., under contract with Wilsey Bennett Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 133977 (Sub-No. 1) (Correction), filed September 24, 1969, published in the FEDERAL REGISTER issue of October 17, 1969, and republished as corrected, this issue. Applicant: GENECO, INC., 302 Maple Lane, Arcanum, Ohio 45304. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer material, and fertilizer ingredients*, (2) *feed*, and (3) *seed*, in bags, or in bulk, in dump vehicles, between Darke, Miami and Montgomery Counties, Ohio, on the one hand, and, on the other, points in Indiana, Illinois and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show *Darke* in the base territory in lieu of Drake which was erroneously shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133995 (Sub-No. 2), amendment filed September 23, 1969, published in the FEDERAL REGISTER issue of October 2, 1969, and republished this issue. Applicant: CARL W. JENSEN, 307 West 1200 South, Bountiful, Utah 84010. Applicant's representative: Irene Ware, 411 Judge Building, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile chemicals, motor oil, and antifreeze*, in retail containers, not in bulk, (1) from Los Angeles, Calif., and the Los Angeles Harbor commercial zone, to points in Salt Lake County, Utah, Las Vegas, Nev., Butte and Billings, Mont., Denver, Colo., and from San Francisco, Calif., and Oakland, Calif., to points in Salt Lake County, Utah, Reno, Nev., Denver, Colo., and Butte and Billings, Mont., and (2) from Denver, Colo., to points in Salt Lake County, Utah, in-

UNIVERSITY OF MICHIGAN LIBRARIES

der a continuing contract with Universal Distributing Co. NOTE: The purpose of this republication is to broaden the scope of the territorial authority sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134091, filed October 3, 1969. Applicant: RICHARD HARRIS AND JAMES HARRIS, a partnership, doing business as HARRIS TRUCKING, Post Office Box 876, 3471 Territorial Road, Benton Harbor, Mich. 49023. Applicant's representative: Archie C. Fraser, 1019 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, from the plantsite of Manley Sand Division, Martin Marietta Corp. at or near Bridgman, Mich., to points in Indiana, under contract with Manley Sand Division, Martin Marietta Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 134093, filed October 6, 1969. Applicant: LAWRENCE B. FULLER, 106 Battle Grove Avenue, Cynthiana, Ky. 41031. Applicant's representative: Wayne W. Fitzgerald, 34 East Pike Street, Cynthiana, Ky. 41031. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts, loads, trailing, electric motors, fittings, valves, saw blades and materials used in the manufacture of valves and saw blades in an emergency*, between Cynthiana, Ky., on the one hand, and, on the other, Cincinnati, Ohio, under contract with Jarvis Co. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., Cincinnati, Ohio, or Louisville, Ky.

No. MC 134114 (Sub-No. 1), filed October 20, 1969. Applicant: PIONEER MOTOR FREIGHT EXPRESS, doing business as PIONEER EXPRESS, 8004 State Street, Easton, Md. 21601. Applicant's representative: Kenneth P. Reiser, 666 Penn National Bank Building, Lancaster, Pa. 17602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packinghouses* as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lancaster, Pa., to points in Maryland, Delaware, and Virginia, and Kane Counties, Ill., Clayton, Dubuque, and Scott, Iowa, Milwaukee, Racine, Madison, and Green Bay, Wis., under contract with C. P. Wolff, Packing Co., Ontario, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 134115, filed October 3, 1969. Applicant: DAN WATKINS, INC., doing business as WATKINS MOTOR LINES, 1120 Monroe Street, El Paso, Tex. 79902. Applicant's representative: Wood Kaiser, 710 El Paso National Bank Building, El Paso, Tex. 79901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in El

Paso and Hudspeth Counties, Tex., and Dona Ana and Otero Counties, N. Mex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that it does not seek authority to transport commodities in bulk or in tank vehicles. Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Albuquerque, N. Mex.

MOTOR CARRIERS OF PASSENGERS

No. MC 3677 (Sub-No. 50), filed October 9, 1969. Applicant: W. M. A. TRANSIT COMPANY, a corporation, 4421 Southern Avenue SE., Bradbury Heights, Md., Washington, D.C. 20019. Applicant's representative: Woodrow W. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special or charter operations, beginning and ending at Washington, D.C., and points in Prince Georges, Calvert, Charles, and Anne Arundel Counties, Md., and extending to points in the United States (not including Alaska and Hawaii). Restriction: (1) Pickup in Anne Arundel County restricted to points south of U.S. Route 50; and (2) pickup in Charles County restricted to points west of U.S. Route 301. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123916 (Sub-No. 14) (Correction), filed October 14, 1969, published FEDERAL REGISTER issue of November 6, 1969, and republished as corrected, this issue. Applicant: GROVE CITY BUS LINES, INC., Rural Delivery No. 4, Grove City, Pa. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (I) *Passengers and their baggage, and express*, in the same vehicle with passengers, (1) between Warren and Ravenna, Ohio, over Ohio Highway 5, and return over the same route, serving all intermediate points and (2) between Warren and Aurora, Ohio, from Warren over Ohio Highway 5 to its intersection with Ohio Highway 82 to Aurora, and return over the same route serving all intermediate points and (II) Irregular routes: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points on the above routes, and extending to points in the United States (except Alaska and Hawaii). NOTE: Applicant states the authority sought herein will be conducted in conjunction with existing authority held by the applicant to engage in regular route service. The purpose of this republication is to add item (II) above, inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130094 (Amendment), filed July 28, 1969, published in FEDERAL REGISTER issue of August 28, 1969, amended October 21, 1969, and republished as amended this issue. Applicant: FOX TRAVEL, INC., 404 Carew Tower, Cincinnati, Ohio 45202. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. For a license (BMC–5) to engage in operations as a *broker* at Cincinnati, Ohio, in arranging for the transportation, in interstate or foreign commerce, of *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Adams, Athens, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Highland, Hocking, Jackson, Lawrence, Licking, Madison, Meigs, Miami, Montgomery, Morgan, Muskingum, Noble, Pickaway, Perry, Pike, Preble, Ross, Scioto, Vinton, Warren, and Washington Counties, Ohio, Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Fayette, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Henry, Jefferson, Kenton, Lewis, Madison, Mason, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Trimble, and Woodford Counties, Ky., Cabell, Jackson, Kanawha, Lincoln, Pleasants, Putnam, Wayne, and Wood Counties, W. Va., Aurora, Batesville, and Lawrenceburg, Ind., and extending to points in the United States, including Alaska, but excepting Hawaii. NOTE: The purpose of this republication is to amend application by limiting the points to be served in Indiana to three name cities and by adding 16 additional counties to be served in Kentucky.

No. MC 130099, filed September 17, 1969. Applicant: NANCY JOSEPHINE GIUDICE, doing business as NANCY J. GIUDICE, 108 Hilltop Lane, West Haven, Conn. 06516. Applicant's representative: Albert R. Annunziata, 109 Church Street, New Haven, Conn. 06510. For a license (BMC 5) to engage in operations as a *broker* at West Haven, Conn., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage* (both as individuals and groups), between points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1124 (Sub-No. 221) (Amendment), filed September 30, 1969, published FEDERAL REGISTER issue of October 23, 1969, amended October 27, 1969, and republished as amended, this issue. Applicant: HERRIN TRANSPORTATION CO., a corporation, Reentitled McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, and commodities in bulk), serving the site of the Remington Arms Co. Plant located 5 miles west of Lonoke, Ark., adjacent to Interstate Highway 40, as an off-route point in connection with applicant's presently authorized regular route operations over U.S. Highway 70 and Interstate Highway 40. NOTE: Common control may be involved. The purpose of this republication is to show that McLean Trucking Co. has been substituted as applicant in lieu of Herrin Transportation Co.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–13490; Filed, Nov. 13, 1969; 8:45 a.m.]

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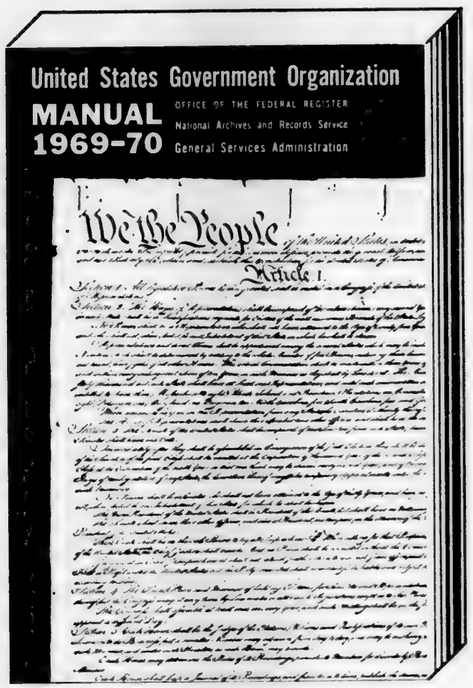
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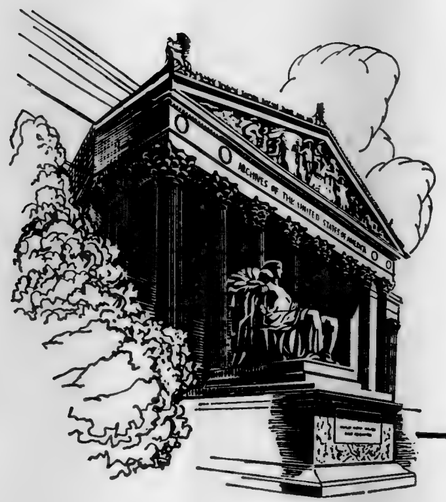
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Title 3—THE PRESIDENT

Executive Order 11493

ESTABLISHING THE COUNCIL FOR RURAL AFFAIRS

WHEREAS rural America is vitally important to this Nation's total economy and society; and

WHEREAS there is a need to provide expanded employment opportunities and more attractive living conditions outside the metropolitan areas; and

WHEREAS a viable rural America would offer an opportunity for farmers and other rural residents to share in the economic growth of the country:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Council.* (a) There is hereby established the Council for Rural Affairs (hereinafter referred to as "the Council").

(b) The President of the United States shall preside over meetings of the Council. The Vice President shall preside in the absence of the President.

(c) The Council shall be composed of the following:

The Vice President of the United States
Secretary of Agriculture
Secretary of Interior
Secretary of Commerce
Secretary of Health, Education and Welfare
Secretary of Housing and Urban Development
Secretary of Labor
Chairman of the Council of Economic Advisers
Director of the Bureau of the Budget
Director of the Office of Economic Opportunity

and such other heads of departments and agencies as the President may from time to time direct.

SEC. 2. *Functions of the Council.* The Council shall advise and assist the President with respect to the further development of the non-metropolitan areas of the country and shall perform such other duties as the President may from time to time prescribe. In addition to such duties, the Council is directed to:

(1) Assist the President in the development of policies for rural areas, which shall include consideration of the affairs of the smaller cities and towns which lie outside the metropolitan areas.

(2) Secure information on the problems confronting rural America, identify their causes, and develop means to deal with them by using available programs or initiating new ones.

(3) Foster effective use and coordination of Federal programs in the non-metropolitan areas in order to improve the delivery of public services to the people.

(4) Encourage the fullest cooperation between Federal, State, and local governments, with special concern for local initiative and local decision-making.

(5) Ensure that in the development of policies and programs concerning rural affairs, the relationships between urban, suburban, and rural areas are taken into account.

(6) Encourage the most effective role possible for voluntary organizations in dealing with rural problems and their solutions.

(7) Encourage an improved geographical distribution of the population of the United States.

(8) Keep the President advised on progress in meeting national objectives.

SEC. 3. *Administrative arrangements.* In compliance with provisions of applicable law, and as necessary to effectuate the purposes of this order, (1) the White House Office shall provide or arrange for supporting clerical, administrative, and other staff services for the Council, and (2) each Federal department and agency which is represented on the Council shall furnish the Council such information and other assistance as may be available.

SEC. 4. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
November 13, 1969.

[F.R. Doc. 69-13668; Filed, Nov. 13, 1969; 1:45 p.m.]

Executive Order 11494

ESTABLISHING THE PRESIDENTIAL CITIZENS MEDAL

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Medal established.* The Presidential Citizens Medal (hereinafter referred to as the Medal), together with accompanying ribbons and appurtenances, is hereby established for the purpose of recognizing citizens of the United States of America who have performed exemplary deeds of service for their country or their fellow citizens.

SEC. 2. *Award of the Medal.* (a) The Medal may be bestowed by the President upon any citizen of the United States at the sole discretion of the President.

(b) The announcement of the granting of the Medal and the presentation ceremonies may take place at any time during the year.

(c) Subject to the provisions of this order, the Medal may be conferred posthumously.

SEC. 3. *Design of the Medal.* The Army Institute of Heraldry shall prepare for the approval of the President a design of the Medal, citation, and ribbon.

SEC. 4. *Prior orders.* The establishment of the Medal shall not operate to terminate any other medal and this order shall not be deemed to supersede the whole or any part of any other Executive order.

Richard Nixon

THE WHITE HOUSE,
November 13, 1969.

[F.R. Doc. 69-13667; Filed, Nov. 13, 1969; 1:45 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the position of Special Assistant to the Secretary (Congressional Relations), Office of the Secretary, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (44) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* • • •

(44) Special Assistant to the Secretary (Congressional Relations).

• • • • • •

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13698; Filed, Nov. 14, 1969; 10:08 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1970 Crop of Peanuts: Acreage Allotments and Marketing Quotas

Basis and purpose. The provisions of §§ 729.100 to 729.103 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1970 crop of peanuts. The purposes of §§ 729.100 to 729.103 are to proclaim a national marketing quota, establish the national acreage allotment and apportion such allotment to the States for the 1970 crop of peanuts in accordance with section 358 of the act (7 U.S.C. 1358). Farmers voting in a referendum held in December 1968 favored marketing quotas for peanuts produced in 1969, 1970, and 1971 as set forth in the FEDERAL REGISTER of January 3, 1969 (34 F.R. 56); therefore quotas will be effective for the 1970 crop. The findings and determinations made with respect to these matters are based on the latest available statistics of the Federal Government.

Notice that the Secretary was preparing to determine the acreage allotments and marketing quota for the 1970 crop of peanuts was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of August 19, 1969 (34 F.R. 13373). No submissions were received in response to such notice. In order that peanut farmers may be notified as soon as possible of farm allotments for the 1970 crop of peanuts, it is essential that §§ 729.100 to 729.103 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 729.100 to 729.103 shall be effective upon filing of this document with the Director, Office of the Federal Register.

Sec.
729.100 Proclamation of national marketing quota for the 1970 crop of peanuts.
729.101 National acreage allotment for the 1970 crop of peanuts.
729.102 National reserve for new farms.
729.103 Apportionment to States.

AUTHORITY: The provisions of this subpart issued under secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1358, 1375.

§ 729.100 Proclamation of national marketing quota for the 1970 crop of peanuts.

(a) *Statutory requirements.* Section 358(a) of the act provides that between July 1 and December 1 of each calendar year the Secretary shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. The national marketing quota shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) *Findings and determinations.* The following findings and determinations under section 358(a) of the act are hereby made:

(1) Average quantity of peanuts harvested for nuts during the 5-year period 1964–68, adjusted for current trends and prospective demand conditions—1,012,000 tons;

(2) Normal yield per acre of peanuts for the United States on the basis of the average yield per acre of peanuts in the 5-year period 1964–68, adjusted for trends in yields and abnormal conditions of production affecting yields—1,910 pounds;

(3) Conversion of the quantity of peanuts determined under (1) of this paragraph into acres on the basis of the normal yield, with an adjustment for under harvesting—1,219,686 acres;

(4) Conversion of the minimum national acreage allotment of 1,610,000 acres into tons of quota on the basis of the normal yield—1,537,550 tons.

(c) *National marketing quota.* The national marketing quota for the 1970 crop of peanuts is hereby proclaimed to be 1,537,550 tons on the basis of the minimum national acreage allotment determined under paragraph (b)(4) of this section since such amount of quota would not be obtained by the smaller amount determined under paragraph (b)(3) of this section.

§ 729.101 National acreage allotment for the 1970 crop of peanuts.

The national acreage allotment for the 1970 crop of peanuts based on the national marketing quota under § 729.100 (c) is hereby established at 1,610,000 acres.

§ 729.102 National reserve for new farms.

Section 358(f) of the act provides for the establishment of a national reserve of not more than 1 percent of the national acreage allotment for apportionment among farms on which peanuts are to be produced in 1970 but on which peanuts were not produced during any of the years 1967, 1968, or 1969. A national reserve for such new farms in the amount of 1,610 acres is hereby established.

§ 729.103 Apportionment to States.

The national acreage allotment for the 1970 crop of peanuts of 1,610,000 acres, less the national reserve for new farms of 1,610 acres, is hereby apportioned to the States on the basis of their share of the national acreage allotment for 1969 as provided under section 358(c)(1) of the act:

State	*State acreage allotment*
Alabama	216,918
Arizona	762
Arkansas	4,188
California	931
Florida	55,418
Georgia	526,887
Louisiana	1,947
Mississippi	7,499
Missouri	247
New Mexico	5,738
North Carolina	167,968
Oklahoma	138,290
South Carolina	13,901
Tennessee	3,610
Texas	357,167
Virginia	104,919
Total apportioned to States	1,608,390
National reserve for new farms	**1,610**
Total, United States	1,610,000

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 8, 1969.

CLIFFORD M. HARDIN,
Secretary.

[F.R. Doc. 69-13619; Filed, Nov. 14, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 36, Amdt. 1]

PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. More grapefruit is misshapen due to excessive thick skin at the stem end of the fruit than heretofore estimated. Such grapefruit is otherwise of good quality and is readily desired by consumers. This amendment relaxes the requirement so as to provide a greater tolerance for such misshapen fruit so that more such grapefruit may be shipped.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an assembled meeting on November 5, 1969, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such assembled meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received November 5, 1969; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.336 (Grapefruit Reg. 36; 34 F.R. 15747) the provisions of paragraph (a)(1) preceding (a)(1)(i) are amended to read as follows:

§ 909.336 Grapefruit Regulation 36.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period November 12, 1969, through August 31, 1970, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade the following tolerances shall be allowed for the defects listed:

(*a*) 25 percent, by count, for grapefruit which fail to meet the requirements of the grade other than for shape: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(*1*) 20 percent, by count, for defects caused by scars, except that not more than 5 percent, by count, for scars other than scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(*2*) 10 percent, by count, for grapefruit which is not at least fairly well colored;

(*3*) 10 percent, by count, for defects, other than scarring and not being at least fairly well colored, including therein not more than 5 percent, by count, for any one defect, and including in this latter amount not more than one-half of 1 percent, by count, for decay.

(*b*) 15 percent, by count, for grapefruit which is not at least fairly well formed; or

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 12, 1969, to become effective November 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13620; Filed, Nov. 14, 1969; 8:48 a.m.]

[Lemon Reg. 401]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.701 Lemon Regulation 401.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to

make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 11, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 16, 1969, through November 22, 1969, are hereby fixed as follows:

(i) District 1: 13,020 cartons;

(ii) District 2: 42,780 cartons;

(iii) District 3: 130,200 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13664; Filed, Nov. 14, 1969; 8:50 a.m.]

[Grapefruit Reg. 69]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.369 Grapefruit Regulation 69.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 13, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 17, 1969 through November 23, 1969, is hereby fixed at 130,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 14, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13703; Filed, Nov. 14, 1969; 11:26 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-20-AD; Amdt. 39-875]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 99 and 99A Airplanes

An airworthiness directive was adopted on August 25, 1969, and made effective immediately as to all known owners of Beech Model 99 and 99A airplanes. This airworthiness directive was published in the FEDERAL REGISTER as Amendment 39-834 on September 4, 1969 (34 F.R. 14026), AD 69-18-6. The airworthiness directive provides a maximum speed restriction of 174 knots and emergency procedures in the event of pitch trim runaway. As a result of tests conducted by the manufacturer it has been determined that if the airplane is modified in accordance with Beechcraft Service Instruction No. 0285-364 this airspeed limitation can be raised to 200 knots. This service instruction limits the upward travel of the leading edge of the horizontal stabilizer on these model airplanes to 3¼° to 3½° leading edge up. The downward travel of the horizontal stabilizer leading edge remains unchanged. This modification is accomplished by readjusting the horizontal stabilizer limit switches and remarking of the trim indicator in the cockpit. Consequently, an amendment to AD 69-18-6 is necessary to provide that when the airplane is modified in accordance with Beechcraft Service Instruction No. 0285-364 and the airplane flight manual revised, the speed restriction of 174 knots may be raised to 200 knots.

Since it was found that this amendment is relaxatory in nature and that the owners of the Beech Model 99 and 99A airplanes should be advised of it immediately, notice and public procedure thereon was not practical and contrary to the public interest and good cause existed for making this airworthiness directive effective immediately as to all owners of said airplanes by individual air mail letters dated October 30, 1969. This condition still exists and an airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to section 39.13 of Part 39 to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-834 (34 F.R. 14026), AD 69-18-6, is amended as follows:

Add Paragraph D which reads as follows:

(d) The airspeed limitation of 174 knots where specified in paragraphs A, B, and C of this airworthiness directive may be increased to 200 knots when the following steps have been accomplished:

1. Modify the airplane in accordance with Beechcraft Service Instruction No. 0285-364.

2. Revise the Airplane Flight Manual in section II, Normal Procedure, page 2-4, before takeoff, Step 2, by adding "Note: Nose down travel stops on red line."

3. Revise the Airplane Flight Manual in section III, Emergency Procedures, by adding to temporary page 3-7, under unscheduled pitch trim—nose down, paragraph E as follows: In the event the wing flaps are extended above 174 knots indicated airspeed, a log book entry should be made stating the indicated airspeed at flap extension. In addition, the 90° drive of each wing flap actuator (4) should be inspected for signs of freeplay of the roll pin and deterioration of the actuator drive tangs.

This amendment becomes effective November 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 6, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-13600; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-CE-25-AD; Amdt. 39-876]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

Amendment 39-836 (34 F.R. 14207, 14208) AD 69-18-7, adopted on September 2, 1969, was made applicable to all Beech Models 99 and 99A airplanes. Paragraph B of AD 69-18-7 requires in part the installation of a replacement instrument air pressure system approved by the Federal Aviation Administration in these model airplanes by no later than November 15, 1969. This installation is required because the instrument air pressure system as presently installed in certain of these model airplanes is not in compliance with the type certification requirements which require that a single failure or malfunction not be a hazard to the airplane. On those airplanes utilizing air pressure driven instruments on both the pilot and copilot instrument panels, a single failure in the system could result in the loss of all these flight instruments.

Subsequent to the issuance of Amendment 39-836, the manufacturer designed a modified gyro instrument system for Beech Models 99 and 99A airplanes which utilizes electrically driven gyros on one pilot's panel and air driven gyros on the other pilot's panel. Beechcraft Service Instruction 0296-391 covers this system.

The FAA has determined that the installation of the dual electrical/air pressure instrument system as described in Beechcraft Service Instruction 0296-391 is a satisfactory means of complying with the type certification requirements of the flight instrument system in the Beech Models 99 and 99A airplanes. Consequently, an airworthiness directive is being issued requiring that on or before December 29, 1969, the flight instrument system either (1) be modified in accordance with Beechcraft Service Instruction 0296-391, or (2) be modified to provide a gyro instrument system that utilizes two independent sources of power for the pilot's and copilot's instrument panels such as vacuum/air pressure, vacuum/electrical, or air pressure/electrical powered systems if approved by the Chief, Engineering and Manufacturing Branch, Central Region, FAA. The requirement in the second paragraph of paragraph B of Amendment 39-836 that a replacement air pressure powered gyro instrument system must be installed in these model airplanes no later than November 15, 1969, will be superseded upon the issuance of this airworthiness directive.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

BEECH. Applies to Models 99 and 99A airplanes, Serial Nos. U-1 through U-130.

Compliance required on or before December 29, 1969, unless already accomplished.

To prevent a failure in the flight instrument system that results in the loss of all, or nearly all flight instruments accomplish the following:

Install a dual electrical/air pressure powered gyro instrument system in accordance with Beechcraft Service Instruction 0296-391, or any other system which utilizes two independent sources of power for the pilot's and copilot's instrument panels, approved by the Chief, Engineering and Manufacturing Branch, Central Region, FAA.

This amendment supersedes the second paragraph of paragraph B of AD 69-18-7.

This amendment becomes effective November 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c) Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-13601; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-137; Amdt. 39-870]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Aircraft Engines

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive reducing the life limits of certain parts of General Electric type CT58 aircraft engines.

As a result of continuing engineering programs applying new technology to refine life limits of rotating parts General Electric has recommended a precautionary reduction in the life limit of the stage two compressor disc shaft in the CT58 engine. While there have been no actual failures of the part, the lower life limits are based on analyses which show that higher times might develop cracks and possibly fail.

Since a situation exists which requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GENERAL ELECTRIC. Applies to models CT58-100-1, CT58-100-2, CT58-110-1, CT58-110-2, CT58-140-1, CT58-140-2, T58-GE-1, and T58-GE-5 turboshaft engines.

Compliance required as indicated.

To prevent cracking and possible failure of stage 2 compressor rotor disc shafts the life limits on these parts have been reduced below the figures currently approved.

Unless already accomplished, remove from service stage 2 compressor rotor disc shafts prior to reaching the revised life limit or in accordance with the removal schedule given below for those parts which are close to or exceed the limit on the effective date of this AD.

Part No.	Previous life limits		Revised life limits		Removal schedule
	Hours	Cycles	Hours	Cycles	
37E500153P101	2,500	8,000	2,500	6,000	*Above 2,400 hours 5,800 cycles remove within.** 100 hours, 200 Cycles.
37E500213P101	2,500	8,000	2,500	6,000	100 hours, 200 cycles.
37E500213P103	2,500	8,000	2,500	6,000	100 hours, 200 cycles.
5008T79P01	10,000	40,000	3,000	6,000	*Above 2,950 hours, 5,900 cycles, remove within.**
37E500153P101M	10,000	40,000	3,000	6,000	50 hours, 100 cycles. 50 hours, 100 cycles.
5008T34P01	10,000	40,000	5,000	10,000	*Above 4,950 hours, 9,900 cycles remove within.**
5008T34P03	10,000	40,000	5,000	10,000	50 hours, 100 cycles.
5008T79P02	10,000	40,000	5,000	10,000	50 hours, 100 cycles. 50 hours, 100 cycles.

*Time in service or cycles, whichever occurs first after the effective date of this AD.

For the purposes of this AD a cycle is considered as any engine operating sequence involving engine start, at least one acceleration to a power required for takeoff and shutdown.

This amendment is effective November 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13602; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-135; Amdt. 39-868]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Propellers

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to revise AD 68-19-4 to include additional similar type propellers.

AD 68-19-4 was directed to the Hartzell type HC-A2XF, BHC-A2XF, HC-A2XK, HC-A2XL, HC-A3XK, and HC-A3VK series propellers equipped with Hartzell 8433 or V8433 blades. These models had experienced cracked blade shanks while in service.

When the AD was released the service record for the earlier Hartzell propellers of a similar type design was satisfactory and it was not considered necessary to include them. Since that time, cracked blade shanks have been reported to have been found on some of these models. Therefore, AD 68-19-4 should be revised to include these Hartzell propeller models.

The critical nature of the deficiency creates a situation which requires expeditious adoption of the amendment and therefore, notice and public procedure hereon are impractical, and the airworthiness directive may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revising AD 68-19-4 to read as follows:

HARTZELL PROPELLERS. Applies to models HC-A2XF, HC-12X20, HC-82VF, BHC-A2XF, HC-13X20, HC-82VK, HC-A2XK, HC-D3X20, HC-82VL, HC-A2XL, HC-82X20, HC-13X20, HC-82VK, HC-A2XK, HC-83XK, HC-A3VK, HC-82XG, HC-83X20, HC-82XK, HC-82XL.

With 8433, V8433, 8833, or V8833 blades installed.

To detect blade shank cracks and prevent possible blade failure, accomplish the following:

(a) Propellers with 2,000 hours' or more time in service inspect in accordance with paragraph (c) within the next 100 hours' time in service after the effective date of this AD. If no cracks are found, shot peen propeller blade shank area in accordance with Hartzell Bulletin No. 93 amended August 12, 1969 or later FAA-approved revision. Shot peened blades are to be reinspected in accordance with paragraph (c) every 1,000 hours' time in service from the last inspection. For propellers which have been inspected within the last 1,000 hours' time in service, compliance with this paragraph is not necessary until 1,000 hours' time in service from the last inspection.

(b) Propellers with less than 2,000 hours' time in service inspect in accordance with paragraph (c) within 2,100 hours' total time in service. If no cracks are found, shot peen blade shank area in accordance with Hartzell Bulletin No. 93, Revision amended August 12, 1969, or later FAA-approved revision. Shot peened blades are to be reinspected in accordance with paragraph (c) every 1,000 hours' time in service from the last inspection.

(c) Remove propeller from aircraft and remove blades from hub. Inspect blade shank area for cracks by the penetrant method. Replace before further flight any cracked blade with a new blade or blade which has been inspected in accordance with this AD and found satisfactory, and shot peened in accordance with Hartzell Bulletin No. 93 amended August 12, 1969, or latter FAA-approved revision.

(d) Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, Eastern Region, may adjust the repetitive inspection intervals specified in this AD. Revisions to Hartzell Bulletin No. 93 must be approved by the Engineering and Manufacturing Branch, Eastern Region.

This amendment is effective November 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, New York on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13603; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-136; Amdt. 39-869]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which would require inspection and replacement where necessary of exhaust systems on certain serial numbered Piper Aircraft type PA-23 airplanes.

There has been undetected deterioration and failure of exhaust system components which caused severe overheat damage to adjacent wiring, lines and structures including heat damage to the tire. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require inspections.

Since a situation exists that requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this airworthiness directive effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER. Applies to PA-23-250 and PA-E23-250 type airplanes Series Nos. 27-2505 through 27-4329 equipped with non-supercharged engines and certificated in all categories.

Compliance required as indicated.

(a) For airplane Serial Nos. 27-2505 through 27-3943 except Serial Nos. 27-3837 within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service, visually inspect both engine exhaust system stacks, manifolds, support braces and the slip joint inside the alternate air heat shroud. Inspect for cracks, local distortion and heat deterioration as evidenced by corrosion, flaking or burning. Parts found cracked, distorted or deteriorated must be replaced with a serviceable part prior to further flight.

(b) For airplanes Serial Nos. 27-3837 and 27-3944 through 27-4329 inspect the left engine exhaust system in accordance with paragraph (a) above until a new exhaust stack assembly, Piper P/N 329070-7 is installed in accordance with Piper Service Letter No. 533 and subsequent FAA approved revisions thereto or an equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

Piper Service Letter No. 324C dated Jan. 22, 1969, and Piper PA-23-250 Parts Catalog covers this subject.

This amendment is effective November 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a) 1421, 1423; sec 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13605; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-142; Amdt. 39-871]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper Aircraft type PA-18 airplanes. This airworthiness directive was initially issued by telegram on October 24, 1969.

There has been a determination that certain PA-18 airplanes were manufactured with defective longerons in that unapproved steel had been used to construct the longerons. Since this condition is likely to exist in other airplanes of the same type design an airworthiness directive is being issued which will require inspection and where necessary, an approved alteration.

Since a situation exists that requires expeditious adoption of this airworthiness directive, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to Piper PA18-150 type airplanes, S/N 18-8809 through 18-8851, except S/N 18-8844 and -18-8849, certificated in all categories.

To determine if the lower longerons are made from 1,025 steel or the approved 4,130 steel, accomplish before further flight the following inspection:

(a) Remove the rear seat, look downward through the no sag springs and locate the lower fuselage longerons on the left and right sides of the aircraft.

(b) From a point adjacent to the aileron cable pulley measure aft 10 inches on the top of the longeron and perform the following:

(1) Using longitudinal strokes sand the top surface of the right and left lower longerons with No. 80 emery cloth, for an area approximately 3 inches in length and ½-inch wide. NOTE: No chemical reaction will occur unless this area is thoroughly cleaned down to the bare metal. Use only longitudinal

strokes to remove the paint, primer, metallizing or corrosion from this area.

(2) Wipe specified area with a clean cloth.

(3) Apply one drop of concentrated nitric acid on the sanded area.

(4) If the longeron is 1,025 steel, the acid drop will boil and turn a yellowish orange or brown.

(5) Wipe off the acid spot and neutralize the area with baking soda paste.

(6) Wipe surface and wash with water.

(7) Prime and paint the test area.

(8) If the test indicates (as described above) the longeron is 1,025 steel, the aircraft is considered unairworthy and must be grounded until the aircraft is altered in accordance with an alteration approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

(9) The aircraft is considered airworthy, relative to the longeron being 4,130 if there is no reaction to the aforementioned acid test, and can be returned to service.

Piper Service Bulletin No. 302, dated Oct. 23, 1969, covers this subject.

This amendment is effective November 15, 1969, and was effective upon receipt for all recipients of the telegram dated October 24, 1969, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13606; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-132; Amdt. 39-874]

PART 39—AIRWORTHINESS DIRECTIVES

United Aircraft of Canada

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to the United Aircraft of Canada type PT6 aircraft engines.

There have been failures of the coupling to the Pesco fuel pump on the PT6 engine resulting in inflight power loss. Since this condition is likely to exist on engines of the same type design, an airworthiness directive is being issued to require removal and replacement of the retaining ring.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

UNITED AIRCRAFT OF CANADA, LTD. Applies to PT6 model series engines equipped with Pesco Model 024800 fuel pumps as follows:

PT6A-6, -6A, -6B, PT6B-9 all engines.
PT6A-20 prior to S/N PC-E22480.
PT6A-27 prior to S/N PC-E40311.
PT6A-28 prior to S/N PC-E50054 except 50051, 50052.

Compliance within 50 hours after the effective date of this Airworthiness Directive unless already accomplished.

To prevent disengagement of the fuel pump input coupling from the engine gearbox, remove retaining ring, Pesco P/N 99-4660 and install new snap ring Pesco P/N 99-4906, United Aircraft of Canada, Ltd., Service Bulletin No. 174 pertains to this subject.

This amendment is effective November 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 5, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13607; Filed, Nov. 14, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Slidell, La.

On September 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14897) stating the Federal Aviation Administration proposed to designate the Slidell, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

SLIDELL, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (lat. 30°20'37" N., long. 89°49'18" W.), and within 2.5 miles each side of the New Orleans VORTAC 043° radial extending from the 5-mile radius area to 23 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on November 4, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13613; Filed, Nov. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Patterson, La.

On September 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14898) stating the Federal Aviation Administration proposed to designate the Patterson, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

PATTERSON, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harry P. Williams Memorial Airport (lat. 29°42'40" N., long. 91°20'18" W.), within 2.5 miles each side of the Tibby VORTAC 276° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the 228° bearing from the Patterson RBN (lat. 29°42'32" N., long. 91°20'14" W.) extending from the 5-mile radius area to 11.5 miles southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on November 4, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13614; Filed, Nov. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Jennings, La.

On October 2, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15364) stating the Federal Aviation Administration proposed to designate the Jennings, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

JENNINGS, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jennings Airport (lat. 30°14'30" N., long. 92°40'00" W.), and within 2.5 miles each side of the Lake Charles VORTAC 075° radial extending from the 5-mile radius area to 20.5 miles east of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on November 5, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13615; Filed, Nov. 14, 1969; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-591; Amdt. 8]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Extension of Termination Date of the Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1969

By ER-584 adopted June 25, 1969, effective July 1, 1969, the Board established rates for Logair and Quicktrans services within the contiguous 48 States for use during fiscal year 1970 with an expiration date of June 30, 1970. The rule also provided that the rates for MAC international operations for fiscal 1970 would be established at a later date. In connection therewith, the rule stated that with respect to foreign and overseas transportation, transportation between the 48 contiguous States, on the one hand, and Hawaii or Alaska, on the other hand, and for transportation within Alaska, the part would expire on October 31, 1969. Thereafter, by EDR-168/PSDR-23, dated August 15, 1969, the Board proposed certain minimum rates for fiscal 1970, including those applicable to MAC international operations. Comments have been received, but because of the complex issues raised in the proceeding, the Board has not been able to establish final rates for those operations. It is therefore necessary to extend the term of the part until December 31, 1969, to give the Board adequate time to establish such final rates. The question of the effective date for these rates will be left open, however, and the extent of any retroactive effect to be given the rates will be determined at the time the rates are established.

Considering the matters discussed above, we find that notice with respect to the extension of the exemption and public procedure thereon are impracticable, unnecessary and contrary to the public interest. For these reasons, and also for the reason that we are extending an exemption, we further find that good cause exists for making the rule effective prior to the expiration of the 30-day notice period.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288), effective November 1, 1969, by amending § 288.18(b) to read as follows:

§ 288.18 Expiration.

• • • • • •

(b) With respect to foreign and overseas transportation, transportation between the 48 contiguous States, on the one hand, and Hawaii or Alaska, on the other hand, and for transportation within Alaska, including substitute service therefor, this part shall expire December 31, 1969, unless rescinded by the Board at an earlier date.

• • • • • •

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 (as amended by 74 Stat. 445) and 771; 49 U.S.C. 1324, 1373 and 1386)

By the Civil Aeronautics Board.

Effective: November 1, 1969.

Adopted: November 12, 1969.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13639; Filed, Nov. 14, 1969; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to Secretary's Order No. 14-69 and the Notice of Delegation of Authority published concurrently therewith in the FEDERAL REGISTER on April 15, 1969 (34 F.R. 6502), and in order to reflect organizational changes and delegations set forth in the said documents, the regulations in Chapter V of Title 20 of the Code of Federal Regulations are amended in the following respects:

1. The term "Bureau of Employment Security", wherever it appears, is changed to "Manpower Administration"; and the term "Bureau", wherever it appears, is changed to "Administration".

2. The term "United States Employment Service", wherever it appears, is changed to "United States Training and Employment Service".

3. The term "Director of the United States Employment Service", wherever it appears, is changed to "Manpower Administrator"; and the term "Director", wherever it appears, is changed to "Administrator".

4. The term "Regional Administrator", wherever it appears, is changed to "Regional Manpower Administrator".

5. The term "Director of the Farm Labor Service", wherever it appears, is changed to "Director of Farm Labor and Rural Manpower Service".

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because these rules relate to public grants and benefits. Nor do I believe such procedures or delay will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

Signed at Washington, D.C., this 7th day of November 1969.

M. R. LOVELL, Jr.,
Manpower Administrator.

[F.R. Doc. 69-13591; Filed, Nov. 14, 1969; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Direction 1, Amendment 3 of Nov. 14, 1969]

M-11A—COPPER AND COPPER-BASE ALLOYS

Direction 1, Amendment 3—Ammo Strip Set-Aside

This amendment to Direction 1 to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives and consideration was given to their recommendations.

This amendment to Direction 1 to BDSA Order M-11A affects Direction 1 to BDSA Order M-11A, of December 2, 1966, as amended, by changing the reserved production capacity, as set forth in section 3(b) of that direction, as amended by Amendment 2 of November 5, 1968, from thirty percent (30%) to twenty-five percent (25%) for orders calling for delivery after December 31, 1969. Amendment 2 of Direction 1 to BDSA Order M-11A, November 5, 1968, is superseded by this Amendment 3.

Section 3(b) of Direction 1 of BDSA Order M-11A of December 2, 1966, is hereby amended to read as follows:

(b) With respect to orders placed pursuant to paragraph (a) of this section calling for delivery after December 31, 1969, each ammo strip producer must reserve production capacity for the production of ammo strip in any month in a minimum amount determined by multiplying his average monthly shipments by weight of copper-base alloy plate, sheet, rolls, and strip (excluding ammo strip) and cups in the base period (January-June 1965, both inclusive), by 25 percent. This reserved portion of his production capacity for ammo strip shall be separate from the setaside for brass mill products—alloyed—plate, sheet, strip, and rolls, provided in Schedule A to this order, as revised from time to time.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279)

This amendment shall become effective November 14, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69-13627; Filed, Nov. 14, 1969; 8:48 a.m.]

[BDSA Order M-11A, Direction 2, as Amended Nov. 14, 1969]

M-11A—COPPER AND COPPER-BASE ALLOYS

Direction 2—Domestic Refined Copper Set-Aside

This amended direction to BDSA Order M-11A, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

The amended direction supersedes Direction 2 to BDSA Order M-11A as amended February 25, 1969, including Amendment 1 dated May 8, 1969, and Amendment 2 dated August 19, 1969. This amended direction: (1) deletes "certified order" from section 2(h); and (2) decreases the portion of production of domestic refined copper reserved for the acceptance of rated orders as set forth in section 8 from 16 percent to 14 percent of average monthly production, as defined.

Direction 2 to BDSA Order M-11A, as amended, is hereby further amended to read as follows:

Sec.
1 What this direction does.
2 Definitions.
3 Use of rated orders for domestic refined copper.
4 Opening of order books.
5 Acceptance of orders.
6 Rejection of rated orders.
7 Priority status of delivery orders.
8 Reserved portion of production (set-aside).
9 Records and reports.
10 Communications.

AUTHORITY: Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279.

Section 1 What this direction does.

This direction applies to producers of domestic refined copper. It contains rules pertaining to the opening of order books, the acceptance and rejection of rated orders, and establishes a setaside for the required acceptance of such orders by producers of domestic refined copper on an equitable basis.

Sec. 2 Definitions.

As used in this direction:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the U.S. Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the U.S. Department of Commerce.

(c) "Domestic refined copper" means copper metal made from ores mined in the continental United States which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. It does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powdermill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products, or refined copper produced from secondary metal.

(d) "Producer of domestic refined copper" means any person who produces domestic refined copper for his own account in his own facility or who contracts for its production elsewhere from his own raw materials for his account under toll arrangements.

(e) "Controlled material" means steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of DMS Reg. 1, as amended.

(f) "Controlled material producer" means any person who produces a controlled material. For purposes of this direction only, the term "controlled material producer" includes a producer of an intermediate shape as such shape is defined in section 2(m)(11) of BDSA Order M-11A, as amended.

(g) "Rated order" means any purchase order, contract, or other form of procurement for materials or services bearing an authorized rating and the certification required by BDSA Reg. 2 (formerly NPA Reg. 2), DMS Reg. 1 or any other applicable regulation or order of BDSA.

(h) "Mandatory acceptance order" means any authorized controlled material order, rated order, or any other purchase or delivery order, which a person is required to accept pursuant to any regulation or order of BDSA, or pursuant to a specific authorization or directive of BDSA.

(i) "Average monthly production of domestic refined copper" means the monthly average quantity of domestic refined copper produced by a producer of domestic refined copper in the last 6 months of calendar year 1968 and the first 6 months of calendar year 1969, including any domestic refined copper produced for his account by another person under toll arrangements.

Sec. 3 Use of rated orders for domestic refined copper.

A controlled material producer, as defined in section 2(f) of this direction, must use the rating DO-D1 or DX-D1, as the case may be, to obtain domestic refined copper needed to fill mandatory acceptance orders or to replace in inventory domestic refined copper used by him to fill such orders, in accordance with the provisions of section 4(c), 4(d), and 4(e) of DMS Reg. 1, Direction 3: *Provided*, That such ratings shall not be used to obtain a quantity of domestic refined copper in excess of the quantity of copper contained in the controlled material or intermediate shape produced or to be produced therefrom.

Sec. 4 Opening of order books.

Each producer of domestic refined copper shall open his order books for the purpose of accepting rated orders no later than the first day of the month preceding the calendar month for which delivery is requested.

Sec. 5 Acceptance of rated orders.

(a) Each producer of domestic refined copper shall, after receipt of any rated order tendered to him, promptly accept or reject such order. Receipt of a rated order shall not be deemed to have occurred until the order is received at the place where the producer usually processes such an order. Upon such acceptance or rejection, he shall promptly notify, by letter or telegram, the person who tendered the order, of such acceptance or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than five consecutive calendar days after receipt.

(b) Each producer of domestic refined copper must comply with such production and other directives as may be issued from time to time by BDSA and with the provisions of BDSA Reg. 2 (formerly NPA Reg. 2) and of all other applicable regulations and orders of BDSA.

Sec. 6 Rejection of rated orders.

A producer of domestic refined copper must accept all mandatory acceptance orders; however, he may reject rated orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is received from a person other than a controlled material producer.

(2) If the order is received after the 10th day of the month preceding the month of delivery requested in the order: *Provided*, That a DX order must be accepted without regard to this provision unless it is impracticable for him to make delivery within the required delivery month, in which event, he must accept such order for the earliest practicable delivery date: *Provided further*, That acceptance of a DX order by a producer of domestic refined copper prior to the date he opens his order books shall not effect an opening of his books so as to require acceptance of other orders for domestic refined copper.

(3) If the order is one for less than 20,000 pounds.

(4) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(5) If the order calls for delivery of a quantity of domestic refined copper which, together with the quantity of that material for which he had previously accepted rated orders for delivery during the same month, would exceed the quantity of that material which he is required to reserve pursuant to section 8 of this direction: *Provided, however*, That a DX order must be accepted even though the setaside has been or will be exceeded by such acceptance.

Sec. 7 Priority status of delivery orders.

Each producer of domestic refined copper who accepts rated orders for domestic refined copper pursuant to this direction shall make delivery pursuant to such orders in preference to any other delivery order for domestic refined copper which is not a rated order. However, a delivery order for domestic refined copper pursuant to a directive issued by BDSA, shall take precedence over any other delivery order (including rated orders) previously or subsequently received.

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books in any month for the acceptance of rated orders for domestic refined copper, each producer of domestic refined copper shall reserve at least 14 percent of his average monthly production of domestic refined copper (as defined in section 2(i) of this direction) for the acceptance of such rated orders calling for delivery in the immediately following month until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above; however, he need not accept such orders after the 10th day of that month even though he may not have accepted rated orders equivalent to the reserved quantity by that date: *Provided, however*, That DX rated orders must be accepted in accordance with the provisos contained in section 6 (2) and (5) above.

Sec. 9 Records and reports.

(a) Producers of domestic refined copper shall make and preserve for at least 3 years thereafter, accurate and complete records of production, receipts, sales, and deliveries of domestic refined copper. Such records shall include, but shall not be limited to, all rated orders received by such producers. Records shall be maintained in sufficient detail to permit the determination after audit whether each transaction involving rated orders complies with the provisions of this direction. This direction does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided the records required herein are maintained. Records may be retained in the form of microfilm, or other photographic copies or in the storage devices of automatic data processing equipment, instead of the originals by the producer of domestic refined copper who, at the time such microfilm or other photographic copies or magnetic tapes are made, maintains such types of record information in the regular and usual course of business.

(b) All records required by this direction shall be made available for inspection and audit by duly authorized representatives of the Business and Defense Services Administration, at the usual place of business, where maintained.

(c) Producers of domestic refined copper subject to this direction shall make such records and submit such reports to BDSA as it shall require subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139-139F).

Sec. 10 Communications.

All communications concerning this direction shall be addressed to the Business and Defense Services Administration, Washington, D.C. 20230. Ref: BDSA Order M-11A.

This direction shall become effective November 14, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69-13628; Filed, Nov. 14, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4728]

[Arizona 2139]

ARIZONA

Powersite Restoration No. 676; Powersite Cancellation No. 270

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-148-Arizona, it is ordered as follows:

1. The Executive Order of October 30, 1916, creating Powersite Reserve No. 558 and Departmental Order of February 7, 1917, creating Waterpower Designation No. 9, are hereby revoked so far as they affect the following described lands:

PRESCOTT NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

All portions of the following described lands lying within 50 feet of the centerline of the constructed transmission line of the Arizona Power Co., or of its successors in interest, as shown on maps filed with application Phoenix 037837 and on public land surveys made subsequent to construction:

T. 15 N., R. 3 E.,
Sec. 5, lots 3, 4, 7, and 9, NW¼NW¼;
Sec. 7, lots 5, 6, and 7, E½SE¼;
Sec. 8, NW¼, NW¼SW¼.

The areas described aggregate approximately 577.29 acres in Yavapai County.

2. At 10 a.m. on December 12, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13581; Filed, Nov. 14, 1969; 8:45 a.m.]

[Public Land Order 4729]

[I-2844]

IDAHO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of December 9, 1918, creating Stock Driveway Withdrawal No. 48, is hereby revoked so far as it affects the following described national forest lands:

BOISE MERIDIAN

SAWTOOTH NATIONAL FOREST

T. 1 N., R. 10 E.,
Sec. 24, NE¼SW¼, N½SE¼;
Sec. 25, NW¼NE¼.

Containing 160 acres in Elmore County.

2. At 10 a.m. on December 12, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13582; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4730]

[Nevada 053893]

NEVADA

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order 2327 of April 7, 1961, withdrawing lands as an air navigation facility is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 41 E.,
Sec. 19, E½SW¼.

The area described aggregates 80 acres in Lander County.

The lands are located about 46 miles southwest of Battle Mountain, Nev., on top of Mount Moses. Soil varies from rocky to gravelly coarse sandy loam.

2. At 10 a.m. on December 12, 1969, the public lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m.

on December 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13583; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4731]

[Utah 3715]

UTAH

Partial Revocation of Air Navigation Site Withdrawals

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), as amended, it is ordered as follows:

1. The departmental order of October 26, 1931, withdrawing lands as Air Navigation Site No. 70, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

TIMPIE SITE

T. 1 S., R. 7 W.,
Sec. 8, SE¼NE¼NE¼NE¼.

The area described contains 2.5 acres, located in Tooele County, about one-half mile north of Delle, Utah, on top of a large knoll. The topography is undulating and the soil is a rocky clay loam.

2. The departmental order of May 4, 1945, withdrawing lands as Air Navigation Site No. 225, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

NADA BUTTE SITE

T. 31 S., R. 12 W.,
Sec. 19, SE¼SE¼NW¼NW¼.
T. 31 S., R. 13 W.,
Sec. 24, SE¼SE¼NE¼NE¼.

The areas described contain 5 acres in Iron County. Topography is rough and mountainous and the soils are very rocky.

3. At 10 a.m. on December 12, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, and procedures. All valid applications received at or prior to 10 a.m. on December 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands will be open to location under the mining laws at 10 a.m. on December 12, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13584; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4732]

[Arizona 2078]

ARIZONA

Revocation of Air Navigation Site Withdrawal No. 229

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental Order of August 26, 1946, so far as it withdrew the following described land as Air Navigation Site No. 229 is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 17 N., R. 15 W.,
Sec. 28, NE¼SE¼SW¼.

The area described aggregates 10 acres in Mohave County.

2. At 10 a.m. on December 12, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on December 12, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Ariz.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13585; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4733]

[A 409]

ARIZONA

Revocation of Withdrawal for Small Tract Development

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 317 of April 15, 1946, as amended by Public Land Order No. 922 of October 20, 1953, reserving certain public lands in Arizona for the purpose of development under the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 14 S., R. 12 E.,
Sec. 23, W½NE¼ and NW¼;
Sec. 24, SW¼ and W½SE¼;
Sec. 25, NE¼ and S½;
Sec. 35.
T. 15 S., R. 12 E.,
Sec. 1, lots 6 to 23, inclusive (lot 3 and SW¼NW¼);
Sec. 3, lots 1, 2, 5 to 28, inclusive, S½NE¼ and SW¼NW¼ (N½);
Sec. 4, lots 1, 2, 5 to 68, inclusive, and S½NE¼ (E½ and SW¼);
Sec. 5, lots 5 to 69, inclusive (E½);
Sec 7, lots 5 to 20, inclusive (S½SE¼);
Sec. 8, lots 1 to 67, inclusive (N½);
Sec. 9, NW¼;
Sec. 10.
T. 14 S., R. 13 E.,
Sec. 19, SE¼;
Sec. 27, W½SW¼ and SE¼SW¼;
Sec. 28, SW¼, N½SE¼, and SE¼SE¼;
Sec. 29, S½;
Sec. 30;
Sec. 31, lots 5 to 48, inclusive (lot 1, N½NE¼, NE¼NW¼, SE¼SE¼);
Sec. 33, lot 2 (SW¼NW¼).
T. 15 S., R. 13 E.,
Sec. 4, lots 5 to 80, inclusive (lot 3, SW¼NE¼, SE¼NW¼).

The areas described, including both public and nonpublic lands, aggregate 5,906.63 acres in Pima County. The lands are located on the western fringe of Tucson, Ariz., in an area of small homesites and commercial frontage south of Tucson Mount Park. Topography is flat with numerous small washes; soils are deep, sandy loam; vegetation is sparse and consists primarily of creosote bush, cacti, mesquite and a few annual grasses.

2. The lands shall not be open to disposition under the public land laws unless and until it is so provided in an appropriate classification and an order of opening of an authorized officer of the Bureau of Land Management.

3. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location under the U.S. mining laws for nonmetalliferous minerals at 10 a.m. on December 12, 1969.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Ariz.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13586; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4734]

[Sacramento 2349]

CALIFORNIA

Revocation of Withdrawals for National Forest Administrative Site and Ranger Station

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Departmental Orders of October 26, 1906, and October 29, 1907, for the Battle Creek Meadow Administrative Site and Ranger Station, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

LASSEN NATIONAL FOREST

T. 29 N., R. 4 E.,
Sec. 19, SE¼SE¼SW¼, N½NE¼SW¼SE¼, SW¼NE¼SW¼SE¼, N½SE¼NE¼SW¼SE¼, SW½SW¼SE¼, W½SE¼SW¼SE¼, and S½S½SE¼SE¼SW¼SE¼;
Sec. 30, NE¼NW¼.

The areas described aggregate approximately 74.38 acres in Tehama County.

2. At 10 a.m. on November 17, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13587; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4735]

[Arizona 2083]

ARIZONA

Partial Cancellation of Waterpower Designation No. 5; Partial Revocation of Powersite Reserve No. 606 (Powersite Restoration No. 677, and Powersite Cancellation No. 271)

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-146-Arizona, it is ordered as follows:

1. The Departmental Order of February 9, 1917, creating Waterpower Designation No. 5, and the Executive Order of April 4, 1917, creating Powersite Reserve No. 606, are hereby revoked so far as they affect the following described national forest lands:

COCONINO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

T. 15 N., R. 4 E.,
Sec. 2, E½, SE¼SW¼;
Sec. 10, SE¼NE¼, NE¼SE¼;
Sec. 11, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, N½SW¼.
T. 16 N., R. 4 E.,
Sec. 14, SW¼NE¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 23, NW¼NE¼, S½NE¼, NW¼NW¼, E½W½, SE¼;
Sec. 25, SW¼NW¼, W½SW¼;
Sec. 26, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 35, E½NE¼, SE¼;
Sec. 36, W½NW¼, NW¼SW¼.
T. 17 N., R. 5 E.,
Sec. 13, SE¼SE¼;
Sec. 23, SE¼SE¼;
Sec. 24, NE¼, SE¼NW¼, S½;
Sec. 25, NE¼NE¼, W½NE¼, NW¼, NW¼SW¼;
Sec. 26, NE¼, NE¼NW¼, S½NW¼, S½;
T. 17 N., R. 6 E.,
Sec. 4, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 5, S½NE¼, NE¼SW¼, SW¼SW¼, SW¼, W½SE¼SW¼SW¼, N½SE¼SW¼, NE¼SE¼SW¼SW¼, S½SE¼SE¼SW¼, SE¼;
Sec. 7, SE¼NE¼, N½NE¼SE¼, N½S½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 8, NE¼NE¼, W½NE¼, NE¼NE¼NW¼, SE¼NW¼NE¼NW¼, S½NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 17, W½W½;
Sec. 18, N½NE¼, SW¼NE¼, W½W½SE¼NE¼, E½NW¼, NE¼NE¼SW¼, W½NE¼SW¼, NW¼SW¼, W½E½SW¼SW¼, W½SW¼SW¼, W½W½NE¼SE¼, NW¼SE¼, E½SE¼SE¼;
Sec. 19, NE¼NE¼NE¼, S½N½NE¼, S½NE¼, NW¼NE¼NW¼, S½NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 20, NW¼NW¼.
T. 18 N., R. 6 E.,
Sec. 27, S½SW¼;
Sec. 33, SE¼NE¼, E½SE¼;
Sec. 34, NW¼, N½SW¼, SW¼SW¼.

The areas described aggregate approximately 6,765 acres in Yavapai and Coconino Counties.

Some of the lands have been patented, subject to provisions of section 24 of the Federal Power Act. Others are withdrawn for transmission line Project No. 1363 of Project No. 1402, to which the general determination of the Federal Power Commission dated April 17, 1922, is applicable.

2. At 10 a.m. on December 12, 1969, the national forest lands, not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made of national forest lands, subject to any existing withdrawals for power or other purposes.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the mining laws, subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13588; Filed, Nov. 14, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-120]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

MANHASSET BAY, SPECIAL ANCHORAGE AREA

1. Section 110.60(g) in describing the special anchorage area in Manhasset Bay, west area at Manorhaven, excludes therefrom the seaplane restricted area described in § 110.35. This reference to § 110.35 was due to a clerical error. The seaplane restricted area is described in § 207.35.

2. Accordingly, § 110.60(g) is corrected by changing in the last line "§ 110.35" to "§ 207.35".

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180; 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(ii))

Effective date. This correction shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: November 7, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-13599; Filed, Nov. 14, 1969; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18607; FCC 69-1227]

PART 73—RADIO BROADCAST SERVICES

Determination of Power of Standard Broadcast Stations

In the matter of amendment of Part 73, Subpart A, of the Commission's rules and regulations concerning the determination of power of standard broadcast stations.

Report and order. 1. The notice of proposed rule making in this proceeding, adopted July 15, 1969, had, as its chief purpose, the amendment of the rules concerning the indirect measurement of power of standard broadcast stations. These rules, presently set forth in § 73.52, would be expanded and modified with respect to the procedures specified for the determination of the efficiency factor utilized in the computation of power by indirect measurement. In many situations, information is available from which more accurate and appropriate values for the efficiency factor can be obtained than is provided in the table in § 73.52, and the amended rules would take advantage of this fact.

2. In addition, we proposed the transfer of material on indirect measurement of power to § 73.51, which presently deals with the direct measurement of power, with an appropriate change in title for § 73.51; to renumber § 73.57, Operating power; how determined, as § 73.52, deleting § 73.57; to revise and retitle § 73.54 so that it deals exclusively with the subject of antenna resistance and reactance measurement; to delete § 73.39(e) as obsolete, and to make minor changes in § 73.186(a)(5). The deadlines for filing comments and reply comments were set as August 22, 1969, and September 5, 1969, respectively.

3. Four parties filed timely comments on these proposals: Association on Broadcasting Standards, Inc. (ABS), Collins Radio Co. (Collins), E. Harold Munn, Jr. (Munn), and Charles E. Strain

(Strain), both consulting engineers. No reply comments were submitted.

4. ABS supports the proposed rule amendments without qualification. Collins concurs generally with the proposed changes, but urges that we consider in this proceeding rule amendments which would permit the use of the radio frequency directional wattmeter as an alternative to the presently prescribed "IFR" method for the direct measurement of power of standard broadcast stations.

5. Collins requests, in effect, that we enlarge the scope of this proceeding to encompass its proposal. If we took this action, a further notice would be required, and additional comments and reply comments invited. The expeditious adoption of the essentially noncontroversial rule amendments which are the subject of this proceeding would be indefinitely delayed. Therefore, although we believe the Collins proposal may have merit, we will not consider it further here. In any event, Collins' basic proposal, together with the ancillary rule changes which it considers desirable, can be examined realistically only in a proceeding which reviews all aspects of present rules relating to the direct measurement of power. Such an examination may be timely and appropriate. If Collins wishes to petition for the institution of such a proceeding, its request will be given careful consideration.

6. Munn suggests that, in addition to requiring the efficiency factor F to be entered in the operating log each day for each mode of operation (see proposed § 73.51(c)(2)), we stipulate that the actual operating power be computed and entered in the operating log. In this way, the relationship of specific plate voltage and current readings to a specific operating power will be established for the information of the operator, who, particularly if he holds other than a first class radiotelephone license, may otherwise record such readings without regard to their significance in the maintenance of an authorized power output.

7. Even when power is being determined by the direct method, the operator cannot determine the operating power without a computation utilizing the antenna current, a variable, and the previously measured antenna resistance (assumed to be a constant). However, in such a case the power varies directly with variations in a single parameter, and an operator of lower grade properly instructed pursuant to § 73.93(b) presumably knows within what limits the antenna current may vary without the operating power deviating beyond the tolerances prescribed by the rules. On the other hand, when power is being determined indirectly, it varies as the product of two varying factors, i.e., the plate voltage and plate current of the final radio stage. Maximum and minimum values for this product corresponding to the upper and lower operating power limits, or those limits themselves, should be specified for the operator if he is to maintain the transmitter at the proper level. It follows that the operator must know the product of the plate voltage and plate current values which he enters on the operating log, and perhaps the power computed therefrom if he is to comply with the instructions given him. So long as the proper value for the efficiency factor is entered in the operating log, it would not seem necessary that the product be multiplied by this factor, unless the limits specified in the operator's instructions are in terms of the computed power. We believe that Munn's suggestion is a good one, and in addition to requiring the entry of the factor F on the operating log, we are requiring that for each entry of the values of indicated plate voltage and plate current in the operating log, the product of these two factors also be entered, or the power computed for these values. In the Appendix hereto, we have included an amendment to subparagraph (a)(5) of § 73.113, Operating Logs, to "flag" the particular logging requirements of § 73.51(e)(2).

8. Proposed subparagraph (a) of § 73.54 reads:

"The resistance of an omnidirectional series fed antenna shall be measured at the base of the antenna without intervening coupling networks. For a shunt excited antenna, the antenna resistance shall be measured at the point the slant wire or other feed wire couples to the transmission line (or to the transmitter if no transmission line is employed)."

Strain suggests that the words "or components" be added to the end of the first sentence, to obviate the possibility that some single circuit element, such as a capacitor, may be interposed between the measurement point and the base of the antenna. We will adopt this suggestion.[1] Strain further states that the second sentence does not clearly preclude the intervention of a network or "component" between the measuring point and the feed wire, and would amend that sentence to read:

"For a shunt excited antenna, the antenna resistance shall be measured at the point where the RF energy is fed to the slant wire or other feed wire circuits."

We accept Strain's language, but believe the point would be further clarified if we add "without intervening networks or components."

9. Finally, Strain remarks that although § 73.54(c)(1) specifies that antenna resistance measurements be made at intervals of approximately 5 kc/s, and § 73.54(e)(2) requires the submission of a "schematic diagram showing all components of coupling circuits * * *", etc., that the Commission in the past has approved engineering reports containing measurements made only at 10 kc/s intervals, or not including detailed schematic diagrams. If the rule requirements mentioned are not important to the Commission in all cases, he suggests they be relaxed for the benefit of all engineers submitting antenna measurement data.

10. We do not know of the particular circumstances surrounding cases in which the Commission may have accepted engineering reports with antenna resistance measurements made at greater than 5 kc/s intervals, or reports not including schematic diagrams. We believe that the basic requirements of the present rules in these respects are necessary for the proper evaluation of reports of antenna resistance measurements and they will be carried forward, in substance, in the amended rules.

11. The proposed rules, with minor editorial revisions, and modified in accordance with submitted comments, as discussed above, are set forth below.

12. *Accordingly, it is ordered*, Effective December 18, 1969, that Part 73 of the rules and regulations is amended as set forth below. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

13. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 7, 1969.

Released: November 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.39, the text of paragraph (e) is deleted, and (e) is shown as [Reserved].

§ 73.39 Indicating instruments—specifications.

* * * * *

(e) [Reserved]

* * * * *

2. Section 73.51 is amended to read as follows:

§ 73.51 Operating power; how determined.

(a) Except as provided in paragraph (b) of this section, the operating power shall be determined by the direct method, i.e., as the product of the antenna resistance at the operating frequency (see § 73.54) and the square of the antenna current at this frequency measured at the point where the antenna resistance has been determined.

(b) The operating power shall be determined on a temporary basis by the indirect method described in paragraphs (c) and (d) of this section, in the following circumstances: (1) In an emergency, where the authorized antenna system has been damaged by causes beyond the control of the licensee or permittee (see § 73.45), or (2) pending completion of authorized changes in the antenna system, or (3) if changes occur in the antenna system or its environment which affect or appear likely to affect the value of antenna resistance or (4) if the antenna current meter becomes defective (see § 73.58). Prior authorization for determination of power by the indirect method is not required. However, an appropriate notation shall be made in the operating log.

(c) (1) Operating power is determined by the indirect method of applying an appropriate factor to the plate input power, in accordance with the following formula:

$$\text{Operating power} = Ep \times Ip \times F$$

Where:
Ep = Plate voltage of the final radio stage
Ip = Total plate current of the final radio stage
F = Efficiency factor

(2) The value of F applicable to each mode of operation shall be entered in the operating log for each day of operation, with a notation as to its derivation. This factor shall be established by one of the methods described in paragraph (d) of this section, which are listed in order of preference. The product of the plate current and plate voltage, or alternatively, the computed operating power, shall be entered in the operating log under an appropriate heading for each log entry of plate current and plate voltage.

(d) (1) If the transmitter and the power utilized during the period of indirect power determination are the same as have been authorized and utilized for any period of regular operation, the factor F shall be the ratio of such authorized power to the corresponding plate input power of the transmitter for regular conditions of operation, computed with values of plate voltage and plate current obtained from the operating logs of the station for the last week of regular operation. However, if the station has been regularly authorized for operation with directional antenna, and temporary authority has been granted for nondirectional operation with regularly authorized power, during the period that power is being determined indirectly, an adjusted factor F shall be employed, which is derived by dividing the factor, as determined above, by a constant (0.925 for authorized powers of 5 kw. or less; 0.95 for powers above 5 kw.).

(2) If a station has not been previously in regular operation with the power authorized for the period of indirect power determination, if a new transmitter has been installed, or if, for any other reason, the determination of the factor F by the method described in paragraph (d)(1) of this section is impracticable:

(i) The factor F shall be obtained from the transmitter manufacturer's letter or test report retained in the station's files, if such a letter or test report specifies a unique value of F for the power level and frequency utilized; or

(ii) By reference to the following table:

Factor (F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	0.25–1.0 kw.	
.80	Plate	5 kw. and over	
.35	Low level	0.25 kw. and over	B
.65	Low level	0.25 kw. and over	BC [1]
.35	Grid	0.25 kw. and over	

[1] All linear amplifier operation where efficiency approaches that of Class C operation.

(3) When the factor F is obtained from the table, this value shall be used even though the operating power may be less than the maximum rated carrier power of the transmitter.

§ 73.52 [Deleted]

3. The title and text of § 73.52 is deleted and the title and text of § 73.57 is redesignated as § 73.52.

§ 73.52 [Redesignated]

4. Section 73.54 is revised to read as follows:

§ 73.54 Antenna resistance and reactance; how determined.

(a) The resistance of an omnidirectional series fed antenna shall be measured at the base of the antenna, without intervening coupling networks or components. For a shunt-excited antenna, the antenna resistance shall be measured at the point when the radiofrequency energy is fed to the slant wire or other feed wire circuit without intervening networks or components.

(b) The resistance and reactance of a directional antenna shall be measured at the point of common radiofrequency input to the directional antenna system. The following conditions shall obtain:

(1) The antenna shall be finally adjusted for the required radiation pattern.

(2) The reactance at the operating frequency and at the point of measurement shall be adjusted to zero, or as near thereto as practicable.

(c) (1) The resistance of an antenna shall be determined by the following procedure: A series of discrete measurements shall be made over a band of frequencies extending from approximately 25 kc/s below the operating frequency to approximately 25 kc/s above that frequency, at intervals of approximately 5 kc/s. The measured values shall be plotted on a linear graph, with frequency as the abscissa and resistance as the ordinate. A smooth curve shall be drawn through the plotted values. The resistance value corresponding to the point of intersection of the curve and the ordinate representing the operating frequency of the station shall be the resistance of the antenna.

(2) For a directional antenna, the reactance of the antenna shall be determined by a procedure similar to that described in subparagraph (1) of this paragraph.

(d) The license of a station with a directional antenna, and authorized power of 5 kilowatts or less shall specify an antenna resistance 92.5 percent of that determined at the point of common input; for a station with directional antenna and authorized power exceeding 5 kilowatts the license shall specify an antenna resistance 95 percent of that determined at the point of common input.

(e) Applications for authority to determine power by the direct method shall specify the antenna or common point resistance, and shall include the following supporting information.

(1) A full description of the method used to make measurements.

(2) A schematic diagram showing clearly all components of coupling circuits, the point of resistance measurement, location of antenna ammeter, connections to and characteristics of all tower lighting isolation circuits, static drains, and any other fixtures, sample lines, etc., connected to or supported by the antenna, including other antennas and associated circuits.

(3) Make and type of each calibrated instrument employed, manufacturer's rated accuracy, together with the date of last calibration of the instrument, the accuracy of the calibration, and the identity of the person or firm making the calibration.

(4) A tabulation of all measured data.

(5) Graph(s) plotted from this data.

(6) The qualifications of the engineer(s) making the measurements.

§ 73.57 [Deleted]

5. Section 73.57 is deleted. The title and text are redesignated as § 73.52.

§ 73.58 [Amended]

6. In § 73.58(b)(3), the section reference in the first sentence is changed from "§ 73.52" to "§ 73.51 (c) and (d)."

7. In § 73.113, subparagraph (5) of paragraph (a) is amended to read as follows:

§ 73.113 Operating log.

(a) * * *

(5) Any other entries required by the instrument of authorization or the provisions of this part. See particularly, the additional entries required by § 73.51(c)(2) when power is being determined by the indirect method.

* * * * *

8. In § 73.186, subparagraph (5) of paragraph (a) is amended to read as follows:

§ 73.186 Field intensity measurements in allocation; establishment of effective field at 1 mile.

(a) * * *

(5) The antenna power of the station shall be maintained at the authorized level during all field intensity measurements. The power determination requires a knowledge of the total antenna resistance, which must be accurately measured and modified in accordance with § 73.54(d) in the case of a directional antenna, and of the antenna current, measured by an ammeter of acceptable accuracy (see §§ 73.39 and 73.58).

* * * * *

[F.R. Doc. 69-13629; Filed, Nov. 14, 1969; 8:48 a.m.]

[1] We make this addition as we believe it will improve the understanding of the provision on the basis of common usage of the terms employed, although strictly speaking, it should be unnecessary. The term network includes the case of a single element, e.g., a capacitor constitutes a two terminal reactive network.

[2] Chairman Burch abstaining from voting; Commissioner Wells not participating.

[FCC 69-1219]

PART 95—CITIZENS RADIO SERVICE

PART 97—AMATEUR RADIO SERVICE

PART 99—DISASTER COMMUNICATIONS SERVICE

Antenna Limitations

In the matter of amendment of Parts 95, 97, and 99 of the Commission's rules to comply with Part 17 of the Commission's rules concerning antenna limitations.

Order. 1. The Commission has under consideration the amendment of Parts 95, 97, and 99 of the Commission's rules governing the Citizens Radio Service, the Amateur Radio Service, and the Disaster Radio Service, respectively, to effect the editorial changes described below.

2. Docket No. 16474 (FCC 67-871) which was adopted on July 26, 1967, amended Part 17 of the Commission's Rules on Construction, Marking, and Lighting of Antenna Structures. Since Part 17 governs the antenna standards adhered to by the Commission, Parts 95, 97, and 99 of the rules should be amended to reflect the changes applicable.

3. In addition, paragraph (a)(3) of § 95.35 has been clarified to indicate that an application for modification is required for any change in the antenna structure of a Class A station. Since the antenna data is part of the parameters specified in the license, any change therefrom requires prior Commission approval.

4. Except for § 95.35(a)(3), the amendments adopted herein make no change in our rules other than to conform them precisely to the pertinent changes in Part 17, already accomplished by Docket No. 16474. Therefore, compliance with the provisions for notice and public procedure (5 U.S.C. 553) is unnecessary and they may be made effective immediately. Authority for these changes is contained in section 4(i) and section 303(r) of the Communications Act of 1934, as amended.

5. In view of the foregoing, *It is ordered*, That, effective November 21, 1969, Parts 95, 97, and 99 of the Commission's rules are amended, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 164, 303)

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

I. Part 95 of the Commission's rules is amended to read as follows:

1. In § 95.3(c) the definition for "Landing area" is deleted and the definition for "Antenna structure" is revised to read as follows:

§ 95.3 Definitions.

* * * * *

(c) * * *

Antenna structures. The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

* * * * *

2. Section 95.35(a)(3) is amended to read as follows:

§ 95.35 Changes in authorized stations.

* * * * *

(a) * * *

(3) Move, change the height of, or erect a Class A station antenna structure.

* * * * *

3. Section 95.37 is amended to read as follows:

§ 95.37 Limitations on antenna structures.

(a) Except as provided in paragraph (b) of this section, an antenna for a Class A station which exceeds the following height limitations may not be erected or used unless notice has been filed with both the FAA on FAA Form 7460-1 and with the Commission on Form 714 or on the license application form, and prior approval by the Commission has been obtained for:

(1) Any construction or alteration of more than 200 feet in height above ground level at its site (§ 17.7(a) of this chapter).

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes (§ 17.7(b) of this chapter):

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any construction or alteration on any airport listed in the Airport Directory of the current Airman's Information Manual (§ 17.7(c) of this chapter).

(b) A notification to the Federal Aviation Administration is not required for any of the following construction or alteration of Class A station antenna structures.

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption shall submit a statement with their application to the Commission explaining the basis in detail for their finding (§ 17.14(a) of this chapter).

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure (§ 17.14(b) of this chapter).

(c) A Class B, Class C, or Class D station operated at a fixed location shall employ a transmitting antenna which complies with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or manmade structure on which it is mounted; or

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and does not exceed the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of an antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

NOTE: A manmade structure is any construction other than a tower, mast, or pole.

(d) Class C stations operated on frequencies in the 72-76 Mc/s band shall employ a transmitting antenna which complies with all of the following:

(1) The gain of the antenna shall not exceed that of a half-wave dipole;

(2) The antenna shall be immediately attached to, and an integral part of, the transmitter; and

(3) Only vertical polarization shall be used.

(e) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Structures."

4. Section 95.107 is revised to read as follows:

§ 95.107 Inspection and maintenance of tower marking and lighting, and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspection and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements set forth in Part 17 of this chapter.

5. Section 95.111 is revised to read as follows:

§ 95.111 Recording of tower light inspections.

When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made in the station records in conformity with the requirements set forth in Part 17 of this chapter.

II. Part 97 of the Commission's Rules is amended as follows:

1. In § 97.3 paragraph (h) is amended and paragraph (i) is deleted to read as follows:

§ 97.3 Definitions.

* * * * *

(h) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any appurtenances mounted thereon.

2. Section 97.45 is revised to read as follows:

§ 97.45 Limitations on antenna structures.

(a) Except as provided in paragraph (b) of this section, an antenna for a station in the Amateur Radio Service which exceeds the following height limitations may not be erected or used unless notice has been filed with both the FAA on FAA Form 7460-1 and with the Commission on Form 714 or on the license application form, and prior approval by the Commission has been obtained for:

(1) Any construction or alteration of more than 200 feet in height above ground level at its site (§ 17.7(a) of this chapter).

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes (§ 17.7(b) of this chapter):

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any construction or alteration on an airport listed in the Airport Directory of the Airman's Information Manual (§ 17.7(c) of this chapter).

(b) A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption shall submit a statement with their application to the Commission explaining the basis in detail for their finding (§ 17.14(a) of this chapter).

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure (§ 17.14(b) of this chapter).

(c) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Structures." Information regarding the inspection and maintenance of antenna structures requiring obstruction marking and lighting is also contained in Part 17 of this chapter.

III. Part 99 of the Commission's rules is amended as follows:

1. In § 99.3, paragraph (h) is amended, and paragraph (i) deleted to read as follows:

§ 99.3 Definitions.

* * * * *

(h) *Antenna structures.* The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

2. Section 99.13 is revised to read as follows:

§ 99.13 Limitations on antenna structures.

(a) Except as provided in paragraph (b) of this section, an antenna for a station in the Disaster Communications Service which exceeds the following limitations may not be erected or used unless notice has been filed with both the FAA on FAA Form 7460-1 and with the Commission on Form 714 or on the license application form, and prior approval by the Commission has been obtained for:

(1) Any construction or alteration of more than 200 feet in height above ground level at its site (§ 17.7(a) of this chapter).

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes (§ 17.7(b) of this chapter):

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any construction or alteration on an airport listed in the Airport Directory of the Airman's Information Manual (§ 17.7(c) of this chapter).

(b) A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption shall submit a statement with their application to the Commission explaining the basis in detail for their finding (§ 17.14(a) of this chapter).

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure (§ 17.14(b) of this chapter).

(c) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Structures." Information regarding the inspection and maintenance of antenna structures requiring obstruction marking and lighting is also contained in Part 17 of this chapter.

[F.R. Doc. 69-13630; Filed, Nov. 14, 1969; 8:48 a.m.]

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 32485]

PART 1204—PIPELINE COMPANIES

Uniform System of Accounts for Pipeline Companies; Postponement of Effective Date

OCTOBER 30, 1969.

By order of the Commission entered October 30, 1969, the effective date of the amendments to Part 1204 of Title 49 of the Code of Federal Regulations published on page 15483 of the October 3,

1969, issue of the FEDERAL REGISTER is postponed until further order of the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13634; Filed, Nov. 14, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Havasu Lake National Wildlife Refuge, Needles, Calif., is open to public access, use and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge; and on that portion of Lake Havasu, as designated by signs, laying south of the Island.

(2) Fires may be built only at designated camping and picnicking areas.

(3) Camping is limited to 7 days and only at designated sites.

(4) Boating is permitted in all waters of the refuge except where restricted by appropriate signs.

(5) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

BLAYNE D. GRAVES, *Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.*

NOVEMBER 4, 1969.

[F.R. Doc. 69-13589; Filed, Nov. 14, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted on waters designated as open to fishing. These waters, comprising 6,674 acres, are delineated on maps available at the refuge headquarters, Needles, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, through December 31, 1970, inclusive, except that the closed area in Topock Marsh is closed to fishing during the waterfowl hunting season.

(2) The taking of fish with such devices as bow and arrow, spear, spear gun or other mechanical devices capable of propelling pellets or shafts is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

BLAYNE D. GRAVES, *Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.*

NOVEMBER 4, 1969.

[F.R. Doc. 69-13590; Filed, Nov. 14, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing on the Imperial National Wildlife Refuge, Arizona and California, is permited only on the areas designated as open to fishing. These open areas, comprising 8,100 acres, are delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1970, inclusive, except for an area of approximately 165 acres in Martinez Lake as posted to be closed during the periods January 1 through February 28, 1970, inclusive, and October 1 through December 31, 1970, inclusive.

(2) The use of bow and arrow for the taking of carp, buffalo, mullet, and suckers is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

CLAUDE F. LARD, *Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.*

NOVEMBER 6, 1969.

[F.R. Doc. 69-13643; Filed, Nov. 14, 1969; 8:49 a.m.]

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, Cayuga, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,470 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1969, through March 22, 1970, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 22, 1970.

HERBERT G. TROESTER, *Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak. 58013.*

NOVEMBER 7, 1969.

[F.R. Doc. 69-13644; Filed, Nov. 14, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 813]

1970 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the sugar quota established for the Domestic Beet Sugar Area for the calendar year 1970 is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held beginning at 10:00 a.m., e.s.t., November 25, 1969, in Room 2-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1970 among persons who process and market sugar produced from sugar beets in the Domestic Sugar Beet Area. The finding made above is based on the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and made or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets or molasses to be sold to and processed for the account of one allottee by another.

This notice of hearing also constitutes notice that at such hearing it will be appropriate to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or amended by the Secretary for the purposes of (1) allotting any increase or decrease in the quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final actual data for estimates of such data whenever estimates are used in the formulation of an allotment of the quota.

Signed at Washington, D.C., on November 14, 1969.

KENNETH E. FRICK, *Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 69-13701; Filed, Nov. 14, 1969; 10:38 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69-CE-15-AD]

AIRWORTHINESS DIRECTIVES

Learjet Models 23 and 24 Airplanes; Withdrawal

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring on or before January 15, 1970, the installation of a wing leading edge anti-icing system on Learjet Models 23 and 24 airplanes which have not been certificated for flight into icing conditions was published in the FEDERAL REGISTER on August 1, 1969 (34 F.R. 12594). The proposal requires this installation to be made in accordance with Learjet Engineering Change Record No. 457D on Learjet Model 24 (Serial Nos. 140 through 150) airplanes and in accordance with Learjet Modification Drawing 2481006 on Learjet Model 23 (Serial Nos. 003 through 099) airplanes and Learjet Model 24 (Serial Nos. 100 through 139) airplanes, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

Subsequent to the issuance of this proposal the manufacturer contacted the FAA and advised that they had obtained voluntary commitments from all but five of the owners of these model airplanes to have the modification accomplished on or before January 15, 1970. In addition, the type design data is being revised effective January 15, 1970, to include this modification as a required item of equipment.

Since the Learjet Models 23 and 24 airplanes will no longer conform to the type design data if not modified by January 15, 1970, the agency has written each of the 5 uncommitted owners recommending that they make arrangements to accomplish the required modification on or before January 15, 1970, to avoid suspension of the airworthiness certificate of said airplane. Under these circumstances, the agency has determined that the proposed airworthiness directive is not required at this time.

Withdrawal of this notice of proposed rule making constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), the proposed airworthiness directive published in the FEDERAL REGISTER on August 1, 1969 (34 F.R. 12594), is hereby withdrawn.

Issued in Kansas City, Mo., on November 7, 1969.

EDWARD C. MARSH, *Director, Central Region.*

[F.R. Doc. 69-13604; Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-123]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Watertown, N.Y., Control Zone (34 F.R. 4633) and Transition Area (34 F.R. 4781).

Since designation of controlled airspace at Watertown, N.Y., the VOR instrument approach procedure for Watertown Municipal Airport has been revised and criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Watertown, N.Y., control zone and transition area to protect aircraft executing the procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Watertown, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of the Federal Aviation Regulations so as to delete in the description of the Watertown, N.Y., control zone the words "and within" and all thereafter and insert in lieu thereof the following; "and within 3 miles each side of the Watertown, N.Y., VOR 211° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Watertown, N.Y., 700-foot transition area "and within 2 miles each side of the Watertown, N.Y., VOR 214° radial extending from the 7-mile radius to 8 miles southwest of the VOR." and insert in lieu thereof the following; "and within 3.5 miles each side of the Watertown, N.Y., VOR 211° radial, extending from the 7-mile radius area to 12 miles southwest of the VOR."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and section 6(c) of the DOT Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13608; Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-124]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Augusta, Maine, control zone (34 F.R. 4562) and Transition Area (34 F.R. 4646).

The VOR Runway 17 instrument approach procedure for Augusta State Airport, Augusta, Maine, has been revised. In addition, criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Augusta, Maine, control zone and transition area to protect aircraft executing the instrument approach procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Augusta, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Augusta, Maine, control zone all after "Augusta State Airport, Augusta, Maine;" and insert the following in lieu thereof; "within 3.5 miles each side of the Capital City, Maine, RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the 5-mile radius zone to 10.5 miles northwest of the RBN and within 3.5 miles each side of the Augusta VORTAC 328° radial, extending from the 5-mile radius zone to 10.5 miles northwest of the VORTAC."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Augusta, Maine, transition area, all after "Augusta State Airport, Augusta, Maine;" and insert the following in lieu thereof; "within 4.5 miles northeast and 9.5 miles southwest of the Capital City, Maine, RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the Capital City RBN to 18.5 miles northwest of the RBN and within 4.5 miles northeast and 9.5 miles southwest of the Augusta VOR TAC 328° radial, extending from the Augusta VORTAC to 18.5 miles northwest of the VORTAC."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13609; Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-130]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lebanon, N.H., control zone (34 F.R. 4597) and transition area (34 F.R. 4714).

A new VOR-2 instrument approach procedure and revision of the VOR-1 instrument approach procedure for Lebanon Regional Airport, Lebanon, N.H., will require alteration of the Lebanon, N.H., control zone and 700-foot floor transition area to provide controlled airspace protection for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lebanon, N.H., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Lebanon, N.H., control zone, "within 2 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 2 miles northeast", and insert the following in lieu thereof, "within 3.5 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 8.5 miles northeast"; delete "104° radial" and insert in lieu thereof, "103° radial".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add in the description of the Lebanon, N.H. 700-foot floor transition area, the following: "and within 4.5 miles southeast and 9.5 miles northwest of the Lebanon VOR 051° radial extending from the Lebanon VOR to 18.5 miles northeast of the VOR".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13610; Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-134]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Paducah, Ky. control zone (34 F.R. 4612) and transition area (34 F.R. 4740).

The NDB (ADF) Runway 4 and VOR Runway 4 instrument approach procedures for Barkley Field, Paducah, Ky., have been revised and will require alteration of the Paducah, Ky., control zone and the Paducah, Ky., 700-foot floor and 1,200-foot floor transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Paducah, Ky., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Paducah, Ky., control zone and substitute the following in lieu thereof: "within a 5-mile radius of the center, 37°03'40" N., 88°46'-20" W., of Barkley Field, Paducah, Ky., and within 3 miles each side of the 234° bearing from the Paducah RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Paducah, Ky., transition area and substitute the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 37°03'40" N., 88°46'20" W., of Barkley Field, Paducah, Ky.; within 3.5 miles each side of the 234° bearing from the Paducah RBN, extending from the 9-mile radius area to 12 miles southwest of the RBN; and within 3.5 miles each side of the Paducah VORTAC 225° radial, extending from the 9-mile radius area to 12 miles southwest of the VORTAC.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°01'30" N., 88°35'00" W. to 36°41'30" N., 88°55'30" W. to 36°53'30" N., 89°10'00" W. to 37°10'00" N., 89°07'10" W. to point of beginning.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the DOT Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13611; Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-141]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Laconia, N.H., Transition Area (34 F.R. 4711).

The NDB (ADF) Runway 8 instrument approach procedure for Laconia Municipal Airport, Laconia, N.H., has been revised. The revision requires alteration of the Laconia, N.H., transition area to provide airspace protection for aircraft executing the arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Laconia, N.H., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to delete the description of the Laconia, N.H., transition area and substitute the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center, 43°34'30" N., 71°25'25" W. of Laconia Municipal Airport, Laconia, N.H.; within 3.5 miles each side of the 249° bearing from the Laconia RBN, 43°33'14" N., 71°29'12" W., extending from the 6.5-mile radius area to 9.5 miles west of the RBN; and within 2 miles each side of the Runway 17 centerline, extended from the 6.5 mile radius area to 9.5 miles southeast of the end of the runway.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the DOT Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13612; Filed, Nov. 14, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-123]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lexington, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Lexington transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Franklin-Wilkins Airport (lat. 35°39'07" N., long. 88°22'47" W.); within 3 miles each side of the Jacks Creek VORTAC 165° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.

Since the last alteration of controlled airspace in the Lexington terminal area, turboprop aircraft have begun utilizing Franklin-Wilkins Airport. Also, application of Terminal Instrument Procedures (TERPs) and current airspace criteria requires the following actions:

1. Increase the transition area basic radius circle from 5 to 8 miles.

2. Increase the extension predicated on the Jacks Creek VORTAC 165° radial 2 miles in width and 0.5 mile in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 5, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13616; Filed, Nov. 14, 1969; 8:48 a.m.]

[14 CFR Part 93]

[Docket No. 9974; Notice 69-51]

HIGH DENSITY TRAFFIC AIRPORTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 93 of the Federal Aviation Regulations to continue in effect special air traffic rules for high density traffic airports which would otherwise expire on December 31, 1969.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington D.C. 20590. All communications received on or before December 15, 1969, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Amendments 93-13, 93-15, and 93-17 designate high density traffic airports and prescribe the aircraft equipment and air traffic rules for operating aircraft to or from those airports. An implementing provision of the rule provides for a limitation on the number of allocated IFR operations that may be reserved by certain specified classes of users on a daily basis from 6 a.m. to 12 midnight at John F. Kennedy, La Guardia, Newark, O'Hare, and Washington National, the designated high density airports.

This limitation was considered essential to provide relief from excessive delays at the designated high density airports during the summer of 1968. However, at the time of its adoption it was clearly stated that the FAA would not rely exclusively on the prospects of the proposed rule to relieve the air congestion problem. In this connection, procedures were changed to permit the accommodation of additional traffic, flow control procedures were instituted and it was anticipated that in the future there would be an upgrading of facilities.

The rule has now been in effect approximately four months. Insofar as aircraft delay information obtained during this time can be related to judge the success or failure of the rule, we are able to conclude at least that the congestion problem has improved somewhat as compared to the situation a year ago. While aircraft delays were higher during June of this year than in June of last year, during the months of July, August, and September the combined delay figures were substantially lower than a year ago. Since during this time no substantial change has been made to the system, we have concluded that the improvement in the delay situation can be attributed directly to the high density traffic airports rule.

The rule assigns allocations of operations to each class of aircraft operator on an hourly basis at each of the affected airports. A review of the usage of each airport shows that full utilization of all allocated quotas occurs infrequently and only during the early evening hours. Use of the entire quota by carriers throughout any extended periods has only been experienced at Washington National Airport. The highest continuous usage of allotments by all three user groups occurs at La Guardia. During some hours at La Guardia and nearly all the time at the other airports, there are reservations available within the quotas for the nonairline group.

Even though a judgment as to the precise degree to which the rule has inhibited operations at the five high density airports is unknown, the information available demonstrates that the decrease in total operations is common to all five airports, due in part to shifting operations to other locations and to other airports. While there has undoubtedly been inconvenience to some aircraft operators, this is more than offset by the decreased congestion and reduced delays at the airports concerned. Experience to date strongly supports continuation of the rule.

The present expiration date of the rule, December 31, 1969, was established in anticipation of significant increase in system capacity. While there have been some procedural improvements to increase ATC capability, these are not sufficient at present to accommodate all aircraft users desiring to use the high density airports without the restraining influence of the rule.

Because of these factors and the encouraging operational experience with the rule, it is proposed to continue the rule for a period of 9 to 12 months. The rule will be kept under continuing review and modified as circumstances require or permit. In this regard, as a result of operational experience to date several procedural adjustments in the methods used to obtain reservations are being considered. The present 48-hour limitation on obtaining advance IFR reservations will be adjusted to provide for a longer period through weekends. Other changes are contemplated to improve the administration of the rule.

This amendment to Part 93 of the Federal Aviation Regulations is proposed under the authority of sections 103, 307 (a), (b), and (c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), and (c), 1354(a), and 1421), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 13, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-13665; Filed, Nov 14, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 18]

[Docket No. 18731; FCC 69-1215]

INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission believes that the wording in § 18.3(b) of Part 18 of the rules which refers to "surgical diathermy apparatus designed for intermittent operation with low power" is too general and should be more specific as to the meaning of low power. It is proposed that "input power of 50 watts or less" be substituted for the words "low power" so that the definition in § 18.3 will read:

(b) "Medical Diathermy equipment" shall include any apparatus (other than surgical diathermy apparatus designed for intermittent operation with input power of 50 watts or less) which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for therapeutic purposes.

3. This proposal to amend the Commission's rules is issued under the authority of §§ 4(i) and 303(r) of the Communications Act of 1934, as amended.

4. Comments in support of or in opposition to the proposed amendment may be filed on or before December 18, 1969. Reply comments may be filed on or before January 2, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

5. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: November 7, 1969.

Released: November 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13631; Filed, Nov. 14, 1969; 8:48 a.m.]

[47 CFR Parts 91, 95]

[Docket No. 18733; FCC 69-1218]

CLASS C STATIONS IN CITIZENS RADIO SERVICE FOR RADIO CONTROL OF MODELS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. By its report and order (FCC 66-421) in Docket No. 16122, adopted May 11, 1966, the Commission permitted Class C stations in the Citizens Radio Service, under specified conditions, to use frequencies in the 72-76 Mc/s band for the control of model aircraft only. The Commission now has under consideration a petition (RM-1424) filed by W. C. Young requesting amendment of the rules to extend this privilege to the radio control of model boats and cars as well.

3. In support of his request, the petitioner states that members of the radio control modeling fraternity who race model boats and cars have exactly the same problems as those flying model airplanes. The interference received to their operations on the 27 Mc/s band where they are currently confined subjects them to loss or damage of equipment. Further, many modelers are engaged in both types of operation and it becomes a financial burden to purchase radio equipment in both frequency ranges.

4. A number of informal comments were received which supported the request. No opposing comments were received. In the period of more than three years that airplane modelers have been permitted to use the 72-76 Mc/s band, the Commission is aware of no instances where such operation has created interference to other users of the band. In view of the foregoing, it appears that the public interest would be served by extending the privileges of Class C stations operating in the 72-76 Mc/s band to include the radio control of models of any type. The text of the proposed amendments is set forth in the attached appendix.

5. Authority for the rule amendments as proposed in the attached appendix is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 18, 1969, and reply comments on or before January 2, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

7. In accordance with the provisions of § 1.419 of the rules, an original and fourteen (14) copies of all comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: November 7, 1969.

Released: November 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

I. Proposed amendment to Part 91, Industrial Radio Services.

Section 91.730(b)(13) is amended to read as follows:

§ 91.730 Frequencies available.

* * * * * *

(b) * * *

(13) This frequency is shared with Class C stations in the Citizens Radio Service which are used solely for the radio control of models.

* * * * * *

II. Proposed amendments to Part 95, Citizens Radio Service.

1. In § 95.3(b), the definition of Class C station is amended to read as follows:

§ 95.3 Definitions.

* * * * * *

(b) * * *

Class C station. A station in the Citizens Radio Service licensed to be operated on an authorized frequency in the 26.96-27.23 Mc/s band, or on the frequency 27.255 Mc/s for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, or on an authorized frequency in the 72-76 Mc/s band for the control of models only.

* * * * * *

2. The text preceding the table in § 95.41(c)(2) is amended to read as follows:

§ 95.41 Frequencies available.

* * * * * *

(c) * * *

(2) Solely for the radio control of models and subject to the conditions (i) that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television transmissions on channels 4 or 5 and (ii) that no protection will be afforded from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies in the band, the following frequencies are available.

* * * * * *

[F.R. Doc. 69-13632; Filed, Nov. 14, 1969; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 206]

[Reg. F]

SECURITIES OF MEMBER STATE BANKS

Notice of Proposed Rule Making and Amendments to Forms

The Board of Governors of the Federal Reserve System is considering the adoption of amendments to Part 206 (Regulation F). The proposed amendments to Part 206, set forth below, would make the following changes:

(1) *Definitions* (*§ 206.2*). The definition of "significant subsidiary" would be expanded to clarify the meaning of the term "investments" as used therein. This amendment would incorporate present administrative practice.

(2) *Inspection and publication of information filed under the Act* (*§ 206.3*). The regulation presently provides that statements and reports filed pursuant thereto will be available for inspection at the Board's offices and at each of the 12 Federal Reserve Banks. A study has indicated that there is not sufficient use of such records by the public to justify the maintenance of such records at all Federal Reserve Banks. Accordingly, it is proposed to provide that all such records will only be maintained at the New York, Chicago, and San Francisco Federal Reserve Banks but that reports filed by banks outside the districts served by such Reserve Banks will also be maintained at the Reserve Bank of the district in which such bank is located.

In this connection, other sections of the regulation that presently require the filing of 16 copies of each statement or report would be amended to reduce the number of required copies to eight.

(3) *Registration statements and reports of banks* (*§206.4*). Experience has indicated that there is a considerable time lag between the time financial information is first released to the public

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

by banks subject to Regulation F and the time that such information is filed with the Board. Accordingly, it is proposed to reduce the time within which annual reports are required to be filed from 120 days after the close of the bank's fiscal year, as presently required, to 90 days after the close of such fiscal year, or within 15 days of the mailing of the bank's annual report to stockholders, whichever occurs first. It is also proposed to reduce the period within which a bank is required to file quarterly reports from 45 days after the end of the quarter to 30 days.

(4) *Proxy statements* (§ *206.5*)—(a) *Requirement of statement.* It is proposed to clarify the language of § 206.5(a) with respect to the time for furnishing an "information statement" and the circumstances under which required. In addition, the minimum notice period would be extended from 15 to 20 days. No time period for mailing of proxy soliciting material is specified, since it is presumed that management will make the solicitation sufficiently early to allow return of proxies; in such cases the minimum notice period is that prescribed by State law.

(b) *Annual report to security holders to accompany statements.* Section 206.5 (c) would be revised to require inclusion in an annual report to security holders of financial statements for the last 2 fiscal years rather than only the preceding fiscal year, as presently required. In addition, instructions would be added to codify to some extent a 1965 Board interpretation (12 CFR 206.103) concerning minimum requirements for financial statements to be included in annual reports to security holders. The substance of such interpretation would be changed to the extent necessary to make it consistent with changes in financial statement reporting proposed hereinafter.

It is also proposed to amend § 206.5(c) by adding a note which would indicate that only one copy of an annual report need be sent to holders of record having the same address, provided (1) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (as defined in § 206.2(ff) of Regulation F) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (2) the security holders at such address consent thereto in writing. However, where a record holder has an obligation to obtain or send the annual report to other persons, such as the beneficial owners of the securities held in his name, he would not be relieved of such obligation by the new provision.

(c) *Requirements as to proxy.* The present requirements as to the form of proxies do not permit the security holder being solicited an opportunity to withhold authority to vote for directors if he wishes to cast a vote with respect to other matters to be acted upon at the meeting. Section 206.5(d) would be amended to require that the form of proxies be prepared so as to enable the security holder to vote on specified matters without conferring authority to vote for elections to office. It would not apply, however, in cases of a merger or consolidation involving elections to office where such elections are part of the plan and are not to be separately voted upon.

In addition, it is proposed to itemize certain matters that may arise during the course of a meeting with respect to which a proxy may confer discretionary authority. The amendment would incorporate present administrative practice in this regard.

(d) *Material required to be filed.* Paragraph (1) of § 206.5(f) presently requires the preliminary filing with the Board of three copies of the proxy soliciting material at least 10 calendar days prior to the date such material is to be sent or given to security holders in the case of a "routine" meeting (that is, involving only the election of directors and other recurring matters) and 15 days in the case of a nonroutine meeting. It is also provided that the management or other person filing such material may presume that the Board will have no comments with respect thereto unless such comments are received, or they are otherwise advised, before the expiration of the applicable period. This latter provision was intended to reduce the amount of communication necessary between bank management and the Board and to eliminate the uncertainty as to when proxy soliciting material may be commenced to be mailed; in practice, such provision has had the opposite effect. Accordingly, it is proposed that such provision be replaced with a cautionary provision to the effect that printing of definitive copies of the proxy soliciting material for distribution to security holders should be deferred until comments are received from the Board's staff or the persons submitting such material are advised that the Board's staff has no comments. The Board's staff would continue to endeavor to complete its review of preliminary proxy material and communicate its comments with respect thereto within the time periods referred to above.

In addition, paragraph (1) of § 206.5 (f) would be amended to indicate that in computing the 10- or 15-day period, (1) the filing date is the date preliminary material is actually received by the Board (not the date on which it was mailed to the Board), and (2) the filing date of the preliminary material is to be counted as the first day and the 11th or the 16th day, as the case may be, as the date on which definitive material can be planned to be mailed to security holders. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(e) *False or misleading statements.* Section 206.5(h), which relates to false or misleading statements in proxy soliciting material, would be amended to state specifically that the filing of proxy material with the Board or the examination of such material by the Board's staff is not to be deemed a finding by the Board that such material is accurate or complete or that the Board has "approved" such material or the proposals contained therein. The amendment would incorporate into the regulation the principles of section 26 of the Securities Exchange Act of 1934, as made applicable specifically to proxy statements.

(f) *Prior solicitations.* In general, the regulation's provisions relating to proxy solicitations provide that no solicitation may be made prior to furnishing to security holders a written proxy statement. An exception, permitting prior solicitations under certain conditions, is made in connection with contests involving elections to office. A proposed new paragraph "(o)" would permit prior solicitations under similar conditions in the case of contests involving other matters, such as invitations for tenders.

(5) *Form and content of financial statements* (§ *206.7*). To emphasize the importance of explanatory notes to financial statements and improve readability of financial presentations, a requirement is proposed to reference such notes to appropriate captions of the financial statements.

Since experience has indicated that the detailed information furnished in "Schedule VIII—Occupancy Expense of Bank Premises" is of marginal use, it is proposed to eliminate such schedule. In this connection, proposed amendments to the form of "Statement of Income" (Form F–9B) would require under the item "occupancy expense of bank premises" inset entries setting forth gross occupancy expense and rental income.

The Board of Governors also has under consideration amendments to Forms F–2, "Annual Report"; F–4, "Quarterly Report"; F–5, "Proxy Statement; Statement Where Management Does Not Solicit Proxies"; and Form F–9, "Financial Statements". Copies of the forms as proposed to be amended, or amendments to the forms, have been filed as part of this document with the Office of the Federal Register and may be obtained from the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

An explanation of the proposed amendments is as follows:

FORM F–2—ANNUAL REPORT

Consistent with the proposed requirement to include financial statements for the last 2 fiscal years in annual reports to security holders (§ 206.5(c)), it is proposed to require comparative financial statements for the current and preceding year in the annual report filed with the Board. Such comparative presentations in annual financial reports have gained wide acceptance in recent years and have a useful analytical purpose.

FORM F–4—QUARTERLY REPORT

The quarterly report has been extended to include the reporting of net income on an interim basis. While a summarized statement of interim earnings may not necessarily be indicative of annual results, the availability of such information is meaningful disclosure to the security holder. As suggested in Instruction (c) to the form, appropriate qualification as to interim results may be made.

FORM F–5—FORM FOR PROXY STATEMENT; STATEMENT WHERE MANAGEMENT DOES NOT SOLICIT PROXIES

Item 2. Dissenters' rights of appraisal. This item requires a description of dissenters' rights of appraisal with respect to any matter to be acted upon. It is proposed to add an instruction requiring an indication as to whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal rights. This instruction would codify current administrative practice in requiring such information.

Item 5. Voting securities and principal holders thereof. This item, which requires certain information as to the voting securities of the bank and principal holders thereof would be amended to require disclosure where any person "and his associates" own of record or beneficially more than 10 percent of the bank's stock. This amendment is intended to resolve an ambiguity in the present requirements of this item, which is sometimes interpreted as applying only to a single person owning more than a 10 percent interest in the bank. It is intended that aggregate ownership of a more than 10 percent interest by a group of related persons also be disclosed.

Item 6. Nominees and directors. This item would be amended to delete the requirement that directors' qualifying shares be excluded in reporting beneficial ownership of the bank's shares by the nominees and directors. In addition, a new paragraph (c) would be added to specify that where fewer nominees are named than the number provided in the governing documents, a statement be included of the reason for such procedure and that the proxies cannot be voted for a greater number of nominees than were named. These proposals codify current administrative practice.

Item 7. Remuneration and other transactions with management and others.

(i) Paragraph (a) of this item specifies the individuals whose remuneration must be separately disclosed. It is proposed to amend the item to clarify its applicability in this regard.

(ii) Instruction 3 to paragraph (b) of the item would be amended to specifically require a brief description of the material terms of certain types of pension or retirement plans (where the bank's contribution is not actuarially computed), including the method used in determining the bank's contribution.

(iii) Item 7(b) specifies the information to be disclosed with respect to options granted to or exercised by officers and directors of the bank. The amendment to this item would also require disclosure of the amount of options held as of the latest practicable date by each officer and director named in answer to Item 7(a) and the amount held by all officers and directors as a group. It is believed that this information, together with that regarding options granted and exercised, would give a more complete picture of remuneration, actual and potential.

(iv) Subparagraph (e) of this item, which relates in a general way to disclosure of indebtedness, would be amended in view of the specific provisions referred to in (v) below. In the future, this subparagraph would only require disclosure of liability arising from "insider trading" in violation of section 16(b) of the Securities Exchange Act.

(v) The amendment to subparagraph (f), which requires disclosure of certain material transactions between the bank and its officers, directors, and 10 percent stockholders and their associates, would mainly codify an interpretation of the Board of Governors which appeared in the December 1965 issue of the Federal Reserve Bulletin at page 1707 (30 F.R. 15089). The principal effect of the interpretation and the codifying proposed amendments is to (1) indicate more clearly that a transaction involving a director of a bank need not be reported where the only "interlock" is that the director is a director, officer, and/or less than 10 percent stockholder of the other party to the transaction, and (2) provide criteria for determining whether loans to "insiders" made in the ordinary course of a bank's business are required to be reported. A loan that meets all the conditions of the specific exemptive provisions would not be required to be disclosed; otherwise, it would be prima facie reportable. In addition, a general description of loan transactions with directors, officers, and 10 percent stockholders, as a group, would be required where the amount of such loans exceeded 20 percent of the equity accounts of the bank at any time during the preceding year.

Item 9. Bonus, profit-sharing, and other remuneration plans. Item 10. Pension and retirement plans. Item 11. Options, warrants, or rights. These items specify the information to be furnished where the matter to be acted upon is the adoption or amendment of a bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plan. It is proposed to amend these items to provide that in describing provisions already made for similar benefits for officers, directors, and employees, information is to be given not only with respect to plans currently in effect, but also with respect to benefits under similar plans in effect within the past 2 years. In addition, other clarifying amendments, which also codify present administrative practice, are proposed.

Item 12. Authorization or issuance of securities. Where action is to be taken with respect to the authorization or issuance of securities, this item calls for a description of such securities and of the proposed transaction. Some State banking laws permit banks to solicit stockholder approval for future issuances of securities, although the bank has no definite plans to issue such securities in the proximate future. The proposed amendment would codify current administrative practice of requiring the bank to advise security holders of the possible effects of such future issuances of securities on their interests.

Item 14. Mergers, consolidations, acquisitions, and similar matters. This item specifies the information to be furnished with respect to each person, other than the bank making the solicitation, that may be involved in a proposed merger, consolidation, acquisition, or similar transaction. The amendment would require that such information also be furnished with respect to the bank making the solicitation, in order that security holders may have a complete picture of the nature and effect of the proposed transaction. The amended item would also require information with respect to the existing and pro forma capitalization, summaries of income on an historical and pro forma basis, and appropriate comparative per share data, for the banks and other persons involved in the transaction. Information concerning the management of the surviving bank would also be required. Since under many State banking laws, stockholder approval is required even though the merger or acquisition is not "significant", in terms of size or operations, to the acquiring or surviving bank, it is proposed to include an instruction that, with respect to such transaction, the information specified need only be included to the extent necessary for the exercise of prudent judgment with respect to the matter to be acted upon. The proposed amendments would codify current administrative practice.

Item 15. Financial statements. This item specifies financial statements required to be furnished if action is to be taken with respect to certain matters. The item presently provides that all schedules to financial statements may be omitted; the item would be amended to require the inclusion of the information specified in "Schedule VII—Allowance for Possible Loan Losses". In addition, it is proposed to require that the financial statements of the other party to a merger or acquisition shall be verified, if practicable. (The item presently states that such financial statements need not be verified.)

Item 20. Vote required for approval. It is proposed to amend Items 12(d), 13(c), 14(a), and 18 to delete the requirement for stating the vote needed for approval of the matter to be acted upon. This information would be required by Item 20 which would require a statement of the vote required for approval of each matter to be submitted to security holders other than elections to office and the election or approval of auditors.

FORM F–9—FINANCIAL STATEMENTS

The principal purpose of the proposed revisions in the guideline forms and related instructions for the preparation of financial statements is to incorporate in the regulation certain bank accounting practices recently agreed upon by representatives of industry, professional accountants, and Federal regulatory

agencies. This agreement was announced by the Board on July 18, 1969. In addition, changes are proposed to achieve basic compatibility with the reporting requirements of the annual Report of Income and Reports of Condition periodically called by the Federal bank supervisory agencies.

Changes to be noted in the balance sheet include a restructure of the investment securities classifications and the new placement of the "Allowance for loan losses" account in a section preceding the bank capital accounts. Such changes conform to the revised Statement of Condition used for call purposes in 1969.

Important revisions proposed for the Statement of Income include (1) the designation of "net income," (2) allocation of a loan loss factor to operating expenses, and the inclusion of net securities gains or losses, as realized, in the determination of net income. Provision has been made in the Statement of Income for treatment of extraordinary items in accordance with generally accepted accounting principles and for reporting earnings per share data.

Appropriate revisions of the Statement of Changes in Capital Accounts and supporting schedules have been made to conform with the proposed changes discussed above.

Other proposed revisions in the guideline forms and related instructions incorporate administrative procedures adopted by the Board's staff during the 5 years Regulation F has been in effect.

This notice is published pursuant to section 553(d) of title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit, in writing, relevant data, views, or arguments. Such material should be sent to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 5, 1969. Under the Board's rules regarding availability of information (12 CFR 261), such materials will be made available for inspection and copying to any person upon request unless the person submitting the material requests that it be considered confidential.

By order of the Board of Governors, November 12, 1969.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

The proposed amendments to Part 206 are as follows (those provisions of Part 206 not shown below will remain unchanged):

§ 206.2 Definitions.

* * * * *

(z) The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

* * * * *

§ 206.3 Inspection and publication of information filed under the Act.

* * * * *

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Board will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. In addition, copies of the registration statement and reports required by § 206.4 (exclusive of exhibits), the statements required by § 206.5(a), and the annual reports to security holders required by § 206.5(c), will be available for inspection at the New York, Chicago, and San Francisco Federal Reserve Banks and at the Reserve Bank of the district in which the bank filing the statements or reports is located.

* * * * *

§ 206.4 Registration statements and reports of banks.

* * * * *

(e) *Requirement of annual reports.* Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement. The report, which shall conform to the requirements of Form F-2, shall be filed within 90 days after the close of the fiscal year or within 15 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

* * * * *

(h) *Quarterly reports.* Every registrant bank shall file a quarterly report in conformity with the requirements of Form F-4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a registration statement except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the report for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

* * * * *

(q) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, eight copies of each registration statement and report (including financial statements) and four copies of each exhibit and each other document filed as a part thereof, shall be filed with the Board. At least one complete copy of each statement shall be filed with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

* * * * *

§ 206.5 Proxies, proxy statements, and statements where management does not solicit proxies.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F-5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F-5. The "information statement" required by the preceding sentence shall be transmitted (1) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote, or (ii) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or a statement where management does not solicit proxies required by this paragraph is hereinafter sometimes referred to as a "Statement".

* * * * *

(c) *Annual report to security holders to accompany statements.* (1) Any statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year on a consistent basis. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Board, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's Statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

NOTES: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited, to the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years.

(b) Comparative statements of income in a form providing for the determination of "net income" for each fiscal year and per share earnings data.

(c) Comparative statements of changes in capital accounts, preferably in columnar form, for each fiscal year.

(d) A comparative reconciliation of the "Allowance for Possible Loan Losses" account similar in form to schedule VII, Form F-9D.

(e) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 206.7(d). Any differences from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the bank filed or to be filed with the Board, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F-2) filed, or proposed to be filed, with the Board are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 206.2(ff)) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(2) Eight copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Board not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Board pursuant to paragraph (f), whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Board or otherwise subject to this § 206.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* * * *

(3) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so states in bold-face type.

INSTRUCTION: Paragraph (3) does not apply (i) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

(4) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters that the persons making the solicitation do not know, within a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy tsatement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to § 206.5(k);

(v) Matters incident to the conduct of the meeting.

(5) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

(6) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to subparagraph (2) of this paragraph, a choice with respect to any matters to be acted upon, the shares will be voted in accordance with the specifications so made.

* * * * *

(f) *Material required to be filed.* (1) Three preliminary copies of each statement, form of proxy, and other items of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Board by management or any other person making a solicitation subject to this § 206.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this subparagraph (1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 206.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the Board.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Board at least 2 days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Eight copies of each Statement, form of proxy, and other item of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Board not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Board by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

* * * * *

(9) The date that proxy material is "filed" with the Board for purposes of subparagraphs (1), (2), and (4) of this

paragraph is the date of receipt of the material by the Board, not the date of mailing to the Board. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraph, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Board pursuant to this subsection, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Board's staff have been received and considered.

* * * * *

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Board or its staff shall not be deemed a finding by the Board that such material is accurate or complete or not false or misleading, or that the Board has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

* * * * *

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of § 206.5(a), a solicitation (other than one subject to § 206.5(i)) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F–5 with respect to such solicitation if:

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by § 206.5(a) is furnished to security holders: *Provided, however,* That this subparagraph (ii) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation, and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by § 206.5(a) shall be filed with the Board in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as may be authorized.

§ 206.7 **Form and content of financial statements.**

* * * * *

(c) *Provisions of general application.* * * *

(9) General notes to balance sheets. If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

* * * * *

(10) General notes to statements of income. If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

* * * * *

(f) *Schedules to be filed.* * * *

(2) The following schedule shall be filed with each statement of income filed pursuant to this part: Schedule VII—Allowance for Possible Loan Losses.

* * * * *

[F.R. Doc. 69–13622; Filed, Nov. 14, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69–245]

AIRCRAFT IN FOREIGN TRADE

Supplies and Equipment for Aircraft of Foreign Registry

NOVEMBER 7, 1969.

Treasury Decision 52431(4), dated March 14, 1950, stated that in accordance with section 309(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce had found and advised the Secretary of the Treasury that Canada allowed privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those referred to in sections 309(a) and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309(a), 1317) in respect of aircraft registered in a foreign country and actually engaged in foreign trade.

Under date of April 30, 1969, the Department of Commerce advised that its finding did not include ground equipment since it was not included in the exemptions allowable under section 309 of the tariff act prior to its amendment by the Customs Simplification Act of 1953 (sec. 11(a), 67 Stat. 514). At the same time, the Department of Commerce issued a finding that Canada was not allowing exemptions from duty or tax on ground equipment brought into that country for aircraft of U.S. registry engaged in foreign trade.

Effective May 1, 1969, in Treasury Decision 69–149, ground equipment was excluded from the free withdrawal privileges of section 309(a)(3) of the Tariff Act of 1930, as amended, for aircraft registered in Canada.

On October 13, 1969, the Department of Commerce issued a finding that, effective September 17, 1969, Canada allows exemption from duty or tax on ground equipment brought into that country for aircraft of U.S. registry engaged in foreign trade.

Accordingly, effective September 17, 1969, ground equipment may be withdrawn under section 309(a)(3) of the tariff act for aircraft registered in Canada.

During the period May 1, 1969, to September 16, 1969, inclusive, ground equipment did not qualify for free withdrawal under section 309(a)(3) of the tariff act for aircraft registered in Canada and the finding of the Department of Commerce of October 13, 1969, does not affect that situation.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69–13638; Filed, Nov. 14, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH 279]

SUGAR BEETS

Notice of Hearings on Wages and Prices and Designation of Presiding Officers

Pursant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Detroit, Mich., on December 1, 1969, in the Shelby Room, Pick-Fort Shelby Hotel, beginning at 9:30 a.m.;

At Fargo, N. Dak., on December 3, 1969, in the Bowler, Inc. (north entrance), 2630 South University Drive, beginning at 9:30 a.m.;

At Sacramento, Calif., on December 5, 1969, in Room W–1140, New Federal Building, 2800 Cottage Way, beginning at 9:30 a.m.;

At San Antonio, Tex., on December 9, 1969, in the John F. Kennedy High School Auditorium, 1922 South General McMullen Drive, beginning at 9:30 a.m.;

At Denver, Colo., on December 12, 1969, in Room 269 (second floor), U.S. Post Office Building, corner of 19th and Stout Streets, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the Act, whether the wage rates established for sugarbeet fieldworkers in the wage determination which became effective April 7, 1969 (33 F.R. 5904 and 34 F.R. 6651), continue to be fair under existing circumstances, or whether such determination should be amended; and (2) pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1970 crop of sugarbeets to be paid, under purchase or toll agreements, by producers who process sugarbeets grown grown by other producers and who apply for payments under the Act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

T. O. Murphy, C. F. Denny, R. R. Stansberry, J. E. Agnew, and R. Jordan are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C. on November 12, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–13663; Filed, Nov. 14, 1969; 8:50 a.m.]

Office of the Secretary

FOREIGN ECONOMIC DEVELOPMENT SERVICE

Notice of Proposed Transfer of Assignments of Functions and Delegations of Authority

In accordance with Reorganization Plan No. 2 of 1953, and in order to afford interested persons and groups an opportunity to place before the Department their views with respect to the proposed action, the Department is giving advance public notice of a proposed transfer of assigned functions and the establishment of a new agency.

1. *Purpose.* Agriculture provides the major source of national income and is a way of life for more than half the population of the less developed countries of the world. It is recognized that the development of practically all countries receiving assistance is dependent upon the social well-being and production efficiency of their rural populations. Recently some success has been achieved in accelerating agricultural production. This has brought into focus the needs of overall economic and social development. New problems must now be attacked, such as distribution of the benefits of development, use of the labor force, improved nutrition and related agricultural policies. The resources of the USDA must be coordinated and mobilized to more fully assist in planning, executing and evaluating agricultural assistance programs in the developing countries.

2. *Functions shifted.* In order to bring foreign economic development closer to other economically-oriented activities of the Department, we are proposing the establishment of a new agency. This agency will be the Foreign Economic Development Service. This agency, under the direction of an Administrator, will report to the Secretary, through the Director of Agricultural Economics.

The Department proposes to transfer to the Foreign Economic Development Service all international agricultural

development, technical assistance and training functions administered by the Foreign Agricultural Service.

3. *Management support activities.* Support activities such as accounting, budget, personnel and other administrative services as are required by the new agency will be provided by the Office of Management Services.

In order to be considered, views and comments of interested persons and groups must be received by the Secretary by November 24, 1969.

Done at Washington, D.C., this 8th day of November, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-13621; Filed, Nov. 14, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

HANOVER BOROUGH SCHOOL DISTRICT, PA., ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 69-13254 appearing at page 18047 in the issue of Friday, November 7, 1969, on page 18048, Column 1, the reference to "Docket No. 70-02265-33-46500" should read "Docket No. 70-00265-33-46500".

OHIO STATE UNIVERSITY ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00273-33-46040. Applicant: The Ohio State University, Department of Psychiatry, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in numerous projects in the study of the pathology of the nervous system by faculty members. Besides research, the microscope will be utilized by graduate students in a program to familiarize themselves with research techniques; by medical students to study ultrastructure; and by residents to learn the technique of electron microscopy and to pursue specific problems. Application received by Commissioner of Customs: October 22, 1969.

Docket No. 70-00274-00-46040. Applicant: University of Minnesota, College of Dentistry, 519 Owre Hall, Minneapolis, Minn. 55455. Article: Exposure meter shutter combination. Manufacturer: Siemens & Halske, West Germany. Intended use of article: The article will be used to improve resolution and performance of an existing electron microscope. Application received by Commissioner of Customs: October 22, 1969.

Docket No. 70-00274-00-46040. Applicant: University of Minnesota, College of Dentistry, 519 Owre Hall, Minneapolis, Minn. 55455. Article: Short focal length objective pole piece. Manufacturer: Siemens & Halske, West Germany. Intended use of article: The article will be used to improve resolution and performance of an existing electron microscope. Application received by Commissioner of Customs: October 22, 1969.

Docket No. 70-00276-33-46040. Applicant: Stanford University, Department of Biological Sciences, Stanford, Calif. 94205. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research by faculty members and advanced graduate students. Specific projects under investigation are the study of the ultrastructure of cell junctions in developing epithelial organs, contractile filament systems in morphogenetically active epithelial cells, and the fine structure of collagenous microfilaments embedded within the basal lamina of developing organ systems. Application received by Commissioner of Customs: October 23, 1969.

Docket No. 70-00277-61-46040. Applicant: Duke University, Durham, N.C. 27706. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used primarily to investigate the genetic control of organelle differentiation in green algae and higher plants. A series of mutants which fail to form morphologically and/or functionally normal chloroplasts or mitochondria are being studied. Application received by Commissioner of Customs: October 27, 1969.

Docket No. 70-00278-97-80600. Applicant: U.S. Department of Commerce, National Bureau of Standards, 325 Broadway, Boulder, Colo. 80302. Article: N. P. L. Teramet. Manufacturer: National Physical Laboratory, United Kingdom. Intended use of article: The article will be used for research investigation involving the measurement of submillimetre wave refractive indices and of distances by submillimetre waves. Application received by Commissioner of Customs: October 27, 1969.

Docket No. 70-00279-33-46040. Applicant: Case Western Reserve University, School of Medicine, 2109 Adelbert Road, Cleveland, Ohio 44106. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for biological and medical research. Specific projects include a study on the formation of myofibrils in developing skeletal and cardiac muscle; an analysis of the factors influencing the aggregation of myosin and actin in aqueous solutions; and studies on nerve function and morphology. Application received by Commissioner of Customs: October 27, 1969.

Docket No. 70-00266-33-61200. Applicant: Fairview Hospital, 2312 South Sixth Street, Minneapolis, Minn. 55402. Article: Frame for correction of curvature of the spine. Manufacturer: Ets Belembert, France. Intended use of article: The article will be used for experimental trial in correction of the spine. Application received by Commissioner of Customs: October 20, 1969.

Docket No. 70-00281-00-61800. Applicant: Trenton State College, Physics Department, Pennington Road, Trenton, N.J. 08625. Article: Projection orrery. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article is an attachment designed specifically for use on an exisiting planetarium. Application received by Commissioner of Customs: October 27, 1969.

Docket No. 70-00282-63-46040. Applicant: University of California, Santa Barbara, Department of Biological Sciences, Santa Barbara, Calif. 93106. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for research on the forms and distribution of plant viruses in cells of the hosts; for reactions of host cells to the presence of virus as revealed by formation of virus particles and viral byproducts in the cells and by degenerative changes in the components of host protoplasts; and for the continuation of studies of subcellular structure of food conducting tissues in plants. Application received by Commissioner of Customs: October 28, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13568; Filed, Nov. 14, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MONSANTO CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has withdrawn its petition (FAP 9B2371), notice of which was published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 273), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of polyamine-epichlorohydrin resins as components of paper and paperboard for food-contact use.

Dated: November 6, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-13580; Filed, Nov. 14, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-5]

DAIRYLAND POWER COOPERATIVE AND LA CROSSE BOILING WATER REACTOR

Notice of Issuance of Provisional Operating Authorization

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 23, 1968 (33 F.R. 10467), the Atomic Energy Commission (the Commission) has issued Provisional Operating Authorization No. DPRA-6 to Dairyland Power Cooperative (DPC) of La Crosse, Wis. The authorization, effective as of the date of issuance, authorizes DPC to use and operate the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wis. The authorization was issued substantially as proposed except that a temporary restriction was added to the Technical Specifications which limits operation of the LACBWR to 10 Mwt until the nonlinearity of the nuclear instrumentation has been satisfactorily resolved and approved in writing by the Commission's Division of Reactor Licensing (DRL) or until DRL has received and approved changes to the Technical Specifications establishing appropriate restrictions for operation with the existing nonlinear nuclear instrumentation.

This authorization supersedes Provisional Operating Authorization No. DPRA-5 issued to the Allis-Chalmers Manufacturing Co. on July 3, 1967, for use and operation of LACBWR at 165 megawatts (thermal).

The Commission has found that DPC's application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR, Chapter I, and that the issuance of the provisional operating authorization will not be inimical to the common defense and security or to the health and safety of the public.

A copy of Provisional Operating Authorization No. DPRA-6 with appended Technical Specifications is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the authorization may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of October 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-13567; Filed, Nov. 14, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21493; Order 69-11-87]

AIR WEST, INC., ET AL.

Discussions on Baggage Rules and Practices, Order Regarding Application by Certain Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of November 1969.

By application filed on October 6, 1969, the Air Traffic Conference of America (ATC), on behalf of 24 carrier members[1] requested Board approval for those carriers to meet and discuss possible solutions to problems that have arisen as a result of the industry change to the baggage "piece" concept. The letter states that since the industry change to the piece concept in 1965, some passengers have taken what appears to be an unfair advantage of the situation. Some carriers have discovered that passengers were checking baggage which met the measurement limits, but which carried such concentrated weight that it posed a hazard to personnel. Some carriers have also discovered that they are moving commercial products at excess baggage rates (which are far below airfreight rates) in a number of instances. ATC states that the lack of a per piece weight limitation in the tariff has created an atmosphere of permissiveness which is being seized upon by experienced travelers.

ATC requests that approval be given for discussion to take place on this problem, with the view toward reaching agreement on a maximum number of pieces of excess baggage per passenger, as well as a maximum weight per piece of baggage. Such maximums, ATC states, should not only offer flexibility to bona fide travelers but also prevent abuses of the present provisions. ATC believes this would offer effective control of the situation and common tariff filings would permit interline traffic that is acceptable uniformly. Finally, ATC estimates that the discussions could be concluded within 90 days from the date of Board authorization.

No objections to the request have been filed.

The Board normally permits carrier discussions of matters relating to tariff rules and practices only when two basic considerations are met. First, the intended purpose of the discussions must appear to be per se in the public interest. Second, the intended result must be one that could not be achieved readily by individual carrier action. The carriers' instant proposal would appear to meet satisfactorily both requirements which justify industry meetings on baggage rules and practices.

Therefore, the Board is of the opinion that ATC has shown that a need exists at this time for intercarrier discussions regarding possible solutions to problems that have arisen as a result of the industry change to the baggage piece concept in 1965. It appears that the specific instances of abuse referred to by ATC may warrant some change in the presently effective rules and practices in this area. Such an objective appears to be in the public interest and better and more quickly obtained by joint carrier action. However, the carrier discussions authorized will be restricted solely to the questions raised in the ATC application, and discussion of rates will not be permitted. Furthermore, we will not permit discussions that may lead to any rules that are as restrictive as those in effect prior to the industry change to the baggage piece concept. We will limit the discussion authority, therefore, to carrier agreement on a maximum number of pieces of excess baggage per passenger and to a maximum weight per piece of baggage. The Board would expect the carriers to support their conclusions and any agreement filings with factual data to the maximum extent possible.

Under the circumstances, the discussions sought by the carriers appear to meet the test of public interest, and we shall authorize discussions for a period of 90 days. The discussions will not, however, be limited to the 24 named carriers,

[1] Air West, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., New York Airways, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Wien Consolidated Airlines, Inc.; Associate: CP Air, Inc.

but should be open to all certificated interstate scheduled air carriers. As in the past, the Board will condition its approval to permit the attendance of Board observers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. All certificated interstate scheduled air carriers are authorized for a period of 90 days from the date of this order to meet and discuss establishment of rules regarding the maximum number of pieces of excess baggage per passenger and the maximum weight per piece of baggage.

2. The Board shall be given at least 48 hours' notice of the time and place of any discussion authorized herein by written notice filed with the Board's Docket Section.

3. The Civil Aeronautics Board reserves that the right to have one or more observers in attendance at all discussions of the carriers.

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed with the Board not later than 30 days after the conclusion of the discussions.

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Act and approved by the Board prior to being incorporated in a tariff filing or placed in effect.

6. This order shall be served upon all domestic certificated local-service and trunkline air carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-13640; Filed, Nov. 14, 1969; 8:49 a.m.]

[Docket No. 21594; Order 69-11-31]

EASTERN AIR LINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of November 1969.

By Order 69-11-19, November 6, 1969, the Board dismissed a complaint of the government of the Virgin Islands against fare increases proposed by Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American), and Trans Caribbean Airways, Inc. (Trans Caribbean), between east coast points and Puerto Rico and the Virgin Islands.[1]

The carriers proposed to increase one-way day third-class fares between Boston, New York, Baltimore/Washington, and San Juan by $5. The night third-class one-way fare between New York and San Juan was to be increased by $6. Other revisions which had been proposed include increases in the one-way Miami-San Juan first-class fare of $6 and second- and third-class one-way fare increases of $4 in this market. In the New York/Washington-Virgin Islands market the carriers proposed to increase one-way first-class fares by $6 and economy (second class) class one-way fares by $4. The Miami-Virgin Islands one-way first-class fare was to be increased $8 and the economy class fare by $4. Proposed increases in round-trip excursion fares to San Juan were generally $10 and a weekend differential was to be added to Virgin Islands excursion fares.

A petition for reconsideration of that order and a complaint against the proposed fare increases were filed by the Commonwealth of Puerto Rico on November 7, 1969. The petition states that the Commonwealth vigorously opposes the increases and asserts that they are based solely on the short-run financial condition of two of the three carriers, including their losses in other markets; that the carriers' costs in these markets have not increased sufficiently to justify the proposed increases; and that no consideration has been given to costs of the more efficient carrier, the effect of the increases on traffic, the impact on tourism, or the Board's own historic policy of supporting low fares to Puerto Rico. The petition alleges that immediate favorable reconsideration is the only means of avoiding an adverse impact on the Puerto Rico travel and tourism industry, pending a full investigation of the allegations of Pan American and Trans Caribbean concerning their costs.

Since the complaint and petition for reconsideration raise matters not before the Board prior to issuance of the earlier order, the Board has decided to order the fares to Puerto Rico investigated and to suspend the fares so as to afford an opportunity for consideration of allegations raised by the Commonwealth of Puerto Rico. In view of the close interrelationship between these fares and those applicable to the Virgin Islands we will likewise suspend the latter.

The Board finds that the proposed fares, and the rules, regulations, and practices affecting such fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential or unduly prejudicial. Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board; the fares and provisions described in Appendix A [2] hereto are suspended and their use deferred to and including February 6, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of the Government of the Virgin Islands, in Docket 21526, and the Commonwealth of Puerto Rico, in Docket 21590, are consolidated herein.

4. This order vacates Order 69-11-19, November 6, 1969;

5. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

6. A copy of this order be filed with the aforesaid tariffs and be served upon Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., the Commonwealth of Puerto Rico, and the government of the Virgin Islands, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-13641; Filed, Nov. 14, 1969; 8:49 a.m.]

[Docket No. 21559; Order 69-11-40]

TRANS WORLD AIRLINES, INC.

Order Dismissing Complaint Against Container Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1969.

By tariff filed October 15, 1969, and marked to become effective November 14, 1969, Trans World Airlines, Inc. (TWA), proposes to establish a Type A (igloo) container charge on general commodity traffic of $450 from Los Angeles, Calif., to New York, N.Y., or Newark, N.J.[1] Such charge would apply up to 5,500 pounds per container, and any payload in excess of 5,500 pounds would be rated at $7.45 per 100 pounds. TWA's filing represents a reduction from their present Type A container rates and charges in this market,[2] but is substantially equivalent to the rates currently in effect by The Flying Tiger Line Inc. (Flying Tiger).[3]

A complaint requesting suspension and investigation of TWA's proposal has been filed by American Airlines, Inc. (American), and an answer filed by TWA, as summarized below.

In brief, American states that TWA's proposal is economically unsound; that TWA has itself described Flying Tiger's rates as "uneconomically low * * * having the potential to seriously injure * * * an economically viable freight business * * * and a long term threat to carrier profitability"; that an industry agreement on container rates is now pending Board action; [4] and that the filing discriminates against shippers in other markets. In reply, TWA concedes that the rates may be uneconomically low, but contends that neither suspension nor investigation is justified since their filing is competitive with Flying Tiger; that TWA is prepared to cancel its rates if the Board approves the industry container agreement now pending before it; and that the law does not require that all markets receive identical rates.

Upon consideration of the complaint and answer, and other relevant matters, the Board will dismiss the complaint and permit TWA's tariff to become effective without investigation. The Board has previously approved Flying Tiger's rates and dismissed a complaint of American thereon,[5] and TWA is simply meeting competition. The alleged discrimination resulting from TWA's proposed low rate in only a single market is not sufficient to warrant investigation and suspension.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

The complaint of American Airlines, Inc., in Docket 21559 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-13642; Filed, Nov. 14, 1969; 8:49 a.m.]

[1] Revisions to International Air Traffic Corp., Agent, Tariffs CAB Nos. 258 and 334; Trans Caribbean Airways, Inc., Tariff CAB No. 26; Eastern Air Lines, Inc., Tariff CAB No. 232.

[2] Filed as part of the original document.

[1] An earlier filing by TWA for effectiveness Oct. 19, 1969, and bearing an expiration date of Dec. 31, 1969, was rejected for technical reasons.

[2] TWA's present general commodity rates per Type A container in this market range from $788 to $1,344, depending upon the weight of the container and the aggregate weight of the total shipment.

[3] In addition to the identical single-container rate filed by TWA to match Flying Tiger, the latter also offers a multicontainer (five or more) rate of $420, applicable up to 5,500 pounds, and an excess rate of $6.80 per 100 pounds, which TWA does not propose to match. In addition, for two or more containers where one unit is loaded to less than 5,500 pounds and others are loaded to more than such weight, Flying Tiger will permit an averaging of weights whereby the charges for excess weight are eliminated or reduced. TWA does not propose to match this provision. Flying Tiger's tariff bears an expiration date of December 31, 1969.

[4] Agreement CAB No. 21225 covering container specifications, incentive discounts, and other relevant provisions was filed on August 14, 1969, on behalf of 12 carriers, including American, Flying Tiger, and TWA, and is now pending Board action.

[5] Order 68-12-57 dated Dec. 10, 1968.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18616; FCC 69R-452]

TRANS AMERICA BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Trans America Broadcasting Corp. for renewal of licenses of radio stations KTYM and KTYM-FM, Inglewood, Calif.; Docket No. 18616, File No. BR-3611, File No. BRH-968.

1. This proceeding involves the applications of Trans America Broadcasting Corp. (Trans America) for renewal of its broadcast facilities, Stations KTYM and KTYM-FM, Inglewood, Calif. By memorandum opinion and order, FCC 69-839, 34 F.R. 12847 (published Aug. 7, 1969), the Commision designated these applications for hearing on various issues to determine whether the applicant violated provisions of the Commision's rules and of the Communications Act; whether the applicant made misrepresentations to, or sought to conceal information from, the Commission and its staff; and whether, in light of the evidence adduced pursuant to such issues, the applicant possesses the requisite qualifications to remain a licensee. Presently before the Review Board is a petition to enlarge issues, filed August 18, 1969, by Trans America, which requests the addition of a "forfeiture issue" and a programing issue to this proceeding.[1]

"FORFEITURE ISSUE"

2. Trans America claims that the issues, as framed by the Commission in its designation order, apparently do not afford the Examiner the option of imposing a lesser penalty on the licensee, i.e., one short of denial of the renewal applications. Petitioner submits that, in other cases of like gravity, the Commission's order of designation permitted the Examiner to impose, as an alternative to denial of renewal, a forfeiture for the infraction of Commission rules.[2] According to Trans America, equity dictates that the Examiner's choice in this proceeding should be governed by the same considerations and options as in other cases of a similar nature.

3. In its comments, the Broadcast Bureau correctly notes that petitioner's pleading was not directed to either the Review Board or to the Commission and that, therefore, the request does not comply with § 1.291(a)(5) of the rules. The Bureau contends that the instant petition is subject to summary dismissal since it contains, in one pleading, requests that must be acted upon by different bodies, i.e., the Commission and the Review Board.[3] It is the Bureau's position that the request for a "forfeiture issue" should have been directed to the Commission inasmuch as such a request involves the modification of the basic character of the proceeding and that, therefore, it will reserve further comment on this aspect of Trans America's pleading until such time as an appropriate and separate request is filed with the Commission. In response to the Bureau's comments, Trans America concedes its initial failure to comply with § 1.291(a)(5), but asserts that the omission of the authority to which its pleading was addressed was due to inadvertence. Contrary to the Bureau's position, the petitioner contends that the request for a "forfeiture issue" falls within the purview of the Board's jurisdiction under § 0.365(b)(1) of the Rules. Arguing that § 1.111 of the Commission's rules limits the filing of petitions for reconsideration to cases where it is asserted that an application should have been granted without hearing and that such is not the thrust of the instant request, the petitioner urges the Board to assume jurisdiction here. It is Trans America's view that the Commission intended the Board to consider all questions short of the question of the necessity for hearing itself and that, since a similar request addressed to the Commission would have been subject to dismissal under Orange Nine, Inc., FCC 67-960, 10 RR 2d 1090 (1967), the Board should consider this portion of the instant request. Finally, the petitioner suggests that the Board deny the "forfeiture issue" request without prejudice to its refiling with the Commission in the event the Board should decline to exercise jurisdiction over this matter.

4. As the Bureau has properly recognized, the instant request is subject to summary dismissal since it violates § 1.44(a) of the rules in that it combines requests to be acted upon by the Commission and by the Review Board in one pleading. In spite of this procedural infirmity, we do not believe it is necessary to exercise such an option. Instead, we will consider the Trans America petition to the extent that it contains a proper request for enlargement of issues, an area where we appropriately have jurisdiction under § 0.365(b) of the rules. To the extent that petitioner seeks the basic modification of the designation order herein,

[1] Also before the Review Board are: (a) Comments, filed Sept. 3, 1969, by the Broadcast Bureau; and (b) response, filed Sept. 8, 1969, by Trans America.

[2] Petitioner cites Allen Bigham, Jr., FCC 67D-61, 12 RR 2d 529 (1967), which allegedly involved issues similar to those in the instant proceeding and wherein the designation order allegedly afforded the Examiner an alternative short of denial of renewal. Trans America also refers to Lum A. Humphries, trading as Wagoner Radio Co., FCC 68-288, 33 F.R. 5056 (1968), which allegedly involved allegations pertaining to a licensee's representations to the Commission and which allegedly permitted the imposition of a forfeiture as an alternative to denial of renewal.

[3] Section 1.44(a) of the rules prohibits the combining of requests requiring action by the Commission in a pleading with requests for action by a Hearing Examiner or by any person or persons pursuant to delegated authority.

however, we must decline to entertain such a request. In effect, Trans America's request for the inclusion of a forfeiture provision in this proceeding as an alternative to denial of renewal is not for the addition of an issue as such, but rather is a request which seeks to affect the basic nature of the proceeding by the inclusion of an alternative administrative sanction, i.e., forfeiture. In this regard, we note that, under section 503 of the Communications Act, the Commission is invested with the responsibility to issue written notices of apparent forfeiture liability and that this grant of authority has not been delegated to, or exercised by, the Review Board. Since the Board is without specific authority to issue notices of apparent liability, which are required prior to the imposition of forfeitures, and since the Board does not have access to the relevant information which may give rise to the inclusion of a forfeiture provision in a designation order,[4] we cannot agree with the petitioner that the Board can exercise its jurisdiction over this question. We may note in passing, however, that, although the designation orders in the Bigham and Humphries proceedings did make specific provision for the imposition of a forfeiture (unlike the present case), the forfeiture provision was not included as an alternative to denial of renewal as petitioner is suggesting here. Rather, the designation orders in those cases directed a consideration of forfeiture only after the Hearing Examiner had decided that denial of renewal was not warranted and that repeated or willful violations of the Communications Act or the Commission's rules had taken place within 1 year of the issuance of the designation order. The further fact that the designation orders in those cases also served as notices of apparent liability[5] reinforces our view that the Board is without authority to entertain this aspect of Trans America's petition. Since the question raised by the petitioner is novel insofar as it concerns the scope of appropriate reconsideration of the designation order, we will dismiss that portion of the instant petition relating to a request for a "forfeiture issue", but without prejudice to its refiling with the Commission for its consideration.

PROGRAMING ISSUE

5. Trans America also requests that an issue be added to this proceeding "to determine whether the past programming of Stations KTYM and KTYM-FM has served the needs of the community so as to constitute a countervailing factor in the resolution" of the already specified issues. The petitioner proposes to introduce evidence of the allegedly high quality of its program service herein and claims that its request is in line with Commission precedent and policy. In this regard, Trans America cites Wagoner Radio Co., 12 FCC 2d 978, 13 RR 2d 114 (1968), wherein the Review Board stated that the Commission has received evidence of this type in analogous cases, although not required to do so, since the public interest is better served if a licensee is permitted to make a showing as to its past record in mitigation of adverse findings under existing issues.

6. The Broadcast Bureau interposes no objection to the addition of an issue similar to that framed in Wagoner Radio Co., supra, and the Board is of the opinion that such action is appropriate in this instance. The public interest would best be served in this proceeding if Trans America is permitted an opportunity to adduce evidence concerning the merits of its past programing in mitigation of any adverse findings under the specified issues. However, as we noted in Wagoner Radio Co., supra, no consideration can be given alleged meritorious programing instituted after the licensee has received notice that action against it is being contemplated by the Commission, and the parties will be afforded the right to argue the weight to be accorded the evidence so adduced.

7. *Accordingly, is it ordered,* That the petition to enlarge issues, filed August 18, 1969, by Trans America Broadcasting Corp., is granted to the extent indicated below, and is dismissed without prejudice in all other respects; and

8. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the programing of Stations KTYM and KTYM-FM has been meritorious, particularly with regard to public service programs.

9. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and of proof under the issue added herein shall be on Trans America Broadcasting Corp.

Adopted: November 4, 1969.

Released: November 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-13633; Filed, Nov. 14, 1969; 8:49 a.m.]

[4] For example, we note that, pursuant to section 503 of the Act, no forfeiture liability may attach for any violation occurring more than 1 year prior to the date of issuance of the notice of apparent liability.

[5] In Humphries, the designation order was titled "Order and Notice of Apparent Liability", and paragraph 8 thereof stated that the designation order is to be considered as a notice of apparent liability pursuant to section 503(b)(2).

[6] Board Member Berkemeyer absent.

FEDERAL MARITIME COMMISSION

[Docket No. 69-54; Agreement 9793]

CONFERENCE AGREEMENT U.S. NORTH ATLANTIC/ATLANTIC SPAIN TRADE

Order of Investigation and Hearing

The Commission has before it an application for approval of a conference agreement, pursuant to section 15 of the Shipping Act, 1916, between American Export Isbrandtsen Lines, Inc., Fresco Line, Companhia de Navegacao Carregadores Acoreanos, Spanish Line and United States Lines in the trade from the U.S. North Atlantic to the Atlantic Coast of Spain in the Vigo/Passajes Range. The agreement has been designated Federal Maritime Commission Agreement No. 9793.

Whereas, it appears that Agreement No. 9793 will have a significant impact upon commerce from the U.S. North Atlantic to the Atlantic Coast of Spain; and

Whereas, the parties have not demonstrated, nor is it shown or otherwise evident, that Agreement No. 9793 is required by a serious transportation need or is necessary to secure important public benefits or to serve the regulatory purposes of the Shipping Act, 1916;

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission institute an investigation and hearing to determine whether Agreement No. 9793 would be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and on the basis of the findings, to determine whether Agreement No. 9793 should be approved, disapproved, or modified;

It is further ordered, That the parties listed in the Appendix attached hereto be made respondents in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Companhia de Navegacao Carregadores Acoreanos c/o East Coast Overseas Corp., Agents, 80 Broad Street, New York, N.Y. 10004.
Fresco Lines, c/o Kerr Steamship Co., Inc., General Agents, 29 Broadway, New York, N.Y. 10006.
Spanish Line, c/o Garcia & Diaz, Inc., Agents, 25 Broadway, New York, N.Y. 10004.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-13645; Filed, Nov. 14, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-426 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

NOVEMBER 5, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 19, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-426..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	1	15	Trunkline Gas Co. (Sabine Tram Field, Newton County, Tex.) (RR. District No. 3).	(3)	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0557	
-----do-----		6	12	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Heyser Field, Calhoun County, Tex.) (RR. District No. 2).	$2,838	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0557	
-----do-----		11	36	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (District 4 Area, Tex.).	8,509	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0557	
-----do-----		15	23	Texas Eastern Transmission Corp. (Silsbee Field, Hardin County, Tex.) (RR. District No. 3).	257	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0649	
-----do-----		17	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Mariposa Field, Brooks County, Tex.) (RR. District No. 4).	640	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0555	
-----do-----		170	[8] 12	Transcontinental Gas Pipe Line Corp. (San Miguel Creek and Dilworth Fields, McMullen County, Tex.) (RR. District No. 1).	81	10-6-69	[4] 10-1-69	[5] 10-2-69	[9] 15.0	[7] [8] 15.0563	
-----do-----		257	18	Texas Eastern Transmission Corp. (Helen Gohlke (B-Sand) Field, De Witt County, Tex.) (RR. District No. 2).	(3)	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0649	
-----do-----		350	3	Natural Gas Pipeline Co. of America (Sal Del Ray et al., Fields, Hidalgo County, Tex.) (RR. District No. 4).	1,795	10-6-69	[4] 10-1-69	[5] 10-2-69	[11] 16.0	[7] 16.06	
-----do-----		371	1	Natural Gas Pipeline Co. of America (Laura Thomason Area, Bee County, Tex.) (RR. District No. 2).	269	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[7] 16.06	
-----do-----		380	2	Natural Gas Pipeline Co. of America Santa Fe et al., Fields, Brooks et al., Counties, Tex.) (RR. District No. 4).	5,605	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[7] 16.06	
-----do-----		401	1	Texas Eastern Transmission Corp. (El Paistle (Deep) Field, Kenedy County, Tex.) (RR. District No. 4).	498	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[7] 16.07	
-----do-----		429	1	Natural Gas Pipeline Co. of America (Viggo (Wilcox) Area, Duval County, Tex.) (RR. District No. 4).	129	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[7] 16.06	
-----do-----		460	1	South Texas Natural Gas Gathering Co. (South Jay Simmons Field, Starr County, Tex.) (RR. District No. 4).	216	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[7] 16.06	
-----do-----		404	1	Valley Gas Transmission, Inc. (East Scott and Hopper Area, Brooks County, Tex.) (RR. District No. 4).	70	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 15.0	[7] 15.0563	
-----do-----		409	1	Florida Gas Transmission Co. (Skipper Area, Brooks County, Tex.) (RR. District No. 4).	309	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[7] 16.06	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R170-427..	Humble Oil & Refining Co. (Operator) et al.	352	5	Natural Gas Pipeline Co. of America (Santa et al., Fields, Kenedy County, Tex.) (RR. District No. 4).	$27,099	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[6] [7] 16.06	
	do	373	3	Trunkline Gas Co. (Kelsey et al., Fields, Brooks et al., Counties, Tex.) (RR. District No. 4).	16,537	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[6] [7] 16.06	
R170-428..	Humble Oil & Refining Co. (Operator).	377	1	Natural Gas Pipeline Co. of America (Tomball Gas Plant, Harris County, Tex.) (RR. District No. 3).	6,097	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 17.0	[6] [7] 17.0638	
R170-429..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	301	2	Natural Gas Pipeline Co. of America (Willamar Field, Willacy County, Tex.) (RR. District No. 4).	93	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[6] [7] 16.06	
R170-430..	Pan American Petroleum Corp., Post Office Box 3092, Houston, Tex. 77001.	58	17	Texas Eastern Transmission Corp. (Karon Field, Live Oak County, Tex.) (RR. District No. 2).	64	10-6-69	[4] 10-1-69	[5] 10-2-69	[9] 14.5	[6] [7] 14.5627	
	do	73	13	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Lucky Field, Matagorda County, Tex.) (RR. District No. 3).	303	10-6-69	[4] 10-1-69	[5] 10-2-69	[9] 15.0	[6] [7] 15.0553	
R170-431..	Jack P. Rayzor et al., Post Office Box 7553, Houston, Tex. 77007.	5	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (South Lucky Field, Matagorda County, Tex.) (RR. District No. 3).	[14]	10-7-69	[4] 10-1-69	[5] 10-2-69	[9] 15.0	[6] [7] 15.0557	

[2] No current production.
[4] The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[5] The suspension period is limited to 1 day.
[6] Tax reimbursement increase.
[7] Pressure base is 14.65 p.s.i.a.
[9] Settlement rate.
[12] Applicable only to acreage added by Supplement No. 8.
[10] Initial rate. Increase to 16.2160 cents suspended in Docket No. R170-256 until Mar. 9, 1970.
[11] Initial rate. Increase to 17 cents suspended in Docket No. R169-777 until Dec. 1, 1969.
[12] Initial rate.
[13] Initial rate. Increase to 17 cents suspended in Docket No. R169-775 until Jan. 1, 1970.
[14] Not stated.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on October 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceilings for the areas involved as set forth in the Commission's statement of general policy No. 61-1, as amended.

Respondents request waiver of the statutory notice to permit their proposed rate increases to become effective as of October 1, 1969, the effective date of the tax increase enacted by the State of Texas. Pursuant to the Commission's Order No. 390 issued October 10, 1969, we believe that it would be in the public interest to waive the statutory notice requirement provided in section 4(d) of the Natural Gas Act to permit an October 1, 1969 effective date for the producers' rate filings and suspend such rate increases from underlying firm rates for 1 day from October 1, 1969, the proposed effective date.

[F.R. Doc. 69-13520; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. RI66-234]

NORTHERN PUMP CO., AGENT, ET AL.

Order Accepting Decreased Rate Filing Subject to Refund in Existing Rate Suspension Proceeding

NOVEMBER 5, 1969.

Northern Pump Co., agent (Operator), et al. (Northern), on November 6, 1969, submitted a proposed revenue-sharing rate decrease from 11.5961 cents to 10.5877 cents per Mcf for a sale for resale to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10, designated as Supplement No. 9 to Northern's FPC Gas Rate Schedule No. 22. Phillips gathers and processes the gas in its Sherman Gasoline Plant and resells the residue gas to Michigan-Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents plus applicable tax reimbursement which is in effect subject to refund in Docket No. RI65-256. Northern's present effective rate is subject to refund in Docket No. RI66-234 and its last firm rate (not subject to refund) is 6.7747 cents per Mcf. Northern requests an effective date of October 6, 1969, the date of filing; however, the contractual effective date for the proposed decreased rate is August 1, 1969. Under the circumstances we conclude that it would be in the public interest to accept Northern's proposed decreased rate subject to the existing rate proceeding in Docket No. RI66-234 to become effective as of August 1, 1969, the contractual effective date, with waiver of notice granted.

The Commission finds:

Good cause exists for accepting for filing Northern's proposed rate decrease, as set forth in Appendix A hereof, effective as of August 1, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI66-234.

The Commission orders: The proposed rate decrease contained in Appendix A hereof, is accepted for filing and permitted to become effective as of August 1, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI66-234.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in dockets Nos.
RI66-234..	Northern Pump Co., agent (Operator) et al., 1915 57th Ave. North, Minneapolis, Minn. 55430.	22	9	Phillips Petroleum Co.[1] (Hughey Gas Unit, Texas County, Okla.) (Panhandle Area).	$4,565	10-6-69	[2] 8-1-69	(Accepted subject to refund).	[3] [7] 11.5961	[4] [5] [7] 10.5877	RI66-234.

[1] Phillips gathers and processes the gas and resells the residue gas to Michigan-Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents plus applicable tax reimbursement subject to refund in Docket No. RI65-256. A rate of 16.22 cents plus applicable tax reimbursement is suspended in Docket No. RI70-28 until Jan. 1, 1970.
[2] The stated effective date is the contractual effective date.
[3] Revenue-sharing-tax decrease.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Based on 148.157 percent of a base rate of 7.1463 cents (148.157 equals Phillips' present 15.22 cents rate divided by Phillips' 10.2729 cents base rate which became contractually due on Aug. 1, 1969), plus tax reimbursement.
[7] Subject to a deduction of 0.4466 cent for sour gas.

[F.R. Doc. 69-13521; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. RI70-403 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 5, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however* [18] That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 19, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[18] The *"Provided, however"* clause does not apply to Supplement No. 59 to Phillips' FPC Gas Rate Schedule No. 18 which is suspended for 5 months.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-403..	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003.	18	56	Northern Natural Gas Co. (Andrews Plant, Andrews County, Tex.) (RR. District No. 9) (Permian Basin Area).	$180 10,151	10-10-69	[3] 10-1-69	[4] 10-2-69 ([28])	[7] 15.07 [8] 14.0	[8 9] 15.1622 [8 9 10] 14.0853	RI68-529.
	....do....	18	57	Northern Natural Gas Co. (Benedum Plant, Upton County, Tex.) (RR. District 7-C) (Permian Basin Area).	2,346	10-10-69	.....	([28])	14.0	[8 10] 14.0853	RI68-529.
	....do....	18	58	Northern Natural Gas Co. (Spraberry Plant, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	94 3,241	10-10-69	[3] 10-1-69	[4] 10-2-69 ([28])	[7] 14.04 [8] 14.0	[8 9 7] 14.1256 [8 9 10] 14.0853	RI68-529.
	....do....	18	[16] 59	Northern Natural Gas Co. (Puckett-Devonian Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	102,324	10-10-69	[3] 11-10-69	4-10-70	[16] 17.1632	[6 16 13] 18.2403	RI68-529.
	....do....	419	2	Panhandle Eastern Pipe Line Co. (Como Area, Hansford, Ochiltree, and Lipscomb Counties, Tex.) (RR. District No. 10).	1,056	10-10-69	[3] 10-1-69	[4] 10-2-69	[12] 17.0	[8 9 13] 17.0364	
RI70-404..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	372	10	Northern Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	19,288	10-6-69	[3] 10-1-69	[4] 10-2-69	15.52	[8 9] 15.5782	
	....do....	438	5	Northern Natural Gas Co. (Northeast Oates Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	500 *Decrease* (4,625)	[13] 10-6-69	[3] 10-1-69 [14] 11-8-69	[4] 10-2-69 (Accepted) subject to suspension proceeding.	13.3485 13.3986	[8 9 14] 13.3986 [8 15 14 28] *Decrease* 12.9268	
	....do....	440	6	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	9	10-6-69	[3] 10-1-69	[4] 10-2-69	14.5	[8 9] 14.5844	
	....do....	437	3	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	792	10-6-69	[3] 10-1-69	[4] 10-2-69	16.5	[8 9] 16.5619	
	....do....	454	3	Northern Natural Gas Co. (West Waha Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	43	10-6-69	[3] 10-1-69	[4] 10-2-69	16.1535	[8 9] 16.2141	
RI70-405..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	319	5	El Paso Natural Gas Co. (Brown-Bassett Field, Crockett County, Tex.) (RR. District No. 7-C).	82	10-8-69	[3] 10-1-69	[4] 10-2-69	[17] 14.25	[8 9] 14.3175	
RI70-406..	Shell Oil Co. (Operator) et al.	249	9	....do....	428	10-8-69	[3] 10-1-69	[4] 10-2-69	[17] 14.25	[8 9] 14.3175	
RI70-407..	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	65	11	El Paso Natural Gas Co. (Northeast Noelke Field, Crockett County, Tex.) (RR. District No. 7-C).	([18])	10-10-69	[3] 10-1-69	[4] 10-2-69	13.64	[8 9] 13.8241	
	....do....	151	10	El Paso Natural Gas Co. (Brown-Bassett Field, Crockett and Terrell Counties, Tex.) (RR. District No. 7-C).	606	10-10-69	[3] 10-1-69	[4] 10-2-69	14.25	[8 9] 14.3175	
	....do....	105	11	Texas Gas Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	41	10-10-69	[3] 10-1-69	[4] 10-2-69	[19 20] 15.0	[8 9 19] 15.0668	
	....do....	207	1	Panhandle Eastern Pipe Line Co. (Southeast Feldman (Tonkawa) Field, Hemphill County, Tex.) (RR. District No. 10).	13	10-10-69	[3] 10-1-69	[4] 10-2-69	[12] 17.0	[8 9 13] 17.0638	
	....do....	212	1	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	13	10-10-69	[3] 10-1-69	[4] 10-2-69	[21] 18.7	[8 9 21] 18.7638	
	....do....	250	1	Panhandle Eastern Pipe Line Co. (Morse Field, Hansford County, Tex.) (RR. District No. 10).	115	10-10-69	[22] 10-20-69	[4] 10-21-69	[12] 17.0	[8 9 13] 17.0638	
RI70-408..	Texaco Inc., Post Office Box 3109, Midland, Tex. 79701.	356	1	Lone Star Gas Co. (Handy Field, Cooke County, Tex.) (RR. District No. 9).	151	10-10-69	[3] 10-1-69	[4] 10-2-69	14.49	[8 9] 14.525	
	....do....	368	2	Transwestern Pipeline Co. (Mendota-Cree and Flowers Field, Roberts County, Tex.) (RR. District No. 10).	400	10-10-69	[3] 10-1-69	[4] 10-2-69	[23 24] 18.275	[8 9 13 24] 18.355	
	....do....	430	1	Northern Natural Gas Co. (Share Field, Hansford County, Tex.) (RR. District No. 10).	[22]	10-10-69	[3] 10-1-69	[4] 10-2-69	[13 24] 18.53	[8 9 13 24] 18.5994	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-409..	Sun Oil Co. (Operator) et al., Post Office Box 2880, Dallas, Tex. 75221.	26	16	Texas Gas Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	$1,689	10-10-69	[3] 10-1-69	[4] 10-2-69	[19 20] 15.0	[8 9 19 20] 15.0563	
	....do....	186	1	Lone Star Gas Co. (Shamburger Lake, Smith County, Tex.) (RR. District No. 6).	63	10-10-69	[3] 10-1-69	[4] 10-2-69	14.49	[8 9] 14.525	
RI70-410..	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	247	2	Lone Star Gas Co. (Penn-Griffith Field, Rush County, Tex.) (RR. District No. 4).	28	10-16-69	[3] 10-1-69	[4] 10-2-69	14.49	[8 9] 14.525	
	....do....	252	2	Northern Natural Gas Co. (Morrison Ranch, Roberts County, Tex.) (RR. District No. 10).	252	10-16-69	[3] 10-1-69	[4] 10-2-69	[19] 17.0	[8 9 19] 17.06375	
RI70-411	Sun Oil Co., DX Division (Operator) et al.	86	15	Texas Gas Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	339	10-16-69	[3] 10-1-69	[4] 10-2-69	[19] 15.0	[8 9 19] 15.065625	
RI70-412..	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	43	1	Transwestern Pipeline Co. (Red Deer Field, Roberts County, Tex.) (RR. District No. 10).	10	10-13-69	[3] 10-1-69	[4] 10-2-69	[19] 16.0	[8 19] 16.07	
RI70-413	Phillips Petroleum Co., Bartlesville, Okla. 74003.	418	3	Panhandle Eastern Pipe Line Co. (McQuiddy Ranch Field, Hemphill County, Tex.) (RR. District No. 10).	1,359	10-10-69	[3] 10-1-69	[4] 10-2-69	[12] 17.0	[8 9 13] 17.0638	
	....do....	420	3	Lone Star Gas Co. (North Henderson Field, Rusk County, Tex.) (RR. District No. 6).	79	10-10-69	[3] 10-1-69	[4] 10-2-69	15.0	[8 9] 15.0562	
	....do....	451	1	Natural Gas Pipeline Co. of America (Andarko Basin Area, Gray County, Tex.) (RR. District No. 10).	5,742	10-10-69	[3] 10-1-69	[4] 10-2-69	[19] 17.0	[8 9 19] 17.0638	

[1] The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Applicable to residue gas derived from new gas-well gas.
[6] Applicable to residue gas not derived from new gas-well gas.
[7] The stated effective date is the effective date requested by Respondent.
[8] Applicable to Devonian gas only.
[9] Periodic rate increase.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Corrected by filing of Oct. 10, 1969.
[12] For the period Oct. 1, 1969 through Nov. 7, 1969.
[13] Rate reduction to be effective Nov. 8, 1969, subject to the suspension proceeding ordered herein.
[14] Effective Nov. 8, 1969, and thereafter until processing commences at Buyer's Northeast Oates Plant.
[15] No deliveries currently being made.
[16] Subject to a downward B.t.u. adjustment.
[17] Pursuant to 2d Amendment to General Policy Statement No. 61-1.
[18] Includes 1.7 cents upward B.t.u. adjustment based on 1,100 B.t.u. gas. Filing reflects 1,140 B.t.u. gas.
[19] Certificate issued Oct. 20, 1969, in Docket No. C170-118. The proposed rate is suspended for 1 day from Oct. 20, 1969, or 1 day from date of initial delivery, whichever is later.
[20] Includes 1.275 cents upward B.t.u. adjustment.
[21] Includes 1.53 cents upward B.t.u. adjustment based on 1,090 B.t.u. gas. Filing reflects 1,115 B.t.u. gas.
[22] Increase accepted as of Oct. 1, 1969, subject to refund in Docket No. RI68-529.
[23] Applicable area rate for gas sold under this rate schedule is 12.8785 cents when the gas is treated by Northern at its Gomez Plant.

Humble Oil & Refining Co. (Humble) proposes a tax increase from a presently effective rate not subject to refund. Humble's proposed rate increase exceeds the area increased rate ceiling for Texas Railroad District No. 8 and is suspended for 1 day from October 1, 1969. Concurrently, Humble proposes to reduce such rate to reflect a change in treating cost, effective as of November 8, 1969. We believe that it would be in the public interest to accept for filing Humble's proposed rate decrease to be effective as of November 8, 1969, subject to the suspension proceeding in Docket No. RI70-404.

Sun Oil Co. (Sun) proposes an effective date of October 1, 1969, for its proposed tax increase contained in Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 250. However, Sun was not issued its related certificate authorization in Docket No. CI70-118 until October 20, 1969, to be effective on the date of initial delivery. We conclude that the proposed increase should be suspended for 1 day from October 20, 1969, or for 1 day from the date of initial delivery, whichever is later.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as set forth in the Commission's statement of general policy No. 61-1, as amended, with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended.

We believe that it would be in the public interest to waive the statutory notice requirement provided in section 4(d) of the Natural Gas Act with respect to the tax increases involved here, except as otherwise indicated. Accordingly, the proposed tax increases from underlying firm rates are suspended for 1 day from October 1, 1969, as ordered herein. The increase proposed by Phillips under Supplement No. 59 to its FPC Gas Rate Schedule No. 18 consists of an above ceiling periodic increase plus tax reimbursement which should be suspended for 5 months. As shown in Appendix "A", some of Phillips' tax increases are from rates in effect subject to refund in Docket No. RI68-529. Accordingly, these tax increases will be accepted as of October 1, 1969, subject to refund in Docket No. RI68-529.

[F.R. Doc. 69-13522; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. G-4258, etc.]

SUBURBAN PROPANE GAS CORP. ET AL.

Findings and Order

NOVEMBER 6, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket number, amending orders issuing certificates, reinstating certificate and rate schedules, permitting and approving abandonment of service, terminating certificates, substituting respondent, redesignating proceedings, making rate changes effective, accepting surety bonds for filing, requiring filing or surety bonds, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order

issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Maguire Oil Co. (Operator) et al., proposes to continue sales of natural gas heretofore authorized to be made by the Estate of Russell Maguire (Operator) et al. The latter's FPC gas rate schedules will be redesignated as those of Applicant. The Estate of Russell Maguire or its predecessors in interest has collected and/or is presently collecting increased rates subject to refund as set forth below:

Certificate docket No.	Predecessor's FPC gas rate schedule No.	Rate proceeding docket No.
G–9489	1	G–14317, G–17603, G–19634, RI61–209, RI62–218, RI63–133, RI65–279, RI66–114, RI67–109.
G–11276	3	G–14317, G–17603, G–19634, RI61–209, RI62–218, RI63–133.
G–19627	4	RI65–279.
G–19837	5	RI62–454.
CI62–570	8	RI66–271.

Maguire Oil Co. has filed riders to the surety bonds presently on file in Dockets Nos. G–19634, RI61–209, RI62–454, RI63–133, RI65–279, RI66–114, RI66–271, and RI67–109. On September 12, 1968, the Estate of Russell Maguire filed notices of changes in rate under its FPC Gas Rate Schedule Nos. 1, 6, and 10. By orders issued October 3, 1968, in Docket No. RI69–127 et al., and October 10, 1968, in Docket No. RI69–136 et al., the Commission suspended the proposed changes under FPC Gas Rate Schedule No. 1 in Docket No. RI69–128 and under FPC Gas Rate Schedule Nos. 6 and 10 in Docket No. RI69–136, respectively, until April 1, 1969, and thereafter until made effective. The notices of change were designated as Supplement Nos. 13, 2, and 1 to FPC Gas Rate Schedule Nos. 1, 6, and 10, respectively. On August 1, 1969, Maguire Oil Co. filed three surety bonds to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in Dockets Nos. RI69–128 and RI69–136. A notice of change in rate under its FPC Gas Rate Schedule No. 4 was filed by the Estate of Russell Maguire and is suspended in Docket No. RI69–494. Therefore, Applicant will be substituted in lieu of the Estate of Russell Maguire (Operator) et al., as respondent in all of the aforementioned rate proceedings; the proceedings will be redesignated accordingly; the changes in rate will be made effective subject to refund; the surety bonds and riders will be accepted for filing; and Applicant will be required to file surety bonds or riders to presently filed bonds in Dockets Nos. G–14317, G–17603, and RI62–218.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by The Brooklyn Union Gas Co. was filed in Docket No. CI69–1232, in the matter of the application filed on June 23, 1969, in said docket. The petition to intervene has been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on October 29, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69–1232 should be canceled and that the application filed therein should be treated as a petition to amend the order issuing a certificate in Docket No. G–10854.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued in Docket No. G–3863 and subsequently terminated should be reinstated and amended to delete therefrom authorization for the sale of gas permitted to be abandoned in Docket No. CI70–240 and that C. H. Lyons, Sr., et al., FPC Gas Rate Schedule Nos. 1 and 19 should be reinstated.

(8) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(9) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Maguire Oil Co. (Operator) et al., should be substituted in lieu of the Estate of Russell Maguire (Operator) et al., as respondent in the proceedings pending in Dockets Nos. G–14317, G–17603, G–19634, RI61–209, RI62–218, RI62–454, RI63–133, RI65–279, RI66–114, RI66–271, RI67–109, RI69–128, RI69–136, and RI69–494; that said proceedings should be redesignated accordingly; that the proposed changes in rate suspended in Dockets Nos. RI69–128 and RI69–136 should be made effective subject to refund; that the surety bonds filed in Dockets Nos. RI69–128 and RI69–136 should be accepted for filing; that the surety bond riders filed in Dockets Nos. G–19634, RI61–209, RI62–454, RI63–133, RI65–279, RI66–114, RI66–271, and RI67–109 should be accepted for filing; and that Maguire Oil Co. should be required to file surety bonds or surety bond riders in Dockets Nos. G–14317, G–17603, and RI62–218.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI68–1240 and CI69–1146 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act; *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate. Within 90 days from the date of initial delivery Applicants shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(b) Applicants in Dockets Nos. CI68–1240 and CI69–1146 shall advise the Commission of any contemplated processing of the gas under the subject contracts.

(c) The initial rate for the sale authorized in Docket No. CI68–900 under the letter agreement dated February 17, 1969, shall be 17 cents per Mcf at 14.65 p.s.i.a., subject to adjustment for B.t.u. content of the gas as provided for in the letter agreement, subject however to Applicant refunding to buyer with interest at the rate of seven percent per annum of any amounts collected from the date of initial delivery in excess of the higher of (1) the just and reasonable rate finally determined for sales from the subject area or (2) a rate of 15 cents per Mcf at 14.65 p.s.i.a. proportionally adjusted to reflect B.t.u. content of the gas below 1,000 B.t.u.'s per cubic foot measured on a wet basis.

(d) The initial rate for sales authorized in Dockets Nos. CI70–8 and CI70–53 shall be 17 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.

(e) Applicant in Docket No. CI70–8 shall not require buyer to take-or-pay for an annual quantity of gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves.

(f) The initial rate for the sale authorized in Docket No. CI70–177 shall be 14.5 cents per Mcf at 14.65 p.s.i.a.

(g) The initial rate for the sale authorized in Docket No. CI70–209 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas, Applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket.

(h) The certificates issued in Dockets Nos. CI70–8, CI70–53, and CI70–209 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(i) The authorizations granted in Dockets Nos. G–4258, G–5040, G–8666, G–15001, CI60–69, CI62–623, and CI70–135 shall be subject to Opinion Nos. 546 and 546–A and accompanying orders, specifically including those relating to rate reductions, refunds, and filings required by those orders for sales made on or after January 1, 1969.

(F) The authorization granted in Docket No. CI70–220 involving the sale of gas by Stephens Production Co. (Operator) et al., to its affiliate, Arkansas Oklahoma Gas Corp., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(G) Within 30 days from the date of this order applicant in Docket No. CI70–208 shall file three copies of an estimated billing statement as required by the regulations under the Natural Gas Act.

(H) Docket No. CI69–1232 is canceled.

(I) The orders issuing certificates in Dockets Nos. G–4421, G–7009, G–10854, CI60–32, CI64–998, CI67–286, CI68–1038, CI68–1240, CI69–1021, and CI69–1216 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(J) The authorization granted in Docket No. G–4421 in paragraph (I) above shall not be construed to relieve applicant of any refund obligations in the related rate suspension proceedings pending in Dockets Nos. G–19752, RI61–206, RI62–141, RI63–104, RI64–213, RI65–265, RI66–130, RI67–100, RI68–185, and RI69–173.

(K) The orders issuing certificates in Dockets Nos. G–18651, CI62–395 and CI67–1166 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to applicants in Dockets Nos. CI70–153, CI70–135, and CI70–75, respectively.

(L) The orders issuing certificates in Dockets Nos. G–4258, G–5033, G–5034, G–5036, G–5040, G–6437, G–8666, G–9489, G–10962, G–11264, G–11276, G–15001, G–16271, G–19627, G–19837, CI60–69, CI61–159, CI61–530, CI61–1233, CI62–570, CI62–623, CI62–1305,[1] CI63–277, CI64–580,[1] CI64–933, CI67–4, CI67–5, CI68–1231, and CI68–1232 are amended by substituting the successors in interest as certificate holders.

(M) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(N) The certificate heretofore issued in Docket No. G–3863 is reinstated and amended by deleting therefrom authorization for the sale of gas permitted to be abandoned in Docket No. CI70–240. C. H. Lyons, Sr., et al., FPC Gas Rate Schedule Nos. 1 and 19 are reinstated.

(O) The certificates heretofore issued in Dockets Nos. G–10252, G–18642, CI61–8, CI62–966, and CI68–11 are terminated.

(P) Maguire Oil Co. (Operator) et al., is substituted in lieu of the Estate of Russell Maguire (Operator) et al., as respondent in the proceedings pending in Dockets Nos. G–14317, G–17603, G–19634, RI61–209, RI62–218, RI62–454, RI63–133, RI65–279, RI66–114, RI66–271, RI67–109, RI69–128, RI69–136, and RI69–494; and said proceedings are redesignated

[1] Temporary certificate.

accordingly. The surety bond riders filed by Maguire Oil Co. in Dockets Nos. G–19634, RI61–209, RI62–454, RI63–133, RI65–279, RI66–114, RI66–271, and RI67–109 are accepted for filing. Maguire Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The surety bonds on file in the aforementioned proceedings shall remain in full force and effect until discharged by the Commission.

(Q) The rates, charges, and classifications set forth in Supplement Nos. 13, 2, and 1 to Maguire Oil Co. (Operator) et al., FPC Gas Rate Schedule Nos. 1, 6, and 10, respectively, shall be effective subject to refund as of August 1, 1969, in Docket No. RI69–128 with respect to FPC Gas Rate Schedule No. 1 and in Docket No. RI69–136 with respect to FPC Gas Rate Schedule Nos. 6 and 10. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Dockets Nos. RI69–128 and RI69–136. The surety bonds filed by Maguire Oil Co., in said proceedings are accepted for filing and shall remain in full force and effect until discharged by the Commission.

(R) Within 30 days from the issuance of this order, Maguire Oil Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable surety bonds in Dockets Nos. G–14317, G–17603, and RI62–218 in the principal amounts of $24,000, $4,900, and $4,500, respectively, to assure the refunds of all amounts collected by Russell Maguire (Operator) et al., the Estate of Russell Maguire (Operator) et al., and itself, together with interest at the applicable rates, in excess of the amounts determined to be just and reasonable in said proceedings. In the alternative, Maguire Oil Co. (Operator) et al., may file riders substituting itself in lieu of the Estate of Russell Maguire (Operator) et al., as principal under the surety bonds presently on file with the Commission in said proceedings. If surety bonds are filed, they shall be accompanied by certificates to the effect that no obligations have been incurred in connection with the bonds in addition to the payment of the bond premiums. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, the new surety bonds or riders to presently filed bonds shall be deemed to have been accepted for filing. The new surety bonds, or the presently filed bonds if riders thereto are filed, shall remain in full force and effect until discharged by the Commission.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–4258 ..... G–18001 E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator) et al.).	Transcontinental Gas Pipe Line Corp., Bear Field, Beauregard Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 4.	4	.....
			Supplement Nos. 1–10	4	1–10
			Notice of succession 7–31–69.	.....	.....
			Assignment 6–10–69 [1]	4	11
G–4421 ..... D 8–15–69	Hassie Hunt Trust (Operator) et al. (partial abandonment).	Texas Eastern Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Notice of partial cancellation 8–13–69. [2 9]	4	24
G–5033 ..... E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator) et al.).	Arkansas Louisiana Gas Co., Athens Field, Claiborne Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 1.	5	.....
			Supplement Nos. 1–16	5	1–16
			Notice of succession 7–31–69.	.....	.....
			Assignment 6–10–69 [1]	5	17
G–5034 ..... E 8–7–69	do	do	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 11.	11	.....
			Supplement Nos. 1–15	11	1–15
			Notice of succession 7–31–69.	.....	.....
			Assignment 6–10–69 [1]	11	16
G–5036 ..... E 8–7–69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chatham Field, Jackson Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 2.	2	.....
			Supplement Nos. 1–11	2	1–11
			Notice of succession 7–31–69.	.....	.....
			Assignment 6–10–69 [1]	2	12
G–5040 ..... E 8–7–69	do	United Gas Pipe Line Co., Roanoke Field, Jefferson Davis Parish, La.	R. E. Hubbard, Jr. (Operator), et al., FPC GRS No. 6.	6	.....
			Supplement No. 1–5	6	1–5
			Notice of succession 7–31–69.	.....	.....
			Assignment 6–10–69 [1]	6	6
G–6437 ..... E 8–13–69	Helen Loraine Harvey (Operator) et al. (successor to Francis L. Harvey (Operator) et al.).	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan and Rio Arriba Counties, N. Mex.	Francis L. Harvey (Operator) et al., FPC GRS No. 1.	1	.....
			Supplement Nos. 1–13	1	1–13
			Notice of succession (undated).	.....	.....
			Will 5–22–46 [4]	1	14
			Effective date: 5–8–69	.....	.....
G–7009 ..... D 7–28–69	Cities Service Oil Co. (partial abandonment).	United Fuel Gas Co., acreage in Pike County, Ky.	Notice of partial cancellation 7–23–69. [3 9]	235	18
G–8666 ..... E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator), et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lake Arthur Field, Jefferson Davis Parish, La.	R. E. Hubbard, Jr. (Operator), et al., FPC GRS No. 3.	3	.....
			Supplement Nos. 1–7	3	1–7
			Notice of succession 7–31–69.	.....	.....
			Assignment 6–10–69 [1]	3	8
G–9489 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Texas Eastern Transmission Corp., Alco-Mag Field, Harris County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 1.	1	.....
			Supplement Nos. 1–13	1	1–13
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	1	14
			Assignment 4–21–69 [8]	1	15
			Effective date: 5–1–69	.....	.....
G–10854 ..... (C169–1232) C 6–23–69 [9 10]	Hurley Oil & Gas Co. et al.	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	Ratified 5–29–69 [11]	5	7
			Amendment 8–12–69 [12 13]	5	8
G–10962 ..... E 8–25–69	Hays & Co., agent for George & Elaine Davis, et al. (successor to Harris & See Gas Co.).	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Harris & See Gas Co., FPC GRS No. 1.	324	.....
			Agreement 10–15–68 [14]	324	1
			Notice of succession 8–15–69.	.....	.....
			Assignment 10–20–68 [15]	324	2
			Assignment 10–20–68 [16]	324	3
			Assignment 11–25–68 [17]	324	4
			Assignment 3–6–69 [18]	324	5
			Effective date: 8–15–69	.....	.....
G–11264 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Cities Service Gas Co., Whiterock Field, Noble County, Okla.	Estate of Russell Maguire (Operator) et al. FPC GRS No. 2.	2	.....
			Supplement No. 1	2	1
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	2	2
			Assignment 4–21–69 [8]	2	3
			Effective date: 5–1–69	.....	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C161–1233 ..... E 2–26–69	ZRN Co. (successor to Appell Petroleum Corp.).	The Altex Corp., West Alice Field, Jim Wells County, Tex.	Appell Petroleum Corp., FPC GRS No. 8.	3	.....
			Supplements Nos. 1–3	3	1–3
			Notice of succession 2–26–69.	.....	.....
			Notice of change 6–3–69	3	4
			Assignment 9–15–60 [21]	3	5
			Assignment 2–11–69 [22]	3	6
C162–570 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Oklahoma Natural Gas (fathering Corp., Ringwood Field, Major County, Okla.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 4.	6	.....
			Supplements Nos. 1–5	6	1–5
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	6	6
			Assignment 4–21–69 [8]	6	7
			Effective date: 5–1–69	.....	.....
C162–623 ..... E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., LeBlanc Field, Allen Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 8.	8	.....
			Supplements Nos. 1–3	8	1–3
			Notice of succession 7–31–69.	.....	.....
			Assignment 6–10–69 [1]	8	4
C162–1305 [23] ..... E 7–16–69	Maguire Oil Co., agent (Operator) et al. (successor to Estate of Russell Maguire, agent (Operator) et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Estate of Russell Maguire, agent (Operator) et al., FPC GRS No. 9.	9	.....
			Supplements Nos. 1–3	9	1–3
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	9	4
			Assignment 4–20–69 [8]	9	5
			Effective date: 5–1–69	.....	.....
C163–277 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Panhandle Eastern Pipe Line Co., Texas Southeast Field, Hemphill County, Okla.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 10.	10	.....
			Supplement No. 1	10	1
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	10	2
			Assignment 4–21–69 [8]	10	3
			Effective date: 5–1–69	.....	.....
C164–560 [24] ..... E 7–7–69	Triton Oil & Gas Corp. (successor to Landa Oil Co.).	Panhandle Eastern Pipe Line Co., Valley Center West Field, Dewey County, Okla.	Landa Oil Co., FPC GRS No. 7.	4	.....
			Supplement No. 1	4	1
			Notice of succession (undated).	.....	.....
			Assignment 6–10–69 [1]	4	2
			Effective date: 5–1–69	.....	.....
C164–933 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Natural Gas Pipeline Co. of America, Ann-Mag Field, Brooks County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 11.	11	.....
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	11	1
			Assignment 4–21–69 [8]	11	2
			Effective date: 5–1–69	.....	.....
C164–998 ..... D 8–20–69	Tenneco Oil Co.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Assignment 6–4–68 [25]	40	4
			Effective date: 6–1–68	.....	.....
C167–4 ..... E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator), et al.).	Valley Gas Transmission, Inc., Chatham Field (James Lime Formation), Jackson Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 1.	10	.....
			Supplement No. 1	10	1
			Notice of succession 7–31–69.	.....	.....
			Assignment 6–10–69 [1]	10	2
G–11270 ..... E 7–16–69	do	Texas Eastern Transmission Corp., Harbin-Mag Field, Fort Bend County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 3.	3	.....
			Supplement Nos. 1–7	3	1–7
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	3	8
			Assignment 4–21–69 [8]	3	9
			Effective date: 5–1–69	.....	.....
G–16271 ..... E 7–8–69	Triton Oil & Gas Corp. (successor to Landa Oil Co.)	Mississippi River Transmission Corp., Caddo Lake Field, Harrison County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 6.	3	1–5
			Supplement Nos. 1–5	3	1–5
			Notice of succession 7–9–69.	.....	.....
			Assignment 10–1–68 [26]	3	6
			Effective date: 10–1–68	.....	.....
G–19677 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.)	Valley Gas Transmission, Inc., Good Friday Field, Duval County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 4.	4	.....
			Supplement Nos. 1–2	4	1–2
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	4	3
			Assignment 4–21–69 [8]	4	4
			Effective date: 5–1–69	.....	.....
G–19687 ..... E 7–16–69	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 5.	5	.....
			Supplement Nos. 1–4	5	1–4
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	5	5
			Assignment 4–21–69 [8]	5	6
			Effective date: 5–1–69	.....	.....
C169–32 ..... C 5–17–63 C 9–29–69 [29]	Teraco, Inc. (Operator) et al.	El Paso Natural Gas Co., LaBarge Field, Lincoln and Sublette Counties, Wyo.	Supplemental agreement 5–5–63.	211	7
			Supplemental agreement 3–3–69.	211	13
			Supplemental agreement 7–8–69.	211	14
C169–69 ..... E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator) et al.).	Florida Gas Transmission Co., Napoleonville Field, Assumption Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 7.	7	.....
			Supplement Nos. 1–5	7	1–5
			Notice of succession 7–9–69.	.....	.....
			Assignment 6–10–69 [1]	7	6
			Effective date: 5–1–69	.....	.....
C161–169 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Natural Gas Pipeline Co. of America, Gladys-Mag Field, Jack County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 6.	6	.....
			Supplement Nos. 1–2	6	1–2
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	6	3
			Assignment 4–21–69 [8]	6	4
			Effective date: 5–1–69	.....	.....
C161–530 ..... E 7–16–69	do	South Texas Natural Gas Gathering Co., McAllen Field, Hidalgo County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 7.	7	.....
			Supplement No. 1	7	1
			Notice of succession 7–9–69.	.....	.....
			Assignment 4–19–69 [7]	7	2
			Assignment 4–21–69 [8]	7	3
			Effective date: 5–1–69	.....	.....

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C167-5 E 8-7-69	do	Valley Gas Transmission, Inc., Chatham Field (Hooston Formation), Jackson Parish, La.	R. E. Hubbard, Jr. (Operator), et al., FPC GRS No. 9. Supplement Nos. 1-2. Notice of succession 7-31-69.	9 9	1-2
C167-286 C 9-8-69 [20] [21]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	Assignment 6-10-69 [1]. Contract 6-17-69 [22] [23]	9 85	3 8
C168-1038 C 8-28-69 [20]	Tenneco Oil Co	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplemental agreement 8-12-69 [24]	223	6
C168-1231 E 8-5-69	Atapaz Petroleum, Inc., et al. (successor to Steteo '65, Ltd.).	Natural Gas Pipeline Co. of America, Lochridge Field, Ward County, Tex.	Stetco '65, Ltd., FPC GRS No. 1. Supplement No. 1 Notice of succession (undated). Assignment 12-31-68 [25] Effective date: 12-1-68	1 1 1	1 2
C168-1232 E 8-5-69	do	do	Stetco '67, Ltd., FPC GRS No. 1. Supplement No. 1 Notice of succession (undated). Assignment 12-31-68 [25] Effective date: 12-1-68	2 2 2	1 2
C168-1240 C 8-27-69 [20]	Atlantic Richfield Co [26]	Northern Natural Gas Co., Northeast Ostes Field, Pecos County, Tex.	Supplemental agreement 6-24-69 [27]	611	3
C169-900 A 3-25-69 [20]	Phillips Petroleum Co. [28]	Natural Gas Pipeline Co. of America, Washita Creek Field, Hemphill County, Tex.	Letter agreement 2-17-69 Contract 2-20-69 Compliance 6-13-69	469 469	1 2
C169-1021 C 8-18-69 [20]	Mobil Oil Corp	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	Letter agreement 6-16-69 [29]	452	3
C169-1146 A 6-5-69	Humble Oil & Refining Co. [31]	Transwestern Pipeline Co., Henderson Field, Winkler County, Tex.	Contract 5-20-69	466	
C169-1216 C 8-13-69 [20]	J. C. Baker & Son, Inc., et al.	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	Letter agreement 7-17-69 [32]	7	1
C169-1216 C 9-3-69 [20]	do	do	Letter agreement 8-25-69 [33]	7	2
C170-8 A 7-7-69 [20]	Woods Petroleum Corp.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	Contract 3-4-69 Amendment 5-19-69 Compliance 8-21-69 [34] [35]	22 22 22	1 2
C170-53 A 7-16-69 [20]	Cotton Petroleum Co.	Transwestern Pipeline Co., acreage in Hansford and Ochiltree Counties, Tex.	Contract 6-25-69 Compliance (undated) [36]	1 1	1
C170-75 (C167-1166) F 7-22-69	Clinton Oil Co. (successor to Haas Bros.).	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	Contract 1-31-67 [37] Assignment 5-5-69 [38] Effective date: 1-1-69	33 33	1
C170-113 (C168-1165) B 8-6-69	J. W. Kinzer	Cities Service Oil Co., Pond Creek Area, Pike County, Ky.	Notice of cancellation 7-31-69 [39]	1	3
C170-124 A 8-11-69 [20]	Continental Oil Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sand Butte Area, Sweetwater County, Wyo.	Contract 7-1-69 [40]	352	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C170-135 (C162-395) F 8-11-69	Continental Oil Co. (successor to Austral Oil Co., Inc., et al.).	Southern Natural Gas Co., Bayou Long Field, St. Martin Parish, La.	Contract 9-29-61 [87] Letter agreement 1-31-67 Assignment 2-26-69 [88] Effective date: 1-1-69	351 351 351	1 2
C170-153 (G-18651) F 8-8-69	William M. Wiseman (successor to James A. Rehler et al.).	United Gas Pipe Line Co., Albrecht Field, Goliad County, Tex.	Contract 4-13-59 [89] Amendment 11-12-59 Amendment 2-29-60 Letter agreement 4-7-60 Amendment 9-14-60 Amendment 4-3-61 Assignment 4-25-62 [40] Assignment 4-7-69 [41] Effective date: 5-1-69	2 2 2 2 2 2 2 2	1 2 3 4 5 6 7
C170-173 A 8-20-69 [20]	Salmon Corp. et al	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Deckers Prairie Field, Harris County, Tex.	Contract 6-20-69 [13]	8	
C170-177 A 8-22-69 [20]	Longhorn Production Co.	Natural Gas Pipeline Co. of America, Wise County Area, Wise County, Tex.	Contract 3-17-69 [13]	[42] 9	
C170-185 A 8-26-69 [20]	Shield Petroleum Corp. et al.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	Contract 2-5-69 [13]	4	
C170-191 A 8-26-69 [20]	Petroleum Promotions, Inc.	Consolidated Gas Supply Corp., Hackers Creek District, Lewis County, W. Va.	Contract 3-21-69 [13]	22	
C170-199 A 8-26-69 [20]	Union Drilling, Inc.	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	Contract 2-24-69 [13]	41	
C170-202 (C161-80) B 8-26-69	Northern Natural Gas Producing Co.	Transwestern Pipeline Co., Puckett Field, Pecos County, Tex.	Notice of cancellation 8-25-69 [43]	18	4
C170-203 (C162-966) B 8-25-69	Marathon Oil Co	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	Notice of cancellation 8-22-69 [43]	63	6
C170-204 A 8-27-69 [20]	Theodore I. Leben (Operator) et al.	Panhandle Eastern Pipe Line Co., acreage in Stafford County, Kans.	Contract 8-6-69 [13]	1	
C170-207 A 8-28-69 [20]	Atlantic Richfield Co	Northern Natural Gas Co., Shirley Field, Hutchinson County, Tex.	Contract 6-10-69 [13]	629	
C170-208 A 8-28-69 [20]	Metropolitan Oil Co., Ltd.	Transcontinental Gas Pipe Line Corp., Hutchins Southwest (3850) Field, South Gobbler's Creek Field, Wharton County, Tex.	Contract 8-15-69 [13]	1	
C170-209 A 8-28-69 [20]	Marathon Oil Co	Arkansas Louisiana Gas Co., Northeast Hillsdale Field, Grant County, Okla.	Contract 5-6-69 Letter agreement 8-6-69 [13] [44]	110 [44] 110	1
C170-212 A 9-2-69 [20]	Kewanee Oil Co	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., East Rock Springs Field, Sweetwater County, Wyo.	Contract 7-2-69 [13]	80	
C170-215 A 9-2-69 [20]	Lendol Rogers et al., d.b.a. Rogers & Scull.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Contract 2-5-69 [13]	11	
C170-216 A 9-2-69 [20]	Reeves Lewenthal et al.	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	Contract 4-18-69 [13]	4	

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C170-217 A 9-2-69 [20]	R. Wayne Christenson, et al.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 4-14-69 [13]	2	
C170-218 A 9-2-69 [20]	James F. Scott	Consolidated Gas Supply Corp., Union District, Harrison County, W. Va.	Contract 3-31-69 [13]	15	
C170-219 A 9-2-69 [20]	Pioneer Petroleum, et al.	Consolidated Gas Supply Corp., Union and Freemans Creek Districts, Harrison and Lewis Counties, W. Va.	Contract 4-21-69 [13]	11	
C170-220 A 9-2-69 [20]	Stephens Probuction Co. (Operator) et al.	Arkansas Oklahoma Gas Corp., Spiro Southeast Field, Le Flore County, Okla.	Contract 6-19-69 Letter agreement 3-13-69. Letter agreement 5-22-69. Letter 6-19-69 [13]	4 4 4 4	1 2 3
C170-225 (C168-11) B 9-2-69	Texaco, Inc	Trunkline Gas Co., Rotherwood Field, Harris County, Tex.	Notice of cancellation 8-27-69. [44]	401	1
C170-230 A 9-8-69 [20]	Janan Oil Co	Transcontinental Gas Pipe Line Corp., Orcones Field, Duval County, Tex.	Contract 8-12-69	3	
C170-231 (G-10252) B 9-8-69	Atlantic Richfield Co. (Operator) et al.	Texas Eastern Transmission Corp., South Hallsville Field, Harrison County, Tex.	Notice of cancellation 9-2-69. [44]	136	9
C170-238 A 9-9-69	Roy Proffitt (Operator) et al.	The Ohio Fuel Gas Co., Groundhog Field, Lebanon Township, Meigs County, Ohio.	Contract 7-28-69	2	
C170-240 (G-3863) [46] B 9-9-69	C.H. Lyons, Sr., et al.	Arkansas Louisiana Gas Co., Carthage Field, Rusk and Panola Counties, Tex.	Notice of cancellation 9-3-69. [44]	3	11
C170-241 (G-18642) B 9-9-69	do	Arkansas Louisiana Gas Co., Colquitt Field, Claborne Parish, La.	Notice of cancellation 9-3-69. [44]	13	4
C170-248 A 9-11-69 [20]	Commonwealth Gas Corp.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	Contract 8-27-69 [47]	16	

[1] Assigns acreage from R. E. Hubbard, Jr., George R. Grim, Jr., L. J. Wickenhauser, Robert G. Haik, Robert D. Armstrong, and D. Bill Robinson to Suburban Propane Gas Corp.
[2] Sale to Hassie Hunt for resale to Texas Eastern has been abandoned by supplier (Mobil Oil Corp. FPC GRS No. 150) by order issued Apr. 25, 1969, in Docket No. G-3329 et al., permitting and approving abandonment of service in Docket No. C169-813. Seller also submitted amendatory agreement deleting the subject acreage from the contract dated May 20, 1969.
[3] Effective date: Date of this order.
[4] Francis L. Harvey's Estate willed to Helen Loraine Harvey. Includes Ancillary Letters Testamentary dated May 8, 1969.
[5] Applicant has been purchasing gas from J. W. Kinzer for resale to United Fuel Gas Co. Kinzer is negotiating a contract for direct sale of the subject gas to United Fuel Gas Co.
[6] Effective date: Date of certificate authorization for Kinzer's direct sale to United.
[7] Assignment from Susanne S. Maguire et al. (Executors and Trustees of Estate of Russell Maguire), to Cary M. Maguire.
[8] Assignment from Cary M. Maguire to Maguire Oil Co.
[9] Application erroneously assigned Docket No. C169-1232 being treated as a petition to amend the order issuing a certificate in Docket No. G-10854 and Docket No. C169-1232 will be canceled.
[10] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[11] Ratifies contract dated Aug. 22, 1955 between Hunt Oil Co. and buyer.
[12] Deletes favored nation clause in basic contract and provides for a 5-year makeup for gas paid for but not taken with respect to the subject acreage.
[13] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
[14] Sublease from Harris & See Gas Co. to Neal Rudder and Ferrell L. Prior (exclusive of existing gas well).
[15] From Neal Rudder to George and Elaine Davis.
[16] From Ferrell L. Prior to George and Elaine Davis.
[17] From George Davis to Ferrell L. Prior (reassignment of a one-quarter working interest).
[18] From French A. See, d.b.a. Harris & See Gas Co. to Ferrell Prior (assignment of existing gas well).
[19] From Landa Oil Co. to applicant.
[20] Deletes the indefinite pricing provisions contained in the supplemental agreements of May 9, 1963, and Mar. 3, 1969.
[21] Assigns acreage from William B. Osborn, Jr., Independent Executor of the Estate of William B. Osborn, Sr., to Appell Petroleum Corp.
[22] Assigns acreage from Appell Petroleum Corp. to Z.R.N Co.
[23] No permanent certificate issued, sale being rendered pursuant to temporary authorization.
[24] Deletes acreage assigned to L. L. Wilkins E & O Co. Assignee received certificate authorization in Docket No. C169-273.
[25] Amendment to certificate filed to include interests of Edwin L. Cox (a nonsignatory party) and Stephens Production Co.
[26] Between Stephens Production Co. and the purchaser. Adopts terms and provisions of Monsanto's contract dated Aug. 16, 1966 (FPC GRS No. 85).
[27] From Stetco '65, Ltd., to Atapaz Petroleum, Inc., et al.
[28] From Stetco '67, Ltd., to Atapaz Petroleum, Inc., et al.
[29] Applicant has stated its willingness to accept permanent authorization for the additional acreage conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[30] By letter dated Aug. 12, 1969, Applicant expressed willingness to accept a permanent certificate conditioned similar to the temporary certificate issued June 10, 1969.
[31] By letter filed Aug. 27, 1969, Applicant advised willingness to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[32] Accepts conditioned temporary certificate issued Aug. 8, 1969. Applicant states willingness to accept a permanent certificate conditioned to a rate of 17 cents plus B.t.u. adjustment; to limit buyer's take-or-pay obligation to a 1 to 3,650 ratio of daily takes to reserves; and subject to the ultimate disposition of the proceedings in Docket No. R-338.
[33] Complies with temporary certificate issued Aug. 8, 1969. Applicant states willingness to accept a permanent certificate conditioned to the ultimate disposition of the proceedings in Docket No. R 338.
[34] Between Haas Bros. and United Gas Pipe Line Co.; on file as Haas Bros. FPC GRS No. 1.
[35] Transfers acreage from Haas Bros. to Clinton Oil Co. to a depth of 5,212 feet.
[36] Gas from acreage under the subject contract is resold by Cities Service to United Fuel Gas Co. Applicant is presently negotiating with United for direct sale of gas. Cities resells subject gas to United under its FPC GRS No. 235, Docket No. G-7009.
[37] Between Austral Oil Co., Inc., and buyer; on file as Austral Oil Co., Inc. (Operator), et al., FPC GRS No. 15.
[38] Assigns acreage from Austral Oil Co., Inc., et al., to Continental covering the "B," "H," and "I" Sands.
[39] Basic contract between James A. Rehler et al. and buyer; on file as James A. Rehler et al., FPC GRS No. 1.
[40] Assigns acreage from James A. Rehler to H. B. Kaulbach.
[41] Assigns acreage from Everett J. Carlson et al. ("et al." parties under James A. Rehler FPC GRS No. 1) to William M. Wiseman.
[42] Contract rate is 16 cents per Mcf plus 0.25 cent per Mcf dehydration allowance, subject to pressure adjustment and B.t.u. adjustment; however, applicant is willing to accept a permanent certificate at a total rate of 14.5 cents per Mcf, the area initial service ceiling rate, plus B.t.u. adjustment.
[43] Source of gas depleted.
[44] Eliminates indefinite pricing provisions.
[45] Contractual rate is 17 cents per Mcf, plus upward and downward B.t.u. adjustment; however, by letter filed Sept. 10, 1969, applicant stated willingness to accept a permanent certificate conditioned to a rate of 15 cents per Mcf including tax reimbursement, subject to upward and downward B.t.u. adjustment and subject to the ultimate disposition of the proceedings in Docket No. R-338.
[46] By order issued Nov. 7, 1963, in Docket No. G-2579 et al., the certificate in Docket No. G-3863 was erroneously terminated in its entirety. Said certificate and rate schedules will be reinstated to cover the Foote Unit (under FPC GRS No. 1) and W. H. Briggs No. 2 Unit (under FPC GRS No. 10).
[47] Limited to gas produced from the Newburg Sand and above.

Suggested Surety Bond Form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas, (Name of respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classifications subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and

(Name of respondent), pursuant to the provisions of Section 4(c) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified;

Now, therefore, if (Name of respondent), its corporate surety (and their heirs, executors, administrators[1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. ------, (Name of respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ------ day of ----------.

Attest:

By ----------
Principal

By ----------
Surety

[F.R. Doc. 69-13523; Filed, Nov. 14, 1969; 8:45 a.m.]

[Project 637]

WASHINGTON

Order Partially Vacating Withdrawal

OCTOBER 22, 1969.

Application has been filed by the U.S. Forest Service (applicant) for vacation of the power withdrawal as it pertains to the following described lands of the United States:

WILLAMETTE MERIDAN, WASHINGTON

All portions of unsurveyed sections 2 and 11, T. 31 N., R. 18 E., lying within 200 feet of the 1,100-foot contour bordering Lake Chelan, and lying north and east of, and abutting, the line connecting corners 1 and 5 of Mineral Survey No. 1078-B (King Solomon Millsite).

(Approximately 1 acre.)

The lands are withdrawn pursuant to the filing on August 25, 1925, of an application for license for Project No. 637. Commission notice of the withdrawal was given the General Land Office (now the Bureau of Land Management) by letter dated April 2, 1926.

The lands lie within the Wenatchee National Forest and are located near the shore of Lake Chelan, a 55-mile-long natural lake which has been enlarged by a 40-foot dam to form the reservoir of licensed Project No. 637. The subject lands are situated at an elevation about 70 feet above the maximum water elevation of the reservoir and lie outside the project boundary. No plans are known for raising the elevation of the reservoir above its present elevation.

The application has been submitted to facilitate a proposed land exchange which will enable applicant to obtain land adjacent to the reservoir which is suitable for development of a public access site and which, in combination with adjacent Forest Service land, can be used by applicant for development of recreation facilities.

The Commission finds: Inasmuch as the subject lands have no power value, the withdrawal pertaining thereto pursuant to the above-mentioned application for Project No. 637 serves no useful purpose and should be vacated.

The Commission orders: The power withdrawal made pursuant to the filing of the application for Project No. 637 is hereby vacated insofar as it affects the subject lands.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13569; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. CP70-118]

CITIES SERVICE GAS CO.

Notice of Application

NOVEMBER 7, 1969.

Take notice that on November 3, 1969, Cities Service Gas Co. (applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP70-118 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction, over a 2-year period, and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate various gathering facilities, measuring and regulating facilities, and approximately 28.5 miles of 12-inch transmission pipeline in Kingfisher County, Okla. Applicant states that the facilities proposed in this application will enable it to have available for its customers south of Blackwell, Okla., approximately 30,000 Mcf per day commencing with the 1970-71 heating season. Applicant further states that these volumes will help offset the generally declining inputs into this portion of applicant's system, where existing supply sources are depleting.

The total estimated cost of the proposed facilities is $1,916,200, to be financed from treasury funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commmission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13570; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. CP70-116]

LONE STAR GAS CO.

Notice of Application

NOVEMBER 7, 1969.

Take notice that on October 30, 1969, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP70-116 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1970, and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

[1] To be included if a noncorporate respondent.

The purpose of this application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $500,000, and the cost of any single project is not to exceed $125,000. The facilities are to be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13571; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. CP69-249]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

NOVEMBER 7, 1969.

Take notice that on November 3, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-249 a petition to amend the order of the Commission issued on June 24, 1969, to reflect a proposed alteration of reception point of volumes of natural gas from Texas Gas Transmission Corp. (Texas Gas) into applicant's transmission system and the installation of a hot tap at the point of interconnection, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was authorized by the aforementioned order, inter alia, to transport gas from Texas Gas from Calumet, La., to Eunice, La. The proposed amendment would have Texas Gas deliver such gas to applicant at Avalon, La., rather than Calumet, pursuant to an agreement of August 14, 1969. Applicant states that this is a more economic means of connection, whereas the original authorization would require Texas Gas to construct a line to its own facilities at an estimated cost of $448,000, as opposed to the current proposal which would cost $186,000.

The total estimated cost of the hot tap is $7,500, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13572; Filed, Nov. 14, 1969; 8:45 a.m.]

[Dockets Nos. RI70-432 etc.]

AMERICAN PETROFINA CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

NOVEMBER 7, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D), Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 24, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-432	American Petrofina Co. of Texas	39	3	Northern Natural Gas Co.			[3] 10-1-69	10-2-69	16.0	[4] [5] 16.06	
	do	74	4	El Paso Natural Gas Co.			[3] 10-1-69	10-2-69	15.91	[4] [5] 15.9697	
RI70-433	Sun Oil Co.	176	5	do			[3] 10-1-69	10-2-69	15.66	[4] [5] 15.93013	
	do	243	2	Natural Gas Pipeline Co. of America.			[3] 10-1-69	10-2-69	17.4930	[4] [5] 17.5586	
RI70-434	Union Texas Petroleum, a division of Allied Chemical Corp.	95	1	Transwestern Pipeline Co.			[3] 10-1-69	10-2-69	16.5	[4] [5] 16.5723	
	do	96	2	do			[3] 10-1-69	10-2-69	16.5	[4] [5] 16.5723	
RI70-435	Phillips Petroleum Co. (Operator).	18	[1] to 53	Northern Natural Gas Co.			[3] 10-1-69	10-2-69	16.5	[4] [5] 16.5723	
RI70-436	Shell Oil Co.	356	1	do			[3] 10-1-69	10-2-69	14.1820	[4] [5] 14.2370	
RI70-437	Getty Oil Co.	4	15	El Paso Natural Gas Co.			[3] 10-1-69	10-2-69	14.21	[4] [5] 14.2366	
RI70-438	Murphy Oil Corp.	11	13	do			[7] 1-7-70	[8] Accepted	[9] 18.8383	[4] [5] 18.8739	
RI70-439	Continental Oil Co.	3	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[3] 10-1-69	10-2-69	14.5	[4] [5] 14.5544	
	do	81	9	Texas Gas Transmission Corp.			[3] 10-1-69	10-2-69	15.0	[4] [5] 15.05625	
	do	83	8	do			[3] 10-1-69	10-2-69	15.0	[4] [5] 15.05625	
	do	292	1	Lone Star Gas Co.			[3] 10-1-69	10-2-69	15.0	[4] [5] 15.0562[illegible]	
	do	297	1	Natural Gas Pipeline Co. of America.			[3] 10-1-69	10-2-69	14.49	[4] [5] 14.525	
RI70-440	Continental Oil Co. (Operator) et al.	82	9	Texas Gas Transmission Corp.			[3] 10-1-69	10-2-69	15.0	[4] [5] 17.06375	
										[4] [5] 15.05625	

[1] Waiver of notice is being granted pursuant to the Commission's Order No. 390, issued Oct. 10, 1969.
[2] Tax reimbursement increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Applicable to Ellenberger gas only.
[5] Expiration date of the suspension period in Docket No. RI70-80.
[6] Accepted subject to the suspension proceeding in Docket No. RI70-80.
[7] Rate suspended in Docket No. RI70-80 until Jan. 7, 1970.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

Getty Oil Co. (Getty) proposes a tax reimbursement increase to a rate that is suspended in Docket No. RI70-80. In this situation, we conclude that Getty's proposed 18.8739 cents per Mcf rate should be accepted for filing subject to the suspension proceeding in Docket No. RI70-80 to be effective as of the expiration date (Jan. 7, 1970) of the suspension period in Docket No. RI70-80 at the earliest.

[F.R. Doc. 69-13573; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. RI69-805]

HUSKY OIL COMPANY OF DELAWARE ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates to Permit Substitute Rate Filing

NOVEMBER 7, 1969.

On May 23, 1969, Husky Oil Company of Delaware (Operator) et al., (Husky) previously filed with the Commission a proposed change in rate from 13.0495 cents to 14.0495 cents per Mcf, designated as Supplement No. 4 to Husky's FPC Gas Rate Schedule No. 20, which pertains to Husky's jurisdictional sales of natural gas from the Basin Dakota Pool, San Juan County, N. Mex. (San Juan Basin Area). The Commission by order issued June 17, 1969, in Docket No. RI69-805, suspended for 5 months Husky's rate filing until November 25, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On October 13, 1969, Husky submitted an amended notice of change in rate, designated as Supplement No. 5 to Husky's FPC Gas Rate Schedule No. 20, amending the supplement to the aforementioned rate schedule to provide for a rate increase to 15.0495 cents instead of the 14.0495 cents per Mcf rate filed on May 23, 1969. Husky did not include as part of the previously filed 14.0495-cent rate the 1 cent per Mcf minimum guarantee for liquids contained in the contract. Husky was thus advised that if it wanted to collect under the minimum guarantee provision it could do so provided it filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al. The proposed substitute rate filing is set forth in Appendix A hereof.

Husky's proposed 15.0495 cents per Mcf rate exceeds the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rate in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Husky's revised notice of change in rate subject to the suspension proceeding in Docket No. RI69-805, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Nov. 25, 1969) of the original rate filing in said docket.

The Commission orders:

(A) The suspension order issued June 17, 1969, in Docket No. RI69-805, is amended only so far as to permit the 15.0495 cents per Mcf rate provided in Supplement No. 5 to Husky's FPC Gas Rate Schedule No. 20 to be filed to supersede the 14.0495 cents per Mcf rate contained in Supplement No. 4 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69-805. The suspension period for such substitute filing shall terminate concurrently with the suspension period (Nov. 25, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on June 17, 1969, in Docket No. RI69-805, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-805	Husky Oil Co. of Delaware (Operator) et al., Post Office Box 380, Code, Wyo. 82414.	20	5	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	$8,211	10-13-69	----------	[1] 11-25-69	[4] 14.0495	[2] [3] 15.0495	

[1] Expiration date of the suspension proceeding in Docket No. RI69-805.
[2] Respondent is filing for 1-cent minimum guarantee for liquids omitted from previous filing.
[3] Pressure base is 15.025 p.s.i.a.
[4] Rate suspended in Docket No. RI69-805 until Nov. 25, 1969.

[F.R. Doc. 69-13574; Filed, Nov. 14, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Society Corp., which is a bank holding company located in Cleveland, Ohio, for prior approval by the Board of Governors of the acquisition by Applicant of up to 100 percent (less directors' qualifying shares) of the voting shares of The Xenia National Bank, Xenia, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Dated at Washington, D.C., this 10th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13579; Filed, Nov. 14, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3284, 7-3285]

AMERICAN GENERAL INSURANCE CO., AND KINNEY NATIONAL SERVICE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 10, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American General Insurance Co., $1.80 cumulative convertible preferred stock, $1.50 par value	7-3284
Kinney National Service, Inc., 5 cents Series C convertible preferred stock, $1 par value	7-3285

Upon receipt of a request, on or before November 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-13593; Filed, Nov. 14, 1969; 8:46 a.m.]

ARKANSAS VALLEY INDUSTRIES, INC.

Order Suspending Trading

NOVEMBER 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Arkansas Valley Industries, Inc., and all other securities of Arkansas Valley Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 10, 1969, 10 a.m., e.s.t., through November 19, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-13594; Filed, Nov. 14, 1969; 8:46 a.m.]

[File No. 7-3279 etc.]

DELTONA CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 10, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington

stock exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
The Deltona Corp	7-3279
Kinney National Service, Inc	7-3280
Lone Star Cement Corp. (Delaware)	7-3281
Seatrain Lines, Inc	7-3282
UAL, Inc	7-3283

Upon receipt of a request, on or before November 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-13595; Filed, Nov. 14, 1969; 8:46 a.m.]

[812-2579]

NARRAGANSETT CAPITAL CORP.

Notice of Filing of Application for Order Exempting Transactions

NOVEMBER 10, 1969.

Notice is hereby given that Narragansett Capital Corp. ("Narragansett"), Ten Dorrance Street, Providence, R.I. 02903, a Rhode Island corporation, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act to exempt from section 17(a) of the Act the purchase by certain affiliated persons of Narragansett of stock of All American Beverages, Inc. ("AAB"); and for an order under Rule 17d-1 of the Act approving such purchases.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Background. Narragansett now holds 274,156 shares or 77.32 percent of the 354,568 outstanding shares of common stock of AAB. Within the next 2 months, AAB plans to complete the issuance of 100,000 additional shares of its common stock. These shares will be offered in a private placement to the nine existing stockholders of AAB on a pro rata basis in proportion to present holdings. The offering price will be $5 per share. Narragansett intends to purchase in this offering all of the 77,321 shares of AAB common stock to which it will be entitled to subscribe. In addition, Narragansett has agreed that it will purchase any shares offered by AAB not subscribed for by other stockholders. Thus, after the private placement of 100,000 shares by AAB, Narragansett will hold between 351,477 and 374,156 shares of AAB common stock, or between 77.32 percent and 82.31 percent of the 454,568 outstanding shares.

Upon the completion of the foregoing issuance of 100,000 shares of common stock by AAB, and upon effectiveness of a registration statement under the Securities Act of 1933 filed with the Securities and Exchange Commission on June 30, 1969 (File No. 2-33824), Narragansett proposes to offer up to 276,956 shares of AAB common stock then held by it to its stockholders through the distribution of transferable subscription warrants. The exact number of shares Narragansett will offer has not been determined, depending in part upon the number of shares Narragansett purchases in the private placement described above. In any event, the number to be offered by Narragansett will not exceed 276,956 shares (on the basis of a right to purchase one share of AAB common stock for every three shares of the 830,868 outstanding shares of Narragansett common stock) nor be less than 237,391 shares (on the basis of one share of AAB stock for every 3.5 shares of outstanding Narragansett stock). As a result of the rights offering, Narragansett will reduce its holdings of AAB common stock to between 16.39 percent and 30.09 percent of the outstanding shares of AAB.

All of the shares are proposed to be offered by Narragansett at $5 per share. In addition to their pro rata primary subscription privilege under the subscription warrants, the stockholders of Narragansett will have the privilege of oversubscribing, subject to allotment, at the $5 subscription price for any number of full shares of AAB common stock not subscribed for through the exercise of primary rights.

The application states that as of June 30, 1969, of the 830,868 shares of outstanding stock of Narragansett, affiliated persons of Narragansett owned 171,991 shares, constituting 20.7 percent of such outstanding stock. If all affiliated persons of Narragansett exercise their primary subscription privileges, they would own a total of 49,136 shares (10.81 percent) of the outstanding common stock of AAB, if Narragansett offers AAB shares on the basis of one AAB share for every 3.5 Narragansett shares held, and a total of 57,327 shares (12.61 percent) of the outstanding common stock of AAB, if Narragansett offers AAB shares on a 1-for-3 basis. These figures do not include shares which might be purchased by affiliates pursuant to the additional subscription privileges.

Commission jurisdiction. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from purchasing from such registered investment company any security or other property except securities of which the investment company is the issuer. The proposed rights offering by Narragansett of common stock of AAB involves a transaction subject to the prohibitions of section 17(a) of the Act, unless exempted therefrom pursuant to section 17(b) of the Act.

The Commission, upon application pursuant to section 17(b), may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any persons concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Since officers and directors of Narragansett are stockholders of Narragansett, the proposed offering and acquisition of the AAB stock by them may be prohibited by section 17(d) of the Act and Rule 17d-1 thereunder. Taken together they provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. In passing upon such application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Narragansett seeks an exemption to the extent necessary to permit affiliated persons to exercise the rights to purchase the AAB stock.

Supporting statements. Narragansett states in the application that the proposed rights offering is fair, reasonable, and beneficial to Narragansett and its stockholders. Since 1961 Narragansett has made substantial investments in AAB and its predecessor companies, Sam Snead All American Golf, Inc., and Pepsi-Cola Bottling Company of Springfield, Inc., merged in August 1968, to form AAB. As of the date of the application, such investments totaled $871,000 in installment notes of AAB and $1,396,327 in common stock. In the private placement described above, Narragansett will invest an additional $386,605 to $500,000 in common stock of AAB. Management and the board of directors of Narragansett believe that the proposed rights offering will preserve and enhance the investment of Narragansett in AAB remaining after the sale of shares in the rights offering. Narragansett states the development of a public market in the common stock of AAB will create an objective and readily determinable value for the AAB stock retained in the portfolio of Narragansett. The availability of a public market for the shares will facilitate the subsequent disposition, in whole or in part, of the Narragansett investment in AAB.

The private placement of 100,000 shares by AAB to raise $500,000 in equity capital will be possible only because of Narragansett's willingness to participate. In turn, Narragansett can only participate on the assumption that the rights offering will take place because Small Business Administration approval of the additional investment is conditioned on the conduct of the public rights offering and resulting disposition of shares by Narragansett. The $500,000 proceeds to AAB from the private placement will permit it to pay off $250,000 in indebtedness to Industrial National Bank of Rhode Island and to have ready working capital for new plant and equipment and for possible acquisitions.

The terms of the proposed rights offering to the stockholders of Narragansett have been established by the board of directors of Narragansett after careful consideration. The $5 offer price was established by the board on the basis of a report independently prepared by G. H. Walker & Co.

The proposed offering to the stockholders of Narragansett permits its stockholders to retain, if they desire, an interest in AAB equal to the interest they previously held indirectly as stockholders of Narragansett immediately prior to the rights offering.

Narragansett states the proposed rights offering involves no overreaching on the part of any person concerned or any preference for the interest of any affiliated person of Narragansett. Each stockholder of Narragansett, whether or not an affiliated person, will receive identical privileges to subscribe for stock of AAB at the same price and on the same terms.

The application asserts that, to deny affiliated persons of Narragansett an opportunity to subscribe for stock of AAB on the same basis as other stockholders of Narragansett, would deprive them of a valuable financial right. This could discourage the ownership of stock of Narragansett by its officers and directors, and hence decrease their interest in, and loyalty to, Narragansett, to the detriment of the stockholders thereof.

Narragansett states the original investments by Narragansett in AAB and its predecessor companies were consistent with the stated investment policy of Narragansett, and, the application submits, the proposed disposition is also consistent therewith. The receipt of the net proceeds of the offering by Narragansett will permit Narragansett to make investments in other small businesses as contemplated by its investment policy and in furtherance of the provisions of the Small Business Investment Act of 1958.

Narragansett further asserts that the proposed rights offering to the stockholders of Narragansett is consistent with the general purposes of the Act.

With specific reference to Rule 17d-1, the application contends the participation of Narragansett in the proposed rights offering is not on a basis different from or less advantageous than that of any other participant, including the affiliates of Narragansett. The sale of the AAB stock will permit Narragansett to reduce its holdings in such stock to less than 20 percent of Narragansett's combined capital and surplus, in conformity with Narragansett's investment policy. At the same time the sale will afford Narragansett's stockholders an opportunity to purchase the AAB stock on a pro rata basis in proportion to their holdings of Narragansett common stock.

Notice is further given that any interested person may, no later than November 24, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Narragansett at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-13596; Filed, Nov. 14, 1969; 8:46 a.m.]

[Files Nos. 7-3277, 7-3278]

SCIENTIFIC RESOURCES CORP. AND LONE STAR CEMENT CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 10, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Scientific Resources Corp.	7-3277
Lone Star Cement Corp. (Delaware)	7-3278

Upon receipt of a request, on or before November 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-13597; Filed, Nov. 14, 1969; 8:47 a.m.]

[File No. 7-3276]

UNION PACIFIC CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 10, 1969.

In the matter of application of the Boston Stock Exchange for unlisted

trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Union Pacific Corp., File No. 7-3276.

Upon receipt of a request, on or before November 25, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-13598; Filed, Nov. 14, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 14]

HEADS OF FEDERAL AGENCIES

Reports of Procurements in Labor Surplus Areas

1. *Purpose.* This bulletin advises agencies that narrative reports of procurements in labor surplus areas are no longer required.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* Agencies were formerly required to submit to the General Services Administration semiannual narrative reports of their procurements in labor surplus areas. All necessary information relating to procurements in labor surplus areas is now required to be included in the reports submitted by agencies on Standard Form 37, June 1968 Edition, pursuant to FPR 1-16.804.

4. *Agency action.* Agencies should submit their reports of procurements in labor surplus areas on Standard Form 37 and should discontinue the submission of narrative reports.

Dated: November 11, 1969.

HART T. MANKIN, *General Counsel.*

[F.R. Doc. 69-13617; Filed, Nov. 14, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

ADJUSTMENT ASSISTANCE

Delegation of Authority and Notice of Investigations

Notice of delegation of authority regarding certification of eligibility of groups of workers to apply and notice of investigations concerning certifications of groups of workers of the Weld Mill of the Armco Steel Corp. in Ambridge, Pa., the Shiffler Plant of the American Bridge Division, U.S. Steel Corp. at Pittsburgh, Pa., and the Maywood Plant, American Bridge Division, U.S. Steel Corp. at Los Angeles, Calif.

1. *Notice of delegation.* The authority and responsibility previously delegated to the Assistant Secretary of Labor for International Affairs and to the Director of the Office of Trade Adjustment Assistance, Department of Labor, Respectively, as they relate to Certification of Eligibility To Apply for Worker Assistance under the Trade Expansion Act of 1962 (19 U.S.C. 1801 note) and reflected in 29 CFR Part 90, are delegated to the Deputy Under Secretary for International Affairs (in place of the Assistant Secretary) and to the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs (in place of the Director of the Office of Trade Adjustment Assistance) respectively. The provisions of 29 CFR Part 90 will be amended to reflect these changes as soon as practicable.

2. *Notice of certain investigations.* The Department of Labor has received Tariff Commission reports under section 301(c)(2) of the Trade Expansion Act of 1962 of the results of its investigations of petitions for adjustment assistance filed on behalf of groups of workers at the plants named below (Nos. TEA W-8, W-9, and W-10). In view of the reports and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted investigations, as provided in 29 CFR 90.5 and this notice. The investigations relate to the determination of whether any of the groups of workers covered by the Tariff Commission reports should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivisions of the firms involved to be specified in any certifications to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

The Director's investigations cover the unemployment or underemployment, of groups of workers at the Weld Mill of the Armco Steel Corp. located in Ambridge, Pa., at the Shiffler Plant of the American Bridge Division, U.S. Steel Corp., located at Pittsburgh, Pa., and at the Maywood Plant, American Bridge Division, U.S. Steel Corp., located at Los Angeles, Calif.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before November 19, 1969.

Signed at Washington, D.C., this 13th day of November 1969.

GEORGE P. SHULTZ, *Secretary of Labor.*

[F.R. Doc. 69-13691; Filed, Nov. 14, 1969; 8:50 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Culter's Drugs, drugstores from 9-3-69 to 9-2-70: Nos. 2 and 5, Columbus, Ohio.

Early Tractor Co., Inc., farm implement dealer; Blakely, Ga.; 8-27-69 to 8-26-70.

Ephrata Nursing Home, Inc., nursing home; 25 West Locust Street, Ephrata, Pa.; 8-4-69 to 8-3-70.

W. T. Grant Co., variety-department stores from 9-3-69 to 9-2-70: No. 3086, Gary, Ind.; No. 89, Lawrence, Mass.; No. 190, Minneapolis, Minn.; No. 74, Canton, Ohio.

H. E. B. Food Store, foodstores from 9-3-69 to 9-2-70; No. 88, Del Rio, Tex.; No. 72, Killeen, Tex.; No. 71, Temple, Tex.; Nos. 50, 54, 64, 70, 76, and 87, Waco, Tex.

Kenley's Super Markets, Inc., foodstore; 1107 South 10th Street, Noblesville, Ind.; 9-3-69 to 9-2-70.

S. S. Kresge Co., variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 4608, Meriden, Conn.; No. 33, New Haven, Conn.; No. 590, Waterbury, Conn.; No. 254, Aurora, Ill.; No. 94, Bridgeview, Ill.; No. 690, Champaign, Ill.; Nos. 6, 236, 480, 594, 599, 627, and 4613, Chicago, Ill.; No. 261, Danville, Ill.; Nos. 201 and 641, Decatur, Ill.; No. 220, Evanston, Ill. (9-20-69 to 9-19-70); No. 179, Galesburg, Ill.; No. 130, Joliet, Ill.; No. 4610, Lincoln, Ill.; No. 4546, Moline, Ill.; No. 4623, Oak Lawn, Ill.; No. 4630, Pekin, Ill.; No. 242, Peoria, Ill.; No. 318, Rockford, Ill.; No. 136, St. Charles, Ill.; No. 483, Bedford, Ind.; No. 647, Evansville, Ind.; Nos. 462 and 618, Gary, Ind.; Nos. 583 and 672, Indianapolis, Ind.; No. 589, Kokomo, Ind.; Nos. 31 and 204, Lafayette, Ind.; No. 85, Muncie, Ind.; No. 251, New Castle, Ind.; No. 4571, Peru, Ind.; No. 532, Boston, Mass.; No. 255, Quincy, Mass.; No. 4578, Faribault, Minn.; Nos. 176 and 694, Minneapolis, Minn.; No. 4501, Alliance, Ohio; No. 586, Cambridge, Ohio; No. 120, Canton, Ohio; No. 638, Cincinnati, Ohio; Nos. 411 and 531, Cleveland, Ohio; Nos. 5 and 29, Columbus, Ohio; No. 538, Cuyahoga Falls, Ohio; Nos. 9 and 649, Dayton, Ohio; No. 51, Lima, Ohio; No. 4597, Maple Heights, Ohio; No. 512, Mount Vernon, Ohio; No. 40, Newark, Ohio; No. 410, Painesville, Ohio; No. 676, Parma, Ohio; No. 488, Piqua, Ohio; No. 316, Springfield, Ohio; No. 458, Steubenville, Ohio; Nos. 299 and 674, Warren, Ohio; No. 228, Willowick, Ohio; No. 248, Xenia, Ohio; No. 595, Youngstown, Ohio; No. 377, Zanesville, Ohio; No. 202, Appleton, Wis.; No. 611, Fond du Lac, Wis.; Nos. 162 and 268, Madison, Wis.; No. 420, Manitowoc, Wis.; Nos. 446 and 617, Milwaukee, Wis.; No. 181, Oshkosh, Wis.; No. 119, Watertown, Wis.; No. 493, Wausau, Wis.

S. H. Kress and Co., variety-department stores from 9-3-69 to 9-2-70: 211 North Mesa, El Paso, Tex.; 16 Lamar Avenue, Paris, Tex.

Wm. A. Lewis Clothing Co., apparel stores from 9-3-69 to 9-2-70: 2301 West 95th Street, Chicago, Ill.; Hillside Shopping Center, Hillside, Ill.; Harlem-Irving Plaza, Norridge, Ill.

McCrory-McLellan-Green Stores, variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 189, Canton, Ohio (9-5-69 to 9-4-70); No. 1207, Cleveland, Ohio; No. 180, Dayton, Ohio (9-5-69 to 9-4-70); No. 1065, Dayton, Ohio; No. 684, Delaware, Ohio; No. 1059, Portsmouth, Ohio (9-6-69 to 9-5-70); No. 24, Springfield, Ohio; No. 27, Steubenville, Ohio (9-15-69 to 9-14-70); No. 1124, Uhrichsville, Ohio; No. 37, Bradford, Pa. (7-22-69 to 7-21-70); No. 1004, Dallas, Tex.; No. 216, Wichita Falls, Tex.

G. C. Murphy Co., variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 456, Mount Vernon, Ill.; No. 417, Goshen, Ind.; No. 119, Greencastle, Ind.; Nos. 104 and 215, Indianapolis, Ind.; No. 430, Madison, Ind.; No. 411, Noblesville, Ind.; No. 422, Peru, Ind.; No. 443, Salem, Ind.; No. 466, Logan, Ohio; No. 56, Pittsburgh, Pa. (8-5-69 to 8-4-70).

Neisner Brothers, Inc., variety-department stores from 9-3-69 to 9-2-70: Nos. 30, 31, 52, 54, 57, 65, 74, and 97, Chicago, Ill.; No. 150, Melrose Park, Ill.; No. 37, Waukegan, Ill.; No. 129, Rochester, Minn.; No. 20, St. Paul, Minn.; No. 100, Cincinnati, Ohio; No. 53, Cleveland, Ohio; No. 15, Elyria, Ohio; No. 19, Mansfield, Ohio; No. 39, Norwood, Ohio; No. 134, Wichita Falls, Tex.

J. J. Newberry Co., variety-department store; No. 66, El Paso, Tex.; 9-3-69 to 9-2-70.

R. & R. Farms, Inc., agriculture; Carthage, Miss.; 9-10-69 to 9-9-70.

Rockford Dry Goods Co., department store; 305 West State Street, Rockford, Ill.; 9-14-69 to 9-13-70.

Roth Brothers Co., department store; 1321-27 Tower Avenue, Superior, Wis.; 9-3-69 to 9-2-70.

Super Duper Food Center, foodstore; 300 Hailey Street, Sweetwater, Tex.; 9-3-69 to 9-2-70.

Ward Brothers, Inc., apparel store; 72 Lisbon Street, Lewistown, Maine; 9-3-69 to 9-2-70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment of all employees.

Barkmeier's, foodstore; Exeter, Nebr.; sacker, carryout, stock clerk; 10 to 15 percent; 9-10-69 to 9-9-70.

Culter's Drug Store, drugstore; No. 6, Columbus, Ohio; cashier, stock clerk, fountain clerk; 2 to 10 percent; 9-3-69 to 9-2-70.

Eagle Stores Co., Inc., variety store; Wayne Avenue Shopping Center, Dunn, N.C.; salesclerk; 3 to 18 percent; 9-8-69 to 9-7-70.

Falls Super Market, Inc., foodstore; 405 South Mill Street, Redwood Falls, Minn.; stock clerk, carryout; 7 to 24 percent; 9-3-69 to 9-2-70.

W. T. Grant Co., variety-department stores: No. 69, St. Paul, Minn., salesclerk, office clerk, cashier, stock clerk, 8 to 10 percent, 9-3-69 to 9-2-70; No. 1064, Shamokin, Pa., salesclerk, stock clerk, 9 to 44 percent, 8-17-69 to 8-16-70.

H. E. B. Food Store, foodstores for the occupations of bottle clerk, package clerk, sacker, 10 percent except as otherwise indicated, 9-3-69 to 9-2-70: No. 99, Bellmead, Tex.; No. 93, Belton, Tex.; No. 95, Del Rio, Tex. (9 to 10 percent); No. 113, Lampasas, Tex.

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier except as otherwise indicated, 9-3-69 to 9-2-70 except as otherwise indicated: No. 259, Waterbury, Conn., 10 percent (salesclerk); No. 4031, Bloomington, Ill., 3 to 21 percent; No. 4551, Chicago, Ill., 16 to 42 percent; No. 429, Des Plaines, Ill., 17 to 26 percent; No. 4005, Peoria, Ill., 4 to 18 percent; No. 4014, Kokomo, Ind., 10 percent; No. 4008, Lafayette, Ind., 7 to 10 percent; No. 466, Mishawaka, Ind., 10 percent (9-7-69 to 9-6-70); No. 597, Richmond, Ind., 10 percent; No. 217, Vincennes, Ind., 8 to 10 percent; No. 4518, Ashtabula, Ohio, 10 percent (stock clerk, maintenance, office clerk, food preparation, salesclerk, customer service, checker-cashier); No. 434, Cleveland, Ohio, 10 percent (salesclerk, checker-cashier, customer service, stock clerk, maintenance, food preparation); No. 663, Columbus, Ohio, 5 to 10 percent (salesclerk, office clerk, checker-cashier, customer service, stock clerk, maintenance, food preparation, 9-7-69 to 9-6-70); No. 287, Dayton, Ohio, 6 to 10 percent (stock clerk, maintenance, office clerk, food preparation, salesclerk, customer service, checker-cashier); No. 4179, Dayton, Ohio, 8 to 10 percent (stock clerk, maintenance, office clerk, checker-cashier, salesclerk, customer service, food preparation, 9-1-69 to 8-31-70); No. 4528, Lorain, Ohio, 5 to 10 percent (salesclerk, checker-cashier, customer service, stock clerk, maintenance, food preparation); No. 144, Maple Heights, Ohio, 10 percent (salesclerk, checker-cashier, customer service, stock clerk, maintenance, food preparation); No. 314, Parma, Ohio, 10 percent (salesclerk, customer service, checker-cashier, stock clerk, maintenance, food preparation); No. 4556, Zanesville, Ohio, 5 to 10 percent (stock clerk, maintenance, office clerk, food preparation, salesclerk, customer service, checker-cashier); No. 761, Fort Worth, Tex., 7 to 10 percent (salesclerk); No. 4259, Fort Worth, Tex., 7 to 27 percent (salesclerk, 8-23-69 to 8-22-70); No. 4051, Eau Claire, Wis., 2 to 6 percent; No. 222, Green Bay, Wis., 6 to 24 percent; Nos. 4321 and 4325, Madison, Wis., 11 to 29 percent (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service, 9-2-69 to 9-1-70); No. 442, Neenah, Wis., 10 percent.

Lerner Shops, apparel store; No. 337, Burlington, N.C.; salesclerk, cashier, credit clerk; 5 to 17 percent; 9-15-69 to 9-14-70.

Wm. A. Lewis Clothing Co., apparel store; Randhurst Center, Mount Prospect, Ill.; receptionist, checkwriter, wrapper, stock clerk; 10 percent; 9-3-69 to 9-2-70.

Magic Mart, Inc., department store; Parkview Shopping Center, Marshall, Tex.; salesclerk, stock clerk, janitorial; 17 to 40 percent; 9-3-69 to 9-2-70.

Marstaller Grocery and Market, Inc., food store; 3344 Franklin, Waco, Tex.; sacker, checker, janitorial, stock clerk, bottle clerk; 10 percent; 9-2-69 to 9-1-70.

McCrory-McLellan-Green Stores, variety-department stores; No. 372, Troy, Ohio; salesclerk, office clerk, stock clerk, 6 to 20 percent, 9-8-69 to 9-7-70; No. 1, Scottdale, Pa.; salesclerk, office clerk, stock clerk, porter, 8 to 27 percent, 8-3-69 to 8-2-70.

G. C. Murphy Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, janitorial, 10 to 28 percent except as otherwise indicated, 9-3-69 to 9-2-70 except as otherwise indicated: No. 307, Greensburg, Pa. (7 to 21 percent, 8-12-69 to 8-11-70); No. 51, McKees Rocks, Pa. (13 to 27 percent, 8-8-69 to 8-7-70); No. 288, Abilene, Tex.; No. 219, Fort Worth, Tex.; No. 294, Odessa, Tex.; No. 283, Texarkana, Tex.

Neisner Brothers, Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 9-3-69 to 9-2-70: No. 202, Crystal Lake, Ill., 6 to 22 percent; No. 180, Del Rio, Tex., 6 to 14 percent.

Rodenberg's, Inc., foodstore; No. 6 Charleston, S.C.; bagger, carryout; 10 percent; 9-5-69 to 9-4-70.

Scott Store, variety-department store; No. 909, Erie, Pa.; salesclerk, stock clerk, checker; 6 to 18 percent; 7-22-69 to 7-21-70.

Sibert Motor Co., automobile dealer; Bigler Avenue, Spangler, Pa.; gasoline attendant, courtesy service, auto cleanup; 2 to 13 percent; 8-28-69 to 8-27-70.

Super Duper Food, foodstore; 802 Pine Street, Abilene, Tex.; sacker, stock clerk; 6 to 10 percent; 9-1-69 to 8-31-70.

T.G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk; No. 1900, Alamogordo, N. Mex., 13 to 24 percent, 8-27-69 to 8-26-70; No. 844, Houston, Tex., 30 percent, 9-12-69 to 9-11-70.

Tersteeg's Super Valu, foodstore; Redwood Falls, Minn.; carryout, stock clerk; 15 to 28 percent; 9-10-69 to 9-9-70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of

29 CFR 519.9. Signed at Washington, D.C., this 7th day of November 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-13592; Filed, Nov. 14, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 939]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 12, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10343 (Sub-No. 19 TA), filed November 3, 1969. Applicant: CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Aluminum*, serving Northbrook, Ill., as an off-route point in connection with applicant's presently authorized regular-route operations between Chicago, Ill., and Burlington, Iowa, for 180 days. Supporting shipper: Fullerton Metals Co., 3000 Shermer Road, Northbrook, Ill. 60062. Send protests to: Vernon V. Cable, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 41116 (Sub-No. 39 TA), filed November 6, 1969. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash* in bags, from Lake Charles, La., to Deer Park, Tex., for 180 days. Supporting shipper: Olin Corp., 120 Long Ridge Road, Stamford, Conn. 06904. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 94350 (Sub-No. 249 TA), filed November 5, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: G. P. Apperson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from Millen and Sylvester, Ga., and from Texarkana, Tex., to points in Hancock, Harrison, and Jackson Counties, Miss., for 180 days. Supporting shipper: Boise Cascade Mobile & Recreational Products, 61 Perimeter Park East, Atlanta, Ga. 30341; Brigadier Industries Corp., Thomson, Ga. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 610A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 103552 (Sub-No. 10 TA), filed October 30, 1969. Applicant: THE FARER TRANSPORTATION CO., 18 West Dover Street, Waterbury, Conn. 06720. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter, books, magazines, periodicals, song sheets, sheet music, comics, sheets and shopping news*, between Hartford and Waterbury, Conn., on the one hand, and, on the other, New London, Conn., the above authority is in conjunction with its interstate operating authority under Docket No. MC-103552 and will be tacked with the existing certificate of necessity, for 180 days. NOTE: Applicant intends to tack MC 103552 and Subs 1, 2, and 6. Supporting shippers: Independent News Co., Inc., 909 Third Avenue, New York, N.Y. 10022; Select Magazines Inc., 229 Park Avenue South, New York, N.Y. 10003; Publishers Distributing Corp., 401 Park Avenue South, New York, N.Y. 10016; MacFadden-Bartell Corp., 205 East 42d Street, New York, N.Y. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 107295 (Sub-No. 236 TA), filed November 5, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring*, from Warren, Ark., to points in New York, New Jersey, Delaware, Virginia, Ohio, Illinois, Michigan, Louisiana, New Mexico, Arizona, Colorado, Pennsylvania, Utah, Maryland, and Washington, D.C., for 180 days. Supporting shipper: Wilson Oak Flooring Co., Inc., Post Office Box 509, Warren, Ark. 71671. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 107295 (Sub-No. 237 TA), filed November 5, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall and floor tile*, from Cleveland, Miss., to points in Iowa, Illinois, Wisconsin, Michigan, Indiana, Minnesota, West Virginia, Arkansas, and Missouri, for 180 days. Supporting shipper: Miceramic Tile, Inc., Cleveland, Miss. 38732. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112288 (Sub-No. 4 TA), filed November 6, 1969. Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune Street, Winston-Salem, N.C. 27107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tanks*, requiring special equipment because of size and weight, from Reidsville, N.C., to Wrightstown, N.J., and Dover, Del., for 150 days. Supporting shipper: General Steel Tank Co., Post Office Drawer 1350, Reidsville, N.C. 27320. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, Charlotte, N.C. 28202.

No. MC 113362 (Sub-No. 171 TA), filed November 5, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 Eighth Avenue NE., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products* as defined in groups A and C of appendix No. 1 *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn., to Buffalo, N.Y., restricted to traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-named destination, for 180 days. Supporting shipper: Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114965 (Sub-No. 41 TA), filed November 6, 1969. Applicant: CYRUS TRUCK LINE, INC., Box 327, Iola, Kans. 66749. Applicant's representatives: Apt & Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed liquid fertilizer solutions*, in tank vehicles, from Oneida, Kans., to points in Missouri and Nebraska, for 180 days. Supporting shipper: C-G-F Grain Co., Inc., Oneida, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 124154 (Sub-No. 30 TA), filed November 4, 1969. Applicant: WINGATE TRUCKING COMPANY, INC., 1004 21st Avenue, Post Office Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer axles, running gear assemblies, and wheels and rims therefor*, on flatbed trailers (excluding commodities which because of size or weight require the use of special equipment), from points in Turner County, Ga., to points in Florida, for 180 days. Supporting shipper: Foreman Manufacturing Co., Ashburn, Ga. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 127994 (Sub-No. 6 TA), filed November 6, 1969. Applicant: JOHN HANLEY, 54 Kuhn Drive, Saddle Brook, N.J. 07662. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic cushioning material*, from West Springfield, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York, for 180 days. Supporting shipper: Sealed Air Corp., 19–01 State Highway 208, Fair Lawn, N.J. 07410. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133761 (Sub-No. 3 TA), filed November 6, 1969. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10904. Applicant's representative: Arthur Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailer parts*, from Middletown, N.Y.; to Philadelphia, Pa., Norfolk, Va.; Baltimore, Md.; New York, N.Y., commercial zone, Port Jervis, N.Y., and Fairless Hills, Pa., and *trailers, containers, chassis, and trailer parts*, from Port Jervis, N.Y., to Middletown, N.Y., for 150 days. Supporting shipper: Strick Corp., U.S. Highway No. 1, Fairless Hills, Pa. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 134062 (Sub-No. 1 TA), filed October 31, 1969. Applicant: E. M. LONG, doing business as E. M. LONG TRUCKING CO., Route No. 1, Box 169, Sasakwa, Okla. 74867. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone aggregates*, from the plantsites of Arkhola Sand & Gravel Co. within Crawford County, Ark., to an asphalt plantsite and the jobsite of the Oklahoma State Highway Commission, Job S–1088(5)S located at or near Oklahoma Highway 112 near Cameron, Le Flore County, Okla., for 180 days. Supporting shipper: Ewell B. Lee, President, Arkhola Sand & Gravel Co., Merchants National Bank Building, Fort Smith, Ark. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 134121 (Sub-No. 1 TA), filed November 6, 1969. Applicant: CHARLES DEASON AND FRANK DEASON, a partnership, doing business as DEASON BROTHERS, Post Office Box 368, Lewisburg, Tenn. 37091. Applicant's representative: Robert H. Cowan, 500 Court Square Building, 300 James Robertson Parkway, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged animal feed blocks*, from Pulaski, Tenn., to points in Kentucky and Ohio, for 180 days. Supporting shipper: McInnis Co., Post Office Box 312, Pulaski, Tenn. 38478. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 134138 (Sub-No. 1 TA), filed November 5, 1969. Applicant: ALVIN B. HARRISON, JR., doing business as LAND-AIR FREIGHT, 1420 Southland Avenue, Oshkosh, Wis. 54901. Applicant's representative: Russell F. Williams, Post Office Box 1067, 504 Algoma Boulevard, Oshkosh, Wis. 54901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to operations moving on airbills of lading, and having prior or subsequent movement by air, from Wittman Field, Oshkosh, Wis., to Mitchell Field, Milwaukee, Wis., and from Mitchell Field, Milwaukee, Wis., to Wittman Field, Oshkosh, Wis., for 150 days. Supporting shipper: North Central Airlines, Inc., G201 34th Avenue South Minneapolis, Minn. 55450 (John S. Minerich, Manager, Cargo Administration). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13635; Filed, Nov. 14, 1969; 8:49 a.m.]

[Notice 445]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 12, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71615. By order of October 31, 1969, the Motor Carrier Board approved the transfer to KHS Air Freight, Inc., Battle Creek, Mich., of certificates Nos. MC-115855 and MC-115855 (Sub-No. 3) issued March 25, 1964, and September 19, 1966, respectively, to Menser VandenHeuvel and Mildred VandenHeuvel, a partnership, doing business as KHS Air Freight Service, Battle Creek, Mich., authorizing the transportation of general commodities, with the usual exceptions, between Kalamazoo, Battle Creek, and Jackson, Mich., on the one hand, and, on the other, the Willow Run Airport at Ypsilanti, Mich., and the Wayne Major Airport at Romulus, Mich., and between points in Barry, Branch, Calhoun, St. Joseph, and Kalamazoo Counties, Mich., on the one hand, and, on the other, O'Hare and Midway Airports, Chicago, Ill., Willow Run and Detroit Metropolitan Airports, Wayne County, Mich., and Battle Creek Airport, Calhoun County, Mich. Service is restricted to transportation of freight which has either a prior or a subsequent movement by air.

Archie C. Fraser, 10th Floor, Michigan National Tower, Lansing, Mich. 48933, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13636; Filed, Nov. 14, 1969; 8:49 a.m.]

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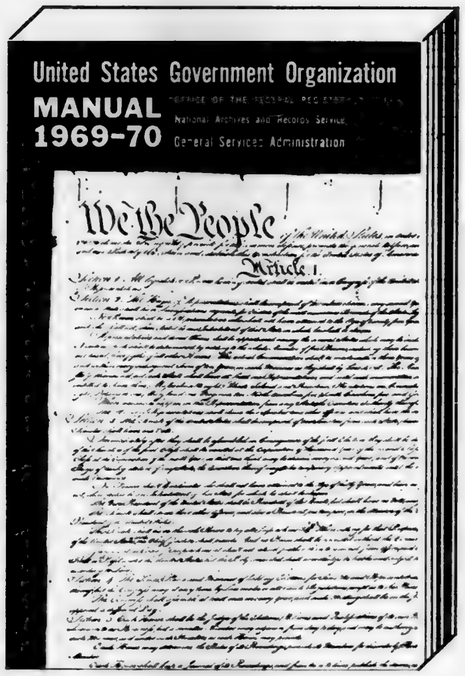
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74 18386

49 CFR

1041 18392

PROPOSED RULES:

230 18393

Rules and Regulations

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Origin of Imported Brush for Hair Roller

§ 15.386 Origin of imported brush for hair roller.

(a) The Commission issued an advisory opinion with regard to the question of whether it is necessary to disclose the origin of the imported brush which is assembled with American made components to form a brush hair roller.

(b) It is proposed to produce a hair roller in the United States. The roller consists of three components: spiral spring, netting, and brush insert. The brush insert is manufactured in a foreign country. The spiral spring and netting are manufactured in the United States. All assembling is done in the United States. The cost of the brush accounts for less than 25 percent of the total cost of the hair roller as marketed. The question involved is whether the foreign origin of the brush must be marked on the printed card which will be used in packaging the roller.

(c) The Commission expressed the opinion that, in the absence of any affirmative representation that the product is made in the United States, or any other representation that might mislead the public as to the country of origin, and in the absence of other facts indicating actual deception, the failure to mark the origin of the imported component would not be regarded by the Commission as deceptive.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: November 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–13623; Filed, Nov. 17, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Plan in Grocery Field

§ 15.387 Tripartite promotional plan in the grocery field.

(a) The Commission issued an advisory opinion with respect to a proposed tripartite promotional plan which proposed to secure advertising from packagers of food and grocery products and place ads in retail stores. The display ad will measure 22" x 21" and can be located in the middle of the store with or without aisle directory information or it can be divided in half and placed on the wall of the store. Payments to stores would be calculated in terms of the number of ads installed, the rate per ad to vary with the monthly traffic in the store, the minimum payment to be $4.25 per month per ad, and the smaller grocery stores will be paid more proportionally than larger stores. Competing retailers would be informed of the opportunity to participate in the plant through personal solicitations, advertisements in trade journals, and direct mailings to every grocery retailer in the country which has been in business for a period of at least 6 months.

(b) The Commission stated that the proposed method of calculating payments to stores, if implemented as stated, would not violate the requirements of proportionally equal terms in Guide 7 of the Commission's Guides for Advertising Allowances and Other Merchandising Payments and Services (May 29, 1969). The proposed method of informing competing retailers of the opportunity to participate in the plan, if implemented in good faith, seems to satisfy the requirements of Guide 13(a)(1). As long as nonfood items and food items likely to be sold in stores other than supermarkets are not advertised a plan to provide availability to all grocery stores of all sizes would meet the requirements of availability to all competing customers as required by Guide 9. The proposed ad which can be used in an aisle or on the wall of a store would appear to be "usable in a practical business sense" in a store of any size. Thus the plan satisfies the requirements of Guide 9 that the plan "* * * should in its terms be usable in a practical business sense by all competing customers." Therefore, no alternative plan seems to be required in the absence of proof that some customers cannot in fact make use of the proposed ads.

(c) The Commission advised that were the plan implemented as proposed, the Commission would have no objection to it. The Commission pointed out that were the plan implemented in a different manner, the promoter, the supplier, and the retailer might be acting in violation of section 2(d) or (e) of the Clayton Act, as amended, and/or section 5 of the Federal Trade Commission Act.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: November 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–13624; Filed, Nov. 17, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

"Bonus" Portable Typewriter Offer

§ 15.388 "Bonus" portable typewriter offer.

(a) The Commission issued an advisory opinion relative to proposed advertising of "bonus" typewriters. The proposed advertisement would offer a portable typewriter as a "bonus" to any one accepted for enrollment in a correspondence course. Readers were invited "to write for information," but the prerequisites to the receipt of the "bonus" typewriter were not disclosed.

(b) The Commission advised that it "* * * is of the view that the advertisement in the circumstances described would be misleading and deceptive and in possible violation of section 5 of the Federal Trade Commission Act in several respects. For one thing, the "bonus" offer is to be a continuing offer, which means that the regular price for the training course of $595 includes the typewriter; the typewriter would not, therefore, be a "bonus". Also, the proposed advertisement does not make clear that what is being sold for a fee is a training course in motel management and that the so-called "bonus" typewriter is offered only in connection with such course.

(c) "Moreover, even were the typewriter to be given as a true bonus, as, for example, if a time-limited offer was made without a change in tuition, the proposed advertisement would still be deceptive and misleading because the terms and conditions for the receipt of the typewriter are not disclosed, including, it appears, an advance payment of $595 tuition for a motel training course.

(d) "Furthermore, the proposed advertisement is deceptive because, taken as a whole, it tends to convey the impression that service is not being sold but, rather, that a gift is to be given to specially qualified persons who are willing to consider a career in motel management."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: November 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–13625; Filed, Nov. 17, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Foreign Assembly Operations on Ladies' Blouses

§ 15.389 Disclosure of foreign assembly operations on ladies' blouses.

(a) The Commission advised that it would not be necessary to disclose the foreign country of origin where certain

assembly operations are performed on ladies' blouses.

(b) Under the factual situation involved in the ruling, the synthetic fabric, buttons and thread will all be of domestic origin. The fabric will be cut in the United States and thereafter shipped to Trinidad where it will be assembled. Assembly operations in Trinidad will consist of sewing, pressing and trimming. Approximately 26.4 percent of total production costs will be of foreign origin, with the remaining 73.6 percent representing domestic costs.

(c) Concluding that a disclosure would not be required under section 4(b)(4) of the Textile Fiber Products Identification Act or section 5 of the FTC Act, the Commission said: "In the absence of any affirmative representation that the finished product is made entirely in the United States, the Commission has concluded that it will not be necessary to disclose the nature and extent of the foreign operations performed on the ladies' blouses."

(38 Stat. 717, as amended; 15 U.S.C. 41–58).

Issued: November 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–13626; Filed, Nov. 17, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangelo Reg. 38]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees, as to the minimum grade and sizes of tangelos in fresh shipments, reflects their appraisal of current crop and market conditions. More restrictive size regulation should be made effective no later than November 17, 1969, because fresh tangelo shipments have increased substantially during the past week and market prices are weakening. The size of tangelos in the developing crop has increased since the inception of seasonal regulation, hence, a larger minimum size together with continuation of the current minimum grade, as hereinafter specified, is needed to maintain or increase returns to producers through a reduction in the marketable supply for fresh shipment while providing consumers with more desirable tangelos of larger sizes. The recommendation by the committees also reflects their appraisal of the potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh tangelos in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of tangelo shipments, as hereinafter specified, is necessary to prevent a buildup of tangelo supplies in the markets during and immediately following the Thanksgiving Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 17, 1969. Domestic shipments of Florida tangelos are currently regulated by grade and size pursuant to Tangelo Regulation 37 (34 F.R. 14379), and, unless sooner terminated or modified, will continue to be so regulated through September 13, 1970; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for regulation of tangelo shipments subsequent to November 17, 1969, and for limiting the total quantity of fresh tangelos by prohibiting the shipment thereof pursuant to § 905.52(a)(3) during the period November 25, through November 27, 1969, as herein provided, were promptly submitted to the Department after an open meeting on November 11, 1969, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.518 Tangelo Regulation 38.

(a) Order: (1) Tangelo Regulation 37 (34 F.R. 14379) is hereby terminated November 17, 1969.

(2) During the periods from November 17, to November 25, 1969, and from November 28, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangelos, grown in the production area, which are smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided,* That during any week of the periods specified in this subparagraph (2), any handler may ship a quantity of tangelos which are smaller than the size prescribed in this subdivision (ii) if (a) the number of standard packed boxes of such smaller tangelos does not exceed 25 percent of the total shipments of tangelos by such handler during the last previous week, within the current fiscal period, in which he shipped tangelos; and (b) such smaller tangelos are of a size not smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(3) During the period from November 25, through November 27, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos, grown in the production area.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title); the term "week" shall mean the 7-day period beginning at 12:01 a.m., local time, on Monday of 1 calendar week and ending at 12:01 a.m., local time, on Monday of the following calendar week.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 14, 1969.

FLOYD F. HEDLUND, *Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 69–13705; Filed, Nov. 14, 1969; 11:26 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 9337; Amdt. 21–27]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 36—NOISE STANDARDS: AIRCRAFT TYPE CERTIFICATION

Adoption of Noise Type Certification Standards and Procedures

This amendment adds new Part 36 to the Federal Aviation Regulations. The purpose of this amendment is to implement 49 U.S.C. 1431 (Public Law 85–726, Title IV, § 611, as added Public Law 90–411, § 1, July 21, 1968, 82 Stat. 395), by prescribing noise standards for the type certification of subsonic transport category airplanes and for the type certification of subsonic turbojet powered airplanes regardless of category. This amendment also contains procedural changes to Part 21 of the Federal Aviation Regulations made necessary by the addition of new Part 36. This amendment initiates the noise abatement regulatory program of the Federal Aviation Administration under the new statutory authority.

This amendment is based on a notice of proposed rule making (Notice 69–1) issued on January 3, 1969, and published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 453).

I. *Relation to responsibility of airport proprietors.* Compliance with Part 36 is not to be construed as a Federal determination that the aircraft is "acceptable," from a noise standpoint, in particular airport environments. Responsibility for determining the permissible noise levels for aircraft using an airport remains with the proprietor of that airport. The noise limits specified in Part 36 are the technologically practicable and economically reasonable limits of aircraft noise reduction technology at the time of type certification and are not intended to substitute federally determined noise levels for those more restrictive limits determined to be necessary by individual airport proprietors in response to the locally determined desire for quiet and the locally determined need for the benefits of air commerce. This limitation on the scope of Part 36 is required for consistency with the responsibilities placed upon the airport proprietor by the U.S. Supreme Court in Griggs v. Allegheny County, 369 U.S. 84 (1962). Consistent with this limited scope, this amendment specifies that the Federal Aviation Administration makes no determination, under Part 36, on the acceptability of the prescribed noise levels in any specific airport environment (see §§ 36.5 and 36.1581(a)).

II. *Summary of public comments.* A total of 1,428 public comments were received. These comments generally fell into two major groups. One major group contained approximately 1,000 comments from private citizens, citizen associations or committees, and local airport authorities, of which approximately 960 comments were identical form letters submitted from the Los Angeles, Calif., area. The other major group included comments from aviation trade associations, aircraft manufacturers, and aircraft operators. With few exceptions, both major groups of commentators generally concluded that the standards in the notice should be changed, but for directly opposite reasons, the first group contending that Congress intended greater reductions in noise levels than those proposed, and the second group contending that the statutory requirement to prescribe technologically practicable and economically reasonable noise standards could only be met with noise levels higher than those proposed.

III. *Comments from individual citizens.* The above-mentioned 960 form letters stated that the noise standards should be "based on the technology available instead of that which would be the most advantageous to the airlines." The FAA agrees that available technology must be applied in the reduction of aircraft noise. The noise standards in this amendment are intended to accomplish this result consistent with the requirement in section 611(b)(4) that the Administrator must consider whether the standards are economically reasonable and technically practicable.

One person stated that proposed Part 36 "does not adequately reflect the will of Congress in enacting Public Law 90–411, especially in the area of takeoff noise. In 1966–67, certain realistic standards for noise limits were set. These limits have undergone various changes so that in the new Part 36 the prescribed limits represent a regression rather than progress in noise control." While noise values discussed in 1966 and 1967 were the best prediction then available concerning noise limits that might be reasonably achievable after the passage of a public law authorizing noise standards in type certification, the subsequent studies and research accomplished during and after the period of the promulgation of Public Law 90–411, and particularly the FAA's review of the greatly expanded economic studies conducted in response to Notice 69–1 have indicated that the noise levels in Appendix C of this amendment represent appropriate noise reductions under the statutory requirement that the Administrator must consider the economic reasonableness and technological practicability of the rule. For this same reason, it would not be appropriate, at this time, to require compliance with the prescribed noise levels at the takeoff measuring point suggested by this commentator, namely 3 statute miles. However, as technology makes further reasonable noise reductions possible, the FAA will act to insure that the lowest reasonable noise levels are achieved at the noise measurement points in this amendment. The commentator stated that the terms of the notice would not "bring about a reduction of aircraft noise in established communities, as was the intent of Congress." In fact, the noise levels for new type designs in this amendment are substantially lower than those associated with the current fleet of jet aircraft.

The commentator further stated that the takeoff test conditions in the notice prohibit the operators of new aircraft from using operating procedures that have heretofore been successful in minimizing noise over established residential areas. The FAA has not determined whether a minimum takeoff profile should be proposed in the form of operating regulations. However, pending the issuance of such operating regulations, the takeoff test conditions in this amendment, being type certification conditions only, do not in any way affect the operation of aircraft at airports.

One commentator stated that he assumed that the notice was intended to protect the public from adverse physiological and psychological effects, and that a noise envelope accomplishing this must be placed within airport boundaries. The FAA agrees that protection of the public from the adverse effects of aircraft noise, by controlling the noise source, must be achieved by regulation consistent with the statutory obligation, on the part of the Administrator, to consider whether the regulations are economically reasonable, technologically practicable, and appropriate for the type of aircraft to which they apply. The FAA noise abatement regulatory program is intended to accomplish this objective with respect to the current state of the art. Further noise reductions will be required as the technology of noise abatement progresses.

One commentator stated that the noise levels should be expressed as "1-pound pressure." The FAA believes that its chosen unit of noise measurement (effective perceived noise level in decibels) is far superior to the measurement of sound pressures alone. The commentator requested that the rule be extended to other classes of aircraft. The FAA agrees that a more complete solution of the aircraft noise problem requires that other classes of aircraft be considered for future rulemaking, and intends to do so as more fully discussed below.

Several comments requested that sonic boom protection be assured. While not a part of this rulemaking action; study of the sonic boom problem is continuing so that appropriate action can be taken specifically in that area.

One comment expressed concern that these noise standards may be a "two-edged sword" that may conflict with safety in operation at airports. The question of compatibility between noise and airworthiness standards has been of primary concern to the FAA throughout its noise abatement activities, and particularly in the development of the standards in this amendment. This amendment is drafted (see section 36.3) to ensure that the airplane meets the applicable airworthiness requirements under all conditions in which noise compliance is

shown, and that all procedures for showing noise compliance and all noise abatement information developed for the flight crew are consistent with the applicable airworthiness regulations. This amendment is thus drafted to ensure that the noise standards do not amend any airworthiness standard but, rather, provide an entirely separate source of type certification standards that must, in all cases, be compatible with the applicable airworthiness standards.

One comment stated that the FAA should limit the noise levels to those that do not exceed industrial health standards, vehicle emission standards, construction welfare standards, or commercial activities standards, and the FAA should permit local standards to prevail if they are more stringent than FAA standards. It is agreed that the ultimate objective of aircraft noise abatement is the achievement of aircraft noise levels similar to, or lower than, those of other industrial operations. The FAA believes that this objective is to a significant degree achieved by this amendment at the measuring points prescribed in Appendix C (see, for example, U.S. Department of Labor occupational noise exposure standards prescribed at 34 F.R. 7948 on May 20, 1969). However, it is recognized that certain locally desired noise levels may not be achievable within the constraints of 49 U.S.C. 1431 which requires that economic reasonableness and technological practicability be considered in the issuance of noise standards by the FAA. This being the case, the FAA, in response to the Griggs decision (see above), recognizes the right of State or local public agencies, as the proprietors of airports, to issue nondiscriminatory restrictions with respect to the permissible level of noise that can be created by aircraft using their airports. However, the FAA does not recognize any right of any State or local government agency that is not an airport proprietor to issue any regulation controlling the flight of aircraft for noise purposes. The relationship between Public Law 90–411 (49 U.S.C. 1431) and local government initiatives was specifically discussed as follows in Senate Report 1353:

> The courts have held that the Federal Government presently preempts the field of noise regulation insofar as it involves controlling the flight of aircraft. Local noise control legislation limiting the permissible noise level of all overflying aircraft has recently been struck down because it conflicted with Federal regulation of air traffic. American Airlines v. Town of Hempstead, 272 F. Supp. 226 (U.S.D.C., E.D., N.Y., 1966). The court said, at 231, "The legislation operates in an area committed to Federal care, and noise limiting rules operating as do those of the ordinance must come from a Federal source." H.R. 3400 would merely expand the Federal Government's role in a field already preempted. It would not change this preemption. State and local governments will remain unable to use their police powers to control aircraft noise by regulating the flight of aircraft.
>
> However, the proposed legislation will not affect the rights of a State or local public agency, as the proprietor of an airport, from issuing regulations or establishing requirements as to the permissible level of noise which can be created by aircraft using the airport. Airport owners acting as proprietors can presently deny the use of their airports to aircraft on the basis of noise considerations so long as such exclusion is nondiscriminatory.
>
> Just as an airport owner is responsible for deciding how long the runways will be, so is the owner responsible for obtaining noise easements necessary to permit the landing and takeoff of the aircraft. The Federal Government is in no position to require an airport to accept service by larger aircraft and, for that purpose, to obtain longer runways. Likewise, the Federal Government is in no position to require an airport to accept service by noiser aircraft, and for that purpose to obtain additional noise easements. The issue is the service desired by the airport owner and the steps it is willing to take to obtain the service. In dealing with this issue, the Federal Government should not substitute its judgment for that of the States or elements of local government who, for the most part, own and operate our Nation's airports. The proposed legislation is not designed to do this and will not prevent airport proprietors from excluding any aircraft on the basis of noise considerations.

One comment suggested that the FAA consider the use of certain sound-suppressing materials for buildings. While the use of such materials is encouraged, the FAA does not have authority to regulate building construction practices around airports, and this amendment does not involve such regulation.

Other comments from individual citizens presented views similar to those discussed above.

IV. *Comments from citizens associations and committees.* One citizens committee submitted comments identical to the 960 form letters from individuals requesting that the use of available noise reduction technology should be required by the rule. As stated above, this amendment initiates a regulatory program that is intended to insure the maximum noise reduction that is consistent with the statutory requirement to consider economic reasonableness and technological practicability.

One citizens association submitted the results of a noise study indicating that the introduction of commercial passenger traffic to their local airport would have large costs in their community and that the noise limits in the notice would not be acceptable in their community. Noise limits of 90 to 95 EPNdB were requested. The FAA is convinced after thorough study that the current state of the art in the field of aircraft noise reduction simply does not allow the attainment of the requested noise levels, for the larger aircraft, consistent with the statutory requirement that economic reasonableness and technological practicability be considered by the Administrator in issuing noise abatement regulations. Further, the judicial decisions and the legislative history of Public Law 90–411 have made it clear that the Federal Government should not substitute its judgment for that of the airport operator in determining the service desired by the airport operator or the steps that the responsible airport operator is willing to take to obtain the service, and that the Federal Government should recognize the airport operator's right to issue regulations or establish requirements as to the permissible level of noise which can be created by aircraft using the airport (see Senate Report 1353). However, it should be pointed out that this amendment requires that takeoff noise levels may not exceed 93 EPNdB before trade-off, for aircraft with maximum weights of 75,000 pounds or less. The commentator also stated that the proposed rules do not account for tones such as high pitched whines. To the contrary, as stated in the notice, the means of measurement, using the concept of effective perceived noise level (EPNL) in units of EPNdB, was developed to specifically account for the effects of tones, among other factors, in order to evaluate the qualities of aircraft noise that are particularly offensive to persons on the ground. One comment consisted of an agenda for a meeting of a sound abatement coordinating committee that illustrated the extent of community concern with respect to ameliorating the effects of aircraft noise in the community. The FAA encourages affected airport communities to make their needs known to the responsible airport authorities, and is committed to insuring that the aircraft that will use the airports incorporate all noise abatement design features that technology makes available and economically reasonable.

V. *Comments from State and local authorities (including airport authorities).* A comment from one airport commission recognized that the notice represents "no more than first steps toward an ambitious goal," and concluded that, in issuing noise standards, the FAA should take full cognizance of the views of the airport neighbors, as well as the views of the aviation industry. The FAA agrees and has fully reviewed each of the many comments received from those members of the public that are directly affected by aircraft noise. The public docket has been extremely valuable in defining the magnitude of the airport noise problem that remains to be solved. These public comments have greatly assisted the FAA in determining, after analysis of all comments, that the many and substantial costs to be imposed on the air transportation industry by this amendment are reasonable and appropriate.

The commentator also submitted comments and analyses of the proposed rules prepared by a university professor. These comments make the following points: The commentator states that the views of airport neighbors were not taken into account. As stated above, the FAA has reviewed all comments from this segment of the public and has found them useful and informative. The commentator stated that the proposed levels are not adequate because they are not socially acceptable. Under the above-mentioned statutory constraints, socially acceptable noise levels can only be required insofar as they involve economically reasonable burdens on the aircraft industry and are technologically practicable. The commentator stated that the proposed regulations would allow aircraft to be noisier than present aircraft. To the contrary, the FAA believes that the noise values in Appendix C of this amendment represent actual noise levels significantly lower than those now generated by transport category or turbojet powered airplanes. The commentator stated that present airplanes should also be regulated. The FAA agrees, is now studying retrofit standards, and will issue such standards as proposals for public comment at the earliest possible time. Pending the development of retrofit standards, § 21.93 (b) provides that, for transport category or turbojet powered airplanes already type certificated (i.e., the entire current U.S. jet fleet) all changes that may increase the noise levels created by those airplanes are "acoustical changes" in type design. As such, these changes would require the airplane to be substantiated under, and meet, Part 36 as applicable to "acoustical changes" in type design (see § 36.1(c)). This feature will ensure that no further escalation of noise can occur in the current U.S. fleet of jet aircraft pending the issuance of retrofit requirements. The commentator stated that the noise values in the proposal, if issued as final rules, "will be hardened for all time and will never be improved." To the contrary, the FAA is firmly committed to lowering the prescribed noise limits as fast as technology reasonably permits. This will not only be done during type certification, but also after certification in the form of retrofit requirements applying to aircraft operators, where appropriate and economically reasonable.

The commentator stated that noise limits should not be related to airplane weights, since "it is the volume of noise produced that is critical, not the machine that makes it." The FAA agrees that weight is not related to the social or subjective acceptability of noise. However, weight is directly related to the amount of power or thrust needed by the airplane, and this factor is directly related to the amount of noise reduction that can be required consistent with economic reasonableness. This amendment must reflect this fact. The commentator stated that the takeoff, sideline, and approach measuring points are inadequate since the airplane generates noise during most of the takeoff and landing paths. The FAA believes that the prescribed measuring points in fact measure the capability of the aircraft to achieve maximum reasonable noise reductions at points representative of frequently occurring distances between the aircraft and the airport neighborhoods. This comment appears to be related to the commentator's statement that the airplane should not exceed certain noise limits at any point along the takeoff and approach paths "where there are inhabited residences." As stated above, the actual noise generated at a given airport in operation is not a question for type certification, but involves the right of airport proprietors to limit the permissible levels of noise that can be created by aircraft using the airport. If further noise reduction must be achieved at a given airport, the judicial decisions and the legislative history of Public Law 90–411 have made it clear that this is a matter for the airport proprietor.

The commentator objected to the noise prediction allowance and the trade-off provisions of proposed Appendix C. For reasons discussed in connection with the comments from the aircraft manufacturers, the noise prediction allowance is eliminated under this amendment. However, the trade-off feature is maintained since the total noise exposure created by an airplane is related to the noise transmitted to all three measuring points (sideline, approach, and takeoff). It would, therefore, not be rational to deny a type certificate to an aircraft that only slightly exceeds the required noise levels at one or two points if the exceedances can, in fact, be made up or offset at the remaining measuring point(s), so that the net result is an aircraft whose total noise exposure is no worse than that of an aircraft that barely met the requirements at all three measuring points. The commentator stated that the proposed rules do not insure that a noise approved airplane will be operated in the same manner as it was operated to obtain the approval. This comment is correct. Further, as stated above, the FAA has not determined whether a minimum takeoff profile should be proposed in the form of an operating rule. The commentator stated that any aircraft, pilots, or airlines that continually violate the standards met by the prototype aircraft should lose their certificates.

With respect to aircraft that no longer conform to the noise approved type design, the FAA would consider action against the airworthiness certificate as in the case of any nonconformity with the type design. With respect to pilots and air carriers, the FAA has not ruled out the possibility of certificate sanctions related to noise abatement regulations. However, such action is not contemplated based on the type certification test procedures since they do not, by themselves, regulate aircraft operators. The commentator stated that the proposals did not apply to takeoff and landing noise associated with supersonic aircraft (apart from sonic boom). The FAA agrees that civil supersonic airplanes should be regulated for takeoff and landing noise purposes (in addition to sonic boom) and is in the process of determining what standards will allow the maximum use of available noise reduction technology for such aircraft consistent with the statutory requirement that economic reasonableness be considered. This is more fully discussed below.

One comment from a city manager stated, in addition to comments similar to those treated above, that the FAA should "take a more militant stand in favor of the general public and opposed to the private monetary interests of airlines and aircraft manufacturers." It should be emphasized that the FAA does not intend to "favor" or "oppose" any segment of the public in its noise abatement activities. Rather, the FAA intends to impartially administer the language of 49 U.S.C. 1431 in the light of the pertinent statements of congressional intent concerning the public law, such as the statement in Senate Report 1353 that "a completely quiet airplane will not be developed within the foreseeable future. However, with the technological and regulatory means now at hand, it is possible to reduce both the level and the impact of aircraft noise. Within the limits of technology and economic feasibility, it is the view of the committee that the Federal Government must assure that the potential reductions are in fact realized." The FAA intends to insure that its noise abatement regulatory program requires aircraft manufacturers to achieve the greatest noise reductions that are consistent with the economically reasonable limits of noise reduction technology.

Other State and local authorities submitted comments similar to those discussed above, and made the following additional points: One comment stated that the proposed regulation "should be in terms of noise exposure to residential uses with grants withheld if an airport has not made all residential areas with greater exposure compatible with the airport." While the FAA agrees that the airport proprietor is responsible for assuring compatibility of the airport with neighboring land uses, this amendment does not involve the grant or withholding of any funds, but rather is limited to prescribing design standards that must be met by aircraft manufacturers, for noise abatement purposes, as a condition to FAA approval of their products. The commentator also stated that the proposed regulation should not permit noncompliance by manufacturers for economic reasons. Under 49 U.S.C. 1431, economic reasonableness and technological practicability must be considered by the Administrator in determining the noise limits that must be complied with.

One comment recommended that the FAA should "avoid the current practice" under which pilots fly at full power up to the measuring device, reduce power over the measuring device, and then reapply full power when out of range of the measuring device. While these amendments do not regulate the operation of airplanes, it should be noted that the conditions of noise measurement under this amendment are intended to be sufficiently conservative to ensure that the noise values demonstrated during certification can be duplicated in operation under relatively high power or thrust conditions, so that noise levels demonstrated during type certification can be safely achieved by flight crews without the need for further power reductions over the measuring devices. Thus, these amendments require that no power or thrust reductions may go below that power or thrust that will provide level flight with one engine inoperative, or below that power or thrust that will maintain a climb gradient of at least 4 percent, whichever power or thrust is

greater. In addition, takeoff power or thrust is required, during the type certification tests, from the start of the takeoff to the point at which a substantial altitude above the runway is reached. These features of the type certification noise test should minimize the future incentive for flight crews to make large power reductions to satisfy airport noise limitations. This should insure that the noise levels obtained during type certification can be used as dependable guides to airport planning at the local level.

One comment from a State aeronautics department stated that no compromise with 100 percent control of aircraft noise should be made except compromises made in the interest of safety. While the FAA agrees that safety must not be adversely affected by noise abatement actions, it should be noted that 49 U.S.C. 1431 directs the FAA to consider economic reasonableness and technological practicability, in addition to safety, in the issuance of noise abatement regulations.

One comment from the department of airports of a major city stated that more severe standards are necessary and particularly that the lateral noise values allowed by the proposed standards would eventually force the acquisition of an additional block of homes paralleling one runway. FAA studies indicate that the lateral noise levels allowed by this amendment represent a substantial improvement when compared with existing airplanes of the same weight. Further noise reductions will be required by the FAA as noise reduction technology progresses. In any case, responsibility for assuring compatibility with land uses around the airport, such as by acquiring additional land, rests with the airport proprietor.

One comment representing the airport operators contained several of the points discussed above, and also made the following suggestions for improving the regulation: The commentator stated that a noise limited weight should be established that is different from the airworthiness limited weight and that the FAA should permit the use of either weight depending on the noise sensitivity of the particular airport. While the FAA has considered such an approach as a possibility, it is now believed that the noise limited weights should be general operating limitations since: (1) A requirement for compliance with noise limits at low weights only would reduce industry incentive to achieve maximum reasonable noise reductions at the higher weights; and (2) the primary responsibility for ensuring that airport operation is compatible with surrounding neighborhoods rests with the airport operator.

However, the FAA realizes that an unjust situation could result if an aircraft, for which a noise limited weight less than the airworthiness maximum weight is established under § 36.1581(b), were required to operate at the lower weight from a particular airport or runway at which there is no noise problem whatsoever. In order to accommodate these infrequent situations and at the same time prohibit a general erosion of the noise protection provided by Part 36, the FAA will handle these situations on a case-by-case basis, under the exemption authority of section 601(c) of the Federal Aviation Act of 1958. Under that section, the Administrator would require proof that, in fact, there is no noise sensitivity associated with the particular airport or runway and that an exemption from the requirement to comply with operating limitations (see § 91.31 (a)) is in the public interest. When such proof is made, appropriate limitations would be placed in the exemption to ensure that the resulting operation does not affect any noise sensitive areas. The concurrence of the affected airport operator would, of course, be required as a condition to the granting of such an exemption. All of this would be accomplished under Part 11 of the Federal Aviation Regulations.

The commentator suggested that certification should be denied until additional noise reduction features have been incorporated in the airplane to permit additional noise reduction at the source. The FAA agrees with this concept and, as more fully discussed below, will not rely solely on the noise limits currently prescribed in Appendix C of Part 36 but will issue further regulations, during the type certification process, where necessary to insure that the maximum reasonable use of noise reduction technology is applied to the airplane. The commentator finally suggested that certification could be predicated on the use of higher thrust engines with no increase in maximum takeoff weight, so that lower noise levels would result. The FAA intends to insure that the noise limits applied to aircraft insure that all economically reasonable and technologically practicable design provisions are employed to reduce noise, including the use of power plants that provide the greatest noise reduction.

One comment from a State port authority stated that the standards in Part 36 should be at least as stringent as those informally proposed by the FAA in 1966, namely, 106 EPNdB for very large aircraft. Information submitted under the FAA's public rule making procedures indicates that the noise values being considered in 1966 could not be prescribed, for those same airplane weights, consistent with the statutory requirement that economic reasonableness be considered. After thorough review of comments submitted, the FAA believes that this amendment contains the lowest noise levels that are currently economically reasonable and technologically practicable for the very large aircraft mentioned by the commentator. However, as noise reduction technology develops, the FAA intends to ensure that the noise levels mentioned by the commentator, and lower noise levels, are achieved when the impact of such lower noise levels will be economically reasonable.

The commentator also stated that the noise measurement distances should be reduced in order to protect more residents. The objective of the noise limits specified at the measurement points in this amendment is to achieve all noise reduction that is economically reasonable and technologically practicable. Therefore, the measurement distances could not be shortened, consistent with the statutory requirement to consider technological practicability and economic reasonableness, unless the noise levels were correspondingly raised over those contained in this amendment. Further, while no single set of measuring points can represent all airport/community situations, it is believed that the measurement points in this amendment are no less typical than those suggested by the commentator.

The commentator cited Department of Transportation and NASA studies concerning the progress that can and must be made in the field of aircraft noise reduction, and stated that "only by reducing to a minimum the geographic areas affected by maximum aircraft noise levels can a compatible land use program be manageable." The FAA recognizes that much remains to be done. This amendment is but the first step, under 49 U.S.C. 1431, in a noise abatement regulatory program whose primary objective is that cited by the commentator, namely, the greatest protection of the greatest number of airport neighbors from aircraft noise by reducing affected noise sensitive areas to the absolute minimum consistent with the statutory requirement that the FAA must consider economic reasonableness and technological practicability relative to the affected aircraft.

The port authorities of two major metropolitan areas submitted comments containing many of the points discussed above, and in addition submitted the following comments: One commentator stated that a reasonable portion of the increased efficiency of new engine designs should be required to be absorbed in noise abatement. The FAA agrees. It is the intent of the FAA noise abatement regulatory program to insure that each new technological advance contributes its reasonable share to the ultimate solution of the noise problem. Both commentators mentioned that airport operators may have difficulty in monitoring and enforcing noise standards determined as prescribed in this amendment, and one comment stated that the FAA should monitor and enforce, in operation, the noise levels prescribed in this amendment. It should be emphasized that nothing in this amendment is intended to substitute Federal judgment for that of the airport proprietor in the determination of the noise levels, noise measurement, or noise evaluation techniques that are most responsive to the particular and unique noise problems facing each airport proprietor.

VI. *Comments from aviation trade associations (other than aircraft manufacturers and operators).* One comment stated that airline pilots are concerned about disparities between certification

performance and actual operational performance "under line conditions." The commentator stated that while the certification procedures are acceptable for the purposes of noise certification testing, it should be made clear that the flight procedures in the NPRM are not necessarily representative of airline operating techniques nor will they necessarily produce the minimum amount of total noise exposure on the ground. As stated above, the FAA has not determined whether a minimum takeoff profile should be proposed in the form of an operating rule. Consistent with safety, however, the FAA agrees that the airport proprietor should be permitted to issue any nondiscriminatory restrictions on the use of his airport for noise abatement purposes. Nothing in this amendment, or in any later promulgated operating rule, will affect in any way the airport proprietor's authority to determine the noise sensitivity of his neighbors and restrict the use of his airport accordingly. Consistent with safety, and with this recognized authority in the airport proprietor, the procedures in Part 36 serve the following necessary purposes: First, by prescribing full power or thrust to a substantial altitude and substantial power or thrust after cutback of power or thrust, together with a speed of at least V_2+10 knots, the type certification procedures should insure that the resulting demonstrated noise levels are conservative so that the public will not be misled and so that flight crews can achieve these values with safe reserves of power and speed. Secondly, by standardizing the measurement conditions, the type certification procedures insure that the resulting noise values have the same meaning for all aircraft of the same class so that valid comparisons between those aircraft can be made.

The commentator stated that noise measurements made for aircraft following an approach angle of 3° with a tolerance of ±0.5° must be corrected for the actual position in respect to the glide slope at the time the measurement was taken. The FAA believes that the intent of this comment is accounted for since section A36.3(c)(2) of Appendix A provides that the EPNL values obtained from the measured approach path must be corrected to the reference flight path (i.e., approach path of 3° and aircraft height of 370 feet vertically above the approach measurement location).

The commentator stated that the rule should provide that all engines must be operating at the appropriate approach power or thrust settings for the specific procedure. The FAA agrees and has furnished specific approach test conditions, including power or thrust settings, in § C36.9.

The commentator stated that the minimum altitude for power cutback in § C36.7(a) should be raised to 1,500 feet. This comment is not accepted since the altitudes prescribed in this part are believed to be adequate for safety, and will allow a reasonable flexibility in the use of power in meeting the prescribed noise levels.

The commentator stated that the minimum speed for compliance with the takeoff test should be no less than "V_2+20 knots or the maneuvering speed, whichever is greater." The FAA believes that the speed V_2+10 knots is an appropriate and safe minimum speed for the takeoff noise test and that no higher speed, such as V_2+20 knots or the maneuvering speed, is necessary for a valid and conservative demonstration of takeoff noise.

The commentator stated that § C36.7 should provide that flap settings must be consistent with those used during normal operations. The FAA believes that a constant airplane configuration is necessary throughout the takeoff noise test (C36.7(d)), as more fully discussed below. The applicant may select this configuration so that it is not inconsistent with normal operations.

One comment from an association representing the flight engineers stated that the notice of proposed rule making was acceptable as published.

One comment from a technical society made several editorial suggestions for improving Appendix B as proposed. Those comments are adopted. The comment also stated that the concept of Effective Perceived Noise Level (EPNL) is an imperfect one and therefore suggested that the regulations should provide for an appeal to a panel or jury of listeners for comparison with known noise references. The FAA agrees that the concept of EPNL is imperfect and should be continuously refined to more adequately measure the qualities of aircraft noise that cause subjective annoyance. However, this comment is not accepted since (1) no jury concept has been shown to be compatible with equal regulation of all applicants according to predictable well defined guidelines, and (2) it is believed that the concept of EPNL, as used in this amendment, is sufficiently precise, and responsive to the annoyance factors in aircraft noise, to provide a fair basis for insuring that all noise reduction technology that is currently economically reasonable and technologically practicable is applied to the airplane, and to provide that all similar type designs are similarly regulated.

VII. *Comments from aircraft manufacturers and air carriers.* Comments were received from an individual air carrier and from associations representing aircraft manufacturers and air carriers.

The comment from the individual air carrier made the following suggestions: The commentator stated that the flap position used for takeoff and initial climb should be the largest deflection approved for takeoff at maximum weight, and that flap deflection should not be reduced before reaching the takeoff measuring point. The commentator also stated that the initial climb speed should not be less than V_2+10 knots or stall speed plus 40 knots, whichever is greater, and that no deceleration should be permitted in the initial climb speed from liftoff to the takeoff measuring point. The FAA agrees that a takeoff test airspeed of V_2+10 knots is adequate for safety and will not preclude a valid noise test. This comment is therefore accepted with respect to the speed V_2+10 knots. However, the FAA also believes that by requiring a constant takeoff configuration and takeoff power or thrust from the start of the takeoff to the point at which a substantial altitude is reached, Part 36 insures that the takeoff noise test is fully compatible with safe operating procedures. The commentator also stated that the approach speed should not be less than 130 percent of the stall speed plus 10 knots and should be essentially constant during the approach. The FAA agrees. As more fully discussed below, this was the intent of the term "reference airspeed" as used in the notice. Part 36 insures that the approach noise test is fully compatible with safe operating procedures by providing that the test must be conducted with the aircraft stabilized and following the prescribed glide angle at proper approach power or thrust for maximum allowable landing flap settings, with an approach speed of 1.30 V_s+10 knots over the approach noise measuring point (see § C36.9). The commentator stated that the noise type certification procedures should be "compatible with good and practicable operating practices." The FAA agrees, and believes that Part 36 contains procedures that can be duplicated practicably and safely in normal operations. The commentator further stated that all references to operating procedures should be deleted from the rule, and that the flight manual should contain performance data instead. Apparently, the commentator, like several other persons who commented, assumed that operating procedures established during noise type certification and placed in the airplane flight manual were intended to be mandatory procedures for operators. This is not the case. The data and procedures developed under Part 36 are placed in the airplane flight manual as operating procedures and performance information only. In order to prevent further confusion, § 36.1581(a) provides that no operating limitations may be furnished under that section (except as provided in § 36.1581(b)). However, as stated above, operating rules may later be proposed. Such rules would be operating regulations amending Part 91 or 121 rather than airplane flight manual operating limitations for noise abatement purposes.

The comments representing the aircraft manufacturers and air carriers contained analyses of the economic impact of the proposed rules, together with detailed recommendations for changing the regulations. Both commentators concluded that the proposed standards were so severe in their effects that the proposals violated the statutory requirement that economic reasonableness be considered. In addition, the comment representing the aircraft manufacturers stated that the notice of proposed rule

making was unacceptable, should be discarded, and should be replaced in its entirety with an alternative noise type certification regulation prepared by the association representing the manufacturers. Numerous changes were requested. However, in view of the large volume of detailed comments, only the most significant comments can be discussed herein.

The most significant changes requested by the aircraft manufacturers and air carriers are as follows: (1) It was requested that the noise prediction allowance be eliminated; (2) it was requested that the minimum altitude for reduction of power or thrust be lowered from 1,000 feet (as proposed) to 700 feet; (3) it was requested that the prescribed noise levels be relaxed, the air carrier comment requesting that the sliding scale of the noise levels with respect to aircraft weights be changed, and the manufacturer's comment stating that an increase of 2 EPNdB should be granted, across the board, particularly to allow a more relaxed requirement for airplanes with high maximum weights; (4) it was requested that growth airplanes be allowed to increase noise levels above the "parent" airplane, and at least 2 EPNdB higher than the originally applied levels of Appendix C, provided that the growth airplane meets the applicable higher noise ceiling criteria; (5) it was requested that the power or thrust level required, after reduction of power or thrust during the takeoff test, be the power or thrust necessary to provide level flight in the event of engine failure, but not less than a climb equivalent of 4 percent (as opposed to 6 percent as proposed in the notice); (6) it was requested that the tradeoff provision be relaxed to provide for a maximum of 3 EPNdB at any one measuring point, with a total of 5 EPNdB to be offset at the remaining measuring points (as compared with the proposed values of 3 EPNdB and 2 EPNdB, respectively); (7) it was requested that the distance for measuring sideline noise be extended from 0.25 nautical mile to 0.35 nautical mile; (8) it was requested that the FAA issue all of the proposed regulatory material concerning the measurement and evaluation of noise (proposed as Appendices A and B respectively) in the form of nonregulatory Advisory Circulars; (9) it was requested that the FAA eliminate its intention to require each aircraft to be designed to be as quiet as practical during type certification, eliminate the announced intent to achieve a low noise level or "floor" of 80 EPNdB and replace this approach with the concept of periodic reviews with industry "aimed at future noise reductions"; and finally, (10) it was stated that the initial application to type designs for which application was received prior to the effective date of Part 36 is not acceptable in principle.

A large volume of detailed economic data was submitted by the aircraft manufacturers and operators. This information was submitted in order to permit the FAA to establish the best possible understanding of the economic implications of the proposed rule, in accordance with the requirement in section 611(b)(4) of Public Law 90-411 that the Administrator "shall * * * consider whether any proposed standard, rule, or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft * * * to which it will apply." The submitted data represented in detail the economic requirements of the air carriers in the 1972 to 1975 time period, and covered a broad spectrum of airplane designs. For these aircraft, the data described the economic impact of the proposed rules with respect to aircraft design selection and performance, propulsion requirements, the complex interrelations between aerodynamics, acoustics, and weight, and the resultant economic effects on payload, fuel requirements, runway requirements, and in particular the impact of these factors on route structures used by the air carriers, from the shortest domestic routes to the longest intercontinental routes. The analysis included airplane operating costs and the impact of these costs on airline system economics.

A thorough review of all data submitted has convinced the FAA that the current state of the art of noise reduction, as related to the impact of noise reduction on the economic life of affected aircraft, requires that certain modifications in the proposed rules be granted at this time for airplanes with more than three turbojet engines, because of the weight and design mission requirements of those airplanes. These modifications could not be withheld by the FAA consistent with the statutory requirement to consider the economic reasonableness and technological practicability of the rules. In addition, certain changes are made, for all airplanes, that should not adversely effect the noise levels created by those airplanes.

First, it is believed that no adverse effect on the validity of the takeoff noise test will result if the requested change in power required after cutback is granted. This is true since the power necessary for a 4 percent climb gradient without failure of one engine, or a zero climb gradient after such failure, is still a high enough power setting so that the resulting noise levels are conservative and can be duplicated easily and safely in operation. This change is, therefore, made in § C36.7 of Appendix C. This change is an economically necessary relaxation for airplanes having more than three turbojet engines. For other airplanes, the requirement to maintain at least a zero climb gradient is sufficiently severe so that no real relaxation results.

Secondly, since it is not a relaxation, it is believed that the requested elimination of the proposed noise prediction allowance can be accomplished with no adverse effect on noise levels. It is not understood why the industry regarded the noise prediction allowance as a restriction since the allowance provided for exceedance privileges, above the normal noise limits, if certain conditions were met. This amendment eliminates the allowance for noise prediction. Under this amendment, no provision is permitted for exceeding the values obtained after applying the trade-off exceedance values. Thirdly, a limited relaxation is made in the definition of "major change" in type design in order to provide a clear noise limit within which growth of the airplane may proceed without the need for meeting amendments to Part 36 that are issued after the airplane is first type certificated. The notice of proposed rule making stated that any change that may increase the noise of the airplane would be classified as a "major change." The FAA believes that this approach is still valid for airplanes that have not fully complied with Appendix C of Part 36, including all aircraft not type certificated under Part 36, in order to insure that the escalation of aircraft noise has been stopped by this amendment. For these aircraft, no change from the notice is appropriate. However, the FAA recognizes that the aircraft manufacturer requires a firm noise limit within which growth can occur under the rules applicable to the original type certification under Part 36. The FAA believes that this degree of certainty can be given the manufacturer, consistent with the public interest, for aircraft for which compliance was shown with the noise limits of Appendix C as applicable to the date of application for the original type certification under Part 36. However, in no case should aircraft growth, that may make the aircraft noisier than the original limits prescribed in Appendix C, be permitted.

This amendment permits aircraft that are quieter than Appendix C requirements to grow up to the limits of Appendix C with respect to noise. This relaxation does not satisfy the aircraft manufacturer's request that room for growth be added above the proposed Appendix C values. However, the FAA believes that the approach discussed above provides a reasonable balance between the manufacturer's legitimate need for a certain and defined growth potential, and the public need for an orderly and progressive deescalation of aircraft noise. In short, §§ 21.93(b) and 36.1(c) will ensure that noise reduction technology sufficient to achieve Appendix C limits must be applied before further aircraft growth can occur. This applies to the entire fleet of transport and jet airplanes now extant. The FAA believes that this priority of values is necessary in order to prevent a continual erosion in aircraft noise. It should be pointed out that this aspect of the rule merely limits future noise escalation and is no substitute for supplementary retrofit requirements that will later be adopted to effect a positive reduction in the noise of the current fleet. Finally, while the notice designated these changes as noise related "major changes," this amendment redesignates them as "acoustical changes." This editorial change, plus the statement in § 21.93(b) that "acoustical changes" are so designated for the purpose of complying with Part 36 only, insure that no acoustical judgments will, in any way, alter the previously established criteria for determining whether a change in type design is "minor" or "major" for airworthiness purposes. Nothing in this amendment affects the distinction between minor and major changes for airworthiness purposes or affects the procedural or substantive requirements applicable to either kind of change. The proposed amendment to § 21.115 is withdrawn in connection with this change.

With respect to the comment concerning application of Part 36 to aircraft for which type certification application was made prior to the effective date of the part, the FAA is in partial agreement. This amendment contains three departures from the notice with respect to type certification applications now pending. First, since there are not such applications pending with application dates between the date of publication of the notice and the publication date of Part 36, the proposal to require only the development of procedures and information to achieve the lowest reasonable noise level (in addition to compliance with the remaining applicable sections of Part 36) for aircraft not having high bypass ratio engines, is extended to cover all applications prior to the effective date of Part 36 (rather than only those applications prior to the publication date of the notice, as proposed). No actual regulatory change results and the effectivity of Part 36 is simplified by this change. If an application is filed between the publication and effective dates of Part 36 for such aircraft, further regulatory action will be considered. Secondly, it is believed that the requested increase in the trade-off provision, to allow a sum of exceedance of 5 EPNdB (rather than 3 EPNdB as proposed), and a greatest single exceedance of 3 EPNdB (rather than 2 EPNdB as proposed), is necessary to provide flexibility for aircraft with more than three engines that are already undergoing type certification, but will minimize the resultant noise increase by requiring, as the notice did, that all exceedances must be offset by reductions at other measuring points. This change appears in § C36.5(c). The remaining, and most significant, departure from the notice concerning the standards to be applied to aircraft currently undergoing type certification is as follows:

In § 36.201(b) of this amendment, consideration of acoustic requirements placed on aircraft for which application for the type certificate was made prior to January 1, 1967, is addressed. These aircraft, for example the Boeing 747, were in advanced phases of their design cycle prior to the establishment of definitive indications of probable certification noise levels. Regardless of the lack of definite acoustic design goals, the manufacturers of these aircraft have developed designs which represented the application of the most advanced acoustic technology available to them. As a consequence, these aircraft will produce noise levels considerably below those of present day aircraft even though the levels may not, in every way, comply with the requirements of Appendix C of this amendment. In recognition of the advances in the state of aircraft acoustic art demonstrated by these aircraft, the initial compliance with this amendment is to be considered on the basis of the use of acoustic techniques which will insure that these aircraft are as quiet as is technologically practical. However, the type certificate will contain an expiration period after which the manufacturer will be required to show compliance with the requirements of Appendix C. In this connection, § 36.201(d) provides that, for aircraft to which paragraph (b)(1) of that section applies, and that do not meet Appendix C, a duration period will be placed in the type certificate, upon the expiration of which the type certificate will be subject to suspension or modification (with full notice and appeal rights as contained in 49 U.S.C. 1429) unless the type design of later aircraft is modified to show compliance with Appendix C.

The request that nonregulatory Advisory Circulars be used for the procedures for measuring and evaluating noise cannot be accepted. Proper noise measurement and evaluation is necessary for a valid acoustical analysis of the airplane. Flexibility can be provided in the regulatory form by permitting the applicant to submit alternative procedures and show that those procedures are equivalent to those in Appendix A or B. As in the notice, Part 36 therefore contains noise measurement and evaluation standards in regulatory form (Appendices A and B).

It would also be inappropriate for the FAA to accept the request to eliminate the intent to achieve all reasonable noise reductions in each type certification program. The net result of this request, if adopted by the FAA, is that the noise limits prescribed in Appendix C would become guaranteed values that could be generated as a matter of right even if the FAA could reasonably determine, during the type certification process, that lower noise levels were economically reasonable. This result would be inconsistent with the FAA's commitment to achieve the greatest reasonable noise reductions as soon as technology permits. As stated in the notice, "the FAA cannot responsibly accept (the noise limits specified in Appendix C) as satisfactory where further noise reductions are available and reasonable. Where those further reductions are available, are economically reasonable, technologically practical, and appropriate to the particular type design, the FAA cannot ignore them by waiting until all type designs are expected to be quiet enough to permit lowering the noise ceiling for the entire class. By then, of course, any type designs that could have been substantially quieter would have been approved, and aircraft produced under them, without the realization of the actually available noise reductions. It is not believed that such a result is consistent with Public Law 90-411." However, the FAA recognizes that, since the technology of noise abatement is relatively new, the standards applied to the manufacturers should be precise and definite. In this connection, several comments requested that the general language in the notice ("economically reasonable * * *" (etc.)) should be replaced with specific regulatory language. In order to accept this reasonable request and also preserve the intent of the notice to achieve all reasonable noise reductions in each type certification program, the following approach will be adopted (for airplanes to which Appendix C applies):

Appendix C of Part 36, being the FAA's best estimate of the maximum reasonable noise reduction possible for given aircraft weights, will apply, for each aircraft weight, unless the FAA determines in a given type certification program that either Appendix C was originally unduly lenient, or developments in noise reduction technology render Appendix C unduly lenient for the particular type of aircraft. When this determination is made, the FAA will administer § 21.17(a)(1)(i) of the Federal Aviation Regulations (which in effect provides that the applicable type certification standards are not those in effect on the date of application for the type certificate where "otherwise prescribed by the Administrator") to issue precise and definite standards, with notice and public procedure, that will accomplish the intent of the general language proposed in the Notice to prevent the issuance of a type certificate for any aircraft for which available and reasonable noise reduction design practices have not been incorporated.

The FAA has determined that the request to remove the noise "floor" of 80 EPNdB from the regulatory language is reasonable and should be granted. This noise floor, not being currently achievable, could have no immediate legal effect. Further, it has become evident that the number 80 EPNdB might be misconstrued as being a value that is federally determined to be "acceptable" in a given local airport environment. In order to prevent this result, the reference to the noise "floor" is deleted from the final rule.

With respect to the requested increase in sideline measuring distance, the FAA concludes that, in combination with the prescribed noise limits, the proposed distance of 0.25 nautical mile would result in economic penalties that are unduly severe for airplanes having more than three turbojet engines. This defect could be cured by raising the noise limits at the proposed measurement point or by extending the measurement distance to a point at which the proposed noise limits become economically reasonable. While the effect of either approach would be the same with respect to the increase in sideline noise that would be permitted, the FAA believes that since the noise level numbers prescribed in the notice have been widely publicized for land planning purposes, any actions that may now be underway to achieve land use compatibility with those noise levels should be less affected by altering the measurement distance than by introducing new and unfamiliar noise levels.

Therefore, this amendment extends the required measuring distance from 0.25 nautical mile to 0.35 nautical mile for airplanes with more than three turbojet engines instead of raising the noise limits at the proposed sideline measuring distance. This distinction between the sideline measuring requirement for two- and three-engine turbojet airplanes and that for larger turbojet airplanes also reflects the fact that the larger airplanes will generally be operated out of larger airports only, while the smaller airplanes will be operated out of smaller airports as well as larger airports.

With respect to the requested lowering of the proposed takeoff noise test minimum altitude for power reduction to 700 feet, the FAA believes that a responsible assessment of the economic impact of the proposed altitude of 1,000 feet requires that this modification be granted for airplanes with more than three turbojet engines. This relaxation can be accomplished consistent with safe operating practices and will permit a valid and conservative takeoff noise test since a substantial power setting is required after power cutback.

With respect to the further requested raising of noise limits and the remaining requested relaxations, the FAA has evaluated the economic data submitted by the aircraft manufacturers and air carriers, and concludes that the requested relaxations in the regulation are not justified and that the claim of unreasonable economic impact cannot be responsibly accepted.

In particular, the submitted information does not justify any relaxation in the tradeoff, sideline, or takeoff power cutback altitude requirements for two- and three-engine turbojet airplanes. To the contrary, the submitted information clearly showed the economic effect of the proposed rules on the two- and three-engine airplanes to be far less than the impact on four-engine airplanes. In fact, certain industry comments indicated that further noise reductions may be economically reasonable and appropriate in the near future for the smaller turbojet engine powered airplanes. The FAA is undertaking study of the advisability of such additional rulemaking.

The commentator stated that the proposed rules were defective in that they will impose more economic burden on the largest, noisiest aircraft than on the smallest, less noisy aircraft. This result is, to some extent, inevitable. There is simply no way in which the escalation of noise can be effectively arrested without increasing the severity of noise suppression regulations as the noise generated by the aircraft increases.

The commentator states that it could not accept the basic measurement concept of Effective Perceived Noise Level (EPNL) unless all specific requested relaxations from the proposed rules (i.e., overall increase of 2 EPNdB, etc.) are granted. This amendment nevertheless adopts the concept of EPNL, with refinements, since (1) the basic validity of this unit of measurement does not depend on whether all requested relaxations are adopted; (2) the commentator's submitted data and analyses indicate that EPNL provides a sufficiently precise basis for predicting economic impact (although the FAA disagrees with certain of the data submitted); and (3) as discussed above, EPNL provides the best known basis for objectively measuring the qualities of aircraft noise that are most offensive to persons on the ground.

The notice proposed to permit the applicant to select a weight for takeoff noise compliance that is less than the maximum weight: *Provided*, That the lesser weight is furnished as an operating limitation. This allowance was not proposed for the landing weight used in complying with the approach noise requirements. This difference is not intended. Section 36.1581(b), therefore, permits any weights to be selected by the applicant for showing compliance with the takeoff and approach noise requirements provided that any selected weights that are less than the maximum weight or design landing weight must be furnished as operating limitations in the Airplane Flight Manual. This amendment also moves the approach test condition requirement from Appendix A to Appendix C, so that the conditions for approach and for takeoff would be specified together in the same appendix. This is done in new Section C36.9 of Appendix C. The notice proposed that the approach airspeed must be the "reference airspeed." The intent of this proposal was to require an airspeed that is highly typical of normal approach airspeeds, so that a realistic approach noise is generated. The speed 1.30V S+10 knots is such an airspeed and is therefore specified in Section C36.9(d). The following additional changes from the notice are made in the takeoff and approach test conditions. For the takeoff test, the reference to "takeoff flap" is changed to "takeoff configuration," since lift control devices other than flaps may be included. One comment stated that the applicant should be permitted to use any configuration schedule consistent with the airworthiness requirements and stated that some configuration change may be appropriate for minimizing community noise. The FAA does not know of any takeoff configuration schedule that will result in less total community noise than that resulting from maintaining a constant takeoff configuration throughout the takeoff noise test. The objective of the takeoff noise test is to determine the noise generated by the airplane under conditions representative of those actually necessary in operations if minimum total community noise exposure is to be achieved.

The commentators suggested several editorial changes which are adopted in whole or in part.

One comment stated that the word "turbojet" should be broadened to specify also "turbofan" engines. This change is not accepted since the word "turbojet" has been used without confusion, throughout the type certification regulations, to include "turbofan" engines.

The notice proposed that a statement of noise compliance be placed on the airworthiness certificate of aircraft type certificated under Part 36 for international recognition purposes. This proposal may have merit but final rulemaking thereon is withheld pending international agreement concerning the manner in which noise type certification is to be recorded for international recognition.

The proposed listing of specified noise sources and means of noise reduction is withdrawn since developments in noise reduction technology could rapidly obsolete such a listing. As stated above, however, the FAA will prescribe all additional regulations deemed necessary to ensure that all available and reasonable noise reduction technology is applied during type certification.

Since the general language proposed in the notice ("economically reasonable * * *" (etc.)) is deleted from this amendment (except for airplanes with high bypass ratio engines for which application was made prior to Jan. 1, 1967), a formal basis for providing more detailed regulations, at the applicant's request, will not be needed to a sufficient degree to justify retaining proposed § 21.16(c), which proposed special conditions for noise purposes if requested by the applicant. That proposal is therefore withdrawn.

With respect to foreign aircraft, the notice proposed to amend § 21.29 to provide that compliance with applicable aircraft noise regulations is to be certified by the foreign country as well as compliance with airworthiness regulations. This proposal is changed in this amendment to be consistent with § 21.29 as amended by Amendment 21-25 (published at 34 F.R. 14067 on Sept. 5, 1969). As pertinent here, these changes (1) limit the products to those that are to be imported into the United States, and (2) provide that all submitted listings must be presented in the English language. Other changes are made for consistency with the airworthiness procedures affecting import aircraft. There is no basis for distinguishing between airworthiness and aircraft noise standards in the acceptance by the FAA of statements of compliance by competent foreign authorities.

This rule, which is appropriate for the conventional subsonic aircraft, contains many concepts which are inappropriate for aircraft that are designed to operate vertically (VTOL), that have short takeoff and landing capabilities (STOL), and for aircraft that cruise at supersonic speeds (SST). Specifically, the vertically operating aircraft exhibit a unique acoustic characteristic since their propulsive thrust is generally obtained from large rotors, the short takeoff and landing aircraft will have acoustic characteristics related to the use of thrust to obtain lift, and the supersonic aircraft necessarily has a propulsive system which is sized for the high thrust requirements necessary to obtain supersonic speeds. Accordingly, the noise certification of the VTOL aircraft may require consideration of acoustic qualities which will need special psychoacoustic evaluation and the STOL aircraft may require consideration of the unconventional thrust mode and operational environment. On the other hand, the extraordinarily high acceleration required by the SST in the transonic operation will necessarily produce performance capabilities at ground levels which have important implications concerning its noise characteristics. For instance, unusually high takeoff thrust will produce higher sideline noise levels in the vicinity of the airport; however, the resulting high gradient of climb will produce significantly lower noise levels over the communities underlying the takeoff flight path. Accordingly, the responsibility of local airport authorities to insure land use compatibility, as discussed in Senate Report 1353, must be exercised with particular care in the case of the SST because of the above mentioned unique acoustic characteristics. As a consequence of these considerations, this amendment excludes SST aircraft and does not contain specific additional regulations for VTOL and STOL aircraft since the acoustic technology associated with these classes of aircraft requires further study before the FAA can comply with the statutory requirement to consider whether the related noise standards are appropriate to the particular type of aircraft, are technologically practicable, and are economically reasonable. Separate rulemaking for these classes of aircraft is necessary to assure that all available and reasonable sources of noise reduction are realized as a basis for acoustically responsive land use planning by the responsible local airport proprietor. This rulemaking will be proposed for public comment at the earliest possible time.

In §§ A36.2 (c) and (d) and A36.5(a) of Appendix A of this amendment, the text and specifications contained in certain technical publications are incorporated by reference pursuant to 5 U.S.C 552(a)(1) and 1 CFR Part 20. Approval for those incorporations by reference was granted on September 25, 1969, by the Director of the Federal Register.

Pursuant to 49 U.S.C. 1431, the Federal Aviation Administration has consulted with the Secretary of Transportation, concerning all matters contained herein, prior to the adoption of this amendment.

Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

This rule is intended to apply to airplanes now nearing the completion of the type certification process. However, a complex document of this type may require an unusually long processing time between the date it is filed with the FEDERAL REGISTER and its publication therein. For this reason, a copy of the rule is being provided by certified mail to each manufacturer of transport category and turbojet engine powered airplanes. Since it is the purpose of this rule to prevent, at the earliest possible date, any escalation of aircraft noise, I find that good cause exists for making the rule effective on December 1, 1969, even though that date may be less than 30 days after its date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, Subchapter C of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective December 1, 1969, as follows:

A. Part 21 of the Federal Aviation Regulations is amended as follows:

§ 21.17 [Amended]

1. Section 21.17(a) is amended by changing the word "§ 25.2" appearing in the introductory clause to the words "§§ 25.2 and 36.2."

2. Sections 21.21 (b) and (b)(1) are amended to read as follows:

§ 21.21 Issue of type certificate: Normal, utility, acrobatic, and transport category aircraft; aircraft engines; propellers.

* * * * *

(b) The applicant submits the type design, test reports, and computations necessary to show that the product to be certificated meets the applicable airworthiness and aircraft noise requirements of the Federal Aviation Regulations and any special conditions prescribed by the Administrator, and the Administrator finds—

(1) Upon examination of the type design, and after completing all tests and inspections, that the type design and the product meet the applicable aircraft noise requirements of the Federal Aviation Regulations, and further finds that they meet the applicable airworthiness requirements of the Federal Aviation Regulations or that any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and

* * * * *

3. Section 21.29 is amended to read as follows:

§ 21.29 Issue of type certificate: import products.

(a) A type certificate may be issued for a product that is manufactured in a foreign country with which the United States has an agreement for the acceptance of these products for export and import and that is to be imported into the United States if—

(1) The country in which the product was manufactured certifies that the product has been examined, tested, and found to meet—

(i) The applicable aircraft noise requirements of this subchapter as designated in § 21.17 or the applicable aircraft noise requirements of the country in which the product was manufactured and any other requirements the Administrator may prescribe to provide noise levels no greater than those provided by the applicable aircraft noise requirements of this subchapter as designated in § 21.17; and

(ii) The applicable airworthiness requirements of this subchapter as designated in § 21.17, or the applicable airworthiness requirements of the country in which the product was manufactured and any other requirements the Administrator may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter as designated in § 21.17;

(2) The applicant has submitted the technical data, concerning aircraft noise and airworthiness, respecting the product required by the Administrator; and

(3) The manuals, placards, listings, and instrument markings required by the applicable airworthiness (and noise, where applicable) requirements are presented in the English language.

(b) A product type certificated under this section is considered to be type certificated under the noise standards of Part 36 of the Federal Aviation Regulations where compliance therewith is certified under paragraph (a)(1)(i) of this section, and under the airworthiness standards of that part of the Federal Aviation Regulations with which compliance is certified under paragraph (a)(1)(ii) of this section or to which an equivalent level of safety is certified under paragraph (a)(1)(ii) of this section.

§ 21.31 [Amended]

4. Section 21.31(c) is amended by inserting the words "and noise characteristics (where applicable)" between the words "the airworthiness" and the words "of later products."

§ 21.33 [Amended]

5. Section 21.33(b)(1) is amended by adding the words "and aircraft noise" between the word "airworthiness" and the word "requirements."

6. Section 21.93 is amended to read as follows:

§ 21.93 Classification of changes in type design.

(a) In addition to changes in type design specified in paragraph (b) of this section, changes in type design are classified as minor and major. A "minor change" is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product. All other changes are "major changes" (except as provided in paragraph (b) of this section).

(b) For the purpose of complying with Part 36 of this chapter only, any voluntary change in the type design of a transport category or turbojet engine powered airplane that may increase the noise levels created by the airplane is an "acoustical change" in addition to being a minor or major change as classified in paragraph (a) of this section.

§ 21.101 [Amended]

7. Section 21.101(a) is amended by changing the word "§ 25.2" appearing in the introductory clause to the words "§§ 25.2 and 36.2".

B. The following new Part 36 is added to the Federal Aviation Regulations:

PART 36—NOISE STANDARDS: AIRCRAFT TYPE CERTIFICATION

Subpart A—General

Sec.
36.1 Applicability.
36.2 Special retroactive requirements.
36.3 Compatibility with airworthiness requirements.
36.5 Limitation of part.

Subpart B—Noise Measurement and Evaluation

36.101 Noise measurement.
36.103 Noise evaluation.

Subpart C—Noise Limits

36.201 Noise limits.

Subpart D [Reserved]

Subpart E [Reserved]

Subpart F [Reserved]

Subpart G—Operating Information and Airplane Flight Manual

36.1501 Procedures and other information.
36.1581 Airplane Flight Manual.
Appendix A—Aircraft noise measurement under § 36.101
Appendix B—Aircraft noise evaluation under § 36.103
Appendix C—Noise levels for subsonic transport category and turbojet powered airplanes under § 36.201

AUTHORITY: The provisions of this Part 36 issued under secs. 313(a), 601, 603, and 611 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423, and 1431 and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c).

Subpart A—General

§ 36.1 Applicability.

(a) This part prescribes noise standards for the issue of type certificates, and changes to those certificates, for subsonic transport category airplanes, and for subsonic turbojet powered airplanes regardless of category.

(b) Each person who applies under Part 21 of this chapter for a type certificate must show compliance with the applicable requirements of this part, in addition to the applicable airworthiness requirements of this chapter.

(c) Each person who applies under Part 21 of this chapter for approval of an acoustical change described in § 21.93(b) of this chapter must show that the airplane meets the following requirements in addition to the applicable airworthiness requirements of this chapter:

(1) The noise limits prescribed in Appendix C of this part, for airplanes that can achieve those noise levels, or lower noise levels, prior to the change in type design.

(2) The noise levels created by the airplane prior to the change in type design, measured and evaluated as prescribed in Appendixes A and B of this part, for airplanes that cannot achieve the noise limits prescribed in Appendix C of this part prior to the change in type design.

§ 36.2 Special retroactive requirements.

(a) Notwithstanding § 21.17 of this chapter, and irrespective of the date of application, each applicant covered by § 36.201 (b)(1) and (c)(1), and § C36.5 (c) of this part who applies for a new type certificate, must show compliance with the applicable provisions of this part.

(b) Notwithstanding § 21.101(a) of this chapter, each person who applies for an acoustical change to a type design specified in § 21.93(b) of this chapter must show compliance with the applicable provisions of this part.

§ 36.3 Compatibility with airworthiness requirements.

It must be shown that the airplane meets the airworthiness regulations constituting the type certification basis of the airplane under all conditions in which compliance with this part is shown, and that all procedures used in complying with this part, and all procedures and information for the flight crew developed under this part, are consistent with the airworthiness regulations constituting the type certification basis of the airplane.

§ 36.5 Limitation of part.

Pursuant to 49 U.S.C. 1431(b)(4), the noise levels in this part have been determined to be as low as is economically reasonable, technologically practicable, and appropriate to the type of aircraft to which they apply. No determination is made, under this part, that these noise levels are or should be acceptable or unacceptable for operation at, into, or out of, any airport.

Subpart B—Noise Measurement and Evaluation

§ 36.101 Noise measurement.

The noise generated by the airplane must be measured under Appendix A of this part or under an approved equivalent procedure.

§ 36.103 Noise evaluation.

Noise measurement information obtained under § 36.101 must be evaluated under Appendix B of this part or under an approved equivalent procedure.

Subpart C—Noise Limits

§ 36.201 Noise limits.

(a) Compliance with this section must be shown with noise levels measured and evaluated as prescribed in Subpart B of this part, and demonstrated at the measuring points prescribed in Appendix C of this part.

(b) For airplanes that have turbojet engines with bypass ratios of 2 or more and for which—

(1) Application was made before January 1, 1967, it must be shown that the noise levels of the airplane are no greater than those prescribed in Appendix C of this part, or are reduced to the lowest levels that are economically reasonable, technologically practicable, and appropriate to the particular type design; and

(2) Application was or is made on or after January 1, 1967, it must be shown that the noise levels of the airplane are no greater than those prescribed in Appendix C of this part.

(c) For airplanes that do not have turbojet engines with bypass ratios of 2 or more and for which—

(1) Application was made before December 1, 1969, it must be shown that the lowest noise levels, reasonably obtainable through the use of procedures and information developed for the flight crew under § 36.1501 are determined; and

(2) Application was or is made on or after December 1, 1969, it must be shown that the noise levels of the airplane are no greater than those prescribed in Appendix C of this part.

(d) For aircraft to which paragraph (b)(1) of this section applies and that do not meet Appendix C of this part, a time period will be placed on the type certificate. The type certificate will specify that, upon the expiration of this time period, the type certificate will be subject to suspension or modification under section 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1431) unless the type design of aircraft produced under that type certificate on and after the expiration date is modified to show compliance with Appendix C. With respect to any possible suspensions or modifications under this paragraph, the certificate holder shall have the same notice and appeal rights as are contained in section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429).

Subpart G—Operating Information and Airplane Flight Manual

§ 36.1501 Procedures and other information.

All procedures, any other information for the flight crew, that are employed for obtaining the noise reductions prescribed in this part must be developed. This must include noise levels achieved during type certification.

§ 36.1581 Airplane flight manual.

(a) The approved portion of the Airplane Flight Manual must contain procedures and other information approved under § 36.1501. Except as provided in paragraph (b) of this section, no operating limitations may be furnished under this section. The following statement must be furnished near the listed noise levels:

No determination has been made by the Federal Aviation Administration that the noise levels in this manual are or should be acceptable or unacceptable for operation at, into, or out of, any airport.

(b) If the weight used in meeting the takeoff or landing noise requirements of this part is less than the maximum weight or design landing weight, respectively, established under the applicable airworthiness requirements, those lesser weights must be furnished, as operating limitations, in the operating limitations section of the Airplane Flight Manual.

(Secs. 313(a), 601, 603, and 611 of the Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421, 1423, and 1431, and sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 3, 1969.

J. H. SHAFFER,
Administrator.

APPENDIX A—AIRCRAFT NOISE MEASUREMENT UNDER § 36.101

Section A36.1 *Noise certification test and measurement conditions*—(a) *General.* This section prescribes the conditions under which noise type certification tests must be conducted and the measurement procedures that must be used to measure the noise made by the aircraft for which the test is conducted.

(b) *General test conditions.* (1) Tests to show compliance with established noise type certification levels must consist of a series of takeoffs and landings during which measurements must be taken at the measuring points defined in Appendix C of this part. The sideline noise measurements must also be made at symmetrical locations on each side of the runway. On each test takeoff, simultaneous measurements must be made at the sideline measuring points on both sides of the runway and also at the takeoff flyover measuring point. If the height of the ground at each measuring point differs from that of the nearest point on the runway by more than 30 feet, corrections must be made as defined in § A36.3(d) of this appendix.

(2) Locations for measuring noise from an aircraft in flight must be surrounded by relatively flat terrain having no excessive sound absorption characteristics such as might be caused by thick, matted, or tall grass, shrubs, or wooded areas. No obstructions which significantly influence the sound field from the aircraft may exist within a conical space above the measurement position, the cone being defined by an axis normal to the ground and by a half-angle 75° from this axis.

(3) The tests must be carried out under the following weather conditions:

(i) No rain or other precipitation.

(ii) Relative humidity not higher than 90 percent or lower than 30 percent.

(iii) Ambient temperature not above 86° F. and not below 41° F. at 10 meters above ground.

(iv) Airport reported wind not above 10 knots and crosswind component not above 5 knots at 10 meters above ground.

(v) No temperature inversion or anomalous wind conditions that would significantly affect the noise level of the aircraft when the noise is recorded at the measuring points defined in Appendix C of this part.

(c) *Aircraft testing procedures.* (1) The aircraft testing procedures and noise measurements must be conducted and processed in an approved manner to yield the noise evaluation measure designated as Effective Perceived Noise Level, EPNL, in units of EPNdB, as described in Appendix B of this part.

(2) The aircraft height and lateral position relative to the extended centerline of the runway must be determined by a method independent of normal flight instrumentation such as radar tracking, theodolite triangulation, or photographic scaling techniques to be approved by the FAA.

(3) The aircraft position along the flight path must be related to the noise recorded at the noise measurement locations by means of synchronizing signals. The position of the aircraft must be recorded relative to the runway from a point at least 4 nautical miles from threshold to touchdown during the approach and at least 6 nautical miles from the start of roll during the takeoff.

(4) The takeoff test may be conducted at a weight different from the maximum takeoff weight at which noise certification is requested if the necessary EPNL correction does not exceed 2 EPNdB. The approach test may be conducted at a weight different from the maximum landing weight at which noise certification is requested provided the necessary EPNL correction does not exceed 1 EPNdB. Approved data may be used to determine the variation of EPNL with weight for both takeoff and approach test conditions.

(5) The takeoff test must meet the conditions of § C36.7 of Appendix C of this part.

(6) The approach test must be conducted with the aircraft stabilized and following a 3°±0.5° approach angle and must meet the conditions of § C36.9.

(d) *Measurements.* (1) Position and performance data required to make the corrections referred to in § A36.3(c) of this appendix must be automatically recorded at an approved sampling rate. Measuring equipment must be approved by the FAA.

(2) Position and performance data must be corrected, by the methods outlined in § A36.3(d) of this appendix to standard pressure at sea level, an ambient temperature of 77° F., a relative humidity of 70 percent, and zero wind.

(3) Acoustic data must be corrected by the methods of § A36.3(d) of this appendix to standard pressure at sea level, an ambient temperature of 77° F., and a relative humidity of 70 percent. Acoustic data corrections must also be made for a minimum distance of 370 feet between the aircraft's approach path and the approach measuring point, a takeoff path vertically above the flyover measuring point and for differences of more than 20 feet in elevation of measuring locations relative to the elevation of the nearest point of the runway.

(4) The airport tower or another facility must be approved for use as the location at which measurements of atmospheric parameters are representative of those conditions existing over the geographical area in which aircraft noise measurements are made. However, the surfac wind velocity and temperature must be measured near the microphone at the approach, sideline, and takeoff measurement locations, and the tests are not acceptable unless the conditions conform to § A36.1(b)(3) of this appendix.

(5) Enough sideline measurement stations must be used during tests so that the maximum sideline noise is clearly defined with respect to location and level.

Section A36.2 *Measurement of aircraft noise received on the ground*—(a) *General.* (1) These measurements provide the data for determining one-third octave band noise produced by aircraft during testing procedures, at specific observation stations, as a function of time.

(2) Methods for determination of the distance form the observation stations to the aircraft include theodolite triangulation techniques, scaling aircraft dimensions on photographs made as the aircraft flies directly over the measurement points, radar altimeters, and radar tracking systems. The method used must be approved.

(3) Sound pressure level data for noise type certification purposes must be obtained with approved acoustical equipment and measurement practices.

(b) *Measurement system.* (1) The acoustical measurement system must consist of approved equipment equivalent to the following:

(i) A microphone system with frequency response compatible with measurement and analysis system accuracy as stated in paragraph (c) of this section.

(ii) Tripods or similar microphone mountings that minimize interference with the sound being measured.

(iii) Recording and reproducing equipment characteristics, frequency response, and dynamic range compatible with the response and accuracy requirements of paragraph (c) of this section.

(iv) Acoustic calibrators using sine wave or broadband noise of known sound pressure level. If broadband noise is used, the signal must be described in terms of its average and maximum rms value for a nonoverload signal level.

(v) Analysis equipment with the response and accuracy requirements of paragraph (d) of this section.

(c) *Sensing, recording, and reproducing equipment.* (1) The sound produced by the aircraft shall be recorded in such a way that the complete information, time history included, is retained. A magnetic tape recorder is acceptable.

(2) The characteristics of the system must comply with the recommendations given in International Electrotechnical Commission (IEC) Publication No. 179 with regard to the sections concerning microphone and amplifier characteristics. The text and specifications of IEC Publication No. 179 entitled: "Precision Sound Level Meters" are incorporated by reference into this part and are made a part hereof as provided in 5 U.S.C. 552(a)(1) and 1 CFR Part 20. This publication was published in 1965 by the Bureau Central de la Commission Electrotechnique Internationale located at 1, rue de Varembe, Geneva, Switzerland, and copies may be purchased at that place. Copies of this publication are available for examination at the DOT Library, Federal Office Building 10A Branch and at the Office of Noise Abatement both located at Headquarters, Federal Aviation Administration, 800 Independence Avenue, Washington, D.C. Moreover, copies of this publication are available for examination at the Regional Offices of the FAA. Furthermore, a historic, official file will be maintained by the Office of Noise Abatement and will contain any changes made to this publication.

(3) The response of the complete system to a sensibly plane progressive sinusoidal wave of constant amplitude must lie within the tolerance limits specified in IEC Publication No. 179, over the frequency range 45 to 11,200 Hz.

(4) If limitations of the dynamic range of the equipment make it necessary, high frequency preemphasis must be added to the recording channel with the converse deemphasis on playback. The preemphasis must be applied such that the instantaneous recorded sound pressure level of the noise signal between 800 and 11,200 Hz does not vary more than 20 dB between the maximum and minimum one-third octave bands.

(5) The equipment must be acoustically calibrated using facilities for acoustic free-field calibration and electronically calibrated as stated in paragraph (d) of this section.

(6) A windscreen must be employed with the microphone during all measurements of aircraft noise when the wind speed is in excess of 6 knots. Corrections for any insertion loss produced by the windscreen, as a function of frequency, must be applied to the measured data and the corrections applied must be reported.

(d) *Analysis equipment.* (1) A frequency analysis of the acoustical signal shall be performed using one-third octave filters complying with the recommendations given in International Electrotechnical Commission (IEC) Publication No. 225. The text and specifications of IEC publication No. 225 entitled "Octave, Half-Octave and Third-Octave Band Filters Intended for the Analysis of Sounds and Vibrations" are incorporated by reference into this part and are made a part hereof as provided in 5 U.S.C. 552(a)(1) and 1 CFR Part 20. This publication was published in 1966 by the Bureau Central de la Commission Electrotechnique Internationale located at 1, rue de Varembe, Geneva, Switzerland, and copies may be purchased at that place. Copies of this publication are available for examination at the Office of Noise Abatement and at the DOT Library, Federal Office Building 10A Branch both located at Headquarters, Federal Aviation Administration, 800 Independence Avenue, Washington, D.C. Moreover, copies of this publication are available for examination at the Regional Offices of the FAA. Furthermore

a historic, official file will be maintained by the Office of Noise Abatement and will contain any changes made to this publication.

(2) A set of 24 consecutive one-third octave filters must be used. The first filter of the set must be centered at a geometric mean frequency of 50 Hz and the last of 10 kHz.

(3) The analyzer indicating device must be analog, digital, or a combination of both. The preferred sequence of signal processing is:

(i) Squaring the one-third octave filter outputs;

(ii) Averaging or integrating; and

(iii) Linear to logarithmic conversion.

The indicating device must have a minimum crest factor capacity of 3 and shall measure, within a tolerance of ±1.0dB, the true root-mean-square (rms) level of the signal in each of the 24 one-third octave bands. If other than a true rms device is utilized, it must be calibrated for nonsinusoidal signals and time varying levels. The calibration must provide means for converting the output levels to true rms values.

(4) The dynamic response of the analyzer to input signals of both full-scale and 20 dB less than full-scale amplitude, shall conform to the following two requirements:

(i) When a sinusoidal pulse of 0.5-second duration at the geometrical mean frequency of each one-third octave band is applied to the input, the maximum output value shall read 4 dB±1 dB less than the value obtained for a steady state sinusoidal signal of the same frequency and amplitude.

(ii) The maximum output value shall exceed the final steady state value by 0.5±0.5 dB when a steady state sinusoidal signal at the geometrical mean frequency of each one-third octave band is suddenly applied to the analyzer input and held constant.

(5) A single value of the rms level must be provided every 0.5±0.01 second for each of the 24 one-third octave bands. The levels from all of the 24 one-third octave bands must be obtained within a 50-millisecond period. No more than 5 milliseconds of data from any 0.5-second period may be excluded from the measurement.

(6) The amplitude resolution of the analyzer must be at least 0.25 dB.

(7) Each output level from the analyzer must be accurate within ±1.0 dB with respect to the input signal, after all systematic errors have been eliminated. The total systematic errors for each of the output levels must not exceed ±3 dB. For contiguous filter systems, the systematic correction between adjacent one-third octave channels may not exceed 4 dB.

(8) The dynamic range capability of the analyzer for display of a single aircraft noise event must be at least 55 dB in terms of the difference between full-scale output level and the maximum noise level of the analyzer equipment.

(9) The complete electronic system must be subjected to a frequency and amplitude electrical calibration by the use of sinusoidal or broadband signals at frequencies covering the range of 45 to 11,200 Hz, and of known amplitudes covering the range of signal levels furnished by the microphone. If broadband signals are used, they must be described in terms of their average and maximum rms values for a nonoverload signal level.

(e) *Noise measurement procedures.* (1) The microphones must be oriented so that the maximum sound received arrives as nearly as reasonable in the direction for which the microphones are calibrated. The microphones must be placed so that their sensing elements are approximately 4 feet above ground.

(2) Immediately prior to and after each test, a recorded acoustic calibration of the system must be made in the field with an acoustic calibrator for the two purposes of checking system sensitivity and providing an acoustic reference level for the analysis of the sound level data.

(3) For the purpose of minimizing equipment or operator error, field calibrations must be supplemented with the use of an insert voltage device to place a known signal at the input of the microphone, just prior to and after recording aircraft noise data.

(4) The ambient noise, including both acoustical background and electrical noise of the measurement system, must be recorded and determined in the test area with the system gain set at levels which will be used for aircraft noise measurements.

Section A36.3 *Reporting and correcting measured data*—(a) *General.* Data representing physical measurements or corrections to measured data must be recorded in permanent form and appended to the record except that corrections to measurements for normal equipment response deviations need not be reported. All other corrections must be approved. Estimates must be made of the individual errors inherent in each of the operations employed in obtaining the final data.

(b) *Data reporting.* (1) Measured and corrected sound pressure levels must be presented in one-third octave band levels obtained with equipment conforming to the standards described in § A36.2 of this appendix.

(2) The type of equipment used for measurement and analysis of all acoustic aircraft performance and meteorological data must be reported.

(3) The following atmospheric environmental data, measured at hourly intervals or less during the test period at the observation points prescribed in § A36.1(d)(4) of this appendix, must be reported:

(i) Air temperature in degrees Fahrenheit and relative humidity in percent.

(ii) Maximum, minimum, and average wind in knots and their direction.

(iii) Atmospheric pressure in inches of Mercury.

(4) Comments on local topography, ground cover, and events that might interfere with sound recordings must be reported.

(5) The following aircraft information must be reported:

(i) Type, model, and serial numbers (if any) of aircraft and engines.

(ii) Gross dimensions of aircraft and location of engines.

(iii) Aircraft gross weight for each test run.

(iv) Aircraft configuration such as flap and landing gear positions.

(v) Airspeed in knots.

(vi) Engine performance in pounds of net thrust, engine pressure ratios, jet exit temperatures, and fan or compressor shaft rev./min. as recorded by cockpit instruments and manufacturer's data.

(vii) Aircraft height in feet determined by a method independent of cockpit instrumentation such as radar tracking theodolite triangulation, or approved photographic techniques.

(6) Aircraft speed and position and engine performance parameters must be recorded at an approved sampling rate sufficient to correct to the noise type certification reference conditions prescribed in § A36.3(c) of this appendix. Lateral position relative to the extended centerline of the runway, configuration, and gross weight must be reported.

(c) *Noise type certification reference conditions*—(1) *Meteorological conditions.* Aircraft position and performance data and the noise measurements must be corrected to the following noise type certification reference atmospheric conditions:

(a) Sea level pressure of 2116 psf (76 cm mercury),

(b) Ambient temperature of 77° F. (ISA+10°C.),

(c) Relative humidity of 70 percent,

(d) Zero wind.

(2) *Aircraft conditions.* The reference condition for takeoff is the maximum weight except as provided in § 36.1581(b).

The reference conditions for approach are:

(a) Design landing weight, except as provided in § 36.1581(b),

(b) Approach angle of 3°,

(c) Aircraft height of 370 feet above noise measuring station.

(d) *Data corrections.* (1) The noise data must be corrected to the noise type certification reference conditions as stated in § A36.3(c) of this appendix. The measured atmospheric conditions must be those obtained in accordance with § A36.1(d)(4) of this appendix. Atmospheric attenuation of sound requirements are given in § A36.5 of this appendix.

(2) The measured flight path must be corrected by an amount equal to the difference between the applicant's predicted flight paths for the test conditions and for the noise type certification reference conditions. Necessary corrections relating to aircraft flight path or performance may be derived from approved data other than certification test data. The flight path correction procedure for approach noise must be made with reference to a fixed aircraft height of 370 feet and a glide angle of 3°. The effective perceived noise level correction must be less than 2 EPNdB to allow for:

(a) The aircraft not passing vertically above the measuring point.

(b) The difference between 370 feet and the actual minimum distance of the aircraft's ILS antenna from the approach measuring points.

(c) The difference between the actual approach angle and 3°.

Detailed correction requirements are given in § A36.6 of this appendix.

(3) If aircraft sound pressure levels do not exceed the background sound pressure levels by at least 10 dB in any one-third octave band, approved corrections for the contribution of background sound pressure levels to observed sound pressure levels must be applied.

(e) *Validity of results.* (1) The test results must produce three average EPNL values and their 90 percent confidence limits, each being the arithmetic average of the corrected acoustical measurements for all valid test runs at the takeoff, approach, and sideline measuring points, respectively. If more than one acoustic measurement system is used at any single measurement location (such as for the symmetrical sideline measuring points), the resulting data for each test run must be averaged as a single measurement.

(2) The minimum sample size acceptable for each of the three certification measuring points is six. The samples must be large enough to establish statistically for each of the three average noise type certification levels a 90 percent confidence limit not exceeding ±1.5 EPNdB. No test result may be omitted from the average process unless otherwise specified by the FAA.

(3) The average EPNL values and their 90 percent confidence limits obtained by the foregoing process must be those by which the noise performance of the aircraft is assessed against the noise type certification criteria, and must be reported.

Section A36.4 *Symbols and units*—(a) *General.* The symbols used in Appendixes A and B of this part have the following meanings.

Symbol	Unit	Meaning
antiC(k)	dB	*Antilogarithm to the Base 10. Tone Correction.* The factor to be added to PNL(k) to account for the presence of spectral irregularities such as tones at the k-th increment of time.
d	sec	*Duration Time.* The length of the significant noise time history being the time interval between the limits of t(1) and t(2) to the nearest second.
D	dB	*Duration Correction.* The factor to be added to PNLM to account for the duration of the noise.
EPNL	EPNdB	*Effective Perceived Noise Level.* The value of PNL adjusted for both the presence of discrete frequencies and the time history. (The unit EPNdB is used instead of the unit dB.)
f(l) or f	Hz	*Frequency.* The geometrical mean frequency for the l-th one-third octave band.
F(l, k)	dB	*Delta-dB.* The difference between the original and background sound pressure levels in the l-th one-third octave band at the k-th interval of time.
h	dB	*dB-Down.* The level to be subtracted from PNLTM that defines the duration of the noise.
H	%	*Relative Humidity.* The ambient atmospheric relative humidity.
i(l) or i		*Frequency Band Index.* The numerical indicator that denotes any one of the 24 one-third octave bands with geometrical mean frequencies from 50 to 10,000 Hz.
k		*Time Increment Index.* The numerical indicator that denotes the number of equal time increments that have elapsed from a reference zero.
log		*Logarithm to the Base 10.*
log n(a)		*Noy Discontinuity Coordinate.* The log n value of the intersection point of the straight lines representing the variation of SPL with log n.
M(b), M(c)		*Noy Inverse Slope.* The reciprocals of the slopes of the straight lines representing the variation of SPL with log n.
n	noy	*Perceived Noisiness.* The perceived noisiness at any instant of time that occurs in a specified frequency range.
n(l, k)	noy	*Perceived Noisiness.* The perceived noisiness at the k-th instant of time that occurs in the l-th one-third octave band.
n(k)	noy	*Maximum Perceived Noisiness.* The maximum value of all of the 24 values of n(i) that occurs at the k-th instant of time.
N(k)	noy	*Total Perceived Noisiness.* The total perceived noisiness at the k-th instant of time calculated from the 24-instantaneous values of n(i, k).
p(b), p(c)		*Noy Slope.* The slopes of the straight lines representing the variation of SPL with log n.
PNL	PNdB	*Perceived Noise Level.* The perceived noise level at any instant of time (the unit PNdB is used instead of the unit dB).
PNL(k)	PNdB	*Perceived Noise Level.* The perceived noise level calculated from the 24 values of SPL (i,k) at the k-th increment of time. (The unit PNdB is used instead of the unit dB.)
PNLM	PNdB	*Maximum Perceived Noise Level.* The maximum value of PNL(k) that occurs during the aircraft flyover. (The unit PNdB is used instead of the unit dB.)
PNLT	PNdB	*Tone Corrected Perceived Noise Level.* The value of PNL adjusted for the presence of spectral irregularities (discrete frequencies) at any instant of time. (The unit PNdB is used instead of the unit dB.)
PNLT(k)	PNdB	*Tone Corrected Perceived Noise Level.* The value of PNL(k) adjusted for the presence of discrete frequencies that occurs at the k-th increment of time. (The unit PNdB is used instead of the unit dB.)
PNLTM	PNdB	*Maximum Tone Corrected Perceived Noise Level.* The maximum value of PNLT(k) that occurs during the aircraft flyover. (The unit PNdB is used instead of the unit dB.)
s(l, k)	dB	*Slope of Sound Pressure Level.* The change in level between adjacent one-third octave band sound pressure levels at the l-th band for the k-th instant of time.
Δs(l, k)	dB	*Change in Slope of Sound Pressure Level.*
s'(l, k)	dB	*Adjusted Slope of Sound Pressure Level.* The change in level between adjacent adjusted one-third octave band sound pressure levels at the l-th band for the k-th instant of time.
s̄(l, k)	dB	*Average Slope of Sound Pressure Level.*
SPL	dB re 0.0002 microbar.	*Sound Pressure Level.* The sound pressure level at any instant of time that occurs in a specified frequency range.
SPL(a)	dB re 0.0002 microbar.	*Noy Discontinuity Coordinate.* The SPL value of the intersection point of the straight lines representing the variation of SPL with log n.
SPL(b), SPL(c)	dB re 0.0002 microbar.	*Noy Intercept.* The intercepts on the SPL-axis of the straight lines representing the variation of SPL with log n.
SPL(l, k)	dB re 0.0002 microbar.	*Sound Pressure Level.* The sound pressure level at the k-th instant of time that occurs in the l-th one-third octave band.
SPL'(l, k)	dB re 0.0002 microbar.	*Adjusted Sound Pressure Level.* The first approximation to background level in the l-th one-third octave band for the k-th instant of time.
SPL''(l, k)	dB re 0.0002 microbar	*Background Sound Pressure Level.* The final approximation to background level in the l-th one-third octave band for the k-th instant of time.
SPLi	dB re 0.0002 microbar	*Maximum Sound Pressure Level.* The sound pressure level that occurs in the i-th one-third octave band of the spectrum for PNLTM.
SPLic	dB re 0.0002 microbar	*Corrected Maximum Sound Pressure Level.* The sound pressure level that occurs in the i-th one-third octave band of the spectrum for PNLTM corrected for atmospheric sound absorption.
t	sec	*Elapsed Time.* The length of time measured from a reference zero.
t(1), t(2)	sec	*Time Limit.* The beginning and end of the significant noise time history defined by h.
Δt	sec	*Time Increment.* The equal increments of time for which PNL(k) and PNLT(k) are calculated.
T	sec	*Normalizing Time Constant.* The length of time used as a reference in the integration method for computing duration corrections.
T	°F	*Temperature.* The ambient atmospheric temperature.
a(l)	dB/feet.	*Test Atmospheric Absorption.* The atmospheric attenuation of sound that occurs in the l-th one-third octave band for the measured atmospheric temperature and relative humidity.
a(l)'	dB/1000 feet.	
a(l)₀	dB/feet.	*Reference Atmospheric Absorption.* The atmospheric attenuation of sound that occurs in the l-th one-third octave band for the reference atmospheric temperature and relative humidity.
a(l)'	dB/1000 feet.	
β	degrees	*First Constant Climb Angle.*
γ	degrees	*Second Constant Climb Angle.*
δ	degrees.	*Thrust Cutback Angles.* The angles defining the points on the takeoff flight path at which thrust reduction is started and ended respectively.
ε	degrees.	
η	degrees	*Approach Angle.*
Θ	degrees	*Takeoff Noise Angle.* The angle between the flight path and noise path for takeoff operation. It is identical for both measured and corrected flight paths.
λ	degrees	*Approach Noise Angle.* The angle between the flight path and the noise path for approach operation. It is identical for both measured and corrected flight paths.
Δ1	EPNdB	*PNLT Correction.* The correction to be added to the EPNL calculated from measured data to account for noise level changes due to differences in atmospheric absorption and noise path length between reference and test conditions.
Δ2	EPNdB	*Noise Path Duration Correction.* The correction to be added to the EPNL calculated from measured data to account for noise level changes due to the noise duration because of differences in flyover altitude between reference and test condition.
Δ3	EPNdB	*Weight Correction.* The correction to be added to the EPNL calculated from measured data to account for noise level changes due to differences between maximum and test aircraft weights.
Δ4	EPNdB	*Approach Angle Correction.* The correction to be added to the EPNL calculated from measured data to account for noise level changes due to differences between 3° and the test approach angle.
ΔAB	feet.	*Takeoff Profile Changes.* The changes in the basic parameters defining the takeoff profile due to differences between reference and test conditions.
Δδ	degrees.	
Δγ	degrees.	
Δδ	degrees.	
Δε	degrees.	

FLIGHT PROFILE IDENTIFICATION POSITIONS

Position	Description
A	Start of takeoff roll.
B	Liftoff.
C	Start of first constant climb.
D	Start of thrust reduction.
E	Start of second constant climb.
Ec	Start of second constant climb on corrected flight path.
F	End of noise certification takeoff flight path.
Fc	End of second constant climb on corrected flight path.
G	Start of noise certification approach flight path.
Gr	Start of noise certification approach on reference flight path.
H	Position on approach path directly above noise measuring station.
I	Start of level off.
Ir	Start of level off on reference approach flight path.
J	Touchdown.
K	Takeoff noise measuring station.
L	Sideline noise measuring station (not on flight track).

FLIGHT PROFILE IDENTIFICATION POSITIONS—Continued

Position	Description
M	End of noise type certification takeoff flight track.
N	Approach noise measuring station.
O	Threshold of approach end of runway
P	Start of noise type certification approach flight track.
Q	Position on measured takeoff flight path corresponding to PNLTM at station K.
Qc	Position on corrected takeoff flight path corresponding to PNLTM at station K.
R	Position on measured takeoff flight path nearest to station K.
Rc	Position on corrected takeoff flight path nearest to station K.
S	Position on measured approach flight path corresponding to PNLTM at station N.
Sr	Position on reference approach flight path corresponding to PNLTM at station N.
T	Position on measured approach flight path nearest to station N.
Tr	Position on reference approach flight path nearest to station N.
X	Position on measured takeoff flight path corresponding to PNLTM at station L.

FLIGHT PROFILE DISTANCES

Distance	Unit	Meaning
AB	feet	*Length of Takeoff Roll.* The distance along the runway between the start of takeoff roll and lift off.
AK	feet	*Takeoff Measurement Distance.* The distance from the start of roll to the takeoff noise measurement station along the extended centerline of the runway.
AM	feet	*Takeoff Flight Track Distance.* The distance from the start of roll to the takeoff flight track position along the extented centerline of the runway for which the position of the aircraft need no longer be recorded.
KQ	feet	*Measured Takeoff Noise Path.* The distance from station K to the measured aircraft position Q.
KQc	feet	*Corrected Takeoff Noise Path.* The distance from station K to the corrected aircraft position Qc.
KR	feet	*Measured Takeoff Minimum Distance.* The distance from station K to point R on the measured flight path.
KRc	feet	*Corrected Takeoff Minimum Distance.* The distance from station K to point Rc on the corrected flight path.
LX	feet	*Measured Sideline Noise Path.* The distance from station L to the measured aircraft position X.
NH	feet	*Aircraft Approach Height.* The vertical distance between the aircraft and the approach measuring station.
NS	feet	*Measured Approach Noise Path.* The distance from station N to the measured aircraft position S.
NSr	feet	*Reference Approach Noise Path.* The distance from station N to the reference aircraft position Sr.
NT	feet	*Measured Approach Minimum Distance.* The distance from station N to point T on the measured flight path.
NTr	feet	*Reference Approach Minimum Distance.* The distance from station N to point Tr on the corrected flight path; it equals 369 feet.
ON	feet	*Approach Measurement Distance.* The distance from the runway threshold to the approach measurement station along the extended centerline of the runway.

FLIGHT PROFILE DISTANCES—Continued

Symbol	Unit	Meaning
OP	feet	*Approach Flight Track Distance.* The distance from the runway threshold to the approach flight track position along the extended centerline of the runway for which the position of the aircraft need no longer be recorded.

Section A36.5 *Atmospheric attenuation of sound*—(a) *General.* The atmospheric attenuation of sound must be determined in accordance with the curves of Figure 15 presented in SAE ARP 866 or by the simplified procedure presented below. SAE ARP 866 is a publication entitled: "Standard Values of Atmospheric Absorption as a Function of Temperature and Humidity for Use in Evaluating Aircraft Flyover Noise" and the recommendations presented therein are incorporated by reference into this Part and are made a part hereof as provided in 5 U.S.C. 522(a)(1) and 1 CFR Part 20. This publication was published on August 31, 1964, by the Society of Automotive Engineers, Inc., located at 2 Pennsylvania Plaza, New York, N.Y. 10001, and copies may be purchased at that place. Copies of this publication are available for examination at the DOT Library, Federal Office Building 10A Branch and at the Office of Noise Abatement both located at Headquarters, Federal Aviation Administration, 800 Independence Avenue, Washington, D.C. Moreover, copies of this publication are available for examination at the Regional Offices of the FAA. Furthermore, a historic, official file will be maintained by the Office of Noise Abatement and will contain any changes made to this publication.

(b) *Reference conditions.* For the reference atmospheric conditions of temperature and relative humidity equal to 77° F. and 70 percent, respectively, and for all other conditions of temperature and relative humidity where their product is equal to or greater than 4,000, the sound absorption must be expressed by the following equation:

$$\alpha_{io}' = f_i/500 \text{ (dB/1,000 ft.)}$$

α_{io}' is the atmospheric attenuation of sound that occurs in the i-th one-third octave band for the reference atmospheric conditions and f_i is the geometrical mean frequency for the i-th one-third octave band.

(c) *Nonreference conditions.* (1) For all atmospheric conditions of temperature and relative humidity where their product is equal to or less than 4,000, the relationship between sound absorption, frequency, temperature, and humidity must be expressed by the following equation:

$$500\ \alpha_i'/f_i = (2/3)\ [(11/2) - (HT/1{,}000)]$$

α_i' is the atmospheric attenuation of sound that occurs in the i-th one-third octave band for a relative humidity of H percent and a temperature of T° Fahrenheit.

(2) Figure A1 graphically illustrates the simplified relationship. The second equation represents the inclined line which is valid for all values of HT up to and including 4,000. For all values of 4,000 and greater, the horizontal line, represented by the first equation, is valid. The minimum, reference, and maximum values of humidity and temperature are indicated in Figure A1.

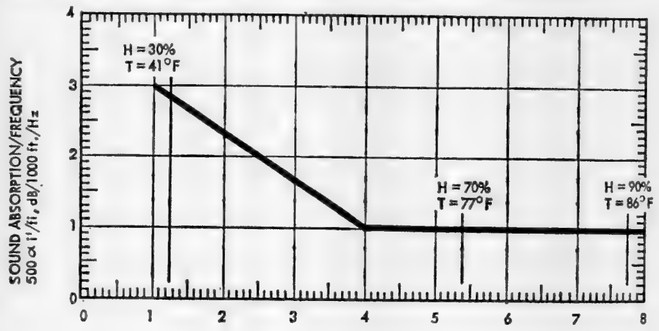


FIGURE A1. SIMPLIFIED RELATIONSHIP BETWEEN ATMOSPHERIC SOUND ATTENUATION, FREQUENCY, HUMIDITY, AND TEMPERATURE.

Section A36.6 *Detailed correction procedures*—(a) *General.* If the noise type certification test conditions are not equal to the noise certification reference conditions, appropriate positive corrections must be made to the EPNL calculated from the measured data. Differences between reference and test conditions which lead to positive corrections can result from the following:

(1) Atmospheric absorption of sound under test conditions greater than reference,

(2) Test flight path at higher altitude than reference, and

(3) Test weight less than maximum.

Negative corrections are permitted if the atmospheric absorption of sound under test conditions is less than reference and also if the test flight path is at a lower altitude than reference.

The takeoff test flight path can occur at a higher altitude than reference if the meteorological conditions permit superior aerodynamic performance ("cold day" effect). Conversely, the "hot day" effect can cause the takeoff test flight path to occur at a lower altitude than reference. The approach test flight path can occur at either higher or lower altitudes than reference irrespective of the meteorological conditions.

The correction procedures presented in the following discussion consist of one or more of five possible values added algebraically to the EPNL calculated as if the tests were conducted completely under the noise type certification reference conditions. The flight profiles must be determined for both takeoff and approach, and for both reference and test conditions. The test procedures require noise and flight path recordings with a synchronized time signal from which the test profile can be delineated, including the aircraft position for which PNLTM is observed at the noise measuring station. For takeoff, a flight profile corrected to reference conditions may be derived from manufacturer's data, and for approach, the reference profile is known.

The noise paths from the aircraft to the noise measuring station corresponding to PNLTM are determined for both the test and reference profiles. The SPL values in the spectrum of PNLTM are then corrected for the effects of:

(1) Change in atmospheric sound absorption,

(2) Atmospheric sound absorption on the change in noise path length,

(3) Inverse square law on the change in noise path length.

The corrected values of SPL are then converted to PNLT from which is subtracted PNLTM. The difference represents the correction to be added algebraically to the EPNL calculated from the measured data.

The minimum distances from both the test and reference profiles to the noise measuring station are calculated and used to determine a noise duration correction due to the change in the altitude of aircraft flyover. The duration correction is added algebraically to the EPNL calculated from the measured data.

From approved data in the form of curves or tables giving the variation of EPNL with takeoff weight and also for landing weight, corrections are determined to be added to the EPNL calculated from the measured data to account for noise level changes due to differences between maximum and test aircraft weights.

From approved data in the form of curves or tables giving the variation of EPNL with approach angle, corrections are determined to be added algebraically to the EPNL calculated from measured data to account for noise level changes due to differences between 3° and the test approach angle.

(b) *Takeoff profiles.* Figure A2 illustrates a typical takeoff profile. The aircraft begins the takeoff roll at point A, lifts off at point B, and initiates the first constant climb at point C at an angle β. The noise abatement thrust cutback is started at point D and completed at point E where the second constant climb is defined by the angle ϑ (usually expressed in terms of the gradient in per cent).

The end of the noise type certification takeoff flight path is represented by aircraft position F whose vertical projection on the flight track (extended centerline of the runway) is point M. The position of the aircraft must be recorded for a distance AM of at least 6 nautical miles.

Position K is the takeoff noise measuring station whose distance AK is specified as 3.5 nautical miles. Position L is the sideline noise measuring station located on a line parallel to and a specified distance from the runway centerline where the noise level during takeoff is greatest.

The takeoff profile is defined by the following five parameters: AB, the length of takeoff roll; β, the first constant climb angle; γ, the second constant climb angle; and δ and ϵ, the thrust cutback angles. These five parameters are functions of the aircraft performance and weight and the atmospheric conditions of temperature, pressure, and wind velocity and direction. If the test conditions are not equal to the reference conditions, the corresponding test and reference profile parameters will be different as shown in Figure A3. The profile parameter changes, identified as ΔAB, $\Delta\beta$, $\Delta\alpha$, $\Delta\delta$, and $\Delta\epsilon$, can be derived from the manufacturer's data (approved by the FAA) and can be used to define the flight profile corrected to the reference conditions. The relationships between the measured and corrected takeoff flight profiles can then be used to determine the corrections, which if positive, must be applied to the EPNL calculated from the measured data.

NOTE: Under reference atmospheric conditions and with maximum takeoff weight, the gradient of the second constant climb angle, ϑ, is specified to be not less than 4 percent. However, the actual gradient will depend upon the test atmospheric conditions, assuming maximum takeoff weight and the parameters characterizing engine performance are constant (rpm, epr, or any other parameter used by the pilot).

Figure A4 illustrates portions of the measured and corrected takeoff flight paths including the significant geometrical relationships influencing sound propagation. EF represents the measured second constant flight path with climb angle γ, and EcFc represents the corrected second constant flight path at reduced altitude and with reduced climb angle $\vartheta - \Delta\vartheta$.

Position Q represents the aircraft location on the measured takeoff flight path for which PNLTM is observed at the noise measuring station K, and Qc is the corresponding position on the corrected flight path. The measured and corrected noise propagation paths are KQ and KQc, respectively, which form the same angle θ with their flight paths.

Position R represents the point on the measured takeoff flight path nearest the noise measuring station K, and Rc is the corresponding position on the corrected flight path. The minimum distance to the measured and corrected flight paths are indicated by the lines KR and KRc, respectively, which are normal to their flight paths.

(c) *Approach profiles.* Figure A5 illustrates a typical approach profile. The beginning of the noise type certification approach profile is represented by aircraft position G whose vertical projection on the flight track (extended centerline of the runway) is point P. The position of the aircraft must be recorded for a distance OP from the runway threshold O of at least 4 nautical miles.

The aircraft approaches at an angle η, passes vertically over the noise measuring station N at a height of NH, begins the level off at position I, and touches down at position J. The distance ON is specified as 1.0 nautical mile.

The approach profile is defined by the approach angle η and the height NH which are functions of the aircraft operating conditions controlled by the pilot. If the measured approach profile parameters are different from the corresponding reference approach parameters (3° and 370 feet, respectively, as shown in Figure A6), corrections, if positive, must be applied to the EPNL calculated from the measured data.

Figure A7 illustrates portions of the measured and reference approach flight paths including the significant geometrical relationships influencing sound propagation. GI represents the measured approach path with approach angle η, and GrIr represents the reference approach flight path at lower altitude and approach angle of 3°.

Position S represents the aircraft location on the measured approach flight path for which PNLTM is observed at the noise measuring station N, and Sr is the corresponding position on the reference approach flight path. The measured and corrected noise propagation paths are NS and NSr, respectively, which form the same angle λ with their flight paths.

Position T represents the point on the measured approach flight path nearest the noise measuring station N, and Tr is the corresponding point on the reference approach flight path. The minimum distances to the measured and reference flight paths are indicated by the lines NT and NTr, respectively, which are normal to their flight paths.

NOTE: The reference approach flight path is defined by $\eta = 3°$ and NH = 370 feet. Consequently, NTr can also be defined; NTr = 369 feet to the nearest foot and is, therefore, considered to be one of the reference parameters.

(d) *PNLT corrections.* Whenever the ambient atmospheric conditions of temperature and relative humidity differ from the reference conditions (77° F. and 70 percent, respectively) and whenever the measured takeoff and approach flight paths differ from the corrected and reference flight paths respectively, it may be necessary or desirable to apply corrections to the EPNL values calculated from the measured data. If the corrections are required, they must be calculated as described below.

Referring to the takeoff flight path shown in Figure A4, the spectrum of PLNTM observed at station K, for the aircraft at position Q, is decomposed into its individual SPLi values. A set of corrected values are then computed as follows:

$$\begin{aligned} SPLic = SPLi &+ (\alpha i - \alpha io)\ KQ \\ &+ \alpha io\ (KQ - KQc) \\ &+ 20 \log\ (KQ/KQc) \end{aligned}$$

where SPLi and SPLic are the measured and corrected sound pressure levels, respectively, in the i-th one-third octave band. The first correction term accounts for the effects of change in atmospheric sound absorption where αi and αio are the sound absorption coefficients for the test and reference atmospheric conditions, respectively, for the

i-th one-third octave band and KQ is the measured takeoff noise path. The second correction term accounts for the effects of atmospheric sound absorption on the change in the noise path length where KQc is the corrected takeoff noise path. The third correction term accounts for the effects of the inverse square law on the change in the noise path length.

The corrected values of SPLic are then converted to PNLT and a correction term calculated as follows:

$$\Delta 1 = PNLT - PNLTM$$

which represents the correction to be added algebraically to the EPNL calculated from the measured data.

The same procedure is used for the approach flight path except that the values for SPLic relate to the approach noise paths shown in Figure A7 as follows:

$$SPLic = SPLi + (\alpha 1 - \alpha 1o)\ NS + \alpha 1o\ (NS - NSr) + 20 \log\ (NS/NSr)$$

where NS and NSr are the measured and reference approach noise paths, respectively. The remainder of the procedure is the same as for the takeoff flight path.

The same procedure is used for the sideline flight path except that the values for SPLic relate only to the measured sideline noise path as follows:

$$SPLic = SPLi + (\alpha 1 - \alpha 1o)\ LX$$

where LX is the measured sideline noise path from station L (Figure A2) to position X of the aircraft for which PNLTM is observed at station L. Only the correction term accounting for the effects of change in atmospheric sound absorption is considered. The difference between the measured and corrected noise path lengths are assumed negligible for the sideline flight path. The remainder of the procedure is the same as for the takeoff flight path.

(e) *Duration corrections.* Whenever the measured takeoff and approach flight paths differ from the corrected and reference flight paths, respectively, it may be necessary or desirable to apply duration corrections to the EPNL values calculated from the measured data. If the corrections are required, they shall be calculated as described below.

Referring to the takeoff flight path shown in Figure A4, a correction term is calculated as follows:

$$\Delta 2 = -10 \log\ (KR/KRc)$$

which represents the correction to be added algebraically to the EPNL calculated from the measured data. The lengths KR and KRc are the measured and corrected takeoff minimum distances, respectively, from the noise measuring station K to the measured and corrected flight paths. The negative sign indicates that, for the particular case of a duration correction, the EPNL calculated from the measured data is reduced if the measured flight path is at a greater altitude than the corrected flight path.

The same procedure is used for the approach flight path except that the correction relates to the approach minimum distances shown in Figure A7 as follows:

$$\Delta 2 = -10 \log\ (NT/369)$$

where NT is the measured approach minimum distance from the noise measuring station N to the measured flight path and 369 feet is the minimum distance from station N to the reference flight path.

No duration correction is computed for the sideline flight path because the differences between the measured and corrected flight paths are assumed negligible.

(f) *Weight corrections.* Whenever the aircraft weight, during either the noise type certification takeoff, sideline, or approach test, is less than the corresponding maximum takeoff or landing weight, a correction must be applied to the EPNL value calculated from the measured data. The corrections are determined from approved data in the form of tables or curves such as schematically indicated in Figures A8 and A9. The data must be applicable to the noise type certification reference atmospheric conditions.

(g) *Approach angle corrections.* Whenever the aircraft approach angle during the noise type certification approach test is greater than 3°, a correction must be applied to the EPNL value calculated from the measured data. The corrections are determined from approved data in the form of tables or curves such as schematically indicated in Figure A10. The data must be applicable to the noise type certification reference atmospheric conditions and to the test landing weight.

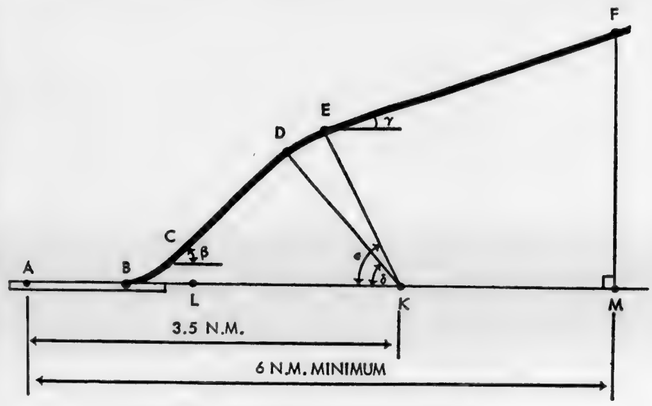


FIGURE A2. MEASURED TAKEOFF PROFILE.

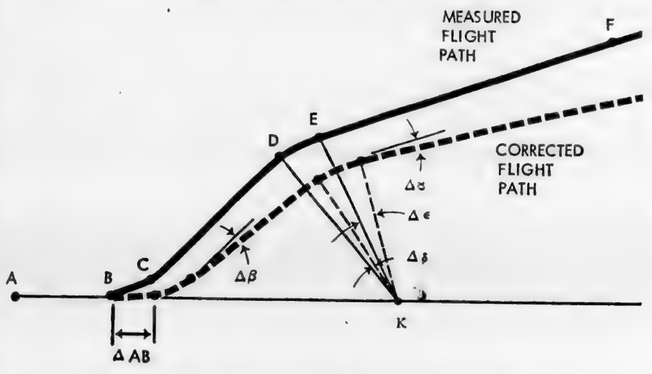


FIGURE A3. COMPARISON OF MEASURED AND CORRECTED TAKEOFF PROFILES.

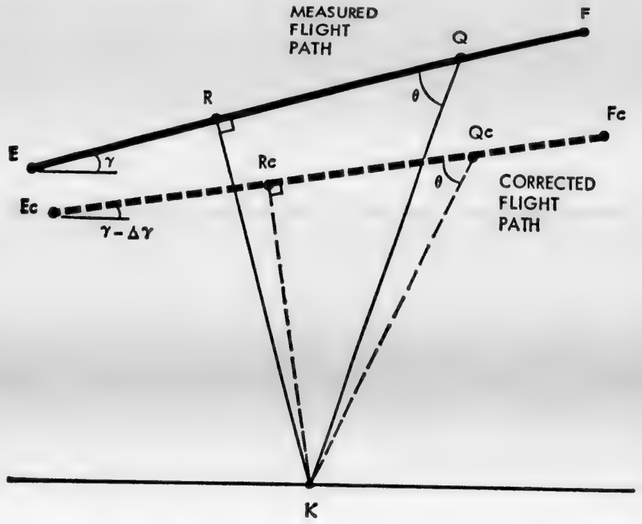


FIGURE A4. TAKEOFF PROFILE CHARACTERISTICS INFLUENCING SOUND PROPAGATION.

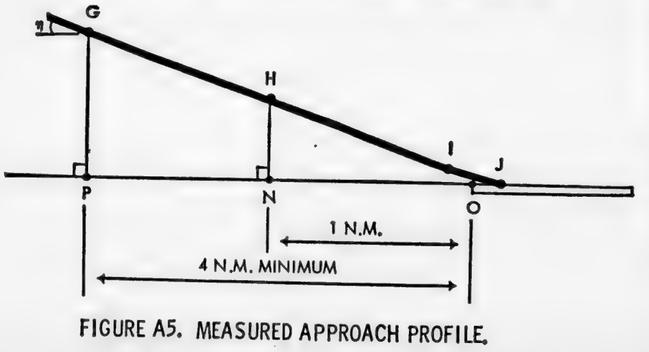


FIGURE A5. MEASURED APPROACH PROFILE.

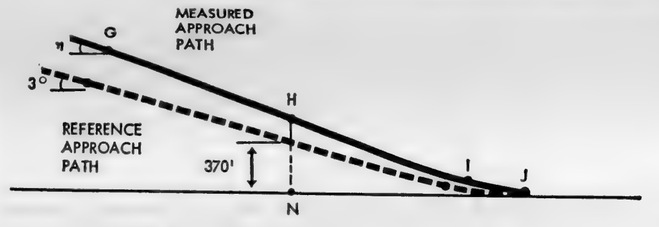


FIGURE A6. COMPARISON OF MEASURED AND CORRECTED APPROACH PROFILES.

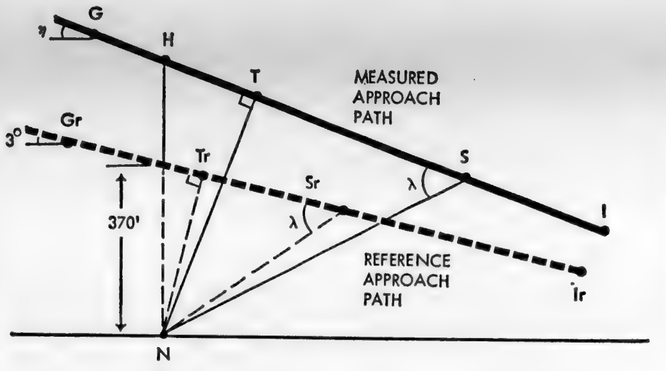


FIGURE A7. APPROACH PROFILE CHARACTERISTICS INFLUENCING SOUND PROPAGATION.

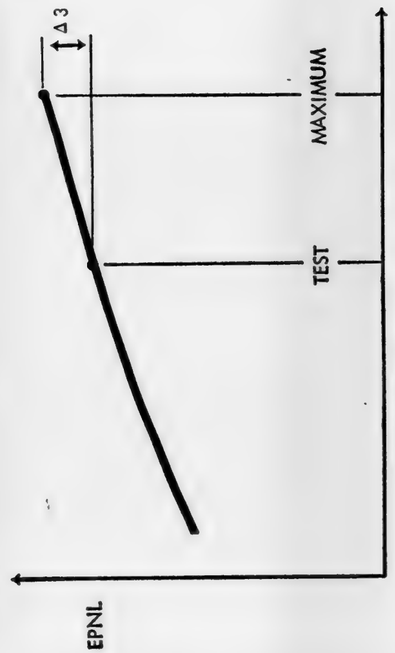


FIGURE A9. APPROACH WEIGHT CORRECTION FOR EPNL AT 1.0 NAUTICAL MILE FROM RUNWAY THRESHOLD.

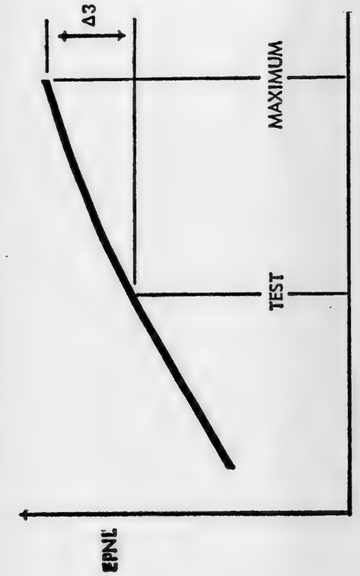


FIGURE A8. TAKEOFF WEIGHT CORRECTION FOR EPNL AT 3.5 NAUTICAL MILES FROM BRAKE RELEASE.

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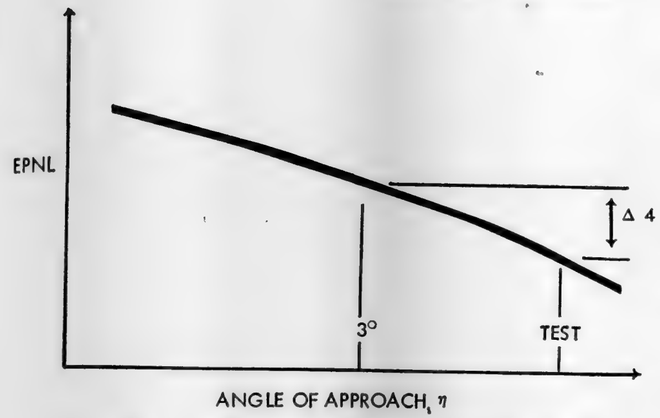


FIGURE A10. APPROACH ANGLE CORRECTION FOR EPNL AT 1.0 NAUTICAL MILE FROM RUNWAY THRESHOLD.

APPENDIX B—AIRCRAFT NOISE EVALUATION UNDER § 36.103

Section B36.1 *General.* The procedures in this appendix must be used to determine the noise evaluation quantity designated as effective perceived noise level, EPNL, under § 36.103. These procedures, which use the physical properties of noise measured as prescribed by Appendix A of this part, consist of the following:

(a) The 24 one-third octave bands of sound pressure level are converted to perceived noisiness by means of a noy table. The noy values are combined and then converted to instantaneous perceived noise levels, PNL(k).

(b) A tone correction factor, C(k), is calculated for each spectrum to account for the subjective response to the presence of the maximum tone.

(c) The tone correction factor is added to the perceived noise level to obtain tone corrected perceived noise levels, PNLT(k), at each one-half second increment of time. The instantaneous values of tone corrected perceived noise level are noted with respect to time and the maximum value, PNLTM, is determined.

$$PNLT(k) = PNL(k) + C(k)$$

(d) A duration correction factor, D, is computed by integration under the curve of tone corrected perceived noise level versus time.

(e) Effective perceived noise level, EPNL, is determined by the algebraic sum of the maximum tone corrected perceived noise level and the duration correction factor.

$$EPNL = PNLTM + D$$

Section B36.2 *Perceived noise level.* Instantaneous perceived noise levels, PNL(k), must be calculated from instantaneous one-third octave band sound pressure levels, SPL(i,k), as follows:

Step 1. Convert each one-third octave band SPL(i,k), from 50 to 10,000 Hz, to perceived noisiness, n(i,k), by reference to Table B1, or to the mathematical formulation of the noy table given in § B36.7 of this appendix.

Step 2. Combine the perceived noisiness values, n(i,k), found in step 1 by the following formula:

$$N(k) = n(k) + 0.15\left[\left[\sum_{i=1}^{24} n(i,k)\right] - n(k)\right]$$
$$= 0.85n(k) + 0.15\sum_{i=1}^{24} n(i,k)$$

where $n(k)$ is the largest of the 24 values of n(i,k) and N(k) is the total perceived noisiness.

Step 3. Convert the total perceived noisiness, N(k), into perceived noise level, PNL(k), by the following formula:

$$PNL(k) = 40.0 + 33.3 \log N(k)$$

which is plotted in Figure B1. PNL(k) may also be obtained by choosing N(k) in the 1,000 Hz column of Table B1 and then reading the corresponding value of SPL(i,k) which, at 1,000 Hz, equals PNL(k).

Table B1. Perceived Noisiness (NOYs) as a Function of Sound Pressure Level.

SPL dB	One-Third Octave Band Center Frequencies f, HZ																					
	50	63	80	100	125	160	200	250	315	400	500	630	800	1000	1250	1600	2000	2500	3150	4000	5000	6300	8000	10000
29																			1.00	1.00				
30																		1.00	1.07	1.07	1.00			
31																	1.00	1.07	1.15	1.15	1.07	1.00		
32																1.00	1.07	1.15	1.23	1.23	1.15	1.07	1.00	
33															1.00	1.07	1.15	1.23	1.32	1.32	1.23	1.15	1.07	1.00
34														1.00	1.07	1.15	1.23	1.32	1.41	1.41	1.32	1.23	1.15	1.07
35													1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.52	1.41	1.32	1.23	1.15
36												1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.62	1.52	1.41	1.32	1.23
37											1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.74	1.62	1.52	1.41	1.32
38										1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.86	1.74	1.62	1.52	1.41
39									1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	1.99	1.86	1.74	1.62	1.52
40								1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.14	1.99	1.86	1.74	1.62
41							1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.29	2.14	1.99	1.86	1.74
42						1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.45	2.29	2.14	1.99	1.86
43					1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	2.63	2.45	2.29	2.14	1.99
44					1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	2.81	2.63	2.45	2.29	2.14
45				1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	2.81	3.02	2.81	2.63	2.45	2.29
46				1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	3.02	3.23	3.02	2.81	2.63	2.45
47				1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	3.02	3.23	3.23	3.02	2.81	2.63
48				1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	3.02	3.23	3.45	3.23	3.02	2.81
49				1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	3.02	3.46	3.71	3.45	3.23	3.02
50				1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	3.02	3.46	3.71	3.97	3.71	3.46
51				1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	3.02	3.46	3.97	4.26	3.97	3.71
52				1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	3.02	3.46	3.97	4.26	4.56	4.26
53				1.00	1.07	1.15	1.23	1.32	1.41	1.52	1.62	1.74	1.86	1.99	2.14	2.29	2.45	2.63	3.02	3.46	3.97	4.56	4.89	4.56
54				1.00	1.09	1.17	1.26	1.34	1.43	1.53	1.64	1.74	1.87	1.87	1.87	1.87	2.00	2.14	2.63	3.02	3.46	3.71	3.97	3.71
55					1.09	1.17	1.26	1.34	1.43	1.53	1.64	1.74	1.74	1.74	1.74	1.87	2.00	2.14	2.63	3.02	3.46	3.71	3.97	3.71
56					1.09	1.17	1.26	1.34	1.43	1.53	1.64	1.64	1.64	1.64	1.64	1.74	1.87	2.00	2.14	2.63	3.02	3.46	3.71	3.97
57						1.17	1.26	1.34	1.43	1.53	1.53	1.53	1.53	1.53	1.53	1.64	1.74	1.87	2.00	2.14	2.63	3.02	3.46	3.71
58						1.17	1.26	1.34	1.43	1.43	1.43	1.43	1.43	1.43	1.43	1.53	1.64	1.74	1.87	2.00	2.14	2.63	3.02	3.46
59						1.17	1.26	1.34	1.34	1.34	1.34	1.34	1.34	1.34	1.34	1.43	1.53	1.64	1.74	1.87	2.00	2.14	2.63	3.02
60						1.17	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.26	1.34	1.43	1.53	1.64	1.74	1.87	2.00	2.14	2.63
61							1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.26	1.34	1.43	1.53	1.64	1.74	1.87	2.00	2.14
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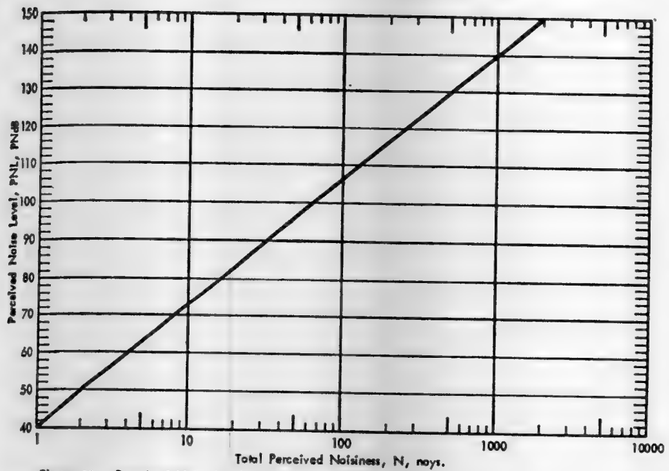


Figure B1. Perceived Noise Level as a Function of Noys.

Section B36.3 *Correction for spectral irregularities.* Noise having pronounced irregularities in the spectrum (for example, discrete frequency components or tones), must be adjusted by the correction factor C(k) calculated as follows:

Step 1. Starting with the corrected sound pressure level in the 80 Hz one-third octave band (band number 3), calculate the changes in sound pressure level (or "slopes") in the remainder of the one-third octave bands as follows:

$$s(3,k) = \text{no value}$$
$$s(4,k) = SPL(4,k) - SPL(3,k)$$
$$\vdots$$
$$s(i,k) = SPL(i,k) - SPL[(i-1),k]$$
$$\vdots$$
$$s(24,k) = SPL(24,k) - SPL(23,k)$$

Step 2. Encircle the value of the slope, s(i,k), where the absolute value of the change in slope is greater than 5; that is, where

$$|\Delta s(i,k)| = |s(i,k) - s[(i-1),k]| > 5.$$

Step 3. (a) If the encircled value of the slope s(i,k) is positive and algebraically greater than the slope s[(i−1),k], encircle SPL(i,k).

(b) If the encircled value of the slope s(i,k) is zero or negative and the slope s[(i−1),k] is positive, encircle (SPL[(i−1),k])

(c) For all other cases, no sound pressure level value is to be encircled.

Step 4. Omit all SPL(i,k) encircled in Step 3 and compute new sound pressure levels SPL′(i,k) as follows:

(a) For nonencircled sound pressure levels, let the new sound pressure levels equal the original sound pressure levels,

$$SPL'(i,k) = SPL(i,k)$$

(b) For encircled sound pressure levels in bands 1–23, let the new sound pressure level equal the arithmetic average of the preceding and following sound pressure levels,

$$SPL'(i,k) = (1/2)[SPL[(i-1),k] + SPL[(i+1),k]]$$

(c) If the sound pressure level in the highest frequency band (i=24) is encircled, let the new sound pressure level in that band equal

$$SPL'(24,k) = SPL(23,k) + s(23,k).$$

Step 5. Recompute new slopes s′ (i,k), including one for an imaginary 25-th band, as follows:

$$s'(3,k) = s'(4,k)$$
$$s'(4,k) = SPL'(4,k) - SPL'(3,k)$$
$$\vdots$$
$$s'(i,k) = SPL'(i,k) - SPL'[(i-1),k]$$
$$\vdots$$
$$s'(24,k) = SPL'(24,k) - SPL'(23,k)$$
$$s'(25,k) = s'(24,k)$$

Step 6. For i from 3 to 23, compute the arithmetic average of the three adjacent slopes as follows:

$$\bar{s}(i,k) = (1/3)[s'(i,k) + s'[(i+1),k] + s'[(i+2),k]]$$

Step 7. Compute final adjusted one-third octave-band sound pressure levels, SPL″ (i,k), by beginning with band number 3 and proceeding to band number 24 as follows:

$$SPL''(3,k) = SPL(3,k)$$
$$SPL''(4,k) = SPL''(3,k) + \bar{s}(3,k)$$
$$\vdots$$
$$SPL''(i,k) = SPL''[(i-1),k] + \bar{s}[(i-1),k]$$
$$\vdots$$
$$SPL''(24,k) = SPL''(23,k) + \bar{s}(23,k)$$

Step 8. Calculate the differences, F(i,k), between the original and the adjusted sound pressure levels as follows:

$$F(i,k) = SPL(i,k) - SPL''(i,k)$$

and note only values greater than zero.

Step 9. For each of the 24 one-third octave bands, determine tone correction factors from the sound pressure level differences F(i,k) and Table B2.

Step 10. Designate the largest of the tone correction factors, determined in Step 9, as C(k). An example of the tone correction procedure is given in Table B3.

Tone corrected perceived noise levels PNLT(k) are determined by adding the C(k) values to corresponding PNL(k) values, that is,

$$PNLT(k) = PNL(k) + C(k)$$

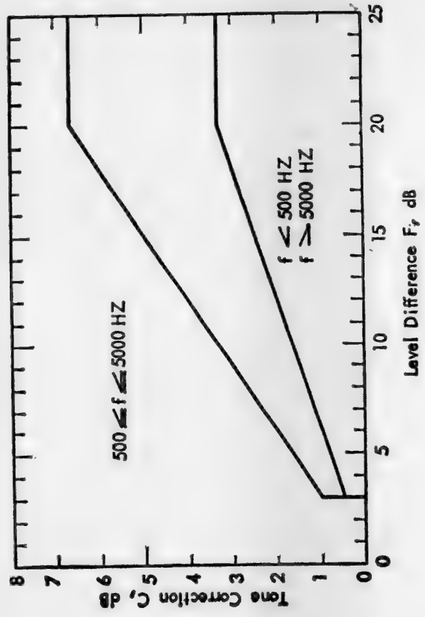
For any i-th one-third octave band, at any k-th increment of time, for which the tone correction factor is suspected to result from something other than (or in addition to) an actual tone (or any spectral irregularity other than aircraft noise), an additional analysis may be made using a filter with a bandwidth narrower than one-third of an octave. If the narrow band analysis corroborates that suspicion, then a revised value for the background sound pressure level, SPL″(i,k), may be determined from the analysis and used to compute a revised tone correction factor, F(i,k), for that particular one-third octave band.

① Band (i)	② f HZ	③ SPL dB	④ S dB Step 1	⑤ |ΔS| dB Step 2	⑥ SPL' dB Step 4	⑦ S' dB Step 5	⑧ $\bar{S}$ dB Step 6	⑨ SPL" dB Step 7	⑩ F dB Step 8	⑪ C. dB Step 9
1	50	-	-	-	-	-	-	-	-	-
2	63	-	-	-	-	-	-	-	-	-
3	80	70	-	-	70	-8	-2 1/3	70	-	
4	100	62	-8	-	62	-8	+3 1/3	67 2/3	-	
5	125	(70)	+(8)	16	71	+9	+6 2/3	71	-	
6	160	80	+10	2	80	+9	+2 2/3	77 2/3	2 1/3	
7	200	82	+(2)	8	82	+2	-1 1/3	80 1/3	1 2/3	
8	250	(83)	+1	1	79	-3	-1 1/3	79	4	2/3
9	315	76	-(7)	8	76	-3	+ 1/3	77 2/3	-	
10	400	(80)	+(4)	11	78	+2	+1	78	2	
11	500	80	0	4	80	+2	0	79	1	
12	630	79	- 1	1	79	-1	0	79	-	
13	800	78	- 1	0	78	-1	- 1/3	79	-	
14	1000	80	+ 2	3	80	+2	- 2/3	78 2/3	1 1/3	
15	1250	78	- 2	4	78	-2	- 1/3	78	-	
16	1600	76	- 2	0	76	-2	+ 1/3	77 2/3	-	
17	2000	79	+ 3	5	79	+3	+1	78	1	
18	2500	(85)	+ 6	3	79	0	- 1/3	79	6	(2)
19	3150	79	-(6)	12	79	0	-2 2/3	78 2/3	1/3	
20	4000	78	-(1)	5	78	-1	-6 1/3	76	2	
21	5000	71	-(7)	6	71	-7	-8	69 2/3	1 1/3	
22	6300	60	-11	4	60	-11	-8 2/3	61 2/3	-	
23	8000	54	- 6	5	54	-6	-8	53	1	0
24	10000	45	- 9	3	45	-9	-	45	-	
						-9				

Step 1	③(i) - ③(i-1)
Step 2	|④(i) - ④(i-1)|
Step 3	see instructions
Step 4	see instructions
Step 5	⑥(i) - ⑥(i-1)

Step 6	[⑦(i) + ⑦(i+1) + ⑦(i+2)] ÷ 3
Step 7	⑨(i-1) + ⑧(i-1)
Step 8	③(i) - ⑨(i)
Step 9	see Table B2

Table B3. Example of Tone Correction Calculation for a Turbofan Engine



Frequency f_r, HZ	Level Difference F_r, dB	Tone Correction C, dB
$50 \leq f < 500$	$F < 3$ $3 \leq F \leq 20$ $20 < F$	0 F/6 3 1/3
$500 \leq f \leq 5000$	$F < 3$ $3 \leq F \leq 20$ $20 < F$	0 F/3 6 2/3
$5000 < f \leq 10000$	$F < 3$ $3 \leq F \leq 20$ $20 < F$	0 F/6 3 1/3

Table B2.. Tone Correction Factors

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Section B36.4 *Maximum tone corrected perceived noise level.* The maximum tone corrected perceived noise level, PNLTM, is the maximum calculated value of the tone corrected perceived noise level, PNLT(k), calculated in accordance with the procedure of § B36.3 of this Appendix. Figure B2 is an example of a flyover noise time history where the maximum value is clearly indicated. Half-second time intervals, Δt, are small enough to obtain a satisfactory noise time history.

If there are no pronounced irregularities in the spectrum, then the procedure of § B36.3 of this Appendix would be redundant since PNLT(k) would be identically equal to PNL(k). For this case, PNLTM would be the maximum value of PNL(k) and would equal PNLM.

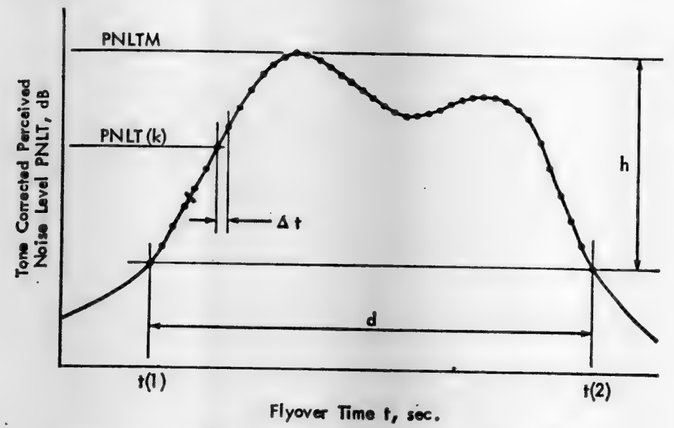


Figure B2. Example of Perceived Noise Level Corrected for Tones as a Function of Aircraft Flyover Time

Section B36.5 *Duration correction.* The duration correction factor D is determined by the integration technique defined by the expression:

$$D = 10 \log \left[(1/T) \int_{t(1)}^{t(2)} \text{ant}\,[PNLT/10]\, dt \right] - PNLTM$$

where T is a normalizing time constant, PNLTM is the maximum value of PNLT, and t(1) and t(2) are the limits of the significant noise time history.

Since PNLT is calculated from measured values of SPL, there will, in general, be no obvious equation for PNLT as a function of time. Consequently, the equation can be rewritten with a summation sign instead of an integral sign as follows:

$$D = 10 \log \left[(1/T) \sum_{k=0}^{d/\Delta t} \Delta t \,\text{ant}\,[PNLT(k)/10] \right] - PNLTM$$

where Δt is the length of the equal increments of time for which PNLT(k) is calculated and d is the time interval to the nearest 1.0 second during which PNLT(k) is within a specified value, h, of PNLTM.

Half-second time intervals for Δt are small enough to obtain a satisfactory history of the perceived noise level. A shorter time interval may be selected by the applicant provided aproved limits and constants are used.

The following values for T, Δt, and h, must be used in calculating D:

T=10 sec,
Δt=0.5 sec, and
h=10 dB.

Using the above values, the equation for D becomes

$$D = 10 \log \left[\sum_{k=0}^{24} \text{ant}\,[PNLT(k)/10] \right] - PNLTM - 13$$

where the integer d is the duration time defined by the points that are 10 dB less than PNLTM.

If the 10 dB-down points fall between calculated PNLT(k) values (the usual case), the applicable limits for the duration time must be chosen from the PNLT(k) values closest to PNLTM−10. For those cases with more than one peak value of PNLT(k), the applicable limits must be chosen to yield the largest possible value for the duration time.

If the value of PNLT(k) at the 10 dB-down points is 90 PNdB or less, the value of d may be taken as the time interval between the initial and the final times for which PNLT(k) equals 90 PNdB.

Section B36.6 *Effective perceived noise level.* The total subjective effect of an aircraft flyover is designated "effective perceived noise level," EPNL, and is equal to the algebraic sum of the maximum value of the tone corrected perceived noise level, PNLTM, and the duration correction, D. That is,

$$EPNL = PNLTM + D$$

where PNLTM and D are calculated under §§ B36.4 and B36.5 of this appendix.

The above equation can be rewritten by substituting the equation for D from § B36.5 of this appendix, that is,

$$EPNL = 10 \log \left[\sum_{k=0}^{24} \text{ant}\,[PNLT(k)/10] \right] - 13$$

Section B36.7 *Mathematical formulation of noy tables.* The relationship between sound pressure level and perceived noisiness given in Table B1 is illustrated in Figure B3. The variation of SPL with log n for a given one-third octave band can be expressed by either one or two straight lines depending upon the frequency range. Figure B3(a) illustrates the double line case for frequencies below 400 Hz, and above 6,300 Hz and Figure B3(b) illustrates the single line case for all other frequencies.

The important aspects of the mathematical formulation are:

1. the slopes of the straight lines, p(b) and p(c),
2. the intercepts of the lines on the SPL-axis, SPL(b), and SPL(c), and
3. the coordinates of the discontinuity, SPL(a), and log n(a).

The equations are as follows:

Case 1. Figure B3(a), $f < 400$ Hz. $f > 6300$ Hz.

$$SPL(a) = \frac{p(c)\,SPL(b) - p(b)\,SPL(c)}{p(c) - p(b)}$$

$$\log n(a) = \frac{SPL(c) - SPL(b)}{p(b) - p(c)}$$

(a) $SPL(b) \leq SPL \leq SPL(a)$.

$$n = \text{ant}\,\frac{SPL - SPL(b)}{p(b)}$$

(b) $SPL \geq SPL(a)$.

$$n = \text{ant}\,\frac{SPL - SPL(c)}{p(c)}$$

(c) $0 \leq \log n \leq \log n(a)$.
$SPL = p(b) \log n + SPL(b)$

(d) $\log n \geq \log n(a)$.
$SPL = p(c) \log n + SPL(c)$

Case 2. Figure B3(b), $400 \leq f \leq 6300$ Hz.

(a) $SPL \geq SPL(c)$.

$$n = \text{ant}\,\frac{SPL - SPL(c)}{p(c)}$$

(b) $\log n \geq 0$.
$SPL = p(c) \log n + SPL(c)$

Let the reciprocals of the slopes be defined as,
$M(b) = 1/p(b)$
$M(c) = 1/p(c)$

Then the equations can be written,

Case 1. Figure B3(a), $f < 400$ Hz. $f > 6300$ Hz.

$$SPL(a) = \frac{M(b)\,SPL(b) - M(c)\,SPL(c)}{M(b) - M(c)}$$

$$\log n(a) = \frac{M(b)\,M(c)\,[SPL(c) - SPL(b)]}{M(c) - M(b)}$$

(a) $SPL(b) \leq SPL \leq SPL(a)$.
$n = \text{ant}\,M(b)\,[SPL - SPL(b)]$

(b) $SPL \geq SPL(a)$.
$n = \text{ant}\,M(c)\,[SPL - SPL(c)]$

(c) $0 \leq \log n \leq \log n(a)$.

$$SPL = \frac{\log n}{M(b)} + SPL(b)$$

(d) $\log n \geq \log n(a)$.

$$SPL = \frac{\log n}{M(c)} + SPL(c)$$

Case 2. Figure B3(b), $400 \leq f \leq 6300$ Hz.

(a) $SPL \geq SPL(c)$.
$n = \text{ant}\,M(c)\,[SPL - SPL(c)]$

(b) $\log n \geq 0$.

$$SPL = \frac{\log n}{M(c)} + SPL(c)$$

Table B4 lists the values of the important constants necessary to calculate sound pressure level as a function of perceived noisiness.

Band (i)	f HZ	M(b)	SPL (b) dB	SPL (a) dB	M(c)	SPL (c) dB
1	50	0.043478	64	91.0	0.030103	52
2	63	0.040570	60	85.9	"	51
3	80	0.036831	56	87.3	"	49
4	100	"	53	79.9	"	47
5	125	0.035336	51	79.8	"	46
6	160	0.033333	48	76.0	"	45
7	200	"	46	74.0	"	43
8	250	0.032061	44	74.9	"	42
9	315	0.030675	42	94.6	"	41
10	400	"	-	-	"	40
11	500	"	-	-	"	"
12	630	"	-	-	"	"
13	800	"	-	-	"	"
14	1000	"	-	-	"	"
15	1250	"	-	-	"	38
16	1600	"	-	-	0.029960	34
17	2000	"	-	-	"	32
18	2500	"	-	-	"	30
19	3150	"	-	-	"	29
20	4000	"	-	-	"	"
21	5000	"	-	-	"	30
22	6300	"	-	-	"	31
23	8000	0.042285	37	44.3	"	34
24	10000	"	41	50.7	"	37

Table B4. Constants for Mathematically Formulated NOY Values

APPENDIX C—NOISE LEVELS FOR SUBSONIC TRANSPORT CATEGORY AND TURBOJET POWERED AIRPLANES UNDER § 36.201

Section C36.1 *Noise measurement and evaluation.* Compliance with this appendix must be shown with noise levels measured and evaluated as prescribed, respectively, by Appendix A and Appendix B of this part, or under approved equivalent procedures.

Section C36.3 *Noise measuring points.* Compliance with the noise level standards of § C36.5 must be shown—

(a) For takeoff, at a point 3.5 nautical miles from the start of the takeoff roll on the extended centerline of the runway;

(b) For approach, at a point 1 nautical mile from the threshold on the extended centerline of the runway; and

(c) For the sideline, at the point, on a line parallel to and 0.25 nautical miles from the extended centerline of the runway, where the noise level after liftoff is greatest, except that, for airplanes powered by more than three turbojet engines, this distance must be 0.35 nautical miles.

Section C36.5 *Noise levels*—(a) *General.* Except as provided in paragraphs (b) and (c) of this section, it must be shown by flight test that the noise levels of the airplane, at the measuring points prescribed in § 36.3, do not exceed the following (with appropriate interpolation between weights):

(1) For approach and sideline, 108 EPNdB for maximum weights of 600,000 pounds or more, less 2 EPNdB per halving of the 600,000-pound maximum weight down to 102 EPNdB for maximum weights of 75,000 pounds and under.

(2) For takeoff, 108 EPNdB for maximum weights of 600,000 pounds or more, less 5 EPNdB per halving of the 600,000-pound maximum weight down to 93 EPNdB for maximum weights of 75,000 pounds and under.

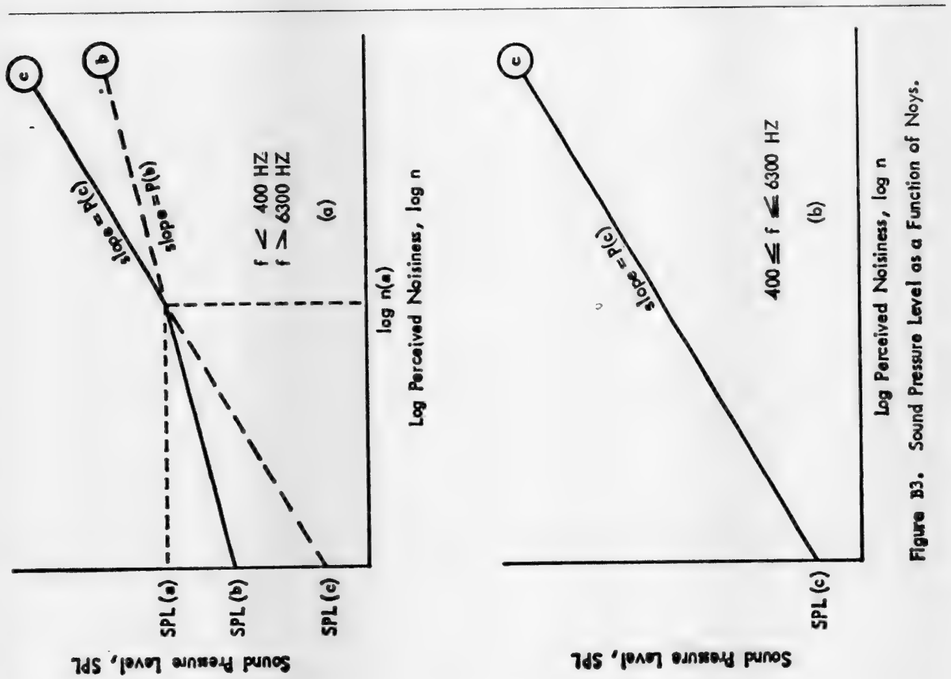


Figure B3. Sound Pressure Level as a Function of Noys.

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(b) *Tradeoff.* The noise levels in paragraph (a) may be exceeded at one or two of the measuring points prescribed in § C36.3, if—

(1) The sum of the exceedances is not greater than 3 EPNdB;

(2) No exceedance is greater than 2 EPNdB; and

(3) The exceedances are completely offset by reductions at other required measuring points.

(c) *Prior applications.* For applications made before December 1, 1969, for airplanes powered by more than three turbojet engines with bypass ratios of two or more, the value prescribed in paragraph (b)(1) of this section may not exceed 5 EPNdB and the value prescribed in paragraph (b)(2) of this section may not exceed 3 EPNdB.

Section C36.7 *Takeoff test conditions.* (a) This section applies to all takeoffs conducted in showing compliance with this part.

(b) Takeoff power or thrust must be used from the start of the takeoff to the point at which an altitude of at least 1,000 feet above the runway is reached, except that, for airplanes powered by more than three turbojet engines, this altitude must not be less than 700 feet.

(c) Upon reaching the altitude specified in paragraph (b) of this section, the power or thrust may not be reduced below that power or thrust that will provide level flight with one engine inoperative, or below that power or thrust that will maintain a climb gradient of at least 4 percent, whichever power or thrust is greater.

(d) A speed of at least V_2+10 knots must be attained as soon as practicable after liftoff, and must be maintained throughout the takeoff noise test.

(e) A constant takeoff configuration, selected by the applicant, must be maintained throughout the takeoff noise test.

Section C36.9 *Approach test conditions.* (a) This section applies to all approaches conducted in showing compliance with this part.

(b) The airplane's configuration must be that specified by the applicant.

(c) The approaches must be conducted with a steady glide angle of $3°\pm0.5°$ and must be continued to a normal touchdown with no airframe configuration change.

(d) A steady approach speed of not less than $1.30\ V_s+10$ knots must be established and maintained over the approach measuring point.

(e) All engines must be operating at approximately the same power or thrust, and must be operating at not less than the power or thrust required for the maximum allowable flap setting.

[F.R. Doc. 69-13368; Filed, Nov. 17, 1969; 9:08 a.m.]

[Docket No. 9958; Amdt. 39-877]

PART 39—AIRWORTHINESS DIRECTIVES

Aer Pegaso Model M.100S and C.A.R.M.A.M. Model M.200 Gliders

There have been reports of improper installation of the horizontal stabilizer on the Aer Pegaso Model M.100S and C.A.R.M.A.M. Model M.200 gliders which caused improper engagement of the elevator "quick disconnect" attachment. In view of the seriousness of such a condition, and the likelihood that such a condition may exist or develop in other gliders of the same type design, an airworthiness directive (AD) is being issued to require installation of a means to permit visual confirmation of proper engagement and the installation of a placard to require visual confirmation of the engagement before the first flight after each installation of the horizontal stabilizer.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AER PEGASO C.A.R.M.A.M. Applies to Aer-Pegaso Model M.100S and C.A.R.M.A.M. Model M.200 gliders.

Compliance is required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To detect improper installation of the horizontal stabilizer to the glider, accomplish the following:

(a) Install an inspection window on the left side of the dorsal fin to allow visual confirmation of the elevator "quick disconnect" attachment and paint the two plates of the elevator control transmission fork in accordance with Aer-Pegaso Technical Bulletin N.10/M-100S, dated September 26, 1969, or an FAA-approved equivalent.

(b) Install the following placard in the cockpit in clear view of the pilot:

"Before the first flight after rigging the tailplane to the fuselage, look through the inspection window located on the left side of the dorsal fin and visually confirm that the end (ball bearing) of the elevator control lever is correctly engaged in the corresponding fork of the elevator control transmission. To do this, it may be necessary to move the control stick in the longitudinal direction in order to bring the lever end into view through the window. If the rigging is correct, the ball bearing will appear between the fork sides."

This amendment becomes effective November 23, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 10, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-13659; Filed, Nov. 17, 1969; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WE-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the time of designation of the Santa Rosa, Calif., control zone.

The Santa Rosa control zone is presently designated from 0600 to 2200 hours local time daily. Due to changes in aircraft activity, the hours of operation of the Santa Rosa Tower will be changed to 0700 to 2300 hours local time daily. Therefore, action is taken herein to redesignate the effective hours of the Santa Rosa control zone coincident with those of the control tower.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 71.171 (34 F.R. 4557) the Santa Rosa, Calif., control zone is amended by deleting "* * * 0600 to 2200 hours * * *" and substituting "* * * 0700 to 2300 hours * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., December 11, 1969.

Issued in Los Angeles, Calif., on November 4, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-13660; Filed, Nov. 17, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Wolf Point, Mont., transition area.

The Wolf Point Airport, Wolf Point, Mont., has been renamed Wolf Point International Airport. Therefore, it is necessary to alter the Wolf Point transition area which presently refers to the airport as Wolf Point Airport to reflect the airport change of name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the Wolf Point, Mont., transition area is altered by deleting "Wolf Point Airport" in the text and substituting therefor "Wolf Point International Airport".

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 22, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-13661; Filed, Nov. 17, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 20, 1969, a notice of proposed rule making was published in the

FEDERAL REGISTER (34 F.R. 14658) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 700-foot transition area for Fort Collins-Loveland Airport, Colo.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., January 8, 1970.

Issued in Los Angeles, Calif., on October 27, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (34 F.R. 4637) the following transition area is added:

FORT COLLINS

That airspace extending upward from 700 feet above the surface within 9.5 miles east and 5 miles west of the 173° and 353° bearings from the Fort Collins-Loveland RBN (latitude 40°26'49" N., longitude 105°00'22" W.) extending from 6.5 miles north to 18.5 miles south of the RBN.

[F.R. Doc. 69-13862; Filed, Nov. 17, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9951; Amdt. 95-186]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective December 11, 1969 as follows:

1. By amending Subpart C as follows:

Section 95.638 *Blue Federal airway 38* is amended to read in part:

From, to, and MEA

United States-Canadian Border; Annette Island, Alaska, LFR; 5,000.
Guard Island INT, Alaska; Petersburg, Alaska, LFR; 5,700.
Petersburg, Alaska, LFR; Five Finger, Alaska, LF/RBN; 5,700.

Section 95.1001 *Direct routes—United States* is amended to delete:

From, To, and MEA

Panama City, Fla., VOR; Chipley INT, Fla.; *1,900. *1,500—MOCA.
Atlanta, Ga., RBN; Rome, Ga., RBN; 3,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Wichita Falls, Tex., VOR; Ardmore, Okla., VOR; *4,000. *2,500—MOCA.
Greenhead INT, Fla.; Chipley INT, Fla.; *1,900. *1,500—MOCA.
Roan Mountain INT, Tenn.; INT, 231° M rad, Holston Mountain VOR and 133° M bearing Boone RBN; *7,000, *6,900—MOCA.
Bruce, Ga., RBN; Rome, Ga., RBN; 3,000.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Myrtle Beach, S.C., VOR; *Chatham INT, N.C.; **2,000. *3,000—MRA. **1,400—MOCA.
Chatham INT, N.C.; *Green INT, N.C.; **2,000. *3,000—MRA. **1,400—MOCA.
Green INT, N.C.; *Swamp INT, N.C.; **2,000. *3,000—MRA. **1,400—MOCA.
Swamp INT, N.C.; Wilmington, N.C., VOR; *2,000. *1,400—MOCA.
Wilmington, N.C., VOR; *Angola INT, N.C.; **2,000. *3,500—MRA. **1,600—MOCA.
Angola INT, N.C.; Kinston, N.C., VOR; *2,000. *1,600—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended by adding:

Grantsville, Md., VOR via N alter.; Flintstone INT, Pa., via N alter.; 5,000.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Hanksville, Utah, VOR via S alter.; Moab INT, Utah, via S alter.; *10,700. *8,100—MOCA.
Briggs, Ohio, VOR; Bellaire, Ohio, VOR; 3,000.
Bellaire, Ohio, VOR; Garard INT, Pa.; 3,600.
Garard INT, Pa.; Grantsville, Md., VOR; 5,000.
Grantsville, Md., VOR; Martinsburg, W. Va., VOR; 5,000.

Section 95.6010 *VOR Federal airway 10* is amended by adding:

Youngstown, Ohio, VOR; Templeton INT, Pa.; 3,600.
Templeton INT, Pa.; Revloc, Pa., VOR; 4,000.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Indianapolis, Ind., VOR; via E alter.; Pendleton INT, Ind., via E alter.; 2,900.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Dayton, Ohio, VOR; *Plain City INT, Ohio; 3,000. *5,000—MRA.
Newcomerstown, Ohio, VOR; Bellaire, Ohio, VOR; 3,000.
Bellaire, Ohio, VOR; Garard INT, Pa.; 3,600.
Garard INT, Pa.; Indianhead, Pa., VOR; 5,000.
Indianhead, Pa., VOR; Johnstown, Pa., VOR; 5,000.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Indianapolis, Ind., VOR; Pendleton INT, Ind.; 2,900.
Pendleton INT, Ind.; Muncie, Ind., VOR; 2,800.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Corpus Christi, Tex., VOR; *Bayside INT, Tex.; **1,600. *3,500—MRA. **1,400—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

From, To, and MEA

Salinas, Calif., VOR; *Santa Cruz INT, Calif.; **5,000. *7,000—MRA. **4,000—MOCA.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

Akron, Ohio, VOR; Campbell INT, Ohio; 3,100.
Campbell INT, Ohio; Clarion, Pa.; VOR; 3,600.

Section 95.6035 *VOR Federal airway 35* is amended by adding:

Morgantown, W. Va., VOR via W alter.; Newton INT, Pa., via W alter.; 5,000.
Newton INT, Pa., via W alter.; Johnstown, Pa., VOR via W alter.; 5,000.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Morgantown, W. Va., VOR; Indianhead, Pa., VOR; 5,000.
Indian Head, Pa., VOR; Quarry INT, Pa.; 5,000.
Quarry INT, Pa.; Templeton INT, Pa.; 4,000.
Templeton INT, Pa.; Clarion, Pa., VOR; 3,700.
Clarion, Pa., VOR; Franklin, Pa., VOR; 3,700.
Franklin, Pa., VOR; Erie, Pa., VOR; 3,600.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Pinehurst, N.C., VOR; *Snow Camp INT, N.C.; **2,500. *4,000—MRA. **2,000—MOCA.
Snow Camp INT, N.C.; South Boston, Va., VOR; *2,500. *2,000—MOCA.

Section 95.6040 *VOR Federal airway 40* is amended to read in part:

Briggs, Ohio, VOR; Anderson INT, Ohio; 3,000.

Section 95.6041 *VOR Federal airway 41* is amended to read:

Anderson INT, Ohio; Youngstown, Ohio, VOR; 3,100.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

Indianapolis, Ind., VOR via N alter.; Pendleton INT, Ind., via N alter.; 2,900.
Pendleton INT, Ind., via N alter.; Muncie, Ind., VOR via N alter.; 2,800.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Bear Creek INT, Wis.; Stevens Point, Wis., VOR; *3,000. *2,700—MOCA.

Section 95.6058 *VOR Federal airway 58* is amended to delete:

Revloc, Pa., VOR; Tyrone, Pa., VOR; 4,500.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

*Cotton INT, La., via W alter.; **Foster INT, La., via W alter.; ***2,000. *3,000—MRA. **3,500—MRA. ***1,500—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Corpus Christi, Tex., VOR; *Bayside INT, Tex.; **1,600. *3,500—MRA. **1,400—MOCA.

Section 95.6075 *VOR Federal airway 75* is amended to read in part:

Morgantown, W. Va., VOR; Bellaire, Ohio, VOR; 4,000.
Bellaire, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

From, To, and MEA

Briggs, Ohio, VOR; Bellaire, Ohio, VOR; 3,000.
Bellaire, Ohio, VOR; Garard INT, Pa.; 3,600.
Garard INT, Pa.; Grantsville, Md., VOR; 5,000.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

Clarksburg, W. Va., VOR; Burton INT, W. Va.; 3,700.
Burton INT, W. Va.; Bellaire, Ohio, VOR; 3,400.
Bellaire, Ohio, VOR; Akron, Ohio, VOR; 3,000.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

Pahrump INT, Nev.; Hidden Hills INT, Calif.; 12,000.
Hidden Hills INT, Calif.; Beatty, Nev., VOR; northwestbound *11,000; southeastbound *12,000. *8,400—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Parkersburg, W. Va., VOR; Caldwell INT, Ohio; 2,800.
Caldwell INT, Ohio; Newcomerstown, Ohio, VOR; 3,000.
Newcomerstown, Ohio, VOR; Atwood INT, Ohio; 3,000.
Atwood INT, Ohio; Campell INT, Ohio; 3,600.
Campbell INT, Ohio; Franklin, Pa., VOR; 3,500.
Franklin, Pa., VOR; Tidoute, Pa., VOR; 3,800.

Section 95.6117 *VOR Federal airway 117* is added to read:

Parkersburg, W. Va., VOR; Beallsville INT, Ohio; 2,500.
Beallsville INT, Ohio; Bellaire, Ohio, VOR; 3,100.
Bellaire, Ohio, VOR; Warwood INT, W. Va.; 3,000.

Section 95.6119 *VOR Federal airway 119* is amended is read in part:

Parkersburg, W. Va., VOR; Burton INT, W. Va.; 3,200.
Burton INT, W. Va.; Garard INT, Pa.; 3,700.
Garard INT, Pa.; Indian Head, Pa., VOR; 5,000.
Indian Head, Pa., VOR; Quarry INT, Pa.; 5,000.
Quarry INT, Pa.; Templeton INT, Pa.; 4,000.
Templeton INT, Pa.; Clairon, Pa., VOR; 3,700.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Hibbing, Minn., VOR via W alter.; *Beaver INT, Minn., via W alter.; **3,500. *4,000—MRA. **2,800—MOCA.
Beaver INT, Minn., via W alter.; International Falls, Minn., VOR via W alter.; *3,500. *2,800—MOCA.

Section 95.6135 *VOR Federal airway 135* is amended to read in part:

Clark INT, Calif.; Hidden Hills INT, Calif.; 12,000.
Hidden Hills INT, Calif.; Beatty, Nev., VOR; northwestbound *11,000; southeastbound *12,000. *8,400—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Grand Rapids, Minn., VOR; *Beaver INT, Minn.; **3,500. *4,000—MRA. **2,800—MOCA.
Beaver INT, Minn.; International Falls, Minn., VOR; *3,500. *2,800—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended to read in part:

From, To, and MEA

Fairmont, Minn., VOR; Mankato, Minn., VOR; *3,000. *2,600—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to read in part:

Wausau, Wis., VOR; Rib Lake INT, Wis.; 3,500.
Rib Lake INT, Wis.; Duluth, Minn., VOR; *6,000. *3,500—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Ozona INT, Tex.; Junction, Tex., VOR; *6,000. *4,000—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Indianapolis, Ind., VOR; Pendleton INT, Ind.; 2,900.
Pendleton INT, Ind.; Muncie, Ind., VOR; 2,800.
Tiverton, Ohio, VOR; Briggs, Ohio, VOR; 3,000.
Briggs, Ohio, VOR; INT, 048° M Briggs VOR and 092° M Akron VOR; 3,000.
INT, 048° M Briggs VOR and 092° M Akron VOR; Campbell INT, Ohio; 3,100.
Campbell INT, Ohio; Templeton INT, Pa.; 3,600.
Templeton INT, Pa.; Revloc, Pa., VOR; 4,000.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Bellaire, Ohio, VOR; Garard INT, Pa.; 3,600.
Garard INT, Pa.; Indian Head, Pa., VOR; 5,000.
Indian Head, Pa., VOR; Flintstone INT, Pa.; 5,000.
Flintstone INT, Pa.; Martinsburg, W. Va., VOR; 4,000.

Section 95.6219 *VOR Federal airway 219* is amended to read in part:

Fairmont, Minn., VOR; Mankato, Minn., VOR; *3,000. *2,600—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Ozona INT, Tex.; Junction, Tex., VOR; *6,000. *4,000—MOCA.

Section 95.6226 *VOR Federal airway 226* is amended to read in part:

Graham INT, Pa.; Clarion, Pa., VOR; 3,300.

Section 95.6276 *VOR Federal airway 276* is amended to read in part:

Clarion, Pa., VOR; Tyrone, Pa., VOR; 4,600.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

Johnstown, Pa., VOR; East Brady INT, Pa.; 4,600.
East Brady INT, Pa.; Campbell INT, Ohio; 3,600.
Campbell INT, Ohio; Akron, Ohio, VOR; 3,100.

Section 95.6307 *VOR Federal airway 307* is amended to read in part:

Pawnee City, Nebr., VOR; Alma INT, Kans.; *5,000. *2,800—MOCA.

Section 95.6309 *VOR Federal airway 309* is amended to read in part:

United States-Canadian border; Annette Island, Alaska, VOR; *5,000. *4,900—MOCA.

Section 95.6309 *VOR Federal airway 309* is amended to read:

From, To, and MEA

Charleston, W. Va., VOR; Burton INT, W. Va.; 5,000.
Burton INT, W. Va.; Bellaire, Ohio, VOR; 3,400.

Section 95.6337 *VOR Federal airway 337* is amended by adding:

Anderson INT, Pa.; Akron, Ohio, VOR; 3,000.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

South Kaval, Hawaii, VOR; Moray INT, Hawaii; 5,000.
Moray INT, Hawaii; Catfish INT, Hawaii; 5,500.
Catfish INT, Hawaii; Honolulu, Hawaii, VOR; 5,000.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Fairbanks, Alaska, VOR; *Chatanika INT, Alaska; **7,000. *7,000—MRA. **5,000—MOCA.
Chatanika INT, Alaska; Fort Yukon, Alaska, VOR; *8,000. *7,200—MOCA.

Section 95.6443 *VOR Federal airway 443* is amended to read in part:

Warwood INT, W. Va.; Newcomerstown, Ohio, VOR; 3,000.

Section 95.6474 *VOR Federal airway 474* is amended to read in part:

Newton INT, Pa.; Indian Head Pa., VOR; 5,000.

Section 95.7152 *Jet Route No. 152* is amended to read in part:

From, to, MEA, and MAA

Rosewood, Ohio, VORTAC; INT, 085° M rad, Rosewood VORTAC and 285° M rad, Harrisburg VORTAC; 30,000; 41,000.
INT, 085° M rad, Rosewood VORTAC and 285° M rad, Harrisburg VORTAC; INT, 104° M rad, Harrisburg VORTAC and 064° M rad, Westminster VORTAC; 18,000; 45,000.

Section 95.7523 *Jet Route No. 523* is amended to delete:

Neah Bay, Wash., NDB; Sandspit, British Columbia, Canada, VOR; #18,000; #45,000.
#For that airspace over U.S. territory.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From, to—Changeover point: Distance; from

V–8 is amended to read in part:
Grantsville, Md., VOR; Bellaire, Ohio, VOR; 46; Grantsville.
V–10 is amended by adding:
Revloc, Pa., VOR; Youngstown, Ohio, VOR; 49; Revloc.
V–12 is amended to delete:
Pittsburgh, Pa., VOR; Johnstown, Pa., VOR; 26; Pittsburgh.
V–37 is amended to delete:
Ellwood City, Pa., VOR; Erie, Pa., VOR; 38; Ellwood City.
V–40 is amended to delete:
Briggs, Ohio, VORTAC; Imperial, Ohio; 47; Imperial.
V–75 is amended to delete:
Wheeling, W. Va., VOR; Briggs, Ohio, VORTAC; 22; Wheeling.

From, to—Changeover point: Distance; from

V–92 is amended to delete:
Briggs, Ohio, VOR; Wheeling, W. Va., VOR; 27; Briggs.
V–92 is amended by adding:
Grantsville, Md., VOR; Bellaire, Ohio, VOR; 46; Grantsville.
V–119 is amended to read in part:
Indian Head, Pa., VOR; Parkersburg, W. Va., VOR; 60; Indian Head.
V–276 is amended to delete:
Briggs, Ohio, VOR; Ellwood City, Pa., VOR TAC; 33; Briggs.
V–309 is amended by adding:
United States-Canadian border; Annette Island, Alaska, VOR; 29; Annette Island.
V–309 is added to read:
Allegheny, Pa., VOR; Charleston, W. Va., VOR; 70; Allegheny.

Section 95.8005 *Jet routes changeover points:*

J–7 is amended to delete:
Boise, Idaho, VORTAC; Dillon, Mont., VOR TAC; 78; Boise.
J–60 is amended to delete:
Grand Junction, Colo., VORTAC; Denver, Colo., VORTAC; 115; Grand Junction.
J–80 is amended to delete:
Grand Junction, Colo., VORTAC; Denver, Colo., VORTAC; 115; Grand Junction.
J–82 is amended to delete:
Dubois, Idaho, VORTAC; Crazy Woman, Wyo., VORTAC; 142; Dubois.
J–110 is amended to delete:
Alamosa, Colo., VOR; Garden City, Kans., VORTAC; 101; Alamosa.
J–128 is amended to delete:
Tuba City, Ariz., VORTAC; Gunnison, Colo., VORTAC; 110; Gunnison.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on November 6, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–13549; Filed, Nov. 17, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–44; Amdt. 8]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Requests for Waivers and Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of November 1969.

In Regulation OR–43, adopted and effective October 14, 1969, the Board amended paragraph (l) of § 389.25 to provide a filing fee for contracts and bonds covering a bulk inclusive tour or series of bulk inclusive tours filed under new Part 378a, adopted concurrently in Regulation SPR–32. Inadvertently, no provision was made for a filing fee for requests for waivers of the provisions of new Part 378a. Therefore, paragraph (j) of § 389.25 is being amended to provide such filing fee.

In addition, the Board has decided to reduce the present $2,000 filing fee for applications under section 408 pertaining to air taxi operators. Under the recent amendment of section 408 (Public Law 91–62), the Board is empowered to exempt acquisitions of noncertificated air carriers, including both air taxi operators and air freight forwarders, and thus ordinarily to dispense with evidentiary hearings. In these circumstances, the Board believes that it is equitable to charge the same $65 fee for applications under section 408 pertaining to both air taxi operators and air freight forwarders.

The Board finds that notice and public procedure hereon are unnecessary and the amendments shall be made effective immediately.

Accordingly, the Board hereby amends paragraphs (j)(1) and (n) of § 389.25 (14 CFR 389.25 (j)(1) and (n)), effective November 13, 1965, to read as follows:

§ 389.25 Schedule of filing and license fees.

* * * * *

(j) *Other exemptions and Parts 208, 295, 378, and 378a waivers.* (1) Except as provided in subparagraph (2) of this paragraph, the filing fee for (i) an application for exemption under section 101(3) or section 416(b) of the Act, except applications within the provisions of paragraph (h) or (i) of this section, or (ii) a request under § 208.3a, § 295.3, § 378.30, or § 378a.20 of this chapter for a waiver of any of the provisions of Part 208, Part 295, Part 378, or Part 378a of this chapter, respectively, is $55: *Provided*, That the filing fee for an application for exemption for the performance of a specific number of charters (one-way or round-trip) is $55, plus $5 for each charter (one-way or round-trip) described, subject to a miximum fee of $200.

* * * * *

(n) *Merger, acquisition of control, etc., under section 408.* The filing fee for an application under section 408 of the Act is $65; except that the filing fee for an application for merger, consolidation, or acquisition of control of certificated air carriers is $2,000 for each certificated air carrier named in the merger, consolidation, or acquisition of control.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324; 31 U.S.C. 483a)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–13674; Filed, Nov. 17, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

VINYL CHLORIDE-PROPYLENE COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2380) filed by Air Reduction Co., Inc., 150 East 42d Street, New York, N.Y. 10017, and other relevant material, concludes that the food additive regulations should be amended as set forth below (1) to permit additional safe food-contact use for vinyl chloride-propylene copolymers complying with § 121.2521 and (2) to provide for safe use of additional substances as adjuvants in such copolymers. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in Subpart F as follows:

1. Section 121.2511(b) is amended by revising use limitation number 2 for the items "Dicyclohexyl phthalate" and "Diphenyl phthalate" to read as follows:

§ 121.2511 Plasticizers in polymeric substances.

* * * * *

(b) List of substances.

	Limitations
* * *	
Dicyclohexyl phthalate	For use only:
	* * *
	2. Alone or in combination with other phthalates, in plastic film or sheet prepared from polyvinyl acetate, polyvinyl chloride, and/or vinyl chloride copolymers complying with § 121.2521. Such plastic film or sheet shall be used in contact with food at temperatures not to exceed room temperature and shall contain no more than 10 percent by weight of total phthalates, calculated as phthalic acid.
* * *	
Diphenyl phthalate	For use only:
	* * *
	2. Alone or in combination with other phthalates, in plastic film or sheet prepared from polyvinyl acetate, polyvinyl chloride, and/or vinyl chloride copolymers complying with § 121.2521. Such plastic film or sheet shall be used in contact with food at temperatures not to exceed room temperature and shall contain no more than 10 percent by weight of total phthalates, calculated as phthalic acid.
* * *	

2. Section 121.2532(b) is revised to read as follows:

§ 121.2532 Polyethylene, chlorinated.

* * * * *

(b) Chlorinated polyethylene may be used in contact with all types of food, except that when used in contact with fatty food of types III, IV–A, V, VII–A, and IX described in table 1 of § 121.2526(c), chlorinated polyethylene is limited to use only as a modifier admixed at levels not exceeding 15 weight percent in plastic articles prepared from polyvinyl chloride and/or from vinyl chloride copolymers complying with § 121.2521.

3. Section 121.2541(c) is amended by revising use limitation number 1 for the item "Ammonium salt of epoxidized oleic acid * * *" to read as follows:

§ 121.2541 Emulsifiers and/or surface-active agents.

* * * * *

(c) List of substances:

	Limitations
Ammonium salt of epoxidized oleic acid, produced from epoxidized oleic acid (predominantly dihydroxystearic and acetoxyhydroxystearic acids) meeting the following specifications: Acid number 160–180, saponification number 210–235, iodine number 2–16, and epoxy groups 0–0.4 percent.	For use only: 1. As a polymerization emulsifier at levels not to exceed 1.5 percent by weight of vinyl chloride polymers used as components of nonfood articles complying with §§ 121.2514, 121.2520, 121.2526, 121.2560, and 121.2571. Such vinyl chloride polymers are limited to polyvinyl chloride and/or vinyl chloride copolymers complying with § 121.2521. * * *

4. Section 121.2544(a) is revised to read as follows:

§ 121.2544 Tetrahydrofuran.

* * * * *

(a) It is used as a solvent in the casting of film from a solution of polymeric resins of vinyl chloride, vinyl acetate, or vinylidene chloride that have been polymerized singly or copolymerized with one another in any combination, or it may be used as a solvent in the casting of film prepared from vinyl chloride copolymers complying with § 121.2521.

* * * * *

5. Section 121.2566(b) is amended by revising the use limitations for seven items as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	
N,N'-Diphenylthiourea	For use only: * * *
	1. At levels not to exceed 0.5 percent by weight of polyvinyl chloride and/or vinyl chloride copolymers complying with § 121.2521.
	2. At levels not to exceed 0.5 percent by weight of vinyl chloride-vinyl acetate copolymers containing not more than 20 molar percent of vinyl acetate.
Hydrogenated 4,4'-isopropylidenediphenol-phosphite ester resins produced by the condensation of 1 mole of triphenyl phosphite and 1.5 moles of hydrogenated 4,4'-isopropylidenediphenol such that the finished resins have a molecular weight in the range of 2,400–3,000, a phosphorus content of 6.5–6.9 percent, and contain no more than 2.2 percent by weight of residual free phenol.	For use only at levels not to exceed 0.55 percent by weight vinyl chloride copolymers complying with § 121.2521 and/or polyvinyl chloride when such vinyl chloride homo- and/or copolymers are used in the manufacture of rigid vinyl chloride plastic bottles intended for contact with edible oils (including edible oil in simple mixture or emulsion form), all types of dressings for salads, and food of types VIII and IX described in table 1 of § 121.2526(c). The finished food-contact article containing this stabilizer, when extracted with distilled water at 135° F. for 1 week (168 hours), using a volume-to-surface ratio of 5 milliliters per square inch of surface tested, shall yield extracted phenol not to exceed 0.008 milligram per square inch of food-contact surface and shall yield extracted organophosphates (total phosphates minus inorganic phosphates) not to exceed 0.0001 milligram per square inch of food-contact surface.
* * *	
2(2'-Hydroxy-5'-methylphenyl)benzotriazole meeting the following specification: Melting point 128°–132° C.	For use only: 1. As component of nonfood articles complying with § 121.2591. 2. At levels not to exceed 0.25 percent by weight of rigid polyvinyl chloride and/or rigid vinyl chloride copolymers complying with § 121.2521 when such vinyl chloride homo- and/or copolymers are used in contact with nonfatty food.
* * *	
Magnesium salicylate	For use only in rigid polyvinyl chloride and/or in rigid vinyl chloride copolymers complying with § 121.2521, provided that total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of such polymers.
* * *	
Pentaerythritol and its stearate ester.	For use only in rigid polyvinyl chloride and/or in rigid vinyl chloride copolymers complying with § 121.2521, provided that the total amount of pentaerythritol and/or pentaerythritol stearate (calculated as free pentaerythritol) does not exceed 0.4 percent by weight of such polymers.
* * *	

	Limitations
Tris(2 - methyl - 4 - hydroxy - 5 - *tert* - butylphenyl) butane.	For use only: 1. At levels not to exceed 0.25 percent by weight of polymers used as provided in § 121.2571. 2. At levels not to exceed 0.25 percent by weight of the following polymers when used in articles that contact food of types I, II, IV–B, VI–B, VII–B, and VIII described in table 1 of § 121.2526 (c): Olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 or complying with other sections in this Subpart F; vinyl chloride polymers; and/or vinyl chloride copolymers complying with § 121.2521. 3. At levels not to exceed 0.1 percent by weight of the following polymers when used in articles that contact food of types III, IV–A, V, VI–A, VI–C, VII–A, and IX described in table 1 of § 121.2526(c): Olefin polymers complying with § 121.2501(c), items, 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 or complying with other sections in this Subpart F; vinyl chloride polymers; and/or vinyl chloride copolymers complying with § 121.2521.
• • •	• • •
Zinc salicylate	For use only in rigid polyvinyl chloride and/or in rigid vinyl chloride copolymers complying with § 121.2521, provided that total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of such polymers.
• • •	• • •

8. Section 121.2591(a)(4) is amended by alphabetically inserting in the list of polymers a new item as follows:

§ 121.2591 Semirigid and rigid acrylic and modified acrylic plastics.

* * * * *

(a) * * *

(4) * * *

Vinyl chloride copolymers complying with § 121.2521.

* * * * *

9. Section 121.2597 is amended by revising the introductory text to read as follows:

§ 121.2597 Polymer modifiers in semirigid and rigid vinyl chloride plastics.

The polymers identified in paragraph (a) of this section may be safely admixed, alone or in mixture with other permitted polymers, as modifiers in semirigid and rigid vinyl chloride plastic food-contact articles prepared from vinyl chloride homopolymers and/or from vinyl chloride copolymers complying with § 121.2521, § 121.2608, and/or § 121.2609, in accordance with the following prescribed conditions:

* * * * *

10. Section 121.2602 is amended by revising the section heading, the introductory text, and paragraph (b) to read as follows:

§ 121.2602 Octyltin stabilizers in vinyl chloride plastics.

The octyltin chemicals identified in paragraph (a) of this section may be safely used alone or in combination, at levels not to exceed a total of 3 parts per hundred of resin, as stabilizers in vinyl chloride plastic articles that are prepared from polyvinyl chloride and/or from vinyl chloride copolymers complying with § 121.2521 and that are intended for use in contact with food of types I, II, III, IV (except liquid milk), V, VI (except malt beverages and carbonated nonalcoholic beverages), VII, VIII, and IX described in table 1 of § 121.2526(c), in accordance with the following prescribed conditions:

* * * * *

(b) The food in contact with the finished vinyl chloride plastic articles shall contain no more than 1 part per million of each or any combination of the di(*n*-octyl)tin *S,S'*-bis(isooctylmercaptoacetate) and di(*n*-octyl)tin maleate polymer identified in paragraph (a) (1) and (2) of this section.

11. Section 121.2605 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 121.2605 Polyhydric alcohol diesters of oxidatively refined (Gersthoffen process) montan wax acids.

* * * * *

(a) The polyhydric alcohol diesters identified in this paragraph may be used as lubricants in the fabrication of vinyl chloride plastic food-contact articles prepared from polyvinyl chloride and/or from vinyl chloride copolymers complying with § 121.2521. Such diesters meet the following specifications and are produced by partial esterification of oxidatively refined (Gersthoffen process) montan wax acids by either ethylene glycol or 1,3-butanediol with or without neutralization of unreacted carboxylic groups with calcium hydroxide:

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-13650; Filed, Nov. 17, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2417) filed by The Goodyear Tire & Rubber Co., Akron, Ohio 44316, and other relevant material, concludes that § 121.2566 *Antioxidants and/or stabilizers for polymers* should be amended as set forth below to revise the identification and specifications for the item "Butylated, styrenated cresols produced when * * *." Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising the item "Butylated, styrenated cresols produced when * * *" to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

	Limitations
• • •	• • •
Butylated, styrenated cresols produced when equal moles of isobutylene, styrene, and a metacresol-paracresol mixture having a no more than 3° C. distillation range including 202° C. are made to react so that the final product meets the following specifications: Not less than 95 percent by weight of total alkylated phenols consisting of 13–25 percent by weight of butylated *m*- and *p*-cresols, 26–38 percent by weight of styrenated *m*- and *p*-cresols, 47–49 percent by weight of butylated styrenated *m*- and *p*-cresols, and not more than 10 percent by weight total of alkylated xylenols, alkylated *o*-cresol, alkylated phenol, and alkylated ethylphenol; acidity not more than 0.003 percent; and refractive index at 25° C. of 1.5550–1.5650, as determined by ASTM Method D 1218–61.	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5 percent by weight of polystyrene, rubber-modified polystyrene, or olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4, or complying with other sections in this Subpart F, used in articles that contact food only under the conditions described in § 121.2526(c), table 2, under conditions of use C through G.
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 6, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-13648; Filed, Nov. 17, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

Clarification

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 146.2(c)(10) is revised to read as follows to clarify that "results and dates" refers to substances in the batch rather than before they are incorporated into the batch:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

* * * * *

(c) * * *

(10) The results and dates of tests and assays made by or for him on the nonantibiotic active ingredients in the batch.

* * * * *

Since this amendment is merely a clarification and is nonrestrictive and noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: November 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13649; Filed, Nov. 17, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Emergency Preparedness

Section 213.3326(a)(6) is amended to show that the position of Director of Information is removed from Schedule C.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13670; Filed, Nov. 17, 1969; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Foster Joseph Sayers Reservoir Area, Pa.

The Secretary of the Army having determined that the use of Foster Joseph Sayers Reservoir Area, Bald Eagle Creek, Pa., by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations for public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944 as amended (76 Stat. 1195), adding the reservoir area to those listed in § 311.1, as follows:

§ 311.1 Areas covered.

* * * * *

Pennsylvania

* * * * *

Foster Joseph Sayers Reservoir Area, Bald Eagle Creek.

* * * * *

[Regs., Oct. 21, 1969, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-13647; Filed, Nov. 17, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Minimum Refund

Section 1460.5 *Minimum refund* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1460.5 Minimum refund.

(a) *In general.* Except as otherwise provided in this section, and in the absence of unusual circumstances, no determination of excessive profits for a fiscal year will be made in an amount less than $40,000 or, in the case of subcontracts described in section 103(g)(3) of the act, in an amount less than $10,000, in each instance before adjustment for taxes measured by income,

other than Federal taxes (see § 1459.9 of this chapter).

(b) *"Floor" cases.* If the excessive profits of the contractor equal or exceed the applicable minimum provided in paragraph (a) of this section, a determination will be made in the amount of the excessive profits realized, even though the amount thereof that can be eliminated is limited by the provisions of section 105(f) (1) or (2) of the act and § 1458.3 (a) or (b) of this chapter. For example, if renegotiable receipts or accruals are $1,028,000, and the excessive profits are $100,000, a determination in the amount of $100,000 will be made, although the amount that will be eliminated is $28,000.

(c) *Related contractors.* In the renegotiation of an affiliated or related group of contractors, whether or not consolidated, determinations of excessive profits with respect to individual members of the group may be made in amounts less than the applicable minimum provided in paragraph (a) of this section: *Provided,* That the aggregate of the determinations for all members of the group equals or exceeds such applicable minimum.

(d) *Short fiscal years.* If in any case the fiscal year of a contractor is a fractional part of 12 months, the applicable minimum provided in paragraph (a) of this section will be reduced to the same fractional part thereof.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: November 13, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-13679; Filed, Nov. 17, 1969; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 17999, 18452; FCC 69-1241, 69-1242]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Community Antenna Relay Stations

Report and order. In the matter of amendment of Part 74, Subpart J, of the Commission's rules and regulations relative to Community Antenna Relay Stations; Docket No. 18452.

1. The notice of proposed rule making in this proceeding (16 FCC 2d 433, 34 F.R. 2361) proposed to accommodate a local CATV radio distribution service in the 12.7–12.95 GHz band presently shared by the Community Antenna Relay (CAR) and television broadcast auxiliary services. It was contemplated that the CATV operator would use radio in place of some cable trunk lines within the CATV system to relay program material from a transmitter site to multiple receiving sites, for forwarding to the premises of the CATV subscriber via cable. The radio distribution portion would operate with vestigial sideband amplitude modulation (AM) emission for the visual signal and frequency modulation (FM) for the accompanying sound utilizing a Channel 6 MHz wide for each television signal relayed. The notice recognized that such use of radio within a CATV system might facilitate expansion of CATV service to some suburban and rural population pockets not economically reached by cable alone and might offer economies in areas where overhead cable construction is prohibited (16 FCC 2d at 434).

2. Comments and reply comments have been received from interested persons and considered by the Commission. The proposal was favored by the National Cable Television Association (NCTA), TelePrompTer Corp. (TelePrompTer), Jerrold Corp. (Jerrold), and Hughes Aircraft Co. (Hughes). Opposition was expressed by the All Channel Television Society (ACTS), the Association of Maximum Service Telecasters, Inc. (AMST), the National Association of Educational Broadcasters (NAEB), American Broadcasting Co. (ABC), General Electric Co. (GE), and Electronic Industries Association (EIA). Those opposed assert that establishment of a local radio distribution service would be premature prior to a determination of issues in other proceedings (e.g., Dockets Nos. 18397, 18294, 17999, and 16495) as to CATV program origination and the various types of services that might be provided on CATV systems in addition to carriage of broadcast signals.[1] GE, though not against the service as such, urges that 12.7–12.95 GHz affords inadequate spectrum space for potential CATV services, and asserts that the 18 GHz region of the spectrum would be more suitable location for a local radio service. ACTS and AMST argue that the proposed service is inconsistent with spectrum conservation and the oft-made claim that spectrum saving will result from cable distribution of television. They further assert that microwave links should not be authorized merely to achieve economies (which allegedly would not be passed along to CATV subscribers), but rather only upon a showing of public benefits which would be unavailable through the alternative of cable links.

3. After full consideration of the views expressed, we have decided that the public interest would be served by authorizing the proposed service in the 12.7–12.95 GHz band at this time. We are not persuaded by the argument that it would be premature to do so prior to determinations in other proceedings as to the types of services that CATV might provide in the future in addition to carriage of broadcast signals. While those commenting in support of the proposal concentrated on transmission of television broadcast signals, it is apparent that some other services could be accommodated within the available spectrum space. The proposed frequency assignment plan would permit 38 television or equivalent channels for nonrepeatered operation and 18 for repeatered (two hop) operation, which is more than the number of television signals usually carried by CATV systems. In general, we see no reason why a CATV system using intrasystem microwave links should not be permitted to provide the same services as an all cable system, if technically feasible within spectrum limitations and compatible with the requirements of other users sharing the band. In the event that the Commission should determine in another proceeding that the provision of other services in conjunction with carriage of broadcast signals would be contrary to the public interest for substantive reasons, or should be regulated in the public interest, any such prohibition or regulations would be applicable to the CATV system whether or not it used microwave. Hence it is unnecessary to resolve the matter of potential future services prior to determining whether CATV should be permitted to use microwave in conjunction with its present operations.

4. Apart from carriage of broadcast signals, the only additional service now generally provided by CATV systems is program origination. We think that any local radio distribution service should encompass transmission of television program material originated by the CATV operator and by others on leased channels, as well as broadcast signals, subject of course to any regulations adopted in Docket No. 18397.[2] This would accord with the Commission's view in Docket No. 18397 that the public interest would be served by encouraging CATV systems to engage in program origination and to lease channels to others for origination by them. See First Report and Order in Docket No. 18397, issued October 27, 1969 (FCC 69-1170). Moreover, it does not appear that substantially different technical standards would be required. We will leave the question of other possible services, which might entail different technical standards, for consideration on a case-by-case basis as the occasion arises or for such further rule making as may be appropriate in light of any determinations reached in Part V of Docket No. 18397 or in Docket No. 16495 (the domestic satellite proceeding).

5. The notice specifically requested comments on what, if any, problems of congestion might be encountered if a local distribution service is accommodated in the 12.7–12.95 GHz band. TelePrompTer states that the proposed service appears to be compatible with CAR operations of the present nature, and that television auxiliary services (intercity relay, studio-transmitter link (STL) and television pickup (TV pickup)) have

[1] NCTA, though in favor of the proposed service, urged that technical standards should be deferred for later resolution.

[2] We are concurrently resolving the proceedings in Docket No. 17999 in a manner not inconsistent with our decision herein, and will append the rules changes in both dockets to each order.

other bands, including the adjacent frequencies 12.95–13.2 GHz for STL and TV pickup. Hughes states that congestion is not likely. It has made a spot check of likely congestion points and other areas, which indicates that present use is light. Moreover, Hughes points out that the spatial aspect of a pencil beam antenna pattern usually permits multiple use of the same frequencies in the same area. No claim to the contrary is made in the comments of others, and the record contains no objection by CAR or television auxiliary licensees.[3] In the circumstances, and in view of the technical characteristics and localized operation of the proposed intrasystem operations, we conclude that the likelihood of undue congestion vis-a-vis other services in this band is not such as to bar establishment of the local distribution service at 12.7–12.95 GHz.[4]

6. Apart from the factor of possible congestion with other users, GE asserts that the 12.7–12.95 GHz band would not afford sufficient space for the local distribution service to grow to its full potential if the future new services that might be provided by CATV are taken into account. GE's suggestion that the proposed service should therefore be authorized in the 18 GHz portion of the spectrum, renews a contention that the Commission has previously rejected. In the Matter of the Petition of TelePrompTer Corp., New York, N.Y., for Rulemaking to Allocate Frequencies, (SHF) for High Capacity, Local Distribution Communications Purposes, denying the TelePrompTer petition for rule making (RM–1104), 12 FCC 2d 936. As there stated, it is not considered to be practicable to allocate this portion of the spectrum for any regular or nationwide use until after the next international space conference in 1971 and the allocations for the communications satellite service, as well as the requirements of other potential users, are known. In the event that 12.7–12.95 GHz proves inadequate for the local radio distribution service in the light of future developments and the outcome of the space conference and allocations in this region are such as to permit use of 18 GHz, we can reexamine the question of affording additional space at that time. No extensive delay for research and development of equipment would be entailed, since equipment for 18 GHz has already been developed and is now authorized in three areas on an experimental basis. In the interim, the number of channels to be derived from the frequency assignment plan for 12.7–12.95 GHz should be adequate for the immediate future, and the use of this band is a necessity if the service is to be established now.

7. We also find not controlling the spectrum conservation argument of AMST and ACTS and their related assertion that spectrum should not be used to achieve economies or unless cable is not technically feasible. While spectrum conservation is a pertinent consideration, the same argument could be made with respect to most point-to-point uses of microwave not involving mobile equipment. The Commission has repeatedly noted the valuable contributions made by CATV in bringing service to underserved areas, and its promise as a means for increasing the number of local outlets for community self-expression and for augmenting the public's choice of programs and types of services in all areas. We have been unable to place primary reliance on CATV in large part because of its inability to serve sparsely populated areas where cable is uneconomic. To the extent that economies in the use of radio may permit a CATV system to expand its service to some, but not all, outlying areas (e.g., population pockets too small to support their own system and too remote from the central system to warrant a cable link), we think that the public benefits outweigh the abstract concept of spectrum conservation per se, at least in the absence of other compelling considerations not presented here. However, we will require applicants to make a showing that there is need to use microwave relay rather than cable for intrasystem purposes (see § 74.1031(e) of the rules in Appendix B).

8. Moreover, there are other reasons for permitting CATV to achieve economies in heavily populated areas where overhead construction is often prohibited. While distant signal operations in major television markets pose serious public interest questions in present circumstances, the Commission is now seeking to encourage CATV entry into major cities on the basis of carriage of local signals, program origination, and possibly other services. We are aware of the costs of program origination from the record in Docket No. 18397 and our experience in the television broadcast field, and would be reluctant to have the costs of underground construction bar or delay such entry, or curtail program origination efforts. In addition, the underground conduits are usually under the control of the telephone companies, as indeed is generally the case for aboveground cable construction where pole attachment agreements or lease arrangements are necessary.[5] We think that CATV should have available the alternative of radio links which would enable it to construct its own facilities, independent or largely independent of the telephone companies.[6] Here, again, we will require applicants to make a showing of need (§ 74.1031(e) of the rules in appendix B).

9. Accordingly, we find that establishment of the proposed service at 12.7–12.95 GHz will serve the public interest, and turn to the question of technical standards.[7] The notice specifically requested comments on what modifications of the CAR service rules would be necessary or desirable, the number of transmitter sites necessary to serve a single area, appropriate frequency assignment plans, whether the transmitters should operate on an adjacent or alternate channel basis, and whether local television signals should be obtained at receiving sites in some areas to economize on spectrum usage. Except for the latter question, only TelePrompTer and Hughes addressed their comments to these matters. AMST and ACTS urge that local signals and automated services (e.g., time, weather, news ticker, stock market ticker) should be disseminated from the receiving site of the radio link. However, TelePrompTer and Hughes state that this is generally impracticable for multiple receiving sites because of the substantial cost in duplicating equipment and is not desirable from a maintenance and reliability standpoint. We think that their position has merit and will impose no general requirement to this effect.

10. The technical standards proposed by Hughes and TelePrompTer to accommodate AM television transmission for a local distribution service are tailored to a multiplexing technique under development by Hughes, which they characterize as "single sideband amplitude modulation" and which involves the transmission of a pilot subcarrier for use in the demodulation process. We are adopting technical rules that differ in some respects from those proposed. The rules set forth in Appendix B will accommodate not only the specific techniques

[3] TelePrompTer urges that STL and TV pickup should be required to use 12.95–13.2 GHz before using 12.7–12.95 GHz, whereas NCTA urges that the local distribution service should be permitted to use the 12.95–13.2 GHz band as well as 12.7–12.95 GHz. We decline to adopt either suggestion at this time. Experience with coordination within the present allocations (as modified herein) will afford a better basis for a judgment as to whether any adjustment is desirable and, if so, of what nature.

[4] Jerrold and TelePrompTer suggest that any possible future crowding of the CARS band could be alleviated by substituting the proposed 6 MHz per channel AM operation for the existing 25 MHz per channel FM operation of CAR stations for relatively short hop applications. Jerrold further suggests that the same technique could be used in the Instructional Television Fixed Service (ITFS) to reduce congestion in the 2.5 GHz band and also to reduce ITFS costs. The rules adopted herein will permit the use of this technique for traditional CAR service operations.

[5] The Commission has received numerous complaints in this area which are being considered in Docket No. 16928 et al. and other proceedings.

[6] We need not consider in this proceeding the assertion of ACTS that radio links would enable CATV to hop over areas it did not want to serve. In the event that such a situation should arise, the procedures for objecting to individual applications, and the public interest finding prerequisite to any grant, afford ample protection.

[7] While NCTA suggests that the matter of technical standards should be deferred pending recommendations of an advisory committee, we think it desirable to consider this aspect now in order to afford guidance to equipment manufacturers, as well as to facilitate the early filing of applications. In the event that modifications appear desirable in the light of future developments, the Commission can take appropriate action on a case-by-case basis or institute further rule making, with the assistance of an advisory committee if this should appear useful.

used by Hughes but may also permit the use of other methods of translating standard television broadcast signals to the 12.7–12.95 GHz band.

11. In order to distinguish the new service from traditional CAR operations, which differ both in technical characteristics and in the kind of route, we will call such intrasystem operations the Local Distribution Service (LDS). The rules governing the CAR service will also apply to the LDS except where different provisions are specifically made applicable to LDS stations. The rules in Appendix B amend the present CAR service rules to provide additionally for LDS stations: (a) A new channeling plan for vestigial sideband AM (5750A5C/250F3) emission, (b) modified power requirements, (c) revised spurious emission limitations, (d) rules regarding antenna beamwidth, and (e) new frequency tolerance requirements.

12. The channeling plan for LDS stations in § 74.1003 in Appendix B is that proposed by Hughes. It has the advantage that it can be used with or without a pilot subcarrier, facilitates repeatering for routes having more than a single hop, and permits a multicasting coverage approach such as conceived by TelePrompTer for its AML system at 18 GHz. We are adopting a spurious emission limitation for vestigial sideband AM transmission which differs from that proposed by Hughes. The channeling plan envisions the radiation of television signals on immediately adjacent channels.[3] To insure that emission components produced by signals in one channel will not cause visible interference in another, we are requiring that all out-of-channel emissions be attenuated by at least 50 decibels with respect to the peak power of emission within that channel. This required attenuation appears to be a value that can be readily achieved, and assumes that the power radiated is closely the same on each channel. A requirement that the radiated power on each channel be closely equal for LDS stations is added to § 74.1039, along with a maximum permissible aural/visual power ratio.

13. The present CAR service rule concerning antenna beamwidth, § 74.1043, is amended to provide for circumstances in the LDS service in which spectrum utilization will be served by radiating a wider beam than presently permitted, or to permit a single relay station to serve in different directions. Hughes and TelePrompTer suggested a frequency tolerance of 0.002 percent for amplitude modulated systems. We find that a tolerance four times better (0.0005 percent) would facilitate the operation of nonsynchronously demodulated systems and can be achieved with readily available crystal controlled sources, and are thus persuaded to adopt the tighter tolerance for LDS stations (see § 74.1061 in Appendix B).

14. Although the carriage of programs of AM and FM aural broadcast stations is permitted in the CAR service and may be requested in the LDS, none of the comments addressed themselves to the matter of necessary technical standards for carrying such programs on vestigal sideband AM relay systems. Hughes, in its channeling plan, marked several channels for possible alternate use for carrying FM broadcast programs, but did not propose methods for accomplishing this. Accordingly, we are not adopting technical standards for LDS aural broadcast relaying at this time. Pending any further rule making on this aspect, applications in which aural broadcast relaying is proposed will be examined on a case-by-case basis, and may be granted or denied in accordance with frequency utilization and other pertinent public interest considerations. We will follow the same procedure for any other service proposed in an LDS application, apart from the relay of television broadcast signals and television programing originated by the CATV operator and/or others on leased channels.

15. In light of all the foregoing, we conclude that the public interest would be served by adoption of the rules set forth in Appendix B. Authority for the rules adopted herein is contained in sections 2, 3 (a) and (b), 4 (i) and (j), 301, 303, 307(b), 308, 309, and 403 of the Communications Act.

16. *Accordingly, it is ordered,* That the rules set forth in Appendix B are adopted, effective December 23, 1969. *It is further ordered,* That this proceeding is terminated.

Report and order. In the matter of amendment of Part 74 of the Commission's rules to permit stations licensed in the Community Antenna Relay Service to transmit program material originated by CATV systems; Docket No. 17999.

1. On February 15, 1968, the Commission issued a notice of proposed rule making in the above-entitled matter (13 FCC 2d 731, 33 F.R. 3189). It was proposed therein to amend certain sections of Part 74 of the Commission's rules and regulations to permit stations licensed in the Community Antenna Relay Service to transmit program material originated by CATV systems.[1]

2. In this notice comments were sought on whether a need existed for the proposed service, whether a showing should be required in each application that a need exists to use microwave rather than cable, and whether the proposed service would have an undesirable impact on the television auxiliary stations sharing the same bandwidth. Although this proceeding was to be concerned "mainly with the technical aspects of the problem," comments were also invited on the question of whether there should be any limitations on the types of CATV originated programing which might be transmitted.[2]

3. The comments filed and our own study indicate that at present there is generally no serious problem of spectrum congestion in the CARS band nor in the frequencies reserved for television auxiliary broadcast services considered as a whole. Some comments by users of television auxiliary broadcast services, however, expressed some fear that CAR stations in the future could become profligate users of spectrum space and so impair the ability of broadcasters to obtain additional frequencies for their own auxiliary services and in particular for remote pickups. Our analysis indicates, however, that this clearly undesirable result is not likely even in the areas of the country where there is the most congestion. In addition to the 250 MHz between 12,700 and 12,950 MHz shared with CARS, television broadcasters have been allocated 170 MHz in the 1,990–2,500 MHz band, 250 MHz in the 6,875–7,125 MHz band and 300 MHz in the 12,950–13,250 MHz band for STL, intercity relay and remote pickup use. This provides 970 MHz of spectrum for television broadcast auxiliary services of which 720 MHz is almost exclusively reserved for broadcast users.[3] Not even in the most heavily congested areas of the country has this amount of spectrum space been fully utilized by the auxiliary services, even though only a minimum of sharing of remote pickup channels has been undertaken. For example, in Los Angeles, one of the most congested area, six fixed broadcast auxiliary stations using eight channels and only one pickup station are presently using the frequencies in the CARS band, which would appear to leave sufficient room available to absorb the additional uses proposed herein.

4. There is little dispute that a need exists for additional auxiliary facilities to aid CATV systems in the production and presentation of locally originated and nonbroadcast programing. We have, accordingly, concluded that provision should be made for the carriage of CATV originated programing ("cablecasting") in the Community Antenna Relay service and that the public interest, convenience and necessity will be served by such use. The rules we now adopt will permit use of these frequencies to be expanded to give CATV systems facilities comparable to those in the Television Auxiliary Broadcast service for the carriage of CATV originated programing. Three types of stations will now be available for use in conjunction with CATV systems. First, CAR stations such as are presently authorized but without the present prohibition on carriage of programing other than broadcast programing. Second, CAR studio to head-end link (SHL) stations for the transmission of CATV originated programing from a CATV studio to a CATV head-end. And third, CAR pickup stations, which will be land mobile stations for the transmission of television signals from the scenes of events outside of a studio to the CATV studio or directly to the CATV head-end (see Appendix B, § 74.1001 (g) and (h)). Our licensing policy with respect to these new types of stations will be conformed to that in the television broadcast auxiliary area. Fixed stations (CAR and CAR studio to head-end link) will be assigned channels in the band subject to the condition that harmful interference is not caused to existing fixed stations already authorized at the time of such grants.[4] CAR pickup stations, like television pickup stations, will be subject to the condition that no harmful interference is caused to fixed television auxiliary or CAR stations. To assure that CATV systems with large channel capacity do not wastefully and inequitably occupy the available space we will limit CATV licensees, in the absence of a special showing, to the assignment of not more than three channels in the band for CAR pickup use.[5]

5. Because CATV systems in some instances already have rights of way and cable available in the communities they serve which could be used for nonradio studio to head-end links, we have considered whether a showing should be required by applicants for CAR SHL stations that there is a need to use microwave relay rather than cable. We have concluded that such a showing is desirable since the limited frequencies available clearly should not be occupied by those who can, without significant difficulty, use cable instead. In order to encourage the most efficient use of spectrum space, a statement will be required in every application for a CAR studio to head-end link station that the applicant has investigated the possibility of using cable rather than microwave and the reasons why it was decided to use microwave rather than cable. Where there appears to be no significant advantage in terms of either cost or service, and where there appears to be a strong likelihood of alternate users of the same frequencies, further investigation may be required and in appropriate cases denial of the application. Especially careful attention will be paid to this showing when the application is for a station in any of the larger metropolitan areas of the country where congestion problems are most likely to arise.

6. Finally, the question has been raised whether, assuming some use of CAR service for carriage of nonbroadcast programing, there ought to be some restrictions on the programing which may be carried. Two types of restrictions have been proposed in the comments received. First, those designed to assure that CATV originated programing does not have an adverse impact on television service (i.e., restrictions on the carriage of advertising and programing other than local public service programing), and secondly, restrictions of the type now applied to broadcasters (i.e., rules as to diversification, section 315, fairness, sponsor identification, number and length of commercials, false and misleading advertising, rules relating to lottery information, rigged contests, obscenities, deletions or alterations of program material). We have concluded, along with a number of parties filing comments, that this proceeding is an inappropriate one in which to issue any specific rules with respect to these questions. This proceeding was intended to be concerned primarily with the technical aspects of the problem and we have concluded that there is no technical impediment to authorization of the additional types of stations proposed. Those questions raised here with respect to CATV originated programing are also being considered in Docket 18397 (15 FCC 2d 417 (1968)). In the First Report and Order in Docket 18397 (FCC 69–1170, released Oct. 27, 1969) we concluded that it was in the public interest for CATV systems to originate programing and certain rules were there adopted regulating CATV cablecasting. No additional rules appear to be required simply because microwave facilities are being used. This is not to imply, of course, that in specific instances these questions will be, or even permissibly could be ignored. Licenses may be granted or renewed only upon a finding by the Commission that the "public interest, convenience and necessity would be served thereby." (Communications Act of 1934, as amended, section 307). This standard, including the content given it by other sections of the Act, rules adopted in Docket 18397, and by other relevant Commission rules and decisions, must, of course, be applied to the additional types of stations for which provision is made herein.

7. In light of all the foregoing, we conclude that the public interest would be served by the adoption of the rules set forth in Appendix B. Authority for the rules adopted is contained in sections 2, 3 (a) and (b), 4 (i) and (j), 301, 303, 307(b), 308, 309, and 403 of the Communications Act.

8. *Accordingly, it is ordered,* That the rules set forth in Appendix B hereto are adopted, effective December 23, 1969. *It is further ordered,* That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 403, 48 Stat. 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1094, as amended; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 403)

Adopted: November 7, 1969.

Released: November 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

APPENDIX A

List of Parties That Filed Comments:

Channel 6, Inc.
International Telemeter Corp.
Hubbard Broadcasting, Inc.
Jerrold Corp.
Smith, Pepper, Shack & L'Heureux.
Association of Maximum Service Telecasters, Inc.

Joint Comments of:

WANE–TV, Fort Wayne, Ind.
WAVE–TV, Louisville, Ky.
WCIA(TV), Champaign, Ill.
WFIE–TV, Evansville, Ind.
WFRV–TV, Green Bay, Wis.
WGBH–TV, Boston, Mass.
WGBX–TV, Indianapolis, Ind.
WMBD–TV, Peoria, Ill.
WMT–TV, Cedar Rapids, Iowa.
WPHL–TV, Philadelphia, Pa.
WSPA–TV, Spartanburg, N.C.
KFMB–TV, San Diego, Calif.
KHOU–TV, Houston, Tex.
KOTV(TV), Tulsa, Okla.
KQED–TV, San Francisco, Calif.
KXTV(TV), Sacramento, Calif.
Sangre De Cristo Broadcasting Corp.
H & B Communications Corp.
Pikes Peak Broadcasting Co.
Palmer Broadcasting Co.
Carthage Cablevision Corp.
American Broadcasting Co.
National Cable Television Association, Inc.

Joint Comments of:

Twin County Trans-Video, Inc.
El Paso Cablevision, Inc., and Southwest Cablevision, Inc.
San Jose Cable TV Service.
Mountain States Video, Inc.
National Association of Broadcasters.
American Television and Communications Corp.
Continental CATV of New York, Inc.
Gencoe, Inc.
Teleprompter Corp.
National Association of Educational Broadcasters.
Allen's TV Cable Service, Inc.
Antietam Cable Co.
Asbury & James TV Cable Service.
Athens TV Cable Co. of Alabama, Inc.
Back Mountain Telecable, Inc.
Blasdell Cablevision, Inc.
Boise City CATV, Inc.
Brownwood Television Cable Service, Inc.
Burns-Hines TV, Inc.
Cable Television Co. of Illinois.
Center Cable Television, Inc.
Clear Channel TV, Inc.
Clear View Cable Systems, Inc.
Columbia Television Co., Inc.
Colville Cable Co., Inc.
Cypress Valley Cable TV Service, Inc.
Dorate, Inc.

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[1] Appendix A set forth below is a list of the parties filing comments. Comments, after one time extension, were due Sept. 20, 1968, with reply comments due Nov. 19, 1968.

[2] See § 74.602 of the rules.

[3] Both Hughes and TelePrompTer state that adjacent channel operation is feasible for television signals. They also state that generally only a single transmitter site would be needed (except for New York City and places where more than one CATV operator is authorized to serve the same area). Applicants for LDS stations are encouraged to apply for adjacent channels within each group of channels. However, as suggested by Hughes, we will retain flexibility to authorize a different arrangement upon a showing of good cause.

[4] No alteration is intended in the existing status of a small number of presently authorized television remote pickup stations which claim exclusive use of the frequencies to which they have been assigned.

[5] Until such time as separate forms are available for CAR pickup stations, applicants should use Form 400 in the Safety and Special Radio Service. Applicants for CAR and CAR studio to head-end link stations should use Form 402 in the Safety and Special Radio Service.

[6] Chairman Burch abstaining from voting; Commissioner Robert E. Lee dissenting; Commissioner Johnson concurring in the result; Commissioner Wells not participating.

FEDERAL REGISTER, VOL. 34, NO. 221—TUESDAY, NOVEMBER 18, 1969

Eastern Shore CATV, Inc.
Fredonia Cable TV Co.
Gemini Communications Co., Inc.
Green River Cable TV Co., Inc.
Grossco CATV, Inc.
H. C. Ostertag Cable Television Co., Inc.
Hamburg Cablevision, Inc.
Hill Country Cablevision, Inc.
International Cablevision.
Junction TV Cable Corp.
Kar-Mel CATV Systems, Inc.
KOTA Cable TV Co.
Lackawanna Cablevision, Inc.
Lake Shore Master Antenna Corp.
Lakeview TV, Inc.
Laurel Cablevision, Inc.
Louisiana Cable TV, Inc.
Marin Cable TV, Inc.
Marshall Cable, Inc.
Mobile TV Cable Co., Inc.
Monte Cable, Inc.
Monticello Cable Co., Inc.
Multi-Pix, Inc.
National Cable Co.
Norristown Distribution Systems, Inc.
North Penn Cablevision, Inc.
Northwest Illinois TV Cable Co.
Oregon Cablevision Co.
Pine Tree Microwave Corp.
Quinebaug Valley Cablevision, Inc.
Rowley United Pension Fund.
St. Landry Cable TV, Inc.
Sanderson Cable Co.
Shen-Heights Television Associates, Inc.
Soundvision, Inc.
Stan Socia Corp.
Suffolk Cable of Shelter Island.
Sullivan Productions, Inc.
Sweetwater Television Co., Inc.
Telecable, Inc.
Television Cable Co.
Texas Community Antennas, Inc.
TV Cable Co.
TV Enterprises, Inc.
United Artists Theatre Circuit, Inc.
Vandalia Cable TV Co., Inc.
Willmar Video, Inc.

APPENDIX B

Part 74, Subpart J, is amended as follows:

1. In § 74.1001, paragraph (a) is amended and paragraphs (f), (g), (h), and (i) are added, as follows:

§ 74.1001 Definitions.

(a) *Community Antenna Relay (CAR) Station.* A fixed or mobile station used for the transmission of television and related audio signals, signals of standard and FM broadcast stations and cablecasting, from the point of reception to a terminal point from which the signals are distributed to the public by cable.

NOTE: Except where the rules contained in this subpart make separate provision, the term "community antenna relay" or "CAR" includes the term "local distribution service" or "LDS", the term "community antenna relay studio to head-end link" or "SHL" and the term "community antenna relay pickup" as defined in paragraphs (f), (g), and (h) of this section.

* * * * *

(f) *Local Distribution Service (LDS) Station.* A fixed CAR station used within a CATV system or systems for the transmission of television signals and related audio signals, signals of standard and FM broadcast stations, and cablecasting, from a local transmission point to one or more receiving points, from which the communications are distributed to the public by cable. LDS stations may also engage in repeatered operation.

(g) *Community Antenna Relay Studio to Head-end Link (SHL) Station.* A fixed CAR station used for the transmission of television program material and related communications from a CATV studio to the head-end of a CATV system.

(h) *Community antenna relay pickup station.* A land mobile CAR station used for the transmission of television signals and related communications from the scenes of events occurring at points removed from CATV studios to CATV studios or head-ends.

(i) *Cablecasting.* The term "cablecasting" means television programing distributed on a CATV system which has been originated by the CATV operator or by another entity, exclusive of television broadcast signals distributed on the system.

2. Section 74.1003 is revised to read as follows:

§ 74.1003 Frequency assignments.

(a) The following channels may be assigned to community antenna relay stations:

(1) For community antenna relay stations using FM transmission:

Group A Mc/s	*Group B Mc/s*
12,700–12,725	12,712.5–12,737.5
12,725–12,750	12,737.5–12,762.5
12,750–12,775	12,762.5–12,787.5
12,775–12,800	12,787.5–12,812.5
12,800–12,825	12,812.5–12,837.5
12,825–12,850	12,837.5–12,862.5
12,850–12,875	12,862.5–12,887.5
12,875–12,900	12,887.5–12,912.5
12,900–12,925	12,912.5–12,937.5
12,925–12,950	

(2) For community antenna relay stations using vestigial sideband AM transmission:

Group C Mc/s	*Group D Mc/s*
12,700.5–12,706.5	12,759.7–12,765.7
12,706.5–12,712.5	12,765.7–12,771.7
12,712.5–12,718.5	12,771.7–12,777.7
12,718.5–12,722.5 [1]	12,777.7–12,781.7 [1]
12,722.5–12,728.5	12,781.7–12,787.7
12,728.5–12,734.5	12,787.7–12,793.7
12,734.5–12,740.5	12,793.7–12,799.7
12,740.5–12,746.5	12,799.7–12,805.7
12,746.5–12,752.5	12,805.7–12,811.7
12,752.5–12,758.5	12,811.7–12,817.7
12,820.5–12,826.5	12,879.7–12,885.7
12,826.5–12,832.5	12,885.7–12,891.7
12,832.5–12,838.5	12,891.7–12,897.7
12,838.5–12,844.5	12,897.7–12,903.7
12,844.5–12,850.5	12,903.7–12,909.7
12,850.5–12,856.5	12,909.7–12,915.7
12,856.5–12,862.5	12,915.7–12,921.7
12,862.5–12,868.5	12,921.7–12,927.7
12,868.5–12,874.5	12,927.7–12,933.7

Auxiliary Channels Mc/s

12,933.7–12,939.7	12,939.7–12,945.7

(b) Television pickup, STL and intercity relay stations may be assigned channels in the band 12,700–12,950 Mc/s subject to the condition that no harmful interference is caused to community antenna relay stations authorized at the time of such grants. Similarly, new community antenna relay stations shall not cause harmful interference to television STL and intercity relay stations authorized at the time of such grants. Television pickup stations and CAR pickup stations will be assigned channels in the band on a coequal basis subject to the condition that they accept interference from and cause no interference to existing or subsequently authorized television STL, television intercity relay, fixed CAR, CAR SHL or LDS stations. A CATV system operator will normally be limited in any one area to the assignment of not more than three channels for CAR pickup use: *Provided, however,* That additional channels may be assigned upon a satisfactory showing that additional channels are necessary and are available.

(c) An application for a community antenna relay station shall be specific with regard to the channel or channels requested. Channels shall be identified by the channel-edge frequencies listed in paragraph (a) of this section.

(d) For community antenna relay stations using FM transmission, channels normally shall be selected from Group A. Channels in Group B will be assigned only on a case-by-case basis upon an adequate showing that Group A channels cannot be used and that such use will not degrade the technical quality of service provided in Group A channels to the extent that the Group A channels could not be used for television STL circuits. On-the-air tests may be required before channels in Group B are permitted to be placed in regular use.

(e) For community antenna relay stations using vestigial sideband AM transmission, channels from only Group C or only Group D normally will be assigned a station, although upon adequate showing variations in the use of channels in Groups C and D may be authorized on a case-by-case basis in order to avoid potential interference or to permit a more efficient use. The use of channels in both Groups C and D may be authorized for repeatered operation, or where the channels in one group are not sufficient to accommodate the services proposed to be provided on the CATV system, if the Commission finds that such use of channels in both groups would serve the public interest.

(f) For vestigial sideband AM transmission, the assigned visual carrier frequency for each channel listed in Group C or Group D shall be 1.25 Mc/s above the lower channel-edge frequency. The center frequency for the accompanying FM aural carrier in each channel shall be 4.5 Mc/s above the corresponding visual carrier frequency.

(g) Should any conflict arise among applications for stations in this band priority will be based on the filing date of an application completed in accordance with the instructions thereon.

3. In § 74.1030, paragraphs (a), (b), and (e)(2) are amended and paragraph (i) is added, as follows:

[1] For transmission of pilot subcarriers, or other authorized narrow band signals.

§ 74.1030 Purpose and permissible service.

(a) Community antenna relay stations are authorized to relay radio and television broadcast programing and cablecasting intended for use solely by one or more community antenna television systems. LDS stations are authorized to relay radio and television broadcast programing, cablecasting and such other communications as may be authorized by the Commission. CAR licensees may interconnect their facilities with those of other CAR or common carrier licensees.

(b) The transmitter of a community antenna relay station using FM transmission may be multiplexed to provide additional communication channels for the transmission of standard and FM broadcast station programs and operational communications directly related to the technical operation of the relay system (including voice communications, telemetry signals, alerting signals, fault reporting signals, and control signals). A community antenna relay station will be authorized only where the principal use is the transmission of television broadcast program material or cablecasting: *Provided, however,* That this requirement shall not apply to LDS stations using vestigial sideband AM transmission.

* * * * *

(e) * * *

(2) Network and station origin of the signals to be transmitted or, if cablecasting, the intended source and general nature of the programing;

* * * * *

(i) The license of a CAR pickup station authorizes the transmission of program material, and related communications necessary to the accomplishment of such transmission, from the scenes of events occurring in places other than a CATV studio, to the studio or head-end of its associated CATV system, or to such other CATV systems as are carrying the same program material. CAR pickup stations may be used to provide temporary CAR studio to head-end links or CAR circuits consistent with this subpart without further authority of the Commission: *Provided, however,* That prior Commission authority shall be obtained if the transmitting antenna to be installed will increase the height of any natural formation or man-made structure by more than 20 feet and will be in existence for a period of more than 2 consecutive days.

4. In § 74.1031, paragraph (b) and the first sentence of paragraph (c) are amended and paragraphs (d) and (e) are added to read as follows:

§ 74.1031 Eligibility and contents of application.

* * * * *

(b) An application for a new community antenna relay station or for changes in the facilities of an existing station shall specify the call sign and location of any television, standard and FM broadcast station or stations to be received and the intended source and general nature of any cablecasting to be relayed, the location of the point at which reception will be made, the number and location of any intermediate relay stations in the system, the location of the terminal receiving point(s) in the system, the name or names of the communities to be served by the CATV system or systems to which the programs will be delivered, the current number of subscribers of each such CATV system, and the name of any other licensee to whom the same program will be delivered through interconnection facilities. An application for a new LDS station or for changes in the facilities of an existing station shall specify in detail the precise nature and technical operation of any service other than the relay of television broadcast signals proposed to be provided on the LDS facilities, including any sections of this subpart for which waiver is sought.

(c) An application for any authorization subject to § 74.1033 for a station used or to be used for the transmission of television broadcast programing shall contain a statement that the applicant(s) have notified the licensee or permittee of any television station, within whose predicted Grade B contour the CATV system(s) operate or will operate, in whole or in part, and the licensee or permittee of any 100 watts or higher power translator station operating in the community of each such system, of the filing of the application. * * *

(d) An application for a construction permit for a new CAR pickup station or for renewal of license of an existing station shall designate the CATV system with which it is to be operated and specify the area in which the proposed operation is intended.

(e) An application for a CAR studio to head-end link or LDS station construction permit shall contain a statement that the applicant has investigated the possibility of using cable rather than microwave and the reasons why it was decided to use microwave rather than cable.

5. In § 74.1037, the introductory text of paragraph (a) is amended to read:

§ 74.1037 Unattended operation.

(a) A community antenna relay station (other than a CAR pickup station) may be operated unattended provided that the following requirements are met:

* * * * *

6. Section 74.1039 is revised to read as follows:

§ 74.1039 Power limitations.

(a) Transmitter peak output power shall not be greater than necessary and, in any event, shall not exceed 5 watts on any channel.

(b) LDS stations shall use vestigial sideband AM transmission for the visual signal and shall maintain the peak power of the visual signal on all channels within 2 decibels of equality. The mean power of aural signals on each channel shall not exceed a level 7 decibels below the peak power of the visual signal.

7. In § 74.1041, paragraph (b) is amended to read as follows:

§ 74.1041 Emissions and bandwidth.

* * * * *

(b) Any emission appearing on a frequency outside of the channel authorized for a transmitter shall be attenuated below the peak power of emission in accordance with the following schedule:

(1) For CAR stations using FM transmission:

(i) On any frequency above the upper channel limit and below the lower channel limit by between zero and 50 percent of the assigned channel width: At least 25 decibels;

(ii) On any frequency above the upper channel limit or below the lower channel limit by more than 50 percent and up to 150 percent of the assigned channel width: At least 35 decibels;

(iii) On any frequency above the upper channel limit or below the lower channel limit by more than 150 percent of the assigned channel width: At least $43+10 \log_{10}$ (power in watts) decibels.

(2) For CAR stations using vestigial sideband AM transmission: At least 50 decibels.

* * * * *

8. In § 74.1043, paragraph (a) is amended to read as follows:

§ 74.1043 Antennas.

(a) Community antenna relay stations shall use directive transmitting antennas. The maximum beam width in the horizontal plane between half power points of the major lobe shall not exceed 3 degrees: *Provided,* That, upon adequate showing of need to serve a larger sector, or more than a single sector, greater beamwidth or multiple antennas may be authorized for LDS stations. Either vertical, horizontal, or elliptical polarization may be employed. The Commission reserves the right to specify the polarization of the transmitted signal.

* * * * *

9. In § 74.1050, paragraph (b) is amended to read as follows:

§ 74.1050 Equipment and installation.

* * * * *

(b) Each transmitter authorized for use in the Community Antenna Relay Service (other than a CAR pickup station) must be of a type which has been type accepted pursuant to Part 2 (Subpart F) of this chapter, as capable of meeting the requirements of §§ 74.1003, 74.1039, 74.1061, and 74.1065.

* * * * *

10. In § 74.1053, paragraph (a) is amended to read as follows:

§ 74.1053 Equipment changes.

(a) Formal application is required for any of the following changes:

(1) Replacement of the transmitter as a whole, except replacement with an identical transmitter, or any change in equipment which could result in a change in the electrical characteristics or performance of the station.

(2) Any change in the transmitting antenna system of a station (other than a CAR pickup station), including the direction of the main radiation lobe, directive pattern, antenna gain or transmission line.

(3) Any change in the height of the antenna of a station (other than a CAR pickup station) above ground, or any horizontal change in the location of the antenna.

(4) Any change in the transmitter control system.

(5) Any change in the location of a station transmitter (other than a CAR pickup station transmitter), except a move within the same building or upon the tower or mast or a change in the area of operation of a CAR pickup station.

(6) Any change in frequency assignment.

(7) Any change of authorized operation power.

* * * * *

11. Section 74.1061 is revised to read as follows:

§ 74.1061 Frequency tolerance.

(a) The frequency of the unmodulated carrier of a community antenna relay station using FM transmission shall be maintained within 0.02 percent of the center of the assigned channel.

(b) The frequency of the visual carrier of a CAR station using vestigial sideband AM transmission shall be maintained within 0.0005 percent of the assigned frequency, and the center frequency of the accompanying aural signal shall be maintained 4.5 megacycles per second plus or minus 1 kilocycle per second above the visual frequency.

12. In § 74.1083, paragraph (a) is amended to read as follows:

§ 74.1083 Retransmissions.

(a) Unless otherwise authorized by the Commission, community antenna relay stations are limited to the relaying of television broadcast and related audio signals, the signals of standard and FM broadcast stations, and cablecasting. Relaying includes retransmission of such signals by intermediate relay stations in the system.

* * * * *

[F.R. Doc. 69-13673; Filed, Nov. 17, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER B—GENERAL RULES AND REGULATIONS

[No. MC-C-3437 (Sub-No. 4)]

PART 1041—INTERPRETATION—CERTIFICATES AND PERMITS

Interpretation of Operating Rights Authorizing Service at Designated Airports

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of October 1969.

It appearing, that the Commission, upon consideration of a joint petition filed May 8, 1969, by Air Delivery Service et al., issued a notice of proposed rule making in this proceeding under authority of 5 U.S.C. 553 (the Administrative Procedure Act), for the purpose of inquiring into the necessity for the entry of an appropriate regulation construing operating rights held by motor carriers of property authorizing service from or to named airports;

It further appearing, that the said notice of proposed rule making invited the representations of all interested parties setting forth their views with respect to the proposed inquiry; and that notice to all interested parties was given through publication of said notice in the FEDERAL REGISTER of July 2 and 9, 1969 (34 F.R. 11151, 11384);

And it further appearing, that various parties submitted representations in support of the proposed rule, and no party submitted representations in opposition thereto; and that the Commission, on the date hereof, has made and filed its report setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof:

It is ordered, That Part 1041, of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by the addition of § 1041.23 to read as follows:

§ 1041.23 Operating authority to serve a particular airport, construction.

(a) A certificate or permit issued to a motor carrier of property pursuant to part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) authorizing service at a named airport shall be construed as authorizing service at any airfreight terminal located beyond the physical boundaries of such airport: *Provided,* That (1) such airfreight terminal is utilized by an air (direct or indirect) carrier in connection with the movement of property to or from the named airport by aircraft, (2) such airfreight terminal is located within the air terminal area (as described in § 1047.40 of this chapter) of the airport authorized to be served by the motor carrier, and (3) the traffic so transported by such motor carrier shall move to or from the airport designated in the certificate or permit issued to such motor carrier, except in those situations where substituted motor-for-air transportation may be provided pursuant to the provisions of § 1047.40(b) of this chapter.

(b) A certificate or permit issued to a motor carrier of property pursuant to part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) authorizing service at an airfreight terminal or other facility utilized by a designated air (direct or indirect) carrier at a named airport shall be construed as authorizing service at any airfreight terminal utilized by the same air carrier in connection with the movement of property to or from the named airport by aircraft, which terminal is located beyond the physical boundaries of such airport: *Provided,* That (1) such airfreight terminal is located within the air terminal area (as described in § 1047.40 of this chapter) of the airport designated in the certificate or permit issued to such motor carrier, and (2) the traffic so transported by such motor carrier shall move to or from the airport designated in the certificate or permit issued to such motor carrier, except in those situations where substituted motor-for-air transportation may be provided pursuant to the provisions of § 1047.40(b) of this chapter.

(Secs. 204, 207, 208, 209, 49 Stat. 546, 551, 552, as amended, 49 U.S.C. 304, 307, 308, 309)

It is further ordered, That the petition in all other respects be, and it is hereby, denied.

It is further ordered, That this order shall become effective on November 26, 1969, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commisison.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13681; Filed, Nov. 17, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 230]

[Docket No. FRA-LI-2]

LOCOMOTIVE INSPECTION

Notice of Proposed Rule Making

Notice is hereby given that the Federal Railroad Administration has under consideration proposed amendments to § 230.227(f) respecting the condemning limits on flanges of cast-steel locomotive wheels and incidental changes in paragraphs (m) and (o) of § 230.227.

The proposed amendments would:

(1) Amend § 230.227(f) by striking therefrom the words "or cast-steel";

(2) Amend paragraphs (m) and (o) of § 230.227 and the caption of figure 7, which illustrates the requirements of paragraph (m), by striking therefrom the word "rolled."

The proposed amendments would prescribe the same condemning limits for cast-steel wheels that have long been in effect with respect to wrought-steel wheels and would remove other disparities in the locomotive inspection rules between cast-steel and wrought-steel wheels that no longer appear to be necessary in view of improved manufacturing processes for cast-steel wheels and the experience of the railroad industry with cast-steel wheels under diesel locomotives and 100-ton capacity cars.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted to the Federal Railroad Administration, Office of Hearings and Proceedings, Attention: Docket No. FRA LI-2; Washington, D.C. 20591. All written submissions received on or before December 15, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available both before and after the closing dates for comments in the Public Docket for examination by interested persons. The Docket may be examined at any time during normal working hours, at the Office of Public Affairs, Room 206, Federal Railroad Administration, 400 Sixth Street SW., Washington, D.C. 20591.

1. In consideration of the foregoing it is proposed to amend paragraphs (f), (m), and (o) of § 230.227 of the locomotive inspection rules to read as follows:

§ 230.227 Defects.

* * * * *

(f) *Worn flanges.* Wheels with flanges having flat vertical surface extending 1 inch or more from the tread, or flanges 1¼-inch thick or less, gauged at a point three-eighths inch above the tread, except cast-iron wheels on axles with journals 5 by 9 inches or over which shall not be continued in service with flanges having flat vertical surface extending seven-eighths inch or more from the tread, or flange 1-inch thick or less gauged at a point three-eighths above tread.

* * * * *

(m) *Flanges and rims, steel wheels.* Steel wheels 1⅜ inches or less in thickness through throat of flange, or 1 inch or less in thickness at rim, when used in road service; or 1⅛ inches or less in thickness through throat of flange or three-fourths inch or less in thickness at rim, when used in switching service.

* * * * *

(o) *Fusion welding.* Fusion welding shall not be used on tires or steel wheels including building up of worn flanges, flat spots, shelled-out spots or for repair of cracks, except on locomotives used in switching and transfer service, and then only for repair of flat spots and worn flanges.

2. In addition, it is proposed to amend the caption of figure 7 which illustrates the requirements of paragraph (m) of § 230.227 to read as follows: "Figure 7. Steel wheels. (See § 230.227(m).)"

These amendments are proposed under the authority of section 2 and 5, 36 Stat. 913, 914, 45 U.S.C. 23, 28; section 6 (e) and (f), 80 Stat. 939, 940, 49 U.S.C. 1655.

Issued in Washington, D.C., on November 13, 1969.

R. N. WHITMAN, *Administrator, Federal Railroad Administration.*

[F.R. Doc. 69-13680; Filed, Nov. 17, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

ALABAMA LIVESTOCK AUCTION, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Farmers' and Ranchers' Livestock Market, Uniontown, Nov. 15, 1968.	Alabama Livestock Auction, Inc., Sept. 5, 1969.
GEORGIA	
McClure-Burnett Commission Co., Toccoa, Feb. 1, 1968.	Toccoa Livestock Auction, Oct. 17, 1969.
MISSISSIPPI	
Knight Bros. Sales, Carthage, Feb. 9, 1959	Knight Stockyard, Sept. 1, 1969.
Southern Livestock Yard, Hattiesburg, Jan. 6, 1959.	Farmer's Livestock Yard, Inc., Sept. 11, 1969.
OKLAHOMA	
Caddo County Livestock Commission Co., Anadarko, Sept. 7, 1961.	Anadarko Livestock Sale, May 28, 1969.
Elk City Stockyards, Elk City, Mar. 10, 1950	Elk City Livestock Auction, Inc., Oct. 1, 1969.
TEXAS	
Jacksonville Livestock Commission, Jacksonville, Dec. 17, 1966.	Jacksonville Livestock Market, Oct. 9, 1969.
Smithville Livestock Commission Co., Smithville, Sept. 17, 1968.	Smithville Livestock Commision Company, Aug. 21, 1969.

Done at Washington, D.C., this 12th day of November 1969.

E. L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-13688; Filed, Nov. 17, 1969; 8:48 a.m.]

ATWOOD SALE BARN, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
KANSAS	
Atwood Sale Barn, Atwood, Apr. 22, 1950	Atwood Sale Barn, Inc., May 1, 1969.
Oberlin Livestock Commission Company, Oberlin, Oct. 16, 1956.	Oberlin Livestock Commission Company, Inc., May 1, 1969.
KENTUCKY	
Mayfield Livestock and Sales Co., Mayfield Dec. 9, 1959.	Mayfield Livestock Market, Jan. 1, 1969.
MONTANA	
Dillon Public Auction, Inc., Dillon, Nov. 30, 1961 1961.	Dillon Livestock Market, Oct. 10, 1969.
NEW MEXICO	
Albuquerque Livestock, Inc., Albuquerque, Jan. 24, 1957.	Bunker Livestock Commission, Inc., Oct. 3, 1969.
Clovis Cattle Commission Company, Clovis, Jan. 17, 1947.	Ranchers and Farmers Livestock Auction Co., Inc., May 4, 1968.

Done at Washington, D.C., this 10th day of November 1969.

E. L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-13669; Filed, Nov. 17, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10782 V]

TRANQUILIZERS DERIVED FROM PHENOTHIAZINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Thorazine Tablets; 10 milligrams or 25 milligrams of chlorpromazine hydrochloride per tablet; for use in dogs, cats, sheep, and goats; by Pitman-Moore, Inc., Subsidiary of Johnson and Johnson, Camp Hill Road, Fort Washington, Pa. 19034.

2. Thorazine Solution; containing 25 milligrams of chlorpromazine hydrochloride per milliliter; intended for use in horses, cattle, sheep, goats, swine, dogs, and cats; by Pitman-Moore, Inc.

3. Sparine Injection; containing 50 milligrams of promazine hydrochloride per cubic centimeter; intended for use in horses, cattle, swine, sheep, dogs, cats, and certain nondomesticated animals; by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19161.

4. Sparine Tablets; containing 25 milligrams, 50 milligrams, or 100 milligrams of promazine hydrochloride per tablet; for use in horses, cattle, swine, sheep, dogs, and cats; Wyeth Laboratories, Inc.

5. Sparine Pellets; containing 4 grams of promazine hydrochloride per pound; for beef cattle and horses; by Wyeth Laboratories, Inc.

6. Promazine Hydrochloride; containing 50 milligrams of promazine hydrochloride per cubic centimeter; an injectable product for use in horses, cattle, swine, dogs, and cats; by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50502.

7. Promazine Granules; containing 8 grams of promazine hydrochloride per 10.25 ounce package; for oral administration to horses and cattle; by Fort Dodge Laboratories, Inc.

8. Diquel Tablets; containing 10 milligrams or 50 milligrams of ethyl isobutrazine hydrochloride per tablet; for use in dogs and cats; by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 520 West 21st Street, Kansas City, Mo. 64141.

9. Diquel Sterile Solution; containing 50 milligrams of ethyl isobutrazine hydrochloride per cubic centimeter; for use in cattle, dogs, and cats; by Jensen-Salsbery Laboratories.

10. Vetame Tablets; containing 10 milligrams or 25 milligrams of triflupromazine hydrochloride per tablet; for use in dogs and cats; by E. R. Squibb and Sons, Georges Road, New Brunswick, N.J. 08903.

11. Vetame Aqueous Solution; containing 20 milligrams of triflupromazine hydrochloride per cubic centimeter; for use in horses, cattle, swine, sheep, dogs, and cats; by E. R. Squibb and Sons.

12. Mepine Tablets; containing 50 milligrams of mepazine, as the hydrochloride monohydrate, per tablet; for use in dogs; by Research Laboratories, Inc., a subsidiary of Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502.

13. Mepine Injectable; containing 25 milligrams of mepazine acetate dihydrate per cubic centimeter; for use in dogs; by Research Laboratories, Inc.

14. Nortran Tablets; containing 10 milligrams of trifluomeprazine, *dl*-10-(3-dimethylamino-2-methylpropyl)-2-trifluoromethylphenothiazine, as the maleate, per tablet; for dogs and cats; by Norden Laboratories, Inc., 601 West Oak, Lincoln, Nebr. 68501.

15. Nortran Solution; containing 10 milligrams of trifluomeprazine, *dl*-10-(3-dimethylamino-2-methylpropyl)-2-trifluoromethylphenothiazine, as the hydrochloride, per cubic centimeter; for dogs and cats; by Norden Laboratories, Inc.

The Academy stated that (1) the described drugs are probably effective for veterinary use as tranquilizers; and (2) dosage levels should be documented and adjusted to ranges shown to be conclusively effective for veterinary medical purposes.

The Academy further stated if data is furnished to establish that the described drugs are effective, the drug labeling should bear appropriate precautionary statements to the effect that:

1. Tranquilizers should be administered in smaller doses and with greater care during general anethesia and also to animals exhibiting symptoms of debilitation, cardiac disease, sympathetic blockade, hypovolemia, or shock.

2. Tranquilizers are potent central nervous system depressants and they can cause marked sedation with suppression of the sympathetic nervous system.

3. Hypotension can occur after rapid interavenous injection causing cardiovascular collapse.

4. Epinephrine is contraindicated for treatment of acute hypotension produced by phenothiazine-derivative tranquilizers since further depression of blood pressure can occur. Other pressor amines, such as norepinephrine or phenylephrine, are the drugs of choice.

5. Tranquilizers can produce prolonged depression or motor restlessness when given in excessive amounts or when given to sensitive animals.

6. Accidental intracarotid injection in horses can produce clinical signs ranging from disorientation to convulsive seizures and death.

7. Tranquilizers are additive in action to the actions of other depressants and will potentiate general anesthesia.

The Academy also stated that manufacturers of promazine hydrochloride pellets and granules for oral administration must substantiate and document claims for the drug.

The Food and Drug Administration concurs with the Academy's findings and recommendations and in addition concludes that an additional precautionary statement is needed where appropriate in the labeling as "Do not use this product in conjunction with organophosphates and/or procaine hydrochloride since phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride."

Veterinary items of this type are prescription drugs and should bear the legend, "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

This evaluation is concerned only with the drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in the announcement will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the new animal drug applications for the subject drugs have been mailed copies of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested persons may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: November 10, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13651; Filed, Nov. 17, 1969; 8:45 a.m.]

Office of the Secretary

NATIONAL INSTITUTES OF HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 9, section 9-B, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (34 F.R. 170), as revised, is amended to reflect the expansion of functions of the National Heart Institute and to change its name to National Heart and Lung Institute, pursuant to authority of section 431(b) of the Public Health Service Act, by replacing the statement for the National Heart Institute with the following statement:

National Heart and Lung Institute. Conducts, fosters, and supports research, investigations, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of diseases of the heart, lungs, and circulation through: (1) Research performed in its own laboratories and through contracts; (2) research grants to scientific institutions and to individuals; (3) training and instruction in the research and clinical aspects of cardiovascular and respiratory diseases; (4) promoting the coordination of all such research and activities and the useful application of their results; and (5) collection and dissemination of information on these diseases.

Dated: November 10, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-13686; Filed, Nov. 17, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR FHA, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Assistant Regional Administrator for FHA, Region IV, during the vacancy in the position of the Assistant Regional Administrator for FHA, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for FHA: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for FHA unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Director, Project Review Division.

2. Director, Low-Income Housing and Rent Supplement Division.

3. Deputy Director, Project Review Division.

(Secretary's delegation effective Nov. 16, 1966)

Effective date. This designation shall be effective as of February 24, 1969.

LEWIS E. WILLIAMS,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 69-13678; Filed, Nov. 17, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17007]

CHICAGO-DES MOINES NONSTOP SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on December 8, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 13, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-13687; Filed, Nov. 17, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DIRECTOR, OPERATION BREAKTHROUGH, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective October 31, 1969, that there is a manpower shortage for the single position of Director, Operation Breakthrough, Office of the Assistant Secretary for Research and Technology, Department of Housing and Urban Development, Washington, D.C. This finding will terminate when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13671; Filed, Nov. 17, 1969; 8:47 a.m.]

POST OFFICE DEPARTMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1969, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Postmaster General" to "Deputy Assistant Postmaster General—Acquisitions" in the Bureau of Facilities.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13672; Filed, Nov. 17, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18718; FCC 69-1198]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of American Telephone and Telegraph Co.: revision of American Telephone and Telegraph Co. Tariff FCC No. 133, Teletypewriter Exchange Service.

1. The Commission has before it for consideration proposed revisions to FCC Tariff No. 133, Teletypewriter Exchange Service (TWX), filed by the American Telephone and Telegraph Co. (A.T. & T.) on October 1, 1969, to become effective November 1, 1969. The revised tariff schedules establish an increase in the general level of rates for basic service, additional station equipment, and message rates for Teletypewriter Exchange Service.[1]

2. A.T. & T. contemplates increasing the message rates in TWX in the order of 10 percent by extending the tariff schedule in a progressive rate structure to 11 steps with rates ranging from $0.20 to $0.70 per minute in lieu of the existing nine-step schedule ranging from $0.20 to $0.60 per minute. The company also proposes to maintain existing rate relationships by increasing the monthly charges for both basic service and additional station equipment by amounts up to and including $5 per month. In addition to these general increases in rate level, adjustments are also being made (1) to increase the collect call additional charge from $0.15 to $0.25, which it is alleged more appropriately reflects operating costs, and (2) to establish a flat $0.50 per station additional charge on conference connections, which A.T. & T. states reflects the additional cost of operator handling, longer circuit holding time and rising switchboard costs.

3. On the basis of the foregoing information, and the information now before us, we are unable to determine that the charges, classifications, regulations, and practices contained in the revised schedules are or will be just and reasonable or otherwise lawful. Moreover, it appears that if the revised schedules are permitted to become effective on the date specified, the rights and interests of the public may be adversely affected thereby. Accordingly, we are hereby ordering an investigation into the lawfulness of such increases and suspending the effective date of these increases for the full 3-month statutory period.

4. We also note with concern that the present TWX service offering does not provide for interconnection of customer equipment in the same manner and to the same degree as is presently provided in message toll tariff FCC No. 263. For example, it appears that under the message toll tariff the customer may provide his own modulating and demodulating unit (modem) while under the TWX tariff offering this is not permitted. We believe serious questions are raised in view of the apparent limitations imposed presently in the TWX tariff as to the use of customer owned equipment and on our own motion are ordering that the lawfulness of General Regulation B 12(A) (1) and (2) be explored in this investigation.

5. Accordingly, in view of the foregoing considerations: *It is ordered*, That, pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the above-described revisions to A.T. & T.'s Tariff FCC No. 133 forwarded with Transmittal No. 10610 and filed on October 1, 1969, as enumerated in the appendix hereto,[2] including cancellations, amendments or reissues thereof and General Regulation B 12(A) (1) and (2) of A.T. & T. Tariff FCC No. 133.

6. *It is further ordered*, That, pursuant to the provisions of section 204, the operation of the tariff schedules described in the appendix is hereby suspended until February 1, 1970, and respondents shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Act, and the carriers shall file with the Commission a report on or before the 10th day of each calendar month, commencing March 10, 1970, showing the amounts accounted for as aforesaid during the previous calendar month;

7. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act, including General Regulation B 12(A) (1) and (2) of A.T. & T. Tariff FCC No. 133.

2. Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable perference, or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act, particularly General Regulation B 12(A) (1) and (2) of A.T. & T.'s Tariff FCC No. 133.

3. Whether the aforesaid tariffs conform to the requirement of section 203 of the Act and Part 61 (47 CFR Part 61) of our rules implementing that section.

4. If any of such charges, classifications, practices, and regulations are found to be unlawful, whether the Commission should prescribe charges, classifications, practices and regulations for the service governed by the tariffs, and if so, what should be prescribed.

8. *It is further ordered*, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the Examiner to be designated to preside at the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282; and

9. *It is further ordered*, That A.T. & T. and all carriers listed as concurring carriers in the above-mentioned tariff schedules are made parties respondent, and that the petitioners named in footnote 1 are granted leave to intervene by notice within 20 days from the release of this order.

Adopted: October 29, 1969.

Released: November 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13675; Filed, Nov. 17, 1969; 8:47 a.m.]

[Docket No. 18684; FCC 69-1197]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Designating Tariff Schedules for Hearing

In the matter of American Telephone and Telegraph Co.: revision of American Telephone and Telegraph Co. Tariff FCC No. 260, Series 6000 and 7000 channels (Program Transmission Series).

1. The Commission has before it for consideration proposed revisions to FCC Tariff No. 260, Series 6000, the radiobroadcasting service, filed by the American Telephone and Telegraph Co. (A.T. & T.) on September 25, 1969, to become effective November 1, 1969. The revised tariff schedules establish a new structure for radio broadcasting rates, namely, the Series 6000 service offering which it appears would effectuate substantial increases in such rates.[1]

2. A brief history of changes in regulation and rates for the Series 6000 offering is appropriate at this time. On February 1, 1968, A.T. & T. filed rate changes for the audio and video services to be effective April 1, 1968. At the request of the Chief, Common Carrier Bureau, A.T. & T. deferred the effective date of these changes until April 1, 1969. It was suggested that the period of postponement be used by interested parties for the development of a revised rate structure that would facilitate final resolution of the issues in Sports Network, Inc., Docket No. 16043 (FCC 68D-4). Subsequently, the time period required to complete pending studies necessitated a deferral of the filing date of rate structure changes until September 1, 1969. On August 29, 1969, A.T. & T. filed revised tariff schedules for FCC Tariff No. 260, Series 6000 and 7000 (television), the program transmission services to become effective October 1, 1969. However, on September 17, 1969, the Chief, Common Carrier Bureau, rejected the revised Series 6000 offering as justifications and reasons for the changes contemplated had not been submitted pursuant to Part 61 of the Commission's rules. On September 24, 1969, we suspended the effective date of the Series 7000 offering for 1 day, instituted an investigation, and issued an accounting order, in Docket No. 18684. The Series 6000 offering presently before us for consideration is a refiling of the revised tariff schedules rejected September 17, 1969.

3. The changes contemplated in the revised radio broadcasting tariffs vary substantially the type of offering presently made. In so doing it presents considerable difficulty in making a comparison between the present and the proposed offering. For example, the establishment of a clock hour rate schedule, together with a flat rate for local channels renders practically impossible a meaningful comparison of the proposed offering with the present existing tariff. However, we do observe that the newly filed station connection and interexchange channel rates may result in substantially increased charges during desirable evening, Saturday and Sunday time periods.

On the basis of the foregoing, and the information now before us, we are unable to determine that the charges, classifications, regulations, and practices contained in the revised schedules are or will be just and reasonable or otherwise lawful. By order adopted September 24, 1969, and released October 6, 1969 (FCC 69-1038), the Commission instituted an investigation and hearing, Docket No. 18684, into the lawfulness of charges by A.T. & T. for television service. We believe that sufficient questions have been raised to warrant the investigation of the radio broadcasting offering and that Docket 18684 is the appropriate vehicle for the overall investigation of the program services. Moreover, we are of the opinion that if the revised schedules are permitted to become effective on the date specified, the rights and interests of the public may be adversely affected thereby and accordingly, are suspending the revised schedules for the full statutory period and issuing an accounting order.

5. *Accordingly, It is ordered*, That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the hearing and investigation in Docket No. 18684 concerning the lawfulness of the program transmission tariff schedules of American Telephone and Telegraph Co. shall include the like revisions to A.T. & T.'s Tariff No. 260 forwarded with Transmittal No. 10596, as enumerated in Appendix B hereto,[2] including cancellations, amendments, or reissues thereof, and that the issues heretofore specified in that docket shall apply with equal force to the above-described revised tariff schedules of A.T. & T.

6. *It is further ordered*, That, pursuant to the provisions of section 204, the operation of the above-described tariff schedules is hereby suspended until February 1, 1970, and respondents shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Act, and the carriers shall file with the Commission a report on or before the 10th day of each calendar month, commencing March 10, 1970, showing the amounts accounted for as aforesaid during the previous calendar month;

7. *It is further ordered*, That the petitions for suspension or rejection are granted to the extent herein noted and otherwise denied;

8. *It is further ordered*, That A.T. & T. and all carriers listed as concurring carriers in the above-mentioned tariff schedules are made parties respondent and petitioners listed in Appendix A hereof are granted leave to intervene upon filing a notice of intention to appear and participate within 20 days of the release date of this order.

[1] We also have before us a petition for suspension and investigation filed by Data Automation Co., Inc., and Data Automation Communications, Inc.

[2] Filed as part of the original document.

[3] Commissioner Robert E. Lee absent; Commissioner Cox issuing a separate statement which is filed as part of the original document; Commissioner Johnson concurring in the result.

[1] We also have considered a large number of informal requests for suspension or rejection of these tariffs as well as formal objections listed in Appendix A.

[2] Filed as part of the original document.

Adopted: October 29, 1969.

Released: November 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

FORMAL PLEADINGS IN OPPOSITION TO SERIES 6000 TARIFFS

Mutual Broadcasting System, Inc.
Las Cruces Broadcasting Co.
Laird Broadcasting Co., Inc.
Uintah Broadcasting and TV Co.
Radio Lafayette, Inc.
Montana Broadcasters Association.
Radio Station KDXU (Julie P. Miner, Licensee).
National Association of Broadcasters.
Intermountain Network, Inc.
New Mexico Broadcasters Association.
Boulder Radio KBOL Inc.
Golden West Broadcasters.
American Broadcasting Co., Columbia Broadcasting System, and National Broadcasting Co.
Utah Broadcasters Association.
Maine Radio and Television Co.
Paul E. Taft, dba Taft Broadcasting Co.

[F.R. Doc. 69-13676; Filed, Nov. 17, 1969; 8:47 a.m.]

[Dockets Nos. 17884, 17885; FCC 69-1213]

BERWICK BROADCASTING CORP. AND P.A.L. BROADCASTERS, INC.

Memorandum Opinion and Order Modifying Issues

In regard applications of Berwick Broadcasting Corp., Berwick, Pa., Docket No. 17884, File No. BPH-5812; and P.A.L. Broadcasters, Inc., Pittston, Pa., Docket No. 17885, File No. BPH-5924; for construction permits.

1. This proceeding originally involved the applications of Berwick Broadcasting Corp. and P.A.L. Broadcasters, Inc. (hereinafter PAL), for new FM broadcast stations on Channel 276A in Berwick and Pittston, Pa., respectively. By our report and order, FCC 64-579, released June 25, 1964, 2 RR 2d 1650, we assigned Channel 276A to White Haven, Pa., in order to permit its use in Berwick and several other communities.[1] Although PAL had filed a request to assign this channel to Wilkes-Barre, Pa., we noted that Wilkes-Barre is an urbanized area, that it already had two FM and three standard broadcast stations, that this was the only Class A channel which could be assigned to this area at that time, and that none of the other proposed communities had full-time broadcast stations. For these reasons, we concluded that one of the smaller communities should be preferred for a first local FM station as against the third FM station in Wilkes-Barre and that the channel should be assigned to White Haven.

2. After these applications were designated for hearing on issues to determine, inter alia, which would better provide a fair, efficient, and equitable distribution of radio service under section 307(b) of the Communications Act, FCC 67-1289, released December 19, 1967, the Review Board added a Suburban Community issue to determine whether PAL will realistically provide a local transmission facility for Pittston or for another larger community, 12 FCC 2d 8 (1968). In support of its action, the Board pointed out that PAL proposes to place a 3.16 mV/m signal over all of the city of Wilkes-Barre (population 63,551); that Pittston (population 12,407) is within the Wilkes-Barre Urbanized Area; that PAL owns an AM station in Wilkes-Barre, the staff of which would be utilized, at least to some extent, in the operation of the FM station; that the proposed FM station would duplicate some of PAL's AM station's programing; and that the FM station's proposed transmitter site is midway between Pittston and Wilkes-Barre.[2]

3. Subsequently, the applicants entered into an agreement providing for the dismissal of the Berwick proposal and for the reimbursement of its legitimate expenses. Since the applicants had agreed that the expenses of the Berwick applicant could not be reimbursed until certain character issues against it have been resolved and since the applicants complied with the publication requirements of § 1.525(b) of the rules, the Review Board approved the applicants' joint agreement. At the same time, noting that there was no longer any proposal competing with PAL's application for a grant in this proceeding and that PAL is qualified to be a licensee, the Board held: (a) That the Suburban Community issue could be properly deleted and (b) that PAL's application should be granted, 16 FCC 2d 639 (1969). Thereafter, for reasons unrelated to the present matter, the Board stayed the effect of this action by its order, FCC 69R-110, released March 3, 1969, and finally vacated that stay by its further Order, FCC 69R-301, released July 14, 1969.

4. On August 1, 1969, the Broadcast Bureau filed an application for review of the Board's action,[3] claiming that the Board never explained why the Suburban Community issue does not relate to PAL's basic qualifications. The Bureau contends that, if PAL's proposal is in reality one for Wilkes-Barre rather than for Pittston, it should be denied, since this FM channel is assigned to White Haven, Pa., and since the channel is not available for use in Wilkes-Barre under § 73.203(b) of the rules in view of the facts that Wilkes-Barre is not an "unlisted community" and that it has several operating FM stations. Although the report and order assigning this channel to White Haven recognized that its use in this area could result in coverage of Wilkes-Barre, the Bureau asserts: (a) That the report and order refused to assign the channel to Wilkes-Barre, (b) that the report and order gives no implication that it would be appropriate to use the channel for a Wilkes-Barre station, and (c) that grant of PAL's application without resolution of the Suburban Community issue would thus undermine the FM table of assignments.

5. In addition the Bureau urges that the basic considerations underlying the 307(b) policy statement concerning standard broadcast proceedings should be applied to FM proposals. According to the Bureau, an FM applicant, just as an applicant in an AM case, may specify a small community in order to serve a larger, neighboring community. Thus, the Bureau notes, where assignments to the larger community preclude specification of that community for a channel assigned outside the central city, an applicant interested in serving that central city may specify a nearby smaller community so as to obtain a transmitter site providing a strong signal over the city. The Bureau concludes that this proceeding presents novel and important questions of law and policy which should be reviewed and that the Board's action should be reversed so that a full evidentiary hearing may be held on the Suburban Community issue.

6. In its opposition PAL initially claims that the Bureau's application for review is procedurally defective,[4] but it also asserts that it would be contrary to the public interest and inequitable to grant review in this case. PAL notes that its application was originally filed in December of 1967 and that the Review Board has found PAL qualified for a grant. PAL contends that Pittston's first local transmission service has been substantially delayed for reasons beyond PAL's control and that the Bureau's request would involve even further delay. Although the Board could have specified a disqualifying issue, PAL urges that, in view of its failure to do so, the Board must have considered PAL's showing of its ability and intention to serve Pittston to be sufficient to establish that this proposal would serve the public interest without an evidentiary hearing. PAL also argues that there is no reason to apply the principles underlying the 307(b) policy statement in FM cases, since the basic section 307(b) questions in AM cases are resolved prior to hearing by the FM allocation table. Finally, PAL concludes that its application complied with all of the applicable rules when it was filed and that it would be unfair to adopt a new policy requiring a hearing solely for a Suburban Community issue under the circumstances of this proceeding.

7. In reply, the Bureau contends that, although PAL sought to show that it will be a Pittston station, PAL did not indicate whether or not Pittston has programing needs distinct and different from those of Wilkes-Barre or whether Pittston's needs are being met by existing stations. The Bureau argues that such a showing, as contemplated by the 307(b) policy statement, is essential to the resolution of the question in this proceeding. In this connection, the Bureau urges that issues involving such complex and ambiguous facts should not be decided on the basis of a paper showing, since greater assurance of a sound result is provided when the showing can be tested by cross examination during an evidentiary hearing. The Bureau asserts that a paper showing, such as PAL has proffered here, should be accepted only where the facts are undisputed. Since many aspects of this matter remain in dispute, the Bureau concludes that a hearing is necessary to determine whether or not PAL is in reality proposing a Pittston station.

8. We agree with the Bureau that this proceeding presents a significant policy question of first impression warranting our consideration. While we recognize that the Bureau's proposed hearing would necessarily delay the institution of a new broadcast service, we are convinced that the mandate of section 307(b) requires a determination of the question raised by the Bureau on the basis of a full evidentiary record. The 307(b) policy statement was intended to discourage applicants for smaller communities who would be merely substandard stations for neighboring, larger communities. In view of the increasing demand for FM facilities, we agree with the Bureau that FM proposals can raise allocation questions similar to those noted in the 307(b) policy statement for AM cases.

9. Although PAL contends that all of the 307(b) questions concerning the fair, efficient, and equitable distribution of broadcast service have been resolved in this case by the FM allocations table, the circumstances surrounding PAL's proposal suggest that this channel may be used in a manner directly in conflict with our earlier determination that the channel should be used as a first local transmission service for a community other than Wilkes-Barre. Thus, the facts that PAL proposes to place a substantial signal over all of the city of Wilkes-Barre; that the population of Wilkes-Barre is over 50,000 persons and more than twice that of Pittston; that PAL owns an AM station in Wilkes-Barre, which would be used in conjunction with the proposed FM station; and that PAL's proposed transmitter is midway between the two communities persuade us that a serious question exists as to whether PAL realistically proposes to serve Pittston or Wilkes-Barre.[5]

10. While PAL has sought to show that it will realistically serve Pittston, the Bureau is correct that this issue can be best resolved through the hearing process in light of the substantial questions of fact remaining in dispute. We recognize that PAL's application complied with all of the appropriate rules when it was filed, but we are convinced that the integrity of our 307(b) allocations must take priority over the private interests of the applicant, where significant allegations are brought to our attention indicating that a substantial doubt exists as to whether or not the proposal would provide a realistic local transmission service for its specified station location. For these reasons, we are convinced that the Board action granting PAL's application should be set aside and that the issues should be modified to permit PAL to make a full evidentiary showing under the Suburban Community issue.

11. *Accordingly, it is ordered:*

(a) That the Application for Review filed August 1, 1969, by the Chief, Broadcast Bureau, is granted;

(b) That the memorandum opinion and order, FCC 69R-95, 16 FCC 2d 639, released by the Review Board on February 26, 1969, is set aside to the extent that it deleted the Suburban Community issue and to the extent that it granted the application of P.A.L. Broadcasters, Inc.; and

(c) That the issues in this proceeding are modified to read as follows:

To determine whether the proposal of P.A.L. Broadcasters, Inc., will realistically provide a local transmission facility for its specified station location or for another larger community.

To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the application of P.A.L. Broadcasters, Inc., for a construction permit should be granted.

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[1] Commissioner Robert E. Lee absent; Commissioner Johnson concurring in the result.

[2] Both of the present applications were filed in 1967 when § 73.203(b) of the rules provided that a channel would be available for use in any unlisted community located within 25 miles of the listed community.

[3] Although the Policy Statement on 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190 (1965), does not specifically apply to FM proceedings, we agree with the Board that the public interest considerations underlying the policy statement are applicable and that an evidentiary inquiry was appropriate under the circumstances of this proceeding. See E.S.H. Company, Inc., FCC 69-231, released Mar. 20, 1969.

[4] In addition, PAL filed an opposition to the Bureau's application for review on Aug. 18, 1969, and the Bureau filed a reply to that opposition on Aug. 28, 1969.

[5] PAL contends that the Bureau's pleading was not filed within 30 days of the Board's action enlarging the issues as required by § 1.115(d) of the rules and that the Board was never afforded an opportunity to pass upon the Bureau's present contentions as required by § 1.115(c) of the rules. However, we agree with the Bureau that there is no procedural impediment to its application for review. Section 1.115(e)(2) clearly indicates that applications for review of interlocutory matters, such as the Board's action enlarging the issues in this case, may be delayed until final action has been taken. Since the Bureau has complied with the restrictions for review of the Board's action granting PAL's application, and since we also agree that the Bureau's present contentions were adequately raised before the Board, both in the pleadings concerning the enlargement of the issues and in the pleadings relating to the applicants' dismissal agreement, we are convinced that the merits of the Bureau's application for review should be considered.

[6] Cf., our actions at 11 FCC 2d 941 (1968) and FCC 69-837, released Aug. 1, 1969, 16 RR 2d 1654, where we refused to assign channels to smaller communities because of the likelihood that they would be used to serve larger, neighboring communities. Although we were aware in allocating this channel that it could be used in a community near enough to place a signal over Wilkes-Barre, we specifically held that the channel should be used in a community other than Wilkes-Barre and we had no intention that the facility would be used as a Wilkes-Barre station.

Adopted: November 7, 1969.

Released: November 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13677; Filed, Nov. 17, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-267 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 9, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 26, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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[6] Chairman Burch abstaining from voting; Commissioner Johnson concurring in the result; Commissioner Wells not participating.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-267..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	253	3	Cities Service Gas Co. (Northwest Quinlan Field, Woodward County, Okla.) (Panhandle Area).	$72	9-15-69	[2] 10-16-69	3-16-70	[3] [9] 17.0	[3] [4] [8] [9] 18.0	RI65-151.
	do	283	6	Cities Service Gas Co. (Seward County, Kansas and Texas County, Okla.) (Panhandle Area).	1,590	9-15-69	[2] 10-16-69	3-16-70	[3] 16.0	[3] [4] [8] 17.0	
	do	361	5	Michigan Wisconsin Pipe Line Co. (Woodward Area, Major County, Okla.) (Oklahoma "Other" Area).	6,810	9-15-69	[2] 10-16-69	3-16-70	[3] 15.46	[4] [7] [8] 18.46	
RI70-268..	Gulf Oil Corp. (Operator) et al.	280	3	Cities Service Gas Co. (Northwest Lovedale Field, Harper County, Okla.) (Oklahoma "Other" Area).	340	9-15-69	[2] 10-16-69	3-16-70	[3] 17.0	[3] [4] [8] 18.0	
RI70-269..	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	28	4	Cities Service Gas Co. (Yellowstone Field, Woods County, Okla.) (Oklahoma "Other" Area).	7,500	9-17-69	[2] 10-19-69	3-19-70	[3] 14.0	[3] [4] [8] 15.0	RI65-154.
RI70-270..	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	5	13	Tennessee Gas Pipeline Co. (Logansport Field, De Soto Parish, La.) (North Louisiana Area).	17,357	9-16-69	[2] 11-1-69	4-1-70	[3] 15.75	[3] [5] [9] 16.79407	
RI70-271..	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	165	3	Kansas-Nebraska Natural Gas Co., Inc. (Northeast Boyd Field, Beaver County, Okla.) (Panhandle Area).	655	9-18-69	[2] 11-1-69	4-1-70	[3] [10] 17.01	[3] [4] [8] [10] 18.01	RI68-116.
RI70-272..	Wessely Petroleum, Ltd., 2002 Republic National Bank Bldg., Dallas, Tex. 75201.	2	2	Northern Natural Gas Co. (West Sharon Field, Woodward County, Okla.) (Panhandle Area).	1,042	9-15-69	[11] 10-16-69	3-16-70	[12] [13] 19.686	[3] [8] [13] [23] 20.844	
RI70-273..	Thomas N. Berry & Co. (Operator) et al., Post Office Box 111, Stillwater, Okla. 74074.	9	2	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	298	9-15-69	[2] 10-16-69	3-16-70	[13] [14] 17.440	[3] [4] [12] [14] 18.545	
RI70-274..	Earl F. Wakefield, 300 West Douglas, Suite 500, Wichita, Kans. 67202.	1	215	do	1,911	9-15-69	[11] 10-16-69	3-16-69	[12] [17] 16.620	[4] [13] [16] [17] 18.836	
RI70-275..	Sun Oil Co., Post Office Box 3363, Tulsa, Okla. 74101.	237	2	Lone Star Gas Co. (Southeast Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	70	9-19-69	[2] 10-20-69	3-20-70	15.01	[3] [4] 16.01	RI68-304
RI70-276..	Sun Oil Co. (Operator) et al.	172	5	Panhandle Eastern Pipe Line Co. (Northwest Avard Pool, Woods County, Okla.) (Oklahoma "Other" Area).	3,316	9-19-69	[2] 10-20-69	3-20-70	[20] 15.54	[4] [19] [20] 18.555	
RI70-277..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	370	4	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	146	9-12-69	[2] 10-13-69	3-13-70	13.0	[3] [9] 14.0	
RI70-278..	Signal Oil & Gas Co., 1010 Wilshire Blvd. Los Angeles, Calif. 90017.	19	2	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	11,149	9-10-69	[11] 10-11-69	3-11-70	[22] 15.5	[4] [21] 21.0	
RI70-279..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	237	5	Transcontinental Gas Pipe Line Corp. (San Miguel Creek Field, McMullen County, Tex.) (RR. District No. 1).	6,081	9-12-69	[2] 10-23-69	3-23-70	15.2025	[3] [4] 16.2160	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Includes a 1-cent gathering, dehydration and delivery charge paid by buyer to seller.
[6] "Fractured" rate increase. Filing from initial certificated rate. Respondent contractly due 22 cents per Mcf.
[7] Includes 0.46-cent upward B.t.u. adjustment (1,046 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[8] Pressure base is 15.025 p.s.i.a.
[9] Subject to a 2-cent deduction for compression.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and 18 cents plus upward B.t.u. adjustment after increase (1,158 B.t.u. gas).
[13] Includes base rate of 16 cents plus upward B.t.u. adjustment before increase and 17 cents plus upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase (1,090 B.t.u. gas).
[14] Applicable to Maple Barby Unit No. 1 and Wakefield-Texas-Maple Unit No. 1.
[15] Renegotiated rate increase.
[16] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 17 cents plus upward B.t.u. adjustment after increase (1,108 B.t.u. gas).
[17] Filing from initial certificated rate to first periodic increase plus tax reimbursement.
[18] Includes 0.015-cent tax reimbursement.
[19] Includes 0.54-cent upward B.t.u. adjustment (1,054 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[20] Increase from applicable area ceiling rate to contract rate.
[21] Plus State and local production taxes and minus treating costs. Respondent has not filed a quality statement.

Wessely Petroleum, Ltd., requests that its proposed rate increase be permitted to become effective as of October 1, 1969. Earl F. Wakefield requests a retroactive effective date of May 31, 1967, for his proposed rate increase. Signal Oil & Gas Co. requests waiver of the statutory notice to permit an effective date of September 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Signal Oil & Gas Co. in the Permian Basin Area which exceeds the just and reasonable rate established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-13556; Filed, Nov. 17, 1969; 8:45 a.m.]

[Docket No. RI70-414 etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 7, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceeedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 24, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-414..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	215	20	El Paso Natural Gas Co. (Tip Top Field, Sublette County, Wyo.).	$242,740	10-16-69	[2] 11-16-69	4-16-70	[3] 15.0	[3] [4] 17.0	
	do	352	5	Mountain Fuel Supply Co. (Hogsback Field, Sublette County, Wyo.).	1,237	[1] 10-16-69	[2] 11-16-69	4-16-70	[3] 15.0	[4] [5] 17.065	
	do	367	9	El Paso Natural Gas Co. (Hogsback Field, Sublette County, Wyo.).	1,730	10-16-69	[2] 11-16-69	4-16-70	[3] 15.0	[4] [10] 17.17586	
	do	371	6	El Paso Natural Gas Co. (Tip Top Field, Sublette County, Wyo.).	2,775	10-16-69	[2] 11-16-69	4-16-70	[3] 15.0	[3] [4] 17.0	
	do	428	3	Texas Gas Transmission Corp. (Calhoun Field, Ouachita Parish, La.) (North Louisiana Area).	1,399	10-13-69	[2] 11-13-69	4-13-70	[11] 18.25	[3] [4] [12] 19.6	
	do	429	4	United Gas Pipe Line Co. (Calhoun Field, Ouachita Parish, La.) (North Louisiana).	403	10-13-69	[2] 11-13-69	4-13-70	18.75	[3] [4] 19.6	
RI70-415..	Mobil Oil Corp. (Operator) et al.	217	19	El Paso Natural Gas Co. (Hogsback Area, Lincoln and Sublette Counties Wyo.).	157,420	10-16-69	[2] 11-16-69	4-16-70	[3] 15.0	[3] [4] 17.0	
RI70-416..	Shell Oil Co. (Operator), 50 West 50th St., New York, N.Y. 10020.	283	11	Northern Natural Gas Co. (Tippett Field, Crockett County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	2,746	10-13-69	[2] 12-1-69	5-1-70	15.47	[13] [15] 15.6315	
RI70-417..	Murchison Trusts (Operator) et al., 2280 First National Bank Bldg., Dallas, Tex. 75202.	1	4	El Paso Natural Gas Co. (Blanco and Ignacio Fields, La Plata County, Colo.).	5,050	10-16-69	[14] 11-16-69	4-16-70	[13] [15] 13.0	[4] [15] 14.0	R164-577.
					[17]				[15] 14.0	[4] [15] 15.0	R164-577.
RI70-418..	P. G. Lake, Inc., Post Office Box 179, Tyler, Tex. 75701.	7	2	Cities Service Gas Co. (Northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	600	10-13-69	[2] 1-1-70	6-1-70	[14] [15] 14.0	[4] [14] [15] 15.0	RI65-354.
RI70-419..	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	110	8	Panhandle Eastern Pipe Line Co. (Keyes Field, Cimarron County, Okla.) (Panhandle Area).	368	10-13-69	[2] 1-1-70	6-1-70	[20] 17.01	[4] [13] [20] 18.01	RI68-444.
	do	134	10	Cities Service Gas Co. (Eureka Field, Grant and Alfalfa Counties, Okla.) (Oklahoma "Other" Area).	2,407	10-13-69	[2] 1-1-70	6-1-70	[14] 14.0	[4] [14] [15] 15.0	RI68-405.
RI70-420..	Skelly Oil Co., Post Office Box 1650. Tulsa, Okla. 74102.	199	2	Northern Natural Gas Co. (Cunningham Area, Lipscomb County, Tex.) (R.R. District No. 10) and Beaver County, Okla. (Panhandle Area).	4,248	10-15-69	[2] 12-1-69	5-1-70	[14] 17.0	[4] [14] [15] 18.0	
	do	202	1	Panhandle Eastern Pipe Line Co. (Arkalon Field, Seward County, Kans.).	24	10-15-69	[2] 1-1-70	6-1-70	16.0	[4] [15] 17.0	
RI70-421..	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	5	[22] 2	Panhandle Eastern Pipe Line Co. (Greenwood Field, Morton County, Kans.).		10-14-69	[16] 11-14-69	(Accepted)			
		5	3		407	10-14-69	[2] 1-1-70	6-1-70	14.15	[13] [23] 14.9	RI60-471.
	do	6	[22] 2	do		10-14-69	[16] 11-14-69	(Accepted)			
		6	3	do	184	10-14-69	[2] 1-1-70	6-1-70	14.15	[13] [23] 14.9	RI60-471.
RI70-422..	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans.	31	7	Northern Natural Gas Co. (Como and Mocane Fields, Beaver County, Okla.) (Panhandle Area).	2,079	10-13-69	[16] 11-13-69	4-13-70	[11] 17.0	[4] [11] [15] 18.015	

[1] The stated effective date is the effective date requested by Respondent.
[2] "Fractured" rate increase.
[3] Pressure base is 15.025 p.s.i.a.
[4] Includes all applicable tax reimbursement.
[5] Initial rate and settlement rate.
[6] Correction filed Oct. 20, 1969.
[7] Periodic rate increase.
[8] Initial rate.
[9] 1 cent per Mcf periodic increase plus 1.048 cents per Mcf adjustment for increase in Department of Labor Index of wholesale prices and tax reimbursement.
[10] Subject to a downward B.t.u. adjustment.
[11] Increase from applicable area ceiling rate to contract rate.
[12] Pressure base is 14.65 p.s.i.a.
[13] The stated effective date is the first day after expiration of the statutory notice.
[14] For wells connected to the 500 p.s.i.g. gathering system.
[15] Previously reported as 14 cents inclusive of the 1-cent minimum guarantee for liquids.
[16] No gas being delivered into 650 p.s.i.g. gathering system at present time.
[17] For wells connected to the 650 p.s.i.g. gathering system.
[18] Buyer deducts 0.75 cent from rate shown for dehydration.
[19] Subject to upward and downward B.t.u. adjustment.
[20] Contract amendment dated Sept. 29, 1969, which provides for increased rate.
[21] Renegotiated rate increase.

Murchison Trust (Operator) et al. (Murchison), request a retroactive effective date of January 1, 1969, for their proposed rate increases. Petroleum, Inc. (Operator) et al. (Petroleum), request an effective date of November 1, 1969, for their rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Murchison and Petroleum's rate filings and such requests are denied.

The basic contract related to the proposed rate increases filed by Murchison contains a provision for a 1 cent per Mcf minimum guarantee for liquids which has been excluded from the proposed increased rates. Murchison is advised that a notice of change in rate will be required if they intend to collect the 1 cent per Mcf minimum guarantee for liquids in the future.

Concurrently with the filing of his rate increases, Edwin L. Cox (Cox) submitted two contract agreements dated September 29, 1969, designated as Supplement No. 2 to Cox's FPC Gas Rate Schedule Nos. 5 and 6, respectively, which provide the basis for Cox's proposed rate increases. We believe that it would be in the public interest to accept for filing Cox's contract agreements to become effective as of November 14, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as ordered herein.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR § 2.56) with the exception of the rate increase filed by Shell Oil Co. (Operator) in the Permian Basin Area which exceeds the just and reasonable rate established by the Commission in Opinion No. 468, as amended, and should be suspended for five months as ordered herein.

[F.R. Doc. 69–13575; Filed, Nov. 17, 1969; 8:45 a.m.]

[Docket No. RI70–441 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 7, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 24, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration date of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–441	Sun Oil Co.	32	19	Texas Eastern Transmission Corp.			[3] 10–1–69	10–2–69	14.6	[4] [5] 14.6617	
	do	88	11	do			[3] 10–1–69	10–2–69	14.1	[4] [5] 14.1617	
	do	164	1	Natural Gas Pipeline Co. of America			[3] 10–1–69	10–2–69	16.0	[4] [5] 16.06	
	do	190	1	Valley Gas Transmission, Inc.			[3] 10–1–69	10–2–69	14.0	[4] [5] 14.0525	
RI70–442	Pan American Petroleum Corp. (Operator) et al.	504	1	Texas Eastern Transmission Corp.			[3] 10–1–69	10–2–69	16.0	[4] [5] 16.07	
RI70–443	George H. Coates	8	2	South Texas Natural Gas Gathering Co.			[3] 10–1–69	10–2–69	16.0	[4] [5] 16.06	
	do	5	3	do			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.0563	
	do	6	3	do			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.0563	
	do	7	1	do			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.0563	
RI70–444	American Petrofina Co. of Texas.	27	2	do			[3] 10–1–69	10–2–69	14.0	[4] [5] 14.052	
	do	37	3	Valley Gas Transmission, Inc.			[3] 10–1–69	10–2–69	14.0	[4] [5] 14.053	
RI70–445	American Petrofina Co. of Texas (Operator) et al.	29	2	Coastal States Gas Producing Co.[6]			[3] 10–1–69	10–2–69	13.24897	[4] [5] 13.2971787	
	do	52	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.05625	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–446	Sun Oil Co., DX Division	208	7	Tennessee Gas Pipeline Co., etc.			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.05625	
	do	37	9	do			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.05625	
	do	1	9	do			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.05625	
RI70–447	Texaco, Inc.	55	[7] 12	do			[3] 10–1–69	10–2–69	16.0	[4] [5] 16.06	
RI70–448	Carrl Oil (Operator) et al.	8	1	Texas Eastern Transmission Corp.			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.0613375	
RI70–449	Phillips Petroleum Co.	417	11	Florida Gas Transmission Co.			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.0656	
RI70–450	Sun Oil Co., DX Division (Operator) et al.	5	17	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.05625	
RI70–451	Cra, Inc. (Operator) et al.	12	4	Texas Gas Pipeline Corp.			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.0563	
RI70–452	George H. Coates et al.	2	6	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.0563	
RI70–453	George H. Coates (Operator) et al.	4	3	South Texas Natural Gas Gathering Co.			[3] 10–1–69	10–2–69	15.0	[4] [5] 15.0563	

[3] Waiver of notice being granted pursuant to the Commission's Order No. 390 issued Oct. 10, 1969.
[4] Tax reimbursement increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Resells gas to South Texas Natural Gas Gathering Co. at an initial rate of 15 cents per Mcf. (Rate Schedule No. 27.)
[7] Pertains to acreage added by Supplement No. 10. Temporary certificate issued at 16 cents on Aug. 29, 1969, in Docket No. G–4820 and contains Condition (2) provision.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61–1, as amended.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

The sale related to Texaco, Inc.'s (Texaco), rate increase is presently being made pursuant to a temporary certificate issued on August 29, 1969, in Docket No. G–4280 which contains a Condition (2) provision prohibiting changes in the rate specified in the temporary certificate until changed by further Commission order in the related certificate proceeding. We conclude that Condition (2) of the temporary certificate issued in Docket No. G–4280 should be waived to permit the tax increase filed by Texaco. Condition (2) in Texaco's temporary certificate is waived.

[F.R. Doc. 69–13576; Filed, Nov. 17, 1969; 8:45 a.m.]

[Docket No. RI70–423 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 7, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[8]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 24, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[8] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-423	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	[1] 229	3	Cities Service Gas Co. (Northeast Wanoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	$11	10-13-69	[4] 1-1-70	[4] 1-2-70	[5] 14.0	[6] [7] 15.0	RI68-454.
RI70-424	Sun Oil Co., DX Division (Operator).	[1] 272	1	Cities Service Gas Co. (Southeast Wakita and West Hawley Fields, Grant County, Okla.) (Oklahoma "Other" Area).	16,591	10-13-69	[4] 1-1-70	[4] 1-2-70	[5] 14.0	[6] [7] 15.0	
RI70-425	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	[1] 207	1	Cities Service Gas Co. (Palmer Field, Barber County, Kans.).	143	10-15-69	[4] 12-23-69	[4] 12-24-69	[5] 14.0	[6] [7] 15.0	
	Skelly Oil Co.	[1] 213	1	Cities Service Gas Co. (Northwest Boggs Mississippi Field, Barber County, Kans.).	1,693	10-15-69	[4] 12-23-69	[4] 12-24-69	[5] 14.0	[6] [7] 15.0	
	....do	[1] 223	1	Cities Service Gas Co. (Aetna Field, Barber County, Kans.).	3,221	10-15-69	[4] 12-23-69	[4] 12-24-69	[5] 14.0	[6] [7] 15.0	

[1] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1 and the proposed rate does not exceed the initial rate ceiling.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.

The basic contracts related to the proposed rate increases filed by Sun Oil Co.—DX Division, Sun Oil Co.—DX Division (Operator) (both referred to herein as Sun) and Skelly Oil Co. (Skelly) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Sun and Skelly's proposed rate filings should be suspended for 1 day from January 1, 1970 (Sun) and December 23, 1969 (Skelly), the proposed effective dates.

[F.R. Doc. 69-13577; Filed, Nov. 17, 1969; 8:45 a.m.]

[Docket No. G-5991, etc.]

TEXAS PACIFIC OIL CO., INC., ET AL.

Order Amending Orders

OCTOBER 22, 1969.

Order amending orders issuing certificates of public convenience and necessity, substituting applicants and respondents, redesignating proceedings, accepting agreement and undertaking for filing, accepting notices of succession for filing, and redesignating FPC gas rate schedules.

On July 22, 1969, Texas Pacific Oil Co., Inc. (petitioner), filed a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co., by substituting petitioner as certificate holder, all as more fully set forth in the petition to amend and in the appendix hereto.

Petitioner acquired effective May 1, 1969, all assets of Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co., and proposes to continue to sell natural gas pursuant to the latter's FPC gas rate schedules on file with the Commission. Petitioner has filed notices of succession to its predecessor's FPC gas rate schedules. Petitioner has filed a motion to be substituted in lieu of its predecessor as respondent in the latter's rate proceedings, together with an agreement and undertaking in said proceedings to assure the refund of all amounts collected by its predecessor and itself in excess of the amounts determined to be just and reasonable in said proceedings.

The Commission's staff has reviewed the petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the petition to amend has been filed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that petitioner should be substituted in lieu of Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co., as certificate holder, applicant, and respondent; that petitioner's notices of succession and agreement and undertaking should be accepted for filing; and that the related FPC gas rate schedules should be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co., in the dockets listed in the appendix hereto are amended by substituting petitioner as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Petitioner is substituted in lieu of Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co., as applicant and respondent in the pending certificate and rate proceedings listed in the appendix hereto and the proceedings are redesignated accordingly.

(C) The agreement and undertaking submitted by petitioner is accepted for filing. Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings filed by petitioner shall remain in full force and effect until discharged by the Commission.

(D) The notices of succession to the FPC gas rate schedules of Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Company, are accepted for filing to be effective as of May 1, 1969; and said rate schedules are redesignated as those of petitioner and shall retain the same numerical designations as set forth in the appendix hereto.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX

TEXAS PACIFIC OIL CO., INC. (SUCCESSOR TO JOSEPH E. SEAGRAM & SONS, INC., DOING BUSINESS AS TEXAS PACIFIC OIL CO.)

Certificate docket No.	FPC gas rate schedule No.	Rate suspension docket No.
G-11503	2	
G-12398	3	RI64-449 and RI65-407.
CI60-506	5	
CI61-1412	6	
CI61-1412	7	RI62-50.
CI61-1412	8	
CI62-1251	[1] 10	RI68-659 and RI69-36.
G-5991	11	RI61-357, RI65-87, and RI69-598.
G-5991	12	RI69-434.
G-5991	13	RI61-357, RI63-435, RI65-87, and RI69-598.
G-5991	14	RI61-357, RI63-439, and RI65-87.
G-9261	15	RI61-357 and RI65-87.
G-10155	16	RI62-50.
G-10257	17	RI61-357, RI63-435, RI65-87, and RI69-598.
G-12188	18	
G-14335	[1] 19	RI63-182 and RI69-599.
G-14407	20	RI61-357, RI61-358, RI65-87, and RI69-585.
G-14849	21	RI69-434.
G-14848 and G-18637.	22	RI63-439, RI64-477, and RI69-434.
G-15296	23	RI63-435, RI64-477, and RI69-434.
G-16911	24	RI68-681.
G-17385, G-18659, and G-19959.	25	RI69-434.
G-18507	[1] 26	
G-18549	[1] 27	RI64-582.
G-18303	[1] 28	RI61-358, RI63-434, RI65-88, and RI69-586.
G-18449	29	RI61-544.
G-19545	31	RI63-183.
CI60-278	[1] 32	RI63-182.
CI60-774	33	RI63-183 and RI68-331.
CI60-780	34	RI63-183 and RI68-331.
CI61-1044	35	RI63-179 and RI68-331.
CI61-1079	[1] 36	RI63-180 and RI68-331.
CI61-1425	37	RI61-544, RI65-87, and RI69-585.

See footnotes at end of table.

APPENDIX—Continued

Certificate docket No.	FPC gas rate schedule No.	Rate suspension docket No.
CI61-1425	38	RI60-442, RI63-435, and RI65-87.
CI61-1425	[1] 39	
CI61-1425	[1] 40	RI63-434, RI65-88, and RI69-586.
CI61-1425	41	RI63-114, RI63-435, and RI65-87.
CI61-1425	[1] 42	RI63-434, RI65-88, and RI69-586.
CI61-1425	[1] 43	RI63-434, RI65-88, and RI69-586.
CI61-1425	[1] 44	RI63-434, RI65-88, and RI69-586.
CI61-1425	[1] 45	
CI61-1425	[1] 46	
CI61-1425	47	
CI61-1425	48	
CI61-1429	49	
CI61-1429	[1] 50	RI60-118 and RI65-88.
CI61-1429	[1] 51	
CI61-1429	[1] 52	
CI61-1429	53	
CI61-1429	54	
CI61-1429	55	
CI61-1429	56	RI63-435, RI65-87, and RI69-585.
CI61-1429	57	RI63-435, RI65-87, and RI69-585.
CI61-1429	[1] 58	RI60-455, RI63-175, RI63-434, RI65-88, and RI69-586.
CI61-1429	[1] 59	RI63-434, RI65-88, and RI69-586.
CI61-1429	[1] 60	RI63-443.
CI61-1429	[1] 61	
CI61-1682	62	
CI61-1649	[1] 63	RI63-180 and RI68-331.
CI62-3	[1] 64	
CI62-438 [2]	65	
CI62-742	[1] 66	RI69-636.
CI61-996	67	
CI62-852	[1] 68	RI68-650.
CI62-1234	69	RI65-100.
CI62-1237	[1] 70	
CI62-1344	71	
CI63-469	72	
CI63-1351	75	
CI63-1573	76	RI65-100.
CI64-302	77	RI65-100.
CI64-1547	79	
CI64-1554	80	
CI65-223	81	RI69-434.
CI65-490	82	
CI65-1196	83	
CI65-536	84	
CI66-103	85	
CI66-129	86	RI69-434.
CI66-1215	88	
CI67-202	89	
CI67-822	90	RI69-434.
CI68-589	91	RI69-43.
CI68-800 [3]	[1] 92	
CI68-1280	93	
CI69-458	94	

[1] (Operator) et al.
[2] Temporary certificate.

[F.R. Doc. 69-13578; Filed, Nov. 17, 1969; 8:45 a.m.]

[Docket No. RP70-15]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Motion and Alternative Proposed Changes in Rates and Charges

NOVEMBER 17, 1969.

Take notice that on November 10, 1969, Natural Gas Pipeline Company of America (Natural) tendered for filing a motion by which it seeks Commission approval of a specific method of "tracking" supplier rate changes. In the event that the Commission does not approve the "tracking" rate change procedure, Natural has tendered an alternative thereto in the form of proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 to become effective December 10, 1969.

Natural states it is seeking approval of its "tracking" method in order to avoid the necessity of a rate change filing to reflect supplier increases not included in RP69-36 which at the present time total $4,230,493.

Natural states that in general the proposed method of computation, as more fully set out in their motion, provides that Natural can file from time to time during a period ending December 1, 1970, revised tariff sheets increasing or decreasing all rates and charges under its then effective CD-1, CD-2, PL-1, G-1, G-2, I-1 and WS Rate Schedules to reflect the full amount of Natural's pipeline supplier rate changes, and a net aggregate increase of 0.5 cents per Mcf from its other suppliers. No change in rates would be made until the net aggregate of increases and decreases in the supplier rates involved would produce an increase or decrease in Natural's Rate Schedule CD-1 commodity charge of at least 0.02 cent per Mcf (and commensurate changes in Natural's other rates and charges, which are calculated on the basis of the CD-1 charges). Revised tariff sheets submitted in accordance with the proposed method would become effective 30 days after filing.

Natural states the rate changes proposed in the revised tariff sheets, filed herein as an alternative to Commission approval of Natural's proposed method of "tracking," are to reflect increases in supplier rates over those encompassed by Natural's rate proceeding Docket No. RP69-36 now pending before this Commission, and that barring Commission approval of the proposed "tracking" method the filing is necessary to protect Natural against known supplier increases.

Copies of the filing were served on all parties of record in Docket No. RP69-36.

Any person desiring to be heard or to make any protest with reference to this filing should on or before December 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The motion is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13726; Filed, Nov. 17, 1969; 9:05 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

ALABAMA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on November 7, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Alabama, adversely affected by Hurricane Camille beginning on or about August 17, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Alabama.

I do hereby determine the following areas of the State of Alabama to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 7, 1969:

The Counties of:
Baldwin. Mobile.

Dated: November 12, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-13652; Filed, Nov. 17, 1969; 8:45 a.m.]

VIRGINIA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Virginia, dated August 27, 1969, and published September 5, 1969 (34 F.R. 14116), and amended September 25, 1969, and published October 2, 1969 (34 F.R. 15398), is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 23, 1969:

Campbell.

Dated: November 12, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-13653; Filed, Nov. 17, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 812-2639]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Notice of Filing of Application for Order Exempting Proposed Purchase of Shares of Investment Company

NOVEMBER 10, 1969.

Notice is hereby given that American Research and Development Corp. ("applicant"), 200 Berkeley Street, Boston, Mass. 02110, a Massachusetts corporation

which is registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 12(e) of the Act to the extent noted below the proposed purchase by applicant of a maximum of 50,000 shares of capital stock of Canadian Enterprise Development Corp. Ltd. ("CED"), a Canadian investment company, at a price of $10 a share. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Applicant, which registered under the Act in 1946, is engaged in furnishing capital to or purchasing securities of companies engaged in the development of new enterprises, products or processes. CED is engaged in the business of investing in and furnishing capital to Canadian companies engaged in substantially the same type of activities as those engaged in by the companies in which applicant invests.

At September 30, 1969, CED had outstanding 555,000 shares of a single class of capital stock, of which applicant owned 50,000 shares, or approximately 9 percent of the total capital stock of CED outstanding. Applicant is the only United States stockholder. The shares of CED capital stock owned by applicant were acquired by applicant in 1962 at a cost of $464,305. The application states that at the time of the organization of CED in 1962, CED had 40 stockholders of record none of whom owned as much as 10 percent of the capital stock of CED outstanding, and that at such time CED was entitled to the exception from the definition of an investment company afforded by section 3(c)(1) of the Act. This section excepts from the definition of an investment company any issuer which is not making and does not propose to make a public offering of its securities and whose outstanding securities are beneficially owned by not more than 100 persons and further provides that beneficial ownership by a company shall be deemed beneficial ownership by one person, except that if such company owns 10 percent or more of the outstanding voting securities of the issuers the beneficial ownership of the issuer shall be deemed to be the holders of such company's outstanding securities.

The application states that within the past two years Sun Life Assurance Company of Canada, a mutual insurance company increased its holdings of CED common stock; that as a result such company now owns of record and beneficially 10.8 percent of the capital stock of CED; that, consequently, CED is no longer entitled to the exception from the definition of an investment company afforded by section 3(c)(1) of the Act; and that CED is an investment company under the Act.

In addition to its present holdings of CED stock and the additional shares of such stock it now proposes to acquire, applicant owns about 7 percent of the voting securities outstanding of European Enterprises Development Company ("EED"), which is a European venture capital investment company with objectives and policies similar to those of applicant.[1]

By notice dated October 8, 1969, CED made an offer to its shareholders to subscribe for additional shares on the basis of one new share for each outstanding share ARD anticipates exercising its rights to acquire a maximum of 50,000 shares at a cost of $10 per share but will reduce the number of shares which it purchases so that it will not own 10 percent or more of the outstanding capital stock of CED.

Section 12(d)(1) of the Act, as here pertinent, prohibits the acquisition by a registered investment of more than 5 percent of the total voting stock outstanding of any other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries, or more than 3 percent of such stock, if the policy is not so to concentrate.

Section 12(e) of the Act provides, among other things, that notwithstanding the provisions of section 12(d)(1), a registered investment company may utilize up to 5 percent of the value of its assets to purchase or otherwise acquire any securities issued by any one investment company engaged in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence and reorganizing companies or similar activities, provided, among other things, the securities issued by such other investment company consist solely of one class of common stock and shall have originally issued or sold for investment to registered investment companies only. Unless an exemptive order from section 12(e) is issued, applicant will be prohibited from consummating the proposed purchase of shares of CED, an investment company since (1) following its consummation of the proposed acquisition of additional shares of CED, applicant will have acquired stock of two investment companies (CED and EED) and, (2) registered investment companies were not the only purchasers of the CED shares now outstanding, nor will registered investment companies be the only purchasers of the additional CED shares to be issued. Applicant requests an exemption from section 12(e) to permit the proposed acquisition of CED stock.

Section 6(c) of the Act authorizes the Commission upon application to exempt any transaction from any provisions of the Act or any rule thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed acquisition is not inconsistent with the purposes of sections 12(d)(1) and 12(e) because (1) it will not result in the duplication of investment advisory fees since neither applicant nor CED have contracted to pay such fees to any other person; (2) control of CED will not be unduly or inequitably concentrated in applicant since applicant will not own more than 10 percent of the outstanding stock of CED (which has 40 stockholders of record) while Sun Life Assurance Company owns about 10.8 percent of the stock of CED outstanding; and (3) such proposal will not create undue complexities in the structure of portfolio companies. In the latter connection, the application shows that applicant's valuation of its investment in CED and EED at December 31, 1968, as adjusted to reflect the additional proposed maximum investment of $500,000 in CED stock, is equal to about .3 percent of the net assets of applicant at such date.

Notice is further given that any interested person may, not later than November 25, 1969 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13654; Filed, Nov. 17, 1969; 8:45 a.m.]

[1] By order dated Dec. 12, 1963, the Commission granted an exemption to permit applicant to purchase such interest in EED (Investment Company Act Release No. 3857, Dec. 12, 1963).

[File No. 24B-1595]

DESIGN INTERNATIONAL CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 12, 1969.

I. Design International Corp. ("DIC"), 132 Boylston Street, Boston, Mass., a Massachusetts corporation located at 132 Boylston Street, Boston, Mass., filed with the Commission on May 28, 1969, a notification on Form 1-A and an offering circular relating to a proposed public offering of 33,333 shares of its 10 cents par value common stock at $9 per share (to be sold in minimum units of 100 shares) with net proceeds to the issuer of $275,997.24 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 ("Securities Act"), as amended, pursuant to the provisions of section 3(b) thereof and regulation A, promulgated thereunder. The proposed offering is to be underwritten on a "best efforts" basis by Daniel Breslin and Associates (the "underwriter"), Needham, Mass.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The Issuer (DIC) violated Rule 255 of the regulation by offering its securities prior to filing a notification on Form 1-A, and for which no registration statement was on file.

2. The Issuer through its agent, the underwriter, sold the securities which were the subject of the said notification and accepted payment therefor, prior to the time in which such securities could legally be offered for sale.

3. The Issuer offered securities and accepted payment for such securities through its agent, the underwriter, without first having given to the persons to whom the securities were sold an offering circular containing the information specified in Schedule 1 of Form 1-A, in violation of Rule 256(a)(2).

4. The Issuer through its agent, the underwriter, advertised for sale the securities which were the subject of the said notification without having first filed such advertising material with the Commission, in violation of Rule 258.

5. It appears that the issuer had no knowledge of the actions of its underwriter as alleged above, prior to the time such matters were brought to its attention by the staff, and that it has no culpability with respect to such matters.

B. The offering, as made, was in violation of the registration provisions of section 5 and the antifraud provisions of section 17 of the Securities Act of 1933, as amended, and would continue to be in violation of sections 5 and 17 of the Securities Act of 1933, as amended, if the offers of sale would continue to be made.

C. The Form 1-A Notification and the offering circular do not disclose that the sales are and were made in violation of the Securities Act of 1933, as amended, nor does the offering circular show a contingent liability for such sales, and any sales made with said offering circular not making such disclosure would be in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 252(f), that this order shall not serve to operate as a bar to the use of the Regulation A exemption by this issuer should the exemption otherwise be available.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13655; Filed, Nov. 17, 1969; 8:45 a.m.]

[812-2543]

NPG GROWTH FUND, INC.

Notice of Application for Order of Exemption

NOVEMBER 10, 1969.

Notice is hereby given that NPG Growth Fund, Inc. ("applicant"), 1200 Stewart Avenue, Garden City, N.Y. 11530, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("the Act"), has applied pursuant to section 6(c) of the Act for an order exempting applicant from Rule 22c-1 of the rules and regulations under the Act to the extent that said rule requires that shares of applicant be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant presently computes net asset value twice a month, as of the close of business on the 5th and 20th day, and offers its shares for sale at the net asset value next computed following receipt of a subscription order. Applicant proposes to offer its shares at the net asset value per share computed as of the close of business on the Thursday next succeeding the receipt of a subscription order or on the day of receipt of a subscription order if it is received on a Thursday. Applicant has and will continue to redeem shares at the net asset value per share computed as of the close of business on the day such shares are properly tendered for redemption.

As of September 30, 1969, applicant had 166 shareholders and net assets of approximately $342,000. Sales of its shares are limited to regular and associate members of the Nassau Physicians Guild, Inc., who are residents of New York State. Applicant states that during a recent period of 8 weeks, applicant's custodian received an average of 11 subscriptions for applicant's shares per week. Applicant represents that it has been advised by its custodian that if daily pricing is required, applicant will be charged approximately $40 for each of its daily pricings.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant represents (a) that in view of its relatively small asset size and the limited number of transactions in its shares, the additional cost imposed by daily pricing of applicant's shares would impose an excessive financial burden, and (b) that its present and proposed pricing method, under which shares are prospectively valued, is consistent with the objectives of Rule 22c-1 to prevent dilution in the value of shares and prevent short-term speculation resulting from sale of shares at a previously determined price, and (c) that daily pricing would be unduly burdensome and expensive.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with

the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Applicant seeks an order permitting it to price shares for sale once a week at the close of business on Thursday until the weekly average number of subscription orders received by applicant totals 15 or more during any consecutive 8-week period ending on a valuation date, and thereafter, applicant will determine the net asset value in conformity with Rule 22c–1.

Notice is further given that any interested person may not later than November 28, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–13656; Filed, Nov. 17, 1969; 8:45 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

NOVEMBER 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc. (a New York corporation), and all other securities of Rajac Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 13, 1969, through November 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–13658; Filed, Nov. 17, 1969; 8:46 a.m.]

[812–2531]

STAR CAPITAL CORP. ET AL.

Notice of Filing of Application for Order Exempting Proposed Transactions

NOVEMBER 10, 1969.

In the matter of Star Capital Corp., 663 Fifth Avenue, New York, N.Y. 10022; Sun Capital Corp., 76 Beaver Street, New York, N.Y. 10005; Abacus Fund, Inc., 76 Beaver Street, New York, N.Y. 10005.

Notice is hereby given that Star Capital Corp. ("Star") a Pennsylvania corporation which is registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 ("Act") and is licensed as a small business investment company under the Small Business Investment Act of 1958, Abacus Fund, Inc. ("Abacus"), a Delaware corporation which is registered as a closed-end, diversified management investment company under the Act, and Sun Capital Corp. ("New Star"), a Delaware corporation which is registered as a closed-end, nondiversified management investment company under the Act and all of whose outstanding securities are owned by Abacus (hereinafter referred to collectively as "applicants"), have filed a joint application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of sections 12(e), 17(a), and 17(d) of the Act and Rule 17d–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

At December 31, 1968, the assets of Abacus aggregated about $54 million and it had 2,520,000 shares of common stock outstanding.

At December 31, 1968, the assets of Star aggregrated $3,257,553, consisting principally of certificates of deposit, a U.S. Government security, cash, and one loan receivable in the principal amount of $100,000; and Star had 541,670 shares of common stock outstanding.

New Star, which was organized by Abacus in 1969 and does not presently carry on any business, has outstanding 100 shares of common stock, all of which, as noted above, are owned by Abacus.

As more fully explained below, if the requested exemptive order is issued by the Commission, Abacus would, in effect, be in a position to carry out its program to operate a small business investment company (New Star) whose assets would consist of those acquired from Star which assets might otherwise be withdrawn from the small business investment company program.

On November 26, 1968, Abacus and Star reached agreement in principle for the transfer of Star's assets on the basis of exchanging one Abacus share for each 3½ shares of Star. Subsequently, as of January 29, 1969, Star and New Star entered into a plan and agreement of merger providing, among other things, for the merger of Star into New Star on such basis.

On the date as of which agreement in principle was reached with respect to the proposed merger, the net asset value per share of Star common stock was $5.96, and the per share net asset value of Abacus common stock after provision for estimated taxes on unrealized appreciation was $20.36 as of December 31, 1968. On this basis, 3½ shares of Star common stock had a net asset value of $20.86 compared with a net asset value of $20.36 for one share of Abacus stock.

The application states that New Star will apply for a license as a small business investment company from the Small Business Administration ("SBA") and that in the event the merger is consummated Abacus will operate through New Star (whose name is to be changed to Star Capital Corp.) the assets and business acquired from Star. In the event the merger is not consummated, Star's management intends to surrender Star's license as a small business investment company and to take action which will result in Star's ceasing to be an investment company.

Applicant's request exemption from the following provisions of the Act.

Section 12(e). Section 12(d)(1), as here pertinent, prohibits the acquisition by a registered investment company of more than 5 percent of the total voting stock outstanding of any other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries, or more than 3 percent of such stock, if the policy is not so to concentrate.

Section 12(e) of the Act provides, among other things, that notwithstanding the provisions of section 12(d)(1), a registered investment company may utilize up to 5 percent of the value of its assets to purchase or otherwise acquire any securities issued by another investment company engaged in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence and reorganizing companies or similar activities: *Provided*, That the securities issued by such other investment company consist solely of one class of common stock. An exemptive order from section 12(e) of the Act is necessary in order to enable Abacus to invest more than 5 percent of the value of its assets in (1) Star, a registered investment company and a small business investment company whose stock is publicly held, and in (2) New Star, a registered investment company which proposes to obtain a license as a small business investment company and which may have outstanding debt as well as common stock. Applicant requests an exemption from section

12(e) to permit the acquisitions in connection with the proposed merger of Star and New Star.

Section 17(a), as here pertinent, makes it unlawful for an affiliated person (New Star) of a registered investment company (Abacus) to sell to or purchase from such registered company (Abacus) any securities or property. Thus, the transfer of any assets from Abacus to New Star under the contemplated program would be unlawful in the absence of an exemption from section 17(a).

In addition, section 17(a) of the Act would prohibit any small business concern which may become an affiliated person of New Star or Abacus from thereafter borrowing from, or selling securities issued by it to, Abacus or to New Star.

The application requests exemption from section 17(a) of the Act to permit any transfer by Abacus, and acquisition by New Star, of a portion of the assets of Abacus which may be involved in the proposed merger of Star into New Star. The application also requests exemption from section 17(a) until such time as the Commission has issued an order pursuant to section 8(f) of the Act declaring that either Abacus or New Star has ceased to be an investment company (1) to permit any transfer by Abacus, and acquisition by New Star, of a portion of the assets of Abacus following the merger of Star into New Star, and (2) to permit any small business concern which may become an affiliated person of Abacus or New Star to borrow from, or sell securities issued by it to, New Star.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. Applicants have requested an order of exemption from the provisions of section 17(d) of the Act and Rule 17d–1 until such time as the Commission has issued an order pursuant to section 8(f) of the Act declaring that either Abacus or New Star has ceased to be an investment company to permit Abacus and New Star to participate in joint transactions or other joint arrangements involving third parties which are small business concerns.

Abacus and New Star have agreed that the order of the Commission that may issue pursuant to this notice may be conditioned as follows:

Until such time as the Commission has issued an order pursuant to section 8(f) of the Act declaring that either Abacus or New Star has ceased to be an investment company:

(a) Neither Abacus nor New Star will issue or sell any class of senior security unless immediately after such issuance or sale such class of senior security will have the asset coverage required by section 18(a) of the Act on two bases, namely, Abacus on a corporate (unconsolidated) basis and Abacus and New Star on a consolidated basis.

(b) Abacus will not cause or permit New Star to issue or sell (and New Star will not have outstanding) any securities other than (i) common stock to be held and owned by Abacus; (ii) debt securities to be held and owned by Abacus evidencing borrowings by New Star from Abacus; and/or (iii) debt securities to be held and owned by the SBA (or by one or more banks, insurance companies, and/or pension funds where payment is guaranteed by the SBA) evidencing borrowings by New Star from the SBA (or from one or more banks, insurance companies, and/or pension funds) on such terms as the SBA may lend to or guarantee for small business investment companies and as may be permitted under the Act and the order of the Commission: *Provided, however*, That so long as Abacus has outstanding any senior security other than that described in clause (ii) of subparagraph (d) below, Abacus will not cause or permit New Star to issue or sell or to have outstanding any security other than common stock and debt held by Abacus.

(c) Abacus will not guarantee any loan made to New Star.

(d) So long as New Star has any debt outstanding other than debt of New Star held and owned by Abacus, Abacus will not issue any security or sell or have or permit to remain outstanding any security issued by it other than (i) common stock and (ii) unsecured promissory notes or other unsecured evidences of indebtedness issued in consideration of any loan, extension, or renewal thereof, made by one or more banks, insurance companies and/or pension funds and privately arranged, and not intended to be publicly distributed and not convertible into, exchangeable for, or accompanied by any options to acquire, any equity security.

(e) Abacus will not make any investment in New Star if the aggregate value of any existing investment plus the cost of any additional investment in New Star would exceed 25 percent of the value of Abacus' total assets on a corporate (unconsolidated) basis at the time of such additional investment.

(f) Abacus will at all times own and hold beneficially all of the outstanding capital stock of New Star.

(g) Abacus will not cause or permit New Star to change any of its fundamental investment policies, unless such action shall have been authorized by Abacus as the holder of all of the outstanding voting securities of New Star after approval of such action by the vote of a majority (as defined in the Act) of Abacus' outstanding voting securities.

(h) Abacus will not cause or permit New Star to enter into, renew or perform any investment advisory or underwriting contracts or agreements, written or oral, as contemplated by section 15 of the Act, unless the terms of such contracts or agreements and any renewal thereof shall have been approved in compliance with section 15 of the Act. Any vote of the shareholders of New Star, as required by section 15 of the Act, will be deemed to require a vote of Abacus' shareholders. Any action of the directors of New Star, as required by section 15 of the Act, will be deemed to require a vote of the directors of Abacus, including a majority of those directors who are not parties to any such contract or agreement or affiliated persons of any such party.

(i) Abacus will file with the Commission and transmit to its shareholders reports prescribed and required by section 30 of the Act, including separate financial statements of New Star. Abacus will also cause New Star to file with the Commission copies of all reports which New Star will be required to file with the SBA.

(j) Any independent public accountant who signs a financial statement filed by Abacus or New Star with the Commission shall be selected and approved for Abacus in compliance with section 32(a) of the Act by the vote of a majority (as defined in the Act) of Abacus' outstanding voting securities.

(k) The officers and directors of Abacus and New Star will be in all respects identical.

(l) Any small business concern which may become an affiliated person of New Star or of Abacus may borrow from, or sell securities issued by it to, New Star: *Provided*, That such transaction meets the requirements for an exemption pursuant to Rule 17a–6 except to the extent that it fails to meet the requirements of such rule solely because Abacus is also a party to the transaction or has, or within 6 months prior to the transaction had, or pursuant to an arrangement will acquire, a direct or indirect financial interest in the small business concern.

(m) Abacus and New Star may participate in any joint transaction or other joint arrangement involving a third party which is a small business concern: *Provided*, That no person (other than Abacus itself) who, as respects Abacus or New Star, falls within any category of persons mentioned in subparagraphs (1), (2), (3), (4), or (5) of Rule 17a–6, is also a party to the joint transaction or has, or within 6 months prior to the commencement of the joint transaction had, or pursuant to an arrangement will acquire, a direct or indirect financial interest in the small business concern.

The application states that the exemptive order requested is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 25, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should

order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–13657; Filed, Nov. 17, 1969; 8:46 a.m.]

TARIFF COMMISSION

[332–61]

ASSEMBLED AND PROCESSED ARTICLES

Hearing Rescheduled

In response to a request dated August 18, 1969, by the President of the United States, the Tariff Commission instituted an investigation of the economic factors affecting the use of items 806.30 and 807.00 of the Tariff Schedules of the United States and ordered a hearing in connection therewith to begin on November 18, 1969 (34 F.R. 14043). Notice was subsequently given of the postponement of the hearing in the investigation until further notice by the Commission (34 F.R. 18206).

The date by which the Commission's report is to be submitted to the President has been extended to August 31, 1970, at the direction of the President. In view of this extension, the Commission has rescheduled the hearing in the investigation to begin at 10 a.m., e.d.s.t., on May 5, 1970, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C.

Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, on or before April 24, 1970. Written statements in lieu of appearance should be submitted not later than May 12, 1970. Requests to appear and written statements in lieu of appearance must be submitted in conformity with the additional requirements pertaining thereto in the Commission's initial notice of investigation and hearing (34 F.R. 14043).

Interested parties who made requests to appear at the hearing originally scheduled to begin November 18, 1969, will be deemed to have made requests for the hearing scheduled to begin on May 5, 1970, unless the Commission is notified to the contrary.

All communications regarding the Commission's investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: November 13, 1969.

By order of the Commission.

[SEAL] WILLARD W. KANE, *Acting Secretary.*

[F.R. Doc. 69–13690; Filed, Nov. 17, 1969; 8:48 a.m.]

[337–21]

FURAZOLIDONE

Findings of Unfair Methods and Acts

The Tariff Commission on November 13, 1969, issued a report of its findings in investigation No. 337–21 instituted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) upon complaint of the Norwich Pharmacal Co. (now Morton-Norwich Products, Inc.). In its report, the Commission finds unfair methods of competition and unfair acts in the importation and sale of furazolidone manufactured in accordance with the claims of U.S. patent No. 2,742,462, owned by complainant, and of products containing furazolidone, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, in violation of section 337(a) of the Tariff Act of 1930.

Based upon its findings the Commission recommends that the President order the exclusion of furazolidone and products containing furazolidone from entry into the United States through April 17, 1973, the date of expiration of complainant's patent.

Under the statute (19 U.S.C. 1337(c)) a rehearing before the Commission may be requested. In accordance with § 201.14 of the Commission's rules of practice and procedure (19 CFR 201.14) a motion for a rehearing may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. Tariff Commission, Washington, D.C. 20436, within twenty (20) days after publication of this notice. The motion must state clearly the grounds which are relied upon for the granting of a rehearing and must be accompanied by 19 true copies.

Issued: November 13, 1969.

[SEAL] WILLARD W. KANE, *Acting Secretary.*

[F.R. Doc. 69–13689; Filed, Nov. 17, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 13, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41797—*Sodium (soda) chlorate to Hawesville, Ky.* Filed by Southwestern Freight Bureau, agent (No. B-98), for interested rail carriers. Rates on sodium (soda) chlorate, in bulk, in shipper-owned covered hopper cars, in carloads, as described in the application, from Lake Charles and West Lake Charles, La., to Hawesville, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 182 to Southwestern Freight Bureau, agent, tariff ICC 4668.

FSA No. 41798—*Class and commodity rates between points in Texas.* Filed by Texas-Lousiana Freight Bureau, agent (No. 633), for interested rail carriers. Rates on pulpboard or fiberboard and pelletized sulphur, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 96 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 41800—*Newsprint cores, returned, from points in southern territory.* Filed by O. W. South, Jr., agent (No. A6137), for interested rail carriers. Rates on newsprint cores, returned, in carloads, as described in the application, from points in southern territory, to points in Canada.

Grounds for relief—Carrier competition.

Tariffs—Supplement 34 to Canadian Pacific Railway Co. tariff ICC E. 2629, and supplement 5 to Canadian National Railways tariff ICC E. 545.

FSA No. 41801—*Phosphatic fertilizer solution to points in western trunkline territory.* Filed by Trans-Continental Freight Bureau, agent (No. 456), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from Silver Bow, Mont., to points in western trunkline territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 41 to Trans-Continental Freight Bureau, agent, tariff ICC 1785.

FSA No. 41802—*Talc and talc tailings from points in Montana.* Filed by Trans-Continental Freight Bureau, agent (No. 457), for interested rail carriers. Rates on talc and talc tailings, in carloads, as described in the application, from specified points in Montana, to points in official, southern, southwestern and western trunkline territories.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariffs—Supplement 41 to Trans-Continental Freight Bureau, agent, tariff ICC 1785, and 3 other schedules named in the application.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41799—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 634), for interested rail carriers. Rates on blackstrap molasses, and other commodities named in the application, in carloads and tank carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 96 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–13682; Filed, Nov. 17, 1969; 8:48 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305(a)(19) is amended to show that the position of Special Assistant to the Secretary (for Enforcement), Office of the Secretary is removed from Schedule C.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13699; Filed, Nov. 18, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 2]

PART 794—DIVISION OF PAYMENTS AND CERTIFICATES

Miscellaneous Amendments

The regulations governing the Division of Payments and Certificates, 32 F.R. 19155, as amended, are further amended, effective with the 1970 program year, as follows:

1. Section 794.1 is amended to read as follows:

§ 794.1 Applicability.

This part is applicable to the 1968, 1969, and 1970 feed grain program, Part 775 of this chapter, as amended; the 1968, 1969, and 1970 wheat certificate program and the 1969 and 1970 wheat diversion program, Part 728 of this chapter, as amended; the 1968, 1969, and 1970 upland cotton program, Part 722 of this chapter, as amended; and all other programs to which this part is made applicable by individual program regulations. This part supersedes, to the extent of its applicability, regulations relating to the division of payments and certificates contained in individual program regulations.

2. Section 794.3 is amended by inserting in paragraph (b) immediately after the word "employees" the words "subject to the minimum wage provisions". As amended, paragraph (b) reads as follows:

§ 794.3 Additional provisions relating to tenants and sharecroppers.

* * * * * * *

(b) Notwithstanding any other provision of this section, a landlord or operator who in the past had tenants or sharecroppers on his land for purposes of producing the crop covered by the intention form and such individuals are now classified as employees subject to the minimum wage provisions under the Fair Labor Standards Act, may pay these individuals on a wage basis and this action will not be considered as reducing the number of tenants or sharecroppers.

(Sec. 16(i), 79 Stat. 1190; sec. 105(e), 79 Stat. 1188, as amended; sec. 339(g), 76 Stat. 624; sec. 379j, 76 Stat. 630; sec. 103(d), 79 Stat. 1194; 16 U.S.C. 590p(i), 7 U.S.C. 1441 note, 7 U.S.C. 1339, 1379j, 1444(d))

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 13, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-13715; Filed, Nov. 18, 1969; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Soybean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Soybean Loan and Purchase Program

BASIC COUNTY SUPPORT RATE; MICHIGAN

The regulations issued by Commodity Credit Corporation which contain the basic price support rates for the 1969 crop of soybeans, 34 F.R. 15448, are amended to establish a basic county support rate of $2.18 per bushel for Iosco County, Mich.

Section 1421.2968(a) is amended by inserting, between the counties of Ionia and Isabella under the heading "Michigan", the following:

Iosco	$2.18

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 13, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-13716; Filed, Nov. 18, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

PART 218—RELATIONSHIPS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

Exceptions

1. Effective January 1, 1970, § 218.2 is amended to read as set forth below. The footnotes to § 218.2 are unchanged, except for the addition of a new footnote 4.

§ 218.2 Exceptions.

Pursuant to the authority vested in it by section 32, the Board of Governors of the Federal Reserve System hereby grants permission [2] for any officer, director, or employee of any member bank of the Federal Reserve System, unless otherwise prohibited,[3] to be at the same time an officer, director, or employee of any corporation or unincorporated association, a partner or employee of any partnership, or an individual engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of only such securities as national banks may lawfully underwrite and deal in pursuant to paragraph Seventh of section 5136, Revised Statutes (12 U.S.C. 24).[4]

2a. Briefly, section 32 of the Banking Act of 1933, as amended (12 U.S.C. 78), prohibits interlocking personnel relationships between member banks of the Federal Reserve System and firms or organizations primarily engaged in underwriting, dealing in, or distributing securities (referred to herein as "securities companies"). The statute authorizes the Board to provide exemptions therefrom by general regulation upon determining that to do so would not unduly influence the investment policies of the banks or the advice they give their customers regarding investments. Section 218.2 (Regulation R) presently exempts such relationships between member banks and those securities companies that confine their business to the types

[2] [No change]
[3] [No change]
[4] Made applicable to State member banks by paragraph 20 of section 9 of the Federal Reserve Act (12 U.S.C. 335).

of obligations listed therein. All such obligations may be underwritten or dealt in by national banks pursuant to paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24), the provisions of which are made applicable to State member banks by paragraph 20, section 9, of the Federal Reserve Act (12 U.S.C. 335). However, not all obligations that member banks may underwrite or deal in under those statutes are included in § 218.2 in its present form. This amendment to § 218.2 expands the coverage of its exemption to permit interlocking personnel relationships between member banks and securities companies so long as such companies limit their section 32 activities to securities eligible under section 5136 for member banks, themselves, to deal in or underwrite. The effect of this amendment broadening § 218.2 is to bring within its exemption general obligations of any State or of any political subdivision thereof, obligations of the Government National Mortgage Association, and obligations issued by any State or political subdivision of any agency of a State or political subdivision for housing, university, or dormitory purposes, which are eligible for purchase by a national bank for its own account. The first class of obligations has long been eligible for underwriting and dealing in by member banks, and the latter two classes became eligible upon enactment of the Housing and Urban Development Act of 1968, sections 807(j) and 1705(h).

b. A notice of proposed rule making and invitation for public participation relative to the broadening of § 218.2 to cover general obligations of any State or of any political subdivision thereof was published in the FEDERAL REGISTER (32 F.R. 5849). Further such procedure was not followed in connection with this amendment, which operates to relieve restrictions otherwise applicable, because, in the circumstances, such procedure would serve no useful purpose. The amendment was adopted by the Board of Governors after consideration of all relevant material, including communications pursuant to the notice of proposed rule making specified above; and as previously indicated, the Board has deferred the effective date of the amendment to January 1, 1970.

By order of the Board of Governors, November 10, 1969.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13718; Filed, Nov. 18, 1969; 8:46 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,497]

PART 545—OPERATIONS

Mobile Home Financing

NOVEMBER 7, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 13115) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank, upon the basis of such consideration, determines that it is advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of implementing an amendment to section 5(c) of the Home Owners' Loan Act of 1933, as amended, contained in Public Law 90-448, 82 Stat. 476, approved August 1, 1968, to authorize Federal savings and loan associations to invest in loans made for the purpose of mobile home financing. Accordingly, said Part 454 is amended by adding, immediately after § 545.7 thereof, a new § 545.7-1, to read as follows, effective November 19, 1969:

§ 545.7-1 Mobile home financing.

(a) *Definitions.* As used in this section—

(1) The term "mobile home" means a movable dwelling constructed to be towed on its own chassis and undercarriage, having minimum dimensions of 40 feet in length and 10 feet in width and containing living facilities suitable for year-round occupancy by one family, including permanent provisions for eating, sleeping, cooking, and sanitation.

(2) The term "mobile home chattel paper" means written evidence of both a monetary obligation and a security interest of first priority in one or more mobile homes, and any equipment installed or to be installed therein.

(b) *General provisions.* A Federal association which has a charter in the form of Charter K (rev.) or Charter N may, after adoption of a mobile home financing plan by its board of directors, invest in mobile home chattel paper subject to the provisions of this section.

(c) *Percent-of-assets limitation.* Any such association may make an investment in mobile home chattel paper under this section only if the amount of such investment and all other investments in such chattel paper then outstanding does not exceed 5 percent of the association's assets at the time of such investment.

(d) *Inventory financing.* Any such association may invest in mobile home chattel paper which finances the acquisition of inventory by a mobile home dealer only if:

(1) The inventory is to be held for sale in the ordinary course of business by the mobile home dealer within the association's regular lending area; and

(2) The monetary obligation evidence by such chattel paper is the obligation of the mobile home dealer and does not exceed the following amounts:

(i) 100 percent of the manufacturer's invoice price of each new mobile home (including any installed equipment), excluding freight;

(ii) 100 percent of the invoice price of the manufacturer of any new equipment to be installed by the dealer in a mobile home, excluding freight; and

(iii) 90 percent of the wholesale value of each used mobile home (including any installed equipment) as established in the dealer's market.

(e) *Retail purchase money financing.* Any such association may invest in mobile home chattel paper, other than as provided in paragraph (d) of this section, only if:

(1) The monetary obligation evidenced by such chattel paper is incurred to finance the purchase of a mobile home;

(2) The mobile home is to be maintained as a residence of the purchaser, or a relative of the purchaser;

(3) The mobile home is located at the time of such purchase, or is to be located within 90 days thereof, at a mobile home park or other semipermanent site within the association's regular lending area;

(4) The monetary obligation evidenced by such chattel paper does not exceed the following amount:

(i) 100 percent of the manufacturer's invoice price of any new mobile home (including any installed equipment), excluding freight, and 100 percent of the invoice price of the manufacturer of any other new equipment installed or to be installed by the dealer, excluding freight, plus (a) 10 percent of the total of such invoice prices, up to a limit of $500, and (b) sales tax; or

(ii) 100 percent of the wholesale value of any used mobile home (including any installed equipment) as established in the dealer's market, plus sales tax; and

(5) The monetary obligation evidenced by such chattel paper is to be paid in substantially equal monthly installments within the following time limits from the date of sale of the mobile home:

(i) Up to 12 years in the case of a new mobile home; or

(ii) Up to 8 years in the case of a used mobile home.

(f) *Sound investment practices.* Investments by any such association in mobile home chattel paper shall be made in conformity with sound practices for such investments. Such chattel paper shall include provisions for protection of the association and shall provide specifically for protection with respect to insurance, taxes, other governmental levies, maintenance, and repairs, and for other protection as may be lawful or appropriate. The association may pay taxes or other governmental levies, insurance premiums, or other similar charges for the protection of its security interest, and all such payments may, when lawful, be added to the monetary obligation of the obligor. The association shall in a timely manner take all steps necessary to perfect its security interest under applicable law.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since the Board determines it desirable for Federal savings and loan associations to have as soon as possible the new investment authority permitted by this amendment, the Board hereby finds that deferral of the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER pursuant to the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d) is contrary to the public interest and provides that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-13708; Filed, Nov. 18, 1969; 8:46 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 23,496]

PART 563—OPERATIONS

Semiannual Credit Requirements for Federal Insurance Reserve

NOVEMBER 7, 1969.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending paragraph (b) of § 563.13 of the rules and regulations for Insurance of Accounts (12 CFR 563.13(b)), relating to the amounts which insured institutions must credit semiannually to their Federal insurance reserve accounts, determines that it is advisable to amend said paragraph for the following purposes:

1. To extend for two additional semiannual periods the present reduction (from 10 percent to 5 percent) in the percentage of net income which certain insured institutions are required to credit semiannually to their Federal insurance reserve accounts; and

2. To extend for two additional semiannual periods the suspension of the semiannual credit requirements for the Federal insurance reserve which are based on percentage of growth in specified assets.

Accordingly, paragraph (b) of said § 563.13 is hereby amended by revising subparagraphs (5) and (6) thereof to read as follows, effective November 19, 1969:

§ 563.13 Required amounts and maintenance of Federal insurance reserve.

* * * * *

(b) *Semiannual credits.* * * *

(5) During the nine semiannual periods commencing on and after July 1, 1966, the 10 percent of net income semiannual credit requirements in subparagraphs (2) and (3) of this paragraph shall be 5 percent of net income.

(6) During the four semiannual periods commencing on and after December 1, 1968, the semiannual credit requirements based on percentage of growth in specified assets in subdivisions (i) (b) and (c) and (ii) (b) of subparagraph (3) of this paragraph shall be suspended.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since the above amendments extend grants of exemption from regulatory requirements, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-13709; Filed, Nov. 18, 1969; 8:46 a.m.]

[No. 23,498]

PART 563—OPERATIONS

Participation Loans

NOVEMBER 7, 1969.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 563.9-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9-1) for the purpose of relaxing certain of the present restrictions on participations by insured institutions with other lenders in real estate loans secured by property located outside of their normal lending territories, hereby amends said § 563.9-1 by revising paragraphs (b) (1) and (2), and (d) thereof and by adding a new subparagraph (3) to paragraph (f) thereof, to read as follows, effective November 19, 1969:

§ 563.9-1 Participation loans.

* * * * *

(b) *Participation loans on real estate located beyond normal lending territory—(1) Purchase of participations.* Subject to the provisions of this section, any insured institution may, to the extent it has legal power to do so, purchase from another insured institution a participation interest in a loan secured by a first lien upon a home or other dwelling units located outside its normal lending territory, if:

(i) The loan is an insured loan or a guaranteed loan; or

(ii) The loan is secured by property located within the normal lending territory of an insured institution which at the close of the sale has a participation interest in the loan of at least 50 percent: *Provided, however,* That no such participation interest may be purchased pursuant to this subdivision from an insured institution which had, at the close of its immediately preceding semiannual period, scheduled items (other than assets acquired in a merger instituted for supervisory reasons) in excess of 4 percent of its specified assets unles the prior written approval of the Corporation has been obtained pursuant to paragraph (d) of this section.

(2) *Joint origination.* Subject to the provisions of this section, any insured institution may, to the extent it has legal power to do so, participate with another insured institution or institutions in the making of a loan secured by a first lien upon a home or other dwelling units located outside its normal lending territory, if:

(i) The loan is an insured loan or a guaranteed loan; or

(ii) The loan is secured by property located within the normal lending territory of another insured institution which participates in an amount equal to at least 50 percent of the loan: *Provided, however,* That no such participation may be entered into pursuant to this subdivision with an insured institution which had, at the close of its immediately preceding semiannual period, scheduled items (other than assets acquired in a merger instituted for supervisory reasons) in excess of 4 percent of its specified assets unless the prior written approval of the Corporation has been obtained pursuant to paragraph (d) of this section.

* * * * *

(d) *Corporation approval of certain participations* An insured institution having scheduled items in excess of 4 percent of its specified assets may request Corporation approval for other insured institutions to purchase from it participation interests in loans and to participate with it in the making of loans pursuant to paragraph (b) of this section. Any such request by the institution for Corporation approval shall be transmitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, with a copy thereof to the Supervisory Agent.

* * * * *

(f) *Definitions.* As used in this section—

* * * * *

(3) The term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the insured institution is located or any other officer or employee of such bank designated by the Board as agent of the Corporation as provided by § 501.11 of this chapter.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since the above amendment is for the purpose of relieving present restrictions, the Board hereby finds that notice and public procedure on the amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication of the amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-13710; Filed, Nov. 18, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER P—RECORDS

PART 290—AVAILABILITY TO THE PUBLIC OF DEFENSE CONTRACT AUDIT AGENCY INFORMATION

Public Reference Facilities and Exemptions From Public Disclosure

The following amendments to Part 290 were approved on October 29, 1969.

1. In § 290.4, paragraph (a)(3) is amended to read as follows:

§ 290.4 Public reference facilities.

(a) * * *

(3) Administrative staff manuals and instructions which establish Defense Contract Audit Agency policy, or interpretations of Department of Defense policy, that are determinative of the rights of members of the public.

* * * * *

2. In § 290.10, paragraph (b)(1) is amended to read as follows:

§ 290.10 Exemptions from public disclosure.

* * * * *

(b) * * *

(1) Defense Contract Audit Manual, except certain appendices which are maintained in Public Reference Facilities as explained in § 290.4.

* * * * *

WILLIAM B. PETTY,
Director,
Defense Contract Audit Agency.

[F.R. Doc. 69-13724; Filed, Nov. 18, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 53—TOMATO PRODUCTS

Tomato Puree and Tomato Paste, Identity Standards; Measurement of Tomato Soluble Solids by Refractometer

In the matter of amending the standards of identity for tomato puree (§ 53.20) and tomato paste (§ 53.30) to provide for measurement of tomato soluble solids by refractometer instead of determining salt-free tomato solids by the vacuum oven drying method:

Eight comments, all favorable, were filed in response to the notice of proposed rule making in the above-identified matter that was published in the FEDERAL REGISTER of June 25, 1969 (34 F.R. 9810), and based on a petition filed by the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036. One of the comments included a request for incorporating into the proposed amendments instructions for preparation of the clear serum on which the refractometer reading is made. A specific method for the determination of soluble solids in tomato products by refractive index, which includes a step for obtaining clear serum where this might be difficult, was recently published in the "Journal of the Association of Official Analytical Chemists." A footnote reference to this paper has been inserted in the regulation.

On the basis of the information submitted in the petition, the comments received, and other relevant information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 53 be amended as follows:

1. Section 53.20 is amended by revising the text following paragraph (a)(3) but preceding paragraph (b) and by revising paragraph (b)(2) to read as follows:

§ 53.20 Tomato puree, tomato pulp; identity; label statement of optional ingredients.

(a) * * *

(3) * * *

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.0 percent, but less than 24.0 percent, of natural tomato soluble solids, as determined by the following method:[1] Determine the refractive index of the clear serum obtained from the product, corrected for temperature, converting the resultant index to "% Sucrose" in accordance with the "International Scale of Refractive Indices of Sucrose at 20° C.," pages 828–30, Reference Tables 43.008 and 43.009 of the book "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965. If no salt has been added, this percent sucrose from the reference table shall be considered the percent of natural tomato soluble solids. If salt has been added, determine the percent of sodium chloride by the method prescribed on page 519, section 30.009, under "Sodium Chloride—Official," of said book. Subtract the percent of sodium chloride from the percent of total soluble solids found and multiply the difference by 1.016. The product shall be considered the percent of natural tomato soluble solids.

(b) * * *

(2) The name specified for the food covered by this section is "tomato puree" or alternatively "tomato pulp"; however, if the only optional tomato ingredient used is the ingredient specified in paragraph (a)(1) of this section and the food contains not less than 20.0 percent of natural tomato soluble solids, the name "concentrated tomato juice" may be used in lieu of the names "tomato puree" or "tomato pulp."

* * * * *

2. Section 53.30 is amended by revising the text following paragraph (a)(7) but preceding paragraph (b) to read as follows:

§ 53.30 Tomato paste; identity; label statement of optional ingredients.

(a) * * *

(7) * * *

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 24.0 percent of natural tomato soluble solids as determined by the following method:[1] Determine the refractive index of the clear serum obtained from the product, corrected for temperature, converting the resultant index to "% Sucrose" in accordance with the "International Scale of Refractive Indices of Sucrose at 20° C.," pages 828–30, Reference Tables 43.008 and 43.009 of the book "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965. If no salt has been added, this percent sucrose from the reference table shall be considered the percent of natural tomato soluble solids. If salt has been added, determine the percent of sodium chloride by the method prescribed on page 519, section 30.009, under "Sodium Chloride-Official," of said book. Subtract the percent of sodium chloride from the percent of total soluble solids found and multiply the difference by 1.016. The product shall be considered the percent of natural tomato soluble solids.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-13697; Filed, Nov. 18, 1969; 8:45 a.m.]

[1] "Collaborative Study of the Determination of Soluble Solids in Tomato Products by Refractive Index Expressed as Percent Sucrose" by Frank C. Lamb, National Canners Association, 1950 Sixth Street, Berkeley, Calif. 94710, "Journal of the Association of Official Analytical Chemists," vol. 52, No. 5 (1969), pp. 1050-54. Adopted as official, first action at the 1969 AOAC meeting.

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

METHYL ALCOHOL RESIDUES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2413) filed by Hopcon, Inc., 274 Madison Avenue, New York, N.Y. 10016, and other relevant material, concludes that the food additive regulations should be amended to increase the maximum level of methyl alcohol that may be present in hops extract from 250 parts per million (0.025 percent) to 2.2 percent by weight of the extract. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1044 is amended by revising the introductory text of paragraph (b) to read as follows:

§ 121.1044 Methyl alcohol residues.

* * * * *

(b) In hops extract as a residue from the extraction or hops, at a level not to exceed 2.2 percent by weight; *Provided*, That:

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-13696; Filed, Nov. 18, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Eligible Mortgagors

Correction

In F.R. Doc. 69-13242 appearing at page 17951 in the issue of Thursday, November 6, 1969, the word "equity" appearing in the fourth line of § 221.510(c) should be changed to read "entity".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 201]

FEDERAL SEED ACT REGULATIONS

Notice of Proposed Rule Making

Pursuant to the provisions of section 402 of the Federal Seed Act approved August 9, 1939, as amended (7 U.S.C. 1592) and the administrative procedure provisions of 5 U.S.C. section 553, notice is hereby given of intention to promulgate the following amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act. Public hearing with reference thereto will be held at 10 a.m. on December 15, 1969, in Room 2096, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C.

Interested person are invited to attend the hearing and to offer comments or suggestions regarding the proposals. Any comments or suggestions bearing on the proposals that are not made or presented in person at the hearing may be transmitted in duplicate by mail addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, and will be considered if received on or before January 15, 1970. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The presiding officer, who shall conduct the hearing with power to do all things necessary and appropriate to the proper conduct of the hearing, shall be designated prior to the hearing by the Director, Grain Division, Consumer and Marketing Service.

The proposed amendments are as follows:

1. Sections 201.2(h), 201.46 Table 1, and 201.58(c) Table 2, would be amended by changing the name "Bermudagrass, Common" to "Bermudagrass" and changing the scientific name for "Bermudagrass, giant" from "*Cynodon* sp." to "*Cynodon dactylon* var. *aridus* Harlan."

2. Section 201.2(h) would be amended by adding in proper alphabetical order in the list of "Agricultural Seeds" the following:

Crambe—*Crambe abyssinica* Hochst. ex R. E. Fries.
Triticale—*Tritico-secale* Whittmack.

3. Section 201.10 would be amended by adding to the list of agricultural seeds in proper alphabetical order, "Crambe" and "Triticale."

4. Section 201.12a would be amended as follows:

a. Add to the list of fine textured kinds in paragraph (a) in proper alphabetical order the name "fescue, hard" and the following wording:

Ryegrass, perennial (the following varieties only).
Lamora.
Manhattan.
NK–100.
Norlea.
Pelo.

b. In paragraph (a) change the name "Bermudagrass, common" to "Bermudagrass."

c. Change the wording of paragraph (b) to read as follows:

(b) The term "coarse kinds" means all kinds (or varieties of perennial ryegrass) not listed in paragraph (a) of this section.

5. Section 201.17 would be amended as follows:

Change the name "common bermudagrass" to "bermudagrass"; and change the scientific name of giant bermudagrass from "(*Cynodon sp.*)," to "(*Cynodon dactylon* var. *aridus*)," and immediately following add the name "annual bluegrass (*Poa annua*)".

6. Section 201.31 would be amended by adding to the list of vegetable seeds in proper alphabetical order the following:

Kale, Siberian	75

7. Following § 201.30a a new section would be added as follows:

§ 201.30b Lot number or other identification of vegetable seed in containers of more than 1 pound.

The lot number or other identification of vegetable seed in containers of more than 1 pound shall be shown on the label and shall be the same as that used in the records pertaining to the same lot of seed.

8. In § 201.46, Table 1 would be amended by adding in proper alphabetical order under "Agricultural Seed" in the respective columns the following:

Crambe	15	150	154
Triticale	100	500	25

9. Section 201.47(e) would be amended by changing the date of July 1, 1966, referred to therein to July 1, 1967.

10. Section 201.58 would be amended as follows:

a. Section 201.58(a)(8) would be amended by deleting the last sentence and the following wording in the next to the last sentence "except where 15°–25° C. is prescribed as an alternate temperature."

b. Under the listing of "Agricultural Seed" in Table 2 in § 201.58(c) the information in the temperature column for "Bluegrass: Kentucky", "Brome: Field", "Ryegrass: Annual (Italion)", "Ryegrass: Perennial" and "Ryegrass: Wimmera" would be amended to show the 15–25 temperature first, and the information in said column for "Timothy" would be changed to read "15–25; 20–30".

c. Under the listing of "Vegetable Seed" in Table 2 in § 201.58(c), the information for "Cress: Water" in the respective six columns would be amended to read, "P____ 20–30 ____ 4 ____ 14 ____ Light; KNO_3".

d. Table 2 in § 201.58(c) would be amended by adding in proper alphabetical order under the listing of "Agricultural Seed" in the respective columns the following:

Crambe	T	25	3	7	---	
Triticale	B, T, S	20; 15	4	7	---	Prechill at 5° or 10° C. for 5 days, or predry.

11. Section 201.58a(a)(3) would be amended by adding at the end thereof the statement, "Varieties in commercial channels in the United States which are not subjected to the above formulas include but are not limited to the following:

Arikl.
Magnolia."

12. Section 201.59 would be amended by changing the last sentence to read as follows: "All other tolerances, including tolerances for pure-live seed and fluorescence, and tolerances for purity based on 10 to 1,000 seeds, seedlings, or plants shall be determined from the result or results found in the administration of the Act."

13. Section 201.62 would be amended as follows:

a. The section heading and the first paragraph of § 201.62 would be amended by deleting the word "growing" in each instance.

b. The heading for Table 4 in § 201.62 would be amended to read as follows:

Table 4—Tolerances for purity tests, when results are based on 10 to 1,000 seeds, seedlings, or plants used in a test.

14. Section 201.101 would be amended by adding to the list of kinds of seed in proper alphabetical order the names "Crambe" and "Triticale."

15. Section 201.107 would be amended by inserting in the list of seeds in paragraph (b) in proper alphabetical order the following:

Bermudagrass, giant—*Cynodon dactylon* var. *aridus*.

16. Section 201.208 would be amended by adding to the list of kinds of seeds in paragraph (a) in proper alphabetical order the following:

Crambe.
Triticale.

17. Section 201.221a, Table 5, would be amended to:

a. Insert in the list of Vegetable Seeds in proper alphabetical order the following:

Cress, upland	5	10

b. In the list of agricultural seeds, change the name "Bermudagress, Common" to "Bermudagrass."

c. Add in proper alphabetical order in the list of "Agricultural Seeds" in the respective columns the following:

Crambe	25	100
Triticale	100	500

18. Section 201.222 would be amended by adding to the list of kinds of seed in paragraph (a) in the proper alphabetical order the following:

Crambe.
Triticale.

Done at Washington, D.C. this 14th day of November 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-13717; Filed, Nov. 18, 1969; 8:46 a.m.]

[7 CFR Part 929]

CRANBERRIES

Expenses and Rate of Assessment for 1969–70 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period September 1, 1969, through August 31, 1970, will amount to $42,000.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 929.41, be fixed at $0.02 per barrel or equivalent quantity of cranberries.

(3) That unexpended assessment funds, in excess of expenses incurred during the fiscal period ended August 31, 1969, be carried over as a reserve in accordance with the applicable provisions of § 929.42.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 13, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13707; Filed, Nov. 18, 1969; 8:45 a.m.]

[7 CFR Part 981]

[Docket No. AO 214–A3]

ALMONDS GROWN IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Assembly Room, California Department of Agriculture, 1220 N Street, Sacramento, Calif. 95814, beginning at 9 a.m., local time, December 15, 1969, with respect to proposed amendment to the marketing agreement and order, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The California Almond Growers Exchange, a cooperative marketing association, has proposed the following amendment and requested a hearing thereon:

1. Substitute the word "reserve" for "surplus" wherever it occurs in the order and change the heading immediately preceding § 981.45 from "Surplus Control" to "Volume Regulation".

2. Revise § 981.16 by inserting after "means" the words "to use almonds commercially of own production or".

3. Add two new sections as follows:

§ 981.21a Salable almonds.

"Salable almonds" means those almonds which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 981.47 and, in the absence of a reserve percentage being established for a crop year, all almonds received by handlers for their own accounts during that crop year.

§ 981.21b Reserve almonds.

"Reserve almonds" means those almonds which must be withheld from handling in satisfaction of a reserve obligation arising from application of a reserve percentage established by the Secretary pursuant to § 981.47.

4. Revise § 981.49(c) to read as follows:

(c) The desirable handler carryover at the end of the crop year with due recognition to any inventory of reserve almonds.

5. Add a new subparagraph (f) in § 981.49 as follows:

(f) The recommendations as to the release of reserve tonnage pursuant to § 981.66.

6. Revise § 981.50 to read as follows:

§ 981.50 Reserve obligation.

Whenever salable and reserve percentages are in effect for a crop year, each handler shall withhold from handling a quantity of almonds having a kernelweight equal to the reserve percentage of the kernelweight of all almonds such handler receives for his own account during the crop year: *Provided*, That any quantity of almonds disposed of in outlets such as animal feed or crushing into oil, in a manner permitting accountability to the Board, and which is not reserve almonds, shall not be included in such receipts. The quantity of almonds hereby required to be withheld from handling shall constitute, and may be referred to as, the "reserve" or "reserve obligation" of a handler. The almonds handled as salable almonds by any handler, in accordance with the provisions of this part, shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

7. Revise § 981.52 to read as follows:

§ 981.52 Holding requirement and delivery.

Each handler shall, at all times, hold in his possession or under his control, in proper storage for the account of the Board, the quantity of almonds necessary to meet his reserve obligation less: (a) Any quantity for which he has a temporary deferment pursuant to § 981.53; (b) any quantity which was disposed of by him pursuant to § 981.67; and (c) any quantity for which he is otherwise relieved by the Board of responsibility to so hold almonds. Upon demand of the Control Board reserve almonds shall be delivered to the Board f.o.b. handler's warehouse or point of storage, except that the Control Board shall not make such demand upon a handler with respect to reserve almonds for which the time for withholding has been deferred pursuant to § 981.53 or he has agreed to undertake disposition pursuant to § 981.67.

8. Delete § 981.58.

9. Revise the final sentence of § 981.61 to read as follows: "Weights used in such computations for various classifications

of almonds shall be: (a) For unshelled almonds, the kernelweight computed by application of shelling ratios authorized pursuant to § 981.62; (b) for shelled almonds, the net weight; and (c) for shelled almonds used in production of almond products, the weight of such almonds."

10. Revise § 981.66(c) by adding "almond paste" after the words "almond butter".

11. Revise § 981.66(d) to read as follows:

(d) *Time restriction on disposition.* The Control Board shall not dispose of, or authorize the disposition of, more than 80 percent or such other percentage as the Secretary, upon recommendation of the Control Board or other information, may establish, of the reserve almonds in export or noncompetitive domestic outlets prior to May 15 of any crop year: *Provided*, That handlers may request, and, if apropriate, the Control Board may authorize disposition of the difference between the handlers actual exports and his total reserve obligation in noncompetitive domestic outlets. Prior to May 15, the Control Board shall review the disposition of reserve almonds and if it finds that the volume released to export and noncompetitive domestic outlets has been committed and additional volumes could be disposed of in either, without materially affecting disposition of the oncoming crop, it may, subject to the approval of the Secretary, increase the percentage to be released in export or noncompetitive domestic outlets. If pursuant to § 981.48, the reserve percentage is reduced during any crop year, each handler may dispose of the quantity released into export or other reserve outlets by the initial percentages of the crop year but his credit for reserve disposition shall not exceed his new reserve obligations.

12. Revise the first sentence of § 981.67 by inserting after the words "such reasonable terms and conditions" the words: "including inspection and certification requirements".

13. Delete paragraph (a) of § 981.68, redesignate paragraphs (b) and (c) of § 981.68 as (f) and (g) respectively of § 981.66 and revise them to read as follows:

(f) *Expenses.* Direct expenses incurred by the Board in the maintenance and disposition of reserve almonds shall be charged against the proceeds of sales of such almonds.

(g) *Distribution of proceeds.* Net proceeds from the disposition of reserve almonds by the Board shall be distributed to each handler in proportion to his relative contribution to such disposition in terms of kernelweight.

14. Add a new section as follows:

§ 981.41 Research and development.

The Control Board, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of almonds. The expense of such projects shall be paid from funds collected pursuant to § 981.81.

The Almond Growers Council, a grower organization, has proposed the following amendment and requested a hearing thereon:

15. Add a new section as follows:

§ 981.42 Grower-handlers.

Growers as defined by this order, who also are handlers pursuant to §§ 981.13 and 981.16, for all purposes of this part, shall have all of the rights of a grower and in addition all of the rights and obligations of a handler.

16. Revise § 981.49 by deleting the colon after "at least six members", and adding: ", including the affirmative vote of handler members who processed together, not less than 80 percent of the preceding year's total crop."

17. Revise § 981.49 by redesignating the present subparagraphs (c), (d), and (e), as (d), (e), and (f) respectively and adding after (b):

(c) The inventory reserve as of July 1.

18. Consider the possibility of double obligation on the same almonds in §§ 981.50 and 981.61 in addition to that in present § 981.55.

19. In the proviso of the first sentence of § 981.50, delete the words "such as animal feed or crushing into oil" and substitute therefor: "provided in § 981.66(c)"; and in the sentence preceding the final sentence of § 981.50, after the words "to be withheld" insert: "from the trade demand outlets".

20. In the first sentence of § 981.66(c), after "charitable purposes", insert: "or to normal trade demand markets when the reserve almonds, whether such be unshelled, shelled or almond products as defined in §§ 981.5, 981.6, and 981.15 respectively, are prepacked by handlers in sealed containers of not more than 16 ounces net weight and only upon execution of an agreement to prevent sales which attempt to circumvent this § 981.66(c), or".

21. In § 981.66(d), after the words "more than 50 percent" insert: ", or such other percentage as the Secretary may establish upon recommendation of a majority of the Control Board members including the affirmative vote of handler members who processed together, not less than 80 percent of the preceding year's total crop,".

22. In the first sentence and the sentence preceding the final sentence of § 981.67 delete the word "contributed" and substitute therefor: "withheld from the trade demand outlets".

23. Delete paragraph (b) of § 981.81, redesignate paragraph (c) as (d), and add two new paragraphs after (a):

(b) *Operating reserve.* The Control Board, with the approval of the Secretary, may establish and maintain during one or more crop years an operating monetary reserve in an amount not to exceed approximately one crop year's operational expenses. Funds in such reserve shall be available for use by the Control Board for expenses authorized pursuant to § 981.80.

(c) *Refunds.* At the end of a crop year, funds in excess of the crop year's expenses and reserve requirements shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of expenses of the Control Board. However, excess funds may be used by the Control Board for a period of 5 months subsequent to the crop year; but within 5 months from the beginning of the subsequent crop year the Control Board shall refund to each handler upon request, or credit to his account with the Control Board, his share of such excess.

24. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to the amendments which may result from this hearing.

Copies of this notice may be obtained from the Sacramento Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Agriculture, 2800 Cottage Way, Room E–2713, Sacramento, Calif. 95825 or from the Almond Control Board, Post Office Box 8508, Sacramento, Calif. 95822.

Dated: November 13, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69–13706; Filed, Nov. 18, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[No. MC–C–258; Sub-No. 1]

KANSAS CITY, MO.-KANSAS CITY, KANS., COMMERCIAL ZONE

Redefinition of Limits

NOVEMBER 14, 1969.

Redefinition of the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone heretofore defined in MC–C–258 Kansas City, Mo.-Kansas City, Kans., commercial zone, 110 M.C.C. 136 at pages 137–138. Petitioners: Bonner Springs Chamber of Commerce and Southeastern Public Service Co., doing business as Mid-Continent Underground Storage. Petitioners' representative: Tom Kretsinger, Suite 450, Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. By petition filed July 7, 1969, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone which were most recently defined on June 11, 1969, in Kansas City, Mo.-Kansas City, Kans., commercial zone, 110 M.C.C. 136 at pages 137–138 (49 CFR 1048.3) so as to include therein an area west of the present western limits of the zone.

As presently defined, the Kansas City, Mo.-Kansas City, Kans., commercial zone is bounded, in part, by a line beginning at the junction of Pflumm Road and Kansas Highway 10, extending west along Kansas Highway 10 to its junction with Kansas Highway 7, thence north along Kansas Highway 7 to Bonner Springs, Kans., thence along the southern and eastern boundaries of Bonner Springs to their intersection with Kansas Highway 32, thence east along Kansas Highway 32 to the corporate boundary of Kansas City, Kans. Petitioners request the Commission to include within the zone an area bounded by a line as follows: Beginning at the junction of Kansas Highway 10 and Kansas Highway 7, said point being within the present commercial zone, extending along an imaginary line due west across the Kansas River to the Wyandotte County-Leavenworth County line (142d Street) at Loring, Kans., thence westerly along County Route 32, a distance of three-fourths mile to the entrance to the facilities of Mid-Continent Underground Storage, Loring, thence from Loring in a northerly direction along Loring Lane and Linwood Avenue to the southern boundary of Bonner Springs, thence along the southern, western, and northern boundaries of Bonner Springs, to their intersection with Kansas Highway 7, thence southeast along Kansas Highway 7 to its junction with Kansas Highway 32, thence westerly along Kansas Highway 32 to its junction with the present commercial zone boundary, thence in a southerly direction along the present commercial zone boundary to the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before December 22, 1969. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–13735; Filed, Nov. 18, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

NOVEMBER 1969 MONTHLY SALES LIST

Sales of Certain Commodities

Item 3 of the Notice to Buyer section of the CCC Monthly Sales List for November (34 F.R. 17974) is amended by deleting soybeans and soybean meal from the list of commodities eligible under the CCC export credit sales program.

Signed at Washington, D.C., on November 13, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-13704; Filed, Nov. 18, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF ALABAMA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00572-33-46040. Applicant: University of Alabama in Birmingham, Biological Ultrastructure Laboratory, Department of Clinical Dentistry, 1919 Seventh Avenue South, Birmingham, Ala. 35233. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for investigating bone growth and development in experimental animals at the ultrastructural level with two major problems in mind: (1) The morphogenesis and interrelationship of bone cells, and (2) metabolic and biosynthetic activity associated with the development and function of bone cells. In addition to studies on bone growth and development, the article will be used in studies on the ultrastructural morphology and histochemistry of salivary glands in order to further correlate the structure and function of these tissues. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed a bona fide order for the article. (See comments of applicant regarding purchase of foreign article.) Reasons: The foreign article provides a guaranteed resolving capability of 5 angstroms and offers five accelerating voltages—20, 40, 60, 80, and 100 kilovolts. The most closely comparable domestic instrument available as of March and June 1968, was the Model EMU-4 electron microscope which was then manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The RCA Model EMU-4 had a guaranteed resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) In regard to accelerating voltages, the Model EMU-4 was limited to 50 and 100 kilovolts. The Department of Health, Education, and Welfare (HEW) advises us that the additional resolving capability and the additional accelerating voltages of the foreign article are pertinent characteristics. We, therefore, find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. (Memorandum dated August 6, 1969.)

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States at the time the applicant purchased the foreign article, which was of equivalent scientific value to the article for such purposes as the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13692; Filed, Nov. 18, 1969; 8:45 a.m.]

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00575-20-07795. APPLICANT: University of Illinois Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Two (2) terrestrial wide angle cameras with accessories, Model BSG1. Manufacturer: Officine Galileo, Italy. Intended use of article: The article will be used for both instruction and research in photogrammetry on the undergraduate and graduate levels. In instruction, the article will be used for photogrammetric data acquisition by undergraduate students associated with courses in Terrestrial and Industrial Photogrammetry and Special Problems in Civil Engineering. In research, the article will be used to investigate the topic "Universal Stereometric Systems of High Precision", which is expected to lead to the development of a new generation of stereometric cameras of more flexibility and higher accuracy than the contemporary stereometric cameras. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has the capability of stereoscopically photographing objects at various focal distances, as well as the capability of providing changes in the principal distance in discrete steps down to 2 feet. The National Bureau of Standards (NBS) advises us that, for the purposes for which the foreign article is intended to be used, these are pertinent characteristics. (Memorandum dated July 14, 1969). NBS further advises that it knows of no terrestrial wide-angle stereometric camera with similar characteristics, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13693; Filed, Nov. 18, 1969; 8:45 a.m.]

ACADEMY OF NATURAL SCIENCES OF PHILADELPHIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural

Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00576-33-26200. Applicant: The Academy of Natural Sciences of Philadelphia, 1900 Race Street, Philadelphia, Pa. 19103. Article: Electroplan unit. Manufacturer: Paton Industries Pty. Ltd., Australia. Intended use of article: The article will be used for measuring surface area of leaves for biological research, including studies of water pollution which involves studies of weed and plant progression and the population characteristics of flowing water systems. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article automatically computes the surface area of opaque plane objects which are carried past a scanning device on a plastic belt. Areas are computed in square millimeters with a maximum error of 0.5 percent and a standard error of 0.2 percent. We are advised by the National Bureau of Standards (NBS) in a memorandum dated September 15, 1969, that the ability to automatically provide a precise measurement of surface area is pertinent to the applicant's intended purposes. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13694; Filed, Nov. 18, 1969; 8:45 a.m.]

UNIVERSITY OF PITTSBURGH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00571-33-46040. Applicant: University of Pittsburgh, Fifth and Bigelow Avenues, Pittsburgh, Pa. 15213. Article: Electron microscope, Model EM 300 and accessory. Manufacturer: Philips Electronic Instrument, The Netherlands. Intended use of article: The article will be used for biological research and graduate student teaching concerning the following projects:

a. The characterization of the cell death process during insect and anuran metamorphosis.

b. Intracellular localization of lysosomal enzymes by electron microscope cytochemistry.

c. The ultrastructural characterization of pigment formation in the testes of genetic mutants of Ephestia.

d. Several projects will be performed as both teaching aids and dissertation research by graduate students.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used was being manufactured in the United States at the time the applicant placed a bona fide order for the article. Reasons: (1) Applicant placed the order for the foreign article on June 13, 1968. The most closely comparable domestic electron microscope was the Model EMU-4 which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The foreign article has a guaranteed resolving capability of 5 angstroms, whereas the Model EMU-4 has a resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic of the article; (2) the foreign article also provides 20-, 40-, 60-, 80-, and 100-kilovolt accelerating voltages, whereas the Model EMU-4 has only 50- and 100-kilovolt accelerating voltages. The lower accelerating voltages afford optimum contrast for unstained specimens and the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the additional accelerating voltages of the foreign article are also pertinent characteristics of the article. For the foregoing reasons, we find that the Model EMU-4 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-13695; Filed, Nov. 18, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-122]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR, Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 1, 1969 to October 10, 1969 (List No. 27-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/373/1, 22.0' x 7.5' x 3.17' steel, hand-propelled lifeboat, 30-person capacity, identified by general arrangement dwg. No. 2230H dated September 16, 1969, 46 CFR 160.035-13(c) Marking. Weights: Condition "A"= 3325.0 pounds; Condition "B"=8980.0 pounds, manufactured by C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective October 1, 1969. (It reinstates and supersedes Approval

No. 160.035/373/0, terminated May 27, 1969, to show change in address and construction.)

KITS, FIRST-AID, FOR MERCHANT VESSELS

Approval No. 160.041/4/0, first-aid kit, Model No. H–24, dwg. No. H–24–K, revised July 11, 1952, manufactured by A. E. Halperin Co., Inc., 716 Columbus Avenue, Boston, Mass. 02120, effective October 10, 1969. (It supersedes Approval No. 160.041/4/0, dated Aug. 14, 1967, to show change of address of manufacturer.)

Approval No. 160.041/7/0, first-aid kit, Model No. H–24–A, Assembly dwg. dated March 20, 1959, manufactured by A. E. Halperin Co., Inc., 716 Columbus Avenue, Boston, Mass. 02120, effective October 10, 1969. (It supersedes Approval No. 160.-041/7/0, dated Mar. 21, 1969, to show change of address of manufacturer.)

JACKKNIFE (WITH CAN OPENER) FOR MERCHANT VESSELS

Approval No. 160.043/2/0, No. 850 jackknife (with can opener), dwgs. PR–110–15 and PR–110–24, dated June 22, 1954, manufactured by Imperial Knife Co., Inc., Imperial Place, Providence, R.I. 02903, effective October 10, 1969. (It supersedes Approval No. 160.043/2/0 dated Sept. 4, 1969, to show correction in heading identification.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/254/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, for Martin Industries, Post Office Box 423, Clayton, Ala. 36016, effective October 1, 1969.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/62/0, 30-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, specification dated August 14, 1969, and drawing No. 8431/8/69, dated August 14, 1969, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective October 7, 1969.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/5/1, Model 21CG, unicellular plastic foam cloth covered work vest, dwg. No. 21CG, figures 1, 2, 3, and 4, dated October 27, 1964, and material specification and source list dated October 27, 1964, manufactured by Badgley Manufacturing Co., 1620 Northeast Argyle, Box 9687, Portland, Oreg. 97211, effective October 1, 1969. (It is an extension of Approval No. 160.053/5/1, dated Nov. 24, 1964.)

KITS, FIRST-AID, FOR INFLATABLE LIFERAFTS

Approval No. 160.054/2/0, Model No. H–12 first-aid kit for inflatable liferafts, dwg. No. H–12 dated January 7, 1960, manufactured by A. E. Halperin Co., Inc., 716 Columbus Avenue, Boston, Mass. 02120, effective October 10, 1969. (It supersedes Approval No. 160.054/2/0, dated May 17, 1965 to show change of address of manufacturer.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/108/0, Bendix Model B–175–49 backfire flame arrester, approved without testing because of similarity with Coast Guard approved Bendix Flame Arrester B175–42, manufactured by Bendix Corp., Fuel Devices Division, 696 Hart Avenue, Detroit, Mich. 48214, effective October 10, 1969.

Dated: November 13, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard.
Commandant.

[F.R. Doc. 69–13723; Filed, Nov. 18, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20472]

MOHAWK AIRLINES, INC.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 17, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 12, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69–13722; Filed, Nov. 18, 1969; 8:47 a.m.]

[Docket No. 18401 etc.]

SERVICE TO OMAHA AND DES MOINES CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard beginning on December 2, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 13, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69–13721; Filed, Nov. 18, 1969; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE TREASURY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Congressional Relations) in the Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioner.

[F.R. Doc. 69–13700; Filed, Nov. 18, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 960]

COPEX AMERICA, INC.

Order of Revocation

By letter dated October 17, 1969, Copex America, Inc., 325 Spring Street, New York, N.Y. 10013, advised that it was ceasing operations as an independent ocean freight forwarder and wished to voluntarily relinquish its License No. 960.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 960 of Copex America, Inc., be and is hereby revoked effective November 13, 1969.

It is further ordered, That this revocation is without prejudice to Copex America, Inc.'s reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Copex America, Inc.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69–13719; Filed, Nov. 18, 1969; 8:46 a.m.]

UNITED STATES GULF/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. R. J. Flynn, Chairman, United States Gulf/Japan Cotton Pool, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8682–5 is an arrangement between American and Japanese flag carriers of the Far East Conference which pools and apportions the cotton carried by those lines in the trade from U.S. Gulf ports to ports in Japan.

The subject modification (1) changes the annual "pool" year or accounting period from the present July 1 through June 30 to August 1 through July 31; (2) makes provision for the disposition of fractional sailings when calculating the total number of sailings under the agreement; and (3) adds provision for the filing of booking and sailing information with the Pool Secretariat in the event an emergency situation should arise.

Dated: November 13, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69–13720; Filed, Nov. 18, 1969; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 48]

ELECTRONICS CAPITAL CORP.

Notice of Receipt of Application for Permission To Acquire Control of Superior Savings and Loan Association

NOVEMBER 13, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Electronics Capital Corp., a savings and loan holding company, New York, N.Y., for approval of acquisition of control of the Superior Savings and Loan Association, Cleveland, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the merger of Superior Savings and Loan Association into St. Clair Savings Association, Cleveland, Ohio, a subsidiary of Electronics Capital Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69–13711; Filed, Nov. 18, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70–4809]

SOUTHWESTERN ELECTRIC POWER CO. AND CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Amendments of Certificate of Incorporation, Solicitation of Proxies, Transfer From Earned Surplus to Common Stock Capital Account, and Issue and Sale of Preferred Stock

NOVEMBER 13, 1969.

Notice is hereby given that Southwestern Electric Power Co. ("Southwestern"), a registered holding company and an electric utility subsidiary company of Central and South West Corp. ("Central"), 800 Delaware Avenue, Wilmington, Del. 19899, also a registered holding company, have filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(f) of the Act and Rules 50, 62, and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Southwestern proposes to change, by amendment of its Certificate of Incorporation, the 5,500,000 authorized shares of its common stock of the par value of $12 each, both issued and unissued, into 5,500,000 shares of common stock of the par value of $14 each and to transfer from earned surplus to the common stock capital account the sum of $10,533,600—the equivalent of $2 for each of the 5,266,800 shares of common stock ($12 par value) now outstanding.

At September 30, 1969, the common stock capital and the earned surplus of Southwestern amounted to $63,201,600 and $23,517,925, respectively. Giving effect to the proposed transfer, common stock capital would be increased to $73,735,200 and earned surplus would be reduced to $12,984,325. The transactions will effect a permanent capitalization of a portion of the company's earned surplus. Each of the outstanding common shares having a par value of $12 will, after the proposed transaction, constitute a common share having a par value of $14.

Southwestern also proposes to amend its Certificate of Incorporation to increase the total number of shares of preferred stock of the par value of $100 each which the company has authority to issue from 200,000 shares to 290,000 shares. The proposed increase is necessary in order to permit Southwestern to issue and sell additional shares of its preferred stock.

Southwestern further proposes to amend its Certificate of Incorporation generally to comply with the provisions of the Commission's Statement of Policy Regarding Preferred Stock. The changes relate to the time of computing "common stock equity" in connection with the payment of common stock dividends, the period for electing a majority of the board of directors whenever such right shall have accrued to the preferred stockholders, and the provisions relating to the filling of any vacancies on the Board.

The affirmative vote of the holders of at least a majority of the outstanding shares of common stock is required to adopt the proposed amendments and, in addition, the affirmative vote of the holders of a majority in interest of the outstanding preferred stock, voting separately as a class, is required for the adoption of the amendment increasing the total authorized preferred stock from 200,000 shares to 290,000 shares. A special meeting of Southwestern's stockholders is to be held on January 5, 1970, to consider and vote upon the adoption of the proposed amendments. Southwestern proposes to solicit proxies for said meeting. Central, owner of all of the common stock of Southwestern, has indicated that it will vote said shares in favor of the adoption of the proposed amendments to the Certificate of Incorporation.

In addition, Southwestern proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 125,000 shares of its _____ percent preferred stock, cumulative, par value $100 per share. The dividend rate (which will be a multiple of 0.04 percent) and the price to be paid to Southwestern (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The net proceeds received from the issue and sale of the preferred stock will be used by Southwestern to pay, at maturity, $12,306,000 in principal amount of its first mortgage 3¼ percent bonds, Series A, which will become due on February 1, 1970.

Fees and expenses in connection with the proposed transactions to be paid by Southwestern are estimated at $38,000, including legal fees of $11,900, accountants' fees of $3,000, and service company fees, at cost, of $2,500. Fees and expenses of counsel for the purchasers are estimated at $9,300 and are to be paid by the successful bidders. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 1, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13712; Filed, Nov. 18, 1969; 8:46 a.m.]

[File No. 70-4569]

CENTRAL AND SOUTH WEST CORP. ET AL.

Notice of Filing of Posteffective Amendments Regarding Issue and Sale of Commercial Paper, Issue and Sale of Notes to Holding Company and Acquisition Thereof by Holding Company

NOVEMBER 13, 1969.

In the matter of Central and South West Corp., 902 Market Street, Wilmington, Del. 19899; Central Power and Light Co., 120 North Chaparral Street, Corpus Christi, Tex. 78403; Public Service Company of Oklahoma, 600 South Main Street, Tulsa, Okla. 74102; Southwestern Electric Power Co., 428 Travis Street, Shreveport, La. 71102; West Texas Utilities Co., 1062 North Third Street, Abilene, Tex. 79604.

Notice is hereby given that Central and South West Corp. ("Central"), a registered holding company, and four of its public-utility subsidiary companies, Central Power and Light Co. ("CP&L"), Public Service Company of Oklahoma ("Public Service"), Southwestern Electric Power Co. ("Southwestern"), and West Texas Utilities Co. ("West Texas") (collectively referred to as "subsidiary companies") have filed with this Commission, pursuant to sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, and 50(a)(5)(B) promulgated thereunder, posteffective amendments to their joint application-declaration in this matter. All interested persons are referred to the joint application-declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 26, 1968 (Holding Company Act Release No. 15954), and supplemental orders dated September 10, 1968, and March 24, 1969 (Holding Company Act Releases No. 16155 and 16321), this Commission authorized (a) the issue and sale by Central of commercial paper promissory notes in an aggregate principal amount not to exceed $25 million at any one time outstanding and (b) the issue and sale by the subsidiary companies and the acquisition by Central of promissory notes in an aggregate principal amount not to exceed $35 million at any one time outstanding.

In the posteffective amendments now filed authorization is requested (a) to extend to December 31, 1970, the time within which the commercial paper notes may be issued and sold by Central, and Central may loan to its subsidary companies and (b) to permit sales of commercial paper by Central to A. G. Becker & Co., Inc., in addition to Lehman Commercial Paper, Inc. ("Lehman") upon the same terms and conditions and in the same manner Central is permitted to issue and sell commercial paper to Lehman.

The posteffective amendments also propose that the proceeds from the sale of the commercial paper notes will be added to Central's treasury funds and loaned to its subsidiary companies in amounts not to exceed the following maximum amounts at any one time: Central, $25 million; Public Service, $25 million; Southwestern, $22 million; West Texas, $10 million. All such loans would be made upon the same terms and conditions as heretofore authorized and approved. The notes issued by the subsidiary companies shall mature as agreed upon by the parties thereto but prior to the final maturity of the commercial paper notes issued by Central and shall be prepayable in whole or in part without premium or penalty. The proposed borrowings from Central by its subsidiary companies will be used to finance temporarily part of the cost of their construction programs for the remainder of 1969 and 1970. The total estimated construction expenditures of the subsidiary companies for the year 1970 are as follows: Central, $45 million; Public Service, $30 million; Southwestern, $35 million; and West Texas, $16 million.

Notice is further given that any interested person may, not later than December 1, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendments which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint posteffective amendments may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13713; Filed, Nov. 18, 1969; 8:46 a.m.]

PROFESSIONAL HEALTH SERVICES

Order Suspending Trading

NOVEMBER 13, 1969

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Professional Health Services, a Delaware corporation, and all other securities of Professional Health Services being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 13, 1969, 12 m., (e.s.t.) through November 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13714; Filed, Nov. 18, 1969; 8:46 a.m.]

TARIFF COMMISSION

[337-23]

COFFEE CONCENTRATES

Notice of Termination of Investigation

On November 13, 1969, the Commission denied the motion of Struthers Scientific and International Corp., of Warren, Pa., complainant in investigation No. 337-23, for a continuance of the hearing scheduled to begin December 2, 1969, in connection with the investigation, and terminated the investigation without findings and without prejudice to the complainant.

Investigation No. 337-23 was instituted May 14, 1969 (34 F.R. 8320), under section 337, Tariff Act of 1930 (19 U.S.C. 1337), upon complaint alleging unfair methods of competition and unfair acts in the importation and sale of certain coffee concentrates made in accordance with the claims of certain patents owned by complainant.

The Commission, in taking its action, noted that it had previously granted two continuances upon motion of complainant; that complainant again was not prepared to proceed; and that further uncertainty was introduced by complainant's desire to enlarge the scope of the investigation by introducing additional issues some of which were not yet defined.

Issued: November 14, 1969.

By order of the Commission.

[SEAL] WILLARD W. KANE, *Acting Secretary.*

[F.R. Doc. 69-13725; Filed, Nov. 18, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 69]

SOUTHERN RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Southern Railway Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent, R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent, R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., November 17, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-13727; Filed, Nov. 18, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 70]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) St. Louis-San Francisco Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., November 17, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-13728; Filed, Nov. 18, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 71]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Kansas City Southern Railway Co. shall deliver to the Chicago, Rock Island and Pacific Railroad Co. a weekly

total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended*. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date*. This direction shall become effective at 12:01 a.m., November 17, 1969.

(4) *Expiration date*. This direction shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-13729; Filed, Nov. 18, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 73]

SOUTHERN PACIFIC CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Southern Pacific Co. shall deliver to the Northern Pacific Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended*. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date*. This direction shall become effective at 12:01 a.m., November 17, 1969.

(4) *Expiration date*. This direction shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-13730; Filed, Nov. 18, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 74]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Louisville and Nashville Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this directive shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended*. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date*. This direction shall become effective at 12:01 a.m., November 17, 1969.

(4) *Expiration date*. This direction shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-13731; Filed, Nov. 18, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 68, Amdt. 1]

READING CO. ET AL.

Car Distribution

Reading Co., Western Maryland Railway Co., Baltimore and Ohio Railroad Co., and Illinois Central Railroad Co.

Upon further consideration of Car Distribution Direction No. 68 and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 68 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date*. This direction shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 16, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-13737; Filed, Nov. 18, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 67, Amdt. 1]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date*. This direction shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 16, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-13738; Filed, Nov. 18, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 66, Amdt. 1]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., and Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 66, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 66 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date*. This direction shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 16, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-13739; Filed, Nov. 18, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 72]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Atchison, Topeka and Santa Fe Railway Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each seven days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended*. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date*. This direction shall become effective at 12:01 a.m., November 17, 1969.

(4) *Expiration date*. This direction shall expire at 11:59 p.m., November 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-13740; Filed, Nov. 18, 1969; 8:48 a.m.]

[Notice 576]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 14, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2253 (Deviation No. 1), CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. 28021, filed November 4, 1969. Carrier's representative: W. C. Mauldin, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Dayton, Ohio, and Ocala, Fla., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dayton, Ohio, over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25–E to Newport, Tenn., thence over U.S. Highway 25 to Asheville, N.C., thence over U.S. Highway 70 to junction North Carolina Highway 18, thence over North Carolina Highway 18 to Shelby, N.C., thence over U.S. Highway 74 to Kings Mountain, N.C., thence over North Carolina Highway 161 to the North Carolina-South Carolina State line, thence over South Carolina Highway 161 to junction U.S. Highway 321, thence over U.S. Highway 321 to junction U.S. Highway 301, thence over U.S. Highway 301 to Ocala, Fla., and return over the same route.

No. MC 65491 (Deviation No. 21), GEORGE W. BROWN, INC., 1475 East 222d Street, Post Office Box 41, Bronx, N.Y. 10469, filed November 6, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Newburg, N.Y., over Interstate Highway 84, to Hartford, Conn.; (2) from Peekskill, N.Y., over U.S. Highway 9 to junction Interstate Highway 84, thence over Interstate Highway 84 to Hartford, Conn.; and (3) from Poughkeepsie, N.Y., over U.S. Highway 9 to junction Interstate Highway 84, thence over Interstate 84 to Hartford, Conn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York over U.S. Highway 9 to Albany, N.Y., thence over U.S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, N.Y.; (2) from New York, N.Y., over U.S. Highway 9W to Albany, N.Y., thence over New York Highway 5 to junction New York Highway 31B, thence over New York Highway 31B to Weedsport, N.Y., thence over New York Highway 31 to Rochester, N.Y.; (3) from New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.; and (4) from Norwalk, Conn., over U.S. Highway 7 to Danbury, Conn., thence over U.S. Highway 6 to junction Massachusetts Highway 3, thence over Massachusetts Highway 3 to Boston, Mass., and return over the same routes.

No. MC 75651 (Deviation No. 4), R. C. MOTOR LINES, INC., Post Office Box 2501, Jacksonville, Fla. 32203, filed November 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Jacksonville, Fla., and New York, N.Y., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Jacksonville, Fla., over U.S. Highway 17 to Pocataligo, S.C., thence over Alternate U.S. Highway 17 (formerly portion U.S. Highway 15), to Waterboro, S.C., thence over U.S. Highway 15 to Society Hill, S.C., thence over U.S. Highway 52 to Cheraw, S.C., thence over U.S. Highway 1 to Rockingham, N.C., thence over U.S. Highway 220 to junction U.S. Highway 311, thence over U.S. Highway 311 via High Point, N.C., to Winston-Salem, N.C., thence over U.S. Highway 421 to Greensboro, N.C., thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md. (also from Jacksonville to High Point, N.C., as specified above, thence over U.S. Highway 70 to Durham, N.C., thence to Baltimore, as specified above; also from Jacksonville to Walterboro, S.C., as specified above, thence over U.S. Highway 15 to Laurinburg, N.C., thence over U.S. Highway 501 to Aberdeen, N.C., thence over U.S. Highway 1 to Baltimore; and also from Jacksonville to Laurinburg, N.C., as specified above, thence over U.S. Highway 401 (formerly portion Alternate U.S. Highway 15) to Fayetteville, N.C., thence over U.S. Highway 301 to Petersburg, Va., thence over U.S. Highway 1 to Baltimore, Md.); (2) from Baltimore, Md., over U.S. Highway 1 to Philadelphia, Pa.; and (3) from New York, N.Y., over U.S. Highway 1 via Jersey City and Elizabeth, N.J., to Trenton, N.J. (also from Elizabeth over New Jersey Highway 27 to New Brunswick, N.J., thence over New Jersey Highway 26 to junction U.S. Highway 1, thence over U.S. Highway 1 to Trenton), thence over U.S. Highway 13 to Philadelphia, Pa. (also from New York, N.Y. via the Holland Tunnel to Jersey City, N.J., thence as specified above to Philadelphia), and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 533) (Cancels Deviation No. 489), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 4, 1969, carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 75 to junction Interstate Highway 475 north of Macon, Ga., thence over Interstate Highway 475 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 90, thence over U.S. Highway 90 to Lake City, Fla.; (2) from Macon, Ga., over Interstate Highway 75 to junction Interstate Highway 475 north of Macon, Ga.; (3) from Macon, Ga., over Georgia Highway 33 to junction Interstate Highway 475; (4) from Cordele, Ga., over U.S. Highway 41 to junction Georgia Highway 257, thence over Georgia Highway 257 to junction Interstate Highway 75; (5) from Cordele, Ga., over U.S. Highway 280 to junction Interstate Highway 75; (6) from Tifton, Ga., over U.S. Highway 82 to junction Interstate Highway 75; (7) from Valdosta, Ga., over U.S. Highway 84 to junction Georgia Highway 94, thence over Georgia Highway 94 to junction Interstate Highway 75; and (8) from Valdosta, Ga., over U.S. Highway 84 to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 41 via Macon, Ga., to Lake City, Fla., thence over U.S. Highway 90 to Jacksonville, Fla., and return over the same route.

No. MC 1515 (Deviation No. 534) (Cancels Deviation No. 249), Greyhound Lines, Inc. (Eastern Division), 1400 West Third St., Cleveland, Ohio 44113, filed November 5, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express* and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From Sturbridge, Mass., over Massachusetts Highway 15 to junction Interstate Highway 90 (Massachusetts Turnpike) at Interchange No. 9, thence over Interstate Highway 90 (Massachusetts Turnpike) to junction Interstate Highway 495 at Interchange No. 11A, thence over Interstate Highway 495 to junction Interstate Highway 95 just east of Amesbury, Mass., at Interchange No. 44, thence over Interstate Highway 95 to Portsmouth, N.H., (2) from Worcester, Mass., over Interstate Highway 290 to junction Interstate Highway 90 (Massachusetts Turnpike) at Interchange No. 10, (3) from Worcester, Mass., over Massachusetts Highway 122 to junction access road, thence over access road to junction Interstate Highway 90 (Massachusetts Turnpike), (4) from Worcester, Mass., over Massachusetts Highway 9 to junction Interstate Highway 495 at Interchange No. 11, (5) from Worcester, Mass., over Interstate Highway 290 to junction Interstate Highway 495 at Interchange No. 12, and (6) from Salisbury, Mass., over Massachusetts Highway 110 to junction Interstate Highway 495 at Interchange No. 43, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows:

(1) From Boston, Mass., over U.S. Highway 1 via Newburyport, Mass. (also via bypass route around Newburyport), to the Massachusetts-New Hampshire State line, thence over U.S. Highway 1 via Smithtown, N.H., and Portland and Belfast, Maine, to Stockton Springs, Maine, thence over Alternate U.S. Highway 1 via Bangor and Brewer, Maine to Ellsworth, Maine, thence over U.S. Highway 1 to the United States-Canada Boundary line, (2) from Worcester, Mass., over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 via Charlton City, Mass., to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 15 (Wilbur Cross Highway) and the Charter Oak Bridge via junction Connecticut Highways 15 and 74 and U.S. Highway 44 near Tolland Station, Conn., to Hartford, Conn., and (3) from Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass. (also from Boston over U.S. Highway 20 via Northboro, Mass., to junction unnumbered highway at a point approximately 1 mile southwest of Northboro, thence over unnumbered highway via Shrewsbury, Mass., to junction Massachusetts Highway 9 at a point approximately 3 miles east of Worcester, Mass., thence as specified above to Worcester), thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 via Fiskdale, Mass., to Springfield, Mass., thence over Massachusetts Highway 116 to Holyoke, Mass., thence over U.S. Highway 202 to junction U.S. Highway 5, thence over U.S. Highway 5 to Northampton, Mass., thence over Massachusetts Highway 9 to Pittsfield, Mass. (also from Springfield, Mass., over U.S. Highway 20 via West Springfield, Mass., to Pittsfield, Mass.; also from West Springfield, Mass., over U.S. Highway 5 to junction U.S. Highway 202 west of Holyoke, Mass.), thence over U.S. Highway 20 to Albany, N.Y., and return over the same routes.

No. MC 109780 (Deviation No. 27), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed November 4, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows. From El Paso, Tex., over Interstate Highway 10 to junction Interstate Highway 25 south of Las Cruces, N. Mex., thence over Interstate Highway 25 to Caballo Lake State Park, N. Mex., with the following access routes: (1) From junction Interstate Highway 10 and New Mexico Highway 342 over New Mexico Highway 342 to Las Cruces, N. Mex., and (2) from junction Interstate Highway 25 and unnumbered access road, over unnumbered access road to Hatch, N. Mex., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Albuquerque, N. Mex., over U.S. Highway 85 to Las Cruces, N. Mex., thence over U.S. Highway 80 to junction New Mexico Highway 478, thence over New Mexico Highway 478 via Fillmore, Mesquite, and Berino, N. Mex., to junction U.S. Highway 80, thence over U.S. Highway 80 to El Paso, Tex., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–13732; Filed, Nov. 18, 1969; 8:47 a.m.]

[Notice 1349]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 14, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR Part 240).

MOTOR CARRIERS OF PROPERTY

Finance Docket No. 25906. As part of the merger of the properties of THE ATCHISON, TOPEKA, AND SANTA FE RAILWAY COMPANY into ATCHISON, INC., and for merger of ATCHISON, INC., into AT&SF, INC., the AT&SF, INC., would acquire control of a wholly owned motor common carrier subsidiary of THE ATCHISON, TOPEKA, AND SANTA FE RAILWAY COMPANY, i.e., THE SANTA FE TRAIL TRANSPORTATION COMPANY, 80 East Jackson Boulevard, Chicago, Ill., operating under certificate No. MC–30605 and subnumbers thereunder. Operating rights sought to be controlled: *General commodities*, excepting, among others, classes A and B explosives, household goods, commodities in bulk, with numerous other specified exceptions, as a *common carrier*, over regular routes, from, to, and between specified points in the States of Nebraska, Oklahoma, Kansas, Missouri, Arkansas, Colorado, New Mexico, California, Arizona, and Texas, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–30605 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety, thereof.

No. MC–F–10655. Authority sought for purchase by COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051, of the operating rights of KANSAS CITY WESTERN EXPRESS, INC., 77 South James Street, Kansas City, Kans. 66118, and for acquisition by R. E. COOPER, JR., also of Orange, N.J. 07051, of control of such rights through the purchase. Applicants' attorneys: Irving Klein, 280 Broadway, New York, N.Y. 10007 and Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Operating rights sought to be transferred: *General commodities*, excepting among others classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, service is authorized to and from points in the Kansas City, Mo., Kansas City, Kans., commercial zone as defined by the Commission, as off-route points in connection with carrier's regular route operations authorized herein, except authority is not granted to transport combines (harvester-threshers) originating at Independence, Mo., on the one hand, and, on the other, destined to points in Colorado, Iowa, Illinois, Kansas, Nebraska, Oklahoma, and Texas, between Topeka, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Perry, Lawrence, Tonganoxie, and Kansas City, Kans. Vehicle is authorized to operate as a *common carrier* in Missouri, Nebraska, Iowa, Kansas, Oklahoma, Texas, Massachusetts, New York, Ohio, Illinois, Rhode Island, Pennsylvania, New Jersey, Connecticut, Maryland, Indiana, Delaware, Colorado, West Virginia, Kentucky, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10656. Authority sought for purchase by CALORE-COOK TRANS., INC., 131 West Exchange Street, Providence, R.I. 02903, of the operating rights of NEMASKET TRANSPORTATION COMPANY, INC. (ELLIS F. BROWN, Trustee in Bankruptcy), 54 West Grove Street, Middleboro, Mass., and for acquisition by ERNST CALORE, 1150 Cowesett Road, Warwick, R.I., of control of such rights through the purchase. Applicants' attorneys: John F. Curley, 15 Court Square, Boston, Mass. 02108; Kenneth B. Williams, 111 State Street, Boston, Mass. 02109; and Samuel Rosen, 100 State Street, Boston, Mass. 02109. Operating rights sought to be

transferred: *General commodities*, excepting, among others, household goods, dangerous explosives, and commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and Bridgewater and Providencetown, Mass.; between Boston, Mass., and Providence, R.I., serving all intermediate and certain off-route points; between New Bedford, Mass., and East Wareham, Mass., serving all intermediate points, and the off-route point of Acushnet, Mass.; *dairy products* and *empty dairy products containers*, between Boston, Mass., and Portsmouth, R.I., to certain specified points; *Milk, cream, chocolate milk, butter, cheese, eggs, and ice cream mix*, from Falmouth, Mass., to Oak Bluffs, Mass., with service to the intermediate point of Tisbury, Mass.; *general commodities*, excepting, among others, household goods, Classes A and B explosives, and commodities in bulk, over irregular routes, between certain specified points in Massachusetts, on the one hand, and, on the other, points in that part of Massachusetts on and east of Interstate Highway 91; *lumber*, from Porstmouth, R.I., to certain specified points in Massachusetts; and *lubricating oil and grease*, in truckload lots, from Providence, R.I., to certain specified points in Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10657. Authority sought for purchase by BARNES FREIGHT LINE, INC., Post Office Box 369, Carrollton, Ga. 30117, of a portion of the operating rights of ANNISTON-TALLADEGA MOTOR EXPRESS, INC., Post Office Box 395, Talladega, Ala. 35160, and for acquisition by B. C. BARNES, also of Carrollton, Ga., of control of such rights through the purchase. Applicants' attorney: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Operating rights sought to be transferred: Under a certificate of registration in No. MC–99635 Sub-No. 2, covering a portion of the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Alabama; and under a certificate of registration in No. MC–99635 Sub-No. 3, covering a portion of the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Alabama. Vendee is authorized to operate as a *common carrier* in Georgia and Alabama. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–108633 Sub-No. 5 is a matter directly related.

No. MC–F–10658. Authority sought for purchase by BURGGRABE TRUCK LINES, INC., Warrenton, Mo. 63383, of the operating rights and certain property of HARRY T. HART, doing business as HART TRANSFER, Jonesburg, Mo. 63351, and for acquisition by WARRENTON TRANSPORTATION, INC., Old U.S. Highway 40, Warrenton, Mo. 63383, and in turn by H. R. CLARK, J. PAUL HUNT, KENNETH W. HUNT, EDGAR ALLEN HUNT, PHILLIP W. HUNT, JAMES E. HUNT, DONALD L. BOLING, I. THOMAS DAVIS, and ROGER L. HUNT, all also of Warrenton, Mo., of control of such rights and property through the purchase. Applicants' attorney: Joseph R. Nacy, 117 West High Street, Post Office Box No. 352, Jefferson City, Mo. 65101. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; as a *common carrier*, over regular routes, from East St. Louis, Ill., to Jonesburg, Mo., serving the intermediate and off-route points within 10 miles of Jonesburg; *livestock and agricultural products*, from Jonesburg, Mo., to East St. Louis, Ill., serving the intermediate and off-route points within 10 miles of Jonesburg; *tires and empty drums*, from Jonesburg, Mo., to Rock Island, Ill., serving no intermediate points; and *petroleum products, and tires*, from Rock Island, Ill., to Jonesburg, Mo., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10659. Authority sought for purchase by SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212, of the operating rights of HERMAN NARDELLA, doing business as POWHATAN TRANSFER COMPANY, 118 Main Street, Powhatan Point, Ohio 43942, and for acquisition by JAMES R. RILEY, also of Columbus, Ohio, of control of such rights through the purchase. Applicants' attorney and representative: Taylor C. Burneson, 88 East Broad Street, Columbus, Ohio, and D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between points in Belmont and Monroe Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania and West Virginia; and *general commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Powhatan Point, Ohio, and points in Ohio within 8 miles of Powhatan Point on the one hand, and, on the other, certain specified points in Pennsylvania, and those in that part of West Virginia on and north of U.S. Highway 50 and west of the West Virginia-Maryland State line near Brookside, W. Va. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, West Virginia, and Michigan. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–13733; Filed, Nov. 18, 1969; 8:48 a.m.]

[Notice 1351]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 14, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 29566 (Sub-No. 136), filed October 31, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co., at or near Glenwood, Iowa, to points in Arkansas, Illinois, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states that it will accept any restriction deemed necessary by the Commission in regards to duplication. Common control may be involved.

HEARING: December 15, 1969, in Room 271, Federal Building, 210 Walnut Street, Des Moines, Iowa, before Examiner James Anton.

No. MC 134134, filed November 3, 1969. Applicant: MAINLINER MOTOR EXPRESS, INC., 5037 South 26th Street, Omaha, Nebr. 68107. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed in meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Omaha, Nebr., and Council Bluffs, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia.

HEARING: December 1, 1969, at the Sheraton-Fontenelle Hotel, 1806 Douglas Street, Omaha, Nebr., before Examiner James O'D Moran.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–13734; Filed, Nov. 18, 1969; 8:48 a.m.]

[Notice 940]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 14, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 55822 (Sub-No. 10 TA), filed November 6, 1969. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: Carl C. Schaefer, Sr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, household goods, commodities in bulk, and commodities requiring special equipment), between Lemon Township, Butler County, Ohio, near Monroe, Ohio, and points in the United States including Alaska, but excluding Hawaii, restricted to traffic originating at or destined to plantsites, warehouses, and branch facilities of the National Cash Register Co., of Dayton, Ohio; restricted to traffic moving under continuing contract with the National Cash Register Co., of Dayton, Ohio, for 180 days. Supporting shipper: The National Cash Register Co., Dayton, Ohio 45409. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 108341 (Sub-No. 24 TA), filed November 7, 1969. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte, N.C. 28208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Architectural precast stone*, from Greensboro, N.C., to New York, N.Y., for 180 days. Supporting shipper: Exposaic Industries, Inc., Post Office Box 15027, Winston-Salem, N.C. 27103. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BRS Building), Charlotte, N.C. 28202.

No. MC 110525 (Sub-No. 941 TA), filed November 10, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Fort Meade Junction, Md., to points in Delaware, Pennsylvania, Virginia, and the District of Columbia, for 150 days. Supporting shipper: Hercules Division, American Cement Corp., 555 City Line Avenue, Bala-Cynwyd, Pa. 19004. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111299 (Sub-No. 9 TA), filed November 7, 1969. Applicant: CY KIRVAN, doing business as KIRVAN TRUCK LINE, Box 829, International Falls, Minn. 56649. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to International Falls, Minn., for 180 days. Supporting shipper: Coca Cola Bottling Co., 1300 Industrial Avenue, International Falls, Minn. 56649. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 268 Federal Building, and U.S. Post Office, 657 Second Avenue North, Fargo, N. Dak. 58102.

No. MC 117370 (Sub-No. 17 TA), filed November 7, 1969. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, Wis. 53122. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, except in dump vehicles, from Portage, Wis., to Hastings, Mich., and Indianapolis and Columbus, Ind., for 150 days. Supporting shipper: Manley Sand Co., Division of Martin Marietta Corp., 110 East Main Street, Rockton, Ill. 61072. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 120800 (Sub-No. 23 TA), filed November 10, 1969. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda, Compton, Calif. 90222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas* in specially designed vacuum jacketed trailers, from San Diego, Calif., to Scottsdale, Ariz., for 150 days. Supporting shipper: Energy Systems, Inc., 501 South Third Avenue, Phoenix, Ariz. 85003. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123233 (Sub-No. 22 TA), filed November 6, 1969. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville D'Anjou 436, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper type vehicles, and *cement* in bags, from ports of entry on the United States of America-Canada boundary line at or near Trout River, N.Y.; Champlain, N.Y.; Highgate Springs, Derby Line, and Norton, Vt.; and Jackman, Maine; to points in Vermont and in New Hampshire, to points In Aroostook, Franklin, Oxford, Penobscot, Piscataquis, and Somerset; to New York Counties; Clinton, Essex, Franklin, Jefferson, Lewis, Onondaga, Oswego, and St. Lawrence Counties, Maine, for 150 days. Supporting shipper: Miron Co., Ltd., 2201 Jarry Street East, Montreal 455, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 123416 (Sub-No. 2 TA), filed November 6, 1969. Applicant: ORVILLE R. COOPER AND RODGER COOPER, a partnership, doing business as O. R. COOPER & SON, 806 North Harvey Street, Urbana, Ill. 61801. Applicant's representative: Rodger Cooper, 806 North Harvey Street, Urbana, Ill. 61801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, containers, and pallets*, from La Crosse and Sheboygan, Wis., and Newport, Ky., to Champaign, Ill., for 150 days. Supporting shipper: Van Pickerill—Champaign Inc., Interstate 74 Southwest of Lincoln Avenue, Champaign, Ill. 61820. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123639 (Sub-No. 115 TA), filed November 7, 1969. Applicant: J. B. MONTOGMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock Street, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products*, from Monfort Packing Co. at Greeley, Colo., to Madison, and Milwaukee, Wis., for 180 days. Supporting shipper: Monfort Packing Co., Box G, Greeley, Colo. 80631. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 127038 (Sub-No. 4 TA), filed November 5, 1969. Applicant: SAM N. COLE, doing business as ALABAMA-GEORGIA EXPRESS, 2616 Commerce Boulevard, Irondale, Ala. 35210. Applicant's representative: John W. Cooper, Suite 1301, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and requiring special equipment), between Birmingham, Ala., and Jackson, Miss., and return, from Birmingham, to Jackson, Miss., over U.S. Highway 11 and Interstate 20 to Meridian, Miss., thence over U.S. Highway 80 and Interstate 20 to Jackson, and return, serving the intermediate point of Meridian, Miss., for 180 days. NOTE: Applicant intends to tack authority at Birmingham, Ala. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 133233 (Sub-No. 9 TA), filed November 10, 1969. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32 Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish food*, from Buhl, Idaho, to points in Washington, Montana, Oregon, and points north of the Salmon River in Idaho, for 150 days. Supporting shipper: Rangen, Inc., Post Office Box 706, Buhl, Idaho (Thofleif Rangen, Secretary-Treas.). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133070 (Sub-No. 3 TA), filed November 6, 1969. Applicant: TRANS-AIR SERVICE, INC., Post Office Box 230, Buffalo, N.Y. 14225. Applicant's representative: E. M. Rhoney, 887 Niagara Street, Buffalo, N.Y. 14213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts*, such as *radiators, heaters, and air conditioners*, from Niagara Falls Airport, Niagara Falls, N.Y., to Lockport, N.Y., and Buffalo, N.Y., *return movement*, from Lockport, N.Y., and or Buffalo, on traffic having immediate prior or subsequent movement by aircraft, for 120 days. NOTE: Applicant intends to tack with MC 133-070 Sub. 2. Supporting shipper: Harrison Radiator Division, General Motors Corp., Lockport, N.Y. 14094. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 134114 TA (Correction), filed October 20, 1969, published in the FEDERAL REGISTER, issues of October 28, 1969, and November 7, 1969, and republished, this issue. Applicant: ELMER WILSON, doing business as NEBRASKA BEEF EXPRESS, 8024 State Street, Ralston, Nebr. 68501. Applicant's representative: Kenneth P. Weiner, 630 City National Bank Building, Omaha, Nebr. 68102. NOTE: The purpose of this partial republication is to include "Waterloo, Iowa", as a destination point, which was inadvertently omitted in the previous publication. The rest of the application remains as published.

No. MC 134137 TA, filed November 3, 1969. Applicant: PARAMOUNT EQUIPMENT RENTAL CO., 2501 West Rosecrans, Compton, Calif. 90222. Applicant's representative: Floyd C. Ellis, Suite 757, Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys; toy parts; machinery; machinery parts; equipment, supplies, and paperboard packaging materials*, between plantsites, warehouses, and other facilities of Mattel, Inc., and its wholly owned subsidiaries in Los Angeles County, Calif., on the one hand, and Calexico, Calif., on the other hand, for 180 days. NOTE: Applicant states that shipments will be delivered to or received from foreign (Mexican) carrier at border in Calexico, Calif., in movement to or from Mattel, Inc., assembly facility located in Mexicali, Baja, Calif., and Mexico. Supporting shipper: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, Calif. 90250. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 134143 TA, filed November 10, 1969. Applicant: MACKENZIE TOURS, LTD., 210 York Street, Bridgewater, Nova Scotia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter operations, beginning and ending at the port of entry on the United States/Canada Boundary line at or near Houlton, Maine, to Houlton and Bangor, Maine, and Boston and Waltham, Mass., for 180 days. Supporting shipper: Acadia University, Wolfville, Nova Scotia, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13736; Filed, Nov. 18, 1969; 8:48 a.m.]

[Notice 444]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 10, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71648. By order of October 31, 1969, the Motor Carrier Board approved the transfer to Cargo Express, Inc., Niles, Ohio, of that portion of the operating rights in certificate No. MC-14702 (Sub-No. 17) issued May 21, 1968, to Ohio Fast Freight, Inc., Warren, Ohio, authorizing the transportation, over irregular routes, of iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts, between points in Portage County, Ohio, on the one hand, and, on the other, Buffalo and Rochester, N.Y., points in Indiana, points in Illinois in the Chicago, Ill., commercial zone, points in Erie, Crawford, Mercer, Venango, Lawrence, Beaver, Washington, Allegheny, Butler, and Greene Counties, Pa., those in Hancock, Brooke, Ohio, and Marshall Counties, W. Va., and those in Michigan on and south of Michigan Highway 46. Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13683; Filed, Nov. 17, 1969; 8:48 a.m.]

[Notice 444A]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 10, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-71750. By application filed November 6, 1969, C.B.L. TRUCKING & LEASING, INC., 1125 Capitol Highway, Pennsauken, N.J., 08110, seeks temporary authority to lease the operating rights of GRATALE BROTHERS, INC., 461 River Road, Clifton, N.J. 07013, under section 210a(b). The transfer to C.B.L. TRUCKING & LEASING, INC., of the operating rights of GRATALE BROTHERS, INC., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13684; Filed, Nov. 17, 1969; 8:48 a.m.]

[Notice 446]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 13, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71587. By order of November 10, 1969, the Motor Carrier Board approved the transfer to Mainliner Motor Express, Inc., Omaha, Nebr., of those portions of the operating rights in certificates Nos. MC-94265 (Sub-No. 93), MC-94265 (Sub-No. 114), and MC-94265 (Sub-No. 149) issued May 3, 1965, November 10, 1965, and April 18, 1967, respectively, to Bonney Motor Express, Inc., Norfolk, Va., authorizing the transportation, over irregular routes, of meats, meat products, and meat byproducts, and articles distributed by meat packinghouses (except commodities in bulk, in tank vehicles, and hides) from Harlan, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia, and from Sioux City, Iowa, to points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Connecticut, Delaware, and West Virginia; meats, meat products, and meat byproducts, and articles distributed by meat packinghouses (except commodities in bulk, in tank vehicles) from York, Nebr., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia, and from the plantsite of Platte Valley Packing Co. near Cozad, Nebr., to points in Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; and meats, meat products, and meat byproducts (except commodities in bulk, in tank vehicles) from Lexington, Nebr., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia. E. Stephen Heisley, Suite 705, McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001, attorney for applicants.

No. MC-FC-71561. By order of November 7, 1969, the Motor Carrier Board approved the transfer to The Republic Corp. of Houston, Texas, Houston, Tex., of the certificate in No. MC-117867, issued June 11, 1969, to Carpenter Bros. Trucking, Inc., Denver, Colo., authorizing the transportation of bananas from New Orleans, La., to Colorado Springs, Denver, and Pueblo, Colo.; and from Freeport, Tex., to Gallup and Albuquerque, N. Mex., and Denver, Colo. Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80282, attorney for applicants.

No. MC-FC-71703. By order of November 10, 1969, the Motor Carrier Board approved the transfer to Wisconsin A & D Terminals, Inc., Milwaukee, Wis., of the certificate in No. MC-63671, issued September 22, 1965 to West Town Transfer & Storage Co., Inc., Milwaukee, Wis., authorizing the transportation of household goods, office furniture and equipment and store fixtures between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Illinois. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203, attorney for applicants.

No. MC-FC-71719. By order of November 7, 1969, the Motor Carrier Board approved the transfer to Mukluk Freight Lines, Inc., Anchorage, Alaska, of certificate No. MC-118518 (Sub-No. 3) issued August 24, 1964, to James G. Dye, doing business as Mukluk Freight Lines, Anchorage, Alaska, authorizing the transportation of: General commodities, with the usual exceptions, between specified points in Alaska. Julian C. Rice, Post Office Box 516, Fairbanks, Alaska 99701, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13685; Filed, Nov. 17, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-323]

PACIFIC GAS AND ELECTRIC CO.

Notice of Hearing on Application for Provisional Construction Permit

In the matter of Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Unit 2).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at 10 a.m., local time, on January 13, 1970, in the San Luis Obispo City Hall, Council Chambers, 990 Palm Street, San Luis Obispo, Calif., to consider the application filed under section 104b. of the Act by Pacific Gas and Electric Co. (the applicant), for a provisional construction permit for a pressurized water nuclear reactor designed to operate initially at 3,250 megawatts (thermal) located on the applicant's Diablo Canyon site, San Luis Obispo County, Calif.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Hugh C. Paxton, Los Alamos, N. Mex.; Dr. Thomas H. Pigford, Berkeley, Calif.; and Mr. James P. Gleason, Chairman, Washington, D.C. Dr. Rolf Eliassen, Stanford, Calif., has been designated as a technically qualified alternate, and Jack M. Campbell, Esq., Santa Fe, N. Mex., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board in the San Luis Obispo City Hall, Council Chambers, 990 Palm Street, San Luis Obispo, Calif., December 5, 1969, at 10 a.m., local time, to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix A hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the City Clerk's Office, San Luis Obispo City Hall, 990 Palm Street, San Luis Obispo, Calif., for inspection by members of the public each weekday between the hours of 9 a.m. and 5 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by December 2, 1969.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than December 2, 1969, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before December 2, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 17th day of November 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

APPENDIX A

PROVISIONAL CONSTRUCTION PERMIT

[Construction Permit No. ------]

1. Pursuant to section 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Pacific Gas and Electric Co. (the applicant) for a utilization facility (the facility), designed to operate at 3,250 megawatts (thermal) described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Diablo Canyon Nuclear Power Plant, Unit 2, will be located at the applicant's Diablo Canyon site in San Luis Obispo County, Calif.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is December 31, 1973, and the latest date for completion of the facility is December 31, 1974.

B. The facility shall be constructed and located at the site as described in the application at Diablo Canyon, San Luis Obispo County, Calif.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 69-13823; Filed, Nov. 18, 1969; 9:17 a.m.]

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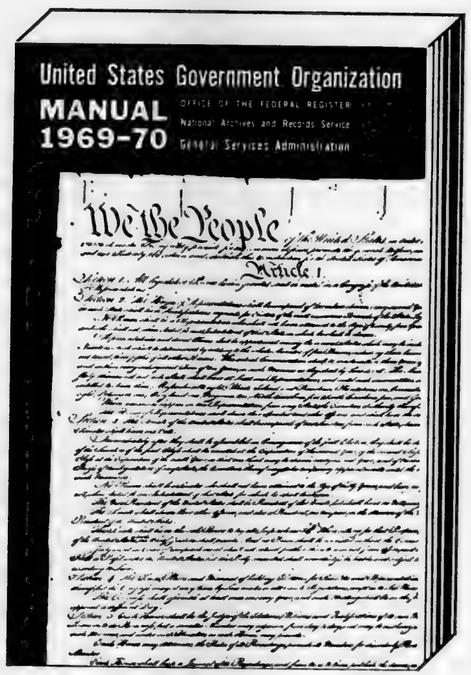
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Title 3—THE PRESIDENT

Executive Order 11495

PROVIDING FOR THE ADMINISTRATION OF THE DISASTER RELIEF ACT OF 1969

By virtue of the authority vested in me by the Disaster Relief Act of 1969 (Public Law 91–79, approved October 1, 1969; hereinafter referred to as the Act) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The following-described authorities shall be exercised by the Director of the Office of Emergency Preparedness:

(1) The authority conferred upon the President by section 2 of the Act to allocate funds for the permanent repair and reconstruction of street, road, and highway facilities.

(2) The authority conferred upon the President by section 3(d) of the Act to make grants to any State or political subdivision thereof, for the purpose of removing damaged timber from privately-owned lands when the Director determines it to be in the public interest.

(3) The authority conferred upon the President by subsections (a) and (b) of section 8 of the Act to provide assistance, including grants, to States in developing plans and programs for assisting individuals suffering loss as the result of a major disaster.

(4) The authority conferred upon the President by section 9 of the Act to appoint a Federal coordinating officer to operate in a major disaster area.

(5) The authority conferred upon the President by section 10 of the Act to provide temporary dwelling accommodations for displaced individuals and families.

(6) The authority conferred upon the President by section 12 of the Act to provide assistance to any individuals unemployed as a result of a major disaster.

(7) The authority conferred upon the President by section 13 of the Act to make grants and loans to States for suppression of fires.

(8) The authority conferred upon the President by section 14 of the Act to make grants to any State or political subdivision thereof for the purpose of removing debris from private property when the Director determines it to be in the public interest.

(9) The authority to prescribe such rules and regulations as the Director deems necessary and proper to perform the functions assigned by this section.

SEC. 2. The Secretary of Agriculture shall exercise the authority conferred upon the President by section 11 of the Act to determine the need and the duration of the need for distributing food coupon allotments and surplus commodities as a result of a major disaster, and to distribute them under such terms and conditions as he may prescribe.

SEC. 3. (a) The Director of the Office of Emergency Preparedness may carry out any authority or function delegated or assigned to him by the provisions of this order through any other officer of the Office of Emergency Preparedness.

(b) The Director of the Office of Emergency Preparedness may delegate or assign to the head of any agency of the executive branch of the Government, subject to the consent of the agency head concerned in each case, any authority or function delegated or assigned to the said Director by the provisions of this order. Any such head of agency may redelegate any authority or function so delegated or assigned to him by the Director to any officer or employee subordinate to such head of agency whose appointment is required to be made by and with the advice and consent of the Senate.

SEC. 4. (a) Federal assistance under section 1 of this order will be made available on the basis of a Federal-State agreement.

(b) Allocations of funds appropriated to the President to carry out the Act shall be authorized by the President.

Richard Nixon

THE WHITE HOUSE,
November 18, 1969.

[F.R. Doc. 69-13874; Filed, Nov. 18, 1969; 4:40 p.m.]

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COUNTY PROJECTED YIELDS AND DIVERSION PAYMENT RATES

Correction

In F.R. Doc. 69-12979 appearing at page 17757 in the issue of Tuesday, November 4, 1969, in the table of § 728.515 (c) the following corrections should be made:

1. Under Alabama the projected yield for Baldwin County should read "22.4", and the projected yield for Barbour County should read "21.4".

2. Under Michigan the projected yield entry for Ogemaw County should read "32.1".

3. Under Minnesota the county entry reading "Wikin" should be corrected to read "Wilkin".

4. Under New Jersey the rate for computing diversion payments for Middlesex County should read "1.40", and the rate for computing diversion payments for Monmouth County should read "1.39".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 68, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees reflects their appraisal of the potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh grapefruit in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of grapefruit shipments, as hereinafter specified, is necessary to prevent a buildup of grapefruit supplies in the markets during and immediately following the Thanksgiving Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective upon publication in the FEDERAL REGISTER. Domestic shipments of Florida grapefruit are currently regulated pursuant to Grapefruit Regulation 68 (34 F.R. 14380) and, unless sooner terminated or modified, will continue to be so regulated through September 13, 1970; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for limiting the total quantity of fresh grapefruit by prohibiting the shipment thereof, pursuant to said section, during the period November 25, through November 27, 1969, as herein provided, were promptly submitted to the Department after an open meeting on November 11, 1969, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of grapefruit grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committees; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof. No useful purpose would be served by postponing the effective time hereof to a date later than that of publication in the FEDERAL REGISTER.

Order. In paragraph (a) of § 905.514 (Grapefruit Reg. 68, 34 F.R. 14380) the provisions of paragraph (a)(1) preceding subdivision (i) thereof are revised and a new paragraph (a)(2) is added reading as follows:

§ 905.514 Grapefruit Regulation 68.

(a) • • •

(1) Except as otherwise provided in paragraph (a)(2), during the period September 15, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

• • • • • •

(2) During the period November 25, through November 27, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 17, 1969, to become effective upon publication in the FEDERAL REGISTER.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13821; Filed, Nov. 19, 1969; 8:50 a.m.]

[Navel Orange Reg. 184]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.484 Navel Orange Regulation 184.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative

Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 18, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 21, 1969, through November 27, 1969, are hereby fixed as follows:

(i) District 1: 828,000 cartons.

(ii) District 2: unlimited movement.

(iii) District 3: 72,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 19, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13881; Filed, Nov. 19, 1969; 12:02 p.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Livestock From Mexico

Pursuant to the provisions of the Act of August 30, 1890, as amended, section 2 of the Act of February 2, 1903, as amended and sections 4, 5, and 11 of the Act of July 2, 1962 (21 U.S.C. 102–105, 111, 134c, 134d, and 134f) Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. Paragraph (b) of § 92.31 is amended to read as follows:

§ 92.31 **Import permit and application for inspection for animals and animal semen.**

* * * * *

(b) For ruminants, swine, horses, and poultry intended for importation into the United States from Mexico, the importer or his agent shall deliver to the veterinary inspector at the port of entry an application, in writing, for inspection, so that the veterinary inspector and customs representatives may make mutually satisfactory arrangements for the orderly inspection of the animals. For all cattle, except those entering pursuant to the third proviso in § 92.35(c), and except for steers, an official record of negative brucellosis test conducted on the herd of origin as required in § 92.35 (c) shall be presented to the veterinary inspector at the port of entry when application is made for inspection. The veterinary inspector at the port of entry will provide the importer or his agent with a written statement assigning a date when the animals may be presented for import inspection.

2. Section 92.35, paragraph (c) is amended to read as follows:

§ 92.35 **Cattle from Mexico.**

* * * * *

(c) *Brucellosis.* All cattle offered for importation into the United States from Mexico shall be individually identified with a numbered metal tag; and except in the case of steers, shall be eligible for entry into the United States only if, in addition to complying with other applicable provisions of this part, they:

(1) Are accompanied by a certificate of a salaried veterinarian of the Mexican Government stating:

(i) That such cattle originated in a herd in which all cattle (except calves under 6 months of age and steers) were tested for brucellosis not less than 30 days nor more than 90 days prior to the date of certification and were found to be negative;

(ii) The date and place such herd was tested; and

(iii) That the cattle in the herd have been isolated from all other cattle from the time the herd was tested negative for brucellosis to the date of the offer of the cattle for entry into the United States; and

(2) Except for calves under 6 months of age, are subjected to an additional test for brucellosis at the port of entry and are found negative to such test: *Provided*, That if any reactor is disclosed in any lot when so tested at the port of entry, the entire lot shall be refused entry and the entire lot or any portion thereof may not be reoffered for entry until retested and recertified in accordance with subparagraphs (1) and (2) of this paragraph, or any cattle found to be negative to such test and any calves under 6 months of age in such lot may enter if consigned and moved under U.S. Department of Agriculture seal and without diversion to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act or a slaughtering establishment specifically approved as specified in § 78.15 of this chapter for immediate slaughter, or if consigned and moved under U.S. Department of Agriculture seal and without diversion to a quarantined feedlot, as defined in § 78.1(v) of this chapter and thereafter handled in accordance with the provisions of § 78.12(b)(1) of this chapter: *Provided, further*, That if any suspect but no reactor is disclosed in any lot when so tested at the port of entry, any cattle found to be negative to such test and any calves under 6 months of age in such lot may enter without further restriction under this paragraph (c): *And provided further*, That any cattle other than cattle which are classified as a reactor or suspect to a test for brucellosis may enter the United States from Mexico without the certificate or any test otherwise required by this paragraph, if they are individually identified with a numbered metal tag and are consigned and moved to a slaughtering establishment for immediate slaughter, or to a quarantined feedlot, in accordance with the first proviso in this paragraph and otherwise comply with the applicable provisions of this part.

(Secs. 6, 7, 8, 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended; secs. 4, 5, and 11, 76 Stat. 130, 132, 21 U.S.C. 102–105, 111, 134c, 134d, 134f; 29 F.R. 16210, as amended; 33 F.R. 15485)

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

These amendments will facilitate the entry into the United States of livestock for feeding purposes due to the existence of severe drought conditions in Mexico. Insofar as the amendments relieve restrictions on importations, they should be made effective as soon as possible in order to be of maximum benefit to affected persons. Insofar as the amendments may be deemed to impose more stringent restrictions than have been applied heretofore, they should be made effective as soon as possible in order to protect the livestock of the United States. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and public participation in rule making procedure concerning the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of November 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-13765; Filed, Nov. 19, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 12105 and 12106 of the FEDERAL REGISTER dated July 18, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Merrill, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MERRILL, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Merrill Municipal Airport (latitude 45°12'-00" N., longitude 89°42'25" W.); and within 3 miles each side of the 332° bearing from Merrill Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 332° and 152° bearing from Merrill Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

[F.R. Doc. 69-13789; Filed, Nov. 19, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-95]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segments

On September 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14332) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would realign segments of Jet Route Nos. 6, 8, and 42 in the vicinity of Wilmington, Del.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

Section 75.100 (34 F.R. 4856, 9985) is amended as follows:

a. In the text of Jet Route No. 6 "Robbinsville, N.J., 247°" is deleted and "Robinsville, N.J., 239°" is substituted therefor.

b. In the text of Jet Route No. 8 all between "Casanova, Va.;" and "Robbinsville;" is deleted and "INT Casanova 051° and Westminister, Md., 080° radials; INT Westminister 080° and Robbinsville, N.J., 239° radials;" is substituted therefor.

c. In the text of Jet Route No. 42 all between "Casanova, Va.;" and "Robbinsville;" is deleted and "INT Casanova 051° and Westminister, Md., 080° radials; INT Westminister 080° and Robbinsville, N.J., 239° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 12, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-13787; Filed, Nov. 19, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1597]

PART 13—PROHIBITED TRADE PRACTICES

Mary Black and Akron Artificial Flowers and Supplies

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting, flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mrs. Mary Black trading as Akron Artificial Flowers and Supplies, Akron, Ohio, Docket C-1597, Oct. 10, 1969]

In the Matter of Mrs. Mary Black, an Individual Trading as Akron Artificial Flowers and Supplies

Consent order requiring an Akron, Ohio, seller of various consumer goods to cease distributing fabric items which fail to conform to the standards issued under the Flammable Fabrics Act, and to file a special report on the disposition of her stock of such items.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent, Mrs. Mary Black, individually and trading as Akron Artificial Flowers and Supplies, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric as "commerce" and "fabric" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondent herein shall within ten (10) days after service upon her of this order file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric which gave rise to the complaint, (1) the amount of such fabric in inventory, (2) any action taken to notify customers of the flammability of such fabric and the results thereof, and (3) any disposition of such fabric since October 2, 1968. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or made of cotton or rayon or combinations thereof with a raised fiber surface. Respondent will submit samples of any such fabric, product, or related material with this report.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

Issued: October 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-13766; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. C-1598]

PART 13—PROHIBITED TRADE PRACTICES

Jack Ezell et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-225 Personnel or staff; 13.15-230 Plant and equipment; § 13.60 *Earnings and profits;* § 13.110 *Endorsements, approval and testimonials;* § 13.115 *Jobs and employment service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* § 13.1555 *Size, extent or equipment;* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1665 *Endorsements;* § 13.1670 *Jobs and employment;* § 13.1760 *Terms and conditions:* 13.1760-50 Sales contract. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions:* 13.1905-50 Sales contract. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jack Ezell et al., Washington, D.C., Docket C-1598, Oct. 23, 1969]

In the Matter of Jack Ezell Also Known as Jack Young and as Thomas A. Ezelle, Individually and as a Former Employee of Eastern Detective Academy, Inc., a Corporation

Consent order requiring an individual associated with a Washington, D.C., school for detectives to cease misrepresenting employment opportunities, exaggerating the size and quality of the school's instructional staff or its facilities or equipment, using false testimonials, failing to reveal all terms of the school's installment contracts, deceptively inducing the signing of such contracts, and seeking to enforce any contract obtained through misrepresentation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jack Ezell also known as Jack Young and as Thomas A. Ezelle, individually and as a former employee of Eastern Detective Academy, Inc., and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any course of instruction or any other service or product, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that there is a great demand for individuals who have completed any course of instruction as detectives, investigators, undercover agents, or in other similar positions, or that the employment in such positions is available upon completion of any course of instruction unless such are the facts; or misrepresenting, in any manner, the demand or opportunities for employment of individuals who complete any course of instruction.

2. Representing, directly or by implication, that several hundred persons who attended any course obtained employment in investigative work or in any other position within 1 year; or otherwise misrepresenting the number of persons attending any course who have obtained employment through the training afforded, or the nature of such employment.

3. Representing, directly or by implication, that persons who complete any course of instruction are thereby qualified for employment as detectives, investigators, undercover agents, or in any other similar position unless such are the facts; or otherwise misrepresenting the positions for which the graduates of any course will qualify.

4. Representing, directly or by implication, that persons who complete any course of instruction will thereby be qualified for employment at wages commensurate with those paid detectives, investigators, or undercover agents unless such are the facts; or otherwise misrepresenting the wages or compensation available to graduates of any course of instruction.

5. Representing, directly or by implication, that respondent provides a placement service which places a significant number of graduates or students in positions for which they have been trained by respondent unless such are the facts; or misrepresenting, in any manner, capabilities or facilities for assisting graduates or students of any course in finding employment, or the assistance actually afforded graduates in obtaining employment.

6. Representing, directly or by implication, that respondent maintains a staff of 17 instructors, or that the staff of instructors maintained by respondent has certain experience, training or qualifications which they do not have; or misrepresenting, in any manner, the number of instructors maintained or their experience, training or qualifications.

7. Representing, directly or by implication, that respondent operates a shooting range or has polygraph instruments unless such are the facts; or misrepresenting, in any manner, the facilities or equipment which respondent has and makes available for the training of students.

8. Misrepresenting that students will receive training in the firing of handguns on a shooting range or that students will receive practical training in the use of polygraph instruments; or misrepresenting, in any manner, the nature or extent of training students will receive.

9. Misrepresenting that graduates of any course, or businesses which have employed graduates of any course, have written unsolicited or unbiased testimonials.

10. Failing to reveal, disclose, or otherwise inform prospective customers, in a manner that is clearly understood by them, of the noncancellable nature and of all terms and conditions of any installment contract or other instrument of indebtedness to be signed by any customer.

11. Inducing or causing customers or prospective customers to execute installment contracts or any other instruments of indebtedness by falsely representing that such contracts, or other instruments are nonbinding enrollment agreements or that such contracts or other instruments are cancellable at the discretion of the prospective customers; or otherwise inducing or causing customers or prospective customers to execute installment contracts or any other instruments by misrepresenting the true nature or effect of such documents.

12. Seeking to enforce or obtain a judgment on any contract or other instrument executed after the final date of this order between respondent and any party, or the transferring of any such contract or other instrument to a third party for the purpose of enforcing or obtaining a judgment on said contract or instrument, where the respondent or his employees orally misrepresented the nature or the terms of said contract or instrument at the time or prior to the time the contract or instrument was signed.

13. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondent's courses or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 23, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-13767; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. C-1595]

PART 13—PROHIBITED TRADE PRACTICES

Mutual Credit Bureau, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1520 *Personnel or staff;* § 13.1553 *Services;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1685 *Nature;* § 13.1685-15 By misleading trade or corporate name. Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Threatening suits, not in good faith: § 13.2264 *Delinquent debt collection.* Subpart—Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Mutual Credit Bureau, Inc., et al., Cleveland, Ohio, Docket C-1595, Oct. 10, 1969]

In the Matter of Mutual Credit Bureau, Inc., a Corporation and Kenneth G. Kirchenbauer and Albert DiMarco, Individually and as Officers and Directors of Said Corporation

Consent order requiring a Cleveland, Ohio, debt collection agency to cease using the term "Credit Bureau" in its corporate name, misrepresenting that it operates a special audit division, using deceptive fee schedules, falsely guaranteeing its services, using deceptive form letters to obtain information on alleged debtors, misrepresenting the size and geographical extent of its business, and threatening legal action against allegedly delinquent debtors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Mutual Credit Bureau, Inc., a corporation, and its officers, and Kenneth G. Kirchenbauer and Albert DiMarco, individually and as officers and directors of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the collection of accounts or attempts to collect accounts or the advertising, offering for sale, sale or distribution of any service in connection with or printed matter in connection with the collection of accounts, attempts to collect accounts, the solicitation of accounts for collection or contracts therefor, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Credit Bureau", or any other words or term of similar import or meaning, in respondents' corporate or trade name, or representing, in any manner, that respondents are a credit bureau or performing the functions of a credit bureau, unless respondents regularly engage in gathering, recording, and disseminating favorable as well as unfavorable information relative to the credit worthiness, financial responsibility, paying habits, and character of individuals, firms, corporations, or any other legal entity being considered for credit extension so that a prospective creditor may be able to make a sound decision in the extension of credit.

2. Using the term "Professional Audit System" or any other words or terms of similar import or meaning in describing or referring to respondents' precollection service.

3. Representing, directly or by implication, that respondents have an Audit Division which is specially staffed, established, and operated to audit accounts of creditors, or representing that respondents have any other division or organizational unit specially staffed, established, and operated to perform any other functions in connection with respondents' business, unless in every instance, respondents do have such divisions or organizational units which are specially staffed, established, and operated to audit such accounts or perform other functions in connection with the operation of respondents' business.

4. Representing, directly or by implication, that respondents offer a complete credit and collection service, or misrepresenting, in any manner, the nature or extent of credit and collection services offered by respondents.

5. Representing, directly or by implication, that no charges or fees will be made on any accounts not collected unless in every instance respondents do not assess a charge or fee of any kind and in any manner whatsoever.

6. Using fee schedules which do not clearly and conspicuously disclose thereon all possible fees, charges, and rates respondents can assess for the collection of accounts, or misrepresenting, in any manner, the fees and charges assessed by respondents.

7. Representing, directly or by implication, that any of respondents' services or systems are guaranteed without clearly and conspicuously disclosing in immediate connection therewith, the nature and extent of the guarantee, the manner in which the guarantor will perform, and the identity of the guarantor.

8. Representing, directly or by implication, that respondents' business is nationwide in scope, or misrepresenting, in any manner, the extent, size, or services of respondents.

9. Representing, directly or by implication, that respondents have been instructed or given the authority to initiate legal action, or will recommend to the creditor the institution of legal proceedings to enforce collection of an alleged delinquent account if the alleged debtor fails to pay said account, or fails to respond to requests for payment or cooperation, unless in every instance, respondents have been instructed or given authority to initiate legal action, and do recommend to the creditor the institution of legal action to enforce collection of an alleged delinquent account.

10. Representing, directly or by implication, that respondents will send a sight draft to an alleged debtor's bank.

11. Using any form, questionnaire or other material, printed or written, which does not clearly and conspicuously reveal that the purpose for which the information is requested is that of obtaining information concerning alleged debtors or for the collection of, or the attempt to collect, alleged delinquent accounts.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: October 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-13768; Filed, Nov. 19, 1969; 8:47 a.m.]

[Docket No. C-1591]

PART 13—PROHIBITED TRADE PRACTICES

Tops Furniture Co., Inc., and Milton Mecklar

Subpart—Misrepresenting oneself and semblies are received on a line flow basis *conditions:* 13.1760-50 Sales contract.[1] Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions:* 13.1905-50 Sales contract.[1] Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.* Subpart—Simulating another or product thereof: § 13.2208 *Court documents.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tops Furniture Co., Inc., et al., Washington, D.C., Docket C-1591, Oct. 6, 1969]

In the Matter of Tops Furniture Co., Inc., a Corporation, and Milton Mecklar, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., retailer of furniture and appliances to cease using unfair credit practices by failing to disclose to customers the legal import of its conditional sales contract, tendering any incomplete credit instrument for signature, failing to disclose the details of its "finance charge" system, and using debt collection forms which simulate legal documents.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Tops Furniture Co., Inc., a corporation, and its officers, and Milton Mecklar, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of furniture, appliances or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Tendering to any customer for his signature or inducing or permitting a customer to sign a conditional sale contract or any other credit instrument without informing the customer of the nature of the document and the legal import of signing it.

2. Tendering to any customers for his signature or inducing or permitting a

[1] New.

customer to sign a conditional sale contract or any other credit instrument which is incomplete as to finance or carrying charges.

3. Failing to disclose orally and in writing to each customer who executes a retail installment contract, or who otherwise purchases merchandise or services from respondents on credit, before such customer obligates himself to make any such credit purchase, all of the following items:

(a) The cash price of the merchandise or service purchased.

(b) The sum of any amounts credited as downpayment (including any trade-in).

(c) The difference between the amount referred to in paragraph (a) and the amount referred to in paragraph (b).

(d) All other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge.

(e) The total amount to be financed (the sum of the amount described in paragraph (c) plus the amount described in paragraph (d)).

(f) The amount of the finance charge.

(g) The finance charge expressed as an annual percentage rate.

(h) The total credit price (the sum of the amounts described in paragraph (e) plus the amount described in paragraph (f) and the number, amount, and due dates or periods of payments scheduled to pay the total credit price).

(i) The default, delinquency, or similar charges payable in the event of late payments as well as all other consequences provided in the sales or credit agreements for late or missed payments.

(j) A description of any security interest held or to be retained or acquired by respondents in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

(k) For purposes of this paragraph, the definition of the term "finance charge" and computation of the annual percentage rate is to be determined under [sections 106 and 107 of] Public Law 90-321, the "Truth in Lending Act," and the regulations promulgated thereunder.

4. Adding finance charges to any conditional sale contract or other credit instrument after the contract or instrument has been signed without the knowledge of the customer.

5. Failing to supply each customer who executes a conditional sale contract or other credit instrument, a copy of the contract or instrument at the time of execution by the customer.

6. Designating merchandise which is the subject of one retail installment contract as security for the buyer's performance under any other retail installment contract.

7. Failing or refusing to pass title to the buyer of merchandise purchased under a retail installment contract when the full time price of that merchandise has been paid.

8. Using any form of conditional sale contract or other instrument of indebtedness which provides that merchandise which is the subject of one contract will be security for the buyer's payment for subsequent purchases or that subsequent purchases will be added to and made a part of the original agreement; or which permits directly or by implication, the respondents to refuse or fail to pass title to the buyer of merchandise when the full time price of that merchandise has been paid.

9. Using a debt collection form or any similar writing which simulates a legal document or which resembles or is represented to be a document authorized, issued, or approved by a court of law or any other official or legally constituted or authorized authority.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-13769; Filed, Nov. 19, 1969; 8:47 a.m.]

[Docket No. C-1596]

PART 13—PROHIBITED TRADE PRACTICES

United Manufacturing Co. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, United Manufacturing Co., et al., Marlboro, Mass., Docket C-1596, Oct. 10, 1969]

In the Matter of United Manufacturing Co., a Partnership, and Lewis B. Freedman and Jackson D. Seifer, Individually and as Copartners Trading as United Manufacturing Co.

Consent order requiring a Marlboro, Mass., manufacturer of men's and boy's wearing apparel to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents United Manufacturing Co., a partnership, and Lewis B. Freedman and Jackson D. Seifer, individually and as copartners doing business as United Manufacturing Co., or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of fabrics or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or placed on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 10, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-13770; Filed, Nov. 19, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLY(VINYL FLUORIDE) RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2326) filed by Diamond Shamrock Corp., 300 Union Commerce Building, Cleveland, Ohio 44115, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of poly(vinyl fluoride) resins as components of coatings for bulk food containers. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2612 **Poly(vinyl fluoride) resins.**

Poly(vinyl fluoride) resins identified in this section may be safely used as components of food-contact coatings for containers having a capacity of not less than 5 gallons, subject to the provisions of this section.

(a) For the purpose of this section, poly(vinyl fluoride) resins consist of basic resins produced by the polymerization of vinyl fluoride.

(b) The poly(vinyl fluoride) basic resins have an intrinsic viscosity of not less than 0.75 deciliter per gram as determined by ASTM Method D 1243-66, modified as follows:

(1) Solvent: *N,N*-Dimethylacetamide, technical grade.

(2) Solution: Powdered resin and solvent are heated at 120° C. until the resin is dissolved.

(3) Temperature: Flow times of the solvent and solution are determined at 110° C.

(4) Viscometer: Cannon-Ubbelohde size 50 semimicro dilution viscometer (or equivalent).

(5) Calculation: The calculation method used is that described in appendix A1.2.2 (ASTM Method D 1243-66) with the reduced viscosity determined for three concentration levels, not greater than 0.5 gram per deciliter, and extrapolated to zero concentration for intrinsic viscosity. The following formula is used for determining reduced viscosity:

$$\text{Reduced viscosity in terms of deciliters per gram} = \frac{t - to}{to \cdot c}$$

Where:

t = Solution efflux time.
to = Solvent efflux time.
c = Concentration of solution in terms of grams per deciliter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 12, 1969.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[F.R. Doc. 69-13771; Filed, Nov. 19, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 206—PERFORMANCE MEASUREMENT FOR SELECTED ACQUISITIONS

The Assistant Secretary of Defense (Comptroller) approved the following on October 15, 1969:

Sec.
206.1 Purpose and applicability.
206.2 Scope.
206.3 Objective.
206.4 Policy and procedures.
206.5 Responsibilities.
206.6 Guide.
206.7 Cost/schedule control systems criteria.

AUTHORITY: The provisions of this Part 206 issued under 10 U.S.C. 136.

§ 206.1 Purpose and applicability.

This part sets forth objectives and criteria and authorizes the publication of a guide,[1] within the purview of DOD Directive 7000.1[2] for the application of uniform DOD requirements for contractors' management control systems to selected Defense contracts. The provisions of this part require the use of Cost/Schedule Control Systems Criteria (C/SCSC) in selected acquisitions and apply to all Military Departments and Defense Agencies (hereinafter referred to as DOD Components) which are responsible for acquisitions during engineering development, operational systems development, and production.

§ 206.2 Scope.

(a) The acquisitions governed by this part will be in selected contracts within programs which are estimated in the 5-Year Defense Program to require (1) a total cumulative financing for Research, Development, Test, and Evaluation in excess of $25 million or (2) cumulative production investment in excess of $100 million. Firm fixed-price contracts will be excluded. (See DOD Directive 3200.9 "Initiation of Engineering and Operational Systems Development," July 1, 1965.[1])

(b) Subcontracts within applicable programs, excluding those that are firm fixed-price, will be selected for application of these criteria by mutual agreement between prime contractors and the contracting DOD Component, according to the criticality of the subcontract to the program. Coverage of certain critical subcontracts may be directed by the DOD subject to the changes article of the contracts.

§ 206.3 Objective.

(a) DOD contractors should be continuously alert to advances being developed in management control systems to improve their contract performance, and to serve DOD and their best interests. It is an objective of this part to bring to the attention of and encourage DOD contractors to accept and install management control systems and procedures which are most effective in meeting their requirements.

(b) To provide an adequate basis for responsible decisionmaking by both contractor management and DOD Components, contractors' internal management control systems must provide data which (1) indicate work progress, (2) properly relate cost, schedule, and technical performance, (3) are valid, timely, and auditable, and (4) supply DOD managers with a practicable level of summarization.

§ 206.4 Policy and procedures.

(a) *Policy.* It shall be the general policy to (1) require application of the DOD criteria as stated in Enclosure 1 to programs that are within the scope of § 206.2, (2) require no changes in contractors' existing management control systems except those necessary to meet the criteria, and (3) require the contractor to use data from his own management control system in reports to the Government.

(b) *Procedures.* The procedures contained herein will not be construed as requiring the use of specific systems, or changes in accounting systems which will adversely affect the equitable distribution of costs to all contracts. To avoid the proliferation of demands on contractors for demonstrations of their management systems, the criteria outlined in § 206.7 shall be incorporated in a basic agreement between DOD and the contractor wherever feasible and will apply to more than one contract. However, agreements concerning the acceptability and use of contractors' management control systems may be accomplished by the use of basic agreements, or through separate procurement contracts.

(1) *Basic agreement.* (i) The use of a basic agreement contemplates the execution of a written instrument which includes C/SCSC and negotiated provisions which (*a*) reflect an understanding between the contractor and the DOD of the requirements of the DOD criteria, and (*b*) identify the specific system(s) which the contractor intends to use on

See footnotes at end of document.

applicable contracts with DOD Components. The basic agreement will include a written description of the system(s) validated in a demonstration review in sufficient detail to permit adequate surveillance by all interested parties. The use of a basic agreement in these circumstances is preferred where a number of separate contracts between one or more DOD Component(s) and the contractor may be entered into during the term of the basic agreement. It contemplates the delegation of authority to the cognizant DOD Components in order that it represent an understanding between the contractor and all prospective DOD contracting components. The basic agreements will be entered pursuant to § 3.410 of this chapter.

(ii) Action to develop a basic agreement may be initiated:

(*a*) Unilaterally by the contractor;

(*b*) By a DOD Component request to the contractor;

(*c*) By either the contractor or the DOD Component, as the result of a contractor's response to a Request for Proposal (RFP).

(iii) A basic agreement may be arrived at after evaluation of the contractor's management control system in the context of the criteria, within the contractor's present or proposed operating environment and not necessarily in response to an RFP. The management control system(s) identified in the basic agreement will also be subjected to a demonstration review which may occur within the contractor's present operating environment, or in conjunction with the contractor's implementation of a separate DOD procurement contract.

(2) *Separate procurement contracts.* As a result of either the requirement normally placed in an RFP or an action initiated by DOD Components, the contractor will provide a response which describes the integration of the basic subsystems to provide control of cost, schedule, and technical performance. This involves:

(i) *Evaluation.* The contracting DOD Component will conduct a design review as a part of normal procurement procedures to insure that the systems meet established criteria. When the systems have been evaluated and the contract awarded, the contracting DOD Component will notify the contractor of the results.

(ii) *Demonstration.* DOD personnel will conduct an in-plant demonstration review of the contractor's management control systems. The purpose of systems demonstration is to verify that the contractor is operating systems which meet the criteria. Upon completion of this demonstration, a written description of the system validated will be provided by the contractor in sufficient detail to permit adequate surveillance.

(3) *Demonstration teams.* (i) The team conducting a demonstration review will ordinarily include representatives from the Army, Navy, Air Force (except where a Service requests nonparticipation due to noninvolvement), and the cognizant Defense Contract Audit Agency (DCAA) Auditor. The contracting or cognizant DOD Component will provide the team leader and will be responsible for all matters concerning the conduct of the demonstration review.

(ii) A detailed discussion of the team composition, tests, and guidance for the conduct of the review is contained in the Guide for Performance Measurement established under § 206.6.

(4) *Reexamination.* (i) In the event the contractor's system fails to pass the demonstration review, the cognizant DOD Component will discuss the specific shortcomings with the contractor and require the contractor to submit proposals for correcting deficiencies. Subsequent to official notification by the cognizant DOD Component of a failure, the portion(s) of the management control system that failed may be subjected to a followup review. Specific guidance and procedures concerning determination and resolution of failures are contained in the Guide for Performance Measurement.

(ii) Upon successful completion of demonstration review, contractors will not be subjected to reexamination (other than through normal surveillance), unless there are positive indications that the contractor's system no longer meets the criteria.

§ 206.5 Responsibilities.

The DCAA will review the contractor's accounting system and determine the accuracy and reliability of the financial data contained in the reports prepared from the contractor's management control systems. Reviews of the technical considerations in the contractor's systems and reported data will be accomplished by the cognizant plant representative. The cognizant auditor and the plant representative will collaborate in reviewing areas of joint interest.

(a) The surveillance reviews will consist of (1) recurring evaluations of the effectiveness of the contractor's policies and procedures to produce valid data consistent with the intent of this part, and (2) selective tests of reported data.

(b) The cognizant auditor will submit a formal report of any deficiencies that cannot be resolved with the contractor, to the contracting DOD Component(s) through the local plant representative.

§ 206.6 Guide.

(a) The Office of the Assistant Secretary of Defense (Comptroller) (OASD (C)) will publish, revise as necessary, and distribute the Guide for Performance Measurement separately from this part.

(b) The OASD(C) will maintain surveillance over the procedures prescribed in the Guide for Performance Measurement and insure implementation and continuous operation in a uniform manner throughout the Department of Defense.

(c) Until the Guide for Performance Measurement is published, application of the criteria to ongoing or proposed programs and associated reporting requirements will be subject to prior approval by the Assistant Secretary of Defense (Comptroller) (ASD(C)) or his designee for the purpose, with the concurrence of the Director of Defense Research and Engineering and the Assistant Secretary of Defense (Installations and Logistics).

§ 206.7 Cost/schedule control systems criteria.

(a) *General.* Any system used by the contractor in planning and controlling the performance of the contract shall meet the criteria set forth in paragraph (c) of this section. Information which is required by the Department of Defense must be produced from the contractor's system. Data requirements of the DOD are specified in a separate data requirements list accompanying each RFP. Nothing in these criteria is intended to affect the basis on which costs are reimbursed and progress payments are made and nothing within will be construed as requiring the use of any single system, or specific method of management control or evaluation of performance. The contractor's internal systems need not be changed, provided they satisfy these criteria.

(1) An element in the evaluation of proposals will be the proposer's system for planning and controlling contract performance. The proposer will fully describe the system to be used. The prospective contractor's cost/schedule control system proposal will be evaluated to determine that it meets these criteria. The prospective contractor will agree to operate such a system throughout the period of contract performance if awarded the contract. The DOD will agree to rely on the contractor's system and therefore will not impose a separate planning and control system.

(2) The Cost/Schedule Control Systems Criteria (C/SCSC) must be included as a requirement in Requests for Proposals leading to contracts implementing those programs which are estimated in the 5-Year Defense Program to require (i) a total cumulative financing for Research, Development, Test, and Evaluation in excess of $25 million or (ii) cumulative production investment in excess of $100 million. Firm fixed priced contracts will be excluded. When a basic agreement has been entered into between DOD and a contractor, setting forth conditions pertaining to the contractor's control systems, the contractor's response in an RFP should cite the basic agreement and any planned substantive changes thereto and state that it will be applicable to the contract resulting from the RFP. In these circumstances this response will satisfy the C/SCSC requirement in the RFP.

(b) *Definitions*—(1) *Applied direct costs.* (i) The amounts recognized in the time period associated with the consumption of labor, material and other direct resources, without regard to the date of commitment or the date of payment. These amounts are to be charged to work-in-process in the time period that any one of the following takes place:

(*a*) When labor, material, and other direct resources are actually consumed; or

(*b*) When material resources are withdrawn from inventory for use; or

(*c*) When material resources are received that are uniquely identified to the contract and scheduled for use within 60 days; or

(*d*) When major components or assemblies are received on a line flow basis that are specifically and uniquely identified to a single serially numbered end item.

(ii) Under this definition, certain material costs are considered as applied when the articles are received even though temporarily stored in inventory areas so long as these costs meet the above criteria and government furnished material is excluded.

(2) *Direct costs.* Section 15.202 of this chapter.

(3) *Indirect costs.* Section 15.203 of this chapter.

(4) *Incurred costs.* See 32 CFR E–509.5.

(5) *Latest revised estimate of cost at completion.* Applied direct costs, plus indirect costs allocable to the contract, plus the estimate of costs for work remaining.

(6) *Management reserve.* The algebraic difference between the contract price and the sum of all the budgeted costs.

(7) *Organizational element.* Any defined unit within the contractor's organization structure which is responsible for accomplishing the work.

(8) *Original budget.* The budget prepared at, or near, the time the contract was signed, and consistent with the contract price.

(9) *Overhead (indirect costs).* See § 3–701.3 of this chapter.

(10) *Project summary work breakdown structure.* The Work Breakdown Structure for a specific defense materiel item which has been prepared by DoD Components in accordance with MIL–STD–881 [2] by selecting (based on systems engineering during concept formulation or its equivalent) applicable elements from one or more Summary Work Breakdown Structures (see MIL–STD–881 [2] draft).

(11) *Related resources.* The labor, materials, and services required to perform work.

(12) *Work breakdown structure.* A product-oriented family tree division of hardware, software, services, and other work tasks which organizes, defines, and graphically displays the product to be produced as well as the work to be accomplished in order to achieve the specified product.

(13) *Work package.* A delineation of work required to complete a particular job. It may be established at any level within the work breakdown structure where all the following characteristics are present:

(i) It represents units of work at levels where performance is managed.

(ii) It has scheduled start and completion dates and is definable in terms of scope of work and budgets (expressed in labor hours, dollars, or other meaningful units).

(iii) It is measurable in the same terms as set forth in subdivision (ii) of this subparagraph.

(iv) It is such that responsibility for performing the work is assignable to a single organizational element.

(v) Its size and duration is established to reflect the foregoing, the type of work involved, and the necessity of using relatively short spans of time to minimize the requirements to use estimates, arbitrary formulae or other less objective means of evaluating status of work in process.

(vi) It is integrated with detailed engineering, manufacturing and other schedules as applicable.

(14) *Work performed.* Includes completed work packages and the completed portion of work packages begun and not yet completed.

(c) *Criteria.* The contractor's system will include policies, procedures, and methods which are designed to insure that it will accomplish the following:

(1) *Organization.* (i) Define all the authorized work and related resources to meet the requirements of the contract, using the framework of the contractor's extension of an appropriate work breakdown structure.

(ii) Identify the authorized work within the following categories:

(*a*) Discrete work packages with a defined end result, or

(*b*) Level of effort or apportioned-effort work packages whose completion does not produce a definable end result.

(iii) Identify the internal organizational elements and the major subcontractors responsible for accomplishing the authorized work.

(iv) Identify the managerial positions responsible for controlling overhead (indirect costs).

(v) Identify overhead (indirect costs) and the methods used for its allocation.

(2) *Planning and budgeting.* (i) Describe, plan, and schedule the work.

(ii) Identify physical products, milestones, technical performance goals, or other indicators that will be used to measure output.

(iii) Establish budgets for all authorized work.

(iv) To the extent the authorized work has been identified in the categories described in subparagraph (1)(ii) of this paragraph, establish budgets for these categories in terms of dollars, hours, or other acceptable units.

(v) Establish overhead budgets for the total costs of each significant organizational component whose expenses will become indirect costs. Reflect in the contract budgets at the appropriate level, the amounts accumulated in overhead pools that will be allocated to the contract as indirect costs.

(vi) Identify management reserves, if used.

(vii) Provide that the contract price plus the estimated undefinitized price of authorized but unpriced changes and unpriced work is reconciled with the sum of all internal contract budgets and management reserves.

(viii) Retain the original budgets for those elements of the work breakdown structure identified as priced line items in the contract and for those elements at the lowest level of the DOD Project Summary Work Breakdown Structure as a traceable basis against which contract performance can be compared.

(3) *Accounting.* (i) Record applied direct costs on a basis consistent with the budgets in a formal system that is controlled by the general books of account.

(ii) Record indirect costs all or part of which will be allocated to the contract.

(iii) These formal records in subdivisions (i) and (ii) of this subparagraph should make it possible to determine unit or lot costs for priced line items.

(iv) Summarize applied direct costs and overhead allocations in the accounting records for (*a*) those elements of the work breakdown structure identified as priced line items in the contract, and (*b*) those elements at the lowest level of the DOD Project Summary Work Breakdown Structure.

(v) Identify the bases for allocating the cost of level of effort or apportioned-effort work packages to appropriate cost accounts.

(vi) Provide a basis for auditing records of incurred costs, applied direct costs, and overhead (indirect costs).

(4) *Reporting.* (i) Identify on a monthly basis or more often at the discretion of the contractor in the detail needed by management for effective control, using data from, or reconcilable with, the accounting system:

(*a*) Applied direct costs for work performed and the budgeted costs for the same work.

(*b*) Actual indirect costs and budgeted indirect costs.

(*c*) Budgeted costs for work performed and budgeted costs for work scheduled.

(*d*) Significant variances resulting from the above comparisons classified in terms of labor, material, overhead, and any other appropriate elements, together with the reasons therefor.

(ii) Identify, on a monthly basis or more often at the discretion of the contractor significant differences between actual and planned schedule and actual and planned technical performance, together with the reasons therefor.

(iii) Identify managerial actions that are made necessary by the above.

(5) *Revisions.* (i) Estimate the effect of both authorized changes and internal replanning actions on technical performance, schedule, and cost provisions of the contract, and record the effects of authorized changes and internal replanning actions in schedules and budgets

(ii) Reconcile original budgets for those elements of the work breakdown structure identified as priced line items in the contract, and for those elements at the lowest level of the DOD Project Summary Work Breakdown Structure, with current budgets in terms of (*a*) changes to the authorized work and (*b*) internal replanning in the detail needed by management for effective control.

See footnotes at end of document.

(iii) Prohibit retroactive changes to records pertaining to work performed that will change previously reported amounts for applied direct costs, indirect costs, and budgets, except for normal accounting adjustments or for reasons agreed to by the contracting parties.

(iv) Based on performance to date and on estimates of future conditions, develop latest revised estimates of cost at completion and reconcile these with:

(a) Original budgets for those elements of the Work Breakdown Structure identified as priced line items in the contract,

(b) Original budgets for those elements at the lowest level of the DOD Project Summary Work Breakdown Structure,

(c) Current budgets,

(d) Contract price,

(e) The contractor's latest statement of fund requirements reported to the Government.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-13746; Filed, Nov. 19, 1969; 8:45 a.m.]

PART 256—QUANTITY-DISTANCE STANDARDS AND POLICIES FOR AIRFIELDS, HELIPORTS, AND SEADROMES

Part 256 is vacated. The provisions of Part 256 have been superseded by DOD Manual 4145.27—M, "DOD Ammunition and Explosives Safety Standards," which is available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—70 cents.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-13747; Filed, Nov. 19, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-101]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

PACIFIC OCEAN, WEST OF BARBERS POINT, ISLAND OF OAHU, HAWAII; ANCHORAGE FOR TANK VESSELS

1. The Commander, 14th Coast Guard District, Honolulu, Hawaii, by letter dated August 26, 1969, requested the establishment of an anchorage for tank vessels in the Pacific Ocean, west of Barbers Point, Island of Oahu, Hawaii. A public notice dated February 24, 1969, was issued by the Commander, 14th Coast Guard District, Honolulu, Hawaii, describing two sites proposed, known as an east site and as a west site. All known interested parties were notified and requested to comment on the proposed sites. Objections were received on the use of the east site; however, no objections were received on the proposed west site. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to establish an anchorage ground on the west site for tankers is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. In Part 110, Subpart B is amended by adding a new § 110.237, following § 110.236 to read as follows:

§ 110.237 Pacific Ocean west of Barbers Point, Island of Oahu, Hawaii; anchorage for tank vessels.

(a) *The anchorage ground.* The waters of the Pacific Ocean within an area described as follows: A circle of 1,000 feet radius centered at latitude 21°17'55" N., longitude 158°07'46" W.

(b) *The regulations.* (1) This anchorage is for the use of tank vessels loaded with, loading, or unloading oil, and shall not be used by any other vessel except as provided in subparagraph (7) of this paragraph.

(2) The anchorage will be used only for the purposes stated and under the special limitations applicable thereto.

(3) When tank vessels are conducting loading or unloading operations as indicated by the display of a red flag (International Code Flag "B") at the masthead, passing vessels of over 100 tons displacement passing within one-half mile, should reduce speed to six (6) knots over the ground.

(4) Owners of tank vessels shall notify the Captain of the Port, 14th Coast Guard District, Honolulu, and the Commanding Officer, U.S. Naval Air Station, Barbers Point, not less than twenty-four (24) hours prior to actual occupancy of the anchorage ground by a tank vessel. Such notification shall include the maximum height above the waterline of the uppermost portion of the tank vessel's masts and a description, including height of the highest anchor light which will be displayed by the vessel at night when at anchor.

(5) The use of this anchorage will neither restrict nor prohibit in any manner the operation of military aircraft over or near the anchorage, or the operation of naval vessels or other craft in the immediate vicinity, subject to applicable rules of the road and safe navigation practices.

(6) When, in the opinion of the Commander, 14th Coast Guard District or his duly authorized representative, the use of this anchorage for the transfer of oil could jeopardize the safety of vessels or facilities in the area, including undue risk of pollution, such use of this anchorage shall be terminated until such time as the cognizant Coast Guard officer determines that the danger has subsided.

(7) The following vessels only shall navigate or anchor in the area:

(i) Tank vessels using the anchorage area for loading or unloading operations.

(ii) Vessels belonging to the U.S. Government.

(iii) Commercial tugs, lighters, barges, and launches engaged in business pertaining to the anchorage area.

(8) Tank vessels equipped with a "Butterworth" system shall not employ such equipment during occupancy of the anchorage area.

(9) Vessels occupying the area shall not pump bilges during the period of occupancy.

(10) Permanent mooring buoys may be installed within the area subject to Department of the Army permits being obtained for such installations.

(11) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the laws.

(12) The regulations of this section shall be enforced by the Captain of the Port, U.S. Coast Guard, Honolulu, and such agencies as he may designate.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(i))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: November 17, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 69-13851; Filed, Nov. 19, 1969; 8:51 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal, Mich.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.440 governing the use, administration, and navigation of St. Marys Falls Canal and Locks, Mich., is hereby amended with respect to the introductory text of paragraph (u), effective upon publication in the FEDERAL REGISTER, as follows:

§ 207.440 St. Marys Falls Canal and Locks, Mich.; use, administration, and navigation.

* * * * *

(u) The locks will be opened and closed to navigation each year as provided in subparagraphs (1) and (2) of this paragraph except as may be authorized by the Division Engineer. Consideration will be given to change in these dates in an emergency involving disaster to a vessel or other extraordinary circumstances. However, if requested by the using interests on or before November 1, the closing date may be extended to meet reasonable demands of commerce to the extent that weather and ice conditions permit.

* * * * *

[Regs., Nov. 13, 1969, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

LEONARD S. LEE,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 69-13745; Filed, Nov. 19, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-25—GENERAL

Utilization of Laboratory and Research Equipment

Policies and procedures are established for the periodic inspection of Federal laboratories to identify idle and unneeded equipment and the pooling of equipment.

The table of contents for Part 101-25 is amended by the addition of new entries as follows:

Sec.
101-25.109 Laboratory and research equipment.
101-25.109-1 Identification of idle equipment.
101-25.109-2 Equipment pools.

Subpart 101-25.1—General Policies

Sections 101-25.109, 101-25.109-1, and 101-25.109-2 are added to read as follows:

§ 101-25.109 Laboratory and research equipment.

This section prescribes controls for use by Federal agencies in managing laboratory and research equipment in Federal laboratories. Agencies may establish additional controls as are appropriate which will result in increased use of equipment already owned in lieu of procuring similar equipment.

§ 101-25.109-1 Identification of idle equipment.

Periodic tours shall be conducted of laboratory facilities to identify idle and unneeded laboratory and research equipment. After each inspection tour, equipment which has been identified as idle and unneeded shall be reassigned or released for further utilization. Maximum results will be achieved when inspection tours are conducted by personnel who have knowledge of equipment utilization and planned programs such as teams comprising both management and senior scientific personnel.

§ 101-25.109-2 Equipment pools.

Laboratory and research equipment pools shall be established when the circumstances indicate such pools are appropriate so that such equipment can be made available to activities and individuals whose average usage does not warrant the assignment of such equipment on a permanent basis. In determining the number and location of equipment pools, consideration should be given to economy of operation, mobility of equipment, accessibility to users, frequency of use of the equipment, and impact on research programs. Consideration should be given to the establishment of an advisory committee consisting of technical and management personnel to determine the types of equipment to be shared, pooled, or no longer required.

(a) Equipment pools can also be used to fill requests for temporary replacements while permanently assigned equipment is being repaired or to provide equipment for new laboratories pending acquisition of permanent equipment.

(b) Although specific pieces of laboratory equipment may not be available for assignment to equipment pools, they may be available for sharing or loan. Knowledge of the availability of such equipment can be maintained at a central location such as within equipment pools.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: November 13, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-13788; Filed, Nov. 19, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[No. 40000]

PART 0—COMMISSION ORGANIZATION

PART 97—AMATEUR RADIO SERVICE

Radio Operator Examination Points

Order. 1. The Commission has before it the desirability of amending § 0.485(c) showing the location of the Field Engineering Bureau's examination points for amateur and commercial radio operator licenses.

2. Authority for the amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, section 3(a) of the Administrative Procedure Act (5 U.S.C. 552) and § 0.261(a) of the Commission's rules. Because the amendment is procedural in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

3. *It is ordered,* That effective November 21, 1969, Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 12, 1969.

Released: November 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 0.485(c) is amended by deleting from the listing of quarterly examination points the city of "Schenectady, New York" and adding in the proper place alphabetically, the city of "Albany, New York."

2. Appendix 1, Part 97, is amended by deleting from the listing of quarterly examination points the city of "Schenectady, New York" and adding the city of "Albany, New York" in appropriate alphabetical order.

[F.R. Doc. 69-13802; Filed, Nov. 19, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-65, Ex Parte No. MC-65 (Sub-No. 2)]

PART 1042—SUPERHIGHWAY AND DEVIATION RULES

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22d day of October 1969.

It appearing, that by order of the Commission, dated March 30, 1965, upon petitions filed by National Bus Traffic Association, Inc., and Regular Common Carrier Conference of American Trucking Associations, Inc., and consideration of other circumstances set forth in the order, these rulemaking proceedings were instituted to investigate and consider, among other things, the effect of opening the National System of Interstate and Defense Highways, and other limited-access highways upon regular-route motor carrier operations, the circumstances in which certificates authorizing operations over such highways should be issued to presently authorized carriers, the procedures for disposition of applications for such certificates, whether the Commission's Deviation Rules Revised, 1957, 49 CFR 1042.1 and 1042.2 adopted May 31, 1957, by order in No. MC-C-2078, should be revised, and whether other rules and regulations should be adopted;

And it further appearing, that investigation of the matters and things involved in these proceedings has been made and that the Commission has made and filed

[1] To be published. Call OXford 72941 for information on availability.

[2] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

its report herein containing its findings of fact and conclusions thereon, which report and the prior interim report (107 M.C.C. 95) are hereby referred to and made a part hereof:

It is ordered, That Part 1042 of Chapter X of Title 49 of the Code of Federal Regulations be revised to read as set forth below.

It is further ordered, That this order shall become effective on December 15, 1969, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

Sec.

1042.1 Superhighway rules—motor common carriers of passengers.
1042.2 Deviation rules—motor carriers of passengers.
1042.3 Superhighway rules—motor common carriers of property.
1042.4 Deviation rules—motor carriers of property.

AUTHORITY: The provisions of this Part 1042 issued under 49 Stat. 546, as amended, 551, as amended, 552, as amended; 49 U.S.C. 304, 307, 308.

§ 1042.1 Superhighway rules—motor common carriers of passengers.

(a) *Superhighway certification—common carriers of passengers.* Upon the filing of an appropriate application for authority to operate over superhighways as defined below, upon the showing prescribed herein, and upon approval by the Commission, a motor common carrier of passengers establishing that it holds a certificate of public convenience and necessity, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, authorizing transportation over a regular service route or routes, will be granted appropriate certificated authority to operate over, and serve points on, the superhighways (including highways connecting such superhighways with the carrier's authorized regular service route or routes), between the point of departure from and the point of return to the carrier's authorized regular service route or routes: *Provided*, That use of such superhighway route will not materially change the competitive situation between such carrier and any other carrier or carriers.

(b) *Superhighway defined.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, and any direct existing highway, not a limited-access highway, located immediately adjacent to a planned superhighway.

(c) *Governing criteria.* (1) The criteria to be used in determining whether there would be any material change in the competitive situation shall include, among others, the following: (i) The mileage over the proposed superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes compared with the mileage over the carrier's authorized regular service route or routes between the same points; (ii) the extent to which the proposed superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) parallels or extends in the same general direction as the authorized service route or routes of the carrier between the point of departure from and the point of return to the carrier's authorized regular service route or routes; (iii) the running times over the authorized regular service route or routes of the applicant and other certificated regular-route carriers between the point of departure and the point of return compared with the running times over the proposed route between the same points; (iv) the period of time during which schedules have been operated over the carrier's authorized regular service route or routes between the point of departure and the point of return together with the frequency with which such schedules have been operated; (v) the volume of local or overhead traffic which would be convenienced by use of the proposed route; and (vi) the quantum and frequency of single-line or joint-line service provided by other carriers.

(2) Proof that the distance over the proposed superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes is not less than 90 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position would not result from the carrier's use of the proposed route: *Provided*, That such carrier shall not pick up or discharge passengers at any point not otherwise specifically authorized to be served by it. Where the unrestricted use of the proposed route would materially change any such competitive situation, but such change could be prevented by the imposition of an appropriate restriction (proposed by applicant and acceptable to the Commission), the Commission may authorize the use of the proposed route subject to such restriction.

(d) (1) *Application.* The application on the form prescribed therefor, must be verified and the original and two copies thereof must be filed with the Commission. It shall contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of departure and the point of return.

(ii) An excerpt from the carrier's operating authority or authorities (with reference to the pertinent subnumber or numbers) setting forth the exact description of the route as specified in subdivision (i) of this subparagraph, including service authorized at any intermediate points and any applicable restrictions or conditions in said authority or authorities.

(iii) A complete description by highway designations of other authorized routes, including service authorized at any intermediate points and applicable restrictions and conditions specifically pertinent to and affected by the departure from the authorized route specified in subdivision (i) of this subparagraph.

(iv) A complete description of the proposed route between the point of departure from the authorized route to the point of return.

(v) The actual mileages over all routes described in subdivisions (i) and (iv) of this subparagraph. Such mileages shall be computed between the actual junction points of the routes, whether such junction points are within or without city limits. Rand McNally road map mileages will serve as the official mileage guide where such mileages have been published. Where not published, measured mileage or available official publications will be accepted.

(vi) A map clearly depicting and identifying all routes described in subdivisions (i) through (iv) of this subparagraph.

(vii) A statement that the carrier will continue to provide adequate and continuous service from and to all points authorized to be served in connection with the appurtenant service route or routes.

(viii) The operating time over the appurtenant service route or routes between points affected by the proposed route as compared with that over the proposed route.

(ix) The volume of local and through traffic between the points of departure and return.

(x) A statement that a copy of the application, together with all attachments, has been served on those persons required to be served by these rules.

(2) *Service of application.* The application, with all attachments, must be served by mail or in person on the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operation will be conducted, and the State board or official having jurisdiction over motor carrier regulation of each State in or through which the proposed operation will be performed.

(3) *Publication of application.* A summary of the application will be prepared by the Commission and published in the FEDERAL REGISTER.

(4) *Protests and replies.* Any person may file with the Commission a verified protest, together with two copies thereof, within 30 days after publication of the summary of the application in the FEDERAL REGISTER, showing that a copy thereof with all attachments, has been served upon the applicant. Such protest shall contain a recital of facts and information specifically demonstrating protestant's interest and, if the protestant is a carrier, shall contain detailed information relating to the competitive situation between the protestant and the applicant. The applicant may file a verified reply to any protest within 20 days after the due date of the protest, showing that a copy of the reply, with all attachments, has been served upon the protestant or protestants. Such reply shall be directed solely to the information contained in the protest or protests.

(5) *Hearing or other procedure to be followed.* Where a protest is filed, oral hearing will not be held unless the Commission determines, either upon its own motion or upon a showing of good cause by a party to the proceeding, that oral hearing is necessary. Unless such a determination is made, the issues will be decided upon a consideration of the material submitted with the application, the protest, the reply, and matters of which the Commission may take official notice, except that the Commission, if it so desires, may require the submission of additional facts from the parties.

(6) *Certificates.* Upon consideration of the matters specified in this part the Commission will determine whether the issuance of operating authority is justified. If it is determined that issuance of operating authority is warranted, the Commission will issue a certificate which will not be severable, except upon the Commission's authorization, by sale or otherwise, from the appurtenant service route or routes described in the certificate. Appropriate conditions will be imposed requiring the carrier to maintain reasonable and adequate service over the appurtenant service route or routes named in the application.

(e) *Through-bus operation.* Where two or more certificated regular-route motor carriers of passengers have been joining in the lawful performance of "through-bus" operations between a point on a certificated route of one such carrier, and a point on a certificated route of another such carrier, and there is wholly within the United States a superhighway or combination of superhighways (including highways connecting such superhighway or superhighways with the carriers' authorized regular service routes) between such two points, the use of which would afford a reasonably direct and practicable route between such two points and a safer, more convenient, efficient, or economical operation, without materially changing the competitive situation between such carriers and any other carrier or carriers, such carriers so performing such joint "through-bus" operation may, upon application and approval by the Commission, use such superhighway or combination of superhighways (including highways connecting such superhighway or superhighways with the carriers' authorized regular service routes) as a service route for such joint "through-bus" service, with no service at any intermediate point thereon, except as authorized in their respective certificates, and with no service at the points of departure and return except as authorized in their certificates, and with no service at the point or points of interline except for interchange purposes only: *Provided, however*, That the application shall be executed and filed jointly by the carriers participating in the "through-bus" operation. Additionally, the carriers must specify with particularity the point or points on the proposed route where the operation, control, and responsibility of each carrier will begin and end; and whether an actual change of vehicles will take place at the point of interline or whether the operation will be performed in the same vehicle in a through movement under a leasing arrangement, in which case the carriers must supply details concerning the proposed vehicle interchange and related leasing arrangements.

(f) *Application, service, and publication thereof, protest and replies, hearing or other procedure to be followed, and the certificates.* The provisions of paragraph (d) of this section with respect to the application, the service and publication thereof, protests and replies, the hearing or other procedure to be followed, and the certificate to be issued shall be applicable to paragraph (e) of this section.

§ 1042.2 Deviation rules—motor carriers of passengers.

(a) *Applicability of rules.* These rules are promulgated under the provisions of sections 204, 206 (except 206 (6) and (7)), 207, and 208 of the Interstate Commerce Act, and govern the use of all highways, including the National System of Interstate and Defense Highways, by motor common carriers of passengers operating under certificates of public convenience and necessity issued by the Commission. These rules do not govern operations of regular-route motor common carriers of passengers which operations are wholly within an area including New York, N.Y., Rockland, Westchester, and Nassau Counties, N.Y., Fairfield County, Conn., and New Jersey. These rules do not supersede other rules and regulations of the Commission applicable to specific situations or operations.

(b) *Definitions.* As used in this section, the following words and terms shall be construed to have the following meanings:

(1) *Alternate route.* A designated highway or series of highways lying wholly within the United States over which a regular-route motor common carrier of passengers may operate for operating convenience only, serving no intermediate points and serving the termini only to the extent authorized over the existing appurtenant service route.

(2) *Bypass route.* A route designated by proper authorities for the general purpose of avoiding traffic congestion in a populated area or areas.

(3) *Deadheading empty vehicles.* The movement of empty vehicles incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

(4) *Designated highway.* A highway identified for record purposes by a number, letter, or name, or as an "unnumbered county or State road," or in some other like manner.

(5) *Detour route.* The highway or highways designated by proper authority for public use while the highway or highways normally used between specified points is, or are, temporarily closed or restricted, as by reduced weight limits, or for repairs or construction, or for any other reason.

(6) *Deviation route.* Any of the route facilities and highways used by a motor carrier under authority of this section.

(7) *Emergency route.* A highway or segment thereof which is available for public use during periods of temporary emergency because of flood, slides, earthquake, or other like causes, which make a highway over which a motor carrier is authorized to operate temporarily impassable.

(8) *Point of deviation and return.* The point of deviation is the point at which a regular-route motor common carrier of passengers using or proposing to use a deviation route departs or proposes to depart from an authorized regular service route. The point of return is the point at which such carrier returns or proposes to return to an authorized regular service route.

(9) *Redesignated highway.* A highway to which there has been assigned a new designation, either number, letter, name, or other identifying reference, in lieu of a designation previously assigned thereto.

(10) *Regular service route.* A designated highway or series of highways over which a regular-route motor common carrier of passengers is specifically authorized to operate with provision in the carrier's certificate for service at terminal and intermediate points as specified thereon, as distinguished from an alternate route as herein defined. Such regular service route may be described as a single route in a carrier's operating authority or as two or more routes which are combined by joinder at a common service point or points.

(11) *Relocated highway.* A highway which has been constructed in a new location in lieu of an existing highway, or a segment or segments thereof, and which is intended to replace such existing highway, or a segment or segments thereof, for public use.

(12) *Service point.* A point authorized to be served by a carrier as distinguished from one through which such carrier may operate but without performing any service thereat.

(13) *Superhighway.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, or any direct existing highway, not a limited access highway, located immediately adjacent to a planned superhighway.

(c) *Departures from regular authorized routes.* Subject to the special rules, requirements, and conditions governing particular situations hereinafter stated,

and subject also to the general conditions and requirements set forth in paragraph (d) of this section, carriers subject to these rules are hereby authorized, in the circumstances hereinafter described, to depart from their regular authorized routes in the circumstances and to the extent hereinafter set forth.

(1) *Redesignated highway.* Where a highway, or a segment thereof, over which a carrier is authorized to operate is redesignated, the carrier shall so advise the Commission by letter, giving sufficient information regarding the old and the new designation, the points between which the highway designation has been changed, and the place or places where such highway is referred to in the carrier's authority. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

(2) *Relocated highway and abandonment of old highway.* Where a carrier is authorized to operate over a specified highway and thereafter that highway, or a segment or segments thereof, is or are relocated, and where the old highway or any segment thereof is no longer maintained for use by the general public, the carrier may operate over such relocated highway or relocated segment or segments under its authority without notice to the Commission of such change, but in so doing must continue to serve as intermediate points on the new highway, those points previously authorized to be served as intermediate points on the old highway.

(3) *Relocated highway and maintenance of service over old highway under new designation.* (i) Where a carrier is authorized to operate over, and to serve points on a specified highway, and thereafter that highway, or a segment or segments thereof, is or are relocated but the old highway is maintained for use by the general public under a new designation, the carrier shall not without first obtaining appropriate authority from the Commission, transfer its operations to the relocated highway or relocated segments thereof but must continue to operate over the old highway and advise the Commission by letter of the change in the designation thereof furnishing the same information as required in connection with subparagraph (1) of this paragraph. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

(ii) Where a carrier is authorized to operate over a specified highway, but is not authorized to serve any point on such highway and thereafter such highway, or a segment or segments thereof, is or are relocated, but the old highway is maintained for the use by the public under a new designation, the carrier may, if it so desired, use as its operating route only the new or relocated highway, provided it promptly advises the Commission by letter of such change, giving descriptions of the old and new highways between the points involved and the other information required by subparagraph (1) of this paragraph.

(4) *Bypass route.* Where a carrier is authorized to operate over a regular route, either service or alternate, and a bypass route has been designated to avoid congestion over the regular route, such carrier desiring to use such a bypass route as an alternate route may do so regardless of the ratio of the distance over such bypass route to the distance over the regular route between the point of deviation and the point of return without prior notice to the Commission, subject to the following conditions: Not later than 5 days after operation over the bypass route has begun, the carrier shall give notice of such operation to the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the operation is or will be conducted, and the State board or official having jurisdiction over motor carrier regulation of each State in or through which the operation is or will be conducted. This notice must contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of deviation and the point of return, including authorized off-route points;

(ii) A complete description by highway designations of its proposed deviation route between the point of deviation and the point of return;

(iii) A map on which there shall be shown so much as may be practicable of the information required by subdivisions (i) and (ii) of this subparagraph;

(iv) A statement that the carrier shall continue to serve points authorized.

(5) *Bridges, tunnels, and ferries.* Where a new bridge or tunnel has been constructed to replace an old bridge, tunnel, or ferry, to avoid circuity, or to eliminate a hazardous curve or grade, a regular-route carrier having authority to use the old facility and desiring to use in lieu thereof such new bridge or tunnel and the approaches thereto, may do so, subject to the applicable safety regulations and subject also to the conditions and requirements set forth in subparagraph (4) of this paragraph.

(6) *Detour and emergency routes.* Where a highway over which a carrier is authorized to operate is temporarily obstructed or rendered unsafe by flood, slides, earthquake, or other like causes over which the carrier has no control, the carrier may use any other practicable highway to continue rendering service to points on its authorized route. If a highway over which a carrier is authorized to operate is closed or subjected to weight or other restrictions by proper authority and another route is designated by such authority for use by the public as a detour route, the carrier may use such detour route in lieu of its authorized route. If the distance over the emergency or detour route is less than 90 percent of the distance over the authorized route and if use of the emergency or detour route will continue for more than 30 days, the carrier shall provide the notice set forth in subparagraph (4) of this paragraph.

(7) *Deadheading empty vehicles.* A motor carrier may deadhead empty vehicles over any highway, the use of which is necessary or desirable to accomplish a reasonably direct and practicable movement thereof between any two points incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

(8) *Service at military installations.* (i) If there exists an entrance or gate to a military installation which is within the limits of the authority held by a motor carrier and the carrier with the consent and approval of the officer in charge is openly, lawfully, and regularly (as distinguished from surreptitiously, sporadically, or infrequently) using such entrance or gate in the rendition to or from the installation of (*a*) a general transportation service or (*b*) a specialized or limited service, and if such entrance or gate is by appropriate authority closed, or restricted against particular traffic or if for some other reason beyond its control the carrier is unable to continue to use that entrance or gate for the same purpose as in the immediate past, it may, subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph, use other entrances or gates in continuing to serve the installation in the same manner and in the rendition of the same type of service as was theretofore performed through the closed or restricted entrance or gate.

(ii) This subparagraph shall not be construed by any carrier as authority for the rendition, through an entrance or gate which is located outside the limits of its authority, of any service which was in fact discontinued prior to the closing or restriction of the authorized gate or entrance, or any service essentially different from that rendered through the gate or entrance located within the limits of its authority immediately prior to the closing or restriction thereof.

(9) *Deviations—alternate routes without certificate—common carrier.* (i) Where a regular-route motor common carrier of passengers is authorized to operate over a regular route and there is wholly within the United States another highway which affords a reasonably direct and practicable route between any two points on such regular route, it may, subject to the general conditions and requirements set forth in paragraph (d) (1) through (5) of § 1042.1, except that the notice and any protests and replies thereto may be in letter form and need not be verified, and need not be served on official governing bodies of local points, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided*, That use of the alternate route will not materially change the competitive situation between such carrier and any other.

(ii) Proof that the mileage over the proposed alternate route between the point of deviation and the point of return to the carrier's authorized service route or routes is not less than 90 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position will not result from the carrier's use of the proposed alternate route.

(iii) If a protest has not been filed within 30 days from the date of publication of notice of the proposed operation in the FEDERAL REGISTER, the operation may be commenced immediately thereafter subject to the provisions of paragraph (d) (5) of this section. In all cases in which protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate order is issued by the Commission.

(d) *Miscellaneous conditions*—(1) *Failure to give notice or defective notice.* Where an application for a deviation is required under paragraph (c) (4), (5), (6), or (8) of this section, and such notice is not timely filed and served as required, any deviation operation begun prior to the actual filing and service of the application is unauthorized and where an application, though filed, is defective for want of required information or insufficient service or for any other reason, it shall be subject to rejection and if rejected, any deviation operation covered thereby which has been begun shall immediately be discontinued and shall not be resumed until a sufficient application has been filed, and served on interested parties as required by these rules, and the carrier has been notified by the Commission that the operation may be resumed.

(2) *Reasonable and adequate service.* The right to operate over a deviation route which is subject to the general conditions and requirements set forth in these rules shall continue only so long as the carrier is performing, when required by this part, reasonable and adequate service over specifically authorized routes, and only so long as the conditions set forth in these rules are observed.

(3) *Certification.* Each notice, protest, and reply filed under these rules shall contain the following certification:

I certify that I am aware that anyone who, in any matter within the jurisdiction of any agency of the United States, intentionally makes or uses any false, fictitious, or fraudulent writing or document, may be subject to prosecution and fined up to $1,000 and imprisoned for up to 5 years (18 U.S.C. 1001).

(4) *Other remedies.* Applications seeking authority to conduct operations which could be performed following an appropriate filing under these revised deviation rules, will, in the absence of good cause shown, be subject to dismissal by the Commission.

(5) *Commission may forbid deviation.* The Commission may forbid the commencement of operations over any deviation route under this part, or require discontinuance of any such operations already commenced, whenever in its opinion such deviation results in inadequate service over specifically authorized routes, or is unreasonable, or otherwise repugnant to the public interest, or is not in harmony with the general purpose and intent of the rules and regulations established by this part.

(6) *Prior filings.* Motor carriers of passengers lawfully utilizing any deviation route or facility referred to herein pursuant to a prior notice heretofore filed shall not be required to file any further notice with the Commission concerning the use of such route, facility, or facilities.

(7) *Severability of deviation routes.* Operations over approved deviation routes shall not be severable by sale or otherwise from the underlying certificated authority to which such operations are appurtenant. Sale, lease, or other transfer of said underlying certificated authority shall have the concurrent effect of selling, leasing, or otherwise transferring any approved deviation routes appurtenant to such certificated authority.

§ 1042.3 Superhighway rules—motor common carriers of property.

(a) *Regular-route, general-commodity certificates—construction.* All certificates of public convenience and necessity authorizing the transportation of general commodities, with or without exceptions, over a regular service route or routes, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, shall be construed as authorizing operations over superhighways as defined below (including highways connecting such superhighways with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes, provided that either (1) the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes (i) extends in the same general direction as the authorized service route or routes, and (ii) is wholly within 25 airline miles of the carrier's authorized regular service route or routes, or (2) the distance over the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes.

(b) *Intermediate point service.* Motor carriers conducting operations over superhighways under subparagraph (1) of paragraph (a) of this section, which are authorized to serve all intermediate points (without regard to nominal exceptions) on their underlying regular service route or routes, may serve intermediate points on and within 1 airline mile of the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) in the same manner and subject to corresponding service limitations as described in the pertinent certificate or certificates of public convenience and necessity. Motor carriers conducting operations over superhighways under subparagraph (2) of paragraph (a) of this section shall not receive or deliver freight from or to any person at any point not otherwise specifically authorized to be served by them.

(c) *Superhighway defined.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, and any direct existing highway, not a limited-access highway, located immediately adjacent to a planned superhighway.

(d) *Specific circumstances.* If, upon the filing of a petition by any interested person and a determination of the issues presented thereby, the Commission shall find that operations by any motor carrier under the provisions of paragraph (a) or (b) of this section have resulted, or are reasonably certain to result, in either destructive competition or in the provision of inadequate transportation service by the carrier at any authorized service point or points, an appropriate order may be entered requiring the said motor carrier either to discontinue such operations in whole or in part, or to conduct its operations in compliance with the terms, conditions, and limitations in its certificates in the manner described in the said order. Upon the establishment by the petitioner that a motor carrier's service at a point on its underlying service route has been discontinued or curtailed, the burden of showing that the discontinuance or curtailment is reasonable is upon the motor carrier engaged in operations under these rules.

§ 1042.4 Deviation rules—motor carriers of property.

(a) *Applicability of rules.* These rules are promulgated under the provisions of sections 204, 206 (except 206a (6) and (7)), 207, 208, and 209 of the Interstate Commerce Act, and govern the use of all highways by motor common carriers of property operating under certificates of public convenience and necessity and motor contract carriers of property operating under permits. The provisions of paragraph (c) (1), (2), (3), (4), (5), (6), (8), (11), and (12) of this section apply only to the operations of regular-route motor common carriers of general commodities, with or without exceptions. References to regular-route carriers of explosives or other inherently dangerous

articles in paragraph (c)(9) of this section pertain to the operations of motor common carriers authorized to transport explosives or other inherently dangerous articles over regular routes pursuant to or in connection with, certificates of public convenience and necessity authorizing the transportation of general commodities, with or without exceptions. These rules do not supersede other rules and regulations of the Commission applicable to specific situations or operations.

(b) *Definitions.* As used herein, the following words and terms shall be construed to having the following meanings:

(1) *Alternate route.* A designated highway or series of highways lying wholly within the United States over which a regular-route motor common carrier of property may operate for operating convenience only, serving no intermediate points and serving the termini only to the extent authorized over the existing appurtenant service route.

(2) *Bypass route.* A route designated by proper authorities for the general purpose of avoiding traffic congestion in a populated area or areas.

(3) *Deadheading empty vehicles.* The movement of empty vehicles incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

(4) *Designated highway.* A highway identified for record purposes by a number, letter, or name, or as an "unnumbered county or State road," or in some other like manner.

(5) *Detour route.* The highway or highways designated by proper authority for public use while the highway or highways normally used between specified points is, or are, temporarily closed or restricted, as by reduced weight limits, or for repairs or construction, or for any other reason.

(6) *Deviation route.* Any of the route facilities and highways used by a motor carrier under authority of this section.

(7) *Emergency route.* A highway or segment thereof which is available for public use during periods of temporary emergency because of flood, slides, earthquake, or other like causes, which make a highway over which a motor carrier is authorized to operate temporarily impassable.

(8) *Point of deviation and return.* The point of deviation is the point at which a regular-route motor carrier of property using or proposing to use a deviation route departs or proposes to depart from an authorized regular service route. The point of return is the point at which such carrier returns or proposes to return to an authorized regular service route.

(9) *Redesignated highway.* A highway to which there has been assigned a new designation, either number, letter, name, or other identifying reference, in lieu of a designation previously assigned thereto.

(10) *Regular service route.* A designated highway or series of highways over which a regular-route motor carrier of property is specifically authorized to operate with provision in the carrier's certificate for service at terminal, intermediate, or off-route points as specified thereon, as distinguished from an alternate route as herein defined. Such regular service route may be described as a single route in a carrier's operating authority or as two or more routes which are combined by joinder at a common service point or points.

(11) *Relocated highway.* A highway which has been constructed in a new location in lieu of an existing highway, or a segment or segments thereof, and which is intended to replace such existing highway, or a segment or segments thereof, for public use.

(12) *Service point.* A point authorized to be served by a carrier as distinguished from one through which such carrier may operate but without performing any service thereat.

(c) *Departures from regular authorized routes.* Subject to the special rules, requirements, and conditions governing particular situations hereinafter stated, and subject also to the general conditions and requirements set forth in paragraph (d) of this section, carriers subject to these rules are hereby authorized, in the circumstances hereinafter described, to depart from their regular authorized routes in the circumstances and to the extent hereinafter set forth.

(1) *Redesignated highway.* Where a highway, or a segment thereof, over which a carrier is authorized to operate is redesignated, the carrier shall so advise the Commission by letter, giving sufficient information regarding the old and the new designation, the points between which the highway designation has been changed, and the place or places where such highway is referred to in the carrier's authority. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

(2) *Relocated highway and abandonment of old highway.* Where a carrier is authorized to operate over a specified highway and thereafter that highway, or a segment or segments thereof, is or are relocated, and where the old highway or any segment thereof is no longer maintained for use by the general public, the carrier may operate over such relocated highway or relocated segment or segments under its authority without notice to the Commission of such change, but in so doing must continue to serve as intermediate or off-route points, on or from the new highway, those points previously authorized to be served as intermediate or off-route points on or from the old highway.

(3) *Relocated highway and maintenance of service over old highway under new designation.* (i) Where a carrier is authorized to operate over, and to serve points on a specified highway or off-route points from such highway, or both, and thereafter that highway, or a segment or segments thereof, is or are relocated but the old highway is maintained for use by the general public under a new designation, the carrier shall not without first obtaining appropriate authority from the Commission, transfer its operations to the relocated highway or relocated segments thereof but must continue to operate over the old highway and advise the Commission by letter of the change in the designation thereof furnishing the same information as required in connection with subparagraph (1) of this paragraph. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

(ii) Where a carrier is authorized to operate over a specified highway, but is not authorized to serve any point on such highway or off-route points from such highway, or both, and thereafter such highway, or a segment or segments thereof, is or are relocated, but the old highway is maintained for use by the public under a new designation, the carrier may, if it so desires, use as its operating route only the new or relocated highway, provided it promptly advises the Commission by letter of such change, giving descriptions of the old and the new highways between the points involved and the other information required by subparagraph (1) of this paragraph.

(4) *Bypass route.* Where a carrier is authorized to operate over a regular route, either service or alternate, and a bypass route has been designated to avoid congestion over the regular route, such carrier desiring to use such a bypass route as an alternate route may do so regardless of the ratio of the distance over such bypass route to the distance over the regular route between the point of deviation and the point of return without prior notice to the Commission, subject to the following conditions: Not later than 5 days after operation over the bypass route has begun, the carrier shall give notice of such operation to the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the operation is or will be conducted, and the State board or official having jurisdiction over motor carrier regulation of each State in or through which the operation is or will be conducted. This notice must contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of deviation and the point of return, including authorized off-route points;

(ii) A complete description by highway designations of its proposed deviation route between the point of deviation and the point of return;

(iii) A map on which there shall be shown so much as may be practicable of the information required by subdivisions (i) and (ii) of this subparagraph;

(iv) A statement that the carrier shall continue to serve points authorized.

(5) *Bridges, tunnels, and ferries.* Where a new bridge or tunnel has been constructed to replace an old bridge, tunnel, or ferry, to avoid circuity, or to eliminate a hazardous curve or grade, a

regular-route carrier having authority to use the old facility and desiring to use in lieu thereof such new bridge or tunnel and the approaches thereto, may do so, subject to the applicable safety regulations and subject also to the conditions and requirements set forth in subparagraph (4) of this paragraph.

(6) *Detour and emergency routes.* Where a highway over which a carrier is authorized to operate is temporarily obstructed or rendered unsafe by flood, slides, earthquake, or other like causes over which the carrier has no control, the carrier may use any other practicable highway to continue rendering service to points on its authorized route. If a highway over which a carrier is authorized to operate is closed or subjected to weight or other restrictions by proper authority and another route is designated by such authority for use by the public as a detour route the carrier may use such detour route in lieu of its authorized route. If the distance over the emergency or detour route is less than 85 percent of the distance over the authorized route and if use of the emergency or detour route will continue for more than 30 days, the carrier shall provide the notice set forth in subparagraph (4) of this paragraph.

(7) *Deadheading empty vehicles.* A motor carrier may deadhead empty vehicles over any highway, the use of which is necessary or desirable to accomplish a reasonably direct and practicable movement thereof between any two points incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

(8) *Deviation from regular service route in the transportation of U.S. mail.* Subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph, common carriers of property holding authority to operate over regular routes may, without obtaining prior authority therefor, deviate from their authorized service routes for the purpose of delivering or picking up U.S. mail at points within 25 airline miles of such authorized service routes and, in the course of such deviation, may transport authorized commodities in the same vehicle with mail: *Provided,* That no commodity other than mail may be picked up, delivered, or interchanged with another carrier, at any point not specifically authorized.

(9) *Deviations by motor carriers of explosives and other dangerous articles.* Subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph:

(i) A regular-route motor carrier authorized to transport explosives or other inherently dangerous articles may, in order to avoid streetcar tracks, tunnels, viaducts, dangerous crossings, or places where persons are assembled, use any practicable route lying wholly within the United States: *Provided,* That the distance over the route used between the point of deviation and the point of return is not less than 85 percent of the distance over the authorized route between the same points, or, if it is less than 85 percent provided the deviation route used is at all points within 25 airline miles of the authorized place which is bypassed.

(ii) Common carriers authorized to transport explosives or other inherently dangerous articles operating over either regular or irregular routes, or both, may in the interest of safety interchange shipments or equipment or combine routes or operating rights at any place within 25 airline miles of any point where interchange or joinder is permissible under the existing authorities of the carrier or carriers involved.

(10) *Service at military installations.* (i) If there exists an entrance or gate to a military installation which is within the limits of the authority held by a motor carrier and the carrier with the consent and approval of the officer in charge is openly, lawfully, and regularly (as distinguished from surreptitiously, sporadically, or infrequently) using such entrance or gate in the rendition to or from the installation of (*a*) a general transportation service or (*b*) a specialized or limited service, and if such entrance or gate is by appropriate authority closed, or restricted against particular traffic or if for some other reason beyond its control the carrier is unable to continue to use that entrance or gate for the same purpose as in the immediate past, it may, subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph, use other entrances or gates in continuing to serve the installation in the same manner and in the rendition of the same type of service as was theretofore performed through the closed or restricted entrance or gate.

(ii) This subparagraph shall not be construed by any carrier as authority for the rendition, through an entrance or gate which is located outside the limits of its authority, of any service which was in fact discontinued prior to the closing or restriction of the authorized gate or entrance, or any service essentially different from that rendered through the gate or entrance located within the limits of its authority immediately prior to the closing or restriction thereof.

(11) *Deviations—alternate routes without certificate—common carriers.* (i) Where a regular-route motor common carrier is authorized to operate over a regular route and there is wholly within the United States another highway which affords a reasonably direct and practicable route between any two points on such regular route, it may, subject to the general conditions and requirements set forth in subparagraph (12) of this paragraph, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under, any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided,* That use of the alternate route will not materially change the competitive situation between such carrier and any other.

(ii) Proof that the mileage over the proposed alternate route between the point of deviation from and the point of return to the carrier's authorized service route or routes is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position will not result from the carrier's use of the proposed alternate route.

(iii) If a protest has not been filed within 30 days from the date of publication of the notice of the proposed operation in the FEDERAL REGISTER, the operation may be commenced immediately thereafter subject to the provisions of paragraph (d)(5) of this section. In all cases in which protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate order is issued by the Commission.

(12) *Notice, protests, and replies.* (i) *Notice.* The original and two copies of the notice of an alternate route deviation filed pursuant to subparagraph (11) of this paragraph shall be filed with the Commission and shall contain the following information:

(*a*) A complete description, by highway designations, of the carrier's authorized route between the point of deviation and the point of return.

(*b*) An excerpt from the carrier's operating authority or authorities (with reference to the pertinent subnumber or numbers) setting forth the exact description of the route as specified in (*a*) of this subdivision, including service authorized at any intermediate or off-route points and any applicable restrictions or conditions in said authority or authorities.

(*c*) A complete description by highway designations of other authorized routes, including service authorized at any intermediate or off-route points and applicable restrictions and conditions, specifically pertinent to and affected by the departure from the authorized route specified in (*a*) of this subdivision.

(*d*) A complete description of the proposed route between the point of deviation from the authorized route to the point of return.

(*e*) The actual mileages over all routes described in (*a*) and (*d*) of this subdivision. Such mileages shall be computed between the actual junction points of the routes, whether such junction points are within or without city limits. Rand McNally road map mileages will serve as the official mileage guides

where such mileages have been published. Where not published, measured mileages or available official publications will be accepted.

(f) A map clearly depicting and identifying all routes described in (a) and (d) of this subdivision.

(g) A statement that the carrier will continue to provide adequate and continuous service from and to all points authorized to be served in connection with the appurtenant service route or routes.

(h) The operating time over the appurtenant service route or routes between points affected by the proposed route as compared with that over the proposed route.

(i) The volume of local and through traffic between the points of deviation and return.

(j) A statement that a copy of the notice, together with all attachments, has been served on those persons required to be served by these rules.

(ii) *Service of notice.* The notice, with all attachments, must be served by mail or in person on the Commission, and the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operation will be conducted.

(iii) *Publication of notice.* A summary of the notice will be prepared by the Commission and published in the FEDERAL REGISTER.

(iv) *Protests and replies.* Any person may file with the Commission a protest, together with two copies thereof, within 30 days after publication of the summary of the notice in the FEDERAL REGISTER, showing that a copy thereof, with all attachments, has been served upon the applicant. Such protest shall contain a recital of facts and information specifically demonstrating protestant's interest and, if the protestant is a carrier, shall contain detailed information relating to the competitive situation between the protestant and the applicant. The applicant may file a reply to any protest within 20 days after the due date of the protest, showing that a copy of the reply, with all attachments, has been served upon the protestant or protestants. Such reply shall be directed solely to the information contained in the protest or protests.

(v) *Hearing or other procedure to be followed.* Where a protest is filed, oral hearing will not be held unless the Commission determines, either upon its own motion or upon a showing of good cause by a party to the proceeding, that oral hearing is necessary. Unless such a determination is made, the issues will be decided upon a consideration of the material submitted with the notice, the protest, the reply, and matters of which the Commission may take official notice, except that the Commission, if it so desires, may require the submission of additional facts from the parties.

(d) *Miscellaneous conditions*—(1) *Failure to give notice or defective notice.* Where a notice for a deviation is required under paragraph (c) (4), (5), (6), (8), (9), or (10) of this section, and such notice is not timely filed and served as required, any deviation operation begun prior to the actual filing and service of the notice, is unauthorized, and where a notice, though filed, is defective for want of required information or insufficient service, or for any other reason, it shall be subject to rejection and if rejected, any deviation operation covered thereby which has been begun shall immediately be discontinued and shall not be resumed until a sufficient notice has been filed, and served on interested parties as required by these rules, and the carrier has been notified by the Commission that the operation may be resumed.

(2) *Reasonable and adequate service.* The right to operate over a deviation route which is subject to the general conditions and requirements set forth in these rules shall continue only so long as the carrier is performing, when required by this part, reasonable and adequate service over specifically authorized routes, and only so long as the conditions set forth in these rules are observed.

(3) *Certification.* Each notice, protest, and reply filed under these rules shall contain the following certificate:

I certify that I am aware that anyone who, in any matter within the jurisdiction of any agency of the United States, intentionally makes or uses any false, fictitious, or fraudulent writing or document, may be subject to prosecution and fined up to $1,000 and imprisoned for up to 5 years (18 U.S.C. 1001).

(4) *Other remedies.* Applications seeking authority to conduct operations which could be performed following an appropriate filing, under these revised deviation rules, will, in the absence of good cause shown, be subject to dismissal by the Commission.

(5) *Commission may forbid deviation.* The Commission may forbid the commencement of operations over any deviation route under this part, or require discontinuance of any such operations already commenced, whenever in its opinion such deviation results in inadequate service over specifically authorized routes, or is unreasonable, or otherwise repugnant to the public interest, or is not in harmony with the general purpose and intent of the rules and regulations established by this part.

(6) *Prior filings.* Motor carriers of property lawfully utilizing any deviation route or facility or facilities referred to herein pursuant to a prior notice heretofore filed shall not be required to file any further notice with the Commission concerning the use of such route, facility, or facilities.

(7) *Severability of deviation routes.* Operations over approved deviation routes shall not be severable by sale or otherwise from the underlying certificated authority to which such operations are appurtenant. Sale, lease, or other transfer of said underlying certificated authority shall have the concurrent effect of selling, leasing, or otherwise transferring any approved deviation routes appurtenant to such certificated authority.

[F.R. Doc. 69-13742; Filed, Nov. 19, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska; Correction

In F.R. Volume 34, No. 204, dated Thursday, October 23, 1969, on page 17173, the first paragraph of F.R. Doc. 69-12638 (§ 28.28) should read as follows:

The use of lightweight, motorized vehicles commonly identified by the general term "snow-traveler" is permitted on areas of the Kenai National Moose Range, subject to the following special conditions:

Special condition 3 should read as follows:

3. The use of "snow-travelers" as an aid in big-game hunting or for transporting big game is prohibited; except that snow-travelers may be used for transportation during special permit anterless moose season, date to be announced by Alaska Department of Fish and Game Commissioners, in subunit 15A and in subunit 15B on that part of the Kenai National Moose Range west of Funny River, the west fork of Funny River, and a line from the headwaters of the west fork of Funny River to the mouth of Shanpapalik Creek on Tustumena Lake.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.
Portland, Oreg.

NOVEMBER 12, 1969.

[F.R. Doc. 69-13815; Filed, Nov. 19, 1969; 8:50 a.m.]

PART 32—HUNTING

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Public hunting of elk on the Wichita Mountains Wildlife Refuge, Okla., is permitted only in the Graham Flat and Quanah-Elk Mountain pastures. This open area, comprising approximately 26,000 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, 500 Gold Avenue, SW., Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk on the Wichita Mountains Wildlife Refuge subject to the following special conditions:

(1) No personnel of the Bureau of Sport Fisheries and Wildlife or of the Oklahoma Department of Wildlife Conservation are eligible to hunt.

(2) Except as provided in special condition (3) below, the applicable portions of the Quanah-Elk Mountain Pasture will be closed to all public use except elk hunting during hunt periods.

(3) Authorized hunters may retain approved, unloaded hunting rifles and camp overnight (in Camp Doris only) during those periods when the Quanah-Elk Mountain Pasture is closed to all other public use. Such camping hunters may be accompanied by not to exceed one camping companion who will be confined to Camp Doris during hunt periods unless authorized to assist with the removal of game by the Refuge Manager or his agent.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32 and are effective through December 20, 1969.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

NOVEMBER 7, 1969.

[F.R. Doc. 69-13772; Filed, Nov. 19, 1969; 8:47 a.m.]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., is permitted from January 1, 1970, through December 31, 1970, inclusive, in all waters of that portion of the refuge open for recreational uses by the general public. These open waters, comprising approximately 550 acres of lakes and 1 mile of intermittent stream, are delineated on maps available at refuge headquarters, Cache, Okla. 73527, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing will be with closely attended pole and line only, including rod and reel. Trotlines, throw lines, and multiple set lines are not permitted.

(2) The use of outboard motors and boats is permitted only on Lake Elmer Thomas where the provisions of Part 28.21 of this title and those of the Oklahoma Boat and Water Safety Act, as amended, govern. The use of boats or other floating devices on all other refuge waters is prohibited except the use of one-man inner tube type "fishing floaters"; inner tubes and similar safety floats commonly used by swimmers are not considered floating devices for purposes of this regulation.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1970.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

NOVEMBER 7, 1969.

[F.R. Doc. 69-13773; Filed, Nov. 19, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-105]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Houghton, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Houghton, Mich., terminal area, the instrument approach procedures for Houghton County Airport have been altered. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Houghton, Mich., control zone and transition area to adequately protect aircraft executing the altered approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

HOUGHTON, MICH.

Within a 5-mile radius of Houghton County Memorial Airport (latitude 47°10'10" N., longitude 88°29'20" W.); within 3 miles each side of the 020° bearing from the Houghton RBN, extending from the 5-mile radius zone to 6½ miles north of the RBN; within 2½ miles each side of the Houghton VOR 308° radial, extending from the 5-mile radius zone to 6½ miles northwest of the VOR; and within 2½ miles each side of the Houghton VOR 141° radial, extending from the 5-mile radius zone 6½ miles southeast of the VOR.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

HOUGHTON, MICH.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Houghton VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 020° bearing from the Houghton RBN, extending from the RBN to 18½ miles north of the RBN; within 4½ miles northeast and 9½ miles southwest of the Houghton VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southeast and 9½ miles northwest of the Houghton VOR 060° radial, extending from the VOR to 18½ miles northeast of the VOR; and within 4½ miles southwest and 9½ miles northeast of the Houghton VOR 141° radial, extending from the VOR to 18½ miles southeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-13790; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-109]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Menominee, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Menominee, Mich., terminal area, the instrument approach procedures for Menominee County Airport have been altered. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Menominee control zone and transition area to adequately protect aircraft executing the altered approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

MENOMINEE, MICH.

Within a 5-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'10" W.); within 3 miles each side of the Menominee VOR 349° radial, extending from the 5-mile radius zone to 7 miles north of the VOR; and within 3 miles each side of the 320° bearing from Menominee County Airport, extending from the 5-mile radius zone to 7 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MENOMINEE, MICH.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'10" W.); within 4½ miles east and 9½ miles west of the Menominee VOR 349° radial, extending from the VOR to 18½ miles north of the VOR; and within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from Menominee County Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Menominee VOR 169° radial, extending from the VOR to 15½ miles south of the VOR; and within 5 miles each side of the 140° bearing from Menominee County Airport extending from the airport to 12 miles southeast of the airport, excluding the portion which overlies the Sturgeon Bay, Wis. transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-13791; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-139]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Panama City and Tyndall AFB, Fla., control zones and the Panama City, Fla., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Panama City control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Panama City-Bay County Airport (lat. 30°12'41" N., long. 85°-40'57" W.); within 3 miles each side of the Panama City VOR 059°, 152° and 310° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast, and northwest of the VOR; excluding that portion within the Tyndall AFB control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The Tyndall AFB control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Tyndall AFB (lat. 30°04'15" N., long. 85°34'30" W.); within 1.5 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

The Panama City transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Panama City-Bay County Airport (lat. 30°12'41" N., long. 85°40'57" W.); within an 8.5-mile radius of Tyndall AFB (lat. 30°04'15" N., long. 85°34'30" W.); within 3 miles each side of the Panama City VOR 059° and 310° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VOR; excluding the airspace outside of the continental limits of the United States.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to the Panama City terminal area requires the following actions:

Control zone (Panama City). 1. Increase the extensions predicated on the 059° and 310° radials 1 mile in width and 0.5 mile in length.

2. Designate an extension predicated on the Panama City VOR 152° radial 6 miles in width and 8.5 miles in length.

Control zone (Tyndall AFB). Reduce the extension predicated on Tyndall AFB TACAN 308° radial 1 mile in width and increase the length 0.5 mile.

Transition area. Increase the Panama City-Bay County Airport and Tyndall AFB transition area basic radius circles from 8 to 8.5 miles.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 10, 1969.

CHESTER W. WELLS,
Acting Deputy Director, Southern Region.

[F.R. Doc. 69-13792; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-112]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fairfield, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Fairfield, Iowa, terminal area, the instrument approach procedure for Fairfield Municipal Airport has been altered. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Fairfield transition area to adequately protect aircraft executing the altered approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

FAIRFIELD, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 3 miles each side of the 188° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 008° and 188° bearings from Fairfield Municipal Airport, extending from 3 miles north to 21½ miles south of the airport, excluding the portion which overlies the Ottumwa, Iowa, transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-13793; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-125]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kosciusko, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Kosciusko transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Kosciusko-Attala County Airport (lat. 33°05'20" N., long. 89°32'25" W.); within 3 miles each side of the 142° and 310° bearings from the Kosciusko RBN (lat. 33°05'39" N., long. 89°32'25" W.), extending from the 5.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Kosciusko terminal area requires the following actions:

1. Increase the transition area basic radius circle from 5 to 5.5 miles.

2. Increase the extensions predicated on the 142° and 310° bearings from the Kosciusko RBN 2 miles in width and 0.5 mile in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 7, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13794; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-74]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Boise, Idaho, control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif.

The prescribed instrument procedures for Boise Air Terminal have been revised to comply with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPs). The primary changes consist of minor amendments to the control zone description, redesignation of the 700-foot transition area and a small addition to the 1,200-foot transition area. The proposed additional 700- and 1,200-foot transition area and modified control zone description are required to provide controlled airspace protection for aircraft executing prescribed instrument procedures while operating below 1,500 feet and 1,000 feet respectively.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (34 F.R. 4557) the description of the Boise, Idaho, control zone is amended to read as follows:

BOISE, IDAHO

Within a 5-mile radius of the Boise Air Terminal (latitude 43°33'55" N., longitude 116°13'35" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC and within 2 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC.

In § 71.181 (34 F.R. 4637) the description of the Boise transition area as modified by (34 F.R. 9419) is further amended to read as follows:

BOISE, IDAHO

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°56'00" N., longitude 116°33'00" W., direct to latitude 43°51'15" N., longitude 116°25'00" W., thence via a 21.5-mile radius arc, centered on the Boise VORTAC, to longitude 116°14'00" W., direct to latitude 43°45'00" N., longitude 116°14'00" W., direct latitude 43°31'00" N., longitude 115°52'00" W., direct latitude 43°20'00" N., longitude 115°58'00" W., direct latitude 43°27'00" N., longitude 116°22'00" W., direct latitude 43°25'00" N., longitude 116°25'00" W., direct latitude 43°42'00" N., longitude 116°57'00" W., direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Boise VORTAC, extending clockwise from a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial to the Boise VORTAC 204° radial; that airspace east of Boise within a 34-mile radius of Boise VORTAC, extending clockwise from the north edge of V-4N to the northeast edge of V-4; within a 40-mile radius of Boise VORTAC, extending clockwise from the Boise VORTAC 204° radial to a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; within 8 miles south and 7 miles north of the Boise VORTAC 269° radial, extending from the 40-mile radius area to 57 miles west of the VORTAC; within 8 miles northeast and 11 miles southwest of the Boise VORTAC 295° radial, extending from the 40-mile radius area to 75 miles northwest of the VORTAC; within 8 miles northeast and 16 miles northwest of the Boise VORTAC 319° radial, extending from the 40-mile radius area to 55 miles northwest of the VORTAC, and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253, and on the southwest by a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL, extending from the 34-mile radius area bounded on the north by the south edge of V-500, on the northeast by the southwest edge of V-293 and on the south by the north edge of V-330 and on the southwest by the northeast edge of V-4.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348 (a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on November 12, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-13795; Filed, Nov. 19, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-108]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone at Columbia, Mo. (Regional Airport), and alter the transition area at Ashland, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The U.S. Weather Bureau will start providing weather reporting services at the Columbia, Mo., Regional Airport in the near future and the Columbia, Mo., Flight Service Station is scheduled for relocation to this airport in January 1970. As a result, adequate weather reporting and communications services will be available for the designation of a control zone at Columbia, Mo. (Regional Airport). In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Ashland, Mo., transition area to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is added:

COLUMBIA, MO. (REGIONAL AIRPORT)

Within a 5-mile radius of Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 3 miles each side of the 193° bearing from Columbia Regional Airport, extending from the 5-mile radius zone to 9 miles south of the airport; and within 3 miles each side of the 031° bearing from Columbia Regional Airport, extending from the 5-mile radius zone to 7 miles northeast of the airport.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ASHLAND, MO.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 2 miles each side of the Hallsville, Mo., VORTAC 193° radial, extending from the 8½-mile radius area to 10 miles south of the VORTAC; within 3½ miles each side of the 031° bearing from Columbia Regional Airport, extending from the 8½-mile radius area to 9 miles northeast of the airport; and within 3½ miles each side of the 193° bearing from Columbia Regional Airport, extending from the 8½-mile radius area to 12 miles south of the airport, excluding the portions which overlie the Columbia, Mo., and Jefferson City, Mo., transition areas.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-13796; Filed, Nov. 19, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 945]

[945.328, Amdt. 1]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Consideration is being given to a proposed amendment of the limitation of shipments regulation (34 F.R. 11260), as hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 23, 1969. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment to § 945.328 (34 F.R. 11260) is that subdivision (ii) of paragraph (a)(2) be revised to read as follows:

§ 945.328 Limitation of shipments.

* * * * * *

(a) * * *

(2) *Size.* * * *

(ii) All other varieties—2 inches minimum diameter or 4 ounces minimum weight: *Provided*, That any such potatoes that grade U.S. No. 2 must be 6 ounces minimum weight.

* * * * * *

Dated: November 17, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13835; Filed, Nov. 18, 1969; 11:56 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18651; FCC 69-1250]

AM STATION ASSIGNMENT STANDARDS AND RELATIONSHIP BETWEEN AM AND FM BROADCAST SERVICES

Order Extending Time for Filing Comments

1. This proceeding was begun by notice of proposed rule making (FCC 69-960) adopted September 4, 1969, released September 11, and published in the FEDERAL REGISTER on September 13 (34 F.R. 14384). The date for comments was set at slightly more than 60 days from release, or November 14, 1969, with approximately 30 more days for reply comments (December 15).

2. Recently there have been a number of inquiries about an extension of time for filing comments in this matter, and by the close of business on November 10, 1969, two requests had been filed. One, by Coastal Broadcasting Co., Inc., requests a 3-week extension; the other, by the law firm of McKenna and Wilkinson on behalf of numerous interested parties, seeks approximately 60 days, or to and including January 14, 1970 (with a corresponding extension of time for reply comments). The latter party states in support of its request that it has numerous clients who are interested in this matter, who are represented by different engineering firms, and that the time presently remaining is insufficient to permit coordination and organization of the engineering studies. It is requested that the time for filing be extended until after the Christmas holiday period.

3. The Commission is desirous of having informed and carefully prepared comments in this highly important and wide-ranging matter, and therefore believes that an additional period of about 60 days is warranted. It does not appear that such extension will substantially delay resolution of this proceeding, especially in view of the holiday period intervening. However, it must also be borne in mind that maintenance of the AM "freeze" is involved, and therefore it appears doubtful that any further extension will be warranted beyond the lengthy period granted herein.

4. Accordingly, and pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That the time for filing comments in the above-captioned proceeding is extended, to and including January 14, 1970, and the time for filing reply comments herein is extended, to and including February 13, 1970.

Adopted: November 12, 1969.

Released: November 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13803; Filed, Nov. 19, 1969; 8:49 a.m.]

[47 CFR Part 89]

[Docket No. 18627]

RADIO CALL BOX OPERATIONS IN PUBLIC SAFETY RADIO SERVICES

Order Extending Time for Filing Comments

1. Requests for extension of time in which to file reply comments in the above-entitled matter were separately filed on September 23, 1969, by Post-Newsweek Stations, Florida, Inc. (Post), and by the Association of Maximum Service Telecasters, Inc. (MST).

2. Petitioners desire the additional period in order to obtain and evaluate data relating to the interference potential of radio call boxes. Post requests an extension until December 1, 1969, while MST suggests "a reasonable time" after the data it seeks becomes available.

3. These requests are considered to warrant grant of an extension of the comment period in this proceeding. Although petitioners request only an extension of the reply comment period, it is appropriate to extend the regular comment period as well so as to afford all interested persons an adequate opportunity to reply to any further comments submitted.

4. An additional 30-day period from the date of this action would afford the reasonable time sought by MST and would incorporate the December 1, 1969, date suggested by Post.

5. *Accordingly, it is ordered*, Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended to December 5, 1969, and the time for filing reply comments is extended to December 20, 1969.

Adopted: November 5, 1969.

Released: November 10, 1969.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69-13804; Filed, Nov. 19, 1969; 8:49 a.m.]

[1] Commissioner Robert E. Lee absent.

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 335]

SECURITIES OF INSURED NONMEMBER STATE BANKS

Notice of Proposed Rule Making

Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation has under consideration proposed amendments to Part 335 of its rules and regulations, issued pursuant to the provisions of Public Law 88-467, approved August 20, 1964, 78 Stat. 565.

Definitions (§ 335.2). It is proposed to expand the definition of significant subsidiary to clarify the meaning of the term "investments" as used therein. The proposed amendment would incorporate administrative practice.

Inspection and publication of information filed under the Act (§ 335.3). The regulation presently provides that statements and reports filed pursuant thereto will be available for inspection at, in addition to the Corporation's Washington, D.C. office, each of the 12 Federal Reserve Banks. Study has indicated that there is not sufficient use of such records by the public to justify the maintenance of such records at all Federal Reserve Banks. Accordingly, it is proposed to provide that all such records will only be maintained at the New York, Chicago, and San Francisco Federal Reserve Banks but that reports filed by banks outside the districts served by such Reserve Banks will also be maintained at the Reserve Bank of the district in which such bank is located.

In this connection, other sections of the regulation, which presently require the filing of 16 copies of each statement or report, would be amended to reduce the number of required copies to six.

Registration statements and reports of banks (§ 335.4). Experience has indicated that there is a considerable time lag between the time financial information is first released to the public by banks subject to Part 335 and the time that such information is filed with the Corporation. Accordingly, it is proposed to reduce the time within which annual reports are required to be filed from 120 days after the close of the bank's fiscal year, as presently required, to 90 days after the close of such fiscal year, or within 15 days of the mailing of the bank's annual report to stockholders, whichever occurs first. It is also proposed to reduce the period within which a bank is required to file quarterly reports from 45 days after the end of the quarter to 30 days.

This section would also be amended to provide for a simplified form of registration for an additional class of equity securities issued by a bank whose equity securities are registered with the Corporation.

Proxy statements (§ 335.5)—Requirement of statement. Paragraph (a) of §335.5 would be amended to require banks to furnish shareholders a statement when applicable State law allows the taking of certain corporate action which would normally be voted upon at a meeting of security holders, by securing the written authorization or consent of the requisite percentage of the holders of securities of the class entitled to vote. In the absence of such an amendment important corporate action may be taken under some State statutes by a relatively few large stockholders without the prior knowledge or consent of the other shareholders.

It is further proposed to clarify the language of § 335.5(a) with respect to the time for furnishing an "information statement." This provision is intended to require 20 days advance notice only where management does not solicit proxies. No time period for mailing of proxy soliciting material is specified, since it is presumed that management will make the solicitation sufficiently early to allow return of proxies; in such cases the minimum notice period is that prescribed by State law.

Annual report to security holders to accompany statements. Section 335.5(c) would be revised to require inclusion in an annual report to security holders of financial statements for the last 2 fiscal years rather than only the preceding fiscal year, as presently required. In addition, instructions would be added concerning minimum requirements for financial statements to be included in annual reports to security holders.

It is also proposed to amend § 335.5(c) by adding a note which would indicate that only one copy of an annual report need be sent to record holders having the same address: *Provided*, (1) That management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 335.2(ff) of Part 335) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (2) the security holders at such address consent thereto in writing. However, where a record holder has an obligation to obtain or send the annual report to other persons, such as the beneficial owners of the securities held in his name, he would not be relieved of such obligation by the new provision.

Requirements as to proxy. The present requirements as to the form of proxies do not permit the security holder being solicited an opportunity to withhold authority to vote for directors if he wishes to cast a vote with respect to other matters to be acted upon at the meeting. Section 335.5(d) would be amended to require that the form of proxies be prepared so as to enable the security holder to vote on specified matters without conferring authority to vote for elections to office. It would not apply, however, in cases of a merger or consolidation involving elections to office where such elections are part of the plan and are not to be separately voted upon.

In addition, it is proposed to itemize certain matters that may arise during the course of a meeting with respect to which a proxy may confer discretionary authority. The amendment would incorporate present administrative practice in this regard.

Material required to be filed. Subparagraph (1) of § 335.5(f) presently requires the preliminary filing with the Corporation of three copies of the proxy soliciting material at least 10 calendar days prior to the date such material is to be sent or given to security holders in the case of a "routine" meeting (i.e., involving only the election of directors and other recurring matters) and 15 days in the case of a nonroutine meeting. It is also provided that the management or other person filing such material may presume that the Corporation will have no comments with respect thereto unless such comments are received, or they are otherwise advised, before the expiration of the applicable period. This later provision was intended to reduce the amount of communication necessary between bank management and the Corporation and to eliminate the uncertainty as to when proxy soliciting material may be commenced to be mailed; in practice, such provision has had the opposite effect. Accordingly, it is proposed that such provision be replaced with a cautionary provision to the effect that printing of definitive copies of the proxy soliciting material for distribution to security holders should be deferred until comments are received from the Corporation's staff or the persons submitting such material are advised that the Corporation's staff has no comments. The Corporation's staff would continue to endeavor to complete its review of preliminary proxy material and communicate its comments with respect thereto within the time periods referred to above.

In addition, subparagraph (1) would be amended to indicate that in computing the 10-day or 15-day period, (1) the filing date is the date actually received by the Corporation (not mailed to the Corporation), and (2) the filing date of the preliminary material is to be counted as the first day and the 11th or 16th day, as the case may be, is the date on which definitive material can be planned to be mailed to security holders. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

False or misleading statements. Section 335.5(h), which relates to false or misleading statements in proxy soliciting material, would be amended to state specifically that the filing of proxy material with the Corporation or the examination of such material by the Corporation's staff is not to be deemed a finding by the Corporation that such material is accurate or complete or that the Corporation has "approved" such material or the proposals contained therein. The amendment would incorporate into the regulation the principles of section 26 of the Securities Exchange Act of 1934, as made applicable specifically to proxy statements.

Solicitation prior to furnishing required proxy statement. The proxy rules provide, in general, that no solicitation may be made prior to furnishing to security holders a written proxy statement containing certain specified information pertinent to the solicitation. However, subparagraph (5) of paragraph (f) of § 335.5 provides an exception to this requirement in the case of contests involving elections to office. The proposed § 335.5(o) would be added to provide an exception in the case of contests involving certain matters other than elections to office.

Form and content of financial statements (§ 335.7). To emphasize the importance of explanatory notes to financial statements and improve readability of financial presentations, a proposed requirement to reference such notes to appropriate captions of the financial statements has been added. It is proposed to eliminate Schedule VIII—Occupancy Expense of Bank Premises. Experience has indicated that the detailed information of such schedule is of marginal use. Net occupancy expense of bank premises to be reported in the statement of income will be supplemented by inset entries setting forth gross occupancy expense and rental income.

Form for annual report of bank (Form F-2, § 335.42). Consistent with the proposed requirement to include financial statements for the last 2 fiscal years in annual reports to security holders (§ 335.5(c)), it is proposed to require comparative financial statements for the current and preceding year in the annual report filed with the Corporation. Such comparative presentations in annual financial reports have gained wide acceptance in recent years and have a useful analytical purpose.

Form for quarterly reports (Form F-4, § 335.44). The quarterly report would be extended to include the reporting of net income on an interim basis and revised to reflect the proposed changes in financial statements which are set out below.

Form for registration of an additional class of securities of a bank (Form F-10, § 335.46). The proposed amendment would provide a simplified form for registration of additional classes of securities of a nonmember State bank where most of the information necessary for the protection of investors in securities of the bank is already publicly available.

Form for proxy statement; statement where management does not solicit proxies (Form F-5, § 335.51)—Item 2—Dissenters' rights of appraisal. This item requires a description of dissenters' rights of appraisal with respect to any matter to be acted upon. It is proposed to add an instruction which would require an indication as to whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal rights. This instruction would codify current administrative practice in requiring such information.

Item 5—Voting securities and principal holders thereof. This item, which requires certain information as to the voting securities of the bank and principal holders thereof would be amended to require disclosure where any person "and his associates" own of record or beneficially more than 10 percent of the bank's stock. This amendment is intended to resolve an ambiguity in the present requirements of this item, which is sometimes interpreted as applying only to a single person owning more than a 10 percent interest in the bank. It is intended that aggregate owership of a more than 10 percent interest by a group of related persons also be disclosed.

Items 6—Nominees and directors. This item would be amended to delete the requirement that directors' qualifying shares be excluded in reporting beneficial ownership of the bank's shares by the nominees and directors. In addition, a new paragraph (c) would be added to specify that where fewer nominees are named than the number provided in the governing documents, a statement be included of the reason for such procedure and that the proxies cannot be voted for a greater number of nominees than were named. These proposals codify current administrative practice.

Item 7—Remuneration and other transactions with management and others. (i) Paragraph (a) of this item specifies the individuals whose remuneration must be separately disclosed. It is proposed to amend the item to clarify its applicability in this regard.

(ii) Instruction 3 to paragraph (b) of the item would be amended to specifically require a brief description of the material terms of certain types of pension or retirement plans (where the bank's contribution is not actuarially computed), including the method used in determining the bank's contribution.

(iii) Item 7(d) specifies the information to be disclosed with respect to options granted to or exercised by officers and directors of the bank. The amendment to this item would also require disclosure of the amount of options held as of the latest practicable date by each officer and director named in answer to Item 7(a) and the amount held by all officers and directors as a group. It is believed that this information, together with that regarding options granted and exercised, would give a more complete picture of remuneration, actual and potential.

(iv) Paragraph (e) of this item, which relates in a general way to disclosure of indebtedness, would be amended in view of the specific provisions referred to in (v) below. In the future, this subparagraph would only require disclosure of liability arising from "insider trading" in violation of section 16(b) of the Securities Exchange Act.

(v) The proposed amendment to paragraph (f), which requires disclosure of certain material transactions between the bank and its officers, directors, and 10 percent stockholders and their associates, would mainly codify current administrative practice. The principal effect of the proposed amendments is to (1) indicate more clearly that a transaction involving a director of a bank need not be reported where the only

"interlock" is that the director is a director, officer, and/or less than 10 percent stockholder of the other party to the transaction, and (2) provide criteria for determining whether loans to "insiders" made in the ordinary course of a bank's business are required to be reported. A loan that meets all the conditions of the specific exemptive provisions would not be required to be disclosed; otherwise, it would be prima facie reportable. In addition, a general description of loan transactions with directors, officers, and 10 percent stockholders, as a group, would be required where the amount of such loans exceeded 20 percent of the equity accounts of the bank at any time during the preceding year.

Item 9—Bonus, profit sharing, and other remuneration plans; Item 10—Pension and retirement plans; Item 11—Options, warrants, or rights. These items specify the information to be furnished where the matter to be acted upon is the adoption or amendment of a bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans. It is proposed to amend these items to provide that in describing provisions already made for similar benefits for officers, directors, and employees, information is to be given not only with respect to plans currently in effect, but also with respect to benefits under similar plans in effect within the past 2 years. In addition, other clarifying amendments, which also codify present administrative practice, are proposed.

Item 12—Authorization or issuance of securities. Where action is to be taken with respect to the authorization or issuance of securities, this item calls for a description of such securities of the proposed transaction. Some State banking laws permit banks to solicit stockholder approval for future issuances of securities, although the bank has no definite plans to issue such securities in the proximate future. The proposed amendment would codify current administrative practice of requiring the bank to advise security holders of the possible effects of such future issuances of securities on their interests.

Item 14—Mergers, consolidations acquisitions, and similar matters. This item specifies the information to be furnished with respect to each person, other than the bank making the solicitation, that may be involved in a proposed merger, consolidation, acquisition, or similar transaction. The amendment would require that such information also be furnished with respect to the bank making the solicitation, in order that security holders may have a complete picture of the nature and effect of the proposed transaction. The amended item would also require information with respect to the existing and pro forma capitalization, summaries of income on an historical and pro forma basis, and appropriate comparative per share data, for the banks and other persons involved in the transaction. Information concerning the management of the surviving bank would also be required. Since under many State banking laws, stockholder approval is required even though the merger or acquisition is not "significant", in terms of size or operations, to the acquiring or surviving bank, it is proposed to include an instruction that, with respect to such transaction, the information specified need only be included to the extent necessary for the exercise of prudent judgment with respect to the matter to be acted upon. The proposed amendments would codify current administrative practice.

Item 15—Financial statements. This item specifies financial statements required to be furnished if action is to be taken with respect to certain matters. The item presently provides that all schedules to financial statements may be omitted; the item would be amended to require the inclusion of the information specified in "Schedule VII—Allowance for Possible Loan Losses". In addition, it is proposed to require that the financial statements of the other party to a merger or acquisition shall be verified, if practicable (the item presently states that such financial statements need not be verified).

Item 20—Vote required for approval. It is proposed to amend Items 12(d), 13(c), 14(a), and 18 to delete the requirement for stating the vote needed for approval for the matter to be acted upon. This information would be required by Item 20 which would require a statement of the vote required for approval of each matter to be submitted to security holders other than elections to office and the election or approval of auditors.

Forms for Financial Statements (Forms F–9A, F–9B, F–9C and F–9D, § 335.71). The proposed revisions in the guideline forms and related instructions for the preparation of financial statements represent for the most part a response to the recent agreement on generally accepted bank accounting practices reached among industry, professional accountants, and Federal regulatory agency participants. At the same time, changes are proposed to achieve basic compatibility with the reporting requirements of the Statement of Condition and Report of Income reports periodically called by the Federal bank supervisory agencies.

Noteworthy changes in the balance sheet include a restructure of the investment securities classifications and the new placement of the allowance for loan losses in a section preceding the bank capital accounts. Such changes conform to the revised Statement of Condition used for call purposes in 1969.

Important revisions proposed for the statement of income include (1) the designation of "net income", (2) allocation of a loan loss factor to operating expenses, and the inclusion of net securities gains or losses, as realized, in the determination of net income. Provision has been made in the statement of income for treatment of extraordinary items in accordance with generally accepted accounting principles and earnings per share data is proposed to be furnished.

Appropriate revisions of the statement of changes in capital accounts and supporting schedules have been made to conform with the proposed changes discussed above.

Other proposed revisions in the guideline forms and related instructions incorporate administrative procedures adopted by the Corporation's staff during the five years Part 335 has been effective.

Copies of the proposed revisions of Forms 9–A, 9–B, 9–C, and 9–D have been filed as part of this document with the Office of the Federal Register and may be obtained from the Federal Deposit Insurance Corporation, Washington, D.C. 20429.

All interested persons are invited to submit their views and comments on the proposed revision, in writing, to the Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, on or before December 5, 1969. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

The proposed amendments to Part 335 are as follows:

AUTHORITY: The provisions of these amendments to Part 335 issued under 15 U.S.C. 78*l*. Interpret or apply 15 U.S.C. 78*l*, 78m, 78n(a), and 78n(c).

1. Section 335.2 would be amended to revise paragraph (z)(1), as set forth below:

§ 335.2 Definitions.

* * * * *

(z) The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

* * * * *

2. Section 335.3 would be amended to revise paragraph (b), as set forth below:

§ 335.3 Inspection and publication of information filed under the Act.

* * * * *

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Corporation will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. In addition, copies of the registration statement and reports required § 335.4 (exclusive of exhibits), the statements required by § 333.5(a), and the annual reports to security holders required by § 335.5(c) will be available for inspection at the New York, Chicago, and San Francisco Federal Reserve Banks and at the Reserve bank of the district in which the bank filing the statements or reports is located.

* * * * *

3. Section 335.4 would be amended to revise paragraphs (a), (e), (h), and (q)(1), as set forth below:

§ 335.4 Registration statements and reports.

(a) *Requirement of registration statement.* Securities of a bank shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F–1 (or Form F–10, in the case of registration of an additional class of securities). No registration shall be required under the provisions of section 12(b) or section 12(g) of the Act of any warrant or certificate evidencing a right to subscribe to or otherwise acquire a security of a bank if such warrant or certificate by its terms expires within 90 days after the issuance thereof.

* * * * *

(e) *Requirement of annual reports.* Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement. The report, which shall conform to the requirements of Form F–2, shall be filed within 90 days after the close of the fiscal year or within 15 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

* * * * *

(h) *Quarterly reports.* Every registrant bank shall file a quarterly report in conformity with the requirements of Form F–4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a registration statement except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the report for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

* * * * *

(q) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, six copies of each registration statement and report (including financial statements) and four copies of each exhibit and each other document filed as a part thereof, shall be filed with the Corporation. At least one complete copy of each statement shall be filed with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

* * * * *

4. Section 335.5 would be amended to revise paragraphs (a), (c), (d) (2), (3), and (4), and (f) (1) through (4); add paragraph (f) (9) and (10); revise paragraph (h); and to add paragraph (o), as set forth below:

§ 335.5 Proxy statements and other solicitations under section 14 of the Act.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F–5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such a proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F–5. The "information statement" required by the preceding sentence shall be transmitted (1) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote or (2) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or a statement where management does not solicit proxies required by this paragraph is hereinafter sometimes referred to as a "Statement".

* * * * *

(c) *Annual report to security holders to accompany statements.* (1) Any Statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year on a consistent basis. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Corporation, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's Statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

NOTES: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited to, the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years.

(b) Comparative statements of income in a form providing for the determination of "net income" for each fiscal year and per share earnings data.

(c) Comparative statements of changes in capital accounts, preferably in columnar form, for each fiscal year.

(d) A comparative reconciliation of the "Allowance for Possible Loan Losses" account similar in form to Schedule VII, Form F–9D.

(e) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 335.7(d). Any differences from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the bank filed or to be filed with the Corporation, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F–2) filed, or proposed to be filed, with the Corporation are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 335.2(ff)) of securities registered in the name of such person in other capacities or in the name of other persons at such address or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(2) Six copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Corporation not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Corporation pursuant to paragraph (f) of this section, whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Corporation or otherwise subject to this § 335.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* * * *

(2) (i) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer

discretionary authority with respect to matters as to which a choice is not so specified if the form of proxy states in bold-faced type how the shares represented by the proxy are intended to be voted in each such case.

(ii) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so states in bold-faced type.

Instruction. Subparagraph (2)(ii) of this paragraph does not apply (a) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (b) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

(3) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters which the persons making the solicitation do not know, a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is subsequently unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (k) of this section;

(v) Matters incident to the conduct of the meeting.

(4) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

* * * * *

(f) *Material required to be filed.* (1) Three preliminary copies of each Statement, form of proxy, and other item of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Corporation by management or any other person making a solicitation subject to this §335.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this subparagraph (1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 335.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the Corporation.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Corporation at least 2 days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Six copies of each Statement, form of proxy, and other item of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Corporation not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Corporation by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

* * * * *

(9) The date that proxy material is "filed" with the Corporation for purposes of subparagraphs (1), (2), and (4) of this paragraph is the date of receipt by the Corporation, not the date of mailing to the Corporation. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraphs, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Corporation pursuant to this paragraph, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Corporation's staff have been received and considered.

* * * * *

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: Predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a Statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Corporation or its staff shall not be deemed a finding by the Corporation that such material is accurate or complete or not false or misleading, or that the Corporation has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

* * * * *

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of paragraph (a) of this section, a solicitation (other than one subject to paragraph (i) of this section) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F-5 with respect to such solicitation if—

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by paragraph (a) of this section is furnished to security holders: *Provided, however*, That this subdivision (ii) shall not apply where a proxy statement then meeting the requirements of Form F-5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation, and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by paragraph (a) of this section shall be filed with the Corporation in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as the Corporation may authorize upon a showing of good cause therefor.

5. Section 335.7 would be amended to revise the introductory texts of subparagraphs (9) and (10) of paragraph (c) and subparagraph (2) of paragraph (f), as set forth below:

§ 335.7 Form and content of financial statements.

* * * * *

(c) * * *

(9) *General notes to balance sheets.* If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

* * * * *

(10) *General notes to statements of income.* If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

* * * * *

(f) * * *

(2) The following schedule shall be filed with each statement of income filed pursuant to this part: Schedule VI—Allowance for Possible Loan Losses.

* * * * *

6. Section 335.42 would be amended to revise paragraphs (1) and (2) of the Instructions As To Financial Statements, as set forth below:

§ 335.42 Form for annual report of bank (Form F-2).

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

* * * * *

1. *Financial statements of the bank.*

(a) There shall be filed for the bank, in comparative columnar form, verified balance sheets as of the close of the last 2 fiscal years and verified statements of income for such fiscal years.

* * * * *

2. *Consolidated Statements.*

There shall be filed for the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries doing a foreign banking business, and (iii) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last 2 fiscal years of the bank and verified consolidated statements of income for such fiscal years.

* * * * *

7. Section 335.44 would be amended to revise Form F-4, as set forth below:

§ 335.44 Form for quarterly report of bank (Form F-4).

FEDERAL DEPOSIT INSURANCE CORPORATION

FORM F-4

Quarterly Report of

.....
(Name of Bank)

.....
(City and State)

Item	3 months ending		Fiscal year to date (..... months ending .....)	
	19.. (current year)	19.. (prior year)	19.. (current year)	19.. (prior year)
1. Operating income:				
(a) Interest and fees on loans				
(b) Interest and dividends on securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expense				
(c) Other operating expenses				
(d) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net security gains (losses), less related tax effect				
7. Net income				

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

.....
(Name of Bank)

By .....
(Name and title of signing officer)

Date .....

A. *Use of Form F-4.*

Form F-4 is a guide for use in preparation of the quarterly report to be filed with the Corporation.

B. *Persons for Whom the Information Is To Be Given.*

The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Corporation it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

C. *Presentation of Information.*

The form calls only for the items of information specified. It is not necessary to furnish a formal statement of income. The information is not required to be verified (see § 335.7(b)). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

D. *Incorporation by Reference to Published Statements.*

If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

E. *Extraordinary Items.*

If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F-9B, Statement of Income.)

8. A new § 335.46 would be added, as set forth below:

§ 335.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-10)

FORM F-10—REGISTRATION STATEMENT FOR ADDITIONAL CLASSES OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(b) OR SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934

.....
(Exact name of bank as specified in charter)

.....
(Address of principal office)

Securities being registered pursuant to section 12(b) of the Act:

Title of class	*Name of each exchange on which class is being registered*
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Title of each class of equity securities being registered pursuant to section 12(g) of the Act:

GENERAL INSTRUCTIONS

1. *Applicability of This Form.*

This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration pursuant to section 12(g) of the Act of any class of equity securities of a bank which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act.

(b) For registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same securities exchange.

2. *Preparation of Registration Statement.*

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in § 335.4 of Part 335. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 335.4(s).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1—Stock To Be Registered.

If stock is being registered, state the title of the class and furnish the following information (see Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions, and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other document filed with the Corporation, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 2—Debt Securities To Be Registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant (see Instruction 2 below):

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction 1. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction 2. In most cases, debt securities issued by banks need not be registered pursuant to section 12(g) of the Securities Exchange Act; the registration requirements of that section apply only to an "equity security". The term "equity security" is defined by section 3(a)(11) of the Act to mean "any stock or similar security; or any security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Corporation shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security."

Instruction 3. The instructions to Item 1 also apply to this item.

Item 3—Other Securities To Be Registered.

If securities other than those referred to in Items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, and the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 1 also apply to this item.

Item 4—Exhibits.

List all exhibits filed as part of the registration statement.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

Date----------

Name of Bank

By ----------
(Name and Title of Signing Officer)

INSTRUCTIONS AS TO EXHIBITS

Subject to § 335.4(o) of Part 335 regarding the incorporation of exhibits by reference, the exhibits enumerated hereinafter shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits in Item 4.

1. Specimens or copies of each security to be registered hereunder.

2. Copies of all constituent instruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

§ 335.51 [Amended]

9. Section 335.51 would be amended as follows:

Item 2—Dissenter's Rights of Appraisal.

Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Instruction. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to those matters.

Item 5—Voting Securities and Principal Holders Thereof.

* * * * *

(d) If to the knowledge of the persons on whose behalf the solicitation is made, any person and his associates owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

* * * * *

Item 6—Nominees and Directors.

* * * * *

(4) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidiaries, "beneficially owned" (as defined in § 335.2(ff)) directly or indirectly by him. If he disclaims beneficial ownership of any such securities, make a statement to that effect.

(5) [Deleted]

* * * * *

(c) If fewer nominees are named than the number fixed by or pursuant to the governing instruments, state the reasons for this procedure and that the proxies cannot be voted for a greater number of persons than the number of nominees named.

Item 7—Remuneration and Other Transactions With Management and Others.

* * * * *

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director of the bank whose aggregate direct remuneration exceeded $30,000,

and each of the two highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

* * * * *

(b) * * *

Instructions. * * *

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings or profits of the bank or its subsidiaries for such year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

* * * * *

(d) Furnish the following information as to all options to purchase securities, from the bank or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the bank's last fiscal year and as to all options held by such persons as of the latest practicable date: (1) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) all directors and officers of the bank as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for, (ii) the average option price per share, and (iii) the per share market price of the securities subject to the option, as of the latest practicable date.

Instructions. 1. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

2. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (i) on the granting date of the securities called for by all options granted during the period specified, (ii) on the dates of purchase of all securities purchased through the exercise of options during the period specified, or (iii) as of the latest practicable date of the securities called for by all options held at such time, does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $30,000 for all officers and directors as a group.

* * * * *

(e) If to the knowledge of management any indebtedness to the bank has arisen since the beginning of the bank's last fiscal year under section 16(b) of the Securities Exchange Act of 1934, as a result of transactions in the bank's stock (or other equity securities) by any director, officer, or security holder named in answer to Item 5(d), which indebtedness has not been discharged by payment, state the amount of any profit realized and whether suit will be brought or other steps taken to recover such profit. If, in the opinion of counsel, a question reasonably exists as to the recoverability of such profit, only facts necessary to describe the transactions, including the prices and number of shares involved, need be stated.

(f) * * *

Instructions. * * *

(5) * * *

(iii) The specified person is subject to this Item 7(f) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer of, and/or owner of less than a 10 percent interest in, another person that is a party to the transaction.

(iv) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (A) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (B) at no time exceed 10 percent of the equity capital accounts of the bank, or $10 million, whichever is less, and (C) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this item may be excluded.

Item 9—Bonus, Profit Sharing, and Other Remuneration Plans. If action is to be taken with respect to any bonus, profit sharing, or other remuneration plan, furnish the following information:

* * * * *

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, and (iii) all employees, if employees may participate in the plan.

* * * * *

(f) If action is to be taken with respect to the amendment or modification of an existing plan, the item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. * * *

Item 11—Options, Warrants, or Rights.

If action is to be taken with respect to the granting or extension of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants or rights; (ii) the prices, expiration dates and other material conditions upon which the options, warrants or rights may be exercised; and (iii) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

* * * * *

(c) Furnish such information, in addition to that required by this item and Item 7 as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan; and (iii) all employees, if employees may participate in the plan.

Instructions. 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The instruction to Item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past 2 years through the exercise of options granted during the period or prior thereto, (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

Item 12—Authorization or Issuance of Securities Otherwise than for Exchange.

If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank furnish the following information:

* * * * *

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained,

it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the Board of Directors. If the securities are additional shares of common stock of a class outstanding, the description may be omitted.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, indicate the purpose of the authorization of the securities, and state whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance and whether present security holders will have preemptive rights to purchase such securities.

(d) [Deleted]

Item 13—Modification or Exchange of Securities.

* * * * *

(c) State the reasons for the proposed modification or exchange, and the general effect thereof upon the rights of existing security holders.

* * * * *

Item 14—Mergers, Consolidations, Acquisitions, and Similar Matters.

If action is to be taken with respect to any plan for (i) the merger or consolidation of the bank into or with any other person or of any other person into or with the bank, (ii) the acquisition by the bank or any of its subsidiaries of securities of another bank, (iii) the acquisition by the bank of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the bank, or (v) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefor and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Corporation when preliminary copies of the Statement are filed pursuant to § 335.5(f).

(b) Furnish the following information as to the bank and each person (other than subsidiaries substantially all of the stock of which are owned by the bank) which is to be merged into the bank or into or with which the bank is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by the bank or any of its subsidiaries in exchange for all or a substantial part of its assets:

(1) A brief description of the business and property of each such person in substantially the manner described in Items 3 and 4 of Form F-1.

(2) A brief statement as to defaults in principal or interest in respect of any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(3) Such information with respect to the proposed management of the surviving bank as would be required by Items 6 and 7 of this Form F-5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should also be described.

(4) A tabular presentation of the existing and pro forma capitalization.

(5) In columnar form, for each of the last 3 fiscal years, a historical summary of earnings. Such summary to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported. (Extraordinary items, if any, should be appropriately reported and per share amounts of securities gains (losses) may be included.)

(6) In columnar form, for each of the last 3 fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(A) (i) Income before securities gains (losses), (ii) net income, and (iii) dividends declared, for each of the last 3 fiscal years; and

(B) Book value per share, at the date of the balance sheets included in the Statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished on historical basis only) and equated to a common basis in exchange transactions.

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by Item 15, may be furnished in lieu of the summary of earnings specified in paragraph 5. If summary earnings information is presented, show, as a minimum, operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), and net income. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this Item 14(b) is required in a Statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either (1) the net book value of assets to be acquired or the amount to be paid therefor exceeds 5 percent of the equity capital accounts of the acquiring bank, or (2) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (3) gross operating revenues for the last fiscal year of the person to be acquired exceeded 5 percent of the gross operating revenues for the last fiscal year of the acquiring bank. If less than a "significant" merger or acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

* * * * *

Item 15—Financial Statements.

(a) If action is to be taken with respect to any matter specified in Item 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except Schedule VII—"Allowance for Possible Loan Losses," may be omitted.

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except Schedule VII—"Allowance for Possible Loan Losses"; and (2) statements for a subsidiary, all of the stock of which is owned by the bank that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

* * * * *

Item 18—Amendment of Charter, Bylaws, or Other Documents.

If action is to be taken with respect to any amendment of the bank's charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

Item 20—Vote Required for Approval.

As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

Dated at Washington, D.C., this 13th day of November 1969.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-13702; Filed, Nov. 19, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

BUREAU FOR AFRICA CHIEF, CONTRACT STAFF

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17, as amended, from the Administrator of the Agency for International Development, I hereby redelegate, for countries or areas within the responsibility of the Assistant Administrator for Africa, authority to the Chief, Contracts Staff to sign or approve the following:

1. (a) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than contracts financed under loan agreements or contracts exclusively for the supply of commodities; and grants, other than to foreign governments, or agencies of foreign governments;

(b) Letters of Commitment, and Notices of Approval for Financing of Cooperating Country contracts, for contracts described in (a) above;

(c) Project Implementation Orders—Technical Services (PIO/T);

(d) Amendments or modifications (pursuant to Executive Order 11223) involving less than $25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract.

2. The authority herein delegated to the officer named above may not be further redelegated by such officer, but may be exercised by duly authorized persons who are performing the functions of such officer in an acting capacity.

3. The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

4. The Redelegation of Authority from the Assistant Administrator for Africa and Europe to the Deputy Assistant Administrator and the Chief, Contract Staff, AFE dated June 18, 1962, is hereby superseded.

5. This redelegation of authority shall be effective immediately.

Dated: October 29, 1969.

ROBERT S. SMITH,
Acting Assistant Administrator for Africa.

[F.R. Doc. 69-13784; Filed, Nov. 19, 1969; 8:48 a.m.]

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND ENGINEERING, ET AL.

Redelegation of Authority

To: Director, Office of Capital Development and Engineering, Associate Director (Projects), Office of Capital Development and Engineering, and Associate Director (Program Loans), Office of Capital Development and Engineering.

Pursuant to the authority delegated to me by Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby redelegate to each of the individuals listed above, for the countries or areas within the responsibility of this Regional Bureau, authority to perform the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 in accordance with the terms of the authorization of such loans;

2. Authority to implement loan agreements, including negotiation, execution, and implementation of documents ancillary to loan agreements, with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund; and

3. Authority to provide instructions to the Missions to India, Pakistan, and Turkey with respect to individual loan agreements limiting the authority of the Missions to negotiate and execute loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund: *Provided, however*, That the exercise of this authority shall be subject to instructions otherwise by me or my deputy.

The following authorities enumerated above may be redelegated by the individuals listed above to qualified loan officers within the Office of Capital Development and Engineering, Bureau for Near East and South Asia:

(a) Authority described above in paragraph 1;

(b) Authority described above in paragraph 2 to the following extent:

(1) Authority to review and approve documents and other evidence submitted by borrower in satisfaction of conditions precedent to financing under such loan agreements; and

(2) Authority to review and approve the terms of contracts, amendments and modifications thereto and invitations for bids and proposals with respect to such contracts financed by funds made available under such loan agreements; and

(c) Authority to negotiate and implement agreements and other documents ancillary to such loan agreements.

Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

The Redelegation of Authority from the Assistant Administrator, Bureau for Near East and South Asia, to the Director, Office of Capital Development and Engineering and others, dated July 16, 1969 is hereby rescinded.

This Redelegation of Authority is effective immediately.

MAURICE J. WILLIAMS,
Assistant Administrator, Bureau for Near East and South Asia.

NOVEMBER 5, 1969.

[F.R. Doc. 69-13785; Filed, Nov. 19, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

GORDON H. DANIELS

Notice of Granting of Relief

Notice is hereby given that Gordon H. Daniels of Germantown, Wis., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 13, 1959, in the Circuit Court of Milwaukee County, Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gordon H. Daniels because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Gordon H. Daniels to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gordon H. Daniels' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the

applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Gordon H. Daniels be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of November 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-13816; Filed, Nov. 19, 1969; 8:50 a.m.]

PORTER RAY GREER

Notice of Granting of Relief

Notice is hereby given that Porter Ray Greer of Jonesville, Va., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 7, 1963, in the U.S. District Court for the Western District of Virginia, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Porter Ray Greer because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Porter Ray Greer to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Porter Ray Greer's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Porter Ray Greer be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of November 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-13817; Filed, Nov. 19, 1969; 8:50 a.m.]

MYLO ARNOLD HAWKENSON

Notice of Granting of Relief

Notice is hereby given that Mylo Arnold Hawkenson, 10760 Opal Street NE., Circle Pines, Minn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 25, 1964, in the District Court of Goodhue County, Minn., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Mylo Arnold Hawkenson, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Hawkenson to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Mylo Arnold Hawkenson's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Mylo Arnold Hawkenson from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Mylo Arnold Hawkenson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of November 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-13818; Filed, Nov. 19, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 4316]

ARIZONA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership by State Indemnity Lieu Selection

NOVEMBER 13, 1969.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, notice is hereby given of a proposal to classify the public lands described below for transfer to the State of Arizona on Indemnity Lieu Selection. Publication of this notice has the effect of segregating the described lands from all forms of appropriations under the public land laws except for State Indemnity Lieu Selections, and from appropriation under the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Information concerning these lands and the proposed disposition may be received by inquiry or inspection of data in the Arizona Strip District Office, Bureau of Land Management, St. George, Utah, and Land Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all personswho wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Arizona Strip District Manager, Bureau of Land Management, 196 East Tabernacle, Post Office Box 250, St. George, Utah 84770.

4. The lands include in this proposed classification are located in Mohave County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 41 N., R. 11 W.,
Sec. 6, lots 3 to 8, inclusive, S½NW¼, and SW¼;
Sec. 7, lots 1 to 4, inclusive, NW¼, and S½;
Sec. 8, SW¼.
T. 42 N., R. 11 W.,
Sec. 31, lots 3 to 7, inclusive, and SW¼.

T. 41 N., R. 12 W.,
Secs. 1, 3, and 4;
Sec. 5, NE¼ and S½;
Sec. 6, lots 6 and 7, E½SW¼, and SE¼;
Sec. 8, NW¼NW¼, E½W½, and E½;
Secs. 9, 10, 11, 12, 14, 15, and 17.
T. 42 N., R. 12 W.,
Sec. 33, lots 1 to 4, inclusive, and S½;
Sec. 34, lots 1 to 4, inclusive, and S½;
Sec. 35, lots 1 to 4, inclusive, and S½.

The areas described aggregate 10,617.43 acres. The State has already filed selection applications on all of the lands described above.

GLENDON E. COLLINS,
Acting State Director.

[F.R. Doc. 69-13798; Filed, Nov. 19, 1969; 8:49 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

OCTOBER 31, 1969.

The Bureau of Land Management hereby amends its revised application for withdrawal for geothermal resources, dated March 21, 1967, notice of which was published in the FEDERAL REGISTER on pages 4506 and 4507 of the issue of March 24, 1967, by deleting the following described lands:

MONO-LONG VALLEY GEOTHERMAL AREA

MOUNT DIABLO MERIDIAN

T. 3 S., R. 27 E.,
Sec. 27, SW¼NE¼SW¼, S½SE¼NE¼SW¼, S½NW¼SE¼NE¼SW¼, E½NW¼SW¼NW¼SW¼, E½SW¼NW¼SW¼, SE¼NW¼SW¼, S½S½SW¼SW¼, NE¼SE¼SW¼, NE¼NW¼SE¼SW¼, SW¼SW¼SE¼SW¼, W½SE¼SW¼SE¼SW¼, E½SE¼SE¼SW¼, NW¼SE¼SE¼SW¼;
Sec. 28, S½SE¼SE¼SE¼;
Sec. 33, S½N½S½NW¼NE¼;
Sec. 34, S½S½SW¼NW¼, N½N½N½NW¼SW¼, E½SW¼SW¼SW¼, E½W½SW¼SW¼, NW¼NW¼SW¼SW¼, SW¼SW¼SW¼SW¼.
T. 4 S., R. 27 E.,
Sec. 3, lots 3 and 4;
Sec. 4, lot 1.

The area described aggregates approximately 246.92 acres of national forest lands in Mono County.

Pursuant to the regulations contained in 43 CFR Subpart 2311, at 10 a.m. on the date of publication of this notice, the segregative effect of the revised application of March 21, 1967, will be terminated as to the foregoing lands.

JOHN O. CROW,
Associate Director.

[F.R. Doc. 69-13774; Filed, Nov. 19, 1969; 8:47 a.m.]

[New Mexico 4828]

NEW MEXICO

Notice of Classification; Correction

NOVEMBER 13, 1969.

The notice of classification published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 484-485), as F.R. Doc. 69-375, is corrected as follows:

In line 7 of the first paragraph, change Hidalgo County to Valencia and Sandoval Counties, N. Mex.

CLYDE R. DURNELL,
Acting State Director.

[F.R. Doc. 69-13786; Filed, Nov. 19, 1969; 8:48 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Call for Nominations of Areas for Oil and Gas Leasing

In the FEDERAL REGISTER of March 15, 1969, a call for nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana, which was previously announced in the FEDERAL REGISTER on November 8, 1968, was canceled. The cancellation notice provided that the call for nominations may be reissued and announced in the FEDERAL REGISTER.

Pursuant to the authority prescribed in 43 CFR Part 3380, notice is hereby given that nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana as shown upon Eugene Island Area, and Eugene Island Area, South Addition, official leasing maps, and all other mapped areas to the west awarded to the United States by the Supplemental Decree of the Supreme Court, entered December 13, 1965, in the United States v. Louisiana, No. 9, Original (382 U.S. 288), or included in Zone 3 as described in the Interim Agreement of October 12, 1956, between the United States and the State of Louisiana, may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than December 15, 1969. Copies of nominations should be sent to the Regional Oil and Gas Supervisor, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, La. 70002, and to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, La. 70150. Envelopes should be marked, "Nominations of leasing in the Outer Continental Shelf—Louisiana."

Official leasing maps in a set of 25 maps, and a cover sheet showing leasing blocks off Louisiana, may be purchased at $5 per set from the Manager, New Orleans Outer Continental Shelf Office at the above address, or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910. Whole blocks, or properly described subdivisions thereof not less than one quarter of a block, may be nominated.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

Approved: November 14, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-13775; Filed, Nov. 19, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. G-458]

GERALD BILLIOT

Notice of Loan Application

NOVEMBER 17, 1969.

Gerald Billiot, Post Office Box 617, Grand Isle, La. 70358, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 50-foot length overall wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 13799; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. B-477]

CLIFFORD LEROY NORTON, JR.

Notice of Loan Application

Clifford Leroy Norton, Jr., West Jonesport, Maine 04649, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 34-foot length overall wood vessel to engage in the fishery for lobster and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-13800; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. S-482]

LEO L. RICHMOND

Notice of Loan Application

NOVEMBER 17, 1969.

Leo L. Richmond, Box 217, Route 1, Sequim, Wash. 98382, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 40-foot length overall wood vessel to engage in the fishery for salmon, albacore, and cod.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-13801; Filed, Nov. 19, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Determination

In conformity with title 13, United States Code, sections 181, 224, and 225 and due notice having been published on October 4, 1969 (34 F.R. 15496), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other Government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1967 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool.
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Fans, blowers, and unit heaters.
Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, televisions, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on manmade fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Manmade fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastic bottles.
Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

The Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc., will be included, as well as data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey was conducted for the years 1963, 1965, and annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

Finally, a survey will be conducted requesting manufacturers to report the volume of products exported, for plants known to have exports valued at more than $25,000 in 1969. This survey was previously conducted for the years 1960, 1963, and 1966. It is designed to provide useful information on the importance of exports to the economies of States and other geographic areas.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: November 7, 1969.

GEORGE H. BROWN,
Director, Bureau of the Census.

[F.R. Doc. 69-13744; Filed, Nov. 19, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

Notice of Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 9 to Facility License No. R-52 dated December 5, 1958. The license presently authorizes the University of Arizona to possess, use, and operate the TRIGA type heterogeneous, light water cooled, zirconium hydride, and water moderated tank-type nuclear reactor located at Tucson, Ariz., at power levels up to 100 kilowatts (thermal). The amendment incorporates technical specifications in the license, and restates the license in its entirety to include all of the amendments previously issued.

The Commission has found that the application for the amendment, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated November 6, 1968, and supplement dated June 12, 1969, (2) the amendment to facility license, and (3) the Safety Evaluation by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of November 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-13743; Filed, Nov. 19, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20635]

AEROLINEAS PERUANAS, S.A.

Notice of Reopened Hearing

By motion filed November 7, 1969, Aerolinas Peruanas, S.A. (APSA), requests that the hearing in the above-entitled proceeding be reopened to permit Dr. Maximo Cisneros, Chairman of the Board of Directors and President of APSA, to testify at a time and place to be fixed by the examiner. In support thereof, APSA represents that the testimony of Dr. Cisneros, who was not present during the several days of hearing which closed on June 27, 1969, will contribute to the development of a full record with respect to the ownership and control of a substantial number of shares of APSA's capital stock, which is an important factual issue in this proceeding. As a part of the same motion, APSA requests that further procedural steps in the proceeding, which includes the filing of reply briefs on November 17, 1969, be suspended.

The Bureau of Operating Rights does not oppose the motion filed by APSA.

The motion of APSA is granted. Notice is hereby given that a further hearing with respect to the matter herein above set forth is assigned to be held on December 3, 1969, at 9:30 a.m. in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

The permission previously granted to APSA and the Bureau and all other persons on the service list to file reply briefs on November 17, 1969, is hereby withdrawn. Following close of the reopened

hearing, by separate notice, permission will be granted to APSA and the Bureau and all other persons on the service list to file post reopened hearing briefs to the examiner.

A copy of this notice shall be served on all persons on the service list of this proceeding and published in the FEDERAL REGISTER.

Dated at Washington, D.C., November 14, 1969.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 69-13809; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. 21599; Order 69-11-57]

ALASKA AIRLINES, INC., ET AL.

Order of Investigation and Suspension Regarding States-Alaska and Intra-Alaska Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of November 1969.

By tariff revisions[1] marked to become effective November 15, 1969, and November 16, 1969,[2] Alaska Airlines, Inc. (ASA), Pan American World Airways, Inc. (Pan American), and Western Air Lines, Inc. (Western), propose to increase various States-Alaska and Intra-Alaska passenger fares. Following is a comparison of the more significant existing and proposed jet coach fares in the States-Alaska market:

	Present	Proposed
Seattle–Anchorage	$99	[1] $104
Seattle–Fairbanks	99	[1] 106
Seattle–Juneau	69	69
Seattle–Kodiak [2] (direct)	93	104
Seattle–Ketchikan	47	53
Portland–Fairbanks	107	119

[1] The carriers do not propose to change the present level of night coach fares in these markets which are $85 Seattle–Anchorage, and $87 Seattle–Fairbanks.
[2] Only propeller first-class service offered in this market.

With respect to intra-Alaska fares, ASA proposes to increase 18 fares in amounts ranging from $4 to $10. Western proposes to increase its Anchorage-Kenai, Homer-Kenai, and Homer-Kodiak fares $7, $4, and $0.75, respectively. In addition, Western proposes to cancel various fares a majority of which relate to Cordova and Yakutat, where service was recently suspended by Western pursuant to Board Order 69-9-62, September 11, 1969.

All carriers propose to increase their various discount fares which are based on a percentage of regular one-way fares. Alaska and Pan American additionally propose to increase several excursion and group fares, and Alaska and Western propose to cancel free stopovers. Alaska would permit stopovers at Anchorage, Juneau, and Sitka for an additional charge of $5, and Western proposes such a charge for stopovers at all points on its routes within Alaska.

In support of its proposal ASA states that its current passenger yield is unsatisfactory. It alleges that the fares it proposes are both reasonable and justified in view of the unprecedented cost increases the company is facing while also operating in a traditionally high cost market. ASA estimates that the proposed adjustments would have resulted in a 4.25 percent increase ($659,000) in its fiscal 1969 passenger revenues. Western asserts that the proposed fare adjustments will correct a number of long-standing anomalies in the present Alaska fare structure, which predate the merger of Pacific Northern Airlines into Western Air Lines. Western estimates that the proposed fares would increase its passenger revenues over its Alaska routes by 8.9 percent, based on 1968 traffic.

Pan American alleges that the proposed fare increases will not have a significant impact upon its revenues, since its historical Alaskan schedule pattern consists of a basic nighttime flight (Seattle-Fairbanks), supplemented during the summer season by a twice-weekly daytime flight. Based on this pattern of service, Pan American expects to obtain no more than $50,000 in additional annual passenger revenues. This consists of approximately $31,000 related to increased standby fares and the remainder to the increased day fares in the summer. Pan American concludes that, in light of an experienced operating loss of $985,000 for its Alaskan operations in the year ended June 30, 1969, the small fare increase is justified.

The State of Alaska has filed complaints against the fare increases proposed by Western and Alaska Airlines and requests their suspension and investigation.[3] The State's complaint against Western is primarily directed to the reduced volume of Alaskan scheduled service which has been provided by Western during the past year. It alleges that, since Western's justification for fare increases is predicated on its 1968 financial picture (and schedules), it is not valid for future projections inasmuch as schedules have been decreased and there has been a concomitant decrease in expenses. As regards the fare increases proposed by Alaska, the State notes the carrier's recently improving financial results and contends that, in any event, 1968 or 1969 is not representative of 1970 because of fare and route changes effected in the recent past. The State also refers to the carrier's profitable charter operations and urges that, if such profits are not to be considered in connection with the passenger fares, the Board should review the allocations of costs between the two types of service.

Upon consideration of the tariff proposals, the complaint, and other relevant matters, the Board finds that certain of the fare proposals, discussed below, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation.

The proposed fares in the States-Alaska market are, in most instances, higher than those which would be produced by the jet coach fare formula recently implemented within the 48 contiguous States. Nevertheless, we recognize as we have in the past, that costs of providing States-Alaska service are somewhat higher than those incurred in the lower 48 States.

For this reason and in view of the generally poor operating results of the carriers in this market, we believe an economic basis exists for a somewhat higher fare level than that produced by application of the domestic jet coach formula. Accordingly, the Board would consider the establishment of States-Alaska fares which reflect application of the domestic jet coach formula plus 10 percent.

With the exception of the Anchorage-Valdez fare discussed below, we do not believe the increases proposed in intra-Alaska fares are unreasonable. Many of the fares which ASA proposes to increase at this time were not increased on April 27, 1969, when the carrier revised its intra-Alaska fare structure. None of the three intra-Alaska fare increases proposed by Western were increased last spring. On the other hand, Alaska is here proposing to increase the Anchorage-Valdez fare from $30 to $33, in addition to an increase from $21 to $30 which the Board permitted last spring. The cumulative increase, therefore, would be $12 in slightly over 6 months. We believe that this increase is too large over such a limited period of time and that the fare should be held at its present level.

We are not unsympathetic toward the complaints of the State of Alaska. However, carriers operating between the 48 contiguous States and Alaska and within Alaska have undoubtedly been subject to many of the same increases in the cost of doing business as have those carriers operating wholly within the contiguous 48 States. Moreover, there is no basis to conclude that the factors noted by the State will sufficiently improve Alaska Airlines' financial results to obviate the fare increases we have decided to permit. Subject to consideration of any subsequent complaints should the carriers elect to file tariffs along the lines herein suggested, the Board concludes that the revenue increases resulting from such filings would be justified.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 101 filed on Oct. 1, 1969, Oct. 16, 1969, and Oct. 17, 1969, by ASA, Western, and Pan American, respectively.
[2] Pan American's proposals are marked for effectiveness Nov. 16, while ASA and Western's proposals are marked to become effective Nov. 15.
[3] The complaint against the Alaska tariff was not timely filed; however, the Board has determined to consider it in the circumstances here present.

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[1] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[1] are suspended and their use deferred to and including February 12, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of the State of Alaska in Dockets 21564 and 21598 are hereby dismissed;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs indicated in Appendix A and served upon Alaska Airlines, Inc., Pan American World Airways, Inc., Western Air Lines, Inc., and the State of Alaska which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,[2]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13812; Filed, Nov. 19, 1969; 8:50 a.m.]

[Docket No. 21047]

OVERSEAS NATIONAL AIRWAYS, INC.

Application for Approval of Passenger Cruise Vessel Operation

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 8, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert L. Park.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the Examiner and to the parties on or before December 1, 1969, (1) proposed statements of issues, (2) proposed stipulations, (3) requests for information, (4) statements of positions, and (5) proposed procedural dates.

[1] Filed as part of the original document.
[2] Dissenting statement of Board Members Murphy and Minetti filed as part of the original document.

Dated at Washington, D.C., November 14, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-13810; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. 21617; Order 69-11-61]

PHILIPPINE AIR LINES, INC.

Order To Show Cause Regarding Foreign Air Carrier Permit Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of November 1969.

Philippine Air Lines, Inc. (PAL), holds a foreign air carrier permit[1] authorizing it to engage in foreign air transportation with respect to persons, property, and mail between the Philippines and San Francisco, via Honolulu. The permit also authorizes the carrier to engage in charter trips in foreign air transportaton. The permit, issued to PAL following denunciation by the Philippines of the 1946 air transport agreement, was made subject to termination if the Philippine Government should cancel or restrict the authority of U.S.-flag carriers to conduct flight operations to and from the Philippines.

On November 6, 1964, PAL filed an application in Docket 15668 requesting renewal of its permit pursuant to section 402 of the Act. The carrier's permit authority therefore continues in existence pursuant to 5 U.S.C. 558.

Since December 1965 the Government of the Philippines has refused to permit increases in the frequencies of U.S.-flag carrier schedules between the United States and the Philippines, and, in fact, has limited the U.S. carriers to fewer schedules than they operated in 1965. In contrast, PAL has been free to add frequencies to the United States and has done so. Thus, the Philippine Government has restricted the services of U.S.-flag carriers in operations to and from the Philippines while the flag carrier of the Philippines has been in a position to provide schedules to the United States and increase frequencies as it sees fit.

In view of the foregoing, the Board tentatively concludes that there is a failure of international comity and reciprocity with respect to air transportation between the Philippines and the United States. The rights of U.S.-flag carriers are subject to unilateral action by the Philippine Government restricting their authority to conduct operations to and from the Philippines while the schedules of the Philippine flag carrier under its existing permit are not subject to similar restriction by the U.S. Government. In order to correct this imbalance, the Board tentatively concludes that appropriate conditions should be placed in PAL's foreign air carrier permit so as to vest in the U.S. Government authority over flight operations of PAL to and from the United States comparable to that possessed by the Philippine Government over U.S.-flag carriers.

Accordingly, we have determined to direct PAL and other interested persons to show cause by December 8, 1969, why PAL's permit should not be amended to allow the Board to require PAL to submit its existing and proposed schedules involving service to U.S. points to the Board for approval under the procedures set forth herein.

Accordingly, it is ordered, That:

1. Philippine Air Lines and any other interested persons be and they are hereby directed to show cause why the Board should not, subject to the approval of the President, amend Philippine Air Lines' foreign air carrier permit so as to incorporate the following conditions:

(a) The holder shall, upon order of the Board and within the time specified therein, file with the Board for approval its existing or proposed schedules of service between any point in the United States and any point outside thereof. Such filings shall include all schedules which are or will be operated by the holder between each pair of points set forth in the order, including the type of equipment used or to be used, the time of arrival and departure at each point, the frequency of each schedule, and the effective date of any proposed schedule.

(b) The holder may continue to operate existing schedules and may inaugurate operations under proposed schedules 30 days after the filing thereof unless the Board issues an order, subject to disapproval by the President of the United States within 20 days after adoption, notifying the holder that such operations, or any part thereof, are disapproved. If the notification pertains to a proposed schedule, service thereunder shall not be inaugurated or if the Board so provides may be inaugurated subject to the terms and conditions of the notice. If the notification pertains to an existing schedule, service thereunder shall be discontinued at such time as the Board shall direct, or may be continued subject to such terms and conditions as the Board may provide.

(c) The Board may take all actions pursuant to (a) and (b) above without hearing and in the Board's sole discretion.

(d) This condition shall terminate upon the effective date of any agreement between the United States and the Philippines covering the foreign air transportation herein authorized.

2. Any interested person having objections to the action proposed hereinabove shall file with the Board, by December 2, 1969, a memorandum of opposition stating objections supported by evidence;[2]

3. In the event no objections are filed, all further procedural steps will be

[1] Issued pursuant to Order E-17953, effective Jan. 22, 1962, for a period of 3 years.
[2] Since provision is made for response to this order, petitions for reconsideration of this order will not be entertained.

deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

4. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by any memoranda in opposition before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented which warrant the holding of an evidentiary hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13813; Filed, Nov. 19, 1969; 8:50 a.m.]

[Docket No. 18776 etc.]

SOUTHERN PACIFIC CO. ET AL.

Applications for Freight Forwarding Authority and Approvals

Southern Pacific Co., Southern Pacific Air Freight, Inc., et al.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 9, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the Examiner and to the parties on or before December 1, 1969, (1) proposed statements of issues, (2) proposed stipulations, (3) requests for information, (4) statements of positions, and (5) proposed procedural dates.

Dated at Washington, D.C., November 14, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-13811; Filed, Nov. 19, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18732; FCC 69-1217]

LAND MOBILE SPECTRUM UTILIZATION

Notice of Inquiry

In the matter of the report on a study of Land Mobile Spectrum Utilization prepared for the Commission by the Stanford Research Institute.

1. In June of 1968, the Commission awarded a contract to the Stanford Research Institute (SRI) to study, among other things, the feasibility of increasing the sharing of the frequencies available to the various private land mobile radio services and to recommend more efficient methods of making frequency assignments in these services. SRI has completed its study and the results are contained in its interim report prepared in March 1969, and in its final report prepared in July 1969. Both of these reports (hereinafter referred to as the SRI report) have been published and copies may be obtained from the U.S. Department of Commerce, National Bureau of Standards. Details on how to order copies of the report are given in paragraph 4 of this notice.

2. Commission study and evaluation of the findings and recommendations is in process. It is evident that implementation of the basic concepts would have a far reaching effect on the land mobile radio services, especially on the methods of assignment and management of the radio spectrum allocated to these services. Understandably, the report has generated much interest and discussion. We believe that it would be desirable to have the views of interested persons thereon so as to have as broad a basis as possible for any determination we may reach.

3. Accordingly, we hereby invite interested persons to submit comments, views, and information relevant to the matters covered in the SRI report. The comments may be directed to the entire report or to any part or aspect of it on which the respondent may feel particularly interested or qualified. It should be emphasized that the purpose of this inquiry is primarily to enable us to evaluate better the impact on the industry of SRI's findings and recommendations and to provide a forum for the discussion of this important work. Accordingly, all comments will be considered to the extent that we feel they are helpful to our considerations of this work, but we do not at this time anticipate issuing any report on the comments received except to the extent that may be relevant to any rule making proposals that may ensue.

4. Copies of the SRI Report, "A Study of Land Mobile Spectrum Utilization," consisting of four volumes may be obtained from the U.S. Department of Commerce, National Bureau of Standards, Clearing House for Federal Scientific and Technical Information, Springfield, Va. 22151. The final report does not entirely duplicate the interim report and if complete study is desired, all four volumes should be obtained. The following information is necessary for ordering:

Volume	Accession No.	Price per volume	
		Printed	Microfiche
Part A Interim	PB 182-792	$3	$0.65
Part B Interim	PB 182-918	3	.65
Part A Final	PB 184-983	3	.65
Part B Final	PB 184-984	3	.65

5. Interested persons may submit their comments by January 15, 1970. An original and 14 copies of each response should be filed.

Adopted: November 7, 1969.

Released: November 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13805; Filed, Nov. 19, 1969; 8:49 a.m.]

[Dockets Nos. 18735 and 18736; FCC 69-1225]

GRENADA BROADCASTING CO., INC., AND PEMBERTON BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Grenada Broadcasting Co., Inc., Grenada, Miss., Docket No. 18735, File No. BPH-6756, Requests: 100.1 mcs, No. 261; 3 kw; 108 feet, Pemberton Broadcasting Co., Inc., Grenada, Miss., Docket No. 18736, File No. BPH-6763, Requests: 100.1 mcs, No. 261; 3 kw; 300 feet, for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Grenada Broadcasting Co. has requested waiver of the multiple ownership interim policy in effect during the pendency of the rule making proceeding in Docket 18110. Since this application was the only one then on file, the interim policy called for withholding action on the application because applicant was licensee of a full-time station in the market. Applicant requested waiver to permit grant of the application, arguing that the companion AM station's facilities were restricted at night and that the joint AM-FM operation it proposed was the only feasible method of establishing a viable FM service in the community. However, in view of the filing of a competing application, the question of waiver to permit grant of the application has become moot. In any event, the hearing on these applications, in accordance with the procedures outlined in Seabord Rudolph Hubbard 15 FCC 2d 690 (1968) need not be delayed. As a result, the request will be denied to the extent it has not already been granted by virtue of the prompt designation for hearing of the application.

3. According to its application Grenada Broadcasting Co. would require $48,725 to construct and operate its proposed station for 1 year without reliance on revenues. Applicant indicates an intention to rely in part on revenues, but their availability has not been demonstrated. To meet this requirement, applicant has shown $10,100 in cash and $5,000 in profits from existing operations. Reliance is also placed on various assets but such reliance is misplaced in the absence of a showing of their liquidity. Accordingly, a financial issue will be specified.

4. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, and City of Camden (WCAM), 18 FCC 2d 412 (1969), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case neither applicant appears to have contacted a representative cross-section of the area nor adequately provided the comments regarding community needs obtained from such contacts. Nor, as a result, is it clear that the programs proposed are responsive to specific community needs as evaluated. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

5. Since no determination has yet been reached on whether the antenna proposed by Pemberton Broadcasting Co. would constitute a menace to air navigation, an issue regarding this matter is required.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

7. Grenada Broadcasting Co. proposes 22.22 percent duplicated programing while Pemberton Broadcasting Co. proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Grenada Broadcasting Co. has available the additional $33,625 from revenues and other sources required for construction and first-year operation of its proposed station to thus demonstrate its financial qualifications.

(2) To determine the efforts made by Grenada Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by Pemberton Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine whether there is a reasonable possibility that the tower height and location proposed by Pemberton Broadcasting Co. would constitute a menace to air navigation.

(5) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(6) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

10. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

11. *It is further ordered*, That Grenada Broadcasting Co.'s request for waiver of the interim policy in Docket No. 18110 is granted to the extent indicated and in all other respects is denied.

12. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 7, 1969.

Released: November 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13806; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. 18734; FCC 69-1222]

LONG ISLAND PAGING

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

1. The Commission has before it for consideration (a) an application, File No. 3433-C2-P-67, filed January 25, 1967, by Edith V. Joyce, Donald G. Joyce, Dorothy R. Spangehl, and June L. Hill, doing business as Long Island Paging (Joyce) for a construction permit to establish a new one-way signaling service in the Domestic Public Land Mobile Radio Service at Smithtown, N.Y., using the frequency 43.58 Mc/s[1]; (b) a petition to deny the application filed March 22, 1967, by Pagecall, Inc. (Pagecall); (c) a petition to dismiss filed July 19, 1967, by Marvin R. Neuwirth, doing business as Community Answering Service (CAS); (d) a Statement filed January 11, 1968, by Aircall New York Corp. (Aircall); and, (e) a "Petition to Deny Application, as Amended" filed May 20, 1969, by MRN.

2. Pagecall is the licensee of Station KEC935 in the Domestic Public Land Mobile Radio Service at Union-Newark, N.J., operating on the frequency 35.58 Mc/s. Its petition to deny was based on a claim of electrical mutual exclusivity with respect to the use of said frequency and was supported by engineering information indicating that the grant of a 35.58 Mc/s frequency to Joyce at its proposed location at Smithtown, N.Y., would result in harmful interference to Pagecall's New Jersey facility. This alleged conflict was removed when Joyce amended its application November 8, 1967, to request 43.58 Mc/s in lieu of 35.58 Mc/s. Thereafter, on September 20, 1968, Pagecall requested that its petition to deny be dismissed.

3. Aircall, licensee of Station KEA627 at New York, N.Y., submitted a Statement on January 11, 1968, which discussed the possibility of its station receiving electrical interference from Joyce depending on the adequacy, design, and installation of Joyce's proposed directional antenna and upon the accuracy with which the transmitter output power would be maintained in day to day operation. On March 17, 1969, Joyce and Aircall filed a joint letter requesting that Aircall's "Statement" be withdrawn and that attached correspondence consisting of the agreement between the parties be included in Joyce's application.

4. On July 19, 1967, CAS, licensee of Station KED367 at Bayshore, N.Y., filed its petition to dismiss which claimed that CAS has been serving the central Long Island area since 1964; that in spite of its broad coverage CAS continues to operate at a loss, and that an extensive advertising campaign will probably not alter this situation; that Joyce's application proposes one way service in direct competition with CAS in that it will serve the same area as does CAS; that in view of the foregoing CAS has standing to file its petition; that Joyce's application was executed by the applicant before many of the exhibits were obtained; that Joyce did not even exist as a partnership at the time the application was signed, based upon the date of the partnership agreement; and, that said agreement is not signed by all of the alleged partners. On

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

[1] Chairman Burch abstaining from voting; Commissioner Robert E. Lee concurring in the results; Commissioner Wells not participating.

[1] The application originally requested frequency 35.58 Mc/s but was amended on Nov. 8, 1967, to request 43.58 Mc/s. This amendment was returned for want of signature and refiled on Nov. 30, 1967.

December 12, 1968, Joyce filed a letter by New York counsel to the effect that Joyce was in existence as a partnership in New York State as of a date prior to the execution of its application; and, that although the copy of the partnership agreement submitted with Joyce's application was not signed by all of the partners, an additional copy submitted by counsel was signed by all.

5. On May 20, 1969, MRN, the legal successor in interest to CAS, filed its petition to deny, as amended, in which it restated many of the claims which were alleged in the petition by CAS. Additionally, it claimed that Joyce has filed certain amendments to "cure basic defects" in its application; that such amendments were "substantial" and should have been placed on the Commission's Public Notice, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended (Act); that, consequently, the petition to deny, as amended, was timely filed; that MRN has filed for a new one-way paging facility with which Joyce's proposed service will compete; that a grant of Joyce's application will cause economic harm to MRN's two-way operation, since practically speaking, a one-way communication system competes economically with a two-way operation; that Joyce has not kept the Commission supplied with its current financial statements and a more recent showing of need for the proposed service; and, that based upon the foregoing allegations, an expedited hearing should be held.

6. Section 309(d)(1) of the Act and § 21.27(c) of the Commission's rules provide for the issuance of a public notice of the filing of any "major" or "substantial" amendment to any application already on file with the Commission. Joyce's application has been on file since 1967 and several amendments have been filed since that time. Only one of these, however, could be reasonably considered as major or substantial in effect, and this was the change in proposed frequency, which appeared on the Commission's Public Notice on December 11, 1967 (Report No. 365). Accordingly, there has been no filing by Joyce since that date to justify the lateness of MRN's petition. However, the matters raised therein, insofar as they relate to allegations contained in the petition to dismiss by CAS, which was timely filed, warrant consideration.

7. MRN and its predecessor CAS have been licensed to offer two-way and one-way services on the frequency 454.20 Mc/s (base) since 1964. MRN's allegations that the facilities proposed by Joyce will be in direct competition with the operation of Station KED367 and will cause it economic injury give MRN standing to protest Joyce's application. MRN's allegations of insufficient public demand to support an additional carrier in the proposed area coupled with Joyce's failure to demonstrate that existing operations in the area cannot satisfy current demands for new one-way services are sufficient to raise an issue as to whether or not a grant of Joyce's application would result in wasteful duplication of common carrier facilities. Further, the competitive status between MRN, authorized to operate on a frequency assigned to two-way mobile communication services, and Joyce, who is seeking authority to utilize a frequency assigned exclusively for one-way signaling service, requires the adduction of evidence on the nature and availability of services presently offered to potential one-way subscribers in the Suffolk County, N.Y., area. We find, therefore, that a hearing is needed to determine whether a grant of the captioned application would serve the public interest, convenience and necessity.

8. Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in one-way communications service. Propagation data set forth in § 21.504(b) are a proper basis for establishing the location of the service contours (F50,50) for the facilities involved in this proceeding.

9. Additionally, we find that except for the issues herein designated, the applicant is financially, technically, legally, and otherwise qualified to render the services proposed.

10. Accordingly, in view of our conclusions above: *It is ordered*, That the "Petition to Deny, as amended," is dismissed, and that, to the extent hereinafter provided, the "Petition to Dismiss" is granted, and in all other respects said petition is denied.

11. *It is further ordered*, That pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, the captioned application is designated for hearing, at the Commission offices in Washington, D.C., on a date to be hereafter specified on the following issues:

(a) To determine the nature and extent of the one-way service currently offered by MRN including the rates, charges, practices, personnel, classifications, regulations, and facilities relating thereto.

(b) To determine the nature and extent of the services proposed to be offered by Joyce including the rates, charges, practices, personnel, classifications, regulations, and facilities relating thereto.

(c) To determine in accordance with the standards set forth in paragraph 8 above the areas and populations which receive services from Station KED367 within its 43 dbu contour.

(d) To determine in accordance with the standards set forth in paragraph 8 above the areas and populations which the Joyce application proposes to cover within its 43 dbu contour, and to determine the need for the proposed services in said areas.

(e) To determine the present uses, demands and need for the one-way service of Station KED367 in said areas as determined in accordance with issue (c); and to determine the capacity of said station.

(f) To determine, in light of the evidence adduced on all the foregoing issues, whether or not, and under what conditions, the public interest, and convenience or necessity would be served by a grant of the captioned application.

12. *It is further ordered*, That MRN is made a party to the proceeding.

13. *It is further ordered*, That the burden of proof on issues (a), (c), and (e) be placed on MRN; that the burden of proof on issues (b), (d), and (f) be placed on Joyce.

14. *It is further ordered*, That the parties desiring to participate herein shall file their notices in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: November 7, 1969.

Released: November 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13807; Filed, Nov. 19, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

ORIENT/ATLANTIC AND GULF RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Bernard Katz, Traffic Manager, Thor Eckert & Company, Inc., General Agents, 19 Rector Street, New York, N.Y. 10006.

Agreement No. 9818, a rate making arrangement between China Merchants Steam Navigation Co., China Union Lines, Korea Shipping Corp., Orient Overseas Lines and Pacific Star Lines, was originally published in the FEDERAL REGISTER of September 9, 1969. The parties have refiled the subject agreement limiting the geographic scope to the trade from ports in Japan to the U.S. Atlantic and Gulf ports in the Portland, Maine, to Brownsville, Tex., range.

Dated: November 17, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-13814; Filed, Nov. 19, 1969; 8:50 a.m.]

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

FEDERAL POWER COMMISSION

[Project 1126]

OREGON

Order Vacating Withdrawal of Lands

NOVEMBER 13, 1969.

Application has been filed by the Forest Service (Applicant) U.S. Department of Agriculture, for vacation of the power withdrawal pertaining to the following described lands of the United States located within Deschutes National Forest:

WILLAMETTE MERIDIAN, OREGON

All portions of the following lands lying within the project boundaries of the diversion dam intake and power house and within 30 feet of the center line of the pipeline location, all as shown on a map designated "Exhibit F" and entitled "Odell Outlet Power Project", and filed in the office of the Federal Power Commission on October 27, 1930.

T. 23 S., R. 6 E., (unsurveyed)
Sec. 25, N½SW¼, SW¼SW¼.
(Approximately 3 acres.)

The subject lands lie on or near Odell Creek immediately below the outlet of Odell Lake, in the upper drainage area of the Deschutes River.

The lands were withdrawn pursuant to the filing on October 27, 1930 of an application for license for Project No. 1126. Notice of the power withdrawal for Project No. 1126 was given to the General Land Office (now Bureau of Land Management) by Commission letter dated October 31, 1930.

A 10-year license for the project was issued February 19, 1931, however, the project was never constructed and the Commission accepted the surrender of the license on December 22, 1933. Growth of the area for recreational purposes coupled with the availability of commercial power renders any power value of the Odell Creek site negligible.

The Commission finds: Inasmuch as the subject lands have insignificant power value, the power withdrawal pertaining thereto serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 1126 is hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13748; Filed, Nov. 19, 1969; 8:45 a.m.]

[Docket No. CP70-117]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

NOVEMBER 14, 1969.

Take notice that on October 30, 1969, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-117 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the 1970 calendar year, and operation of certain gas-sales or transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction of various pipeline taps and miscellaneous rearrangements of Applicant's pipeline. Applicant states the maximum deliveries to any one customer will not exceed 100,000 Mcf per year, and that none of the gas will be used for boiler fuel purposes.

The total estimated cost of the proposed facilities will not exceed $300,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13749; Filed, Nov. 19, 1969; 8:45 a.m.]

[Docket No. RI70-473]

CARRL OIL ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 14, 1969.

On October 17, 1969, Carrl Oil (Operator) et al. (Carrl),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of change, dated October 17, 1969.
Purchaser and producing area: Texas Eastern Transmission Corp. (South Bird Island Field, Kleberg County, Tex.) (RR. District No. 4).
Rate schedule designation: Supplement No. 2 to Carrl's FPC gas rate schedule No. 8.
Effective date: November 17, 1969.[2]
Amount of annual increase: $7,229.
Effective rate: 15.0613375 cents per Mcf,[3,4]
Proposed rate: 16.0654063 cents per Mcf,[3,5]
Pressure base: 14.65 p.s.i.a.

Carrl's proposed 16.0654063 cents per Mcf periodic rate increase exceeds the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 5 months from November 17, 1969, the expiration date of the statutory notice.

The proposed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Carrl's FPC gas rate schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Carrl's FPC gas rate schedule No. 8.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Carrl's FPC gas rate schedule No. 8 is hereby suspended and the use thereof deferred until April 17, 1970, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington,

[1] Address is: Post Office Box 576, Corpus Christi, Tex. 78403.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Subject to a downward B.t.u. adjustment.
[4] Includes the Texas tax which has been filed.
[5] Periodic rate increase.

D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before December 31, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13750; Filed, Nov. 19, 1969; 8:45 a.m.]

[Docket No. CP70-35]

CENTRAL ILLINOIS PUBLIC SERVICE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Order Setting Hearing Date and Prescribing Procedure

NOVEMBER 12, 1969.

Central Illinois Public Service Co. (Central Illinois), Illinois Building, Springfield, Ill. 62701, filed on August 14, 1969, in Docket No. CP70-35, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Texas Eastern Transmission Corp. (Texas Eastern), Houston, Tex. 77001, to connect its natural gas transportation facilities with pipeline and distribution facilities to be constructed by the applicant and sell and deliver natural gas to the applicant for resale in the village of Broughton and environs in Hamilton County, Ill., and to construct and operate a line tap and metering and regulating facilities at the delivery point about 3 miles south of Broughton.

Central Illinois proposes to construct and operate approximately 3 miles of 2-inch transmission main and a natural gas distribution system in Broughton at an estimated cost of $51,570 to be financed from internal funds.

Broughton's natural gas requirements in the fourth year of operation are estimated at 14,886 Mcf annual and 224 Mcf maximum day at 15.025 p.s.i.a.

Central Illinois alleged that it distributes natural gas in many cities and towns in Illinois and is authorized by the Illinois Commerce Commission to render the proposed service.

Texas Eastern filed an answer stating its position that the sale and delivery by Texas Eastern of the small volume of gas requested by Central Illinois is not economically feasible.

Notice of Central Illinois' application, setting September 15, 1969, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on August 28, 1969 (34 F.R. 13765). None was filed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by Central Illinois' application as ordered hereinafter.

The Commission orders:

(A) A public hearing on the issues presented by Central Illinois' application in Docket No. CP70-35 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on February 17, 1970.

(B) Each party shall file with the Commission and serve on the other party and the Commission's staff the proposed evidence comprising its case-in-chief, including prepared testimony of witnesses and exhibits, as follows: Central Illinois on or before December 15, 1969; Texas Eastern on or before January 12, 1970.

Central Illinois shall file and serve rebuttal evidence on or before February 2, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13751; Filed, Nov. 19, 1969; 8:45 a.m.]

[Dockets Nos. RP70-8, RP70-9]

COLORADO INTERSTATE GAS CO.

Order Providing for Hearing, Suspending Proposed Tariff Sheets, and Consolidating Proceedings

NOVEMBER 12, 1969.

On October 3, 1969, Colorado Interstate Gas Co. (Colorado) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 to become effective on November 18, 1969.[1] This matter has been given Docket No. RP70-8. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $8,235,887 annually, based on sales for the 12-month period ending June 30, 1969, as adjusted. The proposed increase would increase the rates and charges in all of Colorado's rate schedules except its Rate Schedule PS-1 and would allow a rate of return on the jurisdictional business of 8¼ percent.

Colorado states that the proposed changes are required to compensate for a deficiency in jurisdictional revenues incurred during the above-mentioned 12-month test period ending June 30, 1969. The stated causes for this deficiency include increased costs of financing; operating and maintaining the pipeline system; purchasing supplies, materials, labor, and services for the pipeline; Federal, State, and local taxes; and purchasing and producing natural gas for the system's operation.

In addition on October 3, 1969, Colorado tendered for filing a petition for approval of a plan of disposition of its deferred tax reserve now maintained in FPC Account No. 282. This matter has been given Docket No. RP70-9.

Colorado proposes that the present balance of $7,546,000 in the above-mentioned account be disposed of in accordance with a procedure under which amounts determined to be consumer contributed would be amortized over a 4-year period commencing January 1, 1969, and ending December 31, 1972, and the balance determined not to be consumer contributed would be transferred to earned surplus. In its proposal Colorado states that under this procedure $1,555,969 would be returned to jurisdictional customers over the 4-year period and the remainder of $5,990,031 would be transferred to unappropriated earned surplus.

Review of the filing indicates that certain issues are raised which require development in evidentiary proceedings and that these two filings designated Dockets Nos. RP70-8 and RP70-9 should be consolidated. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5 months suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Colorado's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the propriety of Colorado's proposed plan of distribution of funds in its FPC Account No. 282.

(3) It is appropriate that the matters designated herein as Dockets Nos. RP70-8 and RP70-9 be consolidated for hearing and decision.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) The matters designated herein as Dockets Nos. RP70-8 and RP70-9 are hereby consolidated for hearing and decision.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing on December 17, 1969, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado's FPC Gas Tariff, as proposed to be amended herein.

(C) Pending such hearing and decision thereon, Colorado's revised tariff sheets listed in footnote (1) above are hereby suspended and the use thereof is deferred until May 18, 1970, and until such further time as they are made effective in the manner prescribed in the Natural Gas Act.

(D) At the hearing on December 17, 1969, Colorado's prepared testimony (Statement P), filed and served on October 20, 1969, together with its entire rate filing as submitted and served on October 3, 1969, and all materials filed in Docket No. RP70-9 as submitted and served on October 3, 1969, be admitted as Colorado's case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following admission of Colorado's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine which issues, if any, shall be heard in an initial phase hearing; fix dates for service of Staff's and Intervenor's evidence on such issues and service of Colorado's rebuttal testimony; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible. The Examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the first phase hearing.

(G) Presiding Examiner Francis L. Hall, or, any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-13752; Filed, Nov. 19, 1969; 8:45 a.m.]

[Docket No. RP70-11]

EL PASO NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing Hearing Procedures

NOVEMBER 12, 1969.

El Paso Natural Gas Co. (El Paso) on October 13, 1969, filed two sets of revised tariff sheets proposing changes in its presently effective FPC Gas Tariff Original Volume No. 1. The sheets designated "Revised Tariff Sheets"[1] provide for an increase in El Paso's Southern division rates of 4.42 cents per Mcf or $51,123,300 annually. Of this total increase, 3.16 cents per Mcf, $36,510,247, is based on claimed increases in costs other than purchased gas and the remaining 1.26 cents per Mcf, $14,613,053, is attributable to estimated increases in the cost of purchased gas. El Paso requests an effective date of November 13, 1969, for these tariff sheets.

El Paso states that the principal reasons for its proposed increase are increases in the cost of capital, purchased gas, taxes, labor, materials, and supplies. El Paso in this docket claims the need for a 8.25 percent rate of return. The increase in return and associated taxes amounts to $32.7 million which is 90 percent of the $36.5 million portion of the increase attributable to costs other than purchased gas costs.

El Paso also tendered tariff sheets designated "Alternative Revised Tariff Sheets" designed, inter alia, to implement the further tracking of supplier rate increases after December 31, 1969, the last date upon which El Paso was authorized to make tracking filings in Docket No. RP69-20. By order issued this same day in Docket No. RP69-20, we granted El Paso's motion to extend the tracking period set forth in our March 20, 1969, order as amended. Concurrently therewith, we granted El Paso's request to deem the "Alternative Revised Tariff Sheets" withdrawn.

As previously noted $14,613,053 of El Paso's proposed rate increase relates to claimed increases in purchased gas costs. Of this amount, $1,383,246 represents supplier rate increases which have suspension periods expiring before December 31, 1969, and $4,728,580 represents supplier rate increases having suspension periods expiring between January 1, 1970, and March 31, 1970. By order issued this same date at Docket No. RP69-20 we have permitted El Paso to recover certain of these purchased gas costs as they are sustained by means of tracking filings through April 12, 1970. On April 13, 1970, the end of the suspension period provided for herein, El Paso may be exposed to approximately $10,900,000 of possible increases in purchased gas costs. Under these circumstances it appears appropriate to afford El Paso an opportunity to track supplier rate increases after April 12, 1970. In so doing, we recognize that El Paso's customers should not be required to pay rates based on purchased gas not being sustained by El Paso. Accordingly, at the end of the suspension period provided for herein, April 13, 1970, El Paso may only place into effect that portion of its proposed increased rates equal to the then effective rates plus 3.16 cents per Mcf (3.16 cents being the claimed increase in costs other than purchased gas costs). In order to permit El Paso to recover increased purchased gas costs which may be sustained after April 13, 1970, we will allow El Paso to track supplier rate changes through December 31, 1970, up to a level equal to 4.42 cents per Mcf (3.16-cent costs other than purchased gas costs +1.26-cent purchased gas costs) above the rates in effect on September 17, 1969, the last day of actual experienced purchased gas costs included in El Paso's filing in Docket No. RP70-11.

A review of El Paso's "Revised Tariff Sheets" and the data in support thereof, indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates, charges, and other tariff changes have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges and tariff provisions contained in El Paso's FPC Gas Tariff, as proposed to be amended by its "Revised Tariff Sheets", and that the proposed "Revised Tariff Sheets" listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing December 4, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in El Paso's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon El Paso's proposed "Revised Tariff Sheets" listed above are hereby suspended and the use thereof deferred until April 13, 1970, and thereafter shall be effective upon the following condition:

[1] Fourth Revised Sheet No. 4; Fourth Revised Sheet No. 5; Fourth Revised Sheet No. 6; Fourth Revised Sheet No. 7; Sixth Revised Sheet No. 9; Fifth Revised Sheet No. 10; Fourth Revised Sheet No. 11; Fifth Revised Sheet No. 11B; Fourth Revised Sheet No. 11C; Third Revised Sheet No. 11D; First Revised Sheet No. 12; Second Revised Sheet No. 14; Fourth Revised Sheet No. 16A; Second Revised Sheet No. 17; Second Revised Sheet No. 18B; and Fourth Revised Sheet No. 19.

[1] 19th Revised Sheet No. 4, 21st Revised Sheet Nos. 6 and 8, 23d Revised Sheet Nos. 10 and 11, 18th Revised Sheet No. 11-A, 19th Revised Sheet Nos. 17 and 18, 22d Revised Sheet No. 19, 16th Revised Sheet No. 27-B, 19th Revised Sheet No. 27-E, 18th Revised Sheet Nos. 27-I and 34, and 22d Revised Sheet No. 36.

(1) El Paso may place in effect on April 13, 1970, or thereafter in the manner prescribed by the Natural Gas Act, 3.16 cents per Mcf of its requested 4.42 cents per Mcf rate increase in addition to the rate then currently in effect.

(C) After April 12, 1970, El Paso may, from time to time until December 31, 1970, file with the Commission as a part of its FPC Gas Tariff, Original Volume No. 1, revised tariff sheets, necessary to reflect increases or decreases in its rates up to a level equal to 4.42 cents per Mcf above the rates in effect on September 17, 1969, based upon increases or decreases in the cost of El Paso's purchased gas, subject to the conditions as hereinafter described and computed in accordance with the following provisions of this paragraph (C):

(1) Increases or decreases in El Paso's rate made pursuant to paragraph (C) shall only reflect those changes in the cost of gas purchased by El Paso from those fields and from those gas supply sources presently connected to El Paso's Southern Division System and identified in Statement H(1), Schedule No. H(1)–3.1 of El Paso's filing herein and under those FPC Gas Rate Schedules of El Paso's Southern Division System suppliers now on file with this Commission and identified in Statement H(1), Schedule No. H(1)–3.2, sheets 1 through 416, of El Paso's filing herein: *Provided, however*, That rates effective hereunder shall be adjusted to reflect any reduction of the rates effective subject to refund in Dockets Nos. RP69–6 and RP69–20: *And provided further*, That only those increases under the Southern Division System supplier rate schedules, or any decreases therein, ordered by the Commission shall be used in the computation of increases or decreases in El Paso's rates made pursuant to paragraph (C): *And, provided further*, That the aggregate net increase in El Paso's rates made pursuant to paragraph (C) shall not exceed 1.26 cents per Mcf.

(2) No change in rates shall be made hereunder until the net change in the annualized cost of purchased gas for El Paso's Southern Division System under the supplier rate schedules, determined as herein provided, causes a total Southern Division System change in purchased gas costs of at least one-tenth of one cent (0.1¢) per Mcf (at 14.73 p.s.i.a.), based upon El Paso's Southern Division System gas sales for the 12-month period ending not less than 60 days and not more than 90 days preceding the effective date of any change in rate made under the provisions of paragraph (C);

(3) The annualized cost of gas purchased by El Paso for its Southern Division System under each such supplier rate schedule shall be determined by application of the rate then in effect thereunder to the volume of gas purchased during the 12-month period ending not less than 60 days nor more than 90 days preceding the effective date of such increase or decrease, for each supplier rate schedule reflected in Statement H(1), Schedule No. H(1)–3.2 of El Paso's filing herein;

(4) The amount of any net change in the annualized cost of purchased gas for El Paso's Southern Division System shall be determined as the difference between the annualized cost of purchased gas, computed in accordance with the immediately preceding subparagraph (3), and the amount that would have been paid as determined by application of the last supplier rate used for a change in rates hereunder to the volume prescribed in subparagraph (3). The amount per Mcf of any change in rates hereunder shall be determined by dividing the annual amount of the above change in costs by El Paso's total Southern Division System sales made during the 12-month period used to determine the annualized cost of purchased gas under the immediately preceding subparagraph (3). Such change in rates shall be uniformly applied to all rate schedules affected by El Paso's filing herein and in the commodity component of Rate Schedule G of El Paso's FPC Gas Tariff, Original Volume No. 1: *Provided, however*, That the aggregate net increase to reflect increased purchase gas costs hereunder shall not exceed 1.26 cents per Mcf.

(5) No filing shall be made pursuant to paragraph (C) until all increased supplier rates included therein are actually effective, or until a motion to place such rates in effect has been filed with the Commission; *Provided*, That El Paso's filings shall not provide for an effective date prior to the day on which the suspended supplier increases become effective by motion;

(6) Revised tariff sheets filed in accordance herewith shall become effective 30 days after filing or such later date as El Paso proposes; and

(7) If, as a result of any final order of the Commission, not stayed by the Commission or the courts, El Paso shall receive refunds, including interest, under any supplier rate schedule applicable to increased rates collected thereunder which have been reflected in changes in El Paso's Southern Division System rates hereunder, El Paso shall refund the jurisdictional portion of all refunds received to its jurisdictional customers, without further interest, upon accumulation of $1 million or more, except for the final refund which shall be made if, but only if, the total amount remaining refundable is $50,000 or more.

(D) As a condition of this order, El Paso shall execute and file in triplicate with the Secretary of this Commission, within twenty (20) days of the date of this order, its written agreement and undertaking to comply with the terms of paragraph (C)(7) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from its board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved and upon all parties of record in this proceeding, as follows:

Agreement and Undertaking of El Paso Natural Gas Co. to Comply with the Terms and Conditions of Paragraph (C)(7) of Federal Power Commission's Order issued November ------, 1969, in Docket No. RP70–11.

In conformity with the requirements of the order issued November ------, 1969, in Docket No. RP70–11 El Paso Natural Gas Co. hereby agrees and undertakes to comply with the terms and conditions of paragraph (C)(7) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto, this ------ day of ----------, 1969.

El Paso Natural Gas Co

By ----------

Attest:

Secretary

(E) At the hearing on December 4, 1969, El Paso's prepared testimony (Statement P) filed and served on October 28, 1969, together with its entire rate filing as submitted and served on October 13, 1969, shall be admitted to the record as El Paso's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to any motions by the parties with respect thereto.

(F) Following admission of El Paso's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of Staff's and Intervenors' evidence and El Paso's rebuttal evidence of such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(G) Presiding Examiner, Max L. Kane, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.56(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–13753; Filed, Nov. 19, 1969; 8:45 a.m.]

[Dockets Nos. CP69–269, CP69–237]

FORAKER GAS CO. ET AL.

Notice of Continuance

NOVEMBER 14, 1969.

Foraker Gas Co., applicant, Texas Eastern Transmission Corp., respondent, Docket No. CP69–269; and United Cities Gas Co., applicant, Texas Eastern Transmission Corp., respondent, Docket No. CP69–237.

Notice is hereby given that the hearing scheduled to commence at 10 a.m. e.s.t., on November 18, 1969, in the above-designated matter, is continued until further notice.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–13754; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. RI70–29, etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1] and Terminating Proceedings

NOVEMBER 10, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 29, 1969.

(E) For the reasons set forth in Appendix "A" hereto, the proceedings in Dockets Nos. G–19002 and G–19003 are terminated.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate
RI70–29	Mobil Oil Corp.	354	1 to 18	Montana-Dakota Utilities Co., Wyoming.	$540	10–13–69	11–13–69	[1] 11–1–69	14.714	14.787
RI70–454	Mobil Oil Corp., Operator et al.	212	10	do.	766	10–13–69	11–13–69	[2] 11–2–69	14.641	14.787
RI70–455	Pauley Petroleum, Inc.	2	10	Phillips Petroleum Co., Texas RR. District No. 10.	14,793	10–13–69	11–13–69	[3] 1–1–70	8.67639	10.5729
RI70–456	Bayou Oil Co. et al.	2	9	do.	366	10–13–69	11–13–69	[3] 1–1–70	8.67639	[4] 10.5731
					19,037				7.85936	[5] 9.6220
RI70–457	Humble Oil & Refining Co.	157	2	Coastal States Gas Producing Co., Texas RR. District No. 4.	480	10–13–69	11–13–69	11–14–69	12.0	13.0

[1] Request for waiver of notice granted, and filing accepted subject to the proceeding now pending in Docket No. RI70–29.
[2] Request for waiver of notice granted, and proposed tax increase suspended for 1 day.
[3] Request for waiver of notice denied.
[4] Sweet gas.
[5] Sour gas.

Mobil's proposed increase under its FPC gas rate schedule No. 354 reflects reimbursement for a severance tax recently enacted by the State of Wyoming which is retroactively effective as of January 1, 1968. The increase by Mobil pertains only to past production back to that date. Mobil has previously filed for an increased rate to reflect tax reimbursement for future production, and such increased rate is presently being collected, subject to refund, in Docket No. RI70–29. Consequently, the proposed increase for past production is accepted as of November 1, 1969, subject to refund in the existing proceeding in Docket No. RI70–29.

Mobil's proposed increase under its FPC gas rate schedule No. 212 also reflects tax reimbursement for the Wyoming severance tax but covers tax reimbursement for future production as well as reimbursement for taxes applicable to past production back to January 1, 1968. Accordingly, we shall suspend the proposed increase for 1 day from November 1, 1969, the requested effective date, with waiver of notice granted.

After the amounts of tax reimbursement applicable to past production have been recovered, Mobil shall file appropriate rate decreases under its FPC gas rate schedule Nos. 212 and 354 to reduce the rates proposed herein so as to provide for tax reimbursement for future production only. Mobil will also be required to refund any reimbursement relating to the Wyoming tax collected in these proceedings in the event the tax is for any reason held invalid upon judicial review.

The rates of Pauley and Bayou for their sales to Phillips are geared to the revenues of Phillips' purchaser, El Paso Natural Gas Co. El Paso increased its average resale rate on March 7, 1969, subject to refund, in Docket No. RP69–6. The increased rates now filed by Pauley and Bayou are based on El Paso's increased rate. Phillips was contractually due an increased rate for its resale to El Paso on August 1, 1969, but did not file for such rate. If it had filed, its increased rate would have been subject to suspension until January 1, 1970. Good cause has not been shown for granting the requests of Pauley and Bayou for waiver of notice. However, we believe it appropriate to suspend their proposed increased rates only until January 1, 1970, the same period Phillips' increase would have been suspended if Phillips had filed for the increased rate to which it is contractually entitled.

On October 23, 1969, Bayou and Pauley filed in Dockets Nos. G–19002 and G–19003, respectively, motions to terminate those proceedings which pertain to lower increased rates previously filed with respect to the same sales to Phillips involved here. The proposed increased rates suspended in such dockets have never been made effective. Therefore, such proceedings should properly be terminated.

Humble proposed a periodic increase from 12 cents to 13 cents under its FPC gas rate schedule No. 157 for a sale to Coastal which in turn resells the gas, under its FPC gas rate schedule No. 55 at a rate of 14.5 cents, subject to refund, to Natural aGs Pipeline Company of America. Good cause thus exists for suspending Humble's proposed increase for only 1 day.

[F.R. Doc. 69–13763; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. CP70–119]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 14, 1969.

Take notice that on November 5, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70–119 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience

and necessity authorizing the sale and delivery and transportation for resale, of additional volumes of natural gas to existing customers, and the construction and operation of additional facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes:

(a) Sale and delivery, and transportation for resale, to existing customers of additional volumes of gas totaling 157,744 Mcf per day;

(b) Sale and delivery to existing customers of additional storage service under Applicant's FPC gas rate Schedule S–1 of 124,800 Mcf per day;

(c) Sale and delivery to existing customers of storage service totaling 91,593 Mcf per day under a new rate schedule to be denominated S–2;

(d) The construction and operation of the following transmission facilities:

(1) Approximately 31.40 miles of 36-inch diameter pipeline looping at various locations in Effingham, Shelby, Livingston, Grundy, and Du Page Counties, Ill.;

(2) Approximately 3.36 miles of 42-inch pipeline looping in Cook County, Ill.;

(3) Approximately 7.98 miles of 24-inch pipeline looping in Ogle and Winnebago Counties, Ill.;

(4) Approximately 15.54 miles of 16-inch pipeline looping in Ogle and De Kalb Counties, Ill.;

(e) The construction and operation of the following storage facilities:

(1) At the Cairo Storage Field in Louisa County, Iowa, four injection-withdrawal wells and approximately 1 mile of 6-inch gathering pipeline;

(2) At the Columbus City Storage Field in Louisa County, for injection-withdrawal wells approximately 1.50 miles of 6-inch gathering pipeline;

(3) At the Herscher Northwest Storage Field in Kankakee County, Ill., two injection-withdrawal wells and approximately 0.75 mile of 12-inch gathering pipeline;

(4) At the Loudon Storage Field in Fayette and Effingham Counties, Ill., approximately 1.75 miles of 8-inch gathering pipeline; and

(5) Miscellaneous facilities appurtenant to the above and existing facilities.

The total estimated cost of the proposed facilities is $15,157,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13755; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. CP70–120]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 14, 1969.

Take notice that on November 5, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70–120 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale for resale of additional volumes of natural gas to existing customers and the construction and operation of additional facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following:

(a) To sell and deliver to existing resale customers additional volumes of gas totalling 104,000 Mcf per day;

(b) To construct and operate the following facilities:

(1) Additional compressor horsepower at existing stations as follows:

No. 154 Gray County, Tex., 1,040 additional horsepower;
No. 191 Hutchinson County, Tex., 9,300 additional horsepower; and
No. 199 Muscatine County, Iowa, 12,500 additional horsepower

(2) Approximately 149.72 miles of 36-inch pipeline looping at various locations in Beaver County, Okla.; Meade, Ford, Edwards, Russell, Ellsworth, Lincoln, Republic, and Washington Counties, Kans.; Otoe and Cass Counties, Nebr.; Adams, Adair, Marion, and Mahaska Counties, Iowa; and Bureau, Du Page, and Cook Counties, Ill.

(3) Miscellaneous facilities appurtenant to the above and existing facilities.

The total estimated cost of the proposed facilities is $31,715,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13756; Filed, Nov. 19, 1969; 8:46 a.m.]

[Project 1299]

NEW ENGLAND FISH CO.

Notice of Application for New License for Constructed Project

NOVEMBER 14, 1969.

Public notice is hereby given that application for new license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by New England Fish Co. (correspondence to: M. L. Grout, New England Fish Co., Pier 89, Seattle, Wash. 98119) for constructed Project No. 1299 located on One Mile Creek, One-Half Mile Creek, and a small unnamed creek, all of which flow into the North East Arm of Uganik Bay, on Kodiak Island, Kodiak Recording District, Alaska, and affecting lands of the United States.

The existing project consists of: (1) A small diversion dam on One Mile Creek; (2) a flume 105 feet long passing through two settling basins; (3) a 10-inch wood-stave pipeline about 5,300 feet long extending to applicant's cannery in which is located a 70 horsepower Pelton water wheel and a d.–c. generator; (4) a 1,000-foot branch line of 8-inch wood-stave pipe starting at the applicant's cannery and extending upstream to an intake tank on a small unnamed creek; (5) an 800-foot branch line of 8-inch wood pipe starting between Survey Station L26 and L27 on the project's main pipeline and extending up a side stream to an intake tank on One-Half Mile Creek; and (6) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13757; Filed, Nov. 19, 1969; 8:46 a.m.]

[Project 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Application for Amendment of License for Partly Constructed Project

NOVEMBER 14, 1969.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Sacramento Municipal Utility District (correspondence to: Paul E. Shaad, General Manager and Chief Engineer, Sacramento Municipal Utility District, 6201 S Street, Sacramento, Calif. 95811) for the partly constructed Upper American River Project No. 2101, located on Silver Creek, a tributary of the South Fork American River, in Eldorado County, Calif., and affecting lands of the United States within the Eldorado National Forest.

According to the application, recent studies made by the licensee engineering consultants have shown that neither the unconstructed Jones Fork Power Plant nor Ice House Tunnel are economical additions to the project, and since their construction is expressly required by license Article 44, the licensee seeks to delete from the article mention of Jones Fork Power Plant and Ice House Tunnel as part of the project.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13758; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. G–5061 etc.]

SHELL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates; Correction

NOVEMBER 12, 1969.

Shell Oil Co. and other Applicants listed herein, Docket No. G–5061 et al.; Vincent Kutch et al., Docket No. CI70–349.

In the notice of application for certificates, abandonment of service, and petitions to amend certificates, issued October 28, 1969, and published in the FEDERAL REGISTER November 6, 1969 (34 F.R. 17968), on page 17969, Docket No. C170–349: Change filing date to read "10–9–69" in lieu of "10–2–69."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13759; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. RP70–14]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 12, 1969.

Take notice that Texas Gas Transmission Corp. (Texas Gas) on November 7, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on December 16, 1969. The proposed rate changes would increase charges for jurisdictional sales by $5,031,437 annually, based on volumes for the 12-month period ended March 31, 1969, as adjusted. The proposed increase would be applicable to all of Texas Gas' sales rate schedules.

Texas Gas states that the reason for the proposed rate increase is occasioned solely by, and will compensate Texas Gas only for an increase in its cost of purchased gas, resulting from the filing of proposed increased rates by its supplier, United Gas Pipeline Co. on October 31, 1969, in Docket No. RP70–13. If United's proposed increased rates are suspended Texas Gas proposes that its rate changes become effective on the same day as United's, in lieu of December 16, 1969.

Copies of the filing were served on Texas Gas' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–13760; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. RP70–13]

UNITED GAS PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 12, 1969.

Take notice that on October 31, 1969, United Gas Pipe Line Co. (United) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective on December 16, 1969. The proposed rate change would increase charges for jurisdictional sales and services by about $33,100,000 based on sales and transportation deliveries for the 12-month period ending July 31, 1969, as adjusted. The proposed increased rates would apply in all areas served by United other than Northwest Mississippi.

United states the main reasons for the proposed rate increases are (1) increases in purchased gas costs, underground storage, and transmission expenses, (2) the proposed reversion from the use of liberalized depreciation to the straight line method of computing depreciation for tax purposes, and (3) the need for a rate of return of 9 percent.

Copies of the filing are being served on customers and interested State regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.18 or 1.10). All protests filed with the Commission will be

considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13761; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. CP70-125]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 18, 1969.

Take notice that on November 10, 1969, Great Lakes Gas Transmission Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-125 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional sales of natural gas in interstate commerce, the construction and operation of the facilities necessary therefor, and the establishment of an emergency interconnection, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and sell approximately 4,000,000 Mcf of natural gas to Panhandle Eastern Pipe Line Co. (Panhandle) for a limited period ending November 1, 1970, and to construct and operate a meter station near Birch Run, Mich., required to make such sale and to maintain such facilities as an emergency interconnection with Panhandle.

The total estimated cost of the proposed facilities is $42,915 to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13861; Filed, Nov. 18, 1969; 4:09 p.m.]

[Docket No. CP70-124]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 18, 1969.

Take notice that on November 10, 1969, Great Lakes Gas Transmission Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-124 an application pursuant to section 3 of the Natural Gas Act for authorization to import until November 1, 1970, an additional 3,285,000 Mcf of natural gas from Trans-Canada Pipe Lines Ltd. (Trans-Canada) at the international boundary near Emerson, Manitoba, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import the additional volumes of natural gas for resale to Panhandle Eastern Pipe Line Co. (Panhandle) pursuant to a precedent agreement for the sale of such gas to Panhandle during the limited period involved to meet Panhandle's winter requirements. Applicant states that no new facilities are required to receive the additional gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13862; Filed, Nov. 18, 1969; 4:09 p.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

NOVEMBER 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Commercial Finance Corporation of New Jersey (a New Jersey corporation) and all other securities of Commercial Finance Corporation of New Jersey being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 17, 1969, through November 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13777; Filed, Nov. 19, 1969; 8:47 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

NOVEMBER 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liberty Equities Corp. (a District of Columbia corporation) and all other securities of Liberty Equities Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 15, 1969, through November 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13778; Filed, Nov. 19, 1969; 8:47 a.m.]

LIQUID OPTICS CORP.

Order Suspending Trading

NOVEMBER 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp. (a New York corporation) and all other securities of Liquid Optics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 17, 1969, through November 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13779; Filed, Nov. 19, 1969; 8:47 a.m.]

[70-4800]

MAINE YANKEE ATOMIC POWER CO. ET AL.

Notice of Proposed Issue and Sale of Subordinated Notes by Subsidiary Company and Acquisition by Sponsor Companies

NOVEMBER 14, 1969.

In the matter of Maine Yankee Atomic Power Co., New England Power Co., The Connecticut Light & Power Co., The Hartford Electric Light Co., Montaup Electric Co., Western Massachusetts Electric Co., and Maine Public Service Co.

Notice is hereby given that Maine Yankee Atomic Power Co. ("Maine Yankee"), 9 Green Street, Augusta, Maine 04330, an electric utility company and a subsidiary company of both Northeast Utilities ("Northeast") and New England Electric System ("NEES"), registered holding companies; New England Power Co. ("NEPCO"), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. ("WMECO"), The Connecticut Light & Power Co. ("CL&P"), and The Hartford Electric Light Co. ("Hartford"), three public utility subsidiary companies of Northeast; Montaup Electric Co. ("Montaup"), an electric-utility subsidiary company of Eastern Utility Associates, a registered holding company; and Maine Public Service Co. ("MPS"), an exempt holding company (referred to collectively as "applicant-sponsors"), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a), and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Maine Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 800 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $20 million, is currently estimated at $181 million. The sponsors are committed by capital fund agreements and power contracts to provide Maine Yankee, in accordance with their stock percentages, the capital required by Maine Yankee, and to purchase a like percentage of the capacity and power output of the Maine Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment. After the decision of the Court of Appeals for the District of Columbia Circuit on March 26, 1969, setting aside the Commission order authorizing the initial stock issuance, sale and acquisition of Maine Yankee common stock (Holding Company Act Release No. 16006), the sponsors affirmed their commitment to finance Maine Yankee and acknowledged their willingness to effect whatever change might be required by any regulatory agency or court having jurisdiction. On June 3, 1969, certain of the sponsor companies filed a proposal, to which all the sponsor companies, including those not subject to the Act, and signatories, to afford the other public utility companies in the New England area, including cooperatives and municipally owned systems, an opportunity to participate in the power output of Maine Yankee. On September 5, 1969, the Commission issued a supplemental order for hearing and consolidation of proceedings on such proposal, and the hearing therein is now in progress (Holding Company Act Release No. 16470).

Maine Yankee proposes to issue and sell to its sponsor companies, including the applicant-sponsors, an aggregate of $120 million of its subordinated notes for the purpose of obtaining funds from time to time as may be required to meet the construction expenses of Maine Yankee, including payment of borrowings from banks or sponsors, the proceeds of which had been applied to such expenses. The applicant-sponsors seek to acquire 44 percent of the $120 million of subordinated notes in the following percentages: NEPCO, 20 percent; CL&P, 8 percent; MPS, 5 percent; Hartford, 4 percent; Montaup, 4 percent; and WMECO, 3 percent. The remaining amounts will be issued to the other sponsor companies and the acquisitions thereof are not subject to the approval of this Commission. Maine Yankee has arranged to obtain short-term interim financing from The First National Bank of Boston from time to time prior to December 31, 1972, of up to an aggregate at any one time outstanding of $30 million (see Holding Company Act Release No. 16057, May 6, 1968). The filing states that the notes will mature within 1 year from the date of issue and would bear interest at an annual rate which is 1½ percent in excess of the lowest prime rate for commercial loans in effect at any bank in Boston on the date of issue thereof. The notes will be subordinated and junior in right of payment to all indebtedness of Maine Yankee for money borrowed from banks or other financial institutions. It is stated that the net proceeds of any bond financing or other debt securities issued by Maine Yankee which, by their terms, mature more than 12 months from the date of issue, will be applied as soon as practicable after the receipt thereof, first to the payment of any bank debt outstanding and thereafter to the payment pro rata of any of the subordinated notes then outstanding.

The filing states that the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the notes by the Massachusetts sponsors and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 9, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13780; Filed, Nov. 19, 1969; 8:48 a.m.]

PACIFIC FIDELITY CORP.

Order Suspending Trading

NOVEMBER 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pacific Fidelity Corp. (a Nevada corporation) and all other securities of Pacific Fidelity Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities

exchange be summarily suspended, this order to be effective for the period November 16, 1969, through November 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13781; Filed, Nov. 19, 1969; 8:48 a.m.]

[70-4781]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Filing and Order for Hearing on Application for Exception From Competitive Bidding for Issuance and Sale of First Mortgage Bonds

NOVEMBER 13, 1969.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. ("Vermont Yankee"), 77 Grove Street, Rutland, Vt. 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Vermont Yankee is constructing a nuclear electric generating plant with a net expected capacity of approximately 540 megawatts. Upon commencement of commercial operation, scheduled for 1971, all of the net energy output of the plant will be purchased by Vermont Yankee's 10 sponsor companies and such other companies as may in the future participate in a proportionate allocation of the output of the plant. The total capital cost of the plant is now estimated at $120 million. Vermont Yankee has already issued and sold $40 million of common stock to its 10 sponsor companies and has authorization to borrow up to $20 million from banks. An additional $20 million will be needed by the end of this year.

The present application requests, pursuant to subparagraph (a)(5) of Rule 50, exception from the competitive bidding requirements of Rule 50 for the issue and sale by Vermont Yankee from time to time but not later than March 31, 1970, of up to $40 million of first mortgage bonds, the proceeds of which are to be used to finance construction and to repay short-term notes issued therefor. In support of its request, Vermont Yankee cites the protracted litigation involving its common stock and interim debt financing as heretofore authorized by the Commission, the pending proceeding before the Commission, and the administrative and judicial proceedings with respect to the provisional construction permit issued to Vermont Yankee by the Atomic Energy Commission ("AEC") under the Atomic Energy Act of 1954, and certain matters relating thereto. See Vermont Yankee Nuclear Power Corporation, Holding Company Act Release No. 15958 (Feb. 6, 1968); Municipal Electric Association of Massachusetts, et al. v. SEC, No. 21707, United States Court of Appeals for the District of Columbia Circuit (Mar. 26, 1969); Vermont Yankee Nuclear Power Corporation, Holding Company Act Release No. 16053 (May 1, 1968); and Municipal Electric Association of Massachusetts v. SEC, No. 22078, United States Court of Appeals for the District of Columbia Circuit.

Vermont Yankee was granted a provisional construction permit by the AEC on December 11, 1967, following the initial decision of the Atomic Safety and Licensing Board ("Board"). A petition for review of the AEC's order has been filed in the Court of Appeals for the District of Columbia Circuit. Argument was held June 26, 1969, and no decision has yet been rendered.

On June 3, 1969 the applicant companies filed a proposal, to which all the sponsor companies, including those not subject to the Act, are signatories, to afford the other public utility companies in the New England area, including cooperatives and municipal-owned systems, an opportunity to participate in the power output of Vermont Yankee. On September 5, 1969 the Commission issued a supplemental order for hearing and consolidation of proceedings on such proposal, and hearings therein are now in progress (Holding Company Act Release No. 16470).

It is contemplated that 35 percent of the construction requirements of Vermont Yankee will be supplied by the sponsors and the balance will be obtained by the issue and sale by Vermont Yankee of long-term debt securities. Under the power contracts each sponsor is obligated to purchase its proportional share of the power output of Vermont Yankee at a price reflecting costs of service plus a reasonable return on the common stock investment. Since the power contracts are Vermont Yankee's sole source of revenue, Vermont Yankee's ability to service its indebtedness is dependent upon such contracts. In view of the pending litigation, Vermont Yankee represents that it cannot expect to obtain reasonable terms of sale of its bonds through competitive bidding, and, in fact, it is unlikely that it will receive any bids.

It is stated that the fees and expenses in connection with the application are $750 for legal services. It is also stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the requested exception from competitive bidding.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed exception; all interested persons be afforded an opportunity to be heard; and that the application should not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on December 9, 1969 at 10 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereinafter to be designated shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matter and question is presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

Whether the requested exception meets the standards of subparagraph (a)(5) of Rule 50;

It is further ordered, That particular attention be directed at said hearing to the foregoing matter and question.

It is further ordered, That any person, other than applicant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before December 4, 1969, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Vermont Yankee; The Municipal Electric Association of Massachusetts; the Municipal Departments of Chicopee, Shrewsbury, and Wakefield, Mass.; the Massachusetts Department of Public Utilities; the Maine Public Utilities Commission; the Vermont Public Service Board, the New Hampshire Public Utilities Commission; the Connecticut Public Utilities Commission; the Rhode Island Department of Business Regulation, Division of Public Utilities; the Atomic Energy Commission and the Federal Power Commission, and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13782; Filed, Nov. 19, 1969; 8:48 a.m.]

[70-4807]

VERMONT YANKEE NUCLEAR POWER CORP. ET AL.

Notice of Proposed Issue and Sale of Subordinated Notes by Subsidiary Company and Acquisition by Sponsor Companies

NOVEMBER 14, 1969.

In the matter of Vermont Yankee Nuclear Power Corp., New England Power Co., the Connecticut Light & Power Co., the Hartford Electric Light Co., Montaup Electric Co., and Western Massachusetts Electric Co.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. ("Vermont Yankee"), 77 Grove Street, Rutland, Vt. 05701, an electric utility company and a subsidiary company of both Northeast Utilities ("Northeast") and New England Electric System ("NEES"), registered holding companies; New England Power Co. ("NEPCO"), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. ("WMECO"), The Connecticut Light & Power Co. ("CL&P"), and The Hartford Electric Light Co. ("Hartford"), three public utility subsidiary companies of Northeast; and Montaup Electric Co. ("Montaup"), an electric-utility subsidiary company of Eastern Utilities Associates, a registered holding company (referred to collectively as "applicant-sponsors"), have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $20 million, is currently estimated at $124,200,000. The sponsors are committed by capital fund agreements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment. After the decision of the Court of Appeals for the District of Columbia Circuit on March 26, 1969, setting aside the Commission order authorizing the initial stock issuance, sale and acquisition of Vermont Yankee common stock (Holding Company Act Release No. 15958), the sponsors affirmed their commitment to finance Vermont Yankee and acknowledged their willingness to effect whatever change might be required by any regulatory agency or court having jurisdiction. On June 3, 1969, certain of the sponsor companies filed a proposal, to which all the sponsor companies, including those not subject to the Act, and signatories, to afford the other public utility companies in the New England area, including cooperatives and municipally owned systems, an opportunity to participate in the power output of Vermont Yankee. On September 5, 1969, the Commission issued a supplemental order for hearing and consolidation of proceedings on such proposal, and the hearing therein is now in progress (Holding Company Act Release No. 16470).

Vermont Yankee proposes to issue and sell to its sponsor companies, including the applicant-sponsors, an aggregate of $84 million of its subordinated notes for the purpose of obtaining funds from time to time as may be required to meet the construction expenses of Vermont Yankee, including payment of borrowings from banks or sponsors, the proceeds of which had been applied to such expenses. Vermont Yankee has arranged to obtain short-term interim financing from banks pursuant to revolving-credit agreements, pending the issue and sale of long-term debt by Vermont Yankee. These revolving-credit agreements provide for short-term loans from banks until March 31, 1970, to Vermont Yankee up to an aggregate at any one time outstanding of $20 million (see Holding Company Act Release No. 16413, June 27, 1969). By order dated June 27, 1969, Vermont Yankee received authorization from the Commission (Holding Company Act Release No. 16414) to issue and sell to its sponsor companies, including applicant-sponsors, up to $20 million of subordinated notes only for the purpose of obtaining funds with which to pay their obligations to banks as they come due under the revolving-credit agreement mentioned above. The present application seeks to increase the total amount of subordinated notes outstanding to $84 million and the applicant-sponsors seek to acquire 34.5 percent of the $84 million of subordinated notes in the following percentages: NEPCO, 20 percent; CL&P, 6 percent; Hartford, 3.5 percent; Montaup, 2.5 percent; and WMECO, 2.5 percent. The remaining amounts will be issued to the other sponsor companies and the acquisitions thereof are not subject to the approval of this Commission. The application states that the notes will mature within 1 year from the date of issue and would bear interest at an annual rate which is 1½ percent in excess of the lowest prime rate for commercial loans in effect at any bank in New York City and the date of issue thereof. The notes will be subordinated and junior in right of payment to all indebtedness of Vermont Yankee for money borrowed from banks or other financial institutions.

The application states that the Vermont Public Service Board has jurisdiction over the issue and sale of the notes and the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the notes by the Massachusetts sponsors. No other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 5, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above stated-address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13783; Filed, Nov. 19, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20

U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

W. T. Grant Co., variety-department stores from 9–3–69 to 9–2–70 except as otherwise indicated: No. 70, Atlanta, Ga.; No. 718, Indianapolis, Ind.; No. 853, Middlesex, N.J. (9–1–69 to 8–31–70); No. 724, Parsippany, N.J. (9–1–69 to 8–31–70); No. 173, Paterson, N.J.; No. 393, Roselle, N.J. (9–1–69 to 8–31–70); No. 675, Asheville, N.C.; No. 313, Newark, Ohio; No. 770, Altoona, Pa.; No. 751, Broomall, Pa. (8–21–69 to 8–20–70); No. 905, Norristown, Pa. (9–1–69 to 8–31–70); No. 399, Philadelphia, Pa.; No. 466, Pittsburgh, Pa.; Nos. 28 and 747, Reading, Pa.; No. 154, Sunbury, Pa.; No. 589, Newport, Vt.; No. 241, St. Johnsbury, Vt.; No. 581, Fredericksburg, Va. (9–1–69 to 8–31–70); No. 356, Clarksburg, W. Va. (9–1–69 to 8–31–70).

S. S. Kresge Co., variety-department stores from 9–3–69 to 9–2–70 except as otherwise indicated: No. 66, Bridgeport, Conn.; No. 291, New London, Conn.; No. 358, Wilmington, Del.; No. 728, Bradenton, Fla.; No. 742, St. Petersburg, Fla.; No. 34, Bloomington, Ill.; No. 164, Canton, Ill.; No. 174, Champaign Ill.; Nos. 416, 445, and 4624, Chicago, Ill.; No. 50, Deerfield, Ill.; No. 4612, Freeport, Ill.; No. 207, Harrisburg, Ill.; No. 218, La Grange, Ill.; No. 25, Markham, Ill.; No. 630, Park Forest, Ill.; No. 321, Quincy, Ill.; No. 4592, Streator, Ill.; No. 483, Bedford, Ind.; No. 237, Elkhart, Ind.; No. 568, Fort Wayne, Ind.; No. 7, Indianapolis, Ind.; No. 84, Richmond, Ind.; No. 4628, Burlington, Iowa; No. 4606, Cedar Rapids, Iowa; No. 270, Davenport, Iowa; Nos. 71 and 542, Des Moines, Iowa; No. 100, Dubuque, Iowa; No. 145, Fort Dodge, Iowa; No. 559, Iowa City, Iowa; No. 210, Marshalltown, Iowa; No. 692, Mason City, Iowa; No. 163, Sioux City, Iowa; No. 152, Waterloo, Iowa; No. 127, Leavenworth, Kans.; No. 697, Wichita, Kans.; No. 56, Louisville, Ky.; Nos. 385, 457, and 624, Louisville, Ky. (9–1–69 to 8–31–70); No. 112, Paducah, Ky. (9–1–69 to 8–31–70); Nos. 20, 285, 348, and 616, Baltimore, Md.; No. 209, Dundalk, Md.; No. 341, Forestville, Md.; No. 698, Glen Burnie, Md.; No. 695, Hagerstown, Md.; No. 165, Boston, Mass.; No. 63, Brockton, Mass.; No. 653, Cambridge, Mass.; No. 4581, Fitchburg, Mass.; No. 294, Lynn, Mass.; No. 485, Adrian, Mich.; No. 605, Allen Park, Mich.; Nos. 74 and 160, Ann Arbor, Mich.; No. 21, Battle Creek, Mich.; No. 296, Berkeley, Mich.; No. 227, Birmingham, Mich.; Nos. 16, 350, and 580, Dearborn, Mich.; Nos. 1, 208, 289, 290, 340, 369, 395, 456, 521, 527, 533, 620, 652, and 4538, Detroit, Mich.; No. 507, Escanaba, Mich.; No. 185, Ferndale, Mich.; No. 642, Flint, Mich.; No. 59, Grand Rapids, Mich.; No. 276, Hazel Park, Mich.; Nos. 211 and 365, Highland Park, Mich.; No. 103, Jackson, Mich.; No. 4631, Lansing, Mich.; Nos. 245 and 685, Lincoln Park, Mich.; No. 27, Livonia, Mich.; No. 529, Monroe, Mich.; No. 626, Muskegon, Mich.; No. 623, Plymouth, Mich.; Nos. 13 and 684, Pontiac, Mich.; No. 577, River Rouge, Mich.; No. 677, Rochester, Mich.; No. 415, Roseville, Mich.; No. 530, Royal Oak, Mich.; No. 428, Saginaw, Mich.; No. 123, Southfield, Mich.; No. 687, Southgate, Mich.; No. 566, Wayne, Mich.; No. 683, St. Paul, Minn.; No. 52, Winona, Minn.; No. 89, Hannibal, Mo.; No. 82, Kansas City, Mo.; No. 58, St. Joseph, Mo.; Nos. 24, 461, 601, and 4845, St. Louis, Mo.; No. 4616, Springfield, Mo.; No. 11, Webster Groves, Mo.; No. 608, Morristown, N.J.; No. 75, Plainfield, N.J.; Nos. 28, 118, 298, and 459, Cleveland, Ohio; No. 328, Columbus, Ohio; Nos. 628 and 631, Dayton, Ohio; No. 171, Lancaster, Ohio; No. 48, Stow, Ohio; No. 284, Altoona, Pa.; No. 639, Baden, Pa.; No. 302, Bridgeville, Pa.; No. 309, Camp Hill, Pa.; No. 76, Erie, Pa.; No. 143, Hazleton, Pa.; No. 64, Lancaster, Pa.; No. 476, Levittown, Pa.; Nos. 191, 269, 327, 379, 438, 528, 545, and 4513, Philadelphia, Pa.; Nos. 53 and 675, Pittsburgh, Pa.; No. 92, Scranton, Pa.; No. 492, Springfield, Pa.; No. 475, Uniontown, Pa.; No. 509, Upper Darby, Pa.; No. 68, Wilkes-Barre, Pa.; No. 67, Williamsport, Pa.; No. 671, Rapid City, S. Dak.; No. 738, Chattanooga, Tenn. (9–1–69 to 8–31–70); No. 342, Danville, Va. (9–1–69 to 8–31–70); No. 660, Norfolk, Va. (9–1–69 to 8–31–70); No. 4548, Petersburg, Va. (9–1–69 to 8–31–70); No. 425, Bluefield, W. Va. (9–1–69 to 8–31–70); No. 391, Charleston, W. Va. (9–1–69 to 8–31–70); No. 4542, Beloit, Wis.; No. 607, Eau Claire, Wis.; No. 86, Racine, Wis.; No. 78, Superior, Wis.

S. H. Kress and Co., variety-department stores from 9–3–69 to 9–2–70 except as otherwise indicated: 97 East Congress Street, Tucson, Ariz.; 546 Main Street, Grand Junction, Colo.; 6108 14th Street West, Bradenton, Fla.; 64 East Flagler Street, Miami, Fla.; 811 Franklin Street, Tampa, Fla.; 832 Broad Street, Augusta, Ga.; 15 South Main Street, Fort Scott, Kans.; 111 North Main Street, Hutchinson, Kans.; 7 South Jefferson, Iola, Kans.; 617 North Broadway, Pittsburg, Kans.; 2214 Fifth Avenue, Meridian, Miss. (9–3–69 to 8–2–70); 580 Central Avenue, East Orange, N.J.; 300 South Main Street, Salisbury, N.C.; 109–113 North Second Street, Muskogee, Okla.; 423 Elk Avenue, Elizabethton, Tenn. (9–1–69 to 8–31–70); 220 Broad Street, Kingsport, Tenn. (9–1–69 to 8–31–70); 1031 East Elizabeth Street, Brownsville, Tex.; 124 East Jackson Street, Harlingen, Tex.; 101 North Flores Street, San Antonio, Tex.; 315 East Houston Street, San Antonio, Tex.; 105 West Center Street, Provo, Utah; 29 West Campbell Avenue, Roanoke, Va. (9–1–69 to 8–31–70); 160 Main Street, Warrenton, Va. (9–1–69 to 8–31–70).

McCrory-McLellan-Green Stores, variety-department stores from 9–3–69 to 9–2–70 except as otherwise indicated: No. 444, Bessemer, Ala. (9–3–69 to 8–2–70); Nos. 1106 and 1128, Birmingham, Ala. (9–3–69 to 8–2–70); No. 442, Gadsden, Ala. (9–3–69 to 8–2–70); No. 600, Huntsville, Ala. (9–3–69 to 8–2–70); No. 1109, Montgomery, Ala. (9–3–69 to 8–2–70); No. 580, Tucson, Ariz.; No. 509, Little Rock, Ark.; No. 1119, Bridgeport, Conn.; No. 287, Clearwater, Fla.; No. 1003, Coral Gables, Fla.; No. 112, Deland, Fla.; No. 270, Fort Lauderdale, Fla.; No. 130, Fort Myers, Fla.; No. 245, Homestead, Fla.; No. 95, Jacksonville, Fla.; No. 173, Kissimmee, Fla.; No. 157, Lake City, Fla.; No. 1313, Lake Wales, Fla.; No. 97, Lakeland, Fla.; No. 74, Miami, Fla.; No. 57, Ocala, Fla.; No. 61, Orlando, Fla.; No. 150, Plant City, Fla.; No. 324, St. Petersburg, Fla.; No. 111, Tallahassee, Fla.; No. 71, West Palm Beach, Fla.; No. 244, Winter Haven, Fla.; No. 1130, Albany, Ga.; Nos. 191 and 1211, Atlanta, Ga.; No. 1113, Augusta, Ga.; No. 1107, Columbus, Ga.; No. 423, Dublin, Ga. (9–1–69 to 8–31–70); No. 327, East Point, Ga.; No. 412, Gainesville, Ga.; No. 433, Griffin, Ga.; No. 435, Marietta, Ga.; No. 176, Savannah, Ga.; No. 424, Thomasville, Ga.; No. 303, Waycross, Ga.; No. 676, Pekin, Ill.; No. 44, Anderson, Ind.; No. 195, Indianapolis, Ind.; No. 569, Fort Dodge, Iowa; No. 1081, Keokuk, Iowa (9–9–69 to 9–8–70); No. 560, Mason City, Iowa; No. 470, Topeka, Kans.; No. 305, Lexington, Ky. (9–1–69 to 8–31–70); No. 1204, Lexington, Ky.; No. 1135, Louisville, Ky.; No. 135, Baton Rouge, La. (9–3–69 to 8–2–70); No. 298, Lafayette, La. (9–3–69 to 8–2–70); No. 1312, New Orleans, La. (9–3–69 to 8–2–70); No. 1125, Shreveport, La. (9–3–69 to 8–2–70); No. 620, Waterville, Maine; Nos. 234 and 314, Baltimore, Md.; No. 21, Cumberland, Md.; No. 68, Easton, Md.; No. 46, Frederick, Md.; No. 31, Hagerstown, Md.; No. 631, Boston, Mass.; No. 556, Alpena, Mich.; No. 668, Grand Haven, Mich.; No. 541, Petoskey, Mich.; No. 1056, St. Paul, Minn.; No. 616, Columbia, Miss. (8–27–69 to 8–2–70); No. 575, Columbus, Miss. (9–3–69 to 8–2–70); No. 646, Pascagoula, Miss. (8–27–69 to 8–26–70); No. 308, Clifton, N.J.; No. 1006, Plainfield, N.J. (8–28–69 to 8–27–70); No. 485, Hobbs, N. Mex.; No. 700, Albemarle, N.C.; No. 406, Concord, N.C.; No. 1123, Durham, N.C.; No. 306, Fort Bragg, N.C.; No. 479, Goldsboro, N.C.; No. 1140, Kinston, N.C.; No. 427, Lexington, N.C.; No. 699, New Bern, N.C.; No. 1141, Reidsville, N.C.; No. 402, Washington, N.C.; No. 1045, Wilmington, N.C.; No. 1127, Winston-Salem, N.C.; No. 1035, Columbus, Ohio; No. 26, East Liverpool, Ohio; No. 597, Lawton, Okla.; No. 1083, Oklahoma City, Okla.; No. 633, Pryor, Okla.; No. 8, Allentown, Pa.; No. 9, Altoona, Pa.; No. 155, Canonsburg, Pa.; No. 28, Chester, Pa.; No. 220, Connellsville, Pa.; No. 87, Du Bois, Pa.; No. 316, Edwardsville, Pa.; No. 39, Hanover, Pa.; No. 323, Hazleton, Pa.; No. 51, Indiana, Pa.; No. 80, Lancaster, Pa.; No. 42, Lebanon, Pa.; No. 273, Lewistown, Pa.; No. 326, North York, Pa.; Nos. 63 and 201, Philadelphia, Pa.; No. 104, Phillipsburg, Pa.; No. 334, Reading, Pa.; No. 85, Waynesboro, Pa.; No. 14, York, Pa.; No. 164, Aiken, S.C.; No. 1103, Charleston, S.C.; No. 1104, Columbia, S.C.; No. 1108, Greenville, S.C.; No. 1136, Spartanburg, S.C.; No. 415, Sumter, S.C.; No. 139, Bristol, Tenn.; No. 429, Chattanooga, Tenn.; No. 497, Columbia, Tenn.; No. 430, Jackson, Tenn. (9–1–69 to 8–31–70); No. 297, Kingsport, Tenn.; No. 307, Memphis, Tenn.; Nos. 337 and 417, Murfreesboro, Tenn.; No. 507, Nashville, Tenn.; No. 292, Oak Ridge, Tenn. (9–1–69 to 8–31–70); No. 320, Whitehaven, Tenn.; No. 241, Galveston, Tex.; No. 533, McAllen, Tex.; No. 1132, San Antonio, Tex.; No. 1117, Alexandria, Va. (9–1–69 to 8–31–70); No. 309, Arlington, Va.; No. 296, Front Royal, Va.; No. 142, Harrisonburg, Va.; No. 505, Roanoke, Va. (9–1–69 to 8–31–70); No. 47, Winchester, Va. (9–1–69 to 8–31–70); No. 13, Charleston, W. Va.; No. 1133, Charleston, W. Va. (9–1–69 to 8–31–70); No. 32, Fairmont, W. Va. (9–1–69 to 8–31–70); No. 40, Grafton, W. Va. (9–1–69 to 8–31–70); Nos. 15 and 1131, Huntington, W. Va.; No. 83, Martinsburg, W. Va.; No. 33, Morgantown, W. Va.; No. 451, La Crosse, Wis.; No. 578, Marinette, Wis.; No. 579, Monroe, Wis.; No. 694, Oconomowoc, Wis.

G. C. Murphy Co., variety-department stores from 9–3–69 to 9–2–70: No. 250, Rome, Ga.; No. 102, Tifton, Ga.; No. 17, Ashland, Ky.; No. 239, Louisville, Ky.; No. 111, Maysville, Ky.; No. 149, Annapolis, Md.; Nos. 138, 148, 151, 152, 153, 200, and 224, Baltimore, Md.; No. 179, Cumberland, Md.; No. 242, Hillcrest Heights, Md.; No. 273, Hyattsville, Md.; No. 236, Oxon Hill, Md.; Nos. 248 and 266, Rockville, Md.; No. 199, Silver Spring, Md.; No. 95, Westminster, Md.; No. 117, Aliquippa, Pa.; No. 27, Ambridge, Pa.; No. 78, Bangor, Pa.; No. 188, Barnesboro, Pa.; No. 68, Beaver, Pa.; No. 32, Beaver Falls, Pa.; No. 130, Bedford, Pa.; No. 144, Bellefonte, Pa.; No. 115, Bellevue, Pa.; No. 178, Brookville, Pa.; No. 30, Brownsville, Pa.; No. 160, Burgettstown, Pa.; No. 92, Butler, Pa.; No. 55, California, Pa.; No. 54, Carnegie, Pa.; No. 11, Charleroi, Pa.; No. 88, Clairton, Pa.; No. 66, Clarion, Pa.; No. 158, Clearfield, Pa; No. 201, Connellsville, Pa.; No. 169, Corry, Pa.; No. 46, Elizabeth, Pa.; Nos. 175 and 225, Erie, Pa.; No. 124, Everett, Pa.; No. 58, Farrell, Pa.; No. 44, Ford City, Pa.; No. 184, Franklin, Pa.; No. 129, Gettysburg, Pa.; No. 3 Greensburg, Pa.; No. 43, Greenville, Pa.; No. 13, Grove City, Pa.; No. 28, Hanover, Pa.; No. 165, Harrisburg, Pa.; No. 228, Havertown, Pa.; No. 211, Hollidaysburg, Pa.; No. 143, Huntingdon, Pa.; No. 126, Indiana, Pa.; No. 23, Irwin, Pa.; No. 45, Jeannette, Pa.; No. 9, Kittanning, Pa.; No. 6, Latrobe, Pa.; No. 79, Lehighton, Pa.; No. 232, Lemoyne, Pa.; No. 59, Lewistown, Pa.; No. 116, Ligonier, Pa.; No. 202, McDonald, Pa.; No. 1, McKeesport, Pa.; No. 16, Meadville, Pa.; No. 70, Mechanicsburg, Pa.; No. 186, Meyersdale, Pa.; No. 84, Midland, Pa.; No. 31, Monessen, Pa.; No. 146, Mount Union, Pa.; No. 233, Natrona Heights, Pa.; No. 193, Nazareth, Pa.; No. 48, New Bethlehem, Pa.; No. 106, New Castle, Pa.; No. 4, New Kensington, Pa.; No. 157, North East, Pa.; Nos. 229 and 246, Philadelphia, Pa.; Nos. 12, 29, 57, 61, 83, 163, 170, 206, 221, 237, and 258, Pittsburgh, Pa.; No. 183, Punxsutawney, Pa.; No. 127, Red Lion, Pa.; No. 247, Ridgway, Pa.; No. 7, Rochester, Pa.; No. 85, St. Marys, Pa.; No. 128, Sharon, Pa; No. 118, Shippensburg, Pa.; No. 145, State College, Pa.; No. 64, Tarentum, Pa.; No. 73, Titusville, Pa.; No. 164, Uniontown, Pa.; No. 159, Vandergrift, Pa.; No. 60, Warren, Pa.; No. 155, Washington, Pa.; No. 177, Waynesburg, Pa.; No. 47, West Newton, Pa.; No. 39, Wilkinsburg, Pa.; No. 227, Willow Grove, Pa.; No. 205, York, Pa.; No. 180, Richwood, W. Va.; No. 209, East Rainelle, W. Va.; No. 172, Fairmont, W. Va.; No. 137, Hinton, W. Va.; No. 194, Logan, W. Va.; No. 185, Philippi, W. Va.; No. 19, Sistersville, W. Va.; No. 133, Welch, W. Va.; No. 14, Wellsburg, W. Va.

Neisner Brothers, Inc., variety-department stores from 9–3–69 to 9–2–70: No. 162, Cocoa, Fla.; No. 158, Fort Lauderdale, Fla.; No. 99, Gainesville, Fla.; No. 175, Key West, Fla.; No. 21, Miami, Fla.; No. 14, Ocala, Fla.; No. 40, Pompano Beach, Fla.; No. 174, Port Charlotte, Fla.; No. 167, Tallahassee, Fla.; Nos. 146 and 147, Tampa, Fla.; Nos. 32, 43, 63, and 82, Detroit, Mich.; No. 58, Escanaba, Mich.; No. 13, Hamtramck, Mich.; No. 101, Lincoln Park, Mich.; No. 17, Pontiac, Mich.; No. 107, Royal Oak, Mich.; No. 73, Wyandotte, Mich.; No. 59, St. Louis, Mo.; No. 70, Omaha, Nebr.; No. 127, East Paterson, N.J.; No. 149, Middletown, N.J.; No. 131, Brownsville, Tex.; No. 75, Corpus Christi, Tex.; No. 45, Laredo, Tex.; Nos. 120, 141, and 160, San Antonio, Tex.

J. J. Newberry Co., variety-department stores from 9–3–69 to 9–2–70 except as otherwise indicated: No. 270, Martinsville, Ind.; No. 254, Harlan, Ky. (9–1–69 to 8–31–70); No. 197, Somerset, Ky. (9–1–69 to 8–31–70); No. 417, Ellsworth, Maine; No. 264, Farmington, Maine; No. 34, Madawaska, Maine; No. 351, Norway, Maine; No. 154, Elkton, Md.; No. 31, Hagerstown, Md.; No. 67, Northampton, Mass.; No. 715, Norfolk, Nebr.; No. 732, Sidney, Nebr.; No. 253, Laconia, N.H.; No. 107, Freehold, N.J.; No. 187, Vineland, N.J.; No. 204, Berwick, Pa.; No. 9, Chambersburg, Pa.; No. 127, Lewisburg, Pa.; No. 106, Lock Haven, Pa.; No. 129, Milton, Pa.; No. 1, Stroudsburg, Pa.; No. 90, Sunbury, Pa.; No. 169, Fredericksburg, Va. (9–1–69 to 8–31–70); No. 467, Front Royal, Va. (9–1–69 to 8–31–70); No. 229, Salem, Va. (9–1–69 to 8–31–70); No. 435, Waynesboro, Va. (9–1–69 to 8–31–70); No. 261, Winchester, Va. (9–1–69 to 8–31–70).

T. G. & Y. Stores Co., variety-department stores from 9–3–69 to 9–2–70 except as otherwise indicated: No. 174, Fort Smith, Ark. (9–3–69 to 8–2–70); No. 155, Kansas City, Kans.; No. 143, Mission, Kans.; No. 158, Independence, Mo.; No. 163, Jefferson City, Mo.; No. 132, Kansas City, Mo.; No. 13, Anadarko, Okla.; No. 31, Bartlesville, Okla.; No. 6, Clinton, Okla.; No. 8, Elk City, Okla.; No. 30, Midwest City, Okla.; No. 57, Muskogee, Okla.; No. 35, Ponca City, Okla.; No. 53, Shawnee, Okla.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment of all employees.

W. T. Grant Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, cashier except as otherwise indicated, 9–3–69 to 9–2–70 except as otherwise indicated: No. 1113, Rockland, Maine, 6 to 10 percent (salesclerk, cashier); No. 1082, Baltimore, Md., 7 to 15 percent; No. 66, Pompton Plains, N.J., 8 to 33 percent (salesclerk, office clerk, stock clerk, 8–21–69 to 8–20–70); No. 974, West Caldwell, N.J., 6 to 10 percent (9–1–69 to 8–31–70); No. 1143, Folcroft, Pa., 22 percent; No. 1077, Newtown Square, Pa., 10 to 15 percent; No. 729, Kingsport, Tenn., 3 to 14 percent (9–1–69 to 8–31–70); No. 954, Fredericksburg, Va., 2 to 11 percent (salesclerk, 9–1–69 to 8–31–70); No. 123, Harrisonburg, Va., 2 to 13 percent; No. 209, Vienna, Va., 4 to 11 percent.

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service, food preparation except as otherwise indicated, 10 percent except as otherwise indicated, 9–3–69 to 9–2–70 except as otherwise indicated: No. 4121, Denver, Colo. (salesclerk, stock clerk, office clerk, checker-cashier, 28 to 57 percent, 9–1–69 to 8–31–70); No. 173, Milford, Conn. (salesclerk); No. 745, Carol City, Fla. (salesclerk, 7 to 21 percent); No. 791, Clearwater, Fla. (salesclerk, 2 to 10 percent); No. 4019, Champaign, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 4 to 15 percent); No. 503, Oak Brook, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 12 to 20 percent); No. 4562, Chicago, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 16 to 41 percent); No. 170, Cedar Rapids, Iowa (salesclerk, stock clerk, office clerk, checker-cashier, 3 to 10 percent); No. 4584, Clinton, Iowa (salesclerk, stock clerk, office clerk, checker-cashier, 0.7 to 14 percent, 8–31–69 to 8–30–70); No. 4156, Urbandale, Iowa (salesclerk, stock clerk, office clerk, checker-cashier, 10 to 24 percent, 8–21–69 to 8–20–70); No. 197, Salina, Kans. (salesclerk, stock clerk, office clerk, checker-cashier, 7 to 15 percent); No. 195, Bangor, Maine (salesclerk); No. 264, Lutherville-Timonium, Md. (salesclerk); No. 450, Braintree, Mass. (salesclerk); Nos. 131 and 468, Ann Arbor, Mich.; No. 4036, Benton Harbor, Mich.; No. 4516, Detroit, Mich.; No. 4083, Flint, Mich. (8 to 10 percent, 8–24–69 to 8–23–70); No. 571, Fraser, Mich.; No. 465, Grosse Pointe, Mich.; No. 679, Kalamazoo, Mich.; No. 353, Madison Heights, Mich. (8 to 10 percent); No. 516, Pontiac, Mich.; No. 667, Roseville, Mich.; No. 4074, Southfield, Mich.; Nos. 364 and 4002, Warren, Mich.; No. 678, Westland, Mich. (8–23–69 to 8–22–70); No. 477, Wyoming, Mich. (8–26–69 to 8–25–70); No. 323, Rochester, Minn. (salesclerk, stock clerk, checker-cashier, office clerk, 14 to 27 percent); No. 49, Kansas City, Mo. (salesclerk, stock clerk, office clerk, checker-cashier, 13 to 20 percent); No. 4220, Kansas City, Mo. (salesclerk, stock clerk, office clerk, checker-cashier, 5 to 10 percent, 8–26–69 to 8–25–70); No. 4022, Grand Forks, N. Dak. (salesclerk, stock clerk, checker-cashier, office clerk, 6 to 14 percent); No. 4544, Minot, N. Dak. (salesclerk, 13 to 22 percent); No. 186, Lancaster, Pa. (salesclerk); No. 189, Middletown, Pa. (salesclerk); No. 129, Philadelphia, Pa. (salesclerk, 3 to 10 percent); No. 723, Cleveland, Tenn. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 2 to 17 percent, 9–1–69 to 8–31–70); No. 4050, Johnson City, Tenn. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 2 to 17 percent, 9–1–69 to 8–31–70); No. 4195, Beaumont, Tex. (salesclerk, 7 to 27 percent, 8–22–69 to 8–21–70); No. 4017, Houston, Tex. (salesclerk, 7 to 27 percent); No. 196, Alexandria, Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 14 to 25 percent, 9–1–69 to 8–31–70); No. 4062, Danville, Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 9–1–69 to 8–31–70); No. 561, Winchester, Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service 11 to 34 percent, 9–1–69 to 8–31–70); No. 4521, Parkersburg, W. Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 4 to 24 percent, 9–1–69 to 8–31–70); No. 4503, Wheeling, W. Va.; No. 4089, La Crosse, Wis. (salesclerk, stock clerk, checker-cashier, office clerk, 3 to 10 percent).

S. H. Kress and Co., variety-department stores for the occupations of salesclerk, stock clerk, 9–3–69 to 9–2–70: Bridgeton Shopping Center, Bridgeton, N.J. (17 to 35 percent); 403 South West 25th Street, Oklahoma City, Okla. (0 to 15 percent).

Lerner Shops, apparel store; No. 195, Mobile, Ala.; salesclerk, cashier, credit clerk; 5 to 21 percent; 8–24–69 to 8–23–70.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated, 9–3–69 to 9–2–70 except as otherwise indicated: No. 7503, Decatur, Ala., 2 to 21 percent (9–3–69 to 8–2–70); No. 379, Phoenix, Ariz., 5 to 16 percent; No. 371, Fort Lauderdale, Fla., 13 to 26 percent (8–18–69 to 8–2–70); No. 342, Fort Myers, Fla., 6 to 15 percent; No. 347, Leesburg, Fla., 7 to 24 percent; No. 365, Melbourne, Fla., 10 to 30 percent; No. 344, Mount Dora, Fla., 7 to 24 percent; No. 98, St. Augustine, Fla., 7 to 24 percent (8–28–69 to 8–27–70); No. 339, Winter Garden, Fla., 4 to 15 percent (salesclerk); No. 360, East Alton, Ill., 11 to 19 percent; No. 1318, Louisville, Ky., 0 to 11 percent; No. 346, Lavale, Md., 1 to 5 percent (salesclerk, office clerk, stock clerk, janitorial); No. 447, Lapeer, Mich., 10 to 27 percent (salesclerk, stock clerk); No. 679, Sturgis, Mich., 10 to 27 percent; No. 706 Albuquerque, N. Mex., 0 to 40 percent (salesclerk, office clerk, stock clerk, janitorial); No. 167, Pottstown, Pa., 1 to 18 percent (salesclerk, stock clerk, janitorial, office clerk); No. 254, York, Pa., 22 to 27 percent (salesclerk, office clerk, stock clerk, janitorial, 8–22–69 to 8–21–70); No. 341, Moundsville, W. Va., 5 to 22 percent.

G. C. Murphy Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, janitorial, 9–3–69 to 9–2–70 except as otherwise indicated: Nos. 91 and

285, Baltimore, Md., 16 to 31 percent; No. 301, Glen Burnie, Md., 14 to 23 percent; No. 302, Carlisle, Pa., 17 to 25 percent; No. 280, McKeesport, Pa., 3 to 23 percent; No. 293, Pittsburgh, Pa., 9 to 25 percent; No. 8, Washington, Pa.; 3 to 23 percent (8–26–69 to 8–25–70); No. 94, York, Pa., 5 to 19 percent (8–22–69 to 8–21–70); No. 319, Richmond, Va., 9 to 17 percent (8–26–69 to 8–25–70).

Neisner Brothers Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated, 10 to 29 percent except as otherwise indicated, 9–3–69 to 9–2–70: No. 192, Avon Park, Fla; No. 188, Brandon, Fla. (salesclerk, stock clerk, 4 to 10 percent); No. 183, Dade City, Fla.; No. 197, De Land, Fla. (8 to 17 percent); No. 179, Lake City, Fla. (salesclerk, 8 to 17 percent); No. 196, Marathon, Fla. (salesclerk, stock clerk, 7 to 17 percent); No. 187, New Port Richey, Fla.; No. 184, Palmetto, Fla. (salesclerk); No. 189, Stuart, Fla.; No. 194, Tallahassee, Fla. (4 to 17 percent); No. 204, Burlington, Iowa (salesclerk, stock clerk, office clerk, maintenance, 4 to 23 percent); No. 168, Spencer, Iowa (salesclerk, stock clerk, maintenance, 4 to 20 percent); No. 142, Trenton, N.J. (salesclerk, stock clerk, 13 to 24 percent).

J. J. Newberry Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, marker, janitorial, window trimmer except as otherwise indicated, 9–3–69 to 9–2–70: Ellsworth Shopping Center, Ellsworth, Maine, 0 to 10 percent; No. 549, Bricktown, N.J., 9 to 17 percent; No. 428, Newton, N.J., 9 to 10 percent; No. 559, Mitchell, S. Dak., 6 to 16 percent (stock clerk, salesclerk).

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated: No. 248, Pine Bluff, Ark., 11 to 34 percent, 9–2–69 to 9–1–70 (salesclerk, stock clerk); No. 159, Columbia, Mo., 5 to 30 percent, 9–3–69 to 9–2–70; No. 151, Gladstone, Mo., 22 to 39 percent, 8–24–69 to 8–23–70; No. 454, Hannibal, Mo., 14 to 30 percent, 9–3–69 to 9–2–70; No. 280, Belen, N. Mex., 13 to 24 percent, 8–27–69 to 8–26–69; No. 288, Espanola, N. Mex., 13 to 24 percent, 8–28–69 to 8–27–70; No. 402, Dimmitt, Tex., 14 to 30 percent, 8–27–69 to 8–26–70; No. 65, Enid, Okla., 22 to 25 percent, 9–3–69 to 9–2–70; No. 809, Texas City, Tex., 30 percent, 8–28–69 to 8–27–70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 13th day of November 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69–13776; Filed, Nov. 19, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1350]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 14, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2900 (Sub-No. 181), filed October 24, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from Lancaster, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2900 (Sub-No. 182), filed October 24, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron or steel; fittings, valves, hydrants, and gaskets;* from Birmingham, Ala., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC–15197 (Sub–4), filed October 24, 1969. Applicant: JOHN BUYSMAN, JR., 102 West Eighth Street, Sheldon, Iowa. Applicant's representative: George O. Johnson, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixture*, for livestock and poultry feeding; *animal and poultry feed and concentrates, dry earth paint* (impregnated with disinfectants); *animal and poultry tonics and medicines, insecticides, livestock and poultry feeders and equipment; advertising matter and premiums*, from Quincy, Ill., to Alexandria, S. Dak., and *empty containers used in transporting above described commodities, and damaged, refused, or unclaimed shipments*, on return, under contract with Moorman Manufacturing Co., Quincy, Ill. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 30844 (Sub-No. 298), filed October 16, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Foodstuffs* other than frozen, from Rochester, N.Y., to points in Minnesota, Missouri, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 43038 (Sub-No. 443), filed October 20, 1969. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. 48174. Applicant's representatives: Harold H. Clokey, 248 Chester Avenue SE., Atlanta, Ga. 30316, and T. Randolph Buck, 3800 Frederica Street, Owensboro, Ky. 42301 and Paul H. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, and parts and accessories* moving in connection with shipments thereof, in secondary movements, in truckway service, between points in Utah, on the one hand, and, on the other, points in Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Salt Lake City, Utah.

No. MC 56679 (Sub-No. 33) (Correction), filed October 17, 1969, published in the FEDERAL REGISTER issue of November 6, 1969, corrected and republished as corrected this issue. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes, and potato products*, from plantsite and/or warehouse facilities of Ore-Ida Foods, Inc., in Montcalm County, Mich., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect Montcalm County in lieu of Montcalm City as previously published. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 73165 (Sub-No. 274), filed October 27, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe; fittings, valves, hydrants, and gaskets*, from Birmingham, Ala., to points in North Carolina and South Carolina. NOTE: Applicant states tacking the proposed authority at Birmingham, Ala., with its MC 73165 and various subnumbers to serve points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 73165 (Sub-No. 275), filed October 28, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearse, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Illinois, Kentucky, Louisiana, Mississippi, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 75302 (Sub-No. 9), filed October 6, 1969. Applicant: DOUDELL TRUCKING COMPANY, a corporation, 545 Queen's Row, San Jose, Calif. 95106. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives, and general commodities* moving on Government bills of lading, between the Sierra Army Depot at Herlong, Calif., and Sacramento, Calif.: From Sacramento, Calif., over Interstate Highway 80 to Reno, Nev., thence over U.S. Highway 395 to junction with California County Road A–26, thence over California County Road A–26 to Sierra Army Depot at Herlong, Calif., and return over the same route, serving no intermediate points. NOTE: Applicant states that this is a regular-route application and tacking will be performed at Sacramento, Calif., with applicant's regular route authority as set forth in its certificate or registration in Docket No. MC–75302 (Sub-No. 6), conversion of which is being sought by separate application. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 76436 (Sub-No. 38) (Correction), filed October 8, 1969, published in the FEDERAL REGISTER issue of November 6, 1969, corrected and republished as corrected this issue. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. 40216. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Cadiz, Ky. and Memphis, Tenn.: From Cadiz, Ky., over U.S. Highway 68 to Hardin, Ky., thence over U.S. Highway 641 to Paris, Tenn., thence over U.S. Highway 79 to Milan, Tenn., thence over U.S. Highway 45E to its junction with U.S. Highway 45, thence over U.S. Highway 45 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to its junction with Interstate Highway 240, thence over Interstate Highway 240 to Memphis, Tenn., and return over the same route, serving no intermediate points. Restriction: Service at Memphis, Tenn., and its commercial zone is restricted against the handling of traffic originating at, destined to, or interchanged at Nashville, Tenn., and its commercial zone; Louisville, Ky., and its commercial zone, and Evansville, Ind., and its commercial zone. NOTE: The purpose of this republication is to include in the restriction Louisville, Ky., and its commercial zone, which was inadvertently omitted from the previous publication. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 97068 (Sub-No. 10), filed October 29, 1969. Applicant: H. S. ANDERSON TRUCKING COMPANY, a corporation, Post Office Box 3656, Port Arthur, Tex. 77640. Applicant's representative: James M. Doherty, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103552 (Sub-No. 9), filed October 24, 1969. Applicant: THE FARER TRANSPORTATION COMPANY, a corporation, 15 West Dover Street, Waterbury, Conn. 06720. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, books, periodicals, advertising matter, song sheets, sheet music, comics, comic sheets, and shopping news*, between Waterbury and Hartford, Conn., on the one hand, and, on the other, New London, Conn. NOTE: Applicant states it will tack at Waterbury and Hartford, Conn., with presently held authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107002 (Sub-No. 383), filed October 23, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same as above) and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses*, in bulk, in tank vehicles, from Mobile, Ala., to points in Florida, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Mobile, Ala.

No. MC 108449 (Sub-No. 302), filed September 26, 1969. Applicant: INDIANAHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Mylenbeck (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, between points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109064 (Sub-No. 20) (Amendment), filed September 11, 1969, published in the FEDERAL REGISTER issue of October 9, 1969, amended and republished as amended, this issue. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., Post Office Box 8367–3301, Southeast Loop 820, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, between points in Cooke County, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. The purpose of this republication is to add Arkansas as a State sought to be served. Also, to change applicant's representative to Clayte Binion, listed above, in lieu of Reagan Sayers. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 109478 (Sub-No. 114), filed September 18, 1969. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice products, including wine and vinegar*, (1) from Brocton, N.Y., and points in Monroe and Genesee Counties, N.Y. to Fall River, Boston, New Bedford, and Taunton, Mass., Providence, R.I., and Swedesboro, N.J., (2) from Boston and Waban, Mass., and Philadelphia, Pa., to Brocton, N.Y., and points in Monroe and Genesee counties, N.Y., (3) between Brocton, N.Y., and points in Monroe and Genesee Counties, N.Y., on the one hand, and, on the other, Jersey City, N.J., and points in New Jersey within 25 miles thereof; (4) between Leroy, N.Y., and points within 50 miles thereof, on the one hand, and, on the other, points in New York; (5) from Westfield, N.Y., to Front Royal, Va.; (6) from North East, Pa., and points in that part of Chautauqua County, N.Y., within 5 miles of the shore of Lake Erie, to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia; (7) from North East, Pa., and Westfield, Brocton, and Silver Creek, N.Y., to points in Indiana and Illinois; (8) from points in Erie County, Pa., to points in New York and Ohio; (9) from points in Chautauqua and Erie Counties, N.Y., to points in Pennsylvania and Ohio; (10) between Erie and North East, Pa., and Brocton, Silver Creek, and Westfield, N.Y., on the one hand, and, on the other, points in the Lower Peninsula of Michigan; and, (11) from Geneva, Ohio, to points in New York (except Auburn, Binghamton, Cortland, Elmira, Geneva, Ithaca, Endicott, Johnson City, Oneonta, Oswego, Rochester, Rome, Schenectady, Syracuse, Utica, and points on and south of a line from Glens Falls, N.Y., to the Vermont-New York State line near Glens Falls and on and east of a line from Glens Falls along U.S. Highway 9 to Albany, N.Y., and thence along U.S. Highway 9W to New York, N.Y., and points in the New York, N.Y., commercial zone), points in Pennsylvania (except points in the Philadelphia, Pa., commercial zone), points in New Jersey (except points in the Philadelphia, Pa., commercial zone), and points in Maryland, Illinois, and the Lower Peninsula of Michigan. NOTE: Common control may be involved. Applicant states it seeks to tack wherever it is permitted under presently authorized authority now held but does not identify the points or territories which can be served through tacking. Persons interested in tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that since it believes that some of the authority sought duplicates existing authority, this involves an interpretation of existing authority, however no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Buffalo, N.Y.

No. MC 109692 (Sub-No. 24), filed September 5, 1969. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a corporation, 51 Central Avenue, Kansas City, Kans. 66118. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of Armco Steel Corp., in Kansas City, Mo., to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 109994 (Sub-No. 31) filed October 13, 1969. Applicant: SIZER TRUCKING, INC., Box 97, East Highway 94, Rochester, Minn. 55901. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packing houses*, as described in sections A and C of appendix I to report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk), from Edgar, Wis., to points in Connecticut, Maryland, Massachusetts, New York, Pennsylvania, Virginia, District of Columbia, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 601), filed October 9, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils, and blends and products thereof*, in bulk, between points in Will County, Ill., on the one hand and, on the other, points in the United States east of the Mississippi River, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Kansas, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 603), filed October 27, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Chocolate, flavoring and coating compounds, and cocoa products*, in bulk, from St. Louis, Mo., to Dallas, Tex., Indianapolis, Ind., and Kansas City, Kans.-Mo., commercial zone; and Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110410 (Sub-No. 10) (Correction), filed October 6, 1969, published in FEDERAL REGISTER issue of October 30, 1969, and republished as corrected this issue. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street NW., Atlanta, Ga. 30303. Applicant's representative: William Addams, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, (1) between Atlanta, Ga., on the one hand, and, on the other, Ailey, Augusta, Savannah, and Waycross, Ga., and Jacksonville, Fla. (2) between Jacksonville, Fla., on the one hand, and, on the other, Waycross, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of his republication is to show part 2 above, erroneously omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 110525 (Sub-No. 934) (amendment), filed September 29, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, amended and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Alabama, Arkansas (except Fort Smith), Iowa, Illinois, Minnesota, Missouri, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to reflect an expansion in the origin from "Delaware, Ohio", to "Delaware County, Ohio". If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 938), filed October 27, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leopard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. and Robert K. Maslin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen textroxide*, in bulk, in specially designed tank trucks, moving under special permit between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111397 (Sub-No. 88), filed October 13, 1969. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: Herbert S. Melton, Jr., Box 1284, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and rubber products* between the plantsite of General Tire and Rubber Co., at or near Mayfield, Ky., on the one hand and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Akron or Cleveland, Ohio.

No. MC 112801 (Sub-No. 98), filed October 16, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, from Sioux City, Iowa, to points in Nebraska, South Dakota, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113535 (Sub-No. 12) (Correction), filed September 26, 1969, published in FEDERAL REGISTER issue of November 6, 1969, and republished as corrected, this issue. Applicant: A & W TRUCKING CO., INC., Rural Route No. 2, Box 370, Mosinee, Wis. 54455. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Mosinee, Green Bay, Nekoosa, Port Edwards, Appleton, Menasha, Columbus, and Plover, Wis., and Dubuque, Iowa, to points in Grant, Iowa, and Lafayette Counties, Wis., Jo Daviess and Carroll Counties, Ill.; points in Clayton, Delaware, Dubuque, Jones, Jackson, and Clinton Counties, Iowa (except Dubuque, Iowa). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to correctly describe the points in Wisconsin County. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 114019 (Sub-No. 198), filed October 27, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animals and vegetable oils, and blends and products thereof*, in bulk, in tank vehicle, between points in Will County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 359) (Amendment), filed September 8, 1969, published in FEDERAL REGISTER issue of October 2, 1969, amended October 27, 1969, and republished as amended, this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above) and E. Stephen Heisley, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Frankfort, Mich., to points in Texas, Oklahoma, Missouri, Iowa, Kansas, Nebraska, Wisconsin, and Illinois; (2) *frozen fruits, vegetables, and berries*, from Frankfort, Mich., to points in Indiana, Kentucky, Ohio, and West Virginia; (3) *frozen foods*, from Chickasha, Okla., to points in Iowa, Colorado, Kansas, Nebraska, Missouri, and Wisconsin; and (4) *frozen foods*, from Allentown and Chambersburg, Pa., to points in Missouri, Iowa, Kansas, Nebraska, West Virginia, and points in Virginia east of U.S. Highway 220. NOTE: Applicant states that it intends to tack, however, portions of the destination can already be served by tacking. It further states that a partial purpose of the instant application is to remove tacking now being done. Common control may be involved. The purpose of this republication is to broaden the scope of destination territory sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Kansas City, Mo.

No. MC 116544 (Sub-No. 114), filed October 21, 1969. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Dodge City, Kans., to points in North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, and

Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 116993 (Sub-No. 2), filed October 16, 1969. Applicant: CITY HAUL, INC., 705 East Peal Street, Cincinnati, Ohio 45202. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by retail department stores and *materials and supplies* used in the conduct of such stores on schedules determined by the shipper, between the stores and warehouses of the John Shillito Co., located in Cincinnati, Ohio, on the one hand, and, on the other, the stores of the John Shillito Co., located in Jefferson County and Fayette County, Ky.; under the continuing contracts with the John Shillito Co., of Cincinnati, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 118143 (Sub-No. 1), filed September 25, 1969. Applicant: EDWARD BUKOWSKI, 3941 Windgap Avenue, Pittsburgh, Pa. 15204. Applicant's representative: Edward M. Larkin, 5151 Penn Avenue, Pittsburgh, Pa. 15224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *bananas, plaintains, pineapples, coconuts, and other agricultural commodities* otherwise exempt from regulations under section 203(b)(6) of the Interstate Commerce Act when transported separately or in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in New York, New Jersey, Maryland, Pennsylvania, Ohio, and West Virginia, in vehicles requiring mechanical refrigeration, (2) *bananas, pineapples, and other agricultural commodities* otherwise exempt from regulations under section 203(b)(6) of the Interstate Commerce Act when transported separately or in mixed shipments with bananas, plantains, pineapples, and coconuts, from New York, N.Y., Weehawken, N.J., and Baltimore, Md., to points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 422, in vehicles requiring mechanical refrigeration, and (3) *bananas and agricultural commodities* otherwise exempt from regulations under section 203(b)(6) of the Interstate Commerce Act when transported separately or in mixed shipments with bananas, plantains, pineapples, and coconuts, from points in the Borough of McKees Rocks, Pa., to Youngstown, Cleveland, and Akron, Ohio, in vehicles requiring mechanical refrigeration. NOTE: All duplicating authority to be eliminated. Applicant states it seeks authority which will complement its existing authority in territory now served, as well as seeking new and extended territory. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 118159 (Sub-No. 81), filed October 27, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of National Beef Packing Co. at/or near Liberal, Kans., to points in Kentucky, Tennessee, Oklahoma, Mississippi, Louisiana, and Texas, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 118989 (Sub-No. 34), filed October 23, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers (bottles or jars), caps, covers, stoppers, tops, and fiberboard boxes*, from the plantsite and facilities of Obear Nester Glass Co. at Lincoln, Ill., to points in Wisconsin, Iowa, Missouri, the Lower Peninsula of Michigan, Indiana, Illinois, Ohio, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119406 (Sub-No. 3), filed October 23, 1969. Applicant: ROBERT J. GRALL, 1402 Hamann Road, Manitowoc, Wis. 54220. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products* from points in Kossuth Township, Manitowoc County, Wis., to points in Indiana, Illinois, Missouri, Iowa, Minnesota, and the Upper Peninsula of Michigan; (2) *lumber*, from points in the Lower Peninsula of Michigan to points in Wisconsin; and (3) *pallets, bin boxes, and skids*, from points in Lima Township, Sheboygan County, Wis., to points in the Lower Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 119641 (Sub-No. 83), filed October 14, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), (2) *agricultural implements and machinery*, and (3) *attachments* for, and equipment designed for use with the foregoing articles described in (1) and (2) above when moving in mixed loads with such articles described in (1) and (2) above, from the United States-Canadian border crossings in Michigan to points in the United States (except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming); restricted to traffic in foreign commerce originating at the plant warehouse or distribution facilities of the International Harvester Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 228), filed October 21, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods and frozen prepared foods*, from Deerfield, and Chicago, Ill., to points in Indiana, Kentucky, Missouri, Michigan, and points in Ohio on and west of a line beginning at Sandusky, then south on Ohio Highway 4 to Marion, then south on U.S. Highway 23 to Portsmouth. NOTE: Applicant states that it could tack to serve points in Wisconsin and Minnesota; however, tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 167), filed October 20, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Arkansas, Iowa, Kentucky, Minnesota, Missouri, North Carolina, North Dakota, South Dakota, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC-126970 and subs thereunder, therefore, dual operation may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 120737 (Sub-No. 7), filed October 24, 1969. Applicant: STAR DELIVERY & TRANSFER, INC., Rural Route No. 5, Box 39, Canton, Ill. 61520. Applicant's representative: Chester J. Claudon, 121 West Elm Street, Canton, Ill. 61520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implement parts, tractor parts and tractor attachments*, from Louisville, Ky., to points in Fulton and Rock Island Counties, Ill. NOTE: Applicant states that it will tack to serve an area between points within a 50-mile radius of Pottstown, Ill., on the one hand, and, on the other, Chicago, Rock Island, East St. Louis, and Moline, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 120906 (Sub-No. 5), filed October 24, 1969. Applicant: SPECIAL SERVICE DELIVERY, INC., 828 Prouty Avenue, Toledo, Ohio 43609. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by hardware, industrial, and department store wholesalers*, between the plantsite of the Bostwick-Braun Co., at Toledo, Ohio, on the one hand, and, on the other, points in Monroe, Lenawee, Hillsdale, Branch, Calhoun, Jackson, Washtenaw, Wayne, Eaton, Ingham, Livingston, Oakland, Macomb, St. Clair, Lapeer, Genessee, Shiawasee, and Clinton Counties, Mich., restricted to shipment originating at, or destined to the plantsite of the Bostwick-Braun Co., at Toledo, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 120979 (Sub-No. 3), filed October 23, 1969. Applicant: BRIGHTWOOD TRANSFER, INC., 4000 East 16th Street, Indianapolis, Ind. 46218. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Wayne, Parke, Putnam, Vigo, Owen, Monroe, Morgan, Brown, Johnson, Henry, Bartholomew, Decatur, Rush, Fayette, Shelby, Marion, Boone, Hendricks, Hancock, Delaware, Randolph, Madison, Grant, Clay, Tipton, Hamilton, Howard, Clinton, Tippecanoe, Fountain, and Montgomery Counties, Ind.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 121470 (Sub-No. 5), filed October 24, 1969. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 901 Harrison Street, Nashville, Tenn. 37203. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products, building materials, lumber, wood decking, steel wall ties, metal and wood frames, and parts and accessories* used in the installation thereof, from Nashville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124078 (Sub-No. 412), filed October 23, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Maury County, Tenn., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, and Ohio. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124211 (Sub-No. 138), filed October 26, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Sioux County, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin. Restrictions: The authority sought herein is restricted (1) to traffic originating at the plantsite and storage facilities used by Sioux-Preme Packing Co., at or near Sioux Center, Iowa; and (2) to the extent the authority sought herein duplicates any authority granted to carrier shall not be construed as conferring more than one operating right, severable by sale or otherwise. NOTE: Applicant states that it does not intend to tack, however authority sought can be tacked with numerous authorities in MC-124211 at numerous common points. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 124711 (Sub-No. 3), filed October 22, 1969. Applicant: BECKER & SONS, INC., 801 East Clark Street, Emporia, Kans. 66801. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, from the plantsite of Williams Bros. Pipe Line Terminal, located at Kansas City, Kans., to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 127834 (Sub-No. 41) (Amendment), filed September 2, 1969, published FEDERAL REGISTER issue of September 25, 1969, amended October 31, 1969, and republished as amended this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicants' representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk), between the plantsites, warehouses, production and distribution facilities of Consolidated Aluminum Corp., located at or near New Johnsonville, and Jackson, Tenn., on the one hand, and, on the other, points in Texas, Arkansas, Missouri, Iowa, Minnesota, and States east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to amend the commodity description. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128375 (Sub-No. 33), filed September 15, 1969. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Donald H. Bowman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle parts, accessories, fittings, and equipment, and related tools, materials, advertising and display matter*, (a) from Paulding, Ohio, Loudon, and Pulaski, Tenn., and points in their commercial zones to Nashville, Tenn., and points in its commercial zone; (b) from Pulaski, Loudon, Knoxville, and Nashville, Tenn., to points in the United States west of the Mississippi River and to points in Wisconsin, Illinois, Indiana, Michigan, and Mississippi; (c) from points in Marion and Winston Counties, Ala., to Harvey, Ill., and Loudon, Tenn., and points in its commercial zone; (d) between Harvey, Ill., Loudon, Knoxville, and Nashville, Tenn., and points in their commercial zones; and (e) from Montgomery, Ala., and points in its commercial zone, to Paulding, Ohio, and Nashville, Tenn., and points in their commercial zones; and (2) *used brake shoe cores*, from Detroit, Mich., and Buffalo, N.Y., and points in their commercial zones, to Paulding, Ohio, and points in its commercial zone, under contract with Maremont Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lincoln, Nebr.

No. MC-128762 (Sub-No. 4), filed October 14, 1969. Applicant: P. L. LAW-

TON, INC., Post Office Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared foodstuffs*, not frozen and not in bulk; and *advertising materials, displays, dispensing equipment, premiums, and office equipment and supplies*, from the plantsite and warehouses of Wise Foods Division of Borden Foods, Borden, Inc., located in St. Johns County, Fla., to points in Georgia, North Carolina, South Carolina, Virginia, and West Virginia; and (2) *packing materials, display racks, machinery, office equipment and supplies; foodstuff ingredients*, except in bulk; *and prepared foodstuff*, not frozen and not in bulk, *advertising materials, displays, dispensing equipment, and premiums*, between Berwick, Pa., and St. Augustine, Fla.; under contract with Wise Foods Division of Borden Foods, Borden, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128866 (Sub-No. 10), filed October 8, 1969. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, N.J. 08034. Applicant's representative: Daniel L. O'Connor, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum food containers;* (a) from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., to the plantsite of Penny Plate, Inc., at Searcy, Ark.; the plantsite of Morton Frozen Foods, Inc., at Russellville, Ark.; the plantsite of Stouffer Foods, Inc., at Quincy, Ill.; the plantsite of Table Talk, Inc., at Worcester, Mass.; the plantsite of Pet, Inc., at Frankfort, Mich.; the plantsites of Banquet Division of F. M. Stamper, Inc., at Marshall, Carrollton, and Macon, Mo.; the plantsite of Parrish Baking Co. at Salisbury, N.C.; the plantsite of Morton Frozen Foods, Inc., at Cleveland, and Solon, Ohio; the plantsite of Pet, Inc., at Chickasha, Okla.; the plantsite of Pet, Inc., at Chambersburg, Pa.; the warehouse of Buff-Henley, Inc., at Philadelphia, Pa.; and the plantsites of Morton Frozen Foods, Inc., at Crozet and Waynesboro, Va.; (b) from the plantsite of Penny Plate, Inc., at Searcy, Ark., to the plantsite of Morton Frozen Foods, Inc., at Russellville, Ark.; the warehouse of Penny Plate, Inc., at Deerfield, Ill.; the plantsite of Stouffer Foods, Inc., at Quincy, Ill.; the plantsite of Table Talk, Inc., at Worcester, Mass.; the plantsite of Pet, Inc., at Frankfort, Mich.; the plantsites of Banquet Division of F. M. Stamper, Inc., at Marshall, Carrollton, and Macon, Mo.; the plantsite of Parrish Baking Co. at Salisbury, N.C.; the plantsite of Morton Frozen Foods, Inc., at Concord, N.C.; the plantsites of Stouffer Foods, Inc., at Cleveland and Solon, Ohio; the plantsite of Pet, Inc., at Chickasha, Okla.; the plantsite of Pet, Inc., at Chambersburg, Pa.; the warehouse of Buff-Henley, Inc., at Philadelphia, Pa.; and the plantsite of Morton Frozen Foods, Inc., at Waynesboro, Va.; (2) *aluminum foil or sheet*, from the plantsite of Kaiser Aluminum Co. at Ravenswood, W. Va., to the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark.; and (3) *scrap aluminum, defective or damaged aluminum foil or sheets, skids, pallets, and aluminum cores*, from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of Kaiser Aluminum Co. at Ravenswood, W. Va., under contract with Penny Plate, Inc., Cherry Hill, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 128988 (Sub-No. 3), filed October 20, 1969. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Upholstery or carpet tacking rims or strips, nails, adhesive cement, mechanic hand tools and advertising materials, racks, and stands therefor*, from Los Angeles, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, equipment, and supplies* used in the manner and distribution of the commodities in (1) above on return. Restrictions: (1) All commodities in (1) and (2) above restricted against the transportation of commodities in bulk; and (2) limited to a transportation service performed under a continuing contract with Taylor Industries, Inc., City of Industry, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129171 (Sub-No. 4), filed August 26, 1969. Applicant: ARTHUR SHELLEY, Rural Delivery No. 2, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and bakery goods*, from Elizabeth and Hammonton, N.J., and New York, N.Y., to Los Angeles and Oakland, Calif.; Portland, Oreg.; and Seattle, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129852 (Sub-No. 3), filed October 13, 1969. Applicant: NEEPAWA TRANSPORT, INC., Box 113, Granville, Ill. 61326. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials;* (1) from Minneapolis-St. Paul, Minn., to Spring Valley, Pontiac, Peru, and Bloomington, Ill.; and (2) from Omaha, Nebr., to Peoria and Peru, Ill.; under contract with (1) Heller Importing & Distributing Co. of Peoria, Ill.; (2) Mautino Distributing Co. of Spring Valley, Ill.; (3) Dresbach Distributing Co. of Peru, Ill.; and (4) Corn Belt Sales Co. of Pontiac, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 133351 (Sub-No. 2), filed October 27, 1969. Applicant: ELTON F. PERKINS, doing business as PERKINS LUMBER COMPANY, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 465 Congress Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor systems and machinery* used in the shoe and textile industries and *parts* thereof, from shipper's plant at Lewiston, Maine to customers of shippers located in that part of the United States east of North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas, under contract with Diamond Machinery Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 133733 (Sub-No. 2), filed October 9, 1969. Applicant: CERTIFIED TRANSFER & STORAGE, INC., Post Office Box 9189, El Paso, Tex. 79983. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, N. Mex. 87109. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) between El Paso and Tornillo, Tex., over U.S. Highway 80 to Tornillo, and return over the same route, serving all intermediate points; (2) between Tornillo and Esperanza, Tex., from Tornillo over U.S. Highway 80 to junction unnumbered county road about 12 miles east of McNary, Tex., thence over unnumbered county road to Esperanza, and return over the same route, serving all intermediate points, and those off-route points within 5 miles of U.S. Highway 80; and (3) between El Paso, Tex., and Mesquite, N. Mex., from El Paso over U.S. Highway 80 to Mesquite, thence over unnumbered county road to San Miguel, N. Mex., thence over New Mexico Highway 28 to its junction with New Mexico Highway 273, thence over New Mexico Highway 273 to its junction with U.S. Highway 80 and return to El Paso, Tex., over U.S. Highway 80, serving all intermediate points, and all off-route points within 2 miles of the route described above. NOTE: Applicant states that it intends to tack the two routes herein sought at El Paso, Tex., so as to furnish single-line service at all points covered by this instant application. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 133779 (Sub-No. 1), filed October 27, 1969. Applicant: FUNDIS COMPANY, a corporation, Broadway at Cornell, Lovelock, Nev. 89419. Applicant's representative: Pete Fundis (same address as applicant), Post Office Box 740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth*, infusorial or diatomaceous (diatomite); *earth*, diatomaceous, physically combined with alkyl naphthalene, sodium sulfonate; and *wood pulp sulphite;* except in bulk, from Colorado Junction, points in Pershing, Clark, and Washoe Counties, Nev., to points in Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Mono, Orange, Riverside, San Diego, San Bernardino, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Reno and Carson City, Nev., or San Francisco, Calif.

No. MC 134110, filed October 10, 1969. Applicant: ROBERT POWERS AND RONALD POWERS, a partnership, doing business as R & R POWERS, Denham, Ind. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products molds or rings, hot top*, from North Judson, Ind., to Birmingham and Gadsden, Ala., and Atlanta, Ga.; and (2) *articles of iron and steel manufacture*, from Birmingham and Gadsden, Ala., and Atlanta, Ga., to North Judson, Ind. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 134111, filed October 8, 1969. Applicant: HENRY L. HANKINS, doing business as JOHN DAY-PORTLAND AUTO FREIGHT, 300 Northwest Third, John Day, Ore. 97845. Applicant's representative: Roy Kilpatrick, Post Office Box 385, John Day, 97845. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, petroleum, and petroleum products in bulk in tank-type equipment, cement in bulk in tank-type equipment, and heavy machinery requiring the use of lowbed equipment); (1) between points in Grant and Wheeler Counties, Oreg.; and (2) between points in Grant and Wheeler Counties, Oreg., and points in Oregon. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Canyon City, Oreg.

MOTOR CARRIER OF PASSENGERS

No. MC 3700 (Sub-No. 62), filed October 23, 1969. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, in round-trip special operations, during the authorized racing seasons at Liberty Bell Park Race Track, Philadelphia, Pa., beginning and ending at New York, N.Y., and extending to Liberty Bell Park Race Track, Philadelphia, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 45626 (Sub-No. 63), filed October 23, 1969. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. 05401. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between Rutland, Vt., and Interchange 18 (known as the Corinth Road Interchange) of Interstate Highway 87 in the town of Queensbury, N.Y., as follows: From Rutland over U.S. Highway 4 to Hudson Falls, N.Y., thence over New York Highway 32 to Glens Falls, N.Y., thence over unnumbered highway to Interchange 18 of Interstate Highway 87, and return over the same route serving all intermediate points, restricted as follows: (1) Against pickup, at Glens Falls or at points between Glens Falls and Interchange 18 of Interstate Highway 87, of traffic destined to points south thereof; (2) against discharge, at Glens Falls or at points between Glens Falls and Interchange 18 of Interstate Highway 87, of traffic originating at points south thereof. NOTE: Applicant states it will tack with its MC 45626 Sub 33 at junction U.S. Highway 4 and Vermont Highway 30 and junction U.S. Highway 4 and Vermont Highway 22A, and with its MC 45626 Sub 47 at junction U.S. Highway 4 and New York Highway 149 and at Interchange 18 of Interstate Highway 87. If a hearing is deemed necessary, applicant requests it be held at Rutland, Burlington, and Montpelier, Vt.

No. MC 126114 (Sub-No. 1), filed October 9, 1969. Applicant: WILLINGHAM BUS LINES, INC., doing business as AKA AZTEC BUS LINES, 4437 Twain Avenue, San Diego, Calif. 92120. Applicant's representative: James H. Lyons, 606 South Olive Street, Suite 1420, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in San Diego County, Calif., and extending to points in Arizona, Nevada, and Utah, in year-round operations. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at San Diego or Los Angeles, Calif.

No. MC 129817 (Sub-No. 1), filed October 6, 1969. Applicant: JOSE RAUL ESPINOSA, doing business as ESPINOSA BUS LINES, 214 Northwest 42d Avenue, Miami, Fla. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, Fla. 33134. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, from points in Dade County, Fla., to Union City, N.J., and New York, N.Y., and return. NOTE: Applicant states it does not propose to pick up and discharge passengers at any other points. Applicant further states this service is a special service designed specifically to cater to Cuban refugees. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or New York, N.Y.

No. MC 133826 (Sub-No. 1), filed October 2, 1969. Applicant: CITY WIDE TRANSPORTATION CO. INC., 2800 Shell Road, Brooklyn, N.Y. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip special and charter operations beginning and ending at New York, N.Y., and extending to points in New York, New Jersey, Connecticut, and Pennsylvania. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2866 (Sub-No. 18), filed October 20, 1969. Applicant: EDWARDS MOTOR TRANSIT COMPANY, a corporation, 56 East Third Street, Williamsport, Pa. 17701. Applicant's representative: Robert H. Griswold, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers; (1) between junction Interstate Highway 80, Exit 38, and Pennsylvania Highway 93 (formerly Pennsylvania Highway 29) north of Sybertsville, Pa., and junction New Jersey Highway 3 and Lincoln Tunnel approaches in North Bergen, N.J.; from junction Interstate Highway 80 and Pennsylvania Highway 93 (formerly Pennsylvania Highway 29) over Interstate Highway 80 to junction U.S. Highway 46 east of Columbia, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80 near Netcong, N.J., thence over Interstate Highway 80 to junction U.S. Highway 46 near Denville, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80 east of Parsippany, N.J., thence over Interstate Highway 80 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 3 near Clifton, N.J., thence over New Jersey Highway 3 to Lincoln Tunnel approaches in North Bergen, N.J., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving junction Interstate Highway 80 and U.S. Highway 309 and junction New Jersey Highway 31 and U.S. Highway 46 for purposes of joinder only; (2) between Hazleton, Pa., and junction U.S. Highway 309 and Interstate Highway 80 over U.S. Highway 309,

serving no intermediate points; and (3) between junction New Jersey Highway 31 (formerly New Jersey Highway 69) and U.S. Highway 22 east of Clinton, N.J., and junction New Jersey Highway 31 and U.S. Highway 46 at Buttzville, N.J., over New Jersey Highway 31, serving no intermediate points. NOTE: Applicant states the routes described in (2) and (3) above would be used as access or connecting routes between the route described in (1) above and its presently authorized service route. Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13741; Filed, Nov. 19, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 17, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41803—*Newsprint paper to Milwaukee, Wis.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2961), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Dalhousie, New Brunswick, Canada, to Milwaukee, Wis.

Grounds for relief—Water competition.

Tariff—Supplement 52 to Canadian National Railways tariff ICC E.543.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13819; Filed, Nov. 19, 1969; 8:50 a.m.]

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[Reg. Docket No. 9945; Amdt. 676]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Alva, Okla.—Alva Municipal, NDB (ADF) Runway 35, Orig., 29 Feb. 1968 (established under Subpart C).
Anderson, Ind.—Anderson, ADF 1, Amdt. 3, 4 June 1966 (established under Subpart C).
Charles City, Iowa—Charles City Municipal, NDB (ADF) Runway 12, Amdt. 1, 17 June 1967 (established under Subpart C).
El Paso, Tex.—El Paso International, NDB (ADF) Runway 22, Amdt. 20, 14 Oct. 1967 (established under Subpart C).
Gadsden, Ala.—Gadsden Municipal, NDB (ADF) Runway 6, Orig., 18 Apr. 1968 (established under Subpart C).
Kent, Ohio—Andrew W. Paton of Kent State University, NDB (ADF) Runway 1, Amdt. 1, 18 Feb. 1967 (established under Subpart C).
San Antonio, Tex.—International, NDB (ADF) Runway 30L, Orig., 18 Nov. 1967 (established under Subpart C).
San Antonio, Tex.—International, NDB (ADF) Runway 3, Amdt. 25, 16 Sept. 1967 (established under Subpart C).
San Antonio, Tex.—International, NDB (ADF) Runway 12R, Amdt. 10, 31 July 1969 (established under Subpart C).
El Paso, Tex.—El Paso International, VOR Runway 26, Amdt. 19, 17 Oct. 1968 (established under Subpart C).
Hopewell, Va.—Hopewell, VOR 1, Orig., 14 Aug. 1965 (established under Subpart C).
Kent, Ohio—Andrew W. Paton of Kent State University, VOR–1, Amdt. 2, 19 Aug. 1967 (established under Subpart C).
Lawrenceville, Va.—Lawrenceville Municipal, VOR 1, Orig., 28 May 1966 (established under Subpart C).
Lexington, Ky.—Franklin-Wilkins, VOR 1, Amdt. 3, 18 June 1966 (established under Subpart C).
Owatonna, Minn.—Owatonna Municipal, VOR Runway 12, Amdt. 1, 8 Apr. 1967 (established under Subpart C).
San Antonio, Tex.—International, VOR–1, Amdt. 16, 22 May 1969 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Clarion, Pa.—Rhea, VOR 1, Amdt. 2, effective 19 Nov. 1966, canceled, effective 11 Dec. 1969.
San Antonio, Tex.—San Antonio International, VOR 2, Amdt. 5, effective 21 Jan. 1967, canceled, effective 11 Dec. 1969.

3. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Gadsden, Ala.—Gadsden Municipal, TerVOR–6, Amdt. 3, 23 July 1966 (established under Subpart C).

4. By amending § 97.15 of Subpart B to cancel very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

El Paso, Tex.—El Paso International, VOR/DME Runway 26, Amdt. 11, effective 17 Oct. 1968, canceled, effective 11 Dec. 1969.

5. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

El Paso, Tex.—El Paso International, ILS Runway 22, Amdt. 19, 14 Oct. 1967 (established under Subpart C).
San Antonio, Tex.—International, ILS Runway 3, Amdt. 2, 27 Feb. 1969 (established under Subpart C).
San Antonio, Tex.—International, LOC (BC) Runway 30L, Orig., 18 Nov. 1967 (established under Subpart C).

6. By amending § 97.17 of Subpart B to cancel instrument landing system (ILS) procedures as follows:

San Antonio, Tex.—San Antonio International, ILS Runway 12R, Amdt. 11, effective 22 May 1969, canceled, effective 11 Dec. 1969.

7. By amending § 97.19 of Subpart B to delete radar procedures as follows:

El Paso, Tex.—El Paso International, Radar 1, Amdt. 5, 25 Sept. 1965 (established under Subpart C).
San Antonio, Tex.—International, Radar-1, Amdt. 13, 22 May 1969 (established under Subpart C).

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
MIE VOR	York Int (NOPT)	Direct	2600	MAP: 5 miles after passing York Int. Make climbing left turn to 2600′ within 5 miles, return to MIE VOR, or as directed by ATC, make left-climbing turn to 2600′ and proceed to Daleville Int via MIE R 241°. Supplementary charting information: Final approach crs to intersection of Runways 30 and 18.

Procedure turn not authorized. Approach crs (profile) starts at MIE VOR.
FAF, York Int. Final approach crs, 232°. Distance FAF to MAP, 5 miles.
Minimum altitude over York Int, 2600′.
MSA: 000°–360°—2600′.
NOTES: (1) Radar vectoring. (2) Dual VOR receivers required. (3) Use Muncie altimeter, when not available, use Indianapolis altimeter and raise MDA 160′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1360	1	447	1380	1	467	1380	1½	467	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Anderson; State, Ind.; Airport name, Anderson; Elev., 913′; Facility, MIE; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 11 Dec. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
				MAP: 8.5 miles after passing PUT VORTAC, or at the 8.5-mile DME Fix. Make right-climbing turn to 2500′ direct to PUT VORTAC and hold. Supplementary charting information: Hold N of PUT VOR, 1 minute, right turns, 180° Inbnd. Final approach crs intercepts center of airport.

Procedure turn not authorized. One-minute holding pattern N of PUT VORTAC 180° Inbnd, right turns, 2500′.
FAF, PUT VORTAC, Final approach crs, 211°. Distance FAF to MAP, 8.5 miles.
Minimum altitude over PUT VORTAC, 2500′; over 5-mile DME Fix, 1120′.
MSA: 000°–090°—3100′; 090°–180°—2200′; 180°–270°—2100′; 270°–360°—2700′.
NOTES: (1) Use Providence altimeter setting. (2) Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1120	1¼	881	1120	1¼	881	NA	NA
	DME Minimums:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C	960	1	721	960	1	721	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Danielson; State, Conn.; Airport name, Danielson; Elev., 239′; Facility, PUT; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 11 Dec. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
Newman VOR	El Paso VORTAC	Direct	6500	MAP: 3.8 miles after passing ELP VORTAC.
Rio Int	Giffen Int	R 081°	5500	Climbing left turn to 5500′ on R 150° within 20 miles.
Giffen Int	El Paso VORTAC (NOPT)	R 081°	5000	Supplementary charting information: Runway 26, TDZ elevation, 3956′.

Procedure turn S side of crs, 081° Outbnd, 261° Inbnd, 6500′ within 10 miles of ELP VORTAC.
FAF, ELP VORTAC. Final approach crs, 257°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over Giffen Int., 5500′; over ELP VORTAC, 5000′.
MSA: 000°–230°—6400′; 230°–340°—8200′; 340°–090°—7800′.
NOTE: ASR.
%IFR westbound departure procedures when weather is below 4000-2; takeoff Runways 17, 22, and 26 climbing left turn to 120° heading. Intercept and climb via the ELP R 150° to airway MEA or as directed by ATC. Takeoffs Runways 4, 35, and 8, climbing right turn direct to ELP VORTAC continue climb via the ELP R 150° to airway MEA or as directed by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-26	4280	¾	324	4280	¾	324	4280	¾	324	4280	1	324
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4420	1	464	4460	1	504	4460	1¾	504	4520	2	564
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, El Paso; State, Tex.; Airport name, El Paso International; Elev., 3956′; Facility, ELP; Procedure No. VOR Runway 26, Amdt. 21; Eff. date, 11 Dec. 69; Sup. Amdt. No. 20; Dated, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
				MAP: Over GAD VORTAC. Climb to 3000′, right turn, direct to GAD VORTAC and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 053° Inbnd. Final approach crs intercepts runway centerline extended 3000′ from threshold. LRCO, 122.1R, 122.6R. Runway 6, TDZ elevation, 564′.

Procedure turn S side of crs, 233° Outbnd, 053° Inbnd, 3000′ within 10 miles of GAD VORTAC.
Final approach crs, 053°.
Minimum altitude over 5-mile DME Fix or Clair Int., 1600′.
MSA: 000°–090°—3000′; 090°–180°—3200′; 180°–270°—2700′; 270°–360°—2600′.
NOTE: Use Anniston FSS altimeter setting.
#Local weather not available to public. Operators with approved weather reporting service authorized standard alternate minimums and decrease straight-in MDA 100′; Circling MDA Category A, 100′, Categories B and C, 60′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
8-6	1600	1¼	1036	1600	1¼	1036	1600	1¼	1036	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1600	1¼	1036	1600	1¼	1036	1600	1¼	1036	NA
	Dual VOR/DME:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
8-6	1020	1	456	1020	1	456	1020	1	456	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1040	1	476	1040	1	476	1040	1¼	476	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Gadsden; State, Ala.; Airport name, Gadsden Municipal; Elev., 564′; Facility, GAD; Procedure No. VOR Runway 6, Amdt. 4; Eff. date, 11 Dec. 69; Sup. Amdt. No. To-VOR-6, Amdt. 3; Dated, 23 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5 miles after passing HPW VORTAC.
Williamsburg Int	HPW VORTAC (NOPT)	Direct	1600	Climbing left turn to 2000' direct to HPW VOR and hold. Supplementary Charting Information: Hold E, 1 minute, left turns, Inbnd crs 259°. 217' bridge NW of airport. Runway 26, TDZ elevation, 20'.

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 1600' within 10 miles of HPW VORTAC.
FAF, HPW VORTAC. Final approach crs, 259°. Distance FAF to MAP, 5 miles.
Minimum altitude over HPW VORTAC, 1600'.
MSA: 065°–145°—1500'; 145°–235°—1500'; 235°–325°—2100'; 325°–055°—1600'.
NOTES: (1) Use Richmond altimeter setting. (2) Radar vectoring.
%IFR departure procedure for Runway 26: Left-climbing turn to 2000' to HPW VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-26	520	1	500	520	1	500	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	560	1	537	560	1	537	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Runway 33, 300-1; Standard other runways.%	

City, Hopewell; State, Va.; Airport name, Hopewell; Elev., 23'; Facility, HPW; Procedure No. VOR Runway 26, Amdt. 1; Eff. date, 11 Dec. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 14 Aug. 65

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 10 miles after passing ACO VORTAC.
				Climbing right turn to 3000', return to ACO VORTAC and hold. Supplementary charting information: Hold E, 1 minute, right turns, 276° Inbnd. CAUTION: 1347' tower 1.3 miles SW of airport.

Procedure turn N side of crs, 109° Outbnd, 289° Inbnd, 3000' within 10 miles of ACO VORTAC.
FAF, ACO VORTAC. Final approach crs, 289°. Distance FAF to MAP, 10 miles.
Minimum altitude over ACO VORTAC, 3000'; over Middlebury Int, or 8-mile DME Fix R 289°, 1920'.
MSA: 060°–170°—3200'; 170°–350°—3100'; 350°–060°—2700'.
NOTES: (1) Radar vectoring. (2) Use Akron, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1920	1	770	1920	1¼	770	1920	1½	770	NA
	DME or VOR/NDB Minimums:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1660	1	510	1660	1	510	1660	1½	510	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Kent; State, Ohio; Airport name, Andrew W. Paton of Kent State University; Elev., 1150'; Facility, ACO; Procedure No. VOR-1, Amdt. 3; Eff. date, 11 Dec. 69; Sup. Amdt. No. 2; Dated, 19 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.9 miles after passing LVL VOR.
Nutbush Int	LVL VOR (NOPT)	Direct	2100	Climb to 2100', left turn, direct to LVL VOR and hold. Supplementary charting information: Hold NW, 1 minute, right turns, 122° Inbnd. 400' obstruction light E side of airport on tree line. Chart R-6602.

Procedure turn S side of crs, 302° Outbnd, 122° Inbnd, 2100' within 10 miles of LVL VOR.
FAF, LVL VOR. Final approach crs, 122°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over LVL VOR, 2100'.
MSA: 000°–090°—1800'; 090°–180°—1700'; 180°–270°—1800'; 270°–360°—2000'.
NOTES: (1) When Blackstone altimeter not available, use Richmond altimeter and increase circling MDA by 140'. (2) CAUTION: R-6602, 9 miles N of LVL VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	780	1	455	780	1	455	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Lawrenceville; State, Va.; Airport name, Lawrenceville Municipal; Elev., 325'; Facility, LVL; Procedure No. VOR-1, Amdt. 1; Eff. date, 11 Dec. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 28 May 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3 miles after passing JKS VORTAC.
R 045°, JKS VORTAC (CW)	R 161°, JKS VORTAC	10-mile Arc	2100	Climbing left turn to 2100' to JKS VORTAC and hold.
R 256°, JKS VORTAC (CCW)	R 161°, JKS VORTAC	10-mile Arc	2100	
10-mile Arc	JKS VORTAC (NOPT)	JKS, R 161°	1400	Supplementary charting information: Hold S, 1 minute, right turns, 341° Inbnd.

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 2100' within 10 miles of JKS VORTAC.
FAF, JKS VORTAC. Final approach crs, 341°. Distance FAF to MAP, 3 miles.
Minimum altitude over JKS VORTAC, 1400'.
MSA: 000°–090°—2100'; 090°–180°—2000'; 180°–270°—2100'; 270°–360°—2200'.
NOTE: Use McKellar (Jackson FSS) altimeter setting.
*Night operation not authorized Runways 1-19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-33	1040	1	523	1040	1	523	1040	1	523	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1100	1	583	1100	1	583	1100	1½	583	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Lexington; State, Tenn.; Airport name, Franklin-Wilkins; Elev., 517'; Facility, JKS; Procedure No. VOR Runway 33, Amdt. 4; Eff. date, 11 Dec. 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 18 June 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
New Prague Int	FOW VOR	Direct	2700	MAP: 6.8 miles after passing FOW VOR.
Cannon City Int	FOW VOR	Direct	2700	Climb to 2700' on R 130° within 10 miles, return to VOR.
Hope Int	FOW VOR	Direct	2700	Supplementary charting information:
Alma City Int	FOW VOR	Direct	2700	Runway 12, TDZ elevation, 1138'.

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 2700' within 10 miles of FOW VOR.
FAF, FOW VOR. Final approach crs, 130°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over FOW VOR, 2700'.
MSA: 000°–090°—2600'; 090°–180°—2700'; 180°–270°—2600'; 270°–360°—2600'.
NOTE: Use Rochester, Minn., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–12	1640	1	502	1640	1	502	1640	1	502	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1660	1	513	1780	1	633	1780	1½	633	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Owatonna; State, Minn.; Airport name, Owatonna Municipal; Elev., 1147'; Facility, FOW; Procedure No. VOR Runway 12, Amdt. 2; Eff. date, 11 Dec. 69; Sup. Amdt. No. 1; Dated, 8 Apr. 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
10-mile DME Fix, R 353°	SAT VORTAC (NOPT)	R 353°	2000	MAP: 6.3 miles after passing SAT VORTAC. Climb to 3000', left turn, to R 159° SAT VORTAC to Elmendorf Int. Supplementary charting information: Tower 1.1 miles N of airport, 942'. Runway 17, TDZ elevation, 788'.

Procedure turn W side of crs, 355° Outbnd, 175° Inbnd, 2800' within 10 miles of SAT VORTAC.
FAF, SAT VORTAC. Final approach crs, 175°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over SAT VORTAC, 2000'.
MSA: 000°–360°—3000'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–17	1320	1	532	1320	1	532	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1320	1	512	1320	1	512	NA	NA
A	Standard.			T 2-eng. or less—RVR 24', Runways 3 and 12R; Standard all others.			T over 2-eng.—RVR 24', Runways 3 and 12R; Standard all others.	

City, San Antonio; State, Tex.; Airport name, International; Elev., 808'; Facility, SAT; Procedure No. VOR Runway 17, Amdt. 17; Eff. date, 11 Dec. 69; Sup. Amdt. No. VOR–1, Amdt. 16; Dated, 22 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
SAV VORTAC	7-mile DME Fix	SAV, R 081°	2000	MAP: 21.5-mile DME Fix.
SAV VORTAC, R 196° (CCW)	SAV VORTAC, R 081°	7-mile DME Arc	2000	Climbing right turn to 2000', proceed to Terry Int/17-mile DME Fix via SAV VORTAC R 081° and hold.
SAV VORTAC, R 351° (CW)	SAV VORTAC, R 081°	7-mile DME Arc	2000	Supplementary charting information:
7-mile DME Fix	17-mile DME Fix	SAV, R 081°	2000	Hold W, 1 minute/4 miles, right turns, 081° Inbnd. Final approach crs to center of landing area.

Procedure turn not authorized. Approach crs (profile) starts at the 7-mile DME Fix.
Final approach crs, 081°.
Minimum altitude over SAV VOR, 2000'; over 7-mile DME Fix, 2000'; over 17-mile DME Fix, 2000'.
MSA: 000°–090°—1400'; 090°–180°—1600'; 180°–360°—2200'.
NOTES: (1) Radar vectoring. (2) Use Savannah, Ga., altimeter setting. (3) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	580	1	560	580	1	560	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Hilton Head; State, S.C.; Airport name, Hilton Head; Elev., 20'; Facility, SAV; Procedure No. VOR/DME–1, Amdt. Orig.; Eff. date, 11 Dec. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 249°, BNA VORTAC (CW)	R 312°, BNA VORTAC	18-mile DME Arc	3000	MAP: 5.8-mile DME Fix.
R 042°, BNA VORTAC (CCW)	R 312°, BNA VORTAC	18-mile DME Arc	3000	Climbing right turn to 3000' to Brooklyn Int via BNA R 312° and hold.
18-mile DME Arc	Brooklyn Int (NOPT)	R 312°, BNA	2500	Supplementary charting information:
BNA VORTAC	Brooklyn Int	R 312°, BNA	3000	Hold NW, 1 minute, right turns, 132° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold. HIRL Runway 2L/20R. VASI Runway 20R. Runway 13, TDZ elevation, 572'.

Procedure turn S side of crs, 312° Outbnd, 132° Inbnd, 3000' within 10 miles of Brooklyn Int.
Final approach crs, 132°.
Minimum altitude over Brooklyn Int, 2500'; over 9-mile DME Fix, 1800'.
MSA: 000°–090°—2500'; 090°–180°—2400'; 180°–360°—3100'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	900	1	328	900	1	328	900	1	328	900	1	328
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1060	1	463	1060	1¼	463	1160	2	563
A	Standard.			T 2-eng. or less—RVR 24', Runway 2L; Standard all others.			T over 2-eng.—RVR 24', Runway 2L; Standard all others.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597'; Facility, BNA; Procedure No. VOR/DME Runway 13, Amdt. Orig.; Eff. date, 11 Dec. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: SHV R 291°, 9-mile DME.
				Climbing left turn to 3000' direct to SHV VORTAC and hold.
				Supplementary charting information.
				Hold SE of SHV VORTAC on R 111°–291° Inbnd, 1 minute, right turns.

Procedure turn not authorized. One-minute holding pattern, SE of SHV VORTAC, 291° Inbnd, right turns, 3000'.
Final approach crs, 291°.
Minimum altitude over SHV VORTAC, 3000', over 5-mile DME, 1800'.
MSA: 000°–180°—1800'; 180°–270°—3100'; 270°–360°—2400'.
NOTES: (1) Radar vectoring. (2) Use Shreveport approach control altimeter setting.
*Circling not authorized N of runway centerline extended.
#Departing aircraft maintain runway heading, climbing to 1500', prior to turning.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C VIS	D VIS
C*	780	2	520	780	2	520	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#	

City, Vivian; State, La.; Airport name, Vivian Municipal; Elev., 260'; Facility, SHV; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 11 Dec. 69

9. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: GPT VORTAC.
R 242°, GPT VORTAC CW	R 320°, GPT VORTAC (NOPT)	7-mile DME Arc	1800	Climbing right turn to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 1600'; proceed to Hawkeye Int via R 180° and hold.
R 058°, GPT VORTAC CCW	R 320°, GPT VORTAC (NOPT)	7-mile DME Arc	1800	Supplementary charting information:
				Morris holding: hold NW 116° Inbnd, 1 minute, right turns.
				Hawkeye holding: hold S 360° Inbnd, 1 minute, right turns.
				TDZ elevation, 24'.

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1600' within 10 miles of GPT VORTAC.
Final approach crs, 140°.
MSA: 090°–270°—1500'; 270°–090°—2600'.
*Night operations not authorized Runways 22/4.
@ Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-13*#	460	¾	436	460	¾	436	460	¾	436	460	1	436
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*#	680	1	652	680	1	652	680	1¼	652	700	2	672
A	Standard.@		T 2-eng. or less—Standard.*				T over 2-eng —Standard.*					

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 13, Amdt. 8; Eff. date, 11 Dec. 69; Sup. Amdt. No. 7; Dated, 23 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: GPT VORTAC.
R 339°, GPT VORTAC CW	R 045°, GPT VORTAC	7-mile DME Arc	1800	Climb to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 1600' via R 180° to Hawkeye Int and hold.
R 058°, GPT VORTAC CCW	R 045°, GPT VORTAC	7-mile DME Arc	1800	Supplementary charting information:
7-mile DME Arc	3-mile DME GPT, R 045° (NOPT)	GPT, R 045°	680	Morris holding: hold NW 116° Inbnd, 1 minute, right turns.
				Hawkeye holding: hold S 360° Inbnd, 1 minute, right turns.
				TDZ elevation, 27'.

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 1600' within 10 miles of GPT VORTAC.
Final approach crs, 225°.
Minimum altitude over 3-mile DME GPT R 045°, 680'.
MSA: 090°–270°—1500'; 270°–090°—2800'.
*Night operations not authorized Runways 22/4.
@ Alternate minimum not authorized when control zone not effective except for operators with approved weather reporting service.
Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-22*#	680	1	653	680	1	653	680	1¼	653	680	1½	653
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*#	680	1	652	680	1	652	680	1½	652	700	2	672
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22*#	460	1	433	460	1	433	460	1	433	460	1	433
A	Standard. @		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 22, Amdt. 4; Eff. date, 11 Dec. 69; Sup Amdt. No. 3; Dated, 23 Oct. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: GPT VORTAC
R 058°, GPT VORTAC CW	R 124°, GPT VORTAC	7-mile DME Arc	1800	Climbing left turn to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 2500', R 339° to Mouse Int and hold.
R 242°, GPT VORTAC CCW	R 124°, GPT VORTAC	7-mile DME Arc	1800	Supplementary charting information:
7-mile DME Arc	4-mile DME GPT, R 124° (NOPT)	GPT, R 124°	480	Morris holding: hold NW 116° Inbnd, 1 minute, right turns.
				Mouse holding: hold NW 159° Inbnd, 1 minute, right turns.
				TDZ elevation, 25'.

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 1600' within 10 miles of GPT VORTAC.
Final approach crs, 124°.
Minimum alttude over 4-mile DME GPT, R 124°, 480'.
MSA: 090°–270°—1500'; 270°–090°—2600'.
NOTE: Inoperative table does not apply to HIRL Runway 31.
*Night operations not authorized, Runways 22/4.
@ Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-31*#	480	1	455	480	1	455	480	1	455	480	1	455
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*#	680	1	652	680	1	652	680	1¼	652	700	2	672
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31*#	420	1	395	420	1	395	420	1	395	420	1	395
A	Standard.@		T 2-eng. or less—Standard.*				T over 2-eng—Standard.*					

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 31, Amdt. 4; Eff. date, 11 Dec. 69; Sup. Amdt. No. 3; Dated, 23 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 7.8 miles after passing DCU VOR.
				Climbing right turn to 3000′ to DCU VOR and hold; or, when directed by ATC, climbing right turn to 3000′ proceed via S crs I HSV LOC to Bluff Int and hold S, 1 minute, right turns, 359° Inbnd.
				Supplementary charting information: Hold W, 1 minute, right turns, 090° Inbnd HIRLs Runways 18 L & R/36 L & R.

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 3000′ within 10 miles of DCU VOR.
FAF, DCU VOR. Final approach crs, 090°. Distance FAF to MAP, 7.8 miles.
Minimum altitude over DCU VOR, 3000′.
MSA: 000–090°—3600′; 090°–180°—3600′; 180°–270°—2300′; 270°–360°—2000′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	1140	1	511	1140	1	511	1140	1¼	511	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629′; Facility, DCU; Procedure No. VOR-1, Amdt. 3; Eff. date, 11 Dec. 69; Sup. Amdt. No. 2; Dated, 12 Jan. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6.6 miles after passing TYS VORTAC.
TYS VORTAC, R 263°, CW	TYS VORTAC, R 040°	7-mile DME Arc	3500	Climb to 3000′ on TYS VORTAC R 220° to Greenback Int and hold.
TYS VORTAC, R 100°, CCW	TYS VORTAC, R 040°	7-mile DME Arc	3500	
7-mile DME Arc	TYS, R 040°		3000	
				Supplementary charting information: Hold SW, 1 minute, right turns, 049° Inbnd. HIRL Runways 4L/22R. Final approach crs to runway threshold. Runway 22R, TDZ elevation, 981′.

Procedure turn E side of crs, 040° Outbnd, 220° Inbnd, 3500′ within 10 miles of TYS VORTAC.
FAF, TYS VORTAC. Final approach crs, R 220°. Distance FAF to MAP, 6.6 miles.
Minimum altitude over TYS VORTAC, 3000′.
MSA: 000°–090°—5700′; 090°–180°—8700′; 180°–270°—6100′; 270°–360°—5600′.
NOTES: (1) ASR. (2) Inoperative component table does not apply to HIRL Runway 22R.
%RVR 24, Runway 4L.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
5–22R	1500	1	519	1500	1	519	1500	1	519	1500	1¼	519
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAT	MDA	VIS	HAA
C	1540	1	551	1540	1	551	1540	1½	551	1540	2	551
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Knoxville; State, Tenn.; Airport name, McGhee Tyson; Elev., 989′; Facility, TYS; Procedure No. VOR Runway 22R, Amdt. 13; Eff. date, 11 Dec. 69; Sup. Amdt. No. 12; Dated, 28 Aug. 69

10. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.9 miles after passing AN HW/LOM.
Bandera Int	AN LOM (NOPT)	Direct	3000	Climb to 3000′ right turn to R 150° SAT VORTAC to Elmendorf Int, or when directed by ATC, climbing left turn to 3000′ direct to SAT VORTAC then via R 033° to Mission Int.
SAT VORTAC	AN LOM.	Direct	3000	
Bellaire Int	AN LOM.	Direct	3000	
R 353°, SAT VORTAC (CCW)	ANT LOC (front crs)	10-mile Arc R 282° lead radial	3000	
Int 10-mile Arc/ANT LOC (front crs)	AN LOM (NOPT)	LOC Crs	2600	

Procedure turn W side of crs, 303° Outbnd, 123° Inbnd, 3000′ within 10 miles of AN LOM.
FAF, AN LOM. Final approach crs, 123°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over AN LOM, 2600′.
Distance to runway threshold at OM, 5.9 miles; at MM, 0.5 mile.
MSA: 000°–360°—3100′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	1300	1	492	1300	1	492	1300	1½	492	1420	2	612
A	Standard.		T 2-eng. or less—RVR 24′, Runway 3; Standard all others.				T over 2-eng.—RVR 24′, Runway 3; Standard all others.					

City, San Antonio; State, Tex.; Airport name, International; Elev., 808′; Facility, I-ANT; Procedure No. LOC Runway 12R, Amdt. Orig.; Eff. date, 11 Dec. 69

11. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4 miles after passing Derby Int.
				Make left-climbing turn to 3000′ on a 140° heading, intercept R 048° of BSV VOR. Proceed to BSV VOR and hold.
				Supplementary charting information: Hold NE, 1 minute, right turns, 228° Inbnd. TDZ elevation, 1217′.

Procedure turn not authorized. Approach crs (profile) starts at Derby Int.
FAF, Derby Int. Final approach crs, 186°. Distance FAF to MAP, 4 miles.
Minimum altitude over Derby Int, 2800′.
NOTES: (1) Radar required. (2) LOC back crs unusable beyond 10 miles.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
5–19	1560	¾	343	1560	¾	343	1560	¾	343	1560	1	343
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1620	1	392	1680	1	452	1680	1½	452	1780	2	552
A	Standard.		T 2-eng. or less—RVR 24′, Runway 1; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 1; Standard all other runways.					

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228′; Facility, I-CAK; Procedure No. LOC (BC) Runway 19, Amdt. 2; Eff. date, 11 Dec. 69; Sup. Amdt. No. 1; Dated, 6 Mar. 69

12. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AVK NDB.
Capron Int	AVK NDB	Direct	3000	Climb to 3000', left turn, to AVK NDB and hold. Supplementary charting information: Hold S of AVK NDB on 160°–340° Inbnd, 1 minute, left turns. Delete 1698' tower 1 mile ENE of Alva Airport from AL Plate and sectional chart. Approximate coordinates 36°46'40" N/ 98°39'40" W. Tower nonexistent. Runway 35, TDZ elevation, 1470'.

Procedure turn W side of crs, 160° Outbnd, 340° Inbnd, 3000' within 10 miles of AVK NDB.
Final approach crs, 340°.
Minimum altitude over AVK NDB, 2000'.
MSA: 000°–360°—3400'.
*When Alva altimeter setting is not available, use Gage altimeter setting and increase straight-in and circling MDA, 280'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–35*	2000	1	530	2000	1	530	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	2000	1	526	2000	1	526	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-Eng.—Standard.	

City, Alva; State, Okla.; Airport name, Alva Municipal; Elev., 1474'; Facility, AVK; Procedure No. NDB (ADF) Runway 35, Amdt. 1; Eff. date, 11 Dec. 69; Sup. Amdt. No. Orig.; Dated, 29 Feb. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing AID NDB.
Daleville Int	AID NDB	Direct	2500	Make left-climbing turn to 2400' and return to AID NDB.
MZZ VOR	AID NDB	Direct	2500	
Pendleton Int	AID NDB	Direct	2500	

Procedure turn S side of crs, 298° Outbnd, 118° Inbnd, 2400' within 10 miles of AID NDB.
FAF, AID NDB. Final approach crs, 118°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over AID NDB, 1500'.
MSA: 000°–180°—2500'; 180°–270°—2900'; 270°–360°—2400'.
NOTES: (1) Radar vectoring. (2) Use Muncie altimeter, when not available, use Indianapolis altimeter and raise MDA 160'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–12	1320	1	407	1320	1	407	1320	1	407	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1360	1	447	1360	1	467	1380	1¼	467	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Anderson; State, Ind.; Airport name, Anderson; Elev., 913'; Facility AID; Procedure No. NDB (ADF) Runway 12, Amdt. 4; Eff. date, 11 Dec. 69; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 4 June 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CCY NDB.
New Hampton Int	CCY NCB	Direct	2700	Make left-climbing turn to 2700' on 305° bearing from NDB within 10 miles, return to NDB. Supplementary charting information: Runway 12, TDZ elevation, 1128'.

Procedure turn S side of crs, 305° Outbnd, 125° Inbnd, 2700' within 10 miles of CCY NDB.
Final approach crs, 125°.
MSA: 000°–270°—2500'; 270°–360°—3800'.
NOTE: Use Mason City altimeter setting.
CAUTION: Runways 4/22 and 17/35 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–12	1700	1	572	1700	1	572	1700	1	572	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1700	1	570	1720	1	590	1720	1½	590	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Charles City; State, Iowa; Airport name, Charles City Municipal; Elev., 1130'; Facility, CCY; Procedure No. NDB (ADF) Runway 12, Amdt. 2; Eff. date, 11 Dec 69; Sup. Amdt. No. 1; Dated, 17 June 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing EL LOM.
El Paso VORTAC	EL LOM	Direct	5900	Climbing left turn to heading 120°, climb to 6000', within 20 miles. Supplementary charting information: ATC Tower SE portion of airport 4103' (31°, 47', 49"/106°, 22', 13"). Airport beacon remains in old ATC tower. Runway 22, TDZ elevation, 3943'.
Int R 256°, ELP VORTAC and NE Crs ILS	EL LOM	Direct	5900	
Newman VOR	EL LOM	Direct	5900	

Procedure turn W side of crs, 038° Outbnd, 218° Inbnd, 5900' within 10 miles of EL LOM.
FAF, EL LOM. Final approach crs, 218°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over EL LOM, 5600'.
MSA: 090°–200°—6400'; 200°–340°—8200'; 340°–090°—7800'.
NOTE: ASR.
% IFR westbound departure procedures when weather is below 4000-2: takeoff Runways 17, 22, and 26 climbing left turn to 120°. Intercept and climb via the ELP R 150° to airway MEA or as directed by ATC. Takeoff Runways 4, 35, and 8 climbing right turn direct to ELP VORTAC continue climb via the ELP R 150° to airway MEA or as directed by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–22	4380	¾	437	4380	¾	437	4380	¾	437	4380	1	437
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4420	1	484	4460	1	504	4460	1¼	504	4520	2	564
A	Standard.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %					

City, El Paso; State, Tex.; Airport name, El Paso International; Elev., 3956'; Facility, EL; Procedure No. NDB (ADF) Runway 22, Amdt. 21; Eff. date, 11 Dec. 69; Sup. Amdt. No. 20; Dated, 14 Oct. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
GAD NDB	Sibert Int	Direct	3000	MAP: Over GAD NDB. Climb to 3000', right turn, direct to GAD NDB and hold.

Supplementary charting information: Hold SW, 1 minute, right turns, 067° Inbnd. Final approach crs intercepts runway centerline extended 3000' from threshold.
LRCO, 122.1R, 122.6R.
Runway 6, TDZ elevation, 564'.

Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 3000' within 10 miles of Sibert Int.
FAF, Sibert Int. Final approach crs, 067°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over Sibert Int, 2200'.
MSA 000°-090°—3000'; 090°-180°—3200'; 180°-270°—2700'; 270°-360°—2600'.
NOTES: (1) Use Anniston FSS altimeter setting. (2) Both ADF and VOR receiving equipment required for this approach.
#Local weather not available to public. Operators with approved weather reporting service authorized standard alternate minimums and decrease straight-in MDA, 100'; Circling MDA Category A, 100'. Categories B and C, 60'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-6	1080	1	516	1080	1	516	1080	1	516	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1080	1	516	1080	1	516	1080	1¼	516	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Gadsden; State, Ala.; Airport name, Gadsden Municipal; Elev., 564'; Facility, GAD; Procedure No. NDB (ADF) Runway 6, Amdt. 1; Eff. date, 11 Dec. 69; Sup Amdt. No. Orig.; Dated, 18 Apr. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Akron VORTAC	AKR NDB	Direct	2800	MAP: 4.8 miles after passing AKR NDB. Climb to 2000' on 348° crs, make right turn, climb to 3000', direct to ACO VORTAC and hold.
Briggs VORTAC	AKR NDB (NOPT)	Direct	2800	

Supplementary charting information: Hold E, 1 minute, right turns, 276° Inbnd.
CAUTION: 1347' tower, 1.3 miles SE of airport.
Runway 1, TDZ elevation, 1150'.

Procedure turn E side of crs, 168° Outbnd, 348° Inbnd, 2800' within 10 miles of AKR NDB.
FAF, AKR NDB. Final approach crs, 348°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over AKR NDB, 2800'.
MSA: 000°-090°—2700'; 090°-180°—2800'; 180°-360°—3100'.
NOTES: (1) Radar vectoring. (2) Use Akron, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-1	1660	1	510	1660	1	510	1660	1	510	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1660	1	510	1660	1	510	1660	1¼	510	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Kent; State, Ohio; Airport name, Andrew W. Paton of Kent State University; Elev., 1150'; Facility, AKR; Procedure No. NDB (ADF) Runway 1, Amdt. 2; Eff. date, 11 Dec. 69; Sup. Amdt. No. 1; Dated, 18 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Moorefield Int	IMS NDB	Direct	2400	MAP: IMS NDB. Climbing left turn to 2400' IMS NDB bearing 216°, return to IMS NDB.
ABB VOR	IMS NDB	Direct	2400	

Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold.
R-3403, 4.2 miles N of airport.

Procedure turn E side of crs, 216° Outbnd, 036° Inbnd, 2400' within 10 miles of IMS NDB.
Final approach crs, 036°.
MSA: 000°-090°—2300'; 090°-180°—2500'; 180°-270°—3000'; 270°-360°—2200'.
NOTE: Use Standiford Field, Louisville, Ky., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-3	1500	1	686	1500	1	686	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1500	1	686	1500	1	686	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Madison; State, Ind.; Airport name, Madison Municipal; Elev., 814'; Facility, IMS; Procedure No. NDB (ADF) Runway 3, Amdt. Orig.; Eff. date, 11 Dec. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
VAN VOR	OGB NDB	Direct	1800	MAP: 1.2 miles after passing OGB NDB. Climb to 1800', right turn, direct to OBG and hold.
Bowman Int	OGB NDB	Direct	1800	
Norway Int	OGB NDB	Direct	1800	Supplementary charting information:
Salley Int	OGB NDB	Direct	1800	Hold SW, 1 minute, left turns, 044° Inbnd.
Ernies Int	OGB NDB	Direct	1800	Final approach crs to runway threshold.

Procedure turn N side of crs, 228° Outbnd, 048° Inbnd, 1800' within 10 miles of OGB NDB.
FAF, OGB NDB. Final approach crs, 038°. Distance FAF to MAP, 1.2 miles.
Minimum altitude over OGB NDB, 1200'.
MSA: 000°-360°—1700'.
NOTES: (1) Use CAE APC altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	980	1	785	980	1¼	785	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2 eng.—Not authorized.	

City, Orangeburg; State, S.C.; Airport name, Orangeburg; Elev., 195'; Facility, OGB; Procedure No. NDB(ADF) Runway 4, Amdt. Orig.; Eff. date, 11 Dec. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6 miles after passing 6-mile Radar Fix.
				Climb to 3000′ direct to AN RBn, continue on 303° bearing from RBn within 8 miles. Supplementary charting information: Aircraft will be released for final approach over 6-mile Radar Fix. Radar required. Runway 30L, TDZ elevation, 785′.

Procedure turn not authorized. Approach crs (profile) starts at 6-mile Radar Fix.
FAF, 6-mile Radar Fix. Final approach crs, 303°. Distance FAF to MAP, 6 miles.
Minimum altitude over 6-mile Radar Fix, 2200′.
MSA: 000°–360°—3100′.
NOTES: (1) ASR. (2) Radar required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L	1420	1	635	1420	1	635	1420	1¼	635	1420	1¼	635
	MDA	VIS	HAA	MDA	VIS	HAA	HDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	612	1420	1	612	1420	1¼	612	1420	2	612
A	Standard.		T 2-eng. or less—RVR 24′, Runways 3 and 12R; Standard all others.				T over 2-eng.—RVR 24′, Runways 3 and 12R; Standard all others.					

City, San Antonio; State, Tex.; Airport name, International; Elev., 808′; Facility, AN; Procedure No. NDB (ADF) Runway 30L, Amdt. 1; Eff. date, 11 Dec. 69; Sup. Amdt. No. Orig.; Dated, 18 Nov. 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
SAT VORTAC	SA LOM	Direct	3500	MAP: 3.9 miles after passing SA LOM.
Wetmore Int	SA LOM	Direct	3500	
Losoya Int	SA LOM	Direct	3500	
R 300°, SAT VORTAC (CCW)	Bearing 212° SA LOM	16-mile Arc SAT, R 204° lead radial.	3500	Climb to 3000′ direct to SAT VORTAC then via R 033° to Mission Int, or when directed by ATC, climbing right turn to 3000′ intercept R 159° SAT VORTAC to Elmendorf Int.
Int 16-mile Arc/bearing 212° SA LOM	SA LOM (NOPT)	Bearing 212° SA LOM	2000	Supplementary charting information: Runway 3, TDZ elevation, 784′.

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 3500′ within 10 miles of Collins Int.
FAF, SA LOM. Final approach crs, 032°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over Collins Int, 3500′; over SA LOM, 2000′.
MSA: 000°–360°—3000′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	1280	RVR 50	496	1280	RVR 50	496	1280	RVR 50	496	1280	RVR 50	496
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	472	1280	1	472	1280	1½	472	1420	2	612
A	Standard.		T 2-eng. or less—RVR 24′, Runways 3 and 12R; Standard all others.				T over 2-eng.—RVR 24′, Runways 3 and 12R; Standard all others.					

City, San Antonio; State, Tex.; Airport name, International; Elev., 808′; Facility, SA; Procedure No. NDB (ADF) Runway 3, Amdt. 26; Eff. date, 11 Dec. 69; Sup. Amdt. No. 25; Dated, 16 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.9 miles after passing AN RBn.
Pandera Int	AN RBn (NOPT)	Direct	3000	Climb to 3000′ right turn to R 159° SAT VORTAC to Elmendorf Int, or when directed by ATC, climbing left turn to 3000′ direct to SAT VORTAC then via R 033° to Mission Int. Supplementary charting information: Runway 12R, TDZ elevation, 808′.
SAT VORTAC	AN RBn	Direct	3000	

Procedure turn W side of crs, 303° Outbnd, 123° Inbnd, 3000′ within 10 miles of AN RBn.
FAF, AN RBn. Final approach crs, 123°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over AN RBn, with procedure turn, 2600′; without procedure turn, 3000′.
MSA: 000°–360°—3100′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-12R	1420	RVR 40	612	1420	RVR 40	612	1420	RVR 40	612	1420	RVR 60	612
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	612	1420	1	612	1420	1½	612	1420	2	642
A	Standard.		T 2-eng. or less—RVR 24′, Runways 3 and 12R; Standard all others.				T over 2-eng.—RVR 24′, Runways 3 and 12R; Standard all others.					

City, San Antonio; State, Tex.; Airport name, International; Elev., 808′; Facility, AN; Procedure No. NDB (ADF) Runway 12R, Amdt. 11; Eff. date, 11 Dec. 69; Sup. Amdt. No. 10; Dated, 31 July 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: SHL NDB.
Ireton Int	SHL NDB	Direct	3100	Climb to 3100′ on 335° bearing from NDB within 10 miles, return to NDB. Supplementary charting information: Final approach crs intercepts runway centerline 3400′ from threshold. Runway 33, TDZ elevation, 1418′.
Bigelow Int	SHL NDB	Direct	3100	
Everly Int	SHL NDB	Direct	3100	

Procedure turn E side of crs, 155° Outbnd, 335° Inbnd, 3100′ within 10 miles of SHL NDB.
Final approach crs, 335°.
MSA: 000°–090°—3400′; 090°–180°—2800′; 180°–270°—2800′; 270°–360°—3400′.
NOTES: (1) Use Worthington, Minn., altimeter setting; when not available use Sioux Falls, S. Dak., altimeter setting and increase all MDAs 80′. (2) Operators with approved weather reporting service may reduce all MDAs by 120′.
*Standard alternate minimums for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-33	2040	1	622	2040	1	622	2040	1	622		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2040	1	621	2040	1	621	2040	1½	621		NA	
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Sheldon; State, Iowa; Airport name, Sheldon Municipal; Elev., 1419′; Facility, SHL; Procedure No. NDB (ADF) Runway 33, Amdt. Orig.; Ex. date, 11 Dec. 69

13. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing NDB
RMT VOR	PGV NDB	Direct	1600	Make climbing right turn to 1600′ return
ISO VOR	PGV NDB	Direct	1600	direct to NDB, hold N 192° Inbnd, right
Zang Int	PGV NDB (NOPT)	Direct	1600	turns.
				Supplementary charting information:
				Antenna 943′, 3.5 miles S of airport.

Procedure turn E side of crs, 012° Outbnd, 192° Inbnd, 1600′ within 10 miles of PGV NDB.
FAF, PGV NDB. Final approach crs, 192°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over PGV NDB, 1500′.
MSA: 000°–090°—1500′; 090°–270°—2000′; 270°–360°—1600′.
NOTES: (1) Use RMT altimeter setting. (2) Night minimum not authorized on Runways 14/32.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	640	1	615	640	1	615	640	1	615	640	1¼	615
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	615	640	1	615	640	1½	615	780	2	755
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Greenville; State, N.C.; Airport name, Pitt-Greenville; Elev., 25′; Facility, PGV; Procedure No. NDB(ADF) Runway 19, A mdt. 2; Eff. date, 11 Dec. 69; Sup. Amdt No. 1; Dated, 11 Sept. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.3 miles after passing CWH NDB
HSV VOR	CWH NDB	Direct	2600	Climbing right turn to 3000′ direct to DCU
Owens Int	CWH NDB	Direct	2600	VOR and hold; or, when directed by ATC
Bluff Int	CWH NDB	Direct	2600	climbing right turn to 2600′ direct to CWH
DCU VOR	CWH NDB	Direct	2600	NDB and hold N, 1 minute, right turns,
Tanner Int	CWH NDB	Direct	2600	179° Inbnd.
Bethel Int	Toney Int	Direct	2600	Supplementary charting information:
Dellrose Int	CWH NDB (NOPT)	Direct	2600	Hold W, 1 minute, right turns, 090° Inbnd.
Toney Int	CWH NDB (NOPT)	Direct	2600	HIRLS Runways 18L & R/36 L & R.
				Depict SV LMM 219 KHz on AL chart.
				Runway 18R, TDZ elevation, 629′.

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600′ within 10 miles of CWH NDB.
FAF, CWH NDB. Final approach crs, 179°. Distance FAF to MAP, 7.3 miles.
Minimum altitude over CWH NDB, 2600′; over OM, 1220′.
MSA: 000°–180°—3600′; 180°–360°—2600′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R	1220	¾	591	1220	¾	591	1220	¾	591	1220	1	591
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	591	1220	1	591	1220	1½	591	1220	2	591
	NDB/FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R	1120	¾	491	1120	¾	491	1120	¾	491	1120	1	491
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1120	1	491	1120	1	491	1120	1½	491	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629′; Facility, CWH; Procedure No. NDB (ADF) Runway 18R, Amdt. 4; Eff. date, 11 Dec. 69; Sup. Amdt. No. 3; Dated, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing RS LOM.
Gardner VORTAC	RS LOM	Direct	3000	Make right-climbing turn to 2900′ direct
Millbury Int	RS LOM	Direct	3000	RS LOM and hold.
Templeton Int	Lakeside Int	EEN, R 183°	3000	Supplementary charting information:
Lakeside Int	Spencer Int	EEN, R 183°	3000	Hold W of RS LOM, 1 minute, left turns,
Eagle Int	Spencer Int	GDM, R 209°	3000	108° Inbnd.
Spencer Int	RS LOM (NOPT)	Direct	2900	1663′ antenna 2.1 miles N of airport.*
BE LOM	RS LOM	Direct	3000	Runway 11, TDZ elevation, 980′.

Procedure turn N side of crs, 288° Outbnd, 108° Inbnd, 2900′ within 10 miles of RS LOM.
FAF, RS LOM. Final approach crs, 108°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over RS LOM, 2900′.
MSA: 000°–090°—3100′; 090°–180°—2700′; 180°–270°—2400′; 270°–360°—2800′.
Departure procedures: Runway 33, climb on heading 290° to 2000′ before proceeding northeastbound; Runway 2, climb on heading 060° to 2000′ before proceeding westbound.
*Category D, 1000–2.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	1560	1	580	1560	1	580	1560	1	580	1560	1¼	580
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1	551	1560	1	551	1620	1½	611	2000	2	991
A	Standard.*		T 2-eng. or less—300–1, Runways 29 and 33; Standard all others.				T over 2-eng.—300–1, Runways 29 and 33; Standard all others.					

City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1009′; Facility, RS; Procedure No. NDB (ADF) Runway 11, Amdt. 1; Eff. date, 11 Dec. 69; Sup. Amdt. No. Orig.; Dated, 28 Aug. 69

14. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS, DH, 4143′. LOC, 3.1 miles after passing EL LOM.
ELP VORTAC	EL LOM	Direct	5900	Climbing left turn to heading 120°, climb
EWM VOR	EL LOM	Direct	5900	to 6000′ on ELP R 150° within 20 miles.
Int EWM VOR R 079° and NE crs ILS	EL LOM (NOPT)	ELP LOC crs	5400	Supplementary charting information:
R 109°, ELP VORTAC (CCW)	ELP LOC crs (NOPT)	8-mile DME Arc lead radial 030°.	6500	ATC tower SE portion of airport, 4103′ (31°47′49″/106°22′15″).
				Airport beacon remains on old ATC tower.
				Runway 22, TDZ elevation, 3943′.

Procedure turn W side of crs, 038° Outbnd, 218° Inbnd, 5900′ within 10 miles of EL LOM.
FAF, ELP LOM. Final approach crs, 218°. Distance FAF to MAP, 3.1 miles.
Minimum glide slope interception altitude, 5400′. Glide slope altitude at OM, 4954′; at MM, 4122′.
Distance to runway threshold at OM, 3.67 miles; at MM, 0.58 mile.
MSA: 090°–200°—6400′; 200°–340°—8200′; 340°–090°—7800′.
NOTE: ASR.
%IFR westbound departure procedures when weather is below 4000–2; takeoff Runways 17, 22, and 26 climbing left turn to 120° heading. Intercept and climb via the ELP R 150° to airway MEA or as directed by ATC. Takeoff Runways 4, 35, and 8 climbing right turn direct to ELP VORTAC continue climb via the ELP R 150° to airway MEA or as directed by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-22	4143	½	200	4143	½	200	4143	½	200	4143	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22	4220	½	277	4220	½	277	4220	½	277	4220	¾	277
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4420	1	464	4460	1	504	4460	1½	504	4520	2	564
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, El Paso; State, Tex.; Airport name, El Paso International; Elev., 3956′; Facility, I-ELP; Procedure No. ILS Runway 22, Amdt. 20; Eff. date, 11 Dec. 69; Sup. Amdt. No. 19; Dated, 14 Oct. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
SAT VORTAC	SA LOM	Direct	3500	Climb to 3000′ direct to SAT VORTAC, then via R 033° to Mission Int, or when directed by ATC, climbing right turn to 3000′, intercept R 159° SAT VORTAC to Elmendorf Int.
Wetmore Int	SA LOM	Direct	2500	
Losoya Int	SA LOM	Direct	3500	
R 300°, SAT VORTAC (CCW)	SAT LOC (front crs)	16-mile Arc SAT, R 204° lead radial	3500	
Int 16-mile Arc/SAT LOC (front crs)	SA LOM (NOPT)	LOC crs	2100	Supplementary charting information: Runway 3, TDZ elevation, 784′.

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 3500′ within 10 miles of Collins Int.
FAF, SA LOM. Final approach crs, 032°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over Collins Int, 3500′; over SA LOM, 2100′.
Glide slope interception altitude, 2100′. Glide slope altitude at OM, 2060′; at MM, 981′.
Distance to runway threshold at OM, 3.9 miles; at MM, 0.5 mile.
MSA: 000°–360°—3000′.
NOTE: ASR.
*Inoperative table does not apply to HIRL or ALS Runway 3. HIRL and ALS inoperative visibility 1 mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-3	984	RVR 40	200	984	RVR 40	200	984	RVR 40	200	1034	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3*	1100	RVR 40	316	1100	RVR 40	316	1100	RVR 40	316	1100	RVR 40	316
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	472	1280	1	472	1280	1¼	472	1420	2	612
A	Standard.		T 2-eng. or less—RVR 24′, Runways 3 and 12R; Standard all others.				T over 2-eng.—RVR 24′, Runways 3 and 12R; Standard all others.					

City, San Antonio; State, Tex.; Airport name, International; Elev., 808′; Facility, I–SAT; Procedure No. ILS Runway 3, Amdt. 3; Eff. date, 11 Dec. 69; Sup. Amdt. No. 2, Dated, 27 Feb. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6 miles after passing 6-mile Radar Fix.
				Climb to 3000′ on NW crs of ANT ILS within 15 miles.

Supplementary charting information:
Aircraft will be released for final approach over 6-mile Radar Fix.
Runway 30L, TDZ elevation, 785′.

Procedure turn not authorized. Approach crs (profile) starts at 6-mile Radar Fix.
FAF, 6-mile Radar Fix. Final approach crs, 303°. Distance FAF to MAP, 6 miles.
Minimum altitude over 6-mile Radar Fix, 2200′.
MSA: 000°–360°—3100′.
NOTES: (1) ASR. (2) Components inoperative table does not apply to HIRL Runway 30L. (3) Radar required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L	1360	1	575	1360	1	575	1360	1	575	1360	1¼	575
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	552	1360	1	552	1360	1¼	552	1420	2	612
A	Standard.		T 2-eng. or less—RVR 24′, Runways 3 and 12R; Standard all others.				T over 2-eng.—RVR 24′, Runways 3 and 12R; Standard all others.					

City, San Antonio; State, Tex.; Airport name, International; Elev., 808′; Facility, I-ANT; Procedure No. LOC (BC) Runway 30L, Amdt. 1; Eff. date, 11 Dec. 69; Sup. Amdt. No. Orig.; Dated, 18 Nov. 67

15. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH, 1339′; LOC 5.8 miles after passing RS LOM.
Gardner VORTAC	RS LOM	Direct	3000	Make right-climbing turn to 2000′ direct RS LOM and hold.
Millbury Int	RS LOM	Direct	3000	
Templeton Int	Lakeside Int	E EN, R 183°	3000	Supplementary charting information: *
Lakeside Int	Spencer Int	E EN, R 183°	3000	Hold W of RS LOM, 1 minute, left turns, 108° Inbnd.
Eagle Int	Spencer Int	GDM, R 209°	3000	
Spencer Int	RS LOM (NOPT)	Direct	2900	1663′ antenna 2.1 miles N of airport.
BE LOM	RS LOM	Direct	3000	Runway 11, TDZ elevation, 980′.

Procedure turn N side of crs, 288° Outbnd, 108° Inbnd, 2900′ within 10 miles of RS LOM.
FAF, RS LOM. Final approach crs, 108°. Distance FAF to MAP, 5.8 miles.
Minimum glide slope interception altitude, 2900′. Glide slope altitude at OM, 2862′; at MM, 1212′
Distance to runway threshold at OM, 5.8 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100′; 090°–180°—2700′; 180°–270°—2400′; 270°–360°—2800′.
Departure procedures: Runway 33, climb on heading 290° to 2000′ before proceeding northeastbound; Runway 2, climb on heading 050° to 2000′ before proceeding westbound.
*Category C, 700–2; Category D, 1000–2.
#Inoperative components table does not apply to HIRL Runway 11 for Categories A, B, and C.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-11	1339	1	359	1339	1	359	1339	1	359	1339	1	359
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11#	1440	1	460	1440	1	460	1440	1	460	1440	1	460
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	451	1540	1	531	1620	1½	611	2000	2	991
A	Standard.*		T 2-eng. or less—300–1, Runways 29 and 33; Standard all others.				T over 2-eng.—300–1, Runways 29 and 33; Standard all others.					

City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1009′; Facility, I–RSR; Procedure No. ILS Runway 11, Amdt. 1; Eff. date, 11 Dec. 69; Sup. Amdt. No. Orig.; Dated, 28 Aug. 69

16. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna) From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by El Paso ASR minimum altitude vectoring chart.												1. Descend aircraft to MDA after FAF. ASR Runway 22, FAF 5 miles from threshold. ASR Runway 26, FAF 5 miles from threshold. 2. Missed approach point, runway threshold. Runway 22, TDZ elevation, 3943′. Runway 26, TDZ elevation, 3956′.

Missed approach: Climbing left turn to 6000′ on heading 120° within 20 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22	4320	¾	377	4320	¾	377	4320	¾	377	4320	1	377
S-26	4280	1	324	4280	1	324	4280	1	324	4280	1	324
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4420	1	464	4460	1	504	4460	1¼	504	4500	2	544
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, El Paso; State, Tex.; Airport name, El Paso International; Elev., 3956′; Facility, ELP ASR; Procedure No. ASR-1, Amdt. 6; Eff. date, 11 Dec. 69; Sup. Amdt. No. Radar 1, Amdt. 5; Dated, 25 Sept. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)											Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
000°	360°	10 miles	*2200									Descend aircraft to MDA after FAF at 5 miles from thresholds of Runways 12R, 30L, 21, and 3.
045°	230°	20 miles	*2000	30 miles	*2100							
230°	045°	15 miles	2500	20 miles	3000	30 miles	3600					*Radar control must provide 3 miles horizontal or 1000' vertical separation from 2049' tower 19 miles SE; 1190' tower 10.5 miles SE; 1326' tower 6.8 miles W; and 1402' tower 6.5 miles S of airport.
												#CAUTION: Radar control will not descend aircraft below 1400' on approach to Runway 12R until observed to have passed 1120' water tank 2.1 miles W of airport, nor below 1400' on approach to Runway 30L until observed to have passed 1108' tower 3.1 miles SE of airport.
												Supplementary charting information:
												Inoperative table does not apply to HIRL Runways 30L, 21, and ALS Runway 3.
												Runway 12R, TDZ elevation, 808'.
												Runway 30L, TDZ elevation, 785'.
												Runway 3, TDZ elevation, 784'.
												Runway 21, TDZ elevation, 775'.

Missed approach: Climb to 3000', right or left turn as appropriate, to R 150 SAT VORTAC to Elmendorf Int., or when directed by ATC, direct to SAT VORTAC, then via R 033° to Mission Int.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12R	1220	RVR 24	412	1220	RVR 24	412	1220	RVR 24	412	1220	RVR 50	412
S-30L	1220	1	415	1200	1	415	1200	1	415	1200	1	415
S-3	1240	RVR 40	456	1240	RVR 40	456	1240	RVR 40	456	1240	RVR 50	456
S-21	1280	1	505	1280	1	505	1280	1	505	1280	1¼	505
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	472	1280	1	472	1280	1½	472	1420	2	612
A	Standard.			T 2-eng. or less—RVR 24', Runways 3 and 12R; Standard all others.			T over 2-eng.—RVR 24', Runways 3 and 12R; Standard all others.					

City, San Antonio; State, Tex.; Airport name, International; Elev., 808'; Facility, San Antonio Radar; Procedure No. Radar-1, Amdt. 14; Eff. date, 11 Dec. 69; Sup. Amdt. No. 13; Dated, 22 May 69

17. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors annd altitudes (factors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Chicago O'Hare ASR minimum altitude vectoring charts.												1. Descend aircraft after passing FAF 5 miles from threshold, all Runways.
Radar will provide 1000' vertical clearance within 3-mile radius of the following towers:												2. Runway 27L, minimum altitude over 2-mile fix, 1300'.
1187', 15 miles NW.		1504', 14.2 miles SE.										3. Runway 9R minimum altitude over 4-mile fix 1700'.
1460', 5.5 miles W.		1260', 10 miles SSW.										4. Runway 4 minimum altitude over 3-mile fix, 1400'.
1413', 4.0 miles W.		1125', 8 miles SW.										5. Runway 22 minimum altitude over 4-mile fix, 1700'.
1508', 7.2 miles SW.		1540', 13.9 miles SE.										Supplementary charting information:
1185', 4.8 miles SW.		2049', 13.9 miles SE.										Runway TDZ elevations:
1120', 3.5 miles SW.		1138', 15.0 miles SW.										4, 667'. 14R, 667'. 27R, 653'.
												9R, 665'. 22, 650'. 32L, 656'.
												14L, 652'. 27L, 651'. 32R, 652'.

Missed approach:
Runway 4—Climb straight ahead to 3500' and proceed to Evanston Int via ORD VOR R 075°.
Runway 9R—Climb to 3500' and proceed to Evanston Int via ORD VOR R 075°.
Runway 27L—Turn left to 250° heading, climb to 1500', then make left-climbing turn to 3500' and proceed to DPA VOR via R 085°.
Runway 27R—Turn right to 285° heading, climb to 1500' then make right-climbing turn to 3500' and proceed direct to OBK VOR.
Runway 22—Climb to 3500' on a crs of 220° and proceed to DPA VOR via R 085°.
Runway 14R—Right turn to 1500' on heading 185°, then make right-climbing turn to 3500' and proceed to DPA VOR via R 085°.
Runway 32R—Turn right to 335° heading, climb to 1500', then make right-climbing turn to 3500' and proceed to Evanston Int via ORD R 075°.
Runway 32L—Climb straight ahead to 1500', then make climbing turn to 3500' and proceed direct to DPA VOR.
Runway 14L—Left-climbing turn to 1500' on heading 090°, then make left-climbing turn to 3500' and proceed to Evanston Int via ORD R 075°.
NOTES: (1) Inoperative table does not apply to HIRL Runways 9R and 27L. (2) Inoperative table does not apply to REILs Runways 22 and 27L. (3) Inoperative table does not apply to SALS Runway 4.
2 IFR departures: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000' on runway heading prior to making left turn.
#Runways 32L, 32R, 27R, VIS 2400'. Runways 14L, 14R, VIS 1800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
Precision approaches:												
S-14L	852	RVR 18	200	852	RVR 18	200	852	RVR 18	200	852	RVR 20	200
S-14R	867	RVR 18	200	867	RVR 18	200	867	RVR 18	200	867	RVR 20	200
S-32L	856	RVR 24	200	856	RVR 24	200	856	RVR 24	200	856	RVR 24	200
S-32R	852	RVR 24	200	852	RVR 24	200	852	RVR 24	200	852	RVR 24	200
S-27R	853	RVR 24	200	853	RVR 24	200	853	RVR 24	200	853	RVR 24	200
S-4	907	⅝	250	907	⅝	250	907	⅝	250	907	⅝	250
S-22	900	⅝	250	900	⅝	250	900	⅝	250	900	⅝	250
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1160	1	493	1160	1	493	1160	1½	493	1220	2	553
Surveillance approaches:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14L	1120	RVR 24	468	1120	RVR 24	468	1120	RVR 24	468	1120	RVR 50	468
S-14R	1120	RVR 24	453	1120	RVR 24	453	1120	RVR 24	453	1120	RVR 50	453
S-32L	1080	RVR 24	424	1080	RVR 24	424	1080	RVR 24	424	1080	RVR 50	424
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22R	1080	RVR 24	428	1080	RVR 24	428	1080	RVR 24	428	1080	RVR 50	428
S-27L	1060	1	409	1060	1	409	1060	1	409	1060	1	409
S-27R	1060	RVR 24	407	1060	RVR 24	407	1060	RVR 24	407	1060	RVR 50	407
S-9R	1100	1	435	1100	1	435	1100	1	435	1100	1	435
S-4	1160	2	503	1160	2	503	1160	2	503	1160	2	503
S-22	1120	1	470	1120	1	470	1120	1	470	1120	1	470
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C, Runways 14 L & R, 32 L & R, 27 R & L, 9 R, 22.	1160	1	493	1160	1	493	1160	1½	493	1220	2	553
C-4	1160	2	493	1160	2	493	1160	2	493	1220	2	553
A	Standard.			T 2-eng. or less—Standard.%#						T over 2-eng.—Standard.%#		

City, Chicago; State, Ill.; Airport name, Chicago O'Hare International; Elev., 667'; Facility, O'Hare Radar; Procedure No. Radar-1, Amdt. 19; Eff. date, 11 Dec. 69; Sup. Amdt. No. 18; Dated, 30 Oct. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 4, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-13380; Filed, Nov. 20, 1969; 8:45 a.m.]

[Docket No. 9975, Amdt. 103-6]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Special Requirements for Poison

On May 8, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-4, Notice 69-12 (34 F.R. 7456), proposing to modify the existing restrictions against commingling of poisons and foodstuffs during shipment. By a separate document published at page 18553 of this issue the Hazardous Materials Regulations Board issued an amendment to the Department's Hazardous Materials Regulations contained in Title 49 of the Code of Federal Regulations. For the reasons stated in that document corresponding changes are being made in Part 103 of the Federal Aviation Regulations.

In consideration of the foregoing, § 103.35 of Part 103 of the Federal Aviation Regulations is amended, effective December 30, 1969, as follows:

§ 103.35 Special requirements for poisons.

(a) No operator of an aircraft may carry material marked as or known to be poison (class A or B) in the same cargo compartment of an aircraft with material which is marked as or known to be foodstuffs, feeds, or any other edible material intended for consumption by humans or animals.

(b) No person may operate an aircraft that has been used to transport material marked as or known to be poison (class A or B) unless, upon removal of such poisonous material, the compartment in which it was carried is inspected for leakage, spillage, or other contamination. All contamination discovered must be either isolated or removed from the aircraft. The operation of an aircraft contaminated with such poisons is considered to be the carriage of poisonous materials under paragraph (a) of this section.

(Title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h); sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on November 14, 1969.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[F.R. Doc. 69-13849; Filed, Nov. 20, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Definitions

Pursuant to the authority contained in section 15, 46 Stat. 537 as amended; 7 U.S.C. 499o, the regulations, other than rules of practice (7 CFR Part 46) under the Perishable Agricultural Commodities Act, 1930, are hereby amended as follows:

1. Section 46.2(m)(2) is amended by striking out "$90,000" and inserting in lieu thereof "$100,000."

2. Section 46.2(n) is amended by striking out "$90,000" and inserting in lieu thereof "$100,000."

This order amends the regulations, other than rules of practice, to conform with recent amendments to the Act, effective November 4, 1969 (Public Law 9-107).

The amendments increase from $90,000 to $100,000 the annual exemption for retail grocers and frozen food brokers who are otherwise required to obtain licenses under the Act. Notice of proposed rule making is unnecessary because the amount of the exemption is controlled by the statute and is already fixed at $100,000.

Done at Washington, D.C., this 17th day of November 1969.

G. R. GRANGE,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-13871; Filed, Nov. 20, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Payment Rate to Handlers for Certain Services Performed Regarding Reserve Tonnage Raisins

Notice was published in the October 25, 1969, issue of the FEDERAL REGISTER (34 F.R. 17335) regarding a proposal to amend Subpart—Schedule of Payments so as to provide a single payment to handlers for receiving, storing, handling, and fumigating reserve tonnage raisins during the crop year of acquisition at a combined higher rate of payment for such services. The increased payment would total $9.75 per ton. Interested persons were afforded an opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received within the period prescribed therefor.

The proposal was based on a unanimous recommendation of the Raisin Administrative Committee. The Committee is established under, and its recommendations are made in accordance with, the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, amendment of paragraph (a) of § 989.401 so as to provide a single payment for the aforesaid handler services at a rate of $9.75 per ton is hereby approved. Therefore, paragraph (a) of § 989.401 is amended by deleting subparagraph (3) therefrom and subparagraph (1) thereof is revised to read as follows:

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition*—(1) *Receiving, storing, handling, and fumigating.* Each handler shall, beginning with the crop year which began September 1, 1969, be compensated at the rate of $9.75 per ton (natural condition weight at the time of acquisition) for receiving, storing, handling, and fumigating the reserve tonnage raisins, as determined by the final reserve tonnage percentage, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

* * * * *

(3) [Deleted]

* * * * *

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action imposes no restriction on handlers; (2) the rate of payment for services fixed herein will automatically apply beginning with the current crop year to all such services performed by handlers on reserve raisins acquired during the crop year; (3) the current crop year began on September 1, 1969; (4) some handlers have already completely performed these services with respect to current crop reserve raisins which they have purchased from the Committee; (5) the payments by such handlers to the Committee for such raisins have been offset, in part, by an amount based on the $7.75 per ton rate that was in effect prior to the current crop year; (6) the additional amount contained in the $9.75 per ton rate should also be made available to such handlers for such services performed during the current crop year; (7) the payment to handlers for such services is customarily made as a deduct from the Committee's sale price to handlers when releasing reserve tonnage for export; and (8) no useful purpose would be served by any postponement of the effective date hereof.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 17, 1969.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-13836; Filed, Nov. 20, 1969; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8746]

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Obligations of Mutual Fund Managements and Brokers With Respect to Commissions on Portfolio Brokerage of Mutual Funds

The Securities and Exchange Commission today released a letter written by Philip A. Loomis, Jr., its General Counsel, in response to an inquiry which had been received concerning certain aspects of the obligations of mutual fund managements and brokers with respect to commissions on portfolio brokerage of mutual funds. The letter is as follows:

This is in reply to your letters in which you raise several significant questions concerning the obligations of mutual fund managements and brokers with respect to commission on portfolio brokerage of mutual funds. By "mutual fund management," I mean not only the officers and directors of the fund but also any investment adviser or management company which serves the fund.

As you know, the Commission is conducting hearings and a study of exchange commission rates and the exchanges are also engaged in further reconsideration of this matter. Any conclusions expressed in this letter are naturally subject to modification in the light of these developments or further consideration by the Commission of the results of these studies.

You first ask whether mutual fund management has a fiduciary duty to acquire a stock-exchange seat, directly or through an affiliate, in order to utilize this means to recapture brokerage which in turn will be offset against management charges. We do not believe that management has this duty if in the exercise of its best business judgment management determines that it is not in the best interest of the fund to create such an affiliate. Proposed Rule 10b-10, as published for comment on January 26, 1968, to which you refer, has been withdrawn.

As you suggest, the statements in letters from the Commission to stock exchanges in connection with their adoption of rules abolishing the customer-directed give-up, that the Commission understood that these rules were not designed to terminate procedures whereby institutions may obtain returns of commissions merely reflected, in our view, that the exchange rules with respect to customer-directed give-ups did not, and were not intended to, terminate the existing arrangements which a few mutual fund organizations have made for the indirect recapture of a portion of their commissions. It is my understanding that this is not presently accomplished by means of customer-directed give-ups, which have been abolished, but in other ways, primarily by reciprocal practices. If these reciprocal practices are available to fund managements, it did not seem appropriate to foreclose their use to benefit the fund itself.

It should be understood, however, that if mutual fund management does acquire a seat on a regional stock exchange whose rules permit the recapture of commissions paid by the fund through the use of that seat, there may be circumstances under which such recapture could be required and that the management may not be free to simply retain for itself revenues derived from this source. This is particularly likely to be true where the affiliate on the exchange does not execute or clear transactions for the account of the fund, but merely receives revenue from other brokers, which revenue is attributable to transactions executed for the account of the fund by such other brokers.

You also inquire concerning the obligations of a broker who is aware that an affiliate of an investment company is participating in commissions attributable to transactions for that company in which the broker is also participating. Questions of this general nature are presented in certain administrative proceedings which are pending and of which you are aware. In view of this, I do not think it appropriate for me to discuss them at this time.

In your letters you suggest various courses of action which the Commission might take with respect to the question of so-called "institutional membership" and other aspects of the commission rate structure. Decisions on these matters will have to await further developments in the inquiries concerning the commission rate structure to which I referred earlier.

For the Commission, November 10, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13827; Filed, Nov. 20, 1969; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

JOINT PAYMENTS TO A FAMILY

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. Paragraphs (b) and (c) of § 404.904 are amended to read as follows:

§ 404.904 Joint payments to a family.

* * * * *

(b) *Joint payee dies before negotiation of a check.* Where a check has been issued for joint payment to an individual and spouse residing in the same household and one of such joint payees dies before the check has been negotiated, the Administration may authorize the surviving beneficiary payee to negotiate the check. Such authorization shall be made by the placement on the face of the check of a stamped legend signed by an official of the Administration or the Treasury Disbursing Office redesignating the survivor as the payee of the check. (See 31 CFR 360.8.) Where the unnegotiated check represents benefits for a month after the month of death, negotiation of such check by the surviving payee will not be authorized unless the proceeds of the check are necessary to meet the ordinary and necessary living expenses of the surviving payee.

(c) *Adjustment or recovery of overpayment.* Where a check representing payment of benefits to an individual and spouse residing in the same household is negotiated by the surviving payee pursuant to the authorization in paragraph (b) of this section and where the amount of the check exceeds the amount to which the surviving payee is entitled, appropriate adjustment or recovery with respect to such excess amount shall be made in accordance with section 204(a) of the Act (see Subpart F of this part).

(Secs. 204(a), 205(n), 1102, 53 Stat. 1370, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5, Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 404, 405, 1302)

2. *Effective date.* The foregoing regulation shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 28, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: November 17, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-13853; Filed, Nov. 20, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Lincomycin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34-025V) filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the use of lincomycin injectable for swine. The application was previously approved for use of the drug for treatment of dogs and cats. The application as supplemented is approved.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), a new section is established in a new Part 135b and a new section is added to Part 135g, as follows:

§ 135b.11 Lincomycin injection.

(a) *Specifications.* Meets the specifications in § 148x.3(a)(1) of this chapter except that each immediate container contains 20 milliliters of a solution containing 100 milligrams of lincomycin per milliliter.

(b) *Sponsor.* The Upjohn Co., Kalamazoo, Mich. 49001.

(c) *Related tolerances.* Section 135g.65 of this chapter.

(e) *Conditions of use.*

Amount	Limitations	Indications for use
Mg. per lb. body weight per day		
1. Lincomycin... 5 10	For dogs and cats: administer intramuscularly 10 milligrams per pound of body weight once a day or 5 milligrams per pound of body weight twice daily or intravenously 5 to 10 milligrams per pound body weight one or two times daily by slow injection. May be diluted with 5 percent glucose in water or normal saline and given as an infusion; as lincomycin hydrochloride monohydrate; for use by or on the order of a licensed veterinarian.	Infections caused by gram-positive organisms, particularly streptococci and staphylococci.
2. Lincomycin... 5	For swine; administer intramuscularly as a single daily dose for 3 to 7 days; as lincomycin hydrochloride monohydrate; for use by or on the order of a licensed veterinarian, do not treat within 48 hours of slaughter.	Treatment of infectious arthritis and mycoplasma pneumonia.

§ 135g.65 Lincomycin.

A tolerance of 0.1 part per million is established for negligible residues of lincomycin in the edible tissues of swine.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347, 21 U.S.C. 360b(i))

Dated: November 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13842; Filed, Nov. 20, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Inclusion of Industry Definitions

Sections 526.10, 526.11, and 526.12 of Title 29, Code of Federal Regulations, are hereby amended by adding to each section the definitions of the industries listed therein. The amendments codify the definitions of industries found to be of a seasonal nature under subsections (c) and (d) of section 7 of the Fair Labor Standards Act of 1938 as amended by the Fair Labor Standards Amendments of 1966 (Public Law 89-601). The definitions under subsections (c) and (d) of section 7 include the findings of seasonality made under former section 7(b)(3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063), which are continued. See the documents published at 32 F.R. 671 (Jan. 20, 1967) and 32 F.R. 5775 (Apr. 11, 1967). In the codification some minor editorial changes in the definitions of industries have been made from those cited in the daily issues of the FEDERAL REGISTER. No substantive changes are made, or intended to be made.

Notice and public procedure are omitted as unnecessary because the amendments are only editorial and make no substantive changes in the rules involved.

1. Section 526.10 is revised to read as follows:

§ 526.10 Industries of a seasonal nature.

(a) *General.* (1) The industries listed in paragraph (b) of this section have been found to be of a seasonal nature within the meaning of section 7(c) of the Fair Labor Standards Act of 1938, as amended, but have not been found to qualify for the exemption in section 7(d) of such Act. An employer operating an establishment in an enterprise in any such industry in which operations named in the findings are carried on may select the workweeks (not more than 14) in each calendar year in which the partial overtime exemption provided by section 7(c) will be applied to employees in such establishment. (See § 516.18 of this chapter.) During each of the workweeks thus selected, any employee may be employed by an employer in such establishment without payment of the overtime compensation prescribed by section 7(a) of the Act, if such employee is not employed in any nonexempt work outside the scope of the industry and is paid overtime compensation at a rate not less than one and one-half times the regular rate at which he is employed for all hours worked in such workweek in excess of 10 in any workday or in excess of 50 in any workweek, whichever is greater. No employer, however, is permitted to employ any employee under the special provisions of section 7(c) in any industry in the following list for more than 14 workweeks in any calendar year.

(2) The definitions in paragraph (b) of this section include the findings of seasonality made under former section 7(b)(3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063), which are continued.

(b) *Industries found to be seasonal in nature, name and definition*—(1) *Alfalfa and coastal bermuda grass (artificial drying, subsequent manufacture of meal, and the making of dehydrated pellets).* Dehydrating alfalfa and coastal bermuda grass and subsequent manufacture of meal therefrom, and the following operations when performed at dehydrating plants during the period or periods when dehydrating operations are carried on: The making of dehydrated alfalfa and coastal bermuda grass pellets containing not more than 20 per centum of ingredients other than alfalfa and coastal bermuda grass, including pelleting alfalfa and coastal bermuda grass dehydrated at other plants in any workweek when such pelleting constitutes no more than 20 per centum of the pelleting volume; and any operations necessary or incidental to the foregoing.

(2) *Almond Hulling Industry.* The hulling of almonds including any operation necessary or incidental thereto.

(3) [Reserved]

(4) [Reserved]

(5) *Citrus pulp and waste dehydrating in Texas.* In Texas, the dehydration of citrus pulp and waste and the manufacture of cattle feed therefrom.

(6) *Clay products, brick manufacturing branch, Maine, Vermont, and New Hampshire.* Manufacture of brick in Maine, Vermont, and New Hampshire.

(7) *Cotton ginning.* Includes the following operations, when performed during the period or periods when cotton is being received for ginning: the receiving of seed cotton at the gin, the handling, cleaning, ginning, and baling of the cotton, the handling of the baled cotton and cottonseed, and any operations or services necessary or incident to the foregoing, including the placing of the cotton and cottonseed in storage or transportation facilities on or near the premises.

(8) *Cotton storing and compressing.* Includes the receiving, handling, and storing of raw cotton and the compressing of raw cotton when performed at a cotton warehouse or compress-warehouse facility other than one operated in conjunction with a cotton mill. Also included are any operations incident to the foregoing such as loading, unloading, weighing, sampling, assembling, and preparing for shipment when performed at the storing establishment.

(9) *Crushed stone, northern branch.* The blasting and excavating of stone for crushing from surface or open cuts, the transportation, handling, and crushing of such stone, and the sizing, washing, and grading of crushed stone, together with other necessary processing incidental thereto. The northern branch of the crushed stone industry shall include all plants located in counties in states that lie within the isothermic belt below 25° Fahrenheit or are touched by the 25° isotherm. The said counties and States are:

(i) Iowa, Maine, Minnesota, Montana, New Hampshire, North Dakota, South Dakota, Utah, Vermont, Wisconsin, and Wyoming: All counties.

(ii) All the counties in the following States, except those counties enumerated:

(a) *Colorado.* All the counties in Colorado except the counties of: Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Denver, Douglas, Elbert, Kiowa, Kit Carson, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma.

(b) *Connecticut.* All the counties in Connecticut except the counties of: Middlesex, New London, Tolland, and Windham.

(c) *Idaho.* All the counties in Idaho except the counties of: Ada, Benewah, Canyon, Gooding, Jerome, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, and Twin Falls.

(d) *Michigan.* All the counties in Michigan except the counties of: Berrien and Monroe.

(e) *Nebraska.* All the counties in Nebraska except the counties of: Adams, Banner, Buffalo, Chase, Cheyenne, Clay, Dawson, Deuel, Dundy, Franklin, Frontier, Furnas, Gosper, Hall, Harlan, Hayes, Hitchcock, Jefferson, Kearney, Kimball, Nuckolls, Pawnee, Perkins, Phelps, Redwillow, Richardson, Thayer, and Webster.

(f) *New York.* All the counties in New York except the counties of: Genesee, Monroe, Nassau, Niagara, Orleans, Rockland, Seneca, Suffolk, Wayne, Westchester, and all the counties of the City of New York.

(iii) The following counties in the following States:

(a) *Illinois.* Boone, Bureau, Carroll, Cook, De Kalb, Du Page, Henderson, Henry, Jo Daviess, Kane, Kendall, Knox, Lake, La Salle, Lee, McHenry, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, and Winnebago.

(b) *Indiana.* Allen, De Kalb, Elkhart, Kosciusko, Lagrange, Marshall, Noble, St. Joseph, Steuben, and Whitley.

(c) *Massachusetts.* Berkshire, Franklin, Hampden, Hampshire, Middlesex, and Worcester.

(d) *Missouri.* Atchison, Gentry, Harrison, Holt, Mercer, Nodaway, Putnam, Schuyler, Scotland, Sullivan, and Worth.

(e) *Nevada.* Elko, Eureka, and White Pine.

(f) *New Mexico.* Colfax, Nora, Rio Arriba, Santa Fe, and Taos.

(g) *Ohio.* Williams.

(h) *Oregon.* Baker, Clackamas, Deschutes, Grant, Hood River, Jefferson, Lane, Linn, Marion, Umatilla, Union, and Wasco.

(i) *Pennsylvania.* Bradford, Erie, Lackawanna, McKean, Pike, Potter, Susquehanna, Tioga, Warren, Wayne, and Wyoming.

(j) *Washington.* Chelan, Ferry, King, Kittitas, Lewis, Okanogan, Pend Oreille, Pierce, Skagit, Skamania, Snohomish, Spokane, Stevens, Whatcom, and Yakima.

(iv) *Supplementary determinations.* This determination shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described above. Supplementary determinations for the following plants have also been determined to be within the northern branch of the crushed stone industry and thus entitled to the section 7(c) exemption:

(a) The Gottron Bros., Sandusky County, Ohio. [No. 1]

(b) Kelley Island Lime and Transport Co., Erie County, Ohio. [No. 2]

(c) T. P. Rogers Stone Co., Monroe County, Pa. [No. 3]

(d) LeRoy Lime and Crushed Stone Corp., Genesee County, N.Y. [No. 4]

(e) General Crushed Stone Co., Genesee County, N.Y. [No. 5]

(f) General Crushed Stone Co., Luzerne County, Pa. [No. 6]

(g) Coon Certified Concrete, Luzerne County, Pa. [No. 7]

(h) Abram Cleason, Wayne County, N.Y. [No. 8]

(i) Genessee Stone Products Corp., Genesee County, N.Y. [No. 9]

(j) Rowe Contracting Co., Suffolk and Middlesex Counties, Mass. [No. 10]

(k) Suffern Stone Co., Rockland County, N.Y. [No. 12]

(l) Warren Brothers Roads Co., Bristol County, Mass. [No. 13]

(10) *Decorative greens, certain branches.* (i) The harvesting and preparing of undried evergreens, including both evergreens and deciduous holly but excluding evergreen huckleberry and evergreen ferns in the State of Washington, for use as Christmas trees, wreaths, decorative boughs, ropings, grave blankets, sprays, bouquets, and baskets, including the incidental handling and shipping thereof; and

(ii) The processing of coniferous evergreen trees into Christmas trees, including the handling and shipping incident thereto; and

(iii) The processing of undried evergreen holly, including handling and shipping incident thereto except when such processing is conducted as part of the florist supply business which operates throughout the year.

(11) *Flax straw, unloading, weighing, loading, handling, baling and storage: Minnesota, North Dakota, South Dakota, and Iowa.* In the States of Minnesota, North Dakota, South Dakota, and Iowa the receiving of the bales at the storage yards; stacking the bales; rebaling of broken bales; unloading, weighing, loading, and handling at temporary gathering points; and any operations performed at the storage yards or temporary gathering points which are necessary and incident to the foregoing.

(12) *Fur, raw, receiving.* Includes the receipt, accounting or handling in raw fur receiving houses as herein defined, of domestic raw furs in the primary state.

(i) "Raw fur receiving houses," as used herein, shall include any establishment which during any raw fur season, namely from November 25 in any year to March 15 in the succeeding year, both dates inclusive, purchases or receives on consignment, domestic raw furs in the primary state, as herein defined, on which furs all but an insubstantial amount of their labor is employed during such raw fur season, as evidenced by the fact that the total purchase price or consigned price of the primary fur equals at least 75 percent of the total purchase price of all raw furs purchased by such establishment during such raw fur season.

(ii) The term "domestic furs" or "domestic raw furs," as used herein, shall include United States and Canadian furs.

(iii) The term "raw furs in the primary state," as used herein, shall mean all domestic furs which require prompt handling, in order to determine their grade and their need for further treatment, before they can be purchased, stored, sold or reconsigned as "raw furs."

(iv) The term "handling" as used herein, shall include opening, counting, spreading, examining, grading, sorting, mailing, valuing, scraping, stretching, drying, packing, preserving, or other related processes.

(13) *Gold, placer, open-cut mining: Alaska.* Open-cut mining of placer gold by hand and power machinery in Alaska.

(14) *Grain; flaxseed, buckwheat, soybeans, rough rice: Storing and drying before storage in country grain elevators, public terminal and subterminal grain elevators, wheat flour mill elevators, nonelevator type bulk storage establishments, and flat warehouses.* Includes the operations of storing and drying prior to storage of grain, flaxseed, buckwheat, soybeans, and rough rice, and any operations necessary or incident to such storing and drying, including: Receiving, unloading, weighing, testing, cleaning, mixing, fumigating, shelling corn, sacking, and removing these commodities from

storage, during the period or periods when the commodities are being received, dried, or stored. The term "nonelevator type bulk grain storing establishments" includes warehouses, quonset huts, barns, steel tanks, tents, and other similar storage facilities which are used to store grain, whether operated in conjunction with an elevator to supplement the elevator's storage space or operated as independent establishments. "Flat warehousing" means the storing of grain in sacks.

(15) [Reserved.]

(16) *Ice, natural, harvesting and packing.* Harvesting and packing of natural ice.

(17) *Landscape contracting (except in California, Oregon, and Washington).* Includes, except in the States of California, Oregon, and Washington, the planting or transplanting of trees, shrubs, and other plants, including the making of lawns and gardens and the necessary coincidental building, on the site, of garden retaining walls, rock gardens, etc. It does not include routine lawn or garden maintenance except as an incident to the above during the planting season or seasons.

(18) *Lumber: Ice and snow road hauling branch, Maine, Massachusetts, New Hampshire, Pennsylvania, Vermont, Michigan, Minnesota, Wisconsin, and New York.* The hauling on ice and snow roads of sawtimber and pulpwood in the States of Maine, Massachusetts, New Hampshire, Pennsylvania, Vermont, Michigan, Minnesota, Wisconsin and New York.

(19) *Pulpwood sap peeling branch.* The felling, trimming and peeling of pulpwood trees while the sap is running, including the operations of bucking and piling if performed during the sap peeling season wherever conducted.

(20) *Spring freshet driving branch: United States.* The spring freshet driving of lumber in the United States.

(21) *Meatcuring and packing (Virginia-Smithfield).* The curing and packing of Virginia-Smithfield cured meats by the Virginia-Smithfield meat packers.

(i) As used herein, "Virginia-Smithfield cured meats" means those cured from the peanut-fed hog by the long process, nonrefrigerated meat curing methods.

(ii) "Virginia-Smithfield meat packers" as used herein means those establishments engaged solely, or almost solely in the curing of meats from peanut-fed hogs by the long process, nonrefrigerated meat curing methods in the peanut belt of eastern Virginia.

(22) *Peanut handling, packing, shelling, etc.* The storing of peanuts in warehouses (other than mill warehouses) which store unshelled peanuts exclusively or substantially exclusively.

(23) *Peat materials, production, northern branch.* Excavating, macerating, spreading, cutting, or drying of peat materials in the northern branch of the industry, including Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, Illinois, Iowa, Indiana, North Dakota, South Dakota, Colorado, Utah, Nevada, Montana, Idaho, Oregon, Washington, and Modoc County, Calif.

(24) *Pecan packing.* The packing of unshelled paper shell or improved varieties of pecans.

(25) *Rabbits, wild and other wild fur-bearing animals, skinning of.* The skinning of wild rabbits and other wild fur-bearing animals such as skunk, muskrat, mink, and beaver, in wild rabbit skinning establishments during the wild rabbit skinning season, including the operations of collecting or receiving the carcasses of these animals, or occasionally, the pelts of these animals which have not been cleaned, scraped or dried, and it includes the removing of the pelts from carcasses, cleaning, scraping, and drying the pelts, baling the pelts for shipment and all operations immediately necessary and incident to these enumerated operations. It does not include these operations when performed on domesticated rabbits or other fur-bearing animals raised in captivity.

(26) *Sand and gravel, northern branch.* The excavation of sand and gravel, but not industrial sand, from open cuts, including necessary milling operations incident thereto, in plants located in counties that lie within the isothermic belt below 25° Fahrenheit or are touched by the 25° isotherm. These counties are enumerated in the industry of a seasonal nature determination for crushed stone, northern branch, supra, in this section. This determination shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described above. Pursuant to this determination the following plants have also been determined to be within the northern branch of the sand and gravel industry and thus entitled to the section 7(c) exemption:

(i) Portland Sand and Gravel Co., Northampton County, Pa. [Supplementary Determination No. 1]

(ii) J. C. O'Connor & Sons, Miami County, Pa. [No. 2]

(iii) Klamath Concrete Pipe Co., Klamath County, Oreg. [No. 3]

(iv) Kickapoo Sand and Gravel Co., Inc., Peru, Ind. [No. 4]

(27) *Seed*—(i) *Garden seed and seed corn, cleaning and preparing.* The cleaning and preparing of garden seed and seed corn at country cleaning plants.

(*a*) "Cleaning and preparing" consists of receiving of the seed crop into the cleaning plant and the cleaning, purifying, sorting, drying, grading, and otherwise rendering such crop suitable for seed. It may include the bulk packaging of seed for delivery to a central point of distribution.

(*b*) "Country cleaning plants" are those establishments wherein the seed crop is received direct from farmers (and no part of which is shipped from other plants) and is cleaned, purified, sorted, dried, graded, and otherwise rendered suitable for seed.

(ii) *Grass, clover, and other forage seed crops, cleaning and preparing.* The receiving, cleaning and preparing of all varieties of alfalfa, Austrian winter peas, bermuda grass, bent grass, bluegrass, clover, cow peas, fescue, grain sorghum, lespedeza, lupine, orchard grass, redtop, ryegrass, sudan grass, sugar beet, vetch, and wheat grass seeds by country cleaning plants primarily engaged in such cleaning and preparing, and at bluegrass seed curing yards; the receiving, cleaning and preparing of other kinds of seeds by such plants; and any operations or services necessary or incident to the foregoing, including packing and shipping, during the period or periods when seeds are being received, cleaned, and prepared. For the purpose of this determination, the term "cleaning and preparing" means curing, cleaning, purifying, sorting, drying, grading and otherwise conditioning seed for planting purposes. The term "country cleaning plant primarily engaged in such cleaning and preparing" means a seed cleaning and preparing establishment in which all the seeds cleaned and prepared are received directly from farmers or farm assemblers (and no part of which is shipped from other cleaning plants), and in which the specifically named seeds either individually or in combination constitute 75 percent or more of the seeds cleaned and prepared.

(iii) *Hybrid corn, processing.* Husking, sorting, drying, shelling, grading, and sacking of hybrid seed corn, in plants which engage in no other operations.

(28) *Sorgo processing into sorgo syrup in Iowa.* The receiving, handling, unloading, and weighing of sorgo at the processing establishment; the preparation of the sorgo for grinding by removing the leaves and seed heads; the extraction of the juice from the sorgo; the processing of the juice into sorgo syrup; and the following operations when performed at or near the sorgo processing plant by employees of the processor during the period of seasonal operations: Packing the syrup into containers and labeling the packages; the removal, handling and conveying of the packages of sorgo syrup to trucks or other means of transportation in the vicinity of the plant; the removal, conveying, burning, packing, baling, piling and storing in bags or in baled forms of bagasse resulting from the processing of sorgo into sorgo syrup; and any operations necessary or incident to the foregoing in the State of Iowa. The term "processing of sorgo into sorgo syrup" does not include operations performed on syrups other than sorgo, or the blending or mixing of such other syrups with sorgo syrup.

(29) *Soybeans: Handling by cottonseed crushing mills.* The unloading, weighing, placing into storage, storing, and handling of soybeans in cottonseed crushing mills and any operations or services necessary or incident to the foregoing, including incidental selling and shipping, during the period or periods when soybeans are being received for storage or handling.

(30) *Sugar*—(i) *Beet sugar.* Receiving the sugar beets at the factory site or at receiving stations operated by the beet sugar factory; the transporting of the beets from such receiving stations to the factory when performed by employees of the sugar beet processor; the production of sugar from the beets and the further extraction of sugar from sugar beet molasses by mixing and concurrently processing the molasses with the beet juice obtained directly from the sugar beets; and the following operations when performed by employees of the sugar beet processor on or near the premises of the beet sugar plant while the sugar beets are being received at the factory or are being processed into sugar: The powdering of sugar; the compressing and artificial drying of wet beet pulp; the weighing, handling, packaging, bagging, and storing of sugar, wet beet pulp, dried beet pulp and molasses; the removal of these products from the premises and placing them in transportation facilities; and any operation or services necessary or incident to the foregoing, such as the testing of the equipment, maintenance, repairs, clerical work or sales work. The term "beet sugar industry" does not include the quarrying of lime, the manufacture of bags or other sugar containers, or the manufacture of yeast, citric acid, or any other byproducts not specifically included in this definition.

(ii) *Cane sugar: Processing and milling branch, Louisiana.* The unloading of sugarcane at the mill; the processing of sugarcane into sugar, syrup and molasses; and the following operations when performed on the premises of a sugarcane processing mill while the sugarcane is being processed: the immediate refining, as one of a connected series of operations, of raw sugar produced from sugarcane ground on the premises; the refining, by the introduction into such series of operations, of raw sugar which has been produced during the same grinding season in other Louisiana cane processing plants of the employer, except in establishments where the refined sugar made from such transferred raw sugar constitutes half or more of the refined sugar produced during the cane processing season, or where purchased raw sugar, or raw sugar produced outside of Louisiana, is refined during the cane processing season; the burning, removing from the premises, or dehydrating of bagasse resulting from the processing of sugarcane; the extraction of calcium aconitate from "B" molasses, including the drying of the cake; the handling, baling, bagging, packing and storing of the sugar, syrup, molasses, bagasse, or calcium aconitate, and any operations necessary and incident to the foregoing, including the placing of these products in storage or transportation facilities on or near the premises.

(31) *Timber operations involving Lodgepole pine, etc., in States of Colorado, Wyoming, and Utah.* Includes the logging and reducing to usable form in the woods of Lodgepole pine, Engelmann spruce, and commonly associated species of timber in the States of Colorado, Wyoming, and Utah, and also includes the hauling of the logs from the woods to the sawmill, or the delivery of the logs or rough manufactured products from the woods to local markets or shipping points. The treating and further processing of such logs or rough manufactured products is not included.

(32) *Tobacco*—(i) *Auction and loose leaf branch using leaf tobacco of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37.* The operations of the auction on loose leaf tobacco warehouse industry consists of the services necessary and incidental to the sale at auction of green leaf tobacco of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37 (as defined by the Bureau of Agricultural Economics of the U.S. Department of Agriculture) in some instances including stripping the tobacco from the stalk and the grading thereof.

(ii) *Green leaf, buying, handling, stemming, redrying, packing, and storing of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37.* The buying, handling, stemming, and redrying of green leaf tobacco of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37 (as defined by the Bureau of Agricultural Economics of the U.S. Department of Agriculture) and the packing and storing thereof.

(iii) *Green leaf, buying, handling, sorting, grading, packing, and storing of type 32.* The buying, handling, sorting and grading of green leaf tobacco of type 32 (as defined by the Bureau of Agricultural Economics of the U.S. Department of Agriculture) and the packing and storing thereof.

(iv) *Cigar leaf tobacco, buying, handling, stripping, sorting, grading, sizing, packing, and stemming prior to packing types 41–45, 51–55, 61, and 62.* The buying, handling, stripping, sorting, grading, sizing, packing, and in the stemming prior to packing, of perishable cigar leaf tobacco of types 41–45, 51–55, 61, and 62 (as defined by the Bureau of Agricultural Economics of the U.S. Department of Agriculture).

(33) *Tung nuts, milling.* Unloading nuts at the mill, cleaning, hulling (including field hulling), separating, drying, grinding, expelling, and filtering; moving the oil into storage tanks; the chemical extraction of oil from tung meal or filter press foots when performed at a tung mill as a part of a continuous series of operations with the milling; and any operations performed at the tung mills which are necessary or incident to the foregoing.

(34) *Walnuts and filberts, unshelled, drying, packing, and storing.* The drying of walnuts and filberts, and the packing and storing of unshelled walnuts and filberts. This determination does not apply to the shelling of walnuts and filberts or to the packing or storing of walnut and filbert kernels.

(35) *Wild rice, processing in State of Minnesota.* The curing, drying, parching, hulling, and cleaning of wild rice in the State of Minnesota and the following operations when performed by employees of wild rice processors on or near the premises of wild rice processing plants during the wild rice processing season: the packaging and bagging of wild rice; the storing of wild rice and the removal of the wild rice from storage and placing it in transportation facilities; and any operations or services necessary or incident to the foregoing in the State of Minnesota.

(36) *Wool, raw shorn fleece, receiving.* The receiving of raw shorn fleece wool at primary concentration points and country receiving stations directly from the grower, and the assembling, grading, sacking, and preparing of such wool for shipment to market centers.

The terms "primary concentration point" and "country receiving station" shall mean any establishment that receives all, or almost all, of its raw shorn fleece wool directly from the grower, and assembles, grades, sacks, and ships such wool to market centers for storage or sale.

(37) *Wool, raw shorn Texas, and/or mohair; receiving for storage in Texas.* The unloading, weighing, marking for identification, placing into storage and storing of Texas wool (as that term is used in the industry) and/or mohair and any operations or services necessary or incident to the foregoing, including incidental grading and selling, during the period or periods when wool or mohair is being received for storage.

2. Section 526.11 is revised to read as follows:

§ 526.11 Industries characterized by annually recurring seasonal peaks of operation.

(a) *General.* (1) The industries listed in paragraph (b) of this section have been found to be engaged in the operations on perishable agricultural commodities and to have the seasonal characteristics required for exemption under section 7(d)(1)(*a*) of the Fair Labor Standards Act of 1938, as amended, but have not been found to qualify for the exemption in section 7(c) of such Act. An employer operating an establishment in an enterprise in any such industry in which operations named in the finding are carried on may select the workweeks (not more than 14) in each calendar year in which the partial overtime exemption provided by section 7(d) will be applied to employees in such establishment. (See § 516.19 of this chapter.) During each of the workweeks thus selected, any employee may be employed by an employer in such establishment without payment of the overtime compensation prescribed by section 7(a) of the Act, if such employee is not employed in any nonexempt work outside the scope of the industry and is paid overtime compensation at a rate not less than one and one-half times the regular rate at which he is employed for all hours worked in such workweek in excess of 10 in any workday or in excess of 48 in the workweek, whichever is greater. No employer, however, is permitted to employ any employee under the special provisions of section 7(d) in any industry in the following list for

more than 14 workweeks in any calendar year.

(b) *Industries found to be seasonal in nature, name and definition*—(1) *Cottonseed processing industry.* The receiving, handling, and storing of cottonseed; the processing of cottonseed during the period when the seed is being received, and any operations necessary and incident to the foregoing during this period.

(2) *Dairy products industry.* Includes all, but only, the following operations:

(i) Transportation of milk and cream from farms.

(ii) Handling and preparing milk or cream at receiving stations, fluid milk plants, and processing plants, and transporting the milk or cream from one to the other.

(c) First processing of milk, buttermilk, whey, skimmed milk or cream into dairy products, including: Pasteurized, flavored, condensed, evaporated, concentrated, or dried, whole or skimmed milk; sweet, sour, or dried cream; whey, renovated, process or creamery butter; any variety of cheese including natural or processed; condensed, evaporated, or dried buttermilk; wet or dried casein; malted milk powder; crude milk sugar; ice cream, ice milk, and sherbet (except water ices).

(d) Any operations or services necessary or incident to the foregoing performed by employees employed by an employer in an enterprise which is in the industry, including necessary packaging, storage, and shipping at the plant of the dairy products made by the enterprise, plant maintenance, machinery repair, clerical work necessary or incident to the operations described in paragraphs (a) through (c) of this section, handling the nondairy ingredients used in the dairy products, aging, cleaning, paraffining, weighing, slicing, and wrapping cheese made by the enterprise, assembling knock-down boxes, and transferring ingredients and supplies from stock to meet the daily needs of processing operations.

(e) Any other operations normally performed in the Dairy Products Industry which do not occupy more than 20 percent of the time worked in any workweek by an employee for whom the exemption is claimed. Not included in the industry are operations which do not constitute or are not necessary or incident to the operations of an enterprise engaged in activities described in paragraphs (a) through (c) of this section, and which exceed the amount provided in (e) of this section, such as storing, slicing, and packaging cheese and printing, wrapping, and storing butter bought in bulk from cheesemakers and buttermakers, further processing of dry casein, regrinding, rescreening, and repacking dried whey, handling and distributing nondairy products as a wholesaler or other distributor.

3. Section 526.12 is revised to read as follows:

§ 526.12 Seasonal industries engaged in certain operations on perishable agricultural or horticultural commodities.

(a) *General.* (1) The industries listed in paragraph (b) of this section have been found to be seasonal in nature and engaged in certain operations on perishable agricultural or horticultural commodities in their raw or natural state so that both the partial exemptions from the maximum hours requirement of the Fair Labor Standards Act of 1938 provided in its sections 7(c) and 7(d) apply to them. An employer operating an establishment in an enterprise in any such industry in which operations named in the finding are carried on may select the workweeks (not more than 10 for each exemption, or a total of 20 for both exemptions) in each calendar year in which the partial overtime exemptions provided by sections 7(c) and 7(d) will be applied in such establishment. (See §§ 516.18 and 516.19 of this chapter.) During each of the 20 workweeks thus selected, any employee may be employed by an employer in such establishment without payment of the overtime compensation prescribed by section 7(a) of the Act, if such employee is not employed in any nonexempt work outside the scope of the industry and is paid overtime compensation at a rate not less than one and one-half times the regular rate at which he is employed for all hours worked in such workweek in excess of 10 in any workday or in excess of 50 in not more than 10 of the workweeks which may be attributed to section 7(c), or in excess of 10 hours in any workday or in excess of 48 hours in the workweek in not more than 10 of the workweeks which may be attributed to section 7(d), whichever number of hours attributed to daily or weekly overtime work is greater. No employer, however, is permitted to employ any employee under the special provisions of sections 7(c) and 7(d) combined in any industry in the following list for more than 20 workweeks in any calendar year.

(b) *Industries found to be seasonal in nature, name and definition*—

(1) *Field grown cut and potted flower industry.* The original assembly of field grown cut and potted flowers from the growers, including the sorting, grading, handling, packing, and shipping, and transporting to carriers or to market, and any other operations necessary or incidental thereto.

(2) *Fresh fruit and vegetable industry.* Includes only the handling, packing, storing, preparing, first processing, and canning, of any fresh fruits and vegetables in their raw or natural state and any other operations and services necessary and incidental thereto. It includes such operations when performed in connection with fresh fruits and vegetables which have been merely refrigerated, but does not include operations performed in connection with fresh fruits and vegetables which have been frozen, preserved, canned, dehydrated, or otherwise changed so that they are no longer perishable or in their raw or natural state. The industry to which these findings apply may include transactions whereby, for purpose of filling a customer's order, fresh fruits and vegetables that have been packed or canned by employees of one employer are commingled with those packed or canned by the employees of the employer claiming these exemptions: *Provided*, That the amount of fill-in goods is 5 percent or less of the weekly volume of shipments made during each week in which the exemption is claimed.

(3) *Hop drying industry.* The receiving, picking, and drying of hops and any operations necessary or incidental to the foregoing including the curing, compressing, and baling of hops when performed at the hop drying establishment during the hop drying period.

(4) *Mint oil distilling industry.* The distilling of mint oil from mint hay, including any operations necessary or incidental thereto.

(5) *Nursery stock storing and packing industry.* The handling, packing, storing, and preparing of nursery stock, and any operations necessary or incidental thereto.

(6) *Sugarcane processing and milling industry*—(i) *Sugarcane processing and milling industry in Florida.* The loading of sugarcane in the fields and its transportation to a sugarcane processing mill when performed by employees of the processor; the unloading of sugarcane at the mill; the processing of sugarcane into raw sugar, syrup, and molasses; and the following operations when performed on the premises of a sugarcane mill while the sugarcane is being processed: The immediate refining, as one of a connected series of operations, of raw sugar produced from sugarcane ground on the premises; the refining, by the introduction into such series of operations, of raw sugar which has been produced during the same grinding season in other Florida cane processing plants of the employer, except in establishments where the refined sugar made from such transferred raw sugar constitutes one-half or more of the refined sugar produced during the cane processing season, or where purchased raw sugar, or raw sugar produced outside of Florida is refined during the cane processing season; the burning, removing from the premises or dehydrating of bagasse resulting from the processing of sugarcane; the handling, baling, bagging, packing, and storing of the sugar, syrup, molasses, or bagasse; and any operations necessary and incident to the foregoing including the placing of these products in storage or transportation facilities on or near the premises.

(ii) *Sugarcane processing and milling industry in Puerto Rico.* In the Commonwealth of Puerto Rico, the transportation of sugarcane to a sugarcane processing mill when performed by employees of the processor; the unloading of sugarcane at the mill; the processing of sugarcane into raw sugar, syrup, and molasses; and the following operations when performed on the premises of a sugarcane mill while the sugarcane is being processed; the immediate refining, as one of a connected series of operations, of raw sugar produced from sugarcane ground on the premises; the refining, by the introduction into such series of operations, of raw sugar which has been produced during the same grinding season in other Puerto Rican cane processing plants of the employer, except in establishments where the refined sugar made from such transferred raw sugar constitutes one-half or more of the refined sugar produced during the cane processing season, or where purchased raw sugar or raw sugar produced outside of Puerto Rico is refined during the cane season; the burning, removing from the premises, or dehydrating of bagasse resulting from the processing of sugarcane; the handling, baling, bagging, packing, and storing of the sugar, syrup, molasses, or bagasse; and any operations necessary and incident to the foregoing, including the placing of these products in storage or transportation facilities on or near the premises.

Effective date. As these changes are merely editorial in character, this amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 18th day of November 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-13873; Filed, Nov. 20, 1969; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT AND EXPORT OF COIN AND CURRENCY

Subpart B—Description of Forms Prescribed Under this Part

CHANGE OF DESIGNATION

The designation "Supplement to Foreign Exchange Form C-1/2" is being changed to "Foreign Exchange Form C-3" in order to avoid confusion between it and the quarterly Form C-1/2 and a new report form designated "Foreign Exchange Form C-4" is being issued to obtain an annual breakdown of the "All other countries" line reported as of September 30 on Form C-3 (formerly Supplement to Form C-1/2).

1. The designation of the Supplement to Foreign Exchange Form C-1/2 is hereby changed to Foreign Exchange Form C-3. Accordingly, the heading of § 128.16 is revised to read as follows:

§ 128.16 Foreign Exchange Form C-3: "Short-Term" liquid claims on "foreigners".

2. A new report form designated "Foreign Exchange Form C-4" is hereby issued. A description of this form is contained in a new § 128.16a which shall read as follows:

§ 128.16a Foreign Exchange Form C-4: "Short-Term" liquid claims on "foreigners" in countries not listed separately on Form C-3.

On this form reporters on Form C-3 are required to report annually a breakdown by country of the amounts which they reported as of September 30 on Form C-3 on the "All other countries" line.

3. Effective date: The effective date of the amendment of Subpart B is December 31, 1969.

[SEAL] JOHN R. PETTY,
Assistant Secretary for International Affairs.

[F.R. Doc. 69-13868; Filed, Nov. 20, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 113—INFORMATION ON POSTAL SERVICE AND RECORDS RELATING TO OPERATION

Miscellaneous Amendments

The regulations of the Department codified in Part 113, Code of Federal Regulations, are amended in several respects to update instructions on the availability of information and records relating to the Department. These changes are made in order to conform to court decisions, civil service regulations, and new policies of the Department.

Accordingly, the following amendments are made to the regulations in Part 113:

§ 113.1 [Amended]

I. In § 113.1 *Inquiries*, make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Departmental records, documents, and other data.* (1) This part contains information as to the availability of, and the procedures to be followed by persons outside the Federal Government to inspect, to copy, or to obtain the various records and data concerning operation of the Department. Inquiries regarding availability, other than as specifically stated in this part, or location of Department records, administrative manuals and other documents should be made to the head of the office at which the record is maintained, if known. In other cases, inquiries may be made to the local postmasters, regional directors, directors, postal data centers, or the Special Assistant to the Postmaster General for Public Information, Post Office Department, Washington, D.C. 20260.

(2) Parties in litigation or adversary proceedings with the Department in any Federal or State court, Federal board or commission will be furnished Department records, documents and other data, excluding postal inspectors' reports and Postal Inspection Service records, in whole or in part, only as provided by the rules or orders of such courts, boards, or commissions. Postal inspectors' reports and Postal Inspection Service Records, in whole or in part, will be disclosed only if prior approval for such disclosure is obtained from Headquarters, Post Office Department, Washington, D.C. 20260 or in response to an order issued by a judge of a Federal court.

2. Under paragraph (e) *Exemptions*, the following changes are made:

a. In subparagraph (1) delete subdivisions (x), (xi), and (xii) and insert in lieu thereof the following:

(x) Technical data concerning postage meters and prototypes submitted for Department approval prior to leasing to mailers.

(xi) Records of money orders, except as provided in § 171.4 of this chapter.

b. Amend subparagraph (2) to read as follows:

(2) If an exemption is claimed by any postal official authorized to disclose records, the General Counsel, after consultation with that official may, for good cause shown, permit disclosure of any record, except as may be prohibited by law, executive order or regulation of another Federal agency which is charged with the responsibility for the maintenance and control of such record.

NOTE: The corresponding Postal Manual sections are 113.12; and 113.15

§ 113.3 [Amended]

II. In § 113.3 *Availability of other matters*, make the following changes:

1. In paragraph (a) *Records covered by this section*, the following amendments are made:

a. Amend subparagraph (2) to read as follows:

(2) *Organizational statements.* The best guide to the location of any matter covered by this section is Subchapter L of this chapter, which contains a description of departmental organization and of the function of the Bureaus and offices at Headquarters, regional offices, postal data centers, post offices, and other postal installations. Because of the manifold variety of records and the large number of separate postal facilities, it is impractical to prepare an itemized directory of matters covered by this section. (See § 113.1(b) for further information.)

b. Redesignate subparagraph (3) as subparagraph (4), and insert new subparagraph (3) reading as follows:

(3) *Addresses of prospective jurors.* All requests from the Administrative Office of the U.S. Courts, including the

Judges, clerks and other court officials thereof, to obtain addresses of prospective jurors, if known, will be honored by the installation head of the post office serving the particular community, without fee; except that residential addresses of lock box holders will not be divulged except in accordance with § 113.1(e) (viii) of this chapter. Postmasters need not gather such information if not readily available at the post office concerned.

c. In subparagraph (4), as redesignated above, the first two sentences of subdivision (ii) are amended to read as follows: "Change of address of civilian or military personnel stationed at any APO or FPO is not normally recorded at a civilian post office. Requests for such changes of address should be directed or redirected to the cognizant military establishment."

2. In paragraph (b) *Procedure*, the following changes are made:

a. Amend the opening sentence to read as follows: "All identifiable records covered by this section for which an exemption is not claimed may be available pursuant to the following procedures:".

b. Amend subparagraph (2) to read as follows:

(2) Installations receiving requests which describe records located elsewhere in the Department or at another agency of the Federal Government will forward the request to the appropriate office or agency, and send requester copy of such referral.

c. Amend subparagraph (3) to read as follows:

(3) Installations receiving requests for inspection or copy which do not contain sufficient information to identify the record will answer the request as soon as possible. The answer will state that the installation is unable to identify the record from the information in the request, or if possible, what additional information is necessary in order to identify the record requested or that there is no known record containing the information requested and that the Department will not compile data or otherwise create any record except when it is in the furtherance of Post Office Department business. See also § 113.1(e) of this chapter.

NOTE: The corresponding Postal Manual sections are 113.31 and 113.32.

§ 113.4 [Amended]

III. In § 113.4 *Denials and appeal procedure*, paragraph (a) is amended to read as follows:

(a) *Denials.* If a request to inspect or copy a record is denied by the head of the organizational segment of the Department except the General Counsel, to which the request is made, or in which the records are maintained, the private party may appeal such a denial to the General Counsel, Post Office Department, Washington, D.C. 20260. The notice of denial shall advise the requesting party of his right to appeal to the General Counsel. The General Counsel's decision shall be made promptly. The decision of the General Counsel or his designee shall constitute the final decision of the Department on the legal right to inspect or copy a record. In those cases in which the General Counsel or his designee make the initial decision upon a request, such decision shall likewise constitute the final decision of the Department.

NOTE: The corresponding Postal Manual section is 113.41.

§ 113.5 [Amended]

IV. In § 113.5 *Schedule of fees*, make the following changes:

1. Amend paragraphs (b) (2) and (3) to read as follows:

(b) *Reproduction.* * * *

(2) The Department reserves the right to make available coin operated copy machines at any given location. In such event, the party desiring copies will make the copies at his own expense.

(3) The Department is not required nor need it furnish more than one copy of any record, publication, etc.

2. In paragraph (d) *Waiver of fees*, delete subparagraph (3); and amend subparagraph (1) to read as follows:

(1) If it is determined to be in the interest of and for the convenience of the Department to furnish a copy of any particular record, publication, etc., except a copy of a change of address or information in connection therewith, only the General Counsel or the Bureau, office or installation head having jurisdiction over such record may waive the fees set out in paragraphs (a) and (b) of this section. However, only the General Counsel may, for good cause shown, permit waiver of the prescribed fee for change of address information.

NOTE: The corresponding Postal Manual sections are 113.522, 113.523; and 113.54 a and e.

V. Section 113.6 *Compliance with subpenas duces tecum and summonses*, is amended to read as follows:

§ 113.6 Compliance with subpenas duces tecum, court orders and summonses.

(a) *Compliance with subpena duces tecum.* (1) Except as required by §§ 113.2 and 113.3, other records of the Department shall be produced only in compliance with a subpena duces tecum or appropriate court order.

(2) Time, leave, and payroll records of postal employees are subject to production when a subpena duces tecum or appropriate court order has been served. Authority is hereby delegated to Regional Directors, Postal Data Center Directors, and in those regions which have regional counsels, to the regional counsels to authorize the production of time, leave, and payroll records in response to a properly served subpena duces tecum or appropriate court order. The custodian of the records may designate a postmaster, postal inspector, or other postal employee conveniently located to the court to present the records. The presentation by a designee rather than the employee named in the subpena or court order must meet with the approval of the attorneys for each side. In addition, such records may be released without a subpena or court order if authorized in writing by the employee.

(3) If the subpena calls for employee records involving a job-connected injury, the records are under the exclusive jurisdiction of the Bureau of Employees' Compensation, Department of Labor. Such records may not be produced without the prior consent of that Department even though a subpena or court order is served. Requests for authorization for the production of these records shall be addressed to: Bureau of Employees' Compensation, U.S. Department of Labor, Washington, D.C. 20210. The attorney responsible for the issuance of the subpena or court order should be so notified.

(4) If the subpena calls for employee medical records, they may not be released except as stated herein. These records are primarily under the exclusive jurisdiction of the U.S. Civil Service Commission. The Civil Service Commission has delegated authority to this Department and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria which have been prescribed to adequately safeguard the interests of the Government and the employee:

(i) Except in response to a subpena, or court order, no medical information about an employee will be released to any non-Federal entity or individual without authorization from the employee.

(ii) With authorization from the employee, this Department's Regional Directors, Postal Data Center Directors, or regional counsels will respond as follows to a request from a non-Federal source for medical information:

(*a*) If in the opinion of a Federal Medical Officer the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director, Postal Data Center Director, or regional counsel will not release the medical information to the employee or to any individual designated by him, except to a physician designated by the employee in writing. If a subpena or court order was issued, the responding official shall caution the moving party as to the possible dangers involved if the medical information is divulged.

(*b*) If in the opinion of a Federal Medical Officer the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director, Postal Data Center Director, or Regional Counsel will release it in response to a subpena, or court order, or to the employee or to any person, firm, or organization he authorizes in writing to have it.

(*c*) If a Federal Medical Officer is not available, the Regional Director, Postal Data Center Director, or Regional Counsel should refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

(5) In no event shall any records containing information as to the employee's security or loyalty be released.

(6) Subpenas or court orders calling for the production of records may be honored only when disclosure is authorized by these regulations.

(7) When employees are authorized to comply with a subpena duces tecum, they will not leave the original records with the court, but will leave only copies prepared for that purpose.

(b) *Compliance with summons.* (1) A postmaster or other postal employee will comply with a summons requiring his appearance in court. He will not testify as to any matters for which an exemption under § 113.1(e) may be claimed. As to these matters, he shall call the Assistant General Counsel, Opinions Division, Office of the General Counsel, at Headquarters for instructions.

(2) Postal inspectors and other employees having possession of inspectors' reports or Inspection Service records are prohibited from presenting such reports or records in either State or Federal courts in which the United States is not a party in interest, unless authorized by the Department. (See § 113.1(b)(2).) Should an attempt be made to compel production of matter which could be exempted (see § 113.1(e)), the inspector or employee will decline to produce the information or matter, and state it may be exempted and cannot be disclosed or produced without specific approval of the Department. The Department will offer every possible assistance to the courts, but the question of disclosing information for which an exemption may be claimed is a matter entirely at the discretion of the head of the Department.

NOTE: The corresponding Postal Manual section is 113.6.

VI. For purpose of clarification § 113.7 *Mail covers*, is amended to read as follows:

§ 113.7 Mail covers.

Authority to order a mail cover is restricted to the Chief Postal Inspector or the postal inspector in charge. Upon request of either of these officials, furnish them with information regarding the address, return address, or postmarks on mail. When specifically requested by the Chief Postal Inspector or the inspector in charge furnish such information to the designated postal inspector. Do not give such information to anyone else. Requests for mail covers shall be treated confidentially and there shall be strict compliance with the instructions outlined in the request.

NOTE: The corresponding Postal Manual section is 113.7.

§ 113.8 [Amended]

VII. In § 113.8 *Information concerning employees*, make the following changes:

1. In paragraph (a) make the following changes:

a. Subparagraph (1) through subdivision (i) thereof is amended to read as follows:

(1) Prospective employers of a postal employee or a former postal employee may be furnished tenure of employment; Civil Service status; length of service in the postal service and the Federal Government; and when separated, the date and reason for separation shown on Standard Form 50. Employee names, past and present, position titles, grades, salaries, and duty stations (which include the room number, shop designations or other identifying information regarding the building or place of employment) will be released by installation heads in response to requests unless:

(i) The release is prohibited under law or executive order or in the interest of national defense or foreign policy.

b. Subparagraph (2) is amended to read as follows:

(2) In addition to the information to be made available under subparagraph (1) of this paragraph, the home address of an employee shall be made available to a police or court official on receipt of a proper request stating that an indictment has been returned against the employee or that a complaint, information, accusation, or other writ involving nonsupport or a criminal offense, has been filed against him and his address is needed for service of a summons, warrant, subpena, or other legal process. Social security numbers and place of actual residence shall be disclosed to a State or local taxing authority or both, as provided in Bureau of the Budget Circular No. A-38, revised.

c. Delete subparagraph (4).

2. Amend paragraph (c) to read as follows:

(c) *Limitations.* In no event will names be furnished for solicitation purposes, except as authorized by paragraph (a) (1) (ii) of this section.

NOTE: The corresponding Postal Manual sections are 113.81 and 113.83.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-13866; Filed, Nov. 20, 1969; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4747]

[Idaho 2587; 2508]

IDAHO

Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved as follows:

a. As an administrative site for the Boise Interagency Fire Center of the Department of the Interior:

BOISE MERIDIAN

T. 3 N., R. 2 E.,
Sec. 27, W½NW¼NE¼SW¼, NW¼SW¼, S½NE¼SW¼;
Sec. 28, a parcel in the SE¼NE¼SE¼ described as follows: Beginning at east quarter corner, thence S. 0°23' E., 753.3 feet to the true point of beginning; thence S. 85°52' W., 640 feet; thence S. 0°23' E., 204 feet; thence S. 64°51' E., 707.8 feet; thence N. 0°23' W., 550.9 feet to the true point of beginning.

b. As an administrative site for the Intermountain Forest and Range Experiment Station of the Department of Agriculture:

T. 3 N., R. 2 E.,
Sec. 27, SE¼NW¼NE¼SW¼.

The areas described aggregate approximately 73.3 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 17, 1969.

[F.R. Doc. 69-13844; Filed, Nov. 20, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart K—Importation of New Motor Vehicles and New Motor Vehicle Engines

Regulations establishing procedures for the importation of new motor vehicles and new motor vehicle engines subject to the Clean Air Act, as amended, were published on August 18, 1967 (32 F.R. 11947), as a new subpart amending 45 CFR Part 85. The sections included in the subpart were 85.200 through 85.204. Those regulations were issued concurrently with joint Department of the Treasury-Department of Health, Education, and Welfare regulations prescribing requirements for the entry, release, release under bond, and disposition of

motor vehicles and motor vehicle engines (19 CFR 12.73).

The regulations appearing below prescribe procedures for the importation of new motor vehicles and new motor vehicle engines beginning with the 1970 model year. The Department finds that it is in the public interest and that good cause exists for the adoption of these regulations effective immediately upon publication in the FEDERAL REGISTER. To insure that all parties and interests may participate in the further formulation of the regulations, interested persons are invited to submit written data, views, comments, or arguments concerning the regulations hereby promulgated within 30 days after the publication of this document in the FEDERAL REGISTER to the Commissioner, National Air Pollution Control Administration, 801 North Randolph Street, Arlington, Va. 22203. Consideration will be given such submitted materials as fully as though they had been received in response to a proposal.

Sec.
85.200 Applicability.
85.201 Admission of test vehicles or engines.
85.202 Admission of new motor vehicles and new motor vehicle engines covered by a certificate of conformity.
85.203 Admission of new motor vehicles and new motor vehicle engines not covered by a certificate of conformity at the time of entry.
85.204 Prohibited importations.

AUTHORITY: The provisions of this subpart issued under sec. 301(a), sec. 2, Public Law 90–148; sec. 203, 81 Stat. 499; 42 U.S.C. 1857f–2.

§ 85.200 Applicability.

The provisions of this subpart are applicable to new motor vehicles and new motor vehicle engines which are subject to the standards prescribed in this part and are offered for importation into the United States for sale or resale. As used in this subpart, the term United States means the customs territory of the United States as defined in 19 U.S.C. 1202 and the Virgin Islands, Guam, and American Samoa.

§ 85.201 Admission of test vehicles or engines.

Any new motor vehicle or new motor vehicle engine offered for importation as a test vehicle or engine shall not be refused entry if the entry documents contain a declaration by the importer that such vehicle or engine is being supplied to the Secretary of Health, Education, and Welfare for certification testing pursuant to § 85.51.

§ 85.202 Admission of new motor vehicles and new motor vehicle engines covered by a certificate of conformity.

Any new motor vehicle or new motor vehicle engine which is in all material respects of substantially the same construction as the test vehicle or engine for which a certificate of conformity has been issued under § 85.52 shall not be refused admission into the United States if the entry documents include a declaration by the importer that such certificate of conformity has been issued, giving the number and date thereof, and that the new motor vehicle or new motor vehicle engine for which entry is requested is in all material respects of substantially the same construction as the test vehicle or engine for which the certificate was issued and is being entered during the period for which the certificate is effective.

§ 85.203 Admission of new motor vehicles and new motor vehicle engines not covered by a certificate of conformity at the time of entry.

(a) Any new motor vehicle or new motor vehicle engine which is in all material respects of substantially the same construction as a test vehicle or engine for which an application for certification is pending before the Secretary may be conditionally admitted in accordance with 19 CFR 12.73, but shall be refused final admission into the United States unless:

(1) Not later than 5 days following such conditional admission the importer has submitted to the Secretary a written request that such vehicle or engine be permitted entry pending certification of the test vehicle or engine to which such vehicle or engine conforms, which request shall contain the following:

(i) A statement that the vehicle or engine is in all material respects of substantially the same construction as a test vehicle or engine for which application for a certificate of conformity is pending before the Secretary;

(ii) Identification of the place where the vehicle or engine will be stored while certification is pending, and an acknowledgement of responsibility for the custody of the vehicle or engine during that period;

(2) The bonding and entry requirements of the Bureau of Customs set forth in 19 CFR 12.73 have been met; and

(3) The Secretary has issued the requested certificate of conformity.

(b) Any new motor vehicle or new motor vehicle engine which is not in all material respects of substantially the same construction as a test vehicle or engine for which a certificate of conformity has been issued may be conditionally admitted in accordance with 19 CFR 12.73, but shall be refused final admission into the United States unless:

(1) Not later than 5 days following such conditional admission the importer has submitted to the Secretary a written request that he be allowed to modify the vehicle or engine to make it conform to applicable standards, which request shall contain the following:

(i) A statement, acceptable to the Secretary, specifying the modifications or alterations which are necessary to render the vehicle or engine in all material respects substantially the same construction as such test vehicle or engine;

(ii) The date by which the modifications or alterations will be accomplished, said date to be not later than 75 days from the date of entry, and the place where the vehicle or engine will be stored pending a determination of conformity under this paragraph;

(iii) An acknowledgement of responsibility for the custody of the vehicle or engine while the modifications or alterations are being made and while a determination of conformity is pending;

(iv) Authorization for representatives of the Department of Health, Education, and Welfare to inspect the vehicle or engine at any reasonable time for the purpose of making a determination of conformity;

(2) The bonding and entry requirements of the Bureau of Customs set forth in 19 CFR 12.73 have been met; and

(3) The Secretary has issued to the importer a written determination of conformity, stating that the vehicle or engine is in all material respects of substantially the same construction as a test vehicle or engine for which a certificate of conformity has been issued.

§ 85.204 Prohibited importations.

The importation of new motor vehicles and new motor vehicle engines subject to the standards prescribed in this part, otherwise than in accordance with the provisions of this subpart, is prohibited.

Approved: November 17, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-13852; Filed, Nov. 20, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-18; Amdt. No. 173-17]

PART 173—SHIPPERS

Benzoyl Peroxide, Wet

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize shipments of benzoyl peroxide, wet, in specification 12B fiberboard boxes having inside polyethylene bags that are at least 0.004-inch thick and that have a capacity of not more than 10 pounds each.

On March 12, 1969, the Hazardous Materials Regulations Board issued a notice of proposed rule making (Docket No. HM-18; Notice No. 69-6) (34 F.R. 5113) requesting public comment on a proposal to authorize shipment of benzoyl peroxide, wet, with not less than 30 percent water in polyethylene bags overpacked in DOT specification 12B fiberboard boxes. Interested persons were afforded an opportunity to participate in this rule making.

Comments were received from three respondents, none of which specifically opposed the basic proposal. One commenter raised several questions concerning the physical characteristics of the composite package as compared to presently authorized packages. This commenter pointed out that (1) depending on manufacturing specifications, a 0.004-inch polyethylene bag could be weaker than a paper bag lined with 0.002-inch polyethylene; (2) the limitation of 10 pounds per inside container is inconsistent with the 1-pound limitation per inside container for wooden boxes; (3) details of the service experience, i.e., one 10-pound bag per box or five 10-pound bags per box, are unknown. With respect to the first comment, the Board considers it unlikely that the difference between the two types would be significant. With respect to the second comment, the authorized capacity of the polyethylene bag is based on satisfactory experience gained under special permit conditions. It may be that, consistent with this amendment, a larger capacity would be warranted for inside containers when wooden boxes are used. However, this is beyond the scope of this rule making action. With respect to the third point, the service experience under special permit has been satisfactory, as previously mentioned. The number of inside bags could vary depending on the size of the bags used, up to the maximum of 10 pounds, and subject to the overall limits of 65 pounds.

In the notice, the Board proposed to amend paragraph (a)(3) of § 173.157. However, it has been decided to add this authorization as a separate paragraph, both for the sake of simplicity and to make it clear that the authorized gross weight is 65 pounds. This is the weight that was authorized in the special permit under which the experience was gained justifying the change and there was no intention to authorize the higher weight specified in paragraph (a)(3).

In consideration of the foregoing, 49 CFR Part 173 is amended effective December 30, 1969, by adding a new paragraph (a)(5) to § 173.157 to read as follows:

§ 173.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide; wet.

(a) * * *

(5) Specification 12B (§ 178.205). Fiberboard boxes having inside polyethylene bags constructed of material having minimum thickness of 0.004 inch. The capacity of each bag must not exceed 10 pounds. Each bag must be surrounded by asbestos, or other fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight must not exceed 65 pounds. Authorized only for benzoyl peroxide.

* * * * *

(Sec. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h))

Issued in Washington, D.C., on November 17, 1969.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

F. C. TURNER,
Federal Highway Administrator.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

[F.R. Doc. 69-13847; Filed, Nov. 20, 1969; 8:46 a.m.]

[Docket No. HM-4, Amdt. 174-5, 175-3, 177-9]

PART 174—CARRIERS BY RAIL FREIGHT

PART 175—CARRIERS BY RAIL EXPRESS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Miscellaneous Restrictions Against Loading and Transporting Poisons (Class A or B) With Foodstuffs

The purpose of these amendments to the Hazardous Materials Regulations is to modify certain restrictions on the loading and transporting of poisons (class A or B) with foodstuffs, feed, or other material intended for consumption by humans or animals.

On May 8, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-4; Notice No. 69-12 (34 F.R. 7456) proposing to modify the existing restrictions against commingling poisons and foodstuffs during shipment. The comments in response to the notice for the most part supported the proposed changes. Several comments raised questions that indicated that the intent of both the present and proposed requirements could be further clarified. One commenter raised numerous objections to both the present and proposed restrictions, most of which had been previously submitted to, and considered by, the Board. The most significant comments and changes to the regulations are as follows:

One commenter indicated that there was still some confusion as to the intent of the words "foodstuffs, feeds, or any other material intended for consumption by humans or animals". This commenter questioned whether these words could be interpreted to cover any materials that normally might come in contact with the human body or did they exclude "* * * clothing, cosmetics, and other consumer items capable of transmitting poisons," as indicated in an advance notice of proposed rule making published by the Director of the Office of Hazardous Materials on May 9, 1969 (34 F.R. 7545). The intent of these words is to cover edibles and the language of the regulation has been clarified in this regard. The Board recognizes that there are many items such as clothing that could become a hazard to human life if contaminated by certain poisons. However, these items were not included in the original amendment adopted in December of 1967 or in the proposal upon which this amendment is based. The need for further rule making in this regard is still being considered based on the response to the aforementioned advance notice of proposed rule making.

Two commenters suggested that the Board require foodstuffs to be marked as such. The Board recognizes that the marking of foodstuffs would greatly enhance both the problems of compliance and the safety benefits resulting from the subject regulation. However, the Hazardous Materials Regulations Board has no jurisdiction directly over the transportation of foodstuffs. Similarly, the Board does not have the authority, as suggested by one commenter, to prescribe requirements for the safe disposal of the poisonous products resulting from any decontamination.

One commenter suggested that with respect to the car cleaning requirements it would be helpful if acceptable contamination levels could be prescribed. The Department of Health, Education, and Welfare (Public Health Service and Food and Drug Administration) is presently working actively in this field and the Board intends to make use in future regulatory changes of any significant information developed from these studies.

Two commenters suggested that foodstuffs and poisons could be shipped in the same vehicle provided they are separated by airtight and nonpermeable partitions. Such a provision would appear to have all of the inherent problems and confusion that arose from the use of the terms "airtight" and "nonpermeable" in the original amendment. For rail cars and highway vehicles, the Board believes that it is not too much of a burden, considering the potential dangers, to make the prohibition against commingling apply to each car.

One commenter suggested that the inspection of aircraft cargo compartments should only be carried out if a package has been found to be leaking or damaged. The Board has been concerned, however, with the number of instances of contamination of other goods by poisons when it was not immediately known that a package had leaked. By the time the package leakage was noticed, the other freight had been transshipped in many different directions. Therefore, the Board does not consider it appropriate to limit the inspection requirement to cases of known leakage.

One commenter protested the application of the prohibition against mingling to all classes A and B poisons. This commenter indicated that the Board should single out and limit the restriction only to the most dangerous items, such as parathion and other organic phosphates. The Board does not agree. While there is necessarily a difference in the degree of hazard among classes A and B poisons, the Board believes that the leakage of any class A or B poison on edible foodstuffs is so potentially hazardous that no effort should be made at this time to determine "safe" class A or B poisons insofar as shipments with foodstuffs are concerned. This commenter also suggested that the restriction should be imposed only on liquid poisons and not on solid poisons. The Board believes that the restriction should be total regardless of state of the poisonous material. Many food products are shipped in packagings that could be penetrated by dry materials, or which could retain deposits of dry material in or near discharge openings.

One commenter pointed out an inconsistency existing in the present regulations that results from the present exemptions for small quantities of class B poisons when transported by highway.

The Board recognizes that there is no justification for permitting a small quantity of a class B poison in a motor vehicle carrying foodstuffs while the same quantity of class B poison would be barred from a railroad car carrying foodstuffs. The Board is presently reconsidering in toto the authorized small quantity exemptions and intends to include this item for consideration in that study.

One commenter suggested that the rule could be averted by shippers who fail to mark the edible nature of the contents on the package and by originating carriers who fail to carry forward the "poison" notation on the interchange forms. The Board recognizes that these restrictions are not foolproof and that the effectiveness of its regulation is directly related to the ease of identifying foodstuffs. However, as indicated above, solution of this problem is to some extent outside the scope of the Board's authority. This rule, as is any rule, is effective only if complied with. That persons may render regulations ineffective by ignoring them is not valid reason against regulating.

One commenter stated that both the present rule and the proposed changes would disrupt the marketing and distribution of class B poisons by grocery warehouses that reship along with edibles. This commenter made this same point earlier with respect to the Board's first action in this regard in December 1967. The present regulation has been in effect now for over 18 months and the Board has received no evidence that commerce of any kind has been adversely affected thereby to any significant degree. Nor has the Board received any specific evidence that this amendment will have such an effect. Therefore, the Board must conclude that neither the present rule nor the changes adopted herein will adversely affect the grocery industry in the United States.

In consideration of the foregoing, 49 CFR Parts 174, 175, and 177, are amended as follows:

I. Part 174 is amended as follows:

(A) In § 174.532 paragraph (m) is amended to read as follows:

§ 174.532 Loading other dangerous articles.

* * * * *

(m) Material marked as or known to be poison (class A or B) must not be transported in the same car with material which is marked as or known to be foodstuffs, feeds, or any other edible material intended for consumption by humans or animals.

(B) In § 174.566 paragraph (a)(1) is amended to read as follows:

§ 174.566 Cleaning cars.

(a) * * *

(1) A car which has been used to transport material marked as or known to be poison (class A or B) must be inspected for contamination before reuse. A car which has been contaminated must not be returned to service until such contamination has been removed. This subparagraph does not apply to cars used solely for transporting such poisons so long as they are used in that service.

* * * * *

II. Part 175 is amended as follows:

(A) In § 175.655 paragraph (k) and (l) are amended to read as follows:

§ 175.655 Protection of packages.

* * * * *

(k) Material marked as or known to be poison (class A or B) must not be transported in the same car with material which is marked as or known to be foodstuffs, feeds, or any other edible material intended for consumption by humans or animals.

(l) A car which has been used to transport material marked as or known to be poison (class A or B) must be inspected for contamination and must not be returned to service until such contamination has been removed.

III. Part 177 is amended as follows:

(A) In § 177.841 paragraph (e) is amended to read as follows:

§ 177.841 Poisons.

* * * * *

(e) Material marked as or known to be poison (class A or B) must not be transported in the same vehicle with material which is marked as or known to be foodstuffs, feeds, or any other edible material intended for consumption by humans or animals.

(B) In § 177.860 paragraph (a)(1) is amended to read as follows:

§ 177.860 Accidents or leakage; poisons.

(a) * * *

(1) *Leakage.* A vehicle which has been used to transport material marked as or known to be poison (class A or B) must be inspected for contamination before reuse. A vehicle which has been contaminated must not be returned to service until such contamination has been removed. This subparagraph does not apply to vehicles used solely for transporting such poisons so long as they are used in that service.

* * * * *

These amendments are effective December 30, 1969.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h))

Issued in Washington, D.C., on November 17, 1969.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.
F. C. TURNER,
Federal Highway Administrator.
R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

[F.R. Doc. 69–13846; Filed, Nov. 20, 1969; 8:46 a.m.]

[Docket No. HM–25; Amdt. 178–8]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Special Composite Package for Electrolyte (Acid) or Alkaline Corrosive Battery Fluid

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize a new type of composite package comprised of a specification 12B fiberboard box and an inside plastic bag for electrolyte acid or alkaline corrosive battery fluid.

On May 28, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM–25; Notice No. 69–15 (34 F.R. 8245) which proposed an amendment of 49 CFR 178.205–37 (Specification 12B fiberboard box) to specify packaging requirements for electrolyte (acid) or alkaline corrosive battery fluid consistent with the terms of special permits in existence for several years.

Interested persons were afforded an opportunity to participate in this rule making. Of the comments received, no objections were taken to the basic proposal. One commenter took exception to the requirement of a top and bottom pad for regular slotted style boxes having capacities of 6 quarts or less on the premise that the special permit issued to him by the Department contained no such requirements. The commenter stated that many millions of units of 6 quarts capacity or less have been shipped without pads and with good experience. Reports of shipping experience under the provisions of this permit have been reviewed and the Board has determined that the experience has been satisfactory. In view of this and in view of the requirement specifying fiberboard having strength greater than that prescribed for general application in § 178.205–16, the Board is withdrawing the requirement for top and bottom pads in regular slotted style boxes having capacities of 6 quarts or less.

Another commenter expressed concern over what material would be considered equivalent to fiberboard pads having at least 200 pound test and thus meet the equivalency proviso set forth in proposed § 178.205–37(b) (1) and (2). It was the Board's intent to allow the use of pads made not only of fiberboard but also of other material such as chipboard having the same protective capability as fiberboard. The proposal was vague in this respect and has been clarified in the amendment.

In consideration of the foregoing, 49 CFR Part 178 is amended as follows:

In § 178.205–37 paragraphs (a), (b), (c) (1) and (2) are amended to read as follows:

§ 178.205 Specification 12B; fiberboard boxes.

§ 178.205–37 Special box; authorized polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.

(a) Box must comply with this specification except as follows: Box must be one-piece construction of slotted style and may have die-cut areas of minimum size to provide access to an inside closure part. Box must have two polyethylene or other suitable plastic bags, one within the other, and a closure adequate to prevent leakage under conditions incident to transportation. Each bag must be formed from tubing of virgin plastic material not less than 0.003-inch thick with joints heat sealed.

(b) Boxes must be center special slotted style, or regular slotted style. If any metal is used in the box construction, full liners and top and bottom pads are required. Any metal closure for a discharge tube must be installed so as to prevent contact with the polyethylene bag. Discharge tubes must be plugged or heat sealed. Maximum volumetric capacity must not exceed 5 gallons (nominal).

(1) For boxes having capacities of 6 quarts (nominal) or less, fiberboard of at least 200-pound test is required for construction.

(2) For boxes having capacities in excess of 6 quarts, fiberboard of at least 350-pound test is required. Pads are required for regular slotted style boxes and must be of fiberboard of at least 350-pound test or other material that will provide equivalent protection.

(c) * * *

(1) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags must be dropped twice from a height of 4 feet onto concrete, one drop to be made with the box positioned so as to strike flat on the box bottom, the other drop to be made so box will strike flat on the largest face.

(2) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags, and remains liquid at 0° F. or lower shall be dropped once from a height of 4 feet onto concrete, when container and contents are at or below 0° F. Box shall be positioned so as to strike flat on the box bottom.

* * * * *

This amendment is effective November 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h))

Issued in Washington, D.C., on November 17, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.
SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.
F. C. TURNER,
Federal Highway Administrator.
R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

[F.R. Doc. 69–13848; Filed, Nov. 20, 1969; 8:46 a.m.]

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA–LI–1]

PART 230—LOCOMOTIVE INSPECTION

Multiple Operated Electric Units

On pages 14767 and 15845 of the FEDERAL REGISTERS of September 25, 1969, and October 15, 1969, respectively, there were published notices of proposed rule making to amend §§ 230.401(b), 230.406, and 230.442(b) pertaining to multiple-operated electric units. Interested persons were given until November 1, 1969, in which to submit such written data, views, or arguments regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

Effective date. This regulation shall be effective as of December 21, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

Sections 230.401(b), 230.406, and 230.442(b) are amended to read as follows:

§ 230.401 Responsibility of carrier.

* * * * *

(b) The letter "F" shall be legibly shown on each side of every unit near the end, which, for identification purposes, will be known as the front end. The unit number shall be legibly shown on each side of every unit and shall be shown on the specification Form No. 4–A.

§ 230.406 Testing of main reservoirs.

(a) Every main reservoir before being put into service, and at least once every 24 months thereafter, shall be subjected to hydrostatic pressure not less than 25 percent above the maximum working pressure fixed by the chief mechanical officer, and report made on Form No. 1–A.

(b) The entire surface of each main reservoir shall be hammer tested each time the unit is stopped for general repairs, but not less frequently than once every 24 months, and report made on Form No. 1–A. This test shall be made while reservoir is empty.

(c) Each main reservoir of the type described in the note below hereafter put into service may be drilled over its entire surface with telltale holes, made by a standard 3/16-inch drill, which holes shall be spaced not more than 12 inches apart, measured both longitudinally and circumferentially and drilled from the outer surface to an extreme depth determined by the formula,

$$D=\frac{0.6PR}{S-0.6P}$$

where D=extreme depth of telltale holes in inches but in no case less than one-sixteenth inch; P=certified working pressure in pounds per square inch; S=one-fifth of the minimum specified tensile strength of the material in pounds per square inch; and R=inside radius of the reservoir in inches. One row of holes shall be drilled lengthwise of the reservoir on a line intersecting the drain opening. No reservoir so drilled needs to be subjected to the requirement of paragraph (a) or (b), except the requirement for a hydrostatic test before being put in service. Whenever any such telltale hole shall have penetrated the interior of any such reservoir, the reservoir shall be permanently withdrawn from service. At the option of the carrier, such drilling may be applied to any reservoir now in service, in lieu of the tests provided for by paragraphs (a) and (b) of this section, but not without the said hydrostatic test after first being drilled.

NOTE: Paragraph (c) applies only to welded reservoirs originally constructed to withstand at least five times the maximum working pressure fixed by the chief mechanical officer of the railroad desiring to come within the terms of such paragraph.

§ 230.442 Jumpers or cable connections.

* * * * *

(b) Cable connections between units and jumpers that carry current having a potential of 600 volts or more shall be thoroughly cleaned, inspected, and tested as often as conditions require to maintain them in safe and suitable condition for service but not less frequently than every 3 months, by immersing the cable portion in water and subjecting such conductor with another, and with the water, to a difference in potential of not less than one and three-fourths times the normal working voltages for not less than 1 minute. Date and place of inspection and test shall be legibly marked on the jumper or cable or on a tag securely attached thereto.

* * * * *

(Secs. 2, 5, 36 Stat. 913, 914; 45 U.S.C. 23, 28, secs. 6 (e), (f), 80 Stat. 939, 940; 49 U.S.C. 1655)

[F.R. Doc. 69–13870; Filed, Nov. 20, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given of a proposal to amend § 993.159 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR Part 993). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was unanimously recommended by the Prune Administrative Committee to provide certain additional payments to handlers for expenses incurred by them in holding reserve prunes for the account of the Committee. Such payment would be pursuant to § 993.59. Section 993.159 currently provides for the payment of handlers for costs incurred by them in connection with, but not limited to, inspection, receiving, storing, grading, and fumigation of reserve prunes. The additional payments proposed herein are to compensate handlers for expenses incurred by them when they are directed by the Committee to move and dump containers of reserve prunes for inspection purposes and the handler continues to hold the prunes following inspection. The Committee concluded that a rate of $2.50 per ton (natural condition weight) for such services is reasonable. Other additional payments proposed are to compensate handlers for costs (storage, necessary fumigation, bin rental, insurance) incurred in holding reserve prunes for the account of the Committee beyond the end of the crop year in which such prunes are received from producers or dehydrators. The proposal also includes deletion of obsolete wording from § 993.159.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the seventh day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. Revise the first two sentences of paragraph (a) of § 993.159 to read as follows:

(a) *Rate of payment for necessary services.* Each handler shall, with respect to reserve prunes held by him for the account of the Committee pursuant to § 993.57, be paid at the rate of $25 per ton (natural condition weight) for necessary services rendered by him in connection with such prunes so held during all or any part of the crop year in which the prunes were received from producers or dehydrators. Such amount shall, together with the additional payments, as applicable, provided in this section, be in full payment for the costs incurred in connection with but not being limited to, the following services: Inspection, receiving, storing, grading, and fumigation. * * *

2. Amend paragraph (b) by revising the last sentence in that paragraph to read: "The Committee shall reimburse the handler for the actual costs of such insurance."

3. Redesignate paragraph (c) as paragraph (d) and add a new paragraph (c) reading as follows:

(c) *Certain additional payments in connection with the holding of reserve prunes for the committee.* (1) Whenever a handler is directed by the committee to move and dump containers of reserve prunes held by him for the account of the committee for the purpose of causing an inspection to be made of the prunes, as provided in § 993.75, but without taking delivery of the prunes at that time, the handler shall be paid for such services at the rate of $2.50 per ton (natural condition weight).

(2) Commencing with 1968–69 crop year reserve prunes, each handler holding reserve prunes for the account of the committee beyond the end of the crop year in which such prunes were received from producers or dehydrators shall be paid as follows:

(i) For storage and necessary fumigation:

(*a*) $2 per ton during all or any part of the first 3 months of the succeeding crop year;

(*b*) $1 per ton during all or any part of the second 3 months of the succeeding crop year;

(*c*) 25 cents per ton during all or any part of the third 3 months of the succeeding crop year; and

(*d*) 25 cents per ton during all or any part of the fourth 3 months of the succeeding crop year.

(ii) $3 per ton for bin rental during all or any part of the succeeding crop year;

(iii) For insurance as prescribed in paragraph (b) of this section.

4. Add a new paragraph (e) reading as follows:

(e) *Authorized payment.* Payments authorized hereunder shall be made to the handler required to hold in his possession or under his control the quantity of prunes necessary to meet his reserve obligation pursuant to § 993.57, and only to the extent of the quantity so held.

Dated: November 17, 1969.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 69–13872; Filed, Nov. 20, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 69–3, Docket No. OPS–3]

GAS PIPELINES

Minimum Federal Safety Standards

The Department of Transportation is developing proposals for the comprehensive minimum Federal safety standards for the transportation of gas and pipeline facilities, as required by section 3(b) of the Natural Gas Pipeline Safety Act of 1968. This notice is the first step in the rule making process that will result in the establishment of these standards to replace the interim Federal safety standards now in effect.

The Natural Gas Pipeline Safety Act required the Secretary of Transportation to establish the interim Federal standards within 3 months by adopting the State standards in effect on August 12, 1968. The interim standards were issued as Part 190 of Title 49 of the Code of Federal Regulations on November 7, 1968.

At that time, the Department asked for comment on the advisability of adopting the safety code most widely used by the industry (United States of America Standards Institute Standard Code for Pressure Piping—Gas Transmission and Distribution Systems—USAS B31.8, 1968 edition, referred to hereinafter as the B31.8 Code) as the minimum Federal standards. In addition to the comments received, the Office of Pipeline Safety has sought and considered information and suggestions from several other sources. These included changes under consideration by the USASI B31.8 Code Committee, recommendations of a committee from the National Association of Regulatory Utility Commissioners, and a comparative review of State standards. After considering the information received and consulting with the Technical Pipeline Safety Standards Committee, the Department has decided that the present State standards are the best source for the minimum Federal standards. Since all States that have adopted their own

standards have based them on the B31.8 Code, the proposed Federal standards will also be very similar in substance to that document although many changes in form, style, and language will be made. Since the B31.8 Code is readily available and well understood in the gas pipeline industry, this similarity will permit extensive use of the Code as a reference document in discussing these proposals. However, in adopting their standards, many States have added requirements to strengthen and improve the B31.8 Code. The Department has evaluated these additional requirements and many are being incorporated in the proposed Federal standards for the same reasons.

Due to the length and complexity of the State standards and the Code upon which they are based, the task of converting them into a Federal regulation will require a substantial amount of time to accomplish properly. In the meantime, in order to expedite the rule making process so as to meet the August 12, 1970, date specified in the statute and still provide adequate time for analysis and preparation of comments, the proposed standards will be issued in more than one notice of proposed rule making. This first notice proposes the added requirements that are presently contained in one or more State standards and which exceed the requirements of the B31.8 Code. Since these particular requirements are not universally applicable to the industry, evaluation of their significance will require additional time for most interested persons. These proposals are described in detail but are not set forth in specific regulatory language. This notice will enable interested persons to begin developing their comments on the proposed Federal standards. Subsequently, a series of supplementary notices of proposed rule making containing the specific regulatory language will be issued for evaluation and comment by interested persons. Each one of these supplementary notices will cover a particular area such as welding, maintenance, testing, etc., and each will allow from 60 to 90 days from date of issue for further preparation and actual submission of written comments.

The Department recognizes that there are some areas, such as uprating, corrosion control, and pipeline marking, wherein the existing State standards could be substantially improved. However, changes of this type might unduly complicate the proposals and thereby delay the establishment of the first minimum Federal standards. In addition, the problems and possible solutions in these areas of needed improvement are not sufficiently well defined to permit the making of specific regulatory proposals in this rule making proceeding. The additional study that is required to accomplish this would also result in some delay. Therefore, these proposals will consist of only the existing State standards with those substantive changes as appear necessary. In the meantime, the Department will study and resolve these problems and will initiate separate rule making proceedings to include these needed improvements subsequent to establishment of the minimum Federal standards.

One significant change from existing State standards that is considered necessary is new definitions for class locations. The present definitions for Class 3 and Class 4 areas are too vague to be used as Federal standards. This subject, together with the related subject of the population density index, is presently under study and when the specific regulations are proposed in a subsequent notice, new definitions of class locations will be included.

Effective date of proposed regulations. No effective date is proposed for the various requirements contained in this notice of proposed rule making. Industry would need a reasonable period of time, probably no less than 120 days, to comply with most of the proposed requirements. Some requirements, particularly those relating to design and construction, may require longer lead time. It is probable that the proposed requirements will be made applicable on a phased basis. For example, the operation and maintenance subpart could apply within 120 days while the construction subpart could be delayed for 180 days after adoption. Comments should suggest practical effective dates for the various requirements, indicating the problems that would arise from early compliance and the time required to solve those problems.

Cost/benefit determination. In evaluating these proposals, commenters should bear in mind that every safety regulation has a cost factor, either a direct purchase and operation cost or an indirect cost resulting from operating at less than maximum efficiency. Every safety regulation (if it is justified) also has a benefit factor, the increase in safety to the public and a less noticeable but definable benefit to the pipeline operator in reducing his casualty losses and damage claims to some extent. Although the cost of complying with a regulation (cost to the operator less benefit to the operator) is initially borne by the pipeline operator, this cost is ultimately paid by the public in the higher cost of the delivered product. Thus, from the point of view of the regulatory agency, the cost/benefit determination is whether the safety benefit to the public justifies the monetary cost of compliance to the public. For this reason, the proposals described herein should be evaluated as to cost and benefits. When comments on the specific regulations are submitted, these factors should be discussed fully. The information resulting from these cost/benefit determinations will be most helpful in making decisions with respect to particular proposals.

Proposed minimum Federal standards. The following are the significant provisions of the State gas pipeline safety standards that are not presently contained in the B31.8 Code—1968 but which are hereby proposed for inclusion in the minimum Federal standards. Existing requirements that are referred to are those set forth in the B31.8 Code which was the basis for all State standards. Included with each proposal are questions which should be considered and discussed when comments are submitted. The responses to these questions, together with the cost/benefit information requested above, will be significant factors in determining the content of the minimum Federal standards.

Welding. Pipeline systems that are to operate at 20 percent or more of specified minimum yield strength (SMYS) would require visual inspection in addition to nondestructive testing. There would be a requirement for 100 percent nondestructive testing of these lines in (1) Class 3 and 4 locations, (2) within railroad or public highway rights-of-way, including tunnels, (3) at tie-ins, (4) at overhead road crossings, and (5) whenever welds are repaired. The testing percentage for Class 1 and 2 locations would remain the same. When conducting nondestructive testing on these lines, each welder's work would be sampled to at least the same percentage as the overall nondestructive testing requirement for the area. All welds tested would be tested over their entire circumference. There would no longer be an option of testing an equivalent length of welds over a part of the circumference.

Records would have to be retained for the life of the facility showing the number of welds made, the number nondestructively tested, the number of rejects, and the disposition of the rejects. In addition, detailed records of testing, including exposed X-ray film, be retained for 3 years after construction.

In discussing these proposals, commenters should provide the following information. Describe the problems in determining that each welder's work is sampled to the percentage required. Should the percentage be based on completed welds or on length of welds? Would it be sufficient to assure that each welder is checked each day and eliminate the fixed percentages? Does a requirement to test the entire circumference present any different problems on larger pipe than on smaller and if so, at what point do these differences become significant? How difficult would 100 percent testing be in Class 3 and 4 locations? What percentage of welds are nondestructively tested today in these locations? As nearly as possible, provide additional cost figures for 90 percent and 95 percent testing in these locations. Specify any problems associated with testing all tie-in welds. What is the present practice as to retention of nondestructive testing records?

Initial test requirements. Strength-proof testing requirements for pipelines and mains that are to operate at 30 percent or more of SMYS would be modified as follows: (1) Minimum test pressure in Class 3 or 4 locations would be 150 percent of maximum operating pressure; (2) test pressure would have to be held for at least 24 consecutive hours after stabilization; (3) exceptions that permit air testing of these pipelines and mains in Class 3 or 4 locations would be eliminated; (4) the test medium would have to be disposed of in a manner that is not detrimental to the environment. Pipelines or mains to be operated at less

than 1 p.s.i. would have to be tested to at least 10 p.s.i. and those operated at more than 1 p.s.i. would be required to be tested to at least 100 p.s.i. Pipelines and mains with a coating capable of sealing a leak would be tested to at least 125 p.s.i.

With respect to these proposals, discuss the difficulties that might result from eliminating air testing in Class 3 and 4 locations. Would test equipment now in use be able to meet these requirements? Is 125 p.s.i.g. test pressure sufficient to determine whether the coating is sealing a leak?

Bends, elbows, and miters. On pipelines and mains operated at a hoop stress of 30 percent or more of the specified minimum yield strength, bends would not be made within 1½ pipe diameters of a circumferential weld. In addition, miter bends that produce an angle of 3° or more would not be permitted on these pipelines and mains.

Can bends be made closer than 1½ pipe diameters to the circumferential weld without having a detrimental effect on the weld? If so, are there any special methods or techniques that should be used?

Cover requirements. The cover requirements for buried distribution mains would be increased to a minimum of 30 inches. However, whenever a local law or regulation (either a State or subdivision thereof) required distribution mains to be placed in a common trench with other utilities, the local requirements would govern the depth of cover. Buried transmission pipelines would have to be installed with a minimum cover as set forth in the following table:

Location	Cover in inches	
	Normal excavation	Excavation of rock by blasting
Class 1 Locations	30	18
Class 2, 3, and 4 Locations	36	30
Drainage ditches of public roads and railroad crossings	36	36

These minimums would apply to all types of materials. All other cover requirements remain unchanged.

These proposals are intended to provide additional safety for buried pipelines and mains to reduce the risk of damage by external forces. Does increased depth contribute significantly towards reducing this risk? What other industry practices are used today? Are there any other methods that could be used to minimize damage from external forces and if so, how do they compare in relative cost effectiveness?

Underground clearance. The underground clearance required between buried pipelines or mains and other underground structures would be raised from present requirements of 6 inches for pipelines and 2 inches for mains to 12 inches for both. If this clearance were not attainable, other protective measures would have to be taken. Additional clearance would still be required for plastic piping near sources of heat.

Cast iron pipe. Bell and spigot joints would be prohibited both in new construction and the reinstallation of used pipe, unless these joints were clamped with mechanical clamps or otherwise reinforced or reconditioned. Threaded cast iron joints would be prohibited in both new construction and reinstallation of used pipe.

In cast iron pipe 6 inches in nominal diameter or smaller, threaded taps would be prohibited unless they are (1) reinforced taps, (2) existing taps that are free of cracks and have good threads, or (3) taps that are used for gas control equipment and are closed after use by means of a threaded plug or reinforcing sleeve. In cast iron pipe larger than 6 inches nominal diameter, threaded taps would have to be reinforced with sleeves if the taps are larger than 25 percent of the nominal diameter of the pipe. How much and what sizes of threaded cast iron pipe are presently in operation?

Pressure control and relief. Low pressure distribution systems would be required to maintain a minimum operating pressure high enough for the safe and continuous operation of any properly adjusted low pressure gas burning equipment that is connected to the system. Discuss low pressure service interruptions with reference to causes, adverse effects, and other possible solutions, and indicate the number of customers affected by such interruptions during the past year.

When more than one pressure regulating station or compressor station feeds into a pipeline or distribution system, each such station would be required to have a relief valve or other protective device installed to insure that the complete failure of the largest capacity regulator or compressor, or any single run of lesser capacity regulators or compressors, in that station, would not impose pressures on any part of the pipeline or distribution system in excess of those that it was designed for or that it is protected against, whichever is lower. In low pressure distribution systems, relief valves or other pressure limiting devices would have to have the capacity to limit the maximum pressure in the mains to 2 p.s.i.g. Supports for pressure relief or pressure limiting devices would have to be made of noncombustible materials.

Is relief capacity of 100 percent of the capacity of the largest single source of supply in a regulator station or compressor station sufficient to protect a distribution or pipeline system or should a larger relief capacity be required?

All pressure limiting and pressure regulating stations, other than house regulators, and all relief valves would have to be inspected and tested at least once a year. If the capacity of a relief valve cannot be tested in place, an annual review and calculation of the required capacity of the relieving equipment at that station could be made in lieu of testing. Is annual inspection and testing sufficient to insure safe operation of this equipment?

Uprating. Present standards do not require leakage surveys when qualifying existing steel pipelines or mains for higher operating pressures that will produce a hoop stress of 30 percent or more of SMYS. When qualifying for increased pressures of less than 30 percent on steel pipelines, mains, and distribution systems and all plastic pipe distribution systems, leakage surveys are required only if past maintenance records indicate that such a survey is advisable. These proposals would require that a leakage survey must be conducted before uprating any part of a pipeline system and further, that all leaks discovered must be repaired before the higher pressures are applied.

Discuss present practices as to if, when, and how leakage surveys are made, with some emphasis on techniques and instruments used.

Odorization. Operators would be required to odorize gas in transmission systems as well as in distribution systems. Gas en route to storage fields would be exempt from this requirement. Have any leaks been discovered as a result of odorant being added to transmission lines? If so, how many and under what circumstances? What effect does the loss of odorant in the line have on the pipeline system? What effect does odorization of gas have on industrial users?

Interested persons should begin to develop their comments on the proposals and questions contained in this notice. However, since it is the Department's intention to propose specific rules for public comment at a later date, comments should not be submitted until that time. When specific rules have been proposed, comments should be submitted in accordance with directions set forth with those specific proposals.

This notice is issued pursuant to the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on November 14, 1969.

W. C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

[F.R. Doc. 69-13850; Filed, Nov. 20, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

MELVIN WEINTRAUB

Notice of Granting of Relief

Notice is hereby given that Mr. Melvin Weintraub, 119 Longview Terrace, Yonkers, N.Y., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 22, 1968, by the U.S. District Court, Southern District of New York of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Melvin Weintraub because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under Chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Melvin Weintraub to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Melvin Weintraub's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of Chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Melvin Weintraub be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13867; Filed, Nov. 20, 1969; 8:47 a.m.]

Office of the Secretary

AMINOACETIC ACID (GLYCINE) FROM FRANCE

Determination of Sales at Less Than Fair Value

NOVEMBER 12, 1969.

Information was received on March 1, 1968, that Aminoacetic Acid (Glycine) from France was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of August 28, 1969.

I hereby determine that for the reasons stated below, Aminoacetic Acid (Glycine) from France is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Aminoacetic Acid (Glycine) from France was sold to the United States to a purchaser not related within the meaning of section 207 of the Antidumping Act.

Sufficient quantity of such or similar merchandise was sold in the home market to afford a proper basis of comparison. Therefore, for fair value purposes, comparison was made between purchase price and home market price.

Purchase price was based on the c.i.f. price, duty not paid, to the United States, from which was deducted ocean freight, marine insurance and selling commission. As required by the statute, to this was added the amount of a refund of value added tax, and the amount of French import duties, not collected.

Home market price was calculated by deducting inland freight, selling commission and packing cost differential from the weighted-average price to purchasers in the country of exportation. An adjustment was made for difference in cost of assay certificate between home market and the United States.

Purchase price was found to be less than the home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-13923; Filed, Nov. 20, 1969; 8:48 a.m.]

PIG IRON FROM SWEDEN

Notice of Tentative Negative Determination

NOVEMBER 6, 1969.

Information was received on January 30, 1969, that pig iron from Sweden is being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 6, 1969, on page 14136.

I hereby make a tentative determination that pig iron from Sweden is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. There have been no sales of pig iron from Sweden to the United States since September 1968. There is no information indicating that pig iron will be shipped to the United States from Sweden in the near future.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street

BARBERS' CHAIRS FROM JAPAN

Determination of Sales at Not Less Than Fair Value

NOVEMBER 6, 1969.

On August 28, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that barbers' chairs from Japan are not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No persuasive evidence or argument to the contrary having been presented, I hereby determine that for the reasons stated in the tentative determination, barbers' chairs from Japan are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-13869; Filed, Nov. 20, 1969; 8:48 a.m.]

NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-13924; Filed, Nov. 20, 1969; 8:48 a.m.]

PIG IRON FROM THE UNITED KINGDOM

Notice of Tentative Negative Determination

NOVEMBER 6, 1969.

Information was received on January 30, 1969, that pig iron from the United Kingdom is being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 6, 1969, on page 14137.

I hereby make a tentative determination that pig iron from the United Kingdom is not being, nor likely to be, sold at less than fair value within the meaning of section 201 (a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. There have been no sales of pig iron from the United Kingdom to the United States since April 1968. There is no information indicating that pig iron will be shipped to the United States from the United Kingdom in the near future.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-13925; Filed, Nov. 20, 1969; 8:48 a.m.]

PIG IRON FROM BRAZIL

Notice of Tentative Negative Determination

NOVEMBER 6, 1969.

Information was received on January 30, 1969, that pig iron from Brazil is being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 6, 1969, on page 14136.

I hereby make a tentative determination that pig iron from Brazil is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. There have been no sales of pig iron from Brazil to the United States since May 1968. There is no information indicating that pig iron will be shipped to the United States from Brazil in the near future.

In accordance with § 53.33(b), Customs regulations (19 CFR 533.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs regulations (19 CCFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-13926; Filed, Nov. 20, 1969; 8:48 a.m.]

TETRACYCLINE PRODUCTS FROM ITALY

Determination of Sales at Not Less Than Fair Value

NOVEMBER 6, 1969.

On September 18, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that tetracycline products manufactured by Carlo Erba, S.p.A., Milan, Italy, are not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until October 18, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that, for the reasons stated in the tentative determination, tetracycline products manufactured by Carlo Erba, S.p.A., Milan, Italy, are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-13927; Filed, Nov. 20, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

OHIO STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 69-13568 appearing at page 18320 in the issue of Saturday, November 15, 1969, in column 2, third paragraph, the reference to "Docket No. 70-00274-00-46040" should read "Docket No. 70-00275-00-46040".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 2-0136 NV]

STREPTOMYCIN SULFATE FOR WATER MEDICATION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Vet Strep Solution 25 percent containing streptomycin sulfate equivalent in activity to 250 milligrams of streptomycin base per cubic centimeter; by Merck and Co., Inc., Rahway, N.J. 07065.

2. Aqua-Strep containing streptomycin sulfate equivalent in activity to 100 grams of streptomycin base per pound; by The Gland-O-Lac Co., 1818 Leavenworth, Omaha, Nebr. 68101.

The Academy evaluated these products as probably effective for the treatment of bacterial diseases involving the gastrointestinal tract in poultry, swine, and calves.

The Academy stated that:

1. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease cannot be so qualified, the claim must be dropped.

2. Label claims for these preparations must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacological properties of the streptomycin sulfate.

3. The label should warn that treated animals must actually consume sufficient medicated water to provide a therapeutic dose under the conditions that prevail. As a precaution, the label should declare the desired oral dose in terms of the amount of drug per pound of animal weight per day for each species as a guide to effective use of the preparation in drinking water.

4. Label claims made "for prevention of" or, "to prevent" should be replaced with "as an aid in the control of" or, "to aid in the control of."

5. Labeling should carry a warning pertaining to the development of streptomycin resistant organisms.

6. Dosage levels recommended in the labeling are low.

The Food and Drug Administration concurs with the Academy's evaluation.

This evaluation is concerned only with the drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference may be addressed to the Bureau of Veterinary Medicine, 200 C Street SW., Washington, D.C. 20204.

The holders of the applications for the subject drugs have been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the listed drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: November 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13826; Filed, Nov. 20, 1969; 8:45 a.m.]

[Docket No. FDC-D-136]

PHENYRAMIDOL HYDROCHLORIDE, PHENYRAMIDOL SALICYLATE, AND PHENYRAMIDOL HYDROCHLORIDE WITH ALUMINUM ASPIRIN

Notice of Withdrawal of Approval of New-Drug Applications

In an announcement published in the FEDERAL REGISTER of February 14, 1969 (34 F.R. 2213), the Commissioner of Food and Drugs, pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, gave notice that the following drugs are possibly effective for the relief of pain in a variety of acute, recurring, and chronic painful conditions, including those conditions specifically cited in the announcement:

1. Analexin 400 Capsules; 400 milligrams of phenyramidol hydrochloride per capsule (NDA 11-946).

2. Analexin-AF Tablets; 100 milligrams of phenyramidol hydrochloride and 300 milligrams of aluminum aspirin per tablet (NDA 12-146).

3. Analexin Tablets; 200 milligrams of phenyramidol hydrochloride per tablet (NDA 11-946).

4. Analexin Syrup; 100 milligrams of phenyramidol salicylate per 5 cubic centimeters (NDA 12-584).

The announcement stated that the holder of the approved new-drug applications, and any person marketing these drugs without approval, would be allowed 6 months after its publication to obtain and submit data in a supplemental or original new-drug application to provide substantial evidence of effectiveness of the drugs for those indications for which the drugs have been classified as possibly effective.

The present holder of the above approved new-drug applications is Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis, Mo. 63160 (Neisler Laboratories, subsidiary of Union Carbide Corp., was the former holder). The holder of the approved new-drug applications has requested withdrawal of approval of said applications by letter dated September 4, 1969. No other interested person has submitted data to provide substantial evidence of effectiveness of the drugs for those indications for which the drugs have been classified as possibly effective.

The Commissioner, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated with the evidence available when the applications were approved that substantial evidence is lacking that the subject drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of new-drug applications Nos. 11-946, 12-146, and 12-584, and all amendments and supplements thereto, is withdrawn effective on the date of signature of this document. Accordingly, phenyramidol, alone or in combination with other active ingredients labeled for human use, will be regarded as a new drug for which no approved new-drug application is in effect.

Dated: November 10, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-13843; Filed, Nov. 20, 1969; 8:46 a.m.]

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 7 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (34 F.R. 1279, Jan. 25, 1969) is hereby amended to reflect the establishment and functions of the Community Services Administration in the Social and Rehabilitation Service, and the transfer of functions from the Social and Rehabilitation Service to the Office of Child Development and the Health Services and Mental Health Administration pursuant to the Reorganization Order of September 17, 1969 (34 F.R. 14700, Sept. 23, 1969). For such purposes, Part 7 of the Statement is amended as follows:

1. Section 7-A is amended by striking out "maternal and child health,".

2. Section 7-B is amended:

(a) By inserting in the first sentence of the first paragraph under the heading "Immediate Office of the Administrator," the words "juvenile delinquency;" after the words "medical assistance;";

(b) By striking out, in the introductory text under the heading "Social and Rehabilitation Service Program Bureaus," the words "the Children's Bureau," and inserting in lieu thereof "the Community Services Administration,";

(c) By striking out, in the first paragraph under the heading "Administration on Aging," the words "and Titles I, XVI, and XIX of the Social Security Act";

(d) By striking out, in the first sentence under the heading "Division of Older Americans Service," the words "; and the provision of public social services to maintain independent living and promote self-care for older persons eligible under Titles I, XVI, XIX, and related provisions of the Social Security Act";

(e) By striking out, in the first sentence under the heading "Assistance Payments Administration," the words ", the Work Incentive programs, and the Work Experience programs";

(f) By striking out, in the first sentence of the second paragraph under the heading "Assistance Payments Administration," the words "and work";

(g) By striking out under the heading "Assistance Payments Administration,"

the paragraph headed "Division of Work and Training Programs.";

(h) By striking out the heading "Children's Bureau" and all that follows thereunder and inserting in lieu thereof the following:

COMMUNITY SERVICES ADMINISTRATION

Provides leadership in the planning, development, and coordination of those Social and Rehabilitation Service programs which provide services to improve the capability of disadvantaged families and individuals for self-support, making maximum use of the resources and skills available under the Vocational Rehabilitation program, utilization of the WIN program (Work Incentive program), rehabilitation and other education and training programs; provides services for the welfare of children, to strengthen family life for disadvantaged families with children; furnishes assistance in family planning; and provides services for disadvantaged aged, blind, or permanently and totally disabled individuals to improve their social functioning; and keeps the Administrator informed as to objectives, goals, and progress.

Within the authorities delegated to it, the Administration: establishes program goals and objectives; develops standards, program policies, criteria, and guidelines; provides professional consultation to the Regional Office staff and assists it in the guidance and leadership of State and local agencies and groups; cooperates with the Office of Research, Demonstrations, and Training in the promotion of demonstration programs to evolve new and more effective approaches and methods in the organization and delivery of services; conducts administrative management activities, and coordinates its activities and programs with other concerned Social and Rehabilitation Service organizations, the Office of Child Development, and other Department of Health, Education, and Welfare agencies, as well as other public and private organizations.

The Community Services Administration has assigned its functional responsibilities to the various divisions and offices as follows:

Office of Service Development. Promotes and provides leadership to a nationwide development program to improve the organization and delivery of this Administration's services and related services provided by State and local agencies. With the cooperation of the Office of Research, Demonstrations, and Training, innovates, develops, and tests models for the improvement of services on a comprehensive basis in different geographic and socio-economic settings, and in cooperation with other broad systems such as Model Cities, utilizing the authority and funds available under section 1115 of the Social Security Act and other sources. Coordinates with the Social and Rehabilitation Service, Office of Research, Demonstrations, and Training in the evaluation, interpretation, and application of research findings to the service programs, and in the development and evaluation of training programs. Coordinates with the Social and Rehabilitation Service, Office of Program Planning and Evaluation in the evaluation of service programs. Maintains relationships with public and private agencies in relevant areas of research, experimentation, and evaluation of service programs.

Division of Self-Support Programs. Plans, coordinates, directs, and evaluates activities in carrying out departmental responsibilities in the Work Incentive Program (Title IV, Part C, Social Security Act), and other work experience, education, and training programs. Maintains liaison and cooperative relationships with the Department of Labor and the Office of Economic Opportunity. Provides technical advice and assistance to regional office staffs to assist them in maintaining effective Federal-State-local relationships and to encourage maximum realization of the public welfare objectives to improve the capability of disadvantaged families and individuals to achieve self-support. Participates in program analysis, evaluates practices and effectiveness of services, and takes action to promote improvement. Cooperates in the development of inter- and intra-departmental programs relating to individual and family services. Serves as Social and Rehabilitation Service liaison with the Office of Child Development on day-care policies, regulations, and standards.

Division of Child and Family Services. Plans, provides leadership, administers, and promotes the national program of comprehensive individual, family, and social services (Title IV, Parts A and B, of the Social Security Act), and formulates policies and guidelines for these services. Provides professional consultation and assistance to regional office staff and assists it in the guidance and leadership of State public welfare agencies and other public and voluntary agencies in development, extension, and improvement of quality programs offering social and family planning services for individuals and families. Participates in program analysis, evaluates practices and effectiveness of services, and takes action to promote improvement. Cooperates in the development of interdepartmental and intradepartmental programs relating to individual and family services. Serves as Social and Rehabilitation Service liaison with the Office of Child Development on child welfare policies, regulations, and standards (except for day-care).

Division of Services to the Aged and Handicapped. Plans, provides leadership, administers, and promotes the national program of social services to the aged and the handicapped under the provisions of Titles I, X, XIV, and XVI of the Social Security Act, and formulates policies and guidelines for these services. Provides professional consultation and assistance to the regional office staff in these areas, and assists it in the guidance and leadership of State agencies, and national public and voluntary agencies in the development, implementation, extension, and improvement of programs offering social services to the aged and the handicapped Provides program analysis, to include the evaluation of both its efficiency and effectiveness, and takes action to promote necessary improvements. Participates in the development of programs, both within the Department and with other Governmental agencies which relate to aged and handicapped services. Is the Social and Rehabilitation Service liaison with other Departmental offices and other Governmental agencies on policy, regulations and standards.

(i) By amending the first sentence under the heading "Rehabilitation Services Administration" to read as follows: "Provides leadership in the planning, development and coordination of those SRS programs which provide rehabilitation services for the handicapped, including disabled social security applicants and beneficiaries and the mentally retarded, in accordance with the provisions of the Vocational Rehabilitation Act, as amended, Title II of the Social Security Act, as amended, title I, parts B, C, and D of Public Law 88–164, as amended, and sections 301 and 303 of the Public Health Service Act.";

(j) By striking out, in the first sentence under the heading *"Division of Services to the Blind,"* the words "aid to the blind,"; and

(k) By striking out, in the first paragraph under the heading "Regional Organization," the words "Child Health and Welfare," and inserting in lieu thereof "Community Services,".

3. Section 7–D(a)(1) is amended to read as follows:

(1) The functions vested in the Secretary by:

(i) Titles I, X, XIV, and XVI of the Social Security Act (42 U.S.C. 301 et seq., 1201 et seq., 1351 et seq., 1381 et seq.);

(ii) Title IV of the Act (42 U.S.C. 601 et seq.), except for the functions under Parts A and B thereof administered by the Office of Child Development as set forth in section 2(a) (2) and (3) of the Reorganization Order of September 17, 1969 (34 F.R. 14700, Sept. 23, 1969);

(iii) Title XIX of the Act (42 U.S.C. 1396 et seq.), subject to section 1–965.30 of this statement;

(iv) Title XVIII of the Act (42 U.S.C. 1395 et seq.), to the extent of the responsibilities assigned by section 1–965.20 (c) of this statement; and

(v) Titles VII and XI of the Act (42 U.S.C. 902 et seq., 1301 et seq.), insofar as the provisions of such titles pertain to the mission of the Social and Rehabilitation Service as described in section 7–A of this statement.

4. Section 7–D(a)(6) is amended by striking out all beginning with the words *"Provided, however,"* and ending with the words *"Provided further,"* and inserting in lieu thereof *"Provided, however,"*.

5. Section 7–D(a) is amended by revoking item (19) thereof and redesignating item (20) as item (19).

Approved: November 14, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–13854; Filed, Nov. 20, 1969; 8:46 a.m.]

CHILD HEALTH AND WELFARE PROGRAM

Reorganization

The Reorganization of the Child Health and Welfare Program (34 F.R. 14700, Sept. 23, 1969) is hereby amended as follows:

1. Section 2(a)(3) is amended as follows:

(3) Such functions with respect to research, demonstration and training projects under title IV, Part B, section 426 of the Social Security Act as are agreed to by the Administrator of SRS and the Assistant Secretary for Administration.

2. Section 3(b)(5) is amended as follows:

(5) Administration of such research, demonstration, and training projects under title IV, Part B, section 426 of the Social Security Act as are agreed to by the Administrator of SRS and the Assistant Secretary for Administration.

Dated: October 10, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–13855; Filed, Nov. 20, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69–11–63]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority November 17, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act), and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 2–3 and 1–2–3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB Agreement number.

The agreement would amend the existing resolution governing group inclusive tour fares established for travel between Europe/Africa/Middle East and the Australasian area so as to permit the combination of such fares with fares within the area comprised of India/Pakistan/Nepal/Ceylon.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 21381, are adverse to the public interest or in violation of the Act:

IATA Resolutions
JT23(Mail 230)0811.
JT123(Mail 622)0811.

Accordingly, it is ordered, That:

Action on Agreement CAB 21381 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–13863; Filed, Nov. 20, 1969; 8:47 a.m.]

[Docket No. 20993; Order 69–11–54]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority November 14, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which relates to specific commodity rates applicable within the Western Hemisphere, was adopted by the 25th meeting of the Traffic Conference 1 Specific Commodity Rates Board held October 7, 1969, in New York and has been assigned the above-designated CAB Agreement number.

The agreement, in general terms as it applies in air transportation, extends for a further period of effectiveness certain specific commodity rates, under current descriptions, adopted since the last meeting of the Rates Board held in New York on January 14, 1969. In addition to naming several rates to added points under existing commodity descriptions and rates from Kingston to Miami under a new description (Item 0837—Cucumbers and "Ugli" Fruits), the agreement makes a number of adjustments in existing rates, the most substantial of which involves increasing several minimum weight requirements generally from 200 to 300 kilograms. Also, "press photographs" would be deleted from Commodity Item 7103.

We propose to approve the agreement except insofar as it would establish certain specific commodity rates for household goods and personal effects to/from or between Miami and a number of points within Central and South America at levels higher than the Board-approved IATA general cargo rates. These rates were among those which earlier were disapproved by the Board in Order 69–6–75, dated June 13, 1969, and eventual disapproval is contemplated for the same reasons as set forth in that order.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval shall be subject to the following conditions:

(a) Approval shall not extend to the specific commodity rates listed in the attachment hereto;[1] and

(b) Approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Accordingly, it is ordered, That:

Action on Agreement CAB 21379 be and hereby is deferred with a view toward eventual approval, subject to the conditions set forth in the finding paragraph above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–13864; Filed, Nov. 20, 1969; 8:47 a.m.]

[Dockets Nos. 20781, 20291; Order 69–11–64]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority November 17, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement amends a number of fare resolutions applicable within the area comprised of Europe/Africa/Middle East, and across the Atlantic, by the inclusion of Liege in the list of cities for which fares are specified.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, which are incorporated in the agreement indicated, affect air transportation within the meaning of the Act

Agreement CAB:	*IATA Resolutions*
21367	
R–1	200(Mail 952)070j.
	200(Mail 952)070m.
	200(Mail 952)070r.
	200(Mail 952)070rr.
	200(Mail 952)070s.
R–2	200(Mail 925)072b.

2. It is not found, on a tentative basis, that the following resolutions, incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

[1] Filed as part of the original document.

Agreement CAB:	*IATA Resolutions*
21367	
R–3	JT12 (Mail 717) 054a.
	JT12 (Mail 717) 064a.
	JT12 (Mail 717) 070d.
	JT12 (Mail 717) 076e.
	JT12 (Mail 717) 083a.
	JT12 (Mail 717) 084a.
R–4	JT12 (Mail 717) 054b.
	JT12 (Mail 717) 064b.
	JT12 (Mail 717) 070f.

3. It is not found that the following resolutions, which are incorporated in the agreement indicated, and which do not directly affect air transportation, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolutions*
21367	
R–4	JT12 (Mail 717) 054c.
	JT12 (Mail 717) 064c.
R–5	JT123 (Mail 623) 057.
	JT123 (Mail 623) 057.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to those portions of Agreement CAB 21367 as set forth in finding paragraph 1;

2. Action on those portions of Agreement CAB 21367 as set forth in finding paragraph 2 is deferred with a view toward eventual approval; and

3. Those portions of Agreement CAB 21367 as set forth in finding paragraph 3 be and hereby are approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13865; Filed, Nov. 20, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 466]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 17, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

2530–C2–P–70—Econocom, Inc. (New), C.P. for new 2-way station to be located at 800 feet east of Prairie Du Chien Road and 1000 feet north of Interstate Highway, Iowa City, Iowa, to operate on frequency 152.18 MHz.

2531–C2–P–70—Econocom, Inc. (New), C.P. for new 1-way station to be located at 800 feet east of Prairie Du Chien Road and 1000 feet north of Interstate Highway, Iowa City, Iowa, to operate on frequency 152.24 MHz.

2532–C2–P–70—Ruth Harper, doing business as Kalamazoo Telephone Answering Service (New), C.P. for new 1-way station to be located at 136 East Michigan Avenue, Kalamazoo, Mich., to operate on frequency 152.24 MHz.

2533–C2–P–70—Joseph N. Thomason (New), C.P. for new 2-way station to be located at Beezley Hills, 2 miles west of Ephrata, Wash., to operate on frequency 152.18 MHz.

2534–C2–P–(2)–70—Charles F. Read, doing business as Mobilfone of Baton Rouge (KKX707), C.P. to change transmission line and replace transmitter operating on frequency 152.15 MHz at its station located at 844 Government Street, Baton Rouge, La.

2535–C2–P–70—Mobile Radio Dispatch Service, Inc. (KEA256), C.P. to add transmitter to operate on frequency 454.025 at a new site to be identified as location No. 4: End of Freehold Street, Asbury Park, N.J.

2536–C2–P–70—Central Telephone Co. (KOH273), C.P. for additional channel to operate on frequency 152.60 MHz at its station located at Fifth and Garson Streets, Las Vegas, Nev.

2537–C2–P–70—Illinois Bell Telephone Co. (KSJ773), C.P. to change transmitter type number and antenna system operating on frequency 152.75 MHz at its station located at 221 15th Street, Cairo, Ill.

2538–C2–MP–70—The Bell Telephone Co. of Pennsylvania (KGA474), Modification of C.P. to add isolators to transmitters operating on base frequency 152.78 MHz and auxiliary test frequency 158.04 MHz at its station located at 1.9 miles north of Wyoming, Pa.

742–C2–R–70—The Bell Telephone Co. of Pennsylvania (KC7944), Renewal of license expiring December 1, 1969.

2539–C2–MP–(4)–70—Southwestern Bell Telephone Co. (KAA818), Modification of C.P. to make antenna changes for base frequencies 454.375, 454.425, 454.450, 454.550 MHz at its station located at 2651 Olive Street, St. Louis, Mo.

2545–C2–P–70—Pacific Northwest Bell Telephone Co. (New), C.P. for new Developmental air-ground station. Frequencies 454.675 MHz (signaling) and 454.950 MHz (base). Location: Gold Mountain, 7.4 miles west of Bremerton, Wash.

2546–C2–P–70—Northwestern Bell Telephone Co. (New), C.P. for new Developmental air-ground station. Frequencies 454.675 MHz (signaling) and 454.850 MHz (base). Location: 6002 28th Avenue South, Minneapolis, Minn.

2547–C2–P–70—Southern Communications, Inc., doing business as Mobilfone of Tyler (New), C.P. for a new 1-way station to be located at 2.5 miles east of Tyler on Glasgow Road, Tyler, Tex., to operate on frequency 152.24 MHz.

2548–C2–ML–70—The Bell Telephone Co. of Pennsylvania (KGA585), Modification of license to substitute the 35.50 MHz (base), 43.50 MHz (test) frequency pair for the presently used 35.66 MHz (base), 43.66 MHz (test) pair at location No. 1: 1631 Arch Street, Philadelphia, Pa.

2549–C2–P–70—General Communcatons, Inc. (KEC737), C.P. to add transmitter to operate on frequency 152.09 MHz at a new site to be identified as location No. 2: 50 Presidentia Plaza, Syracuse, N.Y.

2579–C2–AL–70—McCall Telephone Answering Service (KEC513), Consent to assignment of license from: McCall Telephone Answering Service, Assignor to: Airsignal International, Inc., Assignee.

2581–C2–P–70—Pond Branch Telephone Co., Inc. (New), C.P. for a new 2-way station to be located on U.S. Route 178 approximately one-half mile northwest of Pelion, S.C., to operate on frequency 152.78 MHz.

2580–C2–P–(3)–70—RAM Broadcasting Corp. (New), C.P. for a new 2-way station to be located at corner of Griswold and Fort Streets, Detroit, Mich., to operate on frequencies 454.125, 454.175, and 454.275 MHz.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2557–C1–P–70—Siskiyou Telephone Co. (KMZ81), C.P. to add frequencies 6189.8 and 6412.2 MHz toward Yreka, Calif., and 6249.1 and 6397.4 MHz toward Oak Knoll, Calif., and change the antenna system. Location: Main Street, Fort Jones, Calif.

2559–C1–P–70—Siskiyou Telephone Co. (KMZ86), C.P. to delete frequency 6215.0 MHz toward Gunsight Peak, Calif., and frequencies 6115.7 and 5997.1 MHz toward Fort Jones, Calif. Location: 220 Pine Street, Yreka, Calif.

2561–C1–P–70—Siskiyou Telephone Co. (KMZ85), C.P. to add frequencies 6056.4 and 5937.8 MHz toward Hamburg, Calif.; change the antenna system and relocate facilities to near State Highway No. 96, Happy Camp, Calif.

2562–C1–P–70—Siskiyou Telephone Co. (KMZ82), C.P. to delete frequency 6255.0 MHz toward Slater Butte, Calif., and add frequencies 6338.1 and 6189.8 MHz toward Oak Knoll, Calif., and 6397.4 and 6249.1 MHz toward Happy Camp, Calif.

2563–C1–P–70—Siskiyou Telephone Co. (New), C.P. for a new station to be located at 0.25 mile northwest of Oak Knoll Ranger Station, Oak Knoll, Calif., to operate on frequencies 6056.4 and 5937.8 MHz toward Fort Jones and 6115.7 and 5997.1 MHz toward Hamburg, Calif.

2583–C1–P–70—Lee Telephone Co. (KJH24), C.P. to change frequencies from 6026.7 and 6086.0 MHz to 6019.8 and 10,955 MHz toward Fork Mountain, Va. Location: 127 East Church Street, Marginsville, Va.

2584–C1–P–70—Lee Telephone Co. (KJH25), C.P. to change frequencies from 6278.8 and 6338.1 MHz to 6241.7 and 11,405 MHz toward Martinsville, Va., and change frequencies 6249.1 and 6308.4 MHz to 6271.4 and 11,685 MHz toward Green's Knob, Va. Location: Fork Mountain, 2.2 miles north-northwest of Pigsboro, Va.

2585–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPY63), C.P. to add frequencies 6197.2 and 10,875 MHz toward Pine, Ariz., and 6375.2 and 10,795 MHz toward Tonto Creek, Ariz. Location: Mount Ord, 23 miles south-southwest of Payson, Ariz.

2586–C1–P–70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 0.2 mile south of Pine, Ariz., to operate on frequencies 6945.2 and 11,565 MHz toward Pine, Ariz.

2587–C1–P–70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at Tonto Creek, 15.3 miles east-northeast of Payson, Ariz. to operate on frequencies 6123.1 and 11,245 MHz toward Tonto Creek, Ariz.

2607–C1–TC–(280)–70—The Western Union Telegraph Co., Consent to transfer of control from The Shareholders of The Western Union Telegraph Co., Transferors, To: Western Union Corp., Transferees (280 stations throughout the United States).

Major Amendment

5732–C1–P–68—South Central Bell Telephone Co. (KJN23), Add frequency 6063.8 MHz toward Birmingham and Elbow Gap, Ala. Location: Red Mountain, 1815 11th Place South, Birmingham, Ala. All other particulars same as reported in public notice dated May 20, 1968. Report No. 386.

2608–C1–MP–70—Pacific Northwest Bell Telephone Co. (KOA98), Modification of C.P. to change frequencies from 4050 and 4130 MHz to 4030 and 4110 MHz toward Peola, Wash. Location: 528 Sixth Avenue, Lewiston, Idaho.

2609–C1–MP–70—Pacific Northwest Bell Telephone Co. (KOA99), Modification of C.P. to change frequencies from 3770 and 3850 MHz to 3750 and 3830 MHz toward Lewiston, Idaho. Location: 2.1 miles east-northeast of Peola, Wash.

2610–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPN86), C.P. to add frequencies 6108.3 and 11,565 MHz toward Hayden, Ariz. Location: Pinal Peak, 8.2 miles south-southwest of Globe, Ariz.

2611–C1–P–70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 236 Fouth Street, Hayden, Ariz., to operate on frequencies 6360.3 and 11,115 MHz toward Hayden, Ariz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2622–C1–MP–70—Mountain Microwave Corp. (KBI22), Modification of C.P. to replace transmitters and change frequencies to: 6019.3, 6049.0, 6108.9, 6137.6 MHz on azimuth 150°28', 72°33', and 171°38' and frequency 6074.8 MHz on azimuth 255°28'. Location: Almagre Mountain, 8 miles west of Broadmoor, Colo., at lat. 38°46'25" N., long. 104°59'30" W.

[F.R. Doc. 69-13838; Filed, Nov. 20, 1969; 8:45 a.m.]

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2582–C2–P–70—The Ohio Bell Telephone Co. (KQA652), C.P. for additional facilities to operate on base frequency 152.69 MHz at station located at Waiters Road, East Canton, Ohio. Also add auxiliary test frequency to operate on 157.98 MHz located at 401 Cleveland Avenue NW., Canton, Ohio.

2588–C2–P–(2)–70—Sawnee Message Service (New), C.P. for new 2-way station. Frequency: 454.100 MHz (base). Location: Sawnee Mountain, 2.3 miles north-northwest from Cumming, Ga. Frequency: 459.100 MHz (control). Location: 301 West Washington Street, Gainesville, Ga.

2612–C2–P–70—Southern Bell Telephone & Telegraph Co. (KIY443), C.P. to change antenna system and replace transmitter operating on frequency 152.81 MHz at station located at 319 Main Street, Palatka, Fla.

2613–C2–P–70—Telephone Answering Service, Inc. (KSA265), C.P. for additional channel to operate on frequency 152.06 MHz at a new site to be identified as location No. 3: Steward and Leonard Streets, Creve Coeur, Ill.

2614–C2–P–70—L. C. McCall (KIM900), C.P. to change antenna system and replace transmitter operating on frequency 152.18 MHz at location No. 1: Dug Gap Mountain, approximately 4 miles southwest of Dalton, Ga.

2615–C2–MP–70—New England Telephone & Telegraph Co. (KCA671), Modification of C.P. to add a test station to be located at 6 Bowdoin Square, Boston, Mass., to operate on frequencies 459.475, 459.500, 459.525, 459.550 MHz.

2623–C2–P–70—Mobile Radiotelephone Corp. (KIY725), C.P. to change antenna system and replace transmitter operating on frequency 152.21 MHz at station located on Highway No. 118, 2.1 miles east of Grifton, N.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2541–C1–P/ML–70—American Telephone & Telegraph Co. (KHG27), C.P. and modification of license to add frequency 4130 MHz toward Garden City, Va. Location: 725 13th Street NW., Washington, D.C.

2542–C1–P/ML–70—American Telephone & Telegraph Co. (KIB27), C.P. and modification of license to add frequency 4170 MHz toward Washington, D.C., and 3910 MHz toward Gamboritis, Md. Location: Garden City, 5301 22d Street, North Arlington, Va.

2543–C1—P/ML–70—American Telephone & Telegraph Co. (KGC89), C.P. and modification of license to add frequency 3950 MHz toward Randallstown, Md. Location: 2 miles southeast of Odenton, Md.

2544–C1–P–70—General Telephone Co. of Kentucky (KYC63), C.P. to add frequencies 6286.2 and 11,285 MHz toward Mountain Rural West Liberty Terminal Station, West Liberty, Ky. Location: Intersection of U.S. Highway No. 60 and State Highway No. 32, 1.7 miles east of Morehead, Ky.

2550–C1–P–70—South Central Bell Telephone Co. (KIX57), C.P. to add frequency 6315.9 MHz toward Irondale, Ala., via passive reflector. Location: 1715 Sixth Avenue North, Birmingham, Ala.

2551–C1–P–70—South Central Bell Telephone Co. (KJN23), C.P. to add frequency 6063.8 MHz toward Elbow Gap, Ala., and toward Birmingham, Ala., via passive reflector. Location: Corner of Reamer Street and Claremont Avenue, Irondale, Ala.

2552–C1–P–70—South Central Bell Telephone Co. (KJM54), C.P. to add frequency 6315.9 MHz toward Coldwater and Irondale, Ala. Location: Approximately 3 miles south of Odenville, Ala.

2553–C1–P–70—South Central Bell Telephone Co. (KIB84), C.P. to add frequency 6063.8 MHz toward Elbow Gap, Ala. Location: Approximately 1.5 miles southwest of Anniston, Ala.

2554–C1–MP–70—Southwestern Bell Telephone Co. (KLY29), Modification of C.P. to add frequencies 6049.0 and 6167.6 MHz toward Amarillo, Tex. Location: Amarillo Junction, 10th and Jackson Streets, Amarillo, Tex.

2555–C1–MP–70—Southwestern Bell Telephone Co. (KLV30), Modification of C.P. to add frequencies 6226.9 and 6345.5 MHz toward Dumas, Tex., and 6301.0 and 6419.6 MHz toward Amarillo Junction, Tex. Location: 24 miles north of Amarillo, Tex.

2556–C1–P–70—Southwestern Bell Telephone Co. (New), C.P. for a new fixed station to be located near Ninth and Porter Streets, Dumas, Tex., to operate on frequencies 5974.8 and 6093.5 MHz toward Amarillo, Tex.

[Dockets Nos. 18737, 18738; FCC 69-1226]

MEYER BROADCASTING CO. AND HARRISCOPE BROADCASTING CORP.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Meyer Broadcasting Co., Glendive, Mont., Docket No. 18737, File No. BPTTV-3723, and Harriscope Broadcasting Corp., Glendive, Mont., Docket No. 18738, File No. BPTTV-3758, for construction permit for new television broadcast translator station.

1. The Commission has before it for consideration the above-captioned applications of Meyer Broadcasting Co., licensee of Station KUMV-TV, Channel 8, Williston, N. Dak., and Harriscope Broadcasting Corp., licensee of Station KULR-TV, Channel 8, Billings, Mont., each requesting a construction permit for a new 100-watt VHF television broadcast translator station to operate on assigned and unused Channel 9, Glendive, Mont. The Commission also has before it for consideration petitions to deny filed against both applications by Glendive Broadcasting Corp., licensee of Station KXGN-TV, Channel 5, Glendive, Mont., and various pleadings filed in connection therewith.[1] Meyer Broadcasting Co. (Meyer) would operate by picking up the signals of Station KUMV-TV off-the-air; Harriscope Broadcasting Corp. (Harriscope) would operate via translator Station K13IK, Terry and Fallon, Mont. Glendive is outside the predicted service contour of any television broadcast station except Station KXGN-TV.

2. Television service is provided to Glendive by Station KXGN-TV and a CATV system (Glendive Cable TV) which is owned 50 percent by the principals of Glendive Broadcasting Corp., the licensee of Station KXGN-TV. The CATV system, which has approximately 1,020 subscribers, carries the signals of Stations KUMV-TV, Channel 8, Williston, N. Dak. (NBC/ABC), which is a satellite of Meyer Broadcasting's Station KFYR-TV, Channel 5, Bismarck, N. Dak., and KXGN-TV, Glendive, by off-the-air pickup, and Stations KUTV-TV, Channel 2 (NBC) and KCPX-TV, Channel 4 (ABC), both Salt Lake City, Utah, by common carrier microwave.

3. Both applications propose operation of a 100-watt VHF translator on assigned and unused Channel 9, Glendive, Mont., pursuant to § 74.702(g) of the Commission's rules. The applications are, therefore, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The applications must be designated for hearing in a consolidated proceeding to determine, on a comparative basis, which should be granted.

4. A brief resume of the background of this matter will be instructive in considering petitioner's arguments against grant of either application. On July 3, 1968, the Commission adopted a notice of proposed rule making (RM-1291, FCC 68-798) in response to a petition by Meyer Broadcasting Co., proposing to add Channel 9 to Glendive. The petition was opposed by Glendive Broadcasting. On February 26, 1969, the Commission adopted a report and order (16 FCC 2d 733, 15 RR 2d 1559) amending the Television Table of Assignments (§ 73.606 of the Commission's rules) to add Channel 9 to Glendive, giving that city channels 5, 9, and *16. Channel 5 is licensed to KXGN-TV; channel *16 is reserved for noncommercial educational use and has not been applied for. In the rule-making proceeding, KXGN-TV presented the economic arguments which it now offers against grant of either application and the Commission held that its showing was insufficient to withhold allocation of a channel, but that these arguments are more properly presented in connection with any specific application which may be filed for a construction permit for a broadcast station to operate on the channel. The decision went no further, for the mere allocation of a channel can, of itself, cause no economic injury.

5. Petitioner claims standing, pursuant to section 309(d) of the Communications Act of 1934, as amended, on the grounds that grant of either application would cause it economic injury by diverting viewership and advertising revenues. We find that petitioner has standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 69 S.Ct. 693, 9 RR 2008.

6. Petitioner raises three main questions: grant of either application would result in a concentration of control of broadcasting by either applicant in a manner inconsistent with the public interest; if either application is granted, it should be subject to a same-day nonduplication condition and a condition which will guarantee that KXGN-TV will carry any network program first in Glendive where the broadcast is delayed for reasons beyond KXGN-TV's control; and that grant of either application would inflict such severe economic injury upon petitioner as to result in injury to the public interest (the so-called "Carroll" question).[2]

7. Concentration of control: In connection with the Harriscope application, petitioner has recited Harriscope's interests in the various media of communications, but has not made an effort to show that the effect of these interests is inimical to the public interest; it has done the same with respect to the Meyer application. Neither applicant has any interest in any mean of mass communication in Glendive. Meyer's only interests in the State of Montana are as licensee of Stations KOYN and KOYN-FM, Billings, Mont., some 200 miles from Glendive. Harriscope is the licensee of Station KULR-TV, Billings, Mont.; KFBB-TV, and KFBB(AM), Great Falls, Mont. (320 miles from Glendive); and KTWO-TV, Casper, Wyo. (310 miles from Glendive). Harriscope has a 25 percent interest in Montana Video, Inc., a CATV system in Billings, and it has translators in Miles City, Mont. (K06FE, 85 miles from Glendive), Forsyth, Mont. (K75CL, 110 miles from Glendive), Lewistown, Mont. (K74BL, 220 miles from Glendive), Havre, Mont. (K09HZ, 250 miles from Glendive), Helena, Mont. (K10FI, 350 miles from Glendive), and Sheridan, Wyo. (K12FN, 200 miles from Glendive). Out of a total 1960 population of 674,767 persons in Montana, the Harriscope stations serve communities whose population total 158,280. Glendive's 7,058 persons (1960) would bring that total to 165,338, or about one-quarter of the State's population. Such a percentage is not inordinately high in the western States.[3]

8. Petitioner's Station KXGN-TV is the only television station in Glendive. In addition to the television station, the community has two standard radio stations (KXGN and KGLE), one of which is licensed to the petitioner, a newspaper published twice weekly, and the CATV system which is half-owned by petitioner's principals. There is also a construction permit outstanding for a new FM radio station authorized to Christian Enterprises, Inc. Although, as noted, petitioner has interests in three of the above, neither of the applicants has any interest in any of them. In view of these facts, we find no basis for specifying an issue with respect to concentration of control.

9. *The Carroll question:* Glendive had a population of 7,058 in 1960 and Dawson County, in which Glendive is located, had a population in 1960 of 12,314. According to petitioner, there are 85 retail establishments in Glendive with total annual sales of $14 million and Dawson County has 104 retail establishments with total annual sales of $16 million. Petitioner claims net profit of $3,137 from its combined radio and television operations in the 10-month period from October, 1967 to July, 1968, and has detailed its sources of income. It has combined its expenses and alleges that it is unable to break out the expenses attributable to the television operation from those attributable to the radio operation. Its net profit figure is, therefore, meaningless, since the radio operation could represent a substantial loss and the television operation a substantial profit. It has not furnished cash flow figures nor has it shown its allowance for depreciation or payments to principals. It has not shown the effect of the operation of the CATV system on its viability. Petitioner asserts that it will lose its NBC and/or ABC affiliations in the event of a grant of either application, but it has furnished no facts to support this assertion.[4] From this premise, petitioner concludes that when it loses one or both affiliations, it will be financially unable to purchase other programing to replace the lost programs and it will then be required to curtail its operating hours. Petitioner has furnished no information as to its program costs, the size or composition of its staff, salary expenses, or, in fact, any of its expenses. It has furnished no evidence to indicate that any of the networks would cancel their agreements. Moreover, the projected loss of revenues is based upon the assumption that local advertisers[5] will shift their business to the primary station of whichever applicant obtains a grant for the translator. There is no support for this assumption. In fact, we find it unreasonable to believe that merchants in Glendive would switch their advertising from a Glendive station to a Billings, Mont., station (KULR-TV), some 200 miles away, or to a Williston, N. Dak., station (KUMV-TV), 90 miles away, solely for the purpose of having their advertising messages rebroadcast locally on a Glendive translator. This view is reinforced by petitioner's own contention that local merchants now complain of the high costs of television advertising, although KXGN-TV's rates are much lower than those of either applicant's primary station. In short, the facts do not support petitioner's conclusions. Petitioner has failed to furnish that modicum of economic facts which the Court of Appeals indicated, in Folkways Broadcasting Company, Inc. v. Federal Communications Commission, 126 U.S. App. D.C. 123, 375 F. 2d. 299, 8 RR 2d 2089, was required to warrant specification of a "Carroll issue." The requested issue will not, therefore, be specified.

10. Each applicant estimates that its proposed translator would serve approximately 7,150 persons. Since the 1960 census figures show fewer than that within the city limits of Glendive,[6] it is obvious that the translator would serve some homes in the outlying areas—areas not reached by the Glendive CATV system. Petitioner concedes that about half the persons in Glendive are connected to the CATV system and urges that the translator would, therefore, serve fewer than 4,000 persons not connected to the cable system. We cannot regard this as an insubstantial figure.[7] The translator would provide a second off-the-air television service to these people, offering a wider variety of television fare than is now available off-the-air from Station KXGN-TV. Station KXGN-TV's network programing is, as in the case of any station carrying all three networks, necessarily limited and to the extent that either applicant would provide network programing not carried by KXGN-TV, the public interest would be enhanced. This is particularly important where, as here, we are concerned with a small community whose only off-the-air television service is a single local station providing only a selection of available network programs. While we are, of course, concerned with the viability of Station KXGN-TV, our touchstone is the public interest and, in the absence of a persuasive showing that Station KXGN-TV's operations would be adversely affected, grant of one of the applications appears warranted.

11. Question has been raised by Meyer Broadcasting as to the procedural sufficiency of the petition to deny filed by Glendive Broadcasting because the petition was not supported by the required affidavit. In response to the Opposition filed by Meyer against the petition, Glendive filed an affidavit (the "erratum" referred to in footnote 1, supra) 15 days after its petition was filed, well beyond the time specified in the Commission's Rules for the filing of a petition to deny or any supplement thereto.[8] This lapse is not necessarily fatal to the petition, for we can accept the affidavit nunc pro tunc. Berwick et al (KTAG Associates) v. Federal Communications Commission, 109 U.S. App. D.C. 241, 286 F. 2d 97, 20 RR 2118; Sunset Broadcasting Corporation, 5 FCC 2d 321, 8 RR 2d 821; Finer Living, Inc., 5 FCC 2d 984, 8 RR 2d 1160. In the exercise of our discretion, we accept the affidavit.

12. Because the applications are mutually exclusive, a comparative hearing is necessary. The issues and conduct of the hearing are to be governed by the principles which we set out in The Montana Network, 9 FCC 2d 705, 10 RR 2d 1104 and WLUC, Incorporated, 13 FCC 2d 406, 13 RR 2d 508. As in those proceedings, the preferences of the residents of the area are to be accorded great weight and a determination is to be made, in the light of the off-the-air television service presently available, with respect to which of the competing services will fill a greater need.

13. We find that the petitioner has raised no substantial or material questions of fact. We further find that the applicants are qualified[9] to construct, own and operate the new translator station proposed by each. The Commission, however, is unable to make the statutory finding that grant of the applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below. We direct the presiding officer and the applicants to explore every possibility for the submission of the case in written form, including the use of a stipulated statement of the facts and of the testimony and other evidence with respect to the issues specified herein. We are also ordering an expedited proceeding, consistent with our policy where applications for new high-power translator to operate on assigned channels are designated for hearing.

14. *Accordingly, It is ordered,* That the petitions to deny filed herein by Glendive Broadcasting Corp. are granted to the extent indicated and otherwise are denied.

15. *It is further ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Meyer Broadcasting Co. and Harriscope Broadcasting Corp. are designated for hearing in a consolidated proceeding upon the following issues:

(1) To determine, on a comparative basis, which of the proposals would better meet the programing tastes, needs and interests of the community.

(2) To determine which of the applicants offers the better prospect for eventual construction and operation of a regular television broadcast station on the channel in Glendive.

(3) To determine which of the proposals would better serve the public interest, convenience, and necessity.

(4) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

16. *It is further ordered,* That the hearing hereby ordered shall be held at a time and before a Hearing Examiner to be specified in a subsequent order.

17. *It is further ordered,* That this proceeding shall be expedited to the extent possible consistent with the requirements of procedural due process.

18. *It is further ordered,* That grant of either application shall be made subject to the following condition: *Provided, however,* That the condition shall not become effective until Glendive Broadcasting Corp. notifies the Commission, in writing, that identical program exclusivity is being provided to Station KXGN-TV by Glendive Cable TV, together with

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[1] The petition to deny the Meyer application was filed June 4, 1969. Meyer filed an opposition on June 17, 1969; KXGN-TV filed an Erratum to the petition on June 19, 1969; Meyer filed an opposition to the Erratum on June 24, 1969; KXGN-TV filed a reply to both oppositions on July 7, 1969. The petition to deny the Harriscope application was filed July 22, 1969; an opposition was filed by Harriscope on Sept. 5, 1969. KXGN-TV did not file a reply thereto.

[2] Carroll Broadcasting Company v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066.

[3] For example, each of the Las Vegas stations serves about 1/3 of the population of Nevada; the Phoenix stations serve about 1/2 of the population of Arizona; the Denver stations serve about 1/4 of the population of Colorado; the Salt Lake City stations serve about 1/5 of the population of Utah; and the Albuquerque stations serve about 1/5 of the population of New Mexico.

[4] There appears to be no danger of the loss of the CBS affiliation. Petitioner states: "While Glendive Broadcasting Corp. concedes that there is no concrete evidence to the effect that it will lose its CBS affiliation, it is not unreasonable to consider this as a possibility."

[5] Petitioner states that 70 percent of local revenues are derived from advertisers in the city of Glendive.

[6] It is estimated that the current population of Glendive is about 10,000.

[7] See Marsh Media, Ltd., 19 FCC 2d ----, where we held that even 1,000 TV homes in a community of 7,820 television homes would be a substantial number of homes.

[8] The Commission gave public notice of the acceptance of the Meyer application for filing on May 5, 1969. The petition was timely filed on June 4, 1969, but the affidavit was not filed until June 19, 1969.

[9] Petitioner alleges that neither applicant has made financial provision for the costs of equipment required to provide nonduplication protection. Before imposition of such a condition, provision for such costs are not necessary. Moreover, petitioner does not challenge the financial ability of either applicant to purchase and install equipment if required.

certification that a copy of such notification has been served upon the permittee of the translator station: "The television broadcast station herein authorized, upon the request of any television broadcast station within whose principal community it operates, shall not duplicate simultaneously or on the same day any program broadcast by such television broadcast station."

19. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

20. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 7, 1969.

Released: November 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13839; Filed, Nov. 20, 1969; 8:45 a.m.]

[1] Chairman Burch abstaining from voting; Commissioner Cox dissenting and issuing a statement which is filed as part of the original document; Commissioner Wells not participating.

[Canadian List 260]

CANADIAN BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

OCTOBER 24, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		800 kilocycles							
CKTS (now in operation with increased power).	Sherbrooke, Quebec, N. 45°26'28", W. 72°00'35".	10	DA-2	U	II				
		1060 kilocycles							
CJRP (change of call letters from CJLR).	Quebec, Quebec, N. 46°41'08", W. 71°19'54".	10	DA-2	U	II				
		1070 kilocycles							
CBA (now in operation at new location).	Moncton, New Brunswick, N. 46°02'02", W. 64°41'10".	50	ND	U	I-B				
		1200 kilocycles							
CFFB (now in operation)	Frobisher, Northwest Territory, N. 63°43'47", W. 68°32'34".	0.25	ND	U	II				
		1330 kilocycles							
CKGN (now in operation)	Ste. Anne des Monts, Quebec, N. 49°07'48", W. 66°27'46".	1D/0.25N	ND	U	IV				
		1370 kilocycles							
CFLV (now in operation with increased power).	Valleyfield, Quebec, N. 45°12'50", W. 74°09'20".	10D/5N	DA-1	U	III				
		1410 kilocycles							
CKVN (change in call letters from CFUN).	Vancouver, British Columbia, N. 49°07'41", W. 123°01'41".	50	DA-2	U	III				
		1450 kilocycles							
CHRT (now in operation)	St. Eleuthere, Quebec, N. 47°28'45", W. 69°16'35".	0.25	ND	U	IV				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-13840; Filed, Nov. 20, 1969; 8:45 a.m.]

[Canadian List 261]

CANADIAN BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions and Corrections in Assignments

NOVEMBER 5, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		810 kilocycles							
New	Caraquet, New Brunswick, N. 47°45'40", W. 65°03'45".	10D/5N	DA-N ND-D-180	U	III				11-1-70.
		1290 kilocycles							
CKQR (correction of nighttime radiation).	Castlegar, British Columbia, N. 49°18'4.8", W. 117° 36'50".	1D/Q.25N	DA-D ND-N-245	U	IV	415	120	320	
		1240 kilocycles							
CKLS (correction of coordinates. Now in operation with increased daytime power).	La Sarre, Quebec, N. 48°49' 46", W. 79°12'09".	1D/0.25N	ND-180	U	IV	133	120	320	
		1340 kilocycles							
CHAD (correction of coordinates. Now in operation with increased daytime power).	Amos, Quebec, N. 48°33'42", W. 78°05'12".	1D/0.25N	ND-185	U	IV	150	120	294	
		1400 kilocycles							
CKRN (correction of coordinates. Now in operation with increased daytime power).	Rouyn, Quebec, N. 48°13' 15", W. 79°03'30".	1D/0.25N	ND-185	U	IV	150	120	282	
		1450 kilocycles							
CHEF (correction of nighttime coordinates).	Granby, Quebec. Day: N. 45°19'03", W. 72°41'43". Night: N. 45°24'58", W. 72°45'13".	10D/0.25N	DA-D ND-N 182	U	IV				
		1470 kilocycles							
New	Vancouver, British Columbia, N. 49°11'36", W. 123° 00'39".	10	DA-2	U	III				11-1-70.
New (delete assignment)	New Westminster, British Columbia.	5	DA-1	U	III				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-13841; Filed, Nov. 20, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-458 etc.]

AMERICAN PETROFINA COMPANY OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 14, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 1, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-458	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	35	19	El Paso Natural Gas Co. (Spraberry Field, Reagan, Glasscock, Midland, and Upton Counties, Tex.) (RR. District 7-C).	$300	10-22-69	[2] 11-30-69	4-30-70	11.0	[3] [4] 19.3278	
RI70-459	Braden Drilling, Inc., 1620 Wichita Plaza Bldg., Wichita, Kans. 67202.	8	5	Cities Service Gas Co. (Davis Ranch Area, Barber County, Kans.).	1,500	10-16-69	[2] 12-23-69	5-23-70	[5] 14.0	[6] [8] 15.0	RI65-508.
RI70-460	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	340	5	Cities Service Gas Co. (Eureka Field, Grant County, Okla.) (Oklahoma "Other" Area).	855	10-20-69	[2] 1- 1-70	6- 1-70	[5] 12.0	[6] [7] 15.0	
	do	137	5	Cities Service Gas Co. (North Medicine Lodge Field, Barber County, Kans.).	1,220	10-20-69	[2] 12-23-69	5-23-70	[5] 14.0	[6] [8] 15.0	RI65-530.
RI70-461	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	192	8	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	583	10-20-69	[2] 12-23-69	5-23-70	[5] 14.0	[6] [8] 15.0	
RI70-462	Robert F. White (Operator), et al., 714 Union Center Bldg., Wichita, Kans.	5	[10] 5	Cities Service Gas Co. (Traffas Field, Barber County, Kans.).		10-20-69	[9] 11-20-69	(Accepted)			
		5	6		400	10-20-69	[2] 12-23-69	5-23-70	[5] 14.0	[6] [8] 15.0	RI67-61.
RI70-463	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	246	5	Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	504	10-16-69	[2] 11-16-69	4-16-70	[5] 17.0	[6] [11] 20.0	
	do	301	[12] 9	Panhandle Eastern Pipe Line Co. (Guymon-Hugoton (Deep) Field, Texas County, Okla.) (Panhandle Area).	33,390 53,174	10-16-69	[2] 11-16-69	4-16-70	[13] [14] 17.6 [13] 18.7	[6] [8] 19.515 [6] [8] 19.515	RI69-444.
	do	94	14	Colorado Interstate Gas Co. (Sparks Field, Morton County, Kans.).	3,208	10-16-69	[2] 11-16-69	4-16-70	[15] [16] 17.374	[6] [16] [17] 18.396	RI67-272.
	do	274	5	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver and Harper Counties, Okla.) (Panhandle Area).	2,708	10-16-69	[2] 11-16-69	4-16-70	[5] 18.0	[6] [17] 20.0	RI69-499.
RI70-464	Mobil Oil Corp. (Operator) et al.	266	16	Natural Gas Pipeline Co. of America (North Custer Field, Custer County, Okla.) (Oklahoma "Other" Area).	253,044	10-16-69	[2] 11-16-69	4-16-70	[15] 17.0	[6] [15] [18] 20.0	RI67-270.
	do	414	14	Texas Eastern Transmission Corp. (Waskom Field, Harrison County, Tex.) (RR. District No. 6).	1,565	10-20-69	[2] 11-20-69	4-20-70	16.1	[6] [19] 16.3713	RI69-189.
	do	389	4	Michigan Wisconsin Pipe Line Co. (Northwest Quinlan, Woodward County, Okla.) (Panhandle Area).	1,194	10-16-69	[2] 11-16-69	4-16-70	[15] 18.0	[6] [15] [20] 19.515	RI69-472.
	do	170	13	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver and Harper Counties, Okla.) (Panhandle Area).	39,070	10-16-69	[2] 11-16-69	4-16-70	[15] 18.0	[6] [15] [21] 20.0	RI69-498.
	do	232	13	Transwestern Pipeline Co. (Ellis County Area, Ellis County, Okla.) (Panhandle Area).	17,213	10-16-69	[2] 11-16-69	4-16-70	[5] 17.0	[6] [8] [22] 20.0	RI69-566.
	do	240	11	Transwestern Pipeline Co. (West Shattuck Field, Ellis County, Okla.) (Panhandle Area).	4,932	10-16-69	[2] 11-16-69	4-16-70	[5] 17.6	[6] [8] [22] 20.0	RI69-566.
	do	295	5	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	5,862	10-16-69	[2] 11-16-69	4-16-70	[15] 18.0	[6] [15] [17] 20.0	RI69-498.
	do	322	16	Michigan Wisconsin Pipe Line Co. (Cedardale Field, Major, Woodward and Dewey Counties, Okla.) (Oklahoma "Other" Area).	16,939	10-16-69	[2] 11-16-69	4-16-70	[15] [23] 18.015	[6] [15] [21] 20.0	RI69-478.
RI70-465	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, Tex. 77001.	16	3	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	695	10-16-69	[2] 11-16-69	4-16-70	[5] 12.0	[6] [8] [24] 12.5	
RI70-466	Shell Oil Co. (Operator), 50 West 50th St., New York, N.Y. 10020.	10	30	Texas Eastern Transmission Corp. (Provident City Field, Lavaca County, Tex.) (RR. District No. 2).	198,922	10-15-69	[2] 1- 1-70	6- 1-70	[25] 15.6683	[6] [8] 16.6726	
RI70-467	do	29	13	Texas Gas Pipe Line Corp. (Nome Field, Jefferson County, Tex.) (RR. District No. 3).	7,103	10-15-69	[2] 1- 1-70	6- 1-70	[26] 15.2003	[6] [8] 16.2136	
RI70-468	Shell Oil Co. (Operator) et al.	143	6	Tennessee Gas Pipeline Co., a division of Tenneco (Mercy Field, San Jacinto County, Tex.) (RR. District No. 3).	642	10-15-69	[2] 1- 1-70	6- 1-70	[27] 15.5581	[6] [8] 16.5619	

[2] The stated effective date is the effective date requested by Respondent.
[3] Renegotiated rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Periodic rate increase.
[6] Subject to a downward B.t.u. adjustment.
[7] Three-step periodic rate increase.
[8] Buyer deducts 0.75-cent dehydration charge and 1.50 cents compression charge from prices shown.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Letter agreement dated Oct. 7, 1969, which provides for increased rate.
[11] "Fractured" rate increase. Respondent contractually due 22 cents per Mcf.
[12] Gathered gas.
[13] Wellhead gas.
[14] Applicable to all acreage except acreage added by Supplement No. 6 in which a 17.6 cents rate is suspended in Docket No. RI69-842 until Dec. 5, 1969.
[15] Subject to upward and downward B.t.u. adjustment.
[16] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18 cents plus upward B.t.u. adjustment after increase.
[17] "Fractured" rate increase. Respondent contractually due a base rate of 22 cents. Proposed rate includes tax reimbursement.
[18] "Fractured" rate increase. Respondent contractually due 21.5 cents per Mcf.
[19] "Fractured" rate increase. Respondent contractually due 16.8 cents per Mcf plus tax reimbursement.
[20] Filing to initial contract rate plus tax reimbursement.
[21] "Fractured" rate increase. Respondent contractually due a base rate of 22 cents. Proposed rate includes tax reimbursement.
[22] "Fractured" rate increase. Respondent contractually due a base rate of 26 cents. Proposed rate includes tax reimbursement.
[23] Includes 0.015-cent tax reimbursement.
[24] "Fractured" rate increase. Respondent contractually due 14 cents per Mcf.
[25] Last effective rate was 15.6 cents. Shell filed a rate increase to reflect increase in Texas tax. 15.6 cents rate effective subject to refund in Docket No. RI65-478.
[26] Last effective rate was 15.144 cents. Shell filed a rate increase to reflect increase in Texas tax. 15.144 cents rate effective subject to refund in Docket No. RI67-426.
[27] Last effective rate was 15.5 cents. Shell filed a rate increase to reflect increase in Texas tax. 15.5 cents rate effective subject to refund in Docket No. RI65-480.

Concurrently with the filing of their rate increase, Robert F. White (Operator) et al. (White), filed a letter agreement dated October 7, 1969, designated as Supplement No. 5 to White's FPC Gas Rate Schedule No. 5, which provides the basis for their proposed rate increase. We believe that it would be in the public interest to accept for filing White's letter agreement to become effective as of November 20, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-13762; Filed, Nov. 20, 1969; 8:45 a.m.]

[Docket No. G-7193 etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 12, 1969.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition. In the event applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7193 D 10-24-69	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Mobil Oil Corp., West Gueydan Field, Vermilion Parish, La.	(1)	
G-7241 C 10-24-69	Aztec Oil & Gas Co. (Operator) et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Blanco-Mesaverde Field, San Juan County, N. Mex.	13.0	15.025
G-7517 D 10-23-69	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102 (partial abandonment).	H. L. Hunt et al., Whelan Field, Harrison County, Tex.	Depleted	
G-7517 D 10-27-69	do	do	(3)	
G-18371 C 10-24-69	Aztec Oil & Gas Co. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex. (Supp. No. 14).	13.0	15.025
G-18371 C 10-24-69	do	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex. (Supp. No. 15).	13.0	15.025
CI62-825 D 10-24-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	El Paso Natural Gas Co., Rojo Caballos Field, Pecos County, Tex.	(3)	
CI62-1357 E 10-20-69	L. E. Mossor (successor to Thomas J. Blaho, Jr. d.b.a. Blaho Oil & Gas Co.) 407 Penn Ave., Harrisville, W. Va. 26362.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI64-670 C 10-23-69 [4]	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Wilburton Field, Haskell, Latimer, Le Flore, and Pittsburg Counties, Okla.	16.015	14.65
CI64-699 E 10-27-69	Francis Oil & Gas, Inc., et al. (successor to Shell Oil Co.) c/o David L. Fist, Attorney, 300 McFarlin Bldg., Tulsa, Okla. 74103.	Cities Service Gas Co., Waynoka Field, Woods County, Okla.	[5] 14.0	14.65
CI64-920 10-20-69 [6]	Union Oil Co. of California (Operator) et al.	Northern Natural Gas Co., Farnsworth Field, Ochiltree County, Tex.	15.0	14.65
CI65-767 C 10-27-69	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	13.0	15.025
CI67-248 10-9-69 [7]	Beacon Gasoline Co., Post Office Box 396, Minden, La. 71055.	Bodcaw Co., acreage in Webster Parish, La.	[8] 1.5 [8] 1.0	15.025
CI68-156 D 10-27-69	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, Northeast Custer City Field, Custer County, Okla.	(3)	
CI68-679 C 10-27-69	Southern Union Production Co.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	13.0	15.025
CI68-1148 C 10-27-69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., acreage in Kanawha and Putnam Counties, W. Va.	28.0	15.325
CI68-1291 D 10-27-69	Smith Operating and Management Co. (Operator) et al., c/o John M. Shuey, Attorney, 604 Johnson Bldg., Shreveport, La. 71101 (partial abandonment).	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Depleted	
CI68-1384 C 10-27-69	James F. Scott et al. d.b.a. Hershberger-Scott, 124 Valley St., Salem, W. Va. 26426.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	25.0 [9] 28.0	15.325
CI69-538 C 10-28-69	Roy G. Hildreth et al. d.b.a. Roy G. Hildreth & Son, Box 118, Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	25.0	15.325
CI69-551 C 10-23-69	Jones & Pellow Oil Co., 101 Northeast 26th St., Oklahoma City, Okla. 73105.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[10] 17.0	14.65
CI70-302 A 10-22-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Ship Shoal Block 176 Field, Offshore (Zone 4), Louisiana.	22.25	15.025
CI70-303 A 10-22-69	Don O. Chapell, 3900 Republic National Bank Tower, Post Office Box 663, Dallas, Tex., 75221.	Natural Gas Pipeline Co. of America, Buffalo Wallow Field, Hemphill County, Tex.	[11] 17.0	14.65
CI70-304 (CS67-36) F 10-20-69	Suburban Propane Gas Corp. (successor to Texas American Oil Corp. (Operator) et al.), Post Office Box 206 Whippany, N.J. 07981.	Northern Natural Gas Co., Ozona (Canyon Sand) Field, Crockett County, Tex.	16.0	14.65
CI70-305 A 10-22-69	Arco Petroleum Co., 8300 Santa Monica Blvd., Los Angeles, Calif. 90069.	Equitable Gas Co., Glenville District, Gilmer County; Buckhannon District, Upshur County, W. Va.	25.0	15.325
CI70-306 A 10-22-69	R & S Gas & Oil, Inc., c/o Howell & Paterno, Kanawha Valley Bldg., Charleston, W. Va. 25301.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	28.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	Price Per Mcf	Pressure Base
C170-397 (G-4579) F 10-22-69	Prairie Producing Co. (Operator) et al. (successor to Cities Service Oil Co.), 573 The Main Bldg., Houston, Tex. 77002.	Trunkline Gas Co., Ramsey Field, Colorado County, Tex.	15.0	14.65
C170-398 A 10-23-69	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Texas Eastern Transmission Corp., West Cameron Block 192 (Deep) Field, Offshore, Louisiana.	21.25	15.025
C170-399 A 10-24-69	Husky Oil Co. of Delaware, Post Office Box 380, Cody, Wyo. 82414.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sand Butte Area, Sweetwater County, Wyo.	[1] 15.0	14.65
C170-400 A 10-24-69	Mutual Oil & Gas Co., c/o Stonestreet Lands Co., Operator, Post Office Box 350, Spencer, W. Va. 25276.	United Fuel Gas Co., Geary District, Roane County, W. Va.	27.0	15.325
C170-401 (G-4874) F 10-22-69	Adams & McGahey (successor to Pan American Petroleum Corp.) 701 Amarillo Bldg., Amarillo, Tex. 79101.	Phillips Petroleum Co., Oklahoma Hugoton Field, Texas County, Okla.	7.1463	14.65
C170-402 (C161-737) F 10-27-69	Francis Oil & Gas, Inc., et al. (successor to Shell Oil Co.).	Transwestern Pipeline Co., Arnett Field, Ellis County, Okla.	[2] 19.5	14.65
C170-403 A 10-27-69	Pan American Petroluem Corp.	Texas Eastern Transmission Corp., Whelan Field, Harrison County, Tex.	[4] 15.0	14.65
C170-404 (C168-276) F 10-27-69	Francis Oil & Gas, Inc., et al. (successor to Shell Oil Co.).	Northern Natural Gas Co., Bechtold Field, Lipscomb County, Tex.	[3] 18.0	14.65
C170-405 A 10-27-69	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Cities Service Gas Co., acreage in Grady County, Okla.	[2] 15.0	14.65
C170-407 A 10-27-69	L. W. Roche, c/o Hays & Co., Box 590, Spencer, W. Va. 25276.	Cumberland and Allegheny Gas Co., Meade District, Upshur County, W. Va.	27.0	15.325
C170-408 B 10-27-69	Jones & Pellow Oil Co. (Operator) et al., 101 Northeast 26th St., Oklahoma City, Okla. 73105.	Panhandle Eastern Pipe Line Co., Valley Center West Area, Dewey County, Okla.	Depleted	. . .
C170-409 A 10-27-69	James V. Joyce, Box E, Andover, N.Y. 14806.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	27.0	15.325
C170-410 A 10-27-69	Drilco Oil Production, c/o Don W. Hardman, agent, 4001 Jefferson St., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	27.0	15.325
C170-411 A 10-27-69	Hershberger Explorations, Inc., 807 First National Bank Bldg., Wichita, Kans. 67202.	Consolidated Gas Supply Corp., Union District, Harrison County, W. Va.	27.0	15.325
C170-412 A 10-27-69	Yale Oil Association, c/o Mack R. Worl, agent, Box 187, Glenville, W. Va. 26351.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	27.0	15.325
C170-413 A 10-27-69	Reeves Lewenthal, 530 Park Ave., New York, N.Y. 10021.	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	27.0	15.325
C170-414 A 10-27-69	Arlen Carpenter et al., c/o Hays and Co., Box 590, Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	27.0	15.325
C170-415 A 10-27-69	Bodcaw Co., 1300 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Texas Gas Transmission Corp., acreage in Webster Parish, La.	[16] 20.0	15.025
C170-416 A 10-28-69	Hewitt B. Fox, Inc. (Operator) et al., Suite 900, Vaughn Plaza Bldg., Corpus Christi, Tex. 78401.	Almos Gas Gathering Co., East Hodges 3600' Field, San Patricio County, Tex.	[17] 12.5	14.65
C170-417 A 10-28-69	Ritchie Mines Co., c/o James A. McCoy, Partner, Post Office Box 297, Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Grant and Murphy Districts, Ritchie County, W. Va.	27.0	15.325

[1] Due to expense and operational problem of extremely small volume of gas, Parties have entered into a letter agreement deleting from contract Union's interest in the Zwan RA SU B Unit.
[2] Abandons service insofar as it pertains to the Dee Knox Unit and the Dunn Unit No. 1.
[3] Deletes nonproducing leases.
[4] Adds acreage acquired from Pan American Petroleum Corp. and Atlantic Richfield Co.
[5] Rate in effect subject to refund in Docket No. RI65-404. Subject to dehydration charge of ¼ cent per Mcf.
[6] Amendment to certificate filed to cover interest of nonsignatory coowners.
[7] Applicant requests authorization to gather and compress the subject gas; the gas will be processed in applicant's plant and delivered to Texas Gas Transmission Corp. under agreement with Bodcaw Co.
[8] Gathering charge; to be reduced to ¼ cent per Mcf after cost of gathering facilities has been recovered or 5 years has elapsed from date of initial delivery, whichever occurs first.
[9] Compression charge.
[10] Varies depending on volume of gas sold for any given month.
[11] Contract provides for rate of 19.5 cents per Mcf; however, applicant states its willingness to accept certificate at 17 cents, including tax reimbursement, plus B.t.u. adjustment.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Rate in effect subject to refund in Docket No. RI65-482. An increase in rate to 23.0175 cents is suspended in Docket No. RI70-247.
[14] Contract provides for higher rate; however, Applicant states its willingness to accept certificate at 15 cents per Mcf @ 14.65 p.s.i.a.
[15] Rate in effect subject to refund in Docket No. RI67-404.
[16] Applicant proposes 20 cents per Mcf or ceiling rate, whichever is higher.
[17] Subject to deduction for compression if buyer compresses gas.

[F.R. Doc. 69-13764; Filed, Nov. 20, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3286—7-3296]

BLACK & DECKER MANUFACTURING CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1969.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed aplications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
The Black & Decker Manufacturing Co.	7-3286
City Investing Co. (Delaware)	7-3287
Digital Equipment Corp	7-3288
Emerson Electric Co	7-3289
First National City Corp	7-3290
Four Seasons Nursing Centers of America, Inc.	7-3291
Fleetwood Enterprises, Inc	7-3292
Gould, Inc	7-3293
Hilton Hotels Corp. (Delaware)	7-3294
Kinney National Service, Inc	7-3295
R. H. Macy & Co., Inc	7-3296

Upon receipt of a request, on or before December 2, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said aplications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13828; Filed, Nov. 20, 1969; 8:45 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 18, 1969, through November 27, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13829; Filed, Nov. 20, 1969; 8:45 a.m.]

[File No. 7-3307]

INTERNATIONAL TELEPHONE AND TELEGRAPH CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1969.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which, security is listed and registered on one or more other national securities exchange:

International Telephone & Telegraph Corp., $4 cumulative convertible preferred stock, Series H, no par value, File No. 7-3307.

Upon receipt of a request, on or before December 2, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13830; Filed, Nov. 20, 1969; 8:45 a.m.]

[Files Nos. 7-3297—7-3306]

McGRAW-HILL INC. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1969.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
McGraw-Hill Inc	7-3297
Mohawk Data Sciences Corp	7-3298
Morton-Norwich Products, Inc	7-3299
Reading & Bates Offshore Drilling Co.	7-3300
Rhor Corp	7-3301
Seaboard Coast Line Industries, Inc. (Delaware)	7-3302
Skyline Corp	7-3303
Temple Industries, Inc	7-3304
UAL, Inc	7-3305
Watkins-Johnson Co	7-3306

Upon receipt of a request, on or before December, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13831; Filed, Nov. 20, 1969; 8:45 a.m.]

[File No. 24D-2652]

RICO ENTERPRISES

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

NOVEMBER 13, 1969.

I. Rico Enterprises (Issuer), a Utah corporation, with offices stated to be located at 574 East Second South, Room 104, Salt Lake City, Utah, filed with this Commission on May 9, 1969, a notification and offering circular relating to a proposed offering of 6 million shares of its 1-cent par value stock at 5 cents per share, for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The offering commenced on July 7, 1969, with Dick N. Nielson, president of the Issuer, named as underwriter. Subsequently, the notification and offering circular was amended and Heyman, McCaffree, Christiansen, Inc., Salt Lake City, Utah, was resignated as underwriter for the issue and would receive a 13 percent commission. The offering was recommenced on October 29, 1969.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose an agreement or arrangement between management of the Issuer and Darrell W. Jensen whereby in consideration for Rico purchasing 112 unpatented mining claims from Darrell W. Jensen for $110,000 from the proceeds of the offering, Darrell W. Jensen agreed to arrange the purchase of certain properties in which a member or members of management of Rico have an interest.

2. The failure to disclose that in view of the above-described arrangement substantial moneys to be received from the public would be siphoned off from the company for little or nominal consideration and primarily for the ultimate benefit of certain insiders of the issuer.

3. The failure to disclose that the principal assets which the Issuer proposes to acquire with the proceeds of this offering have a purchase price which was not determined by arm's-length bargaining between the Issuer's management and Darrell W. Jensen, the seller of those assets.

4. The accuracy and adequacy of the statement found under speculative aspects of the offering circular, which reads as follows:

Although it is customary to follow the recommendations of a qualified mining engineer or geologist relating to the acquisition of mining properties for cash and whether exploratory work is justified, such practice has not been followed by the company and management of the company does not include any such persons.

B. The terms and condition of Regulation A have not been complied with an that:

1. All direct and indirect interests of each of the Issuer's officers and directors in any material transactions within 2 years of the filing of the notification and offering circular and material proposed transactions to which the issuer was to be a party were not fully disclosed.

2. The financial statements included in the offering circular fail to conform to the requirements of Item 11 of Schedule I.

3. The disclosure with respect to the issuer's business fails to conform to the requirements of Item 8A of Schedule I.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended, for reasons described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the Regulation A exemption of Rico Enterprises be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13832; Filed, Nov. 20, 1969; 8:45 a.m.]

[File No. 7-3308]

SEABOARD COAST LINE INDUSTRIES, INC. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1969.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Seaboard Coast Line Industries, Inc. (Delaware). File No. 7-3308.

Upon receipt of a request, on or before December 2, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13833; Filed, Nov. 20, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

LICENSED SMALL BUSINESS INVESTMENT COMPANY

Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107), for transfer of control of Business Investors, Inc. (BI), License No. 05/05-0028, 2233 Fourth Avenue North, Birmingham, Ala. 35203, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.).

BI was licensed on May 11, 1961. Its present paid-in capital and paid-in surplus from private sources is $150,500. It has 150,500 shares of issued and outstanding common stock owned by three stockholders. The licensee currently operates as an approved real estate specialist.

The stockholders of BI entered into an agreement to sell their stock to the Fidelity Mutual Life Insurance Co. (Fidelity Mutual). Fidelity Mutual is a Pennsylvania corporation having its principal place of business at the Parkway at Fairmont Avenue, Philadelphia, Pa. 19101. BI will become a wholly owned subsidiary of Fidelity Mutual. BI will be moved to 290 Interstate North, Suite 115, Atlanta, Ga. 30339, change its name to Fidelity Capital Corp., and remain an approved real estate specialist.

The licensee's new officers and Board of Directors will be:

David H. Daugherty, The Parkway at Fairmount Avenue, Philadelphia, Pa. 19101.

Walter S. Smith, The Parkway at Fairmount Avenue, Philadelphia, Pa. 19101.

Kenneth S. Sweet, Jr., The Parkway at Fairmount Avenue, Philadelphia, Pa. 19101.

Carl Gable, Kilpatrick, Cody, Rogers, McClatchey and Regenstein, 1045 Hurt Building, Atlanta, Ga. 30303.

Wayne J. Haskins, 290 Interstate North, Suite 115, Atlanta, Ga. 30339.

The new management of the licensee proposes, subject to SBA approval pursuant to § 107.809(b), to contract in writing with Cousins Properties Inc. (CPI), 148 Cain Street NE., Atlanta, Ga. 30319, for it to serve as the licensee's investment adviser. CPI is the owner of, and serves as investment adviser for, First American Investment Corp., License No. 05/05-0023, 148 Cain Street NE., Atlanta, Ga. 30319.

Matters involved in SBA's consideration of the proposed transaction include the general business reputation of Fidelity Mutual and CPI as well as the probability of licensee's successful operation as a wholly owned subsidiary of Fidelity Mutual with CPI, acting as licensee's investment adviser, including such factors as adequate profitability and financial soundness, in accordance with the Act and the regulations.

Prior to final action on the request made for SBA approval, consideration will be given to any comments pertaining to the proposed transaction which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

A copy of this notice will be published by the proposed transferee in a newspaper of general circulation in Birmingham, Ala.; Atlanta, Ga.; and Philadelphia, Pa.

Dated: November 12, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-13845; Filed, Nov. 20, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 64-A]

ILLINOIS CENTRAL RAILROAD CO. AND COLUMBUS AND GREENVILLE RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 64, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 64 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 10 a.m., November 17, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 17, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-13856; Filed, Nov. 20, 1969; 8:47 a.m.]

[S.O. No. 1002; Car Distribution Direction No. 62-A]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., and Columbus and Greenville Railway Co.

Upon further consideration of Car Distribution Direction No. 62, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 62 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 10 a.m., November 17, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 17, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-13857; Filed, Nov. 20, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 63-A]

SOUTHERN RAILWAY CO. AND COLUMBUS AND GREENVILLE RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 63, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 63 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 10 a.m., November 17, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 17, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-13858; Filed, Nov. 20, 1969; 8:47 a.m.]

[Notice 942]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 18, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4687 (Sub-No. 6 TA), filed November 12, 1969. Applicant: BURGESS & COOK, INC., 21 North Second Street, Fernandina Beach, Fla. 32034. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk), from Jacksonville, Fla., to points in Alabama north of U.S. Highway 80, including Montgomery and its commercial zone and Atlanta, Ga., for 180 days. Supporting shipper: Terminal Paper Bag Co., Inc., Yulee, Fla. 32097. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 17226 (Sub-No. 37 TA), filed October 24, 1969. Applicant: FRUIT BELT MOTOR SERVICE, INC., 7626 West Madison Street, Forest Park, Ill. 60130. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and parts, materials, and supplies* used in the manufacture, shipping, or operation of air conditioners and machinery and equipment for air conditioning, and *parts and accessories* thereof when moving in connection with and intended for installation thereon, for the Whirlpool Corp, from Chicago and Rockford, Ill.; Lafayette, McCordsville, and Oakland City, Ind.; Dawson Springs and Louisville, Ky.; Bangor, Detroit, Grand Rapids, Holland, St. Joseph, and Benton Harbor, Mich.; and St. Louis, Mo.; and Jacksonville, Ark.; to the plantsites of Whirlpool Corp. at Marion, Ohio; (2) *air conditioners, and machinery and equipment* for air conditioning and parts and accessories thereof, when moving in connection with and intended for installation thereon, for the Whirlpool Corp. and Sears, Roebuck & Co., from the plantsites of Whirlpool Corp. at Marion, Ohio, to Chicago, Peoria, Moline, Rockford, and Waukegan, Ill.; Anderson, Evansville, Fort Wayne, Indianapolis, Mishawaka, and South Bend, Ind.; Davenport, Iowa; Kansas City and Olathe, Kans.; Louisville, Ky.; Benton Harbor, St. Joseph, Detroit, Highland Park, Flint, Grand Rapids, Lansing, and Saginaw, Mich.; St. Louis, Mo.; Knoxville, Nashville, and Memphis, Tenn.; and Milwaukee and Wauwatosa, Wis., for 180 days. Supporting shippers: (1) Whirlpool Corp., Benton Harbor, Mich.; (2) Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 48635 (Sub-No. 3 TA), filed November 7, 1969. Applicant: CLOQUET TRANSFER COMPANY, 107 Avenue C, Cloquet, Minn. 55720. Applicant's representative: Arnold Atwood (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, wrapping and printing, other than newsprint: *Paper*, printing, not printed and *materials, supplies, and equipment*, between Cloquet, Minn., and Brainerd, Minn., as follows:

From Cloquet, over Minnesota Highway 33 to junction U.S. Highway 210, thence over U.S. Highway 210 to Brainerd and return over the same route, serving no intermediate points, for 180 days. Supporting shipper: Northwest Paper Co., Cloquet, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 105809 (Sub-No. 12 TA), filed November 6, 1969. Applicant: ROBERT E. MACK, CARL BROWN, SOPHIE R. MACK, ESTELLE M. FUNK AND THERESA MOLLOY, doing business as MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, Pa. 19124. Applicant's representative: Robert E. Mack II (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by hardware stores, from the warehouse site of Cotter & Co. at Philadelphia, Pa., on the one hand, and on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, for 150 days. Supporting shipper: Cotter & Co., 1501 Unity Street, Philadelphia, Pa. 19124. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107227 (Sub-No. 109 TA), filed November 7, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled all terrain vehicles*, from Reno, Nev., to Alturas, Auburn, Bakersfield, Chester, Colfax, Fresno, Mammoth Lakes, Marysville, Oakland, Orland, Oroville, Portola, Red Bluff, Redding, Roseville, Sacramento, San Francisco, San Jose, South Lake Tahoe, Susanville, Tahoe Vista, and Vinton, Calif., with no return movements, except as otherwise authorized, for 120 days. Supporting shipper: J. R. Bradley Co., Post Office Box 1671, 1100 East Fourth Street, Reno, Nev. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 107295 ((Sub-No. 235 TA), filed November 5, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Oshkosh, Wis., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Supporting shipper: Pluswood Industries, Post Office Box 1340, Oshkosh, Wis. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 242 TA), filed November 12, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished wall paneling and related accessories*, from Pittsburg, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and Florida, for 180 days. Supporting shipper: Wallace Manufacturing Co., Post Office Box 707, Kansas City, Mo. 64141. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112822 (Sub-No. 135 TA), filed November 12, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpets, carpeting yarn, floor covering and padding, and materials, supplies, and equipment* used in the installation thereof, from Wilburton, Okla., to points in California, Georgia, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New York, North Dakota, Ohio, Oregon, Pennsylvania, Texas, and Wisconsin, for 180 days. Supporting shipper: J. J. D'Arcy, Congoleum Industries, Inc., 195 Belgrove Drive, Kearney, N.J. 07032. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 113855 (Sub-No. 209 TA), filed November 3, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames and fifth wheels), *equipment* designed for use in conjunction with tractors, *agricultural, industrial, and construction machinery and equipment, trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), *attachments* for the above-described commodities, *internal combustion engines and parts* of the above-described commodities when moving in mixed loads with such commodities, from the plant and warehouse sites and experimental farms of Deere & Co. in Dodge County, Wis., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Pennsylvania, Vermont, and Virginia, for 150 days. Supporting shipper: Deere & Co., Moine, Ill. 61265. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 127047 (Sub-No. 9 TA), filed November 6, 1969. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, Kans. 67219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Axles, wheels, axle parts, hub and drum assemblies, wheel rims, and related parts and accessories*, from Newton, Kans., to points in Colorado, Nebraska, South Dakota, Minnesota, Missouri, Arkansas, Louisiana, Texas, and Oklahoma, for 150 days. Supporting shipper: Foreman Manufacturing Co., a division of, Newton, Kans.; Motor Wheel Corp., Chicago, Ill. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128375 (Sub-No. 36 TA), filed November 10, 1969. Applicant: CRETE CARRIER CORPORATION, Crete, Nebr. Applicant's representative: F. J. Coffman, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies used in the manufacture of automobile parts, and automobile parts*, between Rushville, Nebr., Wilmington, Del., and points in California, Missouri, and Kansas, on the one hand, and, on the other, points in Illinois, Colorado, Michigan, Indiana, Ohio, Georgia, Pennsylvania; Marianna, Ark.; Cleveland, Miss.; Humboldt, Iowa; Memphis, Tenn.; Columbus, Nebr.; Milwaukee, Wis.; Red Oak, Iowa; St. Paul and Minneapolis, Minn.; and their commercial zones restricted to traffic originating at or destined to facilities used by Douglas & Lomason Co., under continuing contract with Douglas & Lomason, for 180 days. Supporting shipper: Douglas & Lomason Co., Detroit, Mich. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 134145 TA, filed November 12, 1969. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles, boats, motor bikes, and racing vehicles*, from Roseau, Thief River Falls, and Karlstad, Minn., and Afton, Wyo., to points in the United States (except Hawaii); and (2) *materials, supplies, and equipment* used in the manufacture of products described in (1) above, from points in California, Colorado, Connecticut, Idaho, Iowa, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Washington, and Wisconsin, to Roseau, Thief River Falls, and Karlstad, Minn., and Afton, Wyo., for 180 days. Supporting shippers: Polaris Industries, Division of Textron, Inc., Roseau, Minn. 56751; Arctic Enterprises, Inc., Post Office Box 635, Thief River Falls, Minn. 56701. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 268 Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F. R. Doc. 69-13859; Filed, Nov. 20, 1969; 8:47 a.m.]

[Notice 447]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 18, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71128. By order of November 7, 1969, the Motor Carrier Board approved the transfer to Drury's Van Lines, Inc., Mount Clemens, Mich., of certificate No. MC-95131 issued March 25, 1969, to Movers, Inc., Detroit, Mich., authorizing the transportation of: Household goods, as defined by the Commission, and used store fixtures and office fixtures, between points in St. Clair, Sanilac, and Huron Counties, Mich., on the one hand, and, on the other, the United States-Canada boundary line through the ports of entry at Port Huron, Mich., and points in Wisconsin, Illinois, Indiana, Ohio, Kentucky, Pennsylvania, and New York. James F. Schouman, 1910 Penobscot Building, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-71617. By order of November 4, 1969, the Motor Carrier Board approved the transfer to North East Express, Inc., Wilkes-Barre, Pa., of the operating rights in certificate No. MC-125687 (Sub-No. 1) issued February 7, 1967, to Eastern States Transportation, Inc., York, Pa., authorizing the transportation of fiber glass materials and products, and material and supplies used in the installation of, or incidental to, fiber glass materials and products, from the plantsite and warehouses of Certain-Teed Saint Gobain Insulation Corp. in Crestwood Industrial Park, Mountaintop, Wright Township, Luzerne County, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-71662. By order of November 3, 1969, the Motor Carrier Board approved the transfer to General Transportation, Inc., Eagar, Ariz., of certificates in Nos. MC-116457 (Sub-No. 2), MC-116457 (Sub-No. 4), and MC-116457 (Sub-No. 7), issued February 7, 1967, July 21, 1967, and July 24, 1969, respectively, to Claude Butler, doing business as Butler Trucking Co., Show Low, Ariz., authorizing the transportation of: Lumber, wood chips, piling, poles, posts, ties and timbers, roofing and roofing products; from, to, or between specified points in Arizona, New Mexico, Texas, and Oklahoma. Dennis I. Davis, Box 686, Show Low, Ariz. 85901, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13860; Filed, Nov. 20, 1969; 8:47 a.m.]

[Notice 941]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 17, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22278 (Sub-No. 40 TA), filed November 10, 1969. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes, Post Office Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Grundy Center, Iowa, as an off-route point in conjunction with presently-authorized regular-route operations as authorized in Docket No. MC 22278, for 180 days. NOTE: Applicant states he will tack with MC-22278 at all points authorized, MC-127321 at Des Moines, Iowa, and MC-87909 at Waterloo, Iowa. Supporting shippers: Coast to Coast Stores, Grundy Center, Iowa 50638; Plastronics, Inc., Grundy Center, Iowa 50638; Mid Equipment Corp., Grundy Center, Iowa 50638; Frederick Furniture Store, Grundy Center, Iowa 50638. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 40898 (Sub-No. 17 TA), filed November 7, 1969. Applicant: S & W MOTOR LINES, INC., Post Office Box 22065 (N.C. Highway 68), Greensboro, N.C. 27420. Applicant's representative: J. R. Brown, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Architectural precast stone*, from Greensboro, N.C., to New York, N.Y., for 180 days. Supporting shipper: Exposaic Industries, Inc., 390 South Stratford Road, Post Office Box 15027, Winston-Salem, N.C. 27103. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 88594 (Sub-No. 13 TA), filed November 6, 1969. Applicant: CARLETON G. WHITAKER, INC., Post Office Box 93, Route 17, Deposit, N.Y. 13754. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt*, in vehicles equipped with mechanical refrigeration, moving in the same vehicles and at the same time with milk and milk products destined to points in New Jersey for final delivery, for 180 days. Supporting shipper: Borden Dairy & Services Division, Borden, Inc., 23 West 60th Street, New York, N.Y. 10023. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 102616 (Sub-No. 849 TA), filed November 7, 1969. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: James Annand (same address as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnish*, in bulk, in tank vehicles, from South Bend, Ind., to Chicago, Ill., for 180 days. Supporting shipper: The O'Brien Corp., South Bend, Ind. 46621. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 107295 (Sub-No. 243 TA), filed November 12, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves, hydrants, and gaskets*, from Benton, Ark., to points in Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Pyramid South, Inc., Benton, Ark. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112822 (Sub-No. 136 TA), filed November 12, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Pine Bluff, Ark., to points in Oklahoma, for 150 days. Supporting shipper: C. C. Wright, Supervisor, Truck TOFC, Barge and Air Freight, Post Office Box 2328, Mobile, Ala. 36601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 113678 (Sub-No. 367 TA), filed November 12, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except fats and oils in bulk, and acids and chemicals), from Sterling, Colo., to points in Kansas, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, Virginia, Maine, Delaware, Rhode Island, District of Columbia, New Jersey, and Kentucky, for 180 days. Supporting shipper: Sterling Colorado Beef Co., Sterling, Colo. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 117940 (Sub-No. 11 TA), filed November 12, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and canned goods*, from Duluth, Minn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 124078 (Sub-No. 406 TA) (corrected amendment), filed September 22, 1969, published FEDERAL REGISTER, issues of September 27, 1969 and October 9, 1969, and republished as corrected this issue. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, in bulk, from Schoharie Junction, N.Y., to the Blenheim-Gilboa Pumped Storage Power Project at or near Gilboa, N.Y., for 150 days. NOTE: The purpose of this republication is to show that the origin point has been amended to read Schoharie Junction, N.Y., in lieu of Schoharie, N.Y. Supporting shipper: Perini Corp., 73 Mount Wayte Avenue, Framingham, Mass. 01701. (Fred A. Reif, Chief Engineer). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125844 (Sub-No. 13 TA), filed November 7, 1969. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood and derivatives of blood, which includes plasma*, from points in California, Colorado, Georgia, Louisiana, New Mexico, Tennessee, and Utah, to Los Angeles, Calif., for 180 days. Supporting shipper: Edward H. Mealey, Ph. D., Technical Director, Hyland Division Travenol Laboratories, Inc., 4501 Colorado Boulevard, Los Angeles, Calif. 90039. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 126806 (Sub-No. 4 TA), filed November 12, 1969. Applicant: MARRONE TRUCK RENTALS, INC., 2568 Route 22, Union, N.J. 07083. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, in rods, bars, and coils, for the account of U.N. Alloy Steel Corp., from Hillside, N.J., to Rockford and Chicago, Ill.; Wilkes-Barre, Prospect Park, York, Pleasant Hills, and King of Prussia, Pa.; Buffalo and Syracuse, N.Y.; Cleveland and Mentor, Ohio; Detroit, Mich.; Gary, Ind.; Waltham, Mass.; and Wytheville, Va.; and *returned shipments*, on return, for 180 days. Supporting shipper: Eastern Cold Drawn Co., a division of U.N.A. Corp., 119 Long Avenue, Hillside, N.J. 07205. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 134069 (Sub. No. 1 TA), filed November 12, 1969. Applicant: BILL E. DUPREE, doing business as BILL DUPREE TRANSPORT, 1318 Hickory, Post Office Box 1113, Deming, N. Mex. 88030. Applicant's representative: V. Lee Vesely, 508 West Broadway, Silver City, N. Mex. 88061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (exempt or nonexempt), requiring refrigeration, including but not limited to *butter, oleo, cottage cheese, chocolate milk, ice milk, ice cream, frozen novelties, juices (orange or other citrus), juices* (fruit, plain or concentrated), *animal fats*, from El Paso, Tex., to points in New Mexico and return with *outdated products and cartons* being returned, for 180 days. Supporting Shipper: Price's Creameries, Inc., Post Office Box 3008, Station A, El Paso, Tex. 79923. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13820; Filed, Nov. 19, 1969; 8:50 a.m.]

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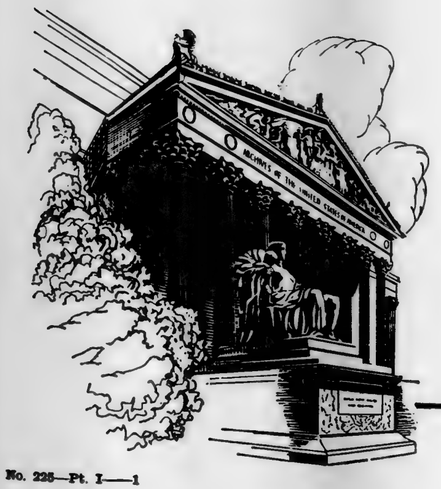
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Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 9]

PART 121—SMALL BUSINESS SIZE STANDARDS

Revision 9, of Part 121, rescinds Revision 8, including amendments 1 through 7 thereof, of the Code of Federal Regulations. As distinguished from previous revisions, which simply incorporated amendments to an earlier revision into a new revision, this revision includes procedural changes and clarifying language as described below.

1. Section 121.3(c) has been deleted in view of the expiration of the priority payment program under section 213(a) of the War Claims Act of 1948, as amended.

2. In § 121.3–1(a) reference to the War Claims Act of 1948, as amended, has been deleted in view of the expiration of the priority payment program under such Act.

3. Section 121.3–1(b)(1)(i) has been deleted in view of the fact that, in determining whether to adopt a size standard for a class of products and field of operation, SBA no longer applies such restricted criteria.

4. Section 121.3–1(b)(2) has been amplified so as to explain the meaning of certain terms used therein.

5. Section 121.3–1(b)(3) has been amplified to include interpretive rules established by the Administrator as the result of decisions of the Size Appeals Board in cases involving the classification of products or services into industries for size determination purposes.

6. Section 121.3–1(b)(4) has been amended to clarify the rule that, except for procurement purposes, product classification decisions are made by the Area Administrator or his delegatee of the SBA region in which the principal office of the size determination applicant (not including its affiliates) is located.

7. Section 121.3–2(b) has been amended to make it clear that, in determining whether a concern qualifies as a small business under an annual sales or receipts size standard, both sales and receipts must be included. It also reflects an interpretive decision by the Size Appeals Board that, if a concern has been in business less than 1 year, its annual sales and receipts shall be computed by determining its average weekly sales and receipts for the period in which it has been in business and multiplying such figure by 52.

8. In § 121.3–2(i) all reference to §121.3–13 has been deleted in view of the expiration of the priority payment program under section 213(a) of the War Claims Act of 1948, as amended.

9. Section 121.3–2(e) has been amended to reflect the amendment of subsection (a) of section 4 of the Small Business Act adding the Trust Territory of the Pacific Islands to the definition of the term United States.

10. Section 121.3–2(t) has been revised to permit protests not only by bidders and offerors on a particular procurement but also by other interested parties such as Small Business Administration officials and by admittedly ineligible concerns who question the eligibility of the apparently low bidder. It also has been revised to recognize that an untimely protest shall be acted upon by SBA but that the resultant determination shall not apply to the procurement in question.

11. Section 121.3–2(w) has been amended to clarify that an opinion concerning the size status of a concern rendered to a contracting officer for presolicitation purposes, on the basis of published or commonly known information and without the benefit of a formal SBA inquiry, is not a "size determination" as that term is used in Part 121.

12. Section 121.3–2(x) has been amended to include the Trust Territory of the Pacific Islands in the definition of the term "United States" as used in Part 121. This reflects the similar amendment of subsection (a) of section 4 of the Small Business Act (Public Law 90–448, 90th Congress, S. 3497, Aug. 1, 1968).

13. Section 121.3–4 has been amended to make it clear that a size determination on a particular concern is made by the Area Administrator or his delegatee serving the area in which the principal office of the concern, not including its affiliates, is located. It also has been amended to provide that, for procurement purposes, a formal size determination shall be made only in the event of a protest pursuant to § 121.3–5, a request for a redetermination pursuant to § 121.3–14 (e) or a request for a Certificate of Competency, or on request by the U.S. General Accounting Office.

14. Section 121.3–5(a) has been amended so as to provide that a protest can be filed not only by another bidder or offeror on the same procurement but also by any interested party such as an SBA official or a concern which itself is ineligible to self-certify but which questions the size status of one of the bidders or offerors. It also has been amended to make it clear that a size determination on a concern is made by the Area Administrator or his delegate serving the area in which the principal office of the protested concern, not including its affiliates, is located. It also has been amended to make it clear that a contracting officer's protest as to the eligibility of a bidder or offeror, is timely if it is made at any time prior to the award. Further, it has been amended so that the "head of the procuring activity" can file a protest at any time after award, and such protest would be timely for the purpose of the procurement in question.

15. Section 121.3–5(b) has been reworded to clarify that, if in a protest case, SBA forwards an SBA Form 355, Application for Small Business Size Determination, to a bidder or offeror, and such bidder or offeror does not submit the completed form to SBA within three days of its receipt, or within any additional period granted by SBA for cause, SBA will rule such protested concern to be other than a small business.

16. Section 121.3–5(d) has been added to provide that, if a concern's size status has been protested in connection with a particular procurement, and it has been determined to be ineligible as a small business for the purpose of such procurement, it cannot become eligible as a small business for the purpose of such procurement by changing its organization before award.

17. Section 121.3–8 has been amended to provide that, if a procurement calls for more than one item and a bidder is required to bid on all or none of such items, the bidder can qualify as a small business for such procurement if he meets the size standard for the item which accounts for the greatest percentage of the total contract value. This reflects a decision of the Size Appeals Board as approved by the Administrator. It also has been amended to reflect the addition of the Trust Territory of the Pacific Islands to the definition of the term United States as used in the Small Business Act.

18. Section 121.3–8(c) has been amended by deleting the designation "Reserved" and also the preamble designated "Note."

19. Section 121.3–13 has been deleted in view of the expiration of the priority payment program under section 213(a) of the War Claims Act of 1948, as amended.

20. Sections 121.3–14 and 121.3–15 are renumbered as §§ 121.3–13 and 121.3–14, respectively.

21. Section 121.3–14(e) (formerly § 121.3–15(e)) has been amended to clarify the circumstances under which a concern can no longer self-certify as a small business, and the circumstances under which such a concern can again become eligible to self-certify as a small business.

22. Section 121.3–14(h) has been added to interpret the meaning of the term "manufacturer" as used in the definition of the term "nonmanufacturer" in §§ 121.3–2(q) and 121.3–8(c) of Part 121.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.
121.3 Statutory provisions.
121.3–1 Purpose and method of establishing size standards.
121.3–2 Definition of terms used in this part.
121.3–3 Organization—size functions.
121.3–4 Size determinations.
121.3–5 Protest of small business status.
121.3–6 Appeals.
121.3–7 Differentials.
121.3–8 Definition of small business for Government procurement.
121.3–9 Definition of small business for sales of Government property.
121.3–10 Definition of small business for SBA loans.
121.3–11 Definition of small business for assistance by small business investment companies or by development companies.
121.3–12 Definition of small business Government subcontractors.
121.3–13 Definition of small business for the purpose of lease guarantee.
121.3–14 Interpretations.

AUTHORITY: The provisions of this Part 121 issued under Public Law 85–536, sec. 5(b)6, 72 Stat. 385.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3. For the purpose of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others. Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * *

SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

* * * * *

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaged in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103. As used in this Act—

* * * * *

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act."

* * * * *

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This part defines "small business concerns" and establishes standards, criteria, and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act") and the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act").

(b) *Method of establishing size standards—(1) Use of Standard Industrial Classification Manual.* The Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, shall be used by SBA in defining industries.

(2) *Factors in formulating size standards.* The following factors shall be considered in formulating industry size standards:

(i) Concentration of output; that is, the portion of the total output of an industry which is accounted for by a limited number of companies.

(ii) Coverage ratio; that is, the ratio of the industry's shipments of its primary products, to the total shipments by all industries of the primary products of the industry in question.

(iii) Specialization ratio; that is, the ratio of the industry's shipments of its primary products to its total shipments of primary and secondary products.

(iv) The total number of concerns in the industry.

(v) The size of industry leaders.

(vi) The SBA program for which the size standard is established.

In formulating industry size standards for the purpose of Government procurement, the additional factor of Government procurement history shall be used. The use of this additional factor may cause the size standards for the purpose of Government procurement and the size standards for the purpose of financial assistance to differ for the same industry.

(3) *Product classification.* For size standards purposes, a product shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry. In determining the SIC industry into which particular products shall be classified for size standard purposes, consideration shall be given to all appropriate factors including:

(i) Alphabetic indices published by the Bureau of the Budget, Bureau of the Census, and the Business and Defense Services Administration.

(ii) Description of the product under consideration.

(iii) Previous Government procurements for the same or similar products, and

(iv) Published information concerning the nature of companies which manufacture such products.

A product or service shall be classified in the industry whose definition best describes the principal nature of the product or service being procured. The end use of a product does not govern the industry into which it is to be classified. In a borderline situation, the product or service shall be classified in the industry whose size standard would best serve to accomplish the purposes of the Small Business Act. When a procurement is for two or more items with different size standards a bidder must qualify as a small business under the definition of a small business applicable to any item on which it bids. If a multi-item procurement requires the successful bidder to deliver all items and/or perform all services being procured the applicable size standard is that for the industry whose products or services account for the greatest proportion of the contract price.

(4) *Product classification decision.* The SBA Area Administrator or his delegatee of the SBA region in which the principal office of the applicant, not including its affiliates, is located shall determine the appropriate SIC classification except that for procurement purposes the determination shall be made by the official specified in § 121.3–8. Such determination shall be subject to appeal in the manner provided in § 121.3–6.

§ 121.3–2 Definition of terms used in this part.

(a) Affiliates: Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however,* That restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

(b) "Annual sales and annual receipts" means the annual sales and receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year. If a concern has been in business less than 1 year its annual sales and receipts shall be computed by determining its average weekly sales and receipts for the period in which it has been in business and multiplying such figure by 52.

(c) "Appeal" means a written communication addressed to the Size Appeals Board requesting it to review a determination relating to a size matter made by an Area Administrator or his delegatee, or by a Contracting Officer.

(d) "Area of substantial unemployment," for the purpose of small business size determination, means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment," or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961. If an area has been removed from the publication, "Area Labor Market Trends," or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See paragraph (u) of this section.)

(e) "Base maintenance" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands, or the District of Columbia, three or more services which may include but are not limited to such maintenance activities as janitorial and custodial services, protective guard services, commissary services, base housing maintenance, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air-conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

(f) "Bona fide feed stocks" means crude and any other hydrocarbon material actually charged to refinery processing units, as distinguished from materials used as components in products to be delivered after merely filtering, settling, or blending.

(g) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(h) "Certificate of competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit to perform a specific Government procurement or sales contract.

(i) "Concern" means any business entity organized for profit with a place of business located in the United States, including, but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see paragraph (a) of this section) any business entity, whether organized for profit or not, and any foreign business entity shall be included.

(j) "Contracting officer" means the person executing a particular contract on behalf of the Government and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(k) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(l) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods: *Provided, however,* That sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

(l–1) "Forest products industry" as used in § 121.3–9(b) means logging, wood preserving, and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, or wood pulp, and of products of which lumber or wood related products are the principal raw material.

(m) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of a joint partition and from outside wall faces.

(n) "Hospital" means a health facility duly licensed as a hospital providing in-patient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owners, stockholders or members.

(o) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget, Executive Office of the President.

(p) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(q) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(r) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(s) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

(t) "Protest" means a statement in writing from any bidder or offeror on a particular procurement or disposal (or from any other party interested therein) alleging that another bidder or offeror on such procurement is not a small business concern. Such statement shall contain the basis for the protest, together with specific detailed evidence in support of the protestant's claim. A protest received after the time limits set forth in § 121.3–5(a) shall be acted on but such determination shall not apply to the procurement in question.

(u) "Redevelopment area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "redevelopment area" in accordance with the Public Works and Economic Development Act of 1965 (Public Law 89–136, sec. 401, 75 Stat. 48).

(v) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(w) "Size determination" means an SBA ruling, in writing, that a concern is or is not, or was or was not, a small business within the meaning of this part. An

opinion rendered by SBA to a contracting officer on the basis of published or commonly known information and without the benefit of a formal SBA inquiry, is not a "size determination" as that term is used in this part.

(x) "United States" as used in this regulation includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia.

§ 121.3–3 Organization—size functions.

The Associate Administrator for Procurement and Management Assistance shall:

(a) Develop and recommend small business size standards to the Administrator of SBA for promulgation;

(b) Conduct industry hearings pertaining to size matters;

(c) In concert with the Office of General Counsel, issue interpretations of the Size Standards Regulation;

(d) Consider and take appropriate action on written petitions objecting to or requesting amendments or recission of a published size standard;

(e) Establish procedures for the implementation of all size programs; and

(f) Perform such other related functions as may be appropriate to administer the SBA size program.

§ 121.3–4 Size determinations.

Original size determinations shall be made by the Area Administrator, or his delegatee, serving the area in which the principal office of the concern (not including its affiliates) whose size is in question is located. For the purpose of Government procurements a size determination shall be made only in the event of a protest pursuant to § 121.3–5, a request for a redetermination pursuant to § 121.3–14(e), a request for a Certificate of Competency, or on request by the U.S. General Accounting Office. The Area Administrator, or his delegatee, promptly shall, in writing by certified mail, return receipt requested, notify the concern in question and other interested persons of his decision. Such determination shall be final unless appealed in the manner provided in § 121.3–6.

§ 121.3–5 Protest of small business status.

(a) How to protest: Any bidder or offeror or other interested party may challenge the small business status of any other bidder or offeror on a particular procurement or disposal. Such challenge shall be made by delivering a protest to the contracting officer responsible for the particular procurement involved, such protest must be filed prior to the close of business on the fifth day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening, except that in the case of negotiated procurements, a protest may be filed by a bidder or offeror within five (5) days, exclusive of Saturdays, Sundays, and legal holidays after receipt of the identity of another bidder or offeror from a contracting officer: *Provided, however*, That a protest received after such time shall be deemed to be timely for the purpose of the procurement in question, if, in the case of mailed protests, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delasy beyond the control of the protestant or, in the case of telegraphed protests, the telegram date and time line indicate that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. Any Contracting Officer who receives a protest shall promptly forward such protest to the SBA regional office serving the geographical area in which the principal office of the protested concern, not including its affiliates, is located. A Contracting Officer may question the small business status of any bidder or offeror by filing a protest with the SBA regional office serving the area in which the principal office of the protested concern, not including its affiliates, is located. In order to be applicable to the procurement in question such protest must be filed before contract award. Further, at any time after award, the head of the procuring activity can challenge the eligibility of the awardee as a small business for the purpose of the award by filing a written protest with the SBA regional office serving the area in which the principal office of such concern, not including its affiliates, is located. For the purpose of this section, the "procuring activity" is as defined in § 1–201.14 of the Armed Services Procurement Regulation or § 1–1.205 of the Federal Procurement Regulations. The "head of the procuring activity" is as defined in § 1–201.7 of the Armed Services Procurement Regulation or § 1–1.206 of the Federal Procurement Regulations.

(b) Notification of protest: Upon receipt of such protest, the SBA regional director or his delegatee shall immediately notify the Contracting Officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The regional director or his delegatee shall also advise the protested bidder or offeror of the receipt of the protest and shall forward to the protested bidder or offeror a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by certified mail, return receipt requested. Such bidder must, within three (3) working days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, and must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position. If such bidder or offeror does not submit the completed SBA Form 355 within the filing period provided above, or within any additional period of time granted by SBA for cause, SBA will rule that the protested concern is other than a small business.

(c) Notification of determination: After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offeror and, by certified mail, return receipt requested, notify the Contracting Officer, the protestant, and the protested bidder or offeror of its decision within 10 working days if possible.

(d) If SBA has determined that a concern is ineligible as a small business for the purpose of a particular procurement, it cannot thereafter become eligible for the purpose of such procurement by taking affirmative acts to constitute itself a small business.

§ 121.3–6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3–4 and 121.3–5 and from product classifications made pursuant to § 121.3–8 and shall make recommendations to the Administrator whether such determinations or classifications should be affirmed, reversed or modified. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of four members; to wit: The Deputy Administrator (Chairman), the Associate Administrator for Procurement and Management Assistance, the Associate Administrator for Financial Assistance, and the Assistant Administrator for Planning, Research and Analysis.

(2) Each member of the Size Appeals Board may, in writing, designate one or more alternates to serve in his stead in the event of absence or disability.

(b) *Method of appeal*—(1) *Who may appeal.* An appeal may be filed by:

(i) Any concern or other interested party which has protested the small business status of another concern pursuant to § 121.3–5 and whose protest has been denied by an Area Administrator or his delegatee;

(ii) Any concern or other interested party which has been adversely affected by a decision of an Area Administrator or his delegatee pursuant to §§ 121.3–4 and 121.3–5;

(iii) Any concern or other interested party which has been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3–8; and

(iv) The Small Business Administration Associate Administrator for the Small Business Administration program involved.

(2) *Where to appeal.* Written notices of appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Time for appeal.* (i) An appeal from a size determination or product classification by an Area Administrator, or his delegatee, may be taken at any time, except that because of the urgency of pending procurements, appeals concerning the small business status of a bidder or offerer in a pending procurement may be taken within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by an Area Administrator or his delegatee. Unless written notice of such appeal is received by the Size Appeals Board before the close of business on the fifth day, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(ii) An appeal from a product classification determination by a Contracting Officer may be taken: (*a*) Not less than 10 days, exclusive of Saturdays, Sundays, and legal holidays, before bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations, or (*b*) not less than five (5) days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations, and

(iii) The timeliness of an appeal under subdivisions (i) and (ii) of this subparagraph shall be determined by the time of receipt of the appeal by the Size Appeals Board: *Provided, however*, That an appeal received after such time limits have expired shall be deemed to be timely and shall be considered if, in the case of mailed appeals, such appeal is sent by registered or certified mail and the postmark thereon indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant, or in the case of telegraphed appeals, the telegram date and time line indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant.

(4) *Notice of appeal.* No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the Board an original and four legible copies of such notice and, to avoid time-consuming correspondence, the notice should include the following information:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of an Area Administrator, or his delegatee, or Contracting Officer is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the notice of appeal and shall send a copy of such notice of appeal to the appropriate Area Administrator or his delegatee, the contracting officer (if a pending procurement is involved) and to other parties known to be interested in the appeal.

(d) *Statement of interested parties.* After receipt of a copy of appellant's notice of appeal, interested parties may file with the Board a signed statement, together with four legible copies thereof, as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Copies of such statements and appropriate evidence will be furnished to the appellant. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416, within five (5) days of the receipt of the copy of the notice of appeal unless an extension is for cause granted by the Chairman of the Size Appeals Board.

(e) *Consideration by the Size Appeals Board.* The Size Appeals Board shall consider the appeal on the written submission of the appellant, or may, in its discretion, permit oral presentations by interested parties. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate: *Provided, however*, That, should he not concur with the recommendation of the Size Appeals Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision together with the reasons therefor.

§ 121.3–7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern which has fifty percent (50%) or more of its annual sales or receipts attributable to business activity within Alaska then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial or persistent unemployment areas; areas of concentrated unemployment or underemployment; certified eligible concerns; and redevelopment areas*—(1) *Assistance under sections 7(a) and 8(a) of the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under sections 7(a) and 8(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Underemployment or Redevelopment Area as defined in § 121.3–2 (d) and (u) or is designated as a Certified Eligible concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with a section 501 or section 502 loan is increased by twenty-five percent (25%) whenever such concern qualifies for a similar differential under subparagraph (1) of this paragraph.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* Except as is provided in subparagraphs (1) and (2) of this paragraph, this paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the Contracting Officer shall accept the self-certification at face value for the particular procurement involved. If a procurement calls for more than one item and the bidder can bid on any or all items, the bidder must meet the size standard for each item for which it submits a bid. If the procurement calls for more than one item and a bidder is required to bid on all or none of such items, the bidder can qualify as small business for such procurement if it meets the size standard for the item accounting for the greatest percentage of the total contract value. The determination of the appropriate classification of a product or service shall be made by the contracting officer and his determination shall be final unless appealed in the manner provided in § 121.3–6. If no standard for an industry, field of operation or activity (e.g., animal specialty; fin fish; anthracite mining; management-logistics support to be performed outside of the several States, Commonwealth of Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands,

or the District of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business if, including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less.

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, is:

(1) Small if its average annual receipts for its preceding three (3) fiscal years do not exceed $7½ million.

(2) Small if it is bidding on a contract for dredging and its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(4) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided,* That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured worldwide during the preceding calendar year was less than five percent (5%) of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than ten percent (10%) of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(5) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided,* That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than fifty percent (50%) of the value of its total worldwide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than five percent (5%) of the total value of all such cars manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than ten percent (10%) of the total value of such product manufactured or otherwise produced or sold in the United States during said period.

(6) Rebuilding on a factory basis or equivalent: As small if it is bidding on a contract for rebuilding machinery or equipment on a factory basis, the purpose of which is to restore such machinery or equipment to as serviceable and as like new condition as possible and its number of employees does not exceed the number of employees specified for the classification code applicable to the manufacturer of the original item.

NOTE: The size standard contained herein is not limited to concerns who are manufacturers of the original item but is applicable to all bidders or offerers. The term "rebuilding on a factory basis" as used in this subsection does not include ordinary repair services such as those involving minor repair and/or preservation operations.

(c) *Nonmanufacturing.* Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) Its number of employees does not exceed 500 persons, and

(2) (i) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer furnishes in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States; *Provided, however,* If the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear), and if finishing is required, by a small finisher. If the procurement is for thread, dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specifications but excluding mercerizing, spinning, throwing, or twisting operations.")

(ii) If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Greases; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; paragraph (g) of this section is for application.

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of paragraph (b) of this section for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of paragraph (c) of this section.

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $1 million.

(1) Any concern bidding on a contract for engineering services other than marine engineering services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(2) Any concern bidding on a contract for motion picture production or motion picture services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $3 million.

(4) Any concern bidding on a contract for base maintenance is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(5) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding three (3) fiscal years.

(6) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for it preceding three (3) fiscal years do not exceed $6 million.

(7) Any concern bidding on a contract for food services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $3 million.

(8) (i) Any concern bidding on a contract for laundry services including linen supply, diaper services, and industrial laundering is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $3 million.

(ii) Any concern bidding on a contract for cleaning and dyeing including rug cleaning services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $1 million.

(9) Any concern bidding on a contract for computer programming services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $3 million.

(10) Any concern bidding on a contract for flight training services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(11) Any concern bidding on a contract for motorcar rental and leasing services or truck rental and leasing services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(12) Any concern bidding on a contract for tire recapping services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $3 million.

(13) Any concern bidding on a contract for data processing services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $3 million.

(14) Any concern bidding on a contract for computer maintenance services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for either trucking (local and long-distance), warehousing, packing, and crating, and/or freight forwarding, and its annual receipts do not exceed $5 million.

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Greases; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however,* That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And, provided further,* That the exchange of products for products to be delivered to the Government, will be completed within 90 days after the expiration of the delivery period under the Government contract; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

§ 121.3–9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property, other than timber is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field operation, and can further qualify under the following criteria.

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911, Petroleum Refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude oil capacity from owned or leased facilities.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual sales or annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its average annual sales or annual receipts for its preceding three (3) fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell to a concern which is not a small business within the meaning of this paragraph more than thirty percent (30%) of such timber or, in the case of timber from certain geographical areas set forth in Schedule E of this part, more than the percentage established therein for such area.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Associate Administrator for Procurement and Management Assistance, Washington, D.C. 20416. If an applicant for an SBA loan is engaged in the production of a number of products or the providing of a variety of services or other activities which are classified into different industries, the appropriate standard to be used is that which has been established for the industry in which the applicant, not including its affiliates, is primarily engaged. An applicant's primary industry is that which produced the greatest percentage of gross sales or receipts for the past fiscal year. When computing the size status of an applicant its affiliates' number of employees, annual sales or receipts or other applicable standards shall be included.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding three (3) fiscal years.

(b) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,500 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,500 persons;

(4) As small if it is primarily engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Employment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* (1) Any retailing concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule D of this part and its annual sales do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule D of this part and its annual sales do not exceed $1 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the trailer court and parks industry and its annual receipts do not exceed $1 million: *Provided,* That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days.

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 150 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million;

(8) As small if it is primarily engaged in the motion picture production industry and its annual receipts do not exceed $5 million;

(9) As small if it is primarily engaged in the motion picture services industry and its annual receipts do not exceed $5 million;

(10) As small if it is primarily engaged in rendering engineering services and its annual receipts do not exceed $2.5 million.

(e) *Shopping centers.* (1) Any concern primarily engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does not have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal Income Taxes, for the preceding two (2) fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss), and (iv) it does not lease more than twenty-five percent (25%) of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain and it does not have more than 1 million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing, and crating and/or freight forwarding and its annual receipts do not exceed $5 million.

(g) *Wholesale.* (1) Any wholesaling concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule C of this part and its annual sales do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule C of this part and its annual sales do not exceed $5 million.

(2) Any concern primarily engaged in wholesaling, but also engaged in manufacturing, is not a "small business concern" unless it qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal Income Taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however,* That a nonmanufacturer is considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.3–13 Definition of small business for the purpose of lease guarantee.

A small business concern for the purpose of lease guarantee is a concern that qualifies as a small business under § 121.3–11.

§ 121.3–14 Interpretations.

(a) *Section 121.3–2(b) of Part 121, "Annual sales or annual receipts."* When computing annual sales or annual receipts, intercompany transactions between affiliated concerns are excluded. To include such intercompany transactions in effect would mean that the receipts of a concern, including its affiliates, would be counted more than once.

(b) *Section 121.3–9(b) of Part 121, "Sales of Government-owned timber."* Any concern which self-certifies as a small business concern for the purpose of the sale of Government-owned timber is expected to maintain sufficient documentary evidence to show that it did so in good faith. This means that a concern which sells more than 30 percent (30%) of the purchased timber will have to maintain the names and addresses of the concerns to whom the timber is sold and the size status of such concerns, unless an exemption has been granted on sales of mixed stumpage of hardwood and softwood species. Further, if the timber purchased is not to be resold in the form of saw logs, but is to be manufactured into lumber and timber by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the timber into lumber or timbers.

(c) *Section 121.3–2(a) of Part 121, "Affiliates"*—(1) *Nature of control.* Every business concern is considered as having one or more parties who directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is exercised so long as the power to control exists.

Example. A party owning 50 percent of the voting stock of a concern would have negative power to control such concern since he can block any action of the other stockholders. Also, the bylaws of a corporation may be drawn up in such a manner which would permit a stockholder with less than 50 percent of the voting stock to block any actions taken by the other stockholders. Affiliation exists when one or more parties have the power to control a concern while at the same time another party, or other parties, may be in control of the concern at the will of the party or parties with the power to control.

(2) *Meaning of "party or parties."* The term "party or parties" includes, but is not limited to, two or more persons with an identity of interest such as members of the same family or persons with common investments in more than one concern. In determining who controls or has the power to control a concern, persons with an identity of interest may be treated as though they were one person.

(3) *Control through stock ownership.* (i) A party is considered to control or have the power to control a concern if he controls or has the power to control 50 percent or more of its voting stock.

(ii) A party is considered to control or have the power to control a concern even though he owns, controls, or has the power to control less than 50 percent of the concern's voting stock if the block of stock he owns, controls, or has the power to control is large as compared with any other outstanding block of stock. If two or more parties each own, control or have the power to control less than 50 percent of the voting stock of a concern and such minority blocks are (*a*) equal or substantially equal in size, and (*b*) large as compared with any other block outstanding, there is a presumption that each of such parties controls or has the power to control such concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(iii) If a concern's voting stock is distributed other than as described above, its management (officers and directors) is deemed to be in control of such concern.

Example. In a corporation where the officers and directors own various size blocks of stock totalling 40 percent of a concern's voting stock but no officer or director has a block sufficient to give him control or the power to control and the remaining 60 percent is widely distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control.

(4) *Stock options, convertible debentures, and agreements to merge.* Stock options and convertible debentures exercisable at the time of, or within a relatively short time after a size determination, and agreements to merge in the future, are considered as having a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements are treated as though the rights held thereunder had been exercised prior to the date of the determination.

Example. If, on the date of the determination, Company "A" holds an option to purchase a controlling interest in Company "B" and such option can be exercised at any time by Company "A", the situaton is treated as though Company "A" had exercised its rights and had become owner of a controlling interest in Company "B" prior to the determination. Further, if, as of the date of a determination, Company "A" has entered into an agreement to merge with Company "B" in the future, the situation is treated as though the merger had taken place prior to the date of the determination.

(5) *Voting trusts.* If the purpose of a voting trust or similar agreement is to separate voting power from beneficial ownership of voting stock, for the purpose of shifting control of, or the power to control a concern, in order that such concern or another concern may qualify as a small business within the size regulation, such voting trust shall not be considered valid for this purpose, regardless of whether the trust is or is not valid within the appropriate jurisdiction. However, if a voting trust is entered into for a legitimate purpose other than that described above, and it is a valid trust within the appropriate jurisdiction, it may be considered valid for the purpose of a size determination, provided such consideration is determined to be in the best interest of the small business program.

(6) *Control through common management.* A concern is considered as controlling or having the power to control another concern when one or more of the following circumstances are found to exist, and it is reasonable to conclude that under the circumstances, such concern is directing or influencing, or has the power to direct or influence the operation of such other concern.

(i) *Interlocking management.* Officers, directors, employees, or principal stockholders of one concern serve as a working majority of the board of directors or officers of another concern.

(ii) *Common facilities.* One concern shares common office space and/or employees and/or other facilities with another concern, particularly where such concerns are in the same or related industry or field of operation, or where such concerns were formerly affiliated.

(iii) *Newly organized concern.* Former officers, directors, principal stockholders, and/or key employees of one concern organize a new concern in the same or a related industry or field of operation, and serve as its officers, directors, principal stockholders, and/or key employees, and one concern is furnishing or will furnish the other concern with subcontracts, financial or technical assistance, and/or other facilities, whether for a fee or otherwise.

(7) *Control through contractual relationships*—(i) *Definition of a joint venture for size determination purposes.* A joint venture, for size determination purposes, is an association of persons or concerns with interest in any degree or proportion by way of contract, express or implied, consorting to engage in and carry out a single business venture, such as a Government contract, for joint profit, for which purpose they combine their efforts, property, money, skill, or knowledge, but without creating a corporation or partnership in the legal or technical sense of the term.

(ii) *Joint ventures—financial assistance.* For the purpose of financial assistance to a joint venture, the parties thereto are considered as controlling or having the power to control each other and are considered as being affiliated. For the purpose of financial assistance to a concern which has requested assistance for its own use, but which is incidentally a party to a joint venture, such concern is not considered as being affiliated with its joint venturer.

(iii) *Joint venture—procurement assistance.* Concerns bidding on a particular procurement as joint venturers are considered as controlling or having the power to control each other with regard to performance of the contract, and therefore are considered as being affiliated. However, a concern which is a party to one or more joint ventures, but which is bidding on a procurement as an individual concern, is not considered as being affiliated with its joint venturers since they have no power to control its performance of the contract being bid on. Where a concern is not considered as being an affiliate of a concern with which it is participating in a joint venture, it is necessary, nevertheless, in computing annual sales or annual receipts, etc., for the purpose of applying size standards to include such concern's share of the joint venture sales or receipts (as distinguished from its share of the profits of such venture).

(iv) *Franchise and license agreements.* If a concern operates or is to operate under a franchise (or a license) agreement, the following policy is applicable: In determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, the resrtaints imposed on a franchisee by its franchise agreement shall not be considered provided that the franchisee has the right to profit from its effort and the risk of loss or failure, commensurate with ownership. Even though a franchisee may not be controlled by the franchisor by virture of the contractual relationship between them, the francisee may be controlled by the franchisor or others through common ownership or common management, in which case they would be considered as affiliated.

(d) *Section 121.3–8 of Part 121, Definition of small business for Government procurement*—(1) *Sawmills.* For the purpose of a size determination, a sawmill is considered as the manufacturer of treated lumber, even if it contracts out the treatment of the lumber. Therefore, a small business sawmill can deliver in the performance of a set-aside procurement lumber which has been treated by a concern which does not qualify as a small business concern.

(2) *Oxygen converters.* For the purpose of a size determination, a concern which converts liquid oxygen to gaseous oxygen with or without additives, is a nonmanufacturer of the gaseous oxygen and therefore must furnish gaseous oxygen converted from liquid oxygen manufactured by a small business concern.

(e) *Section 121.3–8 of Part 121.* Section 121.3–8 provides that, in the submission of a bid or proposal on a Government procurement, a concern which meets the size standards criteria provided in § 121.3–8, may represent that it is a small business, provided further, however, that a concern which has been determined by SBA to be ineligible as a small business under a particular size standard, (1)

shall if he has self-certified as a small business on a pending procurement subject to the same or lower number of employees or annual sales or receipts size standard (whichever is applicable) immediately notify the contracting officer of such adverse size determination and (2) shall not thereafter self-certify on a procurement subject to the same or a lower employee or annual sales or receipts size standard (whichever is applicable) until it has been determined eligible as a small business under such size standards by either the regional office which issued the adverse determination or the Small Business Size Appeals Board.

(f) *Section 121.3–4 of Part 121 "Application for small business size status determination."* Contracting officers, in order to determine whether to set particular contracts aside for exclusive award to small business concerns or whether to send invitations for bids to particular concerns, may require information from SBA concerning the small business size status of such concerns and be unable to wait for a formal small business size determination. In such cases informal advice or information may be given based on the best evidence available concerning the small business size of such a concern. However, such informal advice is not a small business size determination within the meaning of that term in the Small Business Size Standards Regulation and is not binding with respect to eligibility as a small business for the purpose of a particular Government procurement. Further, an opinion as to a concern's future small business size status, based on proposed but unexecuted changes in its organization, management or contractual relations, is not a small business size determination.

(g) *Section 121.3–6 of Part 121 "Appeals."* The Size Appeals Board only has jurisdiction to consider apeals from formal determinations as to a concern's small business size status. It has no jurisdiction to consider an appeal from an informal opinion or advice concerning a company's small business size status, an opinion as to a company's future small business size status based on proposed but unexecuted changes in its organization, management or contractual relations, or an appeal based on an allegation that the small business size standard established by SBA for a particular industry or field of operation is improper for the purpose intended.

(h) *Sections 121.3–2(q) and 121.3–8(c) "Definition of nonmanufacturer."* For size determination purposes there can only be one manufacturer of the end item being procured. The manufacturer of the end item being procured is the concern which with its own forces transforms inorganic or organic substances including raw materials and/or miscellaneous parts or components into such end item.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: November 17, 1969.

HILARY SANDOVAL, JR.,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of applicants for SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans, and SBIC assistance)

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
	Major Group 23—Apparel and Related Products (except men's dress shirts and nightwear)	
2321	Men's dress shirts and nightwear	250
	Major Group 28—Chemicals and Allied Products:	500
2879	Agricultural chemicals, n.e.c.	500
2873	Agricultural pesticides and other agricultural chemicals, n.e.c.	500
2812	Alkalies and chlorine	1,000
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose man-made fibers	1,000
2869	Chemicals and chemical preparations, n.e.c. (except fatty acids)	250
28151	Cyclic (coal tar) crudes	500
2815	Cyclic intermediates, dyes, organic pigments (lakes and toners) except cyclic (coal tar) crudes	750
2892	Explosives	750
28992	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, enamels and allied products	250
2844	Perfumes, cosmetics, and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 36—Electrical Machinery, Equipment, and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1,000
3611	Electric measuring instruments and test equipment	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, n.e.c.	500
3699	Electrical machinery, equipment and supplies, n.e.c.	500
3679	Electronic components and accessories, n.e.c.	500
3639	Household appliances, n.e.c.	500
3631	Household cooking equipment	750
3633	Household laundry equipment	1,000
3632	Household refrigerators and home and farm freezers	1,000
3635	Household vacuum cleaners	750
3622	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1,000
3644	Noncurrent carrying wiring devices	500
3652	Phonograph records	750
3612	Power, distribution and specialty transformers	750
3692	Primary batteries, dry and wet	1,000
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3662	Radio and television transmitting—signaling, and detection equipment, and apparatus [2]	750
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes	500
3674	Semiconductors and related devices	500
3636	Sewing machines	750
3691	Storage batteries	500
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial and special purpose electron tubes	750
3623	Welding apparatus	250
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3446	Architectural and ornamental metal work	250
3452	Bolts, nuts, screws, rivets and washers	500
3479	Coating, engraving, and allied services, n.e.c.	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing and coloring	250
3431	Enameled iron and metal sanitary ware	750
3499	Fabricated metal products, n.e.c.	250
3498	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated platework (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, n.e.c.	250
3433	Heating equipment, except electric	500
3411	Metal cans	1,000
3442	Metal doors, sash, frames, molding, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs, and pails	500
3461	Metal stampings	250
3481	Miscellaneous fabricated wire products	250
3449	Miscellaneous metal work	250
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2094	Animal and marine fats and oils	250
2063	Beet sugar	750
2052	Biscuit, crackers, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, crackers, and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2031	Canned and cured seafoods	250
2033	Canned fruits, vegetables, preserves, jams, and jellies	500
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2022	Cheese, natural and processed	250
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
2034	Dried and dehydrated fruits and vegetables	500
2087	Flavoring extracts and flavoring syrups, n.e.c.	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, n.e.c.	250
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables and specialities	500
2024	Ice cream and froren desserts	500
2068	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meatpacking plants	500
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2095	Roasted coffee	250
2013	Sausage and other prepared meat products	500
2096	Shortening, table oils, margarine, and other edible fats and oils, n.e.c.	750
2092	Soybean oil mills	500
2063	Vegetable oil mills, except cottonseed and soybean	1,000
2046	Wet corn milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2599	Furniture and fixtures, n.e.c.	250
2519	Household furniture, n.e.c.	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers, and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 31—Leather and Leather Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, n.e.c.	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Wood Products, Except Furniture	250
	Major Group 35—Machinery, Except Electrical:	
3561	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3582	Commercial laundry, drycleaning, and pressing machines	250
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250

See footnotes at end of table.

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
3573	Electronic computing equipment	1,000
3534	Elevators and moving stairways	500
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3569	General industrial machinery and equipment, n.e.c.	250
3536	Hoists, industrial cranes and monorail systems	500
3565	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractors trailers, and stackers	750
3519	Internal combustion engines, n.e.c.	1,000
3545	Machine tool accessories and measuring devices	250
35452	Precision-measuring tools	500
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metal working machinery, except machine tools	500
3532	Mining machinery and equipment, except oilfield machinery and equipment	500
3599	Miscellaneous machinery, except electrical	250
3579	Office machines, n.e.c.	500
3533	Oilfield machinery and equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service industry machines, n.e.c.	250
3544	Special dies and tools, die sets, jigs, and fixtures	250
3559	Special industry machinery, n.e.c.	250
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1,000
3552	Textile machinery	250
3572	Typewriters	1,000
3553	Woodworking machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3953	Buttons	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes and artificial flowers	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and materials	250
3911	Jewelry; precious metal	250
3913	Lapidary work and cutting and polishing diamonds	25
3952	Lead pencils, crayons, and artists' materials	250
3996	Linoleum, asphalted-felt base, and other hard surface floor coverings, n.e.c	750
3999	Manufacturing industries, n.e.c.	250
39963	Marking devices	250
39965	Matches	500
3994	Morticians' goods	250
3931	Musical instruments and parts	500
3964	Needles, pins, hooks and eyes, and similar notions	250
3951	Pens, pen points, fountain pens, ball point pens, mechanical pencils and parts	500
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
3949	Sporting and athletic goods, n.e.c.	250
	Major Group 19—Ordnance and Accessories:	
1929	Ammunition, except for small arms, n.e.c.	250
1955	Guided missiles and space vehicles, completely assembled	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories, n.e.c.	250
1941	Sighting and fire-control equipment	250
1951	Small arms	1,000
1961	Small arms ammunition	1,000
1931	Tanks and tank components	1,000
	Major Group 26—Paper and Allied Products:	
2643	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, n.e.c.	500
2653	Corrugated and solid-fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2642	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building-paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
2647	Sanitary paper products	500
2652	Set-up paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [3]	1,000
2999	Products of petroleum and coal, n.e.c.	250
	Major Group 33—Primary Metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens) steel works, and rolling mills	1,000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1,000
3357	Drawing and insulating of nonferrous wire	1,000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3391	Iron and steel forgings	500
3322	Malleable iron foundries	500
3369	Nonferrous castings, n.e.c.	250
3392	Nonferrous forgings	250
3399	Primary metal industries, n.e.c.	750
3334	Primary production of aluminum	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining, and alloying of nonferrous metals and alloys	250
3323	Steel foundries	500
3317	Steel pipe and tubes	1,000
3315	Steel wire drawing and steel nails and spikes	1,000
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific and Controlling Instruments: Photographic and Optical Goods: Watches and Clocks:	

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3851	Ophthalmic goods	250
3831	Optical instruments and lenses	250
3842	Orthopedic, prosthetic, and surgical appliances and supplies	250
3861	Photographic equipment and supplies	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, n.e.c.	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
3011	Tires and inner tubes	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete block and brick	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware), table and kitchen articles	500
3211	Flat glass	1,000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1,000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, n.e.c.	250
3264	Porcelain electrical supplies	500
3269	Pottery products, n.e.c.	250
3229	Pressed and blown glass and glassware, n.e.c.	750
3273	Ready-mixed concrete	250
3293	Steam and other packing and pipe and boiler covering	500
3259	Structural clay products, n.e.c.	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
	Major Group 22—Textile Mill Products:	
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	250
2211	Broad-woven fabric mills, cotton	1,000
2221	Broad-woven fabric mills, man-made fiber and silk	500
2231	Broad-woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, n.e.c.	500
2298	Cordage and twine	250
2269	Dyeing and finishing textiles, n.e.c.	250
2291	Felt goods, except woven felts and hats	250
2261	Finishers of broad-woven fabrics of cotton	500
2262	Finishers of broad-woven fabrics of man-made fiber and silk	500
2251	Full-fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outerwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, n.e.c.	250
2292	Lace goods	250
2241	Narrow fabrics and other smallwares mills: cotton, wood, silk, and man-made fiber	250
2298	Paddings and upholstery filling	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
2294	Processed waste and recovered fibers and flock	250
2252	Seamless hosiery mills	250
2299	Textile goods, n.e.c.	250
2284	Thread mills	500
2296	Tire cord and fabric	1,000
2273	Tufted carpets and rugs	500
2297	Wool scouring, worsted combing, and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, man-made fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, man-made fibers and silk	250
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes [2]	1,000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment:	
3721	Aircraft [3]	1,500
3722	Aircraft engines and engine parts [3]	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c. [3]	1,000
3723	Aircraft propellers and propeller parts	1,000
3732	Boat building and repairing	250
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [4]	1,000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
3791	Trailer coaches	250
3799	Transportation equipment, n.e.c.	250
3713	Truck and bus bodies	250
3715	Truck trailers	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[3] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)

Census classification code	Industry	Employment size standard (number of employees) [1]
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1,000
1931	Tanks and tank components	1,000
1951	Small arms	1,000
1961	Small arms ammunition	1,000
	Major Group 20—Food and Kindred Products:	
2011	Meat packing plants	750
2026	Fluid milk	750
2032	Canned specialties	1,000

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuits, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mill, except cottonseed and soybean	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c.	750
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
	Major Group 22—Textile Mill Products:	
2211	Broad-woven fabric mills, cotton	1,000
2261	Finishers of broad-woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000
	Major Group 26—Paper and Allied Products:	
2661	Building paper and building board mills	750
2621	Papermills, except building papermills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2684	Sanitary food containers	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1,000
2823	Cellulose man-made fibers	1,000
2815	Dyes, dye (cyclic) intermediates and organic pigments (lakes and toners)	750
2892	Explosives	750
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2841	Soap and other detergents, except specialty cleaners	750
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 29—Petroleum Refining and Related Industries: [5]	
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3011	Tires and innertubes	1,000
30111	Passenger car and motorcycle pneumatic tires (casings)	(3)
30112	Truck and bus (and off-the-road) pneumatic tires	(3)
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flat glass	1,000
3221	Glass containers	750
3229	Pressed and blown glass and glassware, n.e.c.	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3275	Gypsum products	1,000
3292	Asbestos products	750
3296	Mineral wool	750
3297	Nonclay refractories	750
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1,000
3316	Cold rolled sheet, strip and bars	1,000
3317	Steel pipe and tubes	1,000

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1,000
3399	Primary metal industries, n.e.c.	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1,000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, Except Electrical:	
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine-generator set units	1,000
3519	Internal combustion engines, n.e.c.	1,000
3531	Construction machinery and equipment	750
3537	Industrial Trucks, Tractors, Trailers and Stackers	750
3562	Ball and roller bearings	750
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3573	Electronic computing equipment	1,000
3572	Typewriters	1,000
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1,000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1,000
3633	Household laundry equipment	1,000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1,000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1,000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus [6]	750
3672	Cathode ray picture tubes	750
3694	Electrical equipment for internal combustion engines	750
3692	Primary batteries, dry and wet	1,000
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750
	Major Group 37—Transportation Equipment:	
3721	Aircraft [6]	1,500
3722	Aircraft engines and engine parts [6] [7]	1,000

See footnotes at end of table.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
3723	Aircraft propellers and propeller parts	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c. [6]	1,000
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [8]	1,000
37171	Passenger cars (knocked down or assembled)	(9)
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
	Major Group 39—Miscellaneous Manufacturing Industries:	
3996	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c.	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] The size standard for SIC 2911 is set forth in § 121.3-8(g).

[3] The size standards for SIC 30111, 30112, and 37171 are set forth in § 121.3-8(b)(4) and § 121.3-8(b)(5), respectively, of this part.

[4] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[5] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations: "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[6] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE C—ANNUAL SALES SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING

(The following size standards are to be used when determining the size status of wholesaling concerns for the purpose of SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and SBIC assistance.) Where code is followed by letter, size standard applies only to class of product designated.)

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
5099a	Amusement, sporting goods	$10
5091a	Coal	10
5096b	Construction materials (excluding lumber and millwork)	10
5082	Construction and mining machinery and equipment	10
5043	Dairy products	10
5022	Drugs, drug proprietaries, druggists' sundries	10
5064	Electrical appliances, television, and radio sets	10
5039	Footwear	10
5053	Grain	10
5049	Groceries and related products, not elsewhere classified	10
5097b	Home furnishings, floor coverings	10
5084	Industrial machinery and equipment	10
5085	Industrial supplies	10
5054	Livestock (except horses and mules)	10
5047	Meats and meat products	10
5091b	Metal service centers	10

SCHEDULE C—ANNUAL SALES SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING—Continued

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
5034	Notions and other dry goods	10
5033	Piece goods (woven fabrics)	10
5096a	Printing and writing paper	10
5094	Tobacco and its products	10
5012	Automobiles and other motor vehicles	15
5029	Chemicals and allied products, not elsewhere classified	15
5081	Commercial machines and equipment	15
5052	Cotton	15
5063	Electrical apparatus and equipment, wiring supplies and construction materials	15
5083	Farm machinery and equipment	15
5042	Frozen foods	15
5041	Groceries, general line	15
5096b	Industrial and personal service paper only	15
5091c	Metal sales offices	15
5028	Paints and varnishes	15
5092	Petroleum and petroleum products	15
5014	Tires and tubes	15
5095b	Wines and distilled alcoholic spirits	15

SCHEDULE D—ANNUAL SALES SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN RETAILING

(The following size standards are to be used when determining the size status of retailing concerns for the purpose of SBA loans, displaced business loans, economic opportunities loans, and as alternate standards for sections 505 and 502 loans SBIC assistance.) Where code is followed by letter, size standard applies only to class of product designated.

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
	Major Group 56—Apparel and Accessory Stores:	
5651	Family clothing stores	$1.5
5611	Men's and boys' clothing and furnishings	1.5
5661	Shoe stores	1.5
5621	Women's ready-to-wear stores	1.5
	Major Group 55—Automotive Dealers and Gasoline Service Stations:	
5599a	Aircraft (a part of aircraft and automotive dealers, not elsewhere classified)	3.0
5511	Motor vehicle dealers (new and used cars)	3.0
5521	Motor vehicle dealers (used cars only)	3.0
	Major Group 54—Food Stores:	
5411	Grocery stores	6.0
5421a	Meat markets (a part of meat and fish (seafood) markets)	5.0
	Major Group 57—Furniture, Home Furnishings and Equipment Stores:	
5722	Household appliance stores	1.5
5732	Radio and television stores	1.5
	Major Group 53—General Merchandise:	
5311	Department stores	5.0
5321	Mail order houses	5.0
5331	Variety stores	2.0

SCHEDULE E—GOVERNMENT-OWNED TIMBER RESALE STANDARDS FOR SPECIFIC GEOGRAPHICAL AREAS

Area from which timber is cut	*Percentage of timber purchased that may be sold to other than small business*
Alaska	50 percent.

[F.R. Doc. 69-13834; Filed, Nov. 21, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Grapefruit; Definitions and Standards of Identity, Quality, and Fill of Container

In the matter of establishing definitions and standards of identity, quality, and fill of container for canned grapefruit:

Two comments were received in response to the notice of proposed rule making in the above-identified matter that was published in the FEDERAL REGISTER of October 28, 1967 (32 F.R. 14966), on the initiative of the Commissioner of Food and Drugs. Included in the comments were suggestions, which have been substantially incorporated in the standard below, that the proposed standard be changed in certain compositional and labeling aspects to better reflect long-established grapefruit canning practice.

Therefore, on the basis of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal as set forth below. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 27 be amended by adding the following new sections:

§ 27.90 Canned grapefruit; identity; label statement of optional ingredients.

(a) Canned grapefruit is the food prepared from one of the optional grapefruit ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one or more of the following optional ingredients:

(1) Spices.

(2) Flavoring, other than artificial flavoring.

(3) Lemon juice.

(4) Citric acid.

(5) Calcium chloride or calcium lactate or a mixture of the two calcium salts in a quantity reasonably necessary to firm the grapefruit sections, but in no case in a quantity such that the calcium contained in such calcium salt or mixture is more than 0.035 percent by weight of the finished food.

Such food is sealed in a container and, either before or after sealing, is so processed by heat as to prevent spoilage.

(b) The optional grapefruit ingredients referred to in paragraph (a) of this section are prepared from sound, mature grapefruit (*Citrus paradisi*) of the white-, pink-, or red-fleshed varietal group and are in the following forms of units: Whole sections or broken sections. Each such form of units prepared from a varietal group or a mixture of such forms of units is an optional grapefruit ingredient. The core, seeds, and major portions of membrane of such ingredient are removed. For the purpose of this section, a grapefruit section is considered whole when the unit is intact or an intact portion of such unit is not less than 75 percent of its apparent original size and is not excessively trimmed.

(1) For the purpose of paragraph (d) of this section, the name of the optional grapefruit ingredient is:

(i) "Sections" or "segments," if 50 percent or more of the drained weight of the food consists of whole sections.

(ii) "Broken sections" or "broken segments," if less than 50 percent of the drained weight of the food consists of whole sections.

(2) The drained weight is determined by the method prescribed in the standard of fill of container for canned grapefruit set forth in § 27.92(b).

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.

(ii) Grapefruit juice.

(iii) Slightly sweetened water.

(iv) Sirup.

(v) Slightly sweetened grapefruit juice.

(vi) Grapefruit juice sirup.

As used in this subparagraph the term "water" means, in addition to water, any mixture of water and grapefruit juice; and the term "grapefruit juice" means the fresh or canned expressed juice of mature grapefruit to which no water is added, directly or indirectly.

(2) Each of the packing media in subdivisions (iii) to (vi), inclusive, in subparagraph (1) of this paragraph is prepared with a liquid ingredient and a sweetening ingredient. Water is the liquid ingredient from which packing media in subdivisions (iii) and (iv) are prepared, and grapefrut juice is the liquid ingredient from which packing media in subdivisions (v) and (vi) are prepared. The sweetening ingredient from which packing media in subdivisions (iii) to (vi), inclusive, are prepared is one or more of the following: Sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, or dried glucose sirup. A packing medium prepared with grapefruit juice and any invert sugar sirup or corn sirup other than dried corn sirup, or glucose sirup other than dried glucose sirup, is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of packing media in subparagraph (1) (iii) to (vi), inclusive, of this paragraph as measured on the Brix hydrometer 15 days or more after the grapefruit are canned, are as follows:

(i) Packing media in subparagraph (1) (iii) and (v) of this paragraph: Brix measurement 12° or more, but less than 16°.

(ii) Packing media in subparagraph (1) (iv) and (vi) of this paragraph: Brix measurement 16° or more.

(d) The name of the food is "grapefruit," "pink grapefruit," or "red grapefruit," as appropriate for the varietal group used, preceded or followed by the designation of the optional form of the grapefruit ingredient as set forth in paragraph (b)(1) of this section. Further, the principal display panel of the label shall bear the name of the optional packing medium used as designated in paragraph (c) of this section preceded by "in" or "packed in." Whenever the packing media in paragraph (c)(1) (iii) through (vi) of this section are used, the optional sweetening ingredients from which they are prepared shall be declared on the label in order of predominance by weight by their common or usual names. Wherever the word "sirup" is used, it may be alternately spelled "syrup." When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section are used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "spice added" or "with added spice," or in lieu of the word "spice," the common name of the spice.

(2) "Flavoring added" or "with added flavoring," or in lieu of the word "flavoring," the common name of the flavoring.

(3) "Seasoned with lemon juice."

(4) "Citric acid added" or "with added citric acid."

(5) "Calcium ---------- added to improve firmness," the blank being filled in with the word "salt" or "salts," or in lieu thereof, the word "chloride" or "lactate" or the words "chloride and lactate," as the case may be.

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) of this section are used, such words may be combined; for example, "with added cloves, cinnamon oil, and citric acid, and seasoned with lemon juice."

(e) The words and statements specified in paragraph (d) of this section showing the optional ingredients present shall be listed on the principal display panel or panels or any appropriate information panel without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height. The entire ingredient statement shall appear on at least one panel of the label and in lines generally parallel to the base on which the container rests as it is designed to be displayed.

§ 27.91 Canned grapefruit; quality; label statement of substandard quality.

(a) The standard of quality for canned grapefruit is as follows:

(1) The food is free from extraneous material such as leaves, portions of leaves, and pieces of peel.

(2) Each 20 ounces of the finished food contains not more than:

(i) An aggregate area of 3 square inches of tough membrane or albedo on the units.

(ii) Twelve seeds including not more than three large seeds. A seed, whether or not fully developed, is considered a seed when any portion thereof measures more than three-sixteenths inch in any dimension. A seed is considered a large seed when it measures more than three-eights inch in any dimension.

(3) Not more than 15 percent by weight of the drained grapefruit may be blemished units. A unit is considered blemished when a grapefruit section or any portion thereof is damaged by lye peeling, by discoloration, or by other visible injury. The drained weight is determined by the method prescribed in the standard of fill of container for canned grapefruit set forth in § 27.92(b).

(b) If the quality of canned grapefruit falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below standard in quality ----------," the blank being filled in with the words specified after the corresponding number of each clause of paragraph (a) of this section which such canned grapefruit fails to meet, as follows:

(1) Contains extraneous material.

(2) (i) Excessive tough membrane.

(ii) Excessive seeds.

(3) Excessive blemished units.

Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "grapefruit" and any other words and statements required or authorized to appear with such name by § 27.90.

§ 27.92 Canned grapefruit; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned grapefruit is a fill such that:

(1) The fill of grapefruit and packing medium, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) The drained weight of the grapefruit ingredient, as determined by the method prescribed in paragraph (b) of this section, is not less than 53 percent of the water capacity of the container, as determined by the general method for water capacity of containers prescribed in § 10.6(a) of this chapter.

(b) Drained weight is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth that complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in table I of "Standard Specifications for Sieves," published March 1, 1940, in L.C. 584 of the U.S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, incline the sieve at an angle of 17° to 20° to facilitate drainage. Two minutes after the drainage begins, weigh the sieve and drained grapefruit. The weight so found, less the weight of the sieve, shall be considered to be the weight of the drained grapefruit.

(c) If canned grapefruit falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 120 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13891; Filed, Nov. 21, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 63, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruits, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees reflects their appraisal of the potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh oranges in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of orange shipments, as hereinafter specified, is necessary to prevent a buildup of orange supplies in the markets during and immediately following the Thanksgiving Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 25, 1969. Domestic shipments of Florida oranges are currently regulated pursuant to Orange Regulation 63 (34 F.R. 14379) and, unless sooner terminated or modified, will continue to be so regulated through September 13, 1970; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for limiting the total quantity of fresh oranges by prohibiting the shipment thereof, pursuant to said section, during the period November 25 through November 27, 1969, as herein provided, were promptly submitted to the Department after an open meeting on November 11, 1969, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; supplemental information was submitted on November 18, 1969; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of oranges grown in the production area, and this regulation, including the effective time thereof, is identical with

the recommendation of the committees; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

Order. In paragraph (a) of § 905.513 (Orange Regulation 63; 34 F.R. 14379) the provisions of paragraph (a)(1) preceding subdivision (i) thereof are revised and a new paragraph (a)(2) is added reading as follows:

§ 905.513 Orange Regulation 63.

(a) * * *

(1) Except as otherwise provided in paragraph (a)(2), during the period September 15, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(2) During the period November 25 through November 27, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges grown in the production area.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 20, 1969, to become effective November 25, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13954; Filed, Nov. 21, 1969; 8:50 a.m.]

[Tangelo Reg. 38, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangelos grown in Florida.

Order. In § 905.518 (Tangelo Regulation 38; 34 F.R. 18354) paragraph (a)(2)(ii) is amended to read as follows:

§ 905.518 Tangelo Regulation 38.

(a) * * *

(2) * * *

(ii) Any tangelos, grown in the production area, which are smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That during any week of the periods specified in this subparagraph (2), any handler may ship a quantity of tangelos which are smaller than the size prescribed in this subdivision (ii) if (*a*) the number of standard packed boxes of such smaller tangelos does not exceed 30 percent of the total shipments of tangelos by such handler during the last previous week, within the current fiscal period, in which he shipped tangelos; and (*b*) such smaller tangelos are of a size not smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 19, 1969, to become effective November 24, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13955; Filed, Nov. 21, 1969; 8:50 a.m.]

[Tangerine Reg. 38]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees, as to the minimum grade and sizes of tangerines in fresh shipments, reflects their appraisal of current crop and market conditions. More restrictive size regulation should be made effective no later than November 24, 1969, because fresh tangerine shipments have increased substantially during the past week and the sizes of tangerines in the developing crop have increased since the inception of seasonal regulation. Hence, a larger minimum size together with continuation of the current minimum grade, as hereinafter specified, is needed to maintain or increase returns to producers through a reduction in the marketable supply for fresh shipment while providing consumers with more desirable tangerines of larger sizes. The recommendation by the committees also reflects their appraisal of the potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh tangerines in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of tangerine shipments, as hereinafter specified, is necessary to prevent a buildup of tangerine supplies in the markets during and immediately following the Thanksgiving Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 24, 1969. Domestic shipments of Florida tangerines are currently regulated by grade and size pursuant to Tangerine Regulation 37 (34 F.R. 14379, 18089), and, unless sooner terminated or modified, will continue to be so regulated through September 13, 1970; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for more restrictive regulation of tangerine shipments subsequent to November 23, 1969, and for limiting the total quantity of fresh tangerines by prohibiting the shipment thereof pursuant to § 905.52(a)(3) during the period November 25 through November 27, 1969, as herein provided, were promptly submitted to the Department after an open meeting on November 18, 1969, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines, grown in the production area, and this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.519 Tangerine Regulation 38.

(a) Order: (1) Tangerine Regulation 37 (34 F.R. 14379, 18089) is hereby terminated November 24, 1969.

(2) Except as otherwise provided in subparagraph (3) of this paragraph, during the period November 24, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, which are smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Tangerines: *Provided*, That during any week of the period specified in this subparagraph (2), any handler may ship a quantity of tangerines which are smaller than the size prescribed in this subdivision (ii) if (*a*) the number of standard packed boxes of such smaller tangerines does not exceed 25 percent of the total shipments of tangerines by such handler during the last previous week, within the current fiscal period, in which he shipped tangerines; and (*b*) such smaller tangerines are of a size not smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(3) During the period November 25 through November 27, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines, grown in the production area.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (§§ 51.1810—51.1834 of this title); the term "week" shall mean the 7-day period beginning at 12:01 a.m., local time, on Monday of one calendar week and ending at 12:01 a.m., local time, on Monday of the following calendar week.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 20, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13956; Filed, Nov. 21, 1969; 8:50 a.m.]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF.; AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

On November 4, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17776) regarding proposed expenses, the proposed rate of assessment, and the proposed carryover of unexpended assessment funds, for the fiscal period August 1, 1969, through July 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 909.208 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and necessary to be incurred by the Administrative Committee during the period August 1, 1969, through July 31, 1970, will amount to $144,750.

(b) *Rate of assessment.* The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at $0.03 per carton, or equivalent quantity of grapefruit.

(c) *Operating reserve.* Unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of grapefruit grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period; and (3) such period began on August 1, 1969, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 19, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13914; Filed, Nov. 21, 1969; 8:48 a.m.]

[Lemon Reg. 402]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.702 Lemon Regulation 402.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act to make this section effective during the period herein specified; and compliance

with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 18, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 23, 1969, through November 29, 1969, are hereby fixed as follows:

(i) District 1: 18,600 cartons;
(ii) District 2: 46,500 cartons;
(iii) District 3: 134,850 cartons.

(2) As used in this section; "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 20, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13994; Filed, Nov. 21, 1969; 8:50 a.m.]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Expenses and Rate of Assessment

On November 7, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 18043) regarding proposed expenses and the related rate of assessment for the period August 1, 1969, through July 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912; 34 F.R. 12881) regulating the handling of grapefruit grown in the Indian River District in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 912.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee during the period August 1, 1969, through July 31, 1970, will amount to $25,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 912.41, is fixed at $0.005 per standard packed box of grapefruit.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of grapefruit are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (3) such period began on August 1, 1969, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 19, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13915; Filed, Nov. 21, 1969; 8:48 a.m.]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959; 34 F.R. 6439) regulating the handling of onions grown in designated counties in South Texas, was published in the October 17, 1969, FEDERAL REGISTER (34 F.R. 16627). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, which were recommended by the South Texas Onion Committee, established pursuant to the said marketing agreement and this part, it is hereby found and determined that:

§ 959.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1970, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $55,000.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one cent ($0.01) per 50-pound sack of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1970, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began August 1, 1969, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13884; Filed, Nov. 21, 1969; 8:46 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967) regulating the handling of celery grown in Florida was published in the FEDERAL REGISTER November 11, 1969 (34 F.R. 18126). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 7 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were unanimously recommended by the Florida Celery Committee, established pursuant to said marketing agreement and this part, it is hereby found and determined that:

§ 967.205 Expenses and rate of assessment.

(a) The expenses that are reasonable and likely to be incurred during the fiscal year August 1, 1969, through July 31, 1970, by the Florida Celery Committee for its maintenance and functioning and for such purposes as the Secretary may determine to be appropriate, will amount to $39,250.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one half of one cent ($0.005) per crate of celery handled by him as the first handler thereof during said fiscal year.

(c) As provided in § 967.62, unexpended income in excess of expenses for the fiscal year ending July 31, 1970, may be carried over as an operating reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable celery from the beginning of such fiscal year, and (2) the current fiscal year began on August 1, 1969, and the rate of assessment herein fixed will automatically apply to all assessable celery beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13913; Filed, Nov. 21, 1969; 8:48 a.m.]

assessment herein fixed will automatically apply to all assessable celery beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 19, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13916; Filed, Nov. 21, 1969; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

HANDLING OF MILK IN CERTAIN DESIGNATED MARKETING AREAS

Order Amending Orders

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practices and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended;

(The following determination is made with respect to the order amending the separate 62 orders regulating the handling of milk in all markets except those specified in the parenthetical phrase immediately preceding subparagraph (4) below.)

(3) The issuance of the order amending the order is favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(The following determination is made with respect to the order amending the orders regulating the handling of milk in the Michigan Upper Peninsula, North Central Iowa, Memphis, Fort Smith, and Austin-Waco marketing areas.)

(4) The issuance of the order amending the order is favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respectively designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

PART 1001—MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. Section 1001.17 is revised to read as follows:

§ 1001.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition (exclusive of filled milk) in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

2. Section 1001.22 is revised to read as follows:

§ 1001.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk, in either plain or sweetened form, and any product which contains 6 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

3. In § 1001.25 the introductory text preceding paragraph (a) of the section is revised to read as follows:

§ 1001.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section, except that with respect to filled milk the term shall include only the quantity proved to have been made from other fresh fluid milk products.

* * * * *

4. A new § 1001.28 is added to read as follows:

§ 1001.28 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skimmed milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1001.35 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1001.35 Distributing plants.

Each processing and packaging plant (other than a producer-handler's plant under any Federal order or a regulated plant under another Federal order) shall be a pool distributing plant in any month in which its route disposition of filled milk shall be excluded in determining whether these conditions.

* * * * *

6. Section 1001.36 is revised to read as follows:

§ 1001.36 Cooperative association plants located in the marketing area.

Each plant which is located in the marketing area and which is operated by a cooperative association shall be a pool plant in any month in which its route disposition does not exceed 2 percent of its total receipts of fluid milk products. Receipts and disposition of filled milk shall be excluded in determining whether a plant has met these conditions.

7. In § 1001.37 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1001.37 Supply plants.

Each plant (other than a plant described in paragraph (e) of this section) shall be a pool supply plant in any month in which it meets the conditions specified in paragraph (a), and in paragraph (b), (c), or (d), of this section. Receipts and disposition of filled milk shall be excluded in determining whether a plant has met these conditions. For the purposes of this section, milk received at a plant from a cooperative association in its capacity as a handler under § 1001.9(d) shall be considered as received at that plant from dairy farmers' farms.

* * * * * *

8. Section 1001.58 is revised to read as follows:

§ 1001.58 Additional assignment to Class II milk.

Assign to Class II milk the quantities received in fluid milk products not previously assigned to classes under §§ 1001.54 through 1001.57.

9. In § 1001.64 subparagraphs (2) and (3) are revised and a new subparagraph (4) is added to paragraph (b), paragraph (d) is revised, and subparagraphs (1) and (2) are revised and a new subparagraph (3) is added to paragraph (e), to read as follows:

§ 1001.64 Computation of value of fluid milk products at class prices.

* * * * * *

(b) * * *

(2) Product assigned to Class I milk under § 1001.55(d), except that for any cooperative association in its capacity as a handler under § 1001.9(d), the quantity shall be reduced by the quantity of any excess of milk moved to pool plants during the month over the quantity of producer milk, to the limit of the quantity assigned to Class I milk under § 1001.55(d);

(3) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58; and

(4) Filled milk, not proved to have been made from other fresh fluid milk products assigned to Class I milk under § 1001.55 (g) and (h).

* * * * * *

(d) Multiply by the applicable Class I price the quantities of:

(1) Pool milk distributed as route disposition in the marketing area from the handler's nonpool plant; and

(2) Filled milk distributed as route disposition in the marketing area from the handler's nonpool plant which is exempt as is not proved to have been made from other fresh fluid milk products included from pool milk only because it

(e) * * *

(1) Product assigned to Class I milk under § 1001.55 (a) through (c);

(2) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58; and

(3) Product for which a value is determined under subparagraphs (b)(4) and (d)(2) of this section.

* * * * * *

10. In § 1001.87 paragraph (c) is revised to read as follows:

§ 1001.87 Payment of administration expense.

* * * * * *

(c) The quantity distributed as route disposition in the marketing area from a handler's nonpool plant for which a value is determined under § 1001.64(d).

11. In § 1001.94 paragraphs (a) and (d) are revised to read as follows:

§ 1001.94 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in the obligation, unless within the 2-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on the payment is claimed, unless the handler, within the applicable period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

1. Section 1002.15 is revised to read as follows:

§ 1002.15 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat in the form of milk, fluid skim milk, filled milk, cultured or flavored milk drinks (except eggnog, and yogurt), concentrated fluid milk disposed of in consumer packages, cream (except storage, plastic or sour), half and half (except sour) and any other mixture of cream, milk or skim milk containing less than 18 percent butterfat (other than frozen desserts, frozen dessert mixes, whipped topping mixtures, evaporated milk, plain or sweetened condensed milk or skim milk, sterilized milk or milk products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided*, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

2. A new § 1002.17 is added to read as follows:

§ 1002.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In § 1002.28 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1002.28 Temporary pool plants.

Except for plants which, pursuant to paragraph (f) of this section, are not eligible for designation, any plant not designated pursuant to § 1002.24 shall automatically be designated a pool plant in accordance with provisions of paragraphs (a) through (e) of this section: *Provided*, That no plant shall be a pool plant pursuant to this section if, in the absence of this provision, milk received from dairy farmers and units at the plant would be classified and priced under an other order with a provision for marketwide equalization, and if the percentage of the milk received from dairy farmers and units at the plant which is classified in Class I–A and disposed of in the marketing area defined in such other order is greater than the percentage of such milk so classified and disposed of in this marketing area: *Provided further*, That for purposes of the computations of percentages set forth in this section, skim milk and butterfat in filled milk shall be excluded from skim milk and butterfat classified in Class I–A and Class I–B.

* * * * * *

4. In § 1002.44(e)(3) a new subdivision (vi) is added to read as follows:

§ 1002.44 Transfers.

* * * * * *

(e) * * *

(3) * * *

(vi) Any remaining Class I–A route disposition in the marketing area shall be subject to the pricing specified in § 1002.70(d)(2).

5. Section 1002.70(d)(2) is revised to read as follows:

§ 1002.70 Net pool obligation of handlers.

* * * * * *

(d) * * *

(2) Multiply the difference between the applicable Class I–A and Class II prices, both adjusted by the applicable differential pursuant to § 1002.51, by the pounds of skim milk and butterfat in other source milk subtracted from Class I–A pursuant to § 1002.45(a)(4) and the corresponding step of § 1002.45(b) and by the pounds of skim milk and butterfat specified in § 1002.44(e)(3)(vi).

6. Section 1002.90 is revised to read as follows:

§ 1002.90 Payment by handlers.

As his pro rata share of the expense of administration of this part, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding 4 cents per hundredweight on the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers and on the quantity for which payment is made pursuant to § 1002.70(d)(2), the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, or the Director of the New Jersey Office of Milk Industry, with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

7. In § 1002.91 paragraph (a) and (d) are revised to read as follows:

§ 1002.91 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable periods of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1003—MILK IN THE WASHINGTON, D.C., MARKETING AREA

1. Section 1003.7 is revised to read as follows:

§ 1003.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment for the receiving and processing, or packaging of milk or milk products (including filled milk).

1a. In § 1003.8, paragraph (b) is revised to read as follows:

§ 1003.8 Approved plant.

* * * * * *

(b) Any plant from which milk or filled milk is moved during the month to a plant specified in paragraph (a) of this section.

2. Section 1003.9 is revised to read as follows:

§ 1003.9 Pool plants and nonpool plants.

A "pool plant" means any plant described in this section pursuant to paragraph (a) or (b) of this section; a "nonpool plant" means any plant described pursuant to paragraph (c) of this section;

(a) An approved plant that is neither a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e):

(1) During any month within which a volume of milk not less than 10 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)) approved by a duly constituted health authority for fluid disposition, is disposed of on routes as Class I milk, except filled milk, in the marketing area: *Provided*, That the total quantity of Class I milk, except filled milk, disposed of from such plant (inside and outside the marketing area) is equal to not less than 50 percent of such plant's total receipts from such dairy farmers (including milk received from a cooperatvie association in its capacity as a handler pursuant to § 1003.10(c)); or

(2) During any month of October through February in which at least 50 percent, and during any month of March through September in which at least 40 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)) approved by a duly constituted health authority for fluid disposition is shipped in the form of milk, skim milk, or cream to a plant which disposes of not less than 10 percent of its approved milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c)), and from other approved plants, on routes as Class I milk, except filled milk, in the marketing area and not less than 50 percent of such receipts are disposed of as Class I milk, except filled milk, inside and outside the marketing area: *Provided*, That any such plant which was a pool plant in each of the preceding months of October through February shall be a pool plant for the months of March through September, unless the handler gives written notice to the market administrator on or before the first day of such month that the plant is a nonpool plant: *And provided further*, That any such plant which was a nonpool plant during any of the months of October through February shall not be a pool plant in any of the immediately following months of March through September in which it was owned by the same handler or affiliate of the handler or by any person who controls, or is controlled by, the handler.

(b) Any manufacturing plant which is operated by a cooperative association 70 percent or more of whose members are qualified producers whose milk is regularly received during the month at other plants which are pool plants pursuant to paragraph (a) of this section (including the milk of such producers which is delivered to such other plants by a cooperative association in its capacity as a handler pursuant to § 1003.10(c)).

(c) Any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(1) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(2) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(3) "Partially regulated distributing plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1003.10(e) and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(4) "Unregulated supply plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1003.10(e) and from which fluid milk products are shipped to a pool plant.

3. Section 1003.12 is revised to read as follows:

§ 1003.12 Producer-handler.

"Producer-handler" means any person who, during the month:

(a) Operates a dairy farm and an approved plant from which Class I milk is disposed of on routes in the marketing area; and

(b) Whose sole source of supply for Class I milk is his own farm production and transfers of fluid milk products from pool plants.

4. In § 1003.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 1003.16 Definitions of milk and milk products.

(a) "Fluid milk product" means milk and skim milk, concentrated milk (including frozen concentrated milk), reconstituted or fortified milk and skim milk, flavored milk and skim milk, cultured skim milk, buttermilk, filled milk, cream and any mixture of cream and milk or skim milk. "Fluid milk product" shall not include aerated cream, sour cream, yogurt, eggnog, products which are packaged in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil).

• • • • •

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1003.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1003.30 Reports of receipts and utilization.

(a) • • •

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler specified in § 1003.10(a) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

• • • • • •

6. In § 1003.31(a), subparagraph (2) is revised to read as follows:

§ 1003.31 Other reports.

(a) • • •

(2) On or before the first day other source milk is received in the form of milk, filled milk, fluid skim milk or cream at his pool plant(s) his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

• • • • • •

6a. In § 1003.32, paragraph (b) is revised to read as follows:

§ 1003.32 Records and facilities.

• • • • •

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

• • • • •

7. In § 1003.44, the introductory text of paragraph (e) is revised and paragraphs (d) and (f)(5) are revised to read as follows:

§ 1003.44 Transfers.

• • • • •

(d) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk or cream, or diverted to a nonpool plant that is neither an approved plant, an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e), located 300 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., except that cream so transferred may be classified as Class II if the transferor claims such classification, gives sufficient notice so that the market administrator may verify conditions of shipment, establishes such cream was transferred without approval of a duly constituted health authority for fluid disposition, labels each container to show that the contents are for manufacturing only, and such shipment is so invoiced;

(e) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk, or cream, or diverted in bulk to a nonpool plant that is neither an approved plant, an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e), located less than 300 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

• • • • •

(f) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

8. In § 1003.46, subparagraphs (2), (3), (4), (7) and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1003.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which approval by a duly constituted health authority for fluid disposition is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a handler pursuant to § 1003.10(e);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products for which the handler requests Class II utilization which were received from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating the plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraph (3) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraphs (3) and (4)(i) of this paragraph, to the extent that the total of such receipts are in excess of the

pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1003.10(c) and in receipts in bulk from other order plants classified and priced pursuant to the applicable order that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph; and

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made; and

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

• • • • •

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plant(s) if not classified or priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraphs (3)(v), (3)(vi), (4)(i) or (4)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from other order plants (except receipts from other order plant(s) not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) and (4)(iii) of this paragraph, pursuant to the following procedure:

• • • • •

9. Section 1003.61 is revised to read as follows:

§ 1003.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in paragraphs (c) and (d) of this section:

(a) Any plant qualified pursuant to § 1003.9(a)(1) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Washington marketing area than in a marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1003.9(a)(2) or (b) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a pool plant pursuant to the first proviso of § 1003.9(a)(2) for each month during the preceding October through February.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such a manner as the market administrator may require (in lieu of reports pursuant to §§ 1003.30 and 1003.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

10. Section 1003.62 is revised to read as follows:

§ 1003.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1003.30(b) and 1003.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1003.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1003.70(e) and a credit in the amount specified in § 1003.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1003.30(b) and 1003.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1003.9, with

agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10a. In § 1003.70, paragraph (d) is revised to read as follows:

§ 1003.70 Computation of the net pool obligation of each pool handler.

* * * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1003.46 (a)(3) and the corresponding step of § 1003.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1003.46(a)(3) (v) and (vi) and the corresponding step of § 1003.46(b) the Class I price shall be adjusted to the location of the transferor plant:

* * * * * * *

11. Section 1003.83 is revised to read as follows:

§ 1003.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1003.61, 1003.62, 1003.84, and 1003.86 and out of which he shall make all payments **pursuant to §§ 1003.85 and 1003.86:** *Provided,* That the market administrator shall offset any such payment due to any handler against payment due from such handler.

12. In § 1003.89 paragraphs (a) and (d) are revised to read as follows:

§ 1003.89 Termination of obligations.

* * * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such two-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8(c)(15)(A) of the Act, a petition claiming such money.

PART 1004—MILK IN THE DELAWARE VALLEY MARKETING AREA

1. In § 1004.7, paragraph (a) is revised to read as follows:

§ 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received from dairy farmers or processed or packaged. However, a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

* * * * * * *

1a. In § 1004.8, paragraphs (a) and (b) are revised to read as follows:

§ 1004.8 Pool plant.

* * * * * * *

(a) A distributing plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 45 percent, of the milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), is disposed of as route disposition, except filled milk, and the volume disposed of as route disposition, except filled milk, in the marketing area during the month is not less than 10 percent of such receipts.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products, except filled milk, which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

* * * * * * *

2. In § 1004.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, sterilized products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil): *Provided,* That when the product is modified by the addition of nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

* * * * * * *

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In § 1004.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1004.30 Reports of receipts and utilization.

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of milk from dairy farmers shall be reported in lieu of producer milk, such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * * * *

3a. In § 1004.32, paragraph (b) is revised to read as follows:

§ 1004.32 Records and facilities.

* * * * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * * * *

3b. In § 1004.41, subparagraph (8) of paragraph (b) is revised to read as follows:

§ 1004.41 Classes of utilization.

* * * * * * *

(b) * * *

(8) In the skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition.

4. In § 1004.44 subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1004.44 Transfers.

* * * * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

5. In § 1004.46 subparagraphs (3) through (9) and the introductory text of subparagraph (10) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1004.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5) (v) of this paragraph as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.14(a) and from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers for other markets pursuant to § 1004.14(b), that were not subtracted pursuant to subparagraph (5) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), if not assigned pursuant to subparagraphs (3), (5), and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order, that were not subtracted pursuant to subparagraph (5)(v); and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant

of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (5)(v) of this paragraph in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to § 1004.14 (b), that were not subtracted pursuant to subparagraphs (5)(iv), (5)(v), (6)(i), or (6)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (5)(v) or (6)(iii) of this paragraph, pursuant to the following procedure:

* * * * *

6. Section 1004.61 is revised to read as follows:

§ 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in this section:

(a) Any plant qualified pursuant to § 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Delaware Valley marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to § 1004.8 (a) or (b).

(c) Each handler operating a plant described in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1004.30 and 1004.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

7. In § 1004.62 paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1004.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1004.70(e) and a credit in the amount specified in § 1004.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

7a. In § 1004.70, paragraph (d) is revised to read as follows:

§ 1004.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.46(a)(5) and the corresponding step of § 1004.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1004.46(a)(5)(iv) and (v) and the corresponding step of § 1004.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

8. In § 1004.88 paragraphs (a) and (d) are revised to read as follows:

§ 1004.88 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid:

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1005—MILK IN THE TRI-STATE MARKETING AREA

1. Sections 1005.7, 1005.10, 1005.11, 1005.12 and 1005.14 are revised to read as follows:

§ 1005.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, milk drinks (plain or flavored), reconstituted or fortified milk or skim milk (including "dietary" products), concentrated milk, eggnog, cream (not frozen), cultured sour cream, or any mixture in fluid form of milk or skim milk and cream: *Provided*, That such fluid milk products shall not include ice cream mix, frozen dessert mix, evaporated and condensed milk or skim milk, aerated cream products, dips (mixtures with sour cream or cheese base containing nondairy ingredients) not labeled Grade A, a product which contains 6 percent or more nonmilk fat (or oil), nor products which are sterilized or packaged in hermetically sealed containers.

§ 1005.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product or filled milk is shipped during the month to a pool plant.

§ 1005.11 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, physically received at such plant or diverted as producer milk from such plant pursuant to § 1005.16 is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products, except filled milk, at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

§ 1005.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1005.11 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1005.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no fluid milk products from sources other than his own farm production and pool plants;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

2. A new § 1005.20 is added and reads as follows:

§ 1005.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

3. In § 1005.30, paragraph (b) is revised to read as follows:

§ 1005.30 Reports of receipts and utilization.

* * * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat in route disposition in the marketing area, showing separately the in-area disposition of filled milk; and

(2) For a handler pursuant to § 1005.13(b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes; and

* * * * * *

4. In § 1005.33, paragraphs (b) and (c) are revised to read as follows:

§ 1005.33 Records and facilities.

* * * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

• • • • • •

5. In § 1005.43(d), subparagraph (5) is revised to read as follows:

§ 1005.43 Transfers.

• • • • • •

(d) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified in a comparable classification as Class II or Class III; and

• • • • • •

6. In § 1005.45(a), subparagraphs (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1005.45 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1005.41(c)(2) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III) but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class III utilization was requested by the operator of such plant and the handler;

• • • • • •

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

• • • • • •

6a. In § 1005.60, paragraph (d) is revised to read as follows:

§ 1005.60 Computation of the net obligation of each handler.

• • • • • •

(d) Add an amount equal to the difference between the Class I and Class III price values of the skim milk and butterfat subtracted from Class I pursuant to § 1005.45(a)(3) and the corresponding step of § 1005.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1005.45(a)(3)(iv) and (v) and the corresponding step of § 1005.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • • •

7. In § 1005.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1005.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1) The obligation that would have been computed pursuant to § 1005.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be valued at the Class II or Class III price if allocated to such class at the pool plant or other order plant and be valued at the weighted average price (or, in its absence, the uniform price) of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1005.60(e) and a credit in the amount specified in § 1005.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1005.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1005.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

• • • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price pursuant to § 1005.61 at the same location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool

plant less the value of such skim milk at the Class III price.

8. A new § 1005.63 is added and reads as follows:

§ 1005.63 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

9. Section 1005.73 is revised to read as follows:

§ 1005.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1005.62, 1005.63, and 1005.74 and out of which he shall make all payments from such fund pursuant to § 1005.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

10. In § 1005.80, paragraph (a) is revised to read as follows:

§ 1005.80 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligations, unless within such two-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • • •

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. Sections 1006.7, 1006.8, 1006.9, and 1006.10 are revised to read as follows:

§ 1006.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), filled milk, flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers.

§ 1006.8 Distributing plant.

"Distributing plant" means a plant:

(a) That is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes; or

(b) That processes or packages filled milk and from which filled milk is disposed of during the month in the marketing area on routes.

§ 1006.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority or filled milk is shipped during the month to a pool plant.

§ 1006.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of on routes except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes except as filled milk.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

2. In § 1006.11, the introductory text and paragraph (a) are revised to read as follows:

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1006.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

• • • • • •

3. A new § 1006.19a is added and reads as follows:

§ 1006.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. In § 1006.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1006.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1006.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator;

• • • • • •

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes, showing separately the in-area disposition of filled milk; and

(2) For a handler pursuant to § 1006.13(b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes; and

• • • • • •

5. In §1006.33, paragraphs (b) and (c) are revised to read as follows:

§ 1006.33 Records and facilities.

• • • • • •

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

• • • • • •

5a. In § 1006.41, paragraph (c)(1) is revised to read as follows:

§ 1006.41 Classes of utilization.

• • • • • •

(c) • • •

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers:

• • • • • •

6. In § 1006.45(a), subparagraphs (2), (3), (6), and (9) and the introductory text of subparagraph (10) are revised to read as follows:

§ 1006.45 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1006.41(c) (4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from an exempt distributing plant;

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

• • • • • •

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph:

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

• • • • • •

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(v) and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) and (6)(ii) of this paragraph:

• • • • • •

6a. In § 1006.60, paragraph (d) is revised to read as follows:

§ 1006.60 Computation of the net pool obligation of each handler.

• • • • • •

(d) Add an amount equal to the difference between the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(3) and the corresponding step of § 1006.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1006.45(a)(3) (v) and (vi) and the corresponding step of § 1006.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • • •

7. In § 1006.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1006.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1) The obligation that would have been computed pursuant to § 1006.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1006.80(e) and a credit in the amount specified in § 1006.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1006.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1006.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

8. A new § 1006.63 is added and reads as follows:

§ 1006.63 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

9. Section 1006.73 is revised to read as follows:

§ 1006.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1006.62, 1006.63, and 1006.74 and out of which he shall make all payments from such fund pursuant to § 1006.75: Provided, That the market administrator shall offset the payment due to a handler against payments due from such handler.

10. In § 1006.80, paragraphs (a) and (d) are revised to read as follows:

§ 1006.80 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1011—MILK IN THE APPALACHIAN MARKETING AREA

1. Sections 1011.7, 1011.8, 1011.9, 1011.18, and 1011.19 are revised to read as follows:

§ 1011.7 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or sale from a plant or plant store) of any milk or milk products (including filled milk) classified as Class I milk pursuant to § 1011.41(a) other than a delivery to a plant.

§ 1011.8 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and processed or packaged; *Provided*, That this definition shall not be deemed to include any separate building, premises or facilities the primary function of which is to hold or store packaged milk or milk products (including filled milk) in finished form in transit on routes.

§ 1011.9 Pool plant.

"Pool plant" means any plant except the plant of a producer-handler or a plant described in § 1011.61:

(a) From which during the month:

(1) Total disposition of Class I milk, except filled milk, is equal to not less than 50 percent of the milk approved or recognized by a duly constituted health authority for distribution within the marketing area which is received from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 1011.10(d); and

(2) Disposition of Class I milk, except filled milk, on routes in the marketing area is equal to not less than 10 percent of its total Class I milk disposition, except filled milk, on routes both inside and outside the marketing area;

(b) From which milk or milk products, except filled milk, approved or recognized by a duly constituted health authority for distribution within the marketing area in an amount equal to not less than 50 percent of its receipts of such milk or milk products from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 1011.10(d) are shipped as milk, skim milk or cream in fluid form to plants specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through March shall be a pool plant for the following months of April through July unless the operator of such plant files with the market administrator prior to the first day of any month of April through July a written request for nonpool status for such month; or

(c) Which is operated by a cooperative association, if the total pounds of milk, skim milk or cream approved or recognized by a duly constituted health authority for distribution within the marketing area which are transferred from such plant to pool plants qualified pursuant to paragraph (a) or (b) of this section and which are received at similarly qualified pool plants from producers who are members of the association are equal to not less than 70 percent of the pounds of Class I utilization, except filled milk, at such other pool plants.

§ 1011.18 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

§ 1011.19 Fluid milk product.

"Fluid milk product" means all milk, skim milk (including concentrated and reconstituted skim milk), filled milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, a product which contains 6 percent or more nonmilk fat (or oil), and eggnog).

2. A new § 1011.19a is added and reads as follows:

§ 1011.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

3. In § 1011.30, paragraphs (a) (5) and (b) are revised to read as follows:

§ 1011.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported by this part, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1011.10 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition.

* * * * *

4. In § 1011.31, paragraph (b) is revised to read as follows:

§ 1011.31 Other reports.

* * * * *

(b) Each handler operating a pool plant shall report to the market administrator on or before the first day other source milk is received in the form of milk, filled milk, fluid skim milk or cream at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

5. In § 1011.33, paragraphs (b) and (c) are revised to read as follows:

§ 1011.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

6. Section 1011.35 is revised to read as follows:

§ 1011.35 Accounting periods.

A handler may account for the receipts, utilization and classification of milk and filled milk at any of his pool plants for two periods within a month, either period not to be less than seven days, in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

7. In § 1011.44, paragraphs (c) and (f) (5) and the introductory text of paragraph (d) are revised to read as follows:

§ 1011.44 Transfers.

* * * * *

(c) As Class I milk, if transferred in bulk as fluid milk, skim milk, filled milk, or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Hall of Bluefield, West Virginia, or the city limits of Kingsport, Tennessee;

(d) As Class I milk, if transferred in bulk as fluid milk, skim milk, filled milk, or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more that 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Hall of Bluefield, West Virginia, or from the city limits of Kingsport, Tennessee, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1011.46(a), subparagraphs (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1011.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers or from a cooperative association in its capacity as a handler pursuant to § 1011.10(d), and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3) (iv) and (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3) (v) and (4) (ii) of this paragraph:

* * * * *

9. Section 1011.61 is revised to read as follows:

§ 1011.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempt from regulation under this order except as

specified in paragraphs (c) and (d) of this section.

(a) Any plant qualified pursuant to § 1011.9(a) which would be fully regulated under the provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Appalachian marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1011.9 (b) or (c) which would be fully regulated under the provisions of another order issued pursuant to the Act unless such plant was a pool plant pursuant to § 1011.9 (b) or (c) for each month during the preceding August through March period.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1011.30), and allow verification of such reports by the market administrator.

(d) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

10. In § 1011.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1011.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1011.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1011.70(e) and a credit in the amount specified in § 1011.94(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

10a. In § 1011.70, paragraph (d) is revised to read as follows:

§ 1011.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1011.46(a) (3) and the corresponding step of § 1011.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1011.46(a) (3) (iv) and (v) and the corresponding step of § 1011.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

11. Section 1011.93 is revised to read as follows:

§ 1011.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.61, 1011.62, 1011.94, and 1011.96 and out of which he shall make all payments pursuant to §§ 1011.95 and 1011.96: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1011.99, paragraphs (a) and (d) are revised to read as follows:

§ 1011.99 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. Sections 1012.7, 1012.9, and 1012.10 are revised to read as follows:

§ 1012.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), filled milk, flavored milk, or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or a product which contains six percent or more nonmilk fat (or oil).

§ 1012.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product that is acceptable to the appropriate health authority for distribution in the marketing area as Grade A or filled milk is shipped during the month to a pool plant.

§ 1012.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of on routes except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes except as filled milk.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

2. Section 1012.11 is revised to read as follows:

§ 1012.11 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1012.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

3. A new § 1012.19a is added and reads as follows:

§ 1012.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. In § 1012.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1012.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1012.13 (d) or (e)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator:

* * * * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes, showing separately the in-area disposition of filled milk; and

(2) For a handler pursuant to § 1012.13(b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes; and

* * * * * * *

5. In § 1012.33, paragraphs (b) and (c) are revised to read as follows:

§ 1012.33 Records and facilities.

* * * * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * * * *

6. In § 1012.45(a), subparagraphs (2), (3), (6), and (9) and the introductory text of subparagraph (10) are revised to read as follows:

§ 1012.45 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1012.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk, from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

* * * * * * *

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

* * * * * * *

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (6)(ii) of this paragraph:

* * * * * * *

6a. In § 1012.60, paragraph (d) is revised to read as follows:

§ 1012.60 Computation of the net pool obligation of each handler.

* * * * * * *

(d) Add an amount equal to the difference between the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a)(3) and the corresponding step of § 1012.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1012.45(a)(3)(iv) and (v) and the corresponding step of § 1012.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * * *

7. In § 1012.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1012.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1012.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1012.60(e) and a credit in the amount specified in § 1012.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1012.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1012.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

8. A new §1012.63 is added and reads as follows:

§ 1012.63 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

9. Section 1012.73 is revised to read as follows:

§ 1012.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1012.62, 1012.63, and 1012.74 and out of which he shall make all payments from such fund pursuant to § 1012.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

10. In § 1012.80, paragraph (a) is revised to read as follows:

§ 1012.80 Termination of obligations.

* * * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such two-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * * * *

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. Sections 1013.7 and 1013.10 are revised to read as follows:

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), filled milk, flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers, a product which contains 6 percent or more nonmilk fat (or oil), or milkshake mix.

§ 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of on routes except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes except as filled milk.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any

building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products (including filled milk) in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

2. In § 1013.11, the introductory text is revised to read as follows:

§ 1013.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

• • • • • • •

3. Section 1013.12 is revised to read as follows:

§ 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk or filled milk receiving or processing plant.

4. Section 1013.14 is revised to read as follows:

§ 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month:

(a) Produces milk;

(b) Distributes Class I milk on routes in the marketing area;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

5. A new § 1013.21 is added and reads as follows:

§ 1013.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

6. In § 1013.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1013.30 Report of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator for such month, and for each accounting period in each month, with respect to each plant at which milk is received or at which filled milk is processed or packaged in detail and on forms prescribed by the market administrator, as follows:

• • • • • •

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as Class I milk on routes entirely outside the marketing area, showing separately the in-area and outside area route disposition of filled milk; and

(2) For a handler pursuant to § 1013.13 (b), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area on routes;

• • • • • •

7. In § 1013.32, paragraph (b) is revised to read as follows:

§ 1013.32 Records and facilities.

• • • • • •

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

• • • • • •

8. In § 1013.46, subparagraphs (4) and (7) and the introductory texts of subparagraphs (2) and (11) in paragraph (a), and paragraph (d) are revised to read as follows:

§ 1013.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(iv) of this paragraph, as follows:

• • • • • •

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iii) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(iv) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

• • • • • •

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph):

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

• • • • • •

(11) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(iv) and (7)(ii) of this paragraph:

(d) A handler may account for the receipts, utilization and classification of milk and filled milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

9. In § 1013.61, paragraph (c) is revised and a new paragraph (d) is added to read as follows:

§ 1013.61 Plants where other Federal orders may apply.

• • • • • •

(c) Any plant which does not dispose of a greater volume of Class I milk, except filled milk, on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

(d) Each handler operating a plant specified in paragraph (c) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the

reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

10. In § 1013.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1) (i) The obligation that would have been computed pursuant to § 1013.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

• • • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class III price.

10a. In § 1013.70, paragraph (d) is revised to read as follows:

§ 1013.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a)(3) and (4) and the corresponding steps of § 1013.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1013.46(a)(4)(iii) and (iv) and the corresponding step of § 1013.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • • •

11. Section 1013.81 is revised to read as follows:

§ 1013.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.61, 1013.62, 1013.82, and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1013.87, paragraph (a) is revised to read as follows:

§ 1013.87 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • • •

PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. In § 1015.10, paragraph (a) is revised to read as follows:

§ 1015.10 Producer-handler.

• • • • • •

(a) His sole source of supply for fluid milk products (exclusive of that portion thereof which is represented by nonfat solids used in fortification) is his own production and fluid milk products transferred from pool plants. For the purpose of this paragraph, any fluid milk products which were acquired or purchased from a nonpool plant by him, his agent, partner or other associate and which he or such other person caused to be delivered at retail or wholesale outlets (including vending machines) in any Federal marketing area without being first received at his plant shall be included in such person's nonpool source of fluid milk products.

• • • • • •

2. In § 1015.15 the introductory text preceding paragraph (a) of the section is revised to read as follows:

§ 1015.15 Plant.

"Plant" means the land and buildings, whether owned or operated by one or more persons, at which are maintained facilities and equipment for the receiving, handling or processing of milk or milk products (including filled milk), constituting a single operating unit or establishment. The term "plant" does not include:

• • • • • •

3. In § 1015.16 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1015.16 Pool plant.

"Pool plant" means any plant specified in paragraph (a) or (b) of this section: *Provided*, That receipts and disposition of filled milk shall be excluded in determining whether a plant has met the conditions for pool plant status.

• • • • • •

4. Section 1015.17 is revised to read as follows:

§ 1015.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition (exclusive of filled milk) in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

5. Section 1015.22 is revised to read as follows:

§ 1015.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat,

and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 12 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk in either plain or sweetened form, and any product which contains 6 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

6. In § 1015.25 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1015.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section, except that with respect to filled milk the term shall include only the quantity proved to have been made from other fresh fluid milk products.

• • • • •

7. Section 1015.29 is added to read as follows:

§ 1015.29 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skimmed milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1015.55 paragraph (b)(3) is revised to read as follows:

§ 1015.55 Assignment to classes of skim milk and butterfat received.

• • • • •

(b) • • •

(3) Filled milk from any source (exclusive of receipts from other pool plants and regulated plants under other Federal orders with marketwide pools) which is not proved to have been made from other fresh fluid milk products and any other fluid milk products from producer-handlers under any Federal order, from exempt governmental agencies, or from exempt distributing plants under any New England Federal order in sequence beginning with the source most distant from Hartford according to its zone location;

• • • • •

9. In § 1015.63 paragraphs (e) and (f) are revised to read as follows:

§ 1015.63 Value of each handler's fluid milk products.

• • • • •

(e) Multiply by the applicable Class I price the quantities of:

(1) Pool milk under § 1015.25 (e) and (f) distributed as route disposition in the marketing area from the handler's nonpool plant; and

(2) Filled milk distributed as route disposition in the marketing area from the handler's nonpool plant which is excluded from pool milk only because it is not proved to have been made from other fresh fluid milk products.

(f) Multiply by the applicable Class II price the quantities of:

(1) Other source milk assigned to Class I milk under § 1015.55(b) (1) and (2);

(2) Other source milk assigned to Class I milk under § 1015.55(b) (3) and (4) and (d); and

(3) Product for which a value is determined under subparagraph (e)(2) of this section.

• • • • •

10. In § 1015.87 subparagraph (b) is revised to read as follows:

§ 1015.87 Payment of administration expense.

• • • • •

(b) The payment shall also apply to the quantity distributed as route disposition in the marketing area from a handler's nonpool plant for which a value is determined under § 1015.63(e), to the quantity of producer milk for which a cooperative association is the handler under § 1015.9(c), and to the quantity of producer milk for which the cooperative association is the handler under § 1015.9(d), except that disposed of to pool plants or in ending inventory for the month.

11. In § 1015.94 paragraphs (a) and (d) are revised to read as follows:

§ 1015.94 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in the obligation, unless within the two-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on the payment is claimed, unless the handler, within the applicable period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

PART 1016—MILK IN THE UPPER CHESAPEAKE BAY MARKETING AREA

1. Section 1016.3 is revised to read as follows:

§ 1016.3 Definitions of plants.

(a) "Plant" means the land, buildings, surroundings, facilities and equipment operated by one or more persons, constituting a single operating unit or establishment for the receiving (other than transfer from one vehicle to another), processing or packaging of milk or milk products (including filled milk).

(b) "Pool plant" means a plant specified in subparagraph (1), (2), (3), or (4) of this paragraph that is neither a producer-handler plant nor a plant of a handler pursuant to § 1016.2(g)(5): *Provided*, That any plant qualified as a pool plant pursuant to subparagraph (2) of this paragraph in each of the months of October through February shall be a pool plant for the immediately following months of March through September unless the handler gives written notice to the market administrator on or before the first day of any such month(s) (March through September) that the plant is a nonpool plant for the remaining months through September: *And provided further*, That any such plant specified in subparagraph (2) of this paragraph which was a nonpool plant during any month of October through February shall not be a pool plant in any of the immediately following months of March through September in which it is operated by the same handler, an affiliate of the handler or by any person who controls or is controlled by the handler.

(1) A plant which during the month disposes of as Class I milk, except filled milk, on routes in the marketing area a quantity equal to not less than 10 percent of its total receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) and which disposes of as Class I milk, except filled milk, a quantity equal to not less than 50 percent of such receipts.

(2) A plant in any month of October through February in which a quantity of milk equal to not less than 50 percent,

and in any month of March through September in which a quantity of milk equal to not less than 40 percent, of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) is moved to a plant(s) which disposes of as Class I milk, except filled milk, on routes in the marketing area a quantity equal to not less than 10 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) and from other plants and which disposes of as Class I milk, except filled milk, a quantity equal to not less than 50 percent of such receipts: *Provided*, That in the case of a handler operating a pool plant qualified pursuant to subparagraph (1) of this paragraph and two or more plants approved by the appropriate health authority in the marketing area as a source of supply for such plant, such supply plants shall be considered as a unit (system) for purposes of plant qualification under this paragraph upon written notice to the market administrator by the handler designating the plants to be included and the period during which such designation shall apply. Such notice or notice of changes in designation shall be given on or before the first day of the first month to which such notice applies.

(3) A manufacturing plant, located in the marketing area, from which any fluid milk product, except filled milk, is moved to a plant which is a pool plant pursuant to subparagraphs (1) and (4) of this paragraph if during the month not less than 90 percent of its receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) are from Baltimore City permit holders who are members of a cooperative association of which 70 percent or more of the members are producers whose milk is received at other pool plants.

(4) A plant which disposes of as Class I milk, except filled milk, on routes in the marketing area a quantity equal to not less than 5 percent of its total receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4)) and disposes of a quantity of milk equal to not less than 10 percent of such receipts either in such route disposition in the marketing area, or in quantities of skim milk and butterfat in the form of fluid milk products transferred or diverted to nonpool plants which dispose of such skim milk and butterfat on routes in the marketing area as Class I milk (considering such route disposition by each nonpool plant to be supplied out of such fluid milk products transferred or diverted to the nonpool plant to the extent that the skim milk and butterfat in the route disposition could have been so derived): *Provided*, That the plant herein qualified as a pool plant disposes of as Class I milk, except filled milk, a quantity equal to not less than 50 percent of its receipts of milk from dairy farmers: *And provided further*, That all plants as described in this subparagraph are operated by the same handler.

(c) "Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(1) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(2) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(3) "Partially regulated distributing plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1016.2(g)(5) and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month; and

(4) "Unregulated supply plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1016.2(g)(5) and from which fluid milk products are shipped to a pool plant.

2. In § 1016.4, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 1016.4 Definitions of milk and milk products.

(a) "Fluid milk product" means milk, skim milk (including concentrated, reconstituted and fortified milk and skim milk) buttermilk, filled milk, milk drinks (plain or flavored) and (except eggnog, milk shake mix, ice cream mix, evaporated and plain or sweetened condensed milk or skim milk, sterilized products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil)) any mixture in fluid form of cream and milk or skim milk containing less than 12 percent butterfat, and 50 percent of the quantity by weight of any such mixture containing at least 12 percent but less than 18 percent butterfat.

• • • • •

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In § 1016.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1016.30 Reports of receipts and utilization.

(a) • • •

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area.

(b) Each handler specified in § 1016.2(g)(2) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that milk approved for fluid consumption by the appropriate health authority received from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

3a. In § 1016.32, paragraph (b) is revised to read as follows:

§ 1016.32 Records and facilities.

• • • • •

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

• • • • •

4. In § 1016.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1016.44 Transfers.

• • • • •

(f) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

5. In § 1016.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1016.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which approval by a duly constituted health authority for fluid disposition is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from a handler pursuant to § 1016.2 (g)(5);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products for which the handler requests Class II utilization which were received from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating the plant, and from dairy farmers who are not producers that were not subtracted pursuant to subparagraph (3) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraph (3) and (4)(i) of this paragraph, to the extent that the total of such receipts are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4) and in receipts in bulk from other order plants classified and priced pursuant to the applicable order that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph;

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

* * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plant(s) if not classified or priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, that were not subtracted pursuant to subparagraphs (3)(v), (3)(vi), (4)(i), or (4)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from other order plants (except receipts from other order plant(s) not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * *

6. Section 1016.61 is revised to read as follows:

§ 1016.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in paragraphs (c) and (d) of this section.

(a) Any plant qualified pursuant to § 1016.3(b) (1) or (4) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in this marketing area than in a marketing area pursuant to such other order.

(b) Any plant qualified pursuant to § 1016.3(b)(2) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the first proviso in § 1016.3(b) for each month during the preceding October through February.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1016.30 and 1016.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

7. In § 1016.62, paragraph (a)(1)(i) and (b) are revised to read as follows:

§ 1016.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1016.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at

such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1016.70(e) and a credit in the amount specified in § 1016.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

7a. In § 1016.70, paragraph (d) is revised to read as follows:

§ 1016.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1016.46(a)(3) and the corresponding step of § 1016.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1016.46 (a)(3)(v) and (vi) and the corresponding step of § 1016.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * *

8. Section 1016.83 is revised to read as follows:

§ 1016.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1016.61, 1016.62, 1016.84, and 1016.86 and out of which he shall make all payments pursuant to §§ 1016.85 and 1016.86; *Provided*, That the market administrator shall offset any such payment due to any handler against payment due from such handler.

9. In § 1016.89, paragraphs (a) and (d) are revised to read as follows:

§ 1016.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c), terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

1. Section 1030.7 is revised as follows:

§ 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet cream, and any mixture in fluid form of such products, including filled milk. It also includes sour cream and sour cream products which are labeled Grade A. Eggnog, including custards and puddings, ice cream mix, frozen dessert mix, yogurt, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. Section 1030.11 is revised as follows:

§ 1030.11 Pool plant.

"Pool plant" means a plant at which milk is received from dairy farmers, a facility at which milk received from farms in a tank truck is commingled with other milk for further shipment, or a plant at which milk is processed and packaged or manufactured, which plant or facility is described in paragraph (a), (b), or (c) of this section (except an other order plant or the plant of a producer-handler or an exempt distributing plant). If a portion of the plant is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition and is physically separated from the Grade A portion, such unapproved portion shall not be considered a part of the pool plant.

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in subparagraphs (2) and (3) of this paragraph of the receipts specified in subparagraph (1). Two or more distributing plants of a handler shall be considered a unit for the purpose of subparagraph (3) of this paragraph in any month if the handler operating such plants has filed a written request with the market administrator prior to such month requesting that they be considered a unit.

(1) The total Grade A fluid milk products, except filled milk, received during the month at such plant, including producer milk diverted under § 1030.16, but excluding receipts of fluid milk products from other pool distributing plants and receipts from other order plants and unregulated supply plants which are assigned pursuant to § 1030.46(a)(4)(i)(a) and (ii) and the corresponding step of § 1030.46(b).

(2) Not less than 10 percent of such receipts is disposed of from such plant in the marketing area in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants from which it is disposed of in the marketing area on routes. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(3) Not less than 45 percent of such receipts is disposed of in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant, or a facility at which milk received from farms in a tank truck is commingled with other milk for further shipment, from which the quantity of fluid milk products, except filled milk, moved during the month in accordance with subparagraphs (1), (2), and (3) of this paragraph is not less than the percentages specified in subparagraph (4) of this paragraph subject to subparagraphs (6), (7), and (8) of this paragraph, of the volume of Grade A milk received from dairy farmers at such plant or facility, including producer milk diverted under § 1030.16.

(1) To pool plants pursuant to paragraph (a) of this section;

(2) To plants of producer-handlers;

(3) To partially regulated distributing plants and assigned to Class I milk disposed of in the marketing area from such plants pursuant to § 1030.44(d)(3)(i);

(4) Such percentages shall be not less than 40 percent in each of the months of September, October, and November and 30 percent in all other months, except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(5) [Reserved]

(6) The percentages specified in subparagraph (4) of this paragraph applicable during the months August–December shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to subparagraph (4) of this paragraph would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year; and

(iii) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

(8) If, during August through December a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of skim milk and butterfat at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of skim milk and butterfat shipped pursuant to this paragraph. When the work stoppage includes an entire month, the plant shall be considered to have met the minimum percentage shipping requirements in that month for pool plant status pursuant to this paragraph, but such relief shall not be granted for more than two consecutive months.

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section shall be a pool plant if at least 50 percent of the Grade A milk of producers of such cooperative association is received at pool distributing plants of other handlers during the month and written application for pool plant status is filed with the market administrator on or before the first day of such month.

3. Section 1030.12 is revised as follows:

§ 1030.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1030.11 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant and from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant from which fluid milk products are shipped during the month to a pool plant.

(e) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

4. A new § 1030.19 is added as follows:

§ 1030.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1030.30, paragraph (b) is revised as follows:

§ 1030.30 Reports of receipts and utilization.

• • • • •

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk inside and outside marketing area on routes, and a statement showing separately in-area and outside area route disposition of filled milk; and

• • • • •

6. In § 1030.31, paragraphs (a) and (c) are revised as follows:

§ 1030.31 Other reports.

(a) Each producer-handler shall report the receipts and disposition of skim milk and butterfat at such plant at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator.

• • • • •

(c) Each handler operating a partially regulated distributing plant shall report

for each such plant the information required of pool plant operators pursuant to § 1030.30 substituting receipts from dairy farmers for producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

• • • • •

7. In § 1030.32, paragraphs (b) and (c) are revised as follows:

§ 1030.32 Records and facilities.

• • • • •

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

• • • • •

8. In § 1030.44, paragraph (e)(5) is revised as follows:

§ 1030.44 Transfers.

• • • • •

(e) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk and skim milk and butterfat allocated to the other classes shall be classified as Class II; and

• • • • •

9. Section 1030.46 is revised as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1030.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1030.41(b) (7) and (9);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant in excess in each case of similar transfers to the same plant, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order and from an exempt distributing plant;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant.

(4) Subtract, in the order specified below from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers (or other pool plants, if applicable), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in bulk, including diversions from an other order plant in excess of similar transfers and diversions to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph;

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1030.22(k) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1030.44(a); and

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage"; and

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

10. Section 1030.60 is revised as follows:

§ 1030.60 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1030.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1030.70 (a) through (e) at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1030.70(e) and a credit in

the amount specified in § 1030.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1030.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1030.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products or in filled milk disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I milk price (after deducting the location adjustment rate for the zone in which the nonpool plant is located) subtract its value at the uniform price at the same location or at the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11. A new § 1030.61 is added as follows:

§ 1030.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to an other order plant as defined in § 1030.12(a) except as specified in paragraphs (a) and (b) of this section.

(a) Each handler operating a plant described in § 1030.12(a) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1030.30 and 1030.31) and allow verification of such reports by the market administrator.

(b) Each handler operating a plant subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

11a. Section 1030.70 is revised as follows:

§ 1030.70 Computation of the net pool obligation of each handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I milk price applicable at the pool plant where received and the value at the Class II milk price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1030.46(a)(3) and the corresponding step of § 1030.46(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1030.46(a)(3)(iv) and (v) and the corresponding step of § 1030.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * *

12. Section 1030.83 is revised as follows:

§ 1030.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund and out of which he shall make all payments from such fund pursuant to §§ 1030.60, 1030.61, 1030.84, 1030.85, and 1030.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1030.89, paragraphs (a) and (d) are revised as follows:

§ 1030.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.12, paragraphs (a) and (b) are revised to read as follows:

§ 1032.12 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1032.61, from which during the month:

(1) Disposition of fluid milk products, except filled milk, in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products, except filled milk, is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products, except filled milk, on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

* * * * *

2. Section 1032.13 is revised to read as follows:

§ 1032.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1032.16 is revised to read as follows:

§ 1032.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk, filled milk, concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1032.19a is added to read as follows:

§ 1032.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1032.30, subparagraphs (3) and (5) of paragraph (a) and (c) are revised to read as follows:

§ 1032.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(5) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require;

* * * * *

(c) Each handler specified in § 1032.9(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk; and

* * * * *

6. In § 1032.43, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1032.43 Transfers and diversions.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II;

* * * * *

7. In § 1032.45, subparagraphs (2), (3), (4), (5), (6), (7), (8), and the introductory text of subparagraph (9) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1032.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant.

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph in excess of similar

transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) or (5) (i) and (ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph pursuant to the following procedure;

8. Section 1032.61 is revised to read as follows:

§ 1032.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e).

(a) A distributing plant qualified pursuant to § 1032.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Southern Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1032.12(a), which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Southern Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater such Class I route disposition in the marketing area of the Southern Illinois order; and

(c) Any plant qualified pursuant to § 1032.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

9. In § 1032.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1032.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1032.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1032.70(f) and a credit in the amount specified in § 1032.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher; and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

9a. In § 1032.70, paragraph (e) is revised to read as follows:

§ 1032.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1032.45(a)(4) and the corresponding step of § 1032.45(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1032.45 (a)(4) (iv) and (v) and the corresponding steps of § 1032.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

10. Section 1032.83 is revised to read as follows:

§ 1032.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund,"

which shall function as follows: (a) All payments made by handlers pursuant to §§ 1032.61, 1032.62 (a) and (b), 1032.84, and 1032.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1032.85 and 1032.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1032.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1032.80 in accordance with the requirements of § 1032.71(i).

11. In § 1032.90, paragraphs (a) and (d) are revised to read as follows:

§ 1032.90 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be completed upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1033—MILK IN THE GREATER CINCINNATI MARKETING AREA

1. Section 1033.9 is revised to read as follows:

§ 1033.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no fluid milk products from other dairy farmers or from sources other than pool plants and no milk products other than fluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a distributing plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

2. Section 1033.10 is revised to read as follows:

§ 1033.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which contains stationary milk holding facilities and is operated exclusively for the bulk handling or processing of milk or milk products (including filled milk). The term "plant" does not include distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants).

3. In § 1033.13, paragraphs (a) and (b) are revised to read as follows:

§ 1033.13 Pool plant.

* * * * *

(a) A distributing plant with:

(1) Route disposition, except filled milk, within the marketing area during the month of at least 15 percent of its total route disposition, except filled milk, such percentage to be exclusive of receipts from other plants of packaged fluid milk products priced as Class I milk under this or any other Federal order; and

(2) Total route disposition, except filled milk, amounting to not less than 50 percent of its total receipts of Grade A milk from dairy farmers, other plants (excluding receipts of bulk fluid milk products transferred or diverted to it as Class II milk from other plants), and cooperatives as handlers pursuant to § 1033.8 (but excluding any such milk diverted from such plant to a nonpool plant by the cooperative pursuant to § 1033.15(c)). Any plant which compiles with such percentage requirement during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement under this subparagraph is not met for the current month.

(b) A supply plant from which during the month the volume of fluid milk products, except filled milk, shipped directly to and received at plants qualified pursuant to paragraph (a) of this section and route disposition, except filled milk, from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (excluding receipts from other plants or as a diversion pursuant to § 1033.15). Any supply plant which meets the required percentage of this paragraph during each of the months of September through February shall continue to be so qualified for the following months of March through August, unless such operator in writing requests nonpool plant status for such plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

4. Section 1033.14 is revised to read as follows:

§ 1033.14 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in the marketing area during the month of fluid milk products in consumer-type packages or dispenser units.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

5. Section 1033.16 is revised to read as follows:

§ 1033.16 Fluid milk product.

Except as provided in paragraph (c) of this section, "fluid milk product" means the fluid form of:

(a) Milk, skim milk, buttermilk, flavored milk, milk drink, whipped cream, cream (sweet or sour), eggnog, concentrated milk, filled milk; and

(b) Any mixture of milk, skim milk or cream including fluid, frozen, or semi-frozen malted milk and milk shake mixtures containing less than 15 percent total milk solids.

(c) Excluded from this definition are: Frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, pancake mix, evaporated and condensed milk, and any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added and which is disposed of as other than sour cream. Also excluded is any product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1033.19a is added to read as follows:

§ 1033.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1033.30, paragraph (a) is revised to read as follows:

§ 1033.30 Monthly reports of receipts and utilization.

• • • • •

(a) The total pounds of skim milk and butterfat contained in or represented by:
(1) Producer milk, including own farm production and quantities diverted to nonpool plants;
(2) Fluid milk products received from other pool plants;
(3) Other source milk, with the identity of each source;
(4) Inventories of fluid milk products on hand at the beginning and end of the month in bulk and in packaged form, separately;
(5) Route disposition (except filled milk) inside the marketing area; and
(6) Route disposition of filled milk inside the marketing area;

• • • • •

8. In § 1033.31, paragraph (b) is revised to read as follows:

§ 1033.31 Other reports.

• • • • •

(b) Each handler specified in § 1033.8 (d) who operates a partially regulated distributing plant shall report as required of handlers operating pool plants pursuant to § 1033.30 (a) through (c), except dairy farmer receipts of Grade A milk shall be reported in lieu of producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area; and

• • • • •

9. Section 1033.33 is revised to read as follows:

§ 1033.33 Records and facilities.

Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products and filled milk received and disposed of in the same form; (b) the weights and tests for butterfat, and for other content, of all milk and milk products (including filled milk) handled; and (c) payments to producers and cooperative associations.

9a. In § 1033.41(b)(1), a new subdivision (vii) is added and reads as follows:

§ 1033.41 Classes of utilization.

• • • • •

(b) • • •
(1) • • •
(vii) Any product which contains 6 percent or more nonmilk fat (or oil);

• • • • •

10. In § 1033.43(d), subparagraph (5) is revised to read as follows:

§ 1033.43 Transfers.

• • • • •

(d) • • •
(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

11. In § 1033.46(a), subparagraphs (2), (4), (5), (8), and (9) are revised to read as follows:

§ 1033.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •
(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:
(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and
(ii) From Class I milk, the remainder of such receipts;

• • • • •

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk in each of the following:
(i) Other source milk in a form other than that of a fluid milk product;
(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;
(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;
(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and
(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;
(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:
(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;
(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:
(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;
(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and
(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.
(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.
(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) and (5)(i) or (ii) of this paragraph;
(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

• • • • •

11a. In § 1033.60, paragraph (e) is revised to read as follows:

§ 1033.60 Computation of the net pool obligation of each pool handler.

• • • • •

(e) Add an amount equal to the difference between the value at the Class I price and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1033.46(a)(4) and the corresponding step of § 1033.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1033.46(a)(4) (iv) and (v) and the corresponding step of § 1033.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • •

12. In § 1033.61, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1033.61 Obligations of a handler operating a partially regulated distributing plant.

• • • • •

(a) An amount computed as follows:
(1) (i) The obligation that would have been computed pursuant to § 1033.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1033.60(e) and a credit in the amount specified in § 1033.72(b) with respect to receipts from an unregulated supply plant except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

• • • • •

(b) An amount computed as follows:
(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;
(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;
(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;
(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and
(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. In § 1033.71, paragraph (a) is revised to read as follows:

§ 1033.71 Producer-settlement fund.

• • • • •

(a) All payments made by handlers pursuant to §§ 1033.61 (a) and (b), 1033.72, and 1033.92 shall be deposited in this fund, and all payments made pursuant to § 1033.73 shall be made out of this fund;

• • • • •

14. In § 1033.78, paragraphs (a) and (d) are revised to read as follows:

§ 1033.78 Termination of obligation.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:
(1) The amount of the obligation;
(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and
(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate 2 years after the end of the calendar month during which skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

15. Section 1033.92 is revised to read as follows:

§ 1033.92 Plants subject to other Federal orders.

(a) The provisions of this part shall not apply, except as specified in paragraphs (b) and (c) of this section, to a

distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1033.13 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area and to pool plants regulated pursuant to such other order during the current month and each of the 3 months immediately preceding.

(b) The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a distributing plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

PART 1034—MILK IN THE MIAMI VALLEY, OHIO, MARKETING AREA

1. Section 1034.10 is revised to read as follows:

§ 1034.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities, and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons and used for the bulk handling or processing of milk or milk products (including filled milk).

2. In § 1034.13, paragraphs (a) and (b) are revised to read as follows:

§ 1034.13 Pool plant.

* * * * *

(a) A distributing plant from which during the month:

(1) Route disposition (except filled milk) made within the marketing area is at least 15 percent of its total route disposition (except filled milk); and

(2) At least 50 percent of the total receipts of Grade A milk at such plant from dairy farmers, other plants (excluding receipts of bulk fluid milk products from other plants which are assigned as Class II milk pursuant to § 1034.45(a) (5) (i) and (iii) and (10)), and cooperatives as handlers pursuant to § 1034.8, including any such milk diverted to other plants pursuant to § 1034.15 by the handler operating such plant, is route disposition (except filled milk) during each of the months of August through January, at least 45 percent February and March, and at least 40 percent during other months, except that a plant which qualifies as a pool plant by complying with the preceding requirements of this subparagraph during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement for the current month is not met.

(b) A supply plant from which during the month the volume of fluid milk products (except filled milk) shipped to and received at plants qualified pursuant to paragraph (a) of this section and route disposition (except filled milk) from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1034.8(c) but not receipts of other milk on diversion pursuant to § 1034.15). Any supply plant which is qualified by reason of meeting the required percentage of this paragraph during the months of August through March shall continue to be so qualified for the following months of April through July even if the required percentage pursuant to this paragraph is not met in the latter months, unless such operator requests the market administrator in writing that such plant should not be so qualified, such revised status to be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

* * * * *

3. In § 1034.14, the introductory text immediately preceding paragraph (a) is revised to read as follows:

§ 1034.14 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

4. Section 1034.16 is revised to read as follows:

§ 1034.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, filled milk, buttermilk, concentrated milk, sweet or sour cream, and any fluid mixture of cream and milk or skim milk, including prepared milk shake mixes containing less than 15 percent total milk solids. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized cream in hermetically sealed metal or glass containers, eggnog, ice cream mix, or other frozen dessert mixes, aerated cream products, storage cream, cultured sour mixtures disposed of as other than sour cream unless labeled as a Grade A product, evaporated or condensed milk or skim milk in either plain or sweetened form, and a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1034.19 is added to read as follows:

§ 1034.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1034.30, paragraphs (a) (3) and (c) are revised to read as follows:

§ 1034.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all receipts required to be reported, including separate data relative to:

(i) Bulk fluid milk products on hand at the end of the month;

(ii) Packaged fluid milk products on hand at the end of the month;

(iii) Route disposition (except filled milk), inside and outside the marketing area; and

(iv) Route disposition of filled milk inside and outside the marketing area; and

* * * * *

(c) Each handler who operates a partially regulated distributing plant shall report for such plant the information required by paragraph (a) of this section, except that receipts of milk approved by any duly constituted health authority for fluid consumption in the marketing area shall be reported as if producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

7. Section 1034.33 is revised to read as follows:

§ 1034.33 Records and facilities.

Each handler, including any partially regulated handler, shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts

and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) Receipts of producer milk and other source milk and the utilization of such receipts at each of his plants;

(b) Weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month at each plant; and

(d) Payments to producers, other dairy farmers, and cooperative associations including the amount and nature of any deductions made and the disbursement of money so deducted.

8. In § 1034.43(d), subparagraph (5) is revised to read as follows:

§ 1034.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. In § 1034.45(a), subparagraphs (2), (4), (5), (8), and (9) are revised to read as follows:

§ 1034.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4) (vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract successively from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product, provided that any such milk received as cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from a plant exempt pursuant to § 1034.60(b);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph, for which the handler requests Class II utilization (other than cottage cheese manufacture) but not in excess of the pounds of skim milk remaining in such Class II uses;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such pool plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (vi) of this paragraph; and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph;

(2) Should such computation result in a quantity to be subtracted from Class II, which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4) (vi) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4) (v) and (5) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4) (vi) and (5) (iii) of this paragraph:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of all Class II milk.

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1034.22(I); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount

in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

• • • • •

10. Section 1034.61 is revised to read as follows:

§ 1034.61 Plants subject to other Federal orders.

The provisions of this part shall not apply except as specified in paragraphs (c) and (d) of this section:

(a) A distributing plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1034.13(a) and a greater volume of fluid milk products (except filled milk) is disposed of from such plant to retail or wholesale outlets in the Miami Valley, Ohio, marketing area and to pool plants under this part than in the marketing area and to pool plants regulated by such other order during the current month and each of the 3 months immediately preceding.

(b) A supply plant meeting the requirements of § 1034.13(b) which also continues to have pool plant status under another Federal order.

(c) The operator of a plant specified in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

11. In § 1034.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1034.62 Obligation of a handler operating a partially regulated distributing plant.

• • • • •

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1034.70 had such plant been a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant, transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order is so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1034.70(f) and a credit in the amount specified in § 1034.84 (b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. In § 1034.70, paragraph (e) is revised to read as follows:

§ 1034.70 Computation of the net pool obligation of each pool handler.

• • • • •

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1034.45(a) (4) and the corresponding step of § 1034.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1034.45(a) (4) (v) and (vi) and the corresponding step of § 1034.45(b) the Class I price shall be adjusted to the location of the transferor plant.

• • • • •

12. Section 1034.83 is revised to read as follows:

§ 1034.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1034.61, 1034.62, 1034.84, and 1034.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1034.85 and 1034.86, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1034.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1034.80 in accordance with the requirements of § 1034.71(d).

13. In § 1034.100, paragraphs (a) and (d) are revised to read as follows:

§ 1034.100 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1035—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

1. Section 1035.7 is revised to read as follows:

§ 1035.7 Fluid milk product.

"Fluid milk products" means the fluid form of milk, skim milk, filled milk, buttermilk, concentrated milk, milk drinks (plain or flavored including dietary milk, prepared milk shake mixes containing 15 percent or less of total milk solids and eggnog), sweet or sour cream, or any mixture in fluid form of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, cultured sour mixtures which are not labeled "Grade A", evaporated or condensed milk and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. Section 1035.8 is revised to read as follows:

§ 1035.8 Route.

"Route" means a delivery (including a sale from a plant store) of a fluid milk product(s) to a wholesale or retail stop(s) other than to a milk or filled milk plant(s) or to a food processing plant(s) for use other than for fluid consumption.

3. Section 1035.9 is revised to read as follows:

§ 1035.9 Fluid milk plant.

"Fluid milk plant" means a plant or other facilities which are used in the receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk of filled milk and all or a portion of such milk of filled milk is:

(a) Disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s); or

(b) Moved to a plant described in paragraph (a) of this section in the form of a fluid milk product(s).

4. In § 1035.10, paragraphs (a) and (b) are revised to read as follows:

§ 1035.10 Pool plant.

• • • • •

(a) Any fluid milk plant from which the volume of Class I milk, except filled milk, disposed of on a route(s) is equal to not less than 50 percent of the Grade A milk described in § 1035.12(a) received at such plant from dairy farmers and from other plants during the month and more than 15 percent of such receipts are disposed of as Class I milk, except filled milk, on routes in the marketing area: *Provided*, That the 50 percent requirement of this paragraph shall apply only during the months of January, February, October and November to a fluid milk plant which operates routes all of which service only the Campus of Ohio State University, Columbus, Ohio; or

(b) Any fluid milk plant which receives milk from dairy farmers described in § 1035.12(a) and from which fluid milk products, except filled milk, equal to not less than 50 percent of the milk received at such plant from such dairy farmers during the month is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the immediately preceding period of August through November, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before March 1 of any year, be designated as a pool plant for the months of March through July of such year.

5. In § 1035.11, the introductory text immediately preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1035.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

• • • • •

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which milk, skim milk, filled milk, or cream is shipped to a pool plant.

6. Section 1035.15 is revised as follows:

§ 1035.15 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on a route in the marketing area and who receives no fluid milk products from other dairy farmers or nonpool plants and no milk products other than fluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

7. A new § 1035.19 is added to read as follows:

§ 1035.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1035.30, paragraph (b) is revised to read as follows:

§ 1035.30 Reports of receipts and utilization.

• • • • •

(b) The utilization of all skim milk and butterfat required to be reported by each handler pursuant to this section, including separate statements of his disposition of fluid milk products (except filled milk) and filled milk on routes in the marketing area.

• • • • •

9. In § 1035.31, paragraph (b) is revised to read as follows:

§ 1035.31 Other reports.

• • • • •

(b) Each handler specified in § 1035.14 (c) who operates a partially regulated distributing plant shall report as required pursuant to § 1035.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include separate statements showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the amount of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area: *Provided*, That a handler making payments pursuant to § 1035.63(b) need not report payments pursuant to § 1035.30(d) to dairy farmers.

• • • • •

10. Section 1035.32 is revised to read as follows:

§ 1035.32 Records and facilities.

Each handler and producer-handler shall maintain and make available to the market administrator, his agent, or such other person as the Secretary may designate, during the usual hours of business, such accounts and records of his operations and such facilities, as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat handled, including all milk products and filled milk received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents, of all milk and milk products (including filled milk)

handled; and (c) payments to producers and cooperative associations.

11. In § 1035.43(e), subparagraph (5) is revised to read as follows:

§ 1035.43 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

12. In § 1035.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1035.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1035.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

12a. In § 1035.60, paragraph (d) is revised to read as follows:

§ 1035.60 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1035.46(a)(3) and the corresponding step of § 1035.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1035.46(a)(3)(iv) and (v) and the corresponding step of § 1035.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

13. In § 1035.63, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1035.63 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1035.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1035.60(e) and a credit in the amount specified in § 1035.71(c) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14. Section 1035.64 is revised to read as follows:

§ 1035.64 Plants subject to other Federal orders.

(a) The provisions of this part, except paragraph (b) of this section, shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1035.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Columbus, Ohio, marketing area to retail or wholesale outlets and other pool

plants than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

15. Section 1035.70 is revised to read as follows:

§ 1035.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1035.64 and 1035.71 shall be deposited in this fund, and all payments made pursuant to § 1035.72 (a) and (b) shall be made out of this fund; and

(b) All amounts subtracted pursuant to § 1035.61(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1035.72 in accordance with the requirements of § 1035.61(i).

16. In § 1035.92, paragraphs (a) and (d) are revised to read as follows:

§ 1035.92 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation, is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. Section 1036.7 is revised to read as follows:

§ 1036.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, cream, and mixtures of such cream or milk and skim milk.

2. Sections 1036.9 and 1036.10 are revised to read as follows:

§ 1036.9 Distributing plant.

"Distributing plant" means a plant in which:

(a) Milk approved by a duly constituted health authority for fluid consumption is processed or packaged and which has route disposition in the marketing area during the month; or

(b) Filled milk is processed or packaged and which has route disposition in the marketing area during the month.

§ 1036.10 Supply plant.

"Supply plant" means a plant from which:

(a) A fluid milk product acceptable to a duly constituted health authority is transferred or diverted during the month to a pool plant; or

(b) Filled milk is transferred during the month to a pool plant.

3. Section 1036.11 is revised to read as follows:

§ 1036.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant or a producer-handler plant.

(a) A distributing plant that has route disposition, except filled milk, during the month of not less than 50 percent (40 percent for each month of April through August) of the total receipts of fluid milk products, except filled milk, that are approved by a duly constituted health authority for fluid consumption and that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1036.16 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of such receipts.

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and in all other months not less than 40 percent, of the total quantity of milk approved by a duly constituted health authority for fluid consumption physically received (including that diverted from other plants) at such plant from dairy farmers and handlers pursuant to § 1036.13(d) or diverted as producer milk pursuant to § 1036.16 to pool plants and nonpool plants is transferred or diverted to and physically received in the form of fluid milk products, except filled milk, at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through February shall be a pool plant for the months of March through August unless the milk received at the plant does not continue to meet the requirements of a duly constituted health authority or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

4. In § 1036.12, the introductory text and paragraph (a) are revised to read as follows:

§ 1036.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) Except as provided in paragraphs (c)(2) and (d)(2) of this section, "other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1036.11 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as

route disposition and to pool plants qualified on the basis of route disposition in this marketing area than is so disposed of from such plant in the marketing area regulated pursuant to such other order.

• • • • • •

5. Section 1036.14 is revised to read as follows:

§ 1036.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no fluid milk products from sources other than his own farm production and pool plants;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

6. A new § 1036.22 is added to read as follows:

§ 1036.22 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk products, and contains less than 6 percent nonmilk fat (or oil).

7. In § 1036.30, the introductory text and paragraph (b) are revised to read as follows:

§ 1036.30 Reports of receipts and utilization.

On or before the eighth day after the end of each month, each handler (except a handler pursuant to § 1036.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator:

• • • • • •

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat in route disposition in the marketing area, showing separately the in-area route disposition of filled milk; and

(2) For a handler pursuant to § 1036.13(b), the amount of reconstituted skim milk in route disposition in the marketing area; and

• • • • • •

8. In § 1036.33, paragraphs (b) and (c) are revised to read as follows:

§ 1036.33 Records and facilities.

• • • • • •

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

• • • • • •

8a. In § 1036.41(b), subparagraphs (1) and (2) are revised to read as follows:

§ 1036.41 Classes of utilization.

• • • • • •

(b) • • •

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains six percent or more nonmilk fat (or oil), milk shake mix containing not less than 12 percent total milk solids, and sterilized products in hermetically sealed glass or metal containers;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to and used at a commercial food processing establishment (other than a milk or filled milk plant) in the manufacture of packaged food products (other than milk products and filled milk) for consumption off the premises;

• • • • • •

9. In § 1036.43(d), subparagraph (5) is revised to read as follows:

§ 1036.43 Transfers.

• • • • • •

(d) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • • •

10. In § 1036.45(a), subparagraphs (2), (3), (4) and (7), and the introductory text of subparagraph (8) are revised to read as follows:

§ 1036.45 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1036.41(b)(6) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which appropriate health approval is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

• • • • • •

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that are in excess of similar transfers to the same plant and that were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

• • • • • •

10a. In § 1036.60, paragraph (d) is revised to read as follows:

§ 1036.60 Computation of the net pool obligation of each handler.

• • • • • •

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1036.45(a)(3) and the corresponding step of § 1036.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1036.45(a)(3)(iv) and (v) and the corresponding step of § 1036.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • • •

11. In § 1036.62, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1036.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1) The obligation that would have been computed pursuant to § 1036.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1036.60(e) and a credit in the amount specified in § 1036.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1036.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1036.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

• • • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat in the plant's route disposition in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12. A new § 1036.64 is added and reads as follows:

§ 1036.64 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to the route disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to route disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

13. Section 1036.73 is revised to read as follows:

§ 1036.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments pursuant to §§ 1036.62, 1036.64, and 1036.74 and out of which he shall make all payments pursuant to § 1036.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

14. In § 1036.79, paragraphs (a) and (d) are revised to read as follows:

§ 1036.79 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handlers' utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. Section 1040.9 is revised to read as follows:

§ 1040.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a milk plant from which fluid milk products are distributed in the marketing area and who received fluid milk products only from his own production or by transfer from a pool plant and no milk products other than fluid milk products for reconstitution into fluid milk products; and

(b) Provides proof that (1) the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant); and (2) the operation of the processing business is

the personal enterprise and risk of such person.

2. Section 1040.12 is revised to read as follows:

§ 1040.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, yogurt, filled milk, cream (exclusive of frozen and sour cream), and any mixture in fluid form of cream and milk or skim milk (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

3. Section 1040.13 is revised to read as follows:

§ 1040.13 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I to a wholesale or retail outlet other than a delivery to any milk or filled milk plant.

4. In § 1040.16, paragraph (a) is revised to read as follows:

§ 1040.16 Pool plant.

* * * * * *

(a) A distributing plant, other than a producer-handler plant or plants exempt pursuant to § 1040.90 and § 1040.91, from which total distribution of fluid milk products, except filled milk, on routes during the month or during either of the 2 months immediately preceding is not less than 50 percent of receipts of producer milk and fluid milk products, except filled milk, from supply plants and cooperative associations pursuant to § 1040.7(c).

* * * * * *

5. In § 1040.17, paragraphs (a) and (c) are revised to read as follows:

§ 1040.17 Call percentage.

* * * * * *

(a) Estimate the aggregate pounds of Class I milk utilization, except filled milk, for the month including an additional 15 percent thereof as an operating margin, at pool distributing plants;

* * * * * *

(c) Divide any plus balance of estimated Class I milk, except filled milk remaining by the estimated receipts of producer milk for the month at the supply plants.

* * * * * *

6. In § 1040.18, the introductory text immediately preceding paragraph (a) and paragraph (d) are revised to read as follows:

§ 1040.18 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * * *

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

7. A new § 1040.21 is added to read as follows:

§ 1040.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1040.30, a new paragraph (d) is added and paragraph (b) is revised to read as follows:

§ 1040.30 Monthly reports of receipts and utilization.

* * * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and a statement showing separately in-area route disposition of filled milk; and

* * * * * *

(d) The quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area by each handler specified in § 1040.7(b) who operates a partially regulated distributing plant.

9. Section 1040.32 is revised to read as follows:

§ 1040.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk poducts and filled milk received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk, and other contents of all milk, and milk products (including filled milk) handled; and (c) payments to producers and cooperative associations.

10. In § 1040.43(e), subparagraph (5) is revised to read as follows:

§ 1040.43 Transfers.

* * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products, shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class III; and

* * * * * *

11. In § 1040.46(a), subparagraphs (2), (4), (5), (8), and (9) are revised to read as follows:

§ 1040.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * * *

(4) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product, provided that any such milk received as cottage cheese or cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization (Class II);

(ii) Receipts of fluid milk products (except filled milk) that are not approved by a duly constituted health authority for fluid consumption in the marketing area and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph:

(a) For which the handler requests Class III utilization; or

(b) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association pursuant to § 1040.7(c), receipts from pool plants of other handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that

were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class III utilization was requested by the operator of such plant and the handler;

* * * * * *

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) and (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(v) and (5)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1040.27(l) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * * *

11a. In § 1040.60, paragraph (d) is revised to read as follows:

§ 1040.60 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(4) and the corresponding step of § 1040.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1040.46(a)(4) (iv) and (v) and the corresponding step of § 1040.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

12. In § 1040.66, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1040.66 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1040.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III milk (or Class II) if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1040.60(e) and a credit in the amount specified in § 1040.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1040.62 at the same location or at the Class III price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

13. Section 1040.83 is revised to read as follows:

§ 1040.83 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1040.66, 1040.84, and 1040.91, and out of which he shall make all payments pursuant to § 1040.85.

14. Section 1040.91 is revised to read as follows:

§ 1040.91 Handlers subject to other Federal orders.

(a) A handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, in the other Federal marketing area exceeds that in the Southern Michigan marketing area shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33 and paragraph (b) of this section.

(b) Each handler operating a pool distributing plant described in § 1040.16(a) that is exempt pursuant to paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

15. In § 1040.100, paragraphs (a) and (d) are revised to read as follows:

§ 1040.100 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month

during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1041—MILK IN THE NORTHWESTERN OHIO MARKETING AREA

1. Section 1041.9 is revised to read as follows:

§ 1041.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives only milk of his own production or fluid milk products which are priced as Class I milk under an order issued pursuant to the Act and no milk products other than fluid milk products for reconstitution into fluid milk products; and

(c) Provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and packaging facilities for fluid milk products are conducted as his personal enterprise and at his own risk.

2. In § 1041.10, the introductory text immediately preceding paragraph (a) is revised to read as follows:

§ 1041.10 Plant.

"Plant" means the land and buildings, together with their surroundings, facilities and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products (including filled milk). The term "plant" does not include:

• • • • • •

3. Section 1041.12 is revised to read as follows:

§ 1041.12 Supply plant.

"Supply plant" means a plant from which milk, skim milk, filled milk or cream is shipped during the month to a plant qualified as a pool plant under § 1041.13(a).

4. In § 1041.13, paragraphs (a) and (b) are revised to read as follows:

§ 1041.13 Pool plant.

• • • • • •

(a) A distributing plant with route disposition, except filled milk, during the month, or in 5 of the immediately preceding 6 months, of not less than 50 percent of the total Grade A milk received at such plant from dairy farmers (excluding any such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act), pool supply plants and through reload points, and with at least 15 percent of such route disposition made within the marketing area during the month.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is represented in shipments of fluid milk products, except filled milk, to a plant described under paragraph (a) of this section. If a plant meets the above requirement in this paragraph in each of the months of September through December, such plant shall qualify under this paragraph until the end of the following August, unless the plant operator requests nonpool status for such plant; in the latter event nonpool plant status shall be effective the first month following the filing of a request in writing to the market administrator and shall continue until the plant requalifies under this section on the basis of actual shipments.

5. Section 1041.14 is revised to read as follows:

§ 1041.14 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in the marketing area during the month of fluid milk products in consumer-type packages or dispenser units.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are shipped to a pool plant.

6. Section 1041.16 is revised to read as follows:

§ 1041.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, eggnog, sweet or sour cream, filled milk, and any mixture of fluid cream and milk or skim milk. Cultured sour mixtures disposed of as other than sour cream and yogurt shall be considered as fluid milk products only if disposed of under a Grade A label. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized products in hermetically sealed containers, and such products as milkshake mix, ice cream mix, and other frozen dessert mixes, aerated cream products, frozen cream, cultured sour mixtures (disposed of as other than sour cream and not disposed of under a Grade A label), pancake mixes, evaporated or sweetened condensed milk, or skim milk in either plain or sweetened form, and a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1041.21 is added to read as follows:

§ 1041.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1041.30, paragraph (f) is revised to read as follows:

§ 1041.30 Reports of receipts and utilization.

• • • • • •

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the route disposition of fluid milk products (except filled milk) and filled milk in the marketing area; and

• • • • • •

9. In § 1041.31, paragraph (b) is revised to read as follows:

§ 1041.31 Other reports.

• • • • • •

(b) On or before the 7th day after the end of each month, each handler who operates a partially regulated distributing plant shall report the information required of handlers operating pool plants pursuant to § 1041.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the amount of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

10. Section 1041.33 is revised to read as follows:

§ 1041.33 Records and facilities.

(a) Each handler shall maintain detailed and summary records showing all receipts, movements and disposition of milk and milk products (including filled milk) during each month, and the quantities of milk and milk products (including filled milk) in the inventories at the beginning and end of each month.

(b) For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in the reports submitted in accordance with this part;

(2) Weigh, sample and test milk and milk products (including filled milk); and

(3) Make such examination of records, operations, equipment and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

11. In § 1041.44(d), subparagraph (5) is revised to read as follows:

§ 1041.44 Transfers.

• • • • • •

(d) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • • •

12. In § 1041.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1041.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plants, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

• • • • • •

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk.

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1041.27(m); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

• • • • • •

13. Section 1041.61 is revised to read as follows:

§ 1041.61 Plants subject to other Federal orders.

(a) The provisions of this part except §§ 1041.30, 1041.31, 1041.32, and 1041.33 and paragraph (b) of this section, shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1041.13 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Northwestern Ohio marketing area to retail or wholesale outlets and to other pool plants than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding, unless the Secretary determines that the

applicable order should more apropriately be determined on some other basis. The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may request and permit his verification of such reports; and

(b) Each handler operating a distributing plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

14. In § 1041.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1041.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1041.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1041.70(e) and a credit in the amount specified in § 1041.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14a. In § 1041.70, paragraph (d) is revised to read as follows:

§ 1041.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1041.46(a)(3) and the corresponding step of § 1041.46(b), except for receipts of fluid milk products assigned to Class I pursuant to § 1041.46(a)(3)(iv) and (v) and the corresponding step of § 1041.46 (b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

15. In § 1041.91, paragraphs (a) and (d) are revised to read as follows:

§ 1041.91 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The month during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1043—MILK IN THE UPSTATE MICHIGAN MARKETING AREA

1. In § 1043.8, paragraph (a) is revised to read as follows:

§ 1043.8 Pool plant.

* * * * * *

(a) A distributing plant other than that of a producer-handler, or one described in § 1043.82 or § 1043.83, from which during the month:

(1) Disposition of fluid milk products, except filled milk, on routes in the marketing area equals or exceeds the smaller of:

(i) Twenty percent of such plant's receipts from qualified dairy farmers, or

(ii) 150,000 pounds; and

(2) Total disposition of fluid milk products, except filled milk, on routes during the month equals or exceeds 50 percent of receipts of fluid milk products, except filled milk, from qualified dairy farmers and supply plants.

* * * * * *

2. Section 1043.12 is revised to read as follows:

§ 1043.12 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who receives no fluid milk products except from his own production or by transfer from a pool plant, and receives no milk products other than fluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer

from a pool plant) and the operation of the processing business is the personal enterprise and risk of such person.

3. Section 1043.16 is revised to read as follows:

§ 1043.16 Fluid milk product.

"Fluid milk product" means milk, flavored milk, skim milk, buttermilk, filled milk, half-and-half, or other mixtures of cream and milk containing less than 18 percent butterfat.

4. Section 1043.17 is revised to read as follows:

§ 1043.17 Route.

"Route" means a delivery (including delivery by a vendor, or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk or filled milk processing plant.

5. In § 1043.18, the introductory text immediately preceding paragraph (a) and paragraph (d) are revised to read as follows:

§ 1043.18 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

6. A new § 1043.19 is added to read as follows:

§ 1043.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1043.30(c), subparagraph (2) is revised to read as follows:

§ 1043.30 Monthly reports of receipts and utilization.

* * * * *

(c) * * *

(2) The utilization or disposition of such receipts. Each handler shall report separately the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk, except filled milk, and as filled milk. The report for each handler pursuant to § 1043.9(b) shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * *

8. Section 1043.33 is revised to read as follows:

§ 1043.33 Exempt handler reports.

Each handler exempt pursuant to § 1043.82 or § 1043.83 shall report to the market administrator his disposition of fluid milk products on routes in the marketing area and a report showing separately in-area route sales of filled milk at such time and in such manner as the market administrator shall prescribe.

9. Section 1043.34 is revised to read as follows:

§ 1043.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records, of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products or filled milk received and disposed of in the same form, (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products (including filled milk) handled, (c) inventories of all milk and milk products (including filled milk) on hand at the beginning and end of each month, and (d) payments to producers and cooperative associations.

9a. In § 1043.41(b), subparagraph (2) is revised to read as follows:

§ 1043.41 Classes of utilization.

* * * * * *

(b) * * *

(2) Skim milk and butterfat disposed of as fluid cream or in any product which contains 6 percent or more nonmilk fat (or oil);

* * * * * *

10. In § 1043.43(d), subparagraph (5) is revised to read as follows:

§ 1043.43 Transfers.

* * * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II or Class III; and

* * * * * *

11. In § 1043.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1043.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and cream received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or cream;

(ii) Receipts of fluid milk products (except filled milk) and cream that are not approved by a duly constituted health authority for fluid consumption, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products and cream from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III but not in excess of such quantity:

(i) Receipts of fluid milk products and cream from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II or Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products and cream in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

* * * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products and cream from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products and cream in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying

the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1043.22(j) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * * *

11a. In § 1043.60, paragraph (d) is revised to read as follows:

§ 1043.60 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1043.46(a)(3) and the corresponding step of § 1043.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1043.46(a)(3) (iv) and (v) and the corresponding step of § 1043.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

12. Section 1043.71 is revised to read as follows:

§ 1043.71 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1043.72, 1043.83, and 1043.84 (including any adjustments thereto pursuant to § 1043.76) and out of which he shall make all payments pursuant to § 1043.73 (including any adjustments thereto pursuant to § 1043.76).

13. In § 1043.78, paragraphs (a) and (d) are revised to read as follows:

§ 1043.78 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the skim milk and butterfat involved in such obligation, unless, within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

14. Section 1043.83 is revised to read as follows:

§ 1043.83 Milk subject to other Federal orders.

(a) Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and from which the disposition of Class I milk (excluding filled milk) in the other Federal marketing area, either during the month or during the average of the 12 preceding months, exceeds that in the Upstate Michigan marketing area shall be exempted for such month from all the provisions hereof except as specified in paragraphs (b) and (c) of this section, unless the Secretary determines that such plant is more appropriately regulated under this part.

(b) Each handler operating a plant specified in paragraph (a) of this section shall with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in § 1043.8(a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

15. In § 1043.84, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1043.84 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1043.61 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1043.60(e) and a credit in the amount specified in § 1043.72(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1043.61 at the same location or at the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. Section 1044.6 is revised as follows:

§ 1044.6 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, filled milk, half and half and cream (sweet or sour).

2. Section 1044.7 is revised as follows:

§ 1044.7 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk or filled milk processing plant.

3. Section 1044.8 is revised as follows:

§ 1044.8 Fluid milk plant.

"Fluid milk plant" means the premises, buildings and facilities of any milk receiving, processing or packaging plant handling milk eligible for distribution in the marketing area as Grade A milk or conforming to the requirements of Michigan Act No. 169, Public Acts 1929, as amended:

(a) From which any fluid milk product, except filled milk, is disposed of during the month in the marketing area on routes except as provided in § 1044.81; or

(b) From which any milk or skim milk, except skim milk in filled milk, is delivered to plants described in paragraph (a) of this section on ten or more days in any of the months of July through December or on three or more days in any of the months of January through June.

4. Section 1044.9 is revised as follows:

§ 1044.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk or filled milk receiving, manufacturing or processing plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a fluid milk plant.

5. Section 1044.19 is added as follows:

§ 1044.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1044.30, paragraph (a)(2) is revised as follows:

§ 1044.30 Monthly reports of receipts and utilization.

* * * * * *

(a) * * *

(2) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing in-area and outside area route disposition of filled milk; and

* * * * * *

7. Section 1044.34 is revised as follows:

§ 1044.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products (including filled milk) received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products (including filled milk) handled;

(c) Inventories of all dairy products (including filled milk) on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

8. In § 1044.43, paragraph (d)(5) is revised as follows:

§ 1044.43 Transfers.

* * * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

9. In § 1044.46, subparagraphs (3), (4) and (7)(i) of paragraph (a) are revised as follows:

§ 1044.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) that are not approved by a duly constituted health authority, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk at all fluid milk plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other fluid milk plant handlers and in receipts in bulk from other order plants; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, remaining at this plant is of all such receipts remaining at all fluid milk plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other fluid milk plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other fluid milk plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * *

(7) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not

subtracted pursuant to subparagraphs (3)(iv), (4) (i) or (ii) of this paragraph; and

• • • • • •

10. In § 1044.75, paragraphs (a) and (d) are revised as follows:

§ 1044.75 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or association or, if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

11. Section 1044.82 is revised as follows:

§ 1044.82 Handlers subject to other Federal orders.

The provisions of this part shall not apply to a handler with respect to the operation of a fluid milk plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, in the other Federal marketing area exceeds that in the Michigan Upper Peninsula marketing area: *Provided*, That the operator of a fluid milk plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. Section 1046.9 is revised to read as follows:

§ 1046.9 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, distributes any portion of such milk in the marketing area on a route and receives no fluid milk products from other dairy farmers or nonpool plants and no milk products other than fluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all of the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

2. In § 1046.12, paragraph (a) is revised to read as follows:

§ 1046.12 Pool plant.

• • • • • •

(a) A city plant, other than a plant operated by a producer-handler, which meets the following requirements:

(1) For each of the months of May through October not less than 30 percent and for each of the months of November through April not less than 50 percent of the fluid milk products, except filled milk, received during the 2 months immediately preceding from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), from country plants and from pool plants in containers not larger than a gallon are disposed of as Class I milk, except filled milk, from such plant during such 2-month period to all outlets except such disposition to pool plants in containers larger than a gallon: *Provided*, That, if such utilization percentage for the 2 preceding months cannot be ascertained by the market administrator, the respective percentages shall apply to receipts and sales during the current month; and

(2) An amount of Class I milk, except filled milk, equal to not less than an average of 13,500 pounds per day or not less than 10 percent of the fluid milk products, except filled milk, received during the current month from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), and from country plants is distributed on routes in the marketing area;

• • • • • •

3. In § 1046.13, the introductory text immediately preceding paragraph (a) and paragraphs (c) and (d) are revised as follows:

§ 1046.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

• • • • • •

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

4. Amend § 1046.15 to read as follows:

§ 1046.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, pancake mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. Section 1046.17 is revised to read as follows:

§ 1046.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a milk or filled milk plant(s). A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets without intermediate movement to another milk or filled milk plant.

6. A new § 1046.19a is added to read as follows:

§ 1046.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers,

emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1046.30, paragraphs (a)(5) and (b) are revised to read as follows:

§ 1046.30 Reports of receipts and utilization.

(a) • • •

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the disposition of fluid milk products, except filled milk, and filled milk on routes in the marketing area.

• • • • • •

(b) Each handler specified in § 1046.8 (d) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

8. Section 1046.33 is revised to read as follows:

§ 1046.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products (including filled milk) handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products (including filled milk) on hand at the beginning and end of each month.

9. In § 1046.44, paragraphs (d), (e), and (f)(5) are revised to read as follows:

§ 1046.44 Transfers.

• • • • • •

(d) As Class I milk, if transferred in bulk (in the form of milk, skim milk, filled milk or cream) or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located 250 airline miles or more as determined by the market administrator, from the nearer of the City Halls in either Louisville, Ky., or Evansville, Ind.

(e) As Class I milk, if transferred in bulk (in the form of milk, skim milk, filled milk or cream) or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant located less than 250 airline miles as determined by the market administrator, from the nearer of the City Halls in either Louisville, Ky., or Evansville, Ind., unless the requirements of subparagraphs (1) and 2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

• • • • • •

(f) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • • •

10. In § 1046.46(a), subparagraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1046.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products, except filled milk, for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from pool plants of other handlers, from a cooperative association as a handler pursuant to § 1046.8(c), and in bulk receipts from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall

be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made:

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1046.22(m); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

* * * * *

11. Section 1046.61 is revised to read as follows:

§ 1046.61 Plants subject to other Federal orders.

(a) Unless determined otherwise by the Secretary, the provisions, except paragraph (b) of this section, of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1046.12 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Louisville-Lexington-Evansville marketing area to other pool plants and to retail or wholesale outlets than in the marketing area regulated pursuant to such other order during the current month: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) Each handler operating a plant specified in § 1046.12(a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

12. In § 1046.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1046.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1046.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1046.70(e) and a credit in the amount specified in § 1046.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12a. In § 1046.70, paragraph (d) is revised to read as follows:

§ 1046.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1046.46(a)(3)(iv) and (v) and the corresponding step of § 1046.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * *

13. Section 1046.83 is revised to read as follows:

§ 1046.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1046.61, 1046.62, 1046.84, and 1046.86 and out of which he shall make all payments pursuant to §§ 1046.85 and 1046.86: *Provided*, That payments due any handler shall be offset by payments due from such handler.

14. In § 1046.89, paragraphs (a) and (d) are revised to read as follows:

§ 1046.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the skim milk and butterfat involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled, and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deductions of set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. Section 1049.9 is revised to read as follows:

§ 1049.9 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants, and no milk products other than fluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and distributing business are at the personal enterprise and risk of such person.

2. In § 1049.12, paragraph (a) is revised to read as follows:

§ 1049.12 Pool plant.

* * * * *

(a) A distributing plant with:

(1) Total route sales, exclusive of packaged fluid milk products received from other plants and filled milk, in an amount not less than 50 percent of Grade A milk received at such plant during the month from dairy farmers (excluding receipts of producer milk by diversion pursuant to § 1049.14) and supply plants, except that a plant meeting such percentage requirement for the preceding month may remain qualified under this subparagraph in the current month; and

(2) Route sales within the marketing area during the month of at least 10 percent of such receipts, such route sales to be exclusive of packaged fluid milk products received from other plants and filled milk: *Provided*, That any plant meeting the requirements of this paragraph in each of the months of September through May, inclusive, shall continue to have pool plant status in the months of June, July, and August, immediately following if fluid milk products, except filled milk, are disposed of from the plant in the marketing area on routes during such month.

* * * * *

3. In § 1049.13, the introductory text immediately preceding paragraph (a) is revised to read as follows:

§ 1049.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

4. Section 1049.15 is revised to read as follows:

§ 1049.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, filled milk, buttermilk, milk drinks (plain or flavored), "fortified" products, "dietary" milk products, concentrated milk or skim milk, reconstituted milk, skim milk, or milk drinks (plain or flavored), and cream or any mixture in fluid form of cream, milk or skim milk (except eggnog, yogurt, milk shake mix, frozen dessert mix, sour cream, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, and sterilized products packaged in hermetically sealed metal or glass containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. Section 1049.17 is revised to read as follows:

§ 1049.17 Route.

"Route" means a delivery (including that custom-packaged for another person, disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1049.41(a)(1) other than a delivery in bulk form to any milk or filled milk processing plant.

6. A new § 1049.19 is added to read as follows:

§ 1049.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1049.30, paragraph (b) is revised to read as follows:

§ 1049.30 Reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the disposition of Class I milk, except filled milk, and filled milk on routes inside the marketing area; and

* * * * *

8. Section 1049.31 is revised to read as follows:

§ 1049.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler specified in § 1049.8(c) who operates a partially regulated distributing plant shall report as required of handlers operating pool plants pursuant to § 1049.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

9. Section 1049.33 is revised to read as follows:

§ 1049.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

(d) Payments to producers or dairy farmers, as the case may be, and cooperative associations, including the amount and nature of any deductions and the disbursement of monies so deducted.

10. In § 1049.44(d), subparagraph (5) is revised to read as follows:

§ 1049.44 Transfers.

* * * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

11. In § 1049.46(a) paragraphs (2), (3), (4), (7), and (8) are revised to read as follows:

§ 1049.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk if Class II utilization was requested by the operator of such plant and the handler;

* * * * * *

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk, in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs, (3)(v) and (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk;

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1049.27(m); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

* * * * * *

12. Section 1049.61 is revised to read as follows:

§ 1049.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraph (a), (b), or (c) of this section

the provisions of this part shall not apply, except as specified in paragraphs (d) and (e) of this section:

(a) A distributing plant from which the Secretary determines a greater proportion of fluid milk products (except filled milk) is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition (except filled milk) on routes is made in such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant which meets the requirements set forth in § 1049.12 (a) which also meets the requirements of another order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk (except filled milk) is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other order;

(c) A supply plant which during the month is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1049.12(b) and a greater volume of fluid milk products (except filled milk) is moved to pool distributing plants qualified on the basis of route sales in this marketing area;

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section, shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

13. In § 1049.62, paragraphs (a) and (b)(1)(i) are revised to read as follows:

* * * * * *

§ 1049.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is greater, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price;

(b) Except as a handler may elect the option pursuant to paragraph (a) of this section, an amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1049.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1049.70(e) and a credit in the amount specified in § 1049.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

13a. In § 1049.70, paragraph (d) is revised to read as follows:

§ 1049.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1049.46(a)(3) and the corresponding step of § 1049.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1049.46 (a)(3)(iv) and (v) and the corresponding step of § 1049.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

14. Section 1049.81 is revised to read as follows:

§ 1049.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1049.61, 1049.62, 1049.82, 1049.84, and 1049.88 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1049.83, 1049.84, and 1049.88, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1049.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1049.80 in accordance with the requirements of § 1049.71(i).

15. In § 1049.87, paragraphs (a) and (d) are revised to read as follows:

§ 1049.87 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received, or handled; or

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or

if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.12 paragraphs (a) and (b) are revised to read as follows:

§ 1050.12 Pool plant.

• • • • • •

(a) A distributing plant, other than that of a producer-handler or one described in § 1050.61, from which during the month:

(1) Disposition of fluid milk products, except filled milk, in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products, except filled milk, is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products, except filled milk, on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

• • • • • •

2. Section 1050.13 is revised to read as follows:

§ 1050.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1050.16 is revised to read as follows:

§ 1050.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk; filled milk; concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1050.19a is added to read as follows:

§ 1050.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1050.30 subparagraphs (3) and (5) of paragraph (a) and paragraph (c) are revised to read as follows:

§ 1050.30 Reports of receipts and utilization.

• • • • • •

(a) • • •

(3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

• • • • • •

(5) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require;

• • • • • •

(c) Each handler specified in § 1050.9(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk; and

• • • • • •

6. In § 1050.43, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1050.43 Transfers and diversions.

• • • • • •

(f) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II;

• • • • • •

7. In § 1050.45, subparagraphs (2), (3), (4), (5), (6), (7), (8), and the introductory text of subparagraph (9) preceding subdivision (i) of paragraph (a) are revised to read as follows:

• • • • • •

§ 1050.45 Allocation of skim milk and butterfat classified.

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) and (ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph pursuant to the following procedure:

• • • • • •

8. Section 1050.61 is revised to read as follows:

§ 1050.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Central Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Central Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater Class I route disposition in the marketing area of the Central Illinois order;

(c) Any plant qualified pursuant to § 1050.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act;

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1050.30 through 1050.32) and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

9. In § 1050.62 paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1050.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1) (i) The obligation that would have been computed pursuant to § 1050.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1050.70(f) and a credit in the amount specified in § 1050.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

• • • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted

under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

9a. In § 1050.70, paragraph (e) is revised to read as follows:

§ 1050.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1050.45(a)(4) and the corresponding step of § 1050.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1050.45(a)(4) (iv) and (v) and the corresponding steps of § 1050.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

10. Section 1050.83 is revised to read as follows:

§ 1050.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows: (a) All payments made by handlers pursuant to §§ 1050.61, 1050.62, 1050.84, and 1050.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1050.85 and 1050.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1050.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1050.80 in accordance with the requirements of § 1050.71(i).

11. In § 1050.90 paragraphs (a) and (d) are revised to read as follows:

§ 1050.90 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1060—MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

1. Section 1060.11 is revised to read as follows:

§ 1060.11 Producer-handler.

Producer-handler means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no milk during the month from other dairy farmers or fluid milk products from sources other than pool plants and not more than 3,000 pounds of milk and fluid milk products (including the milk equivalent of milk products other than fluid milk products which are reconstituted into fluid milk products) during the month from any source;

(c) Receives no milk products other than fluid milk products from any source for reconstitution into fluid milk products except that received within the limitations set forth in paragraph (b) of this section;

(d) Such person must provide proof satisfactory to the market administrator that (1) the care and management of all the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person, and (2) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

2. Section 1060.18 is revised to read as follows:

§ 1060.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, filled milk, concentrated milk, buttermilk, milk drinks (plain or flavored), sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk. The term includes these products in fluid, frozen, fortified (including "dietary" milk products) or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as yogurt, eggnog, aerated cream in dispensers, ice cream mix, frozen dessert mix and evaporated or condensed milk or skim milk. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

3. A new § 1060.19 is added, to read as follows:

§ 1060.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

4. Section 1060.20 is revised to read as follows:

§ 1060.20 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk or filled milk from one tank truck to another shall not be a plant under this definition. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

5. In § 1060.23, paragraphs (a) and (b) are revised to read as follows:

§ 1060.23 Pool plant.

* * * * *

(a) A distributing plant from which during the month there is disposed:

(1) As Class I milk, except filled milk, on routes in the marketing area not less than 15 percent of Grade A milk receipts at such plant; and

(2) As Class I milk, except filled milk, on routes or by transfer to another plant and classified as Class I pursuant to § 1060.44 not less than the applicable percentage of such plant's receipts of Grade A milk:

(i) March through June, 20 percent;

(ii) July through February, 25 percent: *Provided*, That all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the applicable percentage requirement of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(b) A supply plant from which not less than 25 percent of its producer receipts at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of August through November shall be a pool plant for the months of March through June unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

6. In § 1060.24, the introductory text preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1060.24 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are shipped during the month to a distributing plant, and is neither an other order plant nor a producer-handler plant.

7. In § 1060.35, paragraphs (e) and (h) are revised to read as follows:

§ 1060.35 Reports of receipts and utilization.

* * * * *

(e) A separate statement showing the disposition of fluid milk products on routes in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(h) Each handler specified in § 1060.10(d) who operates a partially regulated distributing plant shall report as required in this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7a. In § 1060.38, paragraphs (b) and (c) are revised to read as follows:

§ 1060.38 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and

* * * * *

8. In § 1060.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1060.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

9. Section 1060.46 is revised to read as follows:

§ 1060.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1060.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1060.41(b)(5);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt institutions as defined in § 1060.60(b);

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) The pounds of skim milk in receipts which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) the sum of the pounds of skim milk in producer milk, receipts of fluid milk products from pool plants of other handlers, and receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the transferee handler but not in excess of the pounds of skim milk remaining in Class II milk;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1060.32(i) or the percentage that Class II utilization remaining

is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1060.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. The introductory text of § 1060.61 which precedes paragraph (a) is revised to read as follows:

§ 1060.61 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to a plant of a handler specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

• • • • • •

§ 1060.61 [Amended]

10a. In paragraph (a) of § 1060.61, the phrase "fluid milk products" as it appears in the text preceding the proviso is changed to read "fluid milk products, except filled milk,"; and the phrase "Class I disposition" as it appears in the proviso is changed to read "Class I disposition, except filled milk".

10b. In § 1060.61, paragraphs (b) and (c) are revised and new paragraphs (d) and (e) are added to read as follows:

§ 1060.61 Plants subject to other Federal orders.

• • • • • •

(b) A distributing plant which meets the requirements set forth in § 1060.23(a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of fluid milk products, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order;

(c) A supply plant from which the Secretary determines a greater proportion of its Grade A receipts, except filled milk, is shipped during the month to plants which are regulated by another order pursuant to the Act if such shipments qualify it as a pool plant under such other order;

(d) Each handler operating a plant described in paragraph (a), (b) or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1060.35 through 1060.37) and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a), (b) or (c) of this section if such plant is subject to the section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

11. In § 1060.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1060.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1) (i) The obligation that would have been computed pursuant to § 1060.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1060.70(f) and a credit in the amount specified in § 1060.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

• • • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similiar provision of another order issud pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. In § 1060.70, paragraph (e) is revised as follows:

§ 1060.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(e) Add the amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat from other source milk subtracted from Class I pursuant to § 1060.46(a)(4) and the corresponding step of § 1060.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1060.46(a)(4)(iv) and (v) and the corresponding step of § 1060.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • • •

12. In § 1060.83, paragraph (a) is revised to read as follows:

§ 1060.83 Producer-settlement fund.

• • • • • •

(a) Payments made by handlers pursuant to §§ 1060.61, 1060.62, 1060.84 and 1060.86.

• • • • • •

13. In § 1060.89, paragraphs (a) and (d) are revised to read as follows:

§ 1060.89 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1062—MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

1. Section 1062.12 is revised to read as follows:

§ 1062.12 Pool plant.

"Pool plant" means:

(a) Any distributing plant, other than that of a producer-handler or one described in § 1062.61, which:

(1) Has disposition during the month of fluid milk products, except filled milk, on routes and in packaged form to pool distributing plants, which, after subtraction of the quantity of packaged fluid milk products, except filled milk, received from other pool plants, is equal to at least 50 percent of such plant's total receipts of Grade A fluid milk products from dairy farmers (including milk diverted by the plant operator), supply plants and cooperative associations as handlers pursuant to § 1062.8(d), exclusive of packaged fluid milk products, except filled milk, received from other pool plants, and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts or an average of not less than 7,000 pounds per day, whichever is less; or

(2) Qualified as a pool plant in the immediately preceding month on the basis of the performance standards described in subparagraph (1) of this paragraph;

(b) Any supply plant from which during the month 50 percent or more of the Grade A milk received from dairy farmers and cooperative associations in their capacity as a handler pursuant to § 1062.8(d) is shipped to a plant(s) described in paragraph (a) of this section. Any supply plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentages of its receipts during each of the months of September through February shall be designated a pool plant in each of the following months of March through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments;

(c) Any plant which is operated by or under contract to a cooperative association, or a federation of cooperatives, if:

(1) The operator of such plant(s) requests pool status, and 50 percent or more of all the Grade A milk from farms of the member producers of such cooperative or federation including milk delivered by the cooperative as a handler pursuant to § 1062.8(d) has been shipped to and physically received at pool distributing plants during the current month or the previous 12-month period ending with the current month, either directly from producer member farms or by transfer from such association plant(s); and

(2) Such a plant does not qualify during the month as a "pool plant" under another market pool order issued pursuant to the Act by making shipments of milk to plants which qualify as "pool plants" under such other order; or

(3) Such plant meets the requirements of subparagraph (2) of this paragraph and met the requirements of subparagraph (1) of this paragraph in the preceding month.

2. Section 1062.13 is revised to read as follows:

§ 1062.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products in consumer-type packages or dispenser units in the marketing area during the month; and

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1062.16 is revised to read as follows:

§ 1062.16 Fluid milk products.

"Fluid milk product" means milk, skim milk, concentrated milk, buttermilk, flavored milk, milk drinks (plain or flavored), fortified milk or skim milk (including "dietary milk products"), filled milk, reconstituted milk or skim milk, sour cream and sour cream mixtures labeled Grade A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog, sour cream or sour cream mixtures not labeled Grade A, dips not labeled Grade A, and sterilized milk and milk products hermetically sealed in metal or glass containers and so processed either before or after sealing so as to prevent microbial spoilage). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. Section 1062.17 is revised to read as follows:

§ 1062.17 Route disposition.

"Route disposition" or "disposed of on routes" means any delivery of a fluid milk product to a retail or wholesale outlet (including any delivery through a vendor, or a sale in packaged form from a plant or plant store) except a delivery to another plant or to commercial food establishments pursuant to § 1062.41(b)(4).

5. A new § 1062.19 is added to read as follows:

§ 1062.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1062.30, paragraphs (a)(3), (4) and (b) are revised to read as follows:

§ 1062.30 Reports of receipts and utilization.

• • • • • •

(a) • • •

(3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities:

(i) Of fluid milk products on hand at the end of the month;

(ii) Of route disposition of fluid milk products in the marketing area, and route disposition of filled milk in and outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each handler described in § 1062.8 (b) shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk and such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * * *

7. In § 1062.33, paragraph (b) is revised to read as follows:

§ 1062.33 Records and facilities.

* * * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

* * * * * *

8. In § 1062.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1062.44 Transfers.

* * * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid products shall be classified as Class I milk, and skim milk and butterfat allocated to another class shall be classified as Class II milk; and

* * * * * *

9. In § 1062.46(a), subparagraphs (2), (3), (4), (5), (6), (7), and the introductory text of subparagraph (8) preceding subdivision (i) are revised to read as follows:

§ 1062.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1062.60(b);

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph;

(*a*) For which the handler requests Class II milk utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(iii) The pounds of skim milk in receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3) (iv) or (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3) (v) or (4) (ii) of this paragraph:

* * * * * *

10. Section 1062.61 is revised to read as follows:

§ 1062.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in such other Federal order marketing area is greater than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(c) A supply plant meeting the requirements of § 1062.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of March through August if such plant retains automatic pooling status under this part;

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1062.30 through 1062.32) and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

11. In § 1062.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1062.62 Obligations of handlers operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1062.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or any other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1062.70(e) and a credit in the amount specified in § 1062.84(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of route disposition (other than to pool plants) of skim milk and butterfat disposed of in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II milk price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. In § 1062.70, paragraph (d) is revised to read as follows:

§ 1062.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the value at the Class I milk price applicable at the pool plant and the value at the Class II milk price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1062.46(a) (3) and the corresponding step of § 1062.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1062.46(a) (3) (iv) and (v) and the corresponding step of § 1062.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * * *

12. Section 1062.83 is revised to read as follows:

§ 1062.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1062.61, 1062.62, 1062.84, and 1062.86, and out of which he shall make all payments to handlers pursuant to §§ 1062.85 and 1062.86. The market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1062.89, paragraphs (a) and (d) are revised to read as follows:

§ 1062.89 Termination of obligation.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.10, paragraphs (a) and (b) are revised as follows:

§ 1063.10 Pool plant.

* * * * * *

(a) A distributing plant from which:

(1) The volume of Class I packaged fluid milk products, except filled milk, disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products other than filled milk from other pool distributing plants, is not less than 45 percent of the total Grade A fluid milk products, except filled milk, received at such plant, exclusive of receipts of packaged fluid milk products from other pool distributing plants and receipts from other order plants which are assigned pursuant to § 1063.46(a) (4) (ii) and the corresponding step of § 1063.46(b); and

(2) Not less than 15 percent of such receipts during the month are so disposed of in the marketing area on routes.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of December through August, unless written application is filed with the market administrator on or before the 1st day of any of the months of December through August to be designated a nonpool plant for such month and for each subsequent month through August.

* * * * * *

2. Section 1063.11 is revised as follows:

§ 1063.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1063.15 is revised as follows:

§ 1063.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and butterfat (except aerated cream products, products containing cheese and labeled as such, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1063.18 is added as follows:

§ 1063.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1063.30, paragraph (f) is revised as follows:

§ 1063.30 Reports of receipts and utilization.

* * * * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * * * *

6. In § 1063.31, paragraph (c)(1) is revised as follows:

§ 1063.31 Other reports.

* * * * * * *

(c) * * *

(1) As required pursuant to § 1063.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

* * * * * * *

7. In § 1063.44, paragraph (e)(5) is revised as follows:

§ 1063.44 Transfers.

* * * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * * *

8. In § 1063.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1063.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk, including diversions, from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1063.22(m) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * * * *

9. Section 1063.61 is revised as follows:

§ 1063.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a handler who operates a plant specified in paragraph (a) of this section except as specified in paragraphs (b) and (c):

(a) A distributing plant, a supply plant or a plant otherwise qualified as a pool plant pursuant to § 1063.10(c) during any month in which such plant would be subject to the classification and pricing provision of another order issued pursuant to the act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1063.10 and to retail and wholesale outlets in the Quad Cities–Dubuque marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order;

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1063.30) and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a) of this section,

if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

10. In § 1063.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1063.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1063.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1063.70(e) and a credit in the amount specified in § 1063.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10a. Section 1063.70 is revised as follows:

§ 1063.70 Computation of the net pool obligation of each pool handler.

* * * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1063.46(a)(3) and the corresponding step of § 1063.46(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1063.46(a)(3)(iv) and (v) and the corresponding step of § 1063.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * * * *

11. Section 1063.83 is revised as follows:

§ 1063.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1063.61, 1063.62, 1063.84, and 1063.86 and out of which he shall make all payments to handlers pursuant to §§ 1063.85 and 1063.86.

12. In § 1063.89, paragraphs (a) and (d) are revised as follows:

§ 1063.89 Termination of obligations.

* * * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. Section 1064.12 is revised as follows:

§ 1064.12 Pool plant.

"Pool plant" means a plant (except a plant exempt pursuant to § 1064.60 or § 1064.62) specified in paragraph (a), (b), or (c) of this section:

(a) A distributing plant from which during the month or the immediately preceding month:

(1) Not less than 15 percent of the total Grade A fluid milk products, except filled milk, received at such plant, including producer milk diverted to other plants pursuant to § 1064.15 by the handler operating such plant is disposed of in the marketing area on routes in the form of fluid milk products, except filled milk, and

(2) Not less than the following percentage of the total Grade A fluid milk products, except filled milk, received at such plant, including producer milk diverted to other plants pursuant to § 1064.15 by the handler operating such plant is disposed of on routes in the form of fluid milk products, except filled milk: *Provided*, That the combined receipts and disposition of each handler who operates more than one distributing plant, each of which meets the performance requirement of subparagraph (1) of this paragraph, shall be used in determining the percentages specified in this subparagraph:

(i) April through June, 35 percent;

(ii) September and October, 50 percent; and

(iii) All other months, 45 percent.

(b) A supply plant from which during the month the volume of Grade A fluid milk products, except filled milk, shipped

to and received at pool plants pursuant to paragraph (a) of this section and/or disposed of in the marketing area as Class I, except filled milk, on routes is not less than 30 percent during November, December, and January and not less than 50 percent during all other months of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1064.7(c) except receipts of diverted milk pursuant to § 1064.15): *Provided*, That any supply plant which is a pool plant during September through January shall be pooled for the following months of February through August if the required percentages pursuant to this paragraph are not met, unless such operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

(c) A supply plant which is operated by a cooperative association in any month in which the member producer milk of such cooperative association received during the month at pool distributing plants either by transfer from such supply plant or directly from member producers' farms is equal to or in excess of the following percentages of such cooperatives' total member producer milk: September, October, November, December, and January, 65 percent; all other months, 50 percent. If two or more cooperative associations desire to qualify, a supply plant operated by one of such cooperatives as a pool plant on the basis of their combined deliveries to pool distributing plants and have filed a request to this effect in writing with the market administrator on or before the first day of the month the agreement is effective, such a supply plant shall be a pool plant during the month if the above specified percentages of the total member producer milk of such cooperative associations was received during the month at pool distributing plants.

2. Section 1064.13 is revised as follows:

§ 1064.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant (except the plant of a handler pursuant to § 1064.7(f), an other order plant, or a producer-handler plant) from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant which is not an other order plant, a producer-handler plant, or a plant of a handler pursuant to § 1064.7(f) from which a fluid milk product is shipped during the month to a pool plant.

3. Section 1064.17 is revised as follows:

§ 1064.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, filled milk, sweet or sour cream and any mixture of such cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1064.17a is added as follows:

§ 1064.17a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1064.30, paragraphs (e) and (h) are revised as follows:

§ 1064.30 Reports of receipts and utilization.

* * * * * * *

(e) The disposition of fluid milk products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * * * *

(h) Each handler specified in § 1064.7(d) who operates a partially regulated distributing plant shall report as required in this section, with receipts in Grade A milk reported in lieu of those in producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

6. In § 1064.33, paragraphs (b) and (d) are revised as follows:

§ 1064.33 Records and facilities.

* * * * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product (including filled milk) on hand at the beginning and at the end of each month.

7. In § 1064.44, paragraph (e)(5) is revised as follows:

§ 1064.44 Transfers.

* * * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I and skim milk and butterfat allocated to the other class shall be classified as Class III; and

* * * * * * *

8. Section 1064.46 is revised as follows:

§ 1064.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1064.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III, the pounds of skim milk classified as Class III pursuant to § 1064.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract, in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products, except filled milk, for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from a handler pursuant to § 1064.7(f);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler

pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk or Class III milk but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products that were not subtracted pursuant to subparagraph (3)(v) of this paragraph from an unregulated supply plant:

(*a*) For which the handler requests Class II or Class III in series beginning with the requested class; or

(*b*) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from other pool plants, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph; and

(ii) Receipts of fluid milk products that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph in bulk from an other order plant in excess of similar transfers to such plant, if Class II or Class III was requested by the operators of both plants in series beginning with the requested class;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(v) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1064.22(m) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1064.44(a); and

(10) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. In § 1064.61, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1064.61 Obligations of handler operating a partially regulated distributing plant.

* * * * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1064.70 shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1064.70(e) and a credit in the amount specified in § 1064.84(a)(2)(ii) with respect to receipts, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

10. Section 1064.62 is revised as follows:

§ 1064.62 Plants subject to other Federal orders.

The provisions of this part shall not apply to any plant which meets the requirements of paragraph (a), (b), or (c) of this section, except as specified in paragraphs (d) and (e) of this section.

(a) A distributing plant qualified pursuant to § 1064.12 which also meets the pooling requirements of another Federal order and a greater volume of fluid milk products, except filled milk, was disposed of during the month on routes in such other marketing area and to pool plants qualified on the basis of route distribution in such other marketing area than was so disposed of in this marketing area except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its fluid product disposition, except filled milk, is made in the above described manner in such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A distributing plant qualified pursuant to § 1064.12 which also meets the pooling requirements of another Federal order and a greater volume of fluid milk products, except filled milk, was disposed of during the month on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A supply plant meeting the requirements of § 1064.12, which also meets the pooling requirements of another Federal order, from which greater direct marketing area route disposition in the form of fluid milk products, except filled milk, and qualifying shipments are made to plants regulated under such other order than are made in this marketing area on routes in the form of fluid milk products, except filled milk, and

to plants regulated under this part, except that during the months of February through August if the operator of such plant gives written notification to the market administrator on or before the 1st day of any such month that he elects to maintain automatic pool status for such plants under this part for the month and each subsequent month through August.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1064.30 through 1064.32) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

10a. Section 1064.70 is revised as follows:

§ 1064.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III prices, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1064.46(a)(3) and the corresponding step of § 1064.46(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1064.46 (a)(3)(v) and (vi) and the corresponding step of § 1064.70(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

11. In § 1064.83, paragraph (a) is revised as follows:

§ 1064.83 Producer-settlement fund.

* * * * *

(a) Payments made by handlers pursuant to § 1064.61 (a) and (b), § 1064.62 (e), and §§ 1064.84 and 1064.86.

* * * * *

12. In § 1064.89, paragraphs (a) and (d) are revised as follows:

§ 1064.39 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING IOWA

1. Section 1065.9 is revised to read as follows:

§ 1065.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets all of the following conditions:

(a) Receipts of fluid milk products at his plant are solely milk of his own production and fluid milk products from pool plants of other handlers;

(b) Receives no milk products other than fluid milk products for reconstituting into fluid milk products; and

(c) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk (including filled milk) are the personal enterprise and the personal risk of such person.

2. In § 1065.12, paragraphs (a) and (b) are revised to read as follows:

§ 1065.12 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of plants qualifying as pool plants pursuant to this paragraph), and cooperative associations pursuant to § 1065.8 (d), is disposed of during the month on routes and not less than 15 percent of such receipts are so disposed of in the marketing area; and

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 1065.8(d) during such month. A supply plant that qualifies as a pool plant in each of the immediately preceding months of August through December shall be a pool plant for the succeeding months of January through July, unless the plant operator requests the market administrator, in writing, that such plant not be a pool plant, such nonpool plant status to be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments.

* * * * *

3. In § 1065.13, the introductory text preceding paragraph (a), and paragraphs (c) and (d) are revised to read as follows:

§ 1065.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

4. Section 1065.16 is revised to read as follows:

§ 1065.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk,

yogurt, milk drinks (plain or flavored), filled milk, concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated or condensed milk, sterilized products packaged in hermetically sealed metal or glass containers, and cultured sour mixtures of cream and milk or skim milk to which cheese or any other food substance other than a milk product has been added and not labeled as Grade A).

5. A new § 1065.19 is added, to read as follows:

§ 1065.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1065.30, subparagraph (3) of paragraph (a), and paragraph (b) are revised to read as follows:

§ 1065.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization in each class of the quantities required to be reported, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1065.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include separate statements showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

* * * * *

7. Section 1065.33 is revised to read as follows:

§ 1065.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 1065.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products (including filled milk) received or utilized; and

(c) Payments to producers or cooperative associations.

8. In § 1065.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1065.44 Transfers.

* * * * *

(f) * * *

(5) For the purposes of this paragraph if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

* * * * *

9. Section 1065.46 is revised to read as follows:

§ 1065.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1065.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1065.41(c)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II or Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph,

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such a plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1065.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers

according to the classification assigned pursuant to § 1065.44(a);

(10) Subtract pro rata from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from a cooperative association in its capacity as a handler pursuant to § 1065.8(d); and

(11) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1065.61 is revised to read as follows:

§ 1065.61 Plants subject to other Federal orders.

The provisions of this part, except §§ 1065.32 through 1065.34 and as specified in paragraph (c) of this section shall not apply to a handler with respect to the operation of plants described in paragraphs (a) or (b).

(a) A plant qualified pursuant to § 1065.12(a) from which a lesser volume of fluid milk products (not including filled milk) is disposed of in the Nebraska-Western Iowa marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order;

(b) Any plant qualified pursuant to § 1065.12(b) for any portion of the period of January through July, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(c) Each handler operating a plant specified in paragraph (a), of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketing pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

11. In § 1065.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1065.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1065.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1065.70(e) and a credit in the amount specified in § 1065.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

11a. In § 1065.70, paragraph (d) is revised as follows:

§ 1065.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1065.46(a)(3) and the corresponding step of § 1065.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1065.46(a)(3)(iv) and (v) and the corresponding step of § 1065.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

11b. In § 1065.74, paragraph (a) is revised as follows:

§ 1065.74 Notification of handlers.

* * * * *

(a) The amount and value of his milk, including filled milk, in each class computed pursuant to §§ 1065.46 and 1065.70;

* * * * *

12. Section 1065.81 is revised to read as follows:

§ 1065.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1065.61, 1065.62 (a) and (b), 1065.82, and 1065.84 and out of which he shall make all payments to handlers pursuant to §§ 1065.83 and 1065.84.

13. In § 1065.87, paragraphs (a) and (d) are revised to read as follows:

§ 1065.87 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on skim milk and butterfat involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service if such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1069—MILK IN THE DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.7, paragraphs (a) and (b) are revised to read as follows:

§ 1069.7 Pool plant.

* * * * *

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are pasteurized or packaged and from which there is disposed of during the month as Class I milk, except filled milk, on routes an amount equal to 50 percent or more of total receipts of Grade A milk at such plant from dairy farmers, from other plants, and from cooperative associations in their capacity as handlers and from which there is disposed of as Class I milk, except filled milk, on routes in the marketing area an amount equal to 10 percent or more of such total receipts: *Provided*, That such Class I sales distribution (not including filled milk) in the marketing area averages at least 500 pounds per day;

(b) Any plant, hereinafter referred to as a "supply pool plant", from which during the month 50 percent or more of its supply of Grade A milk from dairy farmers is moved to a distributing pool plant(s): *Provided*, That any supply plant which has qualified as a pool plant in each of the months of September, October, and November shall be a pool plant for each of the following months of December through August unless written request for nonpool status is furnished in advance to the market administrator.

* * * * *

2. Section 1069.8 is revised to read as follows:

§ 1069.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

3. Section 1069.14 is revised to read as follows:

§ 1069.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk flavored milk, flavored milk drinks, filled milk, concentrated milk or milk drinks not in hermetically sealed cans, cream, and fluid mixtures of cream and milk or skim milk, including reconstituted milk or skim milk, but not including frozen cream, aerated cream products, eggnog, or ice cream and frozen dessert mixes. This definition shall not include a product which contains six percent or more nonmilk fat (or oil).

4. A new § 1069.18 is added, to read as follows:

§ 1069.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1069.30, subparagraph (5) of paragraph (a), and paragraph (b) are revised to read as follows:

§ 1069.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1069.9(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk. Such report shall include separate statements showing the quantity of fluid milk products disposed of on routes (other than to pool plants) in the marketing area as Class I milk, and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

6. In § 1069.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1069.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

7. Section 1069.46 is revised to read as follows:

§ 1069.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1069.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1069.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim drinks (plain or flavored), cream or any milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler

pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity;

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a handler pursuant to § 1069.9(d), receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1069.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1069.44(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

8. Section 1069.61 is revised to read as follows:

§ 1069.61 Plants subject to other Federal orders.

(a) Except as set forth in paragraph (b) of this section, the provisions of this part shall not apply to a plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless:

(1) Such plant is qualified as a pool plant pursuant to § 1069.7 and a greater volume of Class I milk, except filled milk, is disposed of from such plant in the Duluth-Superior marketing area than in the marketing area regulated pursuant to such other order, or

(2) The Secretary determines that the applicable order should more appropriately be determined on some other basis.

(b) Each handler in his capacity as an operator of a plant which, pursuant to this section, is made partially exempt from the provisions of this part shall:

(1) With respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1069.30 through 1069.32) and allow verification of such reports by the market administrator; and

(2) If such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(i) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(ii) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

9. In § 1069.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1069.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1069.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1069.70(e) and a credit in the amount specified in § 1069.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1069.71 at the same location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

9a. In § 1069.70, paragraph (d) is revised as follows:

§ 1069.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1069.46(a)(3) and the corresponding step of § 1069.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1069.46(a)(3) (iv) and (v) and the corresponding step of § 1069.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

10. Section 1069.83 is revised to read as follows:

§ 1069.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1069.61, 1069.62, 1069.84, and 1069.86, and out of which he shall make payments to handlers pursuant to §§ 1069.85 and 1069.86: *Provided*, That any payments due to any handler shall be offset by any payments due such handler.

11. In § 1069.89, paragraphs (a) and (d) are revised to read as follows:

§ 1069.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. Section 1070.10 is revised as follows:

§ 1070.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) A cooperative association with respect to Grade A milk received from dairy farmers at their farms in a tank truck owned or operated by such cooperative association and delivered in such tank truck to a pool plant: *Provided*, That such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered by the tank truck and such location shall be deemed to be the location of such cooperative association in its capacity as the operator of a pool plant.

(d) A plant (1) which is approved by a duly constituted health authority for the handling of Grade A milk; (2) which is operated by a cooperative association; and (3) from which the milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is Grade A milk delivered by producers who are members of the association. If written application is filed with the market administrator on or before the 5th day of any month, such plant may be designated a nonpool plant for such month and for any subsequent months, except such plant shall be a nonpool plant during any month in which it would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1070.10 and to retail and wholesale outlets in the Cedar Rapids-Iowa City marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order.

2. Section 1070.11 is revised as follows:

§ 1070.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1070.13 is revised as follows:

§ 1070.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from a cooperative association in its capacity as the operator of a pool plant pursuant to § 1070.10(c) and whose disposition of fluid milk products does not exceed that (a) received from a pool plant, (b) processed from milk of his own production, or (c) processed from fluid milk products received from a pool plant.

4. Section 1070.15 is revised as follows:

§ 1070.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and cream (except aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1070.18 is added as follows:

§ 1070.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and

contains less than 6 percent nonmilk fat (or oil).

6. In § 1070.30, paragraph (f) is revised as follows:

§ 1070.30 Reports of receipts and utilization.

* * * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * * *

7. In § 1070.31, paragraph (c)(1) is revised as follows:

§ 1070.31 Other reports.

* * * * * *

(c) * * *

(1) As required pursuant to § 1070.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and shall include a statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * * *

8. In §1070.32, paragraphs (b) and (c) are revised as follows:

§ 1070.32 Records and facilities.

* * * * * *

(b) The weights and butterfat and other content of all milk, skim milk cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * * *

9. In § 1070.44, paragraph (e)(5) is revised as follows:

§ 1070.44 Transfers.

* * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

10. In § 1070.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1070.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipt of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1070.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

11. Section 1070.61 is revised as follows:

§ 1070.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a handler who operates a plant specified in paragraph (a) of this section except as specified in paragraphs (b) and (c):

(a) A distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1070.10 and to retail and wholesale outlets in the Cedar Rapids-Iowa City marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order.

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1070.30 and 1070.31) and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

12. In § 1070.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1070.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1070.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1070.70(e) and a credit in the amount specified in § 1070.84 (b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12a. Section 1070.70 is revised as follows:

§ 1070.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1070.46(a)(3) and the corresponding step of § 1070.46(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1070.46 (a)(3)(iv) and (v) and the corresponding step of § 1070.70(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

13. Section 1070.83 is revised as follows:

§ 1070.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1070.61, 1070.62, 1070.84, and 1070.86, and out of which he shall make all payments to handlers pursuant to §§ 1070.85 and 1070.86.

14. In § 1070.89, paragraphs (a) and (d) are revised as follows:

§ 1070.89 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1071—MILK IN THE NEOSHO VALLEY MARKETING AREA

1. In § 1071.7, the introductory text and paragraph (a) are revised to read as follows:

§ 1071.7 Pool plant.

"Pool plant" means any milk plant described in paragraph (a) or (b) of this section, which is approved by the appropriate health authority having jurisdiction in the marketing area, except the plant of a producer-handler or a plant exempt pursuant to § 1071.61.

(a) Any plant, hereinafter referred to as a "distributing pool plant" from which:

(1) During the current delivery period there is distributed as Class I milk, except filled milk, on routes in the marketing area, an amount equal to 10 percent or more of such plant's Grade A receipts from dairy farmers as specified in subparagraph (2) of this paragraph; and

(i) During the current delivery period there is disposed of as Class I milk, except filled milk, an amount not less than an applicable percentage of such plant's Grade A receipts as specified in subparagraph (2) of this paragraph as follows: (*a*) April through August, 30 percent; and (*b*) September through March, 45 percent; or

(ii) During five of the six immediately preceding delivery periods, such plant was a pool plant by virtue of meeting the specifications pursuant to subdivision (i) of this subparagraph; and

(2) The Grade A receipts from dairy farmers to be used in calculating the percentages specified in subparagraph (1) of this paragraph, for each plant shall include all receipts of Grade A milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1071.9(c)(3) subject to the following provisions:

(i) Milk diverted to another plant for the account of the operator of the plant from which the milk was diverted shall be included in the receipts of the plant from which diverted for the purposes of this section, if the milk is claimed as diverted on the report of the diverting handler filed for the month pursuant to § 1071.30 (if such claim is made by the diverting handler, milk so diverted shall be excluded from the receipts of the plant to which diverted); and

(ii) Milk received at a plant operated by a cooperative association from another cooperative association acting as a handler pursuant to § 1071.9(c)(2) shall be excluded from the cooperative asso-

ciation's plant receipts for the purposes of this section.

* * * * *

2. Section 1071.8 is revised to read as follows:

§ 1071.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1071.7 and which is neither an other order plant nor a producer-handler plant.

3. Section 1071.11 is revised to read as follows:

§ 1071.11 Producer-handler.

"Producer-handler" means any person who, with the approval of any health authority having jurisdiction in the marketing area, processes milk from his own farm production and disposes of all or a portion of such milk as Class I milk within the marketing area, who receives no milk from producers, and who disposes of no fluid milk products in excess of those (a) received from a pool plant, (b) received from an other order plant that are classified and priced as Class I milk under the other order, and (c) from milk of his own production.

4. Section 1071.16 is revised to read as follows:

§ 1071.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, filled milk, flavored milk drinks, cream, cultured sour cream, and any mixture (except bulk ice cream mix, eggnog, and aerated cream) of cream and milk or skim milk. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1071.17 is added to read as follows:

§ 1071.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. Section 1071.30 is revised to read as follows:

§ 1071.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period, each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts for his account of producer milk;

(2) Milk and milk products (including filled milk) received from other pool plants and from a cooperative association which is a handler pursuant to § 1071.9(c);

(3) Other source milk; and

(4) Inventories on hand at the beginning and the end of the delivery period;

(b) The utilization of all skim milk and butterfat required to be reported by this section, and a statement showing separately in-area and outside area route disposition of filled milk;

(c) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require; and

(d) Each handler specified in § 1071.9 (b) who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. Section 1071.33 is revised to read as follows:

§ 1071.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat in producer milk and all other skim milk and butterfat in milk and milk products (including filled milk) handled during the month and in inventories at the beginning and end of the month.

(b) The weights of butterfat and skim milk in all milk and milk products (including filled milk) handled; and

(c) Payments to producers and cooperative associations.

8. In § 1071.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1071.44 Transfers.

* * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

9. In § 1071.46(a), subparagraphs (2), (4), (5), (7), and (8) are revised to read as follows:

§ 1071.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (4) (iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1071.9(c), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph; in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4) (v) or (5) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4) (v) or (5) (ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1071.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

* * * * *

10. Section 1071.61 is revised to read as follows:

§ 1071.61 Handlers subject to other orders.

In the case of any handler (as defined in this section) who the Secretary determines disposed of a greater portion of his milk as Class I milk, except filled milk, in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act, or who otherwise is determined pursuant to the provisions of another milk marketing agreement or order to be subject to the pricing and payment provisions of such agreement or order, the provisions of this order shall not apply except as specified in paragraphs (a) and (b) of this section:

(a) Each handler operating a plant described above shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) Each handler operating a plant described above, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

11. In § 1071.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1071.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1071.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1071.70(d) and a credit in the amount specified in § 1071.93(b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in filled milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. In § 1071.70, paragraph (c) is revised to read as follows:

§ 1071.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1071.46(a) (4) and the corresponding step of § 1071.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1071.46 (a) (4) (iv) and (v) and the corresponding step of § 1071.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

12. Section 1071.92 is revised to read as follows:

§ 1071.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit payments made by handlers pursuant to §§ 1071.61, 1071.62, 1071.93, and 1071.95 and out of which he shall make payments to handlers pursuant to §§ 1071.94 and 1071.95: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

13. In § 1071.98, paragraphs (a) and (d) are revised to read as follows:

§ 1071.98 Termination of obligation.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association

of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. In § 1073.9, paragraph (a) is revised to read as follows:

§ 1073.9 Producer-handler.

• • • • •

(a) His disposition of fluid milk products does not exceed his own farm production, receipts of fluid milk products from pool plants and receipts of packaged fluid milk products from other order plants; and

• • • • •

2. In § 1073.12, subparagraph (1) of paragraph (a) is revised to read as follows:

§ 1073.12 Pool plant.

• • • • •

(a) • • •

(1) Disposes of through route disposition fluid milk products, except filled milk, in an amount equal to 25 percent or more during the months of March through July and 35 percent during all other months of such plant's total receipts of Grade A milk direct from dairy farmers, supply plants and cooperative associations in their capacity as a handler pursuant to § 1073.8(d) and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts. In any case in which the entire quantity of fluid milk products, except filled milk, disposed of in packages in a particular size and form is received in such packages from other plants, all such disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate disposition of the receiving plant; or

• • • • •

3. Section 1073.13 is revised to read as follows:

§ 1073.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products in consumer-type packages or dispenser units in the marketing area during the month; and

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped to a pool plant.

4. Section 1073.16 is revised to read as follows:

§ 1073.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, filled milk, concentrated milk disposed of for fluid consumption other than in hermetically sealed metal or glass containers, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored) "modified or fortified," including "dietary milk products" and reconstituted milk or skim milk, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains six percent or more nonmilk fat (or oil).

5. A new § 1073.19 is added to read as follows:

§ 1073.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1073.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1073.30 Reports of receipts and utilization.

• • • • •

(a) • • •

(3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities:

(i) Of bulk fluid milk products on hand at the end of the month;

(ii) Of packaged fluid milk products on hand at the end of the month; and

(iii) Of route disposition of fluid milk products in the marketing area;

(iv) Of in-area route disposition of filled milk; and

(v) Of outside area route disposition of filled milk; and

• • • • •

(b) Each handler described in § 1073.8 (b) shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk and a statement showing the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area; and

• • • • •

7. In § 1073.33, paragraph (b) is revised to read as follows:

§ 1073.33 Records and facilities.

• • • • •

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

• • • • •

8. In § 1073.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1073.44 Transfers.

• • • • •

(e) • • •

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk and butterfat allocated to another class shall be classified as Class III milk; and

• • • • •

9. In § 1073.46, subparagraphs (2), (3), (4), (5), (6), (7), (8), and the introductory text of subparagraph (9) preceding subdivision (i), of paragraph (a) are revised to read as follows:

§ 1073.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning

with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or III milk but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph:

(a) For which the handler requests Class III (or Class II) milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph in excess of similar transfers to such plant, if Class III (or Class II) milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(ii) of this paragraph:

• • • • •

10. Section 1073.61 is revised to read as follows:

§ 1073.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in such other Federal order marketing area is greater than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A supply plant meeting the requirements of § 1073.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of December through July if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1073.30 through 1073.32) and allow verification of such reports by the market administrator;

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

11. In § 1073.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1073.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1073.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1073.70(g) and a credit in the amount specified in § 1073.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III milk price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price at the location of the nonpool plant less the value of such skim milk at the Class III price.

11a. In § 1073.70, paragraph (f) is revised to read as follows:

§ 1073.70 Computation of the net pool obligation of each pool handler.

• • • • •

(f) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III milk price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1073.46(a)(4) and the corresponding step of § 1073.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1073.46(a)(4) (iv) and (v) and the corresponding step of § 1073.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • •

12. Section 1073.83 is revised to read as follows:

§ 1073.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1073.61, 1073.62, 1073.84, and 1073.86, and out of which he shall make all payments to handlers pursuant to §§ 1073.85 and 1073.86. Immediately after computing the uniform prices for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 1073.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

13. In § 1073.89, paragraphs (a) and (d) are revised to read as follows:

§ 1073.89 Termination of obligation.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1075—MILK IN THE BLACK HILLS, S. DAK., MARKETING AREA

1. Section 1075.12 is revised as follows:

§ 1075.12 Pool plant.

• • • • •

(a) A distributing plant that has route disposition, except filled milk, during the month of not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants, and that has route disposition, except filled milk, in the marketing area during the month of not less than 20 percent of such receipts.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year.

2. Section 1075.13 is revised to read as follows:

§ 1075.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1075.15 is revised to read as follows:

§ 1075.15 Producer-handler.

"Producer-handler" means any person who operates both a dairy farm(s) and a distributing plant at which each of the following conditions are met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products in bulk or in packaged form from pool plants of other handlers: *Provided*, That such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such person in his capacity as a handler.

4. Section 1075.18 is revised to read as follows:

§ 1075.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, milk drinks (plain or flavored), cream or any mixture in fluid form of milk, skim milk, and cream (except ice cream mix, evaporated or condensed milk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products packaged in hermetically sealed containers).

5. A new § 1075.23 is added to read as follows:

§ 1075.23 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1075.30, paragraph (f) is revised and a new paragraph (h) is added to read as follows:

§ 1075.30 Reports of receipts and utilization.

• • • • •

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including separate statements of the route disposition of Class I milk outside the marketing area and on routes in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

• • • • •

(h) Each handler who operates a partially regulated distributing plant shall report as required in paragraphs (a) through (g) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include separate statements showing the quantity of fluid milk products disposed of on routes in the marketing area and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. Section 1075.32 is revised to read as follows:

§ 1075.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations.

8. In § 1075.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1075.44 Transfers.

• • • • • •

(d) • • •

(5) For purposes of this paragraph if the transferee order provides for more than two classes of utilization skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • • •

9. Section 1075.46 is revised to read as follows:

§ 1075.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1075.45, the market administrator shall determine the classification of milk received at each plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1075.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph as follows:

(i) From Class II milk the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv), (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order

plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1075.27(k); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1075.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1075.61 is revised to read as follows:

§ 1075.61 Plants subject to other Federal orders.

(a) Except as set forth in paragraphs (b) and (c) of this section, the provisions of this part shall not apply to an other order plant during any month unless such plant is qualified as a pool plant pursuant to § 1075.12 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant to retail or wholesale outlets in the Black Hills marketing area and to pool plants under this part than in the marketing area and to pool plants regulated pursuant to such other order;

(b) The operator of a plant specified in paragraph (a) of this section which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1075.30) and allow verification of such reports by the market administrator;

(c) Each handler operating a distributing plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

11. In § 1075.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1075.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1075.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1075.70(e) and a credit in the amount specified in § 1075.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products or in filled milk disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. In § 1075.70, paragraph (d) is revised as follows:

§ 1075.70 Computation of the net pool obligation of each pool handler.

* * * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1075.46(a)(3) and the corresponding step of § 1075.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1075.46(a)(3) (iv) and (v) and the corresponding step of § 1075.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * * * *

11b. In § 1075.74, paragraph (a) is revised to read as follows:

§ 1075.74 Notification of handlers.

* * * * * * *

(a) The amount and value of milk or filled milk in each class pursuant to §§ 1075.46 and 1075.70 and the totals of such amounts and values;

* * * * * * *

12. Section 1075.83 is revised to read as follows:

§ 1075.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1075.61, 1075.62, 1075.84, 1075.85, and 1075.86; *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1075.89, paragraphs (a) and (d) are revised to read as follows:

§ 1075.89 Termination of obligations.

* * * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrators) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to § 8c(15)(A) of the Act, a petition claiming such money.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. Section 1076.9 is revised to read as follows:

§ 1076.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets all of the following conditions:

(a) Receipts of fluid milk products at his plant are solely milk of his own production and from pool plants of other handlers;

(b) Receives no milk products other than fluid milk products from any source for use in reconstituting fluid milk products; and

(c) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk (including filled milk) are the personal enterprise and the personal risk of such person.

2. In § 1076.12, paragraphs (a) and (b) are revised to read as follows:

§ 1076.12 Pool plant.

* * * * * * *

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers, cooperative associations pursuant to § 1076.8(d) and from supply plants is disposed of during the month on routes and not less than 15 percent of such receipts are disposed of as Class I milk, except filled milk, on routes in the marketing area; and

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 1076.8(d) during such month. If such shipments are not less than 50 percent of such receipts during each of the immediately preceding months of September through November, such plant shall be a a pool plant for the months of March through June, unless the operator of such plant requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and such plant shall thereafter be a nonpool plant until it again qualifies as a pool plant on the basis of the shipping requirements set forth in this paragraph.

* * * * * * *

3. Section 1076.13 is revised to read as follows:

§ 1076.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which fluid milk products are shipped during the month to a pool plant.

4. Section 1076.16 is revised to read as follows:

§ 1076.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, filled milk, milk drinks (plain or flavored), cream (sweet or sour) and any mixture in fluid form of skim milk and cream (except frozen cream, aerated cream, ice cream, ice cream and frozen dessert mixes, a product which contains six percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers).

5. Section 1076.17 is revised to read as follows:

§ 1076.17 Route.

"Route" means a delivery (including delivery by a vendor or a sale from a plant store, or distribution center) of any fluid milk product to retail or wholesale outlets, except a delivery in bulk form to a milk (including filled milk) processing plant. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing plant.

6. A new § 1076.19 is added to read as follows:

§ 1076.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than six percent nonmilk fat (or oil).

7. In § 1076.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1076.30 Reports of receipts and utilization.

* * * * * * *

(a) * * *

(3) The utilization in each class of the quantities required to be reported, including a separate statement of the disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

• • • • • •

(b) Each handler specified in § 1076.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include separate statements showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk, and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

• • • • • •

8. Section 1076.33 is revised to read as follows:

§ 1076.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 1076.30;

(b) The weight and butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

9. In § 1076.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1076.44 Transfers.

• • • • • •

(f) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

10. Section 1076.46 is revised to read as follows:

§ 1076.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1076.45, the market administrator shall determine the classification of producer milk received by each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1076.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subpargaraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1076.27(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1076.44(a);

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from a cooperative association in its capacity as a handler pursuant to § 1076.8(d) according to the classification assigned pursuant to § 1076.44(e); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1076.61 is revised to read as follows:

§ 1076.61 Plants subject to other Federal orders.

The provisions of this part, except §§ 1076.32 through 1076.34 and as specified elsewhere in this section, shall not apply to a handler with respect to the operation of plants described in paragraph (a) or (b).

(a) A plant qualified pursuant to § 1076.12(a) from which a lesser volume

of fluid milk products, except filled milk, is disposed of in the Eastern South Dakota marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order;

(b) Any plant qualified pursuant to § 1076.12(b) for any portion of the period of March through June, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

12. In § 1076.62, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1076.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1076.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1076.70(e) and a credit in the amount specified in § 1076.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

• • • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products or in filled milk disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

12a. In § 1076.70, paragraph (d) is revised as follows:

§ 1076.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1076.46(a)(3) and the corresponding step of § 1076.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1076.46(a)(3)(iv) and (v) and the corresponding step of § 1076.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • • •

13. Section 1076.76 is revised to read as follows:

§ 1076.76 Notification of handlers.

On or before the 12th day of each month the market administrator shall notify each handler with respect to each of his pool plants:

(a) The amount and value of milk (including filled milk) in each class computed pursuant to §§ 1076.46 and 1076.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 1076.72 or § 1076.73, whichever is applicable;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 1076.82 and 1076.85.

14. Section 1076.81 is revised to read as follows:

§ 1076.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1076.61, 1076.62, 1076.82, and 1076.84 and out of which he shall make all payments to handlers pursuant to §§ 1076.83 and 1076.84: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from each handler.

15. In § 1076.86, paragraphs (a) and (d) are revised to read as follows:

§ 1076.86 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to § 8c(15)(A) of the Act, a petition claiming such money.

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. Section 1078.10 is revised as follows:

§ 1078.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to more than an average of 1,000 pounds per day or not less than 15 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other plants) in the marketing area.

(b) A supply plant for the month in which shipments of milk, skim milk or cream are made to distributing plants which are pool plants on not less than 10 days in any of the months of September, October, and November and on not less than 5 days in other months: *Provided*, That a supply plant which was not a pool plant for each of the immediately preceding months of September, October, and November shall not be a pool plant for any month during which none of the milk, skim milk or cream from such plant would be allocated to Class I milk pursuant to the procedure specified in § 1078.46(a)(3) and the corresponding step of § 1078.46(b) at a distributing plant which is a pool plant.

2. Section 1078.11 is revised as follows:

§ 1078.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1078.15 is revised as follows:

§ 1078.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1078.19 is added as follows:

§ 1078.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1078.30, paragraph (f) is revised as follows:

§ 1078.30 Reports of receipts and utilization.

* * * * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

6. In § 1078.32, paragraphs (b) and (c) are revised as follows:

§ 1078.32 Records and facilities.

* * * * * * *

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * * * *

7. In § 1078.44, paragraph (e)(5) is revised as follows:

§ 1078.44 Transfers.

* * * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * * *

8. In § 1078.46, subparagraphs (3), (4), and (7) of paragraph (a) are revised as follows:

§ 1078.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

* * * * * * *

9. Section 1078.61 is revised as follows:

§ 1078.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1078.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant to retail or wholesale outlets and to pool plants in the North Central Iowa marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1078.30) and allow verification of such reports by the market administrator.

10. In § 1078.86, paragraphs (a) and (d) are revised as follows:

§ 1078.86 Termination of obligations.

* * * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1079—MILK IN THE DES MOINES, IOWA, MARKETING AREA

1. Section 1079.10 is revised as follows:

§ 1079.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

2. Section 1079.11 is revised as follows:

§ 1079.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

3. Section 1079.13 is revised as follows:

§ 1079.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants and whose disposition of fluid milk products does not exceed that (a) received from a pool plant, (b) processed from milk of his own production, or (c) processed from fluid milk received from a pool plant.

4. Section 1079.15 is revised as follows:

§ 1079.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), filled milk, cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1079.19 is added as follows:

§ 1079.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1079.30, paragraphs (f) and (g) are revised as follows:

§ 1079.30 Reports of receipts and utilization.

* * * * * * *

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

(g) Each handler operating a partially regulated distributing plant shall report as required in this section substituting receipts from dairy farmers for receipts of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. In § 1079.32, paragraphs (b) and (c) are revised as follows:

§ 1079.32 Records and facilities.

* * * * * * *

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * * * *

8. In § 1079.44, paragraph (e)(5) is revised as follows:

§ 1079.44 Transfers.

* * * * * * *

(e) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • • •

9. In § 1079.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1079.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

• • • • • •

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv), (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk;

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1079.27(1); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

• • • • • •

10. Section 1079.61 is revised as follows:

§ 1079.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a handler who operates a plant specified in paragraph (a) of this section except as specified in paragraphs (b) and (c):

(a) A distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1079.10 and to retail and wholesale outlets in the Des Moines, Iowa, marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order;

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1079.30 and 1079.31)

and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

11. In § 1079.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1079.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1079.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1079.70(e) and a credit in the amount specified in § 1079.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

• • • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. Section 1079.70 is revised as follows:

§ 1079.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1079.46(a)(3)(iv) and (v) and the corresponding step of § 1079.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • • •

12. Section 1079.83 is revised as follows:

§ 1079.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1079.61, 1079.62, 1079.84, 1079.85, and 1079.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

13. In § 1079.89, paragraphs (a) and (d) are revised as follows:

§ 1079.89 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator received the handler's utilization report on skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calender month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1090—MILK IN THE CHATTANOOGA, TENN., MARKETING AREA

1. In § 1090.7, paragraphs (a) and (b) are revised to read as follows:

§ 1090.7 Pool plant.

• • • • • •

(a) Milk distributing plant approved or recognized by a duly constituted health authority for the receiving or processing of Grade A milk and from which Class I milk, except filled milk, equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on routes and from which Class I milk, except filled milk, equal to not less than 15 percent of its total Class I disposition, except filled milk, is disposed of during the month on routes in the marketing area;

(b) Milk supply plant which, during the month, ships fluid milk products, except filled milk, approved or recognized by a duly constituted health authority as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July unless the operator of such plant files with the market administrator prior to the first day of any

of the months of March–July a written request for withdrawal; or

* * * * *

2. Sections 1090.8, 1090.10, 1090.12, and 1090.14 are revised to read as follows:

§ 1090.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

§ 1090.10 Producer-handler.

"Producer-handler" means an approved dairy farmer who:

(a) Operates a plant from which Class I milk is disposed of on routes in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging, and distribution business are the personal enterprise and risk of such person.

§ 1090.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk and skim milk drinks, yogurt, cream (sweet or sour) or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, a product which contains 6 percent or more nonmilk fat (or oil), ice cream and ice milk mix and aerated cream).

§ 1090.14 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of milk or any milk product (including filled milk) classified as Class I milk pursuant to § 1090.41(a) other than a delivery to any milk or filled milk processing plant.

3. A new § 1090.20 is added and reads as follows:

§ 1090.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. In § 1090.30, paragraphs (a) (5) and (b) are revised to read as follows:

§ 1090.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including separate statements as to the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(b) Each handler specified in § 1090.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and in quantity of reconstituted skim milk in such disposition.

* * * * *

5. In § 1090.44, the introductory text of paragraph (d) and subparagraph (5) of paragraph (f) are revised to read as follows:

§ 1090.44 Transfers.

* * * * *

(d) As Class I milk, if transferred in the form of milk, skim milk, or filled milk in bulk or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(f) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

6. In § 1090.46(a), subparagraphs (1–a), (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1090.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1–a) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in packaged fluid milk products, except filled milk made from reconstituted skim milk, received from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred or diverted during the month to such plant, whichever is less;

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (1–a) and (3) (iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph

(3) (v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (1–a), (3) (iv) and (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3) (v) and (4) (ii) of this paragraph:

* * * * *

7. In § 1090.61, paragraph (a) is revised and a new paragraph (c) is added and reads as follows:

§ 1090.61 Plants subject to other Federal orders.

* * * * *

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk, except filled milk, is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Chattanooga, Tennessee, marketing area than in the marketing area regulated pursuant to such order

* * * * *

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

8. In § 1090.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1090.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1090.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1090.70(e) and a credit in the amount specified in § 1090.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, substract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

8a. In § 1090.70, paragraph (d) is revised to read as follows:

§ 1090.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1090.46(a)(3) and the corresponding step of § 1090.46(b), except for receipts of fluid milk products assigned to Class I pursuant to § 1090.46(a)(3) (iv) and (v) and the corresponding step of § 1090.46 (b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

9. Section 1090.81 is revised to read as follows:

§ 1090.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1090.61, 1090.62, 1090.82, and 1090.84, and out of which he shall make all payments pursuant to §§ 1090.83 and 1090.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

10. In § 1090.87, paragraph (a) is revised to read as follows:

§ 1090.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

PART 1094—MILK IN THE NEW ORLEANS, LA., MARKETING AREA

1. Section 1094.7 is revised to read as follows:

§ 1094.7 Route.

"Route" means any delivery of a fluid milk product from a milk processing plant to wholesale or retail outlets (including any delivery by a vendor and from a plant store or through a vending machine) other than a delivery to any

milk or filled milk receiving and/or processing plant.

1a. In § 1094.10, paragraph (a) is revised to read as follows:

§ 1094.10 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1094.63(a), from which during the month:

(1) Disposition in the marketing area of fluid milk products, except filled milk, on routes is at least the lesser of a daily average of 1,500 pounds or 20 percent of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants;

* * * * *

2. Section 1094.11 is revised to read as follows:

§ 1094.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. Section 1094.13 is revised to read as follows:

§ 1094.13 Producer-handler.

"Producer-handler" means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from a pool plant(s) and which has no receipts of milk products other than fluid milk products disposed of as Class I milk.

4. Section 1094.17 is revised to read as follows:

§ 1094.17 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, filled milk, concentrated milk or skim milk, fortified milk or skim milk, flavored milk, flavored milk drinks (including eggnog) yogurt, cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1094.19a is added to read as follows:

§ 1094.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1094.30, subparagraph (6) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1094.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including a separate statement with respect to Class I milk disposed of inside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

* * * * *

(b) Each handler specified in § 1094.12 (b) who operates a partially regulated distributing plant shall report in the same manner as required in paragraph (a) of this section with respect to all receipts and utilization, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk and base and excess milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

7. In § 1094.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1094.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1094.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1094.46 Allocation of skim milk and butterfat in each class.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1094.12(d) and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of

similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler; and

(iii) Receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

* * * * *

9. In § 1094.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1094.62 Obligations of handlers operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1094.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1094.70(e) and a credit in the amount specified in § 1094.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. Section 1094.63 is revised to read as follows:

§ 1094.63 Plants subject to other Federal orders.

The handler operating a plant specified in paragraphs (a) or (b) of this section shall be exempt from all provisions of this part except §§ 1094.32, 1094.34 and 1094.35 and as specified in paragraph (c):

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk, except filled milk, is disposed of during the month on routes in the New Orleans marketing area than in the marketing area defined in such other order;

(b) Any supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to § 1094.10(c).

(c) Each handler operating a plant specified in paragraph (a) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

10a. In § 1094.70, paragraph (d) is revised to read as follows:

§ 1094.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1094.46(a)(3) and the corresponding step of § 1094.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1094.46 (a)(3)(iv) and (v) and the corresponding steps of § 1094.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

11. Section 1094.81 is revised to read as follows:

§ 1094.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1094.62, 1094.63, 1094.82, and 1094.84, and out of which he shall make all payments pursuant to §§ 1094.83 and 1094.84: *Provided*, That, any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1094.87, paragraph (a) is revised to read as follows:

§ 1094.87 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers; or if the obligation is payable to the market administrator, the account for which it is to be paid.

PART 1096—MILK IN THE NORTHERN LOUISIANA MARKETING AREA

1. Section 1096.10 is revised to read as follows:

§ 1096.10 Plant.

"Plant" means the land, buildings together with their surroundings, facilities

and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and/or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit on routes shall not be a plant under this definition.

2. In § 1096.13, paragraphs (a) and (b) are revised to read as follows:

§ 1096.13 Pool plant.

* * * * *

(a) A distributing plant other than the plant of a producer-handler from which a volume of Class I milk, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 10 percent of such receipts or less than 1,500 pounds on a daily average;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of its Grade A receipts from dairy farmers and from a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is transferred during the month to a distributing plant(s) from which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 10 percent of such receipts or a daily average of 1,500 pounds whichever is less: *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements, unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

* * * * *

3. Section 1096.15 is revised to read as follows:

§ 1096.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk and milk drinks, filled milk, cream, cultured sour cream and any mixture of cream and milk or skim milk (except eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, frozen cream, evaporated milk, condensed milk, sterilized milk products packaged in hermetically sealed containers and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

4. Section 1096.21 is revised to read as follows:

§ 1096.21 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

5. A new § 1096.22 is added to read as follows:

§ 1096.22 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1096.30, subparagraphs (2) and (3) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1096.30 Reports of receipts and utilization.

(a) * * *

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route disposition of fluid milk products on routes outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(3) Such other information with respect to the receipts and utilization of milk and milk products (including filled milk) as the market administrator may require;

(b) Each handler specified in § 1096.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk;

* * * * *

7. In § 1096.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1096.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1096.46, subparagraphs (2), (3), (4), (5), (6), (7), and the introductory text to subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1096.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2–a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1096.60(b);

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) (*a*) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*1*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*2*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph; and

(*3*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*b*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3) (v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3) (iv) or (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3) (v) or (4) (iii) of this paragraph pursuant to the following procedure:

* * * * *

9. Section 1096.61 is revised to read as follows:

§ 1096.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

(a) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing areas than was disposed of on routes in this marketing area, and which was fully subject to the classification and pooling provisions of such other order;

(b) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order;

(c) The operator of a plant specified in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(d) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

10. In § 1096.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1096.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1096.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1096.70(e) and a credit in the amount specified in § 1096.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10a. In § 1096.70, paragraph (d) is revised to read as follows:

§ 1096.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1096.46(a)(3) and the corresponding step of § 1096.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1096.46 (a)(3) (iv) and (v) and the corresponding steps of § 1096.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

11. Section 1096.81 is revised to read as follows:

§ 1096.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1096.61, 1096.62, 1096.82, and 1096.84 and out of which he shall make payments to handlers pursuant to §§ 1096.83 and 1096.84: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

12. In § 1096.87, paragraphs (a) and (d) are revised to read as follows:

§ 1096.87 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1097—MILK IN THE MEMPHIS, TENN., MARKETING AREA

1. Section 1097.7 is revised to read as follows:

§ 1097.7 Fluid milk plant.

(a) Any milk processing or packaging plant from which a volume of Class I milk, except filled milk, equal to an average of 1,000 pounds or more per day, or not less than 5.0 percent of the Class I milk, except filled milk, of such plant is disposed of during the month as Class I milk on route disposition in the marketing area;

(b) Any plant from which during the month fluid milk products (bulk or packaged), except filled milk, in excess of 70,000 pounds are moved to and received at a plant(s) described pursuant to paragraph (a) of this section.

1a. Section 1097.8 is revised to read as follows:

§ 1097.8 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk products to a retail or wholesale outlet other than a delivery to a milk or filled milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets, without intermediate movement to another milk or filled milk plant.

2. Section 1097.9 is revised to read as follows:

§ 1097.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk or filled milk manufacturing, processing or packaging plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, from which Class I milk in consumer-type packages or dispenser units is distributed on routes in the marketing area during the month.

(d) "Unregulated supply plants" means a nonfluid milk plant from which fluid milk products are moved during the month to a fluid milk plant and which is not an other order plant nor a producer-handler plant.

3. Section 1097.16 is revised to read as follows:

§ 1097.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, plain or flavored milk drinks, sweet and sour cream (except aerated cream, frozen cream, and sterilized cream packaged in hermetically sealed containers not labeled as Grade A); filled milk; and any mixture in fluid form of milk, skim milk, and cream except mixes for frozen dairy products. Eggnog and sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as fluid milk products only if disposed of under a Grade A label. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1097.19 is added to read as follows:

§ 1097.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1097.30, paragraph (e) is revised to read as follows:

§ 1097.30 Reports of receipts and utilization.

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

* * * * *

6. In § 1097.32, paragraphs (b) and (c) are revised to read as follows:

§ 1097.32 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month.

7. In § 1097.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1097.44 Transfers.

* * * * *

(f) * * *

(5) For purposes of this paragraph (f), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1097.46, subparagraphs (3), (4), and (7) of paragraph (a) are revised to read as follows:

§ 1097.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from fluid milk plants of other handlers, from cooperative associations which are handlers pursuant to § 1097.10(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

* * * * *

9. Section 1097.61 is revised to read as follows:

§ 1097.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraph (a) or (b) of this section, the provisions of this part shall not apply except that such handler shall with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may prescribe and allow verification of such reports by the market administrator:

(a) A plant qualified pursuant to § 1097.7 (a) or (b) which would be fully regulated pursuant to the provisions of another order issued pursuant to the Act and from which the market administrator determines that a greater volume of fluid milk products, except filled milk, was disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order and as fluid milk products transferred as Class I milk to plants fully regulated by such other order than as Class I route disposition in the Memphis, Tenn., marketing area and as fluid milk products transferred as Class I milk to other fluid milk plants: *Provided*, That a plant which was a fluid milk plant pursuant to § 1097.7 (a) or (b) under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of fluid milk products, except filled milk, is disposed of as Class I milk on routes in such other marketing area or to plants fully subject to such other order, unless the other order requires regulation of the plant without regard to its qualifying as a fluid milk plant for regulation under this order subject to the proviso of this paragraph; and

(b) A plant qualified pursuant to § 1097.7 (a) or (b) which meets the requirements for fully regulated plants under another Federal order and from which the market administrator determines a greater volume of fluid milk products, except filled milk, is disposed of during the month as Class I route disposition in the Memphis, Tenn., marketing area and as fluid milk products transferred as Class I milk to other fluid milk plants than as Class I route disposition in the other marketing area and fluid milk products transferred as Class I milk to plants fully regulated by such other order, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation under the particular circumstances described herein of having greater Class I disposition under the Memphis, Tenn., order.

10. In § 1097.98, paragraphs (a) and (d) are revised to read as follows:

§ 1097.98 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1098—MILK IN THE NASHVILLE, TENN., MARKETING AREA

1. Section 1098.9 is revised to read as follows:

§ 1098.9 Producer-handler.

"Producer-handler" means a person who:

(a) Produces milk and operates an approved plant;

(b) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(c) Receives no fluid milk products during the month except milk of his own production and transfers from pool plants.

2. In § 1098.11, paragraphs (a) and (b) are revised to read as follows:

§ 1098.11 Pool plant.

* * * * * *

(a) A plant at which during the month fluid milk products are processed or packaged and from which (1) disposition of fluid milk products, except filled milk, on routes is at least 50 percent of total receipts of Grade A milk and (2) fluid milk products, except filled milk, distributed on routes in the marketing area are at least 15 percent of its total disposition of fluid milk products, except filled milk, on routes.

(b) A plant from which during the month there has been delivered to plants described in paragraph (a) of this section fluid milk products, except filled milk, approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk from approved dairy farmers: *Provided*, That any plant which qualified as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July, unless the operator of such plant files with the market administrator a written request for withdrawal prior to the first day of the month for which nonpool status is requested, in which case the plant shall remain a nonpool plant until it again qualifies for pool status.

* * * * * *

3. Sections 1098.12, 1098.15, and 1098.18 are revised to read as follows:

§ 1098.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

§ 1098.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks, yogurt, cream (sweet and sour), or any mixture in fluid form of skim milk and butterfat components of milk (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

§ 1098.18 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant store) of fluid milk products other than a delivery to a milk or filled milk processing plant.

4. A new § 1098.19 is added and reads as follows:

§ 1098.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than six percent nonmilk fat (or oil).

5. In § 1098.30, paragraphs (a) and (e) are revised to read as follows:

§ 1098.30 Reports of receipts and utilization.

* * * * * *

(a) The quantities of skim milk and butterfat contained in producer milk (showing separately such milk received from a cooperative association pursuant to § 1098.8(c)), except that a handler as specified in § 1098.8(d) who operates a partially regulated distributing plant shall report receipts of Grade A milk from dairy farmers in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition;

* * * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * * *

6. Section 1098.33 is revised to read as follows:

§ 1098.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat, and shall, during the usual hours of business, make available to the market administrator, or his representative, such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat, and in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test butterfat content of all milk and milk products (including filled milk) handled; (c) verify deductions authorized by producers and the disbursement of moneys so deducted; and (d) make such examinations of operations, equipment, and facilities as the market administrator deems necessary.

7. In § 1098.41(b), subparagraph (3–a) is revised to read as follows:

§ 1098.41 Classes of utilization.

* * * * * *

(b) * * *

(3–a) Disposed of in bulk fluid milk products to bakeries, candy factories, soup factories and similar establishments at which the fluid milk products were used in the manufacture of food products other than milk products (including filled milk);

* * * * * *

8. In § 1098.44, the introductory text of paragraph (d) and subparagraph (5) of paragraph (e) are revised to read as follows:

§ 1098.44 Transfers.

* * * * * *

(d) As Class I milk, if transferred in bulk as milk, filled milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

9. In § 1098.46(a), subparagraphs (2), (3), (4), and (7) and the introductory text of subparagraph (8) are revised to read as follows:

§ 1098.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) and (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) and (4)(ii) of this paragraph:

* * * * * *

9a. In § 1098.70, paragraph (d) is revised to read as follows:

§ 1098.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1098.46(a)(3) and the corresponding step of § 1098.46(b), except for receipts of fluid milk products assigned to Class I pursuant to § 1098.46(a)(3)(iv) and (v) and the corresponding step of § 1098.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

10. Section 1098.80 is revised to read as follows:

§ 1098.80 Producer-settlement fund.

The market administrator shall maintain a producer-settlement fund into which he shall deposit the appropriate payments made by handlers pursuant to §§ 1098.81, 1098.87, 1098.91, and 1098.92 and out of which he shall make appropriate payments required pursuant to §§ 1098.82 and 1098.87.

11. In § 1098.88, paragraphs (a) and (d) are revised to read as follows:

§ 1098.88 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligations, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

12. Section 1098.91 is revised to read as follows:

§ 1098.91 Handlers subject to other Federal orders.

(a) Except as specified in paragraphs (b) and (c) of this section, the provisions of this part shall not apply to a handler with respect to the operation of a plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and in which the disposition of fluid milk products, except filled milk, from such plant in the other Federal marketing area exceeds that in the Nashville, Tenn., marketing area: *Provided*, That on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions;

(b) Each handler operating a plant described in paragraph (a) of this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders,

the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

13. In § 1098.92, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1098.92 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1098.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1098.70(e) and a credit in the amount specified in § 1098.81(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

PART 1099—MILK IN THE PADUCAH, KY., MARKETING AREA

1. Section 1099.8 is revised to read as follows:

§ 1099.8 Pool plant.

"Pool plant" means:

(a) A distributing plant from which 45 percent or more of its receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) and fluid milk products, except filled milk, from other plants is disposed of as Class I milk, except filled milk, on route disposition during the month and from which a daily average of 3,000 pounds or more per day, or 10 percent or more of such receipts, whichever is less, is disposed of as fluid milk products, except filled milk, on route disposition in the marketing area: *Provided*, That a plant which qualifies as a pool plant by complying with the foregoing requirements during any month shall be a pool plant during the following month; or

(b) A distributing plant or supply plant from which the volume of milk, skim milk and cream shipped to pool plants qualified pursuant to paragraph (a) of this section, or disposed of as Class I milk, except filled milk, on route distribution is equal to not less than 50 percent of the receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) and fluid milk products, except filled milk, received from other plants: *Provided*, That if a supply plant ships to pool plants qualified pursuant to paragraph (a) of this section, milk, skim milk and cream equal to at least 75 percent of its receipts of milk from such dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1099.10(e) in October and November and 35 percent of such milk in three additional months during the period from August through January, such plant shall, upon written application to the market administrator on or before the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the term of this proviso.

2. Section 1099.9 is revised to read as follows:

§ 1099.9 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant (other than a producer-handler plant or an other order plant) from which fluid milk products are shipped to a pool plant.

3. Section 1099.15 is revised to read as follows:

§ 1099.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks (modified or fortified, including dietary products) and reconstituted milk or skim; filled milk; concentrated milk not sterilized in hermetically sealed containers; cream, sweet and sour; and mixtures of cream and milk or skim milk but not including the following: Frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog and boiled custard, ice cream, and ice cream and ice milk mixes, and cream or mixtures of cream with milk or skim milk sterilized in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

3a. Section 1099.16 is revised to read as follows:

§ 1099.16 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk products to a retail or wholesale outlet other than a milk or filled milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets.

4. A new § 1099.19 is added to read as follows:

§ 1099.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and

contains less than 6 percent nonmilk fat (or oil).

5. Section 1099.30 is revised to read as follows:

§ 1099.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, reports for such month shall be made to the market administrator in the detail and on forms prescribed by the market administrator:

(a) Each handler other than one specified in § 1099.10(b) shall report the following:

(1) The quantities of skim milk and butterfat contained in all receipts at each of his distributing and supply plants of (i) producer milk, showing separately that from cooperative associations pursuant to § 1099.10(e), (ii) in fluid milk products received from pool plants, and (iii) other source milk;

(2) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1099.13, the names of the producers so diverted, and the plant to which diverted;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (1) and (2) of this paragraph, including a statement showing the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(4) Inventories of Class I milk on hand at the beginning and end of the month;

(5) The name and address of each producer from whom milk was not received during the previous months and the date on which milk was first received from such producer;

(6) The name and address of each producer who discontinues deliveries of milk and the date on which milk was last received from such producer; and

(7) Each handler with respect to fluid milk products disposed of for animal feed or dumped shall report to the market administrator such information and at such time as a market administrator may require.

(b) Each handler specified in § 1099.10(b) shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk and such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

6. Section 1099.33 is revised to read as follows:

§ 1099.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of milk and milk products (including filled milk) and shall during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The amount and nature of deductions authorized by producers and disbursements of any money so deducted; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of the month.

7. In § 1099.43, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1099.43 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph (d), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

8. In § 1099.45, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are amended to read as follows:

§ 1099.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, and dairy farmers who are not producers:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph;

* * * * *

9. Section 1099.61 is revised to read as follows:

§ 1099.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section, the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A distributing plant qualified pursuant to § 1099.8 which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition

in the Paducah, Ky., marketing area: *Provided,* That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph: *And provided further,* on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I route dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I route disposition made under limited term contracts to governmental bases and institutions;

(b) A distributing plant qualified pursuant to § 1099.8 which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Paducah marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater such Class I route disposition in the marketing area of the Paducah, Ky., order;

(c) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of § 1099.8(b) during the preceding August through January period;

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

10. In § 1099.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1099.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1099.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1099.70(e) and a credit in the amount specified in § 1099.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on route disposition in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10a. In § 1099.70, paragraph (d) is revised to read as follows:

§ 1099.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to the skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1099.45(a)(3) and the corresponding step of § 1099.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1099.45(a)(3) (iv) and (v) and the corresponding steps of § 1099.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

11. Section 1099.81 is revised to read as follows:

§ 1099.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers, pursuant to §§ 1099.61, 1099.62, 1099.82, and 1099.84 shall be deposited in this fund, and all payments made pursuant to §§ 1099.83 and 1099.84 shall be made out of this fund: *Provided,* That payments due to any handler shall be offset by payments due from such handler; and

(b) All amounts subtracted pursuant to § 1099.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1099.80 in accordance with the requirements of § 1099.71(i).

12. In § 1099.89, paragraphs (a) and (d) are revised to read as follows:

§ 1099.89 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. Sections 1101.7, 1101.9, 1101.10, and 1101.17 are revised to read as follows:

§ 1101.7 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and an approved plant from which Class I milk is disposed of on routes in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging and distribution business are the personal enterprise and risk of such person.

§ 1101.9 Pool plant.

"Pool plant" means:

(a) An approved plant from which a volume of Class I milk, except filled milk, equal to not less than 50 percent of its receipts of producer milk and milk and skim milk from other pool plants is disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (including plant stores): *Provided,* That not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area; and

(b) An approved plant from which at least 50 percent of the hundredweight of its producer milk received during the month is shipped in the form of milk, skim milk or cream to a plant qualified pursuant to paragraph (a) of this section and classified as Class I milk: *Provided,* That if such shipments amount to not less than 65 percent of the producer milk of such plant during each of the preceding months of August through February, such plant may, upon written application to the market administrator on or before March 1 of any year be designated as a pool plant for the months of March through July of such year.

§ 1101.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

§ 1101.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks, cream, and any cream product except frozen cream and ice cream mix. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. A new § 1101.18 is added to read as follows:

§ 1101.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

3. In § 1101.30, paragraphs (a)(5) and (b) are revised to read as follows:

§ 1101.30 Reports of receipts and utilization.

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * * *

(b) Each handler specified in § 1101.11(b) who operates a partially regulated distributing plant; shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition.

* * * * * *

4. Section 1101.32 is revised to read as follows:

§ 1101.32 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products (including filled milk) handled; (c) verify payment to producers; and (d) make such examination of operations, equipment, and facilities, as are necessary and essential to the proper administration of this subpart or any amendments thereto.

5. In § 1101.44, the introductory text of paragraph (c) and subparagraph (5) of paragraph (d) are revised to read as follows:

§ 1101.44 Transfers.

* * * * * *

(c) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

6. In § 1101.46(a), subparagraphs (2), (3), (5), (6), and (8) and the introductory text of subparagraph (9) are revised to read as follows:

§ 1101.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in receipts of packaged fluid milk products, except filled milk made

from reconstituted skim milk, from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred during the month to such nonpool plant, whichever is less;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

• • • • •

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2) and (5)(iv) of this paragraph:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (5)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (5)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2), (5)(iv), and (6)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (5)(v) and (6)(ii) of this paragraph:

• • • • •

6a. In § 1101.70, paragraph (d) is revised to read as follows:

§ 1101.70 Computation of the net pool obligation of each pool handler.

• • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1101.46(a)(5) and the corresponding step of § 1101.46(b), except for receipts of fluid milk products assigned to Class I pursuant to § 1101.46(a)(5)(iv) and (v) and the corresponding step of § 1101.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• •

7. Section 1101.81 is revised to read as follows:

§ 1101.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1101.82, 1101.84, 1101.91, and 1101.92, and out of which he shall make all payments pursuant to §§ 1101.83 and 1101.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

8. In § 1101.89, paragraphs (a) and (d) are revised to read as follows:

§ 1101.89 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

9. In § 1101.91, paragraph (a) is revised and a new paragraph (c) is added and reads as follows:

§ 1101.91 Plants subject to other Federal orders.

• • • • •

(a) Any pool plant qualified pursuant to § 1101.9(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that more Class I milk, except filled milk, is disposed of from such plant on routes to retail or wholesale outlets in the Knoxville, Tennessee, marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

• • • • •

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

10. In § 1101.92, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1101.92 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) • •/•

(1)(i) The obligation that would have been computed pursuant to § 1101.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and tranfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1101.70(e) and a credit in the amount specified in § 1101.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

PART 1102—MILK IN THE FORT SMITH, ARK., MARKETING AREA

1. Section 1102.7 is revised to read as follows:

§ 1102.7 Approved plant.

"Approved plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1102.61, approved by any health authority having jurisdiction in the marketing area from which fluid milk products other than filled milk are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

2. Section 1102.8 is revised to read as follows:

§ 1102.8 Unapproved plant.

"Unapproved plant" means any milk or filled milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means an unapproved plant which is not an other order plant nor a producer-handler plant and from which fluid milk products eligible for distribution in the marketing area for fluid consumption are moved during the month to an approved plant.

3. Section 1102.9 is revised to read as follows:

§ 1102.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a milk plant approved by any health authority having jurisdiction in the marketing area from which fluid milk products other than filled milk are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores);

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

4. Section 1102.16 is revised to read as follows:

§ 1102.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1102.17 is added to read as follows:

§ 1102.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1102.33, paragraphs (b) and (d) are revised to read as follows:

§ 1102.33 Records and facilities.

• • • • •

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

• • • • •

(d) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month.

7. In § 1102.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1102.44 Transfers.

• • • • •

(e) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

8. In § 1102.46, subparagraphs (3), (4), and (6) of paragraph (a) are revised to read as follows:

§ 1102.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(3) Subtract in the order specified below the pound of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that

were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from approved plants of other handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

• • • • •

9. Section 1102.61 is revised to read as follows:

§ 1102.61 Milk priced under other Federal orders.

In the case of any handler who the Secretary determines disposes of a greater portion of his fluid milk products, except filled milk, as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the Act, the provisions of this part shall not apply except that:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

10. In § 1102.85, paragraphs (a) and (d) are revised to read as follows:

§ 1102.85 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

1. In § 1104.7, paragraph (c) is revised as follows:

§ 1104.7 Distributing plant.

• • • • • •

(c) from which Class I milk, except filled milk, is disposed of during the month on routes in the marketing area in an amount greater than an average of 600 pounds per day.

2. Section 1104.8 is revised as follows:

§ 1104.8 Supply plant.

"Supply plant" means all the buildings, premises, and facilities of a plant from which fluid milk products, except filled milk, equal to not less than 50 percent of its receipts of milk from dairy farmers, who would be producers if this plant qualified as a pool plant, are shipped to a distributing plant during such month: *Provided*, That any plant which qualifies as a supply plant for each of the months of September through December shall, upon written application to the market administrator before January 31 of the following year, be designated as a supply plant for the months of January through August.

3. Section 1104.10 is revised as follows:

§ 1104.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant, except an other order plant or a producer-handler plant, from which fluid milk products are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1104.9 and which is not an other order plant nor a producer-handler plant.

4. Section 1104.13 is revised as follows:

§ 1104.13 Producer-handler.

"Producer-handler" means any person who produces milk and who operates a plant from which the disposition of Class I milk on routes in the marketing area does not exceed such person's own production and fluid milk products received from a pool plant regulated under either this Part or Part 1106 regulating the handling of milk in the Oklahoma Metropolitan marketing area.

5. Section 1104.15 is revised as follows:

§ 1104.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream or any mixture in fluid form of cream and milk or skim milk (except cultured sour cream, frozen storage cream, aerated cream products, ice cream and frozen dessert mix, evaporated or condensed milk, and sterilized products in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. Section 1104.17 is revised as follows:

§ 1104.17 Route disposition.

"Route disposition" or "disposed of on routes" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk or filled milk plant.

7. A new § 1104.18 is added as follows:

§ 1104.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1104.30, paragraphs (a)(5) and (c) are revised as follows:

§ 1104.30 Reports of receipts and utilization.

• • • • • •

(a) • • •

(5) The disposition of Class I products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

• • • • •

(c) Each handler specified in § 1104.11(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes with such in-area sales of reconstituted skim milk in fluid milk products shown separately.

9. Section 1104.33 is revised as follows:

§ 1104.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products (including filled milk) handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products (including filled milk) on hand at the beginning and end of each month.

10. In § 1104.44 paragraph (e)(5) is revised as follows:

§ 1104.44 Transfers.

• • • • • •

(e) • • •

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • • •

11. In § 1104.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised as follows:

§ 1104.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

• • • • • •

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

• • • • • •

12. Section 1104.61 is revised as follows:

§ 1104.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e).

(a) A distributing plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk was disposed of during the month on routes in this marketing area than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A supply plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b) or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling,

shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price applicable to milk used in the manufacture of American cheese, butter and nonfat dry milk.

13. In § 1104.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1104.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1104.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price applicable to milk used in the manufacture of American cheese, butter and nonfat dry milk. There shall be included in the obligation so computed a charge in the amount specified in § 1104.70(e) and a credit in the amount specified in § 1104.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * * * *

(b) An amount computed as follows: (1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price applicable to milk used in the manufacture of American cheese, butter and nonfat dry milk, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at such Class II price.

13a. In § 1104.70, paragraph (d) is revised to read as follows:

§ 1104.70 Computation of the net pool obligation of each pool handler.

* * * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1104.46(a)(3) and the corresponding step of § 1104.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1104.46(a)(3)(iv) and (v) and the corresponding step of § 1104.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * * * *

14. Section 1104.81 is revised as follows:

§ 1104.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1104.61, 1104.62, 1104.82, and 1104.84, and out of which he shall make all payments to handlers pursuant to §§ 1104.83 and 1104.84: *Provided*, That any payments due to any handler may be offset by any payments due from such handler.

15. In § 1104.87, paragraphs (a) and (d) are revised as follows:

§ 1104.87 Termination of obligations.

* * * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid;

* * * * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund of such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.9, paragraphs (a) and (b) are revised to read as follows:

§ 1106.9 Pool plant.

* * * * * * *

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 1106.61) from which the following percentages of the receipts described in § 1106.7(c) are disposed of during the month as follows:

(1) 50 percent as Class I milk in the form of fluid milk products, except filled milk, and

(2) 5 percent as fluid milk products, except filled milk, on routes in the marketing area.

(b) A supply plant from which an amount equal to 50 percent of the receipts described in § 1106.8 is shipped during the month as fluid milk products, except filled milk, to a plant described in paragraph (a) of this section. Any supply plant that qualifies as a pool plant during each of the months of September through December shall be a pool plant for the following months of January through August except that, if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

* * * * * * *

2. Section 1106.10 is revised as follows:

§ 1106.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in an order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant, except an other order plant or a producer-handler plant, from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1106.9.

3. Section 1106.15 is revised as follows:

§ 1106.15 Producer-handler.

"Producer-handler" means any person who produces milk and operates a plant which meets the standards in § 1106.7(a) from which Class I milk is disposed of on routes in the marketing area, but who receives no milk from producers or other dairy farmers, and whose disposition of Class I milk does not exceed his own production and fluid milk products received from pool plants.

4. Section 1106.16 is revised as follows:

§ 1106.16 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery in bulk to a milk or filled milk plant.

5. Section 1106.17 is revised as follows:

§ 1106.17 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream (except cream stored and frozen), cultured sour cream, and any mixture in fluid form of cream and milk or skim milk (except bulk ice cream mix). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1106.19 is added as follows:

§ 1106.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. Section 1106.30 is revised as follows:

§ 1106.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each accounting period in the month in detail on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of fluid milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(f) The quantities of skim milk and butterfat contained in opening and closing inventories of fluid milk products separately in bulk and in packaged form; and

(g) Each handler specified in § 1106.11(b) who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes with such in-area sales of reconstituted skim milk in fluid milk products shown separately; and

(h) Such other information with respect to receipts and utilization as the market administrator may prescribe.

8. Section 1106.33 is revised as follows:

§ 1106.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to: (a) The receipts and utilization of all receipts of producer milk and other source milk; (b) the weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products (including filled milk) handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products (including filled milk) on hand at the beginning and end of each accounting period.

9. In § 1106.44, paragraph (e)(5) is revised as follows:

§ 1106.44 Transfers.

* * * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * * *

10. In § 1106.46, paragraph (a) is revised as follows:

§ 1106.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1106.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining of 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2-a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the accounting period;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the accounting period;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1106.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1106.44(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

• • • • •

11. Section 1106.61 is revised as follows:

§ 1106.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A distributing plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in this marketing area than was so disposed of in such other Federal order marketing area but which plant is nevertheless, fully regulated under such other Federal order;

(c) A supply plant meeting the requirements of § 1106.9 which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plants on routes in marketing areas regulated by two or more market pool orders the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price applicable to milk used in the manufacture of American cheese, butter and nonfat dry milk.

12. In § 1106.62 paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1106.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1106.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price applicable to milk used in the manufacture of American cheese, butter and nonfat dry milk. There shall be included in the obligation so computed a charge in the amount specified in § 1106.70(e) and a credit in the amount specified in § 1106.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price applicable to milk used in the manufacture of American cheese, butter and nonfat dry milk, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at such Class II price.

13. Section 1106.63 is revised as follows:

§ 1106.63 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products (including diverted milk) disposed of by a handler to such agencies shall be classified as Class I milk.

13a. In § 1106.70, paragraph (d) is revised to read as follows:

§ 1106.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1106.46(a)(3) and the corresponding step of § 1106.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1106.46(a)(3)(iv) and (v) and the corresponding step of § 1106.46(b) the Class I price shall be adjusted to the location of the transferor plant;

• • • • • •

14. Section 1106.83 is revised as follows:

§ 1106.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1106.61, 1106.62, 1106.84 and 1106.86, and out of which he shall make all payments to handlers pursuant to §§ 1106.85 and 1106.86, inclusive.

15. In § 1106.89, paragraphs (a) and (d) are revised as follows:

§ 1106.89 Termination of obligation.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff) by the market administrator was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. Section 1108.7 is revised to read as follows:

§ 1108.7 Approved plant.

"Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk is shipped during the month to a distributing plant.

2. Section 1108.8 is revised to read as follows:

§ 1108.8 Distributing plant.

"Distributing plant" means an approved plant from which Class I milk, except filled milk, equal to not less than 50 percent of its receipts of producer milk, milk from a cooperative association in its capacity as a handler pursuant to § 1108.12(c), and fluid milk products, except filled milk, from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which Class I milk, except filled milk, equal to not less than 10 percent of such receipts is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

3. In § 1108.9, paragraph (a) is revised to read as follows:

§ 1108.9 Supply plant.

• • • • • •

(a) An approved plant from which fluid milk products, except filled milk, in an amount not less than 50 percent of its receipts of producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) is moved during such month to distributing plants: *Provided*, That any such plant which qualifies as a supply plant for each of the months during the period October through January shall upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through September; or

• • • • • •

4. Section 1108.11 is revised to read as follows:

§ 1108.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are shipped during the month to a pool plant qualified pursuant to § 1108.10 and which is not an other order plant nor a producer-handler plant.

5. A new paragraph (d) is added to § 1108.12 to read as follows:

§ 1108.12 Handler.

• • • • • •

(d) Any person who operates a partially regulated distributing plant.

6. Section 1108.16 is revised to read as follows:

§ 1108.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream except frozen cream, aerated cream, ice cream mix, eggnog and sterilized products in hermetically sealed containers. Sour cream

mixtures to which cheese or any food substance other than a milk product has been added shall be considered as a fluid milk product only if disposed of under a Grade A label. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1108.21 is added to read as follows:

§ 1108.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat or oil).

8. In § 1108.30, paragraphs (b) and (c) are revised to read as follows:

§ 1108.30 Reports of sources and utilization.

* * * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, in-area and outside area route disposition of filled milk, and inventories of fluid milk products on hand at the end of the month.

(c) Each handler who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

9. In § 1108.44, subparagraph (5) of paragraph (g) is revised to read as follows:

§ 1108.44 Transfers.

* * * * * *

(g) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * *

10. In § 1108.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1108.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative associations as handlers pursuant to § 1108.12(c), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

* * * * * *

11. Section 1108.61 is revised to read as follows:

§ 1108.61 Plants subject to other Federal orders.

A plant specified in paragraphs (a) or (b) of this section shall be a nonpool plant for purposes of this part except as specified in paragraphs (c) and (d).

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless a greater volume of Class I milk, except filled milk, was disposed of from such plant during the six months period immediately preceding to retail or wholesale outlets (except pool plants or nonpool plants) in the Central Arkansas marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant for each of the preceding months of August through January.

(c) The operator of a plant specified in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

12. In § 1108.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1108.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1108.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1108.70(e) and a credit in the amount specified in § 1108.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1108.81 is revised to read as follows:

§ 1108.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1108.61, 1108.62, 1108.82, and 1108.84, and out of which he shall make all payments pursuant to §§ 1108.83 and 1108.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

13a. In § 1108.70, paragraph (d) is revised to read as follows:

§ 1108.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1108.46(a)(3) and the corresponding step of § 1108.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1108.46(a)(3)(iv) and (v) and the corresponding step of § 1108.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

14. In § 1108.87, paragraph (a) is revised to read as follows:

§ 1108.87 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * * *

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. Section 1120.7 is revised as follows:

§ 1120.7 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, concentrated milk, fortified milk or skim milk, flavored milk drinks, filled milk, cream except aerated cream products, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk in fluid form except ice cream and other frozen dessert mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

2. Section 1120.9 is revised as follows:

§ 1120.9 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received from dairy farmers or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit on routes shall not be a plant under this definition.

3. Section 1120.12 is revised as follows:

§ 1120.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than the plant of a producer-handler, from which a volume of Class I milk, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 15 percent of such receipts or less than 1500 pounds on a daily average: *Provided*, That if a portion of such plant, physically apart from the Grade A portion of such a plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be a part of such pool plant pursuant to this paragraph;

(b) A supply plant from which a volume of fluid milk products, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(a)(2) is transferred during the month to a distributing plant from which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 15 percent of such receipts or a daily average of 1500 pounds, whichever is less: *Provided*, That if a portion of such supply plant, physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for

Grade A disposition, it shall not be considered to be part of such pool plant pursuant to this paragraph: *And provided further*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through November shall be a pool plant for the following months of March through June, unless written application is filed with the market administrator on or before the first day of any such months for designation as a nonpool plant for the remaining months through June.

4. Section 1120.13 is revised as follows:

§ 1120.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means any nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

5. Section 1120.18 is revised as follows:

§ 1120.18 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprises of and at the personal risks of such person.

6. A new § 1120.19 is added as follows:

§ 1120.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. Section 1120.30 is revised as follows:

§ 1120.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each cooperative association in its capacity as a handler pursuant to § 1120.17(c) (1) and (2) and each handler with respect to each of his pool plants shall report to the market administrator for such month and for each accounting period in such month elected pursuant to § 1120.34, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including such handler's own farm production);

(ii) Receipts of fluid milk products from other pool plants and from cooperative associations;

(iii) Receipts of other source milk; and

(iv) Inventories of fluid milk products on hand at the beginning and at the end of such month;

(2) The utilization of all skim milk and butterfat required to be reported by this part, including a statement showing separately in-area and outside area route disposition of filled milk;

(b) Each handler specified in § 1120.17 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk with such in-area disposition of reconstituted skim milk in fluid milk products shown separately; and

(c) Each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

8. Section 1120.34 is revised as follows:

§ 1120.34 Accounting periods.

A handler may account for receipts, utilization and classification of skim milk and butterfat at any of his pool plants for two periods within a month, each period not to be less than 7 days, in the same manner as for a month if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

9. In § 1120.44, paragraph (e)(5) is revised as follows:

§ 1120.44 Transfers.

* * * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * * * *

10. In § 1120.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised as follows:

§ 1120.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool plants and from a cooperative

association in its capacity as a handler pursuant to § 1120.17(c), and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * * *

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv), (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * * * *

11. Section 1120.61 is revised as follows:

§ 1120.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

(a) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I route disposition, except filled milk, is made in such other marketing area, unless notwithstanding the provisions of this paragraph it is regulated under such other order;

(b) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

12. In § 1120.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1120.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1120.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1120.70(e) and a credit in the amount specified in § 1120.82 (b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. Section 1120.63 is revised as follows:

§ 1120.63 State institutions.

A State owned and operated institution or establishment which processes or packages fluid milk products distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such institutions shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

13a. In § 1120.70, paragraph (d) is revised to read as follows:

§ 1120.70 Computation of the net pool obligation of each pool handler.

• • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1120.46(a)(3) and the corresponding step of § 1071.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1120.46 (a)(3)(iv) and (v) and the corresponding step of § 1120.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • •

14. Section 1120.81 is revised as follows:

§ 1120.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" in which he shall deposit all payments made by handlers pursuant to §§ 1120.61, 1120.62, 1120.82, and 1120.84, subject to the provisions of § 1120.87, and out of which he shall make all payments pursuant to §§ 1120.83 and 1120.84: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

15. In § 1120.88, paragraphs (a) and (d) are revised as follows:

§ 1120.88 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the last day of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the last day of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

1. Section 1121.7 is revised to read as follows:

§ 1121.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

2. Section 1121.9 is revised to read as follows:

§ 1121.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which fluid milk products are moved to a distributing plant.

3. In § 1121.10, paragraphs (a) and (b) are revised to read as follows:

§ 1121.10 Pool plant.

• • • • •

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products, except filled milk, on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1121.12(d) at such plant is moved as fluid milk products, except filled milk, in bulk to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

• • • • •

4. In § 1121.11, the introductory text and paragraphs (c) and (d) are revised to read as follows:

§ 1121.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

• • • • •

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

5. Section 1121.15 is revised to read as follows:

§ 1121.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk;

(d) Receives from pool plants not more than a total of 5,000 pounds of fluid milk products during the month or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

6. Section 1121.16 is revised to read as follows:

§ 1121.16 Fluid milk products.

"Fluid milk products" mean milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks; sweet cream, cultured sour cream and sour cream products labeled Grade A; any mixture in fluid form of milk or skim milk and cream; concentrated milk or skim milk. Eggnog, frozen dessert mixes, yogurt, aerated cream products, evaporated milk, condensed milk or skim milk and sterilized products in hermetically sealed metal or glass containers shall not be fluid milk products pursuant to this section. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. Section 1121.18 is revised to read as follows:

§ 1121.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a plant.

8. A new § 1121.19a is added to read as follows:

§ 1121.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

9. In § 1121.22, paragraph (g) is revised to read as follows:

§ 1121.22 Duties.

• • • • •

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

• • • • •

10. In § 1121.30, paragraphs (a)(3) and (c) are revised to read as follows:

§ 1121.30 Reports of receipts and utilization.

• • • • •

(a) • • •

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition, except filled milk,

(ii) Route disposition in the marketing area showing filled milk disposition separately;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversion to nonpool plants.

• • • • •

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

11. In § 1121.32, paragraph (b) is revised to read as follows:

§ 1121.32 Other reports.

• • • • •

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition (showing filled milk disposition separately) to the market administrator on or before the seventh day after the end of the month.

12. In § 1121.33, paragraph (b) is revised to read as follows:

§ 1121.33 Records and facilities.

• • • • •

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

• • • • •

13. In § 1121.46, paragraph (a) (2), (4), (5), (8), and (9) is revised to read as follows:

§ 1121.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

• • • • •

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order or from a plant exempt pursuant to § 1121.62;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(a) For which the handler requests Class II milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in bulk from an other order plant in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

• • • • •

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(v) or (5)(ii) of this paragraph:

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1121.22(o) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

• • • • •

14. Section 1121.60 is revised to read as follows:

§ 1121.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e) of this section.

(a) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

• • • • •

(d) Each handler operating a plant described in paragraph (a), (b), or (c) shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

15. In § 1121.61, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1121.61 Obligation of handler operating a partially regulated distributing plant.

• • • • •

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1121.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfer from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1121.70(e) and a credit computed at the uniform price with respect to receipts, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

16. Section 1121.62 is revised to read as follows:

§ 1121.62 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such agencies shall be classified on the same basis as though disposed of to a producer-handler.

16a. In § 1121.70, paragraph (d) is revised to read as follows:

§ 1121.70 Computation of the net pool obligation of each pool handler.

• • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1121.46(a)(4) and the corresponding step of § 1121.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1121.46(a)(4)(iv) and (v) and the corresponding step of § 1121.46(b) the Class I price shall be adjusted to the location of the transferor plant;

• • • • •

17. Section 1121.83 is revised to read as follows:

§ 1121.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1121.60, 1121.61, 1121.84, and 1121.86, and out of which he shall make all payments to handlers pursuant to §§ 1121.85 and 1121.86.

18. In § 1121.89, paragraphs (a) and (d) are revised to read as follows:

§ 1121.89 Termination of obligation.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler

any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1125—MILK IN THE PUGET SOUND, WASH., MARKETING AREA

1. The text of § 1125.7 which precedes paragraph (a) is revised to read as follows:

§ 1125.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk or milk products (including filled milk). The term "plant" does not include:

• • • • • •

2. In § 1125.8, paragraphs (a) and (b) are revised to read as follows:

§ 1125.8 Pool plant.

• • • • •

(a) Any such plant, hereinafter referred to as a "pool distributing plant", from which during the month route disposition of fluid milk products, except route disposition of filled milk, in the marketing area averages more than 110 pounds daily and is also 10 percent or more of receipts of Grade A milk at such plant; or

(b) Any other such plant, hereinafter referred to as a "pool supply plant", at which milk so qualified is received from dairy farmers or a cooperative association pursuant to § 1125.10(f), and which is:

(1) Located in the marketing area; or

(2) Located outside the marketing area, and from which is moved to a pool distributing plant at least the following applicable percentage of both the skim milk and butterfat in Grade A milk received from dairy farmers:

(i) During the months of October through December, 50 percent of such receipts during the month; or

(ii) During the months of January through September, 20 percent of such receipts during the month, except that any plant which shipped in the form of fluid milk products, more than 50 percent of such receipts during the entire period of October through December immediately preceding shall be a pool plant for each of the months of January through September.

(3) Any plant which otherwise meets the requirements of this paragraph may withdraw from pool supply plant status for any month in the January–September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

3. Section 1125.9 is revised to read as follows:

§ 1125.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which during the month an average of more than 110 pounds daily of fluid milk products is disposed of on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are moved to a pool plant during the month.

4. Section 1125.12 is revised to read as follows:

§ 1125.12 Producer milk.

"Producer milk" or "milk received from producers" means skim milk and butterfat in milk produced by producers which is received for the account of a handler as follows:

(a) With respect to receipts at a pool plant, producer milk shall include:

(1) Milk received at such plant directly from producers;

(2) Milk (not including filled milk) diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the condition set forth in paragraph (c) of this section; and

(3) Milk received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1125.10(f), for all purposes other than those specified in paragraph (b)(2)(i) of this section;

(b) With respect to milk for which a cooperative association is a handler in a capacity other than as the operator of a pool plant, producer milk shall include:

(1) Milk (not including filled milk) diverted from the pool plant of another handler to a nonpool plant for the account of the cooperative association, subject to the condition set forth in paragraph (c) of this section; and

(2) Milk for which the cooperative association is a handler pursuant to § 1125.10(f) to the following extent:

(i) For purposes of reporting pursuant to §§ 1125.30(c) and 1125.31(a) and making payments to producers pursuant to § 1125.80(a); and

(ii) For all purposes, with respect to any such milk which is not delivered to the pool plant of another handler;

(c) For purposes of location adjustments pursuant to §§ 1125.53 and 1125.81, milk diverted to a nonpool plant shall be priced at the location of the plant to which diverted; and

(d) In the case of any bulk tank load of milk originating at farms and subsequently received in part at two or more plants, the proportion of the load received at each such plant shall be prorated among the individual producers on the basis of their percentage of the total load.

5. In § 1125.14, the introductory text and paragraphs (a)(2) and (d) are revised to read as follows:

§ 1125.14 Producer-handler.

"Producer-handler" means a person who is engaged in the production of milk and also operates a plant from which during the month an average of more than 110 pounds daily of fluid milk products, except filled milk, is disposed of on a route(s) within the marketing area and who has been so designated by the market administrator upon his determination that all of the requirements of this section have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until canceled pursuant to paragraph (c) of this section. The Department of Institutions, State of Washington, shall be a producer-handler exempt from the provisions of this section and §§ 1125.30 and 1125.32 with respect to milk of its own production and receipts from pool plants processed or received for consumption in State institutions and with respect to movements of milk to or from a pool plant.

(a) • • •

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (b)(2) of this section) milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than (i) his designated milk production resources and facilities, (ii) pool plants within the limitation specified in paragraph (c)(2) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products.

• • • • •

(d) *Public announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been cancelled, and the effective dates of producer-handler status or loss of producer-handler status

for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for fluid milk products received from any producer-handler.

* * * * *

6. Section 1125.15 is revised to read as follows:

§ 1125.15 Fluid milk product.

"Fluid milk product" means the following, in fluid or frozen form:

(a) Milk, skim milk, skim milk drinks, buttermilk, filled milk, flavored milk, and flavored milk drinks (including such products reconstituted or fortified with additional nonfat milk solids);

(b) Concentrated milk, skim milk, flavored milk, and flavored milk drinks; and

(c) Cream (sweet or sour) and any mixtures of cream and milk or skim milk (exclusive of ice cream and frozen dessert mixes, cocoa mixes, aerated cream products, and eggnog).

Fluid milk products shall not include those products commonly known as evaporated milk, condensed milk, and skim milk (plain or sweetened), yogurt, starter, any milk or milk products (including filled milk) sterilized and packaged in hermetically sealed metal or glass containers; or a product which contains 6 percent or more nonmilk fat (or oil).

7. A new § 1125.15a is added to read as follows:

§ 1125.15a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1125.30, paragraphs (a) (1) and (a) (2) and (d) are revised to read as follows:

§ 1125.30 Monthly reports of receipts and utilization.

* * * * *

(a) * * *

(1) The quantities of skim milk and butterfat contained in:

(i) Milk received directly from producers, showing separately any milk of own-farm production;

(ii) Milk received from a cooperative association pursuant to § 1125.10(f);

(iii) Fluid milk products received from other pool plants showing filled milk separately; and

(iv) Other source milk showing filled milk separately.

(2) The utilization of all skim milk and butterfat required to be reported, including separate statements of quantities:

(i) Contained in fluid milk products on hand at the beginning and end of the month;

(ii) Route disposition showing separately route disposition of filled milk inside and outside the marketing area;

* * * * *

(d) Each handler who operates a partially regulated distributing plant shall report as specified in paragraph (a) (1), (2), and (4) of this section except that receipts from dairy farmers in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include separate statements, respectively, showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

9. Section 1125.32 is revised to read as follows:

§ 1125.32 Other reports.

At such time and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under § 1125.30 as may be requested by the market administrator with respect to milk and milk products (including filled milk) handled by him.

9a. In § 1125.41, subparagraph (1) of paragraph (b) is revised to read as follows:

§ 1125.41 Classes of utilization.

* * * * *

(b) * * *

(1) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, starter or any milk or milk products (including filled milk) sterilized and packaged in hermetically sealed metal or glass containers;

* * * * *

10. In § 1125.43, paragraph (b) is revised to read as follows:

§ 1125.43 Responsibility of handlers and reclassification of milk.

* * * * *

(b) The burden shall rest upon each handler to establish the sources of milk and milk products (including filled milk) required to be reported by him pursuant to § 1125.30.

* * * * *

11. In § 1125.44, paragraph (a) (4) is revised to read as follows:

§ 1125.44 Interplant movements.

* * * * *

(a) * * *

(4) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat transferred in bulk from a pool plant to a pool distributing plant in which facilities are maintained and used to receive milk or milk products required by applicable health authority regulations to be kept physically separate from Grade A milk shall be classified in accordance with the provisions of paragraph (b) of this section; and

* * * * *

12. In § 1125.45, paragraph (a) is revised to read as follows:

§ 1125.45 Computation of skim milk and butterfat in each class.

* * * * *

(a) If any other source milk not subject to allocation at such plant pursuant to § 1125.46(a) (2) through (4) was received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively, in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1125.46 and computation of obligation pursuant to § 1125.70 shall be based upon the combined utilization so computed. For purposes of assigning location adjustments pursuant to § 1125.53 with respect to fluid milk products moved between such plants, the skim milk and butterfat subtracted from each class pursuant to § 1125.46(a) (2), (3), (4), (6), and (7) and the corresponding steps of § 1125.46 (b) will be assigned so far as possible to utilization (exclusive of such interplant movements) reported at the plant at which it was received, and thereafter in sequence to plants at which location adjustment for such class is the same or most nearly similar, and the applicable location adjustments will be determined on the basis of the classification resulting from the application of § 1125.44 (a) and (b) to the remaining utilization reported;

* * * * *

13. Section 1125.46 is revised to read as follows:

§ 1125.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1125.45, the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1125.45(b) applies) as follows:

(a) Skim milk shall be allocated in the following manner, except that the quantities allocated to Class II milk and Class III milk shall be subtracted in series beginning with Class III.

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1125.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below, from the pounds of skim milk

remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products not qualified for disposition to consumers in fluid form, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant; and

(vi) Subtract, if the total pounds of skim milk in all classes pursuant to § 1125.45 exceed the total pounds of skim milk reported pursuant to § 1125.30(a) (1), from the remaining pounds of skim milk in each class, in series beginning with Class III, the amount determined by prorating such excess between the pounds of skim milk subtracted pursuant to subdivisions (i) through (v) of this subparagraph and the remaining receipts;

(4) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Class II and Class III but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II or III utilization;

(ii) Remaining receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in receipts of producer milk, receipts from pool plants of other handlers (and of the same handler, when § 1125.45(b) applies), and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or III utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4) (i) and (ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4) (iii) of this paragraph;

(i) In series, beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1125.22(m) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1125.45(b) applies) according to the classification assigned pursuant to § 1125.44;

(9) If the pounds of skim milk remaining in all three classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1125.45(c) into one total for each class and determine the weighted average butterfat content of producer milk in each class.

14. Section 1125.66 is revised to read as follows:

§ 1125.66 Plants subject to other Federal orders.

Except for §§ 1125.30(e), 1125.32 through 1125.34, and paragraph (c) of this section, the provisions of this part shall not apply to a handler with respect to the operation of plants described as follows:

(a) A distributing plant from which a lesser volume of fluid milk products, except filled milk, is disposed of as route disposition in the Puget Sound marketing area than as route disposition in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order;

(b) Any supply plant for any portion of the period of January through September, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act; and

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

15. In § 1125.67, subdivision (i) of paragraph (a)(1), and paragraph (b) are revised to read as follows:

§ 1125.67 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1125.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1125.70(e) and a credit in the amount specified in § 1125.84(b)(3) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of

as Class I milk on routes within the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

15a. In § 1125.70, paragraph (d) is revised to read as follows:

§ 1125.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1125.46(a)(3) and the corresponding step of § 1125.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1125.46(a)(3)(iv) and (v) and the corresponding step of § 1125.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * *

16. In § 1125.81, paragraph (c) is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

* * * * *

(c) For purposes of computations pursuant to §§ 1125.84 and 1125.85 the weighted average price for all milk shall be adjusted at the rates set forth in § 1125.53 for Class I milk applicable at the location of the nonpool plant from which the milk or filled milk was received.

17. Section 1125.83 is revised to read as follows:

§ 1125.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1125.66, 1125.67, and 1125.84 and out of which he shall make all payments to handlers pursuant to § 1125.85.

18. Section 1125.84 is revised to read as follows:

§ 1125.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month during which the skim milk and butterfat were received, each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the total amount specified in paragraph (b) of this section:

(a) The sum of:

(1) The net pool obligations computed pursuant to § 1125.70 for such handler; and

(2) For a cooperative association handler, the amount due from other handlers pursuant to § 1125.80(d);

(b) The sum of:

(1) The value of milk received by such handler from producers at the applicable uniform prices specified in § 1125.80(a);

(2) The amount to be paid to cooperative associations pursuant to § 1125.80(d); and

(3) The value at the weighted average price for all skim milk and butterfat applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) adjusted for butterfat content by the producer butterfat differential, with respect to other source milk for which a value is computed pursuant to § 1125.70(e).

19. Section 1125.85 is revised to read as follows:

§ 1125.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month during which the skim milk and butterfat were received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1125.84(b) exceeds the amount computed pursuant to § 1125.84(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1125.84, 1125.86, 1125.87, and 1125.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

20. In § 1125.89, paragraphs (a) and (d) are revised to read as follows:

§ 1125.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. Section 1126.7 is revised as follows:

§ 1126.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

2. In § 1126.10 paragraph (a) is revised as follows:

§ 1126.10 Pool plant.

* * * * *

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products, except filled milk, on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of the receipts of Grade A milk at such plant, except that if two or more distributing plants operated by the same handler each meet the performance requirement of subparagraph (1) of this paragraph and total

disposition of fluid milk products, except filled milk, on routes of such plants is 50 percent or more of receipts of Grade A milk at such plants, each such plant shall be deemed to have met the requirement of this subparagraph;

* * * * *

3. Section 1126.11 is revised as follows:

§ 1126.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

4. Section 1126.15 is revised as follows:

§ 1126.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream (except sterilized cream and sterilized cream products disposed of in hermetically sealed metal or glass containers and cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. Section 1126.18 is revised as follows:

§ 1126.18 Reserve supply credit.

The hundredweight of reserve supply credit that may be assigned to milk moved from a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk, except filled milk, at the distributing plant during the month, deduct Class I sales, except filled milk, to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

6. Section 1126.19 is revised as follows:

§ 1126.19 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of a fluid milk product other than a delivery in bulk form to a milk processing plant.

7. A new § 1126.20 is added as follows:

§ 1126.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

8. In § 1126.30, paragraphs (f) and (h) are revised as follows:

§ 1126.30 Reports of receipts and utilization.

* * * * *

(f) The disposition of fluid milk products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

(h) Each handler operating a partially regulated distributing plant shall report as required in this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

9. In § 1126.33, paragraph (b) is revised as follows:

§ 1126.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

* * * * *

10. In § 1126.41, paragraphs (a)(1) and (b)(7) are revised as follows:

§ 1126.41 Classes of utilization.

* * * * *

(a) * * *

(1) Disposed of in the form of a fluid milk product: *Provided*, That when any fluid milk product is modified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content;

* * * * *

(b) * * *

(7) That portion of modified products excluded from a Class I skim milk classification pursuant to paragraph (a) of this section;

* * * * *

11. In § 1126.44, paragraph (g)(5) is revised as follows:

§ 1126.44 Transfers.

* * * * *

(g) * * *

(5) For purposes of this paragraph, if the order to which the skim milk and butterfat is transferred or diverted provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

12. In § 1126.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised as follows:

§ 1126.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products

from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk in receipts from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d) and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

• • • • • •

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv), or (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v), or (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1126.27(m); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall by subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

• • • • • •

13. Section 1126.61 is revised as follows:

§ 1126.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1126.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

14. In § 1126.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1126.62 Obligation of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1126.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1126.70(e) and a credit in the amount specified in § 1126.93(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

14a. In § 1126.70, paragraph (d) is revised to read as follows:

§ 1126.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1126.46(a)(3) and the corresponding step of § 1126.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1126.46(a)(3)(iv) and (v) and the corresponding step of § 1126.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • • •

15. Section 1126.92 is revised as follows:

§ 1126.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1126.61, 1126.62, 1126.93, and 1126.95, and out of which he shall make all payments to handlers pursuant to §§ 1126.94 and 1126.95.

16. In § 1126.98, paragraphs (a) and (d) are revised as follows:

§ 1126.98 Termination of obligations.

• • • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8(c)(15)(A) of the Act, a petition claiming such money.

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. In § 1127.8, paragraph (a) is revised to read as follows:

§ 1127.8 Pool plant.

• • • • • •

(a) A distributing plant (other than one exempt pursuant to § 1127.60) which disposes of as Class I milk, except filled milk, on routes in the marketing area 15 percent or more of its receipts of milk during the month from pool plants and from dairy farmers conforming to the requirements set forth in § 1127.11;

• • • • • •

2. Section 1127.9 is revised to read as follows:

§ 1127.9 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. Section 1127.14 is revised to read as follows:

§ 1127.14 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream or any mixture of cream and milk or skim milk (except eggnog, cultured sour cream, frozen storage cream and bulk ice cream and frozen dairy product mixes). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

4. A new § 1127.16 is added to read as follows:

§ 1127.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and

contains less than 6 percent nonmilk fat (or oil).

5. In § 1127.30, paragraph (e) is revised to read as follows:

§ 1127.30 Reports of receipts and utilization.

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

6. Section 1127.32 is revised to read as follows:

§ 1127.32 Other reports.

Each handler who operates a partially regulated distributing plant shall report pursuant to § 1127.30 and pursuant to § 1127.31 in the event that such handler does not elect at the regular time of reporting pursuant to § 1127.30 to pay amounts computed pursuant to § 1127.61(b), except that receipts of Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

7. In § 1127.33, paragraphs (b) and (d) are revised to read as follows:

§ 1127.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled;

* * * * *

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products (including filled milk) on hand at the beginning and end of each month.

8. In § 1127.44, subparagraph (5) of paragraph (c) is revised to read as follows:

§ 1127.44 Transfers.

* * * * *

(c) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II or Class II–A (if identical classification is provided under the other order); and

* * * * *

9. In § 1127.46, subparagraphs (3), (4), (5), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1127.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with the lowest priced class, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A), but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, receipts from a cooperative association in its capacity as a handler pursuant to § 1127.10(d) and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(ii) of this paragraph:

* * * * *

10. Section 1127.60 is revised to read as follows:

§ 1127.60 Handlers subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except as specified in paragraphs (c) and (d):

(a) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all of the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is fully regulated under such other order.

(b) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area, but which plant is fully regulated under such other Federal order.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1127.30 and 1127.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), or (b) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

11. In § 1127.61, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1127.61 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1127.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class II–A milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1127.70(d) and a credit in the amount specified in § 1127.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparargaph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. In § 1127.70, paragraph (c) is revised to read as follows:

§ 1127.70 Computation of the net pool obligation of each pool handler.

* * * * *

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1127.46(a)(4) and the corresponding step of § 1127.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1127.46(a)(4)(iv) and (v) and the corresponding step of § 1127.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

12. In § 1127.89, paragraphs (a) and (d) are revised to read as follows:

§ 1127.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The delivery period during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the agreement (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.7, paragraphs (a)(1) and (b) are revised to read as follows:

§ 1128.7 Approved plant.

* * * * *

(a) • • •

(1) From which Class I milk labeled Grade A other than filled milk, in consumer packages is disposed of in the marketing area on routes, or

• • • • • •

(b) A milk plant approved by and under the routine inspection of a health authority other than that of a municipality in the marketing area from which Class I milk labeled Grade A other than filled milk in consumer packages is disposed of in the marketing area on a route operated wholly or partially in the marketing area in an amount equal to 10 percent or more of the total disposition of Class I milk, except filled milk, from such plant during the month.

2. Section 1128.8 is revised to read as follows:

§ 1128.8 Unapproved plant.

"Unapproved plant" means any milk or filled milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plant are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means an unapproved plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means an unapproved plant from which fluid milk products are moved to an approved plant during the month but which is neither an other order plant nor a producer-handler plant.

3. Section 1128.13 is revised to read as follows:

§ 1128.13 Producer-handler.

"Producer-handler" means any person:

(a) who operates a dairy farm and a milk plant approved by and under the routine inspection of the appropriate health authority from which fluid milk products labeled Grade A in consumer-type packages are disposed of in the marketing area on routes and;

(b) whose disposition of fluid milk products does not exceed his own farm production and receipts of fluid milk products from approved plants.

4. Section 1128.14 is revised to read as follows:

§ 1128.14 Route.

"Route" means any delivery (including any delivery by a vendor or at a plant store) of a fluid milk product other than in bulk to a milk or filled milk processing plant.

5. Section 1128.15 is revised to read as follows:

§ 1128.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream, sour cream and sour cream products under a Grade A label, and any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk: *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1128.16 is added to read as follows:

§ 1128.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1128.30, paragraph (g) is revised to read as follows:

§ 1128.30 Reports of receipts and utilization.

• • • • • •

(g) The disposition of Class I products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

• • • • • •

8. In § 1128.32, paragraph (b) is revised to read as follows:

§ 1128.32 Other reports.

• • • • • •

(b) Each handler who operates a partially regulated distributing plant shall report pursuant to § 1128.30 and pursuant to § 1128.31 in the event that such handler does not elect at the regular time of reporting pursuant to § 1128.30 to pay amounts computed pursuant to § 1128.62(b), except that receipts in Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

• • • • • •

9. In § 1128.33, paragraphs (b) and (d) are revised to read as follows:

§ 1128.33 Records and facilities.

• • • • • •

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products (including filled milk) handled;

• • • • • •

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products (including filled milk) on hand at the beginning and end of each month.

10. In § 1128.44, subparagraph (5) of paragraph (f) is revised to read as follows:

§ 1128.44 Transfers.

• • • • • •

(f) • • •

(5) For purposes of this paragraph (f), if the transferee order provides for more than two classes of utilization skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated

to other classes shall be classified as Class II unless the other order provides a Class II–A classification identical to that provided in this order; and

• • • • • •

11. In § 1128.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1128.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with the lowest priced class, the pounds of skim milk in each of the following:

(i) Other source milk in the form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A):

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in such classes, respectively;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between approved plants of the handler) at all approved plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other approved plants and from a cooperative association in its capacity as a handler pursuant to § 1128.9(c), and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all approved plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Such subtraction is to be made first from the remaining Class II–A at the pool plant where received, next from remaining Class II–A at other pool plant(s) of such handler. If the amount to be subtracted is greater than the remaining Class II–A at all pool plants of the handler, such additional amount is to be subtracted first from the remaining Class II at the pool plant where received, next from Class II at other pool plant(s) of such handler. In such case, the utilization of skim milk in Class II–A (then Class II) shall be increased and the utilization of skim milk in Class II (then Class I) shall be decreased in an amount equal to the quantity necessary to make such subtraction, and the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II–A and Class II milk, if Class II–A (or Class II) utilization was requested by the operator of such plant and the handler;

• • • • • •

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all approved plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or 4 (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the approved plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other approved plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other approved plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

• • • • • •

12. Section 1128.61 is revised to read as follows:

§ 1128.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e) that:

(a) An approved plant pursuant to § 1128.7 (a)(1) or (b) which also meets

the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) An approved plant pursuant to § 1128.7 (a)(1) or (b) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

(c) An approved plant pursuant to § 1128.7(a)(2) which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part or, (2) retains automatic pooling status for the month under another Federal order by virtue of its performance in previous months.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

13. In § 1128.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1128.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1128.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class II–A milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1128.70(e) and a credit in the amount specified in § 1128.94(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to approved plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from approved plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13a. In § 1128.70, paragraph (d) is revised to read as follows:

§ 1128.70 Computation of each handler's pool obligation.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the approved plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1128.46(a)(3) and the corresponding step of § 1128.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1128.46 (a)(3)(iv) and (v) and the corresponding step of § 1128.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

14. Section 1128.93 is revised to read as follows:

§ 1128.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1128.61, 1128.62, 1128.94, and 1128.96, and out of which he shall make all payments to handlers pursuant to §§ 1128.95 and 1128.96.

15. In § 1128.99, paragraphs (a) and (d) are revised to read as follows:

§ 1128.99 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8(c)(15)(A) of the act, a petition claiming such money.

PART 1129—MILK IN THE AUSTIN-WACO, TEX., MARKETING AREA

1. Section 1129.8 is revised as follows:

§ 1129.8 Distributing plant.

"Distributing plant" means any milk processing or packaging plant from which Class I milk, except filled milk, equal to more than an average of 500 pounds per day or 5 percent, whichever is less, of the Grade "A" milk and skim milk received from dairy farmers or other plants, is disposed of during the month on a route(s) operated partially or wholly in the marketing area.

2. Section 1129.11 is revised as follows:

§ 1129.11 Nonfluid milk plant.

"Nonfluid milk plant" means any milk or filled milk receiving, manufacturing or processing plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant from which fluid milk products are moved to a fluid milk plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. The introductory text and paragraph (a) of § 1129.14 are revised as follows:

§ 1129.14 Route.

"Route" means the delivery (including delivery by a vendor or sale at a plant store) of fluid milk products other than as follows:

(a) Delivery in bulk to a plant, or

* * * * *

4. Section 1129.20 is revised as follows:

§ 1129.20 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream mix, or other frozen mixes, evaporated or condensed milk and any milk product contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for fortification the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of unmodified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1129.21 is added as follows:

§ 1129.21 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1129.27, paragraph (g) is revised as follows:

§ 1129.27 Duties.

* * * * *

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

* * * * *

7. In § 1129.30, paragraph (e) is revised as follows:

§ 1129.30 Reports of receipts and utilization.

* * * * *

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk; and

* * * * *

8. In § 1129.33, paragraphs (b) and (c) are revised as follows:

§ 1129.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, and milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

9. In § 1129.44, subparagraph (5) of paragraph (e) is revised as follows:

§ 1129.44 Transfers.

* * * * *

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1129.46, subparagraphs (2), (3), (4), and (7) of paragraph (a) are revised as follows:

§ 1129.46 Allocation of skim milk and butterfat classified.

* * * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(*a*) For which the handler requests Class I utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from fluid milk plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1129.13(b)(2) and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

* * * * *

11. Section 1129.61 is revised as follows:

§ 1129.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to any plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) An approved distributing plant which also meets the pooling requirements of another Federal order and from which the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than is disposed of on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area.

(b) An approved distributing plant which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) An approved supply plant which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments, except filled milk, are made during the month to plants regulated under such other order than are made to plants regulated under this part, or (2) retains automatic pooling status under another Federal order.

12. In § 1129.96, paragraphs (a) and (d) are revised as follows:

§ 1129.96 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. Section 1130.7 is revised as follows:

§ 1130.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities without storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

2. In § 1130.10, paragraphs (a) and (b) are revised as follows:

§ 1130.10 Pool plant.

* * * * *

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products, except filled milk, within the marketing area on routes is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1130.12(d) at such plant is moved as fluid milk products, except filled milk, to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

* * * * *

3. Section 1130.11 is revised as follows:

§ 1130.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of on routes in the marketing area during the month.

4. Section 1130.15 is revised as follows:

§ 1130.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk as Class I milk except:

(1) That represented by nonfat solids used in the fortification of fluid milk products; or

(2) Yogurt in packaged form and cream in prepackaged tetrapaks (one-half fluid ounce capacity) if such products are made from milk classified and priced under any Federal order;

(d) Receives during the month from pool plants fluid milk products in a total quantity of not more than 10,000 pounds, or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

5. Section 1130.16 is revised as follows:

§ 1130.16 Fluid milk products.

"Fluid milk products" means all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, filled milk, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1130.16a is added as follows:

§ 1130.16a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. Section 1130.18 is revised as follows:

§ 1130.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery to a milk or filled milk plant.

8. In § 1130.30, paragraphs (a)(3) and (c) are revised as follows:

§ 1130.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition, except filled milk;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants;

(vi) Diversions to nonpool plants; and

(vii) In-area and outside area route disposition of filled milk.

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

9. In § 1130.33, paragraphs (b) and (c) are revised as follows:

§ 1130.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

10. In § 1130.44, paragraph (e)(5) is revised as follows:

§ 1130.33 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk and butterfat allocated to another class shall be classified as Class III milk; and

* * * * *

11. Section 1130.46 is revised as follows:

§ 1130.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1130.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(a) For which the handler requests Class II or Class III milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same

plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(ii) of this paragraph:

(i) In series beginning with Class III milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1130.22(c) or the percentage that Class II and Class III milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1130.44(a); and

(11) If the pounds of skim milk remaining in each class exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1130.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1130.60 is revised as follows:

§ 1130.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1130.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months January through August, if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraphs (a) or (b) of this section shall report pursuant to § 1130.32(b) and each handler operating a plant described in paragraph (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

13. In § 1130.61, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1130.61 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1130.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II (or Class III) milk if allocated to such classes at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1130.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class III price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

13a. In § 1130.70, paragraph (d) is revised to read as follows:

§ 1130.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1130.46(a)(4) and the corresponding step of § 1130.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1130.46(a)(4)(iv) and (v) and the corresponding step of § 1130.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * *

14. Section 1130.83 is revised as follows:

§ 1130.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into

which he shall deposit all payments made by handlers pursuant to §§ 1130.60, 1130.61, 1130.84, and 1130.86, and out of which he shall make all payments to handlers pursuant to §§ 1130.85 and 1130.86.

15. In § 1130.89, paragraphs (a) and (d) are revised as follows:

§ 1130.89 Termination of obligation.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligations exists, were received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. Section 1132.10 is revised as follows:

§ 1132.10 Pool plant.

"Pool plant" means a plant described in paragraph (a) or (b) of this section, subject to paragraph (c) of this section.

(a) A distributing plant from which a volume of Class I milk, except filled milk:

(1) Not less than 50 percent of the Grade A milk received at such plant from dairy farmers, from cooperative association handlers pursuant to § 1132.12(c), and from other plants, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants); and

(2) Not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from cooperative association handlers pursuant to § 1132.12(c) during such month: *Provided*, That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a plant qualified pursuant to this section.

2. Section 1132.11 is revised as follows:

§ 1132.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. Section 1132.12 is revised as follows:

§ 1132.12 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of producers which is diverted from a pool plant to a nonpool plant for the account of such association;

(d) Any cooperative association with respect to milk of its member producers picked up at the farm for delivery to the pool plant of another handler in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, in such a way that the association supervises and controls the determination of farm weights and tests of the milk of each of such member producers; or

(e) A producer-handler, or any person who operates an other order plant described in § 1132.61.

4. Section 1132.13 is revised as follows:

§ 1132.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers and who disposes of no fluid milk products in excess of his own milk production and fluid milk products received from pool plants.

5. Section 1132.15 is revised as follows:

§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, filled milk, milk drinks (plain or flavored), cream (sweet or sour), or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, sour cream, and sour cream products not labeled Grade A, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is modified by the addition of nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

6. A new § 1132.18 is added as follows:

§ 1132.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

§ 1132.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler in his

capacity as the operator of a pool plant(s) and each cooperative association with respect to milk for which it is a handler pursuant to § 1132.12 (b) or (c) shall report for such month to the market administrator in detail and on forms prescribed by the market administrator:

(a) Each handler in his capacity as the operator of a pool plant(s) shall report:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1132.14;

(5) Inventories of fluid milk products on hand at the beginning and end of the month; and

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1132.12 (b) and (c):

(1) Skim milk and butterfat in milk received by such cooperative association from producers' farms;

(2) The quantities of such skim milk and butterfat delivered to each pool plant and each nonpool plant; and

(3) The utilization of skim milk and butterfat delivered to a nonpool plant.

8. In § 1132.31, paragraph (c) is revised as follows:

§ 1132.31 Other reports.

• • • • •

(c) Each handler operating a partially regulated distributing plant shall report pursuant to § 1132.30 including a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and pursuant to §1132.31(b)(1) in the event that such handler does not elect at the regular time of reporting pursuant to § 1132.30 to pay amounts computed pursuant to § 1132.62 (b), except that receipts in Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers.

9. In § 1132.32, paragraphs (b) and (c) are revised as follows:

§ 1132.32 Records and facilities.

• • • • •

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) on hand at the beginning and end of each month; and

10. In § 1132.44, subparagraph (5) of paragraph (e) is revised as follows:

§ 1132.44 Transfers.

• • • • •

(e) • • •

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • •

11. In § 1132.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i), of paragraph (a) are revised as follows:

§ 1132.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3) (v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for invidiual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, (a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1132.12(c) and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

• • • • •

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

• • • • •

12. Section 1132.61 is revised as follows:

§ 1132.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except as specified in paragraphs (c) and (d).

(a) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in such other Federal order marketing area than was disposed of to retail and wholesale outlets (excluding pool plants) in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) such Class I disposition made under limited term contracts to governmental bases and institutions.

(b) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month to retail and wholesale outlets (excluding pool plants) in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order;

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

13. In § 1132.62, paragraphs (a)(1)(i) and (b) are revised as follows:

§ 1132.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1132.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1132.70(e) and a credit in the amount specified in § 1132.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph, and

• • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13a. In § 1132.70, paragraph (d) is revised to read as follows:

§ 1132.70 Computation of the net pool obligation of each pool handler.

• • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1132.46(a)(3) and the corresponding step of § 1132.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1132.46 (a)(3)(iv) and (v) and the corresponding step of § 1132.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • •

14. Section 1132.83 is revised as follows:

§ 1132.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1132.61, 1132.62, 1132.84, and 1132.86, and out of which he shall make all payments pursuant to §§ 1132.85 and 1132.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

15. In § 1132.90 paragraphs (a) and (d) are revised as follows:

§ 1132.90 Termination of obligations.

• • • • •

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

• • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

1. Section 1133.7 is revised to read as follows:

§ 1133.7 Plant.

"Plant" means the land, buildings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained primarily for receiving, processing or packaging of fluid milk and milk products (including filled milk). However, an establishment that is separate from the foregoing operating unit and used only for transferring bulk milk from one tank truck to another shall not be a plant under this definition.

2. In § 1133.8, paragraphs (a) and (b) are revised to read as follows:

§ 1133.8 Pool plant.

"Pool plant" means any plant described in paragraph (a) or (b) of this section, other than the plant of a producer-handler, or a plant with respect to which the handler is exempt pursuant to § 1133.61, which is approved by an appropriate health authority for the receiving of milk qualified for distribution as Grade A milk in the marketing area.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are processed or packaged and from which during the month:

(1) Disposition of fluid milk products, except filled milk, on routes within the marketing area equals or exceeds the lesser of 250,000 pounds or 20 percent of the total receipts of Grade A milk from dairy farmers, cooperative associations pursuant to § 1133.15(d), and from pool supply plants and other plants forwarding the applicable percentage of receipts specified in paragraph (b) of this section to such plant and other pool distributing plants; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 40 percent or more of such receipts in any of the months of February through August, inclusive, and 50 percent or more of such receipts in any of the months of September through January, inclusive.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded in the form of fluid milk products, to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk except filled milk, during the current month during the period of September through November, or 20 percent or more during the current month during the period December through August. Any such plant which has forwarded in the form of fluid milk products, more than 50 percent of such receipts except filled milk, for the entire period of September through November shall be a pool plant for the months of December through August immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

* * * * * *

3. Section 1133.9, paragraph (c) is revised to read as follows:

§ 1133.9 Nonpool plant.

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

* * * * * *

4. Section 1133.16 is revised to read as follows:

§ 1133.16 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a processing plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products during the month from other dairy farmers or from any other source except by transfer from a pool plant, and who receives no milk products other than fluid milk products for reconstitution into fluid milk products. Such person must provide proof satisfactory to the market administrator that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the operation of the processing and distribution business is the personal enterprise and risk of such person.

5. Section 1133.17 is revised to read as follows:

§ 1133.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, skim milk or milk drinks (not including evaporated milk, condensed milk or condensed skim milk), fortified milk or skim milk (including "diet" foods), cream (sweet or sour), any mixture in fluid form of cream and milk or skim milk (except ice cream mix, frozen dessert mix, cocoa mixes, a product which contains 6 percent or more nonmilk fat (or oil), aerated products, eggnog and yogurt), which are neither sterilized nor in hermetically sealed metal containers.

6. A new § 1133.19 is added to read as follows:

§ 1133.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1133.30, subparagraph (3) of paragraph (a), and paragraph (b) are revised to read as follows:

§ 1133.30 Reports of receipts and utilization.

* * * * * *

(a) * * *

(3) The utilization in each class of the quantities required to be reported, including separate statements of quantities (i) in inventories of fluid milk products on hand at the end of the month, (ii) in route disposition outside the marketing area, and (iii) of in-area and outside area route disposition of filled milk; and

* * * * * *

(b) Each handler specified in § 1133.15 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

* * * * * *

8. Section 1133.33 is revised to read as follows:

§ 1133.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of skim milk and butterfat depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The information required to be reported pursuant to §§ 1133.30, 1133.31, and 1133.32;

(b) The weights and tests for butterfat and other contents of all milk, filled milk, and milk products handled, including filled milk; and

(c) Payments required to be made pursuant to §§ 1133.80 through 1133.88.

9. In § 1133.43, paragraph (b) is revised to read as follows:

§ 1133.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise:

(b) The burden shall rest upon each handler to establish the sources of milk and milk products (including filled milk) required to be reported by him pursuant to § 1133.30; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

10. In § 1133.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1133.44 Transfers and diversions.

* * * * * *

(e) * * *

(5) For purposes of this paragraph, if the transfered order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

* * * * * *

11. In § 1133.46, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised to read as follows:

§ 1133.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1133.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1133.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests Class II or Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

* * * * * *

12. In § 1133.51, paragraph (d)(2) is revised to read as follows:

§ 1133.51 Class prices.

* * * * *

(d) * *

(2) Determine the total pounds of milk and milk products (including filled milk) disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same 2 months;

13. Section 1133.61 is revised to read as follows:

§ 1133.61 Plants subject to other Federal orders.

(a) Except as specified in paragraphs (b) and (c), the provisions of this part shall not apply to any distributing or supply plant which would be subject to the classification, pricing and payment provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products, except filled milk, are disposed of on routes or to pool plants in the Inland Empire marketing area than in the marketing area regulated pursuant to such other order.

(b) The operator of a plant specified in paragraph (a) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

14. In § 1133.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1133.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1133.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III milk if allocated to such class at the pool pant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1133.70(e) and a credit in the amount specified in § 1133.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products

disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

15. Section 1133.63 is revised to read as follows:

§ 1133.63 State institutions.

A State owned and operated institution or establishment which processes or packages skim milk and butterfat distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Skim milk and butterfat received from institutions at pool plants shall be treated as other source milk received from a producer-handler, and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

15a. In § 1133.70, paragraph (d) is revised to read as follows:

§ 1133.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1133.46(a)(3) and the corresponding step of § 1133.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to §1133.46 (a)(3)(iv) and (v) and the corresponding step of § 1133.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * *

16. Section 1133.83 is revised to read as follows:

§ 1133.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1133.61, 1133.62, 1133.84, and 1133.86 and out of which he shall make all payments to handlers pursuant to §§ 1133.85 and 1133.86.

17. In § 1133.89, paragraphs (a) and (d) are revised to read as follows:

§ 1133.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

1. Section 1134.9 is revised to read as follows:

§ 1134.9 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section, except the plant of a producer-handler or the plant of a handler exempt under § 1134.61.

(a) Any plant hereinafter referred to as a "distributing pool plant," in which during the month fluid milk products are processed or packaged and from which:

(1) An amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as fluid milk products, except filled milk, on routes, and

(2) Ten percent or more of such receipts, or 2,000 pounds per day, whichever is less, are disposed of as fluid milk products, except filled milk, on routes in the marketing area; and

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved in the form of fluid milk products, except filled milk, to distributing pool plants. Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant in each of the following months of March through August, unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any of the following months of March through August unless it fulfills the shipping requirements of this paragraph for such month(s).

2. Section 1134.10 is revised to read as follows:

§ 1134.10 Nonpool plant.

"Nonpool plant" means any milk, or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued under the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued under the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant.

3. Section 1134.16 is revised to read as follows:

§ 1134.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, reconstituted milk or skim milk fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mixes, frozen cream, a product which contains 6 percent or more nonmilk fat or oil, aerated cream, eggnog, cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product), which are neither sterilized nor in hermetically sealed containers.

4. A new § 1134.19 is added to read as follows:

§ 1134.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk

(whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

5. In § 1134.30, subparagraph (5) of paragraph (a) and paragraph (c) are revised to read as follows:

§ 1134.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported under this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

6. Section 1134.33 is revised to read as follows:

§ 1134.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, filled milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products and filled milk on hand at the beginning and end of each month; and

(d) Payments to producers, or to cooperative associations, including any deductions, and the disbursement of money so deducted.

7. In § 1134.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1134.44 Transfers.

* * * * *

(e) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

* * * * *

8. Section 1134.46 is revised to read as follows:

§ 1134.46 Allocation of skim milk and butterfat classified.

After making the computations under § 1134.45 the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler under § 1134.11 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, from a pool plant operated by a cooperative association and from cooperative association handlers under § 1134.11(d) at a pool plant(s) for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III under § 1134.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph, as follows:

(i) From the utilization comparable under such other order if the products are not classified as Class I under the other order;

(ii) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(iii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant.

(5) Subtract in sequence beginning with Class III in the order specified below, from the pounds of skim milk remaining in Class III and Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class III utilization, but not in excess of the pounds of skim milk remaining in Class III and Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers and in receipts of fluid milk products in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III (and Class II), if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the order;

(6) Subtract from the pounds of skim milk remaining in each class, in series, beginning with Class III, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted under subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted under subparagraph (4)(iv) or (5)(i) or (ii) of this paragraph.

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products or filled milk in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph:

(i) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III and Class II combined;

(a) The estimated utilization of skim milk in each class by all handlers, as announced for the month under § 1134.22(1); or

(b) The pounds of skim milk remaining in each class at the pool plant of the handler;

(10) Subtract from the pounds of skim milk remaining in each class the

pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned under § 1134.44;

(11) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, and from cooperative associations under § 1134.11(d) subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined under paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1134.61 is revised to read as follows:

§ 1134.61 Exempt plants.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) Any distributing plant from which less than an average of 200 pounds per day of Class I milk (except filled milk) is disposed of on routes in the marketing area during the month.

(b) Any distributing plant which would be subject to the classification and pricing provisions of another order issued under the Act, unless such plant is qualified as a pool plant under § 1134.9(a) and more Class I milk (except filled milk) is disposed of from such plant on routes in the Western Colorado marketing area than in the marketing area defined under such other order.

(c) Any plant qualified under § 1134.9 (b) for any portion of the period of March through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued under the Act.

(d) The operator of a plant specified in paragraphs (a), (b), or (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (b), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of the receipts of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

10. In § 1134.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

§ 1134.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed under § 1134.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the repective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1134.70(e) and a credit in the amount specified in § 1134.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued under the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

10a. In § 1134.70, paragraph (d) is revised to read as follows:

§ 1134.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1134.46(a)(4) and the corresponding step of § 1134.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1134.46 (a)(4)(iv) and (v) and the corresponding step of § 1134.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * *

11. Section 1134.83 is revised to read as follows:

§ 1134.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers under §§ 1134.61, 1134.62, 1134.84, and 1134.86 and out of which he shall make all payments under §§ 1134.85 and 1134.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1134.89, paragraphs (a) and (d) are revised to read as follows:

§ 1134.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer(s) or cooperative association, or

if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, under section 8c (15) (A) of the Act, a petition claiming such money.

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. In § 1136.8 paragraph (c) is revised to read as follows:

§ 1136.8 Producer-handler.

* * * * *

(c) The operation of the milk (including filled milk) production, processing and distributing facilities are under the complete and exclusive control of such person and at his sole risk.

2. Section 1136.10 is revised to read as follows:

§ 1136.10 Approved plant.

"Approved plant" means a plant which either receives milk from dairy farmers or possesses the approval of any duly constituted health authority for the processing or packaging of Grade A fluid products, and (a) in which milk or milk products (including filled milk) are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) in which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

3. Section 1136.11 is revised to read as follows:

§ 1136.11 Pool plant.

"Pool plant" means:

(a) An approved plant, except the plant of a producer-handler as described in § 1136.8, from which during the month there is disposed of on routes fluid milk products, except filled milk, equal to not less than 50 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products, except filled milk, from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products, except filled milk, equal to not less than 15 percent of the total fluid milk product disposition, except filled milk, from the plant on routes. If any cooperative association operating an approved plant as defined in § 1136.10(a) causes producer milk to be delivered to a pool plant pursuant to this paragraph operated by another handler, such producer milk shall be included for the computations made pursuant to this paragraph for such cooperative association's plant along with the receipts of producer milk at such cooperative association's plant, and the quantity of such milk calculated as Class I milk pursuant to § 1136.22(h) shall be included for such computations along with the fluid milk products, except filled milk, disposed of on routes from such cooperative association's plant. If such a cooperative association operates more than one approved plant as defined in § 1136.10(a), such producer milk and Class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator. If no such written request is made, such producer milk and Class I milk shall be prorated among the plants. If a handler operates more than one approved plant, the combined receipts and fluid milk products disposition, except filled milk, of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator.

(b) An approved plant from which during the month fluid milk products, except filled milk, equal to not less than 50 percent of the total of receipts at the plant from dairy farmers meeting the inspection requirements described in § 1136.7, milk diverted pursuant to § 1136.13 by the handler operating the plant and other fluid milk products, except filled milk, qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) of this section: *Provided*, That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

4. In § 1136.12 the introductory text preceding paragraph (a) is revised to read as follows:

§ 1136.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

* * * * *

5. Section 1136.15 is revised to read as follows:

§ 1136.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, cream (sweet or sour) except frozen cream, concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream, evaporated or condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers).

6. A new § 1136.18 is added to read as follows:

§ 1136.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1136.30, subparagraph (2) of paragraph (a) is revised to read as follows:

§ 1136.30 Reports of sources and utilization.

(a) * * *

(2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

8. In § 1136.31, paragraph (c) is revised to read as follows:

§ 1136.31 Other reports.

* * * * *

(c) Each handler specified in § 1136.9 (a) (2) who operates a partially regulated distributing plant shall report as required in § 1136.30, except that receipts of milk produced in compliance with the inspection requirements of a duly constituted health authority for fluid consumption shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

9. In § 1136.42, paragraph (c) and subparagraph (5) of paragraph (d) are revised to read as follows:

§ 1136.42 Transfers.

* * * * *

(c) If transferred in bulk form as milk, filled milk, skim milk, or cream to a nonpool plant which is neither an other order plant nor a producer-handler plant, shall be classified as Class I milk unless the requirements of subparagraphs (1), (2) and (3) of this paragraph are met, in which case the skim milk and butterfat

so transferred shall be classified in accordance with the assignment resulting from subparagraph (4) of this paragraph:

(d) • • •

(5) For purposes of this paragraph (d), if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

• • • • • •

10. In § 1136.44, subparagraphs (2), (3), (4), (7), and (8) of paragraph (a) are revised to read as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9 (c) by each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1136.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(i)(*d*) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1136.41(c)(8) plus two percent of such receipts (weight of an equal volume of a like unmodified product of the same butterfat content);

(ii) From Class I milk, the remainder of such receipts; and

(iii) In the event that packaged other order milk receipts (including filled milk) are in excess of the total amount subtracted pursuant to § 1136.44(a)(2)(i) and (ii), the remaining quantity shall be subtracted from the utilization remaining in Class III and then Class II;

(3) Subtract, in the order specified below, the pounds of skim milk in each of the following:

(i) From the pounds of skim milk remaining in each class, in series beginning with Class III:

(*a*) Other source milk in a form other than that of a fluid milk product;

(*b*) Receipts of fluid milk products (except filled milk) not qualified for fluid consumption, and receipts of fluid milk products from unidentified sources;

(*c*) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt plants as defined in § 1136.60(a);

(*d*) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(*e*) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(ii) From the pounds of skim milk remaining in Class II and Class III, beginning with Class II, receipts from pool plants of other handlers (or other pool plants, if applicable) in the form of cottage cheese;

(4) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Classes II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(i)(*d*) of this paragraph, for which the handler requests Class III utilization;

(ii) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(i)(*d*) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers (or other pool plants, if applicable), and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(i)(*e*) of this paragraph;

(iii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(i)(*e*) of this paragraph, in excess of similar transfers to such plant, if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated plants which were not subtracted pursuant to subparagraph (3)(i)(*d*) or (4) (i) or (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(i)(*e*) or (4)(iii) of this paragraph:

• • • • • •

11. Section 1136.61 is revised to read as follows:

§ 1136.61 Plants where other Federal orders may apply.

Any plant described by paragraph (a) or (b) of this section shall be exempt from § 1136.11, except as specified in paragraphs (c) and (d):

(a) Any plant which does not dispose of a greater volume of Class I milk, except filled milk, on routes in the Great Basin marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of § 1136.11(b).

(c) The operator of a plant specified in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

12. In § 1136.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1136.62 Obligations of handler operating a partially regulated distributing plant.

• • • • •

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1136.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1136.70(e) and a credit in the amount specified in § 1136.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

• • • • • •

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to a pool plant) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

12a. In § 1136.70, paragraph (d) is revised to read as follows:

§ 1136.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1136.44(a)(3) and the corresponding step of § 1136.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1136.44 (a)(3)(iv) and (v) and the corresponding step of § 1136.44(b) the Class I price shall be adjusted to the location of the transferor plant; and

• • • • • •

13. Section 1136.81 is revised to read as follows:

§ 1136.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1131.61, 1136.62, 1136.82, and 1136.84, and out of which he shall make all payments pursuant to §§ 1136.83 and 1136.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

14. In § 1136.87, paragraphs (a) and (d) are revised to read as follows:

§ 1136.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. Section 1137.7 is revised to read as follows:

§ 1137.7 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a producer-handler or the plant of a handler exempt pursuant to § 1137.61.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which during the month fluid milk products are processed or packaged and from which (1) an amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as fluid milk products, except filled milk, on routes, and (2) 10 percent or more of such receipts, or 12,000 pounds per day, whichever is less, are disposed of as fluid milk products, except filled milk, on routes in the marketing area; and

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved to distributing pool plant(s) as fluid milk products, except filled milk. Any supply plant which has qualified as a pool plant in each of the months of September through February (under either this part or under Part 1135 of this chapter, regulating the handling of milk in Colorado Springs-Pueblo marketing area) shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

2. Section 1137.8 is revised to read as follows:

§ 1137.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1137.7.

3. Section 1137.11 is revised to read as follows:

§ 1137.11 Producer-handler.

(a) "Producer-handler" means any person who operates a dairy farm and a milk processing plant which distributes fluid milk products on routes in the marketing area and who:

(1) Receives no fluid milk products during the month from dairy farmers;

(2) Receives no fluid milk products during the month from any other source except by transfer from a pool plant; and

(3) Receives no other source milk for reconstitution into fluid milk products.

(b) Such person must provide proof satisfactory to the market administrator that the care and management of all the

dairy animals and other resources necessary to produce the volume of fluid milk products (excluding transfers from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

4. Section 1137.14 is revised to read as follows:

§ 1137.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), sweet cream, sour cream and sour cream mixtures disposed of under a Grade A label, half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, a product which contains 6 percent or more nonmilk fat (or oil), aerated cream, frozen cream, plastic cream, eggnog and sterilized products packaged in hermetically sealed containers).

5. Section 1137.15 is revised to read as follows:

§ 1137.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or a nonpool plant: *Provided,* That packaged fluid milk products, except filled milk, that are transferred to a distributing pool plant from a plant with route disposition in the marketing area, and which are classified as Class I under § 1137.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1137.7(a)(1).

6. A new § 1137.16 is added to read as follows:

§ 1137.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

7. In § 1137.30, subparagraph (5) of paragraph (a), and paragraph (c) are revised to read as follows:

§ 1137.30 Reports of receipts and utilization.

* * * * * *

(a) * * *

(5) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * * *

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

8. In § 1137.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1137.44 Transfers.

* * * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

* * * * * *

9. In § 1137.46, subparagraphs (2), (3), (4), (5), (6), (8), and (9) of paragraph (a) are revised to read as follows:

§ 1137.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1137.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1137.9 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, from a pool plant operated by a cooperative association and from cooperative association handlers pursuant to § 1137.9(d) at a pool plant(s) for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1137.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(v) of this paragraph as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract, in sequence beginning with Class III in the order specified below, from the pounds of skim milk remaining in Class III and Class II;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, for which the handler requests Class III utilization, but not in excess of the pounds of skim milk remaining in Class III and Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (4)(v) of this paragraph, in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III (and Class II), if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(iv) or (5)(i) or (ii) of this paragraph. (For purposes of this subtraction at a pool plant(s) operated by a cooperative association, skim milk in fluid milk

products transferred to the pool plant of another handler shall be added to the remaining pounds of skim milk in each class pro rata to the market average utilization announced pursuant to § 1137.22(1));

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (4)(v) or (5)(iii) of this paragraph:

* * * * * *

9a. Section 1137.61 is revised to read as follows:

§ 1137.61 Exempt plants.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1137.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1137.7(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(c) Any distributing plant from which less than an average of 300 pounds of Class I milk per day, except filled milk, is disposed of on routes in the marketing area during the month; and

(d) Each handler operating a plant described in paragraph (a), (b), or (c) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1137.30 through 1137.32) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month and amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

10. In § 1137.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1137.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * * *

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1137.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1137.70(e) and a credit in the amount specified in § 1137.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content;

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

10a. In § 1137.70, paragraph (d) is revised to read as follows:

§ 1137.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1137.46(a)(4) and the corresponding step of § 1137.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1137.46(a)(4)(iv) and (v) and the corresponding step of § 1137.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

* * * * * *

11. Section 1137.83 is revised to read as follows:

§ 1137.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1137.61, 1137.62, 1137.84, and 1137.86 and out of which he shall make all payments pursuant to §§ 1137.85 and 1137.86: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

12. In § 1137.89, paragraphs (a) and (d) are revised to read as follows:

§ 1137.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

• • • • • •

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.8 paragraph (c) is revised to read as follows:

§ 1138.8 Producer-handler.

• • • • • •

(c) A governmental agency which operates a milk, or filled milk plant shall be considered a producer-handler: *Provided*, That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

2. In § 1138.10, paragraphs (a) and (b) are revised as follows:

§ 1138.10 Pool plant.

• • • • • •

(a) Any plant hereinafter referred to as a "distributing pool plant" in which fluid milk products are pasteurized or packaged and from which not less than 15 percent of the total Class I sales of such plant, except filled milk, or 10,000 pounds daily (average), whichever is less, are made in the marketing area on routes: *Provided*, That the total quantity of Class I milk, except filled milk, disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant;

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of Grade A milk is moved to plants from each of which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk is disposed of on routes during the month and Class I milk, except filled milk, disposed of in the marketing area on routes is at least 15 percent of such receipts or a daily average of 10,000 pounds, whichever is less.

• • • • • •

3. Section 1138.11 is revised to read as follows:

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area are moved to a pool plant qualified pursuant to § 1138.10 and which is not an other order plant nor a producer-handler plant.

4. Section 1138.14 is revised to read as follows:

§ 1138.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, reconstituted milk or skim milk, fortified milk (including "dietary" milk products), concentrated milk, sweet cream and any mixture of milk, skim milk, or sweet cream except frozen cream, frozen dessert mixes, ice cream mix, evaporated or condensed milk or skim milk, aerated cream products, and sterilized products in hermetically sealed containers; and eggnog, yogurt and sour cream and cultured sour cream mixes shall be considered as fluid milk products only if disposed of under a Grade A label. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

5. A new § 1138.16 is added to read as follows:

§ 1138.16 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

6. In § 1138.30, subparagraph (6) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1138.30 Reports of receipts and utilization.

• • • • • •

(a) • • •

(6) The route disposition of fluid milk products in the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

• • • • • •

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

• • • • • •

7. Section 1138.36 is revised to read as follows:

§ 1138.36 Accounting periods.

A handler may account for receipts, utilization and classification of skim milk and butterfat at his pool plant(s) for two periods within a month, each period not to be less than 7 days, in the same manner as for a month if he provides to the market administrator in writing not less than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

8. In § 1138.44, subparagraph (5) of paragraph (e) is revised to read as follows:

§ 1138.44 Transfers.

• • • • • •

(e) • • •

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

• • • • • •

9. In § 1138.46, subparagraphs (2), (3), (4), (7), and the introductory text of subparagraph (8) preceding subdivision (i), of paragraph (a) are revised to read as follows:

§ 1138.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from the remaining pounds of skim milk in each class as follows:

(i) From Class I milk, the pounds of skim milk that were received from a producer-handler as packaged, certified fluid milk products and were disposed of in the same form as received;

(ii) From Class II milk, with respect to the pounds of skim milk in fluid milk

products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, the lesser of the pounds remaining or 2 percent of such receipts; and

(iii) From Class I milk, the remainder of the receipts specified in subdivision (ii) of this subparagraph;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, except that subtracted pursuant to subparagraph (2)(i) of this paragraph;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagrpah (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

• • • • • •

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

• • • • • •

10. Section 1138.61 is revised to read as follows:

§ 1138.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except as specified in paragraphs (c) and (d):

(a) Any plant qualified pursuant to § 1138.10(a) which disposes of a lesser volume of Class I milk, except filled milk, in the Rio Grande Valley marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order;

(b) Any plant qualified pursuant to § 1138.10(b) for any portion of the period March through July, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part;

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

11. In § 1138.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1138.62 Obligations of handler operating a partially regulated distributing plant.

• • • • • •

(a) • • •

(1)(i) The obligation that would have been computed pursuant to § 1138.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1138.70(e) and a credit in the amount specified in § 1138.84(b)(2) with respect to receipts from an unregulated supply plant, except that the

he shall make all payments pursuant to §§ 1138.85 and 1138.86: *Provided*, That any payments due any handler shall be offset by any payments due from such handler.

13. In § 1138.89, paragraphs (a) and (d) are revised to read as follows:

§ 1138.89 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producers or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: January 1, 1970.

Signed at Washington, D.C., on November 18, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-13837; Filed, Nov. 21, 1969; 8:45 a.m.]

credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

11a. In § 1138.70, paragraph (d) is revised to read as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1138.46(a)(3) and the corresponding step of § 1138.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1138.46(a)(3)(iv) and (v) and the corresponding step of § 1138.46(b) the Class I price shall be adjusted to the location of the transferor plant;

* * * * *

12. Section 1138.83 is revised to read as follows:

§ 1138.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.61, 1138.62, 1138.84, and 1138.86 and out of which

FEDERAL REGISTER, VOL. 34, NO. 225—SATURDAY, NOVEMBER 22, 1969

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Director, National Park Service, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (h) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

* * * * *

(h) *National Park Service.* * * *

(4) One Special Assistant to the Director.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13886; Filed, Nov. 21, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Miscellaneous Amendments; Correction

The document amending § 217.3(g) of this part, published in the FEDERAL REGISTER on November 13, 1969, at 34 F.R. 18157, is corrected by changing the reference in paragraph 2 from "Section 217.12" to "Section 217.128".

BOARD OF GOVERNORS,
[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

NOVEMBER 14, 1969.

[F.R. Doc. 69-13875; Filed, Nov. 21, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SW-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Raton, N. Mex., transition area.

On October 4, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15488) stating the Federal Aviation Administration proposed to alter the transition area at Raton, N. Mex., which was designated (34 F.R. 13590) effective October 16, 1969.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to issuance of the proposal, it was learned that the U.S. Coast and Geodetic Survey had changed the final approach radial of the VOR instrument approach procedure from the Cimarron VORTAC 038° magnetic (051° true) radial to the 037° magnetic (050° true) radial. Action is taken herein to substitute the Cimarron 050° radials for the 051° and 231° radials respectively.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637, 13590), the Raton, N. Mex., transition area is amended to read:

RATON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (lat. 36°44'30" N., long. 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 050° radial, within 3.5 miles northwest and 6 miles southeast of the Cimarron VORTAC 050° radial extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC, and within 3.5 miles each side of the Cimarron VORTAC 050° radial extending from 17.5 miles northeast to 6 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest of the Cimarron VORTAC 050° radial extending from the VORTAC to 45 miles northeast, within 16.5 miles southeast of the Cimarron VORTAC 050° and 230° radials extending from 1.5 miles southwest to 29 miles northeast of the VORTAC, and within 8.5 miles southeast of the Cimarron VORTAC 050° radial extending from 29 miles northeast to 45 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on November 6, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13893; Filed, Nov. 21, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area and Alteration of Control Zone and Transition Area

On October 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15660), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Statesville, N.C., transition area and alter the Hickory, N.C., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 35°-45'36" N., long. 80°57'15" W.) for Statesville Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the Statesville transition area description by inserting the geographic coordinate for the airport. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

STATESVILLE, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Statesville Municipal Airport (lat. 35°-45'36" N., long. 80°57'15" W.); within 2 miles each side of Hickory VOR 114° radial, extending from the 5-mile radius area to 3.5 miles southeast of the VOR; excluding the portion within the Hickory transition area.

In § 71.171 (34 F.R. 4557), the Hickory, N.C., control zone is amended to read:

HICKORY, N.C.

Within a 5-mile radius of Hickory Municipal Airport (lat. 34°44'30" N., long. 81°23'20" W.); within 2.5 miles each side of the 042° bearing from Hickory RBN (lat. 35°44'00" N., long. 81°23'30" W.), extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2 miles each side of Hickory VOR 222° radial, extending from the 5-mile radius zone to the VOR.

In § 71.181 (34 F.R. 4637), the Hickory, N.C., transition area is amended to read:

HICKORY, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hickory Municipal Airport (lat. 35°44'30" N., long. 81°23'20" W.); within 9.5 miles southeast and 4.5 miles northwest of the 042° bearing from Hickory RBN (lat. 35°44'00" N., long. 81°23'30" W.), extending from the RBN to 18.5 miles northeast; within 3 miles each side of Hickory VOR 058° and 222° radials, extending as a corridor from the 8.5-mile radius area to 8.5 miles northeast of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 14, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-13894; Filed, Nov. 21, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On October 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15760) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Buffalo, Wyo., airport.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., February 5, 1970.

Issued in Los Angeles, Calif., on November 13, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the following transition area is added:

BUFFALO, WYO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo, Wyo., Airport (latitude 44°22'48" N., longitude 106°43'02" W.) and within 4.5 miles each side of the Crazy Woman, Wyo., VORTAC 332° radial, extending from the 6-mile radius area to 12 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5.5 miles southwest of the Crazy Woman VORTAC 332° radial, extending from 4 miles to 30 miles northwest of the VORTAC.

[F.R. Doc. 69-13895; Filed, Nov. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-57]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a new restricted area at Albemarle Sound, N.C., superjacent to Restricted Area R-5301B.

The Department of the Navy has requested, as a matter of urgent military necessity, that the ceiling of Restricted Area R-5301B be increased from 5,000 feet MSL to 12,000 feet MSL for the period November 24, 1969, through November 26, 1969, to permit the initiation, pursuance and completion of a classified defense project involving surface-to-air ordnance. The Navy stated that the classification and nature of the activity generating this requirement dictate use of this area only.

Since the Navy has stated that an urgent military need exists to accomplish a classified defense project, the Administrator finds that notice and public procedure are impractical and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended as hereinafter set forth.

Section 73.53 (34 F.R. 4841) is amended by adding the following:

R-5301C, ALBEMARLE SOUND, N.C.

Boundaries: A circular area within a 1½-nautical-mile radius centered at lat. 36°05'25" N., long. 76°18'30" W.

Designated altitude: From 5,000 feet MSL to 12,000 feet MSL.

Time of designation: 0800 to 1700 local time, November 24, 1969, through November 26, 1969.

Using agency: Comander, Flet Air Norfolk, NAS Norfolk, Va.

This amendment becomes effective immediately, and is adopted under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 20, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-14005; Filed, Nov. 21, 1969; 10:10 a.m.]

[Docket No. 9026; Amdt. 135-11]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Deviation Authority

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is to correct an inadvertent omission which was made in Amendment 135-9, published in the FEDERAL REGISTER on September 16, 1969 (34 F.R. 14423), and clarify existing regulations by explicitly declaring which persons are authorized to be granted deviation authority under § 135.2(e).

Section 135.2(e) states that the Administrator may authorize a deviation in operations specifications issued to an applicant under § 135.2(a) for large aircraft, from compliance with certain specified equipment requirements prescribed in Part 121 of the Federal Aviation Regulations. It has come to our attention that reference to §§ 121.312 "Materials for compartment interiors," 121.313 "Miscellaneous equipment," and 121.343 "Flight recorders," was inadvertently omitted from that section and this amendment corrects that omission. In so doing, this amendment excludes § 121.312 from those sections from which deviation will not be authorized after November 15, 1970, and will permit deviation from compliance with § 121.312 to be authorized until the first major overhaul of the aircraft cabin or refurbishing of the cabin interior is accomplished.

The preamble of Amendment 135-9 explicitly states that the deviation authority set out in § 135.2(e) will be granted only to those ATCO certificate holders who have Part 135 operating authority on the effective date of the amendment to use large aircraft in air taxi operations. However, that limitation is not clearly expressed in the wording of § 135.2(e). Accordingly, § 135.2(e) is being amended to clarify the limitation intended.

Since this amendment merely corrects an inadvertent omission, clarifies existing regulations, and imposes no additional burden on any person, I find that notice and public procedure are unnecessary, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, § 135.2 of the Federal Aviation Regulations is amended effective November 15, 1969, as follows:

§ 135.2 Air taxi operations with large aircraft.

* * * * *

(e) The Administrator may authorize a deviation in operations specifications issued to an applicant under paragraph (a) of this section who is an ATCO certificate holder having authority on November 15, 1969, to operate large aircraft. However, the authority to deviate may only be granted for large aircraft identified in the operations specifications by registration number and from compliance with the requirements of §§ 121.310 (c) through (j) of this chapter "Additional emergency equipment," 121.312 of this chapter, "Materials for compartment interiors," 121.313 of this chapter, "Miscellaneous equipment," 121.343 of this chapter "Flight recorders," 121.357 of this chapter "Airborne weather radar equipment requirements," and 121.359 of this chapter "Cockpit voice recorders." Except as to § 121.312, these deviations will not be authorized in operations beyond November 15, 1970. Deviation from compliance with § 121.312 may be authorized until the date of the first major overhaul of the aircraft cabin or refurbishing of the cabin interior.

(Secs. 313(a), 601, 604, 605, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424, 1425; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 14, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-13896; Filed, Nov. 21, 1969; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NON-CONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS STANDARDS ACT)

Variation Concerning Priority in Payment of Unpaid Wages and Liquidated Damages From Withheld Funds

Pursuant to authority in section 105 of the Contract Work Hours Standards Act (40 U.S.C. 331), having found it necessary and proper in the public interest to prevent injustice, I hereby amend § 5.14(d) of Title 29 of the Code of Federal Regulations by adding a new subparagraph as set forth below in order to establish a priority of payments for unpaid wages to affected employees and liquidated damages to the United States.

The provisions of 5 U.S.C. 553, which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules relate to public contracts, loans, grants, and benefits. Further, I do not believe that such procedures would serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

As amended, § 5.14(d) reads as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

* * * * *

(d) *Variations.* * * *

(2) In the event of failure or refusal of the contractor or any subcontractor to comply with overtime pay requirements of the Contract Work Hours Standards Act, if the funds withheld by Federal agencies for the violations are not sufficient to pay fully both the unpaid wages due laborers and mechanics and the liquidated damages due the United States, the available funds shall be used first to compensate the laborers and mechanics for the wages to which they are entitled (or an equitable portion thereof when the funds are not adequate for this purpose); and the balance, if any, shall be used for the payment of liquidated damages.

(Sec. 105, 76 Stat. 359; 40 U.S.C. 331)

Signed at Washington, D.C., this 18th day of November 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-13921; Filed, Nov. 21, 1969; 8:49 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 671—COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 607 (34 F.R. 9346), the Secretary of Labor appointed and convened Industry Committee No. 87-B for the communications, utilities and transportation industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 87-B are hereby published, to be effective December 8, 1969, in this order amending § 671.2 of Title 29, Code of Federal Regulations. As amended, § 671.2 reads as follows:

§ 671.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Other workers in motor carrier transport and express classification.* (i) The minimum wage for this classification is $1.60 an hour.

* * * * *

(b) *1961 coverage classifications.* * * *

(2) *Other seamen classification.* (i) The minimum wage for this classification is $1.60 an hour.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.15 per hour for the period ending January 31, 1969; $1.30 per hour for the period beginning February 1, 1969, and ending January 31, 1970; and $1.45 per hour for the period beginning February 1, 1970, and ending January 31, 1971, and $1.60 per hour thereafter.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 18th day of November 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc 69-13922; Filed, Nov. 21, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 7—Agency for International Development, Department of State

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 7 of Title 41 is amended as follows:

PART 7-16—PROCUREMENT FORMS

Subpart 7-16.9—Illustrations of Forms

1. New paragraph (c) is added to Clause 17 of § 7-16.952 as follows:

(c) If (i) the effective use of printed or audiovisual teaching materials depends upon their being in the local language, and (ii) such materials are intended for technical assistance projects or activities financed by AID in whole or in part, and (iii) other funds, including U.S.-owned or U.S.-controlled local currencies, are not readily available to finance the procurement of such materials, local language versions may be procured from the following sources in order of preference:

Countries selected from Geographic Code (see AIDPR 7-6.5201-1):

(1) 000 United States, including the AID Regional Technical Aid Centers.
(2) --- Cooperating Country, identified, when applicable, by specific reference to the name and corresponding AID geographic code.
(3) 901 Limited Free World.
(4) 899 Free World.

2. Clause 44 of § 7-16.952 is deleted in its entirety, and the following substituted therefor:

44. CONVERSION OF U.S. DOLLARS TO LOCAL CURRENCY

Upon arrival in the Cooperating Country, and from time to time as appropriate, the Contractor's Chief of Party shall consult with the Mission Director who shall provide, in writing, the procedure the Contractor and his employees shall follow in the conversion of U.S. dollars to local currency. This may include, but is not limited to, the conversion of said currency through the cognizant U.S. Disbursing Officer or Mission Controller, as appropriate.

3. Clause 8 of § 7-16.953 is deleted in its entirety, and the following substituted therefor:

8. CONVERSION OF U.S. DOLLARS TO LOCAL CURRENCY

Upon arrival in the Cooperating Country, and from time to time as appropriate, the Contractor's Chief of Party shall consult with the Mission Director who shall provide, in writing, the procedure the Contractor and his employees shall follow in the conversion of U.S. dollars to local currency. This may include, but is not limited to, the conversion of said currency through the cognizant U.S. Disbursing Officer or Mission Controller, as appropriate.

4. New paragraph (c) is added to Clause 13 of § 7-16.953 as follows:

(c) If (i) the effective use of printed or audiovisual teaching materials depends upon their being in the local language, and (ii) such materials are intended for technical assistance projects or activities financed by AID in whole or in part, and (iii) other funds, including U.S.-owned or U.S.-controlled local currencies, are not readily available to finance the procurement of such materials, local language versions may be procured from the following sources in order of preference:

Countries selected from Geographic Code (see AIDPR 7-6.5201-1):

(1) 000 United States, including the AID Regional Technical Aid Centers.
(2) --- Cooperating Country, identified, when applicable by specific reference to the name and corresponding AID geographic code.
(3) 901 Limited Free World.
(4) 899 Free World.

5. Clause 7 of § 7-16.954 is deleted in its entirety, and the following substituted therefor:

7. CONVERSION OF U.S. DOLLARS TO LOCAL CURRENCY

Upon arrival in the Cooperating Country, and from time to time as appropriate, the Contractor's Chief of Party shall consult with the Mission Director who shall provide, in writing, the procedure the Contractor and

his employees shall follow in the conversion of U.S. dollars to local currency. This may include, but is not limited to, the conversion of said currency through the cognizant U.S. Disbursing Officer or Mission Controller, as appropriate.

6. New paragraph (c) is added to Clause 11 of § 7-16.954 as follows:

(c) If (i) the effective use of printed or audiovisual teaching materials depends upon their being in the local language, and (ii) such materials are intended for technical assistance projects or activities financed by AID in whole or in part, and (iii) other funds, including U.S.-owned or U.S.-controlled local currencies, are not readily available to finance the procurement of such materials, local language versions may be procured from the following sources in order of preference:

Countries selected from Geographic Code (see AIDPR 7-6.5201-1):

(1) 000 United States, including the AID Regional Technical Aid Centers.
(2) --- Cooperating Country, identified, when applicable, by specific reference to the name and corresponding AID geographic code.
(3) 901 Limited Free World.
(4) 899 Free World.

PART 7-30—CONTRACT FINANCING

1. The Table of Contents for Part 7-30 is deleted in its entirety, and the following substituted therefor:

Subpart 7-30.4—Advance Payments

Sec.
7-30.400 Scope of subpart.
7-30.403 Interest.
7-30.405 Statutory authorities.
7-30.406 Responsibility—delegation of authority.
7-30.407 The Act of August 20, 1968, Public Law 85-804—Formally advertised contracts.
7-30.410 Findings, determinations, and authorization.
7-30.413 Security, supervision, covenants.
7-30.45 Federal Reserve Letter of Credit method of disbursing advances to nonprofit institutions.
7-30.4500 Scope and applicability.
7-30.4501 Guidelines for use of the Federal Reserve Letter of Credit.
7-30.4501-1 Special provisions in a Federal Reserve Letter of Credit.
7-30.4501-2 Procedure to establish Federal Reserve Letter of Credit.
7-30.4501-3 Suspension or revocation of the Federal Reserve Letter of Credit.
7-30.4502 Contract clause—Federal Reserve Letter of Credit.

AUTHORITY: The provisions of this Part 7-30 issued under sec. 621, 75 Stat. 445, as amended; 22 U.S.C. 2381.

2. Subpart 7-30.4 is deleted in its entirety, and the following substituted therefor:

Subpart 7-30.4—Advance Payments

§ 7-30.400 Scope of subpart.

References to nonprofit contracts with nonprofit educational or research institutions for experimental, research and development work, include nonprofit contracts with nonprofit institutions, including international organizations, for technical assistance services provided to or for another country.

§ 7-30.403 Interest.

Rates of interest may be fixed by heads of procuring activities.

§ 7-30.405 Statutory authorities.

Section 635(b) of the Foreign Assistance Act and Executive Order 11223, May 12, 1965, 30 F.R. 6635, permit the making of advance payments with respect to functions authorized by the Foreign Assistance Act. Advance payments may also be made under section 305 of the Property Act, which provides authority, not otherwise available to AID, to take a paramount lien. (See § 7-30.410.)

§ 7-30.406 Responsibility—delegation of authority.

(a) The Agency head includes the officers who are included in the definition of "Head of the Agency" set forth in AIDPR 7-1.204. The authority of the Agency head may be delegated by him to the heads of procuring activities. The authority to make the required determination and findings may be delegated to the Chiefs of Contracting Offices with respect to nonprofit contracts with nonprofit educational or research institutions, including international organizations.

(b) Prior to committing the Government to the making of an advance payment, whether by issuance of a Federal Reserve Letter of Credit or otherwise, the Contracting Officer shall obtain the advice and concurrence of the AID Auditor General (AG/AUD). If the Auditor General supplies negative advice and the Contracting Officer does not agree, the Contracting Officer shall refer the matter for a decision to the head of the procuring activity. The decision by the head of the procuring activity is considered final.

§ 7-30.407 The Act of August 28, 1968, Public Law 85-804—Formally advertised contracts.

The Act referred to does not apply to AID.

§ 7-30.410 Findings, determinations, and authorization.

(a) Except as provided in paragraph (b) of this section, the authorities to be cited for advance payments under AID contracts are section 635(b) of the Foreign Assistance Act of 1961, as amended, and Executive Order 11223.

(b) Section 305 of the Federal Property and Administrative Services Act of 1949, as amended, should also be cited as authority in those cases in which the Contracting Officer determines that the security for advance payments should be in the form of liens in favor of the Government, paramount to all other liens, on (1) the property contracted for, (2) the balance in the account in which such advance payments are deposited, or (3) property acquired for the performance of the contract.

§ 7-30.413 Security, supervision, covenants.

The deposit of advances of funds into special bank accounts will not be required for advance payments provided under AID direct contracts with State and local governments in the United States.

§ 7-30.45 Federal Reserve Letter of Credit method of disbursing advances to nonprofit institutions.

§ 7-30.4500 Scope and applicability.

The Federal Reserve Letter of Credit, Standard Form 1193, is used to provide advances of funds under AID direct contracts with State and local governments in the United States and with educational and other nonprofit institutions, including international organizations. The Federal Reserve Letter of Credit method shall not apply unless (a) the Agency has, or expects to have, a continuing relationship of at least 1 year with a recipient organization; and (b) the annual amount required for advance financing will be at least $250,000. Documents drawing on Federal Reserve Letters of Credit, e.g., payment vouchers (Form TUS 5401) ordinarily will not be in amounts less than $10,000 or more than $1 million, but within the dollar ceiling on monthly or quarterly drawings specified in the contract. Normally the amount drawn down, including unexpended amounts previously drawn down, will not exceed $10,000 by more than the anticipated amount by which expenditures will exceed $10,000 during the 7 calendar days following the date of submission of such payment.

§ 7-30.4501 Guidelines for use of the Federal Reserve Letter of Credit.

In authorizing advance payments under the Federal Reserve Letter of Credit procedures, the Contracting Officer shall be guided by the following considerations:

(a) The cost principles contained in FPR 1-15 and AIDPF 7-15 should not be incorporated in the Federal Reserve Letter of Credit.

(b) The Federal Reserve Letter of Credit language given in § 7-30.4502 should be modified to the extent necessary to adapt its payment provisions to those of the contract for which it provides advances.

(c) Federal Reserve Letter of Credit provisions incorporated into a contract shall not, in any way, alter or eliminate any fiscal reporting requirements contained in the contract.

(d) Contracts should require such security for funds advanced as may be considered appropriate for the protection of the Government under the circumstances of each case, as set forth in FPR 1-30.413 and AIDPR 7-30.413.

(e) Manual Order 789.1, "Federal Reserve Letter of Credit Method of Disbursing Advances to Nonprofit Institutions", sets forth internal AID procedures for issuing the Federal Reserve Letter of Credit.

§ 7-30.4501-1 Special provisions in a Federal Reserve Letter of Credit.

(a) Subadvances (i.e., advances by the contractor to subcontractors) may be authorized under prime contracts with universities or other nonprofit organizations subject to the requirements of FPR 1-30.414-2(q).

(b) The salary, commissions and bonus provision in FPR 1-30.414-2(r) may also be included in Federal Reserve Letter of Credit provisions, modified as appropriate. This provision will normally be used in contracts with nonprofit organizations which are not educational institutions.

(c) Provisions, such as a limitation on the amount which may be drawn during a specified period, a limitation on the forward period for which an advance may be requested (see Treasury Circular 1075) or a limitation in the rate of disbursements, may be incorporated in the Federal Reserve Letter of Credit.

§ 7-30.4501-2 Procedure to establish Federal Reserve Letter of Credit.

When an advance of funds to finance a contract is required and the Contracting Officer decides that the Federal Reserve Letter of Credit is a suitable method, the following procedures shall be employed by the procuring activity prior to the execution of the contract:

(a) The Contracting Officer shall advise the Office of the Auditor General in writing (pursuant to § 7-30.406(b)) as early as possible in the negotiation cycle, of the name and address of the proposed contractor, the type of contract and the estimated amount thereof, the total amount and the estimated dollar ceiling of withdrawals by month of the Federal Reserve Letter of Credit, the reasons the Contracting Officer deems an advance is required, and shall request his advice and concurrence. The following additional material shall be furnished along with the request:

(1) For nonprofit educational institutions and their related organizations:

(i) Copy of the contractor's proposal.

(ii) Copy of the PIO/T.

(iii) Cash flow forecasts for the contract or grant to be financed by the advance.

(2) For all other nonprofit institutions:

(i) The material required in subparagraph (1) of this paragraph.

(ii) Copy of the balance sheet, income and expense statement, and cash flow statement for the most recent fiscal year, preferably prepared and certified by an independent public accountant, and, if available, similar financial data for the 2 previous years.

(iii) Copy of the latest available interim balance sheet and income and expense statement of the current fiscal year.

(b) (1) The Auditor General's concurrence in the amount requested or a different amount and/or rate of withdrawal, or his nonconcurrence, shall be supplied by memorandum to the Contracting Officer within 5 working days from receipt of this request.

(2) If the Auditor General does not concur, or recommends a different amount or rate of withdrawal, he shall set forth the reasons for such action. If the Contracting Officer does not agree, then the matter shall be referred to the head of the procuring activity or his delegate for final decision.

(3) In every instance, the Contracting Officer transmits for the signature of the head of the procuring activity (or his delegate pursuant to § 7-30.406(a)) appropriate findings, determinations and authorization in support of an advance, including a copy of the written advice provided by the Auditor General. If the Auditor General did not concur in the requested advance, the approval of the head of the procuring activity shall be considered the decision referred to in subparagraph (2) of this paragraph. A copy of each signed determination shall be furnished to the Office of the Auditor General.

(c) Before, or at the time of execution of the Contract, the Contractor shall furnish the name of its commercial bank and the Federal Reserve Bank or branch serving the commercial bank to the Contracting Officer. The Contractor shall also supply the specimen signature(s) of the official(s) authorized to sign payment vouchers against the Federal Reserve Letter of Credit and a specimen signature of the official of the institution who has authorized them to sign on two original Standard Forms 1194, "Authorized Signature Card for Payment Vouchers on Letters of Credit". The Contracting Officer shall then forward the following to the Controller for processing:

(1) The two signed signature cards (Standard Form 1194),

(2) A signed or conformed copy of the Contract,

(3) The name and address of the Contractor's commercial bank, and the Federal Reserve Bank or branch,

(4) A recommended dollar ceiling on monthly or quarterly drawings for inclusion on the Federal Reserve Letter of Credit when such limitation is considered desirable by the Contracting Officer, and

(5) A copy of the determination cited in paragraph (b)(3) of this section.

§ 7-30.4501-3 Suspension or revocation of the Federal Reserve Letter of Credit.

(a) The Office of the Controller notifies the Contracting Officer whenever it appears that the institution is drawing in excess of current needs or if it is delinquent more than 30 days in submitting required reports and documentation. The Contracting Officer may direct the institution to suspend issuance of payment vouchers until the credits are in line with anticipated needs or to submit the reports and documentation immediately and promptly notifies the Controller of any such action. The Contracting Officer may request the Controller to amend the Federal Reserve Letter of Credit to provide further appropriate limitation on the amount and frequency of submissions, and if the Controller concurs, the Federal Reserve Letter of Credit will be so amended.

(b) The Contracting Officer may, upon finding that the Contractor has presented payment vouchers in excess of the amount allowable or otherwise has misused the Federal Reserve Letter of Credit, request the Controller to revoke the Federal Reserve Letter of Credit. Upon receipt of such request from the Contracting Officer, the Controller, if concurring, issues a letter revoking the Federal Reserve Letter of Credit, giving it the same distribution as the original Federal Reserve Letter of Credit.

(c) If the Controller does not concur, he shall set forth the reasons for such action. If the Contracting Officer does not agree, then the matter shall be referred for a decision to the head of the procuring activity or his delegate for final decision.

§ 7-30.4502 Contract clause—Federal Reserve Letter of Credit.

The following language shall be incorporated in the Schedule of all contracts in which a Federal Reserve Letter of Credit is to be used to provide advance payments. Any substantial modification to the clause shall be treated as a deviation and processed in accordance with AIDPR 7-1.107. However, special provisions may be added to the clause, as indicated in AIDPR 7-30.4501-1.

FEDERAL RESERVE LETTER OF CREDIT FOR ADVANCE PAYMENT

A. AID shall open a Federal Reserve Letter of Credit in favor of the Contractor in the amount of $ ------ (for amending existing contracts, add the word "remaining" here) available for obligation under this Contract against which the Contractor may present payment vouchers. The amount drawn by Contractor during any calendar (month or quarter) of this Contract shall not exceed $ ------, without the prior written authorization of the Contracting Officer. The amount of the payment voucher shall not be in an amount less than $10,000 nor more than $1 million, but within the specific dollar ceiling on (monthly or quarterly) withdrawals. The amount drawn down including unexpended amounts previously drawn down, will not exceed $10,000 by more than the anticipated amount by which expenditures will exceed $10,000 during the 7[1] calendar days following the date of presentation of such payment voucher.

B. In no event shall the accumulated total of all such payment vouchers exceed the amount of the Federal Reserve Letter of Credit.

C. If at any time, the Contracting Officer determines that the Contractor has presented payment vouchers in excess of the amount or amounts allowable in A and B above, the Contracting Officer may: (1) Cause the Federal Reserve Letter of Credit to be suspended or revoked; or (2) direct the Contractor to withhold submission of payment vouchers until such time as, in the judgment of the Contracting Officer, an appropriate level of actual, necessary and allowable expenditures has occurred or will occur under this Contract; and/or (3) request the Contractor to repay to AID the amount of such excess. Upon receipt of the Contracting Officer's request for repayment of excess advance payments, the Contractor shall promptly comply with such request.

[1] May be varied—see Treasury Circular 1075.

D. Procedure for Contractor.

1. After arranging with a commercial bank of its choice for operation under this arrangement and obtaining the name and address of the Federal Reserve Bank or branch serving the commercial bank, the Contractor shall deliver three originals of Standard Form 1194, "Authorized Signature Card for Payment Vouchers on Letters of Credit" signed by those official(s) authorized to sign payment vouchers against the Federal Reserve Letter of Credit and by an official of the institution who has authorized them to sign.

2. Upon execution of the Contract, the Contractor shall receive one certified copy of the Federal Reserve Letter of Credit.

3. The Contractor shall confirm with his commercial bank that the Federal Reserve Letter of Credit has been opened and is available if funds are needed.

4. To receive payment, the Contractor shall:

(a) Periodically, although normally not during the last 5 days of the month, prepare payment vouchers (Form TUS 5401) in an original and three copies.

(b) Have the original and two copies of the voucher signed by the authorized official(s) whose signature(s) appear on the Standard Form 1194.

(c) Present the original and duplicate copy of the Form TUS 5401 to his commercial bank.

(d) Simultaneously, send the triplicate copy of the voucher to the Office of the Controller (C/FRD), AID, Washington, D.C. 20523.

(e) Retain the quadruplicate copy of the voucher.

5. After the first payment voucher (Form TUS 5401) has been processed, succeeding payment vouchers shall not be presented until the existing balance of previous payments has been expended or is insufficient to meet current needs.

6. In preparing each payment voucher, the institution assigns a voucher number in numerical sequence beginning with 1 and continuing in sequence on all subsequent payment vouchers submitted under the Federal Reserve Letter of Credit. The current status of the funds advanced under the Federal Reserve Letter of Credit shall be presented on the reverse side of the last two copies of the Form TUS 5401 in the following format:

Balance of earlier advances on hand at time of last advance	$
Plus amount of last advance	
Less disbursements subsequent to last advance	
Equals balance of all earlier advances on hand prior to receiving requested current advance	

7. A report of expenditures is prepared and submitted to the Controller at intervals specified in the Contract. This report, submitted on Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal", and supported by certifications, listing of withdrawals, and documentation as required, itemizes expenditures made, identifying funds expended by line item of the approved budget and/or category supporting the agreement.

8. The report of expenditures on Standard Form 1034 is reviewed against the contract provisions, and any disbursement improper under the Contract is disallowed. The Contractor is notified of the reason for the disallowance and is directed to adjust the next periodic report of expenditures to reflect the disallowance and to reduce its next payment voucher against the Federal Reserve Letter of Credit by the amount of the disallowance.

9. Simultaneously with the submission of the report of expenditures, the Contractor submits to the Controller a status report on the Federal Reserve Letter of Credit as of the close of the period covered by the report of expenditures. The report is prepared in the following format:

FEDERAL RESERVE LETTER OF CREDIT NO. ------

1. Total Amount of Federal Reserve Letter of Credit	$
2. Payment Vouchers present against Federal Reserve Letter of Credit	
a. Credited prior to reporting period	$
b. Credited during reporting period, TUS 5401 Nos. ------ through ------, inclusive	$
c. Presented but not credited, TUS 5401 Nos. ------ through ------, inclusive[3]	$

[3] Itemize any payment vouchers reported in Item 2c as presented but not credited.

E. Refund of excess funds.

(1) If all costs have been settled under the Contract and the Contractor fails to comply with the Contracting Officer's request for repayment of excess Federal Reserve Letter of Credit funds, the Government shall have the right, on other contracts held with the Contractor, to withhold payment of Federal Reserve Letter of Credit or other advances and/or withhold reimbursements due the Contractor in the amount of the excess being held by the Contractor.

(2) If the Contractor is still holding excess Federal Reserve Letter of Credit funds on a Contract under which the work has been completed or terminated but all costs have not been settled, the Contractor agrees to:

(a) Provide within 30 days after requested to do so by the Contracting Officer, a breakdown of the dollar amounts which have not been settled between the Government and the Contractor. (The Contracting Officer will assume no costs are in dispute if the Contractor fails to reply within 30 days);

(b) Upon written request of the Contracting Officer, return to the Government the sum of dollars, if any, which represents the difference between (1) the Contractor's maximum position on claimed costs which have not been reimbursed and (2) the total amount of unexpended funds which have been advanced under the Contract; and

(c) If the Contractor fails to comply with the Contracting Officer's request for repayment of excess Federal Reserve Letter of Credit funds, the Government shall have the right, on other contracts held with the Contractor, to withhold payment of Federal Reserve Letter of Credit or other advances and/or withhold reimbursements due the Contractor in the amount of the excess being held by the Contractor.

This amendment cancels AIDPR Notice No. 66–3 in its entirety.

This regulation is effective 90 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated: November 14, 1969.

LANE DWINELL,
Assistant Administrator for Administration.

[F.R. Doc. 69–13878; Filed, Nov. 21, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 240]

GROUNDFISH FISHERIES

Notice of Proposed Rule Making

At its 19th Annual Meeting held in Warsaw, Poland, June 2–7, 1969, the International Commission for the Northwest Atlantic Fisheries recommended that member governments take appropriate action to adopt proposals which would permit rehabilitation of the haddock stocks in the Convention Area.

In § 240.1, additional definitions are stated.

It is proposed in § 240.2 that all commercial fishing vessels which will take haddock using any type of fishing gear be licensed.

It is proposed in § 240.5 that none of the exceptions provided in this section shall apply to §§ 240.6, 240.7, 240.8, and 240.9.

Section 240.6 provides for an annual total catch quota of haddock taken by all contracting governments conducting fishing operations in Division 4X of Subarea 4 and in Subarea 5.

Section 240.7 sets forth the proposed fishing season by date and time.

In § 240.8, proposed closed seasons and closed areas are set out. The closed seasons are based on catch limits set on the total catch of haddock taken from Division 4X, Subarea 4, and Subarea 5. An area in Subarea 4 and two areas in Subarea 5 are closed during March and April to allow spawning activities in those areas to take place undisturbed. It is proposed to close an area within Subarea 5 when red hake and silver hake congregate in large concentrations during January, February, and March as one step toward rehabilitating those particular stocks of fish.

It is proposed in § 240.9 that certain restrictions shall apply during the period when the haddock season is closed after the quota has been met. Specifically, it allows a vessel which commenced its trip prior to the closure date to land without restriction the haddock taken on that trip; a vessel commencing its trip after the closure may land only the amount permitted when engaged in another fishery; a trip commencing before December 31 and ending after January 1 shall be treated as a vessel having fished before the commencing of the new haddock year.

In § 240.10, it is proposed that all firms or corporations purchasing haddock shall maintain records of each transaction and shall transmit a copy of each receipt to an authorized representative of the U.S. Government. It further requires the master of the vessel to assert to the correctness of certain information required and the purchaser to the correctness of weight of all fish received. It further provides for the vessel master to maintain a logbook of his fishing operations and to submit a copy at the conclusion of each trip. The final proposal allows for inspection of catch and gear used by all vessels licensed under these proposals.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Bureau of Commercial Fisheries, Washington, D.C., within the period of 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated November 18, 1969.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

The proposed amendments are described below.

1. Add new paragraphs (h) through (q) to § 240.1 to read as follows:

§ 240.1 Meaning of terms.

* * * * * *

(h) Convention: The International Convention for the Northwest Atlantic Fisheries signed at Washington, February 8, 1949.

(i) Commission: The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(j) Contracting governments: Member governments of the Conventions.

(k) Executive Secretary: The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(l) Bureau: The Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior.

(m) Bureau Director: The Director of the Bureau of Commercial Fisheries.

(n) Regional Director: The Regional Director, North Atlantic Region, Bureau of Commercial Fisheries, Federal Building, 14 Elm Street, Gloucester, Mass. 01930. Telephone No. 617, 281–0640.

(o) Open season: The time during which haddock may lawfully be captured and taken on board a fishing vessel without limitation on the quantity permitted to be retained during each fishing voyage except as provided under § 240.5.

(p) Closed season: The time during which haddock in specified areas may not be taken or retained aboard a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for other species.

(q) Demersal species: Fishes living at the bottom of the sea.

2. Add new paragraphs (d), (e), and (f) to § 240.2 to read as follows:

§ 240.2 Registration certificates.

* * * * * *

(d) All commercial fishing vessels of any tonnage which shall fish for, catch and offer for sale haddock taken in any manner or which shall transport haddock otherwise than a common carrier documented by the Government of the United States, must be licensed annually by the Department of the Interior, Bureau of Commercial Fisheries.

(e) Each vessel licensed by the Department of the Interior, Bureau of Commercial Fisheries, shall carry the haddock license on board at all times while at sea, and this license shall at all times be subject to inspection by an authorized officer of the Government of the United States.

(f) The haddock license and the logbook required under § 240.10(b) shall be issued without fee by authorized officers of the Government of the United States.

3. Amend introductory paragraph of § 240.5 while leaving paragraphs (a), (b), (c), and (d) unchanged to read as follows:

§ 240.5 Certain persons and vessels exempted.

Except as otherwise provided in this section, nothing contained in §§ 240.2 to 240.4 shall apply to the following: *Provided*, That the provisions of §§ 240.6 to 240.9 are not excepted. During any closed period under § 240.8(a), the exemption provided for haddock under § 240.5(d) shall automatically be suspended during such closed period.

* * * * * *

4. Add new §§ 240.6, 240.7, 240.8, 240.9, and 240.10 to read as follows:

§ 240.6 Catch limits.

An annual limitation is placed on the quantity of haddock permitted to be taken from Division 4X of Subarea 4 and Subarea 5 by the fishing vessels of all contracting governments participating in the fishery in each year during 1970, 1971, and 1972.

(a) The annual catch in Subarea 4, Division 4X shall not exceed 18,000 metric tons (round, fresh weight).

(b) The annual catch in Subarea 5 shall not exceed 12,000 metric tons (round, fresh weight).

§ 240.7 Open season.

The open season for haddock fishing in Division 4X of Subarea 4, and Sub-

area 5 shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in § 240.8: *Provided*, That the areas described in § 240.8 shall be closed to the use of gear capable of catching demersal species including but not limited to bottom trawls, sink gill nets, and bottom long lines from 0001 hours, March 1 to 2400 hours, April 30 during the years 1970, 1971, and 1972.

§ 240.8 Closed seasons and areas.

(a) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of haddock made in Division 4X of Subarea 4 and Subarea 5 during the open season by the fishing vessels of all contracting governments participating in the fishery. He shall notify each contracting government of the date on which accumulative landings in Division 4X of Subarea 4 and Subarea 5 equal 80 percent of the catch limits described in § 240.6. The Director of the Bureau of Commercial Fisheries shall announce the season closure dates so that they fall within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if the Executive Secretary determines that the original notification has been affected by changed circumstances, he may substitute a further notification and the Bureau Director may in like manner announce a new season closure date.

(b) It shall be unlawful for any vessel to use, during the period from 0001 hours March 1 to 2400 hours, April 30 in the years 1970, 1971, and 1972 fishing gear capable of catching demersal species in the areas listed below. Such gear shall include but not be limited to bottom trawls, sink gill nets, and bottom long lines. The areas which this closure affects are:

(1) *Division 4X of Subarea 4.* The area that lies between 42°00′ North latitude and 43°00′ North latitude, and between 67°00′ West longitude and 64°30′ West longitude.

(2) *Subarea 5, two areas bounded by lines connecting the following coordinates.* (i) 70°00′ West longitude, 42°10′ North latitude; 69°10′ West longitude, 41°10′ North latitude; 68°30′ West longitude, 41°35′ North latitude; 69°20′ West longitude, 42°30′ North latitude.

(ii) 67°00′ West longitude, 42°20′ North latitude; 67°00′ West longitude, 41°15′ North latitude; 65°40′ West longitude, 41°15′ North latitude; 65°40′ West longitude, 42°00′ North latitude; 66°00′ West longitude, 42°20′ North latitude.

(c) It shall be unlawful to fish for or possess on board any fishing vessel red hake, *Urophycis chuss* (Walb.) and silver hake, *Merluccius bilinearis* (Mitch.) during the period January 1 to March 31, 1970, 1971, and 1972, in the area bounded by the coordinates 69°00′ West longitude and 71°40′ West longitude and 39°50′ North latitude and 40°20′ North latitude: *Provided, however*, That during this period vessels fishing for other species of fin fish, crustacea or mollusks may take on each trip during which they fish in the said area red and silver hake in amounts not to exceed 10 percent each of the total catch by weight in the said area on each trip.

§ 240.9 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, after the dates announced in the manner provided in § 240.7 for the closing of the haddock fishing seasons in Division 4X of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess haddock on board such vessel in those areas or to land haddock taken in those areas in any port or place until the haddock fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in haddock fishing prior to the date of closure of the haddock fishing season in Division 4X of Subarea 4 may continue to take and retain haddock in Division 4X of Subarea 4 without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of haddock and other groundfish taken during such voyage.

(c) Any master or other person in charge of a fishing vessel which has departed port to engage in haddock fishing prior to the date of closure of the haddock fishing season in Subarea 5 may continue to take and retain haddock in Subarea 5 without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of haddock or other groundfish taken during such voyage.

(d) Any master or other person in charge of a fishing vessel which has departed port after the date of closure of the haddock season in Division 4X of Subarea 4 or Subarea 5 may possess on board such vessel and land in any port or place haddock taken as an incident to fishing for other species, but in no event shall the haddock permitted to be possessed or landed by such vessels exceed ten percent (10%) by weight, of all other fish on board.

(e) The limitation on the quantity of incidentally caught haddock specified in paragraph (d) of this section shall be applied to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of haddock has been made during a fishing voyage begun in the closed season.

§ 240.10 Reports and recordkeeping.

(a) All persons, firms or corporations that shall buy haddock or receive haddock for any purpose from fishing or transporting vessels or from a carrier, licensed as a common carrier engaged in either intrastate or interstate commerce, shall keep and shall furnish to an authorized officer of the Government of the United States within 72 hours of sale, records of each purchase or receipt of haddock. The statistical return shall include, in addition to haddock, all other groundfish landed.

(1) The statistical return must be full and correct in all respects and shall be certified to by the signature of the master, operator, or his designated representative, and the true weight of each species landed by the vessel by a representative designated by the purchasing dealer.

(2) All records of all persons, firms, or corporations concerning the landing, purchase, receipt, and sale of haddock shall be retained for a period of 2 years and shall be open at all times to inspection by an authorized officer of the Government of the United States. Such persons, firms, or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(3) The possession by any person, firm, or corporation of haddock which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid haddock license is prohibited.

(b) The master or operator of any fishing vessel holding a license under the regulations of this part shall keep on forms furnished by the Bureau an accurate log of fishing operations showing date, type, and size of mesh of otter trawl or gill net, locality fished, duration of fishing time or tow, and the estimated poundage of each species taken at each retrieval of the fishing gear. Such logs shall be available for inspection by authorized officers of the Government of the United States. At the conclusion of each fishing trip, the duplicate log sheet shall be delivered to an authorized officer of the Government of the United States.

(1) The master or operator of any vessel licensed under the regulations in this part may be required by an authorized officer of the Government of the United States to certify to the correctness of such log record to the best of his belief and to support the certificate by a sworn statement.

(c) All obligations imposed by the regulations in this part shall be the personal responsibility of the master or operator of the vessel and he shall personally be responsible for the performance of any of said duties.

(d) For the purpose of inspection representatives of the Bureau, shall have at all times free and unobstructed access to any area on board a fishing vessel, transport vessel, or shore facility where fish are landed, handled, stored, or processed and to areas where fishing gear or parts of fishing gear are used, assembled, or stored.

[F.R. Doc. 69-13876; Filed, Nov. 21, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas for 1970–71 Marketing Year

Pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing with respect to Cigar-binder (types 51 and 52) and Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, to determine and announce the respective national marketing quotas for the 1970–71 marketing year; to convert such 1970–71 marketing quotas into national acreage allotments and announce such allotments; to apportion such national acreage allotments, less a reserve of not to exceed 1 per centum thereof, through the local committees among old farms; to apportion the aforementioned reserve for use in (1) establishing acreage allotments for new farms and (2) making corrections and adjusting inequities in old farm allotments.

In conformity with the provisions of section 312(a) of the Act, the Secretary proclaimed marketing quotas on Cigar-binder and Cigar-filler and binder tobacco for the 1969–70, 1970–71, and 1971–72 marketing years (34 F.R. 1629). Cigar-binder and Cigar-filler and binder tobacco growers approved marketing quotas for the 1969–70, 1970–71, and 1971–72 marketing years (34 F.R. 5903).

Section 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, and 24;
Dark Air-cured tobacco, comprising types 35 and 36;
Virginia Sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and Cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and
Cigar-filler tobacco, comprising type 41.

Section 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that Cigar-binder (types 51 and 52) tobacco, beginning with the 1957–58 marketing year, shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Type 45 tobacco is no longer grown.

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1970 with respect to Cigar-binder (types 51 and 52) tobacco and Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, the amount of the national marketing quota which will be in effect for the 1970–71 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Section 312(b) provides further that the amount of the 1970–71 national marketing quota (determined pursuant to such section) may, not later than March 1, 1970, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carryover at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment on the basis of the national average yield for the 5 years immediately preceding the year in which the national marketing quota is proclaimed, and to apportion the national acreage allotment (less a reserve of not to exceed 1 per centum thereof for new farms and for making corrections and adjusting inequities in old farm allotments) among old farms.

The Act (7 U.S.C. 1313(g)) also provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent crop shall not be taken into account in establishing * * * farm acreage allotments.

The Act (7 U.S.C. 1313(i)) provides that notwithstanding any other provision of the Act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carryover requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceeding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carryover requirements; the increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco; the additional production authorized by section 313(i) shall be in addition to the national marketing quota established pursuant to section 312 of the Act; and the increase in acreage under section 313(i) shall not be considered in establishing future * * * farm acreage allotments.

The Secretary, may, under section 317(c) of the Act, in his discretion, offer acreage-poundage quotas on Cigar binder (types 51 and 52) and Cigar filler binder (types 42–44, 53–55) tobacco for the 1970–71 marketing year if he determines that acreage poundage quotas would result in more effective marketing quotas than the program on an acreage basis. While it is not contemplated that acreage-poundage quotas will be offered on such kinds of tobacco for the 1970–71 marketing year, should the making of such a determination be considered probable for either or both of such kinds of tobacco, public hearings will be conducted in the areas where such tobacco is produced for the purpose of ascertaining and taking into consideration the attitudes of producers and other interested persons with respect to acreage-poundage quotas.

The subjects and issues involved in making the determinations described in this notice are:

1. The amount of the national marketing quota for each kind of tobacco for the 1970–71 marketing year.

2. The conversion of the national marketing quotas into national acreage

allotments and apportionment of same, less reserve of not to exceed 1 percent thereof, among old farms.

3. The amounts of the national acreage allotments to be reserved for new farms, and for making corrections and adjusting inequities in old farm allotments.

4. Whether the Secretary should determine that any one or more of the types comprising a kind of tobacco should be treated as a separate kind of tobacco under section 301(b)(15) of the Act.

5. Whether the Secretary should take any action under section 313(i) of the Act.

6. Whether the Secretary should offer acreage-poundage quotas on Cigar binder (types 51 and 52) or Cigar filler and binder (types 42–44, 53–55) tobacco.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Deaprtment of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection at such time and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than December 12, 1969.

Signed at Washington, D.C., on November 18, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-13882; Filed, Nov. 21, 1969; 8:45 a.m.]

[7 CFR Part 724]

TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas for 1970–71, 1971–72 and 1972–73 Marketing Years

Pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing (1) with respect to Fire-cured (type 21), Fire-cured (types 22–24), and dark Air-cured (types 35 and 36) tobacco, to proclaim national marketing quotas for the 1970–71, 1971–72, and 1972–73 marketing years; to determine and announce the respective national marketing quotas for the 1970–71 marketing year; to convert such 1970–71 marketing quotas into national acreage allotments and announce such allotments; to apportion such national acreage allotments, less a reserve of not to exceed 1 percent thereof, through the local committees among old farms; to apportion the aforementioned reserve for use in (a) establishing acreage allotments for new farms and (b) making corrections and adjusting inequities in old farm allotments; and to conduct within 30 days after the proclamation and announcement of such national marketing quotas, referenda of farmers engaged in the 1969 production of each of such kinds of tobacco to determine whether they favor or oppose marketing quotas for the 1970–71, 1971–72, and 1972–73 years; and (2) with respect to Virginia Sun-cured (type 37) tobacco, to determine and announce the national marketing quota for the 1970–71 marketing year; to convert such marketing quota into a national acreage allotment and announce such allotment; to apportion such national acreage allotment, less a reserve of not to exceed 1 per centum thereof, through the local committees among old farms; to apportion the aforemention reserve for use in (a) establishing acreage allotments for new farms and (b) making corrections and adjusting inequities in old farm allotments.

Virginia Sun-cured tobacco growers approved marketing quotas for the 1968–69, 1969–70, and 1970–71 marketing years (33 F.R. 5038), and Fire-cured and dark Air-cured tobacco growers approved marketing quotas for the 1967–68, 1968–69, and 1969–70 marketing years (32 F.R. 4055).

The Act (7 U.S.C. 1312(a)) provides that the Secretary shall proclaim not later than February 1 of any marketing year, with respect to these kinds of tobacco, a national marketing quota for any of such kinds of tobacco for each of the next 3 succeeding marketing years whenever he determines with respect to such kind of tobacco—

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) That such marketing year is the last year of 3 consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect; or

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers: *Provided*, That if such producers have disapproved national marketing quotas for 3 successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the 3-year period for which national marketing quotas previously proclaimed were disapproved by producers, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next 3 succeeding marketing years. Since the 1969–70 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for Fire-cured (type 21), Fire-cured (types 22–24), and dark Air-cured (types 35 and 36) tobacco, proclamations of quotas for the 1970–71, 1971–72, and 1972–73 marketing years, and referenda thereon, are required for these kinds of tobacco.

Section 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, and 24;
Dark Air-cured tobacco, comprising types 35 and 36;
Virginia Sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and Cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and Cigar-filler tobacco, comprising type 41.

Section 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that Cigar-binder (types 51 and 52) tobacco, beginning with the 1957–58 marketing year, shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Type 45 tobacco is no longer grown.

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1970 with respect to Fire-cured (type 21), Fire-cured (types 22, 23, and 24), dark Air-cured and Virginia Sun-cured (type 37) tobacco, the amount of the national marketing quota which will be in effect for the 1970–71 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Section 312(b) provides further that the amount of the 1970–71 national marketing quota (determined pursuant to such section) may, not later than March 1, 1970, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carryover at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed under section 312(a) of the Act for the 1970–71, 1971–72, and 1972–73 marketing years for Fire-cured (type 21), Fire-cured (types 22–24), and dark Air-cured (types 35–36) tobacco, respectively, the Secretary shall conduct referenda of farmers engaged in the production of the 1969 crops of such kinds of tobacco, to determine whether such farmers are in favor of or opposed to quotas for the next 3 succeeding marketing years. (Section 301(b)(15) provides that for purposes of marketing quota referenda, Fire-cured (types 21–24) shall be considered as one kind of tobacco.) If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of a national marketing quota.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment on the basis of the national average yield for the 5 years immediately preceding the year in which the national marketing quota is proclaimed, and to apportion the national acreage allotment (less a reserve of not to exceed 1 per centum thereof for new farms and for making corrections and adjusting inequities in old farm allotments) among old farms.

The Act (7 U.S.C. 1313(g)) also provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent crop shall not be taken into account in establishing * * * farm acreage allotments.

The Act (7 U.S.C. 1313(i)) provides that notwithstanding any other provision of the Act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carryover requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carryover requirements; the increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco; the additional production authorized by section 313(i) shall be in addition to the national marketing quota established pursuant to section 312 of the Act; and the increase in acreage under section 313(i) shall not be considered in establishing future * * * farm acreage allotments.

The Secretary, may, under section 317(c) of the Act, in his discretion, offer acreage-poundage quotas on Virginia Sun-cured tobacco for the 1970–71 marketing year if he determines that acreage-poundage quotas would result in more effective marketing quotas than the program on an acreage basis. Should the making of such a determination be considered probable for this kind of tobacco, public hearings will be conducted in the areas where such tobacco is produced for the purpose of ascertaining and taking into consideration the attitudes of producers and other interested persons with respect to acreage-poundage quotas. There is no provision under which acreage-poundage quotas may be offered on Fire-cured or dark Air-cured tobacco for the 1970–71 marketing year.

The subjects and issues involved in making the determinations described in this notice are:

1. The amount of the national marketing quota for each kind of tobacco for the 1970–71 marketing year.

2. The conversion of the national marketing quotas into national acreage allotments and apportionment of same, less reserve of not to exceed 1 percent thereof, among old farms.

3. The amounts of the national acreage allotments to be reserved for new farms, and for making corrections and adjusting inequities in old farm allotments.

4. The date(s) or period(s) of the two referenda on quotas for the 1970–71, 1971–72, and 1972–73 marketing years for Fire-cured and dark Air-cured tobacco, and whether either or both referenda should be conducted at polling places rather than by mail ballot (31 F.R. 12011).

5. Whether the Secretary should determine that any one or more of the types comprising a kind of tobacco should be treated as a separate kind of tobacco under section 301(b)(15) of the Act.

6. Whether the Secretary should take any action under section 313(i) of the Act.

7. Whether the Secretary should offer acreage-poundage quotas on Virginia Sun-cured tobacco.

Consideration will be given to data, views and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection at such time and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than December 22, 1969.

Signed at Washington, D.C., on November 18, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-13883; Filed, Nov. 21, 1969; 8:45 a.m.]

[7 CFR Part 811]

[Sugar Reg. 811]

SUGAR REQUIREMENTS AND QUOTAS

Proposed Determination for Calendar Year 1970

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922), is considering the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States in 1970 and the establishment of sugar quotas for the calendar year 1970. Such determination is to be made during the last 3 months of this year.

In accordance with the rule making requirements of 5 U.S.C. 553 (80 Stat. 378), all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed determination of 1970 sugar requirements for the continental United States and quotas for the calendar year 1970 are set forth essentially in form and language appropriate for issuance, if adopted by the Secretary as follows:

Basis and purpose and bases and considerations. Sugar distribution for the year ended September 30, 1969, amounted to 10,825,000 tons. Recognition of the 1.1 percent expected increase in population and the usual 50,000 ton refiners' processing loss would indicate 1970 quota needs of 11 million tons before consideration of inventory variations and changes in other demand conditions.

There is no present basis for expecting either an upward or downward revision in quota inventories during 1970. Evaluation of other demand conditions is unusually complicated this year. The fruit pack may not reach the record level of 1969 especially since that was the second successive good crop. The cyclamate order could result in increased sugar usage of, say, 100,000 tons but this depends in part upon Food and Drug Administration's attitude toward mixtures of saccharin and sugar or corn syrup. Widespread use of such mixtures could have a net adverse effect on sugar consumption. Sugar distribution in 1968 and 1969 was quite high (107 pounds, raw value, per capita compared to 104 pounds, typical of earlier years) and could revert toward the lower figure especially if the rate of increase in personal income should recede.

To allow a margin for error and recognizing that quota reductions entail difficult commercial and foreign relations problems which quota increases do not, an initial determination of 10.9 million tons appears appropriate. During the first 10 months of 1969 the domestic price of raw sugar fluctuated from a low of 7.50 cents per pound as an average for July to a high of 7.89 cents per pound as an average for October. The average for the period was 7.76 cents per pound or 3.5 percent higher than the 7.50 cents per pound average for the first 10 months of 1968. In the development of this determination, consideration has been given to the desirability of obtaining generally stable prices that will carry out, over the long term, the price objectives of the Act.

In view of all of these considerations, it is hereby determined that the amount of sugar needed to meet the requirements of consumers in the continental United States during 1970 is 10,900,000 tons.

A quota of 1,150,000 short tons, raw value, is established herein for Hawaii pursuant to section 202(a)(2)(B) of the Act. Such quota is subject to adjustment pending final data on the production and marketing of sugar by Hawaii in 1969.

The quota for Southern Rhodesia has been withheld pursuant to Executive Order 11322 issued on January 5, 1967, and is prorated herein to Western Hemisphere countries pursuant to section 202(d)(1)(B) of the Act.

On the basis of evidence submitted by Peru and other information available to the Department and pursuant to section 202(d)(4) of the Act it is hereby determined that the amount of shortfall in the 1969 quota for Peru (34 F.R. 13319) was due to crop disaster and the quota for future years will not be subject to reduction by reason of such shortfall.

It is also determined that no reduction is required at this time pursuant to section 202(d)(3) and (4) of the Act in the quotas established herein for other foreign countries. This action is based on the findings heretofore made with respect to Panama (34 F.R. 13319) and on the tentative assumption as to the other countries that each country either will fill its 1969 quota within a reasonable tolerance or that facts will be submitted which will support a finding that the shortfall in the country's 1969 quota was due to force majeure.

Mainland cane processors will have an unusually large carryover of raw sugar at the beginning of 1970. Beet sugar processors for the second year in a row will be able to market a seasonally appropriate share of their annual quota during the first quarter of the year. In addition, there will be a tendency for some quota countries, especially those with sizable inventories, to market a disproportionately large share of their sugar in this premium market early in the year. Therefore, to provide a more orderly market throughout the year it is hereby determined that imports of foreign sugar be limited during the first quarter of the year to the sum of 850,000 tons and the quantity of 1970 quota sugar which entered under bond in 1969 for refining and storage, a quantity now estimated at 30,000 tons.

To give recognition to the seasonality of production and movement of sugar from the foreign countries, quota allocations to foreign countries during the first quarter of 1970 will primarily be based on average imports from such foreign countries during the first quarters of the 3-year period 1967 through 1969.

Sec.
811.80 Sugar requirements 1970.
811.81 Quotas for domestic areas.
811.82 [Reserved]
811.83 Quotas for foreign countries.
811.84 Applicability of quotas.
811.85 Restrictions on importations and marketings within quotas.

AUTHORITY: §§ 811.80 to 811.85 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies to secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1117, 1118, and 1119.

§ 811.80 Sugar requirements 1970.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1970 is hereby determined to be 10,900,000 short tons, raw value.

§ 811.81 Quotas for domestic areas.

(a) For the calendar year 1970, domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act in column (1), and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act in column (2), as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,263,333	No limit
Mainland cane sugar	1,186,667	No limit
Hawaii	1,150,000	37,278
Puerto Rico	1,140,000	163,500
Virgin Islands	15,000	0

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.82 [Reserved]

§ 811.83 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1970 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in paragraphs (b), (c), (d), and (e) of this section.

(b) For the calendar year 1970, the quota for the Republic of the Philippines is 1,126,020 short tons, raw value, and the quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) For the calendar year 1970, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4) and section 202(d) of the act are as follows:

Production area	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d)[1]	Total quotas and prorations
	(Short tons, raw value)		
Mexico	232,181	249,016	481,197
Dominican Republic	227,074	243,539	470,613
Brazil	227,074	243,539	470,613
Peru	181,119	194,252	375,371
British West Indies	90,710	75,130	165,840
Ecuador	33,040	35,436	68,476
French West Indies	28,535	23,634	52,169
Argentina	27,934	29,959	57,893
Costa Rica	26,732	28,670	55,402
Nicaragua	26,732	28,670	55,402
Colombia	24,029	25,772	49,801
Guatemala	22,527	24,160	46,687
Panama	16,820	18,041	34,861
El Salvador	16,520	17,718	34,238
Haiti	12,615	13,531	26,146
Venezuela	11,414	12,242	23,656
British Honduras	6,606	5,473	12,079
Bolivia	2,703	2,899	5,602
Honduras	2,703	2,899	5,602
Australia	108,131	88,994	197,125
Republic of China	45,055	37,081	82,136
India	43,252	35,398	78,650
South Africa	31,538	26,204	58,062
Fiji Islands	23,729	19,529	43,258

See footnote at end of table.

Production area	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d)[1]	Total quotas and prorations
	(Short tons, raw value)		
Thailand	9,912	8,158	18,070
Mauritius	9,912	8,158	18,070
Malagasy Republic	5,106	4,203	9,309
Swaziland	3,905	3,214	7,119
Ireland	5,351		5,351
Bahamas	10,000		10,000
Total	1,513,261	1,505,719	3,018,980

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(d) (1) of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, an amount not to exceed 850,000 short tons, raw value, of raw sugar, plus the quantity imported in late 1969 under bond for refining and storage, may be charged against such 1970 quotas and authorized for importation or release from bond from all such foreign countries in accordance with Part 817 of this chapter during the first quarter of 1970. The quantity imported in late 1969 under bond for refining and storage will be released from bond and charged to quotas on January 1, 1970. The quantity, 850,000 short tons, raw value, will be authorized for importation and charged to quotas during the first quarter of 1970 as set forth in subparagraphs (2) and (3) of this paragraph (d).

(2) (i) The importation of raw sugar within the annual quotas and the quarterly limitation specified in subparagraph (1) of this paragraph (d) will be authorized on the basis of applications for "Set Aside of Quota" on Form SU–8A or "Sugar Quota Clearance" on Form SU–3 in accordance with the provisions of Part 817 of this chapter, subject to the priorities for countries as provided in subparagraph (3) of this paragraph and the limitations as provided in subdivision (ii) of this subparagraph. Applications to import raw sugar from the Republic of the Philippines must, before final approval within the quantity reserved for the Republic of the Philippines pursuant to subparagraph (3) of this paragraph, be supplemented by certification from the Sugar Quota Administrator for the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(ii) Applications for the importation of sugar during the first quarter received on or before 5 days after the effective date of this subdivision will be considered as having been received at the same time.

(3) (i) Allocations of first quarter importations among countries will be made in the following manner within the limits of applications received.

(ii) First priority shall be given to countries from which sugar was imported during the first quarter of 1967, 1968, and 1969, but not to exceed the average of the country's first quarter importations as set forth in subparagraph (4) of this paragraph: *Provided*, That if the quantity of sugar which may be imported during the first quarter is less than the quantity needed to approve all applications for importation in the first quarter, the quantity of sugar which may be imported during the first quarter under this priority shall be prorated among countries on the basis of first quarter importations from countries as set forth in subparagraph (4) of this paragraph.

(iii) Second priority shall be given to countries by making an allocation to countries in order of size of quota, smallest first, limiting such allocation to any country to the amount by which 5,000 short tons, raw value, exceeds the allocation made under subdivision (ii) of this subparagraph (3).

(iv) Third priority shall be given to those countries whose respective accumulated allocations for the first quarter under priorities (ii) and (iii) is less than 20 percent of the country's annual quota by making additional allocations to any such country which shall be so limited that the total allocations under priorities in subdivisions (ii), (iii), and (iv) of this subparagraph during the first quarter for such country as a percentage of its annual quota will not exceed the percentage similarly calculated for any other such country and shall be further limited so that the total quantity which may be imported from such country during the first quarter shall not exceed 20 percent of the country's annual quota.

(v) Any quantity not allocated under subdivisions (ii), (iii), and (iv) of this subparagraph shall be prorated among countries having priority under subdivision (ii) of this subparagraph that received allocations less than the full amount applied for, and such additional proration shall be made on the basis of the average imports of sugar from the countries during the first quarter as set forth in subparagraph (4) of this paragraph.

(4) Average importations into the continental United States within quotas, during the first quarter of the years 1967, 1968, and 1969 are as follows:

Country	First quarter (short tons, raw value)
Philippines	192,498
Mexico	144,317
Dominican Republic	109,019
Brazil	131,948
Peru	85,949
British West Indies	30,703
Ecuador	9,501
French West Indies	11,387
Argentina	26,104
Costa Rica	13,964
Nicaragua	8,139
Colombia	9,930
Guatemala	24,749
Panama	4,838
El Salvador	17,439
Haiti	4,380
Venezuela	7,835
British Honduras	575
Bolivia	575
Honduras	3,552
Australia	2,538
Republic of China	3,033
India	896
South Africa	28,558
Fiji Islands	676
Thailand	244
Mauritius	532
Malagasy Republic	82
Swaziland	310
Ireland	0
Bahamas	1,058
Total	874,794

(e) For the calendar year 1970, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the act is as follows:

Country	Short tons, raw value
Ireland	5,351
Panama	3,817

(f) For the calendar year 1970, the quota for liquid sugar for foreign countries as a group is 2 million gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

§ 811.84 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner, and conditions under which quotas and prorations are filled by the marketing and importation of sugar of liquid sugar.

(b) The quantitative limitations established by §§ 811.81 to 811.83, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to section 211 and 212 of the act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.85 Restrictions on importations and marketings within quotas.

Subject to the provisions of Parts 816 and 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States, (a) any sugar or liquid sugar from any country for which no quota is established or in excess of or after the applicable quota or quantity set forth in §§ 811.81 to 811.83 inclusive has been filled, or (b) any sugar or liquid sugar as direct-consumption sugar from any country for which no direct-consumption sugar limitation is established or after the direct-consumption portion of the applicable quota has been filled.

Signed at Washington, D.C., on November 17, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–13808; Filed, Nov. 21, 1969; 8:45 a.m.]

[7 CFR Part 814]

1970 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information before me, I do hereby find that the allotment of the 1970 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D.C., in Room 2–W, Administration Building, U.S. Department of Agriculture, on December 4, 1969, at 10 a.m., e.s.t.

The preliminary finding made above is based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota for the Mainland Cane Sugar Area which will enable persons who process sugar and liquid sugar from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period January 1, 1970, to the date the Secretary prescribes a method for alloting the entire 1970 quota for the area on the basis of the record of another hearing to be held subsequently.

To avoid disorderly marketing by any allottee who might market early in 1970 a quantity of sugar larger than its allotment of the entire 1970 sugar quota for the area, it is necessary to make allotments effective on January 1, 1970. Part of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1970 quota for the area for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views, and arguments regarding the identity of the allottees and consideration of the factors cited in section 205(a) of the Act pertinent to establishing allotments of a portion of the quota for the area to be in effect from January 1, 1970, until an order establishing the method for allotting the entire quota for the area for the calendar year 1970 is made effective.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing for the area will be held early in 1970 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1970 quota for the area for the calendar year 1970 under the provisions of the Sugar Act of 1948, as amended.

Signed at Washington, D.C., on November 19, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–13880; Filed, Nov. 21, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 45]

[Docket No. 8020; Notice 69–36A]

REPLACEMENT AND MODIFICATION PARTS

Extension of Comment Period

The Federal Aviation Administration proposed in Notice 69–36, published in the FEDERAL REGISTER on August 20, 1969 (34 F.R. 13421), to amend Parts 21 and 45 of the Federal Aviation Regulations to clarify the requirements for the manufacture of approved replacement and modification parts.

Aircraft Supplies of Nutley, N.J., has requested a 30-day extension of time for submission of comments. The extension is requested to enable Aircraft Supplies to provide technical data showing the effect of the proposed regulation on the replacement parts industry and to provide to the FAA alternative means of achieving the same proposed goal.

I find that petitioners have shown a substantial interest in the proposed rule, and that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 69–36 will be received is extended to December 18, 1969.

Issued in Washington, D.C., on November 14, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69–13899; Filed, Nov. 21, 1969; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 69–EA–139]

AIRWORTHINESS DIRECTIVE

DeHavilland Aircraft

The Federal Aviation Administration is considering amending § 39.13 of the Federal Aviation Regulations so as to revoke AD 65–25–2 and issue a new airworthiness directive applicable to DeHavilland DHC–2 type airplanes.

This Airworthiness Directive supersedes AD 65–25–2 based on the manufacturer's reevaluation of the fatigue life retirement times for the wing lift strut assemblies on the subject aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

1. Amend § 39.13 of the Federal Aviation Regulations by:

(a) Revoking Airworthiness Directive 65–25–3.

(b) By issuing the following Airworthiness Directive:

DEHAVILLAND. Applies to all DeHavilland Model DHC–2 Series Aircraft.

Compliance required as indicated.

To preclude failure of lift strut upper fitting, accomplish the following:

(a) For airplanes with wing lift strut assemblies, C2W–545A or C2W–546A, comply with (a) through (d) within the next 100 hours' time in service after the effective date of this AD unless already accomplished within the last 400 hours' time in service and thereafter at intervals not to exceed 500 hours' time in service from the last inspection.

(b) Detach each wing lift strut assembly from its wing upper lift strut fitting. Using a dye penetrant method with at least a 10-power glass or an FAA-approved equivalent method inspect the lift strut upper fitting for cracks.

NOTE: During the inspection required by (b), particular attention should be given to the ⅛-inch radius junction of the lug to the attachment flanges.

(c) With each wing lift strut assembly detached, visually inspect the lift strut upper fitting at each ⅛-inch radius junction of the lug to the attachment flanges to insure that each radius is smooth and blends smoothly into the lug without machine marks or nicks.

(d) If a crack mark or nick is found in the radius, replace the lift strut assembly before further flight with an unusued strut assembly C2W1103A or 1104A, C2W–1115–1 or –2 or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(e) For aircraft engaged in other than those operations described in paragraphs (f) and (g), replace strut assemblies as follows:

(1) Strut assemblies C2W–469A or 470A, C2W–473A or 474A, C2W–545A or 546A, and C2W–685A or 686A, must be replaced before their total time in service exceeds 10,000 hours.

Strut assemblies C2W–1103A or 1104A must be replaced before their total time in service exceeds 20,000 hours.

Strut assemblies C2W–1115–1 or –2 retirement is not required.

(2) Whenever new wing strut assemblies are installed, new attachment bolts AN180–26 bolt strut, lower attachment and C2W–497 bolt strut, upper attachment, must be used.

(f) For aircraft engaged in low level operations where flying is done at less than 500 feet above ground, and flight maneuvers at 2g (60° banked turn, etc.) and higher are not performed, and are engaged in special purpose operations, replace strut assemblies as follows:

(1) Strut assemblies C2W–545A or 546A must be replaced before their total time in service exceeds 2,600 hours.

Strut assemblies C2W–469A or 470A, C2W–473A or 474A, and C2W–685A or 686A must be replaced before their total time in service exceeds 5,000 hours.

Strut assemblies C2W–1103A or 1104A must be replaced before their total time in service exceeds 10,000 hours.

Strut assemblies C2W–1115–1 or –2 retirement is not required.

(2) Whenever new wing strut assemblies are installed, new attachment bolts AN180–26 bolt strut, lower attachment and C2W–497, bolt strut, upper attachment, must be used.

NOTE: Special purpose operations are defined in DeHavilland's Service Bulletin No. 2 3, paragraph 3.1, dated December 20, 1967.

(g) For aircraft engaged in operations requiring turning or pullout maneuvers which impose accelerations of 2g and higher or overload operations in excess of 5,100 pounds, comply with the requirements of paragraph 4 through 4.3 of DeHavilland's Service Bulletin No. 2/3 or an equivalent schedule approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(h) For aircraft operated under both categories specified in (e) and (f):

(1) Strut assemblies must be replaced at the time specified in (f), for any of the operations which the aircraft has performed.

(2) Upon request with substantiating data submitted through an FAA maintenance inspector, the replacement intervals specified in this AD may be adjusted by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(i) Modified or repaired struts as defined in paragraphs 5.1 and 5.2 of DeHavilland Service Bulletin No. 2/3, Series DHC–2 Beaver, dated December 20, 1967, must be replaced in accordance with the times prescribed therein.

DeHavilland Service Bulletin No. 2/3, Series DHC–2 Beaver, dated December 20, 1967, and Engineering Bulletin Series B, No. 32, dated August 10, 1964, pertain to this subject.

This directive supersedes Airworthiness Directive 65–25–2.

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 6, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–13898; Filed, Nov. 21, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–126]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Wetumpka, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Wetumpka transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Elmore Field (lat. 32°31'45" N., long. 86° 19'30" W.); within 3 miles each side of the Maxwell VOR 066° radial, extending from the 7-mile radius area to 22 miles northeast of the Maxwell VOR; excluding the portion that coincides with the Montgomery, Ala., transition area.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Elmore Field, utilizing the Maxwell VOR, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 12, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–13897; Filed, Nov. 21, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

LEONARD JOSEPH BOWERS

Notice of Granting of Relief

Notice is hereby given that Leonard Joseph Bowers, 4609 Ashburner Street, Philadelphia, Pa. 19136, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 6, 1964, by the U.S. District Court, Eastern District of Pennsylvania, at Philadelphia, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Leonard J. Bowers because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Leonard J. Bowers to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Leonard J. Bowers' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Leonard J. Bowers be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13928; Filed, Nov. 21, 1969; 8:49 a.m.]

SAMUEL JAMES EVOLA

Notice of Granting of Relief

Notice is hereby given that Samuel James Evola of Detroit, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 11, 1935, in the Wayne County, Mich., Recorders Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Samuel James Evola because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Samuel James Evola to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Samuel James Evola's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Samuel James Evola be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13929; Filed, Nov. 21, 1969; 8:49 a.m.]

FRANK GRELL

Notice of Granting of Relief

Notice is hereby given that Frank Grell, 2600 East Court Street, Iowa City, Iowa, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 11, 1946, in the District Court of Hardin County, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frank Grell because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Frank Grell to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Frank Grell's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety; and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Frank Grell be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13930; Filed, Nov. 21, 1969; 8:49 a.m.]

JAMES A. GRIFFITH

Notice of Granting of Relief

Notice is hereby given that James A. Griffith, 1101 White Street NW., Grand Rapids, Mich. 49504, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 4, 1945, by a General Court Martial convened at Keesler Field, Miss., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James A. Griffith because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Griffith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James A. Griffith's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That James A. Griffith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13931; Filed, Nov. 21, 1969; 8:49 a.m.]

JERRY JEROME JENKINS

Notice of Granting of Relief

Notice is hereby given that Jerry Jerome Jenkins, 12723 Monica, Detroit, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 10, 1954, in the Recorders Court, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Jerry Jerome Jenkins because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Jenkins to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Jerry Jerome Jenkins' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Jerry Jerome Jenkins be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13932; Filed, Nov. 21, 1969; 8:49 a.m.]

STANLEY SAMUEL MARCUS

Notice of Granting of Relief

Notice is hereby given that Stanley Samuel Marcus of 6813 Belrose, Apartment 42, El Paso, Tex., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 17, 1966, in the U.S. District Court for the Western District of Texas of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Stanley Samuel Marcus because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Stanley Samuel Marcus to receive, possess, or transport in commerce or affecting commece, any firearm.

Notice is hereby given that I have considered Stanley Samuel Marcus' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Stanley Samuel Marcus be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13933; Filed, Nov. 21, 1969; 8:49 a.m.]

KENNETH K. McGREW

Notice of Granting of Relief

Notice is hereby given that Kenneth K. McGrew, 1100 Seventh Avenue SW., Quincy, Wash., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 19, 1938, by the Superior Court, Klickitat County, Wash., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Kenneth K. McGrew because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Kenneth K. McGrew to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Kenneth K. McGrew's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Kenneth K. McGrew be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13934; Filed, Nov. 21, 1969; 8:49 a.m.]

KENNETH WALLACE MORRISON

Notice of Granting of Relief

Notice is hereby given that Kenneth Wallace Morrison, 1145 Liberty Street, Franklin, Pa. 16323, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 22, 1961, by the Court of Quarter Sessions, Crawford County, Pa., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Kenneth W. Morrison because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Kenneth W. Morrison to receive, possess, or transport in commerce or affecting commerce, any firearms.

Notice is hereby given that I have considered Kenneth W. Morrison's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Kenneth W. Morrison be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13935; Filed, Nov. 21, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

LIVESTOCK FEED PROGRAM

Notice of Designation of Emergency Areas

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1472, 63 Stat. 1055), and the Act of September 21, 1959, as amended (secs. 1-4, 73 Stat. 574), the Secretary of Agriculture has designated the counties specified in this notice as emergency areas for purposes of the Livestock Feed Program (7 CFR Part 1475, as amended). Feed grains will be made available for sale to livestock owners in such counties in accordance with the terms and conditions in the regulations for such program. The designated counties are as follows:

ALASKA

Fairbanks (North Star Borough).

ARKANSAS

Cleburne.	Nevada.
Izard.	Stone.

GEORGIA

Baker.	Grady.
Decatur.	Mitchell.

LOUISIANA

Bienville.	Ouachita.
Bossier.	Red River.
Caddo.	Sabine.
Claiborne.	Union.
De Soto.	Webster.
Jackson.	West Carroll.
Lincoln.	Winn.

VIRGINIA

Albemarle.	Louisa.
Amherst.	Nelson.
Buckingham.	Powhatan.
Fluvanna.	Rockbridge.
Goochland.	

Signed at Washington, D.C., on November 18, 1969.

GEORGE V. HANSEN,
Deputy Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-13913; Filed, Nov. 21, 1969; 8:48 a.m.]

Office of the Secretary

EXPORT MARKETING SERVICE, FOREIGN AGRICULTURAL SERVICE, AND AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Further Implementation of Reorganization of Department With Respect to Activities Relating to Export Sales

In accordance with Reorganization Plan No. 2 of 1953, the Department of Agriculture was reorganized effective March 28, 1969, with respect to programs assisting exports of agricultural commodities by establishing the Export Marketing Service and transferring to it certain of the functions of the Foreign Agricultural Service and of the Agricultural Stabilization and Conservation Service relating to export sales of agricultural commodities. 34 F.R. 6337-8. In order to further implement the purpose of the reorganization it is necessary to transfer to the Export Marketing Service additional functions. The following is a statement of all the functions of the Export Marketing Service, both those functions transferred effective March 28, 1969, and those hereby transferred effective November 8, 1969:

1. From the Foreign Agricultural Service, the functions of the General Sales Manager, the Barter and Stockpiling Manager, the Assistant to the Administrator concerning sales program compliance, the Deputy Assistant Administrator for program development, the Program Development Division, the Program Operations Division, and the Ocean Transportation Division.

2. From the Agricultural Stabilization and Conservation Service, (a) functions relating to the domestic operations to implement the Wheat Trade Convention of the International Grains Arrangement, including but not limited to fixing export wheat and flour subsidy rates and export wheat marketing certificate costs and otherwise administering the pricing provisions of the IGA, and (b) functions relating to export subsidy programs and programs for the export sale of CCC-owned commodities, except for tobacco, peanuts, tung oil and gum naval stores.

In addition to the services furnished to the Export Marketing Service by the Agricultural Stabilization and Conservation Service on all management support activities as provided for in 34 F.R. 6337-8, the Agricultural Stabilization and Conservation Service will also furnish supporting services for the preparation and issuance of information releases initiated by the Export Marketing Service relating to program activities carried out by it.

All previously effected rules, regulations, licenses, approvals, orders, forms, certificates, and other official documents relating to all functions transferred shall continue to be effective until further notice, except that any delegations or authorizations inconsistent with the assignments made herein shall be construed to conform to the assignments made herein.

Done at Washington, D.C., this 8th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-13920; Filed, Nov. 21, 1969; 8:49 a.m.]

LOUISIANA

Designation of Areas for Emergency Loans; Correction

In F.R. Doc. 69-13435 appearing in the FEDERAL REGISTER of November 13, 1969, on page 18189, the date "June 30, 1969" is corrected to read "June 30, 1970".

Done at Washington, D.C., this 18th day of November 1969.

T. K. COWDEN,
Assistant Secretary.

[F.R. Doc. 69-13885; Filed, Nov. 21, 1969; 8:46 a.m.]

Packers and Stockyards Administration

CATTLEMANS LIVESTOCK AUCTION, INC., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name and location of stockyard and date of posting
Cattlemans Livestock Auction, Inc., Nampa, Idaho, Dec. 29, 1955.
Harlan Auction Co., Harlan, Iowa, May 19, 1959.
Kentwood Livestock Sales, Inc., Kentwood, La., Sept. 6, 1967.
Sardis Livestock Sales Company, Inc., Sardis, Miss., Mar. 31, 1964.
Elwood Livestock Commission Co., Elwood, Nebr., June 8, 1959.
Madill Livestock Auction, Madill, Okla., Nov. 6, 1964.
Morgantown Livestock Sales, Inc., Morgantown, W. Va., Nov. 9, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 17th day of November 1969.

E. L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-13917; Filed, Nov. 21, 1969; 8:48 a.m.]

[P. & S. Docket No. 298]

ST. JOSEPH STOCK YARDS DIVISION OF UNITED STOCKYARDS CORP.

Notice of Petition To Vacate Order and Dismiss Proceeding

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a basic order was issued on May 4, 1934, in the case of In regard St. Joseph Stock Yards Co., prescribing the rates and charges to be assessed by the respondent for the stockyard services rendered by it at the St. Joseph Stock Yards, St. Joseph, Mo. Such rates and charges have been modified from time to time by subsequent orders issued in the proceeding. The latest such order was issued on July 7, 1969, prescribing the rates and charges to be assessed by the respondent to and including April 30, 1970, unless modified or extended before the latter date.

On October 20, 1969, the respondent filed a petition requesting that rate orders in this proceeding be dismissed in conformity with § 203.11 of the Statements of General Policy under the Packers and Stockyards Act. The petition reads as follows:

This is a rate proceeding under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.).

Respondent is now operating under an order issued July 7, 1969, which became effective July 14, 1969, and which shall remain in effect to and including April 30, 1970, unless modified or extended.

The basic rate order in this proceeding was issued May 4, 1934, as a part of P. & S. Docket No. 298. During the period since the basic rate order has been in effect, the respondent has followed the procedure, prior to filing a petition for modification of basic order, of submitting statistical information supporting such proposals.

Respondent feels after some discussion with the Department that changing economic conditions in the industry, together with a changing marketing structure in the trade territory and other circumstances, have brought about a situation which makes the necessity and continuation of formal procedure for obtaining modification in rates and charges no longer necessary.

It is requested, therefore, that in conformity with the policy expressed in § 203.11 of the Statements of General Policy under the Packers and Stockyards Act (9 CFR 203.11) that the rate order in this proceeding be vacated and the proceeding be dismissed.

Any interested person may file with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after publication of this notice in the FEDERAL REGISTER, written data, views, comments, or arguments with respect to the petition filed by the respondent.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 18th day of November 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-13918; Filed, Nov. 21, 1969; 8:49 a.m.]

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

Notice of Petition To Vacate Order and Dismiss Proceeding

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a basic order was issued on March 1, 1933, in the case of In regard Union Stock Yards Company of Omaha (Ltd.), respondent, prescribing the rates and charges to be assessed by the respondent for the stockyard services rendered by it at the Union Stock Yards, Omaha, Nebr. Such rates and charges have been modified from time to time by subsequent orders issued in the proceeding. The latest such order was issued on June 3, 1969, prescribing the rates and charges to be assessed by the respondent to and including May 31, 1971, unless modified or extended by further order before the latter date.

On October 6, 1969, the respondent filed a petition requesting that the rate orders in this proceeding be dismissed in conformity with § 203.11 of the Statements of General Policy under the Packers and Stockyards Act. The petition reads as follows:

Comes now the Respondent, Union Stock Yards Company of Omaha (Ltd.), and requests that an order be entered herein vacating the rate order in effect and dismissing this proceeding.

The basic rate order in this proceeding was entered March 1, 1933. The respondent is now operating under an order issued on June 25, 1968 (27 A.D. 722), as modified by orders on April 1, 1969, and June 3, 1969, respectively, which orders remain in effect unless ratified or extended by further order to and including May 31, 1971.

The respondent does not believe that the economic conditions in the industry, or the marketing structure in its trade territory, or any other circumstance necessitates the continuation of the formal procedure for obtaining modification in the rates and charges assessed by respondent.

It is requested therefore that in conformity with the policy expressed in § 203.11 of the Statements of General Policy under the Packers and Stockyards Act (9 CFR 203.11) that the rate order in this proceeding be vacated and the proceeding be dismissed.

Any interested person may file with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER, written data, views, comments, or arguments with respect to the petition filed by the respondent.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 18th day of November 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-13919; Filed, Nov. 21, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(69)-14]

MOCAMBIQUE INDUSTRIAL, S.A.R.L.

Order Denying Export Privileges for Indefinite Period

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an Indefinite Denial Order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent, Mocambique Industrial, S.A.R.L. of Beira, Mozambique, is engaged in various phases of the processing, distribution, and exportation of grains, grain mill products, cotton seed, cotton seed oil, and other vegetable oils, also that in the latter part of 1967 a U.S. manufacturer of equipment used in the processing of cotton seed sold and exported to respondent equipment and spare parts of that type valued in excess of $75,000. The said Investigations Division is conducting an investigation to ascertain the disposition of said equipment and spare parts, particularly whether said commodities were reexported from Mozambique to Southern Rhodesia or some other unauthorized destination in violation of the U.S. Export Control Regulations. It is impracticable to subpoena the respondent and the Investigations Division, pursuant to § 388.15 of the Export Control Regulations, served on it relevant and material interrogatories inquiring as to the location of said commodities if still in possession of the respondent and also inquiring as to the disposition of said commodities if sold, transferred, or disposed of by respondent. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to the disposition of said commodities if disposed of by it. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its successors, agents, employees, representatives, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: November 17, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-13822; Filed, Nov. 21, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-130; NDA No. 4-673]

JOHN B. STRIBLING & SON

Stribling's Pink Eye Powder; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing on the proposed withdrawal of approval for the approved new animal drug application and supplements thereto pertaining to Stribling's Pink Eye Powder marketed by John B. Stribling and Son, 1507 South Oakes, San Angelo, Tex. 76901, was published in the FEDERAL REGISTER of June 7, 1969 (34 F.R. 9097).

No written appearance in answer to the notice was filed within the 30-day time period specified. Failure to do so is construed as an election by the applicant and interested persons not to avail themselves of an opportunity for a hearing.

The Commissioner of Food and Drugs finds available information does not establish that the drug is effective for its intended use, to wit, on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that said drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) approval of new animal drug application No. 4-673, and all supplements pertaining thereto, is withdrawn effective on the date of signature of this document.

Dated: November 17, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-13892; Filed, Nov. 21, 1969; 8:46 a.m.]

Office of Education

ALLOTMENT RATIOS FOR VOCATIONAL EDUCATION ACT OF 1963, AS AMENDED BY VOCATIONAL EDUCATION AMENDMENTS OF 1968

Promulgation

Pursuant to section 103(d)(2) of the Vocational Education Amendments of 1968 (Public Law 90-576), which amends the Vocational Education Act of 1963 (Public Law 88-210), the following allotment ratios computed for the purpose of making grants under Parts B and C of title I of the Vocational Education Amendments of 1968 to the States, the District of Columbia, American Samoa, Guam, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands are hereby promulgated for the fiscal year ending June 30, 1971:

Alabama	0.6000
Alaska	.4031
Arizona	.5635
Arkansas	.6000
California	.4177
Colorado	.5143
Connecticut	.4000
Delaware	.4360
Florida	.5428
Georgia	.5961
Hawaii	.4856
Idaho	.6000
Illinois	.4106
Indiana	.4947
Iowa	.5125
Kansas	.5177
Kentucky	.6000
Louisiana	.6000
Maine	.5866
Maryland	.4564
Massachusetts	.4417
Michigan	.4614
Minnesota	.5125
Mississippi	.6000
Missouri	.5249
Montana	.5623
Nebraska	.5165
Nevada	.4213
New Hampshire	.5231
New Jersey	.4200
New Mexico	.6000
New York	.4000
North Carolina	.6000
North Dakota	.5976
Ohio	.4859
Oklahoma	.5806
Oregon	.5108
Pennsylvania	.4987
Rhode Island	.4806
South Carolina	.6000
South Dakota	.5850
Tennessee	.6000
Texas	.5624
Utah	.5875
Vermont	.5525
Virginia	.5561
Washington	.4611
West Virginia	.6000
Wisconsin	.5058
Wyoming	.5358
District of Columbia	.4000
American Samoa	.6000
Guam	.6000
Puerto Rico	.6000
Trust Territory of the Pacific Islands	.6000
Virgin Islands	.6000

Dated: November 6, 1969.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 69-13960; Filed, Nov. 20, 1969; 3:24 p.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DIRECTOR, URBAN PLANNING RESEARCH AND DEMONSTRATION PROGRAM

Designation

Milton R. Edelin, Director, Land and Site Development, Operation Breakthrough, is hereby designated to serve as Acting Director, Urban Planning Research and Demonstration Program, during the present vacancy in the position of Director, Urban Planning Research and Demonstration Program, with all the powers, functions, and duties redelegated or assigned to the Director, Urban Planning Research and Demonstration Program.

(Secretary's delegation to Assistant Secretary for Research and Technology, 32 F.R. 9325, June 30, 1967, as amended, particularly at 34 F.R. 7873, May 17, 1969)

Effective date. This designation shall be effective as of November 22, 1969.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[F.R. Doc. 69-13912; Filed, Nov. 21, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 19973, 18078; Order 69-11-68]

CONTINENTAL AIR LINES, INC.

Order To Show Cause

Issued under delegated authority November 17, 1969.

Establishment of mail rates for Continental Air Lines, Inc., Docket No. 19973; service mail rates for transatlantic and transpacific priority mail, Docket No. 18078; service mail rates for military ordinary mail, Docket No. 18078.

By petition filed October 10, 1969, Continental Air Lines, Inc. (Continental), requests that the Board establish standard mileages, as attached to its petition, for computation of mail payments for service between points within the Trust Territory of the Pacific Islands and between points in the Trust Territory and Honolulu, Johnston Island, Guam, and Okinawa.

In support of its petition, Continental states it was granted an exemption to perform operations pursuant to a Franchise Agreement entered into with the Government of the Trust Territory of the Pacific Islands,[1] and that it has provided services continuously since commencement on May 16, 1968. Continental states that the Board has established the fair and reasonable rates of compensation to be paid for the transportation of mail by aircraft for the Trust Territory operations,[2] but notes that no tabulation of standard mileages was attached to the rate order when initially issued, and that the Board intended to publish such mileages in a supplemental order. The mileages proposed by Continental are computed on a point-to-point great circle airport mileage basis.

The Postmaster General, in reply to Continental's petition, supports Continental's mileage proposals, subject to correction of an inadvertent error. Con-

[1] Orders E-26466 of Mar. 5, 1968, and E-26687 of Apr. 19, 1968.
[2] Order 69-10-40 of Oct. 9, 1969.

tinental, in turn, agrees to the correction suggested by the Postmaster General.

In addition, the Postmaster General notes that rates for the competitive points (Honolulu, Guam, and Okinawa) were established by the Board for Continental's services [3] but no mileages have been established for these services. The Postmaster General and Continental are in agreement as to the appropriate standard mileages for such services.

Upon consideration of Continental's petition, the reply of the Postmaster General, additional comments of Continental, and other matters officially noticed, the Board proposes to issue an order adopting the standard mileages agreed to by Continental and the Postmaster General.[4]

The Board tentatively finds and concludes that effective May 16, 1968:

(1) Order 69–10–40, October 9, 1969, should be amended so as to add an Appendix A thereto, as appended to the instant order to show cause,[5] providing standard mileages for carriage of U.S. mail by air for Continental Air Lines, Inc.

(2) Order 68–9–9, September 4, 1968, as amended by Order 69–7–11, July 2, 1969, and as further amended by Orders 69–8–110, August 19, 1969, and 69–10–23, October 6, 1969, should be further amended by adding to page 18 of Appendix A of Order 69–7–11, standard mileages for Continental, as follows:

CONTINENTAL AIR LINES, INC.

Between	*Miles*
GUM–HNL	4305
GUM–OKA	1518
HNL–OKA	5823

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, the Board's procedural regulations, 14 CFR Part 302, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons are directed to show cause why the Board should not adopt the foregoing findings and conclusions.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of objection to the findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order.

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein.

4. If answer is filed presenting issues for hearing, the issues involved shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

5. This order shall be served on the Postmaster General, Continental Air Lines, Inc., Northwest Airlines, Inc., The Flying Tiger Line Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–13900; Filed, Nov. 21, 1969; 8:47 a.m.]

[Docket Nos. 21374, 18381; Order 69–11–80]

CROWN AIRWAYS, INC.

Order To Show Cause

Issued under delegated authority November 10, 1969.

The establishment of final and temporary service mail rates for Crown Airways, Inc., Docket No. 21374; nonpriority mail rates, Docket No. 18381.

Crown Airways, Inc. (Crown), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69–11–49, November 13, 1969, the Board approved Agreement CAB 20714–A2 between Allegheny Airlines, Inc., and Crown. This agreement contemplates that Crown will discharge Allegheny's certificate obligation to serve Franklin, Pa., through the operation of small aircraft between Franklin and Pittsburgh. Crown expects to initiate service with Beech 99 turboprop type aircraft.

No service mail rate is currently in effect for this service by Crown. By petition filed September 2, 1969, Crown requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Franklin and Pittsburgh. Crown requests that the multi-element rates previously paid to Allegheny on this route pursuant to Orders E–25610 and E–17255 be established.[1]

On September 12, 1969, the Postmaster General filed an answer in support of Crown's petition, with the proviso that mail enplaned and/or deplaned at Franklin, Pa., destined to and/or dispatched from points on Allegheny Airlines' system be accorded intraline status in order to safeguard current transportation costs over the segment and preclude the payment of additional terminal charges. Inasmuch as the graduated terminal charges incorporated in the domestic multi-element priority and nonpriority rates are an integral part of those rates it is considered that withholding them from Crown or Allegheny as suggested by the Postmaster General would be a modification of the overall rate and rate structure. This proviso of the Postmaster General is therefore denied.

The rate for the air transportation of mail applicable to service by Allegheny was established by the Board in the Domestic Service Mail Rate Investigation, Order E–25610, August 28, 1967. This rate is the same as that requested in Crown's petition. Therefore, we propose to establish a service rate for the air transportation of mail by Crown at the same level as that established in Order E–25610, and the terms and provisions of that order also shall be applicable to Crown in the same manner as they were applicable to Allegheny in providing mail services between Franklin and Pittsburgh, Pa.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail, established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Crown receive the same compensation as Allegheny for the same services, we propose to establish temporary service rates for nonpriority mail for Crown at the level established in Order E–17255; as amended. By Order 69–2–158 issued February 28, 1969, in Docket 20657 Crown has already been made a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Crown Airways, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, beween Franklin and Pittsburgh, Pa. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order [2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after November 13, 1969, to Crown Airways, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Franklin and Pittsburgh, Pa., shall be the rate established by the Board in Order E–25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid on and after November 13, 1969, to Crown Airways, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Franklin and Pittsburgh, Pa., shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Crown Airways, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Crown Airways, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Crown Airways, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–13901; Filed, Nov. 21, 1969; 8:47 a.m.]

[Docket No. 20580]

GROUP INCLUSIVE TOUR BASING FARES TO HAWAII

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on December 10, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 18, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69–13902; Filed, Nov. 21, 1969; 8:47 a.m.]

[Docket No. 21624; Order 69–11–72]

NATIONAL AIRLINES, INC.

Fare Revisions and Increases in Stopover Charges; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November 1969.

By tariff revisions marked to become effective November 20, 1969,[1] National Airlines, Inc. (National), proposes to (1) introduce a first class fare in the Boston-Los Angeles/San Diego markets; (2) reduce its existing coach fares between Boston, on the one hand, and San Francisco and Las Vegas, on the other and between New York and Las Vegas; and (3) increase its Miami stopover charges in seven markets. All fares apply on routings via Miami.

The proposed fares would, in each case, match existing fares of carriers providing direct service in the markets involved. The proposed stopover charges range from $25 to $35 for adult transportation, as compared with the present charge of $10.

No justification has been submitted by National regarding its proposals and no complaints have been filed.

Upon consideration of all relevant matters, the Board has determined that National's proposed fares and stopover charges may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential or unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation.

The Board has no difficulty in principle with application of direct route fares to transportation via Miami. However, the reduction here proposed in fares to/from Boston while, at the same time, maintaining existing fares to/from other East Coast points creates long haul-short haul situations for which there appears no valid justification. Similarly, there appears no justification for an increase in the stopover charges which would set them at more than twice the present level. Nor is it apparent that cost or value of service considerations would warrant differences in the charge depending only upon the ultimate origin and destination of the passenger.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[1] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[1] are suspended and their use deferred to and including February 17, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and,

4. A copy of this order be filed with the aforesaid tariff and be served upon National Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–13904; Filed, Nov. 21, 1969; 8:47 a.m.]

[Docket No. 14437; Order 69–11–71]

TARIFF AND RATE ACTIVITIES AND PRACTICES ON NORTH ATLANTIC ROUTES

Order Amending Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November 1969.

[1] Filed as part of the original document.

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[2] Order 68–10–167 of Oct. 29, 1968.

[3] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR, Part 385). These provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

[4] Filed as part of the original document.

[1] The present rates are as follows:

Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Franklin and 2.34 cents per pound at Pittsburgh.

Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Franklin and 1.660 cents per pound at Pittsburgh.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB 101, filed Oct. 21, 1969.

[1] Filed as part of the original document.

FEDERAL REGISTER, VOL. 34, NO. 225—SATURDAY, NOVEMBER 22, 1969

Order E–19492 instituting the investigation authorized the Chief Examiner or such other hearing examiner as he may designate to issue subpoenas for the testimony of witnesses and the production of books or papers or documents and to designate persons before whom depositions may be taken, and Order E–19855 amended the above order to direct that all proceedings shall be nonpublic and confidential and shall conform to the requirements of §§ 305.6, 305.9, 305.10, 305.11, and 305.12 of the Board's rules of practice. Section 305.12 relates to motions to quash or modify an investigation subpoena. Since the Board has delineated the scope of and has provided guidelines for the investigation, as noted in E–19855, it now appears to be unnecessary that motions to quash or modify subpoenas should conform to the provisions of 305.12 which among other things requires action on such motions by the Board, and that such motions can be more expeditiously handled by the examiner pursuant to the provisions of § 302.19 of the procedural regulations.

Therefore it is ordered:

1. That ordering paragraph 3 of Order E–19492, as amended, be revised to omit the reference to § 305.12 of the procedural regulations.

2. That motions to quash or modify subpoenas issued by a hearing examiner pursuant to the authority delegated by ordering paragraph 2 of Order E–19492 shall conform to and be processed pursuant to the provisions of § 302.19(f) of the Board's procedural regulations.

3. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–13903; Filed, Nov. 21, 1969; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary of Defense (Education), Office of Assistant Secretary of Defense (Manpower and Reserve Affairs).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc 69–13887; Filed, Nov 21, 1969; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the positions of Director for ROTC Programs, Office of Assistant Secretary of Defense (Manpower and Reserve Affairs) and Deputy Assistant Secretary (Education and Manpower Resources), Office of the Assistant Secretary of Defense (Manpower).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13888; Filed, Nov. 21, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67–13608, the Civil Service Commission authorized the department and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Special Assistant to the Under Secretary" to "Assistant to the Under Secretary".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13889; Filed, Nov. 21, 1969; 8:46 a.m.]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Foundation on the Arts and the Humanities to fill by noncareer executive assignment in the excepted service the additional identical position of Deputy Chairman, National Endowment for the Arts.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13890; Filed, Nov. 21, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

R.C.D. SHIPPING SERVICES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Edward P. Cotter, 1776 K Street NW., Washington, D.C. 20006.

Agreement No. 9490–3, between the parties to the "R.C.D. Shipping Services," a joint service comprising Turkish, Iranian, and Pakistan national flag common carriers, operating in the trade from U.S. Atlantic and gulf ports to Turkish, Iranian, and Pakistan ports, modifies the basic agreement by adding South Shipping Line, an Iranian flag carrier, as a member thereof in accordance with the terms and conditions set forth in the Agreement.

Dated: November 19, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69–13905; Filed, Nov. 21, 1969; 8:47 a.m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

Proclamation

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, as amended, the Railroad Retirement Board had determined, and hereby proclaims, that as of the close of business on September 30, 1969, there was a deficit of $93,479,498.43 in the railroad unemployment insurance account. The underlying figures relating to the computation of this deficit follow:

Unexpended amount in the railroad unemployment insurance account	$340,266.10
Deduct: Amounts borrowed from the Railroad Retirement Account which have not been repaid	−99,195,000.00
Accrued interest on such borrowed amounts	−1,184,937.50
Deficit in Railroad unemployment insurance account proper	100,039,671.40 (D)
Add: Baance in railroad unemployment insurance administration fund	+6,560,172.97
Deficit in railroad unemployment insurance account	93,479,498.43 (D)

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Ill., this 17th day of November 1969.

[SEAL] HOWARD W. HABERMEYER,
Chairman.
THOMAS M. HEALY,
Member.
NEIL P. SPEIRS,
Member.

By the Railroad Retirement Board:

RICHARD F. BUTLER,
Acting Secretary of the Board.

[F.R. Doc. 69–13877; Filed, Nov. 21, 1969; 8:45 a.m.]

TARIFF COMMISSION

[AA1921–61]

AMINOACETIC ACID FROM FRANCE

Notice of Investigation and Hearing

Having received advice from the Treasury Department on November 17, 1969, that Aminoacetic Acid (Glycine) from France is being, and is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on January 6, 1970. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: November 18, 1969.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 69–13879; Filed, Nov. 21, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 75]

BOSTON AND MAINE CORP. AND MAINE CENTRAL RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the interstate Commerce Act shall comply with the following distribution directions:

(a) The Boston and Maine Corp. shall deliver to the Main Central Railroad Co. a weekly total of 105 empty plain serviceable boxcars. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent, R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent, R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., November 20, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., December 7, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69–13907; Filed, Nov. 21, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 76]

PENN CENTRAL CO. ET AL.

Car Distribution

Penn Central Co., Boston and Maine Corp., and Maine Central Railroad Co.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Penn Central Co. shall deliver to the Boston and Maine Corp. a weekly total of 105 empty plain serviceable boxcars. Exceptions: Canadian ownerships.

(b) The Boston and Maine Corp. shall deliver to the Maine Central Railroad Co. a weekly total of 105 empty plain serviceable boxcars. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent, R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., November 20, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., December 6, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-13906; Filed, Nov. 21, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 19, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41804—*Clay, kaolin, or pyrophyllite to points in southwestern territory.* Filed by O. W. South, Jr., agent (No. A6140), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application, from Stevens Pottery, Ga., to points in southwestern territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 13 to Southern Freight Association, agent, tariff ICC S–801.

FSA No. 41805—*Clay, kaolin, or pyrophyllite from Letohatchie and Montgomery, Ala.* Filed by O. W. South, Jr., agent (No. A6141), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Letohatchie and Montgomery, Ala., to points in western trunkline territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 75 to Southern Freight Association, agent, tariff ICC S–751.

FSA No. 41806—*Iron and steel articles to Baton Rouge and New Orleans, La.* Filed by Western Trunk Line Committee, agent (No. A–2605), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Minneapolis, Minn., Transfer and St. Paul, Minn., to Baton Rouge and New Orleans, La.

Grounds for relief—Market competition.

Tariff—Supplement 19 to Western Trunk Line Committee, agent, tariff ICC A–4741.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13908; Filed, Nov. 21, 1969; 8:48 a.m.]

[Notice 943]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 19, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 262 TA), filed November 13, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank vehicles, from Hermann, Mo., to Hammondsport, N.Y., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Gold Seal Vineyards, Inc. (George W. Kibbe, Assistant, Traffic Manager), Hammondsport, N.Y. 14840. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 51146 (Sub-No. 150 TA), filed November 10, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; materials, equipment, supplies used or useful in the production, manufacture and distribution of the above described commodities; and related premium and advertising materials*, when shipped with the above described commodities, between the plantsite of the Charmin Paper Products Co., located at or near Neelys Landing, Mo., on the one hand, and on the other, points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, Pennsylvania, West Virginia, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, and Louisiana, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201 (R. N. Homleid, Warehouse & Trucking Division). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 95084 (Sub-No. 77 TA), filed November 13, 1969. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rotary hoes, parts, and attachments*, from Newton, Iowa, to Kirksville, Mo., and (2) *rotary hoe teeth*, from Bushnell, Ill., to Newton, Iowa, for 180 days. Supporting shipper: Kewanee Machinery & Conveyor Co., Kewanee, Ill. 61443. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107295 (Sub-No. 226 TA), filed October 24, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood flooring, hardwood flooring blocks, lumber and woodmouldings, accessories such as adhesives, mastic flooring, cement, decorative strips, fasteners, nails, adhesive trowels, stains, putty, and advertising material when shipped with any of the named commodities*, from Cairo, Ill.; Jackson, Memphis, Monterey, and Nashville, Tenn.; to points in Minnesota, Wisconsin, Michigan, New York, Iowa, Illinois, Indiana, Ohio, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, District of Columbia, Maryland, West Virginia, Kentucky, Missouri, Arkansas, South Carolina, North Carolina, and Virginia; and (2) *lumber, hardwood flooring, hardwood flooring blocks, wood mouldings, plywood, paneling, hardboard, composition board, and accessories such as adhesives, mastic flooring cement, decorative strips, fasteners, nails, adhesive trowels, stains, putty and advertising matter when shipped with any of the named commodities*, from Covington, Tenn., to points in Minnesota, Wisconsin, Michigan, New York, Iowa, Illinois, Indiana, Ohio, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, District of Columbia, Maryland, West Virginia, Kentucky, Missouri, Arkansas, South Carolina, North Carolina, and Virginia, to the plantsites and facilities of E. L. Bruce Co., Inc., at Cairo, Ill., Jackson, Memphis, Monterey, Nashville, and Covington, Tenn., for 180 days. Supporting shipper: E. L. Bruce Co., Inc., Post Office Box 397, 1648 Thomas Street, Memphis, Tenn. 38101. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 241 TA), filed November 12, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, duct, raceways, tubing, and their fittings, connections, and accessories*, from New Kensington, Pa., to points in Kansas, Oklahoma, Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Missouri, Arkansas, Kentucky, Tennessee, Alabama, New York, and Virginia, from Niles, Ohio, to points in Kansas, Oklahoma, Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Missouri, Arkansas, Kentucky, Tennessee, Alabama, New York, and Virginia, plus District of Columbia, South Carolina, and North Carolina, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 700 Constitution Boulevard, New Kensington, Pa. 15068. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107496 (Sub-No. 755 TA), filed November 13, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed*, in bulk, in tank vehicles, from Lucerne, Colo., to Keys, Okla., and Des Moines, N. Mex., for 150 days. Supporting shipper: Allied Chemical Corp., Room 620, 40 Rector Street, New York, N.Y. 10006. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 113267 (Sub-No. 223 TA), filed November 13, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast compressed or not compressed*, other than dry, in vehicles equipped with mechanical refrigeration, from St. Louis, Mo., to Rome, Ga., for 150 days. Supporting shipper: Anheuser-Busch, Inc., St. Louis, Mo. 63118. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 486, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113828 (Sub-No. 167 TA), filed November 13, 1969. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulfate ash*, in bulk, from Radford, Va., to Luke, Md., for 180 days. Supporting shipper: Hercules Inc., Radford Army Ammunition Plant, Radford, Va. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Room 2210, Washington, D.C. 20423.

No. MC 117765 (Sub-No. 89 TA), filed November 13, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest 5th, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Component parts for mobile homes*, from the plantsite of Mobile Components, Inc., Halstead, Kans., to points in Arkansas, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, and Texas, for 180 days. Supporting shipper: Harold E. Harris, President, Mobile Components, Halstead, Kans. 67056. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 117765 (Sub-No. 90 TA), filed November 13, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Fort Worth, Tex., to McAlester and Poteau, Okla., for 180 days. Supporting shipper: C. R. Plummer, Curtis Distributing Co., Post Office Box K, Poteau, Okla. 74953. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 123639 (Sub-No. 116 TA), filed November 13, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock Street, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from National Beef Packing Co., Inc., at Liberal, Kans., to points in Indiana, Michigan, Missouri, New Hampshire, Vermont, Delaware, Rhode Island, Connecticut, New York, Maryland, District of Columbia, for 180 days. Supporting shipper: John Jacobson, Jr., General Manager, National Beef Packing Co., Inc., 300 Central Avenue, Kansas City, Kans. 66118. Send protests to: District Supervisor C. W. Buckner, 2022 Federal Building, Denver, Colo. 80202.

No. MC 126930 (Sub-No. 7 TA), filed November 17, 1969. Applicant: BRAZOS TRANSPORT CO., East Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Jerry E. Matthews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and building materials* (except commodities in bulk), from plantsite and warehouse of National Gypsum Co., near Fort Dodge, Iowa, to points in Minnesota, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 129433 (Sub-No. 3 TA), filed November 13, 1969. Applicant: EDWARD W. EMERT, doing business as J & E CASKET DISTRIBUTORS, Route No. 2, Stones River Road, La Vergne, Tenn. 37086. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, casket displays, and funeral supplies*, between Nashville, Tenn., and Corpus Christi, Dallas, Houston, Lubbock, and San Antonio, Tex., for 180 days. Supporting shipper: National Casket Co., Inc., Southern Division, 121 Woodland Street, Nashville, Tenn. 37213. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13909; Filed, Nov. 21, 1969; 8:48 a.m.]

[Notice 448]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 19, 1969.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the

order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71360. Dual operations are involved by order of November 18, 1969, the Motor Carrier Board approved the transfer, on reconsideration, to Miller Transfer and Rigging Co., a corporation, Clarion, Pa., of certificate No. MC-7569 issued November 13, 1953, to Kirby Transfer and Storage Corp., Pittsburgh, Pa., authorizing the transportation of: Such commodities as require specialized handling or rigging because of size or weight, between Pittsburgh, Pa., and points within 10 miles of Pittsburgh, on the one hand, and, on the other points in a specified part of Pennsylvania: A. David Millner, 744 Broad Street, Newark, N.J. 07102, and John Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, attorneys for applicants.

No. MC-FC-71765. By order of November 18, 1969, the Motor Carrier Board approved the transfer to American Security Vanlines, Inc., 1240 Oakleigh Drive, Atlanta, Ga. 30244, of certificates Nos. MC-7971 and MC-7971 (Sub-No. 7) issued March 10, 1955 and September 13, 1965 to American Security Moving & Storage Co., Inc., Jacksonville, Fla., authorizing the transportation of: Household goods, between points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and the District of Columbia.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13910; Filed, Nov. 21, 1969; 8:48 a.m.]

[Notice 448A]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 19, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71560. By order of November 12, 1969, Division 3, acting as an Appellate Division, approved the transfer to Evelyn Mueller, doing business as Evelyn Mueller Trucking, Sturgeon Bay, Wis., of that portion of the operating rights in certificate No. MC-111594 (Sub-No. 39) issued June 25, 1969, to C W Transport, Inc., Wisconsin Rapids, Wis., authorizing the transportation of general commodities, with usual exceptions, between Gills Rock, Wis., and Sturgeon Bay, Wis., serving all intermediate and off-route points. James Ebbeson, 306 South Third Street, Sturgeon Bay, Wis. 54235, and David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603, attorneys for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13911; Filed, Nov. 21, 1969; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 225

Saturday, November 22, 1969 • Washington, D.C.

PART II

Administrative Committee of the Federal Register

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Guide to Federal Register Finding Aids



No. 225—Pt. II——1

Title 1—GENERAL PROVISIONS

Chapter 1—Administrative Committee of the Federal Register

[Revision 1]

APPENDIX C—GUIDE TO FEDERAL REGISTER FINDING AIDS

The purpose of this guide is to give users of the Federal Register publications a better understanding of the indexes and other finding aids to Federal statutes, Proclamations, Executive orders, and other Presidential materials, and agency rules and other legal instruments published by the Office of the Federal Register pursuant to law and Parts 1–40 of this chapter.

These materials are published in the daily *Federal Register*, the *Code of Federal Regulations*, the *slip laws*, and the *United States Statutes at Large* from the original acts of Congress and the Executive rules and notices filed with the Office. From related source material, the Office publishes the *U.S. Government Organization Manual*, the *Public Papers of the Presidents of the United States*, and the *Weekly Compilation of Presidential Documents*.

Each of the publications named above includes appropriate subject indexes and numerical finding aids designed to facilitate its use and reduce research time. This guide describes the indexes and finding aids and indicates where they may be found. It also includes a table of special information lists that are useful to researchers generally.

This guide is arranged as follows:

Alphabetical List of Finding Aids.
Table 1—Researching Agency Materials.
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Table 3—Researching Statutory Materials.
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Table 1—Researching Agency Materials

This table describes the principal finding aids used to locate agency materials published in the daily *Federal Register*, the *Code of Federal Regulations* (CFR), and the *United States Government Organization Manual*. The finding aids are listed under the name of the publication containing the source materials to which they lead.

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1. Contents table.
2. Subject index.
3. Codification guide (lists of CFR parts or sections affected).
4. Parallel Table of Statutory Authorities and Rules.
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15. Guide to Record Retention Requirements.
16. Tabulation of Abolished Agencies or Transfers of Functions Relating to National Defense.

U.S. GOVERNMENT ORGANIZATION MANUAL

17. Subject index.
18. List of Names.

FEDERAL REGISTER

The following finding aids lead to agency source materials published in the daily *Federal Register*.

Finding Aid	*Location*
1. Contents table. Identifies by subject, agency documents published in the Federal Register.	Federal Register, each issue, third page.
2. Subject index. Analyzes contents of the Federal Register for the period covered.	Federal Register, separately issued as follows: *Monthly* for Jan., Feb., Apr., May, July, Aug., Oct., Nov., and Dec.; *Quarterly* for Jan.–Mar., Apr.–June, July–Sept.; *Annually*.
3. Codification guide. Identifies by CFR number, agency regulations and rule-making proposals (and Presidential documents) currently published in the Federal Register.	
A. *List of CFR Parts Affected (Daily).* Lists CFR parts affected by documents appearing in each day's issue.	Federal Register, each issue, following table of Contents.
B. *Cumulative List of CFR Parts Affected.* Lists CFR parts affected by documents published during a particular month.	Federal Register, end of each issue, beginning with the second issue of each month.
C. *List of CFR Sections Affected.* i. *Current.* Lists CFR sections amended or otherwise affected by documents published in the Federal Register beginning January 1 of a particular year. Entries indicate nature of changes effected.	Federal Register, separately published each month until entire year has been cumulated. (Portions of the list are also published in pertinent units of the CFR.)
ii. *Prior years.* Lists CFR sections affected by Federal Register documents published from 1949 through 1963. Enables users to determine text in effect on any given date during the period covered.	Issued as separate CFR units.
4. Parallel Table of Statutory Authorities and Rules. Leads from sections of the United States Code to agency rules published in the Federal Register which contain new citations implementing statutory authority.	Included with List of CFR Sections Affected, at end (see Finding aid 3 C 1).
5. Table of Presidential Documents Affected by Federal Register Documents. Leads to documents published in the Federal Register each year since 1945, which have amended or otherwise affected Presidential documents.	3 CFR: 5-year compilations, Table 4 (before 1948, Table 7) and Annual Supplements, Table 4.

Finding Aid	*Location*
6. Land Management Bureau (Interior Department), Table of Public Land Orders.	
A. *1948–present.* Lists orders and includes dates, subjects, and citations to publication in the Federal Register.	43 CFR Ch. II, Appendix.
B. *1943–1947.* Separate table for each year.	3 CFR, 1943–1948 Comp., Table 5.
7. Securities and Exchange Commission, Tables of Interpretative Releases. List by number, interpretative releases directed to individuals, partnerships, and corporations with respect to laws and regulations affecting their business conduct, including citations to publication in the Federal Register.	
A. Accounting matters.	17 CFR Part 211.
B. Securities Act of 1933.	17 CFR Part 231.
C. Securities and Exchange Act of 1934.	17 CFR Part 241.
D. Public Utility Holding Act of 1935.	17 CFR Part 251.
E. Trust Indenture Act of 1939.	17 CFR Part 261.
F. Investment Advisors Act of 1940.	17 CFR Part 276.
G. Corporate Reorganizations.	17 CFR Part 281.

CODE OF FEDERAL REGULATIONS

The following finding aids lead to agency source materials published in the *Code of Federal Regulations* (CFR).

Finding Aid	*Location*
8. General Index. Leads to regulatory areas of the CFR.	Issued as a separate unit of the CFR; revised annually.
9. Table of CFR Titles and Chapters. Lists titles of the CFR (broad subject areas) and chapters within each title (generally the name of the issuing agency).	Each CFR unit, at end; CFR General Index, at beginning.
10. Alphabetical List of CFR Subtitles and Chapters. Lists agencies prescribing regulations published in the CFR, showing location.	Each CFR unit, at end; CFR General Index, at beginning; and Government Organization Manual, Appendix C.
11. List of Sections Affected. Lists CFR sections affected by Federal Register documents.	See Finding aid 3 C.
12. Redesignation tables. Key new CFR section numbers to former section numbers for major recodifications of regulations.	CFR units, at end, as appropriate.
13. Parallel Tables of Presidential Documents and Agency Rules. Lead to currently effective rules in the CFR which include or cite Presidential documents, specifying whether the Presidential document is codified, cited as authority, quoted, or cited in the text..	
A. Proclamations.	3 CFR Ch. I.
B. Executive orders.	3 CFR Ch. II.
C. Other Presidential documents.	3 CFR Ch. III.
14. Parallel Table of Statutory Authorities and Rules. Leads from sections of the United States Code to CFR provisions which cite the statutory provisions as rule-making authority or as being interpreted or applied by the administering agency.	2 CFR Ch. I, revised annually as of Jan. 1. (Current additions to this table are carried cumulatively with the monthly List of CFR Sections Affected (Finding aid 3 C 1).)
15. Guide to Record Retention Requirements. Digests provisions of the United States Code and the CFR with respect to the keeping of records; includes an index to categories of persons, groups, and products covered.	1 CFR, Appendix A. Also published in Federal Register annually, and available in pamphlet form on separate order.
16. Tabulation of Abolished Agencies or Transfers of Functions Relating to National Defense. Lists agencies within 32A CFR (National Defense, Appendix) which have been abolished or whose emergency planning functions have been transferred since October 10, 1953, citing the order effecting the change.	32A CFR Ch. I.

U.S. GOVERNMENT ORGANIZATION MANUAL

The following finding aids lead to agency source materials published in the *United States Government Organization Manual.*

Finding Aid	*Location*
17. Subject Index. Analyzes contents of the official organization handbook of the Federal Government.	Government Organization Manual, at end.
18. List of Names. Lists key officials with page references to titles of their positions.	Government Organization Manual, at end.

Table 2—Researching Presidential Materials

This table describes the principal finding aids used to locate Presidential materials published in the daily *Federal Register*, the *Code of Federal Regulations* (CFR), the *Public Papers of the Presidents of the United States*, the *Weekly Compilation of Presidential Documents*, and the *United States Statutes at Large*. The finding aids are listed under the name of the publication containing the materials to which they lead.

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19. Contents table.
20. Subject index.
21. Codification guide.
22. Presidential Documents Published in the Federal Register.
23. Table of Presidential documents affected by Federal Register documents.
24. Tabulation of Executive orders related to 32A CFR.
25. Alphabetical list of customs collection districts.

CODE OF FEDERAL REGULATIONS

26. Index.
27. Tables of Presidential documents.
28. Parallel Tables of Presidential Documents and Agency Rules.
29. Statutes Cited As Authority for Presidential Documents.
30. Tabulation of Executive orders related to 32A CFR.

PUBLIC PAPERS OF THE PRESIDENTS

31. List of items.
32. Index.

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33. Indexes.

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34. List of Proclamations.
35. Tables of Laws Affected (Presidential documents).

FEDERAL REGISTER

The following finding aids lead to Presidential source materials published in the daily *Federal Register*.

Finding Aid	*Location*
19. Contents table. Identifies by subject, Proclamations, Executive orders, and other Presidential documents published in the Federal Register.	Federal Register, beginning on third page.
20. Subject index. Analyzes contents of the Federal Register, including the documents issued by or relating to the President.	Federal Register, separately issued as follows: *Monthly* for Jan., Feb., Apr., May, July, Aug., Oct., Nov., and Dec.; *Quarterly* for Jan.–Mar., Apr.–June, and July–Sept.; *Annually*.
21. Codification guide. Lists by number, Proclamations, Executive orders, and other Presidential documents published in the Federal Register; includes earlier Presidential documents affected during the period covered.	
A. *List of CFR Parts Affected (Daily).* Lists documents published and affected in each day's issue.	Federal Register, following contents table, under "3 CFR."
B. *Cumulative List of CFR Parts Affected.* Lists documents published and affected during the month.	Federal Register, at end, beginning with second issue of each month; under "3 CFR."
C. *List of CFR Sections Affected.* Lists documents published and affected beginning Jan. 1 of each year.	Federal Register, published separately as monthly supplements; under "3 CFR."
22. Presidential Documents Published in the Federal Register. Lists Proclamations, Executive orders, and other Presidential documents published in the Federal Register during the period covered.	Public Papers of the Presidents, each volume, Appendix B.
23. Table of Presidential documents affected by Federal Register documents. Lists Proclamations, Executive orders, and other Presidential documents affected by documents published in the Federal Register each year since 1945.	3 CFR, annual supplements, Table 4 (before 1948, Table 7), and 5-year compilations, Table 4.
24. Tabulation of Executive orders related to 32A CFR. Lists Executive orders directly related to regulations in 32A CFR (National Defense, Appendix), including Federal Register citations.	32A CFR, at beginning.

Finding Aid	*Location*
25. Alphabetical list of customs collection districts. Leads to Executive orders issued since March 3, 1913, which make organization changes in customs collection districts; includes Federal Register citations for orders issued after March 1936.	19 CFR 1.2.

CODE OF FEDERAL REGULATIONS

The following finding aids lead to Presidential source materials published in the *Code of Federal Regulations* (CFR).

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26. Index. Leads to Proclamations, Executive orders, and other Presidential documents published in the CFR.	
A. Annual.	3 CFR, annual supplements, at end.
B. Five-year compilations.	3 CFR, 5-year compilations, at end.
27. Tables of Presidential documents. List by number, Presidential documents published in the CFR.	
A. Proclamations.	3 CFR, annual supplements and 5-year compilations, Table 1.
B. Executive orders.	3 CFR, annual supplements and 5-year compilations, Table 2.
C. Other Presidential documents.	3 CFR, annual supplements and 5-year compilations, Table 3.
28. Parallel Tables of Presidential Documents and Agency Rules. List by number, Presidential documents included or cited in currently effective rules in the CFR, specifying whether the Presidential document is codified, cited as authority, quoted, or cited in the text.	
A. Proclamations.	3 CFR Ch. I.
B. Executive orders.	3 CFR Ch. II.
C. Other Presidential documents.	3 CFR Ch. III.
29. Statutes Cited as Authority For Presidential Documents. Leads to Presidential documents which cite statutes as issuing authority; lists revised statutes and U.S.C. citations numerically, and lists Statutes at Large provisions chronologically.	3 CFR, annual supplements, Table 5, and 5-year compilations, Table 5.
30. Tabulation of Executive orders related to 32A CFR. Lists Executive orders directly related to regulations in Title 32A (National Defense, Appendix), including CFR position.	32A CFR, at beginning.

PUBLIC PAPERS OF THE PRESIDENTS

The following finding aids lead to Presidential source materials published in the *Public Papers of the Presidents of the United States*.

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31. List of items. Lists by number and subject, items included in volumes of the Public Papers of the Presidents.	Public Papers of the Presidents, each volume, at beginning.
32. Index. Leads to items included in volumes of the Public Papers of the Presidents.	Public Papers of the Presidents, each volume, at end.

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The following finding aids lead to Presidential source materials published in the *Weekly Compilation of Presidential Documents*.

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B. Index to prior issues cumulated for a 3-month period.	Weekly Compilation, each issue, at end.
C. Semiannual: Subject index to documents published during a 6-month period.	Weekly Compilation, separately published.
D. Annual: Subject index to documents published during the year.	Weekly Compilation, separately published.

U.S. STATUTES AT LARGE

The following finding aids lead to Presidential materials published in the *United States Statutes at Large*.

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34. List of Proclamations. Lists by number, Proclamations issued during each session of Congress, including title, date of issuance, and page number of the Statutes volume where text is published.	Statutes at Large, each volume, at beginning.
35. Tables of Laws Affected (Presidential documents). List by number, Presidential documents (since 1956) which are amended, repealed, or otherwise expressly affected, or referred to or otherwise cited by provisions of public laws:	Statutes at Large: Separate pamphlet for Vol. 70; at end of each volume beginning with Vol. 71; 10-year cumulation in separate volume for 1956–1965.
Expressly affected:	
Table 6—Reorganization Plans.	
Table 8—Executive Orders and Proclamations.	
Referred to or cited:	
Table 16—Reorganization Plans.	
Table 18—Executive Orders and Proclamations.	

Table 3—Researching Statutory Materials

This table describes the principal finding aids published by the Office of the Federal Register which pertain to statutory materials published in the *United States Statutes at Large*, the *Revised Statutes*, the *United States Code*, and related legislative source materials.

36. Subject Index (Statutes at Large).
37. Individual Index (Statutes at Large).
38. List of Bills Enacted into Public Law.
39. List of Bills Enacted into Private Law.
40. List of Public Laws.
41. List of Private Laws.
42. List of Concurrent Resolutions.
43. Guide to Legislative History of Bills Enacted into Public Law.
44. Tables of Laws Affected.
45. Parallel Tables of Statutory Authorities and Rules.
46. Statutes Cited as Authority for Presidential documents.
47. Guide to Record Retention Requirements.
48. "How to Find U.S. Statutes and U.S. Code Citations."

Finding Aid	*Location*
36. Subject Index (Statutes at Large). Leads to laws and concurrent resolutions enacted during each session of Congress, reorganization plans, proposed and ratified amendments to the Constitution, and Presidential Proclamations published with the Statutes.	Statutes at Large, each volume, at end.
37. Individual Index (Statutes at Large). Lists persons and private entities mentioned in the text of public and private laws enacted during a given session of Congress.	Statutes at Large, each volume, at end.
38. List of Bills Enacted into Public Law. Lists by number, Senate bills, House bills, and joint resolutions enacted into law during a given session of Congress (since 1963), including corresponding public law number.	Statutes at Large, each volume, at beginning.
39. List of Bills Enacted into Private Law. Lists by number, Senate bills, House bills, and joint resolutions enacted into law during a given session of Congress (since 1963), including corresponding private law number.	Statutes at Large, each volume, at beginning.
40. List of Public Laws. Lists by number, public laws enacted during a given session of Congress, including subject, date of enactment, and Statutes page numbers.	Statutes at Large, each volume, at beginning.
41. List of Private Laws. Lists by number, private laws enacted during a given session of Congress, including subject, date of enactment, and Statutes page numbers.	Statutes at Large, each volume, at beginning.
42. List of Concurrent Resolutions. Lists in chronological order, concurrent resolutions passed during a given session of Congress, including subject, date of passage, and the Statutes page numbers.	Statutes at Large, each volume, at beginning.
43. Guide to Legislative History of Bills Enacted Into Public Law. Lists by number, public laws enacted during a given session of Congress giving background sources, including approval dates, Statutes volume and page numbers, bill numbers, committee names and report numbers, dates of consideration and passage, and pertinent Congressional Record references.	Statutes at Large, each volume (since 1963), at end. *Note:* Separate history for each public law is carried on each slip law print.
44. Tables of Laws Affected. Lists (since 1956) laws and other Federal instruments amended, repealed, or otherwise expressly affected, or referred to or otherwise cited by provisions of public laws: Expressly affected: Table 1—General Legislation. Table 2—Revised Statutes. Table 3—Internal Revenue Code of 1939.	Statutes at Large: Separate pamphlet for Vol. 70; at end of each volume beginning with Vol. 71; 10-year cumulation in separate volume for 1956–1965.

Finding Aid	*Location*
44. Tables of Laws Affected—Continued Lists (since 1956) laws and other Federal instruments amended, repealed, or otherwise expressly affected, or referred to or otherwise cited by provisions of public laws (continued): Expressly affected (continued): Table 4—Internal Revenue Code of 1954. Table 5—Positive Law Titles. (a) United States Code. (b) District of Columbia Code. (c) Panama Canal Code. Table 6—Reorganization Plans. Table 7—Veterans' Regulations. Table 8—Executive Orders and Proclamations. Table 9—Treaties and International Agreements. Public laws expressing relationships in general terms (such as, "notwithstanding any other provision of law", "all laws in conflict with this law are hereby repealed", etc.): Table 10—Provisions Respecting General Repeals, Conflicts, Etc. Referred to or cited: Table 11—General Legislation. Table 12—Revised Statutes. Table 13—Internal Revenue Code of 1939. Table 14—Internal Revenue Code of 1954. Table 15—Positive Law Titles. (a) United States Code. (b) District of Columbia Code. (c) Panama Canal Code. Table 16—Reorganization Plans. Table 17—Veterans' Regulations. Table 18—Executive Orders and Proclamations. Table 19—Treaties and International Agreements.	Statutes at Large: etc.—Con.
45. Parallel Tables of Statutory Authorities and Rules. A. *Table of United States Code Citations.* Lists sections of the United States Code which are (a) cited as rule-making authority or (b) noted as being interpreted or applied by currently effective rules codified in the CFR.	2 CFR Ch. I, revised annually.
B. *Additions to 2 CFR.* Lists sections of the United States Code added to 2 CFR because of new or amended citations of authority in documents currently published in the Federal Register.	Included with List of CFR Sections Affected, at end (see Finding aid 3 C 1).
46. Statutes Cited as Authority for Presidential Documents. Lists statutes cited as issuance authority by Presidential documents published during a given year.	3 CFR: 5-year compilations, Table 5, and in annual supplements, Table 5.
47. Guide to Record Retention Requirements. Digests provisions of the United States Code and the CFR with respect to the keeping of records; includes an index to categories of persons, groups, and products covered.	1 CFR, Appendix A. Also published in Federal Register annually and available in pamphlet form on separate order.
48. "How To Find U.S. Statutes and U.S. Code Citations." Presents typical reference situations and illustrated procedures for finding accurate up-to-date citations to U.S. Statutes at Large and the U.S. Code.	Separate pamphlet published by the House Committee on the Judiciary, sold by Superintendent of Documents, Government Printing Office.

Table 4—Special Information Lists

The following special lists, published by the Office of the Federal Register, are not direct finding aids to agency, Presidential, or legislative materials, but contain information useful to legal researchers and others interested in such materials.

49. Acts Approved by the President.
50. CFR Checklist.
51. Executive agencies abolished, transferred, or terminated.
52. FAA Advisory Circulars Checklist.
53. Lists of current and superseded CFR volumes.
54. Nominations Submitted to the Senate.
55. Presidential Reports to Congress.
56. White House Releases.
57. List of Acts Requiring Publication in the Federal Register.
58. Checklist of White House Press Releases.
59. Digests of other White House announcements.

List	*Location*
49. Acts Approved by the President. Lists Acts approved by the President during a given week, including legislative and law numbers, and titles.	Weekly Compilation of Presidential Documents, at end.
50. CFR Checklist. Shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations.	Federal Register, first issue of each month, under 1 CFR.
51. Executive agencies abolished, transferred, or terminated. Lists Federal departments, commissions, boards, committees, functions, and similar authorities that have been abolished, transferred, or terminated since March 4, 1933.	Government Organization Manual, Appendix A.
52. FAA Advisory Circulars Checklist.	Federal Register, published triennially.
53. Lists of current and superseded CFR volumes. List by title, volumes of the CFR which are currently effective and those which have been superseded since January 1, 1945.	CFR, most volumes and supplements, at end.
54. Nominations Submitted to the Senate. Lists Presidential nominations to various positions, indicating the individual, legal residence, and position for which nominated.	Weekly Compilation of Presidential Documents each issue, at end.
55. Presidential Reports to Congress. Lists the reports, including subject, House document number if so published, date sent to Congress, and White House release date, if so issued.	Public Papers, each volume, Appendix C.
56. White House Releases. Lists press releases and other White House announcements of concern to the President.	Public Papers, each volume, Appendix A.
57. List of Acts Requiring Publication in the Federal Register. Cites in chronological order, provisions of U.S. Statutes at Large and U.S. Code requiring or authorizing publication of documents in the Federal Register.	1 CFR, Appendix B.
58. Checklist of White House Press Releases. Lists releases of the Office of the White House Press Secretary which have not been included in the issue.	Weekly Compilation, each issue, at end.
59. Digests of other White House announcements. Digests of other announcements not included in the issue.	Weekly Compilation, each issue, at end.

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DEC. 4 1969

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Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Comptroller of the Currency
Consumer and Marketing Service
Farm Credit Administration
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
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Land Management Bureau
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Small Business Administration
Tariff Commission
Treasury Department
Veterans Administration

Detailed list of Contents appears inside.



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Title 3—THE PRESIDENT

Executive Order 11496

REGULATION GOVERNING THE ENTRY OR WITHDRAWAL FROM WAREHOUSE OF CERTAIN MEAT WITH RESPECT TO WHICH AN AGREEMENT HAS BEEN CONCLUDED

WHEREAS section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854) (hereinafter referred to as "the Act") authorizes the President, whenever he determines such action appropriate, to negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom, and to issue regulations governing the entry or withdrawal from warehouse of any such commodity or product to carry out any such agreement; and

WHEREAS such an agreement was negotiated with the Government of Honduras by which the Government of Honduras agreed that during the calendar year 1969 exports from such country and imports into the United States for consumption of fresh, chilled, or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States) and fresh, chilled, or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States) would be limited to an aggregate quantity of 14.1 million pounds; and

WHEREAS an aggregate quantity in excess of 14.1 million pounds of such meat has been exported from Honduras and has been imported into the United States for consumption during the calendar year 1969:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and pursuant to section 204 of the Act, it is hereby ordered that the following regulation governing the entry, or withdrawal from warehouse, for consumption of meat, hereinafter specified, shall be effective immediately in order that said agreement entered into with the Government of Honduras may be carried out:

No articles provided for in items 106.10 (relating to fresh, chilled, or frozen cattle meat) and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1, of the Tariff Schedules of the United States, the product of Honduras, may be entered, or withdrawn from warehouse, for consumption in the United States during the remainder of the calendar year 1969.

This order shall not apply to meat released under the provisions of section 448 (b) of the Tariff Act of 1930 (19 U.S.C. 1448 (b)) prior to the date of this order.

Richard Nixon

THE WHITE HOUSE,
November 21, 1969.

[F.R. Doc. 69-14031; Filed, Nov. 21, 1969; 3:51 p.m.]

Rules and Regulations

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–2—PROCUREMENT BY FORMAL ADVERTISING

1. In § 8–2.201, paragraph (a) is amended to read as follows:

§ 8–2.201 Preparation of invitations for bids.

(a) Invitations for bids for supplies, equipment and services will be serially numbered at the time of issue. The number will consist of the station or marketing division number, the serial number of the invitation, and the fiscal year in which issued, e.g., 101–25–70. A new series beginning with the number 1 will be started each fiscal year. Invitations for bids for supplies, equipment and services which are issued, accepted, and become contracts in the same fiscal year but, because of procurement leadtime, will not be performed until the ensuing fiscal year will be numbered in the series of the year in which they are issued. However, invitations issued in one fiscal year that will result in a contract that will become effective and performed only in the ensuing fiscal year will be numbered in the ensuing fiscal year series.

* * * * *

PART 8–3—PROCUREMENT BY NEGOTIATION

2. Section 8–3.605–3 (formerly § 8–3.605–50) is added to read as follows:

§ 8–3.605–3 Agency order forms.

VA Form 07–2138, Order for Supplies or Services, and VA Form 07–2139, Order for Supplies or Services (Continuation), provide in one interleaved set of forms a purchase or delivery order, vendor's invoice, and receiving report. They will be used in lieu of and in the same manner as Standard Forms 147 and 148.

3. Section 8–3.605–50 is revoked.

§ 8–3.605–50 [Revoked]

PART 8–6—FOREIGN PURCHASES

4. Section 8–6.105 is revised to read as follows:

§ 8–6.105 Excepted articles, materials, and supplies.

Pursuant to the "Buy American Act," the Director, Supply Service has determined that the articles, materials, and supplies listed in this section may be acquired by the Veterans Administration without regard to source, except as provided in Subpart 8–6.53:

Acetylene, black.
Agar, bulk.
Anise.
Antimony, as metal or oxide.
Asbestos, amosite.
Bananas.
Beef, corned, canned.
Beef extract.
Bephenium hydroxynaphthoate.
Bismuth.
Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the United States and for which domestic editions are not available.
Brazil nuts.
Cadmium ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Chalk, English.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa beans.
Coconut and coconut meat in shredded, desiccated, or similarly prepared form.
Coffee, raw or green bean.
Colchicine alkaloid, raw.
Copra.
Cork, wood or bark, and waste.
Dammar gum.
Diamonds, industrial.
Emetine, bulk.
l-Ephedrine.
Ergot, crude.
Erythrityl tetranitrate.
Fiber, coir, abaca, and agave.
Flax.
Goat and kid skins.
Graphite, natural, crystalline, crucible grade.
Hemp.
Hog bristles for brushes.
Hyoscine, bulk.
Iodine, crude.
Ipecac, root.
Jute and jute burlaps.
Kaurigum.
Lac.
Lavender oil.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Manganese.
Menthol, natural, bulk.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Nux vomica, crude.
Oiticica oil.
Olive oil.
Olives, green; plain (unpitted) and stuffed, bulk.
Opium, crude.
Petroleum, crude oil; petroleum, finished products; and petroleum, unfinished oils.
Pine needle oil.
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Quinine.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin, crude.
Secretin.
Shellac.
Silk, unmanufactured.
Sisal.
Sperm oil.
Species and herbs.
Sugar.
Talc, block, steatite.
Tapioca, tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of tartar.
Tea.
Thyme oil.
Tin, in bars, blocks, and pigs.
Triprolidine hydrochloride.
Tungsten.
Vanilla beans.
Wax, carnauba.

PART 8–19—TRANSPORTATION

5. Section 8–19.203–3 is added to read as follows:

§ 8–19.203 Transportation factors in evaluation of bids.

§ 8–19.203–3 Lowest overall transportation costs.

Prospective bidders or offerors will be informed in the solicitation that when bids or proposals are solicited on:

(a) An f.o.b. origin basis only, the bids or offers will be evaluated in accordance with FPR 1–19.203–3;

(b) Either f.o.b. origin or f.o.b. destination basis, the f.o.b. origin bid or offer will be evaluated on the basis of the shipping rates in effect on the date solicitation was issued.

6. Section 8–19.305 is revised to read as follows:

§ 8–19.305 F.o.b. origin, freight prepaid.

(a) When it has been carefully determined that an f.o.b. origin purchase or delivery order will have transportation charges not in excess of $25, the delivery terms will be stated as "f.o.b. origin, transportation prepaid, with transportation charges to be included on the invoice."

(b) Orders issued on VA Form 07–2138 will direct the vendor's attention to Shipping Instructions No. 1 on the reverse of the form. When VA Form 07–2138 is not used, the vendor will be instructed as follows:

(1) Consistent with the terms of the contract, pack, mark and prepare shipment in conformance with carrier requirements to protect the personal property and assure assessment of the lowest applicable transportation charge.

(2) Add transportation charges as a separate item on your invoice. Insurance charges will not be paid unless the order specifically requires that the shipment

be insured. If shipment is made by other than parcel post, the invoice must be supported by either a receipted transportation bill or an unreceipted bill bearing the following certification: "The invoiced transportation charges have been paid and evidence of such payment will be furnished upon the Government's request."

(3) Do not prepay transportation charges on this order if such charges will exceed $25. Ship collect and annotate the commercial bill of lading or express receipt, "To be converted to Government Bill of Lading." These instructions do not apply if the order in question is placed against a Federal Supply Schedule contract that authorizes prepayment of transportation charges regardless of cost.

(c) Each contracting officer is responsible for:

(1) Making a diligent effort to obtain the most accurate estimate possible of transportation charges; and

(2) Utilizing the authority in paragraph (a) of this section only when to the best of his knowledge the transportation charges will not exceed $25.

(d) When in accordance with FPR 1-10.3 and 1-19.1 it is determined that a shipment is to be insured, the vendor will be specifically instructed to do so on the order, when a written order is used. If the order is an oral order, all copies of the purchase request will be annotated to show that insurance was specifically requested.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: November 18, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-13976; Filed, Nov. 24, 1969; 8:47 a.m.]

Chapter 10—Department of the Treasury

PART 10-17 — EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE NATIONAL DEFENSE

Revocation

Part 10-17 of Chapter 10 of Title 41 of the Code of Federal Regulations is revoked.

Dated: November 18, 1969.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 69-13964; Filed, Nov. 24, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Application for Renewal of License; Correction

The Commission's Order, FCC 69-777, released on July 18, 1969, and published in the FEDERAL REGISTER on July 24, 1969, 34 F.R. 12218, is corrected to include an amendment to § 1.926(b) (1) and (4) to read as follows:

§ 1.926 Application for renewal of license.

* * * * *

(b) (1) Applications for renewal of an amateur operator license, an amateur station license (with the exception of an amateur club or military recreation station license), or a combined amateur operator station license shall be filed on FCC Form 610.

* * * * *

(4) Applications for renewal of an amateur club or military recreation station license shall be filed on FCC Form 610-B.

* * * * *

Released: November 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13996; Filed, Nov. 24, 1969; 8:49 a.m.]

PART 73—RADIO BROADCAST SERVICES

Rebroadcast With Regard to Standard, FM, and Noncommercial Educational FM Broadcast Services

1. The Commission has before it a request to amend §§ 73.121(a), 73.291(a), and 73.591(a) of the Commission's rules and regulations which govern the subject of rebroadcast with regard to the standard, FM and noncommercial educational FM broadcast services, respectively.

2. Experience with these sections has shown that Note 2 of §§ 73.121(a) and 73.291(a), and the corresponding language of § 73.591(a), have caused considerable confusion to members of the industry, and it therefore appears advisable to clarify them. The confusion appears to arise from the fact that these provisions refer to transmission "entirely by telephone facilities in which a section of such transmission is of radio." "Telephone" and "radio" are regarded by some as mutually exclusive terms; actually what is meant in these passages is a common carrier (or "telephone company") arrangement, part of which includes radio transmission. It is desired to change the language of these sections to describe more accurately what is meant, and remove the confusion.

3. *Accordingly, it is ordered,* That effective November 26, 1969, §§ 73.121(a), 73.291(a), and 73.591(a) of the Commission's rules and regulations are amended as set forth below.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules. Because the amendment is editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: November 19, 1969.

Released: November 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.121, Note 2 to paragraph (a) is amended to read as follows:

§ 73.121 Rebroadcast.

(a) * * *

NOTE 2: In case a program is transmitted from its point of origin to a broadcast station entirely by common carrier facilities, whether by wire line or radio, the transmission of this program is not considered a rebroadcast.

* * * * *

2. In § 73.291, Note 2 to paragraph (a) is amended to read as follows:

§ 73.291 Rebroadcast.

(a) * * *

NOTE 2: In case a program is transmitted from its point of origin to a broadcast station entirely by common carrier facilities, whether by wire line or radio, the transmission of this program is not considered a rebroadcast.

* * * * *

3. In § 73.591, paragraph (a) is amended to read as follows:

§ 73.591 Rebroadcast.

(a) The term "rebroadcast" means reception by radio of the program of a radio station and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a remote pickup broadcast station or studio transmitter link is not considered a rebroadcast. In case a program is transmitted from its point of origin to a broadcast station entirely by common carrier facilities, whether by wire line or radio, the transmission of this program is not considered a rebroadcast.

* * * * *

[F.R. Doc. 69-13997; Filed, Nov. 24, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1970 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

STATE RESERVES, COUNTY ALLOTMENTS, AND COUNTY PROJECTED YIELDS

The provisions of §§ 722.482 to 722.484 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1970 crop of upland cotton. The purpose of these provisions is to establish State reserves, allocate the State reserves to counties, allocate each State's share of the national reserve to counties, establish county allotments, and establish county projected yields. Determinations with respect to the State reserves and county allotments were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 33 F.R. 542, 4275).

Notice that the Secretary was preparing to make determinations with respect to these matters was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13662), in accordance with the provisions of 5 U.S.C. 553. No written submissions were received in response to such notice.

In order that farmers may be informed as soon as possible of 1970 farm allotments and projected yields so that they may make plans accordingly, it is essential that these provisions be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and §§ 722.482 to 722.484 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.482 State reserves and county allotments for the 1970 crop of upland cotton.

(a) *State reserves.* Pursuant to the authority provided in § 722.407 of the Regulations for Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton (33 F.R. 895), the 1970 State acreage reserves for Louisiana, Mississippi, and South Carolina have been approved by the Deputy Administrator, State and County Operations, to be in excess of 2 percent of the State allotment available for distribution to counties in the State. The State reserve for each State shall be established and allocated among uses as shown in the following table for the 1970 crop of upland cotton pursuant to § 722.407. The table also sets forth the allotment in the State productivity pool which shall not be allocated to counties and farms, as required under § 722.408(a) of the Regulations for Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton (33 F.R. 895 and 17346, 34 F.R. 18089).

State	State productivity pool	Total State reserve	Allocations from State reserve for—			
			Trends	Small farms	Inequity and hardship cases	New farms and set-aside for errors
	Acres					
Alabama	9,674	100				100
Arizona	1,280	10				10
Arkansas	19,089	237				237
California	3,332	50				50
Florida	351	200				200
Georgia	18,334	200				200
Illinois	91					
Kansas						
Kentucky	33	145			110	35
Louisiana	15,313	57,676	56,901		775	
Mississippi	14,123	80,620	80,559			61
Missouri	389	20				20
Nevada	11					
New Mexico	343	101			76	25
North Carolina	1,369	9,228	8,822			406
Oklahoma	4,639	14,793	14,388			405
South Carolina	4,525	70,145	70,045			100
Tennessee	2,736	11,241	11,181			60
Texas	112,709	10,000	9,000			1,000
Virginia	15	309		150	150	9
U.S. total	208,358	255,075	250,896	150	1,112	2,917

(b) *Explanation of allocations of State reserve among uses*— (1) *State reserve for minimum farms.* It is hereby determined that each State's share of the national reserve will meet the requirements for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the act, and accordingly, the State committee is not required to establish a State reserve for minimum farm allotments.

(2) *State reserve for abnormal conditions.* It is hereby determined that no State reserve for abnormal conditions is required.

(3) *State reserve for trends.* It is hereby determined that State reserves in substantial amounts are required for trend adjustments in applicable counties of Louisiana, Mississippi, and South Carolina. Cotton producers in such counties generally plant the entire farm allotment each year, and the size of available farm allotments is the limiting factor on the acreage planted to cotton in such counties. Cotton producers in other areas of these States fail to fully utilize farm allotments because of a trend away from cotton production. It is also determined that State reserves in relatively small amounts are required for trend adjustments in applicable counties of North Carolina, Oklahoma, Tennessee, and Texas.

(4) *State reserve to correct inequities and prevent hardships.* It is hereby determined that State reserves are required to correct inequities in farm allotments and to prevent hardships on farms in applicable counties of Kentucky, Louisiana, New Mexico, and Virginia.

(5) *State reserve for new farms and set-aside.* It is hereby determined that State reserves for new farms shall be established only for Kentucky, North Carolina, and Oklahoma. Such reserve is included with the State reserve for set-aside for correction of errors.

(6) *State reserve for small farms.* It is hereby determined that a State reserve for small farms is required for adjustment of farm allotments for small farms in applicable counties of Virginia.

(c) *County allotments.* County allotments are established for the 1970 crop of upland cotton in accordance with § 722.408 of the Regulations for Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton (33 F.R. 895 and 17346). Each county allotment consists of the sum of the computed county allotment, allocation from the State's share of the national reserve and allocation from the State reserve for trends. A table setting forth the county allotment, allocation from the State's share of the national reserve, and allocations from the State reserve is contained in § 722.484.

§ 722.483 County projected yields for the 1970 crop of upland cotton.

(a) *Method of determining county projected yields.* County projected yields for the 1970 crop of upland cotton were determined on the basis of the average yield per harvested acre in the counties during 1964, 1965, 1966, 1967, and 1968, adjusted for abnormal weather conditions affecting such yields, for trends in yields and for any significant changes in production practices, as provided under section 301(b)(13)(L) of the act.

(b) *Adjustments for abnormal weather conditions, trends, and significant changes in production practices.* The harvested yields for each county were adjusted for abnormal weather conditions, for trends in yields and for any significant changes in production practices as follows:

(1) A 5-year (1964-68) simple average yield was obtained for each county. For each annual yield in the 5-year period which was less than 80 percent of the 5-year average yield, a yield equal to 80 percent of such 5-year average was substituted. For each annual yield in the 5-year period which was more than 140 percent of the 5-year average yield, a

yield equal to 140 percent of such 5-year average was substituted. A simple average of the 5-year yields so adjusted was obtained for each county (referred to as the "weather-adjusted 5-year average").

(2) A 10-year (1959–68) simple average yield was obtained for each county. For each annual yield in the 10-year period which was less than 80 percent of the 10-year average yield, a yield equal to 80 percent of such 10-year average was substituted. For each annual yield in the 10-year period which was more than 140 percent of the 10-year average yield, a yield equal to 140 percent of such 10-year average was substituted. A simple average of the 10-year yields so adjusted was obtained for each county (referred to as the "weather-adjusted 10-year average").

(3) The larger of the weather-adjusted 5-year average or the weather-adjusted 10-year average was used as the weather-adjusted county average yield.

(4) In those counties in which the weather-adjusted 5-year average was higher than the weather-adjusted 10-year average, one-half of the difference between the weather-adjusted 5-year average and the weather-adjusted 10-year average was added to the weather-adjusted 5-year average as an adjustment for trends and significant changes in production practices (referred to as the "weather-trend adjusted yield"). In those counties in which the weather-adjusted 5-year average was less than the weather-adjusted 10-year average no trend adjustment was made and the weather-adjusted 10-year average was used as the weather-trend adjusted yield.

(c) ***Preliminary county projected yields.*** Preliminary county projected yields were determined as follows:

(1) A State weighted average of county weather-trend adjusted yields determined under paragraph (b) of this section was obtained by dividing (i) the sum of the products of the 1969 county allotments, including allocations from the State reserve for inequities and hardships, small farms, new farms, and set-aside, times the county weather-trend adjusted yields, under paragraph (b) (4), by (ii) the State total of 1969 county allotments, including allocations from the State reserve for inequities and hardships, small farms, new farms, and setaside.

(2) A State yield factor was computed by dividing (i) the 1970 State projected yield determined under § 722.481 (34 F.R. 17101) minus a State poundage reserve of approximately 2 pounds minus an estimated amount required to prevent any 1970 county preliminary projected yield from dropping below 87 percent of the 1969 county projected yield by (ii) the State weighted average of county weather-trend adjusted yields determined under subparagraph (1) of this paragraph.

(3) The preliminary county projected yield was obtained by multiplying the county weather-trend adjusted yield by the State yield factor. No county preliminary projected yield was allowed to drop below 87 percent of the 1969 county projected yield set forth under § 722.471 (33 F.R. 17757 and 18925).

(d) ***County projected yields for 1970.*** The preliminary county projected yields for each State established under paragraph (c) of this section were reviewed by the State committee and on the basis of all available data, the State committee adjusted such preliminary county projected yields, utilizing to the extent necessary the reserve poundage resulting from subtracting (i) the sum of the products of the 1969 county allotments, including allocations from the State reserve for inequities and hardships, small farms, new farms, and set-aside, times the county preliminary projected yields, obtained in paragraph (c) of this section, from (ii) the sum of the products of the 1969 State allotment established under § 722.465 (33 F.R. 15405) less the 1969 allotment in the State productivity pool established under § 722.471 (33 F.R. 17757 and 18925) times the 1970 State projected yield established under § 722.481 (34 F.R. 17101). The State total of the proudcts of the resultant recommended county projected yields times the 1969 county allotments, including allocations from the State reserve for inequities and hardships, small farms, new farms and set-aside, is within the State total of the 1969 State allotment less the 1969 allotment in the State productivity pool times the 1970 State projected yield. A table setting forth the county projected yields for 1970 is contained in § 722.484.

§ 722.484 County allotments, allocations to counties from the national and State reserves and county projected yields for the 1970 crop of upland cotton.

The following table sets forth the county allotment, allocation from the State's share of the national reserve, and allocations from the State reserve, as determined under § 722.482. It also sets forth the county projected yields, as determined under § 722.483.

STATE RESERVES, COUNTY ALLOTMENTS, AND COUNTY PROJECTED YIELDS FOR 1970 CROP OF UPLAND COTTON

ALABAMA

County	Computed county allotment (1)	Allocation from national reserve (2)	Allocation from State reserve trends (3)	County allotment (sum of columns (1), (2), and (3)) (4)	Allocation from State reserve for inequity and hardship cases (5)	County projected yield (6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Autauga	9,830	166	0	9,996	0	692
Baldwin	2,880	66	0	2,946	0	429
Barbour	14,532	384	0	14,916	0	372
Bibb	3,999	53	0	4,052	0	588
Blount	17,228	172	0	17,400	0	414
Bullock	8,554	55	0	8,609	0	321
Butler	9,628	151	0	9,779	0	419
Calhoun	6,920	78	0	6,998	0	431
Chambers	9,494	150	0	9,644	0	434
Cherokee	22,645	784	0	23,429	0	606
Chilton	9,630	233	0	9,863	0	428
Choctaw	6,562	139	0	6,701	0	348
Clarke	6,091	15	0	6,106	0	326
Clay	1,930	0	0	1,930	0	362
Cleburne	1,833	0	0	1,833	0	370
Coffee	18,233	286	0	18,519	0	365
Colbert	22,210	318	0	22,528	0	562
Conecuh	12,639	254	0	12,893	0	273
Coosa	1,059	0	0	1,059	0	315
Covington	16,305	340	0	16,645	0	365
Crenshaw	10,078	164	0	10,242	0	406
Cullman	33,825	737	0	34,562	0	494
Dale	8,222	147	0	8,369	0	379
Dallas	26,900	549	0	27,449	0	481
De Kalb	32,218	1,272	0	33,490	0	508
Elmore	15,108	236	0	15,344	0	533
Escambia	10,668	220	0	10,888	0	562
Etowah	12,076	386	0	12,462	0	406
Fayette	9,017	183	0	9,200	0	446
Franklin	13,493	172	0	13,665	0	410
Geneva	20,515	554	0	21,069	0	284
Greene	13,287	345	0	13,632	0	447
Hale	15,463	292	0	15,755	0	481
Henry	16,018	347	0	16,365	0	392
Houston	26,906	663	0	27,569	0	397
Jackson	24,743	790	0	25,533	0	490
Jefferson	3,691	0	0	3,691	0	451
Lamar	10,908	173	0	11,081	0	411
Lauderdale	28,158	403	0	28,561	0	493
Lawrence	39,819	1,356	0	41,175	0	593
Lee	9,233	104	0	9,337	0	412
Limestone	54,206	1,630	0	55,836	0	559
Lowndes	10,497	151	0	10,648	0	474
Macon	16,534	418	0	16,952	0	434
Madison	60,917	1,504	0	62,421	0	558
Marengo	16,325	168	0	16,493	0	372
Marion	13,155	217	0	13,372	0	463
Marshall	30,078	910	0	30,988	0	510
Mobile	3,370	92	0	3,462	0	341
Monroe	18,064	419	0	18,483	0	499
Montgomery	10,819	69	0	10,888	0	374
Morgan	28,535	611	0	29,146	0	456
Perry	11,008	210	0	11,218	0	453
Pickens	15,115	223	0	15,338	0	441
Pike	15,450	224	0	15,674	0	331
Randolph	6,407	267	0	6,674	0	363
Russell	10,145	175	0	10,320	0	363
Saint Clair	3,930	0	0	3,930	0	419

ARKANSAS—continued

County	Computed county allotment (1)	Allocation from national reserve (2)	Allocation from State reserve trends (3)	County allotment (sum of columns (1), (2), and (3)) (4)	Allocation from State reserve for inequity and hardship cases (5)	County projected yield (6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Lincoln	33,719	122	0	33,841	0	652
Little River	4,968	0	0	4,968	0	445
Logan	1,380	0	0	1,380	0	434
Lonoke	49,829	147	0	49,976	0	497
Marion	28	0	0	28	0	263
Miller	9,354	0	0	9,354	0	452
Mississippi	191,092	730	0	191,792	0	536
Monroe	40,393	193	0	40,586	0	595
Nevada	814	66	0	880	0	364
Newton	35	0	0	35	0	271
Ouachita	2,443	0	0	2,443	0	343
Perry	924	0	0	924	0	315
Phillips	86,980	462	0	86,580	0	627
Pike	89,386	0	0	89,386	0	469
Poinsett	2,664	72	0	2,664	0	445
Polk	9,069	0	0	9,069	0	426
Pope	17,810	0	0	17,810	0	464
Prairie	9,749	0	0	9,749	0	473
Pulaski	69,440	0	0	69,440	0	699
Randolph	55	18	0	73	0	399
St. Francis	150	0	0	150	0	397
Saline	291	12	0	155	0	380
Scott	1,069	0	0	291	0	293
Searcy	0	0	0	1,069	0	319
Sebastian	76	4	0	0	0	387
Sevier	152	2	0	80	0	359
Sharp	2	0	0	294	0	258
Stone	18,948	17	0	18,948	0	317
Union	38,669	0	0	38,686	0	488
Van Buren	5,990			5,990		465
Washington						
White						
Woodruff						
Yell						

CALIFORNIA

Fresno	197,016	567	0	197,583	0	1,066
Imperial	50,536	92	0	50,918	0	1,586
Kern	162,897	941	0	163,838	0	1,122
Kings	103,387	144	0	103,531	0	1,141
Madera	48,309	117	0	48,426	0	805
Merced	28,515	44	0	28,559	0	844
Riverside	20,329	88	0	20,387	0	1,293
San Benito	148	0	0	148	0	994
San Bernardino	382	0	0	382	0	941
San Diego	88	0	0	88	0	1,349
Stanislaus	55	0	0	55	0	742
Tulare	145,173	414	0	145,587	0	845

FLORIDA

Alachua	86	0	0	86	0	282
Baker	3	0	0	3	0	275
Bay	49	4	0	53	0	295
Calhoun	435	0	0	435	0	314
Clay	0	43	0	43	0	317
Columbia	260	43	0	303	0	295
Dixie	16	34	0	50	0	295
Escambia	1,437	52	0	1,489	0	441
Gadsden	155	19	0	174	0	393
Hamilton	1,184	54	0	1,238	0	231

ALABAMA—continued

County	Computed county allotment (1)	Allocation from national reserve (2)	Allocation from State reserve trends (3)	County allotment (sum of columns (1), (2), and (3)) (4)	Allocation from State reserve for inequity and hardship cases (5)	County projected yield (6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Shelby	6,247	55	0	6,302	0	562
Sumter	14,942	187	0	14,224	0	379
Talladega	12,547	306	0	12,853	0	458
Tallapoosa	7,029	112	0	7,141	0	401
Tuscaloosa	16,699	305	0	16,977	0	416
Walker	2,375	0	0	2,375	0	436
Washington	2,514	76	0	2,590	0	345
Wilcox	11,580	153	0	11,742	0	363
Winston	7,328	141	0	7,469	0	363

ARIZONA

Cochise	14,978	24	0	15,002	0	1,611
Gila	41	0	0	41	0	1,611
Graham	9,314	76	0	9,390	0	1,950
Greenlee	1,960	48	0	1,950	0	1,722
Maricopa	132,708	196	0	132,904	0	1,441
Mohave	303	0	0	303	0	805
Pima	22,396	0	0	22,396	0	844
Pinal	135,909	82	0	135,991	0	1,293
Santa Cruz	922	0	0	922	0	994
Yavapai	14	0	0	14	0	941
Yuma	33,010	46	0	33,056	0	1,349

ARKANSAS

Arkansas	10,145	38	0	10,183	0	652
Ashley	27,640	49	0	27,689	0	445
Baxter	6	5	0	11	0	434
Bradley	4,975	0	0	4,975	0	497
Calhoun	2,527	0	0	2,527	0	263
Chicot	33,496	197	0	35,693	0	452
Clark	3,747	0	0	3,747	0	536
Clay	41,545	95	0	41,545	0	595
Cleburne	231	231	0	1,950	0	364
Cleveland	1,611	0	0	1,611	0	271
Columbia	4,184	0	0	4,184	0	343
Conway	5,937	0	0	5,937	0	315
Craighead	86,016	14	0	86,016	0	627
Crawford	27	1	0	28	0	469
Crittenden	102,153	408	0	102,561	0	493
Cross	39,074	89	0	39,163	0	445
Dallas	1,935	0	0	1,935	0	426
Desha	45,747	181	0	45,928	0	699
Drew	14,105	37	0	14,142	0	599
Faulkner	10,246	0	0	10,246	0	397
Franklin	402	0	0	402	0	397
Fulton	132	0	0	132	0	380
Grant	40,162	217	0	40,379	0	393
Greene	3,523	0	0	3,523	0	393
Hempstead	90	0	0	90	0	315
Hot Spring	1,243	0	0	1,243	0	627
Howard	5,583	0	0	5,583	0	469
Independence	745	0	0	745	0	493
Izard						
Jackson	45,441	251	0	45,692	0	445
Jefferson	74,718	280	0	74,998	0	426
Johnson	889	0	0	889	0	699
Lafayette	14,500	22	0	14,522	0	599
Lawrence	30,910	35	0	30,945	0	397
Lee	61,263	16	0	61,279	0	397

GEORGIA—continued

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment (sum of columns (1), (2), and (3))	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Effingham	1,501	37	0	1,538	0	293
Elbert	8,733	316	0	9,049	0	413
Emanuel	10,953	313	0	11,266	0	406
Evans	2,040	91	0	2,131	0	395
Fayette	1,019	73	0	1,092	0	381
Floyd	7,222	337	0	7,559	0	416
Forsyth	7,490	69	0	7,559	0	340
Fulton	638	11	0	649	0	413
Glascock	4,902	104	0	5,006	0	343
Gordon	9,730	336	0	10,066	0	417
Grady	3,690	91	0	3,781	0	422
Greene	2,391	18	0	2,409	0	341
Gwinnett	2,192	38	0	2,230	0	224
Habersham	45	8	0	53	0	353
Hall	1,378	9	0	1,387	0	340
Hancock	739	9	0	748	0	321
Haralson	8,500	187	0	8,687	0	314
Harris	746	7	0	746	0	284
Hart	1,506	0	0	1,506	0	273
Heard	11,546	336	0	11,836	0	434
Henry	926	27	0	953	0	328
Houston	8,302	151	0	8,453	0	373
Irwin	6,913	0	0	6,913	0	440
Jackson	10,216	158	0	10,374	0	393
Jasper	6,984	101	0	6,085	0	337
Jeff Davis	2,822	32	0	3,011	0	394
Jefferson	19,794	611	0	20,354	0	443
Jenkins	12,045	149	0	12,194	0	422
Johnson	15,925	251	0	16,176	0	427
Jones	0	0	0	0	0	337
Lamar	2,586	57	0	2,643	0	301
Lanier	636	53	0	689	0	328
Laurens	9,004	393	0	9,397	0	490
Lee	3,799	77	0	3,876	0	477
Liberty	129	2	0	131	0	307
Lincoln	1,792	33	0	1,797	0	244
Long	512	42	0	514	0	271
Lowndes	3,331	43	0	3,374	0	243
Lumpkin	43	0	0	43	0	363
McDuffie	6,052	169	0	6,221	0	345
Macon	12,251	297	0	12,588	0	343
Madison	10,020	225	0	10,245	0	346
Marion	3,544	94	0	3,893	0	436
Meriwether	11,564	309	0	11,873	0	397
Miller	6,063	0	0	6,063	0	440
Mitchell	12,819	214	0	13,033	0	405
Monroe	750	9	0	759	0	337
Montgomery	3,890	88	0	3,978	0	387
Morgan	14,492	158	0	14,650	0	393
Murray	2,743	0	0	2,743	0	293
Newton	5,463	115	0	5,578	0	344
Oconee	8,014	230	0	8,244	0	348
Oglethorpe	7,206	257	0	7,463	0	343
Paulding	791	70	0	861	0	278
Peach	2,394	32	0	2,426	0	349
Pickens	19	19	0	19	0	277
Pierce	2,180	37	0	2,217	0	305
Pike	6,026	37	0	6,063	0	345
Polk	6,073	104	0	6,177	0	376
Pulaski	9,867	161	0	10,148	0	556
Putnam	838	4	0	842	0	364
Quitman	1,226	8	0	1,234	0	364
Randolph	6,303	202	0	6,505	0	491
Richmond	2,330	82	0	2,412	0	554
Rockdale	1,948	34	0	1,982	0	370
Schley	3,722	57	0	3,782	0	418
Screven	10,901	257	0	17,158	0	469
Seminole	4,854	34	0	4,888	0	387

LOUISIANA

Parish	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment (sum of columns (1), (2), and (3))	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Acadia	9,845	299	0	10,144	73	453
Allen	491	0	0	491	0	399
Ascension	13	0	0	13	0	343
Avoyelles	20,994	889	0	21,883	0	399
Beauregard	157	12	0	169	0	313
Bienville	970	0	0	970	34	310
Bossier	17,400	122	1,640	19,162	0	633
Caddo	31,394	122	2,137	33,653	0	736
Caldwell	7,104	78	4,041	11,223	0	645
Calcasieu	11,722	283	1,058	13,063	0	239
Claiborne	1,744	29	1,675	3,448	46	608
Concordia	1,315	76	0	1,391	0	295
De Soto	6,868	16	1,801	10,685	0	605
East Baton Rouge	272	0	0	272	0	375
East Carroll	32,305	74	4,871	37,250	0	728
East Feliciana	317	15	0	332	0	357
Evangeline	14,116	492	990	15,560	0	510
Franklin	68,116	492	7,396	68,914	0	614
Grant	4,362	24	809	4,195	0	570
Iberia	310	0	0	310	0	580
Iberville	251	3	0	254	0	580
Jackson	477	5	0	482	8	345
Jefferson Davis	89	1	0	90	7	365
Lafayette	10,886	187	0	11,043	0	455
La Salle	439	15	77	531	0	603
Lincoln	610	12	0	622	1	274
Livingston	14	0	0	14	0	287
Madison	21,606	118	3,049	24,773	0	780
Morehouse	35,600	231	4,883	40,714	0	744
Natchitoches	20,844	182	2,686	23,712	0	610
Ouachita	14,572	151	1,995	16,642	0	728
Pointe Coupee	7,607	151	0	7,758	319	499
Rapides	10,182	191	2,562	12,935	0	599
Red River	9,918	97	1,185	11,200	0	697
Richland	40,571	464	6,486	56,521	0	697
Sabine	291	1	0	292	68	280
Saint Helena	1,364	1	0	1,365	0	207
Saint Landry	31,467	1,075	2,009	34,559	0	441
Saint Martin	6,182	88	0	6,270	0	511
Saint Tammany	59	1	0	60	0	287
Tangipahoa	156	3	0	159	25	250
Tensas	21,197	154	3,074	24,265	25	791
Union	1,856	40	0	1,876	22	345
Vermilion	3,456	0	0	3,456	0	365
Vernon	227	3	0	230	87	309
Washington	4,299	0	0	4,299	0	354
Webster	979	5	0	984	110	444
West Baton Rouge	848	14	0	862	0	586
West Carroll	27,076	748	3,072	30,896	22	585
West Feliciana	770	7	0	777	0	345
Winn	671	2	0	673		344

FLORIDA—continued

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment (sum of columns (1), (2), and (3))	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Holmes	4,846	378	0	5,224	0	363
Jackson	7,711	748	0	8,459	0	354
Jefferson	1,415	128	0	1,543	0	406
Lafayette	247	2	0	249	0	297
Leon	278	33	0	311	0	381
Levy	6	0	0	6	0	415
Liberty	16	4	0	20	0	340
Madison	2,889	273	0	3,162	0	413
Nassau	1,351	97	0	1,378	0	343
Suwannee	6,262	290	0	6,552	0	417
Taylor	723	127	0	850	0	341
Union	27	9	0	36	0	224
Walton	2,259	98	0	33	0	353
Washington	966	79	0	945	0	340

GEORGIA

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment (sum of columns (1), (2), and (3))	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Appling	4,429	33	0	4,462	0	327
Atkinson	1,000	11	0	1,011	0	327
Bacon	2,309	33	0	2,342	0	399
Baker	2,230	47	0	3,277	0	343
Baldwin	2,401	47	0	2,448	0	399
Banks	2,288	7	0	2,303	0	313
Barrow	5,453	0	0	5,453	0	310
Bartow	17,817	538	0	18,355	0	333
Ben Hill	5,238	42	0	5,280	0	394
Berrien	3,618	87	0	3,705	0	413
Bibb	558	0	0	558	0	422
Bleckley	7,519	156	0	7,675	0	271
Brantley	44	1	0	45	0	243
Brooks	9,004	300	0	9,304	0	363
Bryan	202	1	0	203	0	345
Bulloch	14,746	533	0	15,281	0	343
Burke	36,254	280	0	36,574	0	356
Butts	4,793	94	0	4,537	0	436
Calhoun	5,723	93	0	5,815	0	307
Camden	6,714	243	0	6,957	0	277
Carroll	6,415	177	0	6,592	0	387
Catoosa	649	24	0	673	0	293
Charlton	13	0	0	13	0	338
Chatham	67	0	0	67	0	338
Chattahoochee	69	2	0	71	0	343
Chattooga	4,532	73	0	4,605	0	348
Cherokee	180	30	0	210	0	278
Clarke	1,555	0	0	1,555	0	343
Clay	3,607	53	0	3,660	0	343
Clayton	284	17	0	301	0	343
Clinch	135	2	0	137	0	338
Cobb	198	0	0	198	0	338
Coffee	7,107	240	0	7,347	0	338
Colquitt	22,081	606	0	22,687	0	338
Columbia	1,598	0	0	1,598	0	343
Cook	3,964	120	0	4,084	0	343
Coweta	5,951	26	0	5,977	0	343
Crawford	6,067	44	0	6,731	0	343
Crisp	10,857	260	0	11,067	0	343
Dade	305	0	0	305	0	343
Dawson	145	3	0	145	0	343
Decatur	4,069	0	0	4,069	0	343
De Kalb	50	12	0	62	0	343
Dodge	13,727	315	0	14,042	0	343
Dooly	27,394	75	0	28,037	0	343
Dougherty	2,063	0	0	2,063	0	343
Early	72	0	0	72	0	343
Echols	13,964	107	0	14,071	0	343
	60	0	0	60	0	343

ILLINOIS

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Alexander	1,691	6	0	1,697	0	462
Massac	3	0	0	3	0	397
Pulaski	1,161	10	0	1,171	0	305

KANSAS

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Montgomery	13	2	0	15	0	381

KENTUCKY

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Ballard	4	4	0	8	0	422
Calloway	65	2	0	67	0	411
Carlisle	47	7	0	54	0	690
Fulton	5,986	132	0	6,118	100	972
Graves	144	0	0	144	0	472
Hickman	830	35	0	874	10	446
Marshall	5	1	0	6	0	361
	7	5	0	12	0	

MISSISSIPPI

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment (sum of columns (1), (2), and (3))	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Adams	2,076	0	99	2,175	0	617
Alcorn	13,289	420	827	14,536	0	540
Amite	3,157	0	115	3,272	0	377
Attala	12,681	222	740	13,593	0	620
Benton	11,974	275	653	12,902	0	538
Bolivar	120,974	454	6,799	128,227	0	760
Calhoun	16,138	448	1,017	17,603	0	657
Carroll	14,961	328	812	15,801	0	687
Chickasaw	14,512	370	817	15,699	0	498
Choctaw	3,467	63	68	3,598	0	514
Claiborne	4,242	52	126	4,420	0	500
Clarke	3,933	0	0	3,933	0	400
Clay	7,516	580	154	8,250	0	469
Coahoma	88,988	242	5,004	94,234	0	826
Copiah	7,142	0	238	7,380	0	541
Covington	7,773	229	99	8,101	0	421
De Soto	32,462	373	1,850	34,685	0	562
Forrest	480	0	38	518	0	401
Franklin	640	0	57	697	0	325
George	298	0	28	326	0	332
Greene	987	0	35	1,022	0	363
Grenada	11,458	143	647	12,248	0	699
Hancock	0	0	0	0	0	310
Hinds	22,105	215	630	22,950	0	540
Holmes	34,924	464	1,983	37,371	0	589
Humphreys	48,002	82	2,679	50,763	0	468
Issaquena	11,542	88	643	12,273	0	568
Itawamba	10,177	236	578	10,991	0	484
Jackson	0	0	0	0	0	364
Jasper	5,710	0	14	5,724	0	363
Jefferson	3,518	0	76	3,594	0	406
Jefferson Davis	13,181	406	469	14,056	0	384
Jones	6,945	0	108	7,053	0	463
Kemper	8,863	280	384	9,527	0	436
Lafayette	15,901	208	874	16,983	0	489
Lamar	1,039	53	112	1,204	0	528
Lauderdale	2,976	0	103	3,079	0	393
Lawrence	6,299	81	0	6,380	0	391
Leake	14,617	463	717	15,797	0	581
Lee	25,620	292	1,489	27,401	0	449
Leflore	74,192	229	4,162	78,583	0	819
Lincoln	3,357	0	165	3,522	0	360
Lowndes	15,303	253	908	16,464	0	485
Madison	32,261	217	1,760	34,238	0	608
Marion	8,231	56	100	8,387	0	353
Marshall	34,084	456	1,920	37,060	0	599
Monroe	27,754	453	1,598	29,845	0	531
Montgomery	7,348	211	383	7,942	0	488
Neshoba	12,208	0	297	12,505	0	400
Newton	3,461	0	145	3,606	0	397
Noxubee	15,486	324	725	16,536	0	446
Oktibbeha	3,747	78	29	3,854	0	380
Panola	39,698	381	2,234	42,313	0	657
Pearl River	41	0	0	41	0	310
Perry	1,502	21	34	1,647	0	335
Pike	2,646	0	88	2,734	0	329
Pontotoc	10,240	709	1,157	21,106	0	544
Prentiss	16,743	612	899	18,274	0	524
Quitman	59,642	239	3,399	63,280	0	709
Rankin	7,626	9	385	8,011	0	384
Scott	9,173	75	99	9,347	0	507
Sharkey	27,975	94	1,569	29,638	0	975
Simpson	10,374	0	218	10,592	0	393
Smith	8,041	32	380	9,053	0	386

MISSISSIPPI—continued

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Sunflower	124,095	388	6,939	131,422	0	806
Tallahatchie	59,880	296	3,416	63,592	0	825
Tate	24,134	328	1,367	25,829	0	665
Tippah	15,411	884	922	16,917	0	582
Tishomingo	9,063	430	462	9,955	0	479
Tunica	48,288	78	2,677	51,043	0	691
Union	17,193	528	945	18,666	0	537
Walthall	10,421	104	326	10,851	0	373
Warren	5,967	0	412	6,379	0	703
Washington	84,338	295	4,648	89,281	0	947
Wayne	5,310	138	96	5,544	0	426
Webster	8,297	352	532	9,181	0	649
Wilkinson	929	0	177	1,106	0	392
Winston	10,712	254	643	11,609	0	530
Yalobusha	12,789	298	799	13,886	0	648
Yazoo	43,099	198	2,461	45,758	0	899

MISSOURI

Bollinger	139	1	0	140	0	369
Butler	19,377	372	0	19,749	0	477
Cape Girardeau	113	0	0	113	0	469
Carter	0	0	0	0	0	302
Dunklin	83,790	245	0	84,035	0	527
Howell	2	0	0	2	0	309
Mississippi	28,039	57	0	28,096	0	538
New Madrid	90,778	209	0	90,987	0	531
Oregon	0	0	0	0	0	331
Pemiscot	96,590	155	0	96,745	0	552
Ripley	2,297	84	0	2,381	0	410
Scott	16,966	55	0	17,041	0	460
Stoddard	41,262	150	0	41,412	0	530
Vernon	4	0	0	4	0	364
Wayne	10	0	0	10	0	373

NEVADA

Clark	36	27	0	63	0	597
Nye	2,643	973	0	3,616	0	842

NEW MEXICO

Chaves	32,341	59	0	32,400	0	757
Curry	1,592	0	0	1,592	8	440
De Baca	520	0	0	520	15	567
Dona Ana	40,634	256	0	40,890	0	777
Eddy	28,302	18	0	28,320	0	745
Grant	116	0	0	116	2	702
Harding	5	0	0	5	5	434
Hidalgo	6,622	0	0	6,622	23	809
Lea	27,983	0	0	27,983	0	444
Luna	14,358	0	0	14,358	0	872
Otero	2,481	0	0	2,481	0	674
Quay	2,966	0	0	2,966	0	514
Roosevelt	19,908	52	0	19,960	0	507
Sierra	2,677	0	0	2,677	23	731
Socorro	2,093	43	0	2,136	0	593

NORTH CAROLINA

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Alamance	29	5	0	34	0	276
Alexander	449	16	0	465	0	300
Anson	12,462	423	0	12,885	0	411
Beaufort	1,036	36	0	1,072	0	353
Bertie	7,677	267	77	8,041	0	341
Bladen	3,405	118	0	3,523	0	284
Brunswick	242	8	0	250	0	286
Burke	51	3	0	54	0	291
Cabarrus	3,350	116	0	3,466	0	320
Caldwell	14	3	0	17	0	298
Camden	280	10	0	290	0	379
Carteret	39	2	0	41	0	284
Catawba	1,161	41	0	1,202	0	304
Chatham	338	12	0	350	0	284
Chowan	2,754	113	121	2,988	0	366
Cleveland	30,687	1,068	0	31,755	0	400
Columbus	2,608	330	0	2,938	0	288
Craven	389	14	0	403	0	270
Cumberland	12,613	471	128	13,212	0	329
Currituck	279	10	0	289	0	353
Davidson	735	26	0	761	0	297
Davie	1,404	49	0	1,453	0	308
Duplin	3,256	113	0	3,369	0	292
Durham	112	4	0	116	0	289
Edgecombe	14,296	564	402	15,262	0	363
Forsyth	66	3	0	69	0	281
Franklin	9,459	429	699	10,587	0	286
Gaston	2,577	89	0	2,666	0	321
Gates	2,256	80	0	2,336	0	378
Granville	385	14	0	409	0	284
Greene	4,077	148	0	4,225	0	289
Guilford	59	2	0	61	0	293
Halifax	28,470	1,138	1,508	29,116	0	377
Harnett	14,198	498	0	14,696	0	342
Hertford	5,611	257	439	6,307	0	371
Hoke	15,682	573	62	16,317	0	391
Hyde	182	6	0	188	0	305
Iredell	7,100	245	0	7,345	0	344
Johnston	20,529	766	157	21,452	0	313
Jones	258	9	0	267	0	279
Lee	1,035	35	0	1,070	0	316
Lenoir	2,110	72	0	2,182	0	290
Lincoln	6,514	223	0	6,737	0	372
Martin	3,174	125	77	3,376	0	336
Mecklenburg	5,201	180	0	5,381	0	344
Montgomery	3,164	155	330	3,649	0	338
Moore	2,864	102	0	2,966	0	339
Nash	15,675	586	171	16,432	0	331
Northampton	24,263	887	2,051	27,221	0	391
Onslow	255	9	0	264	0	263
Orange	67	2	0	69	0	278
Pamlico	182	6	0	188	0	296
Pasquotank	207	7	0	214	0	331
Pender	281	10	0	291	0	282
Perquimans	1,121	39	0	1,160	0	356
Person	3	2	0	5	0	296
Pitt	7,336	262	0	7,598	0	304
Polk	1,211	42	0	1,253	0	369
Randolph	24	1	0	25	0	290
Richmond	6,269	218	0	6,517	0	362
Robeson	52,481	1,995	872	55,348	0	354
Rowan	4,985	172	0	5,157	0	356
Rutherford	7,596	261	0	7,857	0	394
Sampson	26,513	985	245	27,743	0	327
Scotland	18,623	801	1,078	20,502	0	457
Stanly	623	29	0	652	0	348
Tyrrell	227	8	0	235	0	307
Union	13,572	463	0	14,035	0	371
Vance	4,040	196	405	4,641	0	337

NORTH CAROLINA—continued

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Wake	4,810	166	0	4,976	0	298
Warren	8,331	288	0	8,619	0	291
Washington	569	20	0	589	0	298
Wayne	1,1041	386	0	11,427	0	304
Wilkes	61	2	0	63	0	286
Wilson	8,824	314	0	9,138	0	313
Yadkin	30	1	0	31	0	261

OKLAHOMA

Adair	25	0	13	38	0	269
Atoka	1,741	23	74	1,838	0	196
Beaver	45	0	0	45	0	207
Beckham	63,489	193	1,209	64,891	0	261
Blaine	12,541	342	86	12,969	0	254
Bryan	17,046	438	439	17,923	0	243
Caddo	48,782	985	1,351	51,118	0	227
Canadian	13,216	230	45	13,491	0	298
Carter	1,606	0	0	1,606	0	220
Cherokee	0	0	0	0	0	280
Choctaw	1,408	0	13	1,421	0	274
Cimarron	68	0	1	69	0	262
Cleveland	1,521	42	37	1,600	0	304
Coal	3,411	29	40	3,480	0	263
Comanche	12,389	316	0	12,585	0	168
Cotton	18,968	234	424	19,626	0	173
Craig	67	0	0	67	0	243
Creek	1,990	0	0	1,990	0	195
Custer	24,439	320	601	25,360	0	271
Dewey	8,127	130	221	8,478	0	259
Ellis	716	30	22	768	0	230
Garfield	13	0	0	13	0	303
Garvin	5,752	156	162	6,070	0	322
Grady	17,737	410	533	18,680	0	256
Grant	47	0	2	49	0	220
Greer	41,865	120	663	42,648	0	240
Harmon	49,142	79	949	50,170	0	230
Harper	16	0	0	16	0	206
Haskell	1,832	78	0	1,910	0	457
Hughes	3,394	0	0	3,394	0	251
Jackson	58,993	143	1,103	60,239	0	270
Jefferson	17,916	150	0	18,066	0	193
Johnston	3,735	64	106	3,905	0	239
Kay	87	0	0	87	0	298
Kingfisher	1,074	0	19	1,093	0	198
Kiowa	57,222	489	873	58,584	0	213
Latimer	0	0	0	0	0	174
Le Flore	2,190	0	12	2,202	0	290
Lincoln	887	0	34	921	0	244
Logan	2,844	98	99	3,031	0	290
Love	8,635	76	100	8,811	0	299
McClain	9,851	197	214	10,262	0	309
McCurtain	6,748	46	218	7,012	0	445
McIntosh	8,408	222	198	8,828	0	297
Major	1,659	0	20	1,679	0	230
Marshall	4,392	79	120	4,791	0	232
Mayes	501	0	11	512	0	236
Murray	310	5	10	325	0	335
Muskogee	18,200	381	385	18,966	0	306
Noble	490	0	0	490	0	234
Nowata	582	0	0	582	0	255
Okfuskee	4,173	127	0	4,300	0	218
Oklahoma	479	0	16	495	0	299
Okmulgee	9,363	299	194	9,856	0	231
Osage	2,659	0	0	2,659	0	333
Pawnee	3,337	93	59	3,489	0	287

TENNESSEE

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Bedford	2,740	0	0	2,740	0	450
Benton	2,277	0	0	2,277	0	489
Bradley	1,040	0	20	164	0	336
Cannon	125	0	2	127	0	441
Carroll	7	0	0	7	0	441
Chester	19,667	554	294	20,515	0	556
Claiborne	11,151	0	846	11,997	0	523
Crockett	3,031	0	55	3,086	0	389
Decatur	33,595	1,156	595	35,346	0	600
Dyer	32,993	992	661	34,646	0	585
Fayette	43,398	1,349	900	45,647	0	649
Franklin	4,492	0	0	4,492	0	508
Gibson	46,177	1,332	1,254	48,763	0	590
Giles	7,135	0	142	7,277	0	432
Grundy	74	0	4	78	0	432
Hamilton	68	0	5	73	0	351
Hardeman	20,906	463	385	21,756	0	580
Hardin	8,124	0	74	8,198	0	487
Haywood	43,453	1,016	1,273	45,742	0	579
Henderson	16,483	323	196	17,002	0	518
Henry	4,434	0	0	4,434	0	467
Humphreys	7	0	1	8	0	344
Lake	21,740	554	929	22,923	0	600
Lauderdale	35,879	924	1,039	37,842	0	590
Lawrence	18,114	114	0	18,228	0	470
Lewis	83	0	0	83	0	363
Lincoln	11,842	0	87	11,929	0	476
Loudon	26	0	13	39	0	401
McNairy	18,728	370	109	19,207	0	510
Madison	33,104	906	592	34,602	0	566
Marion	67	0	23	90	0	390
Marshall	875	0	0	875	0	396
Maury	82	0	0	82	0	344
Meigs	182	0	0	182	0	423
Monroe	41	0	0	41	0	449
Obion	9,362	176	122	9,660	0	374
Perry	109	0	5	114	0	349
Pickett	294	0	5	299	0	335
Polk	7	0	0	7	0	451
Robertson	3,770	0	0	3,770	0	451
Rutherford	39,120	243	208	39,571	0	505
Shelby	47,317	1,077	1,372	49,766	0	573
Tipton	110	0	0	110	0	433
Warren	2,769	0	6	2,775	0	442
Washington	9,989	5	452	10,317	0	442
Williamson	20	0	5	25	0	371
Wilson	52	0	0	52	0	334

TEXAS

Anderson	2,739	330	0	3,069	0	310
Andrews	5,119	0	24	5,143	0	434
Angelina	1,494	53	0	1,547	0	273
Aransas	1,362	0	0	1,362	0	271
Archer	2,060	53	0	2,113	0	171
Armstrong	1,434	0	1	1,435	0	359
Atascosa	9,692	213	233	9,692	0	197
Austin	19,506	213	233	19,742	0	316
Bailey	102,604	208	63	102,667	0	426
Bastrop	11,398	208	0	11,776	0	222
Baylor	18,733	183	0	18,916	0	305
Bee	18,578	68	0	18,646	0	315
Bell	70,956	0	0	70,956	0	232
Bexar	3,928	11	0	3,928	0	183
Blanco	67					

TEXAS—continued

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Grayson	34,986	0	0	34,986	0	362
Gregg	455	24	0	479	0	195
Grimes	15,046	138	0	15,184	0	271
Guadalupe	19,882	0	0	19,882	0	346
Hale	166,325	0	95	166,420	0	588
Hall	97,902	0	0	97,902	0	369
Hamilton	10,826	73	15	10,911	0	197
Hansford	299	0	0	299	0	367
Hardeman	34,087	0	0	34,087	0	217
Harris	3,305	0	0	3,305	0	202
Harrison	2,121	170	0	2,291	0	251
Hartley	17	72	0	89	0	265
Haskell	122,446	0	66	122,516	0	251
Hays	1,719	0	0	1,719	0	234
Henderson	3,786	304	0	4,090	0	196
Hidalgo	193,942	2,668	121	196,696	0	496
Hill	120,462	0	34	120,496	0	201
Hockley	192,760	36	98	192,148	0	622
Hood	2,495	600	0	2,495	0	220
Hopkins	7,802	866	0	2,470	0	314
Houston	23,476	0	0	24,342	0	317
Howard	76,084	0	30	76,084	0	457
Hudspeth	17,215	4	0	17,249	0	620
Hunt	92,318	0	1	92,318	0	241
Hutchinson	11	0	0	11	0	364
Irion	640	13	0	653	0	177
Jack	2,125	45	0	2,170	0	173
Jackson	18,443	60	40	18,543	0	413
Jasper	99	45	0	144	0	331
Jeff Davis	368	0	0	368	0	646
Jefferson	0	0	0	0	0	221
Jim Hogg	272	78	0	350	0	221
Jim Wells	23,097	0	0	23,097	0	276
Johnson	36,502	0	0	36,502	0	275
Jones	110,286	0	0	110,286	0	264
Karnes	29,913	0	0	29,913	0	195
Kaufman	58,060	0	0	58,060	0	241
Kendall	19	0	0	19	0	270
Kent	20,617	0	13	20,630	0	265
Kerr	137	3	0	140	0	148
Kimble	10,619	16	0	10,635	0	218
Kinney	225	17	0	225	0	281
Kleberg	8,967	2	26	8,967	0	335
Knox	57,743	0	0	57,743	0	335
Lamar	57,668	0	0	57,668	0	335
Lamb	196,913	0	120	196,033	0	446
Lampasas	1,579	76	0	1,655	0	106
La Salle	2,333	176	0	2,509	0	176
Lavaca	26,366	31	0	26,399	0	199
Lee	9,744	0	0	9,744	0	177
Leon	11,442	0	0	11,442	0	249
Liberty	2,653	0	42	2,652	0	195
Limestone	51,380	200	0	51,622	0	210
Lipscomb	19,364	3	14	19,381	0	229
Live Oak	211	79	0	290	0	223
Llano	435	0	0	435	0	347
Loving	232,537	0	249	232,801	0	445
Lubbock	192,270	136	772	192,042	0	177
Lynn	17,125	0	0	17,125	0	177
McCulloch	87,667	0	0	87,667	0	223
McLennan	1,292	0	0	1,292	0	171
McMullen	2,960	0	0	2,960	0	453
Madison	826	0	0	826	0	110
Marion	96,222	0	5	96,227	0	344
Martin	1,347	242	0	1,347	0	262
Mason	61	0	0	61	0	446
Matagorda	4,493	220	35	4,493	0	493
Maverick	4,917	86	0	4,917	0	494
Medina	1,706	0	0	1,706	0	

OKLAHOMA—Continued

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Payne	2,106	66	64	2,236	0	435
Pittsburgh	2,861	0	10	2,871	0	163
Pontotoc	1,040	0	37	1,077	0	457
Pottawatomie	464	0	0	464	0	363
Pushmataha	248	0	8	256	0	541
Roger Mills	21,952	294	515	22,731	0	409
Rogers	310	0	39	349	0	485
Seminole	1,158	0	0	1,197	0	133
Sequoyah	1,029	16	43	1,088	0	144
Stephens	6,046	102	109	6,257	0	486
Texas	8	0	1	9	0	254
Tillman	72,435	212	1,380	74,027	0	394
Tulsa	9259	0	0	9259	0	1,000
Wagoner	8,337	0	34	8,371	0	1,000
Washita	75,118	456	1,418	76,992	0	318
Woodward	672	14	44	730	0	334

SOUTH CAROLINA

Abbeville	6,998	994	0	7,992	0	435
Aiken	17,888	411	1,807	20,106	0	163
Allendale	9,521	133	1,345	10,892	0	457
Anderson	20,852	654	1,387	23,073	0	535
Bamberg	12,990	57	1,959	14,953	0	541
Barnwell	13,141	122	1,862	15,125	0	499
Beaufort	49	0	0	49	0	485
Berkeley	6,836	0	0	6,836	0	133
Calhoun	14,873	136	2,115	17,124	0	144
Charleston	509	0	0	509	0	133
Cherokee	9,498	341	800	10,599	0	144
Chester	8,267	231	713	9,211	0	144
Chesterfield	33,441	472	3,035	36,948	0	144
Clarendon	33,430	259	5,096	38,785	0	144
Colleton	7,251	360	0	7,611	0	133
Darlington	29,540	340	3,980	33,610	0	144
Dillon	21,801	71	3,463	25,435	0	144
Dorchester	7,679	365	448	8,412	0	144
Edgefield	8,726	296	862	9,457	0	144
Fairfield	30,534	396	0	30,534	0	144
Florence	2,063	22	0	2,085	0	144
Greenville	10,291	905	0	10,896	0	144
Greenwood	3,040	107	0	3,147	0	144
Hampton	6,813	87	1,193	7,906	0	144
Jasper	6,111	577	0	6,688	0	144
Kershaw	6,494	272	1,973	8,467	0	144
Lancaster	6,104	436	0	6,540	0	144
Laurens	13,455	308	1,363	15,126	0	144
Lee	34,985	194	5,518	40,697	0	144
Lexington	9,562	104	990	10,541	0	144
McCormick	1,907	1,907	0	3,814	0	144
Marion	11,027	152	1,414	12,593	0	144
Marlboro	38,052	496	5,058	43,576	0	144
Newberry	5,810	353	291	6,334	0	144
Oconee	5,116	347	0	5,463	0	144
Orangeburg	85,029	3,809	6,765	95,603	0	144
Pickens	2,947	1,965	0	3,791	0	144
Richland	7,085	746	0	7,831	0	144
Saluda	6,771	740	880	7,749	0	144
Spartanburg	16,050	842	0	16,792	0	144
Sumter	37,577	519	4,817	42,913	0	144
Union	3,967	144	240	4,351	0	144
Williamsburg	32,263	0	5,911	38,174	0	144
York	12,429	258	1,412	14,074	0	144

TEXAS—continued

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Borden	19,938	0	37	19,975	0	435
Bosque	11,067	0	0	11,067	0	163
Bowie	11,094	443	0	11,537	0	457
Brazoria	8,727	0	0	8,727	0	363
Brazos	19,882	0	0	19,882	0	541
Brewster	69	0	45	69	0	499
Briscoe	27,422	0	0	27,441	0	485
Brooks	3,394	13	19	3,407	0	133
Brown	6,286	216	0	6,502	0	144
Burleson	28,201	348	0	28,549	0	144
Burnet	3,156	129	0	3,285	0	144
Caldwell	20,395	0	0	20,395	0	144
Calhoun	18,054	0	0	18,054	0	144
Callahan	7,997	329	0	8,136	0	144
Cameron	152	26	0	169,015	0	144
Carson	213	179	35	977	0	144
Cass	2,837	724	0	3,016	0	144
Castro	55,963	60	120	56,163	0	144
Childress	3,619	222	0	3,841	0	144
Clay	55,645	74	0	55,559	0	144
Cochran	78,788	0	0	78,788	0	144
Coke	6,776	41	0	6,817	0	144
Coleman	32,659	0	0	32,659	0	144
Collin	84,946	0	0	84,946	0	144
Collingsworth	67,527	0	0	67,527	0	144
Colorado	10,111	0	0	10,111	0	144
Comal	140	17	0	157	0	144
Comanche	7,317	202	0	7,519	0	144
Concho	26,236	2	36	26,274	0	144
Cooke	7,252	0	0	7,252	0	144
Corral	19,323	20	0	19,343	0	144
Cottle	55,672	0	0	55,672	0	144
Crockett	92	1	0	93	0	144
Crosby	127,272	0	96	127,272	0	144
Culberson	5,335	61	0	5,416	0	144
Dallas	34,998	0	0	34,998	0	144
Dawson	213,665	0	478	214,193	0	144
Deaf Smith	9,398	0	24	9,422	0	144
Delta	38,385	0	0	38,385	0	144
Denton	22,257	0	72	22,257	0	144
De Witt	17,296	0	77	17,296	0	144
Dickens	53,541	0	0	53,541	0	144
Dimmit	1,766	60	0	1,826	0	144
Donley	30,337	8	35	30,345	0	144
Duval	11,922	590	0	11,957	0	144
Eastland	2,356	114	0	2,470	0	144
Ector	213	2	0	215	0	144
Ellis	132,397	628	0	132,397	0	144
El Paso	25,644	190	0	26,320	0	144
Erath	6,367	0	0	6,557	0	144
Falls	78,500	0	0	78,500	0	144
Fannin	70,566	0	0	70,566	0	144
Fayette	28,881	0	0	28,881	0	144
Fisher	80,832	0	79	80,911	0	144
Floyd	101,324	0	0	101,324	0	144
Foard	13,082	0	0	13,098	0	144
Fort Bend	66,714	1,102	391	68,207	0	144
Franklin	1,637	61	24	1,622	0	144
Freestone	6,994	61	12	6,926	0	144
Frio	100,398	0	2,461	5,357	0	144
Gaines	40,754	0	0	40,754	0	144
Garza	1,347	0	0	1,347	0	144
Gillespie	14,426	0	219	14,645	0	144
Glasscock	4,493	0	0	4,493	0	144
Goliad	11,515	315	0	11,830	0	144
Gonzales	3,776	74	0	3,940	0	144

TEXAS—continued

County	Computed county allotment	Allocation from national reserve	Allocation from State reserve trends	County allotment, sum of columns (1), (2) and (3)	Allocation from State reserve for inequity and hardship cases	County projected yield
	(1)	(2)	(3)	(4)	(5)	(6)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Ward	6,119	0	40	6,159	0	543
Washington	23,320	0	0	23,320	0	271
Webb	1,908	0	0	1,908	0	500
Wharton	74,783	702	336	75,821	0	488
Wheeler	26,794	103	25	26,922	0	269
Wichita	6,344	1	11	6,356	0	547
Wilbarger	51,880	63	22	51,965	0	534
Willacy	93,519	506	0	94,046	0	433
Williamson	111,051	0	0	111,051	0	343
Wilson	3,921	102	0	4,063	0	217
Winkler	0	0	0	0	0	300
Wise	2,221	5	0	2,226	0	145
Wood	142	0	0	142	0	300
Yoakum	41,154	50	655	41,859	0	507
Young	12,216	19	0	12,235	0	171
Zapata	1,046	0	0	1,046	0	670
Zavala	9,069	0	0	9,069	0	643

VIRGINIA

County	Computed county allotment	Allocation from State's share of national reserve	Allocation from State reserve trends	County allotment (sum of columns (1), (2), and (3))	Allocation from State reserve		County projected yield
					Small farms	Inequity and hardship cases	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*	*Acres*	*Lbs./Acre*
Brunswick	1,909	138	0	2,047	18	18	307
Charlotte	5	1	0	6	0	0	274
Dinwiddie	203	10	0	213	2	0	248
Greenville	4,309	353	0	4,662	49	49	353
Isle of Wight	249	10	0	259	2	2	369
Lunenburg	181	14	0	195	2	2	270
Mecklenburg	1,803	159	0	1,962	17	17	275
Nansemond	1,439	104	0	1,543	13	13	316
Prince Edward	3	1	0	4	0	0	307
Prince George	36	2	0	38	0	0	269
Southampton	4,431	276	0	4,707	41	41	304
Surry	4	1	0	5	0	0	364
Sussex	1,554	111	0	1,665	15	15	287

(Secs. 301, 344, 375, 52 Stat. 38, as amended, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1344, 1376)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 18, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-13824; Filed, Nov. 18, 1969; 3:30 p.m.]

PART 722—COTTON

Subpart—1970 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

STATE RESERVES AND COUNTY ALLOTMENTS

Section 722.562 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the State reserves and allocation thereof among uses for the 1970 crop of extra long staple cotton. It also establishes the county allotments. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 33 F.R. 542, 4275).

Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13662) in accordance with 5 U.S.C. 553. No written submissions were received in response to such notice.

In order that farmers may be informed as soon as possible of 1970 farm allotments so that they may make plans accordingly, it is essential that this section be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.562 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.562 State reserves and county allotments for the 1970 crop of extra long staple cotton.

(a) *State reserves.* The State reserves for each State shall be established and allocated among uses for the 1970 crop of extra long staple cotton pursuant to § 722.508 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, 32 F.R. 5416, 33 F.R. 16066 and 16435). It is hereby determined that no State reserve is required for trends, abnormal conditions, small farms, inequities and hardships or new farms. The following table sets forth the State reserve for each State. The table also sets forth the allotment in the State productivity pool which shall not be allocated to counties and farms, as required under § 722.509(a) of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, 33 F.R. 8427, 16066, and 16435, 34 F.R. 5 and 808).

State	State productivity pool	Total State reserve	Allocation from State reserve for set-aside for errors
Arizona	66	10	10
California			
Florida		3	3
Georgia			
New Mexico	12	10	10
Texas			
Puerto Rico			
U.S. total	78	23	23

(b) *County allotments.* County allotments are established for the 1970 crop of extra long staple cotton in accordance with § 722.509 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, 33 F.R. 8427, 16066 and 16435, 34 F.R. 5 and 808). The following table sets forth the county allotments:

ARIZONA

County	*County allotment acres*
Cochise	209
Gila	12
Graham	9,513
Maricopa	13,806
Pima	2,695
Pinal	7,143
Yuma	583
State	33,961

CALIFORNIA

Imperial	103
Riverside	420
State	523

FLORIDA

Alachua	43
Hamilton	4
Jefferson	1
Madison	22
Marion	36
Suwannee	2
Union	37
State	145

GEORGIA

Berrien	85
Cook	23
State	108

NEW MEXICO

Chaves	44
Dona Ana	15,271
Eddy	129
Hidalgo	22
Luna	201
Otero	44
Sierra	181
State	15,892

TEXAS

Brewster	12
Culberson	269
El Paso	19,300
Hudspeth	2,388
Loving	9
Pecos	504
Presidio	97
Reeves	4,688
Ward	399
State	27,666

PUERTO RICO

North area	2
State	2

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 17, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-13825; Filed, Nov. 18, 1969; 3:30 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 36, Amdt. 2]

PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif.; situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. The grade requirements provided herein are necessary to prevent the handling, on and after November 23, 1969, of any grapefruit of lower grades than those hereinafter specified so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an unassembled meeting on November 13, 1969, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such unassembled meeting; necessary supplemental economic and statistical information upon

which this recommended amendment is based were received November 17, 1969; information regarding the provisions of the regulation recommended by the committee, including the effective time thereof, has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof.

Order. In § 909.336 (Grapefruit Regulation 36; 34 F.R. 15747; 34 F.R. 18294) the provisions of paragraph (a)(1) preceding (a)(1)(ii) are amended to read as follows:

§ 909.336 Grapefruit Regulation 36.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period November 23, 1969, through August 31, 1970, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purposes of this regulation shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and including as a part of the fairly well formed requirement that the fruit be free from peel that is more than one inch in thickness at the stem and (measured from the flesh to the highest point of the peel): *Provided,* That in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade, the following tolerances shall be allowed for the defects listed:

(*a*) 25 percent, by count, for grapefruit which fail to meet the requirements of the grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(*1*) 10 percent, by count, for grapefruit which are not fairly well colored;

(2) 10 percent, by count, for defects other than not being fairly well colored or fairly well formed, including therein not more than one-half of 1 percent, by count, for decay and not more than 5 percent, by count, for any defect other than sprayburn or fumigation injury, stems not properly clipped, or dryness or mushy condition which affects not more than 40 percent of the pulp or edible portion of the individual grapefruit;

(*3*) 15 percent, by count, in addition to the tolerance provided in (2) of this subdivision for scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(*4*) 15 percent, by count, for grapefruit failing to meet the requirements for fairly well formed except not more than one-third of this amount or 5 percent shall be allowed for fruit having peel that is more than 1 inch in thickness at the stem end: *Provided,* That the 10-percent tolerance provided in (2) of this subdivision shall be diminished by an amount equal to the percentage of grapefruit having peel more than 1 inch in thickness at the stem end.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 20, 1969, to become effective November 23, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14007; Filed, Nov. 21, 1969; 11:47 a.m.]

[Lemon Reg. 401, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 910.701 (Lemon Reg. 401, 34 F.R. 18294) are hereby amended to read as follows:

§ 910.701 Lemon Regulation 401.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 14,880 cartons;

(ii) District 2: 48,360 cartons;

(iii) District 3: 146,010 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 20, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13995; Filed, Nov. 24, 1969; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army; Correction

In F.R. Doc. 69–11682 appearing at page 15243 in the issue of September 30, 1969, the new subparagraph added to paragraph (a) should read as set out below.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* * * *

(14) One Special Assistant to the Director of Civil Defense.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR. Doc. 69–13983; Filed, Nov. 24, 1969; 8:48 a.m.]

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Subpart A—General Provisions

FILLING CERTAIN POSTMASTER POSITIONS

Section 332.103 is amended by changing the method of determining when the special examining procedures for postmaster positions at fourth-class post offices are authorized. Effective on publication in the FEDERAL REGISTER § 332.103 is amended as set out below.

§ 332.103 Filling certain postmaster positions.

(a) When a vacancy occurs or is about to occur in a postmaster position in a fourth-class post office and the position involves fewer than 7 daily hours of service, a representative of the Post Office Department shall visit the locality and, after due public notice has been given, accept applications from interested persons. The representative shall establish a register based on the qualifications and suitability of each applicant and on his ability to provide proper facilities for transacting the business of the office. The Post Office Department shall submit to the Commission for postaudit one copy of the representative's report showing the qualifications of all applicants, the basis for ranking the eligibles, and the selection of an eligible from the register. The report shall be accompanied by the applications of all applicants. A person selected for appointment from such a register may be appointed after the date the postmaster position is determined to involve seven or more daily hours of service only with the prior approval of the Commission.

(b) When making an appointment from a register established under paragraph (a) of this section, the appointing officer shall select an eligible in accordance with § 332.404 through 332.407.

(c) When the Commission, after holding two examinations, is unable to secure a complete certificate of three eligibles for a postmaster position involving seven or more daily hours of service, it may authorize the establishment of a register and selection therefrom in accordance with paragraphs (a) and (b) of this section.

(5 U.S.C. 1302, 3301, E.O. 10577; 3 CFR 1954–1958, p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–13984; Filed, Nov. 24, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9993; Amdt. 36–1]

PART 36—NOISE STANDARDS: AIRCRAFT TYPE CERTIFICATION

Approach Noise Test Conditions

This amendment changes the type certification approach noise test conditions for subsonic transport category airplanes and for subsonic turbojet powered airplanes regardless of category. The purpose of this amendment is to insure that the approach noise type certification test (1) is conducted with the same airplane configuration as that used during airworthiness type certification; and (2) does not result in noise levels less than those that will be generated by the airplane in normal operation.

Part 36, *Noise standards: Aircraft type certification* was issued by the Administrator on November 3, 1969, and will be effective on December 1, 1969. Section C36.9 of Appendix C of that part contains the test conditions applicable to all approaches conducted in showing compliance with Part 36. That section contains two provisions that require amendment when Part 36 becomes effective.

First, paragraph (b) of section C36.9 currently provides that the airplane's configuration must be "that specified by the applicant." It now appears that this language could be regarded as permitting the applicant to specify configurations that are not the same as those used in showing compliance with the landing requirements in the airworthiness regulations. This result is not intended. While the general requirement of compatibility between noise and airworthiness type certification test conditions and procedures includes approach noise test conditions and procedures, it is believed advisable to remove any question that may be caused by section C36.9(b). Therefore, that paragraph is amended to specifically provide, in part, that the airplane's configuration during the approach noise test must be "that used in showing compliance with the landing requirements in the airworthiness regulations constituting the type certification basis of the airplane."

Second, paragraph (e) of section C36.9 currently provides that the approach noise test must be conducted with engines operating at not less than the "power or thrust required for the maximum allowable flap setting." The intent of this provision is to ensure that the noise generated during the approach noise type certification test will not be less than that later generated by the airplane in normal operation. However, configuration aspects other than flaps may affect the noise of the airplane. In addition, there is no need to specify a particular power or thrust once a specified configuration is identified since section C36.9 also specifies the glide angle and minimum approach speed, requires that both be "steady," and requires that the approach be continued to a normal touchdown with no configuration change. In the light of the above, it is believed that the objective of ensuring that approaches made later in normal operation will not be noisier than the published noise levels of the airplane can be more effectively achieved by providing, in section C36.9(b), that "if more than one configuration is used in showing compliance with the landing requirements in the airworthiness regulations constituting the type certification basis of the airplane, the configuration that is most critical from a noise standpoint must be used" in showing compliance with the approach noise requirements of Part 36. This amendment is necessary to ensure that the approach noise levels generated by the airplane during type certification will be representative of approach noise levels generated in normal operations.

This amendment is issued in full consideration of comments received with respect to Notice 69–1, issued on January 3, 1969 (34 F.R. 453), including consideration of economic data submitted by affected aircraft manufacturers and operators, and has been determined to be economically reasonable, technologically practicable, and appropriate to the aircraft to which it applies.

Pursuant to section 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1431) the Administrator has consulted with the Secretary of Transportation concerning the matters contained herein, prior to the adoption of this amendment.

Like Part 36, which becomes effective on December 1, 1969, this amendment to that part applies to airplanes now nearing the completion of the type certification process. Therefore, it is essential that this amendment become effective on the same date as Part 36. Therefore, I hereby find that notice and public procedure, in addition to that already provided by Notice 69–1, is impracticable. In addition, I find, for the reasons stated above, that good cause exists for making this amendment effective on less than 30 days notice after publication thereof in the FEDERAL REGISTER.

In consideration of the foregoing, section C36.9 of Appendix C of Part 36 of the Federal Aviation Regulations which becomes effective on December 1, 1969, is amended, effective on that date, to read as follows:

Section C36.9 *Approach test conditions.*

(a) This section applies to all approaches conducted in showing compliance with this part.

(b) The airplane's configuration must be that used in showing compliance with the landing requirements in the airworthiness regulations constituting the type certification basis of the airplane. If more than one configuration is used in showing compliance with the landing requirements in the airworthiness regulations constituting the type certification basis of the airplane, the configuration that is most critical from a noise standpoint must be used.

(c) The approaches must be conducted with a steady glide angle of $3° \pm 0.5°$ and must be continued to a normal touchdown with no airframe configuration change.

(d) A steady approach speed of not less than $1.30V_s + 10$ knots must be established and maintained over the approach measuring point.

(e) All engines must be operating at approximately the same power or thrust.

(Secs. 313(a), 601, 603, 611, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423, 1431; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 21, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69–14010; Filed, Nov. 21, 1969; 11:53 a.m.]

[Airspace Docket No. 69–EA–108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 15487 of the FEDERAL REGISTER for October 4, 1969, the Federal Aviation Administration published a proposed regulation which would alter the Hyannis, Mass., control zone (34 F.R. 4591).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 10, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Hyannis, Mass., control zone description by deleting the description and inserting in lieu thereof the following:

Within a 5-mile radius of the center, 41°40'10" N., 70°16'45" W., of Barnstable Municipal Airport, Hyannis, Mass. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-13967; Filed, Nov. 24, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 15487 of the FEDERAL REGISTER for October 4, 1969, the Federal Aviation Administration published a proposed regulation which would alter the Wrightstown, N.J., 700-foot transition area (34 F.R. 249, 4788).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 10, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to:

Insert in the description of the Wrightstown, N.J., 700-foot transition area, following the words, "Asbury Park-Neptune Airport 5-mile radius area to the VOR", the words, "within a 5-mile radius of the center, 39°56'05" N., 74°48'30" W., of Flying W Ranch Airport, Lumberton, N.J. within 2.5 miles each side of the North Philadelphia VOR 134° radial extending from the Flying W Ranch 5-mile radius area to 21 miles southeast of the North Philadelphia VOR".

[F.R. Doc. 69-13968; Filed, Nov. 24, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 15488 of the FEDERAL REGISTER for October 4, 1969, the Federal Aviation Administration published a proposed regulation which would alter the Blacksburg, Va., transition area (34 F.R. 4652).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 12, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Blacksburg, Va., transition area, "within 2 miles each side of the Pulaski VORTAC 064° radial extending from the 6-mile radius area to the VORTAC" and insert the following in lieu thereof, "within 4 miles northwest and 3 miles southeast of the Pulaski VORTAC 064° radial, extending from the 6-mile radius area to 3 miles northeast of the Pulaski VORTAC".

[F.R. Doc. 69-13969; Filed, Nov. 24, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 15488 of the FEDERAL REGISTER for October 4, 1969, the Federal Aviation Administration published a proposed amendment which would designate a 700-foot transition area over Petersburg Municipal Airport, Petersburg, Va.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1384; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 12, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Petersburg, Va., transition area as follows:

PETERSBURG, VA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (37°11'05" N., 77°30'30" W.) of Petersburg Municipal Airport, Petersburg, Va.; within 4.5 miles each side of the 226° bearing from the Petersburg RBN (37°07'48" N., 77°34'30" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the RBN and within 2 miles each side of the runway 32 centerline extended from the 8.5-mile radius area to 9 miles northwest of the end of the runway, excluding the portion that coincides with the Richmond, Va., transition area.

[F.R. Doc. 69-13970; Filed, Nov. 24, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 15298 of the FEDERAL REGISTER for October 1, 1969, the Federal Aviation Administration published a proposed regulation which would designate a Washington, Pa., 700-foot transition area over Washington County Airport, Washington, Pa.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 12, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Washington, Pa., transition area described as follows:

WASHINGTON, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°08'10" N., 80°17'20" W. of Washington County Airport, Washington, Pa.; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 6 miles east of the end of the runway; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 5 miles west of the end of the runway and within 3.5 miles each side of the Allegheny VORTAC 234° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Pittsburgh, Pa., and Monongahela, Pa., transition areas.

[F.R. Doc. 69-13971; Filed, Nov. 24, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

[Reg. OR-44; Amdt. 8]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Requests for Waivers and Applications

Correction

In F.R. Doc. 69-13674 appearing at page 18382 in the issue of Tuesday, November 18, 1969, the effective date in the

fifth paragraph, now reading, "November 13, 1965" should read "November 13, 1969".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Sprague-Mather Pool of the Necedah National Wildlife Refuge, Necedah, Wis., an area comprising approximately 2,500 acres is permitted from December 15, 1969, through March 15, 1970. The open area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1970.

DAVID J. BROWN,
Refuge Manager, Necedah National Wildlife Refuge.

NOVEMBER 18, 1969.

[F.R. Doc. 69-13944; Filed, Nov. 24, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 18]

FORM AND CONTENT OF FINANCIAL STATEMENTS

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency proposes to amend Part 18 principally to provide that financial reports submitted by national banks to shareholders for fiscal years ending on and after December 31, 1969:

(1) Include a loan loss factor in operating expenses;

(2) Include the results of investment securities transactions as realized in the report of income; and

(3) Designate the last line in the statement of income as "net income."

These amendments are proposed under the authority in R.S. 324 et seq., as amended, secs. 12, 13, 48 Stat. 892, 894, as amended; 12 U.S.C. 1 et seq., 15 U.S.C. 78*l*, 78m.

Interested persons may send their comments with respect to these proposed amendments to the Comptroller of the Currency, Treasury Department, Room 3108, Washington, D.C. 20220 to be received not later than December 12, 1969.

The proposed amendments to Part 18 include a new § 18.5, a new paragraph (a) in § 18.7, renumbering existing §§ 18.5, 18.6, and 18.7 to 18.6, 18.7, and 18.8 and redesignating existing paragraphs (a), (b), (c), and (d) in § 18.7 as paragraphs (b), (c), (d), and (e) in § 18.8. Changes in the text are as follows:

§ 18.2 Definition of terms.

• • • • •

(a) *Valuation reserve.* A "valuation reserve" is an account established through an appropriate charge representing management's judgment as to possible loss or value depreciation in a specific class of assets, such as loans or investment securities. Loan loss reserves established pursuant to the Treasury tax formula should be separately disclosed and may be considered valuation reserves; these reserves should be included in reserves on loans and securities.

• • • • •

§ 18.4 Consolidated statements.

• • • • •

(d) Nonsignificant subsidiaries may also be consolidated provided a consistent policy of consolidation is used.

(e) Minority interests in the net assets of consolidated subsidiaries shall be shown in each consolidated balance sheet as a liability. The aggregate amount of profit and loss accruing to minority interests may be stated separately in the consolidated profit or loss statement. Alternatively, net income (less minority interest) may be reported in "other income."

(1) Income from foreign subsidiaries and foreign branches shall be reported only when remittable to the parent bank, unless the bank consolidates each item of revenue and expense. Such income shall be reported under Item 1(h), Appendix B.

• • • • •

§ 18.5 Reporting of a loan loss factor in operating expenses.

(a) *Computation of loan loss factor.*[1] (1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses in operating expense.[2] Beginning for the year end 1969 and consistently thereafter, a bank may elect one of the following methods for reporting a minimum loan loss factor in expenses.

(i) A charge equivalent to a 5-year average ratio of losses computed on the basis of net charge-offs to total loans over the past 5 years. Ratio of loss shall be determined based on the aggregate of total net charge-offs (losses less recoveries) and total average loans for the 5 most recent years, including the current year. This ratio shall be applied to the average of outstanding loans during the current year to arrive at a minimum dollar amount to be charged to operating expense.

(ii) A charge equivalent to an average ratio of losses computed on the basis of a forward moving average beginning with the year 1969. Ratio for 1969 would be determined based on the net charge-offs (losses less recoveries) and average of loans for the year 1969. This ratio would be applied to the average loans outstanding for 1969 to arrive at a minimum dollar amount to be charged to operating expense. For each successive year after 1969, up to and including 1973, the current year's average loans would be added to those of preceding years from 1969 forward. Net charge-offs would be handled in the same way. By 1973, banks choosing this option would be on the same basis as those initially choosing subdivision (i) of this subparagraph.

(iii) Actual net charge-offs as experienced in the current year.

(2) Banks which are not on the reserve basis for loan losses shall include in operating expenses the dollar amount of actual net charge-offs for the current year.

(b) *Additional charge to operating expense.* Based on management's judgment, an amount in excess of that computed by any method outlined under subparagraph (1) of paragraph (a) of this section may be taken. The amount so taken will have no effect on computing the loss ratio factor in the current or preceding years. Such action must be adequately disclosed in a referenced footnote.

(c) *Adjustments on statement of earnings for conformity to bank's books.* (1) When the amount reported in operating expenses is in excess of that allowed as a transfer to Reserve for Possible Loan Losses or exceeds actual net loan losses recorded on the bank's books, the amount of difference, less related tax effect, should be credited to the Undivided Profits Account in the Reconcilement of Capital Accounts.

(2) When the amount reported in operating expenses is less than that transferred to Reserve for Possible Loan Losses or is less than the actual net loan losses recorded on the bank's books, the amount of difference, less related tax effect, should be charged against the Undivided Profits Account.

(d) *Annual average loans.* To determine the annual average loans outstanding, the loans as reported in the Statement of Condition called for by the Comptroller of the Currency during the year will be averaged. Any schedule of frequency greater than the foregoing is permissible.

§ 18.6 Reporting of securities transactions.

• • • • •

(c) *Trading account securities.* Banks that are dealers in securities should report their trading account securities on the same basis as is used for tax purposes. If either the reporting value of securities or income therefrom meets the test of materiality, the trading account and trading account income should be reported separately. The income account should include coupon interest, profit and losses, revaluation adjustments and any other incidental revenue or expenses related to the purchase and sale of such securities, but salaries, commissions and other expenses should be excluded. If materiality is not met, unless management wishes to report separately, trading account securities should be included with portfolio securities in the respective classifications. In the statement of earnings coupon interest should then be reported with interest on securities and other income with other operating income.

(d) *Securities profits and losses.* Securities gains and losses should be reported after applicable income tax has been deducted from income. Net security gains and losses should be reflected in income in the period such results are realized and booked.

§ 18.7 Reconciliation of capital accounts and valuation reserves.

• • • • •

§ 18.8 Rules of general application.

(a) *One-bank holding companies.* The financial statements, other than the statement of earnings, of a bank owned by a one-bank holding company should be presented separately. The statement of earnings may be presented on a consolidated basis with the other units of the holding company. Appropriate disclosure of this consolidation should be made.

(b) *Earnings.* All banks subject to the jurisdiction of the Office of the Comptroller of the Currency shall be required to report: (1) A loan loss factor in its operating expenses; (2) net income, total and per share, which was transferred to the capital accounts.

(c) *Additional information.* • • •

(d) *Changes in accounting principles and practices and retroactive adjustments initiated by the bank.* • • •

(e) *Balance sheet and statement of earnings.* (1) Banks shall report a balance sheet and a statement of earnings. The format illustrated in Appendices A and B represents the minimum disclosure consistent with this part.

(2) If a cash basis of accounting has been used, it should be so stated.

(3) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(4) Accounting questions, account designations, and other related matters not specifically detailed in this regulation will be handled in accordance with instructions contained in Instructions for Preparation of Reports of Condition and/or Instructions for Preparation of Report of Income.

Dated: November 20, 1969.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

APPENDIX A—BALANCE SHEET

	19—	19—
Resources:		
1. Cash and due from banks		
2. U.S. Treasury securities		
3. Securities of other U.S. Government agencies and corporations		
4. Obligations of States and political subdivisions		
5. Other securities		
6. Trading account securities		
7. Federal funds sold and securities purchased under agreements to resell		
8. Loans		
9. Bank premises and equipment		
10. Other real estate		
11. Investments in subsidiaries not consolidated		
12. Customer's acceptance liability		
13. Other assets		
14. Total		
Liabilities:		
15. Deposits:		
(a) Demand deposits		
(b) Time deposits		
16. Federal funds purchased and securities sold under agreements to purchase		
17. Funds borrowed		
18. Mortgage indebtedness		
19. Acceptances outstanding		
20. Other liabilities		
21. Total liabilities		
22. Minority interest in consolidated subsidiaries		
Reserves on Loans and Securities:		
23. Reserve for bad debt losses		
24. Other loan reserves		
25. Reserves on securities		
26. Total		
Capital Accounts:		
27. Capital notes and debentures		
Rate		
Maturity		
28. Equity capital:		
(a) Capital stock:		
Preferred stock, total par value		
Number shares outstanding		
Common stock, total par value		
Number shares authorized		
Number shares outstanding		
(b) Surplus		
(c) Undivided Profits		
(d) Reserve for contingencies and other capital reserves		
29. Total capital accounts		
30. Total liabilities, reserves and capital accounts		

Notes

A bank, for purposes of the preparation of its reports to shareholders, may use options permitted or specifically authorized. It may also combine the various lines as indicated below, if the line figure is less than 3 percent of total assets.

Line 3 into Line 5. Line 10 into Line 12. Line 10 into Line 9. Line 6 into Line 2, 3, 4, and 5 as appropriate. Line 7 into Line 8. Line 11 into Line 12. Line 15 into Line 16. Line 17 into Line 16. Line 18 into Line 19. Line 21 into Line 19.

APPENDIX B—STATEMENT OF EARNINGS

	19—	19—
1. Operating income:		
(a) Interest and fees on loans		
(b) Income on Federal funds sold and securities purchased under agreements to resell		
(c) Interest and dividends on investments (exclude trading account income):		
(1) U.S. Treasury securities		
(2) Securities of other U.S. Government agencies and corporations		
(3) Obligations of States and political subdivisions		
(4) Other securities		
(d) Trading account income		
(e) Trust department income		
(f) Service charges on deposit accounts		
(g) Other service charges, collection and exchange charges, commissions and fees		
(h) Other operating income		
(i)		
Total		
2. Operating expenses:		
(a) Salaries and wages		
(b) Pensions and other employee benefits		
(c) Interest on deposits		
(d) Expense of Federal funds purchased and securities sold under agreements to repurchase		
(e) Interest on borrowed money		
(f) Occupancy expense of bank premises, net		
(g) Furniture and equipment, depreciation, rentalcosts, servicing of equipment		
(h) Provisions for loan losses (or actual net losses)		
(i) Other		
(k) Total		
3. Income before income taxes and securities gains or losses		
4. Applicable income taxes		

[1] Once a bank has selected one of the three methods, it must continue to use that method.

[2] An appropriate footnote will be made on the Statement of Earnings indicating which method has been employed to arrive at the dollar amount of credit loss charged to operating expenses.

APPENDIX B—STATEMENT OF EARNINGS—Continued

	Gross	Net of tax effect	Gross	Net of tax effect
5. Income before securities gains or losses				
6. Net security gains or losses				
7. Net income before extraordinary items				
8. Extraordinary charges or credits				
9. Less minority interest in consolidated subsidiaries				
10. Net income				
Earnings per common share:				
Income before securities gains (losses)				
Net income				

NOTE: Any operating income or expense item which is not material may be combined with 1(h) or 2(j) as appropriate.

[F.R. Doc. 69-13977; Filed, Nov. 20, 1969; 4:24 p.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

POULTRY INSPECTION

Proposed Requirement To Use Titanium Dioxide in Isolated Soy Protein

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C., section 553, that pursuant to the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the Consumer and Marketing Service proposes to amend the Federal poultry products inspection regulations by adding a new subparagraph (4) to § 81.95 (d) (7 CFR 81.95(d)) as set forth below.

Statement of considerations. Until recently, the use of isolated soy protein in poultry products was on a very limited basis. Changes in manufacturing practices, plus an increase in the number of plants processing both poultry and meat food products which contain isolated soy protein, now make it appropriate to propose amendment of the Federal poultry products regulations to require that a trace element be included in isolated soy protein for use in poultry products prepared at official establishments under the Act. Such regulations are already in effect with regard to meat food products prepared under Federal inspection. Routine qualitative analysis cannot differentiate isolated soy protein from poultry or animal protein unless a trace element is included in the isolated soy protein. Therefore, it is proposed to add a new subparagraph (4) to § 81.95(d) to read:

§ 81.95 Reinspection of poultry and other products; ingredients.

* * * * *

(d) * * *

(4) All isolated soy protein used in products processed in any official establishment shall contain not more and not less than 0.1 percent titanium incorporated as food grade titanium dioxide and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

Any interested persons who desire to present any views, arguments, or data concerning the proposed amendment as set forth above may do so by filing their comments in writing, in duplicate, with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after publication hereof in the FEDERAL REGISTER. All such written submissions will be made available for public inspection at said office during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)). Persons desiring opportunity for oral presentation of views should address such requests to the Consumer and Marketing Service, U.S. Department of Agriculture, 1735 North Lynn Street, Room 409, Pomponio Plaza, Arlington, Va. A transcript of all views orally presented will be made and filed in the office of the Hearing Clerk for public inspection.

Done at Washington, D.C., on November 19, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-13959; Filed, Nov. 24, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Proposal Regarding Combinations of Nutritive and Nonnutritive Sweeteners

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 403, 409, 701(a), 52 Stat. 1047–48, as amended, 1055, 72 Stat. 1784–89, as amended; 21 U.S.C. 321(s), 343, 348, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the following statement of policy regarding combinations of nutritive and nonnutritive sweeteners be added to Part 3:

§ 3.____ Combinations of nutritive and nonnutritive sweeteners.

As a result of the removal of cyclamic acid and its salts from the list of substances generally recognized as safe (21 CFR 121.101) by an order published in the FEDERAL REGISTER of October 21, 1969 (34 F.R. 17063), the Commissioner of Food and Drugs has received inquiries as to the proper composition and labeling, from the standpoint of application of the Federal Food, Drug, and Cosmetic Act, of so-called "diet beverages" that will be made from mixtures of nutritive sweeteners and saccharin or its salts. The Commissioner concludes that:

(a) Any "diet beverage" or diet beverage base made with combinations of nutritives and nonnutritive sweeteners must be so formulated that each ingredient is one which is generally recognized as safe and is not a food additive as defined in section 201(s) of the act, or if it is a food additive as so defined, is used in accordance with a regulation in Part 121 of this chapter. To avoid confusion by diabetics, alcohols such as sorbitol and mannitol shall not be used. The nutritive sweetener shall be a mono-, di-, or polysaccharide or combination thereof.

(b) The product is to be so formulated that its caloric value is at least 50 percent less than the caloric value of the comparable product made without artificial sweeteners.

(c) If it is to be marketed under a name heretofore used on a product represented to have no, or only a few, calories per serving, the name shall be modified by the word "new".

(d)(1) The label must bear a complete statement of ingredients except that spices, flavorings, and colorings may be designated as such without naming each.

(2) The label must bear a statement of the caloric content per fluid ounce, the carbohydrate content per fluid ounce, a statement of the percentage of saccharin or saccharin salt used, and the statement "Contains _____ mg. saccharin (or saccharin salt, as the case may be), per ounce, a nonnutritive artificial sweetener".

(3) To further avoid injury through inadvertent use by diabetics in the belief that the product does not contain carbohydrates, the label must bear the statement "Contains sugar(s); not for use by diabetics without advice of a physician."

The Commissioner recognizes the problem created by the fact that stocks of containers already lithographed or otherwise printed may be the only containers available for these new products. Consideration will be given to the use of properly applied stickers or neck bands carrying the information set forth above in a conspicuous manner.

Any interested person may, within 15 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: November 19, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14025; Filed, Nov. 24, 1968; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9980]

AIRWORTHINESS DIRECTIVES

Hawker Siddeley Dove Model 104 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Hawker Siddeley Dove Model 104 Airplanes. There have been cases reported of the nose landing gear locking lever and jacking attachment lever cracking from fatigue damage. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement of the nose landing gear locking lever and jack attachment lever with levers of improved fatigue resistance.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 22, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to Hawker Siddeley Dove Model 104 airplanes.

Compliance is required within the next 300 landings after the effective date of this AD, unless already accomplished.

To prevent fatigue failure of the nose landing gear locking lever and jack attachment lever, replace the existing nose landing gear locking lever and jack attachment lever with Modification 978 levers in accordance with Hawker Siddeley Technical News Sheet Series CT (104) No. 155, Issue 4, dated September 29, 1969, or an FAA-approved equivalent.

Issued in Washington, D.C., on November 17, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-13974; Filed, Nov. 24, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-129]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Southbridge, Massachuetts Transition Area (34 F.R. 4769).

The U.S. Standard for Terminal Instrument Approach Procedures became effective November 18, 1967, and changed the criteria for the establishment of instrument approach procedures. This criteria requires the alteration of the Southbridge, Mass., transition area to provide airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Southbridge, Mass., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Southbridge, Mass., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 42°06'05" N., 72°02'20" W. of Southbridge Municipal Airport, Southbridge, Mass.; within 3.5 miles each side of the Putnam, Conn., VORTAC 315° radial, extending from the 6.5-mile radius area to the VORTAC; within 2 miles each side of the Runway 2 centerline extended from the 6.5-mile radius area to 6.5 miles north of the end of the runway and within 2 miles each side of the Runway 20 centerline extended from the 6.5-mile radius area to 6.5 miles south of the end of the runway.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 12, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13972; Filed, Nov. 24, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-138]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Frederick, Md., transition area (34 F.R. 4688).

The U.S. Standard for Terminal Instrument Approach Procedures became effective November 18, 1967 and changed the criteria for the establishment of instrument approach procedures. This criteria requires the proposed alteration of the Frederick, Md., 700-foot floor transition area to provide airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area

of Frederick, Md., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Frederick, Md., transition area and substitute the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°25'00" N., 77°22'00" W., of Frederick Municipal Airport, Frederick, Md.; within 3.5 miles each side of the Frederick VOR 032° radial, extending from the 5-mile radius area to 11.5 miles northeast of the VOR; within 2 miles each side of the Runway 19 centerline extended from the 5-mile radius area to 6 miles south of the end of the runway and within 2 miles each side of the Frederick VOR 075° radial, extending from the 5-mile radius area to 7 miles east of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348, and section 6(c) of the DOT Act 49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 12, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13973; Filed, Nov. 24, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 50, 115]

CODES AND STANDARDS FOR NUCLEAR POWER UNITS

Notice of Proposed Rule Making

The Atomic Energy Commission has under consideration amendments of its regulations in 10 CFR Part 50, "Licensing of Production and Utilization Facilities," and 10 CFR Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted From Licensing Requirements," which would establish minimum quality standards for the design, fabrication, erection, construction, testing, and inspection of certain systems and components of boiling and pressurized water-cooled nuclear power reactor units by requiring conformance with appropriate editions of published industry codes and standards.

Criterion 1 of the "General Design Criteria for Nuclear Power Plant Construction Permits" (proposed Appendix A of Part 50) [1] states that systems and components of nuclear power plants which are essential to the prevention of accidents which could affect public health and safety or to mitigation of their consequences be designed, fabricated, and tested to quality standards that reflect the importance of the safety function to be performed. It has been generally recognized that for boiling and pressurized water-cooled reactors, pressure vessels, piping, valves and pumps which are part of the reactor coolant pressure boundary should, as a minimum, be designed, fabricated, inspected, and tested in accordance with the requirements of the applicable American Society of Mechanical Engineers (ASME) codes in effect at the time the equipment is purchased, and protection systems (electrical and mechanical sensors and associated circuitry) should, as a minimum, be designed to meet the criteria developed by the Institute of Electrical and Electronics Engineers (IEEE).

The ASME codes for pressure vessels, piping, pumps, and valves and the IEEE criteria for protection systems were developed and are revised periodically by industry code committees composed of representatives of utilities, reactor designers, architect-engineers, component manufacturers, insurance companies, the Commission, and others. New industry codes and revisions to existing codes generally do not become effective for at least a year after publication for trial use and comment, and only then for contracts entered into after the effective date. Because of the time delays between the execution of the contract for and start of design or fabrication of some reactor components, 2 years may elapse between the effective dates of new or revised codes and the application of their requirements to the design and fabrication of components. Even after components complying with these code requirements are fabricated, another 2 or 3 years may elapse before the reactor is operated. The effect of this traditional pattern is that the results of currently available improved codes will not be seen in operating reactors for many years hence.

Because of the safety significance of uniform early compliance by the nuclear industry with the requirements of these ASME and IEEE codes and published code revisions, the Commission is considering the adoption of amendments to Parts 50 and 115 to require that certain components of water-cooled reactors important to safety comply with these codes and appropriate revisions to the codes at the earliest feasible time. In such reactors for which construction permits have been issued but which have not been licensed for operation, such components would be required to comply with the codes in effect at the time the equipment was ordered. In reactors for which construction permits are issued on or after April 1, 1970, such components, regardless of order date, would be required to comply with the more recent revisions of the codes (excluding Code Cases) specified in the proposed amendments.

The various dates given in the proposed amendments for compliance with the new industry codes and standards have been selected to give approximately 3 months notice of the Commission's intent to require compliance, as a condition of licensing, with specified codes or addenda that now have been available to the industry for at least 6 months. In cases where the design or fabrication of some reactor components has proceeded to the point where compliance with the specified requirements, or portions thereof, would result in hardships or unusual difficulties without a compensating increase in the level of safety, the Commission would be authorized under § 50.55a(b)(1) to grant exceptions. It should also be noted that § 50.55a(b)(2) would permit the Commission to authorize deviations from the requirements of the specified codes and standards if it can be shown that an equivalent level of safety will be provided.

The Commission considers that a significant improvement in the level of quality in design, fabrication and testing of systems and components important to safety of each reactor will be afforded by compliance with the requirements of the more recent codes specified in the proposed amendments, or portions thereof, and encourages such compliance whenever practicable, regardless of the date of purchase of equipment or the provisions of these proposed amendments. Compliance with the provisions of the proposed amendments and the referenced codes is intended to insure a basic sound quality level. It may be that the special safety importance of a particular system or component will call for supplementary measures. If analysis of the system shows that such is the case, appropriate supplementary measures are expected to be adopted by applicants and licensees, or will be required by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 50 and 115 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of the notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. Paragraph (c) of § 50.55 is amended to read as follows:

§ 50.55 Conditions of construction permits.

Each construction permit shall be subject to the following terms and conditions:

* * * * *

(c) Except as modified by this section and § 50.55a, the construction permit shall be subject to the same conditions to which a license is subject.

* * * * *

2. A new § 50.55a is added to 10 CFR Part 50 to read as follows:

§ 50.55a Codes and standards.

Each construction permit for a utilization facility shall be subject to the following conditions, in addition to those specified in § 50.55:

(a) Structures, systems, and components shall be designed, fabricated, erected, constructed, tested, and inspected to quality standards commensurate with the importance of the safety function to be performed.

(b) As a minimum, the systems and components of boiling and pressurized water-cooled nuclear power reactors specified in paragraphs (c), (d), (e), and (f) of this section shall meet the requirements described in those paragraphs and the protection systems of nuclear power reactors of all types shall meet the requirements described in paragraph (g) of this section, except as authorized by the Commission upon demonstration by the applicant for or holder of a construction permit that:

(1) Design, fabrication, erection, testing, or inspection of the specified system or component is, to the maximum extent practical, in accordance with generally recognized codes and standards and has proceeded to a point prior to_____ * such that compliance with the described requirements or portions thereof would result in hardships or unusual difficulties without a compensating increase in the level of safety; or

(2) Proposed deviations from the described requirements or portions thereof will be compensated for by factors or design features which provide at least an equivalent level of safety.

(c) *Pressure vessels.* For construction permits issued before April 1, 1970, for reactors not licensed for operation, pressure vessels which are part of the reactor coolant pressure boundary shall meet the requirements set forth in Section III of the American Society of Mechanical Engineers (hereinafter referred to as ASME) Boiler and Pressure Vessel Code, Applicable Code Cases, and Addenda [1] in effect at the time the vessel was ordered. For construction permits issued on or after April 1, 1970, pressure vessels which are part of the reactor coolant pressure boundary shall meet the requirements for Class A vessels set forth in the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code (excluding Code Cases), the Summer 1968 Addenda and the Winter 1968 Addenda dated June 30, and December 31, 1968, respectively, and the Summer 1969 Addenda dated June 30, 1969.[1]

(d) *Piping.* For construction permits issued before April 1, 1970, for reactors not licensed for operation, piping, and fittings which are part of the reactor coolant pressure boundary shall, if ordered before July 26, 1967, meet the requirements set forth in the American Standard Code for Pressure Piping (ASA B31.1—1955), applicable Code Cases and Addenda in effect at the time the piping or fitting was ordered, and the requirements set forth in ASA B31 Code Cases N7, N9, and N10 [1] or if ordered after July 26, 1967, meet the requirements set forth in the Power Piping Section of the USA Standard Code for Pressure Piping (USAS B31.1.0—1967) applicable Code Cases, and Addenda in effect at the time the piping or fitting was ordered, and the requirements set forth in ASA B31 Code Cases N7, N9, and N10.[1] For construction permits issued on or after April 1, 1970, piping and fittings which are part of the reactor coolant pressure boundary shall meet the requirements for Class I piping set forth in the draft Nuclear Power Piping Section of the USA Standard Code for Pressure Piping (USAS B31.7), dated February 1968 (excluding Code Cases), and Errata dated June 1968, the requirements set forth in Appendix IX—Quality Control and Nondestructive Examination Methods, of the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code, and the requirements set forth in paragraph N-153 in the Summer 1969 Addenda dated June 30, 1969, to the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code.[1]

(e) *Pumps and valves.* For construction permits issued before April 1, 1970, for reactors not licensed for operation, pumps which are part of the reactor coolant pressure boundary shall meet the nondestructive testing requirements set forth in ASA B31 Code Cases N7, N9, and N10.[1] Valves which are part of the reactor coolant pressure boundary shall if ordered before July 26, 1967, meet the requirements set forth in the American Standard Code for Pressure Piping (ASA B31.1—1955), applicable Code Cases and Addenda in effect at the time the valve was ordered, and the requirements set forth in ASA B31 Code Cases N2, N7, N9, and N10 [1] or if ordered after July 26, 1967, meet the requirements set forth in the Power Piping Section of the USA Standard Code for Pressure Piping (USAS B31.1.0—1967), applicable Code Cases, and Addenda in effect at the time the valve was ordered, and the requirements set forth in the ASA B31 Code Cases N2, N7, N9, and N10.[1] For construction permits issued on or after April 1, 1970, pumps and valves which are part of the reactor coolant pressure boundary shall meet the requirements for Class I pumps and valves set forth in the draft ASME Standard Code for Pumps and Valves for Nuclear Power, dated November 1968 (excluding Code Cases), the requirements set forth in Appendix IX—Quality Control and Nondestructive Examination Methods, of the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code, and the requirements set forth in paragraph N-153 in the Summer 1969 Addenda dated June 30, 1969 to the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code.[1]

(f) *Inservice inspection requirements.* For construction permits issued on or after April 1, 1970, pressure vessels, piping, fitting, pumps, and valves which are part of the reactor coolant pressure boundary shall meet the requirements set forth in the draft ASME Code for Inservice Inspection of Nuclear Reactor Coolant Systems, dated October 1968 (excluding Code Cases). The requirements of this paragraph need not be met by pressure-containing components whose rupture would not result in a loss of reactor coolant in excess of the replenishment capability and capacity of the normal makeup systems for the interval of time necessary to permit a reactor shutdown and orderly cooldown.

(g) *Protection systems.* For construction permits issued after April 1, 1970, protection systems shall meet the requirements set forth in the 1968 Edition of the Proposed Institute of Electrical and Electronics Engineers Criteria for Nuclear Power Plant Protection Systems (IEEE No. 279), dated August 1968.[2]

(h) *Reactor coolant pressure boundary.* As used in paragraphs (c), (d), (e), and (f) of this section, "reactor coolant pressure boundary" means all those pressure-containing components, such as pressure vessels, piping, pumps, and valves, within the following systems or portions of systems of boiling and pressurized water-cooled nuclear power reactors:

(1) The reactor coolant system. For a nuclear power reactor of the direct cycle boiling water type, the reactor coolant system extends to and includes the outermost containment isolation valves capable of external actuation* in the main steam and feedwater piping, and the reactor coolant system safety and relief valves.

(2) Portions of associated auxiliary systems connected to the reactor coolant system. For piping of these systems which penetrates primary reactor containment, the boundary extends to and includes the first containment isolation valve outside the containment capable of external actuation.* For piping of these systems which contains two valves, both of which are normally closed during normal reactor operation, the boundary extends to and includes the second of these valves (the second of which must be capable of external actuation*), whether or not the system piping penetrates primary reactor containment.

(3) Portions of the emergency core cooling system connected to the reactor coolant system. For piping of this system which penetrates primary reactor containment, the boundary extends to and includes the first containment isolation valve outside containment capable of external actuation.* For piping of this system which does not penetrate primary reactor containment, the boundary extends to and includes the second of two valves normally closed during normal reactor operation.

3. Paragraph (a) of § 115.43 is amended to read as follows:

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[1] The General Design Criteria were published for public comment in the FEDERAL REGISTER on July 11, 1967 (32 F.R. 10213).

* Effective date of these amendments.

[1] Copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. Copies are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

[2] A copy may be obtained from the Institute of Electrical and Electronics Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. A copy is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

*Simple check valves are not acceptable for this purpose.

§ 115.43 Conditions of construction authorizations.

Each construction authorization shall be subject to the following terms and conditions.

(a) Except as modified by this section and § 115.43a, the construction authorization shall be subject to the same conditions to which an operating authorization is subject.

• • • • •

4. A new § 115.43a is added to 10 CFR Part 115 to read as follows:

§ 115.43a Codes and standards.

Each construction authorization shall be subject to the following conditions, in addition to those specified in § 115.43:

(a) Structures, systems, and components of nuclear reactors shall be designed, fabricated, erected, constructed, tested, and inspected to quality standards commensurate with the importance to the safety function to be performed.

(b) As a minimum, the systems and components of boiling and pressurized water-cooled nuclear power reactors specified in paragraphs (c), (d), (e), and (f) of this section shall meet the requirements described in those paragraphs and the protection systems of nuclear power reactors of all types shall meet the requirements described in paragraph (g) of this section, except as authorized by the Commission upon demonstration by the applicant for or holder of a construction authorization that:

(1) Design, fabrication, erection, testing, or inspection of the specified system or component is, to the maximum extent practical, in accordance with generally recognized codes and standards and has proceeded to a point prior to _____* such that compliance with the described requirements or portions thereof would result in hardships or unusual difficulties without a compensating increase in the level of safety; or

(2) Proposed deviations from the described requirements or portions thereof will be compensated for by factors or design features which provide at least an equivalent level of safety.

(c) *Pressure vessels.* For construction authorizations issued before April 1, 1970, for reactors not authorized for operation, pressure vessels which are part of the reactor coolant pressure boundary shall meet the requirements set forth in Section III of the American Society of Mechanical Engineers (hereinafter referred to as ASME) Boiler and Pressure Vessel Code, applicable Code Cases, and Addenda [1] in effect at the time the vessel was ordered. For construction authorizations issued on or after April 1, 1970, pressure vessels which are part of the reactor coolant pressure boundary shall meet the requirements for Class A vessels set forth in the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code (excluding Code Cases), the Summer 1968 Addenda and the Winter 1968 Addenda dated June 30, 1968, and December 31, 1968, respectively, and the Summer 1969 Addenda dated June 30, 1969.[1]

(d) *Piping.* For construction authorizations issued before April 1, 1970, piping and fittings which are part of the reactor coolant pressure boundary shall if ordered before July 26, 1967, meet the requirements set forth in the American Standard Code for Pressure Piping (ASA B31.1—1955), applicable Code Cases and Addenda in effect at the time the piping or fitting was ordered, and the requirements set forth in ASA B31 Code Cases N7, N9, and N10[1] or if ordered after July 26, 1967, meet the requirements set forth in the Power Piping Section of the USA Standard Code for Pressure Piping (USAS B31.1.0—1967), applicable Code Cases and Addenda in effect at the time the piping or fitting was ordered, and the requirements set forth in ASA B31 Code Cases N7, N9, and N10.[1] For construction authorizations issued on or after April 1, 1970, piping and fittings which are part of the reactor coolant pressure boundary shall meet the requirements for Class I piping set forth in the draft Nuclear Power Piping Section of the USA Standard Code for Pressure Piping (USAS B31.7), dated February 1968 (excluding Code Cases) and Errata dated June 1968, the requirements set forth in Appendix IX—Quality Control and Non-destructive Examination Methods, of the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code, and the requirements set forth in paragraphs N–153 in the Summer 1969 Addenda dated June 30, 1969, to the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code.[1]

(e) *Pumps and valves.* For construction authorizations issued before April 1, 1970, for reactors not authorized for operation, pumps which are part of the reactor coolant pressure boundary shall meet the nondestructive testing requirements set forth in ASA B31 Code Cases N7, N9, and N10.[1] Valves which are part of the reactor coolant pressure boundary shall if ordered before July 26, 1967, meet the requirements set forth in the American Standard Code for Pressure Piping (ASA B31.1—1955), applicable Code Cases and Addenda in effect at the time the valve was ordered, and the requirements set forth in ASA B31 Code Cases N2, N7, N9, and N10[1] or if ordered after July 26, 1967, meet the requirements set forth in the Power Piping Section of the USAS Standard Code for Pressure Piping (USAS B31.1.0—1967, applicable Code Cases, and Addenda in effect at the time the valve was ordered, and the requirements set forth in ASA B31 Code Cases N2, N7, N9, and N10.[1] For construction authorizations issued on or after April 1, 1970, pumps and valves which are part of the reactor coolant pressure boundary shall meet the requirements for Class I pumps and valves set forth in the draft ASME Standard Code for Pumps and Valves for Nuclear Power, dated November 1968 (excluding Code Cases), the requirements set forth in Appendix IX—Quality Control and Nondestructive Examination Methods, of the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code, and the requirements set forth in paragraph N–153 in the Summer 1969 Addenda dated June 30, 1969, to the 1968 Edition of Section III of the ASME Boiler and Pressure Vessel Code.[1]

(f) *Inservice inspection requirements.* For construction authorizations issued on or after April 1, 1970, pressure vessels, piping, fittings, pumps, and valves which are part of the reactor coolant pressure boundary shall meet the requirements set forth in the draft ASME Code for Inservice Inspection of Nuclear Reactor Coolant Systems, dated October 1968[1] (excluding Code Cases). The requirements of this paragraph need not be met by pressure-containing components whose rupture would not result in a loss of reactor coolant in excess of the replenishment capability and capacity of the normal makeup systems for the interval of time necessary to permit a reactor shutdown and orderly cooldown.

(g) *Protection systems.* For construction authorizations issued after April 1, 1970, protection systems shall meet the requirements set forth in the 1968 Edition of the Proposed Institute of Electrical and Electronics Engineers Criteria for Nuclear Power Plant Protection Systems (IEEE No. 279), dated August 1968.[2]

(h) *Reactor coolant pressure boundary.* As used in paragraphs (c), (d), (e), and (f) of this section "reactor coolant pressure boundary" means all those pressure-containing components, such as pressure vessels, piping, pumps, and valves, within the following systems or portions of systems of boiling and pressurized water-cooled nuclear power reactors:

(1) The reactor coolant system. For a nuclear power reactor of the direct cycle boiling water type, the reactor coolant system extends to and includes the outermost containment isolation valves capable of external actuation,* in the main steam and feedwater piping, and the reactor coolant system safety and relief valves.

(2) Portions of associated auxiliary systems connected to the reactor coolant system. For piping of these systems which penetrates primary reactor containment, the boundary extends to and includes the first containment isolation valve outside the containment capable of external actuation.* For piping of these systems which contains two valves, both of which are normally closed during normal reactor operation, the boundary extends to and includes the second of these valves (the second of which must be capable of external actuation*), whether or not the system piping penetrates primary reactor containment.

(3) Portions of the emergency core cooling system connected to the reactor coolant system. For piping of this system which penetrates primary reactor containment, the boundary extends to and includes the first containment isolation valve outside containment capable of external actuation.* For piping of this system which does not penetrate primary reactor containment, the boundary extends to and includes the second of two valves normally closed during normal reactor operation.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 17th day of November, 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69–14004; Filed, Nov. 21, 1969; 9:34 a.m.]

*Effective date of these amendments.

[1] Copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. Copies are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

[2] A copy may be obtained from the Institute of Electrical and Electronics Engineers, United Engineering Center, 345 47th Street, New York, N.Y. 10017. A copy is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

*Simple check valves are not acceptable for this purpose.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ROBERT JOSEPH McCORMICK

Notice of Granting of Relief

Notice is hereby given that Robert Joseph McCormick, 9642 Sussex, Detroit, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 21, 1919, in the Cuyahoga County Common Pleas Court, Cleveland, Ohio, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert J. McCormick, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such conviction, it would be unlawful for Robert J. McCormick to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert J. McCormick's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Robert J. McCormick be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possesion of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of November, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13965; Filed, Nov. 24, 1969; 8:46 a.m.]

CLAUDE ALLEN OSBORNE, JR.

Notice of Granting of Relief

Notice is hereby given that Claude Allen Osborne, Jr., 23 West Pollux Circle, Portsmouth, Va. 23701, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 23, 1962, by the Norfolk County Circuit Court, Portsmouth, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Claude Allen Osborne, Jr. because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such conviction, it would be unlawful for Claude Allen Osborne, Jr. to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Claude Allen Osborne Jr's application and;

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), tilte 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Claude Allen Osborne, Jr. be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of November, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-13966; Filed, Nov. 24, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 17, 1969.

The Forest Service, U.S. Department of Agriculture has filed an application, Serial No. R 2573, for the withdrawal of lands described below from prospecting, location, entry, and purchase under the mining laws, subject to valid existing rights.

The lands have previously been withdrawn for the San Gabriel Forest Reserve by Presidential Proclamation No. 38 of December 20, 1892, now the San Bernardino National Forest, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit use of such lands for an administrative site, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

The Department's regulations (43 CFR 2311.1-3(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's need, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

SAN BERNARDINO NATIONAL FOREST

Pinyon Flat Administrative Site

T. 3 N., R. 7 W.,
Sec. 15, SE¼SW¼SW¼NW¼, S½SE¼SW¼NW¼, SW¼SW¼SE¼NW¼, W½NW¼NE¼SW¼, W½SW¼NE¼SW¼, NW¼SW¼.

Containing 60 acres in San Bernardino County.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 69-13943; Filed, Nov. 24, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

ECONOMIC POISONS CONTAINING DDT FOR CERTAIN USES

Proposed Cancellation of Registration

During the past 25 years DDT has been used extensively for the control of a variety of insect pests. In addition to widespread agricultural use it has been invaluable in the control of certain vectors of diseases. Its continued widespread use and relatively slow dissipation has resulted in contamination of the environment with low levels of DDT. Trace residues can often be detected in areas far removed from sites of application. This was recognized by the President's Science Advisory Committee in its report of May 15, 1963, entitled, "Use of Pesticides." The report recommended an orderly reduction in the use of persistent pesticides with their elimination being the goal. The report of the Environmental Pollution Panel of the PSAC entitled, "Restoring the Quality of Our Environment" also expressed concern over the persistence of pesticides in the environment, and recommended more stringent controls.

In November of 1966 the Department of Agriculture requested that a committee be appointed by the National Research Council to appraise the significance of residues from the standpoint of their effects on the environment. The committee submitted its report in May of 1969, and recommended that immediate attention be given to the problem of buildup of persistent pesticides in the total environment. The Commission on Pesticides and Their Relationship to Environmental Health, appointed by the Secretary of Health, Education, and Welfare, recommended in its report of November 1969 that all uses of DDT be eliminated except those uses essential to the preservation of human health and welfare.

Current information on levels of DDT in the environment warrant the discontinuation of widespread use of DDT when such use is not essential in the production of food or the protection of health. Therefore, continued registration under the Federal Insecticide, Fungicide, and Rodenticide Act for products containing DDT bearing directions for use as indicated below is not considered to be in the public interest.

Action is being taken to cancel certain uses which contribute significantly to contamination of the environment. These are as follows:

1. All uses on shade trees, including elm trees for control of the elm bark beetle which transmits the Dutch elm disease.
2. All uses on tobacco.
3. All uses in or around the home except limited uses for control of disease vectors as determined by public health officials.
4. All uses in aquatic environments, marshes, wetlands, and adjacent areas, except those which are essential for the control of disease vectors as determined by public health officials.

Registrants have been advised of cancellation of registration for DDT products bearing directions for use as indicated above.

The Department is considering cancellation of any other uses of DDT unless it can be shown that certain uses are essential in the protection of human health and welfare and only those uses for which there are no effective and safe substitutes for the intended use will be continued. This notice is to afford interested persons an opportunity for a period of 90 days to submit views and comments on this proposal.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 90 days after the date of publication of this notice in the FEDERAL REGISTER. Please make reference in any submissions to "F.R. DDT Notice."

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 20th day of November 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69-14024; Filed, Nov. 24, 1969; 8:50 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DIRECTOR, PLANNING DIVISION, PROGRAM COORDINATION AND SERVICES OFFICE, REGION VI (SAN FRANCISCO)

Designation

The official named herein and appointed to the following listed position in Region VI (San Francisco) is hereby designated to serve as Acting Director, Planning Division, Program Coordination and Services Office, Region VI (San Francisco), during the present vacancy in the position of Director, Planning Division, Program Coordination and Services Office, Region VI, with all the powers, functions, and duties redelegated or assigned to the Director, Planning Division, Program Coordination and Services Office: Arthur Kontura, Planning Requirements Officer, Planning Division.

(Redelagation by Assistant Secretary for Administration effective Jan. 10, 1967)

The effective date of this designation is October 13, 1968.

WARD ELLIOTT,
Acting Regional Administrator,
Region VI (San Francisco).

[F.R. Doc. 69-13978; Filed, Nov. 24, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 8555]

NEAR MIDAIR COLLISIONS

Extension of Policy Regarding Reports

The Federal Aviation Administration is extending to December 31, 1971, inclusive, its 1968 policy that established (32 F.R. 16539) the reporting of near midair collisions. This extension of the 1968 policy is considered appropriate since the final FAA report based upon the 1968 study has been completed and certain actions initiated to reduce the midair collision potential. In order to measure these actions as to their effectiveness, it is deemed appropriate to extend this policy.

Accordingly, the Administrator will take no enforcement or other adverse action, remedial or disciplinary, against any person involved in a near midair collision that is reported to the FAA during the extension of this policy. This action is taken under his statutory mandate to promote safety in flight. Furthermore, the Administrator will, upon written request of the person making the report, withhold that report, and the identity of those persons involved, from public disclosure in accordance with section 1104 of the Federal Aviation Act of 1958.

Therefore, it is the policy of the Federal Aviation Administration that if any pilot of an aircraft, Air Traffic Controller, or other person involved in a near midair collision reports the facts, conditions, and circumstances thereof to the FAA—

(a) The Administrator will not subject any person involved in the near midair collision to enforcement or other adverse action, remedial or disciplinary, even though a violation of the Federal Aviation Regulations is disclosed by the report or subsequent investigation; and

(b) Upon written request of the person submitting the report, the Administrator will, to the extent authorized by section 1104 of the Federal Aviation Act of 1958, withhold the identity of the persons involved in the near midair collision and the information contained in that report from public disclosure.

This policy applies to near midair collisions which occur from January 1, 1970, to December 31, 1971, inclusive.

Issued under the authority of sections 305, 307(c), 312(c), 313(a), 601(a), 701(a), and 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1346, 1348(c), 1353(c), 1354(a), 1321(a), 1441(a), and 1504.

Issued in Washington, D.C., on November 17, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-13975; Filed, Nov. 24, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20635]

AEROLINEAS PERUANAS, S.A.

Notice of Postponement of Reopened Hearing

Notice is hereby given that the reopened hearing in the above-entitled proceeding now scheduled for December 3, 1969, is postponed to December 10, 1969, at 9:30 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner. This postponement is at the request of the applicant.

Dated at Washington, D.C., November 19, 1969.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 69-13999; Filed, Nov. 24, 1969; 8:49 a.m.]

[Docket No. 21627]

LUFTVERKEHRSUNTERNEHMEN ATLANTIS A.G.

Notice of Prehearing Conference and Hearing

Application for amendment of foreign air carrier permit.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 26, 1969, at 2 p.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., November 19, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-14000; Filed, Nov. 24, 1969; 8:49 a.m.]

[Docket No. 21047]

OVERSEAS NATIONAL AIRWAYS, INC.

Notice of Change of Date for Prehearing Conference

Application for approval of passenger cruise vessel operation.

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned for December 8, 1969, is hereby reassigned to be held on December 15, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

By notice from the Associate Chief Examiner dated November 14, 1969, interested parties were instructed to make certain submissions to the Examiner and to the parties on or before December 1, 1969. The date for such submissions in advance of the prehearing conference is changed to December 8, 1969.

Dated at Washington, D.C., November 19, 1969.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 69-14001; Filed, Nov. 24, 1969; 8:49 a.m.]

[Docket No. 21554]

QUEBECAIR

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 9, 1969, at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 19, 1969.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 69-14002; Filed, Nov. 24, 1969; 8:49 a.m.]

[Docket No. 21587]

WAGNER AVIATION LTD.

Notice of Prehearing Conference and Hearing

Application for foreign air carrier permit.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 3, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., November 19, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-14003; Filed, Nov. 24, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary for Special Programs in the Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13985; Filed, Nov. 24, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Center for Community Planning in the Office of the Assistant Secretary for Individual and Family Services.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13986; Filed, Nov. 24, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Assistant to the Secretary" to "Executive Assistant to the Secretary".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13987; Filed, Nov. 24, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Special Assistant for Mortgage Interest Rates, Immediate Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13988; Filed, Nov. 24, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director of Regional Support.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13989; Filed, Nov. 24, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy for Model Cities and Governmental Relations in the Office of the Assistant Secretary for Model Cities and Governmental Relations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13990; Filed, Nov. 24, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Commissioner for Program Review, Office of the Commissioner for Fish and Wildlife.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13991; Filed, Nov. 24, 1969; 8:48 a.m.]

DEPARTMENT OF STATE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of State to fill by noncareer executive assignment in the excepted service the position of Chairman, Policy Planning Council.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-13992; Filed, Nov. 24, 1969; 8:48 a.m.]

DEPARTMENT OF STATE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of State to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Planning, Planning and Coordination Staff (S/PC).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners

[F.R. Doc. 69-13993; Filed, Nov. 24, 1969; 8:49 a.m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 731]

DEPUTY GOVERNOR ET AL.

Authorization To Authenticate Documents, Certify Official Records, and Affix Seal

1. H. T. Mason, Deputy Governor, Helen E. McWilliams, Secretary to the Governor, Bernice R. Meuers, Secretary to the Deputy Governor, D. Elizabeth Frew, Legal Clerical Assistant and Secretary to the General Counsel, and Dorothy P. Smith, Secretary, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

(2) The provisions of this order shall be effective November 17, 1969, and on that date shall supersede Farm Credit Administration Order No. 707, dated July 1, 1966, 31 F.R. 9522.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 69-13979; Filed, Nov. 24, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18610; FCC 69R-476]

MANATEE CABLEVISION, INC.

Memorandum Opinion and Order Enlarging Issues

In the matter of petition by Manatee Cablevision, Inc., to stay construction and operation of CATV distribution facilities in Manatee County, Fla., by General Telephone System, General Telephone Company of Florida, and GT&E Communications, Inc.

1. On August 25, 1969, Manatee Cablevision, Inc. (Manatee), filed the instant petition which requests the Review Board to amend the Commission's memorandum opinion and order and order to show cause (18 FCC 2d 812, released Aug. 4, 1969) in this proceeding insofar as temporary stay provisions are concerned and to enlarge the already specified issues herein by renumbering the

last issue from (d) to (i) and by inserting the following new issues: [1]

(d) To determine the locations of messenger strand, trunk coaxial cable and distribution coaxial cable (both energized and unenergized) and the location, number and identity of subscribers actually receiving television pictures distributed by GTEC's CATV system in Manatee County as of July 30, 1969, August 4, 1969, and the date of this order;

(e) To determine whether, in light of the evidence adduced pursuant to issue (d) above, GTEC, General of Florida or General Telephone and Electronics Corp. have violated the terms of the temporary stay order adopted by the Commission on July 29, 1969 (FCC 69–821);

(f) To determine whether GTEC's CATV system in Manatee County, Fla., commenced operations in violation of § 74.1105(c) of the Commission's rules and regulations;

(g) To determine whether GTEC's CATV system in Manatee County, Fla., is extending the signals of television stations beyond their Grade B contours into the city of Bradenton, Fla., in violation of §§ 74.1107 and 74.1105 of the Commission's rules and regulations;

(h) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the General Telephone Company of Florida, GT&E Communications, Inc., and General Telephone and Electronics Corp., jointly or severally, should be directed to cease and desist from providing CATV facilities or service within or to Manatee County, Fla.

2. This proceeding was initiated as a result of charges made by Manatee, the holder of a nonexclusive franchise to provide CATV service in Manatee County, that General Telephone System (General) and its affiliates, including GTEC, in constructing and rapidly expanding construction of CATV distribution facilities in Manatee County, have engaged in anticompetitive practices, acted to circumvent section 214 of the Communications Act, and violated the Commission's partial stay order in Docket No. 17333. On the basis of the pleadings before it, the Commission determined that substantial questions of law and fact are raised by the actions of a common carrier (General Telephone Company of Florida (GTCF)) which is holding itself out to provide service that is subject to certification procedures under section 214 of the Act and by the actions of an affiliated CATV company, i.e., GTEC. Noting this proceeding's similarity to TeleCable Corp., 17 FCC 2d 517 (1969), the Commission found that a substantial question is raised here as to whether the primary thrust of the local telephone company's actions is to retain to itself complete ownership and control of CATV distribution facilities within a community and to reject, directly or indirectly, attempts by independent CATV operators to own, construct or operate their own distribution facilities through appropriate pole attachment arrangements. Holding that GTCF is bound by the decision in Docket No. 17333 [2] which requires a prior certification of public convenience and necessity under section 214 of CATV distribution facilities and pointing out that the alleged activities of GTCF and GTEC, if demonstrated, would substantially lessen competition or restrain commerce or unlawfully create a monopoly, the Commission issued a show cause order and directed that an expedited hearing be held to inquire into such activities and to determine whether section 214 certification is required by the Commission in connection with the construction and operation of CATV distribution facilities in Manatee County by GTCF and GTEC.[3] The Commission further ordered that the respondents in this proceeding, General Telephone & Electronics Corp., GTCF, and GTEC, are prohibited from placing into operation any CATV distribution facilities in Manatee County pending resolution of the specified issues or certification of such facilities by the Commission, whichever occurs first. The stay order was based on the "reasonable likelihood that CATV service will be commenced before a decision is issued in this case", and was issued to prohibit "GETC from commencing CATV operations until the issues designated in this proceeding are resolved or until further order of the Commission."

3. In the instant petition, Manatee, through the attached affidavit of its President, states that the installation of "house-drop cable" by GTEC has been observed, and that by such action GTEC has commenced the delivery of CATV service to an unknown but apparently large number of new customers since the date of the Commission's show cause order. On this basis, Manatee argues that GTEC's activities clearly violate the terms of the Commission's stay order herein and that such violation itself warrants the institution of a show cause proceeding. However, the petitioner suggests that, in view of the similarity of the parties who would participate in such a proceeding and those who are involved herein and in light of the gravity of GTEC's alleged violation of the stay order and the consequent need for expedition, the Board should combine an inquiry into this latest violation of GTEC with the present show cause proceeding by adding new issues (d) and (e), noted above.[4] Although it is Manatee's belief that the presently specified issues would permit the introduction of evidence concerning the subject matter of proposed issues (d) and (e), the petitioner points out that addition of the issues would remove any doubt and would insure the speedy issuance of a cease and desist order for violation of the stay provisions of the Commission's designation order.

4. According to the petitioner, proposed issues (f) and (g) look toward an inquiry into alleged violations by GTEC of §§ 74.1105 and 74.1107 of the Commission's rules by virtue of GTEC's carriage of the signal of Station WINK–TV (CBS), Fort Myers, Fla. Manatee alleges that information obtained from GTEC's office in the city of Bradenton, Fla., and subsequently verified by personal observation, indicates that GTEC is and has been carrying the WINK–TV signal throughout its entire system, which from a single headend serves the separate franchise areas of Manatee County and the city of Bradenton. The alleged violations of §§ 74.1107 and 74.1105(a) are based on the allegation of GTEC's carriage of the WINK–TV signal in Bradenton which, according to allegedly uncontroverted engineering evidence, is not reached by that station's Grade B contour and which is located within the Tampa-St. Petersburg market, the 31st television market; [5] on the allegation that the Commission's records do not contain a § 74.1107 waiver request by Bradenton Cablevision, GTEC's predecessor, or by any other CATV system for Bradenton, nor do they show Commission authorization for the carriage of the WINK–TV signal in Bradenton; and on the further allegation that there is no record that Bradenton Cablevision ever submitted the required § 74.1105 notification of WINK–TV's carriage. In addition, the petitioner claims that although the WINK–TV signal is not distant to Manatee County, GTEC should not be carrying the signal without further Commission action since, on September 25, 1968, Hubbard Broadcasting, Inc., filed a petition directed to Bradenton Cablevision's notification of CATV service, which petition invoked the stay provisions of § 74.1105(c). Since the automatic stay is still in effect, Manatee argues, GTEC's carriage of the WINK–TV signal in Manatee County constitutes a violation of § 74.1105(c) of the rules. Petitioner proposes the addition of issue (h) to this proceeding as the standard conclusory issue in show cause proceedings, citing TeleCable Corp., supra, and suggests that its omission here was inadvertent.

5. In its comments on Manatee's petition, the CATV Task Force agrees that an inquiry into GTEC's alleged violations of the Commission's stay order may be appropriately added here since the Commission is concerned with the effect of such violations on the CATV situation in Manatee County and since hearing has been ordered on other issues. The Task Force believes that the Commission's language in imposing the stay order clearly proscribes the placing into operation of any CATV distribution facilities, either fully constructed or in the process of construction, in Manatee County.[6] According to the Task Force, the Commission's ban must be taken to include a prohibition against the commencement of service over new "drops" from already energized facilities to subscribers' homes or businesses in light of the difficulty of withdrawing an existing service in the event of a decision adverse to GTEC. Although the Task Force recognizes the fact that the Commission has interpreted its decision in Docket No. 17333 as not prohibiting the installation of "drops" to the premises of CATV subscribers from trunk and feeder lines in operation on June 26, 1968, the date of the section 214 decision,[7] it distinguishes the instant proceeding on the basis of the allegations of anticompetitive conduct here, a situation allegedly not before the Commission in Docket No. 17333. In regard to Manatee's proposed issues (f) and (g), the Task Force is of the opinion that alleged violations of Part 74 of the Commission's rules in the city of Bradenton are irrelevant to the instant proceeding and should not be put in issue here. While it concedes that compliance with Part 74 by a CATV system may be relevant in determining whether a section 214 certification application should be granted, the Task Force notes that the instant proceeding does not involve a pending section 214 application, but rather seeks to determine whether the circumstances require certification. The Task Force also points out that the question of whether or not the WINK–TV signal is local to GTEC's operation in the unincorporated areas of Manatee County would require an engineering determination and the participation by any interested broadcasters in the resolution of that question. Since such a process would derogate from the expedition ordered by the Commission herein and since the question can be separately resolved, perhaps without the need for a hearing, the Task Force opposes Manatee's request for the proposed Part 74 issues. Finally, the Task Force offers no objection to proposed issue (h) although it is of the opinion that the ultimate question of whether a cease and desist order should issue is implicit in any show cause proceeding.

6. GTEC, supported by affidavits attached to its opposition, denies that it is engaged in a rapid construction program in Manatee County. While it does concede that it has continued to make "drops" from cable energized and in operation prior to the release date of the show cause order, GTEC denies that it has placed in operation any CATV distribution facilities not theretofore operational, which is all that the stay order proscribes. GTEC argues that the purpose of the temporary injunction was to preserve the status quo and that the Commission never intended, nor has it the power, to terminate preexisting operations before the resolution of the question of whether or not a cease and desist order should issue against the respondents. In support of this interpretation of the stay order, GTEC refers to the General Telephone Company of California proceeding wherein the Commission permitted the installation of "drops" from distribution cable energized and in operation prior to the effective date of the injunction. GTEC contends that it would not be in the public interest to prohibit the addition of "drops" since that would only serve to deprive persons desiring CATV service from obtaining it; GTEC also claims that its conduct does not injure petitioner or limit Manatee's own construction program since GTEC is not now constructing distribution facilities in the unincorporated areas of Manatee County. On this basis then, GTEC concludes that there is no need to specify the proposed issues relating to its compliance with the stay order. In regard to alleged violations of §§ 74.1105 and 74.1107, GTEC agrees with the Task Force that Manatee's proposed issues would unduly complicate this proceeding by raising matters extraneous to the principal questions which concern the Commission. GTEC also notes that since its acquisition of the CATV systems in Bradenton and Manatee County, it has not added any additional signals to its service and that it is currently seeking to determine whether any aspects of its operation are, in fact, inconsistent with Commission requirements.[8]

7. In its reply pleading, Manatee denies that it seeks to alter the terms of the stay order to preclude "drops"; it asserts that the parameters of the stay order are clear and that it merely proposes issues which would determine whether GTEC has violated that order. The petitioner argues that, by its memorandum opinion and order (19 FCC 2d 647, released Sept. 12, 1969) amending the stay provisions herein, the Commission clearly granted the Review Board authority to amend those provisions by adding a prohibition against the new or continued operation of any "drop" lines not energized by August 4, 1969, regardless of whether or not the distribution facilities feeding these "drop" lines were energized prior to that date. Manatee would have the Board add proposed issues (d) and (e) in order to make it clear that a cease and desist order may be issued solely because of GTEC's alleged violations of the stay order. Petitioner suggests, however, that the Board can and should amend the stay order to include a prohibition against "drop" lines if there is any doubt as to the scope of the original stay order.

8. The first question which Manatee's instant petition raises for the Board's consideration involves the scope of the stay provisions imposed by the Commission in this proceeding. Initially, we note that the original prohibition contained in the order to show cause herein prevents the respondents "from placing into operation any CATV distribution facilities in Manatee County" pending resolution of the specified issues or certification of those facilities by the Commission, whichever occurs first. In response to a further petition, filed by Manatee on September 4, 1969, concerning the further construction of additional CATV facilities in Manatee County by the respondents, the Commission amended its original stay order to prohibit the respondents from "constructing any CATV channel distribution facilities in Manatee County" without prior certification by the Commission and from "operating or placing into operation" any such facilities "which had not been completed and in operation before August 4, 1969," the release date of the show cause order herein. See 19 FCC 2d 647, released September 12, 1969. In its order amending the stay provisions, the Commission pointed out that its action should not be construed as a determination that the respondents have engaged in the activities charged by Manatee or have violated the outstanding stay order, and it refused to comment on the question of whether the respondents should be prohibited from installing "drops" from distribution facilities energized before August 4, 1969, in light of the Board's anticipated consideration of the question on the basis of the instant pleadings. In a more recent ruling on a request by GTEC,[9] the Commission, in an attempt to insure the maintenance of the status quo in Manatee County, ordered that, as a condition

[1] Related pleadings before the Board for consideration are: (a) Comments, filed Sept. 4, 1969, by the CATV Task Force; (b) opposition, filed Sept. 9, 1969, by GT&E Communications, Inc. (GTEC); and (c) reply, filed Sept. 16, 1969, by Manatee.

[2] General Telephone Company of California, 13 FCC 2d 448, 13 RR 2d 667 (1968); reconsideration denied 14 FCC 2d 693, 14 RR 2d 341 (1968), affirmed ------ U.S. App. D.C. ------, 16 RR 2d 2001 (D.C. Cir. 1969), cert. denied ------ U.S. ------, 38 LW 3150 (1969).

[3] An inquiry was also directed as to whether the actions of GTCF, GTEC, and GT&E, acting alone or in concert with others in relation to Manatee, are anticompetitive and monopolistic in nature, in contravention of the Communications Act or otherwise contrary to the public interest.

[4] The supporting affidavit of Manatee's President indicates that GTEC has continued to deliver cable service to new subscribers in Manatee County since the release date of the Commission's show cause order. Petitioner interprets the Commission's stay order as an intention "to stop all existing GTEC services as well as all new service." Although Manatee recognizes that a question might arise as to whether GTEC could continue to deliver its service to subscribers who were receiving such service prior to Aug. 4, 1969, it asserts that there can be no dispute that GTEC had been ordered not to commence service to any new homes or businesses after Aug. 4, 1969.

[5] The engineering evidence relied on was introduced in Docket No. 17051 and included a map which was subsequently attached to a petition to reject or set for hearing, filed on Sept. 25, 1968, by Hubbard Broadcasting, Inc. (File No. SR–96819). The evidence allegedly shows that WINK–TV's Grade B contour reaches only as far as the southern portion of Manatee County and falls at least 5 miles short of Bradenton.

[6] The Task Force disagrees with Manatee's claim that the Commission intended to stop all existing GTEC service as well as new service and contends that the order clearly implies that already existing service would be permitted to continue.

[7] See Memorandum Opinion and Order in Docket No. 17333, FCC 68–715, released July 5, 1968.

[8] GTEC also questions whether the failure of Hubbard Broadcasting, Inc. to oppose Manatee's carriage of the WINK–TV signal in Manatee County constitutes an abandonment of its position against such carriage by GTEC's predecessor; it also points to the Commission's policy which recognizes that competitive CATV systems should be permitted to carry the same signal GTEC notes that it received the customary warranties in its acquisition of the CATV system that the operations complied with Commission requirements and that, in any event, any violations of Commission's rules which are assumed, arguendo, to exist are not willful on its part.

[9] Memorandum opinion and order, 19 FCC 2d 951, 17 RR 2d 559, released Oct. 6, 1969.

to the maintenance of the outstanding order against GTEC, Manatee agree that during the pendency of this proceeding it will undertake no further construction of feeder or distribution cable after the release of the Commission's order and that it will not operate or place into operation any CATV feeder or distribution cable which had not been completed and energized prior to the release of the order. The Commission, however, stated that Manatee will be permitted to continue the installation of drops from distribution facilities constructed and energized prior to the release date of the order.[10]

9. The Commission's amendment of the stay order herein effectively refutes Manatee's claim that the Commission intended to prohibit all existing CATV service as well as new service by GTEC. The Commission, in its ordering clause, clearly indicates that distribution facilities completed and in operation prior to the release date of the show cause order (Aug. 4, 1969) could continue to provide service to CATV subscribers in Manatee County. Although the Commission refused to comment on the question now before us, its more recent ruling appears to be dispositive on the issue of whether the respondents should or should not be prohibited from installing "drops" from distribution facilities energized before August 4, 1969. In that ruling, the Commission attempted to strike an equitable balance in regard to the CATV operations of the respondents and Manatee in order to maintain the status quo to the extent possible; in so doing, the Commission specifically allowed Manatee to continue the installation of "drops" from distribution facilities constructed and energized prior to the release date of the order (Oct. 6, 1969). We can only conclude from this action that the Commission intended to permit the installation of "drops" from similar facilities energized prior to August 4, 1969, by GTEC when it imposed the stay provisions of the show cause order. Such an interpretation conforms with the Commission's expressed intention herein to accord equal treatment to the competing CATV systems and conforms with the Commission's approval of such activities in Docket No. 17333.[11] Since, on the basis of the facts before us, GTEC does not appear to be in violation of the Commission's stay order insofar as its operations in the unincorporated areas of Manatee County are concerned, we see no need to include proposed issues (d) and (e) in this proceeding.[12]

10. The Board will also deny Manatee's further request for proposed issues inquiring into alleged violations of §§ 74.1105 and 74.1107 of the rules by GTEC. The gravamen of Manatee's allegations in this regard are more appropriately raised in the context of a separate proceeding and/or in the context of the Commission's consideration of an application for section 214 certification, if it is ultimately determined in this proceeding that such certification is required. We agree with the Task Force that, to resolve the questions of alleged violations of §§ 74.1105 and 74.1107, an engineering determination would be required which would, in turn, necessitate the participation of any interested broadcasters, and that the effect of Hubbard's petition invoking the automatic stay provisions of § 74.1105(c) against the carriage of the WINK–TV signal in Manatee County by GTEC's predecessor would have to be determined. To inject such contested matters into this proceeding would be in derogation of the Commission's order that the instant show cause proceeding be expedited and would result in further hearing on issues not directly relevant to the determination to be made herein, i.e., whether the actions of the respondents are such as to require section 214 certification and are anticompetitive and monopolistic in nature. Moreover, the questions now raised by Manatee are capable of resolution without recourse to hearing. In these circumstances, we will decline to complicate the instant proceeding further by specifying proposed issues (f) and (g), but without prejudice to the refiling of a similar request by Manatee when appropriate, as noted above. We will add the proposed conclusory issue suggested by Manatee to determine whether a cease and desist order should be directed against the respondents even though such a determination is implicit in this proceeding (see issue (d)) and has been articulated sufficiently in the show cause order itself. Addition of the issue is consistent with TeleCable Corp., supra, and has not been opposed by GTEC or the Task Force, and its omission appears to have been inadvertent.

11. *Accordingly, it is ordered,* That the petition to amend order to show cause and to enlarge issues, filed August 25, 1969, by Manatee Cablevision, Inc., is granted to the extent that the issues in this proceeding are enlarged by the addition of the following issue (d) to this proceeding:

(d) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the General Telephone Company of Florida, GT&E Communications, Inc., and General Telephone and Electronics Corp., jointly or severally, should be directed to cease and desist from providing CATV facilities or service within or to Manatee County, Fla.; and

existing issue (d) is redesignated as issue (e); and, in all other respects, the petition is denied.

Adopted: November 19, 1969.

Released: November 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[13]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-13998; Filed, Nov. 24, 1969; 8:49 a.m.]

[10] The Commission requested a statement from Manatee agreeing to such a restriction within a certain period of time. Without such a statement, the Commission indicated that it would vacate its Sept. 12, 1969, order prohibiting the construction and operation of CATV distribution facilities by GTEC. Manatee subsequently filed a statement of compliance in which it agreed to such restriction.

[11] We do recognize, as the Task Force notes in its comments, that the Commission's sanction of the further installation of "drops" in the section 214 proceeding is not necessarily dispositive of the question in the context of the instant proceeding. We also are aware that such CATV service as is provided by GTEC after Aug. 4, 1969, could be withdrawn in the event of a decision adverse to the respondents. However, the Commission's intention in this regard seems clear to us as a result of its Oct. 6, 1969, ruling, and we will abide by that intention.

[12] In its Oct. 6, 1969, ruling, the Commission noted Manatee's allegation that GTEC is presently constructing CATV facilities in Bradenton and warned that, if such charge is accurate, then GTEC is constructing facilities in direct violation of the stay order and thereby subjecting itself to legal sanctions and penalties. As previously indicated, Manatee has not specifically alleged that GTEC has contructed distribution facilities in the unincorporated areas of Manatee County after Aug. 4, 1969, in support of the instant petition.

[13] Board Member Nelson dissenting in part and voting to stay additional drops by General.

FEDERAL POWER COMMISSION

[Docket No. RP70-16]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 19, 1969.

Take notice that Southern Natural Gas Co. (Southern) on November 14, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1,[1] to become effective on December 16, 1969. The proposed rate changes would increase charges for jurisdictional service by $2,378,650 annually, based on sales volumes for the 12-month period ended April 30, 1969, as adjusted.

Southern states that the reason for the proposed rate increase is occasioned solely by, and will compensate Southern only for an increase in its cost of purchased gas, resulting from the filing of proposed increased rates by its supplier, United Gas Pipe Line Co. on October 31, 1969, in Docket No. RP70-13. If United's proposed increased rates are suspended Southern proposes that its rate changes become effective on the same day as United's in lieu of the December 16, 1969 requested effective date.

Copies of the filing were served on Southern's customers and interested state commissions.

Any person desiring to be heard or to make any protest with reference to said

[1] Sixth Revised Sheet Nos. 8A, 8D, 11H, 15A, 15D, 26A, and 26D; Second Revised Sheet Nos. 8E, 15E, and 26E; 10th Revised Sheet Nos. 9, 16, 23, and 27; Fourth Revised Sheet No. 11F; Fifth Revised Sheet No. 11J, and Seventh Revised Sheet No. 30.

application should on or before December 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13939; Filed, Nov. 24, 1969; 8:46 a.m.]

[Docket No. RP70-17]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 19, 1969.

Take notice that South Georgia Natural Gas Co. (South Georgia) on November 14, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective on December 16, 1969. The proposed rate changes would increase charges for jurisdictional service by $46,228 annually, based on sales volumes for the 12-month period ended May 31, 1969, as adjusted.

South Georgia states that the reason for the proposed rate increase is occasioned solely by, and will compensate South Georgia only for an increase in its cost of purchased gas, resulting from the filing of proposed increased rates by its supplier, Southern Natural Gas Co. on November 14, 1969, in Docket No. RP70-16. If Southern's proposed increased rates are suspended South Georgia proposes that its rate changes become effective on the same day as Southern's, in lieu of the December 16, 1969, requested effective date.

Copies of the filing were served on South Georgia's customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13940; Filed, Nov. 24, 1969; 8:45 a.m.]

[1] 17th Revised Sheet No. 5, 16th Revised Sheet No. 6, Eighth Revised Sheet No. 9, Seventh Revised Sheet No. 11, 11th Revised Sheet No. 12B.

[Docket No. CP70-123]

NORTHWEST ALABAMA GAS DISTRICT AND TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 19, 1969.

Take notice that on November 10, 1969, Northwest Alabama Gas District (Applicant), Post Office Box 129, Hamilton, Ala. 35570, filed in Docket No. CP70-123 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Pipeline Co., a division of Tenneco Inc. (respondent), to establish physical connection with, and sell volumes of natural gas to, Applicant for resale and distribution in the town of Sulligent, Ala., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate aproximatily 4.9 miles of 3-inch lateral line from Sulligent to the mainline facilities of respondent in Lamar County, Tex., at a cost of $54,800, to be financed with funds on hand. Applicant's estimated third year peak day and annual natural gas requirements are 686 Mcf and 166,927 Mcf, respectively. Applicant states that it is no longer able to provide adequate pressures to serve Sulligent from its existing source of supply, Southern Natural Gas Co., and therefore proposes to serve the Sulligent distribution system from applicant's system in lieu of Southern's.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13941; Filed, Nov. 24, 1969; 8:45 a.m.]

[Docket No. CP70-7]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

NOVEMBER 19, 1969.

Take notice that on November 10, 1969, Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP70-7 a petition to amend the order of the Commission issued October 29, 1969, to authorize the sale and delivery of increased volumes of natural gas to existing customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that Carolina Pipeline Co. and the city of Cartersville, Ga., have requested increases in contract demand from the previously authorized 40,000 Mcf and 9,000 Mcf, respectively, to 45,000 Mcf and 10,500 Mcf, respectively due to growth in gas demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13942; Filed, Nov. 24, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST MIDWEST BANCORP., INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Midwest Bancorp., Inc., St. Joseph, Mo., for prior approval by the Board of Governors of action whereby Applicant would become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of The First National Bank of St. Joseph, St. Joseph; First Stock Yards Bank, South St. Joseph; and The First Trust Bank, St. Joseph, all in Missouri.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be

in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13963; Filed, Nov. 24, 1969; 8:46 a.m.]

ATLANTIC NATIONAL BANK OF JACKSONVILLE AND ATLANTIC BANCORPORATION

Notice of Applications for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by The Atlantic National Bank of Jacksonville, and Atlantic Bancorporation, which are bank holding companies located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicants of not less than 80 percent of the voting shares of Aloma National Bank of Winter Park, Winter Park, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 13th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-13962; Filed, Nov. 24, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

NOVEMBER 18, 1969.

The Common stock, $1 par value, of Commonwealth United Corp. (a California corporation), being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 19, 1969 through November 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13946; Filed, Nov. 24, 1969; 8:45 a.m.]

TRANSCEIVER CORPORATION OF AMERICA

Order Suspending Trading

NOVEMBER 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Transceiver Corporation of America (a Delaware corporation), and all other securities of Transceiver Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 17, 1969, 2 p.m., e.s.t., through November 26, 1969, both dates inclusive

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretray.*

[F.R. Doc. 69-13947; Filed, Nov. 24, 1969; 8:45 a.m.]

[70-4811]

APPALACHIAN POWER CO. ET AL

Notice of Proposed Sale of Utility Assets to Nonassociate Company

NOVEMBER 18, 1969.

In the matter of Appalachian Power Company, Kingsport Power Company, American Electric Power Company, Inc., 2 Broadway, New York, N.Y. 10004; 70-4811.

Notice is hereby given that Appalachian Power Co. ("Appalachian") and Kingsport Power Co. ("Kingsport"), electric utility companies, and their parent company, American Electric Power Co., Inc., a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian and Kingsport propose to sell to United Inter-Mountain Telephone Co. ("United"), a nonassociate company, 6,897 and 3,098 wood poles, respectively, for a respective cash consideration of $291,900 and $163,100. It is stated that such sales price is based on the depreciated reproduction cost of said property. Proposed journal entries with respect to the transactions are to be filed by amendment.

It is stated that for many years Appalachian and Kingsport have made joint use with United of certain poles owned by them; that they own considerably more of such jointly used poles than does United; that it is in the interest of Appalachian and Kingsport to effectuate the proposed sale in order to bring about greater equality of investment in the jointly used poles; and that after the proposed sale is consummated the companies will continue to make joint use of the poles as heretofore.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions will be nominal. It is further stated that the State Corporation Commission of Virginia has jurisdiction over the proposed transaetions between Appalachian and United and that a copy of the order of the State Corporation Commission of Virginia will be filed by amendment. It is also stated that Kingsport and United are regulated by the Tennessee Public Service Commission, which has been advised of the proposed purchase of the poles by United and the sale thereof by Kingsport.

Notice is further given that any interested person may, not later than December 8, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13948; Filed, Nov. 24, 1969; 8:45 a.m.]

[70-4812]

CENTRAL POWER AND LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

NOVEMBER 18, 1969.

Notice is hereby given that Central Power and Light Co. ("CP&L"), 120 North Chaparral Street, Corpus Christi, Tex. 78403, an electric utility subsidiary company of Central and South West Corp. ("Central"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

CP&L proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $25 million principal amount of first mortgage bonds, Series K, ------ percent due January 1, 2000. The interest rate (which shall be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to CP&L for the bonds (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount of the bonds) will be determined by the competitive bidding. The bonds will be issued under the first mortgage dated November 1, 1943, between CP&L and the First National Bank of Chicago and Robert L. Grinnell, as trustees, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated January 1, 1970, and which includes a prohibition until January 1, 1975, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

The net proceeds from the sale of the bonds will be used to finance the construction program of CP&L (including repayment or prepayment of borrowings from banks and from Central incurred therefor which borrowings aggregated $8,375,000 as of Sept. 30, 1969). Construction expenditures for 1970 are presently estimated at $46 million.

It is stated that the fees and expenses to be incurred in connection with the issue and sale of the bonds are estimated at $57,000, including accountants' fees of $3,000 and counsel fees of $15,000. The fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at not to exceed $9,300. It is further stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 19, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13949; Filed, Nov. 24, 1969; 8:46 a.m.]

[70-4814]

MONONGAHELA POWER CO.

Notice of Proposed Increase in Short-Term Note Borrowing and Request for Exception From Competitive Bidding

NOVEMBER 18, 1969.

Notice is hereby given that Monongahela Power Co. ("Monongahela"), 1310 Fairmont Avenue, Fairmont, W. Va. 26554, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Monongahela requests that from the date of the granting of this application to December 31, 1971, the exemption from the provisions of section 6(a) of

the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issue and sale of notes to banks and to dealers in commercial paper up to the maximum amount allowable under Monongahela's charter without preferred stockholder consent, which, as of September 30, 1969, amounted to $23,650,000. Monongahela proposes, under the proposed exemption, to issue and sell and to renew or extend from time to time its short-term notes to banks and to dealers in commercial paper prior to December 31, 1971, provided that none of such notes shall mature later than June 30, 1972 and provided further that $23,650,000 represents the maximum amount of notes to be outstanding at any one time. Changes may be made in the maximum amount of notes to be outstanding upon the filing of a posteffective amendment and additional authorization by the Commission. The proceeds from the sale of the notes will be used by Monongahela to reimburse its treasury for past expenditures made in connection with its construction program and that of its subsidiary company; to pay in part the cost of such future construction; and for other corporate purposes. Construction expenditures of Monongahela and its subsidiary company for the year 1970, 1971, and 1972 are estimated to total $132 million. The application states that, unless otherwise authorized by the Commission, any of Monongahela's short-term debt outstanding hereunder after December 31, 1971, will be retired from internal cash resources, permanent debt or equity financing, or cash capital contributions.

Each note payable to a bank will be dated as of the date of issue and will mature not more than 270 days after the date of issue or renewal thereof. Each such note will bear interest at the prime rate of commercial banks at the time of issue and will be prepayable at any time without premium or penalty. Although no commitment or agreement for any of the proposed borrowings has been made, Monongahela expects that borrowings will be effected from The First National City Bank of New York and Mellon National Bank and Trust Co., Pittsburgh, Pa., and that the maximum to be borrowed and outstanding at any one time from such banks will be $20 million and $15 million, respectively.

The commercial paper notes will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities with no maturity more than 270 days after the date of issue. None will be prepayable prior to maturity. The commercial paper notes will be sold directly to a dealer at a discount not in excess of the discount rate per annum prevailing at the time of issue for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealer may reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the discount rate then available to Monongahela. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Monongahela could borrow from banks. The dealer will reoffer the commercial paper notes to not more than 100 of its customers identified and designated in a list (nonpublic) prepared in advance. It is expected that the commercial paper notes will be held by the dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

Monongahela requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. Monongahela states that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Monongahela are published daily in financial publications. Monongahela also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this application on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated not to exceed $400 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 12, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-13950; Filed, Nov. 24, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-A]

REGIONAL DIRECTOR, PACIFIC COASTAL REGION

Delegation of Authority To Conduct Program Activities in Field Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; and the Disaster Relief Act of 1969, 83 Stat. 125, the following authority is hereby delegated:

I. *Regional Director, Pacific Coastal Region*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000, and (b) $500,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $1 million, and to decline them in any amount.

3. To enter into business, economic opportunity and disaster loan participation agreements with banks.

4. To execute loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By ----------
(Name)
Regional Director

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

10. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

B. *Community Economic Development Program.* 1. To approve or decline section 501 State development company loans without dollar limitation and section 502 local development company loans up to $350,000 (SBA share).

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator

By: ----------
(Name)
Regional Director.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $1,000,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator

By: ----------
(Name)
Regional Director.

8. To disburse approved EDA loans, as authorized.

C. *Loan Administration Program.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, with the exception of those loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, except as to loans classified as in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, except as to loans classified as in litigation.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (a) collateral in connection with the nonjudicial liquidation of loans, and (b) acquired property.

e. Except: (a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans which are not classified as in litigation and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

D. *Procurement and Management Assistance Program.* 1. To approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns which are located within the geographical jurisdiction of his regional office, with the exception of rereferred cases.**

2. To deny an application for a Certificate of Competency when the regional director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which, if approved, might change the credit aspects of the case.**

E. *Administrative.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Legal services.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with the liquidation of all loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to loans classified as in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to loans classified as in litigation.

c. Except: (a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans which are classified as in litigation, when and as authorized by EDA.

II. The specific authority in the subsections (except subsections I.D.1 and I.D.2) may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as acting regional director, Pacific Coastal Region.

Effective date: November 3, 1969.

W. D. BREWER,
Acting for Administrator.

[F.R. Doc. 69-13951; Filed, Nov. 24, 1969; 8:46 a.m.]

PACIFIC COASTAL REGION AND PACIFIC COASTAL REGIONAL OFFICE

Notice of Redesignation

Notice is hereby given that the designation "Pacific Coastal Area" is changed to "Pacific Coastal Region." The Pacific Coastal Area Office also is hereby redesignated as the Pacific Coastal Regional Office. The regional offices under the former Pacific Coastal Area Office are now under the jurisdiction of the Pacific Coastal Regional Office and are redesignated as district offices.

Effective date: November 3, 1969.

W. D. BREWER,
Acting for Administrator.

[F.R. Doc. 69-13952; Filed, Nov. 24, 1969; 8:46 a.m.]

GENERAL BUSINESS INVESTMENT CORP.

Notice of License Surrender

Notice is hereby given that General Business Investment Corp. (GBIC), 1161 Wilmington Pike, West Chester, Pa. 19380, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326).

GBIC was licensed as a small business investment company on May 3, 1960, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the licensee was accepted and all rights, privileges, and franchises derived therefrom were canceled and terminated as of November 6, 1969.

Dated: November 12, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-13953; Filed, Nov. 24, 1969; 8:46 a.m.]

TARIFF COMMISSION

WILTON AND VELVET CARPETS AND RUGS

Reports to the President

NOVEMBER 20, 1969.

The U.S. Tariff Commission today released a report to the President on the results of an investigation conducted under section 351(d)(3) of the Trade Expansion Act of 1962 pertaining to Wilton and velvet carpets and rugs. In 1962, the President increased the rate of duty applicable to imported Wiltons and velvets from 21 percent to 40 percent ad valorem following a 1961 investigation by the Tariff Commission in which it found that the domestic Wilton and velvet carpet industry was being seriously injured because of increased imports. Pursuant to a 1967 Presidential proclamation, the import duty is scheduled to revert to 21 percent ad valorem at the close of December 31, 1969, unless otherwise proclaimed by the President.

The report released today contains statistical data and other information on developments in the Wilton and velvet carpet industry, and, in accordance with the provisions of section 351(d)(3), informs the President of the Commission's judgment of the probable economic effect of restoring the 21-percent rate of duty.

The Commission advises the President that conditions in the trade have changed substantially since the 1961 finding of injury and that U.S. producers of Wiltons and velvets in the aggregate would now be little affected by the termination of the duty increase.

Some of the material reported to the President may not be made public since it includes information that would disclose certain operations of individual firms. Such information, therefore, has been omitted from the report released to the public.

Copies of the public report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets, NW., Washington, D.C. 20436.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 69-13945; Filed, Nov. 24, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 20, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41807—*Sulphur to Salem, Va.* Filed by Southwestern Freight Bureau, agent (No. B-106), for interested rail carriers. Rates on sulphur, ground or refined, pelletized, in carloads, as described in the application, from points in Louisiana, Oklahoma, and Texas, to points in southern territory, also from points in Louisiana, New Mexico, Oklahoma, and Texas, to Salem, Va.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 49 to Southwestern Freight Bureau, agent, tariff ICC 4795.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13980; Filed, Nov. 24, 1969; 8:47 a.m.]

[Notice 944]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 20, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4941 (Sub-No. 31 TA), filed November 17, 1969. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. 02401. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Concord, N.H., to Manassas, Va., for 180 days. Supporting shipper: The John Swenson Granite Co., Inc., Concord, N.H. 03301. Send protests to: District Supervisor Richard D. Mansfield, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 19227 (Sub-No. 1'4 TA), filed November 17, 1969. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified missile parts and components*, between Sunnyvale and Los Angeles, Calif., and Amarillo, Tex., and Burlington, Iowa, for 180 days. Supporting shipper: Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 85465 (Sub-No. 21 TA), filed November 17, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except commodities in bulk, in tank vehicles) as described in sections A and C of appendix I to report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr., to Chicago and Elgin, Ill., for 120 days. Supporting shipper: Swift and Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 85465 (Sub-No. 22 TA), filed November 17, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except commodities in bulk, in tank vehicles), as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr., to Greensboro and Winston-Salem, N.C., for 120 days. Supporting shipper: Swift and Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 85465 (Sub-No. 23 TA), filed November 17, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except commodities in bulk, in tank vehicles), as described in sections A and C of appendix I to report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr., to Jackson, Miss., for 120 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 98646 (Sub-No. 9 TA), filed November 7, 1969. Applicant: RYAN FREIGHT LINES, INC., 1257 East Reno, Post Office Box 17570, Oklahoma City, Okla. Applicant's representative: Gary Ryan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Oklahoma City, Okla., and Marietta, Okla., over U.S. Highway 77, serving all intermediate points; (2) between Ardmore and Waurika, Okla., over U.S. Highway 70, serving the intermediate and off-route points of Lone Grove, Hewett, Dillard, Rexroat, Wilson, Healdton, Wirt, and McMann, Okla.; (3) between Oklahoma City, Okla., and junction U.S. Highway 76 and U.S. Highway 70 near Wilson, Okla., serving all intermediate points; from Oklahoma City over U.S. Highway 62 to its junction with Oklahoma Highway 76 near Blanchard, Okla., thence over Oklahoma Highway 76 to its junction with U.S. Highway 70 near Wilson, Okla., and return over the same route; (4) between junction U.S. Highway 77 and Oklahoma Highway 29, near Wynnwood, Okla., and the junction of Oklahoma Highway 29 and Oklahoma Highway 76 near Foster, Okla., over Oklahoma Highway 29, serving the intermediate and off-route points of Elmore City and Foster, Okla.; (5) between Pauls Valley, Okla., and Alex, Okla., over Oklahoma Highway 19, serving all intermediate points including White Bead, Okla.;

(6) Between the junction of U.S. Highway 77 and Oklahoma Highway 74 near Purcell, Okla., and Elmore City, Okla., over Oklahoma Highway 74, serving all intermediate points; (7) between Ardmore and Durant, Okla., over U.S. Highway 70, serving all intermediate points; (8) between the junction of U.S. Highway 70 and Oklahoma Highway 12 near Russett and Rayia, Okla., over Oklahoma Highway 12, serving all intermediate points; (9) between Madill and Tishomingo, Okla., over Oklahoma Highway 99 serving all intermediate points; (10) between Madill, Okla., and the junction of Oklahoma Highway 78 and Oklahoma Highway 48 near Durant, serving all intermediate points; from Madill over Oklahoma Highway 199 to its junction with Oklahoma Highway 78, thence over Oklahoma Highway 78 to its junction with Oklahoma Highway 48 near Durant, Okla., and return over the same route; (11) between Durant and Broken Bow, Okla., over U.S. Highway 70 serving all intermediate points and the off-route point of Wright City, Okla.; (12) between Durant, Okla., and the Oklahoma-Texas State line, over U.S. Highway 75, serving all intermediate points; (13) between Antlers, Okla., and the junction of U.S. Highway 271 and U.S. Highway 70 near Soper, Okla., over U.S. Highway 271, serving all intermediate points; (14) between Davis, Okla., and the junction of Oklahoma Highway 7 and Oklahoma Highway 12 near Scullin, Okla., over Oklahoma Highway 7, serving all intermediate points; (15) between Lexington and Dickson, Okla., serving all intermediate points and the off-route point of Wanette, Okla., from Lexington over Oklahoma Highway 39 to Asher, Okla., thence over Oklahoma Highway 18 to Dickson, Okla., and return over the same route;

(16) Between Sulphur, and Durant, Okla., serving all intermediate points, from Sulphur over Oklahoma Highway 7 to its junction with Oklahoma Highway 12, thence over Oklahoma Highway 12 to Ravia, thence over Oklahoma Highway 22 to Tishomingo, thence over Oklahoma Highway 78 to its junction with Oklahoma Highway 48, thence over Oklahoma Highway 48 to Durant, and return over the same route; (17) between Madill and Brown, Okla., over Oklahoma Highway 199, serving all intermediate points; (18) between Ada and Tishomingo, Okla., serving all intermediate points, from Ada over Oklahoma Highway 3 to junction Oklahoma Highway 99, thence over Oklahoma Highway 99 to Tishomingo and return over the same route; (19) between Oklahoma City and Antlers, Okla., serving all intermediate points and serving the off-route points of Maude, Bowlegs, and St. Louis, Okla., from Oklahoma City over U.S. Highway 270 to Shawnee, thence over U.S. Highway 177 (formerly portion Oklahoma Highway 18) to Stratford, Okla., thence over Oklahoma Highway 19 to Ada, Okla., thence over Oklahoma Highway 3 to junction U.S. Highway 75, thence over U.S. Highway 75 to Atoka, thence over Oklahoma Highway 3 and Oklahoma Highway 7 to Antlers, and return over the same route; (20) between Atoka and Durant, Okla., over U.S. Highway 75, serving all intermediate points; (21) between Pauls Valley and Ada, Okla., over Oklahoma Highway 19, serving all intermediate points and the off-route point of Vanoss, Okla.; (22) between Wayne, Okla., and the junction of Oklahoma Highway 59A and Oklahoma Highway 13, from Wayne over U.S. Highway 75 to its junction with Oklahoma Highway 59, thence over Oklahoma Highway 59 to its junction with Oklahoma Highway 59A, thence over Oklahoma Highway 59A to its junction with Oklahoma Highway 13, and return over the same route; (23) between Dallas, Tex., and Marietta, Okla., over U.S. Highway 77, serving the

intermediate points in Oklahoma only;

(24) Between Dallas, Tex., and Durant, Okla., over U.S. Highway 75 serving the intermediate points in Oklahoma only. Restriction: The authority described above is restricted against the handling of traffic moving to, from, or through Dallas, Tex., on the one hand, and to, from, or through Oklahoma City, Okla., on the other, for 180 days. NOTE: Applicant does intend to tack and also states that the application between the Oklahoma points duplicate its registered authority—a request for suspension is attached. Supporting shippers: There are approximately 133 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107012 (Sub-No. 101 TA), filed November 17, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Blaine E. Sowers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum louvers, louvered penthouses, roof curbs, gravity vents, aluminum brick vents, architectural grilles, and duckboards, uncrated*, from Indianapolis, Ind., and points in Prince Georges County, Md., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Appco, Aluminum—Plastic Products Corp., 1300 62d Avenue NE., Washington, D.C. 20027. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 113524 (Sub-No. 27 TA), filed November 12, 1969. Applicant: JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3641 Pulaski Highway, Baltimore, Md. 21224. Applicant's representative: James F. Black (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and skins, inedible offal and offal byproducts and tannery byproducts, dry*, in bulk, restricted to commodities used by rendering plants, tanneries, and glue manufacturers, between points in North Carolina, Tennessee, West Virginia, Virginia, and Delaware, on the one hand, and, on the other, points in Massachusetts, Maine, Vermont, New Hampshire and Gowanda, N.Y., (1) from points in Ohio and Kentucky to Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Gowanda, N.Y.; (2) from points in Illinois and Wisconsin to points in Maine, New Hampshire, Vermont, Connecticut and Gowanda, N.Y.; (3) from points in Maine, New Hampshire, Vermont, Massachusetts (except Peabody, Mass.), Connecticut and Delaware to Maine, New Hampshire, Vermont, Massachusetts, Connecticut and New York, (4) from Elkland, Pa., to Gowanda, N.Y.; *Cattle hides*, from Westminster, Md., to points in Maine, New Hampshire, and Vermont; *Cracklings*, from Greater Boston, Mass., to Westminster and Baltimore, Md., for 180 days. Supporting shippers: Peter Cooper Corp., Gowanda, N.Y. 14070; Quaker City Hide Co., Valley and Mill Roads, Philadelphia, Pa. 19126; Sands & Leckie, 226 Salem Street, Woburn, Mass. 01801; The Westminster Hide & Tallow Co., Inc., Westminster, Md. 21157; Frank E. Brown, 1238 Orange Avenue NE., Roanoke, Va. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 128375 (Sub-No. 35 TA), filed October 28, 1969. Applicant: CRETE CARRIER CORP., 3751 South 1215 East, Salt Lake City, Utah 84106. Applicant's representative: D. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exhaust pipe, exhaust pots, mufflers, tail pipes, suspension parts, steering gear, fifth wheel and plates, cam shaft, axle parts, wheel clamps, rim attachments, brake linings, brake shoes, brake equipment, shock absorbers, and related fittings, parts, tools, materials, accessories, and advertising matter and displays*, from Loudon, Pulaski, and Nashville, Tenn., to Duluth, Minn., and points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; (2) *equipment, materials, and supplies* used in the manufacture of automotive parts and equipment, from points in California, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, and West Virginia to Loudon, Pulaski and Nashville, Tenn., and Paulding, Ohio, under a continuing contract or contracts with Maremont Corp., Chicago, Ill., for 180 days. Supporting shipper: Maremont Corp., Chicago, Ill. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 134141 (Sub-No. 1 TA), filed November 17, 1969. Applicant: SAMUEL W. GROOME, doing business as A.T.I. TRUCKING COMPANY, Route 94, Florida, N.Y. 10921. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial Christmas trees, wreaths, garlands, and shrubbery*, in shipper-owned semitrailers, from West Coxsackie, N.Y., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, Illinois, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, West Virginia, Virginia, and the District of Columbia, return from Chicago, Ill., and Lexington, Ky., to West Coxsackie, N.Y., and return of *shipper's semitrailers* to West Coxsackie, N.Y., for 150 days. Supporting shipper: American Tree & Wreath, 29 Elm Avenue, Mount Vernon, and West Coxsackie, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13981; Filed, Nov. 24, 1969; 8:48 a.m.]

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Chapter I—Department of State

SUBCHAPTER C—FEES AND FUNDS

[Departmental Reg. 108.613]

PART 22—FEES AND CHARGES, FOREIGN SERVICE

Tariff of Fees

Section 22.1, Code of Federal Regulations, is revised by changing Items 5, 76, and 77 as follows:

§ 22.1 Tariff of fees, Foreign Service of the United States of America.

• • • • • •

PASSPORT AND CITIZENSHIP SERVICES

Item No.	Fee
5. Issuance of certificate or card of identity and registration	$3.00

• • • • • •

COPYING AND RECORDING

Item No.	
76.	[Vacant]
77.	[Vacant]

• • • • • •

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 3, 4, 63 Stat. 111, as amended; 22 U.S.C. 2658, E.O. 10718; 3 CFR 1954–1958 Comp.)

Dated: November 12, 1969.

For the Secretary of State.

FRANK G. MEYER,
Acting Deputy Under Secretary for Administration.

[F.R. Doc. 69-14009; Filed, Nov. 25, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 7]

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Obligations of Distributing Agencies

The regulations for the operation of the Commodity Distribution Program (33 F.R. 6973) are hereby amended as follows:

In § 250.6, paragraph (e), subparagraph (11) is revised to read as follows:

§ 250.6 Obligations of Distributing Agencies.

• • • • • •

(e) • • •

(11) Assurances that (i) citizenship or durational residence requirements shall not be imposed as a condition of eligibility and (ii) recipients shall not be required to make any payments in money, materials or services, for or in connection with the receipt of commodities, and that they shall not be solicited in connection with the receipt of commodities for voluntary cash contributions for any purpose.

• • • • • •

Effective date. Any State Distributing Agency requiring the conditions of eligibility described in subdivision (i), shall cease imposing such conditions immediately and shall remove such restrictions from interagency agreements, State and county Plans of Operation and furnish the required assurances before June 30, 1970, or before financial assistance agreements are approved.

Dated: November 21, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-14046; Filed, Nov. 25, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Modification of Salable and Reserve Percentages for 1969–70 Crop Year

Notice was published in the November 7, 1969, issue of the FEDERAL REGISTER (34 F.R. 18043) regarding a proposal to revise the salable and reserve percentages, previously established for the 1969–70 crop year (§ 993.205; 34 F.R. 13697), from 80 percent and 20 percent to 87 percent and 13 percent, respectively. Modification of the percentages was unanimously recommended by the Prune Administrative Committee.

The proposal was pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

Computation of the percentages currently effective was based on an early-season estimate that California's 1969 production of dried prunes would be 130,000 tons, natural condition weight. However, the computation included an adjustment factor of 7 percent for possible errors in estimation of the supply, as indicated in the notice (34 F.R. 12834) regarding a proposal to establish salable and reserve percentages for the current crop year. The Committee's recommendation for modification of the current percentages was based on estimates furnished by prune handlers in October that production would not exceed 130,000 tons, and some indicated a lesser production. USDA Crop Reporting Board's November 12, 1969, estimate of such production was 125,000 tons, 5,000 tons less than its October 10 estimate.

Deliveries of the dried prunes to handlers by producers and dehydrators have been occurring since late August; however, not all of the production has been so delivered. Although the precise size of the production is, thus, not now known, it seems reasonably certain that production will not exceed 130,000 tons. Under these circumstances, it appears to be no longer necessary to continue using the 7 percent adjustment factor. The current percentages should therefore be modified as hereinafter set forth.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found that to modify the salable and reserve percentages for dried prunes for the 1969–70 crop year, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the previously established salable and reserve percentages for the 1969–70 crop year of 80 percent and 20 percent, as set forth in the first sentence of § 993.205 *Salable and reserve percentages for prunes and handler reserve obligation for the 1969–70 crop year* (34 F.R. 13697) are hereby modified to read "87 percent" and "13 percent", respectively.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all dried prunes received during the crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); (2) the current crop year began on August 1, 1969, and the modified percentages will apply automatically to all such dried prunes received on or after

that date; and (3) this action relieves restrictions on the handling of dried prunes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 20, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14008; Filed, Nov. 25, 1969; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1969 crop of types 21, 22, 23, 35, 36, and 37 tobacco, under the tobacco loan program published July 19, 1969 (34 F.R. 12129).

Sec.

1464.17 1969 Crop—Virginia Fire-cured Tobacco, Type 21, Advance Schedule.
1464.18 1969 Crop — Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, Advance Schedule.
1464.19 1969 Crop—Dark Air-cured Tobacco Types 35 and 36, Advance Schedule.
1464.20 1969 Crop—Virginia Sun-cured Tobacco, Type 37, Advance Schedule.

§ 1464.17 1969 Crop—Virginia Fire-cured Tobacco Type 21, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	65.25	65.25		
A2F	58.25	59.25		
A1D	63.25	63.25		
A2D	58.25	59.25		
B1F	61.25	61.25		
B2F	56.25	56.25	50.25	
B3F	48.25	49.25	48.25	38.25
B4F	42.25	46.25	44.25	37.25
B5F	38.25	39.25	38.25	34.25
B1D	61.25	61.25		
B2D	57.25	57.25	50.25	
B3D	47.25	49.25	47.25	38.25
B4D	40.25	42.25	40.25	38.25
B5D	37.25	38.25	37.25	34.25
B3M	41.25	43.25	41.25	37.25
B4M	30.25	41.25	39.25	36.25
B5M	35.25	37.25	36.25	30.25
B3G	40.25	41.25	40.25	36.25
B4G	38.25	39.25	38.25	35.25
B5G	35.25	36.25	35.25	29.25
C1L	68.25	68.25		
C2L	65.25	65.25	56.25	
C3L	54.25	54.25	50.25	
C4L	47.25	48.25	47.25	
C5L	41.25	42.25	41.25	
C1F	68.25	68.25		
C2F	65.25	65.25	56.25	
C3F	55.25	56.25	50.25	
C4F	47.25	49.25	48.25	
C5F	42.25	45.25	43.25	
C2D	40.25	42.25	41.25	
C3D	38.25	39.25	38.25	
C4D	36.25	37.25	36.25	
C5D	31.25	32.25	31.25	
C3M	42.25	45.25	44.25	
C4M	40.25	42.25	41.25	
C5M	37.25	39.25	38.25	
C3G	37.25	39.25	37.25	
C4G	34.25	36.25	34.25	
C5G	32.25	34.25	32.25	

[1] See footnote at end of document.

Grade		Grade	
X1L	50.25	X3M 45	40.25
X2L	48.25	X4M	40.25
X3L	47.25	X4M 45	37.25
X4L	44.25	X5M	36.25
X5L	41.25	X5M 45	33.25
X1F	51.25	X3G	39.25
X2F	49.25	X3G 45	37.25
X3F	48.25	X4G	36.25
X4F	45.25	X4G 45	33.25
X5F	42.25	X5G	32.25
X1D	45.25	X5G 45	31.25
X2D	42.25	N1L	30.25
X3D	40.25	N1D	30.25
X4D	37.25	N1G	28.25
X5D	32.25	N2	20.25
X3M	42.25		

§ 1464.18 1969 Crop—Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	66	66		
A2F	61	61		
A3F	53	53		
A1D	66	66		
A2D	61	61		
A3D	53	53		
B1F	56	56	52	
B2F	53	53	50	
B3F	48	49	47	41
B4F	45	46	44	37
B5F	42	42	40	34
B3VF	46	46	43	35
B4VF	44	44	42	34
B5VF	40	40	38	30
B1D	56	56	52	
B2D	54	53	50	
B3D	51	52	50	43
B4D	45	46	44	37
B5D	41	41	38	32
B3M	46	47	44	36
B4M	42	43	40	32
B5M	37	37	33	27
B3G	47	48	46	36
B4G	42	42	39	30
B5G	38	38	34	28
C1L	56	56	53	
C2L	53	53	51	
C3L	52	52	49	43
C4L	49	49	47	41
C5L	46	46	45	38
C1F	56	56	53	
C2F	53	53	51	
C3F	52	52	50	43
C4F	49	49	47	40
C5F	47	47	44	37
C3VF	47	48	45	39
C4VF	44	45	43	37
C5VF	42	43	41	32
C1D	56	56	52	
C2D	47	47	44	
C3D	44	45	42	36
C4D	40	40	38	32
C5D	39	39	37	30
C3M	47	47	44	38
C4M	43	43	41	36
C5M	41	41	39	31
C3G	43	43	40	35
C4G	39	40	36	31
C5G	36	36	33	30

Grade		Grade	
X1L	48	X2D	44
X2L	46	X3D	41
X3L	45	X4D	39
X4L	42	X5D	36
X5L	40	X3M	41
X1F	47	X4M	39
X2F	45	X5M	36
X3F	44	X3G	40
X4F	42	X4G	36
X5F	40	X5G	33
X3VF	44	N1L	36
X4VF	42	N1D	32
X5VF	39	N1G	31
X1D	46	N2	26

§ 1464.19 1969 Crop—Dark Air-cured Tobacco, Types 35 and 36, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	56	56	
A2F	52	52	
A3F	47	47	
A1R	56	56	
A2R	52	52	
A3R	47	47	
B1F	52	52	
B2F	49	49	
B3F	47	47	
B4F	44	44	
B5F	40	40	
B1R	51	51	
B2R	48	48	
B3R	45	45	
B4R	43	43	
B5R	40	40	
B1D	51	51	
B2D	48	48	
B3D	45	45	
B4D	44	44	
B5D	39	39	
B3M	44	44	
B4M	40	40	
B5M	36	36	
B3G	43	43	
B4G	40	40	
B5G	36	36	
C1L	52	52	
C2L	51	51	
C3L	49	49	
C4L	45	45	
C5L	38	38	
C1F	52	52	
C2F	50	50	
C3F	48	48	
C4F	45	45	
C5F	39	39	
C1R	50	50	
C2R	48	48	
C3R	45	45	
C4R	40	40	
C5R	35	35	
C3M	43	43	
C4M	38	38	
C5M	34	34	
C3G	44	44	
C4G	39	39	
C5G	34	34	

Grade		Grade	
T3F	39	X4F	43
T4F	35	X5F	40
T5F	27	X1R	48
T3R	39	X2R	45
T4R	35	X3R	41
T5R	27	X4R	37
T3D	39	X5R	35
T4D	35	X3D	42
T5D	27	X4D	37
T3M	38	X5D	35
T4M	33	X3M	39
T5M	26	X4M	36
T3G	38	X5M	35
T4G	33	X3G	38
T5G	26	X4G	34
X1L	48	X5G	31
X2L	46	N1L	34
X3L	45	N1R	29
X4L	43	N1G	29
X5L	40	N2L	28
X1F	48	N2R	26
X2F	46	N2G	26
X3F	44		

§ 1464.20 1969 Crop—Virginia Sun-cured Tobacco, Type 37, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	63.25	63.25	61.25
A2F	59.25	59.25	56.25
A3F	56.25	56.25	53.25
A1R	63.25	63.25	61.25
A2R	60.25	60.25	57.25

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A3R	57.25	57.25	54.25
B1F	62.25	63.25	55.25
B2F	60.25	61.25	56.25
B3F	51.25	53.25	51.25
B4F	45.25	49.25	47.25
B5F	40.25	41.25	40.25
B1R	62.25	63.25	55.25
B2R	59.25	60.25	56.25
B3R	52.25	54.25	51.25
B4R	43.25	47.25	45.25
B5R	41.25	42.25	41.25
B1D	60.25	60.25	55.25
B2D	58.25	60.25	55.25
B3D	50.25	52.25	49.25
B4D	44.25	45.25	44.25
B5D	40.25	41.25	40.25
B3M	43.25	46.25	43.25
B4M	42.25	44.25	43.25
B5M	37.25	38.25	37.25
B3G	43.25	45.25	43.25
B4G	41.25	42.25	41.25
B5G	37.25	38.25	37.25
C1L	61.25	62.25	54.25
C2L	55.25	56.25	51.25
C3L	52.25	52.25	48.25
C4L	44.25	46.25	44.25
C5L	39.25	40.25	39.25
C1F	61.25	62.25	54.25
C2F	55.25	56.25	51.25
C3F	51.25	53.25	48.25
C4F	44.25	49.25	45.25
C5F	38.25	41.25	40.25
C1R	58.25	58.25	52.25
C2R	52.25	52.25	48.25
C3R	46.25	46.25	44.25
C4R	39.25	40.25	39.25
C5R	35.25	36.25	35.25
C3M	40.25	43.25	42.25
C4M	36.25	41.25	40.25
C5M	35.25	39.25	37.25
C3G	35.25	38.25	35.25
C4G	34.25	37.25	35.25
C5G	29.25	30.25	29.25

Grade		Grade	
T3F	42.25	X4F	41.25
T4F	40.25	X5F	36.25
T5F	34.25	X1R	47.25
T3R	42.25	X2R	44.25
T4R	40.25	X3R	40.25
T5R	34.25	X4R	39.25
T3D	40.25	X5R	31.25
T4D	38.25	X3D	36.25
T5D	32.25	X4D	34.25
T3M	40.25	X5D	28.25
T4M	37.25	X3M	40.25
T5M	31.25	X4M	38.25
T3G	39.25	X5M	36.25
T4G	37.25	X3G	38.25
T5G	31.25	X4G	35.25
X1L	47.25	X5G	31.25
X2L	45.25	N1L	23.25
X3L	42.25	N2L	16.25
X4L	40.25	N1R	24.25
X5L	35.25	N2R	17.25
X1F	47.25	N1G	24.25
X2F	46.25	N2G	17.25
X3F	43.25		

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; sec. 125, 70 Stat. 198; 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423; 7 U.S.C. 1813; 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the office of the Federal Register.

Signed at Washington, D.C., on November 19, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–13957; Filed, Nov. 25, 1969; 8:45 a.m.]

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "No–G" (no grade), or scrap will not be accepted. Cooperatives for types 21 and 37 are authorised to deduct 25 cents per hundred pounds to apply against overhead costs. Tobacco of types 22, 23, 35, and 36 graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Tobacco of types 21 and 37 graded "W" (doubtful keeping order) will not be accepted. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 35 and 36 grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 21, 22, and 23 grades of 47 length and types 35 and 36 grades of 47 length, except grades A1F, A1R, A2F, and A2R, shall have an advance rate 5 percent below the advance rate otherwise applicable for 46 length of each grade. The advance rates for grades A1F, A1R, A2F, and A2R of types 35 and 36 in 47 length shall be the same as those for such grades in 46 length.

[2] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No–G" (no grade), or scrap will not be accepted. Cooperatives are authorised to deduct 25 cents per hundred pounds to apply against overhead costs.

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1969 crop of type 31, Burley tobacco, under the tobacco price support loan program, published July 19, 1969 (34 F.R. 12129).

Sec.

1464.21 1969 Crop—Burley Tobacco, Type 31, Advance Schedule.

§ 1464.21 1969 Crop—Burley Tobacco, Type 31, Advance Schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
B1F	75.25	T5F	60.25
B2F	73.25	T3FR	64.25
B3F	71.25	T4FR	61.25
B4F	69.25	T5FR	56.25
B5F	67.25	T3R	54.25
B1FR	70.25	T4R	51.25
B2FR	68.25	T5R	46.25
B3FR	66.25	T4D	44.25
B4FR	64.25	T5D	41.25
B5FR	62.25	T4K	43.25
B1R	64.25	T5K	40.25
B2R	62.25	T4VF	56.25
B3R	60.25	T5VF	52.25
B4R	59.25	T4VR	47.25
B5R	56.25	T5VR	42.25
B4D	46.25	T4GF	49.25
B5D	41.25	T5GF	44.25
B3K	65.25	T4GR	41.25
B4K	61.25	T5GR	38.25
B5K	51.25	C1L	78.25
B3M	66.25	C2L	77.25
B4M	62.25	C3L	76.25
B5M	52.25	C4L	75.25
B3VF	68.25	C5L	72.25
B4VF	65.25	C1F	78.25
B5VF	61.25	C2F	77.25
B3VR	55.25	C3F	76.25
B4VR	53.25	C4F	75.25
B5VR	49.25	C5F	72.25
B3GF	58.25	C3R	69.25
B4GF	56.25	C4R	67.25
B5GF	51.25	C5R	63.25
B3GR	47.25	C3K	68.25
B4GR	44.25	C4K	66.25
B5GR	41.25	C5K	60.25
T3F	68.25	C3M	70.25
T4F	64.25	C4M	67.25
		C5M	58.25
		C3V	72.25
		C4V	69.25
		C5V	63.25
		C4G	55.25
		C5G	49.25
		X1L	78.25
		X2L	77.25
		X3L	76.25
		X4L	73.25
		X5L	70.25
		X1F	78.25
		X2F	77.25
		X3F	76.25
		X4F	73.25
		X5F	70.25
		X3R	68.25
		X4R	64.25
		X5R	58.25
		X4M	66.25
		X5M	55.25
		X4G	57.25
		X5G	50.25
		M3F	71.25
		M4F	65.25
		M5F	62.25
		M3R	57.25
		M4R	52.25
		M5R	47.25
		N1L	65.25
		N2L	54.25
		N1F	57.25
		N1R	41.25
		N2R	35.25
		N1G	38.25
		N2G	34.25

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423; 7 U.S.C. 1813; 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C. on November 19, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–13958; Filed, Nov. 25, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,510]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts

NOVEMBER 13, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration of the desirability of amending § 526.4 of the regulations of the Federal Home Loan Bank System (12 CFR 526.4) for the purpose of authorizing any member institution whose home office is located in the State of Massachusetts to pay a higher rate of return on certificate accounts for a limited period of time, hereby amends said § 526.4 by redesignating subparagraph (3) of paragraph (c) thereof as subparagraph (4) and adding immediately prior thereto a new subparagraph (3) to read as follows, effective November 26, 1969:

§ 526.4 Maximum rate of return payable on certificate accounts.

* * * * * * *

(c) *Geographic exception.* * * *

(3) A member institution whose home office is located in Massachusetts may pay a return on certificate accounts at a rate not in excess of 5.25 percent per annum, except that, with respect to certificate accounts outstanding on November 14,

1969, such member institution may pay an additional return at the rate of 0.25 percent per annum for each distribution period ending after July 1, 1969, but no later than July 31, 1970.

* * * * *

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective upon publication in the FEDERAL REGISTER, the Board hereby finds that notice and public procedure on said amendment is contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b), and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-14044; Filed, Nov. 25, 1969; 8:47 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 23,511]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts

NOVEMBER 13, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration of the desirability of amending § 569.4 of the rules and regulations for Insurance of Accounts (12 CFR 569.4) for the purpose of authorizing any insured institution whose home office is located in the State of Massachusetts to pay a higher rate of return on certificate accounts for a limited period of time, hereby amends said § 569.4 by redesignating subparagraph (3) of paragraph (c) thereof as subparagraph (4) and adding immediately prior thereto a new subparagraph (3) to read as follows, effective November 26, 1969:

§ 569.4 **Maximum rate of return payable on certificate accounts.**

* * * * *

(c) *Geographic exception.* * * *

(3) An insured institution whose home office is located in Massachusetts may pay a return on certificate accounts at a rate not in excess of 5.25 percent per annum, except that, with respect to certificate accounts outstanding on November 14, 1969, such insured institution may pay an additional return at the rate of 0.25 percent per annum for each distribution period ending between July 1, 1969, and July 31, 1970.

* * * * *

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1425b, 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective upon publication in the FEDERAL REGISTER, the Board hereby finds that notice and public procedure on said amendment is contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b), and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-14045; Filed, Nov. 25, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WE-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On October 2, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15363) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Olympia, Wash., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., January 3, 1970.

Issued in Los Angeles, Calif., on November 12, 1969.

LYNN L. HINK,
Acting Director, Western Region

In § 71.171 (34 F.R. 4557) the description of the Olympia, Wash., control zone, as amended by (34 F.R. 9548) is further modified to read as follows:

OLYMPIA, WASH.

Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'15" N., longitude 122°54'00" W.); within 4 miles each side of the Olympia VORTAC 195° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC, and within 2 miles each side of the Olympia VORTAC 010° radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-14016; Filed, Nov. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-84]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 14285 and 14286 of the FEDERAL REGISTER dated September 11, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Fort Dodge, Iowa.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The Fort Dodge Municipal Airport longitude coordinate recited in the Fort Dodge, Iowa, control zone and transition area alteration as "longitude 94°11'21" W." is changed to read "longitude 94°11'10" W.".

This amendment shall be effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), the Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 4, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

FORT DODGE, IOWA

Within a 5-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

FORT DODGE, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.); that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of Fort Dodge VOR, extending from the Fort Dodge VOR 261° radial clockwise to the Fort Dodge VOR 055° radial; within a 25-mile radius of Fort Dodge VOR, extending from the Fort Dodge VOR 055° radial clockwise to the Fort Dodge VOR 261° radial; within 4½ miles southwest and 9½ miles northeast of the Fort Dodge VOR 127° radial, extending from the 25-mile radius area to 32 miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Fort Dodge VOR 307° radial, extending from the 14-mile radius area to 18½ miles northwest of the VOR; and that airspace extending upward from 3,500 feet MSL south and east of Fort Dodge bounded on the north by V-100, on the east by V-13, on the south by V-172 and on the northwest by V-138.

[F.R. Doc. 69-14017; Filed, Nov. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-143]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Spartanburg, S.C., control zone and transition area.

The Spartanburg control zone is described in § 71.171 (34 F.R. 4557) and the transition area is described in § 71.181 (34 F.R. 4637). In each description, reference is made to the Spartanburg RBN. Since the name of this RBN will be changed to "Fairmont RBN," effective December 11, 1969, it is necessary to alter the descriptions to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December, 11, 1969, as hereinafter set forth.

In §§ 71.171 (34 F.R. 4557) and 71.181 (34 F.R. 4637), the Spartanburg, S.C., control zone and transition area are amended as follows: "* * * Spartanburg RBN * * *" is deleted and "* * * Fairmont RBN * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 17, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14018; Filed, Nov. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 14286 of the FEDERAL REGISTER dated September 11, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Rochester, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 8 ,1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 4, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ROCHESTER, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2½ miles each side of the Rochester VOR 029° radial, extending from the VOR to 23 miles northeast of the VOR; within 3 miles each side of the Rochester ILS localizer northwest course, extending from the 7-mile radius area to 19 miles northwest of the OM; and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from 3 miles northwest to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of Rochester VOR, extending clockwise from V-24 southeast of Rochester to V-82 northwest of Rochester; the airspace north and east of Rochester bounded on the west by the west edge of V-82, on the northwest by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the northeast by V-2 and on the south by V-82; within 5 miles west and 7 miles east of the Rochester VOR 173° radial, extending from the 22½-mile radius area to 38 miles south of the VOR; and within 5 miles south and 7 miles north of the Rochester VOR 104° radial, extending from 22½ miles to 45 miles east of the VOR, excluding the portions that overlie the Winona and Fairbault-Owatonna, Minn., transition areas.

[F.R. Doc. 69-14019; Filed, Nov. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 14437 of the FEDERAL REGISTER dated September 16, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Bellaire, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Antrim County Airport latitude coordinate recited in the Bellaire, Michigan transition area alteration as "latitude 49°59'15" N." is changed to read "latitude 44°59'15" N.".

This amendment shall be effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 4, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BELLAIRE, MICH.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3½ miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 17 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 198° bearing from Antrim County Airport, extending from the airport to 25 miles south of the airport.

[F.R. Doc. 69-14020; Filed, Nov. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On October 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15600), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Milledgeville, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 33°-09'15" N., long. 83°14'10" W.) for Baldwin County Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by inserting the geographic coordinate for the airport. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and

action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

MILLEDGEVILLE, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Baldwin County Airport (lat. 33°-09'15" N., long. 83°14'10" W.); within 3 miles each side of the 084° bearing from Milledgeville RBN (lat. 33°09'13" N., long. 83°14'35" W.), extending from the 8.5-mile radius area to 8.5 miles east of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 17, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14021; Filed, Nov. 25, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 2, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15363) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Seattle, Wash., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., January 3, 1970.

Issued in Los Angeles, Calif., on November 12, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the description of the Seattle, Wash., transition area as amended by (34 F.R. 1370) is further amended as follows:

1. In the 700-foot portion of the transition area delete all between "* * * within a 23-mile radius of the Seattle VORTAC * * *", and "* * * within a 23-mile radius of latitude 47°39'30" N., longitude 122°25'00" W.; * * *" and substitute therefor "* * * within a 10-mile radius of Olympia VORTAC, within 5 miles each side of the Olympia VORTAC 195° radial, extending from the 10-mile radius area to 15.5 miles south of the VORTAC; * * *".

2. Delete all of the 1,200-foot portion of the transition area and substitute therefor "* * * that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 48°05'00" N., on the east via longitude 121°35'00" W. to latitude 46°55'00" N., thence via latitude 46°55'00" N. to longitude 121°53'00" W., thence via longitude 121°53'00" W. to latitude 46°45'00" N., thence via latitude 46°45'00" N. and an arc of a 22-mile radius circle centered on the Olympia VORTAC to longitude 123°15'00" W., thence via longitude 123°15'00" W., to latitude 48°05'00" N., that airspace southwest of Seattle bounded on the north by the north edge of V-27, on the east by longitude 123°15'00" W., on the south by the south edge of V-204, and on the west by longitude 123°40'00" W. * * *".

3. In the 4,500-foot MSL portion of the transition area delete "* * * bounded on the north by latitude 46°45'00" N., * * *", and substitute therefor "* * * bounded on the north by an arc of a 22-mile radius circle centered on Olympia VORTAC and latitude 46°45'00" N. * * *".

4. Delete "* * * V-27W. * * *" each place it appears in the text and substitute "* * * V-27 * * *" therefor.

[F.R. Doc. 69-14022; Filed, Nov. 25, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On page 15364 of the FEDERAL REGISTER dated October 2, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Mosinee, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 4, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

In § 71.171 (34 F.R. 4557), the following control zone is added:

MOSINEE, WIS.

Within a 5-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 1¼ miles each side of the Wausau, Wis., VOR 219° radial, extending from the 5-mile radius zone to the VOR; within 3½ miles each side of the 242° bearing from Central Wisconsin Airport extending from the 5-mile radius zone to 10½ miles west of the airport; and within 3½ miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 5-mile radius zone to 10½ miles east of the airport, excluding the portion which overlies the Wausau, Wis., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-14023; Filed, Nov. 25, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9899; Amdt. 672]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 69-12370 appearing at page 17233 in the issue of Friday, October 24, 1969, on page 17252 in the second line of the third table, the reference to "SJU NDB" should read "SJ NDB".

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Regs. (Amdt. 7)]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 370, 371, 373, and 376 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective dates: Part 370—Sept. 25, 1969; Part 371—Nov. 24, 1969; §§ 373.2 (b), 373.3(b), and 373.5(b)—Nov. 24, 1969; § 373.4—Dec. 1, 1969; and Part 376—Nov. 24, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

Supplement No. 2 to Part 370 is amended to read as follows:

SUPPLEMENT NO. 2

THE U.S. MUNITIONS LIST

The following articles[1] are designated by the Office of Munitions Control, U.S. Department of State, as arms, ammunition, and implements of war:[2]

CATEGORY I—FIREARMS

(a) Nonautomatic and semiautomatic firearms, to caliber .50 inclusive, shotguns with barrels less than 18 inches in length, and all components and parts therefor (see §§ 121.03 and 123.30 through 123.4).[3]

(b) Automatic firearms, and all components and parts therefor, to caliber .50 inclusive (see § 121.03).[3]

(c) Insurgency-counterinsurgency type firearms or other weapons having a special military application regardless of caliber; and all components and parts therefor.

(d) Firearms silencers.

(e) Bayonets and specifically designed components therefor.

(f) Riflescopes (except sporting type sights including optical) and specifically designed components therefor.

CATEGORY II—ARTILLERY AND PROJECTORS

(a) Guns over caliber .50, howitzers, mortars, and recoilless rifles.

(b) Military flame throwers and projectors.

(c) Components and parts including, but not limited to, mounts and carriages for the articles in paragraphs (a) and (b) of this Category.

CATEGORY III—AMMUNITION

(a) Ammunition for the arms in Categories I and II of this section (see §§ 123.03 and 121.04).[3]

(b) The following components, parts, accessories, and attachments: Cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, fuzes, and components therefor, primers, and other detonating devices for such ammunition (see § 121.04).[3]

(c) Ammunition belting and linking machines.

(d) Ammunition manufacturing machines, and ammunition loading machines (except hand loading).

CATEGORY IV—LAUNCH VEHICLES, GUIDED MISSILES, BALLISTIC MISSILES, ROCKETS, TORPEDOES, BOMBS, AND MINES

(a) Launch vehicles, guided missiles, ballistic missiles, bombs, grenades, rockets, torperoes, rocket torpedoes, depth charges, land and naval mines, and military demolition blocks and blasting caps (see § 121.05).[3]

(b) Apparatus, devices, and materials for the handling, control, activation, detection, protection, discharge, or detonation of the articles in paragraph (a) of this category (see § 121.06).[3]

(c) Missile and space vehicle powerplants.

(d) Military explosive excavating devices.

(e) Filament winding machines designed for or modified for the manufacture of structural forms, for articles in this category.

(f) Ablative materials fabricated or semifabricated from advanced composites (e.g., silica, graphite, carbon, and boron filaments) for the articles in this category, including the tape wrapping and other techniques for their production.

(g) All specifically designed components, parts, accessories, attachments, associated equipment, and specialized production equipment for the articles in this Category.

CATEGORY V—PROPELLANTS, EXPLOSIVES, AND INCENDIARY AGENTS

(a) Propellants for the articles in Categories III and IV of this section (see § 121.09).[3]

(b) Military explosives (see § 121.10).[3]

(c) Military fuel thickeners (see § 121.11).[3]

(d) Military pyrotechnics.

CATEGORY VI—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships (see § 121.12).[3]

(b) Turrets and gun mounts, missile systems, arresting gear, special weapons system, protective systems, submarine storage batteries, catapults and other components, parts, attachments, and accessories specifically designed for combatant vessels, including but not limited to, battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, minesweepers, and submarines.

(c) Submarine and torpedo nets, and mine sweeping equipment. Components, parts, attachments, and accessories specifically designed therefor.

(d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls, and components thereof.

(e) Naval nuclear propulsion plants, their land prototypes and special facilities for their construction, support, and maintenance, including any machinery, device, component, or equipment specifically developed or designed for use in such plants or facilities (see §123.38).[3]

CATEGORY VII—TANKS AND MILITARY VEHICLES

(a) Military type armed or armored vehicles, military railway trains, and vehicles fitted with, designed, or modified to accommodate mountings for arms or other specialized military equipment.

(b) Military tanks, tank recovery vehicles, half-tracks, and gun carriers.

(c) Self-propelled guns and howitzers.

(d) Military trucks, trailers, hoists, and skids specifically designed for carrying and handling the articles in paragraph (a) of Categories III and IV; military mobile repair shops specifically designed to service military equipment.

(e) Military recovery vehicles.

(f) Amphibious vehicles (see § 121.07).[3]

(g) All specifically designed components, parts, accessories, attachments, and associated equipment, including military bridging and deep water fording kits, for the articles in this category.

CATEGORY VIII—AIRCRAFT, SPACECRAFT, AND ASSOCIATED EQUIPMENT

(a) Aircraft, including helicopters, designed, modified, or equipped for military purposes, including but not limited to the following: Gunnery, bombing, rocket or missile launching, electronic surveillance, reconnaissance, refueling, aerial mapping, military liaison, cargo carrying or dropping, personnel dropping, military trainers, drones, and lighter-than-air aircraft (see § 121.13).[3]

(b) Spacecraft including manned and unmanned, active and passive satellites.

(c) Military aircraft engines, except reciprocating engines, and spacecraft engines specifically designed or modified for the aircraft and spacecraft specified in paragraphs (a) and (b) of this category.

(d) Airborne equipment, including but not limited to, JATO units and airborne refueling equipment, specifically designed for use with the aircraft, spacecraft, and engines of the types in paragraphs (a), (b), and (c) of this category.

(e) Launching, arresting, and recovery equipment for the articles in paragraphs (a) and (b) of this category.

(f) Nonexpansive balloons in excess of 3,000 cubic feet capacity, except such types as are in normal sporting use.

(g) Power supplies and energy sources specifically designed for spacecraft.

(h) Components, parts, accessories, attachments, and associated equipment, including propellers and airfield matting, specifically designed or modified for the articles specified in paragraphs (a) through (g) of this category.

(i) Developmental aircraft components known to have a significant military application.

(j) Parachutes, except such types as are in normal sporting use and complete canopies, harnesses, and platforms, and electronic release mechanisms therefor.

(k) Ground effect machines (GEMS), including surface effect machines and other air cushion vehicles, except such machines as are in normal commercial use, and all components, parts, accessories, attachments, and associated equipment specifically designed or modified for use with such machines.

(l) Inertial systems, and specifically designed components therefor, inherently capable of yielding accuracies of better than 1 to 2 nautical miles per hour c.e.p.

CATEGORY IX—MILITARY TRAINING EQUIPMENT

(a) Military training equipment includes but is not limited to attack trainers, radar target trainers, radar target generators, gunnery training devices, antisubmarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, mobile training units, military flight simulation devices, operational flight trainers, flight simulators, radar trainers, instrument flight trainers, and navigation trainers.

(b) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraph (a) of this category.

CATEGORY X—PROTECTIVE PERSONNEL EQUIPMENT

(a) Military body armor (including armored vests, flak suits, and components and parts specifically designed therefor; military helmets, including liners.

(b) Partial pressure suits, pressurized breathing equipment, military oxygen masks, anti-"G" suits, protective clothing for handling guided missile fuel, military crash helmets, liquid oxygen converters used for aircraft (enumerated in Category VIII(a)), missiles, catapults, and cartridge-actuated devices utilized in emergency escape of personnel from aircraft (enumerated in Category VIII(a)).

(c) Protective apparel and equipment specifically designed for use with the articles in paragraphs (a) through (d) in Category XIV.

(d) Components, parts, accessories, attachments, and associated equipment specifically designed for use with the articles in paragraphs (a), (b), and (c) of this category

CATEGORY XI—MILITARY AND SPACE ELECTRONICS

(a) Electronic equipment assigned a military designation, including but not limited to the following items: Radar, active and passive countermeasures, counter countermeasures, underwater sound, computers, navigation, guidance, electronic fuzes, object-locating methods and means, displays that represent signals of military use, identification systems, missile and antimissile systems, telemetering and communications electronic equipment; and regardless of designation, any experimental or developmental electronic equipment specifically designed or modified for military application or for use with a military system.

(b) Electronic equipment specifically designed or modified for spacecraft and spaceflight.

[1] The term "article" shall mean any of the arms, ammunition, and implements of war and technical data relating thereto enumerated in the United States Munitions List.

[2] Arms, ammunition, and implements of war must be mangled, crushed, or cut beyond the possibility or restoration to their original identity, before they can be licensed by the Office of Export Control for export as scrap metal. (See § 399.2, Interpretation 12.)

[3] This cross-reference section refers to the regulations of the Office of Munitions Control, U.S. Department of State, Washington, D.C. 20520.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed for use or currently used with the equipment in paragraphs (a) and (b) of this category, except such items as are in normal commercial use.

CATEGORY XII—FIRE CONTROL, RANGE FINDER, OPTICAL, AND GUIDANCE AND CONTROL EQUIPMENT

(a) Fire control systems; gun and missile tracking and guidance systems; military infrared, image intensifier and other night sighting and night viewing equipment; military masers and military lasers; gun laying equipment; range, position, and height finders and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, bombing computers, military television sighting and viewing units, inertial platforms, and periscopes for the articles of this section.

(b) Inertial and other weapons or space vehicle guidance and control systems; spacecraft guidance, control, and stabilization systems; astro compasses; and star trackers.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (a) and (b) of this category, except such items as are in normal commercial use.

CATEGORY XIII—AUXILIARY MILITARY EQUIPMENT

(a) Aerial cameras, space cameras, special purpose military cameras, and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment, and specifically designed components therefor.

(b) Speech scramblers, cryptographic devices (encoding and decoding), and specifically designed components therefor, ancillary equipment, and especially devised protective apparatus for such devices, components, and equipment.

(c) Self-contained diving and underwater breathing apparatus designed for a military purpose, and specifically designed components therefor.

(d) Armor plate.

(e) Concealment and deception equipment, including but not limited to, special paints, decoys, and simulators, components, parts, and accessories specifically designed therefor.

(f) Energy conversion devices for producing electrical energy from nuclear, thermal, or solar energy, or from chemical reaction, specifically designed or modified for military application.

(g) Chemiluminescent compounds and solid state devices specifically designed or modified for military application.

CATEGORY XIV—TOXICOLOGICAL AGENTS AND EQUIPMENT; RADIOLOGICAL EQUIPMENT

(a) Chemical agents, including lung irritants, vesicants, lacrimators, and tear gases, sternutators and irritant smokes, and nerve gases and incapacitating agents (see § 121.08).[1]

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops and plants.

(c) Equipment for dissemination, detection, and identification of, and defense against the articles in paragraphs (a) and (b) of this category (see § 123.31).[1]

(d) Nuclear radiation detection and measuring devices, except such devices as are in normal commercial use.

(e) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (c) and (d) of this category.

CATEGORY XV—HELIUM GAS

Contained helium and admixtures thereof (see §§ 121.14 and 123.36).[1]

CATEGORY XVI—NUCLEAR WEAPONS DESIGN AND TEST EQUIPMENT (SEE § 123.33)[1]

(a) Any article, material, equipment, or device which is specifically designed or specifically modified for use in the design, development, or fabrication of nuclear weapons or nuclear explosive devices.

(b) Any article, material, equipment, or device which is specifically designed or specifically modified for use in the devising, carrying out, or evaluating of nuclear weapons tests or any other nuclear explosions, except such items as are in normal commercial use for other purposes.

(c) Cold cathode tubes such as krytrons and sprytrons.

CATEGORY XVII—CLASSIFIED ARTICLES

All articles, including technical data relating thereto, not enumerated herein, containing information which is classified as requiring protection in the interests of national defense.

CATEGORY XVIII—TECHNICAL DATA

Technical data relating to the articles designated in this subchapter as arms, ammunition, and implements of war (see §§ 125.01, 125.11 and 123.38).[1]

CATEGORY XIX—[RESERVED]

CATEGORY XX—OCEANOGRAPHIC AND ASSOCIATED EQUIPMENT

(a) Submersible vessels, manned and unmanned, designed for military purposes or having independent capability to maneuver vertically or horizontally at depths below 1,000 feet.

(b) Submersible vessels, manned or unmanned, designed in whole or in part from technology developed by or for the U.S. Armed Forces.

(c) Any of the articles in Categories VI, IX, XI, XIII, and elsewhere in § 121.01[1] of this subchapter that may be used with submersible vessels.

(d) Equipment, components, parts, accessories, and attachments designed specially for any of the articles in paragraphs (a) and (b) of this category.

CATEGORY XXI—[RESERVED]

CATEGORY XXII—MISCELLANEOUS ARTICLES

Any article and technical data relating thereto, not enumerated herein, having significant military applicability, determined by the Director, Office of Munitions Control, Department of State, in consultation with appropriate agencies of the Government and having the concurrence of the Department of Defense.

PART 371—GENERAL LICENSES

In § 371.16(b), subparagraph (3) is redesignated (4) and a new § 371.16 (b)(3) is established to read as follows:

§ 371.16 General license GTF–F; goods temporarily exported for display at foreign exhibitions or trade fairs.

* * * * * * *

(b) * * *

(3) Electronic, mechanical, or other devices, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications; and

* * * * * * *

In § 371.17 a new subdivision (iv) in (a)(2) and a new subdivision (ix) in (f)(1) are established to read as follows:

§ 371.17 General license GLR; return of certain commodities imported into the United States.

* * * * * * *

(a) * * *

(2) * * *

(iv) Electronic, mechanical, or other devices, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

* * * * * * *

(f) * * *

(1) * * *

(ix) No replacement of any defective parts or equipment may be exported under this general license if the replacement is to be incorporated into or used in any electronic, mechanical, or other device, as described in § 376.13(a) of this subchapter that is primarily useful for surreptitious interception of wire or oral communications.

* * * * * * *

PART 373—SPECIAL LICENSING PROCEDURES

In § 373.2(b), a new subparagraph (5) is established to read as follows:

§ 373.2 Project license.

* * * * * * *

(b) * * *

(5) Electronic, mechanical, or other devices as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

* * * * * * *

In § 373.3(b), a new subparagraph (3) is established to read as follows:

§ 373.3 Distribution license.

* * * * * * *

(b) * * *

(3) Electronic, mechanical, or other devices, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

* * * * * * *

In § 373.4, paragraph (b) is amended to read as follows:

§ 373.4 Foreign-based warehouse procedure.

* * * * * * *

(b) *Exports to the foreign-based warehouse.* A U.S. exporter who qualifies under this procedure may apply for and obtain licenses for exports to an approved destination for the purpose of maintaining a foreign-based stock of any commodity(ies) not identified by the symbol "B" in the last column of the Commodity Control List, except the following commodities:

[1] This cross-referenced section refers to the regulations of the Office of Munitions Control, U.S. Department of State, Washington, D.C. 20520.

Export control commodity number and commodity description	
51500	Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin.
71420	Electronic computers.
71980	Electron beam equipment for the deposition of thin film, the coating of thin film, or the working thereof.
72620	X-ray machines, and specially designed parts therefor, and flash discharge type X-ray tubes.
72952	Vibration testing equipment.
72952 and 86198	Mass spectrometers.
72970	Neutron generators and specially designed parts therefor, and neutron generator tubes.

Section 373.5(b) is amended to read as follows:

§ 373.5 Periodic requirements (PRL) license.

* * * * * * *

(b) *Commodities subject to PRL licensing procedure.* (1) The commodities for which the issuance of a PRL License will be considered are identified in the last column of the Commodity Control List (§ 399.1 of this subchapter) by PRL Commodity Group numbers, consisting of an "E" followed by a number. However, a PRL License is not applicable to export of any:

(i) Commodity related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1 of this subchapter; and

(ii) Electronic, mechanical, or other device as described in § 376.13 (a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

(2) An application may cover as much as 6-months' estimated requirements of the named consignee(s) for the commodities included in the application. The PRL Commodity Groups are:

Group E–1—Rubber products.
Group E–2—Aircraft.
Group E–3—Plastics.
Group E–4—Petroleum products.
Group E–5—Refractories.
Group E–6—Electrical machinery and apparatus.
Group E–7—Metals and minerals, crude and semifinished.
Group E–8—Metals and minerals, mill products and manufactured products.
Group E–9—General industrial equipment.
Group E–10—Power generating machinery.
Group E–11—Construction equipment.
Group E–12—Petroleum equipment.
Group E–13—Industrial inorganic chemicals.
Group E–14—Organic chemicals.
Group E–15—Agricultural machinery.

A new subdivision (iii) is added to § 373.6(a)(1) to read as follows:

§ 373.6 Time limit (TL) license.

* * * * * * *

(a) *Eligibility for time limit license—*(1) *Commodities.* * * *

(iii) Electronic, mechanical, or other devices, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

* * * * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

A new § 376.13 is established to read as follows:

§ 376.13 Communications intercepting devices.

(a) *Export license requirements.* A validated export license is required for the export to any destination (including Canada) of any electronic, mechanical, or other device primarily useful for surreptitious interception of wire or oral communications. Any exporter who knows, or has reason to believe, that such commodities will be used for such purpose shall include that information on his application for validated export license. The application shall be on Form FC–419, Application for Export License. The words "Communications Intercepting Device" shall be entered at top of the form immediately above the printed words "United States of America."

(b) *Qualifications of exporter.* Licenses to export the commodities described in paragraph (a) of this section, will be issued only to:

(1) A communications common carrier or an officer, agent, or employee of, or person under contract with, a communications common carrier, when engaged in the normal course of such communications common carrier's business; or

(2) Officers, agents, or employees of, or person under contract with the United States, one of the 50 States, or a political subdivision, thereof, when engaged in the normal course of government activities.

[F.R. Doc. 69–13961; Filed, Nov. 25, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–249]

PART 1—GENERAL PROVISIONS

Customs Officers; Title Change

NOVEMBER 12, 1969.

The organizational titles of three positions in the Customs Agency Service have been changed so that they will reflect the investigative function of such positions. The former titles, customs agent, customs agent in charge, and supervising customs agent, have been changed to special agent, special agent in charge, and supervising special agent, respectively. All functions, rights, privileges, powers, and duties of such positions as formerly titled have been transferred to the positions as retitled.

Pending the completion of the revision of the Customs Regulations, except as expressly provided by amendment of individual sections thereof, action required to be taken by customs agents, customs agents in charge or supervising customs agents will be taken by special agents, special agents in charge, or supervising special agents, respectively.

In order to adapt the provisions of this chapter to the retitling of the positions previously referred to, the Customs Regulations are amended as follows:

A new paragraph (e) is added to § 1.1 to read:

§ 1.1 Authority of Customs officers.

* * * * * * *

(e) Unless otherwise indicated, "customs agent", "customs agent in charge", "supervising customs agent", including any of the foregoing with the prefix "assistant", as used in this chapter, shall mean special agent, special agent in charge, and supervising special agent, or any of the foregoing with the prefix "assistant", respectively.

(80 Stat. 379, R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66)

Since this amendment merely involves a technical change to reflect the new titles of certain named positions in the Customs Agency Service, it is found unnecessary to issue these amendments with notice under 5 U.S.C. 553 or subject to the effective date limitations of that section.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: November 18, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–14029; Filed, Nov. 25, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in two petitions (FAP 9H2370, 9H2386) filed by the American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of vinylene bisthiocyanate and chloroethylene bisthiocyanate as slimicides in the manufacture of paper and paperboard for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2505(c) is amended by alphabetically inserting in the list of substances two new items, as follows:

§ 121.2505 Slimicides.

* * * * *

(c) * * *

List of substances	Limitations
* * *	* * *
Chloroethylene bisthiocyanate	
* * *	* * *
Vinylene bisthiocyanate	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: November 18, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14012; Filed, Nov. 25, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 9H2359) filed by Onyx Chemical Co., Div. of Millmaster Onyx Corp., 190 Warren Street, Jersey City, N.J. 07302, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional sanitizing solution, as set forth below, on food-processing equipment and utensils and on food-contact surfaces in bars and restaurants. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2547 is amended by adding a new subparagraph each to paragraphs (b) and (c), as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(11) An aqueous solution containing equal amounts of *n*-alkyl (C_{12}-C_{16}) benzyl dimethyl ammonium chloride and *n*-alkyl (C_{12}-C_{14}) dimethyl ethylbenzyl ammonium chloride (having an average molecular weight of 384), together with components generally recognized as safe. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(c) * * *

(8) Solutions identified in paragraph (b)(11) of this section shall provide, when ready to use, no more than 200 parts per million of active quaternary compound.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: November 18, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14011; Filed, Nov. 25, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

Correction

In F.R. Doc. 69-13648 appearing at page 18384 in the issue of Tuesday, November 18, 1969, in the first column of the table in § 121.2566(b), the phrase "47-49 percent" in the 12th line should read "37-49 percent".

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Zearalanol

Correction

In F.R. Doc. 69-13529 appearing at page 18243 in the issue of Friday, November 14, 1969, the following changes should be made:

1. The heading for Part 135b should read as set forth above.

2. In § 135g.64, the word "millimeters" appearing in the third line of subparagraph 2 of paragraph D of section V on page 18244 should read "milliliters".

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Lake Mead National Recreation Area, Arizona-Nevada; Boat Sanitary Equipment

A final notice of rule making was published on page 15414 of the FEDERAL REGISTER of October 3, 1969, to amend § 7.48 of Title 36 of the Code of Federal Regulations. That notice, which was to become effective 60 days from the date of publication, is hereby withdrawn and the following regulation is adopted. This regulation is identical to that in effect at the Glen Canyon and Amistad Recreation Areas, thus providing uniform boat sanitation requirements for these three areas.

This change will enable boat users at any one of these areas to utilize their craft at the other two areas without structural modification of their boats or utilizing different sanitation techniques.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, comment on this amended regulation is deemed to be unnecessary and not in the public interest, since the changed provisions result in a relaxation of the proposed restrictions on the public contained in the notice of proposed rulemaking of July 8, 1969, on this subject. Therefore, this regulation shall take effect on December 2, 1969, which would have been the effective date of the regulation published in the FEDERAL REGISTER on October 3, 1969.

§ 7.48 Lake Mead National Recreation Area.

* * * * *

(d) *Water sanitation.* All vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facilities sealed to prevent discharge. Chemical or other type marine toilets with approved holding tanks or storage containers shall be permitted but will be discharged or emptied only at designated sanitary pumping stations.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 78 Stat. 1039; 16 U.S.C. 460n)

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[F.R. Doc. 69-14061; Filed, Nov. 25, 1969; 8:48 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 3—FORMS FOR PATENT CASES

Updating of Rules and Forms

Pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Parts 1 and 3 of Title 37, Code of Federal Regulations, are hereby amended as set forth below.

The changes being effected reflect recent judicial decisions and clarify present Patent Office administration and practice. Since these changes impose no burden on any person, notice and public procedure thereon are deemed unnecessary.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Paragraph (a) of § 1.5 is amended by deleting the word "division" and inserting in lieu thereof "group" art unit and name of the examiner".

2. Paragraph (c) of § 1.6 is amended by deleting the words "Fourteenth and E Street entrance of the Patent Office" and inserting in lieu thereof "lobby of building 3 of the Patent Office at Crystal Plaza, Arlington, Virginia and at the main entrance of the Department of Commerce Building, Washington, D.C.,".

3. Paragraph (a) of § 1.15 is amended by deleting from the first sentence the words "Department of Commerce Building,".

4. Section 1.24 is amended by deleting the phrase "pads of 10 for $2.00 and" in the second sentence.

5. Paragraph (b) of § 1.25 is revised to read as follows:

§ 1.25 Deposit accounts.

* * * * *

(b) Filing, issue, appeal and petition fees may be charged against these accounts.

6. Paragraph (b) of § 1.47 is amended by deleting from the third sentence the words "at the time of filing the application".

7. Paragraph (b) of § 1.52 is amended by adding after the third sentence the words: "The pages of the specification, including the claims, should be numbered consecutively, starting with 1, the numbers being placed in the center of the bottom margins."

8. Paragraph (b) of § 1.55 is amended by adding the words "or declaration" after "oath" in the second sentence and by deleting from the third sentence the word "final" and inserting in lieu thereof the word "issue".

9. Paragraph (a) of § 1.65 is amended by adding after "used" in the first sentence, the words "in the United States".

10. Paragraph (a) of § 1.101 is amended by deleting from the first sentence the word "divisions" and inserting in lieu thereof the word "groups".

11. Paragraph (b) of § 1.106 is amended by deleting from the first sentence the words "want of invention" and inserting in lieu thereof the word "obviousness"; and by deleting from the third sentence the word "obvious" and inserting in lieu thereof the word "apparent".

12. Section 1.107 is amended by deleting from the third sentence the words "the number of pages of specification and sheets of drawing must be specified, and".

13. Paragraph (b) of § 1.111 is amended by adding to the second sentence after the word "define" the words "a patentable".

14. The heading of § 1.131 is amended by adding after "Affidavit" the words "or declaration". Paragraph (a) of § 1.131 is amended by adding after "oath" the words "or declaration as"; and paragraph (b) of § 1.131 is amended by adding to the second sentence after "affidavit" the words "or declaration".

15. The heading of § 1.132 is amended by adding after "Affidavits" the words "or declarations". Section 1.132 is amended by adding after "affidavits" the words "or declarations".

16. Section 1.138 is revised to read as follows:

§ 1.138 Express abandonment.

An application may be expressly abandoned by filing in the Patent Office a written declaration of abandonment signed by the applicant himself and the assignee of record, if any, and identifying the application. Except as provided in § 1.262 an application may also be expressly abandoned by filing a written declaration of abandonment signed by the attorney or agent of record. Express abandonment of the application may not be recognized by the Office unless it is actually received by appropriate officials in time to act thereon before the date of issue.

17. Section 1.147 is amended by adding to the second sentence, after "matter", a comma.

18. Paragraph (b) of § 1.167 is amended by adding the words "or declarations" after "affidavits", both occurrences.

19. Paragraph (b) of § 1.175 is amended by adding the words "or declarations" after "affidavits", both occurrences.

20. Section 1.178 is amended by adding in the second and third sentences the words "or declaration" after "affidavit".

21. Paragraphs (b), (d), (f), and (g) of § 1.181 are revised to read as follows:

§ 1.181 Petition to the Commissioner.

* * * * *

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.

* * * * *

(d) No fee is required for a petition to the Commissioner except in the case of a petition to revive an abandoned application (§ 1.137) or for the delayed payment of an issue fee (§ 1.317).

* * * * *

(f) Except as otherwise provided in these rules, any such petition not filed within 2 months from the action complained of, may be dismissed as untimely. The mere filing of a petition will not stay the period for reply to an Examiner's action which may be running against an application, nor act as a stay of other proceedings.

(g) Determination of petitions of various kinds may be delegated by the Commissioner to the Group Directors or to the Solicitor and Law Examiners.

22. Paragraph (b) of § 1.191 is amended by adding the note "(See § 3.41)" at the end.

23. Paragraphs (a) and (b) of § 1.192 are revised to read as follows:

§ 1.192 Appellant's brief.

(a) The appellant shall, within 2 months from the date of the appeal, or within the time allowed for response to the action appealed from if such time is later, file a brief, accompanied by the requisite fee, of the authorities and arguments on which he will rely to maintain his appeal, including a concise explanation of the invention which should refer to the drawing by reference characters, and a copy of the claims involved, at the same time indicating if he desires an oral hearing. Two extra copies of the brief are required if an oral hearing is requested. The Board of Appeals may, for sufficient cause shown, extend the time for filing the brief to a date not later than 2 months after the original expiration date. Any longer or further extension must be sought from the Commissioner. All requests for extensions must be filed prior to the expiration of the period sought to be extended.

(b) On failure to file the brief accompanied by the requisite fee, within the time allowed, the appeal shall stand dismissed.

24. Paragraph (b) of § 1.193 is amended by deleting the words "sixty days" and inserting in lieu thereof the words "two months."

25. Section 1.195 is revised to read as follows:

§ 1.195 Affidavits or declarations after appeal.

Affidavits, declarations, or exhibits submitted after the case has been appealed will not be admitted without a showing of good and sufficient reasons why they were not earlier presented.

26. Section 1.202 is amended by adding to the first sentence after "oath" the words "or declaration".

27. The heading and paragraph (b) of § 1.204 are amended by adding the words "or declaration" after "affidavit." Paragraph (c) of § 1.204 is amended by adding to the first sentence after "affidavits" the words "or declarations"; and by adding to the fourth sentence, after "affidavit" both occurrences, the words "or declaration"; and by adding at the end thereof the reference "(See also § 1.228)".

28. Paragraph (a) of § 1.215 is amended by adding to the second sentence after "sworn to" the words ", or made in the form of a declaration,".

29. Paragraph (c) of § 1.216 is amended by adding after "sworn to" the words "or declaration made".

30. Section 1.224 is amended by adding to the second sentence, after "affidavits" the words "or declarations".

31. Section 1.226 is amended by adding after "affidavits," both occurrences, the words "or declarations".

32. Section 1.228 is amended by deleting from the second sentence the word "rules" and inserting in lieu thereof the word "regulations"; and by adding to the fourth sentence, after "affidavits" the word ", declarations,".

33. Paragraph (a)(1) of § 1.231 is amended by adding to the first sentence, after "affidavits" the word ", declarations,"; and paragraph (a)(3) of § 1.231 is amended by adding to the second sentence, after "affidavits" the words "or declarations".

34. Paragraph (a) of § 1.292 is amended by adding to the first sentence, after "affidavits" the words "or declarations".

35. Paragraph (b) of § 1.313 is amended by deleting the last sentence.

36. Paragraph (b) of § 1.316 is amended by adding after "showing" the words "or statement in the form of a declaration".

37. Section 1.317 is amended by adding to the second sentence the words "or statement in the form of a declaration" after "showing".

38. Section 1.332 is amended by adding to the second sentence, after "recording" the words "specified in 35 U.S.C. 41(a) 10".

39. Paragraphs (f), (g), and (h) of § 1.341 are revised to read as follows:

§ 1.341 Registration of attorneys and agents.

* * * * *

(f) *Government employees.* Officers and employees of the United States who are disqualified by statute (18 U.S.C. 203, 205) from practicing as attorneys or agents in proceedings or other matters before Government departments or agencies, may not be registered, and if any registered attorney or agent becomes such an officer or employee, his name on the register shall be endorsed as inactive during the period of such employment, but officers or employees whose official duties require the preparation and prosecution of applications for patent may be registered (on compliance with the regulations in this part) or recognized to practice, to the extent necessary to carry out their official duties.

(g) *Former examiners.* No person who has served in the examining corps of the Patent Office will be registered after termination of his services, nor, if registered before such service, be reinstated, unless he undertakes (1) not to prosecute or aid in any manner in the prosecution of any application pending in any examining group during his period of service therein; and (2) not to prepare or prosecute nor to assist in any manner in the preparation or prosecution of any application of another filed within 2 years after the date he left such group, and assigned to such group, without the specific authorization of the Commissioner. Associated and related classes in other groups may be required to be included in the undertaking or designated classes may be excluded. In case application for registration or reinstatement is made after resignation from the Office, the applicant will not be registered, or reinstated, if he has prepared or prosecuted, or assisted in the preparation or prosecution of any such application as indicated in this paragraph. (See further 18 U.S.C. 207.)

(h) *Oath and registration fee.* Before his name may be entered on the register of attorneys or on the register of agents, every applicant for registration must, after his application is approved, subscribe and swear to an oath or make a declaration prescribed by the Commissioner of Patents and pay the prescribed registration fee. (See § 1.21(h).)

* * * * *

40. Section 1.346 is amended by adding to the first sentence the words "or declaration" after "affidavits" and by adding in the second sentence, a comma after "belief".

41. Paragraph (c) of § 1.348 is amended by canceling the words "thirty days" in the first sentence and by inserting in lieu thereof the words "one month"; and by adding to the second sentence the words "or declaration" after "oath".

42. Section 3.1 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address and by adding the words "or declaration" after "oath" in the note at the end.

43. Section 3.2 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address, both occurrences; and by adding the words "or declaration" after "oath" in the note at the end.

4. Section 3.3 is revised to read as follows:

§ 3.3 Petition for patent; by a sole inventor, with power of attorney.

To the Commissioner of Patents:

Your petitioner, _____, a citizen of the United States and a resident of _____, State of _____ (or subject, etc.), whose post office address is _____ (include ZIP Code No.) prays that letters patent may be granted to him for the improvement in _____, set forth in the following specification; and he hereby appoints _____ of _____, _____, (Registration No. _____ and telephone No. _____), his attorney (or agent), to prosecute this application and to transact all business in the Patent Office connected therewith.

(The specification and oath or declaration follow the petition.)

45. Section 3.4 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address, both occurrences; and by adding the words "or declaration" after "oath" in the note at the end.

46. Sections 3.5, 3.6, and 3.7 are amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address; and by adding the words "or declaration" after "oath" in the note at the end.

47. Sections 3.11, 3.11a, 3.12, 3.12a, 3.13, 3.13a, 3.14, and 3.14a are amended by adding the words "in the United States" after "used".

48. Sections 3.16 and 3.16a are amended by deleting the words "I have read the foregoing specification and claims and"; by deleting the word "therein" and inserting in lieu thereof the words "in the attached specification"; by inserting after the word "used" the words "in the United States"; by inserting at the end of the space for the Registration No. the words "and telephone No. _____"; by adding the note "'include ZIP Code No.)" in the space provided for the post office address; and by deleting from the note at the end the words "a complete application" in inserting in lieu thereof the words "the specification (including claims)".

49. Sections 3.17 and 3.17a are amended by adding the words "in the United States" after "used".

50. Section 3.18 and 3.18a are amended by adding the words "in the United States" after "used", both occurrences.

51. Section 3.21 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address and by deleting the words "for the term of three and one-half years (or seven years, or fourteen years)".

52. Sections 3.23 and 3.23a are amended by adding the words "in the United States" after "used".

53. Section 3.25 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address.

54. Sections 3.26 and 3.26a are amended by inserting the words "in the United States" after "used".

55. Sections 3.28 and 3.29 are amended by inserting the note "(include ZIP Code No.)" in the space provided for the post office address.

56. Sections 3.31, 3.31a, 3.32, and 3.32a are amended by adding the words "in the United States" after "used".

57. Section 3.36 is amended by adding the words "and telephone No. _____" after the space for the Registration number.

58. Section 3.39 is revised to read as follows:

§ 3.39 Amendment.

Applicant: _____
Ser. No. _____ (Date) _____
Filed _____ Group Art Unit _____
For _____ Examiner _____

To the Commissioner of Patents:

In response to the office letter of _____ 19--, please amend as follows:
Page _____, line _____, change "_____" to _____
Page _____, line _____, after "_____" insert _____
Page _____, line _____, to end, cancel.
Claim _____, cancel lines _____ and _____ and substitute _____
Cancel claims _____ inclusive.
Add the following claims:

REMARKS

(Here state nature and purpose of the amendments and make all explanations necessary for a response to the rejections and objections of record, etc. See §§ 1.111, 1.115-1.126, 1.135.)

Respectfully,

_____
Applicant

By _____
His Attorney (or Agent)
(Include telephone number)

59. Section 3.44 is revised to read as follows:

§ 3.44 Interference; preliminary statement of domestic inventor.

PRELIMINARY STATEMENT

_____ v. _____ } Interference No. _____

_____ } ss.

_____, being duly sworn (or affirmed), deposes and says that he is a party to the above identified interference that he made the invention set forth by the counts of the interference in the United States; that

(1) The first drawing of the invention was made on _____, 19--. A copy is attached.[1]

(2) The first written description of the invention was made on _____, 19--. A copy is attached.[1]

(3) The invention was first disclosed to others on _____, 19--.[1]

(4) The date of the first act or acts susceptible of proof, other than acts of the character specified in (1), (2), and (3) which, if proven, would establish conception of the invention, and a brief description of such act or acts are (e.g. the making of a non-operating model on _____, 19--).

(5) The invention was actually reduced to practice on _____, 19--.

(6) Active exercise of reasonable diligence toward reducing the invention to practice began on _____, 19--.[1]

_____
(Signature of inventor)

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 19--.

[SEAL] _____
(Signature of notary public or officer)

_____
(Official character)

[1] If there were no act corresponding to this allegation prior to the filing date of the application, it must be so stated. Note, however, date of completion of application drawing and specification, date of disclosure to person preparing the application, and diligence in preparing the application.

60. A new § 3.51 is added to read as follows:

§ 3.51 Application transmittal letter.

Our Case Docket No. _____

IN THE UNITED STATES PATENT OFFICE

THE COMMISSIONER OF PATENTS,
Washington, D.C. 20231.

SIR: Transmitted herewith for filing is the patent application of Inventor:
For:

Enclosed are also:

☐ _____ sheets of drawing.
☐ An assignment of the invention to _____
☐ A certified copy of a _____ application.
☐ Associate Power of Attorney.

Claims as filed				
For	Number filed	Number extra	Rate	Basic fee $65
Total claims.	−10=	×	$2	=
Independent Claims.	−1=	×	10	=
		Total filing fee ⟶		

☐ Please charge my Deposit Account No. _____ in the amount of $ _____. A duplicate copy of this sheet is enclosed.
☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. _____. A duplicate copy of this sheet is enclosed.
☐ A check in the amount of _____ to cover the filing fee is enclosed.

61. A new § 3.52 is added to read as follows:

§ 3.52 Amendment transmittal letter.

IN THE UNITED STATES PATENT OFFICE

In re application of:
Serial No. _____
Filed _____
For:

THE COMMISSIONER OF PATENTS,
Washington, D.C. 20231.

Sir: Transmitted herewith is an amendment in the above-identified application.

☐ No additional fee is enclosed because this application was filed prior to October 25, 1965 (effective date of Public Law 89-83).
☐ No additional fee is required.
The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Present extra	(6) Rate	(7) Additional fee
Total claims.	*	Minus	** =	×	$2	=
Independent claims.	*	Minus	=	×	10	=
				Total additional fee for this amendment ⟶		

*If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
**If the "Highest Number Previously Paid For" in this space is less than 10, write "10" in this space.

☐ A check in the amount of $_____ is attached.
☐ Charge $_____ to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
☐ Please charge any additional fees or credit overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: November 20, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-14030; Filed, Nov. 25, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18574; FCC 69-1287]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Bloomington, Ind., etc.

First report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia); Docket No. 18574; RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. The Commission has under consideration its notice of proposed rule making issued on June 20, 1969 (FCC 69-669, 34 F.R. 9811), inviting comments on a number of changes in the FM Table of Assignments as advanced by various interested parties. All comments and data filed in response to the notice were considered in making the following determinations. Except as noted, the population figures were taken from the 1960 U.S. Census. The following decision disposes of all subject petitions, except RM-1394 (Lineville and Roanoke, Ala.), RM-1404 (Braddock Heights, Md.) and RM-1416 (Exmore, Va.) which will be included in a subsequent order.

2. *RM-1397, Bloomington, Ind.* Southern Indiana Media Corp. (SIMCO), a potential FM applicant, filed a petition on January 24, 1969, requesting assignment of Channel 244A to Bloomington, Ind., without requiring any other changes in the table, as follows:

City	Channel No.	
	Present	Proposed
Bloomington, Ind.	222, 279	222, 244A, 279.

Bloomington has a population of 31,357 persons, and is the county seat and largest city in its county, Monroe (population 69,225). Petitioner includes an engineering statement wherein it is demonstrated that the proposed assignment can be made and meet all minimum spacing requirements, providing a site is selected about 2 miles northeast of the Bloomington standard reference point. Regarding preclusion impact, it is shown that only a small area for the proposed channel would be involved, which contains no community of 1,000 or more population.[1] One AM, two TV, and two FM stations operate in Bloomington. The AM station (unlimited time), one TV station, and one FM station are operated by a common licensee. The remaining FM (on a commercial channel) and TV facilities, according to Commission records, are operated as noncommercial educational stations by Indiana University. There are no other AM or FM broadcast outlets in Monroe County.

3. In further support of its proposal, SIMCO submits that Bloomington and its county increased in population 11.3 and 18.3 percent, respectively, between 1950 and 1960, and that Bloomington is attractive as a cultural center of central Indiana by virtue of its being the location of Indiana University. Statistics on the high industrial employment in the area are also cited. Finally, it is urged that making an additional commercial broadcast facility available to the area will permit a second commercial broadcast voice to the community, and it is pointed out that since two of the three existing aural outlets are FM, the community is well oriented toward FM listening and would be well served by an additional FM facility.

4. Comments supporting petitioner's proposal were submitted by Bloomington Broadcast Co., who notes inter alia that a special 1965 census revealed that Bloomington's population had then reached 42,058 and that there was an estimated (1966) population of 9,500 in Bloomington's immediate suburbs. It is further claimed that the University of Indiana is one of the 10 largest in the country, with a 1967 full-time enrollment in excess of 27,000 students on the Bloomington local campus.

5. As noted in paragraph 2 above, one of the two commercial FM channels presently assigned to Bloomington is occupied by a noncommercial educational station. We stated in the notice concerning this case that we were of the opinion that under these circumstances, sufficient justification existed to warrant departure from the usual policy of assigning only two channels to a community of this size (less than 50,000 population), since the proposal, in effect, constitutes a request for a second commercial FM outlet for Bloomington. Accordingly, we proposed in the notice that Channel 279, presently occupied by a noncommercial educational station, be designated in the table as a noncommercial educational assignment at Bloomington.

6. In response to the notice, petitioner urged that Channel 279 not be reserved for educational use, claiming that to do so would unnecessarily restrict the future options for commercial broadcasting in Bloomington.

7. We conclude that assignment of Channel 244A to Bloomington is warranted and that designating Channel 279 as an educational reservation would serve the public interest. We are therefore adopting the proposals. The preclusion impact resulting from the assignment of Channel 244A has been determined to be minimal. Intermixture of a Class A channel with Class B channels in the same community appears justified in this case, since it appears to be the only class of channel available without disturbing other operating stations. In the event the noncommercial educational operation on Channel 279 ceases for any reason, we will consider a further petition for rule making to remove the educational reservation designation in light of the facts existing at that time.

8. *RM-1400, St. George, S.C.* The notice to this proceeding included a petition filed December 10, 1968, and amended January 31, 1969, filed by WQIZ, Inc., St. George, S.C., seeking assignment of a first Class A channel to that community. St. George has a population of 1,833 persons and serves as the county seat of Dorchester County, population 24,383. An unoccupied Class A channel at Summerville is the only FM assignment in the county. There are two AM stations in the county, both daytime-only—one located at Summerville, the other licensed to petitioner at St. George. St. George and Summerville are located about 45 and 20 miles northwest, respectively, from Charleston, S.C. Petitioner urges that the assignment requested would permit a first local nightime service to the city of St. George and its surrounding area.

9. The notice proposed assigning Channel 240A to St. George by moving that channel from Summerville and substituting Channel 300 for 229 at Charleston to permit replacing the assignment at Summerville with Channel 228A. The notice also provided that other available assignments would be considered as a substitute at Charleston if such other assignment would offer less preclusion impact than would Channel 300.

10. Comments were filed by WQIZ supporting the proposed assignment plan. However, an opposition to the plan, as it would affect the existing assignment of Channel 229 at Charleston, was submitted by Fine Arts Broadcasting, Inc., which has an application on file (BPH-6659) for a new station at Charleston specifying Channel 229. The opposition contends that the present distribution of the Charleston channels (229, 236, and 245) are spaced so as to enhance competitive listening and that a new station entering the market should not be required to initiate service on Channel 300 with a less advantageous dial position in relation to the two existing stations (Channels 236 and 245). Accordingly, Fine Arts submitted a counterproposal which would still assign Channel 240A to St. George but replace that channel at Summerville with Channel 269A, without disturbing the existing distribution of assignments at Charleston. However, it is shown that a site for Channel 269A at Summerville would be undesirably restricted to an area south of Summerville (for example, about 3 miles from the site of the existing AM station there) in order to maintain the prescribed minimum separation with a station on Channel 267 at Sumter. A preclusion study provided by the opposition does show that substantial preclusion would result on Channels 297, 298, and 299, if Channel 300 were assigned to Charleston.

11. In light of the unfavorable aspects of the Fine Arts' preclusion analyses for Channel 300, the Commission examined the preclusion effects of assigning another channel, 278, to Charleston instead, and compared it with the existing preclusion impact resulting from the presently assigned Channel 229 there. Results of this study reveal that both Channels 229 and 278 involve minor preclusion areas on three channels, but substantially less than would be caused by Channel 300, with the total area involved being nearly equal between Channels 229 and 278. It further appears that any community included in the limited preclusion areas for Channel 278 warranting consideration either has one or more FM assignments, or else other assignments are available.

12. We are of the opinion that petitioner's objective, which was not opposed, to assign a first FM channel to St. George has merit and that a channel should be provided. The plan proposed in the notice would accomplish this objective, but would require changing an unoccupied assignment at Charleston. We are not persuaded that Fine Arts' contentions as to the relative locations where stations appear on the receiver dial should influence the customary decisional considerations relating to assignment efficiencies. Neither are we in favor of Fine Arts' counterproposal, which would restrict site selection by a future applicant at Summerville, especially when other and more practical alternatives are available. As noted above, assignment of Channel 278 to Charleston would involve significantly less preclusion impact than would Channel 300, and would, in fact, be comparable to that presently imposed by the existing assignment of Channel 229.

13. In view of the above considerations, we conclude that amending the FM Table in accordance with the following, which includes substitution of Channel 278 for 229 at Charleston, will best serve the public interest and is therefore being adopted:

City	Channel No.	
	Delete	Add
Charleston, S.C.	229	278
St. George, S.C.		240A
Summerville, S.C.	240A	228A

The pending application, BPH-6659, for a new station at Charleston, S.C., specifying Channel 229, filed by Fine Arts Broadcasting, Inc., may be amended to specify Channel 278.

14. *RM-1405, Muskegon, Mich.* The notice included a petition by Multi-Com, Inc., who seeks assignment of a second FM channel to Muskegon, Mich. Muskegon has a population of 46,485 persons and its SMSA (Muskegon-Muskegon Heights), consisting of Muskegon County, has 149,943 inhabitants. The table provides for two FM assignments in the SMSA, consisting of an occupied Class B at Muskegon and an unused Class A at Whitehall. Five AM stations are licensed for operation within the SMSA, two unlimited-time and one daytime-only at Muskegon, an unlimited-time at Whitehall, and a daytime-only at Muskegon Heights.

15. We stated in the notice that we were of the opinion that Muskegon, being the principal city of a metropolitan area, as well as having a population of its own approaching 50,000, warranted consideration for a second FM channel. The petitioner initially proposed a Class A channel (269A), but because we desire to avoid, where possible, mixing classes of stations in the same city, or assigning Class A channels to the principal city of a metropolitan area, we offered the alternate proposal to assign Class B Channel 283 to Muskegon, by the following means:

City	Channel No.	
	Present	Proposed
All in Michigan:		
Muskegon	295	283, 295
Fremont	257A	261A
Ludington	261A	292A
Zeeland	285A	257A

16. The petitioner filed comments supporting the alternate proposal, which included an engineering study indicating that Channels 280A, 283, 284, and 285A would be precluded by the assignment of Channel 283 at Muskegon, but involving areas of very limited size. Examination of the delineated areas involved indicated that no community of 2,500 or more population not already having one or more FM assignments would be included. Thus, we find the preclusion aspects favorable in this case. There were no oppositions filed in response to the notice.

17. In consideration of the favorable preclusion aspects, the relative size and importance of Muskegon in its area, and the fact that the assignment of two channels to the city of its size would conform with the population criterion used in designing the original table, it is our judgment that adoption of the assignment of Channel 283 to Muskegon would be in the public interest. Accordingly, we are adopting the alternate proposal outlined in detail above.

18. The associated changes required to accommodate the Muskegon assignment do not affect any occupied channels. However, an application (BPH-6727) filed subsequent to the notice for Channel 261A at Ludington will require an amendment to specify Channel 292A. Similarly, a pending application (BPH-6807), also filed after the notice, for Channel 257A at Fremont may be amended to specify Channel 261A.

19. *RM-1407, Paintsville and Jackson, Ky.* By a petition filed December 30, 1968, and supplemented on February 18, 1969, Big Sandy Broadcasting Co., Inc., proposes that Class C Channel 255 be moved from Jackson to Paintsville, Ky., and Channel 249A be assigned to Jackson as a replacement, as follows:

City	Channel No.	
	Present	Proposed
Jackson, Ky.	255	249A
Paintsville, Ky.	261A	255

Paintsville is the largest city and the county seat of Johnson County, with populations of 4,025 and 18,300, respectively. Jackson has a population of 1,852 persons and is the seat of its county, Breathitt, which has a population of 14,600. Petitioner is licensee of Stations WSIP(AM), Class IV, and WSIP-FM, Channel 261A, at Paintsville, the only stations authorized in the county. A newly authorized daytime-only station (WEKG) operates at Jackson; Channel 255 assigned there is unoccupied.

20. In an earlier rule making proceeding, petitioner's proposal to assign Channel 255 to Paintsville in place of Channel 261A was denied based on a proposal of the present Jackson AM permittee to use the channel at Jackson. FCC 65-980, 6 R.R. 2d 1585 (1965). Petitioner now states that it has determined from its 4 years experience in the operation of the Class A facility at Paintsville that extensive FM shadowing exists within the area it desires to serve due to the shadowing resulting from intervening mountainous terrain. It is claimed that this condition, together with the nighttime limitation imposed on the Class IV AM operation, prevents adequate service to the surrounding trading area dependent upon Paintsville for commercial, educational and cultural opportunities. In an associated engineering statement it is illustrated that use of Channel 255, because of other interrelated assignments in the area, is restricted to a relatively small area. In fact, the area includes neither Paintsville nor Jackson, but does just barely include petitioner's existing FM site, from which location all separation requirements with other pertinent channels can be met.

21. Petitioner notes that no preclusion area would develop on the six pertinent adjacent channels, nor would a change in preclusion area occur for Channel 255, if the proposed changes were adopted. Additionally, it is shown that assignment of Channel 249A at Jackson would not involve preclusion to any community without an FM assignment of sufficient size to warrant consideration. It appears that the relatively small areas that would lose a first or second FM service by the assignment changes at Jackson would be, essentially, compensated for by comparable gains at other locations by the Class C operation at Paintsville.

22. Intermountain Broadcasting Co., Inc., permittee of Station WEKG(AM), Jackson, filed comments supporting the petitioner's proposal outlined above. Intermountain states that its president, Jerry F. Howell, filed comments in the earlier rule making which resulted in the assignment of Channel 255 to Jackson, wherein it was indicated that he would promptly file an application for its use to serve Jackson and surrounding areas. It was ultimately determined, however, that any site meeting spacing requirements for the channel would need to be at locations where line-of-sight and proper service could not be obtained over

[1] However, we also note that if sites are selected with proper consideration to the minimum spacing requirements of the rules, applications specifying Elletsville (1,222) and Broadview (1,865) would be acceptable under the "10-mile" provision of § 73.203(b) if the assignment were made to Bloomington as proposed.

Jackson because of intervening terrain.[2] Thus, WEKG claims that the plan for activating the channel were reluctantly abandoned. Based on the assumption that the channel now proposed for Jackson presents no spacing problems, Intermountain claims it will promptly file for Channel 249A upon its assignment to Jackson.

23. After carefully evaluating all the showings and supporting comments filed in this case, we conclude that the proposed changes in assignments described above will serve the public interest. The proposed plan is therefore being adopted. It appears that changing the place of assignment for Channel 255 would neither cause additional preclusion nor result in a loss of service. The change will permit a more efficient utilization of the channel at Paintsville than is permitted by its associated site restrictions at Jackson. Moreover, the substitution of Channel 249A at Jackson, without site restrictions, will afford an opportunity for a first local FM service to be promptly established at Jackson. We do not consider that retention of the Class A assignment at Paintsville is warranted, nor was it proposed or supported. Accordingly, the WSIP–FM license at Paintsville is being modified to specify operation on Channel 255 in lieu of 261A.

24. *RM–1420, Montour Falls, N.Y.* In response to a petition filed by Watkins Glen-Montour Falls Broadcasting Corp., the notice included a proposal to assign Channel 285A as a first assignment to Montour Falls, N.Y. The petitioner had requested the assignment to Watkins Glen-Montour Falls. The two communities, with respective populations of 2,813 and 1,533, are 4 miles apart and are the largest of Schuyler County, population 15,044. The only aural outlet in the county at present is an AM daytime-only station, licensed to petitioner at Montour Falls.

25. The proposed assignment would require a site some 6.5 miles southwest of Montour Falls to satisfy the minimum mileage requirements of the rules. It is obvious that the minimum required 70 dbu signal could not be provided over Watkins Glen at such location, the reason our consideration of petitioner's request was restricted to Montour Falls. A request for a waiver of the rules to permit use of the proposed assignment at the site of petitioner's AM station, located about midway between Watkins Glen and Montour Falls, but allegedly 4.1 miles short to another station at DeRyter, was denied in the notice, since it appeared that other sites should be available in the area from where the spacing requirements could be met.

26. In view of the site restrictions that are imposed on use of the proposed channel at Montour Falls, the notice requested that a showing be provided of the availability of a site (meeting spacing requirements) from which the minimum required signal could be provided to Montour Falls. In response, petitioner supplied an engineering study based on an assumed site more than 9 miles south of the Montour Falls farthest city boundary. It is acknowledged by petitioner that the minimum required signal intensity (70 dbu) could not include all of Montour Falls at that distance with a maximum Class A facility. We are therefore unable to find the site assumed by petitioner in its showing to be acceptable. However, our further examination of petitioner's engineering exhibits indicates that still other sites should be available that would permit selection of a site in an area about 6 to 7 miles southwest of the center of Montour Falls, from which the predicted 70 dbu contour from a maximum Class A facility should be expected to encompass Montour Falls.

27. We are of the opinion that Montour Falls warrants a first FM assignment, providing such an assignment can be made with the reasonable prospect that all technical requirements of the rules can be fulfilled. The petitioner indicates that, although Channel 285A is less than ideal due to the attending site restrictions, it is the only assignment that can be dropped in the area without involving changes in existing stations, a conclusion in which we concur. It also appears there are limited areas where the various requirements of the rules can be met utilizing the proposed channel, although marginal. In view of the unavailability of a better channel and the needs of the community, we are assigning Channel 285A to Montour Falls, N.Y. We emphasize, however, that this assignment is being made on the basis that any application filed for its use will conform with the technical requirements of the rules concerning minimum mileage requirements and for facilities that will enable the city to be included within the predicted 70 dbu contour.

28. *RM–1426, Catlettsburg, Ky.* By a petition filed March 18, 1969, K & M Broadcasting Co. seeks assignment of Channel 224A as a first FM assignment to Catlettsburg, Ky., without requiring any other changes in the table. Catlettsburg, with a population of 3,874 persons, is the county seat of Boyd County, population 52,163, both of which are a part of the Huntington, W. Va.-Ashland, Ky., SMSA. Catlettsburg is in the Huntington-Ashland Urbanized Area. The populations of the Huntington-Ashland SMSA and Urbanized Area are, respectively, 254,780 and 165,732. There are presently two FM channels listed in the Table for Ashland, which is also in Boyd County and is its largest city. Both are occupied by a Class C station at Ashland and a Class A station authorized at Grayson, Ky. (under § 73.203(b) of the rules), the latter of which is outside of the Huntington-Ashland SMSA. Three Class B channels have been assigned to Huntington, two of which are occupied, and the third, Channel 300, is the subject of a consolidated hearing involving two applications (Dockets Nos. 18439–40). One application proposes use of the channel at Huntington; the other application, filed by petitioner herein, proposes use of the channel at Catlettsburg. The petitioner is also an applicant (BP–18042) for a first AM station at Catlettsburg.

29. Petitioner submits that the mutual exclusivity of its pending application with the Huntington application for the last remaining unoccupied assignment in the area "threatens a long, protracted, and expensive hearing proceeding", and urges, therefore, institution of rule making to "drop-in" the Class A assignment proposed herein in order that it may amend its application to specify such channel and avoid the need for the hearing. It has been determined that areas would develop where Channels 223 and 224A would be precluded from future assignment if the proposal were adopted. However, any community contained within the areas with 2,500 or more population either has one or more FM assignments or another channel would be available.

30. Comments were filed by two other interested parties in response to the notice for this case. Christian Broadcasting Association, Inc., a competing applicant with petitioner for Huntington Channel 300, supports the proposal as a means of resolving the conflict between the applicants and permitting an earlier institution of new service in both Huntington and Catlettsburg. Comments raising questions concerning the proposal were submitted by Charbert Industries, Inc., licensee of Stations WCMI–AM–FM, Ashland. Charbert contends that the Huntington-Ashland Urbanized Area, which includes Catlettsburg, is currently served by Class B and C FM stations and that the proposed Class A assignment would result in a derogation of the Commission's policy against intermixture of Class A with Class B and C channels. Charbert further submits that Channel 224A is technically unsuited for assignment to Catlettsburg because of major terrain obstructions between the city and "an assumed optimum site" in an elevated area where the 10-mile minimum mileage requirement (IF taboo) with Station WVQM, Channel 277, Huntington, would be met. The opinion is expressed that the combination of site restriction and terrain obstructions would prevent compliance with § 73.315(b) of the rules anywhere in the area.

31. In its reply to Charbert's comments, K & M argues that Catlettsburg is an independent community with its own government and facilities and that its proposal would provide the only FM outlet in that community, and therefore there would be no intermixture of channels in Catlettsburg. It is urged that a Class A channel is the type contemplated by the Commission's rules for communities the size of Catlettsburg. With respect to Charbert's comments concerning the unavailability of suitable sites for Channels 224A, K & M submits an engineering study which indicates that there are sites available in the areas around 2.7 miles north of the center of Catlettsburg and in nearby Ohio where the separation requirements can be met and the requisite service to the city provided without shadow problems. The petitioner also suggests Channel 292A as an alternate proposal in the event Channel 224A is determined not to be acceptable. A study is furnished indicating that only Channel 292A would involve a preclusion area if that channel were assigned.

32. After careful consideration of the various comments and supporting data relating to the assignment of Channel 224A to Catlettsburg, we arrive at the decision that the proposal would serve the public interest and therefore should be adopted. Assignment of a first Class A channel to a relatively small urbanized and independent community of a metropolitan area would conform with our usual assignment policy, as is evidenced by numerous precedents throughout the country. Our policy of avoiding, where possible, the intermixture of different classes of stations pertains to the same community, not between principal cities and smaller communities of the same metropolitan or urbanized areas. Petitioner has demonstrated to our satisfaction that transmitter sites should be available in the area meeting the spacing requirements for the proposed channel where unobstructed line of sight transmission can be obtained over the city. Although petitioner offers alternate Channel 292A without apparent site restrictions as a possibility, we find that the total preclusion area involved on Channel 292A to be significantly greater than would be the case if Channel 224A were assigned; the latter channel is therefore to be preferred. As we previously indicated in the notice, we consider that Catlettsburg is of sufficient size and importance as seat of its county to warrant its first Class A assignment. As we have stated before, additional assignments are not made simply to resolve hearing conflicts; but here the additional assignment appears warranted for other reasons.

33. In light of the foregoing, we are assigning Channel 224A to Catlettsburg, Ky.

34. *RM–1431, Winona, Miss.* In a petition filed March 24, 1969, Panola Broadcasting Co., licensee of AM Station WBLC, daytime-only, Batesville, Miss., proposes that Channel 244A be substituted for Channel 240A at Winona, Miss., so as to permit acceptance of an application to use Channel 240A, presently assigned and unoccupied at Sardis, Miss., at Batesville, under the "10-mile" provision of § 73.203(b). An application for Batesville specifying Channel 240A would not now be acceptable, since it would not meet the cochannel spacing requirements with Channel 240A at Winona. The Winona assignment is unoccupied and unapplied for.

35. The action requested here would increase the communities where applications specifying the channel listed for Sardis may be filed, as well as extend the present limited area where the transmitter site may be used to serve Sardis proper. We consider that the change will benefit the general allocations efficiency in the area. We are therefore substituting Channel 244A for 240A at Winona, Miss.

36. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

37. In view of the foregoing: *It is ordered*, That effective December 31, 1969, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	*Channel No.*
Indiana:	
Bloomington	222, 244A, *279
Kentucky:	
Catlettsburg	224A
Jackson	249A
Paintsville	255
Michigan:	
Fremont	261A
Ludington	292A
Muskegon	283, 295
Zeeland	257A
Mississippi:	
Winona	244A
New York:	
Montour Falls	285A
South Carolina:	
Charleston	236, 245, 278
St. George	240A
Summerville	228A

38. *It is further ordered*, That effective December 31, 1969, the outstanding authorization of Big Sandy Broadcasting Co., Inc., for the operation of Station WSIP–FM on Channel 261A at Paintsville, Ky., is modified, to specify operation on Channel 255 in lieu of 261A subject to the following conditions:

(a) The licensee shall submit to the Commission by December 31, 1969, the technical information normally required for the issuance of a construction permit on Channel 255.

(b) The licensee may continue to operate on Channel 261A until, upon its request, the Commission authorizes interim operation on Channel 255, following which the licensee shall submit, within 30 days, the measurement data normally required of an applicant for an FM broadcast station license.

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: November 19, 1969.

Released: November 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–14026; Filed, Nov. 25, 1969; 8:46 a.m.]

[3] Chairman Burch not participating; Commissioner Cox abstaining from voting.

[2] Exhibits by petitioner herein indicates that use of Channel 255 at Jackson would need to be located about 10 miles northeast of Jackson in order to meet the minimum spacing requirements with other authorized stations.

[Docket No. 18625; FCC 69–1277]

PART 95—CITIZENS RADIO SERVICE

Transmission of Communications Regarding Street and Highway Traffic Conditions

Report and order. In the matter of amendment of § 95.83(a)(14) of the Citizens Radio Services rules to permit transmission of communications relating to street and highway traffic conditions; Docket No. 18625, RM–1388.

1. On August 6, 1969, the Commission adopted a notice of proposed rule making in the above-entitled matter (FCC 69–850) which was published in the FEDERAL REGISTER on August 13, 1969 (34 F.R. 13114). By order released September 22, 1969, the Commission extended the time for filing original comments and reply comments until October 15 and 27, 1969 (34 F.R. 14898). The dates for filing comments and replies have passed.

2. The proposed rule change was requested by National Capital REACT, Inc. (Radio Emergency Associated Citizens Teams), and would provide an exception to the rule which prohibits the relaying of messages or transmissions of communications for a person other than the licensee or members of his family. It was proposed to permit Citizens radio station licensees to relay traffic condition information to broadcast station licensees or to emergency organizations[1] who furnish broadcast stations with such information for the motoring public.

3. Comments were filed by the E. F. Johnson Co., Electronic Industries Association, Columbia Broadcasting System, Inc., City of Bay City Police Department, Alfred H. Daggett of the California Citizens Band Association Inc., George Nims Raybin, Thomas Engineering Co., Philip J. Bernheim, Winchester-Frederick County Citizens Band Radio Club, National REACT, Pioneer Citizens Radio Association, Inc., and National Capital REACT, Inc. All comments received favored the objective of the proposed rule amendment. Two comments suggested changes to the proposal. No adverse comments and no reply comments were received.

4. Mr. Daggett[2] suggested that the proposed amendment be contained in a separate section rather than as an exception to the prohibition against

[1] The petitioner and the notice of proposed rule making indicated that the American Automobile Association (AAA) might be one such organization who would receive traffic condition information from Citizens Radio station licensees for relay to broadcast station licensees. The Commission has been advised that the AAA has not officially endorsed or sponsored this program.

[2] Late comments filed on November 10, 1969, have been received from California Citizens Band Association, Inc. To the extent that they are pertinent to this proceeding these comments are similar to and have been considered in connection with the disposition of Mr. Daggett's comments.

relaying messages or transmitting communications on behalf of other persons (§ 95.83(a)(14)). He believes an inconsistency exists between the proposed amendment and the basis and purpose of the service as set forth in the rules. He also believes that the proposed rule amendment is defective in that it does not come within any of the exceptions of § 95.83(a)(6) of the rules.[3] The Michigan CB Council suggests an amendment to permit the relay of information for the prevention of crime. It states that organizations are working in concert with their local police in providing neighborhood patrols for the reporting of suspicious occurrences.

5. The Commission does not agree that the private-use character of the Citizens Radio Service, as stated in the rules, is impaired by providing a limited exception to the prohibition against relaying messages or transmitting communications on behalf of other persons (§ 95.83(a)(14)). The specific language of the amended rule section is controlling over the general language reciting the intent and purpose of the radio service. We believe this exception is warranted as a means of promoting highway safety in the public interest.

6. The Commission's proposal did not contemplate liberalizing the requirement that communications be directed to a specific person or station. Under the new exception to § 95.83(a)(14), communications which report traffic conditions are required to be addressed to specific persons or stations. Likewise, the new exception (iii) to § 95.83(a)(14) does not relieve the licensee from observing the interstation channel provision of § 95.41(d)(2) when communicating between units of different stations except for emergencies.

7. Michigan CB Council's suggestion to include, in the proposed rule amendment, permission to relay information to the police when a licensee observes the commission of a crime is not being adopted. In addition to being beyond the scope of this proceeding, communications which report observed criminal acts will usually involve the immediate safety of life or the immediate protection of property and, therefore, may be transmitted under exception (i) of § 95.83(a)(14) of the rules.

8. In view of the foregoing, the Commission concludes that amendment of § 95.83(a)(14) of its rules, as proposed in the notice is in the public interest, convenience and necessity. The authority for such amendments is contained in section 4(i) and 303 of the Communications Act of 1934, as amended. Inasmuch as this amendment relieves a restriction it may, pursuant to 5 U.S.C. section 553(d)(1), be made effective immediately upon publication in the FEDERAL REGISTER. *Accordingly, it is ordered*, That effective November 26, 1969, Part 95 of the Commission's rules is amended, as set forth below.

9. *It is further ordered*, That this proceeding is terminated.

(Sec. 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 164, 303)

Adopted: November 19, 1969.

Released: November 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

Part 95 of the Commission's rules is amended as follows:

Section 95.83(a)(14) is amended to read as follows:

§ 95.83 Prohibited uses.

(a) * * *

(14) For relaying messages or transmitting communications for a person other than the licensee or members of his immediate family except: (i) Communications transmitted pursuant to §§ 95.85(b), 95.87(b)(7), and 95.121; (ii) upon specific prior Commission approval, communications between Citizens radio stations at fixed locations where public telephone service is not provided; and (iii) communications reporting locally observed traffic conditions directed to persons engaged directly or indirectly in furnishing traffic condition information to the motoring public via broadcast facilities.

* * * * *

[F.R. Doc. 69-14027; Filed, Nov. 25, 1969; 8:46 a.m.]

[Docket No. 18506; FCC 69-1259]

PART 97—AMATEUR RADIO SERVICE

Mobile Operation

Report and order. In the matter of amendment of § 97.95(b)(2) of the Amateur Radio Service rules concerning mobile operation; Docket No. 18506, RM-981.

1. On April 4, 1969, the Commission released a notice of proposed rule making in the above-entitled matter (FCC 69-311) which looked toward amendment of the rules to permit U.S. amateurs, when outside the jurisdiction of a foreign government, to operate in the frequency band between 7.0 and 7.1 MHz in Regions 1 and 3. The notice of proposed rule making was duly published in the FEDERAL REGISTER on April 9, 1969 (34 F.R. 6294), and all comments submitted in response thereto have been fully considered.

2. All the comments received support the proposal to include the frequencies 7.0–7.1 MHz in Regions 1 and 3. The American Radio Relay League (ARRL) stated that there has been a significant increase in maritime and aeronautical mobile amateur operation over the past few years.

3. Since the frequencies 7.0–7.1 MHz have been allocated for exclusive use of the Amateur Radio Service on a worldwide basis, we believe that there are no reasons why the proposed amendment of § 97.95(b)(2) should not be adopted.

4. In the notice, we considered the request of Richard F. Ackerman, the petitioner in this proceeding, to include the availability of the 3.5–3.8 MHz band for mobile operation in Region 2 outside the jurisdiction of foreign governments. However, that portion of the petition relating to the extension of present operating authority in the 3.5–3.8 MHz band was not adopted. Mr. Ackerman, in his comments, urges us to reconsider that portion of his original petition, which was not included in the proposed amendment of the rules, to permit U.S. amateurs to operate in the frequency band between 3.5 MHz and 3.8MHz, while located anywhere outside of a foreign jurisdiction in Region 2. In support of his request, he states that (a) the number of actual additional stations that would operate in the 3.5–4.0 MHz band would be small, (b) interference is minimized because the antenna systems aboard ships and aircraft operate with relatively reduced efficiency, (c) other South American countries permit the requested operation without apparent interference problems, and (d) amateurs would voluntarily avoid transmissions on or near frequencies occupied by strong stations or other radio services.

5. By international agreement, in all regions, the 3.5–3.8 MHz band is allocated for shared use by Amateur, Fixed and Mobile Services. As stated in the notice, the operation by amateurs aboard ships of the United States could significantly increase the possibility of causing harmful interference to certain stations using this frequency band in accordance with the Geneva Radio Regulations and prior notification to the International Frequency Registration Board. Mr. Ackerman's reasons in support of this allocation are not persuasive. They fail to take into account the unpredictability of amateur station location and propagation in geographical areas not under the jurisdiction of the United States and the likelihood of these amateur stations causing harmful interference to foreign radio stations in other services, which are now successfully sharing the use of the frequencies in this amateur band. The same reasons militate against any trial period for the use of these frequencies in Region 2.

6. In view of the foregoing, the Commission concludes that amendment of § 97.95(b)(2) of its rules, as proposed in the notice, to permit operation, when outside the jurisdiction of a foreign government, on the frequencies 7.0 to 7.1 MHz in Regions 1 and 3 is in the public interest, convenience and necessity. Authority for this rule change is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. *Accordingly, it is ordered*, That, effective December 31, 1969, Part 97 of the Commission's rules is amended as set forth below.

7. *It is further ordered*, That the petition RM-981 has been fully considered, and to the extent that it is at variance with findings and determinations herein, it is denied.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 19, 1969.

Released: November 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is amended as follows:

In § 97.95(b), subparagraph (2) preceding the note is revised to read as follows.

§ 97.95 Operation away from the authorized permanent station location.

* * * * *

(b) * * *

(2) When outside the jurisdiction of a foreign government, operation may be conducted within Region 2 on any amateur frequency band between 7.0 Mc/s and 148 Mc/s, inclusive; and when not within Region 2, operation may be conducted only in the amateur bands 7.0–7.1 Mc/s, 14.00–14.35 Mc/s, 21.00–21.45 Mc/s, and 28.0–29.7 Mc/s.

* * * * *

[F.R. Doc. 69-14028; Filed, Nov. 25, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 375—CONSUMER INFORMATION REGULATIONS

Motorcycle Brake Burnishing Requirement

On May 23, 1969, the Federal Highway Administration published 49 CFR 375.101, *Vehicle stopping distance*, of the Consumer Information Regulations (34 F.R. 8112). Paragraph (e)(1)(ii) of that section, describing the burnishing procedures for motorcycles, is as follows: "Same as for passenger cars, except substitute 30 m.p.h. for 40 m.p.h. and 150° F. for 250° F., and maintain hand lever force to foot lever force ratio of approximately 1 to 2."

A manufacturer has stated that such a burnishing procedure, which was drawn from a draft SAE Recommended Practice, would be inappropriate for its vehicles, and suggests that the required burnishing procedure should be that recommended by the manufacturer. Since it appears that a uniform burnishing procedure suitable for all motorcycles has not yet been developed, the suggestion is found to have merit, to the extent that manufacturers have recommended such procedures. A general burnishing procedure must still be specified, however, for the purpose of determining compliance of those vehicles for which the manufacturers have not made a procedure publicly available. Accordingly, paragraph (e)(1)(ii) of § 375.101 is hereby amended to read as follows:

§ 375.101 Vehicle stopping distance.

* * * * *

(e) *Procedures.* (1) * * *

(ii) *Motorcycles.* Adjust and burnish brakes in accordance with manufacturer's recommendations. Where no burnishing procedures have been recommended by the manufacturer, follow the procedure specified above for passenger cars, except substitute 30 m.p.h. for 40 m.p.h. and 150° F. and 250° F., and maintain hand lever force to foot lever force ratio of approximately 1 to 2.

* * * * *

The Consumer Information regulations require manufacturers to submit information to the FHWA by December 2, 1969, and it is important, therefore, that this amendment to the regulations be made effective without delay. The regulations require only that the manufacturers submit information to purchasers (and to the FHWA) as to performance levels that can be met or exceeded by their vehicles, and it is not necessary that vehicles be retested as long as they perform as well under the manufacturers' own burnishing procedures as under the previously specified ones. Manufacturers are, of course, free to provide new performance figures at any time, under the procedures specified in Part 375. If in a particular case a manufacturer determines that its vehicles may not be able to meet the performance figures provided when its own recommended burnishing procedures are utilized, and is not able to provide new and appropriate figures within the time specified, it should include a notation to that effect at the time that the figures are first provided to the FHWA. The vehicles in question will not be considered to be in violation of the regulations if they meet the performance figures provided under the previously specified burnishing procedures, and if new and corrected figures are provided under § 375.101, as amended, not later than September 1, 1970.

Because of the importance of providing information to consumers by January 1, 1970, the probability that few if any manufacturers will be adversely affected by the amendment, and the provisions for relief included herein, notice and public procedure thereon are found to be impracticable, unnecessary, and contrary to the public interest, and the amendment described above is made effective on publication in the FEDERAL REGISTER.

(Secs. 112, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401, 1407); delegation of authority from Secretary of Transportation to Federal Highway Administrator, 49 CFR 1.4(c))

Issued on November 24, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-14122; Filed, Nov. 25, 1969; 8:48 a.m.]

[3] Section 95.83(a)(6) prohibits any communication that is not directed to specific persons or stations, except for (a) emergencies, (b) test transmissions, and (c) communications from a mobile unit to other units or stations for the sole purpose of requesting routing directions, assistance to disabled vehicles or vessels, information concerning the availability of food or lodging, or any other assistance necessary to a licensee in transit.

[4] Chairman Burch not participating.

[1] Chairman Burch not participating.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1124]

[Docket No. AO-368]

MILK IN OREGON-WASHINGTON MARKETING AREA

Decision on Proposed Marketing Agreement and Order; Correction

Some material in F.R. Doc. 69-12934 was inadvertently omitted from the decision appearing in Part II beginning at page 17683 in the issue of Friday, October 31, 1969. This material consists of the entire text of page 12757 of the recommended decision as it appeared in the issue of Tuesday, August 5, 1969, of the FEDERAL REGISTER and which was adopted in full as a part of the decision. Starting on page 17697 of the decision third column, between the second and third lines from the top of the column, the following material should be inserted:

This price series reflects a manufacturing price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of such products within a highly coordinated marketing system which is national in scale. The series is appropriate for use in establishing milk prices under this order.

Since the Class I price for the current month would be announced by the 5th day of the month, the basic formula price used in computing the Class I price should be that reflecting the Minnesota-Wisconsin price for the preceding month. This procedure is commonly used in other Federal orders.

While the Class I differential proposed by producers was $2.10, the Class I price provided herein, together with Class II and Class III prices, should result in returns to producers sufficient to maintain an adequate, but not excessive, supply of quality milk for the fluid market. It also will result in appropriate alignment of the Class I price in this market with those in the Puget Sound and Inland Empire markets. In parts of southern Washington there is competition between handlers who would be regulated under this order and handlers regulated under the two existing Federal orders both in procurement of milk and in its distribution.

The Puget Sound order provides for a Class I differential $1.85 over the basic formula price. The Inland Empire order has a differential of $2.10. Under the present provisions, however, the latter may fluctuate as much as 50 cents in either direction as the relationship of supply to demand varies.

Until the middle of 1968, Oregon Class I prices averaged higher than the Puget Sound Class I price and about equal to the Inland Empire Class I price. The Oregon Class I price averaged $5.61 in 1966, $6.02 in 1967, and $6.13 in 1968. The Puget Sound Class I price averaged $5.55 in 1966, $5.88 in 1967, and $6.09 in 1968. The Class I price in the Inland Empire order was $5.71 in 1966, $5.97 in 1967, and $6.19 in 1968.

The Class I price provided herein would have been $6.28 per hundredweight in April 1969. This compares to a Class I price of $6.18 in the Puget Sound marketing area. For April the Class I price in the Inland Empire order was $6.28.

The Class I price fixed by the State of Oregon remained at $6.10 from June 1967 through October 1968; was increased to $6.25 on November 1, 1968, and to $6.40 on March 1, 1969. Official notice is taken of "The Stabilizer" vol. 5, No. 11, for February 1969, a publication of the Oregon State Department of Agriculture, Salem, Oreg.

The Class I price adopted herein, in April would have been 12 cents below the Class I price fixed by the State of Oregon. A differential or more than 10 cents over the Puget Sound Class I price, however, could result in a dislocation of supplies and induce Puget Sound producers, particularly those who do not hold a Class I base under that order, to shift from the Puget Sound to the Oregon-Washington market. A higher Class I price likewise could result in shifts of producers in the Columbia Basin area without an offsetting need for their milk in this market.

One handler proposed a special classification for fluid milk which is shipped to Alaska for Class I use. He proposed a price 30 cents over the uniform price for such milk.

He stated that the high cost of handling, particularly transportation and the wide fluctuation in the monthly requirements of their plant at Anchorage, Alaska, precludes payment of the Class I price for such milk.

There is no basis, when establishing the appropriate Class I milk price for this market, to distinguish between milk sold inside and milk sold outside the marketing area, whether it be in areas immediately adjacent to the market or at distant points such as Alaska. The milk sold outside the area by regulated handlers is produced under the same conditions as milk sold in the marketing area and is processed in the same plants. Thus, the milk moving through the handler's plant is involved in the same supply and demand considerations upon which the determinations concerning the appropriate Class I price level must be made.

If a lower Class I price were permitted on sales outside the area, it would be necessary to increase the price of Class I milk sold within the area to maintain the level of returns to producers needed for an adequate supply. To whatever extent a higher Class I price inside the marketing area would be reflected in higher prices to consumers within the marketing area, such consumers would be subsidizing those outside the marketing area where the lower Class I price prevails.

Neither should the regulation be constructed to encourage the use of outside markets as a dumping ground for milk in excess of the market's needs. A lower Class I price for milk sold outside the marketing area could have a depressing effect on prices paid to farmers by unregulated handlers in the outside market.

Class II price. The Class II price should be fixed at the Class III price plus 25 cents. This will result in a Class II price identical to that provided in the Puget Sound order. It will be approximately 2 cents per hundredweight higher than the Class II price which prevailed in the Oregon market during the year 1968.

This price will return to producers a differential over the price of manufacturing grade milk for milk used in those products which handlers normally make from Grade A milk to compensate producers for the delivery of milk for such uses. From experience in the Puget Sound and Inland Empire markets a differential of 25 cents over the Class III price will not discourage the continued use of Grade A producer milk in products such as cottage cheese and ice cream.

Class III price. The Class III price should be the basic formula price, but should not exceed the price resulting from a butter-nonfat dry milk solids formula.

Large quantities of the reserve milk of the market are utilized in the manufacture of butter, nonfat dry milk, hard cheeses, and other dairy products which are disposed of on the national market. Some milk utilized for Class I purposes in the market is handled at plants with limited manufacturing facilities. However, a number of plants which would be pool plants under the orders maintain substantial manufacturing operations. Throughout the year, particularly in the spring months of heavy production, producer milk not needed for fluid uses is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk.

Prices paid by manufacturing plants may differ because of changes in the relative market prices of the manufactured products and because of variations in the quantities of milk available for manufacturing purposes. Handlers often will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of the relatively small volumes and lack of opportunity for high efficiency in handling, it is possible that some handlers may at times incur losses in handling their necessary reserve supplies of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market and at the same time encourage the orderly marketing of such milk. A Class III price based on the basic formula, which is the average Minnesota-Wisconsin manufacturing milk price, should adequately meet these pricing objectives. A competitive pay price is used because, in the highly competitive dairy industry, the average of prices paid in the areas where there is substantial competition for manufacturing milk provides a good measures of its value.

The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin about 58 percent. There are many plants in these States which compete for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products.

A particular segment of the manufactured milk industry may be temporarily influenced by marketing conditions which do not affect the remainder of the industry to the same degree. Such conditions may not be fully reflected in the Minnesota-Wisconsin price series. Because of the importance of butter and nonfat dry milk solids as an outlet in this market, it is desirable that the Class III price not exceed a price level based on a butter-nonfat dry milk formula.

Signed at Washington, D.C., on November 21, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-14047; Filed, Nov. 25, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 69-CE-118]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-4301 at Camp Ripley, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Adminitsration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

At present the designated altitudes and time of designation of R-4301 are as follows:

Surface to 27,000 feet MSL, May 1 through October 31; and surface to 14,500 feet MSL, Saturday and Sunday, November 1 through April 30.

The proposal contained in this docket would add the following to the present time of designation of R-4301:

From 1200 G.m.t. January 27, 1970, through 2100 G.m.t. January 29, 1970, the designated altitude would be 14,500 feet MSL as presently designated. The time of designation would then revert to the present time of designation.

The additional time of designation is required for the training of the Minnesota National Guard. Ground to air firing of high explosive shells would be conducted. The firing would be continuous and include the night firing of illuminating shells.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 20, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14006; Filed, Nov. 25, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 378a]

[Docket No. 21562; SPDR-17]

TOUR OPERATORS AND FOREIGN TOUR OPERATORS FURNISHING TRANSPACIFIC BULK INCLUSIVE TOURS

Notice of Proposed Rule Making

NOVEMBER 21, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 378a of its Special Regulations (14 CFR Part 378a) which would establish the terms and conditions governing the furnishing of transpacific bulk inclusive tours (BIT's) in foreign air transportation by tour operators and foreign tour operators.

The principal features of the proposed amendment are described in the explanatory statement below and the proposed amendment is set forth in the proposed rule below. The amendment is proposed under the authority of sections 101(3), 204(a), 409, and 416(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 743, 768, 771; 49 U.S.C. 1301, 1324, 1379, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before December 5, 1969, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. In a notice of proposed rule making dated June 25, 1969 (SPDR-16, 34 F.R. 10000), the Board, inter alia, proposed a new Part 378a of the Special Regulations establishing the terms and conditions governing the furnishing of bulk inclusive tours (BIT's) in foreign air transportation by tour operators and foreign tour operators. This proposal related solely to BIT tariffs filed pursuant to IATA Resolutions 079a and 079c, concerning North Atlantic and Mid-Atlantic Contract Bulk Inclusive Tour Fares, effective November 1, 1969. Part 378a was adopted on October 14, 1969.

On October 7, 1969, Japan Air Lines filed a motion to file late comments in the rule making proceeding, and on October 16 Pan American World Airways filed a similar motion to file comments in reply to those of Japan Air Lines. In substance both carriers request that Part 378a be revised so as to apply to tour operators conducting BIT's pursuant to tariffs filed independently by Japan Air Lines, Pan American, and other carriers providing for contract bulk inclusive tour fares valid for air transportation between the United States and points in Japan and the Orient via the Pacific.

The proposal contained in these comments is beyond the scope of the rule making proceeding initiated in SPDR-16, which, in any event, has been completed. However, the comments will be deemed petitions for rule making to amend Part 378a in the respects indicated, and the motions to file these documents are granted. The Board, also finds, for the reasons hereinafter set forth, that the petitions for rule making should be granted, and it herein proposes to amend

Part 378a, to include tour operators and foreign tour operators conducting transpacific BIT's.

It appears that transpacific BIT tariffs, substantially alike, have been filed by Northwest Airlines and Trans World Airlines, in addition to Japan Air Lines and Pan American. As will be seen, these tariffs are also substantially similar to the transatlantic BIT tariffs filed pursuant to the IATA Resolutions, although as will be noted, there are some differences.

The transpacific BIT tariffs provide for the sale of blocks of not less than 40 seats per departure for 14–28-day tours [1] to "contractors".[2] In addition to the normal 14–28-day validity, 4- to 8-day tours originating in Japan to Honolulu and return and 7- or 8-day tours originating in Japan to the continental United States and return would be permitted. Unlike transatlantic BIT's, there is no fare differential between peak, shoulder, and off-season periods. Examples of the fares are set forth in the margin.[3] Three stopovers are permitted, except in the case of a single open jaw where one stopover is permitted outbound and one inbound. All passengers must have purchased the same inclusive tour, and the tour must provide sleeping accommodations for the total duration of the tour and a daily program of sightseeing and/or entertainment features on at least half the number of days for the total duration of the tour, except that not more than 3 days without such sightseeing and/or entertainment may be consecutive.

The minimum price of the tour shall be the unit seat price plus $100 for the first 14 days and $7 for each day thereafter, as in transatlantic BIT's. Also, as in the case of transatlantic BIT's, no commission will be paid by a direct carrier for sale of transportation under a BIT contract, which must provide for a 10-percent deposit of the bulk price with the remainder to be paid 1 calendar month prior to each departure date.

As in the case of transatlantic BIT's, the Board finds that a tour operator's activities pursuant to the transpacific BIT tariff rules would place him in the position of an indirect air carrier not presently authorized by the Board to engage in air transportation.[4]

The Board also finds that it is in the public interest that transpacific BIT operators be relieved from various provisions of title IV of the act, as set forth in § 378a.3. The BIT fares are substantially lower than fares presently offered in scheduled service across the Pacific,[5] and lower tour prices should enable many persons to travel by air who would not otherwise be able to use air transportation to Far Eastern points. This circumstance has added a significance at this time in view of the forthcoming World Exposition in Osaka, Japan. The relief afforded is, accordingly, in the public interest, since it will enable such tour operators to engage in indirect air transportation and permit them to provide transpacific bulk inclusive tours.

Section 378a.4 provides that the exemption relief granted in § 378a.3 shall continue in effect for such periods as the Board approves IATA Resolutions 079a and 079c. Although these resolutions pertain only to transatlantic BIT fares, we propose no amendment to § 378a.4, thus making its provisions applicable to the duration of the relief granted tour operators conducting transpacific BIT's. As is well known, transatlantic BIT fares are currently under an investigation. If the transatlantic BIT fares are found uneconomic, such a finding could have an impact on the reasonableness of transpacific BIT fares. Although the transpacific BIT fares are not the subject of an intercarrier agreement under section 412 of the act and the Board has no jurisdiction over the reasonableness of transpacific BIT fares, as such, nevertheless the unreasonableness of the latter fares would necessarily be a factor to take into account with respect to whether it is in the public interest to grant blanket relief to transpacific tour operators. In addition, the investigation of transatlantic BIT fares includes issues of unjust discrimination and undue preference and prejudice which conceivably could have an impact on the lawfulness of transpacific BIT fares.

As in the case of foreign tour operators engaging in the formation of groups on foreign originating transatlantic BIT's (§ 378a.8), we proposed to decline jurisdiction over foreign tour operators with respect to transpacific BIT's which originate in a foreign country. Our reasons are the same as set forth in SPDR–16, June 25, 1969, pages 6–7, which is incorporated herein by reference.

The Board also tentatively concludes that, with one exception, the conditions and limitations presently set forth in Part 378a should likewise apply to tour operators conducting transpacific BIT's. Although, as indicated above, the terms and conditions under which tour operators conduct transpacific BIT's are substantially the same as those applicable to transatlantic BIT's, there is one difference to be noted. With respect to transatlantic BIT's, IATA Resolution 810e requires that the "Sponsoring Member" approve the tour literature, which must include a description of tour prices and features, contain at least one illustration or map promoting the tour, and shall show the dates between which the tours are to be operative. Since the tour literature must be submitted by the BIT tour operator to the direct carrier and must conform to IATA Resolution 810e, the Board found that to require a second filing of such material with the Board would serve no purpose, and it was therefore not required.

It appears, however, that the tariff rules governing transpacific BIT's contain no provisions respecting the contents of tour literature and approval thereof by the direct air carrier. Accordingly, unless the transpacific BIT tariffs are amended to include requirements equivalent to those of transatlantic BIT's on these matters, the Board contemplates amending § 378a.10 to require that, with respect to transpacific BIT's, itinerary and solicitation material be filed with the Board together with the other documents required by that section.[6]

Proposed rule. It is proposed to amend Part 378a of the Special Regulations (14 CFR Part 378a) as follows:

Amend § 378a.2(a) to read as follows:

§ 378a.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Bulk inclusive tour" means round, circle or single open jaw tour trip transportation, including land services, performed either:

(1) Pursuant to IATA Resolutions 079a and 079c as approved by the Board, which meets the requirements of said resolutions, as approved; or

(2) Pursuant to CAB No. 23, Rule No. 26, issued by Air Tariffs Corp., Agent; CAB No. 388, Rule 56, issued by International Air Traffic Tariffs Corp., Agent; CAB No. 450, Rule 23, issued by Northwest Airlines, Inc.; and CAB No. 208, Rule 36, issued by Trans World Airlines, Inc.

* * * * *

[F.R. Doc. 69–14033; Filed, Nov. 25, 1969; 8:46 a.m.]

[1] In the case of transatlantic BIT's, the minimum blocks of seats are 40 eastbound and 20 westbound and the tours are 14–21 days.

[2] Defined as "a person other than a Carrier who produces and promotes the inclusive tour, with whom space is contracted by the Contracting Carrier." (C.A.B. No. 23, Rule No. 26(B)(2)).

[3] Honolulu—Tokyo, $250;
Honolulu—Hong Kong, $460;
West Coast Points*—Tokyo, $400;
West Coast Points*—Hong Kong, $570;
New York—Tokyo, $600;
New York—Hong Kong, $770.
*Los Angeles, San Francisco, Portland, and Seattle.

[4] See Order 69–4–138.

[5] In the West Coast-Tokyo market, for example, the BIT fares will provide reductions from the otherwise applicable round-trip economy fares in the on- and off-seasons, respectively, of 44.6 and 41.5 percent.

[6] In addition to the amendments proposed herein to make Part 378a applicable to transpacific BIT's a clarifying amendment will be made to the definition of "Bulk inclusive tour" in § 378a.2. Specifically, the words "including land services" will be inserted after the word "transportation" to make clear that hotel accommodations, etc., are included in such tours.

Notices

DEPARTMENT OF COMMERCE

Maritime Administration

OCEANIC STEAMSHIP CO.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that the Oceanic Steamship Co. has applied for approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises in lieu of those cruises which were published in the FEDERAL REGISTER of September 26, 1969 (34 F.R. 14906):

Ship	Approximate cruise dates 1970	Itinerary
Monterey	Apr. 2–14	San Francisco, Los Angeles, San Diego, Acapulco, Puerto Vallarta, Mazatlan, San Diego, Los Angeles.
Do	Apr. 15–25	San Diego, Los Angeles, Acapulco, Puerto Vallarta, Mazatlan, San Diego, Los Angeles, San Francisco.
Do	Apr. 26–May 17	San Diego, Los Angeles, San Francisco, Honolulu, Nawiliwili, Lahaina, Hilo, Kailua (Kona), Honolulu, Los Angeles, San Francisco.
Do	May 23–June 21	San Francisco, Los Angeles, Mazatlan, Galapagos, Callao, Guayaquil, Balboa, Taboga, Acapulco, Los Angeles, San Francisco.
Do	June 22–July 5	Los Angeles, San Francisco, Victoria, Juneau, Glacier Bay, Sitka, Skagway, Vancouver, Los Angeles, San Francisco.
		Itinerary (each cruise)
Mariposa	June 13–26, June 27–July 10, July 11–23, July 24–Aug. 5, Aug. 6–18.	San Francisco, Los Angeles, Vancouver, Juneau, Glacier Bay, Skagway, Sitka, Victoria, San Francisco, Los Angeles.
		Itinerary
Do	Aug. 19–31	San Francisco, Los Angeles, Vancouver, Juneau, Skagway, Glacier Bay, Sitka, Victoria, San Francisco, Los Angeles.
Do	Sept. 1–16	San Francisco, Los Angeles, Victoria, Juneau, Glacier Bay, Sitka, Skagway, Vancouver, San Francisco, Los Angeles.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on December 12, 1969.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

By order of the Maritime Subsidy Board.

Dated: November 21, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69–14048; Filed, Nov. 25, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21572; Order 69–11–86]

GILLEY AIRWAYS CORP.

Order To Show Cause

Issued under delegated authority November 19, 1969.

The Postmaster General filed a notice of intent October 31, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 60 cents per great circle aircraft mile for the transportation of mail by aircraft between Plattsburgh, Glenn Falls, and Albany, N.Y.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech D–18–S aircraft. The cost data submitted by the air taxi operator with their bid tend to support the requested rate.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Gilley Airways Corp., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 60 cents per great circle aircraft mile between Plattsburgh, Glens Falls, and Albany, N.Y.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Gilley Airways Corp., the Postmaster General, Mohawk Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Gilley Airways Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Gilley Airways Corp., the Postmaster General, and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14034; Filed, Nov. 25, 1969; 8:46 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 19617]

NORTH CAROLINA POINTS SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard by the Board on December 17, 1969, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., November 20, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69-14035; Filed, Nov. 25, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ECONOMICS LABORATORY, INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP OH2454) has been filed by Economics Laboratory, Inc., Osborn Building, St. Paul, Minn. 55102, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of a solution containing triethanolamine octyl sulfate iodine complex and components generally recognized as safe as a sanitizing solution on food-processing equipment and utensils and on beverage containers, subject to the limitation that such solutions will provide not more than 25 parts per million titratable iodine.

Dated: November 18, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14013; Filed, Nov. 25, 1969; 8:45 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 0F0903) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances (21 CFR 120.258) for residues of the herbicide 2-ethylamino-4-isopropylamino-6-methylthio-*s*-triazine in or on the raw agricultural commodities corn forage and fodder at 0.5 part per million and corn grain (kernels plus cob with husks removed) at 0.25 part per million. The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a microcoulometric detector with a sulfur-specific titration cell.

Dated: November 19, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14014; Filed, Nov. 25, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

PYROTRONICS, INC.

Notice of Exemption of Fire Detection Units

Models F5A, F3.5 (formerly F3.5A), and F6 fire detection devices containing americium 241, distributed by Pyrotronics, Inc., prior to the issuance of AEC License No. 29-08864-04E on August 28, 1969, which authorized the distribution of these devices to persons exempt from AEC licensing requirements, have been found to meet the safety criteria set forth in § 32.27 of 10 CFR Part 32 for gas and aerosol detectors containing byproduct materials for use under the class exemption in § 30.20 of 10 CFR Part 30. These devices were previously distributed under AEC License No. GL-133 prior to the promulgation of § 30.20. However, for the purposes of the exemption in § 30.20, such license shall be deemed to have been issued under § 32.26, 10 CFR Part 32. To the extent that persons in non-Agreement States other than manufacturers, processors, producers, or importers of such devices, receive, possess, use, transfer, export, own or acquire devices manufactured in accordance with that license, they are hereby deemed exempt from the requirements for a license set forth in Section 81 of the Atomic Energy Act of 1954, as amended, and from AEC regulations in 10 CFR Parts 20 and 30-36.

Dated at Bethesda, Md., November 19, 1969.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 69-14032; Filed, Nov. 25, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-469, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER, 14, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 1, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-469	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	210	6	El Paso Natural Gas Co. (East LaBarge Field, Lincoln and Sublette Counties, Wyo.).	$2,634	10-20-69	[3] 11-1-69	[4] 11-2-69	17.0	[5] [6] 17.255	RI68-2.
	do	218	5	Mountain Fuel Supply Co. (Dry Piney Unit, Sublette County, Wyo.).	1,098	10-20-69	[3] 11-1-69	[4] 11-2-69	17.0	[5] [6] 17.17	RI69-380.
	do	226	3	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	385	10-20-69	[3] 11-1-69	[4] 11-2-69	13.0	[5] [6] 13.13	
	do	249	9	El Paso Natural Gas Co. (Green River Bend Unit, Lincoln and Sublette County, Wyo.).	337	10-20-69	[3] 11-1-69	[4] 11-2-69	17.0	[5] [6] 17.255	RI68-2.
	do	250	9	El Paso Natural Gas Co. (Figure Four Canyon Unit, Sublette County, Wyo.).	258	10-20-69	[3] 11-1-69	[4] 11-2-69	17.0	[5] [6] 17.255	RI68-2.
	do	335	4	Mountain Fuel Supply Co. (Vermilion Creek Field, Sweetwater County, Wyo.).	6	10-20-69	[3] 11-1-69	[4] 11-2-69	13.0	[5] [6] 13.13	RI68-280.
	do	345	4	Colorado Interstate Gas Co. (Wamsutter Field, Sweetwater County, Wyo.).	715	10-20-69	[3] 11-1-69	[4] 11-2-69	16.0	[5] [6] 16.24	RI68-280.
	do	359	4	Kansas Nebraska Natural Gas Co., Inc. (Frenchie Draw Field, Fremont and Natrona Counties, Wyo.).	4,427	10-20-69	[3] 11-1-69	[4] 11-2-69	[7] 15.0	[5] [6] 15.15	
	do	360	4	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	97	10-20-69	[3] 11-1-69	[4] 11-2-69	17.0	[5] [6] 17.255	RI68-280.
	do	362	2	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	41	10-20-69	[3] 11-1-69	[4] 11-2-69	15.50	[5] [6] 15.7325	RI68-280.
	do	363	[8] 2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo., and Carbon County, Mont.).	255	10-20-69	[3] 11-1-69	[4] 11-2-69	13.0	[5] [6] 13.13	
	do	383	3	Mountain Fuel Supply Co. (West Side Canal Area, Carbon County, Wyo.).	519	10-20-69	[3] 11-1-69	[4] 11-2-69	15.0	[5] [6] 15.15	
	do	403	14	Colorado Interstate Gas Co. (Desert Springs Area, Sweetwater County, Wyo.).	538	10-20-69	[3] 11-1-69	[4] 11-2-69	16.0	[5] [6] 16.24	RI68-403.
RI70-470	Gulf Oil Corp.	[12] 218	3	Cities Service Gas Co. (Palmer Field, Barber County, Kans.).	940	10-20-69	[3] 12-23-69	[4] 12-24-69	[11] 14.0	[9] [10] [11] 15.0	RI65-598.
	do	[12] 302	2	Cities Service Gas Co., Boggs Field, Barber County, Kans.).	190	10-20-69	[3] 12-23-69	[4] 12-24-69	[11] 14.0	[9] [10] [11] 15.0	
RI70-471	Pioneer Production Corp. (Operator) et al., Post Office Box 2542, Amarillo, Tex.	[13] 31	1	Cities Service Gas Co. (Laverne (Morrow) Field, Woods County, Okla.) (Oklahoma "Other" Area).	503	10-20-69	[3] 1-1-70	[4] 1-2-70	[11] 14.0	[9] [10] [11] 15.0	
RI70-472	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	307	1	Texas Eastern Transmission Corp. (Sheridan Field, Colorado County, Tex.) (RR. District No. 3).	344,290	10-10-69	[13] 1-1-70	[4] 1-2-70	[11] [14] 15.0	[9] [10] [11] 16.0	

[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] Rate of 16 cents suspended in Docket No. RI70-364 until Apr. 1, 1969.
[8] Wyoming production only.
[9] Pressure base is 14.65 p.s.i.a.
[10] Periodic rate increase.
[11] Subject to a downward B.t.u. adjustment.
[12] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1 and proposed rate does not exceed the area initial service ceiling.
[13] Contractual effective date.
[14] Initial rate.

The proposed rate increases filed by Humble Oil & Refining Co. (Humble) reflect tax reimbursement for severance tax recently enacted by the State of Wyoming which is retroactively effective as of January 1, 1968. Humble's proposed rate increases reflect a double amount of the contractually entitled tax reimbursement to provide for reimbursement of taxes applicable to past production back to January 1, 1968. Humble requests waiver of the 30-day notice requirement to permit an effective date of November 1, 1969 for its proposed rate filings. Humble's proposed rates exceed the applicable area ceilings for the areas involved and should be suspended for 1 day from November 1, 1969, with waiver of notice granted. Humble is advised that after the tax reimbursement amounts applicable to past production have been recovered appropriate rate filings will be required to reduce the instant proposed rates so as to provide for tax reimbursement for future production only.[15]

The basic contracts related to the proposed rate increases filed by Gulf Oil Corp. (Gulf), Pioneer Production Corp. (Operator) et al., (Pioneer) and Shell Oil Co. (Operator) et al., (Shell) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe in this situation, Gulf, Pioneer, and Shell's proposed rate filings should be suspended for 1 day from December 23, 1969 (Gulf), and January 1, 1970 (Pioneer) and (Shell), the requested effective dates.

[15] Humble will be required to refund any reimbursement relating to the Wyoming Severance Tax collected in this section 4(e) proceeding in the event the tax is for any reason held invalid upon judicial review.

[F.R. Doc. 69-13937; Filed, Nov. 25, 1969; 8:45 a.m.]

[Docket No. G-3655, etc.]

KEWANEE OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 17, 1969.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C169-876 ..... C 10-30-69 [2]	R. C. Wynn, 1825 Republic National Bank Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Blanco Mesaverde Pool, San Juan County, N. Mex.	13.0	15.025
C169-877 ..... C 10-30-69	do	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
C169-982 ..... C 10-30-69	Jake L. Hamon, Post Office Box 2851, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	[3] 15.0	14.65
C170-408 ..... B 10-27-69	Southland Royalty Co. (Operator), et al., D-306 Petroleum Center, San Antonio, Tex. 78209.	Texas Eastern Transmission Corp., Carthage Field, Panola and Rusk Counties, Tex. Arkansas and Refugio	Depleted	.....
C170-418 ..... 10-28-69 [4]	Sam Boren, 225 Park Cities Bank Bldg., Dallas, Tex. 75205.	El Paso Natural Gas Co., Bagley Upper Penn Gas Pool, Lea County, N. Mex.	[5] 16.58	14.65
C170-419 ..... B 10-28-69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., Harper, Alvord Field, Woods County, Okla.	Depleted	.....
C170-420 ..... B 10-28-69	do	Panhandle Eastern Pipe Line Co., Anadarko Basin Area, Beaver County, Okla.	Depleted	.....
C170-421 ..... B 10-29-69	B. W. Wiseman, Jr. (Operator), et al.	Northern Natural Gas Co., acreage in Crocket County, Tex.	(6)	.....
C170-422 ..... B 10-27-69	Phillips Petroleum Co.	Texas Eastern Transmission Corp., North Fort Neches Field, Orange County, Tex.	(7)	.....
C170-423 ..... A 10-28-69	McMoRan Exploration Co., 1012 Oreilly Bldg., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, South Raymondville Field, Willacy County, Tex.	17.8	14.65
C170-424 [8] ..... B 10-24-69	Marquette Bldg., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Sligo Field, Bossier Parish, La.	Depleted	.....
C170-425 ..... A 10-24-69	Frank J. Hall et al., 630 Lane Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	[9] 13.5508	15.025
C170-426 ..... B 10-30-69	R. W. Lange, c/o John L. Arrington, Jr., Scherrich & Kinsloe Arrington, Oklahoma Natural Bldg., Tulsa, Okla. 74119.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Depleted	.....
C170-427 ..... A 10-30-69	Coastal States Gas Producing Co. (Operator) et al., Post Office Box 521, Corpus Christi, Tex. 78403.	Texas Eastern Transmission Corp., Southwest Lake Boeuf Field, Lafourche Parish, La.	[10] 20.0	15.025
C170-428 ..... (G-18402) F 10-28-69	Crown Drilling, Inc. (successor to Shell Oil Co.).	Transcontinental Gas Pipe Line Corp., Hampshire and South Humphreys Field, Terrebonne Parish, La.	[11] 23.55	15.025
C170-429 ..... A 10-31-69	Pan American Petroleum Corp	United Gas Pipe Line Co., Pointe Au Chein Field, Lafourche and Terrebonne Parishes, La.	[12] 21.26	15.025
C170-430 ..... A 10-31-69	Edwin L. Cox, 3600 First National Bank Bldg., Dallas, Tex. 75202.	Arkansas Louisiana Gas Co., Southeast Carlton Area, Blaine County, Okla.	[13] 16.93	14.65
C170-431 ..... A 10-31-69	Westrans Petroleum, Inc.	Cumberland & Allegheny Gas Co., Union and Washington Districts, Upshur County, W. Va.	27.0	15.325
C170-432 ..... A 11-3-69	Imperial-American Management Co., 777 Main Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	[14] 17.0	14.65
C170-433 ..... B 10-31-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	(15)	.....
C170-434 ..... A 10-30-69	Bodcaw Co., 1300 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Texas Gas Transmission Corp., acreage in Webster Parish, La.	[16] 20.0	15.025

[1] Rate in effect subject to refund in Docket No. R167-307.
[2] Rate in effect subject to refund in Docket No. R165-361.
[3] Rate in effect subject to refund in Docket No. R165-475.
[4] Contract provides for rate of 16 cents per Mcf (residue gas derived from gas-well gas) and 18.22 cents per Mcf (residue gas derived from casinghead gas) are periodically adjusted upward to 17.26 cents for residue gas derived from gas-well gas and 19.48 cents for residue gas derived from casinghead gas was suspended until Sept. 6, 1969 in Docket No. R169-854. Pursuant has filed a motion to put the rate in effect.
[5] Deletes acreage due to expiration or cancellation of nonproducing leases.
[6] For gas produced from formations below the base of the Wolfcamp Series of the Permian System and above the top of the Pennsylvanian System in the Morrow Series of the Pennsylvanian System.
[7] Rates in effect subject to refund in Docket No. R165-321, subject to upward and downward B.t.u. adjustment.
[8] Deletes acreage due to relocation and construction of highway in the area.

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition. In the event applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3655 ..... E 10-29-69	Kewanee Oil Co. (successor to A. P. King, Jr. (Operator), et al.) Post Office Box 2220, Tulsa, Okla. 74101.	Texas Gas Transmission Corp., Lawsburg Field, Acadia and St. Landry Parishes, La.	15.76	15.025
G-3656 ..... E 10-29-69	do	United Gas Pipe Line Co., Lewisburg Field, Acadia Parish, La.	[1] 18.0	15.025
G-4079 ..... E 10-30-69	Crown Properties, Inc. (successor to Shell Oil Co.), c/o Jacob Goldberg, attorney, 839 Pennsylvania Bldg., Washington, D.C. 20004.	United Fuel Gas Co., Orange Grove Field, Terrebonne Parish, La.	[2] 21.1	15.025
G-4290 ..... E 10-30-69	do	.....	[3] 21.1	15.025
G-4294 ..... E 10-29-69	Kewanee Oil Co. (successor to A. P. King, Jr. (Operator), et al.).	Southern Natural Gas Co., Fort Jackson Field, Plaquemines Parish, La.	19.0	15.025
C169-726 ..... E 10-29-69	do	Transcontinental Gas Pipe Line Corp., Rousseau Field, Lafourche Parish, La.	20.625	15.025
C161-1653 ..... E 9-22-69	The Permian Corp. (Operator) (successor to Continental Oil Co. (Operator)), 1500 West Wall St., Midland, Tex. 79701.	El Paso Natural Gas Co., Todd Field Plant, Crockett County, Tex.	[4] 18.0	14.65
C163-1300 ..... D 10-30-69	Mobil Oil Corp. (Operator), Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, West Crane and Putnam Fields, Dewey and Custer Counties, Okla.	(5)	.....
C164-175 ..... C 10-30-69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
C164-1173 ..... E 10-27-69	Petro Dynamics, Inc. (Operator), et al. (successor to Jas. F. Smith), Post Office Box 10000, Amarillo, Tex. 79106.	Northern Natural Gas Co., Walker-Hugoton Gas Field, Stevens County, Kans.	[6] 14.0 [7] 16.0	14.65
C169-56 ..... D 10-28-69	Westrans Petroleum, Inc., et al., 250 Park Ave., New York, N.Y. 10017.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	(5)	.....

[1] Rate in effect subject to refund in Docket No. R167-307.
[2] Rate in effect subject to refund in Docket No. R165-361.
[3] Rate in effect subject to refund in Docket No. R165-475.
[4] Contract provides for rate of 16 cents per Mcf (residue gas derived from gas-well gas) and 18.22 cents per Mcf (residue gas derived from casinghead gas) are periodically adjusted upward to 17.26 cents for residue gas derived from gas-well gas and 19.48 cents for residue gas derived from casinghead gas was suspended until Sept. 6, 1969 in Docket No. R169-854. Pursuant has filed a motion to put the rate in effect.
[5] Deletes acreage due to expiration or cancellation of nonproducing leases.
[6] For gas produced from formations below the base of the Wolfcamp Series of the Permian System and above the top of the Pennsylvanian System in the Morrow Series of the Pennsylvanian System.
[7] Rates in effect subject to refund in Docket No. R165-321, subject to upward and downward B.t.u. adjustment.
[8] Deletes acreage due to relocation and construction of highway in the area.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[9] Adds acreage acquired from Atlantic Richfield Co., Docket No. G-4547.
[10] Contract provides for rate of 16 cents per Mcf; however, Applicant states its willingness to accept permanent certificate at 15 cents per Mcf.
[11] Sale initiated under Applicant's small-producer certificate in Docket No. CS67-33.
[12] Plus upward B.t.u. adjustment.
[13] Wells were never connected and production never commenced from subject acreage.
[14] Acreage assigned.
[15] Application filed by Frank J. Hall et al.
[16] Subject to reduction for compression, if required.
[17] Contract provides for rate of 21.25 cents per Mcf; however, by amendment filed Nov. 7, 1969, Applicant agreed to accept permanent certificate at 20 cents per Mcf at 15.025 p.s.i.a.
[18] Subject to upward and downward B.t.u. adjustment.
[19] Includes 1.95-cent upward B.t.u. adjustment.
[20] Well is no longer capable of delivering gas in commercial quantities.
[21] Applicant proposes 20 cents per Mcf or area ceiling rate, whichever is higher.

[F.R. Doc. 69-13938; Filed, Nov. 25, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 577]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 21, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1936 (Deviation No. 3), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Youngstown, Ohio, over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 1 to Philadelphia, Pa.; (2) from Philadelphia, Pa., over U.S. Highway 1 to Washington, D.C.; (3) from Pittsburgh, Pa., over U.S. Highway 30 via Bedford, Pa., to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburgh, Pa., thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Baltimore, Md.; and (4) from Pittsburgh, Pa., over Pennsylvania Highway 15 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to Unity, Ohio, thence over Ohio Highway 14 to junction Ohio Highway 7, thence over Ohio Highway 7 to Youngstown, Ohio, thence over Ohio Highway 18 to Edinburg, Ohio, and return over the same route.

No. MC 1936 (Deviation No. 4), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Gary, Ind., and Ligonier, Ind., over U.S. Highway 6, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 33 to Elkhart, Ind.; and (2) from South Bend, Ind., over U.S. Highway 33 to Fort Wayne, Ind., and return over the same routes.

No. MC 1936 (Deviation No. 5), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Toledo, Ohio, and Detroit, Mich., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Detroit, Mich., and Toledo, Ohio, over U.S. Highway 25.

No. MC 1936 (Deviation No. 6), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between the junction Interstate Highway 80 (Indiana Toll Road) and Interstate Highway 94 at or near Interchange No. 4. (Burns Habor) on Interstate Highway 80, over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76 (Pennsylvania Turnpike), thence over Interstate Highway 76 to junction Interstate Highway 276 (Pennsylvania Turnpike), thence over Interstate Highway 276 to junction Interstate Highway 95 at or near Interchange No. 29 (Delaware Valley), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120 (formerly Ohio Highway 102), thence over Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Port Clinton, Ohio (also from Toledo over Ohio Highway 120 to junction Ohio Highway 163, thence over Ohio Highway 163 to Port Clinton), thence over Ohio Highway 2 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio; (2) from Pittsburgh, Pa., over Pennsylvania Highway 15 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14A to Salem, Ohio, thence over Ohio Highway 14A to Deerfield, Ohio, thence over Ohio Highway 14 via Edinburgh, Ohio, to Cleveland, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio; (3) from Pittsburgh, Pa., over U.S. Highway 22 to Armagh, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., thence over U.S. Highway 30 to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Baltimore, Md.; (4) from Philadelphia, Pa., over U.S. Highway 1 to Washington, D.C.; and (5) from Philadelphia, Pa., over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 1936 (Deviation No. 7), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Richmond, Va., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 1 to Philadelphia, Pa., over U.S. Highway 1 to Washington, D.C.; and (3) from Richmond, Va., over U.S. Highway 1 to Baltimore Md., and return over the same routes.

No. MC 1936 (Deviation No. 8), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as

follows: Between Ypsilanti, Mich., and Gary, Ind., over Interstate Highway 94, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 33 to Elkhart, Ind.; and (2) from South Bend, over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind. (also from South Bend over U.S. Highway 20 to junction Indiana Highway 112, thence over Indiana Highway 112 to junction Indiana Highway 120, thence over Indiana Highway 120 to Bristol), thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over Michigan Highway 103 (formerly U.S. Highway 131) to Mottville, Mich., thence over U.S. Highway 12 (formerly U.S. 112), to Detroit, Mich., and return over the same routes.

No. MC 1936 (Deviation No. 9), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Wayne, Ind., over U.S. Highway 30 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hammond, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 33 to Elkhart, Ind.; and (2) from South Bend, over U.S. Highway 33 to Fort Wayne, Ind., and return over the same routes.

No. MC 59957 (Deviation No. 9), MOTOR FREIGHT EXPRESS, Post Office Box 1029, York, Pa. 17405, filed November 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Harrisburg, Pa., over Interstate Highway 78 to junction with the Northeast Extension of the Pennsylvania Turnpike, at or near Allentown, Pa., thence over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 81 at or near Scranton, Pa., thence over Interstate Highway 81 to Syracuse, N.Y.; (2) from Harrisburg, Pa., over Interstate Highway 78 to junction Interstate Highway 81 at or near Jonestown, Pa., thence over Interstate Highway 81 to Syracuse, N.Y.; and (3) from Philadelphia, Pa., over Interstate Highway 76 to junction with the Northeast Extension of the Pennsylvania Turnpike at or near Norristown, Pa., thence over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 81 at or near Scranton, Pa., thence over Interstate Highway 81 to Syracuse, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Harrisburg, Pa., over combined U.S. Highways 11, 15, 22, and 322 to Amity Hall, Pa., thence over combined U.S. Highways 22 and 322 to Potters Mills, Pa., thence over Pennsylvania Highway 144 (formerly Pennsylvania Highway 53) to Milesburg, Pa., thence over U.S. Highway 220 to Williamsport, Pa., thence over U.S. Highway 15 to Painted Post, N.Y., thence over New York Highway 17 (also over New York Highway 17E) to Elmira, N.Y., thence over New York Highway 13 to Cortland, N.Y. (also from Elmira over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 to Cortland), thence over U.S. Highway 11 to Syracuse, N.Y.; and (2) from Philadelphia, Pa., over U.S. Highway 30 to Lancaster, Pa., thence over Pennsylvania Highway 230 to Harrisburg, Pa. (also from Philadelphia over U.S. Highway 422 to Harrisburg), and return over the same routes.

No. MC 75651 (Deviation No. 5), R. C. MOTOR LINES, INC., Post Office Box 2501, Jacksonville, Fla. 32203, filed November 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jacksonville, Fla., over Interstate Highway 95 to junction Interstate Highway 4 near Daytona Beach, Fla., thence over Interstate Highway 4 to Orlando, Fla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 41 to Forsyth, Ga. (also from Atlanta over Georgia Highway 42 to Forsyth), thence over U.S. Highway 41 to Perry, Ga., thence over U.S. Highway 341 to Baxley, Ga., thence over U.S. Highway 1 to Jacksonville, Fla.; and (2) from Jacksonville, Fla., over U.S. Highway 17 to Orlando, Fla., and return over the same routes.

No. MC 75651 (Deviation No. 6), R. C. MOTOR LINES, INC., Post Office Box 2501, Jacksonville, Fla. 32203, filed November 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 75 to Tampa, Fla. (also from Atlanta over Interstate Highway 75 to junction Interstate Highway 475 bypass around Macon, Ga., thence over Interstate Highway 475 to junction Interstate Highway 75, thence over Interstate Highway 75 to Tampa, Fla.); and (2) from Atlanta, Ga., over Interstate Highway 75 to junction Sunshine State Parkway at or near Wildwood, Fla. (also from Atlanta over Interstate Highway 75 to junction Interstate Highway 475 (bypass around Macon, Ga., thence over Interstate Highway 475 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Sunshine State Parkway at or near Wildwood, Fla.), thence over the Sunshine State Parkway to junction U.S. Highway 441 approximately 8 miles south of Orlando, Fla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 41 to Forsyth, Ga. (also from Atlanta over Georgia Highway 42 to Forsyth), thence over U.S. Highway 41 to Perry, Ga., thence over U.S. Highway 341 to Baxley, Ga., thence over U.S. Highway 1 to Jacksonville, Fla.; (2) from Jacksonville, Fla., over U.S. Highway 301 to junction U.S. Highway 441, thence over U.S. Highway 441 to junction Sunshine State Parkway approximately 8 miles south of Orlando, Fla.; (3) from Jacksonville, Fla., over Interstate Highway 10 to junction U.S. Highway 301, thence over U.S. Highway 301 to Sarasota, Fla.; and (4) from Jacksonville, Fla., over U.S. Highway 17 to Orlando, Fla., thence over Interstate Highway 4 to Tampa, Fla., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 535) (Cancels Deviation No. 515), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25W approximately 1 mile north of Lake City, Tenn.; (2) from Richwood, Ky., over Kentucky Highway 338 to junction Interstate Highway 75; (3) from Walton, Ky., over Kentucky Highway 14–16 to junction Interstate Highway 75; (4) from Crittenden, Ky., over Kentucky Highway 491 to junction Interstate Highway 75; (5) from Dry Ridge, Ky., over Kentucky Highway 22 to junction Interstate Highway 75; (6) from Williamstown, Ky., over Kentucky Highway 36 to junction Interstate Highway 75; (7) from Corinth, Ky., over Kentucky Highway 330 to junction Interstate Highway 75; (8) from Georgetown, Ky., over U.S. Highway 62 to junction Interstate Highway 75; (9) from Lexington, Ky., over Kentucky Highway 922 to junction Interstate Highway 75; (10) from Richmond, Ky., over U.S. Highway 25 to junction Kentucky Highway 876, thence over Kentucky Highway 876 to junction Interstate Highway 75; (11) from Berea, Ky., over U.S. Highway 25 to junction Kentucky Highway 21, thence over Kentucky Highway 21 to junction Interstate Highway 75; (12) from Mount Vernon, Ky., over U.S. Highway 25 northbound to junction Interstate Highway 75; (13) from Mount Vernon, Ky., over U.S. Highway 25 southeasterly to junction Interstate Highway 75; (14) from Corbin, Ky., over U.S. Highway 25 to junction Kentucky Highway 709, thence over Kentucky Highway 709 to junction Interstate Highway 75; (15) from Corbin, Ky., over U.S. Highway 25W to junction Interstate Highway 75; (16) from Williamsburg, Ky., over Kentucky Highway 92 to junction Interstate Highway 75; and (17) from Jellico, Tenn., over U.S. Highway 25W southeasterly to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes, as follows: (1) From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky. (also from Cincinnati across the Ohio River to Covington, Ky., thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington), and thence over U.S. Highway 27 to Chattanooga, Tenn.; and (2) from Lexington, Ky., over U.S. Highway 25 via Livingston, Oakley and East Bernstadt, Ky., to Corbin, Ky., thence over U.S. Highway 25W to Knoxville, Tenn., and return over the same route.

No. MC 1515 (Deviation No. 536), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 13, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle, with passengers, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 85 to junction Georgia Highway 365, thence over Georgia Highway 365 to junction U.S. Highway 129 to Gainesville, Ga.; (2) from Gainesville, Ga., over Georgia Highway 60 to junction Georgia Highway 365; and (3) from Gainesville, Ga., over Georgia Highway 13 to junction Georgia Highway 365, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Cornelia, Ga., over U.S. Highway 23 via Buford and Duluth, Ga., to Atlanta, Ga., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14037; Filed, Nov. 25, 1969; 8:46 a.m.]

[Notice 1352]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 21, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

Nos. MC 17426 (Sub-No. 1); MC 77380 (Sub-No. 4); MC 126769; MC 126987; MC 127555 (Sub-No. 1); and MC 129436 (Republications).

No. MC 17426 (Sub-No. 1) filed January 31, 1968, published in the FEDERAL REGISTER issue of February 15, 1968, and republished this issue. Applicant: NYSTROM'S MOVING & STORAGE INC., 125 West Baraga Avenue, Marquette, Mich. 49855. Applicant's representative: James Davis, 1400 Michigan National Tower, Lansing, Mich. 48933.

No. MC 77380 (Sub-No. 4), filed February 14, 1966, published in the FEDERAL REGISTER issue of March 10, 1966, and republished this issue. Applicant: HEICK MOVING AND STORAGE INC., 3618 Lexington Avenue, Madison, Wis. Applicant's representative: Rolfe E. Hanson, 303 Price Place, Madison, Wis. 53705.

No. MC 126769, filed December 2, 1964, published in the FEDERAL REGISTER issue of December 16, 1964, and republished this issue. Applicant: STASZUK'S ABLE VAN LINES, a corporation, 238 Mill Street, Lansing, Mich.

No. MC 126987, filed February 16, 1965, published in the FEDERAL REGISTER issue of March 17, 1965, and republished this issue. Applicant: VINCENT FISTER, INC., 831 National Avenue, Lexington, Ky. Applicant's representative: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky. 40601.

No. MC 127555 (Sub-No. 1), filed February 7, 1966, published in the FEDERAL REGISTER issue of March 24, 1966, and republished this issue. Applicant: HOLLANDER STORAGE & MOVING COMPANY, a corporation, 1801 Pratt Boulevard, Elk Grove Village, Ill. 60007.

No. MC 129436 filed October 2, 1967, published in the FEDERAL REGISTER issue of October 19, 1967, and republished this issue. Applicant: CARL COMBEST, doing business as COMBEST MOVING & STORAGE, U.S. Route 136 West, Post Office Box 266, Rantoul, Ill. 61866. Applicant's representative: Paul F. Sullivan, 15th and New York Avenue NW., Washington, D.C. 20005.

By a prior report in the above-entitled proceedings, decided September 26, 1968, the Commission Review Board No. 4, found that each applicant had failed to establish that the present or future public convenience and necessity require the operations proposed, and that each application should be denied. Upon consideration of petitions filed by each applicant, the above-entitled proceedings were reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, acting as an Appellate Division.

A report of the Commission on further consideration by Review Board No. 4, has determined that the present and future public convenience and necessity require operation by each applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below. An order of the Commission, Review Board No. 4, decided October 24, 1969, and served November 5, 1969, upon further consideration, finds that the present and future public convenience and necessity require operation by each applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: In No. MC–17426 (Sub-No. 1): (1) Between points in Marquette County, Mich.; and (2) between points in Marquette County, Mich., on the one hand, and, on the other, points in Keweenaw, Houghton, Baraga, Iron, Dickinson, Delta, Alger, Schoolcraft, Luce, Mackinac, Menominee, Gogebic, and Ontonagon Counties, Mich. The authority described herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. In No. MC–77380 (Sub-No. 4): Between Dane, Rock, and Sauk Counties, Wis. In No. MC–126769: Between points in Barry, Branch, Calhoun, Clinton, Eaton, Gratiot, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Montcalm, St. Joseph, Shiawassee, and Washtenaw Counties, Mich. In No. MC–126987: (1) Between points in Fayette County, Ky.; and (2) between points in Fayette County, Ky., on the one hand, and, on the other, points in Anderson, Bath, Bell, Bourbon, Boyle, Bracken, Bullitt, Carroll, Carter, Casey, Clinton, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Wayne, Whitely, Wolfe, and Woodford Counties, Ky.

In No. MC–127555 (Sub-No. 1): Between points in Boone, Cook, Dekalb, Du Page, Grundy, Kane, Kankakee, Kendall, LaSalle, Lake, Livingston, McHenry, Ogle, Will, and Winnebago Counties, Ill., Lake and Porter Counties, Ind., and Kenosha, Racine, and Walworth Counties, Wis. In No. MC–129436: Between points in Ford, Vermillon, and Champaign Counties, Ill.; that each applicant

is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 83539 (Sub-No. 248) (republication), filed May 14, 1969, published in the FEDERAL REGISTER issue of June 5, 1969, and republished in this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. By application filed May 14, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of asphalt handling equipment with or without fifth wheels and running gear, in initial movements, in truckaway service from and to the points substantially as indicated below. An order of the Commission, Operating Rights Board, dated October 31, 1969, and served November 13, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *asphalt handling equipment* from points of manufacture at Glasgow, Mo., and Leavenworth, Kans., to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119895 (Sub-No. 20) (republication), filed April 28, 1969, published FEDERAL REGISTER issue of May 22, 1969, and republished this issue. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. By application filed April 28, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), between Algona, Iowa, on the one hand, and, on the other, Austin, Minn., Fremont, Nebr., and Des Moines, Iowa. An order of the Commission, Operating Rights Board, dated October 31, 1969, and served November 7, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meatpackers as described in section D, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), between Algona, Iowa, on the one hand, and, on the other, Austin, Minn., and Fremont, Nebr., restricted to the transportation of traffic originating at the above-named origins and destined to the indicated destinations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127193 (Republication), filed April 20, 1965, published in the FEDERAL REGISTER issues of May 13, 1965, and December 4, 1968, and republished this issue. Applicant: LEONARD BROS. VAN & STORAGE CO., a corporation, 7040 West Fort Street, Detroit, Mich. 48209. By application filed April 20, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting: Used household goods, between Detroit, Mich., and points within the Detroit, Mich., commercial zone, on the one hand, and, on the other, points in Michigan within 50 miles of Detroit, restricted to shipments having an immediately prior or subsequent line-haul movement by rail, water, motor, or air and further restricted to shipments moving on through bills of lading for a forwarder operating under section 402 (b)(2) exemption. A prior report of the Commission, Review Board No. 4, decided November 15, 1968, and served November 22, 1968, as modified, found that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between the points indicated below. A report of the Commission on further consideration, Review Board No. 4, decided October 24, 1969, and served November 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic:

Between Detroit, Mich., on the one hand, and, on the other, points in Macomb, Wayne, St. Clair, Lapeer, Genesee, Oakland, Livingston, Shawassee, Ingham, Jackson, Washtenaw, Monroe, Lenawee, and Hillsdale Counties, Mich. The authority granted herein to the extent it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127864 (Sub-No. 1) (Republication), filed March 27, 1967, published in the FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. By application filed March 27, 1967, as amended, applicant, successor-in-interest to Paul W. Wills, Inc., of Cleveland, Ohio, seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities and between the points as indicated below under a continuing contract with a specified shipper. By orders dated November 4, 1968, and December 13, 1968, in No. MC-F-10237, the application to transfer the permit in No. MC-127864 (Sub-No. 1) to Harold W. Stewart, Inc., was denied without prejudice to the filing by applicant of appropriate pleadings seeking reopening and a grant of common carrier authority in No. MC-127864 (Sub-No. 1) since issuance of a permit in No. MC-127864 (Sub-No. 1) to the proposed transferee in light of the common control approved in No. MC-F-10237 would result in dual operations prohibited conditionally by sections 210 of the Interstate Commerce Act. By petition filed March 27, 1969, applicant has requested that the application be amended as set forth below to seek common carrier authority instead of contract carrier authority, thus eliminating the conflict with section 210 of the act. An order of the Commission, Operating Rights Board, dated October 31, 1969, and served November 7, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *scrap metal*, in dump vehicles, (1) between the port of entry on the international boundary line between the United States and Canada at or near Port Huron, Mich., on the one hand, and, on the other, points in Michigan, and

(2) between points in Michigan, on the one hand, and, on the other, points in Ohio (except Canton, and points in Cuyahoga, Geauga, Lorain, and Portage Counties); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that the grant of authority in this order, and applicant's existing authority that it duplicates, shall be construed as conferring only a single operating right. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Nos. MC-128943 (Sub-No. 1); MC-129114 (Sub-No. 1); MC-129115 (Sub-No. 1); MC-129377; and MC-129673 (Republications).

(1) No. MC 128943 (Sub-No. 1) filed January 25, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: C & T MOVING & STORAGE CO., INC., 4331 Factory Hill, San Antonio, Tex. 78219. Applicant's representative: Charles J. Nichols (same address as applicant).

(2) No. MC 129114 (Sub-No. 1) filed August 25, 1967, published in the FEDERAL REGISTER issue of September 21, 1967, and republished this issue. Applicant: MOLLERUP VAN & STORAGE CO., INC., OF OGDEN, UTAH, 2127 Lincoln Avenue, Ogden, Utah 84401. Applicant's representative: Richard H. Moffat, 1311 Walker Bank Building, Salt Lake City, Utah 84111.

(3) No. MC 129115 (Sub-No. 1) filed August 25, 1967, published in the FEDERAL REGISTER issue of September 14, 1967, and republished this issue. Applicant: MOLLERUP MOVING & STORAGE CO., INC., 2900 South Main Street, Salt Lake City, Utah 84115. Applicant's representative: Richard H. Moffat, 1311 Walker Bank Building, Salt Lake City, Utah 84111.

(4) No. MC 129377, filed August 27, 1967, published in the FEDERAL REGISTER issue of September 21, 1967, and republished this issue. Applicant: WALTER E. SMITH, doing business as SMITH TRANSFER & STORAGE COMPANY, 137 44th Street, Post Office Box 9215, Corpus Christi, Tex.

(5) No. MC 12973, filed January 26, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: SOUTHERN MOVING & STORAGE CO., a corporation, 3232 Pan Am Expressway North, Box 8100, San Antonio, Tex. 78201. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102.

By a prior report in the above-entitled proceedings, decided September 23, 1968, the Commission Review Board No. 1, found that each applicant had failed to establish that the present or future public convenience and necessity require the operations proposed, and that each application should be denied. Upon consideration of petitions filed by each applicant, the above-entitled proceedings were reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, acting as an Appellate Division. A report of the Commission on further consideration by Review Board No. 1, has determined that the present and future public convenience and necessity require operation by each applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below. An order of the Commission, Review Board No. 1, decided October 24, 1969, and served November 4, 1969, upon further consideration, finds that the present and future public convenience and necessity require operation by each applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic: In No. MC-128943 (Sub-No. 1): Between San Antonio, Tex., on the one hand, and, on the other, points in Frio, Atascosa, Wilson, Bexar, Medina, Guadalupe, Comal, Kendall, Kerr, Mays, Blanco, Karnes, Caldwell, Gonzales and Bandera Counties, Tex.

In No. MC-129114 (Sub-No. 1): Between points in Weber County, Utah, on the one hand, and, on the other, Cache and Salt Lake Counties, Utah. In No. MC-129115 (Sub-No. 1): Between points in Toole, Salt Lake, Utah, Wasatch, Summit, Duchesne, Davis, Morgan, and Weber Counties, Utah. In No. MC-129377: Between points in Calhoun, Refuggio, Goliad, San Patricio, Bee, Jim Welles, Nueces, Kleberg, Willacy, Kenedy, Cameron, Duvall, Live Oak, and Brooks Counties, Tex. In No. MC-129673: Between San Antonio, Tex., on the one hand, and, on the other, points in Bexar County, Tex.; that each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the applications as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129768 (Sub-No. 2) (Republication), filed June 17, 1968, published FEDERAL REGISTER issue of July 4, 1968, and republished this issue. Applicant: EDWARD S. JOHNSON, doing business as JOHNSON'S LIMOUSINE SERVICE, Box 215, Frederica, Del. 19946. By application filed June 17, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of passengers and their baggage, transporting not more than 11 passengers in any one vehicle in special operations, from Dover Air Force Base, near Dover, Del., to Baltimore, Md.; McGuire Air Force Base, near Wrightstown, N.J.; Newark, N.J.; Washington, D.C.; Dulles International Airport in Loudoun

County, Va., Philadelphia, Pa., and New York, N.Y. A Report of the Commission, Division 1, decided October 24, 1969, and served November 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, transporting not more than 11 passengers in any one vehicle, not including the driver, in special operations, from Dover Air Force Base, near Dover, Del., to Baltimore, Md., Friendship International Airport, near Baltimore, Md., McGuire Air Force Base, near Wrightstown, N.J., Newark, N.J., Washington, D.C., Washington National Airport, near Washington, D.C., Dulles International Airport, in Loudoun County, Va., Philadelphia, Pa., and New York, N.Y., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notices of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OF PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 99695 (Sub-No. 4), filed October 19, 1969. Applicant: ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, Ark. 72203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, over regular and/or irregular routes as follows: (1) Between Texarkana, and Corning, Ark., over U.S. Highway 67 to Corning and return over the same route, serving all intermediate points; (2) between junction of U.S. Highways 64 and 65, and Eudora, Ark.; from junction of U.S. Highways 64 and 65 (near Conway), over U.S. Highway 65 to Eudora, and return over the same route, serving all intermediate points; (3) between Little Rock, and Thornton, Ark.; over U.S. Highway 167 to Thornton, and return over the same route, serving all intermediate points; (4) between junction of Arkansas State Highway 81 and U.S. Highway 65, and Hamburg, Ark.; from the junction of Arkansas State Highway 81 with the junction of U.S. Highway 65 (near Pine Bluff), over Arkansas Highway 81 to Hamburg, and return over the same route, serving all intermediate points; (5) between junction U.S. Highway 165 and U.S. Highway 65, and Wilmot, Ark.; from the junction of U.S. Highway 165 and U.S. Highway 65 (near Dermott), over U.S. Highway 165 to Wilmot, and return over the same route, serving all intermediate points;

(6) Between West Memphis, and Little Rock, Ark., over U.S. Highway 70 to Little Rock, and return over the same route, serving all intermediate points; (7) between Fort Smith, and Conway, Ark. over U.S. Highway 64 to Conway, and return over the same route, serving all intermediate points; (8) between Hot Springs, and Kirby, Ark., over U.S. Highway 70 to Kirby and return over the same route, serving all intermediate points; (9) between Alma, and Bentonville, Ark., over U.S. Highway 71 to Bentonville, and return over the same route, serving all intermediate points; (10) between Marianna, and Fordyce, Ark., over U.S. Highway 79 to Fordyce and return over the same route, serving all intermediate points; (11) between Thornton, and Magnolia, Ark., over U.S. Highway 79 to Magnolia, and return over the same route, serving all intermediate points; (12) between Pine Bluff, and Warren, Ark., over Arkansas State Highway 15 to Warren, and return over the same route, serving all intermediate points; (13) between junction of U.S. Highway 167 and U.S. Highway 67, and Batesville, Ark.; from the junction of U.S. Highway 167 and U.S. Highway 67 (near Bald Knob), over U.S. Highway 167 to Batesville, and return over the same route, serving all intermediate points; (14) between Jonesboro, and West Memphis, Ark., over U.S. Highway 63 to West Memphis, and return over the same route, serving all intermediate points; (15) between Jonesboro, and Paragould, Ark., over Arkansas Highway 1 to Paragould, and return over the same route, serving all intermediate points:

(16) Between Marianna, and Helena, Ark.; from Marianna south over Arkansas Highway 1 to junction with U.S. Highway 49, thence east over U.S. Highway 49 to Helena, and return over the same route, serving all intermediate points; (17) between Texarkana, and El Dorado, Ark., over U.S. Highway 82 to El Dorado, and return over the same route, serving all intermediate points; (18) between Hamburg, and Crossett, Ark., over U.S. Highway 82 to Crossett, and return over the same route, serving all intermediate points; (19) between Kirby, and Nashville, Ark., over Arkansas State Highway 27 to Nashville, and return over the same route, serving all intermediate points; (20) between Wynne, and Marianna, Ark., over Arkansas State Highway 1 to Marianna, and return over the same route, serving all intermediate points; (21) between Stuttgart, Ark., and the junction of Arkansas State Highways 152 and 11; from Stuttgart over Arkansas Highway 11 to junction with Arkansas Highway 11 to junction with Arkansas Highway 152, and return over the same route, serving all intermediate points; (22) between junction of Arkansas Highway 152 and 11 and DeWitt, Ark.; from junction of Arkansas State Highways 152 and 11 (near Lodge Corner), over Arkansas Highway 152 to DeWitt, and return over the same route, serving all intermediate points; (23) between El Dorado, and Smackover, Ark. over Arkansas Highway 7 to Smackover, and return over the same route, serving all intermediate points; (24) between Morrilton, and Perry, Ark., over Arkansas Highway 9 to Perry, and return over the same route, serving all intermediate points;

(25) Between Stuttgart, Ark., and junction of U.S. Highway 70 and Arkansas Highway 11; from Stuttgart over Arkansas Highway 11 to junction with U.S. Highway 70, and return over the same route, serving all intermediate points; (26) between Malvern, and Hot Springs, Ark., over U.S. Highway 270 to Hot Springs, and return over the same route, serving all intermediate points; (27) between Perry, and Greenwood, Ark., over Arkansas Highway 10 to Greenwood, and return over the same route, serving all intermediate points; (28) between Greenwood, and Fort Smith, Ark., over U.S. Highway 71 to Fort Smith, and return over the same route, serving all intermediate points; (29) between junction of Arkansas Highway 14 and U.S. Highway 63, and Batesville, Ark.; from the junction of Arkansas Highway 14 and U.S. Highway 63 (near Marked Tree) over Arkansas Highway 14 to Batesville, and return over the same route, serving all intermediate points; (30) between Little Rock, and Perry, Ark., over Arkansas Highway 10 to Perry, and return over the same route, serving all intermediate points; (31) between the junction of Arkansas River and Arkansas State Highway 60 and Plainview, Ark.; from the junction of the Arkansas River and Arkansas State Highway 60 (near Conway) over Arkansas Highway 60 to Plainview, and return over the same route, serving all intermediate points; (32) between the junction of Arkansas State Highways 113 and 60, and the junction of Arkansas Highways 113 and 10; from the junction of Arkansas State Highway 113 and Arkansas Highway 60 (north of Bigelow) over Arkansas Highway 113 to junction with Arkansas Highway 10 (east of Williams Junction), and return over the same route, serving all intermediate points, and the off-route point of Fourche, Ark.;

(33) Between the junction of Arkansas Highway 7 and Arkansas Highway 60, and Ola, Ark.; from the junction of Arkansas Highways 7 and 60 (near Fourche Junction) over Arkansas Highway 7 to Ola, and return over the same route, serving all intermediate points; (34) between Rover, and Ola, Ark., over Arkansas Highway 28 to Ola, and return over the same route, serving all intermediate points, and the off-route point of Kingston, Arkansas; (35) between Rover, and Danville, Ark., over Arkansas Highway 27 to Danville, and return over the same route, serving all intermediate points; (36) between Booneville, and State Sanitarium, Ark.; from Booneville south over Arkansas Highway 23 to junction Arkansas Highway 116, thence over Arkansas Highway 116 to State Sanitarium and return over the same route, serving all intermediate points; (37) between Camden, and Smackover, Ark., over Arkansas Highway 7 to Smackover, and return serving no intermediate points as an alternate route only. Restriction: The authority herein granted is restricted against serving point in Oklahoma within the Fort Smith, Ark., commercial zone as defined by the Commission. NOTE: Applicant proposes to tack all routes shown above with each other at common points of joinder to render a through single-line service between all points and places on all highways shown. (1) This application is a matter directly related to MC-F-10574, published in FEDERAL REGISTER issue of August 13, 1969. Applicant states by this instant application it seeks to convert its certificate of registration into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 109821 (Sub-No. 28) filed October 16, 1969. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Robert DeKroyft, 24 Branford Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those commodities injurious to other lading); (1) Between Niagara Falls and Binghamton, N.Y.: (a) From Niagara Falls to Buffalo over New York Highway 384; thence over New York Highway 130 and U.S. Highway 20 to the intersection of U.S. Highway 20 and New York Highway 63; thence over New York Highway 63 to Wayland; thence over U.S. Highway 15 to Painted Post; thence over New York Highway 17 to Binghamton, including alternate routes between Big Flats Elmira over New York Highway 17E; and (b) between Owego (sic) and Binghamton over New York Highway 17C, with no service from, to or between any intermediate points lying between Buffalo and Wayland; (2) Between Corning and Homer, N.Y.: From Corning over New York Highway 17 to Horseheads; thence over New York Highway 13 to Cortland; thence over U.S. Highway 11 to Homer; (3) Between Homer and Binghamton, N.Y., over U.S. Highway 11;

(4) Between Bath and Elmira, N.Y.: From Bath over New York Highway 54 or over New York Highway 54 and 54A to Dresden; thence over New York Highway 14 to Horseheads; thence over New York Highway 13 and New York Highway 17 to Elmira; including an alternate route from Penn Yan over New York Highway 14A to its junction with New York Highway 14; and (5) between Buffalo and Homer, N.Y.: From Buffalo over New York Highway 130 to its junction with U.S. Highway 20, thence over U.S. Highway 20 to its intersection with U.S. Highway 11, thence over U.S. Highway 11 to Homer, with no service from, to or between any intermediate points; and including service between all intermediate points on the foregoing routes, and the following off-route points: Chenango Bridge and Chenango Forks (Broome County), N.Y.; Akron, Amherst, Blasdell, Clarence Center, Depew, East Aurora, Hamburg, Jewettville, Kenmore, Lackawanna, Orchard Park, Sloan, Snyder, and Williamsville (Erie County), N.Y.; Breesport, Erin, Pine City, Southport, Van Etten, Webbsmills, and Wellsburg (Chemung County), N.Y.; Burdett, Cayutta, and Odessa (Schuyler County), N.Y.; Addison, Arkport, Campbell, Canisteo, Erwins, Greenwood, Hornell, Howard, Jasper, North Hornell, Presho, Rheims, and Woodhull (Steuben County), N.Y.; McGraw and Preble (Cortland County), N.Y.; Candor and Spencer (Tioga County), N.Y.; and Groton, Ludlowville, Myers, North Lansing, South Lansing, and Trumansburg, (Tompkins County), N.Y. NOTE: No duplicate authority is being sought. Common control may be involved. This is a matter directly related to MC-F-10639, published in the FEDERAL REGISTER issue of October 29, 1969. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

TRANSFER APPLICATIONS UNDER SECTION 212(b) WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

No. MC-FC-71511. SARDO'S DELIVERY SERVICE, INC., Seaford, N.Y., transferee, and MARKING SERVICES, INC., Jersey City, N.J., transferor. Attorney for applicants: Arthur J. Piken, 160 Jamaica Avenue, Jamaica, N.Y. By application filed June 30, 1969, under section 212(b) of the Act, the above-named transferee seeks to acquire a portion of the operating rights in certificate No. MC 133087 issued January 14, 1969, to transferor, authorizing the transportation of general commodities, between points in Nassau and Westchester Counties, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J.

By order of the Commission, Division 3, entered in the subject proceeding November 14, 1969, the matter of the transfer No. MC-FC-71511 is assigned for hearing at a time and place to be hereafter designated, for the purpose of determining, among other things, whether transferor, Marking Services, Inc., is affiliated with, and operated under common control with the carrier holding authority from this Commission in No. MC-61420, New Deal Delivery Services, Inc., and whether such control and management was accomplished and continuing in violation of section 5(4) of the Act; that the subject transfer application may be improperly tendered under section 212(b) and is properly for determination under the provisions of section 5 of the Act, by reason of aggregate gross revenues of the parties, for the period prescribed by the Commission, having exceeded $300,000.

Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence. The Bureau of Enforcement has been directed to participate for the purpose of developing the record.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR Part 240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10660. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth Street, South Dartmouth, Mass. 02748, of the operating rights and certain property of EDWARD F. MILOVICZ, doing business as PULASKI MOTOR EXPRESS, Port Street, Pulaski, N.Y. 13142, and for acquisition by GEORGE VIGEANT, 6 Stetson Street, New Bedford, Mass., of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Syracuse, N.Y., and Lacona, N.Y., serving the intermediate points of Pulaski and Sandy Creek, N.Y., and those between Pulaski and Syracuse; and the off-route points of Fernwood, Parish, and Selkirk Beach, N.Y., between Syracuse, N.Y., and Hastings, N.Y., serving all intermediate points, and the off-route points of CCC Camp 130 near Williamstown, N.Y., and CCC Camp 113 near Camden, N.Y. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, New Jersey, New York, Connecticut, Vermont, Maine, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10661. Authority sought for continuance in control by JOHN C. HOOPER and LEWIS E. HOOPER, Suite 1600, 225 Baronne Street, New Orleans, La. 70112, of INTRACOASTAL TRANSFER LINE, INC., 1200 Peters Road, Harvey, La. 70058. Applicants' attorney: Daniel Lund, 806 National Bank of Commerce Building, New Orleans, La. 70112. Operating rights sought to be controlled: Temporary authority under Docket No. MC-133594 Sub-1TA, covering the transportation of gypsum, gypsum products, and building materials, as a contract

carrier, over irregular routes, from Westwego, La., to points in Alabama, and Mississippi, and points in Florida on and west of U.S. Highway 319, with restriction. (The Issuance of a Permit Is Contingent Upon Approval of This Section 5(2) Application, pursuant to the order in No. MC–133594, by the Operating Rights Board, dated Aug. 28, 1969.) JOHN C. HOOPER nor LEWIS E. HOOPER, individually, hold no authority from this Commission. However, they control INTRACOASTAL TRUCK LINE, INC., 1200 Peters Road, Post Office Box 354, Harvey, La., which is authorized to operate as a *common carrier* in Louisiana, Mississippi, Alabama, Georgia, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10662. Authority sought for purchase by WEST FARMS EXPRESS, INC., 1095 Close Avenue, Bronx, N.Y. 10472, of the operating rights of C. ANELLO, INC., 307 Kingsland Avenue, Brooklyn, N.Y. 11222, and for acquisition by BERNARD SEIGEL and OSCAR KAZDIN, both also of Bronx, N.Y., of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Operating rights sought to be transferred: Under a certificate of registration in No. MC–97495 Sub-No. 1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10663. Authority sought for purchase by ROBBINS TRUCK LINE, INC., Hardinsburg, Ky., of a portion of the operating rights and certain property of MEADE TRANSPORT, INC., 2021 Mill Avenue, Owensboro, Ky., and for acquisition by E. D. ROBBINS, also of Hardinsburg, Ky., of control of such rights and property through the purchase. Applicants' attorney: Rudy Yessin, Sixth Floor, McClure Building, Post Office Box 457, Frankfort, Ky. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Rhodelia, Ky., and Louisville, Ky., serving the intermediate and off-route points of Andyville, Paynesville, Sirocco, Brandenburg, Garrett, Grahamton, Mooleyville, Concord, and Ekron, Ky., between West Point, Ky., and Louisville, Ky., serving all intermediate points, with restriction; between Owensboro, Ky., and Falls of Rough State Park, Ky., serving all intermediate points, and off-route points within 3 miles of the described route but restricted against serving any points in Indiana within the Owensboro, Ky., commercial zone, as defined by the Commission, between Harned, Ky., and Falls of Rough State Park, Ky., serving all intermediate points, and off-route points within 3 miles of the described route; between Fordsville, Ky., and Hardinsburg, Ky., serving all intermediate points and off-route points within 3 miles of the specified route, between Hawesville, Ky., and Fordsville, Ky., serving all intermediate points and off-route points within 3 miles of the specified route, with restriction; and a portion under a certificate of registration, in Docket No. MC–923 Sub-6, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Kentucky. Vendee is authorized to operate under certificates of registration, in intrastate commerce within the State of Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10664. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502, of the operating rights of FOX VALLEY EXPRESS, INC., Route 1, Box 7, Bristol, Ill. 60512, and for acquisition by FUQUA INDUSTRIES, INC., 3800 First National Bank Building, Atlanta, Ga. 30303, of control of such rights through the purchase. Applicants' attorney: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–85940 Sub-No. 2, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a common carrier in Ohio, Illinois, Indiana, New York, Missouri, Pennsylvania, Michigan, Minnesota, Wisconsin, Kentucky, West Virginia, Maryland, Massachusetts, New Jersey, Iowa, Delaware, Colorado, Nebraska, Wyoming, Kansas, Connecticut, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC–35628 Sub-No. 301 is a matter directly related.

No. MC–F–10665. Authority sought for purchase by LEWISBURG TRANSFER COMPANY, INC., 1045 Verona Road, Lewisburg, Tenn. 37091, of a portion of the operating rights and certain property of ELK VALLEY FREIGHT LINE, INC., 317 Arlington Avenue, Nashville, Tenn. 37210, and for acquisition by JAMES J. WIECK, also of Lewisburg, Tenn., of control of such rights and property through the purchase. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Frank Ingraham, 1720 Parkway Towers, Nashville, Tenn. 37201. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Nashville, Tenn., and Fayetteville, Tenn., serving all intermediate points south of Shelbyville, Tenn., between Fayetteville, Tenn., and Ardmore, Tenn., serving all intermediate points; between Nashville, Tenn., and Lexington, Ky., serving no intermediate points, with restriction; between Ardmore, Tenn., and Birmingham, Ala., serving no intermediate points; between Lexington, Ky., and Wheeling, W. Va., serving Parkersburg, W. Va., as an intermediate point, with restriction; over two alternate routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in the State of Tennessee; and under a certificate of registration, in intrastate commerce, within the State of Tennessee. Application has been filed for temporary authority under section 210a(b). NOTE: No MC–65282 Sub-7 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14038; Filed, Nov. 25, 1969; 8:47 a.m.]

[Notice 1354]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 21, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission, authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 52110 (Sub-No. 113), filed November 10, 1969. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Cecil L. Goettsch, Des Moines Building, 11th floor, Des Moines, Iowa. 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles and except hides), from Glenwood, Iowa, to points in Maryland, New Jersey, New York, Pennsylvania, and Washington, D.C. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: December 15, 1969, in Room 271, Federal Building, 210 Walnut Street, Des Moines, Iowa, before Examiner James Anton.

No. MC 124174 (Sub-No. 76), filed November 17, 1969. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, 6801 L Street, Omaha, Nebr. 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: December 1, 1969, at the Sheraton-Fontenelle Hotel, 1806 Douglas Street, Omaha, Nebr., before Examiner James O'D. Moran.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14039; Filed, Nov. 25, 1969; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 21, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (unknown), filed November 12, 1969. Applicant: JOHN E. & LENORA K. BROWN, doing business as BROWN TRANSFER, 419 Spring Street, Box 602, Hot Springs, Mont. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities and express*, between Hot Springs, Mont., and Plains, Mont., over State Highway 28 and State Highway 200. The transportation of commodities in bulk is prohibited. The applicant proposes to transport no person, just express the Northern Pacific has and the freight delivered there at the rate of 75 cents per hundred pounds. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Montana Board of Railroad Commissioners, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT–627, filed October 7, 1969. Applicant: C. & L. TRANS, INC., 517 West 28th Street, New York, N.Y. 10011. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, as defined in section 800.1 of Title 16 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, between the city of New York on the one hand, and, on the other, all points in Rockland County. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York State Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. 3807, filed November 5, 1969. Applicant: ALAMO EXPRESS, INC., 51 Essex Street, San Antonio, Tex. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between the junction of Texas Highway 9 and Farm-to-Market Highway No. 72, thence over Farm-to-Market Highway No. 72 in a northeastern direction approximately 3.5 miles to the plantsite of Susquehanna Western, and return over the same route, and coordinating such service with all other authorized service of the applicant. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after notice in the FEDERAL REGISTER. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. M–5273, filed October 30, 1969. Applicant: ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, Ark. 72203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, serving the plantsite of the Remington Arms Co., a subsidiary of E. I. du Pont de Nemours, Inc., in Lonoke County, Ark., in conjunction with its authorized routes. Both intrastate and interstate authority sought.

HEARING: Tuesday, December 30, 1969, at 10 a.m., at the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 5332, filed November 4, 1969. Applicant: HARLAN HENRY AND MARDELLO FORD, a partnership, doing business as COOKEVILLE FREIGHT LINE, Monterey Road, Post Office Box 43, Cookeville, Tenn. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods and classes A and B explosives and except for commodities requiring special equipment and/or special handling, and commodities in bulk, between Nashville, Tenn., on the one hand, and, on the other, points and places in Putnam County, Tenn. as follows: (1) From Nashville over Interstate 40 to the Putnam County line, thence over Interstate 40 and any and all other highways to all points and places in Putnam County, and return over the same routes; and (2) from Nashville over U.S. Highway 70 North to the Putnam County line, thence over U.S. Highway 70 North and any and all other highways to all points and places in Putnam County, and return over the same route. Both intrastate and interstate authority sought.

HEARING: Friday, January 23, 1970, at 9:30 a.m., C–100 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10571, filed October 22, 1969. Applicant: OZONE MOTOR LINE, INC., 4552 North Villere Street, New Orleans, La. Applicant's representative: John Schwab, 617 North Boulevard, Baton Rouge, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, in both directions, between Baton Rouge, La., and St. Francisville, La., over U.S. Highway 61, serving all intermediate points and all points within 5 miles of U.S. Highway 61 between Baton Rouge, La., and St. Francisville, La., and the off-route point of Zee, La. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14043; Filed, Nov. 25, 1969; 8:47 a.m.]

[Notice 945]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 21, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29566 (Sub-No. 138 TA), filed November 17, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; materials, equipment, and supplies, used or useful in the production, manufacture and distribution of the above described commodities; and related premium and advertising materials when shipped with the above described commodities* (except commodities in bulk), between the plant site of the Charmin Paper Products Co., located at or near Neelys Landing, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Colorado, Kansas, Oklahoma, and Arkansas, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 73688 (Sub-No. 37 TA), filed November 18, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Paul A. Costin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and/or components, and cast iron fire hydrants*, from Birmingham, Ala., to points in Arkansas, Oklahoma, and all points on and west of U.S. Highway 45 and 45E, in Tennessee, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala. 35202 (Walter M. Boyce, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 96498 (Sub-No. 31 TA), filed November 17, 1969. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Post Office Box 40, West Frankfort, Ill. 62896. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth, and materials, equipment and supplies used or useful in the production, manufacture and distribution of the above-described commodities; and related premium and advertising materials when shipped with the above-described commodities*, between the plantsite of the Charmin Paper Products Co., located at or near Neely's Landing, Mo., and Cape Girardeau, Mo., from Cape Girardeau over U.S. Highway 61 to the junction of unnumbered Missouri Highway at Fruitland, Mo., thence over unnumbered Missouri Highway to the plantsite of the Charmin Paper Products Co., located at or near Neely's Landing, Mo., and return over the same routes, serving no intermediate points, for 180 days. NOTE: Applicant intends to tack with authority in MC–96498 and also interline points at St. Louis, Chicago, Evansville, and Paducah. Supporting Shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 103993 (Sub-No. 462 TA) (Correction), filed October 10, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, and republished as corrected, this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck campers, camp coaches, and trailers* designed to be drawn by passenger automobiles, from Loyal, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Ohio, South Dakota, Texas, and Wisconsin, for 180 days. NOTE: The purpose of this republication is to include tacking information, which was inadvertently omitted. Supporting shipper: Black River Campers Corp., Main Street, Loyal, Wis. 54446. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107227 (Sub-No. 111 TA), filed November 17, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from Benicia, Calif., to Ely, Fallon, Reno, and Sparks, Nev., and Bountiful, Cedar City, Murray, Ogden, Provo, and Salt Lake City, Utah, with no return movements, except as otherwise authorized, for 180 days. Supporting shipper: Toyota Motor Sales, U.S.A., Inc., 2055 West 190th Street, Torrance, Calif. 90509. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 107295 (Sub-No. 247 TA), filed November 17, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Systems, suspension, acoustical ceiling tile and necessary fittings, fixtures and hardware for installation and completion, and furring or studding including necessary clips, couplings, and locks and mouldings for installation*, from the plantsite of Chicago Metallic Corp., Chicago, Ill., to points in the United States, except points in Washington, Oregon, California, Nevada, Arizona, Alaska, Hawaii, North Dakota, South Dakota, Vermont, and Illinois, for 180 days. Supporting shipper: Chicago Metallic Corp., 4849 South Austin Avenue, Chicago, Ill. 60638. Send protests to: Harold C. Jolliff, District Supervisor; Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 118959 (Sub-No. 56 TA), filed October 31, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or materials, equipment, supplies used or useful in the production, manufacture, and distribution of the above-described commodities; and related premium and advertising materials when shipped with the above-described commodities*, between the plantsite of Charmin Paper Products Co., at or near Neely's Landing, Mo., on the one hand, and, on the other, Kansas, Iowa, Illinois, Indiana, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, New Mexico, Arizona, and California, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 120543 (Sub-No. 64 TA), filed November 17, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from ports of entry on international boundary between the United States and Canada at Buffalo, Niagara Falls, Champlain, N.Y. (shipments originating in Canada), to points in Florida, for 180 days. Supporting shipper: Atlantic Commodities Ltd., Post Office Box 153, Halifax, Nova Scotia. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133803 (Sub-No. 2 TA), filed November 18, 1969. Applicant: B & W DISTRIBUTORS CORP., 11 Franklin Avenue, Rye, N.Y. 10580. Applicant's representative: Arthur J. Piken, 160–16 Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Jersey City, N.J., to points in New York, New Jersey, and Connecticut, for 150 days. Supporting shipper: New York Magazine, 207 East 32d Street, New York, N.Y. 10016. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133970 (Sub-No. 1 TA), filed November 18, 1969. Applicant: CHARLES BOGGESS, doing business as BOGGESS TRANSFER, Pine Grove Addition, Nitro, W. Va. 25143. Applicant's representative: John M. Friedman, 410 Lawson Street, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wetting agents and methanol and reclaimed materials and supplies or containers* used in the manufacturing and shipment of wetting agents and methanol, except, commodities in bulk, for the account of Fike Chemicals, Inc., between Nitro, W. Va., and points in Ohio, Kentucky, Virginia, Pennsylvania, Maryland, Illinois, Indiana, Delaware, New York, and New Jersey, for 180 days. Supporting shipper: Fike Chemicals, Inc., First Avenue and 11th Street, Nitro, W. Va. 25143. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 134142 TA, filed November 10, 1969. Applicant: BROWN REFRIGERATED EXPRESS, INC., Post Office Box 603, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Warner Building, Washington, D.C. 20404. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* (including cheese spread and cheese food), from Carthage, Mo., to Phoenix, Ariz.; National City, Santa Fe Springs, Richmond, and Sacramento, Calif.; Clackamas, Oreg.; Bellevue and Spokane, Wash.; Butte, Mont.; Denver, Colo.; and Salt Lake City, Utah; (2) *dairy products returned for salvage*, from points in California, Arizona, Washington, Oregon, Montana, Colorado, and Utah, to Carthage, Mo.; and (3) *agricultural commodities*, as that term is used in section 203(b)(6) of the Interstate Commerce Act, when moving at the same time and in the same vehicle with dairy products returned for salvage; from points in California, Arizona, Washington, Oregon, Montana, Colorado, Utah, Idaho, Nevada, Wyoming, and New Mexico, to Garland, Tex.; Kansas City, Kans.; Omaha, Nebr.; and Little Rock, Ark. Restriction: Service under the authority sought shall be restricted to that provided for transportation of shipments moving for the account of Safeway Stores, Inc., pursuant to a continuing bilateral contract between that company and Brown Refrigerated Express, Inc., for 180 days. Supporting shipper: Safeway Stores, Inc., 5755 East 14th Street, Oakland, Calif. 94621. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134152 TA, filed November 18, 1969. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South Street, Salt Lake City, Utah 84101. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned soft drinks*, from the plantsite of Canners for Coca-Cola Bottlers, Inc., at 2269 South 3270 West Street, Salt Lake City, Utah, on the one hand, to Grand Junction and Glenwood Springs, and Twin Falls, Idaho; Kalispell, Great Falls, Helena, Miles City, and Lewistown, Mont., and Ely, Nev., for 180 days. Supporting shipper: Canners for Coca-Cola Bottlers, Inc., Post Office Box 1747, Atlanta, Ga. 30301. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14040; Filed, Nov. 25, 1969; 8:47 a.m.]

[Notice 450]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 21, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71613. By order of November 13, 1969, the Motor Carrier Board approved the transfer to Thomas J. Peck & Sons, Inc., Lehi, Utah, of certificate Nos. MC–112076 (Sub-No. 8) and MC–112076 (Sub-No. 10), issued May 31, 1961, and October 21, 1961, respectively, to Lowell H. Rasmussen, Salt Lake City, Utah, authorizing the transportation of:

Crude clay, in bulk, from the site of the Interstate Brick Co. mine near Evanston, Wyo., to the site of the Interstate Brick Co. plant, Salt Lake County, Utah, and from the mines of the Harrisville Brick Co. near Evanston, Wyo., to the plantsite of the Harrisville Brick Co., Harrisville, Utah. David K. Winder, 604 Boston Building, Salt Lake City, Utah 84111, attorney for applicants.

No. MC-FC-71689. By order of November 14, 1969, the Motor Carrier Board approved the transfer to Pack Transport, Inc., Salt Lake City, Utah, of the operating rights in corrected certificate No. MC-2887 and certificates Nos. MC-2887 (Sub-No. 1), MC-2887 (Sub-No. 2), MC-2887 (Sub-No. 3), and MC-2887 (Sub-No. 5), issued May 10, 1937 (effective June 9, 1937), December 7, 1939, September 30, 1940, July 19, 1950, and November 17, 1959, respectively, to Lynn Cox, Woodruff, Utah 84086, authorizing the transportation, over regular routes, of general commodities between Evanston, Wyo., and Randolph, Utah, serving the off-route point of Woodruff, Utah, and coal from Kemmerer, Wyo., to Woodruff, Utah, and from Almy, Wyo., to Randolph, Utah, serving the intermediate point of Woodruff, Utah; and, over irregular routes, of cement, in bags, during the season June 1 through October 31, from Devil's Slide, Utah, to Randolph, Utah, traversing Wyoming when necessary, coal from Kemmerer, Wyo., and points within 8 miles thereof, to Garden City, Laketown, and Smithfield, Utah, and points within 2 miles of each, and from points in Lincoln, Sweetwater, and Uinta Counties, Wyo., to Garden City and Laketown, Utah, and points in Cache County, Utah, and flour and mill feeds from Malad City, Idaho, and Logan and Smithfield, Utah, to specified points in Wyoming and Utah. Max D. Eliason, 3015 Bonnie Brae Avenue, Post Office Box 2602, Salt Lake City, Utah 84110, attorney for transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14041; Filed, Nov. 25, 1969; 8:47 a.m.]

[Notice 450A]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 21, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71791. By application filed November 20, 1969, INDIAN RIVER TRANSPORT COMPANY, Post Office Box 1749, Fort Pierce, Fla. 33450, seeks temporary authority to lease the operating rights of ERVIN KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 1599 Levering Avenue, Elkridge, Md., under section 210a(b). The transfer to INDIAN RIVER TRANSPORT COMPANY, of the operating rights of ERVIN KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14042; Filed, Nov. 25, 1969; 8:47 a.m.]

[Notice 449]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71690. By order of November 13, 1969, the Motor Carrier Board approved the transfer to Garrett & Thomas Livestock Transportation Co., Inc., Los Angeles, Calif., of the operating rights in certificates Nos. MC-126145, MC-126145 (Sub-No. 2), MC-126145 (Sub-No. 4), MC-126145 (Sub-No. 6), MC-126145 (Sub-No. 8), and MC-126145 (Sub-No. 10) issued September 1, 1965, December 10, 1965, October 18, 1965, March 22, 1966, March 28, 1967, and March 21, 1968, respectively to Phillips Trucking, a corporation, 20299 Valley Boulevard, Rialto, Calif., authorizing the transportation, over irregular routes, of dry manufactured fertilizer, in bulk, from and to points in specified parts of California and Arizona, aggregates used in the manufacture of concrete and concrete products between points in a specified part of California and points in Arizona, potash, in bulk, from Trona, Calif., to points in Arizona, and aggregates (except cement and pozzolan) from points in specified counties in California to points in specified counties in Nevada and from Las Vegas, Nev., to points in specified counties in California. Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027, representative for transferee.

No. MC-FC-71679. By order of November 12, 1969, the Motor Carrier Board approved the transfer to Ford Truck Lines, Inc., 4115 Holly Street, Loris, S.C. 29569, of the operating rights in certificate No. MC-101133 issued August 29, 1951, to Boyd Rivers Ford, Sr., doing business as Ford's Fuel Service, Loris, S.C., authorizing the transportation of fertilizer, from Wilmington, N.C., and points within 10 miles thereof, to points in Horry County, S.C.; hardware, from Wilmington, N.C., to Nixons Cross Roads, S.C.; roofing, from Port Wentworth, Ga., to Conway and Loris, S.C., and acetylene and oxygen, in steel cylinders, from Charlotte, N.C., to Conway, S.C.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-13982; Filed, Nov. 24, 1969; 8:48 a.m.]

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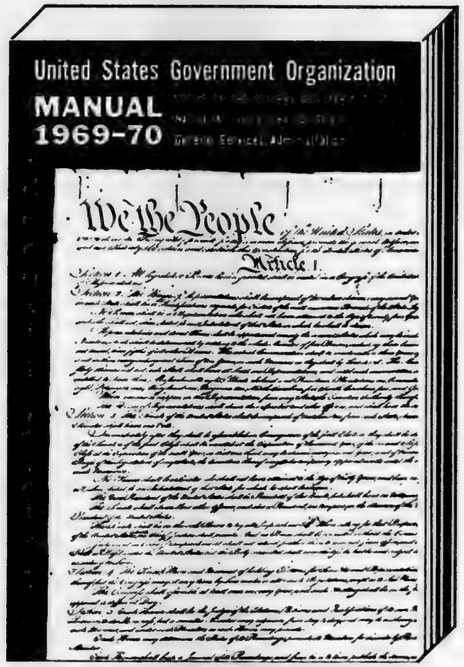
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Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1969 ed.), as amended February 1, 1969 (34 F.R. 1586), June 3, 1969 (34 F.R. 8697), July 1, 1969 (34 F.R. 11081), and August 1, 1969 (34 F.R. 12561), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

TWO HOURS

Add: New Orleans, La.

THREE HOURS

Delete: New Orleans, La.

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Portal, N. Dak. (served from Kenmare, N. Dak.).

FOUR HOURS

Delete: Mauna, Oreg. (served from Portland, Oreg.).

FIVE HOURS

Add: Coos Bay, Oreg. (served from Roseburg, Oreg.).
Add: Mapleton, Oreg. (served from Roseburg, Oreg.).

SIX HOURS

Add: Newport, Oreg. (served from Roseburg, Oreg.).
Add: Wedderburn, Oreg. (served from Roseburg, Oreg.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of November 1969.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-14115; Filed, Nov. 26, 1969; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-251]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Import Quotas on Coffee From Nonmember Countries of the International Coffee Organization

The Treasury Department has been requested by the Department of State to establish import quotas on nonmember coffee for the quota year begining November 15, 1969, at the level of 6,207,316 pounds. The limitation of imports of coffee from nonmember countries is required by article 45 of the International Coffee Agreement, 1968, which continued the International Coffee Agreement, 1962.

The only country for which a specific quota is being maintained is Yemen, for which the quota is 1,851,864 pounds. The remainder is being allotted to the basket quota. The limitation on entering not more than 50 percent of each quota during the first 6 months of the quota year is being continued.

Section 12.71 (a) and (b) of the Customs Regulations is accordingly amended to read as follows:

§ 12.71 Import quotas on coffee produced in nonmember countries of the International Coffee Organization.

(a) The following import quota for the 12-month period beginning on November 15 in any year on coffee produced in a nonmember country of the International Coffee Organization is established pursuant to article 45 of the International Coffee Agreement, 1968, for the following country. Not more than 50 percent of the amount of the quota may be entered during the first 6 months of the year (November 15–May 14).

Country	*Quota in Pounds of Green Coffee*
Yemen	1,851,864

(b) All coffee not specifically identified as a product of or shipment from a member country and not charged to the quota of Yemen shall be charged to an annual basket quota of 4,355,452 pounds of green coffee, not more than 50 percent of which may be entered during the first 6 months of the year (November 15–May 14). Coffee from Yemen shall be charged to the basket quota during each 6-month period after the quota for that country has been filled.

* * * * * *

(Sec. 302(1), 82 Stat. 1348; 19 U.S.C. 1356f (1). E.O. 11449, Jan. 22, 1969, 34 F.R. 917)

Effective date. This amendment shall become effective as of November 15, 1969.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: November 18, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14105; Filed, Nov. 26, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Import Reg. 1, Rev. 5, Amdt. 1]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

LICENSES FOR IMPORTATION OF CERTAIN CHEESE AND OTHER PRODUCTS

Import Regulation 1, Revision 5, governing the manner in which licenses may be obtained and used for the importation of certain articles subject to import restrictions proclaimed pursuant to section 22, as amended, is amended to provide for the issuance of licenses on a nonhistorical basis for Italian-type cheese, made from cow's milk, not in original loaves (TSUS item 950.10A) and milk chocolate crumb (TSUS item 950.15) and to provide with respect to all nonhistorical quota shares, except those for which 1969 quota year eligibility was established, that each share will be permitted to be imported from only one country of origin and the quantity thereof shall not be less than 2,500 pounds.

1. Section 6.25(b) is amended by inserting "(1)" after the heading "Nonhistorical eligibility" and adding a new paragraph at the end thereof as follows:

2. Any person who is not eligible under paragraph (a) of this section to receive a license to import chocolate provided for in Group VII of appendix I shall be eligible to obtain a license to

import a quota share thereof upon submission of (i) evidence satisfactory to the Licensing Authority that such person, during the quota year preceding that for which application is made, imported for commercial processing chocolate provided for in items 156.25 or 156.47 of part 10, schedule 1, of the Tariff Schedules of the United States and (ii) a certification by such person that he is not a part of or an affiliate of the business of any other person eligible for an import license for chocolate provided for in Group VII of appendix I and is not an officer, member, partner, associate, or employee of such business.

§ 6.26 [Amended]

2. Section 6.26(a) is amended as follows:

a. The following is added to the table:

Italian-type cow's milk cheese in other than original loaves	950.10A	5,000
Milk chocolate crumb	950.15	20,000

b. The paragraph following the table is amended to read as follows:

A nonhistorical quota share shall be determined on the following basis:

(1) A quota share for an article may not exceed the applicable maximum quota quantity set forth above nor the quantity requested by applicant.

(2) A quota share may not be less than 2,500 pounds and may be imported from only one country of origin, *Provided*, That such limitation shall not be applicable to a quota share for which 1969 quota year eligibility was established.

(3) Beginning with the 1970 quota year no new applications for nonhistorical licenses will be accepted for an article listed in Group II or for an article listed in Groups III, IV, V, VI, and VII to be imported from a specified country, if such acceptance would result in quota shares of less than 2,500 pounds.

(4) Subject to (i), (ii), and (iii) the amount set aside for nonhistorical licensees shall be allocated proportionately among eligible applicants for such licenses. Any amounts unallocated on this basis shall be made available for distribution to historical licensees.

3. Appendix 1 to Import Regulation 1, Revision 5, is hereby amended by deleting footnote 6 and changing Groups VI and VII to read as follows:

Group VI:[1]		
Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz), and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves (Item 950.10A):		
Argentina	1,347,000	134,700
Italy	104,500	10,450
Australia	13,700	None
Other countries	28,800	28,800
Group VII:[2]		
Chocolate provided for in item 156.30, of part 10, schedule 1, if containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection) (Item 950.15):		
Ireland	9,450,000	945,000
United Kingdom	7,450,000	745,000
Netherlands	100,000	100,000
Other countries	None	None

It is hereby determined that the foregoing amendment of Import Regulation 1, Revision 5, is necessary and must be made effective immediately in order to give persons an opportunity to establish eligibility for nonhistorical quota shares for Italian-type cheese, made from cow's milk, not in original loaves (TSUS item 950.10A) and milk chocolate crumb (TSUS item 950.15) for which licenses will be issued for the first time on a nonhistorical basis as of January 1, 1970. In view of the time element it is hereby determined that, with respect to the quota shares for such articles, the provisions of § 6.25(c), which requires that evidence to establish eligibility be submitted no later than 30 days preceding the quota year for which the license to import such commodity is first requested, be waived and that evidence establishing such eligibility must be received no later than December 15, 1969.

Therefore, it is found upon good cause that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 553) is impracticable, unnecessary, and contrary to the public interest and that this amendment shall be effective upon publication.

Proposals for amendment or modification of this amendment are invited. They may be addressed to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. All proposals should be accompanied by a written statement in explanation and support of such proposal.

(Sec. 3, 62 Stat. 1248, as amended; 7 U.S.C. 624; Proclamations 3548, 3558, 3562, 3597, 3709, 3790, 3822, 3856, 3870, and 3884 and sec. 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950); Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 24th day of November 1969.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[F.R. Doc. 69-14160; Filed, Nov. 26, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 185]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.485 Navel Orange Regulation 185.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 25, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 28, 1969, through December 4, 1969, are hereby fixed as follows:

(i) District 1: 890,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 110,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14212; Filed, Nov. 26, 1969; 11:34 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 11]

PART 1011—MILK IN THE APPALACHIAN MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Appalachian marketing area.

It is hereby found and determined that for the months of November 1969 through February 1970 the following provisions of the order no longer tend to effectuate the declared policy of the Act.

(1) In § 1011.11, "(1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February.":

(2) In § 1011.44, all of paragraph (c); and

(3) In § 1011.44(d), "located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city hall of Bluefield, W. Va., or from the city limits of Kingsport, Tenn.".

Statement of consideration. This suspension will permit unlimited diversion of milk during the months of November-December 1969 and January-February 1970 directly from dairy farmers to unregulated plants wherever located, and further provide for classification of such milk at its actual utilization.

Presently, the order limits the diversion of milk from a producer to not more than 15 days during the months of August through February. Current provisions also require automatic Class I utilization if milk is moved to an unregulated plant more than 200 miles from the near of the city hall of Bluefield, W. Va., or the city limits of Kingsport, Tenn.

Dairymen Inc. requested the suspension. This cooperative association, represents nearly all the producers in this market. This suspension order will tend to maximize returns to producers by increasing the opportunities to dispose of milk for fluid use. Also, it will reduce costs since it is more efficient to move milk directly from the farms of producers closest to unregulated plants (located more than 200 miles from either Bluefield or Kingsport) rather than receive such milk at a pool plant and then transfer the milk to distant unregulated plants.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions to maintain orderly marketing conditions in the marketing area in that it will permit much more economical and efficient handling of milk disposed of to unregulated milk plants;

(b) This suspension order is known to handlers and does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (34 F.R. 17776). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of November 1969 through February 1970.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 24, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-14087; Filed, Nov. 26, 1969; 8:45 a.m.]

[Milk Order 124; Docket No. AO 368]

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

Order Regulating Handling

Findings and determinations.—(a) *Findings upon the basis of the hearing* record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Oregon-Washington marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk including a handler's own production;

(ii) Other source milk allocated to Class I milk pursuant to § 1124.46(a)(4) and (8) and the corresponding steps of § 1124.46(b); and

(iii) Class I milk disposed of from a partially regulated distributing plant in

who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(4) The issuance of the base and excess plan of payment to producers, which is included in this order, is approved or favored by at least two-thirds of the producers who participated in a separate referendum in which each individual producer had one vote and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Oregon-Washington marketing area shall be in conformity to and in compliance with the following terms and conditions:

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1124.2 Department.
1124.3 Secretary.
1124.4 Person.
1124.5 Cooperative Association
1124.6 Oregon-Washington marketing area.
1124.7 Handler.
1124.8 Plants.
1124.9 Pool plant.
1124.10 Nonpool plant.
1124.11 Producer.
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1124.13 Producer milk.
1124.14 Other source milk.
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1124.17 Oregon base plan.
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1124.20 Designation.
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1124.44 Transfers.
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APPLICATION OF PROVISIONS

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1124.80 Producer-settlement fund.
1124.81 Payments to the producer-settlement fund.
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EFFECTIVE TIME, SUSPENSION OR TERMINATION

1124.90 Effective time.
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1124.100 Agents.
1124.101 Separability of provisions.

AUTHORITY: The provisions of this Part 1124 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

DEFINITIONS

§ 1124.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1124.2 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this order.

§ 1124.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers, and to perform the duties of the Secretary of Agriculture.

§ 1124.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1124.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1124.6 Oregon-Washington marketing area.

"Oregon-Washington marketing area" hereinafter called the "marketing area", means all territories within the perimetric boundaries of the counties listed below, including all territory as is now occupied and as may be occupied in the future by Government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments. Where such an establishment is partly within and partly without the designated boundaries, the marketing area shall include the entire area encompassed by such establishment.

OREGON COUNTIES

Benton.	Deschutes.
Clackamas.	Douglas.
Clatsop.	Gilliam.
Columbia.	Hood River.
Coos.	Jackson.
Jefferson.	Multnomah.
Josephine.	Polk.
Klamath.	Sherman.
Lane.	Tillamook.
Lincoln.	Umatilla.
Linn.	Wasco.
Marion.	Washington.
Morrow.	Yamhill.

WASHINGTON COUNTIES

Benton.	Pacific.[1]
Clark.	Skamania.
Cowlitz.	Wahkiakum.
Franklin.	Walla Walla.
Klickitat.	Yakima.
Lewis (the town of Vader only).	

§ 1124.7 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) A cooperative association with respect to milk of its member producers which is diverted from a pool distributing plant to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(e) A producer-handler; or

(f) Any person who operates an other order plant described in § 1124.61.

§ 1124.8 Plants.

(a) "Distributing plant" means a plant:

(1) That is approved by a duly constituted health authority for the processing or packaging of Grade A milk and which has route disposition in the marketing area during the month; or

(2) That processes or packages filled milk and has route disposition of filled milk in the marketing area during the month; and

(b) "Supply plant" means a plant from which filled milk or a fluid milk

[1] All territory south of T. 11 N. and Long Island and the North Beach Peninsula only.

product which has been approved by a duly constituted health authority for fluid consumption is shipped during the month to a distributing plant.

§ 1124.9 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempt pursuant to § 1124.60 or § 1124.61: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section:

(a) A distributing plant which during the month:

(1) Has route disposition, except filled milk, in the marketing area of 15 percent or more of its total receipts of Grade A milk, except packaged fluid milk products from other plants qualified under this paragraph, and from other order plants, filled milk and receipts of diverted milk from other pool plants and from other order plants;

(2) Has total route disposition, except as filled milk, both inside and outside the marketing area, of 30 percent or more of such receipts: *Provided*, That all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(b) Any supply plant from which 30 percent of its dairy farm supply of Grade A milk is moved, except as filled milk, during the month to a plant(s) qualified under paragraph (a) of this section. Any plant which has qualified under this paragraph in each of the months of August through February (or would have so qualified had the order been in effect) shall qualify under this paragraph in each of the following months of March through July unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through July unless it fulfills the shipping requirements of this paragraph for such month.

§ 1124.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The term includes, but is not limited to the following categories of plants:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this order) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an exempt plant, an other order plant, or a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1124.9.

(e) "Exempt plant" means a plant described in § 1124.60.

§ 1124.11 Producer.

"Producer" means any person (other than a producer-handler as defined in any Federal order, including this order) who produces milk approved by a duly constituted health authority for fluid consumption which milk is received at a pool plant or diverted to a nonpool plant within the limits set forth in paragraphs (a) and (b) of this section and subject to paragraphs (c), (d), (e), and (f). The term shall not include such person with respect to milk received at a pool plant from an other order plant by diversion if both buyer and seller have requested Class III milk classification in the reports of receipts and utilization filed with the respective market administrators:

(a) During March through July a cooperative association may divert for its account to a nonpool plant without limit the milk of any producer whose milk has been received previously at a pool plant. During the months of August through February such cooperative association may divert on others days the milk of any producer from whom at least three deliveries are received at a pool plant during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at pool distributing plants. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the 1st day of the month such agreement is effective. This request shall specify the basis for assigning any overdiverted milk to the producer members of each cooperative association according to a method approved by the market administrator;

(b) A handler in his capacity as the operator of a pool distributing plant may divert during any month of March through July for his account to a nonpool plant, without limit, the milk of any producer whose milk has been received previously at a pool plant other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section during the month. During the months of August through February such handler may divert on other days the milk of any producer from whom at least three deliveries are received during the month at his pool distributing plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at his pool distributing plant(s);

(c) In the event milk receipts from dairy farmers are diverted in excess of the applicable percentages pursuant to paragraphs (a) and (b) of this section, the diverting handler shall designate the dairy farmers whose milk was overdiverted and such overdiversions shall not be considered producer milk. If the handler fails to make such designation, only the milk of the dairy farmers which is physically received at a pool plant(s) by the diverting handler shall be producer milk for such month;

(d) For the purposes of the requirements of § 1124.9, milk diverted for the account of the operator of a pool distributing plant, except an operator which is also a cooperative association diverting milk in the same month pursuant to paragraph (a) of this section, shall be included in the receipts of the pool plant from which diverted;

(e) For the purposes of location adjustments pursuant to §§ 1124.52 and 1124.83, any milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted; and

(f) Milk moved from producers' farms to a nonpool plant may be diverted producer milk only if it is not fully subject to the pricing and pooling provisions of the other order and if both the diverting handler and the operator of the other order plant request Class III (or Class II) classification.

§ 1124.12 Producer-handler.

(a) "Producer-handler" means any person who operates a dairy farm and a milk processing plant from which there is route disposition in the marketing area during the month, and who receives no skim milk (including nonfat dry milk or condensed skim milk or skim milk recombined from nonfat dry milk or condensed skim milk) or butterfat from any source, other than his own production, for use in fluid milk products during the month: *Except* that such person may purchase from other pool plants packaged fluid milk products, other than whole milk, in an amount not in excess of an average of 100 pounds per day during the month; and

(b) Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products (excluding receipts from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

§ 1124.13 Producer milk.

"Producer milk" means the skim milk and butterfat handled by a pool plant operator or a cooperative association handler pursuant to § 1124.7 (c) and (d) as follows:

(a) Producer milk of a handler operating a pool plant is skim milk and butterfat in milk:

(1) Received at such pool plant directly from producers and cooperative association handlers pursuant to § 1124.7 (d), except receipts of diverted producer milk of another pool plant operator or diverted milk from an other order plant if diversion is claimed by the diverting handler and if both handlers have requested Class III classification of such diverted milk in their reports filed pursuant to § 1124.30;

(2) Diverted by the operator of such pool plant for his account to a nonpool plant subject to the limits prescribed in § 1124.11; and

(3) Diverted by the operator of such pool plant to another pool plant if he claims such diversion and if operators of both plants have requested Class III classification of such diverted milk in their report filed pursuant to § 1124.30;

(b) Producer milk of a cooperative association pursuant to § 1124.7(c) is skim milk and butterfat in milk received by such cooperative association from producers' farms and diverted for its account to a nonpool plant, subject to the limits prescribed in § 1124.11; and

(c) Producer milk of a cooperative association handler pursuant to § 1124.7(d) is skim milk and butterfat in milk received by such cooperative association from producers' farms in excess of the quantity delivered to pool plants. Such milk shall be priced at the location of the pool plant to which most of the milk in the tank truck was delivered during the month.

§ 1124.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products from any source except producer milk and fluid milk products received from pool plants;

(b) Products (except Class II milk products received from pool plants) other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for pursuant to § 1124.33.

§ 1124.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or with added nonfat solids) including "dietary milk products" reconstituted milk or skim milk, filled milk, concentrated milk not in hermetically sealed all metal containers, and mixtures of cream and milk or skim milk containing less than 18 percent butterfat (such as "half and half") including those which are sterilized and aseptically packaged.

§ 1124.16 Route disposition.

"Route disposition" means delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or a nonpool plant: *Provided*, That packaged fluid milk products that are transferred to a pool distributing plant from another distributing plant, and which are classified as Class I under § 1124.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under §1124.9(a) and the transferor plant shall be assigned in-area sales to the extent of such transfer but not in excess of the in-area sales of the transferee.

§ 1124.17 Oregon Base Plan.

"Oregon Base Plan" means the applicable provisions of Oregon Revised Statutes, Chapter 583.510 (1) and (2); 583.512; 583.515; 583.516; 583.525(2); 583.530(1)(c), and related provisions of Oregon Administrative Rules, Chapter 603–65–035; 65–040; 65–045; 65–050; 65–055; 65–060; 65–070; 65–075; 65–080; and 65–085.

§ 1124.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains not more than 6 percent nonmilk fat (or oil).

§ 1124.19 Base, base milk, and excess milk.

(a) "Base" means a quantity of milk expressed in pounds per day or per month, computed pursuant to § 1124.65 (a) and (b), respectively.

(b) "Base milk" means milk delivered by a producer during the month which is not in excess of:

(1) His daily base computed pursuant to § 1124.65(a) multiplied by the number of days of delivery in such month; or

(2) His monthly base computed pursuant to § 1124.65(b): *Provided*, That with respect to any producer with "every-other-day" delivery the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 1124.65(a).

(c) "Excess milk" means any delivery by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 1124.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1124.21 Powers.

The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1124.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties; in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such person as may be necessary to enable him to administer the terms and provisions of this order;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1124.87, the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1124.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office, and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1124.30 and 1124.31; or (2) payments pursuant to §§ 1124.80 through 1124.87;

(i) Publicly announce by posting in a conspicuous place in his office, and by

such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the Class I milk price and Class I butterfat differential for the month, computed pursuant to §§ 1124.51(a) and 1124.53(a), respectively;

(2) On or before the 5th day of each month, the Class II and Class III milk prices, and the Class II and Class III butterfat differentials, for the preceding month, computed pursuant to §§ 1124.51 (b) and (c), and 1124.53 (b) and (c), respectively; and

(3) On or before the 14th day of each month, the uniform prices for all producer milk computed pursuant to § 1124.71, and the butterfat differential computed pursuant to § 1124.84, for the preceding month;

(j) On or before the 14th day after the end of each month:

(1) Notify each handler of his net pool obligation computed pursuant to §§ 1124.62 and 1124.70 and of any adjustments pursuant to § 1124.85; and

(2) Report to each cooperative association which so requests the amount and class utilization of producer milk delivered from members of such association to each proprietary handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this order, and which do not reveal confidential information;

(l) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1124.46(a)(9), and the corresponding step of § 1124.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month, of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimates shall be based upon the most current available data and shall be final for such purposes;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1124.46, pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1124.30 Reports of receipts and utilization.

On or before the ninth day after the end of each month, the following handlers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler who operates a pool plant(s) shall report for each such plant:

(1) The receipts of milk and the pounds of butterfat contained therein including the total quantities of base milk and excess milk;

(i) Received directly from producers;

(ii) Received from a cooperative association handler pursuant to § 1124.7(d);

(iii) Diverted to a nonpool plant within the limits prescribed in § 1124.11; and

(iv) Diverted to a pool plant within the limits prescribed in § 1124.13(a)(3);

(2) The quantities of skim milk and butterfat contained in receipts from other pool plants;

(i) In the form of fluid milk products;

(ii) In the form of Class II milk products; and

(iii) As diverted from another pool plant;

(3) The quantities of skim milk and butterfat contained in receipts of other source milk;

(4) The pounds of skim milk and butterfat contained in all fluid milk products on hand, separately in bulk and in packages, at the beginning and at the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement showing separately the in-area and outside area route disposition of filled milk and other Class I milk;

(6) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmer whose milk was so diverted;

(iii) The pounds of skim milk and butterfat contained in his milk so diverted;

(iv) The number of days his milk was received at a pool plant; and

(7) Such other information with respect to such receipts and utilization as the market administrator may prescribe;

(b) Each cooperative association shall report separately with respect to milk for which it is a handler pursuant to § 1124.7 (c) and (d) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants;

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler; and

(4) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmer so diverted;

(iii) The pounds of skim milk and butterfat contained in his milk so diverted; and

(iv) The number of days his milk was received at a pool plant; and

(c) Each handler operating a partially regulated distributing plant shall report the information required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat in Class I milk disposed of in the marketing area on routes and the quantity of reconstituted skim milk in such disposition.

§ 1124.31 Payroll reports.

On or before the 9th day of each month, the following handlers shall report to the market administrator, as follows:

(a) Each handler who operates a pool plant(s) shall submit to the market administrator his individual account for milk received from producers at each of his pool plants, including milk diverted as producer milk for his account from such plant during the preceding month which shall show:

(1) The name and the days of delivery of each producer from whom milk was received during the month with the address of any producer for whom such information was not furnished previously other than one who is a member of a cooperative association which is a handler pursuant to § 1124.7(d);

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer reported in subparagraph (1) of this paragraph, identifying separately those producers for which a cooperative association is authorized to collect payments pursuant to § 1124.80(b);

(3) The nature and amount of any deductions or charges involved in such payments; and

(4) The pounds of base milk and the pounds of excess milk for each producer;

(b) Each handler who operates a partially regulated distributing plant and elects to make payments pursuant to § 1124.62(a), shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers; and

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1124.7 (c) and (d) the name and the number of days of delivery, with the address of any producers not previously reported, the total pounds of milk and the average butterfat content thereof which was received from each producer.

§ 1124.32 Other reports.

Each producer-handler, each handler operating an exempt plant pursuant to § 1124.60 (a) and (b) or an other order

plant pursuant to § 1124.61, and each handler making payments pursuant to § 1124.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1124.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 1124.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1124.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1124.30 shall be classified by the market administrator pursuant to the provisions of §§ 1124.41 through 1124.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1124.41 Classes of utilization.

Subject to the conditions set forth in §§ 1124.42 through 1124.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraphs (b)(3) and (c)(3) of this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not accounted for as Class II milk or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of cream (sweet or sour) sterilized cream, aerated cream, and mixtures of cream and milk or skim milk containing at least 18 percent butterfat;

(2) Used to produce cottage cheese, frozen cream, plastic cream, ice cream, ice cream mix, frozen desserts, frozen dessert mixes, sour cream mixtures to which other ingredients have been added (commonly referred to as "dips"), eggnog, yogurt, aerated cream products and condensed milk or skim milk (either plain or sweetened) utilized for any purpose other than those specified in paragraphs (c)(1) and (4) of this section; and

(3) Disposed of in bulk in the form of fluid milk products or in the form of cream or mixtures of cream and milk or skim milk to a commercial food processing establishment for use in the manufacture of bakery products, candy, meat products, prepared foods in hermetically sealed metal containers, and prepared foods in dried or nonfluid form, all of which products are processed for general distribution to the public for consumption off the premises; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter, butteroil, anhydrous butterfat, condensed milk or condensed skim milk (either plain or flavored) used to produce another Class III product in a pool plant or in a nonpool plant located within the marketing area, condensed buttermilk, cheese, except cottage cheese, sterilized products in hermetically sealed all-metal containers, nonfat dry milk, dried whole milk, livestock feed and blends of dried milk products;

(2) Contained in products which contain 6 percent or more of nonmilk fat or oil;

(3) In fluid milk products dumped after prior notification to and opportunity for verification by the market administrator;

(4) Represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(5) In inventory of bulk fluid milk products on hand at the end of the month;

(6) In shrinkage at each pool plant allocated pursuant to § 1124.42(b)(1) not to exceed the following:

(i) Two percent of receipts directly from producers and receipts of diverted producer milk from another pool plant if the diversion is accounted for on the basis of farm weights; plus

(ii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1124.7(d), except that if the handler operating the pool plant files with the market administrator notice that he is receiving such milk on the basis of farm weights (determined from farm bulk tank calibrations and samples), the applicable percentage shall be two percent; plus

(iii) One and one-half percent of receipts of fluid milk products in bulk from other pool plants including diverted milk unless the rate of 2 percent is applicable under subdivision (i) of this subparagraph; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler; less

(vi) One and one-half percent of disposition in bulk to other milk plants either by transfers or diversions;

(7) In shrinkage allocated pursuant to § 1124.42(b)(2); and

(8) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1124.7(c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts exclusive of those for which farm weights and tests are used as the basis of receipt at the plant to which delivered.

§ 1124.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each of his plants; and

(b) If the pool plant has receipts of other source milk, shrinkage shall be prorated between:

(1) A quantity equal to 50 times the maximum that may be computed pursuant to § 1124.41(c)(6); and

(2) Skim milk and butterfat in other source milk in the form of fluid milk products exclusive of those specified in § 1124.41(c)(6).

§ 1124.43 Responsibility of handlers and reclassification of milk.

(a) Except as provided in paragraphs (b) and (c) of this section, all skim milk

and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) For the purposes of §§ 1124.41 through 1124.46, §§ 1124.50 through 1124.54, and §§ 1124.70 through 1124.71, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1124.7(d), shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1124.70;

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1124.7(d), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I milk and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1124.7(d) shall be responsible for proving that such skim milk and butterfat shall be classified other than as Class I milk; and

(d) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1124.44 Transfers.

Skim milk and butterfat disposed of in the form of a fluid milk product (or a Class II milk product moved between pool plants) by a handler, including a handler pursuant to § 1124.7(c), shall be classified as follows:

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1124.46(a)(9) and the corresponding step of § 1124.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1124.46(a)(4), and the corresponding step of § 1124.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I milk utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1124.46(a)(8) or (9) and the corresponding steps of § 1124.46(b), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants;

(b) As Class I milk if transferred as a fluid product in packaged form to a nonpool plant which is not an other order plant;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant which is not an other order plant, a producer-handler plant or an exempt plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph, except that cream so transferred may be classified as Class III if the handler claims classification of such cream in Class III in his report pursuant to § 1124.30, the handler tags the container of such cream as for manufacturing purposes, and the handler gives the market administrator sufficient notice to allow him to verify the shipment:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1124.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I milk utilization disposed in the marketing area on routes shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of in the marketing area of another order on routes issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent of such uses at the plant and then as Class III milk; and

(v) If any skim milk or butterfat is transferred to a second plant under this paragraph, the same conditions of audit, classification, and allocation shall apply;

(d) If transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph;

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in Class I milk, if allocated as a fluid milk product under the other order to Class I milk; in Class II milk, if allocated to Class II milk under an order which provides three classes; or in Class III milk, if allocated to Class III milk under the other order or if allocated to Class II milk under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1124.41; and

(e) As Class I, if transferred as a fluid milk product to a producer-handler or to an exempt plant under § 1124.60 (a) or (b).

§ 1124.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1124.30 and shall compute the skim milk and butterfat in each class at all pool plants of such handler and the pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1124.7(d) and was not received at a pool plant. Producer milk for which a cooperative association is the responsible handler

pursuant to § 1124.7(d) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purpose of allocation pursuant to § 1124.46, and computation of obligation pursuant to § 1124.70.

§ 1124.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1124.45, the market administrator shall determine each month the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1124.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, or the first month in which a plant becomes a pool plant, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below the pounds of skim milk in each of the following:

(i) From Class II, other source milk received in the form of a Class II product; and

(ii) From the remaining pounds of skim milk in each class in series beginning with Class III:

(*a*) Other source milk in a form other than that of a fluid milk product or a Class II product;

(*b*) Receipts of fluid milk products except filled milk for which Grade A certification is not established, or which are from unidentified sources;

(*c*) Fluid milk products received or acquired for distribution from a producer-handler as defined under this or any other Federal order;

(*d*) Receipts of fluid milk products from an exempt plant; and

(*e*) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(5) Subtract, in sequence beginning with Class III milk in the order specified below, from the pounds of skim milk remaining in Class III milk and Class II milk;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class III milk utilization, but not in excess of the pounds of skim milk remaining in Class III milk and Class II milk; and

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subdivision (4)(ii)(*e*) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers and in receipts in bulk from other order plants;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from another order plant in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III milk (and Class II milk), if Class III milk utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products (and, for the first month the order is effective or the first month in which a plant becomes a pool plant, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subdivision (4)(ii)(*e*) or subparagraph (5)(i) or (ii) of this paragraph;

(9) Subtract, beginning with Class III milk, from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case, of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5)(iii) of this paragraph pursuant to the following procedure:

(i) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III milk and Class II milk combined;

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1124.22(1); or

(*b*) The pounds of skim milk remaining in each class at a pool plant(s) of the handler;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers by transfer or diversion according to the classification assigned pursuant to § 1124.44(a); and

(11) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, and from cooperative associations pursuant to § 1124.7(d), subtract such excess from the remaining pounds of skim milk in series beginning with Class III milk. Any amount so subtracted shall be known as overage;

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1124.50 Basic Formula price.

The basic formula price shall be the average price per huundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

§ 1124.51 Class prices.

Subject to the provisions of §§ 1124.52 and 1124.53, the class prices per hundredweight for the month shall be computed as follows:

(a) *Class I milk.* For the first 18 months from the effective date of this section, the Class I price shall be the basic formula price for the preceding month plus $1.75, plus an additional 20 cents;

(b) *Class II milk.* The Class II price shall be the Class III price for the month plus 25 cents; and

(c) *Class III milk.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows:

(1) Multiply by 4.2 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter at Chicago as reported by the Department for the month;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1124.52 Location adjustment to handlers.

(a) For producer milk and other source milk (for which a location adjustment is applicable) at a plant not located in the Oregon portion of the marketing area (except Umatilla County), or in the State of California which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the Class I price computed pursuant to § 1124.51 (a) shall be reduced by the following amounts:

(1) For any plant located in Lewis, Pacific, Benton, Franklin, Grant, Yakima, and Walla Walla Counties, Wash., and Umatilla County, Oreg., 20 cents; and

(2) For any plant (other than as specified in subparagraph (1) of this paragraph) which is more than 100 miles from the Multnomah County Courthouse in Portland, Oreg., by shortest hard-surfaced highway distance as determined by the market administrator, such price shall be reduced by 15 cents, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles; and

(b) For purposes of calculating such adjustment, fluid milk products received at a pool distributing plant from another pool plant shall be assigned to Class I milk at the transferee plant in that amount which is in excess of the sum of receipts from producers and cooperative associations pursuant to § 1124.7(d) and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1124.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1124.51 shall be increased or decreased, respectively, for each one-tenth of 1 percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply by 0.12 the butter price described in subparagraph (c)(1) of § 1124.51 for the preceding month;

(b) *Class II milk.* Multiply by 0.115 the butter price described in subparagraph (c)(1) of § 1124.51; and

(c) *Class III milk.* Multiply by 0.115 the butter price described in subparagraph (c)(1) of § 1124.51.

§ 1124.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or from other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price required.

APPLICATION OF PROVISIONS

§ 1124.60 Exemptions.

Sections 1124.40 through 1124.46, 1124.50 through 1124.54, 1124.70 through 1124.72, and 1124.80 through 1124.87 shall not apply to a producer-handler or an exempt plant described in paragraph (a) or (b) of this section:

(a) A distributing plant operated by a Government agency; and

(b) Any distributing plant from which less than an average of 300 pounds of Class I milk per day is disposed of in the marketing area on routes during the month.

§ 1124.61 Other order plants.

The provisions of this order shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may request and allow verification of such reports by the market administrator:

(a) A plant meeting the requirements of § 1124.9(a) which also meets the pool plant requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of during the month in such other Federal order marketing area on routes than was disposed of in this marketing area on routes, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I milk disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1124.9(a) which also meets the pool plant requirements of another Federal order on the basis of route distribution in such other marketing area, and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month in this marketing area on routes than is so disposed of in such other marketing area, but which plant maintains pooling status for the month under such other Federal order; and

(c) A plant meeting the requirements of § 1124.9(b) which also meets the pool plant requirements of another Federal order and from which greater shipments, except filled milk, are made during the month to plants regulated under such other order than are made to plants regulated under this order.

§ 1124.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1124.30 and 1124.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1124.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk should be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1124.70(e) and a credit in the amount specified in § 1124.81(b) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1124.30 and 1124.31(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1124.8(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant;

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing areas;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price), subtract its value at the uniform price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant (not to be less than the Class III price) less the value of such skim milk at the Class III price.

DETERMINATION OF BASE

§ 1124.65 Computation of producer bases.

Subject to the rules set forth in § 1124.66, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) The daily base of each producer whose milk was received at a pool plant(s) or diverted as producer milk from a pool plant on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such 5-month period by the number of days from the date of his first delivery to the end of such 5-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: *Provided*, That for any dairy farmer:

(1) For whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of the plant to which his milk was delivered during the base-earning period subsequently being qualified as a pool plant a daily base shall be computed pursuant to this paragraph; and

(2) Who was a producer-handler during the base-earning period his base shall be the daily average of his own production of milk for 120 days or more during the base-earning period; and

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have a monthly base computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	70	July	55
February	70	August	60
March	65	September	60
April	55	October	65
May	45	November	70
June	50	December	70

§ 1124.66 Base rules.

The following rules shall be observed in the determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer who earned a base pursuant to § 1124.65(a) sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, pursuant to the conveyance, and utilize such base for the remainder of the period for which such base is effective pursuant to § 1124.65(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee producer from the same herd only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a pool plant(s) between August 1 and the last day of the base-earning period as specified in § 1124.65 (a), inclusive, from the same herd (whether by the transferor or transferee producer) shall be utilized in computing the base of the transferee producer pursuant to § 1124.65(a);

(3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraphs (1) and (2) of this paragraph, but in compliance with subparagraph (3) of this paragraph:

(i) A base, whether earned pursuant to § 1124.65(a) or received by transfer, may be transferred to a member of a baseholder's immediate family; and

(ii) In the case of a baseholder's death, a base earned pursuant to § 1124.65(a) by the baseholder or by a member of his immediate family may be further transferred to an outside party: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to an outside party;

(b) A producer who ceases deliveries to a pool plant for more than 45 days shall lose his base if computed pursuant to § 1124.65(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1124.65 (b) until he can establish a new base in the manner provided in § 1124.65(a);

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1124.65 (a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 1124.65(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 1124.65(a), for which such base was computed;

(d) On or before February 15 of each year notice of the amount of each producer's base shall be given by the market administrator to the producer, to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant;

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm; and

(f) Only producers as defined in § 1124.11 may establish or earn a base pursuant to the provisions of § 1124.65, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

§ 1124.68 Payments to producers under the Oregon base plan.

Notification shall be given by the market administrator to producers and cooperative associations of intent to make payment of producer returns attributable to producers who participate in the Oregon Base Plan in accordance with § 1124.82(c)(2). Producers who participate in the Oregon Base Plan shall be identified as follows:

(a) Any producer whose farm is located in Oregon and whose milk is received at a plant located in Oregon unless such producer notifies the market administrator in writing before the first day of any month for which he first elects to receive payment at the applicable uniform price(s);

(b) Any producer member of any cooperative association licensed or operating in Oregon unless such cooperative association notifies the market administrator in writing before the first day of any month for which it first elects to receive payment for its members' milk at the applicable uniform price(s); and

(c) Any producer whose farm is located outside Oregon but whose milk is received at a plant located in Oregon, or whose milk is sold through an Oregon licensed handler, and whose voluntary participation in the Oregon base plan is evidenced by a written agreement between such producer and such handler, unless such producer notifies the Market Administrator before the first day of any month for which he first elects to receive payment at the applicable uniform price(s).

DETERMINATION OF UNIFORM PRICES

§ 1124.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1124.7 (a), (c), and (d) during each month shall be a sum

of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1124.46(c), by the applicable class prices (adjusted pursuant to §§ 1124.52 and 1124.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1124.46(a)(11) and the corresponding step of § 1124.46(b), by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1), (2), and (3) of this paragraph:

(1) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1124.46(a)(6) and the corresponding step of § 1124.46(b), for the current month;

(2) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II milk pursuant to § 1124.46(a)(6) and the corresponding step of § 1124.46(b), for the current month, or the hundredweight of skim milk and butterfat remaining in Class III milk after the calculation pursuant to § 1124.46(a)(9) and the corresponding step of § 1124.46 (b), for the preceding month, less the hundredweight used in the computation pursuant to subparagraph (1) of this paragraph, whichever is less; and

(3) Multiply the difference between the appropriate Class I price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1124.46(a)(3) and the corresponding step of § 1124.46(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(d) Add an amount equal to the difference between the value at the Class I price applicable to the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I milk pursuant to § 1124.46(a)(4) and the corresponding step of § 1124.46(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1124.46 (a)(4)(ii)(b) the Class I price should be adjusted to the location of the transferor plant; and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received (but the adjusted price not to be less than the Class III price), with respect to skim milk and butterfat subtracted from Class I milk pursuant to § 1124.46(a)(8) and the corresponding step of § 1124.46 (b).

§ 1124.71 Computation of uniform and weighted average prices.

For each month the market administrator shall compute the uniform and weighted average prices per hundredweight of milk as follows:

(a) (1) Combine into one total the values computed pursuant to § 1124.70 for all handlers who filed the reports prescribed by § 1124.30 for the month and who made the payments pursuant to § 1124.81 for the preceding month;

(2) Add an amount equal to the total value of the location differentials computed pursuant to § 1124.83;

(3) Subtract, if the average butterfat content of the milk specified in paragraph (1) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1124.84 and multiplying the result by the total hundredweight of such milk;

(4) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1124.70(e); and

(6) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "weighted average price." For all months prior to February 1970, the result shall also be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants at which no location differential is applicable; and

(b) For February 1970 and all subsequent months the market administrator shall compute "uniform prices" for base and excess milk as follows:

(1) From the net amount computed pursuant to paragraph (a) (1) through (4) of this section, subtract the following:

(i) The amount computed by multiplying the hundredweight of milk specified in paragraph (a)(5)(ii) of this section by the weighted average price; and

(ii) The total value of the excess milk computed by assigning such milk in series beginning with Class III to the hundredweight of producer milk in each class, multiplying the quantities of milk so assigned to each class by the respective class prices for milk containing 3.5 percent butterfat content and adding together the resulting amounts;

(2) Divide the net amount obtained in subparagraph (1) of this paragraph by the total hundredweight of base milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 3.5 percent butterfat content; and

(3) Divide the amount obtained in subparagraph (1)(ii) of this paragraph by the total hundredweight of excess milk and subtract any fractional part of 1 cent. This result shall be known as the uniform price per hundredweight of excess milk of 3.5 percent butterfat content.

PAYMENTS FOR MILK

§ 1124.80 Producer-settlement fund.

(a) The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund"; and

(b) All payments made by handlers pursuant to § 1124.62 (a) and (b) and § 1124.81 shall be deposited in the fund and all payments made pursuant to § 1124.82 shall be made out of such fund.

§ 1124.81 Payments to the producer-settlement fund.

On or before the 16th day after the end of each month, each handler shall pay to the market administrator his net pool obligation computed pursuant to § 1124.70, less:

(a) The amount of the deductions and payments authorized by individual producers or cooperative association which are itemized on the handler's producer payroll; and

(b) (1) The value at the weighted average price computed pursuant to § 1124.71(a) applicable at the location of the plant(s) from which received (not to be less than the Class III price) with respect to other source milk for which values are computed pursuant to § 1124.70(e); and

(2) In the calculation of the total amount of the deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than the total value of the milk received from such producer.

§ 1124.82 Payments from the producer-settlement fund.

(a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 1124.81 by multiplying the hundredweight of such milk by the appropriate uniform price(s) computed pursuant to § 1124.71 (a) or (b), whichever is applicable, adjusted by the location differential pursuant to § 1124.83 and the butterfat differential pursuant to § 1124.84, and less any charges or deductions made pursuant to § 1124.81(a);

(b) On or before the 20th day after the end of each month the market administrator shall pay direct to each producer who has not authorized a cooperative association to receive payment for such producer or for milk not subject to the Oregon Base Plan pursuant to § 1124.68, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section subject to the provisions of § 1124.86; and

(c) On or before the 18th day after the end of each month, the market administrator, subject to the provisions of § 1124.86, shall pay:

(1) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, and which is not subject to the Oregon Base Plan pursuant to § 1124.68, an amount equal to the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments; and

(2) To the Director, Milk Audit and Stabilization Division, Oregon State Department of Agriculture, for each producer and cooperative association for milk subject to the Oregon Base Plan pursuant to § 1124.68, the aggregate of the payments otherwise due such individual producers and cooperative associations pursuant to paragraph (b) and subparagraph (c)(1) of this section.

§ 1124.83 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1124.82 the market administrator shall reduce the uniform price computed pursuant to § 1124.71(a) and the uniform price for base milk computed pursuant to § 1124.71(b)(2) by the location differential applicable at the plant where such milk was first physically received from producers, and the uniform prices of producer milk diverted to a nonpool plant according to the location of the nonpool plant, each at the rates set forth in § 1124.52; and

(b) For the purpose of computation pursuant to § 1124.81(b) the prices shall be adjusted at the rates set forth in § 1124.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1124.84 Butterfat differential to producers.

In making payments pursuant to § 1124.82 the applicable prices shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of the producer's milk is above or below 3.5 percent, respectively at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1124.46 by the butterfat differential for such class, dividing the sum of such values by the pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1124.85 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer, a cooperative association or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred; and

(b) Any unpaid obligation of a handler pursuant to §§ 1124.81, 1124.86, and 1124.87 or paragraph (a) of this section including obligation incurred under this paragraph, shall be increased one-half of 1 percent on the 1st day of the month next following the due date of such obligation and at a similar rate on the 1st day of each month thereafter until such obligation is paid.

§ 1124.86 Marketing services.

(a) In making payments to producers pursuant to § 1124.82, the market administrator shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, with respect to the milk of producers (except the own production of a handler) for whom the marketing services set forth in paragraph (b) are not being performed by a cooperative association; and

(b) The monies retained by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information and for the verification of weights, samples and tests of milk of producers for whom a cooperative association is not performing the same services on a comparable basis as determined by the Secretary.

§ 1124.87 Expense of administration.

As his pro rata share of the expense of administration of the order each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk including a handler's own production;

(b) Other source milk allocated to Class I milk pursuant to § 1124.46(a)(4) and (8) and the corresponding steps of § 1124.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant in the marketing area on routes that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1124.88 Termination of obligation.

The provisions of this section shall apply to any obligation under this order for the payment of money;

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the 1st day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud, or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1124.90 Effective time.

The provisions of this order or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1124.91 Suspension or termination.

The Secretary shall, whenever he finds that this order or any provision of this order obstructs or does not tend to effectuate the declared policy of the Act,

terminate or suspend this order or such provision of this order. This order shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1124.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this order, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1124.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this order, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(b) If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1124.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this order.

§ 1124.101 Separability of provisions.

If any provision of this order or its application to any person or circumstances, is held invalid, the application of such provisions, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

Effective date: Sections 1124.1 through 1124.46 and 1124.90 through 1124.101 shall be effective on and after December 1, 1969, and all the remaining provisions shall be effective on and after January 1, 1970.

Signed at Washington, D.C., on November 24, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-14059; Filed, Nov. 26, 1969; 8:45 a.m.]

[Milk Order 133; Docket No. AO 275-A20]

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period, were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the entire order is reprinted as follows:

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AUTHORITY: The provisions of this Part 1133 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1133.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1133.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1133.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1133.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1133.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1133.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1133.6 Inland Empire marketing area.

"Inland Empire marketing area" hereinafter called the "marketing area" means all of Benewah, Bonner, Boundary, Kootenai, Latah and Shoshone Counties, Idaho; Spokane and Whitman Counties, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above described area.

§ 1133.7 Plant.

"Plant" means the land, buildings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained primarily for receiving, processing or packaging of fluid milk and milk products (including filled milk). However, an establishment that is separate from the foregoing operating unit and used only for transferring bulk milk from one tank truck to another shall not be a plant under this definition.

§ 1133.8 Pool plant.

"Pool plant" means any plant described in paragraph (a) or (b) of this section, other than the plant of a producer-handler, or a plant with respect to which the handler is exempt pursuant to § 1133.61, which is approved by an appropriate health authority for the receiving of milk qualified for distribution as Grade A milk in the marketing area.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are processed or packaged and from which during the month:

(1) Disposition of fluid milk products, except filled milk, on routes within the marketing area equals or exceeds the lesser of 150,000 pounds or 15 percent of the total receipts of Grade A milk from dairy farmers, cooperative associations pursuant to § 1133.15(d), and from pool supply plants and other plants forwarding the applicable percentage of receipts specified in paragraph (b) of this section to such plant and other pool distributing plants; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 40 percent or more of such receipts in any of the months of February through August, inclusive, and 50 percent or more of such receipts in any of the months of September through January, inclusive.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded in the form of fluid milk products, to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk except filled milk, during the current month during the period of September through November, or 20 percent or more during the current month during the period December through August. Any such plant which has forwarded in the form of fluid milk products, more than 50 percent of such receipts except filled milk, for the entire period of September through November shall be a pool plant for the months of December through August immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

(c) For the purposes of computing the percentages specified in this section the following shall apply:

(1) Receipt of milk from dairy farmers shall not include, at either plant involved, milk diverted pursuant to § 1133.15(c)(2);

(2) If a plant operated by a cooperative association meets the requirements of paragraph (a)(1) of this section, bulk milk delivered to distributing pool plants of other handlers shall be added to disposition on routes for purposes of computing the percentage specified in paragraph (a)(2) of this section; and

(3) If a handler operates more than one distributing plant meeting the requirements of paragraph (a)(1) of this section, the aggregate route disposition and receipts of all such plants shall be used to compute the percentage specified in paragraph (a)(2) of this section for each of such plants.

§ 1133.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that forwards fluid milk products during the month to a pool plant, but is neither an other order plant nor a producer-handler plant.

§ 1133.10 Dairy farmer.

"Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1133.11 Producer.

"Producer" means any dairy farmer, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1133.12.

§ 1133.12 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers;

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section; and

(3) That to be classified pursuant to § 1133.44(b);

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1133.15(c)(1), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1133.15(c)(2) and (d); and

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account, under paragraph (b)(1) of this section, the milk of any member producer eligible for diversion. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of April through August, 30 percent in the months of December through March, and 20 percent in the months of September through November, of its total member milk received at all pool plants or diverted therefrom during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed in writing with the market administrator a request for such computation;

(2) A handler operating a pool plant may divert for his account under paragraph (a)(2) of this section, milk of any producer eligible for diversion, other than a member of a cooperative association which diverts milk under subparagraph (1) of this paragraph. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of April through August, 30 percent in the months of December through March, and 20 percent in the months of September through November, of the milk received at or diverted from such pool plant during the month from producers who are not members of a cooperative association which diverts milk under subparagraph (1) of this paragraph;

(3) The operator of a pool plant may divert the milk of any producer member of a cooperative association which is commingled on a tank truck at the time of delivery from the farm with milk of nonmember producers if the association and the plant operator each has filed in writing with the market administrator prior to any such diversion an agreement to such an arrangement designating the producer(s) involved. In such case, the total quantity of milk deliveries on which the diversion limits for the association are based shall be reduced by the total deliveries and diversions of member producers whose milk is diverted by the plant operator and the diversion limits for the plant operator shall be increased by a like amount;

(4) Milk diverted in excess of the limits specified shall not be considered as producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler;

(5) Producers eligible for diversion are those whose milk has been received at the pool plant prior to diversion from such plant (but not necessarily in the current month). Producers eligible for diversion in the months of September, October, or November must in addition have their milk received at a pool plant on at least 6 days (3 days in the case of every-other-day delivery) during the current month; and

(6) For the purpose of location adjustments pursuant to §§ 1133.53 and 1133.81, diverted milk shall be considered to have been received at the location of the plant from which diverted.

§ 1133.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source except (1) producer milk; or (2) receipts from other pool plants; and

(b) Products, other than fluid milk products, from any source (including those processed at the plant) which are reprocessed in connection with, or converted to, another product in the plant during the month, and any disappearance during the month of nonfluid milk products not otherwise accounted for.

§ 1133.14 Other order milk.

"Other order milk" means all skim milk and butterfat received at a pool plant in the form of a fluid milk product which is subject to the pricing and payment provisions of any other order issued pursuant to the Act.

§ 1133.15 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) A cooperative association with respect to the milk of its member producers caused to be diverted for its account:

(1) From a pool plant to a nonpool plant; and

(2) From a pool plant to another pool plant to which such cooperative association delivers no milk pursuant to paragraph (d) of this section during the month, and not exceeding a period of 90 consecutive days for any producer; and

(d) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the operator of the pool plant to whom the milk is delivered in writing prior to the first day on which the milk is delivered, that it elects to be the handler for all such milk. Milk so delivered shall be considered to have been received by the cooperative association at the location of the plant to which delivered.

(e) A producer-handler, or any person who operates an other order plant described in § 1133.61.

§ 1133.16 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a processing plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products during the month from other dairy farmers or from any other source except by transfer from a pool plant, and who receives no milk products other than fluid milk products for reconstitution into fluid milk products. Such person must provide proof satisfactory to the market administrator that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the operation of the processing and distribution business is the personal enterprise and risk of such person.

§ 1133.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, skim milk or milk drinks (not including evaporated milk, condensed milk or condensed skim milk), fortified milk or skim milk (including "diet" foods), cream (sweet or sour), any mixture in fluid form of cream and milk or skim milk (except ice cream mix, frozen dessert mix, cocoa mixes, a product which contains 6 percent or more nonmilk fat (or oil), aerated products, eggnog and yogurt), which are neither sterilized nor in hermetically sealed metal containers.

§ 1133.18 Route.

"Route" means any delivery, including delivery by a vendor or disposition from a plant, plant store or distribution point, of fluid milk products to retail or wholesale outlets other than delivery to a milk plant or distribution point, or pursuant to § 1133.41(c)(3).

§ 1133.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

MARKET ADMINISTRATOR

§ 1133.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1133.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1133.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1133.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1133.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1133.30 to 1133.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1133.80 to 1133.88, inclusive;

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk delivered by such cooperative association pursuant to § 1133.15(c)(2) and (d) or from its member producers to each handler. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1133.70 of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1133.70(e);

(iii) The uniform price;

(iv) The totals of the amounts computed in the manner provided by § 1133.80;

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1133.87 and 1133.88.

(2) Each handler whose total value of milk is computed pursuant to § 1133.62 of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1133.51(a) and the Class I butterfat differential pursuant to § 1133.52(a), both for the current month; and the respective minimum prices for Class II milk and Class III milk pursuant to § 1133.51 (b) and (c) and the Class II and III butterfat differential pursuant to § 1133.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 1133.71 and the butterfat differential computed pursuant to § 1133.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

(m) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1133.46(a)(8) and the corresponding step of § 1133.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(n) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1133.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(o) Furnish to each hander operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1133.30 Reports of receipts and utilization.

On or before the 7th day of each month, each handler except a producer-handler or a handler making payments pursuant to § 1133.62(b), shall report to the market administrator in the detail and on the forms prescribed by the market administrator the following information for the preceding month:

(a) Each handler operating pool plants shall report the quantities of skim milk and butterfat in:

(1) Receipts of each such plant in:

(i) Producer milk, showing separately that to be classified pursuant to § 1133.44(b);

(ii) Fluid milk products received from other pool plants; and

(iii) Other source milk, including other order milk;

(2) Opening inventories of fluid milk products;

(3) The utilization in each class of the quantities required to be reported, including separate statements of quantities (i) in inventories of fluid milk products on hand at the end of the month, (ii) in route disposition outside the marketing area, and (iii) of in-area and outside area route disposition of filled milk; and

(4) Such other information with respect to receipts and utilization as the market administrator may request.

(b) Each handler specified in § 1133.15(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1133.15 (c) and (d) as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1133.15(c)(1);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1133.15 (c)(2) and (d); and

(4) Such other information as the market administrator may require.

§ 1133.31 Payroll reports.

On or before the 20th day of each month, each handler except one exempt pursuant to § 1133.61 or one making payments pursuant to § 1133.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1133.62(a), his payroll for dairy farmers delivering Grade A milk) for deliveries made the preceding month which shall show for each producer:

(a) The name and address of the producer or dairy farmer;

(b) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from such producer and the number of days on which milk was received from such producer; and

(c) The price, amount and date of payment with the nature and amount of any deductions.

§ 1133.32 Other reports.

(a) Each producer-handler, each handler required to report pursuant to § 1133.61 and each handler making payments pursuant to § 1133.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler dumping skim milk shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the person authorized to sign reports for the handler made pursuant to § 1133.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

§ 1133.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of skim milk and butterfat depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The information required to be reported pursuant to §§ 1133.30, 1133.31, and 1133.32;

(b) The weights and tests for butterfat and other contents of all milk, filled milk, and milk products handled, including filled milk; and

(c) Payments required to be made pursuant to §§ 1133.80 through 1133.88.

§ 1133.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8(c)(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1133.35 Handler reports to producers and cooperative associations.

(a) In making payments to producers pursuant to § 1133.80(b), each handler on or before the 17th day after the end of each month, for milk received during such month, shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate at which payment to such producer is required pursuant to § 1133.80;

(4) The rate which is used in making payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(b) In making payments to a cooperative association pursuant to § 1133.80(c) each handler upon request shall furnish to the cooperative association on or before the 20th day of the month with respect to milk received during the first half of the month and on or before the 7th day of the month with respect to milk received during the last half of the previous month for each producer for whom such payment is made, the information specified in subparagraphs (1), (2), and (5) of paragraph (a) of this section, and the daily weights of milk purchased from each of the association's member producers.

CLASSIFICATION

§ 1133.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month for which utilization is required to be reported pursuant to § 1133.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1133.41 through 1133.45. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1133.41 Classes of utilization.

Subject to the conditions set forth in §§ 1133.42, 1133.43 and 1133.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraphs (c) (2) and (3) of this section; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes and cottage, pot and bakers' cheese; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) In skim milk:

(i) Disposed of for livestock feed;

(ii) Dumped pursuant to the conditions specified in § 1133.32(b); and

(iii) In fluid milk products which are excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(3) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(4) Contained in inventories of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant

to § 1133.42(b)(1) but not to exceed the following:

(i) Two percent of receipts at a pool plant of producer milk pursuant to § 1133.12(a) (1) and (2) and, with respect to a cooperative association, producer milk for which it is the handler pursuant to § 1133.15 (c) or (d); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1133.15 (c) or (d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; plus

(iv) 1.5 percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; less

(vi) 1.5 percent of disposition in bulk tank lots to other milk plants (when the exception specified in subdivision (ii) of this subparagraph applies the applicable percentage shall be 2 percent); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1133.42(b)(2).

§ 1133.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1133.41(c)(5); and (2) skim milk and butterfat in other source milk received in the form of fluid milk products, exclusive of that specified in § 1133.41(c)(5).

§ 1133.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise:

(b) The burden shall rest upon each handler to establish the sources of milk and milk products (including filled milk) required to be reported by him pursuant to § 1133.30; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1133.44 Transfers.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, except as provided in paragraph (b) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1133.46(a)(8) and the corresponding step of § 1133.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1133.46(a)(3) and the corresponding step of § 1133.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1133.46(a)(7) or (8) and the corresponding step of § 1133.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As producer milk in the transferee plant, if transferred as bulk milk to the pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1133.15 (c)(2) or (d). Such milk shall be excluded from producer milk to be classified as that of the cooperative association;

(c) As Class I milk, if transferred from a pool plant to a producer-handler;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1133.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Class II utilization shall next be assigned to remaining receipts in the sequence provided in subdivision (iii) of this subparagraph (3). To the extent that neither Class I nor Class II utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class III milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class III to the extent of the Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1133.41.

§ 1133.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler at all of his pool plants.

§ 1133.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1133.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1133.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk in products other than fluid milk products that are used (directly or as a reconstituted fluid milk product) to produce Class II products;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (that was not subtracted pursuant to subparagraph (2a) of this paragraph) in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(a) For which the handler requests Class II or Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1133.22(m) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1133.44(a); and

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1133.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

Subject to the differentials provided in §§ 1133.52 and 1133.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II milk, and Class III milk;

(a) *Class I milk price.* For each month the price for Class I milk shall be the basic formula price for the preceding month plus $1.75 and plus 20 cents.

(b) *Class II milk.* The price for Class II milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III milk.* The price for Class III milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents plus five times the butterfat differential computed pursuant to § 1133.52(b), and round to the nearest cent.

§ 1133.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk, Class II milk or Class III milk, computed pursuant to § 1133.45, for any handler for any month differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price (§ 1133.51) for each one-tenth of one percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* The simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply by 0.123, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class III milk.* The simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1133.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 90 miles by shortest highway distance as measured by the market administrator, from the City Hall in Spokane, Wash., and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1133.51(a) shall be reduced by two cents for each 10 miles or fraction thereof, up to 200 miles and one cent for each 10 miles or fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such plant to the City Hall, Spokane, Wash.; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1133.15(c)(2) and (d), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1133.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1133.60 Producer-handlers.

Sections 1133.40 through 1133.45, 1133.50 through 1133.53, 1133.70, 1133.71, and 1133.80 through 1133.88 shall not apply to a producer-handler.

§ 1133.61 Plants subject to other Federal orders.

(a) Except as specified in paragraphs (b) and (c), the provisions of this part shall not apply to any distributing or supply plant which would be subject to the classification, pricing and payment provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products, except filled milk, are disposed of on routes or to pool plants in the Inland Empire marketing area than in the marketing area regulated pursuant to such other order.

(b) The operator of a plant specified in paragraph (a) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

§ 1133.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1133.30(b) and 1133.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1133.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1133.70(e) and a credit in the amount specified in § 1133.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1133.30(b) and 1133.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1133.8(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as

for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

§ 1133.63 State institutions.

A State owned and operated institution or establishment which processes or packages skim milk and butterfat distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Skim milk and butterfat received from institutions at pool plants shall be treated as other source milk received from a producer-handler, and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 1133.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1133.46(c), by the applicable class prices (adjusted pursuant to §§ 1133.52 and 1133.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1133.46(a)(10) and the corresponding step of § 1133.46(b) by the applicable class prices;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(5) and the corresponding step of § 1133.46(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The pounds of skim milk and butterfat subtracted from Class II milk pursuant to § 1133.46(a)(5) and the corresponding step of § 1133.46(b) for the current month; or

(ii) The pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1133.46(a)(8) and the corresponding step of § 1133.46(b) for the preceding month, less the pounds used in computation pursuant to subparagraph (1) of this paragraph;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1133.46(a)(3) and the corresponding step of § 1133.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1133.46(a)(3)(iv) and (v) and the corresponding step of § 1133.46(b) the Class I price shall be adjusted to the location of the transferor plant;

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(7) and the corresponding step of § 1133.46(b); and

(f) Add or subtract the amount necessary to correct errors disclosed by the verification of reports of receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

§ 1133.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1133.70 for all handlers who filed the reports prescribed by § 1133.30 for the month and who made the payments pursuant to § 1133.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1133.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1133.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1133.70(e);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May and June, an amount computed by multiplying the total hundredweight of producer milk for such month by 30 cents;

(i) Add during each of the months of September, October and November, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS

§ 1133.80 Time and method of payment to producers and cooperative associations.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment with respect to milk received during the first 15 days of the month at not less than the Class III price for the preceding month.

(b) On or before the 17th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1133.71 subject to the butterfat differential computed pursuant to § 1133.82 and location adjustment computed pursuant to § 1133.81, and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1133.87, and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1133.85, he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payments for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1133.15(c)(2) and (d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provisions of the Act.

§ 1133.81 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1133.53; and

(b) For purposes of computations pursuant to §§ 1133.84 and 1133.85 the weighted average price shall be adjusted at the rates set forth in § 1133.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1133.82 Producer butterfat differential.

In making payments pursuant to § 1133.80(b) the uniform price shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1133.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1133.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1133.61, 1133.62, 1133.84, and 1133.86 and out of which he shall make all payments to handlers pursuant to §§ 1133.85 and 1133.86.

§ 1133.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of

(1) The total of the net pool obligation computed pursuant to § 1133.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1133.80(d);

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1133.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1133.70(e).

§ 1133.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1133.84(b) exceeds the amount computed pursuant to § 1133.84(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1133.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1133.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1133.80(b), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the

month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1133.80(b) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1133.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk (including that classified pursuant to § 1133.44(b)) and such handler's own farm production, (b) other source milk allocated to Class I pursuant to § 1133.46(a) (3) and (7) and the corresponding steps of § 1133.46 (b) and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1133.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Effective Time, Suspension or Termination

§ 1133.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1133.91.

§ 1133.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1133.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1133.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

Miscellaneous Provisions

§ 1133.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1133.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Effective date: January 1, 1970.

Signed at Washington, D.C., on November 24, 1969.

J. Phil Campbell,
Under Secretary.

[F.R. Doc. 69-14058; Filed, Nov. 26, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,526]

PART 523—MEMBERS OF BANKS

Liquidity

NOVEMBER 17, 1969.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the desirability of amending § 523.12 of the regulations for the Federal Home Loan Bank System (12 CFR 523.12) for the purpose of reducing from 6 percent to 5½ percent of savings the required amount of cash and obligations of the United States that institutions which are members of a Federal home loan bank must maintain, hereby amends said § 523.12 by changing the numeral "6" to "5½" each time it appears. As so amended, § 523.12 reads as follows, effective December 1, 1969:

§ 523.12 Holdings of cash and obligations of the United States by members.

No member insurance company shall make or purchase any loan, other than loans on the company's insurance policies, at any time when the aggregate of its cash and obligations of the United States is not at least equal to 5½ percent of its policy reserve required by state law, and no other member shall make or purchase any loan, other than advances on the sole security of its withdrawable accounts, at any time when its cash and obligations of the United States are not at least equal to 5½ percent of the obligation of the member on withdrawable accounts. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor.

(b) The term "cash" means cash on hand, unpledged deposits in a Federal home loan bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" shall mean all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since the Board determines it desirable in the present economic climate for institutions which are members of a Federal Home Loan Bank to have available as soon as possible the reduction in the required holdings of cash and obligations of the United States which is made available by this amendment, the Board finds that notice and public procedure on the amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date as specified in 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary; and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–14116; Filed, Nov. 26, 1969; 8:49 a.m.]

[No. 23,527]

PART 545—OPERATIONS

Liquidity

NOVEMBER 17, 1969.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the desirability of amending § 545.8–2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8–2) for the purpose of reducing from 6 percent to 5½ percent of savings the required amount of cash and obligations of the United States that Federal savings and loan associaltons must maintain, hereby amends said § 545.8–2 by changing the numeral "6" to "5½" in the first sentence thereof. As so amended, § 545.8–2 reads as follows, effective December 1, 1969:

§ 545.8–2 Holdings of cash and obligations of the United States.

A Federal association shall not make or purchase any loan, other than advances on the sole security of its savings accounts, at any time when its cash and obligations of the United States are not at least equal to 5½ percent of the association's capital. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor.

(b) The term "cash" means cash on hand, unpledged deposits in a Federal Home Loan Bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" means all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended, sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1425a, 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since the Board determines it desirable in the present economic climate for Federal savings and loan associations to have available as soon as possible the reduction in required holdings of cash and obligations of the United States which is made available by this amendment, the Board finds that notice and public procedure on the amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date as specified in 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary; and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–14117; Filed, Nov. 26, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69–EA–145; Amdt. 39–878]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to the Piper PA–30 type aircraft.

This airworthiness directive was previously issued by airmail distribution on an emergency basis to all owners of PA–30 aircraft effective upon receipt. The PA–30 type airplanes have been found to be in noncompliance with CAR 3.105, 3.106, and 3.111. The minimum single-engine control speed V_{MC} of 80 m.p.h. (CAS), as stated in the FAA approved AFM is not correct. FAA reinvestigation of V_{MC} has resulted in 90 m.p.h. (CAS), applicable to all takeoff flap settings for the basic configuration as well as turbocharged and tip tank configurations (Ref. STC No. SA727–WE and No. SA787–WE).

Since a situation exists which requires the expeditious publication of this airworthiness directive, notice, and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

Therefore, pursuant to the authority of the Federal Aviation Act of 1958, sec. 313 and 601, delegated by the Administrator (14 CFR 11.89; 31 F.R. 13697), § 39.13 of Part 39 is amended by adding the following new airworthiness directive:

Applies to Piper PA–30 type airplanes certificated in all categories. Before further flight, change the existing V_{MC} placard to reflect the following:

"Minimum Single-Engine control Speed, 90 m.p.h."

This amendment is effective November 27, 1969.

Issued in Jamaica, N.Y., on November 17, 1969.

WAYNE HENDERSHOT, *Acting Director, Eastern Region.*

[F.R. Doc. 69–14114; Filed, Nov. 26, 1969; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9976; Amdt. 677]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Aniak, Alaska—Aniak, ADF 1, Amdt. 2, 10 Apr. 1969 (established under Subpart C).
Springfield, Ohio—Springfield Municipal, ADF 1, Amdt. 6, 10 Apr. 1965 (established under Subpart C).
Fredericksburg, Va.—Shannon, VOR 1, Orig., 24 Aug. 1963 (established under Subpart C).
Lapeer, Mich.—Dupont-Lapeer, VOR 1, Orig., 3 June 1967 (established under Subpart C).
Wink, Tex.—Winkler County, VOR 1, Amdt. 5, 27 July 1963 (established under Subpart C).

2. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing BRV VORTAC.
Ironsides Int	BRV VORTAC (NOPT)	Direct	2000	Climb to 2000', left turn, direct to Brooke VOR and hold.
Locust Grove Int	BRV VORTAC	Direct	2000	Supplementary charting information: Hold NE on BRV R 053°, 1 minute, left turns Inbnd crs 233°.
				Runway 23, TDZ elevation, 85'.

Procedure turn S side of crs, 053° Outbnd, R 233° Inbnd, 2000' within 10 miles of BRV VORTAC.
FAF, BRV VORTAC. Final approach crs, 233°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over BRV VORTAC, 2000'.
MSA: 000°–090°—1900'; 090°–180°—1800'; 180°–270°—1900'; 270°–360°—1900'.

NOTE: Radar vectoring.
*Use Quantico altimeter setting, if not available, use Washington National altimeter and increase MDA 100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-23*	620	1	535	620	1	535	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	660	1	575	660	1	575	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Fredericksburg; State, Va.; Airport name, Shannon; Elev., 85'; Facility BRV; Procedure No. VOR Runway 23, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 24 Aug. 63

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
Cottonwood DME Fix	Almont DME Fix	Direct	16,400	Climbing right turn to 12,000' direct GUC VORTAC and hold.*
Almont DME Fix	Parlin DME Fix	Direct	15,300	
Parlin DME Fix	GUC VORTAC	Direct	12,000	Supplementary charting information
Powderhorn DME Fix	GUC VORTAC	Direct	14,500	*Hold SW, 1 minute, left turns, 031° Inbnd
				LRCO, 122.1, 123.6.

Procedure turn W side of crs, 211° Outbnd, 031° Inbnd, 11,000' within 10 miles of GUC VORTAC.
FAF, GUC VORTAC. Final approach crs, 031°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over GUC VORTAC, 9800'.
MSA: 000°-360°—14,500'.
NOTES: (1) Procedure not authorized if Gunnison altimeter not available. (2) Final approach from holding pattern not authorized. Procedure turn required.
#Alternate minimums not authorized, except operators with approved weather reporting service.
%Climb clear of clouds, over airport, to 9800' continue climb direct to GUC VORTAC.
$Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	9060	2¼	1393	9060	2½	1393	9060	2¾	1393	9100	3	1433
A	3000.#	T 2-eng. or less—1400-2.%					T over 2-eng.—1400-2.%					

City, Gunnison; State, Colo.; Airport name, Gunnison County; Elev., 7667'; Facility, GUC; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 18 Dec. 69

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 340°, FNT VORTAC CW	R 077°, FNT VORTAC	10-mile Arc	2500	MAP: 5.4 miles after passing Lapeer Int 16-mile DME Fix.
R 172°, FNT VORTAC CCW	R 077°, FNT VORTAC	10-mile Arc	2700	Left-climbing turn to 2500' and return to Lapeer Int/16-mile DME Fix and hold.**
Elba Int/16-mile DME Fix	Lapeer Int/16-mile DME Fix (NOPT).	R 077°	2500	Supplementary charting information
FNT VORTAC	Elba Int	Direct	2500	**Hold W, 1 minute, left turns, 077° Inbnd
PTK VORTAC	Elba Int	Direct	2700	1053' tower 2 miles SW of airport.
Kings Mill Int	Lapeer Int/16-mile DME Fix	PTK R 032° and FNT R 077°	2500	

Procedure turn N side of crs, 257° Outbnd, 077° Inbnd, 25000' within 10 miles of Lapeer Int/16-mile DME Fix.
FAF, Lapeer Int. Final approach crs, 077°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Lapeer Int/16-mile DME Fix, 2500'.
MSA 045°-135°—2500'; 135°-225°—2800'; 225°-045°—2600'.
NOTES: (1) Use Flint altimeter setting. (2) Dual VOR receivers or DME required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1400	1	556	1400	1¼	556	1400	1½	556	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Lapeer; State, Mich.; Airport name, Dupont-Lapeer; Elev., 844'; Facility, FNT; Procedure No. VOR-1, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. Orig.; Dated, 3 June 67

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.9 miles after passing Wink VORTAC.
				Right turn, climbing to 4800' direct INK VORTAC and hold.
				Supplementary charting information:
				Hold NW of INK VORTAC on R 330°, 150° Inbnd, right turns, 1 minute.

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 4800' within 10 miles of Wink VORTAC.
FAF, Wink VORTAC. Final approach crs, 150°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over INK VORTAC, 4600'.
MSA: 090°-270°—4400'; 270°-090°—4600'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-13	3260	1	442	3260	1	442	3260	1	442	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	3320	1	502	3320	1	502	3320	1½	502	NA
A	Standard.		T 2-eng. or less.—Standard.				T over 2-eng.—Standard.			

City, Wink; State, Tex.; Airport name, Winkler County; Elev., 2818'; Facility, INK; Procedure No. VOR Runway 13, Amdt. 6; Eff. date, 18 Dec. 69; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 27 July 63

3. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.6 miles after passing HTO VOR.
				Make immediate right-climbing turn to 1500' direct to HTO VOR and hold.
				Supplementary charting information:
				Hold E on HTO VOR R 096°, 1-minute left turns, 276° Inbnd.

Procedure turn not authorized.
One-minute holding pattern SW HTO VOR, 056° Inbnd, right turns, 1500'.
FAF, HTO VOR. Final approach crs, 064°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over HTO VOR, 1500'.
MSA: 000°-090°—1600'; 090°-180°—1600'; 180°-270°—1600'; 270°-360°—1600'.
NOTES: (1) Use Suffolk County AFB altimeter setting. (2) Night operations authorized on Runways 10-28 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	540	1	485	540	1	485	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, East Hampton; State, N.Y.; Airport name, East Hampton; Elev., 55'; Facility, HTO; Procedure No. VOR-1, Amdt. 4; Eff. date, 18 Dec. 69; Sup. Amdt. No. 3; Dated, 2 May 68

Terminal routes: From—	To—	Via	Minimum altitudes (feet)	Missed approach
OXI VOR	Donaldson Int (NOPT)	Direct	2400	MAP 5 miles after passing Donaldson Int.
				Climb straight ahead to 2400' within 10 miles, return to Donaldson Int.
				Supplementary charting information:
				Tower 1062', 1.6 miles SW of airport.

Procedure turn S side of crs, 250° Outbnd, 079° Inbnd, 2400' within 10 miles of Donaldson Int.
FAF, Donaldson Int. Final approach crs, 079°. Distance FAF to MAP, 5 miles.
Minimum altitude over Donaldson Int, 2400'.
MSA: 000°-090°—3000'; 090°-180°—2300'; 180°-360°—2200'.
NOTES: (1) Use South Bend altimeter setting. (2) Dual VOR receivers required. (3) Circling S of airport not authorized for Category C aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-10	1400	1	604	1400	1	604	1400	1	604	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1400	1	604	1400	1	604	1400	1½	604	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Plymouth; State, Ind.; Airport name, Plymouth Municipal; Elev., 796'; Facility, OXI; Procedure No. VOR Runway 10, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. Orig.; Dated, 24 July 69

4. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.2 miles after passing Barton 6-mile DME Fix.
R 354°, ORL VORTAC CW	LOC crs	9-mile Arc ORL, R 054° lead radial.	2000	Climb to 2000' direct to OR LOM and hold.
R 162°, ORL VORTAC CCW	LOC crs	9-mile Arc ORL, R 077° lead radial.	2000	Supplementary charting information:
9-mile Arc	Barton 6-mile DME Int	LOC (BC)	2000	Hold SW, 1 minute, right turns, 067° inbnd. 1549' tower 13.4 miles E of ORL VORTAC. ORL VORTAC. TDZ elevation, 113'.

Procedure turn not authorized.
FAF, *Barton 6-mile DME Int. Final approach crs, 247°. Distance FAF to MAP, 5.2 miles.
Minimum altitude over *Barton 6-mile DME Int, 2000'.

NOTES: (1) ASR. (2) Radar required for aircraft not DME equipped.
*Radar Fix in lieu of Barton 6-mile DME Fix will be provided upon pilot's request.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25	460	¾	347	460	¾	347	460	¾	347	460	1	347
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	427	580	1	467	580	1¼	467	700	2	587
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Orlando; State, Fla.; Airport name, Herndon; Elev., 113'; Facility, I-ORL; Procedure No. LOC (BC) Runway 25, Amdt. 6; Eff. date, 18 Dec. 69; Sup. Amdt. No. 5, Dated, 13 Mar. 69

5. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ANI NDB.
				Climbing left turn to 2300' on 210° bearing from ANI NDB within 15 miles. Supplementary charting information: Final approach crs 388° left of centerline, 3000' from threshold. 958' mountain 2.8 miles N of airport 615' hill 1.6 miles N of ANI NDB. 657' terrain 2.5 miles W of ANI NDB.

Procedure turn S side of crs, 094° outbnd, 274° inbnd, 2500' within 10 miles of ANI NDB.
Final approach crs, 274°.
Minimum altitude over ANI NDB, 800'.
MSA: 000°-090°—4400'; 090°-180°—4700'; 180°-270°—4200'; 270°-360°—3000'.

NOTES: (1) Circling not authorized N of Runways 10/28. (2) When control zone not effective, use Bethel altimeter setting; circling and straight-in MDA becomes 1200', visibility 2 miles; alternate minimums not authorized.
%IFR SID available.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
9-28	800	1	714	800	1	714	800	1	714	800	1	714
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	714	800	1	714	800	1¼	714	800	2	714
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Aniak; State, Alaska; Airport name, Aniak; Elev., 80'; Facility, ANI NDB; Procedure No. NDB (ADF) Runway 28, Amdt. 3; Eff. date, 18 Dec. 69; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 10 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BRW NDB.
PBA NDB	BRW NDB	Direct	1500	Climb to 1500' on 064° bearing from BRW NDB within 15 miles. Supplementary charting information: 155' tower 1.4 miles NE of airport.

Procedure turn S side of crs, 244° Outbnd, 064° Inbnd, 1500' within 10 miles of BRW NDB.
Final approach crs, 064°.
MSA: 000°-360°—1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-6	420	1	377	420	1	377	420	1	377	420	1	377
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	417	500	1	457	500	1¼	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Barrow; State, Alaska; Airport name, Wiley Post-Will Rogers Memorial; Elev., 43'; Facility, BRW; Procedure No. NDB (ADF) Runway 6, Amdt. Orig.: Eff. date, 18 Dec. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BRW NDB.
PBA NDB	BRW NDB	Direct	1500	Climb to 1500' on 244° bearing from BRW NDB within 15 miles.
PBA NDB	Trail Int	Direct	1500	Supplementary charting information: 155' tower 1.4 miles NE of airport. Runway 24 threshold elevation, 31'.

Procedure turn S side of crs, 064° Outbnd, 244° Inbnd, 1500' within 13 miles of BRW NDB.
FAF, Trail Int. Final approach crs, 244°.
Minimum altitude over Trail Int., 600'.
MSA: 000°-360°—1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-24	520	1	489	520	1	489	520	1	489	520	1	489
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	477	520	1	477	520	1¼	477	600	2	557
	Dual ADF Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-24	460	1	429	460	1	429	460	1	429	460	1	429
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	417	500	1	457	500	1¼	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Barrow; State, Alaska; Airport name, Wiley Post-Will Rogers Memorial; Elev., 43'; Facility, BRW; Procedure No. NDB (ADF) Runway 24, Amdt. Orig.; Eff. date, 18 Dec. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Indianhead VORTAC	COV NDB	Direct	4600	MAP: COV NDB.
Garard Int	COV NDB	Direct	4000	Left-climbing turn to 3500′ on heading 235°, then left turn direct to Connellsville NDB and hold.
Newton Int	COV NDB	Direct	4000	
Chalkhill Int	COV NDB	Direct	4300	
Morgantown VORTAC	COV NDB	MGW, VORTAC, R 027°	4300	Supplementary charting information: Hold SW, 1 minute, left turns, 055° Inbnd. Final approach crs intercepts runway centerline 3200′ from threshold. Chart 2260′ terrain 2.5 miles SE of airport. Runway 5, TDZ elevation, 1265′.

Procedure turn N side of crs, 235° Outbnd, 055° Inbnd, 3500′ within 11 miles of COV NDB.
Final approach crs, 055°.
MSA: 000°-090°—4100′; 090°-180°—4300′; 180°-270°—3200′; 270°-360°—3100′.
NOTE: Use Morgantown, W. Va., altimeter setting.
* Night takeoff Runway 14 not authorized.
% IFR departure procedure: Runways 5, 23, and 32, climb on runway heading; Runway 14, immediate left-climbing turn to heading 235°; climb to 3000′ or above then continue climb as cleared.
CAUTION: Unlighted ridge E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-5	1940	1	675	1940	1	675	1940	1¼	675	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2020	1	753	2180	1¼	913	2260	1½	993	NA
A	Not authorized.		T 2-eng. or less—* Runway 14, 800-2; % Standard all others.				T over 2-eng.—* Runway 14, 800-2; % Standard all others.			

City, Connellsville; State, Pa.; Airport name, Connellsville; Elev., 1267′; Facility, COV; Procedure No. NDB (ADF) Runway 5, Amdt. Orig.; Eff. date, 18 Dec. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Mechanicsburg Int	SGH NDB	Direct	2800	MAP: 2.6 miles after passing SGH NDB.
South Solon Int	SGH NDB	Direct	2800	Climb to 2800′, left turn, direct to SGH NDB and hold.
DAY VORTAC	SGH NDB	Direct	2800	Supplementary charting information: Hold NE, 1 minute, right turns, 237° Inbnd. Runway 23, TDZ elevation, 1049′.

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 2800′ within 10 miles of SGH NDB.
FAF, SGH, NDB. Final approach crs, 237°. Distance FAF to MAP, 2.6 miles.
Minimum altitude over SGH NDB, 1900′.
MSA: 000°-090°—2900′; 090°-180°—2600′; 180°-270°—3100′; 270°-360°—2600′.
NOTES: (1) Radar vectoring. (2) When Springfield altimeter setting is not available, use Patterson AFB altimeter setting and increase straight-in and circling MDA 40′.
(3) Inoperative table does not apply to ALS, Runway 23.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-23	1460	1	411	1460	1	411	1460	1	411	1460	1	411
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1480	1	428	1520	1	468	1520	1½	468	1620	2	568
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Springfield; State, Ohio; Airport name, Springfield Municipal; Elev., 1052′; Facility, SGH; Procedure No. NDB (ADF) Runway 23, Amdt. 7; Eff. date, 18 Dec. 69; Sup. Amdt. No. ADF1, Amdt. 6; Dated, 10 Apr. 65

6. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.1 miles after passing PBA NDB.
				Climb to 1500′ on 199° bearing from PBA NDB within 15 miles of PBA NDB. Supplementary charting information: Tower 155′, 1.4 miles NE of airport.

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 1500′ within 10 miles of PBA NDB.
FAF, PBA NDB. Final approach crs, 199°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over PBA NDB, 700′.
MSA: 000°-360°—1300′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	460	1	417	500	1	457	500	1½	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Barrow; State, Alaska; Airport name, Wiley Post-Will Rogers Memorial; Elev., 43′; Facility, PBA; Procedure No. NDB (ADF)-1, Amdt. 2; Eff. date, 18 Dec. 69; Sup. Amdt. No. 1; Dated, 5 June 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Stacy Int	OEO NBD	Direct	2800	MAP: OEO NDB.
				Climb to 2800′ on 289° bearing from NDB within 10 miles; return to NDB. Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. Runway 28, TDZ elevation, 896′.

Procedure turn N side of crs, 109° Outbnd, 289° Inbnd, 2800′ within 10 miles of OEO NDB.
Final approach crs, 289°.
Minimum altitude over OEO NDB, 1660′.
MSA: 045°-135°—2400′; 135°-225°—2600′; 225°-315°—2600′; 315°-045°—2400′.
NOTE: Use Minneapolis altimeter setting.
CAUTION: Runways 4,22 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
8-28	1660	1	764	1660	1¼	764	1660	1½	764	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1660	1	764	1660	1¼	764	1660	1½	764	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Osceola; State, Wis.; Airport name, Osceola Municipal; Elev., 896′; Facility, OEO; Procedure No. NDB (ADF) Runway 28, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. Orig.; Dated, 25 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
HIC VOR	RCT NDB	Direct	2800	MAP: 3.1 miles after passing RCT NDB.
RCT VOR	RCT NDB	Direct	2600	Right-climbing turn to 2600', proceed direct to RCT NDB and hold.* Supplementary charting information: *Hold S, 1 minute, right turn, 354° Inbnd. 1308' tower 5000' SE of airport.

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2600' within 10 miles of RCT NDB.
FAF, RCT NDB. Final approach crs, 174°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over RCT NDB, 1900'.
MSA: 045°–135°—2700'; 135°–315°—2500'; 315°–045°—4000'.

NOTE: Use Traverse City, Mich., altimeter setting, except operators with approved weather reporting service. Operators with approved weather reporting service may reduce all MDA's by 220'.
%Departures Runway 17, climb to 1600' on runway heading before proceeding on crs.
#Air carrier reduction not authorized.
**Standard alternate minimums for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S–17	1740	1	685	1740	1	685	1740	1¼	685	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1840	1	785	1840	1	785	1840	1½	785	NA
A	Not authorized.**		T 2-eng. or less—Standard Runway 35; Runways 8, 17, and 26.%#				T over 2-eng.—Standard Runway 35; Runways 8, 17, and 26.%#			

City, Reed City; State, Mich.; Airport name, Miller; Elev., 1053; Facility, RCT; Procedure No. NDB (ADF) Runway 17, Amdt. 3; Eff. date, 18 Dec. 69; Sup. Amdt. No. 2; Dated, 6 Feb. 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Claypool Int	RCR NDB	Direct	2400	MAP: RCR NDB.
OXI VOR	RCR NDB	Direct	2400	Climb straight ahead to 2400', return to NDB.
OKK VORTAC	RCR NDB	Direct	2400	Supplementary charting information: Final approach crs intercepts runway centerline 2000' from end of runway. TDZ elevation, 790'.

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 2400' within 10 miles of NDB.
Final approach crs, 277°.
Minimum altitude over NDB, 1400'.
MSA: 000°–360°—2300'.

NOTE: Use Grissom AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C VIS	D VIS
S–29	1400	1	610	1400	1	610	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1400	1	610	1400	1	610	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Rochester; State, Ind.; Airport name, Fulton County; Elev., 790'; Facility, RCR; Procedure No. NDB (ADF) Runway 29, Amdt. 2; Eff. date, 18 Dec. 69; Sup. Amdt. No. 1; Dated, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Kingston VOR	Peekskill Int	Direct	2700	MAP: 4.8 miles after passing HP LOM.
Brewster Int	Peekskill Int	Direct	2100	Climbing left turn to 2000' on crs 090° to intercept CMK VOR R 200°, via R 200° to CMK VOR and hold. Supplementary charting information: Hold NE 1-minute right turns, 257° Inbnd. Runway 16, TDZ elevation, 439'.
Peekskill Int	LOM (NOPT)	Direct	2000	

One-minute holding pattern N of HP LOM, 162° Inbnd, right turns, 2000' in lieu of procedure turn.
FAF, HP LOM. Final approach crs, 162°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over HP LOM, 2000'.
MSA: 000°–090°—2800'; 090°–180°—2100'; 180°–270°—2600'; 270°–360°—2900'.

NOTE: ASR.
#Takeoff on Runways 5/23, 12/30, 300-1. Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S–16	1000	¾	561	1000	¾	561	1000	¾	561	1000	1	561
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1000	1	561	1000	1	561	1000	1½	561	1000	2	561
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.#					

City, White Plains; State, N.Y.; Airport name, Westchester County; Elev., 439'; Facility, HP; Procedure No. NDB (ADF) Runway 16, Amdt. 14; Eff. date, 18 Dec. 69; Sup. Amdt. No. 13; Dated, 6 Mar. 69

7. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
BFD VORTAC	BFD NDB	Direct	3600	MAP: ILS DH 2370'; LOC 3.8 miles after passing BFD NDB. Climb to 3600' on crs 322° within 10 miles. Return to BFD NDB and hold. Supplementary charting information: Hold SE, 1 minute, left turns, 322° Inbnd. 2261' light beacon 1500' down Runway 32 from threshold and 1375' left of centerline. Steel tower 6.5 miles NE BFD NDB, 2663'. Runway 32, TDZ elevation, 2120'.

Procedure turn W side of crs, 142° Outbnd, 322° Inbnd, 3600', within 10 miles of BFD NDB.
FAF, BFD NDB. Final approach crs, 322°. Distance FAF to MAP, 3.8 miles.
Minimum glide slope interception altitude, 3600'. Glide slope altitude at OM, 3357'; at MM, 2311'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.5 mile.
MSA: 000°–360°—3600'.

NOTES: (1) Sliding scale not authorized. (2) Air carrier will not reduce landing visibility due to local conditions. (3) Inoperative table does not apply to HIRL Runway 32.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S–32	2370	¾	250	2370	¾	250	2370	¾	250	2370	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–32	2420	1	300	2420	1	300	2420	1	300	2420	1	300
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2580	1	457	2600	1	457	2600	1½	457	2700	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bradford; State, Pa.; Airport name, Bradford Regional; Elev., 2142'; Facility, I-BFD; Procedure No. ILS Runway 32, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. Orig.; Dated, 16 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 967'; LOC 4.6 miles after passing LOM.
CLT VORTAC	LOM	Direct	2300	Turn right, climb to 3000' on CLT VORTAC R 063° to Bradley Int and hold; or, when directed by ATC, right turn climb to 2300' on FML VORTAC R 007° to FML VORTAC and hold S, 1 minute, right turns, 006° Inbnd.
Fort Mill VORTAC	Clover Int	Direct	2300	
Clover Int	LOM (NOPT)	Direct	2100	
Union Int	York Int	Direct	2300	
Bradley Int	LOM	Direct	3000	
Mount Holly Int	LOM	Direct	3000	
Fort Mill VORTAC	LOM	Direct	2300	Supplementary charting information:
Bethany Int	LOM	Direct	2300	Bradley Int, hold NE, 1 minute, right turns, 219° Inbnd.
York Int	Clover Int	Direct	2300	REIL Runway 36.
				Runway 5, TDZ elevation, 717'.

Procedure turn N side of crs, 230° Outbnd, 050° Inbnd, 2300' within 10 miles of CL LOM.
FAF, CL LOM. Final approach crs, 050°. Distance FAF to MAP, 4.6 miles.
Minimum glide slope interception altitude, 2300'. Glide slope altitude at OM, 2290'; at MM, 917'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.5 mile.
MSA: 000-090°—3000'; 090°-180°—2300'; 180°-270°—2900'; 270°-360°—2900'.
NOTES: (1) ASR. (2) LOC back crs unusable.
% RVR 24', Runway 5.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-5	967	RVR 24	250	967	FVR 24	250	967	RVR 24	250	967	RVR 24	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	1080	RVR 24	363	1080	RVR 24	363	1080	RVR 24	363	1080	RVR 24	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	472	1220	1	472	1220	1½	472	1300	2	552
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, I-CLT; Procedure No. ILS Runway 5, Amdt. 24; Eff. date, 18 Dec. 69; Sup. Amdt. No. 23; Dated, 10 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 244'; LOC 4.8 miles after passing AK LOM.
KG LFR	AK LOM	Direct	1800	Climb to 3000' on E crs I-AKN LOC within 15 miles.
AKN VORTAC	AK LOM	Direct	1800	
R 030°, AKN VORTAC CCW	AKN LOC crs (NOPT)	10-mile Arc AKN, R 302° lead radial.	2000	Alternate missed approach: When directed by ATC, climb to 2000', right turn to R 165° AKN VORTAC within 15 miles.
R 205°, AKN VORTAC CW	AKN LOC crs (NOPT)	10-mile Arc AKN, R 280° lead radial.	2000	
				Supplementary charting information: 280' tower 0.8 mile NW of airport. 190' towers 1.1 miles W of airport. Runway 11, TDZ elevation, 44'.

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 1800' within 10 miles of AK LOM.
FAF, AK LOM. Final approach crs, 111°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over AK LOM, 1700' (LOC); over KG LFR, 440'.
Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1645'; at MM, 299'.
Distance to runway threshold at OM, 4.8 miles; at MM, 0.6 mile.
MSA: 000°-090°—3700'; 090°-180°—3500'; 180°-270°—1400'; 270°-360°—1900'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-11	244	½	300	244	½	300	244	½	300	244	½	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	360	½	316	360	½	316	360	½	316	360	½	316
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	523	580	1	523	580	1¼	523	630	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57'; Facility, I-AKN; Procedure No. ILS Runway 11, Amdt. 10; Eff. date, 18 Dec. 69; Sup. Amdt. No. 9; Dated, 13 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 209', LOC 4.6 miles after passing Portland NDB/OM.
MIA VORTAC	Portland NDB/OM	Direct	1500	Climb to 1500' on LOC (BC) 087° to Bayshore VHF Int.
BSY VOR	Portland NDB/OM	Direct	1500	
Bayshore VHF Int	Portland NDB/OM	Direct	1500	Supplementary charting information:
PRR NDB	Portland NDB/OM	Direct	1500	VASI, Runway 12.
Krome Int	Portland NDB/OM (NOPT)	Direct	1300	TDZ elevation, 9'.

Procedure turn N side of crs, 267° Outbnd, 087° Inbnd, 1500' within 10 miles of Portland NDB/OM.
FAF, Portland NDB/OM. Final approach crs, 087°. Distance FAF to MAP, 4.5 miles.
Minimum glide slope interception altitude, 1300'. Glide slope at altitude OM, 1248'; at MM, 192'.
Distance to runway threshold at OM, 4.5 miles; at MM, 0.6 mile.
MSA: 000°-090°—2000'; 090°-180°—1400'; 180°-270°—2000'; 270°-360°—1300'.
NOTE: ASR.
% RVR 24', Runways 9L, 27L.

DAY AND NIGHT MINIMUMS.

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9L	209	RVR 24	200	209	RVR 24	200	209	RVR 24	200	209	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9L	360	RVR 40	351	360	RVR 40	351	360	RVR 40	351	360	RVR 40	351
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	451	460	1	451	460	1½	451	560	2	551
A	Standard.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %					

City, Miami; State, Fla.; Airport name, Miami International; Elev., 9'; Facility, I-MFA; Procedure No. ILS Runway 9L, Amdt. 7; Eff. date, 18 Dec. 69; Sup. Amdt. No. 6; Dated, 19 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 209'; LOC 4.4 miles after passing Orange NDB/OM.
BSY VOR	Orange NDB/OM	Direct	1500	Climb to 1500' on LOC (BC) 267° to Glades Int.
MIA VORTAC	Orange NDB/OM	Direct	1500	
PRR NDB	Orange NDB/OM	Direct	1500	Supplementary charting information:
Golden Beach Int	Orange NDB/OM	Direct	1500	VASI Runway 12.
Dania Int	Orange NDB/OM	Direct	2000	TDZ elevation, 9'.
Oceanside Int	Orange NDB/OM (NOPT)	Direct	1300	
Guppy VHF/LF Int	Orange NDB/OM	Direct	1500	

Procedure turn S side of crs, 087° Outbnd, 267° Inbnd, 1500' within 10 miles of Orange NDB/OM.
FAF, Orange NDB/OM. Final approach crs, 267°. Distance FAF to MAP, 4.4 miles.
Minimum glide slope interception altitude, 1300'. Glide slope altitude at OM, 1261'; at MM, 200'.
Distance to runway threshold at OM, 4.4 miles; at MM, 0.5 mile.
MSA: 090°-180°—1400'; 180°-270°—2000'; 270°-000°—2000'.
NOTE: ASR.
% RVR 24', Runways 9L, 27L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-27L	209	RVR 24	200	209	RVR 24	200	209	RVR 24	200	209	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27L	480	RVR 40	471	480	RVR 40	471	480	RVR 40	471	480	RVR 40	471
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	471	480	1	471	480	1¼	471	560	2	551
A	Standard.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %					

City, Miami; State, Fla.; Airport name, Miami International; Elev., 9'; Facility, I-MIA; Procedure No. ILS Runway 27L, Amdt. 7; Eff. date, 18 Dec. 69; Sup. Amdt. No. 6; Dated, 19 Sept. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 639'. LOC, 4.8 miles after passing HP LOM.
Kingston VOR	Peekskill Int	Direct	2700	Climbing left turn to 2000' on crs 090° to intercept CMK VOR R 200°, via R 300° to CMK VOR and hold.
Brewster Int	Peekskill Int	Direct	2100	Supplementary charting information.
Peekskill Int	LOM (NOPT)	Direct	2000	Hold NE, 1 minute, right turns, 257° Inbnd.
			*	Runway 16, TDZ elevation, 439'.

One-minute holding pattern N of HP LOM, 162° Inbnd, right turns, 2000' in lieu of procedure turn.
FAF, HP LOM. Final approach crs, 162°. Distance FAF to MAP, 4.8 miles.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 2000'; at MM, 632'.
Distance to runway threshold at OM, 4.8 miles; at MM, 0.5 mile.
MSA: 000°–090°—2800'; 090°–180°—2100'; 180°–270°—2000'; 270°–360°—2000'.
NOTES: (1) Back crs unusable. (2) ASR.
*Inoperative components table for ALS does not apply for Categories A, B, C, 1-mile visibility required for inoperative ALS.
#Takeoff on Runways 5/23, 12/30, 300–1. Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–16	630	½	200	639	½	200	639	½	200	639	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–16*	940	¾	501	940	¾	501	940	¾	501	940	1	501
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	940	1	501	940	1	501	940	1½	501	1000	2	501
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.#					

City, White Plains; State, N.Y.; Airport name, Westchester County; Elev., 439'; Facility, I–HPN; Procedure No. ILS Runway 16, Amdt. 14; Eff. date, 18 Dec 69; Sup. Amdt. No. 13; Dated, 6 Mar. 69

8. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
000°	360°	0–50	2500									For all runways: Descend aircraft to MDA after passing FAF 6 miles from runway threshold. Radar will provide 1000' vertical separation within 3-mile radius of following towers: 1849'—10 miles NE. 1849'—13 miles NE. 1852'—13 miles ENE. 2100'—21 miles SSE. TDZ elevations: Runway 4L—783'. Runway 13R—796'. Runway 22R—797'. Runway 31L—791'.

Missed approach:
Runway 4L—Left-climbing turn to 3000' and proceed direct to IND VORTAC.
Runway 13R—Climb to 2400' and proceed direct to CO LOM.
Runway 22R—Climb to 2400' and proceed direct to IN LOM.
Runway 31L—Climb to 3000' and proceed direct to IND VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–4L	1180	RVR 24	397	1180	RVR 24	397	1180	RVR 24	397	1180	RVR 50	397
S–13R	1200	¾	404	1200	¾	404	1200	¾	404	1200	1	404
S–22R	1200	½	403	1200	½	403	1200	½	403	1200	1	403
S–31L	1160	RVR 24	369	1160	RVR 24	369	1160	RVR 24	369	1160	RVR 50	369
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	443	1260	1	463	1260	1½	463	1360	2	563
A	Standard.		T 2-eng. or less—RVR 24', Runways 4L, 31L; Standard all other runways.				T over 2-eng.—RVR 24', Runways 4L, 31L; Standard all other runways.					

City, Indianapolis; State, Ind.; Airport name, Indianapolis Municipal (Weir-Cook); Elev., 797'; Facility, Weir-Cook Radar; Procedure No. Radar–1, Amdt. 17; Eff. date, 18 Dec 69; Sup. Amdt. No. 16; Dated, 9 Jan. 69

These procedures shall become effective on the dates specified therein.
(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 13, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69–13797; Filed, Nov. 26, 1969; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950-)

Subpart B—Quarters of Coverage and Insured Status

MISCELLANEOUS AMENDMENTS

Subpart B of Regulations No. 4 is amended as set forth below.

1. Section 404.101 is revised to read as follows:

§ 404.101 Insured status; general.

The insured status of an individual is a basic factor in determining entitlement on his earnings record to monthly benefits, special age 72 payments, the lump-sum death payment, and the establishment of a period of disability. For example, an individual must be "fully insured" (see §§ 404.108–404.113) to qualify for old-age insurance benefits, and either "fully" or "currently" insured (see § 404.114) for mother's insurance benefits or the lump-sum death payment to be payable on his earnings account. An individual is "fully" or "currently" insured when he has acquired sufficient "quarters of coverage" (see § 404.103) to give him such status. If an individual is neither "fully" nor "currently" insured, no monthly insurance benefit or lump-sum death payment is payable on the basis of his earnings record. Subpart D of this part explains which benefits are based on a fully insured status, which are based on a currently insured status, and which are based on both a "fully" and "currently" insured status.

2. Section 404.103 is amended by revising paragraphs (a) and (d) to read as follows:

§ 404.103 Quarters of coverage.

(a) *General.* A calendar quarter may be credited as a quarter of coverage if at least a specified minimum amount of wages are paid (or earned, under certain conditions—see paragraph (e) of this section) in such quarter, or if at least a specified amount of self-employment income is credited to such quarter, or if such quarter occurs in a year in which an individual has a specified amount of wages or self-employment income or a combination of both. However, certain calendar quarters may not be credited as quarters of coverage even though the wage or self-employment income requirements may be met in such quarters. Calendar quarters are credited as quarters of coverage in accordance with the rules in the following paragraphs of this section but subject to the limitations described in § 404.104. (See Subpart K for a definition of "wages" and "self-employment income." See section 229 of the Act for wages deemed to have been paid a member of the uniformed services.)

* * * * *

(d) *Quarters of coverage based on wages paid, or self-employment income derived, in a year.* An individual is credited with quarters of coverage based on the amount of wages paid or self-employment income derived, or a combination of both, in a year, as follows:

(1) *Based on wages.* An individual is credited with a quarter of coverage for each quarter in a calendar year (subject to the limitations in § 404.104) if such quarter occurred in a calendar year:

(i) After 1967, and he has been paid wages equal to $7,800 in such year;

(ii) After 1965 and prior to 1968, and he has been paid wages equal to $6,600 in such year;

(iii) After 1958 and prior to 1966, and he has been paid wages equal to $4,800 in such year;

(iv) After 1954 and prior to 1959, and he has been paid wages equal to $4,200 in such year;

(v) After 1950 and prior to 1955, and he has been paid wages equal to $3,600 in such year;

(vi) Prior to 1951, and he has been paid wages equal to $3,000 in such year and the conditions described in § 404.105 are met. If the conditions of § 404.105 are not met, then only those quarters in such year which occur after a quarter of coverage established in accordance with paragraph (b)(1) of this section, and prior to the quarter in which the individual became entitled to a primary insurance benefit, or died, are credited as quarters of coverage.

(2) *Based on self-employment income, or combination of self-employment income and wages.* In a case in which an individual has self-employment income, or a combination of self-employment income and wages, during a taxable year, he is credited with a quarter of coverage for each calendar quarter wholly or partly in such taxable year (subject to the limitations in § 404.104) if such taxable year:

(i) Ends after 1967 and the total of his self-employment income derived, and wages paid, in such year equals $7,800;

(ii) Ended after 1965 and prior to 1968 and the total of his self-employment income derived, and wages paid, in such year equals $6,600;

(iii) Ended after 1958 and prior to 1966 and the total of his self-employment income derived, and wages paid, in such year equals $4,800;

(iv) Ended after 1954 and prior to 1959 and the total of his self-employment income derived, and wages paid, in such year equals $4,200;

(v) Began after 1950 and ended prior to 1955 and the total of his self-employment income derived, and wages paid, in such year equals $3,600.

* * * * * *

3. Section 404.109 is amended by redesignating present paragraphs (d) and (e) as paragraphs (e) and (f) and by inserting after paragraph (c) the following new paragraph (d) to read as follows:

§ 404.109 Fully insured status; beginning August 1961.

* * * * * *

(d) *Deemed quarters of coverage based on wages prior to 1951*—(1) *General.* For purposes of paragraph (a) of this section and the provision in paragraph (b) of this section requiring a minimum of six quarters of coverage, an individual shall be deemed to have one quarter of coverage for each $400 of his total wages prior to 1951. (For definition of "total wages prior to 1951," see subparagraph (2) of this paragraph.) This rule is applicable in the case of an individual who applies for old-age insurance benefits after January 2, 1968, or who dies after such date without being entitled to old-age or disability insurance benefits. However, it does not apply where (i) such individual would not be a fully insured individual on the basis of the number of quarters of coverage derived under this rule plus the number of quarters of coverage derived from the wages and self-employment income credited to him for periods after 1950, or (ii) such individual's elapsed years (for purposes of paragraph (a)(1) of this section) are less than seven.

(2) *"Total wages prior to 1951" defined.* For the purpose of subparagraph (1) of this paragraph "total wages prior to 1951" with respect to an individual means the sum of (i) remuneration credited to such individual prior to 1951 on the records of the Secretary, (ii) wages deemed paid prior to 1951 to such individual under section 217 of the Act (relating to benefits in case of veterans), and (iii) compensation under the Railroad Retirement Act of 1937 prior to 1951 creditable to him pursuant to title II of the Act.

4. Section 404.113a is amended by revising paragraphs (a), (b), and (c)(2) and (5) to read as follows:

§ 404.113a Transitional insured status.

The provisions of paragraphs (a), (b), and (c) of this section are applicable in the case of monthly benefits under title

II of the Act for months beginning September 1965 on the basis of applications filed after June 1965.

(a) *Old-age insurance benefits.* (1) Quarters of coverage required: For purposes of entitlement to an old-age insurance benefit by individuals who attain age 72 before 1969, the six quarters of coverage referred to in § 404.109(b) shall instead be three. Thus, an individual who attains the age of 72 before 1969, who does not have the quarters of coverage required by § 404.109(b) for a fully insured status, may nevertheless qualify for an old-age insurance benefit of $40 ($35 prior to February 1968), upon attainment of age 72, if he or she has one quarter of coverage for each calendar year elapsing after 1950 and before the year of attainment of age 65, in the case of a man, or age 62, in the case of a woman, subject to reduction if § 404.109(c) is applicable. In no case, however, may an individual qualify for an old-age insurance benefit if he or she has less than three quarters of coverage.

(2) The following table may be used to determine the quarters of coverage required for a man under subparagraph (1) of this paragraph when no period of disability is involved.

Year Attained Age 65	*Quarters of Coverage Required*
1954 or earlier	3
1955	4
1956	5
1957 or later	Table in § 404.109(f) applies.

(3) The following table may be used to determine the quarters of coverage required for a woman under subparagraph (1) of this paragraph when no period of disability is involved.

Year Attained Age 62	*Quarters of Coverage Required*
1954 or earlier	3
1955	4
1956	5
1957 or later	Table in § 404.109(f) applies.

(4) Effect of period of disability: If the worker on whose earnings the benefit is based has established a period of disability which reduces the elapsed years below 6 in accordance with § 404.109(c), the claimant may qualify for an old-age insurance benefit under this paragraph on the basis of fewer than six quarters of coverage (but not less than 3) provided the claimant attains age 72 before 1969.

(5) Amount of benefit: For each month for which an individual is entitled to an old-age insurance benefit on the basis of subparagraph (1) of this paragraph, the amount of his old-age insurance benefit shall, notwithstanding the provisions of § 404.305, be $40 ($35 prior to February 1968).

(b) *Wife's insurance benefits.* If an individual is entitled to old-age insurance benefits at age 72 under the provisions of paragraph (a)(1) of this section, his wife, as defined in section 216(b) of the Act (but not a divorced wife as defined in section 216(d)(1) of the Act), may become entitled to wife's insurance benefits upon attainment of age 72 and upon filing application for such benefits, if she attains such age before 1969. For each month for which her husband is entitled to an old-age insurance benefit on the basis of paragraph (a)(1) of this section, the amount of her wife's insurance benefit payable under this paragraph, shall, notwithstanding the provisions of § 404.315, be $20 ($17.50 prior to February 1968).

(c) *Widow's insurance benefits.* * * *

(2) The following table may be used to determine the quarters of coverage required for entitlement to widow's insurance benefits under the transitional insured status provision when the worker died before September 1, 1965, and no period of disability is involved.

Year of deceased husband's death or attainment of age 65 (if earlier)	Deceased husband's required quarters of coverage if widow attains age 72 in—		
	1966 or earlier	1967	1968
1954 or earlier	3	4	5
1955	4	4	5
1956	5	5	5
1957 or later	Table in § 404.109(f) applies.		

(5) Amount of benefit: The amount of the widow's insurance benefit under this paragraph for each month shall, notwithstanding the provisions of § 404.330 (and section 202(m) of the Act), be $40 ($35 prior to February 1968).

4. Section 404.116 is amended by revising paragraphs (a) and (b) to read as follows:

§ 404.116 Disability insured status.

(a) *Period of disability.* For the purpose of establishing a period of disability, an individual has disability insured status as of a calender quarter if such individual:

(1) Would have been fully insured (see § 404.108ff) had the individual attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such quarter; and

(2)(i) Had not less than 20 quarters of coverage during the 40-quarter period (see paragraph (c) of this section) which ends with such quarter, or

(ii) Effective with respect to applications for disability determinations filed after June 1965:

(*a*) Such quarter ends before the individual attains (or would attain) age 31 and, with respect to applications for disability determinations filed prior to January 1968, he is under a disability by reason of blindness (as defined in section 216(i)(1) of the Act), and

(*b*) Not less than one-half of the quarters during the period ending with such quarter and beginning with the quarter after he attained the age of 21 were quarters of coverage (when the number of quarters in a period is an odd number, such number is reduced by one). If the number of quarters in such period is less than 12, at least six of the quarters (including quarters prior to age 21) in the 12-quarter period ending with such quarter must have been quarters of coverage.

(b) *Disability insurance benefits.* For the purpose of entitlement to disability insurance benefits, an individual has disability insured status in a month if:

(1) He would have been fully insured (see § 404.108 ff.) had he attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such month; and

(2)(i) Had not less than 20 quarters of coverage during the 40-quarter period (see paragraph (c) of this section) which ends with the quarter in which such month occurred, or

(ii) Effective with respect to benefits for months after August 1965 on the basis of an application filed after June 1965:

(*a*) Such month ends before he attains (or would attain) age 31 and, with respect to benefits for months before February 1968 (and benefits for February 1968 and subsequent months if based on an application filed before January 1968), he is under a disability by reason of blindness (as defined in section 216(i)(1) of the Act), and

(*b*) Not less than one-half of the quarters during the period ending with the quarter in which such month occurred and beginning with the quarter after he attained the age of 21 were quarters of coverage (when the number of quarters in a period is an odd number, such number is reduced by one). If the number of quarters in such period is less than 12, at least six of the quarters (including quarters prior to age 21) in the 12-quarter period ending with such quarter must have been quarters of coverage.

* * * * * *

(Secs. 205, 213, 214, 216, 223, 228, and 1102, 53 Stat. 1368, as amended, 64 Stat. 504, as amended, 64 Stat. 505, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended, 80 Stat. 67, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 413, 414, 416, 423, 428, 1302)

5. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 31, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: November 20, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-14104; Filed, Nov. 26, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Zearalanol; Effective Date Correction

An order providing for the use of zearalanol for the subcutaneous ear implantation of beef steers to increase rate of gain and improve feed efficiency was published in the FEDERAL REGISTER of November 14, 1969 (34 F.R. 18243), providing an effective date 30 days following its publication in the FEDERAL REGISTER.

The order was published pursuant to the provisions of section 512(i) of the Federal Food, Drug, and Cosmetic Act and, therefore, should become effective on the date of its publication.

Therefore, pursuant to the provisions of the Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the effective date provision for said order is corrected to read as follows:

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: November 24, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14162; Filed, Nov. 26, 1969; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

Sec.
203.1 Purpose and function.
203.2 Application for registration.
203.3 Conditions of registration.
203.4 Certificates of registration.
203.5 Validation of programs, projects, and services.
203.6 Acceptance and termination of registration.
203.7 Saving clause.

AUTHORITY: The provisions of this Part 203 issued under sec. 621, 75 Stat. 424, as amended; 22 U.S.C. 2381; E.O. 10973, 3 CFR, 1959-63 Comp.

§ 203.1 Purpose and function.

To foster the public interest in the field of voluntary foreign aid and the activities, other than religious, of nongovernmental organizations which serve the public interest therein, the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development (referred to in this part as the Committee) is authorized and directed to establish and to maintain, pursuant to the rules set forth in this part, a register of such nongovernmental organizations qualified for and voluntarily accepting registration; such register (a) to serve as a repository of information; (b) to enable the Committee to facilitate the programs and projects of the registrants; and (c) to provide information and advice, and perform such other functions, as may be necessary in furtherance of the purposes of this section.

§ 203.2 Application for registration.

Any person or nongovernmental organization or agency carrying on any nonprofit activities in the United States for the purpose of furthering or engaging in voluntary aid in areas outside the United States, including, but not limited to, projects and services of relief, rehabilitation, technical assistance, and welfare in the fields of health, education, agriculture, industry, emigration, and resettlement, may voluntarily make application for registration to the Chairman, Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523. Any person, organization, or agency whose application for registration is accepted under this part shall be referred to in this part as a registrant.

§ 203.3 Conditions of registration.

To establish that the primary purpose of an applicant is to further or engage in voluntary foreign aid, an applicant for registration shall submit evidence by its charter, articles of incorporation, constitution, bylaws, and other relevant documents, and a statement upon forms to be provided by the Committee or otherwise as may be required that:

(a) It maintains its principal place of business in the United States, at which shall be maintained books and records covering its operations;

(b) It is controlled by an active and responsible body composed principally of U.S. citizens, who serve without compensation, who have accepted the responsibility to carry out the activities of the agency to be reported to the Committee, and who will exercise satisfactory controls to assure that its services and resources are administered competently in the public interest;

(c) It has been authorized by the Internal Revenue Service to inform donors that their contributions may be deducted for Federal income tax purposes;

(d) It will only engage in activities or enterprises consistent with the fulfillment of the purposes and objectives as set forth in the application, or in any programs, projects, or services subsequently filed with the Committee;

(e) The funds and resources of the registrant will be obtained, expended, and distributed in ways which conform to accepted ethical standards without unreasonable cost for promotion, publicity, fund raising, and administration at home and abroad;

(f) Fund raising drives and attendant publicity will be timed, insofar as practicable, to avoid conflict with national appeals for public support during the limited periods of the countrywide campaigns of the American National Red Cross, the Community Chests, Savings Bond drives of the U.S. Treasury, or similar campaigns of accepted general national interest;

(g) It will notify the Committee of any programs, projects, or services which involve contractual support of United States or international governmental organizations in order that the Committee may lend its good offices and that coordination may be assured pursuant to the President's directive of May 14, 1946;

(h) Such current and periodic reports and information will be provided as the Committee may require from time to time pertaining to the registrant's organization, programs, projects, and finances, including audits by a certified public accountant, or other pertinent activities. Registrant will give prompt written notice to the Committee of material changes in its organization, purposes, governing personnel or overseas program activities. All records pertaining to responsibilities as a registrant and related to activities as such shall be made available for official inspection. Information on registration, organization, periodic reports on programs and finances shall be available for public inspection.

§ 203.4 Certificates of registration.

Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in section 203.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the U.S. Government, and otherwise are deemed to serve the public interest. Such certificates may be withheld, in the discretion of the Committee, until an initial program has been filed under the terms set forth in section 203.5. Notice of issuance of certificates will be published in the FEDERAL REGISTER.

§ 203.5 Validation of programs, projects, and services.

(a) To qualify for subventions provided by law in furtherance of the purposes and objectives of their organizations, registrants will submit applications upon forms provided by the Committee or otherwise as may be required, for the validation of specific country programs, projects, or services of relief, rehabilitation, technical assistance, and welfare in the fields of health, education, agriculture, industry, emigration, and resettlement. Written notice of acceptance will be issued to the registrant by the Committee as supplements to certificates of registration: *Provided that*:

(1) The specific program, project, or service is within the scope of any agreement that has been concluded between the U.S. Government and the government of the country of interest in furtherance of the operations of registrants acceptable to such governments;

(2) In the absence of such an agreement as set forth in subparagraph (1) of this paragraph satisfactory assurances are:

(i) Obtained from the government of the country in question that appropriate facilities are or will be afforded for the necessary and economical operations of the program, project or service including (*a*) acceptance of the specific program, project, or service; (*b*) the supplies approved in support of the program, project, or service are free of customs duties, other duties, tolls, and taxes; (*c*) treatment of supplies as a supplementary resource; (*d*) the identification of the supplies, to the extent practicable, as to their United States origin; and (*e*) insofar as practicable the reception, unloading, warehousing and transport of the supplies free of cost to points of distribution.

(ii) Provided by the registrant that (*a*) shipments will be made only to consignees reported to the Committee and full responsibility is assumed by the registrant for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them, or in special cases and following notice to the Committee, for sale to recipients at nominal cost or as payment for work performed to promote projects of self-help and economic development, but in no case shall supplies be withheld from needy persons because of their inability to pay or work; and (*b*) distribution is made solely on the basis of need without regard to race, color, religion or national origin under the supervision of U.S. citizens specifically charged with the responsibility for the program or project, or by non-U.S. citizens upon notification to and approval by the Committee of justification of their selection on account of the character and economy of the operation, and the degree of cooperation and acceptance of responsibility of the indigenous agency.

§ 203.6 Acceptance and termination of registration.

(a) Registration shall remain in force until

(1) Relinquished voluntarily by the registrant upon written notice to, and acceptance by, the Committee of the relinquishment of registration, or

(2) Terminated by the Committee for failure of the registrant to fulfill and maintain the conditions of registration.

(b) Whenever a registration is relinquished voluntarily owing to dissolution of the registrant, acceptance of relinquishment of registration shall be subject to submission of final reports to the Committee, including plans for disposition of the registrant's residual assets acquired in support of its programs.

(c) Termination proceedings pursuant to paragraph (a)(2) of this section shall include prior written notice to the registrant of the grounds for the proposed termination and opportunity for it to show cause why its registration should not be terminated.

(d) A formal notice of termination of registration shall be published in the FEDERAL REGISTER.

§ 203.7 Saving clause.

The Administrator of the Agency for International Development may waive, withdraw, or amend from time to time any or all of the provisions of the regulations in this part.

JOHN A. HANNAH,
Administrator.

NOVEMBER 19, 1969.

[F.R. Doc. 69-14088; Filed, Nov. 26, 1969; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter V—Smithsonian Institution

PART 503—NATIONAL GALLERY OF ART REGULATIONS PERTAINING TO CLAIMS

Part 503, Title 36, is added to the Code of Federal Regulations as follows:

Sec.
503.1 Authority to settle.
503.2 Procedure for filing.
503.3 Place of filing.

AUTHORITY: The provisions of this Part 503 are issued under sec. 1(a), 80 Stat. 306; 28 U.S.C. 2672.

§ 503.1 Authority to settle.

The Administrator of the National Gallery of Art, with the advice of the General Counsel of the National Gallery of Art, is authorized to settle any tort claim for money damages against the United States for damage to, or loss of property, or for personal injury, or death caused by the negligent or wrongful act, or omission of any employee of the National Gallery of Art while acting within the scope of his office, or employment which is cognizable under the Federal Tort Claims Act, as amended, and within the monetary limits therein prescribed. Claims accruing on or after January 18, 1967, shall be settled in accordance with the provisions of the regulations issued by the Department of Justice on December 29, 1966 (28 CFR Part 14), which are adopted and implemented by this part.

§ 503.2 Procedure for filing.

For purposes of the regulations in this part, a claim is deemed to have been presented when the Gallery receives from the claimant, his duly authorized agent or legal representative, an executed "Claim for Damage or Injury," Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury or death alleged to have occurred by reason of the incident.

§ 503.3 Place of filing.

A claimant shall mail or deliver his claim to the Administrator, National Gallery of Art, Washington, D.C. 20565.

KENNEDY C. WATKINS,
Acting Secretary.

[F.R. Doc. 69-14080; Filed, Nov. 26, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

In the appendix to Subchapter C the following changes are made:

1. In the country item "Bhutan" under Postal Union Mail, amend paragraphs *Registration* and *Prohibitions* to read as follows:

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 242 of this chapter.

Prohibitions. Coins, paper money, values payable to bearer, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry or other precious articles.

Dutiable articles in letter packages. Perishable biological materials.

2. In the country item "Canada" under Parcel Post, amend the fifth paragraph under *Observations* to read as follows:

The Canadian customs authorities require commercial invoices for all parcel post or postal union mail packages, regardless of value, except casual noncommercial shipments. For shipments valued at less than $100, the sender's regular business invoice may be used; if the value is $100 or over, the commercial invoice must be prepared on Canadian forms M-A or N-A. Four copies of the invoice, one of them signed by the sender in ink, must be sent by letter mail to the addressee.

3. In the country item "Libya", change the title to read as follows:

LIBYA (ARAB REPUBLIC OF) (TRIPOLITANIA AND CYRENAICA)

4. In the country item "Maldive Islands" make the following changes:

a. Revise the title to read as follows:

MALDIVES (REPUBLIC OF)

b. Under Postal Union Mail, amend *Observations* to read as follows:

Observations. The Postal Administration of Ceylon, where mail is sent for forwarding to the Maldives, assumes no responsibility for registered articles after dispatch from Colombo.

5. In the country item Muscat (Including Oman) under Parcel Post, amend the second paragraph of *Prohibitions* to read as follows:

Coins, paper money, securities, other values payable to bearer, and articles of gold or platinum exceeding 100 rupees ($21) in value.

6. In the country item New Zealand under Parcel Post, in the paragraph *Import restrictions*, amend the following paragraphs to read as stated:

(a) Bona fide gifts not exceeding 40 New Zealand dollars (U.S. $44.80).

(b) Merchandise for the addressee's personal use, not for his business or professional use or for sale or trade, and not exceeding 20 New Zealand dollars (U.S. $22.40) in value.

(c) Canceled stamps, uncanceled stamps not valid in New Zealand, and coins for collection.

7. In the country item of Venezuela (Republic of) under Parcel Post, amend paragraph 2 of *Observations* by adding the following sentence:

A pound equals 453.5 grams; an ounce equals 28.35 grams. A kilogram (1,000 grams) equals 2 pounds 3 ounces.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-14081; Filed, Nov. 26, 1969; 8:47 a.m.]

SUBCHAPTER E—TRANSPORTATION OF THE MAILS

PART 521—STAR ROUTE SERVICE

Miscellaneous Amendments

I. In § 521.2 *Postal services*, the following changes are made:

1. Paragraph (a)(2)(iii) is amended to change the designation of a postal official; and subdivision (iv) thereof is amended to add a sentence regarding key retentions.

(iii) Postmasters shall obtain a signed receipt for each key furnished to star route contractors or carriers for use in exchanging mail through the lobby or locker of the post office. Reclaim the key and surrender the receipt when key is no longer needed. When old keys are recovered or new ones issued, notify the designated administrative postmaster of the route, who will maintain a current record of all outstanding keys.

(iv) Keys furnished to star route contractors of carriers must be protected against theft at all times. Do not allow examination of the key or its possession by an unauthorized person. Where feasible, keys should not be retained by drivers between trips, but should be turned in to the headout installation for safekeeping.

* * * * *

NOTE: The corresponding Postal Manual sections are 521.212c and .212d.

2. Paragraph (a)(4)(ii) is amended to delete a reference to a postal official.

(ii) The director, postal operations division, will arrange for and keep record of, METRO padlocks and keys issued for use by star route contractors or carriers who are authorized to make collections from collection boxes. The METRO keys will be issued to the administrative postmaster of the star route on which collections are authorized. Such postmaster will be responsible for issuing the keys to the contractors and recovering the keys when no longer needed for collections. See sub-paragraph (2)(iv) of this paragraph.

NOTE: The corresponding Postal Manual section is 521.214b.

II. In § 521.3 *Contracts*, make the following changes in paragraph (c):

1. In subparagraph (2)(iii)(*g*), relating to surety companies acceptable on bonds and contracts, make the following changes:

a. Insert in proper alphabetical order the following companies:

Century Indemnity Co., New York, N.Y.
Farmers Elevator Mutual Insurance Co., Des Moines, Iowa
First National Insurance Co., of America, Seattle, Wash.
Iowa Surety Co., Des Moines, Iowa
John Deere Insurance Co., New York, N.Y.
Midland Insurance Co., New York, N.Y.
Oklahoma Surety Co., Tulsa, Okla.
Pekin Insurance Co., Pekin, Ill.
Puerto Rican-American Insurance Co., San Juan, P.R.
Security Mutual Casualty Co., Chicago, Ill.
State Farm Fire and Casualty Co., Bloomington, Ill.
Surety Co. of the Pacific, Los Angeles, Calif.

b. Delete the following:

Central Mutual Insurance Co., Van Wert, Ohio
Fulton Insurance Co., New York, N.Y.
Guarantee Co. of North America, New York, N.Y.
Superior Insurance Co., Indianapolis, Ind.

c. The locations of the principal offices of the following companies are amended to read as stated:

Birmingham Fire Insurance Company of Pennsylvania, New York, N.Y.
Camden Fire Insurance Association, Philadelphia, Pa.
Manhattan Fire and Marine Insurance Co., San Francisco, Calif.
National Union Fire Insurance Co., of Pittsburgh, Pa., New York, N.Y.
National Union Indemnity Co., New York, N.Y.
Pennsylvania Insurance Co., Boston, Mass.
Summit Fidelity & Surety Co., Des Moines, Iowa

d. Change "Commercial Union Insurance Co. of New York, New York, N.Y." to "Commercial Union Insurance Co. of America, Boston, Mass."

2. In subparagraph (3) subdivisions (i) and (iii), change "director, transportation division" to "director, logistics division."

3. In subparagraph (5) amend subdivision (i) to read as follows:

(i) Directors, logistics divisions.

4. Amend subparagraph (6) to read as follows:

(6) *Submitting bids.* Bids must be submitted as follows:

(i) Each proposal must be sent in a sealed envelope addressed Director, Logistics Division, Post Office Department, City ----------, State ----------, and endorsed Mail Proposal, Route from City ---------- to City ------, to State of ----------, Advertisement No. ----------.

(ii) If bond is to be executed by a surety company, the proposal should be properly prepared, other than the bond, and transmitted directly to the bonding company in ample time to have it completed and filed in the office of the director, logistics division, within the time limit stated in the advertisement.

(iii) When bond is to be executed by a surety company, the certificate as to bidder may be executed prior to the completion of the bond. (See certificate and note on back of proposal, Form 5468.)

5. Subparagraph (7) is amended to read as follows, in order to furnish additional information on bids and modifications received after advertisement expires:

(7) *Time limitations.* The following time limitations apply:

(i) No withdrawal of a bid will be allowed unless notice of withdrawal is received in the office of the director, logistics division, at least 24 hours before the expiration of the time limit stated in the advertisement.

(ii) Bids must be mailed in time to reach the director, logistics division, at the address and within the time limit specified in the advertisement. Bids and modifications received after that specified time limit will not be considered unless they are received before award is made and either of the following conditions exist:

(*a*) They are sent by registered mail, or by certified mail for which an officially dated post office stamp (postmark) on the original receipt for certified mail has been obtained. The bid opening committee must determine that late receipt was due solely to delay in the mail for which the bidder was not responsible.

(*b*) If sent by mail other than registered or certified the bid opening committee must ascertain that they were received at the installation in which the office designated in the advertisement is located before expiration of the advertisement. They must also determine that late receipt at the office designated in the advertisement was due solely to mishandling by the Government at the installation where that office is located. Timely receipt at such installation shall be established by examination of the appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it.

However, a modification which makes the terms of the otherwise successful bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(iii) Bidders using certified mail are cautioned to obtain a receipt for certified mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late bid was timely mailed.

(iv) The time of mailing late bids submitted by registered or certified mail

shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the receipt for certified mail unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is:

(*a*) Where the receipt for certified mail identifies the post office station of mailing, evidence furnished by the bidder which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or

(*b*) An entry in ink on the receipt for certified mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original receipt for certified mail does not show date, the bid shall not be considered.

NOTE: The corresponding Postal Manual section is 521.33.

III. In § 521.3 *Contracts*, make the following changes in paragraph (d), *Award of contracts:*

1. Amend subparagraph (1) to read as follows (so as to conform to 39 U.S.C. 6411(a)):

(1) *Requirements for award.* (i) Formal contracts for transportation of mail are required to be made after advertising shall:

(*a*) be awarded to the lowest responsible bidder with sufficient guarantee for faithful performance whereby the term of advertisement; and

(*b*) require due celerity, certainty, and security in the performance of the service.

(ii) The Postmaster General may disregard the bid of a person who wilfully or negligently failed to perform a former contract.

(iii) The Post Office Department may award a contract at any time within 60 days after the date stated in the advertisement as the closing date for the receipt of bids. A contract may be awarded during an additional 60-day period on written consent of the bidder and his sureties at their bid price.

2. Amend subparagraph (5) to read as follows (to change a title only):

(5) *Filing contract.* The successful bidder must execute and file his contract with the director, logistics division, within 60 days from the date of acceptance of bid.

NOTE: The corresponding Postal Manual section is 521.34.

IV. In § 521.5 *Record of performance*, amend paragraph (d) by deleting "transportation division" and in lieu thereof inserting "logistics division".

NOTE: The corresponding Postal Manual section is 521.54.

V. In § 521.6 *Certification of exceptional contract service performed*, delete "transportation division" and in lieu thereof insert "logistics division".

NOTE: The corresponding section in the Postal Manual is 521.6.

VI. In § 521.7 *Responsibilities and duties of postmasters*, make the following changes:

1. In paragraphs (d), (e), and (g) change "transportation division" to "logistics division".

2. Paragraph (f) is amended to require preparation of Form 5407 in duplicate instead of triplicate:

(f) Make inspection of non-box delivery star routes during the fall of the year prior to the renewal on July 1 of the following year. Report inspection on Form 5407, Survey of Star Route. Prepare in duplicate, and submit original to the director, logistics division, and retain the other copy.

NOTE: The corresponding Postal Manual section is 521.7f.

3. New paragraph (j) is added to require administrative postmasters to keep a current record of keys issued to star route contractors or carriers.

(j) Maintain a current record of all outstanding keys issued to star route contractors or carriers for use in exchanging mail through lobbies or lockers of post offices. (See § 521.2(a)(2).)

NOTE: The corresponding Postal Manual section is 521.7j.

VII. In § 521.8 *Screening contractors, subcontractors, and certain employees*, make the following changes:

1. Amend paragraph (a) to read as follows (in order to change two 30-day periods to 10 days):

(a) *Who must be screened.* Each contractor, subcontractor, or person employed by a contractor or subcontractor, to handle mail or drive mail vehicle, except those enumerated in paragraph (b) of this section, must complete Form 2025, Contract Personnel Questionnaire, and have this fingerprints taken on Form FD-258 (Fingerprint Chart), within 10 days after beginning service. The 10-day limit may be extended by the director, logistics division, in unusual circumstance.

NOTE: The corresponding Postal Manual section is 521.81.

2. In paragraph (b) the following changes are made:

a. Subparagraph (1) is amended to read as follows, for purposes of classification:

(1) Certificated interstate common carriers and their employees, if the director, logistics division and the postal inspector in charge approve the contractor's own security screening procedures.

b. Subparagraph (3) is amended to read as follows, so as to add a cross-reference:

(3) Persons who have been screened previously for another route. (See paragraph (f) of this section.)

NOTE: The corresponding Postal Manual section is 521.82.

3. In paragraph (e) change the title of Form 5415 to read: Form 5415, Post Office Department Screening Program.

4. Add the following to paragraph (f): "If a person claims that he has been screened on another route (as outlined in paragraph (b)(3) of this section) the administrative postmaster will submit the case to the highway transportation branch."

NOTE: The corresponding Postal Manual section is 521.86.

5. Amend paragraph (g)(2) to read as follows:

(2) When forms are in order, the administrative postmaster will send original Form 2025, stapled to Form FD-258 to the Personnel Security Officer, Bureau of Chief Postal Inspector, Post Office Department, Washington, D.C. 20260. The copy of Form 2025 will be filed alphabetically by name in a locked cabinet. The forms will be retained for 1 year after the contractor, subcontractor, or employee is separated for any reason.

6. Amend paragraph (h) to read as follows:

(h) When no derogatory information is developed or when only minor traffic offenses are involved, forms will be returned without comment to the director, logistics division, by the Personnel Security Officer. The remainder will be reviewed by the Director, Traffic Management Division, and returned to the director, logistics division, with instructions to retain or remove. The original of Form 2025 and Form FD-258 will be filed in the office of the postmaster at the city where the director, logistics division is located.

NOTE: The corresponding Postal Manual sections are 521.81, .82, and .86.

(5 U.S.C. 301, 39 U.S.C. 501, 6101, 6401, 6402)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-14082; Filed, Nov. 26, 1969; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 9—USE OF HEW RESEARCH FACILITIES BY ACADEMIC SCIENTISTS, ENGINEERS, AND STUDENTS

Part 9 of Subtitle A of Title 45 of the Code of Federal Regulations is revised to read as follows:

Sec.
9.1 Purpose.
9.2 Policy.
9.3 Delegations of authority.
9.4 Criteria.
9.5 Restrictions.

AUTHORITY: The provisions of this Part 9 issued under 27 Stat. 395, as amended; 20 U.S.C. 91.

§ 9.1 Purpose.

To enhance the availability of DHEW scientific research and study facilities to academic scientists, engineers, and qualified students.

§ 9.2 Policy.

It is the policy of the Department of Health, Education, and Welfare in accordance with the policy of the President announced on February 21, 1969, to make research and study facilities of the Department readily available to the scientific community, especially qualified academic scientists and engineers. Unique, unusual, and expensive-to-duplicate facilities at laboratories and other study and research facilities of the Department will be made available to the national scientific community, to the maximum extent practical without serious detriment to the missions of those facilities. It is also the policy of the Department to permit qualified students and graduates of institutions of learning in the several States, and territories, as well as the District of Columbia, to use study and research facilities of the Department. When such facilities are used by academic scientists, engineers, and students, the costs incurred for the operation of the unique or unusual research facilities, as well as of the other facilities, should be funded by the operating agency responsible for the operation of that facility, except for any significant incremental costs incurred in support of research not directly related to an HEW mission.

§ 9.3 Delegations of authority.

(a) The heads of operating agencies are delegated authority for negotiations and decisions as to the use of Department facilities by qualified academic scientists, engineers, and students.

(b) The heads of operating agencies may (and are encouraged to) redelegate to the heads of their respective component organizations, with the power to further redelegate to laboratory directors, the authority for negotiations and decisions as to the use of departmental facilities. Appropriate use shall be made of advisory groups in formulating their decisions.

§ 9.4 Criteria.

(a) The official permitting use of Department facilities must determine that it would be consistent with the programs of his activity to participate. Facilities may be made available provided the use of such facilities will be of direct benefit to the objectives of the academic scientist, or engineer, or student, with the prospect of fruitful interchange of ideas and information between Department personnel and the academic scientist, or engineer, or student, and such use will not interfere with the Department program.

(b) The official permitting use of Department facilities will furnish the non-Government user with safety requirements or operating procedures to be followed. Such requirements or procedures are to include the requirement to report to the permitting official any accident involving the non-Government user.

(c) The official delegated authority for approving the use of Department facilities will not permit the use of laboratory facilities unless he determines:

(1) That facilities are available for the period desired; and

(2) That the proposed research will not interfere with regular Department functions or needs, nor require the subsequent acquisition of additional equipment by the Department.

§ 9.5 Restrictions.

(a) Each individual authorized to use Department facilities will be expected to use the facilities and equipment with customary care and otherwise conduct himself in such manner as to complete his research or study within any time limits prescribed.

(b) Each individual authorized to use HEW facilities may not be authorized to sign requisitions for supplies and equipment.

(c) Any official approving the use of HEW facilities should seek an agreement, executed by non-Government users, absolving the Federal agency of liability in case of personal injury, death, and failure or damage to the non-Government user's experiments or equipment. The agreement must also contain a statement that the non-Government user will comply with all safety regulations and procedures while using such facilities.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Approved: November 20, 1969.

SOL ELSON,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 69-14103; Filed, Nov. 26, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18628; FCC 69-1285]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Television Broadcast Stations

In the matter of amendment of § 73.606 (b), Table of Assignments, Television Broadcast Stations Docket No. 18628, RM-1406, (Columbus, Miss.).

Report and order. 1. The Commission invited comments herein on a proposal to assign UHF Channel 27 to Columbus, Miss., in response to a petition of Messrs. Charles K. Irby and Sam H. Sanders, a partnership, doing business as Irby and Sanders, Columbus. (See notice of proposed rule making, released August 8, 1969, FCC 69-859, published August 13, 1969, in the FEDERAL REGISTER at 34 F.R. 13112.) No comments were filed.

2. Currently, only VHF Channel 4, occupied by Station WCBI-TV is assigned to Columbus, a city with a 1960 population of 46,639, located near the eastern Mississippi-Alabama border. The nearest other television stations are at Tupelo, Miss. (VHF Station WTWV), about 57 miles north of Columbus; at Meridian, Miss. (VHF Station WTOK-TV and UHF Station WHTV-TV), about 70 miles south of Columbus; at Tuscaloosa, Ala. (UHF Station WCFT-TV), about 55 miles southeast of Columbus, and at Birmingham, Ala. (VHF Stations WBRC-TV, WAPI-TV, and WBIQ, an educational station, and UHF Station WBMG), about 90 miles east of Columbus, none of which place a signal of Grade B intensity over Columbus.

3. As the notice informed, the Columbus Channel 27 proponents represented in their petition that they seek a UHF assignment at Columbus for a new local television station and that they intend to apply for authority to construct and operate on Channel 27 if it is assigned. The notice also advised that Columbus is in an area where UHF channel availabilities are considered ample to meet any foreseeable needs and that Channel 27 at Columbus would meet all mileage separation requirements, would require no changes in other assignments, and would be the most efficient assignment from the standpoint of least impact upon available assignments.

4. In these circumstances, we believe that the public interest would be served by assigning Channel 27 to Columbus. We emphasize, however, that in making this assignment, weight has been given to the consideration that prompt application for it could be expected in light of the petitioners' representations and demonstrated interest in applying for the channel.

5. In light of the foregoing, and pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective December 31, 1969, the television Table of Assignments in § 73.606(b) of the Commission's Rules is amended, insofar as the city below is concerned, to read as follows:

City	*Channel No.*
Columbus, Miss	4-, 27

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: November 19, 1969.

Released: November 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14099; Filed, Nov. 26, 1969; 8:48 a.m.]

[1] Chairman Burch not participating; Commissioner Wells absent.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kesterson National Wildlife Refuge, Calif.

In F.R. Volume 34, Number 206, dated Saturday, October 25, 1969, on page 17334, (§ 32.12) *Special Conditions* should be amended to read as follows:

(1) Hunting is permitted Wednesdays, Saturdays, and Sundays for the duration of the State season.

(2) A permit is required for hunting and is available from the Refuge Manager at the Kesterson Refuge Hunting Area Checking Station.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oregon.

NOVEMBER 14, 1969.

[F.R. Doc. 69-14055; Filed, Nov. 26, 1969; 8:45 a.m.]

PART 32—HUNTING

De Soto National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the De Soto National Wildlife Refuge, Nebr. is permitted on December 27 and 28, 1969, but only on the area designated as open to hunting. This open area, comprising 3,350 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of deer. The taking of coyotes as legal game shall also be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 28, 1969.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

NOVEMBER 21, 1969.

[F.R. Doc. 69-14078; Filed, Nov. 26, 1969; 8:47 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 151]

DISPOSITION OF MAIL ADDRESSED TO POST OFFICE BOXES CLOSED BY ORDER OF GENERAL COUNSEL

Notice of Proposed Rule Making

Section 151.3(h) of title 39, Code of Federal Regulations, provides that post office boxes are not to be used for a fraudulent, deceptive, or unlawful scheme, or for an immoral or improper purpose, or for the purposes of a lottery, or so that the safety of the mail is endangered by its continued use or for purposes other than the receipt of mail or official postal notices. It further provides that if the General Counsel finds that a box is being used for such purposes he may order the box closed. The section does not, however, contain any provision for the disposition of mail addressed to the box in the event of an order closing it. To correct this omission and to effectuate the purpose of the closing order it is proposed to provide for the holding of mail addressed to the closed box at General Delivery for 10 days following the notification to the boxholder. During this time he may give the postmaster a Change of Address Order which will permit the forwarding of mail from the box for 60 days. At the end of this period, or at the end of the 10-day period if no Change of Address Order is submitted, all mail addressed to the box will be returned to the sender.

Therefore, notice is given that under the authority of 5 U.S.C. 301 and 39 U.S.C. 501 it is proposed to amend § 151.3(h) of title 39, Code of Federal Regulations, by adding at the end the following subparagraph (5):

(5) *Disposition of mail.* When a box has been closed by order of the General Counsel pursuant to subparagraph (4) of this paragraph, the postmaster shall notify the boxholder and transfer mail addressed to the box to General Delivery. The mail will be held at General Delivery for a period of 10 days following the notification to the boxholder, during which period he may claim his mail at General Delivery. If a Change of Address Order is received during this period it shall be honored for a period of 60 days. Any Change of Address Order received prior to the effective date of this subparagraph shall be honored for a period of 60 days from the effective date of this subparagraph. At the end of the applicable period all mail addressed to the box shall be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with § 123.3(b) of this chapter.

Interested persons may submit written data, views and arguments concerning the proposal to the Director, Classification and Special Services Division, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-14083; Filed, Nov. 26, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69-29; Notice 2]

WINDSHIELD AND FORWARD-FACING WINDOW RETENTION REQUIREMENTS

Advance Notice of Proposed Motor Vehicle Safety Standard

On September 16, 1969, the FEDERAL REGISTER published an Advance Notice of Proposed Rule Making, Docket No. 69-29, Notice No. 1 (34 F.R. 14438), stating that the Federal Highway Administrator was considering amending Standard No. 212, Windshield Retention—Passenger Cars, to establish retention requirements for windshields and forward-facing windows in multipurpose passenger vehicles, trucks, and buses and motor vehicle equipment containing windows, i.e., slide-in campers, pickups, pickup canopies, pickup covers. The notice as it appeared in the FEDERAL REGISTER was entitled "Windshield Retention—Passenger Cars." This title may have been misleading and therefore the notice is being republished below for the convenience of interested persons and the time to submit comments is being extended 90 days from the date this notice appears in the FEDERAL REGISTER.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority contained in § 1.4(c) of Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)).

Issued on November 18, 1969.

F. C. TURNER,
Federal Highway Administrator.

The Federal Highway Administrator is considering rule making to amend Part 371, Federal Motor Vehicle Safety Standards, Standard No. 212, Windshield Retention—Passenger Cars, issued August 13, 1968 (33 F.R. 11652). Standard No. 212 which becomes effective January 1, 1970, establishes the retention requirements for passenger car windshields in their mountings and is part of an integrated program aimed at accomplishing the widely accepted goal of keeping occupants within the confines of the passenger compartment during a crash.

The proposed amendment to Standard No. 212 being considered by the Administrator would extend the scope and applicability of Standard No. 212 to include requirements for windshield retention in multipurpose passenger vehicles, trucks, and buses, and requirements for retention of forward facing windows in multipurpose passenger vehicles and motor vehicle equipment containing windows, i.e., slide-in campers, pickup caps, pickup canopies, and pickup covers.

Interested persons are invited to submit written data, views, or arguments.

An association, in commenting on the advance notice of proposed rule making on Docket No. 2-8 (32 F.R. 14281), which resulted in the issuance of Standard No. 212, indicated that crash data for trucks was being gathered which would be helpful in setting performance requirements and test procedures. If such crash data is available it should be submitted in order to aid the Federal Highway Administrator in setting realistic performance requirements and test procedures. In commenting it is asked that special attention be given to: The degree of retention that should be required for the various areas proposed to be covered by the amendment, human force capability of overcoming retention requirements for purposes of egress from a vehicle, alternatives to the barrier collision test procedure now required by Standard No. 212, a method of setting forth retention requirements for vehicles used for off-road purposes in which extraordinary torsional stresses are encountered, and a proposed effective date of January 1, 1971.

It is requested that comments contain supporting statements and data to justify all conclusions and recommendations. Comments must identify the docket number (69-29) and notice number (1) and be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received on or before the close of business 90 days from the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of

1966 (15 U.S.C. 1392, 1407) and the delegation of authority contained in § 1.4(c) of part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)).

[F.R. Doc. 69-14084; Filed, Nov. 26, 1969; 8:47 a.m.]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 8; Notice 69-8]

CENTRAL-MOUNTAIN STANDARD TIME ZONE BOUNDARY IN KEARNY COUNTY, KANS.

Proposed Relocation

The Department of Transportation has received a petition for the relocation of a section of the central-mountain time zone boundary from its present location on the eastern line of Kearny County, Kans., to the dividing line between Unified School Districts No. 215 and 216 in that county, so as to place Unified School District No. 216 (the eastern one-fourth of Kearny County including the community of Deerfield) in the central time zone. The petition contains 216 signatures, which the petition's preamble indicates are those of "duly qualified voters of Unified School District No. 216".

The petition states that "The west boundary of Unified School District No. 216 is approved by the Kansas State Board of Education and thus offers a workable solution to the needs of residents of this part of Kearny County, Kansas". By separate correspondence the Mayor and City Clerk of the City of Deerfield have advised the Department of Transportation that the City Council of Deerfield, at regular session on July 7, 1969, passed a resolution favoring the inclusion of Deerfield in the central time zone.

On June 11, 1969, the Department of Transportation published in the FEDERAL REGISTER (34 F.R. 9213) a notice of proposed rule making requesting comments on a proposal which would have relocated all of Kearny County along with all or parts of 20 other western Kansas counties in the central time zone. The comments received convinced the Department that all the other 20 counties should be in the central time zone and on August 13, 1969, the central-mountain time zone boundary was relocated (34 F.R. 13415) so as to make that change effective on October 26, 1969. However, with respect to Kearny County, the comments received indicated that Kearny County residents as a group preferred their county to be in the mountain time zone (2.6 to 1). For this reason the relocation that became effective on October 26, 1969, placed the time zone boundary so as to keep all of Kearny County in the mountain time zone.

In view of the present proposal which, if adopted, would split Kearny County between the central and mountain time zones it is appropriate to analyze the geographic makeup of the comments received from Kearny County concerning the earlier proposal. Of each 10 comments received, approximately seven were from the western part of the county which includes the community of Lakin (the largest community in the county and the county seat) and three were from the eastern part of the county including Deerfield. Of each seven comments from the western part, approximately six favored mountain time and one favored central time. Of each three comments from the eastern part approximately two favored central time and one favored mountain time. County officials and the Mayor and City Council of Lakin favored mountain time while the Mayor and City Council of Deerfield favored central time.

While it is the policy of the Department to establish time zone boundaries along State or county lines, so far as possible, it should be noted that Kearny County presents a unique problem because of Deerfield's nearness to and its social and economic ties with Garden City, a community of significant size a few miles to the east in the central time zone, and because of its corresponding remoteness from Lakin.

Under the time zone Act originally enacted in 1918 (15 U.S.C. 261), as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate and foreign commerce".

In consideration of the foregoing, it is evident that the Department should submit the relocation proposal for public comment. It is therefore proposed that § 71.6(d) of Title 49, Code of Federal Regulations, be amended by relocating the boundary line between the central and mountain time zones in Kearny County, Kans., so as to place so much of that county as lies within Unified School District No. 216 in the central time zone.

It is further proposed that should the foregoing proposal be adopted the operating exception granted for the Atchison, Topeka, and Santa Fe Railroad with respect to Kearny County in § 71.6(f) of Title 49, Code of Federal Regulations be amended accordingly.

Before taking final action to adopt, deny, or modify the boundary the Secretary of Transportation will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted to the: Docket Clerk, Office of the General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590. The proposal may be changed in the light of the comments received.

Communications received on or before January 12, 1970, will be considered before final action is taken on this proposal. In addition, all communications received before the date of this notice will be so considered and it will not be necessary for persons who have previously commented to comment again. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced daylight saving time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State may prescribe a time that is inconsistent with this requirement. The Department of Transportation had no administrative authority with respect to this matter.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and § 1.8(i)(1) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.8(i)(1)).

Issued in Washington, D.C., on November 21, 1969.

JAMES A. WASHINGTON, JR.,
General Counsel.

[F.R. Doc. 69-14123; Filed, Nov. 26, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222; FCC 69-1269]

STANDARD METHOD FOR CALCULATING RADIATION

Further Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Commission's rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the standard broadcast service.

1. This proceeding was initiated by a notice of proposed rule making adopted on October 6, 1965. The notice limited the periods during which comments and reply comments might be filed to January 14, 1966, and January 31, 1966, respectively. The Commission's proposals therein became the subject of exhaustive and protracted study by a number of engineering organizations, which resulted in repeated requests for additional time for the preparation and submission of comments. The Commission, by appropriate orders, granted these requests. As extended, the deadline for filing comments became June 14, 1968, and for reply comments, September 16, 1968.

2. The following parties filed timely comments. They are listed approximately in the order of filing dates:

A. E. Towne (Towne).
E. Harold Munn, Jr. (Munn).
Pete Johnson Consulting Engineers (Johnson).
Columbia Broadcasting System (CBS) (comments and supplementary comments).
Robert A. Jones (Jones).
Clear Channel Broadcast Service (CCBS).
J. B. Hatfield (Hatfield).
Department of Commerce (Commerce).
Association of Federal Communications Consulting Engineers (AFCCE).
A. D. Ring and Associates (Ring).
Association on Broadcasting Standards, Inc. (ABS).
Jules Cohen and Associates (Cohen).
Edward F. Lorentz (Lorentz).
A. Earl Cullum, Jr., and Associates (Cullum).

Reply comments were submitted by:

A. Earl Cullum, Jr., and Associates.
Columbia Broadcasting System.
Clear Channel Broadcasting Service.
Storer Broadcasting Company.

All comments and reply comments have been fully considered. Generally speaking, the comments fall in two groups—those filed prior to the submission by AFCCE, and those filed subsequent to the AFCCE filing. The earlier comments take as a point of departure the Commission proposal. The later comments were filed with a general knowledge of the contents of the AFCCE pleading, which is a detailed counterproposal to the FCC's proposal. These generally support, take exception to, or suggest changes in the AFCCE proposal. Because of the number of comments and the detail contained in many of them, we will not attempt to summarize these comments individually; rather we will consider the views of the parties in connection with the various aspects of the problem to be discussed below.

The problem. 3. It is well known that the radiation pattern of an operating directional antenna array will deviate, sometimes substantially, from the pattern developed mathematically. There are, fundamentally, three causes of these deviations: (1) the basic assumptions which are common to every antenna design (such as that of a perfectly reflecting earth and sinusoidal current distribution along the array elements) are always, to some degree, in error; (2) there are various environmental factors whose effect, if foreseen, can only be estimated in the theoretical design (e.g., ground losses), or are of such a nature that they cannot be provided for specifically in the design; (3) inevitable variations in the values of the electrical components of the antenna system with temperature and time result in fluctuations of radiation about a mean value, or a progressive drift of radiation values from those originally established.

4. Because of the commonly experienced difficulty in accurately establishing and maintaining the extremely low values of radiation which might be indicated in certain azimuths on a theoretical antenna pattern, the Commission, a number of years ago, amended section 73.150 of its rules and regulations to provide for the superposition of the theoretical pattern of MEOV's[1] which, particularly over sectors including the null areas of the theoretical pattern, depict radiation values in excess of those shown on the theoretical pattern, but values which the engineer designing the antenna expects will not be exceeded in actual operation. In the initial computation of the level of interference caused to other stations, the appropriate MEOV value, rather than the corresponding pattern value of radiation is employed. MEOV's for the individual radiation pattern are established by the design engineer on any basis he desires. While, in some cases, a closed line completely enveloping the theoretical pattern establishes MEOV's for all azimuths, and may sometimes have a definite mathematical relationship to the theoretical pattern, in the usual case MEOV's are selected on the basis of engineering judgment, and encompass only those sectors of the theoretical pattern where the values of radiation are critical to the protection of other stations. While the MEOV's are essential to the depiction of the performance of the directional array, as presently established they cannot be programed on a computer for interference studies, an ultimate objective of the Commission in this proceeding.

5. A further objection to the present system of establishing MEOV's is that it offers no curb on the occasional tendencies of an optimistic engineer to overestimate his ability to adjust an array to extremely low radiation values, and to propose MEOVs which are subsequently exceeded in the adjustment of the array. When this occurs a serious problem is presented, as the excess radiation may result in interference to an existing station of a level which, had it been depicted in the original application, would have precluded the granting of the application.

6. In addition to the difficulties which result when too great suppression is incorporated and relied on in the original radiation pattern, are those caused by an inaccurate prediction of pattern size. Where the RMS value of the proof pattern substantially exceeds that of the theoretical pattern a distortion of the radiation pattern occurs, mainly in the ratio of maximum to minimum values; the latter, in most cases, must be held close to the theoretical values or MEOV's to maintain the required protections for other stations. Not many severe cases of this kind have occurred in recent years, probably because of the now consistent practice of most engineers of developing the RMS of the array as a function of the array design. However, the Commission's files contain many older patterns in which the design RMS value was apparently "taken out of a hat" and is substantially exceeded in the measured pattern. Where excessive proof pattern size does occur under present conditions, it can usually be ascribed to the fact that an unduly pessimistic estimate was made of operating losses in the original pattern design.

7. Where excessively large proof patterns have been produced the Commission could have required that the input power of the array be lowered to the degree necessary to reduce the proof pattern to the size of the theoretical pattern. It has heretofore not been willing to follow this practice. Instead, because the proof patterns of many AM stations differ substantially from the theoretical patterns for these stations, it has required that domestic interference between stations be computed on the basis of proof patterns. In computing skywave interference, this has made necessary the questionable practice of estimating radiation from the proof at angles above the horizontal by applying a ratio of horizontal to pertinent angle radiation derived from the theoretical pattern.

8. In addition to the distortions attributable to excessive size, existing measured patterns may have other distortions and asymmetries, major and minor. While many of these irregularities may reflect actual deviations from the theoretically determined radiation values, viewed in the light of latter experience it appears likely that irregularities in some earlier patterns may depict to some extent the result of faulty measurement and analysis procedures.

9. Because the establishment of international priorities for U.S. stations requires the notification of new stations, and changes in existing stations at the earliest date possible, i.e., at the time of the grant of a construction permit, only theoretical patterns are notified, and interference studies to stations in neighboring countries are made on the basis of these patterns. The employment of different patterns for domestic and foreign interference studies is cumbersome and generally undesirable. Furthermore, the measured patterns cannot practicably be computerized.

10. Accordingly, the aim of the Commission in this proceeding is to develop rules pursuant to which each directional radiation pattern will be computed with

[1] MEOV stands for "maximum expected operating value". The name implies that it represents a level of radiation which will not be exceeded in the day to day operation of the array. However, the MEOV is generally treated in the examination of array proofs-of-performance as an "adjustment value", i.e., the Commission may accept a proof showing radiation in a particular azimuth equal to the MEOV at that azimuth. Nevertheless, many consulting engineers make it a practice, where possible, to adjust the radiation to some value lower than a given MEOV, to provide for minor changes which are likely to occur in the adjustment of the array, and in sources of reradiation, as well as to allow for variations in signal propagation between the array and a monitoring point established at a particular azimuth to control the field radiated at that azimuth. The fact that it is not the present practice of the Commission to assign, in the station license, monitoring point values sufficiently high to allow the licensee to take full advantage of the tolerance between the MEOV and adjustment value is a source of complaint from several of the parties commenting.

adjustment or operating tolerances included in a mathematically expressible form, and will be of such size and configuration as to encompass, in the usual case, the actual measured radiation. Measured patterns would no longer be used for interference computations.

11. Therefore, it proposed that the pattern RMS be computed with an assumed loss resistance of 1 ohm at the base of each tower, which was taken to represent the effect of operating losses in a system of better than average construction. The resulting pattern would be of a size which, it was believed, would not likely be exceeded in actual operation. Operating (or adjustment) tolerances would be provided for by a factor added in quadrature to the basic pattern of such size that null adjustments within its limits could, in all probability, be achieved. The Commission proposed that the orthogonal component be equal to 10 percent of the RMS or RSS field of the array. Comments were requested on whether the RMS or RSS value should be used.

12. The orthogonal addition of a factor of this magnitude would have little effect on the overall size of the pattern, but null fill-in would occur to the extent that at no point on the pattern would a radiation value less than 10 percent of the RMS (or RSS) field be depicted. The Commission did not discuss the question of what, if any, negative departures from the computed pattern would be tolerated in the measurement and adjustment of an array, although it did not propose any change in section 73.189 (b)(2) of the rules, which specifies the minimum effective fields for stations of various classes.

Comments of the parties. 13. A number of the parties commenting urge that no strictures whatever be placed by rule on the design engineer—that he enjoy complete freedom to determine pattern size and amount of null suppression in each individual case in the light of environmental conditions at the antenna site, the electrical and physical design of the array, and the monitoring facilities provided. Each array, they argue, is necessarily unique, and requires the exercise of unhampered engineering judgment in the development of suitable array designs for each particular situation.

14. On the other hand, other engineers argue that general aim of the proposed rules is highly desirable, and action in this area is long overdue. However, there were varying opinions as to what should be the specific requirements of the rules. Even among those favoring adoption of rules of the general type proposed, are many who desire a specified procedure for obtaining waivers of one or more of any rules adopted on the basis of special showings.

15. The Commission is also urged to consider that the level of interference caused by one station to another depends on propagation losses which vary with time and other conditions, and are not susceptible to precise measurement, and the measurement of the performance of the directional array itself is accomplished by methods which are of limited accuracy. Accordingly, it is held to be unrealistic to impose unduly rigid requirements on the design and performance of a directional array.

16. Towne suggests that, instead of such requirements, the Commission's rules should be framed to insure that the physical construction of an array (e.g., use of ground screens, welded joints in towers, etc.) and the operating parameters (no unduly low base resistances) are such to insure stable operation of the array.

17. In summarizing the comments of the parties, it appears that they can conveniently be divided into basic topics, viz.:

1. The size of the original "calculated" pattern, and the factors which should be considered in determining its size.
2. The way null "fill-in" is to be achieved, the components producing this "fill-in" and their magnitudes.
3. Reconciliation of measured and computed patterns.
4. Procedures applicable when the measured pattern exceeds the calculated pattern.
5. Application to exsting stations.
6. Showings required to obtain waiver of any basic rules adopted.

Pattern size. 18. While the majority of the parties commenting agree that a 1 ohm resistance in each tower should be assumed in the computation of the original pattern, there is general agreement that the loss should be assumed to occur at the current loop in the tower, rather than at the tower base, which the Commission proposed. However, several parties urged that the engineer designing the array be permitted to select the loss resistance which he considers most appropriate in the light of the electrical and physical design of the array. In fact, AFCCE indicated that a "substantial number" of its members believe that the proposed rule change is unnecessary, and that the present rules have served "reasonably well".

19. Storer believes that the real sources of losses in directional arrays are the coupling and phasing networks, and holds that the convention of adding loss resistance to loop radiation resistance is based on a fictitious assumption. It favors computation of the pattern RMS with no assumed losses by the Poynting vector method.

20. CCBS favors a no-loss calculation of a "three-dimensional RMS", apparently equivalent to that referred to by Storer. It recognizes that the "assumption of 100 percent efficiency is unrealistic" but, "this matter is reconciled with Rule 73.54(5)(e) by assuming the efficiency allowed by this Rule in theoretical calculations."

21. Commerce states that power losses in an operating array result principally from the flow of base currents through a finitely conducting earth. It cites theoretical and experimental studies of the magnitude of these losses, and notes that it is dependent on frequency, ground conductivity, tower height, and ground system size. It suggests that appropriate curves be adopted, or tabulations adaptable to computer use, which will provide information as to the loss resistance to be assumed in each case, based on the applicant's showing of the applicable parameters in that case.

22. Both Jones and Johnson furnish information in the form of curves indicating the effect on assumed tower loss resistance of variations in certain parameters. Each suggest that such information be incorporated in the rules for use by engineers in the design of arrays. Jones states it is much more difficult to attain low losses at higher than at lower broadcast frequencies. He furnishes a curve, based on his experience, which indicates an effective tower loss resistance of about ¾ ohm at 550 kc/s and 2 ohms at 1600 kc/s.

23. Johnson furnishes several graphs, based on information obtained from a number of sources, purporting to show the magnitude of the effective loss resistance as affected by tower height, ground system size, ground conductivity, and frequency. Generally speaking, except for cases of extremely short towers or ground systems which would be patently substandard, the range of tower loss resistance approximates those shown on Jones' curves, although the frequency effect alone is not as marked as Jones depicts.

24. Johnson proposes that a theoretical pattern be designed using the most accurate estimate of effective loss resistance available. In recognition of the fact that lower losses might be achieved in practice, and that terrain effects could also contribute to upward deviations from the theoretical radiations, he would provide for such deviation by a 10 percent expansion of the theoretical pattern size.

25. Munn, like Storer, urges that no lumped loss resistance be used in the pattern computation. He is of the view that in many array designs a reduction of the assumed tower loss resistance from two or more to 1 ohm will not significantly increase the pattern RMS, and that the major contributor to the situation where a measured pattern exceeds its theoretical counterpart in size is the fact that coupling and feeder system losses are usually substantially less than the allowance for such losses provided for in the Commission's rules. Consequently, the effective input power to the array exceeds that used in the computation of the theoretical pattern, and a larger than expected measured pattern results.

26. Munn furnishes a list of 21 stations, operating on frequencies between 1500 and 1550 kc/s, whose measured patterns significantly exceed their theoretical patterns in size. It is perhaps significant to note that all of those stations operate in a frequency range where Jones would expect the effective tower losses to be the greatest.

27. Lorentz believes that the design engineer should be permitted to select a pattern size meeting allocation requirements, with a ceiling established by a minimum 1 ohm loss resistance, and a floor by the efficiency requirements of § 73.189 of the rules.

28. He sees the need for deliberately introducing losses, as in an instance when tall towers, selected solely for the purpose of attaining relatively lower values of radiation at angles above the horizontal, would otherwise produce an excessively large horizontal pattern.

29. CBS cites an additional factor which it believes should be considered in determining the original pattern size. In the design of an array it is rather customary to assume that the electrical and physical heights of each tower are the same, even though the speed of propagation of the wave along the tower is less than in free space. While computations made on the basis of this assumption may not involve serious errors where the towers are one quarter wavelength or less in height, this is not true for higher towers; the resulting tower fields (and the pattern RMS) can be substantially understated in such cases unless a more accurate asssesment of the electrical height of the towers is made. CBS suggests that the relative speed of propagation be assumed as 0.93 (i.e., the electrical height of the antenna be assumed to be 1/0.93 times its physical height in wavelengths).

30. AFCCE, in a submission which it states represents a consensus of its membership, has presented what is in effect a counterproposal to that contained in the notice of this docket. Insofar as the question of pattern size is concerned, AFCCE proposes that a loss resistance of 1 ohm [illegible] be used in the computation of the theoretical pattern and that such patterns be further amplified in size by the linear addition at each azimuth of a value equal to 5 percent of the theoretical field at that azimuth. A further minor increase in the size of the envelope would result from the orthogonal addition of a fixed component intended principally, as in the Commission's proposal, to produce null "fill-in". This particular feature of the proposal will be discussed more fully in the section devoted to that subject.

31. AFCCE does not articulate the reasons for its selection of the 5 percent augmentation factor. Its purpose is apparently pragmatic—its view that the application of this factor, together with employment of a 1 ohm loss resistance will provide an envelope of sufficient size to accommodate the largest measured pattern likely to be produced, together with such minor departures from pattern symmetry as are ordinarily encountered.

32. Ring and ABS support the use of a factor of this size. However, ABS would allow the use of some other factor in particular cases, if there is engineering justification for its employment. Cohen, agreeing to the linear addition of an augmentation factor, believes that its magnitude should be determined by the engineer designing the array. Cullum believes that the design engineer should retain full freedom to select and specify all factors which control pattern size, subject to a full engineering justification of the reasons for their selection.

33. Discounting those oppositions which appear to be based on the belief that the Commission is unjustifiably interfering with the free exercise of independent engineering judgment, the objections to the adoption of a uniform assumed loss resistance of 1 ohm per tower may be classified as those based upon a fear that the value specified may be in many instances (1) too large, or (2) too small. Thus, in the first category, Munn believes that measured patterns tend to exceed theoretical patterns in size because the power input to the antenna exceeds that assumed in the theoretical design. The inclusion of any loss factor in the pattern design only aggravates this disparity. Jones and Johnson indicate that 1 ohm exceeds the effective tower losses in short towers and/or at low frequencies. When those factors are pertinent, the result of using 1 ohm loss resistance may be the same as Munn foresees—a measured pattern larger than the theoretical pattern.

34. The more general fear, however, appears to be that, in many cases, power losses reasonably foreseen will not be adequately provided for by the use of a 1 ohm effective loss resistance. Even though the undesirable aspects of such a situation are not fully articulated by any of the parties, it is not difficult to perceive the hardships which are inherent. The engineer may be required in some cases to have the acceptability of his engineering proposal assessed on the basis of a proposed directional pattern which may indicate fields exceeding, perhaps by a substantial degree, those which, in his considered judgment, could be attained in the operating array. Under any particular set of circumstances, this can make more difficult the design of an array for one station providing the necessary computed protection for others. On top of this, he faces the possibility that the measured pattern may be so small as not to meet the minimum requirements of § 73.189 of the rules. In this connection, Hatfield urges that if the engineer is required to use a specified loss resistance, it should be made clear that the minimum fields required by section 73.189 need be achieved only in the theoretical design, and not in actual operation. The inhibitions involved in this situation are inherent in the AFCCE proposal to determine pattern size to a greater degree than is the Commission's, although it would avoid the question of compliance with § 73.189 by not requiring a measured pattern.

Null fill-in. 35. The Commission proposed the orthogonal addition to the theoretical pattern of a factor equal to 10 percent of the computed RMS or RSS value of the pattern. This would produce a pattern whose minimum indicated radiation would never be less than 10 percent of the RMS (or RSS) value of the pattern. CBS and CCBS are of the opinion that this floor is none too high for situations where skywave interference is involved. Both cite the results of a test conducted by Subcommittee I–A of the 1949 NARBA Preparatory Committee which indicate that directional arrays supposedly having highly restricted radiation at angles pertinent to skywave signal transmission to particular locations produce interfering skywave fields at these locations substantially higher than would be predicted on the basis of the computed radiation at the pertinent angles. Other parties urge that the floor proposed by the Commission is unrealistically and prohibitively high, and CBS and CCBS, with some reservation, believe this may be the case where only groundwave fields are to be considered.

36. The majority of the parties agree that an inability to attain and maintain theoretically predicted radiation values in the null areas of operating arrays is attributable largely to the effects of scattering, reradiation, and array instability, and that the magnitude of these effects is more closely related to the RSS, rather than to the RMS value of the array. Those who favor the use of the RMS generally do so because it is a more readily available value for each antenna pattern.

37. AFCCE does not discuss this question, but proposes that null "fill-in" be obtained by adding in quadrature to the theoretical pattern a component equal to 3.5 percent of the theoretical RMS value of the pattern, or 6 mv/m, whichever is greater, multiplied by the vertical form factor ($F(\emptyset)$) for the shortest tower in the array.

38. Ring supports the basic AFCCE proposal, with the following exception: Should the RSS to RMS ratio of a specific array exceed 1.4, it proposes that the RSS value be used in the computation of the orthogonal component. No justification is given for the selection of this particular ratio as a criterion, other than the fact that Ring has examined assignments on 600 kc/s and 1260 kc/s, and found that the directional antennas of a majority of stations on these frequencies have RSS/RMS ratios of less than 1.4. Ring submits a study of skywave interference among stations on these channels, using RSS orthogonal components for those stations having RSS/RMS ratios exceeding 1.4, which indicates station limitations would not be substantially greater than are computed using the AFCCE formula. Whatever rule is adopted, however, Ring believes waivers should be granted in special cases on the basis of an adequate technical justification.

39. In Cohen's experience, directional radiation of less than 5 percent of the pattern RMS "is difficult to achieve and even more difficult to maintain". Accordingly, Cohen states, a special showing should be required to justify any directional proposal involving suppressions more severe than the application of the 5 percent factor would permit. Subject to this qualification, each engineer should be free to specify the degree of suppression which is appropriate in each case.

40. Hatfield suggests the addition of 5 percent of the RMS in quadrature but only to those portions of the theoretical pattern that show radiation of less than 50 percent of the pattern RMS.

41. ABS also favors 5 percent of the RMS orthogonal factor as a floor to radiations shown in the original pattern design, using, in general, the AFCCE

approach, but avers that other (presumably lower) values than 5 percent should be permitted if evidence as to site, reradiation, array stability, and similar factors warrant it. Its computation procedures differs from AFCCE's in that it applies the 5 percent pattern size expansion factor (advocated by AFCCE and previously discussed) after addition of the orthogonal component. This, however, does not produce a result significantly different from AFCCE's. (The minimum radiation computed for a given value of the orthogonal component would be, as a maximum, 5 percent higher than AFCCE would propose.) ABS emphasizes that it supports, with some modification, the AFCCE approach as a method for computing a radiation envelope for new stations. It would "grandfather in" each existing station so that it enjoys right to maintain, if necessary, in each direction, the radiation shown on its present measured radiation pattern, not only at its present transmitter site, but in the event circumstances require that it move locally at a new site.

42. CBS submits a study of the relationship of the width of the required angle of protection (as exemplified in the protection of the skywave service area of a Class I station) and the maximum degree of signal suppression required to achieve protection over that angle. It concludes that few antennas have been initially adjusted to minimums as low as 2 percent of the pattern RMS. It accordingly favors the 3.5 percent of RMS orthogonal component proposed by AFCCE as providing a reasonable allowance for the effects of scattering and reradiation. However, it sees the need for an additional component to provide for the variations in relative phases and amplitudes which occur in even a well constructed array, and proposes the addition, in quadrature, of 3 percent of the RSS field of the array. This value was arrived at by assuming that the effect of such variations is related to the RSS, rather than the RMS field of the array, that they are random in nature, and that the maximum uncorrected excursions which might occur, with phase monitors of the usual accuracy, are ± 3 percent in current ratio and $\pm 2°$ in relative phase. CBS contemplates the possibility that a proposed directional array indicating greater suppression than would be computed with the addition of the above components might be acceptable if supported by a detailed engineering study demonstrating that the proposed antenna environment, its constructional details, and the nature of the monitoring system are such as to make probable the practical realization of the proposal.

43. Commerce would add to the theoretical pattern in each direction an amount equal to 10 percent of the computed radiation in that direction, to provide for measurement and analysis errors in establishing the inverse fields in the operating array and a further factor consisting of 0.023 of the RSS value of the array. The constant 0.023 is based on Commerce's assessment of the monitoring capabilities of available measuring equipment, and is held to represent the effect of departures of 2 percent in tower current ratios, and 0.6° in relative phasing.

44. Cullum would tailor the null "fill-in" to each antenna proposal. Its amount would reflect the effects of two factors (1) reradiation and (2) excursions of tower currents and phases from their specified values. The amount of reradiation would be predicted from (a) an identification of all likely sources of significant amounts of reradiation in the general vicinity of the proposed site and (b) an assessment of the probable level of reradiation from each such source, either by computation or by illumination of the sources with a test transmitter and the measurement of the resulting radiation. The magnitude of the second factor would be determined principally by a numerical evaluation of the accuracies of the phase and current monitoring system employed, with the result modified by a probability factor whose size depends on what assumption is made as to the proportion of time excursions in array parameters will occur which are not detected and corrected.

45. The computed effects of reradiation and array variations are combined in quadrature, and applied to theoretical array fields through a procedure which takes into account the statistical nature of these additional factors.

46. While this procedure, outlined above very generally, appeared to constitute Cullum's proposal for all new antenna designs, his reply comments contain what is, in effect, a substantial modification of the original proposal. As modified, it would give the design engineer complete freedom over all aspects of array design, provided only that the resulting pattern would lend itself readily to computer checking and use, that the basis for determining pattern size was fully documented, and the pattern itself met the requirements of section 73.189. In the event, however, that the minimum value of radiation shown on the pattern was less than 5 percent of its RSS or RMS value, whichever is higher, a special showing as to array stability, monitoring system adequacy, and site suitability would be required.

47. Johnson is the only party other than Commerce that proposes linear addition of the component to produce null fill-in. His component represents only the effect of variations in tower phases and current. Its size is proportional to the linear sum of the individual tower fields; the proportionality factor depends on the magnitude of the variations in phases and currents which will be presumed to occur in the operating array. On the assumption that relative field variations will be held to 1 percent and relative phases to 0.6°, a proportionality factor of 0.02 is specified.

48. Johnson recognizes that reradiation and terrain effects at a particular site may indicate the need to specify greater minimum fields than would be computed through application of the procedure described above, and proposes that the design engineer make a supplementary showing in appropriate instances.

49. CCBS recommends that the effects of local scattered fields be included in any theoretical prediction of nighttime interference. However, it is not clear whether it favors specific provision for such effects to the extent practicable in the original pattern design.

Reconciliation of measured and calculated patterns. 50. Of the parties who discussed this question, AFCCE submitted what is probably the simplest proposal—that the adjusted array must produce radiation values "which fall completely within" the "calculated" pattern. No measured pattern would be submitted, the radiation values developed from the proof-of-performance being submitted in tabular form. Thus only the "calculated" pattern would be available for coverage and interference computations. As we interpret this proposal, it permits adjustment of the radiation from an array in any particular direction to any value not exceeding that indicated on the "calculated" pattern for the array in that direction.

51. As previously discussed, CBS has proposed that the original array design include, in the orthogonal component, not only 3.5 percent of the RMS, as proposed by AFCCE, but an additional factor equal to 3 percent of the RSS value of the array, to provide a tolerance for pattern variations caused by the fluctuations with time of phase and current relationships. The radiation pattern thus produced is referred to by CBS as the "MEOV pattern". The "adjustment pattern" "must fall inside the MEOV pattern" in each direction by an amount at least equal to the contribution of the RSS component in that direction. ABS would also require an adjustment tolerance. As previously noted, it would include a RMS orthogonal component of 5 percent of the original pattern design (a lower value might be specified if supported by an adequate technical showing). However, the array would be initially adjusted to radiation values computed with the orthogonal component reduced linearly by a value equal to 1.5 percent of the pattern RMS value. Its reasons for requiring an adjustment tolerance are the same as those cited by CBS. ABS "does not believe the public interest would be served by an arbitrary requirement that all directional patterns must be symmetrical". (To our knowledge, no such requirement has been proposed.)

52. On the other hand, Cullum, in whose comments the concept of pattern augmentation on any arbitrary basis was rejected, and who favored an original pattern design including components reflecting the predicted effects of reradiation and array instability, in his reply comments submits that the proof-of-performance be required to demonstrate only that (1) the RMS of the theoretical pattern is achieved within a tolerance of plus or minus 5 percent, and (2) the shape of the theoretical pattern is achieved with a tolerance of plus 5 percent (a negative tolerance would not be specified). With these tolerances met, the theoretical pattern would be used in all allocation studies.

53. It is generally recognized by those commenting that there will inevitably be instances where a measured pattern in a particular direction or directions will have fields exceeding the envelope proposed by AFCCE and others, or perhaps the positive tolerance proposed by Cullum, because of terrain effects or reradiation, which could not be fully foreseen and provided for in the original pattern. In such an instance, Ring would require a showing that the deviation is unavoidable and not subject to correction (as by treating sources of reradiation), and that the indicated excess radiation will not result in objectionable interference to another station. Assuming a satisfactory showing is made, the deviation would be ignored and allocation studies be based on the calculated radiation pattern.

54. With the same proviso that the excessive measured radiation would not result in objectionable interference, AFCCE would apply a mathematically computed "patch" to the calculated pattern, which would accommodate the measured excess over the calculated pattern over a sector whose span would be determined by the engineer. The addition of the "patch" (or "patches", if measured radiation exceeded that shown on the calculated pattern in more than one direction) would produce a new radiation envelope, which would thenceforth be used in all allocation and coverage computations. It should be noted that while the formula for sector augmentation is one that apparently can be included in a computer program without difficulty, it cannot be made a part of the basic pattern formula. Other engineers, while recognizing the need, in some instances, for modification of the original or calculated pattern when measurements indicate radiation beyond its limits, urge that they not be required to follow the procedure suggested by AFCCE to achieve this end, but rather they be allowed freedom to choose any method (such as the addition of "phantom" towers) which produces a mathematically realizable envelope of the desired characteristics.

55. Storer suggests the employment of a "seeking" type of computer program to achieve a mathematically reproduceable version of the measured pattern.

56. ABS gives particular attention to the problems of existing stations, which, in increasing numbers are, in effect, forced to make local changes in transmitter sites when shifts in population patterns, re-routing of highways and the like, make such changes highly desirable or imperative. ABS urges that in such cases the requirements for pattern design for new stations should not apply, and that an existing station enjoy the right at its new site or with its modified pattern to radiate in each direction a field as high as was produced at its old site or with its original pattern. Interfering signals to other stations would be computed on the basis of theoretical patterns, after augmentation by the method urged by ABS, but these signals would only be determined for the purpose of establishing nominal limits to other stations, not to determine the acceptability of the proposed change. Any change in the level of interference to another station resulting from changes of its orientation and distance with respect to the new site of the first station would be considered acceptable, even though, as we understand it, increased objectionable interference to the other station would be predicted. Changes in the radiation pattern of an existing station at its existing site, or at a new site, should be permitted if the radiation from the new pattern "in any critical direction, i.e., a direction toward a station required to be protected, does not exceed that produced by its then authorized antenna. This standard would also govern where no changes are contemplated, but new proofs of performance are conducted for whatever reason."

57. Subject to the stipulations mentioned with respect to changes, a pattern augmented in the manner advocated by ABS for new stations, and discussed above, would be prepared for each existing station, and thenceforth be used for interference studies. If the measured radiation pattern exceeded the augmented pattern in praticular directions, such excesses would be permitted to continue. The radiation shown on the measured pattern would be permitted even though subsequent proofs of performance, and even though a site change intervened.

58. While ABS advocates the submission by an applicant of a modified augmented pattern in the event the measured pattern fails to fall within the computed pattern, it would appear, in the light of the above, that this procedure is intended to apply only to new stations.

59. No other party discusses in detail the application of the proposed new rules to existing stations but AFCCE does note "It is expected that ultimately the Commission will require that all stations now operating with directive antennas submit a calculated pattern which will supersede and cancel all previous patterns. The calculated pattern determined by the procedure described in Appendix A [AFCCE's technical proposal] will contain completely the proved pattern and authorized values which the station is desirous of maintaining."

Discussion. 60. Preliminary to an analysis of the specific proposals of the parties with respect to the design of a computed pattern, we will dispose of two matters which affect the basic course of this proceeding (1) the essential question of whether any new rules should be adopted and (2) the question of the application of measurement and operating tolerances.

61. In paragraphs 3 to 9, above, we discussed the considerations which engendered this proceeding. In so doing, we believe we have answered to a large extent those parties who plead for the continued right of each engineer to design directional arrays in a manner which reflects his best engineering judgment, unhampered by new strictures imposed by the Commission's Rules. We recognize, with the reservoir of expertise and experience presently reposing in engineers who practice before the Commission, that a better correspondence between measured and theoretical patterns is generally achieved than was possible at a time when the arrays of many of the older stations were engineered, and there was less information on and appreciation of the factors which affect pattern size, produce dissymmetries and limit null suppression. However, as broadcast band occupancy more and more closely approaches complete saturation, additional assignments become possible only with directional antennas incorporating increasingly high degrees of null suppression. The problem of attaining and maintaining measured fields of low intensity is a continuing one for the Commission and the consulting profession alike. We therefore must reject what is essentially a plea for the status quo, or something approaching it.

62. Several parties have alluded to the vagaries in skywave propagation, and to a lesser extent, in groundwave propagation, and the difficulty in making accurate measurements of skywave and groundwave signals. These considerations are cited by some of those commenting as militating against the adoption of unduly strict requirements for the design and performance of directional arrays, and by others in justification for imposing more rigid requirements. Those taking the first position argue that the delivered interfering signal will never, except fortuitously, have the value predicted by the use of skywave or groundwave curves and other average data, and even if measured at a particular time, will vary from the measured value, perhaps substantially, at other times. Furthermore, they urge, since the methods used to establish the performance of directional antennas are of limited accuracy, is is unnecessary and futile to apply rigid standards in proving and maintaining directional systems. The second group argue that because of propagation variations and measurement errors, it is essential that ample tolerances be provided in the design and operation of such antennas—for instance, they would require any antenna designed to afford skywave protection for other stations be quite limited in the amount of suppression it can indicate at angles above the horizontal plane.

63. We do not think that the placing of fixed and specific limits on the permissible radiation from directional arrays is unrealistic and useless, even though propagation variations may be of much greater magnitude than the variations in array radiation. While our system of allocation for standard broadcast stations obviously does not guarantee that a station will receive protection at all times, or at any time, for that matter, to a specified field intensity contour, the station is entitled to that degree of protection which it gains through application of the engineering standards. While

it may not be achieved, the computed degree of protection is more nearly approached if the factors in the interference equation which are subject to control are controlled as closely as practicable. Thus, if one station radiates toward another a signal 10 percent stronger than that which is computed to be the maximum permissible, the other station will receive an average level of interference 10 percent higher than would otherwise be the case.

64. With respect to the limited accuracy of present methods of adjusting the radiation from directional arrays, we would note that the regulatory scheme inevitably requires that we set specific limits, and rely on the best means available to determine that radiation stays within these limits. The present system of analysis is subject to improvement—Commerce has certain suggestions in this regard—and this might be the subject for a later proceeding. In any event, we do not see the deficiencies in the present procedure as a reason for permitting positive tolerances in array adjustment, and accepting measured radiation exceeding prescribed limits. Rather, if accuracy limitations are to receive any recognition, they should be applied in negative fashion—in keeping the measured array radiation within the prescribed limits by the amount of the estimated measurement error.

65. There are divergences in the approach of various parties to the question of the manner in which expected variations in radiation resulting from fluctuations in the relative phases and currents in the towers of an array should be treated in the original adjustment of the array. While there is rather general agreement that one of the principal reasons for requiring null fill-in in the computed pattern is to provide for array instability, only two parties, CBS and ABS, propose that the measured pattern should be made to fall inside the computed pattern by the amount of fill-in allowed for instability in array operation.

66. We will not adopt the CBS or ABS proposals in this respect, not because the logic behind these proposals is other than impeccable, but for purely practical reasons, the principal one being that it would saddle us with another two pattern system (in CBS's parlance, the "MEOV pattern" and the "adjustment pattern") in lieu of the present theoretical and proof pattern system. It is an important aim of this proceeding to achieve a single pattern system.

67. Even if it were not for this overriding consideration, we think it would be unrealistic to require a pattern component of fixed size to provide for relative phase and current variations, since, in each case, the extent of these excursions will depend on the accuracy of the monitoring system employed, and the ability of station operators to effect immediate corrections in such excursions as are detected.

68. We therefore propose to permit the measured array to be adjusted to a radiation in each direction equal to but not exceeding the value depicted on the computed pattern. In so doing, we recognize there is an equal probability that at any azimuth on the pattern the actual radiation may be more or less than the computed value by the amount of measurement and analysis errors. With respect to variations in array parameters, however, the probabilities are not equal—in the null sectors of the radiation pattern it is much more likely that phase and current deviations from the original adjustment will cause increases rather than decreases in radiation. Nevertheless, normal fluctuations may not result in many cases in radiation so great as to result in objectionable interference to other stations.

69. We believe we have provided a factor of safety against the grosser increases in radiation resulting from variations in array parameters by requiring null fill-in to be based on the RSS value of the array, as we discuss below. Thus, radiation patterns for arrays having high RSS to RMS ratios must include a considerable degree of null fill-in. If the measured array is adjusted to the full amount of fill-in the adjustment should be relatively stable—if adjusted to less than the computed pattern value an operating tolerance will be provided.

70. In any event, we will continue to be concerned when an applicant proposes a directional pattern barely providing the required protection for another station, and will require a showing, through the hearing process or otherwise, of the measures to be taken to insure that the depicted pattern radiation in the critical direction is not exceeded in day-to-day operation.

Pattern size. 71. Our original proposal with respect to pattern size contemplated the specification of design requirements which would insure that the computed pattern would be at least as large as was likely to be achieved in practice. We would accomplish this by requiring that all arrays be designed with an assumed loss resistance of 1 ohm per tower (while our notice indicated that this would be added to the tower base resistance, we agree with those who urge that it be added to the tower loop resistance). One ohm is a value as low as ordinarily used in array computations (the more usual value is 2 ohms).

72. AFCCE, CBS, ABS, and others who favor the "big pattern" approach believe that we cannot rely on a specification of loss resistance alone to produce computed patterns large enough to take care of the practical vagaries in measured pattern size which might be experienced, and favor a computed pattern which would be 5 percent larger than a theoretical pattern whose RMS value is based on a 1 ohm loss (although ABS would permit some other expansion factor to be used on the basis of a special showing). While none of these parties document the reasons for this expansion, several are suggested by the comments of others. Munn states that the 8 percent surplus power input permitted by the rules to provide for line and coupling equipment losses is often not fully dissipated in losses; under such circumstances, the actual input power to the antenna (and the resultant measured pattern size) is greater than that on which the theoretical pattern is based. Jones and Johnson have pointed out that in certain instances, e.g., when short towers are employed, particularly at the lower frequencies, the effective tower loss resistance may be less than 1 ohm. CBS has urged that, for tall towers, failure to take into account the difference in the electrical and physical height of the towers can result in a marked understatement of the RMS value of the horizontal pattern. There are instances, also, where the guy wires, even when insulated from the tower, apparently contribute a certain amount of top loading, and increase effective antenna height. Finally, even if the expected RMS value of a pattern is not exceeded, provision should be made for minor dissymmetries which often occur in the measurement of theoretically symmetrical patterns, principally because of reradiation or terrain effects.

73. We believe that the 5 percent factor, used either as a positive measurement tolerance, as proposed by Cullum, or to increase the original pattern size, is a reasonable value, and is sufficiently large to take care of deviations commonly encountered. The possible exception is the effect cited by CBS. We are convinced that this may be substantial in some cases, and recommend that engineers designing arrays using towers with heights appreciably exceeding one-fourth wavelength keep it in mind when estimating the individual radiation efficiency of the towers of such an array.

74. Assuming that the same tower loss resistance is used in both cases, the difference in the effect of using the 5 percent factor either as an adjustment tolerance or to increase the basic pattern size is that, in the first instance, computations of interference and coverage would be made with a pattern which generally shows 5 percent more radiation in all directions than in the second. As a general matter, the ability to employ a smaller pattern could, in many instances, facilitate the "squeezing in" of a new station.

75. As Munn has pointed out, the RMS value of some radiation patterns may be little affected, whether 2 ohms, 1 ohm, or no tower loss is assumed in the pattern computation. However, the examples he gives are generally of simple arrays, having low ratios of RSS to RMS.[2] As this ratio increases, the effect of an assumed tower loss of a given value becomes progressively greater. The computations of all patterns on a no-loss basis, as Munn and Storer urge, would result in many instances in theoretical patterns very substantially larger than can reasonably be expected to be achieved in practice.

[2] The point has been made by certain of the parties that an assumed lumped tower loss resistance is "ficticious". This is, of course, true. The loss is not lumped, and does not occur principally in the towers themselves. However, the assumption of a lumped loss in array computations has been found to be a convenient method for accounting for the effect of losses (mainly incurred in the ground system) which occur in an operating array.

76. This also may be the case if the design engineer is required to use a 1 ohm loss when he has reason to believe the effective value in a particular situation will be substantially greater. If this, in practice, turns out to be so, the measured pattern may fall well inside the theoretical pattern.

77. This poses a further question which was not raised in the Commission's notice and not discussed to any extent in the comments—whether there should be a limit specified on the minimum size of the measured pattern. There were one or two suggestions that the RMS of the measured pattern be demonstrated to be at least of the value specified in § 73.189 of the rules for the class of station concerned. It is possible, of course, to design a directional pattern with towers of moderate height and with an assumed 1 ohm loss per tower which has an RMS value more than 30 percent higher than the minimum value specified for Class II and Class III stations in § 73.189. An applicant may specify an array with a horizontal gain of this order, rely on the radiation shown on the large computed pattern to serve the business and residential areas of the community to which his station is assigned, and then fall substantially short of achieving the minimum required signals in the measured pattern. It may also be that the applicant was precluded by the rules from using in the design of the pattern a loss resistance higher than 1 ohm, although, in the particular circumstances, he may have believed that a higher value would have resulted in a pattern of more realistic size. (It can be argued, of course, in such a case prudence should have dictated that adequate signal margins should have been provided, so the smaller measured pattern which he expected would still provide the minimum required service.)

78. The problem does not have to be faced in individual cases if we accept the proposal of AFCCE and others that the original "calculated" pattern be used for all interference and service computations. As described above, AFCCE would not even require a proof pattern—a tabulation of measured fields would be submitted to the Commission in lieu of a measured pattern. This proposal has the very real advantage that the only pattern on file for each station would be the calculated pattern, and any confusion as to the pattern which should be employed in allocation studies would be avoided.

79. However, its adoption could result, in some cases, in undetected discrepancies between proposed and realized coverage so large as to result in inadequate service. For this reason we do not now adopt this AFCCE proposal, but invite comment on the problem. In any event, in the light of the above considerations we are of the opinion that the applicant should enjoy the right to specify the loss resistance employed in the computation of the pattern, as long as it is at least 1 ohm per tower. However, whatever loss resistance is employed must be specified, and an engineering justification for its selection must be made.

80. Since there are limitations on the closeness with which an estimated array RMS can be attained in practice, and we wish to provide for minor dissymmetries in the measured pattern, as well, we propose to require that the computed pattern have a size larger than that of the theoretical pattern, which will be achieved by adding 5 percent of the theoretical radiation in each direction to the theoretical radiation in that direction. This is the degree of expansion recommended by AFCCE, and supported by a number of the other parties. The depth of nulls on this computed pattern will be limited by a procedure discussed below.

81. The possibility exists that, in certain instances, the measured radiation from the array will exceed in some directions that indicated by the envelope developed in accordance with the procedure described above. The steps to be taken in such an event are described later in this discussion.

Null fill-in. 82. With respect to null "fill-in" there appear to be the following matters to be decided:

(1) How it is to be included in the computed pattern.

(2) The magnitude and composition of the fill-in factor.

(3) The adjustment of the measured pattern with respect to the computed pattern, i.e., the question of whether an operating tolerance should be required.

83. All of the parties commenting with respect to the first matter, save Johnson and Commerce favored orthogonal addition of the "fill-in" component. Both of the latter proposed linear addition of the component to the theoretical radiation. With orthogonal addition the component has its greatest effect on minimum radiation values; it has progressively less effect as the radiation values to which it is added increase. Linear addition results in a radial expansion of the pattern in all azimuths by the amount of the component. Since there is rather general agreement that an additional component is needed in the antenna design to provide for the effects of reradiation and scattering and/or operating instabilities in the array (Johnson's proposal covers only operating instabilities), and that these effects are reflected principally in those sectors of the radiation pattern where the radiated fields are lowest, it seems clear that the orthogonal addition of the component will produce a computed pattern more nearly approximating the conditions which will be found to result in the operating array. To the extent Johnson's and Commerce's proposals would provide a desirable expansion in overall pattern size, we would provide for this by the 5 percent radial increase previously discussed.

84. Opinion is divided as to whether the orthogonal component should be a percentage of the RMS value of the theoretical pattern, a percentage of the RSS value of the pattern, or a combination of the two. Ring would use the RMS of the pattern in all instances where the RSS/RMS ratio does not exceed 1.4/1 and the RSS in instances where this ratio is exceeded. AFCCE utilizes a percentage of the RMS of the pattern, but indicates no reason for basing "fill-in" on the RMS rather than the RSS value of the array. We do not think that an argument that the RMS value should be used because it is ordinarily derived in the design of the array is alone sufficient reason to employ it—the RSS value is as easily available.

85. Most of those commenting on the matter agree that severity of the effects of reradiation and variations in the parameters of an array are more nearly related to the RSS value of its radiation, than to its RMS value. To the extent the RMS is proposed as the basis for computing the orthogonal component, the purpose seems largely pragmatic—for instance, AFCCE apparently believes that most arrays ordinarily can be adjusted for radiation as little as 3.5 percent of the RMS value of their patterns. On the basis of its study of a number of DA's, CBS agrees that this is the case, but favors design of the original pattern with minimum indicated radiation obtained by orthogonal addition of 3.5 percent of the RMS value and 3.0 percent of the RSS value to the theoretical pattern. The measured pattern would be adjusted within this calculated pattern by the value contributed by the RSS component. ABS would design the radiation pattern with an orthogonal component of 5 percent of the pattern RMS, but require that the radiation from the measured pattern not exceed that produced by the theoretical pattern with a 3.5 percent orthogonal component.

86. In comparing two arrays having the same tower heights and equivalent ground systems, each having the same RMS value, but the second having a substantially higher RSS value than the first, there is, of course, good reason to expect that it will be more difficult in the second array than in the first to adjust to low values of radiation, and to maintain these values. The second array has lower effective radiation resistance than the first, and loss resistance forms a larger part of the total operating resistance.[3] Accordingly, any change in the effective value of the loss resistance has a greater effect on the performance of the second array than on the first. The currents in the elements of the second array are relatively large, and produce fields which are correspondingly high. Nulls produced by the vector difference in these fields are more greatly affected by a given percentage change in one or more of the fields than would be the case if the fields were lower.

87. While reradiation from sources comparatively distant from either array, and which are subjected to the vector sum of the fields from the individual

[3] That losses have a disproportionate effect in arrays having high RSS/RMS ratios is amply documented in the Commission's files by cases where realized RMS values in such arrays are substantially and sometimes disasterously lower than the no-loss values.

elements, may not be substantially affected by the RSS/RMS ratio of the array, sources nearby the array are exposed to the fields of the individual elements. In the second array, these fields are higher than in the first, and accordingly reradiated fields can be expected to be higher.

88. We therefore agree with the parties who believe that the null fill-in should be based on the RSS value of the pattern. We see no particular virtue in basing fill-in on a combination of RMS and RSS percentages, or employing the RSS value in one particular case and the RMS value in another.

89. In considering the effect of basing the null fill-in on the RSS value rather than the RMS it may be noted that 2 element arrays of practical design have RSS values which may be as little as 0.8 of their RMS values, or as high as 1.5 times the RMS values. Many well designed multi-element arrays may have RSS/RMS ratios of less than 2, but there are operating arrays which have ratios approaching 4. Typically, in the latter cases, the arrays are in-line end-fire arrays with narrow main lobes, having very high no loss horizontal gains, but again, typically, showing very substantial differences between no-loss RMS's and those attained in the operating array.[4] Because the designer has a high no-loss RMS with which to work, such arrays may still, in operation, meet the minimum RMS's required by § 73.189 of the rules. However, for the reasons outlined above, comparative difficulty may be expected in adjusting to and maintaining low values of radiation in these arrays. The magnitude of the problems encountered of course will depend to a considerable extent on conditions obtaining at the actual site utilized in each case.

90. If, therefore, null fill-in is based on a given percentage of the RSS of the element fields, rather than on the same percentage of the pattern RMS, a radiation pattern computed for an array design with a high RSS/RMS ratio will show considerably higher levels of radiation in the null areas than otherwise would be the case. To the extent that this will make more difficult the employment of such a design in situations where the permissible values of radiation in certain directions are very low, the option is open to the engineer to use a more conservative, although perhaps more elaborate, array design having a lower RSS value.

91. Since we propose to employ the RSS rather than the RMS value as advocated by AFCCE in behalf of its membership, we think it may be reasonable to lower somewhat the percentage of the pattern value for this orthogonal component, since the absolute value of this component will, in any event, be higher than 3.5 percent of the RMS for the less stable arrays. We shall set this at 3 percent of the RSS value of the pattern, retaining the 6 mv/m floor proposed by AFCCE. This value would be multiplied by the vertical form factor $F(\theta)$ of the shortest tower in the array in extending "fill-in" above the horizontal plane.

Reconciliation of measured with computed patterns. 92. It generally was recognized that even with a computed pattern of such size that it will accommodate the normally expected deviations from theoretically predicted performance, there will be instances where measured radiation will exceed the limit of the computed envelope. In such an instance, AFCCE contemplates that a modified computed pattern of such size and configuration as to encompass the measured pattern would be prepared and would supersede the originally computed pattern for all allocation purposes. We propose to adopt this procedure.

93. AFCCE proposes a system of "augmentation", which we have previously mentioned, which can be applied feasibly in preparing a modified pattern in instances where the measured pattern is not systematically larger than the computed pattern, but exceeds it in one or more specific directions. Other parties have asked that they not be restricted to this particular method of adjusting the original pattern, but be free to use any method which will produce a computed envelope of the necessary size and shape. We initially considered the AFCCE proposal as somewhat undesirable because the augmentation factors do not become a part of the basic pattern formula—each factor operates only over that section of the pattern where augmentation is proposed. This might not present a problem in a computer program where the factor is inserted in the computation automatically at appropriate azimuths, and perhaps not for domestic purposes.

94. However, it appeared to present a problem when the augmented pattern is distributed internationally. Existing broadcasting treaties require as a part of the notification of a directional radiation pattern that "the electrical and physical dimensions" of the array be specified. The recipient country is thereby furnished the necessary data with which to verify the submitted pattern, or to compute specific radiation in a particular direction. Obviously this data cannot be employed to produce a pattern augmented in the manner suggested by AFCCE. While we might attempt to submit, in each case, only the horizontal and vertical plane patterns without further substantiation, not only would this be contrary to the regional broadcasting agreements, but such a practice undoubtedly would not be acceptable to the recipient countries. On further consideration, however, we have determined that the problems may be avoided if the modified pattern depicts not only the augmented radiation in pertinent directions, but also the radiation originally computed in these directions, together with radial indications of the limits of each augmented sector. The augmentation then takes on the aspect of an MEOV, with which our neighboring countries are familiar, but which, unlike many MEOVs as presently used, specifically has determinable limits. (The formulas for the augmented sectors may or may not be notified; this matter we can leave for later decision.) Used in this manner, the system of augmentation proposed by AFCCE should be acceptable for international use, and has advantages over systems employing "phantom" towers, which produce a pattern which cannot be duplicated by computations employing only those array elements having physical existence. For this reason, we prefer the AFCCE system of augmentation and would adopt it as the standard where the required expansion is in discrete sectors of the pattern. Where the measured radiation systematically exceeds the computed radiation (this may be somewhat more likely to occur if the design engineer is free to choose the tower loss resistance, as we now propose, than if the loss were set at 1 ohm) the modification might take the form of a new computed pattern with a larger RMS value than the original computed pattern.

95. It is essential that a station's measured radiation values, or its computed pattern modified to include measured values, not produce objectionable interference to other stations.[5] If, in fact, such interference is caused and there is no other feasible means to eliminate it, the Commission proposes that the input power to the antenna be reduced to a level at which objectionable interference is not caused. The modified pattern will then be based on such conditions of operation. The applicable parameters in such instances will be stated on the station's instrument of authorization.

96. While the Commission has heretofore required, in certain instances, that the input power to an antenna be reduced below the normal level to limit interference, it has coupled this with a requirement that the normal output power of the transmitter be maintained. This has necessitated the dissipation of the excess power in a resistor, an expedient which is unnecessary and wasteful. We shall henceforth permit the output power of the transmitter to be reduced to the level necessary to achieve the desired end.

97. Radiation from a directional array at angles above the horizontal is not measured in the usual proof, and the principal assurance that the actual radiation at these angles approximates the computed values rests in achieving a close correspondence between the computed and measured pattern in size and shape. For this reason, Cullum's proposal to apply a system of tolerances in conforming measured with computed patterns has considerable merit. However, it does not solve the problem completely—there is no tolerance for negative departures from computed pattern values. The 5 percent positive tolerance proposed, in effect is incorporated in the 5 percent pattern expansion proposed by AFCCE, and which we propose to adopt. Should an applicant's measured pattern fall below the 5 percent tolerance which Cullum would place in achieving the computed RMS, the expedients available to him to correct this deficiency appear limited. While an excess of more than 5 percent in the measured RMS value over the computed value could be corrected by a reduction in input power to the antenna, the usual transmitter has a limited capability for power output in excess of its rated power (and "make up" power) and could not be relied on to boost a substantially deficient measured pattern RMS to its computed value.

98. We believe that the approach of conforming computed and measured patterns, were necessary by subsequent modification of the computed pattern, as discussed above, have the virtues of greater flexibility and susceptibility of achievement.

Application to existing stations. 99. ABS has discussed extensively the treatment of patterns for existing stations, and generally favors the "grandfathering" of present radiations as indicated on measured patterns, even in instances where an existing station makes a local change in site; however, it would require the preparation of a new pattern for each existing station based on its theoretical pattern augmented in the manner proposed by ABS. We presume that this would include specific augmentation in particular sectors, in the manner proposed by AFCCE, and accepted by ABS, should the measured pattern exceed the theoretical pattern as expanded by the use of specified radial and orthogonal components.

100. The computer program of the FCC will require the preparation of suitable computed patterns for existing stations. While it would be desirable to apply the same system of pattern preparation and augmentation to existing stations as to new stations, this procedure must necessarily be modified to take into account both the actual characteristics of many of the measured patterns, the equities established by existing stations with respect to the fields they presently radiate, and the protection requirement between existing stations.

101. We need not, at this time, establish the procedure to be followed in preparing computed patterns for existing stations for inclusion in the computer catalog. However, it is necessary to establish standards to be applied in the preparation of radiation patterns by existing stations proposing changes in site and/or modifications in presently authorized patterns.

102. We propose to require that a modified radiation pattern for an existing station be prepared in accordance with the general procedure specified for a new station. The modified pattern may take into account, to an extent that is reasonable and practicable, radiations established by the existing proof—for instance, if the proof pattern has an RMS value higher than the theoretical pattern, the modified pattern size can be based on this RMS value. However, radiation in excess of that shown on the original theoretical pattern may not be depicted on the modified pattern if it would result in objectionable interference to a foreign station, which would not be computed on the basis of theoretical pattern radiation.

103. Measured pattern distortions, other than those of size, should not be taken into account. There is no assurance that a new proof would reveal such distortions—this is particularly true of an older station, which may not have made a complete proof for many years. It is possible that some of the distortions found in older patterns may have resulted from faulty measurement techniques. Even if the distortions were real, the conditions which caused them may have changed over the years. If measurements made subsequent to authorization of pattern changes reveal continued distortion in particular pattern sectors, a further modified pattern, providing for these distortions by the augmentation method proposed by AFCCE, can be submitted.

104. A special problem is presented by an existing Class II station which provides adequate protection for a Class I station only with radiation values which are below the 3 percent of the RSS value specified as a minimum for new stations. In such an instance the orthogonal component utilized must be small enough that the required protection is afforded.

Showings to obtain waivers of rules adopted. 105. A number of those commenting have urged that whatever rules be adopted, an opportunity be offered to apply other standards on the basis of an adequate showing that the proposed radiation pattern can be attained and maintained in actual practice. We think, in the light of the rules which we propose to adopt that further relaxation should be permitted only in the most exceptional cases. These rules will afford flexibility to the design engineer in choosing the tower loss resistance which he considers appropriate. A number of parties have urged that this latitude be afforded. With respect to the size of the orthogonal component, we believe that the value we have specified as a minimum is about the lowest to which the average directional array can be expected to be adjusted and maintained, neglecting the effect of fluctuations about a specified phase and current adjustment. As we have previously stated, such an adjustment does not allow for such fluctuations, and unless a reasonable tolerance is provided between the radiation indicated in a particular direction on the pattern and that required to afford protection to a station in that direction, we will question the feasibility of the directional proposal. Any commitment to utilize a precision phase monitor in such an instance must be accompanied by a complete showing of details of the sampling system, and the constructional and operating techniques which will be employed to insure that the indications of the phase monitor accurately reflect conditions in the array. It must also be demonstrated that controls for the correction of deviations detected by the monitor will be available immediately to the operator on duty, that the procedure for accomplishing corrections is simple and straightforward, and that an adequate maintenance and monitoring program will be instituted.

106. Should an applicant propose a directional system in which the radiation is reduced to a value lower than 3 percent of the array RSS value, not only must the showing on monitoring facilities described above be made, but a complete site survey must be submitted, demonstrating that there are no uncorrected sources of reradiation on or near the antenna site, and that there are no terrain features likely to cause scattering or other anomalies. Finally, a stability study will be required showing that with the array adjusted within the submitted pattern and with largest variations in phase and current ratios likely to occur with the particular monitoring and maintenance system used, objectionable interference will not result from the proposed operation.

107. Since the procedure we presently favor differs substantially from that set forth in the original notice, we desire to obtain further advice from interested parties before reaching a final decision in this matter. Accordingly, comment is invited on the proposals contained herein. We will not attempt, at this time, to set forth the specific rule amendments necessary to effectuate these proposals; we believe that their substance and effect is clear, and their incorporation into appropriate rules can be readily achieved if they are eventually adopted.

108. For convenience, the basic proposal is summarized in attached Appendix A. The AFCCE plan for the sector augmentation of radiation patterns, whose substance we propose to include in the amended rules is set forth in Appendix B.

109. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), and 303 of the Communications Act of 1934, as amended.

110. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 9, 1970, and reply comments on or before March 13, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

111. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other

[4] High losses occur in end-fire designs where the engineer attempts to achieve too narrow a main lobe for a given number of elements and element spacing.

[5] It should be noted that the modified pattern must afford adequate protection, not only for stations in operation or authorized at the time the original computed pattern was authorized, but for a station subsequently authorized, i.e., the modified pattern can indicate no greater radiation toward such a station than the original computed pattern, if such radiation raises the level of objectionable interference to that station.

documents shall be furnished the Commission.

Adopted: November 19, 1969.

Released: November 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

1. The pattern to be used for all allocation and service determinations will be designed with an assumed loop loss resistance of at least 1 ohm for each tower, and include the effect of an orthogonal component of such magnitude that the minimum radiation at any azimuth will be no less than 6 mv/m, or 3 percent of the RSS value of the element fields, whichever is higher. Either value will be multiplied by the vertical form factor $F(\Theta)$ of the shortest tower in the array. The RMS of the computed pattern shall be 1.05 times the theoretical RMS for the tower loss assumed. The theoretical RMS value must equal or exceed the applicable minimum values specified in § 73.189(b)(2) of the rules. The data and information submitted shall include the following:

(1) The value of tower loss assumed, and a justification for its use, if it is other than 1 ohm.

(2) The no-loss radiation efficiency assumed for each tower, and a justification for its use.

(3) The RMS value of the pattern, before applying the expansion factor.

(4) The RSS value of the fields from the towers.

2. To be acceptable, the measured pattern must show no greater radiation in any direction than that depicted on the computed pattern, and must have an RMS value at least as great as that specified in § 73.189 of the rules for the class of station proposed.

3. If the measured pattern depicts greater radiation than the computed pattern, but objectionable interference is not caused, a modified computed pattern must be submitted of such shape and size as to encompass the measured pattern.[1]

4. If the measured pattern shows greater radiation than the computed pattern, and such greater radiation results in objectionable interference to other stations, the station will be licensed with antenna input power specified at a level such that the measured radiation will not exceed that shown on the computed pattern.

APPENDIX B

AFCCE PROPOSAL FOR COMPUTED PATTERN AUGMENTATION WHEN MEASURED RADIATION EXCEEDS COMPUTED RADIATION IN PARTICULAR SECTORS OF THE PATTERN [2]

* * * * *

5. The mathematical procedure employed in this procedure utilizes the following three factors for each direction to be augmented. These three factors will become part of the antenna parameters which will subsequently be included on the station's licensed pattern. This will facilitate complete and precise mathematical reproduction of Pattern No. 2 by any party in the future. These three factors are:

a. The azimuth direction of augmentation.

b. The augmentation factor is a number which expresses the amount by which Pattern No. 1 is to be increased at the bearing of A_1.

c. The span (or arc) centered at azimuth A_1 over which augmentation is desired. The augmentation will taper to zero at the edges of the arc defining the span and will have no effect on azimuth angles outside the span.

6. The following formula is used. The meanings of the variables are contained in the table which follows the formula.

$$(E_2)^2=(E_1)^2+(Q\times F(\Theta)\times\cos(\frac{180}{S}\times ABS(D))^2$$

Where D is determined by subtracting the azimuth being computed, A_2, from the azimuth of augmentation, A_1; except that, if $ABS(D)$ exceeds 180, substitute the angle 360 minus $ABS(D)$ for $ABS(D)$ in the above formula.

NOTE: However, that this calculation should not be carried out for values of azimuth outside the span.

If, however, there is more than one augmentation factor, the above formula should be expanded by adding an additional term similar to the second term for each additional augmented direction but confining the calculation to azimuths within a span.

7. The meanings of the variables in the above equation are as follows:

A = The stated direction of augmentation
Q = A quadrature fill which when added will produce the desired augmented field value on the ground in direction A_1 to be augmented
S = The span in degrees
A_1 = The azimuth being calculated
E_1 = The Pattern No. 1 value at the azimuth and elevation angle being calculated
E_2 = The Pattern No. 2 value being calculated
$F(\Theta)$ = The vertical function for the shortest tower at the elevation angle being calculated
$ABS(D)$ = The absolute value of the variable within the parenthesis

EXAMPLE OF THE USE OF A PATTERN NO. 2

1. Assume the calculated Pattern No. 1 field at azimuth 20° and at $\Theta=0$ is 18 mv/m.

2. Further assume that the best that can be obtained in adjustment in this direction has been found to be 31.

3. Since 31 mv/m exceeds the value of calculated Pattern No. 1, it will be necessary to file a Pattern No. 2. To do this with the APCCE procedure, one must determine three numbers. These will be:

1. A direction of augmentation (A_1) = 20°.

2. A span (S); 80° is assumed to be advisable in this instance for (S).

3. An augmentation factor Q to build up the quadrature fill at 20° until the resulting field for Pattern No. 2 will produce 31 mv/m. We will run through this for a hypothetical case described below:

As an example the Pattern No. 2 field will be computed at an azimuth of 350° and an elevation angle of $\Theta=10°$ which is within the span of augmentation.

Assume, for the calculations, that the Pattern No. 1 value (E_1) at azimuth 350° and $\Theta=10°$ is 15 mv/m and that the height of the shortest tower is 90°.

First Q is computed:

$$Q^2+18^2=31^2;\ Q=25.2$$

$$ABS(D)=ABS(20-350)=ABS(330)$$

$$\therefore ABS(D)=360-ABS(330)=30$$

$$F(\Theta)=\frac{\cos(90°\sin 10°)}{0.9848}=0.98$$

$$(E_2)^2=(E_1)^2+(Q\times F(\Theta)+\cos(\frac{180}{S}\times ABS(D))^2$$

$$(E_2)^2=324+(25.2\times 0.98\times\cos(\frac{180}{80}\times 30))^2=413$$

$E_2=20.3$ mv/m at azimuth 350° and $\Theta=10°$

[F.R. Doc. 69-14100; Filed, Nov. 26, 1969; 8:48 a.m.]

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[4] Chairman Burch not participating; Commissioner Cox abstaining from voting.

[1] If the computed pattern is generally too small to contain the measured pattern, a modified computed pattern with a higher RMS may be called for. However, if deviations of the proof beyond the computed pattern occur only in particular sectors, augmentation of the original pattern to produce a modified pattern by the APCCE method (see Appendix B) may be appropriate.

[2] This description of the method is reproduced verbatim from APCCE's comments. In the description "Pattern No. 1" is the computed pattern originally authorized. "Pattern No. 2" is the computed pattern as augmented to encompass deviations of the measured pattern beyond the radiation limits set by "Pattern No. 1".

[47 CFR Part 81]

[Docket No. 18739; FCC 69-1258]

WATCH REQUIREMENTS APPLICABLE TO LIMITED COAST AND MARINE UTILITY STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 81 of the Commission's rules with respect to the 156.8 Mc/s watch requirements applicable to limited coast stations and marine utility stations on shore and to make editorial changes to § 81.104(c)(2).

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. In review of numerous petitions for exemption from the 156.8 Mc/s watch requirements of § 81.191(d) of the Commission's rules, need for modifications of the rule in the following respects were noted:

(a) The requirement of § 81.191(d) that limited coast stations operating in the 156–162 Mc/s band keep watch while transmitting on other frequencies than 156.8 Mc/s is difficult to comply with without special arrangement because of radio interference between the station's transmissions on its working frequencies and reception on 156.8 Mc/s. Furthermore, the attention of the operator while actually speaking into a microphone would be diverted from the watch on 156.8 Mc/s and an efficient watch during the actual transmission would not be practicable.

(b) The marine utility stations operating as limited coast stations have low power and are usually hand carried. For these reasons it would be difficult to comply with the 156.8 Mc/s watch requirements and the watch would not add substantially to the 156.8 Mc/s distress system.

(c) The 156.8 Mc/s watch requirements contained in § 81.104(c)(2) are redundant and out of place. The watch requirements contained in this section are now properly contained in § 81.191(d).

3. For the reasons stated above, it is proposed to:

(a) Amend § 81.191(d) to delete the requirement that a limited coast station must keep an efficient watch on 156.8 Mc/s while transmitting on another frequency, and

(b) Except marine utility stations operating as limited coast stations from meeting the 156.8 Mc/s watch requirement. It should be noted, however, that it is not proposed to except marine utility operating as limited coast stations from the requirements to be equipped to transmit and receive on this frequency, since it is believed that they should be capable of participating in the VHF safety system in the event it becomes necessary.

(c) Delete the watch requirement contained in § 81.104(c)(2)(ii) because it is redundant.

4. The proposed amendments, as set forth in the attached Appendix, are issued pursuant to the authority contained in section 4(i) and sections 303(b), (h), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 2, 1970, and reply comments on or before January 12, 1970. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 19, 1969.

Released: November 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

1. In § 81.104, the note following paragraph (c)(2) is deleted and paragraph (c)(2) is amended to read as follows:

§ 81.104 Facilities required for coast stations.

* * * * *

(c) * * *

(2) Each coast station equipped with radiotelephony to operate in the authorized bands between 156–162 Mc/s shall be able to transmit and receive Class F–3 emission on the Distress, Safety and Calling frequency 156.8 Mc/s and on one or more working frequencies.

* * * * *

2. In § 81.191, paragraph (d) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(d) Each limited coast station, other than marine utility stations operating as limited coast stations, licensed to transmit by telephony on one or more working frequencies in the band 156–162 Mc/s shall, during its hours of service, maintain an efficient watch for reception of class F–3 emission on 156.800 Mc/s, whenever such station is not being used for transmission on other frequencies: *Provided*, That the Commission may exempt any coast station from this requirement if it considers that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph. In the event 156.800 Mc/s is being used for distress, urgency or safety, such station shall keep an additional watch on each assigned working frequency except in the case of duplex operation, where watch shall be kept on the associated ship frequency.

* * * * *

[F.R. Doc. 69-14101; Filed, Nov. 26, 1969; 8:48 a.m.]

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[1] Chairman Burch not participating; Commissioner Johnson concurring in the result.

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 335]

SECURITIES OF INSURED NONMEMBER STATE BANKS

Notice of Proposed Rule Making

Correction

F.R. Doc. 69-13702 appearing at page 18472, in the issue of Thursday, November 20, 1969, should be corrected as follows:

1. The ninth line of § 335.3(b), in the third column on page 18474, should read: "and reports required by § 335.4 (exclusive of".

2. In § 335.7(f)(2), in the first column on page 18477, "Schedule VI" should be changed to read "Schedule VII".

3. The first paragraph under "Item 4—Exhibits" in the second column on page 18478 should read: "List all exhibits filed as a part of the registration statement".

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1131]

[Ex Parte No. MC-67]

MOTOR CARRIER TEMPORARY AUTHORITIES

Notice of Proposed Rule Making

NOVEMBER 24, 1969.

At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 14th day of November 1969.

It appearing, that by order entered in Ex Parte No. MC-67, Motor Carrier Temporary Authorities, 98 M.C.C. 483, on April 7, 1965, the entire Commission promulgated and adopted certain rules and regulations (49 CFR Part 1131) governing the filing, processing, and determination of applications by motor common and contract carriers for temporary authority under section 210a(a) of the Interstate Commerce Act;

It further appearing, that by joint petition filed April 1, 1969, American Trucking Associations, Inc., and 14 motor carriers[1] seek modification of the rules adopted on April 7, 1965, by elimination therefrom of portions of § 1131.2(c) which except the Department of Defense from the requirements of (1) filing supporting statements with a field office of the Commission at the time an application for temporary authority is filed and (2) certification; that the adoption of such modifications of the rule is requested to terminate procedural problems which have arisen under the present rule and to assure the accuracy of supporting statements;

It further appearing, that notice of the filing of the petition for modification of § 1131.2(c) was published in the FEDERAL REGISTER on May 1, 1969, and that in the notice any person or persons desiring to participate in the proceeding were directed to file representations supporting or opposing the relief sought by petitioners on or before June 16, 1969;

It further appearing, that pursuant to the notice published separate representations in support of the relief sought were filed by National Automobile Transporters Association and the firm of Graham and James, of San Francisco, Calif.; and separate representations in opposition to the relief sought were filed by (1) the Chief of the Regulatory Law Division, Office of the Judge Advocate General, Department of the Army for the Department of Defense,[2] and (2) Salem Transportation Co., Inc.;

And it further appearing, that there is reason to believe that it may be advisable to modify the rules governing temporary authority applications under section 210a(a) of the Interstate Commerce Act;

Accordingly, under the authority of part II of the Interstate Commerce Act and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), notice is hereby given of the Commission's proposal to amend § 1131.2(c) of Part 1131, (49 CFR 1131.2(c)) to read as follows:

§ 1131.2 Filing of applications.

* * * * *

(c) *Supporting statements.* Each application for temporary authority must be accompanied by a supporting statement(s) designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Each

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[1] Ashworth Transfer, Inc., Bell Lines, Inc., C. I. Whitten Transfer Co., Consolidated Freightways, Garrett Freightlines, Inc., McLean Trucking Co., Merchants Fast Motor Lines, Inc., Roadway Express, Smith Transfer Corp., of Staunton, Va., Southwestern Motor Transport, Inc., Texas-Oklahoma Express, Inc., T.I.M.E.-D.C., Inc., Transcon Lines, and Yellow Freight System, Inc.

[2] Although the pleading filed by the Department of Defense is titled Motion to Dismiss and Response, this Commission is required by appropriate statute to accord any interested person the right to petition for the issuance, amendment, or repeal of a rule, and, therefore, the pleading will be treated as a representation.

such shipper's statement, except those submitted by the Department of Defense, must contain a certification of its accuracy and must be signed by the person (or an authorized representative thereof) having such immediate and urgent need for motor carrier service.

* * * * *

It is ordered, That all for-hire carriers by motor vehicle operating in interstate or foreign commerce subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no-oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that carriers or any other interested person may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the modification mentioned above, or any other subjects pertinent to this proceeding. It should be noted that the modification proposed will also alter the present procedure utilized by the Department of Defense in furnishing support in emergency temporary authority applications, and statements should be addressed to this aspect of the proposal.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before December 30, 1969, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list the Commission will fix the time within which initial statements and the replies must be filed.

And it is further ordered, That a copy of this order be served on petitioners and all parties which have filed representations herein; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14118; Filed, Nov. 26, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 270]

[Release Nos. 34-8743, IC-5874]

RULES AND REGULATIONS REGARDING INVESTMENT COMPANY ACT OF 1940 AND SECURITIES EXCHANGE ACT OF 1934

Notice of Withdrawal of Proposed Rules

The Securities and Exchange Commission today announced that the following rule proposals have been withdrawn:

a. Proposed amendment of Rule 10b-7 (17 CFR 240.10b-7) under the Securities Exchange Act of 1934 (Release No. 34-6127 of Nov. 30, 1959; Release Nos. 33-4757, 34-7517 of Jan. 22, 1965, 30 F.R. 1010) to make it unlawful to effect any stabilizing transaction except for the purpose of facilitating a particular distribution of securities;

b. Proposed Rule 16d-1 (17 CFR 240.16d-1) under the Securities Exchange Act of 1934 (Release No. 34-7905 of June 16, 1966, 31 F.R. 8926) to define the terms "securities held in an investment account" and "transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market";

c. Proposed revision of Rule 17d-1 (17 CFR 270.17d-1) under the Investment Company Act of 1940 (Release No. IC-5128 of Oct. 13, 1967, 32 F.R. 14970, No. IC-5173 of Nov. 21, 1967) to require that Commission approval be obtained before certain affiliated persons of an investment company could participate in transactions with the investment company or its controlled company; and

d. Proposed Rule 10b-10 (17 CFR 240.10b-10) under the Securities Exchange Act of 1934 (Release No. 34-8239 of Jan. 25, 1968, 33 F.R. 2397, No. 34-8261 of Feb. 21, 1968, 33 F.R. 3651) to prohibit investment company managers from directing brokers executing transactions for an investment company to divide their compensation in any way with other brokers unless the benefits of such division accrue to the investment company and its shareholders.

By the Commission, November 7, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14090; Filed, Nov. 26, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Army

LIBBY DAM AND RESERVOIR, MONT.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which lands are within the exterior boundaries of the Kootenai National Forest, Mont., are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture subject to the granting of a right-of-way easement to the State of Montana for relocated State Highway 37 and subject to outstanding rights or interests of record and to such continued use by the Corps of Engineers as is necessary for the construction, protection, and unrestricted operation, maintenance, and administration of the water storage, electric power generation, and flood control facilities and functions of the Libby Dam and Reservoir.

(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Kootenai National Forest, Mont., are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army, subject to interests outstanding in third parties and such rights of access as are mutually determined to be necessary for National Forest purposes.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army lands comprising the Libby Dam and Reservoir Project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to the lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

This order will be effective as of date of publication in the FEDERAL REGISTER.

Dated: October 1, 1969.

STANLEY R. RESOR,
Secretary of the Army.

Dated: October 8, 1969.

J. PHIL CAMPBELL,
Under Secretary of Agriculture.

EXHIBIT A

LAND TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Those lands under the jurisdiction of the Department of the Army for or in connection with the Libby Dam and Reservoir in Montana, being more particularly described in three parts as follows:

Part I. All of the following tracts as shown on the indicated map segments:
Segment 3, Tracts 303 and 304.
Segment 4, Tracts 400 and 401.
Segment 5, Tracts 501 and 504.
Segment 6, Tract 600.
Segment 7, Tract 700.
Segment 8, Tract 800-1.
Segment 10, Tract 1000.
Segment 17, Tract 1702.
Segment 18, Tracts 1803 and 1806.
Segment 20, Tract 2002.
Segment 23, Tract 2300.
Segment 24, Tract 2403.
Segment 36, Tract 3600.

Part II. All of that portion of Tract 601, Segment 6, lying westerly of the east right-of-way line of the relocated Montana State Highway No. 37.

Part III. All of that portion of Tract 801, Segment 8, lying easterly and northerly of the west right-of-way line of the proposed Forest Development Road No. 92.7.

All lands transferred herein consist of 3,301.08 acres more or less. Real Estate Segment Maps depicting the locations of the transferred tracts and legal descriptions are on file in the Office of the Forest Supervisor, Kootenai National Forest, Libby, Mont.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Montana Principal Meridian

T. 31 N., R. 29 W.,
Sec. 28, SW¼NE¼SW¼; S½NW¼NE¼SW¼; SW¼NE¼NE¼SW¼; W½SE¼NE¼SW¼; W½E½SE¼NE¼SW¼; lot 7, except the south 800 feet of the east 700 feet; that portion of the SW¼SW¼ lying easterly of east right-of-way line of the proposed Forest Development Road No. 92.7.

All lands transferred herein consist of 80 acres more or less. A Real Estate Segment Map depicting the location of the transferred tracts and legal descriptions are on file in the Office of the District Engineer, U.S. Army Corps of Engineers, Seattle, Washington, and the Office of the Forest Supervisor, Kootenai National Forest, Libby, Mont.

[F.R. Doc. 69-14060; Filed, Nov. 26, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

STEEL BARS, REINFORCING BARS, AND SHAPES FROM AUSTRALIA

Determination of Sales at Less Than Fair Value

NOVEMBER 25, 1969.

Information was received on May 3, 1968, that steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of September 9, 1969.

I hereby determine that for the reasons stated below, steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, are being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Analysis of information from all sources reveals that the appropriate basis of comparison is betwen purchase price and home market price.

Purchase price was calculated by deducting ocean freight, insurance, and inland freight in Australia from the c.i.f. price to the United States.

The home market price was based on the price list price in the country of exportation, with adjustments made for a trade discount and all inland freight from the mill to the place of delivery. With respect to reinforcing bars, an adjustment was made for difference in quality between the product sold in the home market and that sold for exportation to the United States.

Purchase price was found to be lower than the home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14178; Filed, Nov. 26, 1968; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 0148813]

UTAH

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 19, 1969.

Notice of a U.S. Department of Agriculture, Forest Service, application, U-0148813, for withdrawal and reservation of lands for recreation sites and an administrative site, was published as F.R. Doc. 66-3594, on page 5385 of the issue for April 5, 1969. The applicant agency has canceled its application insofar as it affects the following described lands:

SALT LAKE MERIDIAN

SLATE CREEK ADMINISTRATIVE SITE

T. 2 S., R. 7 E.,
Sec. 19, E½E½NE¼;
Sec. 20, NW¼NW¼, W½SW¼NW¼.

The areas described aggregate 100 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m. on December 29, 1969, will be relieved of the segregative effect of the above mentioned application.

J. E. KEOGH,
Acting State Director.

[F.R. Doc. 69-14054; Filed, Nov. 26, 1969; 8:45 a.m.]

[Serial No. I-1663]

IDAHO

Notice of Public Sale

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 1:30 p.m. m.s.t., on Wednesday, January 14, 1970, at the Idaho Land Office, Room 380 Federal Building, 550 West Fort Street, Boise, Idaho 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 12 S., R. 13 E.,
Sec. 24, SE¼SW¼.

The area described contains 40 acres.

The appraised value of the tract is $2,000 and the publication cost to be assessed is $10.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. An agent should be prepared to show that the person he represents is a qualified bidder.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702, prior to 1 p.m., m.s.t., on Wednesday, January 14, 1970. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publications costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I-1663, Sale of January 14, 1970".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day following the sale.

If no bids are received for the sale tract on Wednesday, January 14, 1970, the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning February 4, 1970.

Any adverse claimants to the above described lands should file their claims or objections, with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-14077; Filed, Nov. 26, 1969; 8:47 a.m.]

[Montana 14225]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 19, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application, M 14225, for the withdrawal of lands described below from all forms of appropriation under the public land laws, except the mining and mineral leasing laws.

The applicant desires to add the lands to the Custer National Forest for multiple use management in conjunction with adjacent national forest lands. These lands are primarily valuable for watershed purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the applications to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 6 S., R. 17 E.,
Sec. 5, Lot 4, S½NW¼ and W½SW¼;
Sec. 8, Lots 4, 5, 6, and 7;
Sec. 17, All;
Sec. 21, W½W½.

The above described lands aggregate 1,163.51 acres located in Stillwater County, Montana.

T. 6 S., R. 18 E.,
Sec. 30, Lots 3 and 4;
Sec. 31, Lot 1.
T. 7 S., R. 19 E.,
Sec. 24, NW¼SW¼ and S½S½.
T. 7 S., R. 20 E.,
Sec. 19, Lot 4, SE¼SW¼ and SW¼SE¼.

The above described lands aggregate 417.13 acres located in Carbon County, Montana.

ROLAND F. LEE,
Acting Land Office Manager.

[F.R. Doc. 69-14112; Filed, Nov. 26, 1969; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. G-459]

OLAN B. WARD, SR.

Notice of Loan Application

NOVEMBER 20, 1969.

Olan B. Ward, Sr., 111 Avenue C, Apalachicola, Fla. 32320, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 51-foot length overall wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-14079; Filed, Nov. 26, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LIBBY DAM AND RESERVOIR, MONTANA

Joint Order Interchanging Administrative Jurisdiction of the Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document affecting the above subject matter, see Department of Defense, Department of the Army, F.R. Doc. 69-14060, *supra*.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ARKANSAS STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00585-01-77030. Applicant: Arkansas State University, Office of Finance, State University, Ark. 72467. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60H. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for the following:

A. Rates and activation energies of exchange of a magnetic nucleus between two structural sites in a molecule in which it has a different chemical shift in each of the two environments.

B. Kinetic studies of the rates and activation energies of protolysis reactions of various alkylphosphonium ions in solution.

C. Temperature effects of ligand exchange between the solvent and the primary coordination sphere of some complexes of cobalt, chromium, and iron.

D. Studies of the rates and activation energies of addition reactions involving alcohols and boron trifluoride.

E. Determination of the temperature dependence of enzyme catalyzed hydrolysis of polypeptides.

F. Routine determination of the spectra of large numbers of samples of the various extracts of snake venom.

G. Characterization of the fatty acids isolated from fat tissue of animals subjected to different feeding experiments.

H. Determination of the variation of fatty acid types in soybean oils as function of soybean plant growth variables.

I. Instructural use in connection with freshman chemistry, introductory organic, and instrumental analysis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has both an internal and external lock. The most closely comparable domestic nuclear magnetic resonance spectrometer is the Model HA 60-1L manufactured by Varian Associates (Varian), which offers either an external or internal lock but not both in the same instrument. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated August 4, 1969, and the National Bureau of Standards (NBS) in a memorandum dated July 24, 1969, that an external lock is required to perform routine determinations of the spectra of large numbers of samples and to achieve the educational purposes described by the applicant. We are further advised that the remaining experiments described by the applicant will require the superior stability of the internal lock. Therefore, the combined internal-external lock capability possessed by the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the Varian Model HA 60-1L is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-14063; Filed, Nov. 26, 1969; 8:46 a.m.]

MILTON S. HERSHEY MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00590-33-46040. Applicant: The Milton S. Hershey Medical Center of the Pennsylvania State University, 500 University Drive, Hershey, Pa. 17033. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for research and educational purposes in the Department of Anatomy. Current research efforts include the following:

1. An analysis of the events of the secretion of insulin and glucagon by the pancreatic islets of various subhuman primates and the abnormal secretion in certain secretory tumors of man.

2. A study of the crystal lattice organization in electron micrographs of the insulin-containing granules of the pancreatic islets.

3. A study of the ultrastructure of mechanoreceptors in a variety of mammals.

4. A study of the microtubules found in the supporting cell of the cochlea of certain reptiles.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corporation of America (RCA) and is currently being supplied by Forgflo Corp. (Forgflo). The RCA Model EMU-4B has a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. The foreign article also provides a magnification suitable for taking good photographs ranging from a magnifying power of 220 to a power of 550,000 without the need to change pole pieces. The RCA Model EMU-4B can provide magnification for the production of good electron micrographs in the range of 500 to 240,000, but a change of pole pieces is required at magnifications below 1,400X (the lower limit of the magnification range with the standard pole piece). We are advised by the Department of Health, Education, and Welfare (HEW) in its

memorandum dated August 5, 1969, the capability of producing good micrographs from 220X to 200,000X without the need to exchange pole pieces is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the RCA Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–14064; Filed, Nov. 26, 1969; 8:46 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00589–01–42900. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Super conducting magnet system. Manufacturer: Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The magnet system will become a part of a pulsed nuclear magnetic resonance spectrometer system which is being developed. The spectrometer will be employed in high-resolution NMR of solids, a technique invented by the applicant. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a superconducting magnet system equipped with a magnet having a field strength of at least 60 kiloOersteds (kOe), a field uniformity of plus or minus 5×10^{-7} over a 1 cubic centimeter volume and an accessible working space of at least 1.5 inches diameter inside the solenoid. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 1, 1969, that for the applicant's intended experiments, the field strength, field uniformity and working space of the magnet are pertinent characteristics of the foreign article. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–14065; Filed, Nov. 26, 1969; 8:46 a.m.]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00610–33–46040. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Electron microscope, Model AEI EM 6B. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for research projects requiring high resolution micrographs and high resolution analysis of long ribbons of serial sections. Investigations are being made on growing oöcytes, differentiating and adult nervous tissue, and differentiating adult and aged liver cells. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides specimen holders which will hold three or six grids. The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU–4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated August 5, 1969, that the capability to hold three or six grids per standard holder is pertinent to the purposes for which the foreign article is intended to be used. For this reason, we find that the RCA EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–14066; Filed, Nov. 26, 1969; 8:46 a.m.]

CHEYNEY STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00587–98–26000. Applicant: Commonwealth of Pennsylvania, Cheyney State College, Cheyney, Pa. 19319. Article: Dr. Clemenz standard construction device, Model EG ZA/ZT. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used for teaching the basic theory of electricity. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article consists of various units that can be assembled by the student to demonstrate AC and DC generators, three phase asynchronous slip ring motors, a three-phase squirrel cage motor and other electrical devices.

We are advised by the National Bureau of Standards in a memorandum dated August 15, 1969, that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–14067; Filed, Nov. 26, 1969; 8:46 a.m.]

WILLIAM MARSH RICE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00606–01–77030. Applicant: William Marsh Rice University, 6100 Main Street, Houston, Tex. 77005. Article: Nuclear magnetic resonance spectrometer, Model HFX–10. Manufacturer: Bruker-Physik, AG, West Germany. Intended use of article: The article will be used to serve the general needs of the chemistry department and as a research instrument for the following studies.

1. ^{13}C nmr spectra of peptides and amino acids, peptide sequencing, effect of long range interaction due to tertiary protein structures.
2. ^{13}C nmr of organometallic compounds.
3. ^{19}F and ^{29}Si nmr spectra of novel fluorosilaneecompounds.
4. Structural determination of natural products.
5. ^{19}F, ^{13}C contact interaction shift studies of inorganic complexes.
6. Linkage isomerization in selenocyanate complexes.
7. Studies on the mechanism of the Vitamin B–6 catalyzed formation of tryptophan from serine and indole.
8. Rates of fast reactions.
9. Overhauser effect in ^{13}C spectra caused by irradiation of ^{19}F nuclei bonded to ^{13}C. (C-carbon, F-fluorine, and Si-silicon.)

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a nuclear magnetic resonance spectrometer which has the capabilities of a heteronuclear lock and heteronuclear double resonance with all frequencies locked together for nuclear Overhauser studies and an internal lock. The most closely comparable domestic instrument is the Model HA 100–15 Nuclear Magnetic Resonance (NMR) Spectrometer manufactured by Varian Associates (Varian). We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated August 5, 1969, and the National Bureau of Standards (NBS) in a memorandum dated September 8, 1969, that for the purposes for which the article is intended to be used, the capabilities of a heteronuclear lock and heteronuclear double resonance with all frequencies locked together as well as internal lock for nuclear Overhauser studies are pertinent to the purposes for which the foreign article is intended to be used, and that no available Varian NMR Spectrometer has these capabilities.

For the foregoing reasons, we find that the Varian HA 100–15 is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–14068; Filed, Nov. 26, 1969; 8:46 a.m.]

UNIVERSITY OF SOUTHERN CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00549–33–46040. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. Article: Electron Microscope, Model HU–11E–1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used full time to screen for viral particles in human and animal tumor study materials as follows:

1. Fresh human tumor tissue.
2. Animal tumors.
3. Hamster tumors that may develop after human tumor transplantation.
4. Tissue culture cells exhibiting altered foci.
5. Moloney concentrates of tumors.
6. Intracellular localization of viral specific antigens.
7. Documentation of "rescue" of defective viral genomes.
8. Antigen labeling intracellularly (localization).
9. Negative stain-high resolution.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed specification of 3.5 angstroms resolving capability. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), but is currently being produced by the Forgflo Corp. (Forgflo). The Model EMU–4B has a guaranteed specification of 5 angstroms resolving capability. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) The Department of Health, Education, and Welfare (HEW) advised us that for the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. (HEW memorandum dated July 7, 1969.) For this reason, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–14069; Filed, Nov. 26, 1969; 8:46 a.m.]

Maritime Administration

[Report No. 101]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through November 13, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total all flags (168 ships)	1,214,691
Cypriot (53 ships)	386,945
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Akmeon (tanker)	11,105
Alda	7,292

See footnotes at end of table.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Alice (previous trips to Cuba—Greek)	7,189
*Alitric	7,564
Alma	6,585
Alpa	9,159
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
*Annunciation Day	8,047
Aragon (previous trips to Cuba—Somali)	7,248
Areti (previous trips to Cuba—Lebanese)	7,176
Arion	3,570
Armar	5,089
*Aurora	8,380
Azalea	9,506
*Azure Coast II	7,638
Camelia	8,111
Claire (previous trips to Cuba—Lebanese)	5,411
Coolady	2,867
Degedo	9,000
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
*Elpidoforos	4,963
Felicie	7,096
Free Trader (previous trips to Cuba—Lebanese)	7,061
*Gladiator	8,346
Herodemos	7,356
Huntsfield (previous trips to Cuba—British)	9,483
Ilena (trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Greek)	7,232
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Mousse (previous trips to Cuba—Lebanese)	9,307
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protokilitos	6,154
Sophia (previous trips to Cuba—Greek)	7,030
Suerte	7,267
Sunrise (previous trips to Cuba as the Anatoli—Greek)	7,216
Thios Costas (previous trips to Cuba—Somali)	7,258
Tina (previous trips to Cuba—Greek)	7,362
Toula (previous trips to Cuba—Lebanese)	6,426
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
British (44 ships)	361,598
Antarctica	8,785
Arctic Ocean	8,791

See footnotes at end of table.

Flag of Registry and Name of Ship	Gross tonnage
British—Continued	
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
*Green Walrus	9,443
Hemisphere	8,718
Ho Fung	7,121
Huntsland	9,353
Huntsville	9,486
Hwang Ho	9,457
**Jeb Lee (trip to Cuba as the Garthdale—British)	7,542
Jollity	8,819
Kinross	5,388
Magister	2,239
**Meadow Court (trip to Cuba as the Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newheath	7,643
Oceantramp	6,185
Ocean Travel	10,419
Peony	9,037
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
**Tetrarch (trips to Cuba as the Ardrowan—British)	7,300
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czlads	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Greek (8 ships)	52,185
**Allartos (trip to Cuba as the Loradore—British)	6,078
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838

Flag of Registry and Name of Ship	Gross tonnage
Greek—Continued	
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Papalos (trip to Cuba as the Agios Therapon—Greek)	7,205
Redestos	5,911
Yugoslav (8 ships)	54,379
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
Lebanese (5 ships)	31,153
Antonis	6,259
Astir	5,324
Giannis	5,270
Marichristina	7,124
Tony	7,176
Italian (5 ships)	45,780
Alderamine (tanker)	12,505
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Somali (4 ships)	23,348
Aria	5,059
**Atlas (trip to Cuba—Finnish)	3,916
Erato (previous trips to Cuba as the Eretria—Greek)	7,199
**Marie (trips to Cuba as the Stevo—Lebanese and Somali)	7,174
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Panamanian (4 ships)	29,738
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Avrancholse (trips to Cuba as the Avranches—French)	7,199
**Renown Trader (trips to Cuba as the Suva Breeze—British)	4,996
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
French (3 ships)	6,980
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Nelle	2,874
Maltese (2 ships)	12,624
Soclyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115

Flag of Registry and Name of Ship	Gross tonnage
Finnish (1 ship)	6,823
Ragni Paulin	6,823
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Japanese (1 ship)	8,627
Chokyu Maru	8,627
Pakistani (1 ship)	8,708
**Maulabakah (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
French (3 ships):	
Foulaya (Now Leyte Gulf—Philippine)	3,739
Mungo	4,820
Penja	3,777

b. Previous reports:

Flag of registry (total)	Number of ships
	125
British	45
Cypriot	3
Danish	1
Finnish	4
French	1
German (West)	1
Greek	30
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	8
Somali	1
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross tonnage
Aegis Luck (Greek)	11,676
Apollonian (Cypriot)	7,229
Ispahan (Greek)	7,169
Kelso (British)	6,981
Tegean (Cypriot)	7,240

b. Previous reports:

FLAG OF REGISTRY AND NAME OF SHIP

Flag of registry:	Broken up, sunk or wrecked
British	20
Cypriot	24
Finnish	4
French	1
Greek	14
Italian	4
Lebanese	34

FLAG OF REGISTRY AND NAME OF SHIP

Flag of registry:	Number of ships
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	5
Singapore	1
South African	2
Swedish	1
Yugoslav	6
Total	122

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through November 13, 1969.

Flag of registry	1963	1964	1965	1966	1967	1968	1969 Jan.–Apr.	1969 May	1969 June	1969 July	1969 Aug.	1969 Sept.	1969 Oct.	Total
British	133	180	126	101	78	62	19	1	7	2	4	3	1	717
Lebanese	64	91	58	25	16	16	2	1			1			274
Cypriot		1	17	27	42	68	26	14	6	8	13	13	6	243
Greek	99	27	23	27	29	7								212
Italian	16	20	24	11	11	10	4	2	1	1	1	1	1	103
Yugoslav	12	11	15	10	14	9	2	1	1		1			76
French	8	9	9	10	10	4	2							52
Finnish	1	4	5	11	12	8	2							43
Spanish	9	17												25
Norwegian	14	10												24
Moroccan	9	13	1											23
Maltese		2	6	1	4	8		1						22
Somali					2	11	5		1	1				20
Netherlands		4	2											6
Swedish	8	3												6
Kuwaiti		2	1											3
Israeli			2											2
Japanese	1				1									2
Danish	1													1
German (West)	1													1
Haitian			1											1
Monaco				1										1
Sub-Total	370	394	290	224	218	204	62	20	16	12	20	17	10	1,857
Polish	18	16	12	10	11	7					1			75
Grand Total	388	410	302	234	229	211	62	20	16	12	21	17	10	1,932

NOTE: Trip totals in section 4 exceed ship totals in section 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 100, appearing in the FEDERAL REGISTER issue of October 17, 1969.
**Ships appearing on the list which have made no trips to Cuba under the present registry.

By order of the Maritime Administrator.

Dated: November 14, 1969.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 69-14109; Filed, Nov. 26, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-134]

TECOLOTITO CREEK AND GOLETA SLOUGH, SANTA BARBARA, CALIF.

Notice of Public Hearing Regarding Proposed Bridges

Notice is hereby given that a public hearing will be held by the Commander, Eleventh Coast Guard District at 9 a.m., December 9, 1969, in the Mural Room, Santa Barbara County Courthouse, Santa Barbara, Calif. This will concern an application dated 15 August 1969 made by the State of California for approval by the Commandant, U.S. Coast Guard, of the plans and locations of two parallel fixed span highway bridges, a bicycle bridge and a utility pipeline bridge. All four bridges would be built across Tecolotito Creek, Goleta, Santa Barbara County, Calif. Two existing bridges would be removed in this project, the Clarence Ward Avenue Bridge and the Fowler Street Bridge.

The bridge construction is planned in two stages. The proposed left (northerly) highway bridge, the bicycle bridge and the utility pipeline bridge would be built in the first stage and not affect vehicular traffic on Clarence Ward Avenue. The proposed right (southerly) highway bridge would be built and the existing

Clarence Ward Avenue Bridge would be removed at a future date, following the other construction by approximately 1 year.

Clearances for navigation on Tecolotito Creek under the existing and proposed bridge systems are as follows, proceeding upstream:

Bridge	Minimum vertical clearance at mean high water datum	Horizontal clearances between bridge support piers
	Feet	*Feet*
Existing system:		
1. Park Road	5.5	30
2. Clarence Ward Avenue	10.0	33
3. Fowler Street	1.0	15
Proposed system:		
1. Park Road (existing)	5.5	30
2. Bicycle (new)	10.3	30
3. Highway left (new)	14.0	30
4. Highway right (new)	14.0	30
5. Utility pipeline (new)	9.7	70

The two proposed highway and bicycle bridges would be of cement slab construction.

Drawings showing the plans and location of the proposed work are on file in the office of the Commander, 11th Coast Guard District, Heartwell Building, 19 Pine Avenue, Long Beach, Calif. 90802.

The public hearing will be open to comment on the impact of the proposed bridges on the navigability of Tecolotito Creek, and on the total environmental impact of the bridges and the connecting freeway extensions on the Goleta Slough. Comments are specifically entertained on the following items:

(1) Whether the Goleta Slough constitutes a "public park, recreation area, wildlife and waterfowl refuge, or historic site of national, State or local significance as determined by the Federal, State, or local officials having jurisdiction thereof";

(2) If so, whether the proposed bridges would "require the use" of the Slough;

(3) If so, whether there is a "feasible and prudent alternative to the use of such land"; and

(4) If there are no feasible and prudent alternatives, whether "all possible planning to minimize harm" to the Slough has been included in the project by the State.

All interested parties are invited to be present or to be represented at the hearing, especially officials of any public or private organizations whose interests may be affected by the proposed bridges. They will be given an opportunity to express their views as to the suitability of the proposed bridges and to suggest any changes that may be considered desirable.

Each person who wishes to make an oral statement should notify the Commander, 11th Coast Guard District not later than December 5, 1969, indicating the amount of time required for his initial statement. Depnding on the number of statements expected, it may be necessary to limit the amount of time allocated to each speaker. Parties requesting time to present oral statements will be notified if such allocation is necessary. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of the hearing. Such statements and exhibits may also be submitted directly to the Commander, 11th Coast Guard District at the above address not later than December 12, 1969. A transcript of the hearing will be made and copies may be purchased from the reporting service.

This notice is published pursuant to the authority of section 502, 60 Stat. 847, as amended, sections 4(f) and 6(g), 80 Stat. 934 and 941, as amended; 33 U.S.C. 525, 49 U.S.C. 1653(f) and 1655 (g); 49 CFR 1.4(a)(x) and 1.4(g).

Dated: November 24, 1969.

CHARLES TIGHE,
Rear Admiral, U.S. Coast Guard Commander, 11th Coast Guard District.

[F.R. Doc. 69-14113; Filed, Nov. 26, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Amended Facility License

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 2, 1969 (34 F.R. 11159), the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. CX-21. The amendment authorizes the National Aeronautics and Space Administration (NASA) at Cleveland, Ohio, to operate its Zero Power Reactor II (ZPR-II), located on the Lewis Research Center site and modified under Construction Permit No. CPCX-29, at increased power levels up to 100 watts (thermal). The amendment was issued substantially as proposed in the above notice except that authority to receive, possess and use 10,000 pounds of depleted uranium in connection with operation of the ZPR-II has been added.

The Commission has found that the application for the amendment to the facility license complies with the requirements of Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR, Chapter I, and that the amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the license amendment may be obtained at the Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of November 1969.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-14062; Filed, Nov. 26, 1969; 8:46 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on December 10, 1969, in the Lecture Hall of the Free Library, 19th and Vine Streets, Philadelphia, Pa., beginning at 10 a.m. The subject of the hearing will be an amendment to the Comprehensive Plan so as to include the following project.

An electric generating station to be constructed by Public Service Electric & Gas Co. Two generating units having a net capacity of 1,050,000 kw. are proposed to be constructed on the east side of the Delaware River on Artificial Island in Lower Alloways Creek Township, Salem County, N.J. Heat for the generation of steam required to drive the turbine generators will be obtained from nuclear fuel utilizing the pressure water cycle. About 5,000 cubic feet per second of condensing water for the steam turbines will be drawn from the Delaware River, circulated through condensors and returned to the river. Large-scale groundwater withdrawals and foundation dewatering operations are to be undertaken on a temporary basis during construction of the project.

Documents relating to the above project may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

NOVEMBER 18, 1969.

[F.R. Doc. 69-14070; Filed, Nov. 26, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1353]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 21, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR Part 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 315), filed October 27, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank vehicles, between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 1074 (Sub-No. 11), filed October 30, 1969. Applicant: ALLEGHENY FREIGHT LINES, INC., Valley Pike, Post Office Box 601, Winchester, Va. 22601. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities of a perishable nature, commodities in bulk, and those requiring special equipment, between Pittsburgh, Pa. and Hancock, Md., from Pittsburgh over the Pennsylvania Turnpike and/or Interstate Highway 70 to Hancock, Md. and return over the same route serving no intermediate points, as an alternate route for operating convenience only. Restriction: The foregoing route is restricted to the transportation of traffic moving to, from, or through Winchester, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 381), filed October 27, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Hanover, Pa., as an off-route point in connection with its regular route authority to serve Baltimore, Md., and Harrisburg and York, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 2900 (Sub-No. 180), filed October 24, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron or steel; fittings; valves; hydrants*, from Birmingham, Ala., to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 4964 (Sub-No. 37), filed October 29, 1969. Applicant: ROY L. JONES, INC., 915 McCarty Avenue, Post Office Box 24128, Houston, Tex. 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 13250 (Sub-No. 103), filed October 29, 1969. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points within the states of Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 18088 (Sub-No. 52), filed October 20, 1969. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. 35149. Applicant's representative: William J. Kenney, 2000 L Street, NW., Suite 815, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

manufactured, processed, or dealt in by rubber or rubber-products manufacturers and *supplies, materials, and equipment* used in conduct of such business, between the plantsite of UniRoyal, Inc., Opelika, Ala., on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and Tenneesse. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Birmingham, Ala.

No. MC 31533 (Sub-No. 11), filed October 9, 1969. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, Post Office Box 545, South Bend, Ind. 46624. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between South Bend, Ind., on the one hand, and, on the other, points in Elkhart, St. Joseph, La Porte, Porter, Pulaski, Lake, Starke, and Marshall Counties, Ind. NOTE: Applicant indicates it would tack at South Bend, Ind., with its presently held authority (a portion of which authorizes service between South Bend, Ind., and Benton Harbor, Mich.). If a hearing is deemed necessary, applicant requests it be held at Hammond, Ind.

No. MC 42318 (Sub-No. 36), filed October 24, 1969. Applicant: HOWARD HALL COMPANY, INC., 3433 35th Street North, Post Office Box 2622, Birmingham, Ala. 35202. Applicant's representative: Howard Hall, Jr. (Same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron or steel; fittings; valves; hydrants; and gaskets*, from Birmingham, Ala., to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 42487 (Sub-No. 734), filed October 27, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal site of Consolidated Freightways Corp. of Delaware in the Borough of Milton, Northumberland County, Pa., as an off-route point in connection with carrier's presently authorized, regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 46421 (Sub-No. 10), filed October 28, 1969. Applicant: ESCRO STORAGE & CARTAGE, INC., 360 Dingens Street, Buffalo, N.Y. 14206. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Buffalo, N.Y., to points in Allegany, Livingston, Wayne, Yates, Seneca, Schuyler, Cayuga, Tompkins, and Tioga, Bradford, Susquehanna, Clinton, Lycoming, Montour, Sullivan, Wyoming, Columbia, and Lackawanna Counties, Pa., restricted to traffic having a prior movement by connecting carriers. NOTE: Applicant states no duplicate authority is being sought. Applicant further states that the requested authority cannot be tacked with its existing authority. The purpose of this application is to eliminate Elmira, N.Y., as a gateway. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Syracuse, N.Y.

No. MC 49727 (Sub-No. 8), filed August 28, 1969. Applicant: CZYHOLD TRUCK LINE, INC., 902 North First Avenue, Yakima, Wash. 98902. Applicant's representative: Norman Richardson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm tractors and parts*, between Yakima, Wash., and points in eastern Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle or Yakima, Wash.

No. MC 56679 (Sub-No. 34), filed October 28, 1969. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances*, household, from Seattle, Wash., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New York, N.Y.

No. MC 59332 (Sub-No. 4), filed October 22, 1969. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, N.J. 08110. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Connecticut, Delaware, Massachusetts, Maryland, New York, New Jersey, Pennsylvania, Virginia, and District of Columbia. NOTE: Applicant has an application pending for contract carrier authority under MC 133394 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 59680 (Sub-No. 175), filed October 27, 1969. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck, Post Office Box 5689, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Remington Arms Co., Inc., division of E. I. du Pont de Nemours & Co., located between Little Rock and Lonoke, Ark., as an off-route point in connection with carrier's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 61231 (Sub-No. 46) (Amendment) filed September 2, 1969, published FEDERAL REGISTER of September 25, 1969, amended November 10, 1969, and republished as amended this issue. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Belle Fourche, S. Dak., to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the scope of the application by deleting the words "in containers" from the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61417 (Sub-No. 2), filed October 31, 1969. Applicant: FIREPROOF STORAGE COMPANY, a corporation, 728 East Shiawassee Street, Lansing, Mich. 48902. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Ingham, Livingston, Eaton, Barry, Shiawassee, Clinton, Ionia, Kent, Montcalm, Gratiot, Midland, Kalamazoo, Calhoun, Jackson, Washtenaw, Oakland, and Macomb

Counties, Mich.; restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61505 (Sub-No. 26) filed October 20, 1969. Applicant: G. R. MYERS MOTOR TRANSPORTATION, INC., 3950 Eastern Road, Barberton, Ohio 44203. Applicant's representative: Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boilers, boiler parts, pipes and tubes, boiler fuel pulverizing machinery, and machinery, materials, and supplies* used or useful in the manufacture and installation of steel boilers, between Canton, Ohio, and Barberton, Ohio. NOTE: Applicant states that the proposed operation will be joined at Barberton, Ohio, with applicant's present authority thereby enabling it to transport the described commodities between Canton, Ohio, on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Maryland, Massachusetts, the Lower Peninsula of Michigan, Missouri, New Jersey, New York, Pennsylvania, West Virginia, Virginia, the District of Columbia; Brunswick, Ga.; Paris, Tex.; Wilmington, N.C.; and West Point, Miss. Applicant further states that the proposed operation will not result in any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 157), filed October 24, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of General Plywood Corp. at or near New Albany, Ind., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 63792 (Sub-No. 14), filed October 29, 1969. Applicant: TOM HICKS TRANSFER COMPANY, INC., Post Office Box 283, Harvey, La. 70058. Applicant's representative: James M. Doherty, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, Mississippi, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 67111 (Sub-No. 20), filed October 22, 1969. Applicant: KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind. 46947. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite and warehouses of Honeywell, Inc., at or near Arlington Heights, Ill., as an off-route point in connection with applicant's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 69512 (Sub-No. 6) (Clarification), filed May 28, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and republished as clarified, this issue. Applicant: THUNDERBIRD FREIGHT LINES, INC., 1515 South 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Phoenix and Tucson, Ariz.; (a) from Phoenix over U.S. Highways 60 and 70 to junction of Arizona Highway 87, thence over Arizona Highway 87 to junction Arizona Highways 84 and 93, thence over Arizona Highways 84 and 93 to Tucson; and (b) from Phoenix over U.S. Highways 60 and 70 to junction Arizona Highway 87, thence over Arizona Highway 87 to junction Arizona Highway 93, thence over Arizona Highway 93 to junction Arizona Highways 84 and 93 to Tucson, and return over the same route, serving all intermediate points in (a) and (b) above; and (2) between Phoenix and Tucson, Ariz., over Interstate Highway 10, serving no intermediate points: The purpose of this republication is to more clearly set forth the territorial scope of the application, and to delete the previous off-route points. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., then Los Angeles, Calif., and terminate at Tucson, Ariz.

No. MC 75302 (Sub-No. 8), filed October 5, 1969. Applicant: DOUDELL TRUCKING COMPANY, a corporation, 545 Queen's Row, San Jose, Calif. 95106. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities including classes "A" and "B" explosives* (except commodities in bulk, used household goods as described in 17 M.C.C. 467, wood chips and shavings) to, from, and between points in California on the routes described below, serving all intermediate points, as follows: (1) From Sacramento over California Highway 99 to its junction with Interstate Highway 5, inclusive; (2) from Interstate Highway 280 at its junction with Interstate Highway 80 in San Francisco over Interstate Highway 80 to Rocklin, inclusive; (3) from Sacramento over California Highway 160 to its junction with California Highway 4 at a point approximately 3 miles east of Antioch, inclusive; (4) from Lodi over California Highway 12 to its intersection with Interstate Highway 80 at Fairfield, inclusive; (5) from Interstate Highway 80 at its junction with California Highway 4, over California Highway 4 to Farmington, inclusive; (6) from Folsom over U.S. Highway 50 to its junction with California Highway 17 at San Lorenzo, inclusive; (7) from San Rafael over U.S. Highway 101 to Los Angeles, inclusive;

(8) From U.S. Highway 101 at its junction with California Highway 1, over California Highway 1 to Point Reyes, inclusive; (9) from Watsonville over California Highway 152 to its junction with California Highway 99 approximately 4 miles southeast of Chowchilla, inclusive; (10) from Benicia over California Highway 21 to its junction with Interstate Highway 80 at a point 4 miles southwest of Suisun City, inclusive; (11) from U.S. Highway 101 at its junction with California Highway 17 over California Highway 17 to its junction with California Highway 1 at Santa Cruz, inclusive; (12) from Ventura over California Highway 33 to its junction with U.S. Highway 50 at a point approximately 3 miles east of Tracy, inclusive; (13) from San Lucas over California Highway 198 to Three Rivers, inclusive; (14) from California Highway 99 at its intersection with California Highway 46 over California Highway 46 to Cambria, inclusive; (15) from Planada over California Highway 140 to its junction with Interstate Highway 5 at a point approximately 5 miles west of Gustine, inclusive; (16) from California Highway 33 at its intersection with California Highway 180 over California Highway 180 to Squaw Valley, inclusive; (17) from California Highway 33 at its intersection with California Highway 132 over California Highway 132 to Waterford, inclusive; (18) from California Highway 198 at its junction with California Highway 65 over California Highway 65 to its junction with California Highway 99 at a point approximately 3 miles west of Oildale, inclusive;

(19) From U.S. Highway 395 at its junction with California Highway 14 over California Highway 14 to its junction with Interstate Highway 5 at a point approximately 5 miles southwest from Newhall, inclusive; (20) from U.S.

Highway 101 at its junction with California Highway 126 over California Highway 126 to its junction with Interstate Highway 5 at a point approximately 3 miles south of Castaic, inclusive; (21) from U.S. Highway 101 at its junction with California Highway 154, over California Highway 154 to its junction with U.S. Highway 101 at a point approximately 4 miles east of Goleta, inclusive; (22) from Surf over California Highway 246 to Santa Ynez, inclusive; (23) from California Highway 1 at its junction with California Highway 35, over California Highway 35 to its junction with California Highway 9 at a point approximately 6 miles west of Saratoga, inclusive; (24) from Santa Cruz over California Highway 9 to Los Gatos, inclusive; (25) from Castroville over California Highway 156 to its junction with California Highway 152 at a point approximately 8 miles north of Hollister, inclusive; (26) from Santa Paula over California Highway 150 to its junction with U.S. Highway 101 at a point approximately 2 miles east of Carpinteria, inclusive; (27) from Saticoy over California Highway 118 to La Canada, inclusive; (28) from San Diego over U.S. Highway 395 to Little Lake, inclusive; (29) from California Highway 14 at its junction with unnumbered highway over unnumbered highway to U.S. Highway 395 at a point approximately 4 miles north of Johannesburg, inclusive; (30) from U.S. Highway 101 at its junction with California Highway 58 over California Highway 58 to its junction with Interstate Highway 15 at a point approximately 7 miles west of Yermo, inclusive; (31) from San Bernardino over Interstate Highway 15 to the California-Nevada border, inclusive; (32) from Needles over Interstate Highway 40 to Barstow, inclusive; (33) from Santa Monica over Interstate Highway 10 to the California-Arizona border at a point approximately 4 miles east of Blythe, inclusive; (34) from Coachella over California Highway 86 to El Centro, inclusive;

(35) From El Centro over Interstate Highway 8 to Winterhaven, inclusive; (36) from San Ysidro over Interstate Highway 5 to its junction with California Highway 99 at a point approximately 14 miles north of Lebec, inclusive; (37) from Maricopa over California Highway 166 to its junction with California Highway 99 at a point approximately 16 miles north of Lebec, inclusive; (38) from Beaumont over California Highway 60 to its intersection with California Highway 71 near Pomona, inclusive; (39) from Interstate Highway 10 at its junction with California Highway 71 over California Highway 71 to its junction with U.S. Highway 395 near Murrieta, inclusive; (40) from Riverside over California Highway 91 to its junction with California Highway 1 at a point near Manhattan Beach, inclusive; (41) from Interstate Highway 10 at its junction with California Highway 111 over California Highway 111 to Calexico, inclusive; (42) from San Juan Capistrano over California Highway 74 to Perris, inclusive; (43) from U.S. Highway 101 at its junction with California Highway 1 near El Rio over California Highway 1 to its junction with Interstate Highway 5 near Doheny, inclusive; (44) from San Bernardino over U.S. Highway 66 and Interstate Highway 210 to its junction with Interstate Highway 5 at a point near Glendale, inclusive; (45) from Olema over unnumbered county road to its junction with U.S. Highway 101, inclusive; (46) from Point Reyes Station over unnumbered county road to its junction with U.S. Highway 101 near San Rafael, inclusive; (47) from U.S. Highway 101 at its junction with California Highway 37 over California Highway 37 to its junction with Interstate Highway 80 near Vallejo, inclusive; (48) from Davis over California Highway 128 to its junction with California Highway 121, inclusive;

(49) From Petaluma over California Highways 116, 12, and 121 to its intersection with California Highway 128 at a point approximately 15 miles north of Napa, inclusive; (50) from Petaluma over U.S. Highway 101 to San Rafael, inclusive; (51) from Interstate Highway 80 at its junction with Interstate Highway 505 over Interstate Highway 505 to Madison, inclusive; (52) from Madison over California Highway 16 to Sloughhouse, inclusive; (53) from Interstate Highway 80 at its junction with California Highway 113 over California Highway 113 to Knight's Landing, inclusive; (54) from Sacramento over California Highway 99 to its junction with California Highway 70, inclusive; (55) from Sacramento over U.S. Highway 50 to Folsom, inclusive; (56) from California Highway 99 at its intersection with California Highway 104, over California Highway 104 to Ione, inclusive; (57) from Interstate Highway 80 at its junction with Interstate Highway 680 over Interstate Highway 680 to its junction with California Highway 17 at a point 4 miles south of Fremont, inclusive; (58) from Stockton over California Highway 88 to its junction with California Highway 124 near Ione, inclusive; (59) from Stockton over California Highway 26 to its intersection with California Highway 120 near Jenny Lind, inclusive; (60) from Manteca over California Highway 120 to Oakdale, inclusive; (61) from Salida over California Highway 219 to Oakdale, inclusive; (62) from Oakdale over unnumbered county road to Waterford, inclusive; (63) from Escalon over unnumbered county road passing through Riverbank, Empire, Hughson, Denair, Ballico, Cressey, and Winton to its junction with California Highway 59 near Merced, inclusive;

(64) From Merced over California Highway 59 to Snelling, inclusive; (65) from Waterford over unnumbered county road to its junction with California Highway 59 at a point approximately 7 miles north of Merced, inclusive; (66) from Planada over unnumbered county road to its junction with California Highway 99 at a point near Chowchilla, inclusive; (67) from Madera over unnumbered county road to Raymond, inclusive; (68) from Kerman over California Highway 145 to Friant, inclusive; (69) from California Highway 1 at its junction with California Highway 41; over California Highway 41 to its intersection with California Highway 145 to a point approximately 6 miles northwest of Friant, inclusive; (70) from Visalia over California Highway 63 to its junction with California Highway 180 near Squaw Valley, inclusive; (71) from Kingsburg over California Highway 201 to Cutler, inclusive; (72) from Kingsburg over unnumbered county road passing through Sanger to its intersection with California Highway 168 near Academy, inclusive; (73) from Visalia over California Highway 216 to Woodlake, inclusive; (74) from California Highway 43 at its junction with California Highway 190; over California Highway 190 to Springville, inclusive; (75) from Corcoran over California Highway 137 to Lindsay, inclusive; (76) from Delano over California Highway 155 to Glennville, inclusive; (77) from Woody over unnumbered county road passing through Oildale to Bakersfield, inclusive; (78) from Porterville over unnumbered county road to Glennville, inclusive;

(79) From China Lake over California Highway 178 and over unnumbered county road to their junctions with U.S. Highway 395, inclusive; (80) from Barstow over unnumbered county road to Fort Irwin, inclusive; (81) from Interstate Highway 15 at its junction with unnumbered county road over unnumbered county road to Nipton, inclusive; (82) from U.S. Highway 66 at its junction with U.S. Highway 95 over U.S. Highway 95 to the California-Nevada border; (83) from Interstate Highway 10 at its junction with California Highway 62 over California Highway 62 to Twentynine Palms, inclusive; (84) from El Centro over Interstate Highway 8 to a point approximately 3 miles southeast of Plaster City, inclusive; (85) from Interstate Highway 5 at its junction with California Highway 78 over California Highway 78 to Ramona, inclusive; (86) from Romeland over California Highway 74 to Palm Desert, inclusive; (87) from Banning over unnumbered county road to its junction with California Highway 74, near Idyllwild, inclusive; (88) from San Bernardino over California Highway 18 to Big Bear Lake, inclusive; (89) from Victorville over California Highway 18 to Lucerne Valley, inclusive; (90) from Interstate Highway 5 at its junction with California Highway 138, over California Highway 138 to Lake Arrowhead, inclusive; (91) from Interstate Highway 5 at its intersection with Interstate Highway 8 over Interstate Highway 8 to Alpine, inclusive; (92) from Aguanga over California Highways 79 and 71 to its intersection with U.S. Highway 395 near Temecula, inclusive; (93) from Beaumont over California Highway 79 to Aguanga, inclusive;

(94) From Brawley over unnumbered county road to Glamis, inclusive; (95) from U.S. Highway 66 at its junction with unnumbered county road over unnumbered county road to its junction with U.S. Highway 95 passing through Fenner and Goffs, inclusive; (96) from Blythe over California Highway 78 and unnumbered county road to Palo Verde, inclusive; (97) from California Highway 99 at its junction with California Highway 223, over California Highway 223 to its junction with California Highway 58 near Caliente, inclusive; (98) from Rosamond over unnumbered county road to its junction with California Highway 58 approximately 16 miles east of Mojave, inclusive; (99) from Madison over Interstate Highway 505 to its junction with Interstate Highway 5 at a point approximately 2 miles southeast of Dunnigan; (100) from Dunnigan over Interstate Highway 5 to its junction with Interstate Highway 80 at a point approximately 2 miles southwest of Davis, inclusive; (101) from Strathmore over unnumbered county road to its junction with California Highway 190 at a point approximately 2 miles southwest from Springville, inclusive; (102) from U.S. Highway 395 at its junction with unnumbered county road over unnumbered county road to its junction with California Highway 178 at a point approximately 11 miles west of China Lake, inclusive; (103) from Ridgecrest over California Highway 178 to Argus, inclusive; (104) from the Madera-Mariposa County line over unnumbered county road and part of California Highway 41 passing through Raymond, Coarsegold, O'Neals, Friant, Tollhouse, Trimmer, and Piedra to its junction with California Highway 180 at a point approximately 5 miles west of Dunlap, inclusive;

(105) From Interstate Highway 580 at its junction with Interstate Highway 5 over Interstate Highway 5 to San Ysidro, inclusive; (106) from Interstate 5 at its junction with California Highway 79 over California Highway 79 to Aguanga, inclusive; (107) from Alpine over Interstate Highway 8 to its junction with California Highway 79 at a point approximately 2 miles west of Guatay, inclusive; (108) from Interstate Highway 5 at its junction with Interstate Highway 405 near San Fernando over Interstate Highway 405 to its junction with Interstate Highway 5 at a point aproximately 3 miles north of El Toro, inclusive; (109) from U.S. Highway 101 at its junction with California Highway 25 over California Highway 25 to its junction with California Highway 198 at a point approximately 16 miles east of King City, inclusive.

With service to, from, and between all off-route points situated in the counties of Alameda, Contra Costa, Kern, Kings, Los Angeles, Marin, Merced, Monterey, Napa, Orange, Riverside, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Stanislaus, Ventura; and service to, from, and between all off-route points in Sonoma County situated south of California Highway 116 from Petaluma to its junction with California Highway 121; and service to, from, and between all off-route points in Yolo County, except no service is authorized to those points north of Zamora; and service to, from, and between all off-route points in Madera County situated south and west of the unnumbered county road and California Highway 41 passing through Raymond, Coarsegold, and Friant; with service to, from, and between all off-route points in Fresno County situated south and west of unnumbered county road and California Highway 63 passing through Friant, Tollhouse, Trimmer, Piedra, and Orange Cove; with service to, from, and between all off-route points in Tulare County situated west of California Highway 69 and west of California Highway 216 at its junction with California Highway 198 near Woodlake, and south and west of California Highway 190; and service to, from, and between all off-route points in San Diego County situated west and south of California Highway 79. Any and all highways and roads between the areas described above may be used for operating convenience only. NOTE: Common control may be involved. Applicant states the purpose of this application is to seek conversion of its certificate of registration to a certificate of public convenience and necessity. Applicant states the requested irregular-route authority will be tacked to its temporary authority between Herlong and Sacramento, Calif., for which permanent authority is being applied for concurrently with the filing of this application. If a hearing is deemed necessary, applicant requests it to be held at San Francisco, Calif.

No. MC 78118 (Sub-No. 20), filed October 27, 1969. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the plantsite of R. D. Werner Co., Inc., in Sugar Grove Township, Mercer County, Pa., on the one hand, and, on the other, points in Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, Pennsylvania, South Carolina, and Virginia. NOTE: Applicant states that tacking would be possible to or from points in Ohio and Michigan with the authority herein sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 78170 (Sub-No. 11), filed October 30, 1969. Applicant: PARRISH DRAY LINE, INC., Post Office Box 459, Fulton Street, Sumter, S.C. 29150. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber; synthetic fiber yarn; synthetic fiber waste; empty bobbins and empty warp beams*, between the plantsite of Hale Manufacturing Co., Foley, Ala., on the one hand, and, on the other, the plantsite and warehouses of Monsanto Co. at Gonzalez and Pensacola, Fla. NOTE: Applicant states that the requested authority could be joined or tacked at the plantsite of Hale Manufacturing Co., Foley, Ala. If a hearing is deemed necessary, applicant requests it be held at Mobile or Birmingham, Ala., or Atlanta, Ga.

No. MC 79999 (Sub-No. 8), filed October 29, 1969. Applicant: E. JACK WALTON TRUCKING COMPANY, a Corporation, 13020 Sarah Lane, Post Office Box 9776, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 83539 (Sub-No. 267), filed October 29, 1969. Applicant: C & H TRANSPORTATION CO., INC., Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: James M. Doherty, The 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Kansas, Louisiana, New Mexico, Mississippi, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 83835 (Sub-No. 61), filed October 31, 1969. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 88368 (Sub-No. 22), filed October 20, 1969. Applicant: CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas; (2) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, Texas, and New Mexico, on the one hand, and, on the other, California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Wyoming, and Montana; and (3) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas, on the one hand,

and, on the other, Louisiana, Arkansas, Tennessee, Kentucky, Illinois, Iowa, Minnesota, South Dakota, Michigan, Wisconsin, Indiana, Ohio, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Massachusets, New Hampshire, Vermont, Maine, and the District of Columbia. NOTE: Applicant states that it is presently authorized to transport household goods as defined by the Commission between all of the points sought above by observing certain gateways. The purpose of this instant application is to eliminate gateway requirements and circuitous mileage. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95540 (Sub-No. 768), filed October 30, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Foodstuffs and food preparations* in vehicles equipped with mechanical refrigeration, from Doraville, Ga., to points in Colorado, Kansas, Minnesota, Nebraska, Maine, New Hampshire, and Vermont; and (b) *unfrozen foods, food preparations, and foodstuffs* in vehicles equipped with mechanical refrigeration, from Doraville, Ga., to points in Arkansas, Illinois (except points in Illinois on and south of a line beginning at Vincennes, Ind., and extending along U.S. Highway 50 to Flora, Ill., thence along U.S. Highway 45 to junction of Illinois Highway 15, thence along Illinois Highway 15 to the Mississippi River), Iowa, Kentucky (except Louisville and points in its commercial zone and points in the Cincinnati, Ohio, commercial zone), Michigan (except points on and south of Michigan Highway 21), Missouri, Oklahoma, Texas, and Wisconsin. Restrictions: (1) Service at Doraville, Ga., restricted to joinder with existing authority of applicant; or (2) interchanging of shipments which have had a prior movement by other motor carriers. NOTE: Applicant states that it presently holds authority in Docket No. MC-95540 Sub-No. 613 to transport the above-referred commodities from the plantsite and warehouse site of Commercial Cold Storage, Inc., at Doraville, Ga., pursuant to this authority applicant has been tacking other authorities at this plantsite and interchanging traffic with other motor carriers at this plantsite. Due to congestion at this location, difficulty experienced in inspection of equipment at this location and accessibility to the location by road equipment applicant desires to establish such tack point and interchange at another location in Doraville, Ga. From the foregoing it can be seen that this application would merely permit Watkins Motor Lines, Inc., to tack and/or interchange at a point in Doraville, Ga., other than at the plantsite of Commercial Cold Storage, Inc. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 95876 (Sub-No. 94), filed October 23, 1969. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, steel, prefabricated, *and component parts and accessories thereto*, from Milwaukee, Wis., to points in Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97489 (Sub-No. 2), filed October 21, 1969. Applicant: WILLIAM A. MARSHALL, doing business as BEST-WAY TRANSPORTATION, Bridgeport Municipal Airport, Stratford, Conn. 06497. Applicant's representative: William J. Meuser, 101 River Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of extraordinary value, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission having a prior or subsequent movement by air), between John F. Kennedy Airport, LaGuardia Airport, and Westchester County Airport, N.Y.; Newark Airport, N.J.; and Bradley International Airport, Conn., on the one hand, and, on the other, New Haven, Hartford, Bridgeport, New London, Groton, Stratford, Southport, Fairfield, Westport, Norwalk, Stamford, Milford, Orange, West Haven, Danbury, Darien, Trumbull, Derby, Waterbury, Seymour, Oxford, Greenwich, Thompsonville, Wilton, and Ridgefield, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 94350 (Sub-No. 248), filed October 27, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, from points of manufacture in Buncombe County, N.C., to points in the east of the Mississippi River including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C.

No. MC 98154 (Sub-No. 6), filed October 28, 1969. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 East Washington Road, Saginaw, Mich. 48601. Applicant's representative: Karl L. Gotting, 117 West Allegan Street, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt with by retail department stores, between Saginaw and Grand Rapids, Mich., on the one hand, and, on the other, J. C. Penney stores and warehouses located at points in the State of Michigan south of a line formed by the north boundaries of Manistee, Wexford, Missaukee, Roscommon, Ogemaw, and Iosco Counties, Mich.; restricted, however, against movements to or from stores and warehouses located in Monroe, Washtenaw, Oakland, Macomb, St. Clair, and Wayne Counties, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it has authority to transport the commodities requested herein except that the same is restricted against transportation of articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day. The purpose of this application is to eliminate such restriction insofar as shipments are made to stores and warehouses of J. C. Penney Co. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 100666 (Sub-No. 155), filed October 30, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul L. Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides*, in bags, from West Helena, Ark., and Winnsboro, La., to points in Arkansas, Louisiana, Mississippi, Texas, Oklahoma, New Mexico, Alabama, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 102616 (Sub-No. 848), filed October 29, 1969. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in specially designed tank trucks, moving under special permit, between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 470), filed October 27, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, panels, materials, parts, and accessories*, from points in Warren County, Mo., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Colorado, New Mexico, Montana, Wyoming, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, South Carolina, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 103993 (Sub-No. 473), filed October 27, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building board, and building insulation board*, from Kalamazoo, Mich., and Cloquet, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 474), filed October 31, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings in sections*, mounted on undercarriages, from points in Oswego County, N.Y., to points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 105566 (Sub-No. 12), filed October 31, 1969. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, in vehicles equipped with mechanical refrigeration; (a) from the facilities of the Kroger Co. in Cincinnati, Ohio; (b) the facilities of Sugar Creek Packing Co. in Washington Court House, Ohio; and (c) the facilities of Agar Food Products Co. in Chicago, Ill., to Los Angeles, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 107561 (Sub-No. 3) (Amendment), filed September 29, 1969, published in FEDERAL REGISTER issue of October 17, 1969, amended November 7, 1969, and republished, as amended, this issue. Applicant: M. O'HARA'S VAN SERVICE AND STORAGE WAREHOUSE, INC., 229 East 120th Street, New York, N.Y. 10035. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the site of the storage facilities of Coleman Furniture Corp., at Palisades Park, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and *return shipments of new furniture*, from points in Nassau, Suffolk, Westchester Counties, N.Y., to the site of the storage facilities of Coleman Furniture Corp., at Palisades Park, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 105813 (Sub-No. 172), filed October 30, 1969. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles; and *foodstuffs*, except meats and packinghouse products as described above, when moving in the same vehicle at the same time with meats and packinghouse products, from Austin, Minn., and Fremont, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis); and (2) *foodstuffs*, except meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766, when moving in mixed shipments with meats and packinghouse products as described above, from Fort Dodge, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). NOTE: Applicant states that it is presently authorized to transport meats and packinghouse products from and to points involved in Part (1) of the application by interline with its parent company Midwest Emery Freight System, Inc., at either Council Bluffs or Muscatine, Iowa, and under Part (2) of the application under its Subs 77 and 121. The purpose of the instant application is to eliminate the interline in Part (1) and to permit the transportation of foodstuffs when in mixed shipments in both Parts (1) and (2). Applicant further states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 106088 (Sub-No. 3), filed October 20, 1969. Applicant: WM. O. HOPKINS, 528 South Milton Street, Rensselaer, Ind. 47978. Applicant's representative: Edw. G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are used in the manufacture of *steel springs, wire spring assemblies, box spring constructions, and component parts therefor, paper products, lumber, wire, cord, and machinery* used in the manufacture of steel springs, from the sites of the plants and warehouses of Indiana Spring Corp. located at or near Rensselaer, Ind., to Tucker, Ga.; Denver, Colo.; Fort Worth and Brenham, Tex.; Milwaukee, Wis.; Louisville, Ky.; Chicago, Ill.; and the plantsites and warehouse facilities of Sealy Spring Corp. located at or near Delano, Pa.; (2) (a) *wire, cord, springs, and machinery* used in the manufacture of steel springs, from Baltimore and Sparrows Point, Md.; Philadelphia and Johnstown, Pa.; Detroit, Mich.; Chicago and South Chicago, Ill.; Newark, Ohio; Quincy, Mass.; Kenosha, Wis.; and Carthage, Mo.; to the sites of the plants and warehouses of Indiana Spring Corp. located at or near Rensselaer, Ind.; (b) *used lumber, and damaged spring units*, from Randolph, Mass.; Albany and Rochester, N.Y.; Baltimore, Md.; Bluefield, Va.; Chester, Pittsburgh, and Reading, Pa.; St. Paul, Minn.; Des Moines, Iowa; Detroit, Mich.; Kansas City, Mo.; Lexington, N.C.; Medina, Ohio; Oakville, Conn.; Paterson, N.J.; Memphis, Tenn.; Tucker, Ga.; Denver, Colo.; Fort Worth and Brenham, Tex.; to the sites of the plants and warehouses of Indiana Spring Corp. located at or near Rensselaer, Ind.

(3) *Steel springs, wire spring assemblies, box spring constructions, and component parts therefor*, from the sites of the plants and warehouses of Sealy Spring Corp., located at or near Delano, Pa., to Albany and Rochester, N.Y.; Baltimore, Md.; Bluefield, Va.; Lexington, N.C.; Oakville, Conn., Paterson, N.J.; Randolph, Mass.; and Rensselaer, Ind.; (4) (a) *wire, cord, and machinery* used in the manufacture of steel springs, from Baltimore and Sparrows Point, Md.; Philadelphia, Pa.; Portsmouth, Ohio; and Quincy, Mass.; to the sites of the plants and warehouses of Sealy Spring Corp. located at or near Delano, Pa.; (b) *used lumber, and damaged spring units*, from Randolph, Mass.; Albany and Rochester,

N.Y.; Baltimore, Md.; Bluefield, Va.; St. Paul, Minn.; Des Moines, Iowa; Detroit, Mich.; Kansas City, Mo.; Lexington, N.C.; Medina, Ohio; Oakville, Conn.; Paterson, N.J.; Memphis, Tenn.; Tucker, Ga.; and Denver, Colo.; to the sites of the plants and warehouses of Sealy Spring Corp. located at or near Delano, Pa.; and (5) (a) *grain*, from points in Jasper, White, Newton, Benton, and Pulaski Counties, Ind., to Danville, Champaign, Springfield, Decatur, Gibson City, and Kankakee, Ill.; (b) *feed*, from Danville, Champaign, Springfield, Decatur, Kankakee, Rochelle, and Wilmington, Ill.; Clinton, Iowa; Milwaukee and La Crosse, Wis.; and Blissfield, Mich.; to points in Jasper, White, Newton, Benton, and Pulaski Counties, Ind.; and (c) *agricultural salt used in feed*, from Port Huron, St. Louis, and Detroit, Mich., to points in Jasper, White, Newton, Benton, and Pulaski Counties, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 427), filed October 15, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as above), also Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Sebastian County, Ark. to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Smith or Little Rock, Ark.

No. MC 106398 (Sub-No. 432), filed October 24, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Baltimore County, (except White Marsh), Md., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 106644 (Sub-No. 100), filed October 28, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30301. Applicant's representative: K. Edward Wolcott, Post Office Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable*, from points in Rockingham County, N.H., and York County, Maine, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Indiana, Illinois, Iowa, Louisiana, Maryland, Mississippi, Missouri, Minnesota, Michigan, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 106760 (Sub-No. 119), filed October 14, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Buildings*, complete, knocked down or in sections; (2) *materials, equipment, and supplies and accessories* for buildings; (3) *wood products;* (4) *composition wood products;* (5) *laminated products;* and (6) *parts and accessories* for products in No. 3, No. 4, and No. 5, above, from Waunakee and Madison, Wis., to points in the United States (except Alaska and Hawaii); and (B) *return shipments and material, equipment, and supplies* used in manufacturing and distribution of the products authorized in parts No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6, from above-described destination points to Waunakee and Madison, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Waunakee, Wis.

No. MC 107002 (Sub-No. 384), filed October 27, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth, Post Office Box 1123, Jackson, Miss. 39205, and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Decatur, Ala., to points in Alabama, Georgia, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 107107 (Sub-No. 402) (Amendment) filed August 27, 1969, published in FEDERAL REGISTER issue of October 2, 1969, amended November 5, 1969, and republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from points in Texas, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee (except Memphis). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to enlarge the scope of authority by adding from points in Texas and adding Tennessee (except Memphis), as a destination State. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 107295 (Sub-No. 186) (Amendment), filed March 20, 1969, published in FEDERAL REGISTER issue of April 10, 1969, amended November 10, 1969, and republished as amended this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products; composition boards; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies, and accessories incidental thereto*, from Camden, Ark.; Chicago and Peoria, Ill.; and Lagro, Ind.; to points in the United States in and east of Montana, Wyoming, Colorado, New Mexico, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states it would tack with its MC 107295 where feasible. The purpose of this republication is to include the States which were exceptions as previously published. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107925 (Sub-No. 238), filed October 30, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and condensers and accessories* necessary for the erection thereof, from Dorsey, Md., to points in Ohio, Indiana, and those in Hennepin, Washington, Ramsey, and Anoka Counties, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 782) (Clarification), filed October 9, 1969, published in the FEDERAL REGISTER issue of October 30, 1969, clarified, and republished as clarified this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, from Cincinnati, Ohio, to points in Montana, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to delete Kentucky as a destination State. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 682), filed October 20, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials and supplies* used by pizza restaurants in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Arkansas, Texas, North Carolina, South Carolina, Oklahoma, Virginia, West Virginia, Ohio, Missouri, and Mississippi, restricted to shipments originating at Nashville, Tenn. NOTE: Applicant states it could tack from Atlanta, Ga., or Doraville, Ga. (Subs 270 and 498), however, no tacking is contemplated. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 107515 (Sub-No. 684), filed October 20, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and fresh and cured meats) in vehicles equipped with mechanical refrigeration, from Columbus and Macon, Ga., to points in Alabama, Arkansas, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107678 (Sub-No. 40) (correction), filed June 26, 1969, published in FEDERAL REGISTER issue of July 31, 1969, and republished as corrected this issue. Applicant: HILL & HILL TRUCK LINE, INC., 13025 Sarah Lane, Post Office Box 9698, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of their size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading; (a) between military installations or Defense Department establishments in Alabama, Alaska, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; and (b) between points in (a) above on the one hand, and, on the other, points in Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to exclude all States in the United States except those named herein as previously published and to include Alaska in (b) above.

No. MC 107678 (Sub-No. 41), filed October 29, 1969. Applicant: HILL & HILL TRUCK LINE, INC., 13025 Sarah Lane, Post Office Box 9698, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points within Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108185 (Sub-No. 47), filed October 31, 1969. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and William O. Turney, 2001 Massachusetts Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Cairo, Ill., and Hopkinsville, Ky.; from Cairo, Ill., over U.S. Highway 51 to junction with Kentucky Highway 80, thence over Kentucky Highway 80 to Aurora, Ky., thence over U.S. Highway 68 to Hopkinsville, Ky., and return over the same route, serving Hopkinsville, Ky., for purposes of joinder only, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Phoenix, Ariz.

No. MC 108185 (Sub-No. 48), filed October 31, 1969. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and William O. Turney, 2001 Massachusetts Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Cairo, Ill., and Hopkinsville, Ky.; from Cairo, Ill., over U.S. Highway 51 to junction with Kentucky Highway 80, thence over Kentucky Highway 80 to Aurora, Ky., thence over U.S. Highway 68 to Hopkinsville, Ky., and return over the same route, serving Hopkinsville, Ky., for purposes of joinder only, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Phoenix, Ariz.

No. MC 108207 (Sub-No. 276), filed October 31, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Arkansas, Louisiana, Oklahoma, Kansas, Texas, New Mexico, Arizona, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 108449 (Sub-No. 303), filed October 3, 1969. Applicant: INDIANHEAD TRUCK LINES, INC., 1947 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products, and clay catalysts, silica gel catalysts, and petroleum catalysts*, between points in Indiana, Illinois, Iowa, Michigan, Minnesota, Nebraska, Ohio, North Dakota, South

Dakota, and Wisconsin restricted to the transportation of traffic having a prior movement by rail. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109095 (Sub-No. 20), filed October 16, 1969. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis, Mo. 63106. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (a) from the junction of Interstate Highway 70 (also from U.S. Highway 40) and Indiana Highway 3, thence over Indiana Highway 3 to Greensburg, Ind., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but with joinder at Interstate Highway 70 (also U.S. Highway 40) and Indiana Highway 3; and (b) from the junction of Interstate Highway 70 (also from U.S. Highway 40) and Indiana Highway 9, thence over Indiana Highway 9 to Shelbyville and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but with joinder at Interstate Highway 70 (also U.S. Highway 40) and Indiana Highway 9. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 109612 (Sub-No. 27), filed October 30, 1969. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, glass containers, and closures therefor;* (a) from Dunkirk, Ind., to points in Kentucky and Tennessee; (b) from Fort Wayne, Muncie, and Anderson, Ind., to St. Louis, Mo.; Watertown and Clyman, Wis.; points in Illinois, Kentucky, Tennessee, and that part of Wisconsin on and south of U.S. Highway 18; (2) *returned shipments of glassware, glass containers, and closures therefor, and pallets*, from destination points in (1) (a) and (b) above, to Dunkirk, Fort Wayne, Muncie, and Anderson, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 109637 (Sub-No. 363), filed October 24, 1969. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Post Office Box 1047, Louisville, Ky. 40201. Applicant's representative: George R. Thim (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles; (1) from Cincinnati, Ohio, to Baltimore, Md.; (2) from Owensboro, Ky., to Albany, Ga.; (3) from Pekin, Ill., to Philadelphia, Pa.; (4) from Philadelphia, Pa., to Lakeland, Fla.; and (5) from New Orleans, La., to points in Kentucky. NOTE: Common control may be involved. Applicant states it would tack with any appropriate authorities held, especially in its subs 143, 156, and 329. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 110525 (Sub-No. 940), filed October 30, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Huntington, Ind., to Cincinnati, Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110525 (Sub-No. 942), filed October 31, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon tetrachloride*, from Dallas, Tex., to Tuscola, Ill., and Weston, Mich. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 111956 (Sub-No. 20), filed October 27, 1969. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution and sodium hydroxide*, from Cleveland, Ohio, to points in Beaver County, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio

No. MC 112520 (Sub-No. 208), filed October 31, 1969. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from points in Escambia County, Fla., to points in Alabama. NOTE: Applicant states that it intends to tack with its present authority in MC 112520 Sub 83, at Mobile, Ala., to serve points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Pensacola, Fla.

No. MC 112801 (Sub-No. 99), filed October 30, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, from Des Moines, Iowa, to points in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Washington, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113024 (Sub-No. 78), filed October 10, 1969. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, and accessories and attachments therefor*, from New Castle, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (2) between New Castle, Pa., and Camden, N.J., and points in Illinois on and north of U.S. Highway 24 (except Moline), Decatur, Ill., St. Louis, Mo., and Monroe, Ga., under contract with Universal-Rundle Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113459 (Sub-No. 53), filed October 31, 1969. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 113495 (Sub-No. 43), filed October 28, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving, and insulating materials* (except in bulk), and accessories used in the installation of such materials, from the plantsite of The Celotex Corp. at Chicago, Ill., to points in Kentucky and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., or Nashville, Tenn.

No. MC 113678 (Sub-No. 366), filed October 31, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite of Sioux-Preme Packing Co., and storage facilities used by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, Michigan, Tennessee, and the District of Columbia, restricted to traffic originating at the named origin States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 113843 (Sub-No. 154), filed October 27, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, packinghouse products and commodities* used by packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Spencer, Hartley, Denison, Iowa Falls, Clarinda, Postville, Storm Lake, Harlan, and Oakland, Iowa, to points in Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and District of Columbia; and (2) *frozen foods*, from Council Bluffs, Iowa, to points in Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 113974 (Sub-No. 36), filed October 20, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building metalwork, and nonmetallic related parts*, from the plantsite of Acme Manufacturing Co., Philadelphia, Pa., to points in Florida and Georgia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114115 (Sub-No. 19), filed October 27, 1969. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Products* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed shipments with salt and salt products (presently authorized): (1) (a) From Port Huron, Detroit, and St. Clair, Mich., and points within 1 mile of Port Huron, to points in Indiana, Illinois, and Ohio; and (b) from Akron, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; under a continuing contract, or contracts, with Diamond Crystal Salt Co.; (2) (a) from Detroit and Port Huron, Mich., and points within 1 mile of Port Huron, to points in Indiana, Illinois, and Ohio; (b) from Cleveland, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (c) from Watkins Glen, N.Y., to points in Indiana, Michigan, and Ohio; and (d) from Detroit, Mich., to points in Kentucky; under a continuing contract, or contracts, with International Salt Co.; and (3) (a) from ports of entry on the international boundary between the United States and Canada, located on the St. Marys, St. Clair, Detroit, Niagara, and St. Lawrence Rivers, Saginaw Bay, and on the Lakes of St. Clair, Ontario, Erie, Huron, Superior, and Michigan (except Wisconsin ports on Lake Michigan, and Wisconsin and Minnesota ports on Lake Superior) to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (b) between points in Ohio (except those in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio); (c) between points in West Virginia; (d) between points in Kentucky; (e) between points in Michigan (except from Detroit and Port Huron, Mich., to points in the Lower Peninsula of Michigan); and (f) between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan; under a continuing contract, or contracts, with Diamond Crystal Salt Co. and International Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 114115 (Sub-No. 20), filed October 30, 1969. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Chicago, Ill., to points in Indiana, Michigan, and Ohio, under contract with Cargill, Inc., International Salt Co., and Morton Salt Co., Division of Morton International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 88), filed October 30, 1969. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel wood and related advertising materials and display racks*, when shipped with fuel wood, from Marion, Ohio, to points in Alabama, Arkansas, Colorado, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114730 (Sub-No. 2), filed October 27, 1969. Applicant: HALL HEAVY HAULING CO., a corporation, 3400 North Street, Springfield, Oreg. 97427. Applicant's representative: John Ranquet and Martin J. Durkan, 817 Arctic Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight requires special equipment, and of related machinery parts and equipment when their transportation is incidental to the transportation of heavy machinery and other commodities which by reason of size or weight require the use of special equipment, between points in Orgeon and Washington. NOTE: Applicant states it will tack with its authority in MC–114730 Sub 1, embraced in its lead, between points in Lane County, Oreg., and Douglas County, Oreg., on the one hand, and, on the other, points in Modoc Siskiyou, Del Norte, Humboldt, Trinity, Shasta, and Lassen Counties, Calif. If a hearing is deemed necessary, applicant requests it be held at Eugene, Oreg., or Seattle, Wash.

No. MC 115162 (Sub-No. 185), filed October 27, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles*, from Brewton, Ala., to points in Mississippi, Louisiana, Arkansas, Florida, Georgia, Alabama, South Carolina, North Carolina, Virginia, West Virginia, Iowa, Missouri, Minnesota, Maryland, Delaware, New Jersey, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 115523 (Sub-No. 155), filed October 31, 1969. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Halard E. Barker, Post Office Box 1895, 1450 Beck Street, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry foods, and ingredients* used in the manufacturing of both commodities, from points in Montana to points in Montana, Oregon, and Washington. NOTE: Applicant states that tacking could be accomplished by joining its Sub 142 to give it through service to California from Montana, by going through Washington and Idaho. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah; Pocatello or Boise, Idaho; or Billings, Mont.

No. MC 115523 (Sub-No. 156), filed October 31, 1969. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Halard E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil asphalt and fuel oil*, in bulk, from points in Montana to points in Idaho and Utah. NOTE: Applicant states it will tack with its Sub 33 to perform a through service to Nevada. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Pocatello or Boise, Idaho.

No. MC 115841 (Sub-No. 361), filed November 10, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1215 West Bankhead Highway, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk and hides), from Omaha, Nebr., and Council Bluffs, Iowa, and their commercial zones, to points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada boundary line, and Arkansas and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115904 (Sub-No. 18), filed October 20, 1969. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, between points in Lemhi and Custer Counties, Idaho, on the one hand, and, on the other, points in Nevada, Washington, and Nebraska; and (2) *fertilizer and lumber*, between points in Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 116566 (Sub-No. 2), filed October 27, 1969. Applicant: JOHN EDWARD ROYER, doing business as JOHN E. ROYER, 47C Northeast Middlefield Road, Portland, Oreg. 97217. Applicant's representative: John Edward Royer, 1503 North Hayden Island Drive, Space No. 4, Portland, Oreg. 97217. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl-asbestos and asphalt floor tile, prefinished wall boards, adhesives, tackless carpet-strip, carpet metals, and carpet cushion*, between Los Angeles, Calif., and points in Oregon and points in Benton, Franklin, Wahkiakum, Lewis, Cowlitz, and Skamania Counties, Wash., under contract with Pacific Yard Service Inc.; and (2) *shakes, shingles, hip and ridge board*, from points in Washington and Oregon to points in California, Arizona, and Nevada, under contract with Wasser & Fluhrer, Inc., Fluhrer Brothers. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 116702 (Sub-No. 33), filed October 24, 1969. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, 1570 Kildare Road, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron powder, iron powder briquets, iron powder pellets, iron oxide, iron sponge, and iron chloride*, from ports of entry on the international boundary line between the United States and Canada at Detroit, Mich., and at Niagara Falls and Buffalo, N.Y., to points in Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, West Virginia, Tennessee, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia; and *materials and supplies* used in the manufacture of the above commodities, on return, under contract with Peace River Mining & Smelting Ltd. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 116763 (Sub-No. 154), filed October 30, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods, foodstuffs, and food ingredients*, from Allen and Auglaize Counties, Ohio, to points in the United States (except Alaska and Hawaii); and (2) *foods, foodstuffs, and ingredients, materials, equipment and supplies* used in the manufacture, packaging, and distribution of food and foodstuffs, from points in the United States (except Alaska and Hawaii), to points in Allen and Auglaize Counties, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117686 (Sub-No. 107), filed October 27, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, restricted to traffic originating at the named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 117765 (Sub-No. 88), filed October 13, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* in containers and *related advertising material* in mixed loads with malt beverages, from (a) Belleville, Ill., to Elk City, Okla.; and (b) from Fort Worth, Tex., to Atchison, Colby, Emporia, Great Bend, Hays, Kansas City, Lawrence, Marysville, Parsons, Pratt, and Oswatomie, Kans.; Elk City and Oklahoma City, Okla.; and (c) from Peoria, Ill., to Altus, Chickasha, and Elk City, Okla.; and (2) *automatic livestock waterers, livestock scales, hopper feed scales, cattle head gates, cattle oilers, and cattle chutes*, from Norfolk, Nebr., to points in New Mexico and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118159 (Sub-No. 82), filed October 27, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La., Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Dallas and Garland, Tex., to points in Louisiana and Mississippi, restricted to traffic originating at the plantsites and warehouse facilities of Kraft Foods, Division of Kraftco Corp. at Dallas and Garland, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 118292 (Sub-No. 20), filed October 29, 1969. Applicant: BALLENTINE PRODUCE, INC., Post Office Box 312, Alma, Ark. 72921. Applicant's representative: Lester M. Bridgeman, 1000 Woodward Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods and baby supplies*, from Fort Smith, Ark., to points in Tennessee and Mississippi, restricted to traffic originating at the plantsite and storage facilities of Gerber Products Co. at Fort Smith, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 119493 (Sub-No. 52), filed October 30, 1969. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural insecticides, pesticides, and organic phosphate compound mixtures*, in bags or containers (except liquid in tank vehicles); (a) between plantsites, producing points and warehouse facilities of Chemagro Corp. in Wisconsin, Illinois, Louisiana, and Arkansas; and (b) from Chemagro Corp.'s plantsites, producing points and warehouse facilities in Wisconsin, Illinois, Louisiana, and Arkansas to points in Louisiana, Missouri, Arkansas, Kansas, Iowa, Nebraska, Wisconsin, Minnesota, North Dakota, South Dakota, Illinois, Indiana, Oklahoma, Kentucky, Tennessee, and Texas; and (2) *supplies and materials* used in the manufacture and distribution of commodities in (1) above from all destination States to origin points in (1) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119531 (Sub-No. 128), filed October 29, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container closures*, and *materials, equipment, and supplies* used in the manufacture, sale, and distribution of metal containers and metal container closures, between Cincinnati, Ohio, and points in Anderson Township (Hamilton County), Ohio, on the one hand, and, on the other, points in Arkansas, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119573 (Sub-No. 12) (Correction), filed September 12, 1969, published FEDERAL REGISTER issue of October 17, 1969, corrected and republished, this issue. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Urichsville, Ohio 44683. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from New Straitsville and Junction City, Ohio, to points in Wisconsin, Illinois, Indiana, Michigan, West Virginia, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, Connecticut, Rhode Island, Vermont, Massachusetts, Maine, and New Hampshire. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show New Straitsville, Ohio, in lieu of Straitsville, Ohio, shown erroneously in previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119641 (Sub-No. 84), filed October 27, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *agricultural machinery and implements, industrial and construction machinery and equipment, snowmobiles, equipment* designed for use in connection with tractors, *trailers* designed for the transportation of the commodities described above, *attachments* for commodities described above, *internal combustion engines and parts and accessories* of the commodities described herein, from Philadelphia, Pa., to points in the United States except Alaska and Hawaii. Restriction: Restricted to shipments originating at the plant, warehouse sites and shipping points of Massey-Ferguson, Inc., its affiliates and subsidiaries. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119670 (Sub-No. 15), filed October 30, 1969. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)

Plastic containers and closures therefore: (1) from Cincinnati, Ohio, to points in Illinois, Indiana, Kentucky, and West Virginia; and (2) from Chicago, Ill., to points in Indiana, Kentucky, Ohio, and West Virginia; (B) *materials and supplies* used in the manufacture and packaging of plastic containers and closures therefore, (1) from points in Illinois, Indiana, Kentucky, and West Virginia, to Cincinnati, Ohio; and (2) from points in Indiana, Kentucky, Ohio, and West Virginia, to Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 120543 (Sub-No. 62), filed October 20, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: L. D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from ports of entry on the international boundary line between the United States and Canada located at Champlain, Rouses Point, Trout River, Rooseveltown, Buffalo, and Niagara Falls, N.Y., and Port Huron and Detroit, Mich., to points in Florida, restricted to shipments originating in Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120800 (Sub-No. 22), filed October 27, 1969. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in specially designed tank trailers, from points in Ector County, Tex., to points in the United States (except Alaska, Hawaii, Texas, Arkanass, Louisiana, Mississippi, New Mexico, Oklahoma, Arizona, Colorado, and points in and south of Beaver, Piute, Wayne, and San Juan Counties, Utah). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 123819 (Sub-No. 30), filed October 24, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, starter fluid, and hickory chips*, from Jacksonville, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, and Tennessee. NOTE: Applicant states that the proposed authority can be tacked with its existing authority under its Sub-17 at Paris, Ark., to serve points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virgina, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123821 (Sub-No. 10), filed October 22, 1969. Applicant: LESTER R. SUMMERS, INC., Post Office Box 239, Rural Delivery No. 1, Ephrata, Pa. 17522. Applicant's representative: John M. Musselman, 400 North Third Street, Post Office Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and stone*, from points in Berks County, Pa., to points in Maryland, Delaware, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123902 (Sub-No. 3) (Amendment), filed October 6, 1969, published in the FEDERAL REGISTER issue of October 30, 1969, amended, and republished as amended this issue. Applicant: NORTH JERSEY TRANSFER, INC., Post Office Box 392, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Scrap metal*, between Passaic and Fairfield, N.J., on the one hand, and, on the other, East Syracuse, N.Y.; under contract with Randolph Scrap Metal Co., Passaic, N.J.; and (B) (1) *plastic articles* (except in bulk, in tank vehicle), between Carlstadt, N.J., on the one hand, and, on the other, Hazelton, Pa.; and (2) *plastic articles* (except in bulk, in tank vehicles), *plastic furniture*, from Hazelton, Pa., Carlstadt, N.J., and points in Massachusetts, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; under contract with Instrument System Corp. NOTE: The purpose of this republication is to delete "juvenile" from the commodity description in (B)(2) above so it reads *plastic furniture*. The rest of the commodity description remains the same. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124078 (Sub-No. 414), filed October 22, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of Agrico Chemical Co., Division of Continental Oil Co. at Wilder, Ky., to points in Illinois, Indiana, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124211 (Sub-No. 139), filed October 22, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Advertising matter and advertising paraphernalia*, when intended for use by the beverage industry and when moving in the same vehicle at the same time with beverages; and (2) *beverages*, between points in Minnesota and Nebraska, on the one hand, and, on the other, points in the United States (except Hawaii). Restriction: The authority sought herein to the extent it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right, severable by sale or otherwise. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124489 (Sub-No. 3), filed November 3, 1969. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, Ill. 60639. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used corrugated cardboard and wooden skids*, from the plantsite and/or warehouse of Zenith Radio Corp. at Springfield, Mo., to the plantsites and/or warehouses of Zenith Radio Corp. at Chicago, Melrose Park, and Northlake, Ill., under contract with Zenith Radio Corp. NOTE: Applicant is authorized to operate as a common carrier under MC 70557, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124952 (Sub-No. 6), filed October 29, 1969. Applicant: RUSSELL F. HASINBILLER, doing business as R & H TRANSPORT, Box 28, Craigville, Ind. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from the plantsite of American Cyanamid at or near Craigville, Ind., to points in Michigan, under contract with American Cyanamid. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124964 (Sub-No. 9), filed October 27, 1969. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are handled, used, sold, and dealt in by chain grocery or department stores, between points in Hudson, Bergen, Essex, Passaic, Union, Somerset, Cumberland Counties, N.J.; Westchester, Nassau, Suffolk, Rockland Counties, N.Y.; Coxsackie, Scotia, Waterford, and Waverly, N.Y., on the one hand, and, on the other, points in Broward, Dade, Hillsborough, Lake, Orange, Pinellas, and Palm Beach Counties Fla.; and (2) *commodities*, the transportation of which is otherwise exempt from economic regulations when transported in the same vehicle, at the same time with the commodities set forth in (1) above, from and to the points and areas set forth in (1) above; under continuing contract or contracts with Grand Union Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 125385 (Sub-No. 3), filed October 29, 1969. Applicant: AUGIE PASSIEU TRUCKING, INC., Box 53, Cecil, Pa. 15321. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof deck*, from Heidelberg, Pa., to points in Ohio, Michigan, Kentucky, New York, and New Jersey; and (2) *materials* used in the manufacture of roof deck, from points in the destination States named in (1) above, to Heidelberg, Pa.; under continuing contract with Bowman Building Products Division of Cyclops Corp. NOTE: Applicant holds common carrier authority under MC 96841 Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 125474 (Sub-No. 25), filed October 27, 1969. Applicant: BULK HAULERS, INC., 1901 Wooster Street, Wilmington, N.C. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Para-xylene*, in bulk, in tank or hopper vehicles, from Wilmington, N.C., to points in Spartanburg County, S.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 126118 (Sub-No. 9), filed October 24, 1969. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route No. 8, Johnson City, Tenn. 37601. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*; (1) from Fort Wayne, Ind.; St. Louis, Mo.; and New Orleans, La., to Johnson City, Tenn., and Bristol, Va.; and (2) from Baltimore, Md., and Louisville, Ky., to Bristol, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 127042 (Sub-No. 50), filed October 28, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Sioux-Preme Packing Co., and storage facilities utilized by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority can be tacked with its existing authority in MC 127042 (Sub-No. 8) where feasible and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC. 127186 (Sub-No. 4), filed September 8, 1969. Applicant: Paul P. Lanier, Post Office Box 492, Ironton, Ohio 45638. Applicant's representative: Charles F. Dodrill, 600 Fifth Avenue, Post Office Box 1824, Huntington, W. Va. 25719. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceramic foam, plastics, and plastic products*, other than in bulk; (a) from points in Lawrence and Scioto Counties, Ohio, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois (except points in the Chicago, Ill., commercial zone as defined by the Commission), Iowa, Kansas, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and that part of Pennsylvania east of U.S. Highway 219, and the District of Columbia; (b) from the plants and warehouses of Dow Chemical Co. at Plaquemine, La.; Cape Girardeau and Pevely, Mo.; Royersford, Pa.; and Freeport, Tex., to points in Lawrence and Scioto Counties, Ohio. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Dow Chemical Co. of Midland, Mich.; (2) *plastic and plastic products*, other than in bulk; (a) from Royersford, Pa., and points within 5 miles thereof, to points in Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; (b) from Red Hill, Pa., and points within 5 miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia; (c) from Lawrenceville, Ga., and points within 5 miles thereof, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, Ohio, Pennsylvania, North Carolina, Tennessee, Virginia, and West Virginia; (3) *plastics, plastic products, and plastic coated aluminum*, other than in bulk, from Findlay, Ohio, and points within 5 miles thereof, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: The authority sought duplicates authority presently held for the transportation of plastic and plastic products from points in Hamilton Township, Lawrence County, Ohio. If the proposed is granted, applicant is willing to surrender its presently held permit. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Detroit, Mich., or Washington, D.C.

No. MC 127505 (Sub-No. 28), filed October 20, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing materials and supplies and bathroom or lavatory fixtures and accessories*, from Abingdon, Ill., to points in Arkansas, Illinois, Indiana (except Lake County), Kentucky, Louisiana (points west of the Mississippi River), Michigan, Minnesota, Missouri, Ohio, Oklahoma, Texas, Wisconsin, Florida, Maine, Vermont, New Hampshire, Rhode Island, Connecticut, and Massachusetts. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127834 (Sub-No. 37) (amendment), filed July 28, 1969, published in the FEDERAL REGISTER issue of October 9, 1969, and republished as amended, this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in

bulk, and those requiring special equipment), between Berry Field Airport, Nashville, Tenn., on the one hand, and, on the other, points in Alabama, Kentucky, Tennessee, and Mississippi; restricted to the handling of traffic having an immediate prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of his republication is to include the State of Mississippi in the destination territory. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 127994 (Sub-No. 5), filed October 29, 1969. Applicant: JOHN HANLEY, 54 Kuhn Drive, Saddle Brook, N.J. 07662. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic cushioning material*, from the plantsite of Sealed Air Corp. at West Springfield, Mass., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New York, under contract with Sealed Air Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128044 (Sub-No. 4), filed October 28, 1969. Applicant: MIRACLE TRANSPORTATION CORP., 245 Cornelison Avenue, Jersey City, N.J. 07302. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, aquarium accessory products, books and magazines and products for pets and their care, including animal, bird, tropical fish foods, toys, plants, pumps, heaters, filters, gravel, soaps, shampoos, and remedies for animal pets*, between Jersey City and Pine Brook, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Miracle Pet Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128966 (Sub-No. 2), filed October 20, 1969. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West Ninth Street, Kansas City, Mo. 64101. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report in "*Descriptions in Motor Carrier Certificates*," 61 M.C.C. 209, from points in the Kansas City, Mo.-Kans., commercial zone, as defined by the Commission, to points in Missouri, on and west of U.S. Highway 63. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129307 (Sub-No. 22), filed October 20, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products, foodstuffs* in mixed shipments with potatoes and potato products, from points in Montcalm County, Mich., to points in Illinois, Indiana, Ohio; St. Louis and Kansas City, Mo.; Louisville, Ky.; and Pittsburgh, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129307 (Sub-No. 24), filed October 23, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) from the plantsite and storage facilities used by Wilson & Co., Inc., at Monmouth, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Restriction: The service proposed herein is to be restricted to the transportation of traffic originating at the above specified origin and destined to the above described destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129307 (Sub-No. 25), filed October 23, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), (1) from the plantsite and storage facilities used by Wilson & Co., Inc., at Logansport, Ind., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) from the storage facilities utilized by Wilson & Co., Inc., at Lafayette, Ind., to the destination points described in (1) above, restricted to the transportation of traffic originating at the above specified origin and destined to the above-described destinations. NOTE: Applicant holds contract carrier authority under MC-119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129307 (Sub-No. 26), filed October 26, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Benton Harbor, Mich., to points in Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 119394, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129307 (Sub-No. 27), filed October 26, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry lactose* (except in bulk) from New York, N.Y., to Greenville, Mich., Indianapolis, Ind., and Springdale, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 119394, heretofore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Boston, Mass.

No. MC 129886 (Sub-No. 2), filed October 22, 1969. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Elizabethville, Pa. 17023. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats and meat products* requiring refrigeration, and *frozen foods*, from the site of the warehouse of Calvin E. Summers, doing business as Calvin Summers Storage at Elizabethville, Pa., to points in Arkansas, Iowa, Louisiana, Minnesota, Missouri, Oklahoma, Texas, and points in States east of the Mississippi River (except Delaware, Maryland, New York, New Jersey, Ohio, Virginia, West Virginia, and Washington, D.C.); and (2) *returned shipments* of the commodities specified herein, from points in the described destination areas herein to the specified origin herein; under a continuing contract, or contracts, with Servomation Mathias, Inc., of Baltimore, Md. NOTE: Applicant has common carrier

authority pending under MC-133618 Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133161 (Sub-No. 3), filed October 17, 1969. Applicant: GRIESER TRUCKING CO., a corporation, Route 1, Box 152A, Archbold, Ohio 43502. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture stock*, from Archbold, Ohio, to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC-117076 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133240 (Sub-No. 5), filed October 23, 1969. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, between New York, N.Y., and Secaucus, N.J., on the one hand, and on the other, Port Huron, Grand Rapids, Flint, Battle Creek, Saginaw, Bay City, Jackson, Benton Harbor, and Livonia, Mich.; Elkhart, Mishawaka, and South Bend, Ind.; Raleigh, High Point, Asheville, Charlotte, Greensboro, Kannapolis, Fayetteville, and Burlington, N.C.; Greenville, West Columbia, Columbia, Spartanburg, Anderson, and Florence, S.C.; Fredericksburg, Lynchburg, Charlottesville, Danville, Roanoke, and Norfolk, Va., restricted to a transportation service to be performed under a contract or continuing contract with Holly Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133435 (Sub-No. 1) (Correction), filed September 29, 1969, published in the FEDERAL REGISTER issue of November 14, 1969, and republished as corrected, this issue. Applicant: WESTERN-PACIFIC JADE, LTD., a corporation, Building 429, Grant County Airport, Moses Lake, Wash. 98837. Applicant's representative: Paul A. Waterstrat (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Seattle-Tacoma International Airport, Spokane International Airport, Portland International Airport, Yakima, Ellensburg, Sunnyside, Pasco, Wenatchee, Okanogan, Omak, Twisp Intercity, Brewster, Ephrata, Moses Lake (Grant County), Othello, Cashmere, Chelan, Waterville, Oroville, and Coulee Dam Municipal Airports, points in Washington lying east of Cascade Mountain range, except those south and east of U.S. Highway 395, restricted to traffic having a prior or subsequent movement by air. The purpose of this republication is to reflect Spokane International Airport as a point to be served, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or 200-mile radius.

No. MC 133489 (Sub-No. 1), filed September 29, 1969. Applicant: FORREST V. POORE, doing business as CIRCLE NORTH AMERICAN MOVING & STORAGE CO., 602 South G Street, San Bernardino, Calif. 92408. Applicant's representative: Floyd C. Ellis, 727 West Seventh Street, Suite 758, Roosevelt Building, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects*, between San Bernardino, Calif., on the one hand, and, on the other, points in San Bernardino, Riverside, Imperial, San Diego, and Los Angeles Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133540 (Sub-No. 2), filed October 27, 1969. Applicant: S. and L. TRANSPORT, INC., Post Office Box 657, Huron, S. Dak. 57360. Applicant's representative: David A. Gerdes, 436 South Pierre Street, Pierre, S. Dak. 57501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain, grain products, soybeans, flax seed, and bulk fertilizer*, from Kampeska, Henry, Elrod, Clark, Raymond, Doland, Frankfort, Redfield, Rockham, Zell, Miranda, Falkton, Berkmere, Seneca, and Lebanon, S. Dak., to rail sites of the Chicago and Northwestern Railway at Redfield, Watertown, and Gettysburg, S. Dak., restricted to traffic having a prior or subsequent movement by rail. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pierre, Sioux Falls, or Aberdeen, S. Dak.

No. MC 133565 (Sub-No. 2), filed October 22, 1969. Applicant: TRUE TRANSPORT, INC., 839 River Road, Edgewater, N.J. 07020. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), in containers or trailers, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, those in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glens Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., and points in Rhode Island, on traffic having a prior or subsequent movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133592 (Sub-No. 3), filed October 27, 1969. Applicant: JAMES F. BARNER AND ASHLEY BARNER, a partnership, doing business as BARNER & SONS, Route 1, Box 262, Fordyce, Ark. 71742. Applicant's representative: D. R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Log cores*, from Urania, La., to Crossett, Ark.; and (2) *lumber*, low grade, to be used as dunnage, from Crossett, Ark., to Urania, La., under contract with Georgia-Pacific Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133690 (Sub-No. 2), filed October 29, 1969. Applicant: KINGSWAY DALEWOOD LIMITED, 123 Rexdale Boulevard, Rexdale, Ontario, Canada. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, commodities in bulk, and those requiring special equipment; (1) between junction U.S. Highway 61 and the United States-Canada boundary line along the Pigeon River, on the one hand, and, on the other, points on U.S. Highway 61 in Minnesota north of Grand Portage, Minn.; (2) between International Falls, Minn., and the port of entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and Minnesota Highway 313 near Warroad, Minn.; (3) between International Falls, Minn., and the port of entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and Minnesota Highway 310 near Roseau, Minn.; (4) between International Falls, Minn., and the port of

entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and Minnesota Highway 89 near Pine Creek, Minn.; (5) between International Falls, Minn., and the port of entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and U.S. Highway 59 near Lancaster, Minn., and (6) between International Falls, Minn., and the port of entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and U.S. Highway 75 near Noyes, Minn. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn.

No. MC 133713 (Sub-No. 1), filed October 20, 1969. Applicant: UELAND TRUCKING, INC., Route 1, Box 25B, Shakopee, Minn. 55379. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Savage, Roseport, Pine Bend, and Minneapolis-St. Paul, Minn., to points in North Dakota, South Dakota, Wisconsin, Iowa, and Minnesota. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133882 (Sub-No. 1), filed October 20, 1969. Applicant: BARRY BLOEDEL, doing business as NEW ULM FREIGHTLINES, 1427 North Broadway, New Ulm, Minn. 56073. Applicant's representative: James H. Malecki, 1 South State Street, New Ulm, Minn. 56073. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, material, and supplies* used in the manufacture, assembly, equipping, outfitting, and furnishing of mobile homes, from South Bend, and Elkhart, Ind.; Chicago, Ill.; and Marshfield, Wis., to New Ulm, Minn., under contract with Homette Corp., Division of Skyline, Inc., New Ulm, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Ulm, Mankato, or Minneapolis, Minn.

No. MC 133967 (Sub-No. 1), filed October 20, 1969. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route 1, Catawba, Wis. 54515. Applicant's representative: Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, vanities, and cases, and materials* used in the manufacture of cabinets, vanities and cases, between Ladysmith, Wis., and points in Illinois, Indiana, South Dakota, North Dakota, Missouri, Kansas, West Virginia, Pennsylvania, Kentucky, Ohio, Michigan, Iowa, Minnesota, Nebraska, Oklahoma, Arkansas, Tennessee, and Colorado, under contract with Mica-Wood Corp., Ladysmith, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Ladysmith or Wausau, Wis.

No. MC 134115 (Sub-No. 1), filed October 27, 1969. Applicant: NEW BREED LEASING CORPORATION, 104 Allen Boulevard, East Farmingdale, N.Y. 11735. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Detonator fuses, classes A, B, and C explosives, materials and supplies* used in the preparation and packaging of the above commodities, between Amityville and Copiague, N.Y., on the one hand, and, on the other, points in North East, White Oak, and Aberdeen, Md.; Washington, D.C.; Atglen, Pa., Simsbury, Avon, Hartford, and Bethany, Conn.; Worcester and West Hanover, Mass.; Cleveland and Euclid, Ohio, under contract with Fairchild Defense Products, Division of Fairchild Camera & Instrument Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134119 (Sub-No. 1), filed October 29, 1969. Applicant: SECURITY STORAGE & VAN COMPANY OF NEWPORT NEWS, VA., INC., 5713 Jefferson Avenue, Newport News, Va. 23605. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Newport News, Norfolk, Hampton Beach, Williamsburg, Portsmouth, Franklin, and Chesapeake, Va., and points in York, James City, Gloucester, Matthews, Surry, Isle of Wight, Nansemond, Sussex, Southampton and Northampton Counties, Va., restricted to traffic having a prior or subsequent movement in containers, and to performance of pickup and delivery service in connection with packing, crating, and containerization and unpacking and decontainerization. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 134124 (Sub-No. 1), filed October 27, 1969. Applicant: NEW JERSEY INTERNATIONAL MOVERS, INC., Post Office Box 551, Freehold, N.J. 07728. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household* goods, between points in New Jersey restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134129 (Sub-No. 2), filed October 28, 1969. Applicant: WILLIAM A. LONG, Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Culvert pipe, culvert sectional plate and couplings and coatings* for culvert pipe and sections, from Bedford, Pa., to Bealeton, Va.; (2) *culvert banding and coupling material, coatings and steel plates* used in the manufacture of culvert pipe and couplings, from Bealeton, Va., to Bedford, Pa.; and (3) *steel coil*, from the plantsite of Bethlehem Steel Corp., at Sparrows Point, Md., to Bedford, Pa., under contract with Lane Juniata, Inc., of Bedford, Pa., and its affiliate Lane Penn Carva, Inc., of Bealeton, Va., in connection with (1) through (3) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134136, filed October 30, 1969. Applicant: ALAMAR TRUCKING AND WAREHOUSING, INC., 229 Highlawn Avenue, Brooklyn, N.Y. 11223. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract* routes, transporting: *Tobacco-flavoring extract*, not moving in bulk, from Brooklyn, N.Y., to Richmond, Va., and Louisville, Ky.; under contract with Rose of Latakia Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 44770 (Sub-No. 13) (Clarification), filed September 15, 1969, published in FEDERAL REGISTER issue of October 30, 1969, and republished as clarified this issue. Applicant: ZEPHYR LINES, INCORPORATED, 1114 Currie Street, Minneapolis, Minn. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicles with passengers (1) between Minneapolis and Canby, Minn., from Minneapolis over Minnesota Highway 7 to the junction with Minnesota Highway 41, thence over Minnesota Highway 41 to Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn., thence over Minnesota Highway 19 to Marshall, Minn., thence over Minnesota Highway 68 to Canby, Minn., and return over the same route; (2) between Minneapolis, Minn., and Watertown, S. Dak., over U.S. Highway 212; (3) between Madison, Minn., and the junction of U.S. Highway 212 and U.S. Highway 75 over U.S. Highway 75; (4) between St. Paul, Minn., and Webster, Wis., from St. Paul over U.S. Highway 61 to Forest Lake, Minn., thence over U.S. Highway 8 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Webster, Wis., and return over the same route; (5) to serve the following routes in Wisconsin: (a) Between Minnesota Wisconsin State line and the junction Wisconsin Highway 65 near Robert's Corners, over Interstate Highway 94; (b) between junction Wisconsin Highway 65 and Interstate Highway 94 and Star Prairie, Wis., over Wisconsin Highway 65; (c) between Star Prairie and Deer Park, Wis., over St. Croix County Highway H; (d) between Deer Park, Wis., and junction U.S. Highway 8 and Wisconsin Highway 46 over Wisconsin Highway 46; (e) between St. Croix Falls and Cameron over Wisconsin Highway 8; and (f) between Cameron and Rice Lake over Wisconsin Highway 53; serving all intermediate points in connection with all of the above-described routes. NOTE: Applicant states no duplicating authority is being sought. The purpose of this republication is to show in Item (3) Madison, Minn., in lieu of Madison, Wis., as previously published. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 115116 (Sub-No. 20), filed October 26, 1969. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express, in the same vehicle with passengers;* (1) between junction of New Jersey Highway 33 and access roads to the New Jersey Turnpike at Interchange No. 8 in the Township of East Windsor, N.J., and junction of New Jersey Highway 33, Applegarth Road and Butcher Road, in the Township of Monroe (Middlesex County), N.J., as follows: From junction of New Jersey Highway 33 and access roads to the New Jersey Turnpike at Interchange No. 8 in the Township of East Windsor, N.J., over New Jersey Highway 33 to its junction with Applegarth Road and Butcher Road in the Township of Monroe (Middlesex County), N.J., and return over the same route serving all intermediate points; (2) between junction of New Jersey Highway 33 and Lake Drive in the Township of East Windsor, N.J., and junction of New Jersey Highway 33 and Twin Rivers Drive East in the Township of East Windsor, N.J., as follows: From junction of New Jersey Highway 33 and Lake Drive in the Township of East Windsor, N.J., over Lake Drive to its junction with Twin Rivers Drive, thence over Twin Rivers Drive to Twin Rivers Drive East, thence over Twin Rivers Drive East to its junction with New Jersey Highway 33 in the Township of East Windsor, N.J., and return over the same route serving all intermediate points; and (3) between junction of New Jersey Highway 33 and Twin Rivers Drive East in the Township of East Windsor, N.J., and junction of New Jersey Highway 33 and Probasco Road in the Township of East Windsor, N.J., as follows: From junction of New Jersey Highway 33 and Twin Rivers Drive East in the Township of East Windsor, N.J., over Twin Rivers Drive East to Twin Rivers Drive North, thence over Twin Rivers Drive North to its junction with Probasco Road, thence over Probasco Road to its junction with New Jersey Highway 33 in the Township of East Windsor, N.J., and return over the same route serving all intermediate points. NOTE: Applicant proposes to provide service to and from New York, N.Y., by joining the proposed routes with its existing routes. If a hearing is deemed necessary, applicant requests it be held at East Windsor Township, N.J., or Newark, N.J.

No. MC 116068 (Sub-No. 4), filed October 27, 1969. Applicant: D & F TRANSIT, INC., 192 East Main Street, Fredonia, N.Y. 14063. Applicant's representative: Donald C. Brandt, 24 Water Street, Fredonia, N.Y. 14063. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express, newspapers and mail* in the same vehicle with passengers, (1) between Barcelona, N.Y., and Erie, Pa.; from Barcelona, N.Y., at intersection of New York Highways 5 and 17 over New York Highway 17 to Westfield, N.Y., thence over U.S. Highway 20 to Erie, Pa., and return over the same route, serving all intermediate points; and (2) between Jamestown, N.Y., and Warren, Pa.; from Jamestown, N.Y., over New York Highway 60 to Frewsburg, N.Y., thence over U.S. Highway 62 to Warren, Pa., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dunkirk or Buffalo, N.Y., or Erie, Pa.

No. MC 134020, filed September 9, 1969. Applicant: LLOYD DWYER, doing business as DWYER BUS LINE, 55 Grove Street, Waterville, Maine 04901. Applicant's representative: Douglas M. Morrill, 88 Winthrop Street, Augusta, Maine 04330. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their personal baggage*, in charter operations, beginning and ending at Waterville, Maine, and that part of Maine beginning at the Belgrade Interchange on Interstate Highway 95; thence northerly along Maine Highway 27 to its intersection with U.S. Highway 2; thence westerly on U.S. Highway 2 to its intersection with Maine Highway 134; thence northerly along Maine Highway 134 to its intersection with Maine Highway 43; thence northerly and easterly along Maine Highway 43 to its intersection with Maine Highway 152; thence southerly along Maine Highway 152 to its intersection with Maine Highway 69; thence easterly along Maine Highway 69 to Maine Highway 220; thence southerly along Maine Highway 220 to its intersection to Maine Highway 3; thence westerly along Maine Highway 3 to the city limits of Augusta, Maine, to the point of beginning, and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut (including the international boundaries with Quebec and New Brunswick in Canada). NOTE: If a hearing is deemed necessary, applicant requests it be held at Waterville, Augusta, or Portland, Maine.

APPLICATION OF FREIGHT FORWARDERS

No. FF–380 (CAROLINA CARTAGE COMPANY FREIGHT FORWARDER APPLICATION), filed November 7, 1969. Applicant: CAROLINA CARTAGE COMPANY, a corporation, 3210 Conflans Road, Irving, Tex. 75060. Applicant's representative: W. J. Foley (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue, as successor-in-interest the freight forwarding operations of Shamrock Van Lines, Inc., with which applicant is affiliated by common stock ownership, as a *freight forwarder* in interstate or foreign commerce in the forwarding of: (1) *Household goods*, as defined by the Commission in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467; (2) *used automobiles;* and (3) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2253 (Sub-No. 41), filed October 31, 1969. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* loose on hangers and in packages, and *materials and supplies* used in the manufacture thereof, between points in South Carolina, on the one hand, and, on the other, Indiana and Apollo, Pa. NOTE: Applicant states it intends to tack at Clover, S.C., and points within 35 miles of Clover, S.C.

No. MC 124328 (Sub-No. 39), filed November 3, 1969. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Francis D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency*, between Toledo, Ohio, and Deerfield, Mich.; under contract with Deerfield State Bank, Deerfield, Mich. NOTE: Common control and dual operations may be involved.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–14036; Filed, Nov. 26, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41808—*Pulpwood chips and sawdust to Longview, Wash.* Filed by North Pacific Coast Freight Bureau, agent (No. 69–6), for interested rail carriers. Rates on pulpwood chips and sawdust, in carloads, as described in the application, from Gibbs, Idaho, to Longview, Wash.

Grounds for relief—Carrier competition.

FSA No. 41809—*Class and commodity rates from and to North Americus, Ga.* Filed by O. W. South, Jr., agent (No. A6142), for interested rail carriers. Rates on property moving on class and commodity rates, between North Americus, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14119; Filed, Nov. 26, 1969; 8:49 a.m.]

[Notice 946]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 24, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59332 (Sub-No. 5 TA), filed November 19, 1969. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, N.J. 08110. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Paulsboro, N.J., to points in Nassau and Suffolk Counties, N.Y., having a prior movement via a domestic water carrier, for 180 days. Supporting shipper: C. G. Willis, Inc., Post Office Box 128, Paulsboro, N.J. 08066. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 103993 (Sub-No. 475 TA), filed November 19, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats* on wheeled undercarriages, from Mishawaka, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Shipashore, Inc., Elkhart, Ind. Send protests to: District Supervisor J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 476 TA), filed November 19, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from Edgerton, Ohio, to points in Ohio, Illinois, Indiana, Kentucky, Michigan, and Wisconsin, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., 3196 Myers Street, Post Office Box 7638, Riverside, Calif. 92503. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 477 TA), filed November 19, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Richfield, N.C., to points in Virginia, South Carolina, and Georgia, for 180 days. Supporting shipper: Homes by Fisher, Inc., Post Office Box 248, Richfield, N.C. 28137. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106644 (Sub-No. 101 TA), filed November 18, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30301. Applicant's representative: K. Edward Wolcott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves, and/or components and cast iron fire hydrants*, from Birmingham, Ala., to points in Arkansas, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2605, Birmingham, Ala. 35202. Send protests to: District Supervisor William L. Scroggs, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111170 (Sub-No. 135 TA), filed November 19, 1969. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bright stock petroleum extract*, in bulk, from Cushing, Okla., to West Memphis, Ark., for 180 days. Supporting shipper: Gurley Refining Co., Post Office Box 2326, Memphis, Tenn. 38102. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111617 (Sub-No. 6 TA), filed November 18, 1969. Applicant: O'NEILL TRANSFER COMPANY, INC., 2215 Northwest 22d Place, Portland, Oreg. 97210. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, having a prior or subsequent movement in containers beyond the area authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Clackamas, Columbia, Hood River, Marion, Multnomah, Washington, and Yamhill Counties, Oreg., and Clark, Cowlitz, and Skamania Counties, Wash., for 180 days. Supporting shippers: Empire Household Shipping Co., Inc., 160 Broadway, New York, N.Y. 10038; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 116645 (Sub-No. 12 TA), filed November 19, 1969. Applicant: DAVIS TRANSPORT CO., Post Office Box 56, Gilcrest, Colo. 80623. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Denver, Colo., to Colorado Springs, Colo., for 150 days. NOTE: Applicant states movement is intermodal; rail-truck. Supporting shipper: Paul Young, Sales Representative, Glidden-Durkee Division of SCM Corp., 2333 Logan Boulevard, Chicago, Ill. 60647. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 126328 (Sub-No. 3 TA), filed November 18, 1969. Applicant: ACTON VALE MOTOR EXPRESS, LIMITED, 1193 Ricard Street, Acton Vale, Province of Quebec, Canada. Applicant's representative: Edwin Free, 25 Keith Avenue, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles, snowmobile trailers and seamobiles, and all terrain vehicles*, from ports of entry on the international boundary line between the United States and Canada in Maine, New Hampshire, Vermont, New York, and Michigan, to points in New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Wisconsin, Illinois, and Michigan, for 150 days. Supporting shipper: Skiroule, Ltee., Wickham, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 128075 (Sub-No. 7 TA), filed November 19, 1969. Applicant: LEON JOHNSRUD, 757 Second Street West, Cresco, Iowa 52136. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Chester, Iowa, to points in Nebraska, Minnesota, South Dakota, Missouri, and Monmouth, Ill., for 150 days. Supporting shipper: J R, Inc., Chester, Iowa 52134. Send protests to: District Supervisor, Chas. C. Biggers, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14120; Filed, Nov. 26, 1969; 8:49 a.m.]

[Notice 451]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71669. By order of November 17, 1969, the Motor Carrier Board approved the transfer to Frank Hunter & Son, Inc., Adrian, Mich., of the certificate No. MC–107677, issued June 21, 1950 to Frank Hunter, Adrian, Mich., authorizing the transportation of: Household goods, as defined by the Commission, between points in Lenawee County, Mich., and points in Ohio. Richard L. Kralick, Commercial Bank Building, Adrian, Mich. 49221, attorney for applicants.

No. MC–FC–71692. By order of November 18, 1969, the Motor Carrier Board approved the transfer to Paul D. Kessler, doing business as Paul Kessler Trucking, Dresser, Wis., of the operating rights in certificate No. MC–10935 issued November 21, 1946, to Harold V. Olson, Dresser, Wis., authorizing the transportation, over irregular routes, of agricultural commodities and livestock from points in the towns of Osceola, Garfield, Lincoln, Balsam Lake, and St. Croix Falls, Polk County, Wis., to South St. Paul, Newport, St. Paul, and Minneapolis, Minn., and general commodities, except those of unusual value, and except dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from South St. Paul, St. Paul, Newport, and Minneapolis, Minn., to points in the above-specified Wisconsin towns. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC–FC–71705. By order of November 18, 1969, the Motor Carrier Board approved the transfer to United Freight Lines, Inc., Des Moines, Iowa, of the certificate of registration in No. MC–99603 (Sub-No. 2) issued March 23, 1964 to Ralph L. Conard, Jr., doing business as United Freight Lines, Adel, Iowa, authorizing the transportation of general commodities between specified points in Iowa. William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14121; Filed, Nov. 26, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69–11–89]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority November 20, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 11, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[2] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement C.A.B. 21379, R–1 through R–3, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–14110; Filed, Nov. 26, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 467]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

NOVEMBER 24, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any

[2] Filed as part of the original document.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued

2654-C2-P-(3)-70—The Mountain States Telephone & Telegraph Co. (KKH476), C.P. to add a third base channel to operate on frequency 152.57 MHz; change antenna system for existing frequencies 152.51 and 152.75 MHz and add FO emission at station located at 21 miles south-southeast of Bloomfield Street, N. Mex. Also add auxiliary test transmitter frequency 157.83 MHz at station located at 411 North Allen Street, Farmington, N. Mex.

2655-C2-P-70—North Shore Radio Telephone, Inc. (KSD316), C.P. to relocate facilities to: 1741 South O'Plane Road, Warren Township, Ill., operating on frequency 35.22 MHz. Also change antenna system.

2656-C2-P-(2)-70—North Shore Radio Telephone, Inc. (KSB590), C.P. to relocate facilities at location No. 2 to: 1741 South O'Plane Road, Warren Township, Ill., operating on frequency 152.09 MHz. Also relocate facilities from location No. 3: 2636 North Harlem Avenue, Elmwood Park, Ill., to: Location No. 2: Same as stated above operating on frequency 152.18 MHz.

2658-C2-P-70—All City Telephone Answering Service, Inc. (KSA266), C.P. to add a fourth base channel to operate on frequency 152.42 MHz at station located at 606 West Wisconsin Avenue, Milwaukee, Wis.

2659-C2-P-70—McCord's Communications Service (KIG303), C.P. to change antenna location to: Overlook Drive, Gadsden, Ala., operating on frequency 152.12 MHz. Also delete all Control points except the one at 1023 Forrest Avenue, Gadsden, Ala.

2674-C2-P-70—Paul D. Jones and Jon N. Farrington, doing business as Council Bluffs Mobilephone (New), C.P. for a new 2-way station to be located at 31 Lynn Street, Council Bluffs, Iowa, to operate on frequency 152.03 MHz.

2675-C2-P-70—Paul D. Jones and Jon N. Farrington, doing business as Council Bluffs Mobilephone (New), C.P. for new 1-way station to be located at 31 Lynn Street, Council Bluffs, Iowa, to operate on frequency 158.70 MHz.

2676-C2-P-70—Goshen Telephone Co., Inc. (New), C.P. for new 2-way station to be located at 200 feet west of Pike County Highway 21, ½ mile south of Pike County 18 Intersection, Goshen, Ala., to operate on frequency 152.51 MHz.

2683-C2-P-70—General Communications Service, Inc. (KOA611), C.P. for an additional channel to operate on frequency 152.06 MHz at location No. 1: Tumamoc Hill, 0.5 mile west of Tucson, Ariz.

2689-C2-P-70—Pomona Radio Dispatch Corp. (KMD992), Resubmitted Nov. 18, 1969. C.P. to change antenna location to: Kellogg Hill, west of Pomona, Calif., operating on frequency 454.35 MHz. Also change antenna system and replace transmitter for same.

2690-C2-P-(4)-70—Southwestern Bell Telephone Co. (KKD291), C.P. to make antenna changes for existing frequencies 152.51, 152.75, 152.81 MHz at station located at Keightly Drive and State Highway No. 10, Little Rock, Ark.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Texas

Houston Mobilfone Inc. (KKA343), 249-C2-P-(3)-70.
Robert E. Franklin (KKE985), 302-C2-P-70.

Oregon

Empire Communications Co. (New), 531-C2-P-70.
Lane Paging Inc. (New), 1895-C2-P-70.

RURAL RADIO SERVICE

2644-C1-P-70—California Interstate Telephone Co. (New), C.P. for new fixed station to be located at 23.5 miles south-southeast of Yerington at the Rockland Mine, Nev., to operate on frequency 157.83 MHz.

domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

2624-C2-P-70—E. H. Cannon (New), C.P. for a new 2-way station to be located at 1 mile east of Pearsall on Highway 140, Pearsall, Tex., to operate on frequency 454.300 MHz.

2639-C2-P-70—Chandler S. Lynch doing business as Midtown Business Center & Answering Service (New), C.P. for new 2-way station to be located at Lakeside Drive and 35th Street, Kearney, Nebr., to operate on frequency 152.03 MHz.

2640-C2-P-70—Pacific Northwest Bell Telephone Co. (KOA732), C.P. to add base station transmitter to operate on frequency 152.540 MHz at location No. 1: 1529 Fourth Avenue West, Seattle, Wash. Also add auxiliary test transmitter to operate on frequency 157.80 MHz at same location.

2641-C2-P-(4)-70—Southern Bell Telephone and Telegraph Co. (KIG346), C.P. to install two additional base channels to operate on frequencies 152.60 and 152.66 MHz at station located at 415 Clay Street, Jacksonville, Fla. Also add auxiliary test channels to operate on frequencies 157.86, 157.92 MHz at same location.

2642-C2-P-70—Indiana Bell Telephone Co. (KSC874), C.P. to relocate facilities to 116 East Taylor Street, Kokomo, Ind., and change frequency to: 152.78 MHz. Replace transmitter for same.

2643-C2-P-(10)-70—Southwestern Bell Telephone Co. (KKA282), C.P. for three additional channels to operate on frequencies 454.375, 454.400, 454.425 MHz and change antenna system for seven existing channels 152.51, 152.54, 152.63, 152.72, 152.75, 152.78, 152.81 MHz at station located at 1.7 miles east of Interstate Highway No. 35 on Southeast 89th Street, Oklahoma City, Okla.

1394-C2-P-69—William L. Eisele and Robert A. Jones, doing business as Midwest Communications Co. (New), Resubmitted: C.P. for new 1-way station to be located at 2915 Bernice Road, Lansing, Ill., to operate on frequency 158.70 MHz. Application returned to its status as of Aug. 8, 1969.

2652-C2-P-70—United Telephone Co. of Florida (New), C.P. for a new 2-way station to be located at 823 Fifth Avenue South, Naples, Fla., to operate on frequency 152.72 MHz.

2653-C2-P-70—Margaret Walsh, doing business as Radio Telephone Secretaries (New), C.P. for new 1-way station to be located at 530 North Main Street, Oshkosh, Wis., to operate on frequency 152.24 MHz.

RURAL RADIO SERVICE—Continued

2645-C1-P-70—South Central Bell Telephone Co. (New), C.P. for new fixed station to be located at approximately 18 miles southeast of Houma, La., to operate on frequencies 157.95 and 158.01 MHz.

2657-C1-P-70—Midland Telephone Co. (New), C.P. for new fixed station to be located at 26.5 miles north-northeast of Monticello, Utah, to operate on frequency 157.77 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2677-C1-P-70—The Chesapeake & Potomac Telephone Co. of Virginia (KIX55), C.P. to change frequencies 6197.2 and 6315.9 MHz to 6256.5 and 11,405 MHz toward Grees Knob, Va., and replace transmitters operating on same. Location: 224 Luck Avenue SW., Roanoke, Va.

2678-C1-P-70—The Chesapeake & Potomac Telephone Co. of Virginia (KIX54), C.P. to change frequencies 5997.1 and 6056.4 MHz to 5989.7 and 10,755 MHz toward Fork Mountain, Va.; change frequencies 6063.8 and 6093.5 MHz toward Roanoke, Va.; replace transmitters operating on same and change the antenna system. Location: Approximately 9 miles east-northeast of Roanoke, Va.

2679-C1-P-70—Southern Bell Telephone & Telegraph Co. (KJC89), C.P. to add frequency 4030 MHz toward Newington, Ga. Location: 3 miles northwest of Allendale, S.C.

2680-C1-P-70—Southern Bell Telephone & Telegraph Co. (KIL89), C.P. to add frequency 4070 MHz toward Marlow, Ga. Location: 1.9 miles southeast of Newington, Ga.

2681-C1-P-70—Southern Bell Telephone & Telegraph Co. (KIL90), C.P. to add frequency 4030 MHz toward Savannah, Ga. Location: 5.2 miles southeast of Marlow, Ga.

2682-C1-P-70—Southern Bell Telephone & Telegraph Co. (KJL30), C.P. to add frequency 11,685 MHz toward Savannah, Ga. Location: 322 Drayton Street, Ga.

Major Amendment

1132-C1-P-70—The Ohio Bell Telephone Co. (KQH44), Add frequency 6415 MHz toward WGTE-TV, Toledo, Ohio, studio location azimuth 003°22'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2650-C1-TC-70—Penn Service Microwave Co. (KGO20), Consent to transfer of control from Irene C. Altmiller and Fred Correale, Transferors to: John Walson and Margaret Walson (jointly), Esther Walsonavich and Margaret Walsonavich, Transferees.

2684-C1-P-70—American Microwave & Communications, Inc. (KSV63), C.P. to add frequency 6041.6 MHz toward Newberry, Mich., on azimuth of 290°00'. Location: Trout Lake, Mich.

2685-C1-P-70—American Microwave & Communications, Inc. (KSV62), C.P. to add frequency 6308.4 MHz toward Walsh, Mich., on azimuth of 272°30'. Location: Newberry, Mich.

2686-C1-P-70—American Microwave & Communications, Inc. (KSV61), C.P. to add frequency 5937.8 MHz toward Munising, Mich., on azimuth of 279°50'. Location: Walsh, Mich.

2687-C1-P-70—American Microwave & Communications, Inc. (KSV60), C.P. to add frequency 6278.8 MHz toward Summit Mountain, Mich., on azimuth of 274°00'. Location: Munising, Mich.

2688-C1-P-70—American Microwave & Communications, Inc. (KQN57), C.P. to add frequency 6041.6 MHz via power split, toward Marquette, Ishpeming, and Iron Mountain, Mich., on azimuths of 68°30', 346°00', and 204°00', respectively. Location: Summit Mountain, Mich. (Informative: Applicant proposes to provide the television signals of station WKBD-TV, Detroit, Mich., to Iron Range Cable TV at Marquette and Ishpeming, Mich., and to H & B American Cablevision Co., at Iron Mountain, Mich. NOTE: Applicant has requested waiver of § 21.701(1) of the Commission's rules.)

[F.R. Doc. 69-14102; Filed, Nov. 26, 1969; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 50]

FIRST KANSAS FINANCIAL, INC.

Notice of Receipt of Application for Permission To Acquire Control of Prudential Savings Association

NOVEMBER 24, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Kansas Financial, Inc., Shawnee Mission, Kans., for approval of acquisition of control of the Prudential Savings Association, Great Bend, Kans., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of all of the guarantee stock of Prudential Savings Association for stock of First Kansas Financial, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-14106; Filed, Nov. 26, 1969; 8:48 a.m.]

[H.C. 51]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control of Southern California Savings and Loan Association

NOVEMBER 24, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., for approval of acquisition of control of the Southern California Savings and Loan Association, Beverly Hills, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of all of the guarantee stock of Southern California Financial Corp., a savings and loan holding company which owns approximately 96 percent of the outstanding guarantee stock of Southern California Savings and Loan Association for cash, common stock of Imperial, and long term notes. Following the proposed acquisition, Imperial Corp. proposes to merge Southern California Savings and Loan Association into Investors Savings and Loan Association, an insured subsidiary of Imperial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-14107; Filed, Nov. 26, 1969; 8:48 a.m.]

[H.C. 49]

GREAT WESTERN FINANCIAL CORP.

Notice of Receipt of Application for Permission To Acquire Control of Victory Savings and Loan Association

NOVEMBER 24, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Great Western Financial Corp., a savings and loan holding company, Beverly Hills, Calif., for approval of acquisition of control of the Victory Savings and Loan Association, North Hollywood, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase of all of the outstanding guarantee stock of Victory Savings and Loan Association from H. F. Ahmanson & Co., in exchange for cash. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-14107; Filed, Nov. 26, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2724 etc.]

CLINTON OIL CO. ET AL.

Findings and Order

NOVEMBER 18, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, accepting agreement and undertaking for filing, requiring filing of surety bond, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Clinton Oil Co., applicant in Dockets Nos. G-2800 and G-2840, and Clinton Oil Co. (Operator) et al., applicant in Docket No. G-4507 propose to continue in part sales of natural gas heretofore authorized in said dockets to be made pursuant to H. F. Sears FPC Gas Rate Schedule No. 2, H. F. Sears FPC Gas Rate Schedule No. 5, and H. F. Sears (Operator) et al., FPC Gas Rate Schedule No. 8, respectively. Said rate schedules will be redesignated as those of applicant. The presently effective rate under Sears' FPC Gas Rate Schedule No. 5 is in effect subject to refund in Docket No. G-10494. Sears filed changes in rate under his FPC Gas Rate Schedule Nos. 2 and 8, which changes are suspended in Dockets Nos. RI65-96 and RI64-794, respectively, with respect to sales by Sears. Applicant has filed motions to be made co-respondent in each of said proceedings, together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. G-10494. Therefore, applicant will be substituted in lieu of Sears as correspondent in the proceedings pending in Dockets Nos. RI64-794 and RI65-96 and will be made a co-respondent in the proceeding pending in Docket No. G-10494; the proceedings will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Mallonee-Mahoney, Inc., Agent, applicant in Docket No. CI70-110, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-4579 to be made pursuant to Cities Service Oil Co. (Operator) et al., FPC Gas Rate Schedule Nos. 167 and 168. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rates under Cities Service's rate schedules are in effect subject to refund in Docket No. RI69-521. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, petitions to intervene and notices of intervention were filed in the following dockets:

Docket No.	Intervenors
CI69-1165	Philadelphia Gas Works Division of UGI Corp. Long Island Lighting Co. Consolidated Edison Company of New York, Inc. The Brooklyn Union Gas Co. The Public Service Commission of the State of New York.
CI70-41	The Brooklyn Union Gas Co. Philadelphia Gas Works Division of UGI Corp. Long Island Lighting Co. The Public Service Commission of the State of New York.
CI70-105	Consolidated Edison Company of New York, Inc.

Said petitions and notices have either been withdrawn or are not in opposition to the granting of the applications. No other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on November 13, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto submitted in support of the authorizations sought herein, and upon consideration of the record:

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dockets Nos. CI70-31, CI70-32, CI70-33, CI70-34, and CI70-35 should be canceled and that the applications filed therein should be treated as petitions to amend the orders issuing certificates in Dockets Nos. G-4507, G-2840, G-2800, G-3949, and G-2724, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Clinton Oil Co. should be made a co-respondent in the proceeding pending in Docket No. G-10494; that Clinton Oil Co. (Operator) et al., and Clinton Oil Co. should be substituted in lieu of H. F. Sears (Operator) et al., and H. F. Sears, respectively, as co-respondent in the proceedings pending in Dockets Nos. RI64-794 and RI65-96, respectively; that said proceedings should be redesignated accordingly; and that the agreement and undertaking submitted by Clinton in Docket No. G-10494 should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisons of the Natural Gas Act that Mallonee-Mahoney, Inc., Agent, should be made a co-respondent in the proceeding pending in Docket No. RI69-521; that said proceeding should be redesignated accordingly; and that Mallonee-Mahoney should be required to file a surety bond.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for the sales authorized in Docket No. CI69-1165 shall be 18.5 cents per Mcf at 15.025 p.s.i.a. (gas-well gas) and 17 cents per Mcf at 15.025 p.s.i.a. (casing-head gas), the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 546-A, as adjusted for quality of gas; *Provided, however*, That the total rates shall in no event exceed the rates set forth in the related rate schedule. Applicant is not prohibited from filing a contractually authorized rate increase up to a base rate of 20 cents per Mcf at 15.025 p.s.i.a. for sales of gas-well gas, consistent with ordering paragraph (A) of Opinion No. 546-A, but shall file no higher rate increases until permitted by further Commission order.

(b) The initial rates for the sales authorized in Docket No. CI70-41 shall be 20 cents per Mcf at 15.025 p.s.i.a. (gas-well gas) and 18.5 cents per Mcf at 15.025 p.s.i.a. (casing-head gas), the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 546-A, as adjusted for quality of gas: *Provided, however*, That the total rates shall in no event exceed the rates set forth in the related rate schedule.

(c) If the quality of the gas delivered by applicants in Dockets Nos. CI69-1165 and CI70-41 deviates at any time from the quality standards set forth in Opinion No. 546, as modified by Opinion No. 546-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however*, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate. Within 90 days from the date of initial delivery applicants shall file rate schedule quality statements in the form prescribed in Opinion No. 546.

(d) Applicants in Dockets Nos. CI69-1165 and CI70-41 shall not require buyers to take-or-pay for an annual quantity of gas-well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas-well gas reserves or the specified contract quantity, whichever is the lesser amount. This condition shall remain in effect pending further Commission orders in the subject dockets or in other matters relating to the buyers take-or-pay obligations under the subject contracts.

(e) If the quality of the gas delivered by applicant in Docket No. CI64-902 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(f) The initial rate for the sale authorized in Docket No. CI63-76 shall be 16 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to downward B.t.u. adjustment. Within 30 days from the date of this order applicant shall file a revised billing statement reflecting such rate as required by the regulations under the Natural Gas Act.

(g) The initial rate for the sale authorized in Docket No. CI70-141 shall be 27 cents per Mcf at 15.325 p.s.i.a. Within 30 days from the date of this order applicant shall file a revised billing statement reflecting such rate as required by the regulations under the Natural Gas Act.

(h) The initial rate for sales authorized in Dockets Nos. CI66-1331 and CI69-821 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(i) The initial rate for sales authorized in Dockets Nos. CI68-90, CI70-77, CI70-96, CI70-223, and CI70-250 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement,[1] and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas, applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(j) Applicant in Docket No. CI70-77 shall not require buyer to take-or-pay for an annual quantity of gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves.

(k) The initial rate for sales authorized in Dockets Nos. CI67-252, CI70-9, and CI70-119 shall be 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment.

(l) Applicant in Docket No. CI70-119 shall not require buyer to take-or-pay for an annual quantity of gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves and 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter.

(m) The authorizations granted in Dockets Nos. CI67-252, CI69-1165, CI70-41, CI70-96, and CI70-250 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(n) Applicants in Dockets Nos. CI69-368, CI69-384, and CI69-400 shall collect

[1] Tax reimbursement not applicable to rate in Docket No. CI70-96.

the proposed rates subject to refund with applicable interest down to the September 1, 1967, contractually authorized rates or the applicable area just and reasonable rates determined in the area rate proceeding (Hugoton Anadarko Area), Docket No. AR64–1, et al., whichever are higher.

(F) Within 30 days from the date of this order applicants in Dockets Nos. CI66–856 and CI70–254 shall file estimated billing statements reflecting the rates of 15 cents per Mcf at 14.65 p.s.i.a. and 15.5 cents per Mcf at 14.65 p.s.i.a., respectively, as required by the regulations under the Natural Gas Act.

(G) The orders issuing certificates in Dockets Nos. G–4579, CI65–1145, and CI67–174 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to applicants in Dockets Nos. CI70–110, CI69–972, and CI70–246, respectively.

(H) Dockets Nos. CI70–31, CI70–32, CI70–33, CI70–34, and CI70–35 are canceled.

(I) The orders issuing certificates in Dockets Nos. G–3912, G–6170, G–10546, CI61–359, CI63–76, CI64–902, CI64–1338, CI65–738, CI66–856, CI66–1331, CI67–252, CI67–286, CI68–1202,[2] CI69–228, CI69–269, CI69–906, CI69–972, and CI70–9 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(J) Applicant in Docket No. G–3912 shall not be relieved of any refund obligations in the rate suspension proceedings pending in Dockets Nos. RI63–274, RI67–376, and RI68–296; applicant in Docket No. G–10546 shall not be relieved of any refund obligations in the rate suspension proceedings pending in Dockets Nos. RI62–426 and RI67–398; and applicant in Docket No. CI68–1202 shall not be relieved of any refund obligations which may be ordered in said docket.

(K) The orders issuing certificates in Dockets Nos. G–2724, G–2800, G–2840, G–3949, G–4507, CI61–222, CI62–1334, CI63–1060, CI66–674, CI66–1177, CI67–1417, CI69–368, CI69–382, CI69–384, and CI69–400 are amended by substituting the successors in interest as certificate holders.

(L) The orders issuing certificates in Dockets Nos. G–4029, CI64–869, CI64–1391, CI65–1368, CI67–766, CI67–767, CI67–879, CI67–1152, and CI68–688 are amended to reflect the change in corporate name as described in the tabulation herein.

(M) The order issuing a certificate in Docket No. CI66–907 is amended to reflect the change in operator as described in the tabulation herein. Applicant shall file an interest statement to reflect the present ownership of the producing property as required by the regulations under the Natural Gas Act.

(N) The name of the respondent, Houston Royalty Co., in the proceedings pending in Dockets Nos. RI65–137, RI70–151, RI70–152, and AR67–1 et al., is changed to Houston Oil & Minerals Corp. to reflect a change in corporate name.

[2] Temporary certificate.

The proceedings pending in Dockets Nos. RI65–137, RI70–151, and RI70–152 are redesignated accordingly.

(O) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(P) Permission for and approval of the abandonment in Docket No. CI70–262 shall not be construed to relieve applicant of any refund obligations which may be ordered in the proceedings in Docket No. G–15542.

(Q) The certificates heretofore issued in Dockets Nos. G–6819, G–11048, G–14861, G–15542, G–16558, CI62–1109, CI63–1278, and CI64–1066 are terminated.

(R) Clinton Oil Co. is made a co-respondent in the proceeding pending in Docket No. G–10494; Clinton Oil Co. (Operator) et al., and Clinton Oil Co. are substituted in lieu of H. F. Sears (Operator) et al., and H. F. Sears, respectively, as co-respondent in the proceedings pending in Dockets Nos. RI65–794 and RI65–96, respectively; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by Clinton in Docket No. G–10494 is accepted for filing. Clinton shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(S) Mallonee-Mahoney, Inc., Agent, is made a co-respondent in the proceeding pending in Docket No. RI69–521 and said proceeding is redesignated accordingly. Mallonee-Mahoney shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(T) Within 30 days from the issuance of this order, Mallonee-Mahoney, Inc., Agent, shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond for $3,600 in Docket No. RI69–521 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. The bond shall be accompanied by a certificate to the effect that no obligation has been assumed in connection with the bond in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such bond shall be deemed to have been accepted for filing. The surety bond shall remain in full force and effect until discharged by the Commission.

(U) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–2724 (C170–35) E 7–3–69 [1]	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 1.	21	
			Supplement Nos. 1–3.	21	1–3
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [2]	21	4
			Effective date: 1–1–69.		
G–2800 (C170–33) E 7–3–69 [1]	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle Field, Hutchinson, Moore, and Potter Counties, Tex.	H. F. Sears, FPC GRS No. 2.	22	
			Supplement Nos. 1–9.	22	1–9
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [2]	2	10
			Assignment 3–28–69 [2]	2	11
			Effective date: 1–1–69.		
G–2840 (C170–32) E 7–3–69 [1]	do	Phillips Petroleum Co., West Panhandle Field, Moore County, Tex.	H. F. Sears, FPC GRS No. 5.	23	
			Supplement Nos. 1–10.	23	1–10
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [2]	23	11
			Effective date: 1–1–69.		
G–3912 D 6–20–69	Ashland Oil & Refining Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Haskell County, Kans.	Release agreement 5–29–69 [3]	150	7
G–3949 (C170–34) E 7–3–69 [1]	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 6.	24	
			Supplement Nos. 1–3.	24	1–3
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [2]	24	4
			Effective date: 1–1–69.		
G–4029 8–4–69 [2]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	United Gas Pipe Line Co., Poehler Field, Cabeza Creek Area, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 2.	2	
			Supplement Nos. 1–16.	2	1–16
			Certification of Corporation name change 12–20–68.	2	17
			Effective date: 12–20–68.		

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C165–1398 8–4–69 [1]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	United Gas Pipe Line Co., Sardis Church Field, Caldwell Parish, La.	Houston Royalty Co. (Operator) et al., FPC GRS No. 3.	3	
			Certification of corporation name change, 12–20–68.	3	1
			Effective date: 12–20–68.		
CI66–671 E 9–18–69	Westrans Petroleum, Inc. (successor to Adena Petroleum, Inc.).	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	Adena Petroleum, Inc., FPC GRS No. 1.	5	
			Notice of succession 8–13–69.		
			Assignment 12–10–66 [4]	5	1
			Assignment 12–10–66 [4]	5	2
			Effective date: 9–16–66		
C166–856 C 9–15–69 [1]	Oklahoma Natural Gas Co.	Arkansas Louisiana Gas Co., North Bokoshe Field, Le Flore County, Okla.	Amendment 8–5–69 [1]	32	6
C166–907 E 8–28–69 [17]	C. L. and Gladys Lloyd, Trustee No. 1, First National Bank in Dallas, Trustee (Operator) et al. (successor to Mike Trant d.b.a. Mike Trant Drilling Co. (Operator) et al.).	United Gas Pipe Line Co., Willow Springs Field, Gregg County, Tex.	Mike Trant d.b.a. Mike Trant Drilling Co. (Operator) et al., FPC GRS No. 1.	1	
			Supplement Nos. 1–21.	1	1–21
			Notice of succession 8–28–69.		
			Effective date: 3–1–69.		
C166–1117 E 9–18–69	Westrans Petroleum, Inc. (successor to John J. McDonnell).	Consolidated Gas Supply Corp., Union and Murphy Districts, Ritchie County, W. Va.	John J. McDonnell, FPC GRS No. 1.	4	
			Notice of succession 8–13–69.		
			Assignment 9–16–66 [4]	4	1
			Effective date: 9–16–66		
C166–1331 C 9–29–69 [1]	William E. Snee, [5] et al.	Arkansas Louisiana Gas Co., acreage in Le Flore, Latimer, and Pittsburg Counties, Okla.	Amendment 7–31–69 [1]	5	9
CI67–252 C 8–7–69	Redfern Development Corp. (Operator) et al. [20]	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendatory agreement 7–10–67 [1]	2	1
C167–286 C 9–15–69 [1]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	Amendment 8–28–69 [1]	85	6
C167–766 8–4–69 [1]	Houston Oil & Minerals Corp. (formerly Houston Royalty Co.).	United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex.	Houston Royalty Co., FPC GRS No. 7.	7	
			Supplement Nos. 1–22.	7	1–22
			Certification of corporation name change, 12–20–68.	7	23
			Effective date: 12–20–68.		
C167–767 8–4–69 [1]	do	United Gas Pipe Line Co., South Wesatche Field, Goliad County, Tex.	Houston Royalty Co., FPC GRS No. 8.	8	
			Supplement Nos. 1–8.	8	1–8
			Certification of corporation name change, 12–20–68.	8	9
			Effective date: 12–20–68.		
C167–879 8–4–69 [1]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	United Gas Pipe Line Co., Go Witt Field, Goliad and De Witt Counties, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 9.	9	
			Certification of corporation name change, 12–20–68.	9	1
			Effective date: 12–20–68.		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–4507 (C170–31) E 7–3–69 [1]	Clinton Oil Co. (Operator) et al. (successor to H. F. Sears (Operator) et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears (Operator) et al., FPC GRS No. 3.	25	
			Supplement Nos. 1–3.	25	1–3
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [2]	25	4
			Effective date: 1–1–69.		
G–6170 D 9–9–69	The Superior Oil Co. (Operator) et al.	Southern Natural Gas Co., Citronelle and Jefferson Davis County, Miss.	Notice of partial cancellation 9–9–69. [6]	11	13
CI–10546 D 6–20–69	Ashland Oil & Refining Co. (Operator) et al.	Colorado Interstate Gas Co, a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Release Agreement 5–29–69 [3]	137	11
CI61–222 E 7–3–69	Clinton Oil Co. (successor to H. F. Sears).	El Paso Natural Gas Co., Perryton Lower Morrow 8700' Field, Ochiltree County, Tex.	H. F. Sears, FPC GRS No. 17.	28	
			Supplement Nos. 1–14.	28	1–14
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [2]	29	15
			Effective date: 1–1–69.		
CI61–369 C 9–15–69 [1]	W. Leslie Rogers	Equitable Gas Co., Central District, Doddridge County, W. Va.	Amendment 8–20–69 [1]	1	2
CI62–1334 E 7–3–69	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 13.	26	
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [2]	26	1
			Effective date: 1–1–69.		
CI63–76 C 9–15–69 [1]	Cities Service Oil Co. [8]	Colorado Interstate Gas Co, a division of Colorado Interstate Corp., West Kansas (Deep) Field, Haskell County, Kans.	Agreement 8–25–69 [1] [11]	188	6
CI63–1060 E 7–3–69	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 14.	27	
			Notice of succession 7–1–69.	27	1
			Effective date: 1–1–69.		
CI64–869 8–4–69 [1]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	Texas Eastern Transmission Corp., West Wesatche Field, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 6.	6	
			Supplement Nos. 1–2.	6	1–2
			Certification of corporation name change, 12–20–68.	6	3
			Effective date: 12–20–68.		
CI64–902 (C165–458) E 2–20–69	Delta Drilling Co. (Operator) et al. [14]	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	Supplement agreement dated 8–6–69. Effective date: Date of transfer of properties.	30	12
CI64–1338 D 9–16–65	Humble Oil & Refining Co.	Natural Gas Pipeline Co. of America, Crane Field, Custer County, Okla.	Assignment 8–3–65 [12]	351	7
CI64–1391 8–4–69 [1]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	Texas Eastern Transmission Corp., West Wesatche Field, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 4.	4	
			Supplement Nos. 1–18.	4	1–18
			Certificate of corporation name change, 12–20–68.	4	19
			Effective date: 12–20–68.		
C165–738 C 9–15–69 [1]	Gulf Oil Corp.	Northern Natural Gas Co., Hansford Upper Morrow Field, Hansford County, Tex.	Agreement 7–30–69 [1]	296	2

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-1162 8-4-69 [7]	do	United Gas Pipe Line Co., East Melrose and West Weesatche Fields, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 10.	10	
			Certification of corporation name change, 12-20-68.	10	1
			Effective date: 12-20-68.		
CI67-1417 E 9-18-69	Westrans Petroleum, Inc. (successor to Adena Petroleum, Inc., Agent for Industries Americana, Inc., et al.)[7]	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Adena Petroleum, Inc., Agent for Industries Americana, Inc., et al., FPC GRS No. 2.	6	
			Notice of succession 8-13-69.		
			Assignment 9-16-68 [15]	6	1
			Effective date: 9-16-68.		
CI68-90 A 7-27-67 [8]	Monsanto Co	Panhandle Eastern Pipe Line Co., Northwest Waynoka Field, Woods County, Okla.	Contract 6-22-67 [21]	90	
CI68-668 8-4-67 [7]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	United Gas Pipe Line Co., Southwest Weesatche Area, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 11.	11	
			Certification of corporation name change, 12-20-68.	11	1
			Effective date: 12-20-68.		
CI68-1302 D 9-11-69	The Superior Oil Co. (partial abandonment).	Texas Gas Transmission Corp., North Maurice Field, Lafayette Parish, La.	Notice of partial cancellation 9-10-69.[6]	136	3
CI69-228 C 9-18-69 [6]	Gulf Oil Corp	Transwestern Pipeline Co., North Gruver Field, Hansford County, Tex.	Letter agreement 8-26-69.[6]	401	3
CI69-269 C 9-5-69 [3]	Spartan Gas Co	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplemental agreement 4-11-69.[3 22]	14	5
C 9-5-69 [3]			Supplemental agreement 4-24-69.[3 22]	14	6
C 9-5-69 [3]			Supplemental agreement 5-21-69.[3 22]	14	7
CI69-269 C 9-8-69 [3]	do	do	Supplemental agreement 11-14-68.[3 23]	14	1
C 9-8-69 [3]			Supplemental agreement 11-27-68.[3 23]	14	2
C 9-8-69 [3]			Supplemental agreement 1-28-69.[3 23]	14	3
C 9-8-69 [3]			Supplemental agreement 3-3-69.[3 23]	14	4
CI69-368 E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 19.	29	
			Notice of succession 7-1-69.		
			Assignment 3-28-69.[3]	29	1
			Effective date: 1-1-69.		
CI69-382 E 7-3-69	do	do	H. F. Sears, FPC GRS No. 20.	30	
			Supplement Nos. 1-2	30	1-2
			Notice of succession 7-1-69.		
			Assignment 3-28-69.[3]	30	3
			Effective date: 1-1-69.		
CI69-384 E 7-3-69	Clinton Oil Co. et al. (successor to H. F. Sears et al.).	do	H. F. Sears et al., FPC GRS No. 21.	31	
			Notice of succession 7-1-69.		
			Assignment 3-28-69.[3]	31	1
			Effective date: 1-1-69.		
CI69-400 E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Phillips Petroleum Co., West Panhandle Field, Hutchinson and Moore Counties, Tex.	H. F. Sears, FPC GRS No. 22.	32	
			Notice of succession 7-1-69.		
			Assignment 3-28-69 [38]	32	1
			Assignment 3-28-69 [39]	32	2
			Effective date: 1-1-69.		

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-821 A 3-3-69 [6]	Phillips Petroleum Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah and Le Flore Counties, Okla., and Franklin, Logan, and Yell Counties, Ark.	Contract 1-21-69 [34]	471	
			Compliance 9-3-69 [3 35]	471	1
CI69-906 C 9-12-69 [3]	Continental Oil Co	El Paso Natural Gas Co., Blanco Fields, San Juan Basin, San Juan County, N. Mex.	Supplemental Agreement 9-3-69.[3]	345	1
CI69-972 (CI65-1145) F 7-28-69	King Resources Co	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	Conveyance 3-2-69 [36]	20	3
			Assignment 6-18-69 [36]	20	4
			Assignment 6-23-69 [36]	20	5
			Conveyance 6-23-69 [36]	20	6
			Effective date: Date of transfer of properties.		
CI69-1165 A 6-9-69 [37]	Gulf Oil Corp	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 176 Field, ship Shoal Area, Offshore Louisiana.	Contract 8-27-69	407	
			Letter 7-8-69 [38]	407	2
			Letter 8-22-69 [3 38]	407	3
CI70-9 C 8-21-69 [3]	Graham-Michaelis Drilling Co.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	Amendatory agreement 7-30-69.	89	2
			Compliance 9-18-69 [3 39]	89	3
CI70-41 A 7-14-69 [37a]	Gulf Oil Corp	Transcontinental Gas Pipe Line Corp. Bayou Couba Field, St. Charles Parish, La.	Contract 6-16-69	410	
			Compliance 8-8-69 [3 39]	410	1
CI70-77 A 7-24-69 [3]	Edwin L. Cox (Operator) et al.	Michigan Wisconsin Pipe Line Co., Cheyenne Valley Field, Major County, Okla.	Contract 7-10-69	76	
			Compliance 9-19-69 [3 31]	76	1
CI70-96 A 8-1-69 [3]	Humble Oil & Refining Co.	Natural Gas Pipeline Co. of America, Putnam Field, Custer County, Okla.	Contract 5-15-69	467	
			Compliance 9-8-69 [3 39]	467	1
CI70-105 A 8-4-69 [3]	Joseph F. Fritz Operating Co.	Texas Eastern Transmission Corp., White Castle Field, Wilkinson County, Miss.	Contract 7-23-69	2	
CI70-110 (G-4579) F 8-4-69	Mallonee-Mahoney, Inc., Agent (successor to Cities Service Oil Co.).	Northern Natural Gas Co., Evalyn Field, Seward County, Kans.	Contract 8-22-63 [40]	2	
			Assignment 6-5-69 [3 40]	2	1
CI70-119 A 8-8-69 [3]	Arthur I. Appleton d.b.a. Appleton Oil Co.	Northern Natural Gas Co., South Greenough Field, Beaver County, Okla.	Contract 7-1-69	4	
			Compliance 9-12-69 [3 24]	4	1
CI70-129 A 8-11-69 [3]	Cities Service Oil Co	Consolidated Gas Supply Corp.,[42] Coopers Creek Area, Elk, Poca, and Union Districts, Kanawha County, W. Va.	Contract 7-25-69 [3 33]	318	
CI70-141 A 8-12-69 9-29-69 [30]	E. S. Boase	Consolidated Gas Supply Corp., Henderson Township, Jefferson County, Pa.	Contract 3-28-69.[3]	1	
CI70-223 A 9-2-69 [3]	GMC Oil & Gas Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	Contract 8-12-69.[3]	37 6	
CI70-227 A 9-3-69 [3]	Willard E. Ferrell	Equitable Gas Co., Clay District, Ritchie County and Cove District, Doddridge County, W. Va.	Contract 6-10-69.[3]	28	
CI70-233 (G-14861) B 9-8-69	Sun Oil Co. (DX Division).	Arkansas Louisiana Gas Co. Capps Gasoline Plant, Miller County, Ark.	Notice of cancellation 8-28-69. [3 43]	157	5
CI70-234 A 9-8-69 [3]	do	Breckenridge Gasoline Co., Rodessa Field, Miller County, Ark., and Caddo Parish, La.	Letter agreement 7-30-69.	303	

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI70-242 (CI62-1109) B 9-10-69	Willard E. Ferrell, Agent for North Fork Development Co.	Consolidated Gas Supply Corp., Grant District, Wetzel County, W. Va.	Notice of cancellation 9-8-69.[4 5]	1	2
CI70-246 (CI67-174) F 9-8-69	B. D. Price et al. (successor to Southland Royalty Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 7-12-66 [32]	1	
			Amendatory Agreement 3-8-68.	1	1
			Assignment 4-4-69 [40]	1	2
			Assignment 5-7-69 [3 41]	1	3
CI70-249 (CI64-1066) B 9-11-69	Tenneco Oil Co	United Gas Pipe Line Co., Emma Haynes and Bomba Fields, Goliad County, Tex.	Notice of cancellation (undated).[1 42]	110	6
CI70-250 A 9-11-69 [3]	Southland Royalty Co.[9]	Arkansas Louisiana Gas Co., Northeast Hillsdale Field, Grant and Garfield Counties, Okla.	Ratified 7-31-69	27	
			Contract 5-6-69	27	1
			Letter agreement 8-6-69 [44]	27	2
CI70-252 A 9-12-69 [3]	Union Drilling, Inc., et al.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 12-26-68.[3]	42	
CI70-254 A 9-12-69 [3]	Larry Robinson, Inc	Valley Gas Transmission, Inc., El Oro (2160') Field, Duval County, Tex.	Contract 8-20-69.[3]	1	
CI70-255 A 9-10-69 [3]	Carl A. Houy (Operator).	Kansas-Nebraska Natural Gas Co., Inc., Logan Creek North Field, Logan County, Colo.	Contract 6-10-64.[3]	1	
CI70-256 (G-11048) B 9-15-69 [45]	Diversa, Inc	Florida Gas Transmission Co., West Fulton Beach Field, Aransas County, Tex.	Notice of cancellation 9-11-69.[4 5]	7	3
CI70-257 (G-6819) B 9-15-69 [45]	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Robston Field, Nueces County, Tex.	Notice of cancellation 9-11-69.[4 5]	1	5
CI70-258 A 9-15-69 [4]	Pruitt Tool & Supply Co.	Arkansas Louisiana Gas Co., South Bokoshe Field, Le Flore County, Okla.	Contract 9-2-69.[46]	1	
			Contract 11-4-65.[3 47]	1	1
CI70-259 (G-16558) B 9-15-69 [45]	Diversa, Inc	Texas Eastern Transmission Corp., North Mineral Field, Bee County, Tex.	Notice of cancellation 9-11-69.[4 5]	4	4
CI70-262 (G-18542) B 9-15-69	Marathon Oil Co	United Gas Pipe Line Co., American Island Field, St. Martin Parish, La.	Notice of cancellation 9-9-69.[4 5]	39	6
CI70-263 A 9-15-69 [4]	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., East Rock Springs Area, Sweetwater County, Wyo.	Contract 8-14-69.[3]	111	
CI70-264 (CI63-1278) B 9-15-69	J. Newton Rayzor et al.	Valley Gas Transmission, Inc., South Spanish Camp Field, Wharton County, Tex.	Notice of cancellation 8-14-69.[4 5]	1	1
CI70-272 A 9-17-69 [3]	Franklin Adkins	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 6-4-69.[3]	3	
CI70-273 A 9-18-69 [3]	Royal Oil & Gas Corp.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	Contract 6-5-69.[3]	14	
CI70-274 A 9-18-69 [3]	J. L. Trittipo	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	Contract 3-28-69.[3]	4	
CI70-275 A 9-18-69 [3]	Hays and Co., Agent for D. A. Dorward.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 6-4-69.[3]	325	

See footnotes at end of table.

[1] Applications erroneously assigned Dockets Nos. CI70-35, CI70-33, and CI70-32 being treated as petitions to amend the orders issuing certificates in Dockets Nos. G-2724, G-2800, and G-2840, respectively, and Dockets Nos. CI70-32, CI70-33, and CI70-35 will be canceled.
[2] From H. F. Sears to Clinton Oil Co.
[3] From H. F. Sears to Clinton Oil Co.; supplement No. 10 (Hutchinson County) and supplement No. 11 (Moore and Potter Counties), respectively.
[4] Source of gas depleted.
[5] Effective date: Date of this order.
[6] Applications erroneously assigned Dockets Nos. CI70-34 and CI70-31 being treated as petitions to amend the orders issuing certificates in Dockets Nos. G-3949 and G-4507, respectively, and Dockets Nos. CI70-31 and CI70-34 will be canceled.
[7] Amendment to the certificate filed to reflect the change in corporate name.
[8] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[9] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[10] By letter dated Sept. 25, 1969, Applicant expressed willingness to accept permanent authorization for the additional acreage at a rate of 16 cents per Mcf (basic contract provides for 18 cents per Mcf).
[11] Limited to all depths below the base of The Chase Group of the Fermian System.
[12] By letter filed Sept. 24, 1969, Applicant amended the application to request the predecessor's rate of 16 cents per Mcf in lieu of 16.97 cents per Mcf.
[12a] Dedicates acreage previously dedicated to the contract on file as Atlantic Richfield Co. FPC GRS No. 290.
[13] Deletes acreage assigned to Marion Corp. (nonproductive at time of assignment).
[14] From Adena to Industries Americana, Inc.
[15] From Industries Americana, Inc., to Westrans Petroleum, Inc.
[16] Contract provides for base rate of 16 cents per Mcf plus 0.015-cent per Mcf tax reimbursement; however, Applicant filed for 15 cents per Mcf total rate.
[17] Amendment to the certificate field to reflect change in operator only.
[18] Transfers acreage from John J. McDonnell to Westrans Petroleum, Inc.
[19] Basic contract provides for a rate of 16.016 cents per Mcf; however, by letter of Aug. 28, 1969, applicant expressed willingness to accept permanent authorization at a total rate of 15 cents per Mcf.
[20] By letter dated Sept. 8, 1969, applicant advised willingness to accept permanent authorization at a total rate of 17 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment and subject to the ultimate disposition of the proceedings in Docket No. R-338.
[21] Basic contract provides for 17 cents per Mcf; however, applicant is willing to accept a permanent certificate at 15 cents per Mcf subject to B.t.u. adjustment.
[22] For gas produced from the Newburg Sand only.
[23] From H. F. Sears to Clinton Oil Co.; supplement No. 1 (Hutchinson County) and supplement No. 2 (Moore County), respectively.
[24] Acreage committed with respect to gas produced above the base of The Cromwell Zone.
[25] Accepts temporary certificates issued Aug. 22, 1969. Basic contract provides for a rate of 16 cents per Mcf; however, applicant is willing to accept a permanent certificate at 15 cents per Mcf.
[26] From Pan American Petroleum Corp. to applicant and subject to Pan American's FPC GRS No. 419. Pan American's rate is in effect subject to refund in Docket No. R169-103. Applicant is a respondent in said proceeding.
[27] Opinion No. 546–A permits rate increases to 20 cents per Mcf for sales of third vintage offshore gas-well gas.
[27a] Jan. 1, 1974, moratorium provided by Opinion No. 546–A.
[28] Applicant agreed to accept a permanent certificate containing Opinion Nos. 546 and 546–A conditions.
[29] Applicant agreed to accept a permanent certificate limiting buyer's take-or-pay obligation to a 1 to 7,300 reserve ratio and subject to the ultimate disposition of the proceeding in Docket No. R–338.
[30] Complies with temporary certificate issued Sept. 12, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 17 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment.
[31] Accepts conditioned temporary certificate issued Aug. 22, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf subject to B.t.u. adjustment and to limit buyer's take-or-pay obligation to a 1 to 3,650 ratio of daily takes to reserves during the first 2 years.
[32] Complies with temporary certificate issued Aug. 29, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf, subject to B.t.u. adjustment, and subject to the ultimate disposition of the proceeding in Docket No. R–338.
[33] Currently on file as Cities Service Oil Co. FPC GRS No. 167 (intermediate) and FPC GRS No. 168 (deep).
[34] From Cities Service Oil Co. to Mahoney Drilling Co.
[35] Complies with temporary certificate issued Aug. 29, 1969. Applicant states willingness to accept a permanent certificate conditioned to limit buyer's take-or-pay obligation to a 1 to 3,650 ratio of daily takes to reserves during the first 2 years.
[36] Consolidated will deliver gas into United Fuel Gas Co.'s pipeline by exchange agreement dated July 30, 1969, to be authorized in Docket No. CP70–31.
[37] Letter filed Sept. 29, 1969, wherein applicant states it will accept a permanent certificate at 27 cents per Mcf at 15.025 p.s.i.a. or 27.5391 cents per Mcf at 15.325 p.s.i.a. (the area ceiling rate for Pennsylvania).
[38] Contract provides for a rate of 17 cents per Mcf; however, applicant states it is willing to accept a permanent certificate at 15 cents per Mcf subject to B.t.u. adjustment.
[39] Buyer notified seller of intent to discontinue operation of Capps Gasoline Plant and Mills Compressor Station (July 11, 1969). Sun Oil Co. (DX Division) agreed to termination of the sale July 15, 1969.
[40] Currently on file as Southland Royalty Co., FPC GRS No. 23.
[41] From Southland Royalty Co. to B. D. Price.
[42] Percentage of interest assigned to "et al." parties.
[43] Seller no longer owns lands and leaseholds subject to this contract.
[44] Contract provides for a rate of 17 cents per Mcf; however, applicant states it is willing to accept a permanent certificate at 15 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment. By letter filed Sept. 30, 1969, applicant also agreed to accept a permanent certificate conditioned to the ultimate disposition of the proceedings in Docket No. R–338.
[45] Eliminates indefinite pricing provisions.
[46] Filing submitted by Homa Oil & Gas Co. and includes assignment whereby Homa acquired this acreage from Diversa, Inc.
[47] Adopts terms of Nov. 4, 1965, contract between Sunray DX Oil Co. and buyer.
[48] Currently on file as Sun Oil Co. (DX Division) FPC GRS No. 259.

Suggested Surety Bond Form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas (Name of Respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date Motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $ ------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified:

Now, therefore, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators[1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. ------, (Name of Resonent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ------ day of ----------.

Attest:

By ----------
Principal

By ----------
Surety

[F.R. Doc. 69-13936; Filed, Nov. 26, 1969; 8:45 a.m.]

[Docket Nos. G-2978 etc.]

SUN OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

NOVEMBER 13, 1969.

Sun Oil Co. (DX Division), and other Applicants listed herein, Docket Nos. G-2978, et al., Pecos Growers Oil Co., Docket Nos. CI69-1155, CI69-1156.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, discharging surety bond, accepting agreements and undertakings, for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued September 17, 1969 and published in the FEDERAL REGISTER September 30, 1969, 34 F.R. 15269, Dockets Nos. CI69-1155 and CI69-1156, FPC gas rate schedule to be accepted, description and date of document: Change "" to "Effective Date: 5-1-69".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14071; Filed, Nov. 26, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND MATSON TERMINALS, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward C. Farrell, Assistant City Attorney, Office of City Attorney, Post Office Box 151, San Pedro, Calif. 90733.

Agreement No. T-2356 between the City of Los Angeles (Los Angeles) and Matson Terminals, Inc. (Matson) is a 5-year preferential berth assignment covering the use of approximately forty-five (45) acres of real property and wharf area at Berths 207-9, together with an option to use approximately fifteen (15) additional acres and wharf space at Berth 206. As compensation Matson will pay Los Angeles all port tariff charges, subject to an annual minimum payment of $818,933 and a maximum payment of $1,001,942.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14049; Filed, Nov. 26, 1969; 8:45 a.m.]

LEEWARD AND WINDWARD ISLANDS & GUIANAS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the disrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, Leeward & Windward Islands & Guianas Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7540-20, among the parties to the Leeward and Windward Islands and Guianas Conference amends the basic agreement by modifying the Preamble (1) to indicate the current names of certain areas covered by the agreement, namely: French Guiana, Surinam (formerly Netherlands Guiana) and Guyana (formerly British Guiana), and (2) to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14050; Filed, Nov. 26, 1969; 8:45 a.m.]

UNITED STATES ATLANTIC & GULF-HAITI CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Haiti Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8120-10, among the parties to the United States Atlantic and Gulf-Haiti Conference amends Article 1 of the basic agreement to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14051; Filed, Nov. 26, 1969; 8:45 a.m.]

UNITED STATES ATLANTIC & GULF-VENEZUELA AND NETHERLANDS ANTILLES CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, West Coast South America Northbound Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 6190-24, among the parties to the United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference amends the basic agreement by modifying the Preamble to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14052; Filed, Nov. 26, 1969; 8:45 a.m.]

WEST COAST SOUTH AMERICA NORTHBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, West Coast South America Northbound Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7890-6, among the parties to the West Coast South America Northbound Conference amends the basic agreement by modifying the Preamble to provide that the trade area covered by the agreement shall be served by direct call or transhipment.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14053; Filed, Nov. 26, 1969; 8:45 a.m.]

[1] To be included if a noncorporate respondent.

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, Atlantic and Gulf/West Coast of South America Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 2744–31, among the parties to the Atlantic and Gulf/West Coast of South America Conference, amends the basic agreement by modifying (1) the Preamble which presently provides that the trade area covered by the agreement shall be served by direct movement or transshipment via Cristobal, and/or Balboa, Canal Zone, to provide for service by direct movement or transshipment (with no limitation with respect to transshipment ports), and (2) article 1(a) which presently provides that the conference shall fix and agree upon the division of transportation rates and charges between the members and connecting carriers who are not members in respect to cargo transshipped at Cristobal and/or Balboa, Canal Zone, to provide for such conference fixing and agreeing upon the division of transportation rates and charges between the members and connecting carriers who are not members in respect to cargo which may be transshipped (with no limitation with respect to transshipment ports).

Dated: November 24, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14111; Filed, Nov. 26, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter Bankshares Corp., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of The Commercial Bank of Gainesville, Gainesville, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14072; Filed, Nov. 26, 1969; 8:46 a.m.]

CHARTER BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter Bankshares Corp., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 52 percent or more of the voting shares of Citizens Bank of Lehigh Acres, Lehigh Acres, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14073; Filed, Nov. 26, 1969; 8:46 a.m.]

CHARTER BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter Bankshares Corp., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 52 percent or more of the voting shares of The Exchange Bank of Palatka, Palatka, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14075; Filed, Nov. 26, 1969; 8:46 a.m.]

DENVER U.S. BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Denver U.S. Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition 80 percent or more of the voting shares of Villa National Bank, Jefferson City, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14076; Filed, Nov. 26, 1969; 8:47 a.m.]

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by Applicant of more than 80 percent of the voting shares of Mexico Savings Bank, Mexico, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14074; Filed, Nov. 26, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2643]

ALLIED CAPITAL CORP.

Notice of Filing of Application

NOVEMBER 21, 1969.

Notice is hereby given that Allied Capital Corp. ("Allied"), 1625 Eye Street NW., Washington, D.C., a closed-end nondiversified investment company registered under the Investment Company Act of 1940 (the "Act"), and a licensee under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(d) of the Act and rule 17d–1 thereunder for an order permitting Allied to participate with others in a public offering of the shares of Pandick Press, Inc. ("Pandick"). All interested persons are referred to the application, which is on file with the Commission, for a statement of the representations therein, which are summarized below.

Pandick and certain of its shareholders, including Allied, propose to offer and sell to the public through various underwriters approximately 356,543 shares, in the aggregate, of Pandick's common stock, par value $0.10 per share. Allied presently owns 133,600 shares (approximately 10.01 percent) of the 1,334,000 outstanding shares of the stock. Therefore, under section 2(a)(3) of the Act, Allied and Pandick are affiliated persons of each other. Allied also owns $140,000 face amount of Pandick Subordinated Sinking Fund Term Notes.

The various underwriters acting through Dean Witter & Co., Inc., as their representative, propose to purchase from

Pandick and the selling shareholders, approximately 356,543 shares of stock in the aggregate. Of that amount, 100,000 shares are to be purchased from Pandick and 13,000 shares from Allied. The number of shares included in the public offering was determined by the Underwriters after Pandick and each of Pandick's shareholders were given unrestricted opportunity to offer stock. The participation of Pandick or any of its shareholders is not contingent upon that of any one or more of them.

Pandick will pay all expenses of registration except underwriting discounts, fees of counsel employed by the selling shareholders and stock transfer taxes. Each of the selling shareholders and Pandick are paying underwriting discounts at the same rate.

Allied represents that its participation in the offering is not on a basis different from or less advantageous to it than to Pandick or to any of the other selling shareholders.

Rule 17d–1, adopted under section 17(d) of the Act, provides, inter alia, that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than December 11, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14091; Filed, Nov. 26, 1969; 8:48 a.m.]

[811–1259]

AMERICA AND ISRAEL GROWTH FUND, INC.

Notice of Filing of Application

NOVEMBER 21, 1969.

Notice is hereby given that America and Israel Growth Fund, Inc., 54 Wall Street, New York, N.Y. ("America"), registered as a management open-end diversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that America has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On June 27, 1968, America, pursuant to due authorization, conveyed substantially all of its properties and assets to Israel American Diversified Fund ("Fund") in exchange for capital stock of Fund, which capital stock has been distributed to the former stockholders of America upon such stockholders' surrender of their certificates representing shares in America. At present 38 stockholders of America have not surrendered their certificates representing approximately 5,098 shares of stock of America for the shares of stock of Fund to which they are entitled. The First Pennsylvania Banking & Trust Co., is holding the shares of stock of Fund to which such stockholders of America are entitled, and is prepared to deliver such stock of Fund upon the surrender of certificates for stock of America. America is also in the process of dissolution and does not propose to engage in the business of investing, reinvesting, or trading in securities, and does not propose to make a public offering.

Section 3(c)(1) of the Act excludes from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides that when the Commission, upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 12, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14092; Filed, Nov. 26, 1969; 8:48 a.m.]

[File No. 24W–2927]

FLINTLOCK LAND INVESTMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 20, 1969.

I. Flintlock Land Investment Corp. (Flintlock), 11200 Lockwood Drive, Silver Spring, Md. 20904, incorporated in the State of Maryland on January 16, 1969, filed with the Commission on May 28, 1969 a notification on Form 1–A and an offering circular relating to an offering of 100,000 shares of its no par value common stock at $3 per share, for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe, on the basis of information reported to it by the staff, that:

A. The offering circular of Flintlock omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly:

1. The failure to set forth adequately and accurately the conflicts of interests involving Harry J. Donahue, president, George J. Cooper, vice-president, and Carl E. Werner, treasurer of Flintlock, by virtue of their ownership of an affiliate corporation (Flintlock Corp.) which holds title to or options to acquire the majority of the tract of land, proposed for development or sale as a recreation area, of which they propose to have Flintlock acquire a portion.

2. The failure to apprise investors adequately and accurately of the conflict of interest position Messrs. Donahue, Cooper, and Werner and the affiliate corporation occupy with respect to the proposed development of the land and the possible effect such conflict will have on Flintlock in future transactions involving Flintlock and the affiliate.

3. The failure to apprise investors that the land which Flintlock owns or will own is so situated that its ultimate appreciation in value is dependent upon the land to be retained by Affiliate.

4. The failure to disclose accurately and adequately that the value of the land, which it is proposed Flintlock will own, is dependent in large part upon reacquisition by the affiliate of a certain mountain and that the affiliate might not have sufficient funds to reacquire such mountain in addition to its obligations on the rest of the land comprising the tract.

5. The failure to apprise investors adequately and accurately of past dealings between Flintlock and the affiliate company, and by the affiliate and Messrs. Donahue, Cooper, and Werner in connection with the land which is to be acquired in part by Flintlock with the proceeds of the proposed offering.

6. The failure to disclose accurately and adequately that the affiliated company is dependent upon the proceeds of the offering by Flintlock in order to exercise the options on the land it proposes to sell to Flintlock at a substantial markup over its cost.

7. The failure to disclose accurately and adequately the amount of the investment of Messrs. Donahue, Cooper and Werner in the affiliated company.

8. The failure to disclose adequately and accurately the dilution of the public's investment upon completion of the proposed offering.

B. The offering, if made, would act as a fraud and deceit upon investors in violation of sections 5 and 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14093; Filed, Nov. 26, 1969; 8:48 a.m.]

[70–4703]

KINGSPORT POWER CO.

Notice of Posteffective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

NOVEMBER 21, 1969.

Notice is hereby given that Kingsport Power Co. ("Kingsport"), 40 Franklin Road, Roanoke, Va. 24009, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission a posteffective amendment to its application in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 17, 1969 (Holding Company Act Release No. 16268), the Commission authorized Kingsport to issue and sell its notes to two commercial banks prior to December 31, 1969, in an aggregate amount not to exceed $2,500,000 outstanding at any one time. Kingsport now proposes that the notes be issued prior to December 31, 1970, in an aggregate amount not to exceed $3,500,000 outstanding at any one time. Kingsport requests the Commission's approval of the issue and sale of such amount of notes not already exempt pursuant to the first sentence of section 6(b) of the Act. The notes will be issued and sold to Manufacturers Hanover Trust Co., New York, N.Y., and Morgan Guaranty Trust Co. of New York, N.Y., in the aggregate principal amounts of $2,450,000 and $1,050,000, respectively; will mature not later than 270 days after the date of the issue or renewal; and will bear interest from the date thereof at the then current prime credit rate (presently 8½ percent per annum). The notes may be prepaid at any time, in whole or in part, without premium. As of November 13, 1969, Kingsport had outstanding $1 million of short-term notes, and it is expected that Kingsport will borrow an additional $800,000 prior to December 31, 1969.

Kingsport will use the proceeds from the sale of the notes to reimburse its treasury for past expenditures in connection with its construction program, to provide funds to finance, in part, its future construction program, estimated for 1970 to cost approximately $1,800,000, and for other corporate purposes.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 12, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14094; Filed, Nov. 26, 1969; 8:48 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

NOVEMBER 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc. (a New

York corporation), and all other securities of Rajac Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 23, 1969 through December 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14097; Filed, Nov. 26, 1969; 8:48 a.m.]

[File No. 1-5827]

REVENUE PROPERTIES CO., LTD.

Order Suspending Trading

NOVEMBER 19, 1969.

The common stock, no par value, of Revenue Properties Co., Ltd., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Revenue Properties Co., Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 19, 1969, through November 28, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14098; Filed, Nov. 26, 1969; 8:48 a.m.]

[File No. 24C-2748]

SERVANCE CORP.

Order Permanently Suspending Exemption

NOVEMBER 20, 1969.

I. Servance Corporation (issuer), 10436 College Avenue, Indianapolis, Ind., an Indiana corporation, incorporated February 17, 1966, with its principal office at 10436 College Avenue, Indianapolis, Ind., filed with the Commission on March 1, 1966, a notification on Form 1-A and an offering circular relating to an offering of 29,000 shares of no par value common capital stock at $10 per share for an aggregate offering price of $290,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission, on July 23, 1969, temporarily suspended the Regulation A exemption of Servance Corporation stating that it had reasonable cause to believe that the terms and conditions of Regulation A had not been complied with in that:

The provisions of Rule 260, adopted pursuant to section 3(b) of the Securities Act of 1933, as amended, have not been complied with in that no report of sales on Form 2-A had been made since December 12, 1966, although repeated notice was given the issuer, its attorney, its officers, directors and promoters.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14095; Filed, Nov. 26, 1969; 8:48 a.m.]

[70-4704]

WHEELING ELECTRIC CO.

Notice of Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

NOVEMBER 21, 1969.

Notice is hereby given that Wheeling Electric Co. ("Wheeling"), 51 16th Street, Wheeling, W. Va. 26003, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission a post-effective amendment to its application in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 17, 1969 (Holding Company Act Release No. 16269), the Commission authorized Wheeling to issue and sell its notes to five commercial banks prior to December 31, 1969, in an aggregate amount not to exceed $4 million outstanding at any one time. Wheeling now proposes that the notes be issued prior to December 31, 1970, in an aggregate amount not to exceed $4,200,000 outstanding at any one time. Wheeling requests the Commission's approval of the issue and sale of such amount of notes not already exempt pursuant to the first sentence of section 6(b) of the Act. The notes will be issued and sold to the following banks in the indicated principal amounts:

First National City Bank, New York, N.Y.	$588,000
Manufacturers Hanover Trust Company, New York, N.Y.	588,000
Morgan Guaranty Trust Company of New York, N.Y.	588,000
Mellon National Bank and Trust Company, Pittsburgh, Pa.	1,848,000
Bankers Trust Company, New York, N.Y.	588,000
	$4,200,000

The notes will mature not later than 270 days after the date of issue or renewal and will bear interest at an annual rate equal to the prime credit rate (presently 8½ percent per annum). The notes may be prepaid at any time, in whole or in part, without premium. As of November 13, 1969, Wheeling had outstanding $3 million of short-term notes.

Wheeling will use the proceeds from the sale of the notes to reimburse its treasury for past expenditures in connection with its construction program, to provide funds to finance, in part, its future construction program, estimated for 1970 to cost approximately $2,300,000, and for other corporate purposes.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 12, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be adressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14096; Filed, Nov. 26, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Northeastern Area) Revision 1]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the Northeastern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12) 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165, 34 F.R. 12651, 34 F.R. 14712 and 34 F.R. 17464), the following authority is hereby redelegated to the positions as indicated herein:

I. *Area coordinators*—A. *Development Company Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only)*. To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only)*. To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and, further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator*. 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer*. 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or asserts, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trusts, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain, and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee*. To consist of the liquidation and disposal coordinator, area counsel, and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only)*. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2 (e) of SBA Loan Policy Regulations.

2. *Size determinations (for financial assistance only)*. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator*—1. *Eligibility determinations (for PMA activities only)*. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only)*. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Area Administrative Officer*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and

maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract required in setting up and dismantling and moving SBA exhibits; and (d) issue

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors.*

A. *Financial assistance.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000, and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000, and to decline them in any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.**

11. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.* 1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).**

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator
By ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

7. To enter into section 502 loan participation agreements with banks.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

C. *Lease guarantee.* 1. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

2. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator
By ----------
(Name)
Regional Director.
(City)

3. To service claims arising under all policies issued under delegated authority in region, including the payment, but not denial, of claims.

4. To take all actions necessary to mitigate losses.

D. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

F. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

G. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).*—1. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

3. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

4. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000, and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $350,000, and to decline them in any amount.

5. To close and disburse approved business, economic opportunity, and disaster loans.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
(Title of person signing).

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

H. *Supervisory Loan Officer and/or Assistance Team Leader.* 1. To close and disburse approved business, economic opportunity, and disaster loans.

2. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

3. To execute loan authorizations for Central Office, area, and regional approved loans, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
(Title of Person signing).

4. To cancel, reinstate, modify and amend authorizations for business, economic opportunity, and disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

8. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other

instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

9. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

10. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

I. *Loan Officer (Financial Assistance).* 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity, and disaster loans.

J. *Chief, Development Company Assistance Division.* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans, authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator

By ----------

(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

6. To enter into section 502 loan participation agreements with banks.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

K. *Loan Officer (Development Company Assistance).* 1. To close and disburse section 501 and 502 loans.

2. To extend the disbursement period on section 501 and 502 loans.

3. To cancel, reinstate, modify and amend authorizations for section 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans.

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

5. To enter into section 502 loan participation agreement with banks.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

L. *Regional Counsel.* [Reserved]

M. *Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

5. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.**

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except section 501 and 502 loans.**

7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.**

N. *Assistant Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. *Branch Manager.* [*Reserved*]

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: October 14, 1969.

THOMAS J. NOONAN,
Area Administrator, Northeastern Area.

[F.R. Doc. 69-14085; Filed, Nov. 26, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 740]

PUERTO RICO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of November 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the towns of Fajardo, Coamo, and Santa Isabel, P.R.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid towns, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on November 9 and 10, 1969.

OFFICE

Small Business Administration Regional Office, 255 Ponce De Leon Avenue, Hato Rey, P.R. 00919.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1970.

Dated: November 17, 1969.

W. D. BREWER,
Deputy Administrator.

[F.R. Doc. 69-14086; Filed, Nov. 26, 1969; 8:47 a.m.]

STAR CAPITAL CORP.

Application for License

Notice is hereby given pursuant to § 107.103 of the Regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) that the parties listed below have applied to the Small Business Administration (SBA) for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.). The proposed licensee is Star Capital Corp., 663 Fifth Avenue, New York, N.Y. 10022, a Delaware corporation (New Star), which is a party to the merger hereinafter described. It proposes to operate principally, but not exclusively in the city of New York, N.Y., as the wholly owned subsidiary of Abacus Fund, Inc. (Abacus).

Star Capital Corp. (Star), (License No. 02/03-0011), a Pennsylvania corporation, is a closed end, nondiversified management investment compay registered under the Investment Company Act of 1940, and is licensed as a small business investment company under the Small Business Investment Act of 1958, as amended. It proposes to merge with and into Sun Capital Corp., a Delaware corporation (Sun); and upon completion of the merger, Star will surrender its SBIC license. Sun is a wholly owned subsidiary of Abacus, a Delaware corporation and a closed end diversified management investment company registered under the Investment Company Act of 1940. Immediately after such merger, the name of the surviving company (Sun Capital Corp.) will be changed to Star Capital Corp. (New Star).

The merger agreement relating to the acquisition provides for one share of common stock of Abacus to be exchanged for each three and one-half (3½) shares of common stock of Star. This will result in a total of 154,762 shares of common stock of Abacus being issued to Star shareholders.

The officers and directors of the proposed licensee and their beneficial ownership of Abacus, licensee's parent, after giving effect to the merger, are as follows:

Name and address	Position	Percentage of ownership
Peter Jay Sharp, 778 Park Ave., New York, N.Y. 10028	Chairman of the executive committee and director.	±17
Michael Alan Conviser, 220 East 60th St., New York, N.Y. 10022	Assistant vice president	Nil
Ariel (NMI) Halpern, 262 Central Park West, New York, N.Y. 10024	Vice president	Nil
Michael Jay Scharf, Sea Coast Lane, Sands Point, N.Y. 11050	do	Nil
Herbert Zachary Geiger, 117 Oak Trail Rd., Hillsdale, N.J. 07642	Treasurer and assistant secretary.	Nil
Samuel Coles Butler, 1220 Park Ave., New York, N.Y. 10028	Director	Nil
Frank Alan Weil, South Bedford Rd., Mount Kisco, N.Y. 10549	President and director	±6
Joseph C. Abeles, Kawecki Chemical Co., 220 East 42d St., New York, N.Y. 10017.	Director	Nil
C. Gerald Goldsmith, 220 Park Ave., New York, N.Y. 10017	do	Nil
Jerome L. Greene, Marshall, Bratter, Greene, Allison & Tucker, 430 Park Ave., New York, N.Y. 10022.	do	Nil
Frederic C. Hamilton, 1670 Denver Club Bldg., Denver, Colo. 80202	do	Nil
Lewis B. Harder, 280 Park Ave., New York, N.Y. 10017	do	Nil
William K. Jacobs, Jr., 654 Madison Ave., New York, N.Y. 10021	Chairman of the board	Nil
Joseph Klingenstein, 1 Chase Manhattan Plaza, New York, N.Y. 10005	Director	Nil
Andrew E. Norman, Sueleus Landing, Palisades, N.J. 07024	do	±5
Alfred A. Romney, 61 Broadway, New York, N.Y. 10006	do	Nil
Edmund H. Kerr, 27 Prospect Park West, Brooklyn, N.Y. 11215	Secretary	Nil

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within a period of ten (10) days of the date of publication of this notice.

A similar notice shall be published in a newspaper of general circulation in the New York City area, and a copy thereof shall be furnished to SBA within 10 days after such publication.

Dated: November 14, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-14087; Filed, Nov. 26, 1969; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-58/60]

POTASSIUM CHLORIDE FROM CANADA, FRANCE, AND WEST GERMANY

Determinations of Injury and Likelihood of Injury

NOVEMBER 21, 1969.

On August 22, 1969, the Tariff Commission received advice from the Treasury Department that potassium chloride, otherwise known as muriate of potash, from Canada, France, and West Germany is being, and is likely to be, sold in the United States at less than fair

value within the meaning of the Antidumping Act, 1921, as amended.[1] Accordingly, on that same date the Commission instituted Investigations No. AA1921–58 (with respect to imports from Canada), No. AA1921–59 (France), and No. AA1921–60 (West Germany) under section 201(a) of that Act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigations and of a joint hearing to be held in connection therewith was published in the FEDERAL REGISTER of June 28, 1968 (34 F.R. 13712). The hearing was held October 5–13, 1969.

In arriving at its determination the Commission gave due consideration to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the joint investigations, the Commission has determined that an industry in the United States is being injured, and is likely to be injured on a continuing basis, by reason of the importation of potassium chloride, otherwise known as muriate of potash, from Canada, France, and West Germany, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[2]

STATEMENT OF REASONS

VIEWS OF CHAIRMAN SUTTON AND COMMISSIONER LEONARD

In our opinion, an industry in the United States is being, and is likely to be, injured by reason of the importation of potassium chloride from Canada, West Germany, and France, which is being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

In making this determination under section 201(a) of the Antidumping Act, 1921, as amended, we have considered the injured industry to be those facilities of domestic producers employed in the mining and refining of potassium chloride, and have taken into account the combined impact on such industry of LTFV imports from all three countries collectively, rather than from each country individually.

The domestic industry. The term "an industry in the United States" in the Antidumping Act cannot, as claimed, be interpreted to mean "an industry in North America" in this or any other case. The statutory phrase contemplates protection of U.S. industries. In protecting domestic industry, the Congress was concerned not only for the welfare of the owners of producing plants, but also for the welfare of the employees in such plants and the communities of which they are a part. These interests are inextricably tied together. A multinational producer of a product has no immunity to the operations of the Antidumping Act in connection with LTFV sales of its foreign product in the United States when the interests comprising the domestic industry viewed as a whole are being or are likely to be injured.

This situation is the one which prevails in the instant case. As previously indicated, we view the relevant industry to be those facilities of domestic producers employed in the mining and refining of potassium chloride. This industry embraces the total economic interests of the facilities of which it is comprised, including the workers. In our view, the Antidumping Act is designed not only to protect the owners of the U.S. industry, but also is concerned with the derevative benefits that necessarily flow from the U.S. facilities to their employees and the communities in which they live.

The complaint on behalf of the domestic industry, so described, has been properly made in this case. A private citizen in Carlsbad, N. Mex., made the complaint with the Treasury Department. Support for his allegations has been given by domestic producers operating solely in the United States, civic-minded U.S. citizens, and public officials where domestic plants and workers are located.

Competitive impact of LTFV sales on domestic industry. The Commission has established clear precedent, over the 15-year period in which it has had jurisdiction to make "injury" determinations, that it will assess the effects of LTFV imports on a domestic industry by weighing the extent to which such imports have penetrated U.S. markets, taken away customers, and depressed market prices. Although other factors may enter into consideration, these are the basic factors most often considered in past cases.

In the case involving LTFV imports of pig iron from East Germany, Czechoslovakia, Romania, and the U.S.S.R. (Investigation Nos. AA1921–52, 53, 54, and 55), views were stated (on pages 4–10 of the Tariff Commission print) as to why injurious LTFV imports from various countries must be considered collectively in weighing the extent of injury caused by a class or kind of merchandise. Following such principle, it is appropriate to make this determination that LTFV imports from all three countries named by the Assistant Secretary of the Treasury are causing injury to a domestic industry.

In addition, the Commission has held that an affirmative determination will ensue if the degree of injury is greater than de minimis, that is, more than trifling injury.

With respect to LTFV sales from Canada, an analysis of average delivered prices of approximately 80 percent of all potassium chloride sales in the United States during the peak sales periods (February) in 1967, 1968, and 1969 shows that the importers of Canadian potassium chloride undersold the domestic producers of potassium chloride at the ratio of 9 sales to 2, or in about 82 percent of the cases. Moreover, such practices of underselling would generally not have occurred had the sales of imports been made at fair-value prices since the margin of dumping [3] at any given time generally exceeded the margin of underselling [4] several times. Such underselling has caused a series of incremental price reductions in the U.S. market within the past 2½ years.

With respect to LTFV sales from West Germany and France, the facts are somewhat more difficult to weigh because more variables are present than in the case of imports from Canada. However, analysis of data regarding the prices obtained for domestic, West German, and French potassium chloride sold in recent years in the East Coast port markets which have traditionally been served by imports of potassium chloride from West Germany and France shows that their LTFV imports have been sold in most cases at prices below the price of the domestic product. This fact becomes clear after sales prices in these markets have been adjusted to delivered prices,[5] and after taking due account of the differentials in market values between the domestic and the West German and French potassium chloride because of differences in quality, promptness in deliveries, and storage charges incurred in the use of the imported product. Even after liberal adjustments were made, the margins of underselling were often substantial and caused general incremental decreases in the prices of potassium chloride in each of the last 3 years in the market areas in which such imports were sold. Thus, although the LTFV imports from West Germany and France are small in contrast to those from Canada, it is appropriate to consider the cumulative impact of LTFV sales of imports from all three countries.[6]

The salient facts in this case can be summarized as follows:

	1966	1967	1968
Imports of Canadian KCl [1] [2]	1,234	1,507	1,677
U.S. production of KCl [1]	3,036	3,072	2,492
U.S. consumption of KCl [1]	3,791	3,948	3,792
U.S. sales of domestic KCl [1]	2,342	2,182	1,906
Percentage of U.S. market taken by Canadian imports	33%	38%	46%
Percentage of utilization of U.S. industry capacity	78%	79%	69%
Average unit value of potassium chloride in United States (based on K_2O equivalent)	[3] 37.1¢	[3] 27.5¢	[3] 23.0¢
Annual profit (P) or loss (L) of domestic industry in millions of dollars	$9.16(P)	$1.60(L)	$9.23(L)

[1] 1,000 short tons K_2O equivalent.
[2] The first years shipment in 1962 totaled 337,000 tons and average annual shipments thereafter increased at almost the rate of 300,000 tons per year.
[3] Over the last 35 years the unit value rose gradually from 24 cents in 1934 to a high of 41.3 cents in 1965. The price dropped precipitously in the years 1966–1968, falling to 23 cents per unit in 1968, and it is continuing to fall to lower levels; some prices now being quoted at as low as 16 cents per unit. This price is considerably below the average cost of production of both the U.S. and Canadian industries.

It will be seen from the foregoing summarization that imports from Canada in a few short years have resulted in their portion of U.S. consumption increasing from 0 to about 50 percent. In addition, there have been consequent losses of sales by domestic producers, major shifts of U.S. customers from U.S. producers to Canadian producers, substantial unemployment of workers in the U.S. industry with consequent harm to their community, a substantial decline in prices, and an alarming shift from a viable profitable domestic industry to one now losing more than it used to make.

The claim is made that these adverse conditions have resulted almost wholly from oversupply rather than from LTFV imports. The fallaciousness of this contention can be readily seen when it is realized that imports have been sold at significantly lower prices than the domestic product and that the margin of underselling is virtually always derived wholly from the margin of dumping which generally is several times as great. We must conclude, therefore, that the impact of LTFV imports is substantial and is causing injury to the domestic industry far in excess of the de minimis threshhold previously alluded to.

With respect to the claim advanced at the hearing that the proposed potash conservation regulations to be promulgated by the Government of Saskatchewan to be effective January 1, 1970, will alleviate the injurious impact of Canadian potash on the U.S. industry, it is observed that this matter relates solely to the issue of whether there is a likelihood of continued injury from LTFV imports from Canada. Although such regulations have now been issued, it is far too early to make any reasonable appraisal of their impact on the issue in question. Moreover, the evidence obtained gives no warrant for concluding that injury will not continue as a result of LTFV imports, particularly in light of the mushrooming growth of the Canadian industry.

Contentions not relevant to determination. A number of contentions were raised during the investigation which are not considered relevant to this determination. It was argued that a negative determination should ensue for such reasons as—there was no intent to injure the domestic industry, the assessment of a special dumping duty would in no way repair the economic situation and would merely be in the nature of a penalty, the present tense of the Antidumping Act contemplates weighing the impact of only current and future imports at LTFV, the evidence introduced at the hearing standing alone does not definitely link injury to LTFV imports, and because an affirmative determination would be an unfriendly act against Canada and will be detrimental to the interests of U.S. farmers. A further contention was made that certain Canadian producers should be excluded from this determination because the Treasury officials did not seek pricing information from them in connection with its investigation.

The language of the Antidumping Act, its legislative history, established administrative practice, and judicial precedent do not appear to recognize the relevancy of such contentions. Indeed, they are to the contrary.

Intent to injure has been considered relevant only in determining whether there is likelihood of injury and then only in those cases where the predatory intent is coupled with a capacity to carry out such an intent.

Judicial precedent clearly holds that special dumping duties are not penal and are not penalties, are import tariffs in every respect being merely equalizing duties to offset dumping margins, are intended to be imposed retroactively as well as prospectively,[7] and are to be applied irrespective of whether they are remedial in the case at hand.[8] They are designed to deter would-be dumpers.

The Commission's established practice of basing its determination on all facts developed from field work by its em-

[1] Treasury published a separate determination of sales at less than fair value for each country in the FEDERAL REGISTER of August 23 and 26, 1969 (34 F.R. 13615, 13670).
[2] Commissioners Thunberg and Newsom dissent.

[3] The term "margin of dumping" connotes the difference between the Canadian market price (f.o.b. plant) and the price for which the imported product was sold (f.o.b. plant) to an arm's length buyer, or its equivalent.
[4] The term "margin of underselling" connotes the difference between the price of Canadian potassium chloride and the price of domestic potassium chloride, delivered to the U.S. customer.
[5] It has been the practice of the Commission and the customs courts to compare delivered prices of the domestic vs foreign products in the United States in weighing the effect of LTFV imports on domestic industries and in determining the applicability of the Antidumping Act to such imports. See Commission determination on Titanium Dioxide from France (Investigation No. AA1921–31) where the Commission weighed the qualities of the domestic and foreign products when comparing their U.S. sales prices. See also the U.S. Customs Court case which involved a protest against the assessment of a dumping duty on certain imported Canadian flour which was sold in the United States at delivered prices generally higher than the price of domestic flour. The court stated that "Testimony was to the effect that the grade of the Canadian and American flour was practically the same." In commenting further on the situation, it said:

The sales of Canadian-made flour sold in the United States were at higher prices than the American-made flour and thereby entirely destroy the effect of the dumping order of the Secretary of the Treasury or that of the appraiser.

United States v. C. J. Towers & Sons, T.D. 45495 (1932); appeal dismissed C. J. Towers & Sons v. United States, 20 C.C.P.A. 364, T.D. 46131.

[6] Had the imports from West Germany and France not been resold in the United States at prices below the price for comparable domestic potassium chloride, they would have not been included within the affirmative determination, but would have been treated as "technical sales at less than fair value". The fact that sales of imports of potassium chloride have traditionally established what might be termed a normal price for the product in East Coast port markets does not justify the importers' acts of lowering their prices, with the aid of LTFV purchases from abroad, for the purpose of holding on to a traditional market when domestic producers step up their efforts to sell in such market.

For a discussion of the meaning of "technical sales at less than fair value" see cases involving imports of rayon staple fiber from Belgium, Cuba, and West Germany (Investigation Nos. AA1921–18, 20, and 21); and technical vanillin from Canada (Investigation No. AA1921–26).

[7] See Cline Stewart Co. v. United States, Abstract Decision 18998 (Cust. Ct.) (1932); C. J. Towers & Sons v. United States, 21 CCPA 417, T.D. 46943 (1932) (affirmed on appeals as to unrelated matter); Kleberg & Co. v. United States, 21 CCPA 110, T.D. 46446 (1933); Kreutz & Co. v. Harry M. Durning (N.Y. Collector of Customs), T.D. 47045 (U.S. Circuit Court of Appeals for the Second Circuit) (1934); Kreutz & Co. v. United States, 25 CCPA 180, T.D. 49273 (1937).
[8] See Lewis & Conger v. United States, 13 CCA 22, T.D. 40862 (1925) in which the appellate court held that an additional duty was to be imposed on goods imported without proper marking as to the country of origin, even though the marking was added under customs supervision before the release of the goods into consumption where the ultimate consumer (the retail purchaser) was to be informed of their origin. The same court in some of the above cited cases has likened all additional duties, such as dumping duties, failure-to-properly-mark duties, and countervailing duties, to be duties in every sense of the word and not penalties. In the instant case the court held the duty applied even though it would not rectify the conditions of the statute (that the goods must be properly marked before importation) and although one major purpose of the act was met (the ultimate purchaser was informed of the origin of the goods) without regard to the assessment of the duty. By analogy, the assessment of the dumping duty need not rectify the injury in this case. Writ of Certiori denied by U.S. Supreme Court, 269 U.S. 564.

ployees, Commission records, the public hearings, and all other reliable sources is premised on the statutory directive that it make a determination "after such investigation as it deems necessary". It is not limited by law to the evidence submitted in a record proceeding.

The assessment of dumping duties are frequently on goods from friendly nations and in every case could result in higher costs to the domestic consumer of such products. The equities in enforcing fair trade practices are generally recognized and accepted by Canada as reflected in its laws and its adherence to the provisions relating to dumping in the General Agreement on Tariffs and Trade. Moreover, we must assume that the Congress did not intend that the Act should be so applied that domestic consumers might reap the tainted benefit of prices established by unfair methods of competition.

The Commission cannot exclude any Canadian producer from this determination because the firm was not consulted in connection with the Secretary's determination of sales at LTFV because an appellate court has held that "it matters not that the [dumping] finding was made ex parte" by the Secretary (Kreutz & Co. v. Harry M. Durning, T.D. 47045).

STATEMENT OF COMMISSIONER CLUBB IN WHICH COMMISSIONER MOORE CONCURS

This matter comes before the Commission under Section 201(a) of the Antidumping Act of 1921, as amended, which requires the imposition of special dumping duties if (1) imported articles are being or are likely to be sold at less than fair value, and (2) such sales are injuring or are likely to injure an industry in the United States.[1] Pursuant to the Act the Secretary of the Treasury has determined that potassium chloride from Canada, France and West Germany is being sold in the United States at less than fair value (hereinafter LTFV), and that determination is binding on the Commission.[2] Accordingly, the only issue here is whether a domestic industry is being, or is likely to be, injured by the LTFV sales. If so, special dumping duties will be applied by the Treasury Department.[3]

For reasons set out below we have determined that the potassium chloride industry of the United States is being injured within the meaning of the Antidumping Act.

The current difficulties of the U.S. potassium chloride industry have their roots in the developments in the fertilizer field since World War II. Prior to 1930 the United States imported virtually all of its potassium chloride requirements from deposits in Europe, located principally in France and Germany. In 1931 production was begun in Carlsbad, N. Mex., and this production slowly grew in significance until 1941 when it was greatly increased because the supplies from Europe were cut off as a result of World War II.[4] During the war the Carlsbad production supplied the relatively limited needs of the United States and a number of its allies.

After World War II a global search for new sources of potassium chloride was generated by the fear that the food needs of a rapidly growing world population would require greater potash reserves than were then known. In the next 20 years annual U.S. production was tripled—from about 1 million tons in 1946 to over 3 million tons in 1966.[5] Also during this period U.S. companies began exploring large deposits in Canada, and in 1962 potassium chloride from a Canadian facility began to be imported in quantity in the United States. Two more Canadian plants came on stream shortly thereafter, and by 1966 Canada was supplying 85 percent of U.S. imports and about 30 percent of U.S. consumption of potassium chloride.

After Canadian imports began in 1962 the U.S. market was in a state of almost constant and increasing oversupply.[6] Severe competition developed among all suppliers, both foreign and domestic, and since potassium chloride is essentially a fungible commodity, this competition was based almost entirely on price. As a result, the price of potassium chloride in the United States dropped steadily from $22.26 per ton in February 1966 to $18.96 in 1967, to $13.98 in 1968, and to $11.70 in February 1969.[7] Present prices appear to be in the neighborhood of $10 per ton.

(Thousand short tons K_2O equivalent)

Year	Production	Consumption	Imports
1930	61	260	*339
1935	193	439	*268
1940	380	439	*118
1945	874	809	*6
1950	1,288	1,412	201
1955	2,080	2,086	178
1960	2,638	2,337	226
1965	3,140	3,391	1,108
1966	3,320	4,093	1,491
1967	3,290	4,139	1,706
1968	2,909	4,027	2,179

SOURCE: Bureau of Mines.

*Estimated by Tariff Commission Staff.
Prior to 1962 imports of potassium chloride came largely from France and Germany. The dramatic increase in imports thereafter reflects the increasing imports from Canada.

It was during this drastic price decline that the foreign producers ran afoul of the United States Antidumping Act, which is designed to prevent a foreign producer from selling in the United States at a lower price than he charges in his home market. Prices in the less competitive Canadian and European markets were not reduced as much as they were in the United States. As a result Canadian potassium chloride was soon selling in the United States at prices which the Treasury Department has found to be as much as 25 percent below the price in Canada. French and German producers, who had supplied certain old-line customers on the East Coast without substantial competition prior to 1966, found that they, too, had to make price concessions in order to hold their small part of the U.S. market. By attempting to follow the plummeting price in the United States, while maintaining higher prices in their home market, these European suppliers were soon selling in the United States at prices as low as one-half that in their home markets.

The Antidumping law was enacted to prevent foreign competitors from engaging in such price discrimination if it injures a domestic industry.[8] The Antidumping Act does not prohibit foreign

[1] The Antidumping Act reads in pertinent part as follows:
Whenever the Secretary of the Treasury * * * determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission, and the said Commission shall determine within 3 months thereafter whether an industry in the United States is being or is likely to be injured * * * by reason of the importation of such merchandise into the United States * * *. 19 U.S.C. 160(a) (1964).

[2] Letter from Assistant Secretary of the Treasury Rossides dated Aug. 20, 1969, which states in part that, "In accordance with section 201(a) of the Antidumping Act, 1921, as amended, you are hereby advised that potassium chloride, otherwise known as muriate of potash, from Canada, France, and West Germany is being, and is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended."

[3] The Antidumping Act provides that if both LTFV sales and injury are found then a special dumping duty shall be collected equal to the difference between the foreign market value and the importer's purchase price. 19 U.S.C. 160(a) and 161(a) (1964).

[4] In 1911, the U.S. Congress appropriated funds for Government agencies to search for domestic sources of potash. Public No. 478 of the 61st Cong., Act of Mar. 4, 1911, Ch. 238, 36 Stat. 1256. During the period from 1926 through 1931, oilwell drilling in Carlsbad, N. Mex., disclosed the existence of bedded salt deposits and resulted in potash exploration by private interests.
In the United States, the greater part of the known domestic reserves is on public lands held under lease from the Federal Government. To prevent over-development of the potash industry in this country, after three companies had become established, the Government in 1936 suspended action on applications for potash prospecting permits and leases on Government lands, except in "particularly meritorious cases." U.S. Department of the Interior, Departmental Order 914, Apr. 5, 1935. The issuance of prospecting permits was resumed in 1943; 8 F.R. 8556–57 (1943); U.S. Department of the Interior, Departmental Order 1629, June 9, 1943, and exploration was resumed by many companies on the public domain.

[5] All tonnages are expressed in terms of K_2O equivalent.

[6] U.S. production, consumption and imports of potash (more than 85% of which is believed to be potassium chloride) for selected years are set out below:

[7] Prices are unweighted averages on February 1 of each year for standard grade potassium chloride, f.o.b. mine, Carlsbad, N. Mex.

[8] Cast Iron Soil Pipe from Poland, U.S.T.C. Inv. Nov. AA1921–50 (1967); Titanium Sponge from the U.S.S.R., U.S.T.C. Inv. No. AA1921–51 (1968); and Pig Iron from East Germany, Czechoslovakia, Romania, and the U.S.S.R., U.S.T.C. Inv. Nos. AA1921–52, 53, 54, and 55 (1968).

suppliers from selling at as low a price as they wish in the United States—provided they sell at the same or a lower price at home. They make the most of every natural and technological advantage, enter into the most vigorous kind of price war, and even drive U.S. firms out of business, without violating the Antidumping Act—provided they sell at the same or a lower price at home. What they may not do when competing with domestic industry in the U.S. market—and what they have done here—is to sell at higher prices in their home markets than they charge for the same goods sold in the United States.

If such practices are permitted, foreign firms could use the profits from their secure home markets to drive domestic competitors out of business despite the fact that the domestic competitor may be more efficient. Accordingly, the Antidumping Act was enacted to insure—one way or another—that prices charged by foreign producers in the United States will be at least as high as those in their home markets. This result will be achieved either voluntarily by the pricing policies of the foreign competitors, or involuntarily by the taxing policies of the United States.[9]

The importers contend, however, that the Antidumping Act should not be applied in this case for the following reasons:

(1) The Act is not applicable because the production of potassium chloride in both Canada and the United States is controlled by several multinational corporations operating in both countries. Therefore, it is argued that:

(a) There is only a North American potassium chloride industry, not an "industry in the United States" as required by the Antidumping Act; and

(b) Even if there is a U.S. potassium chloride industry, the companies which make it up have contributed to their own injury by their operations in Canada, and therefore are ineligible for relief.

(2) The LTFV imports from each foreign company, or at least each country, should be weighed separately to determine whether they have caused injury to the domestic industry, rather than weighing the cumulative effect of all LTFV imports together.

(3) Even if all LTFV imports are weighed together, they have not produced sufficient injury to bring the Antidumping Act into operation.

These contentions are discussed below.

The multinational corporation problem. The status of the multinational corporation under the Antidumping Act has never been clarified, but is raised in bold relief here. Ten companies account for all of the potassium chloride production in the United States,[10] and all but three of these have some connection with the Canadian industry. Four produce potassium chloride in both the United States and Canada and now account for more than 80 percent of Canada's production. Recently 85–90 percent of U.S. imports have come from Canada, almost all from these four companies. Three more U.S. producers own undeveloped leases on potassium chloride deposits in Canada, and certain of these in effect import Canadian potassium chloride by engaging in logistic exchanges ("swaps") with Canadian companies.[11]

It is argued that such close associations exist between the potassium chloride producers in the United States and those in Canada that the Antidumping Act cannot be applied for two reasons. First, it is argued that the production in Canada and the United States is so integrated that there is only a "North American potassium chloride industry" which is not separable into national units, and therefore there is no "industry in the United States" which can be injured within the meaning of the Antidumping Act of 1921.[12] Such an interpretation, if adopted, would immunize an unknown, but probably large amount, of U.S. imports against antidumping restrictions, since a considerable portion of U.S. imports are undoubtedly made by such multinational corporations. Indeed, in many industries it could no doubt be argued that producers in all countries are so related that only an inseparable worldwide industry exists. Second, it is contended that because many of the domestic producers are in one way or another linked to imports from Canada, the injury, if any, is self-inflicted, and therefore the industry cannot claim the protection of the Antidumping Act.[13]

Both the "no U.S. industry" and the "self-inflicted injury" arguments must be rejected because they are based on a too narrow construction of the statutory term "industry in the United States"—the term which Congress used to designate those interests it intended to protect under the Antidumping Act. Such protected interests[14] include not just the interests of the stockholders of the multinational corporations involved, but the interests of the workers in the U.S. plants as well.[15]

Where, as here, a corporation elects to produce the same product both inside and outside the United States, the Antidumping Act continues to protect the U.S. portion of the corporation and its employees from the unfair competitive

[9] The House Ways and Means Committee recommended the enactment of the Antidumping provision with the following comment:
The principle underlying the proposed additional duty to be added in prevention of dumping, particularly, where the tariff valuations are upon foreign market values, is to add such an amount of duty as will equalize sales at less than the foreign home market value or foreign export value or cost of production with profit added, whichever may be the highest, thereby making it unprofitable to dump goods on the markets of the United States at lower prices. If the seller of the goods is compelled to add as duty the difference between the sales price and what he would receive by selling in the otherwise highest obtainable market, all reward or inducement to dumping is removed.
Other countries in the presence of the experience now being undergone by this country have enacted similar legislation. It protects our industries and labor against a now common species of commercial warfare of dumping goods on our markets at less than cost or home value if necessary until our industries are destroyed, whereupon the dumping ceases and prices are raised at above former levels to recoup dumping losses. By this process while temporarily cheaper prices are had, our industries are destroyed after which we more than repay in the exaction of higher prices. H.R. Rep. No. 1, 67th Cong., first session, 23–24 (1921).

[10] Dow Chemical Co., Duval Corp. (a subsidiary of Pennzoil United, Inc.), International Minerals and Chemical Corp., Kaiser Chemical Co., Kerr-McGee Corp., National Potash Co. (wholly owned subsidiary of Freeport Sulphur Co.), Potash Company of America (a division of Ideal Basic Industries, Inc.), Southwest Potash Corp. (wholly owned subsidiary of American Metal Climax, Inc.), Texas Gulf Sulphur Co., and U.S. Potash and Chemical Co. (a wholly owned subsidiary of Continental American Royalty Co.).

[11] A logistic exchange or "swap" occurs when a seller makes a sale to a customer and arranges to have a competing supplier make the delivery, promising to return the favor at a future date. Such arrangements are usually made because the seller is out of the grade of potassium chloride his customer requires, or because other supplier's plant is closer to the customer. Such "swaps" have been growing in importance and now account for up to 20 percent of the shipments of some companies.
When a "lender" in Canada makes a shipment to a customer of a domestic company (the "borrower") in the United States, the importation has, in effect, been made for the account of the domestic company. It is argued that the domestic producer (the "borrower"), at least, cannot claim injury from these imports.

[12] Brief of International Minerals & Chemical Corp. (IMC), pp. 49–50.

[13] One respondent implies that a "clean hands" type rule should be invoked to prevent a party from complaining of self-inflicted injury. Another asserts that imports generated by the domestic industry can be likened to contributory negligence which, it is argued, should bar relief under the Antidumping Act.

[14] In an earlier case it was stated that the "industry" included "all economic interests in the United States which might be destroyed by unabated dumping of the product involved." Titanium Sponge from the U.S.S.R., U.S.T.C. Inv. No. AA1921–51, at 16 (1968) (concurring statement).

[15] That the interests of the workers were to be protected under the Antidumping Act is made clear by the House Ways and Means Committee Report on the 1921 Act which states that the proposed act "protects our industries and labor against a now common species of commercial warfare of dumping goods on our markets at less than cost or home value." H.R. Rep. No. 1, 67th Cong., first session 23 (1921).
Workers are also treated as part of the U.S. industry to be protected under more recent foreign trade legislation. Section 301(a)(1) of the Trade Expansion Act of 1962 permits a "certified or recognized union, or other representative of an industry" to file an escape clause petition. Further, if injury to the "industry" is established the President may grant adjustment assistance to the workers involved. 19 U.S.C. 1901(a) and 1902(a)(3) (1964).
This suggests that at least in this type of foreign trade legislation Congress intended that the interests of workers as well as owners were to be comprehended within the term "industry."

practices of foreign producers—including the foreign branches of the same company—to the same extent as it did before the foreign branch was established. Realistically, it could not be otherwise if the labor portion of the "industry in the United States" is to be protected. The workers in Carlsbad are just as unemployed when the unfairly priced imports originate in a foreign plant owned by their employer as when they originate from any other source.

In past antidumping cases we have not dealt with situations where such a large part of both the foreign and domestic production was controlled by a few U.S. corporations, and so we have not had occasion to make clear how the multinational corporation is to be treated under the Antidumping Act. Our decision in this case now makes it clear. Imports from foreign branches of domestic firms are to be treated like any other imports. If they are offered at fair prices they do not violate the Antidumping Act, but if they are injuriously offered at less than fair value, U.S. ownership of the foreign producer will not give them immunity.

Cumulative injury. The LTFV imports of potassium chloride brought to our attention come from three countries, and from certain companies within those countries. Because of this, some respondents argue that the effect of LTFV imports from each country or from each company should be weighed separately to determine whether they alone have caused injury to the domestic industry. If not, it is argued that the proceedings with respect to that country or company should be dismissed. If the Commission adopted this view, and divided unfair imports along either country or company lines the chance that sufficient injury to trigger the Antidumping Act will be found in any case is greatly reduced.

Respondent notes that in the recent Pig Iron case the Commission rejected this approach, and weighed instead the cumulative effect of LTFV imports from all sources in making a single injury determination.[16] Respondent argues that the Pig Iron case is distinguishable, however, because in that case all of the imports came from Communist Bloc countries "whose economic decisions were totally unresponsive to the forces of the home market."[17]

Respondent misconstrues the thrust of our determination in Pig Iron. There the effect of the LTFV imports from four sources were weighed together, not because they were all from Communist Bloc countries, but rather because an industry can be as much injured by small amounts of LTFV imports from many different sources as it can by the same total amount from one source. Accordingly, for purposes of making the injury determination, the source of the imports is not important. It is their combined effect on the domestic industry which controls.

Injury. In the past the Commission has applied the de minimis rule to the injury requirement of the Antidumpting Act.[18] Frivolous, inconsequential, or immaterial injury does not require the application of dumping duties. Thus, where there is no direct competition between the LTFV imports and the domestic product, or where price is not a significant consideration in such competition, a no injury determination may be in order.[19] But where the competition is direct, and evidence of more than de minimis injury, such as lost sales, price depression or market instability is present, dumping duties must be applied.

Respondents here contend that the difficulties of the domestic industry are the result of numerous other factors, and that the effect upon the industry of the LTFV imports is so small that it falls within the de minimis rule. We cannot agree. The evidence obtained by the Commission shows that price is the most important, and perhaps the only, basis upon which potassium chloride was purchased, and that very small differences in price determine which supplier will be chosen. Accordingly, while it is clear that the domestic industry can trace some portion of its difficulties to other sources, it is also clear that the LTFV imports have contributed to the injury and likelihood of further injury to the U.S. potassium chloride industry. Such a situation, we believe, requires the application of dumping duties.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION BY COMMISSIONERS THUNBERG AND NEWSOM

On the basis of the facts revealed in the investigation and the hearing, we determine that the potassium chloride industry of the United States is not being, nor is it likely to be, injured by reason of the importation of muriate of potash at less than fair value, within the meaning of the Antidumping Act of 1921, as amended. Domestic producers of potassium chloride are experiencing serious economic problems; between 1966 and mid-1969 output declined 14 percent in quantity while sales dropped by 30 percent in value; prices meanwhile dropped by about 50 percent. These current difficulties, however, are not ascribable to sales of the imported material at less than fair value. Rather, the industry worldwide is suffering from the unjustified overly-optimistic expansion of potash producing facilities of the mid-1960's which increased productive capacity considerably beyond the near-term requirements of consumption.

The Treasury Department advised the Tariff Commission that potash from Canada, France, and Germany was being sold, and was likely to be sold, at less than fair value (LTFV), within the meaning of the Antidumping Act of 1921, as amended. The facts established that price declines in the United States greatly exceeded dumping margins during the period for which dumping margins were determined by the Treasury Department. (During 1967, for example, dumping margins averaged 8 percent while the prices of Carlsbad producers declined 25 percent.) Imports from France and Germany provide an exception to this statement, for the margin of dumping determined for these imports was enormous. Evidence available to the Commission strongly suggests that these LTFV sales were a response to unprecedented competition from United States and Canadian sources which was sufficiently intense to win away many longstanding customers. The dumped European imports, themselves, however, were far too small in volume and much too localized in their sales to have anything more than a negligible impact on the domestic industry. For the remainder—LTFV imports from Canada—dumping margins in 1967 and 1968 were small (both absolutely and in comparison with domestic price declines) and sporadic. In fact these years were marked by such instability of delivered purchase prices that dumping margins frequently had to be recomputed several times each day.[1] Such unsettled market conditions make the concept of "fair value" very difficult to apply—both on the part of producers seeking to avoid an equalizing dumping duty and on the part of enforcers seeking to determine whether a law has been violated.

It was fortuitous that this market turbulence occurred at the time that U.S. potash producers were shifting the locus of their operations from domestic sources nearing economic depletion to recently discovered high-quality Canadian sources. In fact, the tonnage decline in sales by domestic producers in 1966–68 was a reflection of the shifting of operations of four major U.S. producers to Canadian facilities; U.S. firms not producing in Canada either maintained or increased their sales during this period. Indeed the two domestic firms determined by the Treasury Department to have sold their Canadian product at less than fair value accounted during the period of the investigation for nearly one-half of total sales in the United States. Of their sales in the United States nearly three-quarters came from their Canadian operations. Thus, if the firms selling at LTFV were injuring the industry thereby, laws of chance would dictate that they must be injuring themselves, since they accounted for nearly half of the industry. Such an anomalous application of the statute would seem to be beyond Congressional intent.

We further determine that sales of potassium chloride at less than fair value are not likely to injure the domestic industry and are not preventing it from being established. Because the volume of potash consumption in Canada is insignificant in comparison with that of the U.S. market, producers in Canada will find their self-interest served by a pricing policy which maintains their price in Canada at a level equal to or below the U.S. price. It is therefore unlikely that the future will see any sales at less than fair value. Because the industry is suffering from over expansion during the 1960's, prices and profits are low. It is therefore unlikely that new firms will in fact enter the industry (although one new firm, U.S. Potash & Chemical Co. did enter in 1968 by purchasing at a very low capital investment the property formerly owned and operated by U.S. Borax Co.). The failure of new firms to enter, however, is in no way to be ascribed to LTFV sales or their likelihood, but rather to the depressed state of the industry.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 69-14056; Filed, Nov. 26, 1969; 8:45 a.m.]

[16] In that case it was stated that

Counsel for the U.S.S.R. exporter argues, however, that the effect of the LTFV sales from each country should be considered separately. Presumably, under this theory if the unfairly priced imports from each country did not by themselves cause injury to a domestic industry, dumping duties should not be applied despite the fact that the combined effect of the unfairly priced imports clearly do cause injury. It is sufficient to note with respect to this contention that the statute was written to protect domestic industries against an unfair trade practice which Congress feared might injure them.

An industry can be injured as much by a few LTFV imports from each of many countries as it can be by many unfair imports from each of a few. The question in each case, therefore, is whether a domestic industry is being or is likely to be injured by LTFV sales. If so, such sales from all sources must cease, if they are contributing to the injury. Pig Iron from East Germany, Czechoslovakia, Romania, and the U.S.S.R., U.S.T.C. Inv. No. AA1921-52, 53, 54, and 55 at 24 (September 1968) (concurring statement).

[17] IMC Brief, p. 54.

[18] Cast Iron Soil Pipe from Poland, U.S.T.C. Inv. No. AA1921-50 (1967); Titanium Sponge from the U.S.S.R., U.S.T.C. Inv. No. AA1921-51 (1968); and Pig Iron from East Germany, Czechoslovakia, Romania and the U.S.S.R., U.S.T.C. Inv. No. AA1921-52, 53, 54, and 55 (1968).

[19] Plastic Mattress Handles from Canada, U.S.T.C. Inv. No. AA1921-57 (1969).

[1] Such unstable market conditions make the margin of error, which always exists to some degree in the determination of fair value, larger than usual; given a small margin of dumping, the larger the margin of error implicit (or explicit) in the fair value computation, the greater must the volume of dumped imports be, other things being equal, to support an injury finding.

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anderson Brothers, Inc., Danville, Va.; 11–6–69 to 11–5–70; 10 learners (work clothing, blouses and slacks).

The Arrow Co., Shamokin, Pa.; 11–4–69 to 11–3–70 (men's sport shirts).

Auburntown Industries, Auburntown, Tenn.; 10–31–69 to 10–30–70 (men's and boys' sport shirts).

Boonville Mfg. Corp., Boonville, Ind; 11–1–69 to 10–31–70 (men's pajamas and shirts).

Brew-Schneider Mfg. Co., Inc., Blakely, Ga.; 10–29–69 to 10–28–70 (washable service garments).

Burgaw Mfg. Co., Burgaw, N.C.; 10–27–69 to 10–26–70 (women's dresses).

Carbondale Childrens Dress Co., Inc., Carbondale, Pa.; 11–1–69 to 10–31–70 (children's and girls' dresses and playsuits).

The Carthage Corp., Carthage, Miss.; 11–1–69 to 10–31–70 (men's and boys' pants).

Carthage Shirt Corp., Carthage, Tenn.; 11–3–69 to 11–2–70 (men's and boys' shirts and ladies' blouses).

E-Town Sportswear Corp., Elizabethtown, Ky.; 10–31–69 to 10–30–70 (men's slacks).

Eatonton Mfg. Co., Inc., Eatonton, Ga.; 10–29–69 to 10–28–70 (men's dress trousers).

Elder Mfg. Co., Webb City, Mo.; 10–31–69 to 10–30–70 (boys' and juvenile shirts).

Freeland Shirt Co., Inc., Freeland, Pa.; 11–4–69 to 11–3–70 (men's, women's and children's jackets).

G-B Mfrs., Inc., Oswego, Kans.; 10–30–69 to 10–29–70 (men's army fatigues).

Garan, Inc., Philadelphia, Miss.; 11–1–69 to 10–31–70 (boys' dress and sport pants).

Gibson Mfg. Co., Inc., Gibson, N.C.; 11–3–69 to 11–2–70; 10 learners (ladies' dresses).

Harrisburg Childrens Dress Co., Harrisburg, Pa.; 10–26–69 to 10–25–70 (children's and girls' dresses and playsuits).

Key Industries, Inc., Fort Scott, Kans.; 10–31–69 to 10–30–70 (men's and boys' work clothes).

Key Work Clothes of Missouri, Nevada, Mo.; 11–1–69 to 10–31–70 (men's work clothes).

Lansford Apparel Co., Lansford, Pa.; 10–31–69 to 10–30–70 (children's dresses).

Manchester Industries, Inc., Manchester, Tenn.; 10–31–69 to 10–30–70 (men's sport shirts).

Penn Childrens Dress Co., Inc., Mayfield, Pa.; 10–26–69 to 10–25–70 (children's and girls' dresses and playsuits).

Publix Shirt Corp., Myerstown, Pa.; 10–25–69 to 10–24–70 (men's and boys' shirts).

Rector Sportswear Corp., Rector, Ark.; 10–28–69 to 10–27–70 (men's pants).

Salant & Salant, Inc., Lexington, Tenn.; 11–6–69 to 11–5–70 (men's and boys' pants).

Shane Uniform Co., Inc., Evansville, Ind.; 11–6–69 to 11–5–70 (men's and women's washable service apparel).

Shelburne Shirt Co., Inc., Fall River, Mass.; 11–1–69 to 10–31–70 (men's dress shirts).

The Shirtmaker Guild, Ltd., Easley, S.C.; 11–7–69 to 11–6–70 (men's and boys' knit shirts and pajamas).

Standard Romper Co., Inc., Portland, Maine; 10–27–69 to 10–26–70 (children's shirts).

Steele Apparel Co., Inc., Steele, Mo.; 11–5–69 to 11–4–70; 10 learners (ladies' dresses).

W. E. Stephens Mfg. Co., Inc., Carthage, Tenn.; 10–27–69 to 10–26–70; 10 learners (men's and boys' dungarees).

Levi Strauss & Co., Knoxville, Tenn.; 10–20–69 to 10–19–70 (men's and boys' pants).

Levi Strauss & Co., Blackstone, Va.; 10–31–69 to 10–30–70 (men's pants).

Triple A Trouser Mfg. Co., Inc., Scranton, Pa.; 11–1–69 to 10–31–70 (boys' trousers).

Walhalla Garment Co., Walhalla, S.C.; 11–6–69 to 11–5–70 (women's dresses).

Warner's, London, Ky.; 10–25–69 to 10–24–70 (girdles and brassieres).

Washington Garment Co., Inc., Washington, N.C.; 10–31–69 to 10–30–70 (children's dresses).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Elk City Mfg. Co., Elk City, Okla.; 10–23–69 to 4–22–70; 75 learners (men's slacks).

Jack Winter Mfg. Corp., Warren, Ark.; 10–31–69 to 4–30–70; 10 learners (ladies' slacks and jeans).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Lambert Mfg. Co., Inc., Kirksville, Mo.; 11–7–69 to 11–6–70; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

V. I. Prewett & Son, Inc., Fort Payne, Ala.; 10–24–69 to 10–23–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' and children's hosiery).

V. I. Prewett & Son, Inc., Fort Payne, Ala.; 10–28–69 to 4–27–70; 8 learners for plant expansion purposes (infants' and children's hosiery).

Wayne Knitting Mills, Humboldt, Tenn.; 10–31–69 to 10–30–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Boonville Mfg. Corp., Boonville, Ind.; 11–1–69 to 10–31–70; 5 learners for normal labor turnover purposes in the manufacture of men's woven underwear (men's underwear).

Cullman Lingerie Corp., Cullman, Ala.; 10–31–69 to 10–30–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie, sleepwear and loungewear).

Haleyville Textile Mills, Inc., Haleyville, Ala.; 10–31–69 to 10–30–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' loungewear, sleepwear and lingerie).

Sylvester Textile Corp., Sylvester, Ga.; 10–22–69 to 10–21–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie and sleepwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 19th day of November 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-14089; Filed, Nov. 26, 1969, 8:47 a.m.]

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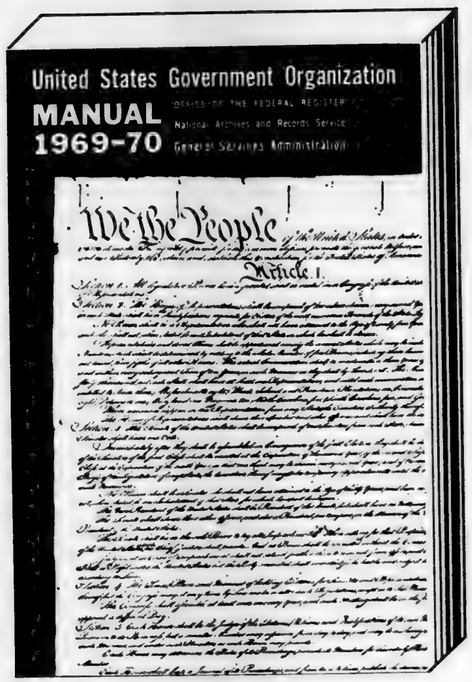
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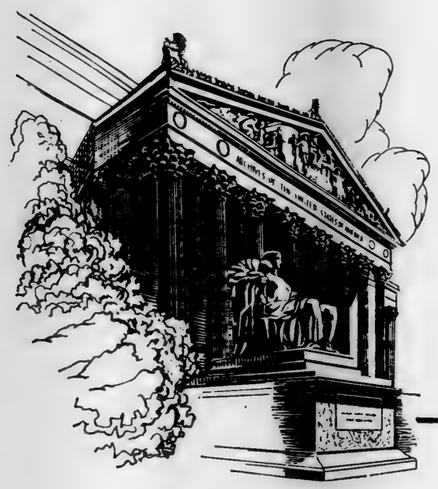
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Title 3—THE PRESIDENT

Proclamation 3945

RANDOM SELECTION FOR MILITARY SERVICE

By the President of the United States of America

A Proclamation

WHEREAS section 5(a)(1) of the Military Selective Service Act of 1967, as amended (50 U.S.C. App. 455(a)(1)), provides that selection of persons for training and service under that Act shall be made in an impartial manner without discrimination on account of race or color, under such rules and regulations as the President may prescribe; and

WHEREAS section 5(a)(2) of that Act (50 U.S.C. App. 455(a)(2)) limited the President's authority to prescribe rules and regulations by requiring, in effect, the selection of registrants through a method known as "oldest first"; and

WHEREAS such section 5(a)(2) has been repealed by Public Law 91-124 of November 26, 1969:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by section 5(a) of the Military Selective Service Act of 1967, as amended, and having determined that a method of random selection will provide the most equitable basis for selection of registrants for military training and service, do hereby proclaim the following:

That a random selection sequence will be established by a drawing to be conducted in Washington, D.C., on December 1, 1969, and will be applied nationwide. The random selection method will use 366 days to represent the birthdays (month and day only) of all registrants who, prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth. The drawing, commencing with the first day selected and continuing until all 366 days are drawn, shall be accomplished impartially.

On the day designated above, a supplemental drawing or drawings will be conducted to determine alphabetically the random selection sequence by name among registrants who have the same birthday.

The random selection sequence obtained as described above shall determine the order of selection of registrants who prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth and who are not volunteers and not delinquents. New random selection sequences shall be established, in a similar manner, for registrants who attain their nineteenth year of age on or after January 1, 1970.

The random sequence number determined for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-14292; Filed, Nov. 28, 1969; 11:30 a.m.]

Executive Order 11497

AMENDING THE SELECTIVE SERVICE REGULATIONS TO PRESCRIBE RANDOM SELECTION

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended), I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 10001 of September 17, 1948, No. 10202 of January 12, 1951, No. 10292 of September 25, 1951, No. 10659 of February 15, 1956, No. 10735 of October 17, 1957, No. 10984 of January 5, 1962, No. 11098 of March 14, 1963, No. 11119 of September 10, 1963, No. 11241 of August 26, 1965, No. 11360 of June 30, 1967, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1631.4, *Calls by the Secretary of Defense*, is amended by revoking paragraphs (b) and (c) and redesignating paragraph (d) as (b).

2. Section 1631.5, *Calls by the Director of Selective Service*, is amended by adding a new paragraph (d), to read as follows:

"(d) The Director of Selective Service shall establish a random selection sequence for induction. Such random selection sequence shall be determined as the President may direct, and shall be applied nationwide. The first sequence shall determine the order of selection of registrants (other than delinquents or volunteers) who prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth. New random selection sequences shall be established, in a similar manner, for registrants who attain their nineteenth year of age on or after January 1, 1970. The random sequence number determined for any registrant shall apply to him so long as he remains subject to random selection. A random sequence number established for a registrant shall be equivalent, for purposes of selection, to the same random sequence number established for other registrants in other drawings."

3. Paragraphs (a) and (b) of Section 1631.7, *Action by Local Board Upon Receipt of Notice of Call*, are revoked, paragraph (c) is redesignated as paragraph (b), and a new paragraph (a) is prescribed to read as follows:

"(a) When a call is received by a Notice of Call on Local Board (SSS Form 201) from the State Director of Selective Service for a specified number of men to be delivered for induction, or for a specified number of men in a medical, dental, or allied specialist category to be delivered for induction, the Executive Secretary or clerk, if so authorized, or a local board member shall select and issue orders to report for induction to the number of men required to fill the call from among its registrants who have been classified in Class I–A or Class I–A–O and have been found acceptable for service in the Armed Forces and to whom a Statement of Acceptability (DD Form 62) has been mailed at least 21 days before the date fixed for induction: *Provided*, That any registrant classified in Class I–A or Class I–A–O who is subject to random selection as herein provided, whose random sequence number has been reached, and who would have been ordered to report for induction except for delays due to a pending personal appearance, appeal, preinduction examination, reclassification, or otherwise, shall if and when found acceptable and when such delay is concluded, be ordered to report for induction next after delinquents and volunteers even if the year in which he otherwise would have been ordered to report has ended and even if (in cases of extended liability) he has attained his twenty-sixth birthday: *Provided further*, That a registrant classified in Class I–A or Class I–A–O who has volunteered for induction or who is a delinquent may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether or not a Statement of Acceptability (DD Form 62) has been mailed to him. Registrants shall be selected and ordered to report for induction in the following categories and in the order indicated:

"(1) Delinquents who have attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

"(2) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

"(3) (i) *1970.* In the calendar year 1970, nonvolunteers born on or after January 1, 1944, and on or before December 31, 1950, who have not attained the 26th anniversary of the dates of their birth, in the order of their random sequence numbers established by random selection procedures prescribed in accordance with paragraph (d) of section 1631.5. The nonvolunteers thus subject to selection are designated the 1970 Selection Group and constitute category (3) for 1970. Members of the 1970 Selection Group on December 31, 1970, whose random sequence numbers have not been reached by that date, shall be assigned to the priority group which is immediately below the First Priority Selection Group for 1971.

"(ii) *1971 and Later Years.* For calendar year 1971, and for each subsequent year, a new First Priority Selection Group and lower priority groups shall be established which together will constitute category (3) for that year. The First Priority Selection Group shall consist (A) of nonvolunteers in Class I–A and Class I–A–O who prior to January 1 of each such calendar year have attained the age of 19 years but not of 20 years, and (B) of nonvolunteers who prior to January 1 of each such calendar year have attained the age of 19 but not of 26 years and who during that year are classified into Class I–A or Class I–A–O following expiration of their deferments or exemptions or otherwise. Members of each such First Priority Selection Group, who have not attained the 26th anniversary of the dates of their birth, shall be selected in the order of their random sequence numbers. Members of each such First Priority Selection Group on December 31 of the respective calendar year whose random sequence numbers are not reached by that date shall be assigned to successively lower priority groups, so that those who were in the 1970 Selection Group and who move into a lower priority group at the end of 1970 as herein provided will be in the lowest such group, those who were in the 1971 First Priority Selection Group will be in the next to the lowest such group, and so forth. Any registrant who was subject to selection in the 1970 Selection Group or in the First Priority Selection Group for any subsequent year, who thereafter is assigned to a lower priority group in category (3), who while in such a lower priority group receives a deferment or exemption, and who subsequently is reclassified into Class I–A or Class I–A–O, shall be reassigned to the priority group in which he would have been if he had not received such deferment or exemption.

"(iii) *Certain Registrants Married Before August 27, 1965.* Within each group in category (3) there shall be a subgroup consisting of registrants who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide family relationship in their homes. Registrants in any such subgroup shall be in all respects subject to this paragraph, except that they shall be selected after other registrants in the group of which that subgroup is a part.

"(4) Nonvolunteers who attain the age of 19 years during the calendar year but who have not attained the age of 20 years, in the order of their dates of birth with the oldest being selected first.

"(5) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.

"(6) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first."

Richard Nixon

THE WHITE HOUSE,
November 26, 1969.

[F.R. Doc. 69-14291; Filed, Nov. 28, 1969; 11:30 a.m.]

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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1591]

PART 13—PROHIBITED TRADE PRACTICES

Tops Furniture Co., Inc., and Milton Mecklar

Correction

In F.R. Doc. 69-13769 appearing at page 18453 in the issue of Thursday, November 20, 1969, the second line of the first paragraph should be deleted and the following substituted therefor: "goods—Goods: § 13.1760 *Terms and*".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that a second position of Special Assistant to the Commissioner of Customs (Organized Crime and Smuggling), is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (c) of § 213.3305 is amended as set below.

§ 213.3305 **Treasury Department.**

* * * * *

(c) *Bureau of Customs.* * * *

(3) Two Special Assistants to the Commissioner of Customs (Organized Crime and Smuggling).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14128; Filed, Nov. 26, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Confidential Staff Assistant to the Assistant Director for Operations is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (c) of § 213.3373 as set out below.

§ 213.3373 **Office of Economic Opportunity.**

* * * * *

(c) *Office of the Assistant Director for Operations.* * * *

(2) One Confidential Staff Assistant to the Assistant Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14127; Filed, Nov. 28, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that a third position of Special Assistant to the Chairman is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3377 is amended as set out below.

§ 213.3377 **Equal Employment Opportunity Commission.**

(a) Three Special Assistants to the Chairman.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14126; Filed, Nov 28, 1969; 8:46 a.m.]

PART 713—EQUAL OPPORTUNITY

Miscellaneous Amendments; Correction

When the miscellaneous amendments to Part 713 were published in the FEDERAL REGISTER of September 4, 1969, at page 14023 (F.R. Doc. 69-10543) the authority statement was inadvertently omitted. It should have read as follows:

(5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218, E.O. 11222, 3 CFR 1964–1965 Comp., p. 306, E.O. 11478, 3 CFR 1969 Comp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14125; Filed, Nov. 28, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 13]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

SALE AND LEASE TRANSFERS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.) in order to modify the sale and lease transfer procedure for 1970. Also, a cross-reference to the 1970 export market reserve of 62,500 acres is added.

Since the period for filing applications for transfer to take effect for 1970 has begun and will close December 31, 1969, it is essential that the local committees and farmers be informed of this modification as soon as possible. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, 19823, 34 F.R. 924, 2351, 3733, 5099, 7231, 12325, and 18089) is amended as follows:

1. Subparagraph (1) of paragraph (a) of § 722.428 is revised to read as follows and subparagraph (3) thereof is revoked:

§ 722.428 **Applications for transfer.**

(a) *Persons eligible to file applications for transfers—(1) Sale or lease.* The owner and operator of any old cotton farm for 1970, as defined in § 722.404(p), for which an upland cotton allotment is or will be established for 1970 shall be eligible to file an application for sale or lease of all or part of such allotment to any other owner or operator of a farm for transfer to such farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the application.

* * * * *

(3) [Revoked]

* * * * *

2. Paragraphs (b) and (d) of § 722.429 are revised to read as follows:

§ 722.429 Amount of allotment transferable.

* * * * *

(b) *No transfer of acreage from national reserve.* No acreage apportioned from the national reserve to a farm shall be transferred under section 344a of the Act. This limitation applies only to farms having allotments of 10 acres or less for which minimum farm allotments have been established in counties receiving an allocation from the national reserve. It is hereby determined for 1970 that 8 percent of each such farm allotment is attributable to the national reserve. If all or part of the allotment is to be transferred, the county committee shall transfer 92 percent of the allotment or part of the allotment and shall cancel 8 percent thereof. If part of the allotment is to be transferred, the minimum allotment for the farm shall be reduced by the percentage which the part of the allotment transferred is of the entire allotment.

* * * * *

(d) *Sale and lease transfers—limit on amount of acreage transferred.* The total upland cotton allotment which may be transferred by sale or lease to a farm shall not exceed the smaller of (1) the available cropland on the farm, or (2) the acreage obtained by subtracting the allotment (excluding reapportioned acreage, and any increases or decreases of allotment resulting from exchanges of cotton and rice allotments and from owner transfers shall be disregarded) for such farm established for the year the transfer is to take effect from the sum of (i) the 1965 farm allotment before release and reapportionment and (ii) 100 acres. The available cropland on the farm for purposes of such transfers shall be the total crpland as defined in Part 719 of this chapter, on the farm less the total of the allotments, feed grain base, and sugar proportionate shares established for the farm for the current year. Producers wishing to transfer cotton allotment to a farm may choose to reduce the feed grain base, sugar proportionate share, or other allotments on the farm to the extent necessary to meet the requirements of this section. If the farm to which allotment is to be transferred is made up of two or more separately owned tracts, each separately owned tract shall be considered a farm for purposes of computing this limitation except where the county committee, with the approval of a representative of the State committee, determines that an owner of a tract has an ownership interest in one or more of the other tracts by reason of ownership of stock in a corporation which owns such other tract, or by reason of membership as a partner in a partnership which owns such other tract, or the owner of a tract is a member of the same family living in the same household and the other tract is owned by another member of such family. Notwithstanding the foregoing provisions of this paragraph, in the case of a temporary transfer by lease for a number of years which the county committee approved to first become effective in a year prior to 1970 and such transfer remains effective for 1970, the limitation under subparagraph (2) of this paragraph for 1970 shall be computed by using the 1970 preliminary farm allotment.

* * * * *

3. Paragraph (a) of § 722.432 is amended by adding language at the end thereof to read as follows:

§ 722.432 Export market acreage for 1968, 1969, and 1970.

(a) *National export market acreage reserve.* * * * The national export market acreage reserve for the 1970 crop of cotton in the amount of 62,500 acres was established in § 722.480 (34 F.R. 15446).

* * * * *

(Secs. 344, 344a, 346(e), 375, 63 Stat. 670, as amended; 79 Stat. 1197, as amended; 79 Stat. 1192, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1344b, 1346(e), 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 24, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc 69-14161; Filed, Nov. 28, 1969; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangelo Reg. 38, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida tangelo crop and the current and prospective market conditions. More restrictive regulation requirements should be made effective no later than December 1, 1969, because the terminal market supply situation reflects excessive shipments of smaller tangelos, hence, a higher percentage of the larger sizes of tangelos is needed in fresh tangelos shipments to (1) maintain returns to producers consistent with the declared policy of the act by reducing the percentage of smaller, less desirable tangelos in shipments to fresh market outlets, and (2) provide consumers with Florida tangelos of the most desirable quality.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 1, 1969. Domestic shipments of Florida tangelos are currently regulated pursuant to Tangelo Regulation 38 (34 F.R. 18354, 18600) and determinations as to the need for and extent of, continued regulation of domestic shipments of tangelos must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such tangelo shipments subsequent to November 30, 1969, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 25, 1969, such meeting was held (after giving due notice) to consider recommendations for regulation; and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendations of the committees, and information concerning such provisions has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.518 (Tangelo Regulation 38; 34 F.R. 18354, 18600) paragraph (a)(2)(ii) is amended to read as follows:

§ 905.518 Tangelo Regulation 38.

(a) * * *
(2) * * *

(ii) Any tangelos, grown in the production area, which are smaller than 2⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided,* That during any week of the periods specified in the U.S. Standards for Florhandler may ship a quantity of tangelos which are smaller than the size prescribed in this subdivision (ii) if (*a*) the number of standard packed boxes of such smaller tangelos does not exceed 15 percent of the total shipments of tangelos by such handler during the last previous week, within the current fiscal period, in which he shipped tangelos; and (*b*) such smaller tangelos are of a size not smaller than 2⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 26, 1969, to become effective December 1, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14257; Filed, Nov. 28, 1969; 8:48 a.m.]

[Tangerine Reg. 38, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida tangerine crop and the current and prospective market conditions. More restrictive regulation requirements should be made effective no later than December 1, 1969, because the terminal market supply situation reflects excessive shipments of smaller tangerines, hence, a higher percentage of the larger sizes of tangerines is needed in fresh tangerine shipments to (1) maintain returns to producers consistent with the declared policy of the act by reducing the percentage of smaller, less desirable tangerines in shipments to fresh market outlets, and (2) provide consumers with Florida tangerines of the most desirable quality.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 1, 1969. Domestic shipments of Florida tangerines are currently regulated pursuant to Tangerine Regulation 38 (34 F.R. 18600) and determinations as to the need for, and extent of, continued regulation of domestic shipments of tangerines must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such tangerine shipments subsequent to November 30, 1969, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 25, 1969, such meeting was held (after giving due notice) to consider recommendations for regulation; and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendations of the committees, and information concerning such provisions has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.519 (Tangerine Regulation 38; 34 F.R. 18600) the provisions of paragraph (a)(2)(ii) are amended to read as follows:

§ 905.519 Tangerine Regulation 38.

(a) * * *
(2) * * *

(ii) Any tangerines, grown in the production area, which are smaller than 2⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Tangerines: *Provided,* That during any week of the period specified in this subparagraph (2), any handler may ship a quantity of tangerines which are smaller than the size prescribed in this subdivision (ii) if (*a*) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total shipments of tangerines by such handler during the last previous week, within the current fiscal period, in which he shipped tangerines, and (*b*) such smaller tangerines are of a size not smaller than 2⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 26, 1969, to become effective December 1, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14258; Filed, Nov. 28, 1969; 8:48 a.m.]

[Lemon Reg. 403]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.703 Lemon Regulation 403.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current

week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on Novmber 26, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 30, 1969, through December 6, 1969, are hereby fixed as follows:

(i) District 1: 27,900 cartons;

(ii) District 2: 46,500 cartons;

(iii) District 3: 130,200 cartons.

(2) As used in this section; "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 28, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14294; Filed, Nov. 28, 1969; 11:47 a.m.]

[Grapefruit Reg. 70]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.370 Grapefruit Regulation 70.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 25, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period December 1, 1969, through December 7, 1969, is hereby fixed at 135,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14259; Filed, Nov. 28, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962, (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) is amended to read as follows:

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the States of Mississippi, New York, North Carolina, Rhode Island, and Virginia and the nature and extent of outbreaks of this disease, the following areas are hereby quarantined because of said disease:

(1) *Mississippi.* Calhoun, Grenada, and Tishomingo Counties.

(2) *New York.* Montgomery County.

(3) *North Carolina.* Cumberland, Duplin, and Wilson Counties.

(4) *Rhode Island.* The entire State.

(5) *Virginia.* City of Virginia Beach County.

2. In § 76.2, paragraph (f) is amended by adding the States of Michigan, Minnesota, and Tennessee to the States listed therein; and paragraph (g) is amended by adding the State of West Virginia to and deleting the State of Michigan from the States listed therein.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134h; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

Fifty percent of all hog cholera outbreaks in fiscal year 1969 were attributed to the movement of swine. During the last quarter of fiscal year 1969 almost 68 percent of such outbreaks were associated with such movements. Program officials view spread of the disease by this means as the most serious obstacle facing the success of the eradication program.

The amendments quarantine the entire State of Rhode Island and certain counties in the States of Mississippi, New York, North Carolina, and Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such State and counties. In addition, the amendments add the States of Michigan, Minnesota, and Tennessee to the list of hog cholera eradication States; add the State of West Virginia to the list of hog cholera free States; and delete the State of Michigan from the list of hog cholera free States, thus reflecting the present status of such States.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of November 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-14182; Filed, Nov. 28, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9337]

PART 36—NOISE STANDARDS: AIRCRAFT TYPE CERTIFICATION

Corrections

The following corrections are hereby made to the preamble and regulatory material of new Part 36—Noise Standards: Aircraft Type Certification, which was published in the FEDERAL REGISTER on Tuesday, November 18, 1969 (34 F.R. 18355–18379):

(1) On page 18360 of the preamble, the word "noise" was inadvertently omitted from the statement, in the right-hand column, second paragraph, that §§ 21.93(b) and 36.1(c) will insure that noise reduction technology sufficient to achieve Appendix C limits must be applied "before further aircraft growth can occur." The quoted words are hereby corrected to read "before further aircraft noise growth can occur."

(2) On page 18364, paragraph (a) of § 36.2 contains a typographical error in the cross reference to "§ 36.201 (b) (1) and (c) (1)." This cross reference is hereby corrected to read: "§ 36.201 (b) and (c) (1)."

(3) On page 18379, paragraph (e) of § C36.7 is not correct as it now stands, and this paragraph is hereby corrected to read as follows:

Section C36.7 *Takeoff test conditions.* • • •

(e) A constant takeoff configuration, selected by the applicant, must be maintained throughout the takeoff noise test, except that the landing gear may be retracted.

Issued in Washington, D.C., on November 24, 1969.

J. H. SHAFFER,
Adminstrator.

[F.R. Doc. 69-14159; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. 69-CE-27-AD; Amdt. 39-881]

PART 39—AIRWORTHINESS DIRECTIVES

Marvel Schebler Models MA-3-A, MA-3-PA, MA-3-SPA, MA-4-SPA, MA-4-5, MA-5, MA-4-5-AA, MA-6AA, and HA-6 Carburetors

There have been reports of contamination believed to be bowl plug sealant in some bowls of a group of Marvel Schebler carburetors installed on various Continental, Franklin, and Lycoming model engines. This contamination could cause a reduction or complete loss of engine power. Since this condition is likely to exist in other carburetors of this group, an Airworthiness Directive is being issued requiring within the next 25 hours' time in service after the effective date of this AD, cleaning and inspection of these carburetors for contaminant.

Since immediate adoption is required in the interest of safety, it is found that notice and public procedure hereon are impractical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

MARVEL SCHEBLER. Applies to Marvel Schebler Models MA-3-A, MA-3-PA, MA-3-SPA, MA-4-SPA, M-4-5, MA-5, MA-4-5-AA, MA-6AA, and HA-6 carburetors of the following listed part numbers and serial numbers installed on the Continental, Franklin, and Lycoming model engines as specified below, to wit:

Engine manufacturer and model	Carburetor model	Carburetor part No.	Carburetor serial Nos.
Continental:			
A–65 and A–75 series	MA–3–PA	A10–4233	P–22–460 through P–22–464.
O–200 series	MA–3–SPA	A10–4115–1	AV–4–4094.
O–200 series	MA–3–SPA	A10–4894	BE–14–10218 through BE–15–11672.
C–85 series	MA–3–SPA	A10–4240	AU–15–235 through AU–15–244.
C–90 series	MA–3–SPA	A10–4252	Q–23–2422 through Q–23–2436.
C–145 series	MA–3–SPA	A10–4895	BF–14–3598 through BF–15–3655.
O–470–K	MA–4–5	A10–3965–12	H–3–6894 through H–3–6896.
O–470–R	MA–4–5	A10–4893	BD–13–3946 through BD–15–4660.
Franklin:			
4A–235 series	MA–3–SPA	A10–4654	BN–3–112 through BN–3–130.
GA–335 series	MA–5	A10–4865	BC–14–530 through BC–16–706.
6V–350 series	MA–5	A10–4809	BA–14–203 through BA–14–207.
6A–350 series	MA–5	A10–4865	BC–14–530 through BC–16–706.
Lycoming:			
O–235 series	MA–3–A	A10–3103–1	Y–30–3132 through Y–30–3275.
O–235 series	MA–3–A	A10–4953	BV–0–268 through BV–0–538.
O–235 series	MA–3–PA	A10–4978–1	BQ–3–252 through BQ–3–276.
O–235 series	MA–3–PA	A10–5050	BY–0–100 through BY–1–291.
O–290 series	MA–3–SPA	A10–3346–1	B–35–342 through B–36–359.
O–320 series	MA–4–SPA	A10–3679–32	A–25–14781 through A–25–16246.
O–320 series	MA–4–SPA	A10–5009	BL–5–2632 through BL–5–3435.
O–360 series	MA–4–5	A10–3878	G–34–4651 through G–36–5362.
O–360 series	MA–4–5	A10–4164–1	K–27–6460 through K–27–6602.
O–360 series	MA–4–5	A10–5034	BU–0–283 through BU–0–343.
O–360 series	HA–6	A10–5045	BW–0–198 through BW–1–550.
VO–435 series	MA–4–5–AA	A10–4025–12	Z–16–2304 through Z–19–2454.
TVO–435 series	MA–6–AA	A10–4438–1	AH–19–3676 through AH–21–4067.
O–540 series	MA–4–5	A10–4404	R–26–6530 through R–26–6916.
O–540 series	MA–4–5	A10–4404–1	AO–20–3571 through AO–23–3829.
O–540 series	MA–4–5	A10–5042	BS–1–427 through BS–1–588.
O–540 series	MA–4–5	A10–5054	BZ–0–100 through BZ–0–209.
VO–540 series	MA–6–AA	A10–4218–1	AK–17–1274 through AK–19–1478.
VO–540 series	MA–6–AA	A10–4975	BK–3–125 through BK–3–148.

NOTE: The affected carburetors listed above were manufactured between December 5, 1968, and June 23, 1969. Approximately 25 percent of these carburetors have been inspected and cleaned by Marvel Schebler or the manufacturers of the engines or aircraft on which the carburetors are installed. Marvel Schebler Service Bulletin A1–69 lists the carburetors remaining to be inspected and covers the same subject matter as this AD. Any carburetor serial numbers included in this AD but not listed on Marvel Schebler Service Bulletin A1–69 comply with this AD, and require no further inspection or cleaning. A logbook entry of compliance and nameplate marking must be made on these unlisted carburetors. The "A" prefix to the part numbers listed above does not appear on the carburetor nameplate.

Compliance: Required within the next 25 hours' time in service after the effective date of this AD, unless previously accomplished.

To prevent possible power losses due to blockage of carburetor metering passages by thread lubricant or other foreign material, accomplish the following or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, or Chief, Engineering and Manufacturing Branch, FAA, Eastern Region:

Remove the carburetor bowl drain plug with the aircraft fuel valve in the "ON" position and allow the carburetor to flush for 20 to 30 seconds. The auxiliary pump, if in-

stalled, should be operating. After flushing, inspect the drain plug cavity and drain plug for thread lubricant or other foreign material and remove any such material noted. After cleaning, reflush 20 to 30 seconds, reinstall plug approximately one thread into cavity, apply Parker Seal Lube or equivalent on exposed threads and tighten.

NOTE: If practical, aircraft should be positioned so that bottom of bowl slopes toward drain opening during flushing and cleaning. Recommended torque for ⅛-inch pipe plug is 50–60 in.-lbs., for ¼-inch pipe plug is 120–144 in.-lbs.

After completion of the above, impression stamp or engrave "A1" on nameplate or apply approximately ¼-inch diameter dot of yellow enamel or similar permanent material to nameplate.

This amendment becomes effective November 29, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on November 21, 1969.

DANIEL E. BARROW,
Director, Central Region.

[F.R. Doc. 69-14155; Filed, Nov. 28, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On October 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15659), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the New Bern, N.C., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, a discrepancy in the longitudinal ordinate was noted in the control zone description. It is necessary to alter the description to correct the longitudinal ordinate for Simmons-Nott Airport to long. 77°02'35" W. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the New Bern, N.C., control zone is amended to read:

NEW BERN, N.C.

Within a 5-mile radius of Simmons-Nott Airport (lat. 35°04'20" N., long. 77°02'35" W.); within 2.5 miles each side of New Bern VOR 221° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR.

In § 71.181 (34 F.R. 4637), the New Bern, N.C., transition area is amended to read:

NEW BERN, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Simmons-Nott Airport (lat. 35° 04'20" N., long. 77°23'05" W.); excluding the portion within R-5306A.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 18, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14156; Filed, Nov. 28, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15659), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Greenville, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Greenville, N.C., transition area is amended to read:

GREENVILLE, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Pitt-Greenville Airport (lat. 35°37'-55" N., long. 77°23'05" W.); within 3 miles each side of the 007° bearing from Greenville RBN (lat. 35°42'32" N., long. 77°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on November 18, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14157; Filed, Nov. 28, 1969; 8:45 a.m.]

[Airspace Docket No. 69-AL-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 9, 1968, F.R. Doc. 68-9500 was published in the FEDERAL REGISTER (34 F.R. 4637) amending Part 71 of the Federal Aviation Regulations effective October 10, 1968.

This document altered the Yakutat, Alaska, 1,200-foot transition area by adding a 1,200-foot transition area to the southeast. The written description of the added transition area inadvertently omitted the portion extending from the 700-foot transition area. In order to provide continuity of protected airspace, action is taken herein to join the 1,200-foot transition area to the southeast with the 700-foot transition area as originally intended.

Since this amendment will impose no undue burden on any person, the Administrator has determined that notice and public procedure thereon are unnecessary and it may be made effective January 8, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637) Yakutat, Alaska, is amended by deleting "15-mile radius area to 65 miles southeast of the VORTAC" and substituting therefor "700-foot transition area to 65 miles southeast of the VORTAC."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on November 17, 1969.

H. H. STANLEY,
Acting Director, Alaskan Region.

[F.R. Doc. 69-14158; Filed, Nov. 28, 1969; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Waiver of Authentication of Shipper's Export Declarations for Selected Shipments

On September 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14607) stating that the Bureau of the Census was considering new regulations which would permit exporters or their authorized agents to omit the advance presentation and customs authentication of Shipper's Export Declarations for certain specified shipments provided there is no resultant lessening of the completeness and reliability of the information reported on the Shipper's Export Declaration prepared by such exporters or their agents.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of written comments. Data, views, and arguments on the proposed rules have been received in writing and modifications have been made in the text of the new regulations as set forth hereinafter.

The new regulations will be applicable only to Shipper's Export Declarations for General License shipments by air and water carriers destined to Country Groups T, V, and X as defined in Supplement No. 1 to Part 370 of the Export Control Regulations (15 CFR Parts 368–399). They are not applicable to rail or truck shipments.

The new regulations are designed to aid exporters and transportation companies in facilitating the movement of export cargo by eliminating customs authentication of export declarations covering selected general license shipments. Exporters will continue to be responsible for the preparation of complete and accurate Shipper's Export Declarations. The functions of freight forwarders in servicing exporters in obtaining freight space, preparing the necessary documents required for exportation, arranging for the availability of goods for export, or in screening the Shipper's Export Declarations received from exporters to insure accuracy and content of information are not affected.

Nothing in these regulations should be construed either as requiring the performance by carriers of any freight forwarder functions, or as requiring the preparation of Shipper's Export Declarations by carriers, except as currently authorized when a carrier is acting as agent of the exporter. Carriers participating in the new procedure will be required to examine for completeness export declarations presented to them under these regulations. Carriers are not responsible for the accuracy of the statements furnished on Shipper's Export Declarations prepared by exporters or their agents except for: Port of exportation, name and flag of vessel or air carrier, foreign port of unloading, bill of lading or air waybill number(s), method of transportation, and pier or airport where the goods are laden.

All exporters and forwarders are eligible to utilize the revised procedures with participating carriers that agree to handle Shipper's Export Declarations in the manner described in these regulations. Carriers that wish to use these procedures shall so notify the Bureau of the Census in writing and the names of such participating carriers may be obtained from District Directors of Customs at those ports for which the carriers have advised the Bureau of the Census of their or their agent's willingness to accept unauthenticated declarations under this procedure.

The regulations are issued under the authority of title 13, U.S.C., section 302; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950; Department of Commerce Order No. 85-A, April 8, 1969, 34 F.R. 6703.

New §§ 30.42 and 30.43 are hereby established to read as follows:

§ 30.42 Authorization for waiver of the requirements for advance presentation and authentication of Shipper's Export Declarations.

(a) Notwithstanding the provisions of Subparts A and B of this part, the procedures set forth in subparagraphs (1) through (4) of this paragraph may be utilized in lieu of the requirements relating to advance presentation and authentication of Shipper's Export Declarations for general license shipments made by air or water carriers and destined to Country Groups T, V, and X, as defined in Supplement No. 1 to Part 370 of the Export Control Regulations (Parts 368–399 of this title).

(1) Except as otherwise required by the Export Control Regulations, only two copies of the Shipper's Export Declaration need be prepared by the exporter or his agent and delivered to the carrier before the shipment is loaded on board the exporting vessel or aircraft. In preparing Shipper's Export Declarations in accordance with this procedure exporters or their agents shall show in the upper right corner in the space provided for Customs Authentication Number, "NAR", which will signify that no authentication is required.

(2) The carrier shall check the declaration for completeness (i.e., see that all appropriate spaces on the Shipper's Export Declaration are completed) of: Name of exporter, agent of exporter, ultimate consignee, intermediate consignee, foreign port of unloading, place and country of ultimate destination, marks and numbers, commodity description, number and kind of packages, general license symbol, destination control statement, shipping weight, indication of "D" or "F", Schedule B number, net quantity (when required), value at port of exportation, bill of lading or air waybill number(s), and signature, and see that such information is not inconsistent with other records or information as may be available to the carrier. If the declaration appears incomplete or inconsistent, except with respect to the items enumerated in the following sentence, the carrier shall return it to the exporter or his agent to be checked, completed, or corrected, and returned to the carrier before loading the cargo. The carrier shall be responsible for the accuracy of the following items of information on the declaration: Port of exportation, name and flag of vessel or air carrier, foreign port of unloading, bill of lading or air waybill number(s), method of transportation, and pier or airport where the goods are laden.

(3) In addition, carriers will insure that the bill of lading or air waybill number shown on the manifest is inserted in the box provided on the Shipper's Export Declaration, before submission of the manifest and accompanying Shipper's Export Declarations to Customs.

(4) For shipments covered by unauthenticated Shipper's Export Declarations accepted by carriers under these provisions, manifests must show the notation "NAR" (no authentication required) and related bill of lading or air waybill number; and prior to submission of the manifest to Customs, such Shipper's Export Declarations shall be separated from those Shipper's Export Declarations which have been authenticated.

(b) Carriers notification of participation:

(1) A carrier wishing to participate in this procedure shall send a letter to the Foreign Trade Division, Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20233, with a copy to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. This letter shall: (i) Propose a date on which the carrier intends to begin participating in this procedure; (ii) Specifically identify those ports at which the carrier or its authorized agents will accept unauthenticated declarations under this procedure; and (iii) Include a statement of the carrier's willingness to accept unauthenticated declarations under this procedure and to comply with the provisions of this procedure as set forth in § 30.42 of the Foreign Trade Statistics Regulations and § 386.3 of the Export Control Regulations of this title.

(2) The Bureau of the Census, with the advice of the Office of Export Control, will acknowledge and accept carriers' statements of willingness to participate in this procedure, confirming the dates on which such carriers will begin participating in the procedure and the ports at which such carriers will participate.

(3) Participation by a carrier will be restricted to those ports specified by the carrier in his initial letter. A carrier may add or delete ports of participation by notifying the Bureau of the Census and the Office of Export Control.

(4) Exporters or their agents may obtain the names of participating carriers and the ports at which such carriers have agreed to participate in this procedure from District Directors of Customs.

(c) These special procedures in no way relieve the exporter or his agent, from his responsibilities in reporting complete and accurate information.

(d) The privileges provided for in paragraph (a) of this section may be withdrawn from an exporter or agent of an exporter if it is determined by the Bureau of the Census that such exporter or agent has knowingly or negligently furnished or assisted in the furnishing of inaccurate, incomplete, or otherwise inadequate Customs, Census, and/or Export Control information required on the Shipper's Export Declaration.

(e) If it is determined by the Bureau of the Census that a carrier participating in the procedures set forth in paragraph (a) of this section has knowingly or negligently failed to perform the functions required of it thereunder, then the privileges of participating in said procedures may be withdrawn from such carrier, and any exporter or agent of an exporter using the services of such carrier thereafter shall not be permitted to avail itself of the privileges provided for in paragraph (a) of this section when dealing with such carrier.

(f) Any exporter, agent, or carrier from whom such privileges are withdrawn may apply for reinstatement of such privileges after a period of 45 days

from the effective date of withdrawal. Application shall be in writing, addressed to the Bureau of the Census and shall contain an explanation of remedial action taken by the firm.

(g) Any exporter, agent or carrier from whom such privileges are withdrawn or whose application for reinstatement of privileges is denied may request an administrative review, and appeal to the Appeals Board of the U.S. Department of Commerce under the procedures set forth in § 30.43.

§ 30.43 Administrative review and appeals of determinations under § 30.42.

(a) *Purpose.* This section sets forth the procedures applicable to: (1) The consideration of requests for administrative review by the Bureau of the Census of protested withdrawal of privileges or denial of application for reinstatement of privileges under § 30.42 and (2) appeals to the Appeals Board for the U.S. Department of Commerce from a decision issued by the Bureau of the Census upon a request for administrative review.

(b) *Definitions.* For purposes of this section:

(1) "Withdrawal of privileges" means denial by the Bureau of the Census of the privilege of participating in the procedures set forth in paragraph (a) of § 30.42.

(2) "Application for reinstatement of privileges" means a request, as provided for in paragraph (e) of § 30.42, by an exporter, agent of an exporter or a carrier for permission to participate in the procedures set forth in paragraph (a) of § 30.42 after the privilege of participating in such procedures has been withdrawn.

(3) "Administrative review" means a request for relief, as provided in paragraph (d) of this section, from a withdrawal of privileges or a denial of application for reinstatement of privileges.

(4) "Appeal" means a request for relief, as provided in paragraph (e) of this section, from a decision on an administrative review.

(c) *Grounds for requesting administrative review and appeal—(1) Grounds for administrative review.* Any exporter, agent or carrier may request an administrative review, as provided in paragraph (d) of this section, of a protested withdrawal of privileges or a denial of application for reinstatement of privileges where such withdrawal of privileges or denial of application for reinstatement of privileges works an exceptional and unreasonable hardship upon or improperly discriminates against such exporter, agent, or carrier.

(2) *Grounds for appeal.* Any exporter, agent or carrier may appeal to the Appeals Board of the U.S. Department of Commerce, as provided in paragraph (e) of this section, from a decision by the Bureau of the Census, Washington, D.C. 20233, on an administrative review where such decision works an exceptional and unreasonable hardship upon or improperly discriminates against such exporter, agent or carrier.

(d) *Administrative review.* The Bureau of the Census will consider a request for administrative review of a withdrawal of privileges or a denial of application for reinstatement of privileges, when such request is submitted in accordance with the following provisions:

(1) *Request for administrative review must be in writing.* A request for administrative review must be in writing, in letter form, and shall be filed in duplicate together with any accompanying supportive evidence. If the submission of two copies of all accompanying documents or exhibits would place an undue burden on the petitioner, a waiver of this rule may be requested at the time the request for administrative review is filed.

(2) *Information to be contained in a request for administrative review.* A request for administrative review shall contain a clear and concise statement of the following information: (i) The administrative action which is protested, (ii) the grounds for the request, and (iii) the relief requested by the petitioner. The various grounds for the request shall be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

(3) *When and where to file a request for administrative review.* A request for administrative review shall be filed not later than 30 days after the date of notification of withdrawal of privileges or denial of application for reinstatement of privileges. Such request shall be filed with and addressed to the Bureau of the Census, Ref.: "Administrative Review", U.S. Department of Commerce, Washington, D.C. 20233.

(4) *Decisions.* A request for relief may be granted or denied, in whole or in part. Decisions will be furnished to the petitioner in writing. If the decision is unfavorable, it may be appealed to the Appeals Board in accordance with the provisions of paragraph (e) of this section.

(e) *Appeals.* Any exporter, agent or carrier may appeal to the Appeals Board, upon the grounds indicated in paragraph (c) of this section, in accordance with the following provisions:

(1) *Preparation of appeals.* An appeal shall be clearly marked "Ref.: Appeals Board for the U.S. Department of Commerce" and shall be in letter form. The appeals letter shall be prepared in accordance with subparagraphs (1) and (2) of paragraph (d) of this section and shall be accompanied by the same information and documents specified therein. The appellant may request the Bureau of the Census, in writing, to transmit to the Appeals Board the documentation originally submitted to the Bureau of the Census in support of a request for administrative review under paragraph (d) of this section.

(2) *When and where to file appeals.* Appeals may be filed not later than 30 days after the appellant receives notice of a final determination on an administrative review. All appeals shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230.

(3) *Oral presentation.* An appellant may request the opportunity for oral presentation before the Appeals Board; such request shall be in writing and included with the appeal. Where the appellant so requests and the Appeals Board believes it to be necessary to a proper determination, the appellant may be granted an opportunity to present orally further facts and argument. A date will be set and notice of the time and place (in Washington, D.C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation, unless waived by appellant. Such presentation will be heard informally; generally, no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. An appellant need not be represented by counsel unless he so wishes.

(4) *Records.* Records concerning an appeal may be made available for inspection and copying by persons properly concerned, upon written application. Such application shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, and shall set forth the applicant's interest, a description of the material or information contained in the record to be inspected or copied, and the purposes for which it is sought.

(5) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part, or dismissed at the request of the appellant. The decision on an appeal signed by the Chairman of the Appeals Board will be communicated to the appellant in writing.

Effective date: These regulations shall be effective January 1, 1970.

GEORGE H. BROWN,
Director, Bureau of the Census.

I concur: November 26, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14219; Filed, Nov. 28, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4738]

[Wyoming 0308864]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

Correction

In F.R. Doc. 69-13450 appearing at page 18167 in the issue of Thursday, November 13, 1969, the following changes should be made:

1. The item in parentheses in the third line of paragraph 1, now reading "(Wyoming No. 17)", should read "(Wyoming No. 7)".

2. At the bottom of the first column on page 18168 the third line under the heading "T. 25 N., R. 119 W.," now reading "Sec. 3, lots 5, 6, 11, 12, 13, 14, and SE¼;" should read "Sec. 3, lots 5, 6, 11, 12, 13, 14, and SE¼;".

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1631—QUOTAS AND CALLS

Random Selection

CROSS REFERENCE: For a document amending the Selective Service Regulations to prescribe random selection, see Title 3, Executive Order 11497, F.R. Doc. 69-14291, *supra*.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 148e—ERYTHROMYCIN

PART 148n—OXYTETRACYCLINE

Confirmation of Effective Date of Order Repealing Provision for Certification of Certain Antibiotic Drugs

An order was published in the FEDERAL REGISTER of September 16, 1969 (34 F.R. 14429), amending the antibiotic drug regulations to delete certain dental cone and dental paste drugs from the list of drugs acceptable for certification. The order repealed §§ 141c.209, 141c.210, 146c.209, 146c.210, 148e.19, 148n.13, and 148n.14 and revoked all antibiotic drug certificates issued under those regulations.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective October 26, 1969.

Firms affected by the order will be allowed 30 days from the date of publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: November 20, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14152; Filed, Nov. 28, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 69-121]

PART 82—BOUNDARY LINES OF INLAND WATERS

Change in Demarcation Line for Chesapeake Bay

The Chesapeake Bay Sealanes Study Committee in accordance with resolutions of the Intergovernmental Maritime Consultative Organization (IMCO) has recommended to the Commandant, U.S. Coast Guard the institution of a traffic separation scheme for the approaches to Chesapeake Bay. The purpose of this scheme is to assist in preventing collisions of vessels navigating the area. Compliance with the scheme is voluntary on the part of the navigators of vessels. The scheme, in essence, provides for the establishment of two sealanes marked by buoys converging from seaward to the Pilot Area off Cape Henry. As a part of this traffic separation scheme, the Committee recommended the relocation of the present line of demarcation in order that only one set of the nautical rules of the road would apply in the Pilot Area. This line of demarcation separates the high seas from rivers, harbors and inland waters for the purpose of indicating to mariners the point at which a change from one set of the nautical rules of the road to the other is necessary. In accordance with this recommendation Cape Henry Junction Lighted Whistle Buoy through which the existing line of demarcation passes will be disestablished. It was further recommended that the line should be drawn from Cape Henry Light to three buoys, two of which will be established as a part of the traffic separating scheme, and thence to Cape Charles Light. The three buoys are, in turn, Cape Henry Buoy Number 1 located at 36°-55.0′ N., 75°58.0′ W., Chesapeake Bay Entrance Lighted Bell Buoy CBC to be established at 36°54′55″ N., 75°55′48″ W. and North Chesapeake Bay Entrance Lighted Gong NCD to be established at 36°56′47″ N., 75°55′10″ W. This change will move the southern leg of the demarcation line to the south a maximum distance of approximately 1½ miles and will extend the line seaward a maximum distance of approximately 0.3 of a mile.

The scheme was approved by the Commandant, submitted to and approved by a subcommittee of IMCO subject to minor changes which do not affect its actual operation or the line of demarcation above described. The related demarcation line modification proposal was considered and approved by the Merchant Marine Council Committee of the U.S. Coast Guard. Based on these recommendations, the Commandant U.S. Coast Guard hereby approves the change in the line of demarcation.

Some months ago the decision was made to implement this traffic separation scheme on December 1, 1969. All affected agencies and individuals were so notified and have arranged their plans accordingly. Some delays were experienced in obtaining comment from the various agencies to which it was submitted. Accordingly, it is now impracticable to postpone this implementation date. In view of this circumstance, the minor changes in the existing line of demarcation and the further fact that the position of the new line can readily be ascertained by mariners, it is hereby found that compliance with the provisions of the Administrative Procedure Act relating to notice of proposed rule making and public procedures thereon are impracticable and unnecessary.

Accordingly, § 82.30 is revised to read as follows:

§ 82.30 Chesapeake Bay and tributaries.

A line drawn from Cape Henry Light to Cape Henry Buoy 1; thence to Chesapeake Bay Entrance Lighted Bell Buoy CBC; thence to North Chesapeake Entrance Lighted Gong Buoy NCD; thence to Cape Charles Light.

(Sec. 2, 28 Stat. 672, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 151, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

Effective date. This amendment shall become effective on December 1, 1969.

Dated: November 26, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-14220; Filed, Nov. 26, 1969; 8:48 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Caribbean Sea, Virgin Islands

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.817 is hereby prescribed establishing and governing the use and navigation of two restricted areas in the Caribbean Sea at

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St. Croix, V.I., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.817 Caribbean Sea, at St. Croix, V.I.; restricted areas.

(a) *The areas*—(1) *Area "A"*. A triangular area bounded by the following coordinates:

Latitude	*Longitude*
17°44'42" N.	64°54'18" W.
17°43'06" N.	64°54'18" W.
17°44'30" N.	64°53'30" W.

(2) *Area "B"*. A rectangular area bounded by the following coordinates:

Latitude	*Longitude*
17°41'42" N.	64°54'00" W.
17°41'42" N.	64°54'18" W.
17°41'18" N.	64°54'00" W.
17°41'18" N.	64°54'18" W.

(b) *The regulations*. (1) Anchoring in the restricted areas is prohibited with the exception of U.S. Government owned vessels and private vessels that have been specifically authorized to do so by the Commanding Officer, Atlantic Fleet Range Support Facility.

(2) The regulations in this paragraph shall be enforced by the Commanding Officer, Atlantic Fleet Range Support Facility, Roosevelt Roads, P.R., and such agencies as he may designate.

[Regs., Nov. 14, 1969, 1507-32 (Caribbean Sea, Virgin Islands)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Plans Division, TAGO.

[F.R. Doc. 69-14124; Filed, Nov. 28, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

NEW EDITION OF GSA FORM 1424, GSA SUPPLEMENTAL PROVISIONS

Chapter 5A of Title 41 is amended as follows:

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

Paragraphs (b) and (e)(1) of § 5A-2.201-70 are revised to read as follows:

§ 5A-2.201-70 Forms to be used.

* * * * * *

(b) Standard Form 33A, Solicitation Instructions and Conditions, March 1969 edition.

* * * * * *

(e) * * *

(1) GSA Form 1424, GSA Supplemental Provisions, September 1969 edition, shall be incorporated by reference in each solicitation for offers, by using the following provision:

GSA Form 1424, GSA Supplemental Provisions, September 1969 edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1424, if not enclosed, is available upon request.

* * * * * *

PART 5A-16—PROCUREMENT FORMS

Subpart 5A-16.9—Illustrations of Forms

Section 5A-16.950-1424 is revised to include an illustration of the September 1969 edition of GSA Form 1424.

NOTE: The form illustrated in 5A-16.950-1424 is filed as part of the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3BRD, Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective 60 days after publication in the FEDERAL REGISTER, but may be observed earlier upon availability of revised GSA Form 1424.

Dated: November 20, 1969.

A. F. SAMPSON,
Commissioner, Federal Supply Service.

[F.R. Doc. 69-14151; Filed, Nov. 28, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 69-72]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 161—ELECTRICAL EQUIPMENT

PART 164—MATERIALS

Miscellaneous Amendments

Correction

In F.R. Doc. 69-12837 appearing at page 17479 in the issue of Wednesday, October 29, 1969, the following changes should be made:

1. In § 146.07-1 insert "(b) * * *" between paragraph (a) and subparagraph (3) and change the word "in" in the first line of subparagraph (3) to "is".

2. On page 17489 the word "contained" appearing in the 11th line of the first column should be changed to read "container".

3. In the introductory paragraph of § 146.27-31 (c), line 2, the word "storage" should read "stowage".

4. In the third column of page 17492 the third line of the amendment to column 5 of § 146.27-100 should be changed to read "or if the vessel is provided with a com-".

5. On page 17496 the seventh line in paragraph (e) at the top of the first column should be changed to read "specified in paragraphs (r)(3), (s)(3), or (t)(3)".

6. In § 164.007-7(c) the section reference in the third line now reading "§ 164.077-4(d)(4)" should be changed to read "§ 164.007-4(d)(4)".

7. In the 10th line of § 164.008-5(a)(5) the word "of" should be inserted between the words "surface" and "insulation".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 13—IMPORTATION OF WILDLIFE OR EGGS THEREOF

Live or Dead Fish, Mollusks, and Crustaceans

By notice of proposed rule making published in the FEDERAL REGISTER of August 19, 1969 (34 F.R. 13373), notification was given that it was proposed to amend Part 13 of Title 50 Code of Federal Regulations, to restrict the importation, transportation, or acquisition of live fish or viable eggs of the family Clariidae.

Interested persons were invited to submit their comments, suggestions, or objections with respect to the proposed amendment, within 90 days of the publication of the notice.

All comments and relevant matters received having been considered, § 13.7 is amended to read:

§ 13.7 Importation of live or dead fish, mollusks, and crustaceans or their eggs.

(a) (1) The importation, transportation, or acquisition is prohibited of any live fish or viable eggs of the family Clariidae: *Provided*, That the Director shall issue permits authorizing the importation, transportation, and possession of such live fish or viable eggs under the terms and conditions set forth in §§ 13.10 through 13.11.

(2) Except as provided in subparagraph (1) of this paragraph, and except for the salmonids of the fish family Salmonidae, as provided in paragraph (b) of this section, all species of live or dead fish, mollusks, and crustaceans, or parts thereof, or their eggs, may be imported, transported, and possessed in captivity without a permit, for scientific, medical, educational, sale, exhibition, or propagational purposes upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 13.12. No such live fish, mollusks, crustacean, or any progeny or eggs thereof, may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission from such agency.

(b) (1) Notwithstanding authority granted Federal agencies in § 13.4, all live or dead fish or eggs of salmonids of the fish family Salmonidae are prohibited entry into the United States for any purpose unless such importations are by direct shipment, accompanied by a certification that the importation is free of the protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The certification shall be signed in the country of origin by a designated official acceptable to the Secretary of the Interior as being qualified in fish pathology, or in the United States by a qualified fish pathologist designated for this purpose by the Secretary of the Interior.

(2) The certificate required by this section shall consist of a statement in the English language, printed or typewritten, stating that this shipment of fish or eggs is free from these two diseases by the methods outlined in Fish Disease Leaflet 9, and will contain (i) the date and port of export in the country of origin and the anticipated United States date of arrival and port of entry, (ii) surface or air carrier and flight number, or vessel name or number, (iii) bill of lading number or airway bill number, and (iv) the handwritten signature, in ink, of the authorized certifying officer, and may be substantially in the following form:

I, _____, approved by the Secretary of the U.S. Department of the Interior, on _____, as a certifying
(Date)
official for _____, as required by Title
(Country)
50, CFR 13.7(b), do hereby certify, using the methodology described in Fish Disease Leaflet (FDL-9, July 1968), that this shipment of _____ of dead or live fish or
(Weight in pounds)
fish eggs to be shipped under _____
_____ is free of the
(Bill of lading number, or
airway bill number)
protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorraghic septicemia or "Egtved disease."

The shipment is scheduled to depart on _____, via
(City and Country) (Date)
_____ with anticipated
(Name of carrier)
arrival at the port of _____ U.S.A., on
(City)
_____
(Date)

_____
(Signature in ink of certifying officer)

_____
(Date)

(c) Nothing in this part shall restrict the importation and transportation of dead fish or dead eggs of salmonids of the fish family Salmonidae when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby all spores of the protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or so-called "Egtved disease" have been killed. Salmon landed in North America and brought into the United States for processing or sale, or any salmonid caught in the wild in North America under a sport or a commercial fishing license, shall be exempt from the requirement for certification, but the Declaration For Importation of Wildlife must be filed as required in §13.12.

(62 Stat. 687, as amended, 18 U.S.C. 42)

Effective date: January 1, 1970.

JOHN S. GOTTSCHALK,
Director.

NOVEMBER 26, 1969.

[F.R. Doc. 69-14211; Filed, Nov. 28, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Monetary Offices

[31 CFR Parts 90, 92, 93]

TERMINATION OF GOLD DEPOSITS AT MINTS FOR EXCHANGE

Notice of Proposed Rule Making

Effective January 1, 1970, the U.S. Mints and Assay Offices will no longer accept deposits of gold for exchange into gold bars. Accordingly, Parts 90, 92, and 93 of Title 31 of the Code of Federal Regulations will be amended to delete specifications and conditions for the receipt of such deposits. These amendments will be effective as of the close of business December 31, 1969. Deposits received at the U.S. Mints and Assay Offices prior to this time will be accepted for exchange in accordance with the regulations governing such exchanges.

Dated: November 26, 1969.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14255; Filed, Nov. 28, 1969; 9:05 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18751; FCC 69-1286]

MULTIPLE OWNERSHIP OF STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Stock Held by Banks in Fiduciary Capacity

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations (stock held by banks in a fiduciary capacity); Docket No. 18751, RM-1460.

1. Notice of proposed rule making and notice of inquiry are given in the above-entitled proceeding.

2. On May 28, 1969, the American Bankers Association (ABA) filed a petition requesting certain amendments to the Commission's multiple ownership rules and the Commission's ownership reporting requirements, with respect to stock in broadcast licensees held by bank trust departments in a fiduciary capacity. ABA requests that the multiple ownership rules be amended (1) so that there is no limitation on broadcast holdings by bank trust departments if the bank executes a disclaimer of intention to control the management or policy of the broadcast company; or (2) so that holdings in different trust accounts of broadcast company stock, wherein the bank has the power to vote, need not be aggregated for determining size of interest, or, in the alternative, if they are required to be aggregated, raising the level for applying the multiple ownership rules from 1 percent to 10 percent on the aggregate holdings (with power to vote) and to 5 percent on any single trust account, instead of the present 1 percent.[1]

3. With respect to ownership reporting, ABA requests that the requirement that a copy of or an abstract of every trust agreement be filed with the Commission be deleted. ABA also requests that ownership reports be required annually instead of monthly, even if there are changes in holdings, and that the report by a bank to a broadcast company be limited to holdings in that company.

4. Finally, the ABA requests that corporations, whose broadcast operations are a minimal part of the corporation's entire business, not be required to secure ownership reports from banks as to holdings of that stock.

5. The Commission on June 12, 1968, adopted a report and order, 13 FCC 2d 357, which amended the Commission's multiple ownership rules and the ownership reporting rules as they related to broadcast holdings by regulated investment companies (commonly known as "mutual funds"), stock brokers and trusts (Docket 15627). The amendment had the effect of permitting mutual funds to own up to 3 percent in broadcast companies with over 50 stockholders (instead of the 1 percent limitation previously applicable which was retained for other types of holders), provided the mutual fund formally indicates that it will not attempt to control the company or influence the management thereof.[2]

6. The ownership reporting rules were amended by the June 1968 action in two respects. The rules, after amendment, provide that trust agreements need not be filed, but that an abstract of the agreement may be filed in lieu thereof. Also, stock brokers no longer need to report to a broadcast company stock that they hold, as brokers, if held less than 30 days. However, the report and order, and a public notice issued simultaneously, emphasized that, as liberalized by these amendments, the reporting rules are to be strictly complied with, including ascertainment by broadcast licensees of the information necessary to file the required reports and the filing within 30 days of information as to ownership changes, as required by §§ 1.613 and 1.615 of the rules.

7. The Commission considered, in detail, the subject matter of the ownership of broadcast stocks by investment-type entities prior to the June 1968 amendment of the aforementioned rules. ABA urges many of the same arguments dealt with in Docket 15627, which are discussed briefly below. We are of the opinion that the conclusions reached in that proceeding are, in the main, well founded in the light of the passage of time. However, we stated at paragraph 35 of the June 1968 report and order: "As to trusts, information presented with regard to them is so scanty as to present no basis for increasing the bench mark." It appears that ABA has compiled substantial data concerning broadcast holdings of trust departments of banks in support of its request for the amendments set forth above.

Reporting matters. 8. ABA's request that banks not be required to report holdings of broadcast companies in the case of corporations where broadcasting is a minimal part of the corporation's total business, most of which is in an unrelated field, must be rejected. ABA's chief argument in this connection is that in such cases, the bank trust department's purpose in investing in the security is not the corporation's broadcast interests but its other activities. However, this argument misses the point. The identity of substantial stockholders in broadcast licensees, be they banks or others, is of great importance to the Commission in a number of respects. It is necessary to determine whether the multiple ownership rules are being complied with or violated, and whether the broader policies behind these rules—furthering diversification of broadcast ownership and avoiding concentration of control—are being effectively implemented. It is also of importance in determining whether the licensee company is being truly operated independently, for example in the presentation of news and other programs, or is being used to further the interests of substantial stockholders. Therefore the Commission must know the nature and identity of broadcast licensee stockholders.

9. The Commission has made a considered judgment that, as to corporations with over 50 stockholders, all ownership interests that amount to 1 percent of a broadcast company, must be reported to the Commission. With the passage of time (over 15 years), this 1 percent standard appears to be reasonably related to the Commission's duty to regulate broadcasting. Also, it appears that it is not unduly burdensome duty for licensees to file reports under this standard. Where a large diversified corporation has broadcast facilities, even where their value or revenues are relatively small in relation to the corporation's total assets or revenues, the Commission must have complete knowledge as to the ownership aspects of the corporation.[3] The Commission must be able to determine whether proper licensee responsibility is being exercised in the public interest. The request of the ABA that banks need not report to broadcast licensees if the broadcast business is a small part of the corporation's business will not be included in this rule making proceeding.

10. The ABA requests that ownership report changes be filed on a less frequent basis than monthly is being considered by the Commission as a part of its study looking toward up-dating the ownership reporting form as we stated we would in the June 1968 order, supra. Therefore, this request also will not be included in this rule making proceeding.

11. ABA's request for deletion of the requirement that a copy of or an abstract of every trust agreement be filed may well be a reasonable request. It will be included in this rule making to determine whether, without the trust instrument or an abstract and assuming that other complete ownership data has been submitted, adequate information is on file to enable the Commission to adequately enforce the multiple ownership rules and other statutory and policy requirements. The data obtained may indicate that the Commission has full information as to the legal and beneficial aspects of ownership of stock by banks and other trustees. If, based upon all the facts, it can be shown that filing of a copy or an abstract would be duplicative or otherwise unnecessary, the Commission would, of course, dispense with this requirement. Within the foregoing limitations, this request of ABA that the requirement that broadcast licensees need not file a copy or an abstract of trust agreements will be submitted for comments.

Ownership limitation. 12. The requests of ABA concerning the application of the multiple ownership rules cover two points. One request is that broadcast stocks could be held by banks without limitation, provided the bank (who has the power to vote the stock) executes a disclaimer of intention to control the management or policy of the broadcast company. The other request is that holdings by banks (where the bank has the power to vote) not be aggregated, or if aggregated, the limitation be raised from 1 percent to 10 percent with a 5 percent limitation on any single trust account. The requests will be considered together, because of certain interacting factors.

13. ABA, in its petition, contends that, due to the nature and purpose of its holdings, the 1 percent benchmark now applicable to all stockholders except mutual funds is an unreasonable standard. Its major premises are that bank trust department holdings are widely dispersed among the various trust accounts, and that stock is acquired for investment purposes only and not to exercise control over management or broadcast policy. In support of the proposed amendments, ABA conducted a survey by requesting that 20 banks supply certain information concerning stocks, in general, and broadcast stocks, in particular, held in the trust departments. Nineteen of the 20 banks supplied the data requested by ABA.

14. Because of the vast and growing size of holdings in trust departments of banks, ABA contends that the consequences flowing from the present multiple ownership rules as they apply to trusts, and the burdensome reporting requirements, would result in a permanent reduction in the availability of capital for broadcast companies, because banks would not consider corporations that have broadcast interests as trust investments. It is also claimed that two other similar results would occur: (1) Corporations where broadcasting interests are just a small part of the total business would dispose of their broadcast interests to retain their status as trust investments, and (2) present nonbroadcast corporations would never diversify into broadcast activities.

15. Another point urged by the ABA is that, in addition to no longer investing in corporations with broadcast properties, banks would face divestiture of such stocks presently held by them. In the 20 banks surveyed (19 reporting), the claimed required divestiture by banks of broadcast stocks in which they have the power to vote would be (as of Apr. 3, 1969):[4]

At 1 percent over $976 million (25 companies).
At 3 percent over $256 million (15 companies).
At 5 percent over $84 million (nine companies).
At 10 percent over $4 million (one company).

ABA contends that the size of the divestitures required at 1 percent, 3 percent, and 5 percent would cause serious market disruptions and a severe depression in the market for broadcast stocks and stocks of diversified corporations with broadcast properties. While we are not closing our eyes to the claimed required divestitures, we must examine these requested changes in the light of the Communications Act and the Commission's rules and policies adopted thereunder, irrespective of the scope of divestiture.

16. With the foregoing background, we now examine the ABA requests concerning the ownership aspects of its petition. ABA requests that there be no numerical limitation on stock held by banks provided a disclaimer of intention to enter into the management of the broadcast company. ABA's request for an amendment of the rules so that stock may be held without limitation must be denied, irrespective of its statement of disclaimer of intent to enter into the management of the company. Ownership, even passive and latent, cannot be unlimited, as mere size of a holding alone may have an effect on management and policies of a broadcast company. The matter of a disclaimer will be considered in connection with the specific percentage limitations and aggregation discussed below.

17. ABA states that it does not agree that stock held in trust should be aggregated for the purpose of the multiple ownership rules. We cannot agree. It may be, as ABA urges, that each trust account is for some purposes a separate entity. But the petition does not show, nor do we have reason to believe, that when a bank votes stock in a company held in various trust funds it votes the different holdings separately or differently. The power to vote, even though sterilized by a disclaimer, may be exercised at any time. Therefore the aggregate size of the holdings must be known and recognized under the multiple ownership rules. ABA also urges that if aggregation is required it should be on the basis of the power to vote, and with this we agree. As set forth in the June 1968 decision, stockholdings will be considered on the basis of who has the power to vote.

18. However, we believe that ABA makes a better case for the proposition that the 1 percent benchmark may not be a realistic one as applied to stock held by banks as trust investments. In the June 1968 decision, the Commission permitted mutual funds to own up to 3 percent of the voting stock of broadcast companies without bringing the multiple ownership restrictions into play. We relied, in part, on the fact that mutual funds, in general, state in their prospectuses that stock held by them is not for the purposes of exercising control over management but for the purposes of investment only. Mutual funds that do not publish such disclaimer in their prospectus are permitted to file a separate disclaimer and thereby be subject to the 3 percent limitation rather than the 1 percent restriction.

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[1] Meredith Corp. and Columbia Broadcasting System, Inc., filed pleadings in support of the ABA petition. The pleadings contend that trust assets of a bank are held for investment only, and that relief from the 1 percent rule is required to prevent unnecessary disruption as to holding of broadcast stocks.

[2] The amendments also clarified the duopoly policy flowing from the multiple ownership rules as to broadcast companies with over 50 stockholders. It now provides that the same standard for application of the "seven-stations" rule as set forth in §§ 73.35, 73.240, and 73.636 will be used in the application of the duopoly policy.

[3] It would be extremely difficult to arrive at any standard as to what is "minimal" for this purpose. Broadcasting is an industry of comparatively high return in relation to invested capital, and thus broadcast holdings of a diversified company may be highly important in its revenue and income structure even if they represent only a small part of its assets, and may be a strong incentive to investment.

[4] This analysis, Table I attached to the petition, seems to assume that any interest in a broadcasting company would have to be reduced to the stated percentage level. This is contrary to fact, in two respects: (1) A bank, or any other stockholder, may have one interest of any size in a licensee company; it is only where the holder has two or more such interests that problems may arise; (2) two (or even more) interests of more than a certain size may be held if the companies owned do not between them have more than the maximum allowable number of stations or stations serving substantially the same area. Not all of the 45 publicly held licensee corporations listed own the maximum permissible number of stations; Travelers Insurance Co., for example, has only radio and TV stations at Hartford.

19. If banks and other parties including broadcasters, can show, by significant facts, that its trust holdings are for investment purposes only, and not for the exercising of any degree of control over the management of a broadcast company, the Commission, based on such facts and other relevant data, may be inclined to permit holdings in excess of 1 percent.

20. However, we are tentatively of the view that the permissible figure should be no more than 3 percent, for reasons stated above and in our June 1968 decision. On the basis of the ABA's analysis of 19 bank trust holdings, it appears that the imposition of this requirement, and its strict enforcement with respect to bank trust department holdings, would not be unduly burdensome or be so restrictive as to inordinately impair the availability of capital for broadcasting. For example, if the present 1 percent rule is applied in these situations, it appears that it would require disposing of or reducing some 50 interests, by 12 of the 19 banks reporting. If the rule were changed to 3 percent, it would require the elimination or reduction of only 16 interests, by only six of the 19 banks. Of the 45 publicly held licensee companies listed, the stock of only 15 would be affected, and these usually in minor amount.[5]

21. Therefore the Commission invites comments on two questions as follows:

A. Is the filing of trust agreements or abstracts thereof, as required by § 1.613 (b) of the Commission's rules, necessary so that the Commission will have adequate information to enable it to carry out its responsibilities under the Communications Act and the Commission's rules and policy? If such filings are necessary in some cases, could they be dispensed with partly or entirely in others, for example by the presumption that unless otherwise indicated a bank holding as trustee has unqualified power to vote and acquire or dispose of the stock of the licensee company?

B. Assuming that banks execute disclaimers of intention to control the management or policy of a broadcast company as to stock held by the banks as trust investments over which they hold the power to determine how the stock will be voted, is the 1 percent benchmark specified in §§ 73.35(b), 73.240(b), and 73.636(b) a reasonable and proper standard as to stock held by banks in their trust departments, or should a higher figure, such as 3 percent, be permitted?

[5] Nine of the banks reported no interests of 3 percent or more of the voting stock of a broadcast licensee company; four reported one such interest, which would not have to be reduced under this standard. There were no interests of this size in 29 of the licensee companies; one such interest (in General Tire) would not be affected because the bank holds no other such interest. Holdings of the stock of Capital Cities could be affected in three cases if the bank elected to reduce it and keep other holdings; the same is true of five other licensees in two cases, and of the remaining nine in only one case.

22. As part of our consideration of this overall problem, we are also instituting an inquiry at this time concerning certain other financial and management connections between banks and licensees. Under this inquiry, the ABA is requested to make a further survey of its member banks.[6] The survey should include (a) interlocking directorates between the banks and the licensees in which the banks vote stock; and (b) loans by the banks to licensees in which the banks vote stock.

23. Authority for this amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Authority for the inquiry is contained in section 403 of the Communications Act of 1934, as amended.

24. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 2, 1970, and reply comments on or before April 3, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

25. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 19, 1969.

Released: November 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-14166; Filed, Nov. 28, 1969; 8:46 a.m.]

[6] An appropriate sampling both as to size and the nature of the data can be discussed with the Broadcast Bureau.

[7] Chairman Burch not participating; concurring statement of Commissioner Robert E. Lee filed as part of original document; Commissioner Wells absent.

[47 CFR Parts 89, 91, 93, 95]

[Docket No. 18740; FCC 69-1260]

OPERATION OF CERTAIN FIXED STATIONS IN MOBILE RELAY STATION BANDS

Notice of Proposed Rule Making

In the matter of amendment of Parts 89, 91, 93, and 95 of the Commission's rules concerning the operation of certain fixed stations in the band 450–470 Mc/s which control mobile relay stations; Docket No. 18740, RM–1375.

1. In the second report and order in Docket No. 13847 (FCC 68–128, 33 F.R. 3114), released February 9, 1968, the Commission essentially completed the rule making proceeding to split the channels in the band 450–470 Mc/s. Among the rule changes adopted in the proceeding were those which, except for control stations, provided for the elimination by November 1, 1971, of all fixed use of this band within 75 miles, and in some cases, 100 miles of the top 87 urbanized areas; a requirement for five Mc/s separation between base and mobile frequencies; and deletion of provisions which had permitted base stations to operate on mobile only frequencies.

2. These rules were adopted because operation of fixed stations in this band precludes to some extent the use of the particular frequencies by stations in the mobile service. Operation of higher power base stations in mobile bands presents a potential interference problem to cochannel and adjacent channel mobile operations and tends to prevent the close-in duplication of mobile only assignments.

3. The exception, referred to above, which permits control stations to continue their fixed operation was made subject to certain conditions designed to alleviate the adverse effect on mobile operations. Control stations are required to utilize the frequency of the mobile units associated with the mobile relay station. The power is limited, and directional antennas with a front-to-back ratio of at least 15 dB are required. The control station may produce a signal level at the mobile relay station not exceeding six dB above that which would result from a mobile station transmitting from the control station location.

4. Since the adoption of the new rules, developments indicate the need for further changes in the rules governing operation of control stations. The present rule requirement that control stations utilize directional antennas has resulted in a number of requests for rule waiver in certain systems that use a single station to control more than one mobile relay station. In such systems, where a control station transmits to multiple mobile relay station sites, use of a directional antenna meeting the specifications of the rules is inappropriate since the control signals must be directed to different points of the compass. For example, a station controlling two mobile relay stations separated by 180° requires two directional antennas back-to-back, and the requirement for a minimum front-to-back ratio for each antenna becomes meaningless. Also, when two directional antennas are placed in close proximity, they interact and their directional characteristics are modified. The installation of a single bidirectional antenna in such cases should be permitted.

5. The same rationale dictates use of omnidirectional antennas or antennas with cardioid patterns in certain situations involving more than two associated mobile relay stations. Accordingly, we are proposing to amend the rules to permit the use of bidirectional, cardioid or omnidirectional antennas as set forth below.

6. Under existing rules, the strength of the control station signal, at each mobile relay site, may not exceed by more than six dB the signal level produced there by a unit of the associated mobile station transmitting from the control station location. In systems where a single station controls more than one mobile relay station, requiring measurements to determine the signal ratio at each mobile relay location does not appear to be desirable, and serves no useful purpose once the signal ratio has been established at any one of the locations. It is proposed, therefore, to require compliance with the signal level limitation at only one of the mobile relay locations and to permit the applicant to choose the measurement site. The particular rule section would also be modified to require the applicant to state that the power output of the control station transmitter will be adjusted to comply with the signal level limitation, and would require that records to this effect be maintained with other station records.

7. The restrictions on use of 450–470 MHz frequencies by control stations are intended, to the extent possible, to equate their technical effect on spectrum use with that of a mobile station operating in the same area. Control stations are required to operate on the same frequency as the associated mobile units. The rules, however, require separate frequency coordination for each control station, even though the area of operation has been coordinated for mobile use, and with few exceptions, the associated control stations are located within the operating area of the mobile units. We believe, therefore, that in this situation the requirement for separate or additional frequency coordination for control stations serves no useful purpose. Accordingly, we propose herein to amend the rules governing Parts 89, 91, and 93 to eliminate this requirement.

8. In addition to the foregoing considerations with respect to the operation of control stations in this band, the Commission has before it the petition for rule making (RM–1375) filed on November 19, 1968, by the National Association of Manufacturers, requesting amendment of the rules to permit a control station transmitting on the frequencies assigned to associated mobile units in the 450–470 Mc/s band to meet the same frequency stability requirement applicable to mobile stations. The Commission concurs with the association's argument that the same tolerance, not a more stringent one, is appropriate for both mobile and control installations. Therefore, we also propose to amend the rules to specify that these control stations may operate with a frequency tolerance of ±0.0005 percent. The tighter frequency tolerance of ±0.00025 percent will be retained for all other fixed stations operating in this band.

9. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 29, 1969, and reply comments on or before January 8, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 19, 1969.

Released: November 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

I. Part 89 of the Commission's rules is amended as follows:

1. In § 89.15, the introductory text of paragraph (a) is amended to read as follows:

§ 89.15 Frequency coordination procedures.

(a) Except for applications from States requesting frequencies in accordance with a geographical assignment plan, applications in the Special Emergency Radio Service, applications for control stations in mobile relay systems on frequencies above 450 Mc/s where the associated mobile frequency is used, and applications requesting assignment of frequencies in the 27.23–27.28 Mc/s band or frequencies above 470 Mc/s, the following applications shall be accompanied by information required by either paragraph (b) or (c) of this section:

* * * * * * *

2. In § 89.103(a), a new footnote is added to the table of frequency tolerances to read as follows:

§ 89.103 Frequency stability.

(a) * * *

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
Mc/s	*Percent*	*Percent*	*Percent*
450 to 470	[4].00025	.0005	[5].0005

[4] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency may operate with a frequency tolerance of 0.0005 percent.

II. Part 91 of the Commission's rules is amended as follows:

1. In § 91.8, a new subdivision is added to paragraph (a)(1) to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(1) * * *

(ix) Any application for a control station in a mobile relay system on frequencies above 450 Mc/s where the associated mobile frequency is used.

* * * * * * *

2. In § 91.102(a), a new footnote is added to the able of frequency tolerances to read as follows:

§ 91.102 Frequency stability.

(a) * * *

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
Mc/s	*Percent*	*Percent*	*Percent*	*Percent*
450 to 470	[4].00025	[4].00025	.0005	[5].0005

[4] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 percent.

[1] Commissioners Burch, Chairman; and Wells not participating.

III. Part 93 of the Commission's rules is amended as follows:

1. In § 93.9, a new subdivision is added to paragraph (a)(1) to read as follows:

§ 93.9 Frequency coordination.

(a) * * *

(1) * * *

(iii) Any application for a control station in a mobile relay system on frequencies above 450 Mc/s where the associated mobile frequency is used.

* * * * * * *

2. In § 93.102(a), a new footnote is added to the table of frequency tolerance to read as follows:

§ 93.102 Frequency stability.

(a) * * *

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
Mc/s	*Percent*	*Percent*	*Percent*
450 to 470	[4].00025	.0005	[5].0005

[4] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 percent.

IV. Parts 89, 91, and 93 of the Commission's rules are amended as follows:

§§ 89.259, 89.309, 89.359, 89.409, 89.459, 91.254, 91.304, 91.354, 91.454, 91.504, 91.554, 91.730, 91.754, 93.352 [Amended]

Sections 89.259(g)(4), 89.309(h)(4), 89.359(g)(4), 89.409(f)(1), 89.459(e)(1), 91.254(b)(30), 91.304(b)(33), 91.354(b)(33), 91.454(b)(12), 91.504(b)(29), 91.554(b)(9), 91.730(b)(18), 91.754(b)(14), and 93.352(d), are identically amended as follows:

( ) This frequency may be assigned to a control station associated with a mobile relay system if it is also assigned to the associated mobile station. Control

stations operating on this frequency shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(i) If the station is used to control one or more mobile relay stations located within 45° of azimuth, a directional antenna having a front-to-back ratio of at least 15 dB shall be used at the control station. For other situations where a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. In each case, the antenna used must, consistent with reasonable design, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each mobile relay station and limits radiation in other directions to the extent feasible.

(ii) The strength of the signal of a control station, controlling a single mobile relay station, may not exceed by more than 6 db, at the antenna terminal of the mobile relay receiver, the signal strength produced there by a unit of the associated mobile station. When the station controls more than one mobile relay station, the 6 db control-to-mobile signal difference need be verified at only one of the mobile relay station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(iii) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(iv) Control stations authorized prior to June 1, 1968, must conform to the requirements of this paragraph by no later than November 1, 1971.

(v) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, page 50. The centers of urbanized areas are determined from the appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

V. Part 95 of the Commission's rules is amended as follows:

1. In § 95.41, paragraph (a)(1) preceding the table of frequencies is amended to read as follows:

§ 95.41 Frequencies available.

(a) • • •

(1) The following frequencies or frequency pairs are available primarily for assignment to base and mobile stations. They may also be assigned to fixed stations as follows:

(i) Fixed stations which are used to control base stations of a system may be assigned the frequency assigned to the mobile units associated with the base station. Such fixed stations shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(a) If the station is used to control one or more base stations located within 45° of azimuth, a directional antenna having a front-to-back ratio of at least 15 db shall be used at the fixed station. For other situations where such a directional antenna cannot be used, a cardioid, bidirectional, or omnidirectional antenna may be employed. Consistent with reasonable design, the antenna used must, in each case, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each base station and limits radiation in other directions to the extent feasible.

(b) The strength of the signal of a fixed station controlling a single base station may not exceed the signal strength produced at the antenna terminal of the base receiver by a unit of the associated mobile station, by more than 6 db. When the station controls more than one base station, the 6 db control-to-mobile signal difference need be verified at only one of the base station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(c) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(d) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, page 50. The centers of urbanized areas are determined from the appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(ii) Fixed stations, other than those used to control base stations, which are located 75 or more miles from the center of an urbanized area of 200,000 or more population. The centers of urbanized areas of 200,000 or more population are listed on page 226 of the appendix to the U.S. Department of Commerce publication "Air Line Distance Between Cities in the United States." When the fixed station is located 100 miles or less from the center of such an urbanized area, the power output may not exceed 15 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 db. For two-frequency systems, separation between transmit-receive frequencies is 5 Mc/s.

• • • • •

2. In § 95.45, a new footnote is added to the table of frequency tolerance to read as follows:

§ 95.45 Frequency tolerance.

• • • • •

Class of station	Maximum authorized power input	Frequency tolerance: Fixed and base	Frequency tolerance: Mobile
A	3 watts or less	[1] 0.00025	[1] 0.0005
A	Over 3 watts	[1] .00025	1.0005
• • •	• • •	• • •	• • •

• • • • •

[1] Fixed stations used to control base stations, through use of a mobile only frequency, may operate with a frequency tolerance of 0.0005 percent.

[F.R. Doc. 69-14167; Filed, Nov. 28, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-369]

INTEREST ON REFUNDS

Rates of Independent Gas Producers and Pipelines in Effect at End of Suspension Period; Notice of Extension of Time

NOVEMBER 21, 1969.

Upon consideration of the requests filed by the Independent Natural Gas Association of America and Tennessee Gas Pipeline Co., a division of Tenneco Inc., on November 17, 1969, and November 18, 1969, respectively, in the above-designated proceeding;

Notice is hereby given that the time is extended to and including December 15, 1969, within which any interested person may submit data, views, and comments in writing in the above-designated matter.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14131; Filed, Nov. 28, 1969; 8:45 a.m.]

Notices

POST OFFICE DEPARTMENT

POSTAL MONEY ORDERS ISSUED AT OVERSEAS MILITARY POST OFFICES

Restriction on Payment Through Banks Outside U.S.

The Department has designed a new postal money order for issuance by U.S. military post offices overseas. The new money order will be salmon colored, and will bear a payment restriction as follows:

Note—Not payable through banks outside the United States of America, other than through U.S. military banking facilities.

The new money order will not be placed in use prior to January 15, 1970.

The Postmaster General will refuse final payment on the described money orders bearing foreign bank endorsements, and the amounts of such money orders will be charged back to U.S. commercial banks through which they were presented for payment.

Notice of proposed rule making with respect to the foregoing is unnecessary, since the issuance and payment of the subject money orders involves the public property and contracts, as well as military and foreign affairs functions, of the United States.

(5 U.S.C. 301, 39 U.S.C. 501, 705(d), 712, 5101, 5102)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-14216; Filed, Nov. 28, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

UPLAND COTTON

Special Referendums on Out-of-County Transfers by Sale or Lease of 1970 Farm Acreage Allotments in Imperial and Riverside Counties, Calif.

Notice is hereby given that special county referendums, pursuant to section 344a(b)(ii) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1344b(b)(ii)), on the question of transfers out-of-county but within the same State by sale or lease of upland cotton allotments to take effect in 1970, shall be conducted by mail ballot during the period December 1–5, 1969, each inclusive, in accordance with Part 717 of Chapter VII (33 F.R. 18345, 34 F.R. 12940; 7 CFR Part 717) in Imperial and Riverside Counties, Calif.

Although cotton producers in each of these counties voted not to permit out-of-county transfers by sale or lease of 1970 upland cotton farm acreage allotments in the referendum held during the period May 5–9, 1969, the seriousness of the pink bollworm infestation during the summer of 1969 and the consequent possibility of a State-imposed ban on growing cotton in 1970 in these counties makes it desirable that producers be afforded the opportunity to vote again on the question.

Signed at Washington, D.C., on November 25, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14164; Filed, Nov. 25, 1969; 2:40 p.m.]

Office of the Secretary

GEORGIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Georgia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA	
Appling.	Jeff Davis.
Atkinson.	Lanier.
Bacon.	Lowndes.
Baker.	Miller.
Ben Hill.	Mitchell.
Berrien.	Montgomery.
Brantley.	Pierce.
Brooks.	Seminole.
Bryan.	Sumter.
Bulloch.	Tattnall
Calhoun.	Telfair.
Candler.	Terrell.
Coffee.	Thomas.
Colquitt.	Tift.
Cook.	Toombs.
Decatur.	Treutlen.
Dougherty.	Turner.
Early.	Ware.
Echols.	Wayne.
Evans.	Wheeler.
Grady.	Wilcox.
Irwin.	Worth.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14183; Filed, Nov. 28, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10559]

MEPAZINE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Pacatal Tablets containing 25 milligrams and 50 milligrams mepazine, present as the hydrochloride, per tablet; previously marketed by Warner-Chilcott Laboratories, Division of Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 10-559). (The company reported in October 1966 that the drug had been withdrawn.)

The Food and Drug Administration concurs with the comment of the Academy panel that mepazine should not be marketed. Serious adverse effects associated with the use of the drug have included granulocytopenia and agranulocytosis, paralytic ileus, urinary retention, seizures, hypotension, and jaundice.

The Food and Drug Administration concludes that there is a lack of substantial evidence of effectiveness of mepazine for the claims which it purported or was represented to have. It is further concluded that the drug is not shown to be safe, in that the hazards associated with its use present risks which are unwarranted in view of its lack of effectiveness. Accordingly, the Commissioner intends to initiate proceedings to withdraw approval of the above listed new-drug application which provides for oral and injectable forms of mepazine.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug and any interested person who may be adversely affected by the removal of such article from the market to submit any pertinent data bearing on the proposal within 30 days after publication of this notice in the FEDERAL REGISTER. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on both the safety and efficacy of the product, and not previously submitted.

This announcement of the proposed action and implementation of the NAS-NRC report for this drug is made to give notice to persons who might be adversely affected by its withdrawal from the

market. Promulgation of an order withdrawing approval of the new-drug application will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holder of the subject new-drug application has been mailed a copy of the NAS–NRC report, and any interested person may obtain a copy on request from the office named below.

Communications forwarded in response to this announcement should refer to DESI No. 10559, which identifies this announcement, and should be directed to the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Request for NAS–NRC report: Press Relations Office (CE–300).

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This announcement is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 20, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–14153; Filed, Nov. 28, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

GENERAL SERVICES ADMINISTRATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14129; Filed, Nov. 28, 1969; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Legislative and Congressional Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14130; Filed, Nov. 28, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21288]

AIRLIFT INTERNATIONAL, INC.

Notice of Prehearing Conference

For approval of agreement and control relationships; agreement C.A.B. 21222.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 16, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before December 9, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., November 25, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69–14171; Filed, Nov. 28, 1969; 8:47 a.m.]

[Docket No. 21430]

LESTER E. COX MEDICAL CENTER ET AL.

Notice of Prehearing Conference

Petition for approval of distribution of stock of Ozark Air Lines, Inc.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 4, 1969, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., November 24, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 69–14172; Filed, Nov. 28, 1969; 8:47 a.m.]

[Docket No. 21545]

NORTH CANADA AIR, LTD.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 1, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 21, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69–14173; Filed, Nov. 28, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17441 etc.; FCC 69–1278]

BETTER T.V., INC., ET AL.

Memorandum Opinion and Order Designating Application for Consolidated Hearing

In the matter of Better T.V., Inc., of Dutchess County, N.Y. (complainant) v. New York Telephone Co. (defendant), Docket No. 17441; in regard applications of New York Telephone Co., for certificates of public convenience and necessity for construction and/or operation of CATV channel distribution facilities to provide service to: U.S. Cablevision Corp., in the general vicinity of Hyde Park, N.Y., Docket No. 18525, File No. P–C–7271; Hudson Valley Cablevision Corp., in the general vicinity of Titusville, Poughkeepsie, and La Grange, N.Y., Docket No. 18617, File No. P–C–7114; Comtel, Inc., in the Borough of Manhattan, New York, N.Y., Docket No. 18620, File No. P–C–7226; WEOK Cablevision, Inc., in the general vicinity of Poughkeepsie and La Grange, N.Y., Docket No. 18621, File No. P–C–7247; WEOK Cablevision, Inc., in the general vicinity of Poughkeepsie, La Grange, and Pleasant Valley, N.Y., Docket No. 18622, File No. P–C–7248; Broadway Maintenance CATV Corp., vicinity of Brookhaven, N.Y., Docket No. 18623, File No. P–C–7255; Manhattan Cable Television, in the Borough of Manhattan, New York, N.Y., Docket No. 18624, File No. P–C–7282; Comtel, Inc., in the Borough of Manhattan, New York, N.Y., Docket No. 18750, File No. P–C–7430.

1. By a memorandum opinion and order and certificate, 18 F.C.C. 2d 783 released August 7, 1969, in Docket No. 17441 et al., the Commission designated for a consolidated hearing certain applications filed by the New York Telephone Co. for certification pursuant to section 214(a) of the Communications Act of channel distribution facilities to serve CATV operators including Comtel, Inc., and Manhattan Cable Television in Manhattan in the city of New York (i.e., File No. P–C–7226, Docket No. 18620, and File No. P–C–7282, Docket No. 18624, respectively).

2. The designated issues contemplate exploration into policies and practices of the telephone company underlying the grant of some and denial of other pole-line attachment or duct space arrangements; whether undue or unreasonable preference or prejudice or advantage or disadvantage resulted from such policies and practices; whether certification of the proposed construction and operation is warranted; and, if so, whether a grant of the certification application should be made subject to any conditions.

3. Now before the Commission is an application filed by New York Telephone Co. for certification of channel distribution facilities to serve Comtel, Inc., in Manhattan, File No. P–C–7430; petitions to deny said application filed June 13, 1969, by the city of New York and jointly by TelePrompTer Manhattan CATV Corp. and Manhattan Cable Television; a reply to such petitions filed by New York Telephone Co. on July 7, 1969; a petition in support of the application filed by Comtel, Inc., on July 7, 1969; a response thereto filed by the city of New York; and a motion filed jointly by TelePrompTer Manhattan CATV Corp. and Manhattan Cable Television (petitioners) on August 19, 1969 (motion), requesting that the Commission designate for hearing and consolidate in the above-mentioned hearing application File No. P–C–7430.

4. In support of their motion, petitioners assert that the proposed service would substantially duplicate service proposed in File No. P–C–7282 to provide service for Manhattan Cable Television; that the issues contained in File No. P–C–7430 are closely related to those in File No. P–C–7226, also for service to Comtel, Inc., in Manhattan; that New York Telephone Co. has agreed that the issues, geographic area, and parties in File No. P–C–7430 are identical or closely related to those in Files Nos. P–C–7226 and P–C–7282 and requested that the three applications be considered at the same time; and that the Commission should include File No. P–C–7430 in the pending hearing to avoid needless duplication.

5. The motion is unopposed. It appears that all parties to the hearing agree that the Motion should be granted.[1] Grant of the motion will not require modification of any issue herein or the addition of any party. We are persuaded that consolidation of application File No. P–C–7430 in this proceeding at this time in and of itself should not require modification of the procedural dates established by the Hearing Examiner and that the public interest would be served by consolidation of the application for hearing as requested by Petitioners.

[1] Joint response of Chief, Common Carrier Bureau, and Chief, CATV Task Force, filed July 10, 1969, par. 3; and prehearing conference of Sept. 16, 1969, Tr. 12. We are advised that this continues to be the view of the parties after this matter was discussed on November 7, 1969, by counsel at the meeting ordered by the Hearing Examiner in his order (FCC 69M–1178) released September 17, 1969.

6. *Accordingly, it is ordered,* That, pursuant to section 214(a) and section 403 of the Communications Act of 1934, as amended, New York Telephone Co. application File No. P–C–7430 is hereby designated for consolidated hearing with the proceedings in Docket No. 17441 et al.

7. *It is further ordered,* That the motion for designation and consolidation filed jointly by TelePromTer Manhattan CATV Corp. and Manhattan Cable Television on August 19, 1969 and other pleadings referred to in paragraph three herein are granted to the extent reflected herein and in all other respects are denied.

Adopted: November 19, 1969.

Released: November 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–14168; Filed, Nov. 28, 1969; 8:47 a.m.]

[Dockets Nos. 18744, 18745; FCC 69–1266]

CULPEPER COMMUNICATIONS, INC., AND CULPEPER BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regards applications of Culpeper Communications, Inc., Culpeper, Va., requests: 103.1 mcs, No. 276; 3 kw; 84 feet, Docket No. 18744, File No. BPH–6577; Culpeper Broadcasting Corp., Culpeper, Va., requests: 103.1 mcs, No. 276; 3 kw; 156 feet, Docket No. 18745, File No. BPH–6688; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.[1]

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1-mv/m contours together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either applicant.

3. Culpeper Broadcasting Corp. proposes approximately 26 percent duplicated programing while Culpeper Communications, Inc., proposes independent operation. Therefore, evidence regarding programing duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicant's program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67–614 (1967).

4. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

5. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

6. *It is further ordered,* That, if the Culpeper Communications application is granted program test authority shall not be granted until the Messrs. Potter and Martin have disposed of their interests in the licensee of Station WCVA–AM and have reported this fact to the Commission.

7. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 19, 1969.

Released: November 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–14169; Filed, Nov. 28, 1969; 8:47 a.m.]

[2] Chairman Burch not participating.

[1] The Messrs. Potter and Martin, principal stockholders in Culpeper Communications, also have interests in Culpeper Broadcasting, licensee of Station WCVA–AM in Culpeper, Va. They have agreed to dispose of these interests in WCVA–AM and a condition to this effect will be specified.

[2] Chairman Burch not participating.

[Dockets Nos. 18746-18749; FCC 69-1267]

SANDERN OF IOWA, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Sandern of Iowa, Inc., Shenandoah, Iowa, requests: 920 kc, 500 w, 1 kw-LS, U, Docket No. 18746, File No. BP-18554; Shenandoah Broadcasting Co., Shenandoah, Iowa, requests: 920 kc, 500 w, 1 kw-LS, U, Docket No. 18747, File No. BP-18577; Buddy Tucker Evangelistic Association, Inc., Shenandoah, Iowa, requests: 920 kc, 500 w, 1 kw-LS, U, Docket No. 18748, File No. BP-18578; C & H Broadcasting, Inc., Shenandoah, Iowa, requests: 920 kc, 500 w, 1 kw-LS, U, Docket No. 18749, File No. BP-18579; for construction permits to operate the deleted KFNF facilities at Shenandoah, Iowa.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that all proposals would seek to operate the deleted KFNF facilities at Shenandoah, Iowa, which ceased operation as of July 6, 1969.

2. It is the Commission's policy not to grant an individual request for interim operating authority among competing applicants. Community Broadcasting Co. v. F.C.C. 274 F. 2d 753 (1960). Accordingly, the individual requests by Shenandoah Broadcasting Co. and Sandern of Iowa, Inc., for interim operating authority are being denied. However, we will entertain a request for joint interim operation of this facility by an applicant or applicants in this proceeding which will allow participation on a fair and equitable basis by all applicants desiring to do so.

3. Based on the estimates of Sandern of Iowa, Inc., $102,393 will be required for construction costs and operating expenses during the first year consisting of the following: Equipment, $16,393; building, $1,000; loan curtailments, $12,000; interest (estimated), $5,400; miscellaneous, $4,000; 1 year's working capital, $63,600. To meet these requirements, Sandern of Iowa, Inc., indicates an intention of relying upon existing capital, a bank loan and a loan from John Bozeman, the applicant's majority stockholder. The applicant's balance sheet shows cash in the amount of $1,000. In addition, the applicant has a loan of $60,000 subject to "standard banking requirements". No collateral requirement is shown as required by section III, paragraph 4(h) of FCC Form 301. Therefore, we have not credited the applicant with this amount. Bozeman proposes to provide (by loan or stock purchase) some $50,000 from funds owed him by Jaco, Inc., licensee of Station KFRM, Salina, of which Bozeman is a stockholder. Purportedly $60,000 from this source will be available. Mr. Bozeman's financial statement filed in April 1969, shows some $40,000 on deposit but no liabilities are shown. Therefore, it cannot be determined if this amount is available. In addition, the Jaco, Inc., balance sheet submitted shows current liabilities in excess of current assets by slightly over $38,000. Thus, these funds do not appear to be available. Therefore, an issue will be specified to determine whether sufficient funds are available to Sandern of Iowa, Inc.

4. Based on the applicant's figures, the Buddy Tucker Evangelistic Association, Inc., will require $59,500 to construct and operate for 1 year without revenue itemized as follows: Equipment, $13,500; building, $500; miscellaneous, $3,000; first year's working capital, $42,000. Land will be leased, but no terms have been agreed upon. The applicant plans to finance construction and operation with $1,272 in cash on hand and in banks and loans or gifts in the amount of $6,641. However, current liabilities exceed current assets by $20,000, and the loans or gifts have not been substantiated by the lenders or donors and, therefore, cannot be relied on. Accordingly, this applicant must establish whether sufficient funds are available to meet the costs of construction and 1 year's operation.

5. The corporate purpose of the Buddy Tucker Evangelistic Association, Inc., is to spread the Christian Gospel throughout the United States and neighboring countries by means of radio, evangelistic services and training and financial assistance to missionaries. The corporate powers granted in the articles of incorporation do not specifically authorize the association to engage in broadcasting. It appears necessary therefore to determine whether the corporation powers are sufficiently broad under the laws of the State of Iowa to permit the association to engage in broadcasting or whether the association may take further steps to amend the corporate powers.

6. The Buddy Tucker Evangelistic Association, Inc., states that religious broadcasting has been a large part of the program service which the association seeks to restore and that the association will continue the "Gospel and Good Music format" which the community seems to desire. The association has not, however, given any indication of what its policy will be with respect to making time available for the presentation of views of other religious groups. Accordingly, the association will be given an opportunity to indicate its policy in this area at the hearing.

7. The application of Sandern of Iowa, Inc., was filed on April 4, 1969, by John Bozeman as the individual applicant. On September 30, 1969, Bozeman filed an amendment to substitute as the applicant the corporation of which Bozeman is president and majority stockholder. Prior to the filing of the application, Bozeman was president and owner of 40 percent of the stock of Pier San of Nebraska, Inc., licensee of Station KOOO, Omaha, Nebr. The proposed Shenandoah station will serve a substantial portion of the area now being served by KOOO, and there would be a significant overlap of the 1-mv/m contours. Thus, retention of Bozeman's interest in KOOO would preclude the grant of the Sandern application. Just before the filing of the application, Bozeman transferred his KOOO stock to a trustee to be held pending the happening of either of two events: The sale of KOOO or the denial of the application for the Shenandoah station in which Bozeman has an interest. Bozeman has been replaced as an officer of KOOO. Meantime, Bozeman retains a beneficial interest in KOOO. It appears that the trust effectively removes any control of KOOO formerly exercised by him, but the Commission finds it appropriate to provide that, in the event of a grant of the application of Sandern of Iowa, Inc., the construction permit will contain the condition that program tests will not be authorized until the permittee has submitted evidence that the necessary steps have been taken to divest Bozeman of his beneficial interest in KOOO.

8. In the light of the amendment of September 30, 1969, substituting Sandern of Iowa, Inc., instead of John Bozeman, normal procedure, pursuant to § 1.580(b) of the rules would be to withhold action for a period of thirty (30) days following the public notice of its acceptance released on October 22, 1969. In this instance, the Commission, on its own motion, will waive the provisions of § 1.580(b) and designate the application for hearing with the other three applications without further delay, in order to preclude any unnecessary delay toward the restoration of service formerly provided by Station KFNF.

9. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, for the reasons indicated above, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

10. *It is ordered*, That, on the Commission's own motion, § 1.580(b) of the Commission's rules are waived; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether sufficient funds are available to Sandern of Iowa, Inc., and the Buddy Tucker Evangelistic Association, Inc., to undertake the necessary construction and operate their proposed stations for 1 year without revenue.

(2) To determine whether the corporate power granted in the articles of incorporation of the Buddy Tucker Evangelistic Association, Inc., are sufficiently broad to permit it to engage in broadcasting, and, if not, whether the articles may be amended to permit such corporate activity.

(3) To determine whether the Buddy Tucker Evangelistic Association, Inc., would make time available for the presentation of views by other, including non-Christian, religious groups.

(4) To determine which of the proposals would best serve the public interest.

(5) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

11. *It is further ordered*, That, in the event of a grant of the application of Sandern of Iowa, Inc., the construction permit shall contain the condition that program tests will not be authorized until the permittee has submitted evidence that John Bozeman has been divested of his beneficial interest in Station KOOO, Omaha, Nebr.

12. *It is further ordered*, That, the individual requests for interim operating authority by Shenandoah Broadcasting Co. and Sandern of Iowa, Inc., are denied.

13. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

14. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 19, 1969.

Released: November 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14170; Filed, Nov. 28, 1969; 8:47 a.m.]

[1] Chairman Burch not participating; Commissioner Bartley dissenting in the last sentence of paragraph 2.

FEDERAL HOME LOAN BANK BOARD

FAR WEST FINANCIAL CORP.

Notice of Receipt of Applications for Permission To Acquire Control of Tustin Savings and Loan Association

NOVEMBER 25, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Far West Financial Corp., Los Angeles, Calif., a savings and loan holding company, for approval of acquisition of control of the Tustin Savings and Loan Association, Tustin Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase of all the guarantee stock of Tustin Savings and Loan Association for cash and stock. Following said acquisition it is proposed that Tustin Savings and Loan Association be merged into State Mutual Savings and Loan Association, a subsidiary of Far West Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-14165; Filed, Nov. 28, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Project 1445]

COLORADO

Order Vacating Withdrawal of Lands

NOVEMBER 18, 1969.

Application has been filed by the Forest Service, U.S. Department of Agriculture, for vacation of the power withdrawal pertaining to the following described lands of the United States:

6TH PRINCIPAL MERIDIAN, COLORADO

All unpatented portions of the following tracts lying within 50 feet of the center line of the transmission line location as shown on a map designated "Exhibit J-K" and entitled "Exhibit J-K, Public Service Company of Colorado, Bemrose Placer Distribution Line," and filed in the office of the Federal Power Commission on July 10, 1937.

T. 8 S., R. 78 W.,
sec. 2, S½SE¼;
sec. 11, N½NE¼;
sec. 12, N½NW¼, SE¼NW¼.

Approximately 8.73 acres.

The subject lands lie within the Arapaho National Forest near the Continental Divide, in Summit County, Colo.

The lands are withdrawn pursuant to the filing on July 10, 1937 of an application for license for transmission line Project No. 1445. Notice of the power withdrawal for the project was given to the General Land Office (now Bureau of Land Management) by Commission letter date September 15, 1937. Project No. 1445 consisted of a 13-kv. wood pole distribution line less than a mile long.

A 25-year license for the project was issued May 10, 1938. On March 4, 1941, the Commission determined that it had no authority over power lines which are not part of a project as defined in section 3(11) of the Federal Power Act, consequently after the license for Project No. 1445 expired, the Forest Service issued a special use permit for the 13-kv. line.

The Commission finds: The power value of the subject lands is protected by Forest Service special use permit and the power withdrawal pertaining thereto serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 1445 is hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14132; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. E-7253]

CITIZENS UTILITIES CO.

Notice of Supplemental Application

NOVEMBER 21, 1969.

Take notice that on November 17, 1969, Citizens Utilities Co. (applicant), filed a supplemental application seeking authority pursuant to section 204 of the Federal Power Act to issue up to an aggregate at any one time of $30 million of unsecured promissory notes with a final maturity not later than December 4, 1970.

Applicant is engaged primarily in the business of generating, purchasing, transmitting, distributing, and selling at wholesale and retail of electric energy in the States of Arizona, Hawaii, Idaho, and Vermont, with its principal business office at Stamford, Conn. Applicant is also engaged in the purchase, distribution and sale of natural gas in the States of Arizona and Colorado.

The Commission by supplemental order issued May 23, 1969, authorized applicant to issue short-term promissory notes in the aggregate principal amount outstanding at any one time of $19 million with the final maturity of not later than December 5, 1969. Applicant now requests the aggregate amount of $19 million in short-term promissory notes be increased to $30 million and that the final maturity of all notes be December 4, 1970. Applicant proposes to issue its short-term promissory notes due on or before December 4, 1970, in the aggregate maximum amount outstanding at any time of $30 million, to four commercial banks which are currently extending credit and/or to commercial banks, insurance companies, or other industrial or similar investors.

The notes are to be issued to renew outstanding notes and to furnish funds for applicant's 1970 construction program which has an estimated cost of $16,050,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein

must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14133; Filed, Nov. 28, 1969; 8:45 a.m.]

[Dockets Nos. RP70-8, RP70-9]

COLORADO INTERSTATE GAS CO.

Order Providing for Hearing, Suspending Proposed Tariff Sheets, and Consolidating Proceedings; Correction

NOVEMBER 13, 1969.

In the order providing for hearing, suspending proposed tariff sheets, and consolidating proceedings, issued November 12, 1969, and published in the FEDERAL REGISTER November 20, 1969 (34 F.R. 18492), in ordering paragraph (C), change "May 18, 1970" to "April 18, 1970."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14134; Filed Nov. 28, 1969; 8:45 a.m.]

[Docket No. CP70-126]

COLORADO INTERSTATE GAS CO.

Notice of Application

NOVEMBER 19, 1969.

Take notice that on November 12, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-126 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of natural gas to an existing resale customer at a new delivery point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate metering and regulating facilities to deliver gas to Pueblo Gas and Fuel Co. for distribution in a new development near Pueblo, Colo., called Pueblo West, currently in the initial construction phase.

The total estimated cost of the proposed facilities is $30,857, to be financed from funds on hand, funds from operations, or from short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance to the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14135; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. CP69-203]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

NOVEMBER 19, 1969.

Take notice that on November 12, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-203 a petition to amend the order of the Commission issued on June 10, 1969, to increase the allowable expenditure for proposed facilities and to extend the period of time during which to complete the construction from December 31, 1969, through March 31, 1970, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that upon conclusion of comprehensive studies it finds that the aggregate cost of the proposed compressor horsepower will be increased by $2 million to $12 million, rather than $10 million as presently authorized. Applicant further states that such increased costs are occasioned by increases in labor and material costs above those contained in the original estimate and that delay in equipment delivery has contributed to such increases in cost and has restricted construction to such a degree that completion cannot be accomplished before March 31, 1970.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14136; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. CP67-348]

H.J.K. GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

NOVEMBER 20, 1969.

Take notice that on November 4, 1969, United Cities Gas Co. (applicant), 1200 Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219, filed in Docket No. CP67-348 a petition to amend the order of the Commission issued on September 25, 1967, as amended, to be substituted as the applicant in the proceedings in Docket No. CP67-348, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that it has obtained all the necessary State and local authorizations to assume the assets and service area previously certified to H.J.K. Gas Co. (H.J.K.), pursuant to the contract of acquisition. Respondent, Texas Eastern Transmission Corp., was directed in the aforementioned order to establish physical connection of its transmission facilities with the proposed facilities of H.J.K. and to sell and deliver to H.J.K. up to 96 Mcf in the third year for resale and distribution in the Community of Nolensville, Williamson County, Tenn. Applicant further states that it has completed the facilities proposed by H.J.K. and is now prepared to receive said deliveries and conduct operations in accordance with the original application.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14137; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. E-7511]

PACIFIC POWER & LIGHT CO.

Notice of Application

NOVEMBER 21, 1969.

Take notice that on November 18, 1969, Pacific Power & Light Co. (applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order (1) authorizing the issuance of not to exceed $45 million in principal amount at any one time outstanding of unsecured promissory notes pursuant to a credit agreement with certain banks and (2) authorizing the issuance of not to exceed $20 million in principal amount at any one time outstanding of unsecured promissory notes in the form of commercial paper.

The $45 million in principal amount of unsecured promissory notes are to be executed and delivered under a credit agreement dated as of December 31, 1969 (credit agreement), between applicant and the 13 banks listed in section 1 thereof. Under the credit agreement applicant will have the right to make borrowings and reborrowings from each bank, and each bank will be obligated to lend to applicant from time to time during the period from December 31, 1969, to June 30, 1971, sums not to exceed $45 million in aggregate principal amount at any one time outstanding.

Each note issued to evidence borrowings under the credit agreement is to be dated the date of the borrowing evidenced thereby, will mature 11 months after its date or on June 30, 1971, whichever shall be earlier, and bear interest at a rate per annum which shall be equivalent to the prime commercial rate of interest charged by the respective banks from time to time. In consideration of the commitment of the several banks to make loans under the credit agreement, applicant will pay to each bank on the last day of each quarter beginning with March 31, 1970, and ending with June 30, 1971, an amount computed at the rate of one-half of 1 percent per annum on the daily average unused amount which such bank was obligated to lend during the calendar quarter then ended. Applicant reserves the right to surrender all or any part of the credit extended by the banks and to prepay, without penalty, the whole or any part of such notes outstanding, any partial payments to be in an aggregate amount of not less that $1 million.

Unsecured promissory notes in an aggregate principal amount of not to exceed $20 million at any one time outstanding are to be issued and sold by applicant to one or more commercial paper dealers. Each note issued as commercial paper will be dated the date of issuance, will have a maturity of not more than 270 days from the date thereof and be discounted at the rate prevailing at the time of issuance for commercial paper of comparable quality and maturity.

Proceeds from the issuance of notes under the $45 million credit agreement will be used to retire notes outstanding at December 31, 1969 (not expected to exceed $13 million) under applicant's credit agreement dated as of October 1, 1963, as last amended on April 1, 1968, which credit agreement terminates and expires on December 31, 1969, and the remaining proceeds from the issuance of notes under the credit agreement and from the issuance of commercial paper will be used to temporarily finance a part of applicant's 1969-70 construction program, which calls for presently estimated expenditures of not to exceed $67,500,000 in 1969 and $123,156,000 in 1970.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14138; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. CP70-122]

TENNESSEE GAS PIPELINE CO. AND TRUNKLINE GAS CO.

Notice of Application

NOVEMBER 19, 1969.

Take notice that on November 10, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, Tex. 77001, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP70-122 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to exchange up to 65,000 Mcf of natural gas on any day that Tennessee requests such exchange gas during the months of November through March, and such volumes as may be requested by Tennessee and as agreed to by Trunkline during the months of April through October. On any day Tennessee receives exchange gas, it shall redeliver equivalent quantities of gas to Trunkline. The exchange gas will be delivered by Trunkline to Tennessee at an existing point of interconnection in Harris County, Tex., and the exchange gas will be redelivered at an existing point of interconnection in Jefferson Davis Parish, La.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14139; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. CP70-121]

TRANSWESTERN PIPELINE CO.

Notice of Application

NOVEMBER 19, 1969.

Take notice that on November 10, 1969, Transwestern Pipeline Co. (applicant),

Southern National Bank Building, Houston, Tex. 77002, filed in Docket No. CP70-121 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the calendar year 1970 and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of said application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The total estimated cost of the proposed facilities will not exceed $3 million and no single project cost will exceed $750,000. Applicant states no additional financing will be necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14140; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. E-7510]

WISCONSIN ELECTRIC POWER CO.

Notice of Application

NOVEMBER 20, 1969.

Take notice that on November 14, 1969, Wisconsin Electric Power Co. (applicant) filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue and sell up to $50 million in unsecured short-term promissory notes.

Applicant is incorporated under the laws of the State of Wisconsin with its principal office at Milwaukee, Wis., and is engaged in the operation of an electric utility system in southeast Wisconsin.

According to the application, it is proposed that up to $50 million of unsecured short-term promissory notes will be issued to various commercial banks in 1970 and 1971, and would mature in less than 12 months from date of issuance. The notes are prepayable in whole or in part at any time in amounts not less than $50,000 per note. Some of the notes would be in the form of commercial paper issued to commercial paper dealers. Proceeds from sale of the notes would be used to meet expenditures for construction. Applicant represents that it requires funds to extend and improve its facilities to meet the increasing needs for its public utilities services.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14141; Filed, Nov. 28, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

ASSURANCES OF VOLUNTARY COMPLIANCE

Statement of Procedure and Standards; Opportunity To File Written Comments

The Commission issues this statement outlining the procedure used and standards considered in connection with the disposition of matters by means of assurances of voluntary compliance, pursuant to § 2.21 of Subpart B of Part 2 of Chapter I of Title 16, 16 CFR 2.21 (1969).

Interested persons are invited to submit written views or suggestions regarding the procedure and standards to the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., within 30 days after date of publication of this statement in the FEDERAL REGISTER. All comments thus submitted in writing will be available for examination at the Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., in Room 130, Washington, D.C. 20580.

The statement, the purpose of which is to acquaint the public more fully with this type of informal enforcement program, is as follows:

Under § 2.21 of Subpart B of Part 2 of Chapter I of Title 16, the Commission, when it has information indicating that a person or concern may be engaging in acts or practices which may violate one or more of the laws administered by it, may afford such person or concern the opportunity to have the matter disposed of on an informal nonadjudicatory basis if it deems the public interest will be fully safeguarded thereby. The Directors and the Assistant Directors, Bureaus of Deceptive Practices, Restraint of Trade, Textiles and Furs, and Industry Guidance, have been delegated, without power of redelegation, limited authority to close investigations upon receipt of adequate assurances of voluntary compliance. This method of disposing of matters on an informal nonadjudicatory basis is one of several methods by which investigations are disposed of.

Assurances of voluntary compliance must be forwarded to the Commission by the responsible bureau within sixty (60) days after their receipt from the Commission's field offices or directly from the parties involved (in those cases wherein assurances are negotiated in the Commission's headquarters offices): *Provided*, That, for good cause shown, the respective Chiefs of Divisions may extend this time for a specific period or periods.

Subject to such exceptions in individual cases as the respective Bureau Directors or Assistant Bureau Directors may find appropriate, assurances of voluntary compliance must include a provision for filing reports of compliance within six (6) months after acceptance of the assurance. The reports are to contain a full and detailed account of compliance, showing the steps actually taken to carry out the assurances. Subsequent periodic reports may also be required as the circumstances of the particular matter may demand.

The use of the voluntary compliance procedure is flexible. No particular category of case is excluded. On the other hand, the voluntary compliance procedure does not sanction the disposition of any matter on an informal nonadjudicatory basis where there appears a likelihood that recurrence of unlawful conduct may be effectively prevented only by an order to cease and desist. The test is whether the public interest will be fully safeguarded by informal nonadjudicatory disposition. In every case, sufficient information is developed so as to permit a comprehensive application of this test to the acts or practices involved. One of the basic factors considered in the application of the test is the extent of cooperation by the parties involved. The privilege of having a matter disposed of under this procedure is not accorded to a party who fails to cooperate by voluntarily furnishing such requested information and documents as he may possess concerning the acts or practices being considered.

The final determination in each matter as to the use of the procedure is made by the Commission or by the appropriate Bureau Director or the Assistant Bureau Director with delegated authority. But the initial determination is made by the staff attorney to whom the matter is assigned, with the express concurrence of his immediate supervisor. In matters handled in the field offices, the staff attorney who contacts the suspected offender, with the concurrence of the Attorney in Charge, makes the initial determination as to whether the opportunity should be afforded the party of having the matter disposed of on an informal nonadjudicatory basis by means of an assurance of voluntary compliance.

In making the initial determination, the staff has been instructed to ascertain whether the person or firm being investigated has been involved in a Commission matter in the past. Additionally, the staff is required to determine whether there are outstanding Trade Practice Rules, Guides or Trade Regulation Rules applicable to the industry or product, or to the practice involved, knowledge of which should properly be imputed to a person or firm for purposes of deciding whether a party's prior history is such as to warrant disposition of the matter on a nonadjudicatory basis. The past record of a person or firm has an important bearing upon the determination whether or not acceptance of an assurance of voluntary compliance is appropriate.

The primary objectives of the Commission's voluntary compliance program are twofold: (1) Immediate cessation of the acts or practices, with adequate safeguards against resumption, and (2) avoidance of the expense, both to the government and to the party involved, incident to continuation of a matter which may require extensive investigation and litigation. Therefore, very careful consideration is given to the applicability of the procedure in the early stages of an investigation. Except in unusual circumstances, the Commission will not accept an assurance of voluntary compliance after an investigation of a matter has been completed. And unless extraordinary circumstances are present, the procedure will not be considered after a proposed respondent has been notified of the Commission's determination to institute formal proceedings.

If, after being contacted by a representative of the Commission, the proposed respondent discontinues the questioned acts or practices and resumption does not seem likely, and if the matter is not of such gravity as to require an order to cease and desist, the proposed respondent may be invited to furnish an assurance that the acts or practices have been discontinued and will not be resumed. If such acts or practices had been discontinued before the party was contacted, and if protection of the public nevertheless requires the filing of an assurance against their being resumed, the proposed respondent may also be invited to furnish an appropriate assurance.

Where an assurance of voluntary compliance is conditioned upon the acceptability of proposed changes in business methods to be made by the person or firm under investigation, and where doubt exists as to the adequacy of such changes as a basis for disposition under this informal procedure, the staff has been instructed to submit the matter for consideration by the Commission before the party is put to the trouble and expense of making the changes. In such a case, an assurance may be obtained contemplating changes to be effected at a future date, subject to approval of the proposed changes as a basis for disposition. If the proposed changes are approved, the matter is returned to the staff attorney having responsibility to have the assurance perfected.

Special consideration is given by the Commission to the possibility of utilizing the voluntary compliance procedure in dealing with acts or practices which are being engaged in by a number of competing firms, where competitive inequities might be created by proceeding separately on a case-by-case basis, and where the acts or practices are not otherwise of such gravity as to require orders to cease and desist. A staff report, with recommendations, is made to the Commission before any such projects are undertaken.

In determining whether the public interest will be fully safeguarded by an assurance of voluntary compliance, § 2.21 provides that consideration will be given to the nature and gravity of the alleged violation, the prior record and good faith of the party involved, and other factors shown by the circumstances to be relevant.

The standards for determining whether a particular matter is properly the subject for settlement by an assurance of voluntary compliance cannot be stated with precision. Certain guidelines, however, have been established by the Commission. Assurances may properly be accepted (1) where the act or practice does not constitute a grave or major violation, (2) where immediate cessation can be obtained, (3) where the prior history of the party involved is not such as to raise any question as to the adequacy of an assurance to prevent resumption, and (4) where nothing is present in the circumstances of the case, such as lack of cooperation or candor on the part of the person or firm, to raise a question of good faith. Past violations in the prior history of a party do not per se foreclose settlement by an assurance of voluntary compliance. Other factors are also relevant such as the seriousness of the violations, their scope and duration, the circumstances surrounding their commission, and the cooperation of the person or firm in terminating them.

An assurance is not considered appropriate where there has been a substantial restraint of trade or discriminatory practice. And an assurance will not be considered where the public has been the victim of predation, fraud or serious deception. Likewise, where the party under investigation has acted in plain disregard of any rules or guides promulgated by the Commission, relating to specific practices common to a number of unrelated industries, a cease-and-desist order is the appropriate disposition. In cases of violations of guides aimed at specific industries which have been in effect for a period of time sufficiently long for the industry members to have become thoroughly familiar with them, assurances of voluntary compliance are also ordinarily inappropriate, although there may be instances in which such factors as the size of the alleged violator, the inadvertence of the violation, the size and structure of the industry involved, and the relative importance of the guide to the public, indicate that the public interest would best be served by the acceptance of an assurance.

No specific form is required to be used for assurances of voluntary compliance. However, any such assurance within the scope of this procedure must meet the criteria set forth in § 2.21 and further outlined and enlarged upon herein. The assurance must show that the person or firm executing it is aware that the furnishing of the assurance does not in any way bind or obligate the Commission as to its action in the matter. Incorrect factual assertions are not to be included in an assurance; and exculpatory and self-serving statements are strongly discouraged. The Commission may find extraneous material in an assurance to be impermissible and may reject an assurance containing it which otherwise would be acceptable.

Assurances normally include a statement that the assurance "is for settlement purposes only and does not constitute an admission that the questioned acts or practices were unlawful." If a party executing an assurance should insist on including an excessive amount of additional matter, contending that the questioned acts or practices were lawful, or that his practices did not violate any law, rule, or regulation, the assurance cannot be accepted. However, a bare denial of any illegality in addition to the standard permissible statement quoted above will not, by itself, necessarily preclude acceptance of an assurance. In the event a party should insist upon including a statement that the challenged acts or practices were never committed, an assurance will not be accepted. However, in a matter where mitigating factors are involved it may be permissible for an unelaborated statement of those circumstances to appear in an assurance.

Any assurance of voluntary compliance which contains incorrect assertions of

fact or any statement which would appear to compromise the Commission will not be accepted. Nor will any assurance be accepted if it contains any provision stating that the assurance may not be introduced into evidence in any proceeding, or if it contains any provision of similar import.

Any understanding with respect to an assurance which is based upon more than one letter, memorandum, affidavit or other communication, no one of which contains all of the terms of the assurance, must be incorporated in a single document meeting the necessary criteria, which has been read and signed by the person or persons furnishing it, before it will be considered as a basis for informal nonadjudicatory disposition.

All assurances of voluntary compliance which are to be submitted to the Commission shall be signed, in the case of a corporation, by either the president of the corporation or the chief executive officer. All shall contain an obligation on the part of the company to distribute copies of the assurance widely throughout the organization, and particularly among the operating divisions of the company.

The Commission's staff will determine initially the manner and form of compliance at the time an assurance of voluntary compliance is obtained. With respect to assurances of voluntary compliance in matters involving false, misleading or deceptive advertising and sales literature, the party executing the assurance will be required to furnish the Commission with copies of all future advertisements and sales promotional material covering designated periods of time where feasible.

Assurances of voluntary compliance accepted by the Commission pursuant to § 2.21 (excluding inspection matters handled by the Division of Regulation, Bureau of Textiles and Furs) will, except for good cause shown, be placed on the public record. Concerning this subject, § 4.9(f) of this chapter provides as follows:

(f) Reports of compliance which are approved by the Commission as evidencing compliance with its orders to cease and desist pursuant to the provisions of § 3.61 of this chapter, and written assurances of voluntary compliance which are accepted under § 2.21 of this chapter (excluding matters disposed of under § 1.34 of this chapter) are available at the principal office of the Commission for inspection and copying, unless at the time a report of compliance or an assurance of voluntary compliance was filed the party filing it requested that it be classified as confidential, showing justification therefor, and the Commission, with due regard to statutory restrictions, its rules, and the public interest, granted the request.

When the applicant or complaining party in a matter disposed of by the Commission's acceptance of an assurance of voluntary compliance, which is placed on the public record, is a Federal or State official or agency, or a Better Business Bureau, Chamber of Commerce, or similar nonprofit organization, a copy of the assurance is sent to the applicant with the closing letter prepared in such matter. Other applicants in matters disposed of by the Commission's acceptance of a written assurance of voluntary compliance, which is placed on the public record, are advised that the assurance is a matter of public record and that a copy thereof may be obtained, without cost, upon request to the Secretary of the Commission.

The Directors of the respective operating Bureaus of the Commission are charged with the responsibility for requiring spot checks or inquiries to be made to determine whether assurances of voluntary compliance are being strictly adhered to. This is accomplished through use of field office personnel or other means as necessary. Additionally, the Directors are required to report the results of the spot checks or inquiries directly to the Commission for its consideration and such further action as may be warranted in the circumstances.

Generally, a party who has failed to comply with an assurance of voluntary compliance is not afforded the opportunity to have a second matter disposed of by the Commission's acceptance of an assurance of voluntary compliance. If, in a particular matter, exceptional or unusual facts or circumstances indicate that the public interest would require deviation from this policy, such facts or circumstances must be fully set forth in submitting the matter to the Commission for consideration.

Issued: November 14, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14163; Filed, Nov. 28, 1969; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 88]

PORTION, NIKE BATTERY NY-30, LIDO BEACH, N.Y.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, New York Regional Office, dated October 21, 1969, the property known as a portion of the Nike Battery NY-30, Lido Beach, N.Y., consisting of approximately 22.80 acres and improvements, and more particularly described in said letter, has been transferred to the Department of the Interior.

2. The above-described property was transferred for wildlife purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: November 24, 1969.

CURTIS A. ROOS, *Assistant Commissioner, Office of Real Property Disposal.*

[F.R. Doc. 69-14181; Filed, Nov. 28, 1969; 8:47 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 69-3]

ELBERT A. KING, JR.

Certification

In accordance with the authority contained in Title 18, U.S. Code, section 207, I hereby certify that in my judgment the national interest would be served by permitting Dr. Elbert A. King, Jr., a former employee of the Manned Spacecraft Center, Houston, Tex., to act as agent for the University of Houston, and to appear personally before NASA in connection with a contract now under consideration with the said university, notwithstanding the restrictions on the activities of former U.S. Government employees, as set forth in Title 18, U.S. Code, sections 207(a) and 207(b).

Effective date: November 21, 1969.

T. O. PAINE, *Administrator.*

[F.R. Doc. 69-14154; Filed, Nov. 28, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2651]

HOME LIFE INSURANCE CO. AND HOME LIFE SEPARATE ACCOUNT B

Notice of Application for Exemption

NOVEMBER 24, 1969.

Notice is hereby given that Home Life Insurance Co. ("Home Life"), 253 Broadway, New York, N.Y. 10007, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting Home Life and its Separate Account B ("Account") from Rule 22c-1 under the Act to the extent that said rule requires that the value of accumulation units be determined on the day payments are received under variable annuity contracts ("Contracts") offered by Home Life. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Home Life is a mutual life insurance company organized under the laws of the State of New York. Account was established on May 20, 1969, pursuant to authorization of the board of directors of Home Life and the provisions of section 227 of the Insurance Law of the State of New York, and Home Life expects to allocate to Account net purchase payments received under Contracts. On August 11, 1969, a notification of claim of exemption pursuant to Rule 6e-1 under the Act was filed with the Commission on behalf of Account and a registration statement has been filed under the Securities Act of 1933 with respect to Contracts.

Contracts are designed to provide retirement annuity benefits in connection with pension and profit-sharing plans qualified under sections 401 and 403(a) of the Internal Revenue Code consisting of qualified corporate plans and plans under the Self-Employed Individuals Tax Retirement Act of 1962, as amended ("H.R. 10 plans"). Substantially all of the plans will be noncontributory, and during the period of the requested exemption, no payments by employees under any contributory plan will be allocated to Account. The number of Contracts issued under each plan is expected to average about five. Home Life anticipates that purchase payments will normally be made on an annual basis and that a single check will be received from the corporate or H.R. 10 plan employer for the total amount of purchase payments under the plan.

Net purchase payments under Contracts are accounted for and expressed in terms of accumulation units, which are units used to measure the value of Contracts participating in the Account. The number of accumulation units credited with respect to a net purchase payment is determined by dividing the payment by the accumulation unit value next determined after receipt of the payment at the home office of Home Life.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily, as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 22c-1 as applied to Account might require a determination of the value of accumulation units for purposes of crediting net purchase payments under Contracts participating in Account each day any such payment is received.

Home Life requests an exemption to permit the value of accumulation units to be determined once a week as of the close of trading on the New York Exchange on each Friday the Exchange is open for trading or, if the Exchange is not so open, on the next day on which it is open, until such time as the weekly average number of purchase payments received by Home Life totals 15 or more during any consecutive 8-week period ending on a valuation date, or until the end of 1 year from the date of the order granting the exemption, whichever shall first occur. For purposes of the requested exemption, each check received by Home Life from a single plan employer will be considered the equivalent of a single purchase payment regardless of the number of individual Contracts issued under the plan.

Home Life states that the most efficient method of beginning operations is to follow a largely manual valuation procedure rather than to install computer procedures from the outset. A requirement of daily pricing during the initial period of operation would add substantially to the number of personnel required and to the costs of operation and would impose an excessive burden on Home Life. Home Life asserts that weekly pricing on the terms proposed will not prejudice participants under plans funded by Contracts. Contracts will be issued only in connection with tax-qualified plans designed to provide long-term retirement benefits. Further, since almost all plans will be noncontributory and predominantly on an annual payment basis, Home Life states that whether payments are credited on a daily or weekly basis will be relatively unimportant.

Notice is further given that any interested person may, not later than December 9, 1969, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Home Life at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14179; Filed, Nov. 28, 1969; 8:47 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

NOVEMBER 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liberty Equities Corp., a District of Columbia corporation, and all other securities of Liberty Equities Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 25, 1969, through December 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14180; Filed, Nov. 28, 1969; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

APPLICATIONS FOR DISASTER ASSISTANCE UNDER DISASTER RELIEF ACT OF 1969

1. (a) Notice is hereby given that the authorities conferred upon the President by sections 2, 3(d), 10, 12, and 14 of the Disaster Relief Act of 1969, hereinafter referred to as the Act, have been delegated to the Director of the Office of Emergency Preparedness by Executive Order No. 11495 of November 18, 1969. Those sections of the Act authorize certain Federal assistance to States and communities that suffered damage as a result of a disaster occurring after June 30, 1967, and before January 1, 1971, which the President determined or hereafter determines to be a major disaster within the meaning of the Act of September 30, 1950 (Public Law 875, 81st Congress).

(b) Assistance under the above-cited sections shall be provided in accordance with disaster assistance agreements entered into between the Federal Government and the Governors of the affected States. Pending the development and adoption of formal regulations, project applications may be submitted by State or local government entities through the Governor's Authorized Representative to regional offices of the Office of Emergency Preparedness, on the forms now in use for purposes of the Act of September 30, 1950 (Public Law 875, 81st Cong.; 64 Stat. 1109), subject to the specific guidance that follows.

2. (a) *Contribution toward the permanent repair and reconstruction of street, road, and highway facilities.* A request for assistance under this section must include a description of the permanent work proposed and a schedule of dates for various phases of the work including those for non-Federal funding, completion of design, invitation to bid, award of contract, and completion of work. Costs related to acquisition of rights-of-way will be ineligible. Section 2 of the Act reads as follows:

The President is authorized to allocate funds hereafter appropriated to carry out this section to those States affected by a major disaster for the permanent repair and reconstruction of those permanent street, road, and highway facilities not on any of

the Federal-aid systems which were destroyed or damaged as a result of such a major disaster. No funds shall be allocated under this section for repair or reconstruction of such a street, road, or highway facility unless the affected State agrees to pay not less than 50 per centum of all costs of such repair or reconstruction.

(b) *Grants for removing damaged timber from privately owned land.* Grants for the removal of disaster-damaged timber from privately owned lands may be approved only in those cases in which the Director of the Office of Emergency Preparedness determines that such grants are in the public interest. To justify such grants the State involved will need to submit a comprehensive action plan for the removal of the damaged timber including proposed practices, priorities, and costs. Section 3(d) of the Act reads as follows:

The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof, for the purpose of removing from privately owned lands timber damaged as a result of a major disaster and such State or political subdivision is authorized, upon application, to make payments to any person or reimbursement of expenses actually incurred by such person in the removal of damaged timber, but not to exceed the amount that such expenses exceed the salvage value of such timber.

(c) *Temporary dwelling accommodations for individuals and families.* Dwelling accommodations will be made available only to an individual who, or family which, as determined by the State, occupied a dwelling (as owner or tenant) destroyed or damaged to such an extent as to make it uninhabitable as a result of a major disaster. Rental or other charges to the tenants of temporary housing provided hereunder shall be determined by the Director of the Office of Emergency Preparedness based upon the particular circumstances involved. Section 10 of the Act reads as follows:

(a) The President is authorized to provide on a temporary basis, as prescribed in this section, dwelling accommodations for individuals and families displaced by a major disaster.

(b) The President is authorized to provide such accommodations by (1) using any unoccupied housing owned by the United States under any program of the Federal Government, (2) arranging with a local public housing agency for using unoccupied public housing units, (3) acquiring existing dwellings through leasing, or (4) acquiring mobile homes or other readily fabricated dwellings, through leasing, to be placed on sites furnished by the State or local government or by the owner-occupant displaced by the major disaster, with no site charge being made. Rentals shall be established for such accommodations under such rules and regulations as the President may prescribe and shall take into consideration the financial ability of the occupant. In cases of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed 12 months, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) which is in excess of 25 per centum of the individual's or family's monthly income.

(c) Dwelling accommodations may be made available under this section only to an individual who, or family which, as certified by such authority as may be designated by the President, had occupied a dwelling, as owner or tenant, that had been destroyed, or damaged to such an extent as to make it uninhabitable, as a result of such major disaster.

(d) *Assistance to unemployed individuals.* Applications for assistance to individuals unemployed as a result of a major disaster shall be in writing, shall include the individuals name, address, and Social Security account number, shall identify the major disaster, state the period of unemployment, and indicate the relationship of the unemployment to the disaster. Section 12 of the Act reads as follows:

The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payments under the unemployment compensation program of the State in which the disaster occurred and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance available to such individual for such period of unemployment.

(e) *Grants to States for removing debris from private property.* Grants for the removal of debris from privately owned lands and waters may be approved only when the Director of the Office of Emergency Preparedness determines that such grants are in the public interest. For such grants the State will need to submit a comprehensive action plan for the removal of the debris including proposed practices, priorities, and costs. Section 14 of the Act reads as follows:

The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof for the purpose of removing debris deposited on privately owned lands and on or in privately owned waters as a result of a major disaster, and such State or political subdivision is authorized, upon application, to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of such debris but not to exceed the amount that such expenses exceed the salvage value of such debris.

3. *Grants or loans to States for the suppression of fires.* The Governor of a State may request assistance from the Director of the Office of Emergency Preparedness for the suppression of any fire on publicly or privately owned forest or grasslands which threatens such destruction as to constitute a major disaster. Applications for these benefits may be in the form of a communication to the Director which provides a detailed justification for a grant or loan for this purpose. Section 13 of the Act reads as follows:

The President is authorized to make grants and loans to any State to assist such State in the suppression of any fire on publicly or privately owned forest or grasslands which threatens such destruction as to constitute a major disaster.

4. The Director of the Office of Emergency Preparedness has also been delegated and assigned the authority conferred upon the President by subsections (a) and (b) of section 8 of the Act to provide assistance, including matching grants to States, in the development of plans and programs for assisting individuals suffering loss as the result of a major disaster. All States are covered by this section without regard to whether they receive Federal disaster assistance as a result of a major disaster declaration pursuant to Public Law 81-875. The State applying for planning assistance under this section must designate or create an agency which is qualified to plan and administer a disaster relief program for assistance to individuals suffering losses as a result of a major disaster. The State may then submit, not later than March 1, 1970, a letter application for assistance in developing the program. The proposed State program is required to be submitted for the consideration of the President by December 31, 1970.

5. The provisions of Part 1710 of Title 32 of the Code of Federal Regulations shall be applicable with respect to the provisions of the Disaster Relief Act of 1969 that are administered by the Director of the Office of Emergency Preparedness, except to the extent that they are inconsistent with that Act or the provisions of this notice.

This notice shall be effective upon its publication in the FEDERAL REGISTER.

Dated: November 28, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-14296; Filed, Nov. 28, 1969; 12:40 p.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 25, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41810—*Pepper in mixed carloads with salt, to points in the South.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2962), for interested rail carriers. Rates on pepper, in packages, in mixed carloads with salt, as described in the application, from points in official territory, to points in southern territory.

Grounds for relief—Commodity relationship and motor competition.

FSA No. 41811—*Sand to New Carlisle, Ind.* Filed by Southwestern Freight Bureau, agent (No. B-102), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Klondike, Ludwig, and Pacific, Mo., to New Carlisle, Ind.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 58 to Southwestern Freight Bureau, agent, tariff ICC 4797.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14174; Filed, Nov. 28, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 68-A]

READING CO. ET AL.

Car Distribution

Reading Co., Western Maryland Railway Co., Baltimore and Ohio Railroad Co., and Illinois Central Railroad Co.

Upon further consideration of Car Distribution Direction No. 68, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 68 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 1 p.m., November 24, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 24, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14175; Filed, Nov. 28, 1969; 8:47 a.m.]

[Notice 452]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71640. By order of November 19, 1969, the Motor Carrier Board approved the transfer to Parks Transport, Inc., Ashland, Nebr., of Permits Nos. MC-126311 and MC-126311 (Sub-No. 2) issued January 24, 1969, and April 22, 1969, to Charles L. Parks, Ashland, Nebr., authorizing the transportation of dry fertilizers from Joplin and St. Joseph, Mo., Lawrence, Kans., and Council Bluff, Iowa, to points in Butler, Cass, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr. J. Max Harding, and Charles J. Kimball, Post Office Box 2028, Lincoln, Nebr. 68501, attorneys for applicants.

No. MC-FC-71661. By order of November 18, 1969, the Motor Carrier Board approved the transfer to Bruce Cartage, Inc., Saginaw, Mich., of certificates Nos. MC-109475, MC-109475 (Sub-No. 3), and MC-109475 (Sub-No. 5) issued December 14, 1953, May 13, 1957, and August 1, 1967, respectively, to Charles D. Bruce, Jr., doing business as Bruce Cartage Co., Saginaw, Mich., authorizing the transportation of: General commodities, as restricted between Saginaw and Zilwaukee, Mich., between Saginaw and Bay City, Mich., between Saginaw and points in Michigan within 25 miles of Saginaw, and between Bad Axe, Mich., and points in Michigan within 25 miles of Bad Axe; and such merchandise as is dealt in by retail department stores, and advertising material moving in connection therewith, as restricted, between Saginaw and Bay City, Mich., on the one hand, and, on the other, points in Michigan. Karl L. Gotting, 117 West Allegan Street, Lansing, Mich. 48933, attorney for applicants.

No. MC-FC-71715. By order of November 18, 1969, the Motor Carrier Board approved the transfer to Jeffrey M. Reglin, Alma, Wis., of the certificate in No. MC-102903, issued September 25, 1942, to Milton W. Knabe, Nelson, Wis., authorizing the transportation of animal and poultry feed, seed, livestock and unprocessed agricultural commodities from named points in Minnesota to specified areas in Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14177; Filed, Nov. 28, 1969; 8:47 a.m.]

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UNITED STATES OF AMERICA

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The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the Code of *Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1969. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.

Daily numerical guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

A subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

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30.39
(b) and (c) revised; (d) added 14593
30.42
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(b)(3) added 18854
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(l) revised 1012
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8 6396, 7578
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0.75—0.84 Subpart O appendix amended 15413; Subpart O appendix amended 16594
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This Subject Index should be distinguished from the numerical codification guide (List of CFR Sections Affected) which is also published separately. The numerical guide is designed for quick checking in the *Code of Federal Regulations* numbering system of provisions whose numbers are already known or have been learned through use of the Subject Index.

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This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1969, is $150 domestic, $40 additional for foreign mailing. The subscription price for revised volumes to be issued as of January 1, 1970, will be $175 domestic, $50 additional for foreign mailing.

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PART 102—GRAIN WAREHOUSES

PART 103—TOBACCO WAREHOUSES

PART 104—WOOL WAREHOUSES

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PART 106—DRY BEAN WAREHOUSES

PART 107—NUTS WAREHOUSES

PART 108—SIRUP WAREHOUSES

PART 111—COTTONSEED WAREHOUSES

Licensing and Inspection Fees

On July 4, 1969, there was published in the FEDERAL REGISTER (34 F.R. 11272) a notice in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268) was considering amending the warehouse regulations appearing in Parts 101 through 103 and Part 111 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations, to increase licensing and inspection fees with respect to warehouses licensed under the Act.

Interested persons were given 30 days in which to submit written data, views, or arguments concerning the proposed revision of the regulations. A number of comments were received from grain warehousemen and grain associations concerning the proposed increase in inspection fees for grain warehousemen under § 102.58. These comments stated that grain warehousemen have not received any increase in storage charges for grain stored under the Uniform Grain Storage Agreement, and argued that the proposed increase in inspection fees would be inflationary and a hardship on small grain warehousemen.

In view of these comments, the proposed fee schedule for § 102.58 has been reconsidered and the inspection fee will be increased from $5 per 10,000 bushels of the grain storage capacity to $6 per 10,000 bushels of the grain storage capacity, in lieu of the proposed increase to $1 per 1,000 bushels. The proposed minimum and maximum inspection fees will be retained. Past experience has shown that the cost of examining large complex grain warehouses was considerably in excess of the previous maximum inspection fee. It is expected that the revised schedule will enable the Government to recover the approximate cost of inspections of large complex grain warehouses and not work a hardship on small grain warehousemen. No comments were received concerning the other amendments proposed.

After due consideration of all relevant matters, and under the aforesaid authority, §§ 101.51, 102.58, 103.48, 104.46, 105.47, 106.55, 107.56, 108.48, 111.58, 103.49, 104.47, 105.48, 106.56, 107.57, 108.49, and 111.59 of the regulations are amended as follows:

1. Section 101.51 is amended to read:

§ 101.51 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $20 for each 1,000 bales of cotton storage capacity of the warehouse, or fraction thereof, determined in accordance with § 101.5, but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

2. Section 102.58 is amended to read:

§ 102.58 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $6 for each 10,000 bushels of the grain storage capacity of the warehouse, or fraction thereof, determined in accordance with § 102.6(a), but in no case less than $40 nor more than $1,000, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

3. Section 103.48 is amended to read:

§ 103.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to a sampler, weigher, grader, or an inspector.

4. Section 104.46 is amended to read:

§ 104.46 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader or weigher.

5. Section 105.47 is amended to read:

§ 105.47 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license; and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader, weigher, or an inspector.

6. Section 106.55 is amended to read:

§ 106.55 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector or weigher.

7. Section 107.56 is amended to read:

§ 107.56 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a sampler, grader, weigher, or an inspector.

8. Section 108.48 is amended to read:

§ 108.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a weigher or an inspector.

9. Section 111.58 is amended to read:

§ 111.58 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector, weigher, or grader.

10. Section 103.49 is amended to read:

§ 103.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $3 for each 100,000 pounds of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 103.12, but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

11. Section 104.47 is amended to read:

§ 104.47 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $2 for each 100,000 pounds of storage capacity of the warehouse or fraction thereof, determined in accordance with § 104.12(a), but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

12. Section 105.48 is amended to read:

§ 105.48 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $5 for each 1,000 bales of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 105.12(a), but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

13. Section 106.56 is amended to read:

§ 106.56 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 1,000 hundredweight of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 106.12(a), but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

14. Section 107.57 is amended to read:

§ 107.57 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee based on the storage capacity of the warehouse, determined in accordance with § 107.12(a), and at the rate of $1 for each 100 tons, or fraction thereof, of peanuts, and $4 for each 1,000 hundredweight, or fraction thereof, of other nuts, to be stored in the warehouse, but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

15. Section 108.49 is amended to read:

§ 108.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 5,000 gallons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 108.12(a), but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

16. Section 111.59 is amended to read:

§ 111.59 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $10 for each 1,000 tons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 111.13, but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

(Sec. 10, 39 Stat. 487, as amended, sec. 28, 39 Stat. 490; 7 U.S.C. 251, 268)

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., November 25, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-14214; Filed, Dec. 1, 1969; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Brown-Tail Moth

REGULATED AREAS

Under the authority of § 301.45–2 of the Gypsy Moth and Brown-Tail Moth quarantine regulations, 7 CFR 301.45–2, as amended, 33 F.R. 17342, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.45–2a, as follows:

§ 301.45–2a Regulated areas; suppressive and generally infested areas.

(a) The civil divisions or parts of civil divisions, described below, are designated as gypsy moth regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or supressive areas as indicated below:

CONNECTICUT

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

MAINE

(1) *Generally infested area.*

Androscoggin County. The entire county.

Cumberland County. The entire county.

Franklin County. The towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E.

Hancock County. All of the county except Plantations 3, 4, 35, and 41.

Kennebec County. The entire county

Knox County. The entire county.

Lincoln County. The entire county.

Oxford County. All that part of the county lying south and southeast of, and including, the towns of Magalloway and Richardsontown.

Penobscot County. The towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Edinburgh, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Howland, Hudson, Kenduskeag, La Grange, Levant, Lincoln, Lowell, Mattamiscontis, Maxfield, Milford, Newburgh, Newport, Orono, Orrington, Passadumkeag, Plymouth, Stetson, Summit, and Veazie, and the cities of Bangor, Brewer, and Old Town.

Piscataquis County. The towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Medford, Milo, Orneville, Parkman, Sangerville, Sebec, and Wellington.

Sagadahoc County. The entire county.

Somerset County. All that part of the county lying south and southeast of, and including, Highland and Pleasant Ridge Plantations, towns of Moscow, and Mayfield Plantation.

Waldo County. The entire county.

Washington County. The towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24.

York County. The entire county.

(2) *Suppressive area.* None.

MASSACHUSETTS

(1) *Generally infected area.* The entire State.

(2) *Suppressive area.* None.

NEW HAMPSHIRE

(1) *Generally infested area.*

Belknap County. The entire county.

Carroll County. The entire county.

Cheshire County. The entire county.

Coos County. All that part of the county lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge.

Grafton County. The entire county.

Hillsboro County. The entire county.

Merrimack County. The entire county.

Rockingham County. The entire county.

Strafford County. The entire county.

Sullivan County. The entire county.

(2) *Suppressive area.* None.

NEW JERSEY

(1) *Generally infested area.*

Atlantic County. The entire county.

Bergen County. The entire county.

Burlington County. The entire county.

Camden County. The entire county.

Cape May County. The townships of Dennis and Upper; the cities of Ocean City and Sea Isle City; and the borough of Woodbine.

Essex County. The entire county.

Gloucester County. The townships of Deptford and West Deptford; the city of Woodbury; and the boroughs of National Park, Paulsboro, Wenonah, Westville, and Woodbury Heights.

Hudson County. The entire county.

Hunterdon County. The entire county.

Mercer County. The entire county.

Middlesex County. The entire county.

Monmouth County. The entire county.

Morris County. The entire county.

Ocean County. The entire county

Passaic County. The entire county.
Somerset County. The entire county.
Sussex County. The entire county.
Union County. The entire county.
Warren County. The entire county.
(2) *Suppressive area.*
Cape May County. The townships of Lower and Middle; the cities of Cape May, North Wildwood, and Wildwood; and the boroughs of Avalon, Cape May Point, North Cape May, Stone Harbor, South Cape May, West Cape May, West Wildwood, and Wildwood Crest.
Gloucester County. The boroughs of Clayton and Glassboro.
Salem County. The townships of Lower Alloways Creek and Pittsgrove.

NEW YORK

(1) *Generally infested area.*
Albany County. The entire county.
Bronx County. The entire county.
Clinton County. The entire county.
Columbia County. The entire county.
Delaware County. The towns of Andes, Bovina, Colchester, Davenport, Delhi, Hancock, Harpersfield, Kortright, Meredith, Middletown, Roxbury, and Stanford.
Dutchess County. The entire county.
Essex County. The towns of Chesterfield, Crown Point, Elizabethtown, Essex, Jay, Keene, Lewis, Minerva, Moriah, North Hudson, Schroon, Ticonderoga, Westport, Willsboro, and Wilmington.
Franklin County. The town of Chateaugay.
Fulton County. The entire county.
Greene County. The entire county.
Hamilton County. The towns of Benson, Hope, Indian Lake, Lake Pleasant, and Wells.
Herkimer County. The towns of Columbia, Danube, Fairfield, Frankfort, German Flatts, Herkimer, Litchfield, Little Falls, Manheim, Newport, Norway, Salisbury, Schuyler, Stark, Warren, and Winfield; and the city of Little Falls.
Kings County. The entire county.
Montgomery County. The entire county.
Nassau County. The entire county.
New York County. The entire county.
Oneida County. The towns of Deerfield, New Hartford, and Whitestown; and the city of Utica.
Orange County. The entire county.
Otsego County. The towns of Cherry Valley, Decatur, Maryland, Middlefield, Otsego, Richfield, Roseboom, Springfield, Westfort, and Worcester.
Putnam County. The entire county.
Queens County. The entire county.
Rensselaer County. The entire county.
Richmond County. The entire county.
Rockland County. The entire county.
Saratoga County. The entire county.
Schenectady County. The entire county.
Schoharie County. The entire county.
Suffolk County. The entire county.
Sullivan County. The entire county.
Ulster County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Westchester County. The entire county.
(2) *Suppressive area.*
Delaware County. The towns of Deposit, Franklin, Hamden, Masonville, Sidney, Tompkins, and Walton.
Madison County. The town of Brookfield.
Oneida County. The towns of Bridgewater, Kirkland, Marcy, Marshall, Paris, Sangerfield, and Westmoreland.
Otsego County. The towns of Burlington, Butternuts, Edmeston, Exeter, Hartwick, Laurens, Milford, Morris, New Lisbon, Oneonta, Otego, Pittsfield, Plainfield, and Unadilla; and the city of Oneonta.

PENNSYLVANIA

(1) *Generally infested area.*
Berks County. The entire county.
Bucks County. The entire county.
Carbon County. The entire county.
Centre County. The townships of Haines, Miles, and Penn; and the borough of Millheim.
Lackawanna County. The entire county.
Lehigh County. The entire county.
Luzerne County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Northampton County. The entire county.
Philadelphia County. The entire county.
Pike County. The entire county.
Schuylkill County. The entire county.
Susquehanna County. The entire county.
Wayne County. The entire county.
Wyoming County. The entire county.
(2) *Suppressive area.* None.

RHODE ISLAND

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

VERMONT

(1) *Generally infested area.*
Addison County. The entire county.
Bennington County. The entire county.
Caledonia County. The towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford.
Chittenden County. The entire county.
Essex County. The towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory.
Franklin County. The towns of Fairfax, Fairfield, Fletcher, Franklin, Georgia, High Gate, St. Albans, Sheldon, and Swanton; and the city of St. Albans.
Grande Isle County. The entire county.
Lamoille County. The towns of Cambridge and Elmore.
Orange County. The entire county.
Rutland County. The entire county.
Washington County. The entire county.
Windham County. The entire county.
Windsor County. The entire county.
(2) *Suppressive area.* None.

(b) The civil divisions described below are designated as brown-tail moth regulated areas within the meaning of the provisions of this subpart:

MAINE

(1) *Generally infested area.*
York County. The entire county.
(2) *Suppressive area.* None.

MASSACHUSETTS

(1) *Generally infested area.*
Barnstable County. The entire county.
Essex County. The entire county.
(2) *Suppressive area.* None.

NEW HAMPSHIRE

(1) *Generally infested area.*
Belknap County. The entire county.
Carroll County. The entire county.
Cheshire County. The entire county.
Grafton County. The entire county.
Hillsboro County. The entire county.
Merrimack County. The entire county.
Rockingham County. The entire county.
Strafford County. The entire county.
Sullivan County. The entire county.
(2) *Suppressive area.* None.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 7 CFR 301.45–2)

This regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the supplemental regulations contained in 7 CFR 301.45–2a, effective November 23, 1968.

The Director of the Plant Protection Division has determined that infestations of the gypsy moth exist or are likely to exist in the civil divisions or parts of civil divisions listed as regulated areas in paragraph (a), or that it is necessary to regulate such areas because of their proximity to gypsy moth infestations or their inseparability for quarantine enforcement purposes from gypsy moth infested localities. Such Director has also determined that infestations of the brown-tail moth exist or are likely to exist in the counties of the quarantined States listed in paragraph (b), or that it is necessary to regulate such counties because of their proximity to brown-tail moth infestations or their inseparability for quarantine enforcement purposes from brown-tail moth infested localities. The Director has further determined that each of the quarantined States, wherein less than the entire State is designated as a regulated area, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the gypsy moth and brown-tail moth. Accordingly, such civil divisions and parts of civil divisions listed above in paragraph (a) are designated as gypsy moth regulated areas, and those listed above in paragraph (b) are designated as brown-tail moth regulated areas.

This revision adds to the infested gypsy moth regulated areas the following previously nonregulated localities:

In Pennsylvania the counties of Lackawanna, Luzerne, Montgomery, Philadelphia, Susquehanna, and Wyoming in their entirety; and a portion of Centre County. It also adds to the previously regulated counties of Berks, Bucks, Carbon, Lehigh, Northampton, and Schuylkill. In New Jersey, it adds regulated areas to the previously regulated counties of Atlantic, Burlington, Cape May, and Mercer; adds the entire previously noninfested county of Camden, and a portion of the county of Glouchester.

This revision makes no change in paragraph (b) of § 301.45–2a of the regulations designating brown-tail moth regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the gypsy moth and the brown-tail moth, and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of November 1969.

[SEAL] JOSEPH F. SPEARS,
Acting Director.

[F.R. Doc. 69–14213; Filed, Dec. 1, 1969; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Revision of Certain Disposition Dates

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of correcting an error in certain crop disposition dates for Montana. The regulations governing determination of acreage and compliance, 32 F.R. 9069, as amended, are further amended as follows:

Paragraph (b) of § 718.27 is amended for Montana by revising all subparagraphs. The revised subparagraphs read as follows:

§ 718.27 Crop disposition dates.

* * * * *

(b) *Crop disposition dates.* * * *

MONTANA

(1) *Rye—July 15.* All counties.
(2) *Wheat—(i) July 25.* Big Horn, Blaine, Broadwater, Cascade, Chouteau, Daniels, Dawson, Fallon, Fergus, Gallatin, Glacier, Golden Valley, Hill, Judith Basin, Liberty, Musselshell, Park Phillips, Pondera, Powder River, Prairie, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, and Yellowstone.
(ii) *July 15*—All other counties.
(3) *Barley, corn and grain sorghums—July 25.* All counties.
(4) *Oats—August 15.* All counties.

* * * * *

(Secs. 373, 374, 375, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1373, 1374, 1375)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on November 21, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–14260; Filed, Dec. 1, 1969; 8:49 a.m.]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Years 1968–70, and Wheat Diversion Program for Crop Years 1969–70

COUNTY PROJECTED YIELDS AND DIVERSION PAYMENT RATES; CORRECTION

In F.R. Doc. 69–12979 appearing at page 17757 in the issue of Tuesday, November 4, 1969, the following changes should be made:

1. On page 17762, the projected yield for Dunklin County, Mo., now reading "30" should read "38.0".

2. On page 17763, the rate for computing diversion payments in Fergus County, Mont., now reading "1.09" should read "1.07".

(Secs. 339(g), 375(b), 379); 52 Stat. 66, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1339(g), 1375(b), 1379))

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 25, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–14261; Filed, Dec. 1, 1969; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Conversion factor basis of reporting

On pages 17730 and 17731 of the FEDERAL REGISTER of November 1, 1969, there was published a notice of proposed rule making to provide a change in the conversion factor for granular cereal listed in the Republication of the Processor Wheat Marketing Certificate Regulations, as amended (33 F.R. 14676, 34 F.R. 5817, 6907, 11412, 13522).

The processor producing that particular type of product altered his method of production. The new method resulted in extraction percentages for the coproducts which differed from those currently set forth in the regulations, and accordingly an amendment is deemed necessary.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received, and the proposed amendment is hereby adopted without change and as set forth below.

Since the provisions of this amendment as set forth below must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and that this amendment shall be effective as provided below.

Effective date. The change in the conversion factor as set forth below shall be effective with respect to granular cereal processed on and after July 1, 1969.

Signed at Washington, D.C., on November 26, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

Section 777.14(c) is amended by changing the conversion factor of granular cereal as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors* * * *

A—Food Product	B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)
* * *	* * *
Granular cereal (extraction approximately 21 percent granular cereal and 55 percent flour)[1]	1.827
* * *	* * *

[F.R. Doc. 69–14262; Filed, Dec. 1, 1969; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER D—DETERMINATION OF FARMS

[§ 827.2 Amended]

PART 827—PUERTO RICO

1962–63 and Subsequent Crops

On page 14896 of the FEDERAL REGISTER of September 27, 1969, there was published a notice of proposed rule making to amend the regulation which determines a farm in Puerto Rico for purposes of the Sugar Act of 1948, as amended. Interested persons were given 34 days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed regulation, as amended, is hereby adopted without change and is set forth below with citation of authority added.

Effective date: Date of publication.

Signed at Washington, D.C., on November 25, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

§ 827.2 Determination of a farm in Puerto Rico.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Person" means an individual, partnership, corporation, or association.

(2) "Producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugarcane grown on a farm for the extraction of sugar or liquid sugar.

(b) *Constitution of a farm.* For the 1962–63 and subsequent sugarcane crops

in Puerto Rico, a farm shall be constituted according to whichever one of the following subparagraphs is applicable according to the prevailing circumstances, subject to the provisions of subparagraph (4) of this paragraph.

(1) "Farm" means all land which is farmed by one or more producers as a farming unit with cropping practices, equipment, workstock, labor, and management substantially separate from that of any other such unit, and also includes all other land on which sugarcane farming operations are carried out with respect to which such producer(s) furnishes management services and (i) receives for such management services an amount in excess of 12½ percent of the aggregate net market proceeds from the producer's share of the sugar and molasses produced from the sugarcane, (ii) assumes an obligation for loss, (iii) shares in the net profit, or (iv) guarantees directly or indirectly a stipulated amount to any person who owns or controls land on which such farming operations are carried out.

(2) "Farm" means all land owned or controlled by a producer who separately or together with other producers, except processor-producers, owns the crop and bears the full financial risks of producing the sugarcane crop grown on such land and who carries out the sugarcane farming operations on such land by utilizing management services for which an amount is payable not in excess of 12½ percent of the aggregate net market proceeds from the producer's share of the sugar and molasses obtained from the sugarcane produced on the farm as computed pursuant to the applicable fair price determination (Part 877 of this chapter).

(3) "Farm" means all land included in a proportional profit farm which is organized pursuant to the provisions of title IV of the Land Law of Puerto Rico, supervised by a manager with headquarters on the farm, and operated with workstock, light equipment, farm buildings and labor substantially separate from that of any other such farm.

(4) Effective for the 1969–70 crop and subsequent crops of sugarcane and whenever the circumstances described in this subparagraph (4) exist, subparagraphs (1) and (2) of this paragraph shall not apply and "farm" means all land controlled by two or more producers who carry out the sugarcane farming operations on such land by utilizing the management services of the same company, and (i) are affiliate companies of the company furnishing management services or (ii) are acting as agents of affiliate companies of the company furnishing management services or are trustees administering trust plans or agreements established for the benefit of employees of affiliate companies of the company furnishing management services. For purposes of this subparagraph (4) a company is an affiliate of another company if either owns 50 percent or more interest in the other, if a third entity (hereinafter referred to as parent entity) owns 50 percent or more interest in both or if the parent entity owns 50 percent or more interest in one and 50 percent or more interest in an entity that owns 50 percent or more interest in the other.

(Secs. 304, 403, 61 Stat. 931, 932; 7 U.S.C. 1134, 1153)

[F.R. Doc. 69–14263; Filed, Dec. 1, 1969; 8:49 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

PART 871—SUGAR BEETS

Fair and Reasonable Prices for 1969 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, due notice of public hearings, and consideration of evidence presented at hearings held during December 1968, and September 1969, the following determination is hereby issued:

Sec.
871.24 General requirements.
871.25 Purchase agreements.
871.26 Reporting requirements.
871.27 Applicability.
871.28 Subterfuge.

AUTHORITY: §§ 871.24 to 871.28 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 871.24 General requirements.

A producer of sugar beets who is also a processor of sugar beets (herein referred to as "processor") shall have paid, or contracted to pay for all sugar beets of the 1969 crop grown by other producers and processed by him, in accordance with the following requirements:

§ 871.25 Purchase agreements.

(a) The price for all 1969-crop sugar beets delivered by a producer and processed by a processor, shall be not less than that required to be paid pursuant to the 1969-crop sugar beet purchase contract between the processor and the producer, subject to the provisions of paragraphs (b), (c), (d), and (e) of this section.

(b) If the processor, in determining the net proceeds pursuant to the contract, makes a deduction from the gross sales price of sugar for factory-site bulk sugar storage facilities owned by the processor, or for factory-site bulk pulp storage facilities owned by the processor in those districts where producers share directly in the total net returns from the sales of sugar, pulp, and molasses, such deduction shall be limited to amortization of such facilities, including improvements, over a reasonable period, interest at prevailing rates on the unrecovered cost, taxes, insurance, maintenance, and operating costs properly applicable thereto. After the costs of the facilities, including improvements, have been fully recovered such deduction shall be limited to taxes, insurance, maintenance, and operating costs properly applicable thereto.

(c)(1) In factory districts using a scale-type sugarbeet purchase contract where the processor has constructed tanks for the storage of concentrated juice, has stored such juice for a period of not less than 30 days after the end of the slicing campaign, and has then processed such juice into granulated sugar, a charge representing the additional costs incurred as a result of factory cleanup and startup in connection with the juice processing campaign may be deducted from the gross sales price of sugar: *Provided*, That such charge shall not exceed 2 cents per month (based on the length of time such juice is stored between the end of the slicing campaign and the startup of the juice processing campaign, such period not to exceed 6 months) per 100 pounds of granulated sugar equivalent of the juice so stored.

(2) In those factory districts in Michigan and Ohio using a percentage-type sugar beet purchase contract, wherein growers share with the processor in factory extraction efficiency, and where the processor has constructed and is operating tanks for the storage of concentrated juice, a deduction from the gross sales price of sugar and byproducts may be made for the amortization of such tanks as provided in the processor's 1969-crop sugar beet purchase contract.

(d) The price for 1969-crop frozen sugar beets in the factory districts of the Great Western Sugar Co. shall be not less than that required to be paid pursuant to the 1969-crop sugar beet supplemental purchase contract in effect for the Billings factory district. The price for 1969-crop frozen sugar beets in the factory districts of Holly Sugar Co. shall be not less than that required to be paid pursuant to the 1969-crop sugar beet supplemental purchase contract in effect for the Worland factory district.

(e) In determining the net proceeds pursuant to the contract, the gross sales price per 100 pounds to be applicable to sugar sold to an affiliate company or other affiliate business entity, or to sugar used by the processor during the settlement period, shall not be less than the weighted average quoted basis price, less customary allowance, and plus appropriate prepays and package differentials which would have been applicable to such sugar had it been marketed to nonaffiliated purchasers.

§ 871.26 Reporting requirements.

The processor shall submit to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the close of the sales period specified in the sugarbeet purchase contract, an itemized statement for each settlement district, certified by an independent accountant, showing the computation of "net proceeds" or "net returns" as provided in such contract, such statement to be in substantially the form as that contained in Schedule A attached hereto and made a part hereof: *Provided*, That, if the processor markets sugar to an affiliate company or other affiliate business entity or if the processor uses any beet sugar, the weighted average gross sales price for each category, the marketing expenses applicable to each, and the net proceeds derived therefrom shall be reported in substantially the form shown on Schedule A–1 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A: *Provided further*, That if the processor in determining net proceeds makes a deduction for factory-site bulk sugar, bulk pulp, or concentrated juice storage facilities owned by the processor, the total cost of such facilities, including improvements, the amount of the deduction and the expenses used in determining such deduction shall be reported in substantially the form shown on Schedule A–2 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A.

§ 871.27 Applicability.

The requirements of this part are applicable to all sugarbeets purchased from other producers and processed by a processor who produces sugarbeets (a processor-producer is defined in § 821.1 of this chapter).

§ 871.28 Subterfuge.

The processor shall not reduce returns to producers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the Act, by a producer who processes sugarbeets of the 1969 crop grown by other producers.

Requirements of the act. Section 301(c)(2) of this Act provides that the producer on the farm who is also, directly or indirectly, a processor of sugarbeets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or tool agreements, for any sugarbeets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

1969 fair price determination. This determination provides that a processor shall be deemed to have complied with the fair price provisions of the Act if he has paid, or contracted to pay, prices for all sugarbeets processed that are not less than those determined pursuant to the applicable 1969-crop purchase contract with producers or supplement thereto in those factory districts where beets were frozen in the ground, except that a processor may include among the items deductible in determining "net proceeds from sugar" a charge for the cost of constructing or operating tanks for the storage of concentrated juice, provided the processor, (1) if using a scale-type purchase contract, has stored such juice for a period of not less than 30 days between the end of the slicing campaign and the start of the juice campaign, or (2) if using a percentage-type contract, has stored such juice and has provided for a deduction for amortization in the 1969 contract.

At the public hearing held in Portland, Oreg., on December 5, 1968, a representative of Idaho sugarbeet growers testified that his association was approached by the processing company after negotiations on the 1968-crop contract had been completed and asked to participate in the cost of a concentrated juice storage tank on a 20-year amortization basis; that the growers had rejected the proposition as a part of the 1968 contract because they considered such costs to be a part of the normal processing function; that the use of a concentrated juice storage tank would enable the company to process additional sugar without having to increase all of its processing equipment; that the tank has now been erected and the company has indicated that growers would either be charged for the use of the tank or that following the end of the general campaign the juice would be processed into sugar immediately, bagged, and put into public storage; and that such public storage charges would be charged against net returns.

A representative of the Washington Sugar Beet Growers Association submitted a written statement pointing out that members of the association are receiving increased net returns due to their contract proposals, the processor's improved marketing practices, and the Department's efforts in achieving the price objective of the Sugar Act; that the sharing of net returns above $8.50 must be changed to correspond to the sharing relationship that prevails below $8.50; that a contract with minimum guaranteed nets is necessary for scheduling costs and returns; that the price growers receive should be kept comparable with their rising production costs; and that growers should be paid when the crop is delivered.

At the public hearing held in Presque Isle, Maine, on December 9, 1968, representatives of the Maine Sugarbeet Growers Association stated that they feel their contract is the most generous in the country; that delivery costs have been exceeding the growers' expectations but that no difficulty in reaching an agreement with the processor is anticipated; and that a goal of 33,000 planted acres for that area in 1969 seems realistic considering acreage expansion problems of the growers.

At the public hearing held in San Francisco, Calif., on December 17, 1968, a representative of the California Beet Growers, Ltd., stated that their 1969 contracts have been negotiated, and that initial payment would be based on an $8.25 net selling price.

After the series of public hearings held during December 1968 had been concluded, growers who have contracted to deliver sugarbeets to the Utah-Idaho Sugar Co. requested that the Secretary reopen the public hearings to consider whether the processor, when determining "net proceeds," may include among the items deductible a charge for the cost of construction or operation of tanks for the storage of concentrated juice. In response to that request a public hearing was held in Denver, Colo., on September 3, 1969.

A representative of Utah and Idaho sugarbeet growers testified that the processor had asked the growers to participate in the cost of concentrated juice storage, and that the growers had refused to do so. He stated that the processor had then informed the association that the facilities nevertheless would be utilized, and that a storage charge would be credited against the gross sales price of sugar when determining net proceeds in accordance with established accounting practices. The grower representative testified that such a charge would, in fact, be a radical departure from established practice; that concentrated juice cannot be considered refined sugar but rather a product in process and therefore an intermediate step in the manufacturing cycle; and that the tanks permit the processor to process more beets without increasing the handling and processing equipment, thereby reducing his unit costs. He further stated that the entire industry benefits from increased efficiency on the production side, but that the expense of such improvements are borne entirely by the growers, and that improvements on the processing side ought to be for the account of the processor alone. His testimony was endorsed and supported by several other witnesses.

A representative of the Utah-Idaho Sugar Co. testified that charges for storage of concentrated juice will increase, not decrease, net returns on which grower payments are based. He stated that facilities for the storage of concentrated juice are a questionable investment if used for processing alone, and full benefit from juice tanks can only be achieved by exploiting the storage and marketing potential; that it is much cheaper to build juice tanks than bulk sugar storage bins; and that the cost of carrying sugar inventory averages about $1.15 per bag per year, of which the grower bears 88 cents. Other witnesses representing processors generally supported his testimony.

Consideration has been given to the testimony presented at the public hearings, to the provisions of the purchase contracts, to the comparative average costs of producers and processors obtained by field study for a prior crop and recast in terms of prospective price and production conditions for the 1969 crop, and to other pertinent factors. The analysis indicates that the provisions for payment in the 1969 crop purchase contracts are fair and reasonable at levels of sugar prices which may be expected during the marketing season.

Under the terms of the basic sugarbeet purchase contract, a processor is not required to accept frozen beets. Within a few days after a severe freeze struck several factory districts in October, supplements to the 1969 contracts were agreed upon by processors and grower associations. Under the terms of the new agreements, processors are accepting

frozen beets with the growers receiving 60 percent of the proceeds from the sugar obtained. The provisions for payment in these supplements to the 1969 crop purchase contracts are also deemed to be fair and reasonable. Representatives of producers who testified at the public hearing objected to participation in the cost of concentrated juice facilities mainly on the grounds that regardless of how such facilities are utilized the process remains an intermediate step in the manufacturing cycle. Evidence available to the Department confirms that diversion of concentrated juice into holding tanks is an intermediate step in the manufacturing process, especially so when the campaign is not broken (that is, when concentrated juice is subjected to final processing immediately following the end of the slicing campaign). Nevertheless, the potential for a storage function is present, particularly when the slicing campaign is ended with a substantial quantity of concentrated juice stored in the holding tanks until needed for later processing and marketing as granulated sugar (i.e., when the campaign is broken). Moreover, analysis of data available indicates that (1) considerable savings are possible when public storage charges are avoided by holding an equivalent amount of sugar in the form of concentrated juice in storage prior to final processing, and that (2) the majority of such savings accrue to the account of producers.

Processors testified that the added costs associated with factory cleanup and startup when the campaign is broken offset gains on the processor's side arising out of savings on public storage, that unless producers participate in these costs it is not economically feasible for the processor to conduct a separate campaign to process concentrated juice, and that juice in the tanks will be processed immediately after the slicing campaign ends and the sugar produced will be stored in granulated form. They stated that the potential storage benefits to be derived from the utilization of such facilities are too great to be foregone over a "disagreement in principle."

The Department is reluctant to discourage the incentive toward improved efficiency, particularly when such improvements are plainly in the producers' best interests. For this reason the Department believes that the benefits to be gained from exploiting the storage potential of juice tanks outweigh the objections of the producers that they not be required to share in any of the costs thereof. In addition, there are indications that processors will not take advantage of the storage potential of juice tanks in the absence of producer participation, at least to the extent of the extra costs associated with factory cleanup and startup, leading to added rather than diminished producer costs. Accordingly, the charges against gross sugar sales provided for in this determination for scale-type contracts have been limited to an amount calculated to offset the estimated additional cost of factory cleanup and startup in connection with a broken campaign.

In the eastern sugarbeet area, where producers participate fully not only in total net returns from sugar and all by-products but also in factory extraction efficiency, circumstances warrant a different approach. In those factory districts where increased sugarbeet production has lengthened the slicing campaign, pile losses have become excessive, in some cases upward from 5,000 tons of sugar, granulated equivalent. A majority of the benefits arising out of any significant reduction in such a substantial loss would accrue to producers. Therefore, those percentage-type purchase contracts containing a provision for the deduction of the amortization cost of concentrated juice facilities from the gross proceeds from the sales of sugar and byproducts are deemed to be fair and reasonable.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER and is applicable to 1969-crop sugarbeets.

Signed at Washington, D.C., on November 26, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

SCHEDULE A—STATEMENT OF AVERAGE NET RETURN OR NET PROCEEDS FROM SALES OF SUGAR[1]

Company _____
Settlement area _____
Settlement period _____

	Per hundredweight sugar (dollars)
Gross sales price	
Less sales and marketing expenses (applicable to sugar only):	
Federal excise tax	
Freight on sugar to destination	
Cash discount	
Allowances	
Public storage (actually paid)	
Off-site storage owned by the processor (amount charged)	
On-site storage (computed charge)[2]	
Loading and handling	
Cost of packing in excess of basis pack	
Taxes	
Insurance	
Brokerage and commissions	
Advertising	
Sales department expenses:	
Salaries	
Travel	
Miscellaneous	
Other (specify)	
Total expense	
Net return or net proceeds	

[1] Where the purchase contract provides that the proceeds from the sales of molasses and beet pulp are to be included in calculating the net return or net proceeds, show separately the gross sales price and the marketing expenses applicable to each.

[2] Obtain from Schedule A-2.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company).

SCHEDULE A-1—STATEMENT OF GROSS SALES PRICES APPLICABLE TO SUGAR SOLD TO AFFILIATED COMPANIES OR ENTITIES AND USED BY THE PROCESSOR, AS COMPARED TO SALES TO NONAFFILIATED PURCHASERS

Item	Affiliated purchasers	Used by processor	Nonaffiliated purchasers
Sugar sold or used-cwt.			
		Dollars per cwt.	
Quoted basis price			
Customary allowances:			
(Itemized)			
Open competitive			
Other:			
----------		XXXX	
----------		XXXX	
Basic price less allowances			
Prepay		XXXX	
Package differential		XXXX	
Gross sales price	$	$	$
Marketing expenses		(1)	
Net proceeds			

[1] If any marketing expenses are deducted from the gross sales price by the processor in computing net return for this particular sugar, such expenses shall be itemized separately.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company).

SCHEDULE A-2—STATEMENT RELATING TO CHARGES FOR COMPANY-OWNED FACTORY-SITE BULK SUGAR, BULK PULP, AND CONCENTRATED JUICE STORAGE IN COMPUTING NET PROCEEDS, 1969 CROP (SUBMIT SEPARATE SCHEDULE FOR EACH FACILITY)

Company _____
Location of bulk sugar, pulp, or juice storage facility _____
Settlement areas included _____
Settlement period _____
Sugar sold during settlement period—Cwt. _____

	(Total Dollars)
Original cost of facility (year first used ____)	
Improvements (item and date):	

Total cost of facility including improvements.	
Total amount recovered prior to 1969-crop.	
Total unrecovered cost of facility.	
Operating costs or charges for 1969-crop:	
Interest on unrecovered cost.	
Taxes	
Insurance	
Maintenance and operating (Itemize):	

Total operating costs for 1969-crop.	
Amount applied against 1969-crop to amortize cost of facility.	
Total amount charged for facility in computing net proceeds—1969 - crop — (to be carried to Schedule A as amount of deduction).	
Unamortized cost of facility at end of 1969-crop.	

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

[F.R. Doc. 69-14256; Filed, Dec. 1, 1969; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 64]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida orange crop and the current and prospective market conditions. Shipments of oranges, except Temple and Murcott Honey oranges, are currently regulated and volume shipments of Temple oranges are expected to begin on or after December 1, 1969. The size and grade requirements specified herein are necessary to prevent the handling, on and after December 1, 1969, of oranges of the named varieties, including Temple oranges, that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 1, 1969. Domestic shipments of Florida oranges, except Temple and Murcott Honey oranges, are currently regulated pursuant to Orange Regulation 63 (34 F.R. 14379, 18599) and determinations as to the need for, and extent of, regulation of domestic shipments of Temple oranges must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such orange shipments subsequent to December 1, 1969, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 25, 1969, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary to make this regulation effective as hereinafter set forth to preclude the shipment of immature Temple oranges and to otherwise effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.520 Orange Regulation 64.

(a) *Order.* (1) Orange Regulation 63, as amended (34 F.R. 14379, 18599) is hereby terminated December 1, 1969.

(2) During the period December 1, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Navel, Temple and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Navel, Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{14}/_{16}$ inches in diameter or smaller;

(iii) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden; or

(iv) Any Navel oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{14}/_{16}$ inches in diameter or smaller.

(v) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(vi) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. standards for Florida Oranges and Tangelos;

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14293; Filed, Nov. 28, 1969; 1:00 p.m.]

[Navel Orange Reg. 184, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1), (i), (ii), and (iii) of § 907.484 (Navel Orange Regulation 184, 34 F.R. 18449) are hereby amended to read as follows:

§ 907.484 Navel Orange Regulation 184.

(b) *Order.* (1) * * *

(i) District 1: 1,058,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 92,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14264; Filed, Dec. 1, 1969; 8:49 a.m.]

[945.328 Amdt. 1]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Notice of rule making with respect to a proposed amendment of the limitation of shipments regulation (34 F.R. 11260), as hereinafter set forth, which was unanimously recommended by the Idaho-Eastern Oregon Potato Committee established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER November 20, 1969 (34 F.R. 18471). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than November 23, 1969. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, it is hereby found and determined that this amendment of the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The Committee reports that with the abundance of potatoes in general and particularly with production in the nine Western States estimated to be 11 percent above 1968, there are little returns to producers from U.S. No. 2, 2-inch or 4-ounce potatoes. The amendment provided herein is necessary to improve the returns to producers pursuant to the declared policy of the Act.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of potatoes grown in the production area are currently being marketed and the regulation should become effective at the time herein provided to maximize the benefits to producers; and good cause exists for making the provisions hereof effective not later than the day following publication in the FEDERAL REGISTER. Idaho-Eastern Oregon Potato Committee held an open meeting November 13, 1969, to consider recommendations for an amendment of the limitation of shipments regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of potatoes in the production area; compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

Subdivision (ii) of paragraph (a)(2) of § 945.328 (34 F.R. 11260) is revised to read as follows:

§ 945.328 Limitation of shipments.

* * * * * *

(a) * * *

(2) *Size.* (i) * * *

(ii) All other varieties—2 inches minimum diameter or 4 ounces minimum weight: *Provided,* That any such potatoes that grade U.S. No. 2 must be 6 ounces minimum weight.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601–674)

Dated November 26, 1969, to become effective the day following publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14295; Filed, Dec. 1, 1969; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1602]

PART 13—PROHIBITED TRADE PRACTICES

Frances Novelty Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act: 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 70, 69f) [Cease and desist order, Frances Novelty Co., Inc., et al., New York, N.Y., Docket C–1602, October 30, 1969]

In the Matter of Frances Novelty Co., Inc., a Corporation, Also Trading as Domino Knitwear, and Albert Bergman and Herbert Blasenstein, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur-trimmed ribbon knit jackets to cease misbranding, falsely invoicing, and deceptively advertising its fur products, and misbranding and failing to maintain required records on its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Frances Novelty Co., Inc., a corporation, also trading as Domino Knitwear or under any other name or names, and its officers, and Albert Bergman and Herbert Blasenstein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

It is further ordered, That respondents Frances Novelty Co., Inc., a corporation, also trading as Domino Knitwear, and its officers, and Albert Bergman and Herbert Blasenstein, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69–14228; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C–1601]

PART 13—PROHIBITED TRADE PRACTICES

Lano Knitting Mills, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Lano Knitting Mills, Inc., et al., Millbury, Mass., Docket C–1601, October 30, 1969]

In the Matter of Lano Knitting Mills, Inc., a Corporation, and Julius Friedman and Paul Friedman, Individually and as Officers of Said Corporation

Consent order requiring a Millbury, Mass., manufacturer and distributor of woolen fabrics to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lano Knitting Mills, Inc., a corporation, and its officers, and Julius Friedman and Paul Friedman, individually and as officers of said corporation, and respondents' representatiyes, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Lano Knitting Mills, Inc., a corporation, and its officers, and Julius Friedman and Paul Friedman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of textile products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do

forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14229; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1599]

PART 13—PROHIBITED TRADE PRACTICES

Marvel Quilting Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Marvel Quilting Co., Inc., et al., Brooklyn, N.Y., Docket C-1599, Oct. 30, 1969]

In the Matter of Marvel Quilting Company, Inc., a Corporation, and Jack Goldfarb and Martin Oltsik, Individually and as Officers of Said Corporation, and as Co-partners Trading as Marvel Quilting Co.

Consent order requiring a Brooklyn, N.Y., manufacturer of quilting and other textile articles to cease misbranding, falsely invoicing and advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Marvel Quilting Co., Inc., a corporation, and its officers, and Jack Goldfarb and Martin Oltsik, individually and as officers of said corporation, and as co-partners, trading as Marvel Quilting Co., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14230; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1608]

PART 13—PROHIBITED TRADE PRACTICES

E. J. Pager, Inc., and Edward J. Pager

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, E. J. Pager, Inc., et al., New York, N.Y., Docket C-1608, Oct. 30, 1969]

In the Matter of E. J. Pager, Inc., a Corporation, and Edward J. Pager, Individually and as an Officer of Said Corporation

Consent order requiring a New York City wholesale furrier corporation to cease falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents E. J. Pager, Inc., a corporation, and its officers, and Edward J. Pager, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce" and "fur" are defined in the Fur Products Labeling Act do forthwith cease and desist from falsely or deceptively invoicing furs by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by section 5(b)(1) of the Fur Products Labeling Act.

2. Misrepresenting in any manner on an invoice, directly or by implication, the country of origin of any imported fur.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14231; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1606]

PART 13—PROHIBITED TRADE PRACTICES

"Steff" Fashions, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, "Steff" Fashions, Inc., et al., New York, N.Y., Docket C-1606, Oct. 30, 1969]

In the Matter of "Steff" Fashions, Inc., a Corporation, and David G. Paris, and Ben Chalk, Individually and as Officers of Said Corporation.

Consent order requiring a New York City manufacturer of children's wool garments to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents "Steff" Fashions, Inc., a corporation, and its officers, and David G. Paris and Ben Chalk, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth respective percentages of fibers contained in the face and back of pile fabrics in such a manner as to give the ratio between the face and back of each such fabric where an election is made to separately set out the fiber content of the face and back of wool products containing pile fabrics.

4. Failing to affix labels or other markings to samples, swatches and specimens of wool products used to promote or effect sales of such wool products in commerce, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14232; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1607]

PART 13—PROHIBITED TRADE PRACTICES

Fred Taub

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Fred Taub, New York City, N.Y., Docket C-1607, Oct. 30, 1969]

Consent order requiring a New York City wholesaler of furs to cease falsely invoicing his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Fred Taub, an individual trading under his own name or any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce" and "fur" are defined in the Fur Products Labeling Act do forthwith cease and desist from falsely or deceptively invoicing furs by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by section 5(b)(1) of the Fur Products Labeling Act.

2. Misrepresenting in any manner on an invoice directly or by implication, the country of origin of any imported fur.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14233; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1603]

PART 13—PROHIBITED TRADE PRACTICES

Westcraft Carpets, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Westcraft Carpets, Inc., et al., Denver, Colo., Docket C-1603, Oct. 30, 1969]

In the Matter of Westcraft Carpets, Inc., a Corporation and Arnold Vagts and Dorothy Vagts, Individually and as Officers of Said Corporation.

Consent order requiring a Denver, Colo., dealer in carpeting to cease misbranding and falsely advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Westcraft Carpets, Inc., a corporation, and its officers, and Arnold Vagts and Dorothy Vagts, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b)(1)

and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14234; Filed, Dec. 1, 1969; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Offer of Incentive Bonus to Customers

§ 15.390 Offer of incentive bonus to customers.

(a) The Commission advised that to offer an incentive bonus to open credit account customers to encourage the payment of invoices within established terms and conditions of sale would not be objectionable.

(b) Most sales are made to open credit account purchasers of plumbing supplies and it was proposed to offer all such customers, as well as all new accounts, a bonus of 1 percent based on the aggregate total of monthly purchases to be given in the form of a credit certificate. This certificate will be honored by a selected local travel agency to apply toward vacation travel, and to be issued to those who adhere to established credit terms. Customers will present their certificates to the travel agency as partial or complete payment of their vacation expenses within 18 months from date of issuance.

(c) The Commission expressed the view that the proposed program, as stated, should be considered as a proposal to increase established credit terms and conditions of sale by 1 percent and as such the program probably would not be unlawful except to the extent, if any, the additional discount may effect unlawful price discriminations within the meaning of section 2(a), amended Clayton Act. However, because the program will be offered and made available to all open credit account customers and because the single qualifying requirement is adherence to established credit terms and conditions of sale it is not likely that implementation of proposed program would result in any adverse competitive effects.

(d) The Commission advised it would initiate no proceedings so long as the proposed program is implemented in the manner and for the purpose intended.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: December 1, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14225; Filed, Dec. 1, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Labeling of Products Composed of Ground Leather and Fabric

§ 15.391 Labeling of products composed of ground leather and fabric.

(a) The Commission is of the opinion that a product which consists of reconstituted leather applied to a fabric base may not be described as "leather" without proper qualification and may not be described as "genuine milled leather."

(b) This product may not be described as "leather" unless the word is accompanied by a clear statement as to the product's true composition. The term "leather" used alone means top grain leather and the product referred to, composed of ground leather on a fabric backing, does not come within such a definition. The use of the unqualified term "leather" to describe such product would tend to deceive prospective customers and possibly violate section 5 of the Federal Trade Commission Act.

(c) The product may not be described as "genuine milled leather" with or without qualification. It is not clear what is intended by the word "milled" but the phrase as a whole suggests top grain leather in a manner which would make any attempted qualification a contradiction in terms. Use of this phrase would tend to mislead and deceive prospective customers as to the true composition of the product and might violate the Federal Trade Commission Act.

(d) The close resemblance of the product to leather may tend to mislead prospective purchasers into the belief that the product is top grain leather. Accordingly, the product should be labeled to indicate its true composition or, optionally, that it is imitation or simulated leather or nonleather.

(e) Finally, the backing of the product appears to be a textile fiber product subject to the Textile Fiber Products Identification Act, and, accordingly, certain information must be disclosed as to the composition of such fabric.

(f) The product may be described appropriately in a number of ways, among which are the following:

Ground leather laminated to fabric (60 percent polyester, 40 percent rayon).
Shredded leather laminated to fabric (60 percent polyester, 40 percent rayon).
Pulverized leather laminated to fabric (60 percent polyester, 40 percent rayon).
Imitation leather laminated to fabric (60 percent polyester, 40 percent rayon).
Simulated leather laminated to fabric (60 percent polyester, 40 percent rayon).
Nonleather. Fabric backing 60 percent polyester, 40 percent rayon.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 1, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14226; Filed, Dec. 1, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Partly Foreign-Made Foundation Garments

§ 15.392 Disclosure of origin of partly foreign-made foundation garments.

(a) The Commission expressed an opinion that it would not be necessary to disclose the name of the foreign country where certain finishing operations are performed on ladies' foundation garments.

(b) The fabric, which is of domestic origin, will be cut to shape in the United States and shipped to Mexico where it will be sewn and finished. The foreign labor costs of producing the finished garment will represent approximately 20 percent of total production costs.

(c) The Commission is of the opinion that it will not be necessary to disclose in the labeling the nature and extent of the foreign operations performed on the foundation garments, either under section 5 of the Federal Trade Commission Act or section 4(b)(4) of the Textile Fiber Products Identification Act. The Commission noted, however, that inquiry should be made of the Bureau of Customs as to any marking requirements under section 304 of the Tariff Act of 1930.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 1, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14227; Filed, Dec. 1, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-117]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Wichita, Kans. (McConnell AFB), control zone.

The McConnell AFB, Kans., VOR is being decommissioned and all procedures predicated on this VOR facility are being canceled. Consequently, that portion of the Wichita, Kans. (McConnell AFB), control zone which is designated with reference to this VOR is no longer required. Therefore, it is necessary to alter the Wichita, Kans. (McConnell AFB), control zone to delete this airspace from the designation. Action is taken herein to effect this change.

Since this alteration will reduce the existing designated airspace in the Wichita, Kans., terminal area, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 1, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

WICHITA, KANS. (MCCONNELL AFB)

Within a 5-mile radius of McConnell AFB (lat. 37°37'25" N., long. 97°16'00" W.); within 2 miles west and 4 miles east of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles north of the TACAN; and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles south of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE, *Acting Director, Central Region.*

[F.R. Doc. 69-14204; Filed, Dec. 1, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 14437 and 14438 of the FEDERAL REGISTER dated September 16, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at West Yellowstone, Mont.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., February 5, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE, *Acting Director, Central Region.*

In § 71.181 (34 F.R. 4637), the following transition area is added:

WEST YELLOWSTONE, MONT.

That airspace extended upward from 700 feet above the surface within 6½ miles west and 9½ miles east of the 019° and 199° bearings from West Yellowstone Airport (latitude 44°41'20" N., longitude 111°06'55" W.), extending from 12 miles north to 19½ miles south of the airport; that airspace extending upward from 10,700 feet MSL within a 30-mile radius of West Yellowstone Airport, extending from the 087° bearing from West Yellowstone Airport clockwise to the 217° bearing from West Yellowstone Airport; and that airspace extending upward from 12,000 feet MSL within a 30-mile radius of West Yellowstone Airport, extending from the 217° bearing from West Yellowstone Airport clockwise to the 087° bearing from West Yellowstone Airport, excluding the portion which overlies V-343. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-14205; Filed, Dec. 1, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIMETHYLPOLYSILOXANE

On the basis of a comment received, and other relevant information, the Commissioner of Food and Drugs concludes that the food additive regulation providing for the safe use of dimethylpolysiloxane as a defoaming agent in food should be amended to clarify the 10 part-per-million limitation in food by relating it to food as consumed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1099 (a)(2) is amended by revising the item "Dimethylpolysiloxane * * *" to read as follows:

§ 121.1099 Defoaming agents.

* * * * * *

(a) * * *

(2) * * *

Substances	Limitations
Dimethylpolysiloxane (substantially free from hydrolyzable chloride and alkoxy groups; no more than 18 percent loss in weight after heating 4 hours at 200° C.; viscosity 300-600 centistokes at 25° C.; refractive index 1.400-1.404 at 25° C.).	10 parts per million in food, or at such level in a concentrated food that when prepared as directed on the label the food in its ready-for-consumption state will have not more than 10 parts per million except as follows: Zero in milk; 110 parts per million in dry gelatin dessert mixes labeled for use whereby no more than 16 parts per million is present in the ready-to-serve dessert; 250 parts per million in salt labeled for cooking purposes, whereby no more than 10 parts per million is present in the cooked food.
* * *	* * *

* * * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation since the amendment merely clarifies an existing regulation and is nonrestrictive and noncontroversial in nature.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 348, 371(a))

Dated November 24, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-14197, Filed, Dec. 1, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

4,4'-METHYLENEBIS(2-CHLOROANILINE)

Sections 121.2520 and 121.2522 of the food additive regulations provide for the use of 4,4'-methylenebis(2-chloroaniline) as a component of certain food-contact articles under prescribed conditions of safe usage that preclude any significant migration of the substance to food.

The Commissioner of Food and Drugs has evaluated newly received information demonstrating that the substance induces cancer when ingested by test animals and concludes that the food additive regulations should be amended to delete provision for use of said substance as a component of food-contact articles.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by deleting the item "4,4'-Methylenebis(2-chloroaniline)" from the list of substances in paragraph (c)(5) of § 121.2520 *Adhesives* and from the list of substances in paragraph (b) of § 121.2522 *Polyurethane resins*.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a))

Dated: November 24, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14198; Filed, Dec. 1, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.72 paragraph (h) is amended to read as follows:

§ 200.72 Director of the Management and Operations Assistance Division and Deputy.

* * * * *

(h) To execute or cause to be executed under his direction all contracts for goods and services for the repair, construction, improvement, removal, demolition or alteration, maintenance, and operation of properties acquired in connection with the settlement of insurance claims, including properties held by FHA as mortgagee in possession, and broker management services in connection with such properties, and the publication of notices and advertisements in newspapers, magazines, and periodicals, and to settle any claims arising out of such contracts.

* * * * *

In § 200.83 paragraph (g) is amended to read as follows:

§ 200.83 Assistant Commissioner for Property Disposition and Deputy.

* * * * *

(g) To act for the Commissioner in approving the compromise and settlement of claims by or against tenants or former tenants of FHA acquired properties including properties held by FHA as mortagee in possession and to execute releases or other instruments required in connection with such compromise or settlement.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., November 25, 1969.

[SEAL] EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 69-14215; Filed, Dec. 1, 1968; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 50—NEIGHBORHOOD YOUTH CORPS PROJECTS

Project Standards for New Out-of-School Agreements

Pursuant to authority contained in section 602 of the Economic Opportunity Act of 1964, as amended (78 Stat. 528, 79 Stat. 973, 80 Stat. 1451, 81 Stat. 672, 42 U.S.C. 2701 et seq.), the delegation of authorities to the Secretary of Labor by the Director of the Office of Economic Opportunity, 33 F.R. 15139 and Secretary's Order No. 14-69 (34 F.R. 6502), Part 50 of Subtitle A of Title 29 of the Code of Federal Regulations is hereby amended to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) requiring notice and public procedure are not applicable since these regulations involve only matters that relate to public benefits. Further, I do not believe that such procedure would in any event serve a useful purpose here. The amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

1. In § 50.20, paragraph (b) is amended to read as follows:

§ 50.20 Types of projects.

* * * * *

(b) An out-of-school project, designated as either an NYC-1 or NYC-2 project, providing work-training experience, combined where needed with educational and training assistance, including basic literacy, counseling, and occupational training designed to assist the youths to develop their maximum occupational potential.

2. In § 50.22, paragraph (g) is amended and new paragraphs (h) and (i) are added to read as follows:

§ 50.22 Standards for projects.

* * * * *

(g) An in-school project and an out-of-school project designated as an NYC-1 project provides for work for which enrollees shall receive wages and, as appropriate, training, education, counseling, and other related supportive services in accordance with this subpart, for which the enrollee may receive wages.

(h) An out-of-school project designated as an NYC-2 project meets the following additional criteria:

(1) The size of the project is consonant with the number of post-NYC opportunities for jobs and further training that are available in the community.

(2) New enrollments are limited to youths age 16 to 17, who have left full-time attendance in high school prior to graduation, and who are defined as disadvantaged. Persons may be enrolled who are employed at the time of enrollment, and may remain employed during enrollment, if they are employed part-time or at a skill level substantially less than they are capable of after training in NYC. No person shall remain enrolled past his 19th birthday or the second anniversary of his enrollment in NYC-2.

(3) For each enrollee there shall be a written training plan and schedule for at least 1 year's training activities. Such a plan shall be constructed as a joint effort of the enrollee and his counselor.

(4) The project offers enrollees a range of services including, but not limited to, orientation and assessment, health services, remedial education, skill training, work experience, counseling, assistance in transportation and day care, and a comprehensive program otherwise to prepare the trainee for possible return to school, placement in a job, or entry into post-secondary training or education. Job development, placement, and follow-through also shall be provided.

(5) No enrollee shall be in the work experience component for more than one-third of his total time in the project.

(6) The sponsor shall make annual plans showing expected units of service for trainees and the placement results sought. The Department of Labor shall monitor his performance against these plans.

(i) An out-of-school project designated as an NYC-2 project provides for work for which enrollees shall receive wages and for the payment of incentives and performance bonuses under standards established by the Secretary during periods when enrollees are not engaged in work experience.

(42 U.S.C. 2942)

Signed at Washington, D.C., this 8th day of November 1969.

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

[F.R. Doc. 69-14303; Filed, Nov. 28, 1969; 1:05 p.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

MISCELLANEOUS AMENDMENTS

This amendment revises policies and procedures pertaining to small business preferences in procurement by (a) providing that upon the automatic dissolution of a small business set-aside, the contracting officer shall give due regard to the capabilities of small business bidders or offerors in the reissuance of a bid invitation or solicitation of proposals for the formerly set-aside portion of the procurement based on a realistic review of the required delivery schedule involved in the procurement; (b) limiting the use of the exception to Small Business Administration referral procedures in an instance where a contract award must be made due to considerations of urgency before a Certificate of Competency can be issued by SBA attesting to the capacity and credit of the small business concern which is otherwise acceptable for award; and (c) establishing procedures for approval by authority higher than the contracting officer in the procuring agency or for review by SBA with respect to certain matters involving determinations as to the nonresponsibility of a small business concern.

1. Section 1-1.706-7 is revised as follows:

§ 1-1.706-7 Automatic dissolution of set-asides.

If the entire set-aside portion is not procured by the method set forth in § 1-1.706-5, as to total set-asides, or § 1-1.706-6, as to partial set-asides, the determination referred to in § 1-1.706-1 is automatically dissolved as to the unawarded portion of the set-aside, and such unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with applicable regulations. However, prior to issuing an invitation to bid or a request for proposals following the dissolution of a small business set-aside, the contracting officer shall review the required delivery schedule for the supplies or services to be resolicited to insure that the delivery schedule is realistic in the light of all relevant factors, including the capabilities of small business concerns.

2. Section 1-1.708-2(a) is amended as follows:

§ 1-1.708-2 Applicability and procedure.

(a) * * *

(1) This procedure is not mandatory if the contracting officer certifies in writing, and such certificate is approved by higher authority within his agency, that the award must be made without delay, includes such certificate and supporting documentation in the contract file, and promptly furnishes a copy to SBA. Referral of a case to SBA or execution of a certificate of urgency shall not be deferred pending investigation and determination of the responsibility of other offerors.

* * * * *

(5) A determination by a contracting officer that a small business concern is not responsible for reasons other than deficiencies in capacity or credit (e.g., lack of integrity, business ethics, or persistent failure to apply necessary tenacity or perseverence to do an acceptable job) must be supported by substantial evidence documented in the contract file and must be approved in each instance by higher authority within the agency.

(6) Whenever the contracting officer has any doubt as to whether the unsatisfactory record of performance can reasonably be attributed solely to lack of capacity or credit, he shall first discuss the matter with the nearest appropriate SBA representative. If the SBA representative is of the opinion that the unsatisfactory record of performance is attributable solely to lack of capacity or credit and the contracting officer disagrees, the contracting officer shall then forward the matter to higher authority within his agency for resolution, with a clear indication of his views and the contrary SBA position. The decision of such higher authority shall be final.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective January 15, 1970, but may be observed earlier.

Dated: November 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-14195; Filed, Dec. 1, 1969; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Modifications to Motor Pool Vehicles

This amendment prescribes requirements governing the modification of an interagency motor pool vehicle or the installation of accessory equipment on such vehicle.

The table of contents for Subpart 101-39.7 is amended to provide a new entry for § 101-39.706, as follows:

Sec.
101-39.706 Modification or installation of accessory equipment.

Subpart 101-39.7—Care of Vehicles

Subpart 101-39.7 is amended by the addition of § 101-39.706, as follows:

§ 101-39.706 Modification or installation of accessory equipment.

The modification of an interagency motor pool vehicle or the installation of accessory equipment on such vehicle can be accomplished only when approved by the General Services Administration. The request for such modifications and installations shall be forwarded to the appropriate regional Chief, Motor Equipment Division, Transportation and Communications Service, for consideration.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: November 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-14194; Filed, Dec. 1, 1969; 8:45 a.m.]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Use of Excess Property on Contracts and Grants

This amendment provides guidelines for the use and eventual disposition of excess personal property by contractors and grantees.

The table of contents for Part 101-43 is amended to provide a new entry as follows:

Sec.
101-43.320 Use of excess property on contracts and grants.

Subpart 101-43.3 Utilization of Excess

Subpart 101-43.3 is amended by adding a new § 101-43.320 as follows:

§ 101-43.320 Use of excess property on contracts and grants.

(a) Executive agencies are responsible under § 101-43.302 for fulfilling requirements for property, including requirements of cost-reimbursement type contractors, by transferring to and obtaining from other Federal agencies excess personal property. The use of excess personal property shall be considered by Federal agencies in their cost-reimbursement type contracts and grants which are made pursuant to programs established by law and for which funds are appropriated by the Congress.

(b) It is the responsibility of all agencies to achieve their program objectives at the least possible cost. Excess personal property can be used to reduce costs and shall be considered for such use wherever possible. Excess personal property can also be used to expand the ability of a contractor or grantee to fulfill his mission, and shall be considered

for this use wherever possible. Excess personal property may be furnished to a contractor or grantee with the approval of an authorized Federal official provided a determination is made by the contracting or sponsoring Federal agency that the acquisition will result in a reduction in the cost to the Government of the contract or grant or an enhancement in the product or the benefit from the contract or grant. Transfer orders for excess personal property must be executed by a duly authorized official of the contracting or grantor agency.

(c) Excess personal property is transferred from one Federal agency to another Federal agency as provided in § 101–43.315–5. The receiving Federal agency may furnish the property to its contractor or grantee as Government-furnished property, but title normally remains vested in the Government. Federal agencies, when drawing up contract or grant documents, shall insure that appropriate provisions are included therein to accommodate the furnishing of excess personal property to contractors or grantees. The system of accountability for such property will be in accordance with contractual and agency procedures, and records will be subject to audit by an internal audit group of the contracting Federal agency. In addition, the records shall be made available upon request to the General Accounting Office. The contract or grant shall include adequate safeguards and assurances relative to use, maintenance, consumption, unauthorized use, and redelivery to Government custody of Government-furnished property.

(d) Upon termination of the contract or grant in whole or in part, Government-furnished property no longer needed shall be reassigned, as far as practicable, to other contractors or grantees, or to other activities of the contracting Federal agency, except consumable property which has been expended. If no reassignment is made, and if the property is not disposed of pursuant to applicable regulations or contract provisions relating to contractor inventory, it shall be reported to GSA by the contracting Federal agency for possible further Government use, as provided in § 101–43.311, unless other reporting requirements have been agreed upon by GSA and the reporting agency. Property not required to be reported shall be handled as provided in §§ 101–43.306 and 101–43.318–2. Property normally shall be held by the contractor or grantee until transfer, donation, or disposal instructions are received. Contracting or grantor agencies shall have published procedures which clearly delineate the obligations of contractors and grantees with respect to the use and consumption or return to Government custody of property acquired from excess sources.

(e) Generally, title to excess property furnished by a Federal agency to a contractor or grantee remains vested in the Government. A few Federal agencies, however, have specific statutory authority to vest title in contractors or grantees under certain circumstances. When competing Federal claims are made for particular items of excess personal property, GSA will give preference to the Federal agency whose contractor or grantee is operating under agreements which do not permit ultimate vesting of title.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: November 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–14196; Filed, Dec. 1, 1969; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

[CGFR 69–123]

PART 6—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Miscellaneous Amendments

On March 24, 1969, the Merchant Marine Council held a public hearing on a number of proposed items of rule making that were published in the FEDERAL REGISTER of February 7, 1969 (34 F.R. 1831), and in the Merchant Marine Council Public Hearing Agenda dated March 24, 1969 (CG–249). Item PH 1–69 proposed to change the heading of Subchapter O from "Regulations Applicable to Certain Vessels During Emergency" to "Certain Bulk Dangerous Cargoes" in order to develop regulations for water transportation of all bulk dangerous cargoes having hazards other than, or in addition to, the conventional flammability and combustibility of petroleum products. Item PH 1–69 stated that the existing regulations in Subchapter O would be transferred to Part 6 of Subchapter A of Title 46, Code of Federal Regulations. This document accomplishes this transfer. The publication of regulations in Subchapter O relating to bulk dangerous cargoes will be accomplished by subsequent documents.

Section 154.20 which is being redesignated § 6.20 by this document grants a waiver of the provisions of section 672 of Title 46, United States Code. Paragraph (b) permits the issuance of a Merchant Mariner's Document with a rating of "Able Seaman—Any Waters—12 months" to any person who (1) has successfully completed a Coast Guard approved course in a training school conducted by a recognized maritime union or nonprofit organization, (2) has satisfactory evidence of service in the deck department of a merchant vessel for at least 6 months, and (3) has passed the required professional and physical examinations described in Part 12, 46 CFR. Paragraph (c) permits the issuance of a Merchant Mariner's Document with a rating, "Qualified Member of the Engine Department" (QMED) to any person who (1) has successfully completed a Coast Guard approved course in a training school conducted by a recognized maritime union or nonprofit organization, (2) has satisfactory evidence of service in the engine department of merchant vessels for at least 3 months, and (3) has passed the required professional and physical examinations described in Part 12. Paragraph (g) provides that these waivers shall remain in effect until December 31, 1969.

These waiver orders which became effective on September 7, 1967, were predicated on a shortage of qualified persons in both the deck and engine departments to man the merchant vessels of the United States. In view of their imminent expiration the Coast Guard addressed inquiries to the marine industry as to the need for the continuation of these waiver orders beyond December 31, 1969. All segments of the industry, management, unions, and Government agencies, agree that the shortage of seamen still exists and that the waiver orders should be continued beyond December 31, 1969. In addition, the Merchant Marine Council Committee has recommended the extension of these waivers until December 31, 1971. Based on these views and recommendations the Commandant hereby approves the extension of these waivers until December 31, 1971. In the light of these circumstances, it is hereby found that compliance with the provisions of the Administrative Procedure Act relating to notice of proposed rule making, public procedures thereon and effective date requirement is impracticable and unnecessary.

1. Part 154 of Subchapter O, Chapter I of Title 46 of the Code of Federal Regulations is redesignated as Part 6 of Subchapter A, Chapter I of Title 46.

2. As redesignated, the authority note for Part 6 following the table of contents is revised to read as follows:

AUTHORITY: The provisions of this Part 6 issued under sec. 1, 64 Stat. 1120, sec. 6 (b) (1), 80 Stat. 937; 46 U.S.C. Note prec. 1, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2).

3. As redesignated § 6.20(g) is revised to read as follows:

§ 6.20 Service requirements for certification as able seaman or qualified member of the engine department.

* * * * *

(g) This waiver order shall remain in effect until December 31, 1971, unless sooner terminated by notice of cancellation published in the FEDERAL REGISTER.

4. The heading for Subchapter O, Chapter I of Title 46, Code of Federal Regulations is changed as set forth above.

(R.S. 4405, as amended, 4462, as amended, sec. 1, 64 Stat. 1120, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 46 U.S.C. Note prec. 1, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

Dated: November 26, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–14237; Filed, Dec. 1, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1028, Amdt. 1]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Company Authorized To Operate Over Tracks of Fort Worth and Denver Railway Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of November 1969.

Upon further consideration of Service Order No. 1028 (34 F.R. 9033), and good cause appearing therefor:

It is ordered, That § 1033.1028 *Service Order No. 1028* (The Atchison, Topeka and Santa Fe Railway Co., authorized to operate over tracks of Fort Worth and Denver Railway Co.), be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p.m., May 31, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1969.

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–14244; Filed, Dec. 1, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 12—AREAS CLOSED TO HUNTING

Lacassine National Wildlife Refuge, La.; Designation of Certain Lands and Waters as Closed Area

On page 16626 of the FEDERAL REGISTER of October 17, 1969, there was published notice of a proposal to designate an area closed to hunting of migratory birds at Lacassine National Wildlife Refuge. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed designation. After due consideration of all suggestions, comments, and objections received, the proposal is hereby adopted without change, as follows:

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which hunting, pursuing, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, that land and water area in Cameron Parish, La., within the Lacassine National Wildlife Refuge more particularly described as follows:

All of the land and water areas in section 16, T. 12 S., R. 5 W., and containing in all, approximately 652.51 acres.

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003).

This action shall become effective upon publication in the FEDERAL REGISTER.

This area should appear in the list of closed areas in § 12.1.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

NOVEMBER 26, 1969.

[F.R. Doc. 69–14297; Filed, Dec. 1, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Approval of Expenses and Rate of Assessment for 1969–70 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1969, through July 31, 1970, will amount to $168,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at $0.006 per standard packed box.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1969, be carried over as a reserve in accordance with § 905.42 of said marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Dated: November 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14265; Filed, Dec. 1, 1969; 8:49 a.m.]

[7 CFR Parts 1001–1007, 1011–1013, 1015, 1016, 1030, 1032–1036, 1040, 1041, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138]

[Docket No. AO 10–A41 etc.]

MILK IN THE ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A47-RO1.
1002	New York-New Jersey	AO-71-A59.
1003	Washington, D.C.	AO-293-A23-RO2.
1004	Delaware Valley	AO-160-A43-RO2.
1005	Tri-State	AO-177-A35-RO1.
1006	Upper Florida	AO-356-A5.
1007	Georgia	AO-366-A3.
1011	Appalachian	AO-251-A12.
1012	Tampa Bay	AO-347-A1.
1013	Southeastern Florida	AO-286-A17.
1015	Connecticut	AO-305-A25.
1016	Upper Chesapeake Bay	AO-312-A20-RO2.
1030	Chicago Regional	AO-361-A2-RO1.
1032	Southern Illinois	AO-313-A18.
1033	Greater Cincinnati	AO-166-A40-RO1.
1034	Miami Valley	AO-175-A29-RO1.
1035	Columbus	AO-178-A26-RO1.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A32-RO1.
1040	Southern Michigan	AO-225-A22.
1041	Northwestern Ohio	AO-72-A36-RO1.
1043	Upstate Michigan	AO-247-A15.
1044	Michigan Upper Peninsula.	AO-249-A17.
1046	Louisville-Lexington-Evansville.	AO-123-A36.
1049	Indiana	AO-319-A15.
1050	Central Illinois	AO-355-A7.
1060	Minnesota-North Dakota.	AO-360-A4.
1061	Southeastern Minnesota-Northern Iowa.	AO-367-A1.
1062	St. Louis-Ozarks	AO-10-A41.
1063	Quad Cities-Dubuque	AO-105-A31.
1064	Greater Kansas City	AO-23-A38.
1065	Nebraska-Western Iowa	AO-86-A23.
1068	Minneapolis-St. Paul	AO-178-A25.
1069	Duluth-Superior	AO-153-A17.
1070	Cedar Rapids-Iowa City.	AO-229-A22.
1071	Neosho Valley	AO-227-A24.
1073	Wichita	AO-173-A24.
1075	Black Hills	AO-248-A12.
1076	Eastern South Dakota	AO-260-A15.
1078	North Central Iowa	AO-272-A17.
1079	Des Moines	AO-245-A20.
1090	Chattanooga	AO-286-A13.
1094	New Orleans	AO-103-A29.
1096	Northern Louisiana	AO-257-A18.
1097	Memphis	AO-219-A23.
1098	Nashville	AO-184-A24.
1099	Paducah	AO-183-A23.
1101	Knoxville	AO-195-A19.
1102	Fort Smith	AO-237-A18.
1103	Mississippi	AO-346-A11.
1104	Red River Valley	AO-288-A16.
1106	Oklahoma Metropolitan	AO-210-A28.
1108	Central Arkansas	AO-243-A20.
1120	Lubbock-Plainview	AO-328-A10.
1121	South Texas	AO-364-A1.
1124	Oregon-Washington	AO-368-A1.
1125	Puget Sound	AO-226-A21.
1126	North Texas	AO-231-A33.
1127	San Antonio	AO-232-A30.
1128	Central West Texas	AO-238-A23.
1129	Austin-Waco	AO-256-A16.
1130	Corpus Christi	AO-259-A20.
1131	Central Arizona	AO-271-A13.
1132	Texas Panhandle	AO-262-A20.
1133	Inland Empire	AO-275-A21.
1134	Western Colorado	AO-301-A11.
1136	Great Basin	AO-309-A15-RO1.
1137	Eastern Colorado	AO-328-A15.
1138	Rio Grande Valley	AO-335-A15.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Colony Inn, 7730 Bon Homme Avenue, Clayton, Mo. (St. Louis), beginning at 10 a.m., local time, on January 20, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

This hearing represents a reopening for the limited purposes stated herein of the public hearings previously held with respect to the orders regulating the handling of milk in the following marketing areas: Massachusetts-Rhode Island-New Hampshire (Docket No. AO 14–A47); Washington, D.C., Delaware Valley, and upper Chesapeake Bay (Dockets Nos. AO 293–A23, AO 160–A43, and AO 312–A20); Chicago Regional (Docket No. AO 361–A2); Greater Cincinnati, Miami Valley, Columbus, Tri-State, and Northwestern Ohio (Dockets Nos. AO 166–A40, AO 175–A29, AO 176–A26, AO 177–A35, and AO 72–A36); Eastern Ohio-Western Pennsylvania (Docket No. AO 179–A32); and Great Basin (Docket No. AO 309–A15).

With respect to those hearings which are being reopened and which involve marketing area expansion, the aforesaid proposals will be considered relative to amending the separate orders or any order or orders resulting from such hearings on marketing area expansion.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by National Milk Producers Federation:

Proposal No. 1. With respect to each order delete the provisions which establish and adjust Class I prices, and substitute therefor the following:

Class I milk price. The Class I price shall be (the present price in the respective order) per hundredweight subject to the following adjustments, to be announced on the 25th day of the month preceding January 1, April 1, July 1, and October 1 of any year, to be effective for the quarterly period beginning on such dates, but: *Provided*, There shall be no downward adjustments, of a magnitude greater than in the preceding quarter, for quarterly periods beginning July 1 and October 1:

(a) The formula price adjustment shall be that set forth in the following table for the formula index as computed pursuant to paragraphs (b), (c), and (d) unless a different price adjustment is found by the Secretary to be appropriate on the basis of a hearing called pursuant to paragraphs (e) and (f):

Formula index[1]	*Order price adjustment (cents)*
81.5–83.0	−140
84.3–85.9	−120
87.2–88.7	−100
90.0–91.6	− 80
92.9–94.4	− 60
95.7–97.3	− 40
98.6–100.1	− 20
101.4–103.0	*No Change*
104.3–105.8	+ 20
107.1–108.7	+ 40
110.0–111.5	+ 60
112.8–114.4	+ 80
115.7–117.2	+100
118.5–120.1	+120
121.4–122.9	+140

[1] To be extended for higher or lower indexes at the same rate. When the Formula Index lies in an interval between bracket ranges, the change shall be that called for by the bracket range through which the formula index has passed or most recently passed.

(b) The formula index shall be computed by averaging the following indices weighted as follows:

Index	*Weight*
(1) Disposable Personal Income Per Capita, Current Dollars, Seasonally Adjusted	1/12
(2) Consumer Price Index	1/12
(3) Wholesale Price Index	1/12
(4) Prices Paid by Farmers	1/12
(5) Prices Paid by Farmers for Dairy Feed	1/12
(6) Farm Wage Rates	1/12
(7) Prices Received by Farmers for all Products	1/12
(8) Prices Received by Farmers for Beef Cattle	1/12
(9) Percentage Unemployment, Expressed Inversely	1/12
(10) Prices of Butter, Nonfat Dry Milk, and Cheese	3/12

(c) All indices shall be expressed to one decimal point with 1968 as 100.0 and shall be computed from the following sources:

(1) Disposable Personal Income Per Capita, Current Dollars, Seasonally Adjusted—As published in the "Survey of Current Business," U.S. Department of Commerce.

(2) Consumer Price Index—U.S. city average for urban wage earners and clerical workers, all items, as published by the Bureau of Labor Statistics, U.S. Department of Labor.

(3) Wholesale Price Index—for major commodity groups, unadjusted, all commodities, Bureau of Labor Statistics, U.S. Department of Labor.

(4) Prices Paid by Farmers—for commodities and services, interest, taxes, and wage rates, "Agricultural Prices," Statistical Reporting Service, U.S. Department of Agriculture.

(5) Average Prices Paid by Farmers, U.S., for Dairy Feed—16 percent protein, per ton, "Agricultural Prices," Statistical Reporting Service, U.S. Department of Agriculture.

(6) Farm Wage Rate Index—seasonally adjusted, "Farm Labor," Statistical Reporting Service, U.S. Department of Agriculture.

(7) Prices Received by Farmers for all Products—U.S., unadjusted, "Agricultural Prices," Statistical Reporting Service, U.S. Department of Agriculture.

(8) Prices Received by Farmers for Beef Cattle—U.S., unadjusted per hundredweight, "Agricultural Prices," Statistical Reporting Service, U.S. Department of Agriculture.

(9) Unemployment Rate All Civilian Workers, U.S., "Employment and Earnings and Monthly Report on the Labor Force," Bureau of Labor Statistics, U.S. Department of Labor, with index computed from such data, each one-tenth percent equaling two-thirds point, expressed inversely.

(10) Prices of Butter, Nonfat Dry Milk, and Cheese—represent Chicago wholesale price, 92-score butter, weighted by one; weighted average of carload prices per pound nonfat dry milk, spray process for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, weighted by two; and wholesale prices cheese, American Cheddar, f.o.b. Wisconsin assembly points, weighted by one; all as published by the U.S. Department of Agriculture.

(d) For the purpose of computing the formula index, the most recent data available by the 25th day preceding the first day of each quarterly period shall be used irrespective as to whether such published data represent current monthly data, monthly data for a prior period of time, or data for the most recently available quarter.

(e) A hearing to review the operation of the formula and possibly to change it should be called within five days by the Secretary, unless he issues a finding that a hearing is not necessary, whenever any one of the following conditions occur:

(1) The milk equivalent of butterfat purchases under the price support program during the most recent 12 months exceeds 6 percent of total U.S. milk production; or the most recent index of the balance of total U.S. milk supplies with sales of fluid milk items departs by more than 3 points from base period index of 100 to be established at the hearing, with the supply index to reflex the most recent 12-month moving total of U.S. milk production, as reported by the Crop Reporting Board, U.S. Department of Agriculture, expressed inversely, to be multiplied by a demand index to reflect the most recent 12-month moving total of sales volumes of fluid items in marketing areas of comparable markets as reported in the Fluid Milk and Cream Report, U.S. Department of Agriculture.

(2) The most recent quarterly index of prices of manufactured dairy products used in the formula departs by more than 7 points from the most recent simple average of the quarterly indexes of the other movers in the formula in the same quarter, both with a base period of the most recent quarter for which data are available at the time of the hearing.

(3) The most recent quarterly index of per capita disposable income in the United States, deflated by the implicit price index used to deflate the Gross National Product, departs from the formula index for the most recent quarter by more than five points, both with a base period of the most recent quarter for which data are available at the time of the hearing.

(4) If none of these automatic calls for hearing operate for 18 consecutive months.

(f) Once a hearing has been called, or a determination not to call one has been issued, under any of the above provisions, no further hearing should be called for at least 6 months.

Proposed by Milk Industry Foundation:

Proposal No. 2. If an economic formula including various economic indices such as proposed by the National Milk Producers Federation is to be adopted, it is proposed that it contain provisions which would establish:

A. A method for adjusting the final economic index as supply and demand conditions change in all Federal order markets. The adjustments to be based on total producer receipts and sales of fluid milk products in all Federal orders.

B. A factor which would prevent Class I prices from becoming too low or too high relative to manufacturing milk prices. It is proposed that provisions be included which would prevent Class I prices in Chicago from being less than $1.00 or more than $1.40 higher than the Minnesota - Wisconsin manufacturing prices series. A comparable limit should be applicable to the Class I prices of all other orders.

C. A bracket system which would permit prices to be changed in increments of 15 cents per hundredweight only.

Proposal No. 3. In the event the above provisions are not adopted as part of any economic formula, then no formula should be established and the appropriate Class I prices in all markets should be fixed for the forthcoming year on the basis of a hearing held annually.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreement and the order for each market conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the

respective market administrator of each order, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on November 26, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–14266; Filed, Dec. 1, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–CE–115]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fergus Falls, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Fergus Falls, Minn., terminal area, the instrument approach procedure for Fergus Falls Municipal Airport has been changed. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Fergus Falls transition area to adequately protect aircraft executing the altered approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

FERGUS FALLS, MINN.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (lat. 46°17'10" N., long. 96°09'35" W.); and within 3 miles each side of the 187° bearing from Fergus Falls Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles west and 9½ miles east of the 187° and 007° bearings from Fergus Falls Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 007° bearing from Fergus Falls Municipal Airport, extending from the airport to 12 miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69–14206; Filed, Dec. 1, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–110]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Oshkosh, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Oshkosh, Nebr., Municipal Airport utilizing a State-owned radio beacon located on the airport as a navigational aid. This radio beacon is presently authorized for VFR use only. However, if no objections are received as a result of this notice, appropriate actions and/or modifications will be made to allow authorization of this facility for IFR use. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Oshkosh, Nebr. The new procedure will become effective concurrently with the designation of the transition area. IFR traffic at Oshkosh will be controlled by the Denver Air Route Traffic Control Center through the Sidney, Nebr. Flight Service Station.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is added:

OSHKOSH, NEBR.

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Oshkosh Municipal Airport (lat. 41°24'00" N., long. 102°21'00" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 302° bearing from Oshkosh Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69–14207; Filed, Dec. 1, 1969; 8:46 a.m.]

[47 CFR Parts 1, 61]

[Docket No. 18703]

TARIFFS AND EVIDENCE

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 61 of the Commission's rules relating to Tariffs and Part 1 of the Commission's rules relating to Evidence.

1. On November 13, 1969, the American Telephone & Telegraph Co. (A.T. & T.) filed a motion for extension of time in which to file comments and reply comments in the above-captioned proceeding.

2. Good cause has been shown for affording A.T. & T. and others more time to

formulate comments and recommendations with respect to the proposed rules.

3. Accordingly, the time for filing comments and reply comments is extended from November 25, 1969, and December 5, 1969, respectively to January 12, 1970, and January 23, 1970, respectively. This action is taken pursuant to delegated authority contained in § 0.303 of the Commission's rules and regulations.

Adopted: November 20, 1969.

Released: November 25, 1969.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[F.R. Doc. 69–14222; Filed, Dec. 1, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Announcement for Bolivia

On September 13, 1969, the Agency for International Development announced in the FEDERAL REGISTER, Volume 34, No. 176, page 14412, the reopening of the Latin American Housing Guaranty Program for Bolivia and establishing November 15 to December 1, 1969, as the dates for receiving new applications.

Acceptance of such applications in Bolivia is hereby suspended until further notice.

STANLEY BARUCH,
Director,
Housing and Urban Development.

[F.R. Doc. 69-14203; Filed, Dec. 1, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 7]

AMERICAN FIDELITY FIRE INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $426,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

American Fidelity Fire Insurance Company
Westbury, Long Island, New York
New York

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: November 25, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-14238; Filed, Dec. 1, 1969; 8:48 a.m.]

Office of Foreign Assets Control

IMPORTATIONS DIRECTLY FROM FRANCE AND INDIA

Certifying Agencies

Notice is hereby given of the following changes in names of certifying agencies of the Governments of France and India for the issuance of certificates of origin under procedures agreed upon between the Office of Foreign Assets Control and the foreign governments concerned in connection with importations under the Foreign Assets Control Regulations (31 CFR Part 500).

I. France: The name "Ministère de l'Industrie" has been changed to "Ministère du Developpement Industriel et Scientifique."

II. India:

1. The name "Ministry of International Trade" has been changed to "Ministry of Foreign Trade & Supply."

2. The name "Ministry of Food & Agriculture" has been changed to "Ministry of Food, Agriculture & Community Development."

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-14239; Filed, Dec. 1, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagrams; Correction

NOVEMBER 24, 1969.

In F.R. Doc. 69-13166 appearing at page 17921 in the issue of Wednesday, November 5, 1969, in the California Protraction Diagram No. 160, third line should read T. 5 S., R. 7 E., M.D.M. In California Protraction Diagram No. 161, under T. 1 S., R. 5 E., H.M., sec. 26 should read NE¼, N½SE¼, SE¼SE¼. In California Protraction Diagram No. 165 under T. 31 N., R. 13 E., M.D.M., sec. 2 should read N½, N½SW¼, SE¼;.

JOHN E. CLUTE,
Chief, Branch of
Title and Records.

[F.R. Doc. 69-14199, Filed; Dec. 1, 1969, 8:46 a.m.]

IDAHO

Notice of Filing of Plats of Survey

NOVEMBER 24, 1969.

1. Plats of survey for the following described land, accepted September 18, 1969, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m., on January 5, 1970.

BOISE MERIDIAN, IDAHO

T. 5 N., R. 38 E.,
Sec. 7, lots 12 to 14, inclusive;
Sec. 13, lots 8 to 18, inclusive;
Sec. 14, lots 8 to 10, inclusive;
Sec. 17, lots 10 to 15, inclusive;
Sec. 18, lots 16 to 18, inclusive;
Sec. 20, lots 5 to 8, inclusive;
Sec. 21, lots 8 to 10, inclusive;
Sec. 22, lots 9 to 12, inclusive;
Sec. 23, lots 7 to 12, inclusive;
Sec. 24, lot 3.
T. 6 N., R. 38 E.,
Sec. 36, lots 6 to 8, inclusive.
T. 6 N., R. 39 E.,
Sec. 4, lots 10 to 12, inclusive;
Sec. 9, lots 9 to 15, inclusive;
Sec. 16, lot 3;
Sec. 17, lots 10 to 17, inclusive;
Sec. 19, lots 9 to 11, inclusive;
Sec. 20, lots 5 to 10, inclusive;
Sec. 30, lots 13 to 20, inclusive;
Sec. 31, lots 8 to 11, inclusive.

The areas described aggregate 1,097.38 acres.

2. The lands involve dependent resurveys, survey of islands and omitted lands.

3. The omitted lands are subject to the provisions of the Act of May 31, 1962 (76 Stat. 89). Before sale of any of the omitted lands can be made, a notice in accordance with the regulations in 43 CFR 2214.6-1 must be published in the FEDERAL REGISTER. Inquiries concerning the lands should be addressed to the Manager, Idaho Land Office, 550 West Fort Street, Boise, Idaho 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-14200; Filed, Dec. 1, 1969; 8:46 a.m.]

[New Mexico 9594]

NEW MEXICO

Notice of Classification

NOVEMBER 24, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, for lands within New Mexico.

The lands affected by this classification are located in De Baca County and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 20 E.,
Sec. 11, S½;
Sec. 15;
Sec. 22, N½;
Sec. 23, N½, SW¼, and W½SE¼;
Sec. 24, NW¼NE¼, S½NE¼, and SE¼;
Sec. 25, E½;
Sec. 26, W½;
Sec. 27, E½;
Sec. 28, S½S½;
Sec. 34, E½NE¼, S½SW¼, and SE¼;
Sec. 35, W½.

T. 2 S., R. 20 E.,
Secs. 1 and 3;
Sec. 10, E½ and E½W½;
Secs. 11 and 12;
Sec. 13, S½N½ and S½;
Sec. 14, S½NE¼, NW¼, and S½;
Sec. 15, E½ and E½W½;
Sec. 24, N½ and N½S½.
T. 1 S., R. 21 E.,
Sec. 11, E½SW¼;
Sec. 14, E½NW¼;
Sec. 17, SW¼SW¼;
Sec. 19, lot 4;
Sec. 30, lots 1, 2, 3, and S½SE¼.
T. 2 S., R. 21 E.,
Sec. 4, E½SW¼;
Sec. 5, N½SW¼, and W½SE¼;
Sec. 6;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, NW¼NE¼;
Sec. 11, N½S½;
Sec. 17, E½E½, and W½NW¼;
Sec. 18, lots 1, 2, 3, 4, N½NE¼, and E½W½;
Sec. 19, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 20, N½;
Sec. 21, N½.

The areas described aggregate 12,406.09 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-14201; Filed, Dec. 1, 1969; 8:46 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

By notice in the FEDERAL REGISTER of February 25, 1969, at 34 F.R. 2582, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on April 2 (34 F.R. 6018-19), May 6 (34 F.R. 7338), June 3 (34 F.R. 8713-14), June 28 (34 F.R. 10007-8), August 5 (34 F.R. 12722-23), September 3 (34 F.R. 14002), October 7 (34 F.R. 15564-65), and November 4 (34 F.R. 17781-82).

Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since November 4:

DISTRICT OF COLUMBIA

Washington

Central Public Library, Mount Vernon Square, 8th and K Streets.

GEORGIA

Murray County

Spring Place, *Vann House*, Intersection of U.S. 76 and Ga. 225.

ILLINOIS

Jo Daviess County

Galena, *Galena Historic District*, that part of the city of Galena recorded as the city limits on March 28, 1838, and all subdivisions added to the city prior to December 31, 1859.

MINNESOTA

Hennepin County

Minneapolis, *Minnehaha State Park*, south of Minnehaha Parkway between Hiawatha Avenue and the Mississippi River.

St. Louis Park, *St. Louis Park Station*, West 36th Street and Alabama Avenue.

Le Sueur County

Le Sueur, *Mayo (Dr. William W.) House*, 118 North Main Street.

Ramsey County

St. Paul, *Ramsey (Alexander) House*, 265 South Exchange Street.

MISSISSIPPI

Alcorn County

Rienzi, *Jacinto Courthouse*, Route 1.

Hinds County

Bovina vicinity, *Floyd Mound*, NE¼SE¼, sec. 34, T. 16 N., R. 5 E.

Edwards vicinity, *Dupree Mound and Village Archeological Site*, SE¼NW¼, sec. 21, T. 5 N., R. 3 W.

Jackson, *Capitol Green*, 100 North State Street.

City Hall, 203 South President Street.

Governor's Mansion, 316 East Capitol Street.

New Capitol, Mississippi Street between North President and North West Streets.

Old Capitol, 100 North State Street.

Pocahontas, *Pocahontas Mound A*, SE¼NW¼, sec. 10, T. 7 N., R. 1 W.

Terry vicinity, *Berry Mound and Village Archeological Site*, center NE¼, sec. 12, T. 3 N., R. 1 W.

RHODE ISLAND

Washington County

Narragansett, *The Towers*, Ocean Road.

TEXAS

Bexar County

San Antonio, *Ursuline Academy*, 300 Augusta Street.

Marion County

Jefferson, *Freeman Plantation House*, 0.8 mile west of Jefferson on Route 49.

Travis County

Austin, *Driskill Hotel*, 117 East 7th Street.

French Legation, 802 San Marcos.

VIRGINIA

Accomack County

Metomkin Island vicinity, *Bowman's Folly*, 2.5 miles southeast of intersection of Route 652 and Route 13.

Onancock, *Hopkins and Brother Store*, Market Street.

Albemarle County

Covesville vicinity, *Redlands*, 0.1 mile east of intersection of Routes 708 and 627.

Alexandria (Independent City)

Carlyle House, 123 North Fairfax Street.

Amelia County

Chula vicinity, *Wigwam*, 8 miles northwest of Chula.

Bedford County

Lynchburg vicinity, *Poplar Forest*, 0.5 mile south of Routes 661 and 460.

Botetourt County

Fincastle, *Fincastle Historic District*, bounded roughly by Back and Carper Streets on the north, by properties fronting on Hancock Street on the east, by Griffin Alley, the cemetery, and a line midway between Main Street and Murray Street on the south, and Catawba Street on the west.

Buckingham County

Buckingham, *Buckingham Court House Historic District*, along Route 60 extending 0.3 mile east of intersection of Routes 60 and 631, through Buckingham Court House.

Campbell County

Long Island vicinity, *Green Hill*, 0.3 mile south of intersection of Routes 633 and 728.

Caroline County

Bowling Green vicinity, *Old Mansion*, 0.4 mile south of intersection of Routes 2 (301) and 207.

Port Royal vicinity, *Camden*, 0.5 mile north of intersection of Routes 686 and 17.

Charles City County

Charles City, *Charles City County Courthouse*, 0.1 mile south of intersection of Routes 628 and 5.

Charles City vicinity, *Greenway*, 0.6 mile west of intersection of Routes 5 and 155.

Hopewell vicinity, *Eppes Island*, between Eppes Creek and the James River at the confluence of the James and Appomattox Rivers.

Chesterfield County

Winterpock vicinity, *Eppington*, 1.6 miles south of intersection of Routes 621 and 602.

Clarke County

Berryville vicinity, *Annefield*, 0.7 mile east of intersection of Routes 633 and 652.

Millwood, *Millwood Mill*, southwest side of intersection of Routes 723 and 255.

Culpeper County

Warrenton vicinity, *Little Fork Church*, Intersection of Routes 624 and 726.

Danville (Independent City)

Danville Public Library, 975 Main Street.

Dinwiddie County

Dinwiddie vicinity, *Burnt Quarter*, 0.7 mile southwest of intersection of Routes 627, 613, and 645.

Petersburg vicinity, *Mayfield Cottage*, 0.5 mile east of intersection of Routes 1 and 460.

Essex County

Caret vicinity, *Blandfield*, 0.7 mile east of intersection of Routes 624 and 17.

Fluvanna County

Bremo Bluff vicinity, *Bremo*, 0.9 mile north of intersection of Routes 15 and 656.

Gloucester County

Gloucester vicinity, *Toddsbury*, 1.1 miles east of intersection of Routes 622 and 14 (3).

Halifax County

South Boston vicinity, *Berry Hill*, 1.5 miles south of intersection of Routes 659 and 682.

Hampton (Independent City)

Fort Wool, on island at the entrance to Hampton Roads between Willoughby Spit and Old Point Comfort.

Hampton Institute, south side of Route 60, 0.8 mile northwest of intersection of Route 60 and Hampton Roads Bridge Tunnel.

VIRGINIA—Continued

Henrico County

Richmond vicinity, *Malvern Hill*, 1.2 miles southeast of intersection of Routes 5 and 156.

James City County

Williamsburg vicinity, *Carter's Grove*, 0.2 mile southeast of intersection of Routes 60 and 667.

King George County

King George Court House vicinity, *Nanzatico*, 1.8 miles south of intersection of Routes 650 and 625.

King William County

Tunstall vicinity, *Elsing Green*, 2.1 miles southwest of intersection of Routes 632 and 623.

West Point vicinity, *Chelsea*, 1.7 miles north of intersection of Chelsea Road and Route 30.

Lancaster County

Lively vicinity, *St. Mary's Whitechapel*, 0.1 mile northwest of intersection of Routes 354 and 201.

Loudoun County

Leesburg vicinity, *Oatlands*, 1 mile south of intersection of Routes 15 and 651.

Louisa County

Gordonsville vicinity, *Boswell's Tavern*, 0.1 mile southeast of intersection of Routes 22 and 15.

Madison County

Madison, *Madison County Courthouse*, U.S. 29.

Mathews County

Williams vicinity, *Poplar Grove Mill and House*, west of Williams on secondary road.

Montgomery County

Blacksburg vicinity, *Smithfield*, 1 mile west of Blacksburg city limits.

Elliston vicinity, *Fotheringay*, 1.4 miles south of intersection of Routes 11 and 631.

Norfolk (Independent City)

Norfolk Academy Building, 420 Bank Street.

Northampton County

Cheriton vicinity, *Eyre Hall*, 1.6 miles north of intersection of Routes 13 and 680.

Eastville vicinity, *Pear Valley*, 0.1 mile south of intersection of Routes 689 and 628.

Orange County

Barboursville vicinity, *Barboursville*, 0.5 mile south of intersection of Routes 777 and 678.

Orange vicinity, *Mayhurst*, 0.4 mile southwest of intersection of Routes 15 and 647.

Petersburg (Independent City)

Battersea, 793 Appomattox Street.

Pittsylvania County

Chatham vicinity, *Little Cherrystone*, 0.1 mile north of intersection of Routes 703 and 832.

Powhatan County

Powhatan vicinity, *Belmead*, 0.5 mile northwest of intersection of Routes 663 and 600.

Prince Edward County

Briery vicinity, *Briery Church*, 0.3 mile north of intersection of Routes 747 and 671.

Prince George County

Brandon vicinity, *Brandon*, west bank of the James River at end of Route 611.

Prince William County

Dumfries, *Old Hotel*, U.S. 1.

Pulaski County

Radford vicinity, *Ingles Ferry*, 0.9 mile north of intersection of Routes 611 and 624.

Richmond (Independent City)

Hollywood Cemetery, 412 Cherry Street.

James River and Kanawha Connection Locks, south of Cary Street between 10th and 13th Streets.

Richmond County

Tappahannock vicinity, *Sabine Hall*, 1.4 miles south of intersection of Routes 624 and 360.

Rockbridge County

Lexington vicinity, *Timber Ridge Presbyterian Church*, 0.3 mile southwest of intersection of Routes 11 and 716.

Shenandoah County

Middletown vicinity, *Fort Bowman*, 0.4 mile northeast of intersection of Routes 11 and 660.

Smyth County

Marion vicinity, *Preston House, Herondon*, 0.1 mile south of intersection of Routes 645 and 11.

Stafford County

Garrisonville vicinity, *Aquia Church*, 0.1 mile north of intersection of Routes 1 and 610.

Staunton (Independent City)

Marion vicinity, *Preston House, Herondon*, southeast corner of Greenville Avenue and Route 250.

Virginia School for the Deaf and Blind, southeast side of intersection of East Beverly Street and Pleasant Terrace.

Virginia Beach (Independent City)

Wishart-Boush House, 0.4 mile east of intersection of Route 649 and Absalom Road.

Washington County

Abingdon, *Abingdon Bank*, 225 East Main Street.

Westmoreland County

Tucker Hill vicinity, *Yeocomico Church*, on Route 606, 0.5 mile southwest of Tucker Hill.

Winchester (Independent City)

Handley Library, northwest corner of Braddock and Piccadilly Streets.

York County

Lackey vicinity, *Lee House, Kiskiack*, 2.4 miles northeast of intersection of Route 238 and 168.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 69-14202; Filed, Dec. 1, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Redelegation of Authority With Respect to Surplus Real Property

SECTION A. *Redelegation of authority.* The Assistant Secretary for Renewal and Housing Assistance and the Deputy Assistant Secretary for Renewal and Housing Assistance each is hereby authorized to exercise the following authority delegated to the Secretary of Housing and Urban Development by the Administrator of General Services under section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)):

1. To dispose of the properties described in section B, together with any improvements and related personal property located thereon.

2. To redelegate to subordinate employees any of the functions, powers, and duties redelegated under section A, 1.

3. To redelegate to Regional Administrators and to Deputy Regional Administrators any of the authority redelegated under section A, 1, and authorize successive redelegation thereof to regional employees.

SEC. B. Description of real property.	GSA delegation of authority		Secretary's redelegation of authority	
	FPMR, temp. reg.	Federal reg. citation	Effective date	Federal reg. citation
(1) Selfridge Air Force Base. Installation No. 1478, Joy Communication Facility Annex, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated October 11, 1967, and the two amendments thereto, dated January 19, 1968, and February 6, 1968, respectively, from the Department of the Army (GSA Control No. D-Mich-603A).	H-10, dated May 22, 1969.	34 FR. 8255, May 28, 1969.	July 3, 1969.....	34 FR. 19084, Dec. 2, 1969.
(2) Selfridge Air Force Base. Installation No. 1479, Selfridge Housing Annex No. 1, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated April 4, 1967, from the Department of the Army (GSA Control No. D-Mich-603).	.do.....	.do..	do.....	Do.

(Delegation by Administrator of General Services cited in section B above.)

Effective date. This redelegation of authority is effective as of July 3, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-14235; Filed, Dec. 1, 1969; 8:48 a.m.]

REGIONAL ADMINISTRATOR AND DEPUTY REGIONAL ADMINISTRATOR, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Surplus Real Property

SECTION A. *Redelegation of authority.* The Regional Administrator and the Deputy Regional Administrator, Region IV (Chicago), each is hereby authorized to exercise the following authority delegated to the Secretary of Housing and Urban Development by the Administrator of General Services under section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)):

1. To dispose of the properties described in section B, together with any improvements and related personal property located thereon.

2. To redelegate to subordinate employees any of the functions, powers, and duties redelegated under section A, 1.

SEC. B. Description of real property.	GSA delegation of authority		Secretary's redelegation of authority	
	FPMR, temp. reg.	Federal Register citation	Effective date	Federal Register citation
(1) Selfridge Air Force Base. Installation No. 1478, Joy Communication Facility Annex, Clinton Township, Macomb County, Mich., identified more patricularly in the Report of Excess Real Property dated October 11, 1967, and the two amendments thereto, dated January 19, 1968, and February 6, 1968, respectively, from the Department of the Army (GSA Control No. D-Mich-603A).	H-10, dated May 22, 1969.	34 FR. 8255, May 28, 1969.	July 3, 1969.....	34 FR. 19085, Dec. 2, 1969.
(2) Selfridge Air Force Base. Installation No. 1479, Selfridge Housing Annex No. 1, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated April 4, 1967, from the Department of the Army (GSA Control No. D-Mich-603).	.....do.....	.....do.....	..do..	Do.

(Secretary's redelegation cited in section B above.)

Effective date. This redelegation of authority is effective as of July 3, 1969.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 69-14236; Filed, Dec. 1, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2520]

LOEB, RHOADES & CO. AND LOEB, RHOADES MANAGEMENT CO., INC.

Notice of Application

NOVEMBER 24, 1969.

Notice is hereby given that Loeb, Rhoades & Co. ("Loeb Rhoades") and Loeb, Rhoades Management Co., Inc. ("Management"), 40 Wall Street, New York, N.Y. 10005, hereinafter collectively referred to as "Applicants," have filed an application pursuant to section 9(b) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act") for an order of the Commission exempting Applicants and their affiliated persons from the provisions of section 9(a) (2) and (3) of the Act to the extent that such sections prevent management from acting as investment adviser to and principal underwriter for Chelsea Fund, Inc. ("Chelsea"), a registered open-end management investment company, and prevents affiliated persons of Loeb Rhoades from acting as officers and directors of Chelsea because of an injunction imposed as a result of transactions in the securities of Lynbar Mining Corp., Ltd. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

On November 14, 1968, in an action entitled Securities and Exchange Commission v. Lynbar Mining Corporation, Ltd., et al. (United States District Court for the Southern District of New York, Civil Action No. 68-4493), a final judgment was entered upon consent against Loeb Rhoades, among others, which provides in part as follows:

Ordered, Adjudged and Decreed that Defendants, Gerard L. Burchard and Loeb, Rhoades & Co. and their partners, agents, servants and employees, and any other person acting in active concert or participation with them, are hereby restrained and enjoined from, directly or indirectly, by use of the means or instrumentalities of interstate commerce or the mails from offering to sell, selling or delivering after sale the securities of Lynbar Mining Corporation, Ltd., in violation of section 5 of the Securities Act of 1933 * * *

On the same date, the Securities and Exchange Commission issued an order accepting an offer of settlement from Loeb Rhoades and another for the purpose of disposing of issues raised under section 15(b) of the Securities Exchange Act of 1934 arising out of the offer, sale and delivery after sale of securities of Lynbar Mining Corporation, Ltd., and directing Loeb Rhoades and another to discontinue any and all trading in Canadian over-the-counter securities for a period of 60 calendar days commencing with the opening of business on November 15, 1968. The Commission determined that it was in the public interest to accept the offer of settlement in view of Loeb Rhoades' consent to the injunction, certain mitigating factors presented and upon the assumption that appropriate and effective procedures would be placed in effect prior to resumption by Loeb Rhoades of trading in Canadian over-the-counter securities.

Loeb Rhoades asserts that in the transactions leading to the above-mentioned civil action, it had no intent to violate any provisions of law, it had purchased the securities through its Canadian correspondent which had specific instructions not to purchase any stock for Loeb Rhoades which was in distribution in Canada; the activities in the stock were infinitesimal in relation to Loeb Rhoades' overall Canadian trading activities during the same period; all transactions were with other broker-dealers and no sales were made to public customers; upon its own initiative, Loeb Rhoades halted trading in all over-the-counter Canadian securities as soon as it was apprised of the concern of the staff of the Commission with the distribution of unregistered securities from Canada into the United States; it made a complete review of its compliance procedures with respect to Canadian securities; and Loeb Rhoades had not been charged with violations of any of the anti-fraud provisions of the Securities Act although certain other respondents had been so charged.

Injunctions entered against Loeb Rhoades in 1958 in Securities and Exchange Commission v. Arvida Corp., et al., U.S.D.C., SDNY, Civ. Action 138-67, and in 1961 in Securities and Exchange Commission v. Fruit of the Loom, Inc., et al., U.S.D.C., SDNY, Civ. Action 61 Civ. 640, were the subject of two prior applications pursuant to section 9(b) of the Act. Both applications for exemption were granted, and the orders granting the applications are reported in Investment Company Act Release Nos. 2820 and 3250, respectively, both of which are incorporated herein by reference.

Section 9(a)(2) of the Act makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company. Section 9(a)(3) prohibits a company any affiliated person of which is ineligible by reason of 9(a)(2), to serve or act in the foregoing capacities.

Gerard L. Burchard, an employee of Loeb Rhoades, also consented to and was named in the final judgment entered in the Lynbar case. Applicants request that the order of exemption apply to Gerard L. Burchard only to the extent that his continued employment would be a bar to Applicants under section 9(a)(3) of the Act.

Loeb Rhoades represents that it is not presently an officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company. However, Loeb Rhoades is the owner of

all of the outstanding capital stock of Management, which Loeb Rhoades organized to act as the investor adviser to, and principal distributor for, Chelsea. Further, several of the partners of Loeb Rhoades and employees of affiliated companies of Loeb Rhoades are proposed as officers and directors of the Fund and of Management.

"Affiliated person" of another person is defined in section 2(a)(3) of the Act to include any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person, and any officer, director, partner, copartner, or employee of such other person.

Section 9(b) of the Act provides that any person who is ineligible by reason of subsection (a) to serve or act in the capacities enumerated therein may file with the Commission an application for an exemption from the provisions of that subsection and further provides that the Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicants assert that the prohibitions of section 9(a) of the Act, if applicable by reason of the above-mentioned final judgment, would be unduly and disproportionately severe if applied to Applicants and Loeb Rhoades asserts its conduct has been such as to make it not against the public interest or protection of investors to grant the requested application.

Notice is further given that any interested person may, not later than December 18, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14208; Filed, Dec. 1, 1969; 8:46 a.m.]

PACIFIC FIDELITY CORP.

Order Suspending Trading

NOVEMBER 25, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pacific Fidelity Corp. (a Nevada corporation), and all other securities of Pacific Fidelity Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 26, 1969, through December 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14209; Filed, Dec. 1, 1969; 8:46 a.m.]

[812–2619]

WORTH FUND, INC. AND RANGER SECURITIES CORP.

Notice of Filing of Application Pursuant to Section 6(c) of the Act for Order of Exemption From the Provisions of Section 22(d) of the Act

NOVEMBER 25, 1969.

Notice is hereby given that Worth Fund, Inc. ("Fund"), a Delaware corporation registered as an open-end nondiversified investment company under the Investment Company Act of 1940 ("Act"), and Ranger Securities Corp. ("Ranger"), 1540 Broadway, New York, N.Y., a New York corporation which is the principal underwriter for Fund (hereinafter referred to collectively as "applicants"), have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the sale of the Fund's shares at net asset value without any sales charge to the persons enumerated below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 22(d) provides, in relevant part, that a registered open-end investment company is prohibited from selling a redeemable security issued by it to any person except at a current offering price described in the prospectus. The current offering price of shares (redeemable) of the Fund as described in the Fund's prospectus is the net asset value plus a maximum sales charge of 8.3 percent of the public offering price, reduced on a graduated scale according to the amount of the purchase. Thus section 22(d) prohibits the proposed sale of the Fund's shares at net asset value without a sales charge.

Section 6(c) of the Act authorizes the Commission by order, upon application, to exempt, conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The exemption requested would permit sale of the Fund's shares at net asset value without sales charge to officers, directors and full-time employees, who have acted as such for at least 90 days, of the Fund, Ranger, Educators & Executive Co. ("E & E Co."), which is the parent of Ranger, and of E & E Co.'s subsidiaries and affiliates; to any trust, pension, profit-sharing, deferred compensation, stock purchase and savings or other benefit plan for such persons; and to E & E Co., its subsidiaries and affiliates. The subsidiaries of E & E Co. are Ranger, Worth Counsel Corp., Educator & Executive Insurers, Inc., Educator & Executive Life Insurance Co., E & E Securities, Inc., and Educator & Executive Insurance Agency, Inc.

Such sales will be made pursuant to a uniform offer described in the Fund's prospectus and only upon the written assurance of the purchaser that the purchase is made for investment purposes and that the shares will not be resold except upon repurchase or redemption by or on behalf of the Fund.

The application states that no sales expense will be incurred in the sale of shares for which exemption from the provisions of section 22(d) is sought; that there will be no personal contact made by sales representatives; and that the announcement as to the availability of the Fund's shares will be made in a house publication or on a bulletin board of the various subsidiaries and investments will ordinarily be made through a payroll deduction plan. Ranger will not bear the expenses of either the announcements or the payroll deduction plan.

Notice is further given that any interested person may, not later than December 15, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the persons being served are located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service by affidavit (or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14210; Filed, Dec. 1, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–237]

COMMONWEALTH EDISON CO.

Order Extending Provisional Construction Permit Completion Date

By application dated November 6, 1969, as supplemented by telegram dated November 13, 1969, Commonwealth Edison Co., requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR–18. The permit authorizes Commonwealth Edison Co., to construct a single cycle, boiling water nuclear reactor, known as Dresden Unit 2, at the Dresden Nuclear Power Station in Grundy County, Ill.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered,* That the latest completion date specified in Provisional Construction Permit No. CPPR–18 is extended from December 1, 1969 to March 1, 1970.

Dated at Bethesda, Md., this 24th day of November 1969.

For the Atomic Energy Commission.

PETER A. MORRIS, *Director, Division of Reactor Licensing.*

[F.R. Doc. 69–14184; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. 50–245]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Order Extending Provisional Construction Permit Completion Date

The Connecticut Light and Power Co., The Hartford Electric Light Co., Western Massachusetts Electric Co. and the Millstone Point Co., Docket No. 50–245.

By application dated November 3, 1969, The Connecticut Light and Power Co., The Hartford Electric Light Co., Western Massachusetts Electric Co., and The Millstone Point Co., requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR–20. The permit authorizes The Connecticut Light and Power Co. et al. to construct a boiling water nuclear reactor, known as the Millstone Nuclear Power Station Unit 1, on the applicants' site in the town of Waterford, Conn.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered,* That the latest completion date specified in Provisional Construction Permit No. CPPR–20 is extended from January 1, 1970, to January 1, 1971.

Dated at Bethesda, Md., this 24th day of November 1969.

For the Atomic Energy Commission.

PETER A. MORRIS, *Director, Division of Reactor Licensing.*

[F.R. Doc. 69–14185; Filed, Dec. 1, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 21407, 21416; Order 69–11–119]

CUTLASS AVIATION, INC.

Service Mail Rates; Order To Show Cause

Issued under delegated authority November 25, 1969.

On September 10 and 11, 1969, the Postmaster General filed notices of intent pursuant to 14 CFR, Part 298, petitioning the Board to establish for Cutlass Aviation, Inc. (Cutlass), final service mail rates per great circle aircraft mile for the transportation of mail by aircraft as follows:

Docket	Between	Cents
21407	Buffalo and New York, N.Y. (LGA).	51.5
21416	Rochester and New York, N.Y. (LGA).	53.5

Cutlass is currently engaged in business as an air-taxi operator under Part 298 of the Board's Economic Regulations. The Postmaster General states that Cutlass proposes to initiate service with Beech, Model D–18–S, twin-engine aircraft and that the Department and the carrier agree that the above are fair and reasonable rates of compensation for the proposed services. He submits the cost data which Cutlass presented with its bids. These cost data tend to support the proposed rates. The Postmaster General believes these services will meet postal needs in these markets.

By Order 69–11–104, November 24, 1969, in these dockets the Board has determined to approve the notices of intent thereby permitting them to become effective pursuant to 14 CFR 298.24(d). Therefore, Cutlass may provide the proposed air transportation of mail for the period ending June 30, 1974.[1]

Since no mail rates are presently in effect for this carrier in these markets, it is necessary and in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid to Cutlass by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notices of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

The fair and reasonable final service mail rates per great circle aircraft mile to be paid on and after November 24, 1969, to Cutlass Aviation, Inc., entirely by the Postmaster General, pursuant to section 406 of the Act, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
21407	Buffalo and New York, N.Y. (LGA).	51.5
21416	Rochester and New York, N.Y. (LGA).	53.5

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Cutlass Aviation, Inc., the Postmaster General, American Airlines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., Mohawk Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates, specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Cutlass Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer

[1] June 30, 1974, is the termination of all mail authority granted to air taxis pursuant to § 298.13 of the Board's Economic Regulations.

[2] As this order to show cause is not a final action but merely provides for interested persons to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). These provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Cutlass Aviation, Inc., the Postmaster General, American Airlines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14240; Filed, Dec. 1, 1969; 8:48 a.m.]

[Docket No. 21644; Order 69-11-110]

EASTERN AIR LINES, INC., AND TRANS WORLD AIRLINES, INC.

Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of November 1969.

On August 18, 1969, Eastern Air Lines, Inc., and Trans World Airlines, Inc., filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), copies of an agreement with Societe Preparatoire pour Air Transport Insurance, S.A.,[1] a Swiss corporation (Preparatory Co.) that has been organized as the preparatory company for the formation in Switzerland of two airline-owned insurance companies.

The agreement is the outgrowth of studies undertaken by the Joint Insurance Preparatory Committee of the International Air Transport Association (IATA) and the Air Transport Association (ATA) for the purpose of exploring the establishment of two airline-owned insurance companies, one for primary risks and the other for excess risks. These companies will be known as Air Transport Insurance, S.A. (Primary Company) and Air Transport Guaranty, S.A. (Guaranty Co.), respectively. According to the agreement, formation of the new companies would serve materially to meet the urgent demand for expanded aviation insurance capacity and would further serve to provide economic benefit to the participants. The parties believe that expanded insurance capacity will be essential for the successful introduction of the high-capacity jets and of supersonic transports, and that it is thus in the public interest as well as in the interest of the world's airlines to provide such additional capacity.

According to the agreement, the Preparatory Co. has been formed to solicit subscriptions for the purchase of capital stock in the Primary and Guaranty Cos., to secure the acceptance of and approve application forms, and to arrange for and cooperate in the organization of the two companies. The activities and existence of the Preparatory Co. will terminate upon the actual formation of the Primary and Guaranty Cos. Airlines qualified to participate in the two companies are as follows: (a) An airline certificated to conduct a scheduled air transport service under applicable governmental authority; (b) an airline certificated to conduct a nonscheduled air transport service under applicable governmental authority, which is owned or operated by, or similarly affiliated with, an airline of category (a) above; and (c) a supplemental air carrier duly certificated by the Board. The companies will be formed on the date on which the parties are notified that a sufficient number of applications to become shareholders in either or both companies have been received and all necessary governmental approvals, including that of the Board, have been received.

Under the terms of the agreement, the two companies are to be formed in order to permit participating airlines to become policyholders therein thus expanding the capacity of the existing aviation markets by accepting 40 percent of the risks for participating airlines in accordance with procedures set forth in the by-laws of each company. Both companies will follow the market on loss settlements and pay 40 percent of each applicable settlement dollar. It is anticipated that participating airlines will participate in both companies, but participation in the Guaranty Co. alone will be accepted. Participation in the Primary Co. alone will be accepted only if a participating airline purchases nothing but coverage which can be accommodated by the Primary Co. Participating airlines may continue to place their primary and excess coverage with the market in the normal manner. However, to permit an orderly evaluation of the capital requirements for the two companies certain procedures will be followed with respect to insurance placed with the companies.

The agreement establishes that the authorized and issued capital stock of the Primary Co. will be $24 million of which 50 percent will be paid in initially. In addition, the Primary Co. will be able to call from its policyholders $48 million of guarantees as premium additions secured through bank guarantees, when and if required. Authorized and issued capital stock of the Guaranty Co. will be $28 million of which 50 percent is to be paid in initially. In addition, the Guaranty Co. will be able to call from its policyholders $7 million of catastrophe guarantees, as premium additions secured through bank guarantees, when and if required.

Any qualified airline may become an original party to the Preparatory Agreement by complying with the by-laws of the Primary and/or Guaranty Cos., as applicable, and by executing a counterpart copy of the agreement on or before October 31, 1970.

Attached to preparatory agreement, as integral parts thereof and incorporated therein by full reference, are several annexes which include a preliminary prospectus for the Primary and Guaranty Cos.; the articles of incorporation and by-laws of each such company; and certain forms to be executed by participating airlines.

The preliminary prospectus, reproduced in its entirety, is attached hereto as an appendix.[1]

No comments in opposition to the agreement or requests for a hearing have been received.

The agreement raises novel issues which may be of considerable significance to various persons, including air carriers and foreign air carriers not yet parties to the agreement, and members of the aviation insurance underwriting community, as well as their investors. Because of the complexity of the agreement and its possible impact, the Board has decided to defer action on the matter temporarily and to allow an opportunity for interested persons to file written comments in support of or in opposition to approval of the agreement.

In regard to written comments, the Board desires that interested persons focus in detail on the following questions as well as any other matters they may deem relevant:

1. Are the resources of the existing aviation insurance community adequate to meet on reasonable terms the increased exposures caused by higher individual settlements, the increased passenger load of high capacity jet and supersonic aircraft, and the greatly increased hull values of such aircraft?

2. In the event of Board approval of the arrangement, what would be the economic impact on the existing aviation insurance community?

3. Why has it been established that the Primary and Guaranty Cos. would offer 40 percent of the coverage that the airlines would otherwise place in the aviation insurance market rather than a greater or lesser percentage?

4. What is the anticipated percentage participation of the qualified airlines in (a) the Primary Co., and (b) the Guaranty Co.?

5. Is the agreement adverse to the public interest?

6. In the event the Board approves the agreement, what, if any, conditions should it impose on such approval?

Accordingly, it is ordered:

1. That action on Agreement CAB 21240 be and it hereby is deferred;

2. That interested persons be and they hereby are afforded a period of 30 days from the date of service of this order to file comments in support of or in opposition to the agreement; [2] and

3. That this proceeding be assigned Docket No. 21644.

This order will be served upon all certificated air carriers, the Air Transport Association, the International Air Transport Association, National Air Carrier Association, Associated Aviation Underwriters, U.S. Aviation Underwriters, Inc., the Department of Justice, and the Department of Transportation and shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14241; Filed, Dec. 1, 1969; 8:48 a.m.]

[1] Filed as part of the original document. Because of their volume, other annexes to the agreement are not reproduced herein. However, they are available for public inspection in the Board's Docket Section.

[2] An original and 19 copies of such comments should be filed with the Board's Docket Section.

[Docket No. 21647; Order 69-11-126]

INCREASES IN EXCURSION FARES TO HAWAII FOR SPOUSES AND PARENTS OF SERVICEMEN ON REST AND RECUPERATION LEAVE

Order for Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of November 1969.

By tariff revisions[1] marked to become effective November 28, 1969, December 1, 1969, and December 17, 1969, Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Western Air Lines, Inc. (Western), and Northwest Airlines, Inc. (Northwest), propose to increase their round-trip fares between points in the continental United States and Hawaii applicable to the spouses and parents of servicemen who are on rest and recuperation leave in Hawaii.

No justification has been submitted by any of the carriers in support of their proposals and no complaints have been filed.

In the absence of any justification for the increases, the Board finds that Braniff's, Continental's, Northwest's, and Western's proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial or otherwise unlawful and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[2] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[3] are suspended and their use deferred to and including February 25, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with each of the tariffs named in Appendix A and served upon Braniff Airways, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14242; Filed, Dec. 1, 1969; 8:48 a.m.]

[1] Revisions to Tariff C.A.B. No. 101 of Airline Tariff Publishers, Inc., agent for Braniff, Continental and Northwest, and revisions to Western's Tariff C.A.B. No. 77.

[2] Filed as part of the original document.

[Docket No. 20291; Order 69-11-114]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority November 25, 1969.

Agreements adopted by Traffic Conference 1 and Joint Conference 1-2 of the International Air Transport Association relating to fare matters, Docket No. 20291, Agreement CAB 21348, R-1 and R-2, Agreement CAB 21358, Agreement CAB 21359.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements, in addition to making certain amendments that do not directly affect air transportation; (1) establish proportional fares to be used in the construction of through fares to/from Manizales, Pereira, and Armenia, Colombia, and (2) amend the construction of through fares to/from Curitiba, Brazil, which, for the most part, result in slight reductions. With respect to the latter, Curitiba fares are now constructed over Sao Paulo but held to the level of the specified fares to/from Porto Alegre. The amendment provides that the level of the constructed Curitiba fares be held to the level of the specified fares to/from Asuncion.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which are incorporated in the agreements indicated, affect air transportation within the meaning of the Act:

Agreement CAB:	*IATA Resolutions*
21348, R-2	JT12(Mail 716) 070f
21359	JT12(Mail 714) 070f

2. It is not found that the following resolutions, which are incorporated in the agreement indicated, and which do not directly affect air transportation, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolutions*
21348, R-2	JT12(Mail 716) 054b
	JT12(Mail 716) 064b

3. It is not found, on a tentative basis, that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolutions*
21348, R-1	100(Mail 814) 051
	100 (Mail 814) 061
	100(Mail 814) 070
21358	100(Mail 816) 051
	100(Mail 816) 061
	100(Mail 816) 070

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to those portions of Agreements CAB 21348 and 21359 as set forth in finding paragraph 1;

2. Those portions of Agreement CAB 21348 as set forth in finding paragraph 2 be and hereby are approved; and

3. Action on those portions of Agreements CAB 21348 and 21358 as set forth in finding paragraph 3 is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14243; Filed, Dec. 1, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18610; FCC 69R-476]

MANATEE CABLEVISION, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

In the matter of Petition by Manatee Cablevision, Inc. to stay construction and operation of CATV distribution facilities in Manatee County, Fla., by General

Telephone System, General Telephone Company of Florida, and G.T. & E. Communications, Inc.

1. On August 25, 1969, Manatee Cablevision, Inc. (Manatee), filed the instant petition which requests the Review Board to amend the Commission's memorandum opinion and order and order to show cause (18 FCC 2d 812, released Aug. 4, 1969) in this proceeding insofar as temporary stay provisions are concerned and to enlarge the already specified issues herein by renumbering the last issue from (d) to (i) and by inserting the following new issues: [1]

(d) To determine the locations of messenger strand, trunk coaxial cable and distribution coaxial cable (both energized and unenergized) and the location, number and identity of subscribers actually receiving television pictures distributed by GTEC's CATV system in Manatee County as of July 30, 1969, August 4, 1969, and the date of this order;

(e) To determine whether, in light of the evidence adduced pursuant to issue (d) above, GTEC, General of Florida or General Telephone & Electronics Corp. have violated the terms of the temporary stay order adopted by the Commission on July 29, 1969 (FCC 69-821);

(f) To determine whether GTEC's CATV system in Manatee County, Fla., commenced operations in violation of § 74.1105(c) of the Commission's rules and regulations;

(g) To determine whether GTEC's CATV system in Manatee County, Fla., is extending the signals of television stations beyond their Grade B contours into the city of Bradenton, Fla., in violation of §§ 74.1107 and 74.1105 of the Commission's rules and regulations;

(h) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the General Telephone Company of Florida, G.T. & E. Communications, Inc., and General Telephone & Electronics Corp., jointly or severally, should be directed to cease and desist from providing CATV facilities or service within or to Manatee County, Fla.

2. This proceeding was initiated as a result of charges made by Manatee, the holder of a nonexclusive franchise to provide CATV service in Manatee County, that General Telephone System (General) and its affiliates, including GTEC, in constructing and rapidly expanding construction of CATV distribution facilities in Manatee County, have engaged in anticompetitive practices, acted to circumvent section 214 of the Communications Act, and violated the Commission's partial stay order in Docket No. 17333. On the basis of the pleadings before it, the Commission determined that substantial questions of law and fact are raised by the actions of a common carrier (General Telephone Company of Florida (GTCF)) which is holding itself out to provide service that is subject to certification procedures under section 214 of the Act and by the actions of an affiliated CATV company, i.e., GTEC. Noting this proceeding's similarity to TeleCable Corp., 17 FCC 2d 517 (1969), the Commission found that a substantial question is raised here as to whether the primary thrust of the local telephone company's actions is to retain to itself complete ownership and control of CATV distribution facilities within a community and to reject, directly or indirectly, attempts by independent CATV operators to own, construct, or operate their own distribution facilities through appropriate pole attachment arrangements. Holding that GTCF is bound by the decision in Docket No. 17333 [2] which requires a prior certification of public convenience and necessity under section 214 of CATV distribution facilities and pointing out that the alleged activities of GTCF and GTEC, if demonstrated, would substantially lessen competition or restrain commerce or unlawfully create a monopoly, the Commission issued a show cause order and directed that an expedited hearing be held to inquire into such activities and to determine whether section 214 certification is required by the Commission in connection with the construction and operation of CATV distribution facilities in Manatee County by GTCF and GTEC.[3] The Commission further ordered that the respondents in this proceeding, General Telephone & Electronics Corp., GTCF, and GTEC, are prohibited from placing into operation any CATV distribution facilities in Manatee County pending resolution of the specified issues or certification of such facilities by the Commission, whichever occurs first. The stay order was based on the "reasonable likelihood that CATV service will be commenced before a decision is issued in this case", and was issued to prohibit "GTEC from commencing CATV operations until the issues designated in this proceeding are resolved or until further order of the Commission."

3. In the instant petition, Manatee, through the attached affidavit of its president, states that the installation of "house-drop cable" by GTEC has been observed, and that by such action GTEC has commenced the delivery of CATV service to an unknown but apparently large number of new customers since the date of the Commission's show cause order. On this basis, Manatee argues that GTEC's activities clearly violate the terms of the Commission's stay order herein and that such violation itself warrants the institution of a show cause proceeding. However, the petitioner suggests that, in view of the similarity of the parties who would participate in such a proceeding and those who are involved herein and in light of the gravity of GTEC's alleged violation of the stay order and the consequent need for expedition, the Board should combine an inquiry into this latest violation of GTEC with the present show cause proceeding by adding new issues (d) and (e), noted above.[4] Although it is Manatee's belief that the presently specified issues would permit the introduction of evidence concerning the subject matter of proposed issues (d) and (e), the petitioner points out that addition of the issues would remove any doubt and would insure the speedy issuance of a cease and desist order for violation of the stay provisions of the Commission's designation order.

4. According to the petitioner, proposed issues (f) and (g) look toward an inquiry into alleged violations by GTEC of §§ 74.1105 and 74.1107 of the Commission's rules by virtue of GTEC's carriage of the signal of Station WINK-TV (CBS), Ft. Myers, Fla. Manatee alleges that information obtained from GTEC's office in the city of Bradenton, Fla., and subsequently verified by personal observation, indicates that GTEC is and has been carrying the WINK-TV signal throughout its entire system, which from a single headend serves the separate franchise areas of Manatee County and the city of Bradenton. The alleged violations of § 74.1107 and § 74.1105(a) are based on the allegation of GTEC's carriage of the WINK-TV signal in Bradenton which, according to allegedly uncontroverted engineering evidence, is not reached by that station's Grade B contour and which is located within the Tampa-St. Petersburg market, the 31st television market;[5] on the allegation that the Commission's records do not contain a § 74.1107 waiver request by Bradenton Cablevision, GTEC's predecessor, or by any other CATV system for Bradenton, nor do they show Commission authorization for the carriage of the WINK-TV signal in Bradenton; and on the further allegation that there is no record that Bradenton Cablevision ever submitted the required § 74.1105 notification of WINK-TV's carriage. In addition, the petitioner claims that although the WINK-TV signal is not distant to Manatee County, GTEC should not be carrying the signal without further Commission action since, on September 25, 1968, Hubbard Broadcasting, Inc., filed a petition directed to Bradenton Cablevision's notification of CATV service, which petition invoked the stay provisions of § 74.1105(c). Since the automatic stay is still in effect, Manatee argues, GTEC's carriage of the WINK-TV signal in Manatee County constitutes a violation of § 74.1105(c) of the rules. Petitioner proposes the addition of issue (h) to this proceeding as the standard conclusory issue in show cause proceedings, citing TeleCable Corp., supra, and suggests that its omission here was inadvertent.

5. In its comments on Manatee's petition, the CATV task force agrees that an inquiry into GTEC's alleged violations of the Commission's stay order may be appropriately added here since the Commission is concerned with the effect of such violations on the CATV situation in Manatee County and since hearing has been ordered on other issues. The task force believes that the Commission's language in imposing the stay order clearly proscribes the placing into operation of any CATV distribution facilities, either fully constructed or in the process of construction, in Manatee County.[6] According to the task force, the Commission ban must be taken to include a prohibition against the commencement of service over new "drops" from already energized facilities to subscribers' homes or businesses in light of the difficulty of withdrawing an existing service in the event of a decision adverse to GTEC. Although the task force recognizes the fact that the Commission has interpreted its decision in Docket No. 17333 as not prohibiting the installation of "drops" to the premises of CATV subscribers from trunk and feeder lines in operation on June 26, 1968, the date of the section 214 decision,[7] it distinguishes the instant proceeding on the basis of the allegations of anticompetitive conduct here, a situation allegedly not before the Commission in Docket No. 17333. In regard to Manatee's proposed issues (f) and (g), the task force is of the opinion that alleged violations of Part 74 of the Commission's rules in the city of Bradention are irrelevant to the instant proceeding and should not be put in issue here. While it concedes that compliance with Part 74 by a CATV system may be relevant in determining whether a section 214 certification application should be granted, the task force notes that the instant proceeding does not involve a pending section 214 application, but rather seeks to determine whether the circumstances require certification. The task force also points out that the question of whether or not the WINK-TV signal is local to GTEC's operation in the unincorporated areas of Manatee County would require an engineering determination and the participation by any interested broadcasters in the resolution of that question. Since such a process would derogate from the expedition ordered by the Commission herein and since the question can be separately resolved perhaps without the need for a hearing, the task force opposes Manatee's request for the proposed Part 74 issues. Finally, the task force offers no objection to proposed issue (h) although it is of the opinion that the ultimate question of whether a cease and desist order should issue is implicit in any show cause proceeding.

6. GTEC, supported by affidavits attached to its opposition, denies that it is engaged in a rapid construction program in Manatee County. While it does concede that it has continued to make "drops" from cable energized and in operation prior to the release date of the show cause order, GTEC denies that it has placed in operation any CATV distribution facilities not theretofore operational, which is all that the stay order proscribes. GTEC argues that the purpose of the temporary injunction was to preserve the status quo and that the Commission never intended, nor has it the power, to terminate pre-existing operations before the resolution of the question of whether or not a cease and desist order should issue against the respondents. In support of this interpretation of the stay order, GTEC refers to the General Telephone Co. of California proceeding wherein the Commission permitted the installation of "drops" from distribution cable energized and in operation prior to the effective date of the injunction. GTEC contends that it would not be in the public interest to prohibit the addition of "drops" since that would only serve to deprive persons desiring CATV service from obtaining it; GTEC also claims that its conduct does not injure petitioner or limit Manatee's own construction program since GTEC is not now constructing distribution facilities in the unincorporated areas of Manatee County. On this basis then, GTEC concludes that there is no need to specify the proposed issues relating to its compliance with the stay order. In regard to alleged violations of §§ 74.1105 and 74.1107, GTEC agrees with the task force that Manatee's proposed issues would unduly complicate this proceeding by raising matters extraneous to the principal questions which concern the Commission. GTEC also notes that since its acquisition of the CATV systems in Bradenton and Manatee County, it has not added any additional signals to its service and that it is currently seeking to determine whether any aspects of its operation are, in fact, inconsistent with Commission requirements.[8]

7. In its reply pleading, Manatee denies that it seeks to alter the terms of the stay order to preclude "drops"; it asserts that the parameters of the stay order are clear and that it merely proposes issues which would determine whether GTEC has violated that order. The petitioner argues that, by its Memorandum Opinion and Order (19 FCC 2d 647, released September 12, 1969) amending the stay provisions herein, the Commission clearly granted the Review Board authority to amend those provisions by adding a prohibition against the new or continued operation of any "drop" lines not energized by August 4, 1969, regardless of whether or not the distribution facilities feeding these "drop" lines were energized prior to that date. Manatee would have the Board add proposed issues (d) and (e) in order to make it clear that a cease and desist order may be issued solely because of GTEC's alleged violations of the stay order. Petitioner suggests, however, that the Board can and should amend the stay order to include a prohibition against "drop" lines if there is any doubt as to the scope of the original stay order.

8. The first question which Manatee's instant petition raises for the Board's consideration involves the scope of the stay provisions imposed by the Commission in this proceeding. Initially, we note that the original prohibition contained in the order to show cause herein prevents the respondents "from placing into operation any CATV distribution facilities in Manatee County" pending resolution of the specified issues or certification of those facilities by the Commission, whichever occurs first. In response to a further petition, filed by Manatee on September 4, 1969, concerning the further construction of additional CATV facilities in Manatee County by the respondents, the Commission amended its original stay order to prohibit the respondents from "constructing any CATV channel distribution facilities in Manatee County" without prior certification by the Commission and from "operating or placing into operation" any such facilities "which had not been completed and in operation before August 4, 1969", the release date of the show cause order herein. See 19 FCC 2d 647, released September 12, 1969. In its order amending the stay provisions, the Commission

[1] Related pleadings before the Board for consideration are: (a) Comments, filed Sept. 4, 1969, by the CATV Task Force; (b) Opposition, filed Sept. 9, 1969, by G.T. & E. Communications, Inc. (GTEC); and (c) Reply, filed Sept. 16, 1969, by Manatee.

[2] General Telephone Company of California, 13 FCC 2d 448, 13 RR 2d 667 (1968); reconsideration denied 14 FCC 2d 693, 14 RR 2d 341 (1968), affirmed ------ U.S. App. D.C. ------, 16 RR 2d 2001 (D.C. Cir. 1969), cert. denied ------ U.S. ------, 38 LW 3150 (1969).

[3] An inquiry was also directed as to whether the actions of GTCF, GTEC, and G.T. & E., acting alone or in concert with others in relation to Manatee, are anticompetitive and monopolistic in nature, in contravention of the Communications Act or otherwise contrary to the public interest.

[4] The supporting affidavit of Manatee's president indicates that GTEC has continued to deliver cable service to new subscribers in Manatee County since the release date of the Commission's show cause order. Petitioner interprets the Commission's stay order as an intention "to stop all existing GTEC services as well as all new service." Although Manatee recognizes that a question might arise as to whether GTEC could continue to deliver its service to subscribers who were receiving such service prior to Aug. 4, 1969, it asserts that there can be no dispute that GTEC had been ordered not to commence service to any new homes or businesses after Aug. 4, 1969.

[5] The engineering evidence relied on was introduced in Docket No. 17051 and included a map which was subsequently attached to a petition to reject or set for hearing, filed on Sept. 25, 1968, by Hubbard Broadcasting, Inc. (file No. SR-96819). The evidence allegedly shows that WINK-TV's Grade B contour reaches only as far as the southern portion of Manatee County and falls at least 5 miles short of Bradenton.

[6] The task force disagrees with Manatee's claim that the Commission intended to stop all existing GTEC service as well as new service and contends that the order clearly implies that already existing service would be permitted to continue.

[7] See Memorandum Opinion and Order in Docket No. 17333, FCC 68-715, released July 5, 1968.

[8] GTEC also questions whether the failure of Hubbard Broadcasting, Inc., to oppose Manatee's carriage of the WINK-TV signal in Manatee County constitutes an abandonment of its position against such carriage by GTEC's predecessor; it also points to the Commission's policy which recognizes that competitive CATV systems should be permitted to carry the same signal. GTEC notes that it received the customary warranties in its acquisition of the CATV system that the operations complied with Commission requirements and that, in any event, any violations of Commission's rules which are assumed, arguendo, to exist are not willful on its part.

pointed out that its action should not be construed as a determination that the respondents have engaged in the activities charged by Manatee or have violated the outstanding stay order, and it refused to comment on the question of whether the respondents should be prohibited from installing "drops" from distribution facilities energized before August 4, 1969, in light of the Board's anticipated consideration of the question on the basis of the instant pleadings. In a more recent ruling on a request by GTEC,[9] the Commission, in an attempt to insure the maintenance of the status quo in Manatee County, ordered that, as a condition to the maintenance of the outstanding order against GTEC, Manatee agree that during the pendency of this proceeding it will undertake no further construction of feeder or distribution cable after the release of the Commission's order and that it will not operate or place into operation any CATV feeder or distribution cable which had not been completed and energized prior to the release of the order. The Commission, however, stated that Manatee will be permitted to continue the installation of drops from distribution facilities constructed and energized prior to the release date of the order.[10]

9. The Commission's amendment of the stay order herein effectively refutes Manatee's claim that the Commission intended to prohibit all existing CATV service as well as new service by GTEC. The Commission, in its ordering clause, clearly indicates that distribution facilities completed and in operation prior to the release date of the show cause order (Aug. 4, 1969) could continue to provide service to CATV subscribers in Manatee County. Although the Commission refused to comment on the question now before us, its more recent ruling appears to be dispositive on the issue of whether the respondents should or should not be prohibited from installing "drops" from distribution facilities energized before August 4, 1969. In that ruling, the Commission attempted to strike an equitable balance in regard to the CATV operations of the respondents and Manatee in order to maintain the status quo to the extent possible; in so doing, the Commission specifically allowed Manatee to continue the installation of "drops" from distribution facilities constructed and energized prior to the release date of the order (Oct. 6, 1969). We can only conclude from this action that the Commission intended to permit the installation of "drops" from similar facilities energized prior to August 4, 1969, by GTEC when it imposed the stay provisions of the show cause order. Such an interpretation conforms with the Commission's expressed intention herein to accord equal treatment to the competing CATV systems and conforms with the Commission's approval of such activities in Docket No. 17333.[11] Since, on the basis of the facts before us, GTEC does not appear to be in violation of the Commission's stay order insofar as its operations in the unincorporated areas of Manatee County are concerned, we see no need to include proposed issues (d) and (e) in this proceeding.[12]

10. The Board will also deny Manatee's further request for proposed issues inquiring into alleged violations of §§ 74.1105 and 74.1107 of the rules by GTEC. The gravamen of Manatee's allegations in this regard are more appropriately raised in the context of a separate proceeding and/or in the context of the Commission's consideration of an application for section 214 certification, if it is ultimately determined in this proceeding that such certification is required. We agree with the task force that, to resolve the questions of alleged violations of §§ 74.1105 and 74.1107, an engineering determination would be required which would, in turn, necessitate the participation of any interested broadcasters, and that the effect of Hubbard's petition invoking the automatic stay provisions of § 74.1105(c) against the carriage of the WINK–TV signal in Manatee County by GTEC's predecessor would have to be determined. To inject such contested matters into this proceeding would be in derogation of the Commission's order that the instant show cause proceeding be expedited and would result in further hearing on issues not directly relevant to the determination to be made herein, i.e., whether the actions of the respondents are such as to require section 214 certification and are anti-competitive and monopolistic in nature. Moreover, the questions now raised by Manatee are capable of resolution without recourse to hearing. In these circumstances, we will decline to complicate the instant proceeding further by specifying proposed issues (f) and (g), but without prejudice to the refiling of a similar request by Manatee when appropriate, as noted above. We will add the proposed conclusory issue suggested by Manatee to determine whether a cease and desist order should be directed against the respondents even though such a determination is implicit in this proceeding (see issue (d)) and has been articulated sufficiently in the show cause order itself. Addition of the issue is consistent with TeleCable Corp., supra, and has not been opposed by GTEC or the task force, and its omission appears to have been inadvertent.

11. *Accordingly, it is ordered*, That the petition to amend order to show cause and to enlarge issues, filed August 25, 1969, by Manatee Cablevision, Inc., is granted to the extent that the issues in this proceeding are enlarged by the addition of the following issue (d) to this proceeding:

(d) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the General Telephone Co. of Florida, G. T. & E. Communications, Inc. and General Telephone and Electronics Corp., jointly or severally, should be directed to cease and desist from providing CATV facilities or service within or to Manatee County, Fla.; and

existing issue (d) is redesignated as issue (e); and, in all other respects, the petition is denied.

Adopted: November 19, 1969.

Released: November 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[13]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-14223; Filed, Dec. 1, 1969; 8:47 a.m.]

[9] Memorandum Opinion and Order, 19 FCC 2d 951, 17 R.R. 2d 559, released Oct. 6, 1969.

[10] The Commission requested a statement from Manatee agreeing to such a restriction within a certain period of time. Without such a statement, the Commission indicated that it would vacate its Sept. 12, 1969, order prohibiting the construction and operation of CATV distribution facilities by GTEC. Manatee subsequently filed a statement of compliance in which it agreed to such restriction.

[11] We do recognize, as the task force notes in its comments, that the Commission's sanction of the further installation of "drops" in the section 214 proceeding is not necessarily dispositive of the question in the context of the instant proceeding. We also are aware that such CATV service as is provided by GTEC after Aug. 4, 1969, could be withdrawn in the event of a decision adverse to the respondents. However, the Commission's intention in this regard seems clear to us as a result of its Oct. 6, 1969, ruling, and we will abide by that intention.

[12] In its Oct. 6, 1969, ruling, the Commission noted Manatee's allegation that GTEC is presently constructing CATV facilities in Bradenton and warned that, if such charge is accurate, then GTEC is constructing facilities in direct violation of the stay order and thereby subjecting itself to legal sanctions and penalties. As previously indicated, Manatee has not specifically alleged that GTEC has constructed distribution facilities in the unincorporated areas of Manatee County after Aug. 4, 1969, in support of the instant petition.

[13] Board member Nelson dissenting in part and voting to stay additional drops by General.

FEDERAL MARITIME COMMISSION

SEATRAIN LINES, INC., AND BERWIND LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement No. DC–41 between Seatrain Lines, Inc. and Berwind Lines, Inc., provides for the transportation of cargo under through bills of lading between U.S./Atlantic ports and ports in the Virgin Islands with transportation to San Juan, Puerto Rico. The through rates and terms of transportation will be combination rates of those separately published by Seatrain Lines, Inc., between Atlantic ports and Puerto Rico and those separately published by Berwind Lines, Inc., between Puerto Rico and the Virgin Islands. All shipments pursuant to this agreement moving from Atlantic ports will be delivered by Seatrain Lines, Inc., to the Berwind Lines, Inc., terminal at San Juan. Shipments moving from the Virgin Islands also will be delivered by Berwind Lines, Inc., to Berwind Lines, Inc., terminal at San Juan. Either party may terminate this agreement upon 30 days' return notice to the other party.

The agreement should become effective upon the approval of the Commission pursuant to section 16, Shipping Act, 1916.

Dated: November 25, 1969.

By order of the Federal Maritime Commission.

FRANCIS HURNEY, *Secretary.*

[F.R. Doc. 69-14186; Filed, Dec. 1, 1969; 8:45 a.m.]

[Independent Ocean Freight Forwarder License No. 410]

JOSEPH CRAIG & CO.

Order of Revocation

By letter dated October 21, 1969, Joseph Craig & Co., 1020 Realty Building, 24 Drayton Street, Savannah, Ga., was advised that its Independent Ocean Freight Forwarder License No. 410 would be automatically revoked or suspended unless a valid surety bond was filed with the Federal Maritime Commission on or before November 8, 1969.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Joseph Craig & Co. has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 410 of Joseph Craig Jr., doing business as Joseph Craig & Co., be and is hereby revoked effective November 8, 1969.

It is further ordered, That License No. 410 be returned to the Commission promptly.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Joseph Craig Jr., doing business as Joseph Craig & Co.

LEROY F. FULLER, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 69-14187; Filed, Dec. 1, 1969; 8:45 a.m.]

[Independent Ocean Freight Forwarder License 1220]

FAR-GO VAN LINES, INC.

Order of Revocation

By letter dated October 21, 1969, Far-Go Van Lines, Inc., Post Office Box 1980, Norfolk, Va. 23501, was advised that its Independent Ocean Freight Forwarder License No. 1220 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 9, 1969.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Far-Go Van Lines, Inc. has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 1220 of Far-Go Van Lines, Inc. be and is hereby revoked effective November 9, 1969.

It is further ordered, That License No. 1220 be returned to the Commission promptly.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Far-Go Van Lines, Inc.

LEROY F. FULLER, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 69-14188; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. 69-13 2d Supp. Order]

U.S. GULF/PUERTO RICO TRADE

General Increases in Rates; Order of Investigation

By original and first supplemental orders in this proceeding served April 11 and May 7, 1969, the Commission entered into an investigation of certain southbound increased rates named on tariff pages listed therein. On October 6, Lykes Bros. Steamship Co., Inc., a respondent in this proceeding, filed with the Federal Maritime Commission, to become effective November 20, 1969, pursuant to Postment Supplement No. 1, revised page No. 23 to its Homeward Tariff FMC–F No. 12 which contains northbound increased rates on tuna fish.

The increases represent a continuation of the carrier's managerial decision to increase rates on an individual basis in lieu of a flat, across-the-board percentage increase. The carrier has advised the Commission that it intends to continue in this manner until its rates have been increased an average of 15 percent.

Upon consideration of said schedule and a protest thereto filed by the Commonwealth of Puerto Rico, the Commission is of the opinion that the above designated increased rates should be included in the investigation in this proceeding to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

First supplemental order in the proceeding issued May 7, 1969, termed this proceeding a general revenue case; and placed all southbound rates, charges, classifications, rules and regulations published in Outward Tariff FMC–F No. 11, and all future changes to the tariff filed during conduct of this proceeding, under investigation to determine the justness and reasonableness of the revised rate structure. Inasmuch as this proceeding is a general revenue case, the Commission is also of the opinion that the carrier's Homeward Tariff FMC–F No. 12 should be included in its entirety in the investigation, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, the investigation in this proceeding is hereby further expanded to include an investigation into the lawfulness of said northbound increased rates on tunafish with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That all of the rates, charges, classifications, rules and regulations currently in effect in Homeward Tariff FMC–F No. 12, in addition to amendments thereto already subject to investigation in this proceeding and all future tariff changes filed during the conduct of this investigation be, and they are hereby included in this investigation;

It is further ordered, That (I) a copy of this order be forthwith served upon the respondent and protestant herein and published in the FEDERAL REGISTER; and (II) the said respondent and protestant be duly served with notice of time and place of hearing.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 69-14189; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. 69-56]

UNITED STATES LINES, INC., ET AL.

Order for Investigation and Hearing

Agreement No. 9827 between United States Lines, Inc. and Sea-Land Service, Inc. (and Walter Kidde & Co., Inc. and R. J. Reynolds Tobacco Co., guarantors).

Agreement No. 9827, dated October 27, 1969, between United States Lines, Inc. (U.S. Lines), and Sea-Land Service, Inc. (Sea-Land), provides for the time charter of sixteen U.S. Lines containerships now in operation or under construction for a 20-year period to Sea-Land; for the lease and sublease to Sea-Land of certain container equipment used in connection with the chartered ships; for the transfer to Sea-Land of U.S. Lines' offices and facilities in the Far East; and for guarantees of the parties' obligations by their respective parent corporations, Walter Kidde & Co., Inc., and R. J. Reynolds Tobacco Co.

Agreement No. 9827 was filed with the Commission for approval on October 27, 1969, and was published in the FEDERAL REGISTER on October 31, 1969. In the notice, the usual 20-day period was allowed for comments, statements, and protests by interested persons. Protests and requests for hearing were submitted by: Department of Justice, Seatrain Lines, Inc., the Matson Navigation Co., American President Lines and American Mail Lines (jointly) the National Association of Alcoholic Beverage Importers, States Steamship Co., the International Longshoremen's Association, AEIL, the Pacific Far East Lines, and Marshall Safir.

As mentioned in the notice of October 27, both parties enjoy the option of cancelling if "not approved by the [FMC] on or before December 31, 1969, or if it is approved in a form substantially different than as filed."

In view of the protests to the agreement, we do not see how the deadline fixed by the parties can be met. However, we deem it appropriate to order an expedited proceeding, consistent with fairness and adequacy, to develop the issues involved under section 15. Moreover, numerous petitioners have indicated the necessity of having available the Commission discovery procedures. Normally discovery is not freely available until 20 days after the issuance of the Order of Investigation. Since all parties appear to be represented by counsel, we will waive the 20-day period.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act of 1916: *It is ordered*, That an expedited investigation and hearing to be held to determine whether Agreement No. 9827 should be approved, disapproved, or modified pursuant to section 15 of the Act, 1916;

It is further ordered, That the parties of interest address themselves to the following matters which are of particular interest to the Commission, along with all other relevant issues:

(1) Is the pending arrangement the full and complete agreement of all parties to the undertaking;

(2) What are the transportation needs necessitating the arrangements and the derivative benefits to the public of any approval;

(3) The nature, extent, scope, and characteristics of U.S. Line's and Sea-Land's present competing transportation systems;

(4) The impact of approval upon container, break-bulk, commercial, and military movements.

(5) The impact of approval upon labor;

(6) What is the relevant market;

(7) What would the impact of approval be upon proponents' competitors, both U.S. and foreign flag;

(8) What are U.S. Lines' and Sea-Land's future service intentions. Should the agreements be modified by imposing some binding service, commitments or restrictions;

(9) Are other alternatives available to Kidde to divest itself of its transportation operations or to Sea-Land to improve its own operations;

(10) Is the aggregate rental for the vessels and related container equipment in fact payment for the goodwill of U.S. Lines rather than a mere charter arrangement; and

(11) The Commission's jurisdiction over the parties and the subject matter.

It is further ordered, That the parties listed in the appendix attached hereto be made respondents and/or petitioners in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the hearing examiner;

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and petitioners;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure (46 CFR 502.201 et seq.), which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) (46 CFR 502.208(a)), which requires leave of the Commission to request admissions of fact and of genuineness of documents if notice thereof is served within 10 days of the commencement of the proceeding, is similarly waived.

It is further ordered, That any person, other than respondents, petitioners, and hearing counsel, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene, in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure, with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 5, 1969, with copies to all parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX

A. RESPONDENTS

(1) Walter Kidde & Company, Inc., 675 Main Street, Belleville, N.J. 07109.

(2) R. J. Reynolds Tobacco Co., Winston-Salem, N.C. 27101.

(3) United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

(4) Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.

B. PETITIONERS

(1) Joseph J. Saunders, Esq., U.S. Department of Justice, Washington, D.C. 20530.
Norman H. Selider, Esq., U.S. Department of Justice, U.S. Court House, Foley Square, New York, N.Y. 10007.

(2) Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

(3) Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

(4) States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

(5) National Association of Alcoholic Beverage Importers, 1025 Vermont Avenue NW., Washington, D.C. 20005.

(6) Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif. 94111.

(7) International Longshoremen's Association, 17 Battery Place, Room 1530, New York, N.Y. 10004.

(8) Mr. Marshal P. Safir, 41 Flatbush Avenue, Brooklyn, N.Y. 11217.

(9) American President Lines, Ltd., 601 California Street, San Francisco, Calif. 84108.
American Mail Line, Ltd., 1010 Washington Building, Seattle, Wash. 98010.

(10) American Export Isbrandtsen Lines, 26 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-14190; Filed, Dec. 1, 1969; 8:45 a.m.]

GREATER BATON ROUGE PORT COMMISSION AND OLIN MATHIESON CHEMICAL CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Frederick B. Lee, Vice President, Olin Mathieson Chemical Corp., 1730 K Street NW., Washington, D.C. 20006.

Agreement No. T-1389-1 between Greater Baton Rouge Port Commission (Port) and Olin Mathieson Chemical Corp. (Olin) is an amendment to a marine terminal lease under which Port has leased a facility to Olin for use as a public marine terminal subject to certain restrictions. The purpose of the amendment is to permit the handling of general cargo at the terminal when Port agrees in writing in advance that such cargo cannot be handled by Port at any other facilities owned or operated by Port.

Dated: November 26, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 69-14224; Filed Dec. 1, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-508 etc.]

AMERICAN PETROFINA COMPANY OF TEXAS AND SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 19, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 7, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI70-503	American Petrofina Co. of Texas (Operator) et al., Post Office Box 2159, Dallas, Tex. 75221.	[3] 45	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tomball Field, Harris County, Tex.) (R.R. District No. 3).	$537	10-20-69	[4] 11-20-69	[5] 11-21-69	[7] 15.558125	[8] 16.561875	
RI70-504	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	[3] 362	4	Southern Natural Gas Co. (Blocks 289, 290, and 295 Main Pass Area and Blocks 62, 65, and 70 South Pass Area, Offshore Louisiana).	54,750	10-20-69	[9] 11-20-69	[5] 11-21-69	[11] [12] [14] 18.5	[10] [11] [13] [14] 20.0	

[3] Contract executed after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate is below the 17-cent initial service ceiling.
[4] The stated effective date is the effective date requested by respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Includes the Texas tax increase which has been filed.
[8] Contract dated Aug. 27, 1968.
[9] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[10] Rate increase filed pursuant to ordering paragraph (A) of Opinion No. 546-A.
[11] Base area rate for the sale of gas well gas for gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[12] Subject to quality adjustments.
[13] Pressure base is 15.025 p.s.i.a.
[14] Initial rate as conditioned by temporary certificate issued Jan. 17, 1969, in Docket No. C169-242 for sales of gas well gas.

The basic contract related to American Petrofina Company of Texas (Operator) et al. (Petrofina), rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed 16.561875 cents per Mcf rate exceeds the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 3 but does not exceed the initial service of 17 cents per Mcf for the area involved. We believe, in this situation, Petrofina's proposed rate increase should be suspended for 1 day from November 20, 1969, the proposed effective date.

Shell Oil Co.'s (Shell) proposed rate increase from 18.5 cents to 20 cents per Mcf, involves a sale of third vintage gas well gas in Offshore Louisiana and was filed pursuant to Ordering Paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas well gas. Shell was issued a conditioned temporary certificate in Docket No. CI69-242 authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustments). Deliveries of gas have not as yet commenced thereunder.

Consistent with previous Commission action on similar rate filings, we conclude that Shell's proposed rate increase should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, Shell's proposed increased rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 69-14143; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. E-7513]

DUKE POWER CO.

Order Suspending Tendered Rate Schedule Supplements, Instituting Investigation, and Providing for Hearing

NOVEMBER 20, 1969.

This order provides for hearing, suspends for a period of 5 months rate schedule supplements instituting a fuel cost adjustment clause in the filed wholesale rate schedules of Duke Power Co. (Duke), and institutes an investigation into the lawfulness of wholesale for resale rate schedules.

On October 23, 1969, Duke, a public utility subject to the jurisdiction of this Commission, tendered for filing supplements to its jurisdictional rate schedules for service to 58 municipally owned, cooperatively owned and investor owned wholesale for resale customers.[1] By its tender,[2] Duke proposes to insert a fuel cost adjustment clause in its wholesale rate schedules. That clause would automatically increase Duke's charges when its fossil fuel costs are above 28 cents per million B.t.u. and decrease its charges when those costs drop below 26 cents. Since Duke's present fuel costs are approximately 32 cents per million B.t.u. the proposed filing will result in an immediate rate increase to Duke's wholesale customers of 5.54 percent or approximately $1,650,000 annually.

In support of its filing, Duke notes the rapid rise in the costs of fuel, a cost item which represents more than 50 percent of its total operation and maintenance expenses. Further, Duke states that fuel costs since 1947 have varied and that the tendered fuel cost adjustment clause will produce revenues offsetting those variations of a major expense item. However, Duke's wholesale rate schedules did contain a fuel cost adjustment clause from 1948 until 1963, when Duke eliminated it. The hearing we are ordering herein will permit full consideration of whether Duke is justified in reestablishing a fuel cost adjustment clause at this time.

Forty-four of Duke's wholesale customers have filed protests and petitions to intervene in opposition to Duke's tendered filing. Duke's customers contend that the fuel cost adjustment clause is unjust, unreasonable and unreasonably discriminatory; they request a full cost of service study and hearing concerning Duke's system and a full investigation and hearing concerning the proposed fuel cost adjustment clause. The hearing we are ordering will provide an opportunity to explore the contentions of Duke's wholesale customers.

As noted above, the base cost of fuel above which a charge is made is 28 cents per million B.t.u. Duke's filing reflects its costs of fossil fuel for the month of June 1969 was 29.6 cents. Additionally, Duke estimates that that cost will continue to rise through the year 1969 and, by January 1, 1970, will reach 32.9 cents. Fuel costs are estimated by Duke to average above 32 cents in each of the next 3 years. Under those circumstances, the clause as tendered would result in an immediate rate increase, estimated by Duke to amount to 0.039 cent per kwh for the month of November 1969. The lawfulness of the use of a base cost of 26 cents to 28 cents in the light of current and projected fuel costs is an issue which should be considered on the basis of a full evidentiary record.

The Commission further finds:

(1) The supplements to Duke's rate schedules, identified in Appendix A hereto, may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(2) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that an investigation be instituted regarding the lawfulness of Duke's wholesale rates and charges; that a public hearing be held on the lawfulness of (a) Duke's proposed supplements to its rate schedules (as identified in App. A) and (b) its jurisdictional rates and charges (also identified in App. A); and that the operation of the proposed rate schedule supplements be suspended and the use thereof deferred, all as hereinafter provided.

The commission orders:

(A) An investigation into the lawfulness of Duke's jurisdictional rates and charges is hereby instituted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened to commence with a prehearing conference to be held on December 8, 1969, at 10 a.m. e.s.t., at the offices of the Federal Power Commission in Washington, D.C., concerning the lawfulness of Duke's proposed rate schedule supplements and its jurisdictional rates and charges (all as identified in App. A). Further dates for hearing and for filing of prepared testimony shall be set by the presiding examiner at the prehearing conference.

(C) Pending such hearing and decision thereon, Duke's proposed rate schedule supplements (identified in App. A hereto) are hereby suspended and the use thereof deferred until April 23, 1970. On that date, those supplements shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission in this proceeding, subject to Duke's keeping an accurate account in detail of all amounts received by reason of such change in rates and charges, and subject to such refund as the Commission may order—all in accordance with section 205(e) of the Federal Power Act.

(D) Unless otherwise ordered by the Commission, Duke shall not change the terms or provisions of its proposed rate schedule supplements or its present effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(E) Notice of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before December 5, 1969, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37). Answers to those petitions may be filed on or before December 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Those supplements are designated in App. A, which is attached hereto.

[2] The original but incomplete tender was made on Aug. 27, 1969, with a request to make it effective Nov. 1, 1969. That was completed Oct. 23, 1969.

APPENDIX A

DUKE POWER COMPANY

Fuel Adjustment Clauses, Rate Schedule Designations
Dated: November 1, 1969
Filed: October 23, 1969

Supplement No. to—	Rate schedule No.	Name of customer
3	27	Town of Huntersville, N.C.
2	28	City of High Point, N.C. (Main).
2	29	City of High Point, N.C. (Prospect Rd.).
3	32	City of Lexington, N.C., No. 1.
3	55	Town of Westminister, S.C.
10	131	Blue Ridge EMC (N.C.).
14	133	Cornelius EMC (N.C.).
6	134	Davidson EMC (N.C.).
18	135	Davie EMC (N.C.).
5	136	Haywood EMC (N.C.).
10	137	Pee Dee EMC (N.C.).
5	138	Piedmont EMC (N.C.).
17	139	Rutherford EMC (N.C.).
11	140	Surry-Yadkin EMC (N.C.).
5	141	Union EMC (N.C.).
20	142	Blue Ridge Electric Coop. Inc. (S.C.).
16	143	Broad River Electric Coop., Inc. (S.C.).
20	144	Laurens Electric Coop., Inc. (S.C.).
6	145	Little River Electric Coop., Inc. (S.C.).
20	146	York Electric Coop., Inc. (S.C.).
2	147	Lockhart Power Co. (Union) S.C.
4	153	Town of Bostic, N.C.
8	156	City of Concord, N.C.
3	163	Town of Due West, S.C.
2	169	Lockhart Power Co. (Pacolet, S.C.).
1	172	Town of Granite Falls, N.C.
1	173	City of Lexington, N.C., No. 2.
2	174	Town of Malden, N.C.
2	176	City of Morganton, N.C., No. 1.
1	178	City of Newton, N.C.
1	179	City of Statesville, N.C.
3	181	City of Easley, S.C.
3	184	Town of Prosperity, S.C.
2	185	The Electric Co. (Fort Mill), S.C.
1	186	Town of Dallas, N.C.
1	197	S. C. Electric & Gas Co. (for town of Chappels, S.C.).
1	198	Kershaw Oil Mill (Kershaw, S.C.).
1	201	Town of Seneca, S.C.
1	202	City of Clinton, S.C.
1	203	Commissioners of Public Works, Gaffney, S.C.
1	212	City of Kings Mountain, N.C.
1	213	University of N.C., Chapel Hill, N.C.
3	215	Town of Drexel, N.C.
2	216	City of Morganton, N.C., No. 2.
1	218	City of Newberry, S.C.
1	220	The Electric Co., Inc. (Fort Mill), S.C., "Hensley Road Delivery".
1	221	Clemson University, Clemson, S.C.
2	222	Com. of Public Works, Laurens, S.C. (Royal).
2	223	Com. of Public Works, Laurens, S.C. (Hampton).
1	224	Town of Cherryville, N.C.
3	225	City of Albemarle, N.C.
5	226	City of Greer, S.C.
10	227	City of Gastonia, N.C., Del. Nos. 1-8.
8	228	City of Rock Hill, S.C., Del. Nos. 1 and 2.
3	229	Town of Lincolnton, N.C.
3	230	Town of Landis, N.C.
4	231	City of Abbeville, S.C.
1	232	Town of Cornelius, N.C.
3	233	Town of Davidson, N.C.
3	234	Town of Pineville, N.C.
8	235	City of Shelby, N.C., Del. Nos. 1-6.
3	236	Heath Springs Light & Power Co. (S.C.).
4	237	Town of Forest City, N.C., Del. Nos. 1 and 2.
4	238	City of Monroe, N.C., Del. Nos. 1 and 2.
12	239	Commissioners of Public Works, Greenwood, S.C.

[F.R. Doc. 69-14144; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. G-6528 etc.]

McCULLOCH OIL CORP.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Redesignating Proceedings, and Redesignating FPC Gas Rate Schedules

NOVEMBER 21, 1969.

On August 25, 1969, McCulloch Oil Corp. submitted copies of a Certificate of Amendment of Certificate of Incorporation dated May 8, 1969, to reflect a change in corporate name from McCulloch Oil Corporation of California to McCulloch Oil Corp. with no change in corporate structure. Therefore, the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act will be amended and the related FPC gas rate schedules will be redesignated accordingly. The proceedings in which McCulloch Oil Corporation of California is respondent will be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to McCulloch Oil Corporation of California in the dockets listed in the appendix hereto are amended by changing the name of the certificate holder to McCulloch Oil Corp., and the related FPC gas rate schedules are redesignated accordingly. In all other respects said orders shall remain in full force and effect.

(B) The proceedings listed in the appendix in which McCulloch Oil Corporation of California is a respondent are redesignated to reflect the change in corporate name to McCulloch Oil Corp.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No.	FPC gas rate schedule No.	Rate suspension Docket No.
G-6628	[1] 1	
G-11161	2	
CI62-1401	[2] 3	
G-18119	4	RI64-475 and RI69-672.
G-19220	5	RI64-475 and RI69-672.
CI61-299	6	RI64-475 and RI69-672.
CI61-564	7	RI64-475 and RI69-652.
CI61-1184	8	RI64-475 and RI69-672.
CI62-197	9	RI64-475 and RI69-672.
CI62-579	[3] 10	RI64-475 and RI69-672.
CI62-598	11	RI64-475 and RI69-672.
CI64-271	12	RI64-475 and RI69-672.
CI64-270	13	RI64-475 and RI69-672.
CI61-1523	14	RI69-671.
CI65-289	15	RI69-671.

[1] "(Operator) et al."
[2] "et al."

[F.R. Doc. 69-14145; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. RI70-505]

MIDWEST OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 20, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before January 8, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI70-505..	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	[2] 44	1	Cities Service Gas Co. (Aetna Field, Barber and Comanche Counties, Kans.).	$15,120	10-27-69	[3] 12-22-69	[4] 12-23-69	[7] 14.0	[5] [7] 15.0	

[2] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed area initial rate ceiling.
[3] The stated effective date is the effective date requested by respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.

The contract related to Midwest Oil Corp.'s (Midwest) rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed 15 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas but does not exceed the initial service ceiling of 16 cents per Mcf for the area involved. We believe, in this situation, Midwest's proposed rate increase should be suspended for 1 day from December 22, 1969, the proposed effective date.

[F.R. Doc. 69-14146; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket Nos. RI70-541 etc.]

EDWIN L. COX AND TEXAS PACIFIC OIL CO., INC.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 21, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 8, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI70-541..	Edwin L. Cox	70	2	Panhandle Eastern Pipe Line Co	[3] 10-23-69	[4] 10- 1-69	[5] 10- 2-69	17.0	[6] [7] 17.06375		
	Edwin L. Cox	74	2	Northern Natural Gas Co	10-23-69	[4] 10- 1-69	[5] 10- 2-69	19.38	[6] [7] 19.452675		
RI70-542..	Texas Pacific Oil Co., Inc.	88	2	Natural Gas Pipeline Co. of America.	10-24-69	[4] 10- 1-69	[5] 10- 2-69	17.0	[6] [7] 17.0638		

[3] Filing corrected by filing received on Nov. 3, 1969.
[4] Request for wavier of notice granted. The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[5] The suspension period is limited to 1 day.
[6] Tax reimbursement increase.
[7] Pressure base is 14.65 p.s.i.a.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. The proposed rates herein exceed the area increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's Statement of General Policy No. 61-1, as amended.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

[F.R. Doc. 69-14147; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. RI70-284 etc.]

MOBIL OIL CORP.

Hearing Regarding Rates; Correction

NOVEMBER 19, 1969.

Mobil Oil Corp., Docket No. RI70-284 etc. and Docket No. RI70-284.

In the order providing for hearing on and suspension of proposed changes in rates, allowing rate changes to become effective subject to refund and accepting proposed changes in rates subject to refund in existing suspension proceeding, issued October 15, 1969, and published in the FEDERAL REGISTER October 25, 1969, 34 F.R. 17349, Appendix A, line 1, Docket No. RI70-284, *Mobil Oil Corporation*, under column headed "Rate in Effect Subject to Refund in Docket Nos.", delete "RI67-272". Appendix B (opposite Supplement No. 20 to Mobil Oil Corp.'s FPC Gas Rate Schedule No. 47): Under column headed "Rate in Effect Subject to Refund in Docket Nos.", change "RI67-273" to read "RI67-272".

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-14193; Filed, Dec. 1, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CONNECTICUT BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of the Connecticut Bank and Trust Co. for approval of merger with the Tradesmens National Bank of New Haven.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by the Connecticut Bank and Trust Co., Hartford, Conn., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that Bank and the Tradesmens National Bank of New Haven, New Haven, Conn., under the charter and name of the Connecticut Bank and Trust Co. As an incident to the merger, the four offices of the Tradesmens National Bank of New Haven would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered for the reasons set forth in the statement [1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority, and that Central Park First National Bank shall be opened for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 24th day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-14217; Filed, Dec. 1, 1969; 8:47 a.m.]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Shares of Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of all of the voting shares (except directors' qualifying shares) of Central Part First National Bank, Orlando, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First at Orlando Corp., Orlando, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of all of the voting shares (except directors' qualifying shares) of Central Park First National Bank, Orlando, Fla., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Acting Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 24, 1969 (34 F.R. 9773), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority, and that Central Park First National Bank shall be opened for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 24th day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-14218; Filed, Dec. 1, 1969; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

INTERSTATE COMMERCE COMMISSION

[Ex Parte 262]

INCREASED FREIGHT RATES, 1969

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 25th day of November 1969.

It appearing, that, having before it certain tariff schedules publishing proposed increases in freight rates and charges generally in the amount of 6 percent, to become effective November 18, 1969, the Commission by order entered November 17, 1969, instituted an investigation into:

(1) The lawfulness under all sections of the Interstate Commerce Act of the said schedules insofar as they apply to, from, and between points on the Long Island Rail Road Co.; and

(2) Except as embraced by (1), the lawfulness of the said schedules, limited to issues which may involve discrimination, preference, or prejudice proscribed by sections 2 and 3 of the Act;

It is ordered, That the following special rules of practice shall apply to such investigation:

(a) *Verified statements of evidentiary facts.* All evidence material and pertinent to the issues above set forth (except

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Dissenting statement of Governors Robertson and Maisel, also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Brimmer, and Sherrill. Voting against this action: Governors Robertson and Maisel.

oral cross-examination and rebuttal related thereto) shall be submitted in the form of verified statements (affidavits), with or without attached appendices. Each such verified statement shall be signed in ink by the affiant and verified (notarized) in the manner provided by Rule 50 and Form No. 6 of the Commission's general rules of practice. The post office address of the affiant or his counsel shall be shown.

(b) *Certificate of service.* Each verified statement shall contain a certificate of service stating that it has been timely served on opposing parties, as herein provided; and verified statements not so served will not be considered.

(c) *Argument.* Argument in support of an affiant's position may be included in a separate section of the document containing the verified statement, or in a separate document simultaneously filed and served.

(d) *Filing and service by protestants.* Parties opposing the tariff schedules under investigation shall file and serve their verified statements and accompanying arguments, if any, on or before January 5, 1970; and, if mailed, they shall be mailed in time to be received by that date. The original and 24 copies of each such document for the use of the Commission shall be sent to Mr. H. Neil Garson, Secretary, Interstate Commerce Commission, Washington, D.C. 20423. At the same time, single copies shall be sent to each of the cooperating State Commissioners listed in the appendix hereto. And 25 copies shall be served upon Mr. Edward A. Kaier, 527 American Railroads Building, 1920 L Street NW., Washington, D.C. 20036, which shall constitute service upon all respondents. Copies shall be furnished to any interested party upon request addressed to the affiant or his counsel.

(e) *Filing and service by respondents.* Verified statements and arguments, if any, by respondents in reply to those submitted by protestants, shall in like manner be filed with the Commission and the cooperating Commissioners, and served on those protestants, on or before February 4, 1970, and furnished to any interested party upon request.

(f) *Voluntary abatement of unlawfulness.* In the interest of limiting the issues requiring further proceedings, respondents' reply documents may contain statements of the extent, if any, to which respondents are agreeable voluntarily to abate any alleged unlawfulness specified in protestants' documents.

(g) *Documents previously submitted.* Protests, replies thereto, and oral and written arguments heretofore submitted in this proceeding will not be further considered, except to the extent they are resubmitted as provided in this order.

(h) *Requests for cross-examination.* Parties desiring to cross-examine affiants regarding facts contained in their verified statements must give notice in writing to each such affiant, and to his counsel if any be indicated, on or before February 16, 1970; and a copy of such notice must be sent to the Secretary of the Commission.

(i) *Hearings.* Hearings for the purposes of cross-examination and rebuttal, where there is a genuine dispute as to a material fact, will be held at times and places to be hereafter fixed.

(j) *Service of orders and notices.* Future orders and notices of the Commission in this proceeding will be sent only to those parties participating as herein provided, and to those other interested persons who specifically request to be included on the service list.

(k) *Communications.* Communications concerning this order or this proceeding should be addressed to Mr. H. Neil Garson, Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

And it it further ordered, That a copy of this order be filed with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX

COOPERATING STATE COMMISSIONERS

The Honorable C. C. Owen, Commissioner, Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102.

The Honorable Charles J. Fain, Commissioner, Missouri Public Service Commission, Jefferson Building, Jefferson City, Mo. 65102.

The Honorable William E. Ozzard, Commissioner, New Jersey Board of Public Utility Commissioners, 101 Commerce Street, Newark, N.J. 07102.

The Honorable Robert D. Timm, Chairman, Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash. 98501.

[F.R. Doc. 69-14245; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 72, Amdt. 1]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 72, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 72 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14246; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 71, Amdt. 1]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution Direction

Upon further consideration of Car Distribution Direction No. 71, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 71 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14247; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 74, Amdt. 1]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 74, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 74 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14248; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 67, Amdt. 2]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14249; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 77]

READING CO. ET AL.

Car Distribution

Reading Co., Western Maryland Railway Co., Baltimore & Ohio Railroad Co., Chicago, Rock Island & Pacific Railroad Co.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Reading Co. shall deliver to the Western Maryland Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The Western Maryland Railway Co. shall deliver to the Baltimore & Ohio Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(c) The Baltimore & Ohio Railroad Co. shall deliver to the Chicago, Rock Island & Pacific Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(d) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(e) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., December 1, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14250; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 70, Amdt. 1]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 70, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 70 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14251; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 66, Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., Chicago, Rock Island & Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 66, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 66 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14252; Filed, Dec. 1, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 73, Amdt. 1]

SOUTHERN PACIFIC CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 73, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 73 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14253; Filed, Dec. 1, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 69 Amdt. 1]

SOUTHERN RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 69, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 69 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C. November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14254; Filed, Dec. 1, 1969; 8:49 a.m.]

[Notice 947]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 25, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 293 TA), filed November 19, 1969. Applicant: DEATON, INC., 317 Avenue West (Ensley), Birmingham, Ala. 35218. Applicant's representative: J. Carl Preston (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components and cast iron fire hydrants*, from Birmingham, Ala., and points within 10 miles of Birmingham, to points in Arkansas and Oklahoma, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala. 35202, Attention: Walter M. Boyce, Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 85465 (Sub-No. 24 TA), filed November 19, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except commodities in bulk, in tank vehicles), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 67 M.C.C. 209 and 766, from Scottsbluff, Nebr., to Miami, Fla., for 120 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 107295 (Sub-No. 250 TA), filed November 19, 1969. Applicant: PREFAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe, bituminous fiber, and accessories thereto*, from West Bend, Wis., to points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Fibre Products Division, McGraw-Edison Co., Post Office Box 238, West Bend, Wis. 53095. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 111545 (Sub-No. 126 TA), filed November 19, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components and cast iron fire hydrants*, from Birmingham, Ala., to points in Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Georgia, North Carolina, South Carolina, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 125844 (Sub-No. 14 TA), filed November 19, 1969. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood and derivatives of blood, which includes plasma*, from points in Bullitt and Jefferson Counties, Ky., to Memphis, Tenn., points in Kankakee County, Ill., and points in California, for 180 days. Supporting shipper: Gilbert G. Rossner, President, American Blood Components, Inc., 118 Jefferson Avenue, Memphis, Tenn. 38103. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 126676 (Sub-No. 2 TA), filed November 19, 1969. Applicant: JERRY STEVENS, 1315 Buckeye, Coffeyville, Kans. 67337. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green hides*, from Coffeyville, Kans., and Pittsburg, Kans., to Springfield, Mo., return from Springfield, Mo. to Coffeyville, Kans., for 180 days. NOTE: Applicant has been hauling green hides to Joplin, Mo., the shipper is changing operations so hides must now be transported to Springfield, Mo. Supporting shipper: E. W. Biggs & Co., 405 North Washington, Springfield, Mo. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128075 (Sub-No. 8 TA), filed November 19, 1969. Applicant: LEON JOHNSRUD, 757 Second Street West, Cresco, Iowa 52136. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from points in Mille Lacs, Houston and Wabasha Counties, Minn., and points in Buffalo, Crawford, and La Crosse Counties, Wis., to Chester, Iowa, for 150 days. Supporting shipper: J. R. Inc., Chester, Iowa 52134. Send protests to: District Supervisor, Chas. C. Biggers, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 134138 (Sub-No. 1 TA) (Correction), filed November 5, 1969, published FEDERAL REGISTER, issue of November 15, 1969, and republished as corrected this issue. Applicant: ALVIN B. HARRISON, JR., doing business as LAND-AIR FREIGHT, 1420 Southland Avenue, Oshkosh, Wis. 54901. Applicant's representative: Russell F. Williams, Post Office Box 1067, 504 Algoma Boulevard, Oshkosh, Wis. 54901. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to operations moving on airbills of lading, and having prior or subsequent movement by air, between Wittman Field, Oshkosh, Wis., and Mitchell Field, Milwaukee, Wis., from Oshkosh over U.S. Highway 41 to junction U.S. Highway 45 and Wisconsin Highway 100, thence over U.S. Highway 45 and Wisconsin Highway 100, to junction Interstate Highway 94, and thence over Interstate Highway 94 to Layton Avenue, thence over Layton Avenue to Howell Avenue, and thence over Howell Avenue to Mitchell Field, serving no intermediate points. Return from Mitchell Field over Howell Avenue to junction Layton Avenue, thence over Layton Avenue to junction Interstate Highway 894, thence over Interstate Highway 894 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Oshkosh, serving no intermediate points, for 150 days. NOTE: The purpose of this republication is to set forth the regular route proposed, inadvertently omitted from previous publication. Supporting shipper: North Central Airlines, Inc., 6201 34th Avenue South, Minneapolis, Minn. 55450 (John S. Minerick, Manager, Cargo Administration). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

MOTOR CARRIER OF PASSENGERS

No. MC 39491 (Sub-No. 12 TA), filed November 7, 1969. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers; (1) between junction U.S. Highway 13 and Pennsylvania Highway 63 in Bensalem Township, Pa., and Liberty Bell Park Race Track, Philadelphia, Pa., serving no intermediate points; from junction U.S. Highway 13 and Pennsylvania Highway 63 over Pennsylvania Highway 63 to the Bucks County-Philadelphia boundary lines and thence over Philadelphia city streets to Liberty Bell Park Race Track, and return over the same route; (2) between New York, N.Y. and the New Jersey Turnpike at or about, Exit No. 16, serving no intermediate points; (a) from New York, N.Y. over the George Washington Bridge to U.S. Highway 46 thence over U.S. Highway 46 to the New Jersey Turnpike and thence to a point on the New Jersey Turnpike at or about Exit No. 16, and return over the same route; (b) from New York, N.Y. through the Lincoln Tunnel to the roadway between Exit 16 of the New Jersey Turnpike and the entrance to the Lincoln Tunnel, thence over said roadway to the New Jersey Turnpike at Exit 16, and return over the same route, for 150 days. NOTE: The aforementioned regular routes are to be tacked to applicant's existing regular route authorized in MC 39491, and restricted to the transportation of passengers to and from Liberty Bell Park Race Track, Philadelphia, Pa. Supporting shippers: There are approximately 59 names of passengers on file at the Newark, N.J., field office named below; or copies thereof which may be examined at the Commission's offices in Washington, D.C. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14176; Filed, Nov. 28, 1969; 8:47 a.m.]

FEDERAL REGISTER

VOLUME 34 • NUMBER 230

Tuesday, December 2, 1969 • Washington, D.C.

PART II

Administrative Committee of the Federal Register

Federal Register Regulations



No. 230—Pt. II——1

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

REPUBLICATION OF CHAPTER, AS AMENDED

The regulations of the Administrative Committee of the Federal Register contained in Chapter I of Title 1, Code of Federal Regulations, are hereby republished by order of the Committee. The regulations are republished to conform authority citations and internal references to title 5 and title 44 of the United States Code, as enacted into positive law. In addition, minor changes have been made to reflect relocation of the Office of the Federal Register and to bring other informational matters up to date.

The republication as set forth below contains no substantive changes.

Subchapter A—General

Part
1 General information.
2 Services to the public.
3 Services to Federal agencies.
4 Agency representatives.

Subchapter B—Presidential Proclamations and Executive Orders

7 Preparation, presentation, filing, and publication of Executive orders and proclamations.

Subchapter C—The Federal Register

10 General.
11 Mandatory, authorized, and prohibited publication.
12 Publication schedules.
13 Order of arrangement in the FEDERAL REGISTER.
14 Indexes and ancillaries.
15 Distribution of FEDERAL REGISTER.
16 Preparation and transmittal of documents generally.
17 Preparation of documents subject to codification.
18 Preparation of notices and rule making proposals.
20 Incorporation by reference.

Subchapter D—Special Editions of the Federal Register

30 Code of Federal Regulations.
31 U.S. Government Organization Manual.
32 Presidential papers.

Subchapter E—Definitions

40 Meaning of terms in this chapter.

SUBCHAPTER A—GENERAL

PART 1—GENERAL INFORMATION

Sec.

1.0 Scope and purpose.
1.1 Administrative Committee of the Federal Register.
1.2 Office of the Federal Register; location, hours.
1.3 General authority of Director, Office of the Federal Register.
1.4 Publication of statutes, rules, and related documents.
1.5 Availability of Federal Register publications.

AUTHORITY: The provisions of this Part 1 issued under 44 U.S.C. 1506, Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 1.0 Scope and purpose.

This chapter sets forth the procedures, policies, determinations, and delegations whereby the Administrative Committee of the Federal Register carries out its general responsibilities under the Federal Register Act (44 U.S.C. Ch. 15). One of the primary purposes of this chapter is to inform the public of the nature and uses of Federal Register publications. Interested persons should consider not only the provisions of this part and Part 2 of this subchapter but also should read related provisions directed principally to the agencies of the Federal Government. These latter provisions develop details and assist the user in taking full advantage of the protection and services afforded under the Federal Register Act.

§ 1.1 Administrative Committee of the Federal Register.

The Administrative Committee of the Federal Register, established by 44 U.S.C. 1506, consists of the Archivist or Acting Archivist of the United States, who is chairman of the Committee, an officer of the Department of Justice, designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Office of the Federal Register serves as secretary of the Committee. All materials required by law to be filed with the Committee, and all correspondence, inquiries, and other communications intended for the Committee shall be directed to the Director at the Office of the Federal Register.

§ 1.2 Office of the Federal Register; location, hours.

The Office of the Federal Register is a component of the National Archives and Records Service of the General Services Administration. The Office is located at 633 Indiana Avenue NW., Washington, D.C. Office hours are from 8:45 a.m. to 5:15 p.m., Monday through Friday except official Federal holidays.

§ 1.3 General authority of Director, Office of the Federal Register.

The Director is authorized to administer generally the provisions of this chapter, the related provisions of the Federal Register Act, and the pertinent provisions of acts and rules contemplated by 44 U.S.C. 1505.

§ 1.4 Publication of statutes, rules, and related documents.

The Office of the Federal Register is responsible for the central filing of the original acts comprising the laws enacted by the Congress, and the original documents comprising the public rules and notices issued pursuant to those laws by the executive branch of the United States Government. From these original acts and documents, the Office publishes the *slip laws*, the *United States Statutes at Large*, the daily FEDERAL REGISTER, and the *Code of Federal Regulations*. From related official source material, the Office also publishes the *United States Government Organization Manual*, the *Public Papers of the Presidents of the United States*, and the *Weekly Compilation of Presidential Documents*.

§ 1.5 Availability of Federal Register publications.

The publications described in § 1.4 are printed by the Government Printing Office and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. These publications are not available for free distribution to members of the public at large (see § 2.5 of this chapter).

PART 2—SERVICES TO THE PUBLIC

Sec.

2.1 Inquiries and correspondence.
2.2 Information service.
2.3 Public inspection of documents.
2.4 Reproductions and certified copies of acts and documents.
2.5 Subscription and sale of publications.

AUTHORITY: The provisions of this Part 2 issued under 44 U.S.C. 1506, Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 2.1 Inquiries and correspondence.

Inquiries and other correspondence should be addressed to the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

§ 2.2 Information service.

Information concerning the publications described in § 1.4 of this chapter and concerning the original acts and documents filed with the Office of the Federal Register will be given freely by the Office on request, unless the time required to provide that information would be excessive. Staff members of the Office will not undertake to summarize or interpret substantive text of any law or document.

§ 2.3 Public inspection of documents.

Current documents filed with the Office pursuant to law are open to public inspection in the Office of the Federal Register, Room 405, 633 Indiana Avenue NW., Washington D.C., during the working day. There are no formal inspection requirements or procedures. Manual, typewritten, or other copies of excerpts may be made freely at the inspection desk.

§ 2.4 Reproductions and certified copies of acts and documents.

The furnishing of reproductions of acts and documents and the preparation and attachment of authentication certificates are governed by the rules covering the public use of records in the National Archives (41 CFR Part 105–61). In general, the rules provide for the advance payment of appropriate fees for reproduction services and for certifying reproductions.

§ 2.5 Subscription and sale of publications.

Federal Register publications are available through subscription or sale to members of the public at large. Provisions governing subscription and sale are as follows:

(a) *Slip laws.* See section 709, title 44 of the United States Code.

NOTE: Orders for individual copies of public slip law prints or annual subscription to such prints are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(b) *U.S. Statutes at Large.* See section 728, title 44 of the United States Code.

NOTE: Orders are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Price of volume varies with each session of Congress.

(c) *Federal Register.* See §§ 15.10 and 15.11 of this chapter.

(d) *Code of Federal Regulations.* See §§ 30.16 and 30.17 of this chapter.

(e) *U.S. Government Organization Manual.* See § 31.28 of this chapter.

(f) *Public Papers of the Presidents of the United States.* See § 32.22 of this chapter.

(g) *Weekly Compilation of Presidential Documents.* See § 32.50 of this chapter.

PART 3—SERVICES TO FEDERAL AGENCIES

Subpart A—General

3.1 General cooperation.
3.2 Information service.
3.3 Submission of documents.
3.4 Informal staff assistance.
3.5 Reproductions and certified copies of acts and documents.
3.6 Official subscriptions and requisitions of Federal Register publications.

Subpart B—Special Assistance

3.10 Information on document drafting and publication assistance.
3.11 Programs of technical instruction.

Subpart C—Supplementary Printing and Editorial Services

3.15 Purpose.
3.16 Use of Federal Register standing type.
3.17 Overruns of Federal Register publications.
3.18 Special editorial service.
3.19 Supplementary loose-leaf services.

AUTHORITY: The provisions of this Part 3 issued under 44 U.S.C. 1506, Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

Subpart A—General

§ 3.1 General cooperation.

The Director stands ready to cooperate fully with all agencies having business with the Office in order to assist such agencies in complying with pertinent publication laws and to assure efficient public service in the promulgation of administrative documents having the effect of law or of legal notice.

§ 3.2 Information service.

The Office of the Federal Register stands ready to answer all appropriate inquiries presented in person, by telephone, or in writing. All written communications and all matters involving classified material or involving the Administrative Committee should be presented to the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

§ 3.3 Submission of documents.

Documents authorized or required by law to be filed with the Office or published in the FEDERAL REGISTER or filed with the Administrative Committee shall be presented to the Director.

§ 3.4 Informal staff assistance.

The Office of the Federal Register is prepared to give informal assistance and advice to officials of the various agencies with respect to general or specific problems of rule drafting, rule making procedures, and promulgation practices.

§ 3.5 Reproductions and certified copies of acts and documents.

Reproductions or certified copies of original acts and documents filed with the Office which are required for official use ordinarily will be furnished by the Director on request without charge. In cases involving voluminous material or numerous copies, the requesting agency may be required to reimburse the cost of reproduction.

§ 3.6 Official subscriptions and requisitions of Federal Register publications.

The availability for official use of the Federal Register publications described in § 1.4 of this chapter varies with the nature of each publication. Provisions governing official distribution are as follows:

(a) *Slip laws.* See section 709, title 44 of the United States Code.

NOTE: Single copies may be obtained from the House or Senate Document Room, United States Congress. Quantity overruns of one or all of the slip laws may be obtained by timely submission of a requisition (Standard Form 1) to the Government Printing Office, Washington, D.C. 20402.

(b) *U.S. Statutes at Large.* See section 728, title 44 of the United States Code.

NOTE: Written request for official copies should be directed to the Joint Committee on Printing, United States Capitol, Washington, D.C. 20510.

(c) *Federal Register.* See §§ 15.3 to 15.8 of this chapter.

(d) *Code of Federal Regulations.* See §§ 30.12 to 30.15 of this chapter.

(e) *U.S. Government Organization Manual.* See §§ 31.21 to 31.26 of this chapter.

(f) *Public Papers of the Presidents of the United States.* See §§ 32.15 to 32.19 of this chapter.

(g) *Weekly Compilation of Presidential Documents.* See § 32.40 of this chapter.

Subpart B—Special Assistance

§ 3.10 Information on document drafting and publication assistance.

The Director is authorized to prepare and distribute to agencies information and instructions designed to promote effective compliance with the purposes of the Federal Register Act, related statutes, and the rules prescribed in this chapter.

§ 3.11 Programs of technical instruction.

The Director is authorized to develop and conduct programs of technical instruction for the benefit of agencies. Programs shall be designed to explain and supplement the written materials distributed pursuant to § 3.10.

Subpart C—Supplementary Printing and Editorial Services

§ 3.15 Purpose.

The Director is authorized to provide special services to agencies to promote efficiency and economy through the use of printing and editorial facilities developed in editing and publishing the FEDERAL REGISTER and the Code of Federal Regulations.

§ 3.16 Use of Federal Register standing type.

Type used in printing the FEDERAL REGISTER is normally available for reuse by agencies in making reprints on their own requisition. Printing and binding requisitions (Standard Form 1) shall be submitted to the Office for forwarding to the Government Printing Office.

§ 3.17 Overruns of Federal Register publications.

To meet requirements for special distribution in substantial quantity, agencies may requisition overruns of any Federal Register publication by the timely submission of a printing and binding requisition (Standard Form 1) to the Government Printing Office. Detailed information regarding quantity overruns of each specific publication is provided in this chapter under § 3.6 (slip laws, U.S. Statutes at Large); §§ 15.6 and 15.7 (FEDERAL REGISTER); § 30.15 (Code of Federal Regulations); § 31.25 (U.S. Government Organization Manual); § 32.18 (Public Papers of the Presidents of the United States); and § 32.40 (Weekly Compilation of Presidential Documents).

§ 3.18 Special editorial service.

The Office is prepared to compile and collate Code units as of a given date in order to assist the issuing agency in preparing a document for publication in the FEDERAL REGISTER. Requests for this service may be made to the Office informally.

§ 3.19 Supplementary loose-leaf services.

The Director is authorized to cooperate with agencies in developing supplementary loose-leaf services covering special areas in which the need is sufficient to justify any added costs.

PART 4—AGENCY REPRESENTATIVES

Sec.

4.1 Designation.
4.2 Notification of designation.
4.3 Liaison duties.
4.4 Certifying duties.
4.5 Authorizing duties.

AUTHORITY: The provisions of this Part 4 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 4.1 Designation.

Each agency shall designate representatives to serve in the following-described capacities in relation to the Office of the Federal Register:

Liaison officer and alternate.
Certifying officer and alternate.
Authorizing officer and alternate.

§ 4.2 Notification of designation.

Every agency shall notify the Director in writing of the name, title, address, and telephone extension of each agency representative designated in compliance with § 4.1. Whenever a change in representation is made by an agency, prompt notification thereof shall be given in writing to the Director.

§ 4.3 Liaison duties.

The liaison officer shall represent his agency in all matters relating to the submission of documents to the Office and respecting general compliance with the provisions of this chapter. He also shall be responsible for the effective distribution and use within his agency of Federal Register information on document drafting and publication assistance authorized by § 3.10 of this chapter, and for promoting his agency's participation in the programs of technical instruction authorized by § 3.11 of this chapter. Additional liaison duties, with respect to the U.S. Government Organization Manual, are described in § 31.12 of this chapter.

§ 4.4 Certifying duties.

The certifying officer shall be responsible for the attachment of the required number of true copies to all original documents submitted by his agency to the Office and for affixing his certification, as provided by §§ 16.6 and 16.7 of this chapter.

§ 4.5 Authorizing duties.

The authorizing officer shall be responsible for furnishing the Director with a current mailing list of individuals or offices authorized under the provisions of this chapter to receive for official use the FEDERAL REGISTER, the Code of Federal Regulations, and the Weekly Compilation of Presidential Documents.

SUBCHAPTER B—PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS

PART 7—PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

Sec.
7.1 Form.
7.2 Routing and approval of drafts.
7.3 Routing and certification of originals and copies.
7.4 Proclamations calling for the observance of special days or events.
7.5 Proclamations of treaties excluded.
7.6 Definition.

NOTE: The provisions of this Part 7 are derived from sections 1 to 6 of Executive Order 11030, 27 F.R. 5847, 3 CFR, 1959–1963 Comp. p. 3 and E.O. 11354, 32 F.R. 7695, 1967 Comp., p. 288.

CROSS REFERENCE: For provisions respecting publication of Presidential documents in the Code of Federal Regulations, see § 30.8 of this chapter.

§ 7.1 Form.

Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the United States Government Printing Office Style Manual.

(d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by section 2 of the act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 13 inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced except that quotations, tabulations, and descriptions of land may be single-spaced.

(g) Proclamations issued by the President shall conclude with the following-described recitation:

IN WITNESS WHEREOF, I have hereunto set my hand this ------ day of ----------, in the year of our Lord ----------, and of the Independence of the United States of America the ----------.

§ 7.2 Routing and approval of drafts.

(a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Bureau of the Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Bureau of the Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration: *Provided*, That in cases involving sufficient urgency the Attorney General may transmit it directly to the President: *And provided further*, That the authority vested in the Attorney General by this section may be delegated by him, in whole or in part, to the Deputy Attorney General, Solicitor General, or to such Assistant Attorney General as he may designate.

(d) After determining that the proposed Executive order or proclamation conforms to the requirements of § 7.1 and is free from typographical or clerical error, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.

(e) If the proposed Executive order or proclamation is disapproved by the Director of the Bureau of the Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

§ 7.3 Routing and certification of originals and copies.

(a) If the order or proclamation is signed by the President, the original and two copies shall be forwarded to the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in paragraph (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: "Certified to be a true copy of the original."

§ 7.4 Proclamations calling for the observance of special days or events.

Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events shall be assigned by the Director of the Bureau of the Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least 60 days before the date of the specified observance.

§ 7.5 Proclamations of treaties excluded.

Consonant with the provisions of the Federal Register Act (44 U.S.C. 1511), nothing in this order shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

§ 7.6 Definition.

The term "Presidential proclamations and Executive orders," as used in the Federal Register Act (44 U.S.C. 1505(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

SUBCHAPTER C—THE FEDERAL REGISTER

PART 10—GENERAL

Sec.
10.1 Publication policy.
10.2 Daily publication.
10.3 Keying to Code of Federal Regulations.
10.4 Form of citation.
10.5 Unrestricted use.

AUTHORITY: The provisions of this Part 10 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 10.1 Publication policy.

(a) Pursuant to the act and the provisions of this chapter, the Office shall maintain a serial publication designated as the "FEDERAL REGISTER." It is the intent of the Administrative Committee that documents required or authorized to be filed for publication shall be published in the FEDERAL REGISTER as promptly as possible within limitations imposed by considerations of accuracy, usability, and reasonable costs.

(b) In prescribing rules governing headings, preambles, effective dates, authority citations, and similar matters of form, the Administrative Committee does not intend such rules to be construed as bearing on the validity of any document which is, in fact, filed and published under law.

§ 10.2 Daily publication.

The FEDERAL REGISTER shall be published daily Tuesday through Saturday. There shall be no publication on Sunday, Monday, or on the day after an official Federal holiday.

§ 10.3 Keying to Code of Federal Regulations.

Documents subject to codification, published in the daily issues of the FEDERAL REGISTER, shall be keyed to the Code of Federal Regulations and shall serve as daily supplements thereto.

§ 10.4 Form of citation.

Without prejudice to any other mode of citation, the contents of the FEDERAL REGISTER may be cited by volume and page number. The approved short form of citation to the FEDERAL REGISTER is "F.R." Thus "29 F.R. 3820" refers to material beginning on page 3820 of volume 29 of the daily issues.

§ 10.5 Unrestricted use.

There are no restrictions on the reproduction or republication of materials appearing in the FEDERAL REGISTER.

PART 11—MANDATORY, AUTHORIZED, AND PROHIBITED PUBLICATION

MANDATORY
11.1 Proclamations, Executive orders, and other Presidential documents.
11.2 Documents having general applicability and legal effect.
11.3 Classes created by act of Congress.

AUTHORIZED
11.5 Documents of public interest.

EXPIRATION NOTICES
11.7 Notification of expiration of codified material.

CORRECTION OF ERRORS
11.10 Errors in documents.
11.11 Errors in printing.

UNAUTHORIZED OR PROHIBITED
11.20 Comments and news items.
11.21 International agreements.
11.22 Papers other than documents.

AUTHORITY: The provisions of this Part 11 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

MANDATORY

§ 11.1 Proclamations, Executive orders, and other Presidential documents.

All Presidential proclamations and Executive orders in the numbered series, and all other documents which the President submits for publication or orders to be published, are filed with the Office and published in the FEDERAL REGISTER.

§ 11.2 Documents having general applicability and legal effect.

Every document issued under proper authority prescribing a penalty or a course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, the members of a class, or the persons of a locality, as distinguished from named individuals or organizations, is hereby determined to have general applicability and legal effect. Such documents shall be filed with the Office and published in the FEDERAL REGISTER.

§ 11.3 Classes created by act of Congress.

Documents or classes of documents required to be published by act of Congress shall be filed with the Office and published in the FEDERAL REGISTER.

AUTHORIZED

§ 11.5 Documents of public interest.

Other documents which in the opinion of the Director are of sufficient public interest to warrant such publication may be filed with the Office and published in the FEDERAL REGISTER.

EXPIRATION NOTICES

§ 11.7 Notification of expiration of codified material.

(a) Whenever a document subject to codification expires after a specified period by its own terms or by statutory provision, notification by document of the actual expiration date should be submitted for publication in the FEDERAL REGISTER.

(b) If the preparation of such a document is not expedient, the responsible agency shall provide the Director with timely notification in writing that the document is no longer in effect, citing the pertinent terms.

CORRECTION OF ERRORS

§ 11.10 Errors in documents.

After a document has been formally filed for public inspection and publication, errors in the substantive text thereof may be corrected only by the formal filing and publication of another document effecting the correction.

§ 11.11 Errors in printing.

Typographical or clerical errors made in the printing of the FEDERAL REGISTER shall be corrected by the insertion of an appropriate notation or by a reprinting in the FEDERAL REGISTER published without further agency documentation: *Provided*, That the Director determines that the error (1) tends to confuse or mislead the reader, or (2) would affect text subject to codification.

UNAUTHORIZED OR PROHIBITED

§ 11.20 Comments and news items.

The act prohibits the publication in the FEDERAL REGISTER of comments or news items of any character whatsoever (44 U.S.C. 1505(b)).

§ 11.21 International agreements.

The act does not apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President (44 U.S.C. 1511).

NOTE: The materials described in § 11.21 are published by the Secretary of State pursuant to 1 U.S.C. 112a.

§ 11.22 Papers other than documents.

The act authorizes and requires the publication of certain "documents," as that term is defined in 44 U.S.C. 1501, and does not authorize or require the publication of papers that do not come within that definition.

PART 12—PUBLICATION SCHEDULES

Sec.
12.1 Publication schedules.
12.2 Receipt and processing.
12.3 Filing for public inspection.

EMERGENCY SCHEDULE
12.5 Procedure for Schedule 1.
12.6 Criteria for Schedule 1.
12.7 Timing.
12.8 Transmittal from distant points.

REGULAR SCHEDULE
12.11 Procedure for Schedule 2.
12.12 Timing.

SPECIAL SCHEDULE
12.15 Procedure for Schedule 3.
12.16 Criteria for Schedule 3.
12.17 Timing.

AUTHORITY: The provisions of this Part 12 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 12.1 Publication schedules.

Documents properly submitted for publication in the FEDERAL REGISTER shall be immediately assigned by the Office to one of the following publication schedules:

Schedule 1—Emergency.
Schedule 2—Regular.
Schedule 3—Special.

§ 12.2 Receipt and processing.

Documents shall be received during a working day. Upon receipt, documents shall be held for confidential processing until filed for public inspection.

§ 12.3 Filing for public inspection.

Documents shall be filed for public inspection on the working day preceding the publication day thereof. The Office

shall place upon the original and certified copies of all documents a notation of the day and hour when they are filed and made available for public inspection. (See § 16.6 of this chapter.)

EMERGENCY SCHEDULE

§ 12.5 Procedure for Schedule 1.

A document shall be assigned to "Schedule 1—Emergency" upon specific request of the issuing agency and agreement thereto by the Director. Requests may be made by letter of transmittal or otherwise, as time permits. Confirmation of the assignment shall be made as promptly as possible.

§ 12.6 Criteria for Schedule 1.

Schedule 1 is designed to provide the fastest possible publication of a document involving the prevention, alleviation, control, or relief of an emergency situation. Requests for such publication should briefly describe the emergency and the benefits attributable to immediate publication in the FEDERAL REGISTER. Assignments to Schedule 1 shall be allowed whenever feasible.

§ 12.7 Timing.

Documents received by the Office before noon and assigned to Schedule 1 shall be published in the daily issue next following. Whenever such documents are received in the afternoon, they shall be published as soon thereafter as practicable.

§ 12.8 Transmittal from distant points.

The text of a Schedule 1 document may be transmitted from a distant field installation to its Washington office by telecommunication. Certified transcriptions thereof may be filed forthwith, in advance of receipt of the original document. The original document must then be filed at the earliest possible time. In such cases, the publication date under Schedule 1 shall be based on receipt by the Office of the certified transcribed copies. (See § 16.1(c) of this chapter.)

REGULAR SCHEDULE

§ 12.11 Procedure for Schedule 2.

In the absence of special arrangement with the issuing agency, documents shall be assigned to Schedule 2 for regular publication. Receipt in the ordinary course of business shall be considered as a request for such publication.

§ 12.12 Timing.

Documents assigned to Schedule 2 shall be held for confidential processing, including typesetting, for one full working day after receipt, shall be filed by the Office for public inspection on the next working day, and shall be published on the publication day next following the day of filing. Thus the regular schedule of publication shall be as follows:

Received	*Filed*	*Published*
Monday	Wednesday	Thursday.
Tuesday	Thursday	Friday.
Wednesday	Friday	Saturday.
Thursday	Monday	Tuesday.
Friday	Tuesday	Wednesday.

SPECIAL SCHEDULE

§ 12.15 Procedure for Schedule 3.

(a) Documents received in the ordinary course of business may be assigned to Schedule 3 by the Director, who shall cause the liaison officer concerned to be immediately notified of the assignment and the reasons therefor.

(b) Documents that are the subject of agreements involving special editorial or publication services may be placed in Schedule 3 by prearrangement.

§ 12.16 Criteria for Schedule 3.

Except by prearrangement, documents may be assigned to Schedule 3 only because of technical problems requiring additional time to prepare material for the press. Such requirement for additional time generally may be obviated through advance consultation with the Office respecting unusual tabulations, illustrations, or exceptionally voluminous submissions.

§ 12.17 Timing.

(a) Except as provided in paragraph (b) of this section, documents assigned to Schedule 3 because of technical problems shall be published as nearly on regular schedule as practicable.

(b) Documents assigned to Schedule 3 by prearrangement shall be published on the date agreed upon, without regard to the regular schedule.

PART 13—ORDER OF ARRANGEMENT IN THE FEDERAL REGISTER

Sec.
13.1 General.
13.2 The President.
13.3 Rules and Regulations.
13.4 Proposed Rule Making.
13.5 Notices.

AUTHORITY: The provisions of this Part 13 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 13.1 General.

Documents published in the FEDERAL REGISTER shall be arranged under four principal headings in the following order:

The President.
Rules and Regulations.
Proposed Rule Making.
Notices.

§ 13.2 The President.

There shall be published under this heading all Executive orders and proclamations in the numbered series, and all other Presidential documents which the President submits for publication or orders to be published.

§ 13.3 Rules and Regulations.

There shall be published under this heading all other documents subject to codification.

§ 13.4 Proposed Rule Making.

There shall be published under this heading all general notices of proposed rule making submitted pursuant to the Administration Procedure Act (5 U.S.C. 553) or pursuant to the provisions of any other act, and similar notices voluntarily undertaken by the issuing agency.

§ 13.5 Notices.

There shall be published under this heading all documents not falling within the provisions of §§ 13.2 to 13.4. These documents include:

(a) Miscellaneous documents not subject to codification.

(b) Notices of hearings that are not included under proposed rule making.

(c) Documents which in the opinion of the Director are of sufficient public interest to warrant publication. (See § 11.5 of this chapter.)

PART 14—INDEXES AND ANCILLARIES

SUBJECT INDEXES

Sec.
14.1 Daily contents.
14.2 Analytical subject indexes.

NUMERICAL FINDING AIDS

14.5 Daily lists of parts affected.
14.6 Monthly lists of sections affected.

SPECIAL DIGESTS AND GUIDES

14.9 Index-digests and guides.

AUTHORITY: The provisions of this Part 14 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

SUBJECT INDEXES

§ 14.1 Daily contents.

The contents of each FEDERAL REGISTER shall be appropriately indexed under the names of the issuing agencies.

§ 14.2 Analytical subject indexes.

Analytical subject indexes covering the contents of the FEDERAL REGISTER shall be separately published as currently as practicable, and shall be cumulated and separately published at least once each calendar year.

NUMERICAL FINDING AIDS

§ 14.5 Daily lists of parts affected.

Each daily issue shall carry a numerical list of the parts of the Code expressly affected by documents published in that issue. Beginning with the second issue of the month, each daily issue shall also carry a cumulated list of the parts affected by documents published during that month.

§ 14.6 Monthly lists of sections affected.

Monthly lists of sections affected shall be separately published on a cumulative basis during each calendar year. They shall contain a cumulative numerical list of the sections of the Code expressly affected by documents published in the FEDERAL REGISTER during the period covered.

SPECIAL DIGESTS AND GUIDES

§ 14.9 Index-digests and guides.

(a) Index-digests and similar guides, based on laws, Presidential documents, regulations, and notice materials published by the Office, and serving an appropriate need for users of the FEDERAL REGISTER, may be prepared and published annually or at such intervals as may be necessary to keep them current and useful.

(b) Such digests and guides shall be considered special editions of the FEDERAL REGISTER whenever the public need requires special imposition or special binding in substantial numbers.

PART 15—DISTRIBUTION OF FEDERAL REGISTER

Sec.
15.1 General.

OFFICIAL DISTRIBUTION

15.3 The Congress.
15.4 Judicial branch.
15.5 Executive agencies.
15.6 Requisitions for quantity overruns of specific issues.
15.7 Requisitions for quantity overruns of separate Part II issues.
15.8 Extra copies.

PUBLIC SALE

15.10 Monthly or annual subscription.
15.11 Individual copies.

AUTHORITY: The provisions of this Part 15 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 15.1 General.

The Government Printing Office shall make distribution of the FEDERAL REGISTER by delivery or by deposit at a post office at or before 9:00 a.m. of the publication day.

OFFICIAL DISTRIBUTION

§ 15.3 The Congress.

Members of the Congress shall be entitled to a maximum of 5 copies daily.

§ 15.4 Judicial branch.

(a) *Supreme Court.* The FEDERAL REGISTER shall be furnished without charge to the United States Supreme Court in such numbers as are needed for official use.

(b) *Other courts.* The FEDERAL REGISTER shall be furnished without charge to the other constitutional courts and the legislative courts of the United States in such numbers as are needed for official use. The Director of the Administrative Office of the United States Courts or his delegate shall submit written authorizations to the Director of the Federal Register specifying the quantities so required.

§ 15.5 Executive agencies.

The FEDERAL REGISTER shall be furnished without charge to officers and employees of the United States in such numbers as are needed for official use. Requests for placement on the FEDERAL REGISTER mailing list shall be made, in writing, to the Director by the person in the agency concerned who is authorized under §§ 4.1 and 4.5 of this chapter to list offices and employees who need to receive the FEDERAL REGISTER for official use.

§ 15.6 Requisitions for quantity overruns of specific issues.

To meet requirements for special distribution of the FEDERAL REGISTER in substantial quantity, agencies may request an overrun of a specific issue. Advance printing and binding requisitions (Standard Form 1), submitted by the agency directly to the Government Printing Office, must be received no later than 12 noon of the day before publication.

§ 15.7 Requisitions for quantity overruns of separate Part II issues.

Whenever copies in substantial quantity are required of a document estimated to fill at least sixteen FEDERAL REGISTER pages (approximately 80 or more typewritten double-spaced pages), such document may be published as a separate Part II of the FEDERAL REGISTER. Advance arrangements for this service must be made with the Office of the Federal Register. Copies of any such Part II may then be obtained by following the procedure described in § 15.6.

§ 15.8 Extra copies.

Requests for limited quantities of extra copies of a particular issue of the FEDERAL REGISTER for official use must be addressed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Extra copies must be paid for by the agency or official requesting them.

PUBLIC SALE

§ 15.10 Monthly or annual subscription.

The daily issues of the FEDERAL REGISTER shall be furnished to subscribers on a monthly or an annual basis, at a price determined by the Administrative Committee. The subscription price must be paid in advance to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 15.11 Individual copies.

Limited quantities of current or recent copies may be obtained from the Superintendent of Documents at a price determined by him.

PART 16—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

ORIGINAL AND COPIES

Sec.
16.1 Original and copies required.
16.2 Letters of transmittal.
16.3 Letter form.
16.4 Typewritten originals.
16.5 Printed or processed documents.
16.6 Certified copies.
16.7 Form of certification.
16.8 Signature.
16.9 Seal.

STYLE

16.15 Punctuation, capitalization, orthography.
16.16 Geographic names.
16.17 Descriptions of tracts of land.

ILLUSTRATIONS, TABULAR MATERIAL, AND FORMS

16.20 Illustrations and tabular material.
16.21 Forms.

AUTHORITY: The provisions of this Part 16 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For preparation of Presidential proclamations and Executive orders, see Subchapter B of this chapter.

ORIGINAL AND COPIES

§ 16.1 Original and copies required.

(a) Ordinarily an original and two duplicate originals or certified copies of all documents required or authorized to be published in the FEDERAL REGISTER shall be submitted to the Office.

(b) Agencies submitting documents printed or processed on both sides shall furnish, in addition to an original, three duplicate originals or certified copies.

(c) In the case of documents issued outside the District of Columbia, certified text may be submitted in lieu of the original (see § 12.8 of this chapter). The certified text must be replaced by the original document as soon as possible for filing as required by the Federal Register Act (44 U.S.C. 1503).

§ 16.2 Letters of transmittal.

Letters of transmittal are not required, but should be used whenever special handling or treatment is desired. (See Part 12 of this chapter.)

§ 16.3 Letter form.

The Code of Federal Regulations should never be amended by an instrument in the form of a letter. In fact, a letter is not an appropriate form for any document prepared for publication in the Rules and Regulations, Proposed Rule Making, or Notices portions of the FEDERAL REGISTER.

§ 16.4 Typewritten originals.

In general, documents shall be typewritten on white bond paper approximately 8 by 10½ inches, shall have a left-hand margin of approximately 1½ inches, and a right-hand margin of approximately 1 inch, and shall be double-spaced.

§ 16.5 Printed or processed documents.

Printed or processed documents may be accepted for filing and publication. The submitting agency shall obtain the prior approval of the Director respecting the suitability of such submission as an archival original and as printer's copy. Under no circumstances shall photostatic copies be accepted as original documents.

§ 16.6 Certified copies.

The certified copies or duplicate originals required under § 16.1 shall be attached to the original of all documents. All copies shall be entirely clear and legible. Copies of typewritten originals shall consist of either positive photostats on paper of a matte surface, electrostatic copies, or the first two carbon copies of the ribbon original. The time of filing and publication shall be governed by the time when clear and legible copies are submitted.

§ 16.7 Form of certification.

The copies of all documents required or authorized to be filed with the Office, except documents issued by the President, shall be certified substantially as follows: "Certified to be a true copy of the original". Each such certification shall be signed by a certifying officer

designated pursuant to § 4.1 of this chapter.

§ 16.8 Signature.

All original and duplicate original documents shall be signed in ink. Initials and impressed signatures shall not be acceptable. The name and title of the official signing the document shall be typed beneath his signature.

§ 16.9 Seal.

Affixation of a seal to original documents or certified copies is optional with the issuing agency.

STYLE

§ 16.15 Punctuation, capitalization, orthography.

Punctuation, capitalization, orthography, and other matters of style shall conform in general to the most recent edition of the United States Government Printing Office Style Manual.

§ 16.16 Geographic names.

The spelling of geographic names shall conform to the most recent official decisions of the Board on Geographic Names established pursuant to the act of July 25, 1947 (61 Stat. 456; 43 U.S.C. 364a).

§ 16.17 Descriptions of tracts of land.

Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

ILLUSTRATIONS, TABULAR MATERIAL, AND FORMS

§ 16.20 Illustrations and tabular material.

Whenever possible documents should be so drafted as to make the inclusion of illustrations and tabular material unnecessary. If their inclusion cannot be avoided, the documents will be assigned to publication Schedule 3 (§§ 12.15–12.17), and the following provisions shall apply:

(a) *Illustrations.* The original drawings, or clear reproductions, of all maps, charts, graphs, or other illustrations shall be submitted to the Office six working days before the date on which publication is desired. A legible reproduction of the original illustration reduced to a size approximating 8 by 10½ inches, shall appear as part of the original document and the required certified copies.

(b) *Tabular material.* Tabular material comprising more than two typewritten pages shall be forwarded to the Office six working days before the date on which publication is desired.

§ 16.21 Forms.

Tabulated blank forms for application, registration, reports, contracts, and the like, and the instructions for preparing such forms ordinarily shall not be published in full. In lieu thereof there may be submitted for publication a simple statement describing the function of the form and indicating the place, or places, where copies may be obtained.

PART 17—PREPARATION OF DOCUMENTS SUBJECT TO CODIFICATION

Subpart A—General Requirements

Sec.
17.1 General provisions.
17.2 Descriptions of organization.
17.3 Orderly development.

CODE STRUCTURE

17.4 Titles.
17.5 Chapters.
17.6 Parts.
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NORMAL NUMBERING

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SPECIAL NUMBERING PROBLEMS

17.20 Addition of new units between existing units.
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17.34 General requirements.
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EFFECTIVE-DATE STATEMENTS

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17.45 General requirements.
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PLACEMENT

17.50 Coverage of single section.
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17.53 Combined blanket coverage.
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17.55 Non-statutory elements.

FORM

17.60 General.
17.61 Statutory materials.
17.62 Non-statutory materials.

AUTHORITY: The provisions of this Part 17 issued under 44 U.S.C. 1506, 1510. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For preparation of Presidential proclamations and Executive orders, see Subchapter B of this chapter.

Subpart A—General Requirements

§ 17.1 General provisions.

All documents subject to codification shall be drafted as amendments to the Code of Federal Regulations and prepared in accordance with the provisions of this part and of Part 16 of this chapter before submission to the Office. Each such document shall contain a promulgation statement precisely describing the relationship of the new provisions to existing provisions of the Code.

§ 17.2 Descriptions of organization.

The Director is authorized to designate documents submitted under the Administrative Procedure Act (5 U.S.C. 552(a)(1)(A)) as "documents subject to codification" under special agreement with the issuing agency. Such agreements shall be based on a formal statement, signed by the head of the agency, to the effect that (a) publication in the Code is necessary or desirable for the effective discharge of the agency's functions or activities, and (b) publication in the Code may be discontinued by order of the Administrative Committee for failure of the agency to keep publication current.

§ 17.3 Orderly development.

For the purpose of assuring orderly development along practical lines, the Director is authorized to establish new titles in the Code and to rearrange existing titles and subordinate assignments. Before taking such actions, the Director shall consult with all agencies directly affected by a proposed change.

CODE STRUCTURE

§ 17.4 Titles.

The major divisions of the Code are titles, which bring together broadly related governmental functions.

§ 17.5 Chapters.

The normal divisions of titles are chapters, which are assigned to the various agencies within titles descriptive of the subject matter covered by the agencies' rules and regulations.

§ 17.6 Parts.

The normal divisions of chapters are parts. A part should consist of a unified body of rules or regulations applying to a specific function of the issuing agency or devoted to specific subject matter under control of the issuing agency. Parts are normally assigned to chapters as follows: Chapter I, Parts 1 to 199; Chapter II, Parts 200 to 299; Chapter III, Parts 300 to 399; etc.

§ 17.7 Sections.

The normal divisions of parts are sections. The section is the basic unit of the Code. It should consist of a short, simple presentation of one principal proposition.

§ 17.8 Subtitles.

Subtitles may be used to distinguish between material emanating from an overall office or agency and the material

issued by its various components. Subtitles may also be used to otherwise group chapters within a title.

§ 17.9 Subchapters.

Subchapters may be used to group related parts within a chapter.

§ 17.10 Subparts and undesignated center heads.

Subparts or undesignated center heads may be used to group related sections within a part. Undesignated center heads may also be used to group sections within a subpart.

NORMAL NUMBERING

§ 17.12 Titles.

Titles are numbered consecutively in Arabic throughout the Code.

§ 17.13 Chapters.

Chapters are numbered consecutively in Roman capitals throughout each title.

§ 17.14 Parts.

Parts are numbered in Arabic throughout each title.

§ 17.15 Sections.

Sections are numbered in Arabic throughout each part. A section number shall include the number of the part set off by a decimal point. Thus, the section number for section 15 within Part 17 is § 17.15.

§ 17.16 Internal divisions of sections.

Whenever internal divisions are necessary, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions, designated as follows:

Terminology:	*Illustrative symbol*
Paragraph	(a)
Subparagraph	(1)
Subdivision	(i)

§ 17.17 Subtitles, subchapters, and subparts.

Subtitles and subchapters are lettered consecutively in capitals throughout the title and the chapter respectively. Subparts may be lettered in capitals or may be undesignated.

§ 17.18 Reservation of numbers.

Where related parts or related sections are grouped under a heading as provided for in §§ 17.9 and 17.10, numbers should be reserved at the end of each group to allow for expansion.

SPECIAL NUMBERING PROBLEMS

§ 17.20 Addition of new units between existing units.

(a) If it becomes necessary to introduce a new part or section between existing parts or sections the new part or section shall be designated by the addition of a lowercase letter to the preceding part or section number. Thus, a part introduced between Parts 31 and 32 would be numbered Part 31a, and a section introduced between § 31.1 and § 31.2 would be numbered § 31.1a.

(b) If it should become necessary to introduce a paragraph between existing paragraphs, and revision of the entire section is not desirable, the new paragraph shall be designated by the addition of a hyphen and Arabic number to the letter designating the preceding paragraph. Thus, a paragraph introduced between paragraphs (a) and (b) would be numbered as paragraph (a–1).

(c) Should it become necessary to introduce a unit smaller than a paragraph between existing units, the entire paragraph should be revised.

§ 17.21 Vacated numbers.

Whenever a number is vacated by a revocation, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: [Reserved].

§ 17.22 Keying to agency numbering systems.

The keying of section numbers to make them correspond to particular numbering systems in use by the agency shall be permitted only when, in the opinion of the Director, the keying will be of benefit both to the agency and to the public. In all cases prior approval for the use of keying systems shall be obtained from the Director.

§ 17.23 Statements of general policy; interpretations.

Whenever a statement of general policy or interpretation, submitted pursuant to the Administrative Procedure Act (5 U.S.C. 552(a)(1)(D)) applies to an entire part, it should be included in, or appended to, that part. Similarly, whenever a statement of policy or interpretation applies to a specific section it should be appended to that section. Statements of policy and interpretations of broader scope should be assigned to a part or group of parts within the chapter affected.

HEADINGS

§ 17.26 Required Code headings.

(a) The title, chapter, and part heading, in that order, shall be set forth in full on separate lines at the beginning of each document. Subtitle, subchapter, and subpart headings shall also be set forth if applicable.

(b) Each section shall be given a brief descriptive heading. The section heading shall precede the text on a separate line.

§ 17.27 Additional captions.

(a) For the purpose of publication in the daily FEDERAL REGISTER, a brief caption more specifically describing the scope of a document constituting a partial amendment of the material within a part shall be provided immediately below the part heading.

(b) Agencies using regulation numbers or other identifying symbols shall place them in brackets centered immediately above the part heading.

§ 17.28 Tables of contents.

Tables of contents shall be used whenever a new part is introduced or an existing part is completely revised and whenever a group of sections is revised or added and set forth as a subpart or otherwise separately grouped under a centerhead. These tables shall precede the text of the rules or regulations and shall list the headings for the sections to which they are applicable.

§ 17.29 Composition of part headings.

A part heading should indicate briefly the general subject matter of the material appearing in the part. The use of phrases such as "Regulations under the act of July 26, 1955" or other expressions which are not descriptive of the subject matter should be avoided. Introductory expressions such as "Regulations governing" or "Rules applicable to" should not be used.

AMENDMENTS

§ 17.32 General requirements.

(a) When necessary for clarity, each amendatory document should include a brief statement of the nature and extent of the changes made.

(b) The number and heading of each section amended shall be set forth in full on a separate line.

(c) The text of each typographical unit amended shall be set forth in full as amended.

(d) Asterisks shall be used to indicate ellipsis of text retained without change. A separate line of five asterisks shall be used to indicate the ellipsis of one or more complete typographical units. A run-in line of three asterisks shall be used to indicate ellipsis of anything less than a complete typographical unit (see § 40.15 of this chapter).

REFERENCES

§ 17.34 General requirements.

All references to the Code shall be in terms of the specific titles, parts, sections, and paragraphs involved. Ambiguous references such as "herein" "above", "below", and the like shall never be used. All documents which contain reference to material published in the Code shall include the Code citation as part of such reference.

§ 17.35 References to Federal Register.

The contents of the FEDERAL REGISTER should be referred to by volume and page number. Thus material beginning on page 3820 of volume 29 should be cited: 29 F.R. 3820.

§ 17.36 References between or within titles of the Code.

Unless the meaning is otherwise precisely expressed and undue or awkward repetition would result, references should be as follows:

(a) *Between titles.* When reference is made to material codified under a title other than that in which the reference occurs, the short form of citation should be used. Thus a reference made within Title 41 to § 2.4 of Title 1 should be in the following form: 1 CFR 2.4.

(b) *Within titles.* When reference is made to material codified in the same

title, the following forms should be used:

Chapter II of this title.
Part 30 of this title.
§ 30.19 of this title.

(c) *Within chapters.* When reference is made to material codified in the same chapter, the following forms should be used:

Part 30 of this chapter.
§ 30.19 of this chapter.

(d) *Within sections.* Reference to other units within the same section should be cited as "paragraph (a) of this section" or "subparagraph (1) of this paragraph".

§ 17.37 Parallel citation of Federal Register and Code.

When appropriate, the Code and the FEDERAL REGISTER may be cited for parallel reference in the following forms:

18 CFR 157.18 (29 F.R. 4879).
§ 157.18 of this chapter (29 F.R. 4879).

§ 17.38 References to 1938 edition of Code.

Reference to the 1938 edition of the Code and supplements thereto may be made in the following forms:

1 CFR, 1938 ed., 1.1.
1 CFR, 1943, Cum. Supp., 2.1.
1 CFR, 1946 Supp., 2.1.

EFFECTIVE-DATE STATEMENTS

§ 17.41 Effective dates.

Each document subject to codification shall include a clear statement as to the date or dates on which its provisions are effective.

Subpart B—Citations of Authority

§ 17.45 General requirements.

Each section in a document subject to codification shall include, or shall be covered by, a complete citation of the rule making authority under which the provisions of the section are issued, including (a) general rule making authority delegated by statute (b) specific rule making authority, if any, delegated by statute and, (c) executive delegations, if any, necessary to link the statutory authority to the issuing agency.

§ 17.46 Agency responsibility; amendments.

The accuracy and integrity of citations of authority are the responsibility of the issuing agency. Such citations shall be formally amended by the issuing agency to reflect changes in authority.

§ 17.47 Provision for flexibility.

The Director is authorized to make exceptions to requirements respecting the placement and form of citations of authority whenever strict application of such requirements would impair the practical usefulness of such citations.

PLACEMENT

§ 17.50 Coverage of single section.

Authority covering a single section shall be cited in parentheses on a separate line immediately following the text of the section. Thus:

(Sec. 5, 80 Stat. 935; 49 U.S.C. 1654)

§ 17.51 Blanket coverage.

Authority covering a group of two or more consecutive sections shall be cited following the word "AUTHORITY" and placed as a text note immediately preceding the first section in the group. Thus:

AUTHORITY: The provisions of this Part 1 issued under sec. 5, 80 Stat. 935; 49 U.S.C. 1654.

§ 17.52 Combined blanket and separate coverage.

Whenever individual sections within a group covered by a blanket citation reflect additional authority, a combined form shall be used: Thus:

AUTHORITY: The provisions of this Part 7 issued under sec. 5, 80 Stat. 935; 49 U.S.C. 1654, unless otherwise noted.

§ 17.53 Combined blanket coverage.

Whenever a group of two or more consecutive sections within a broader group covered by a blanket citation reflect the same additional authority, combined blanket citations shall be used. Thus:

AUTHORITY: The provisions of this Part 7 issued under sec. 5, 80 Stat. 935; 49 U.S.C. 1654. §§ 7.1 to 7.11 also issued under sec. 313, 72 Stat. 752; 49 U.S.C. 1354.

§ 17.54 Documents involving various amendments.

(a) Whenever a document prescribes various amendments, issued under common authority, the citation to such authority shall be placed in parentheses on a separate line following the last amendment.

(b) Whenever a document prescribes various amendments issued under varying authorities, each amendatory proposition shall be followed by the appropriate citation in parentheses on a separate line.

§ 17.55 Non-statutory elements.

Documents required to be cited as authority shall be placed after any required statutory elements. Thus:

AUTHORITY: The provisions of this Part 201 issued under sec. 9, 80 Stat. 944; 49 U.S.C. 1657. E.O. 11222, 30 F.R. 6469, 3 CFR 1965 Comp.

FORM

§ 17.60 General.

The shortest form of citation compatible with positive identification and ready reference should be used in all formal citations of authority. The Office is prepared to assist agencies in developing model citations under this criterion.

§ 17.61 Statutory materials.

(a) *Public laws.* Citations to current public laws should include reference to the volume and page of the U.S. Statutes at Large to which they have been assigned. Thus:

Sec. 11, Pub. Law 88-190, 77 Stat. 343.

(b) *Statutes at Large and U.S. Code.* In citing the U.S. Statutes at Large, reference should be made to section, volume, and page. The page number should refer to the page on which the section cited begins. The parallel U.S. Code citation shall be given whenever possible. In multiple citations, references to the Statutes should be arranged chronologically and grouped separately, preceding the group of parallel U.S. Code citations.

§ 17.62 Non-statutory materials.

Documents should be cited by FEDERAL REGISTER volume and page, followed if possible, by the parallel citation to the Code of Federal Regulations. Thus:

T.D. 6721, 29 F.R. 4997.
Special Civil Air Reg. SR-422A, 28 F.R. 6708; 14 CFR Part 4b.
E.O. 11130, 28 F.R. 12789; 3 CFR 1959-1963 Comp.

PART 18—PREPARATION OF NOTICES AND RULE MAKING PROPOSALS

NOTICES IN GENERAL

Sec.
18.1 General requirements.
18.2 Name of issuing agency.
18.3 Name of agency subdivision.
18.4 Agency document designation.
18.5 Additional captions.
18.6 Authority citation.

NOTICES OF PROPOSED RULE MAKING

18.10 General requirements.
18.11 Code designation.
18.12 Codification.

AUTHORITY: The provisions of this Part 18 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954-1958 Comp.

CROSS REFERENCE: For preparation of Presidential proclamations and Executive orders, see Subchapter B of this chapter.

NOTICES IN GENERAL

§ 18.1 General requirements.

Documents not subject to codification shall be prepared in conformity with the provisions of this part and of Part 16 of this chapter.

§ 18.2 Name of issuing agency.

The name of the issuing agency shall be carried at the beginning of the document.

§ 18.3 Name of agency subdivision.

Whenever a document is issued by or for a specific bureau, service, or similar unit within a department or overall agency, the name of such bureau, service, or unit shall be carried on a separate line immediately below the name of the issuing agency.

§ 18.4 Agency document designation.

Agencies using file numbers, docket numbers, or similar identifying symbols shall place them in brackets on a separate line immediately following the headings required by §§ 18.2 and 18.3.

§ 18.5 Additional captions.

A suitable short title identifying the subject shall be provided beginning on a separate line immediately following the other required caption or captions. Whenever appropriate, an additional brief caption indicating the nature of the document should be used.

§ 18.6 Authority citation.

The authority under which the document is issued should be cited in narrative form within text or in parentheses on a separate line following text.

NOTICES OF PROPOSED RULE MAKING

§ 18.10 General requirements.

Notices of proposed rule making required by the Administrative Procedure Act (5 U.S.C. 553) or by any other act, and similar notices voluntarily undertaken, shall include a statement of (a) the time, place, and nature of public rule making proceedings; (b) reference to the authority under which the rule is proposed; and (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Such notices shall conform to the provisions of this part and of Part 16 of this chapter.

§ 18.11 Code designation.

The area of the Code directly affected by a proposed rule shall be identified by placing the appropriate CFR citation in brackets immediately below the name of the issuing agency. Ordinarily this citation will consist of title and part, thus: [1 CFR Part 18].

§ 18.12 Codification.

Any portion of a proposed rule making document which consists of the full text of a proposed rule shall also conform to the provisions of Part 17 of this chapter.

PART 20—INCORPORATION BY REFERENCE

Subpart A—General Standards

Sec.
20.1 Scope and purpose.
20.2 Strict interpretation.
20.3 Matter eligible.
20.4 Distinctions.
20.5 Basic elements bearing on approval by Director.

Subpart B—Drafting Standards

20.10 Language of incorporation.
20.11 Identification and description.
20.12 Statement of availability.
20.20 Advance consultation.

Subpart C—Publication Procedures

20.21 Notification to issuing agency.
20.22 Letter transmitting final document.
20.23 Stamp of approval.

AUTHORITY: The provisions of this Part 20 issued under 5 U.S.C. 552(a).

Subpart A—General Standards

§ 20.1 Scope and purpose.

The provisions of this Part 20 establish the standards and procedures under which the Director of the Federal Register shall decide to approve or deny use of incorporation by reference as contemplated by 5 U.S.C. 552(a).

§ 20.2 Strict interpretation.

(a) *General.* The provisions of the last sentence of section 552(a) will be strictly interpreted by the Director in order to afford fairness and uniformity in administrative procedures involving publication in the FEDERAL REGISTER.

(b) *Basic instruments and publication system.* The Director will interpret and apply the provisions with full regard to the significance of related instruments governing publication in the daily FEDERAL REGISTER, and in supplemental editions thereof, including the Code of Federal Regulations, the U.S. Government Organization Manual and the Public Papers of the Presidents. Among others, the related instruments include:

(1) The Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.);

(2) The Federal Register Act, as amended (44 U.S.C. Ch. 15);

(3) The regulations of the Administrative Committee of the Federal Register prescribed pursuant to the Federal Register Act (1 CFR Ch. I); and

(4) Special statutory provisions requiring publication in the FEDERAL REGISTER (see 1 CFR, Ch. I, App. B).

(c) *Primary assumption.* The Director will assume that the provisions of the last sentence of section 552(a) are: (1) Designed to cover the limited purposes of section 552(a), (2) intended to benefit both the Government and the members of the classes affected by reducing the volume of matter actually printed in the FEDERAL REGISTER, and (3) not intended to detract from the legal or practical attributes of the system established under the basic instruments referred to in paragraph (b) of this section

§ 20.3 Matter eligible.

In order to be eligible for incorporation by reference, the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to the members of the class affected thereby.

§ 20.4 Distinctions.

(a) *Ordinary references.* The use of ordinary, informational references and cross references should be continued as usual. Such references are to be distinguished from instances of legal incorporation by reference under section 552(a).

(b) *Rules of availability of agency issuances.* Rules regarding the availability of agency issuances serve a different purpose and are to be distinguished from instances of legal incorporation by reference.

(c) *Promulgation.* The legal promulgation of a document in the FEDERAL REGISTER is to be distinguished from the use of legal incorporation by reference within such a document. Incorporation by reference is not acceptable as a substitute for promulgating in full text a proposition required to be published by section 552(a). Incorporation by reference is acceptable as a means of avoiding within the promulgated document an unnecessary repetition of published information already reasonably available to the class affected.

§ 20.5 Basic elements bearing on approval by Director.

The use of incorporation by reference will be approved by the Director when all of the following considerations are favorable and reasonably stable:

(a) The matter is eligible.

(b) Incorporation will substantially reduce the volume of materials published in the FEDERAL REGISTER.

(c) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.

(d) The incorporating document is drafted and submitted for publication in accordance with the provisions of this Part 20.

Subpart B—Drafting Standards

§ 20.10 Language of incorporation.

The language whereby a matter is incorporated by reference in the FEDERAL REGISTER shall be both precise and unequivocal on the face of the document making the reference. The words expressing the incorporation shall make it clear that incorporation by reference is both intended and completed by the instant document.

§ 20.11 Identification and description.

Each incorporation by reference shall include an identification and a subject description of the matter incorporated. These shall be as precise and as useful as practicable within the limits of reasonable brevity.

(a) *Identification.* Titles, dates, editions, numbers, authors, and publishers shall be used where they contribute substantially to clear identification.

(b) *Subject description.* A brief subject description also shall be included, designed to inform the user regarding his potential need to obtain the matter incorporated.

§ 20.12 Statement of availability.

(a) *Information.* Each incorporation by reference shall also include a statement covering the availability of the matter incorporated, including current information as to where and how copies may be examined and readily obtained with maximum convenience to the inquirer.

(b) *Official showing.* Such statements also shall be tantamount to an official showing by the issuing agency that the matter incorporated is in fact reasonably available to the class of persons affected thereby.

(c) *Continued availability.* Where incorporated matter is subject to change, such statements shall clearly indicate: (1) The applicability and the availability of such changes; and (2) the availability of an official, historic file of such changes.

Subpart C—Publication Procedures

§ 20.20 Advance consultation.

In order to avoid delay in publication, the issuing agency shall, in advance of submission, consult with the Director regarding the acceptability of any given document involving incorporation by reference. This consultation should be completed at least 20 working days prior to the desired date of submission of the document for publication.

§ 20.21 Notification to issuing agency.

After completion of advance consultation, the Director shall notify the issuing agency of his decision regarding publication. Notification shall be given at least 5 working days before the proposed date of submission.

§ 20.22 Letter transmitting final document.

All documents submitted for publication under the provisions of this Part 20 shall be covered and accompanied by a letter of transmittal primarily concerned with the matter of incorporation by reference and referring specifically to the required advance consultation.

§ 20.23 Stamp of approval.

All documents accepted under the provisions of this Part 20 shall bear a legend in substantially the following style: "Incorporation by reference provisions approved by the Director of the Federal Register ----------." This legend
(date)
shall be affixed by the Director or his delegate and shall be printed in the FEDERAL REGISTER as part of the document.

SUBCHAPTER D—SPECIAL EDITIONS OF THE FEDERAL REGISTER

PART 30—CODE OF FEDERAL REGULATIONS

Subpart A—Publication

Sec.
30.1 Publication policy.
30.2 Form of citation.
30.3 Unrestricted use.
30.4 Orderly development.
30.5 General format and binding.
30.6 Daily supplementation.
30.7 Periodic supplementation and republication.
30.8 Presidential documents, Title 3.
30.9 Indexes.
30.10 Ancillaries.
30.11 Agency cooperation.

Subpart B—Distribution

OFFICIAL DISTRIBUTION

30.12 Congressional committees.
30.13 Judicial branch.
30.14 Executive agencies.
30.15 Governmental requisitions.

PUBLIC SALE

30.16 Individual books and supplements.
30.17 Subscription service.

AUTHORITY: The provisions of this Part 30 issued under 44 U.S.C. 1506, 1510. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For provisions respecting the structure of the Code, see §§ 17.4 to 17.10 of this chapter.

Subpart A—Publication

§ 30.1 Publication policy.

(a) Pursuant to the act and the provisions of this chapter, the Office shall maintain publication of a special edition of the FEDERAL REGISTER designed to present a compact and practical code entitled "Code of Federal Regulations."

(b) The Code shall be based with respect to continuity of coverage on the "Code of Federal Regulations, 1949 Edition" published pursuant to regulations of the Administrative Committee approved by the President October 11, 1948 (13 F.R. 5935). It is the intent of the Administrative Committee that every practical means be employed to keep this Code as current and as readily usable as possible within limitations imposed by considerations of dependability and reasonable costs.

§ 30.2 Form of citation.

The Code of Federal Regulations may be cited by title and section. The approved short form is by title number, initial letters of the name, and the combined part-section number. Thus 1 CFR 30.2 refers to Title 1, Code of Federal Regulations, Part 30, section 2.

§ 30.3 Unrestricted use.

There are no restrictions on the reproduction or republication of materials appearing in the Code of Federal Regulations.

§ 30.4 Orderly development.

For the purpose of assuring orderly development along practical lines, the Director is authorized to establish new titles in the Code, and to rearrange existing titles and subordinate assignments. Before taking any such action, the Director shall consult with all agencies directly affected by the proposed change.

§ 30.5 General format and binding.

For the purpose of attaining maximum usefulness, prompt publication, and economy of manufacture, the Director is authorized to provide for the binding of the Code into as many separate books as are indicated by the needs of users and compatible with the facilities of the Government Printing Office. Books may have permanent bindings (with or without pockets for supplements) or may be paperbound when, in the judgment of the Director, frequency of revisions, user needs, or other good reasons make such binding preferable.

§ 30.6 Daily supplementation.

Documents subject to codification, published in the daily issues of the FEDERAL REGISTER pursuant to Subchapter C of this chapter, shall be keyed to the Code and shall serve as daily supplements thereto.

§ 30.7 Periodic supplementation and republication.

(a) *Criteria.* Each book of the Code shall be updated by a supplementary book or by collation and republication at least once each calendar year. If no change has occurred during the year, a simple notation to that effect may serve as the supplement for that year. More frequent supplementation or collation and republication of any unit of the Code may be made whenever the Director determines that the content of the unit has been substantially superseded or otherwise determines that such action would be consistent with the intent and purpose of the Administrative Committee as stated in the last sentence of § 30.1(b).

(b) *Annual cutoff date.* The regular cutoff date for the coverage of annual supplements or republications shall be the last publication day of each calendar year. The text of each annual supplement or republication shall be limited to provisions which have been fully promulgated in the FEDERAL REGISTER on or before the cutoff date.

(c) *Other cutoff dates.* When supplementation or republication occurs more frequently than once each year, the cutoff dates shall be determined by the Director with due regard for the coverage of pertinent indexes and numerical finding aids.

§ 30.8 Presidential documents, Title 3.

(a) *Compilation and republication.* The Office shall compile and publish annual supplements to Title 3. The supplements shall contain the full text of proclamations, Executive orders, and other Presidential documents published in the daily FEDERAL REGISTER during the calendar year. Annual books may be paper bound and shall include appropriate indexes and ancillaries. Every five years, or as determined by the Director to be required, the annual supplements shall be compiled and republished in permanently bound form with consolidated indexes and numerical finding aids.

(b) *Codification.* It is the intent of the Administrative Committee that general and permanent Presidential documents of a regulatory nature also be codified under Title 3 or other appropriate titles.

§ 30.9 Indexes.

In general, each book shall include an explanation of its coverage and such other finding aids as may be authorized by the Director. A subject index to the entire Code shall be annually revised and separately published.

§ 30.10 Ancillaries.

The Code shall provide, among others, the following-described ancillary tables:

(a) *Parallel tables of statutory authority and rules.* In Title 2 or such other place as the Director may deem appropriate, numerical lists of all sections of the current edition of the United States Code (except 5 U.S.C. 301) which are cited by issuing agencies as rule making authority for currently effective rules in the Code of Federal Regulations. The lists shall be arranged in the order of the titles and sections of the United States Code with parallel citations to the pertinent titles and sections of the Code of Federal Regulations.

(b) *Tables of cited Presidential documents.* Under an appropriate title, tables of proclamations, Executive orders, and similar Presidential documents which are included or referred to in currently effective rules as published in the Code of Federal Regulations.

(c) *List of sections affected.* Following the text of each book or cumulative supplement, a numerical list of all sections which are affected by documents published in the FEDERAL REGISTER on and after January 1, 1964. (A separate volume, "List of Sections Affected, 1949–1963" lists all sections of the Code which have been affected by documents published during the period Jan. 1, 1949 to Dec. 31, 1963). Listings shall refer to FEDERAL REGISTER pages and shall be designed to enable the user of the Code to assure himself of the precise text that was in effect on a given date in the period covered.

§ 30.11 Agency cooperation.

Each agency shall cooperate in keeping publication of the Code current by prompt compliance with deadlines set by the Office and the Government Printing Office.

Subpart B—Distribution

OFFICIAL DISTRIBUTION

§ 30.12 Congressional committees.

The Code shall be furnished to committees of the Congress in such numbers as are needed for official use. Authorization for furnishing such copies shall be submitted in writing to the Director by the Committee Chairman or his delegate.

§ 30.13 Judicial branch.

(a) *Supreme Court.* The Code shall be furnished without charge to the Supreme Court of the United States in such numbers as are needed for official use.

(b) *Other courts.* The Code shall be furnished without charge to the other constitutional courts and to the legislative courts of the United States in such numbers as are needed for official use. Authorization for furnishing such copies shall be submitted in writing to the Director of the Federal Register and signed by the Director of the Administrative Office of the United States Courts or his delegate.

§ 30.14 Executive agencies.

The Code shall be furnished to officials, libraries, and major organizational units of the executive agencies as needed for official use. Authorization for furnishing copies shall be submitted to the Director in writing and signed by the authorizing officer or his alternate designated under § 4.1 of this chapter. Special needs for selected units of the Code in substantial quantity shall be filled by governmental requisition under § 30.15.

§ 30.15 Governmental requisitions.

Legislative, judicial, and executive agencies of the Federal Government shall be entitled to obtain selected units of the Code which are needed in substantial quantity for special distribution upon timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

PUBLIC SALE

§ 30.16 Individual books and supplements.

The books and supplements comprising the Code shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices determined by him under the general direction of the Administrative Committee.

§ 30.17 Subscription service.

Subscription service on an annual basis to all revised volumes and supplements of the Code shall be obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices determined by him under the general direction of the Administrative Committee.

PART 31—U.S. GOVERNMENT ORGANIZATION MANUAL

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31.2 Format and indexes.

SCOPE

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31.7 Congress and the courts.
31.8 Supplementary material.

LIAISON OFFICERS

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31.16 Preparation of agency statements.
31.17 Agency review of drafts.
31.18 Other organization statements.
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OFFICIAL DISTRIBUTION

31.21 The Congress.
31.22 Congressional committees.
31.23 Judicial branch.
31.24 Executive agencies.
31.25 Governmental requisitions.
31.26 Extra copies.

PUBLIC SALE

31.28 Current edition of Manual.

AUTHORITY: The provisions of this Part 31 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

PUBLICATION AND FORMAT

§ 31.1 Publication required.

There shall be published, annually or at such times as may be determined by the Administrative Committee, a special edition of the FEDERAL REGISTER designated as the "United States Government Organization Manual."

§ 31.2 Format and indexes.

The Manual shall be separately published in handbook form, with appropriate indexes and ancillaries.

SCOPE

§ 31.6 Executive agencies.

Brief descriptions of the organization of the various agencies of the executive branch shall be published in the Manual. The text shall be based on the descriptions of organization required to be published in the FEDERAL REGISTER by the Administrative Procedure Act (5 U.S.C. 552(a)(1)(A)).

§ 31.7 Congress and the courts.

Brief descriptions of the organization of the Congress and of agencies of the legislative and judicial branches shall be published in the Manual.

§ 31.8 Supplementary material.

Brief descriptions of the organization of quasi-official agencies and similar supplementary information may be included in the Manual if, in the opinion of the Director, the material is of sufficient public interest to warrant such inclusion.

LIAISON OFFICERS

§ 31.11 Designation of special officers.

The Director shall request the agencies of the legislative and judicial branches and the quasi-official agencies represented in the Manual to designate special officers to maintain liaison with the Office of the Federal Register:

§ 31.12 Duties of regular officers.

Each liaison officer regularly designated under § 4.1 of this chapter shall review for accuracy the statement of agency organization submitted pursuant to § 31.17, and shall cause to be supplied any supplementary information concerning his agency which is to be included pursuant to § 31.8.

MANNER OF COMPILATION

§ 31.16 Preparation of agency statements.

The Office shall prepare an official draft of the descriptions of organization contemplated by § 31.6. In addition to identifying principal organizational units, these descriptions shall plainly indicate the places at which the public may secure information or make submittals or requests.

§ 31.17 Agency review of drafts.

Each such official draft, together with related supplementary material, shall be submitted by the Office to the appropriate liaison officer for review as to accuracy. Changes in the official draft shall be limited to factual corrections and to the updating of text to reflect organization as of the cutoff date of the edition of the Manual in process.

§ 31.18 Other organization statements.

Brief descriptions of the organization of agencies of the legislative and judicial branches and of quasi-official agencies shall be prepared and submitted to such agencies with a request that they be reviewed for accuracy.

§ 31.19 Apportionment of space.

The Director is authorized to determine the apportionment of space in the Manual with a view to maintaining balance and uniformity of presentation.

OFFICIAL DISTRIBUTION

§ 31.21 The Congress.

Each Member of the Congress shall be furnished two free copies of the Manual; and each Member shall be entitled to receive not more than ten additional free copies for official use. Authorization for the furnishing of such additional copies shall be submitted in writing to the Director by the authorizing Member.

§ 31.22 Congressional committees.

Each Congressional committee shall be entitled to receive copies of the Manual without charge in such numbers as are needed for official use. Requests for placement on the Manual mailing list shall be made in writing to the Director by the chairman of the committee or his delegate.

§ 31.23 Judicial branch.

(a) *Supreme Court.* The Supreme Court of the United States shall be entitled to 18 copies of the Manual without charge.

(b) *Other courts.* The other constitutional courts and the legislative courts of the United States shall be entitled each to one copy of the Manual without

charge. Authorization for furnishing such copies shall be submitted in writing to the Director of the Federal Register by the Director of the Administrative Office of the United States Courts or his delegate.

§ 31.24 Executive agencies.

The head of each agency in the executive branch and each liaison officer designated under §§ 4.1 and 31.11 of this chapter shall be entitled to one free copy of the Manual.

§ 31.25 Governmental requisitions.

Legislative, judicial, and executive agencies of the Federal Government may obtain at cost copies of the Manual for official use upon the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 31.26 Extra copies.

All requests for extra copies of the Manual must be addressed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, and such copies must be paid for by the agency or official requesting them.

PUBLIC SALE

§ 31.28 Current edition of Manual.

The Manual shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at a price to be determined by him under the general direction of the Administrative Committee.

PART 32—PRESIDENTIAL PAPERS

Subpart A—Annual Volumes

PUBLICATION AND FORMAT

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32.3 Format, indexes, ancillaries.

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32.31 Format and indexes.
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32.50 Public sale.

AUTHORITY: The provisions of this Part 32 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–58 Comp.

Subpart A—Annual Volumes

PUBLICATION AND FORMAT

§ 32.1 Publication required.

There shall be published forthwith at the end of each calendar year, a special edition of the FEDERAL REGISTER designated "Public Papers of the Presidents of the United States." Ordinarily each volume shall cover one calendar year and shall be identified further by the name of the President and the period covered.

NOTE: This program started with the year 1957.

§ 32.2 Coverage of prior years.

After conferring with the National Historical Publications Commission with respect to the need therefor, the Administrative Committee may from time to time authorize the publication of similar volumes covering specified calendar years prior to 1957.

NOTE: The Committee has approved the publication of volumes starting with the year 1929.

§ 32.3 Format, indexes, ancillaries.

Each annual volume, divided into books whenever appropriate, shall be separately published in the binding and style deemed by the Administrative Committee to be suitable to the dignity of the office of President of the United States. Each volume shall be appropriately indexed and shall contain appropriate ancillary information respecting significant Presidential documents not published in full text.

SCOPE

§ 32.10 Basic criteria.

The basic text of the volumes shall consist of oral utterances by the President or of writings subscribed by him.

§ 32.11 Sources.

(a) The basic text of the volumes shall be selected from: (1) Communications to the Congress, (2) public addresses, (3) transcripts of press conferences, (4) public letters, (5) messages to heads of state, (6) statements released on miscellaneous subjects, and (7) formal executive documents promulgated in accordance with law.

(b) In general, ancillary text, notes, and tables shall be derived from official sources.

OFFICIAL DISTRIBUTION

§ 32.15 The Congress.

Each Member of the Congress, during his term of office, shall be entitled to one copy of each annual volume published during such term. Authorization for furnishing such copies shall be submitted in writing to the Director and signed by the authorizing Member.

§ 32.16 The Supreme Court.

The Supreme Court of the United States shall be entitled to 12 copies of the annual volumes.

§ 32.17 Executive agencies.

The head of each department and the head of each independent agency in the executive branch of the Government shall be entitled to one copy of each annual volume upon application therefor in writing to the Director.

§ 32.18 Governmental requisitions.

Legislative, judicial, and executive agencies of the Federal Government may obtain, at cost, copies of the annual volumes for official use upon the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 32.19 Extra copies.

All requests for extra copies of the annual volumes must be addressed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Extra copies must be paid for by the agency or official requesting them.

PUBLIC SALE

§ 32.22 Sale of annual volumes.

The annual volumes shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices determined by him under the general direction of the Administrative Committee.

Subpart B—Weekly Compilation

§ 32.30 Publication required.

There shall be published promptly, once each week, a special edition of the FEDERAL REGISTER designated "Weekly Compilation of Presidential Documents."

§ 32.31 Format and indexes.

The Weekly Compilation shall be published in the style and binding deemed by the Administrative Committee to be most suitable for public and official use. The Director of the Federal Register shall provide indexes and such other finding aids as may be appropriate to effective use.

§ 32.40 Official distribution.

The Weekly Compilation shall be furnished regularly to members of Congress and to officials of the legislative, judicial and executive branches of the Government in such numbers as are needed for official use. Authorization to make such distribution shall be made in writing to the Director and signed by the authorizing officer. Special needs for selected issues in substantial quantity shall be filled by the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 32.50 Public sale.

The Weekly Compilation shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, at a price to be determined by him under the general direction of the Administrative Committee.

Sec.
40.15 Typographical unit.
40.16 Working day.

AUTHORITY: The provisions of this Part 40 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 40.1 Meaning of terms.

As used in this chapter, unless the context otherwise requires, terms shall have the meanings ascribed in this part.

§ 40.2 Act.

"Act" means the Federal Register Act (44 U.S.C. 1501–1511).

§ 40.3 Administrative Committee.

"Administrative Committee" means the Administrative Committee of the Federal Register established under 44 U.S.C. 1506.

§ 40.4 Administrative Procedure Act.

"Administrative Procedure Act" means 5 U.S.C. 551–559.

§ 40.5 Agency.

"Agency" means each authority, whether or not within or subject to review by another agency, of the government of the United States other than the Congress, the courts, or the Governments of the District of Columbia, the Commonwealth of Puerto Rico, or the territories or possessions of the United States.

§ 40.6 Code.

"Code" means the Code of Federal Regulations prepared and published by the Office pursuant to 44 U.S.C. 1510.

§ 40.7 Director.

"Director" means the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration.

§ 40.8 Document.

"Document" means any Presidential proclamation or Executive order, and any rule, regulation, order, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by an agency, and any other instrument authorized or required by law to be published in the FEDERAL REGISTER.

§ 40.9 Document having general applicability and legal effect.

"Document having general applicability and legal effect" means every document issued under proper authority prescribing a penalty or a course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, the members of a class, or the persons of a locality, as distinguished from named individuals or organizations.

§ 40.10 Document subject to codification.

"Document subject to codification" means any document which has general applicability and legal effect and which is in force and effect and relied upon by the issuing agency as authority for, or invoked or used in the discharge of, any of its functions or activities: *Provided*, That descriptions of organization published pursuant to the Administrative Procedure Act (5 U.S.C. 552(a)(1)(A)) may be assigned to and published in the Code under special agreements authorized by § 17.2 of this chapter.

§ 40.11 Federal Register.

"FEDERAL REGISTER" means the daily issue of the FEDERAL REGISTER.

§ 40.12 Office.

"Office" means the Office of the Federal Register, National Archives and Records Service, General Services Administration.

§ 40.13 Person.

"Person" means any individual, partnership, association, or corporation.

§ 40.14 Publication day.

"Publication day" means the day designated by the date line of the FEDERAL REGISTER in which a document is published. The FEDERAL REGISTER is published Tuesday through Saturday. There is no publication on Sunday, Monday, or on the day after an official Federal holiday.

§ 40.15 Typographical unit.

"Typographical unit" means a grammatical paragraph or an obvious segment of printed text similar in appearance to a paragraph.

§ 40.16 Working day.

"Working day" means the period from 8:45 a.m. to 5:15 p.m., Monday through Friday of each week, except official Federal holidays.

By order of the Administrative Committee of the Federal Register.

DAVID C. EBERHART,
Secretary.

[F.R. Doc. 69–14363; Filed, Dec. 1, 1969; 8:45 a.m.]

SUBCHAPTER E—DEFINITIONS

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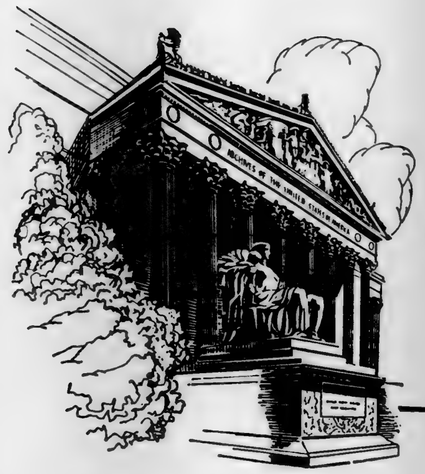
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This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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DELEGATING TO THE SECRETARY OF DEFENSE THE AUTHORITY TO APPROVE REGULATIONS GOVERNING THE EARLY DISCHARGE OF ENLISTED MEMBERS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that the Secretary of Defense is hereby designated and empowered to approve regulations issued by the Secretaries concerned under section 1171 of title 10, United States Code, effective January 2, 1968, which relate to the early discharge of regular enlisted members of the armed forces.

Richard Nixon

THE WHITE HOUSE,
December 1, 1969.

[F.R. Doc. 69-14406; Filed, Dec. 1, 1969; 3:33 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Determination and Announcements With Respect to Marketing Quotas for the 1970–71 Marketing Year

§ 725.1 Basis and purpose.

Section 725.2 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the Act, to (1) determine and announce the reserve supply level for Flue-cured tobacco and (2) to determine and announce, for the marketing year beginning July 1, 1970, the amount of the national marketing quota on an acreage-poundage basis, the national average yield goal, the national acreage allotment, the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, the national acreage factor, and the national yield factor. The determinations by the Secretary contained in § 725.2 have been made on the basis of the latest available statistics of the Federal Government.

Due consideration has been given data, views, and recommendations received from Flue-cured tobacco producers and others pursuant to the notice (34 F.R. 17175) given in accordance with the provisions of 5 U.S.C. 553. Flue-cured tobacco farmers in referendum approved quotas on an acreage-poundage basis for the 3 marketing years begining July 1, 1968, July 1, 1969, and July 1, 1970 (32 F.R. 11413). Since Flue-cured tobacco farmers are making their plans for 1970 Flue-cured tobacco production and need to know the 1970 acreage allotments for their farms in order to complete such plans, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The 10-year average domestic consumption during the 10 marketing years preceding the 1969–70 marketing year was 746 million pounds, and the 10-year average exports during such period was 482 million pounds. After adjustment for trends, a normal year's domestic consumption at 720 million pounds and a normal year's exports of 510 million pounds appear reasonable, and result in a reserve supply level of 2,962.6 million pounds.

The official carryover stocks of Flue-cured tobacco in the hands of dealers and manufacturers on July 1, 1969 is estimated at 2,100 million pounds. The 1969 crop, based on the 1969 national acreage allotment of 607,928.80 acres and with an allowance for overmarketings and undermarketings, is estimated at 1,058 million pounds. The sum of these, 3,158 million pounds, represents the total supply of Flue-cured tobacco for the 1969–70 marketing year. Compared with present estimates for the 1968–69 marketing year of 673 million pounds for domestic utilization and 525 million pounds for export, it is estimated that 685 million pounds of Flue-cured tobacco will be utilized in the United States during the 1969–70 marketing year and 535 million pounds will be exported in such marketing year. The estimated carryover of Flue-cured tobacco at the beginning of the 1970–71 marketing is, therefore, estimated at 1,938 million pounds. If 1,181 million pounds of Flue-cured tobacco were produced in 1970, this would result in a total supply of Flue-cured tobacco for the 1970–71 marketing year of 3,119 million pounds or 156 million pounds above the reserve supply level.

It is determined that it is desirable to effect an orderly reduction of supplies to the reserve supply level, and, therefore, a downward adjustment in the national marketing quota of 149 million pounds should be made. Accordingly, the national marketing quota for Flue-cured tobacco for the marketing year beginning July 1, 1970 is determined to be 1,071 million pounds. This reduction is less than the maximum reduction of 15 per centum permitted by the Act, but no further reduction is deemed desirable because a greater reduction would not effect an orderly reduction to the reserve supply level.

It is determined that the national marketing quota of 1,071 million pounds in view of the anticipated carryover will insure an adequate supply of Flue-cured tobacco for the 1970–71 marketing year.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of Flue-cured tobacco and increase the net return per pound to the growers. In making this determination, consideration was given to research data of the Agricultural Research of the Department and one of the land-grant colleges in the Flue-cured tobacco area.

The community average yields have been determined for Flue-cured tobacco and published in the FEDERAL REGISTER, § 724.34u (30 F.R. 6207, 9875, 14487).

The national acreage allotment is 577,669.90 acres, determined in accordance with the provisions of the Act by dividing the national marketing quota of 1,071 million pounds by the national average yield goal of 1,854 pounds.

In accordance with the provisions of the Act a reserve from the national acreage allotment is established in the amount of 246.02 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is estimated that the reserve acreage will be adequate.

Consideration in the light of the latest available statistics of the Federal Government was given as to whether any of the types of Flue-cured tobacco should be treated as a kind of tobacco pursuant to the proviso in section 301(b)(15) of the Act at the time the national marketing quota for the 1965–66 marketing year for Flue-cured tobacco was determined (30 F.R. 6144), and it was determined that types 11, 12, 13, and 14 constitute one kind of tobacco for purposes of the Act for the 1965–66, 1966–67, and 1967–68 marketing years. This finding was affirmed by the Secretary in his determination of January 18, 1966 (31 F.R. 881), and that determination was sustained in the case of Brown et al. v. Freeman. This finding was made applicable for the 1968–69, 1969–70, and 1970–71 marketing years (32 F.R. 9817).

No action may be taken under section 313(i) of the Act unless a substantial difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts recited (30 F.R. 6144) in connection with the consideration of section 301(b)(15), it was determined that there is no substantial difference existing in the usage or marketing outlets for any one or more of the types of Flue-cured tobacco and, therefore, no action was taken for the 1965–66 marketing year (nor for subsequent marketing

years) under this section. The same conditions prevail with respect to usage or marketing outlets that prevailed at the time of the determination for the marketing quotas on an acreage-poundage basis for the 1965–66 and subsequent marketing years and, therefore, no action is being taken under section 313(i) of the Act for the 1970–71 marketing year. In addition, section 313(i) of the Act applied only to marketing quotas and acreage allotments established pursuant to section 313. It is, therefore, concluded that, notwithstanding section 317(4) of the Act, the better view is that section 313(i) of the Act should not be applied to acreage allotments and marketing quotas determined under section 317.

§ 725.2 Determinations and announcements.

(a) *Reserve supply level for Flue-cured tobacco.* The reserve supply level for Flure-cured tobacco is 2,962.6 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 720.0 million pounds and a normal year's exports of 510.0 million pounds.

(b) *National marketing quota for Flure-cured tobacco for the marketing year beginning July 1, 1970.* A national marketing quota for Flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1970 is hereby determined and announced in the amount of 1,071 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 685 million pounds and exports in such marketing year of 535 million pounds, with a downward adjustment which is determined to be desirable for the purpose of affecting an orderly reduction of supplies (3,119 million pounds estimated as of July 1, 1970) toward the reserve supply level.

(c) *National average yield goal.* The national average yield goal for Flue-cured tobacco for the marketing year beginning July 1, 1970 is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of Flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment for Flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1970 is determined and announced to be 577,669.90 acres. This allotment was determined by dividing the national marketing quota of 1,071 million pounds by the national average yield goal of 1,854 pounds.

(e) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 246.02 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities, and establishing allotments for new farms. Of the 246.02 acres, 65 acres are hereby set aside to be available for new farms. The remainder, 181.02 acres, is hereby made avilable for making corrections in farm acreage allotments and for adjusting inequities.

(f) *National acreage factor.* The national acreage factor for Flue-cured tobacco for the 1970–71 marketing year is determined and announced to be 0.95.

(g) *National yield factor.* The national yield factor for Flue-cured tobacco for the 1970–71 marketing year is determined and announced to be .9316.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1314c, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 1, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14405; Filed, Dec. 1, 1969; 12:30 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 402, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 910.702 (Lemon Reg. 402, 34 F.R. 18601) are hereby amended to read as follows:

§ 910.702 Lemon Regulation 402.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 21,390 cartons;

(ii) District 2: 53,940 cartons;

(iii) District 3: 157,170 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 28, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14343; Filed, Dec. 2, 1969; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) is amended to read as follows:

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the States of Maryland, Mississippi, New York, North Carolina, Rhode Island, Texas, and Virginia and the nature and extent of outbreaks of this disease, the following areas are hereby quarantined because of said disease:

(1) *Maryland.* Wicomico County.

(2) *Mississippi.* Calhoun, Grenada, and Tishomingo Counties.

(3) *New York.* Montgomery County.

(4) *North Carolina.* Cumberland, Duplin, and Wilson Counties.

(5) *Rhode Island.* The entire State.

(6) *Texas.* Upshur County.

(7) *Virginia.* Campbell, City of Virginia Beach, and Rockbridge Counties.

2. In § 76.2, paragraph (f) is amended by deleting the reference to "Maryland".

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines certain counties in the States of Maryland and Texas and two additional counties in the State of Virginia because of the existence of hog cholera, and deletes Maryland from the list of hog cholera eradication States in 9 CFR 76.2(f). This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of November 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-14300; Filed, Dec. 2, 1969; 8:46 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(1) relating to Maryland is amended by adding thereto the name of Worcester County.

2. In § 76.2, paragraph (e)(2) relating to Mississippi is amended by adding thereto the name of Tallahatchie County.

3. In § 76.2, paragraph (e)(6) relating to Texas is amended by adding thereto the name of Houston County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines certain additional counties in the States of Maryland, Mississippi, and Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of November 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-14299; Filed, Dec. 2, 1969; 8:46 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provision of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Missouri, and a new paragraph (e)(8) is added to read:

(8) *Missouri.* Worth County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines Worth County in the State of Missouri because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of November 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-14298; Filed, Dec. 2, 1969; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 9, Amdt. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Concern for Purpose of Government Procurements for Food Services

On August 5, 1969, a hearing was held pursuant to notice published in the FEDERAL REGISTER on July 17, 1969 (34 F.R. 12019), on the definition of a small business for the purpose of bidding on Government procurements for food services. Interested parties were invited to testify at the hearing and to file written comments.

The issue was whether the definition should be increased from $3 million average annual sales and receipts for a concern's (and its affiliates) preceding 3 fiscal years, to a $5 million average.

Various points of view were offered at the hearing or in written comment filed in connection therewith. Proponents of an increase in the food service standard took the position that (1) there are about 15 concerns which compete nationwide for Government food services contracts, (2) these concerns are closely held and most of them do all of their business with the Federal Government, (3) 95 percent or more of Government food service procurements are set aside for award to small business concerns, (4) the size of food service contracts has greatly increased due to increases in labor costs and due to Vietnam War requirements, (5) as a result, the average annual receipts of several of the 15 concerns have increased to the point where some have lost their small business status under the currently effective standard and others soon will lose such status, (6) in general, smaller concerns are not competent to perform these increasingly large contracts, and (7) in view of the above, the size standard should be increased to $5 million in order to prevent

the demise of concerns which have or soon will lose their small business status. Opponents of an increase took the position that smaller local concerns including franchisees are competent to perform most of the contracts involved and that when concerns which operate on a national and even international basis grow to the point that they no longer meet the definition of a small business, they should no longer be permitted to compete with the eligible concerns, i.e., that the protective umbrella should not be enlarged to accommodate the growth of a few concerns.

After consideration of all views expressed in connection with the hearing the Small Business Administration has decided to increase the size standard in question to $4 million average annual sales and receipts rather than to the $5 million requested. Accordingly, the amendment set forth below is hereby adopted.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3–8(e)(7) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(e) *Services.* * * *

(7) Any concern bidding on a contract for food services is classified as small if its average annual sales or receipts for its preceding three fiscal years do not exceed $4 million.

* * * * *

Effective date. This amendment shall become effective thirty (30) days after publication in the FEDERAL REGISTER but shall apply only to procurements for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: November 26, 1969.

W. D. BREWER,
Acting Administrator.

[F.R. Doc. 69-14309; Filed, Dec. 2, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16877), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Natchez, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, Coast and Geodetic Survey refined the final approach radial of the VOR RWY–17 SIAP from 021° to 020°. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Natchez, Miss., transition area is amended to read:

NATCHEZ, MISS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hardy-Anders Field (lat. 31°36'50" N., long. 91°17'55" W.); within 3 miles each side of Natchez VOR 020° radial, extending from the 7-mile radius area to 8.5 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west of Natchez VOR 020° radial, extending from the VOR to 18.5 miles north; excluding the portion within the State of Mississippi.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 24, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14310; Filed, Dec. 2, 1969; 8:47 a.m.]

[Docket No. 8041; Amdts. 91-70, 121-54, 127-13, 135-12]

ADDITIONAL OPERATING RULES APPLICABLE TO OPERATIONS FOR COMPENSATION OR HIRE WITH SMALL AIRCRAFT

The purpose of these amendments to Parts 91, 121, 127, and 135 of the Federal Aviation Regulations is to establish certain additional operating requirements for air taxi and commercial operators conducting operations with small aircraft under Part 135, and to require that persons holding certificates issued under Parts 121 and 127 conducting operations with small airplanes conduct those operations in accordance with Part 135.

These amendments are based on a notice of proposed rule making issued as Notice 69–4 and published in the FEDERAL REGISTER on January 30, 1969 (34 F.R. 1443).

Interested persons have been afforded an opportunity to participate in the rule making through submission of written comments. Due consideration has been given to all relevant matter presented.

Numerous comments were received in response to the notice. Based upon these comments and upon review within the FAA, a number of changes have been made to the proposed rule. Many of these changes involve rewording and reorganization for clarity and consistency. The final amendments, pertinent comments, and the more significant changes from the notice are discussed in the order in which they were proposed in the notice.

Operation of small airplanes and helicopters by Parts 121 and 127 certificate holders. This amendment provides for temporary continued effectiveness of existing operations specifications authorizing persons holding certificates issued under Parts 121 and 127 to conduct operations in small aircraft under Part 135 until new operations specifications are issued. Specifically, it will be noted that operations specifications authority to operate small aircraft under Part 135 expires on May 31, 1970, unless the certificate holder applies before that date for new specifications authority.

The notice proposed to apply § 121.9 only to small airplanes, thereby removing small helicopters from its coverage. It is the intent of this amendment to require persons holding certificates issued under Part 121 or 127 to operate small helicopters in accordance with § 121.13 or Part 127, as appropriate, unless the Administrator finds that safety in air transportation and the public interest allow the operation of small helicopters under Part 135 in a particular case. Accordingly, § 121.13 has been changed by adding a new paragraph (d), that provides for operating small helicopters under Part 135, in accordance with appropriate operations specifications authority, if the Administrator finds that safety in air transportation and the public interest allow it.

Section 121.27 presently contains a provision for the issuance of deviations from the rules of Part 121 applicable to operations conducted by domestic air carriers in small airplanes. This amendment deletes that provision, since under the rules adopted herein, all domestic air carrier operations in small airplanes will be required to be conducted under the provisions of Part 135.

Applicability of Part 135. The notice proposed to broaden the applicability of Part 135 to accommodate certificate holders under Parts 121 and 127 operating small airplanes. However, such an amendment to the applicability provisions of Part 135 is unnecessary, since the applicability of the operating rules in Part 135 to Parts 121 and 127 certificate holders operating small aircraft is provided for in Part 121 by §§ 121.9 and 121.13, and in Part 127 by § 127.5, as amended herein.

Duration of ATCO certificate. Under this amendment, each ATCO certificate in effect immediately prior to the effective date of the amendment expires on May 31, 1970, unless the holder thereof applies for a new certificate and operations specifications before the expiration date. The amendment permits the certificate holder to continue operations, under the operations specifications and rules of Part 135 in effect immediately prior to the effective date of the amendment, until May 31, 1970, or if application for a new certificate is made, until a new certificate and operations specifications are issued or the application is denied.

Contents of operations specifications. The notice proposed to amend § 135.13(b)(2) to broaden the contents of the operations specifications to include a list of the types of instrument approach procedures authorized and a list of aircraft required to be inspected in accordance with an approved aircraft inspection program. The proposed listing of instrument approach procedures has not been adopted. The FAA agrees with comments pointing out that the authorization of types of procedures is meaningful only if related to specific aircraft or pilots. It should be noted that § 135.131 requires a demonstration of those instrument approach procedures which the pilot is authorized to conduct.

The proposed listing of aircraft to be inspected in accordance with an approved aircraft inspection program is clarified by requiring those aircraft to be listed by registration number.

The proposed amendment to § 135.15 contained a statement that an air carrier or commercial operator holding a certificate under Part 121 or 127 is not eligible for a certificate under Part 135. Although an air carrier certificated under Part 121 or 127 may conduct operations in small airplanes in accordance with the rules of Part 135, it is excluded from the classification of air carriers designated as "air taxi operators" by the rules of the Civil Aeronautics Board (CAB) and, therefore, is not eligible to hold an ATCO certificate. In view of the fact that it is the rules of the CAB that make an air carrier ineligible for an ATCO certificate, the proposed statement of ineligibility with respect to persons holding air carrier certificates is considered unnecessary and is, therefore, not adopted in this amendment.

However, with respect to persons holding commercial operator operating certificates issued under Part 121, this amendment retains an eligibility requirement. In the past, the FAA has found that only on rare occasions or in special circumstances can an applicant show that his contract business conducted under Part 121 in large aircraft would not result directly or indirectly from his holding out as a common carrier in his air taxi operations. As amended, § 135.15 requires that a person holding a commercial operator operating certificate issued under Part 121 must, in order to obtain an ATCO certificate, show that his proposed operations will not result in common carriage operations conducted with large aircraft operated under Part 121. Of course, he may conduct commercial operations in small airplanes, as provided by § 121.9, by obtaining appropriate operations specifications authority.

Notification of establishment or change of location of business office or operations base. As amended, § 135.41 has been changed from the notice to allow operations from temporary operations bases without notifying the District Office. The notification requirement is not intended to apply to operators who establish a temporary operating base until a construction job is completed within operating range and then move on to another temporary operations base or return to their home base. However, such operators must give notification before changing the location of any business office.

Briefing of passengers. In response to numerous comments, the method of briefing passengers before flight has been changed from the oral briefing proposed in the notice to allow other kinds of briefing such as printed cards and to avoid unnecessary repetition of an oral briefing before each flight when the same passengers are carried on several flights in the same aircraft on the same day. As adopted § 135.81 requires the pilot to insure that each passenger is familiar with the briefing information before takeoff.

Limitations for operations in icing conditions. Section 135.85(d)(3) has been changed from the notice to include airplanes certificated in accordance with Special Federal Aviation Regulation No. 23 in the list of airplanes in paragraph (d) of that section.

Some comments contended that proposed paragraph (e) of § 135.85 would allow a pilot to ignore forecast icing conditions; other comments recommended deleting the prohibitions against flying into forecast icing conditions. The amendment is intended to allow for changing weather conditions that obsolete a forecast before the next forecast is issued. The proposal as adopted herein has been revised for purposes of clarification.

Pilot in command qualifications. The proposal that pilots operating VFR must have a minimum of 500 hours of flight experience and hold an instrument rating received the greatest number of comments in response to the notice. It appears that a substantial number of air taxi pilots do not hold instrument ratings and the adoption of the proposed instrument rating requirement would create an unnecessary burden on air taxi operators that is not supported by past operating experience. An examination of records of accidents involving aircraft operated by ATCO certificate holders reveals that of 11 fatal accidents involving VFR flights into instrument conditions during an 18-month period, nine of the pilots held instrument ratings and during that period no pilots with less than 500 hours had any fatal accidents in ATCO operations. On the basis of this review of the accident statistics, the FAA has determined to make no change in the present pilot qualification requirements for day or night VFR flight. As proposed in the notice and as adopted herein, these requirements apply to all flights regardless of whether or not passengers are carried.

Pilot in command qualifications: IFR flight. Section 135.125, as adopted herein, contains the pilot in command qualifications for IFR flight proposed in § 135.121(a) of the notice.

Deletion of § 135.129. Section 135.129 is deleted as proposed in the notice.

Manual requirements. Section No. 135.27 is assigned to Item 15 of the notice. Section 135.27 is changed to provide authority for granting a deviation from the manual requirement where the operation is so small that a manual is not a necessary management device for the orderly and safe conduct of operations. In addition to the single-pilot-owner operation, some organizations may have no need for all or part of the manual because of the limited size and kind of their operations.

Section 135.27(b)(13) requires that those certificate holders who have a manual and an approved inspection program include the program in the manual.

Recordkeeping and administrative controls. Section No. 135.43 is amended to include Item 16 of the notice. The load manifest requirement is changed from the notice to apply only to multiengine aircraft for which a crew of two pilots is required for all Part 135 operations. This would include aircraft with a passenger configuration for more than nine passengers and aircraft that are required to have a crew of two pilots by their operating limitations. Weight and balance procedures for aircraft other than those to which § 135.43(c) applies are covered in the manual, when a manual is required, and the training program.

The information required to be contained in the load manifest concerning the weight and balance of the loaded aircraft is changed from the notice to simplify the manifest and the retention period for the manifest is changed from the proposed 3 months to 30 days.

Training of employed certificated mechanics. Item 17 of the notice is not adopted. The purpose of the proposal in Item 17 was to insure that no certificate holder uses the services of any person for supervision or approval of maintenance of alterations who has not satisfactorily performed the work concerned at an earlier date. This limitation on the privileges of a certificated mechanic is currently contained in § 65.81 of Part 65 of the Federal Aviation Regulations and § 135.33 prohibits a certificate holder from using the services of any person as an airman, which includes a mechanic, unless that person is qualified under the Federal Aviation Regulations. Accordingly, adoption of proposed Item 17 is considered unnecessary.

Compliance with types of instrument approach procedures authorized. Item 18 of the notice is not adopted. As explained above, the proposal to require approval of types of instrument approach procedures in the operator's operations specifications has not been adopted. However, under § 135.138(b) as adopted herein each pilot will be required to demonstrate his ability to conduct each type of instrument approach procedure that he is authorized to use.

Flight locating requirements. Some comments suggested that flight locating requirements in Item 19 should not apply to contract operations in remote areas where flights are made from temporary bases. However, there is sufficient latitude in the provisions of paragraph (a)(3) of § 135.29 to permit compliance under those circumstances. Therefore, § 135.29, assigned to Item 19 of the notice

is adopted herein as proposed in the notice.

Aircraft proving tests. Section No. 135.32 is assigned to Item 20 of the notice. The proposal is changed: (1) To clarify what was meant by "type" in the notice; (2) to provide for deviations from the specific hours of testing required in special circumstances; (3) to make the proving test requirements inapplicable to aircraft presently operated by a certificate holder under Part 135; and (4) to explain the phrase "materially altered in design."

Landing and takeoff distance limitations. Section No. 135.113 is assigned to Item 21 of the notice and is adopted as proposed in the notice.

Alcoholic beverages. Section No. 135.115 is assigned to Item 22 of the notice. The rule as adopted herein contains the same language as that contained in Part 121 of the air carrier rules.

One comment requested that the requirement of § 91.7 that each required crewmember be at his station, with certain exceptions, be relaxed to permit the second in command to serve as a flight attendant during portions of the flight. When a two-pilot crew is required, it should function as a team, whether observing traffic in normal operations or handling emergencies. It is not in the interest of safety to have that team effort interrupted by cabin attendant duties that are not essential to the safety of the flight, such as serving food or beverages. Accordingly, § 91.7 will remain applicable to the second in command in operations under Part 135.

Carriage of cargo. Section No. 135.117 is assigned to Item 23 of the notice. Section 135.117 has been changed from the notice to allow the carriage of cargo behind passengers, but not directly above passengers. Many small airplanes have a "station wagon" configuration with no cargo bulkhead between a rear cargo area and the passenger seats. If the cargo is properly secured so as to eliminate the possibility of shifting under all normally anticipated flight and ground loads, the cargo may be carried behind the passengers. Other requirements for cargo location and security, as proposed in the notice, must also be met. These requirements apply to cargo carried aboard any aircraft, regardless of whether or not passengers are carried. The rule has been drafted to clarify the three basic ways cargo may be carried; that is, (1) in approved racks, bins, or compartments installed in the airplane; (2) in accordance with the location and security requirements specified in paragraph (c); or (3) as otherwise approved by the Administrator. The third method is intended to cover situations involving nets, bins, and other devices not installed in the airplane, but available for use in a manner approved by the Administrator.

Flight and duty time limitations. Section No. 135.136 is assigned to Item 24 of the notice. Due to the great diversity in the operations conducted under Part 135 and the attendant need for flight time limitations that will accommodate those different operations, the weekly, monthly, and annual flight time limitations proposed in the notice are not adopted by this amendment. Instead, the daily or 24-hour duty time limitations are changed to provide: (1) That a pilot of an aircraft requiring only one pilot may not be assigned for more than 8 hours of duty during flight time in any 24 consecutive hours; (2) that a pilot of an aircraft required to have two pilots may not be assigned for more than 10 hours of duty during flight time in any 24 consecutive hours; (3) that flight crewmembers must be given at least 10 consecutive hours free from all duties in connection with operations under Part 135 during any 24-hour period; and (4) that in the event a pilot exceeds 8 hours of assigned flight time during any 24 consecutive hours, because of circumstances beyond his control such as adverse weather conditions, he must have at least 16 hours free from all duty in operations under Part 135 before he can be assigned to another flight. We believe the foregoing daily limitations will provide adequate flight time limitations. However, we intend to keep this matter under study and will conduct periodic surveillance of the industry to determine whether there is a need for further limitations.

The term "duty during flight time" has been substituted for "duty aloft" used in the notice in response to requests to clarify the meaning of "duty aloft."

Since the certificate holder may not know the extent of a pilot's other commercial flying during any 24 consecutive hours, the pilot is responsible for not accepting an assignment that would exceed the flight time limitations.

Second in command for aircraft with more than 10 occupants. Sections Nos. 135.52 and 135.53 are assigned to Item 25 of the notice. The two-pilot requirement in the notice was intended to apply to any aircraft capable of carrying 10 or more passengers and to apply whether or not passengers are carried or the seats are installed, so as to include passenger-cargo versions of aircraft capable of carrying 10 or more passengers. However, the rule as drafted in the notice did not provide a clear identity of the aircraft to which the rule would apply, since it is not clear which aircraft are capable of carrying 10 or more passengers, except when the seats are installed. As adopted, the rule requires two pilots whether or not passengers are carried if more than nine passenger seats (excluding any pilot seat) are installed.

The FAA will continue to consider, as a future rule-making action, a two-pilot requirement for airplanes based on type certificated cargo and passenger-carrying capacity rather than the seating configuration. In the meantime, the two-pilot requirement is limited to that presently in the standard operations specifications held by some ATCO certificate holders. As drafted, the rule is intended to allow the operation of an 11-seat airplane with one pilot, provided only nine-passenger seats are installed and the co-pilot seat is not occupied by any person other than those persons authorized by the regulation.

As adopted, the two-pilot requirement applies only to airplanes and not to all aircraft as proposed. Comments pointed out correctly that insofar as the proposal applies to helicopters, it exceeds the crew requirements for scheduled air carrier helicopter operations under Part 127.

Flight attendant crewmember requirement. Section No. 135.54 is assigned to Item 26 of the notice. The proposed requirement for a flight attendant is changed in this amendment to apply to aircraft having a passenger seating capacity of 20 or more. This change is made in view of the requirement in Part 127 for a flight attendant in helicopters with a passenger capacity of more than 19 and in view of the second-in-command requirement.

Pilot and flight attendant crewmember training programs. Sections Nos. 135.55 and 135.137 are assigned to Item 27 of the notice. Section 135.55 is changed from the notice by transferring the substance of the provisions of proposed paragraphs (b), (c), and (d) to § 135.137 because they pertain, more appropriately, to pilot testing. Other changes have been made to avoid adopting redundant requirements and to clarify the contents of the training program.

The proposed requirement that the training program contain the minimum time to be spent in completion of the curriculums has not been adopted in view of the variations in air taxi operations, qualifications of pilots, and aircraft used. It is considered preferable to require only that the program be adequate to insure that each required pilot and flight attendant is adequately trained to meet the applicable knowledge and skill test requirements.

Initial and recurrent pilot testing requirements. Section No. 135.138 is assigned to Item 28 of the notice. Questions have arisen as to the standard of performance to be met in demonstrating competence in the flight tests required by § 135.138. A general standard of competence is expressed in § 61.23 of this chapter. That standard is flexible enough to apply to differences in the levels of competence expected between private and commercial pilots. In contrast to that standard, the standard in § 135.138 to be applied in the case of pilots will require the pilot to be the obvious master of the aircraft with the outcome of the maneuver never in doubt. The result is to require a higher standard of performance in testing pilots under § 135.138 than is required for the issuance of a private or commercial pilot certificate or an instrument rating under Part 61 of the chapter.

Initial and recurrent flight attendant crewmember testing requirements. Section No. 135.139 is assigned to Item 29 of the notice and is adopted as proposed.

Pilot-in-command qualifications for routes and airports. Section No. 135.122 is assigned to Item 30 of the notice. Paragraphs (a) and (b) of Item 30 are not adopted; since the substance of these paragraphs is adequately covered by the testing requirements in § 135.138.

The words "in operations under this part" have been added to paragraph (b) of § 135.122 to make it clear that the duties and responsibilities to be satisfactorily performed in the check are those of a pilot in command of an aircraft in operations under Part 135.

Emergency flotation means for overwater operation. It appears that the accident record does not support the proposed requirement in Item 31 of the notice which would involve retrofitting many of the 10,000 or more aircraft used in air taxi operations. Accordingly, the proposal is not adopted.

It will be noted that § 91.33(b)(11) applies to all operations under Part 135 and requires approved flotation gear readily available to each occupant if the aircraft is operated beyond power-off gliding distance from shore. If, for example, a takeoff is made over water, the aircraft must at all times be in a position from which it can glide to the shore, all power off, maneuvering as necessary, unless flotation means are available.

Reporting of mechanical irregularities. Section No. 135.119 is assigned to Item 32 of the notice and is adopted as proposed in the notice.

Empty weight and center of gravity. Section No. 135.167 is assigned to Item 33 of the notice. The rule proposed in Item 33 of the notice has been changed by the addition of two exceptions to the requirement in § 135.167(a) that current empty weight and center of gravity calculations be calculated from values established by actual weighing of the aircraft within the preceding 3 years. One exception is made for aircraft originally certificated for airworthiness within the preceding 3 years. The other exception is for aircraft operated under a weight and balance system approved in the operations specifications of the operator.

In addition, the compliance date for § 135.167(a) has been changed to require compliance 12 months after the effective date of this amendment and application of the rule is restricted to multiengine aircraft.

Approved aircraft inspection program. Section No. 135.60 has been assigned to Item 34 of the notice.

As adopted, a certificate holder may apply for an amendment to his operations specifications to allow him to have his aircraft inspected in accordance with an approved aircraft inspection program instead of the annual, 100-hour, or progressive inspection requirements of §§ 91.169 and 91.171. An inspection program may be submitted for approval by the Administrator for any make and model aircraft if the certificate holder has the exclusive use of at least one aircraft of that make and model. A separate inspection program must be submitted and approved for each different make and model aircraft that the certificate holder desires to have inspected in accordance with an approved aircraft inspection program. Each aircraft subject to an approved aircraft inspection program is listed in the certificate holder's operations specifications and may be operated by a certificate holder or any other person without an annual, progressive, or 100-hour inspection in any operation that would otherwise require those inspections, as long as it is inspected in accordance with the approved aircraft inspection program. Section 91.169 of Part 91 is amended to exclude from the annual and 100-hours inspection requirements small aircraft that are inspected in accordance with an approved inspection program.

Section 135.60 also sets out procedures whereby the Administrator may amend the certificate holder's operations specifications to require certain aircraft to be inspected in accordance with an approved aircraft inspection program. Such an amendment of the operations specifications is governed by § 135.19 and the certificate holder may submit written information, views, and arguments concerning the proposed amendment and may petition the Administrator for reconsideration of such an amendment. Section 135.60 also prescribes requirements for approval of an aircraft inspection program and procedures for changes in the program, including procedures for reconsideration of any change requested by the Administrator.

Inasmuch as all certificate holders are not required to have a manual, a provision has been added for an approved aircraft inspection program manual.

Mechanical reliability reports. Section No. 135.57 has been assigned to Item 35 of the notice. As adopted, § 135.57 is limited to multiengine aircraft. Provision has been made in paragraph (d) for delaying the submission of reports on aircraft operated in areas where mail is not collected.

Mechanical interruption summary report. Section No. 135.59 has been assigned to Item 36 of the notice. Section 135.59, as adopted, is limited to multiengine aircraft. This amendment does not adopt proposed paragraph (b) in Item 36, which pertained to the number of engines removed prematurely.

Check pilot authorization. Section 135.135 is amended to make it clear that a check pilot's authorizations will be specified in terms of the kinds of tests he is qualified to give.

Second in command qualification. The point has been raised by air carriers operating under Part 121 that under Part 121 a second in command is not required to hold a category, class, or type rating appropriate to the aircraft on which he serves. These carriers have suggested that category, class, and type ratings not be required of a second in command who is subject to an approved training program conducted under Part 121. This suggestion is not adopted in this amendment. The completion of an approved training program should enable the second in command to pass a test for a rating. The flight test for a type rating may be given in conjunction with the testing portion of the operator's training program to avoid the cost of an additional flight test.

Some operators use the services of a second in command pilot when they are not required to do so by the regulations. Accordingly, § 135.127 is amended to require category and class ratings only when a second in command is required.

Autopilot: minimum altitude for use. Section 135.79(b) is amended to make it conform to the new Terminal Instrument Procedures (TERPS) terminology.

Airworthiness check. Section 135.67 is amended to include inspections under the approved inspection program. It will be noted that under § 135.27 the certificate holder must develop procedures for ensuring that the pilot in command knows that required airworthiness inspections have been made and that the aircraft has been approved for return to service in compliance with applicable maintenance requirements.

In consideration of the foregoing, Parts 91, 121, 127, and 135 of the Federal Aviation Regulations are amended, effective April 1, 1970; as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.169 [Amended]

1. By revising § 91.169(c) by striking out the word "or" at the end of subparagraph (2), striking out the period at the end of subparagraph (3) and substituting "; or" in place thereof, and adding the following new subparagraph (4):

(4) Any small aircraft that is inspected in accordance with an approved aircraft inspection program under Part 135 of this chapter and is so identified, by registration number, in the operations specifications of the certificate holder having the approved inspection program.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

2. By amending § 121.9 to read as follows:

§ 121.9 Operation of small airplanes.

(a) No person may conduct operations with small airplanes unless he conducts those operations in accordance with the rules of Part 135 of this chapter, except §§ 135.9 and 135.19 of Subpart A and §§ 135.41, 135.45, 135.47, and 135.51 of Subpart B, and appropriate operations specifications in lieu of Subparts E through V of this Part 121. However, the holder of an air carrier operating certificate issued under this part may maintain its small airplanes in accordance with a continuous airworthiness maintenance program that meets the requirements in Subpart L of this part and operations specifications issued to it under this part. Operations specifications issued under this section contain such operating limitations and requirements as the Administrator finds necessary.

(b) Operations specifications issued as authority to operate small airplanes under Part 135 of this chapter and in effect on March 31, 1970, expire on May 31, 1970, and the certificate holder may conduct the operations authorized in accordance with those operations specifications and the rules of Part 135 of this

chapter effective on March 31, 1970, until the specifications expire. However, if the certificate holder applies before May 31, 1970, for new operations specifications authority to operate small airplanes under Part 135 of this chapter, he may continue those operations until new specifications are issued to him, or until the Administrator notifies him that his application is denied.

§ 121.13 [Amended]

3. By amending § 121.13 by striking out the reference to § 121.9 in paragraph (a) and adding a new paragraph (d) to read as follows:

(d) Upon application the Administrator may issue operations specifications to a certificate holder, authorizing it to conduct operations other than scheduled operations with small helicopters under Part 135 of this chapter if he finds that safety in air commerce and the public interest allow it. Operations specifications issued under this paragraph contain such operating limitations and requirements as the Administrator finds necessary.

§ 121.27 [Amended]

4. By amending § 121.27 by striking out the words "conducted under the rules of this part applicable to domestic air carriers in small airplanes, or" in the first sentence of paragraph (b).

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

5. By adding a new § 127.5 to Part 127 to read as follows:

§ 127.5 Operation of small airplanes.

(a) No person may conduct operations with small airplanes unless he conducts those operations in accordance with Part 135 of this chapter and appropriate operations specifications. However, the holder of an air carrier operating certificate issued under this part may maintain its small airplanes in accordance with a continuous airworthiness maintenance program that meets the requirements of Subpart I of this part and operations specifications issued to it under this part. Operations specifications issued under this section contain such operating limitations and requirements as the Administrator finds necessary.

(b) Operations specifications issued as authority to operate small airplanes under Part 135 of this chapter and in effect on March 31, 1970, expire on May 31, 1970, and the certificate holder may conduct the operations authorized in accordance with those operations specifications and the rules of Part 135 of this chapter in effect on March 31, 1970, until the specifications expire. However, if the certificate holder applies before May 31, 1970, for new operations specifications authority to operate small airplanes under Part 135 of this chapter, he may continue those operations until new specifications are issued to him, or until the Administrator notifies him that his application is denied.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

§ 135.1 [Amended]

6. By amending § 135.1 by striking out the word "and" at the end of subparagraph (2), striking out the period at the end of subparagraph (3) and substituting "; and" in place thereof, and adding the following new subparagraph (4):

(4) Each person who is on board an aircraft being operated under this part.

7. By amending § 135.9 to read as follows:

§ 135.9 Certificate and operations specifications required.

Except as provided in § 135.11(b), no person may operate an aircraft in operations to which this part applies without, or in violation of, an ATCO operating certificate and appropriate operations specifications issued under this part or, in the case of operations with large aircraft, operations specifications issued under Part 121 of this chapter.

8. By amending § 135.11 to read as follows:

§ 135.11 Duration of certificate.

(a) An ATCO certificate issued after March 31, 1970, is effective until surrendered, suspended, or revoked. The holder of an ATCO certificate that is suspended or revoked shall return it to the Administrator.

(b) An ATCO certificate in effect on March 31, 1970, expires on May 31, 1970, and the holder thereof may conduct operations in accordance with the rules of this part and operations specifications in effect on March 31, 1970, until the certificate expires. However, if the holder of the certificate applies before May 31, 1970, for a new ATCO certificate and operations specifications under this part, the certificate held continues in effect and he may continue those operations until a certificate and specifications are issued to him under this part, or until the Administrator notifies him that his application is denied.

9. By amending paragraph (b)(2) of § 135.13 to read as follows:

§ 135.13 Application and issue of certificate and operations specifications.

* * * * * * *

(b) * * *

(2) Separate operations specifications containing the type and area of operations authorized, the class and category of aircraft that he may use in those operations, registration numbers of aircraft that are inspected in accordance with an approved aircraft inspection program, any authorized deviations from this part, and such other items as the Administrator may require or allow to meet any particular situation.

10. By amending § 135.15 by adding a new flush paragraph following paragarph (c) to read as follows:

§ 135.15 Eligibility for certificate and operations specifications.

* * * * * * *

(c) * * *

However, no person holding a commercial operator operating certificate issued under Part 121 of this chapter is eligible for an ATCO certificate unless he shows to the satisfaction of the Administrator that his contract carriage business in large aircraft will not result directly or indirectly from his air taxi business.

11. By adding the following new section to Subpart B of Part 135:

§ 135.27 Manual requirements.

(a) Each certificate holder, other than one who uses only himself as a pilot, shall prepare and keep current a manual for the use and guidance of flight, ground operations, and maintenance personnel in conducting its operations. However, the Administrator may authorize a deviation from this paragraph if he finds that because of the limited size of the operation, all or part of the manual is not necessary for guidance of flight, ground, or maintenance personnel.

(b) Each manual shall be kept in a form that is easy to revise and shall have the date of the last revision on each revised page. The manual must include—

(1) The identity of each person in a management capacity who is authorized to act for the certificate holder in his assigned area of responsibility;

(2) Procedures for ensuring compliance with aircraft weight and balance limitations and in the case of multiengine airplanes for ascertaining compliance with the requirements of § 135.167;

(3) Copies of the certificate holder's operations specifications or appropriate extracted information, including area of operations authorized, category and class of aircraft authorized, crew complements, and types of operations authorized (such as VFR, IFR, day, night, passenger, cargo);

(4) Procedures for complying with accident notification requirements;

(5) Procedures for ensuring that the pilot in command knows that required airworthiness inspections have been made and that the aircraft has been approved for return to service in compliance with applicable maintenance requirements;

(6) Procedures for reporting of mechanical irregularities that come to the attention of the pilot in command during flight time or defects noted during preflight inspection;

(7) Procedures to be followed by the pilot in command for ascertaining that mechanical irregularities or defects reported for previous flights have been corrected or that correction has been deferred;

(8) Procedures to be followed by the pilot in command to obtain maintenance, preventive maintenance, and servicing of the aircraft at a place where prior arrangements have not been made by the operator, when the pilot is authorized to so act for the operator;

(9) Procedures for refueling aircraft, eliminating fuel contamination, protection from fire (including electrostatic protection), and supervising and protecting passengers during refueling;

(10) Flight locating procedures, when applicable;

(11) Procedures for ensuring compliance with emergency procedures;

(12) En route qualification procedures for pilots, when applicable;

(13) The approved aircraft inspection program, when applicable; and

(14) Other procedures and policy instructions pertinent to the certificate holder's operations, that are issued by the certificate holder.

(c) The manual must not be contrary to any applicable Federal regulation, foreign regulation applicable to the certificate holder's operations in foreign countries, or the certificate holder's operations specifications or operating certificate.

(d) A copy of the manual, or appropriate portions of the manual (and changes and additions thereto) shall be made available to maintenance personnel by the certificate holder and furnished to—

(1) Its ground operations personnel;

(2) Its crewmembers; and

(3) Representatives of the Administrator assigned to the certificate holder.

(e) Each person to whom a manual or appropriate portions of it are furnished under subparagraphs (1) and (2) of paragraph (d) of this section shall keep it up to date with the changes and additions furnished to him.

(f) Except as provided in paragraph (g) of this section, each certificate holder shall carry appropriate parts of the manual on each aircraft when away from the principal base. The appropriate parts must be available for use of ground or flight personnel.

(g) If a certificate holder is able to conduct inspections at specified stations where it keeps the approved aircraft inspection program part of the manual, or approved inspection program manual, it does not have to carry the manual aboard the aircraft en route to those stations.

12. By adding the following new section to Subpart B of Part 135:

§ 135.29 Flight locating requirements.

(a) Each certificate holder must have procedures established for locating each flight, for which an FAA flight plan is not filed, that—

(1) Provide the certificate holder with at least the information required to be included in a VFR flight plan;

(2) Establish a procedure for timely notification of an FAA facility or search and rescue facility, if an aircraft is overdue or missing; and

(3) Provide the certificate holder with the locations, date, and estimated time for reestablishing radio or telephone communications, if the flight will operate in an area where radio communications cannot be maintained.

(b) Flight locating information shall be retained at the certificate holder's principal place of business, or at such other places as may be designated by the certificate holder in the flight locating procedures, until the completion of the flight.

(c) Each certificate holder shall furnish the representative of the Administrator assigned to it with a copy of its flight locating procedures and any changes or additions thereto, unless those procedures are included in a manual required to be maintained under this part.

13. By adding the following new section to Subpart B of Part 135:

§ 135.32 Aircraft proving tests.

(a) No certificate holder may operate a turbojet airplane, or an aircraft for which two pilots are required by this chapter for operations under VFR, if it has not previously proved that aircraft or an aircraft of the same make and similar design in any operation to which this part applies unless, in addition to the aircraft certification tests, at least 25 hours of proving tests acceptable to the Administrator have been flown by that certificate holder including—

(1) Five hours of nighttime, if night flights are to be authorized;

(2) Five instrument approach procedures under stimulated or actual instrument weather conditions, if IFR flights are to be authorized; and

(3) Entry into a representative number of en route airports as determined by the Administrator.

(b) No certificate holder may carry passengers in an aircraft during proving tests, except those needed to make the tests and those designated by the Administrator to observe the tests. However, pilot flight training may be conducted during the proving tests.

(c) For the purposes of paragraph (a) of this section, an aircraft is considered to be materially altered in design if the alterations include—

(1) The installation of powerplants other than those of a type similar to those with which it is certificated; or

(2) Alterations to the aircraft or its components that materially affect flight characteristics.

(d) This section does not apply to an aircraft of the same make and similar design as an aircraft operated more than 25 hours under this part by the certificate holder before the date on which this section becomes effective with respect to his operation.

(e) The Administrator may authorize deviation from this section if he finds that special circumstances make full compliance with this section unnecessary.

14. By revising § 135.41 (a) and (b) and by adding a new paragraph (c) to read as follows:

§ 135.41 Business office and operations base.

(a) Each certificate holder shall maintain a principal business office.

(b) Each certificate holder shall, before establishing, or changing the location of any business office or operations base, except a temporary operations base, notify in writing the FAA District Office having jurisdiction over the area in which the certificate holder's principal business office is located.

(c) No certificate holder who establishes or changes the location of any business office or operations base, except a temporary operations base, may operate an aircraft in operations subject to this part unless he has complied with paragraph (b) of this section.

15. By revising § 135.43 to read as follows:

§ 135.43 Recordkeeping requirements.

(a) Each certificate holder shall keep at his principal business office and make available for inspection by the Administrator the following:

(1) His ATCO certificate;

(2) His operations specifications;

(3) A current list of the aircraft used or available for use by him in operations subject to this part and the operations for which each is equipped; and

(4) An individual record of each pilot used by him in operations subject to this part, including the following information:

(i) The full name of the pilot.

(ii) The pilot certificate (by type and number) and ratings that the pilot holds.

(iii) The pilot's aeronautical experience, in sufficient detail to determine his qualifications to pilot aircraft in operations subject to this part.

(iv) The pilot's current duties and the date of his assignment to those duties.

(v) The effective date and class of the medical certificate that the pilot holds.

(vi) The date and result of each of the initial and recurrent proficiency tests and instrument and route checks required by this part and the type of aircraft flown during that test or check.

(vii) The pilot's flight time in sufficient detail to determine compliance with the flight time limitations of this part.

(viii) The pilot's check pilot authorization, if any.

(ix) Any action taken concerning the pilot's release from employment or physical or professional disqualification.

(b) Each certificate holder shall keep each record required by paragraph (a)(3) or (4) of this section for at least 6 months after it is made.

(c) For multiengine aircraft for which two pilots are required by this chapter for operations under VFR, each certificate holder shall prepare or cause to be prepared a load manifest containing the following information concerning the loading of the aircraft at takeoff time—

(1) The number of passengers;

(2) The total weight of the loaded aircraft;

(3) The maximum allowable takeoff weight for that flight;

(4) The center of gravity of the loaded aircraft; and

(5) The center of gravity limits for the loaded aircraft.

(d) The pilot in command of an aircraft for which a load manifest is required to be prepared shall carry a copy

of the completed load manifest in the aircraft to its destination, and the certificate holder shall keep copies of completed load manifests for at least 30 days at its principal operations base, or at another location used by it and approved by the representative of the Administrator assigned to it.

16. By adding the following new section to Subpart B of Part 135:

§ 135.52 Composition of flight crew.

(a) No certificate holder may operate an aircraft with less than the minimum flight crew specified in the aircraft operating limitations or the Aircraft Flight Manual for that aircraft and required by this part for the kind of operation being conducted.

(b) No certificate holder may operate an airplane without a second in command if that airplane has a passenger seating configuration, excluding any pilot seat, of ten seats or more.

17. By adding the following new section to Subpart B of Part 135:

§ 135.53 Passenger occupancy of pilot seat.

No certificate holder may operate an aircraft that has a passenger seating configuration, excluding any pilot seat, for more than eight passengers if any person other than the pilot in command, a second in command, a company check airman, or an authorized representative of the Administrator, the National Transportation Safety Board, or the Post Office Department occupies a pilot seat.

18. By adding the following new section to Subpart B of Part 135:

§ 135.54 Flight attendant crewmember requirement.

No certificate holder may operate an aircraft that has a passenger seating capacity of more than 19 unless there is a flight attendant crewmember on board the aircraft.

19. By adding the following new section to Subpart B of Part 135:

§ 135.55 Pilot and flight attendant crewmember training programs.

(a) Each certificate holder, other than one who uses only himself as a pilot, shall establish and maintain a pilot training program, and each certificate holder who uses a flight attendant crewmember shall establish and maintain a flight attendant training program, that is appropriate to the operations to which each required pilot and flight attendant is to be assigned and will ensure that he is adequately trained to meet the applicable initial and recurrent knowledge and practical testing requirements of this part.

(b) Each certificate holder required to have a training program by paragraph (a) of this section shall include in that program ground and flight training curriculums for—

(1) Initial training;

(2) Additional training necessary to ensure qualification in new kinds of equipment, procedures, and techniques; and

(3) Recurrent training every 12 calendar months to ensure proficiency in procedures, techniques, and information essential to the sastifactory performance of each crewmember.

(c) Each certificate holder required to have a training program by paragraph (a) of this section shall provide current and appropriate study materials for use by each required pilot and flight attendant.

(d) The certificate holder shall furnish copies of the pilot and flight attendant crewmember training program, and all changes and additions thereto, to the representative of the Administrator assigned to it. If the certificate holder uses training facilities of other persons, a copy of training programs or appropriate portions used for those facilities shall also be furnished. Curriculums that follow FAA published curriculums may be cited by reference in the copy of the training program furnished to the representative of the Administrator and need not be furnished with the program.

(e) Whenever the Administrator finds that revisions to a training program are necessary for the continued adequacy of the program the operator shall, after notification by the Administrator, make any changes in the program found by the Administrator to be necessary. The operator may petition the Administrator to reconsider the notice to make a change in a program. The petition should be filed with the representative of the Administrator assigned to it within 30 days after the operator receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

20. By adding the following new section to Subpart B of Part 135:

§ 135.57 Mechanical reliability reports.

(a) Each certificate holder shall report the occurrence or detection of each failure, malfunction, or defect in a multiengine aircraft concerning—

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight not protected by a related fire-warning system;

(3) False fire warning during flight;

(4) An engine exhaust system that causes damage during flight to the engine, adjacent structure, equipment, or components;

(5) An aircraft component that causes accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or passenger cabin during flight;

(6) Engine shutdown during flight because of flameout;

(7) Engine shutdown during flight when external damage to the engine or aircraft structure occurs;

(8) Engine shutdown during flight due to foreign object ingestion or icing;

(9) Shutdown of more than one engine during flight;

(10) A propeller feathering system or ability of the system to control overspeed during flight;

(11) A fuel or fuel-dumping system that affects fuel flow or causes hazardous leakage during flight;

(12) A landing gear extension or retraction or opening or closing of landing gear doors during flight;

(13) Brake system components that results in loss of brake actuating force when the airplane is in motion on the ground;

(14) Aircraft structure that requires major repair;

(15) Cracks, permanent deformation, or corrosion of aircraft structures, if more than the maximum acceptable to the manufacturer or the FAA; and

(16) Aircraft components or systems that result in taking emergency actions during flight (except action to shut down an engine).

(b) For the purpose of this section "during flight" means the period from the moment the aircraft leaves the surface of the earth on takeoff until it touches down on landing.

(c) In addition to the reports required by paragraph (a) of this section, each certificate holder shall report any other failure, malfunction, or defect in an aircraft that occurs or is detected at any time if, in its opinion, that failure, malfunction, or defect has endangered or may endanger the safe operation of an aircraft used by it.

(d) Each certificate holder shall send each report required by this section, in writing, covering each 24-hour period beginning at 0900 hours local time of each day and ending at 0900 hours local time on the next day to the FAA District Office having jurisdiction over the area in which the certificate holder's principal business office is located. The report must be mailed or delivered to that office on the following day. However, a report that is due on Saturday or Sunday may be mailed or delivered on the following Monday and one that is due on a holiday may be mailed or delivered on the next work day. For aircraft operated in areas where mail is not collected, reports may be mailed or delivered within 24 hours after the aircraft returns to a point where mail is collected.

(e) The certificate holder shall transmit the reports required by this section on Form FAA 8330-2 "Malfunction or Defect Report," and shall include as much of the following as is available:

(1) Type and identification number of the aircraft.

(2) The name of the operator.

(3) The date.

(4) The nature of the failure, malfunction, or defect.

(5) Identification of the part and system involved, including available information pertaining to type designation of the major component and time since overhaul, if known.

(6) Apparent cause of the failure, malfunction, or defect (e.g., wear, crack, design deficiency, or personnel error).

(7) Other pertinent information necessary for more complete identification, determination of seriousness, or corrective action.

(f) Failures, malfunctions, or defects reported under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board of this title need not be reported under this section.

(g) No person may withhold a report by this section even though all information required by this section is not available.

21. By adding the following new section to Subpart B of Part 135:

§ 135.59 Mechanical interruption summary report.

Each certificate holder shall mail or deliver, before the end of the 10th day of the following month, a summary report of the following occurrences in multiengine aircraft for each month to the FAA District Office having jurisdiction over the area in which the certificate holder's principal business office is located:

(a) Each interruption to a flight, unscheduled change of aircraft en route, or unscheduled stop or diversion from a route, caused by known or suspected mechanical difficulties or malfunctions that are not required to reported under § 135.57.

(b) The number of propeller featherings in flight, listed by type of propeller and engine and airplane on which it was installed. Propeller featherings for training, demonstration, or flight check purposes need not be reported.

22. By adding the following new section to Subpart B of Part 135:

§ 135.60 Approved aircraft inspection program.

(a) Whenever the Administrator finds that the aircraft inspections required or permitted under § 91.169 or § 91.171 of this chapter are not adequate to meet the requirements of this part, or upon application by a certificate holder, the Administrator may amend the certificate holder's operations specifications, in accordance with § 135.19, to require or allow an approved aircraft inspection program for any make and model aircraft of which the certificate holder has the exclusive use of at least one aircraft (as defined in § 135.31(b)).

(b) A certificate holder who applies for an amendment of his operations specifications to allow an approved aircraft inspection program must submit a program for approval by the Administrator with his application.

(c) Each certificate holder who is required by his operations specifications to have an approved aircraft inspection program shall submit a program for approval by the Administrator within 30 days of the amendment of his operations specifications or within such other period as the Administrator may prescribe in the operations specifications.

(d) The aircraft inspection program submitted for approval by the Administrator must contain the following:

(1) Instructions and procedures for the conduct of aircraft inspections (which must include necessary tests and checks), setting forth in detail the parts and areas of the airframe, engines, propellers, and appliances, including emergency equipment, that must be inspected.

(2) A schedule for the performance of the aircraft inspections under subparagraph (1) of this paragraph expressed in terms of the time in service, calendar time, number of system operations, or any combination of these.

(3) Instructions for recording defects found during inspections, including form and disposition of records.

(e) After approval, the certificate holder shall include the approved aircraft inspection program in the manual required by § 135.27.

(f) Whenever the Administrator finds that revisions to an approved aircraft inspection program are necessary for the continued adequacy of the program the certificate holder shall, after notification by the Administrator, make any changes in the program found by the Administrator to be necessary. The certificate holder may petition the Administrator to reconsider the notice to make any changes in a program. The petition should be filed with the representative of the Administrator assigned to it within 30 days after the certificate holder receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

(g) Each certificate holder who has an approved aircraft inspection program shall have each aircraft that is subject to the program inspected in accordance with the program.

(h) The registration number of each aircraft that is subject to an approved aircraft inspection program is included in the operations specifications of the certificate holder.

23. By revising § 135.67 to read as follows:

§ 135.67 Airworthiness check.

The pilot in command may not begin a flight unless he determines that the airworthiness inspections required by § 91.169 of this chapter or § 135.60, whichever is applicable, have been made.

24. By revising the first sentence of § 135.75 to read as follows:

§ 135.75 Exception to second in command requirements: limited IFR conditions.

Unless two pilots are required by this chapter for operations under VFR, the pilot in command of an airplane carrying passengers may—

* * * * *

25. By revising § 135.77(a) to read as follows:

§ 135.77 Exception to second in command requirement: approval of use of autopilot system.

(a) Unless two pilots are required by this chapter for operations under VFR, a person may operate an airplane without a second in command if it is equipped with an operative autopilot system and the use of that system is authorized by appropriate operations specifications.

* * * * *

26. By revising § 135.79(b) to read as follows:

§ 135.79 Autopilot: Minimum altitudes for use.

* * * * *

(b) If an approach coupler is used, a pilot may use an autopilot system during an approach to an airport under IFR while descending to the DH or MDA, but not below, unless the autopilot system is otherwise limited.

27. By amending § 135.81 to read as follows:

§ 135.81 Briefing of passengers before flight.

Before each takeoff each pilot in command shall ensure that all passengers are familiar with information on—

(a) Smoking;

(b) Use of seat belts;

(c) Location and means for opening the passenger entry door and emergency exits;

(d) Location of survival equipment;

(e) If the flight involves extended over-water operation, ditching procedures and the use of required flotation equipment; and

(f) If the flight involves operations above 10,000 feet MSL, the normal and emergency use of oxygen.

§ 135.85 [Amended]

28. By amending § 135.85(b)(2) by striking out the word "and" immediately following the words "functioning deicing" and inserting the word "or" in place thereof and by adding new paragraphs (d) and (e) to read as follows:

(d) Paragraphs (b) and (c) of this section do not apply—

(1) To reciprocating engine powered airplanes that have ice protection provisions that comply with § 25.1419 (a) through (c) of this chapter, in effect after March 31, 1970;

(2) To turbine engine powered airplanes that have ice protection provisions that comply with §§ 25.1093(b) and 25.1419 (a) through (c) of this chapter, in effect after March 31, 1970; or

(3) To airplanes certificated in accordance with section 34 of Appendix A of this part or section 34 of Special FAR No. 23 of this chapter.

(e) If current weather reports and briefing information relied upon by the pilot in command indicate that the forecast icing condition that would otherwise prohibit the flight will not be encountered during the flight because of changed weather conditions since the forecast, the restrictions in paragraphs (b) and (c) of this section based on forecast conditions do not apply.

29. By adding the following new section to Subpart C of Part 135:

§ 135.113 Landing and takeoff distance limitations.

Each pilot in command shall, before beginning a flight, familiarize himself with all available information concerning runway lengths at airports of intended use and the landing and takeoff distance

required for the aircraft. This information must include takeoff and landing distance data contained in the approved aircraft flight manual, or other reliable data appropriate to the aircraft relating to aircraft performance under expected values of airport elevation, wind, and temperature.

30. By adding the following new section to Subpart C of Part 135:

§ 135.115 Alcoholic beverages.

(a) No person may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage to him.

(b) No certificate holder may serve any alcoholic beverage to any person aboard its aircraft if that person appears to be intoxicated.

(c) No certificate holder may allow any person to board any of its aircraft if that person appears to be intoxicated.

(d) Each certificate holder shall, within 5 days after the incident, report to the Administrator the refusal of any person to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated aboard any of its aircraft.

31. By adding the following new section to Subpart C of Part 135:

§ 135.117 Carriage of cargo.

No person may carry cargo in any aircraft unless—

(a) It is carried in an approved cargo rack, bin, or compartment installed in the aircraft;

(b) It is secured by means approved by the Administrator; or

(c) It is carried in accordance with each of the following.

(1) It is properly secured by a safety belt or other tiedown having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions.

(2) It is packaged or covered to avoid possible injury to passengers.

(3) It does not impose any load on seats or on the floor structure that exceeds the load limitation for those components.

(4) It is not located in a position that restricts the access to or use of any required emergency or regular exit, or the use of the aisle between the crew and the passenger compartment.

(5) It is not carried directly above seated passengers.

32. By adding the following new section to Subpart C of Part 135:

§ 135.119 Reporting of mechanical irregularities.

The pilot in command shall report to the certificate holder each mechanical irregularity that comes to his attention during flight time and each defect noted by him during preflight inspection of the aircraft.

33. By revising the title of Subpart D to read "Crewmember Qualifications."

34. By revising § 135.121 to read as follows:

§ 135.121 Pilot-in-command qualifications: Night flight.

No person may act as pilot in command of an aircraft at night unless—

(a) He has had at least 500 hours of flight time as pilot, including at least 100 hours of cross-country flight time, at least 25 hours of which were at night; and

(b) In the case of an airplane, he holds an instrument rating or an airline transport pilot certificate with an airplane category rating.

35. By adding the following new section to Subpart D of Part 135:

§ 135.122 Pilot-in-command qualifications: Routes and airports.

(a) The certificate holder may not utilize a pilot, nor may any person serve, as pilot in command of a flight under IFR unless, since the beginning of the 12th calendar month before that service he has passed a flight check in one of the types of airplanes that he is to fly, given by an approved check pilot who is qualified in the aircraft, or by the Administrator, consisting of at least one flight over a representative airway or approved off-airway route, or portion thereof, over which he may be assigned to fly.

(b) The pilot who conducts the check shall determine whether the pilot being checked satisfactorily performs the duties and responsibilities of a pilot in command in operations under this part, and shall so certify in the pilot training record.

36. By amending § 135.123(a)(2) to read as follows:

§ 135.123 Pilot-in-command qualifications: VFR flight over-the-top.

(a) * * *

(2) An instrument rating or, in the case of helicopters, a helicopter instrument rating, or an airline transport pilot certificate with a category and class rating for that aircraft, not limited to VFR.

* * * * *

37. By revising § 135.125 to read as follows:

§ 135.125 Pilot-in-command qualifications: IFR flight.

No person may act as pilot in command of an aircraft under IFR unless he has had at least 1,200 hours of flight time as a pilot, including 500 hours of cross-country flight time, 100 hours of night flight time, including at least 10 night takeoffs and landings, and 75 hours of actual or simulated instrument flight time, at least 50 hours of which were in actual flight.

§ 135.127 [Amended]

38. By amending § 135.127 by inserting the words "and, when a second in command is required by this chapter," immediately following the words "commercial pilot certificate."

§ 135.129 [Deleted]

39. By deleting § 135.129.

40. By revising § 135.131 by revising paragraphs (a), (b), and (c) and adding a new paragraph (h) to read as follows:

§ 135.131 Pilot in command: Instrument check requirements.

(a) No certificate holder may use a pilot, nor may any person serve as a pilot in command of an aircraft under IFR unless, since the beginning of the sixth calendar month before that use, he has passed an instrument check and the Administrator or an authorized check pilot has so certified in a letter of competency.

(b) No pilot may use any type of instrument approach procedure under IFR unless, since the beginning of the sixth calendar month before that use, he has successfully demonstrated that procedure and the Administrator or an authorized check pilot has so certified in a letter of competency.

(c) The instrument check required by paragraph (a) of this section consists of an oral or written equipment test and a flight check under simulated instrument conditions. The equipment test includes questions on emergency procedures, engine operation, fuel and lubrication systems, power settings, stall speeds, best engine-out speed, propeller and supercharger operations, and hydraulic, mechanical, and electrical systems. The flight check includes navigation by instruments, recovery from simulated emergencies, and standard instrument approaches involving navigational facilities that he is to be authorized to use. Each person taking the instrument check must show that standard of competence required by paragraph (d) of § 135.138.

* * * * *

(h) The Administrator or authorized check pilot issues a letter of competency to each pilot, if he passes the instrument check, containing the types of instrument approach procedures authorized and the types of instrument approach procedures authorized using an autopilot, if any.

41. By amending § 135.135 to read as follows:

§ 135.135 Check pilot authorization: Application and issue.

Each certificate holder desiring FAA approval of a check pilot shall submit his request in writing to the FAA District Office having jurisdiction over the area in which the holder's principal business office is located. The Administrator may issue a letter of authority to each check pilot if he passes the appropriate oral and flight test. The letter of authority lists the tests in § 135.138 that the check pilot is qualified to give and the class and type aircraft, where appropriate, for which the check pilot is qualified.

42. By adding the following new section to Subpart D of Part 135:

§ 135.136 Flight and duty time limitations.

(a) No certificate holder may assign any flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time if the total flight time of that flight in addition to any other commercial flying by that flight crewmember exceeds the following during any 24 consecutive hours:

(1) Eight hours for a flight crew consisting of one pilot.

(2) Ten hours for a flight crew consisting of two pilots required by this chapter.

(b) No certificate holder may assign a flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time unless that assignment provides for at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the assignment.

(c) A flight crewmember is not considered to be assigned for duty during flight time in excess of flight time limitations if the flights to which he is assigned would normally terminate within the limitations, but due to circumstances beyond the control of the certificate holder or the flight crewmember (such as adverse weather conditions) are not at the time of departure expected to reach their destination within the planned flight time.

(d) No certificate holder may assign a flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time if, because of circumstances beyond the control of the certificate holder or flight crewmember, the flight crewmember has been on duty during flight time for more than 8 hours during any 24 consecutive hours unless he has had 16 hours of rest since the completion of his last assigned flight.

(e) Time spent in transportation, not local in character, that the certificate holder requires of a flight crewmember and provides to transport the crewmember to the airport at which he is to serve on a flight as a flight crewmember, or from an airport at which he has completed an assigned flight to his home station, is not considered part of a rest period.

(f) No certificate holder may assign any flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time if he has been assigned to any duty with the certificate holder in connection with operations under this part during any required rest period.

43. By adding the following new section to Subpart D of Part 135:

§ 135.137 Initial and recurrent training requirements.

No certificate holder may use the services of, nor may any person serve as, a pilot or flight attendant crewmember in operations under this part unless that crewmember has completed the appropriate initial or recurrent training phase of the training program appropriate to the type of operation in which he is to serve since the beginning of the 12th calendar month before that service. This section does not apply to a certificate holder who uses only himself as a pilot.

44. By adding the following new section to Subpart D of Part 135:

§ 135.138 Initial and recurrent pilot testing requirements.

(a) No certificate holder may use the services of a pilot, nor may any person serve as a pilot, unless, since the beginning of the 12th calendar month before that service, he has passed a written or oral test, given to him by the Administrator or an authorized check pilot, on his knowledge in the following areas:

(1) The appropriate provisions of Parts 61, 91, and 135 of this chapter and the operations specifications and the manual of the certificate holder.

(2) For each type of aircraft to be flown by the pilot, the aircraft powerplant, major components and systems, major appliances, performance and limitations, standard and emergency operation procedures, and the contents of the approved aircraft flight manual or owner's handbook, as applicable;

(3) For each type of aircraft to be flown by the pilot, the method of determining compliance with weight and balance limitations for takeoff, landing, and en route operations;

(4) Navigation and use of air navigation aids appropriate to the operation or pilot authorization, including when applicable, instrument approach facilities and procedures;

(5) Air traffic control procedures, including IFR procedures when applicable;

(6) Meteorology, in general and as appropriate to the operations of the certificate holder;

(7) Procedures for avoiding operations in thunderstorms and hail, and for operating in turbulent air or in icing conditions; and

(8) New equipment, procedures, or techniques, as appropriate.

(b) No certificate holder may use the services of a pilot, nor may any person serve as a pilot, in any aircraft unless he has passed a flight check given to him by the Administrator or an authorized check pilot in that class of aircraft, if single-engine airplane other than turbojet, or that type of aircraft, if helicopter, multiengine, or turbojet, to determine the pilot's competence in practical skills and techniques in that aircraft or class of aircraft, including at least—

(1) Those maneuvers that are set forth in Part 61 of this chapter and related advisory circulars for pilot certification in the class of aircraft the pilot is to operate;

(2) Instrument demonstrations appropriate to the operations authorized for the pilot, including the types of instrument approach procedures authorized in his letter of authorization; and

(3) If a pilot is to be assigned to areas or routes that must be navigated by pilotage, a demonstration of his skill in navigation solely by pilotage.

(c) The 6-month instrument check required by § 135.131 may be substituted for the tests required by this section for the type of aircraft used in the check, if that check also includes takeoffs, landings, and ground handling maneuvers.

(d) For the purposes of this part, competent performance of a procedure or maneuver by a person to be used as pilot requires that he be the obvious master of the aircraft, with the successful outcome of the maneuver never in doubt.

(e) The Administrator or authorized check pilot certifies the competency of each pilot who passes the knowledge or flight check in the certificate holder's pilot records.

45. By adding the following new section to Subpart D of Part 135:

§ 135.139 Initial and recurrent flight attendant crewmember testing requirements.

Each certificate holder who uses a flight attendant crewmember shall determine by appropriate initial and recurrent testing that each flight attendant crewmember is knowledgeable and competent in the following areas as appropriate to assigned duties and responsibilities, before he is assigned to serve as a flight attendant crewmember—

(a) Authority of the pilot in command;

(b) Passenger handling, including procedures to be followed in the event of the presence of deranged persons or other persons whose conduct might jeopardize the safety of other passengers;

(c) Crewmember assignments, functions, and responsibilities during ditching and evacuation;

(d) Briefing of passengers;

(e) Location and operation of portable fire extinguishers;

(f) Proper use of cabin equipment and controls;

(g) Location and operation of passenger oxygen equipment; and

(h) Location and operation of all normal and emergency exits, including evacuation chutes and escape ropes.

46. By adding the following new section to Subpart E of Part 135:

§ 135.167 Empty weight and center of gravity: Current requirement.

(a) After April 1, 1971, no person may operate a multiengine aircraft in operations to which this part applies unless the current empty weight and center of gravity are calculated from values established by actual weighing of the aircraft within the preceding 3 years.

(b) Paragraph (a) of this section does not apply to—

(1) Aircraft originally certificated for airworthiness within the preceding 3 years; and

(2) Aircraft operated under a weight and balance system approved in the operations specifications of the certificate holder.

§§ 135.33, 135.35, 135.37, 135.39, 135.49, 135.101 [Amended]

47. By amending §§ 135.33, 135.35, 135.37, 135.39, 135.49, and 135.101 by striking out the words "person holding an ATCO certificate" or "holder of an ATCO certificate" wherever they appear

and inserting the words "certificate holder" in place thereof.

(Secs. 313(a), 601–610, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421–1430); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE: The recordkeeping and reporting requirements contained in Notice No. 69–4 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Since the recordkeeping and reporting requirements contained in the rules as adopted herein have been modified in response to comments submitted and are decreased from those proposed, approval by the Bureau of the Budget has not been obtained prior to their adoption.

Issued in Washington, D.C., on November 26, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69–14327; Filed, Dec. 2, 1969; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–45; Amdt. 13]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegations of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of November 1969.

The Board has determined to grant to the Director, Bureau of Operating Rights, new delegations of authority (1) to approve short-term wet leases of aircraft where the lease arrangement is for a period of 60 days or less and is for the purpose of replacing (rather than expanding) lessee's capacity because of strikes, accidents or maintenance problems, and where there are no objections to the lease arrangement; and (2) to approve waivers of § 378.2(b)(2) of the Board's Special Regulations to permit, on air/sea inclusive tours, daytime stops by a cruise ship in lieu of overnight stops, where the daytime stop is of at least 12 hours' duration and is preceded or followed by a night at sea.

In addition, the delegation contained in § 385.13(v), which delegates authority to approve applications for Statements of Authorization for inclusive tours, is being rescinded since the Board no longer issues such Statements of Authorization.

Since the amendments contained in this revision are not substantive rules but rules of agency organization and procedure, notice and public procedure hereon are not required, and the amendments may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 (14 CFR Part 385), effective November 26, 1969, as follows:

Amend § 385.13 as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(r) With respect to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control:

* * * * *

(3) Approve short-term wet leases where:

(i) The lease arrangement is for 60 days or less;

(ii) The lease arrangement is for the purpose of replacing (rather than expanding) lessee's capacity because of strikes, accidents or maintenance problems; and

(iii) There are no objections to the lease arrangement.

* * * * *

(v) Approve waivers of § 378.2(b)(2) of the Board's Special Regulations of this chapter to permit, on air/sea inclusive tours, daytime stops by a cruise ship in lieu of overnight stops where:

(1) The daytime stop is of at least 12 hours' duration; and

(2) The daytime stop is preceded or followed by a night at sea.

* * * * *

(Secs. 202, 204, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 742 (as amended by 75 Stat. 785), 743, 788; 49 U.S.C. 1322, 1324, 1481)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14345; Filed, Dec. 2, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 14—CACAO PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COCOA WITH DIOCTYL SODIUM SULFOSUCCINATE FOR MANUFACTURING; ORDER STAYING EFFECTIVENESS OF IDENTITY STANDARD AND FOOD ADDITIVE REGULATIONS

In the matter of (1) establishing a standard of identity for cocoa with dioctyl sodium sulfosuccinate for manufacturing (§ 14.14), (2) amending the food additive regulation concerning dioctyl sodium sulfosuccinate (§ 121.1137(e)), and (3) establishing a food additive regulation for cocoa with dioctyl sodium sulfosuccinate for manufacturing (§ 121.1229):

In response to the orders in the above-identified matter published in the FEDERAL REGISTER of July 23, 1969 (34 F.R. 12177–78), the Chocolate Manufacturers Association of the United States of America, Washington, D.C. 20006, an adversely affected person, filed objections to such orders and requested a public hearing on such objections.

The Commissioner of Food and Drugs concludes that reasonable grounds have been stated for a hearing on the issue of whether dioctyl sodium sulfosuccinate in cocoa would accomplish its intended effect; that is, to rapidly disperse cocoa in dry beverage bases when such bases are being mixed with water or milk.

The Commissioner further concludes that additional objections by the Chocolate Manufacturers Association have not been supported by reasonable grounds; therefore, such objections, as follows, are not acceptable for filing with the reasons given:

1. In the event of a manufacturing-packaging error, the household consumer might receive a cocoa treated with dioctyl sodium sulfosuccinate. This objection is rejected because any manufacturer of any food must exercise care in maintaining the identity of raw materials, foods undergoing processing, and finished foods so as to preclude mixups in labeling and distribution.

2. Special equipment and flammable or explosive solvent mixtures are required in treating cocoas with dioctyl sodium sulfosuccinate, and employees might be subjected to eye injury from accidental exposure to dioctyl sodium sulfosuccinate. This objection is rejected because expense and necessary precautions against industrial safety hazards are inherent to varying degrees in any good manufacturing operation.

3. At the maximum levels of dioctyl sodium sulfosuccinate permitted in cocoa-flavored beverages, undesirable bitterness is encountered. This objection is rejected because bitterness is not always encountered and, when it is encountered under such conditions, it often appears to be attributable to the natural bitterness of cocoa as much as to bitterness which may result from the additive.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 409, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 72 Stat. 1785 et seq.; 21 U.S.C. 341, 348, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That the effective date of §§ 14.14, 121.1137(e), and 121.1229 be stayed pending resolution of the issue raised by the objection at a public hearing. An announcement scheduling the hearing will be published at a later date.

(Secs. 401, 409, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 72 Stat. 1785 et seq.; 21 U.S.C. 341, 348, 371)

Dated: November 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–14307; Filed, Dec. 2, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuges.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 8,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1970, through December 31, 1970, in areas designated on map as I and III; and from March 15, 1970, through September 30, 1970, daylight hours only, in area designated on map as II; except bank fishing is permitted from the Wolf Creek Road and State Highway 148 causeways, during daylight hours, from January 1, 1970 through December 31, 1970.

(2) The use of boats and motors is permitted, except that use of a boat with a motor larger than ten (10) horsepower is prohibited on Devil's Kitchen Lake and on Little Grassy Lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

NOVEMBER 25, 1969.

[F.R. Doc. 69–14278; Filed, Dec. 2, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Kirwin National Wildlife Refuge, Kans., is permitted from January 1 through December 31, 1970, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

NOVEMBER 20, 1969.

[F.R. Doc. 69–14279; Filed, Dec. 2, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 15 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1970, through February 28, 1970, inclusive.

(2) Permit is required to take carp for sale.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 28, 1970.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

NOVEMBER 24, 1969.

[F.R. Doc. 69–14280; Filed, Dec. 2, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1040]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Southern Michigan marketing area is being considered. The proposed suspension would be made effective as soon as possible and would continue until such time as a review of this issue may be completed through the hearing procedure.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended in § 1040.12, which defines a "fluid milk product", is the word "yogurt". The suspension action would change the classification of yogurt from a Class I product to a Class III product.

The proposed suspension was requested by a proprietary handler and an operating cooperative association. The two Southern Michigan handlers are distributing yogurt in Michigan, Ohio, and Indiana. Federal orders applicable in Indiana and certain areas of Ohio classify yogurt in Class II (which is equivalent to Class III under the Southern Michigan order).

The handlers contend that because of the lower classification of yogurt under certain other orders, they are unable to compete for yogurt sales, either in other markets or in the Southern Michigan market, with handlers who pay the surplus price for milk going into yogurt. The proposed suspension, it is claimed, would place Southern Michigan handlers on a competitive cost basis with handlers operating under orders which classify yogurt in Class II.

The suspension requests are supported by cooperative associations, including the above-mentioned operating cooperative, representing over three-fourths of the producers on the Southern Michigan market.

Signed at Washington, D.C., on November 28, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-14344; Filed, Dec. 2, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

IMITATION MILKS

Extension of Time for Filing Comments on Proposed Standards of Identity and Quality

In the matter of establishing standards of identity and quality for imitation milks (§§ 18.550 and 18.551):

The notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of October 9, 1969 (34 F.R. 15657), provided for the filing of comments within 60 days following its publication date.

The Commissioner of Food and Drugs has received a request for extension of such time and, good reason therefor appearing, the time for filing comments in this matter is extended to January 22, 1970.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 25, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-14328; Filed, Dec. 2, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 9995; Notice 69-52]

AIRBORNE ILS GLIDE SLOPE AND LOCALIZER RECEIVING EQUIPMENT

Proposed Technical Standard Orders

The Federal Aviation Administration is considering amending §§ 37.160 and 37.161 of Part 37 of the Federal Aviation Regulations to update the minimum performance standards for airborne ILS glide slope and localizer receiving equipment.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 2, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposal would revise the current Technical Standard Orders (TSOs) to provide minimum performance standards appropriate to ILS glide slope and localizer equipment that is to be installed in airplanes operated in Category II operations. The proposal also includes performance standards needed for equipment that is to be operated on capture effect glide slope and wave guide localizer facilities employing twin carriers that are now being installed at various ground locations.

In connection with the foregoing, it is proposed to revise the present TSOs to provide new standards covering antenna efficiency and antenna polarization. The proposed revision would also require that the course centering accuracy requirement be met under all combinations of conditions which are normally expected to be encountered in flight.

The receiver selectivity requirements of the current TSOs would be revised to allow a closer spacing of frequency assignments now being made and to provide adequate rejection of adjacent channel signals.

A course deviation current linearity and course deviation current response standard is also proposed to cover electrical guidance information furnished to an autopilot coupler.

In consideration of the foregoing, it is proposed to amend §§ 37.160 and 37.161 of Part 37 of the Federal Aviation Regulations to read as follows:

1. By amending § 37.160 as follows:

§ 37.160 Airborne ILS glide slope receiving equipment, TSO–C34c.

(a) *Applicability.* (1) This technical standard order prescribes the minimum performance standards that airborne ILS glide slope receiving equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after (the effective date of this section) must meet the requirements of Radio Technical Commission for Aeronautics Document No. DO–132 entitled "Minimum Performance Standards—Airborne ILS Glide Slope Receiving Equipment" dated March 15, 1966, and Radio Technical Commission for Aeronautics Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968. RTCA Documents Nos. DO–132 and DO–138 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23, and are available as indicated in § 37.23. Additionally, RTCA Documents Nos. DO–132 and DO–138 may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 2000 K Street NW., Washington, D.C. 20006, at a cost of $2.50 per copy for Document No. DO–132 and $4 per copy for Document No. DO–138.

(2) Exceptions:

(i) RTCA Paper DO–138 lists environmental test conditions covering equipment subjected to water, hydraulic fluid, sand and dust, fungus and salt spray, for which there are no corresponding equipment performance requirements in RTCA Paper DO–132. Therefore, if the applicant wishes to certify compliance with any of the aforementioned environmental test conditions, the equipment performance requirements of paragraphs 2.1a, 2.7, and 2.16 of RTCA Paper DO–132 must be met.

(ii) RTCA Paper DO–108 referenced in RTCA Paper DO–132 has been superseded by RTCA Paper DO–138. Therefore, the environmental test conditions of RTCA Paper DO–138 are applicable to equipment under this Technical Standard Order.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment must be marked to indicate the environmental extremes over which it has been designed to operate. There are 12 environmental test procedures outlined in RTCA Paper DO–138 which have categories established. These must be identified on the nameplate by the words, "Environmental Categories" or, as abbreviated, "Env. Cat.", followed by 12 letters which identify the categories designated. Reading from left to right, the category designations must appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature—altitude category;
(ii) Humidity category;
(iii) Vibration category;
(iv) Audiofrequency magnetic field susceptibility category;
(v) Radiofrequency susceptibility category;
(vi) Emission of spurious radiofrequency energy category;
(vii) Explosion category;

(viii) Waterproofness category;
(ix) Hydraulic fluid category;
(x) Sand and dust category;
(xi) Fungus resistance category;
(xii) Salt spray category.

(2) The equipment must be marked to indicate the class of centering accuracy (Class A, B, C, or D) for which it has been designed to operate.

(3) Each separate component of equipment (antenna, receiver, indicator, etc.) must be identified with at least the name of the manufacturer, the TSO number, and the environmental categories over which the equipment component is designed to operate. Where an environmental test procedure is not applicable to that component and the test is not conducted, an X should be placed in the space assigned for that category.

(4) Where a manufacturer desires to substantiate his equipment in dual categories for a specific environmental test procedure, the nameplate must be marked with both categories in the space designated for that category, by placing one letter above the other. A typical nameplate identification would be as follows:

```
        A
Env. Cat. AJAAAXWHDFS Class A
        D
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(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(1) One copy of the operating instructions and equipment limitations of the manufacturer.

(2) One copy of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, and a listing of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. The procedures must show all limitations, restrictions, or other conditions pertinent to the installation.

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Airborne ILS glide slope receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

2. By amending § 37.161 as follows:

§ 37.161 Airborne ILS localizer receiving equipment, TSO–C36c.

(a) *Applicability.* (1) This technical standard order prescribes the minimum performance standards that airborne ILS localizer receiving equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after (the effective date of this section) must meet the requirements of Radio Technical Commission for Aeronautics Document No. DO–131 entitled "Minimum Performance Standards—Airborne ILS Localizer Receiving Equipment" dated December 15, 1965, and Radio Technical Commission for Aeronautics Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968. RTCA Documents Nos. DO–131 and DO–138 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23, and are available as indicated in § 37.23. Additionally, RTCA Documents Nos. DO–131 and DO–138 may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division) and may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 2000 K Street NW., Washington, D.C. 20006, at a cost of $2.50 per copy for Document No. DO–131 and $4 per copy for Document No. DO–138.

(2) Exceptions:

(i) RTCA Paper DO–138 lists environmental test conditions covering equipment subjected to water, hydraulic fluid, sand and dust, fungus and salt spray, for which there are no corresponding equipment performance requirements in RTCA Paper DO–131. Therefore, if the applicant wishes to certify compliance with any of the aforementioned environmental test conditions, the equipment performance requirements of paragraphs 2.1a, 2.7, and 2.20 of RTCA Paper DO–131 must be met.

(ii) RTCA Paper DO–108, referenced in RTCA Paper DO–131 has been superseded by RTCA Paper DO–138. Therefore, the environmental test conditions of RTCA Paper DO–138 are applicable to equipment under this Technical Standard Order.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment must be marked to indicate the enviromental extremes over which it has been designed to operate. There are 12 environmental test procedures outlined in RTCA Paper DO–138 which have categories established. These must be identified on the nameplate by the words, "Environmental Categories" or, as abbreviated, "Env. Cat.", followed by 12 letters which identify the categories designated. Reading from left to right, the category designations must appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-altitude category;
(ii) Humidity category;
(iii) Vibration category;
(iv) Audiofrequency magnetic field susceptibility category;
(v) Radiofrequency susceptibility category;
(vi) Emission of spurious radiofrequency energy category;
(vii) Explosion category;
(viii) Waterproofness category;
(ix) Hydraulic fluid category;
(x) Sand and dust category;
(xi) Fungus resistance category;
(xii) Salt spray category.

(2) The equipment must be marked to indicate the class of centering accuracy

(Class A, B, C, or D) for which it has been designed to operate.

(3) Each separate component of equipment (antenna, receiver, indicator, etc.) must be identified with at least the name of the manufacturer, the TSO number, and the environmental categories over which the equipment component is designed to operate. Where an environmental test procedure is not applicable to that component and the test is not conducted, an X should be placed in the space assigned for that category.

(4) Where a manufacturer desires to substantiate his equipment in dual categories for a specific environmental test procedure, the nameplate must be marked with both categories in the space designated for that category, by placing one letter above the other. A typical nameplate identification would be as follows:

A
Env. Cat. AJAAAXWHDFS Class A
D

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(1) One copy of the operating instructions and equipment limitations of the manufacturer.

(2) One copy of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, and a listing of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. The procedures must show all limitations, restrictions, or other conditions pertinent to the installation.

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Airborne ILS localizer receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 26, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-14311; Filed, Dec. 2, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte Nos. MC-37 (Sub-No. 9A), MC-37 (Sub-No. 9B)]

BALTIMORE, MD., COMMERCIAL ZONE

Redefinition of Limits

NOVEMBER 28, 1969.

Redefinition of the limits of the Baltimore, Md., commercial zone heretofore defined in Ex Parte No. MC-37 (Sub-No. 9); Baltimore, Md., commercial zone, 99 M.C.C. 572 at pages 576-577.

Petitioners in Ex Parte MC-37 (Sub-No. 9A): Howard County, Md.—Department of Industrial Relations, Chamber of Commerce of Metropolitan Baltimore, Inc., and the Howard Research and Development Corp. Petitioners in Ex Parte MC-37 (Sub-No. 9B): Anne Arundel County, Md., Parkway Industrial Center, Brass & Copper Supply Co., Inc. Petitioners' representatives in Ex Parte MC-37 (Sub-No. 9A): J. Cookman Boyd, Jr., 900 Aurora Federal Building, Baltimore, Md. 21201; Thomas E. Lloyd, Courthouse, Ellicott City, Md. 21043; William L. Marbury, Donald P. McPherson III, 900 First National Bank Building, Baltimore, Md. 21202; and David G. Macdonald, 100 16th Street NW., Washington, D.C. 20036. Petitioners' representatives in Ex Parte MC-37 (Sub-No. 9B): William L. Hudock, Anne Arundel County, Arundel Center, Annapolis, Md.; and J. Raymond Clark, 1411 K Street, Washington, D.C. 20005.

By petitions filed October 8, 1969, and November 17, 1969, respectively, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the Baltimore, Md., commercial zone which were most recently defined on October 13, 1965, in Baltimore, Md., Commercial Zone, 99 M.C.C. 572, at pages 576-577 (49 CFR Part 1048) so as to include therein two areas southwest of the present southwestern limits of the zone.

As presently defined, the Baltimore, Md., commercial zone is bounded on the southwest, in part by a line drawn 5 miles beyond the corporate boundaries of Baltimore. Petitioners request the Commission to include within the zone two areas bounded by lines as follows:

In Ex Parte No. MC-37 (Sub-No. 9A), beginning at the intersection of the present limits of the Baltimore commercial zone, and the Howard County-Anne Arundel County line, thence southwesterly along the Howard County-Anne Arundel County line to its intersection with Maryland Highway 32, thence northwesterly along Maryland Highway 32 to its intersection with the right-of-way of Interstate Highway 95, thence southwesterly along the right-of-way of Interstate Highway 95 to its intersection with the Little Patuxent River, thence northwesterly along the Little Patuxent River to the intersection of its north fork and its east fork located approximately 1 mile north of the intersection of Maryland Highway 32 and Berger Road, thence easterly along the east fork of the Little Patuxent River to its intersection with Old Montgomery Road, thence easterly along Old Montgomery Road to its intersection with Maryland Highway 175, thence southerly along Old Montgomery Road to its intersection with Mayfield Avenue, thence southeasterly along Mayfield Avenue to its intersection with Maryland Highway 103, thence southeasterly along Maryland Highway 103 to its intersection with the right-of-way of Interstate Highway 95, thence northeasterly along the right-of-way of Interstate Highway 95 to its intersection with the present limits of the zone, and thence southeasterly along the limits of the zone to the point of beginning.

In Ex Parte No. MC-37 (Sub-No. 9B), beginning at the intersection of the present limits of the Baltimore commercial zone and the Howard County-Anne Arundel County line, thence southwesterly along the boundary line of Howard County-Anne Arundel County to its intersection with Maryland Highway 176, thence southeasterly along Maryland Highway 176 to its intersection with Temporary Interstate Highway 95, thence northeasterly along Temporary Interstate Highway 95 to its intersection with the present limits of the zone, thence northwesterly along the present limits of the zone to the point of beginning.

The areas sought to be included within the zone by these petitions are contiguous to one another, a common line between them being the Howard-Anne Arundel County line.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revisions of the limits of the Baltimore, Md., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before January 30, 1970. Each such statement should disclose the particular area to which the party's interest is directed, and include a statement of position with respect to the proposed revision, and a copy thereof should be served upon the respective petitioners' representatives.

Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14335; Filed, Dec. 2, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 1609]

CALIFORNIA

Opening of National Forest Lands

NOVEMBER 24, 1969.

1. In DA-1090-California, dated July 7, 1969, the Federal Power Commission vacated the withdrawals created pursuant to the filing of applications for Power Project No. 1258 and No. 2126 to the extent that the lands described below are withdrawn therein:

MOUNT DIABLO MERIDIAN

T. 25 N., R. 9 E.,
Sec. 22, S½NW¼NE¼ and N½N½SW¼NE¼.

The area described aggregates approximately 30 acres in Plumas County in the Plumas National Forest.

2. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to authority redelegated to me by the Acting Manager on November 18, 1965 (30 F.R. 14444), as amended, it is hereby ordered that the lands listed in paragraph 1 hereof are hereby open to such forms of disposal as may by law be made of national forest lands effective at 10 a.m. on December 12, 1969, subject to valid existing rights and the requirements of applicable laws and regulations.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-14321; Filed, Dec. 2, 1969; 8:47 a.m.]

[M 052199]

MONTANA

Revocation of Small Tract Classification and Order Opening Lands to Mining Laws

NOVEMBER 26, 1969.

1. Pursuant to the authority delegated to me by Bureau Order No. 701, dated July 23, 1964, as amended, I hereby revoke Small Tract Classification No. 516 appearing on page 6000 of the August 22, 1961, issue of the FEDERAL REGISTER (F.R. Doc. 61-8005) for the following described lands:

T. 2 N., R. 12 W., P.M., Montana,
Sec. 12, E½.

Containing 320 acres.

2. The public lands affected by this order are in an application for withdrawal by the Department of Agriculture for inclusion in the Beaverhead National Forest.

3. The lands have been opened to applications and offers under the mineral leasing laws. They will be open to location under the U.S. Mining Laws beginning at 10 a.m. on December 31, 1969. Locations made prior thereto shall be invalid.

4. Inquiries shall be addressed to the Manager, Land Office, 316 North 26th Street, Billings, Mont. 59101.

JAMES M. LINNE,
Acting State Director.

[FR. Doc. 69-14323; Filed, Dec. 2, 1969; 8:48 a.m.]

[M 14243(SD)]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 25, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application, M 14243(SD), for the withdrawal of national forest lands described below from appropriation under the mining laws but not from leasing under the mineral leasing laws.

The tract of land in Custer County is being used for a public airport and will be used by the U.S. Forest Service as a forest fire control facility site. The applicant desires to withdraw the roadside zone in Pennington County from the mining laws to prevent scarring and defacement of a narrow band of land adjacent to the highway. These public values will be protected by withdrawing the lands from the mining laws.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BLACK HILLS MERIDIAN

BLACK HILLS NATIONAL FOREST

Custer County Airport

T. 4 S., R. 4 E.,
Sec. 2, lot 8;
Sec. 3, S½N½, excepting portions of H.E.S. 256, H.E.S. 329, and H.E.S. 469.

The above-described lands aggregate 144 acres located in Custer County, S. Dak.

SOUTH DAKOTA HIGHWAY 87—ROADSIDE ZONE

Government lands lying within 200 feet either side of the surveyed centerline of South Dakota Highway 87 through Government lands in the following legal subdivisions:

T. 2 S., R. 4 E.,
Sec. 12, lot 18.
T. 2 S., R. 5 E.,
Sec. 7, lots 1, 2, and 3, NE¼, and NE¼NW¼.

The above-described lands aggregate 65 acres located in Pennington County, S. Dak.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69-14322; Filed, Dec. 2, 1969; 8:48 a.m.]

Bureau of Mines

[Bureau of Mines Manual—Health and Safety Release No. 37]

ASSISTANT DIRECTORS ET AL.

Redelegation of Authority

Health and Safety redelegation of authority issued September 17, 1966 (31 F.R. 12413), is revised to read as follows:

PART 205—GENERAL DELEGATIONS

205.11.2 *Negotiated contracts.* The officials listed below are authorized to enter into open market purchases not to exceed $2,500 for any single transaction:

Assistant Directors.
District Managers.
Chief, Office of Education and Behavorial Science.
Director, Technical Support Center.

Provided, That the limitation shall not exceed $250:

Subdistrict Managers.
Chief, Denver Field Health Group.
Chief, Pittsburgh Field Health Group.

The authority delegated herein shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

This authority may not be redelegated without written approval of the Associate Director—Health and Safety.

HENRY P. WHEELER, JR.,
Acting Associate Director—Health and Safety.

[F.R. Doc. 69-14281; Filed, Dec. 2, 1969; 8:45 a.m.]

Office of the Secretary

G. EVERETT MILLICAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 25, 1969.

Dated: November 12, 1969.

G. EVERETT MILLICAN.

[F.R. Doc. 69-14324; Filed, Dec. 2, 1969; 8:48 a.m.]

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 26, 1969.

Dated: November 19, 1969.

WILLIAM R. REMALIA.

[F.R. Doc. 69-14325; Filed, Dec. 2, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

December Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced the minimum prices at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.s.t., November 28, 1969. These prices, subject to amendment, will continue until superseded by the January Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, soybeans, peanuts, tung oil, cottonseed oil, butter, and nonfat dry milk.

Added to the sales list for December is grain sorghum for export. Offerings of storable grain sorghum for unrestricted use have been deleted. Offerings of cottonseed meal have also been deleted.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list. For commodities stored at other locations, the information may be attained from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Regulations GSM-4) for December 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include barley, bulgur, cattle (beef and dairy breeding), corn, cornmeal, cotton (upland and extra long staple), cottonseed meal, cottonseed oil, dairy products, flaxseed, grain sorghum, lard, linseed oil, oats, raisins, rice (milled and brown), rye, soybean oil, tallow, tobacco, wheat, and wheat flour. These commodities are subject to certain area limitations. Commodities purchased from CCC may be financed for export from private stocks under the GSM-4 regulations.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of Assistant Sales Manager, Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS-1, as amended; cottonseed oil and soybean oil under Announcement PS-2; tobacco under Announcement PS-3; upland and extra long staple cotton under Announcement PS-4; and inedible tallow and grease under Announcement PS-5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter, Hard Red Spring, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated by the U.S. Department of Commerce. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for unrestricted or restricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Export Control Regulations. Additional information is available from the Bureau of International Commerce or from the offices of the Department of Commerce.

See footnotes at end of document.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate[2] for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store).*[3]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.11½	$0.09	Minneapolis—No. 1 DNS ($1.57) 115 percent +$0.09; $1.90. Portland—No. 1 SW ($1.45) 115 percent +$0.09; $1.76. Kansas City—No. 1 HRW ($1.45) 115 percent +$0.09; $1.76. Chicago—No. 1 HW ($1.46) 115 percent +$0.09; $1.77.

Export.

A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR-345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

SOYBEANS, BULK

Unrestricted use.

A. *Storable—Port positions (basis Grade 1 in-store).* Market price but not less than $2.63 per bushel at Great Lakes terminals; $2.69 gulf; and $2.70 east coast.

Interior positions (basis Grade 1 in-store). Market price but not less than the 1969 base loan rate where stored plus 32 cents per bushel.

Market discounts will be applied in determining the minimum price of lower grades.

B. *Nonstorable.* At not less than the market price as determined by CCC.

Available. Kansas City, Chicago, and Minneapolis ASCS Grain Offices.

CORN, BULK

Unrestricted use.

A. *Storable—Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.07	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.07; $1.36.

Available. Chicago, Kansas City, and Minneapolis, ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

Nonstorable. At not less than market price as determined by CCC.

Export: Export market price, as determined by CCC but not less than $2.35 per hundredweight in-store west coast ports Grade 2 or better, or $2.20 per hundredweight in-store gulf ports Grade 2 or better, or $2.41½ per hundredweight on track Texas border points Grade 2 or better. Sales will be made p rsuant to Announcement GR-212.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable—Redemption of domestic payment-in-kind certificates (basis in-store):* Market price, as determined by CCC, but not less than the 1969 price-support loan rate where stored for the class, grade, and quality of the barley plus 24 cents per bushel if received by truck or 21½ cents per bushel if received by rail or barge.

B. *Nonstorable.* At not less than market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

OATS, BULK

Unrestricted use.

A. *Storable (basis in-store).* Market price, as determined by CCC, but not less than the applicable 1969 price-support rate where stored for the class, grade, and quality of the oats plus 21 cents per bushel.

B. *Nonstorable.* At not less than the market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1969 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.11½	$0.09	Agriculture Act of 1949; statutory minimums. Rolette County, N. Dak. ($0.86); 115 percent +$0.11½; $1.10½. Minneapolis, Minn. ($1.22) 115 percent +$0.09; $1.50.

C. *Nonstorable.* At not less than market price as determined by CCC.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1969 loan rate plus 5 percent, plus 26 cents per hundredweight, basis f.o.b. warehouse.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1969 price-support rate[1] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.13½	$0.09¼	Minneapolis, Minn. ($3.01): 105 percent + $0.09¼; $3.25¼.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

COTTON, UPLAND

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–31 (Revised) (Disposition of Upland Cotton—In Liquidation of Rights in a Certificate Pool, Against the "Shortfall," and Under Barter Transactions). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC which will be based on 110 percent of the price-support loan rate for Middling 1-inch cotton at average location at the time of delivery, plus reasonable carrying charges for the month in which the sale is made. Carrying charges are 30 points per pound. In no event will the price for any cotton be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time of delivery.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2). Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made. Carrying charges are 30 points per pound.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED OIL, REFINED (BULK)

Export.

Competitive offers under the terms and conditions of Announcement NO–CS–9. Sales will be made only for export to restricted destinations. Oil sold under NO–CS–9 may be exported only against dollar sales or under the CCC export credit sales program (GSM–4).

Available. New Orleans ASCS Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Tex. 76454.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Oilseed and Special Crops Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–7120.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price, and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only). Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3581.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 657 Second Avenue N., Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on November 26, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-14301; Filed, Dec. 2, 1969; 8:46 a.m.]

Office of the Secretary

FOREIGN ECONOMIC DEVELOPMENT SERVICE

Implementation of Reorganization

Implementation of reorganization of the Department with respect to foreign economic development activities.

In accordance with Reorganization Plan No. 2 of 1953, the Department of Agriculture gave advance notice in the FEDERAL REGISTER of November 14, 1969 (34 F.R. 18319), concerning the proposed establishment of the Foreign Economic Development Service, and transfer of functions and delegations of authority from the Foreign Agricultural Service to the new agency.

Effective December 1, 1969:

1. There is established the Foreign Economic Development Service under the direction of Dr. Quentin M. West as Administrator who will report to the Secretary through the Director of Agricultural Economics.

2. There is transferred to the Foreign Economic Development Service all international agricultural development, technical assistance and training functions administered by the Foreign Agricultural Service.

3. Support activities such as accounting, budget, personnel and other administrative services as are required by the new agency will be provided by the Office of Management Services.

4. All previously effective rules, regulations, licenses, approvals, orders, forms, certificates, and other official documents relating to functions transferred shall continue to be effective until further notice, except that any delegations or authorizations inconsistent with the assignments made herein shall be construed to conform to the assignments made herein.

Done at Washington, D.C., this 26th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14302; Filed, Dec. 2, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–244]

CARRIAGE OF COMMERCIAL CARGOES AND PREFERENCE CARGOES

Notice of Fact-Finding Hearing

By petition to the Secretary of Commerce dated July 1, 1969, the American Maritime Association (AMA) applied, pursuant to § 201.61 of the rules of practice and procedure, U.S. Department of Commerce, Maritime Subsidy Board/Maritime Administration, for the issuance of the following three rules governing award of operating subsidy contracts:

RULE 1

The Secretary of Commerce interprets the statute as forbidding, and he will in no case award, operating-differential subsidy contracts in the absence of substantial foreign competition for the cargo the applicant carries or will carry. Services devoted primarily to preference cargo are specifically included within this rule and will not qualify for subsidy.

RULE 2

Hearings under section 605(c) Merchant Marine Act, 1936, will receive proof of the scope and impact of all classes of cargo, including military cargo, in the carriage of which American vessels are by law entitled to preference. Such proof will include the extent to which applicants for subsidy or for expansion of subsidy carried and may reasonably be expected to carry such preference cargo.

RULE 3

A. No operating-differential subsidy shall be paid to carriers holding contracts under the Merchant Marine Act, 1936, except with respect to commercial carryings. If the subsidized vessel earns any gross revenue from other than commercial carryings the subsidy payment for the entire voyage shall be reduced by an amount that bears the same ratio to the subsidy otherwise payable as such gross revenue bears to the gross revenue derived from the entire voyage. For the purposes of this computation, gross revenue shall be calculated net of cargo loading and discharging cost. As used herein, "commercial carryings" means carryings of private commercial cargo or passengers in foreign commerce in respect of which the contractor meets substantial foreign-flag competition. The determinations of the Secretary hereunder shall be final.

B. If a vessel for which a construction-differential subsidy has been paid is subject to an operating-differential subsidy contract, and such vessel carries cargoes other than commercial cargoes on liner terms, the owner shall pay annually to the Secretary that proportion of one twenty-fifth of such construction subsidy plus interest thereon at 6 percent per annum (computed on a level basis over 25 years) which the gross revenue derived from such cargoes bears to the gross revenue derived from the entire voyages of such vessel during such year, or if such vessel shall carry such cargoes on charter terms, the owner shall pay to the Secretary an amount which bears the same proportion to the construction subsidy plus interest thereon at 6 percent per annum (computed on a level basis over 25 years) as the duration of such charter bears to such period of 25 years. Gross revenue shall be calculated net of cargo loading and discharging cost.

Petitioner avers that the above proposed rules must be adopted to insure that only a service that encounters substantial foreign competition will be eligible for subsidy, a result claimed to comport with the purposes and policies of the Merchant Marine Act, 1936 and particularly sections 601(a)(1), 601(a)(4), 602, 603, 604, 605(a), and 605(c) thereof.

On July 25, 1969, a reply to the aforesaid petition was filed by the Liner Council, American Institute of Merchant Shipping (AIMS) which cites numerous factual, legal, and policy reasons allegedly justifying the denial of the petition.

AMA's August 11, 1969, answer to AIMS's reply controverts a series of statements and arguments made in the latter document.

Additionally, Matson Navigation Co., filed comments to AMA's petition and AIMS's reply thereto, which endorses

[1] See footnote at end of document.

AMA's request that a rule making proceeding be instituted to resolve the issues therein raised.

The Secretary of Commerce has referred AMA's petition to the Maritime Subsidy Board.

In view of the nature of the issues raised and the desire of this Board to examine the matter and to resolve those issues on the basis of factual information, hereinafter identified, to be presented to the Board, and notwithstanding that section 4 of the Administrative Procedures Act, 5 U.S.C.A. 553, exempts subsidy programs from rule making, the Board, in the exercise of its discretion, will develop a fact record in a public hearing in order that it will be in a position to make a considered administrative review of the issues presented in the AMA petition.

Therefore, it is ordered, that the Chief Hearing Examiner (or his designee) act as representative of the Board and conduct a fact-finding hearing bearing on title VI of the Act and section 204 thereof on the following items:

1. The method or methods utilized by the Government and shippers for selection of the carriers of Government-sponsored or Government-impelled cargoes, which includes military cargoes (hereafter "preference cargoes").

2. Circumstances under which foreign flag lines may (and the extent to which they do) carry preference cargoes.

3. The manner, if any, in which a subsidized operator's ability to penetrate into and carry the pool of commercial cargo is adversely affected by the carriage of preference cargoes.

4. The extent of available useful free space aboard vessels which are carrying preference cargoes.

5. The ratio of movement of commercial cargoes to preference cargoes by both subsidized and nonsubsidized operators on a voyage basis.

6. Identification of all commercial cargoes regarding which there is an absence of substantial foreign-flag competition.

7. The financial impact on both subsidized and nonsubsidized American-flag operators resulting from the carriage of preference cargoes.

8. Identification of companies operating U.S.-flag and foreign-flag vessels on the same route and the extent to which they participate in the movement (and the ships on which moved) of commercial cargoes and preference cargoes.

9. Any other facts germane to the issues presented by the AMA petition.

It is further ordered, That upon the submission to the Board of the Examiner's findings of fact, copies of which shall be served on all interested parties, parties to the proceeding shall have 30 days in which to submit their views, comments, or arguments with respect thereto to the Board. Thereafter, the Board will review the findings of fact and the comments and arguments and will determine what, if any, proposed rules should be issued. All interested parties will be given an opportunity to comment on any of the proposed rules prior to their adoption.

It is further ordered, That notice of this order shall be published in the FEDERAL REGISTER.

Dated: December 1, 1969.

So ordered by the Maritime Subsidy Board/Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 69-14377; Filed, Dec. 2, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-133; NADA No. 12-957]

PITMAN-MOORE

Toldex Tablets; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing on the proposed withdrawal of approval of new animal drug application No. 12-957 pertaining to Toldex Tablets was published in the FEDERAL REGISTER of June 25, 1969 (34 F.R. 9820). The notice offered the holder of said application, Pitman-Moore, Division of the Dow Chemical Co., Zionsville, Ind. 46077, an opportunity for a hearing on the matter. The firm subsequently transferred all rights pertaining to said application to Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034. The latter firm elected not to avail themselves of an opportunity for a hearing and requested that approval of said application be withdrawn.

Based on the foregoing request and on the findings set forth in the notice of opportunity for a hearing, the Commissioner of Food and Drugs concludes that approval of new animal drug application No. 12-957 should be withdrawn.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 12-957, including all amendments and supplements pertaining thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: November 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-14306; Filed, Dec. 2, 1969; 8:47 a.m.]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 5-C, Delegations of Authority, as follows:

After the subparagraph numbered (6) of the paragraph entitled *Specific delegations*, add a new subparagraph reading:

(7) The functions vested in the Secretary under section 353 of the Public Health Service Act, 42 U.S.C. 263a, relating to clinical laboratories, except the approval and disapproval of national bodies for accreditation purposes pursuant to paragraph (2) of subsection (d).

Dated: November 24, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14329; Filed, Dec. 2, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION VI (SAN FRANCISCO)

Designation

Harvey N. Kroll, Deputy Assistant Regional Administrator for Program Coordination and Services, Region VI (San Francisco), is hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region VI (San Francisco), during the present vacancy in the position of Assistant Regional Administrator for Program Coordination and Services, Region VI, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services, Region VI.

(Secretary's delegation effective May 4, 1969)

Effective date. This designation is effective as of August 4, 1969.

LESTER P. CONDON,
Assistant Secretary for Administration.

[F.R. Doc. 69-14316; Filed, Dec. 2, 1969; 8:47 a.m.]

ACTING REGIONAL ADMINISTRATOR ET AL., REGION V (FORT WORTH)

Designations

A. The officers appointed to the following listed positions in Region V (Fort Worth) are hereby designated to serve as Acting Regional Administrator, Region V, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Program Coordination and Services.

B. The officers appointed to the following listed positions in Region V (Fort Worth) are hereby designated to serve as the specified Acting Assistant Regional Administrator during the absence of each respective Assistant Regional Administrator, with all of the powers, functions, and duties redelegated or assigned to each: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator unless all other officers whose titles precede his in the following respective designations are unable to act by reason of absence:

1. Acting Assistant Regional Administrator for Administration:
   a. Director, Personnel Operations Division, Office of Administration.
   b. Director, Management and Organization Division, Office of Administration.
2. Acting Assistant Regional Administrator for Equal Opportunity:
   a. Deputy Assistant Regional Administrator for Equal Opportunity.
   b. Director, Contract Compliance and Employment Opportunity Division, Equal Opportunity Office.
   c. Director, Assisted Program Division, Equal Opportunity Office.
   d. Director, Housing Opportunity Division, Equal Opportunity Office.
   e. Chief, Program Management and Control Branch, Equal Opportunity Office.
3. Acting Assistant Regional Administrator for FHA:
   a. Deputy Assistant Regional Administrator for FHA.
   b. Director, Low Income Housing and Rent Supplement Division, Office of the Assistant Regional Administrator for FHA.
   c. Director, Regional Advisory and Technical Services, Office of the Assistant Regional Administrator for FHA.
4. Acting Assistant Regional Administrator for Housing Assistance:
   a. Deputy Assistant Regional Administrator for Housing Assistance.
   b. Director, Production Division, Housing Assistance Office.
   c. Director, Technical Service Division, Housing Assistance Office.
   d. Director, Tenant and Operations Services Division, Housing Assistance Office.
5. Acting Assistant Regional Administrator for Metropolitan Development:
   a. Deputy Assistant Regional Administrator for Metropolitan Development.
   b. Chief, Finance Branch, Metropolitan Development Office.
   c. Director, Program Field Service Division, Metropolitan Development Office.
6. Acting Assistant Regional Administrator for Model Cities:
   a. Federal Agency Liaison Specialist, Office of the Assistant Regional Administrator for Model Cities.
   b. Citizen Participation Adviser, Office of the Assistant Regional Administrator for Model Cities.
   c. Manpower and Economic Development Adviser, Office of the Assistant Regional Administrator for Model Cities.
   d. Social Services Adviser, Office of the Assistant Regional Administrator for Model Cities.
7. Acting Assistant Regional Administrator for Program Coordination and Services:
   a. Director, Economic and Market Analysis Division, Program Coordination and Services Office.
   b. Director, Planning Division, Program Coordination and Services Office.
   c. Director, Community Services Division, Program Coordination and Services Office.
   d. Director, Relocation Division, Program Coordination and Services Office.
8. Acting Assistant Regional Administrator for Renewal Assistance:
   a. Deputy Assistant Regional Administrator for Renewal Assistance.
   b. Director, Field Services Division, Renewal Assistance Office.
   c. Chief, Processing Control and Reports Branch.

These designations supersede the designations effective December 10, 1968 (33 F.R. 18305, Dec. 10, 1968), as amended effective March 3, 1969 (34 F.R. 6708, Apr. 19, 1969), and effective May 8, 1969 (34 F.R. 12142, July 19, 1969).

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date. These designations shall be effective as of October 30, 1969.

LEONARD E. CHURCH,
Acting Regional Administrator, Region V (Fort Worth).

[F.R. Doc. 69-14317; Filed, Dec. 2, 1969; 8:47 a.m.]

ACTING REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region VI (San Francisco), during the absence of the Regional Administrator with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Renewal Assistance.
4. Assistant Regional Administrator for Federal Housing Administration.

This designation supersedes the designation effective September 17, 1969 (34 F.R. 15818-15819, Oct. 14, 1969).

(Delegation effective May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 1st day of November 1969.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 69-14318; Filed, Dec. 2, 1969; 8:47 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Administration, Region VI (San Francisco), during the present vacancy in the position of Assistant Regional Administrator for Administration, Region VI, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Administration: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Administration unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Director, Budget Division.
2. Director, Financial Review and Accounting Division.
3. Director, Personnel Operations Division.
4. Director, Management and Organization Division.
5. Director, General Services Division.

(Redelegation by Assistant Secretary for Administration to Regional Administrators effective May 4, 1969)

Effective as of the 1st day of November 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69-14319; Filed, Dec. 2, 1969; 8:47 a.m.]

ACTING DIRECTOR, NORTHWEST AREA OFFICE, SEATTLE, WASH., REGION VI

Designation

The officials named herein and appointed to the following listed positions in the Northwest Area Office, Seattle, Wash., Region VI, are hereby designated to serve as Acting Director, Northwest Area Office, Region VI, during the present vacancy in the position of Director, Northwest Area Office, with all the powers, functions, and duties redelegated or assigned to the Director: *Provided*, That no official is authorized to serve as Acting Director, Northwest Area Office, unless all other officials whose names and titles precede his in this designation are unable to act by reason of absence:

(1) M. Perry Hobbs, Deputy Director, Northwest Area Office.
(2) Nile B. Faull, Director, Renewal Assistance Division, Northwest Area Office.
(3) N. Baxter Jenkins, Area Counsel, Northwest Area Office.

This designation supersedes the designation effective March 1, 1969 (34 F.R. 7551, May 9, 1969).

(Redelegation by Assistant Secretary for Administration to Regional Administrators effective Jan. 10, 1967)

Effective as of the 1st day of November 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69-14320; Filed, Dec. 2, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION DISTRICT OFFICE AT CASPER, WYO.

Notice of Opening

Notice is hereby given that on or about December 1, 1969, the Federal Aviation Administration will open a General Aviation District Office at Casper, Wyo. Service to the general aviation public of Wyoming, currently provided by the Cheyenne GADO, will be transferred to and continued at the Casper General Aviation District Office. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, Calif., on November 20, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14312; Filed, Dec. 2, 1969; 8:47 a.m.]

GENERAL AVIATION DISTRICT OFFICE AT CHEYENNE, WYO.

Notice of Closing

Notice is hereby given that on or about January 9, 1970, the General Aviation District Office at Cheyenne, Wyo., will be closed. Service to the general aviation public of Wyoming, formerly provided by this office, will be provided by the General Aviation District Office in Casper, Wyo. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, Calif., on November 20, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14313; Filed, Dec. 2, 1969; 8:47 a.m.]

AREA OFFICE AT HONOLULU, HAWAII

Notice of Closing

Notice is hereby given that on November 30, 1969, the Federal Aviation Administration Area Office in Honolulu, Hawaii, will be closed. Operations and services provided the public by this area office will be absorbed by the parent FAA regional headquarters office currently located in Honolulu. Appropriate regional headquarters divisions will assume the functions previously performed by the area office. The major operating programs with which the public is concerned in this action are air traffic and airway facilities.

Field offices and facilities in the affected area will continue to serve as in the past. Submissions to, and contacts with, such field elements remain the same. Communications to the regional headquarters should be addressed as follows:

Director, FAA Pacific Region, Post Office Box 4009, Honolulu, Hawaii 96812.

This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Honolulu, Hawaii, on November 21, 1969.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 69-14314; Filed, Dec. 2, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20993, 20291; Order 69-11-123]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare and Rate Matters

Issued under delegated authority November 26, 1969.

By Order 69-11-27, dated November 7, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement raises from 5 to 10 the unit used in the rounding-off of passenger fares and cargo rates in Spain to reflect the removal of 5-cent coins from legal use in that country.

In deferring action on the agreement, 7 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69-11-27 will herein be made final.

Accordingly, It is ordered, That:

Agreement CAB 21382, R-1 and R-2, be, and hereby is, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14346; Filed, Dec. 2, 1969; 8:49 a.m.]

[Docket No. 21656; Order 69-11-137]

PIEDMONT AVIATION, INC.

Order of Investigation and Suspension Regarding Signature Freight Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of November 1969.

By tariff revision filed bearing the posting date of October 29, 1969, and marked to become effective December 13, 1969, Piedmont Aviation, Inc. (Piedmont), proposes to establish provisions for person-to-person signature service in connection with its freight operations. The foregoing service would provide that each employee or agent of the carrier will execute a signed receipt upon accepting custody of a shipment and obtain a signed receipt upon relinquishing custody of the shipment to another employee, agent or consignee. However, no receipt will be secured from the flight crew or attendants of carrier's aircraft on which shipments are being transported. The charge for this service would be $10.

Upon consideration of all relevant matters, the Board finds that the foregoing charge may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. Other direct carriers furnishing person-to-person signature service, including all domestic passenger/cargo and local service carriers, all-cargo carriers, both domestic and international/territorial, and most Alaskan carriers, charge $1 for the service. Piedmont does not adequately support its proposed $10 charge.

The carrier asserts, inter alia, that additional procedures, forms, and handling techniques above those required for regular shipments would be an integral part of the service; that separate procedures will be listed in operating manuals; that special forms and labels would be required in addition to all other applicable documents; that receipt, handling, loading, unloading, and delivery into the custody of the consignee would be accomplished by supervisory personnel; that shipments must be loaded in inaccessible aircraft cargo compartments; that special teletype messages must be sent from the originating station to intermediate and terminating stations; and that special security areas must be made available for holding or storage. Piedmont concludes that the foregoing additional costs justify the establishment of a charge higher than that currently in effect for other carriers offering this service.

The carrier, however, nowhere presents any dollars-and-cents figures indicating the extent to which the foregoing additional services for signature service result in additional costs. A description of the services rendered in connection with signature service indicates that an additional charge for such service is justified, but this description does not indicate what this additional charge should be. In view of the foregoing, the Board is not prepared to permit the proposed $10 charge to become effective without investigation, and the proposal will be suspended.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the charge and provisions described in Appendix A attached hereto,[1] and rules, regulations, or practices affecting such charge and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful charge and provisions, and rules, regulations, and practices affecting such charge and provisions;

2. Pending hearing and decision by the Board, the charge and provisions described in Appendix A attached hereto[1] are suspended and their use deferred to and including March 12, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Piedmont Aviation, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14347; Filed, Dec. 2, 1969; 8:49 a.m.]

[1] Filed as part of the original document.

[Docket No. 21136; Order 69-11-133]

RENO-PORTLAND/SEATTLE NONSTOP SERVICE INVESTIGATION

Order Granting and Denying Reconsideration and Granting Intervention

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of November 1969.

Within the time fixed in Order 69-6-164 a number of petitions for reconsideration and revision, and answers thereto, were filed as a result of which there is now presented for disposition: (1) A petition by United Air Lines, Inc., for reconsideration insofar as said order denied the request for expeditious treatment of the Air West-United proposal referred to therein; (2) a motion by Alaska Airlines, Inc., to extend the scope of the investigation to include Las Vegas-Portland/Seattle service; (3) a petition of Western Air Lines, Inc., to adopt a pretrial restriction prohibiting single-plane service between Las Vegas and Portland/Seattle; and (4) a petition on behalf of the city of Klamath Falls, Oreg., to include as part of the investigation consideration of the need of Klamath Falls for service to and from Reno. Petitions for leave to intervene have been filed on behalf of a number of civic and governmental units of the State of Washington, the State of Oregon and the cities of Portland, Seattle, Reno, and Las Vegas.

Upon consideration of the petitions, motions, and answers thereto, we have decided to deny the requests of United and Air West, to grant those of Alaska Airlines and Klamath Falls and to grant the petitions for leave to intervene.

The Air West-United proposal includes an agreement for the transfer of the latter's route authority at Elko and Ely, Nev., contingent upon approval of some other changes in the Air West system. It also includes a wet lease agreement under which Air West would operate for United a daily round trip over the latter's route between Salt Lake City and San Francisco via the intermediate points Ely, Elko, Reno, and Oakland. Order 69-6-164 denied a motion for expeditious consideration of the route transfer agreement and the contingent route revisions and also denied approval of the wet lease agreement and an accompanying exemption request. On October 20, 1969, United filed a "Notification of Partial Withdrawal" insofar as its petition seeks reconsideration of the disapproval of the wet lease agreement. While normally such action would render moot that part of the reconsideration petition, we will consider it as still before us in view of a controversy that apparently now exists between United and Air West concerning the agreement.[1]

In seeking reconsideration, United contends that service by it at Elko and Ely, Nev., is, in fact, an economic burden and that the request for expeditious treatment did not allege factual details because its purpose was to establish them at the expedited hearing by an appropriate evidentiary showing. It now estimates the loss from serving Elko and Ely with DC-6 aircraft at $300,000 per year and with jet aircraft at an additional $100,000 to $125,000 as depreciation expense, and it claims additional costs with a jet service will be incurred because of extreme airport limitations. It also contends that a feasible operation could be conducted by Air West and that it should have an opportunity to examine the analysis referred to in Order 69-6-164 upon which we base the statement that Air West's proposed east-west service to Ely and Elko would produce an operating loss and a subsidy need.

Even assuming an economic burden in the amounts now alleged by United, we are not convinced that we should order expedited consideration of the joint proposal or any of the piecemeal alternatives now suggested such as an east-west service by Air West, but without other route amendments, temporary approval of the wet lease agreement or an expedited hearing thereon, or a Board instituted investigation for the suspension of service by United at Elko and Ely. It is our judgment that orderly procedure under the existing circumstances requires consideration of additional service between Reno and Portland/Seattle independently of any proposal to permit United to suspend service at Elko and Ely, either with or without considering the authorization of a substituted service by Air West. As to the suggestion that the Board institute an investigation for the suspension by United, such a step would be inappropriate by the Board on the basis of the data available in the filings herein. More appropriately United might consider a reexamination of the various factors and if it deems such a step advisable to undertake it on its own initiative.

In support of its motion to add Las Vegas, Alaska contends that this city is in a status similar to that of Reno with respect to Portland and Seattle. While the Las Vegas traffic with Portland and Seattle is somewhat less than that produced by Reno, recent figures show that the former is growing at a greater rate so that the overall volumes may be reasonably comparable in the near future.[2] Added to this approaching comparability in the markets is the fact that United has unrestricted nonstop authority between Reno and Portland/Seattle while no carrier is authorized to operate nonstop in the Las Vegas-Portland/Seattle market. Under the circumstances it would appear to be appropriate to consider in this case the possibility of authorizing at least one nonstop carrier in the latter market.

Alaska Airlines would accomplish the Las Vegas expansion by consolidating its application in Docket 21202, in which it seeks a route segment between the coterminal points Seattle/Tacoma and Portland and the coterminal points Reno and Las Vegas. While it does not urge the Las Vegas expansion Western asks, in the event the Board agrees with Alaska Airlines, that a Western application in Docket 17926 be consolidated. This application seeks a new linear route segment between the terminal point Las Vegas, the intermediate point Reno and the coterminal points Portland and Seattle. If granted in the form in which the authority is requested either carrier could carry traffic between Las Vegas and Reno in competition with Air West. While this issue could be eliminated with a pretrial condition that a Las Vegas, Portland, Seattle/Tacoma service should be authorized as a separate segment, it appears to be more appropriate to reach a decision on this point after the completion of the evidentiary record. Accordingly, the issues will include whether the public convenience and necessity require the authorization of a Las Vegas-Portland, Seattle/Tacoma service either direct or via Reno.

Expansion of the scope of the proceeding to include Las Vegas makes it unnecessary to consider Western's request to insert a pretrial restriction against the

[1] On the same day that the "Notification" was filed, United and Frontier Airlines filed a joint application in Docket 21537 for approval of an agreement under which Frontier would provide a service for United similar to that which was contemplated by the Air West agreement. Air West has filed an answer in that docket objecting to approval of the Frontier agreement and contending that it considers its agreement with United to be an effective agreement, at least until the reconsideration petitions have been acted upon.

[2] 1967 figures show the Reno traffic about double that of Las Vegas. However, figures for the first quarter of 1968 show a Las Vegas-Seattle O&D total of 6,780, an increase of 75 percent over the same quarter of 1967 compared to a Reno-Seattle total of 7,790 and a 47 percent increase. The comparable Portland figures were Las Vegas 3,950 and a 56 percent increase and Reno 6,720 and a 19 percent increase.

operation of through-plane service between Las Vegas and Portland and Seattle/Tacoma via Reno.

While the Klamath Falls application in Docket 20497 seeking direct service to Reno and Portland and its motion to consolidate with the Air West-United proposal were pending when Order 69–6–164 was adopted, the request for inclusion was neither granted nor denied.[1] On reconsideration we now recognize that while Klamath Falls was seeking consolidation of its application with the proposal advanced by Air West and United it was interested only in the segment selected out of that package for separate consideration in this investigation. In view of its location, almost directly on line between Reno and Portland and approximately midway on this 445-mile segment, it appears that it can be considered for service without adding any complexity to the investigation.

The objection of Air West and the Bureau is based upon a conviction that the Klamath Falls traffic contribution will be very light and that the service it seeks would be more appropriately considered as a local service matter because of the subsidy implications and not as part of a segment as to which a nonsubsidy condition will apply. This difficulty can be met by including as an issue whether a service at Klamath Falls should be authorized with or without subsidy.

All of the petitions for leave to intervene referred to above recite facts which entitle the petitioners to be heard as formal parties to the case.

Accordingly, it is ordered:

1. That the petition of United Air Lines, Inc., for reconsideration be and it is hereby denied;

2. That the motion of Alaska Airlines, Inc., to modify the scope of the proceeding so as to include a consideration of Las Vegas-Portland/Seattle service be and it hereby is granted;

3. That the petition of Western Air Lines, Inc., for reconsideration and for the adoption of a pretrial restriction with respect to through-plane service for Las Vegas-Portland/Seattle be and it hereby is dismissed;

4. That the applications of Alaska Airlines, Inc., Docket 21202, Air West, Inc., Docket 21198, and Western Air Lines, Inc., Docket 17926 insofar as they request authority within the scope of this proceeding be and they are hereby consolidated;

5. That the application of Klamath Falls in Docket 20497 be and it hereby is consolidated for hearing and decision herein and the investigation will be expanded to consider whether the public convenience and necessity require the designation of Klamath Falls as an intermediate point between Reno and Portland as part of any service authorized herein;

6. That the petitions on behalf of the State of Washington Parties, the State of Oregon Parties and the cities of Portland, Seattle, Reno, and Las Vegas for leave to intervene be and they are hereby granted; and

7. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14348; Filed, Dec. 2, 1969; 8:49 a.m.]

[1] The Klamath Falls request was referred to in the order but it was found unnecessary to rule upon it since the action being taken with respect to the Air West-United proposal was simply to refuse expeditious treatment thereof.

[Docket No. 21384; Order 69–11–136]

WESTERN AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of November 1969.

On September 4, 1969, Western Air Lines, Inc. (Western), filed an application, Docket 21384, for an amendment of its certificate of public convenience and necessity for route 35 so as to modify condition (4),[1] insofar as it precludes single-plane service between San Francisco/San Jose or Oakland and Minneapolis/St. Paul on a "less than nonstop basis", through the issuance of an order to show cause why Western's certificate should not be amended as requested, or in the alternative, that the Board issue an order pursuant to section 416 of the Act permanently exempting Western from the operation of condition (4) insofar as it would prevent single-plane service between San Francisco/San Jose or Oakland and Minneapolis/St. Paul on a "less than nonstop basis."

In conjunction with the setting down of the Twin Cities-California Service Investigation, Order E–24071, dated August 12, 1966, the Board granted Western an exemption from the terms and limitations of its certificate of public convenience and necessity for route 35 insofar as they would otherwise prevent Western from providing nonstop or through-plane service between Minneapolis/St. Paul, Minn., and San Francisco/San Jose or Oakland, Calif. This exemption authority was subject to automatic termination 90 days after final Board action in the Twin Cities-California Service Investigation.[2] By Order 69–8–14, dated August 5, 1969, the Board issued its decision in the Twin Cities-California Service Investigation. Accordingly, under the terms of Order E–24071 single-plane authority on route 35 expired automatically on November 3.[3]

Pursuant to exemption authority granted by Order E–24071, Western presently provides one-daily passenger round trip between San Francisco and the Twin Cities via Denver. In addition, Western has recently inaugurated all-cargo service between these points. Western alleges that the present Twin Cities-San Francisco cargo market is in a developmental stage and is insufficient alone to support nonstop all-cargo service. Therefore, support from the intermediate point Denver is necessary to continue the full development of its new service.

No answers have been filed.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant Western's request for an order to show cause, and we tentatively find and conclude that the public convenience and necessity require the modification of condition (4) of the certificate of Western Air Lines, Inc., for route 35 in such a manner as to authorize single-plane service between San Francisco/San Jose or Oakland, Calif., and Minneapolis/St. Paul, Minn., via the intermediate point Denver, Colo. We further find that Western has recently been granted San Francisco-Twin Cities nonstop authority and in fact has provided such nonstop service pursuant to exemption authority granted August 12, 1966.

In support of our ultimate findings, we tentatively find and conclude as follows: That Western presently operates a limited service pattern between San Francisco and Twin Cities via the intermediate point, Denver; that the continuation of Western's San Francisco flights via Denver should provide appreciable benefits for the traveling public; that the modification of condition (4) of Western's route 35 should enable Western to further develop its present all-cargo services; and that grant of the authority in question will not adversely affect any air carrier.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedents or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Western Air Lines certificate of public convenience and necessity for route 35 by modifying condition (4) to read as follows:

[1] Condition (4) of Western's route 35 reads as follows: "The holder shall not operate through-plane service between Reno, Nev., and San Francisco-San Jose or Oakland, Calif., on the one hand, and points (other than Denver, Colo.) north or east of Salt Lake City, Utah, on its routes 19, 28, and 35, on the other hand."

[2] Multistop authority was not an issue in this investigation.

[3] On Nov. 3, 1969, an order was issued in Docket 16866 (Order 69–11–1) granting Western a temporary extension of its exemption authority for a period of 60 days, or until final Board decision on Western's application in this docket.

(4) The holder shall not operate single-plane service between Reno, Nev., and San Francisco-San Jose or Oakland, Calif., on the one hand, and points (other than Denver, Colo.) north or east of Salt Lake City, Utah, on its routes Nos. 19, 28, and 35 on the other hand: *Provided, however,* That the holder may operate single-plane service between San Francisco-San Jose or Oakland, Calif., and Minneapolis-St. Paul, Minn., via the intermediate point Denver, Colo.

2. That any interested person having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein, shall, within 20 days after service of this order, file with the Board and serve upon all persons upon whom this order is served, a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections;

3. That all motions and/or petitions for reconsideration shall be filed within the period for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. That except to the extent otherwise granted herein, Western's application in Docket 21384, be and it hereby is denied; and

6. That a copy of this order shall be served upon the cities of San Francisco, Oakland, and San Jose, Calif., Denver, Colo., and Minneapolis and St. Paul, Minn., and upon Air West, American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, The Flying Tiger Line, Frontier Airlines, Northwest Airlines, Ozark Air Lines, Pan American World Airways, Texas International Airlines, Trans World Airlines, United Air Lines, and Western Air Lines.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14349; Filed, Dec. 2, 1969; 8:49 a.m.]

[Docket No. 21430]

LESTER E. COX MEDICAL CENTER ET AL.

Notice of Postponement of Prehearing Conference

Petition of Lester E. Cox Medical Center, et al. for approval of distribution of stock of Ozark Air Lines, Inc.

Interested parties have previously been notified that a prehearing conference in the above-entitled proceeding will be held on December 4, 1969, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

By letter dated November 24, 1969, Bureau Counsel submitted a proposed statement of issues, a request for evidence, proposed stipulations, and procedural dates. He requested that direct exhibits and testimony be submitted on December 12, 1969, and that the hearing be held on December 16, 1969.

On November 28, 1969, the Examiner was advised by the Lester E. Cox Medical Center that the dates suggested by Bureau Counsel were in conflict with other commitments of the Medical Center and a request was made for a revised schedule of procedural dates. The Examiner finds that the Medical Center's request is appropriate and directs the Medical Center to furnish the information requested by Bureau Counsel by December 19, 1969. The prehearing conference will be reassigned to January 22, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., November 28, 1969.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 69–14407; Filed, Dec. 2, 1969; 8:50 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, December 11, 1969. The hearing will take place in Room 1600, Municipal Services Building, 15th and J. F. Kennedy Boulevard in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include therein the following projects.

1. *Consolidated Utilities Corp.* A well water supply project to augment public water supplies in the Hemlock Farms community in Blooming Grove Township, Pike County, Pa. Two new wells designated as Nos. 49 and 80 are expected to yield approximately 500,000 gallons per day each.

2. *Bristol Township Authority.* A sewage treatment project to increase the capacity of the sewage treatment plant in Bristol Township, Bucks County, Pa. The increase will be from 1.8 to 2.25 million gallons per day.

3. *Bucks County Water and Sewer Authority.* A sewage treatment project to transfer 500,000 gallons per day of raw domestic sewage from the Township of Falls Authority treatment works on Neshaminy Creek to the Bristol Township Authority Treatment works located on the Delaware River in Bucks County, Pa. Existing pipelines will be used to effectuate the transfer.

Documents relating to the projects listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone (609) 883–9500.

W. BRINTON WHITALL,
Secretary.

NOVEMBER 21, 1969.

[F.R. Doc. 69–14267; Filed, Dec. 2, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on January 5, 1970, the applications for increase in daytime power of Class IV standard broadcast stations listed below will be considered as ready and available for processing.

The purpose of this notice is not to invite applications which may conflict with the listed applications, but to apprise any party in interest who desires to file pleadings concerning any of the applications pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: November 25, 1969.

Released: November 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary

Applications from the top of the processing line:

BP–18616 WEDC, Chicago, Ill.
Foreign Language Broadcasters, Inc.
Has: 1240 kc, 250 w, S.H.—WCRW, WSBC.
Req: 1240 kc, 250 w, 1 kw–LS, S.H.—WCRW, WSBC.

BP–18656 WMBC, Columbus, Miss.
J. W. Furr.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–18658 WNPS, New Orleans, La.
Greater New Orleans Educational Television Foundation.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–18662 KAGT, Anacortes, Wash.
Island Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BP–18664 KBPS, Portland, Oreg.
Benson Polytechnic School.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

[F.R. Doc. 69–14268; Filed, Dec. 2, 1969; 8:45 a.m.]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on January 6, 1970, the following standard broadcast application will be considered as ready and available for processing:

BP-18290 New, Honolulu, Hawaii. Hagadone Capital Corp. Req: 1540 kc, 5 kw, Day.

Pursuant to § 1.227(b)(1), § 1.591(b) and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete and tendered for filing at the offices of the Commission by the close of business on January 5, 1969.

The attention of any party in interest desiring to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 25, 1969.

Released: November 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14269; Filed, Dec. 2, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

EAST COAST COLOMBIA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. H. T. Schoonebeek, Vice Chairman, East Coast Colombia Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7590-17, among the parties to East Coast Colombia Conference amends Article 1 of the basic agreement to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 28, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14330; Filed, Dec. 2, 1969; 8:48 a.m.]

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

ITALY, SOUTH FRANCE, SOUTH SPAIN, PORTUGAL/U.S. GULF AND PUERTO RICO CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. G. Ravera, Secretary, Italy, South France, South Spain, Portugal/U.S. Gulf and Puerto Rico Conference, Vico San Luca 4, 16123 Genova, Italy.

Agreement No. 9522-13 between the member lines of the Italy, South France, South Spain, Portugal/U.S. Gulf and Puerto Rico Conference, amends Article 7 of the basic agreement to reduce the necessary quorum required to be present at Owners' Meetings from three-fourths to two-thirds of the membership.

Dated: November 28, 1969.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14331; Filed, Dec. 2, 1969; 8:48 a.m.]

[Docket No. 69-57; Agreement T-2336]

NEW YORK SHIPPING ASSOCIATION

Order of Investigation Regarding Cooperative Working Arrangement

An agreement between the members of the New York Shipping Association, Inc. (NYSA), has been filed for approval pursuant to section 15, Shipping Act, 1916. The agreement, designated T-2336, is a temporary assessment formula adopted by NYSA to meet its obligation provided for in collective bargaining agreements with the International Longshoreman's Association, AFL-CIO (ILA). The agreement between NYSA and the ILA requires that NYSA make contributions into the ILA pension fund and the welfare and clinic funds on the basis of not less than 40 million hours per year for each year of the labor contract. Agreement No. T-2336 sets forth reporting requirements and an assessment formula which would apply in the event the number of hours reported in any 13-week period falls short of 10 million hours.

NYSA advises that a permanent formula will be submitted to the Commission as soon as one is adopted by its membership.

Protests against approval of the agreement were filed by the National Association of Stevedores and the American Sugar Co., and its wholly owned subsidiary, American Sugar Refining Co. of New York. Comments concerning the permanent agreement to be adopted by the parties were submitted by United States Lines. The protests were directed towards the reporting requirements and assessment formula.

The Commission has considered the protests and comments regarding the agreement and is of the opinion that the agreement should be made the subject of a formal investigation to determine whether it should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916.

The proceeding instituted herein should be expedited.

Therefore, it is ordered, That the Commission institute a proceeding pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821), to determine whether Agreement No. T-2336 should be approved, modified or disapproved pursuant to section 15 of said Act.

It is further ordered, That in the event any modification of this agreement or further agreement establishing a temporary or permanent assessment formula is filed with the Commission, such agreement shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15 of the Shipping Act, 1916.

It is further ordered, That the New York Shipping Association, Inc., and its members through Sieglinde Hart Taylor, as shown in Appendix A below, shall be respondents in this proceeding.

It is further ordered, That this matter be assigned for an expedited hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the presiding examiner.

It is further ordered, That notice of this order shall be published in the FEDERAL REGISTER and that a copy thereof shall be served upon respondents. Persons, other than the respondents, who desire to become parties to this proceeding and to participate herein; shall promptly file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Future notices issued by or on behalf of the Commission in the proceeding, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Sieglinde Hart Taylor, Secretary, New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

[F.R. Doc. 69-14332; Filed, Dec. 2, 1969; 8:48 a.m.]

UNITED STATES ATLANTIC & GULF-JAMAICA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. H. T. Schoonebeek, Vice Chairman, United States Atlantic & Gulf-Jamaica Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 4610-14, among the parties to the United States Atlantic and Gulf-Jamaica Conference amends the basic agreement by modifying the Preamble which presently provides that the trade area covered by the agreement shall be served by direct service or under through bills of lading with transshipment at Kingston, Jamaica, to provide that the trade area shall be served by direct service or transshipment.

Dated: November 28, 1969.

By order of the Federal Martitime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14333; Filed, Dec. 2, 1969; 8:48 a.m.]

UNITED STATES ATLANTIC & GULF-VENEZUELA & NETHERLANDS ANTILLES CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. H. T. Schoonebeek, Vice Chairman, United States Atlantic & Gulf-Venezuela & Netherlands Antilles Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 6870-12 among the parties to U.S. Atlantic & Gulf-Venezuela & Netherlands Antilles Conference amends Article 3 of the basic agreement to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 28, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14334; Filed, Dec. 2, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-506, etc.]

A. L. ABERCROMBIE ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 20, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until

[1] Does not consolidate for hearing or dispose of the several matters herein.

date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 8, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-506	A. L. Abercrombie (Operator) et al., 801 Union Center Bldg., Wichita, Kans. 67202.	1	2	Panhandle Eastern Pipe Line Co. (Cimarron County, Okla.), (Panhandle Area).	$480	10-27-69	[2] 1-1-70	6-1-70	17.0	[3][4] 18.0	
RI70-507	Rip C. Underwood, 213 First National Bank Bldg., Amarillo, Tex. 79101.	5	2	Northern Natural Gas Co. (Hansford Field, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	748	10-24-69	[2] 11-24-69	4-24-70	[5] 17.5	[3][4] 18.869	RI65-640.
	Rip C. Underwood	6	2	Transwestern Pipeline Co. (Mocane Laverne Gas Field, Beaver County, Okla.) (Panhandle Area).	13,000	10-24-69	[2] 11-24-69	4-24-70	[5] 19.5	[3][4] 26.0	RI66-141.
RI70-508	Bachus Oil Co. et al., 721 East Central, Wichita, Kans. 67202.	3	3	Cities Service Gas Co. (Aetna, Elwood, and Hardtner Fields, Barber County, Kans.).	2,427	10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3][4] 15.0	RI65-542.
RI70-509	do	4	4	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3][4] 15.0	RI65-543.
	do	5	3	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3][4] 15.0	RI65-543.
	do	6	5	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3][4] 15.0	RI65-543.
	do	7	5	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3][4] 15.0	RI67-97.
	do	8	4	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3][4] 15.0	RI68-2.
RI70-510	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	366	3	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	15,600	10-27-69	[2] 11-27-69	4-27-70	[5] 17.0	[3][4] 19.5	
RI70-511	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840.	57	12	Cities Service Gas Co. (Rhodes Field, Barber and Kiowa Counties, Kans.).	3,370	10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3][4] 15.0	RI65-410.
	Marathon Oil Co. (Operator) et al.	58	4	Cities Service Gas Co. (Dietz Unit, Grant County, Okla.) (Oklahoma "Other" Area).	310	10-27-69	[2] 1-1-70	6-1-70	[7] 14.0	[3][4][7] 15.0	RI65-628.
RI70-512	Marathon Oil Co. et al.	59	8	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	2,560	10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3][4] 15.0	RI65-410.
RI70-513	Union Texas Petroleum, a division of Allied Chemical Corp. et al. Post Office Box 2120, Houston, Tex. 77001.	72	3	Lone Star Gas Co. (E. Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).	3,191 3,517	10-27-69	[2] 11-27-69	4-27-70	16.0 [8] 15.0	[3][4] 17.01 [3][4][8] 17.01	RI63-461.
RI70-514	Lynn Drilling Co., 407 Mid-Continent Bldg., Tulsa, Okla. 74103.	3	6	Lone Star Gas Co. (Big Mineral Creek Field, Grayson County, Tex.) (RR. District No. 9).	359	10-23-69	[3] 11-23-69	4-23-70	14.49	[4][10] 16.60	
RI70-515	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	127	10	Cities Service Gas Co. (Hardtner and Sharon Fields, Barber County, Kans.).	7,350	10-28-69	[2] 12-23-69	5-23-70	[6] 14.0	[3][4] 15.0	RI68-90.

[1] The stated effective date is the effective date requested by respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] Subject to a downward B.t.u. adjustment.
[6] Buyer deducts 0.75 cent for compression and 1.5 cents for dehydrating gas.
[7] Includes 0.01-cent tax reimbursement.
[8] Applies to acreage added by Supplement No. 2 only. Filing from certificated rate to second periodic increase.
[10] 2-step periodic rate increase.

Rip C. Underwood (Underwood) requests that his proposed rate increases be permitted to become effective "immediately." Lynn Drilling Co. (Lynn) requests an effective date of October 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Underwood and Lynn's rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-14142; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. RI70-493, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 19, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before January 7, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-493	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	183	7	Natural Gas Pipeline Co. of America (Javelina, North Rincon Fields, Hidalgo and Starr Counties, Tex.) (RR. District No. 4).	$73,274	10-15-69	[3] 1-1-70	6-1-70	[3] 18.0675	[3][4] 20.075	RI65-475.
	do	297	6	South Texas Natural Gas Gathering Co. (McAllen Ranch Field, Hidalgo County, Tex.) (RR. District No. 4).	201,583	10-15-69	[2] 1-1-70	6-1-70	[3] 17.0638	[3][4] 18.0675	RI65-409.
	do	298	4	South Texas Natural Gas Gathering Co. (Schmidt Field, Hidalgo County, Tex.) (RR. District No. 4).	6,042	10-15-69	[2] 1-1-70	6-1-70	[3] 17.0638	[3][4] 18.0675	RI65-409.
RI70-494	American Petrofina Co. of Texas (Operator) et al., Post Office Box 2159, Dallas, Tex. 75221.	30	10	Trunkline Gas Co. (Hidalgo Field, Hidalgo County, Tex.) (RR. District No. 4).	10,102	10-17-69	[2] 1-1-70	6-1-70	[7] 14.4369	[3][4] 15.45025	
RI70-495	F. A. Callery, Inc., et al., 1550 First City National Bank Bldg., Houston, Tex. 77002.	1	13	Texas Gas Pipe Line Corp. (West Big Hill Field, Jefferson County, Tex.) (RR. District No. 3).	10,340	10-20-69	[3] 11-20-69	4-20-70	[3] 15.0	[3][4] 16.0	RI63-335.
RI70-496	American Petrofina Co. of Texas.	27	3	South Texas Natural Gas Gathering Co. (Hidalgo County, Tex.) (RR. District No. 4).	24,703	10-20-69	[3] 11-20-69	4-20-70	[7] 14.0520	[4] 16.06	
	do	28	3	South Texas Natural Gas Gathering Co. (Shepherd Field, Hidalgo County, Tex.) (RR. District No. 4).	24,537	10-20-69	[3] 11-20-69	4-20-70	[3][10] 16.0	[3][4][10] 18.06750	
	do	7	5	Texas Eastern Transmission Corp. (Bird Island Field, Kleberg County, Tex.) (RR. District No. 4).	351	10-21-69	[11] 11-21-69	4-21-70	[7] 14.86475	[4][12] 16.87350	
	do	33	7	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex.) (RR. District No. 4).	6,795	10-21-69	[11] 11-21-69	4-21-70	[7] 15.66825	[4][12] 16.672625	
RI70-497	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	21	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Piedre Lumbre Field, Duval County, Tex.) (RR. District No. 4).	32,052	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6585	[3][4] 16.6623	RI70-284.
	Mobile Oil Corp. (Operator) et al.	28	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Fruka Field, Colorado County, Tex.) (RR. District No. 3).	3,459	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3][4] 16.6623	RI67-273.
	do	49	23	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Chesterville and Lissie Fields, Colorado, Fort Bend and Wharton Counties, Tex.) (RR. District No. 3).	20,834	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3][4] 16.6	RI67-273.
	do	123	13	Texas Eastern Transmission Corp. (San Manuel Field, Hidalgo County, Tex.) (RR. District No. 4).	4,237	10-20-69	[11] 11-20-69	4-20-70	16.2709	[4] 16.6729	RI70-284.
	do	275	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Louise Field, Wharton County, Tex.) (RR. District No. 3).	1,241	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3][4] 16.6623	RI67-273.
	do	387	9	Texas Eastern Transmission Corp. (Chapman Ranch, Nueces County, Tex.) (RR. District No. 4).	38,177	10-20-69	[11] 11-20-69	4-20-70	15.6585	[4][12] 16.6726	RI70-284.
RI70-498	Mobil Oil Corp.	27	14	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Edinberg Field, Hidalgo County, Tex.) (RR. District No. 4).	17,453	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6576	[3][4] 16.6726	RI70-284.
	do	43	18	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Government Wells Field, Duval County, Tex.) (RR. District No. 4).	1,156	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3][4] 16.6623	RI70-284.
	do	47	21	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (San Salvador Field, Hidalgo County, Tex.) (RR. District No. 4).	9,772	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6585	[3][4] 16.6623	RI70-284.
	do	57	18	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Hagist Ranch and North Government Wells Field, Duval County, Tex.) (RR. District No. 4).	6,565	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3][4] 16.6623	RI67-273.
	do	96	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Heyser Field, Victoria and Calhoun Counties, Tex.) (RR. District No. 2).	5,611	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3][4] 16.6623	RI67-272.
	do	420	4	Texas Eastern Transmission Corp. (Bird Island Field, Kleberg County, Tex.) (RR. District No. 4).	3,377	10-20-69	[11] 11-20-69	4-20-70	14.4	[4][13] 16.8735	
	do	435	3	Transcontinental Gas Pipe Line Corp. (Dilworth Field, McMullen County, Tex.) (RR. District No. 1).	821	10-20-69	[11] 11-20-69	4-20-70	[3] 15.193	[3][4] 16.206	RI69-314.
	do	87	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Sun Field, Starr County, Tex.) (RR. District No. 4).	2,862	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3][4] 16.6	RI67-272.
	do	321	12	United Gas Pipe Line Co. (Burnell-North Pettus Field, Karnes, Bee and Goliad Counties, Tex.) (RR. District No. 2).	17,344	10-20-69	[11] 11-20-69	4-20-70	[3] 15.4850	[3][4] 16.0600	RI67-272.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-499	Mobil Oil Corp. (Operator).	417	13	Natural Gas Pipeline Co. of America (La Gloria Field, Brooks and Jim Wells Counties, Tex.) (RR. District No. 4).	$2,043	10-20-69	[11] 11-20-69	4-20-70	[6] 15.5133	[3] [6] 16.7338	RI69-313.
RI70-500	Humble Oil & Refining Co. (Operator) et al.	352	6	Natural Gas Pipeline Co. of America (Sarita et al., Fields, Kenedy County, Tex.) (RR. District No. 4).	453,364	10-20-69	[9] 12-1-69	5-1-70	[7] 16.06	[3] [6] 17.0638	
RI70-501	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	66	18	United Gas Pipe Line Co. (Pistol Ridge Field, Forrest Pearl River and Lamar Counties, Miss.).	12,000	10-24-69	[3] 11-24-69	4-24-70	22.0	[3] [6] 23.0	RI67-386.
RI70-502	Phillips Petroleum Co., Bartlesville, Okla. 74003.	281	11	Texas Eastern Transmission Corp. (West George West Field, Live Oak County, Tex.) (RR. District No. 2).	135	10-27-69	[11] 11-27-69	4-27-70	[13] 14.8733	[3] [6] [15] 15.4377	RI63-320.
	do	241	12	United Gas Pipe Line Co. (Burnell-North Pettus Fields, Karnes, Goliad, and Bee Counties, Tex.) (RR. District No. 2).	276	10-28-69	[11] 11-28-69	4-28-70	15.485	[3] [6] 16.0600	RI66-169.

[2] The stated effective date is the contractual effective date.
[3] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Includes 0.25-cent charge for dehydration.
[7] Includes the Texas tax which has been filed.
[5] The stated effective date is the effective date requested by respondent.
[9] 2-step periodic rate increase.
[10] Initial rate.
[11] The stated effective date is the first day after expiration of the statutory notice.
[13] 10-step periodic rate increase.
[15] 5-step periodic rate increase.
[14] 12-step periodic rate increase.
[15] Includes 0.5 cent for dehydration.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-14148; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. RI69-362]

SKELLY OIL CO.

Order Accepting Increased Rate Filings Subject to Refund in Existing Rate Suspension Proceeding

NOVEMBER 18, 1969.

On November 29, 1968, and December 2, 1968, Skelly Oil Co. (Skelly) filed with the Commission four proposed rate increases, among others, which pertain to Skelly's jurisdictional sales of natural gas to El Paso Natural Gas Co. in the San Juan Basin Area and Colorado. The Commission by order issued December 27, 1968, suspended for 5 months Skelly's rate filings in Docket No. RI69-362 until June 1 and June 2, 1969, respectively, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On October 20 and 21, 1969, Skelly submitted three proposed rate increases, designated as Supplement No. 1 to Supplement Nos. 12, 5, and 9 to Skelly's FPC Gas Rate Schedule Nos. 90, 116, and 140, respectively, reflecting payment for the 1 cent minimum guarantee for liquids contained in the contracts, amending the supplements to the rate schedules previously submitted to provide for such reimbursement. Skelly requests waiver of the statutory notice requirement to permit its rate increases to become effective as of the date of filing. Skelly was advised in the Commission's order suspending its proposed rate increases that if it wanted to collect under the minimum guarantee provision of its contracts, it could do so provided it filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator), et al. The proposed increased rate filings are set forth in Appendix "A" hereof.

We conclude that Skelly's proposed rate increases should be accepted for filing, to become effective upon expiration of the statutory notice, subject to the existing rate suspension proceeding in Docket No. RI70-362. Skelly's request for waiver of the statutory notice requirement to permit an earlier effective date for its rate filings is denied.

On October 21, 1969, Skelly submitted a letter agreement dated October 6, 1967, designated as Supplement No. 6 to Skelly's FPC Gas Rate Schedule No. 157, which provides for a renegotiated rate decrease. Concurrently therewith Skelly submitted a rate decrease filing proposing to reduce its rate from 14.0593 cents to 13.0536 cents, designated as Supplement No. 7 to Skelly's FPC Gas Rate Schedule No. 157. These proposed rate filings are set forth in Appendix "A" hereof.

Since Skelly's proposed rate decrease still exceeds the area increased rate ceiling for the area involved, we believe that it should be accepted for filing subject to the existing rate proceeding in Docket No. RI69-362 to become effective as of November 21, 1969, the requested effective date. Skelly's proposed letter agreement is also accepted for filing and permitted to become effective as of November 21, 1969, the expiration date of the statutory notice, but not the rate contained therein which is being accepted subject to the rate suspension proceeding in Docket No. RI69-362.

The Commission finds:

(1) Good cause exists for accepting for filing Skelly's proposed rate increases and decreased rate filing, as set forth in Appendix "A" hereof, effective on the date shown in the "Effective Date" column of the aforementioned appendix, subject to refund in the existing rate suspension proceeding in Docket No. RI69-362.

(2) Good cause exists for accepting for filing Skelly's proposed letter agreement to become effective as of September 21, 1969, the expiration date of the statutory notice.

The Commission orders:

(A) The proposed rate increases and the decreased rate filing contained in Appendix "A" hereof, are accepted for filing and permitted to become effective on the date shown in the "Effective Date" column, subject to the existing rate suspension proceeding in Docket No. RI69-362.

(B) Skelly's proposed letter agreement designated as Supplement No. 6 to Skelly's FPC Gas Rate Schedule No. 157 is accepted for filing and permitted to become effective as of November 21, 1969, the expiration date of the statutory notice.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-362	Skelly Oil Co. (Operator) et al., Post Office Box 1650 Tulsa, Oklahoma 74102	90	[1] 1 to 12	El Paso Natural Gas Co. (South Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$6,711	10-20-69	[3] 11-20-69	(Accepted, subject to refund.)	14.0593	[3] [4] 15.0593	RI69-362.
	do	116	[3] 1 to 5	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	572	10-20-69	[2] 11-20-69	do	14.0	[3] [4] 15.0	RI69-362.
	do	140	[3] 1 to 9	do	2,719	10-21-69	[3] 11-21-69	do	14.0	[3] [4] 15.0	RI69-362.
	Skelly Oil Co. (Operator) et al.[7]	157	[3] 6	El Paso Natural Gas Co. (Mexico Federal G No. 1 Well, Rio Arriba County, N. Mex.) (San Juan Basin Area).	*Decrease*	10-21-69	[3] 11-21-69	(Accepted)		*Decrease*	
		157	7		367	10-21-69	[3] 11-21-69	(Accepted, subject to refund.)	14.0593	[4] [10] 13.0536	RI69-362.

[1] For gas from formations below the Pictured Cliffs formation.
[3] The stated effective date is the first day after expiration of the statutory notice.
[5] Increase reflecting 1-cent guarantee for liquids.
[4] Pressure base is 15.025 p.s.i.a.
[6] Mesa Verde formation only.
[8] Excludes acreage added by Supplement No. 8 for which the 1-cent minimum guarantee for liquids was waived.
[7] Suspended as Skelly Oil Co.
[9] Letter agreement dated Oct. 6, 1967, which provides for connection of Mexico Federal G Well to 250 pound gathering system (low pressure), a 1-cent reduction in rate and waives the 1-cent minimum guarantee for liquids.
[2] The stated effective date is the effective date requested by Respondent.
[10] Renegotiated rate decrease.

[F.R. Doc. 69-14149; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. RI70-474, etc.]

SUPERWELL DEVELOPMENT CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 19, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 5, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-474	Superwell Development Corp.	1	5	Transcontinental Gas Pipe Line Corp.			[3] 10-1-69	[4] 10-2-69	[7] 14.0	[4] [6] 14.0525	
RI70-475	Cities Service Oil Co.	209	3	Texas Eastern Transmission Corp.			[3] 10-1-69	[4] 10-2-69	15.0	[4] [6] 15.0656	
	do	306	2	United Gas Pipe Line Co.			[3] 10-1-69	[4] 10-2-69	16.0	[4] [6] 16.06	
	do	306	1	do			[3] 10-1-69	[4] 10-2-69	16.0	[4] [6] 16.06	
RI70-476	Perry R. Bass (Operator) et al.	2	3	Florida Gas Transmission Co.			[3] 10-1-69	[4] 10-2-69	17.5	[4] [6] 17.5766	
	do	3	3	do			[3] 10-1-69	[4] 10-2-69	17.0	[4] [6] 17.0744	
	do	4	3	do			[3] 10-1-69	[4] 10-2-69	17.5	[4] [6] 17.5766	
RI70-477	Perry R. Bass Inc., agent for Bass Bros. Enterprises, Inc.	15	2	Banquete Gas Co., a division of Crestmont Oil & Gas Co.[8]			[3] 10-1-69	[4] 10-2-69	13.0	[4] [6] 13.0325	
RI70-478	Union Carbide Petroleum Corp.	3	4	Trunkline Gas Co.			[3] 10-1-69	[4] 10-2-69	20.0	[4] [6] 20.075	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-479..	MPS Production Co. (Operator) et al.	3	2	Natural Gas Pipeline Co. of America			[1] 10- 1-69	[4] 10- 2-69	16.0	[5] 16.06	
	....do....	4	2	South Texas Natural Gas Gathering Co.			[1] 10- 1-69	[4] 10- 2-69	16.0	[5] 16.06	
	....do....	5	1	....do....			[1] 10- 1-69	[4] 10- 2-69	16.0	[5] 16.06	
RI70-480..	Killam & Hurd, Ltd.	1	6	Natural Gas Pipeline Co. of America			[1] 10- 1-69	[4] 10- 2-69	15.0	[5] 15.056	
RI70-481..	Killam & Hurd, Ltd. (Operator) et al.	3	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[1] 10- 1-69	[4] 10- 2-69	16.0	[5] 16.06	
RI70-482..	Highland Resources, Inc..	2	6	....do....			[1] 10- 1-69	[4] 10- 2-69	15.0	[5] 15.056	
	....do....	6	10	Texas Eastern Transmission Corp.			[1] 10- 1-69	[4] 10- 2-69	15.6	[5] 15.668	
RI70-483..	George R. Brown (Operator) et al.	6	1	Trunkline Gas Co.			[1] 10- 1-69	[4] 10- 2-69	15.0	[5] 15.0563	
	....do....	22	1	Texas Eastern Transmission Corp.			[1] 10- 1-69	[4] 10- 2-69	15.0	[5] 15.0556	
RI70-484..	George R. Brown	19	4	Florida Gas Transmission Co.			[1] 10- 1-69	[4] 10- 2-69	[7] 15.0	[5] 15.0556	
RI70-485..	Getty Oil Co.	1	14	Iroquois Gas Corp.			[1] 10- 1-69	[4] 10- 2-69	16.6584	[5] 16.7203	
	....do....	173	2	Natural Gas Pipeline Co. of America			[1] 10- 1-69	[4] 10- 2-69	16.0	[5] 16.06	
RI70-486..	Callery Properties, Inc., et al.	1	5	Florida Gas Transmission Co.			[1] 10- 1-69	[4] 10- 2-69	16.0	[5] 16.07	
	....do....	5	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[1] 10- 1-69	[4] 10- 2-69	16.0	[5] 16.06	
RI70-487..	W. B. Osborn, Jr.	18	1	United Gas Pipe Line Co.			[1] 10- 1-69	[4] 10- 2-69	16.0	[5] 16.04	
RI70-488..	Murphy Oil Corp. (Operator) et al.	10	9	Natural Gas Pipeline Co. of America			[1] 10- 1-69	[4] 10- 2-69	14.0	[5] 14.0825	
RI70-489..	Joseph P. Mueller	1	6	Florida Gas Transmission Co.			[1] 10- 1-69	[4] 10- 2-69	16.0	[5] 16.07	
RI70-490..	Continental Oil Co.	265	7	South Texas Natural Gas Gathering Co.			[1] 10- 1-69	[4] 10- 2-69	15.0	[5] 15.05625	
	....do....	269	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[1] 10- 1-69	[4] 10- 2-69	15.0	[5] 15.05625	
	....do....	328	1	Trunkline Gas Co.			[1] 10-1-69	[4] 10-2-69	16.0	[5] 16.060	
	....do....	333	1	Natural Gas Pipeline Co. of America			[1] 10-1-69	[4] 10-2-69	17.0	[5] 17.06375	
RI70-491..	Edwin L. Cox (Operator) et al.	66	2	Valley Gas Transmission, Inc.			[1] 10-1-69	[4] 10-2-69	15.0	[5] 15.05625	
RI70-492..	Texas Pacific Oil Co., Inc. (Operator) et al.	26	5	Natural Gas Pipeline Co. of America			[1] 10-1-69	[4] 10-2-69	15.144	[5] 15.2	

[1] The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Rate of 15.6 cents suspended in Docket No. RI69-512 but never placed into effect subject to refund.
[8] Resells subject gas under Banquete's FPC Gas Rate Schedule No. 5 to United Gas Pipe Line Co.
[9] Rate of 17 cents suspended in Docket No. RI62-511—was never placed into effect.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective October 1, 1969. All of the proposed rates exceed the applicable area ceiling for the areas involved as set forth in the Commission's Statement of General Policy No. 61-1, as amended.

Respondents request waiver of the statutory notice to permit their proposed rate increases to become effective as of October 1, 1969. We believe that it would be in the public interest to waive the statutory notice requirement provided in section 4(d) of the Natural Gas Act. Accordingly, the proposed rate increases herein from underlying firm rates are suspended for 1 day from October 1, 1969.

[F.R. Doc. 69-14150; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP70-130]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 24, 1969.

Take notice that on November 17, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-130 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that due to continuing declines of casing-head gas availability, it proposes to abandon, beyond previously approved abandonments, 5,400 additional compressor horsepower in the Aneth Field, Utah, and an additional 2,200 compressor horsepower in Bisti area of New Mexico.

Upon grant of the requested authorizations, applicant proposes to remove and salvage the facilities permitted to be abandoned at an estimated cost of $114,050.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14270; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CS70-24, etc]

FLETCHER F. FARRAR ET AL.

Notice of Applications for "Small Producer" Certificates [1]

NOVEMBER 25, 1969.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS70-24..	10-29-69	Fletcher F. Farrar, c/o Ralph H. Viney, Agent, 326 Central Bldg., Midland, Tex. 79701.
CS70-25..	11- 7-69	M. L. Melton, Post Office Box 4293, Midland, Tex. 79701.
CS70-26..	11- 7-69	Walker P. Sandlin, Receiver, 722 Southwest 22d, Oklahoma City, Okla. 73109.
CS70-27..	11-10-69	Estrella Oil Co., Post Office Box 147, Midland, Tex. 79701.
CS70-28..	11-12-69	Avance Oil & Gas Co., Inc., 626 Vaughn Bldg., Midland, Tex. 79701.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

By order issued July 14, 1969, the Federal Power Commission consolidated proceedings on the applications of Foraker Gas Co. (Foraker), and United Cities Gas Co. (United), ordered that a public hearing be held on the issues presented by the applications to commence on November 18, 1969, and prescribed procedure.

Both of the aforesaid applicants request orders from the Federal Power Commission pursuant to section 7(a) of the Natural Gas Act, directing Texas Eastern Transmission Corp. (Texas Eastern), to connect its natural gas transportation facilities with pipeline and distribution facilities to be constructed by the applicant and sell and deliver natural gas to the applicant for resale.

On October 31, 1969, Foraker filed a motion to suspend further proceedings in Docket No. CP69-269 for an indefinite period or until Texas Eastern Transmission Corp., has obtained a supply of gas which would be available to Foraker. Statements in detail of the applications of Foraker and United were given in said order issued July 14, 1969, and a recapitulation here will suffice.

CP69-269. Clyde M. Foraker, Jr., as managing partner in an ordinary partnership transacting business in the State of Ohio under the name of Foraker Gas Co., New Lexington, Ohio 43764, filed on April 15, 1969, under Docket No. CP69-269, an application for an order directing Texas Eastern Transmission Corp., Houston, Tex. 77001, to connect its natural gas transportation facilities near Somerset, Perry County, Ohio, with pipeline facilities to be constructed by Foraker and sell and deliver to Foraker up to 456,250 Mcf annually and 1600 Mcf peak day of natural gas (at 14.73 p.s.i.a.) for resale in southwestern Perry County and in the village of Oreville in Hocking County, Ohio.

Texas Eastern filed an answer denying that service to Foraker will not impair its ability to render adequate service to its existing customers or subject it to any undue burden, and denying also that it is the only feasible source of gas supply for Foraker's proposed service area.

CP69-237. United Cities Gas Co., 404 James Robertson Parkway, Nashville, Tenn. 37219, filed on March 10, 1969, under Docket No. CP69-237, an application for an order directing Texas Eastern to connect its natural gas transportation facilities at a point about 4 miles north of the town of Eldorado in Saline County, Ill., with pipeline facilities to be constructed by United and sell and deliver to United its estimated 5th year requirement of 58,100 Mcf of natural gas annually (at 14.73 p.s.i.a.) and 450 Mcf peak day for resale in the village of Equality and in Gallatin and Saline Counties, Ill. United's application was supplemented by information filed on March 17, 21, 27, 1969.

Texas Eastern filed an answer stating its position that the sale and delivery by Texas Eastern of the small volume of gas requested by United is not economically feasible.

CP70-35. After the proceedings on the applications of Foraker and United were consolidated by an order issued July 14, 1969, and a public hearing on the issues presented by the applications was set to commence on November 18, 1969, Central Illinois Public Service Co. (Central Illinois), Illinois Building, Springfield, Ill. 62701, filed on August 14, 1969, under Docket No. CP70-35, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Texas Eastern to connect its natural gas transportation facilities with pipeline and distribution facilities to be constructed by the applicant and sell and deliver natural gas to the applicant for resale in the village of Broughton and environs in Hamilton County, Ill., and to construct and operate a line tap and metering and regulating facilities at the delivery point.

Texas Eastern filed an answer stating its position that the sale and delivery by Texas Eastern of the small volume of gas requested by Central Illinois is not economically feasible.

Broughton's natural gas requirements in the 4th year of operation are estimated at 14,886 Mcf annually and 224 Mcf maximum day at 15.025 psia.

Central Illinois proposes to construct and operate approximately 3 miles of 2-inch transmission main and a natural gas distribution system in Broughton at an estimated cost of $51,570 to be financed from internal funds.

Central Illinois alleged that it distributes natural gas in many cities and towns in Illinois and is authorized by the Illinois Commerce Commission to render the proposed service.

On November 12, 1969, the Commission ordered a hearing on Central Illinois' application to commence on February 17, 1970.

Notice of Central Illinois' application, setting September 15, 1969, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on August 28, 1969 (34 F.R. 13765). None was filed.

The applications of Foraker, United, and Central Illinois present issues in common. The public interest will be served by consolidating the proceedings on the application and setting a definite date on which to commence a public hearing on the issues in lieu of suspending further proceedings in Docket No. CP69-269 for an indefinite period as requested by Foraker. The deferment thus afforded will meet the apparent objective of Foraker's request by allowing time during which Texas Eastern's gas supply position might improve, while consolidation of proceedings will expedite disposition of the cases on a common record. Another reason for consolidating the proceedings in said cases is that United and Central Illinois request service from the same delivery point on Texas Eastern's transmission pipeline and that fact might have a bearing on the economic feasibility of their proposals.

Petitions to intervene in opposition to Foraker's application, notice of which was published in the FEDERAL REGISTER

[Docket No. CP69-269, etc.]

FORAKER GAS CO. ET AL.

Order Denying Motion, Rescheduling Hearing, Setting Hearing Date and Prescribing Procedure

NOVEMBER 21, 1969.

Foraker Gas Co., Applicant, and Texas Eastern Transmission Corp., Respondent, CP69-269; United Cities Gas Co., Applicant, and Texas Eastern Transmission Corp., Respondent, CP69-237; Central Illinois Public Service Co., Applicant, and Texas Eastern Transmission Corp., Respondent, CP70-35.

[F.R. Doc. 69-14271; Filed, Dec. 2, 1969; 8:45 a.m.]

on May 2, 1969 (34 F.R. 7261), were filed by:

Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215.
The Ohio Fuel Co., 99 North Front Street, Columbus, Ohio 43215.
National Gas & Oil Corp., 1500 Granville Road, Newark, Ohio 43055.

Although none of the petitions was filed on time, the Commission, nevertheless, permitted them to intervene in the consolidated proceedings provided that they would file and serve evidence as directed by the Commission. None of them complied with the Commission's directive, thereby failing to qualify for intervention. They will have further opportunity to qualify as interveners by filing and serving evidence in support of the allegations in their respective petitions as ordered hereinafter.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings on the applications under Dockets Nos. CP69–237, CP69–269, and CP70–35 be consolidated and that a public hearing be held on the issues presented by said applications as ordered hereinafter.

(2) Good cause exists to allow the petitioners named above to intervene in this proceeding subject to their compliance with the terms of this order in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The proceedings on the applications under Dockets Nos. CP69–237, CP69–269, and CP70–35 are hereby consolidated.

(B) The petitioners named above are permitted to intervene in this proceeding subject to the rules and regulations of the Commission and provided that they shall comply with the terms of this order and that their participation shall be limited to matters affecting rights and interests expressly asserted in their petitions to intervene; and provided further that permission to intervene shall not be construed as admission by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(C) A public hearing on the issues presented by the applications under Dockets Nos. CP69–237, CP69–269, and CP70–35 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., on February 17, 1970. The hearing heretofore scheduled for November 18, 1969, on the applications of Foraker and United under Dockets Nos. CP69–269, and CP69–237 is canceled.

(D) Each applicant and petitioner to intervene shall file with the Commission and serve on one another and the Commission's staff proposed evidence, including prepared testimony of witnesses and exhibits, as follows:

Central Illinois shall file and serve evidence comprising its case-in-chief on or before December 22, 1969;

Each petitioner to intervene shall file and serve evidence to support the allegations in its petition and its position on or before December 22, 1969;

Texas Eastern shall file and serve evidence comprising its case-in-chief on Central Illinois' application under Docket No. CP70–35 on or before January 19, 1970;

Texas Eastern shall file and serve on or before January 19, 1970, evidence to update as of December 31, 1969, or later its evidence previously filed under Dockets Nos. CP69–237 and CP69–269, including statements for 1970, 1971, 1972, and 1973 of the maximum total capability from all of its sources of gas supply, total annual requirements, and present unallocated transmission pipeline capacity. Also evidence showing whether or not it would be economically feasible to serve United and Central Illinois from the same delivery point.

Central Illinois, Foraker, and United shall file and serve rebuttal evidence, initial or supplemental, on or before February 2, 1970.

(E) Foraker's motion under Docket No. CP69–269 is denied.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14272; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP70–129]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

NOVEMBER 24, 1969.

Take notice that on November 17, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP70–129 an application pursuant to section 7 of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1970, and operation of certain natural gas facilities to enable applicant to take into its certificated pipeline system natural gas purchased from producers thereof; and facilities to enable applicant to transport such volumes for resale and distribution; and permission and approval to abandon certain natural gas direct sale facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system and transporting said gas for resale and distribution.

Applicant proposes to construct and operate gas purchase facilities at a total cost not to exceed $1,500,000, with no single project cost to exceed $375,000; certain gas sales or transportation facilities at a total cost not to exceed $100,000; and the abandonment of service and removal of direct sales measuring, regulating and minor facilities. Applicant states that the cost of the proposed facilities will be financed by current working capital or interim bank loans later funded by a security issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14273; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP69–250]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

NOVEMBER 25, 1969.

Take notice that on November 19, 1969, Natural Gas Pipeline Company of America (Applicant) 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69–250 a petition to amend the order of the Commission issued on June 10, 1969, to delete the authorization to construct approximately 5.8 miles of 12-inch pipeline and to authorize the construction and operation of approximately 10 miles of 16-inch pipeline from the Buffalo Wallow Field to a proposed point of interconnection with Michigan Wisconsin Pipeline Co. (Mich-Wis), in Wheeler County, Tex., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that an amended exchange agreement with Mich-Wis obviates the necessity for the prior authorization, but Applicant's petition to amend is specifically conditioned upon the Commission's granting of a joint petition of Mich-Wis and applicant to amend authorization in Docket No. CP69–251 in that should authorization of the modification of such exchange not be issued, it will be necessary for Applicant to construct the 5.83 miles of 12-inch pipeline as originally proposed and authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14304; Filed, Dec. 2, 1969; 8:46 a.m.]

[Docket No. CP70–131]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 24, 1969.

Take notice that on November 17, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70–131 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities in Moore County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its Sunray Station was severely damaged by an explosion and fire which completely destroyed two 2,000 horsepower compressor units, one of which has already been replaced. Applicant further states that the second is no longer necessary to maintain its operations and therefore proposes to abandon same.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14274; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP70–132]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 25, 1969.

Take notice that on November 17, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, operating as and through its Peoples Natural Gas Division, filed in Docket No. CP70–132 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to acquire by purchase and to operate all of the jurisdictional natural gas facilities of Plateau Natural Gas Co. (Plateau), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant will acquire substantially all of the properties of Plateau in exchange for 155,191 shares of its common stock and 11,150 shares of its preferred stock.

Upon consummation of the proposed acquisition, Plateau will be dissolved and applicant will continue to render through the facilities now owned by Plateau, all services now rendered or contemplated by Plateau. Plateau's principal service is the distribution of natural gas to several small communities in the States of Colorado and Kansas and to farmers for irrigation purposes in the above States as well as in New Mexico and Texas.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14275; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP68–41]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

NOVEMBER 25, 1969.

Take notice that on November 14, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68–41 a petition to amend the order of the Commission issued on October 30, 1967, to authorize the sale and delivery of additional volumes of natural gas to an existing customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant is presently authorized by order issued October 30, 1967, in the subject docket, to sell and deliver to Trunkline 130 billion cubic feet of natural gas at 14.73 p.s.i.a. over a 3-year period beginning November 1, 1967, and ending November 1, 1970 at a point near Kinder, La.

The petition states that applicant and Trunkline have entered into an agreement dated October 14, 1969, amending the original contract between the parties to provide for the sale and delivery to Trunkline at the same delivery point, 125,000 Mcf of natural gas per day from November 1, 1969 to November 1, 1970

and 65,000 Mcf per day from November 1, 1970 to November 1, 1971.

Applicant states that Trunkline has advised that the purchase of natural gas as proposed herein is needed to supply its existing contracted markets and to supplement its supplies of gas pending the acquisition and authorization of long term supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14276; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP70-134]

TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 26, 1969.

Take notice that on November 20, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant) Tenneco Building, Houston, Tex. 77002, filed in Docket No. CP70-134 an application pursuant to section 7(c) of the Natural Gas Act and as implemented by § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the calendar year 1970, and operation of facilities to enable Applicant to take into its main transmission system additional supplies of natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $5 million, with no single offshore project to exceed $1 million, and no single onshore project cost to exceed $750,000. Applicant requests a waiver of the cost limitations contained in § 2.58(a)(2) of the Commission's rules of practice and procedure. Applicant states that increased costs of construction, particularly offshore, require the higher single project limitation.

The proposed facilities will be financed by general funds or revolving credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14305; Filed, Dec. 2, 1969; 8:46 a.m.]

[Docket No. CP68-246]

TRUNKLINE GAS CO.

Notice of Petition To Amend

NOVEMBER 25, 1969.

Take notice that on November 20, 1969, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP 68-246 a petition to amend the order of the Commission issued on May 24, 1968, to authorize the amendment of its Rate Schedule LT-1 whereby applicant transports gas for the account of Tennessee Gas Pipeline Co., a division of Tenneco Inc., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is currenlty authorized to transport natural gas from a point near Kinder, La., for delivery to Midwestern Gas Transmission Co. at a point near Potomac, Ill., up to 137,390 Mcf per day through October 31, 1970, and up to 69,204 Mcf per day through October 31, 1971. Applicant requests authority to extend its deliveries at rates of up to 137,390 Mcf per day through October 31, 1971, and up to 69,204 Mcf per day through October 31, 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14306; Filed, Dec. 2, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

NOVEMBER 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Commercial Finance Corporation of New Jersey (a New Jersey corporation), and all other securities of Commercial Finance Corporation of New Jersey being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 27, 1969, through December 6, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-14282; Filed, Dec. 2, 1969; 8:45 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 28, 1969, through December 8, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-14283; Filed, Dec. 2, 1969; 8:46 a.m.]

[70-4815]

EASTERN UTILITIES ASSOCIATES ET AL.

Notice of Proposed Issue and Sale of Notes by Holding Company and Subsidiary Companies to Banks and Open Account Advances by Holding Company to Subsidiary Companies

NOVEMBER 26, 1969.

In the matter of Eastern Utilities Associates, Post Office Box 2333, Boston, Mass. 02107; Blackstone Valley Electric Co., Post Office Box 1111, Lincoln, R.I. 02865; Brockton Edison Co., 36 Main Street, Brockton, Mass. 02403; Fall River Electric Light Co., 85 North Main Street, Fall River, Mass. 02772; Montaup Electric Co., Post Office Box 391, Fall River, Mass. 02772.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Co. ("Blackstone"), Brockton Edison Co. ("Brockton"), Fall River Electric Light Co. ("Fall River"), and Montaup Electric Co. ("Montaup"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(1), 7, 12(b), 12(c), and 12(f) of the Act and Rules 42(b)(2), 45(a) and 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA, Blackstone, Brocketon, Fall River, and Montaup propose to issue and sell short-term, unsecured, promissory notes to banks, and, in the cases of Blackstone and Brockton, to also receive open-account advances from EUA, from time to time during the period beginning December 19, 1969, and ending December 18, 1970, in the maximum aggregate amounts to be outstanding at any one time, as shown below:

	EUA	Blackstone	Brockton	Fall River	Montaup
			(*Thousands of dollars*)		
Industrial National Bank of Rhode Island, Providence, R.I.		$2,000			
Rhode Island Hospital Trust National Bank, Providence, R.I.		2,000			
The First National Bank of Boston, Boston, Mass.	$16,500		$1,900	$4,850	$15,700
State Street Bank and Trust Co., Boston, Mass.			1,900		
Plymouth Home National Bank, Brockton, Mass.			300		
First County National Bank, Brockton, Mass.			300		
B.M.C. Durfee Trust Co., Fall River, Mass.				650	
Fall River Trust Co., Fall River, Mass.				300	
Fall River National Bank, Fall River, Mass.				200	
Total from banks	16,500	4,000	4,400	6,000	15,700
EUA		12,000	5,300		
Total	16,500	16,000	9,700	6,000	15,700

The maximum aggregate amount of bank notes to be outstanding at any one time may be increased to an amount not in excess of twice the amount(s) shown opposite each bank, but at no time will the aggregate amount of such notes outstanding exceed the above total amounts of bank borrowings for each company.

The notes to banks will be dated as of the date of issuance, will bear interest at a rate not to exceed the prime rate on the date of issuance (presently 8½ percent per annum) and will be prepayable in whole or in part without penalty. Notes issued prior to April 1, 1970, will mature on that date, and each note issued during either of the two subsequent 3-month periods ending respectively on July 1 and October 1 will mature at the end of the 3-month period in which it is issued. Any note issued thereafter will mature on December 18, 1970. The advances by EUA to Blackstone and Brockton will be subordinated to the rights of the preferred stockholders of Blackstone and Brockton, respectively, to receive dividends and in liquidation if, and so long as, (a) preferred stock dividends are in arrears (or in the event of liquidation, the liquidation rights of preferred stockholders have not been satisfied) and (b) the sum of the advances from EAU, the notes payable to banks and all other securities representing unsecured debt, maturing in less than 10 years, exceeds 10 percent of the company's secured debt, capital stocks, premium and surplus. The advances will bear interest payable on April 1, July 1, October 1, and December 18, 1970, at the prime rate in effect at the First National Bank of Boston on those respective dates or the rate at which EUA is then borrowing from said Bank, whichever is lower.

Blackstone expects to have outstanding, at December 19, 1969, an estimated $6 million principal amount of short-term loans, including a $2,700,000 loan from EUA; Brockton, Fall River, and Montaup expect to have outstanding $4,300,000, $2,900,000 and $8 million of notes to banks, respectively. The proceeds from the proposed notes and advances will be used in part by the respective companies to meet cash requirements for construction (including investment in the case of Montaup), to make investment in permanent securities of Montaup in the case of Blacktone, Brockton, and Fall River, through December 18, 1970, and to pay short-term loans expected to be outstanding at that date of approximately $23,100,000. Aggregate construction expenditures, including investments in the case of Montaup, in 1970 for these companies are estimated at $23 million.

Blackstone or Brockton may prepay its notes to banks, in whole or in part, by the use of an advance from EUA, or may repay an advance from EUA with the proceeds of notes issued to banks. Any advance from EUA for such purpose will bear interest, for the unexpired term of the prepaid note, at the lower of the prime rate or the rate borne by the prepaid note. If the interest rate on a note issued to a bank for the purpose of obtaining funds to repay an advance from EUA shall exceed the rate on the advance being repaid, EUA shall reimburse or credit Blackstone or Brockton, as the case may be, for the added interest required for the term of the note so issued.

In the event of any permanent financing by any of the borrowing companies, the net cash proceeds therefrom will be applied to the payment of its short-term note indebtedness or advances from EUA then outstanding, and the maximum amount of short-term note indebtedness and advances to to be outstanding at any one time, as proposed herein, will be reduced by the amount of the proceeds of such permanent financing.

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than December 17, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants at the above-noted addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the

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request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-14284; Filed, Dec. 2, 1969; 8:46 a.m.]

LIQUID OPTICS CORP.

Order Suspending Trading

NOVEMBER 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp., a New York corporation, and all other securities of Liquid Optics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 27, 1969, through December 6, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-14285; Filed, Dec. 2, 1969; 8:46 a.m.]

[70-4538]

MICHIGAN POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes to Bank by Subsidiary Company and Open Account Advances by Holding Company

NOVEMBER 26, 1969.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, and its public-utility subsidiary company, Michigan Power Co. ("MPC"), formerly known as Michigan Gas and Electric Co., have filed with this Commission, pursuant to sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder, a third posteffective amendment to the declaration in this matter. All interested persons are referred to the declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated October 16, 1967 (Holding Company Act Release No. 15872), this Commission authorized the issue and sale by MPC to National Bank of Detroit ("National") of up to $850,000 of notes outstanding at any one time and maturing on June 30, 1968. At the time of said order, there were also outstanding $2,750,000 of MPC's notes which were issued to National prior to AEP's acquisition of MPC. The Commission's order of October 16, 1967, also authorized AEP to make open account advances to MPC of up to $4,500,000 outstanding at any one time. By a first supplemental order dated May 2, 1968 (Holding Company Act Release No. 16051), MPC was authorized to reissue, from time to time prior to June 30, 1969, its notes to National outstanding in the amount of $2,950,000 and to issue and reissue, from time to time prior to June 30, 1969, additional notes to National in an aggregate amount not to exceed $650,000 outstanding at any one time. The notes were to mature on or prior to June 30, 1969. The first supplemental order also authorized AEP to make open account advances to MPC, from time to time during the same period, not to exceed $7,500,000 outstanding at any one time. Such advances were to be repaid on or before June 30, 1969, except that, unless otherwise authorized by the Commission, such repayment was not to be made before the outstanding preferred stock of MPC was retired. By a second supplemental order dated May 26, 1969 (Holding Company Act Release No. 16383), the Commission granted authorization for an extension from June 30, 1969, to December 31, 1969, of the time in which MPC could issue and sell its notes to National and of the time for repayment of the open account advances from AEP, provided that the advances were not to be repaid before the preferred stock of MPC was retired. The notes to National were to mature on or prior to December 31, 1969.

The third posteffective amendment requests authorization for an extension from December 31, 1969, to December 31, 1970, of the time in which MPC may issue and sell its notes to National and of the time for repayment of the open account advances from AEP, provided that the advances will not be repaid before the preferred stock of MPC has been retired. The notes to National will mature on or prior to December 31, 1970. It is also requested that the authorization of the amount of the open account advances from AEP to MPC be increased from $7,500,000 to $8,500,000.

The proceeds from the proposed issue and sale of notes and from the proposed open account advances will be used by MPC in connection with its construction program, which in 1970 is expected to amount to approximately $3,889,000, to repay bank loans the proceeds of which were used in connection with past expenditures in connection with MPC's construction program, and for other corporate purposes. It is proposed that the open-account advances will be repaid with a portion of the proceeds to be realized by MPC in connection with the divestment by MPC of its gas assets and that the bank loans will be repaid from internal cash sources or the issuance of such securities by MPC as the Commission may authorize. It is stated that the authorization now requested is required because of the termination of the proposed sale of MPC's gas assets to a new subsidiary company of Michigan Gas Utilities Co. ("MGU"), a nonassociated gas utility company. Such sale was terminated as MGU, primarily due to existing market conditions, was not in a position to consummate the purchase in accordance with the agreement in the reasonably forseeable future.

Notice is further given that any interested person may, not later than December 15, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-14286; Filed, Dec. 2, 1969; 8:46 a.m.]

[812-2615]

NEWTON FUND, INC.

Notice of Filing of Application for Order Exempting Proposed Exchange of Shares

NOVEMBER 26, 1969.

Notice is hereby given that Newton Fund, Inc. ("Applicant"), 330 East Mason Street, Milwaukee, Wis. 53202, a Maryland corporation registered under the Investment Company Act of 1940 ("Act"), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of sections 22(c) and 22(d) of the Act and Rule 22c-1 thereunder a proposed transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all the assets of O-P-R-A Corp. ("Corporation"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below:

Applicant represents that all of the stock of Corporation, a Wisconsin corporation which is a personal holding company as defined in the Internal Revenue Code, is owned by two individuals. Corporation has engaged in the business of investing and reinvesting its funds since January 3, 1967, and Applicant represents that Corporation is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof.

Pursuant to an Agreement and Plan of Reorganization ("Agreement") among Applicant, Corporation, and stockholders of Corporation dated July 25, 1969, substantially all of Corporation's assets, consisting of portfolio securities with a market value at July 25, 1969, of approximately $176,415 and approximately $35,000 in cash and U.S. Treasury bills, will be transferred to Applicant in exchange for shares of stock of Applicant. The number of shares to be issued to Corporation is to be determined by dividing the aggregate market value of the assets of Corporation to be transferred to Applicant by Applicant's then net asset value per share subject to a certain adjustment which would reduce the number of Applicant's shares Corporation would receive if Corporation's ratio of unrealized net capital gains to assets is greater than Applicant's. If the transaction had been closed on July 25, 1969, the adjustment would have been zero, and Corporation would have received approximately 14,888 shares of Applicant.

Applicant's shares are offered to the public on a continuous basis at net asset value plus varying sales charges, dependent on the amount purchased. Under the terms of the Agreement no sales charge will be added to the net asset value of Applicant in determining the number of Applicant's shares to be issued. Therefore, Applicant may be considered as selling its stock for a price other than the public offering price described in the prospectus which lists a sales load of 3 percent for sales of from $100,000 to $250,000.

The net asset value of Applicant's shares and the value of Corporation's portfolio will be determined on the day preceding the closing. Therefore, Applicant may be considered to be selling its redeemable securities at other than a price based on the current net asset value of such security which is next computed after receipt of an order to purchase the security.

Applicant has been advised that Corporation's stockholders have consented to the transfer of Corporation's assets and have agreed to acquire the shares of Applicant for investment and not for distribution to the public. Applicant represents that the terms of the entire transaction, including the adjustment referred to above, were arrived at through arm's length bargaining between the officers of Applicant and Corporation. Applicant further represents that there is no affiliation or relationship of any kind between the officers and directors of Applicant and officers, directors and stockholders of Corporation. Newton and Co., the investment adviser of Applicant has, however, acted as investment adviser to Corporation since August 1, 1969.

Section 22(c) of the Act and Rule 22c-1 thereunder inter alia prohibit registered investment companies from issuing their redeemable securities except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase the security. Section 22(d) of the Act provides that registered investment companies may sell their shares only at the current public offering price described in the prospectus.

Section 6(c) permits the Commission, upon application, to exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 15, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14287; Filed, Dec. 2, 1969; 8:46 a.m.]

[812-2624]

UNITED FUNDS, INC., AND CWR CORP.

Notice of Filing of Application for Exemption

NOVEMBER 26, 1969.

Notice is hereby given that United Funds, Inc. ("Fund"), a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company and CWR Corp. ("CWR"), 20 West 9th Street, Kansas City, Mo., a Massachusetts corporation which is a wholly owned subsidiary of Continental Investment Corp. (hereinafter referred to collectively as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of exemption from sections 15(a) and 15(c) of the Act to the extent necessary to permit CWR to act as investment adviser to Fund pursuant to an investment advisory contract between Fund and CWR, which has not been approved by shareholders for the period beginning December 31, 1969, the date proposed for commencement of service by CWR, and ending July 2, 1970, the date of the annual meeting of shareholders of Fund. All interested persons are referred to the application filed with the Commission for a statement of the representations contained therein which are summarized below.

CWR owns all of the voting common stock and over 99 percent of the nonvoting common stock of Waddell & Reed, Inc. ("Waddell & Reed"), a New York corporation which is presently the investment adviser to and principal underwriter for Fund. It is proposed that effective December 31, 1969 Waddell & Reed be merged into CWR and that the name of CWR as the surviving corporation be changed to "Waddell & Reed, Inc." The directors, officers, and employees of Waddell & Reed will become directors, officers, and employees of the new Waddell & Reed, Inc., and no change in the functions and activities of Waddell & Reed will result from the merger.

Applicants represent that the merger is designed to simplify the corporate structure, eliminate the present minority holdings of nonvoting common stock of Waddell & Reed, and permit a more realistic valuation for tax purposes of the assets of Waddell & Reed.

The shareholders of Fund approved the terms of the present contract at the postponed annual meeting held June 3, 1969. The proposed, new contract will be substantially identical (except for the

initial date, the language as to the continuance of the contract, and the reference to Waddell & Reed as a New York corporation) with the present contract.

Applicants state that the proposed exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Shareholder approval of the proposed new contract would require a special meeting of shareholders of Fund which applicants represent is unnecessary under the circumstances. No change of control is involved in the merger, but as a result of the merger, Continental Investment Corp. would own the new Waddell & Reed directly rather than owning Waddell & Reed through a wholly owned subsidiary.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company.

Section 15(c) provides, among other things, that it is unlawful for any registered investment company having a board of directors to enter into, renew, or perform any investment advisory or underwriting contract unless the terms of the contract and any renewal thereof are approved by a majority of the directors who are not parties to such contracts or affiliated persons of any such party or by the vote of a majority of the outstanding voting securities of such company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 15, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14288; Filed, Dec. 2, 1969; 8:46 a.m.]

[812–2649]

VIRGINIA CAPITAL CORP. ET AL.

Notice of Filing of Application for Order

NOVEMBER 26, 1969.

In the matter of Virginia Capital Corp., Arthur S. Brinkley, Jr., Robert H. Pratt, Eugene B. Sydnor, Jr., and H. Dunlop Dawbarn, Directors, 808W United Virginia Bank Building, Richmond, Va. 23219; Pandick Press, Inc., 345 Hudson Street, New York, N.Y. 10014.

Notice is hereby given that Virginia Capital Corp. ("Virginia Capital"), Pandick Press, Inc. ("Pandick"), and Arthur S. Brinkley, Jr., Robert H. Pratt, Eugene B. Sydnor, Jr., and H. Dunlop Dawbarn, each of whom is a director of Virginia Capital ("Directors"), hereinafter referred to collectively as "Applicants", have filed an application pursuant to section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d–1 thereunder, for an order permitting Virginia Capital to sell 33,000 presently outstanding shares of common stock of Pandick and Directors to sell an aggregate of 22,200 presently outstanding shares of Pandick at the same time that Pandick itself sells 100,000 shares of its authorized but unissued shares and certain other registered investment companies, affiliates of Pandick, sell presently outstanding shares of Pandick owned by them. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Virginia Capital is registered as a closed-end, nondiversified management investment company under the Act and is a federal licensee under the Small Business Investment Act of 1948. Pandick, a New York corporation which renders printing services to the financial community, has outstanding 1,334,000 shares of common stock. There is no public market for Pandick's common stock at present since to date there has been no public offering of Pandick stock. Virginia Capital owns 326,934 shares of common stock of Pandick, or approximately 25 percent of Pandick's outstanding voting securities. Directors own an aggregate of 37,880 shares of Pandick common stock. Virginia Capital and Directors acquired their shares of Pandick stock in transactions which were the subject of Investment Company Act Releases Nos. 3154, 3167, 4116, and 4140.

Section 2(a)(3) includes within the definition of "affiliated person" any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person, any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person, and any director of such other person. Virginia Capital and Pandick are, therefore, affiliated persons of each other and Directors are affiliated persons of Virginia Capital.

On October 22, 1969, Pandick filed a registration statement with the Commission under the Securities Act of 1933, with respect to the proposed public offering of 371,709 shares of Pandick common stock through a group of underwriters. The various underwriters, acting through Dean Witter & Co., Incorporated as their representative, propose to purchase 100,000 shares from Pandick; 33,000 shares from Virginia Capital; 22,200 shares from Directors and the balance from other shareholders of Pandick, and to offer them to the public at an initial public offering price to be determined by agreement between the underwriters and the proposed sellers. Some of the other selling shareholders, registered investment companies who own more than 5 per centum of the outstanding voting securities of Pandick, are affiliated persons of affiliated persons of Virginia Capital. Their applications for orders pursuant to section 17(d) and Rule 17d–1 thereunder to permit participation in the public offering will be the subject of separate Investment Company Act releases. Each of the selling shareholders and Pandick will sell the shares to the underwriters on the same basis and for the same price per share. All expenses except underwriting discounts, fees of counsel employed by the selling shareholders and stock transfer taxes will be paid by Pandick. Pandick has agreed to hold the selling shareholders harmless on account of any indemnification by them of the underwriters and to defend any actions brought against selling shareholders in that connection. Further, Pandick proposes to indemnify the selling shareholders, the underwriters and the controlling persons of each against all claims, losses, damages, liabilities, and expenses arising out of or based upon any information contained in documents incidental to the registration.

Applicants represent that the number of shares included in the proposed public offering was determined by the underwriters after Pandick and each of Pandick's shareholders were given unrestricted opportunity to offer stock. In addition, the participation of Pandick or any of its shareholders is not contingent upon that of any one or more of them. Under the circumstances, the participation of Virginia Capital was not required in the public offering, nor has the extent of its participation been restricted because of shares offered by affiliated persons of Virginia Capital.

Applicants represent that Virginia Capital is not participating in the offering on a basis different from or less advantageous to it than to Pandick or to any of the other selling shareholders.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, among other things, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement, as used in Rule 17d–1 is defined as a written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such person or principal underwriter, have a joint or a joint and several participation in, or share in the profits of, such enterprise or undertaking.

The application states that the proposed transactions are consistent with the provisions, policies and purposes of the Act, that the price to be received by the selling shareholders and Pandick are the same and that the manner of sharing expenses is fair.

Notice is further given that any interested person may, not later than December 12, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advise as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14289; Filed, Dec. 2, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Archer Avenue Big Store, Inc., department store; 4181–93 Archer Avenue, Chicago, Ill.; 9–7–69 to 9–6–70.

Auerbach's, department store; 2457 Washington Boulevard, Ogden, Utah; 9–3–69 to 9–2–70.

The Baby Shop, Inc., apparel store; 404 Main, Evansville, Ind.; 9–3–69 to 9–2–70.

Ball Stores, Inc., department store; 400 South Walnut Street, Muncie, Ind.; 9–3–69 to 9–2–70.

Big Apple Supermarket, foodstores from 9–3–69 to 9–2–70: Nos. 2 and 3, Reidsville, N.C.

Boulevard Food Store, foodstore; 1021 Nebraska Street, Sioux City, Iowa; 9–3–69 to 9–2–70.

Buehler Markets, foodstore; 2315 N Street, Omaha, Nebr.; 9–3–69 to 9–2–70.

Buy Rite, Inc., foodstore; Paola, Kans.; 9–9–69 to 9–8–70.

Byck Bros. & Co., apparel store; 532 South 4th Street, Louisville, Ky.; 9–1–69 to 8–31–70.

Cannata's Super Market, Inc., foodstore; Morgan City, La.; 9–3–69 to 8–2–70.

Capin's El Paso Store, department store; 125–129 Morley Avenue, Nogales, Ariz.; 9–3–69 to 9–2–70.

Carrollton Foods, Inc., foodstore; 905 South Main, Carrollton, Mo.; 9–3–69 to 9–2–70.

Cat & Fiddle Super Markets Inc., foodstores from 9–3–69 to 9–2–70: 714 South Main Street, Danville, Va.; Riverside Drive, Danville, Va.

Charlies Market, foodstore; George, Iowa; 9–10–69 to 9–9–70.

Cooke's Food Store, Inc., foodstore; Cleveland, Tenn.; 9–1–69 to 8–31–70.

Cooper & Ratcliff, Inc., foodstores from 9–1–69 to 8–31–70: Bassett, Va.; Collinsville, Va.; Martinsville, Va.

Cowan Grocery, foodstore; 232 Trade Street, Tryon, N.C.; 9–5–69 to 9–4–70.

Crest Stores Co., variety store; Wytheville, Va.; 9–1–69 to 8–31–70.

Dan's, Inc., foodstore; 2266 East 33d South, Salt Lake City, Utah; 9–10–69 to 9–9–70.

The Dixie Store, department store; 415–17 Chickasha Avenue, Chickasha, Okla.; 8–23–69 to 8–22–70.

Eagle Stores Co., Inc., variety stores: 116 Main Street, Lincolnton, N.C., 9–10–69 to 9–9–70; 1–11 West Main Street, Martinsville, Va., 9–3–69 to 9–2–70.

Edward's Inc., variety stores from 9–8–69 to 9–7–70: 917 Bay Street, Beaufort, S.C.; 517 King Street, Charleston, S.C.; St. Andrews Shopping Center, Charleston, S.C.; Pinehaven Shopping Center, Charleston Heights, S.C.; 2018 Reynolds Avenue, Charleston Heights, S.C.; 324–6 Laurel Street, Conway, S.C.; 929 Front Street, Georgetown, S.C.; 819 Kings Highway, Myrtle Beach, S.C.; 10–18 North Main Street, Sumter, S.C.; 201 Wichman Street, Walterboro, S.C.

Experiment Farm, agriculture; Wilson, Ark.; 9–1–69 to 8–31–70.

The First Street Store, Ltd., department store; 3640 East 1st Street, Los Angeles, Calif.; 9–3–69 to 9–2–70.

Garrison Memorial Hospital, hospital; Garrison, N. Dak.; 9–4–69 to 9–3–70.

Goldblatt Brothers Inc., department store; 5206 Hohman Avenue, Hammond, Ind.; 8–22–69 to 8–21–70.

W. T. Grant Co., variety-department stores: No. 555, Phoenixville, Pa., 9–10–69 to 9–9–70; No. 240, Williamsport, Pa., 9–8–69 to 9–7–70.

R. Guinan & Co., department store; 117 South Oak Street, Mt. Carmel, Pa.; 9–3–69 to 9–2–70.

H. E. B. Food Store, foodstores from 9–3–69 to 9–2–70: No. 27, Alice, Tex.; No. 73, Aransas Pass, Tex.; Nos. 30, 31, 32, 33, 34, 45, 51, and 79, Austin, Tex.; No. 10, Beeville, Tex.; Nos. 1, 14, and 15, Brownsville, Tex.; Nos. 17, 18, 19, 21, 23, 35, 37, 46, and 65, Corpus Christi, Tex.; No. 80, Cuero, Tex.; No. 9, Donna Tex.; No. 75, Eagle Pass, Tex.; No. 6, Edinburg, Tex.; No. 78, El Campo, Tex.; Nos. 3, 55, and 77, Harlingen, Tex.; No. 89, Kerrville, Tex.; No. 26, Kingsville, Tex.; Nos. 8 and 16, Laredo, Tex.; No. 7, McAllen, Tex.; No. 4, Mercedes, Tex.; No. 13, Mission, Tex.; No. 62, New Braunfels, Tex.; No. 12, Pharr, Tex.; No. 11, Raymondville, Tex.; No. 24, Refugio, Tex.; No. 22, Robstown, Tex.; Nos. 40, 41, 42, 43, 44, 47, 48, 49, 52, 53, 57, 58, 60, 61, 66, 68, and 69, San Antonio, Tex.; No. 2, San Benito, Tex.; No. 63, San Marcos, Tex.; No. 29, Taft, Tex.; No. 74, Uvalde, Tex.; Nos. 25 and 28, Victoria, Tex.; No. 5, Weslaco, Tex.; No. 81, Yoakum, Tex.

Harts Super Market, foodstores; Branson, Mo.; 9–3–69 to 9–2–70.

Herberger's, department store; 225 South Broadway, Albert Lea, Minn.; 9–3–69 to 9–2–70.

Highland Farm, agriculture; Wilson, Ark.; 8–26–69 to 8–25–70.

Hoffman's, Inc., apparel store; 200 Union Street, Lynn, Mass.; 9–3–69 to 9–2–70.

Joab Lake Farm, agriculture; Wilson, Ark.; 8–16–69 to 8–15–70.

K. C. Super Market, foodstore; 8th and Ohio Avenue, Etowah, Tenn.; 9–1–69 to 8–31–70.

Ken & Bea's Food Market, foodstore; 334 West Broadway, Muskegon Heights, Mich.; 8–29–69 to 8–28–70.

Thomas Kilpatrick and Co., department stores from 9–3–69 to 9–2–70: 15th and Douglas Street, Omaha, Nebr.; 42d and Center Street, Omaha, Nebr.

S. S. Kresge Co., variety-department stores from 9–8–69 to 9–7–70 except as otherwise indicated: No. 691, Rockville, Md.; No. 409, Dorchester, Mass. (9–9–69 to 9–8–70); No. 166, Detroit, Mich.; No. 241, Detroit, Mich. (9–9–69 to 9–8–70); No. 403, Iron Mountain, Mich.; No. 535, Mt. Clemens, Mich. (9–7–69 to 9–6–70); No. 326, Omaha, Nebr. (9–8–69 to 9–2–70); No. 646, Toledo, Ohio; No. 460, Harrisburg, Pa. (9–10–69 to 9–9–70); No. 182, Pittsburgh, Pa. (9–9–69 to 9–8–70); No. 282, Pittston, Pa.; No. 18, Reading, Pa. (9–10–69 to 9–9–70).

La Ville De Paris Department Store, department store; 101–105 Morley Avenue, Nogales, Ariz.; 9–3–69 to 9–2–70.

Landry Stores, Inc., department store; Corner Main and Pere Megret Streets, Abbeville, La.; 9–8–69 to 8–7–70.

The Mart, Inc., apparel store; 180 Main Street, Paterson, N.J.; 9–1–69 to 8–31–70.

Mary V. Farm, agriculture; Wilson, Ark.; 8–15–69 to 8–14–70.

McCrory-McLellan-Green Stores, variety-department stores, from 9–5–69 to 9–4–70 except as otherwise indicated: No. 649, Westport, Conn. (9–6–69 to 9–5–70); No. 114, Wilmington, Del.; No. 259, Leesburg, Fla. (9–8–69 to 9–7–70); No. 81, Palatka, Fla. (9–4–69 to 9–2–70); No. 171, St. Petersburg, Fla. (9–8–69 to 9–7–70); No. 69, Sanford, Fla. (9–8–69 to 9–2–70); No. 1219, Columbus, Ga.; No. 111, Baltimore, Md.; No. 664, Lynn, Mass. (9–4–69 to 9–3–70); No. 302, Gulfport, Miss. (9–6–69 to 8–2–70); No. 410, Wilson, N.C.; No. 185, Youngstown, Ohio; No. 151, Barnesboro, Pa. (9–9–69 to 9–8–70); No. 1116, Chester, Pa.; No. 147, Ebensburg, Pa. (9–10–69 to 9–9–70); No. 1122, Hollidaysburg, Pa.; No. 1046, Lebanon, Pa.; No. 1029, McKeesport, Pa.; Nos. 1012 and 1052, Philadelphia, Pa.; No. 53, Pittsburgh, Pa.; No. 1037, Pottsville, Pa.; No. 1120, Memphis, Tenn. (9–8–69 to 9–7–70); No. 214, Clarksburg, W. Va. (9–4–69 to 9–3–70); No. 454, Marshfield, Wis. (9–8–69 to 9–7–70).

McTyre's Supermarket, foodstore; Dallas, Ga.; 8–4–69 to 8–3–70.

Meyer Brothers, department store; 181 Main Street, Paterson, N.J.; 9–1–69 to 8–31–70.

A. C. Milliken Hospital, hospital; East Norwegian and Tremont Streets, Pottsville, Pa.; 9–4–69 to 9–3–70.

Minimax, foodstore; 1552 Palm Boulevard, Brownsville, Tex.; 9–5–69 to 9–4–70.

Model Food Market, foodstore; North Hills Shopping Center, North Little Rock, Ark.; 8–23–69 to 8–22–70.

Moreland Drug, Inc., drugstore; 110 Shelby Street, Falmouth, Ky.; 8–25–69 to 8–24–70.

The New York Store, variety store; 238–244 High Street, Pottstown, Pa.; 9–3–69 to 9–2–70.

J. J. Newberry Co., variety-department stores from 9–8–69 to 9–7–70 except as otherwise indicated: No. 238, Rockland, Maine; No. 71, Tiffin, Ohio (9–10–69 to 9–9–70); No. 95, West Warwick, R.I.; No. 202, El Paso, Tex.; No. 91, Barre, Vt. (9–5–69 to 9–4–70).

Norby's, Inc., department store; 402 Demers Avenue, Grand Forks, N. Dak.; 9–3–69 to 9–2–70.

Olson Supermarket, foodstores from 9–3–69 to 9–2–70: 1406 West Main Street, Chanute, Kans.; 525 West State Street, Erie, Kans.; 3209 Main Street, Parsons, Kans.

The Outlet Co., department store; 176 Weybosset Street, Providence, R.I.; 9–3–69 to 9–2–70.

People's Grocery, foodstore; 315 Church, Tiptonville, Tenn.; 8–22–69 to 8–21–70.

Piggly Wiggly, foodstores from 9–3–69 to 9–2–70: 836 West 11th Street, Panama City, Fla.; Nos. 1 and 2, Columbus, Ga.; 704 North First, Lamesa, Tex.; 710 North Fourth Street, Lamesa, Tex.

Public Drug Store, drugstore; Tusca Shopping Plaza, Beaver, Pa.; 8–20–69 to 7–31–70.

Randle's IGA, foodstore; Eureka, Utah; 9–10–69 to 9–9–70.

Raylass Department Store, variety-department stores from 9–1–69 to 8–31–70 except as otherwise indicated: 619–621 State Street, Bristol, Va.; 335 Main Street, Danville, Va. (9–3–69 to 9–2–70); 312–320 East Broad Street, Richmond, Va.; 307 Main Street, South Boston, Va. (9–3–69 to 9–2–70).

Red & White Food Basket, foodstore; Curry Street, Pelham, Ga.; 8–13–69 to 8–12–70.

Red & White Food Market, foodstore; Nashville, N.C.; 7–18–69 to 7–17–70.

Ridgeland Farm, agriculture; Wilson, Ark.; 8–15–69 to 8–14–70.

Rodenberg's Inc., foodstores from 8–24–69 to 8–23–70: Nos. 1 and 4, Charleston, S.C.; No. 3, Charleston Heights, S.C.; No. 2, North Charleston, S.C.

Rose's Stores, Inc., variety-department stores from 9–3–69 to 9–2–70 except as otherwise indicated: No. 80, Milledgeville, Ga. (9–5–69 to 9–4–70); No. 102, Warner Robins, Ga.; No. 135, Somerset, Ky.; No. 71, Ahoskie, N.C. (9–5–69 to 9–4–70); No. 145, Asheville, N.C.; No. 61, Burlington, N.C. (9–5–69 to 9–4–70); No. 98, Chapel Hill, N.C.; No. 121, Charlotte, N.C. (9–5–69 to 9–4–70); No. 43, Clinton, N.C.; No. 26, Dunn, N.C. (9–5–69 to 9–4–70); No. 24, Edenton, N.C.; No. 108, Elkin, N.C.; No. 72, Fayetteville, N.C. (9–5–69 to 9–4–70); No. 1, Henderson, N.C.; No. 134, Jacksonville, N.C. (9–5–69 to 9–4–70); No. 50, Kinston, N.C.; No. 8, Lenoir, N.C.; No. 45, Lumberton, N.C.; No. 60, Marion, N.C.; No. 59, Morehead City, N.C.; No. 51, Morganton, N.C.; No. 29, North Wilkesboro, N.C. (9–5–69 to 9–4–70); No. 130, Raleigh, N.C. (9–5–69 to 9–4–70); No. 21, Roanoke Rapids, N.C.; No. 4, Roxboro, N.C.; No. 32, Sanford, N.C.; No. 22, Smithfield, N.C.; No. 149, Tarboro, N.C.; No. 30, Thomasville, N.C. (9–5–69 to 9–4–70); No. 52, Whiteville, N.C. (9–5–69 to 9–4–70); No. 143, Wilson, N.C.; No. 133, Winston-Salem, N.C. (9–8–69 to 9–7–70); No. 76, Camden, S.C.; No. 148, Columbia, S.C.; No. 36, Georgetown, S.C. (9–5–69 to 9–4–70); No. 48, Newberry, S.C.; No. 49, Union, S.C.; No. 62, Greeneville, Tenn.; No. 79, Charlottesville, Va. (9–5–69 to 9–4–70); No. 57, Christiansburg, Va.; No. 31, Farmville, Va.; No. 7, Franklin, Va.; No. 15, Galax, Va. (9–5–69 to 9–4–70); No. 70, Marion, Va.; Nos. 123, 129, and 142, Norfolk, Va.; Nos. 20 and 109, Portsmouth, Va. (9–5–69 to 9–4–70); No. 144, Richmond, Va.; No. 146, Roanoke, Va. (9–5–69 to 9–4–70); No. 40, South Boston, Va.; No. 17, Suffolk, Va.; Nos. 107 and 137, Virginia Beach, Va.; No. 56, Waynesboro, Va. (9–5–69 to 9–4–70); No. 65, Williamsburg, Va.

Rusty's Food Centers, Inc., foodstore; Ninth and Iowa, Lawrence, Kans.; 9–3–69 to 9–2–70.

Thomas Grocery, foodstore; Mounted Route, Grand Haven, Mich.; 8–27–69 to 8–26–70.

Tuten's Red & White, foodstore; Estill, S.C.; 8–12–69 to 8–11–70.

Weeks, Inc., foodstore; 505 South Santa Fe, Salina, Kans.; 9–3–69 to 9–2–70.

Younker Brothers, Inc., department stores from 9–3–69 to 9–2–70: 323 Main Street, Ames, Iowa; Seventh and Walnut Street, Des Moines, Iowa; 503 Merle Hay Plaza, Des Moines, Iowa; 217–239 South 25th Street, Fort Dodge, Iowa; 111 East Washington, Iowa City, Iowa; 22–24 Main Street, Marshalltown, Iowa; 101 South Federal, Mason City, Iowa; 118 High Street West, Oskaloosa, Iowa; 129 East Main Street, Ottumwa, Iowa; Fourth and Pierce, Sioux City, Iowa.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

The Baby Shop, Inc., apparel store; 1120 Washington Square Mall, Evansville, Ind.; salesclerk, marker, detail clerk, stock clerk; 1 to 11 percent; 9–3–69 to 9–2–70.

Branson Heights Supermarket, Inc., foodstore; Branson, Mo.; stock clerk, bagger, cleanup; 10 to 34 percent; 9–3–69 to 9–2–70.

Dan's, Inc., foodstores for the occupations of courtesy clerk, bagger, bottle clerk; 24 to 37 percent, 9–10–69 to 9–9–70: 3735 South Ninth East, Salt Lake City, Utah; 2085 East 21st South, Salt Lake City, Utah; 1326 South 21st East, Salt Lake City, Utah.

Dickinson Service Drug, Inc., drugstore; Dickinson, N. Dak.; clerk, restaurant helper, janitorial; 10 to 73 percent; 9–10–69 to 9–9–70.

Don's Model Market, foodstore; Levy Shopping Center, North Little Rock, Ark.; sacker, carryout, stock clerk; 15 percent; 8–23–69 to 8–22–70.

Eagle Stores Co., Inc., variety store; No. 27, Collinsville, Va.; salesclerk, stock clerk; 12 to 50 percent; 9–3–69 to 9–2–70.

Edward's, Inc., variety stores for the occupations of salesclerk, stock clerk, checker, marker, layaway clerk, 9 to 16 percent except as otherwise indicated, 9–8–69 to 9–7–70: Mitchell Shopping Center, Aiken, S.C. (4 to 18 percent); Hampton Place Shopping Center, Greenwood, S.C.; 159 Broughton Street, NW., Orangeburg, S.C.

Food Giant Super Markets, Inc., foodstore; No. 11, Tucson, Ariz.; carryout; 16 to 24 percent; 8–22–69 to 8–21–70.

Good Samaritan Center, nursing home; Scribner, Nebr.; kitchen helper, dining room helper, serving helper, nurses aide; 2 to 9 percent; 9–10–69 to 9–9–70.

W. T. Grant Co., variety-department stores for the occupations of salesclerk, stock clerk: No. 1071, Southampton, Pa., 0 to 9 percent, 9–8–69 to 9–7–70; No. 902, Barre, Vt., 4 to 33 percent, 9–5–69 to 9–4–70.

H E B Food Stores, foodstores for the occupations of bottle clerk, sacker, package clerk, 10 percent, 9–3–69 to 9–2–70: No. 36, Austin, Tex.; No. 82, Bay City, Tex.; Nos. 92, 101, 102, 103, 107, and 108, Corpus Christi, Tex.; No. 85, Falfurrias, Tex.; No. 112, Hondo, Tex.; No. 100, Laredo, Tex.; No. 84, McAllen, Tex.; No. 20, Port Lavaca, Tex.; No. 96, Rockport, Tex.; Nos. 59, 83, and 90, San Antonio, Tex.; No. 97, Seguin, Tex.; No. 56, Taylor, Tex.; No. 91, Wharton, Tex.

Haan's Super Market, Inc., foodstore; 919 36th Street, Wyoming, Mich.; stock clerk, checker, package clerk; 21 to 35 percent; 9–2–69 to 9–1–70.

King Mart, foodstore; 1301 East Levee Street, Brownsville, Tex.; stock clerk, checker, carryout, janitorial; 9 to 11 percent; 9–6–69 to 9–5–70.

S. S. Kresge Co., variety-department stores: No. 504, Alpena, Mich., stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, customer service, 10 percent, 9–7–69 to 9–6–70; No. 771, Billings, Mont., salesclerk, stock clerk, office clerk, checker-cashier, 18 to 30 percent, 9–8–69 to 9–2–70; No. 4045, Butler, Pa., bagger, salesclerk, checker-cashier, 6 to 10 percent, 9–6–69 to 9–5–70; No. 746, San Antonio, Tex., salesclerk, 7 to 27 percent, 9–5–69 to 9–4–70.

Magic Mart, Inc., department store; Highway 84 and Locust Street, Caruthersville, Mo.; salesclerk, stock clerk, janitorial; 6 to 31 percent; 8–23–69 to 8–22–70.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 9–5–69 to 9–4–70 except as otherwise indicated: No. 375, Phoenix, Ariz., 9 to 20 percent (9–6–69 to 9–5–70); No. 1138, Silver Spring, Md., 0 to 11 percent; No. 343, Hadley, Mass., 7 to 15 percent (9–8–69 to 9–7–70); No. 362, Fairborn, Ohio, 6 to 20 percent.

Dick Millett's Market, foodstore; Provo, Utah; stock clerk, cashier; 26 to 33 percent; 9–10–69 to 9–9–70.

Minimax, foodstores for the occupations of bagger, carryout, checker, janitorial: 1001 South Broadway, LaPorte, Tex., 8 to 10 percent, 8–26–69 to 8–25–70; 200 North 10th, McAllen, Tex., 9 to 11 percent, 9–6–69 to 9–5–70.

G. C. Murphy Co., variety-department store; No. 173, Austin, Tex.; janitorial, salesclerk, office clerk, stock clerk; 11 to 28 percent; 9–5–69 to 9–4–70.

Parisian Mercantile Corp., department store; Nogales, Ariz.; salesclerk, marker, gift wrapper, stock clerk; 1 to 10 percent; 9–3–69 to 9–2–70.

Park View Manor, nursing home; Park Avenue, Sac City, Iowa; nurses aide; 4 to 10 percent; 9–3–69 to 9–2–70.

Piggly Wiggly, foodstores: No. 11, Phenix City, Ala.; sacker, bottle clerk, carryout, janitorial; 10 to 12 percent, 9–1–69 to 8–31–70; Candor, N.C.; bagger, checker, stock clerk; 20 percent; 8–21–69 to 8–18–70.

Pruett's Food Town, Inc., foodstore; No. 58, Chattanooga, Tenn.; bagger; 10 percent; 8–26–69 to 8–25–70.

Raylass Department Store, variety-department store; 908–12 Main Street, Lynchburg, Va.; office clerk, salesclerk, stock clerk, marker, cleanup; 13 to 34 percent; 9–1–69 to 8–31–70.

Rodenberg's Inc., foodstores for the occupations of bagger, carryout; 10 percent, 8–24–69 to 8–23–70: No. 7, Charleston, S.C.; No. 5, Mount Pleasant, S.C.

Rogers Department Store, Inc., department store; 959 28th Street SW., Wyoming, Mich.; salesclerk, stock clerk, marker; 8 percent; 9–2–69 to 9–1–70.

Rose's Stores, Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker except as otherwise indicated, 9–5–69 to 9–4–70 except as otherwise indicated: No. 140, Columbus, Ga., 0.3 to 33 percent; No. 77, Gainesville, Ga., 13 to 32 percent (stock clerk, salesclerk, checker, window trimmer, marker, order writer); No. 164, Valdosta, Ga., 13 to 32 percent (stock clerk, salesclerk, checker, window trimmer, order writer, marker); Nos. 6 and 115, Louisville, Ky., 3 to 16 percent (salesclerk); No. 35, Asheboro, N.C., 13 to 28 percent (salesclerk, stock clerk); No. 38, Beaufort, N.C., 16 to 26 percent; No. 154, Burlington, N.C., 13 to 28 percent (9–3–69 to 9–2–70); No. 63, Charlotte, N.C., 11 to 27 percent (salesclerk, checker); No. 147, Durham, N.C., 6 to 12 percent; No. 155, Gastonia, N.C., 11 to 27 percent (9–3–69 to 9–2–70); No. 132, Greensboro, N.C., 11 to 28 percent; No. 152, Greensboro, N.C., 6 to 12 percent (salesclerk); No. 162, Greenville, N.C., 2 to 25 percent (salesclerk); No. 96, High Point, N.C., 13 to 28 percent (9–3–69 to 9–2–70); No. 122, Kannapolis, N.C., 4 to 23 percent (salesclerk, checker); No. 111, Lincolnton, N.C., 9 to 18 percent (salesclerk); No. 68, Mount Airy, N.C., 13 to 28 percent; No. 90, Mount Olive, N.C., 21 to 41 percent (salesclerk); No. 81, Plymouth, N.C., 2 to 25 percent (salesclerk); No. 18, Reidsville, N.C., 13 to 28 percent (salesclerk, stock clerk); No. 78, Rocky Mount, N.C., 4 to 20 percent (9–3–69 to 9–2–70); No. 169, Salisbury, N.C., 11 to 27 percent (salesclerk, checker); No. 153, Shelby, N.C., 11 to 27 percent (9–3–69 to 9–2–70); No. 131, West Jefferson, N.C., 0.4 to 28 percent; No. 39, Williamston, N.C., 5 to 29 percent (salesclerk, stock clerk); No 159, Wilson, N.C., 4 to 20 percent; No. 160, Winston-Salem, N.C., 19 to 31 percent; No. 150, Columbia, S.C., 6 to 21 percent (salesclerk, stock clerk, 9–8–69 to 9–7–70); No. 161, Florence, S.C., 6 to 21 percent (salesclerk, stock clerk); No. 166, Greenwood, S.C., 3 to 16 percent (salesclerk); No. 67, North Augusta, S.C., 6 to 21 percent (9–3–69 to 9–2–70); No. 101, Spartanburg, S.C., 11 to 27 percent; No. 156, Kingsport, Tenn., 2 to 8 percent; No. 165, Murfreesboro, Tenn., 3 to 16 percent (salesclerk); No. 44, Newport, Tenn., 1 to 8 percent (9–3–69 to 9–2–70); No. 66, Blacksburg, Va., 6 to 16 percent; No. 89, Charlottesville, Va., 3 to 16 percent (salesclerk); No. 54, Danville, Va., 5 to 9 percent (9–3–69 to 9–2–70); No. 167, Hampton, Va., 11 to 39 percent (salesclerk, stock clerk); No. 168, Hopewell, Va., 3 to 16 percent (salesclerk); No. 84, Lexington, Va., 3 to 16 percent (salesclerk); No. 158, Martinsville, Va., 5 to 9 percent (salesclerk, checker); No. 141, Newport News, Va., 13 to 31 percent (salesclerk); No. 128, Norfolk, Va., 13 to 27 percent (salesclerk, 9–10–69 to 9–9–70); No. 58, Pulaski, Va., 6 to 24 percent; No. 151, Roanoke, Va., 0 to 5 percent; No. 113, Virginia Beach, Va., 13 to 31 percent (salesclerk).

Rusty's Food Centers, Inc., foodstore; 620 North Second Street, Lawrence, Kans.; sacker, courtesy clerk, carry out; 12 to 20 percent; 9–3–69 to 9–2–70.

Sterling Stores Co., Inc., variety store; 519 Waldron, Corinth, Miss.; salesclerk, stock clerk, janitorial; 12 to 43 percent; 9–6–69 to 8–5–70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 2 to 17 percent except as otherwise indicated, 9–5–69 to 8–4–70 except as otherwise indicated: No. 784, Russellville, Ala.; No. 705, Monroe, La. (3 to 16 percent); No. 770, Laurel, Miss.; No. 829, Gainesville, Tex. (30 percent, 9–9–69 to 9–8–70).

Terry Farris, variety-department store; No. 5430, San Antonio, Tex.; salesclerk, stock clerk, office clerk, janitorial; 11 to 28 percent; 9–5–69 to 9–4–70.

Variety Food Store, Inc., foodstore; 3226 Wrightsboro Road, Augusta, Ga.; package clerk; 13 to 15 percent; 8–22–69 to 8–21–70.

Warshaw's Giant Foods, foodstores for the occupations of bagger, carryout, 26 to 33 percent, 9–10–69 to 9–9–70; 850 South Ninth East, Salt Lake City, Utah; 5520 Van Winkle Expressway, Salt Lake City, Utah.

Younker Brothers, Inc., department stores for the occupations of salesclerk, stock clerk, wrapper, messenger, delivery clerk, porter, marker, office clerk, cleanup except as otherwise indicated, 9–3–69 to 9–2–70: Middle & Kimberley Roads, Bettendorf, Iowa, 9 to 16 percent; 4444 First Avenue NE., Cedar Rapids, Iowa, 2 to 9 percent; 1550 East Douglas, Des Moines, Iowa, 5 to 10 percent (stock clerk, wrapper, messenger, porter, marker, cleanup, office clerk, delivery clerk); 1501 First Avenue East, Newton, Iowa, 0.6 to 8 percent; 1950 Grand Avenue North, Spencer, Iowa, 0 to 8 percent.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within thirty days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 25th day of November 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69–14326; Filed, Dec. 2, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 30, Amdt. 3]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 30 (Chicago, Rock Island and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 30 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–14336; Filed, Dec. 2, 1969; 8:48 a.m.]

[Notice 578]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 28, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 113), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed November 14, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Hattiesburg, Miss., over U.S. Highway 98 to McComb, Miss., thence over Mississippi Highway 48 to Liberty, Miss., thence over Mississippi Highway 569 to the Mississippi-Louisiana State line, thence over Louisiana Highway 67 to Baton Rouge, La., and (2) from Hattiesburg, Miss., over U.S. Highway 98 to McComb, Miss., thence over Mississippi Highway 48 to Centerville, Miss., thence over Mississippi Highway 33 to the Mississippi-Louisiana State line, thence over Louisiana Highway 19 to Baton Rouge, La., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Hattiesburg, Miss., over U.S. Highway 11 to junction Mississippi Highway 26, thence over Mississippi Highway 26 to the Mississippi-Louisiana State line, thence over Louisiana Highway 10 to Bogalusa, La., thence over Louisiana Highway 21 to Covington, La., thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route.

No. MC 59680 (Deviation No. 80), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed November 19, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From junction Interstate Highway 80 and the Ohio Turnpike at Exit No. 15, over Interstate Highway 80 to junction U.S. Highway 220 at Milesburg, Pa., thence over U.S. Highway 220 to junction U.S. Highway 322 at Martha Furnace, Pa., thence over U.S. Highway 322 to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to Exit No. 16 of the Pennsylvania Turnpike at or near Carlisle, Pa. (also over the described route to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to junction Interstate Highway 81 at or near Marysville, Pa., thence over Interstate Highway 81 to Exit No. 16 of the Pennsylvania Turnpike, at or near Carlisle, Pa., and (2) from junction Interstate Highway 80 and the Ohio Turnpike at Exit No. 15 over Interstate Highway 80 to junction U.S. Highway 322 at or near Clearfield, Pa., thence over U.S. Highway 322 to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to Exit No. 16 of the Pennsylvania Turnpike, at or near Carlisle, Pa. (also over the described route to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to junction Interstate Highway 81 at or near Marysville, Pa., thence over Interstate Highway 81 to Exit No. 16 of the Pennsylvania Turnpike, at or near Carlisle, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Exit No. 15 of the Ohio Turnpike over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Exit No. 16 at or near Carlisle, Pa., and return over the same route.

No. MC 87109 (Deviation No. 1), TIDEWATER INLAND EXPRESS, INC., doing business as T.I.E., Rehoboth Boulevard, Milford, Del. 19963, filed November 17, 1969. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Syracuse, N.Y., over Interstate Highway 81 to junction with the Northeast Extension of the Pennsylvania Turnpike at or near Scranton, Pa., thence over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 78, thence over Interstate Highway 78 to Harrisburg, Pa., (2) from Syracuse, N.Y., over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to Harrisburg, Pa., and (3) from Syracuse, N.Y., over Interstate Highway 81 to junction with the Northeast Extension of the Pennsylvania Turnpike at or near Scranton, Pa., thence over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 76 at or near Norristown, Pa., thence over Interstate Highway 76 to Philadelphia, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Syracuse, N.Y., over U.S. Highway 11 to Nicholson, Pa., thence over Pennsylvania Highway 92 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., and (2) from Harrisburg, Pa., over U.S. Highway 230 to junction U.S. Highway 30 at Lancaster, Pa., thence over U.S. Highway 30 to junction Pennsylvania Highway 41, thence over Pennsylvania Highway 41 to the Pennsylvania-Delaware State line, thence over Delaware Highway 41 to Wilmington, Del., thence over U.S. Highway 13 to Philadelphia, Pa., and return over the same routes.

No. MC 109026 (Deviation No. 1), MANNING MOTOR EXPRESS, INC., 1112 West Main Street, Glasgow, Ky. 42141, filed November 20, 1969. Carrier's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation route as follows: From Westmoreland, Tenn., over U.S. Highway 31-E to Scottsville, Ky., thence over Kentucky Highway 100 to Gamaliel, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Nashville, Tenn., over U.S. Highway 31-E to Westmoreland, Tenn., thence over Tennessee Highway 52 to Celina, Tenn., and (2) from Red Boiling Springs, Tenn., over Tennessee Highway 56 to the Tennessee-Kentucky State line, thence over Kentucky Highway 63 to Tompkinsville, Ky., thence over Kentucky Highway 163 to the Kentucky-Tennessee State line, thence over Tennessee Highway 51 to junction Tennessee Highway 52, and return over the same routes.

No. MC 127321 (Deviation No. 1), RITEWAY TRUCKING CO., INC., 1650 The Grant Street Building, Denver, Colo. 80203, filed November 13, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Mo., and Des Moines, Iowa, over Interstate Highway 35, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Kansas City, Mo., and Des Moines, Iowa, over U.S. Highway 69.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 537) (Cancels Deviation No. 419), GREYHOUND LINES, INC. (Eastern Division), 1400 West 3d Street, Cleveland, Ohio 44113, filed November 18, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 25-W and Interstate Highway 40 approximately 3 miles west of Dandridge, Tenn., thence over Interstate Highway 40 to junction U.S. Highway 276, at Cove Creek, N.C., thence over U.S. Highway 276 to junction U.S. Highway 19 at Dellwood, N.C., thence over U.S. Highway 19 to junction access road, near Clyde, N.C., thence over access road to junction Interstate Highway 40, thence over Interstate Highway 40 to junction access road, thence over access road to junction U.S. Highway 19 near Luther, N.C., thence over U.S. Highway 19 to Asheville, N.C., (2) from Dandridge, Tenn., over U.S. Highway 25-W to junction Tennessee Highway 92, thence over Tennessee Highway 92 to junction Interstate Highway 40, (3) from Dandridge, Tenn., over U.S. Highway 25-W to junction Tennessee Highway 113, thence over Tennessee Highway 113 to junction Interstate Highway 40, and (4) from Newport, Tenn., over Tennessee Highway 32 to junction Interstate Highway 40, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: from Knoxville, Tenn., over U.S. Highway 25-W to Newport, Tenn., thence over U.S. Highway 25 to Asheville, N.C., and return over the same route.

No. MC 1515 (Deviation No. 538), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Columbia, N.J., over Interstate Highway 80 to junction Interstate Highway 81E, thence over Interstate Highway 81E to junction Pennsylvania Highway 307, (2) from Stroudsburg, Pa., over U.S. Highway 611 to junction Interstate Highway 80, (3) from Tobyhanna, Pa., over Pennsylvania Highway 423 to junction Interstate Highway 81E, and (4) from junction U.S. Highway 611 and Pennsylvania Highway 507 over Pennsylvania Highway 507 to junction Interstate Highway 81E, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Scranton, Pa., over Pennsylvania Highway 307 to junction U.S. Highway 611 at Dalesville Junction, Pa., thence over U.S. Highway 611 (including relocation of U.S. Highway 611 between Ells Corner and Tobyhanna, Pa.) via Mount Pocono and Stroudsburg, Pa., to junction U.S. Highway 46, thence over U.S. Highway 46 via Buttzville, N.J., to Pine Brook, N.J., thence over Bloonfield Avenue to Newark, N.J., thence through the Holland Tunnel to New York, N.Y., and return over the same route.

No. MC 45626 (Deviation No. 30), VERMONT TRANSIT CO., INC., Burlington, Vt. 05401, filed November 19, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Sharon, Vt., and Bethel, Vt., over Interstate Highway 89, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Burlington, Vt. over U.S. Highway 2 to junction Vermont Highway 12, thence over Vermont Highway 12 to junction Vermont Highway 107, thence over Vermont Highway 107 to junction Vermont Highway 14, thence over Vermont Highway 14, to junction U.S. Highway 5, thence over U.S. Highway 5 to Ascutney, Vt., and return over the same route.

No. MC 124935 (Deviation No. 2), ALMEIDA BUS LINES, INC., Box A-954, New Bedford, Mass. 02740, filed November 13, 1969. Carrier's representative: Mary E. Kelly, 11 Riverside Avenue, Medford, Mass. 02155. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Junction Rhode Island Highways 138 and 114 in Portsmouth, R.I., over Rhode Island Highway 114 to junction Rhode Island Highway 138 in Middletown, R.I., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: between Portsmouth, R.I., and Middletown, R.I., over Rhode Island Highway 138.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14337; Filed, Dec. 2, 1969; 8:48 a.m.]

[Notice 1355]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 28, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 72231 (Sub-No. 4) (Republication), filed June 11, 1969, published in the FEDERAL REGISTER issue of July 10, 1969, and republished this issue. Applicant: THE J. W. JONES & SON COMPANY, a corporation, Post Office Box 148, Youngstown, Ohio 44501. Applicant's representative: John R. Sims, Jr., 711 14th Street NW., Washington, D.C. 20005. By application filed June 11, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of fresh meats, packinghouse products, and dairy products from and to the points indicated below, restricted to distribution service from pool cars or pool trucks, having a prior movement by rail, motor or rail piggyback. An order of the Commission, Operating Rights Board, dated October 31, 1969, and served November 12, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Youngstown, Ohio, to points in Belmont and Jefferson Counties, Ohio; Brooke, Hancock, Marshall, and Ohio Counties, W. Va., and points in Allegheny, Greene, Washington, Fayette, Westmoreland, Armstrong, Cambria, and Indiana Counties, Pa., restricted to a pool-cars or pool-trucks distribution service; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that to the extent that the authority granted herein duplicates authority now held by applicant, it will be construed as conferring but a single grant of authority. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 87909 (Sub-No. 10) (Republication), filed December 13, 1968, published in the FEDERAL REGISTER issue of January 9, 1969, and republished this issue. Applicant: ARROW MOTOR FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. The joint board recommended the issuance of a certificate to applicant to operate as a *common carrier*, by motor vehicle, in interstate or

foreign commerce, over irregular routes, of *flour*, in bags, from Hastings, Minn., to Waterloo, Iowa, restricted to traffic originating at the facilities of Peavy Flour Mills in Hastings and destined to the facilities of ITT Continental Baking Co., in Waterloo, Iowa, Chicago, Ill., and Gary, Ind. The joint board found that the recommended grant be published in the FEDERAL REGISTER and that the issuance of a certificate be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief. Although the joint board recommended that the authority granted be restricted "to traffic originating at the facilities of Peavy Flour Mills in Hastings and destined to the facilities of ITT Continental Baking Co., in Waterloo, Iowa, Chicago, Ill., and Gary, Ind.," such a restriction prohibits both tacking and interlining at the origin and destination points without sufficient evidence by the protestants that they would be materially adversely affected absent such restriction. See *Eldon Miller, Inc., Extension—Liquid Chemicals*, 73 M.C.C. 538. Such recommendation is premised on the erroneous conclusion of the joint board that the grant of authority involved tacking the authority herein with existing authority for the applicant to provide a through service, whereas involved is an interline arrangement. A decision and order of the Commission, Review Board Number 2, dated November 4, 1969, and served November 7, 1969, finds that the restriction recommended by the joint board should be, and it is hereby, eliminated; that in all other respects the evidence does not warrant a result different from that reached by the joint board, except to the extent noted above, and that the statement of facts, the conclusions, and the findings of the joint board, as modified herein, being proper and correct in all material respects, should be, and they are hereby, affirmed and adopted as our own.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10667. Authority sought for control by ERDNER BROS., INC., Fow and Leahy Avenues, Swedesboro, N.J. 08085, of ANTONIO J. LIEGGI, doing business as SHOEMAKER'S EXPRESS, Swedesboro, N.J. 08085, and for acquisition by E. LARRY ERDNER of Swedesboro, N.J., of control of ANTONIO J. LIEGGI, doing business as SHOEMAKER'S EXPRESS, through the acquisition by ERDNER BROS. INC. Applicants' representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Operating rights sought to be controlled: *General commodities*, excepting among others, Classes A and B explosives, household goods and commodities, as a *common carrier* over regular routes, between Swedesboro, N.J., and Philadelphia, Pa., serving all intermediate points, and certain off-route points in New Jersey. ERDNER BROS. INC., is authorized to operate as a *contract carrier* in Maryland, New Jersey, Virginia, Delaware, Pennsylvania, and South Carolina. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14338; Filed, Dec. 2, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 28, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 3893–A.3 filed November 10, 1969. Applicant: WALTER JENNINGS, 398 North Smart Street, Greenwood, Ind. Applicant's representative: Leslie Duvall, 1126 Fidelity Building, Indianapolis, Ind. 46204. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, accept commodities in bulk; livestock; commodities, which, because of their size and/or weight require special equipment or special handling; household goods; dangerous explosives; commodities of unusual value and those commodities injurious or contaminating to other lading, to and from all points and places in Clark, Scott, Jackson, Bartholomew, Johnson, and Marion Counties, Ind. Both intrastate and interstate authority sought.

HEARING: Tuesday, December 9, 1969 at 9:30 a.m., e.s.t. at State Office Building, Room 909, Indianapolis, Indiana. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Indiana Public Service Commission, 901 State Office Building, Indianapolis, Ind. 46204, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14341; Filed, Dec. 2, 1969; 8:49 a.m.]

[Notice 949]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 28, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 183 TA), filed November 19, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Pennsylvana on and east of U.S. Highway 11 from the Maryland-Pennsylvania State line to its junction with Interstate Highway 83 at or near Harrisburg, Pa., and on and west of Interstate Highway 83 from Harrisburg, Pa., to the Maryland-Pennsylvania State line, as off-route points in connection with applicant's regular-route authority between Charlotte, N.C., and New York, N.Y. The present regular route authority is restricted to traffic moving from, to or through North Carolina or South Carolina and the authority sought here, if granted, will also be so restricted, for 180 days. NOTE: Applicant intends to tack this authority with that presently held. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 29120 (Sub-No. 110 TA), filed November 20, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501, Raymond C. Burke, Vice President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 29990 (Sub-No. 7 TA), filed November 21, 1969. Applicant: BADGER LINES, INC., 3109 West Lisbon Avenue, Milwaukee, Wis. 53208. Applicant's representative: Philip H. Porter, 110 East Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Sheboygan and La Crosse, Wis., to points in Cook, Kane, Lake, McHenry, and Will Counties, Ill., with *empty containers and rejected shipments*, on return, for 150 days. Supporting shippers: Blue Ribbon Products Co., 2410 McDonough Street, Joliet, Ill. 60436 (James Londergon, President); Geneva Bottling Works, Inc., 302–324 North River Lane, Geneva, Ill. 60134 (C. Goggrano, Vice President); Kapella Distributing Co., Ingleside, Ill. (Leo E. Guscheau, Owner); Rezich & Rezich, 2938 East 95th Street, Chicago, Ill. 60617 (Dorothy Rezich, Partner); and Santi Distributing Blatz Beer, 11407 Wentworth Avenue, Chicago, Ill. 60628. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 48635 (Sub-No. 3 TA) (Correction), filed November 7, 1969, published in the FEDERAL REGISTER, issue of November 21, 1969, and republished in part, this issue. Applicant: CLOQUET TRANSFER COMPANY, 107 Avenue C, Cloquet, Minn. 55720. Applicant's representative: Arnold Atwood (same address as above). NOTE: The purpose of this partial republication is to show regular routes in lieu of irregular. The rest of the application remains as published.

No. MC 100623 (Sub-No. 16 TA), filed November 19, 1969. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and pharmaceutical products*, from the facilities of the Upjohn Co. at or near Washington, D.C., to points in Delaware, Maryland, Virginia, and Chester, Delaware, Montgomery, Bucks, Berks, Philadelphia, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, York, Schuylkill, Carbon, Monroe, Luzerne, Lackawanna, Adams, Perry, Cumberland, and Franklin Counties, Pa.; subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 500 pounds from the consignee at one location on any one day, for 180 days. Supporting shipper: The Upjohn Co., 6130 North Capitol Street, Washington, D.C. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 119767 (Sub-No. 229 TA), filed November 21, 1969. Applicant: BEAVER TRANSPORT CO., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from Munster, Ind., to Cincinnati, Ohio, for 180 days. Supporting shipper: Pepsi-Cola General Bottlers, Inc., 1745 North Kolmar Avenue, Chicago, Ill. 60639, (A. J. Croce, Purchasing Agent and Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123233 (Sub-No. 22 TA) (Correction), filed November 6, 1969, published in the FEDERAL REGISTER, issue of November 19, 1969, and republished as corrected this issue. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville D'Anjou 436, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, and cement in bags, from ports of entry on the United States-Canada boundary line at or near Trout River, N.Y., Champlain, N.Y., Highgate Springs, Derby Line, and Norton, Vt., and Jackman, Maine, to points in Vermont and New Hampshire, and to points in Aroostook, Franklin, Oxford, Penobscot, Piscataquis, and Somerset Counties, Maine, and points in Clinton, Essex, Franklin, Jefferson, Lewis, Onondaga, Oswego, and St. Lawrence Counties, Maine; Restricted to traffic originating in Quebec, Canada, for 150 days. NOTE: The purpose of this republication is to correct an error made in the destination points, and also include the restriction which was inadvertently omitted in previous publication. Supporting shipper: Miron Co., Ltd., 2201 Jarry Street East, Montreal 455, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 127832 (Sub-No. 8 TA), filed November 21, 1969. Applicant: C & S TRANSFER INC., Post Office Box 5249, Macon, Ga. 31208. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, supplies, and equipment used in the operation of cafeterias and restaurants*, between the storage facilities of State Wholesale Food, Inc., at or near Macon, Ga., and Ahoskie, Charlotte, Kinston, Lexington, Roanoke Rapids, Rocky Mount, Siler City, Washington, and Windsor, N.C., for 180 days. Supporting shipper: State Wholesale Food, Inc., Post Office Box 4827, 507 Fifth Street, Macon, Ga. 31208. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 128117 (Sub-No. 8 TA), filed November 21, 1969. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 477, Old Fort, N.C. 28762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, native wood, white and dimension lumber, and wood furniture parts* in the white, from Dumas, Ark., to points in Henry County, Va., and points in Iredell and Davidson Counties, N.C., for 180 days. Supporting shippers: Bassett Furniture Industries, Bassett, Va. 24055; Puryear Wood Products Co., Inc., Dumas, Ark. 71639. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 134000 (Sub-No. 1 TA), filed November 21, 1969. Applicant: ROBERT E. BAILEY, 1424 Northeast Dekum Street, Portland, Oreg. 97211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, machinery, and boats*, between Portland, Oreg., and points in the continental United States limited to service under a continuing contract or contracts with the Albina Corp., Portland, Oreg., for 180 days. Supporting shipper: The Albina Corp., 3810 North

Mississippi Avenue, Portland, Oreg. 97227. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 134129 (Sub-No. 1 TA) (Amendment), filed October 29, 1969, published FEDERAL REGISTER, issue of November 5, 1969, and republished as amended this issue. Applicant: WILLIAM A. LONG, Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Culvert pipe, culvert sectional plate, and couplings and coatings for culvert pipe and sections*, from Cessna, Pa., to Bealeton, Va.; (2) *culvert banding and coupling materials, coatings and steel plates* used in the manufacture of culvert pipe and couplings, from Bealeton, Va., to Cessna, Pa.; and (3) *steel coil*, from the plantsite of Bethlehem Steel Corp., at Sparrows Point, Md., to Cessna, Pa., for 180 days. NOTE: The purpose of this republication is to show that application has been amended to read Cessna, Pa., in lieu of Bedford, Pa. Supporting shipper: Lane Juniata, Inc., Post Office Box 164, Bedford, Pa. 15522. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 2210, Washington, D.C. 20423. NOTE: The above service is to be performed under continuing contracts with Lane Juniata, Inc., of Bedford, Pa., and its affiliate, Lane Penn Carva, Inc., of Bealeton, Va.

MOTOR CARRIER OF PASSENGERS

No. MC 129768 (Sub-No. 5 TA), filed November 21, 1969. Applicant: EDWARD S. JOHNSON, doing business as JOHNSON'S LIMOUSINE SERVICE, Post Office Box 215, Frederica, Del. 19946. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, transporting not more than 11 passengers in any one vehicle, in special operations, between points in Kent County, Del., and Philadelphia, Pa.; Philadelphia International Airport, Philadelphia, Pa.; New York, N.Y.; John F. Kennedy Airport, New York, N.Y.; Baltimore, Md.; Friendship Airport, Baltimore, Md.; District of Columbia; Washington National Airport, Washington, D.C., for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14339; Filed, Dec. 2, 1969; 8:49 a.m.]

[Notice 453]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 28, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71699. By order of November 20, 1969, the Motor Carrier Board approved the transfer to Terminal Warehouse & Transfer Co., a corporation, 815 North Randolph, Champaign, Ill. 61820, of certificate of registration No. MC-120857 (Sub-No. 1) issued December 9, 1963, to Austin D. Roberts, doing business as Terminal Warehouse & Transfer Co., 815 North Randolph, Champaign, Ill. 61820, evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. 6434 MC dated January 17, 1956, issued by the Illinois Commerce Commission.

No. MC-FC-71702. By order of November 20, 1969, the Motor Carrier Board approved the transfer to Geraldine Seifert, doing business as Seifert Trucking, Fairbury, Nebr., of Certificates Nos. MC-96441 and MC-96441 (Sub-No. 2) issued October 23, 1957 and July 23, 1958, respectively, to Ben Seifert, Fairbury, Nebr., authorizing the transportation of various building materials, i.e., brick, tile, cement, etc., lubricating oils, agricultural implements, farm machinery, and parts, emigrant movables, and other specified commodities, serving various points and areas in Nebraska, Kansas, Missouri, and Iowa. C. E. Danley, Box 362, Beatrice, Nebr. 68310, attorney for applicants.

No. MC-FC-71710. By order of November 20, 1969, the Motor Carrier Board approved the transfer to Robert Kringen, doing business as Kringen Truck Line, Grand Forks, N. Dak. of permit No. MC-116822 issued April 15, 1969, to Leonard Jenkins, doing business as Jenkins Truck Line, Grand Forks, N. Dak., authorizing the transportation of manufactured dry fertilizer, in bulk or in bags, and insecticides, from Grand Forks, N. Dak., to points in Kittson, Marshall, Polk, Norman Clay, Roseau, Pennington, Red Lake, Mahnomen, Becker, Clearwater, Beltrami, Lake of the Woods, and Wilkin Counties, Minn. E. J. Hanson, Post Office Box 1177, Grand Forks, N. Dak. 58201, registered practitioner for applicants.

No. MC-FC-71717. By order of November 20, 1969, the Motor Carrier Board authorized Tours & Trips, Inc., Indianapolis, Ind., to acquire control of Gausepohl Travel Services, Inc., Indianapolis, Ind., which latter corporation, pursuant to license No. MC-12621 issued October 10, 1955, holds authority to engage in operations as a broker in connection with the transportation of passengers and their baggage, in round-trip tours, beginning and ending at points in Indiana within 25 miles of Indianapolis, including Indianapolis, and extending to all points in the United States. Donald W. Smith, Smith and Minton, 900 Circle Tower Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14340; Filed, Dec. 2, 1969; 8:49 a.m.]

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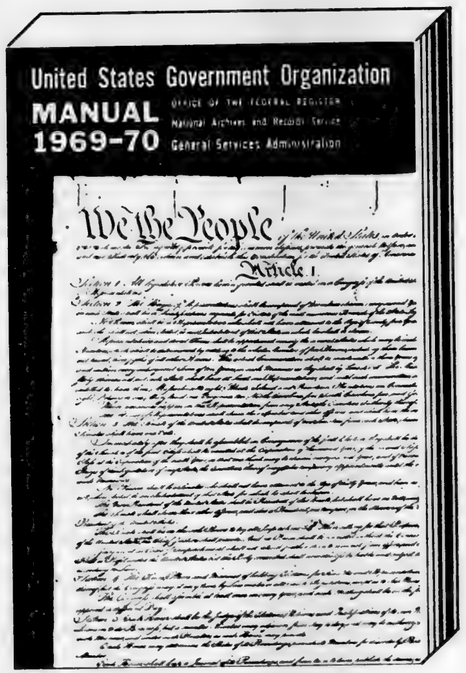
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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 186]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.486 Navel Orange Regulation 186.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 2, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 5, 1969, through December 11, 1969, are hereby fixed as follows:

(i) District 1: 1,274,000 cartons;
(ii) District 2: 64,215 cartons;
(iii) District 3: 156,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 3, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14512; Filed, Dec. 3, 1969; 11:22 a.m.]

PART 966—TOMATOES GROWN IN FLORIDA

Miscellaneous Amendments

Order amending the order, as amended.

§ 966.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* A public hearing was held upon certain proposed amendments to the marketing agreement and to the order, both as amended, regulating the handling of tomatoes grown in the Florida production area. The hearing was held at Orlando, Fla., on June 30, 1969, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900). Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of tomatoes produced in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area and to different stages of maturity, as are necessary to give due recognition to the differences in the production and marketing of tomatoes produced in the production area; and

(5) All handling of tomatoes produced in the production area, as defined in said order, as amended, and as hereby further amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date hereinafter specified and for making it effective on such date (5 U.S.C. 553) in that (1) shipments of production area tomatoes are already moving in volume and the amendment should be made effective as soon as possible so that producers may benefit during as much of the marketing season as possible; (2) the provisions of the amendment are well known to handlers and other interested persons by reason of the public hearing, the recommended decision, and the final decision thereon; (3) the producer referendum was held during the period November 12–20, 1969, when copies of the amendment were mailed to all known producers; (4) the changes effected by this amendment will not require advance preparation by handlers; and (5) no useful purpose would be served by postponing the effective date of this amendment beyond the date specified.

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping tomatoes covered by this order) who during the representative period

(Aug. 1, 1969, through July 31, 1969), handled more than 50 percent of the volume of tomatoes covered by the said order, have signed the marketing agreement, as amended, regulating the handling of tomatoes produced in the production area, and

(2) The issuance of this order, amending the order, as amended, is approved or favored (i) by at least two-thirds of the producers of tomatoes who participated in a referendum held during the period November 12–20, 1969, and who, during the determined representative period (Aug. 1, 1968, through July 31, 1969) were engaged within the production area in the production of tomatoes for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such tomatoes produced for market within the production area.

It is therefore ordered, That, on and after the effective date hereof, all handling of tomatoes produced in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, as hereby further amended, as follows:

1. The section heading of § 966.4, *Production area and regulation area*, and the the text of paragraph (b) of that section are amended to read, respectively, as follows:

§ 966.4 **Production area and regulated area.**

* * * * *

(b) "Regulated area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

2. Section 966.7 *Handle* is amended to read:

§ 966.7 **Handle.**

"Handle" or "ship" means to sell, transport, deliver, or in any other way to place fresh tomatoes, produced in the production area, in the current of commerce within the regulated area or between any point in the regulated area and any point outside thereof. Such term shall not include the transportation, sale or delivery of field-run tomatoes within the production area by the producer thereof to a registered handler for the purpose of having such tomatoes prepared for market. A registered handler is a handler who has adequate facilities in the production area for grading and packing tomatoes and who is registered with the committee pursuant to rules established with the approval of the Secretary.

3. Section 966.12 *Maturity* is amended to read:

§ 966.12 **Maturity.**

"Maturity" means any of the various degrees of ripeness of tomatoes as established by the committee with approval of the Secretary as determined at the time of the inspection, pursuant to § 966.60(a).

4. Section 966.18 *Export* is amended to read:

§ 966.18 **Export.**

"Export" means shipment of tomatoes beyond the boundaries of the 48 contiguous States (including the District of Columbia) of the United States.

5. Paragraph (d) of § 966.52 *Issuance of regulations* is amended to read:

§ 966.52 **Issuance of regulations.**

* * * * *

(d) Fix the size, weight, capacity, dimensions, markings (including labels and stamps), or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

6. Section 966.60 *Inspection and certification* is amended to read:

§ 966.60 **Inspection and certification.**

(a) During any period in which the handling of tomatoes is regulated pursuant to this subpart no handler shall handle tomatoes unless such tomatoes have been inspected and certified as meeting the requirements of this subpart by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and such tomatoes are covered by a valid inspection certificate except when relieved from such requirements pursuant to § 966.53 or § 966.54 or both.

(b) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the Secretary upon the recommendation of the committee.

(c) When tomatoes are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Issued at Washington, D.C., November 28, 1969, to become effective December 9, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-14396; Filed, Dec. 3, 1969; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,536]

PART 526—LIMITATIONS ON RATE OF RETURN

Correction Relating to Maximum Rate of Return Payable on Certificate Accounts in Massachusetts

NOVEMBER 26, 1969.

Resolved that Federal Home Loan Bank Board Resolution No. 23,510, a document amending § 526.4 of the regulations for the Federal Home Loan Bank System (12 CFR 526.4) by the revision of paragraph (c) of that section, published at 34 F.R. 18849 on November 26, 1969, is corrected by changing the text of subparagraph (3) of said § 526.4(c) to read as follows:

§ 526.4 **Maximum rate of return payable on certificate accounts.**

* * * * *

(c) *Geographic exception.* * * *

(3) A member institution whose home office is located in Massachusetts may pay, on certificate accounts outstanding on November 14, 1969, an additional return at the rate of 0.25 percent per annum for each distribution period ending after July 1, 1969, but no later than July 31, 1970, with respect to which distribution period such institution has an announced rate of return on regular accounts not in excess of 4.75 percent per annum: *Provided*, That no such institution may advertise or publicly announce the payment of such additional return except by mail to holders of such certificate accounts.

* * * * *

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-14423; Filed, Dec. 3, 1969; 8:49 a.m.]

[No. 23,538]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts in California and Nevada

NOVEMBER 26, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending § 526.4 of the regulations for the Federal Home Loan Bank System (12 CFR 526.4) for the purpose of permitting certain member institutions with a home office or branch office located in California or Nevada to pay a higher rate of return on certain certificate acounts, subject to certain restrictions on advertising and promotion of such accounts, hereby amends said § 526.4 by revising paragraph (c) thereof to read as follows, effective December 4, 1969:

§ 526.4 **Maximum rate of return payable on certificate accounts.**

* * * * *

(c) *Geographic exceptions.* Notwithstanding the limitations contained in paragraphs (a) and (b) of this section—

(1) A member institution whose home office is located in California, Nevada, Alaska, or Hawaii may pay a return on certificate accounts, which must be maintained for a period of at least 3 years in order to receive a rate of return greater than that paid on regular accounts, at a rate not in excess of 5.25 percent per annum.

(2) A member institution whose home office is located in California, Nevada, Alaska, or Hawaii may pay a return on certificate accounts at a rate not in excess of 5.50 percent per annum if the funds were received by the institution as a certificate account prior to September 22, 1966.

(3) A member institution whose home office is located in Massachusetts may pay, on certificate accounts outstanding on November 14, 1969, an additional return at the rate of 0.25 percent per annum for each distribution period ending after July 1, 1969, but no later than July 31, 1970, with respect to which distribution period such institution has an announced rate of return on regular accounts not in excess of 4.75 percent per annum: *Provided*, That no such institution may advertise or publicly announce the payment of such additional return except by mail to holders of such certificate accounts.

(4) A member institution whose home office is located in California or Nevada may pay a return at a rate not in excess of 5.25 percent per annum on any certificate accounts having a maturity of 6 months which it may issue or renew during the period beginning December 1, 1969, and ending July 31, 1970: *Provided*, That no such institution may advertise or promote such accounts outside of the State in which its home office is located, except with respect to the institution's existing accountholders, who may be advised by mail of the availability of such accounts.

(5) The permissible rate ceilings (subject to any applicable restrictions on advertising and promotion) set forth in this paragraph shall be equally applicable to a member institution with a branch office located in any of such States with respect to such accounts maintained at such branch office.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendment is contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and since the amendment relieves restriction, publication for the 30-day period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-14424; Filed, Dec. 3, 1969; 8:49 a.m.]

[No. 23,540]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Distribution of Earnings by Federal Savings and Loan Associations

NOVEMBER 26, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the following purposes:

1. To permit Federal savings and loan associations to compound earnings under § 545.1–1(f) of such regulations (12 CFR 545.1–1(f)) without regard to the practice of State-chartered institutions located in the same State and to permit such compounding of earnings on designated classes of accounts; and

2. With respect to certificate accounts issued by Federal savings and loan associations under § 545.3–1 of such regulations (12 CFR 545.3–1), to remove certain restrictions relating to provision for forfeiture of earnings upon early withdrawal from such accounts.

On the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Part 545 as follows, effective December 4, 1969:

1. Section 545.1–1 is amended by revising paragraph (f) thereof to read as follows:

§ 545.1–1 **Distribution of earnings on bases, terms, and conditions other than those provided by charter.**

* * * * *

(f) *Computation of earnings for distribution.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, compute the amount of earnings for distribution on its savings accounts, or designated classes thereof, as though earnings had been credited to such accounts with such uniform frequency as is fixed by such resolution between the dates as of which such Federal association regularly distributes earnings.

2. Section 545.3–1 is amended by revising subparagraph (2) of paragraph (d) to read as follows:

§ 545.3–1 **Distribution of earnings at variable rates.**

* * * * *

(d) *Time and manner of distributing earnings.* * * *

(2) As to an account issued under this section which is evidenced by a notice-account book, earnings at the applicable rate higher than the regular rate shall be distributed on each such savings account at each date as of which the Federal association regularly distributes earnings on its savings accounts. As to an account issued under this section which is evidenced by a certificate containing the fourth sentence of the quoted language set forth in subparagraph (1) of paragraph (c) of this section, no earnings shall be distributed until the account has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section unless part or all of the account is withdrawn prior to meeting such eligibility requirements; and in the event of such withdrawal, the board of directors may provide that the funds withdrawn shall receive either no earnings or such percentage of the regular rate of earnings as it may fix, which percentage may vary according to the length of time the funds remain in the account but shall be less than 100 percent. As to an account issued under this section which is evidenced by a certificate containing either of the optional sentences quoted in subdivision (1) of subparagraph (3) of paragraph (c) of this section, earnings shall be distributed as provided in the certificate evidencing such account.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay them from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendments become effective without delay, the Board hereby finds that notice and public procedure on the amendments are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and since the amendments relieve restriction, publication for the 30-day period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-14425; Filed, Dec. 3, 1969; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 23,537]

PART 569—LIMITATIONS ON RATE OF RETURN

Correction Relating to Maximum Rate of Return Payable on Certificate Accounts in Massachusetts

NOVEMBER 26, 1969.

Resolved that Federal Home Loan Bank Board Resolution No. 23,511, a document amending § 569.4 of the rules and regulations for Insurance of Accounts (12 CFR 569.4) by the revision of paragraph (c) of that section, published at 34 F.R. 18850 on November 26, 1969,

is corrected by changing the text of subparagraph (3) of said § 569.4(c) to read as follows:

§ 569.4 Maximum rate of return payable on certificate accounts.

* * * * *

(c) *Geographic exception.* * * *

(3) An insured institution whose home office is located in Massachusetts may pay, on certificate accounts outstanding on November 14, 1969, an additional return at the rate of 0.25 percent per annum for each distribution period ending after July 1, 1969, but no later than July 31, 1970, with respect to which distribution period such institution has an announced rate of return on regular accounts not in excess of 4.75 percent per annum: *Provided*, That no such institution may advertise or publicly announce the payment of such additional return except by mail to holders of such certificate accounts.

* * * * *

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-14427; Filed, Dec. 3, 1969; 8:50 a.m.]

[No. 23,539]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts in California and Nevada

NOVEMBER 26, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending § 569.4 of the rules and regulations for Insurance of Accounts (12 CFR 569.4) for the purpose of permitting certain insured institutions with a home office or branch office located in California or Nevada to pay a higher rate of return on certain certificate accounts, subject to certain restrictions on advertising and promotion of such accounts, hereby amends said § 569.4 by revising paragraph (c) thereof to read as follows, effective December 4, 1969:

§ 569.4 Maximum rate of return payable on certificate accounts.

* * * * *

(c) *Geographic exceptions.* Notwithstanding the limitations contained in paragraphs (a) and (b) of this section—

(1) An insured institution whose home office is located in California, Nevada, Alaska, or Hawaii may pay a return on certificate accounts, which must be maintained for a period of at least 3 years in order to receive a rate of return greater than that paid on regular accounts, at a rate not in excess of 5.25 percent per annum.

(2) An insured institution whose home office is located in California, Nevada, Alaska, or Hawaii may pay a return on certificate accounts at a rate not in excess of 5.50 percent per annum if the funds were received by the institution as a certificate account prior to September 22, 1966.

(3) An insured institution whose home office is located in Massachusetts may pay, on certificate accounts outstanding on November 14, 1969, an additional return at the rate of 0.25 percent per annum for each distribution period ending after July 1, 1969, but no later than July 31, 1970, with respect to which distribution period such institution has an announced rate of return on regular accounts not in excess of 4.75 percent per annum: *Provided*, That no institution may advertise or publicly announce the payment of such additional return except by mail to holders of such certificate accounts.

(4) An insured institution whose home office is located in California or Nevada may pay a return at a rate not in excess of 5.25 percent per annum on any certificate accounts having a maturity of 6 months which it may issue or renew during the period beginning December 1, 1969, and ending July 31, 1970: *Provided*, That no such institution may advertise or promote such accounts outside of the State in which its home office is located, except with respect to the institution's existing accountholders, who may be advised by mail of the availability of such accounts.

(5) The permissible rate ceilings (subject to any applicable restrictions on advertising and promotion) set forth in this paragraph shall be equally applicable to an insured institution with a branch office located in any of such States with respect to such accounts maintained at such branch office.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1425b, 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendment is contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and since the amendment relieves restriction, publication for the 30-day period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-14426; Filed, Dec. 3, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-26-AD; Amdt. 39-879]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

An airworthiness directive was adopted on November 20, 1969, and made effective immediately as to all known owners of Beech Models 99 and 99A airplanes. On August 27, 1969, an airworthiness directive, Amendment 39-834, AD-69-18-6, effective on all Beech Models 99 and 99A airplanes was adopted providing a maximum speed restriction of 174 knots and emergency procedures in the event of pitch trim runaway. On November 6, 1969, this AD was amended by Amendment 39-875 to provide that when these airplanes were modified in accordance with Beech Service Instruction 0285-364 and the Airplane Flight Manual was revised, the speed restriction of 174 knots could be raised to 200 knots. Subsequent to the issuance of these amendments, further service experience indicates that before increasing the speed from 174 knots to 200 knots, the elevator control system must be checked for correct rigging, the stabilizer upward travel must be restricted on or before March 15, 1970, and an approved flight test must be conducted. These requirements are covered in paragraphs A and B of the airworthiness directive adopted on November 20, 1969.

In addition, Amendment 39-834 identified certain modifications to the aircraft which were then under development by the manufacturer. The development has now been completed, and the AD requires modifications of the aircraft to incorporate these improvements. Paragraph C of the AD covers these requirements on Beech Models 99 and 99A (Serial Nos. U-1 through U-133) airplanes which require (1) installation of an aural indicator that activates when the stabilizer trim system is in motion, (2) installation of an aural out-of-trim warning system indicating that the aircraft is out-of-trim longitudinally prior to take off, (3) installation of a newly designed standby trim switch and guards to prevent unwanted circuit breaker activation in the event that pilot and copilot simultaneously call for opposite trim, and (4) relocation of the trim release switch on the control wheel to make it more readily accessible to the crew. These modifications must be accomplished by March 15, 1970. Beech Service Instruction 0270-350 covers the first four modifications. Beech Service Instruction 0249-156 refers to the fifth modification. Paragraph C of the AD also requires that the Beech Model 99 Approved Airplane Flight Manual be revised by incorporating Revision C-1 dated November 14, 1969, and Beech Model 99A Approved Airplane Flight Manual be revised by incorporating Revision A-5 dated November 14, 1969. Emergency procedures are included in these Airplane Flight Manuals revisions. When the above modifications have been incorporated and the requirements for increasing the speed to 200 knots accomplished, the speed restrictions are removed as provided in paragraph D of the AD. Paragraph E of the AD provides that elevator control system rigging and approved flight test must be conducted irrespective of the speed limitation whenever the elevator control system is repaired or otherwise modified or the elevators are repaired or replaced.

Since it was found that this amendment is in the interest of safety, notice and public procedure thereon was not practicable and contrary to the public interest and good cause existed for making this AD effective immediately as to all owners of Beech Model 99 and 99A airplane by individual letters dated November 21, 1969. This condition still exists and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Beech Models 99 and 99A airplanes, except that paragraph C applies only to Serial Nos. U-1 through U-133 airplanes since Serial Nos. U-134 airplanes and upward will be modified by Beech prior to release to service.

Compliance: Required as indicated, unless already accomplished.

To prevent an unsafe condition, effective immediately, restrict the aircraft to a maximum speed of 174 knots V_{mo} and remark the airspeed indicator at that speed until the following are accomplished:

A.(1) Check for correct elevator control system rigging and if necessary, rerig in accordance with Beech Service Instruction 0309-364.

(2) Subsequent to the requirements of paragraph A(1), conduct a flight test in accordance with flight test procedures contained in Beech Service Instruction 0309-364, or equivalent procedures approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

B. On or before March 15, 1970, limit the upward travel of the leading edge of the stabilizer to a maximum of 3½° in accordance with Beech Service Instruction 0285-364 or Beech Service Instruction 0309-364. The downward travel of the stabilizer leading edge remains unchanged.

C. (1) On before March 15, 1970, (a) install an aural warning device which indicates that the stabilizer trim system is in motion, (b) install an out-of-trim warning system indicating that the aircraft is out-of-trim longitudinally prior to takeoff, (c) install a newly designed standby trim switch and guards to prevent inadvertent operation, and (d) revise the electrical circuitry to prevent unwanted circuit breaker activation in the event that pilot and copilot simultaneously call for opposite trim. These modifications must be accomplished in accordance with instructions and procedures set forth in Beech Service Instruction 0270-350 or equivalent modifications approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(2) On or before March 15, 1970, relocate the trim release switch on the control wheel to make it more readily accessible to the crew, in accordance with instructions and procedures set forth in Beech Service Instruction 0249-156, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(3) On or before March 15, 1970, revise Beech Model 99 Approved Airplane Flight Manual by incorporating revision C-1 dated November 14, 1969, and revise Beech Model 99A Approved Airplane Flight Manual by incorporating revision A-5 dated November 14, 1969.

NOTE: When the revisions to the Approved Airplane Flight Manuals have been incorporated as required by paragraph C(3), the temporary amendments to the Airplane Flight Manuals in AD 69-18-6, as amended, may be deleted.

D. When paragraphs A and B of this AD have been accomplished, the aircraft may be operated at a maximum speed not to exceed 200 knots V_{mo}. When the modifications required by paragraphs A, B, and C of this AD have been accomplished, the aircraft may be operated at a speed not to exceed 226 knots V_{mo}.

E. Paragraphs A(1) and A(2) of this AD must be complied with irrespective of the speed limitation whenever the elevator control system is repaired or otherwise modified or the elevators are repaired or replaced.

This AD supersedes AD 69-18-6 as amended insofar as it changes the maximum speed restrictions provided in AD 69-18-6 as amended.

This amendment becomes effective December 5, 1969, for all persons except those to whom it was made effective by first class letter dated November 21, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 25, 1969.

DANIEL E. BARROW, *Acting Director, Central Region.*

[F.R. Doc. 69-14385; Filed, Dec. 3, 1969; 8:46 a.m.]

[Docket No. 69-WE-22-AD; Amdt. 39-883]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of silicon controlled switches Boeing P/N CR 10 and CR 28 on Boeing 727 series airplanes was published in 34 F.R. 14657.

Interested persons have been afforded an opportunity to participate in making of the amendment. The ATA has objected on the grounds that, during a year's time, Eastern Air Lines failure rate of silicon controlled rectifiers was 110,000 operating hours per failure. However, the low failure rate experienced by Eastern Air Lines was achieved in part by special heat treatment of their panels. The low failure rate plus redundancy of generators are represented as making AD action unnecessary. The agency does not concur. The ATA has also requested a minimum compliance time of 4,000 hours based on parts availability. The agency has been informed that the parts should be available. Lead time is provided in the AD, as adopted, by both the effectivity date and the compliance time. The projected parts delivery schedule will allow operators sufficient lead time for accomplishment of the modification, while also ensuring an adequate level of safety.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 series airplanes.

Compliance within the next 2,500 hours time in service after the effective date of this AD unless already accomplished.

To prevent generator system lockout, accomplish the following or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region:

Modify the generator control panels in accordance with Part II, paragraphs A and C of Westinghouse Service Bulletin No. 66-103, dated September 15, 1966, and the supplement dated September 30, 1966, or later FAA-approved revisions.

This amendment becomes effective January 3, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., November 21, 1969.

LEE E. WARREN, *Acting Director, Western Region.*

[F.R. Doc. 69-14386; Filed, Dec. 3, 1969; 8:47 a.m.]

[Docket No. 69-WE-25-AD; Amdt. 39-884]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There have been reported failures of the engine aft cone bolts on the Boeing Model 727 airplanes due to improper cone bolt seating. The failures caused the aft end of the engine to sag approximately 4 inches. These bolt failures either resulted in the loss of engine reverse thrust capability or binding of engine thrust controls. Since this condition is likely to exist or develop in other Model 727 airplanes, an airworthiness directive is being issued to require inspection and replacement to minimize the probability of future cone bolt failures.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697),

§ 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 series airplanes listed in Boeing Service Bulletin 71-43 dated November 10, 1969, or later FAA-approved revisions.

Compliance required within the next 500 hours time in service after the effective date of this AD, unless already accomplished.

To prevent engine cone bolt failures, accomplish the inspections and bolt replacement in accordance with the instructions in Boeing Service Bulletin 71-43, dated November 10, 1969, section II, pages 4, 5, and 6, Steps A through F, or later FAA-approved revisions, or an equivalent inspection and replacement procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective December 5, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on November 21, 1969.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 69-14387; Filed, Dec. 3, 1969; 8:47 a.m.]

[Docket No. 69-WE-17-AD; Amdt. 39-882]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727, 727C, and 727-200 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of a filter capacitor in the generator control panel on Boeing 727, 727C, and 727-200 series airplanes was published in 34 F.R. 12951.

Interested persons have been afforded an opportunity to participate in making of the amendment. The ATA has objected on the grounds that, during a year's time Eastern Air Lines failure rate of the generator control panels due to nuisance tripping was 110,000 operating hours per failure. However, the low failure rate experienced by Eastern Air Lines was achieved in part by special heat treatment of their panels. The ATA has also requested a minimum compliance time of 3,000 hours if this AD is published concurrently with AD Docket No. 69-WE-22-AD, for scheduling and parts availability purposes. The agency has been informed that the parts should be available. Lead time is provided in the AD, as adopted by both the effectivity date and the 2,500 hours compliance time will provide for the projected parts delivery schedule and allow operators sufficient lead time for accomplishment of the modification, while also insuring an adequate level of safety.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Models 727, 727C, and 727-200 series airplanes.

Compliance required within the next 2,500 hours time in service after the effective date of this AD, unless already accomplished.

To prevent malfunction of the generator control circuit caused by induced electrical interference, accomplish the following or an equivalent modification procedure and parts installation approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Within 2,500 hours time in service after the effective date of this AD, unless already accomplished, modify the generator control panels in accordance with section II, Boeing Service Bulletin No. 24-47, dated March 3, 1969, or later FAA-approved revisions.

This amendment becomes effective January 3, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., November 19, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14388; Filed, Dec. 3, 1969; 8:47 a.m.]

[Docket No. 69-EA-150; Amdt. 39-886]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller F-27 and FH-227 type airplanes.

The subject Airworthiness Directive is necessitated by hazards associated with instances whereby the outboard flaps drove off the ends of the screwjacks. This was caused by a single mechanical failure of the drive system that actuates both the normal flap limit switches and the flap emergency power cut off switches. The airworthiness directive will require the separation of the flap normal up and down limit switches from the emergency cut off switches within 1,000 hours time in service and interim inspection procedures.

Since a situation exists which requires expeditious adoption of this airworthiness directive notice and public procedure hereon are impractical and the airworthiness directive may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD HILLER. Applies to Fairchild Hiller F-27 and FH-227 type Airplanes, except FH-227D and FH-227E, certificated in all categories.

To prevent the hazards associated with the flaps driving off the ends of the screw jacks due to a single failure of the drive system which actuates the normal flap control limit switches and the emergency power cutoff switches, accomplished the following:

(a) Within the next 100 hours in service after the effective date of this airworthiness directive, unless already accomplished within the last 25 hours in service, and thereafter at intervals not to exceed 125 hours in service, until incorporation of the modification noted in (b).

(1) Inspect the universal joint at each end of the wing flap connecting shaft assembly P/N 27-727994-11 located between the flap motor gearbox at wing station 141 left (installed in the wheel well of the left nacelle) and the gearbox at wing station 121 left, to assure some freedom of movement in all axes.

(2) Inspect the universal joint of the actuator shaft P/N 27-727920-7, -9, or -13, as applicable, also located on the gearbox at wing station 121 left, noted in (a)(1) above, to assure some freedom of movement in all axes.

(3) If freedom of movement is not determinable, remove and replace deficient universal joint pin or bolt before further flight.

(4) Lubricate the three universal joints, noted in (a) (1) and (2) above, in accordance with applicable maintenance manual instructions.

(b) Within the next 1,000 hours in service after the effective date of this airworthiness directive, unless already accomplished, separate the existing flap "up and down" limit switches from the emergency flap power cutoff switches by complying with Fairchild Hiller Service Bulletin F-27-27-64, Revision 3, dated October 1, 1969, for F-27 type airplanes with preselect flap control, and Fairchild Hiller Service Bulletin FH-227-27-22, Revision 1, dated April 2, 1969 for FH-227 type airplanes, or later revisions thereto, or equivalent modification both approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon request with substantiation data submitted through an FAA maintenance inspector, compliance time may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective December 6, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 25, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-14390; Filed, Dec. 3, 1969; 8:47 a.m.]

[Docket No. 9830; Amdt. 39-887]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH-104 Dove Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to supersede Amendment 454 (27 F.R. 5793), AD 62-14-2, with a new airworthiness directive (AD) requiring replacement of cast aileron levers with forged aileron levers on Hawker Siddeley Model DH-104 Dove airplanes was published in the FEDERAL REGISTER (34 F.R. 14226).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH-104 Dove Airplanes which have aileron lever P/N 4 WA.315 installed.

Compliance is required as indicated unless already accomplished.

To prevent fatigue failure of the aileron lever, accomplish the following:

(a) Visually inspect the aileron lever, P/N 4 WA.315 for cracks at the lugs for the attachment of the connecting rod and in the counterbored portion which receives the mass balance arm within the next 50 hours' time in service after the effective date of this AD unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection. If evidence of cracks is found, verify using dye penetrant or other FAA-approved equivalent inspection methods.

(b) If cracks are found during the inspection required by paragraph (a), before further flight, install a new forged aileron lever, P/N 4 WA.491 in accordance with Hawker Siddeley Aviation, Ltd., Dove Modification No. 967, or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region.

(c) If no cracks are found during the inspections required by paragraph (a), within the next 1,000 hours' time in service after the effective date of this AD, install a new forged aileron lever P/N 4 WA.491 in accordance with Hawker Siddeley Aviation, Ltd., Dove Modification No. 967, or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region.

(d) The inspection required in paragraph (a) may be discontinued after the new aileron lever, P/N 4 WA.491 or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region is installed.

(Hawker Siddeley Aviation, Ltd., Technical News Sheet CT(104) No. 151, Issue 4, dated July 14, 1969, covers this subject.)

This supersedes Amendment 454, Part 507 (27 F.R. 5793) AD 62-14-2.

This amendment becomes effective January 3, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 26, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-14391; Filed, Dec. 3, 1969; 8:47 a.m.]

[Docket No. 9831; Amdt. 39-888]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH-114 Heron Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to supersede Amendment 453 (27 F.R. 5793) AD 62-14-1, with a new airworthiness directive (AD) requiring replacement of cast aileron levers with forged aileron levers on Hawker Siddeley Model DH-114 Heron airplanes was published in the FEDERAL REGISTER (34 F.R. 14226).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH-114 Heron Airplanes which have aileron lever, P/N 14 WA.199 installed.

Compliance is required as indicated unless already accomplished.

To prevent fatigue failure of the aileron lever, accomplish the following:

(a) Visually inspect the aileron lever, P/N 14 WA.199 for cracks at the lugs for the attachment of the connecting rod and in the counterbored portion which receives the mass balance arm within the next 50 hours' time in service after the effective date of this AD unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection. If evidence of cracks is found, verify using dye penetrant or other FAA-approved equivalent inspection methods.

(b) If cracks are found during the inspection required by paragraph (a), before further flight, install a new forged aileron lever, P/N 14 WA.245 in accordance with Hawker Siddeley Aviation, Ltd., Heron Modification No. 662, or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region.

(c) If no cracks are found during the inspections required by paragraph (a), within the next 1,000 hours' time in service after the effective date of this AD, install a new forged aileron lever P/N 14 WA.245 in accordance with Hawker Siddeley Aviation, Ltd., Heron Modification No. 662, or an equivalent approved by the Chief, Aircraft Certification Staff. Europe, Africa, and Middle East Region.

(d) The inspections required in paragraph (a) may be discontinued after the new aileron lever, P/N 14 WA.245 or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region is installed.

(Hawker Siddeley Aviation, Ltd., Technical News Sheet Heron No. W.3, Issue 3, dated July 14, 1969, covers this subject.)

This supersedes Amendment 453, Part 507 (27 F.R. 5793), AD 62-14-1.

The amendment becomes effective January 3, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 26, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-14392; Filed, Dec. 3, 1969; 8:47 a.m.]

[Docket No. 69-EA-80; Amdt. 39-880]

PART 39—AIRWORTHINESS DIRECTIVES

Kollsman Altimeters

On page 12103 of the FEDERAL REGISTER for July 17, 1969, the Federal Aviation Administration published a proposed rule which would issue an airworthiness directive applicable to certain types of Kollsman altimeters.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

This amendment is effective December 4, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 19, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Applies to Kollsman Type A4086910021, A4186910028 and A4186910029 Altimeters.

Unless already accomplished, compliance is required within 900 hours time in service after the effective date of this AD, or the next overhaul of the altimeter, which ever occurs first. In order to remove the source of a false signal, alter the altimeters in accordance with either:

(a) Kollsman Service Bulletin 188, Rev. 1, dated December 19, 1968, or Service Bulletin 189, dated October 29, 1968, or

(b) An equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

[F.R. Doc. 69-14393; Filed, Dec. 3, 1969; 8:47 a.m.]

[Docket No. 69-EA-149; Amdt. 39-885]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 67-24-2, applicable to Piper Aircraft PA-22 type airplanes.

The AD 67-24-2 requires a placard to be installed on the fuel quantity gauge in the cockpit to read "No take-off on Right Tank with Less Than ⅓ Tank". This is intended to prevent fuel starvation during takeoff operations under low fuel conditions.

As a result of two recent accidents which involved engine fuel starvation during missed approach and touch-and-go operations, replace the above placard with a more restrictive limitation placard. The limitation would read: "Right Tank Level Flight ONLY With Less than ⅓ Tank".

Since a situation exists that requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85

(31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revising AD 67-24-2 as follows:

(1) Delete the Compliance paragraph and insert in lieu thereof:

Compliance required within the next 15 hours in service after December 6, 1969, the effective date of this AD as amended.

(2) Delete in the second paragraph the material in quotes and insert in lieu thereof:

"Right Tank Level Flight Only With Less Than ½ Tank".

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-14394; Filed, Dec. 3, 1969; 8:47 a.m.]

[Docket No. 9996; Amdt. 159-12]

PART 159—NATIONAL CAPITAL AIRPORTS

Minimum Pilot Certificate Requirements; Dulles International Airport

The purpose of this amendment to § 159.53 of the Federal Aviation Regulations is to prohibit any person operating a civil aircraft from landing at or taking off from Dulles International Airport (including touch and go operations) unless he holds at least a private pilot certificate.

In view of the currently increasing and anticipated traffic volume at Dulles International Airport, the continued operation of aircraft at that Airport by persons holding only student pilot certificates could adversely affect safety. Accordingly, it has been determined that a pilot holding a student pilot certificate should no longer be allowed to operate an aircraft at that Airport. Thus, under the rule a student pilot may not manipulate the controls for a landing at or take off from the airport even though he is accompanied by a certificated flight instructor or other appropriately certificated pilot.

This amendment readopts a restriction that was modified by Amendment 159-7, effective March 29, 1966 (31 F.R. 5258). It imposes at Dulles the same pilot certificate requirement that has been in force at Washington National Airport.

Since this amendment relates to agency management and public property, notice and public procedure thereon are not required, and it may be made effective in less than 30 days.

In consideration of the foregoing, § 159.53 of the Federal Aviation Regulations is amended, effective December 4, 1969, to read as follows:

§ 159.53 Minimum pilot certificate requirement.

No person operating a civil aircraft may land at or take off from the Airport (including touch and go operations) unless he holds at least a private pilot certificate.

(Sec. 4, Second Washington Airport Act, title 7, District of Columbia Code 1404; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.4(b)(1), Regulations of Office of Secretary of Transportation)

Issued in Washington, D.C., on November 28, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-14395; Filed, Dec. 3, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-592; Amdt. 2]

PART 224—ACCESS TO AIRCRAFT FOR SAFETY PURPOSES; FREE TRANSPORTATION FOR CERTAIN FEDERAL AVIATION ADMINISTRATION, NATIONAL TRANSPORTATION SAFETY BOARD, AND WEATHER BUREAU EMPLOYEES

Additional Free Transportation for Federal Aviation Administration Air Traffic Service Evaluation Staff

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of December 1969.

In a notice of proposed rule making dated October 6, 1969 (EDR-171, published at 34 F.R. 15661, Oct. 9, 1969) Docket 21269, the Board proposed to allow air carriers to provide additional free transportation to FAA Air Traffic Service evaluation personnel.

Interested persons were afforded an opportunity to participate in the rule making. The FAA filed the only comment, stating that the proposed rule is satisfactory.[1] Therefore, the Board adopts the tentative findings set out in EDR-171 and makes final the rule as proposed.

Accordingly, the Board hereby amends Part 224 of the economic regulations (14 CFR Part 224), effective January 3, 1970, as follows:

1. Amend § 224.2 to read as follows:

§ 224.2 Traffic control and communications personnel and aviation weather forecasters.

Any air carrier may carry without charge on any aircraft which it operates any traffic controller or aircraft communicator of the Federal Aviation Administration or any aviation weather forecaster of the Weather Bureau (including supervising officers of such persons) for the purpose of more fully and adequately acquainting such persons with the problems affecting in-flight use of air traffic control and communications and weather forecast services provided by the U.S. Government: *Provided, however,* That no request for free transportation under this section shall be made for the same individual upon any one air carrier more than once in each calendar year (round trips are regarded as one trip for the purposes of this section) unless the individual is an air traffic controller who is a member of the Washington or Regional Air Traffic Service Evaluation Staff of the Federal Aviation Administration or unless the request for such additional transportation is accompanied by the statement in writing prescribed in § 224.3(c).

2. Amend § 224.3(c) to read as follows:

§ 224.3 Requests for access to aircraft and free transportation.

* * * * *

(c) When free transportation is requested pursuant to § 224.2 involving more than one free trip within a calendar year by the same individual on the same carrier, the person to be transported, unless he is a member of the Washington or Regional Air Traffic Service Evaluation Staff of the Federal Aviation Administration, shall, at the time of performance of each such additional trip, present to the appropriate agent of the air carrier a statement in writing by the Administrator of the Federal Aviation Administration, or the Director, Weather Bureau, or any official on their staff they may designate, that the additional trip or trips by the person named, between the points designated and on the type of aircraft specified therein, is solely for the purpose specified in § 224.2 and is essential to the effective performance of Federal Aviation Administration or Weather Bureau functions.

* * * * *

(Secs. 204(a), 301-314, 403, 404, 601-610, and 701 of the Federal Aviation Act of 1958, as amended 72 Stat. 743, 744-754, 758, 760, 775-780, and 781; 49 U.S.C. 1324, 1341-1355, 1373, 1374, 1421-1430, and 1441)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14408; Filed, Dec. 3, 1969; 8:48 a.m.]

[1] The FAA's comment did, however, request that the Board note that the FAA requested the change "in order to facilitate the objectives of its Air Traffic Service evaluation program and most especially to permit more extensive observation from the flight deck during periods when the air traffic system is experiencing interruptions or other operating difficulties."

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER C—AGE DISCRIMINATION IN EMPLOYMENT

PART 850—RECORDS TO BE MADE OR KEPT RELATING TO AGE; NOTICES TO BE POSTED; ADMINISTRATIVE EXEMPTIONS

Change in Recordkeeping Requirements

On August 26, 1969, there was published in the FEDERAL REGISTER (34 F.R. 13666) notice of a proposal to revise Part 850 of Title 29, Code of Federal Regulations, in order to change the temporary recordmaking and recordkeeping requirements promulgated under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 629) and section 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211).

Interested persons were invited to submit written data, views, or argument. After consideration of all relevant matter presented, and pursuant to section 7 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 629) and section 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211), and Secretary of Labor's Orders No. 10-68 (33 F.R. 9729) and No. 11-68 (33 F.R. 9690), the revision as so proposed is hereby adopted, subject to the following changes:

1. In subparagraph (2) of § 850.3(b), the first sentence is deleted and the following sentence is inserted in its place: "Every employer shall keep on file any employee benefit plans such as pension and insurance plans, as well as copies of any seniority systems and merit systems which are in writing, for the full period the plan or system is in effect, and for at least 1 year after its termination."

2. In § 850.16, The first two sentences are designated as paragraph (a).

3. In § 850.16, The words "paragraph (b) of this section" in the first sentence are changed to "§ 850.15(b) of this part".

4. In § 850.16, The word "provisions" in the first sentence is changed to "prohibitions".

5. In § 850.16, The following paragraph is added and designated as paragraph (b):

(b) Any employer, employment agency, or labor organization the activities of which are exempt from the prohibitions of the Act under paragraph (a) of this section shall maintain and preserve records containing the same information and data that is required of employers, employment agencies, and labor organizations under §§ 850.3, 850.4, and 850.5, respectively.

This revision shall become effective 30 days following the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 26th day of November 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

PART 850—RECORDS TO BE MADE OR KEPT RELATING TO AGE; NOTICES TO BE POSTED; ADMINISTRATIVE EXEMPTIONS

Subpart A—General

Sec.
850.1 Purpose and scope.

Subpart B—Records To Be Made or Kept Relating to Age; Notices To Be Posted

850.2 Forms of records.
850.3 Records to be kept by employers.
850.4 Records to be kept by employment agencies.
850.5 Records to be kept by labor organizations.
850.6 Availability of records for inspection.
850.7 Transcriptions and reports.
850.8-850.9 [Reserved]
850.10 Notices to be posted.
850.11 Petitions for recordkeeping exceptions.

Subpart C—Administrative Exemptions

Sec.
850.15 Administrative exemptions; procedures.
850.16 Specific exemptions.

AUTHORITY: The provisions of this Part 850 issued under sec. 7, 81 Stat. 604; 29 U.S.C. 626; sec. 11, 52 Stat. 1066, as amended, 29 U.S.C. 211.

Subpart A—General

§ 850.1 Purpose and scope.

(a) Section 7 of the Age Discrimination in Employment Act of 1967 (hereinafter referred to in this part as the Act) empowers the Secretary of Labor to require the keeping of records which are necessary or appropriate for the administration of the Act in accordance with the powers contained in section 11 of the Fair Labor Standards Act of 1938. Subpart B of this part sets forth the recordkeeping and posting requirements which are prescribed by the Secretary of Labor for employers, employment agencies, and labor organizations which are subject to the Act. Reference should be made to section 11 of the Act for definitions of the terms "employer", "employment agency", and "labor organization". General interpretations of the Act and of this part are published in Part 860 of this chapter. This part also reflects pertinent delegations of the Secretary of Labor's duties to the Administrator of the Wage and Hour and Public Contracts Divisions.

(b) Subpart C of this part sets forth the Department of Labor's rules under section 9 of the Act providing that the Secretary of Labor may establish reasonable exemptions to and from any or all provisions of the Act as he may find necessary and proper in the public interest.

Subpart B—Records To Be Made or Kept Relating to Age; Notices To Be Posted

§ 850.2 Forms of records.

No particular order or form of records is required by the regulations in this Part 850. It is required only that the records contain in some form the information specified. If the information required is available in records kept for other purposes, or can be obtained readily by recomputing or extending data recorded in some other form, no further records are required to be made or kept on a routine basis by this Part 850.

§ 850.3 Records to be kept by employers.

(a) Every employer shall make and keep for 3 years payroll or other records for each of his employees which contain:

(1) Name;
(2) Address;
(3) Date of birth;
(4) Occupation;
(5) Rate of pay, and
(6) Compensation earned each week.

(b)(1) Every employer who, in the regular course of his business, makes, obtains, or uses, any personnel or employment records related to the following, shall, except as provided in subparagraphs (3) and (4) of this paragraph, keep them for a period of 1 year from the date of the personnel action to which any records relate:

(i) Job applications, resumes, or any other form of employment inquiry whenever submitted to the employer in response to his advertisement or other notice of existing or anticipated job openings, including records pertaining to the failure or refusal to hire any individual,

(ii) Promotion, demotion, transfer, selection for training, layoff, recall, or discharge of any employee,

(iii) Job orders submitted by the employer to an employment agency or labor organization for recruitment of personnel for job openings,

(iv) Test papers completed by applicants or candidates for any position which disclose the results of any employer-administered aptitude or other employment test considered by the employer in connection with any personnel action,

(v) The results of any physical examination where such examination is considered by the employer in connection with any personnel action,

(vi) Any advertisements or notices to the public or to employees relating to job openings, promotions, training programs, or opportunities for overtime work.

(2) Every employer shall keep on file any employee benefit plans such as pension and insurance plans, as well as copies of any seniority systems and merit systems which are in writing, for the full period the plan or system is in effect, and for at least 1 year after its termination. If the plan or system is not in writing, a memorandum fully outlining the terms of such plan or system and the manner in which it has been communicated to the affected employees, together with notations relating to any changes or revisions thereto, shall be kept on file for a like period.

(3) In the case of application forms and other preemployment records of applicants for positions which are, and are known by applicants to be, of a temporary nature, every record required to be kept under subparagraph (1) of this paragraph shall be kept for a period of 90 days from the date of the personnel action to which the record relates.

(4) When an enforcement action is commenced under section 7 of the Act regarding a particular applicant or employee, the Administrator may require the employer to retain any record required to be kept under subparagraph (1), (2), or (3) of this paragraph which is relative to such action until the final disposition thereof.

§ 850.4 Records to be kept by employment agencies.

(a)(1) Every employment agency which, in the regular course of its business, makes, obtains, or uses, any records related to the following, shall, except as provided in subparagraphs (2) and (3) of this paragraph, keep them for a period of 1 year from the date of the action to which the records relate:

(i) Placements;
(ii) Referrals, where an individual is referred to an employer for a known or reasonably anticipated job opening;
(iii) Job orders from employers seeking individuals for job openings;
(iv) Job applications, resumes, or any other form of employment inquiry or record of any individual which identifies his qualifications for employment, whether for a known job opening at the time of submission or for future referral to an employer;
(v) Test papers completed by applicants or candidates for any position which disclose the results of any agency-administered aptitude or other employment test considered by the agency in connection with any referrals;
(vi) Advertisements or notices relative to job openings.

(2) In the case of application forms and other preemployment records of applicants for positions which are, and are known by applicants to be, of a temporary nature, every record required to be kept under subparagraph (1) of this paragraph shall be kept for a period of 90 days from the date of the making or obtaining of the record involved.

(3) When an enforcement action is commenced under section 7 of the Act regarding a particular applicant, the Administrator may require the employment agency to retain any record required to be kept under subparagraph (1) or (2) of this paragraph which is relative to such action until the final disposition thereof.

(b) Whenever an employment agency has an obligation as an "employer" or a "labor organization" under the Act, the employment agency must also comply with the recordkeeping requirements set forth in § 850.3 or § 850.5, as appropriate.

§ 850.5 Records to be kept by labor organizations.

(a) Every labor organization shall keep current records identifying its members by name, address, and date of birth.

(b) Every labor organization shall, except as provided in paragraph (c) of this section, keep for a period of 1 year from the making thereof, a record of the name, address, and age of any individual seeking membership in the organization. An individual seeking membership is considered to be a person who files an application for membership or who, in some other manner, indicates a specific intention to be considered for membership, but does not include any individual who is serving for a stated limited probationary period prior to permanent employment and formal union membership. A person who merely makes a inquiry about the labor organization or, for example, about its general program, is not considered to be an individual seeking membership in a labor organization.

(c) When an enforcement action is commenced under section 7 of the Act regarding a labor organization, the Administrator may require the labor organization to retain any record required to be kept under paragraph (b) of this section which is relative to such action until the final disposition thereof.

(d) Whenever a labor organization has an obligation as an "employer" or as an "employment agency" under the Act, the labor organization must also comply with the recordkeeping requirements set forth in § 850.3 or § 850.4, as appropriate.

§ 850.6 Availability of records for inspection.

(a) *Place records are to be kept.* The records required to be kept by this part shall be kept safe and accessible at the place of employment or business at which the individual to whom they relate is employed or has applied for employment or membership, or at one or more established central recordkeeping offices.

(b) *Inspection of records.* All records required by this part to be kept shall be made available for inspection and transcription by authorized representatives of the Administrator during business hours generally observed by the office at which they are kept or in the community generally. Where records are maintained at a central recordkeeping office pursuant to paragraph (a) of this section, such records shall be made available at the office at which they would otherwise be required to be kept within 72 hours following request from the Administrator or his authorized representative.

§ 850.7 Transcriptions and reports.

Every person required to maintain records under the Act shall make such extension, recomputation or transcriptions of his records and shall submit such reports concerning actions taken and limitations and classifications of individuals set forth in records as the Administrator or his authorized representative may request in writing.

§§ 850.8—850.9 [Reserved]

§ 850.10 Notices to be posted.

Every employer, employment agency, and labor organization which has an obligation under the Age Discrimination in Employment Act of 1967 shall post and keep posted in conspicuous places upon its premises the notice pertaining to the applicability of the Act prescribed by the Secretary of Labor or his authorized representative. Such a notice must be posted in prominent and accessible places where it can readily be observed by employees, applicants for employment and union members.

§ 850.11 Petitions for recordkeeping exceptions.

(a) *Submission of petitions for relief.* Each employer, employment agency, or labor organization who for good cause wishes to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period or periods prescribed in this part, may submit in writing a petition to the Administrator requesting such relief setting forth the reasons therefor and proposing alternative recordkeeping or record-retention procedures.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary or appropriate investigation supplementary thereto, the Administrator shall find that the alternative procedure proposed, if granted, will not hamper or interfere with the enforcement of the Act, and will be of equivalent usefulness in its enforcement, the Administrator may grant the petition subject to such conditions as he may determine appropriate and subject to revocation. Whenever any relief granted to any person is sought to be revoked for failure to comply with the conditions of the Administrator, that person shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or any delay of the Administrator in acting upon such petition shall not relieve any employer, employment agency, or labor organization from any obligations to comply with this part. However, the Administrator shall give notice of the denial of any petition with due promptness.

Subpart C—Administrative Exemptions

§ 850.15 Administrative exemptions; procedures.

(a) Section 9 of the Act provides that, "In accordance with the provisions of subchapter II of chapter 5, of title 5, United States Code, the Secretary of Labor * * * may establish such reasonable exemptions to and from any or all provisions of this Act as he may find necessary and proper in the public interest."

(b) The authority conferred on the Secretary by section 9 of the Act to establish reasonable exemptions will be exercised with caution and due regard for the remedial purpose of the statute to promote employment of older persons based on their ability rather than age and to prohibit arbitrary age discrimination in employment. Administrative action consistent with this statutory purpose may be taken under this section, with or without a request therefor, when found necessary and proper in the public interest in accordance with the statutory standards. No formal procedures have been prescribed for requesting such action. However, a reasonable exemption from the Act's provisions will be granted only if it is decided, after notice published in the FEDERAL REGISTER giving all interested persons an opportunity to present data, views, or arguments, that a strong and affirmative showing has been made that such exemption is in fact necessary and proper in the public interest. Request for such exemption shall be submitted in writing to the Administrator.

§ 850.16 Specific exemptions.

(a) Pursuant to the authority contained in section 9 of the Act and in accordance with the procedure provided therein and in § 850.15(b) of this part, it has been found necessary and proper in the public interest to exempt from all prohibitions of the Act all activities and programs under Federal contracts or grants, or carried out by the public employment services of the several States, designed exclusively to provide employment for, or to encourage the employment of, persons with special employment problems, including employment activities and programs under the Manpower Development and Training Act of 1962, as amended, and the Economic Opportunity Act of 1964, as amended, for persons among the long-term unemployed, handicapped, members of minority groups, older workers, or youth. Questions concerning the application of this exemption shall be referred to the Administrator for decision.

(b) Any employer, employment agency, or labor organization the activities of which are exempt from the prohibitions of the Act under paragraph (a) of this section shall maintain and preserve records containing the same information and data that is required of employers, employment agencies, and labor organizations under §§ 850.3, 850.4, and 850.5, respectively.

[F.R. Doc. 69-14434; Filed, Dec. 3, 1969; 8:50 a.m.]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION

State Certificates of Age

The age, employment, or working certificates or permits of several States are designated in 29 CFR 1500.21 as having the same force and effect as Federal certificates of age issued under section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203).

In a document published in the FEDERAL REGISTER on August 27, 1968 (33 F.R. 12098), it was provided that these designations would expire on June 30, 1969.

Pursuant to section 3(1) and section 11(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 and 211), and Reorganization Plan No. 2 of 1946 (3 CFR 1943–1948 Comp., p. 1064), I hereby extend the designations contained in 29 CFR 1500.21 until June 30, 1970. I further ratify and confirm all such age, employment or working certificates issued under 29 CFR 1500.21 between the expiration of the previous delegation on June 30, 1969, and the effective date of this document.

Signed at Washington, D.C., this 28th day of November 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-14435; Filed, Dec. 3, 1969; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 723—BOARD FOR CORRECTION OF NAVAL RECORDS

Miscellaneous Amendments

Section 723.2(b) is revised to read as follows:

§ 723.2 Establishment, function, and jurisdiction of the Board.

* * * * *

(b) *Function.* The function of the Board is to consider all applications properly before it for the purpose of determining the existence of an error or an injustice.

* * * * *

In § 723.3, paragraphs (a), (b), and (e) are revised to read as follows:

§ 723.3 Application for correction.

(a) *General Requirements.* (1) The application for correction should be submitted on DD Form 149 (Application for Correction of Military or Naval Record) or exact facsimile thereof, and should be addressed to: Board for Correction of Naval Records, Washington, D.C. 20370. Forms and explanatory matter may be obtained upon request addressed to the Board.

(2) * * *

(3) When the record in question is that of a person who is incapable of making application himself, or whose whereabouts is unknown, or when such person is deceased, for the purpose of bringing the matter before the Board the application may be made by a spouse, parent, heir, or legal representative. Proof of proper interest shall be submitted as may be required by the Board.

(b) *Time Limit for Filing Application.* A claimant, his heir, or legal representative, must file the application for correction of a record within 3 years after discovery of the alleged error or injustice. Failure to file within the time prescribed may be excused by the Board if it finds it would be in the interest of justice to do so. If the claimant, his heir, or legal representative files an application more than 3 years after he discovers the error or injustice, he must include in his application his reasons why the Board should find it is in the interest of justice to excuse his failure to file his application within the time prescribed above.

(c) * * *

(d) * * *

(e) *Consideration of Application.* (1) Each application and the available military or naval records pertinent to the corrective action requested will be reviewed to determine whether to authorize a hearing, recommend that the records be corrected without a hearing, or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for the reason that the applicant has not exhausted all other effective administrative remedies available to him, or for the reason that the applicant did not file his application within 3 years after he discovered the alleged error or injustice and did not submit any reason why the Board should find it to be in the interest of justice to excuse the failure to file the application within the prescribed 3 years.

(2) The Board may deny any application if it determines that insufficient relevant evidence has been presented to demonstrate the existence of probable material error or injustice. The Board will not deny an application on the sole ground that the record was made by or at the direction of the President or the Secretary in connection with proceedings other than proceedings of a Board for the correction of military or naval records. Denial of an application on the grounds of insufficient relevant evidence to demonstrate the existence of probable material error or injustice is without prejudice to further consideration in the event new and relevant evidence is submitted. The applicant will be informed of his privilege to submit newly discovered relevant evidence for consideration.

(3) When an application is denied without a hearing, written findings, decision and recommendations are not required.

Section 723.4 (a) and (e) are revised to read as follows:

§ 723.4 General; notice; counsel; witnesses; access to records.

(a) *General.* In each case in which the Board determines a hearing is warranted, the applicant will be entitled to appear before the Board either in person or by counsel of his own selection or in person with counsel.

* * * * *

(e) *Access to Records.* (1) The applicant shall have access to such official records as are deemed necessary to an adequate presentation of his case. It is the responsibility of the applicant to procure such evidence not contained in the official records of the Department of the Navy as he desires to present in support of his case.

(2) Classified or privileged matter shall not be disclosed or made available without express finding of the Chairman that such disclosure is required in the case and is not detrimental to the public interest. Such disclosure shall not be contrary to existing law and departmental regulations concerning privileged and classified material. When appropriate the applicant may be supplied only with a summary or extract of classified matter.

(3) This regulation does not authorize the furnishing of copies of official records by the Board. Requests for copies

of official records should be submitted in accordance with regulations governing the release of information.

Section 723.9 is revised to read as follows:

§ 723.9 Reconsideration.

After final adjudication further consideration will be granted only upon presentation by the applicant of newly discovered relevant evidence not previously considered by the Board and then only upon recommendation of the Board and approval by the Secretary of the Navy.

Section 723.10(c) is revised to read as follows:

§ 723.10 Settlement of claims.

* * * * *

(c) *Settlement.* (1) Settlement of claims shall be upon the basis of the decision and recommendations of the Board, as approved by the Secretary of the Navy. Computation of the amounts due shall be made by the appropriate disbursing activity. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. Earnings received from civilian employment during any period for which active duty pay and allowances are payable will be deducted from the settlement. To the extent authorized by law and regulations, amounts found due may be reduced by the amount of any existing indebtedness to the Government arising from military service.

* * * * *

[SEAL] D. D. CHAPMAN,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

NOVEMBER 25, 1969.

[F.R. Doc. 69-14351; Filed, Dec. 3, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER M—BULK GRAIN CARGOES

[CGFR 69-135]

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

Equivalent Set of Bulk Grain Regulations

Subchapter M was last amended by a document published in the FEDERAL REGISTER of March 19, 1966 (31 F.R. 4209) as a result of a number of casualties involving vessels transporting bulk grain cargoes. The purpose of this amendment was to require the use of centerline divisions in and below the "feeders". It was concluded that without these divisions the uninhibited flow of the grain athwartship produced adverse heeling which reduced the vessel's safety. However, at the time this amendment was made it was recognized as only an interim measure pending the results of further study and research into the nature of the behavior of bulk grain cargoes on board vessels. Since then research into this problem has been carried on under the aegis of the U.S. Solas Subcommittee Working Group on Subdivision and Stability and its panel on Bulk Cargoes. As a result of this study an alternative set of bulk grain regulations has been developed. This alternative employs an engineering approach that treats each vessel in terms of its ability to carry bulk grain from the standpoint of stability considerations. For each given loading arrangement account is taken of the heeling moment which can occur due to a shift of the grain. The vessel's stability under those conditions is compared with minimum criteria of heel angle, dynamical stability, and metacentric height (GM). The required grain fittings are those necessary to restrict the total heeling moment to that value which can be accommodated by the stability characteristics of the particular vessel.

This alternative method of demonstrating satisfactory stability is deemed to represent an improvement over the requirements presently contained in Subchapter M and its use is encouraged by the Coast Guard. It must, however, be used in its entirety and not in combination with any portion or portions of the existing requirements. It is also recognized that a final evaluation of the new requirements cannot be made until after a reasonable trial period, expected to be about 3 years. Accordingly, it has been decided for the present to permit the owners of vessels at their option to utilize these requirements instead of the existing requirements in Subchapter M. It is anticipated that after this trial period, Subchapter M will be revised on the basis of the experience gained. Because of the approach of the winter season, it has been determined that the use of this alternative should be permitted without further delay.

The alternative regulations are set forth in detail in Navigation and Vessel Inspection Circular No. 10-69 dated November 20, 1969. This document amends Subchapter M by authorizing the owners or masters of vessels to utilize the new requirements as a total alternative to the existing requirements of Subchapter M.

Since the effect of this amendment is permissive and time is of the essence, it is hereby found to be unnecessary and impracticable to comply with the requirements of the Administrative Procedure Act relating to notice of proposed rule making, public procedure thereon, and the effective date. Therefore, this amendment is exempted from these requirements by the provisions of 5 U.S.C. 553.

1. Section 144.10-1 is revised to read as follows:

§ 144.10-1 Scope.

(a) The regulations in this part contain the minimum requirements for the handling, stowage, and transportation of loose grain in bulk on board vessels. However, instead of complying with the regulations in this subpart, the owner or master of any vessel may, at his option handle, store, and transport loose grain in bulk in accordance with the provisions of Navigation and Vessel Inspection Circular No. 10-69 dated November 20, 1969. This circular may be obtained from the Commandant (CAS-2), U.S. Coast Guard Headquarters, Washington, D.C. 20591, or at any Coast Guard Marine Inspection Office.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: December 1, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-14459; Filed, Dec. 3, 1969; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18611; FCC 69-1297]

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

Annual Report Form M and Monthly Report Form 901 for Telephone Companies

1. On August 1, 1969, the Commission released a notice of proposed rule making in the above matter. This notice was published in the FEDERAL REGISTER on August 5, 1969 (34 F.R. 12717) in accordance with section 4 of the Administrative Procedure Act. The notice presented for comment on or before September 2, 1969, and for reply comment on or before September 16, 1969, a proposal to amend certain schedules in Annual Report Form M and Monthly Report Form 901 in order to coordinate the report forms with amendments to Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's rules promulgated in Docket No. 18477.

2. Comments were received from the American Telephone and Telegraph Co. (A.T. & T.) and the G.T. & E. Service Corp. (GT&E). No comments in reply to the original comments were received.

3. Modification of the original proposals that have been suggested by A.T. & T. may be summarized as follows:

(a) To include on lines 6 and 11 of new Schedule 11 of Annual Report Form M the parenthetical phrases that are currently included on such lines. These phrases were inadvertently omitted but are being added herein. Also, to revise the footnote to this Schedule which now reads "Net debit amounts shall be shown in parentheses," to read "Net debit amounts should be shown as provided in General Instruction 4." General Instruction 4 now provides that items of a reverse or contrary character shall be enclosed in parentheses. This instruction is being revised to provide for the use of a minus symbol in lieu of parentheses to identify items of a reverse or contrary character in those cases where the report is prepared by a computer printout. Since General Instruction 4 applies, where appropriate, to all schedules we do not feel that it is necessary to make this change.

(b) That the proposed title of Schedule 33, Analysis of Entries in Retained Earnings Accounts, be revised to read "Analysis of Entries in Account 179, Other Capital, and in the Retained Earnings Accounts" in order to broaden the title to include account 179. This title is being revised to read "Analysis of Entries in Other Capital and Retained Earnings Accounts."

(c) That the total line for Schedule 36A, Other Operating Taxes (Account 307), be extended through all columns to show the totals for each kind of tax included in account 307. This is being done.

(d) That three additional lines be provided in Schedule 36C, Federal Income Taxes, in order to allow space for entering all the possible accounts to which such taxes may be charged. These extra lines are being added.

(e) Requests that additional lines be provided in Schedule 36D, Excise Taxes Collected from Users of Respondent's Services, to permit the showing of all governmental bodies from which such taxes were collected. Eight additional lines are being added to the schedule. This will allow for all the governmental bodies for whom most companies collect such taxes. If necessary additional lines can be readily inserted by a company.

(f) That, since Schedule 44 is to be captioned "Nondistortive Delayed Items," that the proposed caption of Schedule 45, Analysis of Extraordinary and Delayed Items, be changed to read "Analysis of Extraordinary Items and Distortive Delayed Items." This more descriptive title is being adopted.

4. In addition to the foregoing, it has been called to our attention on an informal basis by a representative of A.T. & T. that the center caption above line 45 of Schedule 10, Balance Sheet, which was proposed to read "CAPITAL STOCK AND RETAINED EARNINGS" is not fully descriptive of all accounts included in that grouping. The caption is therefore being revised to read "STOCKHOLDERS' EQUITY."

5. With respect to the proposed revisions of Monthly Report Form 901 A.T. & T. suggests that the following modifications be made:

(a) Revise Instruction 2 of the form to permit negative amounts to be indicated by a minus symbol (in lieu of enclosing in parenthesis) when the form is prepared on a computer. This is being done.

(b) Change the caption on line 29 to read "Operating income." This suggestion has been accepted in order to be consistent with the terminology being used in the income statement in Form M.

6. G.T. & E. suggests that we provide instructions on the reporting of comparisons between the 1970 and 1969 data in the annual and monthly reports in view of the changes in the income and retained earnings accounts of the system of accounts effective January 1, 1970. It will be acceptable to this Commission for the companies to follow the same procedures in reporting in Annual Report Form M and in Monthly Report Form 901 that they follow in preparing reports for internal purposes. In other words, if the 1969 income and retained earnings accounts are recast on a pro forma basis for internal reporting purposes and comparisons made, then comparisons should be shown in reports to this Commission. If not, then comparisons should be shown only for those accounts which were not changed. It is contemplated that an instruction covering this procedure will be included in a covering letter transmitting the forms for completion in 1970 by the telephone companies.

7. We expect that the revised Monthly Report Form 901 will be available for distribution by the Commission in December 1969 and that revised Annual Report Form M for 1970 will be available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 about January 1971.

8. All other schedules in Annual Report Form M and the other portions of Monthly Report Form 901 that were proposed to be revised in the notice of proposed rule making are being amended as proposed therein.

9. *Accordingly, it is ordered,* That, under authority contained in sections 4(i) and 219 of the Communications Act of 1934, as amended, Annual Report Form M for Telephone Companies and Form 901, Monthly Report of Revenues, Expenses and Other Items—Telephone Companies, are amended as set forth in the attached appendix effective with the Annual Report Form M for 1970 and with Monthly Report Form 901 for January 1970.

10. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 219, 48 Stat., as amended, 1066, 1077; 47 U.S.C. 154, 219)

Adopted: November 25, 1969.

Released: November 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

I. Annual Report Form M for Telephone Companies is amended as follows:

1. In the General Instructions, instructions 4 and 6 are amended to read as follows:

4. For convenience in preparation, the blank spaces provided in this report form are measured in twelfths of inches, the spacing of a typewriter having elite-size type. Such a typewriter should be used in preparing a master copy for multicopy processing, or in the preparation of typewritten copies when multicopy processing is not used. In any event the copies filed with the Commission must be legible and permanent. All entries therein shall be shown in black with items of a reverse or contrary character enclosed in parentheses, or if the schedule is prepared from a computer printout, items of a reverse or contrary character may be indicated by a minus symbol following the amount.

* * * * *

6. Reference to reports of previous years or to other reports shall not be made in lieu of requisite information except as provided in query 3 of Schedule 7.

2. In Schedule 7, Important Changes During the Year, query 3 is amended to read as follows:

3. Attach a map defining the territory covered by the respondent's operations. A new map is required when changes in territory have occurred and also in each year ending in 0 or 5 (e.g., 1970 or 1975). In all other years reference to the report for the last year in which the map appeared will be sufficient.

3. Schedule 10, Balance Sheet, is amended as follows:

a. The caption in column (a) above line 45 is amended to read as follows:

STOCKHOLDERS' EQUITY

b. In column (a) on line 50 the work surplus is deleted.

c. The captions on lines 51 and 52, respectively, are amended to read as follows:

180 Retained earnings reserved.
181 Unappropriated retained earnings.

d. The parenthetical sentence in query 4 which follows Notes to Balance Sheet is amended to read as follows:

(If retained earnings have been reserved to cover a contingent liability of the respondent and details thereof are shown in Schedule 31 of this report, reference thereto will be considered adequate response to this query.)

4. Schedule 11, Income and Earned Surplus Statement, is revised as follows:

a. The captions and accounts are revised to read as follows:

INCOME AND RETAINED EARNINGS STATEMENT

Income

TELEPHONE OPERATING INCOME

300 Operating revenues (see Note 1).
301 Operating expenses.
302 Rent from lease of operating property.
303 Rent for lease of operating property.
304 Investment credits—Net (see Note 2).
306 Federal income taxes—Operating.
307 Other operating taxes.
Operating income.*

OTHER INCOME

312 Dividend income.
313 Interest income (including $------ interest charged to constr.).
314 Income from sinking and other funds.
315 Income from miscellaneous physical property.
316 Miscellaneous income.
Total other income.

MISCELLANEOUS DEDUCTIONS FROM INCOME

323 Miscellaneous income charges.
328 Federal income taxes—nonoperating.

[1] Chairman Burch not participating.

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327 Other nonoperating taxes.
Total miscellaneous deductions.
Income available for fixed charges.*

FIXED CHARGES

335 Interest on funded debt.
336 Other interest deductions.
338 Amortization of discount on long-term debt.
339 Release of premium on long-term debt—Cr.
340 Other fixed charges.
Total fixed charges
Income before extraordinary and delayed items.*

EXTRAORDINARY AND DELAYED ITEMS

360 Extraordinary income credits.
365 Delayed income credits.
370 Extraordinary income charges.
375 Delayed income charges.
Extraordinary and delayed items before tax effect—Net.*
380 Income tax effect of extraordinary and delayed items—Net.
Extraordinary and delayed items less tax effect thereof.*
Net income (after extraordinary and delayed items).*

*Net debit amounts shall be shown in parentheses.

Retained Earnings

181 Unappropriated retained earnings (at beginning of year).

CREDITS DURING THE YEAR

400 Balance transferred from income accounts.
402 Miscellaneous credits to retained earnings.
Total credits.

DEBITS DURING THE YEAR

413 Miscellaneous debits to retained earnings.
415 Reservations of retained earnings.
416 Dividends declared.
Total debits.
181 Unappropriated retained earnings (at end of year).

b. The center heading at the end of the Income Statement captioned "Notes to Income and Earned Surplus Statement" is amended to read "Notes to Income and Retained Earnings Statement."

5. Schedule 12B, Analysis of Credits for Telephone Plant Retired, is amended as follows:

a. Lines 4, 5 and 6 are deleted and the following two lines substituted therefor:

4 370 Extraordinary income charges.
5 380 Extraordinary income credits.

b. Lines 7 and 8 are renumbered lines 6 and 7, respectively.

6. In Schedule 14A, Analysis of Entries in Depreciation Reserve (Account 171), the column heading for column (p) is amended to read "Charge (or Credit) to Extraordinary Income."

7. In Schedule 15A, Analysis of Entries in Amortization Reserve (Account 172), line 3, which reads 413 Miscellaneous debits to earned surplus, is deleted.

8. In Schedule 16, Miscellaneous Physical Property (Accounts 103 and 315), the column heading for column (g) is amended to read "Taxes for the Year Charged to Account 327."

9. The title of Schedule 31, Earned Surplus Reserved (Account 180), is amended to read as follows:

31. RETAINED EARNINGS RESERVED (ACCOUNT 180)

10. In Schedule 32, Dividends Declared, instruction 1 is amended to read as follows:

1. The total of column (f) should agree or be reconciled with the acount reported as dividends declared in schedule 11.

11. In Schedule 33, Analysis of Entries in Earned Surplus Accounts, the title and the instructions are amended to read as follows:

33. ANALYSIS OF ENTRIES IN OTHER CAPITAL AND RETAINED EARNINGS ACCOUNTS

1. Report separately by accounts particulars with respect to each item amounting individually to $10,000 or more entered in any of the following accounts during the year: 179, "Other capital," 402, "Miscellaneous credits to retained earnings," 413, "Miscellaneous debits to retained earnings," and 415, "Reservations of retained earnings."

2. The aggregate of all other items in each account shall be reported on a separate line immediately preceding the total for the account.

12. Schedule 36A, Operating Taxes (Account 305), is deleted and the following schedule is substituted therefor:

a. The title reads as follows:

36A. OTHER OPERATING TAXES (ACCOUNT 307)

b. The instructions read as follows:

1. Starting on line 2, insert in column (a) the name of each State, territory, or foreign government to which government (or a subdivision thereof) taxes were payable.

2. In columns (b) through (i), insert as column headings a short descriptive title for each type of tax charged to account 307 during the year, appropriately designating any taxes applicable to the respondent's plant leased to others the rent from which is includible in account 302, "Rent from lease of operating property."

c. The column headings read as follows:

(a): Name of Government.
Caption overriding columns (b) through (i) reads:

TYPE OF TAX

(j): Total

The captions in column (a) read as follows:

1. U.S. Government.
13. Total.
14. Billed by others.
15. Billed to others.
16. Charged to constr.
17. Net charged to acct.

13. Schedule 36B is redesignated as Schedule 36D and Schedule 36C is redesignated as Schedule 36B.

14. A new schedule entitled 36C, Federal Income Taxes, is inserted. The following is a description of the schedule:

a. The column headings read as follows:

(a): Particulars.
(b): Debit or (Credit) Amount.

b. The captions in column (a) read as follows:

1 306 Federal income taxes—Operating.
2 326 Federal income taxes—Nonoperating.
3 380 Income tax effect of extraordinary and delayed items—Net.
4 402 Miscellaneous credits to retained earnings.
5 413 Miscellaneous debits to retained earnings.
6 179 Other capital.
7 Other (specified):
11 Total.

15. In Schedule 38, Miscellaneous Income Charges (Account 323), the caption on line 1 reading, "Amortization or arresting growth of unfunded actuarial reserve requirement for pensions," is deleted and a new caption is inserted to read, "Abandoned construction projects."

16. The title of Schedule 44, Delayed Items, is amended to read "Nondistortive Delayed Items."

17. A new schedule 45 is inserted as follows:

a. The title reads as follows:

45. ANALYSIS OF EXTRAORDINARY ITEMS AND DISTORTIVE DELAYED ITEMS (ACCOUNTS 360, 365, 370, 375 AND 380)

b. The instructions read as follows:

1. Show in column (a), separately by accounts, a brief description of each item amounting to $10,000 or more included in accounts 360, "Extraordinary income credits," 365, "Delayed income credits," 370, "Extraordinary income charges," and 375, "Delayed income charges," including for accounts 365 and 375, the years to which amounts are applicable.

2. The aggregate of all other items in each account shall be reported on a separate line immediately preceding the total for the account.

c. The column headings are as follows:
(a): Particulars.
(b): Debit Amounts.
(c): Credit Amounts.
(d): Tax Effect Included in Account 380.

II. FCC Form, 901—Monthly Report of Revenues, Expenses and other items—Telephone Companies is amended as follows:

1. Instruction 2 is amended to read as follows:

2. Show amounts to the nearest dollar adjusted to accord with footings and enclose entries of a reverse or contrary character in parentheses or if the schedule is prepared from a computer printout, items of a reverse or contrary character may be indicated by a minus symbol following the amount.

2. Line 27 is amended to read as follows:

27. Federal income taxes—Operating (306).

3. Line 28 is amended to read as follows:

28. Other operating taxes (307).

4. Line 29 is amended to read as follows:

29. Operating income (Items 24, 25 less 26–28).

5. Line 31 is amended to read as follows:

31. Miscellaneous income charges and taxes (323, 326, 327).

6. Line 32 is amended to read as follows:

32. Interest deductions (335, 336).

7. Line 34 is amended to read as follows:

34. Income Before Extr. and Dlyd. Items.

8. New lines 35 and 36 are added to read as follows:

35. Extraordinary and delayed items (360, 365, 370, 375, 380).
36. Net Income (After extr. and delayed items).

9. Lines 35 through 49 are redesignated as lines 37 through 51.

10. Present line 45 is amended to read as follows:

47. Premium on capital stock and other capital (Accts. 152 and 179).

11. Present line 46 is amended to read as follows:

48. Unappropriated retained earnings (Acct. 181).

12. Present line 47 is amended to read as follows:

49. Retained earnings reserved (Acct. 180).

[F.R. Doc. 69-14419; Filed, Dec. 3, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Mich., is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(a) Streams and ditches, open only during the regular State trout fishing season, are:

(1) Driggs River from Highway M–28 south to the Diversion Ditch.

(2) Walsh Creek and Ditch from Highway M–28 south to C–3 Pool.

(3) Creighton River—entire length through refuge.

(b) Manistique River, entire length through refuge, open from January 1, 1970, through December 31, 1970.

(c) Pools are open to fishing, daylight hours only, as follows:

(1) All pools—January 1, 1970, through February 28, 1970.

(2) Show Pools (located west of Highway M–77 one-half mile north of the Headquarters entrance road) from Memorial Day (May 30, 1970) through Labor Day (September 7, 1970).

(3) C–3 Pool from July 1, 1970, through Labor Day (September 7, 1970).

(d) Night fishing, boats and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

(e) Snowmobiles or motorized bikes are not allowed on the refuge. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

JOHN E. WILBRECHT,
Refuge Manager,
Seney National Wildlife Refuge.

NOVEMBER 26, 1969.

[F.R. Doc. 69-14370; Filed, Dec. 3, 1969; 8:46 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 256—FISHING VESSEL CONSTRUCTION-DIFFERENTIAL SUBSIDY PROCEDURES

Furnishing of Information

DECEMBER 1, 1969.

On page 16557 of the FEDERAL REGISTER of October 16, 1969, there was published a notice to amend 50 CFR Part 256. The United States Fishing Fleet Improvement Act (46 U.S.C. 1401–1413), as amended, and the contracts executed in connection therewith contain certain requirements regarding among other things, the fishery, landing of the catch, citizenship or domicile of the vessel employees, and documentation of the vessel. In the past, enforcement of these requirements has been on an individual basis with necessary information being requested from each vessel owner individually. The purpose of this regulation is to regularize the furnishing of this information by notifying the public broadly of the requirement and providing for it to be furnished by affidavit without individual requests. Further, in order to determine, among other things, the profitability of the fishery and to assist the Bureau in determining which fisheries can benefit the most from the limited amounts of subsidy funds available, all those persons having a Subsidy Contract shall be required to furnish annual operating statements. This information will be treated as confidential and will be released, if at all, only in a consolidated form so as not to reveal individual operations.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Inasmuch as no written comments, suggestions, or objections were received, a new § 256.11 is added to read as follows:

§ 256.11 Furnishing of information.

During the term of the contract, an affidavit will be submitted to the Secretary by the owner or his authorized agent, of each vessel constructed with the aid of a subsidy paid under the Act, within 90 days of the end of each calendar year, or at such other times as the Secretary may require, providing information on the citizenship and domicile of all vessel employees, the catch of the vessel by species, ports in which the catch was landed and assurance that the vessel has been continuously documented as a vessel of the United States during the preceding calendar year or period since the last previous affidavit was filed. It should also contain the basis for such information and when necessary include supporting documents. In addition, within 90 days of the close of each fiscal year, an operating statement shall be furnished to the Bureau.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-14428; Filed, Dec. 3, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69-EA-139]

AIRWORTHINESS DIRECTIVE

DeHavilland Aircraft

The Federal Aviation Administration published a proposed rule which would revoke AD 65-25-2 as applicable to DeHavilland DHC-2 type airplanes.

Due to inadvertence the language of the proposed rule indicated revocation of AD 65-25-3.

In view of the foregoing Docket 69-EA-139 is hereby amended so as to delete the reference to "65-25-3" in paragraph 1 of the proposed AD and insert in lieu thereof "65-25-2".

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 24, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-14389; Filed, Dec. 3, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 4110]

GRAZING REGULATIONS FOR PUBLIC LANDS

Notice of Proposed Rule Making

DECEMBER 2, 1969.

Basis and purpose. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by the Act of June 28, 1934, as amended (48 Stat. 1270; 43 U.S.C. § 315), it is proposed to amend and revise the regulations as set forth below.

The purpose of this change is to defer for 1 year (the grazing use year beginning March 1, 1970) the implementation of annual increment to the range forage fees, in order to permit time for the consideration of the report of the Public Land Law Review Commission.

It is the policy of the Department, whenever practicable, to afford the public an opportunity to participate in the rule-making process. The Department also desires to conform to the provisions of § 18(b) of the Act of June 28, 1934, as amended (48 Stat. 1270; 43 U.S.C. § 315o-1), which provides in part that, except in a case where in the judgment of the Secretary an emergency shall exist, the Secretary shall request the advice of the advisory board in advance of the promulgation of any rules and regulations affecting the district.

Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management, Washington, D.C. 20240, within thirty (30) days of publication of this notice in the FEDERAL REGISTER.

Subdivision (ii) of subparagraph (1) of paragraph (k) of § 4115.2-1 is amended as follows:

§ 4115.2-1 License and permit procedures; requirements and conditions.

* * * * *

(k) *Fees, payments, and refunds—*
(1) *Fees.* * * *.

(ii) Fees will be established by the Secretary in 9 equal annual increments, effective with the grazing use year beginning March 1, 1971, to attain the fair market value of range forage at the 1979 grazing use year. Fair market value is that value established by the Western Livestock Grazing Survey of 1966 or as determined by a similar study which may be conducted periodically to update the fee base, if deemed necessary. Annual adjustments may also be made for any of the 1970-79 grazing use years, and thereafter, to reflect current market values.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-14449; Filed, Dec. 3, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 1, 21, 23]

[Docket No. 18742; FCC 69-1279]

COMMUNICATIONS COMMON CARRIERS

Non-Discrimination in Employment Practices

1. In a memorandum opinion and order and notice of proposed rule making of July 3, 1968, the Commission ruled that discrimination in employment practices by broadcast licensees was incompatible with their obligation to operate in the public interest (Docket No. 18244, 33 F.R. 9960). A report and order and a further notice of proposed rule making, adopted on June 4, 1969 (34 F.R. 9288), promulgated new rules for the broadcast service to require that equal opportunity in employment shall be afforded by all broadcast licensees. The further notice of proposed rule making of June 4, 1969, also proposed additional rules providing for the filing of an annual employment report with the Commission, the maintenance of records, and the preparation of specific equal opportunity programs by applicants and licensees. These proposed rules were directed primarily to employment practices to be followed to insure equal employment opportunities for Negroes, Orientals, American Indians, and Spanish surnamed Americans. The proposed rules apply to recruitment, selection, training, placement, promotion, pay, working conditions, demotions, layoff, and termination. These proposals are now pending.

2. The rules and rule making involved in Docket No. 18244 relate only to broadcast licensees. They arose out of a petition primarily directed to that area. However, we believe that the same considerations of public policy are applicable to those communications common carriers subject to Commission jurisdiction. The national policy against discrimination in employment on the basis of race, religion, sex, or nationality is clear. Thus, Title VII of the Civil Rights Act of 1964, as amended, makes it unlawful for employees in an industry affecting interstate commerce who employ at least 25 persons, to discriminate because of race, color, religion, sex, or national origin in the hiring, discharging, or training of employees, or in fixing their terms and conditons of employment, including compensation, privileges, and classification. A number of common carriers, particularly telephone companies, employ more than 25 persons and are thus subject to the Civil Rights Act. The majority of such carriers employ less than 25 full-time employees, and are thus not subject to the Civil Rights Act. In addition to the Civil Rights Act, a number of States and cities have laws and ordinances prohibiting discrimination on the grounds of sex, race, color, religion, and national origin. In most cases the minimum number of employees which bring the employer within the State statutes is less than 25 and in many cases less than eight. Thus, it would appear that a substantial percentage of the common carrier radio licensees and common carriers holding authorizations under section 214 of the Act, 47 U.S.C. 214, are subject to Federal and State or local antidiscrimination laws. We believe, however, that the national policy against discrimination is applicable to all common carriers, whether or not they are subject to the specific provisions of the Civil Rights Act.

3. We note at the outset that most communications common carriers are authorized under Title III of the Communications Act of 1934 to operate radio facilities as part of their common carrier activity. Such authorizations can be granted only after a finding that the public interest, convenience and necessity will be served thereby. In making such a determination, the Commission must consider among other things, whether the applicant is law abiding. FCC v. American Broadcasting Co., 347 U.S. 190 (1953); City of Pittsburgh v. Federal Power Commission, 237 F. 2d 741 (D.C. Cir. 1956); See also Report on Establishment of Uniform Policy in Connection with Violations by an Applicant of Laws of the United States, 1 Pike & Fischer, Radio Regulations, Part Three, 91:32. Thus the Commission must consider whether the applicant has violated or is in violation of the Civil Rights Act or pertinent State or local laws or ordinances in this field. Of equal importance, the Commission must consider the unique position occupied by those communications common carriers providing telephone or telegraph service to the general public. These carriers have been granted monopoly or semimonopoly positions in particular areas, and the public is required to deal with them. Thus, the carriers are given a privileged position in the economic life of the Nation, and they have a unique and peculiar public interest role. The Communications Act of 1934 recognizes the special responsibilities of such carriers by providing that it is unlawful for any common carrier "to make any unjust or unreasonable descrimination in charges, practices, classifications regulations, facilities or services for or in connection with like communication service * * *." It would seem evident that a company which follows discriminatory employment practices would find it difficult to provide nondiscriminatory service. Both because of the special position granted communications common carriers by the Government, and the relationship between service to the public and the carrier's employment practices, it would be intolerable to countenance discriminatory employment practices.

4. We recognize, of course, that there are differences between common carriers and broadcast licensees both in the public interest considerations involved and in the problems of enforcement. However, these differences do not affect the Commission's responsibility to take what steps it can to eliminate discrimination by common carriers. We therefore, give notice of proposed rule making. The proposed rules are set forth below. The proposed rules, similar to those in effect and proposed for broadcast licensees, can be put into three categories: (1) The requirement that each carrier establish and maintain a program which is designed to assure equal opportunity; (2) amendment of existing FCC reporting forms to give the Commission yearly statistical and substantive information on compliance by carriers licensed by or under Commission jurisdiction; and (3) provision for forms to be filed by each applicant for license or renewal or for a construction permit, giving the Commission information on the applicant's nondiscrimination program, which the Commission will take into consideration in passing on the application. The rules relating to the filing of reports and forms would be limited to common carriers having five or more employees. The requirement that each common carrier maintain a program designed to insure equal employment opportunity would apply to all common carriers subject to Commission jurisdiction.

5. Complaints received by the Commission will be processed in the following manner: (1) If a complaint raising a substantial issue of discrimination is received against a licensee with 25 or more employees, thus making the Civil Rights Act applicable, the Commission will refer the complaint to the EEOC, and will thereafter maintain appropriate liaison with that agency and the Department of Justice. Insofar as this aspect of the matter is concerned, action on a major application would await resolution of the referral;[1] (2) in the case of complaints pressed against licensees which, while not covered by the Civil Rights Act, do come within State or local fair employment laws, the referral by the Commission would be to the appropriate State or local authority; and the same procedure as outlined above would be followed; and (3) where substantial complaints are lodged against licensees which, due to the small number of their personnel or the absence of State legislation, fall under neither Federal nor State civil rights provisions, the Commission itself will act upon these complaints in accord with the above stated policy.

6. Authority for the proposed rules is set forth in sections 4(i) 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, 307, 308, 309, and 310.

7. All interested parties are invited to file written comments on or before January 6, 1970, and reply comments on or before January 27, 1970. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished the Commission.

Adopted: November 19, 1969.

Released: November 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

A. Parts 0 and 1 are amended to read as follows:

[1] In appropriate cases, the Commission may make an independent inquiry into the complaint.

[2] Commissioners Burch, chairman; and Wells not participating; Commissioner Bartley dissenting; Commissioner Robert E. Lee concurring for the reasons stated in his statement attached to Report and Order, FCC 69-631, 18 FCC (2d) 240.

1. In § 0.455(c), subpararaph (15) is added to read as follows:

§ 0.455 Other locations at which records may be inspected.

* * * * *

(c) *Common Carrier Bureau* * * *

(15) Annual Employment Report filed by common carrier licensees pursuant to § 1.815 of this chapter.

* * * * *

A new § 1.815 is added to read as follows:

§ 1.815 Reports of annual employment.

Each common carrier licensee with five or more full-time employees shall file with the Commission on or before _____ of each year, on FCC Form _____, an annual employment report.

B. In Parts 21 and 23, new §§ 21.307 and 23.49, both to read identically, are added to read as follows:

§ _____ Equal employment opportunities.

(a) General policy: Equal opportunity in employment shall be afforded by all common carrier licensees to all qualified persons, and no person shall be discriminated against in employment because of sex, race, color, religion or national origin.

(b) Equal employment opportunity program: Each licensee shall establish, maintain, and carry out, a positive continuing program of specific practices designed to assure equal opportunity in every aspect of employment policy and practice. Under the terms of its program, a licensee shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(3) Communicate the licensee's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to sex, race, color, religion or national origin, and solicit their recruitment assistance on a continuing basis.

(4) Conduct a continuing campaign to exclude every form of prejudice or discrimination based upon sex, race, color, religion or national origin from the licensees' personnel policies and practices and working conditions.

(5) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility.

C. Proposed Additional section to be added to FCC Forms. (Applicants for

licenses or construction permits or for renewal would file equal employment opportunity programs or amendments to those programs in the following exhibit.)

I. Submit as exhibit No. ------ the applicant's equal employment opportunity program, indicating specific practices to be followed in order to assure equal employment opportunity for Females, Negroes, Orientals, American Indians, and Spanish Surnamed Americans in each of the following aspects of employment practice: Recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff, and termination. The program should reasonably address itself to such specific practices as the following to the extent they are appropriate in terms of licensee size, location, etc. A program need not be filed if the licensee has less than five fulltime employees.

1. *To assure nondiscrimination in recruiting.* (a) Posting notices in the licensee's employment offices informing applicants of their equal employment rights and their right to notify the Federal Communications Commission or other appropriate agency if they believe they have been the victim of discrimination.

(b) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion or national origin is prohibited and they may notify the Federal Communications Commission or other appropriate agency if they believe they have been discriminated against.

(c) Placing employment advertisements in media which have significant circulation among minority group people in the recruiting area.

(d) Recruiting through schools and colleges with significant minority-group enrollments.

(e) Maintaining systematic contacts with minority and human relations organizations, leaders and spokesmen to encourage referral of qualified minority applicants.

(f) Encouraging present employees to refer minority applicants.

(g) Making known to all recruitment sources that qualified minority members are being sought for consideration whenever the licensee hires.

2. *To assure nondiscrimination in selection and hiring.* (a) Instructing personally those of your staff who make hiring decisions that all applicants for all jobs are to be considered without discrimination.

(b) Where union agreements exist:

1. Cooperating with your unions in the development of programs to assure qualified minority persons of equal opportunity for employment;

2. Including an effective nondiscrimination clause in new or renegotiated union agreements.

(c) Avoiding use of selection techniques or tests which have the effect of discrimination against minority groups.

3. *To assure nondiscriminatory placement and promotion.* (a) Instructing personally those of the licensee's staff who make decisions on placement and promotion that minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination.

(b) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower-paid employees with respect to any of the higher-paid positions, followed by assistance, counselling, and effective measures to enable employees with interest and potential to qualify themselves for such positions.

(c) Reviewing seniority practices and seniority clauses in union contracts to insure that such practices or clauses are nondiscriminatory and do not have a discriminatory effect.

4. *To assure nondiscrimination in other areas of employment practices.* (a) Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found.

(b) Advising all qualified employees whenever there is an opportunity to perform overtime work.

II. Renewal applicants would file the following exhibit: Submit a report as exhibit ------ indicating the manner in which the specific practices undertaken pursuant to the licensee's equal employment opportunity program have been applied and the effect of these practices upon the applications for employment, hiring and promotions of minority group members and females.

III. Applicants for renewal, would file the following exhibit: Submit as exhibit ------ whether any complaint has been filed before any body having competent jurisdiction under Federal, State, territorial or local law, alleging unlawful discrimination in the employment practices of the applicant, including the persons involved, the date of filing, the court or agency before which the matter is or has been, the file number (if any), and the disposition or current status of the matter.

Instructions for Annual Employment Report (FCC Form ------)

1. *Who must file.* All licensees and permittees of common carrier service with five or more fulltime employees must file the Annual Employment Report on FCC Form ------.

2. *When and where to file.* A single copy of each Annual Employment Report required under these instructions must be filed with the Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554, no later than ---------- each year.

3. *Reporting period.* The employment data filed on FCC Form ------ must reflect the facts as of the preceding December 31. Such data may be taken from the payrolls for the period in which December 31 falls.

4. *Reporting units.* a separate Annual Employment Report (FCC Form ------) must be filed for each common carrier licensee.

5. *Job categories.* Persons performing functions in more than one category should be classified according to their major function.

6. *"All employees".* Include in this column all employees in the Reporting Unit covered in the individual FCC Form ------, not just the total employees falling within the four categories of "Minority Group Employees".

7. *Minority group identification.* (a) Minority group information necessary for this section may be obtained either by visual surveys of the work force, or from post-employment records as to the identity of employees. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging.

(b) Since visual surveys are permitted, the fact that minority group identifications are not present on company records is not an excuse for failure to provide the data called for.

(c) Conducting a visual survey and keeping post-employment records of the race or ethnic origin of employees is legal in all jurisdictions and under all Federal and State laws. State laws prohibiting inquiries and recordkeeping as to race, etc., relate only to applicants for jobs, not to employees.

(d) FCC Form ------ provides for reporting Females, Negroes, American Indians, Orientals, and Spanish Surnamed Americans, wherever such persons are employed. For purposes of this report, the term "Spanish Surnamed Americans" is deemed to include all persons of Mexican, Puerto Rican, Cuban or Spanish origin. Identification may be made by inspection of records bearing the employee's names, by visual survey, by employees' use of the Spanish language, or other indications that they belong to this group. The following States are among those having large concentrations of Spanish Surnamed Americans: Arizona, California, Colorado, Florida, New Jersey, New Mexico, New York, and Texas. Large concentrations of Spanish Surnamed Americans are found in particular localities in other States. The term "American Indian" does not include Eskimos and Aleuts.

Employment data:

Job categories	All employees, total [1]	Female	Minority group employment [2]				
			Negro	Oriental	American Indian	Spanish surnamed American	
Officials and managers							
Professionals							
Technicians							
Sales workers							
Office and clerical							
Craftsmen (skilled)							
Operatives (semiskilled)							
Laborers (unskilled)							
Service workers							
Total							
Total employment from previous report (if any)							

(The data below shall also be included in the figures for the appropriate occupational categories above)

On-the-job trainees: [3]							
White collar							
Production							

[1] Insert here the total of all employees at the places covered in this report (permanent, temporary and part-time), not merely those in minority groups.
[2] See Instructions for identification of minority groups.
[3] Report only employees enrolled in formal on-the-job training programs.

CERTIFICATION

(This report must be certified: by licensee ------ if an individual; by partner of licensees ------ if a partnership; by an officer of licensee or permittee, if a corporation or association; or by attorney of licensee ------ in case of physical disability of licensee ------ or his absence from the Continental United States.)

I certify that to the best of my knowledge, information, and belief, all statements contained in this report are true and correct.*

Signed ---------- Title ----------
Date ----------, 19-- Name of company ----------

Identity of Reporting Unit(s) covered in this Report:

(a) International Fixed Public:
(1) Space.
(b) Domestic Public Land Mobile.
(c) Point to Point Microwave.
(d) Domestic Public Air Ground.
(e) Rural Radio Service.
(f) Local TV Transmission.
(g) Telephone:
(1) Domestic.
(2) International.
(h) Telegraph:
(1) Domestic.
(2) International.

[F.R. Doc. 69-14221; Filed, Dec. 3, 1969; 8:45 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket Nos. RI70–516, etc.]

PERRY R. BASS ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund [1]

NOVEMBER 21, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 8, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–516	Perry R. Bass (Operator), Agent.	16	2	El Paso Natural Gas Co.		10–23–69	[3] 10–1–69	[4] 10–2–69	15.91	[5] [6] 15.9697	
RI70–517	Perry R. Bass (Operator) et al.	18	2	do		10–23–69	[3] 10–1–69	[4] 10–2–69	15.91	[5] [6] 15.9697	
	do	17	7	Transwestern Pipeline Co.		10–23–69	[3] 10–1–69	[4] 10–2–69	[7] [8] 13.48 [8] [9] 16.49 [9] [10] 14.48 [8] [11] 16.25 [11] [12] 14.26 [12] [13] 14.67	[5] [7] [8] 13.5390 [5] [8] [9] 16.5725 [5] [9] [10] 14.5524 [5] [8] [11] 16.3211 [5] [11] [12] 14.3224 [5] [12] [13] 14.7342	
	do	6	16	do		10–23–69	[3] 10–1–69	[4] 10–2–69	14.25	[5] [6] 14.3035	
RI70–518	Union Oil Co. of California.	97	4	El Paso Natural Gas Co.		10–29–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.06375	
	do	95	1	Northern Natural Gas Co.		10–27–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.06375	
	do	87	3	do		10–29–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.06375	
RI70–519	Standard Oil Co. of Texas, a division of Chevron Oil Co.	11	9	El Paso Natural Gas Co.		10–30–69	[3] 10–1–69	[4] 10–2–69	14.10	[5] [6] 14.1522	
	do	13	4	do		10–30–69	[3] 10–1–69	[4] 10–2–69	11.80	[5] [6] 11.9346	
	do	23	6	Transwestern Pipeline Co.		10–30–69	[3] 10–1–69	[4] 10–2–69	14.86	[5] [6] 14.9250	
	do	24	6	do		10–30–69	[3] 10–1–69	[4] 10–2–69	14.86	[5] [6] 14.9250	
	do	25	6	do		10–30–69	[3] 10–1–69	[4] 10–2–69	14.86	[5] [6] 14.9250	
	do	33	4	Northern Natural Gas Co.		10–30–69	[3] 10–1–69	[4] 10–2–69	14.50	[5] [6] 14.5218	
	do	35	7	El Paso Natural Gas Co.		10–30–69	[3] 10–1–69	[4] 10–2–69	16.50	[5] [6] 16.5610	
	do	43	3	do		10–30–69	[3] 10–1–69	[4] 10–2–69	16.97	[5] [6] 17.0336	
RI70–520	Hunt Oil Co.	65	4	do		10–27–69	[3] 10–1–69	[14] (Accepted)	[15] 10.949	[5] [6] [15] 10.988	RI68–417.
	do	32	10	Texas Eastern Transmission Corp.		10–27–69	[3] 10–1–69	[4] 10–2–69	[16] 15.91	[5] [6] [16] 15.97	
RI70–521	W. H. Hunt	9	1	Northern Natural Gas Co.		10–27–69	[3] 10–1–69	[4] 10–2–69	15.0	[5] [6] 15.0649	
RI70–522	Pioneer Production Corp. et al.	13	4	El Paso Natural Gas Co.		10–28–69	[3] 10–1–69	[4] 10–2–69	16.5	[5] [6] 16.5619	
RI70–523	Odessa Natural Gasoline Co.	1	7	do		10–29–69	[3] 10–1–69	[4] 10–2–69	14.5	[5] [6] 14.5544	
RI70–524	Monsanto Co.	5	11	do		10–29–69	[3] 10–1–69	[4] 10–2–69	14.5	[5] [6] 14.554	
	do	12	8	do		10–29–69	[3] 10–1–69	[4] 10–2–69	14.22	[5] [6] 14.2744	
	do	39	4	Transwestern Pipeline Co.		10–29–69	[3] 10–1–69	[4] 10–2–69	14.4	[5] [6] 14.463	
	do	89	2	do		10–29–69	[3] 10–1–69	[4] 10–2–69	14.97	[5] [6] 15.0354	
	do	92	2	do		10–29–69	[3] 10–1–69	[4] 10–2–69	17.25	[5] [6] 17.3255	
	do	37	3	Northern Natural Gas Co.		10–29–69	[3] 10–1–69	[4] 10–2–69	16.5	[5] [6] 16.562	
	do	48	6	do		10–29–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.064	
	do	88	1	Transwestern Pipeline Co.		10–29–69	[3] 10–1–69	[4] 10–2–69	18.224	[5] [6] 18.304	
	do	94	2	do		10–29–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.0744	
RI70–525	Pennzoil United, Inc.	15	4	do		10–29–69	[3] 10–1–69	[4] 10–2–69	15.86	[5] [6] 15.9294	
	do	18	2	Natural Gas Pipeline Co. of America		10–29–69	[3] 10–1–69	[4] 10–2–69	16.4	[5] [6] 16.4615	
RI70–526	David Fasken (Operator) et al.	2	3	Transwestern Pipeline Co.		10–30–69	[3] 10–1–69	[4] 10–2–69	14.5	[5] [6] 14.5634	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–527	David Fasken et al.	5	5	El Paso Natural Gas Co.		10–30–69	[3] 10–1–69	[4] 10–2–69	15.91	[5] [6] 15.9697	
RI70–528	Atlantic Richfield Co. (Operator) et al.	181	14	Texas Eastern Transmission Corp.		10–29–69	[3] 10–1–69	[4] 10–2–69	15.0	[5] [6] 15.0656	
	do	361	15	do		10–29–69	[3] 10–1–69	[4] 10–2–69	15.0	[5] [6] 15.06563	
	do	288	2	Northern Natural Gas Co.		10–29–69	[3] 10–1–69	[4] 10–2–69	15.0	[5] [6] 15.0563	
	do	584	3	Natural Gas Pipeline Co. of America		10–29–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.06375	
RI70–529	Atlantic Richfield Co.	307	2	Panhandle Eastern Pipe Line Co.		10–29–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.0638	
	do	352	10	Lone Star Gas Co.		10–29–69	[3] 10–1–69	[4] 10–2–69	[17] 14.49	[5] [6] 14.525	
						10–29–69	[3] 10–1–69	[18] Accepted	[18] 16.10	[5] [6] 16.140	
	do	549	1	do		10–29–69	[3] 10–1–69	[4] 10–2–69	14.49	[5] [6] 14.525	
	do	579	3	do		10–29–69	[3] 10–1–69	[4] 10–2–69	14.49	[5] [6] 14.525	
	do	614	1	Cities Service Gas Co.		10–29–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.085	
	do	285	[19] 6	Northern Natural Gas Co.		10–29–69	[3] 10–1–69	[4] 10–2–69	[20] 17.0	[5] [6] 17.0638	
						10–29–69	[3] 10–1–69	[21] Accepted	[21] 18.0	[5] [6] 18.0675	
	do	490	[19] 5	do		10–29–69	[3] 10–1–69	[4] 10–2–69	[20] 17.0	[5] [6] 17.06375	
						10–29–69	[3] 10–1–69	[22] (Accepted)	[24] 18.0	[5] [6] 18.0675	
	do	386	13	Texas Gas Transmission Corp.		10–29–69	[3] 10–1–69	[4] 10–2–69	15.0	[5] [6] 15.05625	
	do	563	1	Natural Gas Pipeline Co. of America		10–29–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.06375	
RI70–530	Union Oil Co. of California (Operator) et al.	86	1	Northern Natural Gas Co.		10–27–69	[3] 10–1–69	[4] 10–2–69	15.0	[5] [6] 15.05625	
RI70–531	Hunt Oil Co. (Operator) et al.	1	11	Texas Gas Transmission Corp.		10–27–69	[3] 10–1–69	[4] 10–2–69	15.0	[5] [6] 15.0649	
RI70–532	Milton F. Shaffer (Operator) et al.	6	1	Colorado Interstate Gas Co.		10–27–69	[3] 10–1–69	[4] 10–2–69	16.5	[5] [6] 16.561875	
	do	4	3	Northern Natural Gas Co.		10–27–69	[3] 10–1–69	[4] 10–2–69	16.5	[5] [6] 16.561875	
RI70–533	The Pipe Investment Co.	1	5	Kerr-McGee Corp.		10–27–69	[3] 10–1–69	[4] 10–2–69	12.1536	[5] [6] 12.2136	
RI70–534	Sohio Petroleum Co.	106	1	Mississippi River Fuel Corp.		10–28–69	[3] 10–1–69	[4] 10–2–69	15.0	[5] [6] 15.0625	
RI70–535	Excelsior Oil Corp. et al.	8	2	Kansas-Nebraska Natural Gas Co., Inc.		10–24–69	[3] 10–1–69	[4] 10–2–69	17.0	[5] [6] 17.06375	
RI70–536	Colorado Oil & Gas Corp.	38	1	Natural Gas Pipeline Co. of America		10–29–69	[3] 10–1–69	[4] 10–2–69	16.0	[5] [6] 16.06	
RI70–537	J. M. Hawley (Operator) et al.	1	15	Phillips Petroleum Co.		10–22–69	[3] 10–1–69	[4] 10–2–69	[20] 12.5	[5] [6] [20] 12.53125	
	do	4	12	do		10–22–69	[3] 10–1–69	[4] 10–2–69	[20] 12.5	[5] [6] [20] 12.53125	
RI70–538	W. H. Taylor Estate (Operator) et al.	1	17	do		10–22–69	[3] 10–1–69	[4] 10–2–69	[20] 12.5	[5] [6] [20] 12.53125	
RI70–539	Martha Clayton Estes (Operator) et al.	2	12	do		10–27–69	[3] 10–1–69	[4] 10–2–69	[20] 12.5	[5] [6] [20] 12.53125	
RI70–540	Jane Clayton Russell (Operator) et al.	1	9	do		10–27–69	[3] 10–1–69	[4] 10–2–69	[20] 12.5	[5] [6] [20] 12.53125	

[3] Waiver of notice is being granted pursuant to the Commission's Order No. 390, issued Oct. 10, 1969.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Applicable to Hamon Field sales.
[8] Applicable to new gas well gas.
[9] Applicable to Halley Field sales.
[10] Applicable to casinghead gas.
[11] Applicable to Keystone Field sales.
[12] Applicable to old gas well gas and casinghead gas.
[13] Applicable to Crawar Field sales.
[14] Accepted subject to the rate suspension proceeding in Docket No. RI68–417.
[15] Ellenburger gas.
[16] Bromide gas.
[17] Present effective firm rate.
[18] Rate suspended in Docket No. RI69–746 until Dec. 1, 1969.
[19] Accepted subject to the rate suspension proceeding in Docket No. RI69–746.
[20] Initial certificated rate.
[21] Rate suspended in Docket No. RI69–820 until Jan. 1, 1970.
[22] Accepted subject to the rate suspension proceeding in Docket No. RI69–820 until Jan. 1, 1970.
[23] Applicable to Texas production only. Rate Schedule also covers production in Oklahoma Panhandle Area.
[24] Rate in effect subject to refund in Docket No. RI69–746.
[25] Accepted subject to the rate suspension proceeding in Docket No. RI69–746.
[26] Sweet gas rate. Subject to a deduction of 0.4466 cent for sour gas.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

Hunt Oil Co. (Hunt) proposes a tax reimbursement increase to a rate that is suspended in Docket No. RI68–417.[27] Atlantic Richfield Co. (Atlantic) also proposes tax reimbursement increases to rates that are suspended in Dockets Nos. RI69–746,[28] RI69–820,[29] and RI69–746.[30] In this situation, we conclude that Hunt and Atlantic's proposed tax increases should be accepted for filing subject to the suspension proceedings in said dockets to become effective as of the expiration date of the suspension periods previously ordered therein at the earliest.

[F.R. Doc. 69–14191; Filed, Dec. 3, 1969; 8:45 a.m.]

[27] 10.988-cents rate contained in Supp. No. 4 to Hunt's FPC Gas Rate Schedule No. 65. (Docket No. RI68–417.)

[28] 16.140-cents rate contained in Supp. No. 10 to Atlantic's FPC Gas Rate Schedule No. 352. (Docket No. RI69–746.)

[29] 18.0675-cents rate contained in Supp. No. 6 to Atlantic's FPC Gas Rate Schedule No. 285. (Docket No. RI69–820.)

[30] 18.0675-cents rate contained in Supp. No. 5 to Atlantic's FPC Gas Rate Schedule No. 490. (Docket No. RI69–746.)

[1] Does not consolidate for hearing or dispose of the several matters herein.

[Docket No. RI69–362 etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 21, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred

until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 5, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate [1]
RI69-362..	Skelly Oil Co. (Operator) et al.	46	21	El Paso Natural Gas Co., San Juan Basin, N. Mex.	$6,417	10-23-69	11-23-69	[2] 11-23-69	14.0593	15.0593
RI69-362	do	141	18	do	14,367	10-23-69	11-23-69	11-23-69	14.0593	15.0593
RI69-362	do	157	8	do	332	10-23-69	11-23-69	11-23-69	14.0593	15.0593
RI70-501..	Sun Oil Co.	66	1 to 18	United Gas Pipe Line Co., Mississippi.	80	11- 4-69	12- 5-69	[3] 4-24-70	22	23
RI70-543	do	77	8	do	6,000	10-24-69	11-24-69	4-24-70	20	23
RI70-544..	Sun Oil Co.—DX Division	81	18	El Paso Natural Gas Co. Permian Basin.	571	10-23-69	11-23-69	4-23-70	18.3105	19.3278
	do	92	11	do	1,291	10-23-69	11-23-69	4-23-70	18.3105	19.3278
	do	93	13	do	3,032	10-23-69	11-23-69	4-23-70	18.3105	19.3278
	do	94	12	do	741	10-23-69	11-23-69	4-23-70	18.3105	19.3278
	do	133	8	do	586	10-23-69	11-23-69	4-23-70	15.2588	16.2760
RI70-545..	Shell Oil Co. (Operator) et al.	309	14	Montana-Dakota Utilities Co., Wyoming.	5,383	10-23-69	11-23-69	10-24-69	15.384	15.5378
	do	309	15	do	35,350	10-23-69	11-30-69	4-30-70	15.5378	16.5478
RI70-546..	Aztec Oil & Gas Co. (Operator) et al.	4	31	El Paso Natural Gas Co., San Juan Basin, N. Mex.	55	10-24-69	11-24-69	[4] 11-25-69	13	13.0551

[1] Each of the proposed rates and charges exceed the applicable just and reasonable rate, or area rate ceiling.

[2] Filing reflects a 1-cent minimum guarantee for liquids to be included in the increased rate presently being collected subject to refund in Docket No. RI69-362.

[3] Filing is accepted, subject to refund, as a corrected proposed rate increase in Docket No. RI70-501.

[4] Filing reflects a tax reimbursement increase applicable to deliveries to be made from acreage added to the contract. The proposed increase is suspended for 1 day from the proposed effective date, or for 1 day from the date of initial delivery of gas from said added acreage, whichever is later.

Each of the proposed rates and charges exceed the applicable area just and reasonable rate, or, where such has not been determined, the applicable area increased rate ceiling set forth in the Commission's Statement of General Policy No. 61–1, as amended. Except as otherwise indicated below the proposed rates should be suspended for 5 months.

In Docket No. RI70–501, Sun with respect to its Rate Schedule No. 66 has made a corrective rate filing proposing to increase its rate for gas sold from all acreage covered by its rate schedule to the same rate shown in its prior filing which was applicable only to certain acreage covered by the basic contract. The prior rate filing was suspended to April 24, 1970, in Docket No. RI70–501. The present filing is accepted for filing in Docket No. RI70–501 subject to the same suspension period applicable to Sun's earlier filing.

Skelly's proposed increases reflect payment for the 1-cent minimum guarantee for liquids. Skelly's underlying rates are now being collected subject to refund in Docket No. RI69–362. Skelly requests that it be permitted to collect its proposed increases as of the date it commenced collection of the underlying increases in Docket No. RI69–362. Good cause has not been shown for granting such request. We believe, however, that it is appropriate in view of the nature of the filing to permit the proposed rates to become effective, subject to refund in Docket No. RI69–362, as of the expiration of the 30 day statutory notice period.

Supplement No. 14 to Shell's Rate Schedule No. 309 involves a proposed increase reflecting partial reimbursement of a severance tax recently enacted by the State of Wyoming. The increase reflects a double amount of tax reimbursement to provide for reimbursement applicable to past production back to January 1, 1968, as well as to future production. Accordingly, this increase will be suspended for only 1 day from the date of filing. Shell is hereby required to file a notice of change reducing its rate to eliminate the portion of the proposed increase applicable to reimbursement of taxes attributable to past production after such tax reimbursement has been recovered. Shell will be required to refund any reimbursement relating to the Wyoming Severance Tax collected in the section 4(e) proceeding in the event the tax is for any reason held invalid upon judicial review.

Aztec's rate filing involves a tax reimbursement increase for a sale in the San Juan Basin, and it should therefore be suspended for 1 day.

Since Aztec and Shell have previously filed general undertakings which have been accepted, the proposed rates contained in Supplement No. 31 to Aztec's Rate Schedule No. 4 and Supplement No. 14 to Shell's Rate Schedule No. 309 will become effective, subject to refund, as of the expiration of the 1 day suspension periods ordered herein without any further action by these producers either in the form of a motion under section 4(e) of the Act or additional refund assurance.

[F.R. Doc. 69–14192; Filed, Dec. 3, 1969; 8:45 a.m.]

[Docket No. G–6668 etc.]

SIGNAL OIL AND GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 25, 1969.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to section 2.56 of the Commission's general policy and interpretations as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition. In the event applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–6668 E 11–6–69	Signal Oil & Gas Co., a division of The Signal Cos., Inc. (successor to Service Gas Products Co.), 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	Lone Star Gas Co., Doyle Plant, Stephens County, Okla.	14.0	14.65
G–17206 E 11–3–69	Aztec Oil & Gas Co. (successor to El Paso Products Co.), 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	[1] 14.0536	15.025
C161–689 E 6–20–67	Occidental Petroleum Corp. (successor to McWood Corp.), 9000 Stockdale Highway, Bakersfield, Calif. 93308.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Potrero Lopeno Field, Kenedy County, Tex.	17.24347	14.65
C162–739 E 11–6–69	Signal Oil & Gas Co., a division of The Signal Cos., Inc. (successor to Service Gas Products Co.).	Lone Star Gas Co., West Hoover Plant, Garvin County, Okla.	15.0	14.65
C162–999 E 11–3–69	Expando Production Co. (successor to Hugh A. Hawthorne), 607 Hamilton Bldg., Wichita Falls, Tex. 76301.	United Gas Pipe Line Co., South Elton Field, Jefferson Davis Parish, La.	[2] 19.25	15.025
C168–577 E 11–6–69	Signal Oil & Gas Co., a division of The Signal Cos., Inc. (successor to Service Gas Products Co., Operator).	Lone Star Gas Co., Doyle Plant, Stephens County, Okla.	15.0	14.65
C168–751 E 6–30–67	Occidental Petroleum Corp. (successor to McWood Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Petrero Lopeno Field, Kenedy County, Tex.	16.0	14.6
C164–41 E 11–3–69	Expando Production Co. (successor to Hugh A. Hawthorne (Operator) et al.).	Texas Gas Transmission Corp., North Tepetate Field, Acadia Parish, La.	[3] 15.75	15.025
C164–1136 E 10–29–69	Triton Oil & Gas Corp. (successor to Sun Oil Co.), 720 Republic National Bank Tower, Dallas, Tex. 75201.	United Gas Pipe Line Co., Orange Grove and Quinlo Creek Fields, Jim Wells County, Tex.	[3] 14.1792	14.65
C165–417 E 11–10–69	Brammer Engineering, Inc. (successor to J. C. Trahan, Drilling Contractor, Inc.), Post Office Box 7346, Shreveport, La. 71107.	United Gas Pipe Line Co., Liberty Hill Field, Blewville Parish, La.	13.0	15.025
C166–405 E 11–3–69	Expando Production Co. (successor to Hugh A. Hawthorne).	Michigan Wisconsin Pipe Line Co., South Elton Field, Jefferson Davis Parish, La.	[4] 19.75	15.025
C166–406 E 11–3–69	do	United Gas Pipe Line Co., South Elton Field, Jefferson Davis Parish, La.	[4] 18.0	15.025
C166–853 E 11–5–69	Signal Oil & Gas Co., a division of The Signal Cos., Inc. (successor to Service Gas Products Co. (Operator) et al.).	Panhandle Eastern Pipe Line Co., East Aline Processing Plant, Allen Hills County, Okla.	[5] 15.0	14.65
C166–942 C 11–13–69	Pan American Petroleum Corp. (Operator) et al.,[6] Post Office Box 591, Tulsa, Okla. 74102.	Northern Natural Gas Co., Wildcat Field, Ellis County, Okla.	[7] 19.55	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167–663 C 11–10–69	John E. Schalk et al., 915 Midland Savings Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	13.0	15.025
C167–693 C 11–12–69	do	do	13.0	15.025
C167–830 E 11–5–69	Signal Oil & Gas Co., a division of The Signal Cos., Inc. (successor to Service Gas Products Co., Operator).	Michigan Wisconsin Pipe Line Co., Northeast Loreatie Plant, Woods County, Okla.	[8] 17.0	14.65
C168–1347 E 11–4–69	Lone Star Exploration, Inc. (Operator) et al. (successor to Weasely Petroleum Corp., B. B. Weasely Petroleum, Ltd. (Operator) et al.), 2010 Republic Bank Bldg., Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	18.0	14.65
C168–1362 C 10–31–69	B. J. Brown, 701 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Arkansas Louisiana Gas Co., Mansfield Field, Scott and Sebastian Counties, Ark.	15.0	14.65
C168–1436 C 11–7–69	Diamond Shamrock Corp., Post Office Box 631, Amarillo, Tex. 79105.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	[9] 15.0	14.65
C169–194 C 11–12–69	Benco Drilling Co., Inc., et al., c/o John S. Hoyt, Attorney, Post Office Box 648, Weston, W. Va. 26452.	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	22.0	15.325
C170–90 C 11–3–69	Sunset International Petroleum Corp., 2400 Fidelity Union Tower, Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Le Flore County, Okla., and Sebastian County, Ark.	15.0	14.65
C170–232 (G–6662) F 9–8–69 as amended 11–3–69 [10]	W. Russell Birdwell (successor to The Superior Oil Co.), Post Office Box 1837, McAllen, Tex. 78501.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East La Sara Field, Willacy County, Tex.	[11] 17.24347	14.65
C170–401 (G–6674) F 10–22–69 [12]	Adams & McGahey (successor to Pan American Petroleum Corp.), 701 Amarillo Bldg., Amarillo, Tex. 79101.	Phillips Petroleum Co. Oklahoma Hugoton Field, Texas County, Okla.	11.5061	14.65
C170–435 B 11–3–69	Union Producing Co.	Frank S. Kelly et al., Floyd (Epps) Field, East and West Carroll Parishes, La.	(13)	.....
C170–436 A 11–3–69	Bowers Drilling Co., Inc., 1434 Wichita Plaza, Wichita, Kans. 67202.	Cities Service Gas Co., Elna Field, Barber County, Kans.	14.0	14.65
C170–437 B 11–3–69	Houston Natural Gas Production Co., Post Office Box 1188, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Rob Walker Field, Victoria County, Tex.	Depleted	.....
C170–438 B 11–5–69	Neal Rudder, Agent for Rudder Oil & Gas Co., et al., Box 126, Belpre, Ohio 45714.	Equitable Gas Co., Central District, Doddridge County, W. Va.	Depleted	.....
C170–439 B 11–5–69	do	Consolidated Gas Supply Corp., Central District, Doddridge County, W. Va.	Depleted	.....
C170–440 (C161–686) 11–3–69 [14]	William A. and Edward R. Hudson (Operators) et al., 1510 First National Bldg., Fort Worth, Tex. 76102.	Transwestern Pipeline Co., Bell Lake Unit, Lea County, N. Mex.	[15] 18.5	14.65
C170–441 A 11–4–69	Columbus Hobbs, Agent, 4709 Columbus Ct., Ashland, Ky. 41101.	United Fuel Gas Co., acreage in Mingo County, W. Va.	16.0	15.325
C170–442 (C165–522) F 11–6–69	Harold A. Yaffee (successor to J. R. Abraham), c/o B. H. Keyes, Agent, Box 8442, Aztec, N. Mex. 87410.	El Paso Natural Gas Co., Tapacito-Pictured Cliffs Pool, Rio Arriba County, N. Mex.	13.0	15.025
C170–443 B 11–5–69	Houston Natural Gas Production Co. (Operator) et al.	Texas Eastern Transmission Corp., Holzmark-Wilcox Field, Ike County, Tex.	Depleted	.....
C170–444 A 11–6–69	Wilmar Oil, Inc. (Operator) et al., Post Office Box 474, Mattoon, Ill. 61938.	Panhandle Eastern Pipe Line Co., McGill-Nix Gas Unit, Seward County, Kans.	[16] 16.0	14.65

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C170-445 B 11-6-69	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	Montana-Dakota Utilities Co., Garland Field, Big Horn County, Wyo.	Uneconomical	
C170-446 B 11-7-69	Petroleum Promotions, Inc., G-8469 South Saginaw Rd., Grand Blanc, Mich. 48439.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Uneconomical	
C170-447 A 11-7-69	Lock 3 Oil, Coal & Dock Co. et al., 200 Union Carbide Bldg., Parkway Center, Pittsburgh, Pa. 15220.	Consolidated Gas Supply Corp., acreage in Harrison, Barbour, and Upshur Counties, W. Va.	[7] 28.0	15.325
C170-448 A 11-5-69	Apache Corp., Post Office Box 2299, Tulsa, Okla. 74101.	Michigan Wisconsin Pipe Line Co., Northeast Cedardale Area, Major County, Okla.	19.5	14.65
C170-449 B 11-7-69	W. A. Moncrief (Operator) et al., Moncrief Bldg., Ninth at Commerce, Fort Worth, Tex. 76102.	Arkansas Louisiana Gas Co., Excelsior (Pettit) Field, Marion County, Tex.	Depleted	
C170-450 A 11-7-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Southern Natural Gas Co., Main Pass Block 144 Field, Offshore (Federal) Louisiana.	[4] 21.25	15.025
C170-451 A 11-7-69	Texas Oil & Gas Corp. (Operator) et al., 2320 Fidelity Union Tower, Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Salt Dome (Deep) Field, Lavaca County, Tex.	16.0	14.65
C170-452 A 11-10-69	A. D. Lipps and Stanley Yochym, Box 93, Sand Fork, W. Va. 26430.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	25.0	15.325
C170-453 A 11-10-69	Pan American Petroleum Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Ship Shoal Block 176 Field, Offshore Louisiana.	22.25	15.025
C170-454 A 11-10-69	Curran Oil Co. et al., 1801 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	18.0	14.65
C170-455 (C161-1162) F 11-3-69	Clinton Oil Co. (successor to Oil & Gas Futures, Inc.[8]), 217 North Water St., Wichita, Kans. 67202.	Transcontinental Gas Pipe Line Corp., Blocks 5 and 16 Field, Vermilion Area, Offshore Louisiana.	20.625	15.025
C170-456 B 11-5-69	Billy Bridewell, Operator, c/o Walker and Watson, Attorneys, 930 National Foundation Life Bldg., Oklahoma City, Okla. 73112.	Cities Service Gas Co., Northeast Norman Field, Cleveland County, Okla.	Depleted	
C170-458 A 11-12-69	Sun Oil Co. (Sunoco division), 1608 Walnut St., Philadelphia, Pa. 19103.	Florida Gas Transmission Co., Lochridge Field, Brazoria County, Tex.	17.8	14.65
C170-459 A 11-12-69	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., Redwing Field, Washington County, Colo.	10.0	16.4
C170-461 A 11-12-69	Walter Duncan, Post Office Box 211, La Salle, Ill. 61301.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	[10] 19.91	14.65
C170-462 A 11-12-69	Gulf Minerals Inc., 488 The Main Bldg., 1212 Main St., Houston, Tex. 77002.	Trunkline Gas Co., West Nona Mills Field, Hardin County, Tex.	17.0	14.65

[1] Rate in effect subject to refund in Docket No. R164-460.
[2] Includes 1.75-cent tax reimbursement.
[3] Includes 0.1792-cent tax reimbursement. Rate in effect subject to refund in Docket No. R168-670.
[4] Includes 1.5-cent tax reimbursement.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Contract provides for rate of 18 cents per Mcf, plus B.t.u. adjustment; however, Applicant states its willingness to accept certificate at 17 cents per Mcf, plus B.t.u. adjustment.
[7] Includes 2.55-cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[8] No permanent certificate issued; temporary authorization granted only.
[9] Subject to upward B.t.u. adjustment.
[10] Application was previously noticed Sept. 22, 1969, in Dockets Nos. G-4953 et al., as an initial service and at a total initial rate of 17.8 cents per Mcf. By amendment filed Oct. 31, 1969, Applicant corrected its application to reflect partial succession to Docket No. G-9802 and to change price to read 17.24347 cents per Mcf.
[11] Rate in effect subject to refund in Docket No. G-19610.
[12] By letter filed Nov. 5, 1969, Applicant agreed to accept permanent certificate conditioned as Opinion No. 468 as modified by Opinion No. 468-A.
[13] Application was erroneously noticed Nov. 12, 1969, in Dockets Nos. G-7193 et al. at a total initial rate of 7.1463 cents per Mcf.
[14] Property sold and contract canceled.
[15] Applicants are requesting a certificate to cover their portion of a sale presently covered by Continental Oil Co.'s FPC GRS No. 180 and certificate in Docket No. C161-636.
[16] Rate in effect subject to refund in Docket No. R169-653.
[17] Includes 1 cent per Mcf gathering and transportation charge.
[18] "Et al" party under certificate issued to Ocean Drilling & Exploration Co. (Operator) et al., Docket No. C161-1162.
[19] Includes 0.41-cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 69-14277; Filed, Dec. 3, 1969; 8:45 a.m.]

[Docket No. CP69-251]

MICHIGAN WISCONSIN PIPE LINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Joint Petition To Amend

NOVEMBER 28, 1969.

Take notice that on November 19, 1969, Michigan Wisconsin Pipe Line Co. (Mich-Wis), 1 Woodward Avenue, Detroit, Mich. 48226, and Natural Gas Pipeline Company of America (Natural) 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-251 a joint petition to amend the order of the Commission issued on May 20, 1969, to authorize modifications of the exchange of natural gas and the construction and operation of facilities necessary therefor, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners propose to increase the winter exchange from the presently authorized 25,000 Mcf per day to 100,000 Mcf per day; construct and operate an additional exchange point in Wheeler County, Tex., at the intersection of the Mich-Wis 20-inch Gageby Creek Line and a proposed 10-mile, 16-inch line to be constructed by Natural; a measuring station at the point of interconnection; the use of the Hansford County, Tex., exchange point as a point of delivery both as from Mich-Wis to Natural and from Natural to Mich-Wis; and Mich-Wis will construct a tap connection at the end of its Gageby Creek Line in Wheeler County. The petition to amend states that the proposed modification would be mutually beneficial to petitioners in reducing the required compression and travel distance as well as increasing the volume available to Mich-Wis on its Southeast Transmission system during the winter period and affording Natural more operational flexibility than that possible from the previous authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-14352; Filed, Dec. 3, 1969; 8:45 a.m.]

[Docket No. RP70-18]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 28, 1969.

Take notice that on November 28, 1969, Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective January 1, 1970. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $10,043,252 annually, based on sales for the 12-month period ending July 31, 1969, as adjusted. The proposed changes would increase the commodity charges of the following Transco Rate Schedules by 1 cent per Mcf: CD-1, CD-2, CD-3, G-1, G-2, G-3, OG-1, OG-2, OG-3, E-1, E-2, E-3, ACQ-2, ACQ-3, LTF-2, and LTF-3; the delivery charges of Rate Schedule S-2 would be increased by 1 cent per Mcf; and the firm transportation rates of Rate Schedules X-11 and X-42 would be increased by 0.2 cent per Mcf.

Transco states as the reasons and basis for its proposed change that its expansions during the 3 years since its last rate proceeding have been financed through borrowings at ever-increasing rates of interest, that extensive gathering facilities have been constructed to attach new supplies, that such new supplies have been purchased generally at rates higher than the system average, and that all costs of doing business have been rising in recent years. The proposed rates include a claimed rate of return of 7.25 percent.

Transco requests that the proposed tariff sheets be made effective on January 1, 1970, without suspension. In its filing Transco has indicated certain conditions it would accept as part of an order approving its proposed changes without suspension. These conditions essentially carry forward and update the obligations undertaken by Transco in its last rate proceeding in Docket No. RP67-3. In addition, there is included a moratorium under which Transco agrees, subject to exceptions for changes in laws relating to Federal income tax depreciation and cost of purchased gas, not to place in effect any rate increase prior to January 1, 1971, after full suspension under the Natural Gas Act.

Copies of the filing were served on Transco's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-14353; Filed, Dec. 3, 1969; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

WILLIAM C. WAGNER

Notice of Granting of Relief

Notice is hereby given that William C. Wagner of Edmonds, Wash., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on September 21, 1933, in the Grand Haven, Mich., Court; and July 29, 1955, in the U.S. District Court for the Western District of Washington, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William C. Wagner, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for William C. Wagner to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William C. Wagner's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that William C. Wagner be, and he hereby is, granted relief from any and all disabilites imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 24th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-14439; Filed, Dec. 3, 1969; 8:50 a.m.]

RALPH DRAYTON WEST

Notice of Granting of Relief

Notice is hereby given that Ralph Drayton West, Moncks Corner, S.C., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 4, 1942, in the U.S. District Court for the Eastern District of South Carolina, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ralph D. West because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ralph D. West to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ralph D. West's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Ralph D. West be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 26th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commisisoner of Internal Revenue.

[F.R. Doc. 69-14440; Filed, Dec. 3, 1969; 8:50 a.m.]

HUMPHREY WILLIS

Notice of Granting of Relief

Notice is hereby given that Humphrey Willis, 2163 Lyman Street, Detroit, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 14, 1938, in the Recorders Court, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Humphrey Willis because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Willis to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Humphrey Willis' application and:

(1) I have found that the conviction was made upon a charge which did not

involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Humphrey Willis be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of November 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-14441; Filed, Dec. 3, 1969; 8:50 a.m.]

Office of the Secretary

FIXED RESISTORS OF CARBON COMPOSITION FROM JAPAN

Notice of Tentative Negative Determination

NOVEMBER 28, 1969.

Information was received on August 10, 1967, that fixed resistors of carbon composition from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of October 25, 1967, on page 14780.

I hereby make a tentative determination that fixed resistors of carbon composition from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement Of Reasons On Which This Tentative Determination Is Based: Based on available information it was determined that for fair value purposes purchase price or exporter's sales price should be compared with the applicable adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b. or c.i.f. price for exportation to the United States the included freight charges and an export inspection fee.

Exporter's sales price was calculated by deducting from the resale price in the United States such applicable items as ocean freight and insurance, U.S. duty, brokerage fees, inland freight, selling expenses incurred in the United States, repacking, cost of cutting and forming lead wires, and an export inspection fee.

Adjusted home market price was computed on the basis of the weighted-average delivered price. From such price was deducted, as applicable, inland freight charges, and differences in credit terms. Where appropriate, a deduction was made for bad debts incurred in home market sales. Adjustments were made for differences in packing costs.

Comparison of purchase price or exporter's sales price with adjusted home market price revealed that adjusted home market price was not higher than purchase price or exporter's sales price except in a few instances. The exporters upon being advised of these sales at less than the adjusted home market price provided assurances that they would make no future sales at less than home market price.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14442; Filed, Dec. 3, 1969; 8:50 a.m.]

AMINOACETIC ACID (GLYCINE) FROM JAPAN

Determination of Sales at Not Less Than Fair Value

NOVEMBER 28, 1969.

On October 7, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that Aminoacetic Acid (Glycine) from Japan is not being sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until November 7, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that for the reasons stated in the tentative determination, Aminoacetic Acid (Glycine) from Japan is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14443; Filed, Dec. 3, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Alabama, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ALABAMA

Baldwin.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14398; Filed, Dec. 3, 1969; 8:48 a.m.]

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arkansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Baxter.	Montgomery.
Carroll.	Newton.
Garland.	Perry.
Madison.	White.
Marion.	Yell.
Miller.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14399; Filed, Dec. 3, 1969; 8:48 a.m.]

ILLINOIS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Illinois, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Calhoun.	Lawrence.
Clark.	McDonough.
Clay.	Marion.
Clinton.	Massac.
Crawford.	Monroe.
Cumberland.	Perry.
Edwards.	Pope.
Effingham.	Randolph.
Franklin.	Richland.
Gallatin.	Saline.
Hamilton.	Schuyler.
Hancock.	Wabash.
Hardin.	Washington.
Jackson.	Wayne.
Jasper.	White.
Jefferson.	Williamson.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14400; Filed, Dec. 3, 1969; 8:48 a.m.]

LOUISIANA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named parishes in the State of Louisiana, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

Acadia.	Catahoula.
Allen.	De Soto.
Beauregard.	East Carroll.
Bienville.	Evangeline.
Bossier.	Franklin.
Caddo.	Jackson.
Calcasieu.	Jefferson Davis.
Caldwell.	Lafayette.
Cameron.	LaSalle.
Concordia.	Lincoln.

LOUISIANA—Continued

Madison.	Sabine.
Morehouse.	Saint Martin.
Natchitoches.	Tensas.
Ouachita.	Union.
Pointe Coupee.	Vermilion.
Red River.	West Carroll.
Richland.	Winn.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named parishes after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14401; Filed, Dec. 3, 1969; 8:48 a.m.]

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Mississippi, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Bolivar.	Humphreys.
Choctaw.	Monroe.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14402; Filed, Dec. 3, 1969; 8:48 a.m.]

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Mississippi, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Coahoma.	Sunflower.
Lafayette.	Tallahatchie.
Leflore.	Tunica.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14403; Filed, Dec. 3, 1969; 8:48 a.m.]

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Carolina, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Bladen.	Lenoir.
Columbus.	Pender.
Duplin.	Pitt.
Greene.	Robeson.
Hoke.	Sampson.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14404; Filed, Dec. 3, 1969; 8:48 a.m.]

Packers and Stockyards Administration

WAYCROSS LIVESTOCK MARKET, ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
GEORGIA	
Waycross Hog & Cattle Market, Waycross, July 13, 1959.	Waycross Livestock Market, July 14, 1969.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ILLINOIS	
Jennings Sales Company, Macomb, Dec. 3, 1959---	Jennings Sales Company, Inc., Nov. 1, 1969.
IOWA	
Mahaska Sales Co., Inc., Oskaloosa, Aug. 20, 1964--	Mahaska Sales Co., May 4, 1969.
LOUISIANA	
Franklin Livestock Auction, Inc., Winnsboro, May 23, 1957.	Franklin Livestock Auction, Oct. 1, 1969.
MINNESOTA	
Porter Livestock Auction Company, Porter, Apr. 6, 1966.	Porter Livestock Auction Market Co., Sept. 1, 1969.
MISSISSIPPI	
Knight Brothers Sales, Louisville, Feb. 9, 1959---	Winston County Community Sales, Nov. 7, 1969.
WASHINGTON	
Washington Livestock Market Co., Ellensburg, Nov. 30, 1967.	Producers Livestock Marketing Association, Sept. 30, 1969.
Washington Livestock Market Co., Quincy, July 22, 1964.	Producers Livestock Marketing Association, Oct. 13, 1969.

Done at Washington, D.C., this 26th day of November 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-14397; Filed, Dec. 3, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, PURCHASES AND NUMBER OF ESTABLISHMENTS

Notice of Consideration To Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1970 the Annual Retail Trade Survey which has been conducted each year under title 13, United States Code, sections 181, 224, and 225, to collect data covering yearend inventories, purchases, annual sales, and number of retail stores operated as of the end of the year. This survey, covering 1969, which provides important information on retail inventories and sales-inventory ratios, is the only continuing source available on a comparable classification basis and on a sufficiently timely basis for use as the benchmark for monthly inventory estimates. It also assists in establishing a benchmark for the geographic area distribution of sales.

On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than 30 days after the publication of this notice in the FEDERAL REGISTER.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sample stores on the basis of their sales size, selection in Census list sample mail panel and location in Census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey, submitted in writing to the Director of the Bureau of the Census within 30 days after the date of this publication, will receive consideration.

Dated: November 26, 1969.

GEORGE H. BROWN,
Director, Bureau of the Census.

[F.R. Doc. 69-14413; Filed, Dec. 3, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-143; NDA No. 10-042, 10-248, 10-715]

WILLIAM S. MERRELL CO.

Frenquel (Azacyclonol Hydrochloride); Notice of Opportunity for Hearing

In a notice published in the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6003), The Wm S. Merrell Co., division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215, the holder of new-drug applications for Frenquel (azacyclonol hydrochloride) Injection and Frenquel Tablets (20 and 100 milligrams), and any other interested person, were invited to submit any pertinent data bearing on the announced intention of the Commissioner of Food and Drugs to initiate proceedings to withdraw approval of the new-drug applications, based on a lack of substantial evidence that the drug is effective for any of the claims made in the labeling.

The Wm. S. Merrell Co. submitted material on April 29, May 13, and September 3, 1969. The information received was reviewed and, considered together with other available information, does not provide substantial evidence of effectiveness of the drug for its recommended use in man.

Therefore, notice is hereby given to The Wm. S. Merrell Co., division of Richardson-Merrell, Inc., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new-drug applications for Frenquel Injection (NDA 10-248) containing 5 milligrams of azacyclonol hydrochloride per cubic centimeter, Frenquel Tablets containing 20 milligrams (NDA 10-042) and Frenquel Tablets containing 100 milligrams (NDA 10-715) of azacyclonol hydrochloride per tablet, and all amendments and supplements thereto, on the grounds that:

New information before the Commissioner with respect to such drug, evaluated together with the evidence available to him when the applications were approved, shows that there is a lack of substantial evidence that this drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of new-drug applications No. 10-042, 10-248, and 10-715, should not be withdrawn. Promulgation of the order will cause any drug for human use containing azacyclonol hydrochloride, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug applications. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commisisoner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they are required to file a written appearance requesting the hearing, giving the reasons why approval of the new-drug applications should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of the opposition to the notice of opportunity for a hearing. The request must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If a hearing is requested and is justified by the response to the notice of opportunity for hearing, the issues will be defined, a hearing examiner will be appointed, and he shall issue a written notice of the time and place at which the hearing will commence (34 F.R. 14596, Sept. 19, 1969).

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 26, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14369; Filed, Dec. 3, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-326]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 25, 1969 (34 F.R. 17347), the Atomic Energy Commission (the Commission) has issued Facility License No. R-116 to The Regents of the University of California. The facility license authorizes the licensee to possess, use and operate the TRIGA Mark I pulsing research reactor at Irvine, Calif.

The Commission has found that the application for facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR, chapter I.

Copies of the facility license and a related Safety Evaluation prepared by the Division of Reactor Licensing may be obtained at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of November 1969.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-14350; Filed, Dec. 3, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 21662; Order 69-12-5]

ALLSTATES AIR CARGO, INC.

Increased Excess Valuation Rate; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of December 1969.

By tariff revision[1] marked to become effective December 12, 1969, Allstates Air Cargo, Inc. (Allstates) an air freight forwarder, proposes to increase its excess valuation rate for air freight shipments from 15 cents to 20 cents for each $100 (or fraction thereof) by which the declared value exceeds 50 cents per pound or $50 per shipment, whichever is higher.

The forwarder does not present any justification in support of its proposal.

Upon consideration of all relevant matters, the Board finds that the proposed rate may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Allstates' proposal involves increasing its rate by 33⅓ percent, but no basis has been advanced by the forwarders for such increase.[2] With relatively few exceptions, the air freight forwarders publish excess valuation rates for general domestic traffic amounting to $0.10 or $0.15 per $100 of excess declared value.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions and charges in Rule No. 100, paragraph 1(b), on 4th Revised Page 9 of Allstates Air Cargo, Inc.'s CAB No. 3, and rules, regulations, and practices affecting such provisions and charges, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges, and rules, regulations, or practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the provisions and charges in Rule No. 100, paragraph 1.(b), on 4th Revised Page 9 of Allstates Air Cargo, Inc.'s CAB No. 3, are suspended and their use deferred to and including March 11, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Allstates Air Cargo, Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14409; Filed, Dec. 3, 1969; 8:48 a.m.]

[1] Revision to Allstates Air Cargo, Inc.'s Tariff CAB No. 3 filed Nov. 12, 1969.

[2] Cf., "Increased valuation and c.o.d. charges proposed by Railway Express Agency, Incorporated," 27 C.A.B. 542 (1958). The Board after investigation found REA's proposed increases in excess valuation and c.o.d. charges unjust and unreasonable chiefly on the ground that REA had failed to sustain the burden of coming forward with evidence to show what the increased costs of such services are. In similar actions, the Board suspended, pending investigation, (1) increased excess valuation charges proposed by REA (Order E-13820, May 1, 1959); (2) revision to its liability rule for parcel post shipments proposed in 1965 by WTC (Order E-22846, Nov. 4, 1965); (3) increased excess valuation charges proposed by Bekins Air-van Co. of $1.50 per $100 (Order E-23746, May 27, 1966); (4) increased excess valuation rates for parcel post shipments proposed by WTC Air Freight (Order 69-2-10, Feb. 3, 1969); and (5) increased excess valuation rates by Astro Air Express, Inc., and Comet Air Freight (Order 69-4-26, Apr. 4, 1969), and Eagle Air Dispatch, Inc., (Order 69-10-155, Oct. 31, 1969).

[Docket 20812]

HOUSEHOLD GOODS AIR FREIGHT FORWARDER INVESTIGATION

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 6, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., December 1, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-14410; Filed, Dec. 3, 1969; 8:48 a.m.]

[Docket No. 20993; Order 69-11-124]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority November 26, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the Eighth Meeting of the Joint Specific Commodity Rates Board, held in New York, October 8 through October 14, 1969.

Basically, the agreement, as it applies in air transportation, extends for a further period of effectiveness certain specific commodity rates, under current or amended descriptions, adopted since the Seventh Meeting of the Joint Specific Commodity Rates Board, held in Geneva, November 12 through 15, 1968. In addition to naming a substantial number of rates to added points under existing commodity descriptions and making a limited number of adjustments to existing rates, the agreement also proposes reduced rates under a few new commodity descriptions, and these are set forth in the attachment hereto.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, It is ordered, That:

Action on Agreement CAB 21380 be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

AGREEMENT CAB 21380

REDUCED RATES UNDER NEW COMMODITY DESCRIPTIONS

IATA commodity item number, description, and rates	
1923----	Dried Stomach, 100 cents per kg., minimum weight 500 kgs. New York to Tel Aviv.
2313----	Trousers, 88 cents per kg., minimum weight 500 kgs. Tel Aviv to New York.
9226----	Inflatable Boats, 55 cents per kg., minimum weight 1,000 kgs. Paris to New York.
2418----	Shoes and Slippers, Finished, Shoe and Slipper Soles, Heels and Uppers—Excluding Any Other Parts Thereof:
	130 cents per kg., minimum weight 1,000 kgs. Tokyo to East Coast
	160 cents per kg., minimum weight 1,000 kgs. Tokyo to West Coast
	133 cents per kg., minimum weight 1,000 kgs. Osaka to West Coast
	163 cents per kg., minimum weight, 1,000 kgs. Osaka to East Coast

[F.R. Doc. 69-14411; Filed, Dec. 3, 1969; 8:48 a.m.]

[Docket No. 20993; Order 69-11-115]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority November 25, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 11, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-1:	
Commodity Item 9513	Handicraft Products, Namely Textiles, Metal, Wood, Cork, Straw, Wicker, Leather, Clay, Ceramic, Stone and Glass Articles, 138 cents per kg., minimum weight 500 kgs., 120 cents per kg., minimum weight 1,000 kgs., Karachi to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21380, R-1, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14412; Filed, Dec. 3, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

ASSOCIATE DIRECTOR FOR CORRECTIONAL PROGRAM DEVELOPMENT

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found on November 20, 1969, a manpower shortage for the single position of Associate Director for Correctional Program Development, GS-101-15, Department of Corrections, Government of the District of Columbia, Washington, D.C. This finding will terminate when the position is filled.

The appointee to this position may be paid for the expense of travel and transportation to first post of duty, assuming other legal requirements are met.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14415; Filed, Dec. 3, 1969; 8:49 a.m.]

HIGHWAY SAFETY MANAGEMENT SPECIALIST

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found on November 20, 1969, a manpower shortage for the single position of Highway Safety Management Specialist, GS-2125-13, National Highway Safety Bureau, Federal Highway Administration, Department of Transportation, Washington, D.C. This finding will terminate when the position is filled.

The appointee to this position may be paid for the expense of travel and transportation to first post of duty, assuming other legal requirements are met.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14414; Filed, Dec. 3, 1969; 8:48 a.m.]

ILLUSTRATOR (MEDICAL)

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on November 17, 1969, for a single position of Illustrator (Medical), GS-1020-9, Veterans Administration Hospital, San Francisco, Calif. The finding is self-canceling when used.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14413; Filed, Dec. 3, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Chief, Local Liaison Division, Office of Government Liaison, Assistant Secretary for Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14417; Filed, Dec. 3, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Deputy Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14416; Filed, Dec. 3, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 468]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 1, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

2744-C2-P-(4)-70—The Redco Corp., Roy M. Teel and Lowry McKee doing business as Mobilfone (KKA341), C.P. for four additional channels to operate on frequencies 454.175, 454.225, 454.275 and 454.350 MHz at a new site to be identified as location No. 5: 4111 South Darlington, Tulsa, Okla.

2745-C2-ML-(3)-70—Empire Dispatch, Inc. (KAA279), Modification of license to change frequency 454.05 MHz control stations at location No. 1: 0.5 mile southwest of Greeley, Colo., and location No. 4: 1025 Lemay Avenue, Fort Collins, Colo., to: 454.25 MHz. Also change frequency of 459.05 MHz repeater station at location No. 3: Buckhorn Mountain, 15.5 miles west-northwest of Fort Collins, Colo., to: 459.25 MHz.

2834-C2-P-70—Elden Jr. Heinz, doing business as E. J. Mobile Radio Service (New), C.P. for a new 1-way station to be located at southeast corner of Bone and Spring-Valley-Paintersville Road, approximately 7 miles southwest of Jamestown, Ohio, to operate on frequency 35.58 MHz.

2835-C2-AL-70—Answering Service, Inc. (KIF651), Consent to assignment of license from: Answering Service, Inc. Assignor to: Airsignal International, Inc., Assignee.

2836-C2-P-(2)-70—Halstad Telephone Co. (KAI932), C.P. to change antenna system for frequencies 152.63 and 152.81 MHz at station located at Bygland, Minn., Also add 15F2 emission. Correct the coordinates to read: lat. 47°48'46" N., long. 96°56'02" W.

2837-C2-P-70—Answerphone, Inc. (KFL930), C.P. for an additional channel to operate on frequency 454.175 MHz at station located at Lookout Mountain near Golden, Colo.

2838-C2-P-70—Indiana Bell Telephone Co. (KSC366), C.P. to change antenna location to: 2.2 miles east-southeast of Vincennes, Ind., for frequency 152.63 MHz. Also replace transmitter for same.

2856-C2-P-70—Illinois Bell Telphone Co. (KSB660), C.P. to add second channel to operate on frequency 152.57 MHz at station located near Harristown, 5 miles west of Decatur, Ill.

2857-C2-P-70—James G. Prestwood, Jr. (KIE960), C.P. to add a second channel to operate on frequency 152.12 MHz at station located at 1350 Georgia Avenue, North Augusta, S.C.

2858-C2-P-70—Chicago Communication Service Inc. (KSD310), C.P. to change antenna system and replace transmitter operating on frequency 454.150 MHz at station located at 1 North La Salle Street, Chicago, Ill.

2859-C2-TC-70—Doctors' Exchange & Telephone Answering Srvice, Inc. (KLB510), Consent to transfer of control from: Dorothy M. Hamil and Evelyn Holliday Wade, Transferor to: AAA Anserphone, Inc.—Jackson, Transferee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

MCI-North Central States, Inc. (New), The following 16 applications proposes to provide "low cost customized" interstate communications channels among fixed stations at Minneapolis, Minn.; Milwaukee, Wis.; Chicago, Ill.; and intermediate points.

2868–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station Foshay Tower Building, Minneapolis, Minn., at lat. 44°58'38" N., long. 93°16'16" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 150°54'.

2869–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 3.5 miles southeast of Cannon Falls, Minn., at lat. 44°28'01" N., long. 92°52'38" W. Frequencies 6182.4 and 6301.0 MHz on azimuth of 331°10'; 6212.0 and 6330.7 MHz on azimuth of 137°07'.

2870–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 5.8 miles northeast of Rochester, Minn., at lat. 44°04'16" N. long. 92°22'08" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 317°28'; 5989.7 and 6108.3 MHz on azimuth of 124°56'; 11,015 and 11,175 MHz on azimuth of 235°36'.

2871–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 20 Second Avenue SW., Rochester, Minn., at lat. 44°01'24" N., long. 92°27'56" W. Frequencies 11,525 and 11,305 MHz on azimuth of 55°32'.

2872–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 1.5 miles southeast of Arendahl, Minn., at lat. 43°49'05" N., long. 91°52'17" W. Frequencies 6241.7 and 6360.3 MHz on azimuth of 305°18'; 6212.0 and 6330.7 MHz on azimuth of 124°01'.

2873–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 3 miles south of Freeburg, Minn., at lat. 43°34'02" N., long. 91°21'46" W. Frequencies 6019.3 and 6137.9 MHz on azimuth of 304°22'; 5989.7 and 6108.3 MHz on azimuth of 105°12'.

2874–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 1.5 miles west of Sylvan, Wis., at lat. 43°25'31" N., long. 90°39'26" W. Frequencies 6241.7 and 6360.3 MHz on azimuth of 285°41'; 6202.0 and 6330.7 MHz on azimuth of 92°44'.

2875–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 4.5 miles south of North Freedom, Wis., at lat. 43°23'41" N., long. 89°51'51" W. Frequencies 6019.3 and 6137.9 MHz on azimuth of 273°17'; 5989.7 and 6108.3 MHz on azimuth of 104°27'.

2876–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 2.7 miles southwest of Arlington, Wis., at lat. 43°18'37" N., long. 89°25'13" W. Frequencies 6241.7 and 6360.3 MHz on azimuth of 284°45'; 6212.0 and 6330.7 MHz on azimuth of 119°26'; 11,625 and 11,305 MHz on azimuth of 167°46'.

2877–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station Sixth Street, Madison, Wis. at lat. 43°06'13" N. and long. 89°21'33" W. Frequencies 11,015 and 11,175 MHz on azimuth of 347°48'.

2878–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 2.9 miles northwest of Lake Mills, Wis., at lat. 43°06'51" N. long. 88°56'53" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 299°44'; 5989.7 and 6108.3 MHz on azimuth of 100°12'.

2879–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 2.3 miles northeast of Wales, Wis., at lat. 43°02'05" N., long. 88°21'29" W. Frequencies 6241.7 and 6360.3 MHz on azimuth of 280°36'; 6212.0 and 6330.7 MHz on azimuth of 88°13'.

2880–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 1009 North Jackson Street, Milwaukee, Wis., at lat. 43°02'39" N., long. 87°54'18" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 268°31'; 5989.7 and 6108.3 MHz on azimuth of 164°09'.

2881–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station 201 Sixth Street, Racine, Wis., at lat. 42°43'35" N., long. 87°46'58" W. Frequencies 6241.7 and 6360.3 MHz on azimuth of 344°14'; 6212.0 and 6330.7 MHz on azimuth of 185°26'.

2882–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station corner of Sheridan Road and Washington Street, Waukegan, Ill., at lat. 42°21'33" N., long. 87°49'48" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 5°24'; 5989.7 MHz on azimuth of 161°17'.

2883–C1–P–70—MCI-North Central States, Inc. (New), C.P. for a new fixed station John Hancock Building, Chicago, Ill., at lat. 41°53'56" N., long. 87°37'17" W. Frequency 6241.7 MHz on azimuth of 341°25'.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

2884–C2–MP–(2)–70—Edward C. Smith, doing business as Answerite Professional Telephone Service (KLF658). Modification of C.P. to add control frequency 454.10 MHz to be located at Park Plaza Hotel, 431 East Central Boulevard, Orlando, Fla. Also add repeater frequency 459.100 MHz at station located at lot 15/16 Frontage Road 1 mile south of Vineland, Fla.

2885–C2–P–(6)–70—South Central Bell Telephone Co. (KIA960). C.P. to add the fifth and sixth channels to operate on frequencies 152.60 and 152.78 MHz; change antenna system for existing facilities operating on frequencies 152.63, 152.66, 152.72, 152.75 MHz at station located on Red Mountain 1 mile south of downtown Birmingham, Ala.

2886–C2–P–70—Answer-Iowa, Inc. (KCI307), C.P. to change antenna location to: KBUR-FM Tower, Burlington, Iowa, operating on frequency 152.12 MHz.

2887–C2–P–70—Cascade Telephone Co. (New), C.P. for a new 2-way station to be located on Highway 136, approximately 1 mile south of Cascade, Iowa, to operate on frequency 152.66 MHz.

2888–C2–P–70—Marvin Barenblat, doing business as Autophone of San Antonio (KKJ451), C.P. to replace transmitter for frequency 152.15 MHz located at 700 East Hilderbrand, San Antonio, Tex.

Correction

531–C2–P–70—Empire Communications Co. (New), Correct to read: 531–C2–P–70—Empire Communications Co. (KLF595). C.P. for an additional 1-way signaling channel to operate on frequency 158.70 MHz. All other particulars remain the same as reported on public notice dated Aug. 11, 1969. Report No. 452.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Oregon

Empire Communications Co. (KLF595), 531–C2–P–70.
Lane Paging Inc. (New), 1895–C2–P–70.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Georgia

Georgia Mobile Telephone Co. (New), 7478–C2–P–(3)–69.
Jerry D. Vaughan (New), 6420–C2–P–(2)–69.

RURAL RADIO SERVICE

2855–C1–P/L–70—Floyd E. Dugas, doing busines as Jennings Mobilfone (New), C.P. and license for a station to be located in any temporary fixed location within the territory of the grantee to operate on frequency 158.52 MHz.

2891–C1–P–70—Continental Telephone Co. of California (KNB48), C.P. to replace transmitter for frequencies 454.40 and 454.65 MHz at station located at 0.5 mile north of Highway No. 66, 5.4 miles east of Daggett, Calif.

2892–C1–P–70—Continental Telephone Co. of California (KNB49), C.P. to replace transmitter for frequency 459.40 MHz at station located at FAA Vortac Facility, 0.8 mile south-southwest of RR. Siding, Hector, Calif.

2893–C1–P–70—Continental Telephone Co. of California (KNB49), C.P. to replace transmitter for frequency 459.65 MHz at station located at 1.5 miles south-southeast of Manix, Calif.

2889–C1–P/L–70—James T. Whitaker (KJB32), C.P. and license to reinstate expired license. Frequency: 158.49 MHz. Location: (15 units) In any temporary fixed location within the territory of the Grantee.

2890–C1–P/L–70—Robert W. Beasley, doing business as Blue Mountain Phone Co. (KVD62), C.P. and license to reinstate expired license. Frequency: 158.61 MHz. Location: (10 units) In any temporary fixed location within the territory of the Grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1664–C1–ML–70—Golden West Telephone Co. (KNK51), Modification of license to change frequencies to 6197.2 and 6315.9 MHz toward Big Maria Mountain, Calif. Location: 400 East Rice Street, Blythe, Calif.

1665–C1–ML–70—Golden West Telephone Co. (KPJ28), Modification of license to change frequencies to 5945.2 and 6063.8 MHz toward Black Metal Mountain, Calif., and delete all facilities toward Big Maria Mountain, Calif. Location: 912 12th Street, Parker, Ariz.

2894–C1–P–70—The Mountain States Telephone & Telegraph Co. (KLF82), C.P. to change frequency from 2112.4 MHz to 4090 and 4170 MHz toward Tinnie, N. Mex., and add frequencies 4110 and 4190 MHz toward Alto, N. Mex. Location: 4.5 miles southeast of White Oaks, N. Mex.

2895–C1–P–70—The Mountain States Telephone & Telegraph Co. (KLF83), C.P. to change frequency from 2160 MHz to 3950 and 4030 MHz toward Roswell, N. Mex., and change from 2162.4 to 3970 and 4050 MHz toward White Oaks, N. Mex., and replace transmitters operating on same. Location: 4.3 miles north of Tinnie, N. Mex.

2896–C1–P–70—The Mountain States Telephone & Telegraph Co. (KLF84), C.P. to change frequency from 2110.8 MHz to 4110 and 4190 MHz toward Tinnie, N. Mex., and replace transmitters operating on same. Location: 311 North Richardson Street, Roswell, N. Mex.

2897–C1–P–70—South Central Bell Telephone Co. (KIY28), C.P. to add frequency 10.855 MHz toward Dawson Springs, Ky. Location: Approximately 5.8 miles east of Princeton, Ky.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2843–C1–P–70—Microwave Service Co. (KUV91), C.P. to add frequency 6409.0 MHz toward Columbus, Miss., via power-split. Location: 0.5 mile northwest of West Point, Miss., at lat. 33°39'55" N., long. 88°36'50" W. (Informative: Applicant proposes to provide the television signal of WHBQ–TV to Columbus TV Cable Corp. in Columbus, Miss.)

2844–C1–P–70—Mountain Microwave Corp. (KCM78), C.P. to power-split frequencies 5960.0, 6019.4, 6050.0, 6078.6, and 6138.0 MHz on azimuth 27°01'. Location: 17 miles southwest of Fort Morgan, Colo., at lat. 40°01'46" N., long. 103°56'31" W. (Informative: Applicant proposes to provide the television signals of KRMA–TV, KWGN–TV, KOA–TV, KBTV, and KLZ–TV of Denver, Colo., to Community Tele-Communications, Inc., in Fort Morgan, Colo.)

2845–C1–ML–70 and 2846–C1–ML–70—Andrews Tower Rentals, Inc. (KLN78) (KLN79), Modification of licenses to permit carriage of audio programing of Station KWXI–FM to Radio Station KBWD in Brownwood, Tex.

2847–C1–MP–70—American Television Relay, Inc. (KKT84), Modification of C.P. to change frequencies to 5960.0, 6019.3, 6078.6, and 6167.6 MHz on azimuths 314°23', and 41°20'. Location: 8.2 miles southeast of Bernalillo, N. Mex., at lat. 35°12'40" N., long. 106°26'57" W.

[F.R. Doc. 69–14420; Filed, Dec. 3, 1969; 8:49 a.m.]

[Docket No. 18741; FCC 69–1261]

TRI-CITY TELEPHONE CO.

Memorandum Opinion and Order Instituting a Hearing

In the matter of petition of Tri-City Telephone Co., Schenectady, N.Y., pursuant to section 201(a) of the Communications Act of 1934, as amended, for establishment of physical connection between its facilities and those of the New York Telephone Co.

1. The Commission has before it:

(a) A "complaint" filed on May 6, 1969, by Tri-City Telephone Co., Inc. (Tri-City), a communications common carrier providing marine mobile service at Schenectady, N.Y. Tri-City requests interconnection of its facilities to those of the New York Telephone Co. on a fully automatic basis so that Tri-City's subscribers may place and receive telephone calls directly. The complainant further requests that the New York Telephone Co. be required to negotiate an agreement for the reasonable division of charges associated with interconnected telephone calls.

(b) A letter answering the complaint dated June 11, 1969, filed by New York Telephone Co. in which it alleges that it is willing to interconnect its facilities with those of Tri-City on condition that (1) Tri-City apply for and receive a certificate of public convenience and necessity from the State of New York allowing it to offer interconnected radio service; (2) Tri-City file tariffs with the State of New York pursuant to which interconnected radio service would be offered to the public; and (3) Tri-City enter into a a traffic agreement similar to those traffic agreements between the New York Telephone Co. and other interconnected miscellaneous common carriers providing radio services. In respect to the last condition, the New York Telephone Co. alleges that due to the differences in services offered by a landline telephone company and those by a mobile carrier, the traffic agreements contracted with the former are not relevant to the latter. The New York Telephone Co. further alleges that because Tri-City's radio service is limited to areas wholly within the State of New York, and because the State of New York has asserted jurisdiction over interconnected radio service, the matter presented by Tri-City is predominately local in nature and should first be presented to the New York Public Service Commission for its consideration.

(c) A reply filed by Tri-City alleging that the New York Public Service Commission does not assert jurisdiction over the interconnection of marine mobile radio facilities and landline telephone companies because of the wholly interstate nature of marine service. Tri-City further states that neither the location of the facilities used to provide the service in question nor the actual service area is completely determinative of this Commission's jurisdiction.

2. The pleading filed by Tri-City although designated a complaint is actually a petition for interconnection under section 201(a) of the Communications Act of 1934, as amended. Under that section, the Commission has the authority, after hearing, to order the establishment of physical connection between common carriers, and to establish through routes and charges applicable thereto and the division of such charges. The interconnection contemplated would allow Tri-City's subscribers to originate and/or receive interstate toll calls. This capability provides sufficient jurisdictional basis for the Commission to order a hearing to determine whether the requested interconnection is in the public interest. See the Carpenter Radio Case, 13 F.C.C. 2d 722 (1968); 12 F.C.C. 2d 857 (1968). As to New York Telephone Co.'s allegation that basic differences in service rendered by mobile carriers and by landline telephone companies justify a different policy for each as to division of charges, we feel that if any such differences do exist, a hearing is the proper place to substantiate such allegations.

3. *Accordingly, it is ordered*, That pursuant to section 201(a) of the Communications Act of 1934, as amended, a hearing shall be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, and that the examiner to be designated to preside at the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282.

4. *It is further ordered*, That without in any way limiting the scope of the proceeding, it shall include inquiry into the following:

(a) Whether it is necessary or desirable in the public interest to establish physical connections between Tri-City Telephone Co. and New York Telephone Co., to establish through routes and charges applicable thereto and the division of such charges, and to establish and provide facilities and regulations for operating such through routes within the meaning of section 201(a) of the Communications Act of 1934, as amended; and, if so, what connections, through routes, charges, divisions, facilities, and regulations should be established.

5. *It is further ordered*, That a copy of this order shall be served on the Tri-City Telephone Co. and the New York Telephone Co. which are hereby designated parties to this proceeding.

Adopted: November 19, 1969.

Released: December 1, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–14421; Filed, Dec. 3, 1969; 8:49 a.m.]

[1] Chairman Burch not participating.

[Docket Nos. 17554, etc. FCC 69-1307]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Regarding Tariff Schedules

In the matter of proposed revisions in the rates of the Western Union Telegraph Co. for tie-line domestic interstate telegraph services, Docket No. 17554.

In the matter of proposed revisions in the domestic telegraph message tariffs of the Western Union Telegraph Co., Docket No. 18270.

In the matter of proposed revisions in the rates of the Western Union Telegraph Co., for domestic telex service, Docket No. 18598.

1. The Commission has under consideration (a) its order adopted June 28, 1967, in Docket No. 17554 (FCC 67-754) instituting an investigation and hearing into the lawfulness of certain tariffs of the Western Union Telegraph Co. (Western Union) applicable to charges for tie-line interstate telegraph services, (b) its order adopted July 29, 1968, in Docket No. 18270 (FCC 68-776) instituting an investigation and hearing into the lawfulness of new and revised rates and service classifications of Western Union applicable to its offering of domestic telegraph message service and consolidating this proceeding with the proceedings in Docket No. 17554, (c) its order adopted July 9, 1969, in Docket No. 18598 (FCC 69-747) instituting an investigation and hearing into the lawfulness of increased charges of Western Union for its offering of Domestic Telex Service and consolidating this proceeding with the proceedings in Dockets Nos. 17554 and 18270, (d) its order adopted October 15, 1969, in Docket No. 18270 (FCC 69-1139) instituting an investigation and hearing into the lawfulness of increased charges of Western Union for its offering of Money Order Service and for Tel(T)ex messages which were submitted under Transmittal No. 6381, to become effective October 15, 1969, and (e) increased charges of Western Union for Telegram Service (including Money Order) which were submitted under Transmittal Letter No. 6400, to become effective, in major part, on December 1, 1969 and, in remaining part, on January 1, 1970.

2. The revised tariff schedules provide for an increase in the 15-word charge for an interstate message in the Telegram classification from $2.25 to $2.75, except for Class E messages. The latter refers to messages which are accepted by the U.S. Navy or Coast Guard from personnel aboard Navy or Coast Guard vessels or at Navy and Coast Guard stations outside the continental United States and turned over to the telegraph company for transmission to a point in the same State as the transfer point. The rate for Class E messages is being increased from $1.70 to $2.25, effective January 1, 1970.

3. Under the express terms of paragraph 3 of our original order herein in Docket No. 18270 (July 29, 1968, FCC 68-776), the increased rates now before us are automatically placed in hearing and are now in issue in the pending proceedings. Further testimony and evidence will be required with respect to the lawfulness thereof. We are, therefore, concerned principally with whether we should suspend the effectiveness of these increases, which would otherwise go into effect on December 1, 1969 and January 1, 1970, and whether to issue an accounting order under section 204 of the Act. The company has submitted detailed material and information to support these increases. It claims, among other things, that these increases are needed to bring the company's overall return closer to the 10 to 10½ percent claimed by the company to be appropriate. However, the Commission is unable to determine from an examination of such material whether the increased charges will be lawful under the Act. If the increased charges are permitted to become effective on the dates specified, the rights and interests of the public may be adversely affected. We therefore believe that the effectiveness of the increases should be suspended for the 3-month period permitted by statute.

4. As reflected in paragraph 1 hereof, the increases in rates now before us is the latest in a series of increases that have been filed by Western Union since the commencement of the proceedings herein more than two years ago. These frequent filings, which have effectuated increases in charges for telegrams, tie-line facilities, money orders, telex, tel(T)ex, and messenger delivery services, have made it impossible for the Commission to complete a hearing record upon which to base a resolution of the issues in the three docket cases consolidated for hearing herein. Prior to the filing of these latest increases, we had anticipated that the hearing record in this consolidated case could be closed in the near future. However, there will now be further unavoidable delays in the completion of the hearing record and decision thereon. We believe that, under the circumstances of this case, we should amend our hearing orders herein to forbid further changes in the rates in issue during the pendency of these proceedings except upon special permission by the Commission for good cause shown.

5. *Accordingly, it is ordered*, That, pursuant to sections 4(i), 4(j), 203(b), and 204 of the Communications Act of 1934, as amended, the operation of 29th Revised Page 6, 24th Revised Page 7 and 36th Revised Page 9 of Western Union's Tariff FCC No. 232 (T.L. 6400) is hereby suspended until March 1, 1970, as to those filed to be effective on December 1, 1969, and to April 1, 1970, as to those filed to be effective on January 1, 1970, and that during the pendency of the proceedings herein in Docket No. 18270, no changes shall be made in said tariff schedules or in the charges sought to be increased thereby, unless authorized by special permission of the Commission; and

6. *It is further ordered*, That, in the event a decision as to the lawfulness of the charges suspended has not been made during the aforesaid suspension period, and said increased charges go into effect, Westren Union shall, until further ordered by the Commission, keep accurate account or record of all amounts received by reason of the increased charges specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, as amended, and the carrier shall file with the Commission reports with respect to the aforementioned accounting requirements as shall be prescribed by the Chief, Common Carrier Bureau, and

7. *It is further ordered*, That, during the pendency of the proceedings herein in Dockets 17554 and 18598 no changes shall be made in the charges in issue in these dockets unless authorized by special permission of the Commission.

Adopted: November 25, 1969.

Released: December 1, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-14422; Filed, Dec. 3, 1969; 8:49 a.m.]

[1] Chairman Burch not participating; Commissioner Johnson absent; Commissioner Wells abstaining from voting.

FEDERAL RESERVE SYSTEM

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of at least 80 percent of the voting shares of Peninsula State Bank at Daytona Beach Shores, Daytona Beach Shores, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and section 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First at Orlando Corp., Orlando, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of Peninsula State Bank at Daytona Beach Shores, Daytona Beach Shores, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Florida, and requested his views and recommendation with respect thereto. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 8, 1969 (34 F.R. 7474), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

Dated at Washington, D.C., this 26th day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-14364; Filed, Dec. 3, 1969; 8:45 a.m.]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of at least 80 percent of the voting shares of Exchange Bank at Holly Hill, Holly Hill, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First at Orlando Corp., Orlando, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of Exchange Bank at Holly Hill, Holly Hill, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of State of Florida, and requested his views and recommendation with respect thereto. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 8, 1969 (34 F.R. 7475), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

Dated at Washington, D.C., this 26th day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-14365; Filed, Dec. 3, 1969; 8:45 a.m.]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of at least 80 percent of the voting shares of Exchange Bank at Holly Hill, Holly Hill, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First at Orlando Corp., Orlando, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of Commercial Bank at Daytona Beach, Daytona Beach, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Florida, and requested his views and recommendation with respect thereto. The Commissioner recommended approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on May 8, 1969 (34 F.R. 7474), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Dissenting Statement of Governors Robertson and Brimmer, also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Maisel, and Sherrill. Voting against this action: Governors Robertson and Brimmer.

NORTHEASTERN BANKSHARE ASSOCIATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Northeastern Bankshare Association, Lewiston, Maine, for approval of acquisition of at least 51 percent of the voting shares of The Peoples National Bank of Farmington, Farmington, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Northeastern Bankshare Association, Lewiston, Maine, a registered bank holding company, for the Board's prior approval of the acquisition of at least 51 percent of the voting shares of The Peoples National Bank of Farmington, Farmington, Maine.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended that the application be given favorable consideration.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 22, 1969 (34 F.R. 13570), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

Dated at Washington, D.C., this 26th day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-14366; Filed, Dec. 3, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

Dated at Washington, D.C., this 26th day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-14367; Filed, Dec. 3, 1969; 8:45 a.m.]

NORTHEASTERN BANKSHARE ASSOCIATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Northeastern Bankshare Association, Lewiston, Maine, for approval of acquisition of at least 51 percent of the voting shares of First-Manufacturers National Bank of Lewiston and Auburn, Lewiston, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Northeastern Bankshare Association, Lewiston, Maine, a registered bank holding company, for the Board's prior approval of the acquisition of at least 51 percent of the voting shares of First-Manufacturers National Bank of Lewiston and Auburn, Lewiston, Maine.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended that the application be given favorable consideration.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 7, 1969 (34 F.R. 12850), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, and Sherrill. Absent and not voting: Governors Daane and Brimmer.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

Dated at Washington, D.C., this 26th day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-14368; Filed, Dec. 3, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

NOVEMBER 28, 1969.

The common stock, $1 par value, of Commonwealth United Corp., a California corporation, being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 29, 1969, through December 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14372; Filed, Dec. 3, 1969; 8:46 a.m.]

[811-1041]

INTERMARK INVESTING, INC.

Notice of and Order for Hearing on Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 24, 1969.

Notice is hereby given that Intermark Investing, Inc. ("Intermark"), Prospect Center Building, 1020 Prospect Street, San Diego, Calif. 92101, a California corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application for an order of the Commission under section 8(f) of the Act declaring that Intermark has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Intermark, under the name of Southwestern Capital Corp., registered as a closed-end, nondiversified management investment company on April 4, 1961, and operated as a licensed small business investment company ("SBIC") until September 30, 1968. At a special shareholders' meeting on September 19, 1968, 85 percent of the total shares outstanding were voted in favor of adopting a program designed to change the nature of Intermark's business from that of an investment company to that of an operating company. Intermark represents that it has taken substantial steps to implement this program. It amended its articles of incorporation on September 20, 1968, and surrendered its SBIC license on September 30, 1968. Also pursuant to this program, as of July 1, 1969, Intermark had acquired all of the outstanding stock of 10 operating companies or groups of operating companies and was negotiating to acquire others. It has brought together a management team which it believes is capable of managing an operating-holding company.

The companies or groups of companies acquired, all of which have become subsidiaries of Intermark, are Wilpac Manufacturing Co., Wheeler Enterprises, Inc. (and one other company), Topaz Transformer Products, Inc., Metro U.S. Services, Inc., Sea Coast Equipment Co., Intermark Electronics (and one other company), Arts & Crafts Press (and two other companies), Advanced Development Corp., Community Enterprises, Inc. (and two other companies), and Associated Truck Rentals, Inc.

Intermark states that it has taken steps to dispose of its portfolio securities in orderly fashion.

As indicated in the following table, Intermark represents that as of March 31, 1969, investment securities valued at their current value constituted approximately 29.6 percent of Intermark's total assets exclusive of cash items:

Pro forma statement of assets on an unconsolidated basis:[1]	
Cash	$148,838
Trade and other receivables, net	44,696
Other current assets	24,173
	217,707
Securities of wholly owned subsidiaries, valued at net asset value	4,112,690
Property, plant, and equipment less allowance for depreciation and amortization	70,775
Real property held for investment	1,265,513
Investment securities, at value	2,370,632
Other assets	118,941
Total assets	8,156,258
Analysis of assets:	
A. Total assets less cash items	8,007,420
B. Investment securities, at value	2,370,632
Percentage of (B) represented by (A)	29.6%

[1] This statement includes those companies acquired after Mar. 31, 1969, but before the preparation of the audited financial statements upon which this exhibit is based.

Intermark states that the amount of its assets represented by investment securities has since been reduced to approximately 26 percent. In addition, the acquisition of any or all of the operating companies with which Intermark is negotiating would further reduce this amount.

Intermark states that only 8.7 percent of its net consolidated income before taxes was realized from investments in securities. Moreover, an analysis of the sources of Intermark's total consolidated income before taxes and indirect expenses shows that 91.1 percent of that income had as its source the operations of the subsidiaries and only 2.6 percent had as its source investments in securities.

Intermark further represents that the members of its management team take an active role in guiding the affairs of the subsidiaries and members of the subsidiary management take an active role in formulating policies of Intermark. Finally, Intermark states that it has made clear to the investing public that Intermark has changed its investment policy by declaring publicly the intent of Intermark to build an operating-holding company and to apply for deregistration as soon as eligible to do so.

Section 3(a)(1) of the Act defines an investment company as an issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.

Section 3(a)(3) of the Act further defines an investment company as an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The term "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon taking effect of such order, the registration of such company shall cease to be in effect.

In connection with some of these acquisitions, Intermark issued "Earnouts;" that is, in addition to providing for a fixed number of shares of stock payable upon acquisition, the purchase and sale agreements provided for the issuance of additional shares of Intermark in annual installments for a fixed number of years with the exact number of additional shares contingent upon the increase in earnings of the company being acquired. In addition, some recipients of the contingent interests have entered into employment contracts with Intermark which provide in essence that they will continue to manage the acquired business.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the application under the applicable provisions of the Act and rules of the Commission thereunder be held on January 7, 1970, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than Intermark, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before December 31, 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Intermark at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application; and that, upon the basis thereof, the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether the issuance of "Earnouts" violates sections 18 and 23 of the Act.

(2) Whether Intermark has ceased to be an investment company.

(3) If Intermark has ceased to be an investment company, whether it is necessary for the protection of investors that the order contain appropriate conditions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to Intermark and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14373; Filed, Dec. 3, 1969; 8:46 a.m.]

[812-2647]

J. C. PENNEY EUROPE, INC.

Notice of Filing of Application for Order Exempting Company

NOVEMBER 28, 1969.

Notice is hereby given that J. C. Penney Europe, Inc., c/o A. W. Driver, Jr., Secretary, J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019 ("Applicant"), has filed an application, pursuant to section 6(c) under the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), for an order exempting applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

1. Applicant intends to issue for offer and sale outside the United States to non-U.S. purchasers $25 million principal amount of convertible subordinated guaranteed debentures (hereinafter called "Debentures") to be issued in 1969 with final maturity in 1989.

2. Applicant is now, and upon issuance of the Debentures referred to above will be, in compliance with all of the provisions of paragraph (b) of Rule 6c-1 under the Act and would be in compliance with the provisions of paragraph (c)(1) of such rule with respect to the Debentures if the Interest Equalization Tax (Internal Revenue Code, chap. 41, secs. 4911-4931) were in effect at the time of issuance thereof in the form in which it existed immediately prior to its expiration on September 30, 1969.

3. Applicant is a Delaware corporation with 100 shares of common stock with a par value of $1 per share outstanding and beneficially owned by J. C. Penney Co., Inc. ("Penney") a Delaware corporation which is a general merchandise retailer. Applicant represents that either Penney or one of its wholly owned subsidiaries (other than any investment company as defined in section 3(a) of the Act) will purchase any additional equity securities which applicant may issue in the future and that neither Penney nor its wholly owned subsidiaries will dispose of any equity securities of applicant except to the applicant, to Penney, or to another wholly owned subsidiary of Penney (other than any investment company as defined in section 3(a) of the Act).

4. Applicant was formed by Penney for the purpose of making investments, including loans, in connection with various international operations of Penney and its subsidiaries outside the United States. A principal purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Penney may obtain funds in foreign countries for its foreign operations.

5. The common stock of Penney is registered under section 12 of the Securities Exchange Act of 1934.

6. Debt securities of Applicant heretofore issued to or now held by the public have been, and debt securities of Applicant which may hereafter be issued to or held by the public will be, guaranteed by Penney as to payment of principal, interest, and premium, if any.

7. The debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States or its territories or possessions or to any U.S. national or resident or any Canadian resident in connection with such offering. The underwriters agree that they will not offer or sell the debentures in the United States. The underwriters further represent that they will not offer or sell any debentures to nationals or residents of the United States, except for sale to an underwriter or to a dealer who will agree that it is purchasing as principal and not for reoffering or resale in the United States or its territories or possessions, or to nationals or residents thereof, and that they will not sell debentures to Canadian persons except for sales to underwriters or security dealers who will agree to purchase as principals and not for resale to Canadian persons or nationals or residents of the United States and except for sales to agents or fiduciaries who are Canadian persons but who are acting for the benefit of persons who are not Canadian persons or nationals or residents of the United States.

8. Upon completion of the long-term investment program of applicant, at least 80 percent of its assets, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign companies (or domestic companies, substantially all the business of which is conducted outside the United States).

9. At least 90 percent of the assets of applicant, exclusive of U.S. Goverment securities and cash items and short-term investments in foreign government and commercial paper, are and will be invested in or loaned to companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be, owned, directly, by applicant; and any assets of applicant not invested in such companies are or will only be invested in or loaned to companies which are customers or suppliers of Penney or a subsidiary of Penney. Any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly owned subsidiaries of Penney.

10. Applicant will not deal or trade in securities.

11. The Treasury Department has requested the National Association of Securities Dealers, Inc., and national securities exchanges to request members and member firms to continue existing procedures on securities transactions which previously were subject to the Interest Equalization Tax (34 F.R. 15386). It is the opinion of counsel for Penney that if the Interest Equalization Tax is reinstated in the form in which it existed immediately prior to its expiration, acquisition of the debentures will be subject to the Interest Equalization Tax unless, and except to the extent that, a specific statutory exclusion or exemption is available. Even if the offering of the debentures occurs prior to reinstatement of the Interest Equalization Tax, counsel believes that the likelihood of retroactive reinstatement of such tax and the burden of paying such tax if reinstated, should have the practical effect of discouraging purchases of the debentures by U.S. persons.

12. The debentures will bear a legend in the English language prominently indicating that the debentures would, if purchased by citizens or residents of the United States, its territories or possessions, be subject to the Interest Equalization Tax unless, and except to the extent that, a specific statutory exemption or exclusion is available, if such Tax shall be extended with provisions substantially identical to those in effect on September 30, 1969.

13. It is presently contemplated that the debentures will be listed on the Luxembourg Stock Exchange.

Applicant has submitted that it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting the applicant from each and every provision of the Act. In addition to the foregoing statement of facts, applicant has represented the following:

1. The payment of the debentures which is guaranteed by Penney does not depend on the operation or investment policy of the applicant because the debenture holders are entitled ultimately to look to the business enterprise of Penney. Accordingly, the public policy which dictated the enactment of the Act is not applicable to the applicant, nor do the security holders of the applicant require the protection afforded by the Act.

2. The applicant's security holders will have the benefit of the information made generally available by the disclosure and reporting provisions of the Securities Exchange Act of 1934 and the New York Stock Exchange with respect to the business operations and financial condition of Penney.

Applicant agrees that this order may be issued subject to the condition that applicant will not issue, subsequent to the sale and offering of the debentures, without a further order of the Commission, any securities (except to Penney or a subsidiary of Penney which is not an investment company) in the event that the U.S. Equalization Tax is not reenacted, or is reenacted and expires, or is repealed or the rate thereof is reduced to zero and such tax is not replaced by another tax providing a comparable deterrent to the purchase of applicant's securities by U.S. persons; *Provided, however*, That nothing contained in the order, or the conditions to which it may be subject, requested by the application shall preclude the applicant from being exempt from the Act by virtue solely of (i) the applicant becoming exempt from each and every provision of the Act pursuant to Rule 6c–1 under the Act or (ii) the Commission adopting, amending, or interpreting a rule under the Act which would exempt the applicant from each and every provision of the Act.

Notice is further given that any interested person may, not later than December 16, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing hereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14374; Filed, Dec. 3, 1969; 8:46 a.m.]

[812–2569]

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK AND THE MONY VARIABLE ACCOUNT A

Notice of Application for Exemption

NOVEMBER 28, 1969.

Notice is hereby given that The Mutual Life Insurance Company of New York, 1740 Broadway, New York, N.Y. 10019, ("MONY"), a mutual life insurance company organized under the laws of the State of New York, and the MONY Variable Account A ("Account A") (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act ("Act") for an order of exemption to the extent noted below from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein, which are summarized below.

MONY established Account A on July 31, 1968, pursuant to the provisions of section 227 of the New York Insurance Law for the purpose of providing an investment medium for certain variable annuity contracts ("Contracts") to be issued by MONY and Account A. The Contracts are designed to provide fixed and variable retirement benefits pursuant to plans qualifying under section 401, 403(a), or 403(b) of the Internal Revenue Code ("Code"), and to individuals under Contracts not issued under any such tax benefited plans. Account A is an open-end, diversified management investment company registered under the Act.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. This section has been construed as requiring that the sales charge, expressed as a percentage of the offering price, be imposed without variation on every sale by the issuer of its redeemable securities. The current public offering price of the redeemable securities of the applicants as described in applicant's prospectus is the net asset value plus a sales charge and a charge for administrative expenses. Thus section 22(d) would prohibit the proposed sale, described below, of applicants' redeemable securities without a sales charge.

Applicants propose to make no sales charges with respect to payments under group variable annuity contracts of the deposit administration type in connection with annuity plans qualified for tax deferred treatment under section 403(b) of the Internal Revenue Code, where the payments are made by transfers to Account A of fixed accumulations under similar group fixed annuity contracts that have been previously issued by MONY before variable contracts became available.

Applicants propose to permit such transfers provided that (a) the individual making the transfer has a fixed accumulation of at least $3,000, (b) at least $500, but no more than 50 percent of the total fixed accumulation, is transferred, and (c) the transfer is elected within 6 months. The transfer will be prorated over 25 months, or over the time until the individual's normal charges for administrative expenses will be made on these transfers.

Applicants represent that no unfair discrimination would result from elimination of the sales charges. No selling expense in connection with such transfers is anticipated. With respect to the amounts transferred, a sales charge will have already been paid that is not less than the sales charge applicable to a like amount paid initially and directly under a group variable contract. Applicants represent that the requested exemption is necessary in order to afford the individuals concerned investment opportunities substantially equal to those which now are being made available under group variable contracts and that the proposed transfers, as limited, substantially meet this need without unduly inconveniencing the applicants or adversely affecting the interests of other contract holders.

Applicants request an exemption from section 22(d) of the Act to permit such transfers to be made without an additional sales charge, and represent that the exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than December 15, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14375; Filed, Dec. 3, 1969; 8:46 a.m.]

[File 1–5827]

REVENUE PROPERTIES CO., LTD.

Order Suspending Trading

NOVEMBER 28, 1969.

The common stock, no par value, of Revenue Properties Co., Ltd., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Revenue Properties Co., Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 29, 1969 through December 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14376; Filed, Dec. 3, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. B–478]

ARTHUR E. COLBETH

Notice of Loan Application

Arthur E. Colbeth, Manset, Maine 04656, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 43-foot length overall steel vessel to engage in the fishery for shrimp, whiting, flounder, and groundfish.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the

Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief,
Division of Financial Assistance.

[F.R. Doc. 69-14371, Filed, Dec. 3, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6, (Southwestern Area), Disaster No. 734, Amdt. 1]

MANAGER, DISASTER BRANCH OFFICE, HAPPY JACK, LA.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165, 34 F.R. 12651, 34 F.R. 14712, and 34 F.R. 17464) Delegation of Authority No. 30-6, Southwestern Area, Disaster No. 734, 34 F.R. 13957, is hereby amended by revising Item I.A.1 to read as follows:

I. * * *

A. *Financial Assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

* * * * *

Effective date: November 7, 1969.

ROBERT E. WEST,
Area Administrator,
Dallas, Tex.

[F.R. Doc. 69-14378; Filed, Dec. 3, 1969; 8:46 a.m.]

[Delegation of Authority No. 30-6, (Southwestern Area), Disaster No. 734, Amdt. 1]

MANAGER, DISASTER BRANCH OFFICE, NEW ORLEANS, LA.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165, 34 F.R. 12651, 34 F.R. 14712, and 34 F.R. 17464) Delegation of Authority No. 30-6, Southwestern Area, Disaster No. 734, 34 F.R. 14546, is hereby amended by revising Item I.A.1 to read as follows:

I. * * *

A. *Financial Assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

* * * * *

Effective date: November 7, 1969.

ROBERT E. WEST,
Area Administrator,
Dallas, Tex.

[F.R. Doc. 69-14379; Filed, Dec. 3, 1969; 8:46 a.m.]

[Delegation of Authority 30, Richmond Regional Office, Disaster 1]

MANAGER, DISASTER BRANCH OFFICE, BUENA VISTA, VA.

Delegation of Authority Rescinded

Notice is hereby given that Delegation of Authority 30, Disaster 1, 34 F.R. 14546, is hereby rescinded in its entirety.

Effective date: November 15, 1969.

THOMAS F. REGAN,
Regional Director, Richmond, Va.

[F.R. Doc. 69-14380; Filed, Dec. 3, 1969; 8:46 a.m.]

[Delegation of Authority 30, Richmond Regional Office, Disaster 2]

MANAGER, DISASTER BRANCH OFFICE, SCOTTSVILLE, VA.

Delegation of Authority Rescinded

Notice is hereby given that Delegation of Authority 30, Disaster 2, 34 F.R. 14547, is hereby rescinded in its entirety.

Effective Date: November 15, 1969.

THOMAS F. REGAN,
Regional Director, Richmond, Va.

[F.R. Doc. 69-14381; Filed, Dec. 3, 1969; 8:46 a.m.]

[Delegation of Authority 30, Richmond Regional Office, Disaster 3]

MANAGER, DISASTER BRANCH OFFICE, WAYNESBORO, VA.

Delegation of Authority Rescinded

Notice is hereby given that Delegation of Authority 30, Disaster 3, 34 F.R. 14547, is hereby rescinded in its entirety.

Effective Date: November 15, 1969.

THOMAS F. REGAN,
Regional Director, Richmond, Va.

[F.R. Doc. 69-14382; Filed, Dec. 3, 1969; 8:46 a.m.]

[Delegation of Authority 30, Richmond Regional Office, Disaster 4]

MANAGER, DISASTER BRANCH OFFICE, LOVINGSTON, VA.

Delegation of Authority Rescinded

Notice is hereby given that Delegation of Authority 30, Disaster 4, 34 F.R. 14546, is hereby rescinded in its entirety.

Effective date: November 15, 1969.

THOMAS F. REGAN,
Regional Director, Richmond, Va.

[F.R. Doc. 69-14383; Filed, Dec. 3, 1969; 8:46 a.m.]

[Delegation of Authority 30, Richmond Regional Office, Disaster 5]

MANAGER, DISASTER BRANCH OFFICE, RICHMOND, VA.

Delegation of Authority Rescinded

Notice is hereby given that Delegation of Authority 30, Disaster 5, 34 F.R. 14547, is hereby rescinded in its entirety.

Effective date: November 15, 1969.

THOMAS F. REGAN,
Regional Director, Richmond, Va.

[F.R. Doc. 69-14384; Filed, Dec. 3, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1356]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 28, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing: (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 316), filed October 30, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from San Francisco, Calif., to Salt Lake City, Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 730 (Sub-No. 317), filed November 6, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Earl J. Brooks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Elkhart, Fort Wayne, Goshen, Mishiwaka, South Bend, and Warsaw, Ind.; and Bellville, Berkey, Bowling Green, Brookville, Bucyrus, Butler, Caledonia, Carey, Carlisle, Centerville, Columbus, Crestline, Dayton, Delaware, Delta, Dublin, Eaton, Edison, Englewood, Enon, Fairborn, Fairfield, Findlay, Forest Park, Fostoria, Franklin, Fremont, Galion, Germantown, Hamilton, Harrison, Haskins, Hayesville, Hebron, Huron, Johnstown, Kettering, Lebanon, Lexington, Lindsay, Loudonville, Marion, Marysville, Mason, Miamisburg, Middletown, Milan, Monroe, Mount Gilead, Nevada, New Albany, Newark, New Lebanon, New London, Norwalk, Oregon, Perrysburg, Perrysville, Plain City, Plymouth, Port Clinton, Powell, Reynoldsburg, St. Louisville, Sandusky, Shelby, Springfield, Swanton, Sylvania, Tiffin, Tipp City, Trotwood, Troy, Upper Sandusky, Utica, Vandalia, Waterville, Wauseon, Waynesville, W. Carrollton, Westerville, Willard, Woodville, Worthington, Xenia, and Yellow Springs, Ohio, as intermediate and off-route points in connection with carrier's otherwise authorized regular-route operations, restricted to shipments moving between the named Indiana and Ohio points, on the one hand, and, on the other, Denver, Colo., and points west thereof, or Erie and Pittsburgh, Pa., and points east thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Indianapolis, Ind.

No. MC-3790 (Sub-No. 10), filed November 10, 1969. Applicant: RICHMOND TRANSFER, INC., Post Office Box 86, Excelsior Springs, Mo. 64024. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment); (1) between Henrietta, Mo., and East St. Louis, Ill.; from Henrietta, Mo., over Missouri Highway 13 to its junction with Interstate Highway 70, thence over Interstate Highway 70 to East St. Louis, Ill., and return over the same route, serving no intermediate points; and (2) between Henrietta, Mo. and Springfield, Mo.; from Henrietta, Mo., over Missouri Highway 13 to Springfield, Mo., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 5470 (Sub-No. 57), filed October 23, 1969. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* in dump vehicles, from points in Carbon, Dauphin, Luzerne, Northumberland, and Schuylkill Counties, Pa., to Clarksburg, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 11207 (Sub-No. 292), filed November 10, 1969. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components, and cast iron fire hydrants*, from Birmingham, Ala., and points within 10 miles of Birmingham to points in Arkansas and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 17226 (Sub-No. 38), filed October 30, 1969. Applicant: FRUIT BELT MOTOR SERVICE, INC., 7626 West Madison Street, Forest Park, Ill. 60130. Applicant's representatives: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602; also J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and parts, materials and supplies* used in the manufacture, shipping, or operation of air conditioners and machinery and equipment for air conditioning, and *parts and accessories* thereof when moving in connection with and intended for installation thereon, from Chicago and Rockford, Ill.; Lafayette, McCordsville, and Oakland City, Ind.; Dawson Springs and Louisville, Ky.; Bangor, Detroit, Grand Rapids, Holland, St. Joseph, and Benton Harbor, Mich.; and St. Louis, Mo., and Jacksonville, Ark., to the plantsites of the Whirlpool Corp. at Marion, Ohio. Restriction: The

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

above-described operations are limited to a transportation service to be performed under a continuing contract or contracts with the Whirlpool Corp.; and (2) *air conditioners, and machinery* and Equipment for air conditioning and *parts and accessories* thereof when moving in connection with and intended for installation thereon, from the plantsites of the Whirlpool Corp. at Marion, Ohio, to Chicago, Peoria, Moline, Rockford, and Waukegan, Ill.; Anderson, Evansville, Fort Wayne, Indianapolis, Mishawaka, and South Bend, Ind.; Davenport, Iowa; Kansas City and Olathe, Kans.; Louisville, Ky., Benton Harbor, St. Joseph, Detroit, Highland Park, Flint, Grand Rapids, Lansing, and Saginaw, Mich.; St. Louis, Mo.; Knoxville, Nashville, and Memphis, Tenn.; and Milwaukee and Wauwatosa, Wis. Restriction: The operations described immediately above are limited to a transportation service to be performed under a continuing contract or contracts with the Whirlpool Corp. and Sears, Roebuck, & Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 19105 (Sub-No. 26), filed October 28, 1969. Applicant: FORBES TRANSFER COMPANY, INC., 301 A Highway South, Wilson, N.C. 27893. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except class A and B explosives, household goods as defined by the Commission, and those injurious or contaminating to other lading), from Wilmington and Morehead City, N.C., to points in North Carolina. NOTE: Applicant states that it intends to tack the sought authority where ever it is possible, which is very limited, to authority presently held. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 21455 (Sub-No. 16), filed November 6, 1969. Applicant: GENE MITCHELL CO., a corporation, 1106 Division Street, West Liberty, Iowa 52776. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and aluminum scrap and slugs, and cardboard cartons*, between Iowa City, Iowa, and Newport, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 23976 (Sub-No. 32), filed November 10, 1969. Applicant: TRANS WESTERN EXPRESS, INC., 5940 North Basin, Portland, Oreg. 97217. Applicant: John G. McLaughlin, 726 Blue Cross Building, 100 Southwest Market, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk, in tank vehicles, and commodities requiring special equipment), between Portland, Oreg., and Seattle, Wash., over Interstate Highway 5, serving all intermediate points in and north of Olympia, Wash. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it commence at Portland, Oreg., and terminate at Seattle, Wash.

No. MC 31237 (Sub-No. 5), filed October 31, 1969. Applicant: JOSEPH M. DIGNAN & SON, INC., Post Office Box 7463, Baltimore, Md. 21227. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, automobiles, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Top Value Enterprises, Inc., store located at West Springfield, Va., as an offroute point in connection with applicant's presently authorized regular routes between Baltimore, Md., and Alexandria, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 735), filed November 7, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Commerce Supervisor, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Cody, Wyo., to points in Montana and Idaho, and those points in that part of North Dakota on and west of U.S. Highway 83. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 48956 (Sub-No. 6), filed October 31, 1969. Applicant: JAMES FLEMING TRUCKING, INC., East Street, Suffield, Conn. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, canned or preserved, and *carbonated beverages*, from Oakfield, LeRoy (Genessee County), Alton (Wayne County), and Leicester (Livingston County), N.Y., to points in Connecticut, under a continuing contract or contracts with C-B Foods, Div. of Curtice-Burns, Inc. NOTE: Applicant holds common carrier authority under MC 69300, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Hartford, Conn.

No. MC 50069 (Sub-No. 430), filed November 4, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Huntington, Ind. to points in the Lower Peninsula of Michigan. NOTE: Common control and dual operation may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52704 (Sub-No. 68), filed November 3, 1969. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, Lafayette, Ala. 36862. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coin operated refrigerated drink vending machines and parts therefor*, between the plantsite of Cavalier Corp., at or near Chattanooga, Tenn., and points in Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, North Carolina, Oklahoma, South Carolina, Texas, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 59150 (Sub-No. 44), filed November 3, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, asbestos products, and building materials*, from Westwego, La., to points in Florida. NOTE: Applicant states that it intends to join or tack the authority sought with its authority held under its base certificate authorizing the transportation of building and construction materials between points in Florida, on the one hand, and, on the other, points in Georgia, and with its authority granted under its Sub No. 31, authorizing the transportation of gypsum and gypsum products and building materials from points in Chatham County, Ga., to points in North Carolina, South Carolina, and Tennessee. By tacking the aforesaid authorities with the authority herein sought, applicant will be able to provide direct single line service on the commodities herein applied for from Westwego, La., to points in Georgia, North Carolina, South Carolina, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., New York, N.Y. or Washington, D.C.

No. MC 61592 (Sub-No. 158), filed November 10, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 East Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lemon juice and lemon flavored products*, from Jackson, Miss., and New York, N.Y., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 61619 (Sub-No. 8) (Amendment) filed July 22, 1969, published in the FEDERAL REGISTER issue of August 14, 1969, and republished as amended, this issue. Applicant: GLENN L. HORMEL AND LAWSON E. LONGSTRETH, a partnership, doing business as L & H TRUCKING COMPANY, Rural Delivery No. 3, Spring Grove, Pa. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Spring Grove, Pa., to Smyrna, Del., under a continuing contract with P. H. Glatfelter Co. NOTE: The purpose of this republication is to show the destination point as Smyrna, Del., in lieu of Clayton, Del., as was previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76266 (Sub-No. 117), filed October 31, 1969. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, Mo., and Cairo, Ill.; (a) from St. Louis, Mo., over Illinois Highway 3 to junction U.S. Highway 51, thence over U.S. Highway 51 to Cairo and return over the same route, as an alternate route, in connection with applicant's regular route authority, serving no intermediate points, but serving Cairo as a point of interchange only on traffic originating at or destined to points beyond Cairo, (b) from St. Louis over Interstate Highway 55 and U.S. Highway 61 to junction Missouri Highway 72, thence over Missouri Highway 72 to Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Cairo and return over the same route as an alternate route in connection with applicant's authorized regular route authority serving no intermediate points, but serving Cairo as a point of interchange only on traffic originating at or destined to points beyond Cairo, and (c) from St. Louis over Interstate Highway 55 and U.S. Highway 61 to Sikeston, Mo., thence over U.S. Highway 60 and Interstate Highway 57 to Cairo and return over the same route, as an alternate route in connection with applicant's authorized regular route authority, serving no intermediate points, but serving Sikeston, Mo., for purpose of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Phoenix, Ariz.

No. MC 86913 (Sub-No. 30), filed November 6, 1969. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. 25789. Applicant's representative: C. M. Bullock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboards, insulation boards, plywoods and/or particleboards*, in straight or mixed truckloads; *parts, materials and accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp., in Wilkes County, N.C., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin; and (2) *commodities* used in the manufacture of hardboards, insulating boards, plywoods or particleboards, and *parts, materials and accessorial items* incidental to the transportation and installation thereof in truckloads, from points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin, to the plant and warehouse sites of the Abitibi Corp., in Wilkes County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 91053 (Sub-No. 10) (Correction), filed September 23, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, corrected and republished as corrected this issue. Applicant: TRANS-WORLD MOVERS, INC., 3722 Chestnut Place, Denver, Colo. 80216. Applicant's representative: Walter R. Plankinton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it will offer all presently held authority for cancellation should the instant application be granted. The purpose of this republication is to eliminate the restriction, which was shown in the previous publication. The rest of the application remains the same. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Kansas City, Mo. or Cheyenne, Wyo.

No. MC 94350 (Sub-No. 250), filed November 3, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements and *buildings*, complete or in sections, from points in Shenandoah County, Va., to points east of the Mississippi River including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 95540 (Sub-No. 769), filed November 6, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, in vehicles equipped with mechanical refrigeration, from Atlanta and Decatur, Ga., to points in New Mexico, Arizona, California, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 95540 (Sub-No. 770), filed November 6, 1969. Applicant: WARKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from points in Texas to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 96098 (Sub-No. 37), filed October 27, 1969. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery 2, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, between points in Ohio, New York, New Jersey, Maryland, Delaware, West Virginia,

Pennsylvania, Massachusetts, Connecticut, and Rhode Island; under a continuing contract with Diamond Crystal Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 96344 (Sub-No. 4), filed November 7, 1969. Applicant: NORTHWEST DRAYAGE CO., a corporation, 10 Angelica Street, St. Louis, Mo. 63147. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* (bottles or jars), *caps, covers, stoppers and tops, and fiberboard boxes*, from the plantsite and other facilities of Obear-Nester Glass Co., at Lincoln, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, Tennessee, Wisconsin, and the lower peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 99123 (Sub-No. 4), filed November 7, 1969. Applicant: QUAST TRANSFER INC., 420 3d Street South, Winsted, Minn. 55395. Applicant's representative: Raymond J. Quast, 156 George Avenue East, Winsted, Minn. 55395. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment, serving the terminal site of Yellow Freight System, Inc., located at Burnsville, Minn., as an offroute point in connection with carrier's presently authorized regular route operations to and from Minneapolis-St. Paul, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 100666 (Sub-No. 156), filed November 6, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112; and Paul L. Caplinger, Post Office Box 7666, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and plywood*, from Charleston, S.C., to points in Alabama, Mississippi, Arkansas, Louisiana, Missouri, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 103993 (Sub-No. 472), filed October 27, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building panels, sections, parts, and accessories*, from Trenton, N.J., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 429), filed October 28, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings in sections, building panels, building parts and accessories* in truckaway or haulaway service, from points in Hartford County, Conn., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 106398 (Sub-No. 433), filed November 6, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Lexington County, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbia or Charlotte, S.C.

No. MC 106398 (Sub-No. 434), filed November 10, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Henderson County, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 106398 (Sub-No. 435), filed November 10, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Fredericksburg, Va., to points in Ohio, Kentucky, Tennessee, North Carolina, New Jersey, Virginia, West Virginia, Maryland, Pennsylvania, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Delaware, and South Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106497 (Sub-No. 43), filed November 3, 1969. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 106674 (Sub-No. 66), filed November 10, 1969. Applicant: SCHILLI MOTOR LINES INC., Post Office Box 122, Bellvi, Ind. 46923. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Eaton, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Milwaukee, Wis.

No. MC 106760 (Sub-No. 121), filed November 10, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahall, Jr. (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminized fiber sewer pipe and fittings and bituminized fiber conduits and connections and meter boxes*, from Louisiana, Mo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 107012 (Sub-No. 100), filed November 7, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East & Meyer Road, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell, Post Office Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Physical fitness and gymnasium equipment and apparatus*, uncrated, from points in Fresno County, Calif., to points in the United States, excluding Hawaii, but including Alaska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Chicago, Ill.

No. MC 107227 (Sub-No. 110), filed November 6, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled container transporters*, from Redwood City, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 239), filed November 3, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel studding and plasterboard steel faced and accessories*, from West Lake, Ohio, to points in the United States (except Washington, Oregon, California, Idaho, Utah, Nevada, Alaska, and Hawaii). NOTE: Applicant states that it will tack with its presently held authority where feasible. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 244), filed November 4, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, particle board, fiberboard, and accessories*, from Virginia, Minn., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, Alaska and Hawaii. NOTE: Applicant states that it intends to tack where feasible, with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 107295 (Sub-No. 245), filed November 10, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, buildings sections, building component parts, and building panels, and accessories thereto*, from Terre Haute, Ind., to points in Colorado, New Mexico, Utah, Nevada, Idaho, Montana, North Dakota, South Dakota, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 107403 (Sub-No. 781) (Amendment), filed October 1, 1969, published in FEDERAL REGISTER issue of October 23, 1969, and republished as amended, this issue. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Alabama, Arkansas (except Fort Smith), Iowa, Illinois, Minnesota, Missouri, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to reflect the origin as points in Delaware County, Ohio, in lieu of Delaware, Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 683), filed October 20, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Westbury, Long Island, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas. NOTE: Applicant states it does not contemplate tacking, however, it could tack with Sub 141 at Florence, Ala., or Sub 399 at Sylvester, Ga. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 108053 (Sub-No. 90), filed November 3, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Arizona, Nevada, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108341 (Sub-No. 25), filed November 5, 1969. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboards, insulation boards, plywoods and/or particleboards*, in straight or mixed truckloads, *parts, materials, and accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *commodities* used in the manufacture of hardboard, insulating boards, plywoods, or particleboards, and parts, materials and accessorial items incidental to the transportation and installation thereof in truckloads, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 108393 (Sub-No. 20), filed November 10, 1969. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores and mail-order houses, and in connection therewith, such equipment, materials, and supplies used in the conduct of such business*, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and New York, under a continuing contract or contracts with

Sears, Roebuck & Co. NOTE: Applicant holds common carrier under MC 118459 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109337 (Sub-No. 12), filed October 27, 1969. Applicant: WATSON BROS. VAN LINES AND HEAVY HAULING CO., a corporation, 3514 South 25th Street, Omaha, Nebr. 68105. Applicant's representative: Samuel Zacharia, 711 First National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bar joists and accessories*, from Norfolk, Nebr., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 109612 (Sub-No. 28), filed November 3, 1969. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Detroit, Mich., St. Paul, Minn., Milwaukee, Wis., Cleveland, Ohio, Louisville, and Newport, Ky., and St. Louis, Mo., to Muncie, Anderson, and Indianapolis, Ind., and (2) *empty malt beverage containers*, from Anderson, Muncie, and Indianapolis, Ind., to Detroit, Mich., St. Paul, Minn., Milwaukee, Wis., Cleveland, Ohio, Louisville, and Newport, Ky., and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 109689 (Sub-No. 211), filed November 3, 1969. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, from Dolomite, Utah to points in Idaho, Nevada, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 110420 (Sub-No. 604), filed October 27, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products, blends of corn products, and corn products blended with other products*, in bulk, from Pittsburgh, Pa., to points in Maryland, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 945), filed November 12, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representatives: Edwin H. Van Deusen (same address as above) and Leonard A. Jaskiewicz, Suite 501 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from the plantsite of Amoco Chemicals Corp., located in Brazoria County, Tex., approximately 12 miles south of Alvin, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking possibilities but states it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 110525 (Sub-No. 946), filed November 12, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in tank vehicles, from Baton Rouge, La., to Orangeburg, S.C., and the plantsite of the Bromet Co., at or near Magnolia, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 111401 (Sub-No. 291), filed November 3, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from the site of Williams Brothers Pipeline Terminal located at Kansas City, Kans., to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 113024 (Sub-No. 79), filed October 29, 1969. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet nitrocellulose*, in containers, for the account of Hercules, Inc., from Parlin, N.J., to Radford, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 199), filed November 3, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); *and foodstuffs* (except meats and packinghouse products as described above), when moving in mixed shipments with meats and packinghouse products, from Austin, Minn., Fort Dodge, Iowa, and Fremont, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that it is presently authorized to perform a portion of the requested service from Austin, Minn., under its Subs 38 and 31. It is authorized to perform the remaining service by tacking its other authorities. The purpose of the instant application is to permit the transportation of foodstuffs when in mixed shipments with meats and packinghouse products and to eliminate the need for tacking. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114028 (Sub-No. 16), filed October 28, 1969. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hose nozzles and lawn sprinklers*, from Somerset, Pa., to Battle Creek, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 115311 Sub-No. 107), filed November 6, 1969. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell and Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard, composition boards, insulation boards, plywoods and/or particleboards, and parts, materials and accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in Alabama, Florida, Georgia, and South Carolina, and (2) *commodities* used in the manufacture of hardboard, composition boards, insulating boards, plywoods and/or particleboards, and *parts, materials and accessorial items* incidental to the transportation and installation thereof, from points in Alabama, Florida, Georgia, and South Carolina to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 115841 (Sub-No. 363), filed November 10, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway (Post Office Box 2169), Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in *Descriptions of Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except in bulk and hides), from Amarillo, Tex., to points in the United States east of the Mississippi River, and Arkansas and Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Birmingham, Ala.

No. MC 116077 (Sub-No. 280), filed November 3, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals), in bulk, from points in Ector County, Tex., to points in New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116254 (Sub-No. 105), filed November 3, 1969. Applicant: CHEMHAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Maury County, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that it will tack with its present authority in Sub 5 at Sheffield, Ala., and points within 15 miles thereof, and Sub 52 Certificate, at Barfield, Ark., and points within 10 miles thereof. If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn., or Birmingham, Ala.

No. MC 116763 (Sub-No. 155), filed October 31, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Croswell and Edmore, Mich., to points in Kentucky, Tennessee, Georgia, Alabama, Mississippi, and points in Louisiana east of the Mississippi River. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 116763 (Sub-No. 156), filed November 3, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and pet foods* (except in bulk), from the plantsite and storage facilities of the Campbell Soup Co. at Paris, Tex., to points in Alabama, Florida, Georgia, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 117344 (Sub-No. 197), filed November 10, 1969. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Alabama, Arkansas, Iowa, Illinois, Minnesota, Missouri, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117565 (Sub-No. 19), filed August 18, 1969. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, from Henderson, Ky., to points in Oklahoma, Texas and those in that part of the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 117815 (Sub-No. 152), filed November 3, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in Illinois, Iowa, Minnesota, Missouri, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Milwaukee, Wis.

No. MC 118159 (Sub-No. 83), filed November 7, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 118989 (Sub-No. 35), filed November 3, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and related parts and shipping containers*, from points in Cook County, Ill., to points in Minnesota, Wisconsin, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 118989 (Sub-No. 36), filed November 7, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South

La Salle Street, Chicago, Ill. 60603. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cans, drums, pails, and incidental parts thereof*, and return of *refused or rejected merchandise*, from Peotone, Ill., to points in Kentucky. NOTE: Applicant states tacking could occur by tacking Subs 3, 4, and 8, at Peotone, Ill., from other origin territories. If a hearing is deemed neessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119726 (Sub-No. 21), filed October 22, 1969. Applicant: N. A. B. TRUCKING CO., INC., 1007 East 27th Street, Indianapolis, Ind. Applicant's representative: James L. Beattey, 130 East Washington Street No. 1021, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, corrugated boxes, knocked down, caps, covers, and tops*, from Dunkirk, Ind., to points in North Carolina, South Carolina, and Milledgeville, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119908 (Sub-No. 6), filed October 30, 1969. Applicant: WESTERN LINES, INC., 3523 North McCarty, Houston, Tex. 77029. Applicant's representative: William P. Jackson, Jr., 1819 H Street NW., Federal Bar Building West, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant presently holds contract carrier authority under its permit MC No. 110814 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 119908 (Sub-No. 7), filed November 10, 1969. Applicant: WESTERN LINES, INC., 3523 North McCarty, Houston, Tex. Applicant's representative: William P. Jackson, Jr., Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bleaching, cleaning, laundry and scouring compounds, materials, and supplies* (including liquid drain opener) (except commodities in bulk), from Houston, Tex., to points in Louisiana, Mississippi, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC-110814 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 120543 (Sub-No. 63), filed October 27, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: L. D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonvile, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Laredo, Tex., to points in Ohio, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Alabama, Georgia, Florida, Arkansas, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Columbia, S.C.

No. MC 124078 (Sub-No. 415), filed November 7, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, from Decatur, Ala., to points in Alabama, Georgia, Mississippi, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that tacking is possible, but not intended. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 124154 (Sub-No. 31), filed November 10, 1969. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Axles, running gear assemblies and component parts and materials* used in the manufacture thereof, on flatbed trailers (except commodities requiring special equipment), between points in Turner County, Ga., on the one hand, and, on the other, points in Florida, Georgia, North Carolina, South Carolina, Alabama, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 117504, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 125254 (Sub-No. 7), filed November 3, 1969. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., Post Office Box 714, Muscatine, Iowa 52761. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal furniture*, in boxes or crates, from Muscatine, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) *materials, equipment and supplies*, used or useful in the manufacture and distribution of metal furniture, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126149 (Sub-No. 5), filed November 10, 1969. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, Ind. 47150. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical broadcasters and tractor attachments*, from Logansport, Ind., to points in Kentucky, Virginia, Texas, Tennessee, Missouri, Michigan, and North Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126305 (Sub-No. 21), filed October 31, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, particleboard and panels*, decorative or not decorative, between Bergen County, N.J., on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Denver, Colo., or Washington, D.C.

No. MC 127196 (Sub-No. 11), filed October 28, 1969. Applicant: ZERBIN L. KLINE AND JAMES L. KLINE, a partnership doing business as Kline Trucking, Rural Delivery No. 1, Millville, Pa. 17846. Applicant's representatives: S. Berne Smith and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and livestock), between the plantsite of Babson Bros. Co., in Oak Brook, Ill., on the one hand, and, on the other, points in the United States (except Hawaii). Restriction: Traffic shall either originate at or be destined to the plantsite of Babson Bros. Co., in Oak Brook, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 128256 (Sub-No. 6), filed November 10, 1969. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, Ind. 46540. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Deer River, Bemidji, and Redby, Minn., and from the port of entry on the United States-Canada boundary line at or near Pigeon River, Minn., to points in Indiana. NOTE: Applicant states that the purpose of this application is not to tack, but tacking is possible at Middlebury, Ind., to points in Michigan and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 128659 (Sub-No. 2), filed November 4, 1969. Applicant: ORBITAL TRANSPORT, INC., 2647 Karen Street, Bellmore, N.Y. 11710. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Orangeburg, N.Y., North Bergen, Cliffwood, and Freehold, N.J., to Glen Cove, N.Y., under contract with Glen Cove Bottling Co., Inc., Glen Cove, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128988 (Sub-No. 3) (Correction), filed October 20, 1969, published in FEDERAL REGISTER issue of November 20, 1969, and republished, as corrected this issue. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Upholstery or carpet tacking rims or strips, nails, adhesive cement, mechanic hand tools and advertising materials, racks and stands therefor*, from Los Angeles, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, equipment and supplies* used in the manner and distribution of the commodities in (1) above on return. Restrictions: (1) All commodities in (1) and (2) above restricted against the transportation of commodities in bulk; and (2) limited to a transportation service performed under a continuing contract with Taylor Industries, Inc., City of Industry, Calif. NOTE: The purpose of this republication is to show authority sought as that of a *contract carrier*, in lieu of a *common carrier*, as previously published. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129414 (Sub-No. 4), filed October 20, 1969. Applicant: BELL & MOONEY, INC., Post Office Box 925, Gillette, Wyo. 82716. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lost circulation materials and chemicals*, from Gillette and Upton, Wyo., to points in Big Horn, Yellowstone, Custer, Fallon, Prairie, Garfield, Dawson, Richland, McCone, Valley, Roosevelt, Sheridan, Petroleum, Phillips, and Daniels Counties, Mont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo., or Billings, Mont.

No. MC 133035 (Sub-No. 11), filed November 6, 1969. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from the plantsite of Cooperative Farm Chemicals Association at or near Lawrence, Kans., to points in Colorado, Iowa, Nebraska, Oklahoma, South Dakota, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 133566 (Sub-No. 1), filed October 15, 1969. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, a partnership, doing business as GANGLOFF AND DOWNHAM, Post Office Box 676, Logansport, Ind. 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), (1) from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Logansport, Ind., to points in Illinois, Maryland, New Jersey, New York, Pennsylvania, and West Virginia; and (2) from the warehouse and cold storage facilities utilized by Wilson & Co., Inc., at Lafayette, Ind., to points in Illinois, Maryland, New Jersey, New York, Pennsylvania, and West Virginia, restricted to traffic origination at the above named origins and destined to the above named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133779 (Sub-No. 1) (correction), filed October 27, 1969, published in the FEDERAL REGISTER issue of November 20, 1969, corrected and republished as corrected, this issue. Applicant: FUNDIS COMPANY, a corporation, Broadway at Cornell, Lovelock, Nev. 89419. Applicant's representative: Pete Fundis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth*, infusorial or diatomaceous (diatomite); *earth*, diatomaceous, physically combined with alkyl napthalene, sodium sulfonate; and *wood pulp sulphite;* except in bulk, from Colado Junction, located in Pershing County, and Clark located in Washoe County, Nev., to points in Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Mono, Orange, Riverside, San Diego, San Bernardino, San Luis Abispo, Santa Barbara, Tulare and Ventura Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Reno and Carson City, Nev., or San Francisco, Calif. The purpose of this republication is to clarify the origin points inadvertently set forth in previous publication.

No. MC 133865 (Sub-No. 1), filed October 30, 1969. Applicant: HUBBARD VAN & STORAGE, INC., Post Office Box 743, Santa Maria, Calif. 93454. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Monterey, San Luis Obispo and Santa Barbara Counties, Calif. restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133883 (Sub-No. 2), filed November 6, 1969. Applicant: GERALD N. EVENSON, Box 328, Pelican Rapids, Minn. 56572. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen and bathroom cabinets and hardware and accessories* used in the installation of kitchen and bathroom cabinets, from Fergus Falls, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of commodities named in (1) above, from points in Arkansas, Kentucky, Tennessee, Mississippi, and Missouri, to Fergus Falls, Minn.; under contract with Central States Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 134038 (Sub-No. 2), filed September 25, 1969. Applicant: MAJORS TRANSIT, INC., Post Office Box 7, Caneyville, Ky. 42721. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*,

by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between the junction of Kentucky Highway 175 and Kentucky Highway 601 and junction of Kentucky Highway 175 and U.S. Highway 62 west of Depoy, Ky., from the junction of Kentucky Highway 175 and Kentucky Highway 601 over Kentucky Highway 175 to junction U.S. Highway 62, serving all intermediate points, (2) between Earles, Ky., and Central City, Ky., over Kentucky Highway 70, serving all intermediate points, (3) between junction Kentucky Highway 181 and Kentucky Highway 81 south of Sacramento, Ky., and junction of Kentucky Highway 181 and Kentucky Highway 601 north of Greenville, Ky., from junction of Kentucky Highway 181 and Kentucky Highway 81 over Kentucky Highway 181, serving all intermediate points, (4) between Nortonville and Greenville, Ky., over U.S. Highway 62, serving all intermediate points, (5) between junction of Kentucky Highway 85 and U.S. Highway 62 west of McHenry, Ky. and Island, Ky., over Kentucky Highway 85, serving all intermediate points, (6) between junction of Kentucky Highway 138 and U.S. Highway 431 north of Island, Ky., and junction of Kentucky Highway 138 and Kentucky Highway 81 south of Calhoun, Ky., over Kentucky Highway 138, serving all intermediate points, (7) between Beaver Dam, Ky., and Rockport, Ky., over U.S. Highway 62, serving all intermediate points, (8) between Aberdeen, Ky., and Brownsville, Ky., over Kentucky Highway 70, serving all intermediate points, (9) between Caneyville and Roundhill, Ky., over Kentucky Highway 185, serving all intermediate points, (10) between junction Kentucky Highway 187 and U.S. Highway 62 and junction Kentucky Highway 187 and Kentucky Highway 70 over Kentucky Highway 187, serving all intermediate points, (11) between Rosine and Morgantown, Ky., from Rosine over Kentucky Highway 505 to Baizetown, thence over Kentucky Highway 403 via Logansport to Morgantown, and return over the same route, serving all intermediate points, (12) between Drakesboro and Greenville, Ky., over Kentucky Highway 176, serving all intermediate points, (13) between Hartford and Centertown, Ky., over Kentucky Highway 69, serving all intermediate points, and (14) between junction Kentucky Highway 259 and U.S. Highway 62 and Meredith, Ky., over U.S. Highway 62, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 134066 (Sub-No. 1), filed November 3, 1969. Applicant: LEWIS A. BAER, doing business as BAER AG. SUPPLY, Box 299, Waukee, Iowa 50263. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Waukee, Iowa, to points in Iowa, under contract with American Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 134083 (Sub-No. 1), filed November 3, 1969. Applicant: SOUTHERN ENTERPRISES, INC., 930 Catherine Street, Key West, Fla. 33040. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square S., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in Monroe and Dade Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 134096 (Sub-No. 2), filed October 29, 1969. Applicant: TROPICANA TRANSPORTATION CORP., 121 Paris Street, Newark, N.J. 07105. Applicant's representative: Paul M Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned, chilled and frozen citrus products*, (2) *canned and bottled non-alcoholic drinks and drink concentrates*, and (3) *citrus animal feed (citrus pomace)*, from the plantsite of Tropicana Products, Inc., at or near Kearney, N.J., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Newk York, Pennsylvania, Rhode Island, and Vermont, under contract with Tropicana Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134102, filed October 13, 1969. Applicant: ARKIN TRUCK LINE, INCORPORATED, 1600 South Indiana Avenue, Chicago, Ill. 60616. Applicant's representative: Geaorge S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, between the plantsite of R. R. Donnelley & Sons Co., at or near Dwight, Ill., and Chicago, Ill. NOTE: Applicant states it has contract carrier authority under MC 60987 and subs thereunder. The Commission's records show that the holder of MC 60987 and subs thereunder to be an Indiana corporation, however, the instant application for common carrier authority is filed as an Illinois corporation. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134116, filed October 17, 1969. Applicant: HOLLAN MOVING, INC., 107 Country Club Drive, Newark, Del. Applicant's representative: David Roeberg, 1112 King Street, Wilmington, Del. 19801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated Thru-container shipments of used household goods*, between points in New Castle, Kent, and Sussex Counties, Del.; Cecil, Kent, and Hartford Counties, Md.; Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa.; and Glouster, Salem, and Cumberland Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held in Delaware.

No. MC 134144, filed October 22, 1969. Applicant: WALTER S. HINE, doing business as FIELD VIEW FARMS, 707 Derby Turnpike, Orange, Conn. 06477. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, insecticides, pesticides, fungicides and herbicides*, in containers, and *grass seed*, in containers, when moving in mixed loads with the above commodities, from Derby, Conn., to points in Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, and points in New York on and east of Interstate Highway 81 under a continuing contract or contracts with the Fer-Mel Corp., Wethersfield, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 134146, filed November 3, 1969. Applicant: CONTINENTAL TRANSFER CO., INC., 100 Albert Avenue, Metuchen, N.J. 08840. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment, materials, supplies and personnel* accompanying such equipment, materials, and supplies, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134147, filed October 27, 1969. Applicant: EDGAR MONCRIEF, doing business as ED MONCRIEF TRUCKING CO., 615 Irwin Street, Cedartown, Ga. 30125. Applicant's representative: Karl M. Kothe, Post Office Box 268, Rome, Ga. 30161. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rough iron castings, sand, alloys, foundry facings in bags*, between Cedartown, Ga., and Birmingham, Ala., (2) *cupola block*, between Cedartown, Ga., and Bessemer, Ala., and (3) *fire clay*, between Cedartown, Ga., and Anniston, Ala.; under contract with Cedartown Foundry and Machine Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134148, filed November 4, 1969. Applicant: DESERT MOVING & STORAGE CO., INC., 44822 North Yucca, Lancaster, Calif. 93534. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in Kern and Los Angeles Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134155 filed November 4, 1969. Applicant: COAST TO COAST CONTRACT CARRIERS, INC., Post Office Box 494, Lynwood, Calif. 90262. Applicant's representatives: William J. Lippman and Arthur D. Bernstein, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic sheet, plastic lighting parts, miscellaneous plastic extrusions, and related plastic products*, from Wilmington, Calif., to points in Arizona, Colorado, Illinois, Indiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Texas, Washington, Wisconsin, and the District of Columbia, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, from points in Connecticut, Illinois, Kentucky, Pennsylvania, Tennessee, and West Virginia, to Wilmington, Calif., under continuing contract or contracts with J. W. Carroll & Sons, Wilmington, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 73133 (Sub-No. 5), filed October 6, 1969. Applicant: MAYFLOWER COACH CORP., 2720 Bronx Park E., Bronx, N.Y. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from New York, N.Y., to points in Vermont, Massachusetts, Pennsylvania, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116712 (Sub-No. 4), filed November 3, 1969. Applicant: MID-AMERICAN COACHES, INC., Eighth and Elm Streets, Washington, Mo. 63090. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box No. 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trips, sightseeing trips, and pleasure tours, beginning and ending at Washington, Hermann, Union, and New Haven, Mo., and extending to all points in the United States.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130101, filed October 14, 1969. Applicant: JUSTUS P. BROWN, JR., doing business as ASTRO TOURS AND TRAVEL, 226 Medford Avenue, Patchogue, N.Y. 11772. For a license (BMC 5) to engage in operations as a *broker* at Patchogue, N.Y., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, beginning and ending at Patchogue, N.Y., and extending to points in the United States.

No. MC 130102, filed October 23, 1969. Applicant: EXCURSIONS UNLIMITED, INC., 522 Mohawk Street, Columbus, Ohio 43206. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. For a license (BMC 5) to engage in operations as a *broker* at Columbus, Ohio, in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations in round-trip tours, beginning and ending at points in Franklin, Pickaway, Fairfield, Licking, Delaware, Union, Madison, and Clark Counties, Ohio, and extending to points in the United States including Alaska, but excluding Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 121014 (Sub-No. 2), filed November 6, 1969. Applicant: BIG SIX TRUCK SERVICE, INC., Post Office Box 148, St. Peters, Mo. 63376. Applicant's representative: Frederick H. Chetlain and Ernest A. Brooks II, Suite 1302, 411 North Seventh Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between St. Louis and St. Paul, Mo., from St. Louis over Missouri Highway 180 to junction Missouri Highway 115, thence over Missouri Highway 115 via St. Charles to junction Bypass U.S. Highway 40 (redesignated as Interstate Highway 70) to Gilmore, thence over St. Charles County unnumbered road to Josephville and St. Paul, and return over the same route with authority to serve St. Louis, St. Charles, St. Peters, O'Fallon, St. Paul, and Josephville, Mo., and (2) between St. Louis and St. Peters, Mo., from St. Louis over U.S. Highway 67 to West Alton, thence over Missouri Highway 94 to junction Supplementary Route "B", thence over Supplementary Route "B" to junction Supplementary Route "C", thence over Supplementary Route "C" to St. Peters, and return over the same route with authority to serve St. Louis, West Alton, Portage, De Sioux, Black Walnut, Orchard Farm, Kampville, Seeburger, Peruque, and St. Peters, Mo., and serving off-route points within 5 miles of the aforesaid route. NOTE: The purpose of this application is to convert applicant's certificate of registration under Docket No. MC 121014 (Sub-No. 1) to a certificate of public convenience and necessity.

No. MC 133984 (Sub-No. 2), filed November 6, 1969. Applicant: M. A. POPPERT, doing business as POPPERT TRUCKING COMPANY, 1915 North Durfee, El Monte, Calif. 91734. Applicant's representative: Donald Murchison, Suite 211, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures and equipment*, crated and uncrated in mixed loads, on flatbed vehicles, between plantsites and warehouses of Hill Refrigeration Corp. located within Los Angeles County, Calif., on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; under a continuing contract with Hill Refrigeration Corp.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-14342; Filed, Dec. 3, 1969; 9:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 1, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41812—*Anhydrous ammonia from Geismar., La., to La Platte, Nebr.* Filed by Southwestern Freight Bureau, agent (B-99), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from Geismar, La., La Platte, Nebr.

Grounds for relief—market competition.

Tariff—Supplement 77 to Southwestern Freight Bureau, agent, tariff ICC 4780.

FSA No. 41813—*Chlorine from Saltville, Va.* Filed by O. W. South, Jr., agent (A6143), for interested rail carriers. Rates on chlorine, in tank carloads, from Saltville, Va., to Roanoke Rapids, N.C.

Grounds for relief—market competition.

Tariff—Supplement 165 to Southern Freight Association, agent, tariff ICC S-517.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-14429; Filed, Dec. 3, 1969; 8:50 a.m.]

[Notice 948]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 26, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official

named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 231 TA), filed November 19, 1969. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Bill D. Gardner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in the Omaha, Nebr.; Council Bluffs, Iowa, commercial zone to points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, Virginia, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 41116 (Sub-No. 40 TA), filed November 20, 1969. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Pineville, La., to Vidalia, La., and Natchez, Miss., for 180 days. Supporting shipper: Pineville Kraft Corp., Post Office Box 870, Pineville, La. 71360. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 94201 (Sub-No. 79 TA), filed November 19, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903. Applicant's representative: M. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and/or components, and cast iron fire hydrants*, between Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Oklahoma, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala. 35202, Attention: Mr. Walter M. Boyce, Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 104149 (Sub-No. 189 TA), filed November 19, 1969. Applicant: OSBORNE TRUCK LINE, INC., 530 North 31st Street, Birmingham, Ala. 35203. Applicant's representative: M. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and/or components, and cast iron fire hydrants*, between Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Alabama, Georgia, Arkansas, Oklahoma, Mississippi, Tennessee, Florida and those in that part of Louisiana east of the Mississippi River, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala. 35202, Attention: Mr. Walter M. Boyce, Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107496 (Sub-No. 756 TA), filed November 20, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand with additives*, in bulk, in dump vehicles, from Aurora, Ill., to Waupaca and Oshkosh, Wis., for 150 days. Supporting shipper: Faskure Coated Sand Division, Aurora Metal Co., 1019 Jericho Road, Aurora, Ill. 60538. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 113678 (Sub-No. 368 TA), filed November 20, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouses products and articles distributed by meat packinghouses* as set forth in section A and C, *Descriptions in Motor Carrier Certificates*, from Scottsbluff, Nebr., to points in Connecticut, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 117565 (Sub-No. 22 TA), filed November 20, 1969. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in initial movements, in truckaway and driveaway service, from the plantsite of Shasta of Ohio, Apple Creek, Ohio, to Leola, Pa.; Goshen, Ind.; Grapevine, Tex., and Columbia, S.C., for 180 days. Supporting shipper: Shasta of Ohio, Post Office Box 238, Apple Creek, Ohio 44606. Send protests to: A. M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 117686 (Sub-No. 109 TA), filed November 20, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in section A and C appendix I to the *Report in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone to points in Arkansas and Texas, for 180 days. NOTE: Applicant proposes to tack to existing authority at Omaha, Nebr. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 119627 (Sub-No. 3 TA), filed November 20, 1969. Applicant: CENTRAL STATES EXPRESS, INC., 820 Dalby Street, Ankeny, Iowa 50021. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and attachments and parts* when moving in mixed loads with agricultural implements, from plant and warehouse sites and experimental farms of Deere & Co. in Wapello County, Iowa, to points in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia, for 150 days. Supporting shipper: Deere & Co., 400 19th Street, Moline, Ill. 61265. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 125168 (Sub-No. 14 TA), filed November 19, 1969. Applicant: OIL TANK LINES, INC., Box 190, Darby, Pa. 19023. Applicant's representative: R. H. Davis (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, petroleum acid and/or petroleum waste*, in bulk, in tank vehicles, between Bradford, Bruin, Karns City, Reno and Rouseville, Pa., on the one hand, and, on the other, Claymont and Wilmington, Del.; Cartaret, Clifton, Newark, Passaic, Paulsboro, Perth Amboy, Piscataway, Sewaren, and Woodbridge, N.J.; Great Neck and New York, N.Y.; Bristol and Philadelphia, Pa.; Charleston, Falling Rock, and Nitro, W. Va., for 180 days. Supporting shipper: American International Refining Corp., 1108 Law and Finance Building, Pittsburgh, Pa. 15219. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 127042 (Sub-No. 51 TA), filed November 19, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Omaha, Nebr., to points in Cook and Du Page Counties, Ill., points in Wisconsin, points in Michigan on and west of U.S. Highway 45, and points in Minnesota on and north of U.S. Highway 10, for 150 days. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, Ill. 60076. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 133966 (Sub-No. 3 TA), filed November 19, 1969. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 1303, Wilkes-Barre, Pa. 18703. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation and insulation materials*, from the plantsite of Certain-Teed Saint Gobain Insulation Corp. near Mountaintop, Pa., and Edwardsville, Pa., to points in Ohio, Maryland, Delaware, New York (except those in New York, N.Y., Nassau, and Westchester Counties, N.Y.) and New Jersey (except those in Passaic, Bergen, Essex, Morris, Hudson, Union, Somerset, Middlesex, and Monmouth Counties, N.J.), for 150 days. Supporting shipper: Certain-Teed Saint Gobain Insulation Corp., 100 Presidential Boulevard North, Bala Cynwyd, Pa. 19004. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134153 TA, filed November 20, 1969. Applicant: JOSEPH O. DICKERSON, JR., AND JOSEPH O. DICKERSON, SR., a partnership doing business as D & D TRANSPORTATION COMPANY, 1415 Park Boulevard, Camden, N.J. 08103. Applicant's representative: L. W. Harris, 2120 North Van Pelt Street, Philadelphia, Pa. 19121. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel products*, finished and unfinished, in bundles, boxes and bags, for the account of Bayou Ltd., Pennsauken, N.J., from Camden, N.J., and points in the Philadelphia, Pa., commercial zone to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, Massachusetts, Connecticut, and Rhode Island, with damaged or rejected shipments, on return, for 180 days. Supporting shipper: Bayou Ltd., 800 North 36th Street, Pennsauken, N.J. 08110. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 134154 TA, filed November 20, 1969. Applicant: OPAL FLANNERY, McKee, Ky. 40447. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Cincinnati, Ohio, and its commercial zone, as described by the Commission, to McKee, Ky., for 180 days. Supporting shipper: Carl Lakes, Owner, Jackson County Farm Service, Box 126, McKee, Ky. 40447. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14430; Filed, Dec. 3, 1969; 8:50 a.m.]

[Notice 454]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71718. By order of November 20, 1969, the Motor Carrier Board approved the transfer to Toddman Transport Co., a corporation, Fort Worth, Tex., of the certificate of registration in No. MC–120750 (Sub-No. 1) issued March 23, 1964, to Magnolia Transportation Co., Inc., Houston, Tex., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in specialized motor carrier certificate No. 5894 dated November 17, 1960, issued by the Railroad Commission of Texas. Reagan Sayers, Rawlings, Sayers & Scurlock, 1108 Continental Life Building, Post Office Box 17007, Fort Worth, Tex. 76102, attorney for applicants.

No. MC–FC–71724. By order of November 20, 1969, the Motor Carrier Board approved the transfer to Toody's Express Co., Inc., Revere, Mass., of the certificate of registration in No. MC–27889 (Sub-No. 2), issued June 1, 1964, to Salvatore Cianciulli, doing business as Toody's Express, Revere, Mass., authorizing the transportation of general commodities between points in Massachusetts. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14431; Filed, Dec. 3, 1969; 8:50 a.m.]

[Notice 454A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71450. By order of November 24, 1969, Division 3, acting as an Appellate Division, approved the transfer to Wrentham Motor Lines, Inc., Walpole, Mass., of the operating rights in certificate No. MC–208 issued June 25, 1956, to A. R. C. Trucking, Inc., Boston, Mass. (corporate name changed to East Coast Trucking, Inc.) authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Nashua, N.H., and New York, N.Y., serving specified intermediate and off-route points, and, over irregular routes, between points in Hudson, Essex, Somerset, Union, Middlesex, Morris, Bergen, and Passaic Counties, N.J., on the one hand, and on the other, New York, N.Y.; paper and asbestos products, over irregular routes, between Nashua, N.H., on the one hand, and, on the other, points in Passaic, Hudson, Essex, Union, Middlesex, and Somerset

Counties, N.J.; and paper, over irregular routes, between Lawrence, Mass., on the one hand, and, on the other, points in Passaic, Hudson, Essex, Union, Middlesex, and Somerset Counties, N.J. Sanford A. Kowal, 73 Trement Street, Boston, Mass. 02108, Attorney for transferee. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for transferor.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14432, Filed, Dec. 3, 1969; 8:50 a.m.]

[Notice 454B]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1969.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71807. By application filed November 26, 1969, HI-LINE TRUCKING, INC., 309 East Boundary Avenue, Plentywood, Mont. 59254, seeks temporary authority to lease the operating rights of PARAFFIN SERVICE, INC., 209 Prospect Drive, Glendive, Mont. 59330, under section 210a(b). The transfer to HI-LINE TRUCKING, INC., of the operating rights of PARAFFIN SERVICE, INC., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14433; Filed, Dec. 3, 1969; 8:50 a.m.]

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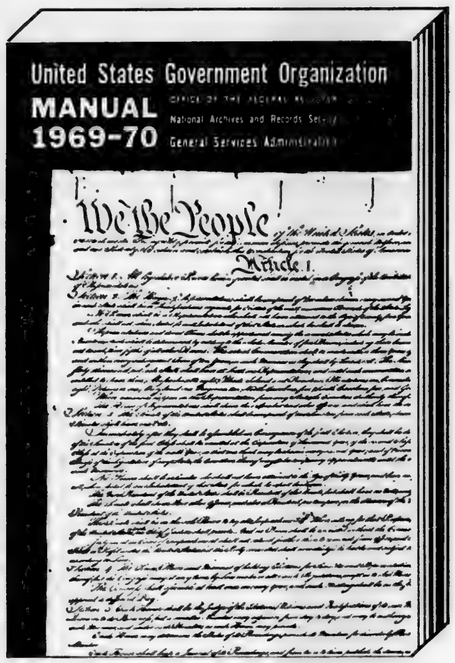
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FEDERAL REGISTER

VOLUME 34 • NUMBER 233

Friday, December 5, 1969 • Washington, D.C.

Pages 19241–19331

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-SO-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On October 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16876), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Biloxi, Miss., control zone and the Gulfport, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Biloxi, Miss., control zone is amended to read:

BILOXI, MISS.

Within a 5-mile radius of Keesler AFB (lat. 30°24'39.2" N., long. 88°55'25.9" W.); within 1.5 miles each side of Keesler TACAN 045° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 1.5 miles each side of Keesler TACAN 205° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN; excluding the portion west of long. 89°00'00" W., effective from 0600 to 2200 hours, local time daily.

In § 71.181 (34 F.R. 4637), the Gulfport, Miss., transition area is amended to read:

GULFPORT, MISS.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gulfport Municipal Airport (lat. 30°24'27.5" N., long. 89°04'05" W.); within an 8.5-mile radius of Keesler AFB (lat. 30°24'39.2" N., long. 88°55'25.9" W.); within 3 miles each side of the 036° bearing from Keesler RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 2 miles each side of Keesler TACAN 045° radial, extending from the 8.5-mile radius area to 13 miles northeast of the TACAN; within 2 miles each side of Keesler TACAN 205° radial, extending from the 8.5-mile radius area to 13 miles southwest of the TACAN;

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 24, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14444; Filed, Dec. 4, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-112]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16878), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Eufaula, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Eufaula, Ala., transition area is amended to read:

EUFAULA, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Weedon Field (lat. 31°57'05" N., long. 85°07'45" W.); within 3 miles each side of Eufaula VOR 014° radial, extending from the 6.5-mile radius area to 8.5 miles north of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 21, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14445; Filed, Dec. 4, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-113]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16878), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lumberton, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Lumberton, N.C., transition area is amended to read:

LUMBERTON, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lumberton Municipal Airport (lat. 34°36'36" N., long. 79°03'30" W.); within 3 miles each side of the 302° bearing from Lumberton RBN (lat. 34°36'48" N., long. 79°03'36" W.), extending from the 8.5-mile radius area to 8.5 miles northwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 21, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14446; Filed, Dec. 4, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-114]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16878), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Laurinburg, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Laurinburg, N.C., transition area is amended to read:

LAURINBURG, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Laurinburg-Maxton Airport (lat. 34°47'25" N., long. 79°21'55" W.); within 3 miles each side of Pinehurst VORTAC 157° radial, extending from the 8.5-mile radius area to 20 miles southeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 21, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14447; Filed, Dec. 4, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

(Reg. Docket No. 9981; Amdt. 678)

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	NA
				C-dn	1000-1	1000-1	NA
				If Patterson Int received, minimums become:			
				C-dn	500-1	500-1	NA

Radar available.
Procedure turn E side of crs, 197° Outbnd, 017° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′; over Patterson Int, 2300′.
Crs and distance, facility to airport, 017°—11 miles; Patterson Int to airport, 017°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11 miles after passing APE VORTAC make left-climbing turn to 3000′ and return to APE VORTAC. Hold S 1-minute right turns, 013° inbnd.
NOTE: Use Columbus altimeter setting.
CAUTION: Runway 10 obstruction clearance 14:1 trees.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–360°—3600′.

City, Mount Vernon; State, Ohio; Airport name, Mount Vernon; Elev., 1192′; Facility, H-BVORTAC; Ident, APE; Procedure No. VOR-1, Amdt. 1; Eff. date, 25 Dec. 69; Sup. Amdt. No. Orig.; Dated, 3 June 67

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Franklin, Va.—Franklin Municipal-John Beverly Rose, VOR 1, Amdt. 5, 31 July 1965 (established under Subpart C).
Vernal, Utah—Vernal, VOR 1, Amdt. 1, 21 Aug. 1965 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Mankato, Minn.—Mankato Municipal, VOR Runway 32, Amdt. 4, effective 5 Dec. 1968, canceled, effective 25 Dec. 1969.
Weirwood, Va.—Kellam Field, VOR-1, Orig., effective 21 May 1966, canceled, effective 25 Dec. 1969.

4. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Franklin, Va.—Franklin Municipal-John Beverly Rose, VOR/DME 1, Amdt. 1, 3 Sept. 1968 (established under Subpart C).

5. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.9 miles after passing FKN VOR.
Mason Int	FKN VOR (NOPT)	Direct	1600	Climb to 1600′, left turn direct to FKN VORTAC and hold. Supplementary charting information: Hold W on FKN R 267°, 1 minute, right turns, 107° Inbnd, 1600′. 277′ smokestacks 0.9 mile SW.

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 1600′ within 10 miles of FKN VORTAC.
FAF, FKN VOR. Final approach crs, 107°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over FKN VOR, 1600′.
MSA: 030°–120°—2100′; 120°–210°—1400′; 210°–030°—1600′.
NOTES: (1) Use Norfolk altimeter setting. (2) REILS on request or by keying mike 5 times on 122.8. (3) Inoperative components table does not apply to REILS Runway 9.
%Right turn after takeoff Runway 14 not authorized.
*Night minimums not authorized Runways 4/22 and 14/32.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S–9	680	1	643	680	1	643	680	1	643	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	740	1	703	740	1	703	740	1½	703	NA		
A	Not authorized.		T 2-eng. or less—300-1, Runway 22; Standard all other runways.%				T over 2-eng.—300-1, Runway 22; Standard all other runways.%					

City, Franklin; State, Va.; Airport name, Franklin Municipal-John Beverly Rose; Elev., 37′; Facility, FKN; Procedure No. VOR Runway 9, Amdt. 6; Eff. date, 25 Dec. 69; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 31 July 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing VEL VOR.
MTU VOR	Jensen Int	Direct (VEL R 156°, lead radial).	7400	Climbing right turn to 7400′ direct VEL VOR and hold.*
Jensen Int	VEL VOR (NOPT)	Direct	6200	Supplementary charting information: *Hold SE, 1 minute, right turns, 322° Inbnd. LRCO—122.1, 123.6. Runway 34, TDZ elevation, 5260′.

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 7400′ within 10 miles of VEL VOR.
FAF, VEL VOR. Final approach crs, 330°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over VEL VOR, 6200′.
MSA: 000°–090°—10,800′; 090°–180°—9300′; 180°–270°—8800′; 270°–360°—13,300′.
NOTE: Final approach from holding pattern not authorized.
$When control zone not effective, use GJT altimeter, circling and straight-in MDA becomes 6200′.
#Alternate minimums not authorized when control zone not effective.
%IFR departure procedures: Runway 34, right turn, climb direct to VEL VOR; Runway 16, climb direct to VEL VOR. Continue climb in holding pattern to MCA for direction of flight; MCA's V–187W, northbound 9000′, V–26, northeastbound 8000′, V–28, Westbound 8000′; V–101 8000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–34$	5780	1	520	5780	1	520	5780	1	520	5780	1¼	520
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	5780	1	499	5780	1	499	5800	1¼	519	5900	2	619
A	Standard.#		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Vernal; State, Utah; Airport name, Vernal; Elev., 5281′; Facility, VEL; Procedure No. VOR Runway 34, Amdt. 2; Eff. date, 25 Dec. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 21 Aug. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: At 5.7-mile DME Fix before FKN VORTAC.
Somerton Int, CCW	FKN, R 102°/16-mile DME Fix	16-mile DME Arc	1600	Climb to 1600′ direct to FKN VORTAC and hold.
Norfolk R 233°/19-mile DME Fix	FKN, R 102°/16-mile DME Fix	FKN, R 102°	1600	Supplementary charting information: Hold West on FKN R-287, one minute, right turns, 107° inbnd, 1600′.

Procedure turn not authorized. Approach starts at 16-mile DME Fix, 1600′.
FAF, 11-mile DME Fix. Final approach crs, 282°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over 16-mile DME Fix, 1600′; over 11-mile DME Fix, 1600′.
MSA: 030°–120°—2100′; 120°–210°—1400′; 210°–030°—1500′.
NOTES: (1) Use Norfolk altimeter setting. (2) MALS/SF on request or by keying mike 5 times on 123.0. (3) Inoperative components table does not apply to MALS Runway 27.
%Right turn after takeoff Runway 14 not authorized.
*Night minimums not authorized Runways 4/22 and 14/32.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-27	540	1	503	540	1	503	540	1	503	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	740	1	703	740	1	703	740	1¼	703	NA
A	Not authorized.		T 2-eng. or less—300-1, Runway 22; Standard all other runways.%				T over 2-eng.—300-1, Runway 22; Standard all other runways.%			

City, Franklin; State, Va.; Airport name, Franklin Municipal-John Beverly Rose; Elev., 37′; Facility, FKN; Procedure No. VOR/DME Runway 27, Amdt. 2; Eff. date, 25 Dec. 69; Sup. Amdt. No. VOR/DME 1, Amdt. 1; Dated, 3 Sept. 66

6. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.9 miles after passing BGR VOR
				Make right-climbing turn to 2000′ direct BGR VOR and hold.
				Supplementary charting information: Hold NW of BGR VOR, 1 minute, left turns, 157° Inbnd.
				@Chart in plan view.
				TDZ elevation, 192′.

Procedure turn E side of crs, 337° Outbnd, 157° Inbnd, 2000′ within 10 miles of BGR VOR.
FAF, BGR VOR. Final approach crs, 157°. Distance FAF to MAP, 1.9 miles.
Minimum altitude over BGR VOR 900′.
MSA: 000–090°—2500′; 090–180°—2400′; 180°–270°—2800′; 270°–360°—2200′.
@Approach from a holding pattern not authorized, procedure turn required.
*Inoperative components table does not apply. With inoperative SALS, visibility 1 mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
*S-15	520	¾	328	520	¾	328	520	¾	328	520	1	328
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	448	660	1	468	660	1¼	468	940	2	748
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bangor; State, Maine; Airport name, Bangor International; Elev., 192′; Facility, BGR; Procedure No. VOR Runway 15, Amdt. 2; Eff. date, 25 Dec. 69; Sup. Amdt. No. 1; Dated, 21 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CLE VORTAC.
				Climbing left turn to heading 240°, climb to 3000′. Return to CLE VORTAC and hold.
				Supplementary charting information: Hold SW, 1 minute, right turns, 060° Inbnd. Runway 7, TDZ elevation, 794′.

Procedure turn N side of crs, 231° Outbnd, 051° Inbnd, 2400′ within 10 miles of CLE VORTAC.
Final approach crs, 051°.
Minimum altitude over 4-mile DME Fix, R 231°—1320′.
MSA: 000°–180°—3000′; 180°–270°—2500′; 270°–360°—2100′.
NOTES: (1) Radar vectoring. (2) Use Cleveland Hopkins Airport, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-7	1320	1	526	1320	1	526	1320	1	526	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	526	1320	1	526	1320	1¼	526	NA
	DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-7	1220	1	426	1220	1	426	1220	1	426	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Lorain (Elyria); State, Ohio; Airport name, Lorain County Regional; Elev., 794′; Facility, CLE; Procedure No. VOR Runway 7, Amdt. 1; Eff. date, 25 Dec. 69; Sup. Amdt. No. Orig.; Dated, 20 Nov. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing Jeffersonville Int (14.8-mile DME).
LOU VORTAC	Jeffersonville Int (14.8-mile DME)	Direct	3000	Climb to 2500′ on heading 120° intercept R 060° LOU VORTAC and proceed to Shelby Int and hold or, when directed by AFC climbing left turn to 2500′ to heading 040° intercept R 175° ABB VOR and proceed to ABB VOR. Hold NE, 1 minute, right turns, 238° Inbnd.
Henryville Int	Jeffersonville Int (14.8-mile DME) (NOPT).	Direct	2400	Supplementary charting information: Hold NE, 1 minute, right turns, 240° Inbnd. Runway 14, TDZ elevation, 545′.

Procedure turn E side of crs, 330° Outbnd, 150° Inbnd, 3000′ within 10 miles of Jeffersonville Int (14.8-mile DME).
FAF, Jeffersonville Int (14.8-mi DME).
Final approach crs, 150°. Distance FAF to MAP, 6 miles.
Minimum altitude over Jeffersonville Int (14.8-mile DME), 2400′.
MSA: 000°–090°—2500′; 090°–180°—2100′; 180°–270°—2500′; 270°–360°—3000′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-14	1060	1	535	1080	1	535	1080	1	535	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1080	1	534	1120	1	574	1120	1¼	574	NA
A	Not authorized.		T 2-eng. or less—300-1.				T over 2-eng.—300-1.			

City, Louisville; State, Ky.; Airport name, Bowman Field; Elev., 546′; Facility, LOU; Procedure No. VOR Runway 14, Amdt. 1; Eff. date, 25 Dec. 69; Sup. Amdt. No. Orig.; Dated, 13 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Rosebank VHF/DME	PUB VORTAC	Direct	7000	MAP: 2.1 miles after passing VOR.
Hanover Int	PUB VORTAC	Direct	7000	Climbing left turn to 7000′ direct PUB VORTAC and hold.*
PU LOM	PUB VORTAC	Direct	7000	Supplementary charting information:
Pinon Int	PUB VORTAC	Direct	7300	*Hold E, 247° Inbnd, right turns, 1 minute.
R 331°, PUB VORTAC CW	R 067°, PUB VORTAC	13-mile Arc PUB, R 058° lead radial.	7000	Runway 25R, TDZ elevation, 4656′.
R 203°, PUB VORTAC CCW	R 067°, PUB VORTAC	13-mile Arc PUB, R 076° lead radial.	7000	
13-mile Arc	Haynes Creek Fix	PUB, R 067°	7000	
Ordway Int	Haynes Creek Fix	300° magnetic and PUB, R 067°, 10.2 miles.	7000	
Haynes Creek Fix	PUB VOR (NOPT)	Direct	5500	

Procedure turn N side of crs, 067° Outbnd, 247° Inbnd, 7000′ within 10 miles of PUB VORTAC.
FAF, PUB VORTAC. Final approach crs, 247°. Distance FAF to MAP, 2.1 miles.
Minimum altitude over PUB VORTAC, 5500′.
MSA: 000°–180°—7300′; 180°–270°—8500′; 270°–360°—8000′.
NOTE: Final approach from holding pattern not authorized; procedure turn required.
%IFR departure procedures: Climb direct to Pueblo VORTAC, climb in holding pattern, 247° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° CW to R 245° MCA 7200′; R 312° MCA 5200′, or comply with published Pueblo SID's.
CAUTION: Tower 6320′, 5.5 miles NW of field.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–25R	5100	¾	444	5100	¾	444	5100	¾	444	5100	1	444
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5340	1	615	5340	1	615	5340	1¼	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard. %					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev. 4725′; Facility, PUB; Procedure No. VOR Runway 25R, Amdt. 13; Eff. date, 25 Dec. 69; Sup. Amdt. No. 12; Dated, 29 May 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Hobbs Int	ATR VORTAC	Direct	1600	MAP: 6.4 miles after passing ATR VORTAC.
SIE VORTAC	ATR VORTAC	Direct	1600	Climb to 1600′, right turn direct to ATR VOR and hold.
				Supplementary charting information:
				Hold N on R 360°, 1 minute, left turns, 180° inbnd.
				322′ tower 153°—4.2 miles.
				103′ silo NW edge of airport.

Procedure turn not authorized. One-minute holding pattern N of ATR VORTAC, 180° Inbnd, left turns, 1600′ in lieu of procedure turn.
FAF, ATR VORTAC. Final approach crs, 153°. Distance FAF to MAP, 6.4 miles.
Minimum altitude over ATR VORTAC, 1600′; over 5-mile DME Fix, 760′.
MSA: 000°–090°—1700′; 090°–180°—1400′; 180°–270°—1700′; 270°–360°—1600′.
NOTE: Use Salisbury, Md., altimeter setting.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	760	1	732	760	1	732	NA	NA
	VOR/DME Minimums:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	540	1	512	540	1	512	NA	NA
A	Not authorized		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Rehoboth Beach; State, Del.; Airport name, Rehoboth Aircrafters; Elev., 28′; Facility, ATR; Procedure No. VOR–1, Amdt. 4; Eff. date, 25 Dec. 69; Sup. Amdt. No. 3; Dated, 28 Aug. 69

7. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Hilltop DME Fix CCW	Vincent Int	COS 15-mile DME Arc, R 341 lead radial.	10,000	MAP: 6 miles after passing Black Forest Int.
Vincent Int	Academy Int	Direct	9000	Climb to 7300′ direct to CO LOM and hold;* or, when directed by ATC, climbing left turn to 8000′ heading 075° to COS R 140° to Hanover Int. and hold.
Academy Int	Black Forest Int (NOPT)	Direct	8300	
COS VORTAC	Black Forest Int	Direct	9000	Supplementary charting information:
CO LOM	Black Forest Int	Via LOC	9000	*Hold S, 1 minute, right turns, 347° inbnd. Runway 17, TDZ elevation, 6172′.

Procedure turn E side of crs, 347° Outbnd, 167° Inbnd, 9000′ within 10 miles of Black Forest Int.
FAF, Black Forest Int. Final approach crs, 167°. Distance FAF to MAP, 6 miles.
Minimum altitude over Black Forest Int, 8500′; over Fannin Int, 7180′.
NOTES: (1) ASR/PAR. (2) Dual VOR receivers required for use of Fannin Int.
#Components inoperative table not applicable to HIRL Runway 17.
%IFR departure procedures: Westbound 210° through 345°, climb direct to COS VORTAC, then climb between COS VORTAC and Kettle Int to cross COS VORTAC Westbound at or above 14,100′, V–81 northbound cross COS VORTAC at or above 9000′. Runways 35 and 12, climb straight ahead to 6500′ MSL before turn.
CAUTION: Exceedingly high terrain beginning 6 miles W of localizer crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D			E		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–17#	7180	1½	1008	7180	1¾	1008	7180	2	1008	7180	2¼	1008	7180	2¼	1008
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	7180	1½	1008	7180	1¾	1008	7180	2	1008	7180	2¼	1008	7180	2¼	1008
LOC/VOR MINIMA:															
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–17#	6760	1	588	6760	1	588	6760	1	588	6760	1¼	588	6760	1¼	588
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6760	1	588	6760	1	588	6760	1½	588	6760	2	588	7040	2	868
A	1200–2.		T 2-eng. or less—Runway 35, RVR 24;[1] Standard all other runways.%				T over 2-eng.—Runway 35, RVR 24;[1] Standard all other runways.%								

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172′; Facility, I–COS; Procedure No. LOC (BC) Runway 17, Amdt. 6; Eff. date, 25 Dec. 69; Sup. Amdt. No. 5; Dated, 29 May 69

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Rosebank Int	PCX NDB	Direct	7000	MAP: 5.6 miles after passing PCX NDB.
Ordway Int	Helberg Int	300° magnetic & E crs PUB LOC 5.6 miles.	7000	Climb to 7000′ direct to PU LOM and hold;* or, when directed by ATC, climbing left turn to 7000′ direct PUB VORTAC.
Helberg Int	PCX NDB (NOPT)	Direct	6700	Supplementary charting information:
PUB VORTAC	PCX NDB	Direct	7000	*Hold W, 075° Inbnd, right turns, 1 minute.
Hanover Int	PCX NDB	Direct	7000	Runway 25R, TDZ elevation, 4656′.
PU LOM	PCX NDB	Direct	7000	
PUB VORTAC R 203°/13 CCW	Helberg Int	13-mile Arc PUB, R 087° lead radial.	7000	
PUB VORTAC R 331°/13 CW	Helberg Int	13-mile Arc PUB, R 068° lead radial.	7000	
Pinon Int	PCX NDB	Direct	7300	

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 7000′ within 10 miles of PCX NDB.
FAF, PCX NDB. Final approach crs, 255°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over PCX NDB, 6700′.
MSA: 000°–180°—7300′; 180°–270°—7400′; 270°–360°—7500′.
CAUTION: Tower 6320′, 5.5 miles NW of field.
%IFR departure procedures: Climb direct to Pueblo VORTAC, climb in holding pattern, 247° Inbnd. 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° CW to R 245°. MCA 7200′; R 312° MCA 5200′, or comply with published Pueblo SID's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–25R#	5060	¾	404	5060	¾	404	5060	¾	404	5060	1	404
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	5340	1	615	5340	1	615	5340	1½	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725′; Facility, I–PUB; Procedure No. LOC (BC) Runway 25R, Amdt. 6; Eff. date, 25 Dec. 69; Sup. Amdt. No. 5; Dated, 29 May 69

8. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing CAT NDB.
				Right-climbing turn to 2000′ direct to CAT NDB and hold.
				Supplementary charting information: Hold NE, 1 minute, right turns, 249° Inbnd.

Procedure turn N side of crs, 069° Outbnd, 249° Inbnd, 2000′ within 5 miles of CAT NDB.
FAF, CAT NDB. Final approach crs, 249°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over CAT NDB, 1300′.
MSA: 000°–090°—2900′; 090°–180°—3600′; 180°–270°—2000′; 270°–360°—2500′.
NOTES: (1) Radar vectoring. (2) Use Newark altimeter setting.
#Runway lighting on prior request.

DAY AND NIGHT MINIMUMS

Cond.	A			B		C	D
	MDA	VIS	HAA	VIS		VIS	VIS
C#	860	1	580	NA		NA	NA
A	Not authorized.		T 2-eng. or less—300–1 all runways.			T over 2-eng. Not authorized.	

City, Basking Ridge; State, N.J.; Airport name, Somerset Hills; Elev., 280′; Facility, CAT; Procedure No. NDB (ADF)–1, Amdt. 3; Eff. date, 25 Dec. 69; Sup. Amdt. No. 2; Dated, 27 Mar. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.3 miles after passing CO LOM.
COS VORTAC	CO LOM	COS VOR R 185°	8200	Climbing right turn to 7300′ direct to CO LOM and hold;* or, when directed by ATC, climbing right turn to 8000′ heading 085° to COS R 140° to Hanover Int and hold.
Hanover Int	CO LOM	Direct	8000	
Pueblo VORTAC	Midway Int	Direct	7300	
Midway Int	CO LOM (NOPT)	Direct	7100	
				Supplementary charting information: *Hold S, CO LOM, 1 minute, right turns, 347° Inbnd.
				Runway 35, TDZ elevation, 6070′.

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 7300′ within 10 miles of CO LOM.
FAF, CO LOM. Final approach crs, 347°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over CO LOM, 7100′.
MSA: 000°–090°—9000′; 090°–180°—7500′; 180°–360°—16,200′.
NOTE: ASR/PAR: Radar required when R–2601 in use.
%IFR departure procedures: Westbound 210° through 345°, climb direct to COS VORTAC, then climb between COS VORTAC and Kettle Int to cross COS VORTAC westbound at or above 14,100′, V–81 northbound cross COS VORTAC at or above 9000′. Runways 35 and 12, climb straight ahead to 6500′ MSL before turn.
CAUTION: Exceedingly high terrain beginning 6 miles W of N–S runway centerline extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D			E		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	6560	RVR 40	490	6560	RVR 40	490	6560	RVR 40	490	6560	RVR 50	490	6560	RVR 50	490
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6680	1	508	6680	1	508	6680	1½	508	6760	2	588	7040	2	868
A	Standard.		T 2-eng. or less—Runway 35, RVR 24′; Standard all other runways.%				T over 2-eng.—Runway 35, RVR 24′; Standard all other runways.%								

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172′; Facility, COS; Procedure No. NDB (ADF) Runway 35, Amdt. 16; Eff. date, 25 Dec. 69; Sup. Amdt. No. 15; Dated, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FRO NDB.
Bay Int	FRO NDB	Direct	2300	Right turn, climb to 2300′ on 270° crs, return to FRO NDB and hold.
Lindsey Int	FRO NDB	Direct	2300	
Bradner Int	FRO NDB (NOPT)	Direct	1280	Supplementary charting information: Hold W, 1 minute, right turns, 090° Inbnd.
				Final approach crs intercepts runway centerline 4320′ from threshold.
				Runway 9, TDZ elevation, 662′.

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 2300′ within 10 miles of FRO NDB.
Final approach crs, 090°.
MSA: 000°–090°—2000′; 090°–180°—2500′; 180°–270°—2400′; 270°–360°—3100′.
NOTES: (1) Radar vectoring. (2) Use Toledo, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			C			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–9	1280	1	618	1280	1	618	1280	1	618	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1280	1	618	1280	1	618	1340	1½	678	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Fremont; State, Ohio; Airport name, Progress Field; Elev., 662′; Facility, FRO; Procedure No. NDB (ADF) Runway 9, Amdt. 1; Eff. date, 25 Dec. 69; Sup. Amdt. No. Orig.; Dated, 6 Nov. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.5 miles after passing PU LOM.
PUB VORTAC	PU LOM	Direct	7000	Climb to 7000′ direct to PCX NDB and hold;* or, when directed by ATC, right-climbing turn to 7000′ to PU LOM and hold.
Pinon Int	PU LOM	Direct	7300	
Hanover Int	PU LOM	Direct	7300	
PCX NDB	PU LOM	Direct	7000	
Rosebank Int	PU LOM	Direct	7300	
Stone Int. VHF/DME	PU LOM (NOPT)	Direct	6900	Supplementary charting information: *Hold E, 255° Inbnd, right turns, 1 minute
				Runway 7, TDZ elevation, 4668′.

Procedure turn S side of crs, 255° Outbnd, 075° Inbnd, 7000′ within 10 miles of PU LOM.
FAF, PU LOM. Final approach crs, 075°. Distance FAF to MAP, 6.5 miles.
Minimum altitude over PU LOM, 6900′.
MSA: 000°–180°—7400′; 180°–270°—13,300′; 270°–360°—11,100′.
%IFR departure procedures: Climb direct to Pubelo VORTAC, climb in holding pattern, 247° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° CW to R 245° MCA 7200′; R 312° MCA 5200′, or comply with published Pueblo SID's.
CAUTION: 6320′ tower 5.5 miles NW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–7L	5480	1	812	5480	1	812	5480	1¼	812	5480	1¼	812
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5480	1	755	5480	1¼	755	5480	1½	755	5480	2	755
A	1000–2.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725′; Facility, PU; Procedure No. NDB(ADF) Runway 7L, Amdt. 6; Eff. date, 25 Dec. 69; Sup. Amdt. No. 5; Dated, 29 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
PUB VOR	PCX NDB	Direct	7000	MAP: 5.6 miles after passing PCX NDB.
PU LOM	PCX NDB	Direct	7000	Climb to 7000′ direct to PU LOM and hold;* or, when directed by ATC, left climbing turn to 7000′ direct PCX NDB nd hold.
Hanover Int	PCX NDB	Direct	7000	
Rosebank VHF/DME Int	PCX NDB	Direct	7000	Supplementary charting information:
Pinon Int	PCX NDB	Direct	7300	*Hold W, 075° Inbnd, right turns, 1 minute.
Avondale Int	PCX NDB (NOPT)	Direct	6700	Runway 25R, TDZ elevation, 4656′.

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 7000′ within 10 miles of PCX NDB.
FAF, PCX NDB. Final approach crs, 255°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over PCX NDB, 6700′.
MSA: 000°–180°—7300′; 180°–270°—7400′; 270°–360°—7500′.
%IFR departure procedures: Climb direct to Pueblo VORTAC, climb in holding pattern, 247° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° CW to R 245° MCA 7200′; R 312° MCA 5200′, or comply with published Pueblo SID's.
CAUTION: Tower 6320′, 5.5 miles NW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25R	5220	1	564	5220	1	564	5220	1	564	5220	1¼	564
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5340	1	615	5340	1	615	5340	1½	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725′; Facility, PCX; Procedure No. NDB (ADF) Runway 25R, Amdt. 3; Eff. date, 25 Dec. 69; Sup. Amdt. No. 2; Dated, 29 May 69

From—	To—	Via	Minimum altitudes (feet)	Missed approach
Chatham NDB	TE LOM	Direct	2000	MAP: 3.5 miles after passing TE LOM.
Paterson NDB	TE LOM	Direct	1900	Climb straight ahead to 1000′. Then climbing left turn to 2000′ direct to Paterson Int/NDB and hold.
Morristown Int	TE LOM	Direct	2000	
EW LOM	TE LOM (NOPT)	Direct	1400	Supplementary charting information: Hold NE, 1 minute, right turns, Inbnd course 211°. 693′ tower 1.4 miles N of airport.

Procedure turn N side of crs, 239° Outbnd, 059° Inbnd, 1900′ within 10 miles of TE LOM.
FAF, TE LOM. Final approach crs, 059°. Distance FAF to MAP, 3.5 miles.
Minimum altitude over TE LOM, 1400′.
MSA: 000°–180°—2600′; 180°–270°—2000′; 270°–360°—2900′.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to ALS Runway 6.
CAUTION: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.
%Runways 1, 6, 19, 24, IFR departures must comply with published Teterboro SID's.
IFR departures procedures: Runway 19 requires 290′/mile climb rate to 800′. Runway 24 requires 270′/mile climb rate to 800′.
#Circling minimums 740–1½ authorized for Categories B and C when circling SE Runways 6/24 centerline extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS
S-06	740	1	733	740	1	733	740	1¼	733		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		NA
C#	740	1	733	1000	1½	993	1000	1¾	993		
A	1000-2.		T 2-eng. or less—Runway 1, 700–1; Standard all others.%				T over 2-eng.—Runway 1, 700–1; Standard all others.%				

City, Teterboro; State, N.J.; Airport name, Teterboro; Elev., 7′; Facility, TE LOM; Procedure No. NDB (ADF) Runway 6, Amdt. 8; Eff. date, 25 Dec. 69; Sup. Amdt. No. 7; Dated, 19 Sept. 68

9. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach
Vincent Int	Black Forest Int	LOC crs	9200	MAP: ILS DH, 6270′; LOC 3.3 miles after passing CO LOM.
Black Forest Int	OM	LOC crs	8200	Climb straight ahead to 6600′, then climbing right turn to 8000′ heading 075° to intercept COS R 140° to Hanover Int and hold*; or, when directed by ATC, climb to 10,000′ direct to Black Forest Int and hold.
Hanover Int	CO LOM	Direct	8000	
COS VORTAC	CO LOM	Direct	8200	
COS VORTAC	Glen DME Fix	Direct	8000	
COS VORTAC	Bean DME Fix	Direct	8000	
Glen DME Fix CW	Bean DME Fix	COS 20-mile Arc	8000	Supplementary charting information:
Bean DME Fix CW	Midway DME Fix	COS 20-mile Arc, R 172° lead radial.	7300	*Hold N, 1 minute, left turn pattern, 171° inbnd.
Pueblo VORTAC	Midway VHF/DME Int	Direct	7300	Runway 35, TDZ elevation, 6070′.
Midway VHF/DME Int	CO LOM (NOPT)	Direct	7100	

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 7300′ within 10 miles of CO LOM.
FAF, CO LOM. Final approach crs, 347°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over Midway Int., 7300′; over CO LOM, 7100′.
Minimum glide slope intercepting altitude, 7100′. Glide slope altitude at OM, 7078′, at MM, 6273′.
Distance to runway threshold at OM, 3.3 miles; at MM, 0.6 mile.
MSA: 000°–090°—9000′; 090°–180°—7500′; 180°–360°—16,200′.
NOTE: ASR/PAR: Radar required when R–2901 in use.
%IFR departure procedures: Westbound 210° through 345°, climb direct to COS VORTAC, then climb between COS VORTAC and Kettle Int to cross COS VORTAC westbound at or above 14,100′, V–81 northbound cross COS VORTAC at or above 9000′. Runways 35 and 12, climb straight ahead to 6500′ MSL before turn.
CAUTION: Exceedingly high terrain beginning 6 miles W of N–S runway centerline extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D			E		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-35	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	6320	RVR 24	250	6320	RVR 24	250	6320	RVR 24	250	6320	RVR 40	250	6320	RVR 40	250
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6680	1	508	6680	1	508	6680	1½	508	6760	2	588	7040	2	868
A	Standard.		T 2-eng. or less—Runway 35, RVR 24′; Standard all other runways.%				T over 2-eng.—Runway 25, RVR 24′; Standard all other runways.%								

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172′; Facility, I-COS; Procedure No. ILS Runway 35, Amdt. 22; Eff. date, 25 Dec. 69; Sup. Amdt. No. 21; Dated, 29 May 69

From—	To—	Via	Minimum altitudes (feet)	Missed approach
Stone Int	PU LOM (NOPT)	120° magnetic & W crs PUB LOC 9.4 miles.	6900	MAP: ILS DH, 4868′; LOC 6.5 miles after passing PU LOM.
PUB VORTAC	PU LOM	Direct	7000	Climb to 7000′ on the back crs of PUB ILS to PCX NDB and hold*; or, when directed by ATC, continue straight ahead to 5000′ then right-climbing turn to 7000′ direct PU LOM and hold.
Rosebank Int	PU LOM	Direct	7300	
Hanover Int	PU LOM	Direct	7300	
Pinon Int	PU LOM	Direct	7300	
PCX NDB	PU LOM	Direct	7300	
Vigil Int	PU LOM	Direct	7000	Supplementary charting information:
R 008°, PUB VORTAC CCW	PU LOM	Direct	7000	*Hold E, 255° Inbnd, right turns, 1 minute.
R 133°, PUB VORTAC CW	Swallows Fix	10-mile DME Arc	7300	Runway 7L, TDZ elevation, 4668′.
Swallows Fix	PU LOM (NOPT)	17-mile DME Arc PUB, R 247° lead radial.	7000	
		Direct	6900	

Procedure turn S side of crs, 255° Outbnd, 075° Inbnd, 7000′ within 10 miles of PU LOM.
FAF, PU LOM. Final approach crs, 075°. Distance FAF to MAP, 6.5 miles.
Minimum altitude over PU LOM, 6900′.
Minimum glide slope interception altitude, 6900′. Glide slope altitude at OM, 6834′; at MM, 4920′
Distance to runway threshold at OM, 6.5 miles; at MM, 0.6 mile.
MSA: 000°–180°—7400′; 180°–270°—13,300′; 270°–360°—11,100′.
%IFR departure procedures: Climb direct to Pueblo VORTAC, climb in holding pattern, 247° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight; from R 200° CW to R 245° MCA 7200′; R 312° MCA 5200′, or comply with published Pueblo SID's.
CAUTION: 6320′ tower 5.5 miles NW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7L	4868	½	200	4868	½	200	4868	½	200	4868	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L	5260	½	592	5260	½	592	5260	½	592	5260	¾	592
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5340	1	615	5340	1	615	5340	1½	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725′; Facility, I-PUB; Procedure No. ILS Runway 7L, Amdt. 9; Eff. date, 25 Dec. 69; Sup. Amdt. No. 8; Dated, 17 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 415'; LOC, 3.5 miles after passing TE LOM.
Paterson NDB	TE LOM	Direct	1900	Climb straight ahead to 1000'. Then climbing left turn to 2000', proceeding via HUO R 155° to Paterson Int/NDB and hold.
Chatham NDB	Roselle Park Int	Direct	1900	
Amboy Int	Roselle Park Int	Direct	1900	
Solberg VORTAC	Roselle Park Int	Direct	1900	Supplementary charting information:
Roselle Park Int	TE LOM (NOPT)	Direct	1400	Hold NE of Paterson Int on IGN R 211°, 1 minute, right turns, 211° Inbnd. 693' tower 1.4 miles N of airport.

Procedure turn N side of crs, 239° Outbnd, 059° Inbnd, 1900' within 10 miles of TE LOM.
FAF, TE LOM. Final approach crs, 059°. Distance FAF to MAP, 3.5 miles.
Minimum altitude over Roselle Park Int, 1900', over TE LOM, 1340'.
Minimum glide slope interception altitude, 1400'. Glide slope altitude at OM, 1340'; at MM, 238'.
Distance to runway threshold at OM, 4 miles; at MM, 0.5 mile.
MSA: 000°–180°—2600'; 180°–270°—2000'; 270°–360°—2900'.
NOTES: (1) Radar vectoring. (2) Sliding scale not authorized. (3) Back crs unusable. (4) Inoperative table does not apply to HIRL or ALS Runway 6.
% Runways 1, 6, 19, 24, IFR departures must comply with published Teterboro SID's.
IFR departure procedures: Runway 19 requires 290'/mile climb rate to 800'. Runway 24 requires 270'/mile climb rate to 800'.
*If ALS inoperative, increase visibility ¼ mile.
#Circling minimums 740–1½ authorized for Categories B and C when circling SE Runways 6/24 centerline extended.
CAUTION: Teterboro OM and Newark OM at approximately the same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	VIS	
S-6	415	¾	409	415	¾	409	415	¾	409	NA	
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-6*	480	¾	474	480	¾	474	480	¾	474	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C#	740	1	733	1000	1¼	993	1000	1¾	993	NA	
A	1000-2		T 2-eng. or less—Runway 1, 700-1; Standard all others.%				T over 2-eng.—Runway 1, 700-1; Standard all others.%				

City, Teterboro; State, N.J.; Airport name, Teterboro; Elev., 7'; Facility, I-TEB; Procedure No. ILS Runway 6, Amdt. 17; Eff. date, 25 Dec. 69; Sup. Amdt. No. 16; Dated, 19 Sept. 68

10. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by COS ASR minimum altitude vectoring chart.										Descend aircraft to MDA after FAF. PAR Runway 35 FAF 3.3 miles from threshold. ASR Runway 35 FAF 3.3 miles from threshold. ASR Runway 30 FAF 5 miles from threshold. CAUTION: Exceedingly high terrain beginning 6 miles W of N-S runway centerline extended. #RVR 24' authorized for Runway 35. % IFR departure procedures: Westbound 210° through 345° climb direct to COS VORTAC, then climb between COS VORTAC and Kettle Int to cross COS VORTAC Westbound at or above 14,100', V-81 Northbound cross COS VORTAC at or above 9,000'. Runways 35 and 12, climb straight ahead to 6,500 MSL before turn.

Lost communications: Climb to 9500' direct COS VORTAC, hold N, 1 minute, left turns, 161° Inbnd. Monitor COS VOR voice.
Missed approach:
ASR Runway 35 and PAR Runway 35—Climb straight ahead to 6660', then climbing right turn to 8000' heading 075° to intercept COS R 140° to Hanover Int and hold*; or, when directed by ATC, climb to 10,000' direct to Black Forest Int and hold.
ASR Runway 30—Climbing right turn to 9000' on 075° heading to intercept COS R 140° to Hanover Int and hold*; or, when directed by ATC, climbing right turn to 10,000' to intercept LOC (BC) direct to Black Forest Int and hold.
Supplementary charting information: Runway 35, TDZ elevation, 6070'. Runway 35, final approach crs, 347°. Runway 30, TDZ elevation, 6150'. Runway 30 final approach crs, 302°.
*Hold N, Hanover Int, 1 minute, left turns, 171° Inbnd.,

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D			E		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH		HAT
PAR:															
8-35	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200	6270	RVR 24	200
Without Glide Slope:															
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
PAR:															
8-35	6320	RVR 24	250	6320	RVR 24	250	6320	RVR 24	250	6320	RVR 40	250	6320	RVR 40	250
ASR:															
8-35	6500	RVR 24	430	6500	RVR 24	430	6500	RVR 24	430	6500	RVR 50	430	6500	RVR 50	430
ASR:															
8-30	6520	1	370	6520	1	370	6520	1	370	6520	1	370	6520	1	370
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6680	1	508	6680	1	508	6680	1¼	508	6760	2	588	7040	2	868
A	Standard.		T 2-eng. or less—Standard.%#				T over 2-eng.—Standard.%#								

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172'; Facility, COS Radar; Procedure No. Radar-1, Amdt. 8; Eff. date, 25 Dec. 69; Sup. Amdt. No. 7; Dated, 29 May 69

These procedures shall become effective on the dates specified therein.
(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1348 (c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 18, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-14015; Filed, Dec. 4, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Part 213 is revised to read as follows:

Subpart A—General Provisions

Sec.
213.101 Definitions.
213.102 Identification of positions in Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
213.3102 Entire executive civil service.
213.3103 Executive Office of the President.
213.3104 Department of State.
213.3105 Treasury Department.
213.3106 Department of Defense.
213.3107 Department of the Army.
213.3108 Department of the Navy.
213.3109 Department of the Air Force.
213.3110 Department of Justice.
213.3111 Post Office Department.
213.3112 Department of the Interior.
213.3113 Department of Agriculture.
213.3114 Department of Commerce.
213.3115 Department of Labor.
213.3116 Department of Health, Education, and Welfare.
213.3121 National Security Council.
213.3123 Interagency Committee on Mexican American Affairs.
213.3124 Board of Governors, Federal Reserve System.
213.3126 Office of Emergency Preparedness.
213.3127 Veterans Administration.
213.3128 U.S. Information Agency.
213.3129 Federal Power Commission.
213.3130 Securities and Exchange Commission.
213.3132 Small Business Administration.
213.3133 Federal Deposit Insurance Corporation.
213.3135 National Capital Housing Authority.
213.3136 U.S. Soldiers' Home.
213.3137 General Services Administration.
213.3138 Federal Communications Commission.
213.3139 U.S. Tariff Commission.
213.3141 National Labor Relations Board.
213.3142 Export-Import Bank of the United States.
213.3143 Farm Credit Administration.
213.3146 Selective Service System.
213.3147 Federal Mediation and Conciliation Service.
213.3148 National Aeronautics and Space Administration.
213.3149 Panama Canal Company, New Orleans.
213.3152 St. Lawrence Seaway Development Corporation.
213.3153 District of Columbia Government.
213.3154 Federal Home Loan Bank Board.
213.3156 Commission on Civil Rights.
213.3157 Federal Aviation Agency.
213.3158 Franklin Delano Roosevelt Memorial Commission.
213.3161 James Madison Memorial Commission.
213.3162 National Aeronautics and Space Council.
213.3165 President's Advisory Committee on Labor-Management Policy.
213.3166 United States-Mexico Commission for Border Development and Friendship.
213.3170 Civil Service Commission.
213.3178 Atlantic-Pacific Interoceanic Canal Study Commission.
213.3182 National Foundation on the Arts and the Humanities.
213.3184 Department of Housing and Urban Development.
213.3187 District of Columbia Redevelopment Land Agency.
213.3190 Commission on Marine Science, Engineering, and Resources.
213.3194 Department of Transportation.
213.3195 President's Temporary Commission on Pennsylvania Avenue.
213.3199 Temporary boards and commissions.

SCHEDULE B

213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.
213.3202 Entire executive civil service.
213.3204 Department of State.
213.3205 Treasury Department.
213.3206 Department of Defense.
213.3209 Department of the Air Force.
213.3210 Department of Justice.
213.3212 Department of the Interior.
213.3214 Department of Commerce.
213.3215 Department of Labor.
213.3216 Department of Health, Education, and Welfare.
213.3228 United States Information Agency.
213.3229 Federal Power Commission.
213.3242 Export-Import Bank of the United States.
213.3246 Selective Service System.
213.3253 District of Columbia Government.
213.3268 Agency for International Development.
213.3273 Office of Economic Opportunity.
213.3276 Appalachian Regional Commission.

SCHEDULE C

213.3301 Positions of a confidential or policy-determining character.
213.3301a Special revocation of exceptions.
213.3303 Executive Office of the President.
213.3304 Department of State.
213.3305 Treasury Department.
213.3306 Department of Defense.
213.3307 Department of the Army.
213.3308 Department of the Navy.
213.3309 Department of the Air Force.
213.3310 Department of Justice.
213.3311 Post Office Department.
213.3312 Department of the Interior.
213.3313 Department of Agriculture.
213.3314 Department of Commerce.
213.3315 Department of Labor.
213.3316 Department of Health, Education, and Welfare.
213.3322 Interstate Commerce Commission.
213.3325 The Tax Court of the United States.
213.3326 Office of Emergency Preparedness.
213.3327 Veterans Administration.
213.3328 U.S. Information Agency.
213.3329 Federal Power Commission.
213.3330 Securities and Exchange Commission.
213.3331 National Mediation Board.
213.3332 Small Business Administration.
213.3333 Federal Deposit Insurance Corporation.
213.3337 General Services Administration.
213.3339 U.S. Tariff Commission.
213.3340 Civil Aeronautics Board.
213.3341 National Labor Relations Board.
213.3342 Export-Import Bank of the United States.
213.3343 Farm Credit Administration.
213.3345 Indian Claims Commission.
213.3348 National Aeronautics and Space Administration.
213.3350 Foreign Claims Settlement Commission of the United States.
213.3351 Subversive Activities Control Board.
213.3354 Federal Home Loan Bank Board.
213.3355 The Renegotiation Board.
213.3356 Commission on Civil Rights.
213.3364 U.S. Arms Control and Disarmament Agency.
213.3367 Federal Maritime Commission.
213.3368 Agency for International Development.
213.3371 President's Committee on Consumer Interest.
213.3372 Administrative Office of the U.S. Courts.
213.3373 Office of Economic Opportunity.
213.3374 Smithsonian Institution.
213.3376 Appalachian Regional Commission.
213.3377 Equal Employment Opportunity Commission.
213.3384 Department of Housing and Urban Development.
213.3385 President's Council on Youth Opportunity.
213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.
213.3394 Department of Transportation.

AUTHORITY: The provisions of this Part 213 issued under 5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp.

Subpart A—General Provisions

§ 213.101 Definitions.

In this chapter:

(a) Excepted service has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Commission under § 6.1 or § 9.20 of the civil service rules (Subchapter A of this chapter).

(b) "Excepted position" means a position in the excepted service.

§ 213.102 Identification of positions in Schedule A, B, or C.

The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

(a) The positions enumerated in §§ 213.3102 to 213.3199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for summer or student employment within the United States. This prohibition does not apply to the appointment of persons (1) who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, (2) who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property, or (3) who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by the Commission and published in the Federal Personnel Manual.

(c) An agency may appoint for summer employment within the United States in positions listed in Schedule A only in accordance with the terms of the Commission's summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(d) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school as distinguished from a correspondence student.

§ 213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS–3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the metropolitan area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurrring nature are not authorized under this paragraph.

(j) [Reserved]

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (l) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(o) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(q) Temporary or intermittent positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (i) in a position of a routine clerical type; or (ii) in excess of 1,040 working hours a year; except that the 1,040-working-hours-a-year limitation shall not apply to persons employed under this provision in positions at GS–5 and below which are established in connection with an organized work-study program involving alternating periods of work experience and related study at an accredited college or university in a cooperative curriculum in which the work experience is a prerequisite to the award of a degree. Appointments under this authority may be made only to positions for which qualification standards established under part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service.

(r) All positions of a project nature when filled by individuals the salaries for whom are paid out of funds allocated by the President under authority of Public Law 87–658, approved September 14, 1962, the Public Works Acceleration Act. Employment under this authority shall be for a temporary period not to exceed one year.

(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

(u) Subject to prior approval of the Commission, positions when filled by severely handicapped persons who, under temporary appointment, have demonstrated their ability to perform the duties satisfactorily.

(v) Temporary Summer Aid positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledges or skills, when filled by

youths appointed for summer employment under such economic or educational needs standards as the Commission may prescribe. A person may not be appointed unless he has reached his 16th but not his 22d birthday, or employed for more than 700 hours under this paragraph. This paragraph shall apply only to positions whose pay is fixed at the equivalent of the minimum wage rate established by the Fair Labor Standards Amendments of 1966 (currently $1.60 an hour), at the equivalent of an applicable State or municipal minimum wage rate if that is higher, or by prior agreement with the Commission, at some other rate, when an agency is precluded by law from fixing pay at one of the foregoing rates.

(w) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Stay-in-School Campaign and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours in any calendar week (40 hours in any calendar week which falls within a vacation period); (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: Provided, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. A person may not be appointed under this authority unless he has reached his 16th but not his 22nd birthday. No new appointments may be made under this authority between May 1 and August 31, inclusive.

(x) Subject to prior approval of the Commission, positions for which a local recruiting shortage exists when filled by inmates of Federal and District of Columbia penal and correctional institutions under work release programs authorized by the Prisoner Rehabilitation Act of 1965 and the District of Columbia Work Release Act. Initial appointments under this authority may not exceed one year. An initial appointment may be extended for one or more periods not to exceed one additional year each with the prior approval of the Commission upon a finding that the inmate is still in a work release status and that a local recruiting shortage still exists. No person may serve under this authority longer than one year beyond the date he is released from custody.

(y) Positions at grade GS–2 and below for summer employment, as defined in § 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests under hiring programs approved by the Commission.

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS–12 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its postdoctoral research associate program and may be made initially for 1 year only. An agency may extend an appointment made under this authority for up to one additional year when the program committee at the laboratory concerned determines that extension will benefit both the associate and the laboratory.

(bb) Subject to prior approval of the Commission, positions when filled by aliens in the absence of qualified citizens.

§ 213.3103 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

(b) *National Council on Marine Resources and Engineering Development.* (1) All positions on the Council staff.

§ 213.3104 Department of State.

(a) *Office of the Secretary.* (1) Six physical science administration officers at GS–14 and above in International Scientific and Technological Affairs.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Reports and Operations Staff, Executive Secretariat.

(4) Four Assistants to the Executive Secretary, Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(b) *Bureau of Intelligence and Research.* (1) Not to exceed 35 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) and (3) [Reserved]

(4) Until June 30, 1970, two Realty Specialists, GS–6 and 9, and one Administrative Assistant, GS–7.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or 6 months within any 1 calendar year.

(e) *Office of the Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Special Assistant to the Chief, News Division.

(5) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(f) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

§ 213.3105 Treasury Department.

(a) [Reserved]

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors and Port Directors in Alaska paid at a rate not above GS–9 and for not more than 130 working days in a service year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at GS–9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7) [Reserved]

(8) Staff assistant positions established to aid in the reorganization of the Bureau of Customs under Reorganization Plan No. 1 of 1965, when filled by persons with 1 year or more of current service as a Presidential appointee in a key position in the Bureau. No person may be employed under this paragraph in excess of 3 years.

(c) *Coast Guard.* (1) Lamplighters.

(2) Professors, associate professors, assistant professors, instructors, one principal librarian, one cadet hostess, and one psychologist (counseling) at the Coast Guard Academy, New London, Conn.

(d) [Reserved]

(e) *Internal Revenue Service.* (1) Fifty positions of investigator for special assignments.

(f) *Office of the Assistant Secretary for International Affairs.* (1) Not to exceed 10 positions in the Research and Planning Office at the equivalent of GS–13 through GS–17 to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

§ 213.3106 Department of Defense.

(a) *Office of the Secretary.* (1) Five Special Advisers in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(5) Director, Intelligence Resources and Programs, OASD (Administration)

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(c) *Interdepartmental Activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

§ 213.3107 Department of the Army.

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(3) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of 3 months' training and a maximum of 12 months' training, depending upon the individual's previous clinical training.

(4) [Reserved]

(5) Positions assigned exclusively to Army Communications Intelligence Activities.

(6) Trainee student medical technologist (intern) positions at the Rodriguez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed 1 year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U.S. Military Academy Preparatory School, Fort Belvoir, Va.

(d) *U.S. Military Academy, West Point, N.Y.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability

(e) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(f) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(g) *Defense Language Institute.* (1) Language instructor positions and professional positions at the West Coast Branch whose duties require supervising the language instructors or developing and evaluating instructional material and methods directly related to the teaching of foreign languages.

(2) Typists of foreign language material at the West Coast Branch whose duties require them to make corrections in grammar and spelling of the material typed.

(3) Professors, instructors, and teachers at the East Coast Branch.

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(h) *Army War College, Carlisle Barracks, Pa.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

§ 213.3108 Department of the Navy.

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities and positions assigned to Naval Security Group Activities/Functions.

(2) [Reserved]

(3) Positions of teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(4) Not to exceed 50 positions of Resident-in-Training at U.S. Naval hospitals which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments to these positions shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be only to positions excepted from the Classification Act under the provisions of Public Law 80–330.

(5) One Staff Assistant to the Naval Aide to the President.

(6) [Reserved]

(7) Positions of Student Social Worker for temporary, part-time, or intermittent employment in Navy hospitals when filled by bona fide students enrolled in academic institutions: *Provided*, That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(8) Positions of Student Practical Nurse for temporary, part-time, or intermittent employment in Naval Hospitals and Station Hospitals, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of Medical Technology Intern in Naval and station hospitals when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be on a full-time, part-time or intermittent basis but may not exceed 1 year. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(11) Positions of Medical Intern at U.S. Naval Hospitals when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351–5356. Employment under this authority may not exceed 1 year.

(12) Positions of Student Speech Pathologist at U.S. Naval Hospitals when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351–5356. Employment under this authority may not exceed 1 year.

(13) Positions of Student Dental Assistant in Naval dental departments when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351 and 5352. Employment under this authority may not exceed one year.

(b) *U.S. Naval Academy.* (1) Professors, instructors, and teachers in the U.S. Naval Academy, the U.S. Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, the Dean of Admissions at the U.S. Naval Academy, and social counselors.

(c) *U.S. Naval Home.* (1) Positions of Orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) [Reserved]

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, Calif.* (1) Scientific and professional research positions at GS–12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed six positions at any one time. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed 1 additional year.

§ 213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) Three Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Positions on the cable ship operated by the Air Force Communication Service.

(c) [Reserved]

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

§ 213.3110 Department of Justice.

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the U.S. courts when employed on an intermittent basis.

(3) U.S. Marshal in the Virgin Islands.

(4) [Reserved]

(5) Thirty positions of Field Representative, GS–9 through GS–14, in the Community Relations Service for temporary or intermittent employment for not to exceed 130 working days a year.

(6) Not to exceed 20 positions of Field Representative Trainee, GS–5–7, in the Community Relations Service, for employment on college campuses for not to exceed 130 working days a year. Employment under this authority is limited to 1 year: *Provided*, That an appointment may be extended for one additional year with the prior approval of the Commission.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

(c) *Bureau of Narcotics and Dangerous Drugs.* (1) 104 special agent positions for undercover work.

§ 213.3111 Post Office Department.

(a) *General.* (1) [Reserved]

(2) Substitute Rural Carriers employed:

(i) During the incumbency of a Rural Carrier to serve the Carrier's route when he is absent on leave or for military duty, or

(ii) To serve pending the filling of a Rural Carrier vacancy, provided that the Post Office Department shall obtain prior approval of the Commission for employment of any substitute in a Rural Carrier vacancy in excess of 90 days.

(3)–(6) [Reserved]

(7) Clerks employed on a part-time basis in third-class post offices in Alaska.

(8) Fourth-class postmaster positions in Alaska.

(9) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

(10) [Reserved]

(11) Temporary employment of Christmas assistants in the postal field service for not more than 28 calendar days in December.

(12) For employment of 11 deaf mutes on an experimental basis with prior approval of the Commission.

(13) Not to exceed 200 positions in salary level PFS–3 and below in the San Francisco Post Office when filled for not to exceed 12 months by enrollees in the Concentrated Employment Program who are selected for participation in an experimental work-training program for the severely disadvantaged. Use of this authority is subject to a training plan approved by the Civil Service Commission. It is also subject to a showing on the basis of periodic evaluations by the Department and the Commission that the program is achieving the work and training objectives for which it was established.

§ 213.3112 Department of the Interior.

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators; and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(2) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Five Area Managers.

(e) *Office of Territories.* (1) The Clerk of the High Court of American Samoa.

(2) and (3) [Reserved]

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (general, naturalist, historian, and archeologist) at salaries equivalent to GS–5 or GS–4, and not to exceed 200 such positions at salaries equivalent to grade GS–7 or GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. Employment under this subparagraph is limited to persons who meet the qualifications standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a park ranger at a salary equivalent to the next lower grade:

(i) For IGS–7, 2 seasons at IGS–6 level;
(ii) For IGS–6, 2 seasons at IGS–5 level;
(iii) For IGS–5, 1 season at IGS–4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 working days in any single year.

(h) *The Alaska Railroad.* (1) Reserved.

(2) The General Manager.

(3) The Assistant General Manager.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Consumer and Marketing Service: Agricultural commodity grader (grain) and (meat), agricultural commodity aid (grain), and poultry and tobacco inspection positions.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State governments, colleges, or universities, for a limited period not to exceed 1 year.

(4) Local Agents, except veterinarians, employed temporarily outside Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS–7 and WG–10 in the following types of positions: field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; agricultural commodity aids (cotton) in the Consumer and Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research Service; and, subject to prior Commission approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided:* That an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies, such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

(6) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 81–875, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(7) [Reserved]

(8) Not to exceed 10 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate for such positions. No new appointments may be made under this authority after December 31, 1968.

(9) Not to exceed 20 positions of Program Assistant GS–13–15 when filled by persons whose current service in agricultural programs of the Department at the State level has provided specialized knowledge and experience needed by the Department for the more efficient administration of its programs. No new appointments may be made under this authority after December 31, 1969.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(2) The positions of the two members and two alternate members of the Board of Forest Appeals which must be filled under Departmental regulation by persons who have not been Federal employees for 2 years before appointment. Employment under this exception shall be on a when-actually-employed basis.

(c) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) Six Area Directors above GS–14.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(e) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to Public Law 87–128. Appointment under this provision shall not exceed 1 year unless extended with the prior approval of the Commission for additional periods of not to exceed 1 year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior Commission approval for not to exceed 1 additional year.

(f) *Consumer and Marketing Service.* (1) Positions of cotton classers GS–9 and below, clerks GS–2, supervisory clerks GS–3, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of cotton classers and laborers, and 1,040 hours a year in the case of clerks; except that a GS–5 cotton classer may be employed as a trainee during his first appointment for an initial period of 6 months for training purposes without regard to the above time limitation.

(2) Positions of poultry inspector (veterinarian at GS–11 and below, and nonveterinarian at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(g) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(h) *Foreign Agricultural Service.* (1) Agricultural Attaché positions at grade GS–16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(i) *International Agricultural Development Service.* (1) Positions of Technical Leader at Grade GS–12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

§ 213.3114 Department of Commerce.

(a) *General.* (1) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part-time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided*, That the number of observations shall not exceed a daily average of 12 during any calendar month.

(2) Employment of individuals, firms, or corporations for not to exceed 1 year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(3) One Adviser on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Commission approval is required for extension of full-time employment for longer than 1 year.

(e) [Reserved]

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS–13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed 2 years, and may, with prior approval of the Commission, be extended for an additional period of 2 years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2)–(4) [Reserved]

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(7) [Reserved]

(8) One Special Assistant to the Administrator (Tanker Adviser).

(9) Two Special Assistants to the Deputy Administrator.

(10) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including heads of the Department of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; the Regimental Officer; the Drill and Activities Officers; the Board and Activities Officer; the First, Second, and Third Battalion Officers; and three Night Battalion Officers.

(11) U.S. Merchant Marine Academy, positions of: The Superintendent, the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; the Special Assistant to the Superintendent; and three Academy Training Representatives.

(i) *Office of the Assistant Secretary for Domestic and International Business.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of International Commerce or in other units under the jurisdiction of the Assistant Secretary for Domestic and International Business. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(j) *Environmental Science Services Administration.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Cook positions on Swan Island.

§ 213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two Members, Employees' Compensation Appeals Board.

(b) *Bureau of Labor Statistics.* (1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this authority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS–5;

(ii) 130 working days a year for positions at GS–4 and below.

The total number of appointments at GS–5 shall not exceed 75. Appointments at the GS–3 and GS–4 grade levels are not limited in number.

(c) *Office of Federal Contract Compliance.* (1) All positions at GS–15 and below involving performance of the functions of the program known as "Plans for Progress."

§ 213.3116 Department of Health, Education, and Welfare.

(a) *National Center for Mental Health Services, Training and Research.* (1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving 12 weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(4) Three positions of Medical Officers (Radiology Resident): *Provided*, That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident.

(5) Eight positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed 2 years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed 3 months' employment in the case of any one individual.

(8) Four positions of Medical Officer (Physical Medicine and Rehabilitation Resident): *Provided*, That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident. Initial appointments may be made at any level within the 3-year residency as approved by the American Medical Association.

(9) Not to exceed 22 positions of Chaplain Residents: *Provided*, That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(10) One position of Medical Officer (Ophthalmology Resident) when filled by persons whose compensation is fixed under 5 U.S.C. 5351–5356. Employment under this authority may not exceed 4 months.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided*, That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further*, That appropriate exclusions of the positions under the authority of Public Law 80–330 have been approved by the Civil Service Commission.

(7) Student Dieticians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(d) *Social Security Administration.* (1) One position of claims examiner or social insurance representative in a district office of the Bureau of Old-Age and Survivors Insurance in the State of Arizona when filled by the appointment of a person of one-fourth or more Indian blood.

(2) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

(e) *General.* (1) Not to exceed 40 positions in medical and related occupations for employment under the Cuban refugee program. No new appointments may be made after December 31, 1968.

(f) *The President's Council on Physical Fitness.* (1) Three staff assistants, The President's Council on Physical Fitness.

(g) *Social and Rehabilitation Administration.* (1) Not to exceed 195 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That new appointments shall be limited to Cuban refugees.

§ 213.3121 National Security Council.

(a) All positions on the staff of the Council.

§ 213.3123 Interagency Committee on Mexican American Affairs.

(a) All positions on the committee staff.

§ 213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

§ 213.3126 Office of Emergency Preparedness.

(a) One Field Representative, Resource Readiness Office.

§ 213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

§ 213.3128 U.S. Information Agency.

(a) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(b) One Chief of Religious Information.

§ 213.3129 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 213.3130 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulation; Director, Division of Trading and Markets.

(b) Nine positions of Regional Administrator.

§ 213.3132 Small Business Administration.

(a) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961, declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration of the disaster. Original appointments may not exceed 6 months, and no employee appointed under this exception may work in any one disaster area for more than 6 months without prior approval of the Commission.

(b) Until December 31, 1970, positions of receivers or trustees who serve on an intermittent basis in receivership actions affecting Small Business Investment Companies.

(c) Position of Community Economic-Industrial Planner, GS–7—12, when filled by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members.

§ 213.3133 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, P.R., office.

§ 213.3135 National Capital Housing Authority.

(a) Executive Director.

§ 213.3136 U.S. Soldiers' Home.

(a) All positions.

§ 213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

§213.3138 Federal Communications Commission.

(a) The Chief of each of the following Bureaus: Broadcast, Common Carrier, and Safety and Special Radio Services.

§ 213.3139 U.S. Tariff Commission.

(a) The Secretary of the Commission.

§ 213.3141 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 213.3142 Export-Import Bank of the United States.

(a) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 213.3143 Farm Credit Administration.

(a) Federal Land Bank Association receivers and conservators.

(b) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided,* That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 213.3146 Selective Service System.

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until June 30, 1971, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

§ 213.3147 Federal Mediation and Conciliation Service.

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

§ 213.3148 National Aeronautics and Space Administration.

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) [Reserved]

(d) Ten medical officer positions for employment of third year medical residents in the field of aerospace medicine. An individual may not be employed more than one year under this exception.

§ 213.3149 Panama Canal Company, New Orleans.

(a) All positions on vessels operated by the Panama Canal Company.

§ 213.3152 St. Lawrence Seaway Development Corporation.

(a) One Assistant Manager, Seaway International Bridge.

§ 213.3153 District of Columbia Government.

(a) Positions of noneducational employees of the Board of Higher Education, the Board of Vocational Education, the Federal City College, and the Washington Technical Institute.

§ 213.3154 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved]

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 213.3156 Commission on Civil Rights.

(a) Until January 31, 1973, 15 positions at grade GS–11 and above of employees who collect, study, and appraise civil rights information and use that information to carry out the national clearinghouse responsibilities of the Commission under Public Law 88–352, as amended.

§ 213.3157 Federal Aviation Agency.

(a) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.

(b) Medical Officer positions on Canton and Wake Islands.

(c) Laborer positions on Swan Island.

§ 213.3158 Franklin Delano Roosevelt Memorial Commission.

(a) All positions on the staff of the Commission.

§ 213.3161 James Madison Memorial Commission.

(a) One Executive Secretary.

§ 213.3162 National Aeronautics and Space Council.

(a) All positions.

§ 213.3165 President's Advisory Committee on Labor-Management Policy.

(a) One Assistant Executive Director.

§ 213.3166 United States-Mexico Commission for Border Development and Friendship.

(a) Positions at GS–15 and below on the staff of the U.S. Section of the Commission.

§ 213.3170 Civil Service Commission.

(a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

§ 213.3178 Atlantic-Pacific Interoceanic Canal Study Commission.

(a) All positions on the Commission staff.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* (1) [Reserved]

(2) Until June 30, 1970, Director of State and Local Operations when filled at grade GS–15 or below.

(3) Until June 30, 1970, seven Program Directors.

(4) [Reserved]

(5) Until June 30, 1970, Director of Planning and Analysis when filled at grade GS–15 or below.

(6)–(10) [Reserved]

(11) Until June 30, 1970, four Project Evaluators.

(b) *National Endowment for the Humanities.* (1) and (2) [Reserved]

(3) Until June 30, 1970, Director of Planning and Analysis when filled at grade GS–15 or below.

(4) Until June 30, 1970, Director, Division of Fellowships and Stipends.

(5) Until June 30, 1970, Director, Division of Research and Publications.

(6) Until June 30, 1970, Special Assistant to the Chairman.

(7) Until June 30, 1970, Program Officer, Division of Education.

(8) Until June 30, 1970, Program Officer, Division of Fellowships and Stipends.

(9) Until June 30, 1970, Program Officer, Division of Research and Publications.

(10) Until June 30, 1970, Assistant to the Director of Planning and Analysis.

(11) Until June 30, 1970, Director, Division of Education.

(12) Until June 30, 1970, Program Officer, Division of Public Programs.

§ 213.3184 Department of Housing and Urban Development.

(a) *Office of the Secretary.* (1) Director, Inspection Division.

(b) [Reserved]

(c) *Interdepartmental Programs.* (1) Four Program Assistants.

§ 213.3187 District of Columbia Redevelopment Land Agency.

(a) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

§ 213.3190 Commission on Marine Science, Engineering, and Resources.

(a) All positions on the Commission staff.

§ 213.3194 Department of Transportation.

(a) *Coast Guard.* (1) Continuing positions at grade GS–9 and below whose incumbents are engaged in the admeasurement or documentation of merchant vessels on a part-time or intermittent basis not exceeding 700 hours in a service year. A person appointed under this authority may not be employed in the Coast Guard under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(b) *The Alaska Railroad.* (1) Temporary, part-time, or intermittent positions of nonsupervisory laborers in Alaska, involving railroad construction or repair work at locations outside the Fairbanks and Anchorage commuting areas when there are no local housing facilities available except crew cars and examination is impracticable because of the mobility of the work site, the short-term nature of a maintenance project, or the immediate need for a temporary work force to cope with unexpected turnover or unexpected situations requiring augmentation of the regular work crew in remote or isolated locations. Employment under this authority shall not exceed 180 working days a year.

§ 213.3195 President's Temporary Commission on Pennsylvania Avenue.

(a) Not to exceed six positions on the Temporary Commission staff.

§ 213.3199 Temporary boards and commissions.

(a) *President's Commission on Income Maintenance Programs.* (1) Until June 30, 1970, positions at GS–15 and below.

(b) *National Commission on the Causes and Prevention of Violence.* (1) Until December 31, 1969, positions at GS–15 and below.

(c) *Presidential Task Force on International Development Cooperation.* (1) Until June 30, 1970, positions at GS–15 and below.

(d) *White House Conference on Food, Nutrition and Health.* (1) Until March 31, 1970, positions at GS–15 and below.

SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 213.3202 to 213.3299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions are subject to such noncompetitive examination as may be prescribed by the Commission.

§ 213.3202 Entire executive civil service.

(a) Student Trainee positions established in connection with an organized preprofessional undergraduate work-study program involving alternating periods of planned work experience (including at least 6 months in the agency) and related study at an accredited college or university in either (1) a cooperative curriculum in which the work experience is a prerequisite to the award of a degree, or (2) a curriculum where formal arrangements are made with the college or university for selecting and retaining program participants, and for scheduling and coordinating work experience and academic study. Appointments under this paragraph may be made only to Student Trainee positions which are preparatory to professional work which the Commission determines to be in a shortage occupation for this purpose. The Commission's determinations in this respect and other requirements relating to appointments under this paragraph will be published in the Federal Personnel Manual. Except for the requirement of competitive selection from a register, appointments under this paragraph are subject to all the requirements and conditions governing career-conditional appointment, including investigation by the Commission to establish the appointee's qualifications and suitability. Appointees may not continue to serve in Student Trainee positions more than 90 days after they complete or are separated from the work-study program.

§ 213.3204 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Technical cryptographic positions in the Communications Security Division, Office of Communications.

(c) Director and Deputy Director, Foreign Buildings Operations.

§ 213.3205 Treasury Department.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Chief National Bank Examiner, Deputy Regional Chief National Bank Examiner, Senior National Bank Examiner, National Bank Examiner, Senior Assistant National Bank Examiner, Assistant National Bank Examiner, Deputy to the Comptroller of the Currency for Trusts, Representatives in Trusts, Associates in Trusts, Assistants in Trusts and one Administrative Assistant to the Comptroller of the Currency, whose salaries are paid from assessments

against national banks and other financial institutions.

(b) Cryptographer, U.S. Coast Guard.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by the Commission. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

§ 213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) Professional members of Policy Planning Staff in positions at grades GS–16 and above and two Special Projects Directors, GS–15, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

(2) Professional positions at GS–11 and above involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Systems Analysis); and in the Operations Analysis Group and in the Office of the Deputy Assistant Secretary (Management Systems Development), both in the Office of the Assistant Secretary (Comptroller).

(3) Professional positions at grades GS–16 and above in the Directorate for Special Studies, Office of the Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

(4) One Assistant for Counter-Insurgency, Office of the Assistant Secretary (International Security Affairs).

§ 213.3209 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 213.3210 Department of Justice.

(a) [Reserved]

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

§ 213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 213.3214 Department of Commerce.

(a) *Bureau of Census.* (1) Not to exceed 100 positions of interviewers, supervisors, and data collection specialists in the Census Bureau who conduct interviews in the hard-core poverty areas of large cities or who supervise the conduct of these interviews, when filled by residents of the areas served.

(b) *Economic Development Administration.* (1) Four Area Supervisors.

(2) Four Assistant Area Supervisors.

(c) *Office of the Under Secretary for Transportation.* (1) Special Assistant for Traffic Safety Program Planning.

(2) Special Assistant for Traffic Safety Research Coordination.

(3) Special Assistant for Traffic Safety Research Testing and Demonstration.

§ 213.3215 Department of Labor.

(a) and (b) [Reserved]

(c) Not to exceed 35 positions of Manpower Development Specialist at grades GS–9 through GS–15 in the Manpower Administration. This authority may not be used after June 30, 1970.

§ 213.3216 Department of Health, Education, and Welfare.

(a) *Office of Education.* (1) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Civil Service Commission, be extended for an additional period of 1 year.

(b) Until September 30, 1971, not to exceed 25 positions in grades GS–9–15 in new, experimental programs or special projects of the Office of Child Development when it is determined that existing registers are not appropriate or do not permit appointment expeditiously.

§ 213.3228 U.S. Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

§ 213.3229 Federal Power Commission.

(a) A Chief Engineer.

§ 213.3242 Export-Import Bank of the United States.

(a) Not to exceed 10 positions of Loan Specialist GS–11 through GS–13 when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months.

§ 213.3246 Selective Service System.

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 213.3253 District of Columbia Government.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

§ 213.3268 Agency for International Development.

(a) Not to exceed 30 positions at GS–9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years.

§ 213.3273 Office of Economic Opportunity.

(a) Seven Regional Directors.

(b) Not to exceed 35 positions at GS–9 through GS–15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after June 30, 1970.

(c) One Chief, Research and Plans Division.

§ 213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

SCHEDULE C

§ 213.3301 Positions of a confidential or policy-determining character.

The positions enumerated in §§ 213.3302 to 213.3399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 213.3301a Special revocation of exceptions.

The exception from the competitive service for each position in the executive branch listed in Schedule C which is classified in grade GS–16, GS–17, or GS–18, and is covered by Civil Service Rule IX (§ 9.1 of Subchapter A of this chapter) is revoked effective November 17, 1967. Each such position is removed from Schelude C effective November 17, 1967.

§ 213.3303 Executive Office of the President.

(a) *Bureau of the Budget.* (1) Three Assistant Directors.

(2) Three Private Secretaries to the Director.

(3) One Private Secretary to the Deputy Director.

(4) One Private Secretary to each of the three Assistant Directors.

(5) One Assistant Director for Executive Management.

(6) One Private Secretary to the Assistant Director for Executive Management.

(b) *Council of Economic Advisers.* (1) Three Private Secretaries to the Chairman and one to each of the other two members.

(c) *Office of Science and Technology.* (1) One Confidential and Secretarial Assistant to the Director.

(2) One Confidential and Secretarial Assistant to the Deputy Director.

(3) [Reserved]

(4) One Staff Assistant.

(5) One Confidential Secretary and Assistant to the Director, Energy Policy Staff.

(d) *Office of the Special Representative for Trade Negotiations.* (1) One Confidential Assistant to the Deputy Special Representative.

(2) One Special Assistant to the General Counsel.

(3) One Confidential Assistant to the General Counsel.

(e) *President's Commission on Personnel Interchange.* (1) The Executive Director.

(2) One Deputy Executive Director.

(f) *President's Commission on White House Fellows.* (1) The Executive Director.

(2) The Associate Executive Director.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* (1) Five Special Assistants.

(2) Two confidential Assistants and four Private Secretaries to the Secretary.

(3) Four Special Assistants to the Under Secretary.

(4) Three Confidential Assistants and one Private Secretary to the Under Secretary.

(5) Two Staff Assistants.

(6) One Personal Assistant and one Private Secretary to the Under Secretary for Economic Affairs.

(7) One Special Assistant and one Staff Assistant to the Under Secretary for Economic Affairs.

(8) One Personal Assistant and one Special Assistant to the Ambassador-at-Large.

(9) The Chief of Protocol.

(10) Two Staff Assistants and one Private Secretary to the Chief of Protocol.

(b) *Bureau of Security and Consular Affairs.* (1) One Private Secretary to the Administrator.

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Confidential Assistant to the Assistant Secretary.

(2) One Staff Assistant.

(3) Four Legislative Management Officers.

(4) Two Legislative Officers.

(d) *Office of the Assistant Secretary for Public Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) One Special Assistant to the Assistant Secretary.

(e) *Bureau of Economic Affairs.* (1) One Private Secretary to the Assistant Secretary.

(f) *Bureau of Intelligence and Research.* (1) One Private Secretary.

(2) Director of Intelligence and Research.

(g) *Bureau of Near Eastern and South Asian Affairs.* (1) One Private Secretary to the Assistant Secretary.

(h) *Bureau of International Organization Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) One Secretary and Personal Assistant to the U.S. Representative to the Council of the Organization of American States.

(i) *Bureau of European Affairs.* (1) One Private Secretary to the Assistant Secretary.

(j) *Bureau of East Asian and Pacific Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) One Staff Assistant.

(k) *Bureau of Inter-American Affairs.* (1) One Private Secretary to the Assistant Secretary.

(l) *Office of the Legal Adviser.* (1) One Private Secretary to the Legal Adviser.

(m) *Executive Secretariat.* [Reserved]

(n) *Policy Planning Council.* (1) One Staff Assistant.

(2) One Secretary and Personal Assistant to the Chairman.

(o) *Office of the Assistant Secretary for Administration.* (1) One Private Secretary to the Assistant Secretary for Administration.

(p) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.

(2) Two Special Assistants to the Deputy Under Secretary.

(q) *Office of the Deputy Under Secretary for Political Affairs.* (1) One Special Assistant to the Deputy Under Secretary.

(2) One Confidential Assistant to the Deputy Under Secretary.

(r) *Bureau of African Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) One Special Assistant to the Assistant Secretary.

(s) *Bureau of Educational and Cultural Affairs.* (1) One Private Secretary to the Assistant Sercetary for Educational and Cultural Affairs.

(2) One Special Assistant to the Assistant Secretary.

(t) *Office of the Inspector General, Foreign Assistance.* (1) One Private Secretary to the Inspector General, Foreign Assistance.

(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

(u) *Office of the Counselor.* (1) One Private Secretary to the Counselor.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* (1) One Deputy Assistant to the Secretary (Director, Executive Secretariat).

(2) Special Assistant to the Secretary (National Security Affairs).

(3) Deputy Assistant Secretary (International Affairs).

(4) One Public Affairs Specialist.

(5) One Deputy Under Secretary for Monetary Affairs.

(6) One Staff Assistant to the Special Assistant to the Secretary (National Security Affairs).

(7) [Reserved]

(8) One Confidential Assistant to the Special Assistant to the Secretary (Public Affairs).

(9) One Staff Assistant to the Under Secretary (Liaison Officer).

(10) One Deputy Special Assistant to the Secretary (National Security Affairs).

(11) One Special Assistant to the Secretary (Organized Crime).

(12) One Staff Assistant to the Assistant Secretary (International Affairs).

(13) One Secretary to the Secretary.

(14) One Secretary to the Special Assistant to the Secretary.

(15) One Confidential Assistant to the Under Secretary.

(16) One Confidential Secretary to the Assistant Secretary (Enforcement and Operations).

(17) One Confidential Assistant to the Assistant Secretary (Enforcement and Operations).

(18) One Confidential Secretary to the Assistant Secretary (Economic Policy).

(19) Until December 31, 1969, one Confidential Secretary to the Deputy Special Assistant to the Secretary (Public Affairs).

(20) One Law Enforcement Coordinator, Office of the Assistant Secretary (Enforcement and Operations).

(21) One Assistant to the Assistant Secretary (Economic Policy).

(22) One Confidential Staff Assistant to the Assistant Secretary for International Affairs.

(23) Special Assistant to the Secretary (Congressional Relations).

(b) [Reserved]

(c) *Bureau of Customs.* (1) Commissioner of Customs.

(2) Two Liaison Officers.

(3) Two Special Assistants to the Commissioner of Customs (Organized Crime and Smuggling).

(d) [Reserved]

(e) *Office of the Treasurer of the United States.* (1) One Confidential Administrative Assistant.

(f) *Bureau of the Mint.* (1) One Confidential Secretary to the Director of the Mint.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Executive and Confidential Assistant, one Special Assistant, and two Private Secretaries to the Secretary.

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: the Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic and Space Systems), (Chemistry and Materials), (Electronics and Information Systems); the Direotor, Advanced Research Projects Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Administration), (Comptroller), and (Systems Analysis);

the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

(3) Three Chauffeurs for the Secretary of Defense.

(4) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).

(5) The Defense Adviser to USRO in Paris, France.

(6) Two Private Secretaries to the Defense Adviser to USRO in Paris, France.

(7) One Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(8) One Assistant to the Secretary of Defense (Legislative Affairs).

(9) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).

(10) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).

(11) One Personal Secretary to the Deputy Secretary of Defense.

(12) One Private Secretary to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(13) Three Private Secretaries to the Special Assistant to the Secretary of Defense.

(14) One Confidential Assistant to the Special Assistant to the Secretary of Defense.

(15) One Staff Assistant to the Special Assistant to the Secretary of Defense.

(16) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).

(17) One Private Secretary to the Chairman, Joint Chiefs of Staff.

(18) One Confidential Assistant to the Assistant Secretary of Defense (Installations and Logistics).

(19) One Staff Assistant to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).

(20) One Private Secretary to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).

(21) One Private Secretary to the Director for Equal Employment Opportunity.

(22) One Staff Assistant to the Director for Equal Employment Oportunity.

(23) Five Deputy Directors of Defense Research and Engineering and the Director, Advanced Research Projects Agency.

(24) One Private Secretary to the Deputy Assistant Secretary (Operations), Office of the Assistant Secretary of Defense (Public Affairs).

(25) One Principal Deputy Director of Defense Research and Engineering.

(26) One Private Secretary to the Deputy Assistant Secretary for Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).

(27) One Secretary to the Deputy Assistant Secretary of Defense (Manpower Planning and Research).

(28) One Private Secretary to the Deputy Assistant Secretary (Policy Planning and Far Eastern Affairs).

(29) Principal Deputy Assistant Secretary of Defense (Comptroller).

(30) One Assistant to the Deputy Secretary of Defense.

(31) One Private Secretary to the Deputy Assistant Secretary (Reserve Affairs).

(32) One Confidential Assistant to the Assistant Secretary (Manpower and Reserve Affairs).

(33) One Private Secretary and Confidential Assistant to the Assistant to the Secretary.

(b) *Court of Military Appeals.* (1) One Private Secretary and one Technical Assistant to each Judge of the Court.

(c) *Interdepartmental Programs.* (1) Two Personal Secretaries and Confidential Assistants to the Military Representatives of the President.

(2) Six Private Secretaries engaged in the interdepartmental activities of the Office of the Secretary of Defense.

(3) Two Staff Assistants and one Administrative Assistant.

(4) One Private Secretary and Confidential Assistant.

(d) *Defense Supply Agency.* (1) One Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* (1) One Private Secretary or Confidential Assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.

(2) The General Counsel.

(3) One Confidential Assistant to the Deputy Under Secretary of the Army—International Affairs.

(4) The Director of Civil Defense.

(5) One Special Assistant to the Director of Civil Defense.

(b) *General.* (1) One Administrative Assistant and four Private Secretaries to the Military Aide to the President.

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) One Civilian Aide or Executive Assistant to the Secretary.

(2) Two Private or Confidential Secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.

(3) One Chauffeur for the Secretary of the Navy.

(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.

(5) One Private Secretary to the Naval Aide to the President.

(6) Four Civilian Aides or Executive Assistants to the Assistant Secretary (Installations and Logistics).

(7) Two Civilian Aides or Executive Assistants each to the Assistant Secretary (Research and Development) and the Assistant Secretary (Financial Management).

(8) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Navy (Installations and Logistics).

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* (1) One Private Secretary to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Air Force.

(2) The General Counsel.

(3) One Private Secretary to the General Counsel.

(4) One Private Secretary to the Special Assistant for Economic Utilization and Analysis.

(5) Six Private Secretaries engaged in the interdepartmental activities of the Department.

(6) One Administrative Assistant engaged in the interdepartmental activities of the Department.

(7) One Administrative Assistant and two Private Secretaries in the Office of the Military Aide to the Vice President.

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* (1) Three Private Secretaries to the Attorney General.

(2) One Chauffeur for the Attorney General.

(3) One Special Assistant for Public Relations.

(4) One Confidential Assistant to the Attorney General.

(5) Two Secretaries for the Attorney General.

(6) Two Receptionists for the Attorney General.

(7) One Confidential Assistant to the Attorney General.

(b) *Office of the Deputy Attorney General.* (1) Two Confidential Assistants (Private Secretaries) to the Deputy Attorney General.

(2) One Confidential Secretary to the Assistant Deputy Attorney General for Legal Administration.

(3) One Confidential Secretary to the Assistant Deputy Attorney General for Litigation.

(c) *Office of the Solicitor General.* (1) One Confidential Assistant (Private Secretary) to the Solicitor General.

(d) *Anti-Trust Division.* (1) Chief, Field Office (four positions).

(2) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(e) *Civil Division.* (1) Chief, Admiralty and Shipping Section, New York.

(2) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(3) One Private Secretary (interdepartmental activities).

(f) *Criminal Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(g) *Tax Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(h) *Land and Natural Resources Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(2) One Private Secretary to the Principal Legal Adviser, National Commission on the Causes and Prevention of Violence.

(i) [Reserved]

(j) *Immigration and Naturalization Service.* (1) One Confidential Assistant (Private Secretary) to the Commissioner.

(k) *Board of Immigration Appeals.* (1) Executive Assistant.

(2) Four Members of the Board.

(l) *Office of Legal Counsel.* (1) One Confidential Assistant (Private Secretary) to the Attorney General.

(m) *Bureau of Prisons.* (1) The Director.

(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.

(o) *Office of U.S. Attorney.* (1) Secretary and Confidential Assistant to the U.S. Attorney (25 positions).

(p) *Internal Security Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(2) Chief, Civil Section.

(3) Chief, Foreign Agents Registration section.

(4) Chief, Criminal Section.

(q) *Civil Rights Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(r) *Community Relations Service.* (1) Two Private Secretaries to the Director.

(2) One Private Secretary to the Deputy Director.

(3) One Private Secretary to the Special Assistant to the Director.

(4) One Program Evaluation and Development Officer.

(s) *Law Enforcement Assistance Administration.* (1) One Confidential Secretary to the Administrator.

(2) One Confidential Secretary to each of the two Associate Administrators.

(3) One Special Assistant to the Administrator.

(4) One Special Assistant to each of the two Associate Administrators.

§ 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* (1) Four Special Assistants to the Postmaster General.

(2) One Receptionist.

(3) Four Assistants to the Executive Assistant to the Postmaster General.

(4) Two Confidential Assistants to the Postmaster General.

(5) Two Secretaries to the Executive Assistant to the Postmaster General.

(6) One Secretarial Assistant to the Postmaster General.

(7) One Confidential Administrative Assistant to the Postmaster General.

(8) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.

(9) One Administrative Assistant to the Executive Assistant to the Postmaster General.

(10) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).

(11) One Private Secretary to the Special Assistant to the Postmaster General (Information).

(12) One Director of Community Programs.

(13) One Private Secretary to the Deputy Executive Assistant to the Postmaster General.

(14) One Special Assistant to the Director, Office of Regional Administration.

(15) One Director, Office of Research and Engineering.

(16) Seven Legislative Liaison Specialists.

(17) Four Legislative Research Assistants.

(b) *Bureau of Facilities.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) One Private Secretary to the Assistant Postmaster General.

(3) One Private Secretary to the Deputy Assistant Postmaster General.

(4) One Private Secretary to the Executive Assistant to the Assistant Postmaster General.

(5) One Deputy Assistant Postmaster General.

(6) One Special Assistant to the Assistant Postmaster General (Financial Affairs).

(c) *Bureau of Transportation.* (1) One Special and Confidential Assistant to the Assistant Postmaster General.

(2) One Information Specialist.

(3) One Private Secretary to the Assistant Postmaster General.

(4) One Deputy Assistant Postmaster General.

(5) One Executive Assistant to the Assistant Postmaster General.

(d) *Bureau of Personnel.* (1) One Private Secretary to the Assistant Postmaster General.

(e) *Office of the General Counsel.* (1) Two Private Secretaries to the General Counsel.

(f) *Bureau of Operations.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) One Private Secretary to the Assistant Postmaster General.

(3) One Private Secretary to each of two Deputy Assistant Postmasters General.

(4) Deputy Assistant Postmaster General, Bureau of Operations.

(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) One Special Representative to the Assistant Postmaster General.

(3) One Private Secretary to the Assistant Postmaster General.

(h) *Office of the Deputy Postmaster General.* (1) One Confidential Administrative Assistant to the Deputy Postmaster General.

(2) Two Private Secretaries to the Deputy Postmaster General.

(3) One Private Secretary to the Executive Assistant to the Deputy Postmaster General.

(4) One Staff Assistant to the Deputy Postmaster General.

(5) One Special Assistant.

(6) Two Secretaries (interdepartmental activities).

(7) Three Special Assistants (interdepartmental activities).

(i) *Bureau of Planning and Marketing.* (1) One Private Secretary to the Assistant Postmaster General.

(2) One Executive Assistant to the Assistant Postmaster General.

(j) *Bureau of Research and Engineering.* (1) One Private Secretary to the Assistant Postmaster General.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Three Confidential Assistants and one Private Secretary to the Secretary.

(2) Three Special Assistants to the Secretary.

(3) Six Confidential Assistants (Field Representatives).

(4) Chauffeur for the Secretary.

(5) One Deputy Assistant Secretary (for Fish and Wildlife); and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.

(6) Planning Reports Review Coordinator, Resources Program Staff.

(7) One Confidential Assistant (Administrative Assistant) to the Director, Resources Program Staff.

(8) One Private Secretary to the Under Secretary.

(9) One Secretarial Attendant to the Secretary.

(10) One Staff Assistant to the Assistant Secretary for Public Land Management.

(11) One Assistant to the Secretary (International Affairs).

(12) One Assistant and Science Adviser to the Secretary.

(13) One Confidential Assistant to the Assistant Secretary for Water Quality and Research.

(14) Administrator, Defense Electric Power Administration.

(15) One Special Assistant to the Secretary (Communications).

(16) Director, Office of Minerals and Solid Fuels.

(17) One Staff Assistant to the Assistant Secretary for Water Quality and Research.

(18) One Special Assistant to the Assistant Secretary for Water Quality and Research.

(19) One Assistant to the Assistant Secretary for Water and Power Development.

(b) *Office of the Solicitor.* (1) One Confidential Assistant to the Solicitor.

(2) Two Special Assistants to the Solicitor.

(3) One Confidential Assistant to the Deputy Solicitor.

(c) *U.S. Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.

(2) One Confidential Assistant to the Commissioner of Fish and Wildlife.

(d) *Bureau of Mines.* (1) One Private Secretary to the Director.

(e) [Reserved]

(f) [Reserved]

(g) *Southeastern Power Administration.* (1) One Private Secretary to the Administrator.

(h) *National Park Service.* (1) Director.
(2) One Private Secretary to the Director.
(3) One Special Assistant to the Director.
(i) *Bonneville Power Administration.* (1) Administrator.
(2) One Private Secretary to the Administrator.
(3) One Special Assistant to the Administrator.
(4) Two Assistants to the Administrator.
(j) *Bureau of Indian Affairs.* (1) Three Assistants to the Commissioner.
(2) One Private Secretary to the Commissioner.
(k) *Southwestern Power Administration.* (1) Administrator.
(2) Assistant Administrator.
(3) One Confidential Assistant to the Administrator.
(l) *Office of Territories.* (1) One Confidential Assistant to the Director.
(2) One Secretary of American Samoa.
(3) One Chief Justice of American Samoa.
(4) One Private Secretary to the Governor of Virgin Islands.
(5) One Administrative Assistant to the Governor of Virgin Islands.
(6) One Confidential Assistant to the Governor of American Samoa.
(7) One Secretary to the Government Secretary of American Samoa.
(8) One Private Secretary to the Governor of Guam.
(9) One Secretary to the Government Secretary of Guam.
(10) Chief Justice of the Trust Territory.
(11) One Secretary to the High Commissioner of the Trust Territory.
(m) *Bureau of Outdoor Recreation.* (1) The Director.
(2) One Confidential Assistant to the Director.
(n) *Federal Water Pollution Control Administration.* (1) Commissioner.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* (1) One Administrative Assistant to the Secretary.
(2) One Assistant to the Secretary (States Relations).
(3)–(4) [Reserved]
(5) Four Confidential Assistants to the Secretary.
(6) One Private Secretary to the Secretary.
(7) One Chauffeur for the Secretary.
(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.
(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumers' Services.
(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.
(11)–(19) [Reserved]
(20) One Confidential Assistant to the Assistant Secretary for Rural Development and Conservation.
(21) [Reserved]
(22) One Confidential Assistant to the Executive Assistant to the Secretary.
(23) Assistant to the Secretary for Defense Mobilization Planning.
(24) One Private Secretary to the Assistant to the Secretary (States Relations).
(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.
(2)–(3) [Reserved]
(4) Three Assistants to the Administrator.
(c) *Office of the Under Secretary.* (1) One Administrative Officer and Private Secretary to the Under Secretary.
(2) [Reserved]
(3) One Private Secretary to the Deputy Under Secretary.
(d) *Office of the General Counsel.* (1)–(2) [Reserved]
(3) One Private Secretary to the General Counsel.
(e) *Foreign Agricultural Service.* (1) [Reserved]
(2) The Administrator.
(f) *Farmers Home Administration.* (1)–(2) [Reserved]
(3) One Assistant to the Administrator.
(4) Two Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(g) *Federal Crop Insurance Corporation.* (1) The Manager.
(2) Members of the Board of Directors.
(3) One Private Secretary to the Manager.
(h) *Agricultural Stabilization and Conservation Service.* (1) Administrator.
(2)–(3) [Reserved]
(4) Four Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(6) Director, Tobacco Division.
(7) Director, Livestock and Dairy Division.
(i) *Commodity Credit Corporation.* (1) The President.
(2) The Executive Vice-President.
(3) The Secretary.
(j) *Federal Extension Service.* (1)–(2) [Reserved]
(3) One Private Secretary to the Administrator.
(k) *Soil Conservation Service.* (1) Administrator.
(2) [Reserved]
(3) One Confidential Assistant to the Administrator.
(4) One Private Secretary to the Administrator.
(l) [Reserved]
(m) *Consumer and Marketing Service.* (1) The Administrator.
(2) One Private Secretary to the Administrator.
(3) Two Confidential Assistants to the Administrator.
(n) *Agricultural Economics.* (1) The Director.
(2) [Reserved]
(3) One Private Secretary to the Director.
(4) One Staff Assistant to the Director.
(o) *Rural Community Development Service.* (1)–(2) [Reserved]
(3) One Private Secretary to the Administrator.
(4) One Private Secretary to the Deputy Administrator.
(p) *Science and Education.* (1) The Director.
(2) One Private Secretary to the Director.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* (1) Six Confidential Assistants to the Secretary.
(2) Three Private Secretaries to the Secretary.
(3) Two Confidential Assistants and two Private Secretaries to the Under Secretary.
(4) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Economic Affairs.
(5) One Confidential Assistant and one Private Secretary to the General Counsel.
(6) One Private Secretary to the Deputy General Counsel.
(7) One Chauffeur for the Secretary.
(8) One Confidental Assistant to the Assistant Secretary for Administration.
(9) Two Congressional Liaison Officers.
(10) One Private Secretary to the Director, Office of Field Services.
(11) Deputy Assistant Secretary for Statistics and Economic Research, Office of the Assistant Secretary for Economic Affairs.
(12) One Private Secretary to the Assistant to the Under Secretary.
(13) One Special Assistant to the Under Secretary.
(14) Director, Office of Foreign Direct Investments.
(15) Special Assistant for Regional Economic Coordination.
(16) Two Confidential Assistants and one Private Secretary to the Director, Office of Foreign Direct Investments.
(17) Two Confidential Assistants to the Director, Office of Minority Business Enterprise.
(18) Director, Office of Minority Business Enterprise (Assistant to the Secretary).
(b) [Reserved]
(c) *Business and Defense Services Administration.* (1) Administrator.
(2) Three Confidential Assistants to the Administrator.
(3) One Confidential Assistant to the Deputy Administrator.
(4) One Secretarial Assistant to the Administrator.
(5) One Confidential Secretary to the Administrator.
(d) *Bureau of the Census.* (1) During the 1970 Decennial Census period, one Confidential Assistant to the Director.
(e) [Reserved]
(f) *National Bureau of Standards.* (1) One Private Secretary to the Director.
(g) [Reserved]
(h) *Patent Office.* (1) Private Secretary to the Commissioner, and to each of the Assistant Commissioners.

(i) [Reserved]
(j) *Maritime Administration.* (1) One Special Assistant and one Confidential Assistant to the Administrator.
(2) One Private Secretary to the General Counsel.
(3) One Executive Assistant to the Administrator.
(k) [Reserved]
(l) *U.S. Travel Service.* (1) One Confidential Assistant to the Director.
(m) *Office of the Assistant Secretary for Domestic and International Business.* (1) One Private Secretary and two Confidential Assistants to the Assistant Secretary for Domestic and International Business.
(2) One Private Secretary to the Deputy Assistant Secretary for Domestic Business Policy.
(3) One Private Secretary to the Director, Bureau of International Commerce.
(4) One Private Secretary to the Deputy Director, Bureau of International Commerce.
(n) *Office of the Assistant Secretary for Science and Technology.* (1) Two Special Assistants to the Assistant Secretary for Science and Technology.
(2) One Private Secretary to the Director, Office of State Technical Services.
(o) [Reserved]
(p) *Environmental Science Services Administration.* (1) One Private Secretary to the Administrator.
(2) One Private Secretary to the Deputy Administrator.
(q) *Office of the Assistant Secretary for Economic Development.* (1) One Private Secretary to the Assistant Secretary for Economic Development.
(2) One Director, Office of Business Development, Economic Development Administration.
(3) One Special Assistant to the Deputy Assistant Secretary for Economic Development.
(4) One Assistant to the Deputy Assistant Secretary for Policy Coordination.
(5) One Executive Assistant to the Deputy Assistant Secretary for Economic Development Planning.
(6) One Special Assistant to the Deputy Assistant Secretary for Economic Development Operations.
(7) Director, Office of Congressional Relations.
(8) One Special Assistant to the Assistant Secretary.
(9) Two Congressional Liaison Officers.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) Four Special Assistants, one Confidential Assistant, and one Confidential Assistant (Private Secretary) to the Secretary of Labor.
(2) One Special Assistant and one Private Secretary to the Under Secretary of Labor.
(3) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President.
(4) One Private Secretary to the Secretary.
(5) One Confidential Assistant to the Under Secretary of Labor.
(6) One Assistant to each Assistant Secretary of Labor appointed by the President.
(7) One Private Secretary to the Executive Assistant to the Secretary.
(8) Two Assistants to the Special Assistant to the Secretary, Office of Legislative Liaison.
(9) The Manpower Administrator.
(10) One Private Secretary to the Economic Adviser to the Secretary.
(11) One Private Secretary to the Manpower Administrator.
(12) One Private Secretary to the Associate Manpower Administrator for Policy, Evaluation, and Research.
(13) One Confidential Assistant to the Assistant Secretary for Manpower.
(14) One Private Secretary to the Special Assistant to the Secretary for Communications.
(15) Deputy Under Secretary for International Labor Affairs.
(16) One Confidential Assistant to the Deputy Under Secretary for International Affairs.
(b) *Office of the Solicitor.* (1) One Private Secretary to the Solicitor.
(2) One Special Assistant to the Solicitor.
(c) *Bureau of Employment Security.* (1) One Secretary (Stenography) in the Office of the Administrator.
(d) *Bureau of Labor Statistics.* (1) One Private Secretary to the Commissioner.
(e) *Bureau of Apprenticeship and Training.* (1) One Private Secretary to the Administrator.
(f) *Women's Bureau.* (1) One Private Secretary to the Director.
(2) Two Special Assistants to the Director.
(g) *Bureau of Labor Standards.* (1) One Private Secretary to the Director.
(h) *Wage and Hour and Public Contracts Divisions.* (1) One Confidential Assistant to the Administrator.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* (1) Director of Security.
(2) Two Confidential Assistants to the Secretary.
(3) Four Writers.
(4) One Assistant to the Secretary.
(5) Two Confidential Secretaries to the Under Secretary.
(6) Two Confidential Assistants to the Under Secretary.
(7) One Confidential Secretary to the Assistant to the Secretary authorized under subparagraph (7) of this paragraph.
(8) One Staff Assistant to the Secretary.
(9) One Confidential Secretary to each of the Assistants to the Secretary authorized under subparagraph (4) of this paragraph.
(10) Two Confidential Secretaries to the Special Assistant to the Secretary (for Mental Retardation Activities).
(11) Five Assistants to the Secretary for Special Programs.
(12) One Confidential Assistant to the Special Assistant to the Secretary (for Mental Retardation Activities).
(13) Six Assistants to the Secretary.
(14) One Confidential Secretary to the Deputy Under Secretary.
(15) Three Private Secretaries to the Secretary.
(16) One Confidential Assistant to the Deputy Under Secretary.
(17) One Assistant to the Director of Public Information.
(b) [Reserved]
(c) *Office of Education.* (1) One Special Assistant to the Commissioner of Education.
(2) One Assistant to the Commissioner (Public Affairs).
(3) One Assistant to the Deputy Commissioner.
(4) One Staff Assistant to the Deputy Commissioner.
(5) One Confidential Secretary to the Deputy Commissioner.
(d) [Reserved]
(e) [Reserved]
(f) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.
(2) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.
(3) One Confidential Secretary to the Assistant Secretary.
(4) Two Special Assistants to the Deputy Assistant Secretary for Legislation.
(5) One Assistant to the Assistant Secretary.
(6) One Deputy Assistant Secretary for Legislation (Education).
(7) One Special Assistant to the Deputy Assistant Secretary for Legislation (Education).
(8) One Deputy Assistant Secretary for Legislation (Welfare).
(9) One Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).
(10) Three Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.
(11) One Special Assistant to the Deputy Assistant Secretary for Legislation (Health).
(g) *Welfare Administration.* (1) The Commissioner.
(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* (1) Two Confidential Secretaries to the Assistant Secretary for Health and Scientific Affairs.
(2) One Confidential Assistant to the Assistant Secretary for Health and Scientific Affairs.
(i) *Administration on Aging.* (1) Two Confidential Secretaries to the Commissioner on Aging.
(j) *Office of the Assistant Secretary for Education.* (1) Two Confidential Assistants to the Assistant Secretary for Education.
(2) One Deputy Assistant to the Assistant Secretary for Education (Educational Television).
(3) One Confidential Secretary to the Assistant Secretary.
(k) *Office of the Assistant Secretary for Planning and Evaluation.* (1) One Confidential Secretary to the Assistant Secretary.

(2) Two Confidential Assistants for Special Projects to the Assistant Secretary.
(3) One Special Assistant to the Assistant Secretary for Special Initiatives.
(4) Two Special Assistants to the Assistant Secretary.
(5) One Assistant to the Assistant Secretary.
(6) One Special Assistant to the Deputy Assistant Secretary for Interdepartmental Affairs.
(7) One Special Assistant to the Deputy Assistant Secretary for Planning for Education.
(8) One Special Assistant to the Deputy Assistant Secretary for Planning for Social Services and Income Maintenance.
(9) One Special Assistant to the Deputy Assistant Secretary for Evaluation and Program Monitoring.
(l) *Social Security Administration.* (1) One Deputy Commissioner.
(2) One Confidential Assistant to the Commissioner.
(m) [Reserved]
(n) *Office of the Assistant Secretary for Community and Field Services.* (1) Two Confidential Secretaries to the Assistant Secretary for Community and Field Services.
(2) One Assistant and Two Special Assistants to the Assistant Secretary for Community and Field Services.
(3) One Special Assistant for Juvenile Delinquency to the Deputy Assistant Secretary for Youth and Student Affairs.
(4) One Deputy Assistant Secretary for Youth and Student Affairs.
(5) Two Special Assistants to the Deputy Assistant Secretary for Community and Field Services.
(6) One Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs.
(7) One Special Assistant for Student Affairs to the Deputy Assistant Secretary for Youth and Student Affairs.
(8) One Special Assistant for Youth Development to the Deputy Assistant Secretary for Youth and Student Affairs.
(o) *Social and Rehabilitation Service.* (1) Administrator, Social and Rehabilitation Service.
(2) One Confidential Assistant to the Chief, Children's Bureau.
(3) One Confidential Assistant to the Administrator.
(4) Commissioner of Vocational Rehabilitation.
(5) One Confidential Assistant to the Commissioner of Vocational Rehabilitation.
(p) *Office of the General Counsel.* (1) One Confidential Secretary to the General Counsel.
(2) One Assistant to the General Counsel.
(3) Two Special Assistants to the General Counsel.
(4) One Special Assistant to the Deputy General Counsel.
(q) *Office of the Special Assistant to the Secretary for Civil Rights.* (1) Two Special Assistants to the Special Assistant.
(2) One Confidential Secretary to the Special Assistant.
(3) One Assistant to the Special Assistant.
(4) Five Special Assistants for Special Groups.
(5) One Special Assistant for Public Affairs.
(6) One Special Assistant for Congressional Liaison.
(7) Two Special Assistants to the Deputy Special Assistant.

§ 213.3322 Interstate Commerce Commission.

(a) One Confidential Assistant to each Commissioner.
(b)–(c) [Reserved]
(d) One Confidential Assistant to the Managing Director.
(e) One Congressional Liaison Assistant.
(f) One Secretary to the Congressional Liaison Officer.

§ 213.3325 The Tax Court of the United States.

(a) One Private Secretary and one Technical Assistant for the Chief Judge and one Private Secretary and two Technical Assistants for each Judge.

§ 213.3326 Office of Emergency Preparedness.

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.
(2) One Courier.
(3) Three Special Assistants to the Director.
(4) General Counsel.
(b) *Office of the Deputy Director.* (1) One Confidential Administrative Assistant to the Deputy Director.
(2) One Secretary to the Deputy Director.
(c) *Office of the Assistant Director for Telecommunications Management.* (1) One Confidential Administrative Assistant to the Assistant Director.
(d) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.
(2) One Special Assistant to the Assistant Director.
(e) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.
(f) *Office of Liaison.* (1) The Director.
(2) Deputy Director.
(g)–(i) [Reserved]
(j) *Emergency Operations Office.* (1) The Director.
(k)–(m) [Reserved]
(n) *Program Planning and Evaluation Office.* (1) The Director.
(o) *National Resource Analysis Center.* (1) Director.
(p) *Field Services.* (1) The Director.

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.* (1) Six Confidential Assistants to the Special Assistant to the Administrator.
(2) The Deputy Administrator.
(3) The General Counsel.
(4) The Associate Deputy Administrator.
(5) One Confidential Assistant to the Associate Deputy Administrator.
(b) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

§ 213.3328 U.S. Information Agency.

(a) One Secretarial Assistant to the Deputy Director.
(b) [Reserved]
(c) One Secretarial Assistant to the Director.
(d) One Secretary to the Director.
(e) One Special Assistant to the Deputy Director.
(f) One Special Assistant to the Director.
(g) Deputy Director (Policy and Plans).
(h) Associate Director (Policy and Plans).

§ 213.3329 Federal Power Commission.

(a) Three Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary, and one Confidential Assistant to each other Commissioner.
(b) One Assistant to the Chairman.
(c)–(d) [Reserved]
(e) Two Private Secretaries to the Executive Director.
(f) Two Technical Assistants to each Commissioner.
(g)–(h) [Reserved]
(i) The Assistant Executive Director.

§ 213.3330 Securities and Exchange Commission.

(a)–(c) [Reserved]
(d) Two Confidential Assistants to the Chairman and one Confidential Assistant to each of the other four Members of the Commission.

§ 213.3331 National Mediation Board.

(a) One Private Secretary to each Member of the National Railroad Adjustment Board.
(b) One Private Secretary to each Member of the Third Division Regional Supplemental Railroad Adjustment Board (10 positions).
(c) One Private Secretary to each member of the First Division, Firemen's Supplemental Adjustment Board, National Railroad Adjustment Board.

§ 213.3332 Small Business Administration.

(a) One Deputy Administrator, the Associate Administrator for Investment, the Associate Administrator for Financial Assistance, and the Associate Administrator for Procurement and Management Assistance.
(b) Three Special Assistants to the Administer.
(c) Two Private Secretaries to the Administrator.
(d) Special Assistant for Equal Employment Opportunity.
(e) Four Congressional Relations Officers.
(f) Director, Office of Congressional Relations.
(g) One Advisory Councils Officer.
(h) One Special Assistant to the Associate Administrator for Investment.

(i) One Confidential Assistant to the Deputy Administrator.
(j) One Special Assistant to the Associate Administrator for Procurement and Management Assistance.
(k) One Confidential Assistant to the Associate Administrator for Procurement and Management Assistance.
(l) One Confidential Assistant to the Assistant Administrator for Congressional and Public Affairs.
(m) One Principal Special Assistant to the Administrator.
(n) One Confidential Assistant to the Principal Special Assistant to the Administrator.
(o) One Congressional and Public Affairs Officer.
(p) One Congressional Liaison Assistant.
(q) Two Staff Assistants to the Associate Administrator for Procurement and Management Assistance.
(r) One Private Secretary for interdepartmental activities, Office of the Assistant Administrator for Congressional and Public Affairs.

§ 213.3333 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.
(b) One Confidential Assistant to the Board of Directors.
(c) General Counsel.
(d) One Special Assistant to the Chairman.
(e) Executive Assistant and Controller.
(f) One Managerial Aide to the Director (Appointive).
(g) One Special Assistant to the Director (Appointive).

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* (1) Six Members of the Board of Contract Appeals.
(2) The Deputy Administrator.
(3) The Assistant Administrator.
(4) Two Confidential Assistants to the Assistant Administrator.
(5) One Confidential Assistant to the Deputy Administrator.
(6) Two Confidential Assistants to the Administrator.
(7) One Special Assistant to the Administrator.
(8) Two Special Assistants to the Assistant Administrator.
(9) The Director of Congressional Affairs.
(b) *Public Buildings Service.* (1) The Commissioner.
(2) One Confidential Assistant to the Commissioner.
(c) *Federal Supply Service.* (1) The Commissioner.
(2) One Confidential Assistant to the Commissioner.
(d) *National Archives and Records Service.* (1) The Archivist of the United States.
(2) Confidential Assistant to the Archivist of the United States.
(e) [Reserved]
(f) *Property Management and Disposal Service.* (1) Commissioner.
(2) One Confidential Assistant to the Commissioner.
(g) *National Advisory Council on Economic Opportunity.* (1) One Special Assistant to the Chairman.
(h) *Transportation and Communications Service.* (1) One Confidential Assistant to the Commissioner.

§ 213.3339 U.S. Tariff Commission.

(a) One Confidential Assistant to each Commissioner.

§ 213.3340 Civil Aeronautics Board.

(a) One Administrative Assistant to each Member of the Board.
(b) One Secretary to each Member of the Board.

§ 213.3341 National Labor Relations Board.

(a) One Private Secretary to the Chairman of the Board.
(b) One Confidential Assistant to each Board Member.
(c) Two Special Assistants to the General Counsel.
(d) One Confidential Assistant to the General Counsel.
(e) One Special Assistant to the Chairman.

§ 213.3342 Export-Import Bank of the United States.

(a) One Confidential Assistant to the President.
(b) One Private Secretary to the First Vice-President.
(c) One Private Secretary to each of the three members of the Board of Directors.
(d) Two Special Assistants to the President and Chairman.
(e) One Private Secretary to the Vice President for Planning and Export Expansion.
(f) One Assistant and Confidential Secretary to the Vice President and Special Assistant to the Board.

§ 213.3343 Farm Credit Administration.

(a) Three Directors of Credit Services.
(b) One Deputy Director of Credit Service.

§ 213.3345 Indian Claims Commission.

(a) One Private Secretary to each Commissioner.

§ 213.3348 National Aeronautics and Space Administration.

(a) One Secretary to the Administrator.
(b) One Secretary to the Deputy Administrator.
(c) One Secretary to each of the following: The Associate Administrator for Manned Space Flight, the Associate Administrator for Advanced Research and Technology, and the Associate Administrator for Space Science and Applications.
(d) Associate Administrator.
(e) Associate Administrator for Advanced Research and Technology.
(f) Associate Administrator for Space Science and Applications.
(g) Associate Administrator for Manned Space Flight.
(h) Associate Deputy Administrator.
(i) Deputy Associate Administrator.
(j) General Counsel.
(k) and (l) [Reserved]
(m) One Secretary to the Associate Administrator.

§ 213.3350 Foreign Claims Settlement Commission of the United States.

(a) Special Assistant to the Commissioners.
(b) One Confidential Assistant to the Chairman.
(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 213.3351 Subversive Activities Control Board.

(a) One Executive Secretary and Chief Clerk.
(b) One Private Secretary to each Member of the Board.
(c) One Confidential Administrative Assistant to each Member of the Board.

§ 213.3354 Federal Home Loan Bank Board.

(a) Two Secretaries to the Chairman of the Board.
(b) Two Secretaries to Board Members.
(c) One Assistant to each of three Board Members (including the Chairman).
(d) One Private Secretary to the Assistant to each of three Board Members (including the Chairman).

§ 213.3355 The Renegotiation Board.

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.
(b) One Secretary to the Chairman.
(c) One Secretary to each of the four Board Members.

§ 213.3356 Commission on Civil Rights.

(a) One Confidential Secretary to the Staff Director.
(b) One Program Assistant (Special Assistant to the Staff Director).
(c) One Special Assistant to the Staff Director.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

(a) One Private Secretary to the Director.
(b) One Private Secretary to the Deputy Director.
(c) One Private Secretary to each Assistant Director appointed by the President (four positions).
(d) One Public Affairs Adviser.
(e) The General Counsel.
(f) One Private Secretary to the General Counsel.

§ 213.3367 Federal Maritime Commission.

(a) One Confidential Assistant to each Commissioner.
(b) One Private Secretary to the Chairman, one Private Secretary to each Commissioner, one Private Secretary to the General Counsel, and one Private Secretary to the Managing Director.

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.

(2) One Confidential Assistant (Private Secretary) to the Administrator.

(3) One Chauffeur for the Administrator.

(4) One Private Secretary to each of the two Deputy Administrators.

(b) [Reserved]

(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.

(2) The General Counsel.

(d) *Office of the Assistant Administrator for Development Finance and Private Enterprise.* (1) One Special Assistant (Confidential) to the Assistant Administrator.

(e) *Office of the Assistant Administrator for Legislative and Public Affairs.* (1) One Private Secretary to the Assistant Administrator.

(2) One Staff Assistant to the Director, Congressional Liaison Staff.

(3) One Private Secretary to the Director, Congressional Liaison Staff.

(4) One Staff Assistant (Congressional Liaison) to the Director, Congressional Liaison Staff.

(5) Four Congressional Liaison Officers.

§ 213.3371 President's Committee on Consumer Interests.

(a) One Confidential Assistant to the Special Assistant to the President for Consumer Affairs.

(b) and (c) [Reserved]

(d) One Public Affairs Officer.

(e) One Director for Legislative Affairs.

§ 213.3372 Administrative Office of the U.S. Courts.

(a) One Assistant Director.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* (1) One Executive Secretary.

(2) One Assistant Director for Research, Plans, Programs, and Evaluation.

(3) Executive Adviser (Programs).

(4) Special Assistant to the Deputy Director.

(5) One Confidential Assistant to the Director.

(6) One Confidential Secretary and one Private Secretary to the Director.

(7) Deputy Assistant Director for Congressional Relations.

(b) *Community Action Program.* (1) One Associate Director for Program Planning.

(c) *Office of the Assistant Director for Operations.* (1) One Special Assistant to the Assistant Director.

(2) One Confidential Staff Assistant to the Assistant Director.

§ 213.3374 Smithsonian Institution.

(a) One Confidential Executive Assistant to the Secretary.

§ 213.3376 Appalachian Regional Commission.

(a) Three Special Assistants to the Federal Cochairman and one Special Assistant to his Alternate.

(b) One Private Secretary to the Federal Cochairman and one Private Secretary to his alternate.

§ 213.3377 Equal Employment Opportunity Commission.

(a) Three Special Assistants to the Chairman.

(b) One Special Assistant and one Secretary to each Member of the Commission.

(c) Two Secretaries to the Chairman.

(d) One Secretary to the Special Assistant to the Chairman.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* (1) One Deputy Under Secretary for Policy Analysis and Program Evaluation.

(2) One Executive Secretary and one Confidential Assistant and Private Secretary to the Secretary.

(3) One Private Secretary to the Under Secretary.

(4) Special Assistant (Model Cities Program) to the Under Secretary.

(5) One Private Secretary to the Deputy Under Secretary for Policy Analysis and Program Evaluation.

(6) One Private Secretary to the General Counsel.

(7) One Executive Secretary.

(8) One Staff Assistant to the Secretary.

(9) Three Special Assistants to the Under Secretary.

(10) One Private Secretary to the Assistant to the Secretary for Congressional Relations.

(11) One Special Assistant to the Under Secretary.

(12) Four Special Assistants to the Secretary.

(13) One Special Assistant to the Director of Public Affairs.

(14) One Deputy Director, Division of International Affairs.

(15) Director, Office of Industry Participation.

(16) One Private Secretary to the Director of Regional Support.

(17) Federal Insurance Administrator.

(18) One Private Secretary to the Deputy General Counsel.

(19) One Special Assistant to the General Counsel.

(20) Deputy Assistant Secretary for Equal Opportunity.

(21) Deputy General Counsel.

(22) One Special Assistant to the Assistant to the Secretary for Congressional Relations.

(23) One Private Secretary to the Deputy Assistant to the Secretary for Congressional Relations.

(24) One Staff Assistant to the Under Secretary.

(25) One Special Assistant to the Director of Public Affairs.

(26) Six Senior Assistants for Congressional Relations.

(27) Twelve Assistants for Congressional Relations.

(28) One Special Assistant to the Director, Division of International Affairs.

(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* (1) One Private Secretary to the Assistant Secretary.

(2) Deputy Assistant Secretary for Mortgage Credit.

(3) One Assistant to the Commissioner (Special Projects).

(4) One Special Assistant to the Assistant Secretary.

(5) One Confidential Assistant to the Assistant Commissioner for Programs.

(6) One Special Assistant for Home Improvement Plans and Mortgage Servicing.

(7) One Special Assistant for Elderly Housing.

(8) One Special Assistant for Nursing Homes.

(c) *Office of the Assistant Secretary for Renewal and Housing Assistance.* (1) One Private Secretary to the Assistant Secretary.

(2) One Deputy Assistant Secretary, Renewal Assistance Administration.

(3) One Deputy Assistant Secretary, Housing Assistance Administration.

(4) Two Special Assistants to the Assistant Secretary.

(5) One Staff Assistant to the Deputy Assistant Secretary, Housing Assistance Administration.

(6) One Deputy Assistant for Problems of the Elderly and the Handicapped.

(7) One Staff Assistant to the Deputy Assistant Secretary, Renewal Assistance Administration.

(d) *Office of the Assistant Secretary for Metropolitan Development.* (1) One Private Secretary to the Assistant Secretary.

(2) One Staff Assistant for Metropolitan Development.

(3) Two Special Assistants to the Assistant Secretary.

(4) One Assistant to the Assistant Secretary.

(5) Director, Urban Transportation Administration.

(6) One Special Assistant to the Assistant Secretary.

(7) One Private Secretary to the Deputy Assistant Secretary for Metropolitan Development.

(8) Deputy Assistant Secretary for Metropolitan Development.

(e) *Office of the Assistant Secretary for Model Cities and Governmental Relations.* (1) One Private Secretary to the Assistant Secretary.

(2) [Reserved]

(3) Three Special Assistants to the Assistant Secretary.

(4) Director, Demonstration Cities Administration.

(f) *Office of the Assistant Secretary for Equal Opportunity.* (1) One Private Secretary to the Assistant Secretary.

(2) One Private Secretary to the Deputy Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary.

(g) *Office of the Assistant Secretary for Research and Technology.* (1) One Private Secretary to the Assistant Secretary.

(2) One Special Assistant to the Assistant Secretary.

§ 213.3385 President's Council on Youth Opportunity.

(a) Executive Director.

§ 213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.

(a) One Special Assistant to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(b) One Special Assistant to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(c) One Private Secretary to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(d) One Private Secretary to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* (1) One Deputy Under Secretary.

(2) One Special Assistant to the Secretary.

(3) One Confidential Secretary to the Secretary.

(4) One Special Assistant to the Assistant Secretary for International Affairs.

(5) Two Confidential Secretaries to the Assistant Secretary for Public Affairs.

(6) One Confidential Secretary to the General Counsel.

(7) One Confidential Secretary to the Under Secretary of Transportation.

(8) One Special Assistant to the Assistant Secretary for Public Affairs.

(9) One Confidential Secretary to the Assistant Secretary for Research and Technology.

(10) Special Assistant for Special Projects.

(11) Two Special Assistants to the Under Secretary of Transportation.

(12) One Chauffeur to the Secretary.

(13) One Chauffeur to the Under Secretary.

(14) One Special Assistant to the Assistant Secretary for Urban Systems and Environment.

(15) One Special Assistant to the Deputy Under Secretary of Transportation.

(16) One State Liaison Officer, Office of the Assistant Secretary for Public Affairs.

(17) Three Congressional Liaison Officers, Office of the Assistant Secretary for Public Affairs.

(18) Director, Office of Congressional Relations.

(b) *National Transportation Safety Board.* (1) One Administrative Assistant to each of the five Board members.

(2) One Confidential Secretary to each of the five Board members.

(c) [Reserved]

(d) *Federal Highway Administration.* (1) Deputy Administrator.

(2) One Special Assistant to the Deputy Administrator.

(3) One Private Secretary to the Administrator.

(4) One Private Secretary to the Director, National Highway Safety Bureau.

(e) *Federal Railroad Administration.* (1) One Special Assistant to the Administrator.

(f) *Urban Mass Transportation Administration.* (1) One Assistant Administrator for Public Affairs.

(2) One Confidential Secretary to the Administrator.

(g) *St. Lawrence Seaway Development Corporation.* (1) One Special Assistant to the Administrator.

(h) *Federal Aviation Administration.* (1) One Private Secretary to the Administrator.

(2) One Assistant Administrator for Congressional Relations.

(3) One Assistant to the Assistant Administrator for Congressional Relations.

(4) One Congressional Liaison Specialist.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14481; Filed, Dec. 4, 1969; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER B—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7018]

PART 194—LIQUOR DEALERS

PART 201—DISTILLED SPIRITS PLANTS

Miscellaneous Amendments

On January 11, 1969, a notice of proposed rule making to amend 26 CFR Parts 194 and 201 was published in the FEDERAL REGISTER (34 F.R. 442). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. After consideration of all relevant matter presented and further study of the proposed amendments, the regulations in 26 CFR Parts 194 and 201 as so published, are hereby adopted, subject to the following changes:

The statement of purpose contained in the preamble is changed by modifying item (6) thereof to read "provide for the filing of reports of strip stamps, Form 2260, quarterly instead of monthly;".

PARAGRAPH 1. As the changes set forth in paragraph A1 of the notice were incorporated in Treasury Decision 7014, approved May 28, 1969, paragraph A1 and the proposed changes in §§ 194.221, 194.231, 194.232, 194.233, and 194.238(b), and in the center heading preceding § 194.231, are deleted.

PAR. 2. As a result of a change made by Treasury Decision 7002, the need to amend § 194.283 no longer exists. Therefore, the proposed change set forth in paragraph A3 is deleted, and § 194.283 will not be amended.

PAR. 3. Paragraph B2 is changed by deleting the word "quadruplicate" in the fourth sentence of § 201.66 and inserting the word "triplicate".

PAR. 4. Paragraph B6 is changed by further amending § 201.246 to reflect changes made by Treasury Decision 7002

PAR. 5. Paragraph B16a is changed by further amending the first sentence of § 201.363 to read, "Except where the filling or production gauge is made under the provisions of § 201.269(c)(2), spirits may be withdrawn from bonded premises for any lawful purpose on the original gauge: *Provided*, That in the case of spirits in bulk conveyances or wooden packages so withdrawn on determination of tax, the original gauge must have been made by an internal revenue officer."

PAR. 6. Paragraph B17 is changed by further amending § 201.628(a) to reflect changes made by Treasury Decision 7002.

PAR. 7. Paragraph B19 is changed by further amending § 201.373 to reflect changes made by Treasury Decision 7002.

PAR. 8. As a result of a change made by Treasury Decision 7002, the need to amend paragraph (d) of § 201.432 no longer exists. Therefore, the proposed change set forth in paragraph B25 is deleted and § 201.432 will not be amended.

PAR. 9. Paragraph B32 is changed by further amending § 201.541(a) to reflect changes made by Treasury Decision 7002.

PAR. 10. Paragraph B35 is changed to clarify the language in § 201.545 by changing "State stamps or labels" to "labels or State stamps" in two places in the second sentence of § 201.545.

PAR. 11. Paragraph B42 is changed by further amending § 201.628(a) to reflect changes made by Treasury Decision 7002.

This Treasury decision shall become effective on the first day of the first month which begins not less than 60 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: November 24, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to (1) prescribe a standard-size blue export strip stamp in lieu of denominational stamps of one-half pint or more and eliminate requirements for overprinting blue export strip stamps; (2) provide for the in-bond movement

of distilled spirits over a private roadway; (3) prescribe that the mingling of distilled spirits shall be pursuant to a notice rather than to an application; (4) eliminate the requirement for recording the alcohol content of distilling material produced on the premises; (5) provide for the measurement of distilling materials which are not susceptible to ordinary gallonage measurements or to the determination of their alcoholic content; (6) provide for the filing of reports of strip stamps, Form 2260, quarterly instead of monthly; (7) authorize approval of volumetric gauge and prescribe the manner in which production gauge must be made when spirits are to be withdrawn free of tax or without payment of tax; (8) eliminate the requirement for noting deposit records at the time spirits of 190 degrees or more of proof are withdrawn; (9) eliminate the requirement that a separate transfer-in-bond form, Form 236, be prepared where packages or cases of spirits produced by two or more producers are removed in one conveyance; (10) provide, in certain cases, for continuing authorizations to remove chemical byproducts without application to and approval by the assigned officer; (11) expand the definition of "export or exportation" pursuant to a statutory change; (12) provide for the premixing of denaturants not readily soluble in alcohol; (13) provide for the overprinting of strip stamps with the class and type of product and for the partial obscuring of strip stamps; and (14) make a number of minor procedural or clarifying changes; the regulations in 26 CFR Part 194, and in 26 CFR Part 201 are amended as follows:

PARAGRAPH A. 26 CFR Part 194 is amended as follows:

2. Paragraph (c) of § 194.271 is amended to provide for the filing of the strip stamp report, Form 2260, on a quarterly instead of a monthly basis. As amended, § 194.271(c) reads as follows:

§ 194.271 Requirements and procedure.

* * * * *

(c) *Records.* The dealer shall keep records, daily, showing the bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. A report, on Form 2260, of strip stamp transactions shall be prepared as of the close of business March 31, June 30, September 30, and December 31 of each year. The dealer shall also prepare a monthly report on Form 2733 of bulk alcohol received, packaged, and disposed of. Reports on Form 2260 and Form 2733 shall be submitted to the assistant regional commissioner not later than the 10th day of the month succeeding the period for which rendered. Records, documents, or copies of documents supporting such records, and copies of reports submitted to the assistant regional commissioner shall be filed and retained as prescribed in §§ 194.241 and 194.242.

(72 Stat. 1343, 1358, 1360; 26 U.S.C. 5116, 5205, 5206)

PAR. B. 26 CFR Part 201 is amended as follows:

1. Section 201.11 is amended to expand the definition of "Export or exportation" pursuant to a statutory change. As amended, the definition reads as follows:

§ 201.11 Meaning of terms.

* * * * *

Export or exportation. A severance of goods from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country and shall include shipments to any possession of the United States. For the purposes of this part, shipments to the Commonwealth of Puerto Rico, to the territories of the Virgin Islands, American Samoa, and Guam, and to the Panama Canal Zone shall also be treated as exportations.

* * * * *

2. Sections 201.66, 201.74, 201.76, 201.94, and 201.96 are amended to specify how many copies of the required applications shall be prepared. As amended, these sections read as follows:

§ 201.66 Spirits produced in industrial processes.

Persons producing spirits in industrial processes (including spirits produced as a byproduct in connection with chemical or other processes) are distillers and are required to qualify under the provisions of chapter 51, I.R.C., and this part. Where nonpotable chemical mixtures containing spirits are produced (a) for transfer to the bonded premises of a distilled spirits plant for completion of processing (distilling), or (b) as a byproduct (which would require expensive and complex equipment for the recovery of spirits therefrom) (1) which is destroyed on the premises where produced, or (2) which contains the minimum quantity of spirits practicable with the process employed and will not be further processed for the purification or removal of the spirits and which the Director finds is as nonpotable as completely denatured alcohol and the recovery of spirits therefrom would be at least as difficult as the recovery of spirits from completely denatured alcohol, the Director may waive any provision of chapter 51, I.R.C., or this part, with respect to the production of such mixture, including any provision relating to qualification. Where the producer of such nonpotable mixtures desires to secure a waiver of any of such provisions he shall file an application therefor with the Director through the assistant regional commissioner. The application shall be submitted in triplicate and shall set out the name and address of the producer, the chemical composition and source of the nonpotable mixture, and the approximate percentages of the chemicals and of the spirits in the mixture, the method of operation proposed, and, if applicable, the bonded premises whereat the mixture will be processed, and such other information as the Director may require. If the Director finds that the waiver of the requirements, or any of them, will not jeopardize the revenue and will not unduly hinder supervision of the operations, he may approve the application under such terms and conditions as he deems advisable, and subject to the furnishing of any bond which he deems necessary.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.74 Removal of distilling material.

The assistant regional commissioner may, on receipt of an application therefor (in triplicate), authorize the removal from bonded premises of mash, wort, or wash—

(a) To plant premises, other than bonded premises, for use in such businesses as may be authorized under § 201.73;

(b) To other premises for use in processes of manufacture not involving the production of (1) vinegar by the vaporizing process, (2) spirits, or (3) alcoholic beverages; or

(c) For destruction;

if he deems that such removal and use, or method of destruction, will not constitute a jeopardy to the revenue. The proprietor shall record the quantity and alcoholic content of the mash, wort, or wash removed or destroyed. The person receiving such mash, wort, or wash shall record the quantities (and alcoholic content) received and used or disposed of, and maintain such records on the premises where such material is used; reports of such operations need not be submitted unless required by the assistant regional commissioner. Operations authorized by this section shall be under such supervision as the assistant regional commissioner may direct.

(72 Stat. 1365; 26 U.S.C. 5222)

§ 201.76 Hours of operation.

Operations at a plant requiring direct supervision by an assigned officer shall not be conducted on Sunday unless specifically authorized by the assistant regional commissioner in each instance on the showing of emergency. All operations requiring direct supervision shall be conducted during an 8-hour work day between 7 a.m. and 5 p.m. unless, pursuant to the proprietor's application (in triplicate) specifying the reasons for requesting extension or change of hours of operation, the assistant regional commissioner authorizes the performance and supervision of such operations during other hours. The assistant regional commissioner, in administering this provision, shall not restrict such operation or function to a greater extent than did the provisions of internal revenue law and regulations on June 30, 1959.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.94 Quantity determination of rectified products.

Where gauge is made to determine tax on rectified products, the quantity (wine gallons) shall be determined by volume or by weight and apparent proof (hydrometer indication, corrected to 60° F.), pursuant to the provisions of Part 186 of this chapter. Where it is impracticable to measure rectified products such as sparkling wines, rock and rye, and similar specialties in tanks, the assistant regional commissioner may, pursuant to written application submitted in triplicate by the proprietor, authorize the volumetric measurement of such products on the basis of the number of filled bottles of each standard of fill corrected to volume at 60° F. In such case, any rectification tax and any additional wine tax shall be determined after bottling.

(72 Stat. 1396; 26 U.S.C. 5559)

§ 201.96 Commercial gauging.

The assistant regional commissioner may, pursuant to application submitted in triplicate by the proprietor, permit the weighing and proofing of specific packages of spirits on bonded premises for purposes such as obtaining data on storage conditions or the result of special production procedures. Applications for permission to do such work shall contain sufficient information to enable the assistant regional commissioner to evaluate the merits of the request. When such applications are approved, the proprietor shall in each instance, before beginning the operation, inform the assigned officer of the time and place where the work will be done.

3. Section 201.102 is amended to (1) provide for the "in-bond" movement of distilled spirits over private roadways, and (2) specify how many copies of the required description shall be prepared. As amended, § 201.102 reads as follows:

§ 201.102 Conveyance of untaxpaid spirits within a plant.

Spirits on which the tax has not been paid or determined may be conveyed from the production facilities of a plant to the bonded warehouse facilities of such plant, from the bonded warehouse facilities of a plant to the production facilities of such plant, or between different portions of the bonded warehouse facilities of the same plant, across any other premises of such plant; or (by uninterrupted transportation) over any public thoroughfare; or (by uninterrupted transportation) over a private roadway if the owner, or lessee, of such roadway agrees, in writing, to allow Government officers access to such roadway to perform their necessary duties: *Provided,* That the conveyance of spirits as authorized in this section is subject to the following conditions;

(a) Such spirits are not stored or allowed to remain on any premises of such plant other than bonded premises,

(b) Such spirits are kept completely separate and apart from spirits on which the tax has been paid or determined,

(c) A description (in triplicate) of the means and route of such conveyance and of the facilities between which such spirits will be conveyed, and a copy of any agreement furnished by the owner, or lessee, of a private roadway have been submitted to and approved by the assistant regional commissioner, and

(d) Consent of surety on bond, Form 2601, has been furnished by the proprietor, on Form 1533, extending the terms of such bond to cover such conveyance of such spirits.

(72 Stat. 1356, 1398; 26 U.S.C. 5201, 5601)

4. Paragraph (c) of § 201.103, and § 201.112 are amended to specify how many copies of required descriptions or applications shall be prepared. As amended, §§ 201.103 and 201.112 read as follows:

§ 201.103 Spirits in Customs custody.

Spirits in Customs custody may be conveyed, when necessary, across distilled spirits plant premises: *Provided,* That (a) such spirits are not stored or allowed to remain on the premises of such plant, (b) such spirits are kept separate and apart from other spirits on such premises and are moved expeditiously, (c) a description (in triplicate) of the means and route of conveyance of such spirits across the plant premises has been submitted to and approved by the assistant regional commissioner, and (d) consent of surety on bond, Form 2601, has been furnished by the proprietor, on Form 1533, extending the terms of such bond to cover such conveyance of such spirits.

§ 201.112 Bonded warehouses not on production premises.

A bonded warehouse, other than one established on bonded premises of a plant qualified for production of spirits, or one contiguous to a distillery operated by the bonded warehouseman, may be established only if the need therefor is clearly shown and the prospective needs of the warehouseman will be for the bonded storage of not less than 250,000 wine gallons of spirits: *Provided,* That where commercial bonded warehouse facilities are not available in an area and it is impractical to have a warehouse of such capacity, the Director may approve the establishment of a warehouse without regard to the minimum storage requirements. The application for registration to establish a warehouse under the provisions of this section shall be accompanied by a separate written application, in triplicate, setting forth the necessity for the establishment of the warehouse, showing the approximate quantity of spirits that will be received, stored, and withdrawn annually, the probable number of depositors of spirits, and the approximate number of persons to be served from the warehouse, together with any other data or documents indicating the prospective volume of business or need for establishment. The application for registration shall not be approved if the proposed location of the warehouse would constitute a jeopardy to the revenue, satisfactory evidence of the need for the establishment of the warehouse has not been submitted, or the prospective volume of business would be insufficient to warrant the expense of supervision by internal revenue officers. The Director may limit the type of operation, such as, for bulk storage only, for package storage only, or for bulk storage and denaturing only, which may be conducted at a bonded warehouse which is to be established without regard to the minimum storage requirements. The proprietor of a bonded warehouse established for a limited type of operation shall not, in any manner, expand or change his operation to include any other type of operations until, pursuant to written application (in quadruplicate) to make such change, he has obtained the approval of the Director.

(72 Stat. 1353; 26 U.S.C. 5178)

5. Sections 201.201 and 201.232 are amended to specify how many copies of required applications or reports shall be prepared. As amended, §§ 201.201 and 201.232 read as follows:

§ 201.201 Indemnity bond conditioned to stand in lieu of prior liens.

Where a lien is imposed on the distiller's property under section 5004(b)(1), I.R.C., or where any similar lien has been imposed under prior provisions of internal revenue law, the distiller may, pursuant to application (in duplicate) to, and approval by, the assistant regional commissioner, file consent, Form 2602, to further condition the bond, Form 3A, furnished under the provisions of § 201.200, to stand in lieu of such lien or liens and to indemnify the United States for the payment of all taxes and penalties which otherwise could be asserted against such property by reason of such lien or liens. When a consent on Form 2602 has been accepted and approved by the assistant regional commissioner, such lien or liens shall be held to be extinguished. The assistant regional commissioner will not accept or approve such consent, Form 2602, if there is any pending litigation or outstanding assessment with respect to such taxes or penalties, or if he has knowledge of any circumstances indicating that such consent is tendered with intent to evade payment or defeat collection of any tax or penalty.

(72 Stat. 1317, as amended, 1349; 26 U.S.C. 5004, 5173)

§ 201.232 Emergency breaking of seals or locks.

Where persons or property are in imminent danger from fire, flood, or other disaster, or where emergency repairs to equipment are necessary and it is essential that such repairs be made without delay to prevent substantial loss, and it is impractical to first obtain authorization from the internal revenue officer, Government seals or locks may be removed, as necessary, by the proprietor, or by police or firemen (in the case of disaster). When such action is taken, the proprietor shall see that security measures are taken to prevent illegal removal of spirits and, as soon as practical, shall notify the internal revenue officer of the action taken, and shall submit to him, within 5 days, a written report (in duplicate), executed under the penalties of perjury, describing the emergency and the action.

6. Section 201.246 is amended to delete the reference to certification of test weights by the National Bureau of Standards. As amended, § 201.246 reads as follows:

§ 201.246 Measuring devices and proofing instruments.

The proprietor shall provide the necessary measuring tanks, weighing tanks, scales, and meters or other measuring devices which have been approved by the

Director for weighing or measuring materials, spirits (including denatured spirits), and denaturants. Where scales or weighing tanks are provided, the proprietor must furnish the internal revenue officer with a set of ten 50-pound cast-iron weights, certified by (a) a State department of weights and measures, (b) a responsible scale company, or (c) another agency or company approved by the assistant regional commissioner, as conforming to class "C" requirements of the National Bureau of Standards. Where spirits which have a high solids content (a specific gravity of more than 1.0 at the temperature of the spirits) are to be gauged, the proprietor shall provide the internal revenue officer with such precision grade specific gravity hydrometers, prescribed in Part 186 of this chapter, as may be necessary to gauge such spirits. Where test weights or specific gravity hydrometers are furnished they shall be under the custody of the assigned officer when not in use. The proprietor shall provide, for his own use, accurate hydrometers, thermometers, and other necessary equipment for determining proof or volume.

(72 Stat. 1358; 26 U.S.C. 5204)

7. Paragraph (c) of § 201.248 is amended to provide for the issuance of certificates of accuracy when scales are tested, adjusted, or repaired by responsible scale companies. As amended, § 201.248(c) reads as follows:

§ 201.248 Testing of scales.

* * * * *

(c) *Tank scales over 500 gallons.* Proprietors shall have scales used for weighing lots of spirits (including denatured spirits) of 500 gallons or more tested, and their accuracy certified, by State, county, or city departments of weights and measures or by a responsible scale company at intervals of not more than 6 months. When a scale is tested, adjusted, or repaired by a responsible scale company, the proprietor shall secure a signed statement, in duplicate, from the scale company (and shall furnish a copy to the assigned officer), certifying that the scale has been tested, adjusted, or repaired, as the case may be, and found to be accurate. Proprietors, under the supervision of the assigned officer, shall also check, at least once a month, the gallonage represented to be in a scale tank against the gallonage indicated by volumetric determination of the contents of the tank. Such volumetric determination shall be made in accordance with the provisions of Part 186 of this chapter. Unless the volumetric check is within 0.5 percent of the quantity shown to be in the tank, the proprietor shall take appropriate steps to have the accuracy of the scale verified. When the assigned officer determines that the condition of a tank scale of large capacity indicates the necessity therefor, he shall require the proprietor to test the scale in the manner prescribed for a smaller capacity scale in paragraph (b) of this section, except that the test may be commenced when the tank contains considerable quantities of liquid.

(72 Stat. 1358; 26 U.S.C. 5204)

8. Section 201.266 is amended to provide for determining the quantity and proof of unfinished spirits produced from certain nonliquid distilling materials. As amended, § 201.266 reads as follows:

§ 201.266 Distillation processes.

The process of distillation in the production facilities shall be such that the spirits pass through continuous, closed stills, pipes and vessels from the first still where entry into the system would constitute a jeopardy to the revenue until the process of production is completed. The distiller may, in the course of manufacture, carry his product through as many distilling operations as he may desire, provided the process is closed and continuous. Distilling processes are deemed to be continuous where the spirits are carried through the various steps of production as expeditiously as plant operation will permit. The collection of unfinished spirits for the purpose of redistillation is not deemed to be a break in the continuity of the distilling process. However, the quantity and proof of any unfinished spirits produced from distilling materials, the quantity of which was ascertained in the manner authorized in § 201.618(c) for such materials, shall be determined and recorded before any mingling with other materials or before any further processing of the unfinished spirits. Where spirits are percolated through oak chips or otherwise treated, the temporary retention of the spirits in tanks pending such treatment is permissible. Spirits may be held, prior to the production gauge, only for so long as is reasonably necessary to complete the process of production.

(72 Stat. 1328, as amended, 1338, 1353, 1362, 1365; 26 U.S.C. 5025, 5082, 5178, 5211, 5222)

9. Subparagraph (2) of paragraph (c) of § 201.269 is amended by redesignating the present text of subdivision (iii) as subdivision (iv) and by inserting a new subdivision (iii) to provide for volumetric measurement under certain conditions. The new subdivision (iii) and redesignated subdivision (iv) read as follows:

§ 201.269 Production gauge.

* * * * *

(c) *Tax not to be determined on production gauge.* * * *

(2) * * *

(iii) On approval by the assistant regional commissioner, by volumetric measurement in a calibrated tank, converting the wine gallons so determined into proof gallons, and determining therefrom the average content of each container: *Provided,* That the assistant regional commissioner may require the use of such meters or other measuring devices as he may deem necessary; or

(iv) By determining, by such device or method as may be approved under the provisions of paragraph (a) of this section, the total quantity filled into containers, and determining therefrom the average content of each container.

* * * * *

10. Paragraphs (a) and (b) of § 201.275 are amended to specify how many copies of required applications or descriptions shall be prepared. As amended, § 201.275 (a) and (b) reads as follows:

§ 201.275 Distillates containing extraneous substances.

(a) *Production facilities.* Distillates containing substantial quantities of fusel oil, aldehydes, or other extraneous substances may be removed from the distilling system prior to the production gauge for addition to fermenting or distilling material at the distillery where produced. Distillates removed from the distilling system under the provisions of this paragraph shall not be removed from the production facilities and shall be added promptly to the fermenting or distilling material. If the distillates contain less than one-half of 1 percent of fusel oil, or less than one-tenth of 1 percent of aldehydes, the removal and use of the distillates shall be made pursuant to a written application (in triplicate) filed with, and approved by, the assistant regional commissioner, and pursuant to such conditions as the assistant regional commissioner may require to assure that the distillates will be properly used and accounted for. Applications under this paragraph will not be approved if the removal and use of distillates would require additional hours of direct supervision.

(b) *Bonded wine cellar.* Distillates containing aldehydes may be removed, without payment of tax, to an adjacent bonded wine cellar for use therein for fermentation of wine to be used as distilling material at the distillery from which the distillates were removed: *Provided,* That the assistant regional commissioner finds, pursuant to a written application (in triplicate), that such removal and use will not jeopardize the revenue and will not require additional hours of direct supervision. The gauge and removal of distillates to an adjacent bonded wine cellar shall be in accordance with the applicable provisions of Subpart L of this part relating to withdrawal of wine spirits for use in wine production and the receipt and use of such distillates at an adjacent winery shall be in accordance with the provisions of Part 240 of this chapter. If such distillates contain less than one-tenth of 1 percent of aldehydes, the removal shall be subject to such additional conditions relating to gauging, recordkeeping, manner of removal from the distilling system and from the distillery, or use as the assistant regional commissioner shall require to assure that such distillates will be properly used and accounted for.

* * * * *

(72 Stat. 1356, 1365, 1382; 26 U.S.C. 5201, 5222, 5373)

11. Section 201.279 is amended to provide continuing authority to remove chemical byproducts from production facilities. As amended, § 201.279 reads as follows:

§ 201.279 Disposition of chemicals.

Chemical byproducts of the spirits production system may be removed from the plant premises by pipeline or in such containers as the proprietor may desire. The quantities of such chemicals removed from the plant premises shall be determined by the proprietor. Packages of such chemicals shall be appropriately marked by the proprietor to show the nature of the contents. Chemical byproducts may be removed from the production facilities only pursuant to a written application, in duplicate, filed with and approved by the assigned officer: *Provided,* That the assistant regional commissioner may authorize, on a continuing basis, a proprietor to remove a chemical byproduct from production facilities, without application to and approval by the assigned officer, where the assistant regional commissioner finds that the nature of the production process and the chemical byproduct to be removed are such that the revenue will not be jeopardized by such removal. Products so removed shall be subject to such sampling by Government officers as may be deemed necessary.

(72 Stat. 1356; 26 U.S.C. 5201)

12. Paragraph (c) of section 201.291 and sections 201.292 and 201.295 are amended to specify how many copies of required applications or descriptions shall be prepared. As amended, paragraph (c) of § 201.291 and §§ 201.292 and 201.295 read as follows:

§ 201.291 Receipt and storage of spirits.

* * * * *

(c) *Storage.* Spirits (including denatured spirits) may be stored in the storage facilities on bonded premises in any container into which spirits (including denatured spirits) may be filled on bonded premises. Containers used for such storage shall be so stored that they can be readily inspected by internal revenue officers, and cases in such storage shall be so stored that they can be readily inventoried: *Provided,* That on application submitted in quadruplicate to, and approval by, the Director, the proprietor may be authorized to store packages and cases in any manner which, in the opinion of the Director, adequately safeguards the interests of the Government. Tanks and other containers (except containers to which § 201.88 is applicable) for the storage of spirits on bonded premises shall be kept securely closed, and the flow of spirits into and out of such tanks or other containers shall be controlled by Government locks or seals, or by a meter or other device approved by the Director which permits a determination of the quantity being deposited or of the quantity being removed, as the case may be. The provisions of § 201.88 are applicable in respect to storage of spirits on bonded premises in portable containers.

§ 201.292 Quick-aging of spirits, addition of oak chips to spirits, and addition of caramel to brandy and rum.

Spirits may be quick-aged by heating during storage on approval by the assistant regional commissioner of the proprietor's written description (in triplicate) of the process to be used. Oak chips which have not been treated with any chemical may be added to packages either prior to or after filling; if added prior to gauge for withdrawal from bonded premises notation shall be made on the deposit form. Caramel possessing no material sweetening properties may be added to rum or commercial brandy in packages or tanks. All such operations in storage facilities on bonded premises shall be pursuant to an application (in duplicate) to, and under the direct supervision of, the assigned officer.

(72 Stat. 1328, as amended, 1356, 1357; 26 U.S.C. 5025, 5201, 5202)

§ 201.295 Change of packages.

Denatured spirits on bonded premises may be transferred to another package without prior approval by the assigned officer. Spirits in the storage facilities on bonded premises may be transferred from one package to another on written application (in duplicate) to, and approval of, the assigned officer. Except in the case of spirits of 190 degrees or more of proof, each new package shall contain spirits from only one package. Packages shall be marked and branded as provided in Subpart P of this part. The proprietor shall note the record covering the deposit of the spirits in bond to show the tare, gross weight, and tax gallons of each new package; in addition, he shall furnish the assigned officer a report, in writing, of each package change and the new elements of gauge. The provisions of this section do not apply where spirits are packaged subsequent to mingling.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

13. Section 201.301 is amended to delete the requirement for prior approval of mingling of distilled spirits by the assigned officer, and section 201.302 is amended to delete the same requirement and to prescribe that the mingling of distilled spirits shall be pursuant to a notice rather than to an application. As amended, §§ 201.301 and 201.302 read as follows:

§ 201.301 Mingling to consolidate packages under section 5234(a)(2), I.R.C.

Within 8 years of the date of original entry for deposit packages of spirits of the same kind, distilled by the same proprietor (under his own or any trade name), at the same distillery, and which have been stored in internal revenue bond in the same kind of cooperage for not less than 4 years (or 2 years in the case of rum or brandy) may be dumped and mingled in a tank in the storage facilities on bonded premises. Such mingled spirits shall be immediately repackaged, for further storage in bond, in as many as necessary of the packages from which dumped. Where spirits produced in different distilling seasons are mingled under this section, the mingled spirits shall consist of not less than 10 percent of spirits of each such season. Once the spirits are dumped and mingled, they shall be promptly drawn into packages in the manner provided in § 201.294. If draining the tank would result in a remnant package, the proprietor may determine and record the quantity of spirits remaining in the tank and treat such spirits as a part of the succeeding lot to be mingled in that tank or he may fill, gauge, and mark a remnant package: *Provided,* That if the components of the spirits in the tank are not eligible for mingling, pursuant to this section, with the components of the succeeding lot, or if consolidation operations are discontinued, the spirits remaining must be drawn into a remnant package. No spirits mingled under the provisions of this section shall again be mingled under such provisions until at least 1 year has elapsed since the last prior mingling.

(72 Stat. 1328, 1367; 26 U.S.C. 5025, 5234)

§ 201.302 Mingling packages of spirits.

Before dumping packages of spirits on bonded premises for mingling (except heterogeneous spirits covered in § 201.298 and spirits of 190 degrees or more of proof) the proprietor shall prepare Form 2323, in triplicate, in accordance with the instructions on the form and, before mingling, deliver one copy to the assigned officer. The proprietor shall also deliver to the assigned officer a list (one copy) of the serial numbers of the packages. When packages of spirits of 190 degrees or more of proof are to be mingled, the proprietor shall notify the assigned officer and make appropriate entries in his records reflecting the mingling. Each package of spirits to be mingled under this subpart shall be carefully examined by the proprietor, and if any package bears evidence of loss due to theft or unauthorized voluntary destruction, or loss in excess of normal storage losses, such package shall not be dumped until released by the assigned officer; Form 2323 shall be amended when necessary. On completion of the mingling, the proprietor shall execute his report of mingling on the original and one copy of Form 2323, deliver the original to the assigned officer, and retain the copy for his files.

(72 Stat. 1367, as amended; 26 U.S.C. 5234)

14. Section 201.313 is amended to specify how many copies of the required report shall be prepared. As amended, § 201.313 reads as follows:

§ 201.313 Expiration of bonding period.

The bonding period defined in § 201.26 expires at the close of business on the twentieth anniversary of the day next preceding the date of original entry for deposit of the spirits in storage in internal revenue bond. Each June and December the proprietor shall determine

whether the 20-year period of storage on any spirits in storage in bond (other than denatured spirits or spirits of 190 degrees or more of proof) will expire during the next season and, if any such spirits are in storage, render a written report, in duplicate to the assigned officer of the results of his determination. The proprietor's report shall include a full identification of the spirits and show the date of expiration of the bonding period for each container (or lot of such spirits). Before such date of expiration, the proprietor shall file an application for tax payment or other authorized disposition of such spirits. The proprietor shall, pursuant to such application, withdraw such spirits from storage on the bonded premises before the expiration of such 20-year period.

(72 Stat. 1320, 1349, 1361; 26 U.S.C. 5006, 5173, 5207)

15. Section 201.334 is amended to conform to the proposed amendment of § 201.544 which would eliminate overprinting on export stamps. As amended, § 201.334 reads as follows:

§ 201.334 Strip stamps.

The proprietor shall affix to each bottle of spirits bottled in bond a domestic or export strip stamp, as appropriate. Such stamps shall be procured, overprinted (when required), affixed, and accounted for as provided in Subpart Q of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

16. A clarifying change is made in § 201.338 by rearranging the language of the section. As amended, § 201.338 reads as follows:

§ 201.338 Marking and disposition of remnant cases.

Where there is less than a case of bottled spirits remaining from a lot of spirits bottled, either for domestic use or for exportation, the remnant will be placed in a case and such case will be given the serial number of the last full case containing spirits in the same lot, followed by the letter "R", thus: "100–R": *Provided*, That where spirits, of the same kind and proof, produced by the same distiller at the same distillery during the same distilling season as the remnant, are to be bottled on the same or following business day, and are eligible for inclusion in the remnant case, such remnant case may be given the next serial number and held in the bottling-in-bond facilities, and the case filled with such spirits. Such remnant case, if not held in the bottling-in-bond facilities, shall be removed with other cases to storage and taxpaid for domestic consumption, or returned to the bottling-in-bond facilities when the next lot of spirits of the same kind, produced by the same distiller, at the same distillery during the same distilling season is to be bottled, and (a) the bottles used for filling a complete case, if of the same proof and otherwise eligible, or (b) the contents dumped into the bottling tank and mingled with such other spirits for bottling. In any instance when a remnant case is removed or returned to the bottling-in-bond facilities for use as provided in this section, appropriate notations will be made on Forms 1515 showing the disposition of such remnant.

(72 Stat. 1366; 26 U.S.C. 5233)

16a. Section 201.363 is amended with regard to withdrawals of spirits from bonded premises free of tax or without payment of tax on original gauge. As amended, § 201.363 reads as follows:

§ 201.363 Withdrawal of spirits on original gauge.

Except where the filling or production gauge is made under the provisions of § 201.269(c)(2), spirits may be withdrawn from bonded premises for any lawful purpose on the original gauge: *Provided*, That in the case of spirits in bulk conveyances or wooden packages so withdrawn on determination of tax, the original gauge must have been made by an internal revenue officer. Where the original gauge was made by an internal revenue officer the spirits shall be withdrawn on such gauge unless permission for a gauge at time of withdrawal is obtained from the assistant regional commissioner. When spirits in wooden packages, which are to be withdrawn on determination of tax on the original gauge, are transferred in bond, the proprietor shall note "Withdraw on original gauge" and show the details of the original gauge on all copies of Form 2630.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

17. Section 201.368 is amended to provide that where packages or cases of spirits produced by two or more producers are removed in one conveyance, one Form 236, Transfer of Spirits or Denatured Spirits in Bond, will be sufficient. As amended, § 201.368 reads as follows:

§ 201.368 Consignor premises.

(a) *General.* (1) Form 236 shall be prepared by the consignor proprietor to cover the transfer of spirits or denatured spirits in bond, pursuant to an approved application on Form 2609. In the case of denatured spirits, Form 236 shall be prepared as a notice of shipment. In the case of spirits, Form 236 shall be prepared as an application to the assigned officer for approval of the release. When spirits in packages are to be transferred, the consignor shall also prepare Form 2630, and when spirits in cases or in encased containers are to be transferred, he shall prepare Form 1620. Except as otherwise provided herein, a Form 236 (with Form 2630, or 1620, as applicable) shall be prepared for each conveyance. Each Form 1620 and Form 2630 shall show the real name (or the basic operating name as provided in § 201.235) of the producer (or the name of the importer in the case of imported spirits or the name of the packaging or bottling proprietor in the case of spirits of 190 degrees of proof or more) and, if the spirits were produced under a trade name, shall also show the trade name under which produced. Where packages or cases of spirits produced by two or more producers are removed in one conveyance, one Form 236 may be prepared. However, a separate Form 1620 or Form 2630 shall be prepared for each name under which spirits were produced. Spirits shall not be removed from the bonded premises until Form 236, with any required Form 2630 or 1620, as applicable, (or, as authorized in subparagraph (2) of this paragraph, an authorized shipment and delivery order), has been submitted to the assigned officer and his approval received for the release of the spirits. In the case of pipeline transfers of spirits, the assigned officer shall not unlock the pipeline until he has approved the Form 236. On completion of lading (or completion of transfer by pipeline), the proprietor shall execute his certificate of removal on all copies of Form 236, and dispose of the forms in accordance with the instructions on Form 236.

(2) The proprietor may, on approval of the assistant regional commissioner, cover on one Form 236 (and Form 2630) all packages of spirits shipped by truck on the same day from his production facilities for deposit for storage in bond in another distilled spirits plant located in the same internal revenue region. In such case, the proprietor shall deliver, to the assigned officers at the shipping and delivery premises, a shipment and delivery order for each shipment, showing the number of barrels, their serial numbers, the name of the producer, and the serial numbers of the Government seals (if any) applied to the truck. Such shipping and delivery order shall be properly authenticated, and shall constitute a complete record of the spirits so transferred in each truck each day. On completion of lading of the last truck for the day, the proprietor shall complete the Form 236 and dispose of the form (and Form 2630) in accordance with the instructions on Form 236.

(b) *Packages.* When spirits are to be transferred in bond in packages, the consignor proprietor shall weigh each package, except (1) when the transfer is to be made in a sealed conveyance, (2) when the individual packages have been securely sealed by the proprietor in a manner satisfactory to the assigned officer, or (3) when this requirement has been waived by the Director on a finding that, because of the location of the premises and the proposed method of operation, the transfer can be made under the control of the assigned officer, and there will be no jeopardy to the revenue. The proprietor shall load the packages into the conveyance and prepare the conveyance for sealing, if it is to be sealed. The details of the last gauge for each package shall be recorded on Form 2630. If the tax gallon content for any package to be transferred has been determined by an average, as provided in § 201.269, such average tax gallon content shall be recorded as the quantity of spirits transferred for such package. When packages are weighed at the time of shipment, the shipping weight shall be shown in lieu of the last official gross weight of the package: *Provided*, That in the case of packages to be withdrawn on original gauge, the shipping weight shall be shown in addition to the details of the original gauge.

(c) ***Bulk conveyances and pipelines.*** When spirits are to be transferred in bond in bulk conveyances or by pipelines, the consignor shall gauge the spirits under the direct supervision of the assigned officer and record the gauge on Form 236. Bulk conveyances of spirits shall be prepared by the proprietor for sealing.

(72 Stat. 1362; 26 U.S.C. 5212)

18. Section 201.371 is amended by removing the material pertaining to a bond account and placing updated material in a new section, § 201.371a, Bond Account. As amended, § 201.371 and new § 201.371a read as follows:

§ 201.371 Application.

Spirits to be withdrawn from bonded premises on determination of the tax thereon shall be in such containers or cases as are prescribed in this part. The proprietor of the bottling premises to which the spirits are to be removed or the proprietor of the bonded premises from which the spirits are to be withdrawn, shall make application on Form 179 for tax determination and withdrawal. Where spirits are to be withdrawn on determination of tax, the tax thereon shall be paid before removal of the spirits from the bonded premises unless the proprietor making application for the withdrawal has furnished bond on Form 2613, 2614, or 2615 to secure payment of tax. Where the spirits are to be withdrawn by the proprietor of bottling premises from bonded premises not on the same plant premises, he shall, on execution of his portion of the application on Form 179, deliver one copy to the assigned officer at the bottling premises and forward the remaining copies of the form to the proprietor of the bonded premises. On completion of the application the proprietor of the bonded premises shall deliver all copies of the application to the assigned officer at his premises. Where spirits in packages are to be gauged in bulk gauging tanks, the proprietor of the bonded premises shall attach to Form 179 a list (one copy) of the serial numbers of the packages. Where an alternating proprietor has been authorized pursuant to § 201.174 to commence operations of bottling facilities at a specified future time, he may apply for the withdrawal of spirits from bond on Form 179 in anticipation of such commencement of operations, but spirits so applied for will not be eligible for loss allowance unless such spirits are withdrawn directly from bond and unless such spirits are received on his bottling premises during the time he is authorized to operate such premises.

(72 Stat. 1363; 26 U.S.C. 5213)

§ 201.371a Bond account.

Where the proprietor making application on Form 179 for tax determination and withdrawal of spirits has furnished bond on Form 2613, 2614, or 2615 in less than the maximum penal sum, he shall maintain an account of his bond and he shall charge the bond with the amount of liability he accepts at the time he executes Form 179 and shall credit the bond on payment of the amount of tax required to be remitted with a return and by authorized credits taken on a return: *Provided*, That where the tax as determined is less than the amount shown on Form 179 as charged against his bond, he may, on the basis of the internal revenue officer's certificate of tax determination on Form 179, credit the bond account with the amount of the difference between the amount charged and the amount of tax determined. Where a bond on Form 2615 in less than the maximum penal sum has been allocated among two or more plants as provided in § 201.210, an account shall be maintained at each plant of that part of the penal sum of the bond allocated to that plant.

19. Section 201.373 is amended to provide that entry tare weights on Forms 2630 prepared for tax determination need be entered only when the packages are to be regauged by the average tare method. As amended, § 201.373 reads as follows:

§ 201.373 Packages.

When spirits in packages are to be withdrawn from bonded premises on determination of tax on the basis of individual package gauge, each package shall be gauged unless the tax is to be determined on the original gauge. When the packages are to be withdrawn on the original gauge, the proprietor shall prepare Form 2630 and deliver the form to the assigned officer with Form 179. If spirits in wooden packages are to be gauged for tax determination, the proprietor shall complete only the heading of Form 2630 and insert the serial number, and entry tare (if the packages are to be regauged by the average tare method), of each package before delivery of the form, and Form 179, to the assigned officer for gauge of the packages by such officer. The proprietor shall gauge (under the direct supervision of an assigned officer), and report on Form 2630, metal packages to be tax-determined on other than the original gauge and deliver such form, and Form 179, to the assigned officer. Spirits in wooden packages filled from storage tanks for tax determination shall be gauged and reported on Form 2630 by an assigned officer on receipt of Form 179; metal packages so filled shall be gauged (under the direct supervision of an assigned officer) and reported on Form 2630 by the proprietor, and the proprietor shall deliver Form 2630 to such officer with Form 179. In the case of spirits of less than 190 degrees of proof, the date of original entry, and, for domestic spirits only, the proof of distillation shall be shown on Form 2630. In the case of spirits mingled pursuant to section 5234(a)(1)(C), I.R.C. (homogeneous spirits) the dates of original entry of the oldest and the youngest spirits in the mingled spirits shall be shown. On completion of gauge (if any) and computation of tax, the assigned officer will return Form 179 and Form 2630 to the proprietor.

(72 Stat. 1358, 1362; 26 U.S.C. 5204, 5213)

20. Section 201.384 is amended to remove from it, and transfer to Subpart P, certain instructions pertaining to marks. As amended, § 201.384 reads as follows:

§ 201.384 Filling packages from gauging tanks after determination of tax.

Spirits drawn into packages from bulk gauging tanks after tax determination shall be gauged by the proprietor, who shall report such gauge on Form 2630. On receipt of Form 2630 from the proprietor, the assigned officer shall issue a distilled spirits stamp for each package. Each package so filled shall be marked as prescribed by Subpart P of this part before removal from the premises.

(72 Stat. 1362; 26 U.S.C. 5213)

21. Section 201.407 is amended to prescribe that instead of retaining the original of Form 2634, the assigned officer will forward it to the assistant regional commissioner. As amended, § 201.407 reads as follows:

§ 201.407 Notice and gauge for denaturation.

The proprietor, when he wishes to denature, shall execute his notice of intent on Form 2634, in triplicate, in accordance with the instructions thereon and deliver one copy, as a notice, to the assigned officer before any spirits are released for denaturation. The gauge of the spirits, when required, and the denaturation thereof, shall be under the direct supervision of the assigned officer. On completion of denaturation, the proprietor shall execute his report of denaturation on the original and one copy of the form and deliver them to the assigned officer who, after verification of the report, shall execute his certificate on both copies of the form, return the completed copy to the proprietor, forward the original to the assistant regional commissioner, and destroy the notice copy originally received. All spirits shall be gauged by the proprietor: *Provided*, That spirits dumped from previously gauged containers or spirits transferred directly to mixing tanks from gauge tanks where they were gauged, need not be again gauged. Measurements of spirits and denaturants shall be made by volume or by weight or, when approved by the Director, by meter or other device.

(72 Stat. 1358, 1369; 26 U.S.C. 5204, 5241)

22. A new section, § 201.407a, is inserted, immediately following § 201.407, to provide for the premixing with alcohol of denaturants under certain conditions. The new § 201.407a reads as follows:

§ 201.407a Dissolving of denaturants.

Denaturants which are difficult to dissolve in alcohol at usual working temperatures shall be liquified or dissolved in a small quantity of alcohol in advance of their use in the production of specially denatured alcohol pursuant to the prescribed formula, and denaturants which are highly volatile or which become solid at such usual temperatures may also be dissolved in alcohol before being used.

Any ethyl alcohol used in dissolving denaturants and contained in the resulting solution shall be included as part of the total quantity of alcohol denatured in each batch.

23. Section 201.408 is amended to specify how many copies of a required application shall be prepared. As amended, § 201.408 reads as follows:

§ 201.408 Adding denaturants.

Denaturants shall be added to spirits in approved mixing tanks except as provided herein. Specially denatured alcohol Formulas 18, 25, and 25–A prescribed in Part 212 of this chapter may be denatured in packages in any quantity. The assigned officer may permit the denaturing in packages, in accordance with other formulas, of limited quantities of spirits on a showing of a need therefor. The assistant regional commissioner may, on the showing of the need therefor, authorize the denaturation of spirits in tank cars, tank trucks, or similar containers if he deems such denaturation will not hinder effective administration of this part or jeopardize the revenue. The Director may, on written application, in quadruplicate, authorize other methods of adding denaturants to spirits if he deems such denaturation will not hinder effective administration of this part or jeopardize the revenue. If requested by the Director, the proprietor shall submit a flow diagram of the intended process or method of adding denaturants. The conduct of alternate methods of denaturation may be disapproved where additional supervision would be required, or may be restricted to such times as will not require additional supervision.

(72 Stat. 1357, 1369; 26 U.S.C. 5202, 5242)

24. Section 201.425 is amended to provide for the surrender of obsolete formulas. As amended, § 201.425 reads as follows:

§ 201.425 Changes in formulas.

The addition or elimination of ingredients, changes in quantities of ingredients used (where the percentages are required to be disclosed), and changes in the process of rectification are permissible only after approval of a new Form 27–B Supplemental: *Provided*, That where such change of ingredients or process does not result in altering the class or type of the finished product or the tax applicable, the change may be accomplished by filing, with the Director, a rider to the formula. The rider, in quadruplicate, will clearly identify the original formula by number, date of approval, name of the product, and by name and number of the plant, will specify the ingredients to be added or eliminated, or the change in process, and will be signed and processed in the same manner as the original formula. Such change in ingredients or process is permissible only after approval of the rider. A new Form 27–B Supplemental or rider will not be required to cover changes in brand names. Once an approved formula is superseded by a new formula, the original formula shall no longer be used and will be surrendered to the Director. The proprietor may also voluntarily surrender, to the Director, any formula for which he has determined he has no future use.

(72 Stat. 1356; 26 U.S.C. 5201)

26. Sections 201.454 and 201.462 are amended to specify how many copies of required requests or applications shall be prepared. As amended, §§ 201.454 and 201.462 read as follows:

§ 201.454 Bottling tanks.

All spirits and wines bottled on bottling premises shall be bottled from tanks approved for bottling: *Provided*, That the assistant regional commissioner may authorize bottling from original packages or special containers where it is impracticable to use a bottling tank. Bottlers desiring to bottle from packages or special containers shall make written request (in triplicate) for approval of the assistant regional commissioner, showing the necessity therefor, as provided in Subpart D of this part.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.462 Cases.

On completion of bottling, the filled bottles with labels and strip stamps (where required) properly affixed shall be placed in cases, and the cases shall be sealed: *Provided*, That, on approval of written application (in duplicate, to the assigned officer, if any, at the plant, otherwise, in triplicate to the assistant regional commissioner) the proprietor may be authorized to retain, on plant premises, unsealed cases, pending the affixing of brand labels or State stamps. Where the mandatory information required by 27 CFR Part 5 appears on the brand label rather than a separate label, the brand label shall be affixed at the time of bottling. Spirits in unsealed cases shall be kept apart from other spirits on bottling premises. Each case of spirits or wines filled on bottling premises shall be marked as prescribed by Subpart P of this part before removal from such premises.

(72 Stat. 1356, 1360, 1387; 26 U.S.C. 5201, 5206, 5388)

27. Section 201.464 is amended to provide a reference to marking requirements. As amended, § 201.464 reads as follows:

§ 201.464 Filling packages.

Rectified or unrectified products may be drawn into packages from a tank (conforming to the requirements of § 201.243) on bottling premises. Such packages shall be gauged by the proprietor, and he shall report the details of such gauge on Form 2630 and attach a copy of Form 2630 to each copy of Form 2637 covering the product. Such packages shall be marked as prescribed by Subpart P of this part. On receipt of Form 2630 and Form 2637 from the proprietor, the assigned officer shall issue a distilled spirits stamp for each package of spirits. The information required to be placed on the stamp shall be placed thereon by the proprietor and he shall affix the stamp to the package in the manner required by Subpart Q of this part.

(72 Stat. 1356, 1358; 26 U.S.C. 5201, 5205)

28. Sections 201.466, 201.490, and 201.514(b) are amended to specify how many copies of required applications shall be prepared. As amended, §§ 201.466, 201.490, and 201.514(b) read as follows:

§ 201.466 Rebottling, relabeling, and restamping of bottled spirits.

Bottlers desiring to rebottle, restamp, or relabel distilled spirits shall make application, in duplicate, to the assigned officer, if any, at the plant, otherwise, in triplicate, to the assistant regional commissioner. The application shall state specifically (a) the reason for the rebottling, relabeling, or restamping, (b) the serial numbers of the cases, and (c) the name of the original bottler. If the spirits were originally bottled by a bottler other than the applicant, the application shall be accompanied by a statement from the original bottler consenting to the rebottling or relabeling thereof by the applicant. When spirits are rebottled, the strip stamps on the original bottles shall be destroyed and new strip stamps used. Liquor bottles used for rebottling shall comply with the provisions of § 201.457. When spirits are relabeled, the new label shall be covered by an appropriate certificate of label approval or certificate of exemption from label approval issued under the Federal Alcohol Administration Act. Form 2637, appropriately modified, shall be prepared by the proprietor to cover the relabeling or restamping of spirits. Forms 122 and 2637 shall be prepared in accordance with this part to cover the rebottling of spirits.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.490 Affiliated or subsidiary corporation.

Where a corporation and any of its affiliated or subsidiary corporations are qualified for successive operations at the same bottling premises, the several corporations may make joint application, in triplicate, to the assistant regional commissioner for permission to be treated as one proprietor for the purpose of computing the quantities of spirits lost through the various causes described in §§ 201.482 and 201.487, and filing claims for abatement, remission, credit, or refund of tax thereon. The application shall contain or be verified by a written declaration that it is executed under the penalties of perjury and shall set forth the names of the corporations, including affiliates and subsidiaries, making the application, their relationship, the purpose of the application, and the name of the corporation in which reports and claims shall be filed. Any changes in the facts or conditions set forth in the approved application shall necessitate the filing of a new application and approval thereof. As used in this section "affiliated or subsidiary corporations" means corporations of "an affiliated group" as defined in section 1504, I.R.C., and parent or subsidiary corporations where the parent corporation owns stock representing more than 50 percent of the total combined voting power of all classes of stock of the subsidiary corporation entitled to vote (not including stock which is entitled to vote only on default of payment of dividends or other special circumstances).

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

§ 201.514 Numbering of packages and cases.

* * * * *

(b) Cases of bottled spirits filled on bonded premises and cases filled on bottling premises shall be numbered in separate series. The proprietor may establish more than one series of serial numbers for cases on either bonded or bottling premises where more than one bottling unit is used and each series is distinguished from each other by the use of alphabetical prefixes or suffixes. Further, separate series of serial numbers, distinguished from each other by the use of alphabetical prefixes or suffixes, may be established to identify size of bottles, brand names, or other information, on written application (in triplicate) to, and approval of, the assistant regional commissioner. Remnant cases shall be given the serial number of the last full case followed by the letter R.

* * * * *

(72 Stat. 1360; 26 U.S.C. 5206)

29. Section 201.516 is amended by redesignating the present text of paragraph (e) as paragraph (f) and inserting a new paragraph (e). The new paragraphs (e) and (f) read as follows:

§ 201.516 Marks on packages of spirits filled on bonded premises.

* * * * *

(e) *Packages of homogeneous spirits.* Packages filled as provided in § 201.384 of this part, and which contain homogeneous spirits, shall, in addition to the marks required by paragraph (a) of this section, be marked to show that they are consolidated packages, the plant number of the premises at which filled, the kind of cooperage in which the spirits were stored, and the number of months the youngest spirits in the lot were stored in such cooperage.

(f) *Real or trade names.* The producer's real name, or any trade name authorized (as provided in § 201.146) at the time of production, may be placed on any package filled at the time of production gauge, or at the time of original packaging of the spirits in wood when, as provided in § 201.270, the spirits were not filled into wooden packages at the time of production gauge. When spirits have been mingled under § 201.297 or § 201.301, the proprietor may use any of the names represented in the mingled spirits, but no other name, as the name of the producer to be marked on packages filled with such mingled spirits: *Provided*, That if the proprietor was the actual producer of the spirits he may in any case use his real name. When spirits have been mingled under § 201.297 and are not eligible for bottling in bond, the name of the producer marked on the package shall be followed by the letter "X" to evidence such ineligibility of the spirits.

(72 Stat. 1360; 26 U.S.C. 5206)

30. Paragraphs (b) and (c) of § 201.517, and § 201.532, are amended to specify how many copies of required applications shall be prepared. As amended, §§ 201.517 (b) and (c), and 201.532, read as follows:

§ 201.517 Kind of spirits or wine.

* * * * *

(b) *Change of designation.* A proprietor may, on written application (in triplicate) to, and approval of the assistant regional commissioner, change the original designation for spirits at any time, before their withdrawal from bonded premises, to a new designation properly describing the spirits in accordance with the provisions of this section.

(c) *Other designations.* If the proprietor proposes to produce spirits for which a designation has not been prescribed, he shall first make written application, in quadruplicate, to the Director for a designation for such spirits and they shall be branded accordingly.

* * * * *

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.532 Relabeling and restamping off bonded or bottling premises.

The proprietor of a distilled spirits plant may relabel, affix brand labels, or restamp bottled taxpaid spirits (including taxpaid bottled-in-bond spirits) on wholesale liquor dealer premises or at a taxpaid storeroom on, contiguous to, adjacent to, or in the immediate vicinity of the plant, if such wholesale liquor dealer premises or taxpaid storeroom is operated in connection with the plant. A proprietor who so desires to relabel, restamp, or affix brand labels shall make application, in duplicate, to the assigned officer, if any, at the plant, otherwise such application shall be submitted in triplicate to the assistant regional commissioner: *Provided*, That individual bottles constituting less than a full case may be relabeled and restamped with labels and stamps without the necessity of prior application. The approving officer may give continuing authority to conduct the operations described in applications submitted under this section. The proprietor shall, on his daily stamp report submitted to the assigned officer, report the number of stamps used, for each location, under the provisions of this section.

(72 Stat. 1356, 1366; 26 U.S.C. 5201, 5233)

31. In order to provide authorized abbreviations for certain information required to be placed on containers, a new section, § 201.533, is added, to follow immediately after § 201.532. New § 201.533 reads as follows:

§ 201.533 Authorized abbreviations to identify required marks.

In addition to the abbreviations and symbols which are authorized in this part for use in marking containers, the following abbreviations may be used to identify certain required marks:

Required mark	*Abbreviation*
Consolidated Packages	CON
Distilled Spirits Stamp	DSS
Gallon or Wine Gallon	WG
Gross Weight	G
Original Entry	OE
Proof	P
Tare	T
Tax Determined	TD
Wine Spirits Addition	WSA

(72 Stat. 1360; 26 U.S.C. 5206)

32. Paragraph (a) of § 201.541 and § 201.542 are amended to provide for standard-size and small-size blue strip stamps in lieu of denominational stamps for spirits bottled in bond for export, and paragraph (d) of § 201.541 is amended to provide for overprinting strip stamps with the class and type of product. As amended, paragraphs (a) and (d) of § 201.541 and § 201.542 read as follows:

§ 201.541 General.

(a) *Spirits bottled in bond.* Every bottle of spirits bottled in bond pursuant to the provisions of section 5233, I.R.C., and Subpart K of this part shall, when filled, be stamped by the proprietor with a prescribed bottled-in-bond strip stamp evidencing the bottling of such spirits in bond. The prescribed stamp is serially numbered (except stamps of less than ½ pint denomination), and shows that the spirits were bottled in bond under supervision of the U.S. Government, and, in the case of spirits bottled in bond for domestic use, the quantity of spirits in the container and the proof of the spirits. Green strip stamps are prescribed for spirits bottled in bond for domestic use, and blue for export. Blue export strip stamps, applied to bottles of spirits bottled in bond for export with benefit of drawback, shall be overprinted with the word "DRAWBACK". Where bottled-in-bond spirits, originally intended for domestic use, are to be exported with benefit of drawback, the word "EXPORT" shall be overprinted on the green strip stamp.

* * * * *

(d) *Overprinting.* The words "EXPORT" or "DRAWBACK", when required to be overprinted on a strip stamp, shall be overprinted in the center of the strip stamp, in a readily legible manner, by printing or by the use of a rubber stamp or other suitable method. Subject to approval by the Director, strip stamps may be similarly overprinted with the class and type of product or with an appropriate abbreviation or symbol therefor, such as, "Bbn" for bourbon whiskey.

(72 Stat. 1358, 1369; 26 U.S.C. 5205, 5235)

§ 201.542 Bottled-in-bond strip stamp denominations.

(a) *Domestic strip stamps.* Green strip stamps for spirits bottled in bond for domestic use are provided in the following denominations only: 1 gallon, ½ gallon, 1 quart, ⅘ quart, 1 pint, ½ pint, and less than ½ pint. When bottles containing over ½ pint of spirits bottled in bond for domestic use are of a size for

which bottled-in-bond strip stamps in the exact denomination are not provided, the proprietor shall use stamps of another denomination; he shall strike out the original denominations and shall write or print on the stamps the exact quantity of spirits contained in the bottles.

(b) *Export strip stamps.* Blue strip stamps for spirits bottled in bond for export are provided in a standard size for bottles or containers of ½ pint capacity or more and in a small size for bottles or containers of less than ½ pint capacity.

(72 Stat. 1358; 26 U.S.C. 5205)

33. Paragraph (a) of § 201.543 is amended to transfer from the assigned officer to the proprietor, the responsibility for verifying the quantity of strip stamps received from the district director. As amended, § 201.543(a) reads as follows:

§ 201.543 Procurement of strip stamps.

(a) *General.* Strip stamps may be obtained, without charge, by the proprietor, in reasonable anticipation of current needs, from the district director of the district in which the plant is located, by requisition on Form 428 approved by the assigned officer. Such stamps may not be procured by one proprietor from another or transferred to another plant operated by the same proprietor, except on authorization by the assistant regional commissioner, nor may they, except in the case of emergency, be requisitioned from district directors of other districts. Requisitions shall be for full sheets of such stamps, and unless the stamps are called for in person, the proprietor shall specify the means of delivery and enclose a remittance to cover the cost of such delivery. Means of delivery, other than delivery directly to the proprietor or his agent, shall be limited to (1) registered mail, (2) certified mail, or (3) express. On receipt of the stamps the proprietor shall verify the quantity received and acknowledge receipt thereof, noting any discrepancies, on both copies of Form 428 returned by the district director, forward one copy of the Form 428 to the assistant regional commissioner, and retain one copy in his files.

• • • • •

(72 Stat. 1358; 26 U.S.C. 5205)

34. Section 201.544 is amended to eliminate the requirement for certain overprinting of bottled-in-bond export stamps. As amended, § 201.544 reads as follows:

§ 201.544 Overprinting of bottled-in-bond stamps.

Bottled-in-bond stamps which are to be used on spirits bottled for domestic use shall be overprinted with the season and year of production and the season and year of bottling in the blank space on the end of the stamp bearing the serial number or, in the case of the "less than ½ pint" denomination, on the right hand end of the stamp. The stamp shall be overprinted in the blank space on the other end with the name of the distiller (or trade name) under which the spirits were produced and warehoused; such name shall be the same as the name which appears on the label, as provided by § 201.332. If a word such as "company", "corporation", or "incorporated", is a part of such name, the abbreviation of such word may be used. Stamps which cannot be used in the season or year for which they were overprinted, or on which an error was made in the season of production on bottling, may again be overprinted. Other data may not be changed after the first overprinting. All overprinting shall be done by the proprietor or, on his order, by a reputable printer. Overprinting will be done in red ink.

(72 Stat. 1358; 26 U.S.C. 5205)

35. Section 201.545 is amended to provide that the Director may authorize the placing of labels or State stamps on bottles in such a manner as to partially obscure the strip stamps. As amended, § 201.545 reads as follows:

§ 201.545 Affixing stamps.

The proprietor shall affix strip stamps to the containers with a strong adhesive, and in such a manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed to the container. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that (a) the Director may authorize labels or State stamps to be so affixed as to partially obscure strip stamps, if he finds that a need therefor exists, and if he finds that the manner of affixing such labels or State stamps does not obscure essential information on the strip stamps which is not clearly shown on the bottle or on the labels affixed to the bottle, and (b) any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can readily be removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons or wrappings, such cartons or wrappings must bear the words, "This package may be opened for examination by Internal Revenue Officers." Internal Revenue Officers have the right to open such cartons and wrappings and examine the containers. Where there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

36. Section 201.551 is amended to specify how many copies of required applications shall be prepared. As amended, § 201.551 reads as follows:

§ 201.551 Restamping packages and conveyances.

Any package or conveyance of spirits which has been duly stamped with a distilled spirits stamp, but from which the stamp has been lost or destroyed by accident, shall, except as otherwise provided in this chapter, be restamped with another distilled spirits stamp. Applications for such restamping shall be made in writing, in triplicate, to the assistant regional commissioner for the region in which the package or conveyance to be restamped is located. The application shall set forth the following:

(a) The serial number of each package or conveyance (and proprietor's name thereon);

(b) The location of the package or conveyance;

(c) A description of the contents;

(d) The applicant's interest in the property;

(e) The tax status of the spirits (supported by certified copies of the withdrawal forms);

(f) Statement by the applicant (or person having knowledge of the facts) that the package or conveyance was once duly stamped (and evidence thereof); and

(g) The circumstances connected with the destruction or loss of the stamps. The application shall be executed under the penalties of perjury. If the assistant regional commissioner is satisfied that the package or conveyance had been properly stamped, and that the loss or destruction of such stamp is satisfactorily explained, he will issue, or cause to be issued, a distilled spirits stamp for the package or conveyance.

(72 Stat. 1358; 26 U.S.C. 5206)

37. Section 201.602 is amended to specify that Form 1512 shall be retained by the shipper. As amended, § 201.602 reads as follows:

§ 201.602 Samples of denatured spirits.

The proprietor may take such samples of denatured spirits as may be necessary for the conduct of his business. In addition, the proprietor may furnish samples of specially denatured spirits to dealers in and users of specially denatured spirits in advance of sales and to such users and to applicants or prospective applicants for permits to use specially denatured spirits for experimental purposes or for use in preparing samples of a finished product for submission to the Director. Samples for these purposes, in excess of 1 quart, shall be furnished only pursuant to a permit on Form 1512 issued to the consignee. Form 1473 shall be prepared to cover shipment of samples of a size in excess of 1 quart, and will show the permit number of the Form 1512. The proprietor shall retain the Form 1512 in his files as a part of his record of the transaction.

(72 Stat. 1362; 26 U.S.C. 5214)

38. Section 201.612 is amended to specify a retention period for deposit records covering spirits of 190 degrees or more of proof. As amended, § 201.612 reads as follows:

§ 201.612 Maintenance and preservation of records.

Records required by this part shall be kept by the proprietor at the plant where the operation or transaction occurs and shall be available for inspection by an internal revenue officer during business hours. Whenever any record, because of its condition, becomes unsuitable for its intended or continued use, the proprietor shall reproduce such record, by a process approved by the Director under § 201.616 for reproducing records, and such reproduction shall be treated and considered for all purposes as though it were the original record, and all provisions of law applicable to the original shall be applicable to such reproduction. Records required by this part shall be preserved for a period of not less than 4 years from the date thereof or the date of the last entry required to be made thereon, whichever is the later, except that records covering spirits of 190 degrees or more of proof in storage tanks, transferred to an inactive file in accordance with § 201.628(b), shall be preserved for a period of not less than 4 years from the date of removal from the active file, and that records of all other spirits stored on bonded premises shall be preserved for not less than 4 years from the date the spirits covered thereby are removed from the proprietor's bonded premises.

(72 Stat. 1361; 26 U.S.C. 5207)

39. Paragraph (c) of § 201.618 is amended to eliminate the requirement for recording the alcohol content of distilling material produced on the premises, and to provide for recording the receipt and use of nonliquid distilling materials which are not susceptible to ordinary methods of determining volume or alcohol content. As amended, § 201.618(c) reads as follows:

§ 201.618 Details of daily records.

• • • • •

(c) Distilling materials produced on the premises shall be recorded by kind and by quantity in wine gallons. Chemical byproducts containing spirits, articles, spirits residues, and distilling materials received on the premises, shall be recorded by kind, by percent of alcohol by volume, and by quantity in wine gallons: *Provided*, That where nonliquid distilling materials which are not susceptible to such quantitative determination are received, the quantity of such materials may be determined by weight and shall be so recorded, and the alcohol content need not be recorded: *Provided further*, That where it can be shown that it is impractical to weigh or otherwise determine the exact quantity of such nonliquid materials, the Director may, by approval of an application submitted by the proprietor in quadruplicate, authorize the proprietor, in lieu of weighing or measuring, to estimate the weight or volume of the material.

• • • • •

(72 Stat. 1361; 26 U.S.C. 5207)

40. Section 201.624 is amended to conform to the amendment of §§ 201.541 and 201.542 which would discontinue the use of denominational blue strip stamps for spirits bottled in bond for export. As amended, § 201.624 reads as follows:

§ 201.624 Daily strip stamp record.

Each proprietor bottling spirits under the provisions of this part shall maintain, for each day a transaction in strip stamps occurs, a daily record of green bottled-in-bond strip stamps by denomination, of blue bottled-in-bond strip stamps and of red strip stamps by kind (blue or red) and by size (small or standard), and of alcohol strip stamps, showing the number received, used, lost, mutilated, destroyed or otherwise disposed of, and on hand at the beginning and at the end of the day. The record shall also show, by size of bottle, the number of bottles to which blue strip stamps, red strip stamps, and alcohol strip stamps were affixed, except that, as to each kind of stamp, bottles of less than one-half pint capacity shall be recorded as one item.

(72 Stat. 1358, 1361; 26 U.S.C. 5205, 5207)

41. Section 201.625 is amended to reflect the change of Form 338 from a monthly to a semiannual report. As amended, § 201.625 reads as follows:

§ 201.625 Daily record of wholesale liquor dealer and taxpaid storeroom operations.

Where the proprietor, in connection with his plant, conducts wholesale liquor dealer operations, or operates a taxpaid storeroom, on, contiguous to, adjacent to, or in the immediate vicinity of plant premises, or operates storage premises at another location from which distilled spirits are not sold at wholesale, he shall maintain daily records of the receipt and disposition of all distilled spirits and wines at such premises, and of all restamping operations conducted under the provisions of § 201.532. A separate record shall be kept for each such premises. The records in respect of the receipt and disposition of distilled spirits and wines shall contain all data necessary to enable internal revenue officers to identify and trace such receipts and dispositions, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and to provide the proprietor with records from which to compile data for his semiannual report on Form 338. In addition to any other information shown therein, such records shall include:

(a) *As to receipts and dispositions.* (1) The date of the transaction (or date of discovery in the case of casualty or theft),

(2) The name and address of each consignor or consignee, as the case may be,

(3) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons if in bottles),

(4) The serial numbers of packages or cases involved,

(5) The name of the producer, and (6) the country of origin, if imported spirits.

(b) *As to restamping operations.* (1) The date of the transaction,

(2) The serial numbers of the cases involved,

(3) The total number of bottles,

(4) The name of the bottler, and

(5) The number and kind of strip stamps used.

(72 Stat. 1343, 1361; 26 U.S.C. 5114, 5207)

42. Paragraphs (a) and (b) of § 201.628 are amended to provide for the filing of a consignee proprietor's copies of Forms 236 covering packages and cases, and for the time of removing from the active file, deposit records covering spirits of 190 degrees or more of proof. As amended, paragraphs (a) and (b) read as follows:

§ 201.628 Record of spirits in storage.

(a) *Records covering deposits.* The proprietor's copies of forms (for example, Forms 236, 1620, 2323, 2630) covering (1) deposit in bonded storage of spirits received from production facilities, from other bonded premises, from customs custody, or by return to bond under Subpart S of this part, (2) packages filled from tanks and retained in bonded storage, (3) cases of spirits returned to the storage portion of the warehouse after bottling, (4) spirits retained in tanks after mingling or blending, and (5) spirits of less than 190 degrees of proof transferred from one tank to another, shall be filed by the proprietor as permanent records. Before filing such forms, he shall enter the date of deposit of the spirits in the warehouse at the bottom of each form. Separate files shall be maintained for spirits in packages and in cases, and such files shall be arranged by producers (by warehousemen in the case of blended rums or brandies, and spirits of 190 degrees or more of proof, and by the warehouseman who received the spirits from customs custody in the case of imported spirits), in chronological order according to the date of deposit in the warehouse, and, where possible, in sequence by serial numbers of packages or cases, except that Forms 236 shall be separated from their accompanying Forms 1620 or 2630 and filed in chronological order by date of deposit in the warehouse. In addition, separate files shall be maintained for spirits which have been mingled under § 201.301 and for spirits which have not been so mingled. (For the purpose of records under this section spirits produced under trade names shall be treated as being produced under the real name of the producer.) Also, files, arranged by producers, in the case of domestic spirits, and by bonded warehouse proprietors who received the spirits from customs custody, in the case of imported spirits, shall be maintained for spirits of less than 190 degrees of proof in storage tanks, with a separate file for each tank of spirits. Where two or more lots of spirits of less than 190 degrees of proof are deposited in the same storage tank, the forms covering deposits in each tank shall be arranged chronologically according to the date of original entry for deposit in bonded storage of each lot of spirits. In the case of spirits of 190 degrees or more of proof deposited in storage tanks, the proprietor shall maintain one consolidated file of deposit forms for all tanks of all such domestic spirits and a separate consolidated file of deposit forms

for all tanks of all such imported spirits; such files shall be arranged chronologically by date of deposit in the warehouse.

(b) *Records covering withdrawals.* When spirits are withdrawn from bonded storage the proprietor shall note on the record of deposit required by paragraph (a) of this section, the date and disposition of the spirits so that the files shall currently reflect the spirits remaining in the warehouse. Whenever spirits of less than 190 degrees of proof are removed from storage tanks he shall indicate the date and quantity removed on the appropriate form and when a quantity equivalent to that covered by the form has been removed or otherwise accounted for, such form shall be noted accordingly and removed from the active file. Where two or more lots of spirits of less than 190 degrees of proof have been deposited in the same storage tank, removals from the tank shall be charged against the form on the basis that the lot with the earliest date of original entry for deposit is the first lot removed. When spirits of 190 degrees or more of proof are withdrawn from storage tanks the record of deposit need not be noted, but semiannually (as of June 30 and December 31) the proprietor shall remove from his file of active deposit forms all such forms in excess of those required to cover the "balance in warehouse" shown on Form 1621 for such spirits. The deposit forms so removed shall be those covering spirits which were "first-in-warehouse."

* * * * *

(72 Stat. 1361; 26 U.S.C. 5207)

43. Section 201.631 is amended so as to have the scope of its instruction cover reports which are filed on a quarterly basis. As amended, § 201.631 reads as follows:

§ 201.631 Submission of reports.

Daily reports required by this part shall be submitted to the assigned officer, or other officer designated by the assistant regional commissioner, and, unless otherwise provided by this part, shall be submitted on or before the close of business on the business day next succeeding that on which the transaction or operation occurs. Monthly, quarterly, and semiannual reports required by this subpart shall, unless otherwise provided by this part, be submitted to the assistant regional commissioner, and shall be submitted on or before the tenth day following the close of the period for which rendered.

(72 Stat. 1361; 26 U.S.C. 5207)

44. Paragraph (b) of § 201.632 is amended to conform to the proposed amendment of §§ 201.541 and 201.542 which would discontinue the use of denominational blue strip stamps for spirits bottled in bond for export. As amended, § 201.632(b) reads as follows:

§ 201.632 Daily reports.

* * * * *

(b) *Daily memorandum report of spirits bottled and of strip stamps.* Each proprietor who bottles spirits under the provisions of this part shall prepare and submit to the assigned officer, for each day a transaction in strip stamps occurs, a daily memorandum report of spirits bottled and strip stamps used. A separate report shall be submitted for each kind of strip stamp (i.e., green bottled-in-bond, blue bottled-in-bond, alcohol, and red). Each report shall show (1) the number of cases of spirits bottled, by number and size of bottle, (2) the serial numbers of such cases, and (3) separate summaries (by denomination for green bottled-in-bond strip stamps, and by size (small or standard) for blue bottled-in-bond strip stamps and for red strip stamps) of strip stamps received, used, lost, mutilated, unaccounted for, destroyed or otherwise disposed of, and on hand at the beginning and at the end of the day.

* * * * *

(72 Stat. 1361, 1395; 26 U.S.C. 5207, 5555)

§ 201.633 [Amended]

45. In order to conform with the new requirements for filing Form 2260 on a quarterly basis and Form 338 on a semiannual basis, § 201.633 is amended by revoking paragraphs (c) and (d).

46. In order to provide for the filing of Form 2260 on a quarterly basis, a new section, § 201.633a, is inserted, immediately following § 201.633, to read as follows:

§ 201.633a Quarterly report of strip stamps, Form 2260.

As of the close of business March 31, June 30, September 30, and December 31, of each year, each proprietor using strip stamps shall prepare Form 2260, in duplicate. A separate report shall be prepared for each kind of strip stamp used. Unless otherwise directed by the assistant regional commissioner, the original shall be submitted to the assigned officer and the copy shall be retained by the proprietor.

(72 Stat. 1361, 1395; 26 U.S.C. 5207, 5555)

47. Section 201.634 is amended by adding a new paragraph, paragraph (c), to provide for filing Form 338 on a semiannual basis. The new paragraph (c) reads as follows:

§ 201.634 Semiannual reports.

* * * * *

(c) *Form 338.* As of the close of business June 30 and December 31 of each year, every proprietor who, in connection with his plant, conducts wholesale liquor dealer operations, or operates a taxpaid storeroom, on, contiguous to, adjacent to, or in the immediate vicinity of plant premises, or operates storage premises at another location from which distilled spirits are not sold at wholesale, shall prepare, on Form 338, in duplicate, a report showing the total quantity of distilled spirits received and disposed of during the preceding 6-month period.

(72 Stat. 1361, 1395; 26 U.S.C. 5207, 5555)

[F.R. Doc. 69-14438; Filed, Dec. 4, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Massachusetts, and a new paragraph (e)(9) is added to read:

(9) Massachusetts—Essex.

2. In § 76.2, paragraph (e)(4) relating to North Carolina is amended by adding thereto the name of Edgecombe County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3, 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine certain counties in the States of Massachusetts and North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of December 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-14455; Filed, Dec. 4, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1969

Basis and purposes and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811 (33 F.R. 19245), as amended, is to determine and revise deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or the proration of a deficit. On the basis of information available to the Department, it is herein determined that Haiti will be able to supply only 17,419 short tons, raw value, of its 1969 quota amounting to 33,316 short tons, raw value, and Haiti will be unable to supply any additional deficit that may be available for proration to it during 1969. Accordingly, a total deficit is hereby determined in the quota for Haiti of 15,897 short tons, raw value.

On the basis of the quota established for Puerto Rico for the calendar year 1969, a finding was heretofore made (34 F.R. 13319) that Puerto Rico was able to supply an additional 15,000 short tons, raw value, of sugar and the previous deficit was reduced from 800,000 short tons, raw value, to 785,000 short tons, raw value. On the basis of the latest available information, it is herein found that Puerto Rico will be able to supply additional sugar approximating the quantity of the deficit herein determined for Haiti. Accordingly, the total deficit in the 1969 quota for Puerto Rico previously determined to be 785,000 short tons, raw value, is herein reduced by 15,897 tons and herein determined to be 769,103 short tons, raw value. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of a deficit determination.

With a deficit of 15,897 short tons, raw value, in the quota for Haiti and an offsetting reduction of 15,897 short tons, raw value, in the Puerto Rican deficit, the quotas for all other countries and areas remain the same.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.71, 811.72, and 811.73 as follows:

1. Section 811.71 is amended by amending paragraph (a)(2) to read as follows:

§ 811.71 Quotas for domestic areas.

(a) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1969 Puerto Rico and the Virgin Islands will be unable by 769,103 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

2. Section 811.72 is amended by adding a new paragraph (a)(6) to read as follows:

§ 811.72 Proration and allocation of deficits and quotas in effect.

(a) * * *

(6) The deficit in the quota of Haiti of 15,897 short tons, raw value, and the offsetting reduction in the deficit for Puerto Rico of 15,897 short tons, raw value, does not herein change the previously established quotas for all other countries and areas.

* * * * *

3. Section 811.73 is amended by amending paragraph (c) to read as follows:

§ 811.73 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1969, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations and allocations previously established are shown in column (3). The deficit in the quota for Haiti, offset by the decreased deficit in the Puerto Rican quota pursuant to paragraph (a)(6) of § 811.72, is shown in column (4).

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficit prorations	New deficit	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Mexico	226,331	242,117	186,596		655,044
Dominican Republic	221,353	236,703	234,922		693,068
Brazil	221,353	236,703	182,492		640,638
Peru	176,566	188,869	−65,425		300,000
British West Indies	88,424	73,909	65,131		227,455
Ecuador	32,208	34,454	26,554		93,216
French West Indies	27,816	23,246	20,488		71,550
Argentina	27,230	29,130	22,449		78,809
Costa Rica	26,059	27,877	21,484		75,420
Nicaragua	26,059	27,877	17,380		71,925
Colombia	23,424	25,057	19,311		67,792
Guatemala	21,960	23,491	18,106		63,557
Panama	16,397	17,541	10,502		44,440
El Salvador	16,104	17,228	13,277		46,609
Haiti	12,297	13,155	7,864	−15,897	17,419
Venezuela	11,126	11,902	9,172		32,200
British Honduras	6,441	5,383	4,744		16,568
Bolivia	2,635	2,818	2,172		7,625
Honduras	2,635	2,818	2,172		7,625
Australia	103,407	87,530			192,937
Republic of China	43,919	36,471			80,390
India	42,163	35,012			77,175
South Africa	31,036	25,772			56,808
Fiji Islands	23,131	19,208			42,339
Thailand	9,662	8,024			17,686
Mauritius	9,662	8,024			17,686
Malagasy Republic	4,978	4,133			9,111
Swaziland	3,806	3,161			6,967
Ireland	5,351	0			5,351
Bahamas	10,000	0			10,000
Total	1,475,523	1,467,784	800,000	−15,897	3,727,410

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

* * * * *

(Secs. 201, 202, 204, 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, 932; 7 U.S.C. 1111, 1112, 1114, 1117, 1153)

Effective date. It is desirable that all interests concerned in supplying sugar to the continental United States promptly know of any change in the quota for any area or country. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 1, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14460; Filed, Dec. 4, 1969; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Amdt. 4]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container, Pack, and Container Marking Regulations

On October 18, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17031) that consideration was being given to a proposed amendment of § 906.340 *Container, pack, and container marking regulations*, which was recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee, and other available information, it is hereby found and determined that the amended § 906.340 *Container, pack, and container marking regulation*, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The recommendation of the Texas Valley Citrus Committee reflects its appraisal of the need for the prescribed marking requirements. The marking requirments for bags having a capacity of 5 and 8 pounds, as provided herein, are necessary to prevent possible misrepresentation of the quality of the oranges and grapefruit in such containers. As bags having a capacity of 5 and 8 pounds usually have markings printed on them while they are being manufactured, and as handlers usually buy such containers in large quantities to obtain quantity discounts, this regulation should not be effective until September 15, 1970, to give handlers ample opportunity to make use of any bags which they might have on hand which fail to meet the requirements of this regulation.

The amendment to the container and pack regulation will require, on and after September 15, 1970, bags of 5- and 8-pound capacities which contain U.S. No. 2 grade fruit to be marked to indicate such grade with letters not less than one-fourth inch in height placed in a prominent position on the front panel of each such bag.

Paragraph (a)(3) of § 906.340 *Container, pack, and container marking regulations* (7 CFR 906.340; 34 F.R. 5374; 14515) is amended to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *

(3) *Container grade markings.* Any container of U.S. No. 2 grade fruit, other than bags having a capacity of 5 or 8 pounds, shall be marked with such grade, the letters thereof being not less than three-fourths inch in height: *Provided*, That on and after September 15, 1970, any bag having a capacity of 5 or 8 pounds which contains U.S. No. 2 grade fruit shall be marked with such grade, the letters thereof being not less than one-fourth inch in height in a prominent position on the front panel of such bag.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 2, 1969, to become effective January 12, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14474; Filed, Dec. 4, 1969; 8:47 a.m.]

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Expenses and Fixing of Rate of Assessment and Carryover of Unexpended Funds

Notice was published in the November 19, 1969, issue of the FEDERAL REGISTER (34 F.R. 18423) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period beginning September 1, 1969, and ending August 31, 1970, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, and other available information, it is hereby found and determined that:

§ 929.210 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period September 1, 1969, through August 31, 1970, will amount to $42,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at two cents ($0.02) per barrel of cranberries, or equivalent quantity of cranberries.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended August 31, 1969, shall be carried over as a reserve in accordance with § 929.42 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipment of cranberries are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cranberries handled during the aforesaid period, and (3) such period began on September 1, 1969, and said rate of assessment will automatically apply to all such cranberries beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14475; Filed, Dec. 4, 1969; 8:47 a.m.]

[959.310]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959; 34 F.R. 6439), regulating the handling of onions grown in designated counties in South Texas, was published in the FEDERAL REGISTER, October 24, 1969 (34 F.R. 17297). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 30 days after publication. None was filed.

Statement of considerations. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1970 crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin on or about March 15.

The grade and size requirements herein are recommended to prevent culls and poor quality onions, as well as undesirable sizes, from being distributed in fresh market channels. This should provide consumers with desirable onions, at reasonable prices and at the same time result in higher returns to producers for the better grades and preferred sizes and enhance the reputation of South Texas onions.

The proposed container requirement should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade and other designated special purpose containers which have been the subject of experimental shipments for the past four seasons, provided they comply with the special purpose shipments requirements.

The prohibition on packaging and loading onions on Sunday is recommended to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings at reasonable prices. This eliminates the preparation and loading of onions when receivers and other buyers in the terminal market are not open for business.

Findings. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Onion Committee, established pursuant to the said amended marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The regulation is as follows:

§ 959.310 Limitation of shipments.

During the period beginning March 15, 1970, through May 31, 1970, no handler may package or load onions on Sundays, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraph (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small": 1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker": 1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo": 3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3-, or 5-pound containers customarily packed for the retail trade, or 50-pound cartons, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided*, That shipments of 2-, 3-, and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments: *And provided further*, That shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight of master containers per lot, as computed by multiplying the number of packages therein by their weight classification, plus the weight of the master container, may not exceed 15 percent over the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) Reporting requirements for shipments in designated special purpose containers:

(i) Each handler who handles such shipments of onions in containers customarily packed for the retail trade and other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed and the size of the containers in which such onions were handled.

(ii) Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) Onions failing to meet requirements: Onions failing to meet the grade, size, and container requirements of this section, and are not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraph (d) or (e)(3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. All terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 1, 1969, to become effective March 15, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14456; Filed, Dec. 4, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–253]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation

during the month of October 1969, of approved fruit products and other approved products containing sugar amounts to Australian $94 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $94 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 69–190 and (2) by adding a reference to this Treasury Decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
		69–207	New rate.
		69–229	New rate.
		69–253	New rate.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: November 26, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–14462; Filed, Dec. 4, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 812]

SUGAR IN HAWAII AND PUERTO RICO

Requirements and Quotas for Local Consumption for Calendar Year 1970

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), is considering the determination of sugar requirements and the establishment of quotas for local consumption in Hawaii and Puerto Rico for the calendar year 1970.

In accordance with the rule-making requirements in 5 U.S.C. 553, all persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation may file the same in duplicate with the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, on or before December 15, 1969. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed determination of sugar requirements and quotas for Hawaii and Puerto Rico for the calendar year 1970, set forth in form and language appropriate for issuance if adopted by the Secretary, is as follows:

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas for the calendar year 1970. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the Government.

Since the Act provides that the Secretary of Agriculture determine sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas to be effective on January 1, 1970, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 553(d) (80 Stat. 378), and these regulations shall be effective January 1, 1970.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1970 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1970.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1970 is 135,000 short tons, raw value, and a quota of 135,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1970.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1970 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (33 F.R. 8495), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1970 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

Furthermore, pursuant to section 211(c) of the Act, sugar may be unloaded from a carrier and brought into a Foreign Trade Zone for manipulating therein or manufacturing therein another product for the subsequent entry into Hawaii or Puerto Rico for consumption only if such sugar is charged pursuant to S.R. 816 to the applicable respective local quota.

Statement of bases and considerations. Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the 12-month period ended September 30, 1969, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such 12-month period are estimated to have been approximately 35,000 short tons of sugar, raw value, and 130,000 short tons of sugar, raw value, respectively.

The provisional estimate by the Bureau of Census of the total population for Hawaii as of July 1, 1969, was 794,000. No provisional estimate of the 1969 population for Puerto Rico is available. However, the 1968 population was 2,723,000.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1960 through 1968 the annual sugar consumption in this area has varied from approximately 101 to 138 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1970 than in the 12 months ended September 30, 1969, when sugar marketings approximated 35,000 short tons, raw value.

In Puerto Rico during the 12 months ended September 30, 1969, marketings of sugar for local consumption totaled approximately 130,000 short tons, raw value. After making allowance for possible consumption increases in 1970 resulting from probable population increases, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1970 may be approximately 135,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1970 local quota is not completely filled. It is therefore, desirable to establish the 1970 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1970 have been determined to be 50,000 and 135,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 201, 203, 209, 211; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1121)

Signed at Washington, D.C., on December 1, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–14461; Filed, Dec. 4, 1969; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Part 947]

[Docket No. AO–158–A3]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Notice of Hearing Regarding Proposed Amendments to Marketing Agreement and Order

Pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing formulation of marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hermiston Recreation Center, Hermiston, Oreg., beginning at 9 a.m., local time, January 14, 1970, with respect to proposed amendments to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of potatoes grown in the production area. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions relating to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The proposed amendments to the marketing agreement and order were submitted by the Oregon-California Potato Committee, the administrative agency established pursuant to the marketing agreement and order, with a request for a hearing thereon. The proposals are as follows:

Amend § 947.6 to read:

§ 947.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

Amend § 947.7 to read:

§ 947.7 Handle.

"Handle" or "ship" means to sell, transport, or in any other way to place potatoes, or cause potatoes to be placed, in the current of the commerce within the production area or between the production area and any point outside thereof or any point in the adjoining States of Idaho and Washington to any other point.

Amend § 947.8 to read:

§ 947.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of potatoes for market.

§ 947.13 [Deleted]

Delete § 947.13.

Amend § 947.15 to read:

§ 947.15 Grade and size.

"Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The U.S. Standards for Potatoes issued by the U.S. Department of Agriculture (§§ 51.1540 to 51.1556 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) U.S. Consumer Standards for Potatoes as issued by the U.S. Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(c) U.S. Standards for Grades of Potatoes for Processing as issued by the U.S. Department of Agriculture (§§ 51.3410 to 51.3424 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(d) U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421 to 52.2433 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(e) Standards for potatoes issued by the States of Oregon and California, or amendments thereto, or modifications thereof, or variations based thereon.

Amend paragraph (a) of § 947.25 to read:

§ 947.25 Establishment and membership.

(a) The Oregon-California Potato Committee consisting of 14 members, of whom nine shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

* * * * *

Amend paragraph (a) of § 947.26 to read:

§ 947.26 Procedure.

(a) Nine members of the committee shall be necessary to constitute a quorum and nine concurring votes shall be required to pass any motion or approve any committee action.

* * * * *

Amend paragraph (b) of § 947.27 to read:

§ 947.27 Selection.

* * * * *

(b) The Secretary shall select three producer members of the committee, with their respective alternates, from District No. 1; two producer members, with their respective alternates, from each of Districts No. 2 and No. 4; and one producer member, with his respective alternate, from each of Districts No. 3 and No. 5. The Secretary shall also select one handler member of the committee, with his respective alternate, from each of Districts Nos. 1, 2, 3, 4, and 5.

Amend § 947.28 by revising paragraph (a) thereof and adding a new paragraph (c) to read respectively as follows:

§ 947.28 Term of office.

(a) Except as otherwise provided in this section, the term of office of committee members and alternates shall be 2 years beginning June 1 and ending May 31. The terms of office of members and alternates shall be so determined that approximately one-half of the total producer committee membership and approximately one-half of the total handler committee membership shall terminate each May 31.

* * * * *

(c) The initial producer member and his alternate for District No. 5 shall be selected for a period of 2 years beginning with the committee selected for the term of office beginning June 1, 1970, through May 31, 1972. The initial handler member and his alternate for District No. 5 shall be selected for a 1 year term of office beginning June 1, 1970, through May 31, 1971, and thereafter each term of office shall be for 2 years.

Amend § 947.31 to read:

§ 947.31 Expenses and compensation.

Committee members and their respective alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. In addition, they may receive reasonable compensation at a rate recommended by the committee and approved by the Secretary.

Amend paragraph (a) of § 947.32 to read:

§ 947.32 Districts.

(a) The following districts of the production area are hereby established as follows:

District No. 1. The counties of Crook, Deschutes, and Jefferson in the State of Oregon;

District No. 2. The counties of Klamath and Lake in the State of Oregon;

District No. 3. The counties of Hood River, Clackamas, Marion, Linn, Lane, Douglas, Jackson, and all counties west thereof in the State of Oregon;

District No. 4. The counties of Modoc and Siskiyou in the State of California;

District No. 5. The counties of Wasco, Wheeler, Grant, Harney, and all counties east thereof, except Malheur County, in the State of Oregon.

* * * * *

Amend § 947.33 to read:

§ 947.33 Nominations.

The Secretary may select the members of the Oregon-California Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held by the committee in each district for which nominees are to be selected, not later than April 1 of each year, to designate nominees for members and alternates to the committee;

(b) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 1;

(c) The names of nominees shall be supplied to the Secretary in such manner and form as he may prescribe, not later than May 1 of each year, or by such other date as may be specified by the Secretary;

(d) Only producers may participate in designating producer nominees and only handlers may participate in designating handler nominees. Any person who operates in more than one district or is engaged in producing and handling potatoes, shall elect the classification (i.e., producer or handler), and the district within which he desires to participate in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote; and

(f) If nominations are not made within the time and in the manner specified in this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

Add a new § 947.35 to read:

§ 947.35 Annual report.

The committee shall prepare and submit to the Secretary, prior to the last day of each fiscal period, an annual report, and make a copy available to each handler and producer who requests it. This annual report shall contain at least:

(a) A complete review of the regulatory operations during the fiscal period;

(b) An appraisal of the effect of such regulatory operations upon the potato industry within the production area; and

(c) Any recommendations for changes.

§§ 947.40, 947.41, 947.42 [Deleted]

Delete §§ 947.40, 947.41, and 947.42 and add new §§ 947.40 and 947.41 to read as follows:

§ 947.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal period for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate and for the maintenance and functioning of the committee. The committee shall submit to the Secretary a budget for each fiscal period, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such fiscal period.

§ 947.41 Assessments.

(a) Each handler shall pay to the committee upon demand his pro rata share of the expenses authorized by the Secretary for each fiscal period. Each handler's pro rata share shall be the rate of assessment per hundredweight fixed by the Secretary times the quantity of potatoes which he handles as the first handler thereof. At any time during or after a fiscal period, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses for the maintenance and functioning of the committee may be required during periods when no regulations are in effect. If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be increased by an amount equal to a late payment charge or an interest charge, or both, at rates prescribed by the committee with the approval of the Secretary.

(b) Excess funds: At the end of a fiscal period, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately two fiscal period's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 947.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount of assessments he paid in excess of his pro rata share of the actual expenses of the committee and the addition, if any, to the operating reserve.

(c) Accounting of funds upon termination of order: Any money collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

Amend § 947.52 to read:

§ 947.52 Issuance of regulations.

(a) The Secretary shall limit the shipment of potatoes as set forth in this subpart whenever he finds from the recommendation and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(1) To regulate, in any or all portions of the production area (including uninspected potatoes which move into the adjoining States of Idaho and Washington for grading or storage) the handling of particular grades, sizes, qualities, or maturities of any or all varieties of potatoes during any period;

(2) To regulate the handling of particular grades, sizes, qualities, or maturities of any or all varieties differently, for different portions of the production area, for different markets, for different uses or outlets, for different packs, or for any combination of the foregoing during any period;

(3) Fix the size, capacity, weight, dimensions, pack, and markings of containers, which may be used in the packaging or handling of potatoes, or both, or

(4) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary shall notify the committee of the issuance of any such regulation, and the committee shall give reasonable notice thereof to handlers.

Amend § 947.53 to read as follows:

§ 947.53 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to this part.

Amend § 947.54 to read as follows:

§ 947.54 Shipments for specified purposes.

(a) Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulations under or pursuant to §§ 947.52 to 947.60, inclusive, or any combination thereof in order to facilitate shipments of potatoes for the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Canning and freezing;
(5) Starch;
(6) Seed potatoes;
(7) Processing into specified products;
(8) Such other purposes which may be specified by the committee, with the approval of the Secretary; and
(9) Shipments of potatoes within the production area or within any specified portion thereof or to and within specified locations in the adjoining States of Idaho and Washington for the purpose of having such potatoes graded or stored therein.

(b) The Secretary shall promptly notify the committee of any regulations issued or of any modification, suspension, or termination of regulations pursuant to this section; and the committee shall give notice thereof to handlers.

Add a new § 947.55 to read as follows:

§ 947.55 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 947.54 from entering channels of trade and other outlets for other than the specific purpose authorized therefor.

(b) Safeguards provided by this section may include, but shall not be limited to, requirements that handlers:

(1) Shall obtain the inspection required by § 947.60 or pay the assessment provided by § 947.41 or both, in connection with the potato shipments effected in accordance with § 947.54; and

(2) Shall obtain a Special Purpose Certificate from the committee for shipments of potatoes effected or to be effected under provisions of § 947.54.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of Special Purpose Certificates.

(d) The committee may rescind, or deny to any handler the Special Purpose Certificate if proof satisfactory to the committee is obtained that potatoes shipped by him for the purpose stated in the certificate were handled contrary to the provisions of the Certificate and this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications for such certificates, the number of such applications denied, and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

Amend § 947.60 by revising paragraph (a) thereof, by adding a new paragraph (b) to read as set forth herein, and by renumbering paragraphs (b), (c), and (d) to (c), (d), and (e) respectively.

§ 947.60 Inspection and certification.

(a) During any period in which the handling of potatoes is regulated pursuant to § 947.41, § 947.52 or § 947.54, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 947.53 or § 947.54, or in the event inspection is not available as found by such authorized inspection service, in accordance with rules prescribed by the committee as approved by the Secretary.

(b) The committee may enter into an agreement with the Federal or Federal-State Inspection Service with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

* * * * *

Amend § 947.80 to read:

§ 947.80 Reports.

(a) Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee, in such manner, on such forms and at such time as the committee may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(b) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of potatoes received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such potatoes; and (4) identification of the inspection certificates relating to the potatoes which are handled pursuant to § 947.52 or § 947.54, or both.

(c) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employee thereof, so that the information contained therein, which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(d) Each handler shall maintain and make available on request for at least 2 succeeding years, following his handling of potatoes, such records and documents on potatoes received and potatoes disposed of by him as may be necessary to verify reports required to be submitted to the committee pursuant to this section.

* * * * *

To make such other changes in the marketing agreement and order as may be necessary to conform to amendments thereto that may result from the hearing pursuant to this notice.

Copies of this notice may be obtained from the Vegetable Branch, Fruit and Vegetable Division, Consumer and Marketing Service, USDA, Washington, D.C. 20250, or from the Northwest Marketing Field Office, USDA, Consumer and Marketing Service, Fruit and Vegetable Division, 1218 Southwest Washington Street, Portland, Oreg. 97205.

Dated: December 1, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-14457; Filed, Dec. 4, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

FEDERAL WAGE GARNISHMENT LAW

Computation of Earnings Exempt From Garnishment in Case of Earnings for Any Pay Period Other Than 1 Week

Pursuant to section 303(a) of the Consumer Credit Protection Act (82 Stat. 163; 15 U.S.C. 1675), notice is hereby given of proposed rule making on the subject, issues, and proposals described below concerning the duty of the Secretary of Labor under section 303 to prescribe by regulation a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2) of section 303(a) of the CCPA for pay periods other than a week.

Section 303(a) of the CCPA provides that the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed the lesser of (1) 25 percent of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed 30 times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (this is presently $1.60). This restriction on the garnishment of wages, as well as the restriction on discharge from employment because of garnishment, provided in section 304, shall be effective July 1, 1970.

The restrictions on the garnishment of earnings under section 303(a) are read as applying to weekly earnings in the following manner:

(a) When an individual's disposable earnings for a week are $48 (30×$1.60) or less, his earnings may not be garnisheed in any amount.

(b) When an individual's disposable earnings for a week are more than $48, but less than $64, only that amount above $48 is subject to garnishment. Thus, a maximum of $16 may be garnisheed.

(c) When an individual's disposable earnings for a week are $64 or more, 25 percent of his disposable earnings is subject to garnishment.

In carrying out the duty of the Secretary to prescribe a multiple of the Federal minimum hourly wage equivalent under section 303(a), it is proposed to compute the multiple by multiplying the number of workweeks (including fractions thereof) in the pay period by 30, and then multiplying the resulting product by $1.60 as follows:

2-week pay period—2 × 30 × $1.60 = $ 96.00.
Semimonthly pay period—2½ × 30 × $1.60 = $104.00.
Monthly pay period—4⅓ × 30 × $1.60 = $208.00.

Interested persons are hereby afforded opportunity to submit written data, views, or arguments on the subjects, issues, and proposals described above to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within thirty (30) days from the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 2d day of December 1969.

GEORGE P. SCHULTZ,
Secretary of Labor.

[F.R. Doc. 69-14472; Filed, Dec. 4, 1969; 8:47 a.m.]

[29 CFR Ch. V]

FEDERAL WAGE GARNISHMENT LAW

Exemption of State-Regulated Garnishments

Pursuant to section 305 of the Consumer Credit Protection Act (82 Stat. 163; 15 U.S.C. 1675), notice is hereby given of proposed rule-making on the subjects, issues, and proposals described below concerning the power of the Secretary of Labor under section 305 of the CCPA to exempt from the garnishment restrictions in section 303(a) garnishments issued under the law of any State if he determines that the laws of that State provide restrictions on garnishment which are "substantially similar" to those provided in section 303(a).

Exemptions under section 305 of the CCPA are considered available only with regard to State garnishments which are preserved from preemption by section 307 of the CCPA. Among other things, section 307 states that title III does not annul, alter, or affect, or exempt any person from complying with, garnishments under the laws of any State prohibiting garnishments or providing for more limited garnishments than are allowed under title III.

The subjects, issues, and proposals are as follows:

1. It is proposed to consider restrictions on the garnishment of wages as "substantially similar" to those in section 303(a) of the CCPA when they provide the same or greater protection to individuals. Differences in text between the restrictions under State law and those in title III are not material when the State law provides the same or greater restrictions on wage garnishment.

2. In measuring whether or not State law restrictions are "substantially similar" to the restrictions in section 303(a), the following important particulars of the latter restrictions would have to be considered: the definitions of the terms "earnings", "disposable earnings", and "garnishment"; the two-part formula used for determining the maximum part of the disposable earnings which may be subject to garnishment; the classes of persons protected by the legislation; and the application to all transactions rather than only to "consumer" transactions.

3. Whether or not partial exemptions should be granted where parts of the State law restrictions applicable to certain cases or classes of cases would be "substantially similar" to those of the Federal law, even though the State law as a whole may differ in important particulars from the Federal law.

4. What procedures should be established for processing request for exemptions under section 305.

Interested persons are hereby afforded opportunity to submit written data, views, or arguments on the subjects, issues, and proposals described above to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within thirty (30) days from the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 2d day of December 1969.

GEORGE P. SCHULTZ,
Secretary of Labor.

[F.R. Doc. 69-14473; Filed, Dec. 4, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-72]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Alexandria, La., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (34 F.R. 4559), the Alexandria, La. (Esler Field), control zone is amended to read:

ALEXANDRIA, LA. (ESLER FIELD)

Within a 5-mile radius of Esler Field (lat. 31°23'45" N., long. 92°17'40" W.), and within 3 miles each side of the Esler VOR 338° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR.

(2) In § 71.181 (34 F.R. 4640), the Alexandria, La., transition area 700-foot portion is amended to read:

ALEXANDRIA, LA.

That airspace extending upward from 700 feet above the surface within a 16-mile radius of England AFB (lat. 31°19'40" N., long. 92°33'05" W.), within a 7-mile radius of Esler Field (lat. 31°23'45" N., long. 92°17'40" W.), and within 4 miles each side of the Esler VOR 155° radial extending from the Esler Field 7-mile radius area to 17 miles southeast of the VOR.

Alteration of the control zone as proposed will provide controlled airspace for aircraft executing VOR RWY 14, VOR RWY 32, Radar-1, and the new ILS RWY 26 instrument approach procedures.

Alteration of the transition area as proposed is for conformance with current criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on November 25, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-14448; Filed, Dec. 4, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 208, 214, 295]

[Docket No. 21666; EDR-173]

OVERSEAS MILITARY PERSONNEL CHARTERS

Notice of Proposed Rule Making

DECEMBER 1, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 208, 214, and 295 of its economic regulations (14 CFR Parts 208, 214, and 295) which would establish a class of charter for military personnel and their immediate families.

The principal features of the proposed amendment are described in the explanatory statement below and the proposed amendment is set forth in the proposed rule below. The amendment is proposed under the authority of sections 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754, 757, 49 U.S.C. 1324, 1371, 1372).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before January 6, 1970, will be considered by the Board before taking final action on the proposed rule.

Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. For many years there has been regular and substantial traffic between Europe and the United States consisting of pro rata charters by U.S. military personnel, civilian employees of the Department of Defense (DOD), and dependents. In general, the charters are used by personnel

traveling on furlough at their own expense and dependents traveling for visits home. The supplemental carriers have participated extensively in these charters, but they have also been conducted by IATA carriers under IATA Resolution 045. Such charters serve a worthwhile national defense objective in providing low-cost transportation for military personnel and dependents.

However, regulatory problems have arisen with respect to these charters. For example, participants have been solicited by travel agents through widespread advertising of a series of flight dates, and flights have been advertised at flat one-way and round-trip fares, rather than the prorated share of the total charter price. And subterfuges have been employed by travel agents to avoid the prohibition against chartering to travel agents.

In addition, existing restrictions on one-way passengers and on intermingling passengers fail to take account of the special characteristics of military personnel on leave. These restrictions provide that in the case of a round-trip charter no one-way passengers shall be carried, except that up to 5 percent of the charter group may be transported in each direction, and they prohibit any intermingling of passengers in the case of a series of charter contracts. Since the duration of military furloughs varies widely, it is generally impractical for military personnel (and accompanying dependents) to travel in both directions together as a group, and dependents joining military personnel abroad are precluded by the regulations from being included on the return leg of a round-trip charter.

The proposed rule would establish a class of charter for military personnel and their immediate families. In view of the activities of travel agents described above, the rule would exclude travel agents and other intermediaries from organizing such charters, and it would also relieve these charters from the one-way and intermingling restrictions just referred to. The services military personnel perform for this Nation and the contribution to morale in facilitating air travel at low charter rates for furloughed personnel and their dependents justify this special category of charter free from these restraints. Certain other features of the proposed rule will next be described.

Under the proposal, retired military personnel would not be eligible to participate in the new category of charter. As noted, the proposal is essentially grounded on the proposition that these charters serve a significant morale purpose in facilitating military personnel stationed abroad to visit home; providing reduced-rate transportation for retired personnel does not come within this objective. The same reasoning supports excluding civilian personnel. Of course, low-cost transportation serves a morale purpose for civilian as well as military personnel, but the latter usually have little or no choice as to their duty station, in many instances are draftees or enlistees serving as a military obligation rather than by choice, and to a large extent are enlisted personnel receiving relatively low pay.

In two respects the proposed rule is more restrictive than the aforementioned IATA Resolution 045; viz, it would not extend to civilian employees of DOD and it would bar travel agents and other intermediaries from organizing charters. Under these circumstances the Board contemplates corresponding changes in the conditions attached to its approval of Resolution 045, insofar as it provides for charters of military personnel stationed abroad, to conform the conditions to the rule in these respects; and also, for the same purpose, to remove the condition against intermingling.

Proposed rules. It is proposed to amend Parts 208, 214, and 295 of the economic regulations (14 CFR Parts 208, 214, and 295), as follows:

I. In Part 208:

1. Amend § 208.3 by adding the following definition:

§ 208.3 Definitions.

* * * * *

(v) "Overseas military personnel charter" means a charter, either one-way or round trip, limited to military personnel of the U.S. Armed Forces stationed outside the United States, its territories and possessions, and/or their immediate families, where the following conditions are met: (1) The military personnel are on official furlough, leave, pass, or other authorized absence from duty; (2) the transportation is between the United States and a foreign country in which military personnel of the United States are stationed; (3) a fixed charge for the charter transportation is not advertised, and the cost of the charter flight is prorated equally among the charter participants, except to the extent a lesser charge is provided for children; and (4) solicitation for, and administration of, the charter flight is handled entirely by members of the U.S. Armed Forces or an organization operated by the Department of Defense for and on behalf of its military personnel, and the charter contract is signed by a member of the Armed Forces or such organization.

§ 208.32 [Amended]

2. Amend § 208.32(f) by adding the following sentence: "This paragraph shall not apply to overseas military personnel charters."

§ 208.211 [Amended]

3. Amend § 208.211 by revising the last sentence to read: "When more than one round trip is contracted for, intermingling between flights or reforming of plane-load or less than plane-load charter groups shall not be permitted and each such group must move as a unit in both directions: *Provided, however*, That this restriction shall not apply to overseas military personnel charters."

II. In Part 214:

1. Amend § 214.2 by adding the following definition:

§ 214.2 Definitions.

* * * * *

(n) "Overseas military personnel charter" means a charter, either one-way or round trip, limited to military personnel of the U.S. Armed Forces stationed outside the United States, its territories and possessions, and/or their immediate families, where the following conditions are met: (1) The military personnel are on official furlough, leave, pass, or other authorized absence from duty; (2) the transportation is between the United States and a foreign country in which military personnel of the United States are stationed; (3) a fixed charge for the charter transportation is not advertised, and the cost of the charter flight is prorated equally among the charter participants, except to the extent a lesser charge is provided for children; and (4) solicitation for, and administration of, the charter flight is handled entirely by members of the U.S. Armed Forces or an organization operated by the Department of Defense for and on behalf of its military personnel, and the charter contract is signed by a member of the Armed Forces or such organization.

§ 214.14 [Amended]

2. Amend § 214.14(c) by adding the following sentence: "This paragraph shall not apply to overseas military personnel charters."

§ 214.31 [Amended]

3. Amend § 214.31 by revising the last sentence to read: "When more than one round trip is contracted for, intermingling between flights or reforming of plane-load or less than plane-load charter groups shall not be permitted and each such group must move as a unit in both directions: *Provided, however*, That this restriction shall not apply to overseas military personnel charters."

III. In Part 295:

1. Amend § 295.2 by adding the following definition:

§ 295.2 Definitions.

* * * * *

(n) "Overseas military personnel charter" means a charter, either one-way or round trip, limited to military personnel of the U.S. Armed Forces stationed outside the United States, its territories and possessions, and/or their immediate families, where the following conditions are met: (1) The military personnel are on official furlough, leave, pass, or other authorized absence from duty; (2) the transportation is between the United States and a foreign country in which military personnel of the United States are stationed; (3) a fixed charge for the charter transportation is not advertised, and the cost of the charter flight is prorated equally among the charter participants, except to the extent a lesser charge is provided for children; and (4) solicitation for, and administration of, the charter flight is handled entirely by members of the U.S. Armed Forces or an organization operated by the Department of Defense for and on behalf of its military personnel, and the charter contract is signed by a member of the Armed Forces or such organization.

§ 295.14 [Amended]

2. Amend § 295.14(f) by adding the following sentence: "This paragraph shall not apply to overseas military personnel charters."

§ 295.31 [Amended]

3. Amend § 295.31 by revising the last sentence to read: "When more than one round trip is contracted for, intermingling between flights or reforming of plane-load or less than plane-load charter groups shall not be permitted and each such group must move as a unit in both directions: *Provided, however*, That this restriction shall not apply to overseas military personnel charters."

[F.R. Doc. 69-14463; Filed, Dec. 4, 1969; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 563, 571]

[No. 23,545]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Accounting Principles and Procedures

NOVEMBER 26, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 563 and 571 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 563, 571) for the following purposes:

1. To provide that insured institutions shall prepare and maintain their books, records, and reports on the basis of generally accepted accounting principles and shall employ such specific principles or procedures on particular accounting matters as the Federal Savings and Loan Insurance Corporation may require by regulation or otherwise; and

2. To set forth the Corporation's policy with respect to use of the accrual basis of accounting by insured institutions.

Accordingly, it hereby proposes to amend Parts 563 and 571 as follows:

1. Amend Part 563 of such regulations by adding, immediately after § 563.23–1 thereof, a new § 563.23–2, to read as follows:

§ 563.23–2 Accounting principles and procedures.

For purposes of examinations by and reports to the Corporation and of compliance with this subchapter, each insured institution shall:

(a) Prepare and maintain its books, records, and reports on the basis of generally accepted accounting principles; and

(b) Employ such specific priniples or procedures on particular accounting matters as the Corporation may require by regulation or otherwise.

2. Amend Part 571 of such regulations by adding, immediately after § 571.7 thereof, a new statement of policy, § 571.8, to read as follows:

§ 571.8 Use of the accrual basis of accounting.

(a) *General.* Insurance Regulation 563.23–2 provides that each insured institution shall employ such specific principles or procedures on particular accounting matters as the Corporation may require by regulation or otherwise. This statement sets forth the Corporation's policy with respect to the use of the accrual basis of accounting by a specified class of institution. As used herein, the term "accrual basis of accounting" refers to that accounting method in which all expenses are recorded when incurred, whether paid or unpaid, and all income is recorded when earned, whether or not received.

(b) *Institutions required to use accrual basis of accounting.* (1) An insured institution which, at the close of any annual accounting period commencing on or after January 1, 1969, has total assets in excess of $25 million shall thereupon make such adjustments to its accounting records as may be necessary to maintain such records on the accrual basis of accounting and shall thereafter maintain such records and prepare all published reports and all reports to the Corporation on the accrual basis of accounting.

(2) No insured institution which, as of January 1, 1969, was maintaining its accounting records on the accrual basis of accounting or which, subsequent to that date, elects or is required to use the accrual basis of accounting may thereafter convert to a different basis of accounting.

(c) *Required accrual basis adjustments.* (1) During the annual accounting period commencing on or after January 1, 1969, initial adjustments to convert to the accrual basis of accounting shall be made as follows:

(i) In the case of an insured institution having a fiscal year corresponding to the calendar year, initial adjustments shall be entered on the accounting records as of the close of business December 31, 1969.

(ii) In the case of an insured institution having a fiscal year which does not correspond to the calendar year, initial adjustments shall be entered on the accounting records as of the close of business at the semiannual closing next following December 31, 1969.

(2) An insured institution which employs the accrual basis of accounting shall make necessary accrual basis adjustments to its accounting records at least quarterly.

(d) *Request for waiver of requirements for one year.* If an insured institution is located in an area where professional advice as to conversion to the accrual basis of accounting is not available or where such conversion would be excessively costly or would otherwise work a hardship, it may, with the express authorization of its board of directors, request a waiver of the foregoing requirements for one annual accounting period. Any such request should be in the form of a letter addressed to the Chief Examiner and signed by the institution's chief executive officer, and it should set forth the factual data necessary to show the need for such waiver. Each Chief Examiner has been delegated the authority, upon proper showing of the need therefor, to waive for one annual accounting period the foregoing requirements for conversion to the accrual basis of accounting.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp. p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by December 22, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-14469; Filed, Dec. 4, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[MC–C–2; Ex Parte MC–37]

MUNICIPALITY OF NEW YORK

Redefinition of Limits of New York City Commercial Zone; Extension of Time

DECEMBER 2, 1969.

At the request of an interested person, the time for filing representations is extended to December 22, 1969. An original and seven copies of such statements should be filed with the Commission at its office at Washington, D.C.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14464; Filed, Dec. 4, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Notice of Approval and of Withdrawal of Approval

Pursuant to § 76.16 of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of swine because of hog cholera, under the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126; 134f), notice is hereby given that the following stockyards and livestock markets are approved under said regulations as indicated below:

STOCKYARDS AND LIVESTOCK MARKETS APPROVED UNDER § 76.16(b), TITLE 9, CODE OF FEDERAL REGULATIONS, TO HANDLE ALL CLASSES OF SWINE

ALABAMA

Atmore Truckers Association, Inc.; Atmore.
Coosa Valley Feeder Pig Association; Anniston.
Covington Livestock Auction, Inc.; Covington.
Dadeville Stockyards, Inc.; Dadeville.
Enterprise Livestock Company; Enterprise.
Farmers Cooperative Market; Frisco City.
Farmers Cooperative Market, Inc.; Opp.
Fayette Stockyard, Inc.; Fayette.
Florence Trading Post; Florence.
Geneva Stockyard; Geneva.
Hartford Livestock Company; Hartford.
Headland Stockyard; Headland.
Henry County Livestock Association, Inc.; Abbeville.
Hodges-Capital Stockyards; Montgomery.
Hodges-Hurtsboro Stockyards; Hurtsboro.
Hodges-Selma Stockyards; Selma.
Jackson County Feeder Pig Sale; Section.
King Livestock Auction Company; Florence.
Limestone County Feeder Pig Association, Inc.; Athens.
Limestone County Stockyard; Athens.
Linden Stockyards; Linden.
Madison County Livestock Market; Huntsville.
Northwest Alabama Feeder Pig Association, Inc.; Russellville.
Pickens County Livestock Commission; Aliceville.
Roanoke Stockyards, Inc.; Roanoke.
Robertsdale Livestock Auction, Inc.; Robertsdale.
Sand Mountain Feeder Pig Association; Guntersville.
Stokes & Brogden Stockyard, Inc.; Andalusia.
Union Stockyards; Eufaula.

ARKANSAS

Corning Sales Co.; Corning.
Davis Livestock Auction; Batesville.
Decatur Livestock Auction; Decatur.
Eastern Arkansas Livestock Association; Marianna.

ARKANSAS—continued

Eudora Sale Barn; Eudora.
Farmers Livestock Auction Co.; Springdale.
Harrison Stockyards Auction; Harrison.
Hill & Montgomery; Batesville.
Hope Livestock Auction; Hope.
Jonesboro Stockyards; Jonesboro.
R. D. King; Alpena.
Lofton Pig Farm, Ray; West Fork.
Mid State Hog Service; Leachville.
Mountain Home Livestock Auction; Mountain Home.
Nettleton Stockyards; Jonesboro.
North Arkansas Feeder Pig Association; Batesville.
Padfield Pig Barn, Gilbert & Bob; Harrison.
MFA Feeder Pig Yards; Imboden.
Randolph County Livestock Auction; Pocahontas.
S.M. & Q. Hog Farm; Prairie Grove.
Salem Livestock Auction; Salem.
Scott County Livestock Auction; Waldron.
Searcy County Auction; Marshall.
Shants & Rodman Commission Co.; North Little Rock.
Siloam Springs Sale Barn; Siloam Springs.
Southeast Arkansas Feeder Pig Marketing Assoc.; Warren.
Valley Livestock Auction; Russellville.
White River Valley Feeder Pig Association; Weldon.

COLORADO

Alamosa Auction; Alamosa.
Basin Livestock Commission Company; Durango.
Brush Livestock Commission Company; Brush.
Burlington Livestock Sales Company; Burlington.
Cortez Livestock Auction; Cortez.
Delta Sales Yard; Delta.
Farmers & Ranchers Commission Company; Fort Collins.
Fowler Auction Company; Fowler.
Grand Junction Livestock Exchange; Grand Junction.
Haxtun Cooperative Livestock Exchange; Haxtun.
R. P. Lewis & Son Auction Company; La Junta.
Limon Livestock Commission Company; Limon.
Longmont Sales Yard; Longmont.
Melott Livestock Corporation; Pueblo.
Monte Vista Livestock Commission Company; Monte Vista.
McCanless Livestock Company; Lamar.
Ranchland Livestock Commission Company; Wray.
Sterling Livestock Commission Company; Sterling.
Stratton Sale Barn; Stratton.
Trinidad Livestock Auction; Trinidad.
Valley Livestock Auction; Grand Junction.
Weld County Livestock Commission Company; Greeley.
Western Slope Livestock Commission Company; Montrose.
Winter Livestock Commission Company; La Junta.
Yuma Livestock Auction; Yuma.
Zavislan Livestock Commission Company; Pueblo.

DELAWARE

Carroll's Sales Co.; Felton.
Goldinger Brothers, Inc.; Smyrna.
Mar-Del Farms; Marydel.

GEORGIA

Bacon County Stockyard, Alma.
Bartow Livestock Commission Company; Cartersville.
Bulloch Stockyard; Statesboro.
Carroll County Livestock Sale Barn, Inc.; Carrollton.
Chatham Livestock Company; Savannah.
Columbus-Muscogee Livestock; Columbus.
Cordele Livestock Commission Company; Cordele.
Dawson Livestock Company; Dawson.
Dublin Livestock & Commission Company; Dublin.
Farmers Livestock Market; Douglas.
Farmers Stockyard; Sylvania.
Farmers Stockyard of McRae; McRae.
Franklin County Livestock Market, Inc.; Carnesville.
Fitzgerald Farmers Auction, Inc.; Fitzgerald.
Gainesville Livestock Auction; Gainesville.
Georgia Farmers Livestock, Inc.; Cumming.
Georgia Farm Products Sales Corp.; Thomaston.
Hazelhurst Livestock Market; Hazelhurst.
Hyawassee Feeder Pig Cooperative; Blue Ridge.
Irwin County Stockyard; Ocilla.
Jepeway-Craig Commission Co.; Dublin.
LaGrange Stockyards; LaGrange.
Livestock Marketers, Inc.; Douglas.
McClure-Burnett Commission Co.; Rome.
McClure-Burnett Commission Co.; Toccoa.
Metter Livestock Market; Metter.
Milan Livestock Market; Milan.
Miles Stockyard; Baxley.
W. L. Mosely Livestock Co.; Blakely.
Moultrie Livestock Co.; Moultrie.
North Georgia Livestock Auction, Inc.; Athens.
Parker's Stockyard; Statesboro.
Peoples Stockyard; Cuthbert.
Pierce County Stockyard; Blackshear.
Pulaski Stockyard; Hawkinsville.
Seminole Hog & Cattle Co. Auction Market; Donalsonville.
Soperton Stockyards; Soperton.
Shuman Livestock Market, Inc.; Hagan.
Sumter Livestock Association; Americus.
Sutton Livestock Company; Sylvester.
Swainsboro Stockyards; Swainsboro.
Thomas County Stockyard, Inc.; Thomasville.
Thomson Stockyard; Thomson.
Tifton Stockyard; Tifton.
Toombs County Stockyard; Lyons.
Tri-County Livestock Company; Social Circle.
Turner County Stockyard; Ashburn.
Union Stockyards; Albany.
Valdosta Livestock Company, Inc.; Valdosta.
Vidalia Livestock Auction, Inc.; Vidalia.
Waycross Livestock Market; Waycross.
Wayne County Stockyard; Jesup.
Wilkes County Stockyard; Washington.

IDAHO

Bonners Ferry Livestock, Inc.; Bonners Ferry.
Cache Valley Livestock Auction, Inc.; Preston.
Meridian Salesyard; Meridian.
Nampa Livestock Market, Inc.; Nampa.
Sandpoint Livestock Auction; Sandpoint.
Twin City Salesyard; Lewiston.
Valley Livestock Commission Co.; Rupert.
Weiser Livestock Commission Co.; Weiser.

ILLINOIS

Ackerman, Irving; Rockford.
Benton Livestock Association; Benton.
Berryman, W. R.; Apple River.
Bloomington Livestock Commission Co.; Bloomington.

ILLINOIS—continued

Breed's Livestock Sale; Elizabeth.
Brown County Sales Assn.; Mount Sterling.
Burnidge Bros.; Elgin.
Bryon Livestock Commission Co.; Bryon.
Carthage Community Sale Co.; Carthage.
Cherry, Nellis (Bros); Shannon.
Clinard Livestock & Trucking Service; Rushville.
Cochran, Theodore; Good Hope.
Danville Livestock Commission Co.; Danville.
Decker's Livestock Inc.; Milford.
Dennis, W. H.; Polo.
DeWane's Livestock Exchange; Belvidere.
Edgar County Marketing Association; Paris.
Elliott, Harry; Lyndon.
Estes Sales Barn; Canton.
Farmers Livestock Sales, Inc.; Coatsburg.
Feller Livestock Sales; Cisana Park.
Forrest Feedlot; Forrest.
Forrest Livestock Sale; Forrest.
Galesburg Livestock Sale; Galesburg.
Galesburg Order Buyers; Milledgeville.
Galesburg Order Buyers; Rock Falls.
Greenville Livestock Auction Co.; Greenville.
Hempen Stockyards; Warsaw.
Herz, Max; Sterling.
Hesselbacher, J. H. & Sons; Scales Mound.
Hill Top Sales Barn; Alton.
Illinois Auction Commission Co.; Paris.
Interstate Producers Livestock Association; Apple River.
Interstate Producers Livestock Association; Danville.
Interstate Producers Livestock Association; Erie.
Interstate Producers Livestock Association; Fairfield.
Interstate Producers Livestock Association; Golconda.
Interstate Producers Livestock Association; Harrisburg.
Interstate Producers Livestock Association; Payson.
Interstate Producers Livestock Association; Pinckneyville.
Interstate Producers Livestock Association; Quincy.
Interstate Producers Livestock Association; Salem.
Interstate Producers Livestock Association; Donogla.
Jackson County Auction; Murphysboro.
Jefferson County Community Sale; Mount Vernon.
Jennings Sale Company; Macomb.
Kankakee Livestock Company; Bourbonnais.
Kewanee Order Buyers; Kewanee.
Kewanee Sale Barn; Kewanee.
H & M Livestock Co.; Erie.
Krampe, Leroy; Sigel.
Kubatzke, Russell W.; Pecatonica.
Kuntz, Clyde; Gridley.
LaSalle County Livestock Marketing Center; Ottawa.
Lena Pellets, Inc.; Lena.
McLean County Hog Service; Arrowsmith.
Mehler Stock Yards; West York.
Mercer County Livestock Auction; Viola.
Meredith Feeder Pigs; Elburn.
Meyerhofer, Lester; Elizabeth.
Morrison Cattle Co.; Morrison.
Nelson, S. J.; Rockford.
Oak Valley Feeder Pig Sales; Kampsville.
Olney Livestock Commission Co.; Olney.
Olsen, Marcus; Maple Park.
Paris Livestock Sales Co.; Paris.
Paris Union Stockyards; Paris.
Parks, Loyd & Gerald, Feeder Pigs; Oakwood.
Pecatonica Livestock Exchange; Pecatonica.
Penfield Livestock Community Sale; Penfield.
Peterson Livestock Auction; Wyoming.
Pinkston Sale Pavilion; Pana.
Pittsfield Community Sales, Inc.; Pittsfield.
Plowman, Kenneth; Lakewood.
Pontiac Livestock Sales; Livingston.
Potomac Stock Yards; Potomac.

ILLINOIS—continued

Princeton Livestock Auction; Princeton.
Rock Island Auction Sales, Inc.; Rock Island.
Roe's Consignment Sale; Chana.
Rohn, Donald R., Livestock Market; Dallas City.
Savanna Livestock Sales; Savanna.
Schrader, Harry, Consignment; Dakota.
Sharer, Willard; Albany.
Sheldon Livestock Co., Inc.; Sheldon.
Southeastern Livestock Association, Inc.; Albion.
Stevens, Alfred; Nora.
Trainor's Livestock Sales; Clinton.
Trost, Robert; Warren.
Voss, Earl; Savanna.
Walnut Auction Co.; Walnut.
Warren County Livestock Auction; Warren.
Winslow Marketing Center, Inc.; Winslow.
Wood, Marvin T.; Morrison.

INDIANA

Delta Livestock Auction & Commission; Fort Wayne.
Geneva Berne Livestock Sale; Berne.
Goshen Commission Auction Sale; Goshen.
Hilltop Auction Sale; Madison.
Lowell Livestock Auction, Inc.; Lowell.
Loy's Sale Barn; Portland.
Producers Livestock Assn.; Bath.
Producers Livestock Assn.; Columbia City.
Producers Livestock Assn.; Vincennes.
Producers Marketing Assn., Inc.; Centerville.
Producers Marketing Assn., Inc.; Terre Haute.
Russell White Sale Barn; Brookville.
Shipshewana Livestock Auction Co.; Shipshewana.
Topeka Livestock Auction, Inc.; Topeka.
Valparaiso Comm. Sale; Valparaiso.

IOWA

B & H Cattle Company; Ida Grove.
Bedford Sale Co.; Bedford.
Boone Sales Co.; Boone.
Bradley Livestock Auction; Red Oak.
Carstens Livestock; Wilton Junction.
Centerville Sales Co.; Centerville.
Clarinda Auction Co.; Clarinda.
Coggon Livestock Sales Co.; Coggon.
Dahms Feeder Pigs; New Liberty.
De Witt Farm Store, Inc., De Witt.
Dunlap Livestock Auction Market; Dunlap.
Edgewood Sale Barn, Inc.; Edgewood.
Ray Fritz Stockyards; Washington.
Galva Pig Market; Galva.
Garner Livestock Sales, Inc.; Garner.
Grassland Company; Odebolt.
Greenfield Community Sales, Inc.; Greenfield.
The Halls, Inc., Livestock Division; Low Moor.
Haupert Livestock Co., Inc.; Fairfield.
Hubbard Feeder Pig Co.; Hubbard.
Interstate Producers Livestock Association; Mount Pleasant.
Interstate Producers Livestock Association; Waukon.
Lamoni Livestock Sales Co., Inc.; Lamoni.
Mac's Feeder Supply; Belmond.
Mapleton Auction Company; Mapleton.
Maquoketa Sale Company; Maquoketa.
Drs. Spear & Allison, d.b.a. Marshall County Feeder Pig Association; Marshalltown.
McCreary Sale Co.; Centerville.
Middletown Auction Sales, Inc.; Middletown.
Moorhead Auction Co.; Moorhead.
Mt. Ayr Livestock Market; Mount Ayr.
Keith E. Myers; Grundy Center.
Nelson Hog Yard; Mount Ayr.
Northside Sales Company; Sibley.
Northwood Livestock Sales Co.; Northwood.
O & W Auction Market; Wadena.
Pella Sales Co.; Pella.
Perry Sales Pavilion; Perry.
Producers Livestock Marketing Assn., Feeder Pig Division; Creston.
Riceville Sale Pavilion; Riceville.
Rubey Auction Company; Red Oak.
Rubey Auction Company; Shenandoah.

IOWA—continued

Sheldon Approved Hog Mart; Sheldon.
Smylie's Livestock Company; Columbus Junction.
Stanton Livestock Auction; Stanton.
Thompson Livestock Commission Company; Davis City.
Tri-State Livestock Auction Company, Inc.; Sioux Center.
Troutman Auction Sales; Bonaparte.
W & W Livestock Enterprises, Inc., d.b.a. Curtis V. Wellman and William C. Williams; La Porte City.
Wallace Livestock Market; Riceville.
Wayland Sales Co., Inc.; Wayland.
James Webb Market; Mallard.
Welchman Pig Co., Inc., d.b.a. Richard W. Welchman; Des Moines.
West Grove Stockyards; West Grove.

KANSAS

Anthony Livestock Company; Anthony.
Ashland Sales Company, Inc.; Ashland.
Atchison County Auction Company; Atchison.
Atwood Sale Barn; Atwood.
Beloit Livestock Auction, Inc.; Beloit.
Beverly Stockyards Company; Salina.
Caldwell Community Sale; Caldwell.
Cedar Vale Sales Company; Cedar Vale.
Chandler Sales Company; Smith Center.
Chanute Livestock Auction; Chanute.
Clay Center Sales Company, Inc.; Clay Center.
Cloud County Livestock Commission Company; Concordia.
Coffeyville Livestock Comm. Company, Inc.; Coffeyville.
Colby Livestock Auction, Inc.; Colby.
Coldwater Sales Company, Inc.; Coldwater.
Concordia Sales Company; Concordia.
Council Grove Livestock Auction; Council Grove.
Dighton Livestock Auction Market, Inc.; Dighton.
Dodge City Livestock Commission Company; Dodge City.
Downs Sales Company; Downs.
Effingham Auction Company; Effingham.
Farmers and Ranchers Livestock Comm. Co.; Salina.
Farmers Livestock Exchange, Inc.; Wakarusa.
Farmers Marketing Sales Corp., Inc.; Hill City.
Flint Hills Livestock Auction; Eskridge.
Fort Scott Sale Company; Fort Scott.
Frankfort Community Sale; Frankfort.
Franklin County Sales Company; Ottawa.
Garden City Sale Company, Inc.; Garden City.
Glasco Livestock Exchange; Glasco.
Goodland Livestock Comm. Co., Inc.; Goodland.
Hays Livestock Commission Company; Hays.
Herington Livestock Auction Company; Herington.
Hiawatha Auction Company; Hiawatha.
Holton Community Sale; Holton.
Holton Livestock Exchange; Holton.
Hoxie Lixestock Sale; Hoxie.
Hutchinson Livestock Commission Co.; Hutchinson.
Junction City Livestock Sales, Inc.; Junction City.
Kingman Community Sale; Kingman.
Kinsley Livestock Sale Company; Kinsley.
Larned Livestock Commission Co.; Larned.
Kiowa Livestock Sales Co.; Kiowa.
Leavenworth Livestock Auction Company; Leavenworth.
Leoti Livestock Sales Company; Leoti.
Liberal Livestock Sales Company; Liberal.
Manhattan Commission Company, Inc.; Manhattan.
Mankato Sales Company, Mankato.
Marysville Livestock & Commission Co.; Marysville.
McKinley-Winter Livestock Comm. Co., Inc.; Dodge City.

KANSAS—continued

McPherson Sales Company; McPherson.
Meade Livestock Commission Company; Meade.
Medicine Lodge Sales Company, Inc.; Medicine Lodge.
Moline Auction Company; Moline.
Mound City Livestock Auction Company; Mound City.
Natoma Livestock Exchange, Inc.; Natoma.
Norton Livestock Auction Co.; Norton.
Norton Livestock Commission Company; Norton.
Oakley Livestock Sales Company; Oakley.
Oberlin Livestock Commission Company; Oberlin.
Onaga Community Sales; Onaga.
Overbrook Livestock Auction, Inc.; Overbrook.
Paola Market Sale; Paola.
Parsons Public Stockyards; Parsons.
Phillipsburg Sales Company, Inc.; Phillipsburg.
Plainville Livestock Commission Co., Inc.; Plainville
Quinter Livestock Commission Co.; Quinter.
Rezac Livestock Commission Co.; St. Marys.
Christine Rostetter Sale; Hesston.
Russell Livestock Commission Co., Inc.; Russell.
Sabetha Livestock Auction; Sabetha.
St. Francis Livestock Sale Company; St. Francis.
Southeastern Kansas Sales Company; Fort Scott.
Stewart Sale Barn; Bronson.
Stockton Livestock Commission Company; Stockton.
Syracuse Sale Company; Syracuse.
Tri-State Sale, Inc.; Elkhart.
Washington Sale Company; Washington.
Waverly Livestock Sale Barn; Waverly.
Wellington Sales Company; Wellington.
Winfield Livestock Auction; Winfield.
Wilkey Livestock Sales, Inc., Pratt.
Wichita Public Stockyards; Wichita.

KENTUCKY

Adair County Stockyards; Columbia.
Albany Stockyards; Albany.
Barnes Feeder Pig Co.; Columbia.
Barren County Stockyards; Glasgow.
Blue Grass Stockyards; Lexington.
Bowling Green Livestock Market; Bowling Green.
Boyle County Stockyard; Danville.
Virgil Branstetter Feeder Pig Dealer; Horse Cave.
Bullitt County Stockyard; Shepherdsville.
Burkesville Stockyard; Burkesville.
Burton's Feed and Supply Feeder Pig; Brodhead.
Carlisle Stockyards; Carlisle.
Catlettsburg Livestock Co., Inc.; Catlettsburg.
Christian County Livestock Market, Inc.; Hopkinsville.
Clay-Wachs Stockyards; Lexington.
Cynthiana Stockyard; Cynthiana.
Dinwiddie Feeder Pigs; Leitchfield.
Dunnington Milling Company Stockyard; Monticello.
Edmonton Livestock Market; Edmonton.
John L. Evans Feeder Pig Farms; Corydon.
Falmouth Stockyard; Falmouth.
Farmers Commission Co., Inc.; Tompkinsville.
Farmers Livestock Market; Glasgow.
Farmers Livestock Market; London.
Farmers Livestock Market; Mayfield.
Farmers Livestock Sales, Inc.; Louisa.
Farmers Stockyards; Flemingsburg.
Farmers Stockyard; Mount Sterling.
Florence, Peak, Pepper and Fryman Stockyard; Cynthiana.
Floyd County Livestock Market; Ivel.

KENTUCKY—continued

Franklin Livestock Market, Inc.; Franklin.
Garfield Auction Barn; Garfield.
Garrard County Stockyards Co.; Lancaster.
Gibson Livestock Co., Inc.; Marion.
Glasgow Livestock Market; Glasgow.
Grayson County Stockyards; Leitchfield.
Green County Stockyards; Greensburg.
Greenville Livestock Market, Inc.; Greenville.
Horse Cave Stockyards; Horse Cave.
Jolley Brothers Feeder Pigs; Albany.
Jones Livestock Market; Glasgow.
Kentuckiana Livestock Market, Inc.; Owensboro.
Kentucky-Tennessee Livestock Market, Inc.; Guthrie.
Knox County Stockyards; Barbourville.
Laurel Sales Company; London.
Lebanon Stockyards, Inc.; Lebanon.
Logan County Livestock Company; Russellville.
Madison Sales Co.; Richmond.
Mantle Stockyards; Bardwell.
Maysville Stockyards; Maysville.
Middlesboro Livestock Auction Company; Middlesboro.
Monticello Stockyards; Monticello.
Morganfield Stockyards; Morganfield.
Murray Livestock Market; Murray.
Ohio Valley Producers Livestock Assn., Inc.; Clinton.
Ohio Valley Producers Livestock Assn., Inc.; Sturgis.
O. K. Stockyards; Maysville.
Paducah Livestock Company; Paducah.
Paintsville Livestock Market; Staffordsville.
Paris Stockyards; Paris.
Pioneer Farm Service, Inc.; Owensboro.
Pulaski County Livestock Market, Inc.; West Somerset.
Ratliff Stockyards; Mount Sterling.
Russell County Stockyard; Russell Springs.
Taylor County Stockyards; Campbellsville.
Walton Sales Barn; Walton.
Warren County Farmer Marketing Coop; Bowling Green.
Washington County Stockyards; Springfield.
West Kentucky Feeder Pig Company; Gorydon.
Wigwam Hog and Feeder Pig Market; Horse Cave.
Williamstown Stockyards; Williamstown.
Winchester Stockyards; Winchester.
Owen County Stockyards; Owenton.

LOUISIANA

Alsbrooks-Guilbeau Stockyards, Inc.; Baton Rouge.
Alsbrooks-Guilbeau Stockyards, Inc.; Opelousas.
Amite Livestock Co., Inc.; Amite.
Avoyelles Livestock Auction Market; Mansura.
Bastrop Livestock Auction; Bastrop.
Clark Livestock Commission Co.; Benton.
DeQuincy Livestock Commission Co.; De Quincy.
DeRidder Livestock Market; De Ridder.
Dominique's Cow Palace; Marksville.
Dominique's Stockyards, Inc.; Baton Rouge.
Dominique's Stockyards, Inc.; Lafayette.
Dominique's Stockyards, Inc.; Opelousas.
Farmer & Stockman, Inc.; Clarence.
Franklinton Stockyards; Franklinton.
Hodges & Co., W. H.; Alexandria.
Hodges & Co., W. H.; Crowley.
Hodges & Co. of New Roads, Inc.; New Roads.
Homer Livestock Commission Co.; Homer.
Kentwood Livestock Sales, Inc.; Kentwood.
Lacassine Stockyards; Lacassine.
Livestock Producers, Inc.; Bossier City.
Lum Bros. Stockyards; Vidalia.
Lyles Auction Co., Bill; Grand Cane.
McKay Pig Company; Rayville.
Mansfield Livestock Auction Co.; Mansfield.
Micelle's Commission Yard; Lake Charles.
Miller-Dominique Stockyards; Eunice.

LOUISIANA—continued

North Tangipahoa Stockyards, Inc.; Kentwood.
Red River Livestock Auction; Coushatta.
Joe Tate Commission Barn (LeBeau Br.); Ville Platte.
Joe Tate Commission Barn; Ville Platte.
Voiron Stockyard, Inc.; Thibodaux.
West Monroe Livestock Auction; West Monroe.
Dominique's Livestock Auction, Inc.; Alexandria.

MARYLAND

Aberdeen Sales Company; Aberdeen.
Caroline Sales Company; Denton.
Cumberland Stockyards, Inc.; Cumberland.
Duke Brothers; Eden.
Farmers Livestock Exchange, Inc.; Boonsboro.
Farmers Market and Auction; Charlotte Hall.
Four States' Livestock Sales, Inc.; Hagerstown.
Frederick Livestock Auction, Inc.; Frederick.
Friend's Stockyard, Inc.; Accident.
Grantsville Community Sales, Inc.; Grantsville.
Harry Rudnick and Sons; Galena.
Western Maryland Stockyard, Inc.; Westminster.
West Nottingham Sales, Inc.; Rising Sun.
Woodsboro Livestock Sales; Walkersville.

MASSACHUSETTS

Northampton Cooperative Livestock Auction; Whately.

MINNESOTA

Arends Sale Yard, Inc.; Blue Earth.
Bauman's Livestock; Ellsworth.
Cottonwood Veterinary Clinic; Windom.
Farmers Feeder Pig Assn.; Worthington.
Fulls Feeder Pig Market; Taunton.
Hebrinks Feeder Pig Market; Renville.
Hollerich Feeder Pig Market; Good Thunder.
Luverne Swine Market; Luverne.
Minnesota Feeder Pig Tel-A-Market; Motley.
Minnesota Feeder Pig Tel-A-Market; Long Prairie.
Rice Feeder Pig Center; Rice.
Sawyer Livestock Company, Inc.; Little Falls.
Paul Twardowski Feeder Pigs; Long Prairie.
Windom Sales Company; Windom.
Wisconsin Feeder Pig Coop; Sauk Centre.
Long Prairie Livestock Auction Market; Long Prairie.

MISSISSIPPI

Alcorn County Stockyard; Corinth.
Allen Brothers Natchez Stockyard; Natchez.
Batesville Area Feeder Pig Sale; Batesville.
Branning Livestock Sale, H. T.; French Camp.
Booneville Area Feeder Pig Sale; Booneville.
Bruce Area Feeder Pig Sale; Bruce.
Clarksdale Livestock Sales Company; Clarksdale.
Corinth Livestock Commission Company; Corinth.
Dixie Stock Yards, Inc.; Meridian.
Lucedale Area Feeder Pig Sale; Lucedale.
Magee Area Feeder Pig Sale; Mendenhall.
McComb Area Feeder Pig Sale; McComb.
Meridian Area Feeder Pig Sale; Meridian.
Meridian Stockyards, Inc.; Meridian.
New Albany Area Feeder Pig Sale; New Albany.
Peeler's Livestock Sales; Kosciusko.
Poplarville Area Feeder Pig Association Sale; Poplarville.
S & A Livestock, Inc.; Tupelo.
Spicer Brothers Stockyard; Tupelo.
Southeast Mississippi Feeder Pig Sale; Laurel.
Sturgis Area Feeder Pig Sale; Sturgis.
Vicksburg Area Feeder Pig Sale; Vicksburg.
Walnut Sales Company; Walnut.
Wayne Area Pork Producers Assn. Feeder Pig Sale; Waynesboro.
Waynesboro Livestock Yards, Inc.; Waynesboro.

MISSOURI

Alton Sale Company; Alton.
Armour & Company; Amity.
Armour & Company; Carthage.
Bethany Livestock Auction; Bethany.
Benton County Producers Association; Warsaw.
Bowling Green Livestock Market; Bowling Green.
Bullshippers Inc.; Rich Hill.
Brunswick Sale Company; Brunswick.
Bryant & Kirkman Livestock Market; Summersville.
Cabool Livestock Auction, Inc.; Cabool.
Callaway Stock Sales Company; Fulton.
Cantrell & Sons Sale Company; Archie.
Carrollton Livestock Auction; Carrollton.
Central Missouri Livestock Auction, Inc.; Mexico.
Central Ozark Livestock Market; West Plains.
Charleston Auction Company; Charleston.
Chillicothe Livestock Auction; Chillicothe.
Circle S Livestock Market; Stanberry.
Clark County Sales Company; Kahoka.
Clinton Community Sale; Clinton.
Columbia Livestock Auction; Columbia.
Concordia Livestock Auction; Concordia.
Denton and Cantrell Livestock Markets; Bloomfield.
Doniphan Auction Sales Company; Doniphan.
Edina Auction Company; Edina.
El Dorado Sales Company; El Dorado Springs.
Farmers and Traders Comm. Co., Inc.; Palmyra.
Fraley's, Inc.; Chillicothe.
Gainesville Livestock Auction; Gainesville.
Gallatin Livestock Auction; Gallatin.
Golden Valley Auction Company; Cling.
Goodman Auction Market; Goodman.
Grant City Sale Barn; Grant City.
Hall (Willard) Livestock Dealer; Doniphan.
Hannibal Sale Company, Inc.; Hannibal.
Hinds Sale Company; Memphis.
Interstate Producers Association; Perryville.
Interstate Producers Livestock Association; Bethany.
Interstate Producers Livestock Association; Marshall.
Johnson County Livestock Market, Inc.; Warrensburg.
Kahoka Sale Company; Kahoka.
Keen Livestock Market; Cassville.
Kennett Sales Company, Inc.; Kennett
Laclede County Livestock Producers Association; Lebanon.
Lamar Auction Market; Lamar.
Lewis County Auction Company; Lewistown.
Licking Auction Sales Company, Licking.
Linn County Auction Company; Brookfield.
Linn County Beef Producers Association; Brookfield.
Lolli Sale Pavilion; Macon.
Maryville Auction Company; Marryville.
Means Auction Company; Boonville.
Mercer County Auction; Princeton.
Merrigan Brothers Livestock Auction Market, Inc.; Maryville.
Mexico Stockyards Company, Inc.; Mexico.
Milan Livestock Auction; Milan.
MFA Livestock Association; Alton.
MFA Livestock Association; Cabool.
MFA Livestock Association; Mansfield.
MFA Livestock Association; Sedalia.
MFA Livestock Association; Westphalia.
Moberly Auction Company; Moberly.
Monroe City Livestock Order Buyers; Monroe City.
Montgomery County Livestock Auction Company; Montgomery City.
Monticello Livestock Order Buyers; Monticello.
Nevada Livestock Auction; Nevada.
New Cambria Sale Barn; New Cambria.
North Missouri Sale Pavilion; Trenton.
Olean Sale Company; Olean.
Oregon Livestock Sales Company; Oregon.

MISSOURI—continued

Palmyra Livestock Auction Market; Palmyra.
Platte County Sales Company, Inc.; Platte City.
Poplar Bluff Sales Company; Poplar Bluff.
Potosi Auction Company; Potosi.
Producers Livestock Market; Marshall Junction.
Puxico Stockyards and Auction Company; Puxico.
Ray County Sales Company, Inc.; Richmond.
Rock Port Sales Pavilion, Inc.; Rock Port.
Savannah Sales Company; Savannah.
Schuyler County Sales Company; Lancaster.
Seneca Community Sale; Seneca.
Shelbina Auction Company; Shelbina.
Sikeston Auction Company, Inc.; Sikeston.
Jack Sivils Sale Company; Butler.
Stewarts Sale Pavilion; Cameron.
Summersville Auction Company; Summersville.
Thayer Sales Company; Thayer.
Thompson Livestock Market; Armstrong.
Troy Sales Company, Inc.; Troy.
Unionville Sale Company; Unionville.
Versailles Auction; Versailles.
Warsaw Auction Company; Warsaw.
Welty Sale Pavilion; Nevada.
West Plains Livestock Auction; West Plains.
Wheaton Livestock Auction; Wheaton.
Stockman Sales Barn; Meta.

NEBRASKA

Alma Sale Barn; Alma.
Beatrice Sales Pavilion; Beatrice.
Beatrice 77 Livestock Sales Company; Beatrice.
Beaver Valley Livestock Company Inc.; Beaver City.
Butte Livestock Market; Butte.
Chadron Sales Company; Chadron.
Chappell Livestock Auction, Inc.; Chappell.
Crawford Livestock Market Inc.; Crawford.
Fairbury Livestock Company; Fairbury.
Falls City Auction Co.; Falls City.
Farmers Livestock Sales Co.; Benkelman.
Gordon Livestock Auction Company Inc.; Gordon.
Hebron Livestock Commission Company; Hebron.
Imperial Auction Market, Inc.; Imperial.
Kimball Livestock Auction; Kimball.
Nebraska City Salebarn Inc.; Nebraska City.
Ogallala Livestock Commission Company; Ogallala.
Oxford Livestock Commission Company; Oxford.
Pawnee Livestock Company; Pawnee City.
Producers Livestock Marketing Association; McCook.
Producers Livestock Marketing Association; Gering.
Red Cloud Livestock Commission Company, Inc.; Red Cloud.
Republican Valley Livestock Auction; Franklin.
Sheridan Livestock Commission Company; Rushville.
Sidney Livestock Sales Pavilion Inc.; Sidney.
Superior Livestock Commission Company, Inc.; Superior.
The Welchman Pig Company Inc.; Fremont.
Tri-State Livestock Commission Company Inc.; McCook.
Twin City Livestock Auction Company; Gering.
Valentine Livestock Auction Company; Valentine.

NEVADA

Gallagher Livestock, Inc.; Fallon.
Nevada Livestock Commission Co.; Fallon.

NEW JERSEY

Cowtown Auctioneers; Woodstown.
Livestock Cooperative Auction Market Association of North Jersey; Hackettstown.

NEW MEXICO

Clovis Hog Company, Inc.; Clovis.
Five States Livestock Auction, Inc.; Clayton.
Portales Livestock Commission Co.; Portales.

NORTH DAKOTA

Ashley Livestock Sales; Ashley.
Dobler Ellendale Livestock Sales; Ellendale.
Harrington Bros. Livestock Auction, Inc.; Minot.
Hettinger Livestock Sales; Hettinger.
Home Base Auction Market, Inc.; Bowman.
Jamestown Livestock Sales; Jamestown.
Kamrath Sales Pavilion; Mott.
Kist Livestock Auction; Mandan.
Linton Livestock Sales, Inc.; Linton.
Minot Livestock Auction; Minot.
Missouri Slope Livestock Auction, Inc.; Bismarck.
Oakes Livestock Terminal; Oakes.
Park River Auction Market; Park River.
Rugby Livestock Sales, Inc.; Rugby.
Schnell's Dickinson Livestock Sales Co.; Dickinson.
Sitting Bull Auction; Williston.
Wahpeton Livestock Company; Hankinson.
Wahpeton Livestock Company; Wahpeton.
Western Livestock, Inc.; Dickinson.
Wisconsin Feeder Pig Market Co-op.; Oakes.
Wishek Livestock Market; Wishek.

OHIO

Barnesville Livestock Sale; Barnesville.
Bauman Stockyards, Inc.; Napoleon.
Blausey, Clifford & Sons Stockyard; Pemberville.
Bloomfield Livestock Auction; North Bloomfield.
Canfield Livestock Auction; Canfield.
Damascus Livestock Auction; Damascus.
Delta Livestock Auction and Commission Co.; Delta.
Farmers Livestock Auction; Marietta.
Flaherty, M. T. Stockyard; Risingsun.
Fremont Livestock Exchange; Fremont.
Geauga Livestock Commission; Middlefield.
Heinold Hog Market; Heinold.
Heinold Hog Market; Sedalia.
Interstate Farms Livestock Co.; Oxford.
Kenton Farmers Marketing Corp.; Kenton.
Kidron Auction, Inc.; Kidron.
Kleinhenz Brothers; Celina.
Kleinhenz Brothers; Fort Recovery.
Krugh, O. A. & Son Stockyard; Wren.
Lugbill Auction; Archbold.
Lugbill Auction; Columbus Grove.
Major, Herschel Stockyards; College Corner.
Middendorf Stockyards Co.; Botkins.
Middendorf Stockyards Co.; Fort Loramie.
Middleton Stockyards; New Madison.
Ohio Valley Livestock Company; Gallipolis.
Peoples Livestock Exchange; Greenville.
Producers (Tende-r-leen) Feeder Pig; Cadiz.
Producers Livestock Assn.; Bucyrus.
Producers Livestock Assn.; Columbus.
Producers Livestock Assn.; Eaton.
Producers Livestock Assn.; Findlay.
Producers Livestock Assn.; Greenville.
Producers Livestock Assn.; Greenwich.
Producers Livestock Assn.; Hillsboro.
Producers Livestock Assn.; Irwin.
Producers Livestock Assn.; Lancaster.
Producers Livestock Assn.; Marion.
Producers Livestock Assn., Mount Vernon.
Producers Livestock Assn.; Orrville.
Producers Livestock Assn.; Springfield.
Producers Livestock Assn.; Washington Court House.
Producers Livestock Assn.; Wilmington.
Producers Livestock Assn.; Woodville.
Scioto Livestock Sales; Chillicothe.
Sugarcreek Livestock Auction, Inc.; Sugarcreek.
Vonderwell Stockyards; Delphos.
Ward Livestock Co.; Stryker.
Western Ohio Livestock Exchange; Celina.
Wilson Brothers; Greenville.
Zeigler Livestock Feeders, Inc.; Delta.

OKLAHOMA

Blackwell Livestock Auction; Blackwell.
Cattlemen's Stockyards; Comanche.
Dewey Livestock Sales Co.; Dewey.
Durant Stockyards Co.; Durant.
Elk City Livestock Auction, Inc.; Elk City.
Grove Sales Co., Grove.
Maxson Sales Co., Inc.; South Coffeyville.
Maxson Sales Co., Inc.; Welch.
Muskogee Stockyards and Livestock Auction; Muskogee.
Newkirk Sales Co.; Newkirk.
Panhandle Livestock Commission Co.; Guymon.
Ringling Livestock Auction; Ringling.
Tahlequah Sale Barn; Tahlequah.
Tonkawa Livestock Co., Inc.; Tonkawa.
The Hennessey Sale; Hennessey.

OREGON

Auction Center; Hood River.
Enterprise Livestock Auction; Enterprise.
Hermiston Livestock Commission Co.; Hermiston.
Northwestern Livestock Commission Co.; Hermiston.
Salem Auction Yard, Inc.; Salem.
The Dalles Auction Yard; The Dalles.

PENNSYLVANIA

Belknap Auction, Inc.; Dayton.
Belleville Livestock Market; Belleville.
Carlisle Livestock Market, Inc., Carlisle.
Chambersburg Livestock Sales; Chambersburg.
Chesley's Livestock Auction; North East.
Coudersport Livestock Market; Coudersport.
Cowanesque Valley Livestock Market; Knoxville.
Dewart Livestock Market; Dewart.
Eighty Four Auction Sales, Inc.; Eighty Four.
Emericksville Feeder Pig Sale; Emericksville.
Enon Valley Community Sale; Enon Valley.
Farmer's Tri-County Auction, Inc.; Scenery Hill.
Fayette Stockyards Co.; Uniontown.
Greencastle Livestock Market; Greencastle.
Green Dragon Livestock Sales; Ephrata.
Hickory Auction Sales, Inc.; Hickory.
Hulshart, C. A. Swine Receiving Sta.; Stewartstown.
Indiana Livestock Auction, Inc.; Homer City.
Kennett Auction Company; Kennett Square.
Lebanon Valley Livestock Market; Fredericksburg.
Leesport Market & Auction; Leesport.
Meadville Livestock Auction; Saegertown.
Mercer Livestock Auction; Mercer.
Middleburg Auction Sales, Inc.; Middleburg.
Montague Livestock Auction; Union City.
Montour Farmers Livestock Market, Inc.; Danville.
Morrisons Cove Livestock Market; Martinsburg.
New Holland Sales Stables, Inc.; New Holland.
New Wilmington Livestock Auction; New Wilmington.
Nicholson Sales Company; Nicholson.
Penns Valley Livestock Auction, Inc.; Centre Hall.
Pennsylvania Livestock Auction, Inc.; Waynesburg.
Perkiomenville Sales Stables, Inc.; Perkiomenville.
Quakertown Livestock Sale; Quakertown.
Sechrist Sales Company, Inc.; Fawn Grove.
Showalter's Livestock Exchange; Duncansville.
Silver Springs Livestock Market; Mechanicsburg.
Troy Sales Cooperative; Troy.
Valley Stockyards, Inc.; Athens.
Vintage Sales Stables, Inc.; Paradise.
Wayne County Livestock Exchange; Honesdale.
Wyalusing Livestock Market; Wyalusing.
York Livestock Market, Inc.; York.

SOUTH CAROLINA

Central Carolina Livestock Market; Lugoff.
Clarendon Auction Sales Market; Manning.
Darlington Auction Market; Darlington.
Farmers County Line Stockyards; Andrews.
Farmers Livestock Market; Leesville.
Hemingway Livestock Market; Hemingway.
Herndon's Stockyards, Inc.; Ehrhardt.
Hutto Stockyard, Inc.; Holly Hill.
Lake City Auction Market; Lake City.
Nichols Auction Market; Nichols.
Orangeburg Stockyards, Inc.; Orangeburg.
Saluda County Stockyards; Saluda.
Springfield Stockyards, Inc.; Springfield.
Twin States Auction Market; Tabor City.
Walterboro Stockyards Co., Inc.; Walterboro.
York County Swine Producers Association; York.

UTAH

Ogden Union Stockyard; Ogden.
Salt Lake Union Stockyard; North Salt Lake.
Vernal Livestock Auction; Vernal.
Smithfield Livestock Auction; Smithfield.

VIRGINIA

Abingdon Livestock Market, Inc.; Abingdon.
Albemarle Livestock Market, Inc.; Charlottesville.
Farmers Livestock Exchange, Inc.; Winchester.
Farmers Livestock Market, Inc.; Ewing.
Farmville Livestock Market; Farmville.
Fauquier Livestock Exchange, Inc.; Marshall.
Fredericksburg Stockyards, Inc.; Fredericksburg.
Front Royal Livestock Market; Front Royal.
Loudoun County Livestock Market, Ind.; Leesburg.
Madison Livestock Market, Inc.; Madison Mills.
Monterey Livestock Sales, Inc.; Monterey.
Narrows Livestock Market, Inc.; Narrows.
Nokesville Livestock Auction, Inc.; Nokesville.
Old Dominion Livestock, Inc.; Culpeper.
Orange Livestock Market, Inc.; Orange.
Pulaski County Livestock Market; Dublin.
Rockingham Livestock Sales, Inc.; Harrisonburg.
Shenandoah Valley Livestock Sales, Inc.; Harrisonburg.
Smithfield Livestock Market, Inc.; Smithfield.
South Boston Livestock Market; South Boston.
South Hill Livestock Market; South Hill.
Southside Stockyards, Inc.; Blackstone.
Southside Stockyards, Inc.; Petersburg.
Lee Farmers Livestock Market, Inc.; Jonesville.
Staunton Livestock Market, Inc.; Staunton.
Staunton Union Stockyards; Staunton.
Tappahannock Livestock Market, Inc.; Tappahannock.
Tazewell Livestock Market, Inc.; Tazewell.
Tri-State Livestock Market, Inc.; Abingdon.
Victoria Livestock Market; South Hill.
Woodstock Livestock Market, Inc.; Woodstock.
Wytheville Livestock Market, Inc.; Wytheville.

WASHINGTON

Auburn Livestock Market, Inc.; Auburn.
Colville Auction Co.; Colville.
Prosser Salesyard, Inc.; Prosser.
Walla Walla Livestock Commission Co.; Walla Walla.

WEST VIRGINIA

Alderson Livestock Market; Alderson.
Blue Grass Market, Inc.; Lewisburg.
Blue Ridge Livestock Sales, Inc.; Charles Town.
Bridgeport Stockyards, Inc.; Bridgeport.
Buckhannon Stockyards; Buckhannon.
Elkins Stockyards, Inc.; Elkins.
Mannington Livestock Sales, Inc.; Mannington.

WEST VIRGINIA—continued

Moundsville Livestock Auction Company; Moundsville.
New River Livestock Market; Beckley.
Ohio County Livestock Auction, Inc.; West Alexander.
Point Pleasant Livestock Company; Point Pleasant.
South Branch Stockyard, Inc.; Moorefield.
Terra Atia Stockyards, Inc.; Terra Alta.
Union Livestock Sales Company; Parkersburg.
Weston Livestock Sales Company; Weston.

WISCONSIN

Acker, Clarence; Middleton.
Avon Livestock Market; Darlington.
Belmont Livestock Market; Cuba City.
Dittner, Ernest; Spencer.
Eilers, Don; Marshfield.
Equity Co-op Auction; Altoona.
Equity Co-op Livestock Sales; Bonduel.
Equity Co-op Livestock Sales; Johnson Creek.
Equity Livestock Market; Richland Center.
Fennimore Feeder Pig Market; Fennimore.
Grassland Feeder Pigs; Neillsville.
Iowa County Livestock Market; Dodgeville.
Kuehne Livestock Auction Market; Seymour.
Midwest Livestock Producers, Inc.; Fennimore.
Midwest Livestock Producers, Inc.; Francis Creek.
Midwest Livestock Producers, Inc.; Lomira.
Midwest Livestock Producers, Inc.; New Richmond.
Monticello Livestock Sales; Monticello.
Peterson, Gordon; Waupaca.
Pufahl, Charles; Waupaca.
Richter, L. & Son; Rice Lake.
Sharon Livestock Market; Sharon.
Donald Schwebs Market; De Forest.
Stevens, Stanley; Loyal.
Terrien, Harold; De Pere.
4–H Association Pig Growers; Waupun.
Waupaca County Feeder Pig Sales; Waupaca.
Weber, Cyril; Menomonie.
Wisconsin Feeder Pig Co-op; Boltonville.
Wisconsin Feeder Pig Co-op; Francis Creek.
Wisconsin Feeder Pig Co-op; Galesville.
Wisconsin Feeder Pig Co-op; Sun Prairie.
Wolosek, Ray; Wisconsin Rapids.
Woodke and Hill; Seymour.

WYOMING

Douglas Livestock Exchange Co.; Douglas.
Greybull Livestock Commission Co.; Greybull.
Sheridan Livestock Commission Co.; Sheridan.
Torrington Livestock Commission Co.; Torrington.
Worland Livestock Auction; Worland.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED UNDER § 76.16(b), TITLE 9, CODE OF FEDERAL REGULATIONS, TO HANDLE SLAUGHTER SWINE ONLY

ALABAMA

Beard Livestock Market; Scottsboro.
Cherokee County Stockyard; Centre.
Evergreen Livestock Company, Inc.; Evergreen.
Farmers Stockyards; Slocomb.
Frosty Morn Meats Buying Station; Elba.
Frosty Morn Meats Buying Station; Section.
H. E. Fulford Stockyard; Hartford.
Kennamer Livestock Company, Inc.; Guntersville.
Ramsey and Sons, Inc.; Dothan.
Carl Register Stockyards; Slocomb.
B. W. West Livestock Company; Cottonwood.

ARKANSAS

Carroll County Livestock Auction; Berryville.
Gravette Community Sale; Gravette.
Magnolia Livestock Auction; Magnolia.
Moore Company; Black Rock.

ARKANSAS—continued

North Arkansas Livestock Auction; Green Forest.
Washington County Sales; Fayetteville.
Rector Auction; Rector.

DELAWARE

Charles Poore Livestock Market; Smyrna.
Floyd E. West Livestock; Frankford.

ILLINOIS

Albion Livestock; Albion.
Carthage Order Buyers; Carthage.
Chicago Stockyards—Atkinson Market, Inc.; Atkinson.
Coble Order Buyers; Clayton.
Cudahy, Patrick; Orangeville.
Cudahy, Patrick; Pecatonica.
Cudahy, Patrick; Roscoe.
Doonan, Emery L.; Taylor Ridge.
Emge Stock Yards; Palestine.
Farmers Hog Market of Ursa; Ursa.
Farmers Stock Yards; Coatsburg.
Heinold Hog Market; Buffalo Prairie.
Heinold Hog Market; Galva.
Heinold Hog Market; Girard.
Heinold Hog Market; Henry.
Heinold Hog Market; Leland.
Heinold Hog Market; Marengo.
Heinold Hog Market; Ohio.
Interstate Producers Livestock Association; Elvaston.
Jamison Livestock Market; Tuscola.
K-M Livestock Center; Robinson.
Knowles Stock Yards; Marshall.
Kohne Livestock Depot; St. Jacob.
Krey Stock Yards; Plesant Hill.
LaHarpe Order Buyers; La Harpe.
McPhillips, George, Transfer; Lena.
Mayer, Oscar & Company; Barry.
Mayer, Oscar & Company; Davis.
Mayer, Oscar & Company; Esmond.
Mayer, Oscar & Company; German Valley.
Mayer, Oscar & Company; McConnell.
Mayer, Oscar & Company; Milledgeville.
Mayer, Oscar & Company; Pearl City.
Mayer, Oscar & Company; Pittsfield.
Mayer, Oscar & Company; Polo.
Mayer, Oscar & Company; Quincy.
Mayer, Oscar & Company; Shannon.
Mayer, Oscar & Company; Warren.
Mendon Order Buyers; Mendon.
Morrissey Livestock; Danville.
N.F.O. Collection Point; Hutsonville.
Norup, Elmer; Leaf River.
Sarver Livestock Exchange; Rockford.
Souders Stock Yards; Brookport.
Staton Stock Yard; Lena.
Winslow Stockyards; Winslow.

INDIANA

Mike Brady Stockyards; Waterloo.
Mike Brady Stockyards; Lagrange.
Mike Brady Stockyards; Ligonier.
Decker's Hog Market; Boswell.
I. Duffey & Son Co.; Largo.
Greencastle Livestock Center; Greencastle.
Heinold Hog Market; Goodland.
Morrison Livestock Market; Culver.
Schrader Bros. Stockyards; Columbia City.
P. B. Stewart & Co.; Angola.
P. B. Stewart & Co.; Berne.
P. B. Stewart & Co.; Bourbon.
P. B. Stewart & Co.; Decatur.
P. B. Stewart & Co.; Fulton.
P. B. Stewart & Co.; Lagrange.
P. B. Stewart & Co.; Plymouth.
P. B. Stewart & Co.; Shipshewana.
P. B. Stewart & Co.; South Whitley.
P. B. Stewart & Co.; Topeka.
P. B. Stewart & Co.; Warsaw.
Portland Stockyards, Inc.; Portland.

IOWA

Allerton Sales Co.; Allerton.
Armour & Company; Shenandoah.

IOWA—continued

Banks Hog Yards; Seymour.
Brookhiser (W. H.) & Sons; Wever.
Delbert Bullard; West Point.
Burton's Relay; Clio.
Carstenson Livestock & Truck Service; Spirit Lake.
Farmers Coop Elevator; Rock Valley.
Leo Happe; Spirit Lake.
Hawarden Hog Company; Hawarden.
George A. Hormell; Rock Rapids.
Hygrade Food Products Corporation; Clarinda.
Hygrade Food Products Corporation; Shenandoah.
Lucas Hog Yard; Bedford.
McCreary Hog Market; Centerville.
Milton Hog Co.; Milton.
Oral Moore; Braddyville.
Myers Livestock; Creston.
Nishna Valley Hog Yards; Shenandoah.
Verl Perkins Hog Market; Centerville.
Petefish Scale Yards; Bloomfield.
Simmons Hog Buyer; Farmington.
Sporleder Livestock; Carroll.
Swift & Company Hog Buying Station; Clinton.
Two Mile Order Buyer; Clinton.
WACO Livestock Market; Olds.
Woodrum Farm Supply; Lake Park.

KANSAS

Kansas Hog Company; Morland.
Wilson and Company; Independence.
Wilson and Company; Walnut.
Zima Livestock Company; Emmett.

KENTUCKY

Allen County Livestock Comm. Market, Inc.; Scottsville.
R. B. Berry & Son Stockyard; Clinton.
Breckinridge County Livestock Center; Irvington.
Brown and Whayne Livestock Co.; Clinton.
J. C. Faire Hog Barn; Bardwell.
Heinold Hog Markets, Inc.; Morganfield.
Heinold Hog Markets, Inc.; Fancy Farms.
Shoemaker and Atkins Livestock Market; Murray.
Smithland Livestock Company; Smithland.

MARYLAND

Adkin Livestock, Inc.; Parsonburg.
Esskay Buying Station; Baltimore.
Esskay Buying Station; Wye Mills.
Interstate Livestock Company; Glenwood.

MASSACHUSETTS

Farmers Live Animal Market Exchange, Inc.; Littleton.
Michelson's Livestock Comm. Auctions, Inc.; South Easton.

MICHIGAN

Andy Adams Sale Barn; Jonesville.
Alexander's Livestock Sale; Three Rivers.
Clare Bordner; Burr Oak.
Camden Stockyards; Camden.
Coldwater Livestock Auction; Coldwater.
Dundee Livestock Sales Inc.; Dundee.
Maurice Fowler & Sons; Montgomery.
Grolholski Brothers; Burlington.
Linsmeier Livestock Auction; Menominee.
Lugbill Brothers; Morenci.
Michigan Livestock Exchange; Battle Creek.
Napoleon Livestock Commission Co.; Napoleon.
W. J. Westfall Stockyards; Hillsdale.
Michigan Livestock Exchange; Cassopolis.

MINNESOTA

Breckenridge Livestock; Breckenridge.
Johnson Livestock; Windom.
Rosen Livestock; Fairmont.

MISSISSIPPI

Booneville Commission Company; Booneville.
George County Stockyard; Lucedale.
Lum Commission Company; Vicksburg.
Moore & Woods Commission Company, Inc.; Macon.
Pine Burr (Buying Station); Vicksburg.
Ripley Sales Company; Ripley.
Starkville Livestock Commission Company; Starkville.
Tupelo Stockyards; Tupelo.
Tri-State Stockyards, Inc.; Greenville.

MISSOURI

Armour and Company; Bethany.
Armour and Company; Trenton.
Baring Stockyards; Baring.
Browning and Crow Livestock Order Buyers; Paris.
Bullshippers, Inc.; Rich Hill.
Burrus Stockyards; Memphis.
Callaway Stock Sales Association; Fulton.
Central Hog Buyers; Centralia.
Central Hog Market; Rich Fountain.
Clinton Hog Market; Clinton.
Constable Stockyards; Princeton.
Daily Hog Market; Carrollton.
Eldon Hog Market; Eldon.
Esther and Vernon, Inc.; Lebanon.
Ferguson Hog Market; Sedalia.
Grant City Sale Barn; Grant City.
Harkins Livestock Company; Cainsville.
Harkins Livestock Company; Milan.
Harkins Livestock Company; Trenton.
Heinold Hog Market; King City.
Heinold Hog Market; Bowling Green.
Heinold Hog Market, Inc.; LaBelle.
Heinold Hog Market, Inc.; Maryville.
Heinold Hog Market, Inc.; Monroe City.
Heinold Hog Market, Inc.; Tarkio.
Hillhouse and Rayl; Richland.
Hinds Swine Buying Station; Memphis.
K and K Livestock Buyers; Mexico.
Keen Livestock Market; Cassville.
Keen Livestock Auction; Seneca.
Krey Packing Company, Hog Buying Station; Eolia.
Lewis and Son Hog Buyers; Glasgow.
McAllister Hog Market; Marshall.
Mansfield Livestock Auction; Mansfield.
MFA Livestock Asociation; Booneville.
MFA Livestock Association; Centerview.
MFA Livestock Association; Chillicothe.
MFA Livestock Association; Gallatin.
MFA Livestock Association; Marshall.
MFA Livestock Association; Princeton.
MFA Livestock Association; Salisbury.
MFA Livestock Association; Sedalia.
MFA Livestock Association; Stanberry.
MFA Livestock Association; Tipton.
Milan Livestock Auction; Milan.
Millemon Stockyards; Bethany.
Miller and Sons Stockyards; Brashear.
Rollin H. Motley Stockyards; Appleton City.
National Hog Buyers, Inc.; Columbia.
Novelty Stockyards; Novelty.
Oscar Mayer & Co., Inc.; Brookfield.
Oscar Mayer & Co., Inc.; Macon.
Oscar Mayer & Co., Inc.; Palmyra.
Oscar Mayer & Co., Inc.; Shelbina.
Oregon Swine Buying Station; Oregon.
Osage County Hog Buying Station; Linn.
Overfelt Farms and Livestock; Moberly.
Palmyra Livestock Auction Market; Palmyra.
Powell Brothers Hog Market; Fayette.
Producers Livestock Market; Richland.
Rains Livestock Company; Poplar Bluff.
Reed (Chester) Livestock Market; Mountain Grove.
Reed Livestock Company; Dexter.
Rhodes and Holion Hog Buying Station; Browning.
Richland Livestock Exchange; Richland.
Schieni Livestock Company; Salisbury.
Shell Feed and Supply Company; Fredericktown.

MISSOURI—continued

Shell Feed and Supply Company; Jackson.
Shell Feed and Supply Company; Lutesville.
Shell Feed and Supply Company; Perryville.
Southeast Missouri Livestock Buyers; Oran.
Swindler (Jim) Buying Station; Downing.
G. C. Swingle Hog Yard; Mercer.
Taneyville Feeder Pig Assembly Point; Taneyville.
Tarkio Hog Yards; Tarkio.
A. C. Thomas and Son; Syracuse.
Thompson Livestock Company; Glasgow.
Unionville Stockyards; Unionville.
Warnock Stockyards; Trenton.
Warnock (Carroll) Stockyards; Lineville.
Welty Sales Pavilion; Nevada.
Yonike Hog Market; Maryville.
Wilson Hog Buying Station; Greenfield.

NEW JERSEY

Flemington Agricultural Marketing Co-op., Inc.; Flemington.
Jaeger's Livestock Market; Sussex.

NEW YORK

Chatham Area Auction Cooperative, Inc.; Chatham.
Finger Lakes Livestock Market, Inc., Canandaigua.
Kaplan, J. M. & Son, Inc.; Millerton.
Luther's Livestock Commission Market; Wassaic.

NORTH DAKOTA

Donald Ballard; Beach.
Cook Hog Yard; Hettinger.
NFO Collection Point; Ellendale.

OHIO

Bussert, Merle A. Livestock; Amanda.
Champaign County Livestock Sale; Urbana.
Chickasaw Stockyards; Chickasaw.
Cisco, Veryl & Sons Stockyards; St. Marys.
Colegrove Brothers Stockyards; Fayette.
Creston Livestock Sales; Creston.
De Graff Livestock Sales; De Graff.
Dorset Livestock Auction; Dorset.
Gamboe Stockyards; Pioneer.
Harpster Stockyards; Ashland.
Jolliff, Paul L., Inc.; Forest.
Kleinhenz, Inc.; Anna.
Kleinhenz, Inc.; St. Marys.
McCrary Livestock Co.; Lakeview.
Mendon Livestock Co.; Mendon.
Ohio-Indiana Livestock Buyers; Lewisburg.
Producers Livestock Assn.; Ashley.
Producers Livestock Assn.; Bellefontaine.
Producers Livestock Assn.; Cincinnati.
Producers Livestock Assn.; Coshocton.
Producers Livestock Assn.; London.
Producers Livestock Assn.; Ottawa.
Producers Livestock Assn.; South Charleston.
Producers Livestock Assn.; Wapakoneta.
Smith Stockyard; Fort Recovery.
Stemen, L. B. Stockyards; Middle Point.
Stewart, P. B. & Co.; Edon.
Tuente Stockyards; Osgood.
Union Stockyards Co.; Hillsboro.
Ward Livestock Co.; Marion.

OKLAHOMA

Arthur Kelly Stockyards; Muskogee.
Mauer-Neuer Inc.; Enid.

SOUTH CAROLINA

P. L. Bruce Livestock Co.; Greenville.
Chesnee Livestock Market; Chesnee.
Greenwood Stockyards, Inc.; Greenwood.
Homewood Auction Market; Conway.

TENNESSEE

Athens Livestock Auction Company; Athens.
Beasley Community Auction; Franklin.
Bryan, R. D.; Morrison.
Buford, John Buying Station; Celina.
C & M Livestock Market; Jamestown.
Chattanooga Union Stockyard; Chattanooga.
Clarksville Livestock Company; Clarksville.
Clarksville Livestock Market; Clarksville.

TENNESSEE—continued

Cleveland Livestock Auction Company; Cleveland.
Clinton Livestock Auction Company; Clinton.
Coffee County Livestock Market; Manchester.
Collierville Livestock Auction Co.; Collierville.
Cookeville Livestock Co., Inc.; Cookeville.
Covington Sales Company; Covington.
Crockett County Sales Company; Maury City.
Cumberland City Stockyard; Cumberland City.
Dayton Livestock Auction Company; Dayton.
DeKalb County Livestock Company; Alexandria.
East Tennessee Livestock Center; Sweetwater.
Farmers Auction Company; Fayetteville.
Farmers Livestock Exchange; Union City.
Farmers Livestock Market; Camden.
Farmers Livestock Market, Inc.; Greeneville.
Gallatin Livestock Market; Gallatin.
Gamaliel Livestock Market; Gamaliel, Ky.
Gibson & Stanfill Stockyard; Bemis.
Giles County Stockyard; Pulaski.
Greeneville Livestock Company, Inc.; Greeneville.
Hardin County Livestock Association; Savannah.
Hartsville Livestock Market; Hartsville.
Henderson Sales Company; Henderson.
Jackson County Commission Company; Gainesboro.
Johnson City Livestock Market; Johnson City.
Kingsport Livestock Market; Kingsport.
Lawrence County Stockyards; Lawrenceburg.
Lewis County Stockyard; Hohenwald.
Logan Livestock Company; Union City.
Macon County Livestock Market; Lafayette.
Madisonville Livestock Auction; Madisonville.
Mid-South Livestock Commission; Columbia.
Middleton Sales Company; Middleton.
Morristown Stockyards, Inc.; Morristown.
Murfreesboro Livestock Market; Murfreesboro.
New Tazewell Livestock Market; New Tazewell.
Newbern Livestock Company; Newbern.
Newbern Sales Company, Inc.; Newbern.
Newport Livestock Auction Company; Newport.
Nichols & Moore Sales Barn; Thompson Station.
Oliver Livestock Company; Union City.
O'Neil, Sam Livestock Commission; Chattanooga.
Paris Livestock Commission Company; Paris.
Payne Livestock Market; Telford.
Peoples Stockyards; Cookeville.
Peoples Stockyard; Fayetteville.
Plateau Livestock Exchange; Crossville.
Pulaski Stockyard; Pulaski.
Ramsey, Bob; Viola.
Rogersville Livestock Market; Rogersville.
Sampson Livestock Auction; Lewisburg.
Scotts Hill Auction Company, Inc.; Scotts Hill.
Sevier County Livestock Auction; Seymour.
Shelbyville Stockyard; Shelbyville.
Smith County Commission Company; Carthage.
Smithville Stockyards; Smithville.
Southern Livestock Auction Company; Columbia.
Southwestern Sales Company, Inc.; Huntingdon.
Tennessee Producers Livestock Marketing Association; Fayetteville.
Thompson Livestock Company; Obion.
Trenton Livestock Sales Company; Trenton.
Tri-County Stockyards; McKenzie.
Trousdale County Livestock Market; Hartsville.
Union Livestock Yards, Inc.; Knoxville.
Unionville Livestock Market; Unionville.
Ward, William Livestock; South Fulton.
Warren County Livestock Company; McMinnville.

TENNESSEE—continued

West Tennessee Auction Company; Martin.
White County Livestock Market; Sparta.
Wilson County Livestock Market; Lebanon.
Wilson Livestock Market; Newport.

VIRGINIA

Galax Livestock Market, Inc.; Galax.

WISCONSIN

Bernig, Al; Cuba City.
Condon, M. J. & Son; Brodhead.
Condon, M. J. & Son; Juda.
Dubuque Stockyards; Gratiot.
Dubuque Stockyards (Kuhl's); Hazel Green.
Dubuque Stockyards; Monroe.
Genseler Bros.; Shullsburg.
Hazel Green Livestock Exchange; Hazel Green.
Kuehne Livestock Sales, Inc.; Seymour.
Mayer, Oscar; Avalon.
Mayer, Oscar; Cuba City.
Mayer, Oscar; Darlington.
Mayer, Oscar; Monroe.
Mayer, Oscar; Prairie du Chien.
Mayer, Oscar; Shullsburg.
Mondovi NFO Collection Point; Mondovi.
Treuthardt, Emil; Juda.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED UNDER § 76.16(b), TITLE 9, CODE OF FEDERAL REGULATIONS, TO HANDLE FEEDING AND BREEDING SWINE ONLY

INDIANA

Boswell Feeder Pig; Boswell.
Loren Cates; Williamsburg.
Don Clark Feeder Pig; Brook.
Robert Elliott; Westport.
Grady & Bill Higgins; Winchester.
Marvin Luellen; Mooreland.
Jack Milhollin; Parker.
Ohio Valley Producers; Evansville.
Producers Marketing Assn.; Mentone.
Producers Marketing Assn.; Mooresvile.
Russellville Feeder Pig Co.; Russellville.
Willis Sare, Jr. Feeder Pig Sales; Perrysville.
Waitt Feeder Pig; Sheridan.
Ralph Yarling; Elwood.
Yeager & Sullivan, Inc.; Camden.

TENNESSEE

Barrett Feeder Pig Barn; Murfreesboro.
Bedford County Feeder Pig Sale; Unionville.
Boyce Livestock Company; Unionville.
Brownsville Feeder Sales Association; Brownsville.
Castellaw Stock Barn; Alamo.
Covington Feeder Pig Sale; Covington.
Cumberland Feeder Pig Sale; Cookeville.
Derryberry Pig Barn; Chesterfield.
Garrett Feeder Pigs; College Grove.
Goff Feeder Pig Association; Quebeck.
H & M Livestock Company; Baxter.
Hardin County Livestock Association; Savannah.
Hickman County Area Feeder Pig Sale; Centerville.
Higgins Pig Farm; Woodbury.
Houston-Stewart Feeder Pig Association; Cumberland City.
J. H. Hudson, Montgomery County Feeder Pig Sales; Clarkesville.
Feeder Pig Division of Giles County Livestock Association; Pulaski.
Feeder Pig Division of Humphreys County Livestock Association; Waverly.
Feeder Pig Division of Marshall County Livestock Association; Lewisburg.
Feeder Pig Division of Lawrence County Livestock Association; Lawrenceburg.
Johns Brothers Feeder Pigs; Chapel Hill.
Jolley Brothers; Doyle.
McMinnville Area Feeder Pig Sale; McMinnville.
Mid-South Feeder Pig Center; Lebanon.
Mid-State Producers Feeder Pig Sale; Woodbury.

TENNESSEE—continued

Nashville Area Feeder Pig Association; Nashville.
Odem, J. V. Pig Market; St. Joseph.
Robinson, Jimmie & Son; Franklin.
Sells Pig Barn; Winchester.
Sevier County Livestock Association; Sevierville.
Smith County Feeder Pig Association; Carthage.
Smotherman, E. H. Feeder Pig Barn; Murfreesboro.
Sudberry Feeder Pig Sales; Chapel Hill.
Sweetwater Valley Feeder Pig Association; Sweetwater.
Taylor Brothers Feeder Pigs; College Grove.
Thompson Brothers Feeder Pig Market; Sparta.
Tri-County Feeder Pig Sale; Trenton.
Vassar's Pig Barn; Readyville.
Volunteer Feeder Pig Sale; Lexington.
Walker, Dallas Livestock; Rutherford.
Weakley County Feeder Pig Sale; Dresden.
West Kentucky Feeder Pig Company; Centerville.
Wisdom, J. S. Pig Barn; Shelbyville.

Notice is hereby given that the following stockyards and livestock markets have been deleted from the list of approved stockyards and livestock markets:

STOCKYARDS AND LIVESTOCK MARKETS

ALABAMA

Andalusia Livestock Auction; Andalusia.
Beard Livestock Market, Rainsville.
Farmers & Ranchers; Uniontown.
Hartford Milling Company; Hartford.
Monroe Livestock Market; Monroeville.
Parker Livestock Company; Slocomb.
Samson Livestock Auction; Samson.

ARKANSAS

Clark County Livestock Auction; Arkadelphia.
Drew County Auction; Monticello.
Glover Livestock Commission Co.; Pine Bluff.
Polk County Auction; Mena.

COLORADO

Sunset Livestock Commission Company; Greeley.
Greeley Livestock Commission Company; Greeley.

GEORGIA

Burke County Stockyard; Waynesboro.
Emanuel County Livestock Market; Swainsboro.

IDAHO

Cattlemens Livestock Auction, Inc.; Nampa.

ILLINOIS

Armour & Company; Pittsfield.
Arnold Cattle Company; Atkinson.
Bristol Livestock Sales; Bristol.
Clinard Livestock & Trucking Service; Mount Sterling.
Fairfield, Don & William E.; Foosland.
Harris & Scholes; Bushnell.
Hempen Stockyards; Quincy.
Ledford Livestock Co., Inc.; Albany.
Ledford Livestock Co., Inc.; Erie.
Mayer, Oscar & Company; Dallas City.
Mendota Livestock Auction; Mendota.
Palmyra Sales Co.; Palmyra.
Pleines & Harding; Foosland.
Sheldon Livestock Co.; Sheldon.
State Line Feeder Pigs; Sharon, Wisconsin.
Tuscola Livestock Yards; Tuscola.
Witheft, L. W.; Herscher.

INDIANA

Producers Marketing Assn.; Bath.

IOWA

Armour & Company; Matlock.
Arnold Grain & Feed, Inc.; Lake Park.
Banks Hog Yard; Centerville.
Boyer Valley Feeder Pig Co.; Wall Lake.
Campbell, Dewey James; Otranto.
Dairyland Feeder Pig; Rock Rapids.
Dillavou Feeder Pig; Nora Springs.
Green Acres Hog Market; Fenton.
Chuck Hanson Feeder Pig; Storm Lake.
Neil Harlan; Hubbard.
Harper & Son Feeder Pig; Hampton.
Jansan Fur & Fruit Co.; New Hampton.
Jefferson Feeder Pig Co.; Jefferson.
Kittleson Feeder Pig Market; St. Ansgar.
La Porte City Feeder Pig Sales; La Porte City.
Lamoni Livestock Sales Co.; Lamoni.
Little Husky Feeder Pig Market; Vinton.
Miskimins Hog Yard; Seymour.
Nelson Hog Yard; Mount Ayr.
Ogden Livestock Sales; Ogden.
Pella Feeder Pig Market; Pella.
Radio Hog Yards; Shenandoah.
Reiling Feeder Pig Co.; Wesley.
Redeff Sgip; Clarion.
Remsen Feeder Pig; Remsen.
Riceville Sale Pavillion; Riceville.
Sanborn Pig Market; Sanborn.
Schleswig Feeder Pig Co.; Schleswig.
Merle Severson Pig Market; Leland.
Sioux Center Sales Co.; Sioux Center.
Sioux Center Dressed Pork; Harris.
Sioux City Dressed Pork; Matlock.
Sioux Quality Packers; Matlock.
Sundall Christensen Feeder Pigs; Dickens.
Swift & Company Hog Buying Station; Marquette.
Swift & Company Hog Buying Station; Muscatine.
Timmons Hog Buying Station; Ocheyedan.
Troutman Auction Sales; Bonaparte.
Waite Feeder Pigs; Fenton.
Wallace Feeder Pigs; Riceville.
Waupaca County Feeder Pig Sales; Mallard West Grove Stockyards; West Grove.
George Williams Pig Sales; Mason City.

KANSAS

Osage City Livestock Pavilion; Osage City.
Stilwell Community Sale; Stilwell.
Weaver-Dunn Livestock Sale; Syracuse.

KENTUCKY

Hopkinsville Livestock Company; Hopkinsville.
La Center Stockyards, Inc.; La Center.
La Center Stockyards, Inc.; Bardwell.
Lincoln County Stockyards, Inc.; Standford.
Morehead Stockyard; Morehead.
Princeton Livestock Company; Princeton.
Sparta Stockyards Company; Sparta.

LOUISIANA

Coltharp's Livestock Market; De Ridder.
Vernon Livestock Co-Operative, Inc.; Leesville.
Weichman Pig Co., Inc.; Rayville.

MICHIGAN

Adrian Livestock Company; Adrian.

MISSISSIPPI

Amory Commission Company; Amory.
Grenada Livestock Exchange; Grenada.
Lum Commission Company; Vicksburg.
Mississippi Livestock Yards; Laurel.
Oxford Livestock Commission Company; Oxford.

MISSOURI

L. P. Anesi Packing Company; Kirksville.
Consumers Oil Company; Maryville.
Douglas County Livestock Auction; Ava.
Fairground Livestock Auction; Maryville.
Meta Livestock Auction; Meta.
Nevada Sales Company, Inc.; Rich Hill.
NFO Hog Collection Point; Lebanon.

MISSOURI—continued

West Plains City Scales; West Plains.
Wilson Hog Buying Station; Corder.
Yaeger and Sullivan, Inc.; Carthage.

NEBRASKA

Grant Sales Company; Grant.
Plattsmouth Sale Barn; Plattsmouth.

NEW JERSEY

Henry Ziotkin; Freehold.

NORTH CAROLINA

Asheville Livestock Yard; Asheville.
M. D. Baker Hog Market; Tyner.
Benthall's Stockyard; Rich Square.
Bethel Hog Market; Bethel.
Blake Livestock Market; Shallotte.
Brite & Tatum Livestock Company, Inc.; Elizabeth City.
Carolina Stockyards Company; Siler City.
Carolina-Virginia Stockyard; Windsor.
Chadbourn Livestock Market; Chadbourn.
Clark's Hog Market; Grimesland.
Clarkton Auction Co.; Clarkton.
Columbus Livestock Market; Whiteville.
Cooperative Livestock Market; New Bern.
Creech Livestock Market, Inc.; Norlina.
Dedmon's Livestock Yards; Shelby.
Edenton Feed and Livestock Co.; Edenton.
Farmers Exchange Livestock Market; Hillsborough.
Farmers Livestock Exchange; Marshville.
Farmville-Fountain Hog Market; Farmville.
Franklin Livestock Auction; Franklin.
Green Livestock Co.; Cerro Gordo.
Greenville Livestock Sales; Greenville.
Greenville Stockyards; Greenville.
Gwaltney Plymouth Hog Market; Plymouth.
Gwaltney-Scotland Neck, N.C. Hog Market; Scotland Neck.
Gwaltney-Tarboro Hog Market; Tarboro.
H & N Hog Market; Weldon.
Harrellsville Feed and Livestock Co.; Harrellsville.
Hertford Hog Market; Hertford.
Hill's Stockyard; Kinston.
John F. Hobbs Stockyard, Inc.; Goldsboro.
Hollowell Livestock Market; Sunbury.
J. F. Hollowell & Son Produce Dealers; Winfall.
Horney Livestock Inc.; Siler City.
Jones County Livestock Market; Trenton.
G. P. Kitrell Hog Buying Station; Corapeake.
Gus Z. Lancaster Stockyard, Inc.; Dunn.
Gus Z. Lancaster Stockyard, Inc.; Rocky Mount.
Lane Farm Supply; Gates.
L. B. Lawrence Hog Market; Sunbury.
Leggett Hog Market; Washington.
Lincoln-Gaston Swine Association Market; Lincolnton.
Lumberton Auction Co., Inc.; Lumberton.
R. D. Martin Livestock Market; Aberdeen.
R. D. Martin Livestock Yard; Lumberton.
Miller & Humphlett Hog Buying Station; Winfall.
Morris Livestock Co.; Charlotte.
Mount Airy Livestock Market, Inc.; Mount Airy.
Norwood Stockyard; Norwood.
Odell and J. C. Hill Livestock Market; Deep Run.
Owens Supply Company; Columbia.
Oxford Livestock Market, Inc.; Oxford.
Walter Parker Hog Buying Station; Sunbury.
Pates Stockyard; Pembroke.
Powell Livestock Co.; Smithfield.
Raleigh Stockyard; Raleigh.
W. R. Ralph Hog Buying Station; Elizabeth City.
Shelby Sales Barn; Shelby.
Smithfield Hog Buying Station; Robersonville.
Smithfield Packing Company, Hog Buying Station; Murfreesboro.
Snow Hill Hog Market; Snow Hill.

NORTH CAROLINA—continued

W. B. Spencer Stockyard; Columbia.
Stallings Hog Market; Hobbsville.
Harry Sutton Livestock Market; Kinston.
Sweet and Turner, Inc.; Elizabeth City.
Tabor City Hog Market; Tabor City.
Temple and Company; Gatesville.
Trenton Livestock, Inc.; Richlands.
D. E. Tunnell Stockyard; Swan Quarter.
Union County Livestock Market, Inc.; Mineral Springs.
Warrenton Stockyards; Warrenton.
Wells Livestock Market; Wallace.
West Jefferson Livestock Market; West Jefferson.
Western Carolina Livestock Market; Asheville.
Whiteville Livestock Auction, Inc.; Whiteville.
R. G. Whitely and Son, Inc.; Como.
Williamston Packing Company; Williamston.

OHIO

Cincinnati Order Buyers, Inc.; Eldorado.

OREGON

Klamath Stockmen's Commission Co., Inc.; Klamath Falls.

PENNSYLVANIA

Clinton Auction, Inc.; Mill Hall.
Hatfield Livestock Market; Hatfield.
Knoxville Sales, Inc.; Knoxville.
Lycoming Livestock Market; Williamsport.
Mages & Farrell; Mercer.
Tri-County Livestock Market; Brockway.

SOUTH CAROLINA

Cottingham Livestock Co.; Dillon.
Smith Stockyards; Columbia.

TENNESSEE

Bogle, Harry Feeder Pig Barn; Murfreesboro.
Botts & Evans Livestock Co.; Union City.
Higgins, Grady Pig Barn; Woodbury.
Tennessee Producers Livestock Marketing Assn.; Woodbury.
Wilson Livestock Market; Lewisburg.

VIRGINIA

Farmers Livestock Market; Bristol.
Virginia Livestock Market, Inc.; Winchester.

WASHINGTON

Pasco Livestock Market Center; Pasco.
Twin City Salesyard; Centralia.

WEST VIRGINIA

Morgantown Livestock Sales, Inc.; Morgantown.

WISCONSIN

Perry Abrahamson; Waupaca.
Virgil Becker; New Richmond.
Carl Brandau; Tomah.
Brigham, Forrest; Evansville.
William Costello; Darlington.
Drees Livestock Market; Peshtigo.
Dubuque Stockyards; Hazel Green.
George Ehlenfeldt; Markesan.
Elmhorst Feeder Pigs; Neillsville.
Equity Co-op Livestock Sales; Sparta.
Equity Livestock Market; Coon Valley.
John Flannery; Lone Rock.
Geurkink, Bill; Baldwin.
Hubanks and Son; Boscobel.
Philip Huff; Walworth.
Mayer, Oscar; Blair.
Midwest Livestock Producers; Marion.
Dan Orr; Waupaca.
Hubert Olson; Neillsville.
Leonard Olsen; Manawa.
Schaefer, Victor; Potosi.
Schwebs, C. H.; Windsor.
Ed. Strom and Son; Merrill.
Wisconsin Feeder Pig Co-op.; Iola.
Homer Yelinek; Livingston.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and livestock markets have been added to the list of those heretofore approved under the regulations in 9 CFR Part 76. It has been determined that the inspection and handling of swine at such stockyards and livestock markets are adequate to effectuate the purposes of the regulations. Certain stockyards and livestock markets have been removed from the list of those heretofore approved under said regulations, because it has been determined that such stockyards and livestock markets no longer qualify for approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 26th day of November 1969.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-14477; Filed, Dec. 4, 1969; 8:47 a.m.]

Packers and Stockyards Administration

L. A. HORSE AND MULE AUCTION ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

CALIFORNIA

L. A. Horse and Mule Auction, El Monte, Oct. 24, 1969.
McNutt Livestock Auction, Modesto, Nov. 4, 1969.

IOWA

Carson Sale Co., Carson, Oct. 23, 1969.

KENTUCKY

Wigwam Hog and Feeder Pig Market, Inc., Horse Cave, Oct. 22, 1969.

MARYLAND

Burnopp Stables, Inc., Millersville, Oct. 24, 1969.

PENNSYLVANIA

Bell's Sales Arena, Dillsburg, Nov. 19, 1969.

Done at Washington, D.C., this 26th day of November 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-14476; Filed, Dec. 4, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NURSE EDUCATION

List of Reliable Accrediting Bodies and State Agencies

Pursuant to the Nurse Training Act, as amended (42 U.S.C. 298 (b)), the U.S. Commissioner of Education hereby publishes a list of recognized accrediting bodies, and of State agencies, which he determines to be reliable authority as to the quality of training offered. This list supersedes the list previously promulgated by the Commissioner of Education on September 3, 1969, 34 F.R. 14003.

REGIONAL ACCREDITING ASSOCIATIONS

Commission on Institutions of Higher Education, Middle States Association of Colleges and Secondary Schools.
Commission on Institutions of Higher Education, New England Association of Colleges and Secondary Schools.
Commission on Colleges and Universities, North Central Association of Colleges and Secondary Schools.
Commission on Higher Schools, Northwest Association of Secondary and Higher Schools.
Commission on Colleges and Universities, Southern Association of Colleges and Schools.
Accrediting Commission for Senior Colleges and Universities, Accrediting Commission for Junior Colleges, Western Association of Schools and Colleges.

NATIONAL SPECIALIZED ACCREDITING ASSOCIATIONS

Board of Review, National League for Nursing, Inc.

STATE AGENCIES

Board of Regents, University of the State of New York.
Iowa Board of Nursing.
Montana State Board of Nursing.
West Virginia State Board of Examiners for Registered Nurses.

Any other association or State agency which desires to be included on the list should request inclusion in writing. Each recognized accrediting body or State agency listed will be reevaluated pursuant to the appropriate criteria: 34 F.R. 643, 644, January 16, 1969.

Dated: November 26, 1969.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 69-14470; Filed, Dec. 4, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-580]

ATLANTIC RICHFIELD CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 26, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,*[1] That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 14, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] The *"Provided, however,"* clause applies only to the proposed 15.5378-cent rate.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-580..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	547	2	Montana Dakota Utilities Co. (Wind River Basin Field, Fremont County, Wyo.).	$495	10-27-69	[3] 10-31-69	[4] 11-1-69	15.364	[5] [6] 15.5378	
					3,252	10-27-69	[3] 11-30-69	[4] 4-30-70	15.5378	[6] [7] 16.5478	

[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] Periodic rate increase.
[8] 16.5478 cents per Mcf rate suspended for 5 months.

Atlantic Richfield Co.'s (Atlantic) has filed a proposed increase reflecting partial reimbursement of a severance tax recently enacted by the State of Wyoming. The proposed increase reflects a double amount of the contractually entitled tax reimbursement to provide for reimbursement of taxes applicable to future production as well as reimbursement for taxes applicable to past production back to January 1, 1968. Accordingly, we shall suspend the proposed increase for 1 day from October 31, 1969, the requested effective date, with waiver of notice granted.

After the amounts of tax reimbursement applicable to past production have been recovered, Atlantic shall file appropriate rate decrease under its FPC Gas Rate Schedule No. 547 to reduce the rates proposed herein so as to provide for tax reimbursement for future production only. Atlantic will also be required to refund any reimbursement relating to the Wyoming tax collected in these proceedings in the event the tax is for any reason held invalid upon judicial review.

Atlantic also proposes a periodic rate increase, from 15.5378 cents to 16.5478 cents per Mcf, under Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 547 which exceeds the area increased rate ceiling for Wyoming as announced in the Commission's statement of general policy No. 61-1, as amended, and is suspended herein for 5 months from November 30, 1969, the proposed effective date.

[F.R. Doc. 69-14354; Filed, Dec. 4, 1969; 8:45 a.m.]

[Docket No. RI70-698 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 28, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I) and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall

[1] Does not consolidate for hearing or dispose of the several matters herein.

each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [3] Rate in effect	Cents per Mcf [3] Proposed increased rate
RI70-698	Atlantic Richfield Co. (Operator) et al.	506	17	Texas Eastern Transmission Corp.			10-1-69	10-2-69	14.5000	14.56344
		554	12	do			10-1-69	10-2-69	15.00	15.06563
		491	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	15.0000	15.0534
		200	13	Florida Gas Transmission Co.			10-1-69	10-2-69	16.00	16.07
		159	9	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	14.6	14.6548
		360	17	Texas Eastern Transmission Corp.			10-1-69	10-2-69	15.0000	15.06563
		359	31	do			10-1-69	10-2-69	15.0000	15.06563
		160	29	do			10-1-69	10-2-69	14.6	14.6626
RI70-699	Atlantic Richfield Co. et al.	505	17	Champlin Petroleum Co.			10-1-69	10-2-69	14.125	14.178
		507	13	Texas Eastern Transmission Corp.			10-1-69	10-2-69	14.5000	14.56344
		516	13	Trunkline Gas Co.			10-1-69	10-2-69	15.00	15.05625
		517	13	do			10-1-69	10-2-69	15.00	15.05625
RI70-700	Atlantic Richfield Co.	526	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	15.00	15.05625
		532	6	do			10-1-69	10-2-69	15.00	15.05625
		356	9	do			10-1-69	10-2-69	15.0000	15.05572
		358	4	do			10-1-69	10-2-69	15.0	15.05625
		362	9	do			10-1-69	10-1-69	[4] 15.0	[4] 15.0549
		373	5	do			10-1-69	10-1-69	[4] 15.0	[4] 14.0549
		429	4	do			10-1-69	10-1-69	15.0000	15.05625
		324	1	do			10-1-69	10-1-69	16.00	16.06
		330	11	do			10-1-69	10-1-69	15.0000	15.0550
		332	12	do			10-1-69	10-1-69	15.0000	15.0555
		346	7	do			10-1-69	10-1-69	15.0000	15.05572
		349	15	do			10-1-69	10-1-69	15.0000	15.05469
		6	11	do			10-1-69	10-1-69	[4] 15.0000	[4] 15.0543
		39	17	Natural Gas Pipeline Co. of America			10-1-69	10-1-69	[4] 15.0	[4] 14.0520
		40	13	do			10-1-69	10-1-69	14.0	14.0520
		125	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-1-69	14.0	15.0563
		151	4	do			10-1-69	10-1-69	15.0000	15.0563
		198	10	Florida Gas Transmission Co.			10-1-69	10-1-69	15.0000	15.0656
		7	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-1-69	14.00	14.0520
		215	4	do			10-1-69	10-1-69	16.00	16.06
		365	18	Texas Eastern Transmission Corp.			10-1-69	10-2-69	14.5000	14.56344
		369	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	[4] 15.0	[4] 15.05543
RI70-701	Atlantic Richfield Co. (Operator).	355	7	do			10-1-69	10-2-69	15.0000	15.05572
		398	9	Texas Eastern Transmission Corp.			10-1-69	10-2-69	15.00	15.06563

[3] Pressure base is 14.65 p.s.i.a.

[4] Subject to a 0.21931 cents per Mcf dehydration charge by buyer.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56). All of the proposed rates were filed on or before October 31, 1969.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

[F.R. Doc. 69-14355; Filed, Dec. 4, 1969; 8:45 a.m.]

[Docket No. RI70-592]

CONTINENTAL OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 26, 1969.

The respondent named herein has filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 14, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective Date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-592	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	301	3	Cities Service Gas Co., West Panhandle Field, Gray and Carson Counties, Tex. (RR. District No. 10), and Hugoton Field, Texas County, Okla.) (Panhandle Area).	$1,929,442 388,913	[1] 10-27-69	[2] 11-27-69	4-27-70	[5] [6] 8.8129 [7] 10.1480	[5] [6] 13.5 [7] 12.5	

[1] Corrected by filing of Oct. 31, 1969.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Change in rate to reflect the prevailing field price at the wellhead in the specific fields where gas is produced.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] West Panhandle Field, Texas production.
[7] Hugoton Field, Oklahoma production.

Continental Oil Co. (Continental) proposes increased rates from 8.8129 cents to 13.5 cents per Mcf for gas produced from the West Panhandle Field, Texas, and from 10.1480 cents to 12.5 cents per Mcf for gas produced from the Hugoton Field, Oklahoma. The proposed rates are based on the contractual provision providing for the prevailing field prices at the wellhead in the specific fields where the gas is produced. Continental, however, has not furnished a detailed listing of the sales or prices upon which it based its determination of the prevailing field prices. In order to determine whether there is any contractual issue with respect to Continental's filing, we hereby require Continental within 30 days of the date of issuance of this order to file with the Commission the data utilized by it in determining the prevailing field prices under the contract. Continental shall also serve a copy of such data on Cities Service Gas Co. (Cities).

Continental's proposed rate increases exceed the area increased rate ceilings for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), and should be suspended for 5 months from November 27, 1969, the expiration date of the statutory notice.

Cities on November 18, 1969, filed a protest with respect to Continental's rate filing in which it requested, inter alia, that the Commission set for individual hearing the question of the just and reasonable rates to be charged by Continental. In Opinion No. 542, 39 FPC 1034, at 1049-1050, the Commission concluded with respect to the sales involved here that Continental should be permitted to secure the price available to all independent producers not affiliated with Cities. The just and reasonable rates for Continental's sales would thus be determined in Docket No. AR64-1. Opinion No. 542 was recently affirmed by the Tenth Circuit Court of Appeals on October 16, 1969 in Cities Service Gas Company v. F.P.C. (CA10 No. 151-68) except in one minor respect not relevant here. However, Cities has filed a petition for rehearing in the Tenth Circuit requesting, that if the court should decide upon rehearing not to set aside Opinion No. 542 in its entirety, then the case should be remanded for further hearings to determine Continental's just and reasonable rates in the light of the circumstances of the case and the impact of Opinion No. 542 on Cities. Since Opinion No. 542 is subject to further court review, we shall defer action on Cities' request for an individual hearing pending the outcome of that litigation.

[F.R. Doc. 69-14356; Filed, Dec. 4, 1969; 8:45 a.m.]

[Docket No. RI70-625 etc.]

GENERAL CRUDE OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 28, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [1] Rate in effect	Cents per Mcf [1] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R170-625	General Crude Oil Co. (Operator) et al.	4	6	Trunkline Gas Co.			10-1-69	10-2-69	14.0	14.0525	
R170-626	Janan Oil Co.	3	1	Transcontinental Gas Pipe Line Corp			10-1-69	10-2-69	16.0	16.06	
R170-627	Mustang Operators, Inc. (Operator) et al.	1	12	United Gas Pipe Line Co.			10-1-69	10-2-69	14.0	14.035	
		2	12				10-1-69	10-2-69	14.0	14.035	
R170-628	Sohio Petroleum Co.	30	3	Texas Gas Pipe Line Corp			10-1-69	10-2-69	15.0	15.0625	
R170-629	Jack P. Rayzor et al.	3	11	Tennessee Gas Pipe Line Co., a division of Tenneco Inc.			10-1-69	10-2-69	15.0	15.0549	
R170-630	Standard Oil Co. of Texas, a division of Chevron Oil Co.	39	1	Natural Gas Pipe Line Co. of America			10-1-69	10-2-69	16.0	16.06	
R170-631	Ruth Phillips Bisiker	3	10	do			10-1-69	10-2-69	[4] 14.0	[4] 14.05001	
R170-632	Gramian Co., Ltd.	3	11	do			10-1-69	10-2-69	[4] 14.0	[4] 14.05001	
R170-633	Shell Oil Co.	371	6	Texas Eastern Transmission Corp.			10-1-69	10-2-69	15.0	15.0656	
R170-634	Skelly Oil Co.	2	15	do			10-1-69	10-2-69	15.0	15.07	
R170-635	Frio-Tex Oil & Gas Co.	1	4	Transcontinental Gas Pipe Line Corp			10-1-69	10-2-69	15.0	15.05625	
R170-636	Coastal States Gas Producing Co.	7	7	Natural Gas Pipe Line Co. of America			10-1-69	10-2-69	14.5	14.5544	
	do	11	2	United Gas Pipe Line Co			10-1-69	10-2-69	17.0000	17.0638	
	do	26	13	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	[5] 15.0	[5] 15.05542	
	do	27	14	South Texas Natural Gas Gathering Co.			10-1-69	10-2-69	15.0	15.0562	
	do	35	2	do			10-1-69	10-2-69	15.000	15.0563	
	do	38	2	do			10-1-69	10-2-69	16.00	16.0600	
	do	41	3	do			10-1-69	10-2-69	15.00	15.0562	
	do	42	3	do			10-1-69	10-2-69	14.00	14.0525	
	do	74	1	United Gas Pipe Line Co.			10-1-69	10-2-69	15.0	15.0375	
R170-637	Texaco, Inc.	311	4	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	16.0	16.06	
	do	373	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	16.0	16.06	
R170-638	Coastal States Gas Producing Co.	5	4	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	15.0	15.0563	
R170-639	Atlantic Richfield Co.	510	4	United Gas Pipe Line Co.			10-1-69	10-2-69	15.00	15.0543	

[1] Pressure base is 14.65 p.s.i.a.
[4] Includes 0.25-cent dehydration charge.
[5] Subject to dehydration charge of 0.21931 cent per Mcf for delivery of noudehydrated gas.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61–1, as amended.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

[F.R. Doc. 69–14357; Filed, Dec. 4, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 2, 1969.

On January 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 276) a letter dated December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning January 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of December 2, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the level of restraint applicable to cotton textiles in Categories 9, 22, 26 (duck only), 26 (other than duck), 45, 50, 51, and 54, for the 12-month period which began on January 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226

DECEMBER 2, 1969.

DEAR MR. COMMISSIONER: On December 27, 1968, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph seven (7) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, the level of restraint provided in that directive for cotton textile products in Categories 9, 22, 26 (duck only), 26 (other than duck), 45, 50, 51 and 54, produced or manufactured in the Republic of Korea and exported from the Republic of Korea to the United States for the period beginning January 1, 1969, and extending through December 31, 1969, is hereby amended as follows, to be effective as soon as possible:

Categories	Amended 12-month levels of restraint [2]
9 ----------square yards---	2,894,063
22 ----------do---------	926,100
26 (duck only) [3] ----------do---------	12,733,875
26 (other than duck) ----------do---------	1,099,744
45 ----------dozen---------	34,729
50 ----------do---------	48,620
51 ----------do---------	66,985
54 ----------do---------	52,094

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69–14450; Filed, Dec. 4, 1969; 8:45 a.m.]

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administration arrangements.

[2] These levels have not been adjusted to reflect entries made on or after Jan. 1, 1969.
[3] Only T.S.U.S.A. Nos.:
320–.01 through 04, 06, 08.
321–.01 through 04, 06, 08.
322–.01 through 04, 06, 08.
326–.01 through 04, 06, 08.
327–.01 through 04, 06, 08.
328–.01 through 04, 06, 08.

TARIFF COMMISSION

[AA1921–62]

STEEL BARS, REINFORCING BARS, AND SHAPES FROM AUSTRALIA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on November 28, 1969, that steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Melbourne, Australia, are being, and are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on January 20, 1970. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: December 2, 1969.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 69–14451; Filed, Dec. 4, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 2, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41814—*Anhydrous ammonia from Lifenite, La., Memphis, Tenn., and Arroyo, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–97), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from Memphis, Tenn., to points in southwestern territory, and from Lifenite, La., and Arroyo, Tex., to points in southwestern and western trunkline territories.

Grounds for relief—Market competition, modified short line distance formula and grouping.

Tariff—Supplement 77 to Southwestern Freight Bureau, agent tariff ICC 4780.

FSA No. 41815—*Iron or steel pipe and related articles to Bayport, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–104), for interested rail carriers. Rates on iron or steel pipe and related articles, in carloads, as described in the application, from Townley, N.J., and Burnham, Pa., to Bayport, Tex.

Grounds for relief—Rate relationship.

Tariff—Supplement 138 to Southwestern Freight Bureau, agent, tariff ICC 4620.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–14465; Filed, Dec. 4, 1969; 8:46 a.m.]

[Notice 950]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 1, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131, published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 75 TA), filed November 18, 1969. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Service, Inc., Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, from Omaha, Nebr., to Ferndale, Mich.; Buffalo, N.Y.; Milwaukee, Wis.; North Tonawanda, N.Y.; Cleveland, Ohio; and Detroit, Mich., and points of entry on the Detroit River at Detroit, Mich., destined to Windsor, Ontario, Canada, *furfural*, from Omaha, Nebr., to Buffalo, N.Y.; Sheboygan, Wis., and North Tonawanda, N.Y., for 150 days. Supporting shipper: The Quaker Oats Co., Merchandise Mart Plaza, Chicago, Ill. 60654, (George A. Lains). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 7228 (Sub-No. 35 TA), filed November 21, 1969. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, Oreg. 97214. Applicant's representative: Nick I. Goyak, 1408 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and commodities*, the transportation of which is partially exempt pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle at the same time with frozen foods, in vehicles equipped with mechanical refrigeration, from points in Los Angeles County, Calif. to points in Oregon, and Washington, for

180 days. Supporting shipper: Gortons of Gloucester, 303 South Neptune Avenue, Wilmington, Calif. 90744. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 11592 (Sub-No. 7 TA), filed November 24, 1969. Applicant: BEST REFRIGERATED EXPRESS, INC., 1001 West South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, from the plantsite and storage facilities of Beefland International, Inc., at Council Bluffs, Iowa, to points in Illinois, Wisconsin, Indiana, Ohio, and Michigan, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 51501 (Raymond C. Burke, Vice President). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 25869 (Sub-No. 97 TA), filed November 24, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, Omaha, Nebr. 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from the plantsite and storage facilities of Beefland International, Inc., at Council Bluffs, Iowa, to points in Colorado, Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 51501 (Raymond C. Burke, Vice President). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 25869 (Sub-No. 98 TA), filed November 24, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, Omaha, Nebr. 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of Green Giant Co. at Belvidere, Ill., to points in Iowa, Kansas, and Nebraska, for 180 days. Supporting shipper: Green Giant Co., Le Sueur, Minn. 56058 (Gerald R. Russeth). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 43251 (Sub-No. 14 TA), filed November 24, 1969. Applicant: H. MAAYNARD GOULD CO., Union Street, East Walpole, Mass. 02032. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soapstone*, from Gassett, Vt., to Walpole and Norwood, Mass., and talc from West Windsor, Vt., to Walpole and Norwood, Mass., for 180 days. Supporting shipper: Bird & Son, Inc., East Walpole, Mass. Send protests to: District Supervisor Richard D. Mansfield, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 59367 (Sub-No. 71 TA), filed November 24, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107002 (Sub-No. 385 TA), filed November 24, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from Yazoo City, Miss., to points in Texas, for 180 days. Supporting shipper: Mississippi Chemical Corp., Post Office Box 388, Yazoo City, Miss. 39194. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 108053 (Sub-No. 91 TA), filed November 24, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 West 23d Street, Fremont, Nebr. 68025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Arizona, California, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 51501 (Raymond C. Burk, Vice President). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128685 (Sub-No. 4 TA), filed November 24, 1969. Applicant: DIXON BROS., Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas and liquified petroleum gas products*, from points in Butte County, S. Dak., to points in South Dakota, North Dakota, Montana, Nebraska, and Wyoming, for 180 days. Supporting shippers: McPherson Propane, Sturgis, S. Dak.; Wyoming Gas and Oil Co., Box 552, Newcastle, Wyo., Omega Gas Co., Belle Fourche, S. Dak.; Weston County Co-op Association, Newcastle, Wyo. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304 Lierd Building, 259 South Center Street, Casper, Wyo.

No. MC 124078 (Sub-No. 418 TA), filed November 24, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Olathe, Kans., to points in Missouri, for 150 days. Supporting shipper: United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. 15230 (J. R. Erwin, Assistant Manager, Movement and Project Services). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123233 (Sub-No. 23 TA), filed November 24, 1969. Applicant: PROVOST CARTAGE, INC., 7887 Second Avenue, Ville D'Anjou 437, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perchloroethylene and trichloroethylene*, in bulk, in tank vehicles, from the port of entry on the United States-Canada boundary line at or near Highgate Springs, Vt., to Auburn, Maine, for 150 days. Supporting shipper: Canadian Industries, Ltd., Box 10, Montreal 101, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14466; Filed, Dec. 4, 1969; 8:46 a.m.]

[Notice 951]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 2, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17803 (Sub-No. 10 TA), filed November 24, 1969. Applicant: PREMIER TRUCKING SERVICE CO., Box 156, Downtown Station, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles and except hides), from the plantsite and storage facilities of Beefland International, Inc., at Council Bluffs, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa (Raymond C. Burke, Vice President). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 25798 (Sub-No. 201 TA), filed November 24, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I, to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Council Bluffs, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 88594 (Sub-No. 13 TA) (Correction), filed November 6, 1969, published in the FEDERAL REGISTER issue of November 21, 1969, and republished as corrected, this issue. Applicant: CARLETON G. WHITAKER, INC., Post Office Box 93, Route 17, Deposit, N.Y. 13754. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt*, in vehicles equipped with mechanical refrigeration, moving in the same vehicles and at the same time with milk and milk products destined to points in New Jersey for final delivery, from Watertown, N.Y. to Scranton and West Nanticoke, Pa., for 180 days. NOTE: The purpose of this republication is to show origin and destination points to be served. Supporting shipper: Borden Dairy & Services Division, Borden, Inc., 23 West 60th Street, New York, N.Y. 10023. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard, West, Syracuse, N.Y. 13202.

No. MC 116544 (Sub-No. 115 TA), filed November 24, 1969. Applicant: WILSON BROTHERS TRUCK LINE, INC., Post Office Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, beat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C in appendix I, as defined by the Commission (except commodities in bulk, in tank vehicles, and hides), from St. Paul, Minn. to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, for 150 days. Supporting shipper: Armour and Co., Union Stockyards, South St. Paul, Minn. 55075. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 117815 (Sub-No. 153 TA), filed November 24, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119741 (Sub-No. 32 TA), filed November 24, 1969. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zones, to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, New Jersey, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 123639 (Sub-No. 117 TA), filed November 20, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock Street, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products and articles distributed by meat packinghouses* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706, from Scottsbluff, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123639 (Sub-No. 118 TA), filed November 24, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock Street, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, from the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Arizona, California, Connecticut, District of Columbia, Illinois, Indiana, Massachusetts, Michigan, Nevada, New York, New Hampshire, Ohio, and Utah, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: District Supervisor C. W. Buckner, 2022 Federal Building, Denver, Colo. 80202.

No. MC 125951 (Sub-No. 13 TA), filed November 24, 1969. Applicant: SILVEY & COMPANY, South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha,

Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities of Beefland International, Inc., Council Bluffs, Iowa, to Boston, Mass., Philadelphia, Pa., and New York City, N.Y., and points in New Jersey within 5 miles of New York City, N.Y., for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 51501 (Raymond C. Burke, Vice President). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 127042 (Sub-No. 52 TA), filed November 24, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, except hides and commodities in bulk, from points in the Council Bluffs, Iowa, commercial zone, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304, Post Office Building, Sioux City, Iowa 51101.

No. MC 134159 TA, filed November 24, 1969. Applicant: PIXIE TRUCKING CORP., 166 Hudson Street, New York, N.Y. 10013. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knitted and woven piece goods* on pipe rack trucks, *yarn*, in cartons, and *women's apparel*, wet and dry in bags, for the account of Fairfield-Noble Corp., between Farmingdale, Long Island City, and New York, N.Y., and Jersey City, N.J., on the one hand, and, on the other, Philadelphia and Allentown, Pa., Madison, Albermarle, Asheville, and McAdenville, N.C., and Spartanburg, S.C., for 150 days. Supporting shipper: Fairfield-Noble Corp., 333 Smith Street, Farmingdale, N.Y. 11735. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134161 TA, filed November 24, 1969. Applicant: PERRY C. BYERS, doing business as MATTHEWSON's PARCEL DELIVERY SERVICE, 3321 Gandy Boulevard, Tampa, Fla. 33611. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, and premiums*, and (2) *equipment and supplies* used in connection with item (1) above, from Tampa, Fla., to points in Pinellas and Hillsborough Counties, Fla., under a continuing contract with Avon Products, Inc., for 180 days. Supporting shipper: Avon Products, Inc., 2200 Cotillion Drive, Chamblee, Ga. 30302. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14467; Filed, Dec. 4, 1969; 8:46 a.m.]

[Notice 455]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 2, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71711. By order of November 24, 1969, the Motor Carrier Board approved the transfer to Harry E. Culbertson, Jr., doing business as Harry E. Culbertson, Philadelphia, Pa., of certificate No. MC-35756 issued May 14, 1959, to Harry E. Culbertson and Harry E. Culbertson, Jr., a partnership, doing business as Harry E. Culbertson, Philadelphia, Pa., authorizing the transportation of new and used furniture, interior decorations, advertising and window displays, pictures, statues, electrical materials, window cleaning materials and supplies, brick, and terra cotta, flowers and plants, building materials and supplies, new office equipment and stationery supplies, heating supplies, elevators, lumber used in the crating of pictures and statues, and printing materials and supplies, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., points in Pennsylvania within 25 miles of Philadelphia, points in New Jersey, and points in the New York, N.Y., commercial zone, as defined by the Commission. Edwin L. Scherlis, 1209 Lewis Tower Building, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-71728. By order of November 24, 1969, the Motor Carrier Board approved the transfer to Nishna Valley Transfer, Inc., Wiota, Iowa, of certificate No. MC-35995 issued October 23, 1951, to A. M. Acker, Wiota, Iowa, authorizing the transportation of: Furniture, Agricultural implements, hardware, and petroleum oil and grease, feed, ground limestone, building material, and seed, between Omaha, Nebr., and Wiota, Iowa, and points within 15 miles of Wiota. Lanny N. Fauss, 1428 West Adams, Millard, Nebr. 68137, attorney for applicants.

No. MC-FC-71729. By order of November 24, 1969, the Motor Carrier Board approved the transfer to McLaughlin's Delivery Service, Inc., Philadelphia, Pa., of permit No. MC-106652 issued October 18, 1946, to Nicholas Dinella, Philadelphia, Pa., authorizing the transportation of: Uncrated furniture, from Philadelphia, Pa., to points in New York, New Jersey, Maryland, Delaware, and District of Columbia. Arnold Glaberson, 409 1 East Penn Square Building, Philadelphia, Pa. 19107, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14468; Filed, Dec. 4, 1969; 8:46 a.m.]

[Notice 455A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 2, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71083. By order of November 21, 1969, Division 3, approved the transfer to Pauline E. Richardson, doing business as Rich's South Shore Express, Hull, Mass., of the certificate of registration in No. MC-58425 (Sub-No. 2), issued January 5, 1965, to Vernon T. Fowler, doing business as Fowler's Express, Whitman, Mass., authorizing the transportation of general commodities within the Commonwealth of Massachusetts. Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14471; Filed, Dec. 4, 1969; 8:47 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 233

Friday, December 5, 1969 • Washington, D.C.

PART II

DEPARTMENT OF COMMERCE

National Bureau of Standards

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American Lumber Standards For Softwood Lumber

Revision



DEPARTMENT OF COMMERCE

National Bureau of Standards

AMERICAN LUMBER STANDARDS FOR SOFTWOOD LUMBER

Revision

By notice published in the FEDERAL REGISTER of July 8, 1969 (34 F.R. 11322), the Department of Commerce announced its intention of proceeding with the balloting of a recommended revision of Simplified Practice Recommendation 16–53, "the American Lumber Standards for Softwood Lumber." The notice stated that this balloting would be conducted by the Bureau of the Census. The notice further stated that objections raised by interested members of the public would be carefully considered by the Department whether or not the party registering the objection was included in the Census tabulation.

The balloting conducted by the Bureau of the Census indicates that the recommended revision is favored by not less than 87 percent of the producers, distributors, and users-consumers of softwood lumber.

An analysis of all comments received during the processing of the recommended revision discloses no substantive objections deemed valid by the Department.

All procedural and substantive criteria for the development of voluntary product standards (15 CFR Part 10, as amended May 11, 1968) having now been satisfied, Simplified Practice Recommendation 16–53 is hereby revised as set forth below. The revised standard is denominated as Voluntary Product Standard 20–70, "American Softwood Lumber Standard."

Effective date. This revision shall become effective on March 1, 1970, except that for administrative purposes it shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued: November 28, 1969.

LEWIS M. BRANSCOMB,
Director.

Approved:

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

VOLUNTARY PRODUCT STANDARD 20–70

American Softwood Lumber Standard

1. PURPOSE

1.1. *General.* The responsibility of the entire softwood lumber industry for maintaining, in the public interest, nationally recognized size, grade, and inspection standards is recognized. The purpose of this Product Standard is to establish voluntary standards for the size, grade, and inspection of softwood lumber.

This Product Standard is intended to establish a common basis for uniform industrywide inspection and grademarking practices for each piece of lumber which is produced and sold in accordance with the provisions hereof. The Standard also provides a standardized working basis for the coordination of the grades of the various species of softwood lumber and for the preparation of grading rules applicable to each species. These American Lumber Standards are not intended for use either as grading rules or as purchase specifications.

2. SCOPE

2.1. *General.* This Product Standard covers the principal trade classifications and sizes of softwood lumber for yard, structural, and shop use. It provides a common basis of understanding for the classification, measurement, grading, and grade marking of rough and dressed sizes of various items of lumber, including finish, boards, dimension, and timbers.

2.2. *Supplementary.* This Standard also includes the following:

(1) The organization and functions of the American Lumber Standards Committee, its Board of Review, and the National Grading Rule Committee;

(2) The standard commercial names of the principal softwood species;

(3) The standard definitions of terms used in describing standard grades of lumber; and

(4) The standard lumber industry abbreviations.

3. RECOMMENDATIONS

3.1. *General.* Standard terms and practices are defined and discussed in this section to encourage and promote the use of uniform methods in the grading, inspection, measurement, and description of softwood lumber.

3.2. *Application.* This Standard applies to such lumber as may be identified as a manufactured product derived from a softwood log in a sawmill, or in a sawmill and planing mill, which when rough shall have been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length, and which has not been further manufactured other than by crosscutting, ripping, resawing, joining crosswise and/or endwise in a flat plane, surfacing with or without end matching, and working.

3.3. *Designation—"American Standard Lumber".* Lumber conforming to the basic minimum size and grade provisions of the American Lumber Standards, when graded under rules approved by the Board of Review of the American Lumber Standards Committee, as hereinafter provided, may be designated "American Standard Lumber."

3.4. *Terminology.*

3.4.1. *Dry lumber.* For the purposes of this Standard, dry lumber is defined as lumber which has been seasoned or dried to a moisture content of 19 percent or less.

3.4.2. *Green lumber.* For the purpose of this Standard, green lumber is defined as lumber having a moisture content in excess of 19 percent.

3.4.3. *Species.* The standard commercial names for lumber cut from the principal species of softwoods contained in section 11 should be used in the formulation of lumber grading rules and in the terms of purchase and sale of American Standard Lumber.

3.4.4. *Characteristics.* The limitations of any grade of lumber described in certified grading rules should be expressed within the terms of the definitions in section 12 of this Standard.

3.4.5. *Abbreviations.* The standard lumber abbreviations are shown in section 13 of this Standard.

3.5. *Measurement and tally.*

3.5.1. *Board measure.* "Board measure" is the term used to indicate that a board foot is the unit of measurement of lumber. The number of board feet in a piece is obtained by multiplying the nominal thickness in inches by the nominal width in feet by the length in feet, except for lumber with a nominal thickness less than 1 inch, for which the number of board feet equals the product of the nominal width in feet by the length in feet.

3.5.2. *Tally, standard sizes.* Lumber should be tallied board measure. The invoices for lumber of standard sizes should show the number of pieces of each nominal size and length as well as the net thickness and width of such lumber. A piece tally in board feet for each length should also be shown on the invoice for shipments based on board measure.

3.5.3. *Tally, nonstandard sizes.* Lumber finished to nonstandard sizes should be tallied board measure as of either the rough or the nominal size necessarily used in its manufacture, and the actual thickness and width of such lumber should be shown on the invoice.

3.5.4. *Board rule tally.* In lumber specified to be measured with a board rule on actual widths, pieces measuring to the even half foot are alternately counted as of the next higher and lower foot count; fractions below the half foot are dropped and fractions above the half foot are counted as of the next higher foot.

3.5.5. *Averages—length, width.* The average length in feet of a shipment of lumber is computed by dividing the total length in feet by the total number of pieces in the shipment. The average width in inches of a shipment of lumber 1 inch or less in thickness is computed by dividing the total board feet by the total length in feet and multiplying the result by 12; but if thicker than 1 inch, the total board foot tally is divided first by the nominal thickness as expressed in inches and fractions of an inch.

3.6. *Special provisions.*

3.6.1. *Bundled lumber.* Each length of bundled lumber, except end-matched lumber, bevel siding, and bungalow siding, should be bundled separately.

3.6.2. *Rough finish and boards.* In shipments of rough finish and boards, pieces ½ inch or more above the nominal thickness, such as may be produced by uneven sawing, may, at the option of the buyer, be rejected or be accepted as of the next lower grade.

3.6.3. *Specified lengths.* The marketing practice covering lengths of lumber should permit the buyer to obtain specified lengths or specified assortments of lengths.

4. CLASSIFICATIONS OF AMERICAN STANDARD LUMBER

4.1. *General.* American Standard softwood lumber shall be classified according to the use, manufacturing, and size classifications shown below.

4.2. *Use classifications.* Softwood lumber is classified by use as follows:

(1) *Yard lumber.* Lumber of those grades, sizes, and patterns which is generally intended for ordinary construction and general building purposes.

(2) *Structural lumber.* Lumber that is 2 or more inches in nominal thickness and width for use where working stresses are required.

(3) *Factory and shop lumber.* Lumber that is produced or selected primarily for remanufacturing purposes (see 5.4).

NOTE: The actual sizes of all lumber dimensions referenced in this Standard in terms of "nominal" sizes are set-out in Tables 1 through 5. The use of "nominal" sizes in the language of the Standard is for convenience and follows the practice of the industry. No inference should be drawn that the "nominal" sizes are actual sizes.

4.3. *Manufacturing classifications.* Softwood lumber is classified according to extent of manufacture as follows:

(1) *Rough lumber.* Lumber which has not been dressed (surfaced) but which has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.

(2) *Dressed (surfaced) lumber.* Lumber that has been dressed by a planing machine (for purpose of attaining smoothness of surface and uniformity of size) on one side (S1S), two sides (S2S), one edge (S1E), two edges (S2E), or a combination of sides and edges (S1S1E, S1S2E, S2S1E, S4S).

(3) *Worked lumber.* Lumber which, in addition to being dressed, has been matched, shiplapped, or patterned.

(a) *Matched lumber.* Lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue-and-groove joint by fitting two pieces together; when end-matched, the tongue and groove are worked in the ends also.

(b) *Shiplapped lumber.* Lumber that has been worked or rabbeted on both edges of each piece to provide a close-lapped joint by fitting two pieces together.

(c) *Patterned lumber.* Lumber that is shaped to a pattern or to a molded form, in addition to being dressed, matched, or shiplapped, or any combination of these workings.

4.4. *Size classifications.* Softwood lumber is classified according to size as follows:

4.4.1. *Nominal size.* Softwood lumber is classified by nominal size as follows:

(1) *Boards.* Lumber less than 2 inches in nominal thickness and 2 or more inches in nominal width. Boards less than 6 inches in nominal width may be classified as strips.

(2) *Dimension.* Lumber from 2 inches to, but not including, 5 inches in nominal thickness, and 2 or more inches in nominal width. Dimension may be classified as framing, joists, planks, rafters, studs, small timbers, etc.

(3) *Timbers.* Lumber 5 or more inches nominally in least dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.

4.4.2. *Roughdry*[1] *size.* The minimum roughdry thickness of finish, common boards, and dimension of sizes 1 or more inches nominal thickness shall be not less than ⅛ inch thicker than the corresponding minimum finished dry thickness, except that 20 percent of a shipment may be not less than $\frac{3}{32}$ inch thicker than the corresponding minimum-finished dry thickness. The minimum roughdry widths of finish, common strip, boards, and dimension shall be not less than ⅛ inch wider than the corresponding minimum-finished dry width.

4.4.3. *Dressed sizes.* Dressed sizes of lumber shall equal or exceed the minimum sizes shown in Tables 1, 2, 3, 4, and 5. (Refer also to 5.5.5 covering length and 7.2 for grade-marking nonstandard sizes.)

[1] Roughdry means before dressing and at moisture content specified for seasoned lumber in 5.6.1.

TABLE 1. NOMINAL AND MINIMUM-DRESSED DRY SIZES OF FINISH, FLOORING, CEILING, PARTITION, AND STEPPING AT 19 PERCENT MAXIMUM-MOISTURE CONTENT

(The thicknesses apply to all widths and all widths to all thicknesses except as modified.)

Item	Thicknesses		Face Widths	
	Nominal [1]	Minimum dressed	Nominal	Minimum dressed
	Inches			*Inches*
Finish	⅜	5/16	2	1½
	½	7/16	3	2½
	⅝	9/16	4	3½
	¾	⅝	5	4½
	1	¾	6	5½
	1¼	1	7	6½
	1½	1¼	8	7¼
	1¾	1½	9	8¼
	2	1½	10	9¼
	2½	2	11	10¼
	3	2½	12	11¼
	3½	3	14	13¼
	4	3½	16	15¼
Flooring [2]	⅜	5/16	2	1¼
	½	7/16	3	2¼
	⅝	9/16	4	3¼
	1	⅝	5	4¼
	1¼	1	6	5¼
Ceiling [2]	1½	1¼		
	⅜	5/16	3	2¼
	½	7/16	4	3¼
	⅝	9/16	5	4¼
	¾	11/16	6	5¼
Partition [2]	1	23/32	3	2¼
			4	3¼
			5	4¼
			6	5¼
Stepping [2]	1	¾	8	7¼
	1 1/16	1	10	9¼
	1½	1¼	12	11¼
	2	1½		

[1] For nominal thicknesses under 1 inch, the board measure count is based on the nominal surface dimensions (width by length). With the exception of nominal thicknesses under 1 inch, the nominal thicknesses and widths in this table are the same as the board measure or count sizes.

[2] In tongued-and-grooved flooring and in tongued-and-grooved and shiplapped ceiling of 5/16-inch, 7/16-inch, and 9/16-inch dressed thicknesses, the tongue or lap shall be 3/16-inch wide, with the over-all widths 1/16 inch wider than the face widths shown in the table above. In all other worked lumber of dressed thicknesses of ⅝ inch to 1¼ inches, the tongue shall be ¼ inch wide or wider in tongued-and-grooved lumber, and the lap ⅜-inch wide or wider in shiplapped lumber, and the over-all widths shall be not less than the dressed face widths shown in the above table plus the width of the tongue or lap.

TABLE 2. NOMINAL AND MINIMUM-DRESSED SIZES OF SIDING AT 19 PERCENT MAXIMUM MOISTURE CONTENT

(The thicknesses apply to all widths and all widths to all thicknesses.)

Item	Thickness		Face widths	
	Nominal [1]	Minimum dressed	Nominal	Minimum Dressed
	Inches	*Inches*		*Inches*
Bevel siding	½	⅜ butt, ⅛ tip	4	3½
	9/16	7/16 butt, 1/16 tip	5	4½
	¾	⅝ butt, 1/16 tip	6	5½
	1	15/16 butt, 1/16 tip	8	7¼
		¾ butt, 1/16 tip	10	9¼
			12	11¼
Bungalow siding	¾	11/16 butt, 1/16 tip	6	5¼
			8	7¼
			10	9¼
			12	11¼
Rustic and drop siding (shiplapped, ⅜-in. lap)	⅝	⅝	4	3½
	1	15/16	5	4½
			6	5½
			8	7¼
			10	9¼
			12	11¼
Rustic and drop siding (shiplapped, ½-in. lap)	¾	⅝	4	3½
	1	15/16	5	4½
			6	5½
			8	7¼
			10	9¼
			12	11¼
Rustic and drop siding (dressed and matched)	¾	⅝	4	3½
	1	15/16	5	4½
			6	5½
			8	7¼
			10	9¼
			12	11¼

[1] For nominal thicknesses under 1 inch, the board measure count is based on the nominal surface dimensions (width by thickness) and length of the boards. With the exception of nominal thicknesses under 1 inch, the nominal thicknesses and widths in this table are the same as the board measure or count sizes.

TABLE 3. NOMINAL AND MINIMUM-DRESSED SIZES OF BOARDS, DIMENSION, AND TIMBERS

(The thicknesses apply to all widths and all widths to all thicknesses.)

Item	Thickness		Face widths	
	Nominal	Minimum dressed	Nominal	Minimum dressed
		Dry [1] Green [1]		Dry [1] Green [1]
	Inches	*Inches*		*Inches* *Inches*
Boards [2]	1	¾ 25/32	2	1½
	1¼	1 1/32	3	2½ 2 9/16
	1½	1¼ 1 9/32	4	3½ 3 9/16
			5	4½
			6	5½
			7	6½
			8	7¼
			9	8¼
			10	9¼
			11	10¼
			12	11¼
			14	13¼
			16	15¼
Dimension	2	1½ 1 9/16	2	1½
	2½	2 2 1/16	3	2½
	3	2½ 2 9/16	4	3½
	3½	3 3 1/16	5	4½
			6	5½
			8	7¼
			10	9¼
			12	11¼
			14	13¼
			16	15¼
Dimension	4	3½ 3 5/16	2	1½
	4½	4 4 1/16	3	2½
			4	3½
			5	4½
			6	5½
			8	7¼
			10	9¼
			12	11¼
Timbers	5 and thicker.	½ off	6 and wider.	½ off

[1] See 3.4.1 and 3.4.2 for the definitions of dry and green lumber.

[2] Boards less than the minimum thickness listed in this table will be marked to show the size and condition of seasoning at the time of dressing. They shall also be distinguished from 1-inch boards on invoices and certificates.

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TABLE 4. NOMINAL AND MINIMUM-DRESSED SIZES OF (2-INCH AND UNDER) SHIPLAP, CENTERMATCH, AND D & M

(The thicknesses apply to all widths and all widths to all thicknesses.)

Item	Thicknesses			Face widths		
	Nominal	Minimum dressed		Nominal	Minimum dressed	
		Dry [1]	Green [1]		Dry [1]	Green [1]
		Inches	*Inches*		*Inches*	*Inches*
Shiplap, ⅜-inch lap	1	¾	25/32	4	3⅛	3 3/16
				6	5⅛	5⅛
				8	6⅞	7⅛
				10	8⅞	9⅛
				12	10⅞	11⅛
				14	12⅞	13⅛
				16	14⅞	15⅛
Shiplap, ½-inch lap	1	¾	25/32	4	3	3 3/16
				6	5	5⅛
				8	6¾	7
				10	8¾	9
				12	10¾	11
				14	12¾	13
				16	14¾	15
Centermatch, ⅜-inch tongue	1	¾	25/32	4	3⅛	3 3/16
	1⅛	1	1 3/32	5	4⅛	4⅛
	1⅜	1¼	1 9/32	6	5⅛	5⅛
				8	6⅞	7⅛
				10	8⅞	9⅛
				12	10⅞	11⅛
2" D & M, ⅜-inch tongue	2	1½	1 9/16	4	3	3 3/16
				6	5	5⅛
				8	6¾	7
				10	8¾	9
				12	10¾	11
2" Shiplap, ½-inch lap	2	1½	1 9/16	4	3	3 3/16
				6	5	5⅛
				8	6¾	7
				10	8¾	9
				12	10¾	11

[1] See 3.4.1 and 3.4.2 for the definitions of dry and green lumber.

TABLE 5. Worked lumber such as factory flooring, heavy roofing, decking, and sheet piling

(The thicknesses apply to all widths and all widths to all thicknesses.)

(See "Note.")

Thicknesses [1]		Face widths	
Nominal	Minimum dressed	Nominal	Minimum dressed
	Inches		*Inches*
TONGUE AND GROOVED			

	Dry	*Green*		*Dry*	*Green*
2½	2	2 5/16	4	3	3 5/16
3	2½	2 9/16	6	5	5⅛
3½	3	3 1/16	8	6¾	7
4	3½	3 9/16	10	8¾	9
4½	4	4 1/16	12	10¾	11

SHIPLAP

	Dry	*Green*		*Dry*	*Green*
2½	2	2 5/16	4	3	3 5/16
3	2½	2 9/16	6	5	5⅛
3½	3	3 1/16	8	6¾	7
4	3½	3 9/16	10	8¾	9
4½	4	4 1/16	12	10¾	11

GROOVED-FOR-SPLINES

	Dry	*Green*		*Dry*	*Green*
2½	2	2 5/16	4	3½	3 9/16
3	2½	2 9/16	6	5½	5 9/16
3½	3	3 1/16	8	7⅛	7½
4	3½	3 9/16	10	9⅛	9½
4½	4	4 1/16	12	11⅛	11½

NOTE: In worked lumber of nominal thicknesses of 2 inches and over, the tongue shall be 3/8 inch wide in tongued-and-grooved lumber and the lap ½ inch wide in shiplapped lumber, with the overall widths ⅛ inch and ½ inch wider, respectively, than the face widths shown in the above table. Double tongued-and-grooved decking may be manufactured with a 5/16-inch tongue.

[1] See Table 3 for information on 2-inch dimension.

5. GRADING PROVISIONS

5.1. *Standards for grading.* To the extent to which differences in the characteristics of species, in the quality of logs, in conditions of manufacture, and in the uses to which the product is put will permit, in practical application, the basic provisions for the grading of lumber shall be uniform. The grading of lumber cannot be considered an exact science because it is based on either a visual inspection of each piece and the judgment of the grader or on the results of a method of mechanically determining the strength characteristics of structural lumber (see 5.3.2). Grading rules, however, shall be sufficiently explicit to establish a maximum of 5 percent below grade as a reasonable variation between graders. If any grading rules indicate that a grade qualifies under two use classifications, the grade provisions shall satisfy the requirements for both classifications.

5.2. *Yard lumber.*

5.2.1. *Grade classifications.* The grading of yard lumber is based upon the uses for which the particular grade is designed, and is applied to each kind with reference to its size and length when graded, without consideration to further manufacture. On the basis of quality, the basic grade classifications of yard lumber are as follows:

(1) *Select.* Lumber of good appearance and finishing qualities.

(a) Suitable for natural finishes.

(i) Practically clear.

(ii) Generally clear and of high quality.

(b) Suitable for paint finishes.

(i) Adapted to high-quality paint finishes.

(ii) Intermediate between high-finishing grades and common grades, and partaking somewhat of the nature of both.

(2) *Common.* Lumber which is suitable for general construction and utility purposes.

(a) For standard construction use.

(i) Suitable for better type construction purposes.

(ii) Well adapted for good standard construction.

(iii) Designed for low-cost temporary construction.

(b) For less exacting construction purposes.

(i) Low quality.

(ii) Lowest recognized grade must be usable.

5.2.2. *Grade characteristics.* The method of determining the extent and limitations of the characteristics permitted in the poorest pieces admissible in each grade of yard lumber shall be stated in an approved rule, except in the lowest grade of each classification. A grade shall be representative, however; and shall not comprise only low-line pieces.

5.2.3. *Grade sizes.* The dressed thicknesses and widths of yard lumber as specified in 4.4 shall be considered as minimum standards for the corresponding nominal sizes as shown. Lumber of standard size, rough or dressed, may be described by its nominal dimension providing net sizes are also shown.

5.2.4. *Grading—faces.* Timbers and dimension shall be graded from all four faces. All other yard lumber and yard boards may be graded from the face or best side only.

5.3. *Structural lumber.*

5.3.1. *Development of working stress and MOE values.* Working stress and modulus of elasticity (MOE) values contained in grading rules shall be developed in accordance with appropriate ASTM standards and other technically sound criteria. The National Bureau of Standards, with the advice and counsel of the U.S. Forest Products Laboratory, shall be the final authority as to the appropriateness of such standards or criteria. The Board of Review shall seek the assistance of the Forest Products Laboratory in reviewing working stress and modulus of elasticity values set forth in grading rules and, in the case of each set of grading rules submitted for approval, the Board shall obtain a report from the laboratory to verify that the procedures used in developing the claimed values are in accordance with the standards and criteria described herein. Rules-writing agencies shall make available upon request an explanation of the means by which the claimed values were derived. When more than one rules-writing agency has responsibility for writing grading rules for a species, a group of species, or a geographical subdivision of a species or of a group of species, a common set of strength and stiffness values will be used by the agencies involved for that species, subdivision, or group of species in the interests of uniformity and standardization.

5.3.2. *Grading—mechanical.* The grading of structural lumber by mechanical means is recognized as an acceptable method of grading, but all such grading equipment and methods are subject to approval and certification by the Board of Review.

5.3.3. *Grading—faces.* Timbers and dimension shall be graded from all four faces.

5.4. *Factory and shop lumber.*

5.4.1. *Grade classification.* The end use of factory and shop lumber produced from different species and in the several regions varies considerably; accordingly, the American Lumber Standard grade classifications shall be those promulgated by the several agencies which formulate and publish grading rules and which have been approved by the Board of Review.

5.4.2. *Grade characteristics.* Factory and shop lumber is graded with reference to its use for doors and sash, or on the basis of characteristics affecting its use for general cutup purposes, or on the basis of size of cutting. The grade of factory and shop lumber shall be determined by the percentage of the area of each board or plank available in cuttings of specified or of given minimum size and qualities. The grade of factory and shop lumber shall be determined from the poor face, although the quality of both sides of each cutting must be considered.

5.4.3. *Grade sizes.* The end use of factory and shop lumber produced from different species and in the several regions varies considerably; accordingly, the American Lumber Standard grade sizes shall be those promulgated by the several agencies which formulate and publish grading rules and which have been approved by the Board of Review.

5.4.4. *Warped lumber.* The cuttings in warped lumber shall be so laid out as to surface two sides to standard thickness and have straight edges parallel to the edges of the board or plank.

5.5. *General grading provisions.*

5.5.1. *Grade characteristics.* Characteristics permitted and limitations for rough lumber shall be the same as those prescribed in grading rules for dressed lumber of like kind and grade, and in addition, such others as will disappear in standard dressing shall be allowed. If characteristics other than those described in certified grading rules are encountered, they shall be appraised in relation to the characteristics permitted or limitations prescribed for the grade under consideration and shall be allowed if regarded as equivalent or less damaging in effect on the strength, appearance, or other utility value of the peace. The characteristics and limitations in any grade or species vary as the area of the piece increases or diminishes with respect to the basic size or area specified, but their size shall not exceed that permitted in the respective grading rules.

5.5.2. *Special provisions.* When heartwood, sapwood, grain classifications, and other optional provisions are specified, and the lumber conforms to the requirements of such special provisions as well as of the regular grade designated, it may be regarded as of standard quality.

5.5.3. *Mixed grades.* Mixed grades other than the two highest established grades for each species shall not be included in certified grading rules.

5.5.4. *Nonstandard grades.* When nonstandard grades, sizes, or workings are specified or when particular provisions of a standard grade are waived or changed, inspection shall be made accordingly, but all of the other provisions of the standard grading rules shall apply.

5.5.5. *Standard lengths.* Standard lengths of lumber shall be in multiples of 1 or 2 feet as specified in the certified grading rules.

5.5.6. *Trimmed lengths.* Unless otherwise stated in the contract of purchase, yard lumber shall be trimmed for the removal of spur and splintered ends, and if 2 inches and less in nominal thickness (except lath), shall be double-end-trimmed to a length that is not scant of nominal length and that is not over 3 inches in excess of nominal length.

5.6. *Seasoning provisions.*

5.6.1. *General.* Grading rule provisions dealing with lumber seasoning and moisture content shall be developed by each region in accordance with its own conditions and the requirements of the users of its products subject to the other provisions of this section. Provisions for seasoned lumber shall be expressed in terms of maximum moisture content to be allowed at any point on each piece. The restrictions on the moisture content of seasoned lumber shall apply at the time of shipment, at the time of dressing (if dressed lumber is involved), and at the time of any reinspection (if moisture content is involved in the reinspection), as provided in the applicable grading rules. Moisture content determinations shall be made with electric meters of the type described in section 9, Method B of ASTM D 2016–65, Standard Methods of Test for Moisture Content of Wood,[2] and the procedures to be used in making such determinations shall be in accordance with those described in section 11, Method B of ASTM D 2016–65.

5.6.2. *Grading rules.* The grading rules for each species or region shall include clear definitions for dry (see 3.4.1) lumber, under 5-inch nominal thickness, which shall be based on 19 percent or lower maximum moisture content, but the grading and grade marking of green (3.4.2) or dry lumber of any item as American Standard Lumber is a matter for each rules publishing agency to determine in accordance with its own conditions.

5.6.3. *Dry size requirements.* The grading rules shall require all lumber under 5-inch nominal thickness sold as dry to be 19 percent or less in moisture content at the time of dressing, and to be not less than American Lumber Standards minimum dry dressed thickness and width at 19 percent moisture content, or at such lower maximum-moisture content as may be applicable to the lumber at the time of dressing. The minimum-dressed dry sizes are shown in Tables 1, 2, 3, 4, and 5. Shrinkage that may occur after dressing to standard dry size shall be recognized through the allowance of a tolerance below minimum American Lumber Standards dry sizes on the basis of 1 percent shrinkage for each four points of moisture content reduction below the applicable maximum or 0.7 percent shrinkage for Redwood, Western Red Cedar, and Northern White Cedar for each four points of moisture content reduction.

5.6.4. *Size differentials.* When the grading rules in any region permit lumber under 5-inch nominal thickness to be dressed green, the rules shall require that the lumber be dressed to sizes specifically stated in the rules, which sizes shall provide differentials both in thickness and width, as set forth in Tables 3, 4, and 5.

5.6.5. *Green size requirements.* The green sizes specifically stated in the rules shall be not less than the green sizes[3] shown in Tables 3, 4, and 5, except for Redwood, Western Red Cedar, and Northern White Cedar. (For these three species, the following minimum dressed thicknesses shall apply: $2\frac{1}{32}$ inch for corresponding $\frac{5}{8}$ inch dry, $2\frac{5}{32}$ inch for nominal 1 inch, $1\frac{9}{16}$ inch for 2 inch nominal, $2\frac{1}{16}$ inch for nominal $2\frac{1}{2}$ inch, $2\frac{9}{16}$ inch for nominal 3 inch, $3\frac{1}{16}$ inch for nominal $3\frac{1}{2}$ inch, $3\frac{9}{16}$ inch for nominal 4 inch, and $4\frac{1}{16}$ inch for nominal $4\frac{1}{2}$ inch. The following minimum green dressed widths shall apply: $2\frac{9}{16}$ and $3\frac{9}{16}$ inch for nominal 3 inch and 4 inch, $4\frac{9}{16}$, $5\frac{9}{16}$, and $6\frac{9}{16}$ inch for nominal 5 inch, 6 inch, and 7 inch, $7\frac{3}{8}$, $9\frac{3}{8}$, $11\frac{3}{8}$ inch for nominal 8 inch, 10 inch, and 12 inch, $12\frac{7}{16}$ and $15\frac{7}{16}$ for nominal 14 inch and 16 inch.) Shrinkage that may occur after dressing to standard green size shall be recognized through the allowance of a tolerance below minimum American Lumber Standard green sizes on the basis of 1 percent shrinkage for each four points of moisture content below 30 percent, or 0.7 percent shrinkage for Redwood, Western Red Cedar, and Northern White Cedar for each four points of moisture content below 30 percent.

5.6.6. *Grade marking.* When grading rules provide for grade marking of lumber under 5-inch nominal thickness, the rules shall contain a provision for standardized marking of such lumber so as to indicate whether the lumber was green or dry at time of dressing.

6. INSPECTION PROVISIONS

6.1. *General.* Subject to freedom of agreement between buyer and seller as to the settlement of complaints, the purchase, sale, or shipment of American Standard grades of lumber is construed as involving agreement to submit to reinspection by the certified inspection agency under whose published rules the lumber was graded, any complaint involving grades, sizes, moisture content, or tally. Grading rules shall include provisions for reinspection in case of complaint, available to anyone at reasonable cost.

6.2. *Payment—certificate costs.* When a certified agency issues a certificate on a shipment, the party requesting the certificate shall pay for the cost thereof.

6.3. *Service.* Inspection service is required to be available for the inspection of grades not described in the rules only when written, detailed specifications accompany the request for such inspection and for the inspection of standard grades in nonstandard sizes only on the basis of 5.5.4, unless otherwise prescribed in the contract of purchase and sale.

6.4. *Complaints.* Grade complaints may be recognized on lumber only when it is in the form in which it was shipped. Any subsequent change in manufacture or working or through kiln-drying will relieve the seller of responsiblity of any grade complaints.

6.5. *Inspection and reinspection procedures.*

6.5.1. *Buyers' responsibilities.* In case of complaint, the buyer is required to accept that portion of the shipment that is of the grade, size, or moisture content specified and shall hold intact that portion which is disputed for inspection or reinspection. Any action on the part of the buyer in accepting and using such portion of the shipment that is of the grade, size, or moisture content specified shall not be construed as the acceptance of the entire shipment. The buyer shall hold the disputed material intact, properly protected, for not exceeding 30 days after date of the request for inspection or reinspection. The buyer shall file complaint with the seller within the time specified in the following provisions. The buyer shall pay in accordance with the terms of the sale for that portion which he accepts, but acceptance by the buyer of a part of a shipment does not prejudice his just claims on account of any unused lumber that is alleged by him to be not of the grade, size, or moisture content specified.

6.5.2. *Sellers' responsibilities.* Upon receipt of complaint from the purchaser, the seller shall immediately request the agency under whose rules shipment has been made, or such other agency as may have been agreed upon, to provide inspection or reinspection or retally, as the case may be, according to its grading rules in effect at the time of execution of contract.

6.5.3. *Cost and assistance.* The expense of such inspection, reinspection, or retally shall be borne in accordance with the inspection provisions of the applicable grading rules, but the person calling for the reinspection shall be responsible to the agency for the costs thereof. The purchaser shall lend all reasonable assistance to facilitate the inspection or reinspection or retally.

6.5.4. *Tally grade and size complaints.* In case of complaint involving tally, the entire item shall be held intact for retally. In case of complaint regarding grade or size, but not involving tally, the buyer is required to hold intact that portion that is of the grade or size which is in dispute for inspection and file complaint with the seller within 10 days of date of receipt of shipment.

6.5.5. *Moisture content complaints.* In case of complaint involving moisture content, the customer must inform the shipper of the complaint within 72 hours after the lumber is unloaded. In such cases, the shipper shall answer such complaint within 72 hours from receipt of complaint. A reinspection involving a complaint on moisture content shall be made in accordance with the provisions of the applicable grading rules. Each piece shall be tested for moisture content, and a separation shall be made of all pieces conforming to the maximum allowable from any portion exceeding such maximum.

6.5.6. *Reinspection results.* Each item of a shipment shall be considered as of the grade invoiced if, upon reinspection under the grading rules under which the lumber has been graded and sold, 95 percent or more thereof is found to be of said grade or better. When degrades in grade or moisture content or both are in excess of 5 percent of the board footage of each item or when they are more than one grade lower than the grade invoiced, such degrades shall be kept separate and shall be the property of the seller, unless otherwise agreed. These provisions shall not apply in the case of specially worked lumber.

7. GRADE MARKING PROVISIONS

7.1. *Agency certification and supervision.* When American Standard Lumber is grade marked, the grade marking shall be under the direction, including regular grading supervision at mills, of an agency certified by the Board of Review of the American Lumber Standards Committee as competent and having adequate facilities for such supervision.

7.1.1. *Agency procedure.* Each certified agency shall submit procedures with respect to grade marking to the Board of Review for approval.

7.1.2. *Agency symbol.* Each agency, so certified by the Board of Review, shall maintain a bona fide supervisory inspection service under which each mill authorized to use the registered symbol of the certified agency[4] in conjunction with the grade mark will be checked regularly as to grading efficiency and conformity to all the agency established rules for grade marking.

7.2. *The grade mark.* When American Standard Lumber is grade marked, the grade marking shall be subject to the following provisions:

(1) The grade mark shall signify that the lumber conforms to the size, grade, and seasoning provisions of the rules under which it is graded. When green lumber thinner than 5-inch nominal is graded and grade marked (see also 5.6.6) under the applicable grading rules, it shall comply with the green size requirements of such rules. If lumber is dressed to a size below minimum American Lumber Standards requirements or below the minimum sizes set forth in the applicable grading rules, the stamp must show size, and if thinner than 5-inch nominal, in addition, must state whether the lumber was dry or green when dressed. If lumber is dressed to less than the standard thickness of 1-inch nominal, the stamp must show the dressed thickness and whether the lumber was green or dry when dressed.

(2) An easily distinguishable mark or insignia, registered and symbolizing grading supervision by a certified agency, shall be used in conjunction with the grade mark for each agency.

(3) All pieces and/or bundles of a given grade shall be grade marked.

(4) Mixed grades other than the two highest recognized grades for each species shall not be grade marked with a combination grade designation; if grade marking is required, each piece of a grade shall be marked as of its actual grade.

(5) The grade mark for structural lumber, except machine graded lumber, shall include an identification or designation of the commercial name of the species (see Section 11) from which the lumber was produced. The identification of species will not be required when the agency symbol also indicates the species from which the lumber was produced. Where grading rules contain provisions for the grouping of species, each individual species included in a group shall be identified in the rules and the grade mark will include the designation assigned to the group.

(6) A certified agency may provide further regulations for the use of its grade mark, provided the basic provisions of this section are observed.

7.3. *Delegation of grading authority.* Permission to grade mark may be delegated by any agency certified by the Board of Review to operate a mill supervisory service to those mills which are able to prove their ability to conform and their conformance currently with the grading rules for the species and grades which they manufacture and which agree to maintain the established standards of size and grade and to submit their lumber to inspection by the supervisory agency, both at the mill and upon complaint at destination.

8. AMERICAN LUMBER STANDARDS COMMITTEE

8.1. *Appointment of members.* The members of the American Lumber Standards Committee and their alternates shall be appointed by the Secretary of Commerce for terms of not less than 2 nor more than 5 years.

8.2. *Composition of committee.* The following procedures shall apply in making appointments to the Committee:

(1) Each agency which participates in this program and which formulates, publishes, and maintains grading rules and maintains inspection facilities covering the various lumber species shall nominate two persons for each member allotted to that agency. Members and their alternates shall be appointed from the nominees furnished by each agency according to the number of members allotted to each of the agencies as follows:

[2] Copies of ASTM publications can be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

[3] The minimum green sizes are based on shrinkage factors of 2.35 percent in thickness and 2.80 percent in width from the fiber saturation point to a 19 percent maximum moisture content with recognition given to manufacturing practices, differences in shrinkage characteristics between species of lumber, and the most practical groupings for efficient use.

[4] Facsimiles of the grade marks of the grading and inspection agencies that are certified by the American Lumber Standards Committee shall be made available to purchasers, consumers, and specifiers by the American Lumber Standards Committee.

Agency	Members allotted
Southern Pine Inspection Bureau	2
Western Wood Products Association	2
West Coast Lumber Inspection Bureau	2
Redwood Inspection Service	1
Northeastern Lumber Manufacturers Association	1
Northern Hardwood & Pine Manufacturers Association	1
Each other agency qualifying under this category	1

(2) Each lumber inspection agency which participates in this program and which does not publish grading rules may nominate one person for membership. Nominations may be made in the same manner by firms or organizations which are not members of inspection or rules-writing agencies. Three members of the Committee and their alternates shall be appointed from among the nominees so furnished.

(3) Nominations of persons for membership on the Committee shall be received from firms or organizations within lumber specifying, distributing, and consuming groups at the request of the Secretary, and members shall be appointed from those groups as follows:

Groups	Members allotted
Lumber Distributors & Wholesalers	2
Lumber Retailers	2
Intermediate Manufacturers (formerly millwork manufacturers)	1
Wood Using Industries	1
General Contractors	1
Home Builders	1
Architects and Engineers	2

(4) The Secretary may appoint members to represent the general public consumer at large.

(5) Each nomination for membership on the Committee shall be submitted to the Secretary of Commerce by the appropriate agency, firm, or organization upon request or whenever a vacancy occurs in the segment represented. Each nomination shall contain:

a. A summary of the qualifications of the nominee.

b. A statement of the method or procedure by which the nominee was selected by the agency, firm, or organization and the procedures under which he will exercise his responsibility for the agency or segment of the industry he represents.

c. A statement of any interests, financial or otherwise, which the nominee may have in agencies or segments of the industry other than the one he represents.

d. For agencies submitting more than one nominee, a listing in the order of priority recommended for appointment.

(6) Ex officio, nonvoting members may be appointed from the following Federal agencies:

Department of Defense.
Department of Agriculture.
Department of Interior.
General Services Administration.
Federal Housing Administration.
National Bureau of Standards.

8.2.1. *Balance of representation.* The Secretary of Commerce may from time to time make such changes in the constitution of the Committee or make additional appointments as he deems necessary to maintain a proper balance among the various segments of the industry and to insure that the views of the Committee are adequately representative of the entire lumber industry (including producers, distributors, and consumers).

8.2.2. *Committee Secretary.* Except as provided in 8.3(1) below, the manager or executive officer of the Board of Review, employed as hereinafter provided, shall serve as the Secretary of the American Lumber Standards Committee.

8.3. *Functions of committee.* The functions of the American Lumber Standards Committee shall be:

(1) To act as the Standing Committee for the purpose of considering proposals for future revisions of or amendments to the American Lumber Standards, which may result in recommendations to the Secretary of Commerce. When acting as the Standing Committee, the regular Product Standards Procedures shall be applicable, and the Secretary of Commerce shall furnish an executive secretary for the Standing Committee and may appoint a chairman for the Standing Committee. The proceedings of the Standing Committee shall be conducted within the spirit of Executive Order 11007 on Advisory Committees.

(2) To cooperate with the U.S. Department of Commerce in establishing and making continuously available, as the needs of the industry and trade may demand, basic standards of lumber size, pattern, quality, inspection, and reinspection.

(3) To determine the standards by which the Board of Review, as hereinafter provided, shall adjudge and approve as in conformance with the American Lumber Standards:

a. Any published grading rules.

b. The competency and reliability of, and adequacy of the facilities provided by, agencies publishing grading rules for the purpose of lumber certification, inspection, reinspection, and supervision of grade marking.

c. The competency and reliability of, and adequacy of the facilities provided by, lumber inspection agencies participating in this program that do not publish grading rules.

(4) To advise the Board of Review with respect to the interpretation or application of the published American Lumber Standards, and the detailed requirements defined and set up by the American Lumber Standards Committee in connection therewith.

(5) To fix, after consultation with the agencies participating in the use of its facilities, such charges and fees as the Committee finds to be necessary to cover the actual cost, including necessary reserves and provisions for contingencies, of carrying out its functions and those of the Board of Review. Such charges and fees shall be assessed at a uniform proportionate rate against the agencies participating in the use of the facilities of the Committee. The certification of any agency not paying its assessment within 60 days after notification by the Secretary of the Committee shall be revoked by the Board of Review.

8.4. *Transaction of business.*

8.4.1. *Meetings.* A majority of the members of the American Lumber Standards Committee representing agencies which formulate, publish, and maintain grading rules and maintain inspection facilities, together with a majority of the other members, shall constitute a quorum for the transaction of business. A vote of the majority of those present shall decide any question that may come before a meeting; but if at any meeting of the Committee there shall be less than a quorum present, a majority of those present may either adjourn the meeting from time to time or act on the subjects before it, subject to ratification in writing by the respective majorities which constitute a quorum.

8.4.2. *Correspondence.* Business may be transacted by correspondence without having been previously presented at a meeting of the Committee, in accordance with rules to be established by the Committee.

9. THE BOARD OF REVIEW

9.1. *Composition, election, terms, compensation, and removal.* The Board of Review shall be composed of three members, concurred in by the Department of Commerce, none of whom shall be members of the American Lumber Standards Committee or affiliated with a grading agency or any member of a grading agency.

(a) *Nominations.* Board of Review members shall be nominated as follows:

(1) One member shall be nominated by unanimous decision of those American Lumber Standards Committee members representing the certified rules-writing agencies.

(2) One member shall be nominated by majority decision of the certified non-rules-writing lumber inspection agencies. The Chairman of the American Lumber Standards Committee shall appoint a Committee member representing such agencies to determine and report their decision.

(3) The other members of the American Lumber Standards Committee shall nominate one or more persons for the purpose of electing the third member to the Board of Review.

(4) The names of the nominees shall be submitted to the Department of Commerce for concurrence prior to their election to the Board of Review and shall be accompanied by a summary of the qualifications of each nominee and a statement of any interests, financial or otherwise, which the nominee may have in the lumber industry.

(b) *Election.* Board of Review members shall be elected from among the aforesaid nominees by the members of the American Lumber Standards Committee by a majority of those voting. In the event that a nominee designated under parts (1) or (2) of subsection (a) of this section should fail to receive a majority of the votes cast at any election, a new nominee shall be designated in accordance with the procedure set forth in those parts (1) and (2).

(c) *Terms.* At the first meeting of the American Lumber Standards Committee following publication of this Standard, there shall be elected three members of the Board of Review for terms, respectively, of 3 years, 2 years, and 1 year, or until their successors are duly elected and qualify. Annually thereafter, one member shall be elected for a term of 3 years or until his successor is duly elected and qualifies. Vacancies on the Board of Review by reason of death, resignation, or removal may be filled in the same manner above specified at any regularly called Committee meeting. Any person elected to fill a vacancy shall serve the unexpired term of his predecessor.

(d) *Compensation.* The American Lumber Standards Committee shall fix and pay compensation to the members of the Board of Review and shall reimburse them for all reasonable expenses incurred in fulfilling their duties.

(e) *Removal.* Any Board of Review member may be removed by a vote of not less than two-thirds of all the members of the American Lumber Standards Committee, with the concurrence of the Department of Commerce.

9.2. *Board manager.* The Board of Review shall select, subject to the approval of the American Lumber Standards Committee, and employ, a salaried manager or other executive officer who shall assume the responsibilities and perform the duties delegated to him by the Committee or the Board of Review. Such manager or executive officer shall not be in the employment of any lumber organization, company, or inspection agency during his employment by the Board of Review.

9.3. *Autonomy of Board.* The Board of Review of the American Lumber Standards Committee shall be an autonomous body functioning under bylaws approved from time to time by the American Lumber Standards Committee and not inconsistent with this section.

9.4. *Functions of Board.* It shall be the function of the Board of Review to examine upon application and to certify as conforming to the requirements of American Lumber Standards and to the detailed requirements established by the American Lumber Standards Committee:

(1) Any grade strength ratios, nomenclature, and descriptions of grades published by the National Grading Rules Committee and any grading rules published by a competent and reliable agency having adequate facilities for mill inspection and for reinspection (provided that no such rules for any species in any region shall be certified if certified published rules and service applicable thereto are adequate and already fully and fairly available to all manufacturers, distributors, and consumers of such lumber, on equal terms and conditions without discrimination), when such rules do actually conform to the basic requirements of the American Lumber Standards and subject to the following conditions:

(a) That, upon approval by the Board of Review, the published rules carry specific references to such approval.

(b) That approval of the rules by the Board of Review impose the condition that the originating agency permit the publication of the rules without charge in whole or in part, including all applicable provisions and with all quoted parts clearly so indicated by anyone desiring to do so: *Provided,* That any such publication carry reference to the source of the rules and their effective date, and will be revised to conform with any subsequent changes in the rules, giving the effective dates thereof.

(c) That subsequent revisions may be made by the promulgating agency to grading rules that have been approved by the Board of Review. The Board shall take action on any proposed revisions within 90 days after submission to the Board.

(d) That grading rules of an agency shall not be certified as conforming to American Lumber Standards if the Board of Review determines that the dimension lumber rules therein fail to conform to the provisions of the National Grading Rule for dimension lumber established pursuant to section 10 of this Standard.

(2) The competency and reliability of, and adequacy of the facilities provided by agencies participating in this program for the purposes of lumber certification, inspection, reinspection, or supervision of grade marking.

(3) The procedure followed in authorizing mills to grade mark under adequate supervision.

(4) The continuing conformance of grading rules to American Lumber Standards, as well as the competency and performance of lumber inspection and grade marking agencies.

9.5. *Power of Board.* If at any time the practices of any approved and certified agency are found not in conformity with the standards adopted by the American Lumber Standards Committee, and if, after due notice in writing to that effect, those practices shall not have been brought into conformity with such standards by the agency concerned, the Board of Review is empowered to revoke all previous approval and certification granted that agency.

9.6. *Actions of Board.* In all actions in relation to the approval of grading rules, inspection facilities, and grade-marking practices, the American Lumber Standards Committee and the Board of Review shall proceed in a fair and nondiscriminatory manner, giving full and due consideration to the past experience and performance of agencies seeking approval, and shall apply uniform standards of judgment in making all determinations. In the matter of inspection agencies, definite requirements as to the integrity and competency of the agency and the adequacy of its facilities may be established, but all such requirements shall be uniformly applied with respect to all agencies seeking approval of the Board of Review. No inspection agency that is controlled by any person or firm whose own products are subject to its inspection and certification shall be approved. Inspection services furnished by buyers and users for inspection of their own purchases shall not be approved by the Board of Review.

9.7. *Availability of Board.* The facilities of the Board of Review shall be available at all times on equal terms to any affected party. They shall also be available to all lumber inspection agencies, without favor or discrimination, and without any requirement for joining or otherwise subscribing to any trade association or supporting any service or activity other than those of grading, standardization, grade marking, and inspection that fall within the jurisdiction of the Board of Review.

9.8. *Enforcement.* The Board of Review shall adopt, subject to prior approval by the American Lumber Standards Committee, and administer, rules, regulations, and sanctions to insure continued competency, reliability, and integrity of certified agencies providing inspection services with respect to performance of such agencies.

9.9. *Board hearings.* Any party affected by a decision or action of the Board of Review shall have the right to require the Board to hold a hearing at which such party may appear personally or by counsel and present evidence and argument in support of his position in accordance with procedures established by the Board.

9.10. *Reports of action.* The Board of Review shall within 30 days following an official action make such official action public.

10. NATIONAL GRADING RULE COMMITTEE

10.1. *Composition of committee.* The National Grading Rule Committee (NGRC) of the American Lumber Standards Committee shall be composed of persons representing the following organizations which desire to participate:

Organization	Number of Members
Southern Pine Inspection Bureau	2
Western Wood Products Association	2
West Coast Lumber Inspection Bureau	2
Redwood Inspection Service	1
Northeastern Lumber Manufacturers Association, Inc.	1
Northern Hardwood & Pine Manufacturers Association	1
Building Officials Conference of America	1
International Conference of Building Officials	1
Southern Building Code Congress	1
National Association of Home Builders	1
Canadian Inspection Agencies	1
American Society of Civil Engineers	1
American Institute of Architects	1
Consumer Organizations	1

Ex officio, nonvoting members may be appointed from the following Federal agencies:

Federal Housing Administration	1
Defense Supply Agency	1
Forest Products Laboratory	1
National Bureau of Standards	1

10.2. *Appointment of NGRC members.* Each organization or group of organizations desiring to participate and entitled to representation as hereinabove provided shall appoint annually the number of persons to which each is entitled, such

persons to be competent in the field of lumber technology. Notwithstanding the foregoing, the representative of consumer organizations shall be appointed by the American Lumber Standards Committee.

10.3. *Autonomy of NGRC.* The NGRC shall be an autonomous body functioning under bylaws (providing, among other things, for the appointment of subcommittees) approved from time to time by the American Lumber Standards Committee and not inconsistent with this section. The Chairman of the NGRC shall be elected annually by the Committee from among its members. Each member shall have one vote, and a majority of members of rules-writing agencies and a majority of the other members shall constitute a quorum to conduct business. A majority vote of those present and voting at a meeting shall prevail.

10.4. *Functions of the NGRC.* The NGRC shall establish, maintain, and make fully and fairly available grade strength ratios, nomenclature, and descriptions of grades for dimension lumber conforming to American Lumber Standards. Grading rules of an agency shall not be certified as conforming to American Lumber Standards if the Board of Review determines that the dimension lumber rules therein fail to conform to the provisions of the National Grading Rule for dimension lumber established pursuant to this section.

11. COMMERCIAL NAMES OF THE PRINCIPAL SOFTWOOD SPECIES [5]

The commercial names listed below are intended to provide a correlation between commercial names for lumber and the botanical names of the species from which the lumber may be manufactured. In some instances more than one species is associated with a single commercial name. For stress-graded lumber, the species to be associated under a commercial name will be determined in accordance with 5.3.1. These commercial names are to be used in grading rule descriptions and in specifications (see 3.4.3).

Commercial names for lumber [1]	Official common tree names [2]	Botanical names
Cedar:		
Alaska Cedar	Alaska-cedar	Chamaecyparis nootkatensis.
Incense Cedar	incense-cedar	Libocedrus decurrens.
Port Orford Cedar	Port-Orford-cedar	Chamaecyparis lawsoniana.
Eastern Red Cedar	eastern redcedar	Juniperus virginiana.
	southern redcedar	J. silicicola.
Western Red Cedar	western redcedar	Thuja plicata.
Northern White Cedar	northern white-cedar	Thuja occidentalis.
Southern White Cedar	Atlantic white-cedar	Chamaecyparis thyoides.
Cypress [3]	baldcypress	Taxodium distichum.
	pondcypress	T. distichum var. nutans.
Fir:		
Balsam Fir [4]	balsam fir	Abies balsamea.
	Fraser fir	A. fraseri.
Douglas Fir [5]	Douglas-fir	Pseudotsuga menziesii.
Noble Fir	noble fir	Abies procera.
White Fir	subalpine fir	Abies lasiocarpa.
	California red fir	A. magnifica.
	grand fir	A. grandis.
	noble fir	A. procera.
	Pacific silver fir	A. amabilis.
	white fir	A. concolor.
Hemlock:		
Eastern Hemlock	Carolina hemlock	Tsuga caroliniana.
	eastern hemlock	T. canadensis.
Mountain Hemlock	mountain hemlock	Tsuga mertensiana.
West Coast Hemlock	western hemlock	Tsuga heterophylla.
Juniper:		
Western Juniper	Alligator juniper	Juniperus deppeana.
	Rocky Mountain juniper	J. scopulorum.
	Utah juniper	J. osteosperma.
	western juniper	J. occidentalis.
Larch:		
Western Larch	western larch	larix occidentalis.
Pine:		
Jack Pine	jack pine	Pinus banksiana.
Lodgepole Pine	lodgepole pine	P. contorta.
Norway Pine	red pine	P. resinosa.
Ponderosa Pine	ponderosa pine	P. ponderosa.
Sugar Pine	sugar pine	P. lambertiana.
Idaho White Pine	western white pine	P. monticola.
Northern White Pine	eastern white pine	Pinus strobus.
Longleaf Yellow Pine [6]	longleaf pine	Pinus palustris.
	slash pine	P. elliottii.
Southern Yellow Pine	loblolly pine	Pinus taeda.
	longleaf pine	P. palustris.
	pitch pine	P. rigida.
	shortleaf pine	P. echinata.
	slash pine	P. elliottii.
	Virginia pine	P. virginiana.
Redwood	redwood	Sequoia sempervirens.
Spruce:		
Eastern Spruce	black spruce	Picea mariana.
	red spruce	P. rubens.
	white spruce	P. glauca.
Engelmann Spruce	blue spruce	Picea pungens.
	Engelmann spruce	P. engelmannii.
Sitka Spruce	Sitka spruce	Picea sitchensis.
Tamarack	Tamarack	Larix laricina.
Yew:		
Pacific Yew	Pacific yew	Taxus brevifolia.

[1] The commercial names for lumber represent commonly accepted commercial practice. It should be noted that some grading rules approved by the Board of Review provide for the inclusion of additional species under the established commercial names.

[2] The official common tree names conform to the Check List of Native and Naturalized Trees of the United States (including Alaska), Agriculture Handbook No. 41 (1953), and are sometimes used as names for lumber. In addition to the official common name for a species, the Check List also lists other names by which the species and the lumber produced from it are sometimes designated.

[3] Cypress includes types designated as Red Cypress, White Cypress, and Yellow Cypress. Red Cypress is frequently classified and sold separately from the other types.

[4] Balsam Fir lumber is sometimes designated either as Eastern Fir or as Balsam.

[5] Douglas Fir may be specified either as Coast Region Douglas Fir or as Inland Region Douglas Fir, but if the particular type is not so specified or is not otherwise indicated through the grade specifications, either or both types will be allowed.

[6] The commercial requirements for Longleaf Yellow Pine lumber are that not only must it be produced from trees of the botanical species of Pinus elliottii and Pinus palustris, but each piece in addition must average either on one end or the other not less than six annual rings per inch and not less than one-third summerwood. Longleaf Yellow Pine lumber is sometimes designated as Pitch Pine in the export trade.

[5] The information contained herein was obtained from ASTM Standard D 1165–52, Standard Nomenclature of Domestic Hardwoods and Softwoods, which was reapproved by ASTM in 1964.

12. DEFINITIONS OF TERMS USED IN DESCRIBING STANDARD GRADES OF LUMBER

The commonly recognized characteristics and conditions occurring in softwood lumber are:

Bark pockets.	Pitch pockets.
Checks.	Pitch seams.
Cross breaks.	Pitch streaks.
Cross grain.	Pith.
Decay.	Pith flecks.
Gum spots, streaks, etc.	Shake.
Holes.	Splits.
Knots.	Stain.
Mismanufacture.	Wane.
Pitch.	Warp.

air dried—Seasoned by exposure to the atmosphere, in the open or under cover, without artificial heat.

all-heart—Of heartwood throughout; that is, free of sapwood.

annual ring—Growth put on in a single year.

bark pocket—Patch of bark partially or wholly enclosed in the wood. Classified as are pitch pockets.

blemish—Anything marring the appearance of lumber.

bow—See Warp.

boxed pith—Where the pith is enclosed within the four sides of the piece.

bright—Unstained.

characteristics—Distinguishing features which by their extent and number determine the quality of a piece of lumber.

check—Lengthwise grain separation, usually occurring through the growth rings as a result of seasoning.

surface check—Occurs on a surface of a piece.

small surface check—Not over 1/32 inch wide and not over 4 inches long.

medium surface check—Not over 1/32 inch wide and over 4 inches long, but not over 10 inches long.

large surface check—Over 1/32 inch wide or over 10 inches long.

end check—Occurs on an end of a piece.

through check—Extends from one surface through the piece to the opposite surface or to an adjoining surface.

chipped grain—Area where the surface is chipped or broken out in very short particles below the line of cut. Not classed as torn grain and, as usually found, is not considered unless in excess of 25 percent of the surface involved.

clear—Free or practically free of all blemishes, characteristics, or defects.

compression wood—Abnormal wood that forms on the under side of leaning and crooked coniferous trees. It is characterized, aside from its distinguishing color, by being hard and brittle and by its relatively lifeless appearance.

corner—The intersection of two adjacent faces.

crook—See Warp.

cross break—Separation of the wood across the width.

crosscutting—Cutting with a saw across the width.

cup—See Warp.

cutting—Resulting pieces after crosscutting and/or ripping.

decay—Disintegration of wood substance due to action of wood-destroying fungi. Also known as dote and rot.

advanced (or typical) decay—Older stage of decay in which disintegration is readily recognized because the wood has become punky, soft, spongy, stringly, shaky, pitted, or crumbly. Decided discoloration or bleaching of the rotted wood is often apparent.

incipient decay—Early stage of decay in which disintegration has not proceeded far enough to soften or otherwise change the hardness of the wood perceptibly. Usually accompanied by a slight discoloration or bleaching of the wood.

pocket rot—Typical decay which appears in the form of a hole, pocket, or area of soft rot, usually surrounded by apparently sound wood.

water soak or stain—Water-soaked area in heartwood, usually interpreted as the incipient stage of certain wood rots.

degrades—Pieces which on reinspection prove of lower quality than the grade in which they were shipped.

diagonal grain—A deviation of the grain from a line parallel to the edges, which results from sawing a piece of lumber at an angle other than parallel with the bark.

double end trimmed—Trimmed reasonable square by a saw on both ends.

dry—Seasoned; not green (see 3.4.1).

edge—The narrow faces of rectangular-shaped lumber.

edge grain (vertical grain)—Annual rings (so-called grain) which form an angle of 45° or more with the surface of the piece.

firm red heart—A stage of incipient decay characterized by a reddish color in the heartwood, which does not unfit the wood for the majority of yard purposes. (Not to be confused with natural red heartwood in some species.)

flat grain (slash grain)—Annual rings (so-called grain) which form an angle of less than 45° with the surface of the piece.

f.o.h.c. (free of heart centers)—Where the pith is not enclosed within the four sides of the piece.

green—Not fully seasoned (see 3.4.2).

growth ring—The growth put on in a single year.

gum pocket—An opening between growth rings which usually contains or has contained resin or bark, or both.

gum seam—Check or shake filled with gum.

gum spot—Accumulation of gumlike substance occurring as a small patch. May occur in conjunction with a bird-peck or other injury to the growing wood.

gum streak—Well-defined accumulation of gum in a more or less regular streak. Classified as are pitch streaks.

heart face—Face side free of sapwood.

heart shake—See Shake—Pith Shake.

heartwood—Inner core of the tree trunk comprising the annual rings containing nonliving elements; usually darker in color than sapwood.

hit-and-miss—Series of surfaced areas with skips not over 1/8 inch deep between them.

hit-or-miss—To skip or surface a piece for a part or the whole of its length, provided it is nowhere more than 1/8 inch scant.

holes—Holes may extend partially or entirely through a piece and be from any cause. To determine the size of a hole, average the maximum and minimum diameters, unless otherwise specified.

pin hole—Not over 1/16 inch in diameter.

medium hole—Over 1/16 inch, but not over 1/4 inch in diameter.

large hole—Over 1/4 inch in diameter.

honeycomb (decay)—Honeycomb is indicated by large pits in the wood.

kiln-dried—Seasoned in a chamber by means of artificial heat.

knot—Branch or limb embedded in the tree and cut through in the process of lumber manufacture; classified according to size, quality, and occurrence. To determine the size of a knot, average the maximum length and maximum width, unless otherwise specified.

knot size—

pin knot—Not over 1/2 inch in diameter.

small knot—Over 1/2 inch, but not over 3/4 inch in diameter.

medium knot—Over 3/4 inch, but not over 1 1/2 inch in diameter.

large knot—Over 1 1/2 inch in diameter.

knot quality—

decayed knot—Softer than the surrounding wood, and containing advanced decay.

encased knot—Its rings of annual growth are not intergrown with those of the surrounding wood.

hollow knot—Apparently sound except that it contains a hole over 1/4 inch in diameter.

intergrown knot—A knot partially or completely intergrown on one or two faces with the growth rings of the surrounding wood.

loose knot—Not held tightly in place by growth or position, and cannot be relied upon to remain in place.

fixed knot—Will hold its place in a dry piece under ordinary conditions; can be moved under pressure, though not easily pushed out.

pith knot—Sound knot except that it contains a pith hole not over 1/4 inch in diameter.

sound knot—Solid across its face, as hard as the surrounding wood, shows no indications of decay, and may vary in color from the natural color of the wood to reddish brown or black.

star-checked knot—Having radial checks.

tight knot—So fixed by growth or position as to retain its place.

firm knot—Solid across its face, but containing incipient decay.

water-tight knot—Its rings of annual growth are completely intergrown with those of the surrounding wood on one surface of the piece, and it is sound on that surface.

knot occurrence—

branch knots—Two or more divergent knots sawed lengthwise and tapering toward the pith at a common point.

corner knot—Located at the intersection of adjacent faces.

knot cluster—Two or more knots grouped together, the fibers of the wood being deflected around the entire unit. A group of single knots is not a knot cluster.

single knot—Occurs by itself, the fibers of the wood being deflected around it.

spike knot—A knot sawed in a lengthwise direction.

loosened grain—Small portion of the wood loosened but not displaced.

machine burn—Darkening or charring due to overheating by machine knives.

machine gouge—Groove due to the machine cutting below the desired line of cut.

mismanufacture—Includes all defects or blemishes produced in manufacturing. See Chipped Grain, Hit-and-Miss, Hit-or-Miss, Loosened Grain, Machine Burn, Machine Gouge, Mismatched Lumber, Raised Grain, Skip, Torn Grain, and Variation in Sawing.

mismatched lumber—Worked lumber that does not fit tightly at all points of contact between adjoining pieces, or in which the surfaces of adjoining pieces are not in the same plane.

slight mismatch—Mismatch variation not over 1/64 inch.

medium mismatch—Mismatch variation over 1/64 inch, but not over 1/32 inch.

heavy mismatch—Mismatch variation over 1/32 inch.

mixed grain—Any combination of edge grain and flat grain.

moisture content—Weight of the water in wood expressed in percentage of the weight of ovendry wood.

peck—Channeled or pitted areas or pockets as sometimes found in cedar and cypress.
pecky—Characterized by Peck.
pitch—Accumulation of resin in the wood cells in a more or less irregular patch.
light pitch—Lightly evident presence of pitch.
medium pitch—Trace of pitch slightly more evident than light pitch.
heavy pitch—Very evident presence of pitch showing by its color and consistency.
massed pitch—Clearly defined accumulation of solid pitch in a body by itself.
pitch pocket—An opening between growth rings which usually contains or has contained resin or bark, or both.
very small pitch pocket—Not over ⅛ inch in width and not over 2 inches in length.
small pitch pocket—Not over ⅛ inch in width and not over 4 inches in length, or not over ¼ inch in width and not over 2 inches in length.
medium pitch pocket—Not over ⅛ inch in width and not over 8 inches in length; or not over ⅜ inch in width and not over 4 inches in length.
large pitch pocket—Width or length exceeds the maximum permissible for medium pitch pocket.
closed pitch pocket—Does not show an opening on both sides of the piece.
open (through) pitch pocket—Is cut across on both sides of the piece.
pitch seam—Shake or check filled with pitch.
pitch streak—Well-defined accumulation of pitch in a more or less regular streak.
small pitch streak—Not over one-twelfth of the width by one-sixth of the length of the surface on which it occurs.
medium pitch streak—Larger than a small pitch streak but not over one-sixth of the width or one-third of the length of the surface on which it occurs.
large pitch streak—Over one-sixth of the width or one-third of the length of the surface on which it occurs.
pith—Small soft core in the structural center of a log.
boxed pith—Where the pith is within the four faces of an end of a piece.
pith fleck—Narrow streak resembling pith on the surface of a piece, usually brownish, up to several inches in length, resulting from burrowing of larvae in the growing tissue of the tree.
raised grain—Roughened condition of the surface of dressed lumber in which the hard summerwood is raised above the softer springwood, but not torn loose from it.
sapwood—Outer layers of growth in a tree, exclusive of bark, which contain living elements; usually lighter in color than heartwood.
saw butted—Trimmed by a saw on both ends.
seasoning—Evaporation or extraction of moisture from green or partially dried wood.
shake—A lengthwise grain separation between or through the growth rings, and may be further classified as ring shake or pith shake.
fine shake—A barely perceptible opening.
slight shake—More than a perceptible opening but not over 1/32 inch wide.
medium shake—Over 1/32 inch but not over ⅛ inch wide.
open shake—Over ⅛ inch wide.
cup shake—Does not completely encircle the pith.
round shake—Completely encircles the pith.
ring shake—Partially or completely encircles the pith.
shell shake—Where both ends of a shake which has been cut across occur on one face or edge of a piece.
through shake—Extends from one surface through the piece to the opposite surface or to an adjoining surface.
pith shake (heart check)—Extends across the rings of annual growth in one or more directions from the pith toward but not to the surface of a piece. Distinguished from season check by having its greatest width nearest the pith, whereas the greatest width of a season check is ordinarily at the surface of a piece, and when a piece has boxed pith the greatest width of a season check is farthest from the pith.
side cut—Where the pith is not enclosed within the four sides of the piece.
skip—Area on a piece that failed to surface, classified as follows:
slight skip—Area not over 6 times the width of the piece that the planer knife failed to surface smoothly.
shallow (small) skip—Area not over 6 times the width of the piece that the planer knife failed to touch by not over 1/32 inch.
deep (heavy) skip—Area not over 12 times the width of the piece that the planer knife failed to touch by not over 1/16 inch.
slope of grain—Cross grain or deviation of the fiber from a line parallel to the sides of the piece, and may consist of diagonal grain, spiral grain, or both.
straight grain—Slope of grain limited to 1 inch in each 20 inches of length.
slight cross grain—Slope of grain not more than 1 inch in a length of 15 inches.
medium cross grain—Slope of grain more than 1 inch in a length of 15 inches, but not more than 1 inch in a length of 8 inches.
steep cross grain—Slope of grain more than 1 inch in a length of 8 inches.
smoke-dried—Seasoned by exposure to the heat and smoke of fire maintained beneath or within the stacks of lumber.
softwood—One of the group of trees which have needle-like or scale-like leaves. The term has no specific reference to the softness of the wood.
sound—Free of decay.
spiral grain—Fibers that extend spirally about instead of vertically along the bole of a tree.
split—Lengthwise separation of the wood extending from one surface through the piece to the opposite surface or to an adjoining surface.
short split—Length does not exceed either the width of a piece or one-sixth of its length.
medium split—Length exceeds the width of a piece, but does not exceed one-sixth of its length.
long split—Length exceeds one-sixth of the length of a piece.
springwood—More or less open and porous tissue marking the inner part of each annual ring, formed early in the period of growth.
stain—Discoloration on or in lumber other than its natural color.
light stain—Slight difference in color which will not materially impair the appearance of the piece if given a natural finish.
medium stain—Pronounced difference in color which, although it does not obscure the grain of the wood, is customarily objectionable in a natural but not in a painted finish.
heavy stain—Difference in color so pronounced as practically to obscure the grain of the wood.
summerwood—Denser fibrous outer portion of each annual ring, usually without conspicuous pores, formed late in the growing period, not necessarily in summer.
torn grain—Part of the wood torn out in dressing; classified as follows:
slight torn grain—Not over 1/32 inch deep.
medium torn grain—Over 1/32, but not over 1/16 inch deep.
heavy torn grain—Over 1/16, but not over ⅛ inch deep.
deep torn grain—Over ⅛ inch deep.
unsound—Decayed.
variation in sawing—A deviation from the line of cut. Slight variation is not over 1/16 inch scant in 1 inch lumber, ⅛ inch in 2 inch, 5/16 inch in 3 inch to 7 inch, and ¼ inch in 8 inch and up.
wane—This is bark or lack of wood from any cause on the edge or corner of a piece.
slight wane—Not over ¼ inch wide on the surface on which it appears for one-sixth of the length and one-fourth of the thickness of the piece.
medium wane—Over ¼ inch, but not over ½ inch wide on the surface on which it appears, for one-sixth of the length and one-fourth of the thickness of the piece.
large wane—Over ½ inch wide on the surface on which it appears, or over one-sixth of the length and one-fourth of the thickness of the piece, or both.
warp—Any variation from a true or plane surface, includes bow, crook, cup, or piece, or any combination thereof.
bow—Deviation flatwise from a straight line from end to end of a piece, measured at the point of greatest distance from the straight line.
crook—Deviation edgewise from a straight line from end to end of a piece, measured at the point of greatest distance from the straight line; and classified as slight, small, medium, and large. Based on a piece 4 inches wide and 16 feet long, the distance for each degree of crook shall be: *slight crook*, 1 inch; *small crook*, 1½ inch; *medium crook*, 3 inch; and *large crook*, over 3 inches. For wider pieces it shall be ⅛ inch less for each additional 2 inch of width. Shorter or longer pieces may have the same curvature.
cup—Deviation flatwise from a straight line across the width of a piece, measured at the point of greatest distance from the line; and classified as *slight*, *medium*, and *deep*. Based on a piece 12 inches wide, the distance for each degree of cup shall be: *slight cup*, ¼ inch; *medium cup*, 3/8 inch; and *deep cup*, ½ inch. Narrower or wider pieces may have the same curvature.

13. LUMBER INDUSTRY ABBREVIATIONS

These abbreviations are commonly used for softwood lumber, although all of them are not necessarily applicable to all species. Additional abbreviations which are applicable to a particular region or species may be included in approved grading rules.

Abbreviations are commonly used in the forms indicated, but variations such as the use of upper—and lower—case type, and the use or omission of periods and other forms of punctuation are optional.

AD	Air dried.
ADF	After deducting freight.
ALS	American Lumber Standards.
AV or AVG	Average.
Bd	Board.
Bd. ft	Board foot or feet.
Bdl	Bundle.
Bev	Beveled.
B/L	Bill of lading.
BM	Board Measure.
Btr	Better.
B&B or B&Btr	B and better.
B&S	Beams and stringers.
CB1S	Center bead one side.
CB2S	Center bead two sides.
CF	Cost and freight.
CG2E	Center groove two edges.
CIF	Cost, insurance, and freight.
CIFE	Cost, insurance, freight, and exchange.
Clg	Ceiling.
Clr	Clear.
CM	Center matched.
Com	Common.
CS	Caulking seam.
Csg	Casing.
Cu. Ft	Cubit foot or feet.
CV1S	Center Vee one side.
CV2S	Center Vee two sides.
D&H	Dressed and headed.
D&M	Dressed and matched.
DB. Clg	Double-beaded ceiling (E&CB1S).
DB. Part	Double-beaded partition (E&CB2S).
DET	Double end trimmed.
Dim	Dimension.
Dkg	Decking.
D/S or D Sdg	Drop siding.
EB1S	Edge bead one side.
EB2S	Edge bead two sides.
E&CB1S	Edge and center bead one side.
E&CB2S	Edge and center bead two sides.
E&CV1S	Edge and center Vee one side.
E&CV2S	Edge and center Vee two sides.
EE	Eased edges.
EG	Edge (vertical) grain.
EM	End matched.
EV1S	Edge Vee one side.
EV2S	Edge Vee two sides.
Fac	Factory.
FAS	Free alongside (named vessel).
FBM	Foot or feet board measure.
FG	Flat (slash) grain.
Flg	Flooring.
FOB	Free on board (named point).
FOHC	Free of heart center or centers.
FOK	Free of knots.
Frt	Freight.
Ft	Foot or feet.
GM	Grade marked.
G R or G Rfg	Grooved roofing.
HB	Hollow back.
H&M	Hit-and-miss.
H or M	Hit-or-miss.
Hrt	Heart.
Hrt CC	Heart cubical content.
Hrt FA	Heart facial area.
Hrt G	Heart girth.
IN	Inch or inches.
J&P	Joists and planks.
KD	Kiln-dried.
Lbr	Lumber.
LCL	Less than carload.
LFT or Lin. Ft	Linear foot or feet.
Lgr	Longer.
Lgth	Length.
Lin	Linear.
Lng	Lining.
M	Thousand.
MBM	Thousand (feet) board measure.
MC	Moisture content.
Merch	Merchantable.
Mldg	Moulding.
No	Number.
N1E	Nosed one edge.
N2E	Nosed two edges.
Og	Ogee.
Ord	Order.
Par	Paragraph.
Part	Partition.
Pat	Pattern.
Pc	Piece.
Pcs	Pieces.
PE	Plain end.
PO	Purchase order.
P&T	Post and timbers.
Reg	Regular.
Res	Resawed or resawn.
Rfg	Roofing.
Rgh	Rough.
R/L	Random lengths.
R/W	Random widths.
R/W&L	Random widths and lengths.
Sdg	Siding.
Sel	Select.
S&E	Side and Edge (surfaced on).
SE Sdg	Square edge siding.
SE&S	Square edge and sound.
S/L or S/LAP	Shiplap.
SL&C	Shipper's load and count.
SM. or Std. M	Standard matched.
Specs	Specifications.
Std	Standard.
Std	Standard.
Stpg	Stepping.
Str. or Struc	Structural.
S1E	Surfaced one edge.
S1S	Surfaced one side.
S1S1E	Surfaced one side and one edge.
S1S2E	Surfaced one side and two edges.
S2E	Surfaced two edges.
S2S	Surfaced two sides.
S2S1E	Surfaced two sides and one edge.
S2S&CM	Surfaced two sides and center matched.
S2S&SM	Surfaced two sides and standard matched.
S4S	Surfaced four sides.
S4S&CS	Surfaced four sides and caulking seam.
T&G	Tongued and grooved.
VG	Vertical grain.
Wdr	Wider.
Wt	Weight.

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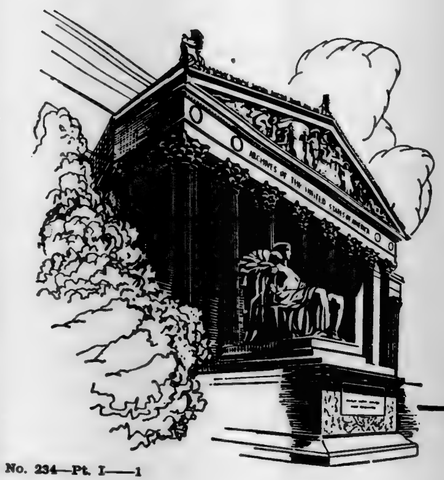
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725 19356

14 CFR

71 (2 documents) 19339, 19340
244 19340
296 19341
297 19342
399 19344

PROPOSED RULES:

71 (5 documents) 19374–19376
73 19376

16 CFR

13 (12 documents) 19346–19351

31 CFR

316 19402
332 19409

39 CFR

171 19352

41 CFR

1–19 19353

42 CFR

81 (3 documents) 19354

43 CFR

PUBLIC LAND ORDERS:

4748 19355

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS

Subpart A—Regulations

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624) the regulations in Part 53, Title 7, Code of Federal Regulations are hereby amended in the following respects:

1. Section 53.1, paragraphs (j) and (kk) are hereby amended and paragraphs (mm), (nn), and (oo) are added to read as follows:

§ 53.1 Meaning of words.

* * * * * *

(j) *Official grader.* An employee of the Department or other person authorized by the Department to determine and certify or otherwise identify the class, grade, other quality, or compliance of products under the regulations.

* * * * * *

(kk) *Federal meat inspection.* The meat inspection system conducted under the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 et seq.) and the regulations thereunder (9 CFR Chapter III, Subchapter A).

* * * * * *

(mm) *Cutability (yield) grade.* The designation related to the quantity of trimmed, boneless, major retail cuts to be derived from the carcass or wholesale cuts—rounds, loins, ribs, and chucks—referred to as cutability in Subpart B of this part.

(nn) *Quality grade.* An important commercial subdivision of livestock or meat based on separate evaluations of two general considerations: (1) The quality or the palatability-indicating characteristics of lean and (2) the conformation of the carcass or primal cut.

(oo) *Legal holiday.* Those days designated by Federal statute, Executive order, Proclamation, or other days on which the Department requires that graders be paid holiday pay.

2. Subparagraph (2) of § 53.13(a) is hereby amended to read as follows:

§ 53.13(a) Denial or withdrawal of service.

* * * * * *

(2) *Procedure.* All cases arising under this paragraph shall be conducted in accordance with the rules of practice governing withdrawal of inspection and grading service under the Agricultural Marketing Act of 1946 as contained in Part 50 of this chapter.

3. Section 53.16 is amended to read as follows:

§ 53.16 Official certificates.

(a) *Required; exception.* The official grader shall prepare, sign, and issue official certificates covering products graded by him, or for which he has determined compliance, unless through special arrangements approved by the Chief this is not required, in which case complete records of the service shall be furnished the office of grading.

(b) *Form.* (1) The following constitutes a form of official certificate for products under the regulations:

FORM LS-6 (9-15-44)

U.S. DEPARTMENT OF AGRICULTURE
CONSUMER AND MARKETING SERVICE
LIVESTOCK DIVISION

No.

AGRICULTURAL PRODUCTS CERTIFICATE

This certificate is receivable by all officers and all Courts of the United States as prima facie evidence of the truth of the statements therein contained. (This certificate does not excuse failure to comply with any of the regulatory laws enforced by the United States Department of Agriculture.)

MAIN STATION | APPLICANT & CODE | DATE

TO: APPLICANT | ADDRESS

SHIPPER OR SELLER | ADDRESS

RECEIVER OR BUYER | ADDRESS

ESTABLISHMENT NO. | LOCATION

KIND OF PRODUCT OR LIVESTOCK AND SERVICE	CLASS	USDA GRADE OR OTHER QUALITY	CATEGORY CODE	CLASS CODE	GRADE CODE	PIECES	WEIGHT

1. REVENUE HOURS

a. BASE R ____ hrs. | b. SAT.-SUN. S ____ hrs. | c. HOLIDAY H ____ hrs. | d. GOVERNMENT G ____ hrs.

2. AUTO MILEAGE M ____ miles | 3. OTHER TRAVEL T $ | 4. PER DIEM ____ days at $

5. OTHER CHARGES W $ | 6. LABORATORY FEES a. HOURS (number) DL | b. OTHER E $

WEIGHTS NOT VERIFIED: | GRADER'S CODE | SIGNATURE OF GRADER

I certify that in compliance with the Federal Meat and Livestock Grading Regulations [7 CFR Subpart 53A, as amended] under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), I examined the products and/or livestock described above, at the time and place stated, and found that at said time and place the class, grade, and other quality thereof were as stated above and such products and/or livestock complied with any specifications listed, with any qualifications noted above.

PLEASE REFER TO THIS CERTIFICATE BY NUMBER AND MAIN STATION

Where weight is certified, the word "Not" shall be deleted from the phrase "Weights Not Verified."

(2) Where determination of ingredient content or method of preparation of products in acceptance service is based upon a certification of the facts by the inspection system having jurisdiction of the products, this fact shall be stated on the certificate.

(c) *Distribution.* The original certificate and not to exceed two copies shall be delivered or mailed to the applicant or other person designated by him. One copy shall be filed in the office of the official grader, and one copy shall be forwarded to a central office designated by the Chief, and such copies shall be kept on file until other disposition is ordered by the Administrator. Additional copies will be furnished to any person financially interested in the products involved upon the payment of fees as provided in § 53.29(g).

4. Section 53.19 is amended to read as follows:

§ 53.19 Official identifications.

(a) A shield enclosing the letters "USDA" and code identification letters of the grader performing the service, as shown below, constitutes a form of official identification under the regulations for preliminary grade of carcasses and wholesale cuts.



Figure 1.

(b) A shield enclosing the letters "USDA" as shown below with the appropriate quality grade designation "Prime," "Choice," "Good," "Standard," "Commercial," "Utility," "Cutter," "Canner," or "Cull," as provided in the standards in Subpart B of this part and accompanied when necessary by the class designation "Stag," "Bull," "Veal," "Calf," "Yearling Mutton," or "Mutton," constitutes a form of official identification under the regulations to show the quality grade, and where necessary the class, under said standards, of steer, heifer, and cow beef, stag beef, bull beef, veal, calf, lamb, yearling mutton, and mutton. The code identification letters of the grader performing the service will appear intermittently outside the shield.



Figure 2.

(c) A shield enclosing the letters "USDA" and the words "Yield Grade," as shown below, with the appropriate cutability (yield) grade designation "1," "2," "3," "4," or "5" as provided in the standards in Subpart B of this part constitutes a form of official identification under the regulations to show the cutability (yield) grade under said standards. The code identification letters of the grader performing the service will appear outside the shield.



Figure 1.

(d) The letters "USDA" with the appropriate grade designation "1," "2," "3," "Utility," or "Cull" enclosed in a shield as shown below, as provided in the standards in Subpart B of this part, constitute forms of official identification under the regulations to show the grade under said standards, of barrow, gilt, and sow pork carcasses.



Figure 2.

(e) The following constitute forms of official identification under the regulations to show compliance of products:



Figure 1



Figure 2



Figure 3

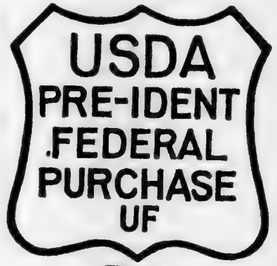


Figure 4



Figure 5

The letters "AC," "XE," and "UF" shown in figures 1, 2, 3, and 4 are examples, respectively, of the code identification letters of the official grader performing the service.

5. Section 53.20 is hereby amended to read as follows:

§ 53.20 Custody of identification devices.

All identification devices used in marking products or the containers thereof under the regulations, including those indicating compliance with specifications approved by the Chief, shall be kept in the custody of the Branch, and accurate records shall be kept by the Branch of all such devices. Each office of grading shall keep a record of the devices assigned to it. Such devices shall be distributed only to persons authorized by the Department, who shall keep the devices in their possession or control at all times and maintain complete records of such devices.

6. Section 53.29 is amended by adding the following paragraph:

§ 53.29 Fees and other charges for service.

* * * * *

(h) *Other charges.* When costs, other than costs specified in paragraphs (a), (b), (c), (d), (e), (f), and (g) of this section, are involved in providing the services, the applicant will be charged for these costs. The amount of these charges will be determined administratively by the Chief. However, the applicant will not be charged for such cost without notification before the service is rendered of the charge for such item of expense.

These amendments are intended to assist in rendering meat grading services in accordance with efficient management practices and more effective administration. Also, some of the amendments are necessary to clarify and update the regulations. These include defining "quality grade," "yield grade," and "legal holidays" and amending the sections on "Denial or Withdrawal of Service," "Official Certificates," and "Official Identification Devices."

The regulations provide for a voluntary service under the Agricultural Marketing Act, which provides for the collection of fees as nearly as may be to cover the cost of the services rendered. Insofar as the amendments will permit charging holiday rates for services on all days for which graders are paid at such rates, they are necessary to cover the cost of the services as contemplated by the Agricultural Marketing Act. The other amendments do not require action by any member of the public. Therefore, under provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these amendments is impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication.

The amendments shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 1st day of December 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69-14458; Filed, Dec. 5, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 404]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.704 Lemon Regulation 404.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 2, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period December 7, 1969, through December 13, 1969, are hereby fixed as follows:

(i) District 1: 32,550 cartons;
(ii) District 2: 51,150 cartons;
(iii) District 3: 130,200 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-9, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14550; Filed, Dec. 5, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On October 23, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 17166), F.R. Doc. 69-12664, which altered the transition area at Anderson, Ind. However, in the alteration the longitude coordinate for the Anderson Municipal Airport was incorrectly recited as "longitude 86°36'55" W.". It should have read "longitude 85°36'55" W.". Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, "longitude 86°36'55" W." as set forth in the transition area alteration in F.R. Doc. 69-12664, is deleted and "longitude 85°36'55" W." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 1655(c))

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-14525; Filed, Dec. 5, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-84]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Alteration of Control Zone

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke the Oxnard, Calif. (Oxnard AFB) control zone and redesignate the Oxnard, Calif. (Ventura County Airport) control zone.

Oxnard AFB will be closed as of December 31, 1969. Therefore, after that date there will no longer be a requirement for nor will the airport qualify for a control zone since weather reporting service will no longer be available. The Ventura County Airport control zone currently excludes that portion east of a chord drawn between the points of intersection of the two 5-mile radius zones. This airspace currently would be within the Oxnard AFB control zone. Concurrent with the revocation of the Oxnard AFB control zone, the Ventura County Airport may be designated as a 5-mile zone. Action is taken herein to reflect these changes.

Since these actions are more editorial than substantive in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing in § 71.171 (34 F.R. 4557) the Oxnard, Calif. (Oxnard AFB) control zone is revoked.

In § 71.171 (34 F.R. 4557) the description of the Oxnard, Calif. (Ventura County Airport) control zone as modified by (34 F.R. 6173) is further modified to read as follows:

OXNARD, CALIF. (VENTURA COUNTY AIRPORT)

Within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Effective date: These amendments shall be effective 0901 G.m.t., January 8, 1970.

Issued in Los Angeles, Calif., on November 24, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14526; Filed, Dec. 5, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-595]

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Processing of Applications of Long-Haul Motor Carriers of General Commodities for Authority as Air Freight Forwarders or International Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1969.

In a notice of proposed rule making issued April 21, 1969,[1] the Board proposed to amend Part 399 of the policy statements (14 CFR Part 399) and certain parts of the economic regulations[2] with respect to the filing and processing of applications of long-haul motor carriers of general commodities for authorization as air freight forwarders or international air freight forwarders and applications of long-haul motor carriers of general commodities for approval of control of an air freight forwarder or international air freight forwarder.

Interested persons have been afforded an opportunity to participate in the making of these rules (Parts 296, 297 and 244) and related policy statement. For the reasons set forth in PS-40, issued concurrently herewith, relating to amendments of Part 399 (Statements of General Policy), we are adopting the rules and policy statement as proposed with the modifications therein noted. In the case of Part 244, we shall not impose the new reporting requirements upon independent air freight forwarders and international air freight forwarders, i.e., those forwarders which are not affiliated with long-haul motor carriers.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 244 of the economic regulations (14 CFR Part 244), effective January 5, 1970, as follows:

1. Amend § 244.1 by defining the terms "affiliate" and "long-haul motor carrier" to read as follows:

§ 244.1 Definitions.

* * * * *

An "affiliate" of a long-haul motor carrier or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who beneficially owns, directly or indirectly, 10 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier for purposes of this part.

* * * * *

"Long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier.

* * * * *

2. Amend § 244.10 by adding subparagraphs (4) and (5) to paragraph (b) and modifying paragraph (c) to read as follows:

§ 244.10 General.

* * * * *

(b) The aforesaid report consists of a statement of certification and individual schedules to be filed therewith at various specified times. These schedules are identified as follows:

* * * * *

(4) Schedule T-4, Originating Air Station Data; T-5, Supplemental Operating Statistics—Long-Haul Motor Carriers/Air Freight Forwarders; T-6, Analysis of Traffic by Weight Breaks; all to be filed quarterly by (1) long-haul motor carriers of general commodities which are authorized to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers. Schedule T-6 shall also be filed by long-haul motor carriers affiliated with air freight forwarders or international air freight forwarders or operating as a separate division within the forwarder's corporate structure.[3]

(5) A location report (as provided in § 244.19d, infra) to be filed annually by (1) long-haul motor carriers of general commodities holding an authorization to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers.[4]

[1] PSDR-22 and EDR-159, 34 F.R. 6853, Apr. 24, 1969.

[2] Parts 296 (Classification and Exemption of Indirect Air Carriers), 297 (Classification and Exemption of International Air Freight Forwarders) and 244 (14 CFR Parts 296, 297, 244).

[3] Schedules T-4, T-5, and T-6 and the location report referred to in subparagraph (5) above shall be required for a temporary period coterminous with the term of the operating authorizations issued in the Motor Carrier-Air Freight Forwarder Investigation (Docket 16857, Order 69-4-100) and for the duration of any proceeding in which a renewal of the authorization is sought. Schedules filed as part of original document.

[4] Ibid.

(c) The aforesaid schedules and certification shall be filed so as to be received by the Civil Aeronautics Board within forty-five (45) days after the termination of each prescribed quarterly, semiannual, and annual period and, with respect to Schedule I, also within thirty (30) days after a change relative to insurance data previously reported. All documents filed in connection with the report shall be considered a part thereof and included within the certification pertaining to the report. The reports shall be addressed to the Board, attention of the Bureau of Accounts and Statistics.

* * * * *

3. Add new §§ 244.19a, 244.19b, 244.19c, and 244.19d to read as follows:

§ 244.19a Originating air station data (Schedule T-4).

(a) The schedule of originating air station data shall be filed by (1) long-haul motor carriers of general commodities which are authorized to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers. It is designated as Schedule T-4 of CAB Form 244, and shall be prepared for each calendar quarterly period and filed with the Board as provided in § 244.10.

(b) Schedule T-4 shall be filed separately with respect to domestic and overseas/foreign air operations. The schedule shall reflect the source and distribution of tons enplaned and deplaned (exclusive of reconsolidations) at the originating air station, and data on the miles of surface movement of the air freight before and after its air transportation. All the aforesaid categories shall be itemized and subdivided as shown by Schedule T-4 and the instructions thereon.

§ 244.19b Supplemental operating statistics—long-haul motor carriers/air freight forwarders (Schedule T-5).

(a) The schedule of supplemental operating statistics shall be filed by (1) long-haul motor carriers of general commodities which are authorized to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers. It is designated as Schedule T-5 of CAB Form 244, and shall be prepared for each calendar quarterly period and filed with the Board as provided in § 244.10.

(b) Schedule T-5 shall cover where applicable both domestic and overseas/foreign air operations. With respect to combination surface/air operations of the forwarder, the schedule shall reflect the number and weight of (1) shipments which the reporting forwarder received from or delivered to an affiliated long-haul motor carrier prior or subsequent to transporting them in its air freight forwarding operations, and (2) shipments which the reporting carrier accepted for air freight forwarding, but substituted other than air means for their transportation. With respect to other air operations by the forwarder, the schedule shall reflect the number and weight of all shipments tendered by the reporting carrier to direct air carriers in a capacity other than as a freight forwarder (shipper's agent or agent for direct air carrier). All the aforesaid categories shall be itemized and subdivided as shown by Schedule T-5 and the instructions thereon.

§ 244.19c Analysis of traffic by weight breaks (Schedule T-6).

(a) The schedule of analysis of traffic by weight breaks shall be filed by (1) long-haul motor carriers of general commodities which are authorized to operate as air freight forwarders or international air freight forwarders, (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers, and (3) long-haul motor carriers affiliated with air freight forwarders or international air freight forwarders or operating as a separate division within the forwarder's corporate structure. It is designated as Schedule T-6 of CAB Form 244, and shall be prepared for each calendar quarterly period and filed with the Board as provided in § 244.10. In addition, each long-haul motor carrier shall report applicable data (insofar as they are available) relative to its long-haul motor carrier operations for the corresponding quarter of each of the preceding 5 years.

(b) Separate schedules shall be filed with respect to air operations and surface operations. The schedule shall apply only to domestic operations and shall reflect, in the specified weight breaks, the number and weight of shipments and the revenues received therefor, as well as the percentage of the total represented by each weight break in the three main categories—number of shipments, tonnage of shipments and revenue derived from shipments. All the aforesaid categories shall be itemized and subdivided as shown by Schedule T-6 and the instructions thereon.

§ 244.19d Report of location of air freight forwarding stations and surface transport terminals.

Each long-haul motor carrier holding an authorization to operate as an air freight forwarder or international air freight forwarder and each air freight forwarder or international air freight forwarder which is an affiliate of a long-haul motor carrier shall file with the Board's Bureau of Accounts and Statistics, Washington, D.C. 20428, within 45 days after the close of each calendar year, a report showing as of December 31 of such year the location of each specialized air freight forwarding station and of each surface transport terminal at which air freight forwarding services are offered. The statement shall indicate, for each station or terminal, the number of drivers, salesmen and other personnel who are assigned to promote air freight exclusively. For identification purposes, this report should be referred to as "location report."

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 766; 49 U.S.C. 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted: November 12, 1969.

Effective: January 5, 1970.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14538; Filed, Dec. 5, 1968; 8:48 a.m.]

[Reg. ER-593]

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

Processing of Applications of Long-Haul Motor Carriers of General Commodities for Authority as Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1969.

In a notice of proposed rule making issued April 21, 1969,[1] the Board proposed to amend Part 399 of the policy statements (14 CFR Part 399) and certain parts of the economic regulations[2] with respect to the filing and processing of applications of long-haul motor carriers of general commodities for authorization as air freight forwarders or international air freight forwarders and applications of long-haul motor carriers of general commodities for approval of control of an air freight forwarder or international air freight forwarder.

Interested persons have been afforded an opportunity to participate in the making of these rules (Parts 296, 297, and 244) and related policy statement (Part 399). For the reasons set forth in PS-40, issued concurrently herewith, relating to amendments of Part 399 (Statements of General Policy), we are adopting the rules as proposed with the modifications therein noted.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 296 of the economic regulations (14 CFR Part 296), effective January 5, 1970, as follows:

1. Amend § 296.1 by adding paragraphs (d) and (e) to read as follows:

§ 296.1 Definitions.

For the purposes of this part:

* * * * *

(d) "Long-haul motor carrier" means a motor carrier holding operating rights

[1] PSDR-22 and EDR-159, 34 F.R. 6853, Apr. 24, 1969.

[2] Parts 296, 297 (Classification and Exemption of International Air Freight Forwarders) and 244 (Filing of Reports by Air Freight Forwarders, International Air Freight Forwarders and Cooperative Shippers Associations) (14 CFR Parts 296, 297, 244).

issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier.

(e) An "affiliate" of a long-haul motor carrier or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who beneficially owns, directly or indirectly, 10 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier for purposes of this part.

2. Add Subpart I to read as follows:

Subpart I—Authorization of Long-Haul Motor Carriers of General Commodities as Air Freight Forwarders

Sec.
296.80 Applicability of subpart.
296.81 Applicability of other subparts.
296.82 Applicability of policy statement.
296.83 Application for operating authorization.
296.84 Notice.
296.85 Objections.
296.86 Criteria for authorization.
296.87 Conditions.
296.88 Duration.
296.89 Revocation or suspension.

§ 296.80 Applicability of subpart.

This subpart sets forth the special rules applicable to the processing of applications of long-haul motor carriers, as defined in § 296.1(d), for authorization to operate in their own names as air freight forwarders. The regulation does not govern requests of motor carriers for Board approval of control relationships created when they apply through subsidiaries or other affiliates for authorization as air freight forwarders. Action on such applications for approval of control shall be governed by section 408 of the Act and by § 399.20 of the Board's policy statements.

§ 296.81 Applicability of other subparts.

Unless otherwise provided in this subpart, the provisions of Subparts A through C and E through H of this part shall be applicable to the processing of applications of long-haul motor carriers for authority to operate as air freight forwarders, and to the conduct of such operations.

§ 296.82 Applicability of policy statement.

The provisions of § 399.20 of the Board's policy statements (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers for authority under this subpart.

§ 296.83 Application for operating authorization.

In addition to the requirements set forth in § 296.42, a long-haul motor carrier applicant must show:

(a) A plan to conscientiously promote air cargo. This showing shall include, inter alia:

(1) A statement as to whether the long-haul motor carrier plans to solicit existing surface customers for air cargo and, if so, the extent of such plans;

(2) A traffic estimate showing what traffic is newly generated or presently shipped by surface means;

(3) An estimate of what portion of the long-haul motor carrier's existing surface traffic is subject to diversion to air;

(4) An estimate of beyond-terminal-area traffic moving by surface transportation over the routes of the long-haul motor carrier or via interline agreements; and

(5) A statement of the proposed air cargo sales force and facilities.

(b) A statement of the long-haul motor carrier's authority from the Interstate Commerce Commission or other regulatory agency, including a description of surface transportation authorized and offered at the stations at which air forwarding operations are proposed.

(c) A statement of any other advantages which would result from approval of the application.

§ 296.84 Notice.

Notice of applications will be published in the FEDERAL REGISTER and in the Board's weekly publication of applications filed.[3]

§ 296.85 Objections.

Within thirty (30) days after publication of notice of application in the FEDERAL REGISTER, any interested person may file an objection thereto. The objection must set forth an adequate factual showing of—

(a) The party's interest in the matter;

(b) His reasons for believing that the long-haul motor carrier or its affiliate will not promote air cargo; and

(c) Any other reasons why the application does not meet the licensing criteria of § 296.86.

If a hearing is requested, the objection must set forth the economic data and other facts which the party will offer to prove.

§ 296.86 Criteria for authorization.

The Board will approve the application if it appears that:

(a) the applicant is capable of performing the proposed air transportation and of conforming to the provisions of the Act and all rules and requirements thereunder;

(b) the applicant will conscientiously promote air cargo and will benefit air transportation; and

(c) the applicant's operations, alone or together with those of other similar carriers granted air forwarding authority, will not create a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier, or otherwise be inconsistent with the public interest.[4]

[3] Requests for the weekly publication should be addressed to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

[4] Section 399.20 (Policy Statements) articulate decisional standards in this area.

§ 296.87 Conditions.

An authorization may be limited geographically or by classes of traffic. Additional conditions and restrictions may be imposed without hearing.

§ 296.88 Duration.

Unless sooner suspended or revoked, an authorization will continue in effect until it expires by its terms or until this subpart is terminated or revoked.

§ 296.89 Revocation or suspension.

The Board may institute proceedings to revoke the authorization of one or more long-haul motor carriers or a group of motor carriers if it has cause to believe that the continued operations of such carrier or carriers are contrary to the above-stated licensing criteria (§ 296.86). Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of such motor carrier or motor carriers in accordance with procedures specified by § 296.48.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 771; 49 U.S.C. 1301, 1302, 1386)

Adopted: November 12, 1969.

Effective: January 5, 1970.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-14539; Filed, Dec. 5, 1969; 8:48 a.m.]

[Reg. ER-594]

PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS

Processing of Applications of Long-Haul Motor Carriers of General Commodities for Authority as International Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1969.

In a notice of proposed rule making issued April 21, 1969,[1] the Board proposed to amend Part 399 of the Policy Statements (14 CFR Part 399) and certain parts of the economic regulations[2] with respect to the filing and processing of applications of long-haul motor carriers of general commodities for authorization as air freight forwarders or international air freight forwarders and applications of long-haul motor carriers of general commodities for approval of control of an air freight forwarder or international air freight forwarder.

[1] PSDR-22 and EDR-159, 34 F.R. 6853, Apr. 24, 1969.

[2] Parts 296 (Classification and Exemption of Indirect Air Carriers), 297 and 244 (Filing of Reports by Air Freight Forwarders, International Air Freight Forwarders and Cooperative Shippers Associations) (14 CFR Parts 296, 297, 244).

Interested persons have been afforded an opportunity to participate in the making of these rules (Parts 296, 297, and 244) and related policy statement. For the reasons set forth in PS-40, issued concurrently herewith, relating to amendments of Part 399 (Statements of General Policy), we are adopting the rules as proposed with the modifications therein noted.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 297 of the economic regulations (14 CFR Part 297), effective January 5, 1970, as follows:

1. Amend § 297.1 by adding paragraphs (e) and (f) to read as follows:

§ 297.1 Definitions.

For the purposes of this part:

* * * * *

(e) "Long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier.

(f) An "affiliate" of a long-haul motor carrier or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who beneficially owns, directly or indirectly, 10 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier for purposes of this part.

2. Add new Subpart F to read as follows:

Subpart F—Authorization of Long-Haul Motor Carriers of General Commodities as International Air Freight Forwarders

Sec.
297.60 Applicability of subpart.
297.61 Applicability of other subparts.
297.62 Applicability of policy statement.
297.63 Application for operating authorization.
297.64 Notice.
297.65 Objections.
297.66 Criteria for authorization.
297.67 Conditions.
297.68 Duration.
297.69 Revocation or suspension.

§ 297.60 Applicability of subpart.

This subpart sets forth the special rules applicable to the processing of applications of long-haul motor carriers, as defined in § 297.1(e), for authorization to operate in their own names as international air freight forwarders. The regulation does not govern requests of motor carriers for Board approval of control relationships created when they apply through subsidiaries or other affiliates for authorization as international air freight forwarders. Action on such applications for approval of control shall be governed by section 408 of the Act and by § 399.20 of the Board's policy statements.

§ 297.61 Applicability of other subparts.

Unless otherwise provided in this subpart, the provisions of Subparts A through E of this part shall be applicable to the processing of applications of long-haul motor carriers for authority to operate as international air freight forwarders, and to the conduct of such operations.

§ 297.62 Applicability of policy statement.

The provisions of § 399.20 of the Board's policy statements (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers for authority under this subpart.

§ 297.63 Application for operating authorization.

In addition to the requirements set forth in § 297.32, a long-haul motor carrier applicant must show:

(a) A plan to conscientiously promote air cargo. This showing shall include, inter alia:

(1) A statement as to whether the long-haul motor carrier plans to solicit existing surface customers for air cargo and, if so, the extent of such plans;

(2) A traffic estimate showing what traffic is newly-generated or presently shipped by surface means;

(3) An estimate of what portion of the long-haul motor carrier's existing surface traffic is subject to diversion to air;

(4) An estimate of beyond-terminal-area traffic moving by surface transportation over the routes of the long-haul motor carrier or via interline agreements; and

(5) A statement of the proposed air cargo sales force and facilities.

(b) A statement of the long-haul motor carrier's authority from the Interstate Commerce Commission or other regulatory agency, including a description of surface transportation authorized and offered at the stations at which air forwarding operations are proposed.

(c) A statement of any other advantages which would result from approval of the application.

§ 297.64 Notice.

Notice of applications will be published in the FEDERAL REGISTER and in the Board's weekly publication of applications filed.[3]

§ 297.65 Objections.

Within thirty (30) days after publication of notice of application in the FEDERAL REGISTER, any interested person may file an objection thereto. The objection must set forth an adequate factual showing of

(a) The party's interest in the matter;

(b) His reasons for believing that the long-haul motor carrier or its affiliate will not promote air cargo; and

(c) Any other reasons why the application does not meet the licensing criteria of § 297.66.

If a hearing is requested, the objection must set forth the economic data and other facts which the party will offer to prove.

§ 297.66 Criteria for authorization.

The Board will approve the application if it appears that:

(a) The applicant is capable of performing the proposed air transportation and of conforming to the provisions of the Act and all rules and requirements thereunder;

(b) The applicant will conscientiously promote air cargo and will benefit air transportation; and

(c) The applicant's operations, alone or together with those of other similar carriers granted air forwarding authority, will not create a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier, or otherwise be inconsistent with the public interest.[4]

§ 297.67 Conditions.

An authorization may be limited geographically or by classes of traffic. Additional conditions and restrictions may be imposed without hearing.

§ 297.68 Duration.

Unless sooner suspended or revoked, an authorization will continue in effect until it expires by its terms or until this subpart is terminated or revoked.

§ 297.69 Revocation or suspension.

The Board may institute proceedings to revoke the authorization of one or more long-haul motor carriers or a group of motor carriers if it has cause to believe that the continued operations of such carrier or carriers are contrary to the above-stated licensing criteria (§ 297.66). Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of such motor carrier or motor carriers in accordance with procedures specified by § 297.43.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 771; 49 U.S.C. 1301, 1302, 1386)

Adopted: November 12, 1969.

Effective: January 5, 1970.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-14540; Filed, Dec. 5, 1969; 8:48 a.m.]

[3] Requests for the weekly publication should be addressed to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

[4] Section 399.20 (Policy Statements) articulates decisional standards in this area.

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-40]

PART 399—STATEMENTS OF GENERAL POLICY

Processing of Applications of Long-Haul Motor Carriers of General Commodities for Authority as Air Freight Forwarders or International Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November, 1969.

In a notice of proposed rule making issued April 21, 1969,[1] the Board proposed to amend Part 399 of the policy statements (14 CFR Part 399) and certain parts of the economic regulations [2] with respect to the filing and processing of applications of long-haul motor carriers of general commodities for authorization as air freight fowarders or international air freight forwarders and applications of long-haul motor carriers for approval of control of an air freight forwarder or international air freight forwarder. Pursuant to the notice, comments were received from the Air Freight Forwarders Association (AFFA), the Department of Transportation, one certificated route carrier,[3] three long-haul motor carriers,[4] and two independent air freight forwarders.[5] Except for AFFA and the independent air freight forwarders, there is no substantial opposition to the rules. Although AFFA opposes the rules in toto, the independent air freight forwarders object only to making the new reporting requirements (amendments of Part 244) applicable to them.

After due consideration of all comments, we have decided to make final the rules as proposed with certain modifications. We shall not impose the new reporting requirements (amendments of Part 244) on the independent air freight forwarders as the rules proposed.

The only other significant changes result from the recent amendment of section 408(a)(5) of the Act, effective August 5, 1969. This amendment, inter alia, gives the Board the power to exempt from that section acquisitions of noncertificated air carriers. Thus, in the case of the acquisition by a long-haul motor carrier of an air freight forwarder, the Board may exempt the acquisition, and § 399.20(d) of the final rule has been amended to reflect this fact.[6] In addition, the amendment added a definition of presumptive control based upon beneficial ownership of 10 per centum or more of the voting securities of an air carrier. We shall conform the definition of control in the regulations to this statutory definition. See §§ 296.1(e), 297.1(f), and 244.1. Therefore, except as modified herein, the tentative findings set forth in the explanatory statement to the proposed rules are incorporated herein by reference and made final.

As indicated above, AFFA opposes the rule in toto. It asserts, inter alia, that the proposed rule violates the Act, is not supported by the record in Docket 16857,[7] and is in derogation of the court's mandate on remand in that proceeding.[8] However, on October 24, 1969, the court denied the petition to review of AFFA and others insofar as it challenged Order 69-4-100 and dismissed the petition insofar as it was addressed to the notice of rule making.[9]

The notice proposed to impose the additional reporting requirements on the independent air freight forwarders,[10] as well as on the new class of indirect air carriers which is comprised of long-haul motor carriers of general commodities which are authorized to operate as air freight forwarders or international air freight forwarders, and air freight forwarders or international air freight fowarders which are affiliates of long-haul motor carriers. The Board indicated in the notice that it was aware that the new reporting requirements might prove burdensome to some of the independent forwarders, particularly the smaller carriers, and requested comments on this issue. Two independent air freight forwarders and the AFFA oppose the imposition of these additional reporting requirements on independent air freight forwarders. They assert, inter alia, that the reporting requirements will impose heavy burdens on them and that the basic issues in the long-haul motor carrier/air freight forwarder experiment will be resolved on the basis of data filed by the long-haul motor carriers and not by reports which the independent air freight forwarders would file under the proposed rule. In light of these comments, we have determined not to impose the new reporting requirements upon the existing or future independent air freight forwarders. Thus, the Part 244 amendments will be applicable only to (1) long-haul motor carriers of general commodities which are authorized to operate as air freight forwarders or international air freight forwarders, (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers, and (3) long-haul motor carriers affiliated with air freight forwarders or international air freight forwarders or operating as a separate division within the forwarder's corporate structure.

United Van Lines, Inc., a long-haul motor carrier of household goods, asks that the subject proceeding be consolidated with the "Household Goods Airfreight Forwarder Investigation" (Docket 20812) which is pending evidentiary hearing before a hearing examiner. It asserts that aside from the special equipment and handling employed by household goods carriers in the preparation and surface transportation of household goods, the physical characteristics of transportation of household goods for airfreight forwarding differ in no material respect from the transportation of general commodities.

We shall not grant this request. Final Board action in the "Household Goods" case cannot be taken within the foreseeable future and United Van has not presented sufficient justification to warrant a substantial delay in the implementation of the subject proposed rules.

IML International asks for two modifications in the proposed rule: (1) that § 399.20(e)(2) be amended to provide that the Board may not, without opportunity for an evidentiary hearing, finally deny an application of a long-haul motor carrier for air freight forwarding authority or for control of an air freight forwarder; and (2) that applications within the scope of the policy statement (Part 399) be processed in the chronological order of filing without consideration of the other standards set forth in proposed § 399.20(f).[11] It asserts that proposal (1) is necessary to comply with administrative due process and that proposal (2) is required because the proposed standards for the order of processing are uncertain and vague and, to the extent they indicate the possibility that grant of an application (to be processed later) would be precluded by a prior

[1] PSDR-22 and EDR-159, 34 F.R. 6853, Apr. 24, 1969.

[2] Parts 296 (Classification and Exemption of Indirect Air Carriers), 297 (Classification and Exemption of International Air Freight Forwarders) and 244 (Filing of Reports by Air Freight Forwarders, International Air Freight Forwarders, and Cooperative Shippers Associations) (14 CFR Parts 296, 297, 244).

[3] Trans World Airlines, Inc. (TWA).

[4] Southern Pacific Co. (which has long-haul motor carrier subsidiaries) on behalf of its subsidiary applicant for air freight forwarding authority, Southern Pacific Air Freight, Inc. (SPAF); United Van Lines, Inc. (household goods); IML Freight, Inc., a long-haul motor carrier on behalf of its subsidiary applicant for air freight forwarding authority, IML International, Inc.

[5] Columbia Export Packers, Inc. (household goods); Interjet Cargo System, Inc.

[6] Certain editorial and clarifying amendments have also been made. See, e.g., § 399.20(e)(1) where the term "prima facie showing" is clarified by relating it to the showing which applicants for air freight forwarding authority are required to make under § 296.83.

[7] Contemporaneously with the issuance of the notice in this proceeding, the Board issued a companion opinion and order (Air Freight Forwarder Investigation, Order 69-4-100, Apr. 21, 1969) in which it authorized three long-haul motor carriers of general commodities to operate as air freight forwarders or international air freight forwarders in a controlled experiment for a temporary period, subject to periodic reporting requirements. The opinion further provided for the institution of this rule making proceeding.

[8] ABC Airfreight Company, Inc., et al. v. C.A.B., 391 F. 2d 295 (C.A. 2, 1968).

[9] *Idem.*, No. 33,623, Oct. 24, 1969.

[10] The rule, as proposed, would require the independent air freight forwarders to file two of the three new schedules required to be filed by the long-haul motor carriers of general commodities as air freight forwarders.

[11] I.e., (i) the number of similar applications previously processed and pending; (ii) the nature and extent of air freight forwarder services presently available at the cities in which applicant proposes to provide service; (iii) the nature of any objections filed; and (iv) the complexity of issues raised.

grant of authority, there would be a violation of the Ashbacker rule.[12]

We shall deny both of these requests. Administrative due process does not require an adjudicatory hearing unless required by statute.[13] With respect to an application for acquisition of control under section 408 of the Act, the Board may deny an application without a hearing under the circumstances set forth in the third proviso thereof.[14] With respect to applications for forwarder authority, since forwarders are exempt from section 401 of the Act, there is no statutory requirement that a hearing be held before such applications are denied. With respect to the second proposal, the Board has not in the past ordered any phase of its business strictly to be conducted in the chronological order in which a request was filed but necessarily must take all factors into consideration. Moreover, the standards set forth do not, of course, contemplate any violation of Ashbacker principles.[15]

TWA objects, inter alia, to the definition of "long-haul motor carrier" in the proposed rule.[16] It asserts that under this definition a surface carrier which performs most of its services between points which are less than 500 air miles apart, but happens to operate in a single market where the points are more than 500 miles apart, would qualify to have its application processed under the Board's proposed rules. Maintaining that this situation would frustrate the Board's intent, it asks for modification of the definition so as to insure that those who will be eligible under the rule for authority to engage in air freight forwarding activities will, in fact, be surface motor carriers which are comparable in function to those which have been granted authority under the monitored experiment provided for by Board Order 69-4-100. The carrier also questions whether the 500 or more air-mile definition of a long-haul motor carrier is not too short a distance to rule out markets in which air carriers and surface carriers could effectively compete and where a potential conflict of interest between the dual operations of a motor carrier/air freight forwarder entity might arise.

We shall not make the requested change. The carrier's comment is apparently based on a misconception of the proposed procedure for monitored entry, for an applicant which does not fall within the definition of "long-haul motor carrier" would have its application processed under the current procedures of Part 296 which are more simple than those set forth in the proposed rules. Thus, there would be no incentive for an operator to disguise its operations so as to qualify as a "long-haul motor carrier" if in fact its operations were those of a "short-haul motor carrier." [17]

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399 of the policy statements (14 CFR Part 399), effective January 5, 1970, as follows:

1. Add new § 399.20 to read as follows:

§ 399.20 Processing of applications of long-haul motor carriers for authority as air freight forwarders or international air freight forwarders.

(a) *General.* This policy statement prescribes the procedures and general standards which the Board will use in processing applications of long-haul motor carriers of general commodities for authorization as air freight forwarders or international air freight forwarders. It will also apply to such motor carriers' applications for Board approval of the acquisition of control of such forwarders.

(b) *Definition of long-haul motor carrier.* As used in this section, the term "long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate [18] of such a carrier.

(c) *Applications for forwarding authority.* Where a long-haul motor carrier applies for authority as an air freight forwarder or an international air freight forwarder and submits a proposal to conscientiously promote air cargo in conformity with Part 296 or 297, the following will be the Board's policy in ordinary circumstances:

(1) The Board will process the application without hearing.

(2) The Board will not deem the size, geographical extent, or general commodity rights of the long-haul motor carrier's surface transport authorization and operations, of themselves, as factors indicating that the applicant's operations as an air freight forwarder or international air freight forwarder will result in creating a monopoly or monopolies, and thereby restrain competition or jeopardize any air carrier, or will otherwise be inconsistent with the public interest.

(d) *Applications for acquisition of control.* Where a long-haul motor carrier applies for Board approval to acquire control of an air freight forwarder or an international air freight forwarder and submits a proposal to conscientiously promote air cargo, the Board's policy in ordinary circumstances will be as follows:

(1) The Board will exempt the acquisition from the requirements of section 408(a) of the Act, pursuant to the proviso in section 408(a)(5) to the extent and for such periods as it finds may be in the public interest; or, in the alternative the Board will process the application for approval without a hearing, pursuant to the third proviso in section 408(b) if it determines (i) that the transaction which is the subject of the application does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition, and (ii) that no person disclosing a substantial interest then currently is requesting a hearing.

(2) The Board will not deem the size, geographical extent, or general commodity rights of the long-haul motor carrier's surface transport authorization and operations, of themselves, as factors indicating that the motor carrier's control of the air freight forwarder or international air freight forwarder will result in creating a monopoly or monopolies, and thereby restrain competition or jeopardize another air carrier not a party to the consolidation, merger purchase, lease, operating contract, or acquisition of control, or will otherwise be inconsistent with the public interest.

(e) *Exceptions.* (1) If the Board finds that the long-haul motor carrier has not made a prima facie showing, in accordance with the standards set forth in § 296.83 of Part 296 of this chapter, that it will conscientiously promote air cargo, the Board may—

(i) Deny the application without hearing; or

(ii) Order a hearing.

(2) If the Board finds that the long-haul motor carrier has not made a prima facie showing that its operations (either alone or together with other similar carriers granted air forwarding authority) will not result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier, or will not otherwise be inconsistent with the public interest, the Board may—

(i) Deny an application without hearing; or

(ii) Order a hearing.

(3) The Board may also order a hearing if any person demonstrates that he will present evidence which may contradict the prima facie showing of a

[12] Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945).

[13] Section 4 of the Administrative Procedure Act, 80 Stat. 383, 5 U.S.C. § 553.

[14] "* * * in any case in which the Board determines that the transaction which is the subject of the application does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, * * * and determines that no person disclosing a substantial interest then currently is requesting a hearing, the Board, after publication in the FEDERAL REGISTER of notice of the Board's intention to dispose of such application without a hearing * * * *may determine that the public interest does not require a hearing and by order approve or disapprove such transaction.*" (Italics supplied.)

[15] Cf. § 399.60.

[16] The term is defined as "a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier."

[17] The mileage distance between points for a motor carrier to qualify as a "long-haul motor carrier" under these parts is, of course, a judgment factor. We believe that the over 500 air miles distance portion of the definition is reasonable since there is evidence that truckers can provide overnight delivery in markets of up to 500 miles. In these markets, therefore, air and surface transportation are not at this time generally competitive.

[18] For the definition of "affiliate" see § 296.1(e), § 297.1(f), or § 244.1.

long-haul motor carrier described in this paragraph.

(f) *Priority in processing applications and deferral of applications.* (1) Applications will not necessarily be scheduled for processing in the chronological order in which they are filed. In ordering its docket, the Board will give priority to those applications which appear best to effectuate the public interest, considering, among other things:

(i) The number of similar applications previously processed and pending;

(ii) The nature and extent of air freight forwarder services presently available at the cities in which applicant proposes to provide service;

(iii) The nature of any objections filed; and

(iv) The complexity of issues raised.

(2) The Board may defer action on any application or class of applications covered by this policy statement if it concludes that the public interest so requires.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, 408, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 767 (as amended by 74 Stat. 901, 83 Stat. 103), 72 Stat. 771; 49 U.S.C. 1301, 1302, 1378, 1386)

By the Civil Aeronautics Board.

Adopted: November 12, 1969.

Effective: January 5, 1970.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-14541; Filed, Dec. 5, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1613]

PART 13—PROHIBITED TRADE PRACTICES

Gerald B. Barnett et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Gerald B. Barnett, Chicago, Ill., Docket C-1613, Nov. 6, 1969]

In the Matter of Gerald B. Barnett, an Individual Trading as Gerald Barnett

Consent order requiring a Chicago, Ill., manufacturing and wholesaling furrier to cease misbranding and falsely invoicing his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Gerald B. Barnett, individually and trading as Gerald Barnett or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication on a label that the fur contained in such fur product is "color added" when such fur is dyed.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur or fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur or fur product is "color added", when such fur is dyed.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14504; Filed, Dec. 5, 1969; 8:46 a.m.]

[Docket No. C-1611]

PART 13—PROHIBITED TRADE PRACTICES

Camelot Hats, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Camelot Hats, Inc., et al., New York, N.Y., Docket C-1611, Nov. 6, 1969]

In the Matter of Camelot Hats, Inc., a Corporation, and Marvin E. Simner and Max Brandt, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of ladies' fur hats to cease misbranding and deceptively invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Camelot Hats, Inc., a corporation, and its officers, and Marvin E. Simner and Max Brandt, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14505; Filed, Dec. 5, 1969; 8:46 a.m.]

[Docket No. C-1615]

PART 13—PROHIBITED TRADE PRACTICES

Simon Gerber

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Simon Gerber, New York City, N.Y., Docket C-1615, Nov. 6, 1969]

In the Matter of Simon Gerber, an Individual Trading as Simon Gerber

Consent order requiring a New York City manufacturing furrier to cease falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Simon Gerber, individually and trading as Simon Gerber or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is "color altered", when such fur is dyed.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14506; Filed, Dec. 5, 1969; 8:46 a.m.]

[Docket No. C-1610]

PART 13—PROHIBITED TRADE PRACTICES

R. J. Goerke Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; 13.73-90 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 70, 69f) [Cease and desist order, R. J. Goerke, Co., Inc., Elizabeth, N.J., Docket C-1610, Oct. 30, 1969]

In the Matter of R. J. Goerke Co., Inc., a Corporation

Consent order requiring an Elizabeth, N.J., department store to cease falsely advertising and invoicing, misbranding, and failing to keep required records on its fur products and falsely advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent R. J. Goerke Co., Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" on a label in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb."

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

6. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules

and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent R. J. Goerke Co., Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from falsely or deceptively advertising any textile fiber product by:

1. Making any representation, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in a textile fiber product need not be stated.

2. Using a fiber trademark in advertising such textile fiber product without a full disclosure of the required content information in at least one instance in said advertisement.

3. Using a fiber trademark in advertising such textile fiber product containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising such textile fiber product containing only one fiber without such fiber trademark appearing at least once in the said advertisement, in immediate proximity and conjunction with the generic name of the fiber and in plainly legible and conspicuous type or lettering.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14507; Filed, Dec. 5, 1969; 8:46 a.m.]

[Docket No. C-1616]

PART 13—PROHIBITED TRADE PRACTICES

Jaywein Fashions, Inc., and Julius Weinerman

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 6, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Jaywein Fashions, Inc., et al., New York, N.Y., Docket C-1616, Nov. 6, 1969]

In the Matter of Jaywein Fashions, Inc., a Corporation, and Julius Weinerman, Individually and as an Officer of Said Corporation

Consent order requiring a New York city manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Jaywein Fashions, Inc., a corporation, and its officers, and Julius Weinerman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur or fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

C. Falsely or deceptively invoicing any fur product by representing, directly or by implication, on invoices that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14508; Filed, Dec. 5, 1969; 8:46 a.m.]

[Docket No. C-1604]

PART 13—PROHIBITED TRADE PRACTICES

Mister Mel of California and Mel Dreyfuss

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Mister Mel of California et al., Los Angeles, Calif., Docket C-1604, Oct. 30, 1969]

In the Matter of Mister Mel of California, a Corporation, and Mel Dreyfuss, Individually and as an Officer of Said Corporation

Consent order requiring a Los Angeles, Calif., manufacturer of women's and misses' apparel to cease misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Mister Mel of California, a corporation, and its officers, and Mel Dreyfuss, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Setting forth on the label or elsewhere on the product nonrequired information so as to interfere with, minimize, detract from, or conflict with the required information.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14515; Filed, Dec. 5, 1969; 8:47 a.m.]

[Docket No. C-1600]

PART 13—PROHIBITED TRADE PRACTICES

Monmouth Merchandising Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Monmouth Merchandising Co., Inc., et al., Freehold, N.J., Docket C-1600, Oct. 30, 1969]

In the Matter of Monmouth Merchandising Co., Inc., a Corporation, and Nathan Koenig, William Kaplan, and Irving Kaplan, Individually and as Officers of Said Corporation

Consent order requiring a Freehold, N.J., manufacturer of saddle and utility blankets to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Monmouth Merchandising Co., Inc., a corporation, and its officers, and Nathan Koenig, William Kaplan, and Irving Kaplan, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Monmouth Merchandising Co., Inc., a corporation, and its officers, and Nathan Koenig, William Kaplan, and Irving Kaplan, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of saddle blankets or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14516; Filed, Dec. 5, 1969; 8:47 a.m.]

[Docket No. C-1612]

PART 13—PROHIBITED TRADE PRACTICES

Morgenstern Bros., Inc., and Manny Morgenstern

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:*

13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Morgenstern Bros., Inc., et al., New York, N.Y., Docket C–1612, Nov. 6, 1969]

In the Matter of Morgenstern Bros., Inc., a Corporation, and Manny Morgenstern, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Morgenstern Bros., Inc., a corporation, and its officers, and Manny Morgenstern, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14509; Filed, Dec. 5, 1969; 8:46 a.m.]

[Docket No. C–1605]

PART 13—PROHIBITED TRADE PRACTICES

Morris Wasserman Fur Corp. and Morris Wasserman

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Morris Wasserman Fur Corp., et al., New York, N.Y., Docket C–1605, Oct. 30, 1969]

In the matter of Morris Wasserman Fur Corp., a Corporation, and Morris Wasserman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City fur merchant to cease falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Morris Wasserman Fur Corp., a corporation, and its officers, and Morris Wasserman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of furs, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing furs or fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the furs or fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Describing fur products or furs which have been bleached, dyed or otherwise artificially colored by the name of mink or by any other animal name or names without disclosing that the said fur products or furs were bleached, dyed or otherwise artificially colored.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14517; Filed, Dec. 5, 1969; 8:47 a.m.]

[Docket No. C–1614]

PART 13—PROHIBITED TRADE PRACTICES

B. Smith & Sons, Furs, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, B. Smith & Sons, Furs Inc. et al., New York, N.Y., Docket C–1614, Nov. 6, 1969]

In the Matter of B. Smith & Sons, Furs Inc., a Corporation, and Donald Smith, Robert Book and Lawrence Smith, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease falsely invoicing and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents B. Smith & Sons, Furs Inc., a corporation, and its officers, and Donald Smith, Robert Book, and Lawrence Smith, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to set forth the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder pertaining to used fur or fur added to such fur product which has been repaired, restyled or remodeled by respondents.

4. Failing to set forth on an invoice the item number or mark assigned to such product.

It is further ordered, That respondents B. Smith & Sons, Furs Inc., a corporation, and its officers, and Donald Smith, Robert Book, and Lawrence Smith, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14510; Filed, Dec. 5, 1969; 8:46 a.m.]

[Docket No. 8708]

PART 13—PROHIBITED TRADE PRACTICES

Spiegel, Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary. Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Spiegel, Inc., Chicago, Ill., Docket 8708, Sept. 29, 1969]

In the Matter of Spiegel, Inc., a corporation.

Order modifying an earlier order dated July 15, 1968, 33 F.R. 14372, which prohibited a Chicago, Ill., catalog retailer from making fictitious pricing and savings claims, pursuant to a decision of the U.S. Court of Appeals, Seventh Circuit, dated June 11, 1969, 411 F. 2d 481, by deleting numbered paragraph 3 from the original order.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Now, therefore, *it is hereby ordered,* That the aforesaid order to cease and desist be, and it hereby is, modified by deleting numbered paragraph 3 of the order.

It is further ordered, That respondent, Spiegel, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 29, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14518; Filed, Dec. 5, 1969; 8:47 a.m.]

[Docket No. C–1609]

PART 13—PROHIBITED TRADE PRACTICES

Steinbach Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; 13.73–90 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 70, 69f) [Cease and desist order, Steinbach Co., Inc., Asbury Park, N.J., Docket C–1609, Oct. 30, 1969]

In the Matter of Steinbach Co., Inc., a Corporation

Consent order requiring an Asbury Park, N.J., department store to cease misbranding and falsely invoicing its furs and falsely advertising its fur and textile products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Steinbach Co., Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products

Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" on a label in the manner required where an election is made to use that term in lieu of the "Dyed Lamb".

5. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

7. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth on an invoice pertaining to such fur product the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

4. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form or an invoice pertaining to such fur product.

5. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

6. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

7. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any fur product as to the name or designation or the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent Steinbach Co., Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Product Identification Act, do forthwith cease and desist from falsely or deceptively advertising any textile fiber product by:

1. Making any representation, by disclosure or by implication, as to the fiber content of such textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fiber present in a textile fiber product need not be stated.

2. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile, or outer surface of such textile fiber products and not to the exempted backing, fillings, or paddings.

3. Using a fiber trademark in advertising such textile fiber product without a full disclosure of the required content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising such textile fiber product containing only one fiber without such fiber trademark appearing at least once in the said advertisement, in immediate proximity and conjunction with the generic name of the fiber and in plainly legible and conspicuous type or lettering.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 69-14519; Filed, Dec. 5, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 171—MONEY ORDERS

Payments to Banks Through Federal Reserve System

In the daily issue of Saturday, October 26, 1968 (33 F.R. 15877), the Department published a notice of proposed rule making consisting of the addition of a new § 171.8 to Title 39, Code of Federal Regulations. The new section proposed to give the Postmaster General the right to demand refund from the presenting bank for the amount of a paid money order if, after payment, the money order was found to have been stolen, or to bear a forged or unauthorized endorsement, or to contain any material defect or alteration which was not discovered upon initial examination. In addition, it was proposed that if refund was not made by the presenting bank within 60 days after demand, the Postmaster General would be authorized to take such action as necessary to protect the interests of the United States.

Interested persons were given 30 days within which to submit comments on the proposed regulations. After consideration of all comments received, it has been determined to adopt the proposed regulations with the following changes:

1. A definition of a stolen money order is added;

2. The definition of "Examination" of a money order is revised for clarification;

3. The right to demand a refund from a bank would have to be exercised within a reasonable period after the facts are discovered.

Accordingly, the following amendment to Title 39, Code of Federal Regulations is hereby made, to be effective on the 30th day after the date of this publication in the FEDERAL REGISTER.

In Part 171 new § 171.8 is added, reading as follows:

§ 171.8 Payments to banks through Federal Reserve System.

(a) *Presentation for payment.* Banks may present money orders for payment through the Federal Reserve System.

(b) *Definitions.* (1) "Money order" means a U.S. Postal Money Order.

(2) "Federal Reserve Bank" means a Federal Reserve Bank or branch thereof which presents a money order for payment by the Postmaster General.

(3) "Presenting bank" means a bank which presents a money order to, and receives credit therefor from a Federal Reserve Bank.

(4) "Reclamation" means the action taken by the Postmaster General to obtain refund of the amounts of paid money orders.

(5) "Examination" includes examination of money orders for indicia of theft, forged endorsements, forged signatures or initials of issuing personnel, raised amounts, and other material defects by means of electronic methods and also visual inspection for discovery of defects which cannot be electronically discovered.

(6) "Stolen money order" means a U.S. Postal Money Order which has been stolen from a post office, classified or contract station or branch or postal employee before it has been officially issued by the post office, classified or contract station or branch or by a postal employee in the course of discharging his official duties.

(c) *Payment.* The Postmaster General has the usual right of a drawee to examine money orders presented for payment by banks through the Federal Reserve System and to refuse payment of money orders and shall have a reasonable time after presentation to make such examination. Provisional credit shall be given to the Federal Reserve Bank when it furnishes the money orders for payment by the Postmaster General. Money orders shall be deemed to be paid only after examination has been fully completed subject to the right of the Postmaster General to make reclamation as provided for in paragraph (e) of this section.

(d) *Endorsements.* The presenting bank and the endorser of a money order presented for payment are deemed to guarantee to the Postmaster General that all prior endorsements are genuine, whether or not an express guarantee to that effect has been placed on the money order. When an endorsement has been made by a person other than the payee personally, the presenting bank and the endorser are deemed to guarantee to the Postmaster General, in addition to other warranties, that the person who so endorsed had unqualified capacity and authority to endorse the money order on behalf of the payee.

(e) *Reclamation.* The Postmaster General shall have the right to demand refund from the presenting bank of the amount of a paid money order if, after payment, the money order is found to have been stolen, or to bear a forged or unauthorized endorsement, or to contain any material defect or alteration which was not discovered upon examination. Such right includes, but is not limited to, the right to make reclamation of the amount by which a genuine money order bearing a proper and an authorized endorsement has been raised. Such right shall be exercised within a reasonable time after the Postmaster General discovers that the money order has been stolen, or bears a forged or unauthorized endorsement, or is otherwise defective. If refund is not made by the presenting bank within 60 days after demand, the Postmaster General shall take such action as may be necessary to protect the interests of the United States.

(5 U.S.C. 301, 39 U.S.C. 501, 5101)

DAVID A. NELSON, *General Counsel*.

[F.R. Doc. 69-14523; Filed, Dec. 5, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-19—TRANSPORTATION

Use of Government Rate Tenders

This amendment adds a new § 1-19.109 to the Federal Procurement Regulations prescribing uniform regulations and guidelines covering the availability and use of special rate tenders applicable to transportation of property in connection with cost-reimbursable contracts.

The table of contents for Part 1-19 is amended by the addition of the following new entries:

Sec.

1-19.108	[Reserved]
1-19.109	Use of Government rate tenders in cost-reimbursement contracts.
1-19.109-1	Applicability.
1-19.109-2	Responsibility.
1-19.109-3	Procedure.

Subpart 1-19.1—General

Subpart 1-19.1 is amended by reserving § 1-19.108 and adding §§ 1-19.109 through 1-19.109-3 as follows:

§ 1-19.108 [Reserved]

§ 1-19.109 Use of Government rate tenders in cost-reimbursement contracts.

§ 1-19.109-1 Applicability.

(a) Under the provisions of section 22 of the Interstate Commerce Act, or other appropriate authority, common carriers are permitted to tender special rates to the Government (hereafter referred to as section 22 rates) which are lower than the published tariff rates available to the general public. The Interstate Commerce Commission has ruled that these section 22 rates may be applied to shipments other than those made by the Government, provided the total benefit accrues to the Government; that is, provided the Government pays the charges or directly and completely reimburses the party which initially bears the freight charges (see 323 I.C.C. 347 and 332 I.C.C. 161). Accordingly, section 22 rates may be used in the transportation of property under cost-reimbursable contracts where the actual total transportation charges are paid by or are reimbursable by the Government. (See §§ 1-15.107(i)(5), 1-15.205-45, 1-15.309-43, and 1-15.403-4.) This includes the transportation of household goods and personal effects in the relocation of contractors' personnel, as well as the transportation of other property involved in the performance of the contract.

(b) To qualify for transportation under section 22 rates, property must be shipped by or for the Government (1) on Government bills of lading; (2) on commercial bills of lading endorsed to show that such bills of lading are to be exchanged for Government bills of lading at destinations or converted to Government bills of lading after delivery to the consignees; (3) on commercial bills of lading showing that the Government is either the consignor or the consignee and endorsed with the following legend: "Transportation is for the _____ _____ (name the specific agency, such as U.S. Department of Defense), and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are assignable to, and are to be reimbursed by, the Government"; or (4) on commercial bills of lading endorsed with the following legend: "Transportation hereunder is for the _____ (name the specific agency, such as U.S. Department of Defense), and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are to be reimbursed by the Government, pursuant to cost-reimbursable contract No. _____. This may be confirmed by contacting such agency at _____."

§ 1-19.109-2 Responsibility.

(a) The contracting officer, in coordination with the transportation officer, shall determine whether sufficient transportation is likely to be generated under the contract to justify inclusion of contract provisions and controls to ensure the use of section 22 rate tenders applicable to such transportation.

(b) Where it is considered advisable, on the basis of available rates, expected volume of traffic, and other pertinent factors, the transportation officer shall take the necessary action to negotiate with carriers or carrier associations for more reasonable rates or for revision of

existing section 22 rate tenders to include the transportation in question. New or revised tenders should provide for the use of either Government bills of lading or commercial bills of lading endorsed as provided for in § 1-19.109-1(b). (See also §§ 1-19.103 and 101-40.305-3.)

§ 1-19.109-3 Procedure.

When it has been determined that shipments are to be made under section 22 rates, the contractor shall use, as appropriate, either (a) Government bills of lading (or commercial bills of lading to be converted to Government bills of lading) to cover transportation, the costs of which are to be paid directly by the Government or (b) properly endorsed commercial bills of lading to cover transportation where the actual total transportation charges are reimbursable by the Government. In either case, the bill of lading shall be endorsed to identify the applicable Government rate tender; e.g., "Section 22 quotation ABC Transportation Company, I.C.C. File No. 143." In addition, commercial bills of lading shall be endorsed in conformance with the provisions of § 1-19.109-1(b).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective January 2, 1970, but may be observed earlier.

Dated: December 2, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-14531; Filed, Dec. 5, 1969; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Providence Interstate Air Quality Control Region

On July 12, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11552) to amend Part 81 by designating the Metropolitan Providence Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on July 29, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.31, as set forth below, designating the Metropolitan Providence Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.31 Metropolitan Providence Interstate Air Quality Control Region.

The Metropolitan Providence Interstate Air Quality Control Region (Rhode Island-Massachusetts) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

The entire State of Rhode Island.
In the State of Massachusetts:

CITIES

Attleboro.	New Bedford.
Fall River.	Taunton.

TOWNS

Acushnet.	Middleborough.
Bellingham.	Millville.
Berkley.	North Attleborough.
Blackstone.	Norton.
Bourne.	Plainville.
Carver.	Plymouth.
Dartmouth.	Plympton.
Dighton.	Raynham.
Fairhaven.	Rehoboth.
Franklin.	Rochester.
Freetown.	Sandwich.
Halifax.	Seekonk.
Kingston.	Somerset.
Lakeville.	Swansea.
Mansfield.	Wareham.
Marion.	Westport.
Mattapoisett.	Wrentham.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: December 1, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14452; Filed, Dec. 5, 1969; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Steubenville-Weirton-Wheeling Interstate Air Quality Control Region

On August 13, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 13109) to amend Part 81 by designating the Steubenville-Weirton-Wheeling Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on August 27, 1969. Due consideration has been given to all relevant material presented, with the result that Columbiana and Monroe Counties, in the State of Ohio, not in the original proposal, have been added to the Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.33, as set forth below, designating the Steubenville-Weirton-Wheeling Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.33 Steubenville-Weirton-Wheeling Interstate Air Quality Control Region.

The Steubenville-Weirton-Wheeling Interstate Air Quality Control Region (Ohio-West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Belmont County.	Jefferson County.
Columbiana County.	Monroe County.

In the State of West Virginia:

Brooke County.	Marshall County.
Hancock County.	Ohio County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: December 1, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14454; Filed, Dec. 5, 1969; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Louisville Interstate Air Quality Control Region

On October 7, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15562) to amend Part 81 by designating the Louisville Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on October 17, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.35, as set forth below, designating the Louisville Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.35 Louisville Interstate Air Quality Control Region.

The Louisville Interstate Air Quality Control Region (Kentucky-Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:
Jefferson County.
In the State of Indiana:

Floyd County	Clark County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: December 1, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14453; Filed, Dec. 5, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4748]

[Nevada 2168]

NEVADA

Withdrawal for Underground Atomic Energy Experiments

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), and from the mineral leasing laws, and reserved for use of the Atomic Energy Commission for experimental purposes:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 51 E. (unsurveyed),

Parcel 1

Beginning at a point, said point being S. 67°34'33" W., 11,046.966 feet from the southeast corner of T. 9 N., R. 51 E., W. 5,280 feet; N. 7,920 feet; E. 5,280 feet; S. 7,920 feet, to the point of beginning.

Parcel 2

T. 9 N., R. 51 E. (unsurveyed),
Sec. 2, NW¼;
Sec. 3, N½.
T. 10 N., R. 51 E.,
Sec. 34, S½;
Sec. 35, SW¼.

The areas described aggregate approximately 1,920 acres in Nye County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining and mineral leasing laws. However, leases, licenses or permits will be issued only if the Atomic Energy Commission finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 2, 1969.

[F.R. Doc. 69-14490; Filed, Dec. 5, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabiliaztion and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determination To Be Made With Respect to Regulations Pertaining to Farm Acreage Allotments and Marketing Quotas for the 1970–71 and Subsequent Marketing Years

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended and supplemented, the Department is preparing to issue regulations for determination of acreage allotments and marketing quotas for 1970–71 and subsequent marketing years. It is proposed that the regulations (31 F.R. 9775, including amendments and corrections thereto) currently in effect for establishing of farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the records and reports incident thereto for Flue-cured tobacco for the 1966–67 and subsequent crops be reissued as provided herein and become applicable to the 1970–71 and subsequent marketing years.

The main purpose in amending the regulations is to facilitate the automated procedure being adopted. Changes are also being made for clarification and other purposes. Significant changes are as follows:

(1) Paragraph 725.70(b) would authorize the county office to maintain a copy of the notice of allotment or a printout summary of the data thereon for public inspection.

(2) Paragraph 725.72(c) would be clarified to insure county committee's personal review and approval of leases to transfer tobacco allotments.

(3) In paragraph (c) of § 725.73, August 1 in lieu of October 1 would be the last day on which the farm operator could request an adjustment in his tobacco farm history acreage for abnormal weather or disease.

(4) Section 725.87 would be amended to remove the bond heretofore required to assure program compliance. The present compliance requirements in Part 718 of this chapter and the penalty provisions applicable for marketings above 110 percent of the effective farm marketing quota are deemed sufficiently deterrent to insure program compliance.

(5) Paragraph (a) of § 725.91 is clarified to place on the dealer purchaser the responsibility for entering data on the marketing card.

(6) Paragraph (d) of § 725.94 would be revised to provide that where a dealer has excess resales and such excess is derived from his failure to keep separate records by kinds of tobacco, penalty would be due at the highest rate for the kind of tobacco in which he had resale transactions.

(7) Paragraph (h) of § 725.98 would be amended to provide for applying the percentage allotment reduction after application of the national factor to the preliminary allotment but before adjusting for over or undermarketings.

(8) Paragraph (k) would be added to § 725.98 to make it clear that a reduction in the allotment would require a comparable reduction in the poundage quota.

(9) Paragraph (o) of § 725.98 would be amended to provide for obtaining an estimate of production of tobacco on farms having carryover tobacco but no current crop tobacco.

(10) Paragraph (j) of § 725.99 would be added to provide that each auction warehouse check issued in payment for tobacco shall be issued in the name of the payee. In no case, would a check be issued in the name of the seller and bearer, for example, "John Doe or Bearer". The purpose of this proposed amendment is to provide an aid in the investigation of violations.

(11) Paragraph (k) of § 725.99, is of an accounting nature and would be added to cross-reference the basket ticket, tobacco sale bill and the bill-out invoice.

(12) Paragraph (c)(5) would be added to § 725.100 to make it clear that dealers who have tobacco transactions (acquire tobacco or make resales) after the final reporting period of March 1 (subparagraph 3 of this paragraph), shall make reports on MQ–79.

(13) Paragraph (b)(2) of § 725.101 would be amended to require on the special dealer report to the Director the applicable seller's number (dealer's registration number or farm number, including State and county code).

(14) Paragraph (b) in § 725.104 would be amended to point out that it is a criminal violation to buy or sell the unused "110 percent of quota poundage" on a marketing card.

(15) Section 725.108 would be amended to provide for retention of records for 3 years after the end of the marketing year instead of 2 years. Many violations are not discovered and investigations instituted until after the expiration of 2 years.

(16) Section 725.110 would be revised to rely on the farmer's certification as to whether or not he is producing a discount variety tobacco.

GENERAL

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AUTHORITY: The provisions of this Part 725 issued under sections 301, 313, 314, 316, 317, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 68, as amended, 65–66, as amended, 72 Stat. 995; section 401, 63 Stat. 1054, as amended, sections 106, 112, 125, 70 Stat. 191, 195, 198, as amended, section 16(e), 76 Stat. 606; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372–1375, 1377, 1378, 1421, 1813, 1824, 1836, 16 U.S.C. 590p(e).

§ 725.50 Basis and purpose.

The regulations contained in §§ 725.50 through 725.110 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and are applicable to Flue-cured tobacco for the 1970–71 and subsequent marketing years. They govern the establishment of farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the keeping of records and making of reports incident thereto. The applicability of the regulations for any marketing year subsequent to the 1970–71 marketing year is contingent upon the proclamation of a national marketing quota for such year pursuant to section 312(a) of the Act.

§ 725.51 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and any amendments now in effect or later issued. The following words or phrases are defined in Parts 718 or 719 of this chapter and shall have the meanings assigned to them by such regulations: "County committee", "County Executive Director", "community committee", "current year", "Department", "Deputy Administrator", "Director", "farm", "Federally owned land", "operator", "person", "preceding year", "producer, "representative of the county committee", "representative of the State committee", "Secretary", "State committee", and "State executive director".

(a) *Act.* The Agricultural Adjustment Act of 1938, as amended.

(b) *Auction sale.* A marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, including sale of all lots or baskets of tobacco at public auction in sequence at a given time.

(c) *Base period.* The 5 calendar years immediately preceding the year for which farm acreage allotments are currently being established.

(d) *Buyers corrections account.* The warehouse account of tobacco purchased at auction by the buyer, but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. This account shall include the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets and long weights, which buyers debit or credit to the warehouseman and support with adjustment invoices.

(e) *Community average yield.* The average yield in the community as determined by averaging the yields per acre for the 3 highest years of the 5 years 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 percent of the average for the 3 years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield.

(f) *Current year.* The calendar year for which acreage allotments are being established, or tobacco history acreage and yields are being determined, or the farm is being considered under the provisions of the marketing quota program.

(g) *Dealer or buyer.* A person who engages to any extent in acquiring or selling tobacco in the form normally marketing by producers.

(h) *Director.* The Director, or Acting Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(i) *Effective farm acreage allotment.* The allotment determined under § 725.58.

(j) *Effective farm marketing quota.* The quota determined under § 725.60.

(k) *Excess tobacco for a farm.* The excess tobacco on a farm for the current year shall be the quantity of tobacco marketed in the current marketing year after 110 percent of the effective farm marketing quota has been marketed.

(l) *Farm acreage allotment.* The acreage determined by multiplying the preliminary farm acreage allotment by the national acreage factor.

(m) *Farm marketing quota.* The pounds determined by multiplying the farm acreage allotment by the farm yield.

(n) *Farm yield—(1) Old farm.* The farm yield for an old farm is that yield determined as provided in § 725.59.

(2) *New farm.* The farm yield for a new farm is that yield determined as provided in § 725.59.

(o) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That floor sweepings above the pounds determined by multiplying the applicable following listed percentage times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco:

How sold	*Percentage*
Untied	0.50 (five-tenths of 1 percent).
Tied	0.17 (seventeen hundredths of 1 percent).

Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

(p) *Leaf account tobacco.* All tobacco purchased or otherwise acquired by or for the account of a warehouse, and shall include but not be limited to, tobacco from Buyers Corrections Account, sales and resales of such tobacco, floor sweepings purchased from another warehouseman or dealer, and floor sweepings deemed to be leaf account tobacco under paragraph (o) of this section.

(q) *Market.* The disposition of tobacco in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(r) *Marketing recorder or field assistant.* Any employee of the U.S. Department of Agriculture, or any employee of an Agricultural Stabilization and Conservation Service county (ASCS) office, whose duties involve the preparation and handling of the records and reports pertaining to the identification of marketings of tobacco.

(s) *Marketing year.* The period beginning July 1 of the year in which the tobacco is produced and ending June 30 of the following year.

(t) *New farm.* A farm for which a tobacco allotment is established in the current year and for which there is no tobacco history acreage in the base period.

(u) *Nonauction sale.* Any first marketing of tobacco other than by a sale at auction.

(v) *Old farm.* A farm on which there is tobacco history acreage in one or more years of the base period.

(w) *Overmarketings.* The pounds by which the pounds marketed exceed the effective farm marketing quota.

(x) *Pound.* That amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal 1 pound standard weight.

(y) *Preceding year.* The calendar year immediately preceding the year for which the allotments and quotas are established, or the marketing year preceding the marketing year for which the allotments and quotas are established.

(z) *Preliminary farm acreage allotment.* The preceding year's farm acreage allotment for a farm which has tobacco history acreage in the base period.

(aa) *Preliminary farm yield.* The yield determined for a farm as provided in § 725.57.

(bb) *Resale.* The disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(cc) *Sale day.* The period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(dd) *Scrap tobacco.* The residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(ee) *Suspended sale.* Any marketing of tobacco at auction for which the sale is not identified by a producer marketing card or a dealer's identification card by the end of the sale day on which such marketing occurred.

(ff) *Tobacco.* Flue-cured tobacco, types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture.

(gg) *Tobacco available for marketing.* All tobacco produced on a farm which has not been marketed and which has not been disposed of so that it cannot be marketed.

(hh) *Trucker.* A person who trucks or hauls tobacco for producers, or any other persons.

(ii) *Undermarketings.* The pounds by which the effective farm marketing quota is more than the pounds marketed.

(jj) *Warehouseman.* A person who engages in the business of holding sales of tobacco at public auction.

§ 725.52 Location of farm for administrative purposes.

(a) *County.* The location of a farm in a county for administrative purposes shall be as provided in Part 719 of this chapter.

(b) *Community.* (1) A farm that is geographically located entirely within one community shall be assigned to that community.

(2) A farm that is geographically located in one county and in more than one community shall be assigned to the community (i) where the principal dwelling is located, or (ii) where the largest amount of cropland is located, if there is no such dwelling.

(3) A farm that is geographically located in more than one county and in more than one community shall be assigned to the community in the county in which the farm is located for administrative purposes under Part 719 of this chapter in which the principal dwelling is located, or if the principal dwelling is not located in such county, or there is no such dwelling, to the community in such county having the largest amount of cropland.

§ 725.53 Extent of determinations, computations, and rule for rounding fractions.

(a) *General.* If rounding is prescribed herein, computations shall be carried to two decimal places beyond the number of decimal places required and digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by 1.

(b) *Allotments.* Farm acreage allotments shall be determined in hundredths and any allotment of less than 0.01 acre shall be increased to 0.01 acre. For example, 2.5536 equals 2.55; 2.5550 equals 2.55; 2.5551 equals 2.56; 2.5582 equals 2.56; and 0.0001 equals 0.01.

(c) *Yields.* Yields shall be determined in whole pounds. For example, 2006.50 equals 2006; and 2006.51 equals 2007.

§ 725.54 Supervisory authority of State ASC committee.

The State committee may take any action required by these regulations which has not been taken by a county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by a county committee which is not in accordance with these regulations, or (b) require a county committee to withhold taking any action which is not in accordance with these regulations.

§ 725.55 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator.

Acreage Allotments, History Acreage, Marketing Quota and Yields for Old Farms

§ 725.56 Determination of preliminary farm acreage allotments.

(a) *Farms with history acreage in base period.* A preliminary farm acreage allotment shall be determined for each farm which has tobacco history acreage, as defined and explained in § 725.73 of this part, in the base period, except that no preliminary farm acreage allotment shall be established in the current year under any one of the following conditions: (1) The only tobacco history acreage credited to the farm during the entire base period is history acreage restored because the allotment was reduced for violation of the marketing quota regulations, (2) a new farm allotment was established in any prior year but was canceled for the year preceding the current year, (3) an allotment was pooled under Part 719 of this chapter but was canceled, or (4) the county committee determines that the cropland in the farm has been retired from agricultural production and was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it: *Provided,* That this paragraph shall not preclude the determination of a preliminary farm acreage allotment for (i) an old farm that is returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (ii) a farm for which an acreage allotment may be determined under the provisions of § 725.68.

(b) *Preliminary farm acreage allotment.* The preliminary farm acreage allotment for the current year for a farm which qualifies for a preliminary farm acreage allotment under paragraph (a) of this section shall be the same as the farm acreage allotment (prior to reduction for violation, prior to adjustment for lease and transfer, and prior to adjustment for undermarketings or over marketings) established for such farm for the immediately preceding year.

§ 725.57 Determination of preliminary farm yields.

(a) *Old farms.* The preliminary farm yield for an old farm shall be the same preliminary farm yield as was in effect for such farm in the immediately preceding year. Preliminary farm yields required to be established for farms reconstituted under § 725.63, using yield data for base years 1959–63, shall be determined as follows:

(1) An average yield per acre for each farm for each year of the period 1959 through 1963 shall be determined by dividing the total pounds of Flue-cured tobacco produced on such farm by the total acreage of Flue-cured tobacco harvested from such farm for each respective year.

(2) A simple average of the yields per acre for each farm for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year shall be determined. If Flue-cured tobacco was not produced for at least 3 years of the 5-year period, the average of the yields for the years in which tobacco was produced shall be determined. The provisions of subparagraph (4) of this paragraph shall be applied to the simple average of such yields.

(3) If no Flue-cured tobacco was produced on the farm in the 5-year period (1959–63) but the farm is eligible for an allotment because it has tobacco history acreage in the 5-year period (1960–64), a preliminary farm yield for the farm shall be determined by the county committee taking into consideration (i) the soil and other physical factors affecting the production of tobacco on the farm, and (ii) the preliminary farm yields determined for other farms in the community on which the soil and other physical factors affecting the production of tobacco are similar. If no Flue-cured tobacco was produced in the community in the 5-year period (1959–63), the preliminary farm yield shall be appraised on the basis of the soil and other physical factors affecting the production of tobacco on the farm and the preliminary farm yields for similar farms outside the community.

(4) If the simple average of the yields for the farm as determined under subparagraph (2) of this paragraph is (i) as much as 80 percent but not more than 120 percent of the community average yield, the preliminary farm yield shall be the simple average of such yields; (ii) more than 120 percent of the community average yield, the preliminary farm yield shall be the sum of 50 percent of the average of the 3 highest years and 50 percent of the national average yield goal (1,854 pounds) but not less than 120 percent of the community average yield or more than the average of the 3 highest years for the farm; or (iii) less than 80 percent of the community average yield, the preliminary farm yield shall be 80 percent of the community average yield.

(b) *New farms.* The preliminary farm yield for a new farm shall be determined by dividing the farm yield determined in accordance with § 725.59(b) for such farm by the national yield factor applicable for the year in which the new farm allotment was established.

§ 725.58 Determination of farm acreage allotments and effective farm acreage allotments.

(a) *Farm acreage allotments.* The farm acreage allotment shall be determined by multiplying the current year's preliminary farm acreage allotment by the national acreage factor for the current year.

(b) *Effective farm acreage allotment.* The effective farm acreage allotment for the current year shall be determined by adjusting the farm acreage allotment for the current year as follows:

(1) *Upward adjustment.* (i) Add the farm marketing quota and the pounds undermarketed in the preceding marketing year (not to exceed 100 per centum of the preceding year farm marketing quota plus pounds leased to the farm for such year) and divide the result by the current year's farm yield. (ii) Add to the acreage computed under subdivision (i) of this subparagraph the acreage obtained by dividing the pounds leased and transferred to the farm for the current year by the current year's farm yield for the lessee farm.

(2) *Downward adjustment.* The farm acreage allotment, after adjustment under subparagraph (1) of this paragraph, if any, shall be adjusted downward as follows: (i) Subtract from the farm marketing quota the pounds overmarketed in the preceding marketing year (plus additional pounds overmarketed in any prior marketing year for which a reduction in quotas has not been made) and divide the result by the current year's farm yield. (ii) Subtract from the acreage computed under (i) of this subparagraph the (*A*) acreage obtained by dividing the pounds leased and transferred from the farm for the current year by the current year's farm yield for the lessor farm, (*B*) acreage reduced because of insufficient cropland, and (*C*) acreage reduced because of a violation of the marketing quota regulations.

§ 725.59 Determination of farm yields.

(a) *Old farms.* The farm yield for an old farm shall be determined by multiplying the preliminary farm yield for the farm by the national yield factor for the current year.

(b) *New farms.* The farm yield for a new farm shall be that yield, not to exceed the community average yield, which the county committee determines for the farm taking into consideration (1) the soil and other physical factors affecting the production of tobacco on the farm, and (2) the farm yields determined for other farms on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.60 Determination of effective farm marketing quotas.

The effective farm marketing quota for a farm for the current year shall be the farm marketing quota determined by multiplying the farm acreage allotment for the current year by the farm yield established for the current year, adjusted as follows:

(a) *Upward adjustment.* The farm marketing quota shall be adjusted upward by adding (1) the pounds undermarketed in the preceding marketing year, not to exceed 100 percent of the farm marketing quota for the preceding marketing year, plus pounds leased and transferred to the farm in such year, and (2) the pounds leased and transferred to the farm for the current year.

(b) *Downward adjustment.* The farm marketing quota, after adjustment, if any, under paragraph (a) of this section, shall be adjusted downward by subtracting (1) the pounds overmarketed in the preceding marketing year plus additional pounds overmarketed in any prior marketing year for which a reduction in quota has not been made, (2) the pounds reduced for violation of the tobacco marketing quota regulations for a prior year, (3) the pounds leased and transferred from the farm for the current year and (4) the pounds computed for allotment reduction because of insufficient cropland acreage on the farm.

§ 725.61 Determination of undermarketings and overmarketings for farms with conservation reserve contracts, cropland conversion program agreements, or land covered by a cropland adjustment program agreement.

The farm marketing quota established for a farm, all of which is under a conservation reserve contract or cropland conversion program agreement, or land covered by a cropland adjustment program agreement, including the tobacco acreage, shall be considered as zero for the purpose of determining undermarketings and overmarketings for such farm. For a farm, a part of which is under a conservation reserve contract or cropland conversion program agreement with the permitted acres less than the allotment, the marketing quota determined by multiplying that part of the allotment equal to the permitted acres by the farm yield shall be considered the farm marketing quota for the farm for the purpose of determining undermarketings and overmarketings. Permitted acres as used in this section means the total number of acres which could be devoted to nonconserving or soil bank base crops under the terms of the conservation reserve contract or cropland conversion program agreement.

§ 725.62 Determination of undermarketings and overmarketings for allotments while in eminent domain pool.

The farm marketing quota established for an allotment which is in the eminent domain pool for the current year shall be considered as zero for the purpose of determining undermarketings and overmarketings.

§ 725.63 Determination of allotments and yields for divided farms.

(a) *Allotments.* Farm acreage allotments for divided farms shall be divided pursuant to the provisions of Part 719 of this chapter. History acreages and other basic data shall be apportioned among the divided tracts as provided in Part 719 of this chapter, except as provided in paragraphs (b) and (c) of this section.

(b) *Preliminary farm yields*—(1) *Where contribution method is used.* Where a tract is separated from the parent farm and the tobacco acreage allotment is divided by the contribution method, the preliminary farm yield shall be determined as follows:

(i) Where a preliminary farm yield was established for the tract prior to the time the tract became part of the parent farm such yield shall be the preliminary farm yield for the tract.

(ii) Where the tract is one for which a preliminary farm yield has never been established and one which was not a separate farm in one or more years of the period 1959 through 1963, the preliminary farm yield shall be the same as the preliminary farm yield for the parent farm.

(iii) Where the tract is (*a*) one for which a preliminary farm yield has never been established, and (*b*) one which was a separate farm in one or more years of the period 1959 through 1963, the preliminary farm yield shall be determined in accordance with procedure in § 725.57, using the community average yield for the community in which the tract is located under the provisions of § 725.52. In determining the preliminary farm yield, the yield per acre for the parent farm shall be used for those years of the period 1959 through

1963 the tract was part of the parent farm and the yield per acre for the tract when it was a separate farm shall be used in the remaining years.

(2) *Where the contribution method is not used.* When a farm is divided and the allotments are divided by any method other than the contribution method, the preliminary farm yield for such tract shall be the same as the preliminary farm yield established for the parent farm.

(c) *Farm yield.* The farm yield for a tract separated from a parent farm by division shall be determined by multiplying the preliminary farm yield by the national yield factor for the current year.

§ 725.64 Determination of allotments and yields for combined farms.

(a) *Allotments.* Farm acreage allotments and history acreages and other basic data for combined farms shall be computed for the base period in accordance with Part 719 of this chapter, except as provided in paragraph (b) of this section.

(b) *Yields.* The farm yield for a combined farm shall be the weighted average of the farm yields established for the parent farms. The preliminary farm yield for the combined farm shall be determined by dividing the farm yield for the combined farm by the national yield factor for the current year.

§ 725.65 Determination of undermarketings and overmarketings for reconstituted farms.

(a) *Divisions.* Undermarketings and overmarketings of the parent farms shall be apportioned among the divided tracts in the same ratio as the marketing quotas are established for the divided tracts.

(b) *Combinations.* Undermarketings of the parent farm shall be the total undermarketings of the combined farms and overmarketings of the parent farm shall be the total overmarketings of the combined farms.

§ 725.66 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) *General.* Notwithstanding the limitations contained in any other section of this subpart, the farm acreage allotment established for an old farm may be increased to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community in which the farm is located. The reserve acreage for adjusting allotments under this paragraph will be prorated based on the relationship of each State's preliminary acreage allotment to the national total. The national office will advise State offices of the amount. Correction of errors shall be made out of the reserve acreage before allotments are adjusted for inequities.

(b) *Basis for adjustment.* Acreage increases to adjust inequities in acreage allotments shall be made on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed 1 percent of the national acreage allotment minus that part of the national reserve set aside for establishing new farm allotments shall be made available for adjusting inequities and correction of errors. The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage apportioned the county for such purpose. The sum of adjustments for farms in the county owned, operated, or controlled by the State, county, and community committeemen and the county office manager, shall not be larger in relation to the sum of the preceding year's allotments for such farm than the sum of the adjustments for other farms in the county in relation to the preceding year's allotments for such farms.

(c) *CR, CCP, and CAP farms.* The allotment for a farm under a conservation reserve contract or a farm under a cropland conversion program agreement, or land under a cropland adjustment program agreement shall be given the same consideration under this section as the allotments for other old farms.

(d) *Approved acreage.* Acreage approved for a farm under this section becomes a part of the farm acreage allotment. The farm marketing quota for such farm shall be adjusted by multiplying the adjusted farm acreage allotment by the farm yield.

§ 725.67 Time for making reduction of acreage allotment for violation of the marketing quota regulations.

Any reduction in the farm acreage allotment for a farm for the current year required for any of the reasons provided in § 725.98 shall be made no later than April 1 of the current year. If the reduction is not made by such date for the current year, the reduction shall be in the farm acreage allotment next established for the farm, but no later than by April 1 in the subsequent year: *Provided,* That no reduction shall be made in the acreage allotment for any farm for a violation if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

§ 725.68 Allotments and yields for farms acquired under right of eminent domain.

(a) *Allotments and marketing quotas.* The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in Part 719 of this chapter. Where all or a part of an allotment is pooled, all or a proportionate part of the farm marketing quota shall be pooled.

(b) *Yields for receiving farms.* The farm yield for a farm to which pooled acreage allotment and marketing quota are transferred shall be determined by dividing the farm marketing quota (including the transferred farm marketing quota) by the farm acreage allotment (including the transferred farm acreage allotment). The preliminary farm yield shall be determined by dividing the farm yield by the national yield factor for the current year.

(c) *Undermarketings and overmarketings.* Undermarketings of the farm acquired by eminent domain shall be added to the marketing quota for the receiving farm and overmarketings of the acquired farm shall be subtracted from the marketing quota of the receiving farm.

(d) *Release and reapportionment.* The displaced owner of a farm may, not later than April 1 of the current year, release in writing to the county committee for the current year all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for the current year by the county committee to other farms in the county having allotments for Flue-cured tobacco. The marketing quota for the pooled acreage shall be adjusted downward by the amount determined by multiplying the acreage released by the farm yield for the farm acquired by eminent domain. The county committee may reapportion, not later than May 1 of the current year, the release acreage or any part of it to other farms in the county on the basis of past acreage of tobacco, land, labor, and equipment available for the production of tobacco, crop rotation practices, and soil and other physical factors affecting the production of tobacco. The marketing quota for the farm to which released acreage is reapportioned shall be adjusted upward by multiplying the reapportioned acreage by the farm yield for such farm. The allotment acreage reapportioned shall not, for purposes of establishing future farm allotments, be regarded as planted on the farm to which the allotment was reapportioned. No release and reapportionment of allotment acreage hereunder shall be the result of any private negotiations between individuals. Any acreage released shall be released to the county committee and such acreage shall be reapportioned only by the county committee.

§ 725.69 Determination of acreage allotments for new farms.

(a) *Basic.* The acreage allotment, other than an allotment made under § 725.68, for a new farm shall be that acreage which the county committee, with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices and the soil and other physical factors affecting the production of tobacco.

(b) *Conditions.* Notwithstanding any other provision of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm shall be operated by the owner thereof. A person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner of the farm if the farm is jointly owned by such husband and wife.

(2) The farm covered by the application shall be the only farm in the United States owned or operated by the farm operator for which a Burley, Flue-cured, Fire-cured, dark Air-cured, Virginia sun-cured, Maryland, Cigar-filler (type 41); Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the current year.

(3) The farm shall not have an allotment for the current year for any of the kinds of tobacco listed in subparagraph (2) of this paragraph, other than the allotment requested in the application.

(4) The available land, type of soil, topography of the land on the farm for which the allotment is requested is suitable for the production of Flue-cured tobacco requested in the application and the production of Flue-cured tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(5) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of Flue-cured tobacco.

(6) (i) The operator shall expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must expect to obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income, including dividends and salary, from the corporation. (ii) When the farm operator is a low-income farmer, the county committee may waive the income provision in subdivision (i) of this subparagraph if it determines that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. The county committee must exercise good judgment to see that its determination is reasonable in the light of all pertinent factors and that this special provision is made applicable only to those who qualify. In making its determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(7) The farm operator shall have had experience in producing, harvesting, and marketing Flue-cured tobacco either as a sharecropper, tenant, or farm operator during at least 2 of the 5 years immediately preceding the year for which the new farm allotment is requested. If the applicant was in the armed services during any part or all of the 5-year period, the experience period shall be expanded, year for year, for each year of military service during such 5-year period. The production of Flue-cured tobacco on a farm for which no farm acreage allotment for such kind of tobacco was established shall not be deemed as experience in growing tobacco for this purpose.

(8) A written application is filed by the farm operator at the office of the county committee on or before February 15 of the calendar year for which the application is made.

(9) The farm shall not include land returned to agricultural production after being acquired by an agency having the right of eminent domain if the entire tobacco allotment for the land was pooled pursuant to Part 719 of this chapter until after a date 5 years from the date the former owner was displaced from the land acquired by eminent domain.

(10) A farm which includes land which has no tobacco acreage allotment because the owner did not designate a tobacco allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, shall not be eligible for a new farm tobacco allotment for a period of 5 years beginning with the year in which the farm reconstitution becomes effective.

(11) The farm operator must not have been approved for a new farm tobacco allotment during the preceding 3 years.

(c) *Downward adjustment.* The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring the total of such allotments within the total acreage available for allotments to all new farms.

(d) *Basis for cancellation.* Any improperly established new farm allotment is subject to cancellation under the provision in § 725.98.

§ 725.70 Approval of allotments and marketing quotas, and notices to farm operators.

(a) *Review by State committee.* All farm acreage allotments, yields, and marketing quotas shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under these regulations. All acreage allotments, yields, and marketing quotas shall be approved by a representative of the State committee, and no official notice of acreage allotment and marketing quota shall be mailed to a farm operator until such allotment and marketing quota has been so approved, except that revised notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or marketing quota, or (2) of allotment reductions due to failure to return marketing cards where a satisfactory report of disposition of tobacco is not otherwise furnished.

(b) *Notice to farm operator.* An official notice of the effective farm acreage allotment and effective farm marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by a county committeeman or an employee of the county office. Insofar as practical, all notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing or a printout summary of such data shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of the notice of allotment and marketing quota certified as true and correct shall be furnished without charge to any person interested in the farm for which the allotment is established.

(c) *Mailing notices.* If the records of the county committee indicate that the acreage allotment and marketing quota established for any farm may be changed because of (1) a violation of the marketing quota regulations for prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notices may be delayed: *Provided,* That the notice of allotment and marketting quota for any

farm shall be mailed no later than April 1 of the current year.

(d) *Allotment erroneous notice.* If the official written notice of the farm acreage allotment and marketing quota issued for any farm erroneously stated an acreage allotment larger than the correct effective farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct effective farm acreage allotment.

(e) *Marketing quota erroneous notice.* If the official notice of acreage allotment and marketing quota issued for a farm erroneously stated a marketing quota larger than the correct effective farm marketing quota, the marketing quota shown on the erroneous notice shall be deemed to be the marketing quota and the basis for marketing quota penalty computation for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith, planted tobacco on the farm and was not notified of the correct farm marketing quota prior to planting the tobacco. Undermarketings and overmarketings for farms for which the erroneous notice of marketing quota is applied shall be determined based on the correct effective farm marketing quota for the farm.

§ 725.71 Application for review.

(a) *If marketing quotas are in effect.* Any producer who is dissatisfied with the farm acreage allotment and farm marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment and quota reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

(b) *If marketing quotas are not in effect.* Any producer who is dissatisfied with the farm acreage allotment may request reconsideration of such allotment in accordance with Part 780 of this chapter, Appeal Regulations, and amendments thereto, which are available in the county ASCS office.

§ 725.72 Lease and transfer of tobacco marketing quotas.

(a) *Farms eligible.* For the crop year 1970, notwithstanding the provisions of §§ 725.51 through 725.71, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year may lease and transfer all or any part of the farm marketing quota established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for Flue-cured tobacco for use on such farm. The allotment established for a farm as pooled allotment under Part 719 of this chapter may be leased and transferred during the 3-year life of the pooled allotment. The lease and transfer of marketing quotas shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) *Annual agreement.* Any lease shall be made on an annual basis and on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree.

(c) *Filing an approval of lease.* The lease and transfer of an effective farm marketing quota or any part thereof shall not be effective until a copy of the lease, determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than April 1 of the current year, except that a lease shall be effective if (1) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than April 1 of the current year, and (2) the terms of the lease, in writing, are filed with the county committee no later than July 31 of the current year. The approval herein required by the county committee shall not be redelegated.

(d) *Marketing quota basis for lease and transfer.* Marketing quota, pound for pound, shall be the basis for lease and transfer under the acreage-poundage program. The computed acreage for pounds leased and transferred to a lessee farm (the sum of its own allotment and the upward adjustment in acreage for lease and transfer) shall not exceed 50 per centum of the cropland acreage in the lessee farm. The maximum marketing quota that may be leased and transferred from a farm shall be limited to effective farm marketing quota for the lessor farm.

(e) *Adjustment of acreage allotment.* The acreage allotment for a farm involved in a lease and transfer agreement shall be adjusted as follows:

(1) The acreage allotment for the lessee farm shall be adjusted upward by the number of acres obtained by dividing the pounds leased and transferred to the farm by the current year's farm yield for the lessee farm.

(2) The acreage allotment for the lessor farm shall be adjusted downward by the number of acres obtained by dividing the pounds leased and transferred from the farm by the current year's yield for the lessor farm.

(f) *Allotment acreage considered fully planted.* For purpose of establishing allotments for subsequent years, the tobacco acreage computed for pounds leased and transferred from a lessor farm shall be considered to have been planted on the lessor farm.

(g) *Marketing quota for a new farm.* Marketing quota established for a new farm shall not be leased or transferred.

(h) *Farms under long-term land use programs.* Transfer of an allotment and quota to or from a farm covered by a Conservation Reserve Program (CR) contract, Cropland Adjustment Program (CAP) agreement, or Cropland Conservation Program (CCP) agreement shall be subject to the following conditions:

(1) *CR and CCP (1964–65).* A lease and transfer of an allotment and quota may be approved to or from any farm under a CR contract or 1964–65 CCP agreement.

(2) *CAP, and CCP (1966 and 1967).* A lease and transfer of an allotment and quota to or from a farm covered by a CAP agreement or a 1966 CCP agreement or 1967 CCP agreement shall not be approved if the transferring or receiving farm has the allotment crop base designated under such program agreement. Any transfer of an allotment and quota hereunder shall be made subject to an appropriate adjustment in the rates of payment under such contract or agreement in accordance with instructions issued by the Deputy Administrator but no adjustment shall be made in the contract or agreement of the farm to which the allotment and quota are transferred.

(i) *Pooled allotments.* Marketing quotas established for allotments in a pool pursuant to Part 719, including allotments which have been released to the county committee and reapportioned to other farms, shall not be eligible for lease and transfer.

(j) *No subleasing.* Any leased marketing quota shall not be subleased to another farm.

(k) *Revised notices.* A revised notice (Form ASCS–375, Notice of Revised Acreage Allotment and Marketing Quota) showing the effective farm acreage allotment and effective farm marketing quota after lease and transfer shall be issued by the county committee to each of the operators of all farms involved in the lease and transfer agreement.

(l) *Violations.* If consideration of a violation is pending which may result in an allotment reduction for a farm for the current year, the county committee shall delay approval of any lease and transfer until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for the current crop year before April 1, the lease may be approved by the county committee. In any case, if, after a lease and transfer of a tobacco marketing quota has been approved by the county committee, it is determined that the allotment for the farm from which or to which the marketing quota is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until the following year.

(m) *Zero allotment and zero marketing quota farms.* If the effective farm acreage allotment and effective farm marketing quota for a farm for the current year are reduced to zero for violation of the tobacco marketing quota regulations, no marketing quota for Flue-cured tobacco may be leased to such farm for the current year.

(n) *Approval after review period.* No lease shall be approved by the county committee for any farm involved in a lease and transfer agreement until the time for filing an application for review, as shown on the original notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(o) *Marketing quota after lease and transfer approval.* The acreage allotment and marketing quota finally determined (after lease and transfer) for a farm under the provisions of this section shall be the allotment and marketing quota for such farm for the current year only for the purposes of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco, (3) eligibility for price support, (4) undermarketings and overmarketings, and (5) the amount of reduction in allotment and quota for violation of the tobacco marketing quota regulations. The amount of reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer.

(p) *Dissolution of leasing agreement.* An agreement to lease and transfer may be dissolved at the request of all parties to the leasing agreement by so notifying the county committee in writing not later than April 1 of the current year, except that the dissolution of a lease shall be effective if (1) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than April 1 of the current year, and (2) the terms of the dissolution, in writing, are filed with the county committee no later than July 31 of the current year. In such a case, an official notice of the effective farm acreage allotment and effective farm marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the applicable closing date, the acreage allotment and marketing quota resulting from the lease and transfer shall remain in effect.

(q) *Reconstitutions after lease and transfer.* Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in the current year shall be the allotment after lease and transfer has been made. For the following year, that part of the acreage allotment computed for pounds leased shall revert to the farm from which it was transferred. Notwithstanding the above, in the case of division, the county committee may allocate, under Part 719 of this chapter, the leased quota involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

§ 725.73 Determining tobacco history acreages.

Tobacco history acreage shall be determined for each farm for which a tobacco farm acreage allotment has been established for the current year.

(a) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for the current year if:

(1) In the current year or either of the 2 preceding years, (i) the sum of (*a*) the final tobacco acreage as determined under Part 718 of this chapter, (*b*) the acreage computed for pounds leased and transferred from the farm under lease and transfer provisions, (*c*) acreage reduced because of insufficient cropland acreage, (*d*) and the acreage regarded as planted to tobacco under the conservation programs and practices determined pursuant to Part 719 of this chapter, was as much as 75 per centum of the farm's history allotment (basic allotment minus acreage reduced for (*a*) overmarketings and (*b*) violation of marketing quota regulations), or (ii) the farm acreage allotment is or was in the eminent domain allotment pool; or

(2) The farm consists of federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco.

(b) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under paragraph (a) of this section, the tobacco history acreage shall be the sum of the acreage (not to exceed the farm acreage allotment) as follows:

(1) Final tobacco acreage.

(2) Acreage computed for pounds leased and transferred from the farm.

(3) Acreage reduced because of insufficient cropland acreage.

(4) Acreage regarded as planted to tobacco under the conservation programs and practices.

(c) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of the final tobacco acreage, the acreage computed for pounds leased and transferred from the farm under the lease and transfer provisions, acreage reduced because of insufficient cropland acreage, and the acreage regarded as planted to tobacco under the conservation programs and practices is less than 75 per centum of the farm acreage allotment (after any reduction for violation of the marketing quota regulations and adjustment for overmarketings) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (1) the farm acreage allotment, or (2) the sum of the (i) final tobacco acreage for the farm, (ii) the acreage computed for pounds leased and transferred from the farm, (iii) acreage reduced because of insufficient cropland acreage, (iv) the acreage regarded as planted to tobacco under the conservation programs and practices, and (v) if the farm operator makes a written request of the county committee not later than August 1 of the crop year involved, the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage if the weather had been normal, or there had been no disease. Any adjustment in tobacco history acreage because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining whether or not 75 percent of the farm acreage allotment is planted.

(d) *Zero allotment farms.* Any acreage planted to tobacco on a farm for which a farm acreage allotment of zero was established shall not be credited with any tobacco history acreage.

(e) *Allotments in eminent domain pool.* The farm acreage allotments in the eminent domain pool, as provided in Part 719 of this chapter, shall be considered fully planted during the years in the pool, including any year in which the pooled allotment is released by the displaced owner to the county committee for reapportionment to other farms in the county. The tobacco history acreage shall be the same as the pooled allotment.

(f) *All history acreage is restored history acreage.* A farm shall be considered to have no tobacco history acreage during the base period and shall not be considered an old farm if the only tobacco history acreage computed for the farm during the base period consists of tobacco history acreage restored for reduction of the farm acreage allotment for violation of the tobacco marketing quota regulations.

(g) *Tobacco history acreage for new farms.* The tobacco history acreage for a farm for the year it received an allotment as a new farm shall be the same as the new farm allotment if as much as 75 percent of the allotment is planted in such year. If less than 75 percent of the new farm allotment is planted, the tobacco history acreage shall be the same as the planted acreage. No adjustment for abnormal weather or disease shall be made in the tobacco history acreage for a farm for the year it was a new farm.

§ 725.74 Transfer of farm marketing quotas.

There shall be no transfer of farm marketing quotas except as provided in §§ 725.72, 725.76, and Part 719 of this chapter.

§ 725.75 Reduction in farm allotment because of cropland limitation.

The allotment determined for any farm under these regulations may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the farm operator requests in writing to reduce the tobacco allotment in lieu of the feed grain base: *Provided,*

That such reduction shall not exceed the acreage by which the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm: *Provided further*, That such reduction shall be effective for the current year only. For purposes of establishing future farm allotments, the acreage not planted under the farm allotment because of reduction under this paragraph shall be regarded as planted on the farm.

§ 725.76 Transfer of tobacco farm acreage allotment for farms affected by a natural disaster.

(a) *Designation of counties affected by a natural disaster.* The Deputy Administrator shall determine for any year beginning with the 1970 crop, those counties affected by a natural disaster (including but not limited to hurricane, rain, flash flood, hail, drought, and any other severe weather) which prevents the timely planting or replanting of any or all of the tobacco acreage allotments for any farm in the county. The county committee shall post in the county office a notice of any such determination affecting the county and, to the extent practicable, shall give general publicity in the county to such determination.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of tobacco acreage within the farm tobacco allotment for such year to another farm or farms in the same county or in an adjoining county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee for the county in which the farm affected by such disaster is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the farm allotment established under this part less such acreage planted to tobacco and not destroyed by the natural disaster, or (2) the acreage requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the farm allotment for the farm from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster and planting was not prohibited by the lease in the case of lands owned by the Federal Government.

(2) One or more of producers of tobacco on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of tobacco on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds of the tobacco.

(e) *Cancellation of transfers.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, State committee, or the Deputy Administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Acreage history credits and eligibility as an old tobacco farm.* Any acreage transferred under this paragraph shall be considered for the purpose of determining future allotments to have been planted to tobacco on the farm from which such allotment is transferred.

(g) *Closing dates.* The closing date for filing applications for transfers with the county committee shall be July 15 of the current year. Notwithstanding such closing date requirement, the county committee may accept applications filed after the closing date upon a determination by the county committee that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative of the State committee approves such determination.

§§ 725.77–725.84 [Reserved]

IDENTIFICATION OF TOBACCO, MARKETING AND OTHER DISPOSITION OF TOBACCO, AND PENALTIES

§ 725.85 Identification of kinds of tobacco.

(a) *Similar tobacco.* Any tobacco that has similar appearance and growth characteristics while growing in a field on a farm, or any cured tobacco that has the same characteristics and corresponding qualities, colors and lengths, of Flue-cured tobacco shall be considered Flue-cured tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(b) *Discovering and identifying similar tobacco.* For the purpose of discovering and identifying tobacco subject to marketing quotas, the term "tobacco" with respect to any farm located in an area in which one or more of a kind and type of tobacco classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all acreage of tobacco on a farm unless the county committee with the approval of the State committee (1) determines all or part of such acreage should not be considered as Flue-cured tobacco under paragraph (a) of this section, or (2) determines from satisfactory proof furnished by the operator of the farm that a part or all of the production of such acreage has been certified by the Consumer and Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas.

§ 725.86 Disposition of tobacco produced on excess acres.

Disposition of tobacco produced on excess acreage prior to harvest shall be subject to the provisions of Part 718 of this chapter.

§ 725.87 Issuance of marketing cards.

(a) *General.* (1) A marketing card (MQ–76) shall be issued for the current marketing year for each farm having tobacco available for marketing. Cards shall be issued in the name of the farm operator except that (i) cards issued for tobacco grown for experimental purposes only shall be issued in the name of the experiment station, and (ii) cards issued to a successor-in-interest shall be issued in the name of the successor-in-interest. The face of the marketing card may show the name of other interested producers. For cards issued in North Carolina, South Carolina, and Virginia, the card shall show the harvested acreage on the face of the card. A marketing card may be issued in the name of a producer who is not the farm operator if the county committee determines pursuant to the procedure in subparagraph (2) of this paragraph that such producer has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop.

(2) If the county committee has reason to believe that one or more producers on the farm have been or likely will be deprived of the right to use such marketing card to market his or their proportionate shares of the crop, a hearing shall be scheduled by the county committee and the operator of the farm and the producer or producers involved shall be invited to be present, or to be represented, at which time they shall be given the opportunity to substantiate their claims concerning the use of the farm marketing card to market each such producer's proportionate share of the effective farm marketing quota for such crop. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice. A summary of the evidence presented at the hearing shall be prepared for use of the county committee. If the farm operator or other producer(s) on the farm do not attend the hearing, or are not represented, the county committee may take whatever action it deems proper on the basis of information available to it. If the county committee finds that any producer on the farm has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop, the marketing card issued for the farm shall be recalled and a separate marketing card, showing 110 percent of the producer's proportionate share of effective farm marketing quota shall be issued to each such producer who it is determined has been or likely will be deprived of the opportunity to market his proportionate share of the crop and another marketing card (or other cards if considered preferable by the county committee) shall be issued showing 110 percent of the balance of the effective farm marketing quota to enable the other producers on the farm to market their proportionate shares. The marketing cards issued pursuant to this subparagraph shall reflect the proportionate pounds, if any, already marketed by each producer.

(b) *Person authorized to issue marketing cards.* The county executive director shall be responsible for the issuance of marketing cards.

(c) *Rights of producers and successors-in-interest.* (1) Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

(2) Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm, shall, to the extent of such succession, have the same rights to the use of the marketing card and bear the same liability for penalties as the original producer.

(d) *Farms not eligible for price support.* The marketing card issued for a farm shall have the notation "No Price Support" where either of the following conditions exist:

(1) The farm is determined not to be in compliance with the tobacco allotment therefor under the provisions of Part 718 of this chapter.

(2) Tobacco is produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco, even though the allotment for the farm is not exceeded.

(e) *Cards for tobacco grown by publicly owned experiment stations.* A marketing card shall be issued to identify tobacco grown for experimental purposes by or for publicly owned experiment stations.

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the spaces provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota, and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided*, That if the tobacco available for marketing from the farm is determined by the county committee or the county office manager to be less than the effective farm marketing quota, the pounds determined to be available for marketing, for purposes of issuing a marketing card and showing thereon the farm's 10 percent and 110 percent of quota data, be considered the effective farm marketing quota for the farm: *Provided further*, That if any producer on the farm shows to the satisfaction of the county committee or county executive director that there are available for marketing from the farm pounds of tobacco above the pounds considered as the effective farm marketing quota under the proviso above, the data shown on the marketing card shall be increased accordingly but not to exceed the pounds which were or would have been computed under subparagraph (1) of this paragraph.

(2) Where the farm operator requests it, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The pounds computed as 10 percent of the effective farm marketing quota shall be entered in the spaces provided on reverse side of the marketing card and the balance of 110 percent of quota from prior marketing card shall be shown in the first space on the card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such cases, (i) each marketing card shall show 10 percent of the assigned quota in the space "10 percent of quota", and (ii) each marketing card shall show the assigned quota plus 10 percent of such assigned quota in the space "110 percent of quota".

(4) If, when authorized under Part 1421 of this title, a producer requests and obtains from the county committee an interim advance of CCC funds on part or all of his Flue-cured tobacco crop prior to marketing thereof, the estimated quantity of tobacco upon which the interim advance was made shall be entered in parentheses on the reverse side of the marketing card in the space for recording sales. Any poundage balance of the "110 percent of quota" data shall be entered below the estimated pounds upon which an interim advance was made.

(g) *Marketing cards for producers of registered or certified Flue-cured tobacco seed.* Any producer of registered or certified Flue-cured tobacco seed may devote Flue-cured tobacco acreage to seed production without such tobacco being charged against the farm's allotment, affecting the farm's eligibility for price support or affecting the farm's status in determining marketing penalties. A marketing card may be issued for a farm without regard to the tobacco acreage which is being produced for seed purposes if an agreement is signed by the farm operator, and the producer if different from the operator, which provides:

(1) For the destruction of all tobacco produced on the acreage designated for seed production and that no tobacco produced on such acreage will be harvested.

(2) (i) For paying the cost of compliance visits to a farm by representatives of the county committee under Part 718 of this chapter in connection with the determination of the acreage designated for seed production. During the first compliance visit to the farm the acreage designated for seed production shall be determined and staked off.

(ii) The producer(s) signing the agreement shall agree to timely notify the county office when the tobacco seed has been harvested so that arrangements can be made for a representative of the county committee to determine that no acreage designated for seed production has been harvested and to witness destruction of the tobacco leaves.

(3) That the planting of the tobacco acreage for seed production will not create history acreage for the purpose of establishing future farm allotments.

(4) That if the county committee determines that any of the terms and conditions of the agreement have been violated or any material misrepresentation in connection with the agreement has been made, any marketing card issued for the farm in recognition of the agreement shall be recalled and canceled, and a marketing card shall be issued to reflect all the tobacco produced on the farm and that the tobacco produced on the farm is not eligible for price support.

§ 725.88 Claim stamping and replacing marketing cards.

(a) *Stamping to show claims.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, the face of the marketing card issued for the farm shall bear the notation "U.S. Claim" followed by the amount of indebtedness. The name of the indebted producer, if different from the farm operator, shall be recorded directly under the claim notation. A notation showing indebtedness to the United States shall constitute notice to any warehouseman or loan organization that, subject to prior liens, the net proceeds from any price support loan due the debtor shall be paid to the United States to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notice and information of indebtedness to the United States shall not constitute a waiver by the producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action and the producer may reject price support from which such indebtedness would be deductible. As claim collections are made, the amount of the claim shown on the card shall be revised to show the claim balance, and the tobacco sale bill shall show the amount collected. A claim free marketing card shall be issued when the claim has been paid.

(2) Any marketing card may be marked for the purpose of notifying warehousemen or loan organizations that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(b) *Replacing, exchanging, or issuing additional marketing cards.* Subject to the approval of the county executive director, two or more marketing cards may be issued for any farm. Upon the return to the county office of a marketing card which has been used in its entirety and before the marketing of tobacco from the farm has been completed, a new marketing card bearing the same name, information, and identification as the used card shall be issued for the farm. A new marketing card shall be issued to replace a card which has been determined by the county executive director who issued the card to have been lost, destroyed, or stolen.

§ 725.89 Invalid cards.

(a) *Reasons for being invalid.* A marketing card shall be invalid under any one of the following conditions:

(1) It is not issued or delivered in the form and manner prescribed.

(2) Any entry is omitted or is incorrect.

(3) It is lost, destroyed, stolen, or becomes illegible.

(4) Any erasure or alteration has been made and not properly initialed by the county executive director or a marketing recorder.

(b) *Validating invalid cards.* If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the county executive director who issued the card, or by a marketing recorder, then such card shall become valid.

(c) *Returning invalid cards.* In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration, or incorrect entry, which has not been corrected by the county executive director who issued the card, or by a marketing recorder), the farm operator, or the person having the card in his possession, shall return it to the county office at which it was issued.

§ 725.90 Misuse of marketing card.

Any information which causes a marketing recorder, a member of a State, county, or community committee, or an employee of the State or county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm, shall be reported immediately by such person to the county or State office.

§ 725.91 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm. The reverse side of the marketing card shall show in pounds (1) 10 percent of quota, (2) 110 percent of quota, (3) balance of 110 percent of quota after each sale, and (4) date of sale. Each producer sale at auction shall be recorded on a Form MQ–72–1, Report of Tobacco Auction Sale, and each producer sale at nonauction shall be recorded on Form MQ–72–2, Report of Tobacco Nonauction Purchase. For producer sales at nonauction, the dealer purchaser shall execute Form MQ–72–2 and shall enter the data on MQ–76. For producer sales at auction, Form MQ–72–1 and Form MQ–76 shall be executed only by the ASCS marketing recorder.

(b) *Verification of penalty by warehousemen or dealers.* Each sale of tobacco by a producer which is subject to penalty and which has been recorded by a marketing recorder shall be verified by a warehouseman or dealer to determine whether the amount of penalty shown to be due has been correctly computed. Such warehouseman or dealer shall not be relieved of any liability for the amount of penalty due because of any error which may occur in computing the penalty and recording the sale.

(c) *Check register.* The serial number of the tobacco sale bill(s) shall be recorded by the warehouseman on the check register or check stub for the check written covering the auction sale of tobacco by a producer.

(d) *Identification of dealer marketings of resale tobacco.* Each auction and nonauction marketing of resale tobacco in the current year shall be identified by a dealer identification card, Form MQ–79–2, issued to the dealer.

(e) *Separate display on auction warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall for each different kind of tobacco:

(1) Display it in separate areas on the auction warehouse floor.

(2) Identify each basket by a distinguishably different basket ticket clearly showing the kind of tobacco.

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco sold at auction over the warehouse floor.

(f) *Cross-reference of tobacco sale bill number to prior tobacco sale bill covering tobacco identified by the same marketing card to be sold the same day.* Each warehouseman shall for each lot of tobacco weighed in on his floor for sale the same day cross-reference the tobacco sale bill to each prior tobacco sale bill for tobacco identified by the same marketing card. To accomplish the cross-reference, each other tobacco sale bill number shall be entered by the warehouseman in the "Remarks" space on the tobacco sale bill, on all copies, at the time he weighs in the tobacco at the warehouse.

(g) *Identification of returned first sale (producer) tobacco.* When resold at auction, tobacco which has been previously sold and returned to the warehouse by the buyer is resale tobacco. When such tobacco is resold by the warehouseman, it shall be identified as leaf account resale tobacco.

§ 725.92 Rate of penalty.

(a) *Basic rate.* The basic penalty rate shall be equal to seventy-five (75%) percent of the average market price for the immediately preceding marketing year as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture. The rate of penalty will be determined for each marketing year and announced by the regulations in this subpart or amendment thereto.

(b) *Average market price.* Will be supplied by amendment.

(c) *Rate of penalty per pound.* Will be supplied by amendment.

§ 725.93 Persons to pay penalty.

The persons to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Auction sale.* The penalty due on marketings by a producer through an auction sale shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonauction sale.* The penalty due on tobacco acquired directly from a producer, other than at an auction sale, shall be paid by the person acquiring the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer in the case of a sale.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

Any marketings of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco.

(a) *Auction sale without marketing card.* Any first marketing of tobacco at an auction sale by a producer which is not identified by a valid marketing card at the time of marketing shall be considered to be a marketing of excess tobacco and the penalty thereon shall be collected and remitted by the warehouseman.

(b) *Nonauction sale.* Any nonauction sale of tobacco which:

(1) is not identified by a valid marketing card and recorded at the time of purchase on MQ–79, Dealer's Report; or,

(2) if purchased prior to the opening of the local auction market for the current year, is not identified by a valid marketing card and recorded on MQ–79 not later than the end of the calendar week which includes the first sale day of the local auction markets, shall be considered a marketing of excess tobacco. The penalty thereon shall be collected by the purchaser of such tobacco, and remitted with MQ–79.

(c) *Leaf account tobacco.* If part or all of any marketing of leaf account tobacco (including tobacco from the buyers corrections account), when added to prior leaf account resales, is in excess of prior leaf account purchases, such marketing shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines have been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season of: (1) 0.17 percent of producers' sales of tied tobacco, and (2) 0.50 percent of producers' sales where untied tobacco is presheeted in standardized sheets of burlap for marketing.

(d) *Dealer's tobacco*—(1) *Excess resale rule for mixed reporting of data.* If during any marketing year a warehouseman or a dealer has transactions in more than one kind of tobacco and his reports of marketings result in excess resales, penalty on such excess resales shall be due from such dealer at the highest rate of penalty applicable to any kind of tobacco reported or due to be reported under these regulations.

(2) *Excess resales above purchases.* The part or all of any marketing of tobaccco by a dealer which such dealer represents to be a resale, which, when added to prior resales by such dealer (as shown or due to be shown on Form MQ–79), is in excess of his total prior purchases (as shown or due to be shown on such Form MQ–79) shall be considered to be a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(i) During the auction marketing season, the penalty due from the dealer shall be withheld by the warehouseman from the proceeds due the dealer and immediately transmitted by the warehouseman to a marketing recorder.

(ii) Penalty due from a dealer which was not withheld by a warehouseman under subdivision (i) of this subparagraph shall be remitted weekly by him to the State office with his reports on Form MQ–79.

(e) *Resales not reported.* Any resale of tobacco which is required to be reported by a warehouseman or dealer, but which is not so reported within the time and in the manner required, shall be considered to be a marketing of excess tobacco, unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State executive director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by such person.

(g) *Carryover tobacco.* Any tobacco on hand and reported or due to be reported under § 725.99(g)(14) for warehousemen and § 725.100(c)(4) for dealers shall be included as a resale in determining whether an account has excess resales. Unless the warehouseman furnishes proof acceptable to the State committee and unless the dealer furnishes proof acceptable to the State executive director, showing that such account does not represent excess tobacco, penalty at the full rate shall be paid thereon by such warehouseman or dealer.

§ 725.95 Producers penalties; false identification; failure to account; canceled allotments; overmarketing proportionate share.

(a) *Penalties for false identification or failure to account.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, penalty at the full rate shall be due on the larger of: (1) The actual marketings above 110 percent of the effective farm marketing quota, or (2) the amount of tobacco equal to 25 percent of the effective farm marketing quota plus the amount determined by multiplying the farm yield times the number of acres harvested in excess of the farm acreage allotment.

(b) *Canceled allotment.* If part or all of the tobacco produced on a farm has been marketed and the allotment for the farm is canceled, any penalty due on the marketings shall be paid by the producers.

(c) *Overmarketing proportionate share of effective farm marketing quota.* If the county committee determines that the farm operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota with intent to deprive some other producer on the farm from marketing his proportionate share of the same crop of tobacco, such operator or other producer shall be liable for marketing penalties at the full rate per pound for each pound marketed above 110 percent of his proportionate share of the effective farm marketing quota: *Provided*, That the sum of such penalties shall not exceed the total penalty due on total marketings above 110 percent of the effective farm marketing quota for the farm on which such tobacco was produced. Before assessment of penalty pursuant to this paragraph (c), a hearing shall be scheduled by the county committee and the operator and affected producers shall be invited to be present, or to be represented, to determine whether the operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota. The notice of the hearing shall request the farm operator and affected producers to bring to the hearing floor sheets and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken to impose penalty shall be taken after the hearing. If the farm operator or other affected producer does not attend the hearing, or is not represented, the county committee may take whatever action it deems necessary to assess penalty against the proper producers. If a hearing under § 725.87(a) is being held, and it is practicable to do so, such hearing and the hearing under this paragraph may be combined.

(d) *Penalties not to be assessed.* If the farm operator or another producer on the farm markets a quality of tobacco above 110 percent of the effective marketing quota for the farm and such overage is found to have been caused by the failure to record, or improper recording of tobacco poundage data on the marketing card, that amount of the penalty as was due to such failure to record or improper recording will not be required to be paid by the farm operator or other producer if: (1) For amounts of $10 or less the county committee, with the approval of the State committee, and (2) for amounts above $10 the county committee, with the approval of the State committee and the Deputy Administrator, determines that each of the following conditions is applicable: (1) The failure to record or incorrect recording resulted from action or inaction of a marketing recorder or another ASCS employee, (2) such failure or error was not so large as to place the farm operator on notice of the failure or error, and (3) the producer relied in good faith on the erroneous entries on the card resulting from such failure or error. Overmarketings for a farm for which the marketing penalty will not be required to be paid pursuant to the provisions of this paragraph (d) shall be determined based upon the correct effective farm marketing quota and correct actual marketings of tobacco from the farm.

§ 725.96 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except that in the case of false identification or failure to account for disposition of tobacco, the penalty shall be due on the date of such false identification or failure to account for disposition. The penalty shall be paid by remitting the amount due to the ASCS State office not later than the end of the calendar week in which the tobacco becomes subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Auction sale—net proceeds.* If the penalty due on any auction sale of tobacco by a producer is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonauction sale.* Nonauction sales of excess tobacco shall be subject to the full rate of penalty and shall be paid in full even though the penalty may exceed the proceeds for the sale of tobacco.

§ 725.97 Request for return of penalty.

Any producer of tobacco and any other person who bore the burden of the payment of any penalty after the marketing of all tobacco available for marketing from the farm may request the return of the amount of such penalty which is in excess of the amount required to be paid. Such request shall be filed on Form MQ–85, Farm Record and Account, with the county office within 2 years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee, subject to the approval of the State executive director.

RECORDS AND REPORTS

§ 725.98 Producers' records and reports.

(a) *Failure to file reports or filing false reports.* If any producer on a farm files an incomplete or incorrect report, fails to file a report, or files or aids or acquiesces in the filing of any false report with respect to (1) the acreage of tobacco grown on the farm or (2) the amount of tobacco produced on or marketed from the farm, the tobacco allotment next established for any such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to file, filing of, or aiding or acquiescing in the filing of, such report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false: *Provided*, That the failure to file or the filing of or aiding or acquiescing in the filing of the report will be construed as intentional unless a correct report is filed and any penalty is paid in full, or (ii) no person connected with the farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false report or failure to file a report. If a farm operator in a certification county (as defined in Part 718 of this chapter) files a certification of tobacco acreage on the farm and, after a farm visit and measurement of the acreage, it is determined by the county committee (with approval of the State committee) that the certification was false (either under certification or over certification) in what amounts to a scheme or device to defeat the purpose of the program, the allotment next established for the farm shall be reduced. If the conditions in subdivisions (i) and (ii) of this paragraph are not applicable, the next established allotment shall be reduced by the pounds computed as follows: The acreage falsely certified (difference between certified and measured acreage) shall, for the year of the violation, be multiplied by the farm's actual yield. Such method of determining the amount of allotment reduction also is provided for in paragraph (h) of this section.

(b) *Report of tobacco grown for experimental purposes.* For farms on which tobacco is being grown for experimental purposes only, the director of a publicly owned agricultural experiment station shall furnish the State ASCS office, prior to the beginning of the harvesting of tobacco from any farm on which experimental tobacco is being grown, a report for each current year showing the following information:

(1) Name and address of the publicly owned agricultural experimental station.

(2) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only.

(3) The amount of acreage of tobacco grown on each farm for experimental purposes only.

(4) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only, the tobacco was grown under his direction, and the acreage on each plot was considered necessary for carrying out the experiment.

(c) *Harvesting second crop tobacco from the same acreage.* If, in the same calendar year more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(d) *Cancellation of new farm allotment.* Any new farm allotment approved under this subpart which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date the allotment was established.

(e) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which, in fact, was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing: *Provided*, That the marketing shall be construed as intentional, unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(f) *Report on marketing card.* The operator of each farm on which tobacco is produced shall return to the ASCS county office each marketing card issued for the farm whenever marketings from the farm are completed, and, in no event, later than 20 days, in the year of issuance of the card, after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within 15 days after written request by certified mail from the county executive director shall constitute failure to account for disposition of all tobacco marketed from the farm unless disposition of tobacco marketed from the farm is otherwise accounted for to the satisfaction of the county committee. Upon failure to satisfactorily account to the county committee for disposition of Flue-cured tobacco marketed from the farm the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county committee and a representative of the State committee, that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made; or (2) no person connected with such farm for the year for which the allotment is being established, caused, aided, or acquiesced in the failure to furnish such proof.

(g) *Report of production and disposition.* In addition to any other reports which may be required by this subpart, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall, upon written request by certified mail from the State executive director, within 15 days after deposit of such request in the U.S. mail, addressed to such person at his last known address, furnish the Secretary on MQ–108, Report of Production and Disposition, a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the State ASCS office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price paid and the date of the marketings, and (5) the complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108 as requested, the filing of a false MQ–108, or the filing of an MQ–108 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That such failure will be construed as intentional and unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the failure to furnish such proof.

(h) *Amount of allotment reduction.* The amount of reduction in the allotment for the current year for a violation described in paragraph (a), (e), (f), or (g) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Such percentage shall then be applied after application of the national factor to the preliminary allotment, but before adjusting for over or undermarketings. Where the amount of tobacco involved in the violation(s) equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent and no deduction will be made in subsequent years for the violation(s). The quantity of tobacco in violation shall be the amount of tobacco as determined by the county committee. If the actual quantity of tobacco is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco is not known, the county committee shall determine the quantity in violation in the following manner: The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre as so determined by the county committee shall be deemed to be the actual production per acre. Where the actual quantity of tobacco produced on acreage not included in a report of acreage is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm, determined as aforesaid, by the acreage not shown on a report of acreage. Where the amount of tobacco produced on or marketed from a farm is not known, such quantities shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production on the farm, as determined aforesaid, the quantity of tobacco for which proof of production and marketing has been furnished. The acreage reductions required under this section shall be in addition to any other adjustments made under these regulations and any amendments thereto later issued.

(i) *Allotment reductions for combined farms.* If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required.

(j) *Allotment reduction for divided farms.* If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced. Allotment reductions are applicable, except under paragraph (c) of this section, unless the violating producer has no interest in the current tobacco crop.

(k) *Quota reduction.* If an acreage allotment reduction is made under this section, the farm marketing quota shall be reduced to reflect such reduction in an amount determined by multiplying the acreage reduction by the farm yield.

(l) *Unauthorized erasure on marketing card.* Any unauthorized erasure of any information or data on a marketing card shall be considered a violation and may, subject to rebuttal, be cause for an allotment reduction and assessment of marketing quota penalty.

(m) *County administrative hearings in connection with violations.* Except for the failure to return a marketing card to the county office, the allotment for any farm shall not be reduced for a violation under this section until after the operator of the farm has been notified in writing by the county executive director of the time and place of a hearing to determine the nature and extent of the violation. The notice of the hearing shall request the farm operator to bring to the hearing warehouse bills (floor sheets) and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken on the violation shall be taken after the hearing. If the farm operator does not attend the hearing or is not represented, the county committee may take whatever action it deems proper.

(n) *Sequence of allotment reduction where the farm allotment is to be reduced because of a violation and overmarketings.* If the tobacco allotment for a farm is to be reduced in the current year because of both (1) a violation and (2) overmarketings in a prior year, the reduction in the allotment for the violation shall be made before making the reduction for overmarketings.

(o) *Report on Form MQ–92, Estimate of Production.* In order to provide a basis for a determination under the first proviso in § 725.87(f)(1) and as an aid to discouraging, thwarting, and discovering violations by producers and to enforcing the provisions of the Flue-cured tobacco marketing quota program, an estimate of production, Form MQ–92, shall be prepared immediately prior to harvest for each farm (1) producing discount variety tobacco, (2) for which there is an indication of a substantial or total tobacco crop loss, (3) having a producer thereon who is a past violator of the tobacco program, (4) where there is an indicated substantial discrepancy between the farmer's certified acreage shown on ASCS–580 and the acreage measured by ASCS during a farm control check, (5) having carryover tobacco and no current crop tobacco, or (6) for which the county or State ASC committee or a representative of the county or State committee believes that an MQ–92 for the farm would be in the best interests of the program.

§ 725.99 Warehouseman's records and reports.

(a) *Record of marketing*—(1) *Auction sale.* Each warehouseman shall keep such records as will enable him to furnish the State office with respect to each auction sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller, in the case of a sale by a producer, and in the case of a resale, the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer; and, in addition, with respect to each individual basket or lot of tobacco constituting the auction sale, the following information:

(v) Name of purchaser.

(vi) Number of pounds sold.

(vii) Gross sale price.

(2) *Separate account records.* Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonauction sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco. The resale record shall include separate data for leaf account tobacco and floor sweeping tobacco.

(3) *Buyers Corrections Account.* Each warehouseman shall keep such records as will enable him to furnish a weekly report on Form MQ–71 to the State ASCS office showing the total pounds of the debits (for returned baskets, short baskets, and short weights of tobacco) and the credits (for long baskets, and long weights of tobacco) to the Buyers Corrections Account. Where the warehouseman returns to the seller tobacco debited to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry) in the case of a dealer on his MQ–79, Dealer's Report. Any balancing figure reflected on the warehouseman's summary of bill-outs shall not be included in the Buyers Corrections Account.

(4) *Tobacco sale bill and Daily Warehouse Sales Summary.* Each warehouseman shall use tobacco sales bills furnished at his expense showing, as a minimum, the following information:

(i) Tobacco sale bill number;

(ii) Registration number assigned the warehouse by the Department;

(iii) Name and address of warehouse where sale is held;

(iv) Identification of other producers having an interest in the tobacco;

(v) Check block to show whether the tobacco is tied or untied;

(vi) Date of sale;

(vii) Number of pounds in each basket or sheet;

(viii) Name and address of seller and (a) farm number (including State and county codes) for producer tobacco, and (b) dealer registration number for resale tobacco;

(ix) Identification number, if available, for each basket or sheet of tobacco to be offered for sale;

(x) Poundage balance before and after sale for producer tobacco based on 110 percent of farm quota;

(xi) Name or symbol of purchaser of each basket or sheet which is sold;

(xii) Gross number of pounds sold;

(xiii) Sales price for each basket or sheet and gross sale price for all baskets or sheets sold;

(xiv) Nonauction purchases by the warehouse holding the sale;

(xv) Tobacco grade for tobacco consigned to price support;

(xvi) Marketing quota penalty collected; and

(xvii) Amount withheld from sale to cover claims due the United States.

A copy of a suggested format for the tobacco sale bill has been filed (34 F.R. 1761) at the Office of the Federal Register. Copies of the suggested format may be obtained from the Director, Commodity Programs Division. The warehouseman shall not weigh in any tobacco for sale unless a card (MQ–76 for producers, MQ–79–2 for dealers) is furnished the weighman. The buyer and grade space on the tobacco sale bill shall show (A) nonauction purchases by the warehouse, (B) tobacco grade for tobacco consigned to price support, and (C) the symbol for tobacco bought by private buyers. At the end of each sale day the tobacco sale bills shall be sorted and filed in numerical order. A copy of the executed Form MQ–80, Daily Warehouse Sales Summary, shall be furnished to marketing recorder for the Kansas City Data Processing Center (KCDPC).

(5) *Report of farm scrap resulting from grading tobacco for farmers.* Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the State ASCS office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(6) *Report of farm scrap resulting from furnishing curing or stripping space for tobacco from farmers.* Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the State ASCS office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(7) *Labeling resales on tobacco sale bill.* In the case of resales for dealers, the name of the dealer making each resale, and in the case of resales for the warehouse, the word "Resale" shall be clearly shown on each tobacco sale bill covering such tobacco.

(b) *Identification of producer sales of tobacco—tobacco sale bill.* The State and county codes and the farm serial number on the marketing card identifying the tobacco to be marketed at auction shall be recorded by the warehouseman on the tobacco sale bill at the time the tobacco is weighed in and the warehouseman shall retain the marketing card where tobacco is to be sold at auction only until the producer has been paid for the sale of the tobacco or the tobacco is removed from the warehouse by the producer. In any case where a producer's marketing card is found in the possession of a warehouseman and no producer on the farm for which the card is issued has tobacco on the floor for sale or to be settled for such card will be picked up by an ASCS representative for return to the producer. The warehouseman shall be responsible for the safekeeping and proper use of the marketing card during his retention of it. Each tobacco sale bill issued to cover an auction sale of tobacco from a farm for which a marketing card is issued bearing the notation "No Price Support" shall bear the same notation. A separate tobacco sale bill shall be executed to cover any tobacco which represents more than 110 percent of the effective farm marketing quota and the notation, "No Price Support" shall be shown on such tobacco sale bill. The sale of such tobacco shall be considered a separate sale. The letters, "NA" shall be shown on each line of a tobacco sale bill on which there is recorded tobacco purchased by or for the warehouse at nonauction sale and there shall be recorded on all such tobacco sale bills the farm serial number on the marketing card identifying the tobacco marketed at the time the tobacco is purchased at nonauction sale. A copy of the tobacco sale bill bearing the letters, "NA" shall be furnished the producer for any lot or basket of such tobacco purchased by the warehouseman.

(c) *Marketing card.* Each marketing of tobacco from a farm shall be identified by a marketing card issued for the farm. The card shall be executed as follows:

(1) *Auction sale.* A marketing card used to cover an auction sale shall show on the reverse side the poundage balance of the "110 percent of quota". At the time of weigh-in the tobacco sale bill shall show the poundage balance of 110 percent of the farm's quota. The tobacco sale bill shall show the pounds on which penalty is due, and the amount of the penalty.

(2) *Nonauction sale to a warehouseman at the warehouse.* A marketing card used to cover a nonauction sale of tobacco to a warehouseman shall show on the reverse side the poundage balance of the "110 percent of quota". If the tobacco sale bill includes both an auction sale and a nonauction sale such combined pounds shall be used to compute and reflect the balance of the "110 percent of quota". The tobacco sale bill shall show the pounds on which penalty is due and the amount of the penalty.

(3) *Nonauction sale (country purchase) to a warehouseman.* A marketing card used to cover a nonauction sale (country purchase) at the farm shall show on the reverse side the poundage balance of the "110 percent of quota". Each warehouseman shall record each nonauction purchase of tobacco made by him on MQ–79 and on Form MQ–72–2, Report of Tobacco Nonauction Purchase. The data to be reported on Form MQ–72–2 is set forth in § 725.100(c)(3).

(4) *Tobacco under interim advance.* If tobacco is marketed from a farm, part or all of which is tobacco upon which an interim advance was made pursuant to Part 1421 of this chapter, the tobacco sale bill and the marketing card issued for the farm shall show in parenthesis the poundage balance of the tobacco upon which an interim advance was made, and the poundage balance of any other tobacco. As the interim advance is repaid on any tobacco the quantity shown on the marketing card as that upon which an advance was made shall be reduced proportionately.

(d) *Suspended sale record.* Any tobacco sale bill covering a sale of tobacco for which a valid marketing card or dealer identification card was not presented shall be given to a marketing recorder who shall stamp such bills, "Suspended".

(e) *Warehouseman's entries on other dealer's report.* Each warehouseman shall record, or have the dealer record, on MQ–79, the total purchases and resales made by each such dealer or other warehouseman during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him and carried over by him from a crop produced prior to the current crop, the entry on MQ–79 shall clearly show such fact.

(f) *Record and report of warehouseman's leaf account purchases and resales not on his floor.* Each warehouseman shall keep a record and make reports on MQ–79, Dealer's Report, showing:

(1) All nonauction purchases of tobacco, except nonauction purchases at his warehouse which are reported on MQ–80.

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen. Form MQ–79 shall be prepared and a copy, including copies of Form MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided*, That, if tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy, together with copies of MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79 and Form MQ–72–2 to be due shall be forwarded to the State ASCS office with the original copy of MQ–79.

(g) *Daily warehouse sales summary.* Each warehouseman shall prepare at the end of each sale day a report on MQ–80, Daily Warehouse Sales Summary, showing for each sale day:

(1) For each manufacturer, buyer, order buyer and Flue-cured Tobacco Cooperative Stabilization Corporation (pool), pounds of tobacco purchased at auction (consigned in the case of the pool).

(2) The sum of the items for subparagraph (1) of this paragraph.

(3) Resales at auction for each person listed under subparagraph (1) of this paragraph.

(4) For each dealer subject to reporting purchases and resales on MQ–79, as originally billed, the total pounds of tobacco purchased at auction, and resales at auction.

(5) The total pounds purchased at auction for the leaf account.

(6) The total pounds purchased at nonauction at the warehouse for the leaf account.

(7) The sum of the total pounds for subparagraphs (5) and (6) of this paragraph.

(8) (i) The total leaf account resales and (ii) a separate account for total floor sweeping resales.

(9) The sum of the total purchases for subparagraphs (2), (4), and (7) of this paragraph.

(10) The sum of the total resales for subparagraphs (3), (4), and (8) of this paragraph.

(11) For each warehouse sale of excess tobacco from a farm, the applicable farm number with daily remittance of the penalty due to accompany Form MQ–72–1.

(12) For each dealer, at time of settlement having excess resale tobacco, the applicable dealer identification number with daily remittance of the penalty due.

(13) As to the information required to be entered on MQ–80, Daily Warehouse Sales Summary, by the marketing recorder, the warehouseman shall keep and make available such records as will enable the marketing recorder to enter thereon: (i) The total number of Forms MQ–72–1 for the sale day and the sum of pounds sold and shown on Forms MQ–72–1, and (ii) the total number of suspended sale bills and the sum of such pounds sold.

(14) At the end of the season, each warehouseman shall: (i) Report on his final MQ–80 for the season the quantity of leaf account tobacco and floor sweeping tobacco if any, on hand and its location, and (ii) permit its inspection and weighing by a representative of ASCS, and furnish him at that time a certification of the quantity of such tobacco.

(h) *Report to county office of long weights and long baskets.* Each warehouseman shall report to the county ASCS office or marketing recorder long weights and long baskets of producer tobacco (first sales) for which the farmer has been paid.

(i) *Report on Form MQ–78, Tobacco Warehouse Organization.* Each warehouseman shall annually, prior to opening of auction markets, furnish ASCS an executed Form MQ–78 showing:

(1) Form of business organization.

(2) Names and addresses of warehouse officials and bookkeeper.

(3) Names and addresses of other warehouses in which the officials and bookkeeper have a financial interest.

(4) Name and address of custodian of warehouse records, including their location.

(j) *Payee to be shown on auction warehouse check.* Any auction warehouse which issues a check to cover the auction or nonauction sale of tobacco shall issue such check only in the name of the payee. A warehouse check shall not be issued in the name of the seller and bearer, for example, "John Doe or Bearer".

(k) *Basket, sheet or pile identification and cross referencing between tobacco sale bill, basket ticket and bill to buyer.* Each warehouseman shall, after each basket, sheet or pile is weighed in record such tobacco on the standardized tobacco sale bill, enter the bill number and line number on the basket ticket. Also, after sale by auction and when the tobacco is billed to the buyer the tobacco sale bill number and line number of the entry shall be recorded on the bill-out invoice to the buyer. In addition, the bill-out invoice shall show the warehouse registration number (warehouse code).

§ 725.100 Dealer's records and reports.

Each dealer, except as provided in § 725.101, shall keep the records and make the reports as provided by this section.

(a) *Record of marketing.* Each dealer shall keep such records as will enable him to furnish the State ASCS office with respect to each lot of tobacco purchased by him the following information:

(1) (i) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale, (ii) the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonauction sale, including the records and reports for farm scrap tobacco, and (iii) the name of the seller in the case of nonauction purchases from warehousemen and dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer, and as to each lot of tobacco sold by him the following information:

(5) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than an auction warehouse sale.

(6) Date of sale.

(7) Number of pounds sold.

(8) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to the current crop, the fact that such tobacco was so bought and carried over.

(b) *Nonauction sale (country purchase) to a dealer.* (1) (i) Each purchase of tobacco from a producer shall be identified by a marketing card issued for the farm on which the tobacco was produced. The reverse side of the marketing card shall show the poundage balance of the "110 percent of quota"; (ii) in addition a Form MQ–72–2, Report of Tobacco Nonauction Purchase, shall be prepared and shall show: (*a*) Date of purchase, (*b*) identification number of buyer, (*c*) identification of producer selling the tobacco as shown on the marketing card, including his name and address and complete farm number, (*d*) type code 10, (*e*) pounds purchased, and (*f*) amount of penalty collected. The dealer shall record each nonauction purchase of tobacco made by him on MQ–79.

(2) If tobacco is marketed from a farm part or all of which is tobacco upon which an interim advance was made pursuant to Part 1421 of this chapter, the tobacco sale bill and the marketing card issued for the farm shall show in parenthesis the poundage balance of the tobacco upon which an interim advance was made and the poundage balance of any other tobacco. As the interim advance is repaid on any tobacco the quantity shown on the marketing card as that upon which an advance was made shall be reduced proportionately.

(c) *Record and report of purchases and resales.* (1) Except as provided in subparagraph (2) of this paragraph, each dealer shall keep a record and make reports on MQ–79, showing all purchases and resales of tobacco made by or for the dealer, and in the event of purchase or resale of tobacco bought from a crop produced prior to the current crop, the fact that such tobacco was bought by him and carried over from a crop produced prior to the current crop.

(2) Form MQ–79 shall be prepared and a copy, together with executed copies of MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold, except as follows: (i) If tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy, together with executed copies of Form MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale day of the local auction markets; (ii) if tobacco is resold in a State other than where produced, and the auction markets at such location open earlier than those where the tobacco would normally be sold at auction by farms, reports shall be prepared and forwarded, together with executed copies of MQ–72–2 for all nonauction purchases, not later than the end of the calendar week which would include the first sale day of the local auction market where the resale takes place.

(3) The data to be entered on MQ–72–2, Report of Tobacco Nonauction Purchase, for nonauction purchases from

a producer shall be that enumerated under paragraph (b)(1)(ii) of this section. For nonauction purchases from a dealer, the data to be entered on MQ–72–2 shall be the following: (i) Date of purchase; (ii) identification number of buyer; (iii) identification number of dealer making the sale; (iv) type code 10; and (v) pounds purchased.

(4) At the end of the dealer's marketing operations, but not later than March 1, he shall for each kind of tobacco: (i) Show the word "final" on his final report, MQ–79 for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, and (iii) permit its inspection and weighing by a representative of ASCS, and at that time furnish him a certification of the quantity of such tobacco.

(5) Notwithstanding the provisions of subparagraph (4), any dealer having tobacco transactions after March 1 shall make reports on MQ–79 at the end of each week, as provided in subparagraph (2).

(d) *Daily report to warehouseman for buyers corrections account of tobacco received.* Notwithstanding the provisions of § 725.101, any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the warehouseman on a daily sales basis an adjustment invoice or buyers settlement sheet. Such reports shall be furnished daily, if practicable; otherwise they shall be furnished at the end of each week.

§ 725.101 Dealers exempt from regular records and reports on MQ–79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sales and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100. Any dealer or buyer is required to report on MQ–79 and on MQ–72–2 nonauction purchases from producers and nonauction purchases from other sources.

(b) For the 1970–71 and subsequent marketing years, each dealer or buyer shall also make a report not later than March 1 of each year to the Director, Commodity Programs Division, showing by States where acquired, source and pounds of all tobacco received by him as a result of auction or nonauction sale, including tobacco received which was not billed to him. The report shall show:

(1) For purchases at auction for each warehouse (i) USDA registration number (warehouse code), (ii) name and address of warehouse, (iii) gross pounds originally billed to the buyer, (iv) gross pounds billed to the buyer for which payment was made, (v) gross pounds from the company correction account deducted for short baskets, short weights and returned baskets and, (vi) gross pounds from the company correction account added for long baskets and long weights.

(2) For purchases at nonauction (i) name and address of seller, (dealer or farmer), (ii) seller's number (dealer's registration number or farm number, including State and county code), and, (iii) pounds purchased.

§ 725.102 Records and reports of truckers, persons redrying, prizing, or stemming tobacco, and storage firms.

(a) Each trucker shall keep such records as will enable him to furnish the State ASCS office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer.

(2) The date of receipt of the tobacco.

(3) The number of pounds received.

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged in the business of redrying, prizing, or stemming tobacco for producers and storage firms handling producer tobacco shall keep such records as will enable him to furnish the director a report showing:

(1) The information required above for truckers, and, in addition:

(2) The purpose for which the tobacco was received.

(3) The amount of advance made by him on the tobacco.

(4) The disposition of the tobacco.

(5) Person to whom delivered and pounds involved.

§ 725.103 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, buyer, trucker, or as a person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.104 Failure to keep records and make reports or making false report or record.

(a) *Warehousemen and dealers*—(1) *Failure to keep records or make reports.* Under the provisions of section 373(a) of the act, any warehouseman, processor, buyer, dealer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers who fails to make any report or keep any record as required, or who makes any false report or record, is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $500 for each offense. In addition, any tobacco warehouseman, dealer, or buyer who fails, upon being requested to do so, to remedy a violation by submitting complete reports and keeping accurate records shall be subject to an additional fine, not to exceed $5,000.

(2) *Failure to obtain producer's marketing card or dealer identification card.* The failure of (i) any dealer or warehouseman to obtain a producer's marketing card, MQ–76, to identify a sale of producer tobacco or (ii) any dealer or warehouseman who fails to obtain a dealer identification card, MQ–79–2, to cover a resale of tobacco, shall constitute a failure to make a report.

(b) *False representations—warehousemen, dealers, and producers.* In addition to the monetary penalties prescribed in §§ 725.94 and 725.95, the penalties designated in paragraph (a)(1) of this section are in addition to penalties prescribed by other criminal statutes including United States Code, title 18, section 1001, which provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, for a person convicted of knowingly and willingly committing such acts as making a false acreage report, altering a marketing card, falsely identifying tobacco or buying and selling unused "110 percent of quota poundage" on marketing cards.

§ 725.105 Registration of warehousemen and dealers.

Any dealer or warehouseman dealing in Flue-cured tobacco shall be registered with the U.S. Department of Agriculture. Such registration will be handled by the North Carolina State ASCS Office, Raleigh, N.C. Any person desiring to register as a dealer or warehouseman shall complete an "Application for Dealer Identification Card" and submit it to the State office. Warehousemen will be assigned a three-digit identification number and dealers will be assigned a four-digit identification number. Persons requesting it will be issued a dealer identification card, Form MQ–79–2.

§ 725.106 Duties of Kansas City ASCS Data Processing Center.

Numerous recordkeeping and reporting provisions required by these regulations are the responsibility of the Kansas City ASCS Data Processing Center (also referred to as KCDPC). The duties of the Center are set forth in writing in frequent issuances of internal procedures.

§ 725.107 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of the Inspector General, and of the Commodity Programs Division and Tobacco Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, canceled checks, check registers, check stubs, correspondence, contracts, documents, and memorandas as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

§ 725.108 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under this subpart shall be on a marketing year basis and shall be retained by him for 3 years after the end of the marketing year. Records shall be kept for such longer period of time as may be requested in writing by the State executive director, or the Director.

§ 725.109 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of this subpart shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, and by all members of county and community committees, and all county office employees and only such data so reported or acquired, as the Deputy Administrator deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under title III of the act.

DISCOUNT VARIETIES

§ 725.110 Determination of discount varieties.

(a) *Definition.* "Discount variety" means any of the Flue-cured tobacco seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244, or a mixture or strain of such seed varieties, or any breeding line of Flue-cured tobacco seed varieties, including, but not limited to, 187-Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244: *Provided*, That where there is growing in a field offtype plants of not more than 2 percent, such offtype plants shall not be considered in certifying the Flue-cured tobacco variety being produced. Flue-cured tobacco which is not certified to be discount variety shall be considered as "acceptable variety".

(b) *Producer's report.* (1) For each farm on which Flue-cured tobacco is produced in the current year, the farm operator or any producer on the farm shall file with the county office a report on MQ–32, Certification of Flue-Cured Tobacco Varieties Planted, showing whether or not discount variety tobacco was planted on the farm.

(2) If the farm operator or any producer on a farm certifies on MQ–32 that there was not planted on the farm any discount variety of Flue-cured tobacco, all of the Flue-cured tobacco produced on such farm shall be considered by the county committee to be acceptable variety tobacco. If the farm operator or any producer thereon has executed and filed a report with the county office on MQ–32, which shows there was not planted on such farm(s) in the current year, any of the discount varieties of Flue-cured tobacco, and the operator or a producer on the farm wishes to change the MQ–32 to show there was planted on such farm(s) a discount variety he may, at any time prior to the issuance of a marketing card for the farm, be permitted to file a new MQ–32 which shall supersede and replace the first MQ–32.

(3) If the farm operator or any producer on a farm certifies on MQ–32 that there was planted on the farm any discount variety of Flue-cured tobacco, all of the Flue-cured tobacco produced on such farm shall be considered by the county committee to be discount variety tobacco.

(c) *Failure to file report.* If the operator of a farm on which Flue-cured tobacco is being produced in the current year fails or refuses, within 7 days after a request of the county committee on MQ–34–1, Notice of Action Required Regarding Determination of Seed Varieties of Flue-Cured Tobacco, to file a report on MQ–32, showing whether or not there was planted any of the discount varieties of Flue-cured tobacco on such farm, all Flue-cured tobacco produced on such farm shall be considered by the county committee to be discount variety tobacco, unless the county committee finds that failure to comply with the request was due to circumstances beyond the control of the farm operator.

(d) *Notice to farm operator.* The farm operator having discount variety tobacco shall be given written notice by certified mail on MQ–34–2, Notice of Discount Variety Flue-Cured Tobacco. The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(e) *Producer's right to recertify.* Any producer on a farm who receives a Form MQ–34–2 certifying that the farm has discount variety tobacco when in fact an acceptable variety is being produced may recertify on Form MQ–32.

(f) *Issuance of marketing cards*—(1) *Notation on card.* If a farm is considered to have discount variety tobacco available for marketing and the farm is eligible for price support, the county executive director shall issue MQ–76, bearing the notation "Discount Variety—Limited Price Support". If the farm is considered to have discount variety tobacco but it is not eligible for price support, the county executive director shall issue MQ–76, bearing the notation "Discount Variety—No Price Support".

(2) *Exchange of cards.* (i) Where an MQ–76, bearing the notation "Discount Variety—Limited Price Support" is issued for a farm, the card may be exchanged at the county office for an MQ–76 without the notation, or (ii) where an MQ–76, bearing the notation "Discount Variety—No Price Support" is issued for a farm the card may be exchanged at the county office for an MQ–76 with the notation "No Price Support": *Provided*, That the farm operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of discount variety tobacco produced on the farm or on any other farm operated by him, and that all discount variety tobacco has been marketed or satisfactorily disposed of, or accounted for.

(3) *Cards for publicly owned experiment stations.* MQ–76 issued to identify markettings of tobacco grown for experimental purposes by or for publicly owned experiment stations shall bear the notation "Discount Variety—Limited Price Support" if such tobacco is discount variety tobacco.

(g) *Identification of Flue-cured leaf account tobacco as acceptable variety and reports on MQ–79–1, Flue-Cured.* Whenever the Director determines there is a significant amount of discount variety tobacco available for marketing in any marketing year he may cause to be initiated the provisions of this paragraph. In addition, the Director may terminate any action initiated hereunder when he determines no discount variety of Flue-cured tobacco remains available for sale during the remainder of the current marketing season. Notification to warehousemen of action required under this paragraph shall be by the State executive director.

(1) *Warehouseman.* (i) Each warehouseman who offers for auction sale any leaf account Flue-cured tobacco on a warehouse floor other than his own, and who requests the other warehouseman to identify such tobacco as being "acceptable variety" shall execute MQ–79–1 (Flue-cured), Dealer's Certification—Resale Tobacco.

(ii) Each warehouseman who is participating in the Commodity Credit Corporation price support program, and who identifies resale tobacco with a "certified" basket ticket indicating that such tobacco, by virtue of an executed MQ–79–1 (Flue-cured), is of an acceptable variety shall at the time the tobacco is weighed in have such tobacco covered by an executed MQ–79–1.

(iii) Each executed MQ–79–1 (Flue-cured) shall show the following information with respect to each lot of resale tobacco:

(a) Crop year.

(b) Name and address of warehouse where the tobacco is being offered for sale.

(c) Tobacco sale bill number and date.

(d) Date, signature of dealer and current address, and dealer identification number.

(2) *Dealer.* (i) Each dealer or any other person who offers for auction sale any resale Flue-cured tobacco on a warehouse floor which is participating in the Commodity Credit Corporation price support program and on which floor eligible resale Flue-cured tobacco is identified with a "certified" basket ticket, and who requests the warehouseman to identify his tobacco as being of an "acceptable variety", shall execute MQ–79–1 (Flue-cured), Dealer's Certification—Resale Tobacco.

(ii) Each executed MQ–79–1 (Fluecured) shall show the following information with respect to resale tobacco:

(*a*) Crop year.

(*b*) Name and address of warehouse where the tobacco is being offered for sale.

(*c*) Date, signature of dealer and current address, and dealer identification number.

(*d*) Tobacco sale bill number and date.

(iii) Each dealer or any person who acquires acceptable variety tobacco in a manner which would make it ineligible for certification on MQ–79–1, or who has on hand both discount variety tobacco and acceptable variety tobacco, and desires to dispose of acceptable variety tobacco prior to disposing of the discount variety tobacco, may apply in writing to the State executive director for a special authorization to have the acceptable variety tobacco certified when offered for auction sale.

(h) *Estimate of production.* For any farm on which discount variety tobacco is being grown, a Form MQ–92, Estimate of Production, shall be obtained.

Prior to the issuance of the proposed regulations, any data, views, or recommendations pertaining thereto which are submitted to the Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration, provided such submissions are postmarked not later than 15 days after the date of the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 3, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–14537; Filed, Dec. 5, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–WA–59]

TERMINAL CONTROL AREAS: PROPOSED AIRSPACE CONFIGURATIONS

Notice of Public Hearings

The FAA will hold a series of public hearings to receive the views of interested persons concerning the proposed terminal control area airspace configuration for the following 22 terminals:

Atlanta.	Miami.
Boston.	Minneapolis.
Chicago O'Hare.	New Orleans.
Cincinnati.	New York Complex (La Guardia, Kennedy, Newark).
Cleveland.	Philadelphia.
Dallas.	Pittsburgh.
Denver.	San Francisco.
Detroit.	Seattle.
Houston.	St. Louis.
Kansas City.	Washington.
Las Vegas.	
Los Angeles.	

The FAA published, in Notice 69–41 (34 F.R. 15252, Sept. 30, 1969), its intent to adopt air traffic rules for the control or segregation of all aircraft operated within airspace designated by the Administrator as "terminal control areas." In that notice it was stated that individual area notices would be issued for 22 terminals which would give the specific designation of the individual terminal control areas. Since that time, notices for the following terminals have been published—

Washington, D.C.—Andrews AFB Area, Notice 69–42, 34 F.R. 15252, September 30, 1969;
Atlanta—Airspace Docket No. 69–WA–32, 34 F.R. 15805, October 6, 1969;
Chicago—Airspace Docket No. 69–WA–33, 34 F.R. 15805, October 8, 1969;
Detroit—Airspace Docket No. 69–WA–37, 34 F.R. 15806, October 6, 1969.

Notice 69–41 and these subsequent airspace proposals have stimulated a great deal of public interest and response. The FAA considers that public hearings concerning specific airspace configurations under consideration are justified in light of the number of persons affected by these proposals and the degree of public interest shown. Accordingly, notice is hereby given that the FAA will hold a series of public hearings to receive the views of all interested persons on the proposed terminal control area airspace configurations for the 22 above mentioned terminals. The schedule for these public hearings is as follows:

December 9, 1969, 1 p.m.	Chicago, Ill.	Hangar 4, Palwaukee Airport, Wheeling, Ill.
December 10, 1969, 1 p.m.	Detroit, Mich.	Auditorium, Michigan National Guard Administration Bldg., Detroit Metropolitan Airport.
December 12, 1969, 1 p.m.	Minneapolis, Minn.	American Legion Ridgefield Post, 6501 Portland Ave., Ridgefield, Minn.
December 15, 1969, 1 p.m.	Kansas City, Mo.	Room 140, Federal Office Bldg., 601 East 12th St., Kansas City, Mo.
December 17, 1969, 1 p.m.	St. Louis, Mo.	Air National Guard Base Theater, Lambert Field, St. Louis, Mo.
January 5, 1970, 7 p.m.	Dallas, Tex.	Executive Inn, 3232 West Mockingbird Lane, Dallas, Tex.
January 6, 1970, 7 p.m.	Houston, Tex.	Gulfgate Auditorium A, Gulfgate Shopping Center, Gulf Freeway at Reveille, Houston, Tex.
January 7, 1970, 10 a.m.	Boston, Mass.	Government Center Room, Madison Hotel, North Station, 25 Nashua St., Boston, Mass.
January 7, 1970, 1:30 p.m.	Denver, Colo.	Holiday Inn East, 13800 East Colfax Ave., Aurora, Colo.
January 9, 1970, 9 a.m.	Las Vegas, Nev.	Room 3, Convention Center, Paradise Rd. and Convention Center Dr., Las Vegas, Nev.
January 9, 1970, 7 p.m.	New Orleans, La.	Louisiana State University, New Orleans, University Center, Cabildo Room 242, New Orleans, La.
January 9, 1970, 10 a.m.	Pittsburgh, Pa.	Pittsburgh Institute Aeronautics, Allegheny County Airport, Mifflin, Pa.
January 12, 1970, 7:30 p.m.	San Francisco, Calif.	Holiday Inn, Franciscan Room, South San Francisco, Calif.
January 13, 1970, 10 a.m.	Cincinnati, Ky.	Barkley House Motel, Greater Cincinnati Airport, Erlanger, Ky. 41018.
January 13, 1970, 9:30 a.m.	Atlanta, Ga.	Conference Room 701, FAA Regional Office, 3400 Whipple St., East Point, Ga.
January 14, 1970, 7:30 p.m.	Seattle, Wash.	Orcas Room, Coliseum North Court Building, Seattle Civic Center, Seattle, Wash.
January 15, 1970, 10 a.m.	Washington, D.C.	FAA Bldg., Room 310 Auditorium, 800 Independence Ave. SW., Wash., D.C.
January 16, 1970, 3 p.m.	Los Angeles, Calif.	Airport Junior High School Auditorium, 9000 Airport Blvd., Los Angeles, Calif.
January 19, 1970, 10 a.m.	Cleveland, Ohio.	Rocky River City Hall, 21012 Hilliard Rd., Rocky River, Ohio.
January 21, 1970, 10 a.m.	New York, N.Y.	Riviera Idewild Hotel, 151–20 Baisley Blvd., Jamaica, N.Y.
January 21, 1970, 9:30 a.m.	Miami, Fla.	Conference Room 202, Miami Area Office, FAA WB Bldg., Miami International Airport, Miami, Fla.
January 23, 1970, 10 a.m.	Philadelphia, Pa.	Airport Motel, Brass Rail Meeting Room, Phila., Pa. 19153.

Interested persons are invited to attend the hearings and present oral or written statements on the matter set forth in this notice. These statements will be made a part of the record of the hearing. Any person who wishes to make an oral statement should attend the public hearing for the location in which he is interested. Written information, views, arguments or briefs may be submitted for the record. Written comments should be submitted prior to the hearing, or at the public hearing itself. Written comments may not be accepted after the hearing unless good cause is shown or the submission is requested by the presiding officer or the Director. All comments should be submitted in duplicate and addressed to the Director, Air Traffic Service, FAA, 800 Independence Avenue SW., Washington, D.C., and refer to the public hearing for the appropriate terminal location.

All comments received at these public hearings will be considered by the FAA in any rule-making actions regarding the specific terminal control area airspace configurations at the named terminals. A verbatim transcript will be made and will be entered as a part of the appropriate official airspace docket. In addition, a copy of the transcript will be placed in the docket for Notice 69–41. Anyone may buy a copy of the transcript from the reporter. However, any rule issued in a case in which such a hearing is held will not be based exclusively on the record of the hearing.

The hearings will be informal hearings conducted by a designated representative of the FAA under § 11.67 of the Federal Aviation Regulations; they will not be judicial or evidentiary type hearing. The hearings are designed to present the airspace configurations under consideration by the FAA and to solicit the views of interested persons.

The following will be the procedure followed in the public hearings. The presiding officer will make an opening statement regarding the purpose of the meeting. FAA spokesmen will then briefly discuss the rules proposed in Notice 69–41 and will present the airspace configuration that is under consideration for that particular terminal area. Questions will be invited from the audience and answers given to each question. Interested persons may present or read any statement into the record. Initial statements are to be made as far as possible without interruption. Arguments and oral statements are limited to the subjects named in this notice.

This notice is proposed under the authority of sections 307 (a) and (c), and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a) and (c), and 1354 (a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1665(c)).

Issued in Washington, D.C., on December 3, 1969.

FERRIS J. HOWLAND,
Acting Director, Air Traffic Service.

[F.R. Doc. 69–14513; Filed, Dec. 5, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WA–59–A]

TERMINAL CONTROL AREAS

Proposed Airspace Configurations; Notice of Public Hearings

On December 3, 1969, the Acting Director, Air Traffic Service, issued in Washington, D.C., a notice of public hearings to be conducted at various locations in order to insure that the views of all interested persons would be heard concerning individual terminal control areas that are being proposed for 22 high density terminals listed in that notice.

At the time the notice of public hearings was issued, only four of the 22 terminal airspace configurations had been formalized to the extent that they were published as notices of proposed rule making in the FEDERAL REGISTER. These were the Washington, D.C.—Andrews AFB Area, the Atlanta Area, the Chicago Area, and the Detroit Area.

Copies of the terminal airspace configurations proposed for the remaining 18 high density terminal areas will be mailed locally to all those interested airspace users in the affected area who are presently on the FAA distribution list and customarily receive airspace notices and rules. Other persons not on the mailing list may obtain advanced copies of the airspace configurations proposed for discussion at the hearing by requesting a copy by mail from the appropriate regional office.

The presiding officer will also have copies of the airspace proposal available at the hearing for use by the public.

Issued in Washington, D.C., on December 5, 1969.

FERRIS J. HOWLAND,
Acting Director, Air Traffic Service.

[F.R. Doc. 69–14612; Filed, Dec. 5, 1969; 11:00 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–83]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on September 11, 1969 (34 F.R. 14285), F.R. Doc. 69–10832, the Federal Aviation Administration proposed to alter the Chesterfield (Spirit of St. Louis), Mo., control zone and the Chesterfield, Mo., transition area.

Subsequent to publication of the notice two VOR instrument approach procedures have been altered. Therefore, it is necessary to issue a supplemental notice of proposed rule making redesignating the Chesterfield (Spirit of St. Louis), Mo., control zone and the Chesterfield, Mo., transition area in order to provide adequate airspace protection for aircraft executing the altered VOR instrument approach procedures.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this supplemental notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with the Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with the supplemental notice in order to become part of the record for consideration. The proposal contained in this supplemental notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations by altering the Chesterfield (Spirit of St. Louis), Mo., control zone and the Chesterfield, Mo., transition area as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

CHESTERFIELD (SPIRIT OF ST. LOUIS)

Within a 5-mile radius of Spirit of St. Louis Airport (latitude 38°39'35" N., longitude 90°38'45" W.); within 3½ miles each side of the Maryland Heights, Mo., VORTAC 310° radial, extending from the VORTAC to 9½ miles northwest of the VORTAC; and within 5 miles each side of the Maryland Heights VORTAC 241° radial, extending from the VORTAC to 14½ miles of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

CHESTERFIELD, MO.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Spirit of St. Louis Airport (Latitude 38°39'35" N., longitude 90°38'45" W.); within 3½ miles each side of the Maryland Heights, Missouri VORTAC 310° radial, extending from the 9-mile radius area to 12 miles northwest of the VORTAC; within 5 miles each side of the Maryland Heights VORTAC 241° radial, extending from the 9-mile radius area to 16½ miles southwest of the VORTAC; and within 2½ miles each side of the Spirit of St. Louis ILS localizer west course, extending from the 9-mile radius area to 8 miles west of the OM, excluding the portion which overlies the St. Louis, Mo., 700-foot floor transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act, 949 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69–14527; Filed, Dec. 5, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–82]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Lewiston, Idaho, control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards

Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

As a result of a review of airspace requirements for the Lewiston, Idaho, terminal area the VOR-1 instrument approach procedure for Lewiston-Nez Perce County Airport has been modified to meet the requirements of the U.S. Standards for Terminal Instrument Procedures (TERPS). This has resulted in the requirement for a small amount of additional 700-foot transition area to protect aircraft operating below 1,500 feet above the surface. Additional 1,200-foot transition area is required to comply with the criteria for designation of controlled airspace to protect the procedure turn area. The final approach course has been changed from 246° M (266° T) to 243° M (263° T) therefore, the control zone extension to the east requires alteration to reflect this change.

In consideration of the foregoing the FAA proposes the following airspace actions.

In § 71.171 (34 F.R. 4557) the description of the Lewiston, Idaho, control zone is amended by deleting "• • • 266° radial, • • •" and substituting "• • • 263° radial, • • •" therefor.

In § 71.181 (34 F.R. 4637) the description of the Lewiston, Idaho, transition area as modified by (34 F.R. 1892) is further amended to read as follows:

LEWISTON, IDAHO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2.5 miles each side of the Lewiston VOR 065° and 245° radials, extending from 1 mile southwest to 6 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 5 miles southeast of the Lewiston VOR 065° radial, extending from the VOR to 19 miles northeast of the VOR, within 5 miles each side of the Lewiston VOR 266° radial extending from 7 to 15 miles west of the VOR, and that airspace extending upward from 6,500 feet MSL within 12 miles northwest and 8 miles southeast of the Lewiston VOR 065° and 245° radials, extending from 11 miles southwest to 23 miles northeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Los Angeles, Calif., on November 24, 1969.

LEE E. WARREN,
Acting Director, Western Region,

[F.R. Doc. 69-14528; Filed, Dec. 5, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-83]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Bishop, Calif., Airport.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new State-owned VOR is being installed on the Bishop, Calif. Airport. This facility will support instrument approach, departure, and holding procedures for the Bishop Airport. In addition, transition routes from Bishop to the Nichols Intersection (OAL 250° M and BIH 325° M radials), Beatty VOR and the Lida Intersection are predicated on this facility including two transition routings from Coaldale VOR and Friant VOR which are within the Continental Control Area.

The procedure turn, final approach and holding procedures are accomplished on the Bishop 140° M (156° T) radial. The proposed transition area is required to provide controlled airspace protection for aircraft executing these prescribed instrument procedures.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.181 (34 F.R. 4637) the following transition area is added.

BISHOP, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bishop VOR (latitude 37°22'37" N., longitude 118°21'56" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 12 miles northeast of the Bishop VOR 156° and 336° radials, extending from 10 miles northwest to 22 miles southeast of the VOR; that airspace extending upward from 12,500 feet MSL within 5 miles each side of the Bishop VOR 341° radial extending from the VOR to V-244, within 5 miles each side of a direct course between the Bishop VOR and Lida Intersection, 42 miles 12,500 feet MSL, 10,500 feet MSL Lida Intersection, and within 5 miles each side of a direct course between Bishop VOR and Beatty, Nev., VOR 80 miles 12,500 feet MSL, 10,500 feet MSL Beatty.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on November 24, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14530; Filed, Dec. 5, 1969; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-WA-56]

TEMPORARY RESTRICTED AREAS

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 73 of the Federal Aviation Regulations which would designate temporary restricted areas near Hampton, Va., and Sandbridge, Va.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received within 30 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The National Aeronautics and Space Administration has requested the establishment of temporary restricted areas in the vicinities of Hampton and Sandbridge, Va. The proposed temporary restricted areas would be utilized for a 1-hour period from 1300 to 1400 e.s.t. on March 7, 1970, for making scientific sightings and studies associated with the solar eclipse which will begin at approximately 1336 e.s.t. and will last for a period of 2 minutes. The 1-hour utilization period for the restricted areas is required for precalibration and postcalibration of the instruments. The scientific experiments to be conducted within the proposed restricted areas require a clear line of sight to the sun which is unobstructed by aircraft and jet aircraft contrails.

If these actions are taken, temporary restricted areas will be designated as follows:

1. HAMPTON, VA.

Boundaries. Beginning at lat. 37°08'29" N., long. 76°24'03" W.; to lat. 36°58'40" N., long. 76°32'30" W.; to lat. 36°55'20" N., long. 76°-24'19" W.; to lat. 37°07'06" N., long. 76°20'-16" W.; thence to point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. From 1300 to 1400 e.s.t., March 7, 1970.

Using agency. NASA Langley Research Center, Hampton, Va.

2. SANDBRIDGE, VA.

Boundaries. Beginning at lat. 36°43'14" N., long. 75°55'36" W.; to lat. 36°33'29" N., long. 76°04'32" W.; to lat. 36°30'06" N., long. 75°-56'07" W.; to lat. 36°41'40" N., long. 75°51'-55" W.; thence to point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. From 1300 to 1400 e.s.t., March 7, 1970.

Using agency. NASA Langley Research Center, Hampton, Va.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 28, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14529; Filed, Dec. 5, 1969; 8:47 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket No. RI70-658, etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 28, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: [2] *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[3]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] As indicated in Appendix A, some of the proposed rates have been accepted subject to refund in existing suspension proceedings as of the dates listed therein. In addition, one proposed rate has been accepted without any refund obligation.

[3] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered [6]	Effective date unless suspended	Date suspended until—	Cents per Mcf [5] Rate in effect	Cents per Mcf [5] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-658	Getty Oil Co.	17	20	El Paso Natural Gas Co.		11-3-69	11-3-69	11-4-69	14.5	14.55437	RI70-80.
		50	15	do		11-3-69	11-3-69	11-4-69	19.2565	19.32775	
							[4] 1-7-70		15.74	15.7695	RI70-80.
		67	6	Northern Natural Gas Co.		11-3-69	11-3-69	11-4-69	[4] 1-7-70	19.12825	19.16387
		79	6	West Texas Gathering Co.		11-3-69	11-3-69	11-4-69	14.36	14.41385	RI70-80.
							[4] 1-7-70		18.0	18.0675	
		116	4	Northern Natural Gas Co.		11-3-69	11-3-69	11-4-69	14.39	14.44396	RI70-80.
							[4] 1-3-70		18.0	18.9675	
		151	12	El Paso Natural Gas Co.		11-3-69	11-3-69	11-4-69	14.5	14.55437	RI70-80.
							[4] 1-3-70		15.0	15.05625	
							11-3-69	11-4-69	14.5	14.527	RI70-80.
							[4] 1-7-70		19.128	19.164	
		148	3	Transwestern Pipeline Co.		11-4-69	11-4-69	11-5-69	14.48	14.552	
		160	2	Natural Gas Pipeline Co. of America		11-3-69	11-3-69	11-4-69	16.95571	17.0193	
RI70-659	Getty Oil Co. (Operator) et al.	170	7	El Paso Natural Gas Co.		11-3-69	11-3-69	11-4-69	15.91	15.97	
		105	9	Transwestern Pipeline Co.		11-3-69	11-3-69	11-4-69	14.86	14.952	RI70-81.
									16.92	16.994	
RI70-660	Atlantic Richfield Co.	589	4	El Paso Natural Gas Co.			[4] 1-7-70		19.25	19.3342	
							10-1-69	10-2-69	15.85	16.1234	RI69-787.
RI70-661	Transocean Oil, Inc.	13	9	do			[4] 1-1-70		17.7345	17.8019	
		14	9	do			10-1-69	10-2-69	14.5	14.5134	
		15	9	do			10-1-69	10-2-69	14.5	14.5134	
		16	9	do			10-1-69	10-2-69	14.5	14.5134	
		17	9	do			10-1-69	10-2-69	14.5	14.5134	
RI70-662	Atlantic Richfield Co.	458	5	do			10-1-69	10-2-69	14.5	14.5134	
RI70-663	Atlantic Richfield Co. (Operator) et al.	488	7	do			10-1-69	10-2-69	17.19	17.2545	
							10-1-69	10-2-69	16.48	16.5148	RI69-791.
RI70-664	Atlantic Richfield Co.	511	13	do			[4] 1-1-70		17.50	17.7723	
							[4] 10-1-69	10-2-69	12.29	12.3361	RI68-502.
		514	6	do					13.947	13.9993	
							10-1-69	10-2-69	16.5	16.5619	RI69-746.
RI70-665	Atlantic Richfield Co. (Operator) et al.	520	11	do			[4] 10-1-69		19.0	19.0713	
							10-1-69	10-2-69	15.74	15.7695	RI70-213.
RI70-666	Atlantic Richfield Co.	528	4	do			[4] 2-8-70		19.1283	19.1639	
		581	3	do			10-1-69	10-2-69	12.81	12.858	
							10-1-69	10-2-69	16.5	16.5619	RI69-787.
							[4] 11-15-69		17.5	17.5656	
		582	2	Northern Natural Gas Co.			10-1-69	10-2-69	16.5	16.5495	
RI70-667	Atlantic Richfield Co. (Operator) et al.	566	3	do			10-1-69	10-2-69	16.5	16.5495	

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered [6]	Effective date unless suspended	Date suspended until—	Cents per Mcf [5] Rate in effect	Cents per Mcf [5] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-668	Skelly Oil Co.	113	7	El Paso Natural Gas Co.		11-3-69	11-3-69	11-4-69	14.10	14.15	
RI70-669	Pan American Petroleum Corp.	518	2	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	16.40	16.46	
RI70-670	Atlantic Richfield Co.	265	1	Northern Natural Gas Co.			10-1-69	10-2-69	16.0	16.06	
		321	2	do			10-1-69	10-2-69	16.1535	16.2141	
RI70-671	do	506	7	El Paso Natural Gas Co.		[6]	10-1-69	10-2-69	14.11	14.1629	RI68-671.
									16.50	16.5619	
		611	3	Northern Natural Gas Co.			10-1-69	10-2-69	14.182	14.2352	
		615	3	Transwestern Pipeline Co.			10-1-69	10-2-69	16.49	16.5725	RI69-746.
									14.48	14.5524	
							[4] 10-22-69		18.0	18.090	
		391	5	Northern Natural Gas Co.			10-1-69	10-2-69	14.50	14.5225	RI69-782.
							[4] 11-1-69		15.0600	15.0384	
		442	5	Transwestern Pipeline Co.			10-1-69	10-2-69	14.86	14.92501	RI69-787.
							[4] 11-15-69		18.0	18.07875	
		452	3	West Texas Gathering Co.			10-1-69	10-2-69	16.39	16.4515	RI69-746.
							[4] 10-22-69		18.0	18.0675	
RI70-672	Texaco, Inc.	25	16	El Paso Natural Gas Co.			10-1-69	10-2-69	15.58	15.7674	
RI70-673	The Superior Oil Co.	8	12	do		11-6-69	11-6-69	11-7-69	14.22	14.27333	
		9	13	do		11-6-69	11-6-69	11-7-69	15.19	15.24696	
		10	14	do		11-6-69	11-6-69	11-7-69	13.49	13.54059	
RI70-674	John L. Crawford	1	1	Northern Natural Gas Co.			10-1-69	10-2-69	16.0	16.06	
RI70-675	Pecos Growers Oil Co.	1	2	El Paso Natural Gas Co.			10-1-69	10-2-69	16.10	16.1604	
		3	4	Transwestern Pipeline Co.			10-1-69	10-2-69	17.30	17.3757	
RI70-676	Frio-Tex Oil & Gas Co. (Operator) et al.	2	4	Northern Natural Gas Co.			10-1-69	10-2-69	.5	16.5619	
RI70-677	Atapas Petroleum, Inc.	1	3	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	16.4	16.4615	
		2	3	do			10-1-69	10-2-69	14.0322	14.0648	
RI70-678	Samedan Oil Corp. (Operator) et al.	10	7	El Paso Natural Gas Co.		11-3-69	11-3-69	11-4-69	16.50	16.5619	
RI70-679	Southern Minerals Corp. (Operator) et al.	1	4	Northern Natural Gas Co.		11-3-69	11-3-69	(Accepted)	16.0	16.0525	
						11-3-69	11-3-69	11-4-69	14.4029	14.4485	
RI70-680	Virginia Sherrill	1	4	Phillips Petroleum Co.		11-3-69	11-3-69	11-4-69	13.0	13.0315	
RI70-681	Consolidated Gas & Equipment Co. of America.	1	1	Natural Gas Pipeline Co. of America		11-3-69	11-3-69	11-4-69	13.2	13.2459	
RI70-682	Western Oil Fields, Inc.	13	2	Transwestern Pipeline Co.			10-1-69	10-2-69	17.0	17.047375	
RI70-683	Yucca Petroleum Co. (Operator) et al.	12	1	Northern Natural Gas Co.			10-1-69	10-2-69	19.41	19.487	
RI70-684	Standard Oil Co. of Texas, a division of Chevron Oil Co.	45	1	Michigan Wisconsin Pipe Line Co.			10-1-69	10-2-69	17.0	17.06375	
RI70-685	Alvin Wilson et al.	1	11	Tennessee Gas Pipeline Co.			10-1-69	10-2-69	15.0	15.05625	
RI70-686	Odessa Natural Gasoline Co.	3	1	Transwestern Pipeline Co.			10-1-69	10-2-69	17.0	17.0744	
RI70-687	Jack L. Phillips (Operator) et al.	1	1	Lone Star Gas Co.		11-3-69	11-3-69	11-4-69	14.49	14.525	
RI70-688	Nafco Oil & Gas Inc. (Operator) et al.	6	8	Texas Gas Transmission Corp.		11-3-69	11-3-69	11-4-69	15.0	15.0541	
RI70-689	Harris R. Fender et al.	2	8	United Gas P/L Co.			10-1-69	10-2-69	15.0	15.06562	
RI70-690	D. W. Hamilton (Operator) et al.	1	3	Lone Star Gas Co.		11-3-69	11-3-69	11-4-69	14.49	14.525	
RI70-691	Skelly Oil Co. (Operator) et al.	13	8	Texas Gas Transmission Corp.			10-1-69	10-2-69	15.0	15.06	
		14	8	do			10-1-69	10-2-69	15.0	15.06	
		15	19	do			10-1-69	10-2-69	15.0	15.06	
		16	9	do			10-1-69	10-2-69	15.0	15.06	
RI70-692	Skelly Oil Co.	241	1	Natural Gas P/L Co. of America			10-1-69	10-2-69	15.0	15.06	
RI70-693	Horizon Oil & Gas Co. of Texas.	25	2	Northern Natural Gas Co.			10-1-69	10-2-69	17.0	17.06375	
		22	2	do			10-1-69	10-2-69	15.0	15.06625	
RI70-694	Nafco Oil & Gas, Inc.	7	11	Texas Gas Transmission		11-3-69	11-3-69	11-4-69	15.0	15.0525	
		10	5	Lone Star Gas Co.		11-3-69	11-3-69	11-4-69	14.49	14.5425	
RI70-695	Nafco Oil & Gas, Inc., et al.	16	2	Northern Natural Gas Co.		11-3-69	11-3-69	11-4-69	16.5	16.56187	
RI70-696	Nafco Oil & Gas, Inc. (Operator) et al.	22	1	Natural Gas P/L Co. of America		11-3-69	11-3-69	11-4-69	12.0	12.045	
		19	1	Northern Natural Gas Co.		11-3-69	11-3-69	11-4-69	16.5	16.56187	
RI70-697	Pan American Petroleum Corp.	407	2	do			10-1-69	10-2-69	15.0	15.056	
		480	1	do			10-1-69	10-2-69	19.55	19.62	
		447	2	do			10-1-69	10-2-69	18.7	18.768	
		445	1	do			10-1-69	10-2-69	15.0	15.056	
		425	3	Panhandle Eastern Pipe Line Co.			10-1-69	10-2-69	17.0	17.0637	
		404	4	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	17.0	17.0637	
		453	1	do			10-1-69	10-2-69	17.0	17.063	
		402	1	Michigan Wisconsin Pipeline Co.			10-1-69	10-2-69	18.7	18.77	
		462	3	do			10-1-69	10-2-69	17.850	17.85	

[5] Pressure base is 14.65 p.s.i.a.

[6] Date motion is filed to make rate effective subject to refund.

[4] Accepted subject to refund in proceeding listed in "Rate in Effect Subject to Refund in Docket Nos." column as of effective date listed herein.

[6] Unless otherwise indicated, the filing was tendered on or before Oct. 31, 1969.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and the exception noted below.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas, if filed on or before October 31, 1969, and 1 day from the date of filing if the filing was made after October 31, 1969.

As indicated in this appendix, some of the producers propose tax reimbursement increases to rates that are currently suspended. In these situations, we conclude that the proposed rates should be accepted for filing subject to the current suspension proceeding to be effective as of the expiration date of the suspension period in such suspension proceeding.

The proposed rate of 16.0525 cents per Mcf for the sale of new gas well gas contained in Supplement No. 4 to Southern Minerals' FPC Gas Rate Schedule No. 1 does not exceed the just and reasonable ceiling determined in Opinion No. 468 and will therefore be accepted without refund obligation.

[F.R. Doc. 69-14358; Filed, Dec. 5, 1969; 8:45 a.m.]

[Docket No. RI70-593 etc.]

MONSANTO CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 26, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [3] Rate in effect	Cents per Mcf [3] Proposed increased rate
RI70-593..	Monsanto Co. et al	65	11	Natural Gas Pipeline Co. of America			10- 1-69	10- 2-69	14.0	14.0525
		68	12	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10- 1-69	10- 2-69	15.0	15.056
		95	2	Natural Gas Pipeline Co. of America			10- 1-69	10- 2-69	17.0	17.064
		64	12	do			10- 1-69	10- 2-69	14.0	14.0525
RI70-594..	Sun Oil Co., DX Division	190	4	United Gas Pipeline Co			10- 1-69	10- 2-69	15.0	15.0375
RI70-595..	Union Oil Co. of California	182	5	do			10- 1-69	10- 2-69	15.27	15.3273
RI70-596..	Union Producing Co	78	15	do			10- 1-69	10- 2-69	14.0	14.0525
		81	14	Coastal States Gas Producing Co			10- 1-69	10- 2-69	13.3403	13.3899
		227	7	South Texas Natural Gas Gathering Co			10- 1-69	10- 2-69	16.0	16.06
		231	5	Florida Gas Transmission			10- 1-69	10- 2-69	16.0	16.07
		236	9	United Gas Pipe Line Co			10- 1-69	10- 2-69	15.0	15.0563
		250	4	Natural Gas Pipeline Co. of America			10- 1-69	10- 2-69	16.0	16.06
		253	9	United Gas Pipeline Co. of America			10- 1-69	10- 2-69	14.0	14.0314
		259	2	Natural Gas Pipeline Co. of America			10- 1-69	10- 2-69	16.0	16.06
		267	1	Transcontinental Gas Pipe Line Corp			10- 1-69	10- 2-69	15.0	15.0563
		269	1	Natural Gas Pipeline Co. of America			10- 1-69	10- 2-69	16.0	16.06
		270	1	United Gas Pipeline Co			10- 1-69	10- 2-69	16.0	16.0598
RI70-597..	Lamar Hunt	10	3	South Texas Natural Gas Gathering Co			10- 1-69	10- 2-69	16.0	16.06
RI70-598..	Monsanto Co. (Operator) et al	16	8	United Gas Pipe Line Co			10- 1-69	10- 2-69	15.0	15.075
		61	11	Texas Gas Pipeline Corp			10- 1-69	10- 2-69	15.0	15.0563
		62	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10- 1-69	10- 2-69	15.0	15.056
RI70-599..	Union Producing Co. (Operator) et al.	93	8	Union Gas Pipeline Co			10- 1-69	10- 2-69	14.7125	14.7813
		94	8	United Gas Pipeline Co			10 -1-69	10- 2-69	14.6	14.673
RI70-600..	Edwin M. Jones Oil Co	6	6	Natural Gas Pipeline Co. of America			10- 1-69	10- 2-69	16.0	16.058125
RI70-601..	Mobil Oil Corp	162	10	Trunkline Gas Co			10- 1-69	10- 2-69	14.35	14.4038
RI70-602..	Sohio Petroleum Co	28	13	Texas Eastern Transmission Corp			10- 1-69	10- 2-69	14.3733	14.4362
		6	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10- 1-69	10- 2-69	15.0	15.05625
		5	7	Trunkline Gas Co			10- 1-69	10- 2-69	14.0	14.0625
RI70-603..	Northern Pump Co. (Operator) et al	41	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	15.0	15.05625
RI70-604..	Getty Oil Co	93	3	Trunkline Gas Co			10-1-69	10-2-69	18.0	18.0675
		86	9	Florida Gas Transmission Co			10-1-69	10-2-69	16.0	16.07
RI70-605..	George Mitchell & Associates, Inc., Agent for Mitchell & Mitchell Gas & Oil Corp., et al.	125	3	Trunkline Gas Co			10-1-69	10-2-69	17.0	17.0628
		35	2	Texas Eastern Transmission Corp			10-1-69	10-2-69	16.0	16.06
RI70-606..	George Mitchell & Associates, Inc., Agent for Stephen C. Clark, et al.	27	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	15.0	15.05625
RI70-607..	George Mitchell & Associates, Inc., Agent for Oil Drilling, Inc., et al.	26	7	do			10-1-69	10-2-69	15.0	15.05625
		28	6	do			10-1-69	10-2-69	15.0	15.05625
RI70-608..	George Mitchell & Associates, Inc., Agent for B. Y. Christie et al.	14	8	do			10-1-69	10-2-69	15.0	15.05625
		6	11	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	15.0	15.05625

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [3] Rate in effect	Cents per Mcf [3] Proposed increased rate
RI70-609..	George Mitchell & Associates for Sohio Petroleum Co. et al.	4	12	do			10-1-69	10-2-69	15.0	15.05625
RI70-610..	Getty Oil Co. (Operator) et al	88	8	Florida Gas Transmission Co			10-1-69	10-2-69	16.0	16.07
RI70-611..	Prarie Producing Co. (Operator) et al.	1	1	Trunkline Gas Co			10-1-69	10-2-69	16.0	16.06
		3	1	do			10-1-69	10-2-69	17.0	17.0638
RI70-612..	Prarie Producing Co	2	5	do			10-1-69	10-2-69	15.0	15.0563
RI70-613..	Hawn Brothers et al	4	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	14.6	14.6548
RI70-614..	Murchison Bros. & Denius	1	8	do			10-1-69	10-2-69	14.6	14.6534
RI70-615..	S. A. Story & Associates	1	2	Texas Eastern Transmission Corp			10-1-69	10-2-69	16.0	16.06
RI70-616..	Phillcon Development Co	2	2	Northern Natural Gas Co			10-1-69	10-2-69	19.38	19.45267
RI70-617..	Monsanto Co	45	13	United Gas Pipe Line Co			10-1-69	10-2-69	14.6	14.655

[3] Pressure base is 14.65 p.s.i.a.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and with the further exception of the proposed increase by Union for a sale to Coastal under its FPC Gas Rate Schedule No. 81. The increased rate ceiling applies to the resale by Coastal, but not to the sale by Union to Coastal.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

[F.R. Doc. 69-14359; Filed, Dec. 5, 1969; 8:45 a.m.]

[Docket No. RI70-640 etc.]

ROBERT MOSBACHER ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 28, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration date of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [3] Rate in effect	Cents per Mcf [3] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-640..	Robert Mosbacher et al	5	16	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10- 1-69	10- 2-69	[4] 15.0	[4] 15.06543	
RI70-641..	Robert Mosbacher (Operator) et al.	16	3	Transcontinental Gas Pipe Line Corp			10- 1-69	10- 2-69	14.189	14.2415	
RI70-642..	Palm Petroleum Corp	6	1	United Gas Pipe Line Co			10- 1-69	10- 2-69	16.0	16.04	
RI70-643..	Sun Oil Co., DX Division	20	24	do			10- 1-69	10- 2-69	15.0	15.075	
RI70-644..	Pan American Petroleum Corp. (Operator) et al.	519	2	Natural Gas Pipeline Co. of America			10- 1-69	10- 2-69	17.0	17.03665	
RI70-645..	Phillips Petroleum Co	455	1	Transcontinental Gas Pipe Line Corp			10- 1-69	10- 2-69	15.0	15.0563	
RI70-646..	Jack P. Raynor et al	4	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10- 1-69	10- 2-69	15.0	15.0549	
RI70-647..	Forest Oil Corp. (Operator) et al.	36	7	do			10- 1-69	10- 2-69	[5] 15.0	[4] 15.0459	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-648	Dorothy Hewit Blakeney et al.	1	12	do			10-1-69	10-2-69	14.6	14.63	
	do	2	11	United Gas Pipe Line Co.			10-1-69	10-2-69	14.0	14.052	
RI70-649	Mrs. James R. Dougherty et al.	1	5	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	16.0	16.056	
RI70-650	Robert Mosbacher (Operator) et al.	2	7	Texas Eastern Transmission Corp.			10-1-69	10-2-69	14.6	14.663875	
	do	3	9	do			10-1-69	10-2-69	14.6	14.663875	
RI70-651	Tarpon Management Co., Agent for Roland S. Bond et al.	3	1	United Gas Pipeline Co.			10-1-69	10-2-69	16.5	16.54125	
RI70-652	Michel T. Halbouty (Operator) et al.	7	3	do			10-1-69	10-2-69	15.192	15.2295	
RI70-653	Michel T. Halbouty	10	4	do			10-1-69	10-2-69	15.192	15.2295	
RI70-654	TransOcean Oil, Inc. (Operator), et al.	7	5	Florida Gas Transmission Co.			10-1-69	10-2-69	17.0	17.0744	
	do	8	9	Texas Eastern Transmission Corp.			10-1-69	10-2-69	14.6	14.663875	
RI70-655	Texas Oil & Gas Corp. (Operator) et al.	19	3	Coastal States Gas Producing Co.			10-1-69	10-2-69	[6] 13.3404	[6] 13.3491	
	do	21	2	South Texas Natural Gas Gathering Co.			10-1-69	10-2-69	15.0	15.05625	
	do	26	1	Coastal States Gas Producing Co.			10-1-69	10-2-69	13.1248	13.17355	
	do	28	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	16.0	16.06	
	do	42	9	do			10-1-69	10-2-69	15.0	15.05625	
RI70-655	do	43	12	do			[7] 10-13-69	10-14-69	14.0	14.0525	
RI70-656	Texas Oil & Gas Corp.	44	21	Texas Eastern Transmission Co.			10-1-69	10-2-69	15.0	15.05625	
	do	50	7	Florida Gas Transmission Co.			10-1-69	10-2-69	16.0	16.06	
RI70-657	Amerada Hess Corp.	46	4	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	15.0	15.0563	

[2] Pressure base is 14.65 p.s.i.a.
[3] Subject to 0.21931 dehydration charge by buyer.
[4] Subject to 1.25 cents gathering and dehydration charge and 1.50 cents compression charge by buyer.
[6] Includes 0.2156-cent revenue sharing based on Coastal's resale to Trunkline.
[7] Date 14 cents rate became effective.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein were filed on or before October 31, 1969, and exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61–1, as amended, with the exception of those filed with respect to Texas Oil & Gas Corp., FPC Gas Rate Schedule Nos. 19 and 26. Texas Oil & Gas Corp. sells the gas under these rate schedules to Coastal which thereafter resells the gas. The increased rate ceiling applies to Coastal's resale, but not to the sale by Texas Oil & Gas Corp. to Coastal.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas, except for the proposed increase under Texas Oil & Gas Corp. FPC Gas Rate Schedule No. 43 which will be suspended for 1 day from October 13, 1969, the date the underlying firm rate of 14 cents became effective.

[F.R. Doc. 69–14360; Filed, Dec. 5, 1969; 8:45 a.m.]

[Docket No. RI70–547, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 26, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 15, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-547	Skelly Oil Co.	72	10	El Paso Natural Gas Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	[7] 14.94	[5] [8] 15.0	
	do	77	11	do		10-30-69	[3] 10-1-69	[4] 10-2-69	[7] 14.5	[5] [8] 14.55	
	do	159	5	do		10-30-69	[3] 10-1-69	[4] 10-2-69	[7] 14.39	[5] [8] 14.44	
	do	200	6	do		10-30-69	[3] 10-1-69	[4] 10-2-69	[8] 15.91	[5] [8] 15.97	
	do	69	10	do		10-30-69	[3] 10-1-69	[4] 10-2-69	[7] 14.21	[5] [8] 14.26	
	do	108	8	do		10-30-69	[3] 10-1-69	[4] 10-2-69	[8] 12.81	[5] [8] 12.86	
	do	88	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		10-30-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [8] 15.06	
	do	117	6	Texas Eastern Transmission Corp.		10-30-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [8] 15.06	
	do	130	4	Texas Gas Transmission Corp.		11-3-69	[10] 11-3-69	[4] 11-4-69	15.0	[5] [8] 15.07	
	do	106	2	Northern Natural Gas Co.		11-3-69	[10] 11-3-69	[4] 11-4-69	[10] 15.0 [11] 16.0	[5] [8] [10] 15.04 [5] [8] [11] 16.04	
	do	170	2	do		10-30-69	[3] 10-1-69	[4] 10-2-69	16.5	[5] [8] 16.56	
	do	204	2	do		10-30-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [8] 15.06	
	do	214	4	Lone Star Gas Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [8] 15.06	
	do	218	1	Panhandle Eastern Pipe Line Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.06	
	do	199	3	Northern Natural Gas Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.06	
RI70-548	Skelly Oil Co. (Operator) et al.	233	15	El Paso Natural Gas Company.		10-30-69	[3] 10-1-69	[4] 10-2-69	[12] 14.94	[5] [8] 15.0	
RI70-549	Sun Oil Co., DX Division	282	4	Transwestern Pipeline Company.		10-31-69	[3] 10-1-69	[4] 10-2-69	[13] 14.48	[5] [8] [13] 14.5524	
	do	103	13	El Paso Natural Gas Company.		10-27-69	[3] 10-1-69	[4] 10-2-69	[14] 16.49 [15] 15.92 [16] 12.79	[5] [8] [14] 16.5725 [5] [8] [15] 15.9797 [5] [8] 12.838	
RI70-550	Standard Oil Co. of Texas, a division of Chevron Oil Co. (Operator).	7	14	do		10-30-69	[3] 10-1-69	[4] 10-2-69	16.71	[5] [8] 16.7409	
RI70-551	do	21	5	Transwestern Pipeline Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	14.40	[5] [8] 14.4630	
	do	44	1	Natural Gas Pipeline Co. of America.		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.0638	
	do	38	1	do		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.0638	
RI70-552	Caroline Hunt Sands et al.	15	1	Northern Natural Gas Co.		10-27-69	[3] 10-1-69	[4] 10-2-69	[17] 16.5	[5] [8] 16.5619	
RI70-553	Forest Oil Corp. (Operator) et al.	44	2	do		10-30-69	[3] 10-1-69	[4] 10-2-69	16.1535	[5] [8] 16.2141	
RI70-554	Forest Oil Corp.	51	1	Transwestern Pipeline Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	16.5	[5] [8] 16.5722	
RI70-555	MWJ Producing Co., Agent.	9	3	El Paso Natural Gas Co.		10-31-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5544	
	do	12	8	do		10-31-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5544	
	do	1	10	do		10-31-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5544	
	do	2	5	do		10-31-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5544	
	do	4	5	do		10-31-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5544	
	do	5	9	do		10-31-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5544	
	do	7	5	do		10-31-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5544	
RI70-556	Martin, Williams & Judson (Operator) et al.	1	6	do		10-31-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5544	
	do	2	5	do		10-31-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5544	
RI70-557	Atlantic Richfield Co.	289	4	do		10-29-69	[3] 10-1-69	[4] 10-2-69	15.66	[5] [8] 15.7187	
RI70-558	Texaco, Inc.	436	4	do		10-30-69	[3] 10-1-69	[4] 10-2-69	14.50	[5] [8] 14.5538	
	do	215	17	Transwestern Pipeline Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.0744	
	do	286	6	do		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.0744	
	do	338	2	Northern Natural Gas Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.0638	
RI70-559	Frio-Tex Oil & Gas Co.	3	2	do		10-30-69	[3] 10-1-69	[4] 10-2-69	16.0	[5] [8] 16.060	
RI70-560	Tenneco Oil Co.	46	6	El Paso Natural Gas Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	13.85	[5] [8] 13.9010	
	do	179	6	do		10-30-69	[3] 10-1-69	[4] 10-2-69	12.81	[5] [8] 12.8580	
	do	221	2	do		10-30-69	[3] 10-1-69	[4] 10-2-69	13.97	[5] [8] 14.0224	
	do	201	2	Mississippi River Transmission Corp.		10-30-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [8] 15.0563	
	do	112	8	Texas Eastern Transmission Corp.		10-30-69	[3] 10-1-69	[4] 10-2-69	14.6	[5] [8] 14.6639	
	do	235	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		10-30-69	[3] 10-1-69	[4] 10-2-69	14.0	[5] [8] 14.0525	
RI70-561	Tenneco Oil Co. (Operator) et al.	138	11	El Paso Natural Gas Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	14.12	[5] [8] 14.1730	
	do	146	6	do		10-30-69	[3] 10-1-69	[4] 10-2-69	12.81	[5] [8] 12.8580	
	do	178	1	Mississippi River Transmission Corp.		10-30-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [8] 15.0563	
RI70-562	Kerr-McGee Corp.	3	9	Texas Gas Transmission Corp.		10-29-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [8] 15.0562	
	do	88	2	Northern Natural Gas Co.		10-29-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.0638	
RI70-563	Sidwell Oil & Gas, Inc.	7	1	do		10-30-69	[3] 10-1-69	[4] 10-2-69	19.77	[5] [8] 19.844137	
RI70-564	Sidwell Oil & Gas, Inc. (Operator) et al.	8	1	do		10-30-69	[3] 10-1-69	[4] 10-2-69	19.074	[5] [8] 19.145522	
	do	9	1	Panhandle Eastern Pipe Line Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	17.007	[5] [8] 17.7634	
RI70-565	Robert E. Aikman et al., d.b.a. A.I.K. Ltd.	4	1	Northern Natural Gas Co.		[18] 10-27-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.06375	
RI70-566	Aikman Brothers	3	2	do		[18] 10-27-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.06375	
RI70-567	Crown Petroleum, Inc.	3	1	do		10-29-69	[3] 10-1-69	[4] 10-2-69	17.799	[5] [8] 17.86575	
	do	4	2	Natural Gas Pipeline Co. of America.		10-29-69	[3] 10-1-69	[4] 10-2-69	14.0	[5] [8] 14.0525	
RI70-568	Longhorn Production Co. (Operator) et al.	7	3	do		10-30-69	[3] 10-1-69	[4] 10-2-69	14.5	[5] [8] 14.5499	
RI70-569	Phillips Petroleum Co. (Operator).	400	2	El Paso Natural Gas Co.		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.0638	
RI70-570	Kerr-McGee Corp. (Operator).	2	4	Northern Natural Gas Co.		10-29-69	[3] 10-1-69	[4] 10-2-69	16.038652	[5] [8] 16.062520	
RI70-571	Monsanto Co.	41	3	Transwestern Pipeline Co.		10-29-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.074	
	do	43	6	do		10-29-69	[3] 10-1-69	[4] 10-2-69	18.210	[5] [8] 18.2807	
RI70-572	Anadarko Production Co.	30	2	Natural Gas Pipeline Co. of America.		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [8] 17.06375	
	do	84	1	do		10-30-69	[3] 10-1-69	[4] 10-2-69	12.0	[5] [8] 12.045	
	do	128	1	Panhandle Eastern Pipe Line Co.		10-30-69	[3] 10-1-69	[4] 10-2-69	17.9350	[5] [8] 18.0022	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-573..	Anadarko Production Co. (Operator) et al.	104	1	Northern Natural Gas Co		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	108	2	do		10-30-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	124	2	do		10-30-69	[3] 10-1-69	[4] 10-2-69	18.1220	[5] [6] 18.18996	
RI70-574..	Phillips Petroleum Co. (Operator) et al.	23	9	Texas Gas Transmission Corp.		10-31-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [6] 15.0649	
RI70-575..	Phillips Petroleum Co	440	1	Natural Gas Pipeline Co. of America.		10-31-69	[3] 10-1-69	[4] 10-2-69	19.1080	[5] [6] 19.1718	
RI70-576..	William H. Allen et al	2	2	Northern Natural Gas Co		10-27-69	[3] 10-1-69	[4] 10-2-69	16.5	[5] [6] 16.561875	
RI70-577..	William H. Allen	5	1	do		10-27-69	[3] 10-1-69	[4] 10-2-69	15.0	[5] [6] 15.05625	
RI70-578..	Pioneer Production Corp. (Operator) et al.	25	3	do		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	26	2	do		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	29	2	do		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	23	3	do		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	28	2	do		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	32	1	do		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	37	4	Michigan Wisconsin Pipe Line Co.		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	8	6	Transwestern Pipeline Co		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.07438	
	do	10	3	Northern Natural Gas Co		10-28-69	[3] 10-1-69	[4] 10-2-69	16.5	[5] [6] 16.56188	
	do	11	3	do		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	15	13	Transwestern Pipeline Co		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.07438	
	do	17	2	Northern Natural Gas Co		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	20	5	do		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
	do	22	2	do		10-28-69	[3] 10-1-69	[4] 10-2-69	17.0	[5] [6] 17.06375	
RI70-579..	Pioneer Production Corp.	34	1	Panhandle Eastern Pipe Line Co.		10-28-69	[3] 10-1-69	[4] 10-2-69	12.0	[5] [6] 12.045	
	do	3	2	Northern Natural Gas Co		10-28-69	[3] 10-1-69	[4] 10-2-69	15.5	[5] [6] 15.55813	

[1] Waiver of notice is granted pursuant to the Commission's Order No. 390, issued Oct. 10, 1969.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 14.65 p.s.i.a.
[7] Rate of 16.5 cents per Mcf suspended in Docket No. RI70-288.
[8] Rate of 17.5 cents per Mcf suspended in Docket No. RI70-288.
[9] Rate of 16 cents per Mcf suspended in Docket No. RI70-175.
[10] Schafer Plant.
[11] Crawford and Kingsmill Plants.
[12] Rate of 16.5 cents per Mcf suspended in Docket No. RI70-289.
[13] Old gas-well gas and residue derived therefrom.
[14] New gas-well gas and residue derived therefrom.
[15] High pressure gas.
[16] Low pressure gas.
[17] Initial rate not adjusted for quality.
[18] Corrected by filing received Nov. 6, 1969.
[19] The stated effective date is the date of filing.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas, if the filing was made on or before October 31, 1969, and 1 day from the date of filing if the filing was made after October 31, 1969.

[F.R. Doc. 69-14361; Filed, Dec. 5, 1969; 8:45 a.m.]

[Docket No. RI70-618, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 28, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining therto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration date of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [1]: Rate in effect	Cents per Mcf [1]: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-618..	Skelly Oil Co	99	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	15.0	15.06	
		29	13	Texas Eastern Transmission Corp			10-1-69	10-2-69	14.5	14.56	
		87	15	do			10-1-69	10-2-69	15.0	15.07	
		115	5	do			10-1-69	10-2-69	14.5	14.56	
RI70-619..	Forest Oil Corp	41	2	United Gas Pipe Line Co			10-1-69	10-2-69	16.0	16.04	
RI70-620..	Skelly Oil Co	150	6	South Texas Natural Gas Gathering Co			10-1-69	10-2-69	15.0	15.06	
		176	3	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	16.0	16.06	
		222	2	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	16.0	16.06	
RI70-621..	Atlantic Richfield Co	242	11	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	14.0	14.0508	
		246	13	do			10-1-69	10-2-69	15.0	15.0557	
		247	10	do			10-1-69	10-2-69	14.0	14.052	
		254	4	do			10-1-69	10-2-69	14.0	14.0525	
		314	12	United Gas Pipe Line Co			10-1-69	10-2-69	15.0	15.0555	
		341	6	Natural Gas Pipeline Co. of America			10-1-69	10-2-69	15.0	15.0557	
		353	2	do			10-1-69	10-2-69	15.0	15.05625	
		430	4	United Gas Pipe Line Co			10-1-69	10-2-69	15.144	15.20025	
		518	17	do			10-1-69	10-2-69	15.0	15.075	
RI70-622..	Tenneco Oil Company	204	2	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	14.6	14.6548	
RI70-623..	Tenneco Oil Co. (Operator) et al.	5	14	Texas Eastern Transmission Corp			10-1-69	10-2-69	14.6	14.6639	
RI70-624..	Tenneco Oil Company	18	2	South Texas Natural Gas Gathering Co			10-1-69	10-2-69	16.0	16.0600	
		137	2	do			10-1-69	10-2-69	15.0	15.0563	
		131	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			10-1-69	10-2-69	16.0	16.0600	
		132	1	do			10-1-69	10-2-69	14.0	14.0525	
		154	11	do			10-1-69	10-2-69	15.0	15.0563	
		236	1	do			10-1-69	10-2-69	16.0	16.0600	
		238	1	do			10-1-69	10-2-69	15.0	15.0563	
		239	1	do			10-1-69	10-2-69	15.0	15.0563	
		240	1	do			10-1-69	10-2-69	15.0	15.0563	
		241	1	do			10-1-69	10-2-69	15.0	15.0563	
		150	8	do			10-1-69	10-2-69	15.0	15.0563	

[1] Pressure base is 14.65 p.s.i.a.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

[F.R. Doc. 69-14362; Filed, Dec. 5, 1969; 8:45 a.m.]

[Dockets Nos. CP70-137, CP70-138]

EL PASO NATURAL GAS CO.

Notice of Applications

DECEMBER 2, 1969.

Take notice that on November 24, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Dockets Nos. CP70-137 and CP70-138 applications pursuant to sections 3 and 7(c) of the Natural Gas Act for an order of the Commission authorizing the importation of additional volumes of natural gas and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the delivery of said volumes to existing customers, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant proposes to import an additional 75,000 Mcf daily beginning on November 1, 1971, and another 75,000 Mcf daily on November 1, 1972, all at the existing point of delivery from Westcoast Transmission Co., Ltd. (Westcoast), on the international boundary near Sumas, Wash. Pursuant to its agreement with Westcoast, applicant wishes to import this additional 150,000 Mcf per day in addition to its currently authorized 650,000 Mcf per day from Westcoast. The proposed facilities will also be constructed in two phases, and will consist of a 4,000 horsepower compressor station addition and a total of approximately 108.5 miles of 30-inch O.D. mainline loop.

The total estimated cost of the proposed project is $26,104,148, to be financed initially by working funds supplemented by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-14492; Filed, Dec. 5, 1969; 8:45 a.m.]

[Docket No. E-7471]

KANSAS GAS & ELECTRIC CO.

Notice of Application

DECEMBER 1, 1969.

Take notice that on April 22, 1969, the Federal Power Commission issued an order pursuant to section 204 of the Federal Power Act, authorizing Kansas Gas & Electric Co. (applicant) to issue short-term promissory notes in an aggregate principal amount not to exceed $17 million with final maturity dates not later than December 31, 1971.

On November 24, 1969, Kansas Gas & Electric Co. (applicant) filed a supplemental application requesting that the Commission's order of April 22, 1969, be modified to the extent that the applicant be authorized to issue short-term promissory notes in the aggregate principal amount of $25 million instead of the $17 million, as presently authorized, all other terms and conditions of the Commission's order to remain the same.

Proceeds from the additional notes will be used to provide greater flexibility for the applicant in its financing program by making available additional working capital at a time of high interest cost in the bond market. Applicant anticipates that it will undertake permanent financing during 1970 and 1971.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14493; Filed, Dec. 5, 1969; 8:45 a.m.]

[Docket No. CP70-136]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

DECEMBER 2, 1969.

Take notice that on November 21, 1969, Texas Gas Transmission Corp. (applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP70-136 an application pursuant to section 7(c) of the Natural Gas Act, as amended by § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing, during the 12-month period commencing on March 11, 1970, the construction and operation of routine measuring and regulating stations, together with the appurtenant facilities necessary for the establishment of new and additional delivery points for the sale and delivery of natural gas to existing customers for resale in their respective market areas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in installing routine facilities necessary for new and additional delivery points. Applicant states that no deliveries to any one customer shall exceed 100,000 Mcf annually and that none of such gas will be used for boiler fuel purposes.

Applicant also states that the estimated cost of construction for any individual delivery point will not exceed $15,000, and that the total estimated cost of the facilities that may be constructed shall not exceed $100,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14495; Filed, Dec. 5, 1969; 8:46 a.m.]

[Docket No. CP70-135]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

DECEMBER 2, 1969.

Take notice that on November 20, 1969, Transcontinental Gas Pipe Line Corp. (applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP70-135 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities related to a new natural gas storage field to be connected to applicant's main line system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is developing the Eminence Salt Dome Storage Field, located adjacent to its main line system in Covington County, Miss., and having a design deliverability of 750,000 Mcf per day. Applicant proposes to construct and operate approximately 1.01 mile of 42-inch main line loop between Compressor Stations Nos. 70 and 80, 1.55 miles of 30-inch pipeline connecting the field to applicant's main line, and a new 2,000 horsepower compressor station located at the field.

The total estimated cost of the proposed project, including the development of the storage caverns is $9,700,000, to be financed initially by short-term borrowings and company funds. Long-term financing will be through the issuance of long-term securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14496; Filed, Dec. 5, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

WILLIAM H. DUNN, JR.

Notice of Granting of Relief

Notice is hereby given that William H. Dunn, Jr., 116 Holly Drive, Spartanburg, S.C., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 28, 1940, in the Circuit Court for Prince Georges County, Md., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William H. Dunn, Jr., because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Dunn, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Mr. Dunn's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Mr. Dunn from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that William H. Dunn, Jr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 1st day of December 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-14533; Filed, Dec. 5, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 8777]

UTAH

Notice of Offering of Land for Sale

DECEMBER 1, 1969.

Notice is hereby given that, under the provisions of the Act of September 19, 1964 (78 Stat. 988) and pursuant to an application from Tooele County, Utah, the Secretary of the Interior intends to offer the following lands for sale:

SALT LAKE MERIDIAN

T. 2 N., R. 8 W.,
Sec. 4, S½;
Sec. 9, all.

The lands described aggregate 960 acres.

The lands have been classified as suitable for transfer from Federal ownership to facilitate industrial development and use. The tract has been zoned to permit industrial development. The lands are located about 30 miles northwest of Grantsville, Utah, and are near the west side of the Great Salt Lake.

It is the intention of the Secretary of the Interior to enter into an agreement with authorized county officials to permit Tooele County to purchase the land at the appraised market value.

Any patent resulting from the sale of this land will be issued under the Act of September 19, 1964, supra, and shall contain a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (43 U.S.C. sec. 945), and of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws. The land will be sold subject to all valid existing rights and reservations for rights-of-way.

R. D. NIELSON,
State Director.

[F.R. Doc. 69-14521; Filed, Dec. 5, 1969; 8:47 a.m.]

National Park Service

ROCKY MOUNTAIN NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Hi Country Stables authorizing it to provide concession facilities and services for the public at Glacier Basin and Moraine Park in Rocky Mountain National Park, Colo., for a period of ten (10) years from January 1, 1970, through December 31, 1979.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240 for information as to the requirements of the proposed contract.

Dated: December 2, 1969.

THOMAS F. FLYNN, JR.,
Deputy Director,
National Park Service.

[F.R. Doc. 69-14522; Filed, Dec. 5, 1969; 8:47 a.m.]

Federal Water Pollution Control Administration

INTERSTATE WATERS OF THE COMMONWEALTH OF VIRGINIA

Notice of Postponement of Standards-Setting Conference

The conference called to convene on December 9, 10, and 11, 1969, at 9:30 a.m. at Sheraton Motor Inn, Belvidere and Franklin Streets, Richmond, Va., to consider appropriate water quality standards for the interstate waters of Virginia, notice of which was published in the FEDERAL REGISTER on November 6, 1969, 34 F.R. 17973, is postponed to such dates as may hereafter be announced.

Dated: December 4, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-14596; Filed, Dec. 5, 1969; 11:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C.

346a(d)(1)), notice is given that a petition (PP OF0905) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of a tolerance (21 CFR 120.234) of 0.02 part per million for residues of the insecticide O,O-diethyl O-[p-(methylsulfinyl) phenyl] phosphorothioate in or on the raw agricultural commodity sugarcane.

The analytical method proposed in the petition for determining residues of the insecticide is a thermionic emission-gas chromatographic procedure using a phosphorus-sensitive detector.

Dated: December 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14482; Filed, Dec. 5, 1969; 8:45 a.m.]

CHORIONIC GONADOTROPIN

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Follutein Veterinary; each vial contains 10,000 I.U. of chorionic gonadotropin (human); by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

The Academy concludes that this product is effective for treatment of nymphomania due to cystic ovaries in cattle. The Food and Drug Administration concurs with the Academy's conclusion.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS FOR USE

For parenteral use in cows for the treatment of nymphomania (frequent or constant heat) due to cystic ovaries.

DOSAGE AND ADMINISTRATION

10,000 I.U. as a single deep intramuscular injection.

Dosage may be repeated in 14 days if the animal's behavior or rectal examination of the ovaries indicates the necessity for retreatment.

Doses of 500 to 2,500 I.U. are recommended for intrafollicular administration.

Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 1, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-14483; Filed, Dec. 5, 1969; 8:45 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0901) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide 2-chloro-*N,N*-diallylacetamide in or on the raw agricultural commodities cabbage, castor beans, celery, corn grain, forage, and fodder (including field corn, sweet corn, and popcorn), dried beans, lima beans, lima bean forage, onions, peas, pea forage, potatoes, snap beans, snap bean forage, sorghum (grain and forage), soybeans, soybean forage, sugarcane, sweet potatoes, and tomatoes at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a microcoulometric detector with a halogen titration cell.

Dated: December 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14484; Filed, Dec. 5, 1969; 8:45 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0900) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kansas 66110, proposing the establishment of a tolerance (21 CFR Part 120) of 0.05 part per million for negligible residues of the fungicide triphenyltin hydroxide in or on the raw agricultural commodity pecans.

The analytical method proposed in the petition is a colorimetric procedure in which residues are extracted with methylene chloride. After wet ashing, inorganic tin in the ashed residue is determined colorimetrically with phenylfluorone.

Dated: December 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14485; Filed, Dec. 5, 1969; 8:45 a.m.]

[DESI 12-491V]

TYLOSIN

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Elanco Products Co., Division of Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206:

1. Tylan 10 Premix containing tylosin phosphate equivalent in activity to 10 grams of tylosin base per pound of premix.

2. Tylan Soluble containing tylosin tartrate equivalent in activity to 100 grams of tylosin base per package. Each package is intended for use in producing 50 gallons of treated water.

The Academy evaluated the described water preparation as probably effective for the treatment and prevention of respiratory infections in chickens and turkeys and the described premix as probably effective as an aid in stimulating the growth and improving the feed efficiency of swine.

The Academy stated that:

1. Claims for growth promotion or stimulation should not be allowed and claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions".

2. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)" and if the disease cannot be so qualified the claim should be dropped.

3. The drug label should carry a warning that treated animals under the conditions that prevail must actually consume sufficient medicated water, or medicated feed, to constitute a therapeutic dose.

4. As a precaution, the drug label should indicate what the desired oral dose is in terms of animal weight per day for each indicated species to serve as a guide to effective use of the preparations in drinking water or feed.

5. The label claims "for prevention of" or, "to prevent" should be replaced with "as an aid in the control of" or, "to aid in the control of".

The Food and Drug Administration concurs with the evaluation of the Academy and in addition concludes that any claims for growth stimulation should read "For increase in weight gains and improved feed efficiency. These results may be expected in the presence of growth-suppressant microorganisms sensitive to tylosin."

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the applications for the subject drugs has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 1, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-14486; Filed, Dec. 5, 1969; 8:45 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0902) has been filed by Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017, proposing the establishment of a tolerance (21 CFR 120.169) of 0.2 part per million for negligible residues of the insecticide carbaryl in or on the raw agricultural commodity potatoes.

The analytical method proposed in the petition for determining residues of the insecticide is a colorimetric determination using *p*-nitrobenzenediazonium fluoroborate as the reagent. This is accomplished after the residues have been separated from the crop by means of extraction, vacuum distillation, and precipitation.

Dated: December 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14487; Filed, Dec. 5, 1969; 8:45 a.m.]

[Docket No. FDC-D-131; NDA No. 9-654V]

WARREN-TEED PHARMACEUTICALS

Klot Stainless; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of a proposal to withdraw approval of new animal drug application No. 9-654V and all amendments and supplements thereto pertaining to Klot Stainless was published in the FEDERAL REGISTER of June 7, 1969 (34 F.R. 9098).

Warren-Teed Pharmaceuticals, Subsidiary of Rohm & Haas Co., 582 West Goodale Street, Columbus, Ohio 43215, holder of said application has waived opportunity for a hearing on the proposed withdrawal of approval.

Based on the findings set forth in the proposal, the Commissioner of Food and Drugs concludes that approval of said application should be withdrawn. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 9-654V, including all amendments and supplements pertaining thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: November 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-14488; Filed, Dec. 5, 1969; 8:45 a.m.]

[Docket No. FDC-D-141; NDA Nos. 10-613 and 8-530]

WINTHROP PRODUCTS, INC., AND WINTHROP LABORATORIES

Alevaire; Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10227), Winthrop Products, Inc., 90 Park Avenue, New York, N.Y. 10016, holder of new-drug application No. 10-613 for Alevaire (tyloxapol 0.125 percent) and Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, holder of new-drug application No. 8-530 for Alevaire (tyloxapol 0.125 percent), marketed by Breon Laboratories, Inc., were invited to submit data bearing on a proposal to withdraw approval of the new-drug applications for Alevaire. Additional information received, considered together with other information available, do not provide substantial evidence of the effectiveness of the drugs for use in man for the conditions for which they are recommended.

Therefore, notice is hereby given to Winthrop Products, Inc., and Winthrop Laboratories, Division of Sterling Drug, Inc., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the above-specified new-drug applications and all amendments and supplements thereto on the grounds that there is a lack of substantial evidence that Alevaire has the effect which it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of any new-drug application listed herein should not be withdrawn. Promulgation of the proposed order will cause any drug for human use containing tyloxapol and offered for such effect to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to

file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they are required to file a written appearance requesting the hearing, giving the reasons why the approval of the new-drug applications should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the notice of opportunity for a hearing. The request must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If the hearing is requested and justified by the response to the notice of opportunity for hearing, the issues will be defined, a hearing examiner will be appointed, and he shall issue a written notice of the time and place at which the hearing will commence (34 F.R. 14596, Sept. 19, 1969).

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 1, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–14489; Filed, Dec. 5, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69–12–21]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority December 3, 1969.

By Order 69–11–63, dated November 17, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by Joint Conferences 2–3 and 1–2–3 of the International Air Transport Association (IATA). The agreement would amend the existing resolution governing group inclusive tour fares established for travel between Europe/Africa/Middle East and the Australasian area so as to permit the combination of such fares with fares within the area comprised of India/Pakistan/Nepal/Ceylon.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69–11–63 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21381 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14542; Filed, Dec. 5, 1969; 8:48 a.m.]

[Docket No. 20993; Order 69–12–23]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Worldwide Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of December 1969.

By Order 69–8–174, dated August 29, 1969, the Board deferred action, with a view toward eventual approval, on certain resolutions relating to cargo rate matters adopted for a 2-year period of effectiveness beginning October 1, 1969, by the Traffic Conferences of the International Air Transport Association (IATA) at meetings held in Athens in April and May of 1969. After allowing a 15-day period for the receipt of comments from interested persons and parties, the Board, in Order 69–10–30, dated October 7, 1969, finalized its action on all resolutions described in the earlier order except IATA Resolution 513 ("Charges on Mixed Consignments"). Among other things, this resolution would be amended so as to require in cases where an extension list to the air waybill is necessary, pursuant to the amended resolution governing the preparation of air waybills,[1] the separate subtotaling of weights of two or more packages rated as a group.

Emery Air Freight Corp. (Emery), in comments received on September 17, 1969, requested that the Board disapprove the above-described amendment. Since Emery has made a practice of using its manifest as extensions to air waybills, this forwarder stated that the new requirement would retard the orderly flow of paperwork by forcing it to prepare two sets of cargo manifests—one for documents processing and one for rating purposes, and could lead to impediment of final delivery to consignees.

On October 21, 1969, Pan American World Airways, Inc., and Trans World Airlines, Inc., submitted a joint motion for leave to file a reply, and we will herein grant this motion. In this reply, the carriers noted that the substance of the requirements set forth in Resolution 513 was earlier approved by the Board in its approval of Resolution 600j, and that Emery was already preparing documentation which would meet the requirements of the resolution.

By communication dated November 13, 1969, Emery advises that the carriers have indicated that they will accept a worksheet as meeting the requirements of the resolution. Emery therefore suggests that its complaint and the carriers' reply are moot.

In these circumstances and acting pursuant to sections 102, 204(a), and 412 of the Act, the Board does not find the subject resolution to be adverse to the public interest or in violation of the Act. Therefore, the Board will herein make final its tentative approval of the agreement.

Accordingly, it is ordered, That:

1. The motion of Pan American World Airways, Inc., and Trans World Airlines, Inc., to file an unauthorized document is granted.

2. Agreement CAB 21046, R–34, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14543; Filed, Dec. 5, 1969; 8:48 a.m.]

[Docket No. 20781; Order 69–12–19]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority December 3, 1969.

By Order 69–11–64, dated November 17, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement amends fare resolutions applicable across the Atlantic by the inclusion of Liege in the list of cities for which fares are specified.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69–11–64 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21367, R–3 and R–4, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14544; Filed, Dec. 5, 1969; 8:48 a.m.]

[Docket No. 18936 etc.]

STANDBY YOUTH FARES AND "YOUNG ADULT" FARES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 22, 1970, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before January 15, 1970, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., December 2, 1969.

[SEAL] ARTHUR S. PRESENT,
Hearing Examiner.

[F.R. Doc. 69–14545; Filed, Dec. 5, 1969; 8:48 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

On November 21 notice was given that the Delaware River Basin Commission will hold a public hearing on Thursday, December 11, 1969, on three proposed amendments to its Comprehensive Plan. The hearing will take place in Room 1600, Municipal Services Building, 15th and J. F. Kennedy Boulevard in Philadelphia, beginning at 2 p.m. The following proposal will also be included in the public hearing:

Proposal to amend Part III of the Commission's Basin Regulations-Water Quality adopted March 1968.[1]

All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

NOVEMBER 26, 1969.

[F.R. Doc. 69–14514; Filed, Dec. 5, 1969; 8:46 a.m.]

[1] Proposed amendments filed as part of the original document. Copies may be obtained from the Commission.

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18204, 18205; FCC 69R–483]

SUMITON BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Sumiton Broadcasting Co., Inc., Sumiton, Ala., Docket No. 18204, File No. BP–17108; Dan Cole Mitchell and Leon A. Murphree, doing business as Cullman Music Broadcasting Co., Cullman, Ala., Docket No. 18205, File No. BP–17193; for construction permits.

1. This proceeding involves the mutually exclusive applications of Sumiton Broadcasting Co., Inc. (Sumiton), and Cullman Music Broadcasting Co. (Cullman) for new standard broadcast stations in Sumiton, Ala., and Cullman, Ala., respectively. The applications were designated for hearing by the Commission (FCC 68–576, released June 4, 1968) on a variety of issues. Now before the Review Board is a petition to enlarge issues, filed August 21, 1969, by the Broadcast Bureau.[1] The petitioner seeks addition of an issue to determine the authenticity of an affidavit filed with the Commission on August 8, 1968, by Sumiton, and purportedly signed by John Logan Fowler, a former Sumiton principal. The petitioner also requests an issue as to whether Sumiton neglected to report significant changes in its application status, as required by § 1.65 of the rules; and a revision of an existing financial issue allegedly necessitated by changes in Sumiton's composition.

2. The Bureau's request for enlargement rests in large part upon an affidavit dated August 13, 1969, executed by John Logan Fowler, which is submitted with the petition. Fowler recites that until April 18, 1969, he was secretary, director, and stockholder of Sumiton; that, at an earlier stage of the proceeding, an affidavit, dated August 3, 1968, was filed with the Commission on August 8, 1968, bearing his name; that shortly before there was to be a hearing, Cecil F. Ballenger, another officer, director, and stockholder of Sumiton, approached him with a copy of the above-mentioned affidavit of August 3, 1968; and that Fowler recognized that he had not, in fact, signed such affidavit. Fowler further relates that he had not previously read the affidavit of August 3, 1968, until it was shown to him by Ballenger, and that he (Fowler) had no knowledge of who signed it. Finally, Fowler disclaims knowledge of the truth of certain facts asserted in the August 3 affidavit, and states that he never authorized anyone to sign his name to that affidavit. The Bureau further explains that the matter of the alleged forgery of the August 3, 1968, affidavit and Fowler's withdrawal, first came to its attention by a letter, sent to the Bureau by Fowler dated June 16, 1969. In this letter, a copy of which is submitted with the petition, Fowler states that his name was affixed to the August 3, 1968 affidavit by C. F. Ballenger, while he was on vacation; and that, both he and J. L. Sartain, another Sumiton stockholder, have been "forced out" of the applicant. On the basis, then, of the June 16, 1969, letter and the August 13, 1969, affidavit, the Bureau contends that a substantial question is raised as to the authenticity of the August 3, 1968, affidavit and whether it contains false representations as to Fowler's personal knowledge; and that appropriate issues are warranted. The Bureau concedes that, in a pleading filed on June 9, 1969, Sumiton mentions, in passing, that Fowler had terminated his relationship with the applicant.[2] The Bureau states, however, that no formal amendment has been filed reflecting Fowler's certain resignation, Sartain's possible resignation, and who, if anyone, is to replace either. These circumstances, the Bureau urges, require the addition of a § 1.65 issue. Finally, because John Logan Fowler is no longer associated with Sumiton, and because Fowler's letter of June 19, 1969, indicates strongly that J. L. Sartain may also have been forcefully disassociated from Sumiton, the Broadcast Bureau insists that a revision of the previously specified financial issue is required. The financial issue, the Bureau contends, was specified to determine whether Sumiton's principals were willing to personally endorse, as required, a bank loan upon which the applicant relied; withdrawal of one, and possibly two of Sumiton's principals, the Bureau insists, raises a question of whether the bank is still willing to make the loan.

3. Sumiton's opposition suggests that the Bureau's petition to enlarge issues will be rendered moot by withdrawal from the application of principal C. F. Ballenger, the alleged forger of coprincipal John Logan Fowler's name on a collateral proceeding affidavit, explaining that on October 11, 1969, Ballenger's offer of resignation from the Sumiton Corp. was accepted by the two remaining principals, Jerry C. Chapman and J. L. Sartain, and that appropriate amendments will be made to reflect whatever new financial and stock distribution arrangements are devised.[3] Sumiton concedes that Ballenger affixed Fowler's name to the affidavit. It asserts, however, that Ballenger acted under the belief that he had authority for so doing because both men are partners in another business venture in which Ballenger acts as managing partner and, in that capacity, executes all documents for the partner-

[1] Also before the Board are: (a) Opposition to petition to enlarge issues, filed Oct. 14, 1969, by Sumiton Broadcasting Co., Inc.; (b) comments of intervenors with respect to Bureau's petition to enlarge issues, filed Oct. 14, 1969; and (c) Broadcast Bureau's reply to opposition to petition to enlarge issues, filed Oct. 24, 1969.

[2] It is stated that appropriate amendments will be made "before October 17, 1969."

ship; and that Ballenger "inadvertently" treated the interest in Sumiton as "synonomous" with the interest in this other venture. Sumiton further claims that neither of Sumiton's remaining principals, Messrs. Chapman and Sartain, were cognizant of Ballenger's action regarding the August 3 affidavit until the disclosure of Fowler's letter to the Commission; and that Ballenger, desirous of obtaining a station for Sumiton, Ala., and aware that his continued participation will jeopardize that goal, has voluntarily agreed to withdraw from the applicant. Therefore, Sumiton insists, the forgery issue is mooted, and the financial issue will be rendered unnecessary because of the restructuring of the corporation. In addition, Sumiton argues against inclusion of a section 1.65 issue. Sumiton indicates that "as early as May 28, 1969," the Commission was advised by Sumiton counsel, at a prehearing conference, that John Logan Fowler had withdrawn from the application and that in a pleading filed on June 6, 1969, this fact was again adverted to. No amendment was filed, explains Sumiton, because no understanding could be reached by the remaining principals regarding redistribution of John Logan Fowler's stock, purchased at the time of his withdrawal by C. F. Ballenger. Thus, Sumiton concludes, none of the requested issues are warranted.[3] In reply, the Bureau insists that the proposed restructuring of the applicant does not adequately resolve the questions presented. The Bureau charges that Sumiton has not yet amended its application to show either Ballenger's withdrawal or the financial restructuring; that Sumiton has conceded in its opposition that Chapman and Sartain knew of the alleged forgery nearly 2 months (July 1969) prior to the instant petition to enlarge issue (August 1969), but did nothing; and that the opposition "leaves no question" that there has in fact been a violation of § 1.65. Therefore, concludes the Bureau, the requested issues are warranted.

4. In the Review Board's opinion, substantial questions have been raised and the three requested issues will be added. No amendment disclosing Ballenger's withdrawal has been filed; nor would such an amendment, in any event, avail to moot the requested forgery and false representation issue. We are here dealing with a corporate applicant, and the conceded conduct of one of its officers and stockholders—C. F. Ballenger—must, at least for purposes of determining whether an issue is warranted, be considered to be that of the entity, cf. Eleven Ten Broadcasting, 32 FCC 706, 22 RR 699 (1962). While the circumstances surrounding Ballenger's "inadvertent" error (if found to be true); Ballenger's voluntary withdrawal (if that is so); and the alleged lack of knowledge by either of the surviving principals of Ballenger's action may serve to mitigate Ballenger's action, these are matters which require further explanation and should be explored in hearing. In view of Fowler's unchallenged contentions, we conclude that inquiry is warranted into the circumstances surrounding the execution of the August 3, 1968, affidavit and whether false representations have been made therein; and that an appropriate issue should be added. The requested § 1.65 issue is also warranted: the rule, by its terms, requires the filing of an amendment when the application is no longer substantially accurate; the rule is specific as to the type of filing required to insure that the information comes to the attention of the proper authorities, and Sumiton's reference to the change in its composition at a prehearing conference and in ancillary pleadings does not satisfy these disclosure provisions. In any event, Sumiton does not refute Fowler's claim that he withdrew on April 18, 1969. No reference was made to this fact, according to Sumiton itself, until the prehearing conference of May 28, 1969, more than 30 days later, and Sartain's status as a principal has not yet been clarified. Thus, a substantial question as to violation of § 1.65 is raised; because Fowler's withdrawal may affect Sumiton's financial qualifications, and because Sartain's status may have been concealed, we will specify the issue on a disqualifying basis, but we note that the informal disclosure of at least Fowler's status, as well as the circumstances surrounding the nondisclosure, i.e., the alleged necessity for restructuring the corporation, may, if true, go toward mitigation of the apparent violation. Finally, the requested revision of the financial issue is required because withdrawal of principals of whom the bank required personal endorsements for the loan opens the possibility that the loan is no longer available.

5. *Accordingly, it is ordered,* That the petition to enlarge issues, filed August 21, 1969, by the Broadcast Bureau is granted; and

6. *It is further ordered,* That the issues in this proceeding are enlarged by addition of the following issues:

(1) To determine, with respect to an "Affidavit" dated August 3, 1968, and filed with the Commission on August 8, 1968, by Sumiton Broadcasting Co. and purportedly signed "John Logan Fowler":

(a) The facts and circumstances surrounding the preparation, execution, and filing of said affidavit.

(b) Whether such affidavit was filed with the knowledge and consent of John Logan Fowler.

(c) Whether said affidavit contains false representations concerning the knowledge and belief of John Logan Fowler.

(d) Whether, in the light of the evidence adduced under the foregoing, Sumiton Broadcasting Co., Inc. possesses the requisite qualifications to be a licensee of the Commission.

(2) To determine whether Sumiton Broadcasting Co. has failed to report material changes in its application as required by § 1.65 of the Commission's rules; and if so, the effect thereof upon its basic and comparative qualifications to be a Commission licensee;

and

7. *It is further ordered,* That Issue 2(a) in this proceeding is revised to read, in full, as follows:

To determine whether the present Sumiton stockholders are willing to become personally liable for the repayment of a prospective $65,000 bank loan, and, if so, whether securing the personal endorsements of the stockholders will meet the conditions necessary to assure the availability of said bank loan.

and

8. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein (this paragraph does not relate to the revised issue) will be on the Broadcast Bureau, and the burden of proof will be on Sumiton Broadcasting Co., Inc.

Adopted: November 28, 1969.

Released: December 1, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14534; Filed, Dec. 5, 1969; 8:48 a.m.]

[3] Intervenors Hudson Millar, Jr., and James Jerdan Bullard comment simply that any aspect of the Bureau's petition which would relate to them is elsewhere in issue in the proceeding and that the instant request merits no discussion by them.

[4] Board members Kessler and Slone absent.

FEDERAL MARITIME COMMISSION

RAILWAY EXPRESS AGENCY, INC., ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a), of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Railway Express Agency, Inc., d.b.a. REA Express, 219 East 42d Street, REA Building, New York, N.Y. 10017.
Officers:
Spencer D. Mosley—President.
Tom Kole—Executive Vice President.
Arthur M. Wisehart—Secretary.
Rocco A. Barbieri—Treasurer.

Alfa Aerofreight Service, Inc., 5409 Northwest 36th Street, Miami Springs, Fla. 33166.
Officers:
John E. Rodriguez—President.
Bobby J. Sivils Sr.—Treasurer.
W. Emory Daugherty—Secretary.
Rogelio Halphen—General and Traffic Manager.
Vicki G. Leonard—Office Manager.

Commercial Airways Agency, Inc., 3240 Northwest 27th Avenue, Miami, Fla. 33142.
Officers:
Edwin U. Woodard—President.
David Romano—Vice President.
Frances E. Woodard—Secretary-Treasurer.

Coronet Brokers International, Ltd., 11 Broadway, New York, N.Y. 10004.
Officers:
Mario Paciaffi—President.
Seymour Haber—Executive Vice President/Secretary.
Morton A. Traub—Treasurer.
Nicholas J. Defonte—Assistant Vice President.
George Helstrom—Assistant Vice President.
Irving G. Freidman—Assistant Vice President.

General Transpac System, 608 McClary Street, Oakland, Calif. 94621.
Officers:
Richard Romo—President.
C. M. Freeman—Treasurer.
Teresa S. Pierce—Secretary.
Paul Hartman, Jr.—Vice President.

Mohegan International Corp. (of Florida), 5350 Northwest 77th Court, Miami, Fla. 33166.
Officers:
Howard G. Seymour—President.
George J. Harig—Vice President.
Mae Schultheis—Secretary.

Door to Door International Inc., 54 Devonshire Street, Boston, Mass. 02109.
Officers:
John R. Crowley—President.
Frederick D. Hannon—Treasurer.
Carl P. Puleo—Clerk.

Dated: December 2, 1969.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14520; Filed, Dec. 5, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

AFFILIATED BANKSHARES OF COLORADO, INC.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of Affiliated Bankshares of Colorado, Inc., Denver, Colo., for approval of action to become a bank holding company through the acquisition of 67 percent or more of the voting shares of 13 banks in the State of Colorado.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Affiliated Bankshares of Colorado, Inc., Denver, Colo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 67 percent or more of the voting shares of the following banks in the State of Colorado: First National Bank in Boulder, Boulder; Arapahoe National Bank of Boulder, Boulder; First National Bank of Lafayette, Lafayette; First National Bank of Louisville, Louisville; Greeley National Bank, Greeley; Cache National Bank of Greeley, Greeley; West Greeley National Bank, Greeley; Farmers National Bank of Ault, Ault; First National Bank in Loveland, Loveland; Westlake First National Bank, Loveland; First National Bank of Colorado Springs, Colorado Springs; and Fort Carson National Bank, Fort Carson.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the Colorado Commissioner of Banks, and requested their views and recommendations. The Comptroller recommended approval of the application, and the Commissioner replied that he had no comment with respect to the proposal.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 25, 1969 (34 F.R. 12303), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 1st day of December 1969.

By order of the Board of Governors.[2]
[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14498; Filed, Dec. 5, 1969; 8:46 a.m.]

CENTRAL BANKING SYSTEM, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Central Banking System, Inc., which is a bank holding company located in Oakland, Calif., for prior approval of the Board of Governors of the acquisition by Applicant of 51 percent of the voting shares of Bank of Fairfield, Fairfield, Calif., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of San Francisco.

Dated at Washington, D.C., this 2d day of December 1969.

By order of the Board of Governors.
[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14499; Filed, Dec. 5, 1969; 8:46 a.m.]

COLONIAL BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Colonial Bank and Trust Co. for approval of merger with The Brooks Bank and Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by The Colonial Bank and Trust Co., Waterbury, Conn., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Brooks Bank and Trust Co., Torrington, Conn., under the charter and name of The Colonial Bank and Trust Co. As an incident to the merger, the six offices of The Brooks Bank and Trust Co. would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, and Sherrill. Voting against this action: Governor Robertson. Absent and not voting: Governors Daane and Brimmer.

Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston pursuant to delegated authority.

Dated at Washington, D.C., this 1st day of December 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-14500; Filed, Dec. 5, 1969; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 3, 1969.

On January 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 276) a letter dated December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning January 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of December 3, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the level of restraint applicable to cotton textiles in Category 31 for the twelve-month period which began on January 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DECEMBER 3, 1969.

DEAR MR. COMMISSIONER: On December 27, 1968, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments [1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph seven (7) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, the level of restraint provided in that directive for cotton textile products in Category 31, produced or manufactured in the Republic of Korea and exported from the Republic of Korea to the United States for the period beginning January 1, 1969, and extending through December 31, 1969, is hereby amended as follows, to be effective as soon as possible:

Category	Amended 12-month level of restraint [3]
31----------	pieces-- 1,100,902

[3] This level has not been adjusted to reflect entries made on or after Jan. 1, 1969.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69-14532; Filed, Dec. 5, 1969; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer and Sherrill. Absent and not voting: Governor Mitchell.

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

SECURITIES AND EXCHANGE COMMISSION

[812-2660]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Notice of Filing of Application for Order Exempting Proposed Purchase of Shares of an Investment Company

DECEMBER 1, 1969.

Notice is hereby given that American Research and Development Corporation, 200 Berkeley Street, Boston, Mass. 02110, ("applicant"), a Massachusetts corporation which is registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 12(e) of the Act to the extent noted below the proposed purchase by applicant of a maximum of 50,020 shares of capital stock of European Enterprises Development Co. S.A. ("EED"), a Luxembourg investment company, at a price of $12.50 a share. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Applicant, which registered under the Act in 1946, is engaged in furnishing capital to or purchasing securities of companies engaged in the development of new enterprises, products or processes. EED is engaged in the business of investing in and furnishing capital to European companies engaged in substantially the same type of activities as those engaged in by the companies in which applicant invests.

At September 30, 1969, EED had outstanding 34,225 shares of a single class of capital stock, of which applicant owned 2,501 shares, or approximately 7 percent of the total capital stock of EED outstanding. Applicant is one of seven United States institutional stockholders of EED. The shares of EED capital stock owned by applicant were acquired by applicant in 1963 at a cost of $521,077 following the issuance by the Commission on December 12, 1963 of an order exempting such transition (Investment Company Act Release No. 3857).

EED has taken steps (1) to split each of its outstanding shares into 20 shares of new capital stock without par value, (2) to increase its authorized new capital stock by 800,000 shares, and (3) to offer such 800,000 shares of new capital stock for sale at $12.50 a share. ARD proposes to acquire a maximum of 50,020 EED new shares at a cost of $12.50 a share, but will reduce the number of shares which it purchases so that it will not own 10 percent or more of the outstanding capital stock of EED.

The application states that the proposed acquisition of EED shares is exempt from the provisions of section 17(a) of the Act pursuant to Rule 17a-6 thereunder. In addition to its present holdings of EED stock and the additional shares of EED stock it now proposes to acquire, applicant owns about 9 percent of the voting securities outstanding of Canadian Enterprise Development Corp. Ltd. ("CED"), which is a Canadian venture capital investment company with objectives and policies similar to those of applicant.[1]

Section 12(d)(1) of the Act as here pertinent, prohibits the acquisition by a registered investment of more than 5 percent of the total voting stock outstanding of any other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries, or more than 3 percent of such stock, if the policy is not so to concentrate.

Section 12(e) of the Act provides, among other things, that notwithstanding the provisions of section 12(d)(1), a registered investment company may utilize up to 5 percent of the value of its assets to purchase or otherwise acquire any securities issued by any one investment company engaged in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence and reorganizing companies or similar activities, provided, among other things, the securities issued by such other investment company consist solely of one class of common stock and shall have been originally issued or sold for investment to registered investment companies only. Unless an exemptive order from section 12(e) is issued, applicant will be prohibited from consummating the proposed purchase of shares of EED, an investment company since (1) following its consummation of the proposed acquisition of additional shares of EED, applicant will have acquired stock of two investment companies (CED and EED) and, (2) registered investment companies were not the only purchasers of the CED and EED shares now outstanding, nor will registered investment companies be the only purchasers of the additional EED shares to be issued. Applicant requests an exemption from section 12(e) to permit the proposed acquisition of EED stock.

Section 6(c) of the Act authorizes the Commission upon application to exempt any transaction from any provisions of the Act or any rule thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed acquisition is not inconsistent with the purposes of sections 12(d)(1) and 12(e) because (1) it will not result in the duplication of investment advisory fees since neither applicant nor EED have contracted to pay such fees to any other person, (2) control of EED will not be unduly or inequitably concentrated in applicant since applicant will not own more than 10 percent of the outstanding stock of EED, and (3) such proposal will not create undue complexities in the structure of portfolio companies. In the latter connection, the application shows that applicant's valuation of its investment in EED and CED at September 30, 1969, as adjusted to reflect a subsequent investment in CED stock and the additional proposed maximum investment of $625,250 in EED stock, is less than 0.5 percent of the value of the net assets of applicant at such date.

Notice is further given that any interested person may, not later than December 15, 1969 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14501; Filed, Dec. 5, 1969; 8:46 a.m.]

[1] By order dated Nov. 26, 1969, the Commission granted an exemption to permit applicant to purchase a portion of its present holdings of shares of CED (Investment Company Act Release No. 5901).

[812-2655]

CAPITAL SOUTHWEST CORP.

Notice of Filing of Application for Order Authorizing Proposed Transaction

DECEMBER 2, 1969.

Notice is hereby given that Capital Southwest Corp., 750 Hartford Building, Dallas, Tex. ("applicant"), a closed-end, nondiversified registered investment company, has filed an application pursuant to section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder for an order granting said application pursuant to Rule 17d-1 with respect to the sale of shares of common stock of Pandick Press, Inc. ("Pandick"), a New York corporation, by Pandick and by applicant as part of a proposed public offering of Pandick common stock. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

The applicant owns approximately 9.7 percent of the outstanding common stock of Pandick. Under sections 2(a)(3) of the Act, applicant is an affiliate of, Pandick and Pandick is an affiliated person of applicant.

Pandick has filed a registration statement with the Commission under the Securities Act of 1933 with respect to a proposed public offering of 371,709 shares of Pandick common stock, of which 100,000 shares are proposed to be offered by Pandick, 30,000 shares by applicant, and 271,709 shares by other shareholders of Pandick. Applicant and the other selling shareholders will pay underwriting discounts, fees of counsel employed by the selling shareholders and stock transfer taxes. All expenses of registration will be borne by Pandick.

The number of shares included in the proposed public offering was determined by the underwriters after Pandick and each of Pandick's shareholders were given unrestricted opportunity to offer their shares. The participation by Pandick or any of its shareholders is not contingent upon that of any one or more of them. Applicant does not intend to participate in the proposed public offering unless the order requested herein is received prior to the effective date of the offering.

Rule 17d-1, adopted under section 17(d) of the Act, provides, as here pertinent, that no affiliated person of any registered investment company, shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act

and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than December 12, 1969, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14502; Filed, Dec. 5, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

DECEMBER 2, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc., a New York corporation, and all other securities of Rajac Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 3, 1969 through December 12, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14503; Filed, Dec. 5, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 352]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 3, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 96498 (Sub-No. 31 TA) (Correction), filed November 17, 1969, published in the FEDERAL REGISTER issue of November 26, 1969, and republished in part, as corrected, this issue. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Post Office Box 40, West Frankfurt, Ill. 62896. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. NOTE: The purpose of this partial republication is solely to reflect that regular route authority is sought, inadvertently described as irregular routes in the previous publication. The rest of the application remains as previously published.

No. MC 112822 (Sub-No. 136 TA) (Correction), filed November 12, 1969, published in the FEDERAL REGISTER issue of November 21, 1969, and republished in part, as corrected, this issue. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 14 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). NOTE: The purpose of this republication is solely to reflect a correction in the supporting shippers name as follows: C. C. Wright, Supervisor, Truck-TOFC, Barge and Air Freight, International Paper Co., Post Office Box 2328, Mobile, Ala. 36601. The rest of the application remains as previously published.

No. MC 118959 (Sub-No. 56 TA) (Correction), filed October 31, 1969, published in the FEDERAL REGISTER issue of November 26, 1969, and republished in part, as corrected, this issue. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. NOTE: The purpose of this partial republication is to include a portion of the commodity description which was inadvertently omitted in the previous publication. Said portion should read as follows: * * *; *sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth;* * * *. The rest of the application remains as previously published.

No. MC 123639 (Sub-No. 116 TA) (Correction), filed November 13, 1969, published in the FEDERAL REGISTER, issue of November 22, 1969, and republished as corrected in part, this issue. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock Street, Englewood, Colo. 80110. The purpose of this partial republication is solely to include the States of Massachusetts, New Jersey, Maine, Ohio, Wisconsin, and Pennsylvania as additional States in the destination territory, inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 125844 (Sub-No. 13 TA) (Correction), filed November 7, 1969, published in the FEDERAL REGISTER issue of November 21, 1969, and republished in part, as corrected, this issue. Applicant: BIO–MED–HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. NOTE: The purpose of this partial republication is solely to reflect Arizona as an additional State to be included in the origin territory and which State was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 134141 (Sub-No. 1 TA) (Correction), filed November 17, 1969, published in the FEDERAL REGISTER issue of November 25, 1969, and republished in part, as corrected, this issue. Applicant: SAMUEL W. GROOME, doing business as A. T. I. TRUCKING COMPANY, Route 94, Florida, N.Y. 10921. The purpose of this partial republication is to clarify the origin point and destination areas following the initial commodity description by inserting the word to immediately following the origin point of West Coxsackie, N.Y., as follows: * * *, in shipper-owned semitrailers, from West Coxsackie, N.Y., to points in * * *. The rest of the application remains as previously published.

No. MC 134149 (Sub-No. 1 TA), filed November 24, 1969. Applicant: COASTAL TRUCKING COMPANY, INC., 1801 Selma Avenue, Selma, Ala. 36701. Applicant's representative: Cecil C. Jackson, Jr., 519 Lauderdale Street, Selma, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, manufactured under contract with the Department of Defense, U.S. Government, between the plantsites of Coastal Industries, Inc., Selma, Ala., and Choctaw Manufacturing Co., Inc., Silas, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia; for 180 days. NOTE: Applicant states Shippers' contracts with the Department of Defense contain an option to divert a particular shipment from original destination to new shipping point. Supporting shippers: Choctaw Manufacturing Co., Inc., Silas, Ala. 36919; and Coastal Industries, Inc., Selma, Ala. 36701. Send protests to: Clifford R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala.

No. MC 134152 TA (Correction), filed November 18, 1969, published in the FEDERAL REGISTER issue of November 26, 1969, and republished in part, as corrected, this issue. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South Street, Salt Lake City, Utah 84101. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. NOTE: the purpose of this partial republication is to redescribe the destination points in the application, some of which were inadvertently omitted in the previous publication, as follows: "* * * to Grand Junction and Glenwood Springs, Colo.; Rock Springs and Cody, Wyo.; Boise, Payette, Pocatello, Idaho Falls, Idaho; Kalispell, Great Falls, Helena, Miles City and Lewistown, Mont.; and Ely, Nev." The rest of the application remains as previously published.

No. MC 134138 (Sub-No. 1 TA) (Amendment), filed November 5, 1969, published FEDERAL REGISTER, issue of November 15, 1969, and republished as amended this issue. Applicant: ALVIN B. HARRISON, JR., doing business as LAND-AIR FREIGHT, 1420 Southerland Avenue, Oshkosh, Wis. 54901. Applicant's representative: Russell F. Williams, Post Office Box 1067, 504 Algona Boulevard, Oshkosh, Wis. 54901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to operations moving on airbills of lading, and having prior or subsequent movement by air, from Wittman Field, Oshkosh, Wis., to Mitchell Field, Milwaukee, Wis., and from Mitchell Field, Milwaukee, Wis., to Wittman Field, Oshkosh, Wis., for 150 days. NOTE: Applicant states it intends to interline with other motor carriers at Mitchell Field, Milwaukee, for shipments consigned to O'Hare Field, Chicago, Ill., for subsequent air transportation. The purpose of this republication is to add this note. Supporting shipper: North Central Airlines, Inc., G201 34th Avenue South, Minneapolis, Minn. 55450 (John S. Minerich, Manager, Cargo Administration). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14535; Filed, Dec. 5, 1969; 8:48 a.m.]

[Notice 456]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 3, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71363. By order of November 24, 1969, the Motor Carrier Board approved the transfer, on reconsideration, to McKibben Motor Service, Inc., Arlington Heights, Ohio, of certificate No. MC–32702 (Sub-No. 2) issued July 21, 1959, to McKibben Motor Service, Inc., Arlington Heights, Ohio, authorizing the transportation of: Roofing, paving, building, and insulating materials, from Cincinnati and Lockland, Ohio, to points in specified counties in Kentucky. Richard H. Brandon, 810 Hartman Avenue, Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–71633. By order of December 3, 1969, the Motor Carrier Board on reconsideration, approved the transfer to J & T Transport Inc., Pennsauken, N.J., of certificates Nos. MC–65429 and MC–65429 (Sub-No. 4) issued January 12, 1955, and April 11, 1962, respectively, to Benjamin S. Rizzo, doing business as Bauer Motor Freight Express, Bridgeton, N.J., authorizing the transportation of general commodities, with the usual exceptions, between Philadelphia, Pa., and Bridgeton, N.J., serving all intermediate points as follows: From Philadelphia, Pa., across the Delaware River to Camden, N.J., thence over New Jersey Highway 45 to Millica Hill, N.J., thence over New Jersey Highway 46 to Bridgeton; automobiles and truck parts and accessories, hardware and kindred articles and commodities, instruments, drawings, articles, materials, and supplies, excluding furniture, incidental to the business of physicians, dentists, dental laboratories, optometrists, and opticians, and of engineers which are conducted in their offices or drafting room or laboratories, clothing, and radio and victrola parts, subject to certain restrictions, between Philadelphia, Pa., on the one hand, and, on the other, Woodbury, Vineland, and Millville, N.J., and bakery goods, from Bridgeton, N.J., to Wilmington, Del. Charles E. Creager, Suite 1609, 11215 Oak Leaf Drive, Silver Spring, Md. 20901, representative for applicants.

No. MC–FC–71722. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Polman Transfer, Inc., Wadena, Minn., of the operating rights in permit No. MC–89710 (Sub-No. 3) issued October 6, 1960, to Raymond Bahr, Bemidji, Minn., authorizing the transportation of cut lumber, treated with creosote or other preservatives, and wooden posts, poles, and piling, from Cass Lake, Minn., to points in Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin, and returned shipments of such commodities, from the specified destination points to Cass Lake, Minn. Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402, and Howard S. Cox, 715 First National Bank Building, Minneapolis, Minn. 55402, attorneys for applicants.

No. MC–FC–71792. By order of December 2, 1969, the Motor Carrier Board approved the transfer to All-Star Transportation, of certificate No. MC–123393 (Sub-No. 163), issued August 23, 1968, to Bilyeu Refrigerated Transportation Corp., Marshall, Mo., authorizing the transportation of: Frozen prepared foods, and frozen poultry, when transported in the same vehicle with frozen prepared foods, from Carrollton, Macon, Marshall, Milan, Moberly, St. Joseph, and Sedalia, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14536; Filed, Dec. 5, 1969; 8:48 a.m.]

[Notice 457A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 4, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71694. By order of December 4, 1969, the Motor Carrier Board

approved the transfer to Mercury Freight Lines, a corporation, Los Angeles, Calif., of certificate of registration in No. MC-99991 (Sub-No. 1), issued February 5, 1964, and amended September 19, 1968, to Jack A. Cronshaw, doing business as Mercury Freight Lines, Los Angeles, Calif., authorizing the transportation of a wide variety of commodities between points in the Los Angeles Basin Region. R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14549; Filed, Dec. 5, 1969; 8:48 a.m.]

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FEDERAL REGISTER

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Saturday, December 6, 1969 • Washington, D.C.

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

•

U.S. Savings Bonds, Series E

(Dept. Circ. 653, 8th Rev.)



Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF U.S. SAVINGS BONDS, SERIES E

The regulations set forth in Treasury Department Circular No. 653, Seventh Revision, dated March 18, 1966, as revised, amended and supplemented (31 CFR Part 316), have been further revised and amended as shown below. The changes were effected under authority of section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Table 1 of the tables incorporated in the circular is published herewith. Table 2 and subsequent tables will be published [prior to the next interest accrual date] for all other Series E bonds outstanding on December 1, 1969. The Addendum to this circular contains the December 1969 redemption values for all outstanding Series E savings bonds.

Dated: December 1, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Treasury Department Circular No. 653, Seventh Revision, dated March 18, 1966, and the tables incorporated therein (31 CFR Part 316), as amended, revised and supplemented, are hereby further amended and issued as the Eighth Revision, as follows, effective December 1, 1969.

Sec.

316.1 Offering of bonds.
316.2 Description of bonds.
316.3 Governing regulations.
316.4 Registration.
316.5 Limitation on holdings.
316.6 Purchase of bonds.
316.7 Delivery of bonds by mail.
316.8 Extended terms and improved yields for outstanding bonds.
316.9 Taxation.
316.10 Payment or redemption.
316.11 Reservation as to issue of bonds.
316.12 Preservation of rights.
316.13 Fiscal agents.
316.14 Reservations as to terms of offer.
Tables of redemption values and investment yields.
Appendix.
Addendum.

AUTHORITY: The provisions of this Part 316 issued under authority of sec. 22 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c).

§ 316.1 Offering of bonds.

The Secretary of the Treasury hereby offers for sale to the people of the United States, U.S. Savings Bonds of Series E, hereinafter generally referred to as "Series E bonds" or "bonds." This offer will continue until terminated by the Secretary of the Treasury.

§ 316.2 Description of bonds.

(a) *General.* Series E bonds bear a facsimile of the signature of the Secretary of the Treasury and of the Seal of the Department of the Treasury. They are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series E bonds are issued on a discount basis. The denominations and purchase prices are:

Denomination	*Purchase price*
$25	$18.75
$50	37.50
$75	56.25
$100	75.00
$200	150.00
$500	375.00
$1,000	750.00
$10,000[1]	7,500.00
$100,000[1]	75,000.00

[1] The $10,000 and $100,000 denominations are available only for purchase by trustees of employees' savings and savings and vacation plans (see § 316.5(b)).

(c) *Inscription and issue.* At the time of issue the issuing agent will (1) inscribe on the face of each bond the name and address of the owner, and the name of the beneficiary, if any, or the name and address of the first-named coowner and the name of the other coowner, (2) enter in the upper right-hand portion of the bond the issue date, and (3) imprint the agent's dating stamp in the lower right-hand portion to show the date the bond is actually inscribed. A bond shall be valid only if an authorized issuing agent receives payment therefor and duly inscribes, dates, stamps, and delivers it in accordance with the purchaser's instructions. The Department of the Treasury may require, without prior notice, that the appropriate taxpayer identifying number[2] be furnished for inclusion in the inscription.

(d) *Term.* A Series E bond shall be dated as of the first day of the month in which payment of the purchase price is received by an agent authorized to issue the bonds. This date is the issue date and the bond will mature and be payable at the original maturity value, shown in Table 1 hereof, 5 years and 10 months from the issue date. The bond may not be called for redemption by the Secretary of the Treasury prior to maturity or the end of any authorized extension period (see § 316.8(a)(1)). The bond may be redeemed at the owner's option at any time after 2 months from issue date at fixed redemption values. However, the Department of the Treasury may require reasonable notice of presentation for redemption prior to maturity or any extended maturity period.

[2] The number required to be used on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security account number or employer identification number). Until it becomes mandatory, issuing agents for Series E bonds under any payroll savings plan desiring to place taxpayer identifying numbers on bonds should obtain instructions from the Bureau of the Public Debt, Washington, D.C. 20220.

(e) *Investment yield (interest).* The investment yield (interest) on a Series E bond will be approximately 5 percent per annum, compounded semiannually, if the bond is held to maturity, but the yield will be less if the bond is redeemed prior thereto. The interest will be paid as a part of the redemption value. For the first 6 months from issue date the bond will be redeemable only at issue price. Thereafter, its redemption value will increase at the beginning of each successive half-year period (see Table 1).

(f) *Outstanding bonds with issue dates June 1, 1969, or thereafter.* Series E bonds with issue dates of June 1, 1969, or thereafter, and outstanding on the effective date of the regulations in this part, are deemed to be Series E bonds issued under the terms of this circular and the investment yield and shorter term of maturity provided for in paragraphs (d) and (e) of this section are applicable to such bonds. Series E bond stock on sale prior to June 1, 1969, will be used for issue under this circular until such time as new stock is printed and supplied to issuing agents. Such bonds have the new investment yield and all other privileges as fully as if expressly set forth in the text of the bonds. It will be unnecessary for owners to exchange bonds issued on the old stock for bonds on the new stock as all paying agents will redeem the bonds in accordance with the schedule of redemption values set forth in Table 1. However, when the new stock becomes available, issuance on the new stock may be obtained by presentation for that purpose of bonds issued on the old stock to any Federal Reserve Bank or Branch, or to the Treasurer of the United States, Securities Division, Washington, D.C. 20220.

§ 316.3 Governing regulations.

Series E bonds are subject to the regulations of the Treasury Department, now or hereafter prescribed, governing U.S. Savings Bonds, contained in Department Circular No. 530, current revision (Part 315 of this subchapter).[3]

§ 316.4 Registration.

(a) *General.* Generally, only residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Canal Zone and citizens of the United States temporarily residing abroad are eligible to be named as owners of Series E bonds. The bonds may be registered in the names of natural persons in their own right as provided in paragraph (b) of this section, and in the names and titles or capacities of fiduciaries and organizations as provided in paragraph (c) of this section. Full information regarding authorized forms of registration and restrictions with respect thereto will be found in the governing regulations.

[3] Copies may be obtained from any Federal Reserve Bank or Branch, or the Bureau of the Public Debt, Washington, D.C. 20220, or its Chicago Office, 536 South Clark Street, Chicago, Ill. 60605.

(b) *Natural persons in their own right.* The bonds may be registered in the names of natural persons (whether adults or minors) in their own right, in single ownership, coownership, and beneficiary forms.

(c) *Others.* The bonds may be registered in single ownership form in the names of fiduciaries and private and public organizations, as follows:

(1) *Fiduciaries.* In the names of and showing the titles or capacities of any persons or organizations, public or private, as fiduciaries (including trustees, legal guardians or similar representatives, and certain custodians), but not where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation, or service.

(2) *Private and public organizations.* In the names of private or public organizations (including private corporations, partnerships, and unincorporated associations, and States, counties, public corporations, and other public bodies) in their own right, but not in the names of commercial banks.[4]

§ 316.5 Limitation on holdings.

The amount of Series E bonds originally issued during any 1 calendar year that may be held by any one person, at any one time, computed in accordance with the governing regulations, is limited, as follows:

(a) *General limitation.* $5,000 (issue price) for the calendar year 1969[5] and each calendar year thereafter.[6]

(b) *Special limitation for employees' savings plans.* $2,000 (face amount) multiplied by the highest number of participants in any employees' savings plan, as defined in subparagraph (1) of this paragraph, at any time during the year in which the bonds are issued.[7]

(1) *Definition of plan and conditions of eligibility.* (i) The employees' savings plan must have been established by the employer for the exclusive and irrevocable benefit of his employees or their beneficiaries, afford employees the means of making regular savings from their wages through payroll deductions, and provide for employer contributions to be added to such savings.

(ii) The entire assets thereof must be credited to the individual accounts of participating employees and assets credited to the account of an employee may be distributed only to him or his beneficiary, except as otherwise provided herein.

(iii) Series E bonds may be purchased only with assets credited to the accounts of participating employees and only if the amount taken from any account at any time for that purpose is equal to the purchase price of a bond or bonds in an authorized denomination or denominations, and shares therein are credited to the accounts of the individuals from which the purchase price thereof was derived, in amounts corresponding with their shares. For example, if $37.50 credited to the account of John Jones is commingled with funds credited to the accounts of other employees to make a total of $7,500, with which a Series E bond in the denomination of $10,000 (face value) is purchased in February 1966 and registered in the name and title of the trustee, the plan must provide, in effect, that John Jones' account shall be credited to show that he is the owner of a Series E bond in the denomination of $50 (face value) bearing issue date of February 1, 1966.

(iv) Each participating employee shall have an irrevocable right at any time to demand and receive from the trustee all assets credited to his account or the value thereof, if he so prefers, without regard to any condition other than the loss or suspension of the privilege of participating further in the plan. However, a plan will not be deemed to be inconsistent herewith if it limits or modifies the exercise of any such right by providing that the employer's contribution does not vest absolutely until the employee shall have made contributions under the plan in each of not more than 60 calendar months succeeding the month for which the employer's contribution is made.

(v) Upon the death of an employee, his beneficiary shall have the absolute and unconditional right to demand and receive from the trustee all assets credited to the account of the employee, or the value thereof, if he so prefers.

(vi) When settlement is made with an employee or his beneficiary with respect to any Series E bond registered in the name and title of the trustee in which the employee has a share (see subdivisions (ii) and (iii) of this subparagraph), the bond must be submitted for redemption or reissue to the extent of such share. If an employee or his beneficiary is to receive distribution in kind, bonds bearing the same issue dates as those credited to the employee's account will be reissued in the name of the distributee to the extent to which he is entitled, in authorized denominations, in any authorized form of registration, upon the request and certification of the trustee in accordance with the governing regulations.

(2) *Definition of terms used in this subsection—related provisions.* (i) The term "savings plan" includes any regulations issued under the plan with regard to Series E bonds. A trustee desiring to purchase bonds in excess of the general limitation in any calendar year should submit to the Federal Reserve Bank of the District, a copy of (*a*) the plan, (*b*) any such regulations, and (*c*) the trust agreement, all certified to be true copies, in order to establish its eligibility.

(ii) The term "assets" means all funds, including the employees' contributions and employer's contributions and assets purchased therewith as well as accretions thereto, such as dividends on stock, the increment in value on bonds and all other income; but, notwithstanding any other provision of this subsection, the right to demand and receive "all assets" credited to the account of an employee shall not be construed to require the distribution of assets in kind when it would not be possible or practicable to make such distribution; for example, Series E bonds may not be reissued in unauthorized denominations, and fractional shares of stock are not readily distributable in kind.

(iii) The term "beneficiary" means the person or persons, if any, designated by the employee in accordance with the terms of the plan to receive the benefits of the trust upon his death or the estate of the employee, and the term "distributee" means the employee or his beneficiary.

§ 316.6 Purchase of bonds.

Series E bonds may be purchased, as follows:

(a) *Over-the-counter for cash—(1) Bonds registered in names of natural persons in their own right only.* At such incorporated banks, trust companies, and other agencies as have been duly qualified as issuing agents and at selected U.S. post offices.

(2) *Bonds registered in names of trustees of employees' savings plans.* At such incorporated bank, trust company, or other agency, duly qualified as an issuing agent, provided the agent is trustee of an approved employees' savings plan eligible for the special limitation in § 316.5(b) and prior approval to issue the bonds is obtained from the Federal Reserve Bank of the agent's district.

(3) *Bonds registered in all authorized forms.* At Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220.

(b) *On mail order.* By mail upon application to any Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, accompanied by a remittance to cover the issue price. Any form of exchange, including personal checks, will be accepted subject to collection. Checks or other forms of exchange should be drawn to the order of the Federal Reserve Bank or the Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable. Any depositary qualified pursuant to the provisions of Treasury Department Circular No. 92, current revision (Part 203 of this

[4] Commercial banks, as defined in § 315.7 (c)(1) of this subchapter of Department Circular No. 530, current revision, for this purpose are those accepting demand deposits.

[5] Investors who purchased less than $5,000 (issue price) of the bonds prior to the effective date of these regulations will be entitled only to purchase enough to bring their total for the year to that amount. Investors who purchased more than that amount prior to the effective date will not be entitled to purchase additional bonds during the calendar year.

[6] The proceeds of redemption of bonds of Series F, G, J, and K, all now matured, may be used by owners for the purchase of Series E bonds without regard to the limitation under the conditions and restrictions set forth in § 316.5(b) of the Seventh Revision of this circular.

[7] Savings and vacation plans may be eligible for this special limitation. Questions concerning eligibility of such plans should be addressed to the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill. 60605.

chapter), will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

(c) *Savings stamps.* Savings stamps, in authorized denominations, may be purchased at most post offices and at such other agencies as may be designated from time to time. The stamps may be used for the purchase of Series E bonds. Albums for affixing the stamps will be available without charge, and such albums will be receivable by any authorized issuing agent in the amount of the affixed stamps on the purchase price of the bonds.

§ 316.7 Delivery of bonds by mail.

Issuing agents are authorized to deliver Series E bonds by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone. No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

§ 316.8 Extended terms and improved yields for outstanding bonds.

(a) *Extended maturity periods*—(1) *General.* The terms "extended maturity period" and "second extended maturity period," when used herein, refer to the intervals after the maturity dates during which owners may retain their bonds and continue to earn interest on the maturity values, or the extended maturity values.[9] No special action is required of owners desiring to take advantage of any extensions heretofore or hereby granted. By continuing to hold their bonds after maturity, or extended maturity, as the case may be, owners will continue to earn further interest on their bonds.[9]

(2) *Bonds with issue dates May 1, 1941, through April 1, 1952.* Owners of Series E bonds with issue dates of May 1, 1941, through April 1, 1952, may retain their bonds for a second extended maturity period of 10 years.

(3) *Bonds with issue dates May 1, 1952, or thereafter.* Owners of Series E bonds with issue dates of May 1, 1952, or thereafter, may retain their bonds for an extended maturity period of 10 years.

(b) *Improved yields*[10]—(1) *Outstanding bonds.* The investment yield on all Series E bonds outstanding on the effective date of the regulations in this part is hereby increased to approximately 5 percent per annum, compounded semiannually, as follows:

(i) *Bonds with issue dates June 1, 1963, through May 1, 1969.* For the remaining period to the maturity date.

(ii) *Bonds with issue dates June 1, 1951, through May 1, 1963.* For the remaining period to the maturity date, extended maturity date, or second extended maturity date, as the case may be.

(iii) *Bonds with issue dates June 1, 1949, through May 1, 1951.* For any remaining period to the extended maturity date and for the second extended maturity period.

(iv) *Bonds with issue dates May 1, 1941, through May 1, 1949.* For the remaining period to the second extended maturity date.

The increase in yield will be less if the bonds are redeemed earlier. The increase, on a graduated basis, will begin with the first 6-month interest accrual period starting on or after June 1, 1969.

(2) *Presently authorized extensions.* The investment yield for any presently authorized extension period for which tables of redemption values and investment yields are not announced and published herein will be at the rate in effect for Series E bonds being currently issued on the maturity date or extended maturity date, as the case may be.

§ 316.9 Taxation.

(a) *General.* For the purpose of determining taxes and tax exemptions, the increment in value represented by the difference between the price paid for Series E bonds (which are issued on a discount basis) and the redemption value received therefor shall be considered as interest. Such interest is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

(b) *Federal income tax on bonds.* An owner of Series E bonds who is a cash basis taxpayer may use either of two methods for reporting the increase in the redemption value of the bonds for Federal income tax purposes, as follows:

(1) Defer reporting of the increase until the year of maturity, actual redemption, or other disposition, whichever is earlier; or

(2) Elect to report the increases each year as they accrue, in which case the election will apply to all Series E bonds then owned by him and to those thereafter acquired, as well as to any other similar obligations sold on a discount basis.

If method (1) is used, the taxpayer may change to method (2) without obtaining permission from the Internal Revenue Service. However, once the election to use method (2) is made, the taxpayer may not change the method of reporting unless he obtains permission to do so from the Internal Revenue Service. Inquiries concerning further information on Federal taxes should be addressed to the District Director, Internal Revenue Service, of the taxpayer's district, or the Internal Revenue Service, Washington, D.C. 20224.

§ 316.10 Payment or redemption.

(a) *General.* A Series E bond may be redeemed in accordance with its terms at the appropriate redemption value as shown in the applicable tables hereof for bonds bearing various issue dates back to May 1, 1941. The redemption values of bonds in the denomination of $100,000[1] (which was authorized as of Jan. 1, 1954) are not shown in the tables. However, the redemption values of bonds in that denomination will be equal to the total redemption values of ten $10,000 bonds bearing the same issue dates. A Series E bond in a denomination higher than $25 (face value) may be redeemed in part but only in the amount of an authorized denomination or multiple thereof.

(b) *Federal Reserve Banks and Branches and Treasurer of the United States.* Owners of Series E bonds may obtain payment upon presentation and surrender of the bonds to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, with the requests for payment on the bonds duly executed and certified in accordance with the governing regulations.

(c) *Incorporated banks, trust companies, and other financial institutions.* An individual (natural person) whose name is inscribed on a Series E bond either as owner or coowner in his own right may also present such bond to any incorporated bank or trust company or other financial institution which is qualified as a paying agent under Department Circular No. 750, current revision (Part 321 of this subchapter). If such bond is in order for payment by the paying agent, the owner or coowner, upon establishing his identity to the satisfaction of the agent and upon signing the request for payment and adding his home or business address, may receive immediate payment of the current redemption value.

§ 316.11 Reservation as to issue of bonds.

The Secretary of the Treasury reserves the right to reject any application for Series E bonds, in whole or in part, and to refuse to issue or permit to be issued hereunder any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

§ 316.12 Preservation of rights.

Nothing contained herein shall limit or restrict rights which owners of Series E bonds heretofore issued have acquired under offers previously in force.

[9] The redemption value of any bond at the original maturity date is the base upon which interest will accrue during the extended maturity period. The redemption value of any bond at the extended maturity date is the base upon which interest will accrue during the second extended maturity period.

[10] The tables incorporated herein, arranged according to issue dates, show current redemption values and investment yields.

[10] See Appendix for maturities and summary of investment yields to the maturity, extended maturity and second extended maturity dates under regulations heretofore prescribed for Series E bonds with issue dates May 1, 1941, through May 1, 1969.

[1] The $10,000 and $100,000 denominations are available only for purchase by trustees of employees' savings and savings and vacation plans (see § 316.5(b)).

ADDENDUM 1—Continued

U.S. SAVINGS BONDS, SERIES E—REDEMPTION VALUES BY DENOMINATION (DECEMBER 1969)

Issue year	Issue months	$10	$25	$50	$75	$100	$200	$500	$1,000	$10,000
1960	Dec.	20.97	52.41	104.81	157.22	209.63	419.25	1,048.13	2,096.25	20,962.50
	July through Nov.	20.96	52.38	104.75	157.13	209.50	419.00	1,047.50	2,095.00	20,950.00
	June	21.43	53.56	107.12	160.68	214.24	428.48	1,071.20	2,142.40	21,424.00
	Jan. through May	21.42	53.54	107.08	160.62	214.16	428.32	1,070.80	2,141.60	21,416.00
1965	Dec.	21.90	54.74	109.48	164.22	218.96	437.92	1,094.80	2,189.60	21,896.00
	July through Nov.	21.85	54.63	109.25	163.88	218.50	437.00	1,092.50	2,185.00	21,850.00
	June	22.11	55.28	110.56	165.84	221.12	442.24	1,105.60	2,211.20	22,112.00
	Jan. through May	22.11	55.28	110.56	165.84	221.12	442.24	1,105.60	2,211.20	22,112.00
1964	Dec.	22.62	56.54	113.08	169.62	226.16	452.32	1,130.80	2,261.60	22,616.00
	July through Nov.	22.58	56.46	112.92	169.38	225.84	451.68	1,129.20	2,258.40	22,584.00
	June	23.05	57.63	115.26	172.89	230.52	461.04	1,152.60	2,305.20	23,052.00
	Jan. through May	23.04	57.60	115.20	172.80	230.40	460.80	1,152.00	2,304.00	23,040.00
1963	Dec.	23.54	58.86	117.72	176.58	235.44	470.88	1,177.20	2,354.40	23,544.00
	July through Nov.	23.49	58.73	117.46	176.19	234.92	469.84	1,174.60	2,349.20	23,492.00
	June	24.00	60.00	120.00	180.00	240.00	480.00	1,200.00	2,400.00	24,000.00
	Jan. through May	24.00	60.00	120.00	180.00	240.00	480.00	1,200.00	2,400.00	24,000.00
1962	Dec.	24.61	61.52	123.04	184.56	246.08	492.16	1,230.40	2,460.80	24,608.00
	July through Nov.	24.55	61.38	122.76	184.14	245.52	491.04	1,227.60	2,455.20	24,552.00
	June	25.13	62.82	125.64	188.46	251.28	502.56	1,256.40	2,512.80	25,128.00
	Apr. through May	25.12	62.80	125.60	188.40	251.20	502.40	1,256.00	2,512.00	25,120.00
	Jan. through Mar.	25.12	62.80	125.60	188.40	251.20	502.40	1,256.00	2,512.00	25,120.00
1961	Dec.	25.74	64.34	128.68	193.02	257.36	514.72	1,286.80	2,573.60	25,736.00
	Oct. through Nov.	25.67	64.17	128.34	192.51	256.68	513.36	1,283.40	2,566.80	25,668.00
	Sept.	25.96	64.90	129.80	194.70	259.60	519.20	1,298.00	2,596.00	25,960.00
	June through Aug.	25.94	64.86	129.72	194.58	259.44	518.88	1,297.20	2,594.40	25,944.00
	Apr. through May	25.93	64.83	129.66	194.49	259.32	518.64	1,296.60	2,593.20	25,932.00
	Jan. through Mar.	25.92	64.80	129.60	194.40	259.20	518.40	1,296.00	2,592.00	25,920.00
1960	Dec.	26.54	66.36	132.72	199.08	265.44	530.88	1,327.20	2,654.40	26,544.00
	Oct. through Nov.	26.49	66.23	132.46	198.69	264.92	529.84	1,324.60	2,649.20	26,492.00
	Sept.	26.78	66.96	133.92	200.88	267.84	535.68	1,339.20	2,678.40	26,784.00
	June through Aug.	26.76	66.90	133.80	200.70	267.60	535.20	1,338.00	2,676.00	26,760.00
	Apr. through May	26.75	66.88	133.76	200.64	267.52	535.04	1,337.60	2,675.20	26,752.00
	Jan. through Mar.	26.74	66.85	133.70	200.55	267.40	534.80	1,337.00	2,674.00	26,740.00
1959	Dec.	27.34	68.36	136.72	205.08	273.44	546.88	1,367.20	2,734.40	27,344.00
	Oct. through Nov.	27.28	68.21	136.42	204.63	272.84	545.68	1,364.20	2,728.40	27,284.00
	Sept.	27.57	68.93	137.86	206.79	275.72	551.44	1,378.60	2,757.20	27,572.00
	June through Aug.	27.53	68.83	137.66	206.49	275.32	550.64	1,376.60	2,753.20	27,532.00
	Apr. through May	27.52	68.80	137.60	206.40	275.20	550.40	1,376.00	2,752.00	27,520.00
	Jan. through Mar.	27.51	68.78	137.56	206.34	275.12	550.24	1,375.60	2,751.20	27,512.00
1958	Dec.	28.12	70.30	140.60	210.90	281.20	562.40	1,406.00	2,812.00	28,120.00
	Aug. through Nov.	28.08	70.20	140.40	210.60	280.80	561.60	1,404.00	2,808.00	28,080.00
	July	28.57	71.42	142.84	214.26	285.68	571.36	1,428.40	2,856.80	28,568.00
	June	28.56	71.40	142.80	214.20	285.60	571.20	1,428.00	2,856.00	28,560.00
	Jan. through May	28.55	71.37	142.74	214.11	285.48	570.96	1,427.40	2,854.80	28,548.00
1957	Dec.	29.44	73.60	147.20	220.80	294.40	588.80	1,472.00	2,944.00	29,440.00
	Aug. through Nov.	29.31	73.28	146.56	219.84	293.12	586.24	1,465.60	2,931.20	29,312.00
	July	29.92	74.80	149.60	224.40	299.20	598.40	1,496.00	2,992.00	29,920.00
	June	29.93	74.82	149.64	224.46	299.28	598.56	1,496.40	2,992.80	29,928.00
	Feb. through May	29.92	74.80	149.60	224.40	299.20	598.40	1,496.00	2,992.00	29,920.00
	Jan.	29.91	74.78	149.56	224.34	299.12	598.24	1,495.60	2,991.20	29,912.00
1956	Dec.	30.39	75.98	151.96	227.94	303.92	607.84	1,519.60	3,039.20	30,392.00
	Nov.	30.36	75.90	151.80	227.70	303.60	607.20	1,518.00	3,036.00	30,360.00
	Oct.	30.83	77.08	154.16	231.24	308.32	616.64	1,541.60	3,083.20	30,832.00
	June through Sept.	30.82	77.06	154.12	231.18	308.24	616.48	1,541.20	3,082.40	30,824.00
	May	31.31	78.28	156.56	234.84	313.12	626.24	1,565.60	3,131.20	31,312.00
	Apr. through Mar.	31.30	78.25	156.50	234.75	313.00	626.00	1,565.00	3,130.00	31,300.00
1955	Dec.	31.81	79.52	159.04	238.56	318.08	636.16	1,590.40	3,180.80	31,808.00
	Nov.	31.77	79.42	158.84	238.26	317.68	635.36	1,588.40	3,176.80	31,768.00
	Oct.	32.29	80.72	161.44	242.16	322.88	645.76	1,614.40	3,228.80	32,288.00
	June through Sept.	32.27	80.68	161.36	242.04	322.72	645.44	1,613.60	3,227.20	32,272.00
	May	32.76	81.90	163.80	245.70	327.60	655.20	1,638.00	3,276.00	32,760.00
	Apr. through Mar.	32.75	81.88	163.76	245.64	327.52	655.04	1,637.60	3,275.20	32,752.00
1954	Jan. through Mar.	33.27	83.18	166.36	249.54	332.72	665.44	1,664.00	3,328.00	33,280.00
	Dec.	33.26	83.16	166.32	249.48	332.64	665.28	1,663.20	3,326.40	33,264.00
	Nov.	33.74	84.36	168.72	253.08	337.44	674.88	1,687.20	3,374.40	33,744.00
	Oct.	34.24	85.60	171.20	256.80	342.40	684.80	1,712.00	3,424.00	34,240.00
	June through Sept.	34.22	85.56	171.12	256.68	342.24	684.48	1,711.20	3,422.40	34,224.00
	May	34.71	86.78	173.56	260.34	347.12	694.24	1,735.60	3,471.20	34,712.00
	Apr. through Mar.	34.70	86.75	173.50	260.25	347.00	694.00	1,735.00	3,470.00	34,700.00
	Jan. through Mar.	34.69	86.72	173.44	260.16	346.88	693.76	1,734.40	3,468.80	34,688.00

ADDENDUM 2—Reservations as to terms of offer.

§ 316.14 Reservations as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds (this Part 316), or of any amendments or supplements thereto.

APPENDIX

Maturities and summary of investment yields to maturity, extended maturity and second extended maturity dates under regulations heretofore prescribed for Series E Savings Bonds with issue dates May 1, 1941, through May 1, 1969 (rates percent per annum, compounded semiannually).

Issue dates	Term to original maturity	Yields: To original maturity date	Yields: To extended maturity date (10 years)	Yields: To second extended maturity date (10 years)
May 1941–April 1942.	10 years	2.90%	2.90% +0.6% June 1, 1959	3.75% +0.4% December 1, 1965. +0.1% June 1, 1968.
May 1942–May 1949.	10 years	2.90%	3.00% +0.5% June 1, 1959 +0.4% December 1, 1965 +0.1% June 1, 1968.	3.90% +0.4% December 1, 1965. +0.1% June 1, 1968.
June 1949–April 1952.	10 years	2.90% +0.6% June 1, 1959	3.75% +0.4% December 1, 1965. +0.1% June 1, 1968.	4.25%.
May 1952–March 1956.	9 years, 8 months.	3.00% +0.5% June 1, 1959	3.90% +0.4% December 1, 1965 +0.1% June 1, 1968.	
April 1956–November 1956.	9 years, 8 months.	3.00% +0.5% June 1, 1959	4.15% +0.1% June 1, 1968.	
December 1956–January 1957.	9 years, 8 months.	3.00% +0.5% June 1, 1959 +0.4% December 1, 1965.	4.15% +0.1% June 1, 1968.	
February 1957–May 1959.	8 years, 11 months.	3.25% +0.5% June 1, 1959 +0.4% December 1, 1965.	4.15% +0.1% June 1, 1968.	
June 1959–November 1965.	7 years, 9 months.	3.75% +0.4% December 1, 1965 +0.1% June 1, 1968.	4.15% +0.1% June 1, 1968.	
December 1965–May 1968.	7 years	4.15% +0.1% June 1, 1968.	4.25%.	
June 1968–May 1969.	7 years	4.25%	4.25%	

[1] Prior to maturity, the Secretary of the Treasury could prescribe a different yield for extended maturity period for bonds for which Tables of Redemption Values for the extension had not been previously published. Tables of Redemption Values were published for extended maturity period for bonds with issue dates through May 1, 1962.

ADDENDUM 3

U.S. SAVINGS BONDS, SERIES E—REDEMPTION VALUES BY DENOMINATION—DECEMBER 1969

Issue year	Issue months	$10	$25	$50	$75	$100	$200	$500	$1,000	$250.00	$7,500.00
1969	Nov. through Dec.	(Not eligible for payment)									
	July through Oct.	$18.75	$37.50	$46.25	$73.00	$150.00	$375.00			$250.00	$7,500.00
	June	19.05	38.10	47.15	76.20	152.40	381.00			762.00	7,620.00
	Jan. through May	18.96	37.92	46.88	75.84	151.68	379.20			758.40	7,584.00
1968	Dec.	19.33	38.66	47.99	77.32	154.64	386.60			773.20	7,732.00
	July through Nov.	19.32	38.64	47.96	77.28	154.56	386.40			772.80	7,728.00
	June	19.71	39.42	48.93	78.84	157.68	394.20			788.40	7,884.00
	Jan. through May	19.70	39.40	48.90	78.80	157.60	394.00			788.00	7,880.00
1967	Dec.	20.11	40.22	49.93	80.44	160.88	402.20			804.40	8,044.00
	July through Nov.	20.10	40.20	49.90	80.40	160.80	402.00			804.00	8,040.00
	June	20.53	41.06	51.01	82.12	164.24	410.60			821.20	8,212.00
	Jan. through May	20.52	41.04	51.00	82.08	164.16	410.40			820.80	8,208.00

See footnotes at end of table.

ADDENDUM [1]—Continued

U.S. SAVINGS BONDS, SERIES E—REDEMPTION VALUES BY DENOMINATION—DECEMBER 1969

Issue year	Issue months	$10	$25	$50	$75	$100	$200	$500	$1,000	$10,000
1953	Dec.		31.92	63.84		127.68	255.36	638.40	1,276.80	12,768.00
	Nov.		31.83	63.66		127.32	254.64	636.60	1,273.20	12,732.00
	Oct.		32.52	65.04		130.08	260.16	650.40	1,300.80	13,008.00
	June through Sept.		32.46	64.92		129.84	259.68	649.20	1,298.40	12,984.00
	May		32.38	64.76		129.52	259.04	647.60	1,295.20	12,952.00
	Apr.		33.06	66.16		132.32	264.64	661.60	1,323.20	13,232.00
	Jan. through Mar.		33.02	66.04		132.08	264.16	660.40	1,320.80	13,208.00
1952	Dec.		33.02	66.04		132.08	264.16	660.40	1,320.80	13,208.00
	Nov.		32.94	65.88		131.76	263.52	658.80	1,317.60	13,176.00
	Oct.		33.66	67.32		134.64	269.28	673.20	1,346.40	13,464.00
	June through Sept.		33.59	67.18		134.36	268.72	671.80	1,343.60	13,436.00
	May		33.51	67.02		134.04	268.08	670.20	1,340.40	13,404.00
	Jan. through Apr.		33.64	67.28		134.56	269.12	672.80	1,345.60	
1951	Dec.		34.39	68.78		137.56	275.12	687.80	1,375.60	
	July through Nov.		34.23	68.46		136.92	273.84	684.60	1,369.20	
	June		35.00	70.00		140.00	280.00	700.00	1,400.00	
	Jan. through May		34.82	69.64		139.28	278.56	696.40	1,392.80	
1950	Dec.		35.62	71.24		142.48	284.96	712.40	1,424.80	
	July through Nov.		35.44	70.88		141.76	283.52	708.80	1,417.60	
	June		36.27	72.54		145.08	290.16	725.40	1,450.80	
	Jan. through May	14.44	36.10	72.20		144.40	288.80	722.00	1,444.00	
1949	Dec.	14.80	37.00	74.00		148.00	296.00	740.00	1,480.00	
	July through Nov.	14.72	36.80	73.60		147.20	294.40	736.00	1,472.00	
	June	15.09	37.72	75.44		150.88	301.76	754.40	1,508.80	
	Jan. through May	14.58	36.46	72.92		145.84	291.68	729.20	1,458.40	
1948	Dec.	14.89	37.23	74.46		148.92	297.84	744.60	1,489.20	
	July through Nov.	14.82	37.04	74.08		148.16	296.32	740.80	1,481.60	
	June	15.13	37.82	75.64		151.28	302.56	756.40	1,512.80	
	Jan. through May	15.06	37.64	75.28		150.56	301.12	752.80	1,505.60	
1947	Dec.	15.37	38.43	76.86		153.72	307.44	768.60	1,537.20	
	July through Nov.	15.30	38.25	76.50		153.00	306.00	765.00	1,530.00	
	June	15.62	39.05	78.10		156.20	312.40	781.00	1,562.00	
	Jan. through May	15.55	38.87	77.74		155.48	310.96	777.40	1,554.80	
1946	Dec.	15.88	39.69	79.38		158.76	317.52	793.80	1,587.60	
	July through Nov.	15.80	39.50	79.00		158.00	316.00	790.00	1,580.00	
	June	16.13	40.33	80.66		161.32	322.64	806.60	1,613.20	
	Jan. through May	16.06	40.15	80.30		160.60	321.20	803.00	1,606.00	
1945	Dec.	16.40	40.99	81.98		163.96	327.92	819.80	1,639.60	
	July through Nov.	16.18	40.45	80.90		161.80	323.60	809.00	1,618.00	
	June	16.51	41.28	82.56		165.12		825.60	1,651.20	
	Jan. through May	16.44	41.10	82.20		164.40		822.00	1,644.00	
1944	Dec.	16.78	41.96	83.92		167.84		839.20	1,678.40	
	July through Nov.	16.72	41.79	83.58		167.16		835.80	1,671.60	
	June	17.06	42.66	85.32		170.64		853.20	1,706.40	
	Jan. through May		42.50	85.00		170.00		850.00	1,700.00	
1943	Dec.		43.38	86.76		173.52		867.60	1,735.20	
	July through Nov.		43.20	86.40		172.80		864.00	1,728.00	
	June		44.10	88.20		176.40		882.00	1,764.00	
	Jan. through May		43.93	87.86		175.72		878.60	1,757.20	
1942	Dec.		44.87	89.74		179.48		897.40	1,794.80	
	July through Nov.		44.65	89.30		178.60		893.00	1,786.00	
	June		45.61	91.22		182.44		912.20	1,824.40	
	May		45.41	90.82		181.64		908.20	1,816.40	
	Jan. through Apr.		45.07	90.14		180.28		901.40	1,802.80	
1941	Dec.		46.05	92.10		184.20		921.00	1,842.00	
	July through Nov.		45.80	91.60		183.20		916.00	1,832.00	
	June		46.82	93.64		187.28		936.40	1,872.80	
	May		46.57	93.14		186.28		931.40	1,862.80	

[1] Expires at close of business Dec. 31, 1969.

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PART III

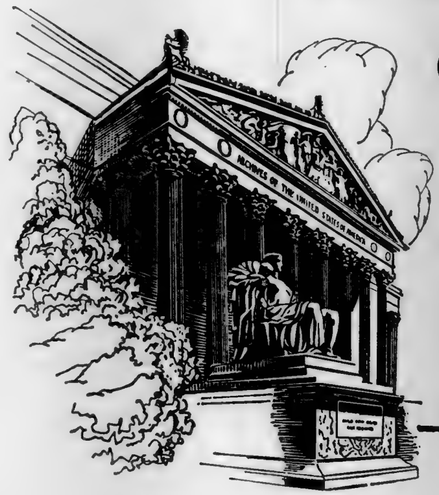
DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

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U.S. Savings Bonds, Series H

(Dept. Circ. 905, 5th Rev.)



No. 234—Pt. III——1

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 332—OFFERING OF U.S. SAVINGS BONDS, SERIES H

The regulations set forth in Treasury Department Circular No. 905, Fourth Revision, dated April 7, 1966, as revised and amended (31 CFR Part 332), have been further revised and amended as shown below. The changes were effected under authority of section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c), and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Table 1 of the tables incorporated in the circular is published herewith. Table 2 and subsequent tables will be published prior to the next interest payment date for all other Series H bonds outstanding on December 1, 1969. The Addendum to this circular shows the improved December 1969 interest for outstanding Series H savings bonds with December 1, 1969 interest payment dates.

Dated: December 1, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Treasury Department Circular No. 905, Fourth Revision, dated April 7, 1966, and the tables incorporated therein (31 CFR Part 332), as amended and revised, are hereby further amended and revised, and issued as the Fifth Revision, as follows, effective December 1, 1969.

Sec.

332.1 Offering of bonds.
332.2 Description of bonds.
332.3 Governing regulations.
332.4 Registration.
332.5 Limitation on holdings.
332.6 Purchase of bonds.
332.7 Delivery of bonds.
332.8 Extended term and improved yields for outstanding bonds.
332.9 Taxation.
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Tables of checks issued and investment yields.
Appendix.
Addendum.

AUTHORITY: The provisions of this Part 332 issued under authority of sec. 22 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c).

§ 332.1 Offering of bonds.

The Secretary of the Treasury hereby offers for sale to the people of the United States, U.S. Savings Bonds of Series H, hereinafter generally referred to as "Series H bonds" or "bonds." This offer will continue until terminated by the Secretary of the Treasury.

§ 332.2 Description of bonds.

(a) *General.* Series H bonds bear a facsimile of the signature of the Secretary of the Treasury and of the Seal of the Department of the Treasury. They are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series H bonds are issued at face (par) amount and are available in denominations of $500, $1,000 and $5,000.

(c) *Inscription and issue.* At the time of issue the issuing agent will (1) inscribe on the face of each Series H bond the name, taxpayer identifying number,[1] and address of the owner, and the name of the beneficiary, if any, or the name and address of the first-named coowner and the taxpayer identifying number[1] of one coowner, (2) enter in the upper right-hand portion of the bond the issue date, and (3) imprint the agent's dating stamp in the lower righthand portion to show the date the bond is actually inscribed. A Series H bond shall be valid only if an authorized issuing agent receives payment therefor and duly inscribes, dates, stamps, and delivers it in accordance with the purchaser's instructions.

(d) *Term.* A Series H bond will be dated as of the first day of the month in which payment therefor is received by an agent authorized to issue the bonds. This date is the issue date and the bond will mature and be payable 10 years from the issue date. The bond may not be called for redemption before the maturity date or any authorized extended maturity date, but may be redeemed at par after 6 months from the issue date. However, the Department may require reasonable notice of presentation for redemption before the maturity date or any authorized extended maturity date.

(e) *Interest (investment yield).* The interest on a Series H bond will be paid semiannually by check drawn to the order of the registered owner or coowners, beginning 6 months from issue date. Interest payments will be on a graduated scale, fixed to produce an investment yield of approximately 5 percent per annum, compounded semiannually, if the bond is held to maturity but the yield will be less if the bond is redeemed prior thereto (see Table 1). Interest will cease at maturity, or at the end of the extension period for bonds for which an extension has been granted, or in the case of redemption before maturity, at the end of the interest period next preceding the date of redemption, except that if the date of redemption falls on an interest payment date, interest will cease on that date.

(f) *Outstanding bonds with issue dates June 1, 1969, or thereafter.* Series H bonds with issue dates of June 1, 1969, or thereafter, and outstanding on the effective date of the regulations in this part, are deemed to be Series H bonds issued under the terms of this circular and the interest provided for in paragraph (e) of this section, is applicable to such bonds. Series H bond stock on sale prior to June 1, 1969, will be used for issue under this circular until such time as new stock is printed and supplied to issuing agents. Such bonds have the new interest rate as fully as if expressly set forth in the text of the bonds. It will be unnecessary for owners to exchange bonds issued on old stock for bonds on new stock as the Department of the Treasury will issue interest checks for the bonds in the approriate amounts as set forth in Table 1. However, when the new stock becomes available, issuance on the new stock may be obtained by presentation for that purpose of bonds issued on the old stock to any Federal Reserve Bank or Branch, or to the Treasurer of the United States, Securities Division, Washington, D.C. 20220.

[1] The number required to be used on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security account number or employer identification number). If the coowners are husband and wife, the husband's number should be furnished. If the coowners are a minor and an adult, the adult's number should be furnished.

§ 332.3 Governing regulations.

Series H bonds are subject to the regulations of the Treasury Department, now or hereafter prescribed, governing U.S. Savings Bonds, contained in Department Circular No. 530, current revision (Part 315 of this subchapter).[2]

§ 332.4 Registration.

(a) *General.* Generally, only residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Canal Zone and citizens of the United States temporarily residing abroad are eligible to be named as owners of Series H bonds. The bonds may be registered in the names of natural persons in their own right as provided in paragraph (b) of this section, and in the names and titles or capacities of fiduciaries and organizations as provided in paragraph (c) of this section. Full information regarding authorized forms of registration and restrictions with respect thereto will be found in the governing regulations.

(b) *Natural persons in their own right.* The bonds may be registered in the names of natural persons (whether adults or minors) in their own right, in single ownership, coownership, and beneficiary forms.

(c) *Others.* The bonds may be registered in single ownership form in the names of fiduciaries and private and public organizations, as follows:

(1) *Fiduciaries.* In the names of and showing the titles or capacities of any persons or organizations, public or private, as fiduciaries (including trustees, legal guardians or similar representatives, and certain custodians) but not where the fiduciary would hold the bonds merely or principally as security for the

[2] Copies may be obtained on application to any Federal Reserve Bank or Branch or the Bureau of the Public Debt, Washington, D.C. 20220, or its Chicago Office, 536 South Clark Street, Chicago, Ill. 60605.

performance of a duty, obligation, or service.

(2) *Private and public organizations.* In the names of private or public organizations (including private corporations, partnerships, and unincorporated associations, and States, counties, public corporations, and other public bodies), in their own right, but not in the names of commercial banks.[3]

§ 332.5 Limitation on holdings.

The amount of Series H bonds originally issued during any 1 calendar year that may be held by any one person, at any one time, computed in accordance with the governing regulations, is limited, as follows:

(a) *General limitation.* $5,000 (face amount) for the calendar year 1969[4] and each calendar year thereafter.[5]

(b) *Special limitation for gifts to exempt organizations under 26 CFR 1.501(c)(3)–1.* $200,000 (face amount) for the calendar year 1969 and each calendar year thereafter for bonds received as gifts by an organization which at the time of purchase was an exempt organization under the terms of 26 CFR 1.501(c)(3)–1.

(c) *Exchanges pursuant to Department Circular No. 1036, as amended.* Series H bonds issued in exchange for bonds of Series E[6] under the provisions of Department Circular No. 1036, as amended (Part 339 of this subchapter), are exempt from the annual limitation.

§ 332.6 Purchase of bonds.

(a) *Agents.* Only the Federal Reserve Banks and Branches and the Treasury Department are authorized to act as official issuing agents for the sale of Series H bonds. However, financial institutions may forward applications for purchase of the bonds. The date of receipt of the application and payment to an issuing agent will govern the issue date of the bonds purchased.

(b) *Application for purchase and remittance.* The applicant for purchase of Series H bonds should furnish (1) instructions for registration of the bonds to be issued, which must be in authorized form, (2) the appropriate taxpayer identifying number,[1] (3) the post office address of the owner or first-named coowner, and (4) the address for delivery of the bonds and for mailing checks in payment of interest, if other than that of the owner or first-named coowner. The application should be forwarded to a Federal Reserve Bank or Branch or the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, accompanied by a remittance to cover the purchase price. Any form of exchange including personal checks will be accepted subject to collection. Checks or other forms of exchange should be drawn to the order of the Federal Reserve Bank or Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable. Any depositary qualified pursuant to Treasury Department Circular No. 92, current revision (Part 203 of this chapter), will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

§ 332.7 Delivery of bonds.

Authorized issuing agents will deliver the Series H bonds either in person, or by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone. No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

§ 332.8 Extended term and improved yields for outstanding bonds.

(a) *Extended maturity period*—(1) *General.* The term "extended maturity period," when used herein, refers to the interval after the maturity dates during which owners may retain their bonds and continue to earn interest thereon. No special action is required of owners desiring to take advantage of any extensions heretofore or hereby granted. Merely by continuing to hold their bonds after maturity, owners will continue to earn further interest.[7]

(2) *Bonds with issue dates June 1, 1952, through November 1, 1965.* Owners of Series H bonds with issue dates of June 1, 1952, through November 1, 1965, may retain their bonds for an extended maturity period of 10 years.

(b) *Improved yields*[8]—(1) *Outstanding bonds.* The investment yield on all Series H bonds outstanding on the effective date of the regulations in this part is hereby increased to approximately 5 percent per annum, compounded semiannually, as follows:

(i) *Bonds with issue dates June 1, 1961, through May 1, 1969.* For the remaining period to the maturity date.

(ii) *Bonds with issue dates December 1, 1959, through May 1, 1961.* For any remaining period to the maturity date, and for the extended maturity period.

(iii) *Bonds with issue dates June 1, 1952, through November 1, 1959.* For any remaining period to the extended maturity date.

The yield will be less if the bonds are redeemed earlier. The increase, on a graduated basis, will begin with the first interest period starting on or after June 1, 1969.

(2) *Presently authorized extensions.* The investment yield for any presently authorized extension period for which tables of redemption values and investment yields are not announced and published herein will be at the rate in effect for Series H bonds currently issued on the maturity date.

§ 332.9 Taxation.

The income derived from Series H bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, by any of the possessions of the United States, or by any local taxing authority.

§ 332.10 Redemption or payment.

Prior to maturity, or extended maturity for bonds having an extended maturity period, a Series H bond will be redeemed at par at the option of the owner, in whole or in part, in the amount of an authorized denomination or multiple thereof, after 6 months from issue date, upon presentation and surrender of the bond with a duly executed request for payment to (a) a Federal Reserve Bank or Branch, (b) the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, or (c) the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill. 60605. However, a bond received for redemption or payment by an agency during the calendar month preceding an interest payment date will not be redeemed or paid until that date. At or after maturity, or extended maturity for bonds having an extended maturity period, a bond presented for redemption will be paid at par.

§ 332.11 Reservation as to issue of bonds.

The Secretary of the Treasury reserves the right to reject any application for Series H bonds, in whole or in part, and to refuse to issue or permit to be issued hereunder any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

§ 332.12 Preservation of rights.

Nothing contained herein shall limit or restrict rights which owners of Series H bonds heretofore issued have acquired under offers previously in force.

§ 332.13 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption, and payment of Series H bonds.

§ 332.14 Reservation as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds (this Part 332), or of any amendments or supplements thereto.

TABLES OF REDEMPTION VALUES AND INVESTMENT YIELDS FOR U.S. SAVINGS BONDS OF SERIES E

Each table shows: (1) the redemption value for each successive half-year term of holding during the current maturity period and the authorized redemption values during any subsequent maturity period, on bonds bearing issue dates covered by the table; (2) the approximate investment yield from the beginning of each half-year period to the end of the period, on the basis of the purchase price from issue date to the beginning of each half-year period; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to next maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

TABLE 1

BONDS BEARING ISSUE DATES BEGINNING JUNE 1, 1969

Issue Price	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$3,750.00	$7,500	Approximate investment yield
Denomination	50.00	75.00	100.00	200.00	500.00	1,000.00	10,000.			
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first days of period shown)							(2) On purchase price from issue date to beginning of each half-year period [1]	(3) On current redemption value from beginning of each half-year period [1] to maturity	
								Percent	*Percent*	
First ½ year	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	5.00
½ to 1 year	19.01	38.02	57.03	76.04	152.40	381.00	762.00	7,620	3.26	5.17
1 to 1½ years	19.51	39.02	58.53	78.04	156.08	390.20	780.40	7,804	4.01	5.20
1½ to 2 years	19.95	39.90	59.85	79.80	159.60	399.00	798.00	7,980	4.18	5.29
2 to 2½ years	20.40	40.80	61.20	81.60	163.20	408.00	816.00	8,160	4.35	5.39
2½ to 3 years	20.88	41.76	62.64	83.52	167.04	417.60	835.20	8,352	4.44	5.49
3 to 3½ years	21.39	42.78	64.17	85.56	171.12	427.80	855.60	8,556	4.53	5.60
3½ to 4 years	21.92	43.84	65.76	87.72	175.44	438.60	877.20	8,772	4.64	5.74
4 to 4½ years	22.58	45.06	67.59	90.12	180.24	450.60	901.20	9,012	4.64	5.75
4½ to 5 years	23.16	46.32	69.48	92.64	185.28	463.20	926.40	9,264	4.75	5.85
5 to 5½ years	23.82	47.64	71.46	95.28	190.56	476.40	952.80	9,528	4.84	5.94
5½ years to 5 years and 10 months	24.51	49.02	73.53	98.04	196.08	490.20	980.40	9,804	4.93	6.15
MATURITY VALUE (5 years and 10 months from issue date)	25.01	50.02	75.03	100.04	200.08	500.20	1,000.40	10,004	5.00	

[1] 4-month period in the case of the 5½ year to 5 year and 10 month period.

[1] See page 19409 for footnote.

[3] Commercial banks, as defined in § 315.7 (c) (1) of this subchapter, Department Circular No. 530, current revision, for this purpose are those accepting demand deposits.

[4] Investors who purchased less than $5,000 (face amount) of the bonds prior to the effective date of these regulations will be entitled only to purchase enough to bring their total for the year to that amount. Investors who purchased more than that amount prior to the effective date will not be entitled to purchase additional bonds during the calendar year.

[5] The proceeds of redemption of bonds of Series F, G, J, and K, all now matured, may be used by owners to purchase Series H bonds without regard to the limitation under the conditions and restrictions set forth in § 332.5(b) of the Fourth Revision of this circular.

[6] Series J bonds became ineligible for exchange under Department Circular No. 1036, as amended, on Nov. 1, 1969.

[7] The Tables incorporated herein, arranged according to issue dates, show the current schedules of interest payments and investment yields.

[8] See Appendix for maturities and summary of investment yields to maturity and extended maturity dates under regulations heretofore prescribed for Series H bonds with issue dates June 1, 1952, through May 1, 1969.

TABLES OF CHECKS ISSUED AND INVESTMENT YIELDS FOR U.S. SAVINGS BONDS OF SERIES H

Each table shows: (1) The amounts of interest check payments during the current maturity period and during any authorized subsequent maturity period, on bonds bearing issue dates covered by the table; (2) for each maturity period shown, the approximate investment yield on the face value from the beginning of such maturity period to each subsequent interest payment date; and (3) the approximate investment yield on the face value from each interest payment date to next maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

TABLE 1

BONDS BEARING ISSUE DATES BEGINNING JUNE 1, 1969

Face value: Maturity value	$500	$1,000	$5,000	Approximate investment yield on face value
Redemption value [1]	500	1,000	5,000	
Issue price	500	1,000	5,000	

Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination			(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
				Percent	
½ year	$8.75	$17.50	$87.50	3.50	6.10
1 year	12.75	25.50	127.50	4.29	6.10
1½ years	12.75	25.50	127.50	4.55	6.10
2 years	12.75	25.50	127.50	4.64	6.10
2½ years	12.75	25.50	127.50	4.76	6.10
3 years	12.75	25.50	127.50	4.82	6.10
3½ years	12.75	25.50	127.50	4.85	5.10
4 years	12.75	25.50	127.50	4.88	5.10
4½ years	12.75	25.50	127.50	4.99	5.10
5 years	12.75	25.50	127.50	4.92	5.10
5½ years	12.75	25.50	127.50	4.94	5.10
6 years	12.75	25.50	127.50	4.95	5.10
6½ years	12.75	25.50	127.50	4.96	5.10
7 years	12.75	25.50	127.50	4.97	5.10
7½ years	12.75	25.50	127.50	4.97	5.09
8 years	12.75	25.50	127.50	4.98	5.10
8½ years	12.75	25.50	127.50	4.99	5.10
9 years	12.75	25.50	127.50	4.99	5.10
9½ years	12.75	25.50	127.50	5.00	5.10
10 years (maturity)	12.75	25.50	127.50	5.00	----------

[1] At all times, except that bond is not redeemable during first 6 months.

APPENDIX

Maturities and summary of investment yields to maturity and extended maturity dates under regulations heretofore prescribed for Series H bonds with issue dates June 1, 1952, through May 1, 1969 (rates percent per annum, compounded semiannually).

Issue dates	Term to original maturity	Yields: To original maturity date	Yields: To extended maturity date (10 years)
June 1952–January 1957	9 years, 8 months	3.00%	8.75%.
		+0.5% June 1, 1959	+0.4% December 1, 1968.
		+0.4% December 1, 1965	+0.1% June 1, 1969.
February 1957–May 1959	10 years	3.00%	4.13%.
		+0.8% June 1, 1959	+0.1% June 1, 1968.
		+0.4% December 1, 1965	
		+0.1% June 1, 1968	
June 1959–November 1965	10 years	3.75%	4.25%.
		+0.4% December 1, 1965	
		+0.1% June 1, 1968	
December 1965–May 1968	10 years	4.15%	
		+0.1% June 1, 1968	
June 1968–May 1969	10 years	4.22%	
		+0.1% June 1, 1968	

ADDENDUM

December 1969 interest for outstanding Series H Bonds with December 1, 1969 interest payment dates.

Issue dates		Interest due by denominations			
Years	Months	$500	$1,000	$5,000	$10,000
1952	October	10.80	21.60	108.00	216.00
1953	April	10.65	21.30	106.50	213.00
	October	10.60	21.20	106.00	212.00
1954	April	10.30	20.60	103.00	206.00
	October	10.25	20.50	102.50	205.00
1955	April	10.15	20.30	101.50	203.00
	October	10.10	20.20	101.00	202.00
1956	April	10.50	21.00	105.00	210.00
	October	10.50	21.00	105.00	210.00
1957	June	10.50	21.00	105.00	210.00
	December	10.50	21.00	105.00	210.00
1958	June	10.50	21.00	105.00	210.00
	December	10.45	20.90	104.50	209.00
1959	June	12.50	25.00	125.00	250.00
	December	12.62	25.24	126.20	252.40
1960	June	12.05	24.10	120.50	241.00
	December	12.00	24.00	120.00	240.00
1961	June	11.45	22.90	114.50	229.00
	December	11.35	22.70	113.50	227.00
1962	June	11.35	22.70	113.50	227.00
	December	11.25	22.50	112.50	225.00
1963	June	11.20	22.40	112.00	224.00
	December	10.80	21.60	108.00	216.00
1964	June	10.75	21.50	107.50	215.00
	December	10.70	21.40	107.00	214.00
1965	June	10.65	21.30	106.50	213.00
	December	10.85	21.70	108.50	217.00
1966	June	10.85	21.70	108.50	217.00
	December	10.85	21.70	108.50	217.00
1967	June	10.85	21.70	108.50	217.00
	December	10.85	21.70	108.50	217.00
1968	June	10.85	21.70	108.50	217.00
	December	9.80	19.60	98.00	196.00
1969	June	8.75	17.50	87.50	175.00

[F.R. Doc. 69-14437; Filed, Dec. 2, 1969; 9:25 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 235

Tuesday, December 9, 1969 • Washington, D.C.

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REFERENCE

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Agriculture Department
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Geological Survey
Housing and Urban Development Department
Indian Affairs Bureau
Interior Department
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Packers and Stockyards Administration
Public Health Service
Small Business Administration
Social Security Administration

Detailed list of Contents appears inside.



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Title 3—THE PRESIDENT

Order of December 8, 1969

DESIGNATION OF DIRECTOR OF THE BUREAU OF THE BUDGET AS MEMBER OF FEDERAL LABOR RELATIONS COUNCIL

Pursuant to the provisions of section 4 of Executive Order 11491, I hereby designate the Director of the Bureau of the Budget as a member of the Federal Labor Relations Council. This order of designation shall be published in the FEDERAL REGISTER.

Richard Nixon

THE WHITE HOUSE,
December 8, 1969.

[F.R. Doc. 69-14711; Filed, Dec. 8, 1969; 12:05 p.m.]

Rules and Regulations

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[No. 40297]

MISCELLANEOUS AMENDMENTS TO CHAPTER

In the matter of amendments of Parts 1, 81, 83, 85, and 87 of the Commission's rules to make editorial changes pursuant to waiver of construction permit requirements for stations in these services and to adopt a new application Form 503 for use in the marine service.

1. On June 4, 1969, the Commission adopted a report and order waiving the construction permit requirement in the Safety and Special Radio Services (FCC 69-636 34 F.R. 9282). As a consequence, editorial changes are required in the various parts of the rules.

2. It is also necessary to adopt a new application form[1] (FCC Form 503) for applications in the Maritime Mobile and Alaska Public fixed service. Form 407, Application for Construction Permit and Form 403, Application for License will no longer be used in these services.

3. Editorial changes are made in accordance with the above along with other minor editorial changes.

4. The rule amendments adopted herein are editorial in nature or relate to matters of procedure, hence, the prior notice and procedure provisions of 5 U.S.C. 553 are not applicable.

5. In view of the foregoing: *It is ordered*, That pursuant to the authority contained in sections 4(i), 5(d), and 303 (r) of the Communications Act of 1934, as amended, and § 0.261(a) of the rules and regulations, Parts 1, 81, 83, 85, and 87 of the rules and regulations are amended effective March 2, 1970, as set forth below.

6. *It is further ordered*, That FCC Form 407 may be used in applying for station license in Maritime Mobile and Alaska Public fixed services until March 2, 1970, when use of Form 503 will be required.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: December 3, 1969.

Released: December 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Parts 1, 81, 83, 85, and 87 of the Commission's rules are amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. Section 1.911 (a) and (b) is amended to read as follows:

[1] Filed as part of the original document.

§ 1.911 Applications required.

(a) Except as provided in paragraph (b) of this section, station licenses as defined in section 3(bb) of the Communications Act; operator licenses or modifications of renewals thereof; assignments of station licenses or any rights thereunder; and consent to transfer control of a corporation holding a license, shall be granted only upon written and signed application.

(b) In cases (1) of an emergency found by the Commission involving danger to life or property or due to damage to equipment, or (2) of a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, or (3) of emergency where the Commission finds, in these services, that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission may grant station licenses, or modifications or renewals thereof, without the filing of a formal application; but no such authorization shall be granted for or continue in effect beyond the period of the emergency or war requiring it. The procedure to be followed for requests submitted under the provisions of this paragraph is the same as for obtaining special temporary authority under § 1.925.

• • • • •

2. Section 1.922 is amended by deleting Forms 403 and 407 from the list of forms and adding Form 503 between Forms 502 and 505 to read:

§ 1.922 Forms to be used.

FCC form	*Title*
•	•
503	Application for Land Radio Station License in the Maritime Mobile or Alaska Public Fixed Service under Parts 81, 83 and 85.
•	•

3. In § 1.953, paragraph (b)(3) is deleted and "[Reserved]" inserted to read as follows:

§ 1.953 How applications are processed.

• • • • •

(b) • • •

(3) [Reserved]

• • • • •

PART 81—STATIONS ON LAND IN MARITIME SERVICES

4. Section 81.24 is amended to read as follows:

§ 81.24 Application precedent to authorization.

(a) Except as otherwise provided in §§ 81.26 and 81.41, no authorization will be granted for use or operation of any radio station governed by this part, nor for any change in station control, facilities, services, equipment or antenna, unless formal written application therefor in proper form first is filed with the Commission.

(b) Except as otherwise permitted by this part, a separate application shall be filed in respect to each station and service subject to this part.

(c) Each application for radio station authorization, and all correspondence relating thereto, shall be submitted in duplicate to the Commission's offices in Washington, D.C.

(d) Except as otherwise provided in § 81.41 an application should be filed at least 60 days prior to the date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date.

5. Section 81.27(a) is amended to read as follows:

§ 81.27 Defective applications.

(a) Each application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission. An application which is defective with respect to completeness of answers to required questions, execution, or other matters of a purely formal character, will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the defect.

• • • • •

6. Section 81.31, including headnote, is revised to read as follows:

§ 81.31 Supplemental information required.

(a) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, or temporary fixed, seeking a station license for a new station, or to modify an existing station license in a manner which would change the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15' N. on the north, 78°30' W. on the east, 37°30' N. on the south and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, W. Va. 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency,

type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such application, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(b) An application for license which shows on its face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing manmade structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to the Federal Aviation Administration.

(c) Applicants proposing to establish a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

7. Section 81.33 is amended to read as follows:

§ 81.33 Application concerning marine-utility stations.

(a) A marine-utility station which is to be used and operated on board vessels is subject to the provisions of Part 83 of this chapter. If the station is to be operated solely aboard vessels, application for station license may be filed in accordance with the applicable provisions of Part 83 of this chapter.

(b) When a marine-utility station is to be used and operated at any location on land (whether or not it is to be operated additionally on board vessels) the station is subject to the applicable provisions of this part.

8. Section 81.34 is amended to read as follows:

§ 81.34 Temporary and permanent station locations.

(a) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than 6 months, the station location is construed to be temporary. An application for license relative to such station shall specify the station location as temporary, and shall designate each temporary location at which the station is to be used and operated or shall specify the general geographic area within which the use and operation of the station will be confined.

NOTE: A general area may be designated in terms of a specific city, county, State, region, etc., or more than one of these designations may be specified. See also §§ 81.70 and 81.71.

(b) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at a single location for 6 months or more, the station location is construed to be permanent and shall be designated accurately in the application for license.

9. Present § 81.35 is deleted and a new § 81.35 is added to read as follows:

§ 81.35 Forms to be used.

(a) Application for new, or modified licenses for stations subject to this part, except as provided in paragraph (b) of this section, shall be submitted on FCC Form 503.

(b) Applications for new or modified licenses for operational stations using frequencies above 952 Mc/s in accordance with Subpart P of this part shall be submitted on FCC Form 402.

(c) Application for renewal of licenses issued in accordance with this part shall be submitted on FCC Form 405–A.

10. In § 81.36, paragraph (a) is amended and paragraph (b) is deleted and "[Reserved]" inserted to read as follows:

§ 81.36 Changes in authorized stations.

(a) Except as otherwise provided in this section, an application for modification of license shall be filed when any change is to be made which would result in a deviation from terms of the authorization.

(b) [Reserved]

* * * * *

11. Section 81.39(a) is amended by deleting subparagraphs (2) and (3) and inserting "[Reserved]" to read as follows:

§ 81.39 Applications filed concurrently.

(a) * * *

(2) [Reserved]

(3) [Reserved]

* * * * *

12. Section 81.40(a) is amended to read as follows:

§ 81.40 One application for plurality of stations.

(a) As indicated below, one application may be submitted to cover two or more stations subject to the conditions prescribed in paragraph (b) of this section: *And provided*, The individual stations covered by each application are clearly identified therein:

(1) Applications for station licenses for marine-utility stations to be used and operated in the same geographic area.

(2) Application for modification of station licenses for any class of station subject to this part when the modification requested is the same for all stations covered by the application;

(3) Application for consent to assignment or control of station authorization;

* * * * *

13. Section 81.48(a) is amended to read as follows:

§ 81.48 Applications in an emergency.

(a) In cases of emergency involving danger to life or property or due to damage to equipment, application for a station license, or modification or renewal thereof, may be filed by telegram or letter. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted to operate a station in accordance with the request for the duration of such emergency: *Provided*, That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such request by filing, as soon as practicable thereafter, a written application for the same authorization as normally prescribed by applicable provisions of this part.

* * * * *

14. Present § 81.61 is deleted and a new § 81.61 is added to read as follows:

§ 81.61 Time in which station must be placed in operation.

In those cases in which a license is issued initially in lieu of a construction permit, if the station authorized is not placed in operation within 8 months from the date of the grant, the authorization shall be invalid and must be returned to the Commission for cancellation.

15. Section 81.68 is amended to read as follows:

§ 81.68 One authorization for plurality of stations.

(a) Unless otherwise determined by the Commission, one station license may be issued to authorize the use and operation of a designated maximum number of marine-utility stations, normally in multiples of 10 stations, whenever the following elements are the same for each station and the requirement specified in paragraph (b) of this section is fulfilled.

(b) The transmitting equipment authorized for use by the station license shall not be authorized in any other instrument of authorization issued by the Commission.

(c) Unless otherwise directed by the Commission, one station license shall be issued to authorize the use and operation of (1) a land station to be operated primarily as a limited coast station in the maritime mobile service and on a secondary basis as a shipyard base station in the land mobile service, and (2) one or more shipyard mobile stations in the land mobile service which are to communicate with such land station from within the local geographic area in which the land station is located.

16. Section 81.403 is amended to read as follows:

§ 81.403 Special conditions imposed.

(a) An authorization granted for the operation of a shore radionavigation station shall be subject to the express condition that insofar as the station may be operated to provide information to be used for the purpose of aiding in the movement of any ship, the station shall be treated as a private aid to navigation for which permission must be obtained by the station permittee or licensee from the Commandant, U.S. Coast Guard, as provided in section 83, title 14, United States Code.

(b) Upon the grant of an authorization for the operation of a shore radionavigation station, the Commission will forward to the Commandant, U.S. Coast Guard, Washington, D.C., notification thereof together with a copy of the authorization.

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

17. Section 83.31 is amended to read as follows:

§ 83.31 Applications concerning marine-utility stations.

Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels), such station is subject to the applicable provisions of Part 81 of this chapter and an application for license for such station shall be filed with the Commission, pursuant to the requirements therefor contained in that part.

18. Section 83.36(b) is amended to read as follows:

§ 83.36(b) Application forms for station authorizations.

* * * * *

(b) FCC Form 503 shall be used for filing formal application for new or modified station license in the maritime radiolocation service.

* * * * *

PART 85—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

19. Section 85.21 is amended to read as follows:

§ 85.21 Authorization required for operation of a radio station.

Any radio station required by the Communications Act to be licensed shall not be operated in any service regulated by this part except under and in accordance with a valid station authorization granted by the Commission. Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements; the extent of this exemption and related matters are set forth in Part 15, "Radio Frequency Devices", of this chapter. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, "Industrial, Scientific, and Medical Equipment", of this chapter.

20. Section 85.22(e) is amended to read as follows:

§ 85.22 Application precedent to authorization.

* * * * *

(e) An application by a corporation for a license for an Alaska-public fixed station or a public coast station proposing to establish common carrier radio facilities must (unless previously filed with the Commission) be accompanied by a copy of the applicant's charter, acts of incorporation, or articles of incorporation certified by the Secretary of State of the place of incorporation, or certified otherwise by an appropriate public official.

* * * * *

21. In § 85.23(a), subparagraph (1) is deleted and "[Reserved]" inserted and subparagraph (3) is amended to read as follows:

§ 85.23 One application for fixed and coast station.

(a) * * *

(1) [Reserved]

* * * * *

(3) Application for modification of license when the desired modification will apply similarly to both classes of station;

* * * * *

22. Section 85.62(a) is amended to read as follows:

§ 85.62 One authorization for fixed and coast stations.

(a) Unless otherwise determined by the Commission, one station license may be issued to authorize the use and operation of an Alaska-public fixed station and a public coast station in the Alaska area when—

(1) The licensee of each station is the same;

(2) The location of each station is identical;

(3) The conditions which establish and maintain control of each station by the station licensee are the same.

* * * * *

PART 87—AVIATION SERVICES

23. Section 87.31(d) is amended to read as follows:

§ 87.31 Application for ground station authorization.

* * * * *

(d) Application for license, modification, or assignment thereof for a fixed station using frequencies above 952 Mc/s (a so-called microwave station) shall be submitted on FCC Form 402.

* * * * *

24. Section 87.35(a) is amended to read as follows:

§ 87.35 Changes in authorized station.

(a) Except as otherwise provided in this section, an application for modification of license shall be filed when any change is to be made which would result in deviation from the terms of the authorization.

* * * * *

25. Section 87.37 is amended to read as follows:

§ 87.37 Radio astronomy protection.

In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, temporary fixed, or Civil Air Patrol seeking a station license for a new station, or to modify an existing station license in a manner which would change the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south, and 80°30′ W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, W. Va. 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

§ 87.91 [Deleted]

26. Section 87.91 is deleted.

[F.R. Doc. 69–14579; Filed, Dec. 8, 1969; 8:47 a.m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

Order. In the matter of recapitulation and editorial amendment of § 2.106 of the rules and regulations, Table of Frequency Allocations.

1. For administrative reasons, it is desirable at this time to recapitulate § 2.106, *Table of frequency allocations*, to reflect amendments to that section adopted since January 1, 1969. Section 2.106 is also being amended editorially at this time by substituting the term "Hertz (Hz)" for the term "cycle(s) per second (c/s)," in its various forms, as it appears throughout this section, thereby conforming § 2.106 in this respect with current accepted usage.

2. Authority for the editorial amendments to § 2.106 is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), and 303(r), and § 0.261 (a) of the Commission's rules, 47 CFR 0.261(a). Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. In view of the foregoing: *It is ordered*, Effective December 10, 1969, that § 2.106 of the rules and regulations is revised to read as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: November 28, 1969.

Released: December 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

§ 2.106 Table of Frequency Allocations.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Band (kHz)	Service	Class of station	Frequency (kHz)	Nature {OF SERVICES / of stations}
1	2	3	4	5	6	7	8	9	10	11
Below 10 (157)	(Not allocated).			Below 10	(Not allocated).	Below 10	(Not allocated).			
10–14	RADIONAVIGATION. Radiolocation.					10–14	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.
14–19.95 (159)	FIXED. MARITIME MOBILE. (158)					14–19.95	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
19.95–20.05 (159)	STANDARD FREQUENCY. (160)					19.95–20.05	STANDARD FREQUENCY.	Standard frequency.	20	Standard frequency.
20.05–70 (159) (161)	FIXED. MARITIME MOBILE. (158)					20.05–59	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
						59–61	STANDARD FREQUENCY.	Standard frequency.	60	Standard frequency.
						61–70	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
70–90		70–90 (164)	FIXED. MARITIME MOBILE. (158) MARITIME RADIONAVIGATION. (162) Radiolocation.			70–90 (US103)	FIXED. Radiolocation.	Fixed. Radiolocation land. Radiolocation mobile.		INTERNATIONAL FIXED PUBLIC. RADIOLOCATION.
90–110		90–110 (166) (167)	RADIONAVIGATION. FIXED. Maritime mobile. (158)			90–110 (166) (US18) (US104)	RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		RADIONAVIGATION.
110–130		110–130 (164) (167) (168)	FIXED. MARITIME MOBILE. MARITIME RADIONAVIGATION. (162) Radiolocation.			110–130 (US103)	FIXED. MARITIME MOBILE. Radiolocation.	Coast. Fixed. Radiolocation land. Radiolocation mobile. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. RADIOLOCATION.
130–160		130–160 (167)	FIXED. MARITIME MOBILE.			130–160	FIXED. MARITIME MOBILE.	Coast. Fixed. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE.
160–200		160–200	FIXED. (179)			160–200	FIXED.	Fixed.		FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
200–285		200–285	AERONAUTICAL RADIONAVIGATION. Aeronautical mobile.			200–285	AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION.
285–315	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.					285–325 (US16)	MARITIME RADIONAVIGATION. (US18)	Radionavigation land.		MARITIME RADIONAVIGATION.
315–325		315–325	MARITIME RADIONAVIGATION (radiobeacons). Aeronautical radionavigation.							
325–405	AERONAUTICAL RADIONAVIGATION. Aeronautical mobile. (181)					325–405	AERONAUTICAL RADIONAVIGATION. (US18) Aeronautical mobile.	Aeronautical. Aircraft. Radionavigation land.		AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION.
405–415 (182)		405–415	MARITIME RADIONAVIGATION (radio direction-finding). *Aeronautical radionavigation.* Aeronautical mobile.			405–415 (US18)	MARITIME RADIONAVIGATION (radio direction-finding). Aeronautical radionavigation. Aeronautical mobile. (US19)	Aeronautical. Aircraft. Radionavigation land. Radionavigation mobile.	410	Radio direction-finding.
415–490	MARITIME MOBILE. (185) (186)					415–490	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE (telegraphy).
490–510 (187)	MOBILE (distress and calling).					490–510	MOBILE.	Coast. Mobile.	500	Distress and calling.
510–525		510–525	MOBILE. *Aeronautical radionavigation.* (188)			510–535 (US14)				
525–535		525–535	MOBILE. *Broadcasting.* (191) *Aeronautical radionavigation.* (188)							
535–1605	BROADCASTING.					535–1605 (US15) (NG16)	BROADCASTING.			Standard broadcasting.

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
1605-1800		1605-1800	FIXED. MOBILE. AERONAUTICAL RADIONAVIGATION. Radiolocation.			1605-1715 (US97)	AERONAUTICAL RADIONAVIGATION. FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.	Base. Mobile. Fixed. Land mobile. Radionavigation land.	1638 1708	AERONAUTICAL FIXED. AERONAUTICAL RADIONAVIGATION. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION. Remote pickup broadcast base. Remote pickup broadcast mobile. Radionavigation land. Do.
						1715-1750	FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.	Base. Mobile. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION.
						1750-1800 (NG14)	FIXED. MOBILE. RADIOLOCATION.	Fixed. Land. Mobile.		DISASTER. RADIOLOCATION.
1800-2000		1800-2000 (198)	AMATEUR. FIXED. MOBILE except aeronautical mobile. RADIONAVIGATION.			1800-2000 (198) (US15)	RADIONAVIGATION. Amateur. (NG15)	Amateur. Loran.		AMATEUR. Loran.
2000-2065		2000-2065	FIXED. MOBILE.			2000-2035	MARITIME MOBILE. (NG19)	Coast. Ship.		MARITIME MOBILE.
						2035-2065	MARITIME MOBILE.	Coast.		Coast (telegraphy).
2065-2107		2065-2107	MARITIME MOBILE. (200)			2065-2068.5 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE (telephony).
						2068.5-2078.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
						2078.5-2089.5 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE (telephony).
						2089.5-2092.5	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
						2092.5-2107 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE.
2107-2170		2107-2170	FIXED. MOBILE.			2107-2170	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19)	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2170-2194	MOBILE (distress and calling). (201)					2170-2194 (201)	MOBILE.	Aircraft. Coast. Ship. Survival craft.	2182	AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony). (NG22) Distress and calling frequency.
2194-2300		2194-2300	FIXED. MOBILE.			2194-2495	FIXED. LAND MOBILE. MARITIME MOBILE. (NG19)	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
2300-2495		2300-2495	FIXED. MOBILE. BROADCASTING. (202)							
2495-2505		2495-2505 (203) (204)	STANDARD FREQUENCY.			2495-2505 (US68)	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	2500	RADIO ASTRONOMY. Standard frequency.

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
2505-2625		2505-2625	FIXED. MOBILE.			2505-2850 (NG20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE.
2625-2850		2625-2850	FIXED. MOBILE.						2638	Intership (telephony). (NG44)
									2738	Do.
									2804	PUBLIC SAFETY. Zone and interzone police.
									2808	Do.
									2812	Do.
2850-3025	AERONAUTICAL MOBILE. (R)					2850-3025 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3025-3155	AERONAUTICAL MOBILE. (OR)					3025-3155	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3155-3200	FIXED. MOBILE except aeronautical mobile. (R)					3155-3200	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska and Puerto Rico). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3200-3230	FIXED. MOBILE except aeronautical mobile. (R) BROADCASTING. (202)					3200-3250 (NG20)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3230-3400	FIXED. MOBILE except aeronautical mobile. BROADCASTING. (202)					3230-3240 (US105)	FIXED. LAND MOBILE. MARITIME MOBILE.	Base. Coast. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
						3240-3400 (US105)	FIXED. LAND MOBILE. MARITIME MOBILE. MOBILE.	Base. Coast. Fixed. Land. Land mobile. Mobile. Ship.		AVIATION (flight test and aeronautical fixed only). FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY.
3400-3500	AERONAUTICAL MOBILE. (R)					3400-3500 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
3500-4000		3500-4000	AMATEUR. FIXED. MOBILE except aeronautical mobile. (R)			3500-4000	AMATEUR.	Amateur.		AMATEUR.
4000-4063	FIXED.					4000-4063	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4063-4438	MARITIME MOBILE. (208) (209)					4063-4139.5	MARITIME MOBILE.	Ship.		Ship (telephony). (NG29)
						4139.5-4142.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast. (telephony, simplex).
						4142.5-4162.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
						4162.5-4166	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast. (Oceanographic data transmission).
						4166-4172.25	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
						4172.25-4178	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
						4178-4187	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
						4187-4231	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).
						4231-4361	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
						4361-4438	MARITIME MOBILE.	Coast.		Coast (telephony). (NG29)

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of Services (of stations)
1	2	3	4	5	6	7	8	9	10	11
4438–4650		4438–4650	FIXED. MOBILE except aeronautical mobile. (R)			4438–4650	FIXED. MOBILE.	Base. Fixed. Mobile.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC.
4650–4700	AERONAUTICAL MOBILE. (R)					4650–4700 (NG60) (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
4700–4750	AERONAUTICAL MOBILE. (OR)					4700–4750	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
4750–4850		4750–4850	FIXED. BROADCASTING. (202)			4750–4850	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4850–4995	FIXED. LAND MOBILE. BROADCASTING. (202)					4850–4995	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
4995–5005	STANDARD FREQUENCY. (204) (210)					4995–5005 (US68)	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	5000	RADIO ASTRONOMY. Standard frequency.
5005–5060	FIXED. BROADCASTING. (202)					5005–5450	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police.
5060–5250	FIXED.									
5250–5450		5250–5450	FIXED. LAND MOBILE.							
5450–5480		5450–5480	AERONAUTICAL MOBILE. (R)			5450–5680 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
5480–5680	AERONAUTICAL MOBILE. (R)									
5680–5730	AERONAUTICAL MOBILE. (OR)					5680–5730	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
5730–5950	FIXED.					5730–5950	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
5950–6200	BROADCASTING.					5950–6200	BROADCASTING.	International broadcasting.		International broadcasting.
6200–6525 (211)	MARITIME MOBILE.					6200–6210.4	MARITIME MOBILE.	Ship.		Ship (telephony).
						6210.4–6216.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast. (telephony, simplex).
						6216.5–6244.5	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile, and special transmission systems). (NG25)
						6244.5–6248	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast. (Oceanographic data transmission).
						6248–6258.25	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
						6258.25–6267	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
						6267–6280.5	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
						6280.5–6345.5	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).
						6345.5–6514	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems). (NG27)
						6514–6525	MARITIME MOBILE.	Coast.		Coast (telephony).
6525–6685	AERONAUTICAL MOBILE. (R)					6525–6685 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6685–6765	AERONAUTICAL MOBILE. (OR)					6685–6765	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
6765–7000	FIXED.					6765–7000	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
7000–7100	AMATEUR.					7000–7300	AMATEUR.	Amateur.		AMATEUR.
7100–7300		7100–7300	AMATEUR.							
7300–8195	FIXED.					7300–8195	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC. Zone and interzone police.

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
8195-8815	MARITIME MOBILE. (213)					8195-8281.2	MARITIME MOBILE.	Ship.		Ship (telephony). (NG29)
						8281.2-8288 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast. (telephony, simplex).
						8288-8328	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile, and special transmission systems).
						8328-8331.5	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast. (Oceanographic data transmission).
						8331.5-8341.75	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
						8341.75-8356	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
						8356-8374	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
						8374-8459.5	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).
						8459.5-8728.5	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
						8728.5-8815	MARITIME MOBILE.	Coast.		Coast (telephony).
8815-8965	AERONAUTICAL MOBILE. (R)					8815-8965	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
8965-9040	AERONAUTICAL MOBILE. (OR)					8965-9040	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
9040-9500	FIXED.					9040-9500	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
9500-9775	BROADCASTING.					9500-9775	BROADCASTING.	International broadcasting.		International broadcasting.
9775-9995	FIXED.					9775-9995	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
9995-10005	STANDARD FREQUENCY. (204) (214) (215)					9995-10005 (215) (US83)	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	10000	RADIO ASTRONOMY. Standard frequency.
10005-10100	AERONAUTICAL MOBILE. (R)					10005-10100 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
10100-11175	FIXED.					10100-11175	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
11175-11275	AERONAUTICAL MOBILE. (OR)					11175-11275	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
11275-11400	AERONAUTICAL MOBILE. (R)					11275-11400 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
11400-11700	FIXED. (216)					11400-11700	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
11700-11975	BROADCASTING.					11700-11975	BROADCASTING.	International broadcasting.		International broadcasting.
11975-12330	FIXED.					11975-12330	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
12330-12300	MARITIME MOBILE. (213)					12330-12421	MARITIME MOBILE.	Ship.		Ship (telephony).
						12421-12431.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast. (telephony, simplex).
						12431.5-12479.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
						12479.5-12483	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast. (Oceanographic data transmission).
						12483-12503.25	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
						12503.25-12534	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission					
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services	
1	2	3	4	5	6	7	8	9	10	11	
						12584–12561	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).	
						12561–12689	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).	
						12689–13107.5	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).	
						13107.5–13200	MARITIME MOBILE.	Coast.		Coast (telephony).	
13200–13260	AERONAUTICAL MOBILE. (OR)					13200–13260	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.	
13260–13360	AERONAUTICAL MOBILE. (R)					13260–13360 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.	
13360–14000 (217)	FIXED.					13360–14000	FIXED.	Fixed.	13560	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. Industrial, scientific and medical equipment.	
14000–14350	AMATEUR. (218)					14000–14350	AMATEUR.	Amateur.		AMATEUR.	
14350–14990	FIXED.					14350–14990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.	
14990–15010	STANDARD FREQUENCY. (204) (219)					14990–15010 (US68)	STANDARD FREQUENCY. Radio astronomy. (US74.)	Radio astronomy. Standard frequency.	15000	RADIO ASTRONOMY. Standard frequency.	
15010–15100	AERONAUTICAL MOBILE. (OR)					15010–15100	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.	
15100–15450	BROADCASTING.					15100–15450	BROADCASTING.	International broadcasting.		International broadcasting.	

15450–15762	FIXED.					15450–15460	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.	
15762–15768	FIXED. Space Research. (215A)				(US100)						
15768–16460	FIXED.										
16460–17360	MARITIME MOBILE. (213)					16460–16565	MARITIME MOBILE.	Ship.		Ship (telephony).	
						16565–16576 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast. (telephony, simplex).	
						16576–16636.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).	
						16636.5–16640	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast. (Oceanographic data transmission).	
						16640–16660.5	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).	
						16660.5–16712	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).	
						16712–16748	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).	
						16748–16917.5	MARITIME MOBILE.	Ship		Ship (low traffic, telegraphy).	
						16917.5–17255	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).	
						17255–17360	MARITIME MOBILE.	Coast.		Coast (telephony).	
17360–17700	FIXED.					17360–17700	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.	
17700–17900	BROADCASTING.					17700–17900	BROADCASTING.	International broadcasting.		International broadcasting.	
17900–17970	AERONAUTICAL MOBILE. (R)					17900–17970 (NG61)	AERONAUTICAL MOBILE. (R)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.	

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission.				
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
17970-18030	AERONAUTICAL MOBILE. (OR)					17970-18030	AERONAUTICAL MOBILE. (OR)	Aeronautical. Aircraft.		AERONAUTICAL MOBILE.
18030-18036	FIXED. Space Research. (215A)				(US100)	18030-19990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
18036-19990	FIXED.									
19990-20010	STANDARD FREQUENCY. (204) (220) (221) (221A)					19990-20000 (US68)	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	20000	Standard frequency.
						20000-20010 (US84)	STANDARD FREQUENCY. Space research.	Earth. Space. Standard frequency.		
20010-21000	FIXED.					20010-21000	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
21000-21450	AMATEUR.					21000-21450	AMATEUR.	Amateur.		AMATEUR.
21450-21750	BROADCASTING.					21450-21750	BROADCASTING.	International broadcasting.		International broadcasting.
21750-21850	FIXED.					21750-21850	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
21850-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)					21850-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
22000-22720	MARITIME MOBILE.					22000-22094.5	MARITIME MOBILE.	Ship.		Ship (telephony).
						22094.5-22112 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast. (telephony, simplex).
						22112-22160.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
						22160.5-22164	MARITIME MOBILE.	Ship. Buoy. Interrogating Coast.		Ship. Buoy. Interrogating Coast. (Oceanographic data transmission).
						22164-22184.5	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
						22184.5-22222.5	MARITIME MOBILE.	Ship.		Ship (high traffic, telegraphy).
						22222.5-22267.5	MARITIME MOBILE.	Ship.		Ship (calling, telegraphy).
						22267.5-22374	MARITIME MOBILE.	Ship.		Ship (low traffic, telegraphy).
						22374-22624.5	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
						22624.5-22720	MARITIME MOBILE.	Coast.		Coast (telephony).
22720-23200	FIXED.					22720-23200	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
23200-23350	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR)					23200-23350	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (OR)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
23350-24990 (222)	FIXED. LAND MOBILE.					23350-24990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
24.99–25.01	STANDARD FREQUENCY. (204) (223)			24.99–25.01	G, NG. (US68)	24.99–25.01	STANDARD FREQUENCY. Radio astronomy. (US74)	Radio astronomy. Standard frequency.	25.0	RADIO ASTRONOMY. Standard frequency.
25.01–25.07	FIXED. MOBILE except aeronautical mobile.			25.01–25.33	NG.	25.01–25.33	LAND MOBILE. (NG50)	Base. Land mobile.	25.02–25.32 (NG32)	INDUSTRIAL.
25.07–25.11	MARITIME MOBILE. (224)									
25.11–25.6	FIXED. MOBILE except aeronautical mobile.			25.33–25.6	G.					
25.6–26.1	BROADCASTING.			25.6–26.1	G, NG.	25.6–26.1 (US25)	BROADCASTING.	International broadcasting.		International broadcasting.
26.1–27.5 (225) (226)	FIXED. MOBILE except aeronautical mobile.			26.1–26.48	NG.	26.1–26.48	LAND MOBILE.	Base. Land mobile.	26.11–26.47 (NG32)	Remote pickup broadcast base; remote pickup broadcast mobile.
				26.48–26.95 (US10)	G.				26.62	Civil air patrol land; civil air patrol mobile.
				26.95–27.54	NG.	26.95–26.96	FIXED.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
						26.96–27.23 (225)	CITIZENS. (US1)	Fixed. Land. Mobile.	27.12	Industrial, scientific and medical equipment.
						27.23–27.28 (225)	FIXED. MOBILE.	Fixed. Land. Mobile.		
						27.28–27.54	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
27.5–28		27.5–28	METEOROLOGICAL AIDS. FIXED. MOBILE.	27.54–28	G.					
28–29.7	AMATEUR.			28–29.7	AMATEUR. (US1)	28–29.7	AMATEUR.	Amateur.		AMATEUR.

29.7–30.005	FIXED. (228) (229) (231) (232) MOBILE.			29.7–29.89	NG.	29.7–29.8	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						29.8–29.89	FIXED. (232)	Fixed.	29.81–29.88 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
				29.89–29.91 (232)	G.					
				29.91–30	NG.	29.91–30	FIXED. (232)	Fixed.	29.92–29.99 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
30.005–30.01	FIXED. (228) (229) (231) MOBILE. SPACE RESEARCH. SPACE (Satellite identification).			30–30.56	G. (US94)					
30.01–37.75	FIXED. (228) (229) (230) (231) MOBILE.			30.56–32	NG.	30.56–32	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY.
				32–33 (231)	G.					
				33–34	NG.	33–33.01	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						33.01–33.11	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						33.11–33.41	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						33.41–34	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				34–35 (231)	G.					
				35–36	NG.	35–35.2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						35.2–35.68	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						35.68–36	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				36–37 (231)	G.					

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
				37–38	NG.	37–37.01	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						37.01–37.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
37.75–38.25	FIXED. (228) (229) (231) MOBILE. Radio astronomy.					37.43–37.89	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						37.89–38	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
38.25–41 (235) (236)	FIXED. (228) (229) (230) (231) MOBILE.			38–39	G. (US81)					
				39–40	NG. (US94)	39–40	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				40–42 (236)	G. (US94)				40.68	Industrial, scientific and medical equipment.
41–50		41–50	FIXED. (228) (230) (237) MOBILE.	42–46.6	NG.	42–42.95	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						42.95–43.2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						43.2–43.68	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						43.68–44.61	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						44.61–46.6	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				46.6–47	G.					
				47–49.6	NG.	47–47.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						47.43–47.69	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL.
						47.69–49.6	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				49.6–50	G.					
50–54		50–54	AMATEUR.	50–54	AMATEUR. (US1)	50–54	AMATEUR.	Amateur.		AMATEUR.

54–68		54–68	FIXED. (228) (237) MOBILE. BROADCASTING.	54–72 (US95)	NG.	54–72	BROADCASTING.	Television broadcasting.	55.25 Video 59.75 Sound } Channel 2. 61.25 Video 65.75 Sound } Channel 3. 67.25 Video 71.75 Sound } Channel 4.	
68–73.0		68–73.0	FIXED. MOBILE. BROADCASTING.							
				72–73 (US20)	NG.	72–73 (NG56)	FIXED. (NG1) (NG3) (NG49)	Operational fixed.	72.02–72.98 (NG33)	Operational fixed.
73–74.6		73–74.6	RADIO ASTRONOMY. (253A) (253B)	73–74.6	G, NG. (US21) (US100)	73–74.6	RADIO ASTRONOMY. (US74)	Radio astronomy.		RADIO ASTRONOMY.
74.6–75.4		74.6–75.4 (259)	AERONAUTICAL RADIONAVIGATION.	74.6–75.4	G, NG.	74.6–75.4	AERONAUTICAL RADIONAVIGATION.	Aeronautical radionavigation.	75	Marker beacon.
75.4–88		75.4–88	FIXED. MOBILE. BROADCASTING.	75.4–76 (US20)	NG.	75.4–76 (NG56)	FIXED. (NG1) (NG3) (NG49)	Operational fixed.	75.42–75.98 (NG33)	Operational fixed.
				76–88 (US23)	NG.	76–88 (NG21)	BROADCASTING.	Television broadcasting.	77.25 Video 81.75 Sound } Channel 5. 83.25 Video 87.75 Sound } Channel 6.	
88–100		88–100	BROADCASTING.	88–108 (US23) (US93)	NG.	88–108 (NG21)	BROADCASTING.	FM broadcasting. (NG2).	88.1–107.9 (NG36)	FM Channel 201–FM Channel 300.
100–108		100–108	BROADCASTING.							
108–117.975	AERONAUTICAL RADIONAVIGATION.			108–117.975 (US93)	G, NG.	108–117.975	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.	108.1 Localizer. 108.2 Omni-directional range. 108.3 Localizer. 108.4 Omni-directional range. 108.5 Localizer. 108.6 Omni-directional range. 108.7 Localizer. 108.8 Omni-directional range. 108.9 Localizer. 109.0 Omni-directional range. 109.1 Localizer. 109.2 Omni-directional range. 109.3 Localizer. 109.4 Omni-directional range. 109.5 Localizer. 109.6 Omni-directional range. 109.7 Localizer. 109.8 Omni-directional range. 109.9 Localizer. 110.0 Omni-directional range. 110.1 Localizer.	

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
									110.2	Omni-directional range.
									110.3	Localizer.
									110.4	Omni-directional range.
									110.5	Localizer.
									110.6	Omni-directional range.
									110.7	Localizer.
									110.8	Omni-directional range.
									110.9	Localizer.
									111.0	Omni-directional range.
									111.1	Localizer.
									111.2	Omni-directional range.
									111.3	Localizer.
									111.4	Omni-directional range.
									111.5	Localizer.
									111.6	Omni-directional range.
									111.7	Localizer.
									111.8	Omni-directional range.
									111.9	Localizer.
									112.0–117.9 (NG35)	Omni-directional range.
117.975–132	AERONAUTICAL MOBILE, (R) (273) (273A)			117.975–121.975 (273) (US26) (US28) (US85)	G, NG.	117.975–121.975	AERONAUTICAL MOBILE, (R)	Aeronautical, Aircraft.	118–121.4 (NG34)	Airdrome control.
									121.5	AERONAUTICAL MOBILE.
									121.6–121.90 (NG34)	Aeronautical utility land; aeronautical utility mobile.
									121.95	Flight test.
				121.975–123.075 (US29) (US30) (US31) (US80) (US85) (US102)	NG.	121.975–123.075	AERONAUTICAL MOBILE.	Aeronautical, Aircraft.	122.0–123.05 (NG34)	Private aircraft.
				123.075–123.575 (US32) (US33)	G, NG.	123.075–123.575	AERONAUTICAL MOBILE.	Aeronautical, Aircraft.	123.1	Aeronautical search and rescue mobile.
									123.15	Flight test.
									123.2	Do.
									123.25	Do.
									123.3	Flight test; aviation instructional.
									123.35	Flight test.
									123.4	Do.
									123.45	Do.
									123.5	Flight test; aviation instructional.
									123.55	Flight test.
				123.575–128.825 (US26) (US85)	G, NG.	123.575–128.825	AERONAUTICAL MOBILE. (R)	Aeronautical, Aircraft.	123.6–128.8 (NG34)	AERONAUTICAL MOBILE.
				128.825–132 (US2) (US85)	NG.	128.825–132	AERONAUTICAL MOBILE. (R)	Aeronautical, Aircraft.	128.85–132 (NG34)	AERONAUTICAL MOBILE.
132–136		132–136	FIXED. MOBILE. (273A) (276).	132–136 (US2) (US26) (US85)	G, NG. (US3)	132–136	AERONAUTICAL MOBILE (R).	Aeronautical, Aircraft.	132.05–135.95 (NG34)	AERONAUTICAL MOBILE.
136–137		136–137 (281A) (281B)	SPACE RESEARCH (Telemetering and tracking).	136–137	G, NG. (US100)	136–137	SPACE RESEARCH.	Space.		Telemetering; tracking.
137–138 (281E)	METEOROLOGICAL-SATELLITE. SPACE RESEARCH (Telemetering and tracking). (281F) SPACE (Telemetering and tracking).			137–138	G, NG. (US100)	137–138	METEOROLOGICAL-SATELLITE. SPACE (Telemetering and tracking).	Space.		METEOROLOGICAL-SATELLITE. SPACE.
138–143.6		138–143.6	FIXED. MOBILE. *Radiolocation.*	138–144 (US10)	G.					
143.6–143.65		143.6–143.65	FIXED. MOBILE. SPACE RESEARCH (Telemetering and tracking). *Radiolocation.*							
143.65–144		143.65–144	FIXED. MOBILE. *Radiolocation.*						143.90	Civil air patrol land; civil air patrol mobile.
144–145	AMATEUR. (284A).			144–148	AMATEUR. (284A) (US1)	144–148	AMATEUR.	Amateur.		AMATEUR.
145–146		146–148	AMATEUR.							
146–149.9 (285A)		148–149.9 (285A)	FIXED. MOBILE.	148–149.9 (US10) (US86)	G.				148.15	Civil air patrol land; civil air patrol mobile.
									148.25	Earth (telecommand).
149.9–150.05 (285B)	RADIONAVIGATION-SATELLITE.			149.9–150.05	G, NG. (US100)	149.9–150.05	RADIONAVIGATION-SATELLITE.	Space.		RADIONAVIGATION-SATELLITE.
150.05–174		150.05–174	FIXED. MOBILE.	150.05–150.8	G.					
				150.8–157.0375	NG.	150.8–150.98	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG51).

See footnotes at end of table

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
						150.98–151.49	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY (NG51).
						151.49–152	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						152–152.255	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						152.255–152.465	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG38)
						152.465–152.495	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						152.495–152.855	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG4)
(285A)		(285A)		(US86)		152.855–153.7325	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG4)
						153.7325–154.46	LAND MOBILE.	Base. Land mobile.	154.2	PUBLIC SAFETY. (NG26) (NG57) Earth (telecommand).
						154.46–154.6275	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG57).
						154.6275–156.25	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
					(US77)	156.250–157.0375	MARITIME MOBILE. (NG5)	Coast. Ship.	156.275	MARITIME MOBILE.
									156.300	Do.
									156.325	Do.
									156.350	MARITIME MOBILE. (NG24)
									156.375	MARITIME MOBILE.
									156.400	Do.
									156.425	Do.
									156.450	MARITIME MOBILE. (NG24)
									156.475	MARITIME MOBILE.
									156.500	Do.
									156.525	Do.
(257)									156.550	MARITIME MOBILE. (NG24)
									156.575	MARITIME MOBILE.
									156.600	Do.
									156.625	Do.
									156.650	Do.
									156.675	Do.
									156.700	Do.
									156.725	Do.
									156.750	Do.
					(US106) (US107)				156.800	MARITIME MOBILE (distress, safety, and calling).
									156.850	MARITIME MOBILE.
									156.875	Do.
									156.900	Do.
									156.925	Do.
									156.950	Do.
									156.975	Do.
									157.000	Do.
									157.025	Do.
				157.0375–157.1875	G.					
				157.1875–162.0125	NG. (US77)	157.1875–157.450	MARITIME MOBILE. (NG5)	Ship.	157.200	MARITIME MOBILE.
									157.225	Do.
									157.250	Do.
									157.275	Do.
									157.300	Do.
									157.325	Do.
									157.350	Do.
									157.375	Do.
									157.400	Do.
									157.425	Do.
						157.45–157.725	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG5) (NG38)
						157.725–157.755	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						157.755–158.115	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.115–158.475	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						158.475–158.715	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.715–159.48	LADN MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						159.48–161.575	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG6) (NG26) (NG28)
						161.575–161.625 (US77)	MARITIME MOBILE.	Coast.	161.6	MARITIME MOBILE. (NG6) (NG17) (NG26)
						161.625–161.775	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile. (NG6) (NG26)
						161.775–162.0125	MARITIME MOBILE. (NG5).	Coast.	161.800	Coast (NG26).
									161.825	Do.
									161.850	Do.
									161.875	Do.
									161.900	Coast.
									161.925	Do.
									161.950	Do.
									161.975	Do.
									162.000	Do.
				162.0125–173.2	G. (US8) (US11) (US13)				166.25	PUBLIC SAFETY. Remote pickup.
									170.15	Do.
									170.425	PUBLIC SAFETY.
									170.475	Do.
									170.575	Do.
									171.425	Do.
									171.475	Do.
									171.575	Do.
									172.225	Do.
									172.275	Do.
									172.375	Do.
				173.2–173.4	NG.	173.2–173.4	FIXED. LAND MOBILE.	Base. Fixed. Land mobile.		INDUSTRIAL.
				173.4–174.0	G.					

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
174-216		174-216 (294)	FIXED. MOBILE. BROADCASTING.	174-216	NG.	174-216	BROADCASTING.	Television broadcasting.	175.25 Video 179.75 Sound } Channel 7. 181.25 Video 185.75 Sound } Channel 8. 187.25 Video 191.75 Sound } Channel 9. 193.25 Video 197.75 Sound } Channel 10. 199.25 Video 203.75 Sound } Channel 11. 205.25 Video 209.75 Sound } Channel 12. 211.25 Video 215.75 Sound } Channel 13.	
216-220		216-220	FIXED. MOBILE. RADIOLOCATION.	216-220	G. (US5)				217.425 217.475 217.525 217.550 217.575 217.625 217.675 219.325 219.375 219.425 219.450 219.475 219.525 219.575	Telemetering land; telemetering mobile. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
220-225		220-225	AMATEUR. RADIOLOCATION.	220-225	G, NG. (US34)	220-225	Amateur. (NG13)	Amateur.		AMATEUR.
225-235		225-235	FIXED. MOBILE.	225-328.6 (310) (US17) (US98)	G.					
235-267 (309)	FIXED. MOBILE.								243	Survival craft and equipment.
267-272	FIXED. MOBILE. Space (telemetering). (309A) (309B)									
272-273	FIXED. MOBILE. SPACE (Telemetering). (309A)									
273-328.6 (310)	FIXED. MOBILE.									
328.6-335.4 (310)	AERONAUTICAL RADIONAVIGATION. (311)			328.6-335.4 (310)	G, NG.	328.6-335.4	AERONAUTICAL RADIONAVIGATION. (311)	Radionavigation land.		Glide path.
335.4-399.9	FIXED. MOBILE.			335.4-399.9	G.					
399.9-400.05	RADIONAVIGATION-SATELLITE. (311A)			399.9-400.05	G, NG. (US100)	399.9-400.05	RADIONAVIGATION-SATELLITE.	Space.		RADIONAVIGATION-SATELLITE.
400.05-401	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (Maintenance telemetering). SPACE RESEARCH (Telemetering and tracking).			400.05-401	G, NG.	400.05-401	METEOROLOGICAL AIDS. (US70) SPACE RESEARCH (Telemetering and tracking).	Radiosonde. Space.		Radiosonde. Space.
401-402	METEOROLOGICAL AIDS. SPACE (Telemetering). (315A) Fixed. Mobile except aeronautical mobile.			401-402	G, NG.	401-402	METEOROLOGICAL AIDS. (US70) SPACE (Telemetering). (315A)	Radiosonde. Space.		Radiosonde. Space.
402-406 (317)	METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile.			402-404	G, NG.	402-404	METEOROLOGICAL AIDS. (US70)	Radiosonde.		Radiosonde.
				404-406	G, NG.	404-406	METEOROLOGICAL AIDS. (US70) Radio astronomy. (US74)	Radio astronomy. Radiosonde.		RADIO ASTRONOMY. Radiosonde.
406-420 (317)	FIXED. MOBILE except aeronautical mobile.			406-420	G. (US12)					
420-450		420-450 (318) (319A)	RADIOLOCATION. Amateur.	420-450 (US6) (US35) (US87)	G, NG.	420-450	Amateur. (US7)	Amateur.		AMATEUR.
450-460 (318) (319A)	FIXED. MOBILE.			450-470 (US6) (US87)	NG.	450-451	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
						451-454	LAND MOBILE.	Base. Land Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						454-455	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
						455-456	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
						456-459	LAND MOBILE.	Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						459-460	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG12).

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
460–470	FIXED. MOBILE. Meteorological-Satellite. (318A)				(US100)	460–462.5375	LAND MOBILE.	Base. Land Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						462.5375–462.7375	LAND MOBILE.	Base. Land Mobile.		CITIZENS RADIO.
						462.7375–465.0125	LAND MOBILE.	Base. Land Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						465.0125–467.5375	LAND MOBILE.	Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						467.5375–467.7375	LAND MOBILE.	Mobile.		CITIZENS RADIO.
						467.7375–470	LAND MOBILE.	Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
470–890		470–890 (332)	BROADCASTING.	470–890 (NG30) (NG43) (US88)	NG. (US100)	470–890	BROADCASTING.	Television broadcasting.		
890–942		890–942 (339A) (340)	FIXED. RADIOLOCATION.	890–942 (340)	G. (US36)				915	Industrial, scientific, and medical equipment.
942–960		942–960 (339A)	FIXED.	942–960	NG.	942–952 (NG8) (NG9) (NG58)	FIXED. (NG40)	Aural broadcast STL. International aeronautical fixed (Alaska, Hawaii, and U.S. possessions only). International fixed public (Alaska, Hawaii, and U.S. possessions only).		
						952–960 (NG10)	FIXED.	International fixed public (Puerto Rico and Virgin Islands only). International control. Operational fixed.		
960–1215	AERONAUTICAL RADIONAVIGATION. (341)			960–1215	G, NG.	960–1215	AERONAUTICAL RADIONAVIGATION. (341)			
1215–1300	RADIOLOCATION. Amateur.			1215–1300	G, NG. (US37)	1215–1300	Amateur.	Amateur.		AMATEUR.
1300–1350	AERONAUTICAL RADIONAVIGATION. (346) Radiolocation.			1300–1350	G, NG. (US38)	1300–1350	AERONAUTICAL RADIONAVIGATION. (346)			
1350–1400		1350–1400	RADIOLOCATION.	1350–1400	G.					
1400–1427	RADIO ASTRONOMY.			1400–1427	G, NG.	1400–1427	RADIO ASTRONOMY. (US74)			
1427–1429	FIXED. MOBILE except aeronautical mobile. SPACE (Telecommand).			1427–1429	G, NG. (US60)	1427–1429	SPACE.	Earth.		Earth (telecommand).
1429–1435		1429–1435	FIXED. MOBILE.	1429–1435	G.					
1435–1525		1435–1525	MOBILE. Fixed.	1435–1525	G, NG. (US78)	1435–1525	MOBILE.	Aeronautical telemetering.		AVIATION.
1525–1535		1525–1535	SPACE. (Telemetering.) (350A) Fixed. Mobile. (350D)	1525–1535	G, NG. (350A) (US89) (US100)	1525–1535	MOBILE. SPACE.	Aeronautical telemetering. Space.		AVIATION. Space (telemetering).
1535–1540	SPACE. (Telemetering). (350A)			1535–1540 (350A)	G, NG.	1535–1540	SPACE. (Telemetering).	Space.		Space (telemetering).
1540–1660	AERONAUTICAL RADIONAVIGATION. (352A) (352B)			1540–1660	G, NG. (352A) (352B) (US39)	1540–1660	AERONAUTICAL RADIONAVIGATION.			
1660–1664.4 (354A)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A)			1660–1670	G, NG. (324A) (US74) (US99) (US100) (US101)	1660–1670	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. RADIO ASTRONOMY.	Radio astronomy. Radiosonde. Space.		
1664.4–1668.4 (353A) (354A)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A) Radio astronomy.									
1668.4–1670 (354A)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A)									
1670–1690	METEOROLOGICAL AIDS. FIXED. MOBILE except aeronautical mobile.			1670–1690	G, NG. (US99)	1670–1690	METEOROLOGICAL AIDS.	Radiosonde.		
1690–1700 (354A)		1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A)	1690–1700	G, NG. (324A) (US99) (US100)	1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	Radiosonde. Space.		
1700–1710		1700–1710 (355A)	SPACE RESEARCH (Telemetering and tracking).	1700–1710	G, NG. (US100)	1700–1710	SPACE RESEARCH (Telemetering and tracking).	Space.		Space (telemetering and tracking).
1710–1770		1710–1770	FIXED. MOBILE.	1710–1850	G.					

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocations	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature OF SERVICES (of stations
1	2	3	4	5	6	7	8	9	10	11
1770-1790		1770-1790	FIXED. MOBILE. Meteorological-Satellite. (356AA)		(US100)					
1790-2290		1790-2290 (356A)	FIXED. MOBILE.	1850-2200	NG. (US96)	1850-1990 (NG8)	FIXED.	International control. Operational fixed.		
						1990-2110 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
						2110-2130 (NG10) (NG23) (US90)	FIXED.	Domestic fixed public.		
						2130-2150 (NG10) (NG23)	FIXED.	Operational fixed. International control.		
						2150-2160 (NG23) (NG45)	FIXED.			
						2160-2180 (NG10) (NG23)	FIXED.	Domestic fixed public.		
						2180-2200 (NG10) (NG23)	FIXED.	Operational fixed. International control.		
				2200-2290	G.					
2290-2300		2290-2300 (356B)	SPACE RESEARCH (Telemetering and tracking in deep space).	2290-2300	G, NG. (US100)	2290-2300	SPACE RESEARCH (Telemetering and tracking in deep space).	Space.		Space (telemetering and tracking in deep space).
2300-2450 (357)		2300-2450	RADIOLOCATION. Amateur. Fixed. Mobile.	2300-2450	G, NG. (US40)	2300-2450 (357)	Amateur.	Amateur.		
2450-2550 (357)		2450-2550	FIXED. MOBILE. RADIOLOCATION.	2450-2500	NG. (US41)	2450-2500 (357)	FIXED. MOBILE. Radiolocation.		2450	Industrial, scientific and medical equipment.
2550-2690 (365)	FIXED. MOBILE.			2500-2690	NG.	2500-2690 (NG8) (NG47)	FIXED.	International control. Operational fixed. Instructional television fixed.		
2690-2700 (364A) (365)	RADIO ASTRONOMY.			2690-2700	G, NG. (US74) (US100)	2690-2700	RADIO ASTRONOMY.	Radio astronomy.		

2700-2900 (366)	AERONAUTICAL RADIONAVIGATION. (346). Radiolocation.			2700-2900	G. (346) (366) (US42) (US43)					
2900-3100	RADIONAVIGATION. (367). Radiolocation.			2900-3100	G, NG.	2900-3100	MARITIME RADIONAVIGATION. Radiolocation. (US44)			
3100-3300 (369)	RADIOLOCATION.			3100-3300	G. (369) (US45) (US46)					
3300-3400		3300-3400	RADIOLOCATION. Amateur.	3300-3500	G, NG. (US61)	3300-3500	Amateur.	Amateur.		AMATEUR.
3400-3500		3400-3500	RADIOLOCATION. COMMUNICATION-SATELLITE (satellite to earth). (374A) Amateur.							
3500-3700		3500-3700	FIXED. MOBILE. RADIOLOCATION. COMMUNICATION-SATELLITE (satellite to earth). (374A)	3500-3700	G.					
3700-4200		3700-4200	FIXED. MOBILE. COMMUNICATION-SATELLITE (satellite to earth). (374A)	3700-4200	--------	3700-4200	COMMUNICATION-SATELLITE. (374A) (US91) FIXED. (NG)	Common carrier fixed. Space.		COMMUNICATION-SATELLITE. DOMESTIC PUBLIC. (NG41) (NG55)
4200-4400 (352A)	AERONAUTICAL RADIONAVIGATION.			4200-4400	G, NG. (352A) (US47)	4200-4400	AERONAUTICAL RADIONAVIGATION.	Altimeter.		
4400-4700	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			4400-4990	G.					
4700-4990 (365)	FIXED. MOBILE.									
4990-5000		4990-5000 (383A)	RADIO ASTRONOMY.	4990-5000	G, NG. (US74) (US100)	4990-5000	RADIO ASTRONOMY.	Radio astronomy.		
5000-5250 (352A) (352B)	AERONAUTICAL RADIONAVIGATION.			5000-5250	G, NG. (352A) (352B)	5000-5250	AERONAUTICAL RADIONAVIGATION.			
5250-5255	RADIOLOCATION. Space research.			5250-5350	G.					
5255-5350	RADIOLOCATION.									

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
5350-5460	AERONAUTICAL RADIONAVIGATION. (385) Radiolocation.			5350-5460	G, NG.	5350-5460	AERONAUTICAL RADIONAVIGATION. (385) Radiolocation. (US48)			
5460-5470	RADIONAVIGATION. (385) Radiolocation.			5460-5470	G, NG.	5460-5470	RADIONAVIGATION. (385) (US65) Radiolocation. (US49)			
5470-5650 (387)	MARITIME RADIONAVIGATION. Radiolocation.			5470-5600	G, NG.	5470-5600	MARITIME RADIONAVIGATION. (US65) Radiolocation. (US50)			
				5600-5650	G, NG.	5600-5650	MARITIME RADIONAVIGATION. (US65) METEOROLOGICAL AIDS. (387) Radiolocation. (US51)			
5650-5670	RADIOLOCATION. Amateur.			5650-5925 (391)	G, NG (US52) (US100)	5650-5925	Amateur.	Amateur.		
5670-5725 (389A)	RADIOLOCATION. Amateur. Space research (deep space).									
5725-5925		5725-5925 (391)	RADIOLOCATION. Amateur.						5800	Industrial scientific & medical equipment.
5925-6425	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			5925-6425	(392A)	5925-6425	COMMUNICATION-SATELLITE. (US91) FIXED. (NG)	Common carrier fixed. Fixed earth.		COMMUNICATION-SATELLITE. DOMESTIC PUBLIC. (NG41) (NG55)
6425-7250 (392B) (392F) (393)	FIXED. MOBILE.			6425-7125	NG.	6425-6525 (NG46)	MOBILE.	Common carrier land. Common carrier mobile.		
						6525-6575 (NG46)	MOBILE.	Operational land. Operational mobile.		
						6575-6875 (NG8)	FIXED.	International control. Operational fixed.		
						6875-7125 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
				7125-7250	G.					
7250-7300 (374A) (392C) (392D) (392G)	COMMUNICATION-SATELLITE (satellite to earth).			7250-7300	(374A) (392D) (US100)	7250-7300	COMMUNICATION-SATELLITE. (US91)	Space.		COMMUNICATION-SATELLITE.
7300-7750 (392F)	FIXED. MOBILE. COMMUNICATION-SATELLITE (satellite to earth). (374A) (392D)			7300-7750	(374A) (392D)	7300-7750	COMMUNICATION-SATELLITE. (US91) METEOROLOGICAL-SATELLITE. (G/NG) (US92) [FIXED (G). MOBILE (G)].	Space.		COMMUNICATION-SATELLITE. METEOROLOGICAL-SATELLITE.
7750-7900	FIXED. MOBILE.			7750-7900	G.					
7900-7975	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			7900-7975	(392A)	7900-7975	COMMUNICATION-SATELLITE. (US91) [FIXED (G). MOBILE (G)].	Earth.		COMMUNICATION-SATELLITE.
7975-8025 (392A) (392C) (392H)	COMMUNICATION-SATELLITE (earth to satellite).			7975-8025	(392A) (US100)	7975-8025	COMMUNICATION-SATELLITE. (US91)	Earth.		COMMUNICATION-SATELLITE.
8025-8400	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			8025-8400	(392A)	8025-8400	COMMUNICATION-SATELLITE. (US91) [FIXED (G). MOBILE (G)].	Earth.		COMMUNICATION-SATELLITE.
8400-8500		8400-8500	SPACE RESEARCH. (394C)	8400-8500	G, NG. (US62) (US100)	8400-8500	SPACE RESEARCH. Fixed. Mobile.	Fixed. Mobile. Space.		
8500-8750	RADIOLOCATION.			8500-9000	G. (US53)					
8750-8850	RADIOLOCATION. AERONAUTICAL RADIONAVIGATION. (396)								8800	Airborne doppler radar.
8850-9000	RADIOLOCATION.									
9000-9200	AERONAUTICAL RADIONAVIGATION. (346) Radiolocation.			9000-9200	G, NG.	9000-9200	AERONAUTICAL RADIONAVIGATION. (346) (US54) Radiolocation. (US55)			
9200-9300	RADIOLOCATION.			9200-9300	G. (US45)					
9300-9500 (399)	RADIONAVIGATION. Radiolocation.			9300-9500	G, NG.	9300-9500	RADIONAVIGATION. (US66) (US71) Meteorological aids. (US67) Radiolocation. (US56)			
9500-9800	RADIOLOCATION.			9500-10000	G. (401A)					
9800-10000 (401A)	RADIOLOCATION. Fixed.									
10000-10500 (401A)	RADIOLOCATION. Amateur.			10000-10500	G, NG. (401A) (US58)	10000-10500	Amateur. Radiolocation. (NG42)	Amateur. Radiolocation land. Radiolocation mobile.		AMATEUR. RADIOLOCATION.

See footnotes at end of table.

§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission				
Band (GHz)	Service	Band (GHz)	Service	Band (GHz)	Allocation	Band (GHz)	Service	Class of station	Frequency (GHz)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
10.5–10.55		10.5–10.55	RADIOLOCATION. (404).	10.5–10.55	G, NG. (US59)	10.5–10.55	RADIOLOCATION.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
10.55–10.68	FIXED. MOBILE. Radiolocation.			10.55–10.68	NG.	10.55–10.68 (NG46)	MOBILE.	Operational land. Operational mobile.		
10.68–10.7 (405B)	RADIO ASTRONOMY.			10.68–10.7	G, NG. (US74) (US100)	10.68–10.7	RADIO ASTRONOMY.			
10.7–11.7	FIXED. MOBILE.			10.7–11.7	NG.	10.7–11.7	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
11.7–12.7	FIXED. MOBILE except aeronautical mobile. BROADCASTING.			11.7–13.25	NG.	11.7–12.2	MOBILE.	Common carrier land. Common carrier mobile (except aeronautical mobile).		
12.7–13.25	FIXED. MOBILE.					12.2–12.7 (NG18) (NG52)	FIXED.	International control. Operational fixed.		
						12.7–12.95	FIXED. MOBILE.	Community Antenna Relay. Television Intercity Relay. Television Pickup. (NG53) Television STL.		
						12.95–13.2 (NG11)	FIXED. MOBILE.	Television Pickup. Television STL.		
						13.2–13.25	FIXED. MOBILE.			
13.25–13.4	AERONAUTICAL RADIONAVIGATION. (406)			13.25–13.4	G, NG.	13.25–13.4	AERONAUTICAL RADIONAVIGATION. (406)			Airborne doppler radar.
13.4–14.0	RADIOLOCATION.			13.4–14.0	G.					
14.0–14.3	RADIONAVIGATION.			14.0–14.3	G, NG.	14.0–14.3	RADIONAVIGATION.			
14.3–14.4	RADIONAVIGATION-SATELLITE.			14.3–14.4	G, NG.	14.3–14.4	RADIONAVIGATION-SATELLITE.	Earth. Space.		RADIONAVIGATION-SATELLITE.
14.4–15.25	FIXED. MOBILE.			14.4–15.25	G.					
15.25–15.35 (409A)	SPACE RESEARCH.			15.25–15.35	G, NG. (US100)	15.25–15.35	SPACE RESEARCH.	Space.		
15.35–15.4 (409C)	RADIO ASTRONOMY.			15.35–15.4	G, NG. (US74) (US100)	15.35–15.4	RADIO ASTRONOMY.			

15.4–15.7	AERONAUTICAL RADIONAVIGATION. (352A) (352B)			15.4–15.7	G, NG. (352A) (352B)	15.4–15.7	AERONAUTICAL RADIONAVIGATION.			
15.7–17.7	RADIOLOCATION.			15.7–17.7	G.					
17.7–19.3	FIXED. MOBILE.			17.7–19.3	NG.	17.7–19.3	FIXED. MOBILE.			
19.3–19.4 (409D)	RADIO ASTRONOMY.			19.3–19.4	G, NG. (US74) (US100)	19.3–19.4	RADIO ASTRONOMY.			
19.4–21.0	FIXED. MOBILE.			19.4–19.7	NG.	19.4–19.7	FIXED. MOBILE.			
				19.7–21.0	G.					
21.0–22.0	AMATEUR.			21.0–22.0	AMATEUR.	21.0–22.0	AMATEUR.	Amateur.		AMATEUR.
22.0–23.0 (410)	FIXED. MOBILE.			22.0–23.0	G. (410)				22.125	Industrial, scientific and medical equipment.
23.0–24.25	RADIOLOCATION.			23.0–24.25	G.					
24.25–25.25	RADIONAVIGATION. (411)			24.25–25.25	G, NG. (US72)	24.25–25.25	RADIONAVIGATION. (411)			
25.25–31.0	FIXED. MOBILE.			25.25–27.525	G.					
31.0–31.3 (412H)	FIXED. MOBILE. Space research.			27.525–31.3	NG. (US100)	27.525–31.3	FIXED. MOBILE.			
31.3–31.5 (412A)	RADIO ASTRONOMY.			31.3–31.5	G, NG. (US74) (US100)	31.3–31.5	RADIO ASTRONOMY.			
31.5–31.8		31.5–31.8 (405C)	SPACE RESEARCH.	31.5–31.8	G, NG. (US100)	31.5–31.8	SPACE RESEARCH.			
31.8–32.3 (412B)	RADIONAVIGATION. Space research.			31.8–33.4	G, NG. (US100)	31.8–33.4	RADIONAVIGATION. (US69)			
32.3–33.0	RADIONAVIGATION.									
33.0–33.4		33.0–33.4	RADIONAVIGATION. (412F)							
33.4–34.2 (412G)	RADIOLOCATION.			33.4–38.6	G. (US100)					
34.2–35.2 (412C) (412D)	RADIOLOCATION. Space research.									
35.2–36.0	RADIOLOCATION.									
36.0–40.0 (412E)	FIXED. MOBILE.									
				38.6–40.0	NG.	38.6–40.0	FIXED. MOBILE.			
Above 40.0	Not allocated.			40.0–88.0	G, NG.	40.0–88.0		Amateur. Experimental.		
				88.0–90.0	G, NG. (US74)	88.0–90.0	RADIO ASTRONOMY.			
				Above 90.0	G, NG.	Above 90.0		Amateur. Experimental.		

See footnotes on following page.

FOOTNOTES

GENEVA FOOTNOTES

(157) Administrations authorizing the use of frequencies below 10 kHz for special national purposes shall ensure that no harmful interference is caused thereby to the services to which the bands above 10 kHz are allocated (see also Article 14, No. 699).

(158) Limited to coast telegraph stations (A1 and F1 only). Exceptionally, the use of class A7J emission is permissible subject to the necessary bandwidth not exceeding that normally used for class A1 and F1 emissions in the bands concerned.

(159) The stations of services to which the bands between 14 and 70 kHz are allocated may transmit standard frequency and time signals. Such stations shall be afforded protection from harmful interference. In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the frequencies 25 kHz and 50 kHz will be used for this purpose under the same conditions.

(160) The standard frequency is 20 kHz.

(161) In the U.S.S.R., frequencies in the band 60–80 kHz may be used for industrial, scientific and medical purposes subject to the condition that interference is not caused to stations of services to which this band is allocated.

(162) Limited to continuous wave systems.

(164) The establishment and operation of maritime radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. However, the fixed, maritime mobile and radiolocation services shall not cause harmful interference to maritime radionavigation stations established under such agreements.

(166) The development and operation of long distance radionavigation systems are authorized in this band, which will become exclusively allocated, wholly or in part, to the radionavigation service for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the mininum band-width for world-wide service and causing the least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions shall nevertheless be confined within the band 90–110 kHz and shall not cause harmful interference outside the band to stations operating in accordance with the Regulations. In Regions 1 and 3, during the period prior to the international adoption of any long distance radionavigation system, the operation of specific radionavigation stations shall be subject to agreements between administrations whose services, operating in accordance with the Table, may be affected. Once established under such agreements, radionavigation stations shall be protected from harmful interference.

(167) Only classes A1 or F1, A4 or F4 emissions are authorized in the band 90–160 kHz for stations of the fixed and maritime mobile services. Exceptionally, class A7J emission is also authorized in the band 90–160 kHz for stations of the fixed and maritime mobile

(168) Aeronautical stations may use frequencies in the bands 110–112 kHz, 115–126 kHz and 129–130 kHz on a permitted basis for high-speed communications to aircraft.

(179) In northern areas which are subject to auroral disturbances the aeronautical fixed service is the primary service.

(181) Norwegian fixed stations situated in northern areas subject to auroral disturbances are allowed to continue operation on two frequencies in the band 385–395 kHz for transmissions chiefly composed of weather messages.

(182) The frequency 410 kHz is designated for the maritime radionavigation service (radio direction-finding). Other allocated services in the band 405–415 kHz shall not cause harmful interference to radio direction-finding. In the band 405–415 kHz no frequency shall be assigned to coast stations.

(185) In the European Maritime Area, subject to the conditions specified in the Final Acts of the European Maritime Conference (Copenhagen 1948), and any subsequent revision of that agreement, the administrations concerned may keep in the bands 415–485 kHz and 515–525 kHz such of the following broadcasting stations as will not cause harmful interference to the maritime mobile service: Hamar, Innsbruck, Oestersund, Oulu.

(186) Limited to radiotelegraphy.

(187) The frequency 500 kHz is the international distress and calling frequency for radiotelegraphy. The conditions for its use are prescribed in Article 32.

(188) In operating stations of the aeronautical radionavigation service, the administrations concerned shall take all the technical steps necessary to avoid harmful interference to the maritime mobile service.

(191) The carrier power of broadcasting stations in this band shall not exceed 250 watts.

(198) In Region 2 the Loran system has priority. Other services to which the band is allocated may use any frequency in this band provided that they do not cause harmful interference to the Loran system.

In Region 3 the Loran system in any particular area operates either on 1850 or 1950 kHz, the bands occupied being 1825–1875 kHz and 1925–1975 kHz respectively. Other services to which the band 1800–2000 kHz is allocated may use any frequency therein on condition that no harmful interference is caused to the Loran system operating on 1850 or 1950 kHz.

(200) In Region 2, except in Greenland, coast stations and ship stations using radiotelephony shall be limited to class A3A or A3J emission and to a peak envelope power not exceeding 1kw. Preferably, the following carrier frequencies should be used: 2065.0 kHz, 2079 kHz, 2082.5 kHz, 2086.0 kHz, 2093.0 kHz, 2096.5 kHz, 2100.0 kHz, 2103.5 kHz.

(201) The frequency 2182 kHz is the international distress and calling frequency for radiotelephony. The conditions for the use of this frequency are prescribed in Article 35.

(202) For the conditions of use of this band by the broadcasting service see Nos. 135, 136, and 423 to 428.

(203) Standard frequency is 2500 kHz.

(204) The standard frequency guardbands at 2.5 MHz, 5 MHz, 10 MHz, 15 MHz, 20 MHz, and 25 MHz may be used by the radio astronomy service. The radio astronomy service shall be protected from harmful interference from services operating in other bands in accordance with the provisions of these Regulations, only to the extent that these services are protected from each other.

(208) In the U.S.S.R., in the bands 4063–4133 kHz and 4408–4438 kHz, fixed stations of limited power may operate provided that, in order to minimize the possibility of causing harmful interference to the maritime mobile service, they are situated at least 600 km from the coast. A limited power station is one whose power and antenna characteristics are so adjusted that the field strength established at any point in any direction does not exceed that obtainable with a nondirective antenna and a peak envelope power of 1 kw.

(209) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 4063 and 4438 kHz may be used exceptionally by fixed stations communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts; however, in Regions 2 and 3, between 4238 and 4368 kHz, a mean power not exceeding 500 watts may be used by such fixed stations.

(210) The standard frequency is 5000 kHz.

(211) On condition that harmful interference is not caused to the maritime mobile service, the frequencies between 6200 and 6525 kHz may be used exceptionally by fixed stations, communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 watts. At the time of notification of these frequencies, the attention of the International Frequency Registration Board will be drawn to the above conditions.

(213) Between 8615 and 8815 kHz, 12,925 and 13,200 kHz, and between 17,160 and 17,360 kHz, the U.S.S.R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference to the fixed service in the U.S.S.R. The International Frequency Registration Board will be consulted regarding this subject.

(214) The standard frequency is 10,000 kHz.

(215) The band 10,003–10,005 kHz is also allocated, on a secondary basis, to the space research service.

(215A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the space research service is a primary service in the bands 15,762–15,768 kHz and 18,030–18,036 kHz.

(216) In the U.S.S.R., the band 11,400–11,450 kHz is also allocated to the aeronautical mobile (OR) service.

(217) The frequency 13,560 kHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(218) In the U.S.S.R., the band 14,250–14,350 kHz is also allocated to the fixed service.

(219) The Standard frequency is 15,000 kHz.

(220) The standard frequency is 20,000 kHz.

(221) The band 19,990–20,010 kHz is also allocated, on a secondary basis, to the space research service.

(221A) The frequency 20,007 kHz may also be used, in emergency, in the search for, and rescue of, astronauts and space vehicles. Emissions must be confined in a band of ±3 kHz about this frequency.

(222) Intership radiotelegraphy may be used in the maritime mobile service between the frequencies 23,350 and 24,000 kHz.

(223) The standard frequency is 25,000 kHz.

(224) Limited to ship stations employing A1 or F1 emissions.

(225) The frequency 27,120 kHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.6 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(226) In Region 2, Australia and New Zealand, the amateur service may operate between the frequencies 26,960 and 27,230 kHz.

(228) Stations designed to use ionospheric scatter may operate only subject to agreements between administrations concerned and those whose services, operating in accordance with the Table, may be affected.

(229) Systems designed to use ionospheric scatter or other fixed service systems designed to operate over distances exceeding 800 km shall confine their emissions to the following bands:

Region 1	Region 2	Region 3
32.6–33	32.6–33	32.6–33
33.2–33.6	33.6–35	33.6–35
33.9–34.4	33.4–33.8	33.4–33.8

and shall have priority in Region 2 in the bands shown above for such use in that Region.

(230) In the case of the bands referred to in No. 229, which are limited in a particular Region the provisions of No. 117 shall apply and administrations shall avoid beaming such transmissions toward another Region unless specifically coordinated otherwise.

(231) Ionospheric scatter stations, existing on January 1, 1960, and not causing harmful interference to the other services to which the band is allocated, may continue to operate on frequencies now assigned until reaccommodated.

(232) Conventional (F2) long distance fixed service use of the band 29.7–30 MHz is not excluded in Region 2 provided that such use is coordinated between the administrations concerned.

(235) The band 39.986–40.002 MHz is also allocated, on a secondary basis, to the space research service.

(236) The frequency 40.68 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(237) Systems designed to use ionospheric scatter which may cause harmful interference to the broadcasting service are prohibited.

(253A) In Region 2, fixed, mobile and broadcasting service operations previously authorized in the band 73–74.6 MHz may continue to operate on a non-interference basis to the radio astronomy service.

(253B) In Cuba, the band 73–74.6 MHz is also allocated to the fixed, mobile and broadcasting services.

(259) The frequency 75 MHz is assigned to aeronautical marker beacons. Administrations shall refrain from assigning frequencies close to the limits of the guard-band to stations of other services which, because of their power or geographical position, might cause harmful interference to marker beacons.

(273) The frequency 121.5 MHz is the aeronautical emergency frequency in this band; mobile stations of the maritime mobile service may communicate on this frequency for safety purposes with stations of the aeronautical mobile service.

(273A) In the band 117.975–132 MHz and in the band 132–136 MHz where the aeronautical mobile (R) service is authorized, the use and development, for this service, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service. Such use and development shall be subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(276) In Region 2 in the band 132–135 MHz, the aeronautical mobile (R) service shall operate on a primary basis subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(281A) For the use of the band 136–137 MHz, see Recommendation No. 7A.

(281B) In Region 2, the band 136–137 MHz is also allocated to the fixed and mobile services until January 1, 1969. Thereafter, in Cuba, the band will continue to be allocated also to the fixed and mobile services.

(281E) In Regions 2 and 3, the band 137–138 MHz is also allocated to the fixed and mobile services until January 1, 1969. Thereafter, in Cuba, Malaysia, Pakistan and the Philippines, the band 137–138 MHz will continue to be allocated also to the fixed and mobile services.

(281F) The band 137–138 MHz will be used mainly for research concerning the establishment, technical improvement, and maintenance of operational space systems.

(284A) In the band 144–146 MHz, artificial satellites may be used by the amateur service.

(285A) The frequencies 148.25±15 kHz and 154.2±15 kHz may be used for space telecommand, subject to agreement among the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(285B) Stations operating in the fixed and mobile services may continue to use this band until January 1, 1969. This cessation date shall not apply in Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Morocco, Pakistan, the Netherlands, Poland, the United Arab Republic, Yugoslavia and Roumania where the fixed and mobile services will continue to have equal primary status with the radionavigation-satellite service. (See Recommendation No. 6A.)

(287) The frequency 156.8 MHz is the international safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guardband on each side of the frequency 156.8 MHz is provided. The conditions for the use of this frequency are contained in Article 35.

In the bands 156.025–157.425 MHz, 160.625–160.975 MHz, and 161.475–162.025 MHz, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration (see Article 35).

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiotelephone service.

However, the frequency bands in which priority is given to the maritime mobile service may be used for radiotelephone communications on inland waterways, subject to agreements between interested and affected administrations and taking into account current frequency usage and existing agreements.

(294) The band 183.1–184.1 MHz is also allocated, and on a secondary basis, to the space research service.

(309A) Space stations employing frequencies in the band 267–273 MHz for telemetering purposes may also transmit tracking signals in the band.

(309B) In the band 267–272 MHz individual administrations may use space telemetering in their countries on a primary basis, subject to the agreement of the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(310) Radio astronomy observations on the Deuterium line (322–329 MHz) are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(311) Limited to Instrument Landing Systems (glide path).

(311A) Stations operating in the fixed and mobile services may continue to use this band until January 1, 1969. This cessation date shall not apply in Bulgaria, Cuba, Greece, Hungary, Iran, Kuwait, Lebanon, Morocco, the United Arab Republic and Yugoslavia where the fixed and mobile services will continue to have equal status with the radionavigation-satellite service. (See Recommendation No. 6A.)

(315A) Space stations employing frequencies between 401–402 MHz for telemetering purposes may also transmit tracking signals in this band.

(317) The band 404–410 MHz in Region 2 and the band 406–410 MHz in Regions 1 and 3 are also allocated to the radio astronomy service. An appropriate continuous band within these limits shall be designated on a national or area basis. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(318) Radio altimeters may also be used, temporarily, in the band 420–460 MHz until they are able to operate in a band allocated to the aeronautical radionavigation service or until they are no longer required.

(318A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 460–470 MHz may be used, on a primary basis, by the meteorological-satellite service subject to agreement among administrations concerned and those having services, or intending to introduce services, operating in accordance with the Table, which may be affected.

(319A) The band 449.75–450.25 MHz may be used for space telecommand, subject to agreement among the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(324A) It is intended that meteorological-satellite space stations operating in this band shall transmit to selected earth stations. The location of such earth stations is subject to agreement among administrations concerned and those having services operating in accordance with the Table, which may be affected.

(332) In Region 1, except the African Broadcasting Area, the band 606–614 MHz, and in Region 3, the band 610–614 MHz may be used by the radio astronomy service. Administrations shall avoid using the band concerned for the broadcasting service as long as possible, and thereafter, as far as practicable, shall avoid the use of such effective radiated powers as will cause harmful interference to radio astronomy observations.

In Region 2, the band 608–614 MHz is reserved exclusively for the radio astronomy service until the first Administrative Radio Conference after January 1, 1974, which is competent to review this provision; however, this provision does not apply to Cuba.

(339A) Specific portions of the frequency band 900–960 MHz may also be used, on a secondary basis, for experimental purposes in connection with space research.

(340) In Region 2, the frequency of 915 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±25 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(341) The band 960–1215 MHz is reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(346) The use of the bands 1300–1350 MHz, 2700–2900 MHz and 9000–9200 MHz by the aeronautical radionavigation service is restricted to ground-based radars and, in the future, to associated airborne transponders which transmit only on frequencies in these bands and only when actuated by radars operating in the same band.

(350A) Space stations employing frequencies in the band 1525–1540 MHz for teleme-

tering purposes may also transmit tracking signals in the band.

(350D) In Cuba, the band 1525–1535 MHz is also allocated, on a primary basis, to the mobile service.

(352A) The bands 1540–1660 MHz, 4200–4400 MHz, 5000–5250 MHz and 15.4–15.7 GHz are reserved, on a world-wide basis, for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

(352B) The bands 1540–1660 MHz, 5000–5250 MHz and 15.4–15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space communication techniques. Such use and development is subject to agreement and coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(353A) In view of the successful detection of two spectral lines in the region of 1665 MHz and 1667 MHz by astronomers, administrations are urged to give all practicable protection in the band 1664.4–1668.4 MHz for future research in radio astronomy.

(354A) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the bands 1660–1670 MHz and 1690–1700 MHz are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

(355A) In Cuba, the band 1700–1710 MHz is also allocated to the fixed and mobile services.

(356AA) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the meteorological-satellite service, in the band 1770–1790 MHz, shall be on a primary basis, subject to coordination with the administration concerned and those having services operating in accordance with the Table, which may be affected by the siting of earth stations.

(356A) The band 2110–2120 MHz may be used for tele-command in conjunction with spacecraft engaged in deep space research, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(356B) In Cuba, the band 2290–2300 MHz is also allocated to the fixed and mobile services.

(357) The frequency 2450 MHz is designated for industrial, scientific and medical purposes except in Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., where the frequency 2375 MHz is used. Emissions must be confined within ±50 MHz of the frequencies designated. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(364A) In Algeria, Bulgaria, Cuba, Hungary, India, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 2690–2700 MHz is also allocated to the fixed and mobile services.

(365) In making assignments to stations in the fixed and mobile services, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(366) In the band 2700–2900 MHz ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the aeronautical radionavigation service.

(367) The use of the band 2900–3100 MHz by the aeronautical radionavigation service is limited to ground-based radars.

(369) In the band 3100–3300 MHz, existing racons and shipborne radars in merchant ships may operate within the band 3100–3266 MHz.

(374A) This band may also be used for the transmission of tracking and telemetering signals associated with communication-satellite space stations operating in the same band.

(383A) In Cuba, the band 4990–5000 MHz is also allocated to the fixed and mobile services, and the provisions of No. 365 apply.

(385) The use of the band 5350–5470 MHz by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(387) Between 5600 and 5650 MHz, ground-based radars used for meteorological purposes are authorized to operate on the basis of equality with stations of the maritime radionavigation service.

(389A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the space research service is a primary service in the band 5670–5725 MHz.

(391) The frequency 5800 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±75 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(392A) This band may also be used for the transmission of telecommand signals associated with communication-satellite earth stations operating in the same band.

(392B) The band 7120–7130 MHz may be used for telecommand in association with space services, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(392C) Stations of the fixed and mobile services, previously authorized in the bands 7250–7300 MHz and 7975–8025 MHz, may continue to operate until January 1, 1969. This provision does not apply to the countries listed in Nos. 392G and 392H.

(392D) As an exception, passive communication-satellite systems also may be accommodated in the band 7250–7750 MHz, subject to:

(a) Agreement between administrations concerned and those whose services, operating in accordance with the Table, may be affected;

(b) The coordination procedure laid down in Article 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by fixed or mobile services. Power-flux density limitations at the earth's surface after reflection from the passive communication-satellites shall not exceed those prescribed in these Regulations for active communication-satellite systems.

The maximum effective power radiated in any direction in the horizontal plane by earth stations of passive satellite systems shall not exceed +55 dbW, not taking the site shielding factor into account. If the distance between a transmitting station of a passive system and the territory of another administration exceeds 400 km, this limitation may be increased in that direction by 2 db for each 100 km in excess of 400 km up to a maximum of 65 dbW.

(392F) In the bands 7200–7250 MHz and 7300–7750 MHz, the meteorological-satellite service may use a band up to 100 MHz in width on a primary basis. These bands may also be used for the transmission of tracking and telemetering signals associated with meteorological-satellite space stations operating in the same band.

(392G) In Algeria, Austria, Bulgaria, Cyprus, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebannon, Liberia, Malaysia, Morocco, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7250–7300 MHz is also allocated to the fixed and mobile services.

(392H) In Algeria, Bulgaria, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebanon, Morocco, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7975–8025 MHz is also allocated to the fixed and mobile services.

(393) In Italy, the band 6450–6575 MHz is also allocated to the radiolocation service.

(394C) In Cuba, the band 8400–8500 MHz is also allocated to the fixed and mobile services.

(396) The use of the band 8750–8850 MHz by the aeronautical radionavigation service is limited to airborne Doppler navigation aids on a centre frequency of 8800 MHz.

(399) The use of band 9300–9500 MHz by the aeronautical radionavigation service is limited to airborne weather radars, and ground-based radars. In this band ground-based radars used for meteorological purposes have priority over other radiolocation devices.

(401A) The band 9975–10,025 MHz may be used by weather radar on meteorological-satellites.

(404) Limited to continuous wave systems.

(405B) In Algeria, Bulgaria, Cuba, Hungary, Japan, Kuwait, Lebanon, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 10.68–10.7 GHz is also allocated to the fixed and mobile services.

(406) Limited to Doppler navigation aids.

(409A) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 15.25–15.35 GHz is also allocated to the fixed and mobile services.

(409C) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 15.35–15.4 GHz is also allocated to the fixed and mobile services.

(409D) In Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Poland, the United Arab Republic, Roumania, Czechoslovakia, and the U.S.S.R., the band 19.3–19.4 GHz is also allocated to the fixed and mobile services.

(410) The frequency 22.125 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(411) In the band 24.25–25.25 GHz, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

(412A) In Bulgaria, Cuba, Hungary, Poland, the United Arab Republic, Roumania, Czechoslovakia, and the U.S.S.R., the band 31.3–31.5 GHz is also allocated to the fixed and mobile services.

(412B) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 31.8–32.3 GHz.

(412C) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 34.2–35.2 GHz.

(412D) The band 34.4–34.5 GHz may be used by weather radar devices on meteorological satellites for the detection of cloud.

(412E) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 36.5–37.5 GHz is also allocated to the radio astronomy service.

(412F) In Cuba and India, the band 33–33.4 GHz is also allocated to the radio astronomy service.

(412G) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 33.4–34 GHz is also allocated to the radio astronomy service.

(412H) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 31–31.3 GHz.

NG FOOTNOTES

NG1 Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the Table of Frequency Allocations, on the condition that harmful interference will not be caused to the reception of television stations on Channels 4 or 5. In any area in the continental United States (excluding Alaska), the aviation service and marine service may each be authorized to use four of the frequencies in the bands 72–73 and 75.4–76 MHz listed in column 10 for operational fixed stations in these services.

NG2 Facsimile broadcasting stations may be authorized in the band 88–108 MHz.

NG3 Fixed stations in the domestic fixed public service and control stations in the domestic public radio services may be authorized to use any of the frequencies in the band 72–73 and 75.4–76 MHz indicated in column 10 on the conditions that (a) harmful interference will not be caused to the reception of television stations on Channels 4 or 5 and (b) that harmful interference will not be caused to operational fixed stations.

NG4 The use of the frequencies in the band 152.84–153.38 MHz may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG5 Licensees in the public safety radio services holding a valid authorization on June 30, 1958, to operate in the frequency band 156.27–157.47 MHz or on the frequencies 161.85, 161.91 or 161.97 MHz may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the public safety radio service.

NG6 Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 159.51–161.79 MHz in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the services to which these bands are allocated. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the band 160.05–161.37 MHz. No new public radio service system will be authorized to operate on these frequencies.

NG8 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocation.

NG9 Aural brodacast intercity relay stations may be authorized to use the band 942–952 MHz on the condition that harmful interference will not be caused to other classes of stations operating in accordance with the Table of Frequency Allocations.

NG10 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG11 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG12 Frequencies in the bands 454.40–455 MHz and 459.40–460 MHz may be assigned to domestic public land and mobile stations to provide a two-way air-ground public radiotelephone service.

NG13 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N. and on the west by longitude 106°40′ W., the frequency band 220–225 MHz is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday, inclusive, of each week. However, the entire frequency band 220–225 MHz shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Tex., and the Area Frequency Coordinator at White Sands, N. Mex., if it apepars necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

NG14 Stations in the radiolocation service shall not cause harmful interference to stations in the disaster communications service between sunset and sunrise or at any time during an actual or imminent disaster. Conversely, stations in the disaster communications service shall not cause harmful interference to stations in the radiolocation service between sunrise and sunset except during an actual or imminent disaster.

NG15(a) The Amateur Service may use the sections of the band 1800–2000 kHz which are not required for LORAN–A in accordance with the following conditions:

(1) The use of these frequencies by the Amateur Service shall not be a bar to the expansion of the radionavigation (LORAN–A) service;

(2) The Amateur Service shall not cause harmful interference to the radio navigation (LORAN–A) service;

(3) Only types A1 and amplitude modulated double and single sideband telephony emission shall be employed;

(4) Amateur operation shall be limited to:

Area	Maximum DC plate input power in watts							
	1800–1825 kHz	1825–1850 kHz	1850–1875 kHz	1875–1900 kHz	1900–1925 kHz	1925–1950 kHz	1950–1975 kHz	1975–2000 kHz
	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night	Day/Night
Alabama	500/100	100/25	0	0	0	0	100/25	500/100
Alaska	200/50	0	0	200/50	0	0	0	0
Arizona	0	0	0	0	0	200/50	500/100	1000/200
Arkansas	1000/200	200/50	100/25	0	0	100/25	100/25	500/100
California	0	0	0	0	100/25	200/50	200/50	500/100
Colorado	200/50	0	0	0	0	200/50	200/50	1000/200
Connecticut	500/100	100/25	0	0	0	0	0	0
Delaware	500/100	100/25	0	0	0	0	0	100/25
District of Columbia	500/100	100/25	0	0	0	0	0	100/25
Florida	500/100	100/25	0	0	0	0	100/25	500/100
Georgia	500/100	100/25	0	0	0	0	0	200/50
Hawaii	0	0	0	0	200/50	100/25	100/25	500/100
Idaho	100/25	0	0	100/25	100/25	100/25	100/25	500/100
Illinois	1000/200	200/50	100/25	0	0	0	0	200/50
Indiana	1000/200	500/100	100/25	0	0	0	0	200/50
Iowa	1000/200	200/50	200/50	0	0	100/25	100/25	500/100
Kansas	500/100	100/25	100/25	0	0	100/25	200/50	1000/200
Kentucky	1000/200	500/100	100/25	0	0	0	0	200/50
Louisiana	500/100	100/25	0	0	0	0	100/25	500/100
Maine	500/100	100/25	0	0	0	0	0	0
Maryland	500/100	100/25	0	0	0	0	0	100/25
Massachusetts	500/100	100/25	0	0	0	0	0	0
Michigan	1000/200	500/100	100/25	0	0	0	0	100/25
Minnesota	500/100	100/25	100/25	100/25	100/25	100/25	100/25	500/100
Mississippi	500/100	100/25	0	0	0	0	100/25	500/100
Missouri	1000/200	200/50	100/25	0	0	100/25	100/25	500/100
Montana	100/25	0	0	100/25	100/25	100/25	100/25	500/100
Nebraska	500/100	100/25	100/25	0	0	200/50	200/50	1000/200
Nevada	0	0	0	0	100/25	200/50	200/50	1000/200
New Hampshire	500/100	100/25	0	0	0	0	0	0
New Jersey	500/100	100/25	0	0	0	0	0	0
New Mexico	100/25	0	0	0	0	100/25	500/100	1000/200
New York	500/100	100/25	0	0	0	0	0	0
North Carolina	500/100	100/25	0	0	0	0	0	100/25
North Dakota	500/100	100/25	100/25	100/25	100/25	200/50	200/50	1000/200
Ohio	1000/200	500/100	100/25	0	0	0	0	100/25
Oklahoma	500/100	100/25	100/25	0	0	100/25	200/50	1000/200
Oregon	0	0	0	0	200/50	100/50	100/25	500/100
Pennsylvania	500/100	100/25	0	0	0	0	0	0
Rhode Island	500/100	100/25	0	0	0	0	0	0
South Carolina	500/100	100/25	0	0	0	0	0	200/50
South Dakota	500/100	100/25	100/25	100/25	100/25	200/50	200/50	1000/200
Tennessee	1000/200	500/100	100/25	0	0	0	0	200/50
Texas	200/50	0	0	0	0	0	100/25	500/100
Utah	100/25	0	0	100/25	100/25	200/50	200/50	1000/200
Vermont	500/100	100/25	0	0	0	0	0	0
Virginia	500/100	100/25	0	0	0	0	0	100/25
Washington	0	0	0	0	200/50	0	0	500/100
West Virginia	1000/200	500/100	100/25	0	0	0	0	100/25
Wisconsin	1000/200	200/50	200/50	0	0	0	0	200/50
Wyoming	200/50	0	0	100/25	100/25	200/50	200/50	1000/200
Puerto Rico	500/100	100/25	0	0	0	0	0	200/50
Virgin Islands	500/100	100/25	0	0	0	0	0	200/50
Swan Island	500/100	100/25	0	0	0	0	100/25	500/100
Serrana Bank	500/100	100/25	0	0	0	0	100/25	500/100
Roncador Key	500/100	100/25	0	0	0	0	100/25	500/100
Navassa Island	500/100	100/25	0	0	0	0	0	200/50
Baker, Canton, Enderbury, Howland	100/25	0	0	100/25	100/25	0	0	100/25
Guam, Johnston, Midway	0	0	0	0	100/25	0	0	100/25
American Samoa	200/50	0	0	200/50	200/50	0	0	200/50
Wake	100/25	0	0	100/25	0	0	0	0
Palmyra, Jarvis	0	0	0	0	200/50	0	0	200/50

(b) This footnote shall be considered as temporary in the sense that it shall remain subject to cancellation or to revisions, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the LORAN–A system of radionavigation.

NG16 For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

NG17 Stations in the Land Transportation Radio Services authorized as of May 15, 1958, to operate on the frequency 161.61 MHz may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to the operation of any authorized station in the maritime mobile service. No new Land Transportation Radio Service system will be authorized to operate on 161.61 MHz.

NG19 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG20 Fixed stations in the public safety radio service may be authorized the use of frequencies in this band which are authorized to base and mobile stations of this service on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG21 In Hawaii, the frequency bands 76–88 MHz and 98–108 MHz are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only. Spacing between assignable frequencies is not specified.

NG22 The frequency 2182 kHz may be authorized to fixed stations associated with the maritime mobile service for the sole purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

NG23 Frequencies in the band 2110–2200 MHz may also be assigned to stations in the international fixed public radio service located south of 25°30′ north latitude in the State of Florida and in U.S. Possessions in the Caribbean area.

NG24 On condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.35, 156.45 and 156.55 MHz: *Provided*, That, in each case, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall be protected from harmful interference from the land mobile service.

NG25 The frequency 6240 kHz may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG26 In Puerto Rico and the Virgin Islands only, the bands 154.04–154.46 MHz and 161.385–161.875 MHz are allocated exclusively to (a) aeronautical fixed service, (b) domestic fixed public service, and (c) international fixed public service and are not available to the mobile services.

NG27 The frequency 6455 kHz may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG28 The frequency band 160.86–161.40 MHz is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only on a shared basis with the land transportation radio service.

NG29 Ship or coast radiotelephone stations operating in the Mississippi River system may be authorized to use the frequencies 4072.4, 4377.4 and 8210.8 kHz. These frequencies are replacements for 4067, 4372.4 and 8205.5 kHz, respectively, which shall not be used for such operations after June 30, 1962.

NG30 Stations in the international fixed public radiocommunication service in Florida, south of 25°30′ north latitude, may be authorized to use frequencies in the band 716–890 MHz on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

NG31 The spacing between frequency assignments in this band shall be 10 kHz. The first and last assignable frequencies are those indicated in column 10.

NG32 The spacing between frequency assignments in this band shall be 20 kHz. The first and last assignable frequencies are those indicated in column 10.

NG33 The spacing between frequency assignments in this band shall be 20 kHz. The first and last assignable frequencies are those indicated in column 10.

NG34 The spacing between frequency assignments in this band shall be 50 kHz. The first and last assignable frequencies are those indicated in column 10.

NG35 The spacing between frequency assignments in this band shall be 100 kHz. The first and last assignable frequencies are those indicated in column 10.

NG36 The spacing between frequency assignments in this band shall be 200 kHz. The first and last assignable frequencies are those indicated in column 10.

NG38 The frequencies 152.3, 152.36, 152.42, 157.56, 157.62, and 157.68 MHz may be assigned exclusively to stations in the industrial radio service outside standard metropolitan areas of 50,000 or more population.

NG40 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890–942 MHz may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 942–952 MHz provided the bandwidth of emission does not exceed 1100 kHz and provided that an engineering study by the Commission indicates that the proposed frequency assignment for such stations in the band 942–952 MHz is likely to result in the elimination of the interference occurring in the band 890–942 MHz, and will not cause interference to existing operations in the band 942–952 MHz.

NG41 Frequencies in the bands 3700–4200 MHz, 5925–6425 MHz, and 10.7–11.7 GHz may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

NG42 Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

NG43 Fixed stations in the domestic public radio services in Alaska, south of 56° north latitude and east of 134° west longitude, may be authorized to use frequencies in the band 800–830 MHz, on the condition that harmful interference will not be caused to the broadcasting service of any country.

NG44 Under exceptional circumstances, the frequencies 2638 and 2738 kHz may be authorized to coast stations.

NG45 Authorizations in this frequency band will be granted for omni-directional point-to-point operations only, excluding broadcast and auxiliary broadcast operations.

NG46 Licensees holding a valid authorization, on July 15, 1963, to operate in the frequency bands 6425–6525 MHz, 6525–6575 MHz, 7050–7125 MHz, and 10,550–10,680 MHz may continue to be authorized for such operation until July 15, 1968, on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG47 Pending determination of final action concerning allocation of the 2500–2690 MHz band to the Instructional television service and further Order of the Commission, frequencies in this band are not available for operation of new radio systems comprised of operational fixed or international control stations except for those stations which comply with the technical standards established for the instructional television service. [Reference, Report and Order, FCC 63–722, in Docket No. 14744]

NG49 The frequencies 72.02, 72.04, 72.06, 72.08, 72.10, 72.12, 72.14, 72.16, 72.18, 72.20, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.34, 72.36, 72.38, 72.40, 72.44, 72.48, 72.52, 72.56, 72.60, 75.44, 75.48, 75.52, 75.56, and 75.60 MHz may be authorized for low powered (1 watt input) mobile operations in the manufacturers radio service subject to the condition that no interference is caused to the reception of television stations operating on Channels 4 and 5.

NG50 In the band 25.07–25.11 MHz, stations in the Industrial Radio Services shall not cause harmful interference to, and must accept interference from, stations in the Maritime Mobile Service operating in accordance with the International table of frequency allocations.

NG51 In Puerto Rico and the Virgin Islands only, the bands 150.8–150.98 MHz and 150.98–151.49 MHz are allocated exclusively to the Business Radio Service. Stations in the Land Transportation and Public Safety Radio Services in those territories which have been authorized as of January 1, 1965, to use frequencies in the bands 150.8–150.98 MHz and 150.98–151.49 MHz, respectively, may continue to operate on these frequencies until January 1, 1970.

NG52 Stations used to relay television signals to community antenna television systems, which are authorized to operate in the band 12.2–12.7 GHz on November 22, 1965, may continue to be authorized to so operate until February 1, 1971, under the conditions specified in that license.

NG53 In the band 12.7–12.95 GHz, television pickup stations shall not cause harmful interference to community antenna relay, television intercity relay and television STL stations.

NG55 Frequencies in the bands 3700–4200 MHz and 5925–6425 MHz will not be assigned to stations used to relay television signals to community antenna television systems after March 22, 1968: *Provided, however*, That stations which were authorized to so operate in these bands on March 22, 1968, may continue to be authorized to so operate until February 1, 1971, under the conditions specified in that license, and after February 1, 1971, only upon conditions that: (a) The station is not within fifty (50) miles of the coordinates of the principal city, as set forth in the U.S. Department of Commerce publication "Air Line Distances Between Cities in the United States," of one of the top 25 standard metropolitan statistical areas, as ranked by the U.S. Census Bureau, and (b) the station shall not cause harmful interference to fixed earth stations in the Communication Satellite Service or to fixed common carrier stations in the Domestic Public Service which are used for services other than the relay of television signals to community antenna television systems.

NG56 The frequencies 72.08, 72.24, 72.40, 72.96 and 75.64 MHz may be authorized for low-powered (one watt input) mobile operations in the Citizens Radio Service subject to the condition that interference will not be caused to remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television stations operating on Channels 4 or 5. TV interference shall be considered to occur whenever reception of regularly used television signals is impaired or destroyed, regardless of the strength of the television signals or the distance to the television station.

NG57 The frequency bands 154.4525–154.46 MHz, 154.46–154.4675 MHz and 154.4675–154.4750 MHz may also be assigned to fixed stations.

NG58 Low-power broadcast auxiliary stations licensed pursuant to the provisions of 74.437 of this chapter may be authorized to operate in the band 942–952 MHz subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations.

NG59 The frequencies 37.60 and 37.84 MHz may be authorized only for use by base, mobile and operational fixed stations participating in an interconnected or coordinated power service utility system. Existing operations not conforming to this limitation must be terminated by September 24, 1970.

NG60 Frequencies in this band may be authorized for communication with helicopters in support of off-shore drilling operations on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG61 Frequencies in this band may be authorized for flight test purposes on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

U.S. FOOTNOTES

US1 Pulsed emissions prohibited.

US2 The frequency 132.0 MHz may be authorized to non-Government stations only.

US3 The Government fixed, mobile except aeronautical mobile (R), and radiolocation services may be authorized in the band 132.0–136.0 MHz on condition that harmful interference is not caused to the aeronautical mobile (R) service.

US5 Until January 1, 1970, the frequencies 217.425 through 217.675 MHz and 219.325 through 219.575 MHz, inclusive, may be authorized for use by non-Government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

US6 Radio altimeters operating in the band 420–460 MHz under a valid authorization on February 15, 1968, may continue to operate after that date, on the condition that harmful interference is not caused to stations of services operating in accordance with the U.S. Table of Frequency Allocations. Such authorizations may be renewed, but no new authorizations will be granted after February 15, 1968, and all radio altimeter operations in this band shall be discontinued prior to January 1, 1973.

US7 In the band 420–450 MHz and within the following areas, the DC plate power input to the final stage of a transmitter employed in the amateur service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31°53′ North, on the east by longitude 105°40′ West, on the north by latitude 33°24′ North, and on the west by longitude 106°40′ West;

(b) The entire State of Florida including the Key West area and the areas enclosed within a 200-mile radius of Patrick Air Force Base, Fla. (latitude 28°21′ North, longitude 80°43′ West), and within a 200-mile radius of Eglin Air Force Base, Fla. (latitude 30°30′ North, longitude 86°30′ West);

(c) The entire State of Arizona;

(d) Those portions of California and Nevada south of latitude 37°10′ North, and the areas enclosed within a 200-mile radius of the U.S. Naval Missile Center, Point Mugu, Calif. (latitude 34°09′ North, longitude 119°11′ West).

US8 The use of the frequencies 170.475, 171.425, 171.575, and 172.275 MHz east of the Mississippi River, and 170.425, 170.575, 171.475, 172.225, and 172.375 MHz west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire-fighting agencies. In addition, land stations and mobile stations operated by non-Federal conservation agencies, for mobile relay operation only, may be authorized to use the frequency 172.275 MHz east of the Mississippi River and the frequency 171.475 MHz west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

US10 The use of frequencies 26.62 MHz (in all areas), 143.90 MHz (in the continental United States excluding Alaska), and 148.15 MHz (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

US11 The use of the frequencies 166.250 and 170.15 MHz may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance not to exceed 60 kHz) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162–174 MHz. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

MHz	MHz	MHz	MHz
169.425	170.275	171.125	406.075
169.450	170.300	171.825	406.125
169.475	170.325	171.850	406.175
169.500	171.025	171.875	412.625
169.525	171.050	171.900	412.675
170.225	171.075	171.925	412.725
170.250	171.100	406.025	412.775

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 169.575, 170.375, 171.175, 171.975, or 406.050 MHz may continue to be authorized for such operation on the condition that harmful interference will not be caused to Government stations.

US14 This frequency band is not available to non-Government stations except that the frequency 512 kHz is available for use by non-Government ship telegraph stations, as a working frequency. When 500 kHz is being used for distress purposes, ship and coast stations may use 512 kHz for calling.

US15 The use of the frequency 540 kHz is subject to the conditions that no harmful interference is caused to the services operating on 500 kHz, and in the band 510–535 kHz.

US16 Airdrome control stations may continue to be authorized to use frequencies in the band 290–325 kHz on the condition that harmful interference will not be caused to stations of services operating in accordance with the Table of Frequency Allocations.

US17 For the radiolocation activities of the petroleum industry only, radiolocation land stations and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of the frequencies 230 MHz, 250 MHz and 310 MHz at locations within 150 miles of the respective ocean shorelines of Alaska and the contiguous 48 states (including the areas in and about bays and sounds), provided that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

US18 Navigation aids in the United States and possessions between 90 and 110 kHz, 200 and 415 kHz, and 1800 and 2000 kHz, are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

US19 In the band 405–415 kHz, stations in the aeronautical mobile service shall not cause harmful interference to stations in the radionavigation service.

US20 In Alaska, Government stations in the fixed service may be authorized to use frequencies in the band 72–73 and 75.4–76 MHz on the condition that harmful interference will not be caused to the reception of TV Channel 4.

US21 Existing Government operations and non-Government stations authorized in this band as of December 1, 1961, may continue and shall not be required to afford protection to radio astronomy observatories within the United States and its possessions. However, by international agreement, such stations must afford protection to the observatories of other countries.

US23 In Alaska, the frequency bands 76–88 MHz and 88–100 MHz are allocated to Government radio services and the non-Government fixed service.

US25 The use of frequencies in the band 25.85–26.1 MHz may be authorized in any area to non-Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcasting service.

US26 The bands 117.975–121.425 MHz, 123.575–128.825 MHz and 132.025–136 MHz are for air traffic control communications.

US28 The band 121.65–121.975 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US29 The current use of the band 121.975–123.075 MHz by military aircraft is temporary and may continue until they are moved to an appropriate band.

US30 The band 121.975–123.075 MHz is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 Except as provided below, the band 121.975–123.075 MHz is for use by private aircraft stations.

The frequencies 122.80, 122.85, 122.95, 123.00, and 123.05 MHz may be assigned to aeronautical advisory stations.

The frequency 122.90 MHz may be assigned to aeronautical multicom stations.

Air carrier aircraft stations may use 122.00 MHz for communications with aeronautical stations of the Federal Aviation Administration and 122.8 MHz for communication with other aircraft and with aeronautical advisory stations.

Frequencies in the band 121.975–122.625 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only except that 122.0 MHz may also be used for communication with air carrier aircraft stations concerning weather information.

US32 The band 123.075–123.575 MHz is for (a) non-Government operations in accordance with the Commission's Rules and (b) for FAA communications incident to flight test activities pertinent to aircraft certification.

US33 The band 123.075–123.575 MHz is for use by flight test and aviation instructional stations.

US34 The only non-Government service permitted in the band 220–225 MHz is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US35 Except as provided by footnotes US6 and US87, the only non-Government service permitted in the band 420–450 MHz is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US36 Each non-Government station in the fixed service, authorized to operate in the band 890–942 MHz and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date, and shall be protected from harmful interference from the radiolocation service during such term. Renewals of such authorizations, however, shall be contingent upon the condition that each such fixed station (1) accept any harmful interference that may be experienced from the operation of ISM equipments on 915 MHz (2) accept any harmful interference that may be experienced from the radiolocation service and (3) shall not cause harmful interference to the radiolocation service.

US37 The only non-Government service permitted in the band 1215–1300 MHz is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US38 The non-Government use of the band 1300–1350 MHz is limited to the aeronautical radionavigation service.

US39 Within the band 1540–1660 MHz, radio altimeters are permitted to use only the portion 1600–1660 MHz and then only until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US40 The only non-Government service permitted in the band 2300–2450 MHz is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US41 The Government radiolocation service is permitted in the band 2450–2500 MHz on the condition that harmful interference is not caused to non-Government services.

US42 Temporarily, and until certain operations of the radiolocation service in the band 2700–2900 MHz can be transferred to other appropriate frequency bands, the aeronautical radionavigation and meteorological aids services may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US43 Non-Government land based radars in the aeronautical radionavigation service may be authorized in the band 2700–2900 MHz, subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned, and upon special showing of need for service which the Government is not yet prepared to render.

US44 The non-Government radiolocation service may be authorized in the band 2900–3100 MHz on the condition that no harmful interference is caused to Government services.

US45 Each non-Government radiolocation land or radiolocation mobile station authorized to operate in the band 3100–3246 MHz, 3266–3300 MHz, or 9200–9300 MHz and holding a valid authorization to so operate as of April 16, 1958, may continue to so operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to Government services.

US46 Each non-Government radionavigation station authorized to operate a shipborne radar in the band 3100–3246 MHz, and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station must accept any harmful interference that might be experienced from Government services in that band.

US47 The band 4200–4400 MHz is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US48 The non-Government radiolocation service may be authorized in the band 5350–5460 MHz on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiolocation service.

US49 The non-Government radiolocation service may be authorized in the band 5460–5470 MHz on the condition that it does not cause harmful interference to the aeronautical or maritime radionavigation services or to the Government radiolocation service.

US50 The non-Government radiolocation service may be authorized in the band 5470–5600 MHz on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiolocation service.

US51 In the band 5600–5650 MHz, the non-Government radiolocation service shall not cause harmful interference to the Government radiolocation service.

US52 The only non-Government service permitted in the band 5650–5925 MHz is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US53 In view of the fact that the band 13.25–13.4 GHz is allocated exclusively to Doppler navigation aids, Government and non-Government airborne Doppler radars in the aeronautical radionavigation service are permitted in the band 8750–8850 MHz only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10,000 MHz.

US54 Temporarily, and until certain operations of the radiolocation service in the band 9000–9200 MHz can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US55 The non-Government radiolocation service may be authorized in the band 9000–9200 MHz on the condition that harmful interference is not caused to the aeronautical radionavigation service or the Government radiolocation service.

US56 The non-Government radiolocation service may be authorized in the band 9300–9500 MHz on the condition that harmful interference is not caused to the Government radiolocation services.

US58 In the band 10,000–10,500 MHz, pulsed emissions are prohibited, except for weather radars on board meteorological-satellites in the band 10,000–10,025 MHz. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed 1 watt into the antenna.

US59 The band 10,500–10,550 MHz is restricted to systems using type A0 emission with a power not to exceed 40 watts into the antenna.

US60 The use of this band by non-Government services is limited to the space (telecommand) service.

US61 The use of this band by non-Government services is limited to the amateur service.

US62 The use of this band by Government services is limited to the space research service.

US65 The use of the band 5460–5650 MHz by the maritime radionavigation service is limited to shipborne radars.

US66 The use of the band 9300–9500 MHz by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

US67 The use of the band 9300–9500 MHz by the meteorological aids service is limited to ground-based radars. Radiolocation installations will be coordinated with the meteorological aids service and, insofar as practicable, will be adjusted to meet the requirements of the meteorological aids service.

US68 The non-Government use of this band is limited to the radio astronomy service.

US69 In the band 31.8–33.4 GHz, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400.05–406 MHz does not preclude the operation therein of associated ground transmitters.

US71 In the band 9300–9320 MHz, low-powered maritime radionavigation stations shall be protected from harmful interference caused by the operation of land-based equipment.

US72 In the band 24.25–25.25 GHz, Government radio-location devices (ASDE) are permitted between 24.25–24.47 GHz on a shared basis.

US74 The radio astronomy service shall be protected from extraband radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US77 Government stations may also be authorized:

(a) Port operations used on a simplex basis by coast and ship stations of the frequencies 156.6 and 156.7 MHz;

(b) Duplex port operations use of the frequency 157.0 MHz for ship stations and 161.6 MHz for coast stations;

(c) Intership use of 156.3 MHz on a simplex basis.

US78 In the band 1435–1525 MHz, the frequencies between 1435 and 1485 MHz will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1525 MHz will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1435–1525 MHz is telemetry associated with launching and re-entry into the earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

US80 Government stations may use the frequency 122.9 MHz subject to the following conditions.

(a) All operation by Government stations shall be restricted to the purpose for which the frequency is authorized to non-Government stations, and shall be in accordance with the appropriate provisions of the Commission's rules and regulations, Part 87, Aviation Services;

(b) Use of the frequency is required for coordination of activities with Commission licensees operating on this frequency; and

(c) Government stations will not be authorized for operation at fixed locations.

US81 The band 38–38.16 MHz may be used by both Government and non-Government radio astronomy observatories. No new assignments are to be made and Government stations in the band 38–38.16 MHz will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low-powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused to radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with a view to effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of Chief Engineer, Federal Communications Commission, Washington, D.C. 20554.

US82 The assignable frequencies in this band may be authorized on a shared non-priority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kw).

US83 Non-Government use of this band is limited to the following 9995–10,003 kHz, radio astronomy service; 10,003–10,005 kHz, radio astronomy and space research services.

US84 The non-Government use of this band is limited to the space research service.

US85 In the bands 117.975–128.075 and 123.575–136 MHz, the use and development, for the aeronautical mobile (R) service, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service.

US86 The frequencies 148.25 MHz ±15 KHz and 154.2 MHz ±15 kHz may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be imposed on a case-by-case basis. With respect to 154.2 MHz, the commands are to be limited to short duration of the order of three seconds ("Address and execute" commands). Further, on a case-by-case basis and solely to avoid harmful interference to non-Government stations in the land mobile service, a comparable replacement frequency assignment will be made available below 150.8 MHz, if required.

US87 The frequency 450 MHz, with maximum emission bandwith of 500 kHz, may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be applied on a case-by-case basis.

US88 Stations in the broadcasting service will not be authorized in the band 608–614 MHz prior to January 1, 1974. In the interim the band is available for use by the radio astronomy service. The radio astronomy service shall be protected from extraband radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US89 The aeronautical telemetering frequencies in the band 1525–1535 MHz will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1525–1535 MHz is telemetry associated with launching and reentry into the earth's atmosphere, as well as any incidental orbiting prior to reentry, of manned or unmanned objects undergoing flight tests.

US90 The band 2110–2120 MHz may be used by Government and non-Government stations for space telecommand at specific locations in conjunction with spacecraft engaged in deep space research, subject to such conditions as may be applied on a case-by-case basis.

US91 The ultimate disposition of this band in the communication-satellite service, as between Government and non-Government, is deferred. In the meanwhile the non-Government may exploit the 4 and 6 GHz bands and the Government may exploit the 7 and 8 GHz bands for communication-satellite service systems intended to become operational. Any modification of this policy will be discussed and agreed in the FCC/DTM (IRAC) mechanism prior to the filing of applications with the IRAC for frequency assignments which are not in accordance with the foregoing.

US92 In the band 7300–7750 MHz, the meteorological-satellite service may use a band up to 100 MHz in width. This 100 MHz band may also be used for the transmission of tracking and telemetering signals associated with meteorological-satellite space stations operating in the same band.

US93 In the conterminous United States, the frequency 108.0 MHz may be authorized for use by VOR test facilities, the operation of which is not essential for the safety of life of property, subject to the condition that no interference is caused to the reception of FM broadcasting stations operating in the band 88–108 MHz. In the event that such interference does occur, the licensee or other agency authorized to operate the facility shall discontinue operation on 108 MHz and shall not resume operation until the interference has been eliminated or the complaint otherwise satisfied. VOR test facilities operating on 108 MHz will not be protected against interference caused by FM broadcasting stations operating in the band 88–108 MHz nor shall the authorization of a VOR test facility on 108 MHz preclude the Commission from authorizing additional FM broadcasting stations.

US94 The bands 30.005–30.015 MHz and 39.986–40.02 MHz are also allocated, on a secondary basis, to the space research service for space to earth transmissions only.

US95 The band 66–72 MHz is not available for television broadcasting at Guam, Mariana Islands. Subject to agreement by the Commission, frequencies within this band may be authorized until July 1, 1970, for use by Government stations in the maritime mobile service in the Mariana Islands and vicinity.

US96 In the band 1990–2110 MHz, the frequencies 2106.4 MHz and 2101.8 MHz may be authorized for Government earth station transmissions in connection with Project Apollo, until December 31, 1970, at the following sites only:

Goldstone, Calif. (35°23'20" N., 116°50'53" W.)

Guam, Mariana Islands (13°18'34" N., 144°-44'10" E.)

Cape Kennedy, Fla. (28°28'54" N., 80°34'35" W.)

Kauai, Hawaii (22°07'31" N., 159°40'16" W.)

Corpus Christi, Tex. (27°39'19" N., 97°22'49" W.)

Full power operation shall occur only when spacecraft launched as a part of Project Apollo are in actual flight. During such operation, the carrier shall be fully modulated at all times to ensure dispersal of the transmitted power, and transmissions shall not occur using antenna elevation angles of less than 3° above the horizontal plane. Operation at all other times shall be confined to laboratory tests or subdued radiation spacecraft tests, subject to the condition that no harmful interference is caused to TV broadcast auxiliary stations.

US97 The use of the band 1605–1715 kHz by non-Government stations in the aeronautical radionavigation service is limited to the frequencies 1638 and 1708 kHz. Stations in the radiolocation service shall not cause harmful interference to stations in the aeronautical radionavigation service operating on 1638 or 1708 kHz.

US98 The frequency 243 MHz is the frequency in this band for use by Government and non-Government survival craft stations and equipment used for survival purposes.

US99 In the band 1660–1700 MHz, the meteorological aids service (radiosonde) will to the maximum extent practicable confine its operations above the frequency 1670 MHz. Whenever it is necessary to operate radiosondes in the band 1660–1670 MHz within the United States, the radio astronomers will be notified in a timely manner.

US100 In the Additional Protocol to the Final Acts of the Space EARC, Geneva, 1963, a declaration on behalf of the USA states that the USA cannot accept any obligation to observe the exceptions claimed by Cuba in those footnotes to the Table of Frequency Allocations which were adopted by the EARC and which specifically name Cuba.

US101 In the band 1660–1670 MHz, the radio astronomy service must accept such interference as may be received from the meteorological-satellite service.

US102 In Alaska only, the frequency 122.1 MHz may also be used for air carrier air traffic control purposes at locations where other frequencies are not available to air carrier aircraft stations for air traffic control.

US103 Non-Government aeronautical radionavigation stations, intended to provide service for helicopter operations in the New York City area, may be authorized on the following frequencies:

kHz	kHz
70.8375	113.340
84.945	116.1735
85.005	127.5075
85.065	

Such authorizations shall be limited to the specific sites, coverage area and period of time in accordance with formal advice from the Federal Aviation Agency to the Federal Communications Commission that the service is required.

US104 The LORAN radionavigation system has priority in this band in the United States and Possessions.

US105 On the express condition that harmful interference is not caused to stations operating in accordance with the Table of Frequency Allocations, frequencies in the bands 3230–3240 and 3240–3400 kHz may be assigned to radiolocation systems which are also assigned frequencies in the 1605–1800 kHz band, provided the use of frequencies in the bands 3230–3240 and 3240–3400 kHz is necessary for the proper functioning of the particular radiolocation system.

US106 The frequency 156.75 MHz is available for assignment to non-Government and Government stations for environmental communications in accordance with an agreed plan.

US107 The frequency 156.8 MHz is the national distress, safety and calling frequency for the maritime mobile VHF radiotelephone service for use by Government and non-Government ship and coast stations. Guard bands of 156.7625–156.7875 and 156.8125–156.8375 MHz are maintained.

[F.R. Doc. 69–14290; Filed, Dec. 8, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangerine Reg. 39]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees reflects their appraisal of the potential marketing situation during the week in which Christmas Day occurs and for the period immediately following the holiday. Historically, there has been heavy purchasing of fresh tangerines in the terminal markets prior to Christmas Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of tangerine shipments, as hereinafter specified, is necessary to prevent a buildup of tangerine supplies in the markets during and immediately following the Christmas week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 8, 1969. Domestic shipments of Florida tangerines are currently regulated by grade and size pursuant to Tangerine Regulation 38 (34 F.R. 18600, 19023), and, unless sooner terminated or modified, will continue to be so regulated through September 13, 1970; determinations as to need for, and extent of, regulation under § 905.52 (a) (3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for less restrictive regulation of tangerine shipments subsequent to December 7, 1969, and for limiting the total quantity of fresh tangerines by prohibiting the shipment thereof pursuant to § 905.52(a)(3) during the period December 23 through December 29, 1969, as herein provided, were promptly submitted to the Department after an open meeting on December 3, 1969, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines, grown in the production area, and this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.521 Tangerine Regulation 39.

(a) Order: (1) Tangerine Regulation 38 (34 F.R. 18600, 19023) is hereby terminated December 8, 1969.

(2) During the period December 8, 1969, through December 14, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, which are smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Tangerines: *Provided*, That during said week any handler may ship a quantity of tangerines which are smaller than $2^{9}/_{16}$ inches in diameter, if (*a*) the number of standard packed boxes of such smaller tangerines does not exceed 35 percent of the total shipments of tangerines by such handler during the last previous week, within the current fiscal period, in which he shipped tangerines; and (*b*) such smaller tangerines are of a size not smaller than $2^{1}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(3) Except as provided in subparagraph (4) of this paragraph, during the period December 15, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerine, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, which are smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Tangerines.

(4) During the period December 23 through December 29, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines, grown in the production area.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title); the term "week" shall mean the 7-day period beginning at 12:01 a.m., local time, on Monday of 1 calendar week and ending at 12:01 a.m., local time, on Monday of the following calendar week.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14675; Filed, Dec. 8, 1969; 8:49 a.m.]

[Tangelo Reg. 39]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida tangelo crop and the current and prospective market conditions. More restrictive regulation requirements should be made effective no later than December 8, 1969, because the terminal market supply situation reflects excessive shipments of smaller tangelos, hence, a higher percentage of the larger sizes of tangelos is needed in fresh tangelo shipments to (1) maintain returns to producers consistent with the declared policy of the act by reducing the percentage of smaller, less desirable tangelos in shipments to fresh market outlets, and (2) provide consumers with Florida tangelos of the most desirable quality. The recommendation by the committees also reflects their appraisal of the potential marketing situation during the week in which Christmas Day occurs and for the period immediately following the holiday. Historically, there has been heavy purchasing of fresh tangelos in the terminal markets prior to Christmas Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of tangelo shipments, as hereinafter specified, is necessary to prevent a buildup of tangelo supplies in the markets during and immediately following the Christmas week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 8, 1969. Domestic shipments of Florida tangelos are currently regulated by grade and size pursuant to Tangelo Regulation 38 (34 F.R. 18354, 18600, 19022), and, unless sooner terminated or modified, will continue to be so regulated through September 13, 1970; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for regulation of tangelo shipments subsequent to December 7, 1969, and for limiting the total quantity of fresh tangelos by prohibiting the shipment thereof pursuant to § 905.52(a)(3) during the period December 23 through December 29, 1969, as herein provided, were promptly submitted to the Department after an open meeting on December 3, 1969, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.522 Tangelo Regulation 39.

(a) Order: (1) Tangelo Regulation 38 (34 F.R. 18354, 18600, 19022) is hereby terminated December 8, 1969.

(2) Except as otherwise provided in subparagraph (3) of this paragraph, during the period from December 8, 1969 through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangelos grown in the production area, which are smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That during any week of the period specified in this subparagraph (2), any handler may ship a quantity of tangelos which are smaller than the size prescribed in this subdivision (ii) if (*a*) the number of standard packed boxes of such smaller tangelos does not exceed 10 percent of the total shipments of tangelos by such handler during the last previous week, within the current fiscal period, in which he shipped tangelos; and (*b*) such smaller tangelos are of a size not smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(3) During the period from December 23 through December 29, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos grown in the production area.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140—51.1178 of this title); the term "week" shall mean the 7-day period beginning at 12:01 a.m., local time, on Monday of 1 calendar week and ending at 12:01 a.m., local time, on Monday of the following calendar week.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 5, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14668; Filed, Dec. 8, 1969; 8:49 a.m.]

[Navel Orange Reg. 185, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.484 (Navel Orange Reg. 184, 34 F.R. 18896) are hereby amended to read as follows:

§ 907.484 Navel Orange Regulation 184.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 979,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 121,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14585; Filed, Dec. 8, 1969; 8:47 a.m.]

[Lemon Reg. 403, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to affectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication here in the FEDERAL REGISTER (5 U.S.C. 533) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 910.703 (Lemon Reg. 403, 34 F.R. 19023) are hereby amended to read as follows:

§ 910.703 Lemon Regulation 403.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 32,550 cartons;
(ii) District 2: 53,940 cartons;
(iii) District 3: 150,660 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14586; Filed, Dec. 8, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–WE–47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On September 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14082) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airway Nos. 83 and 210.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

Section 71.123 (34 F.R. 4509, 14728) is amended as follows:

a. In V–83 "INT Alamosa 075° and Pueblo, Colo., 203° radials;" is deleted and "INT Alamosa 074° and Pueblo, Colo., 191° radials;" is substituted therefor.

b. In V–210 "INT Alamosa 075°" is deleted and "INT Alamosa 074°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 3, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–14588; Filed, Dec. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69–EA–140]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Designated Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Allegheny, Pa., VORTAC as a designated low altitude reporting point. The Federal Aviation Administration has determined that this reporting point is no longer required for air traffic control purposes and that its revocation would reduce a burden on pilots.

Since this amendment is minor in nature and will reduce a burden on the users of airspace, it has been determined that notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed for appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.203 (34 F.R. 4792) "Allegheny, Pa." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 3, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–14589; Filed, Dec. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69–WE–28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area and Reporting Point

On September 17, 1969, a Notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14478) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate Control 1155 and the Gateway Pine reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

1. Section 71.163 (34 F.R. 4549) is amended by adding:

Control 1155. That airspace extending upward from 5,000 feet MSL within 5 miles each side of the San Luis Obispo, Calif., VORTAC 242° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the U.S. coastline to the Oakland Oceanic CTA/FIR boundary.

2. Section 71.209 (34 F.R. 4802) is amended by adding:

Gateway Pine INT: INT San Luis Obispo, Calif., 242° radial, east boundary Oakland Oceanic Control Area at lat. 34°12'42" N., long. 123°03'20" W.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510, Executive Order 10854, 24 F.R. 9565; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 1, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–14590; Filed, Dec. 8, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 1, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Information Relating to Providers and Other Organizations and Facilities Furnishing Services Reimbursable Under Title XVIII Program

Regulation No. 1 of the Social Security Administration (20 CFR 401.1 et seq.) is further amended as set forth below.

Section 401.3 is amended by adding paragraph (t) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * *

(t) Information relating to payments to, and utilization data concerning, providers and other organizations and facilities furnishing services under title XVIII of the Act, obtained in the administration of this title, may be disclosed when efficient administration permits: *Provided*, That no information identifying any particular beneficiaries shall be disclosed under this paragraph.

(Secs. 1102, 1106, and 1871, 49 Stat. 647, as amended, 53 Stat. 1398, as amended, 79 Stat. 331; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 1302, 1306, and 1395hh)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 14, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 2, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69–14565; Filed, Dec. 8, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Single Strength and Less Than Single Strength Fruit Juice Beverages From Certain Labeling Requirements

In the matter of exempting single strength and less than single strength fruit juice beverages from certain labeling requirements of Part 1 under specified conditions:

Pursuant to provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of October 15, 1969 (34 F.R. 15840). Accordingly, the amendment (§ 1.1c(a)(13)) promulgated thereby will become effective December 14, 1969.

Dated: December 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–14558; Filed, Dec. 8, 1969; 8:45 a.m.]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Certain Confectionery From Certain Labeling Requirements

In the matter of exempting confectionery of less than one-half ounce (including chewing gum) from Part 1 labeling requirements under specified conditions:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of October 2, 1969 (34 F.R. 15354). Accordingly, the amendment (§ 1.1c(a)(4)) promulgated thereby became effective December 1, 1969.

Dated: December 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–14559; Filed, Dec. 8, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 6—NEIGHBORHOOD FACILITIES

Subpart B—Relocation Payments

MISCELLANEOUS AMENDMENTS

The regulations governing the making of relocation payments under section 404 of the Housing and Urban Development Act of 1965, 42 U.S.C. 3074, published under Part 6 of Subtitle A of Title 24 of the Code of Federal Regulations, effective February 18, 1967 (32 F.R. 3052), are hereby amended to include the regulations governing relocation payments under section 516 of the Housing and Urban Development Act of 1968, 42 U.S.C. 1465(c), in the following respects:

1. Section 6.100 is amended to include reference to section 516 of the Housing and Urban Development Act of 1968. As so amended, § 6.100 reads as follows:

§ 6.100 Statement of applicable law.

Section 404(a) of the Housing and Urban Development Act of 1965, 42 U.S.C. 3074(a), provides that financial assistance extended to any applicant under the Neighborhood Facilities Grant Program under section 703 of the Act, 42 U.S.C. 3103, may include grants for relocation payments made on such terms and conditions and subject to such limitations as are set forth in section 114 (b), (c), and (d) of the Housing Act of 1949, as amended, 42 U.S.C. 1465 (b), (c), and (d). Section 516 of the Housing and Urban Development Act of 1968, 42 U.S.C. 1465(c), amends section 114(c)

by expanding the relocation payments provisions applicable to the programs of the Department of Housing and Urban Development. Authority to issue regulations is included in the delegation to the Assistant Secretary for Renewal and Housing Assistance published at 31 F.R. 8964, June 29, 1966.

2. In § 6.101, paragraph (g) is revised, and paragraph (m) is amended by revising subparagraph (4) and adding a new subparagraph (6), to read as follows:

§ 6.101 Definitions.

* * * * *

(g) *Individual.* A person who is not a member of a family. An elderly individual is an individual 62 years of age or over at the time of displacement. A handicapped individual is an individual who has a physical impairment which is expected to be of long-continued and indefinite duration and which substantially impedes his ability to live independently.

* * * * *

(m) *Relocation payment.* * * *

(4) To or on behalf of a family or elderly individual for relocation adjustment prior to August 1, 1968 (relocation adjustment payment); or to or on behalf of a family or elderly or handicapped individual on or after August 1, 1968 (additional relocation payment).

* * * * *

(6) To a family or individual to assist an owner-occupant of a one- or two-family dwelling to purchase and occupy a replacement dwelling on or after August 1, 1968 (replacement housing payment).

* * * * *

3. Section 6.105 is revised to read as follows:

§ 6.105 Eligibility—relocation adjustment payment; additional relocation payment; replacement housing payment.

(a) *Relocation adjustment payment.* A family or elderly individual who satisfies the eligibility conditions of § 6.103 (a), governing eligibility for a relocation payment for moving expenses and actual direct loss of property, prior to August 1, 1968, is eligible for a relocation adjustment payment if the claimant:

(1) Is unable to secure a suitable dwelling unit in (i) a low-rent housing project assisted under the United States Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq. (or a State or local program found by HUD to have the same general purposes) or (ii) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C. 1701s(a); and

(2) Has moved to a decent, safe, and sanitary dwelling.

(b) *Additional relocation payment.* A family or elderly or handicapped individual who satisfies the eligility conditions of § 6.103(a), governing elibility for a relocation payment for moving expenses and actual direct loss of property, on or after August 1, 1968, is eligible for an additional relocation payment, if the claimant:

(1) Is unable to secure a suitable dwelling in (i) a low-rent housing project assisted under the United States Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq. (or a State or local program found by HUD to have the same general purposes) or (ii) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C. 1701s(a); and

(2) Has moved to a decent, safe, and sanitary dwelling:

Provided, That an additional relocation payment not to exceed $500 in the first 12 months and $500 in the second 12 months may be made on a lump-sum basis or on other than a monthly basis in cases in which other than monthly payments are determined warranted by HUD.

(c) *Replacement housing payment.* A family or individual who satisfies the eligibility conditions of § 6.103(a), governing eligibility for a relocation payment for moving expenses and actual direct loss of property, on or after August 1, 1968, is eligible for a replacement housing payment if the claimant:

(1) Is the owner of real property acquired for a project assisted under section 703 of the Housing and Urban Development Act of 1965, 42 U.S.C. 3103;

(2) Has occupied a single- or two-family dwelling located on the real property for not less than 1 year prior to the initiation of negotiations for the acquisition of the property;

(3) Does not receive the additional relocation payment provided for by paragraph (b) of this section;

(4) Purchases and occupies a replacement dwelling within 1 year subsequent to the date on which he is required to move from the dwelling acquired for the project; and

(5) Does not receive a payment pursuant to the State law of eminent domain determined by HUD to have substantially the same purpose and effect as would a replacement housing payment, and to be a part of the cost of the project for which Federal financial assistance is available.

4. Section 6.107 is amended by revising the heading and paragraph (a), and deleting the proviso in paragraph (d), to read as follows:

§ 6.107 Administration of relocation payments.

(a) *Conditions for relocation payment.* The Public Body (or, if the Public Body is the municipality, the board or commission responsible for carrying out the project or, if there is no such board or commission, the principal executive officer of the municipality) shall approve a schedule (Form HUD–6148) of average annual gross rentals for standard housing in the locality for determining the amount of relocation adjustment payments and additional relocation payments in accordance with § 6.112 (c) and (d), and a separate schedule (Form HUD–6155) for determining the average price of standard sales housing in a locality, and any other conditions under which the Public Body will make relocation payments. The schedules and conditions shall be consistent with the regulations in this subpart and shall be available in written form to claimants in the relocation office of the Public Body.

* * * * *

(d) *Prompt payment.* A relocation payment shall be made by the Public Body as promptly as possible after a claimant's eligibility has been determined in accordance with the regulations of this subpart.

* * * * *

5. Section 6.111(c) is revised to read as follows:

§ 6.111 Filing of claims.

* * * * *

(c) *Time for filing claims.* A claim for moving expenses, actual direct loss of property, or a small business displacement payment shall be submitted to the Public Body within a period of 6 months after the displacement of the claimant. A claim for settlement costs shall be submitted within 6 months after the costs have been incurred. A claim for a relocation adjustment payment or for an additional relocation payment shall be submitted within a period of 60 days after the displacement of the claimant. A claim for a replacement housing payment shall be submitted within 18 months after the displacement of the claimant. The time limitations in this paragraph (c) may be waived by the Public Body for good cause, with HUD concurrence.

6. Section 6.112 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 6.112 Limitation on amount of relocation payments.

* * * * *

(d) *Maximum amount—additional relocation payment.* The total additional relocation payment that may be made to a family or elderly or handicapped individual shall consist of monthly payments over a period not to exceed 24 months and shall be paid in an amount (not to exceed $500 in the first 12 months and not to exceed $500 in the second 12 months) which, when added to 20 percent of the annual income of the family or individual at the time of displacement, shall be equal to the average annual gross rental required to secure a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual (in the area in which the project is carried out or in other areas not generally less desirable in regard to public utilities and commercial facilities), as determined by the Public Body.

(e) *Maximum amount—replacement housing payment.* The total replacement housing payment that may be made for a family or individual eligible for a replacement housing payment under § 6.105(c) shall be an amount not to exceed $5,000, which, when added to the acquisition payment, shall be equal to the average price required for purchase of a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced owner, which is reasonably accessible to public services and places of employment, and which is available on the private market.

7. Section 6.113 is revised to read as follows:

§ 6.113 Determinations in condemnation proceedings.

Notwithstanding any other provision of the regulations in this subpart, when property is acquired by proceedings in condemnation, and the amount of the judgment includes an allowance for any of the expenses included within the definition of relocation payment appearing at § 6.101(m), the portion of the judgment representing compensation for these expenses, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations of § 6.112: *Provided,* That the allowance for actual direct loss of property makes no compensation for loss of goodwill or profit.

(42 U.S.C. 1465(e); 42 U.S.C. 3535(d); Secretary's delegation of authority to Assistant Secretary for Renewal and Housing Assistance published at 31 F.R. 8964, June 29, 1966)

Effective date. These amendments shall be effective as of December 9, 1969.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 69–14563; Filed, Dec. 8, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of March 1, 1907 (34 Stat. 1024), August 11, 1914 (38 Stat. 583) and August 31, 1954 (68 Stat. 1026), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs in Secretary's Order 2508 (10 BIAM 2.1, section 15 (2)), and by virtue of authority delegated by the Commissioner of Indian Affairs to Area Directors by 10 BIAM 3.1, notice is hereby given of the intention to modify § 221.32 *Basic and other water charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho, beginning with calendar year 1970 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under subparagraph (1) Fort Hall Project: Basic rate from $5 to $5.50 per acre and under subparagraph (3) Minor Units, Fort Hall Reservation: Basic rate from $2.50 to $2.75 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Dale M. Baldwin, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oreg. 97208, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 69-14546; Filed, Dec. 8, 1969; 8:45 a.m.]

Fish and Wildlife Service

[50 CFR Part 32]

CLARENCE CANNON NATIONAL WILDLIFE REFUGE, MO.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11, 32.21, and 32.31, by the addition of Clarence Cannon National Wildlife Refuge, Mo., to the list of areas open to the hunting of migratory game birds, big game, and upland game, as legislatively permitted.

It has been determined that the regulated hunting of upland game, big game, and migratory game birds may be permitted as designated on the above refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

MISSOURI

Clarence Cannon National Wildlife Refuge.

* * * * *

2. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

MISSOURI

Clarence Cannon National Wildlife Refuge.

* * * * *

3. Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

MISSOURI

Clarence Cannon National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 25, 1969.

[F.R. Doc. 69-14578; Filed, Dec. 8, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[9 CFR Part 201]

PACKER INTEREST IN MARKET AGENCY PURCHASING LIVESTOCK ON COMMISSION BASIS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the provisions of section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228(a)), the Packers and Stockyards Administration proposes to amend § 201.68 of Title 9, Code of Federal Regulations (9 CFR 201.68), a regulation under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.).

Statement of considerations. It has been the policy of the Packers and Stockyards Administration in interpreting and administering the Packers and Stockyards Act to prohibit packers from engaging in the business of buying livestock for purposes of resale. Livestock resale operations by meat packers subject to the Act constitute a potential restriction of competition and control of markets and prices. It was the intent of Congress, when enacting the Packers and Stockyards Act, to prohibit packers from engaging in monopolistic practices and from controlling livestock prices. As set forth in a policy statement in 9 CFR 203.6, the Administration considers it to be in violation of the Act for a packer to engage in or be involved in market agency or dealer opreations other than purchases of livestock for purposes of slaughter, except in connection with exportation of livestock under circumstances specified in the policy statement.

The 1958 amendments of the Act extended jurisdiction to numerous livestock markets and firms operating in the country or away from posted stockyards. At that time, it was found that several packers, packer owners, officers, and employees owned an interest in or controlled the management of firms operating as livestock dealers and as market agencies purchasing livestock on a commission basis. Most of these situations were voluntarily corrected soon after the 1958 amendments of the Act. Recently, however, several other packers have obtained an ownership interest in or management control of firms operating as livestock dealers or as market agencies purchasing livestock on a commission basis. These situations, when not corrected, have the tendency or effect of restraining commerce; and, in many instances, could involve collusive and monopolistic arrangements through which a packer obtains control of a marketing area. Similar conditions can exist when employed packer buyers obtain an ownership interest in, provide finances for, or participate in the management or operations of a dealer or market agency.

One basic purpose of the Packers and Stockyards Act is to assure competitive marketing conditions for livestock free of conflict-of-interest situations and other restraints which adversely affect livestock producers. Such practices could prevent producers from receiving a fair price for their livestock. It is essential to provide for a complete separation of packers, their officers, agents and employees, and persons owning a substantial interest in a packer, from ownership and other methods of control of those engaged in the business of purchasing livestock on a dealer or market agency basis. Accordingly, it is proposed to amend § 201.68 of the regulations (9 CFR 201.68) promulgated under the Packers and Stockyards Act, 1921, as amended, to read as follows:

§ 201.68 Packers, packer owners, officers, or employees not to own or finance dealers or buying agencies.

(a) No packer, officer, agent, or employee of a packer, or person who owns a substantial interest in a packer, shall independently, or in combination with others, or through any corporate or other device, operate as a market agency purchasing livestock on a commission basis, or as a dealer, or have an ownership interest in, finance, or participate in the management or operation of any such market agency or dealer; nor shall any market agency purchasing livestock on a commission basis or any dealer permit a packer, or officer, agent, or employee of a packer, or person who owns a substantial interest in a packer, independently or in combination with others, or through any corporate or other device, to have any ownership interest in, finance, or participate in the management or operation of such market agency or dealer: *Provided, however*, That the provisions of this section shall not affect the statement of general policy set forth in 203.6 of this chapter, concerning purchases of livestock by packers for purposes of export, and shall not prohibit a packer or a buyer employed by a packer from purchasing livestock for purpose of slaughter.

(b) No dealer or market agency purchasing livestock on a commission basis, or owner, officer, agent, or employee of such dealer or market agency, shall independently, or in combination with others, or through any corporate or other device, have a substantial ownership interest in, finance, or participate in the management or operation of any packer subject to the Act; nor shall any packer permit any such dealer or market agency, or owner, officer, agent, or employee of such dealer or market agency, independently or in combination with others, or through any corporate or other device, to have a substantial ownership interest in, finance, or participate in the management or operation of the packer.

Any person who desires to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before February 16, 1970.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 4th day of December 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-14587; Filed, Dec. 8, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN BIRMINGHAM INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Birmingham Intrastate Air Quality Control Region (Alabama) as set forth in the following new § 81.41 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Alabama and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Engineering Building Auditorium of the University of Alabama, 1918 Eighth Avenue South, Birmingham, Ala., beginning at 10 a.m., December 17, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.41 is proposed to be added to read as follows:

§ 81.41 Metropolitan Birmingham Intrastate Air Quality Control Region.

The Metropolitan Birmingham Intrastate Air Quality Control Region (Alabama) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delineated):

In the State of Alabama:

Blount County.	Shelby County.
Jefferson County.	Walker County.
Saint Clair County.	

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: November 26, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-14479; Filed, Dec. 8, 1969; 8:45 a.m.]

[42 CFR Part 81]

CHATTANOOGA INTERSTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Chattanooga Interstate Air Quality Control Region (Tennessee-Georgia) as set forth in the following new § 81.42 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Tennessee, Georgia, and Alabama and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., December 18, 1969, in the Auditorium, Chattanooga-Hamilton County Health Department, 921 East Third Street, Chattanooga, Tenn.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room

905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.42 is proposed to be added to read as follows:

§ 81.42 Chattanooga Interstate Air Quality Control Region.

The Chattanooga Interstate Air Quality Control Region (Tennessee-Georgia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Tennessee:
Hamilton County.

In the State of Georgia:
Catoosa County. Walker County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: November 26, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-14478; Filed, Dec. 8, 1969; 8:45 a.m.]

[42 CFR Part 81]

METROPOLITAN TOLEDO INTERSTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Toledo Interstate Air Quality Control Region (Ohio-Michigan) as set forth in the following new § 81.43 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Ohio and Michigan and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., December 19, 1969, in the Auditorium, Second Floor, Toledo Public Library, 325 Michigan Street, Toledo, Ohio 43624.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.43 is proposed to be added to read as follows:

§ 81.43 Metropolitan Toledo Interstate Air Quality Control Region.

The Metropolitan Toledo Interstate Air Quality Control Region (Ohio-Michigan) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:
Lucas County. Wood County.
In the State of Michigan:
Monroe County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: November 26, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-14480; Filed, Dec. 8, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-96]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Christiansted, St. Croix, V.I., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace actions proposed in this docket would:

1. Amend the Christiansted control zone to read as follows:

Within a 5-mile radius of Alexander Hamilton Airport (lat. 17°42'15" N., long. 64°47'55" W.); within 3 miles each side of the St. Croix VOR 068° and 248° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR; within 3 miles each side of the 207° bearing from the St. Croix RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International Notams.

2. Amend the Christiansted transition area to read as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (lat. 17°43'15" N., long. 64°47'55" W.); within 3 miles each side of the 207° bearing from the St. Croix RBN, extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5 miles east of the VOR; within 9.5 miles southeast and 4.5 miles northwest of the 207° bearing from the St. Croix RBN, extending from the 15-mile radius area to 18.5 miles southwest of the RBN.

The alteration of the control zone and transition area proposed herein is necessary to provide controlled airspace, specified by existing criteria, for aircraft executing instrument approach and departure procedures at the Alexander Hamilton Airport.

These amendments are proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), Executive Order 10854 (24 F.R. 9565), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 3, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14592; Filed, Dec. 8, 1969; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-WA-48]

PROHIBITED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a prohibited area over the George Washington Mansion at Mount Vernon, Va.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Mount Vernon Ladies' Association of the Union has requested that a prohibited area be designated above the George Washington Mansion at Mount Vernon, Va. The Association has expressed deep concern over the danger to irreplaceable historic structures and the noise nuisance caused by low flying aircraft, especially helicopters, over the Mount Vernon grounds.

A Notice to Airmen has been carried to the Airman's Information Manual for several years requesting pilots of low flying aircraft to avoid the immediate vicinity of the Mount Vernon Estate. However, the Association states "these unnecessary, disruptive intrusions continue and we are anxiously aware that a single instance of pilot error or mechanical failure could have disastrous consequences."

If the above proposal is adopted, a prohibited area would be designated as follows:

MOUNT VERNON, VA.

Boundaries: A circular area with a one-half (½) mile radius centered at lat. 38°42'28" N., long. 77°05'11" W.
Designated altitudes: Surface to but not including 1,500 feet MSL.
Time of designation. Continuous.
Using agency: Administrator, Federal Aviation Administration, Washington, D.C.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 1, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14591; Filed, Dec. 8, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1112]

[Ex Parte No. 260]

INTERLOCKING OFFICERS

Approval of Systems of Affiliated Carriers

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of November 1969.

Notice is hereby given that the Interstate Commerce Commission has under consideration additions to Part 1112, regulations governing applications of interlocking officers and directors of two or more carriers, which would (a) make the existing regulations inapplicable to persons holding or proposing to hold such positions, when the carriers are lawfully operated under common control or management pursuant to approval and authorization granted by the Commission under section 5 of the Interstate Commerce Act; and (b) issue a blanket authorization to such persons for the holding of such positions upon a finding of general applicability, pursuant to section 20a(12) of the Act, that neither public nor private interests will be adversely affected thereby.

The Association of American Railroads is the proponent of exemption (a), under the authority of section 5(11) of the Act. Authorization (b) is proposed by the Commission under the authority of section 20a(12) and its general rule-making authority contained in sections 12 and 17 of the Act, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act). The principal features of the proposed regulations and the proposed additions are explained and set forth below.

It is ordered, That, based upon the foregoing explanation, and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the Interstate Commerce Act and the Administrative Procedure Act with a view to revising Part 1112, Interlocking Officers, as set forth below.

It is further ordered, That interested persons may participate in the proposed rule making through submission of 15 copies of written data, views, or arguments pertinent thereto to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. All relevant matter in communications received on or before January 15, 1970, will be considered by the Commission before taking final action on the proposed regulations. Communications need not be verified.[1]

[1] In lieu of verification under oath, any prepared statement may be subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that the statements of fact contained therein are true." (Signature)

Copies of the communications will be available for examination by interested persons in the Secretary's Office upon receipt thereof.

It is further ordered, That a copy of this order be served upon each common carrier by railroad (except street, suburban, or interurban electric railways which are not operated as a part of a general steam railroad system of transportation) subject to the Interstate Commerce Act. A copy will be posted in the Office of the Secretary for public inspection, and another copy will be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

Explanatory statement. Section 20a (12) of the Interstate Commerce Act requires that authority must be obtained from the Commission before any person may hold the position of officer or director of more than one carrier by railroad (except a street, suburban, or interurban electric railway which is not operated as a part of a general steam railroad system of transportation). Part 1112 of Title 49, Code of Federal Regulations, implements section 20a(12) by prescribing the form and content of applications for approval of such relationships. Each applicant must show that neither public nor private interests will be adversely affected by his holding such positions.

The evils which the statute was designed to prevent arise mainly from interlocking relationships between operating carriers. However, nearly all of the applications for authority to hold dual positions received by the Commission involve carriers lawfully operated under common control or management pursuant to approval and authorization granted by the Commission under section 5 of the Act.

Section 5(11) of the Act, enacted in 1920, grants relief from all restraints, limitations, and prohibitions of law, Federal, State, or municipal, insofar as may be necessary to enable officers, employees, and other persons to carry into effect approved transactions, exercise control so acquired, and hold, maintain, and operate the acquired properties.

Experience has shown that most interlocking relationships for which applications are filed with the Commission do not indicate that either public or private interests will be adversely affected thereby, because they do not raise significant questions of potential restraint on competition or conflicts of interest. It is evident that requiring the individuals proposing to enter into interlocking positions of this nature to file applications under Part 1112 and to obtain the prior approval of the Commission thereon constitutes an undue burden upon them, serves no useful regulatory purpose, and imposes upon the Commission the unnecessary workload involved in scrutinizing the multiplicity of such interlocking relationships.

Accordingly, the Association of American Railroads proposes that it be made unnecessary henceforth for any person to secure the prior approval of the Commission to hold the position of officer or director of two or more carriers when such carriers are lawfully operated under control or management pursuant to approval and authority of the Commission previously granted under section 5 of the Act.

The Commission proposes, by an exercise of its power under section 21a(12) and general rule-making powers under sections 12 and 17, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act) to issue a blanket authorization to such persons upon a finding that neither public nor private interests would be adversely affected thereby.

The source of the regulations under this part is an order of the Commission dated December 1, 1931, but the first set of regulations was prescribed by an order of October 11, 1921. The first regulations permitted applications by carriers as well as by individuals.

The Commission will, of course, consider any additional or counter proposal which may be forthcoming for the extension or limitation of the proposed exemption and authorization.

§ 1112.... Approval of systems of affiliated carriers.

Notwithstanding the provisions of the regulations in this part, but subject to the other provisions of this section:

(a) It shall not be necessary for any person to secure the prior approval of the Commission to hold the position of officer or director of two or more carriers when such carriers are lawfully operated under common control or management pursuant to approval and authority of the Commission previously granted under section 5 of the Interstate Commerce Act; and such relationships are specifically authorized upon a general finding that neither the public nor private interests will be adversely affected thereby.

(b) The authorization herein granted shall be automatically canceled with respect to any position held in any carrier which at any time ceases to be an affiliated carrier, without notice thereof by the Commission either to the interlocking officer or director or to the carrier, each of whom shall notify the Commission of said cessation. In the event of such cancellation, the interlocking officer or director shall immediately cease and desist from acting in that capacity with respect to the carrier which has ceased to be an affiliated carrier until such time as appropriate authorization is obtained pursuant to this part.

[F.R. Doc. 69-14583; Filed, Dec. 8, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 95]

[Docket No. 18705]

RESERVATION OF CITIZENS RADIO FREQUENCY FOR EMERGENCY COMMUNICATIONS

Order Extending Time for Filing Comments

In the matter of amendment of § 95.41 (d) of the Commission's rules to reserve a citizens radiofrequency for emergency communications; Docket No. 18705, RM-1095, RM-1131, RM-1323.

1. The California Citizens Band Association, Inc., has requested a 2-month extension of time for filing comments on the Commission's proposal (FCC 69-1146) in this proceeding which was released on October 24, 1969. The notice called for comments on or before December 10, 1969, and reply comments on or before December 31, 1969.

2. In support of its request, California Citizens Band Association, Inc., stated that notice via publication in the FEDERAL REGISTER alone did not reach many interested persons who may desire to comment, and that the petitioner herein was sending copies of the notice of proposed rule making to a number of licensees and citizens radio organizations.

3. The Commission is not unmindful of the problems of apprising citizens radio licensees who may be interested in its proceedings; but from the quantity of comments received, it does not appear that notice of the Commission's proposal has been impeded. Further, some of the comments received urge early consideration of the proposed rules. Thus, a 2-month extension of time would not be appropriate; however, some additional time appears warranted and in the public interest.

4. *Accordingly, it is ordered,* Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended to December 31, 1969, and the time for filing reply comments is extended to January 12, 1970.

Adopted: December 2, 1969.

Released: December 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69-14580; Filed, Dec. 8, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Number A 4184]

ARIZONA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership by Indemnity Lieu Selection

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for transfer out of Federal ownership by Indemnity Lieu Selection (43 U.S.C. 851, 852). Publication of this notice has the effect of segregating the described lands from appropriation under all other land laws, including the mining and mineral leasing laws. As used herein, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The notice of proposed classification of these lands was published September 27, 1969 in 34 F.R. 14904-5 and in a newspaper with general circulation in the vicinity of the affected lands. No adverse comments were received.

3. The public lands classified by this notice are shown on maps on file and available for inspection, in the Phoenix District Office, Bureau of Land Management, and Land Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

4. The lands involved are surveyed but the survey plat has not yet been approved. When approved, they probably will be described as follows:

YAVAPAI COUNTY

GILA AND SALT RIVER MERIDIAN

T. 17 N., R. 8 W.,
Sec. 19, lots 1, 2, 3, 4, and 5, SE¼SW¼ and S½SE¼;
Sec. 20, lots 1, 2, 3, and 4, and S½S½;
Sec. 21, lots 1, 2, 3, and 4, and S½;
Sec. 22, lots 1, 2, 3, and 4, and S½;
Sec. 23, lots 1, 2, 3, and 4, and S½;
Sec. 24, lots 1, 2, 3, and 4, and S½S½;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, lots 1, 2, 3, and 4, E½W½ and E½;
Sec. 31, lots 1, 2, 3, and 4, E½W½ and E½;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

The area described aggregates approximately 9,656.89 acres.

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20204 (43 CFR 2411.1-2(d)).

RILEY E. FOREMAN,
Acting State Director.

DECEMBER 2, 1969.

[F.R. Doc. 69-14547; Filed, Dec. 8, 1969; 8:45 a.m.]

Geological Survey

[Colorado No. 127]

COLORADO

Coal Land Classification Order

Correction

In F.R. Doc. 69-11578 appearing at page 15303 in the issue for Wednesday, October 1, 1969, the following changes should be made:

1. The sixth entry under the heading "T. 4 N., R. 85 W.," should be changed to read: "Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, W½SE¼;".

2. The first entry under the heading "T. 5 N., R. 85 W.," should be changed to read: "Sec. 6, lots 8 to 13, inclusive;".

Office of the Secretary

[Order No. 2927]

HALFBREED KAWS

Determination of Heirs

SECTION 1. *Delegation of authority.* Robert L. Cox, of the Office of the Solicitor is hereby delegated authority to perform such functions and exercise such authority, including the administering of oaths, as may be necessary to determine the heirs at law of the individuals named in Private Law 90-318.

SEC. 2. *Appeal.* A determination made pursuant to section 1 hereof shall constitute the final determination of heirs by the Secretary of the Interior under section 2 of Private Law 90-318, unless within 60 days from the date a determination is mailed, it is appealed to the Regional Solicitor, Tulsa, Okla., whose decision on the appeal shall then constitute the final Secretarial determination under section 2 of Private Law 90-318.

SEC. 3. *Redelegation.* The authority delegated by this order may not be redelegated.

(Sec. 2, Reorganization Plan No. 3 of 1950 (15 F.R. 3134, 64 Stat. 1262))

WALTER J. HICKEL,
Secretary of the Interior.

DECEMBER 1, 1969.

[F.R. Doc. 69-14564; Filed, Dec. 8, 1969; 8:46 a.m.]

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 17, 1969.

Dated: November 17, 1969.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 69-14566; Filed, Dec. 8, 1969; 8:46 a.m.]

FRANK DRAKE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 31, 1969.

Dated: November 5, 1969.

FRANK DRAKE.

[F.R. Doc. 69-14567; Filed, Dec. 8, 1969; 8:46 a.m.]

EDWARD C. GLASS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change
(2) Sold Solitron stock.
(3) No change.
(4) No change.

This statement is made as of November 11, 1969.

Dated: November 11, 1969.

E. C. GLASS.

[F.R. Doc. 69-14568; Filed, Dec. 8, 1969; 8:46 a.m.]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 14, 1969.

Dated: November 13, 1969.

DONALD B. GREGG.

[F.R. Doc. 69-14569; Filed, Dec. 8, 1969; 8:46 a.m.]

EVAN W. JAMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Vice-President—Power Generation & Engineering, Wisconsin Public Service Corp.; Director, Wisconsin River Power Corp.
(2) Purchase of United States Steel Corp. common stock.
(3) None.
(4) None.

This statement is made as of November 7, 1969.

Dated: November 7, 1969.

E. W. JAMES.

[F.R. Doc. 69-14570; Filed, Dec. 8, 1969; 8:46 a.m.]

JACK P. LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add: Sun Oil.
(3) No change.
(4) No change.

This statement is made as of November 1, 1969.

Dated: November 6, 1969.

JACK P. LEWIS.

[F.R. Doc. 69-14571; Filed, Dec. 8, 1969; 8:46 a.m.]

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

No change in the last 6 months period, to report.

This statement is made as of November 12, 1969.

Dated: November 12, 1969.

EDWARD W. WELCH.

[F.R. Doc. 69-14572; Filed, Dec. 8, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CONSUMER AND MARKETING SERVICE

Assignment of Functions

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the Statement of Organization, Delegations of Authority and Assignment of Functions published on December 3, 1964 (29 F.R. 16210 et seq.), as amended, is further amended as follows:

I. Section 110 is revised to read as follows:

SEC. 110. *Assignment of functions.* The following assignment of functions is hereby made to the Consumer and Marketing Service.

a. The functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), including payments to State Departments of Agriculture in connection with cooperative marketing service projects under section 204(b), (7 U.S.C. 1623(b)), and transportation activities under section 203(j), (7 U.S.C. 1622(j)), but excepting matters otherwise assigned.

b. Transportation activities under section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291).

c. The functions of the Secretary of Agriculture contained in the following legislation:

(1) U.S. Cotton Standards Act (7 U.S.C. 51-65).

(2) Cotton Futures provisions of the Internal Revenue Code of 1954 (26 U.S.C. 4854, 4862, 4863, 4864, 4865, 4876, and 7263).

(3) Cotton Statistics and Estimates Act, including the Smith-Dowey and Cotton Service Testing Amendments (7 U.S.C. 471-476), except as otherwise assigned.

(4) U.S. Grain Standards Act, as amended (7 U.S.C. 71-87h).

(5) Naval Stores Act (7 U.S.C. 91-99).

(6) Tobacco Inspection Act (7 U.S.C. 511-511q).

(7) Wool Standards Act (7 U.S.C. 415b-415d).

(8) Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601, 602, 608a-608e-1, 610, 612, 614, 624, 671-674).

(9) Cotton Research and Promotion Act (7 U.S.C. 2101-2118).

(10) Export Apple and Pear Act (7 U.S.C. 581-590).

(11) Export Grape and Plum Act (7 U.S.C. 591-599).

(12) Federal Seed Act (7 U.S.C. 1551-1610).

(13) Perishable Agricultural Commodities Act (7 U.S.C. 499a-499s).

(14) Produce Agency Act (7 U.S.C. 491-497).

(15) Tobacco Seed and Plant Exportation Act (7 U.S.C. 516-517).

(16) U.S. Warehouse Act (7 U.S.C. 241-273).

(17) Tobacco Statistics Act (7 U.S.C. 501-508).

(18) Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c) and related legislation, except functions which are otherwise assigned relating to the domestic distribution and donation of agricultural commodities and products thereof following the procurement thereof.

(19) Procurement of agricultural commodities and other foods under section 6 of the National School Lunch Act of 1946, as amended (42 U.S.C. 1751-1761).

(20) In carrying out the procurement functions in subparagraphs (18) and (19), the Consumer and Marketing Service shall, to the extent practicable, use the commodity procurement, handling, payment and related services of the Agricultural Stabilization and Conservation Service.

(21) Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451-470).

(22) Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601-691), except the functions in Sections 612-614 of Title 21, U.S.C.

(23) Humane Slaughter Act (7 U.S.C. 1901-1906).

(24) Process or Renovated Butter Act (26 U.S.C. 4817-4818).

(25) Section 401(a) of the Organic Act of 1944 (7 U.S.C. 415e).

d. The warehouse examination function for the Agricultural Stabilization and Conservation Service, except functions of inventory management.

II. Section 111 is revised to read as follows:

SEC. 111. *Reservations*—a. *Reservations to the Secretary.* (1) Final action on regulations under sections 8c(15)(A) and 10(c) of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(15)(a) and 610(c)) and E.O. 10199, and sections 12(a) and 15 of the Cotton Research and Promotion Act (7 U.S.C. 2111(a) and 2114).

(2) Issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof under the Agricultural Marketing Agreement Act of 1937 or the Cotton Research and Promotion Act.

(3) Designation of members of advisory committees under section 5 of the Humane Slaughter Act (7 U.S.C. 1905), section 301(a)(4) of the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 661(a)(4)), and section 5 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 454(a)(4)).

(4) Promulgation, with the Secretary of the Treasury, of Joint Regulations under section 402(b) of the Federal Seed Act (7 U.S.C. 1592(b)).

b. *Reservations to the Judicial Officer.* (1) Final action in proceedings pursuant to sections 556 and 557 of title 5, United States Code, except orders in rule-making under the Agricultural Marketing Agreement Act of 1937 and the Cotton Research and Promotion Act.

Effective date. This amendment of the Statement of Organization, Delegations of Authority and Assignment of Functions shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 3d day of December 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14551; Filed, Dec. 8, 1969; 8:48 a.m.]

FOOD AND NUTRITION SERVICE

Assignment of Functions

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the Statement of Organization, Delegations of Authority and Assignment of Functions published on December 3, 1964 (29 F.R. 16210 et seq.), as amended, is further amended to add a new section 200 as follows:

FOOD AND NUTRITION SERVICE

SEC. 200. *Assignment of functions.* The following assignment is hereby made to the Food and Nutrition Service:

a. The functions of the Secretary of Agriculture contained in the following legislation:

(1) The Food Stamp Act of 1964, as amended (7 U.S.C. 2011-2025).

(2) National School Lunch Act of 1946, as amended (42 U.S.C. 1751-61), except procurement of agricultural commodities and other foods under section 6 thereof.

(3) Child Nutrition Act of 1966, as amended (42 U.S.C. 1771-85).

b. The functions of the Secretary of Agriculture relating to the domestic distribution and donation of agricultural commodities and products thereof under the following legislation:

(1) Clause (3) of section 416, Agricultural Act of 1949, as amended (7 U.S.C. 1431), except the estimate and announcement of the types and varieties of food commodities, and the quantities thereof, to become available for distribution thereunder.

(2) Section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a-1).

(3) Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c) and related legislation.

c. In connection with the functions assigned in paragraphs a. and b. of this section 200 relating to the domestic distribution and donation of agricultural commodities and products thereof to eligible domestic recipients, the Food and Nutrition Service shall determine the requirements for such agricultural commodities and products thereof to be so distributed.

d. The Food and Nutrition Service, as a distributing agency, may itself be a donee of food commodities under clause (3) of section 416 of the Agricultural Act of 1949, as amended, and section 709 of the Food and Agriculture Act of 1965, as amended.

Effective date. This amendment of the Statement of Organization, Delegations of Authority and Assignment of Functions shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 3d day of December 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14552; Filed, Dec. 8, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23(69)-12]

SOUTHERN CAR RADIOS LTD. AND ARTHUR E. KERBEY

Order Denying Export Privileges for Indefinite Period

In the matter of Southern Car Radios Ltd. and Arthur E. Kerbey, 73 Haydons Road, Wimbledon, London, S.W. 19, England, respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the aplication was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the aplication be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent firm Southern Car Radios Ltd. is located in London, England, and is engaged in the sales, installation, and repair of motor car radios; that the respondent Arthur E. Kerbey is a director of said firm and is its chief executive officer; that as the result of an order placed by respondents in May 1968 they received in October 1968 from a subsidiary of a U.S. company strategic electronic equipment of U.S.-origin; that prior to the exportation of said equipment from the United States the respondents certified that the equipment would not be sold outside of England.

The said Investigations Division is conducting an investigation as to the disposition of said equipment by respondents.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 388.15 of the Export Control Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in

whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

This order shall become effective on December 8, 1969.

Dated: November 28, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-14511; Filed, Dec. 8, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS & CO. INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 0F0906) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing the establishment of tolerances (21 CFR Part 120) for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) in or on the raw agricultural commodity bananas at 1 part per million (of which not more than 0.2 part per million (negligible residue) shall be in the pulp after the peel is removed and discarded). Such residues are to result from postharvest application.

The analytical method proposed in the petition for determining residues of the fungicide is the method of H. L. Pease and J. A. Gardiner, published in the "Journal of Agricultural and Food Chemistry," vol. 17, pages 267–70 (1969).

Dated: December 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14560; Filed, Dec. 8, 1969; 8:45 a.m.]

[DESI 12-005]

ERYTHROMYCIN ETHYLSUCCINATE AND SULFANILAMIDE POWDER

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Powdalator-ES, Powder in Insufflator Tubes; erythromycin (as erythromycin ethylsuccinate) 10 milligrams and sulfanilamide 250 milligrams per tube; marketed by Abbott Laboratories, 14th and Sheridan Roads, North Chicago, Ill. 60064 (NDA 12-005).

The Food and Drug Administration has concluded that there is a lack of substantial evidence that this drug is effective for prophylaxis or local treatment of certain superficial wounds, or for prophylaxis against, or local treatment of, infections of post extractions and other operative wounds in the mouth; that there is a lack of substantial evidence that each component of the combination drug contributes to the total effects claimed; and that the potential hazards of use, such as those associated with the component sulfanilamide, namely, significant cutaneous sensitization and severe toxic reactions with absorption, are unwarranted when there is a lack of evidence that the drug is effective.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Part 148) where necessary to delete drugs of the kind listed above from the list of drugs acceptable for certification.

Prior to initiating such action, however, the Commissioner invites all interested persons who might be adversely affected by removal of this drug from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this announcement in the FEDERAL REGISTER. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy, as well as safety, of the product, and not previously submitted. Such data should be identified with the reference number, DESI 12-005, and be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC report for this drug is made to give notice to persons who might be adversely affected by removal of this or similar drugs from the market.

The firm listed above has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the report on this drug by writing to the Food and Drug Administration, Press Relations Office (CE-300), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended; 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 1, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14562; Filed, Dec. 8, 1969; 8:45 a.m.]

[DESI 11520]

VANCOMYCIN HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated the report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on vancomycin hydrochloride, equivalent to 500 mg. of the base per vial, marketed as Vancocin HCl Intravenous by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 11-520).

The Administration concludes that this drug is effective when given intravenously for severe staphylococcal infections which are potentially life-threatening and cannot be treated with other effective less toxic antimicrobial agents.

Preparations containing vancomycin hydrochloride are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Requests for certification of the drug in the dosage form described above should provide for labeling information in accord with labeling guidelines developed on the basis of this reevaluation of the drug and published in this announcement.

The holder of the approved application for this drug is requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, an amendment to provide for revised labeling. Those parts of the labeling indicated below should be substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

DESCRIPTION

Vancomycin hydrochloride is a glycopeptide antibiotic derived from *Streptomyces orientalis* which is bactericidal against many gram-positive bacteria. It must be administered intravenously, in dilute solution. (Additional information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and formulation.)

ACTIONS

Vancomycin hydrochloride is poorly absorbed by mouth, but an intravenous dose of 1 gram produces serum levels averaging 25 mcg./ml. at 2 hours, and the half life in the circulation is about 6 hours. In vitro many strains of streptococci, staphylococci and other gram-positive bacteria are sensitive to concentrations of 0.5 to 5 mcg./ml.; a small proportion of *Staphylococcus aureus* strains require 10 or 20 mcg./ml. for inhibition. If the Kirby-Bauer method of disc sensitivity is used, a 30 mcg. vancomycin disc should produce a zone of over 11 mm. when tested against a vancomycin-sensitive bacterial strain. After intravenous administration, vancomycin hydrochloride diffuses rapidly into ascitic, synovial, and pleural fluids, but probably enters the spinal fluid only in meningitis. About 80 percent of injected vancomycin hydrochloride is excreted by the kidneys. Concentrations are high in the urine. Impairment of renal function results in delayed excretion and high blood levels associated with an increase in drug toxicity.

INDICATIONS

The indications for vancomycin hydrochloride therapy are potentially life-threatening infections which cannot be treated with another effective, less toxic antimicrobial drug, including penicillins and cephalosporins.

Vancomycin hydrochloride is useful in therapy of severe staphylococcal infections in patients who cannot receive or who have failed to respond to the penicillins and cephalosporins, or who have infections with staphylococci resistant to other antibiotics.

Vancomycin hydrochloride has been used successfully alone in the treatment of staphylococcal endocarditis. In other infections due to staphylococcus, including osteomyelitis, pneumonia, septicemia and soft tissue infections, the effectiveness of vancomycin hydrochloride has been documented. When staphylococcal infections are localized and purulent, antibiotics are used as adjuncts to appropriate surgical measures.

CONTRAINDICATIONS

Vancomycin hydrochloride is contraindicated in patients with known hypersensitivity to this antibiotic.

WARNINGS

Because of its ototoxicity and nephrotoxicity, vancomycin hydrochloride should be avoided in patients with renal insufficiency. The risk of toxicity is appreciably increased by high blood concentrations or prolonged therapy. If it is necessary to use vancomycin hydrochloride in such patients, doses of less than 2 Gm./day usually will provide satisfactory blood levels.

Vancomycin hydrochloride should also be avoided in patients with previous hearing loss. If used in such patients, the dose of vancomycin hydrochloride should be regulated, if possible, by periodic determination of the level of vancomycin hydrochloride in the blood. Deafness may be preceded by tinnitus. The elderly are more susceptible to auditory damage. In most cases, deafness progresses despite cessation of treatment.

PRECAUTIONS

Patients with borderline renal function and individuals over the age of 60 should be given serial tests of auditory function and of vancomycin blood levels.[1] All patients receiving the drug should have periodic hematologic studies, urinalysis, and liver and renal function tests.

Vancomycin hydrochloride is very irritating to tissue and causes necrosis when injected intramuscularly; it must be administered intravenously. Pain and thrombophlebitis occur in many patients receiving vancomycin and are occasionally severe. The frequency and severity of thrombophlebitis can be minimized if the drug is administered in a volume of at least 200 ml. of glucose or saline solution and if the sites of injection are rotated.

ADVERSE REACTIONS

Nausea, chills, fever, urticaria, and macular rashes have been associated with the administration of vancomycin hydrochloride. It may also produce eosinophilia and anaphylactoid reactions.

The use of vancomycin hydrochloride may result in overgrowth of nonsusceptible organisms. If new infections due to bacteria or fungi appear during therapy with this product, appropriate measures should be taken.

DOSAGE AND ADMINISTRATION

Adults. Clinically effective antibiotic blood levels are usually achieved and maintained by the intravenous use of 500 mg. (in Sodium Chloride Injection or 5 percent glucose in Sterile Water for Injection) every 6 hours, or 1 Gm. every 12 hours. The majority of patients with infections caused by organisms sensitive to vancomycin show evidence of response to vancomycin therapy by 48 to 72 hours, but the total duration of therapy is determined by the type and severity of the infection and the clinical response of the patient. For example, in staphylococcus endocarditis, therapy for 3 weeks or longer is recommended.

Children. The total daily dosage of vancomycin hydrochloride, calculated on the basis of 20 mg. per pound of body weight, can be divided and figured in with the child's 24-hour requirement of fluid.

Preparation and storage of solution. (To be included by manufacturer or distributor.)

[1] Vancomycin serum levels may be determined by use of the modified Rammelkamp serial twofold dilution technique with streptococcus C203 as the indicator organism.

The Food and Drug Administration regards vancomycin hydrochloride as lacking substantial evidence of effectiveness for the treatment of mixed infections and for the treatment of staphylococcal enterocolitis. Preparations containing the drug with labeling bearing these claims will no longer be acceptable for certification or release after the publication date of this announcement.

Any person who would be adversely affected by deletion of the claims for which the drug lacks substantial evidence of effectiveness, as described in this announcement, may, within 30 days following the publication date hereof, submit comments or pertinent data bearing on the effectiveness of the drug for such claims. The only data which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies, not previously submitted.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Division of Anti-Infective Drugs (MD-140), Bureau of Medicine, at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to the firm referred to above.

Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11520 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300).

Amendments (identify with NDA number): Division of Anti-Infective Drugs (MD-140), Office of New Drugs, Bureau of Medicine.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 357)

and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 2, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14561; Filed, Dec. 5, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 21421, 18381; Order 69-12-18]

AIR WISCONSIN, INC.

Order Fixing Final and Temporary Mail Rates

Issued under delegated authority December 3, 1969.

All interested persons, and particularly Air Wisconsin, Inc., the Postmaster General, and Allegheny Airlines, Inc., were directed by Order 69-11-32 dated November 10, 1969, to show cause why the Board should not establish the service mail rates proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the service mail rates.

Upon consideration of the record, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations, 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.14(g):

It is ordered, That:

1. The fair and reasonable final service mail rates to be paid on and after November 4, 1969, to Air Wisconsin, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Kokomo/Logansport/Peru, Ind., and both Chicago, Ill., and Detroit, Mich., and between Marion, Ind., and both Chicago, Ill., and Detroit, Mich., shall be the rates established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order; [1]

2. The fair and reasonable temporary service mail rates to be paid on and after November 4, 1969, to Air Wisconsin, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Kokomo/Logansport/Peru, Ind., and both Chicago, Ill., and Detroit, Mich., and between Marion, Ind., and both Chicago, Ill., and Detroit, Mich., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended,[2] subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

4. This order shall be served upon Air Wisconsin, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14577; Filed, Dec. 8, 1969; 8:46 a.m.]

[1] The present rates per Order 69-9-118, Sept. 19, 1969, are as follows: Priority Mail: 24 cents per ton-mile plus 9.36 cents per pound at Marion and Kokomo and 2.34 cents per pound at Chicago and Detroit. Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Marion and Kokomo/Logansport/Peru, Ind., and 1.66 cents per pound at Chicago and Detroit.

[2] See footnote 1, supra.

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18754, 18755; FCC 69-1296]

SAVANNAH AIR SERVICE, INC., AND COASTAL AIRSERVICE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Savannah Air Service, Inc., Savannah, Ga., Docket No. 18754, File No. 65-A-ML-98; Coastal Airservice, Inc., Savannah, Ga., Docket No. 18755, File No. 156-A-L-118; for aeronautical advisory station to serve the Savannah Municipal Airport, Savannah, Ga.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the Savannah Municipal Airport, Savannah, Ga., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard Savannah Air Service, Inc., and Coastal Airservice, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: November 25, 1969.

Released: December 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14581; Filed, Dec. 8, 1969; 8:47 a.m.]

[1] Chairman Burch not participating.

FEDERAL MARITIME COMMISSION

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:
Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 3103-40 between the member lines of the Japan-Atlantic & Gulf Freight Conference modifies the Neutral Body's obligations contained in Article 25(a)(2) of the basic agreement, as amended. The subject modification clarifies the fact that the Neutral Body need only disqualify itself when there is a professional or business relationship between it and the member which is under investigation, "but such disqualification does not apply where it may have a professional or business relationship with agents" of the member line.

Dated: December 4, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14554; Filed, Dec. 8, 1969; 8:45 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:
Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 150-44 between the member lines of the Trans-Pacific Freight Conference of Japan modifies the Neutral Body's obligations contained in Article 25(a)(2) of the basic agreement, as amended. The subject modification clarifies the fact that the Neutral Body need only disqualify itself when there is a professional or business relationship between it and the member which is under investigation, "but such disqualification does not apply where it may have a professional or business relationship with agents" of the member line.

Dated: December 4, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14555; Filed, Dec. 8, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANKERS TRUST NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Bankers Trust New York Corp., which is a bank holding company located in New York, N.Y., for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent of the voting shares of Bankers Trust Company of Rochester, Rochester, N.Y.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C., this 2d day of December 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14556; Filed, Dec. 8, 1969; 8:45 a.m.]

SECURITY BANK AND TRUST CO.

Order Approving Merger of Banks

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Security Bank and Trust Co., Danville, Va., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Bank of Danville, Danville, Va., under the charter and name of Security Bank and Trust Co. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger.

It is hereby ordered, For the reasons set forth in the Board's statement accompanying its order of this date concerning the acquisition of Security Bank and Trust Co. by Virginia Commonwealth Bankshares, Inc., that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

Dated at Washington, D.C., this 1st day of December 1969.

By order of the Board of Governors.[1]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14557; Filed, Dec. 8, 1969; 8:45 a.m.]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill.

Absent and not voting: Chairman Martin and Governor Maisel.

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Virginia Commonwealth Bankshares, Inc., of Richmond, Va., for approval of acquisition of all of the voting shares of Security Bank and Trust Co., Danville, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Virginia Commonwealth Bankshares, Inc., Richmond, Va., for the Board's prior approval of acquisition of all of the voting shares of Security Bank and Trust Co., Danville, Va.

As required by section 3(b) of the Act, the Board notified the Commissioner of Banking for the State of Virginia of the application and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 30, 1969 (34 F.R. 13956), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond, pursuant to delegated authority.

Dated at Washington, D.C., this 1st day of December 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14548; Filed, Dec. 8, 1969; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill.

Absent and not voting: Chairman Martin and Governor Maisel.

SMALL BUSINESS ADMINISTRATION

[Licensee No. 01/01-0057]

CONGRESS CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Congress Capital Corp., 294 Washington Street, Boston, Mass. 02108, has filed an application with the Small Business Administration (SBA) for approval of a change of control. Prior approval of change of control is required under § 107.701 of SBA Regulations (13 CFR Part 107, 33 F.R. 326).

Congress Capital Corp. was licensed April 28, 1964. Its paid-in capital was $225,000 as of March 31, 1969. On that date, 2,362.4 shares of common stock were outstanding and held equally by two stockholders. Messrs. Saul E. Moffie and Arthur L. Goldman, officers/directors of the licensee, each own 50 percent (1181.2 shares) of the outstanding capital stock of the company. Mr. Goldman proposes to transfer all of his shares to Mr. Harold J. Moffie, 143 Withington Road, Newton, Mass. 01432, the son of Mr. Saul E. Moffie. Mr. Harold J. Moffie would then succeed Mr. Goldman as Treasurer and a director of the licensee.

There will be no change in the operations of the licensee other than the replacement of Mr. Goldman by Mr. Harold J. Moffie as Treasurer and as a director.

SBA's consideration of the application includes the general business character and reputation of Mr. Harold Moffie and his commitment to actively operate the company within the intent and purpose of the Act and Regulations.

Interested persons should address their comments on the proposed change of control to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within 10 days after the publication of this notice.

A similar notice shall be published by Congress Capital Corp. in a newspaper of general circulation in Boston, Mass.

For SBA (under delegated authority).

Dated: November 28, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-14584; Filed, Dec. 8, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-581, etc.]

AMERICAN PETROFINA COMPANY OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

NOVEMBER 26, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 14, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-581..	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	36	4	El Paso Natural Gas Co. (Wilshire Plant, Upton County, Tex.) (R.R. District No. 7C) (Permian Basin Area).	$906	10-22-69	[1] 11-30-69	4-30-70	7.0	[2] [4] 16.06	
RI70-582..	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	26	4	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	200	10-31-69	[1] 12-2-69	5-2-70	13.0	[3] 14.0	
	do	32	3	do	400	10-31-69	[1] 12-2-69	5-2-70	13.0	[3] 14.0	
	do	35	3	Southern Union Gathering Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	200	10-31-69	[1] 12-2-69	5-2-70	13.0	[3] 15.0	
	do	38	3	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	240	10-31-69	[1] 12-2-69	5-2-70	13.0	[3] 15.0	
	do	5	12	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	14	10-31-69	[1] 12-2-69	5-2-70	14.554	[2] [4] 19.328	
	do	12	9	El Paso Natural Gas Co. (Wyatt Ellenburger, Crockett County, Tex.) (R.R. District No. 7C) (Permian Basin Area).	3,861	10-31-69	[1] 12-2-69	5-2-70	14.2744	[2] [4] 17.402	
	do	39	5	Transwestern Pipeline Co., (Worsham Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	8,790	10-31-69	[1] 12-2-69	5-2-70	14.463	[2] [4] 17.979	
	do	82	6	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.) (Permian Basin Area).	34,545	10-31-69	[1] 12-2-69	5-2-70	16.659	[2] [4] 17.646	
	do	89	3	Transwestern Pipeline Co. (Worsham Ellenburger Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	4,723	10-31-69	[5] 12-2-69	5-2-70	15.0354	[2] [4] 15.98	
	do	92	3	Transwestern Pipeline Co. (Worsham Bayer-Atoka Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	201	10-31-69	[1] 12-2-69	5-2-70	17.3255	[2] [4] 18.33	
	do	2	23	Texas Eastern Transmission Co. (Delhi Field, Richland Parish, La.) (North Louisiana).	114	[10] [14] 10-31-69	[1] 12-2-69	5-2-70	[11] [12] [13] 17.10	[2] [7] [11] [13] 16.2968	
	do	55	2	Northern Natural Gas Co. (Beaver City Field, Beaver County, Okla.).	5,500	[14] 10-31-69	[1] 12-2-69	5-2-70	[13] [15] 17.0	[4] [6] [15] 18.0	
	do	23	6	Northern Natural Gas Co. (Fincham Field, Meade County, Kans.).	3,315	[14] 10-31-69	[1] 12-2-69	5-2-70	[14] 16.49	[4] [6] [14] 18.70	
	do	49	4	Northern Natural Gas Co. (Fincham Field, Beaver County, Okla.) (Panhandle Area).	87	[14] 10-31-69	[1] 12-2-69	5-2-70	[13] [14] 16.30	[4] [6] [14] 18.48	
	do	29	3	Northern Natural Gas Co. (Glenwood Field, Beaver County, Okla.) (Panhandle Area).	452	[14] 10-31-69	[1] 12-2-69	5-2-70	[13] [14] 16.97	[4] [6] [14] 19.23	
	do	30	9	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla) (Panhandle Area).	7,500	[14] 10-31-69	[1] 12-2-69	5-2-70	[13] [14] 17.0	[4] [6] [14] 22.0	
	do	31	10	United Gas Pipe Line Co. (Ada Field, Bienville Parish, La.) (North Louisiana).	11,875	[14] 10-31-69	[1] 12-2-69	5-2-70	[13] [17] 18.25	[6] [7] [17] 23.0	
	do	37	4	Northern Natural Gas Co. (Upper Morrow Field, Roberts County, Tex.) (R.R. District No. 10).	7,025	[14] 10-31-69	[1] 12-2-69	5-2-70	[13] [14] 16.562	[4] [6] [14] 18.569	
	do	40	3	Texas Gas Transmission Corp. (Calhoun Field, Ouachita Parish, La.) (North Louisiana Area).	150	[14] 10-31-69	[1] 12-2-69	5-2-70	[12] [13] [14] 18.75	[6] [7] [13] [15] 20.25	
	do	42	2	Texas Gas Transmission Corp. (Bernice and Hico-Knowles Fields, Union and Lincoln Parishes, La.) (North Louisiana Area).	450	[14] 10-31-69	[1] 12-2-69	5-2-70	[13] [14] [16] 18.25	[6] [7] [13] [16] 19.75	
	do	48	7	Northern Natural Gas Co. (Hansford Morrow Field, Hansford and Ochiltree Counties, Tex.) (R.R. District No. 10).	15,000	[14] 10-31-69	[1] 12-2-69	5-2-70	[13] [16] 17.064	[4] [6] [14] 18.064	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
	----do	76	3	Northern Naturalas Co. (Hansford (Upper Morrow) Field, Beaver County, Okla.) (Panhandle Area).	$200	[14] 10-31-69	[5] 12-2-69	5-2-70	[13 15] 17.0	[4 6 15] 18.0	
	----do	86	5	Panhandle Eastern Pipe Line Co. (Northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	600	[14] 10-31-69	[5] 12-2-69	5-2-70	[13 15] 15.0	[4 6 15] 17.0	
	----do	90	2	----do	2,000	[14] 10-31-69	[5] 12-2-69	5-2-70	[13] 15.0	[4 6 15] 17.0	
	----do	45	14	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (E. Abanito Field, Starr County, Tex.) (RR. District No. 4).	602	[14] 10-31-69	[5] 12-2-69	5-2-70	[13 15] 14.655	[4 6 15] 16.612	
	----do	71	9	United Gas Pipe Line Co. (Baxterville Field, Marion and Lamar Counties, Miss.).	3,000	[14] 10-31-69	[5] 12-2-69	5-2-70	[13] 14.0	[6 7] 24.0	
RI70-583..	Monsanto Co. (Operator) et al.	51	7	El Paso Natural Gas Co. (Flodine Park Field, Montezuma County, Colo.).	9,000	10-31-69	[5] 12-2-69	5-2-70	15.0	[6 7] 21.0	
	----do	18	5	Colorado Interstate Gas Co. (Mocane and Northeast Forgan Fields, Beaver County, Okla.) (Panhandle Area).	838	[14] 10-31-69	[3] 12-2-69	5-2-70	[13] 15.72	[4 6 15] 17.816	
	----do	27	4	Northern Natural Gas Co. (Fincham Field, Beaver County, Okla.) (Panhandle Area).	2,190	[14] 10-31-69	[5] 12-2-69	5-2-70	[13 15] 16.36	[4 6 15] 18.55	
	----do	81	3	Natural Gas Pipeline Co. of America (Eddy County, N. Mex.) (Permian Basin Area).	2,134	[14] 10-31-69	[5] 12-2-69	5-2-70	16.579	[4 6] 17.579	
RI70-584..	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	103	14	El Paso Natural Gas Co. (Jack Herbert-Strawn, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	110	10-27-69	[3] 11-27-69	4-27-70	[21 22] 12.838 [23 25] 15.9797	[4 21] 16.276 [4 25] 17.7926	
RI70-585..	Phillips Petroleum Co. et al., Bartlesville, Okla. 74003.	305	18	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah).	10,206	10-27-69	[3] 11-27-69	4-27-70	17.877	[6 7] 22.220	
RI70-586..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	195	6	Transwestern Pipeline Co. (Bell Lake Unit, Lea County, N. Mex.) (Permian Basin Area).	6,072	10-27-69	[24] 11-27-69	4-27-70	[26] 15.94	[4 26] 21.0	
RI70-587..	Phillips Petroleum Co., Bartlesville, Okla. 74003.	377	3	Michigan Wisconsin Pipe Line Co. (Kathryn acreage (Deep Gas), Hugoton Field, Sherman and Hansford Counties, Tex.) (RR. District No. 10).	17,294	10-22-69	[3] 1-1-70	6-1-70	15.48255	[4 6] 16.49060	RI65-527.
RI70-588..	Texaco, Inc. (Operator), et al., Post Office Box 2420, Tulsa, Okla. 74102.	214	17	Transwestern Pipeline Co. (Southeast Griggs Field, Cimarron County, Okla. (Panhandle Area) and Harper Ranch Field, Clark County, Kans.).	636	10-31-69	[24] 12-1-69	5-1-70	[27] 19.0 [28] 18.0	[4 6 15] 26.0 [4 6 15] 26.0	RI69-821. RI69-821.
RI70-589..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	276	2	Northern Natural Gas Co. (Hansford Upper Morrow Field, Hansford County, Tex.) (RR. District No. 10).	1,070	10-31-69	[3] 12-1-69	5-1-70	[13] 17.0	[6 15] 18.07	
RI70-590..	Monsanto Co. et al....	64	13	Natural Gas Pipeline Co. of America (LaGloria Field, Brooks and Jim Wells Counties, Tex.) (RR. District No. 4).	1,877	[14] 10-31-69	[3] 12-2-69	5-2-70	[13] 14.0525	[4 6] 16.7338	
	----do	65	12	Natural Gas Pipeline Co. of America (Old Ocean Field, Brazoria and Matagorda Counties, Tex.) (RR. District No. 3).	5,877	[14] 10-31-69	[3] 12-2-69	5-2-70	[13] 14.0525	[4 6] 16.4031	
RI91-501..	Monsanto Co., Agent (Operator) et al.	91	7	Arkansas Louisiana Gas Co. (Bonanza Field, Sebastian County, Ark.).	2,500	[14] 10-31-69	[4] 12-2-69	5-2-70	15.0	[4 6] 16.0	

[3] The stated effective date is the effective date requested by Respondent.
[5] Favored-nation rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Thirty days after termination of moratorium on filing rate increases.
[8] Periodic rate increase.
[9] Pressure base is 15.025 p.s.i.a.
[10] Increase from area ceiling rate plus increase in Texas production tax to contract rate.
[11] Increase from area ceiling rate to contract rate.
[12] As corrected by filing of Nov. 21, 1969.
[13] Includes 1.35 cents handling charge paid by buyer.
[15] Includes 1.75 cents tax reimbursement.
[16] Settlement rate in Monsanto's companywide settlement in Dockets Nos. G-18269 et al.
[14] Respondent requests that submittal be accepted for filing as of Nov. 1, 1969, to correspond with moratorium date in its settlement in Dockets No. G-18269 et al.
[18] Subject to a downward B.t.u. adjustment.
[19] Subject to upward and downward B.t.u. adjustment.
[17] Includes 1.50 cents tax reimbursement.
[18] Includes Texas tax increase which has been filed.
[19] Settlement rate approved by Commission Order issued Oct. 1, 1964, in Dockets Nos. G-8288 and G-18353 et al.
[20] Footnote 20 not used.
[21] Low pressure gas.
[22] Rate reflects partial reimbursement of the increase in Texas tax which has been filed.
[23] High pressure gas.
[24] The stated effective date is the first day after expiration of the statutory notice.
[25] Increase from applicable area ceiling rate to contract rate.
[26] Stated effective rate—no quality statement on file.
[27] Oklahoma production.
[28] Kansas production.

Texaco Inc. (Operator), et al. (Texaco), requests an effective date of November 29, 1969, for its proposed rate increases. Good cause has not been shown for waiving the statutory notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's rate filing and such request is denied.

Union Oil Company of California (Union) requests waiver of notice and a 1-day suspension period if its proposed rate increase is suspended. Good cause has not be shown for waiving the 30-day notice requirement provided in section 4(d) of the Natuarl Gas Act to permit an earlier effective date for Union's rate filing and such request is denied. Good cause has not been shown for limiting to 1 day the suspension period with respect to Union's rate filing and such request is denied.

Monsanto Co. (Monsanto) proposes contractual due increases upon expiration of the November 1, 1969, filing moratorium imposed in its companywide settlement in Docket No. G-18269 et al. Although the filings were submitted on October 31, 1969, Monsanto requests that they be accepted for filing as of November 1, 1969. We conclude that all of Monsanto's proposed rate increases should be suspended for 5 months from December 2, 1969, the expiration date of the statutory notice.

Phillips Petroleum Co. et al. (Phillips), proposes a rate increase of 22.22 cents per Mcf for a sale of gas in the Aneth Area of Utah that was certificated in Opinion No. 335 issued February 23, 1960. No formal ceiling rates have been announced by the Commission for the Aneth Area. Phillips' proposed 22.22 cents per Mcf rate is suspended for 5 months from November 27, 1969, the requested effective date, because it exceeds the authorized initial rate in the area involved.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-14491; Filed, Dec. 8, 1969; 8:45 a.m.]

[Docket No. RI70-703 etc.]

MONSANTO CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 28, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 14, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Sup. plement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-703..	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	41	4	Transwestern Pipeline Co. (Brillhart-Morrow Field, Hansford County, Tex.) (RR. District No. 10).	$5,243	[3] 10-31-69	[3] 12-1-69	5-1-70	[3] 17.074	[4 6 15] 26.114	
	----do	43	7	Transwestern Pipeline Co. (Dude Wilson Morrow Field, Ochiltree County, Tex.) (RR. District No. 10).	4,303	[3] 10-31-69	[3] 12-1-69	5-1-70	[3] 18.2897	[4 6 15] 26.114	
RI70-704..	Diamond Shamrock Corp., Post Office Box 631, Amarillo, Tex. 79105.	44	4	Western Gas Interstate Co. (McKee Plants, Ochiltree County, Tex.) (RR. District No. 10).	1,546	10-30-69	[7] 11-30-69	4-30-70	[3] 19.0713	[4 6 15] 20.0760	RI66-62.
RI68-405..	Sun Oil Co.—DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	17	15	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) (RR. District No. 3).	4,531	10-31-69	[3] 12-1-69	[9] Accepted	19.07125	[4 18] 19.25365	RI68-405.[31]
RI70-705..	Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.	22	2	Transwestern Pipeline Co. (South Carlsbad Area, Eddy County, N. Mex.) (Permian Basin Area).	4,681	10-29-69	[7] 1-1-70	6-1-70	16.48	[6 7] 17.55	
	----do	23	2	Transwestern Pipeline Co. (Crawford Field, Eddy County, N. Mex.) (Permian Basin Area).	2,120	10-29-69	[7] 1-1-70	6-1-70	16.45	[6 7] 17.51	
	----do	15	5	Transwestern Pipeline Co. (West Rojo Caballos Field, Reeves and Pecos Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	9,748	10-29-69	[7] 11-29-69	4-29-70	15.9294	[6 7] 16.8936	
RI70-706..	Stetco '68, Ltd., Post Office Box 1828, Midland, Tex. 79701.	1	2	Transwestern Pipeline Co. (South Carlsbad Area, Eddy County, N. Mex.) (Permian Basin Area).	14,044	10-30-69	[7] 1-1-70	6-1-70	16.48	[6 7] 17.55	
	----do	2	2	Transwestern Pipeline Co. (Crawford Field, Eddy County, N. Mex.) (Permian Basin Area).	2,120	10-30-69	[7] 1-1-70	6-1-70	16.45	[6 7] 17.51	
RI70-707..	Continental Oil Co. (Operator), Post Office Box 2197 Houston, Tex. 77001.	168	8	El Paso Natural Gas Co. (Ramsey Plant, Reeves and Culberson Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	13,979 33,211	10-31-69	[7] 12-1-69	5-1-70	[12] 18.0 [13] 17.13	[6 7 12] 19.0 [6 13 14] 19.0	RI69-670.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos
RI70-706...	R. C. Wynn, 1525 Republic National Bank Bldg., Dallas, Tex. 75201.	1	[2] 3	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	$152	10-30-69	[7] 11-30-69	4-30-70	13.0	[8] [9] [17] 14.2693	
	----do----	2	4		272	10-30-69	[7] 11-30-69	4-30-70	13.0	[8] [9] [17] [18] 15.2693	
	----do----	1	[5] 4	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	240	10-30-69	[7] 11-30-69	4-30-70	13.0	[8] [10] 14.0	

[2] Corrected by filing of Nov. 17, 1969.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Two-step periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] The stated effective date is the effective date requested by respondent.
[8] Periodic rate increase.
[9] Accepted for filing subject to the existing rate suspension proceeding in Docket No. RI68-405.
[10] Contractually due tax reimbursement (¾ of the increase from 5.72 percent to 7.5 percent) applicable to the 19-cent rate being collected subject to refund in Docket No. RI65-405.
[11] Docket No. RI68-405 includes tax reimbursement increase as a result of the recent increase in the Texas Production Tax. Accepted for filing effective as of Oct. 1, 1969 subject to the existing suspension proceeding.
[12] Casinghead gas.
[13] Residue gas from new gas-well gas.
[14] Increase from ceiling rate to contract rate.
[15] Excludes acreage added by Supplement No. 1.
[16] Pressure base is 15.025 p.s.i.a.
[17] Includes partial reimbursement for the full 2.55-percent New Mexico Emergency School Tax.
[18] Pertains to acreage added by Supplement No. 1.
[19] Includes 1-cent minimum guarantee for liquids.

Monsanto Co. (Monsanto) requests that its proposed rate increases be permitted to become effective as of November 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Monsanto's rate filings and such request is denied.

Sun Oil Co.-DX Division (Sun) has filed an increase in rate presently being collected subject to refund in Docket No. RI68-405. Such increase represents contractually due tax reimbursement not previously requested or filed for. We believe that Sun's proposed increase should be accepted for filing, effective upon expiration of the statutory notice period, subject to the existing suspension proceeding and refund obligation in Docket No. RI68-405.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-14494; Filed, Dec. 8, 1969; 8:45 a.m.]

[Docket No. RI70-702]

YUCCA PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 28, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,*[1] That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 14, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] The *"Provided, however,"* clause applies only to the proposed 17.07-cent rate.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-702...	Yucca Petroleum Co., Post Office Box 2563, Amarillo, Tex. 79105.	11	1	Transwestern Pipeline Co. (South Follett (Morrow) Field, Lipscomb County, Tex.) (R.R. District No. 10).	$215	10-31-69	[3] 10-1-69	[3] 10-2-69	17.0	[4] [5] 17.074	
					3,128	10-31-69	[3] 1-1-70	6-1-70	[6] 17.074	[4] [5] 18.0787	

[1] Waiver of notice is being granted pursuant to the Commission's Order No. 390, issued Oct. 10, 1969.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to upward and downward B.t.u. adjustment.
[6] The stated effective date is the effective date requested by respondent.
[7] Periodic-tax reimbursement increase.

Yucca Petroleum Co. (Yucca) proposes to increase its present effective clean rate (not subject to refund) to reflect the increase in Texas production tax from 7 percent to 7.5 percent. Concurrently in the same notice of change, Yucca proposes a periodic increase in rate. In this situation, we conclude that Yucca's proposed 17.074-cent rate should be suspended for 1 day from October 1, 1969, in accordance with the Commission's Order No. 390, and the proposed periodic increase to 18.0787 cents per Mcf should be suspended for 5 months from January 1, 1970, the proposed effective date. To collect, subject to refund, its proposed 17.074-cent rate, Yucca need file only an agreement and undertaking within the period prescribed in ordering paragraph (B) of this order. With respect to such rate it need not file any motion to place the rate in effect. However, with respect to the proposed 18.0787-cent rate Yucca must file a motion as prescribed in section 4(e) of the Natural Gas Act before it collects such rate, subject to refund, but need not file another agreement and undertaking. The undertaking filed in connection with the 17.074-cent rate will suffice to also assure refunds with regard to the 18.0787-cent rate.

[F.R. Doc. 69-14497; Filed, Dec. 8, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 75, Amdt. 1]

BOSTON AND MAINE CORP. AND MAINE CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 75, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 75 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 21, 1969, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 7, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 4, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-14573; Filed, Dec. 8, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 76, Amdt. 1]

PENN CENTRAL CO. ET AL.

Car Distribution

To: Penn Central Co., Boston and Maine Corp., and Maine Central Railroad Co.

Upon further consideration of Car Distribution Direction No. 76, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 76 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 21, 1969, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 6, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 4, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-14574; Filed, Dec. 8, 1969; 8:46 a.m.]

[Notice 953]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 4, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8948 (Sub-No. 91 TA), filed November 25, 1969. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from Fredonia, Ariz., to points in Nevada and Utah, for 180 days. Supporting shipper: Arizona Fuels, Inc., Post Office Box 6134, Salt Lake City, Utah. Refinery: Fredonia, Ariz. Send protests to: District Supervisor Robert G. Harrison, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 21455 (Sub-No. 17 TA), filed November 25, 1969. Applicant: GENE MITCHELL CO., 1106 Division Street, West Liberty, Iowa 52776. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Beer,* from Peoria, Ill., to Cedar Rapids, Iowa, for 150 days. Supporting shipper: D & E Distributing Co., 965 Second Avenue,

Cedar Rapids, Iowa. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 107295 (Sub-No. 252 TA), filed November 25, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of the Continental Steel Corp., located in Howard County, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Continental Steel Corp., Kokomo, Ind. 46901. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 253 TA), filed November 25, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siding, ceiling tile, sound deadening board, and sheathing; and supplies and accessories*, used in the installation thereof, from International Falls, Minn., to points in Illinois, Kentucky, Indiana, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, and West Virginia, restricted to traffic originating in Canada and destined to points in the above described States, for 180 days. Supporting shipper: Boise Cascade Transportation Department, Post Office Box 1414, Portland, Oreg. 97207. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 254 TA), filed November 25, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, cable, conduit, and fittings therefore*, from Glendale, W. Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Triangle Conduit & Cable Co., Inc., New Brunswick, N.J. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 110420 (Sub-No. 605 TA), filed November 28, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn sugar and blends thereof*, and corn starch, dry, in bulk, from Pittsburgh, Pa., to Ohio, Pennsylvania, Virginia, New York, Kentucky, Maryland, Delaware, and West Virginia, for 180 days. Supporting shipper: CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632 (Roger V. Haugen, Assistant Transportation Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 113024 (Sub-No. 80 TA), filed November 25, 1969. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Control panels and related control equipment*, from plantsite of Pesco Division, Borg-Warner Corp., Santa Ana, Calif., to Cape Fear, N.C., for account of E. I. du Pont de Nemours & Co., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, Paul J. Pakurar, Distribution Coordinator Textile Fibers Department. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 117304 (Sub-No. 17 TA), filed November 25, 1969. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street North, Lewiston, Idaho 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Feed and feed ingredients*, from Spokane, Wash., to Lewiston, Idaho, as follows: From Spokane over U.S. Highway 195 and 95 to Lewiston, Idaho; and as an alternate route, from Spokane over U.S. Highway 10 to its junction with Washington Highway 27; thence over Washington Highways 27 and 28 to junction with U.S. Highway 95; thence over U.S. Highway 95 to Lewiston, Idaho, for 180 days. Supporting shipper: Benedict Seeds, Inc., Lewiston, Idaho 83501. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 117940 (Sub-No. 12 TA), filed November 25, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, requiring refrigeration, from Brentwood, Md., to Chicago, Ill., Pittsburgh and Erie, Pa.; Cleveland, Ohio; Detroit, Mich.; Buffalo and Syracuse, N.Y., for 180 days. Supporting shipper: Ida Mae Salads, Inc., Brentwood, Md. 20722. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 123639 (Sub-No. 119 TA), filed November 25, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant: David Senseney, 3395 South Bannock, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities of Sterling Colorado Beef Co. at Sterling, Colo., to points in Pennsylvania, New York, Maryland, the District of Columbia, Delaware, Rhode Island, Connecticut, Maine, New Hampshire, Kentucky, Massachusetts, and New Jersey, for 180 days. Supporting shipper: Sterling Colorado Beef Co., Sterling, Colo. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 127346 (Sub-No. 3 TA), filed November 26, 1969. Applicant: HALL's FAST MOTOR FREIGHT, INC., 330 Oak Tree Road, Post Office Box 183, South Plainfield, N.J. 07080. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic articles*, from the plantsite of Apache Foam Products, Linden, N.J., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New York, New Hampshire, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and District of Columbia, for 180 days. Supporting shipper: Apache Foam Products, Division of Millmaster Onyx Corp., 1005 McKinley Avenue, Belvidere, Ill. 61008, Robert A. Hess, Traffic Manager. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 134065 (Sub-No. 2 TA), filed November 26, 1969. Applicant: ROSS E. JUDGE, AUTO TRANSPORT LTD., Chisholm Avenue, Halifax, Nova Scotia, Canada. Applicant's representative: Harold C. Pachios, 85 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, from the port at entry on the international boundary between the United States and Canada at or near Houlton, Maine, to Houlton, Maine, for 150 days. Supporting shipper: Volvo (Canada) Ltd., Toronto, Ontario, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 134172 TA, filed November 26, 1969. Applicant: VAN's FURNITURE MANUFACTURING CO., INC., 2384 Van's Avenue, Jacksonville, Fla. 32207. Applicant's representative: J. Edward Allen, 1205 Universal Marion Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, empty containers*, from New York, N.Y.; Philadelphia, Pa.; Crozet, Va., and their respective commercial zones or terminal areas to points in Florida, for 180 days. Supporting shippers: Stewart Rigdon, Miami, Fla.; ITT Continental Baking Co., Inc., Morton Frozen Foods Division, Crozet, Va. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14575; Filed, Dec. 8, 1969; 8:46 a.m.]

[Notice 457]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 4, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71727. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Peak Transfer Co., Inc., Wallington, N.J., of certificate No. MC-107522 issued September 28, 1954, to I. Irving Newman, doing business as Peak Transfer Co., Clifton, N.J., authorizing the transportation of: General commodities, with the usual exceptions, between points in specified counties in New Jersey and New York, N.Y., in a radical movement. Robert B. Pepper, 297 Academy Street, Jersey City, N.J., 07306, practitioner for applicants.

No. MC-FC-71734. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Butler Bros., Inc., Winfield, Kans., of the certificate in No. MC-123482, issued July 21, 1961, to Fred Williams, Arkansas City, Kans., authorizing the transportation of machinery, materials, supplies and equipment incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum between Kansas City, Mo., on the one hand, and, on the other, points in Kansas and Oklahoma. Thomas D. Herlocker, 115 East Ninth Street, Winfield, Kans. 67156, attorney for applicants.

No. MC-FC-71736. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Danis Transportation Co., Inc., East Providence, R.I., of the certificate in No. MC-42352, issued June 7, 1955, to Francis A. Danis, doing business as Danis Transportation Co., East Providence, R.I., authorizing the transportation of general commodities, with exceptions, over regular routes between Providence, R.I., and Boston, Mass., serving specified intermediate and off-route points. Bernard F. McSally, 805 Old Colony Bank Building, 58 Weybosset Street, Providence, R.I. 02903, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14576; Filed, Dec. 8, 1969; 8:46 a.m.]

[No. 17000, Part 7; Investigation and Suspension Docket No. 8307]

GRAIN AND GRAIN PRODUCTS WITHIN WESTERN DISTRICT AND FOR EXPORT

Transit Provisions on Wheat at Twin Cities, Minn.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of November 1969.

It appearing, that by order entered September 9, 1969, the Commission reopened the above-entitled proceedings for further hearing;

It further appearing, that by petition of April 25, 1966, as later amended, the respondent rail carriers sought relief from outstanding orders in No. 17000, Part 7;

It further appearing, that the report and order of the Commission in Docket No. 17000, Rate Structure Investigation, Part 7, Grain and Grain Products Within the Western Division and for Export, 329 ICC 824, decided September 13, 1967, vacated certain outstanding orders therein to the extent that they required observance of rate-break combinations and of proportional rates therein prescribed as the exclusive basis of charges on shipments of grain and grain products at points from which proportional rates are applicable;

And it further appearing, that at a prehearing conference held at Washington, D.C., in the above-entitled proceedings, all parties present, including the respondents herein, agreed that the relief granted in the case cited above included that sought by the above-described petition herein under Docket No. 17000, Part 7, and that further proceedings with reference to said petition were unnecessary, and it appearing that the said petition should be dismissed as moot; and good cause appearing therefor:

It is ordered, That the order entered September 9, 1969, to the extent that it reopened Docket No. 17000, Part 7, for further hearings in connection with I. & S. Docket No. 8307 be, and it is hereby, vacated and set aside.

It is further ordered, That in all other respects the order of September 9, 1969, which reopened I. & S. Docket No. 8307 for further hearing, remains in full force and effect.

And it is further ordered, That the petition of April 25, 1966, in No. 17000, Rate Structure Investigation, Part 7, Grain and Grain Products Within the Western District and for Export, be, and it is hereby, dismissed.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14583; Filed, Dec. 8, 1969; 8:47 a.m.]

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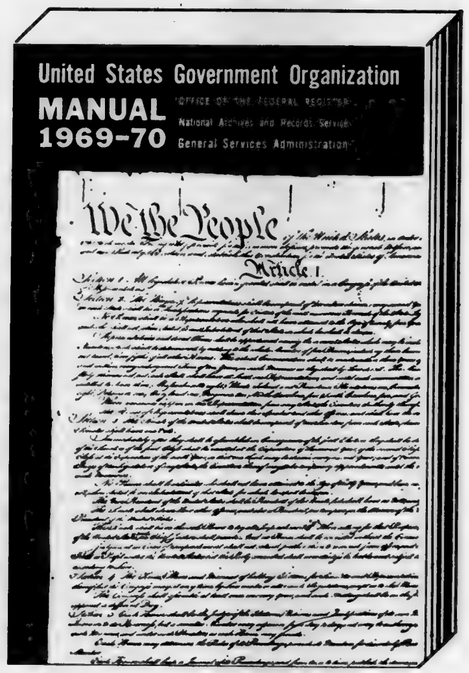
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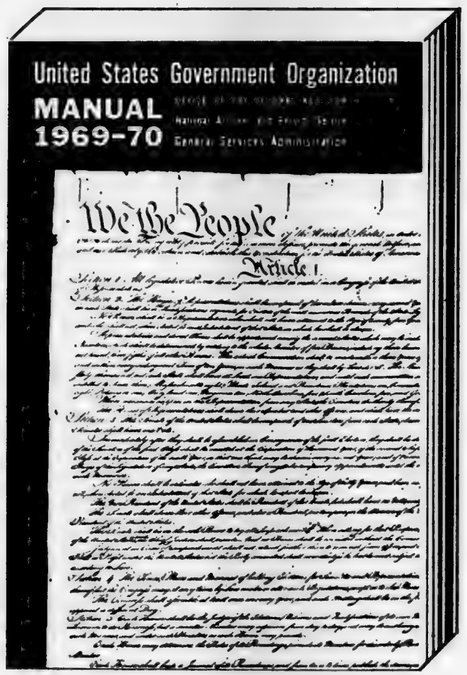
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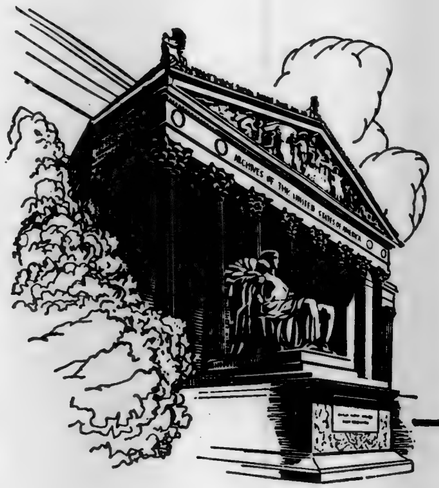
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PART 210—BASIC CONCEPTS AND DEFINITIONS (GENERAL)

Metropolitan Area of Washington, D.C.

Section 210.102(b)(7) is revised to provide a new defintion of "Metropolitan area of Washington, D.C." which includes the city of Fairfax and Loudoun and Prince William Counties, Va.

§ 210.102 Definitions.

• • • • • •

(b) In this chapter: • • •

(7) "Metropolitan area of Washington, D.C.", means the District of Columbia; Alexandria, Fairfax, and Falls Church cities, Va.; Arlington, Fairfax, Loudoun, and Prince William counties, Va.; and Montgomery and Prince Georges Counties, Md.

• • • • • •

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14651; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Executive Assistant to the Administrator, Southwestern Power Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (k) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

• • • • • •

(k) *Southwestern Power Administration.* • • •

(4) One Executive Assistant to the Administrator.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14656; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Special Assistant to the Commissioner of Education is in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (c) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(c) *Office of Education.* • • •

(1) Two Special Assistants to the Commissioner of Education.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14655; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

Section 213.3354 is amended to show that the position of Director, Office of Public Affairs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3354 as set out below.

§ 213.3354 Federal Home Loan Bank Board.

• • • • • •

(e) Director, Office of Public Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14654; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Confidential Secretary to the Administrator, St. Lawrence Seaway Development Corporation, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (g) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

• • • • • •

(g) *St. Lawrence Seaway Development Corporation.* • • •

(2) One Confidential Secretary to the Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14657; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Authorization of Overtime and Sunday Pay

Sections 550.111(a) and 550.171 are amended to make clear that an employee may not be paid Sunday Premium Pay for the same hours for which he is paid overtime.

§ 550.111 Authorization of overtime pay.

(a) Except as provided by paragraph (d) of this section, overtime work means each hour of work in excess of 8 hours in a day or in excess of 40 hours in an administrative workweek that is:

(1) Officially ordered or approved; and

(2) Performed by an employee.

Hours of work in excess of eight in a day are not included in computing hours of work in excess of 40 hours in an administrative workweek.

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§ 550.171 Authorization of pay for Sunday work.

An employee is entitled to pay at his rate of basic pay plus premium pay at a rate equal to 25 percent of his rate of basic pay for each hour of Sunday work which is not overtime work and which is not in excess of 8 hours for each regularly scheduled tour of duty which begins or ends on Sunday.

(5 U.S.C. 5548, sec. 1(1) of E.O. 11228; 3 CFR 1964–1965 Comp., p. 317)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14653; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Specific Exceptions

Section 550.505 is amended to provide an exception to the prohibition against an employee receiving pay from more than one position for five District of Columbia Public School teachers so they may serve as instructors in D.C. D–15. A new paragraph (q) is added to § 550.505 as set out below.

§ 550.505 Specific exceptions.

* * * * *

(q) Pay for services of five teachers with the Department of Vocational Education, District of Columbia Public Schools, as instructors in District of Columbia Project D.C. D–15.

(5 U.S.C. 5533)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14652; Filed, Dec. 9, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 70, Termination]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, which indicates that the demand for Indian River grapefruit now exceeds the supply as provided in Grapefruit Regulation 70 (34 F.R. 19024). Handlers should be afforded opportunity to take advantage of all such sales opportunity. Thus, it is hereby found that the limitation imposed by Grapefruit Regulation 70 should be removed.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this termination action until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this action is based became available and the time when this action must become effective is insufficient, and this action relieves restrictions on the handling of grapefruit grown in the Indian River District in Florida.

It is, therefore, ordered, That Grapefruit Regulation 70 (§ 912.370, 34 F.R. 19024) is hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 4, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14604; Filed, Dec. 9, 1969; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[CCC Grain Price Support Regs. 1966 and Subsequent Years Tung Oil Warehouse-Stored Supp., Amdt. 3]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Tung Oil Warehouse-Stored Loan Program

1969 TUNG OIL SUPPORT RATE

The Commodity Credit Corporation will support the price of 1969 crop tung nuts by means of warehouse-stored loans on eligible 1969 crop tung oil under the terms and conditions set forth in the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Rev. 1) (31 F.R. 5941), and any amendments thereto, as supplemented by the Tung Oil Warehouse-Stored Loan Program Regulations, as amended, 31 F.R. 11932, 32 F.R. 10783, and 33 F.R. 17765. In order to provide a price support loan rate for 1969 crop tung oil, § 1421.3695 of the Tung Oil Warehouse-Stored Loan Program Regulations, as amended, is hereby further amended to read as follows:

§ 1421.3695 Support rate.

Loans on eligible tung oil produced from 1966 crop tung nuts shall be made at the rate of 24 cents per pound. Loans on eligible tung oil produced from 1967 crop tung nuts shall be made at the rate of 24 cents per pound. Loans on eligible tung oil produced from 1968 crop tung nuts shall be made at the rate of 24.3 cents per pound. Loans on eligible tung oil produced from 1969 crop tung nuts shall be made at the rate of 25.6 cents per pound.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective date: This amendment shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on December 4, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–14679; Filed, Dec. 9, 1969; 8:49 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

PART 1495—DISPOSITION OF AGRICULTURAL COMMODITIES UNDER THE CCC BARTER PROGRAM

This Part 1495 sets forth policies, procedures, and requirements governing the barter program of the Commodity Credit Corporation (hereinafter referred to as CCC) as follows:

Sec.
1495.1 General statement.
1495.2 Procurement by or for U.S. Government agencies (supply barters).
1495.3 Procurement for the national and supplemental stockpiles.
1495.4 Agricultural commodities—acquisition and price.
1495.5 Eligible export destinations.
1495.6 Proof of exportation to and entry in eligible destination.
1495.7 Eligible contractors.
1495.8 Uniform barter contractual provisions.

AUTHORITY: The provisions of this Part 1495 issued under secs. 4 (d) and (h) and 5 (d) and (f), 62 Stat. 1070, as amended; sec. 302, 68 Stat. 458, as amended; sec. 303, 68 Stat. 459, as amended; sec. 206, 70 Stat. 200, as amended; 15 U.S.C. 714b (d) and (h), 714c (d) and (f); 7 U.S.C. 1431; 7 U.S.C. 1692; 7 U.S.C. 1856.

§ 1495.1 General statement.

The barter program is administered on behalf of CCC by the Office of the Assistant Sales Manager, Barter, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (hereinafter called Office of Barter). Under this program, exports of U.S. agricultural commodities are used to finance procurement of materials, equipment, goods, and services required from foreign sources by U.S. Government agencies and foreign procurement of strategic and other materials for stockpiling. The primary objectives of the barter program are: (1) To develop and expand foreign markets for U.S. farm products; (2) to improve the U.S. balance of payments position; (3) to procure strategic materials to meet stockpiling goals; and (4) to procure strategic materials in excess of stockpile goals where this is in the best interest of the United States when measured against other alternatives, such as taking foreign currencies in payment for agricultural commodities exported to foreign countries. In the formulation of barter export requirements, primary consideration is given to increasing total commercial exports of agricultural commodities from the United States.

§ 1495.2 Procurement by or for U.S. Government agencies (supply barters).

Procurement of goods or services abroad through the barter program for the use of other U.S. Government agencies is undertaken at the request of the Government agency needing the goods or services. Three types of barter arrangements may be used in making procurements for such U.S. Government agencies i.e., supplier type, payment type, and direct-procurement type. Copies of invitations for offers under all three types of barter arrangements may be obtained from the Office of Barter.

(a) The supplier type barter arrangement involves the issuance of invitations by procurement offices of the U.S. Government agency (such as the Department of Defense), for offers from foreign suppliers of designated goods or services, both on a cash basis and on a barter basis for agricultural commodities. The lowest responsive offer on a barter basis is accepted by the procurement office unless it exceeds the lowest responsive offer on a cash basis, in which latter event CCC determines whether or not to absorb the excess cost. If an offer on a barter basis is accepted, the foreign supplier designates a U.S. firm with which CCC may enter into a barter contract for the export of the agricultural commodities representing payment for the goods or services to be supplied to the procuring agency. The foreign supplier is paid by the barter contractor for goods or services furnished to the procuring agency pursuant to arrangements between the two private parties. Under an assignment of payments made by the supplier, the procuring agency in turn pays to CCC the value of the goods or services supplied to such agency. Prior to the issuance of the invitation for offers by the procuring agency, information as to the proposed procurement is made available by the Office of Barter, for interested U.S. firms, in the Information Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C. 20250.

(b) The payment type barter arrangement involves funding of certain procurements to be made abroad by other Government agencies and is initiated following request from a Government agency to CCC that it generate funds under the barter program for use in effecting such procurements abroad. CCC invites offers from eligible contractors to enter into a contract for the deposit, in accordance with the directions of the Government agency making the procurement, of funds needed to effect the procurement, and for the export, in accordance with the terms of the barter contract, of the agricultural commodities representing payment therefor. Offers are evaluated on the basis of the lowest cost to CCC and such other factors as may be stated in the invitation for offers. Notice of invitations for offers is given by USDA press release.

(c) The direct-procurement type barter arrangement involves the issuance by CCC of invitations for offers from eligible contractors to enter into a contract to supply designated goods or services and to export, in accordance with the terms of the barter contract, the agricultural commodities representing payment therefor. The invitations for such offers are issued following a request from a U.S. Government agency to CCC to undertake a procurement of designated goods or services from overseas sources. Offers are evaluated on the basis of the lowest price, delivered at destination, and other factors relating to the performance of the contract by the supplier. Notice to the public of invitations for such barter offers is given by USDA press release.

§ 1495.3 Procurement for the national and supplemental stockpiles (stock pile barters).

CCC procures for the national and supplemental stockpiles, through barter arrangements, strategic and other materials produced abroad. In the case of materials for the national stockpile, listings of the kinds and quantities of materials to be so procured are transmitted to the Office of Barter by the General Services Administration. The materials, and the quantities and qualities thereof, to be procured are determined pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596). In the case of materials for the supplemental stockpile, the kinds and quantities to be procured are determined from time to time by the Secretary of Agriculture, from among materials which have been designated by the President as eligible for such barter procurement. In making this determination, the following factors (among others) are considered: (1) whether such procurement will reduce the volume of more desirable barter procurements that can be accomplished; (2) whether it is more advantageous to the United States to take a useful material in exchange for agricultural commodities than to acquire additional foreign currencies for them; and (3) whether the international economic or foreign policy interests of the United States will be furthered. The Secretary of Agriculture will approve barter procurement of materials for the supplemental stockpile only when he finds it is in the best interest of the United States.

Barter procurement of foreign-produced materials for stockpiling begins with the issuance of an invitation for offers to enter into a contract for supplying the designated material and exporting an equal value of eligible U.S. agricultural products. Offers are evaluated on the basis of price and such other factors as may be stated in the invitation for offers. Notice of such invitations for offers is given by USDA press release.

§ 1495.4 Agricultural commodities—acquisition and price.

Barter contracts provide that the barter contractor will be paid in a quantity of agricultural commodities from CCC inventories having a specified total value, such agricultural commodities to be acquired from CCC by the barter contractor at prices established pursuant to published announcements of CCC, unless otherwise specified in the contract. If the barter contract involves procurements other than for the supplemental stockpile, the barter contract may contain provisions pursuant to which the barter contractor may, at his option, acquire all or any part of the agricultural commodities either from CCC inventories or from private stocks. The barter contract will either designate or provide for the designation of the agricultural commodities thus to be acquired and exported. Generally, the barter contractor may acquire from CCC inventories or from private stocks, if the contract so provides, those agricultural commodities designated in the CCC Monthly Sales List (published as a Notice in the FEDERAL REGISTER) as available or eligible in connection with barter contracts. CCC will reimburse the barter contractor for the value, determined as provided in published announcements of CCC, of those agricultural commodities exported which were acquired from private stocks. Copies of all pertinent announcements may be obtained from the Office of Barter. If the agricultural commodity acquired from private stocks is one for which a CCC export payment program is in effect, export under the barter contract generally qualifies for payment under the export payment program if such export also meets the requirements of the export payment program.

§ 1495.5 Eligible export destinations.

Agricultural commodities exported under barter contracts may be exported only to those countries which are eligible to receive barter exports. Limitations on the countries to which barter exports may go are necessary to provide reasonable assurance that such exports will increase total commercial sales and will not unduly disrupt world agricultural prices. The countries eligible to receive exports of such commodities and the conditions under which particular commodities may be exported to specified countries are set forth in each barter contract. Under barter contracts involving materials for the supplemental stockpile, the agricultural commodities must be exported, as provided in the barter contract, to the country from which the foreign-produced material originates.

§ 1495.6 Proof of exportation to and entry in eligible destination.

The barter contractor must furnish to CCC within the time specified in the contract such evidence as CCC may require showing that the agricultural commodities applied to the contract were exported to and received in a country or area designated as an eligible destination under the contract. Failure to furnish such evidence within the time specified is prima facie evidence that the commodity was exported to an ineligible destination.

§ 1495.7 Eligible contractors.

Any responsible U.S. citizen or company may qualify as a barter contractor. A partnership or other unincorporated legal entity will be considered a U.S. company if its principal place of business is in the United States and at least one of its members is a resident citizen of

the United States. A corporation will be considered a U.S. company if it is organized and doing business under the laws of the United States. Provision may be made in the barter contract for the designation by the barter contractor, with approval by CCC, of an agent who, in behalf of the barter contractor, may acquire and export agricultural commodities pursuant to the terms and conditions of the contract. For the purposes of this section, "United States" means any of the 50 States, the District of Columbia, or Puerto Rico.

§ 1495.8 Uniform barter contractual provisions.

Upon acceptance of an eligible contractor's offer to enter into a contract, the Office of Barter prepares for the signature of the parties thereto a contract which sets forth the terms and conditions of the contract between CCC and the contractor. Each contract contains provisions formulated to the needs of the type of barter activity involved and the particular transactions thereunder and incorporates by reference certain uniform barter contractual provisions applicable to the type of barter activity involved. The uniform barter contractual provisions are set forth in Form CCC–111–R (for stockpile barters) and Form CCC–122 (for supply barters), copies of which may be obtained from the Office of Barter.

Signed at Washington, D.C., on December 4, 1969.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation; and General Sales Manager, Export Marketing Service.

[F.R. Doc. 69-14680; Filed, Dec. 9, 1969; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, subparagraph (e)(6) relating to Texas is amended by adding thereto the name of Henderson County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 76 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date: The foregoing amendment shall become effective upon issuance.

The amendment quarantines Henderson County in the State of Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such county.

The admendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of December 1969.

GEORGE W. IRVING, Jr.,
Administrator, Agricultural Research Service.

[F.R. Doc. 69-14622; Filed, Dec. 9, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10003; Amdt. 39-890]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11 Airplanes

There have been reports of electrical overheating in the flight deck roof center electrical panel "E" area on British Aircraft Corp. Model BAC 1–11 airplanes. It has further been reported that this condition has led to fires, and that in one case of fire the intensity of the fire was increased by the release of oxygen from the passenger dropout oxygen system control panel which is located in the roof panel "E" area. In view of the serious consequences of such a condition and since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require an inspection of the center roof panel "E" for signs of overheating, restrictions on the use of the passenger dropout oxygen system, and periodic inspections for oxygen leaks in the roof panel "E" area, pending the incorporation of modifications of the roof panel "E" and panel installation and modification of the passenger dropout oxygen system control panel.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to BAC 1–11 Model Airplanes.

Compliance is required as indicated.

(a) Within the next 25 hours' time in service after the effective date of this AD, add the following to the operating limitations section of the Airplane Flight Manual:

(1) Under normal operating conditions when oxygen is not required for use by the passengers, the passenger oxygen system shut-off valve located on the righthand console must be maintained in the OFF position.

(2) Operation with passengers above 25,000 feet is prohibited.

(b) Within the next 200 hours' time in service after the effective date of this AD, inspect the center roof panel "E" for signs of overheating, damage, and fouls in accordance with British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 33–A–PM 4169, Issue 1, dated May 22, 1969, or later ARB-approved issue or FAA-approved equivalent.

(c) For airplanes with a passenger dropout oxygen system control panel installed which has not been modified in accordance with Part (C) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM 4169, Revision 2, dated October 1, 1969 (or an FAA-approved equivalent), within the next 200 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 200 hours' time in service since the last test, test the passenger dropout oxygen system control panel for leaks in accordance with British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 33–A–PM 4169, Issue 1, dated May 22, 1969, or later ARB-approved issue or FAA-approved equivalent.

(d) If leaks are found during the test required by paragraph (c), replace the passenger dropout oxygen system control panel with a serviceable panel of the same part number or with a serviceable panel which has been modified in accordance with Part (C) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM 4169, Revision 2, dated October 1, 1969, or an FAA-approved equivalent. Test the passenger dropout oxygen system in accordance with the following:

(1) If the passenger dropout oxygen system control panel is replaced with a serviceable panel of the same part number, continue to test the passenger dropout oxygen system control panel for leaks in accordance with paragraph (c).

(2) If the passenger dropout oxygen system control panel is replaced with a serviceable panel which has been modified in accordance with Part (C) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM 4169, Revision 2, dated October 1, 1969 (or an FAA-approved equivalent), within the next 1,000 hours' time in service after the date of installation and thereafter at intervals not to exceed 1,000 hours' time in service since the last test, test the passenger dropout oxygen system control panel for leaks in accordance with British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 33–A–PM 4169, Issue 1, dated May 22, 1969, or later ARB-approved issue or FAA-approved equivalent.

(e) For airplanes with a passenger dropout oxygen system control panel installed which has been modified on or before the effective date of this AD in accordance with Part (C) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM 4169, Revision 2, dated October 1, 1969 (or an FAA-approved equivalent), within the next 200 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 1,000 hours' time in service since the last test, test the passenger dropout oxygen system control panel for leaks in accordance with British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 33–A–PM 4169, Issue 1, dated May 22, 1969, or later ARB-approved issue or FAA-approved equivalent.

(f) If leaks are found during the test required by paragraph (e), replace the passenger dropout oxygen system control panel with a serviceable panel which has been modified in accordance with Part (C) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM 4169, Revision 2, dated October 1, 1969, or an FAA-approved equivalent and continue to inspect in accordance with paragraph (e).

(g) Upon request of the operator an FAA maintenance inspector (subject to prior approval of the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region) may adjust the repetitive inspection intervals specified in paragraph (e) of this AD to permit compliance at an established inspection of the operator, if the request contains substantiating data to justify the increase for the operator.

(h) On or before April 1, 1970, modify the flight deck roof lighting control panel "E" and panel installation in accordance with parts (a1), (d1), (d2), (f), (g), and (h) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM 4169, Revision 2, dated October 1, 1969, or an FAA-approved equivalent.

(i) On or before April 1, 1970, replace the existing passenger dropout oxygen system control panel with a serviceable panel which has been modified to incorporate rigid oxygen pipes in lieu of flexible hoses in accordance with Part (C) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM 4169, Revision 2, dated October 1, 1969, or an FAA-approved equivalent.

(j) When both paragraph (h) and paragraph (i) have been accomplished, the restrictions and inspections required by paragraphs (a) through (f) may be discontinued.

This amendment becomes effective December 15, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 3, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-14644; Filed, Dec. 9, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 22, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17114), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Southern Pines, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Southern Pines, N.C., transition area is amended to read:

SOUTHERN PINES, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pinehurst-Southern Pines Airport (lat. 35°14'02" N., long. 79°23'36" W.); within 1.5 miles each side of Pinehurst VORTAC 083° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within R–5311.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 1, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-14646; Filed, Dec. 9, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-117]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 22, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17114), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Washington, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Washington, N.C., transition area is amended to read:

WASHINGTON, D.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (lat. 35°34'15" N., long. 77°03'00" W.); within 3 miles each side of the 196° bearing from WITN Commercial Broadcast Station (lat. 35°31'34" N., long. 77°04'31" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of WITN Commercial Broadcast Station.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 1, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14647; Filed, Dec. 9, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17179), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Salisbury, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Salisbury, N.C., transition area is amended to read:

SALISBURY, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rowan County Airport (lat. 35°38'30" N., long. 80°31'10" W.); within 3 miles each side of the 014° bearing from Salisbury NDB (lat. 35°40'29" N., long. 80°30'32" W.), extending from the 8-mile radius area to 8.5 miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 1, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14648; Filed, Dec. 9, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-120]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17299), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Sanford, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Sanford, N.C., transition area is amended to read:

SANFORD, N.C.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Sanford Municipal Airport (lat. 35°25'55" N., long. 79°11'10" W.); within 2.5 miles each side of Pinehurst VORTAC 057° radial, extending from the 5.5-mile radius area to 21 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 1, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-14649; Filed, Dec. 9, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Control Zone and Transition Areas

On September 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14609) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the vicinity of Ponce, P.R.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to the issuance of the notice, it was determined that the control zone extension should be extended 8½ miles east of the VOR instead of 8 miles, as proposed in the notice, to completely encompass the instrument approach to the Mercedita Airport, Ponce, P.R. Since his action is minor in nature, notice and public procedure hereon is unnecessary.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

1. In § 71.171 (34 F.R. 4557) Ponce, P.R., control zone is amended to read:

PONCE, P.R.

Within a 5-mile radius of the Mercedita Airport, Ponce, P.R. (lat. 18°00'40" N., long. 66°33'50" W.); within 3.5 miles each side of the Ponce VOR 111° radial, extending from the 5-mile radius zone to 8½ miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continously published in the FAA publication International NOTAMs.

2. Section 71.181 (34 F.R. 4637) is amended as follows:

a. Ponce, P.R., transition area is amended to read:

PONCE, P.R.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Mercedita Airport, Ponce, P.R. (lat. 18°00'40" N., long. 66°33'50" W.) north of lat. 18°00'00" N., and within an 8-mile radius of Mercedita Airport south of lat. 18°00'00" N.; within 9.5 miles south and 4.5 miles north of the Ponce VOR 111° radial, extending from the VOR to 18.5 miles east of the VOR.

b. The San Juan, P.R., 1200-foot transition area is amended by deleting "thence west along lat. 18°00'00" N., to long. 66°19'20" W.; thence south to lat. 17°49'30" N., long. 66°23'30" W.; thence west to the intersection of long 66°25'30" W. and the arc of a 15-mile radius circle centered at Mercedita Airport" and substituting therefor "thence west along lat. 18°00'00" N., to and south along long. 66°15'00" W., to and east along a line 4.5 miles north of and parallel to Ponce VOR 111° radial, to and south along a line 18.5 miles east of Ponce VOR and perpendicular to the Ponce VOR 111° radial, to lat. 17°46'15" N., long. 66°18'30" W.; thence west along a line 9.5 miles south of and parallel to Ponce VOR 111° radial to the intersection of a 15-mile radius circle centered at Mercedita Airport."

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14615; Filed, Dec. 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On September 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14736) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charlotte Amalie, St. Thomas, V.I., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637) the Charlotte Amalie, St. Thomas, V.I., transition area is amended to read:

CHARLOTTE AMALIE, ST. THOMAS, V.I.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Harry S. Truman Airport (lat. 18°20'25" N., long. 64°58'10" W.); within 3.5 miles each side of the St. Thomas VOR 359° radial, extending from the 8-mile radius area to 11 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Harry S. Truman Airport.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14616; Filed, Dec. 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-96]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway

On September 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14176) stating that the Federal Aviation Administration was considering an amendment to the Federal Aviation Regulations that would revoke VOR Federal airway No. 476.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were given due consideration.

The Air Transport Association (ATA) objected to the revocation of V-476 on the following bases: (1) The changes in time of designation and designated altitudes of Restricted Area R-4001, described in Airspace Docket No. 69-EA-88, would provide additional use of V-476; and (2) a contingency that a future alteration of R-4001 would permit the airway to be used as a parallel route that would enable separate departure flows from both Baltimore and Washington en route to La Guardia, Newark, and Philadelphia. No other comments were received.

We have reviewed the comments of the ATA and determined that the intensive use of R-4001 by the military precludes the use of the airway most of the time. Although the provisions of Airspace Docket No. 69-EA-88 do permit the user agency to release R-4001 for traffic control purposes, this is hardly ever done during busy traffic periods due to the user agency's need for the area. There are no further plans to modify the size or hours of designation of R-4001. Since V-476 was designated in 1962, it has never had more than 4 peak-day movements and often less than three.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-476 is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14619; Filed, Dec. 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WA-31]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area; Correction

On October 22, 1969, F.R. Doc. No. 69-12577 was published in the FEDERAL REGISTER (34 F.R. 17104) which amended Part 73 of the Federal Aviation Regulations, effective October 22, 1969, by reducing the size of the Richland, Wash., Restricted Area R-6715; however, two of the geographic coordinates were incorrectly listed. Action is taken herein to correct the boundary description.

Since this amendment is minor in nature and one in which the public is not particularly interested, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective on less than 30-day notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.67 (34 F.R. 4851, 17104), the boundaries of R-6715 Richland, Wash., are corrected to read:

Boundaries. Beginning at lat. 46°44'25" N.; long. 119°25'00" W.; to lat. 46°39'30" N.; long. 119°25'00" W.; thence along the northeast bank of the Columbia River to lat. 46°34'10" N.; long. 119°20'00" W.; to lat. 46°30'00" N.; long. 119°20'00" W.; to lat. 46°30'00" N.; long. 119°15'30" W.; thence along the east bank of the Columbia River to lat. 46°21'30" N.; long. 119°15'20" W.; to lat. 46°21'30" N.; long. 119°18'00" W.; to lat. 46°23'20" N.; long. 119°24'50" W.; thence along State Highway Nos. 240 and 24 to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14617; Filed, Dec. 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-80]

PART 73—SPECIAL USE AIRSPACE

Designation of Period of Use for Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a period of use for Restricted Area R-6410 at Blanding, Utah.

On May 13, 1966, a rule designating Restricted Area R-6410 at Blanding, Utah was published in the FEDERAL REGISTER (31 F.R. 7032). The time of designation for this restricted area was established as follows:

Time of designation: Continuous, June 23, 1966, through August 15, 1966. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

Since it was not possible to determine the exact dates that R-6410 would be needed each year when designation of the area was first requested, it was determined, as set forth above, to establish subsequent firing periods by a rule published in the FEDERAL REGISTER.

Since this amendment is made in accordance with the procedures set forth in the notice and previous rule, additional notice and public procedure hereon are unnecessary.

Therefore, action is taken herein to amend Part 73 of the Federal Aviation Regulations, effective 0901 G.m.t., March 5, 1970, as hereinafter set forth.

In § 73.64 (34 F.R. 4847) the Blanding, Utah, Restricted Area R-6410 is amended by deleting the present time of designation and substituting the following therefor:

Time of designation: April 1, 1970, through July 31, 1970, and September 1, 1970, through December 15, 1970. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14618; Filed, Dec. 9, 1969; 8:46 a.m.]

[Docket No. 10004; Amdt. 151-36]

PART 151—FEDERAL AID TO AIRPORTS

United States' Share of Project Costs in Public Land States

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to revise the table of percentages in § 151.43(c) that states the United States' share of the costs of an approved project for airport development in each State in which the unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceed 5 percent of its total land. Section 151.43(c) reflects the requirement of section 10(b) of the Federal Airport Act (49 U.S.C. 1109).

Based on information received from the Department of Interior, the FAA periodically redetermines the percentages in § 151.43(c) (see Amendments 151-2, 151-10, 156-16, 151-20, and 151-27). The FAA is amending § 151.43(c) to reflect the most recent Department of the Interior information. The amendment increases the percentage for California, Oregon, and Washington; decreases the percentages for Arizona, Colorado, Idaho, Montana, New Mexico, South Dakota, Utah, and Wyoming; and leaves the percentages for Alaska and Nevada unchanged.

Since this amendment relates to public grants, benefits, and contracts, notice and public procedure thereon are not required, and it may be made effective in less than 30 days.

In consideration of the foregoing, the table in paragraph (c) of § 151.43 of the Federal Aviation Regulations is amended, effective December 10, 1969, to read as follows:

§ 151.43 United States' share of project costs.

* * * * * *

(c) * * *

State	Percent
Alaska	62.50
Arizona	60.80
California	53.72
Colorado	52.98
Idaho	55.80
Montana	52.99
Nevada	62.50
New Mexico	56.14
Oregon	55.64
South Dakota	52.53
Utah	60.65
Washington	51.53
Wyoming	56.33

* * * * * *

(Secs. 1-15 and 17-21 of the Federal Airport Act, 49 U.S.C. 1101-1114 and 1116-1120; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.4(b)(1), Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on December 4, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-14645; Filed, Dec. 9, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1618]

PART 13—PROHIBITED TRADE PRACTICES

Bishop & Malco, Inc. and Walkers'

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-85 Sales below cost. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act;

§ 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Bishop & Malco, Inc., et al., Long Beach, Calif., Docket C–1618, Nov. 6, 1969]

In the Matter of Bishop & Malco, Inc., a Corporation, Doing Business as Walker's.

Consent order requiring a Long Beach, Calif., department store to cease falsely advertising, deceptively invoicing and misbranding its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Bishop & Malco, Inc., a corporation, doing business as Walker's or under any other name or names, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

3. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

4. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "'natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Fails to disclose that such fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

4. Fails to separately set forth in advertisements relating to such fur product composed of two or more sections containing different animal furs the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

5. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

6. Falsely and deceptively represents, directly or by implication, by means of the phrase "Below Wholesale Cost" or any other phrase, term or word of similar import or meaning that such fur product is being offered for sale at less than the price paid for the product by the respondent.

7. Falsely or deceptively represents that savings are afforded to the purchaser of such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–14611; Filed, Dec. 9, 1969; 8:46 a.m.]

[Docket No. C–1617]

PART 13—PROHIBITED TRADE PRACTICES

Miami Rug Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, The Miami Rug Company et al., Miami, Fla., Docket C–1617, Nov. 6, 1969]

In the Matter of The Miami Rug Co., Wilans, Inc., Carpet Fashions, Inc., Bartex Corp. and Carpet Remnant King, Inc., Corporations, and James W. Baros and Evans E. Baros, Individually and as Officers of Said Corporations

Consent order requiring four Miami, Fla., sellers and installers of carpeting and floor covering material to cease misbranding, falsely advertising, and removing law required identification from its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, The Miami Rug Co., Wilans, Inc., Carpet Fashions, Inc., Bartex Corp. and Carpet Remnant King, Inc., corporations, and their officers, and James W. Baros and Evans E. Baros, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering of sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber proudct" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising texile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

5. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents The Miami Rug Co., Wilans, Inc., Carpet Fashions, Inc., Bartex Corp. and Carpet Remnant King, Inc., corporations, and their officers, and James W. Baros and Evans E. Baros, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or mutilating or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–14610; Filed, Dec. 9, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICE

PART 813a—PROVIDING AIR FORCE REFERENCE ROOM SERVICE TO THE PUBLIC

Policy

Part 813a is amended as follows:

Section 813a.1 is revised to read as follows:

§ 813a.1 Policy.

The Air Force will make available to the general public its Publication Reference Libraries at Hq USAF, major commands and Air Force bases, effective July 4, 1967. The material designated in 5 U.S.C. 552(a)(2) will be made available to members of the public for inspection and copying at these locations. Published decisions of the Court of Military Review can be found in the "Court Martial Reports" and are available at Air Force bases in the office of the Staff Judge Advocate. Unpublished Court of Military Review decisions will be made available for public inspection and copying at the Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., Room 7A 239.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, 5 U.S.C. 552)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr., *Colonel, USAF, Chief Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 69–14626; Filed, Dec. 9, 1969; 8:46 a.m.]

Chapter XVI—Selective Service System

[Amdt. No. 115]

PART 1606—GENERAL ADMINISTRATION

Furnishing Information Under Administrative Procedure Act

Amendments to the Selective Service Regulations are hereby prescribed to read as follows:

1. In paragraph (b)(2) of § 1606.57, subdivision (ii) is amended to read as follows:

§ 1606.57 Service charges for information.

* * * * * *

(b) * * *

(2) * * *

(ii) For copies of identifiable documents other than Cover Sheets (SSS Form 101): $1 per page, which cost includes time for searching and reproducing the document.

* * * * * *

2. Addresses of the offices of the State Directors of Selective Service as shown in paragraph (f) of § 1606.58, are changed as follows:

§ 1606.58 Places where information may be obtained.

* * * * *

(f) * * *

State	Address
District of Columbia.	440 G Street NW., Washington, D.C. 20001.
Louisiana	Building 601-5-A, 4400 Dauphine Street, New Orleans, La. 70140.
Minnesota	Room 1503, Post Office and Customhouse, 180 East Kellogg Boulevard, St. Paul, Minn. 55101.
Mississippi	Cameron-Walker Building, 4785 Interstate 55 North, Jackson, Miss. 39206.
Nevada	1511 North Carson Street, Post Office Box 644, Carson City, Nev. 89701.
New Hampshire	Federal Building and U.S. Post Office, 55 Pleasant Street, Room 337, Post Office Box 427, Concord, N.H. 03301.

(Sec. 10, 62 Stat. 618, as amended, 50 U.S.C. App. 460; 61 Stat. 54, 5 U.S.C. 552; E.O. 9979, July 20, 1948; 13 F.R. 4177, 3 CFR 1943-48 Comp., 713)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

LEWIS B. HERSHEY,
Director of Selective Service.

DECEMBER 5, 1969.

[F.R. Doc. 69-14613; Filed, Dec. 9, 1969; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 342—OFFERING OF UNITED STATES SAVINGS NOTES

Notice of Termination of Sale

The sale of U.S. Savings Notes, offered pursuant to Department of the Treasury Circular, Public Debt Series No. 3-67, dated February 22, 1967, as revised (31 CFR Part 342), is hereby terminated effective at the close of business June 30, 1970.

Sale of the notes is terminated under authority of sections 18 and 20 of the Second Liberty Bond Act, as amended (40 Stat. 1304, 48 Stat. 343, both as amended; 31 U.S.C. 753, 754b), and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Dated: December 5, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-14640; Filed, Dec. 9, 1969; 8:47 a.m.]

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Revocation of Obsolete Regulations

The reporting requirements in §§ 500.603, 500.604, and 500.605 are obsolete. Accordingly, §§ 500.603, 500.604, and 500.605 are hereby revoked.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-14641; Filed, Dec. 9, 1969; 8:47 a.m.]

PART 515—CUBAN ASSETS CONTROL REGULATIONS

Revocation of Obsolete Regulations

The reporting requirements in §§ 515.607 and 515.608 are obsolete. Accordingly, §§ 515.607 and 515.608 are hereby revoked.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-14642; Filed, Dec. 9, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PROCEDURE AND FORMS FOR USE IN DESIGNATING AND TERMINATING DESIGNATION OF CONTRACTING OFFICERS

Part 5A-1 is amended by the addition of new Subpart 5A-1.4, as follows:

PART 5A-1—GENERAL

Subpart 5A-1.4—Procurement Responsibility and Authority

Sec.
5A-1.404 Selection, designation, and termination of designation of contracting officers.
5A-1.404-2 Designation.
5A-1.404-3 Termination of designation.

AUTHORITY: The provisions of this Subpart 5A-1.4 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c).

§ 5A-1.404 Selection, designation, and termination of designation of contracting officers.

§ 5A-1.404-2 Designation.

(a) Formal designation of contracting officers shall be made by issuance of the appropriate GSA Form 2525 A (gold), B (silver), or C (black), Certificate of Appointment, signed by the appointing official. The Certificate of Appointment shall be furnished to the appointee. It should be framed and displayed in the incumbent's immediate work area. GSA Form 2525, Notification of Appointment or Termination of Appointment of Contracting Officer, also signed by the appointing official, shall be furnished to the appropriate personnel office for inclusion in appointee's personnel record.

(b) Appointing officials for contracting officers are:

(1) For grades GS-5 through 9, the Directors of Procurement Operations Division, Special Programs Division, or ADP Procurement Division; or the Regional Directors, FSS, as appropriate;

(2) For grades GS-11 through 13, the Assistant Commissioner for Procurement or the Assistant Commissioner for Automated Data Management Services, or the Regional Administrators, as appropriate; and

(3) For grades GS-14 or higher, the Commissioner, Federal Supply Service.

(c) The appointee's operational subtitle shall be shown in the space beneath the printed title "Contracting Officer" on the Certificate of Appointment. The certificate is available with the GSA emblem embossed in gold, silver, and black. Following is a list of Contracting Officers GS-grades, operational subtitles, and the type of certificate to be used for each.

GS-Grade	Operational subtitles	Emblem	GSA Form 2525
5	Procurement Assistant	Black	(C)
7	Senior Procurement Assistant.	Black	(C)
9	Procurement Agent	Black	(C)
11	Senior Procurement Agent.	Silver	(B)
12	Procurement Officer	Silver	(B)
13	Senior Procurement Officer.	Silver	(B)
14 and higher.	Supervisory Procurement Officer.	Gold	(A)

(d) Appointment certificates should be initiated by the immediate supervisor of the nominee and forwarded, through channels, to the appointing official as soon as an employee's eligibility for appointment is established by approval of the appropriate personnel action.

§ 5A-1.404-3 Termination of designation.

(a) Appointments shall remain effective until the contracting officer is reassigned or his employment terminated.

(b) When there is a change in a contracting officer's grade and corresponding operational subtitle the present appointment shall be terminated and a new Certificate of Appointment shall be issued.

(c) GSA Form 2525, Notification of Appointment or Termination of Appointment of Contracting Officer, shall be prepared in at least two copies for signature by the appointing official, (1) to furnish the appropriate personnel office with written notice for inclusion in the employee's personnel record and (2) to notify the contracting officer of his appointment or the termination of his appointment.

PART 5A-16—PROCUREMENT FORMS

The table of contents of Part 5A-16 is amended to add the following new entries:

5A-16.950-2525 GSA Form 2525, Notification of Appointment or Termination of Appointment of Contracting Officer.
5A-16.950-2525A, B, C GSA Form 2225A (Gold Seal), B (Silver Seal), and C (Black Seal) Certificate of Appointment.

NOTE: Copies of the forms identified in this Part 5A-16 are filed with the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3 BRD, Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: December 1, 1969.

A. F. SAMPSON,
Commissioner,
Federal Supply Service.

[F.R. Doc. 69-14634; Filed, Dec. 9, 1969; 8:47 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-20—ASSIGNMENT AND UTILIZATION OF SPACE

Short-Term Use of Conference and Meeting Facilities

This amendment provides guidelines for agencies in obtaining short-term conference and meeting facilities.

The table of contents for Part 101-20 is amended to provide the following new entry:

Sec.
101-20.102-4 Short-term use of conference and meeting facilities.

Subpart 101-20.1—Assignment of Space

Section 101-20.102-4 is added to read as follows:

§ 101-20.102-4 Short-term use of conference and meeting facilities.

Agencies having a need for facilities for short-term conferences and meetings shall make their requirements known to GSA in accordance with § 101-20.102-1. GSA will determine if suitable Government-owned facilities are available in the desired area and, if so, notify the requesting agency of its assignment in writing. If no suitable facilities are available, GSA will assist or advise agencies in arranging for the use of privately owned facilities when agencies have authority to contract by purchase order or other means. Payment for use of privately owned conference or meeting rooms is, in fact, payment for the services and furnishings that are provided. Such services and furnishings, in addition to the facilities (auditorium, conference room, meeting room, etc.), would include chairs (already placed as requested by the user), rostrum with tables and chairs, posting of notices on appropriate building bulletin board, amplifier system, screen and motion picture projector, and other special equipment needed. GSA may obtain privately owned conference and meeting facilities by service contract on an hourly rate basis where combined requirements of the Federal agencies in a particular area would justify an open end service contract for such space for intermittent use periods or for an extended period of time.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: December 5, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-14635; Filed, Dec. 9, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

DeSoto National Wildlife Refuge, Iowa and Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA AND NEBRASKA

DESOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted on all water areas within the refuge. This open area, comprising 850 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing is subject to the following conditions:

(1) All fishermen shall conform with the regulations of the State in which they are properly licensed, either Iowa or Nebraska, subject to more restrictive regulations that may be included herein.

(2) Open Season: Daylight hours January 1, 1970, through February 28, 1970, and 4:30 a.m. to 10 p.m. April 15, 1970, through September 15, 1970.

(3) Trotlines and float lines are not permitted.

(4) Archery fishing is not permitted.

(5) Digging or seining for bait is not permitted.

(6) No more than two lines with two hooks on each line may be used for fishing.

(7) Motor or wind driven conveyances are not permitted on the lake during the period January 1 to February 28.

(8) The use of boats, with or without motors, is permitted during the period April 15 to September 15.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, part 33, and are effective through September 15, 1970.

JAMES W. SALYER,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

DECEMBER 1, 1969.

[F.R. Doc. 69-14627; Filed, Dec. 9, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, near Dunn Center, N. Dak., is permitted only on the area designated by signs as open to fishing. The area open for winter fishing, comprising 1,050 acres, and the area open for summer fishing, comprising 400 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55450. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions.

(1) The refuge shall be open to the taking of fish from January 1, to March 22, 1970. The refuge shall then be closed to the taking of fish from March 23 to May 1 and open to fishing from May 2, to September 30, 1970. The refuge shall then be closed to fishing from October 1 to December 15 and open to fishing from December 16, to December 31, 1970. Fishing at all times shall be limited to daylight hours only.

(2) One outboard motor of not more than 10 horsepower can be attached to

any floating craft and to be used for fishing purposes only.

(3) Snowmobiles shall not be used on Lake Ilo during the winter fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

HOMER L. BRADLEY,
Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak.

DECEMBER 3, 1969.

[F.R. Doc. 69-14600; Filed, Dec. 9, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart F—Certification of Motor Vehicles and Motor Vehicle Engines

LABELING

On August 2, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12634) setting forth the text of a proposed amendment to the regulations in this part to require labeling of all 1970 model year gasoline powered light duty motor vehices and engines covered by a certificate of conformity issued under 45 CFR 85.52.

Interested persons were given the opportunity to comment on all aspects of the subject. A large number of comments were received from representatives of domestic and foreign manufacturers, and each has been carefully considered.

Some of the comments objected to the lack of sufficient lead-time to implement the requirement. Consequently, the regulation shall be applicable to those motor vehicles manufactured 90 days after publication of this notice.

Several comments argued that the requirement of the vehicle identification number on the label was unnecessary, citing that such number is presently displayed in two conspicuous places to satisfy other Federal standards and that the proposed label must be attached in such a manner that removal will result in its destruction. Inasmuch as this argument has merit, such number will not be required on the label. Should experience prove that the number is necessary to prevent counterfeiting, forging, or transferring of labels, adjustments in the regulation will be made.

Several comments indicated a misunderstanding of the applicability of the regulation, particularly as it applied to nonchassis mounted engines. Recognizing that test procedures for such engines have not been adopted, provision was being made for such eventuality. However, to avoid any misunderstanding, labeling of engines will be deferred until such time as it is necessary or appropriate.

Several manufacturers suggested that the contemplated label be combined with the certification label required under the National Traffic and Motor Vehicle Safety Act of 1966. This possibility was pursued with the Department of Transportation and that Department concluded that such combination would not be desirable.

Effective date. This amendment shall become effective 90 days from the date of publication of this notice.

In consideration of the foregoing, a new § 85.53 is added to Title 45 of the Code of Federal Regulations as set forth below:

§ 85.53 Labeling.

(a) The manufacturer of any gasoline powered light duty motor vehicle shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity under § 85.52.

(b) On all gasoline powered light duty motor vehicles, a plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(c) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle.

(d) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(1) The label heading: Vehicle Emission Control Information;

(2) Full corporate name and trademark of manufacturer;

(3) Engine size (in cubic inches);

(4) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including recommended idle speed, ignition timing, and air-fuel mixture setting and/or idle carbon monoxide setting. These specifications should indicate the proper transmission position during tuneups and what accessories (e.g., air-conditioner), if any, should be in operation.

(5) The Statement: This Vehicle Conforms to U.S. Dept. of H.E.W. Regulations Applicable To (insert current year) Model Year New Motor Vehicles.

(e) The provisions of this section shall not prevent such manufacturer from also reciting on the label that such vehicle conforms to any applicable State emission standards for new motor vehicles, or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

(Sec. 301(a), sec. 2, Public Law 90-148; 31 Stat. 504; 42 U.S.C. 1857g(a))

Dated: December 4, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14682; Filed, Dec. 9, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1033, 1034, 1035, 1041, 1005]

[Dockets Nos. AO-166-A40-RO2, AO-175-A29-RO2, AO-176-A26-RO2, AO-72-A36-RO2, AO-177-A35-RO2]

MILK IN THE GREATER CINCINNATI, MIAMI VALLEY, OHIO, COLUMBUS, OHIO, NORTHWESTERN OHIO, AND TRI-STATE MARKETING AREAS

Supplemental Notice Reopening Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

This notice is supplemental to the notice of hearing which was issued on May 13, 1969, and published in the FEDERAL REGISTER on May 16, 1969 (34 F.R. 7811), with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Cincinnati, Miami Valley, Columbus, Northwestern Ohio, and Tri-State marketing areas.

Notice is hereby given that the aforesaid hearing will be reopened at the Imperial House-Arlington, 1335 Dublin Road (U.S. Route 33 NW.), Columbus, Ohio, beginning at 9:30 a.m. on December 18, 1969.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The hearing is reopened for the limited purpose of receiving any additional evidence with respect to the economic and marketing conditions which relate to the provisions for pricing Class II and Class III milk under any or all of the individual orders, or under the proposed merged order, and to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to any amendatory provisions that might result from this hearing.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Fairmont Foods Co. and Broughton Foods Co.:

Proposal No. 1. Amend § 1005.51(b) to read as follows:

(b) *Class II price.* The Class II price shall be the Class III price for the month plus 15 cents.

Proposal No. 2. Amend § 1005.51(c) to read as follows:

(c) *Class III price.* The Class III price shall be the basic formula price for the month computed pursuant to § 1005.50 except that in no event shall such price exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent plus 10 cents:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the nonfat dry milk price, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, Mr. C. T. McCleery, Hartman Building, Room 505, 79 East State Street, Columbus, Ohio 43215; Post Office Box 1195, Cincinnati, Ohio 45201; 434 Third National Bank Building, Dayton, Ohio 45402; 312 Davis Building, 151 Michigan Street, Toledo, Ohio 43624; Post Office Box 33, Gallipolis, Ohio 25631; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C. on: December 4, 1969.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-14624; Filed, Dec. 9, 1969; 8:46 a.m.]

[7 CFR Part 1036]

[Docket No. AO-179-A32]

MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Cleveland, Ohio, on September 9-12 and 15, 1969, pursuant to notice thereof issued on August 14, 1969 (34 F.R. 13419).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 6, 1969 (34 F.R. 18173; F.R. Doc. 69-13433) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, except that the last paragraph under Issue No. 1 is changed.

The material issues on the record relate to:

1. Class I price;
2. Expansion of the marketing area;
3. Pooling standards for supply plants;
4. Definition of distributing plant;
5. Provisions relating to diverted milk;
6. Definition of producer-handler;
7. Pooling exemption for a handler's own production;
8. Classification of certain milk products;
9. Direct delivery differentials;
10. Price for milk used to produce cottage cheese, yogurt and sour cream;
11. Price for milk used to produce butter;
12. Location adjustments on other source milk;
13. Producer-settlement fund reserve; and
14. Seasonal production incentive plans.

This decision deals only with Issue No. 1. The remaining issues are reserved for a later decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on Issue No. 1 are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The present Class I price should remain in effect beyond December 31, 1969.

Effective July 1, 1968, the area regulated by Order 36 was enlarged to include the marketing areas of the Northeastern Ohio, Youngstown-Warren and Wheeling Federal orders and certain unregulated areas in western Pennsylvania and Ohio. In the decision leading to this expansion, it was concluded that the newly established Class I price should be applicable for only an 18-month period. This was to provide an opportunity to reexamine the Class I price provisions at a public hearing after the accumulation of at least 1 year's data on milk

supplies and sales. This price review was one of the issues at the September hearing.

The present Class I price per hundredweight of milk is the basic formula price for the preceding month plus $1.87 for the Cleveland-Erie pricing district and $1.97 for the Pittsburgh district. The basic formula price is the average pay price for manufacturing grade milk in Minnesota and Wisconsin, but limited to not less than $4.33. Class I prices at Cleveland and Pittsburgh during the first year (July 1968–June 1969) under the expanded order averaged $6.20 and $6.30, respectively. For the first 10 months, the $4.33 "floor" was the effective basic formula price.

Major cooperative associations in the market proposed an increase in the Class I price level in amounts ranging from 11 cents to 44 cents per hundredweight. In supporting their position, they contended that a price increase is necessary to have the Order 36 price reasonably aligned with Class I prices in other markets, primarily those to the east. They also pointed to what they considered a relatively short supply situation in the market.

One cooperative proposed that the Class I price for the Pittsburgh district be equal to the Delaware Valley order Class I price less the transportation cost (at 1.5 cents per 10 miles) for the 289-mile distance between Philadelphia and Pittsburgh. In September 1969, this would have resulted in a Class I price of $6.83, 44 cents over the actual Pittsburgh district price of $6.39. The 44-cent change was proposed also for the Cleveland-Erie district.[1]

Another producer group proposed that the Class I price level in the two pricing districts be increased 11 cents. The cooperative indicated that this change would establish for the Order 36 market the same Class I price relationship with the Chicago market that the northeastern markets generally have. A transportation allowance of 2.11 cents per 10 miles was used in arriving at the proposed 11-cent increase.

The position of a third cooperative was that the Class I price under the order should be increased, because of higher milk production costs, to at least the level of the overorder, or premium, price which it claimed handlers are paying for Class I milk. The price proposed by the cooperative was $6.66 for the Cleveland-Erie district and $6.75 for the Pittsburgh district, 36 to 37 cents over the actual September prices in these districts.

To assure the continued application of classified pricing in the Eastern Ohio-Western Pennsylvania market, provision should be made for a Class I price beyond the present December 31 expiration date.

[1] Official notice is taken of the Eastern Ohio-Western Pennsylvania monthly statistical releases of the market administrator for August and September 1969. Official notice is also taken of the Delaware Valley Federal order (Part 1004), which provides that the Class I price shall be $7.17 plus any amount by which the Minnesota-Wisconsin manufacturing milk price for the preceding month exceeds $4.33.

The present relationship of producer milk supplies to Class I sales in this market, however, does not warrant Class I differentials that are greater than those now provided in the order.

For the 12-month period of July 1968 through June 1969, 2.280 billion pounds of producer milk were used in Class I in the Eastern Ohio-Western Pennsylvania market. This was 70 percent of the 3.251 billion pounds of milk received from producers during that time. The monthly Class I utilization of producer milk ranged from a high of 82 percent in November 1968 to a low of 56 percent in June 1969.

Although only a limited comparison may be made for the enlarged market, supplies relative to Class I sales in recent months are more ample than a year earlier. For July, August, and September 1969, producer milk used in Class I was 60 percent, 62 percent, and 73 percent, respectively, of monthly receipts. This may be compared with the higher Class I utilization of 63 percent, 69 percent, and 75 percent, respectively, in the same months in 1968. There is no indication that milk will be in short supply in the near future.

Cooperatives cited the relatively "tight" supply situation in November 1968 (82 percent Class I utilization of producer milk) as a warning that higher Class I prices are necessary in this market to induce more production. This has been the only occasion under the enlarged order, though, when Class I utilization reached this level. Only in October 1968 (79 percent) and January 1969 (77 percent) did the Class I utilization of producer milk exceed 75 percent of receipts. When the lowest monthly Class I utilization of 56 percent is noted, the real significance of the November 1968 supply situation is that it points up the wide seasonal variation in milk production in this market. As will be discussed in a later decision, cooperatives proposed various seasonal production incentive plans for the purpose of leveling production.

As stated earlier, producers indicated a need for an intermarket realignment of Class I prices. No change in the Order 36 Class I price is warranted for this purpose.

Any consideration of price alignment should take into account the cost of obtaining milk, whether for supplemental purposes or on a regular supply basis, from alternative sources. Over the long-run, the Class I price level in the local market cannot exceed by any substantial amount the cost of buying milk in another supply area and transporting it to the consuming market. If a significant price advantage exists long enough, handlers customarily relying on local supplies will recognize the advantages of another supply and will change their buying arrangements.

The Chicago milkshed is a major source of supplemental supplies for markets throughout the United States. Class I prices in these markets gradually increase the more distant the markets are from the Chicago area. This reflects the increasing cost of moving milk from the heavy production areas to the distant markets.

Milk is commonly moved, for instance, from the Madison, Wisconsin, area, which is in the Chicago milkshed, to other States. The basis for pricing milk received from that location is the Class I price at Madison plus the cost of transporting the milk from there to the consuming market.

The Class I price differential under the Chicago Regional order, which uses the same basic formula price contained in Order 36, is $1.12 at Madison.[2] Using a transportation rate of 1.5 cents per 10 miles, which is provided in this and many other orders, the cost of moving milk over the 480-mile distance from Madison to Cleveland would be 72 cents per hundredweight. This alternative supply cost would suggest a Class I differential of $1.84 at Cleveland, which is within 3 cents of the present differential of $1.87.

Order 36 handlers experience competition for route sales from handlers in the Southern Michigan market and in other Ohio markets. The Order 36 Class I price should be reasonably aligned with prices in these competing markets.

The Southern Michigan and Tri-State orders, for example, which also use the same basic formula price as Order 36, provide for Class I differentials of $1.60 and $1.67 (Athens-Scioto district), respectively. Using the same transportation rate of 1.5 cents per 10 miles, a Detroit handler's cost of milk moved to Cleveland (166 miles) would be increased 25 cents per hundredweight. Similarly, the cost of milk moved from Coshocton, Ohio, where Tri-State order sales in the Order 36 area emanate, to Cleveland (98 miles) would be 15 cents higher. The Order 36 price at Cleveland is in reasonable alignment with the prices in these other markets.

At the time the western Pennsylvania territory was added to the Order 36 marketing area, a Class I price was established for the Pittsburgh district at 10 cents over the Cleveland-Erie district price. Although this price spread was not an issue at the hearing, producers and handlers indicated that the intramarket price structure should be continued.

As noted earlier, one cooperative would use a transportation rate of 2.11 cents per 10 miles in determining the proper intermarket alignment of Class I prices. This rate was derived by first determining the difference between the Chicago Regional order Class I price and the order Class I price in each of six northeastern markets. Using the corresponding mileage between Chicago and the principal pricing point in each northeastern market, a price difference per each 10 miles was computed. The 2.11-cent rate is the average of the price differences as expressed on a per 10-mile basis. The cooperative contended that the prevailing milk prices in the northeastern markets more nearly reflect a buyer's actual cost in obtaining milk from alternative sources than does the commonly-used rate of 1.5 cents per 10 miles since these are the prices that have evolved over the many years of attempting to maintain a realistic intermarket alignment of prices.

[2] Official notice is taken of the Chicago Regional Federal order (Part 1030).

The 1.5-cent rate used in the analysis above, however, appropriately reflects the cost of moving milk efficiently under present economic conditions in the market. It is the rate most commonly used in Federal orders throughout the United States and is recognized as an appropriate and representative rate for transporting milk to the market. Because of its wide applicability, it insures a reasonable alignment of prices between this and other markets at the various locations at which handlers under the different orders compete.

Cooperatives complained that Order 36 prices are not satisfactorily aligned with Class I prices in the northeastern markets. The prices in the northeast have had no particular impact on orderly marketing conditions in the Eastern Ohio-Western Pennsylvania area. Although it was contended that such Class I prices, as reflected in the blend prices, were inducing Eastern Ohio-Western Pennsylvania producers to shift to northeastern markets, such shifts have occurred to only a very limited extent. Any significant shift of producers to the northeastern markets does not appear imminent.

A number of handlers expressed substantial concern, either at the hearing or in their briefs, about prices in excess of the order Class I price which they claimed they are having to pay producers, through their cooperatives, for Class I milk. They questioned the propriety of such "premiums" in the Eastern Ohio-Western Pennsylvania market when handlers are subject to a regulatory program that is intended to carry out the purposes of the Act, including the establishment of an appropriate Class I price. Handlers maintained that it is the Secretary's responsibility to fix a Class I price under the order that is fully adequate for the market as determined under the pricing standards of the Act. This price, handlers argued, should then be the only prevailing, or effective, Class I price in the market for milk purchased by all handlers for fluid use.

The prices which the Secretary has responsibility for fixing under an order are minimum prices only. This is clearly established by the language of the Act. The provisions of the Act do not preclude producers from selling their milk at prices above those fixed by the order.

The present Class I price set forth in Order 36, which is proposed herein to be continued, is appropriate for this market under the standards of the Act. Such price reflects the supply and demand for milk, insures a sufficient quantity of pure and wholesome milk, and is in the public interest.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement and an order, which regulate the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area and which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

October 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 5, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] as Amended, Regulating the Handling of Milk in the Eastern Ohio-Western Pennsylvania Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on November 6, 1969, and published in the FEDERAL REGISTER on November 13, 1969 (34 F.R. 18173; F.R. Doc. 69-13433) shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

In § 1036.51, paragraph (a) is revised to read as follows:

§ 1036.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.67 for plants in the Cleveland-Erie district and $1.77 for plants in the Pittsburgh district, plus 20 cents for each district. At a plant outside the marketing area, add to the basic formula price for the preceding month the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest (by the shortest hard-surfaced highway distance as determined by the market administrator) such plant: Canton and Cleveland, Ohio; Erie, Pittsburgh and Uniontown, Pa.; and Clarksburg, W. Va.

* * * * *

[F.R. Doc. 69-14681; Filed, Dec. 9, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-135]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tri-City, Tenn., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Tri-City control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Tri-City Municipal Airport (lat. 36°28'30" N., long. 82°-24'20" W.); within 2 miles each side of Tri-City ILS localizer northeast course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 042° and 222° bearings from Boone RBN, extending from the 5-mile radius zone to 11 miles southwest of the RBN.

The Tri-City transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of a 21.5-mile radius circle centered on Tri-City Airport (lat. 36°28'30" N., long. 82°24'20" W.) and a line 5 miles northwest of and parallel to Blackford VOR 216° radial (northeast of Tri-City Airport); thence northeast along this line to and clockwise along the arc of a 30-mile radius circle centered on Tri-City Airport to the northwest boundary of V-168; thence northeast along the northwest boundary of V-168 to and clockwise along the arc of a 21.5-mile radius circle to point of beginning; including the airspace within 2 miles each side of Virginia Highlands Airport Runway 6 extended centerline, extending from the arc of a 30-mile radius circle centered on Tri-City Airport to 7.5 miles northeast of Virginia Highlands Airport.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Tri-City terminal area will necessitate an increase in controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface. A prescribed instrument approach procedure to Virginia Highlands Airport, utilizing the Holston Mountain VORTAC, is proposed in conjunction with a portion of the designation of the airspace described herein.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 28, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14650; Filed, Dec. 9, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-131]

FEDERAL AIRWAY SEGMENT

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 139 segment from Cofield, N.C., to Norfolk, Va., via the INT of Cofield 077° T (083° M) and Norfolk 209° T (216° M) radials. This redesignation would reduce the enroute mileage and provide a better alignment for this airway segment.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14621; Filed, Dec. 9, 1969; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-CE-114]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-4207 Upper Lake Huron, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The time of designation of R-4207 is presently 1100 to 0300 G.m.t., April 1 through October 31; 1300 to 2100 G.m.t., Thursday through Sunday, November 1 through March 31.

The Department of the Air Force has advised that the above time of designation does not meet its needs and has requested that the time of designation of R-4207 be extended.

If the proposal contained in this docket is adopted, the time of designation of R-4207 would be changed to read "from sunrise to sunset."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14620; Filed, Dec. 9, 1969; 8:46 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-37; Notice 69-30]

ANILINE OIL

Transportation of Hazardous Materials

The Hazardous Materials Regulations Board is considering amending § 173.347 of the Department's Hazardous Materials Regulations to authorize specifications MC 304 and MC 307 cargo tanks, and specification 104W tank cars for the transportation of aniline oil.

This proposal is based on the petitions of several interested persons and satisfactory experience gained under the terms of special permits. It is the Board's opinion that the aforementioned tank cars and cargo tanks are suitable for aniline oil service and are equal to or greater in efficiency than the bulk containers currently prescribed.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before February 3, 1970 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend subparagraphs (a) (2) and (a) (3) of § 173.347, and cancel Footnote 1 as follows:

§ 173.347 Aniline oil.

(a) * * *

(2) Spec. 103, 103W, 103A, 103AW, 104W, 111A60F1, 111A60W1, 111A100F2, or 111A100W2 (§§ 179.200, 179.201) tank cars.

(3) Spec. MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, or MC 307 (§§ 178.340, 178.341, 178.342) tank motor vehicles. Bottom outlets on Spec. MC 304 cargo tanks must be equipped with valves conforming with § 178.342-5(a).

* * * * *

Footnote 1 canceled.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on December 5, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

[F.R. Doc. 69-14638; Filed, Dec. 9, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 40]

PIEZOELECTRIC CERAMIC CONTAINING SOURCE MATERIAL

Exemption

By letter dated April 16, 1969, Clevite Corporation of Bedford, Ohio, filed a petition (PRM 40-14) with the Atomic Energy Commission to amend the Commission's regulation, "Licensing of Source Material", 10 CFR Part 40, to exempt from licensing requirements piezoelectric ceramic containing not more than 2 percent by weight source material. The source material contained in the piezoelectric ceramic would be uranium in the oxidic form.

The petitioner claims that the use of uranium oxide in the piezoelectric ceramic modifies the ceramic's transducer element parameters in such a manner as to produce a low dielectric constant material with low mechanical loss, good electromechanical coupling factor, and time and/or temperature stability of the electrical and physical properties of the material. Such transducer characteristics in the combination as they are developed in specific piezoelectric ceramics containing uranium oxide have been found to be useful in electromechanical filter resonators (a form of transducer), electromechanical transducers (phonograph pickups), the transducer material for use in ultrasonic delay lines, and the transducer material in nondestructive, ultrasonic flaw detectors.

Based on data furnished by Clevite, and other available data and information, the Commission is considering a finding that receipt, possession, use, transfer, and import into the United States of piezoelectric ceramic containing not more than 2 percent by weight source material involve unimportant quantities of source material within the meaning of section 62 of the Atomic Energy Act of 1954, as amended, which are not of significance to the common defense and security, and that such activities can be conducted without any unreasonable hazard to life or property.

The proposed amendment which follows would exempt the receipt, possession, use, transfer, and import of piezoelectric ceramic containing not more than 2 percent by weight source material from the licensing requirements of section 62 of the Act and of 10 CFR Part 40 by adding a new subdivision (ii) to § 40.13(c)(2) of 10 CFR Part 40. Subparagraph (2) of § 40.13(c) currently exempts source material contained in glazed ceramic tableware (*Provided*, That the glaze contains not more than 20 percent by weight source material), and glassware, glass enamel, and glass enamel frit containing not more than 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel, or ceramic used in construction.

The proposed exemption would not authorize the manufacture of the piezoelectric ceramic containing source material. Such manufacture would have to be authorized by a license issued by the Commission or an Agreement State.

It is highly unlikely that an internal radiation problem will result from use of uranium oxide in piezoelectric ceramic. Since degassing of volatiles from the ceramic material is accomplished during a sintering operation in the ceramic manufacturing process and since crushed or fractured piezoelectric ceramic does not produce particles sufficiently small

to be respirable, it is improbable that subsequent handling will produce a dust, fume, or volatile component hazard.

By reason of the low radiation level from piezoelectric ceramic containing not more than 2 percent by weight source material and the short periods of time a person would use or be near such material, resultant external radiation doses to individuals expected to be most highly exposed to radiation from the piezoelectric ceramic would not exceed more than a few hundredths of the dose limits recommended by the Federal Radiation Council, the National Council on Radiation Protection and Measurements, and the International Commission on Radiological Protection.

Disposal of broken or defective transducer elements containing uranium oxide in piezoelectric ceramic through normal refuse disposal systems is highly unlikely to result in any significant radiation problem. It is also unlikely that the transducer elements or the piezoelectric ceramic would be reclaimed and thereby result in any addition of uranium to other products.

An exemption for piezoelectric ceramic containing not more than 2 percent by weight source material would be consistent with the consumer product criteria published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462), which set out the Commission's policy with respect to the approval of the use of byproduct and source material in products intended for use by the general public without the imposition of regulatory controls on the user.

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274", the transfer of possession or control by the manufacturer, processor, or producer of piezoelectric ceramic distributed for use under the proposed exemption would be subject to the Commission's licensing and regulatory requirements even if the ceramic is manufactured pursuant to an Agreement State license. By the terms of the proposed exemption, the Commission would exercise such regulatory authority by exempting, under new § 40.13(c)(2)(ii), any person (including a manufacturer, processor, or producer in an Agreement State of piezoelectric ceramic) to the extent that such person transfers piezoelectric ceramic containing not more than 2 percent by weight source material.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 40 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendment may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. In § 40.13(c) of 10 CFR Part 40, subparagraph (2) is amended by redesignating subdivision (ii) as subdivision (iii), and adding a new subdivision (ii). As amended, § 40.13(c)(2) reads as follows:

§ 40.13 Unimportant quantities of source material.

* * * * *

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

* * * * *

(2) Source material contained in the following products: (i) Glazed ceramic tableware: *Provided*, That the glaze contains not more than 20 percent by weight source material; (ii) piezoelectric ceramic containing not more than 2 percent by weight source material; (iii) glassware, glass enamel, and glass enamel frit containing not more than 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel, or ceramic used in construction;

* * * * *

(Sec. 62, 68 Stat. 932; 42 U.S.C. 2092; sec. 161, 68 Stat. 948; 42 U.S.C 2201)

Dated at Germantown, Md., this 28th day of November 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[FR. Doc. 69-14594; Filed, Dec. 9, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 18763; FCC 69-1338]

REVISED PERIOD FOR CONSTRUCTION FOR VARIOUS BROADCAST STATIONS

Notice of Proposed Rule Making

1. At the present time § 1.598 of our rules reads as follows: "Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case." The provisions of this section control the period for construction for all broadcast services and uniformly, at the present time, provide for a period of 8 months for the construction of all stations irrespective of each service's unique problems of construction.

2. The 8-month construction period time allowance has been the Commission's policy since the enactment of the Communications Act of 1934. Prior to that date the Federal Radio Commission followed the policy of requiring the construction of a station within 4 months of the grant of the construction permit. As the years have passed, substantial changes in the nature and amount of the equipment required for the construction of broadcast stations have taken place, the equipment has become more complex and varied, actual construction techniques have altered and the business decisions involved have multiplied. In addition to actually negotiating and executing the variety of contracts for the physical plant and equipment of a station, UHF permittees particularly, appear to find, in marginal market or highly competitive markets, that it is difficult to rapidly obtain complex tasks confronting a UHF permittee, in view of the fact that there are only three networks, is the key problem of negotiating for, and finding, either network or independent programing of the quality which will make the new UHF station competitive and able to survive: this undertaking alone can be a lengthy process. With these facts before us and the growing need for the Commission to extend, for good cause shown, the time for the construction of UHF television stations, inter alia, we propose to consider the revision of § 1.598 so as to provide separately for the construction problems uniquely affecting each service, and specifically to extend the period of time for the construction of a UHF television broadcast station from 8 months to a proposed 18 months. Since the remaining VHF channels are predominately in small cities and towns with problems not dissimilar to UHF channels, we will also consider, and invite comments on, extending the time for construction of VHF stations to 18 months.

3. In view of the fact that those involved or those who have been involved in the construction of a broadcast station have the most pertient information as to each of the steps presently required to be taken by a permittee to arrive at the point of program test authority and the time each such step involves for accomplishment, we are requesting interested parties to discuss, seriatim:

(a) The various steps which must be taken between the issuance of a construction permit and the issuance of program test authority. These comments should be directed to, but are not limited to, the actual physical construction of the station, the employment of staff and the securing of programing.

(b) The time necessary to adequately take the steps described in (a).

(c) The degree that the various steps to be taken can be undertaken simultaneously.

4. Commenting parties are requested to keep before them that it is our intention, in this proceeding, to provide only that additional time necessary for construction when the permittee pursues his task with due diligence.

5. In view of the foregoing we propose, on our own motion, to amend § 1.598 of our rules and regulations to extend the time for construction of a television station from 8 to 18 months.

6. Although this rule making proceeding is specifically directed toward the extension of time for the construction of television broadcast stations, interested parties are hereby notified that comments concerning the problem herein under discussion which are directed toward the standard and FM services will be considered in respect to revision of the time allotted for the construction of a station in those services.

7. Authority for the action proposed herein is contained in sections 4(i) and 319 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before January 12, 1970, and reply comments on or before January 22, 1970. In reaching a decision in this proceeding, the Commission may also take into account relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other document shall be furnished the Commission.

Adopted: December 3, 1969.

Released: December 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14631; Filed, Dec. 9, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18758; FCC 69-1324]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Notice of Proposed Rulemaking

In the matter of amendment of § 73.606, *Table of Assignments*, Television Broadcast Stations. (Hugo, Okla., and Paris, Tex., Docket No. 18758, RM-1514.

1. On October 6, 1969, Eastern Oklahoma Television Co., Inc., licensee of television Station KTEN, Channel 10, Ada, Okla., filed a brief petition with this Commission requesting the replacement of educational Channel *15 with educational Channel *42 at Hugo, Okla., and the reassignment of Channel *15, presently at Hugo, to commercial use as a hyphenated assignment at Hugo, Okla.-Paris, Tex. No responsive pleadings were filed.

2. Hugo (population 6,287) is located in Choctaw County, which has 15,637 residents. The community has one television assignment, noncommercial educational Channel *15, which has no application pending for its use. Paris, located in Lamar County (respective populations 20,977 and 34,234) is approximately 24 miles distant from Hugo and has no television allocation.[1] The two counties are adjacent, separated by the Red River.

3. Petitioner sets out its desire to bring Choctaw County, Okla., and Lamar County, Tex., their first local television service if through this proceeding Channel 15 can be made available for commercial service: There is no commercial television assignment in either county at the present time. It points out that its proposal will not deprive the area of potential for educational television service, in that the proposal provides for educational Channel *42 at Hugo. Its plans for the proposed commercial Channel 15 are set out in the following statement: "Upon receipt of construction permit, Eastern Oklahoma will build facilities of sufficient size and power to enable principal city coverage to be provided to both Hugo, Okla., and Paris, Tex. In the beginning, the proposed facility to serve Hugo-Paris will be constructed and operated as a satellite of KTEN. However, as audience and interest in the station subsequently develops, petitioner proposes to install facilities to enable local program service to be commenced on a limited scale. Thereafter, as community interest and support becomes greater, petitioner proposes to increase gradually the amount of local origination".

4. In view of the substantial size of Hugo and Paris relative to the population in the area, the fact that petitioner's proposal appears to meet all of our minimum mileage separation requirements and the fact that if petitioner's proposal is adopted the area will not be deprived of its present potential for educational service, we are of the view that it is in the public interest to explore, in this rule making proceeding, the provision of a first commercial television service to the area. In light of the fact that we do not desire to make hyphenated assignments unless there is a substantial reason, we propose the following three alternatives:

	Channel
Alternative 1:	
Hugo, Okla.	*42
Hugo, Okla.-Paris, Tex.	15
Alternative 2:	
Hugo, Okla.	15, *42
Alternative 3:	
Hugo, Okla.	*42
Paris, Tex.	15

5. Commenting parties are specifically requested, in light of the Commission's desire to avoid hyphenated assignments and the fact that the communities in question are located in separate states, to discuss the advantages of Alternative 2 and 3.[2] Parties favoring hyphenation should state why it is necessary or desirable.

[1] Population figures are from the 1960 U.S. Census.

[2] In connection with this request we direct attention to the provisions of § 73.652 of our rules, "Station Identification" and the circumstances under which dual-city identification can be permitted.

6. Authority for the action proposed herein, is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules and regulations interested parties may file comments on or before January 12, 1970, and reply comments on or before January 22, 1970. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

Adopted: December 3, 1969.

Released: December 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14632; Filed, Dec. 9, 1969; 8:47 a.m.]

[47 CFR Part 83]

[Docket No. 18762; FCC 69-1329]

LICENSING AND OPERATION OF FREQUENCY MODULATED RADAR

Notice of Proposed Rule Making and Notice of Inquiry

In the matter of amendment of Part 83 of the Commission's rules to permit licensing and operation of frequency modulated radar in the 14.0 to 14.05 Gc/s band, Docket No. 18762, RM-1202.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Kimball Products Co., Inc., has filed a petition for rule making (RM-1202) with the Commission to amend various sections of Part 83 to permit licensing of portable radar equipment aboard small vessels. Petitioner proposed that a 50 Mc/s portion at the low end of the 14.0 to 14.3 Gc/s radionavigation band be allocated to radar employing frequency modulation (FM). Petitioner states it has developed a radar of this type and it is especially suitable for small craft for the following reasons:

a. It is inexpensive and will retail for less than $700.00;

b. It only weighs 9 pounds;

c. It only requires 24 watts power;

d. It is about the size of a briefcase, including the antenna; and

e. It is completely portable, and can easily be moved for servicing.

Petitioner has estimated a potential market of as much as 50,000 units for use on pleasure craft. Petitioner also states that, for the above reasons, public acceptance for use on pleasure craft will be greater than that for conventional pulse type radar.

3. The 14.0-14.3 Gc/s band is allocated for radionavigation, and is shared, Government and non-Government; however, the Commission has never authorized

radio operations of any kind in this band. Government concurrence for the use of 14.0 to 14.05 Gc/s for FM radar has been obtained.

4. Since there are no regularly authorized operations in this band, the Commission solicits particular comments concerning the following:

(a) Navigation systems planned or under development in this band;

(b) Technical problems; such as, compatibility of low powered frequency modulated radar and other emitting devices, bandwidth proposed, frequency stability, etc.;

(c) Comments from aviation and marine interests which would assist in determining whether this device would be of value as a navigational instrument for small boats; and

(d) Comments concerning public desire for a device of this type as a navigational instrument and estimated market potential.

5. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(1) and 303 (b), (c), (e), (g), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.145 of the Commission's rules, interested persons may file comments on or before January 12, 1970, and reply comments on or before January 22, 1970. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: December 3, 1969.

Released: December 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

1. Section 83.131(e) is amended as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(e) The frequency tolerance authorized for ship radar stations is prescribed as follows: For pulse emissions, the frequency at which maximum emission occurs shall be within the authorized band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency band where "T" is the pulse duration in microseconds; For F9 emission, the center frequency shall not vary more than ±10 Mc/s from the center of the frequency band 14.0–14.05 Gc/s.

[1] Commissioner Johnson concurring in the result.

2. Section 83.132(a)(3) is amended as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(3) Ship radar stations
2400–9500 Mc/s ---------- PØ
14.0–14.05 Gc/s ---------- F9

* * * * *

3. Section 83.133(a) is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for respective classes of emission authorized in § 83.132.

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	3.5
A3B	5.6A3B	7.0
A3H	2.8A3H	3.5
A3J	2.8A3J	3.5
F1	0.3F1 [1]	[1] 0.5
F3	16F3 [2]	[2] 20.0
F3	36F3 [3]	[3] 40.0
F9	2000F9	20,000
P0	(4)	(4)

[1] Narrow-band direct-printing telegraph and data transmission systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Variable.

* * * * *

4. In § 83.134, a new paragraph (g) is added to read as follows:

§ 83.134 Transmitter power.

* * * * *

(g) Ship radar stations using F9 emission shall not exceed 200 milliwatts.

5. Section 83.164(a)(1)(i) is amended to read as follows:

§ 83.164 Waivers of operator requirement.

(a)(1) * * *

(i) The radar equipment shall employ as its frequency determining element a non-tunable, pulse type magnetron except that other fixed tuned devices shall be used in the band 14.0 to 14.05 Gc/s.

* * * * *

6. Section 83.404(a) is amended to read as follows:

§ 83.404 Assignable frequencies above 2400 Mc/s.

(a) The following frequency bands, when designated in the station license, are authorized for use by ship radionavigation stations (including ship radar stations):

2900–3100 Mc/s
5460–5650 Mc/s
9300–9500 Mc/s
14.0–14.05 Gc/s

The use of the band 5460 to 5650 Mc/s is limited to shipborne radar. Transmitters in ship radionavigation stations (including developmental stations) which are authorized for operation in the 3000 to 3246 Mc/s band as of April 16, 1958, and which operate on frequencies between 3100 and 3246 Mc/s may continue to be authorized for operation on the same vessel provided that any renewal of the authorization shall be subject to the condition that no protection shall be given from any interference caused by Government stations operating in the 3100 to 3246 Mc/s band.

* * * * *

[F.R. Doc. 69–14633; Filed, Dec. 9, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1047]

[No. MC–C–4000 (Sub-No. 2)]

DEFINITION OF LIMITS OF NEW YORK, N.Y., ZONE

Notice of Proposed Rule Making

DECEMBER 5, 1969.

Definition of the limits of the zone within which motor transportation of passengers having an immediately prior or subsequent movement by air from or to airports serving New York, N.Y., is exempt from economic regulation pursuant to section 203(b)(7a) of the Interstate Commerce Act, defined in MC–C–4000, Motor Transportation of Passengers Incidental to Transportation by Aircraft, 95 M.C.C. 526 at pages 538–539.

Petitioners: Wilder Transportation Corp., Long Island Airport Limousines Service Corp., and Connecticut-New York Airport Bus Co., Inc.

Petitioners' representatives: Arthur J. Wagner, 777 Third Avenue, New York, N.Y., Stephen A. Cohen, 221 West 57th Street, New York, N.Y.; Samuel B. Zinder, Station Plaza East, Great Neck, N.Y.

By petition filed October 10, 1969, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of specifically defining the limits of the zone within which may be performed motor transportation of passengers having an immediately prior or subsequent movement by air, pursuant to section 203(b)(7a) of the Interstate Commerce Act, within the New York, N.Y., terminal area. The terminal areas at airports within which such transportation may be performed under the section 203(b)(7a) exemption was defined on July 17, 1964, in *Motor Transportation of Passengers Incidental to Transportation by Aircraft*, 95 M.C.C. 526, at pages 538–539 (49 CFR 1047.45). Petitioners here seek to remove the exemption, in part, with respect to airports serving New York, N.Y.

As presently defined, the New York, N.Y., "passenger exempt zone", within which motor transportation is incidental to transportation by aircraft (except as may be individually determined), does not exceed in size the area encompassed by a 25-mile radius of the boundary of the airport at which the passengers arrive or depart, and by the boundaries of the commercial zones (as defined by the Commission) of any municipalities any part of whose commercial zones lie within the 25-mile radius of the pertinent airport. Petitioners request the Commission to remove the exemption as to points in Nassau, Suffolk, and Westchester Counties, N.Y., and Fairfield County, Conn., or, in the alternative, to modify the general formula to exclude any point not physically within the 25-mile radius (i.e. to delete that portion of the regulation permitting service at the whole of a municipality and its commercial zone, any part of which falls within the 25-mile radius of the considered airport).

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the "passenger exempt zone" at New York, N.Y., may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments, the original of which must be verified with respect to matters of fact contained therein, shall be filed with the Commission on or before January 15, 1970. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representatives.

In addition, one copy of each representation, reply, or any other pleading must be filed with:

Secretary, Civil Aeronautics Board, Washington, D.C. 20428.

Copies of all representations, replies, or other pleadings filed with the Commission must show that service has been made upon the persons named above, in conformity with the rule 1.22 of the Commission's general rules of practice.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–14661; Filed, Dec. 9, 1969; 8:48 a.m.]

[49 CFR Part 1048]

[Ex Parte No. MC–7]

REDEFINITION OF LIMITS OF WASHINGTON, D.C., COMMERCIAL ZONE

Notice of Proposed Rule Making

DECEMBER 5, 1969.

Redefinition of the limits of the Washington, D.C., commercial zone heretofore defined in Ex Parte No. MC–7, Washington, D.C., Commercial Zone, 103 M.C.C. 256 at pages 260 to 262.

Petitioners: Fairfax County, Va., Fairfax County Industrial Authority, City of Fairfax, Va., Town of Herndon, Va., and Town of Vienna, Va.

Petitioners' representative: Russell R. Sage, 421 King Street, Suite 301, Alexandria, Va. 22314.

By petition filed November 26, 1969, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the Washington, D.C., commercial zone which were most recently defined on December 30, 1966, in Washington, D.C., Commercial Zone, 103 M.C.C. 256 at pages 260–262 (49 CFR 1048.4) so as to include therein an area in the State of Virginia west of the present western limits of the zone.

As presently defined, the Washington, D.C., commercial zone is bounded, in part by a line beginning at the intersection of Pohick Creek and Telegraph Road (Virginia Highway 611), northeasterly along Telegraph Road to its junction with Back Lick Road (Virginia Highway 617), thence northerly along Back Lick Road through Newington, Springfield, and Springfield Station, Va., to Annandale, Va., thence northerly along Virginia Highway 649 to its junction with Virginia Highway 709, thence northerly along Virginia Highway 709 to its junction with Virginia Highway 650, thence northerly along Virginia Highway 650 to its junction with Virginia Highway 7, thence northwesterly over Virginia Highway 7 to its junction with the Dulles Airport Access Highway, thence east over the Dulles Airport Access Highway to its junction with Interstate Highway 495, thence northeasterly over Interstate Highway 495 to its junction with Ash Grove Road (Virginia Highway 694), thence northwesterly along Ash Grove Road to Jones Corners, Va., thence northeasterly along Swinks Mill Road (Virginia Highway 685) to Swinks Mill, Va., thence along the course of Scott Run to the Potomac River.

Petitioners request the Commission to include within the zone an area bounded by a line as follows: Beginning at the intersection of Pohick Creek and Virginia Highway 611, said point being within the present commercial zone, thence southwesterly along Virginia Highway 611 to its intersection with the Fairfax County-Prince William County line, thence northwesterly along said county line to its intersection with Virginia Highway 123, thence northerly along Virginia Highway 123 to its intersection with Virginia Highway 636, thence northeasterly along Virginia Highway 636 to its intersection with Virginia Highway 638, thence northwesterly along Virginia Highway 638 to its intersection with Virginia Highway 620, thence northwesterly along Virginia Highway 620 to its intersection with Virginia Highway 655, thence northerly along Virginia Highway 655 to its intersection with U.S. Highway 211, thence westerly along U.S. Highway 211 to its intersection with Virginia Highway 608, thence northerly along Virginia Highway 608 to its intersection with U.S. Highway 50, thence northwesterly along U.S. Highway 50 to its intersection with the Loudoun County-Fairfax County line, thence northeasterly along said county line to its intersection with the southern boundary of Dulles International Airport, thence along the southern, western, and northern boundaries of said airport to the intersection of said airport's northeastern boundary and the Loudoun County-Fairfax County line, thence northeasterly along said county line to its intersection with Virginia Highway 7, thence southeasterly along Virginia Highway 7 to its intersection with Virginia Highway 193, thence easterly along Virginia Highway 193 to its intersection with Scott Run, a point within the present commercial zone, thence southerly along the present zone boundary to the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Washington, D.C., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, and arguments shall be filed with the Commission on or before January 30, 1970. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–14662; Filed, Dec. 9, 1969; 8:48 a.m.]

[49 CFR Part 1048]

[No. MC–C–1 (Sub-No. 10)]

REDEFINITION OF LIMITS OF ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Notice of Proposed Rule Making

DECEMBER 5, 1969.

Redefinition of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone heretofore defined in MC–C–1 (Sub-No. 7), St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 110 M.C.C. 438 at page 439.

Petitioner: Chicago & Eastern Illinois Railroad Co.

Petitioner's representative: James H. Durkin, 140 South Dearborn Street, Chicago, Ill. 60603.

By petition filed November 12, 1969, the above-named petitioner requests the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone which were most recently defined on October 14,

1969, in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 110 M.C.C. 438 at pages 439–440 (49 CFR 1048.3) so as to include therein an area northeast of the present northeastern limits of the zone.

As presently defined, the St. Louis, Mo.-East St. Louis, Ill., commercial zone includes, in part, all points within the corporate limits of East St. Louis, Belleville, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Monsanto, Ill. Petitioner requests the Commission to include within the zone an area bounded by a line as follows: Beginning at the northeast corner of Granite City corporate limits, said point being within the present commercial zone, thence northerly along the right-of-way of Alton & Southern Railway to its intersection with the right-of-way of the Chicago & Eastern Illinois Railroad—Penn-Central Railroad, thence northeasterly along the right-of-way of the Chicago & Eastern Illinois Railroad—Penn-Central Railroad to its intersection with Illinois Highway 111, thence southerly along Illinois Highway 111 to its intersection with Pontoon Road, thence west along Pontoon Road to its intersection with the eastern boundary of Granite City, a point within the present zone, thence northerly along the Granite City corporate limits to the northeast corner of Granite City, the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before January 22, 1969. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–14663; Filed, Dec. 9, 1969; 8:49 a.m.]

[49 CFR Part 1048]

[Ex Parte No. MC–37 (Sub-No. 20)]

ALBUQUERQUE, N. MEX., COMMERCIAL ZONE

Notice of Proposed Rule Making

DECEMBER 5, 1969.

Definition of the Albuquerque, N. Mex., Commercial Zone.

Petitioner: Albuquerque Transportation Bureau.

Petitioner's representative: Ralph B. Harlan, 400 Elm Street, Albuquerque, N. Mex. 87102.

By petition filed August 18, 1969, petitioner requests the Commission to institute a proceeding for the purpose of specifically defining the limits of the zone adjacent to and commercially a part of Albuquerque, N. Mex., which are now prescribed by the general formula promulgated in commercial zones and terminal areas, 46 M.C.C. 665 (49 CFR 1408.101). Such formula provides that a city, such as Albuquerque, having a population greater than 100,000, and which has not been accorded individual consideration, shall have a commercial zone which consists of, and includes, the following: (a) The municipality itself; (b) all municipalities within the United States which are contiguous to the base municipality; (c) all unincorporated areas within 5 miles of its corporate limits and all of any other municipality any part of which is within 5 miles of the corporate limits of the base municipality; and (d) all municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality.

The instant petition requests specific definition of the Albuquerque commercial zone to include all of the area which is included by the application of the above formula, and, in addition, an area including four corridors extending from the present zone limits as follows: (1) To the north of the present zone bounded by New Mexico Highway 528 on the west and Interstate Highway 25 on the east; (2) to the south of the present zone bounded by New Mexico Highway 45 on the west and New Mexico Highway 47 on the east; (3) to the west of the present zone along U.S. Highway 66; and (4) to the east of the present zone along U.S. Highway 66.

Specifically, petitioner requests that the Albuquerque commercial zone be defined to include:

A tract of land lying in Bernalillo County and Sandoval County, N. Mex., encompassing the city of Albuquerque, N. Mex., and a portion of said counties and more particularly described as follows: Beginning at a point on the northerly line of the Isleta Indian Reservation and lying 1 mile east of the New Mexico Principal Meridian; thence running northerly parallel to and 1 mile east of the New Mexico Principal Meridian, a distance of 22 miles more or less, to a point 2 miles south of the 3d Standard Parallel North; thence easterly, parallel to and 2 miles south of the 3d Standard Parallel North, a distance of 27.5 miles more or less to a point 4.5 miles east of the 1st Guide Meridian East; thence southerly, parallel to and 4.5 miles east of the 1st Guide Meridian East, a distance of 23 miles more or less to the northerly line of the Isleta Indian Reservation; thence, westerly, along the northerly line of the Isleta Indian Reservation a distance of 27.5 miles more or less to the point of beginning.

Inasmuch as there are no readily ascertainable geographic landmarks to delineate the limits of the area sought to be included, or of the corridors, the petition shall be considered as seeking extension of the Albuquerque commercial zone to a distance of 6.5 miles from the Albuquerque city limits.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed specific definition of the limits of the Albuquerque, N. Mex., commercial zone, may do so by the submission of written data, views, or arguments. Any such person may present in such statements detailed geographic descriptions, by reference to readily ascertainable landmarks, of specific areas sought to be included in the zone. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before January 22, 1970. Each such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–14664; Filed, Dec. 9, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 57 (Rev. 2)]

REGIONAL COMMISSIONERS AND ASSISTANT COMMISSIONER (COMPLIANCE)

Notice of Additional Inspection of Taxpayer's Books of Account

Pursuant to authority vested in the Commissioner of Internal Revenue by section 3631 of the Internal Revenue Code of 1939 and Treasury Department Order No. 120, dated July 31, 1950, and continued in effect by section 7851(b)(3) of the Internal Revenue Code of 1954, there is hereby delegated to each Regional Commissioner and to the Assistant Commissioner (Compliance), the authority to sign in his name, after investigation, the notice to a taxpayer, required by section 7605(b) of the Internal Revenue Code of 1954, that an additional inspection of such taxpayer's books of account is necessary.

This authority may not be redelegated.

This order supersedes Delegation Order No. 57 (Rev. 1) issued November 2, 1960.

Issued: December 4, 1969.

Effective: December 4, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69–14643; Filed, Dec. 9, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 034478]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands and Termination

DECEMBER 3, 1969.

The Bureau of Indian Affairs has filed an amended application to Serial No. New Mexico 034478, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining laws but not the mineral leasing laws. The applicant desires the lands for the Navajo Indian Irrigation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 1449, Sante Fe, N. Mex. 87501.

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 11 W.,
Sec. 1;
Sec. 3, lots 1, 2, 3, 4, S½N½ and SE¼;
Sec. 4, SE¼;
Sec. 9, E½;
Sec. 10;
Sec. 11, N½ and SE¼;
Sec. 12;
Sec. 13, NE¼;
Sec. 15, NW¼.
T. 27 N., R. 11 W.,
Sec. 3, SW¼;
Sec. 15, S½;
Sec. 21, E½;
Sec. 26, N½NE¼;
Sec. 27;
Sec. 28, E½;
Sec. 33, N½ and SE¼;
Secs. 34 and 35;
Sec. 36, SW¼NW¼, SW¼, W½SE¼ and SE¼SE¼.
T. 25 N., R. 12 W.,
Sec. 10, NE¼;
Sec. 11, NW¼.
T. 26 N., R. 12 W.,
Sec. 13, SW¼;
Sec. 14, S½.
T. 26 N., R. 13 W.,
Sec. 18, E½;
Sec. 20, E½;
Secs. 21 and 28;
Sec. 33, NE¼.
T. 28 N., R. 13 W.,
Sec. 16, S½SW¼.

At 10 a.m. on January 19, 1970, the following described lands shall be relieved of the segregative effect of application New Mexico 034478, as published in the FEDERAL REGISTER issues of October 22, 1964 and September 28, 1966, as F.R. Docs. 64–10759 and 66–10553, respectively:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 11 W.,
Sec. 30, lots 3, 4 and E½SW¼.
T. 27 N., R. 11 W.,
Sec. 10, E½.
T. 28 N., R. 11 W.,
Sec. 32, NW¼;
Sec. 33, E½.
T. 25 N., R. 12 W.,
Sec. 7, lots 3, 4 and E½SW¼;
Sec. 18;
Sec. 19, lots 1, 2, 3, 4 and E½W½;
Secs. 30 and 31.
T. 26 N., R. 12 W.,
Sec. 23, SE¼;
Sec. 25, W½ and SE¼.
T. 28 N., R. 12 W.,
Sec. 22, NE¼;
Sec. 24, NE¼;
Sec. 32, W½.
T. 25 N., R. 13 W.,
Sec. 12, S½;
Secs. 13 and 24.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 69–14597; Filed, Dec. 9, 1969; 8:45 a.m.]

National Park Service

EMERY C. KOLB

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Emory C. Kolb, authorizing him to operate a motion picture, lecture and photographic studio for the public on the South Rim of Grand Canyon National Park, Ariz., for a period of 1 year from January 1, 1970, through December 31, 1970, but in no event beyond his lifetime.

The foregoing concessioner has performed his obligations under the contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. In addition, he has a lifetime right to full possession to the property used in the operation. Under the Act cited above, the Secretary is required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Director, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: December 3, 1969.

THOMAS F. FLYNN, Jr.,
Assistant Director,
National Park Service.

[F.R. Doc. 69–14598; Filed, Dec. 9, 1969; 8:45 a.m.]

[Order No. 42]

CHIEFS, OFFICES OF DESIGN AND CONSTRUCTION

Delegation of Authority; Revocation

The authority delegated to the Chiefs, Offices of Design and Construction, National Park Service, under Order No. 42 (32 F.R. 12067; August 22, 1967) is hereby revoked.

(205 DM 11.1; 26 F.R. 11748)

Dated: December 2, 1969.

GEORGE B. HARTZOG, Jr.,
Director.

[F.R. Doc. 69–14599; Filed, Dec. 9, 1969; 8:45 a.m.]

[Order No. 54]

NATIONAL CAPITAL PARKS AND WESTERN SERVICE CENTER

Contracting Officers

SECTION 1. The Chief of the Division of Property Management and General Services of the Office of National Capital Parks is authorized on behalf of the Eastern Service Center to enter into, approve and administer contracts for supplies, equipment, construction and services not in excess of $500,000.

SEC. 2. The Chief of the Division of Procurement, Contracting, Property Management and General Services of the Western Service Center is authorized to enter into, approve and administer contracts for supplies, equipment, construction and services not in excess of $500,000.

(205 DM 11.1; 26 F.R. 11748)

Dated: December 2, 1969.

GEORGE B. HARTZOG, JR.,
Director.

[F.R. Doc. 69-14595; Filed, Dec. 9, 1969; 8:45 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Proposed Rules for Allocation of Quotas for Calendar Year 1970 Among Producers Located in the Virgin Islands, Guam, and American Samoa

CROSS REFERENCE: For a document issued jointly by the Department of Commerce and the Department of the Interior relating to allocation of quotas of watches and watch movements for the calendar year 1970 among producers located in the Virgin Islands, Guam, and American Samoa, see F.R. Doc. 69-14727, Commerce Department, *infra*.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BAKERSFIELD LIVESTOCK AUCTION CO. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
CALIFORNIA	
Bakersfield Cattle Auction, Bakersfield, Nov. 25, 1967.	Bakersfield Livestock Auction Co., Apr. 10, 1969.
INDIANA	
Russell White Sale Barn, Brookville, Apr. 23, 1959.	Brookville Sale Barn, Oct. 1, 1969.
IOWA	
Nishna Valley Sales Co., Shenandoah, May 26, 1959.	Nishna Valley Auction Company, Dec. 1, 1969.
MISSOURI	
Nevada Sales Company, Inc., Nevada, May 18, 1959.	Bull Shippers, Incorporated, Sept. 25, 1969.
NEVADA	
Nevada Livestock Commission Company, Fallon, July 8, 1960.	Western States Livestock Marketing Center of Nevada, Inc., Oct. 30, 1969.

Done at Washington, D.C., this 3d day of December 1969.

G. H. HOPPER,
Chief Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[F.R. Doc. 69-14623; Filed, Dec. 9, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

INTERSTATE AIR POLLUTION IN GORMAN, MD.-MOUNT STORM, W. VA. AREA

Notice of Consultation With State Officials

Pursuant to sections 108(d)(1)(C) and 103(e) of the Clean Air Act, as amended (42 U.S.C. 1857(d)(1)(C) and 1857b(e)), notice that a consultation concerning existing and potential interstate air pollution in the Gorman, Md.-Mount Storm, W. Va., area will be held on Monday, December 15, 1969, beginning at 1 p.m. e.s.t., in the auditorium of the Allegheny Community College, Willow Brook Road, Cumberland, Md., is hereby given to the West Virginia Air Pollution Control Commission, State of West Virginia; the Maryland State Department of Health, State of Maryland; and the State air pollution control agencies of any other States affected by such pollution.

The consultation shall be conducted in public session; however, only State officials of the State of West Virginia, the State of Maryland, and any other affected States, and representatives of the Department of Health, Education, and Welfare shall be party to the consultation.

Subsequent to the consultation, consideration will be given to the need for any further action under the provisions of the Clean Air Act, as amended.

Dated: December 5, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-14637; Filed, Dec. 9, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Proposed Rules for Allocation of Quotas for Calendar Year 1970 Among Producers Located in the Virgin Islands, Guam, and American Samoa

Pursuant to the authority granted the Secretaries by Public Law 89-805 the Departments of Commerce and the Interior are considering rules which will govern the allocation of duty-free quotas of watches and watch movements among producers in the Virgin Islands, Guam, and American Samoa for calendar year 1970.

The Departments will issue these proposed rules not less than 30 days subsequent to the filing of this notice with the FEDERAL REGISTER. Interested parties may participate in the proposed rule making by submitting such written data, views or arguments as they may desire regarding the proposed rules set out below. All communications should be submitted within 15 days from the filing date of this notice in the FEDERAL REGISTER, and addressed to the:

Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Scientific and Business Equipment Division.

Such communications shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the brief.

(b) The name, address, telephone number and official position of the person submitting the brief on behalf of the party referred to in subparagraph (a).

PROPOSED RULES FOR VIRGIN ISLANDS AND GUAM—1970

SECTION 1. Upon effective date of these rules, or as soon thereafter as practicable, each watch producer located in the Virgin Islands and Guam which received a duty-free watch quota allocation for calendar year 1969, will receive an initial quota allocation for calendar year 1970 equal to 50 percent of the number of watch units assembled by such firm in the particular territory and entered duty-free into the customs territory of the United States during the first 10 months of calendar year 1969, or 5,000 units, whichever is greater.

SEC. 2. Each firm to which an initial quota has been allocated pursuant to section 1 hereof must, on or before April 1, 1970, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any firm failing to enter duty-free into the customs territory of the United States on or before April 1, 1970, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such firm for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be canceled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1970, by any firm under the quota allocated to it for calendar year 1970 will be less than 90 percent of the number of units allocated to it.

Upon failure of any such firm to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be canceled or reduced, said remaining, unused portion of its quota shall be either canceled or reduced, whichever is appropriate under the show cause order. In the event of a quota cancellation or reduction under this section, the Departments will promptly reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining firms: *Provided, however*, That, if in the judgment of the Departments it is appropriate, competitive bids from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder. Every firm to which a quota is granted is required to file a report on April 15, July 15 and on October 15, of each year covering the periods January 1 to March 31, April 1 to June 30 and July 1 to October 30 respectively via registered mail on Form BDSAF-844, copies of which will be forwarded to each firm at its territorial address of record at least 15 days prior to the required reporting date. Copies of this form may also be obtained from the Scientific and Business Equipment Division, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230. Form BDSAF-844 will provide the Departments with information regarding the the firm's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending finished watch movement and component parts inventories, scheduled delivery dates and number of watch movement parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States prior to December 31, 1970. Each firm to which a quota is granted will also report on Form BDSAF-844 any change in ownership and control of the firm which has occurred subsequent to the filing of an application for a watch quota on Form BDSAF-764 (see Sec. 7, below).

SEC. 3. The annual quotas for calendar year 1970 for the Virgin Islands and Guam will be allocated as soon as practicable after April 1, 1970, on the basis of the number of units assembled by each firm in the particular territory and entered by it duty-free into the customs territory of the United States during calendar year 1969, and the total dollar amount of wages subject to FICA taxes paid by such firm in the particular territory during calendar year 1969 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, equal weight will be assigned to production and shipment history and to wages subject to FICA taxes.

SEC. 4. (Virgin Islands only) With respect to the Virgin Islands quota, in the event that the quantity of any unused 1969 quota plus any increase (or minus any decrease) in the amount of quota available for 1970 in comparison with that for 1969, equals or exceeds 150,000 units the Departments may set aside 150,000 units of the 1970 Virgin Islands quota for a new firm and invite competitive bids from new firms for this amount of quota. Based on the Departments' evaluation of the information submitted by applicants on Form BDSAF-764, the Departments may allocate the entire 150,000 units of quota to that applicant whose proposal, in the judgment of the Departments, offers the likelihood of the greatest contribution to the economy of the territory. While it is the present intention of the Departments to allocate such entire set-aside portion to one new firm, the Departments reserve the right to allocate such portion, or a greater portion, to more than one new firm as may appear best to serve the interests of the territory.

(By "new firm" is meant an entity which has not heretofore been allocated a quota under Public Law 89-805 and which is completely separate and unassociated with any present or previous allocatee in terms of ownership and control.)

SEC. 5. For purposes of allocating watch quotas for calendar year 1970 under section 3 above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1969 for duty-free entry into the customs territory of the United States against a firm's 1969 watch quota, and which were lost prior to admission into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: *Provided*, That the Departments have been satisfied that shipment was in fact made but lost prior to admission into the customs territory.

SEC. 6. Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1970. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1970, in Guam and beginning on or about March 1, 1970, in the Virgin Islands; and will contact each firm locally regarding the verification of its data.

SEC. 7. The rules restricting transfers of duty-free quotas issued on January 29, 1968, and published in the FEDERAL REGISTER on January 31, 1968 (33 F.R. 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1970; except that detailed reporting of ownership and control will be reported on an annual basis on Form BDSAF-764 at the time the firm applies for an annual duty-free watch quota for calendar year 1970, subsequent change in ownership and control will be reported on April 15, July 15, and October 15, 1970, on Form BDSAF-844, required in section 2 above. Form BDSAF-779, previously used to report ownership and control information concerning quota holding firms, will be discontinued.

PROPOSED RULES FOR AMERICAN SAMOA—1970 (AND TENTATIVELY 1971)

SEC. 8. Upon the effective date of these rules interested parties are invited to apply for an allocation of the 1970 calendar year quota for watches and watch movements assembled in American Samoa for duty-free entry into the customs territory of the United States under Public Law 89-805 and for a tentative allocation of such quota for the calendar year 1971. Under that Act any portion of the duty-free watch quota unused during any given calendar year may not be carried over into the following calendar year. Because of the time required to establish a watch assembly facility, acquire inventory and train personnel, the Departments are aware that an applicant to whom a 1970 quota is allocated may not be able to produce and enter into the customs territory of the United States on

or prior to December 31, 1970, the 1970 American Samoan quota allocated to him. In order to justify the investment costs of establishing a watch assembly operation which will make a substantial and lasting contribution to the economy of American Samoa, an applicant may need some assurance of a duty-free allocation for a longer period of time than calendar year 1970. However, under the terms of the Act, the Departments cannot make any final allocation of the duty-free watch quota for American Samoa for any calendar year until after they have received certain statistics from the U.S. Tariff Commission which are normally made available during the first quarter of each year. Accordingly, the Departments have determined that any applicant to whom the 1970 quota for American Samoa is allocated will be allocated the duty-free watch quota for American Samoa that may be allocable during 1971 under Public Law 89–805, provided, of course, that the applicant abides substantially with all the terms and conditions under which said 1970 quota is allocated.

SEC. 9. All applicants will be required to comply with the Bureau of Customs requirements concerning those assembly operations which must be performed in American Samoa in order to qualify watch movements for duty-free entry into the customs territory of the United States under General Headnote 3a, T.S.U.S. Furthermore, the Departments in evaluating applications for the American Samoa quota will give weight to the degree of watch movement assembly operations which the firm proposes to undertake as stated in its application.

SEC. 10. All applicants are advised that the allocation of the 1970 quota and tentative allocation of the 1971 quota will be based on the information and representations contained in answers to Form BDSAF–764 which has been prepared jointly by the Departments of Commerce and the Interior. This form may be obtained from:

Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Scientific and Business Equipment Division.

Failure on the part of any firm to which the 1970 and 1971 quota for American Samoa is allocated to abide substantially and in a timely fashion with representations made in Form BDSAF–764 may result in cancellation of its quota allocations and its reallocation to another firm or firms.

SEC. 11. The recipient of the American Samoa quota allocation for calendar years 1970 and 1971 will be required to comply with U.S. Customs regulations and with the general requirements of the territorial government regarding the establishment and conduct of a watch movement assembly business in American Samoa. (NOTE: The published final Rule will include as an appendix a statement of such general requirements furnished by the government of American Samoa to the Departments for promulgation.)

While it is the present intention of the Departments to allocate the entire American Samoan quota to one firm, the Departments reserve the right to allocate the quota to more than one firm in the event the best interests of the territory would be served thereby.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior which were published in the FEDERAL REGISTER on November 17, 1967 (32 F.R. 15818).

WALTER A. HAMILTON,
Deputy Assistant Secretary for Domestic Business Policy, Department of Commerce.

HARRISON LOESCH,
Assistant Secretary for Public Land Management, Department of the Interior.

DECEMBER 8, 1969.

[F.R. Doc. 69–14727; Filed, Dec. 9, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–124]

CHATTANOOGA, TENN.

Revocation of Designation as a Port of Documentation

1. Notice of the proposed revocation of the designation of Chattanooga, Tenn., as a port of documentation and the transfer of the documentation records to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Nashville, Tenn., was published in the FEDERAL REGISTER of October 3, 1969 (34 F.R. 15428) as CGFR 69–92.

2. By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), the following action is taken effective January 16, 1970.

(a) The designation of Chattanooga, Tenn., as a port of documentation is revoked.

(b) The documentation records at Chattanooga, Tenn., are transferred to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Nashville, Tenn.; and

(c) Nashville is designated as home port of all vessels now having Chattanooga as home port.

3. Vessels marked with the name of Chattanooga shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46) and the regulations issued thereunder, for a period of 2 years from the effective date of this order.

Dated: December 4, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–14674; Filed, Dec. 9, 1969; 8:49 a.m.]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

DECEMBER 5, 1969.

Pursuant to Docket No. HM–1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during November 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6083	Shippers upon specific registration with this Board for the shipment of unadulterated sulfur trioxide in any DOT specification cylinder (except acetylene cylinders) of not over 1-gallon capacity.	Cargo-only aircraft, highway, and rail.
6108	Union Carbide Corp., for the shipment of liquefied ethylene, ethane, or methane in a 3,660-gallon capacity cargo tank.	Highway.
6110	Philip Wolf & Sons, for the shipment of argon, helium, nitrous oxide, hydrogen, nitrogen, oxygen, and oxygen-carbon dioxide mixtures in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6111	Shippers upon specific registration with this Board, for the shipment of liquefied hydrogen in Cosmodyne Corp.'s Model FB–3 and FB–11 cargo tanks.	Highway.
6114	Scripto, Inc., for the temporary shipment of butane in DOT-2P packaging of not over 8.5 fluid ounce capacity.	Highway and rail.
6115	Argonne National Laboratory, for one shipment of fissile radioactive material in the EBR–II Instrumented Subassembly Shipping Container.	Highway.
6117	Montana Sulphur & Chemical Co., for the shipment of hydrogen sulfide in a DOT Specification 105A600W tank car tank.	Rail.
6118	Thio-Pet Chemicals Ltd., for the shipment of hydrogen sulfide in a DOT Specification 105A600W tank car tank.	Do.
6119	Fenwal, Inc., for the shipment of pressurized fire extinguishers of not over 742 cubic inch volumetric capacity.	Highway and rail.
6120	E. I. du Pont de Nemours & Co., for the shipment of dimethyl sulfate in a stainless steel DOT Specification 51 portable tank.	Highway.
6121	E. I. du Pont de Nemours & Co., for the shipment of chlorobutadiene in a proposed DOT Specification 115A60W6 tank car tank.	Rail.
6127	Shippers upon specific registration with this Board, for the shipment of liquefied O-nitroaniline in an insulated DOT Specification MC–304, MC–307, MC–310, MC–311, or MC–312 cargo tank.	Highway.
6128	United States Navigation Co., Inc., for two series of shipments of alcohol in 5,040-gallon capacity stainless steel portable tanks.	Highway and rail.
6132	Monsanto Co., for one shipment of benzyl chloride in an insulated DOT Specification 111A100W2 tank car tank having a ruptured disc set at 45 p.s.i.g.	Rail.

W. K. BYRD,
Chairman (Acting), Hazardous Materials, Regulations Board.

[F.R. Doc. 69–14639; Filed, Dec. 9, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–349]

GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Co., San Jose, Calif., has submitted an application dated October 22, 1969, as amended, for a license to authorize the export of a 759.9 megawatt electrical, boiling water reactor to the Tokyo Electric Power Co., Inc., Tokyo, Japan.

Upon finding that the reactor proposed for export is within the scope of and consistent with the terms of the Agreement for Cooperation Between the Governments of the United States of America and Japan and, unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will cause to be issued to the General Electric Technical Services Co., Inc., a facility export license containing the authority set forth in the text below and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Secretary will issue a notice of hearing or an appropriate order.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter 1, Code of the Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated October 22, 1969, as amended, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Md. this 24th day of November, 1969.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[Docket No. 50–349]

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Corp., is authorized to export a 759.9 megawatt electric nuclear power reactor to the Tokyo Electric Power Co., Inc., Tokyo, Japan, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on December 31, 1977.

For the Atomic Energy Commission.

[F.R. Doc. 69–14593; Filed, Dec. 9, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69–11–124]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Correction

In F.R. Doc. 69–14411 appearing at page 19214 in the issue of Thursday, December 4, 1969, the first and second entries under IATA commodity item number 2418 in the table should be changed to read as follows:

130 cents per kg., minimum weight 1,000 kgs., Tokyo to West Coast
160 cents per kg., minimum weight 1,000 kgs., Tokyo to East Coast

AIR FREIGHTWAYS CORP.

Notice of Application for Tariff-Filing Authority for Pickup and Delivery Zone

DECEMBER 5, 1969.

In accordance with Part 222 (14 CFR Part 222) of the Board's economic regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 21675, from Air Freightways Corp., Philadelphia International Airport, Philadelphia 19153, for authority to provide for pickup and delivery service between Wilmington Airport, New Castle, Del., and Dover and Dover Air Force Base, Del.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14675; Filed, Dec. 9, 1969; 8:49 a.m.]

[Docket No. 21433]

NOVO CORP. AND ESTATE OF EDWARD L. RICHTER

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 19, 1969, at 10:00 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. before Examiner Ross I. Newmann.

Dated at Washington, D.C., December 5, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–14677; Filed, Dec. 9, 1969; 8:49 a.m.]

[Docket No. 16080; Order 69–12–27]

AIR TRANSPORT ASSOCIATION

Order Regarding Incentive Discounts for Containerized Shipments and Related Provisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of December 1969.

Pursuant to the provisions of section 412 of the Federal Aviation Act of 1958 and Part 261 of the Board's economic regulations, the Air Transport Association of America (ATA) has filed a containerization agreement on behalf of certain air carriers for board approval.[1] This agreement was developed during a series of intercarrier and shipper-carrier meetings in 1968 and 1969.[2] Such meetings were authorized by the Board for 180 days on July 25, 1968 (Order 68–7–124), and were subsequently extended until July 11, 1969, by Orders 69–2–15, 69–5–47 and 69–6–44, dated February 4, May 12, and June 10, 1969, respectively.

Notices of all meetings and minutes thereon have been filed with the Board and disseminated to all interested shippers.

[1] Agreement CAB 21225, filed Aug. 14, 1969, on behalf of the following air carriers:

Airlift International, Inc.	Northwest Airlines, Inc.
Air West, Inc.	Ozark Air Lines, Inc.
American Airlines, Inc.	Seaboard World Airlines, Inc.
Braniff International.	Trans World Airlines, Inc.
Eastern Air Lines, Inc.	United Air Lines, Inc.
The Flying Tiger Line, Inc. (Flying Tiger).	Western Air Lines, Inc.

[2] Prior agreements CAB 19981–A1 and 19982–A1 expired on May 6, 1969.

As before, the new agreement is applicable between points in the continental United States, and between such points and Puerto Rico, but does not extend to Alaska or Hawaii.[3]

The agreement covers both the description of designated containers, Types A, B, B–2, and D, as well as economic incentives offered. A Type A netted-pallet, conformed to the igloo configuration, has been added to the Type A container provisions,[4] and the existing shipper-owned Type C container (127 cubic feet) has been deleted due to limited shipper use.[5] All containers will continue to be loaded and unloaded by shippers or consignees. The agreement specifically excludes containers designed especially for the forthcoming wide-body jets (B–747, DC–10, L–1011).

The agreement by its terms is to take effect 60 days after Board approval, includes an expression of intent to review the results of the program within 6 months, and is marked to expire within 18 months after Board approval.

As before, the agreement is subject to the enforcement machinery of the ATA.

The economic incentives for containerization in the agreement are similar to existing incentives in the carriers' tariffs. The signficant provisions of the agreement, and changes from the prior agreements, are detailed below and in table form in Attachment A hereto.[6]

Minimum weight per container, Type A. There is no substantial change from the present base density geared to approximately 7 pounds per cubic foot (lb./cu. ft.) for all Type A containers, computed on the outside dimensions of all units.[6] All present and proposed discounts have been computed from this density base.

Types B, B–2, and D. The present density base for these shipper-owned containers is substantially similar to the foregoing at approximately 7 lb./cu. ft. each. The new agreement, however, would establish higher minimum weights (excluding tare weight allowances) of 1,600, 800, and 437 pounds for Types B, B–2, and D, respectively, representing minimum required densities of 8.09 lb./cu. ft. for the Types B and B–2, and 6.89 lb./cu. ft. for the Type D.[7] The Types B and B–2 minimum weights are therefore being increased 15 percent, and Type D decreased 1 percent.

Tare (empty) weight allowance. The actual tare weight of carrier-owned Type A pallet-igloos will continue to be transported free, as will the netted Type A pallets. Tare weight allowances for shipper-owned Types B, B–2, and D containers will continue at 1 lb./cu. ft. as at present (200, 100, and 63 pounds, respectively), but the mechanics of tariff publication will be substantially revised and simplified. The new agreement requires that carriers initially compute the final charge for each unit and publish a stated amount (minimum charge) for each container size in each market capable of accommodating the containers.

Unitization discount. The present unitization discounts per 100 pounds will be continued, e.g., Type A containers at $1, Type B at $0.75, Type B–2 at $0.45, and Type D at $0.35. The carriers propose to reflect these discounts in the publication of point-to-point general commodity unit charges (minimum charges) for each container. Types A, B, and B–2 containers will be rated at the 3,000-pound general commodity rates, and Type D will be rated at the general commodity rate applicable to 500 pounds.

Minimum charge requirements on containerized specific commodity traffic. Existing specific commodity rates will also continue to be subject to the foregoing unitization discounts, but straight or mixed shipments of commodity-rated traffic will be further subject to a minimum charge per container of not less than that resulting from the 3,000-pound general commodity rate,[8] less the unitization discount, times the following minimum weights: Type A containers—3,000 pounds; Type B—1,500 pounds; Type B–2—750 pounds; and Type D—415 pounds.

The purpose of this provision is to continue the granting of the unitization discount to specific commodity rated traffic, while insuring an acceptable revenue return per container. At present, shippers can easily meet the 7 lb./cu. ft. minimum density requirement and obtain the discount against an already low rate. The new agreement would require shippers to increase their loading, per unit, to the level necessary to meet the minimum unit-charge requirement, if they wish to secure the additional unitization discount.

Density incentive discount. The additional density incentive for greater payload weight per container will be continued on general commodity rated traffic, but at 33 percent instead of 33⅓ percent.

A major change in the agreement, however, is that such density incentive will now begin at the base density (7–8 lb./cu. ft.) instead of the present 9–10 lb./cu. ft.

In addition, the excess weight over the minimum weights for each container will be charged at the Type A density discount rate, i.e., the excess-weight rate in each market will be based on the 3,000-pound general commodity rate, and will be constant for all container units.[9] Substantial tariff simplification should result from this technique.

Aggregate weight break. At the present time, a container moving as part of a partially containerized total shipment is accorded discounts from the rate based on the total weight of the entire shipment. If such container were currently accompanied by additional loose (noncontainerized) freight, the charge for the same single Type D unit is reduced.

The new agreement will permit only one outside piece, package or bundle to accompany a container (or containers) in any one shipment.[10] Any additional loose outside pieces/packages/bundles would be rated as a separate shipment. This fixed computation base for containerized general commodity traffic will generally result in a lower charge than present container charges in the medium and lower aggregate shipment weights. In the upper weight-breaks, the new single-container unit charges will generally be higher. In addition, in the very few markets in which 15,000- and 20,000-pound general commodity rates are published, the new container unit charges would be even higher than bulk, or noncontainerized general commodity charges. Accordingly, the agreement contains an escape clause to permit the carriers to grant greater incentives on shipments of five or more Type A containers.

Mixed shipment rule. The agreement includes a detailed mixed shipment rule, whereby containerized shipments consisting of several differently-rated commodities will be accorded the unitization discount (and density incentive discount for general commodity-rated traffic only), subject to minimum charges per container as for straight shipments of a single specific commodity rated article, as previously noted.

Rental charges. At present, rental charges on carrier-owned Type A pallet-igloos are assessed at fees averaging about $9 per trip. The new agreement provides that rental fees will be included in Type A unit-charges and that no separate and additional fees will be assessed.

Air-truck joint rates. The agreement extends the containerization program to the air portion of joint ICC/CAB-filed air-surface rates.

[3] United has matched the agreement, with respect to its Type A igloo container only, in its Hawaiian service; see Order 69–9–29 dated Sept. 5, 1969.

[4] The netted-pallet provisions are substantially similar to the recent IATA provisions for this unit (Order 69–8–174, dated Aug. 29, 1969).

[5] For the 6-month periods ending April 1968 and October 1968, and for the first quarter of 1969, the Type C container accounted for 0.9 percent, 0.4 percent, and 0.18 percent, respectively, of the total freight pounds in containers.

[6] Filed as part of the original document.

[6] The 6 current Type A pallet-igloo sizes, ranging from minimum weights of 2,625 to 3,500 pounds were restructured into three groups, i.e., "425-cft or less," "over 425 and up to 475 cft," and "over-475 and up to 500 cft," with minimum weights fixed at 3,000, 3,100, and 3,200 pounds, respectively. The Types B, B–2, and D containers will be based on agreed minimum of 1,800, 900, and 500 pounds, respectively, less a fixed tare weight allowance.

[7] The standard industry minimum density requirement ("cube rule") is 6.9 lb./cu. ft. for general freight.

[8] Type D will be subject to the general commodity rate at 500 pounds.

[9] To provide adequate incentive in short-haul markets, the agreement also provides that such density discount shall not be less than $3 per 100 pounds.

[10] Such outside "piece" may consist of two or more pieces, packages or bundles loaded on one pallet, platform, or skid, or loaded into one nonstandard container. Such outside piece would continue to be accorded the noncontainerized rate based on the aggregate weight break of the entire shipment.

Off-airport loading/unloading of containers. Both the prior and the proposed agreement require the loading and unloading of containers by shippers and consignees, respectively, at places other than the carriers' premises, i.e., off-airport. The new agreement, however, now provides that such loading and unloading may be done on the premises of the carriers' cartage agents, with the latter presumably functioning as shipper's agent.

Experimental containers. The new agreement includes provisions whereby the parties will be permitted to furnish (free, or under lease) carrier-owned experimental containers to shippers for 1 year, provided that the offering of such containers is made pursuant to tariff provisions on file with the Board.

Competitive escape clause. In recognition of the fact that the agreed standard incentive discounts for containerized shipments are predicated on the individually determined rates of each carrier, and that such noncontainerized rates may not necessarily be identical in each market, the result of fixed incentive discounts for containerized traffic would be to preclude the otherwise higher-rated carrier on noncontainerized traffic from meeting the containerized rate of a competitor. Accordingly, the agreement provides an escape clause whereby the noncompetitive carrier may meet any containerized rate of any other carrier.

A protest against the agreement has been filed by WTC Air Freight (WTC), an air freight forwarder, requesting that Board approval of the agreement be deferred pending further study and consideration by the carriers of certain deficiencies cited by WTC, as detailed below, that the carriers be required to furnish justification for the rate increases which will result from the agreement, or that in the alternative, the Board institute a proceeding to establish container rates. Specifically, WTC alleges that some devastating rate increases on its traffic tendered to direct air carriers will probably result, that 25 percent of the time it would cost WTC less if it did not containerize its freight, that additional incentive discounts for multi-container shipments of five or more containers be made mandatory wherever there are high-volume rates on file, that the density incentive for a Type A–5 igloo container should begin at from 4,700 to 5,000 pounds instead of 3,200 pounds, as provided in the agreement, and that the 33 percent rate reduction over 3,200 pounds in such container should be 67 percent. In support of its position, WTC cites 12 sample consolidations between New York and Los Angeles, indicating that the new agreement will increase the total charges on such consolidations by 2.2 percent, with individual consolidations ranging from an increase of 6.1 percent to a decrease of 9.3 percent. Three of the 12 sample consolidations are separately compared under rates, which will result from the new agreement versus bulk (noncontainerized) rates, and indicate that the containerized charges will be 1.1 percent greater than such bulk rates. WTC further states that a 67 percent discount for density is warranted as the cost to the airlines for moving additional payload within a container is virtually nonexistent.

In a joint answer to the complaint of WTC the carrier signatories to the agreement note that WTC describes the agreement as a step toward simplification of container rate application and that it will operate to stimulate or expand the program, yet asks the Board to withhold approval. The carriers allege that the agreement does not preclude the omitted multicontainer discounts as cited by WTC; that WTC has misinterpreted the present tariffs with respect to the density weight break of 4,700 pounds; that the new agreement will produce an actual reduction of as much as $109 from present tariffs on a Type A–5 container loaded to 4,700 pounds; and that WTC has not set forth any justification for its suggested 67 percent discount for density, as opposed to the carrier's judgment centered on a 33 percent discount.

Upon consideration of the complaint and answer, and other relevant matters, the Board does not find Agreement CAB 21225 to be adverse to the public interest or in violation of the Act and will approve the agreement. Accordingly, the Board will deny the request of WTC Air Freight for deferral of approval of action on the agreement. A standard and uniform program as to the physical specifications of containers, as well as the economic incentives to shippers and other relevant industry practices on behalf of a majority of the industry,[11] is believed to be desirable and in the public interest.

With the exception of the increase in minimum weights of the Type B and B–2 containers, and the elimination of the aggregate weight break principle in discounting the containerized portion of partly containerized shipments, the revised features of the new agreement are consistently more advantageous to shippers, and reflect the carriers' need for an acceleration of containerization in their operations. The rate reductions which will result from the agreement should affect a large portion of current traffic, and such reductions are occurring at a time when rates for most noncontainerized freight are being increased by virtually all carriers across-the-board. Although the increase in minimum weights for the Type B, and B–2 containers may penalize present shippers of under-8-lb./cu.-ft. traffic, these adjustments will bring these units into better economic balance with the larger Type A containers. The loss of the aggregate shipment weight principle will admittedly increase container charges for the large-volume, partly containerized shipper in some major markets, as cited by WTC, however, the aggregate weight principle may well have resulted in an unwarranted reduction in revenue on the containerized portion of large volume shipments, and may have encouraged density selectivity in the loading of containers instead of encouraging total containerization. Lastly, and notwithstanding that increases over present container charges will result in some cases, the proposed agreement will still produce lower charges than for noncontainerized freight in virtually all cases.

The exceptions will typically occur in those markets accorded large volume rates. The agreement, however, provides an escape clause whereby the carriers are free to introduce multicontainer discounts to offset the inherent disparity of container charges being greater than bulk-freight charges. The Board will deny WTC's request that such additional discounts be made mandatory. While the Board has previously permitted tariffs to become effective establishing these discounts,[12] in our action thereon we noted that such multicontainer rates for five or more containers may not be entirely supported by cost differential considerations. For this reason, the Board will expect the carriers to fully justify any multicontainer discounts which they may propose to continue, or introduce. This action is without prejudice to any future action which the Board may deem appropriate. The domestic carriers have subsequently urged that the yield from cargo rates does not meet the full costs of the service, and modest increases in such rates have been permitted to become effective. Moreover, a qualified or conditional approval of such agreement might serve for naught but to nullify it in its entirety. In any event, shippers are at liberty to avoid such higher container charges by shipping in bulk form.

WTC requests that 4,700 or 5,000 pounds be set as the weight-break point at which the density incentive should begin. The Board notes, however, that while the present container charges of most carriers begin at a minimum weight of 3,250 pounds, there is also an incremental charge up to the weight break at which a density incentive begins, e.g., 4,700 pounds, and the Board can find no compelling reasons to require the elimination of this incremental charge and the readjustment of the weight-break point as requested by WTC. The complainant also endorses a current form of container rate structure in some east-bound markets wherein a unit charge per container is applicable up to 5,500 pounds, with excess payload above such weight break charged at a substantially discounted rate, as earlier approved by the Board.[13] We are not persuaded that

[11] Freight revenue ton-miles for June 1969 for the carrier parties to the agreement represent 90 percent of the industry total.

[12] Order 68–10–111 dated Oct. 21, 1968, at page 3.

[13] The Board previously dismissed a complaint and permitted Tiger's rates to become effective on an experimental basis. Order 68–12–57 dated Dec. 10, 1968 in Docket 20740. We would further note that these rates bore an expiration date of Dec. 31, 1969; Tiger by tariff posted Nov. 14, 1969, has proposed to extend its expiration date thereon to Dec. 31, 1970. Action hereon is without prejudice to such Board action as may appear indicated with respect to Tiger's proposal to extend this expiration date.

such current rates are warranted by economic or other considerations, and accordingly cannot find that the industry should be required to perpetuate such rates, or that the instant agreement is therefore adverse to the public interest and should be disapproved simply because it would result in some instances in higher rates than those cited by WTC.

Turning finally to WTC's request for a 67 percent discount for density, as opposed to the carriers' agreed 33 percent, WTC presents no factual data or other economic justification for its proposal, in the absence of which the Board has no basis on which to challenge the carriers' judgment as to the proper incentive for density. The Board will therefore not condition or disapprove this feature of the carriers' agreement.

As before, the Board will condition its approval of the carriers' agreement to require the publication of appropriate tariffs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. Agreement CAB 21225 is approved: *Provided*, That the parties thereto file the provisions thereof in tariffs marked to expire with expiry of the agreement; and

2. The complaint of WTC Air Freight against agreement CAB 21225 in Docket 16080 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14676; Filed, Dec. 9, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Commercial Fisheries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14658; Filed, Dec. 9, 1969; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service in the position of Assistant Director for Civil Rights, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14659; Filed, Dec. 9, 1969; 8:48 a.m.]

POSITIONS FOR WHICH THE COMMISSION HAS PRESCRIBED MINIMUM EDUCATIONAL REQUIREMENTS

Notice of Revision Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Public Health Nurse Series, GS-615, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

Public Health Nurse Series, GS-615 (All positions GS-5 through GS-15).

Superseded Requirements. The following material supersedes the material previously published in the FEDERAL REGISTER, 20 F.R. 9380, December 15, 1955. The superseded material appeared under the heading of "Public Health Nurse GS-615-6—15 and Nursing Consultant GS-615-7—15".

Minimum Educational Requirements. Candidates for all positions must meet one of the following requirements:

A. Graduation from a baccalaureate or higher degree program in nursing approved by the legally-designated State approving body. To be acceptable:

(1) For those candidates who completed the program in Spring 1964, or later, the program must have been accredited by the nationally recognized accrediting agency (or else must have included course content and field practice in public health nursing equivalent to that of programs that are accredited.)

(2) For those candidates who completed the program prior to Spring 1964, the program must have been accredited for public health nursing by the nationally recognized accrediting agency or must have been supplemented by study which included course content approved by the nationally recognized accrediting agency for public health nursing preparation.

B. Graduation from either a diploma or associate degree program in professional nursing approved by the legally-designated State approving body and at least one (1) academic year in a university public health nursing program accredited by the nationally recognized accrediting agency.

C. Graduation from a foreign school of professional nursing, provided that the nursing education and the nursing knowledge acquired therefrom are substantially comparable and equivalent to that of graduates of nursing schools as described in paragraph A above. Such equivalence must have been evaluated by a school of nursing accredited by the nationally recognized accrediting agency as equivalent to that of its program.

Candidates for positions which involve highly technical research or development or comparable highly technical and scientific functional areas of nursing work must meet the requirements described in paragraph A above.

Duties. Public health nurses perform a variety of responsible professional duties in public health nursing work. They provide comprehensive public health nursing services to patients and families in patients' homes and in schools and promote better health practices in the community. Some public health nurses primarily are engaged in research in public health nursing, in providing consultative services or in teaching public health nursing principles, theories, and techniques.

Reasons for the Requirements. The work of all public health nurse positions involves applying public health nursing principles, theories, and techniques to the solution of direct service, research, consultation, or teaching problems. The required knowledges and skills can only be acquired through graduation from a baccalaureate degree program in nursing which has included preparation for public health nursing or through college education in public health nursing following graduation from a diploma or associate degree program. This study must have been completed in a school of professional nursing in an accredited college or university which provides adequate classroom instruction and supervised practice in nursing, including public health nursing and sciences related to public health nursing, adequate library facilities, and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14660; Filed, Dec. 9, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 828]

BYRNES & LOWERY

Order of Revocation

By letter dated October 12, 1969, Mr. John C. Byrnes III, 728 Scranton Avenue, East Rockaway, N.Y. 11518, advised the Federal Maritime Commission of Mr. John C. Byrnes, Jr.'s, demise on July 13, 1969, and of the subsequent sale of Byrnes & Lowery to J. E. Bernard & Co., Inc. Mr. Byrnes III also advised that Independent Ocean Freight Forwarder License No. 828 would be returned to the Commission as promptly as possible.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 828 of John C. Byrnes, Jr., doing business as Byrnes & Lowery be and is hereby revoked effective October 12, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon John C. Byrnes III.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-14683; Filed, Dec. 9, 1969; 8:50 a.m.]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 5850-13, between the member lines of the North Atlantic Westbound Freight Association, adds a new paragraph to Article 8 of the basic agreement to provide that in those instances in which a unanimous or majority vote is required and any member abstains from voting, a decision will be reached on the basis of the votes cast by the remaining members.

Dated: December 5, 1969.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14684; Filed, Dec. 9, 1969; 8:50 a.m.]

HAMBURG-AMERIKA LINIE AND NORDDEUTSCHER LLOYD

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement No. 7825-3, between Hamburg-Amerika Linie and Norddeutscher Lloyd, amends the basic agreement to eliminate the provision for its termination on December 31, 1969, and to substitute in lieu thereof a new provision that the agreement shall remain in effect to December 31, 1971, unless terminated by either party giving the other party ninety days' notice in writing.

Dated: December 5, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14685; Filed, Dec. 9, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2404]

ALPENA POWER CO.

Notice of Application for Approval of Exhibits J, K, L, M, and R (Recreational Use Plan) for Project

DECEMBER 3, 1969.

Public notice is hereby given that application has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Alpena Power Co. (correspondence to: James J. Gibson, Jr., Secretary, Alpena Power Co., Alpena, Mich. 49707) for the Thunder Bay River Basin Project No. 2404, located on Thunder Bay River, in Alpena, Alcona, and Montmorency Counties, Mich., near the city of Alpena.

Exhibit J shows the entire project area, Exhibit K shows project facilities and the project boundary at each development, Exhibit L shows plans and sections of the dams and Exhibit M gives a description of the project's electrical and mechanical equipment. Exhibit R lists the following recreational development at the project's Hubbard Lake: Two State-provided sites with fishing areas, boat ramps and picnic areas; two county-provided access roads and boat ramps; and three county-provided reservoir access roads; at Fletcher Floodwaters: a public access area at the dam; 11 boat rental sites; and a State-provided fishing and boat-launching site; at Lake Winyah: a State-provided fishing site; a canoe portage; and four boat rental sites; at Four Mile Dam: a public access road to the reservoir; and a canoe portage; and at Ninth Street Dam: a boat rental; a city-provided boat launching ramp; a State-provided roadside park; and a canoe portage.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 21, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14601; Filed, Dec. 9, 1969; 8:45 a.m.]

[Docket No. CP70-143]

LOWELL GAS CO.

Notice of Application

DECEMBER 3, 1969.

Take notice that on December 2, 1969, Lowell Gas Co. (applicant), 95 East

Merrimack Street, Lowell, Mass. 01853, filed in Docket No. CP70–143 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing applicant to import liquefied natural gas from Arzew, Algeria, into Boston, Mass., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import two consecutive shiploads of 2,000 metric tons LNG or 104,000 Mcf equivalent each to be purchased from Gazocean, U.S.A., Ltd. Delivery will be made into applicant's cryogenic, semitrailer tankers for transportation by highway to applicant's LNG storage plant at Tewksbury, Mass. Applicant states that an unpredictable delay in completing the LNG facility at Tewksbury has created an emergency deficiency in its supply of natural gas, and the proposed importation is necessary to prevent serious interruption of service to applicant's firm customers.

Applicant further states the gas will be purchased at a rate of $75 per metric ton, cost and freight Boston Harbor, plus $1 per metric ton documentation expense.

It appears reasonable and consistent with the public interest in this case to prescribe a shortened period for the filing of protests and petitions to intervene. Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–14607; Filed, Dec. 9, 1969; 8:45 a.m.]

[Docket No. CP70–139]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

DECEMBER 4, 1969.

Take notice that on November 24, 1969, Panhandle Eastern Pipe Line Co. (applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP70–139 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 7.7 miles of 12-inch line and appurtenances which are extensions of applicant's Elk City Line in a southerly direction from its present south terminus in Beckham County, Okla., necessary to connect a new supply source.

The total estimated cost of the proposed facilities is $477,200, to be financed from funds on hand and those generated through operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–14608; Filed, Dec. 9, 1969; 8:45 a.m.]

[Docket No. RP70–19]

TRANSWESTERN PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

DECEMBER 4, 1969.

Take notice that Transwestern Pipeline Co. (Transwestern) on December 1, 1969, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1,[1] to become effective January 16, 1970. The proposed rate changes contained in the revised tariff sheets would increase charges for jurisdictional sales by $18,980,000 per year, based upon sales volumes for the 12-month period ended August 31, 1969, as adjusted.

Transwestern states that the basis for the proposed rate changes is a sustantial increase in virtually all items of cost including capital, labor materials, supplies and taxes including a return of 8.5 percent.

Transwestern's filing consists of two sets of tariff sheets—"Revised Tariff Sheets" and "Alternative Revised Tariff Sheets." The new rates set forth in the set denominated "Revised Tariff Sheets" reflect an increase in the CDQ–1 rate of 6.92 cents per Mcf and an increase in the CDQ–2 rate of 0.10 cent per Mcf above the rates filed by Transwestern on November 24, 1969, in Docket No. RP69–27.

The "Revised Tariff Sheets" do not reflect increases in Transwestern's purchased gas costs above levels currently in effect. Transwestern states that it is presently authorized to track producer rate increases through December 31, 1969, up to a total increase of 1.84 cents per Mcf in Docket No. RP69–27. Transwestern further states that its suppliers have filed or can contractually file increases in their rates which would have the effect of increasing Transwestern's cost of purchased gas by $12,602,284 or 4.08 cents per Mcf based on sales volumes under the CDQ–1 Rate Schedule.

Transwestern proposes that the "Revised Tariff Sheets" be accepted with the condition that (1) the Commission authorize Transwestern to make tracking rate filings through December 31, 1970 up to the aggregate maximum increase of 4.08 cents per Mcf, and (2) assuming a supension period, that at the end of such period the proposed increased rates to be placed into effect would be in addition to the respective CDQ–1 and CDQ–2 rates then in effect.

Transwestern proposes that in the event that it is not permitted to make the tracking rate increase filings through December 31, 1970, then the "Revised Tariff Sheets" be deemed withdrawn, and that in lieu thereof the "Alternative Revised Tariff Sheets" be accepted. The "Alternative Revised Sheets" set forth a 43.08 cents per Mcf CDQ–1 rate and a 24.93 cents per Mcf CDQ–2 rate. These rates reflect the increase necessary to recover the additional $12,602,284 anticipated increase in cost of purchased gas.

Copies of the filing were served on Transwestern's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–14609; Filed, Dec. 9, 1969; 8:46 a.m.]

[1] 12th Revised Sheet No. 4, Fourth Revised Sheet No. 5, Eighth Revised Sheet No. 6–A.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Reg. F–61]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

DECEMBER 4, 1969.

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires December 15, 1969.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-25	Sept. 26, 1968	Delegation of Authority to Secretary of Defense—Regulatory Proceeding.
F-26	Sept. 30, 1968	Do.
F-40	Mar. 7, 1969	Do.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–14636; Filed, Dec. 9, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CONCEPTS AND HOLDING, INC., ET AL.

Order Suspending Trading

DECEMBER 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Concepts and Holding, Inc., Equity Group, Inc., and Vodel Corp. and all other securities of Concepts and Holding, Inc., Equity Group, Inc., and Vodel Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 4, 1969, through December 13, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[SEAL]

[F.R. Doc. 69–14628; Filed, Dec. 9, 1969; 8:46 a.m.]

CONTROL METALS CORP.

Order Suspending Trading

DECEMBER 4, 1969.

It appearing to the Securities and Exchange Commision that the summary suspension of trading in the common stock of Control Metals Corp. and all other securities of Control Metals Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 4, 1969, through December 13, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[SEAL]

[F.R. Doc. 69–14629; Filed, Dec. 9, 1969; 8:47 a.m.]

MONTANA WESTERN OIL & GAS CO.

Order Suspending Trading

DECEMBER 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Montana Western Oil & Gas Co. and all other securities of Montana Western Oil & Gas Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 4, 1969, through December 13, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[SEAL]

[F.R. Doc. 69–14630; Filed, Dec. 9, 1969; 8:47 a.m.]

[70–4637]

ROCKY RIVER REALTY CO., ET AL.

Notice of Posteffective Amendment Filed by Nonutility Subsidiary of Registered Holding Company Requesting Authorization To Negotiate Additional Interim Bank Financing for Acquisition and Improvement of Real Property

DECEMBER 4, 1969.

In the matter of The Rocky River Realty Co., The Connecticut Light and Power Co., Post Office Box 2010, Hartford, Conn. 06101; Northeast Utilities Service Co., Post Office Box 270, Hartford, Conn. 06101; Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Mass. 01089; (70–4637).

Notice is hereby given that Northeast Utilities ("Northeast") a registered holding company, and three of its subsidiary companies, Northeast Utilities Service Co. ("NUSCO"), a wholly owned system service company, The Connecticut Light and Power Co. ("CL&P"), an electric utility company and exempt holding company, and The Rocky River Realty Co. ("Rocky River"), a nonutility company, have filed with this Commission posteffective amendments to the joint application-declaration in this matter, designating sections 6, 7, 9(a), 10, and 12(b), (d), and (f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 50(a)(4) promulgated thereunder as being applicable to the proposed transactions. All interested persons are referred to the said amended joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Rocky River and CL&P own certain plots of land and buildings thereon in Berlin and Newington, Conn. ("Berlin Site"). On September 30, 1969, the capitalization of Rocky River (exclusive of temporary bank borrowings) consisted of $25,099 of capital stock and surplus and $858,750 principal amount of 40-year subordinated notes (all owned by Northeast), and $1,837,000 principal amount of 3.15 percent first mortgage bonds due 1981 and $360,000 principal amount of 3.75 percent first mortgage bonds due 1983 (both owned by institutional investors). The subordinated notes were issued by Rocky River pursuant to an order of the Commission dated October 24, 1967 (Holding Company Act Release No. 15884), which authorized the company to issue and sell to Northeast up to $1,500,000 principal amount of 40-year subordinated notes during a 5-year period as required.

By order dated July 2, 1968 (Holding Company Act Release No. 16105), the Commission authorized Rocky River to acquire CL&P's property holdings at the Berlin Site at the net book value thereof as at the date of transfer and to construct additional building facilities thereon. To finance such transactions,

Rocky River was authorized to negotiate for the private placement of $9,828,000 principal amount of new real estate mortgage bonds ("New Bonds") with certain institutional investors. The 3.15-percent bonds ("Old Bonds") which are secured by a lien on the Berlin Site properties now owned by Rocky River, were to be left outstanding, or refunded with additional amounts of New Bonds on such a basis as would preserve the favorable terms of the Old Bonds. Rocky River also was authorized to issue and sell up to $10 million principal amount of 2-year notes to commercial banks for temporary financing of construction. Because of subsequent additional improvements to CL&P's Berlin Site properties and increases in Rocky River's construction cost estimates, the Commission, by supplemental order dated February 26, 1969 (Holding Company Act Release No. 16293), authorized Rocky River to increase the principal amount of New Bonds to be issued and sold to institutional investors from $9,828,000 to $12,600,000 (or $14,500,000 in the event the Old Bonds were required to be refunded), and to increase its temporary bank borrowings from $10 million to $12,500,000.

In their posteffective amendment, the applicants-declarants state that construction cost estimates for the Berlin project have further increased by approximately $1 million, with the result that the total amount of funds now believed necessary to complete the proposed acquisitions and construction at the Berlin Site has increased from approximately $12,500,000 to approximately $13,500,000. It is further stated that negotiations for placement of the New Bonds on satisfactory terms have been unsuccessful and that current market conditions make it inadvisable to sell such bonds at this time.

For these reasons, the applicants-declarants request that Rocky River be authorized (1) to increase the principal amount of its 2-year notes to be issued and sold to commercial banks from $12,500,000 to $13,500,000 (such additional notes to be issued and sold on the same terms and subject to the same conditions as authorized by the aforesaid 1968 order of the Commission), and (2) to increase the aggregate principal amount of New Bonds to be placed by negotiation with institutional investors from $12,600,000 to $13,600,000 (or $15,500,000 in the event the Old Bonds are required to be refunded), subject to further order of the Commission as to the terms and conditions of the proposed issue.

In order to repay the bank borrowings and provide interim financing of the completed project until such time as market conditions become more favorable for sale of the New Bonds, it is proposed that Rocky River issue and sell to The Connecticut Bank and Trust Co. ("CBT") and five participating commercial banks a new 3-year promissory note ("Interim Note") in an aggregate principal amount not exceeding the lesser of $13,500,000, or the final cost of the acquisitions and construction at the Berlin Site ("Project Cost"), pursuant to the terms of a loan agreement ("Agreement") executed by Rocky River and CBT on September 15, 1969. The Interim Note will be issued and sold to CBT and its associates after completion of the Berlin Site construction between April 1, and July 1, 1970, and will mature 3 years from such date. It will bear interest at an annual rate three-fourths of 1 percent above CBT's prime commercial rate, adjusted periodically as such prime rate changes during the life of the note. The Agreement provides that 1 percent of the principal amount of the note be prepaid quarterly (4 percent per annum), and that Rocky River pay a commitment fee of one-half of 1 percent per annum on the $13,500,000 commitment from June 2, 1969, to the date of issuance. As security for the Interim Note, Rocky River will enter into 5-year term, interim net leases with CL&P and NUSCO for the office and related facilities which they will occupy at the Berlin Site, and assign such leases to CBT. Rentals payable under the leases will be sufficient to cover all costs associated with the note. The note may be prepaid by Rocky River in whole or in part (in multiples of $100,000) at any time without premium, and the applicants-declarants propose to resume negotiations for placement of the New Bonds prior to maturity of such note if market conditions become more favorable.

The Agreement also provides that, in the event the Project Cost exceeds $13,500,000, any such excess shall be funded through the issuance and sale by Rocky River to Northeast of a new series of subordinated notes ("five-year Notes") with terms and provisions identical in all respects to the terms and provisions of the aforesaid 40-year subordinated notes, except that such new notes will mature 5 years from the date of issuance thereof and bear interest at a rate one-fourth of 1 percent above the prime rate for short-term loans in effect from time to time at CBT. In addition, the applicants-declarants have agreed that, in connection with the issuance and sale of the Interim Note and New Bonds, Rocky River will issue and sell such amounts of the aforesaid 5-year notes to Northeast as will insure that the aggregate principal amount of Rocky River's indebtedness to nonassociate persons will at no time exceed 15⅔ds times the sum of (i) the stated value of Rocky River's outstanding capital stock and surplus, and (ii) the aggregate principal amount of all of its outstanding subordinated notes.

In order to satisfy these two requirements, the applicants-declarants further propose that, from time to time during the 5-year period following issuance of the Commission's order herein, Rocky River will issue and sell to Northeast, and Northeast will acquire, various amounts of the aforesaid 5-year notes for cash at the principal amount thereof, and repay and reissue and sell such notes as required: *Provided, however,* That the maximum principal amount of the 5-year notes to be at any one time outstanding shall not exceed $1 million. None of the aforesaid 40-year notes will be issued to finance the Berlin project.

The application-declaration, as amended, states that the proposed transfer of real property by CL&P to Rocky River has been approved by the Connecticut Public Utilities Commission, and that no other consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions. Information concerning fees, commissions and expenses incurred, or to be incurred, in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than December 22, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14619; Filed, Dec. 9, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 5, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41816—*Iron or steel articles to points in Tex.* Filed by Southwestern Freight Bureau, agent (NO. B105), for interested rail carriers. Rates on iron or steel articles in carloads, as described in the application, from Minneapolis, Minn. Transfer and St. Paul, Minn., to Clarkwood, Corpus Christi, Flour Bluff, Gregory, and Ingleside, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 134 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14665; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 579]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 5, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 272 (Deviation No. 1), THE W. J. MAIER STORAGE COMPANY, Post Office Box 365, 1653 Seventh Avenue, Huntington, W. Va. 25708, filed November 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Huntington, W. Va., over Interstate Highway 64 to Charleston, W. Va., thence over the West Virginia Turnpike to Beckley, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Huntington, W. Va., over U.S. Highway 60 to Charleston, W. Va., thence over U.S. Highway 21 to Beckley, W. Va., and (2) from Huntington, W. Va., over U.S. Highway 60 to Charleston, W. Va., thence over U.S. Highway 119 to junction West Virginia Highway 3, thence over West Virginia Highway 3 to Beckley, W. Va., and return over the same route.

No. MC 59120 (Deviation No. 13), EAZOR EXPRESS, INC., Ezar Square, Pittsburgh, Pa. 15201, filed November 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Parkersburg, W. Va., over Interstate Highway 77 to junction Interstate Highway 70 near Cambridge, Ohio, thence over Interstate Highway 70 to Wheeling, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Parkersburg, W. Va., over West Virginia Highway 2 to Wheeling, W. Va., and (2) from Parkersburg, W. Va., over U.S. Highway 21 to Marietta, Ohio, thence over Ohio Highway 7 to Bridgeport, Ohio, thence over U.S. Highway 40 to Wheeling, W. Va., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 539), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle, with passengers, over a deviation route as follows: From Macon, Ga., over Interstate Highway 16 to junction unnumbered highway near Huber, Ga., thence over unnumbered highway to junction U.S. Highway 129 (also known as U.S. Highway 23), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Macon, Ga., over U.S. Highway 80 to Lake Side, Ga., thence over U.S. Highway 129 to Cochran, Ga., thence over Georgia Highway 87 to Eastman, Ga., thence over U.S. Highway 341 to Baxley, Ga., and return over the same route.

No. MC 109780 (Deviation No. 28), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed November 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Oklahoma Highway 51 and the Muskogee Turnpike near Broken Arrow, Okla., over the Muskogee Turnpike to junction U.S. Highway 69, (2) from junction Muskogee Turnpike and U.S. Highway 69 over the Muskogee Turnpike to junction U.S. Highway 62 near Muskogee, Okla., (3) from junction Muskogee Turnpike and U.S. Highway 62 over the Muskogee Turnpike to junction U.S. Highway 64 near Webber Falls, Okla., and (4) from junction Muskogee Turnpike and U.S. Highway 64 over the Muskogee Turnpike to junction Interstate Highway 40, and return over the same routes, for operation convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Tulsa, Okla., over U.S. Highway 64 via Muskogee, Warner and Gore, Okla., to Fort Smith, Ark., and (2) from Tulsa, Okla., over U.S. Highway 64 to junction Oklahoma Highway 51, thence over Oklahoma Highway 51, via Broken Arrow, Okla., to Tahlequah, Okla., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14666; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 458]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 5, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71665. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Interstate Distributor Co., a corporation, Tacoma, Wash., of the operating rights in Permit No. MC-117842 (Sub-No. 1) issued October 29, 1969, to Interstate Distributing Co., a corporation, Tacoma, Wash., authorizing the transportation of: Such commodities as are dealt in by wholesale and retail grocery establishments, except frozen foods and foods in vehicles equipped with mechanical refrigeration, from points in California to specified points in Washington. George LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-71706. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Chamberlain Mobilehome Transport, Inc., Thomaston, Conn., of the operating rights in certificate No. MC-116649 issued January 31, 1962, to Sargent Trucking Co., a corporation, Thomaston, Conn., authorizing the transportation, over irregular routes, of house trailers designed to be drawn by passenger automobiles, in secondary movements, between points in Maine, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida,

Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Reubin Kaminsky, 342 North Main Street, West Hartford, Conn. 06117, attorney for applicants.

No. MC-FC-71713. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Luverne Kothenbeutel, doing business as Rochester City Delivery, Rochester, Minn., of corrected permit No. MC-133140 issued March 13, 1969, to Roy Kothenbeutel, and Luverne Kothenbeutel, a partnership, doing business as Rochester City Delivery, Rochester, Minn., authorizing the transportation of such commodities as are dealt in by retail department stores, between facilities of The Dayton Co., at Rochester, Minn., on the one hand, and, on the other, those points in that part of Iowa on, east, and north of a line extending from the Iowa-Minnesota State line along U.S. Highway 169 to junction U.S. Highway 20 near Fort Dodge, Iowa, thence along U.S. Highway 20 to Dubuque, Iowa, and points in that part of Wisconsin on, west and south of a line extending from the Mississippi River, near Dubuque, Iowa, along U.S. Highway 61 to Westby, Wis., thence along Wisconsin Highway 27 to Osseo, Wis., thence along U.S. Highway 10 to Prescott, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, registered practitioner for applicants.

No. MC-FC-71721. By order of December 2, 1969, the Motor Carrier Board approved the transfer to Clarice E. Fulton, doing business as Fulton Moving Co., Watertown, Mass., of the operating rights in certificate No. MC-76518 issued March 13, 1956, to George A. Fulton, doing business as Fulton Moving Co., Watertown, Mass., authorizing the transportation, over irregular routes, of household goods between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, Connecticut, and New York. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-71743. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Cibola Freight Lines, a corporation, Phoenix, Ariz., of the certificate in No. MC-107315, issued October 5, 1948, to F. V. Owens, Phoenix, Ariz., authorizing the transportation of general commodities, with exceptions, between points in described areas of Arizona and Nevada. A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14669; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 458A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 5, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71381. By order of December 2, 1969, Divison 3, acting as an Appellate Division, on reconsideration, approved the transfer to Edward R. Walsh, doing business as Wood Brothers, 3607 Lafayette Road, Portsmouth, N.H. 03801, of the operating rights in certificate No. MC-37977 issued November 30, 1940, to Earl B. Smith, York Village, Maine 03909, authorizing the transportation of household goods, between points in Cumberland and York Counties, Maine, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and the District of Columbia, traversing Vermont, Pennsylvania, Delaware, New Jersey, and Maryland for operating convenience only.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14670; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 954]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 5, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub-No. 134 TA) (Correction), filed November 17, 1969, published FEDERAL REGISTER, issue of November 25, 1969, and republished as corrected this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as above). The purpose of this republication is to show the correct sub number assigned hereto, Sub-No. 134TA, in lieu of 1'4 TA, which was published in error.

No. MC 29566 (Sub-No. 139 TA), filed November 25, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, plantsite of Beefland International, Inc., in Council Bluffs, Iowa, to points in Arkansas, Illinois, Kansas, Missouri, and Oklahoma, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 55501. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 30844 (Sub-No. 301 TA), filed November 25, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone; to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 72495 (Sub-No. 6 TA), filed November 26, 1969. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, W. Va. 26070. Applicant's representative: Ronald W. Kasserman, Riley Law Building, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, from the Cresap, W. Va., plant to Baltimore, Md., for 180 days. Supporting shipper: Mountaineer Carbon Co., Post Office Box 370, Moundsville, W. Va. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 109397 (Sub-No. 187 TA), filed November 24, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., as operator of U.S.A.C. TRANSPORT, INC., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified missile parts and components*, between Sunnyvale and Los Angeles, Calif.; Amarillo, Tex., and West Burlington, Iowa, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124078 (Sub-No. 419 TA), filed November 28, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Nalco Chemical Co. at or near Jonesboro, Clayton County, Ga., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Nalco Chemical Co., 6216 West Place, Chicago, Ill. 60638 (James E. Carr, Corporate Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124328 (Sub-No. 38 TA) (correction), filed October 28, 1969, published FEDERAL REGISTER, issue of November 4, 1969, and republished as corrected this issue. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: P. E. Wells (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency*, between Toledo, Ohio, and Deerfield, Mich., for 120 days. NOTE: The purpose of this republication is to show that applicant seeks to perform operations as a contract carrier rather than as a common carrier which appeared, in error, in the previous publication. Supporting shipper: The Deerfield State Bank, Deerfield, Mich. 49238. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124952 (Sub-No. 7 TA), filed December 1, 1969. Applicant: RUSSELL F. HASINBILLER, doing business as R & H TRANSPORT, Box 28, Craigville, Ind. 46731. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ice cream mix and flavoring powders*, from Orrville, Ohio, to points in Indiana and the Lower Peninsula of Michigan and *used empty ice cream containers* on return, for 180 days. Supporting shipper: Goshen Milk Division of Orrville Milk Co., Orrville, Ohio. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 125844 (Sub-No. 15 TA), filed December 15, 1969. Applicant: BIO-MED HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, 140 South Fifth Street, Suite 202, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood and derivatives of blood*, which includes plasma, from Memphis, Tenn., and St. Louis, Mo., to points in Kankakee County, Ill., for 180 days. Supporting shipper: American Blood Components, Inc., 118 Jefferson Avenue, Memphis, Tenn. 38103. Send protests to: Wyane L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 133233 (Sub-No. 12 TA), filed December 1, 1969. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Inar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in Kansas, Minnesota, Arkansas, and Nebraska, for 150 days. Supporting shipper: Star Studs Inc., Post Office Box 517, Afton, Wyo. 83110. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133608 (Sub-No. 1 TA), filed December 1, 1969. Applicant: LESTER C. DENZIN, doing business as L. C. DENZIN TRUCKING, Route No. 1, Oakfield, Wis. 53065. Applicant's representative: Lester C. Denzin (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forage box units*, from Waupun, Wis., to Owatonna and Cosmos, Minn.; Omaha, Nebr.; Batavia and Oneida, N.Y.; for the account of Denzin & Rahn Manufacturing Co., for 180 days. Supporting shipper: Denzin & Rahn Manufacturing Co., Route 2, Highway 151 North, Waupun, Wis. 53963 (Erwin E. Denzin, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134126 (Sub-No. 1 TA), filed December 1, 1969. Applicant: RALPH C. ISLAND, doing business as ISLAND FREIGHT, Box 147, Deadwood, S. Dak. 57732. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver lead ore*, from the Silver Queen Mine, Deadwood, S. Dak., to East Helena, Mont., for 180 days. Supporting shipper: Silver Queen Mine Co., Deadwood, S. Dak. 57732, Raymond C. McArthur, Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 134127 (Sub-No. 1 TA), filed November 26, 1969. Applicant: EARL R. FINTON, doing business as EARL R. FINTON TRUCKING COMPANY, 1123 Sunset Drive, Benton, Ark. 72015. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock, gravel, sand, asphalt—road construction materials*, from Murfreesboro, De Queen, Prescott, McNeil, Magnolia, Ark., to points in Louisiana, those in McCurtain County, Okla., and Texarkana, Tex., for 180 days. Supporting shipper: Arkansas Rock & Gravel Co., Murfreesboro, Ark. 71958. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 134173 TA, filed November 26, 1969. Applicant: JOHN BOYD CONCRETE SERVICE, INC., Plymouth Meeting, Pa. 19462. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in or sold by building supply companies and materials and supplies used in the manufacture, packaging, and distribution of such commodities, between Gibbsboro, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, Delaware, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Restriction: The operations sought will be limited to a transportation service to be performed, under a contract or contracts with G. & W. H. Corson, Inc., Plymouth Meeting, Pa., for 180 days. Supporting shipper: Allan Wycoff, General Traffic Manager, G. & W. H. Corson, Inc., Plymouth Meeting, Pa. 19462. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900

U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14671; Filed, Dec. 9, 1969; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 5, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 3807 (Clarification), filed November 5, 1969, published FEDERAL REGISTER issue of November 26, 1969, and republished, as clarified, this issue. Applicant: ALAMO EXPRESS, INC., 51 Essex Street, San Antonio, Tex. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between the Junction of Texas Highway 9 and Texas Highway 72, thence over Texas Highway 72 in a northeasterly direction approximately 3.5 miles to the plantsite of Susquehanna Western, and return over the same route, and coordinating such service with all other authorized service of the applicant. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after notice in the FEDERAL REGISTER. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Capital Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is to show Texas Highway 72 in lieu of Farm-to-Market Highway 72, as previously published.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14672; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 1357]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 5, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 129774 (Republication), filed March 18, 1968, published in the FEDERAL REGISTER issues of April 4, 1968, and April 25, 1968, and republished this issue. Applicant: BRADY TRANSFER & STORAGE CO., INC., New Burton Road and Webbs Lane, Rural Delivery No. 1, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Professional Building, 66 Central Street, Wellesley, Mass. 02181. By a prior report in the above-entitled proceeding, decided October 25, 1968, the Commission Review Board No. 1 denied the application filed March 18, 1968 by applicant seeking a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of containerized household goods shipments, from, and to points substantially as indicated below. Upon consideration of the petition filed by applicant, the above-entitled proceeding was reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, Acting as an Appellate Division. An order of the Commission, Review Board No. 1, decided November 20, 1969, and served November 28, 1969, upon further consideration, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery services in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: Between points in New Castle, Kent, and Sussex Counties, Del., and Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, and Wicomico Counties, Md.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 104104 (Notice of Filing of Petition To Change the Commodity Description of Its Certificate), filed October 23, 1969. Petitioner: GEORGE A. FETZER, INC., Augusta, N.J. Petitioner's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Petitioner holds authority in MC 104104, the part here pertinent, to transport rock wool, from Netcong, N.J., to points in Connecticut, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 111 to Harrisburg, Pa., and thence along U.S. Highway 15 to the Pennsylvania-New York State line, and points in Putnam, Dutchess, Orange, Ulster, and Sullivan Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. *Rock wool*, in bags, rolls, and cartons, from Stanhope, N.J., to Washington, D.C., and points in Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York (except New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Putnam, Dutchess, Orange, Ulster, and Sullivan Counties, N.Y.), Pennsylvania (except points in that part of Pennsylvania on and east of a line extending from the Pennsylvania-Maryland State line along U.S. Highway 111 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line), North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to change the commodity description rock wool in such authority to: "Insulators, isolators and insulating materials used for protection against shock, heat, cold, fire, moisture, weather, noise, vibration or deformation, shipped in shapes, blocks, boards, bags, cartons, rolls or bales." The origin and destination territory would remain unchanged, except that petitioner is willing to accept a plantsite restriction restricting service to the plantsite of United States Mineral Products Co. at Netcong and Stanhope, N.J. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114115 (Sub-No. 12) (Notice of Filing of Petition To Modify Contract Carrier Permit), filed November 14, 1969. Petitioner: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. Petitioner's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Petitioner is authorized in No. MC 114115 (Sub-No. 12), to transport rock salt, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan, subject to the following restrictions: (1) Traffic moving between points in Pennsylvania; (2) traffic moving between points within 40 miles of Monroe, Mich.; (3) traffic moving from Lucas County, Ohio, to points in Michigan and Indiana; and, (4) traffic moving between points in Astabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, and Pennsylvania, under contract, or contracts with Diamond Crystal Salt Co., International Salt Co., and Morton Salt Co., Division of Morton International, Inc. By the instant petition, petitioner seeks to add Cargill, Inc., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 123640, MC 123640 (Sub-No. 1), and MC 123640 (Sub-No. 2), (Notice of Filing of Petition to Modify Permits by Addition of a Shipper), filed November 5, 1969. Petitioner: SUMMIT CITY ENTERPRISES, INC., Fort Wayne, Ind. Petitioner's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Petitioner is authorized in MC 123640, 123640, Sub 1, and MC 123640, Sub 2 to conduct operations as a contract carrier by motor vehicle, transporting such commodities as are dealt in and sold by department stores; (I) from Fort Wayne, Ind., to St. Louis, Mo., points in the Dubuque, Iowa, commercial zone as defined by the Commission, points in Milwaukee County, Wis., St. Louis and St. Charles Counties, Mo., and Jefferson County, Ky., points in Illinois, Indiana, Ohio, West Virginia, and the Lower Peninsula of Michigan, points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of Iowa on and south of U.S. Highway 219, points in that part of Iowa on and south of a line extending along U.S. Highway 20 from the Mississippi River at Dubuque, Iowa, to Waterloo, Iowa, and on and east of a line extending along U.S. Highway 63 from Waterloo to the Iowa-Missouri State line, and points in that part of New York on, south, and west of a line beginning at Lewiston, N.Y., and extending easterly along U.S. Highway 104 to junction New York Highway 78 at Wrights Corners, N.Y., thence south along New York Highway 78 to Junction New York Highway 16, and thence south along New York Highway 16 to the New York-Pennsylvania State line, and returned shipments, on return;

(II) From St. Louis, Mo., points in Dubuque, Iowa, commercial zone as defined by the Commission, points in Milwaukee County, Wis., St. Louis and St. Charles Counties, Mo., and Jefferson County, Ky., points in Illinois, Indiana, Ohio, West Virginia, the Lower Peninsula of Michigan, points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of Iowa on and south of a line extending along U.S. Highway 20 from the Mississippi River at Dubuque, Iowa, to Waterloo, Iowa, on and east of a line extending along U.S. Highway 63 from Waterloo to the Iowa-Missouri State line, and points in that part of New York on, south and west of a line beginning at Lewiston, N.Y., and extending easterly along U.S. Highway 104 to junction New York Highway 78 at Wrights Corners, N.Y., thence southerly along New York Highway 78 to junction New York Highway 16, thence southerly along New York Highway 16 to the New York-Pennsylvania State line, to Fort Wayne, Ind.; and (III) between Fort Wayne, Ind., on the one hand, and, on the other, points in Kentucky, except those in Jefferson County, points in that part of Wisconsin on and south of U.S. Highway 8, except those in Milwaukee County, points in that part of Minnesota on and south of U.S. Highway 2, and Windber, Pa., all under contract with W. T. Grant Co., of New York, N.Y. By the instant petition, petitioner seeks permission to add Hardware Wholesalers, Inc., of Fort Wayne, Ind., as an additional shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 32775 (Sub-No. 13), filed September 25, 1969. Applicant: HERMANN FORWARDING COMPANY, a corporation, Hermann Road, Post Office Box 1, North Brunswick, N.J. 08902. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged merchandise*, between all points bounded by and on a line beginning at the junction of Illinois Highway 83 and the Wisconsin-Illinois State line and extending westward along the State line to junction Illinois Highway 47, thence south on Illinois Highway 47 to junction Illinois Highway 176, thence west on Illinois Highway 176 to junction U.S. Highway 20, thence south on U.S. Highway 20 to Kane County line, thence to the western boundary of Kane County thence south to the Kendall County line, thence south along the Kendall County line to junction Grundy County line, thence south along the western boundary of Grundy County to junction Interstate Highway 80, thence east on Interstate Highway 80 to junction Illinois Highway 47, thence south on Illinois Highway 47 to junction Illinois Highway 113, thence east along Illinois Highway 113 to Kankaku, Ill., thence east on Illinois Highway 17 to junction Illinois Highway 114, thence east on Illinois Highway 114 to the Illinois-Indiana State line, thence northerly along the Illinois-Indiana State line to the southern boundary of Hammond, Ind., thence east along the southern boundaries of Hammond and Gary, Ind., to the eastern boundary of Gary, Ind., thence northerly to Lake Michigan, thence along the western shore of Lake Michigan to the Wisconsin-Illinois State line, thence west to the point of beginning. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. By the instant application applicant seeks to convert the certificate of registration to a regular certificate of public convenience and necessity. This is a matter directly related to MC-F-10623, published in the FEDERAL REGISTER issue of October 8, 1969. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

TRANSFER APPLICATIONS TO BE ASSIGNED FOR HEARING

No. MC-FC-71596. Authority sought by transferee, MARC TRUCK LINES, INC., 9033 Hollyberry Avenue, Des Plaines, Ill. 60016, to acquire a portion of the operating rights of transferor, JOSEPH T. TYAN CARTAGE, INC. (Leonard M. Spira, Trustee), 400 East Randolph Street, Chicago, Ill. 60601. Applicants' representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be acquired are those in certificate of registration No. MC-59188 (Sub-No. 4) which evidences a right to transport general commodities (except Classes A and B explosives, articles of extraordinary value, lading contaminating to other lading, grain, dump truck operations, household goods, cement in bulk, in tank or hopper type vehicles, petroleum, chemicals, and liquids in bulk and in tank), between Decatur, Springfield, Tuscola, and Iliopolis, Ill., on the one hand, and, on the other, Bedford Park, Cicero, and Chicago, Ill.; also, commodities generally, automobile parts, and equipment, within a 50-mile radius of 4400 Greenshaw Street, Chicago, Ill.

The above-entitled application under section 206(a) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with No. MC-FC-71597 to determine, among other things, if transferee is seeking to acquire a certificate of registration without relinquishing control of a multi-State carrier,

and whether the application properly may be approved under the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce, 49 CFR 1132. The effective date of the Motor Carrier Board's order of October 23, 1969, approving the application, has been stayed.

No. MC–FC–71597. Authority sought by transferee, FRANCIS MARGOLIES, doing business as MARC BAGGAGE LINES, 2056 Bogart Avenue, Bronx, N.Y. 10462, to acquire the operating rights of transferor, MARC TRUCK LINES, INC., 9033 Hollyberry Avenue, Des Plaines, Ill. 60016. Applicants' representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights in certificates Nos. MC–127172 and MC 127172 (Sub-No. 2) sought to be acquired: (1) between Chicago, Ill., and points in De Kalb, Cook, Du Page, Grundy, Kane, Kendall, Lake, Kankakee, McHenry, and Will Counties, on the one hand, and, on the other, points in Michigan, Minnesota, and Wisconsin; and (2) between points in Michigan, Minnesota, and Wisconsin, on the one hand, and on the other, points in Indiana, Kentucky, Ohio, Michigan, Missouri, and Tennessee.

The above-entitled application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with No. MC–FC–71596 to determine, among other things, whether transferee is the real party in interest and whether the application properly may be approved under the transfer rules, 49 CFR 1132. The effective date of the Motor Carrier Board's order of October 23, 1969, approving the application, has been stayed.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10668. Authority sought for purchase by RUSSELL TRANSFER, INCORPORATED, 444 Glenmore Drive, Salem, Va. 24153, of the operating rights and property of RUSSELL B. NOEL, doing business as R. B. NOEL TRANSFER, 325 Blue Ridge Avenue, Lynchburg, Va. 24501, and for acquisition by B. B. BUMGARNER, also of Salem, Va., of control of such rights and property through the purchase. Applicants' representatives: Robert E. Douglas, and Robert G. Perry, both of Suite 1701, Charleston National Plaza, Charleston, W. Va. 25301. Operating rights sought to be transferred: *Such commodities*, as are dealt in by wholesale, retail and chain grocery and food business houses, as a *common carrier*, over irregular routes, from Lynchburg, Va., to points in Virginia within 75 miles of Lynchburg, from Roanoke, Va., to Lynchburg, Va. Vendee is authorized to operate as a *common carrier* in Virginia, Pennsylvania, New York, Illinois, Indiana, Maryland, Delaware, New Jersey, West Virginia, South Carolina, North Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10669. Authority sought for control by NELSON RESOURCE CORP., 441 Ninth Avenue, New York, N. Y. 10001, of (A) A. J. F. INDUSTRIES, INC., a noncarrier, 1525 South Broadway, St. Louis, Mo. 63104, and (B) ARNOLD-JUNIOR-FENTON EXP. TRANS. CO., its wholly owned subsidiary, 229 Biddle Street, St. Louis, Mo. 63102, and for acquisition by WILLIAM A. NELSON, JR., also of New York, N.Y., and BENJAMIN ALPERT, 810 Broad Street, Newark, N.J. 07102, of control of A. J. F. INDUSTRIES, INC., and ARNOLD-JUNIOR-FENTON EXP. & TRANS. CO., through the acquisition by NELSON RESOURCE CORP. Applicants' attorneys: A. David Millner, 744 Broad Street, Newark, N.J. 07102, and Marvin Moldafsky, 7701 Forsythe Boulevard, Clayton, Mo. 63124. Operating rights sought to be controlled: (B) *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk as a *common carrier*, over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission in 1 M.C.C. 656, and between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined in *St. Louis, Mo.-East St. Louis, Ill., Commercial Zone*, 1 M.C.C. 656, on the one hand, and, on the other, points in St. Louis County, Mo., not within the commercial zone. NELSON RESOURCE CORP., holds no authority from this Commission. However, it controls (1) CARGO DISTRIBUTION CORPORATION, 441 Ninth Avenue, New York, N.Y. 10001, which is authorized to operate as a *common carrier* in New York, New Jersey, and Connecticut; (2) A & B GARMENT DELIVERY, 2645 Nevin Avenue, Los Angeles, Calif. 90011, which is authorized to operate under a certificate of registration, within the State of California; (3) A & B GARMENT DELIVERY OF SAN FRANCISCO, 1309 Custer Avenue, San Francisco, Calif. 94124, which is authorized to operate under a certificate of registration within the State of California; and (4) GARMENT CARRIERS, INC., 2645 Nevin Avenue, Los Angeles, Calif. 90011, which is authorized to operate under a certificate of registration, within the State of California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10670. Authority sought for control by AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040, of BONDED ARMORED CARRIER, INC., 8510 Old Harford Road, Baltimore, Md. 21304, and for acquisition by PUROLATOR, INC., 970 New Brunswick Avenue, Rahway, N.J. 07065, of control of BONDED ARMORED CARRIER, INC., through the acquisition by AMERICAN COURIER CORPORATION. Applicants' attorneys: John M. Delany, 2 Nevada Drive, Lake Success, N.Y. 11040, and Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Operating rights sought to be controlled: *Cash, coin, currency, and negotiable and nonnegotiable securities* (excluding cash letters and accompanying checks), in armored vehicles, as a *common carrier*, over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points in Mineral, Hampshire, Berkeley, Morgan, and Jefferson Counties, W. Va., and Accomack and Northampton Counties, Va., between Baltimore, Md., on the one hand, and, on the other, points in Barbour, Braxton, Calhoun, Doddridge, Gilmer, Grant, Hardy, Harrison, Jackson, Lewis, Marion, Monongalia, Nicholas, Pendleton, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Upshur, Webster, Wirt, and Wood Counties, W. Va., with restriction. AMERICAN COURIER CORPORATION is authorized to operate as a *common carrier* in Maine, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Illinois, Iowa, Nebraska, Kentucky, Ohio, West Virginia, Pennsylvania, Rhode Island, Michigan, Indiana, Maryland, Virginia, Delaware, Wisconsin, South Dakota, Missouri, North Dakota, Kansas, Louisiana, Florida, Alabama, Mississippi, Vermont, Georgia, North Carolina, Arkansas, Texas, Oklahoma, Tennessee, South Carolina, and the District of Columbia; and as a *contract carrier* in New York, New Jersey, North Carolina, Tennessee, Georgia, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Virginia, Maryland, Rhode Island, Illinois, Iowa, Missouri, Indiana, Kentucky, Minnesota, Wisconsin, Maine, Mississippi, Nebraska, New Hampshire, Vermont, Michigan, North Dakota, South Dakota, Alabama, South Carolina, Arkansas, Texas, Florida, Louisiana, Oklahoma, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10671. Authority sought for purchase by BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, N.Y. 10011, of the operating rights of SUTER, INC., 1110 Tower Vue Drive, Pittsburgh, Pa. 15227, and for acquisition by BRANCH INDUSTRIES, INC., also of New York, N.Y., of control of such rights through the purchase. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes between Chagrin Falls, Ohio, and Cleveland, Ohio, serving all intermediate points; and under a certificate of registration, in Docket No. MC–61117 Sub-No. 3, covering the transportation of property, as a *common carrier*, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in New York, Maryland, New Jersey, Pennsylvania, Delaware, West Virginia, Ohio, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–10375 Sub-No. 31, is a matter directly related.

No. MC–F–10672. Authority sought for purchase by REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050, of a portion of the operating rights of BILYEU REFRIGERATED TRANSPORT CORPORATION, Box 688, Marshall, Mo. 65340, and for acquisition by LAMAR BEAUCHAMP and RICHARD BEAUCHAMP, both also of Forest Park, Ga., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniel, 1600 First Federal Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Paper, paper products, and woodpulp*, as a *common carrier*, over irregular routes, from points in McMinn County, Tenn., to points in Iowa, Kansas, Missouri, and Nebraska. Vendee is authorized to operate as a *common carrier* in North Carolina, Mississippi, South Carolina, Georgia, Florida, Tennessee, Alabama, Louisiana, Nebraska, Arkansas, Illinois, Indiana, Iowa, Minnesota Missouri, Oklahoma, Texas, Wisconsin, Kentucky, Michigan, Ohio, Kansas, Virginia, Nevada, Utah, Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Wyoming, South Dakota, North Dakota, Colorado, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10673. Authority sought for purchase by YOURGA TRUCKING, INC., 104 Church Street, Wheatland, Pa. 16161, of the operating rights and property of JAMES CROSS, doing business as FRANK CROSS, 146 Sterling Avenue, Sharon, Pa. 16146, and for acquisition by JOHN H. YOURGA, also of Wheatland, Pa., of control of such rights and property through the purchase. Applicants' attorney and representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005, and Martin J. Cusick, First Federal Building, Sharon, Pa. 16146. Operating rights sought to be transferred: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of such products, as a *common carrier*, over irregular routes, between Sharon, Pa., and points in Pennsylvania within 5 miles of Sharon, on the one hand, and, on the other, points in Ohio, that part of New York west of U.S. Highway 15, and those in that part of West Virginia north of U.S. Highway 40, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in Pennsylvania and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10674. Authority sought for control by ORIOLE CHEMICAL CARRIERS, INC., 9722 Pulaski Highway, Baltimore, Md. 21220, of FURNITURE MANUFACTURERS EXPRESS, INC., doing business as FMX, INC., 9722 Pulaski Highway, Baltimore, Md. 21220, and for acquisition by MILTON ROVINE, also of Baltimore, Md., of control of FURNITURE MANUFACTURERS EXPRESS, INC., doing business as FMX, INC., through the acquisition by ORIOLE CHEMICAL CARRIERS, INC. Applicants' attorney: Maxwell A. Howell, 1120 Investment Building, Washington, D.C. 20005. Operating rights sought to be controlled: (This authority was granted pursuant to the Decision and Order, by Review Board No. 2, dated August 29, 1969, and the issuance of a certificate is contingent upon approval of this section 5 (2) Application). New furniture, as a common carrier, over irregular routes, from Baltimore, Md., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia. ORIOLE CHEMICAL CARRIERS, INC., is authorized to operate as a *contract carrier* in Maryland, Pennsylvania, New Jersey, New York, Delaware, Virginia, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14667; Filed, Dec. 9, 1969; 8:49 a.m.]

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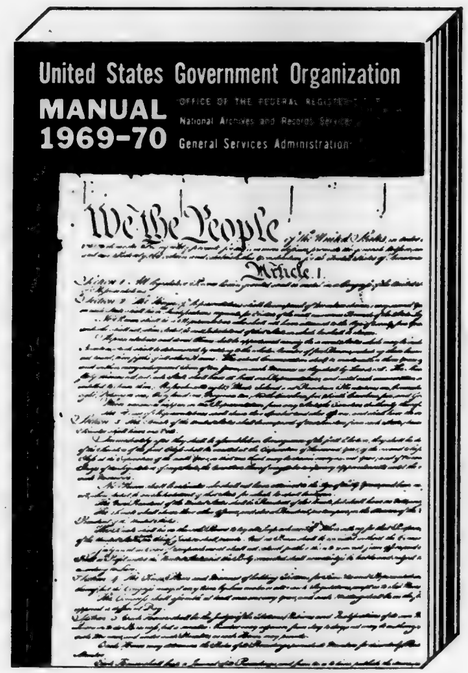
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Proclamation 3946

BILL OF RIGHTS DAY
HUMAN RIGHTS DAY

By the President of the United States of America

A Proclamation

One hundred seventy-eight years ago, the Bill of Rights was ratified and incorporated as part of the United States Constitution. The founders of our Republic had fought for individual liberty and for representative and responsible government. In the first ten amendments to the Constitution they sought to ensure that the power of the government would not abridge the rights of citizens.

More than twenty years ago, the United Nations General Assembly adopted the Universal Declaration of Human Rights. The founders of the United Nations had endured a world war brought on by those who denied the rights of men to equality and justice and who abrogated the rights of nations to exist in peace.

The two documents—the Bill of Rights and the Universal Declaration of Human Rights—are close in spirit although widely separated in time. The Bill of Rights is the law of the land. The Universal Declaration is a statement of principles, of common standards of achievement for all peoples and all nations. We in the United States are engaged in unremitting efforts to give real meaning to these standards for every American, to assure to every person the full enjoyment of his basic rights.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim December 10, 1969, as Human Rights Day and December 15, 1969, as Bill of Rights Day, and call upon the people of the United States of America to observe the week of December 10–17, 1969, as Human Rights Week, to the end that we may rededicate ourselves as a united people to the task of assuring to every person—regardless of his race, sex, creed, color, or place of national origin—the full enjoyment of his basic human rights. Let us act so as to provide an example that will point the way in the struggle to promote respect for human rights throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-fourth.

Richard Nixon

[F.R. Doc. 69-14798; Filed, Dec. 10, 1969; 12:18 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show that one position of Staff Assistant to the Deputy Assistant Secretary for Manpower and Reserve Affairs (Personnel Management and Training) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (a) of § 213.3307 as set out below.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* * * *

(6) One Staff Assistant to the Deputy Assistant Secretary for Manpower and Reserve Affairs (Personnel Management and Training).

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14715; Filed, Dec. 10, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the positions of one Special Assistant and two Confidential Assistants to the Under Secretary, having been abolished, are no longer in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is amended and subparagraph (5) is revoked under paragraph (a) of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(2) One Private Secretary to the Under Secretary.

* * * * * *

(5) [Revoked]

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14716; Filed, Dec. 10, 1969; 8:47 a.m.]

PART 870—REGULAR LIFE INSURANCE

PART 871—OPTIONAL LIFE INSURANCE

Miscellaneous Amendments

Parts 870 and 871 are amended to provide an open season for both regular and optional insurance in March 1970; to show the current name of the Bureau of Retirement, Insurance, and Occupational Health; to provide a seven-rate schedule of optional insurance rates effective with the first pay period which begins after April 1, 1970; and to postpone optional insurance age-group premium changes scheduled for January 1970 to April 1970.

1. Effective on the date of publication, § 870.204 is amended by adding the following paragraph:

§ 870.204 Cancellation of waiver of insurance coverage.

* * * * * *

(d) An employee who has filed a waiver of regular insurance coverage may cancel the waiver and become insured by filing Standard Form 176, completed to show that he wants the regular insurance, with his employing office during the period March 1 to March 31, 1970. The effective date of the regular insurance in such case is the first day the employee actually enters on duty in a pay status on or after April 1, 1970.

2. Effective on the date of publication, paragraphs (a) and (b) of § 870.205 are amended as follows:

§ 870.205 Appeals.

(a) A person may appeal an action of his employing office denying regular insurance coverage to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

(b) An appeal may be taken to the Commission's Board of Appeals and Review from the final action or order of the Bureau of Retirement, Insurance, and Occupational Health denying regular insurance coverage.

* * * * * *

(5 U.S.C. 8716)

3. Effective on the date of publication, § 871.205 is amended by adding the following paragraph:

§ 871.205 Cancellation of declination.

* * * * * *

(c) An employee who has declined the optional insurance may elect it by filing Standard Form 176, completed to show that he wants both optional and regular insurance, with his employing office during the period March 1 to March 31, 1970. The effective date of the optional insurance in such case is the first day the employee actually enters on duty in a pay status on or after April 1, 1970.

4. Effective on the date of publication paragraphs (a) and (b) of § 871.206 are amended as follows:

§ 871.206 Appeals.

(a) A person may appeal an action of his employing office denying optional insurance coverage to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

(b) An appeal may be taken to the Commission's Board of Appeals and Review from the final action or order of the Bureau of Retirement, Insurance, and Occupational Health denying optional insurance coverage.

* * * * * *

5. Effective with the first pay period which begins on or after April 1, 1970, paragraph (c) § 871.401 is revised; and effective on the date of publication, paragraph (d) of § 871.401 is revised as follows:

§ 871.401 Withholdings.

* * * * * *

(c) The biweekly full cost of the $10,000 of optional insurance (and, for a person in receipt of annuity or compensation for work injury, of optional life insurance), until determined by the Commission on the basis of experience to be otherwise, is:

For persons under age 35	$1.30
For persons ages 35 through 39	1.70
For persons ages 40 through 44	2.40
For persons ages 45 through 49	3.60
For persons ages 50 through 54	5.50
For persons ages 55 through 59	17.00
For persons ages 60 or over	19.00

The amount withheld from the pay of a person paid on other than a biweekly period or insured for more than $10,000 shall be determined at a proportionate rate, adjusted to the nearest cent.

NOTE: This paragraph is effective with the first pay period which begins on or after April 1, 1970.

* * * * * *

(d) For the purposes of this section, a person is deemed to attain 35, 40, 45, 50, 55, or 60 years of age on the first day of his first pay period beginning on or after January 1 (April 1 in 1970) of the year following the one in which his corresponding birthday occurs. Any withholding change scheduled for January 1, 1970, under this section as in effect before April 1970, shall not become effective.

(5 U.S.C. 8716. Interprets and applies 5 U.S.C. 8714a)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14717; Filed, Dec. 10, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) (4) relating to North Carolina is amended by adding thereto the names of Johnson and Wayne Counties.

2. In § 76.2, paragraph (e) (6) relating to Texas is amended by adding thereto the name of Falls County.

3. In § 76.2, paragraph (e) (7) relating to Virginia is amended by adding thereto the name of Charlotte County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 2 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines certain additional Counties in the States of North Carolina, Texas, and Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of December 1969.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69–14724; Filed, Dec. 10, 1969; 8:47 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Movement of Swine and Swine Products

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962, cited below, the regulations relating to hog cholera and other communicable swine diseases (9 CFR Part 76) are hereby amended in the following respects:

1. In § 76.1, a new paragraph (aa) is added to read as follows:

§ 76.1 Definitions.

* * * * *

(aa) *Slaughter market.* A public stockyard or approved stockyard or approved livestock market in a nonquarantined area at which swine for sale and shipment for slaughter are handled only at times when no swine are handled for sale and shipment for feeding or breeding purposes, and which is cleaned and disinfected, in accordance with §§ 76.32 and 76.33, before any swine for feeding or breeding purposes are handled thereat.

§ 76.11 [Amended]

2. In § 76.11, paragraph (a) is amended by adding the following immediately after "(21 U.S.C. 601 et seq.)" and before the word "if:" "or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter or to a clean stockyard or a slaughter market for sale and shipment directly to such a slaughtering establishment,[2]".

3. In § 76.11, the introductory portion of paragraph (a) (3) is amended to read "The swine so moved are identified by an individual eartag, or a red mark four inches long by one-half inch wide above the shoulder on the back of each animal, or are moved interstate in vehicles which are sealed with seals of the Department, and the swine are accompanied by a certificate issued by the inspecting veterinarian showing:".

4. In § 76.11, paragraph (a) (3) (v) is amended to read as follows:

(v) The individual eartag identification number or the existence of the prescribed red color mark on each animal covered by the certificate, or in lieu of such tag or mark, the serial numbers of the seals on the vehicles used in moving the swine; and

5. In § 76.11, paragraph (a) (3) (vi) is amended to read as follows:

(vi) A statement to the effect that the swine covered by the certificate must be moved directly to a federally inspected or a State inspected slaughtering establishment, or to a clean stockyard or slaughter market, eligible to receive such swine, for immediate slaughter or sale and shipment for immediate slaughter, and without contact with feeding or breeding swine; shall not be unloaded en route; and shall not be diverted for any other purpose; and

6. In § 76.11, paragraph (a) (4) is amended to read as follows:

(4) All trucks and other vehicles used in transporting the swine from the quarantined area are placarded by affixing conspicuously thereto a durable placard not less than 5 x 8 inches in size on which are printed in block boldfaced letters not less than 1½ inches in height, the words "Swine for Slaughter Only", and such vehicles are cleaned and disinfected in accordance with §§ 76.30, 76.31, and 76.33 under State or Federal supervision immediately following unloading.

7. In § 76.11, footnote 2 referenced in paragraphs (c) and (d) is replaced by new footnote 2 *supra*, and in paragraph (d), the proviso is amended to read as follows: "*Provided*, That such stockyards and livestock markets which qualify under § 76.1(w), may operate as clean stockyards[2] for the purpose of handling interstate shipments of slaughter swine from a quarantined area in accordance with paragraph (a) of this section or from a nonquarantined area in accordance with other provisions of this part."

8. In § 76.11, paragraph (e), the proviso is amended to read as follows: "*Provided*, That such stockyards may operate as clean stockyards[2] for the purpose of handling interstate shipments of slaughter swine from a quarantined area in accordance with paragraph (a) of this section or from a nonquarantined area in accordance with other provisions of this part."

The amendments will: (1) Add a definition for a slaughter market; (2) permit movement of healthy swine from a quarantined area directly or through slaughter markets or "clean stockyards" as defined in § 76.1(w) to certain slaughtering establishments operating under State inspection in addition to those operating under the Federal Meat Inspection Act; and (3) provide alternative means of identification for swine moving from quarantined areas to slaughter.

The amendments relieve restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and public procedure on the amendments are impracticable and unnecessary and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134–134h; 29 F.R. 16210, as amended, 33 F.R. 15485)

Effective date. The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 8th day of December 1969.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69–14725; Filed, Dec. 10, 1969; 8:47 a.m.]

[2] Information regarding Federal or State inspected slaughtering establishments, clean stockyards, and slaughter markets eligible to receive swine for slaughter under this part and information concerning currently approved facilities for purposes of § 76.11(c), may be obtained from the Veterinarian in Charge, Agricultural Research Service, in the State in which such establishments, stockyards, markets, and facilities are located or in the State from which the shipment is to be made, or from the Federal or State veterinarian or accredited veterinarian inspecting the swine to be moved under this part.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10,007; Amdt. 39–893]

PART 39—AIRWORTHINESS DIRECTIVES

Short Brothers and Harland Ltd., Model SC–7, Series 2 and 3 Airplanes

A case has been reported of cracked flap shroud-to-wing attachment lugs on Short Brothers and Harland Ltd., Model SC–7, Series 2 and 3 airplanes. This allowed the shroud to swing freely on its hinge. Such a condition could cause the shroud to interfere with flap operations. In view of the possible serious consequences of such a failure, and since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require the original flap shroud-to-wing attachment lugs to be replaced with lugs made of a heavier gauge material.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SHORT BROTHERS AND HARLAND LTD. Applies to Model SC–7, Series 2 and 3 Airplanes.

Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, replace the flap shroud to wing attachment lugs located along the bottom side of the wing with redesigned lugs in accordance with Short Brothers and Harland Service Bulletin No. 57–2, Series 2, dated July 1, 1969, or Service Bulletin No. 57–51, Series 3, dated July 1, 1969, or an FAA-approved equivalent.

This amendment becomes effective December 16, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 5, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–14691; Filed, Dec. 10, 1969; 8:45 a.m.]

[Docket No. 69–EA–151; Amdt. 39–889]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Sikorsky S–61 type helicopters.

The airworthiness directive is necessitated by information received from USAF users of this type helicopter. They reported discovering the Sikorsky Shaft Nut P/N S6110–21082–0 as having cracks and being beyond the specified hardness range of Rc 39 to 43. Cracking and higher hardness of the subject shaft nut constitutes a hazardous condition which can possibly result in the loss of the helicopter.

Since this situation can exist or occur in helicopters of the same type design, an airworthiness directive is being issued which will require an inspection of the rotary wing head shaft nut.

Since a situation exists which requires expeditious adoption of this airworthiness directive, notice and public procedure hereon are impractical and the airworthiness directive may be made effective in less than 30 days.

In consideration of the foregoing and purusant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

SIKORSKY. Applies to S61 type helicopters certificated in all categories. Compliance required within the next 25 hours' time in service; after the effective date of this AD, unless already accomplished.

As a result of finding a Rotary Wing Head Shaft Nut cracked and not within the approved hardness range, accomplish the following:

(a) Inspect Rotary Wing Head Shaft Nut, P/N S6110–21082–0, in accordance with section B of Sikorsky Service Bulletin No. 61B10–14, dated November 3, 1969, or later changes thereto, or equivalent inspection, both approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Any nut found cracked or not within the hardness range specified in Service Bulletin No. 61B10–14 must be replaced before further flight with a part that has been inspected in accordance with section B of Service Bulletin 61B10–14.

This amendment is effective December 10, 1969.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 28, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69–14692; Filed, Dec. 10, 1969; 8:45 a.m.]

[Airspace Docket No. 69–SW–66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Georgetown, Tex., transition area.

On October 30, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17527) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Georgetown, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

GEORGETOWN, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Georgetown Municipal Airport (lat. 30°40'-47'' N., long. 97°40'52'' W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on December 3, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69–14693; Filed, Dec. 10, 1969; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

PART 2—RULES OF PRACTICE

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

PART 36—EXPORT AND IMPORT OF BYPRODUCT MATERIAL

PART 40—LICENSING OF SOURCE MATERIAL

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 55—OPERATORS' LICENSES

PART 70—SPECIAL NUCLEAR MATERIAL

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Miscellaneous Amendments

Notice is hereby given of the amendment of 10 CFR Parts 1, 2, 20, 30, 36, 40, 50, 55, 70, 71, 115, 140, 150, and 170 of the Atomic Energy Commission's regulations.

The amendments of Parts 1, 20, 30, 36, 40, 50, 55, 70, 71, 115, 140, 150, and 170 change the address of the Atomic Energy Commission's Office in Bethesda, Md.

The amendments of Parts 30, 50, 70, 115, and 140 modify the sections of those parts relating to specific exemptions to clarify that specific exemptions may be issued upon the Commission's own initiative as well as upon the application of any interested person, and with respect to Part 30 clarify that specific exemptions may be made to any requirements of the regulations in that part.

The amendments of Parts 20 and 40 delete references to regulations of the Interstate Commerce Commission, Federal Aviation Agency, or Coast Guard, and substitute therefor references to regulations of the Department of Transportation.

The amendments of Part 30 also correct the section heading of § 30.15. The amendment of Part 2 redesignates § 2.897 as § 2.787.

Because these amendments relate solely to correction and minor procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 1, 2, 20, 30, 36, 40, 50, 55, 70, 71, 115, 140, 150, and 170, are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

§§ 1.6, 20.7, 30.6, 30.32, 36.2, 36.11, 40.5, 40.31, 50.4, 50.30, 55.5, 55.10, 70.5, 70.21, 71.8, 115.6, 115.20, 140.5, 150.4, 170.5 [Amended]

1. Parts 1, 20, 30, 36, 40, 50, 55, 70, 71, 115, 140, 150, and 170 are amended by substituting the words "7920 Norfolk Avenue, Bethesda, Md." for the words "4915 St. Elmo Avenue, Bethesda, Md." where they appear in §§ 1.6(a), 20.7, 30.6, 30.32(a), 36.2(c), 36.11, 40.5, 40.31(a), 50.4, 50.30(a), 55.5, 55.10, 70.5(c), 70.21(a), 71.8, 115.6, 115.20(a), 140.5, 150.4, and 170.5.

§ 2.787 [Redesignated]

2. Part 2 is amended by redesignating "§ 2.897" as "§ 2.787".

§§ 20.203, 20.204 [Amended]

3. Sections 20.203(f)(3)(v) and 20.204(d) of 10 CFR Part 20 are amended by deleting the words "Interstate Commerce Commission, Federal Aviation Agency, or Coast Guard" and substituting therefor the words "Department of Transportation".

4. Section 30.11 of 10 CFR Part 30 is revised to read as follows:

§ 30.11 Specific exemptions.[1]

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part and Parts 31–36 of this chapter as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.[1]

5. The section heading of § 30.15 is amended to read as follows:

§ 30.15 Certain items containing byproduct material.

* * * * *

§ 40.13 [Amended]

6. Section 40.13(c)(6) of 10 CFR Part 40 is amended by deleting the words "which meets the specifications for containers for radioactive materials prescribed by § 78.250, Specification 55, Part 78 of the regulations of the Interstate Commerce Commission (49 CFR 78.250)" and substituting therefor the words "which meets the specifications for containers for radioactive materials prescribed by § 178.250, Specification 55, Part 178 of the regulations of the Department of Transportation (49 CFR 178.250)".

7. Section 50.12 of 10 CFR Part 50 is revised to read as follows:

§ 50.12 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

8. Section 70.14 of 10 CFR Part 70 is revised to read as follows:

§ 70.14 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

9. Section 115.5 of 10 CFR Part 115 is revised to read as follows:

§ 115.5 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

10. Section 140.8 of 10 CFR Part 140 is revised to read as follows:

§ 140.8 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and are otherwise in the public interest.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 24th day of November 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-14700; Filed, Dec. 10, 1969; 8:46 a.m.]

[1] Issuance of an exemption by the Atomic Energy Commission for export of byproduct material contained in materials or products does not relieve any person from complying with the licensing requirements and regulations of the Department of Commerce applicable to the export of the materials or the products containing such byproduct materials.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

Cyclamic Acid and Its Salts

The FEDERAL REGISTER of October 21, 1969 (34 F.R. 17063), referred to drugs containing cyclamates for nontherapeutic use which should be withdrawn by July 1, 1970. The Commissioner has concluded that for the purposes of this order alone dietary supplements such as vitamin and mineral combinations should be considered in the category of drugs.

Further, to implement the announcement of November 14, 1969, by the Secretary of Health, Education, and Welfare, which provided for certain coordination of withdrawal dates with those established by the Canadian Government, the last paragraph of the order of October 21, 1969, is amended to read:

The Commissioner finds that existing stocks of artificially sweetened beverages and packaged mixes for the preparation of such beverages for general use should be withdrawn from the market between the date of this order and January 1, 1970. The Commissioner further finds that existing stocks of other artificially sweetened foods for general use containing substantially lower levels of cyclamates may be phased out of use by February 1, 1970, except that the date for dietetic jams, jellies, desserts, and ice cream shall be April 1, 1970, and the date for canned fruits and vegetables shall be September 1, 1970. For the purposes of this order, the terms canned fruits and vegetables shall be construed to include fruit and vegetable juices, concentrates for lemonade and noncarbonated fruit drinks normally consumed with meals. The terms do not include fruit flavored drinks whether or not carbonated.

(Federal Food, Drug, and Cosmetic Act, sec. 201(s), 72 Stat. 1784, 21 U.S.C. 321(s); sec. 409, 72 Stat. 1785, 21 U.S.C. 348 and sec. 701(a), 52 Stat. 1055, 21 U.S.C. 371(a), and under authority delegated to the Commissioner (21 CFR 2.120))

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: December 5, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14736; Filed, Dec. 10, 1969; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 39, 3d Rev., Amdt. 6]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Forms of Vessel Utilization and Performance Reports Prescribed

This amendment modifies the requirement for filing Vessel Utilization and Performance Reports by discontinuing the Form MA–578 and substituting therefor separate inbound and outbound reports identified as Form MA–721, Vessel Utilization and Performance Report—Inbound and Form MA–722, Vessel Utilization and Performance Report—Outbound.

Accordingly, § 222.2 of this part is amended to read as follows:

§ 222.2 Forms of vessel utilization and performance reports prescribed.

(a) Pursuant to authority of section 212(A) of the Merchant Marine Act, 1936, as amended by Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a, the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U.S.C. 1101, et seq.) to require an operator of a vessel in waterborne foreign commerce of the United States to file accurate reports on Forms MA–721 and MA–722 with respect to passenger and dry cargo vessels, on Form MA–578A with respect to vessels carrying certain containerized cargo; such forms and instructions for the preparation thereof are hereby prescribed and approved.[1]

(1) An accurate report on Form MA–721, Vessel Utilization and Performance Report—Inbound or Form MA–722, Vessel Utilization and Performance Report—Outbound, as the case may be, shall be filed in duplicate with the appropriate District Director of Customs for transmittal to the Maritime Administration by the operator of every self-propelled dry cargo and passenger vessel of 1,000 or more net registered tons before midnight of the 30th calendar day after entry into the first U.S. port and before midnight of the 30th calendar day after clearing the last U.S. port.

(2) In addition, and subject to the same qualifying and filing requirements set forth above, an accurate report on Form MA–578A, Supplemental Unitized Cargo Container Report, shall be filed by such operator when, on any one voyage, a vessel carried 10 or more (i) 8 x 8 x 10 feet or larger containers, or (ii) half-height containers 8 feet in width and 10 or more feet in length, or (iii) flatbeds 8 feet in width and 20 or more feet in length.

(3) Forms MA–721, MA–722 and MA–578A are required to be filed also for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

(b) By agreement with the Bureau of Customs, District Directors of Customs will be responsible for policing receipt of dry cargo and passenger vessel inbound and outbound reports on Form MA–721 and Form MA–722.

NOTE: The reporting requirements contained in this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The foregoing amendment shall be effective January 1, 1970; however, in any case where the revised Forms MA–721 or MA–722 are not available from the District Directors of Customs, the old Form MA–578 may be used.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Maritime Administrator.

Dated: December 5, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-14754; Filed, Dec. 10, 1969; 8:48 a.m.]

[1] Copy each of the Forms MA–721, MA–722 and MA–578A (3–21–67), together with instructions for their use, respectively, are on file in the Office of the Federal Register. These forms and instructions may be obtained from the Marine Section, District Director of Customs at U.S. ports.

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

[Docket No. 1–21]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 114; Protection Passenger Cars

Driver-warning requirement—denial of petition for amendment; extension of effective date.

General Motors Corp. has filed a petition for amendment of paragraph S4.4 of Motor Vehicle Safety Standard No. 114. That paragraph requires each passenger car manufactured after December 31, 1969, to have a warning to a driver who neglects to remove his key from the ignition lock before he leaves the car. As amended (34 F.R. 9342), the standard provides that the warning need not operate "after the key has been manually withdrawn to a position from which it may not be turned."

The basis of the petition is that, in the current-model General Motors system, manufacturing tolerances may be such as to permit a driver to manipulate the ignition key into a position at which the warning buzzer will be deactivated while the ignition lock remains operative. General Motors seeks an amendment to permit the warning to be inoperative "after the key has been manually withdrawn from the normal operating position."

Upon consideration of the petition and other evidence, the Administrator has concluded that it would not be in the public interest to grant the relief General Motors has requested. The purpose of paragraph S4.4 is to make it virtually impossible for a driver inadvertently to leave his key in the ignition lock when he exits and thereby to reduce car thefts along with the high potential for accidental injury and death that stolen cars have. If it were possible for a driver to manipulate the key so as to render the warning inoperative while, at the same time, to continue to operate the vehicle with the key in the lock, the salutary purpose of the warning requirement would be defeated. Therefore, the petition for amendment is denied.

However, the Administrator recognizes that the tolerance problem General Motors has raised is a genuine one. It may be related to the fact that General Motors attempted, in good faith, to manufacture cars that complied with Standard No. 114 well before the standard's effective date. This is a laudable action for which General Motors should not be penalized. Furthermore, the Administrator realizes that the General Motors system is installed not only on its own production but also in passenger cars produced by other high-volume manufacturer.

Therefore, the Administrator has concluded that the effective date of paragraph S4.4 of Standard No. 114 should be extended to allow additional time to overcome the tolerance problem. According to the best information available at this time, it appears that a 90-day extension of the January 1, 1970 effective date will provide sufficient time for redesigning and retooling the General Motors system so that it fully conforms to the standard's requirements and to put the new system into production. This conclusion is based on the expectation that the problems involved will be attacked on an urgent, high priority basis, as they should be in view of the safety need that paragraph S.4 meets. The Administrator may consider a further extension at a later date if additional evidence to justify such an extension is adduced at that time.

Because of the shortness of time before the effective date of Standard No. 114 and because extension of that effective date for compliance with paragraph S4.4 of the standard will impose no additional burden on any person, notice and public procedure hereon are found to be unnecessary and impracticable.

In consideration of the foregoing, the effective date of paragraph S4.4 of Motor Vehicle Safety Standard No. 114, in § 371.21 of Part 371 is extended to April 1, 1970.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.4(c))

Issued on December 3, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-14705; Filed, Dec. 10, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public use is permitted on the Crab Orchard National Wildlife Refuge subject to the following special conditions:

(1) Swimming is permitted only at beach areas as designated by signs.

(2) All types of flotation devices, other than U.S. Coast Guard approved lifesaving devices, are prohibited on refuge waters.

(3) Foodstuffs, drink containers (cans, bottles, cartons), pets or fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

(4) The Carterville Beach, Hogan, Lookout Point, Crab Orchard Beach, Crab Orchard Spillway, and Spillway Parking Lot areas are closed from 9 p.m., local time, until 5 a.m., local time, daily.

(5) Horseback riding is prohibited except on designated horseback riding trails.

(6) Boats containing toilets that flush directly into the water must have the toilet sealed when the craft is on refuge waters.

(7) Sailboats when underway between sunset and sunrise must display a bright white light visible all around the horizon for a distance of 2 miles.

(8) Alcoholic liquor may not be transported, carried or possessed on any boat propelled by mechanical power, except in the original packages and with the seal unbroken, while the craft is in operation on refuge waters.

(9) The drinking or possession of alcoholic liquor by persons under 21 years of age is prohibited on the refuge area.

(10) No person shall transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle except in the original package and with the seal unbroken, while on the refuge area.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

DECEMBER 3, 1969.

[F.R. Doc. 69-14704; Filed, Dec. 10, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Sport fishing on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 11,430 acres or 100 percent of the total water area of the refuge, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1969 through March 22, 1970, daylight hours only. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 22, 1970.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

DECEMBER 4, 1969.

[F.R. Doc. 69-14709; Filed, Dec. 10, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 187]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.487 Navel Orange Regulation 187.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 9, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 12, 1969, through December 18, 1969, are hereby fixed as follows:

(i) District 1: 1,044,000 cartons.

(ii) District 2: 88,263 cartons.

(iii) District 3: 150,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14797; Filed, Dec. 11, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas for 1970–71 Marketing Year

Pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing with respect to Burley (type 31) tobacco, to determine and announce the national marketing quota for the 1970–71 marketing year; to convert such 1970–71 marketing quota into a national acreage allotment and announce such allotment; to apportion such national acreage allotment, less a reserve of not to exceed 1 per centum thereof, through the local committees among old farms; to apportion the aforementioned reserve for use in (1) establishing acreage allotments for new farms and (2) making corrections and adjusting inequities in old farm allotments.

In conformity with the provisions of section 312(a) of the Act, the Secretary proclaimed marketing quotas on burley tobacco for the 1968–69, 1969–70 and 1970–71 marketing years (33 F.R. 2433). Burley tobacco growers approved marketing quotas for the 1968–69, 1969–70, and 1970–71 marketing years (33 F.R. 5038).

Section 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and
Cigar-filler tobacco, comprising type 41.

Section 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that Cigar-binder (types 51 and 52) tobacco, beginning with the 1957–58 marketing year, shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Type 45 tobacco is no longer grown.

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1970 with respect to Burley tobacco, the amount of the national marketing quota which will be in effect for the 1970–71 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of such kind of tobacco equal to the reserve supply level. Section 312(b) provides further that the amount of the 1970–71 national marketing quota (determined pursuant to such section) may, not later than March 1, 1970, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carryover at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment on the basis of the national average yield for the 5 years immediately preceding the year in which the national marketing quota is proclaimed, and to apportion the national acreage allotment (less a reserve of not to exceed 1 per centum thereof for new farms and for making corrections and adjusting inequities in old farm allotments) among old farms.

The Act (7 U.S.C. 1313(g)) also provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent crop shall not be taken into account in establishing • • • farm acreage allotments.

The Secretary, may, under section 317(c) of the Act, in his discretion, offer acreage-poundage quotas on Burley tobacco for the 1970–71 marketing year if he determines that acreage-poundage quotas would result in a more effective marketing quota program than the program on an acreage basis. Should the making of such a determination be considered probable for Burley tobacco, public hearings will be conducted in the areas where the tobacco is produced for the purpose of ascertaining and taking into consideration the attitudes of producers and other interested persons with respect to acreage-poundage quotas.

The subjects and issues involved in making the determinations described in this notice are:

1. The amount of the national marketing quota for Burley tobacco for the 1970–71 marketing year.
2. The conversion of the national marketing quota into a national acreage allotment and apportionment of same, less reserve of not to exceed 1 percent thereof, among old farms.
3. The amount of the national acreage allotment to be reserved for new farms, and for making corrections and adjusting inequities in old farm allotments.
4. Whether the Secretary should offer acreage-poundage quotas on Burley tobacco.

Consideration will be given to data, views and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection at such time and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 26, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14712; Filed Dec. 10, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-141]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vicksburg, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Vicksburg 700-foot transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Vicksburg Municipal Airport (lat. 32°14'20" N., long. 90°55'40" W.);

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Vicksburg terminal area requires the following actions:

1. Increase the 700-foot transition area basic radius circle from 6 to 10 miles.
2. Revoke the extension predicated on the 276° bearing from Vicksburg Municipal Airport.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. The special NDB (ADF-1) approach serving the Vicksburg Municipal Airport is being revised and converted to public use.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 2, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-14695; Filed, Dec. 10, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-147]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Yazoo City, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Yazoo City transition area would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barrier Field (lat. 32°52'30" N., long. 90°24'25" W.); within 3 miles each side of the Jackson, Miss., VORTAC 332° radial, extending from the 6.5-mile radius area to 17.5 miles northwest of the VORTAC.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Yazoo City terminal area requires the following actions:

1. Increase the transition area basic radius circle from 6 to 6.5 miles.
2. Revoke the extension predicated on the 100° bearing from WAZF Commercial Broadcast Station.
3. Increase the extension predicated on the VORTAC 332° radial 2 miles in width and decrease 1.5 miles in length.

The proposed alteration is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 2, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-14696; Filed, Dec. 10, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-142]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Belzoni, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Belzoni transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belzoni Municipal Airport (lat. 33° 08'39" N., long. 90°30'55" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Belzoni Airport, utilizing the Greenwood VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.

1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 2, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-14697; Filed, Dec. 10, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-148]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Hartsville, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Hartsville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hartsville Municipal Airport; within 3 miles each side of the 014° bearing from Hartsville RBN (lat. 34°24'25" N., long. 80°06'56" W.), extending from the 6.5-mile radius area to 8.5 miles North of the RBN; excluding the portion within the Darlington, S.C., transition area.

The proposed designation is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Hartsville Municipal Airport, utilizing the Hartsville NDB (private), is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 2, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-14698; Filed, Dec. 10, 1969; 8:46 a.m.]

[14 CFR Part 93]

[Docket No. 10,005; Notice 69-53]

VOR FEDERAL AIRWAY

Proposed Special Air Traffic Rule

The Federal Aviation Administration is considering amending Subpart E of Part 93 of the Federal Aviation Regulations to clarify the applicability of the subpart, and to eliminate IFR flights from the rule.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before February 10, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Subpart E of Part 93 of the Federal Aviation Regulations prescribes special air traffic rules for operations within a section of VOR Federal Airway No. 16, Southwest of Luke Air Force Base. Section 93.71 limits the applicability of Subpart E to aircraft operated during certain hours under VFR conditions within VOR Federal Airway No. 16 between specified lines of longitude. Section 93.73 requires that Luke Air Force Base jet aircraft operating outside of the Luke Air Force Base airport traffic pattern and engaged in a training operation that requires crossing of VOR Federal Airway No. 16, shall cross within the airspace specified in § 93.71 at altitudes from 2,500 feet m.s.l. to 5,000 feet m.s.l., inclusive. As presently worded, § 93.73 could be construed as creating a fence the full length of VOR Federal Airway No. 16 that Luke Air Force Base jet training aircraft may cross only through the designated corridor altitude block when operating in VFR weather conditions. This interpretation could create a potential safety hazard since all flights operating along the airway at any distance from the base would be required to return to the corridor and be funnelled through the same limited airspace used by aircraft arriving and departing from Luke Air Force Base. However, since § 93.71 limits the applicability of all of Subpart E to aircraft operated within Federal Airway No. 16 between specified lines of longitude, § 93.73 applies to Luke Air Force Base Training Flights only when they cross Federal Airway No. 16 within the airspace corridor specified in § 93.71. Flights that require crossing at areas outside of that designated airspace corridor are not required to return to the corridor to cross the Airway. Section 93.73 will be amended to make this clear.

In addition, the U.S. Air Force has requested that Subpart E be changed to apply only to aircraft operating under visual flight rules. Presently, Subpart E applies to all aircraft operating under VFR conditions, which would include IFR operations conducted in VFR weather conditions. Such IFR operations were included in the rule, first adopted in 1957, because at the time the Air Traffic Controllers had no means of providing information about VFR traffic to pilots operating IFR in VFR weather conditions. The rules were intended to provide segregation, at least between Luke Training Operations and other aircraft operating on the airway. This airspace is now within radar coverage of the Phoenix, Ariz., TRACON and is under continuous radar surveillance. Information about the location of VFR aircraft operating in this area can now be provided to IFR aircraft by ATC, thus eliminating the need to segregate these IFR aircraft by rule. Because of this improved ATC capability, the FAA and the military offices in the area believe that better service and more efficient use of the airspace will result from removing all IFR operations from this rule, without derogating safety.

Additionally, it is proposed to change the effective period of the rule from 0600-1800 local time, to 0600-0100 the following day, Monday through Saturday, to make allowance for increased night training activities at Luke Air Force Base.

It is further proposed to amend this section to reflect the name change from Litchfield Naval Air Facility to Phoenix-Litchfield Airport.

In consideration of the foregoing, it is proposed to amend Part 93 of the Federal Aviation Regulations as follows:

1. By amending § 93.71 to read as follows:

§ 93.71 Applicability.

This subpart applies to aircraft operated under Visual Flight Rules within VOR Federal Airway No. 16 between longitudes 112°23'00" W. and 112°41'30" W., excluding that portion of the airspace within a 4-statute-mile radius of Phoenix-Litchfield Airport (latitude 33°25'25" N., longitude 112°22'30" W.), Monday through Saturday from 0600 to 0100 the following day, local time.

2. By amending § 93.73 to read as follows:

§ 93.73 Crossing VOR Federal Airway No. 16; VFR Jet Training Operations.

Each pilot in command of a Luke Air Force Base jet aircraft operating outside of the Luke Air Force Base airport traffic pattern under Visual Flight Rules and engaged in a training operation that requires crossing of VOR Federal Airway No. 16 within the airspace specified in § 93.71, shall cross within that specified airspace at altitudes from 2,500 feet m.s.l. to 5,000 feet m.s.l., inclusive.

3. By amending § 93.75 to read as follows:

§ 93.75 Crossing and Operating Along VOR Federal Airway No. 16.

Each person piloting an aircraft (other than an aircraft to which § 93.73 applies and aircraft departing Luke Air Force Base) crossing or operating along VOR Federal Airway No. 16 in the area specified in § 93.71 shall operate—

(a) At 2,000 feet m.s.l., or lower, or

(b) At 5,500 feet m.s.l., or higher.

These amendments to Part 93 of the Federal Aviation Regulations are proposed under the authority of sections 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 3, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-14694; Filed, Dec. 10, 1969; 8:45 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 179]

[Docket No. HM-36; Notice 69-31]

TRANSPORTATION OF HAZARDOUS MATERIALS

Interlocking Couplers and Restriction of Capacity of Tank Cars

The Hazardous Materials Regulations Board is considering amending Part 179 of the Hazardous Materials Regulations (1) to require interlocking couplers on all new and rebuilt tank cars transporting hazardous materials, and (2) to restrict the capacity of new and rebuilt tank cars used to transport hazardous materials.

The Board has become concerned with the increasing number of railroad accidents involving tank cars transporting hazardous materials in which the tank released its contents, either because of a puncture or because of a rupture, causing a dangerous condition. In many instances this release of hazardous materials resulted in personal injury and substantial property damage; and in two instances it resulted in multiple fatalities. According to the records compiled by the Federal Railroad Administration, since January 1, 1968, there have been 43 instances in which tank cars released their contents as the result of a rail accident. In 22 instances, evacuation of the surrounding population was undertaken as a safety measure. Although the records do not indicate the amount of property damage which resulted from these occurrences, conservative estimates indicate that the loss exceeds $15 million.

The Department is presently reviewing the design of these tank cars in an effort to determine the relationship between the capacity of tank cars and the likelihood of the release of contents in an accident. However, pending the completion of these studies, the Board believes that some action should be taken to reduce the likelihood that new or rebuilt tank cars will release their hazardous lading when involved in a rail accident. Therefore, the Board proposes to require that all tank cars built or rebuilt after June 30, 1970, that are used to transport hazardous materials, must be equipped with interlocking couplers that have been approved by the Federal Railroad Administration. These couplers should reduce the incidence of couplers disengaging in an accident and puncturing the head of a tank car. Since puncture of the tank car tank head is the primary cause of release of product, this requirement would reduce the number of head punctures in tank heads by a considerable amount. In addition, the Board proposes to limit the capacity of tank cars used to transport hazardous materials that are built after June 30, 1970, to those not over 34,500 gallons capacity or not over 263,000 pounds gross weight on rail.

If the above-referenced studies warrant, the Board will in future rulemaking actions apply these requirements and limitations and any others found to be necessary to existing tank cars used to transport hazardous materials. These and other actions will be discussed further in an advance notice of proposed rulemaking to be issued in the near future.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before February 10, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 179 as follows:

(A) Sections 179.13 and 179.14 would be added in the Table of Contents to read as follows:

Sec.
179.13 Tank car capacity and gross weight limitation.
179.14 Tank car couplers.

(B) Section 179.13 would be added to read as follows:

§ 179.13 Tank car capacity and gross weight limitation.

Tank cars built after June 30, 1970, must not exceed 34,500 gallon capacity or 263,000 pounds gross weight on rail.

(C) Section 179.14 would be added to read as follows:

§ 179.14 Tank car couplers.

All tank cars built or rebuilt after June 30, 1970, must be equipped with interlocking automatic couplers that will resist car telescoping and jackknifing in derailments and emergency stops and that are approved by the Federal Railroad Administrator.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on December 8, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

[F.R. Doc. 69-14723; Filed, Dec. 10, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of State Protraction Diagrams; Correction

DECEMBER 4, 1969.

In F.R. Doc. 69-3310 appearing at page 5446 in the issue of Thursday, March 20, 1969, in the California Protraction Diagram No. 167 under T. 36 N., R. 2 E., M.D.M., sec. 11 should read, "NW¼, W½ NE¼, NE¼NE¼."

In California Protraction Diagram No. 170 under T. 42 N., R. 7 E., M.D.M., sec. 25 should read, SW¼, W½SE¼, SE¼ SE¼."

In F.R. Doc. 68-15555, appearing at page 18, in the issue of Wednesday, January 1, 1969, in the California Protraction Diagram No. 174, under T. 48 N., R. 16 E., following line should read, "Secs. 31-32, inclusive; Sec. 34, N½, SE¼; Sec. 35 and 36, all."

JOHN E. CLUTE,
Chief, Branch of Title and Records.

[F.R. Doc. 69-14687; Filed, Dec. 10, 1969; 8:45 a.m.]

[R 07600]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 5, 1969.

The Bureau of Yards and Docks, Southwest Division, U.S. Department of the Navy, has filed an application, Serial No. R 07600, for the withdrawal of lands described below from prospecting, location, entry and purchase under the General Mining Laws, subject to valid claims and existing withdrawals.

The lands, originally withdrawn under the First Form for reclamation purposes by Departmental Order of October 19, 1920 in connection with the Yuma Projects, were restored to mineral entry and location by Departmental Orders of January 19, 1951 (F.R. Doc. 51-1265), and April 21, 1948 (F.R. Doc. 48-3917).

The applicant desires the exclusion of mining activity to permit use of such lands for a recovery parachute test range, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's need, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CALIFORNIA

SAN BERNARDINO MERIDIAN

T. 14 S., R. 11 E.,
Sec. 4, S½SW¼;
Sec. 5, S½S½;
Sec. 6, S½SE¼;
Sec. 8, NE¼, NE¼SE¼
Sec. 9, W½, SW¼SE¼;
Sec. 15, W½NW¼, SE¼NW¼;
Sec. 23, SE¼NE¼, NE¼SE¼;
Sec. 24, SW¼NW¼, NW¼SW¼.

The areas described aggregate approximately 1,160 acres in Imperial County.

This notice supersedes the notice of proposed withdrawal and reservation of lands appearing as F.R. Doc 66-4879 on page 6718 of the issue for May 5, 1966.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.D. Doc. 69-14688; Filed, Dec. 10, 1969; 8:45 a.m.]

[Sacramento 2968]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 4, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Sacramento 2968, for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture.

The applicant desires the land for the Sycamore Campground within the Los Padres National Forest. The site lies along Willow Creek Canyon approximately 1½ miles east of the Pacific Ocean.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

LOS PADRES NATIONAL FOREST

Sycamore Campground

T. 23 S., R. 5 E.,
Sec. 28, SW¼SE¼SW¼.

The area described contains approximately 10 acres in Monterey County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-14710; Filed, Dec. 10, 1969; 8:46 a.m.]

[Serial No. II-015054C]

IDAHO

Notice of Opening of Lands

DECEMBER 5, 1969.

1. Notice is hereby given that in accordance with the regulations in 43 CFR Subpart 2411, the classification dated March 11, 1965, classifying the following described lands as improper for disposal, was revoked November 28, 1969, insofar as it affected these lands:

BOISE MERIDIAN

T. 9 S., R. 12 E.,
Sec. 5, SE¼NE¼, E½SE¼.

The area described aggregates 120 acres.

2. These lands are hereby opened to the operation of the public land laws generally. All valid applications received prior to 10 a.m., January 5, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-14689; Filed, Dec. 10, 1969; 8:45 a.m.]

[Serial No. N-2711]

NEVADA

Notice of Classification of Public Lands for Multiple Use Management

DECEMBER 5, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) of the mineral leasing and material sale laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

(2) The record showing the comments received following publication of a notice of proposed classification (33 F.R. 207), or at the public hearing at the Humboldt County Library, Winnemucca, Nev., which was held November 12, 1968, and other information is on file and can be examined at the Nevada Land Office. The public lands affected by this classification are located within the following described area and are shown on a map designated N-2711 in the Winnemucca District Office, Bureau of Land Management, Highway 40 East, Winnemucca, Nev. 89445, and the Nevada Land Office, Bureau of Land Management, 300 Booth Street, Room 3104, Federal Building, Reno, Nev. 89502.

All of the public lands are located in Humboldt County. The overall description of the areas is as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 35 N., R. 37 E.,
Sec. 16, all except N½NW¼.
T. 36 N., R. 38 E.,
Sec. 15, all except S½SE¼SE¼;
Sec. 16, N½NE¼NE¼;
Sec. 32, NE¼SW¼, E½NW¼SW¼, S½ SW¼.

The area described aggregates approximately 1,340 acres of public land.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 69-14690; Filed, Dec. 10, 1969; 8:45 a.m.]

[OR 4971]

OREGON

Notice of Proposed Classification of Public Lands; Correction and Amendment

DECEMBER 5, 1969.

In F.R. Doc. 69-13540 (34 F.R. 18256) of Friday, November 14, 1969, the following correction and amendments are made:

1. The land described as "T. 17 S., R. 12 E., sec. 2, S½SW¼" is corrected to read: "T. 17 S., R. 12 E., sec. 2, W½ SW¼."

2. The following lands are added:

WILLAMETTE MERIDIAN

T. 12 S., R. 25 E.,
Sec. 34, W½W½.
T. 13 S., R. 24 E.,
Sec. 9, NW¼SE¼;
Sec. 10, NE¼SW¼;
Sec. 11, SW¼SW¼;
Sec. 14, NW¼NE¼;
Sec. 15, SE¼SE¼;
Sec. 22, E½NE¼, NE¼SW¼, and SE¼ SE¼;
Sec. 23, N½NE¼ and SW¼SW¼;
Sec. 24, S½NW¼.
T. 13 S., R. 25 E.,
Sec. 21, NE¼NW¼.
T. 16 S., R. 12 E.,
Sec. 33, S½SE¼;
Sec. 34, S½NW¼, N½SW¼, and SW¼ SW¼.
T. 17 S., R. 12 E.,
Sec. 3, lot 4;
Sec. 4, lot 1 and SE¼NE¼.

The aggregate acreage is corrected to read 31,380 acres.

3. The provision for a public hearing is amended to read as follows:

A hearing will be held at the Prineville District Office, Bureau of Land Management, 185 East Fourth Street, Prineville, Oreg., at 1:30 p.m. January 14, 1970.

MURL W. STORMS,
Acting State Director.

[F.R. Doc. 69-14702; Filed, Dec. 10, 1969; 8:46 a.m.]

[OR 5632 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 2, 1969.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 5632 (Wash.), for the withdrawal of the public land described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires the land for use as a campground in connection with the administration of the Snoqualmie National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

SNOQUALMIE NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 15 N., R. 11 E.,
Sec. 36, E½NE¼NE¼, NE¼SE¼NE¼.
T. 15 N., R. 12 E (unsurveyed),
Sec. 32, A tract of land which, when surveyed, will be located within the fractional N½, more particularly described as follows: Beginning at the NW¼ corner, thence south 30 chains, thence east 10 chains, thence north 30 chains, thence west 10 chains to point of beginning.

The area described contains approximately 60 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-14703; Filed, Dec. 10, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 30-3B]

PATENT OFFICE

Organization and Functions

This material supersedes the material appearing at 34 F.R. 337 of January 9, 1969.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Patent Office.

SEC. 2. *Organization structure.* The principal organization structure and line of authority of the Patent Office shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Commissioner.* The Commissioner determines the policies and directs the programs of the Patent Office and is responsible for the conduct of all activities of the Patent Office. He is principally assisted by five Assistant Commissioners who shall have the main duties as specified below:

a. The Deputy Commissioner (First assistant commissioner under 35 U.S.C. 3) shall assist the Commissioner in the direction of the Patent Office and shall perform the duties and functions of the Commissioner in the latter's absence.

b. The Assistant Commissioner for Patent Examining (Assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy direction to the patent examining operations which consist of the organizational elements enumerated in section 5. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

c. The Assistant Commissioner for Appeals, Legislation and Trademarks (Assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy direction to the Board of Appeals, the Office of International Patent and Trademark Affairs, the Office of Legislative Planning, the Trademark Trial and Appeal Board, and the Trademark Examining Operation.

d. The Assistant Commissioner for Research and Development shall provide administrative and policy direction to the Office of Research and Development, the Office of Search Systems and Documentation; and the Office of Organization and Systems Analysis. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who among other duties shall perform the functions of this Assistant Commissioner during the latter's absence.

e. The Assistant Commissioner for Administration shall provide administrative and policy direction to certain administrative, public and internal support services which consist of the organizational elements enumerated in section 8. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

SEC. 4. *Offices reporting to the Commissioner.* .01 The Office of Planning and Programing shall provide the principal assistance to the Commissioner in planning and developing major programs of the Patent Office to accomplish its objectives and enhance its role and effectiveness in carrying out the purposes of the Patent system; provide overall coordination of internal program planning in support of Officewide objectives, preparing pertinent guidelines governing such effort including PPBS as well as immediate and extended range program stages; and initiate and conduct or coordinate the conduct of special studies and analyses required for formulating, reviewing, and appraising program plans and projections of goals, making use of the Office of Organization and Systems Analysis or other appropriate resources available for this purpose.

.02 The Office of the Solicitor shall comprise the Solicitor, who is the chief legal officer for the Patent Office, and his professional associates. This Office shall handle all litigation to which the Commissioner is a party and provide other legal services, including drafting of legislation and advice and assistance on legislative matters.

.03 The Office of Information Services shall advise and represent the Commissioner on information matters; conduct programs fostering public understanding of the American patent system and the functions, services and administrative publications of the Patent Office; develop publication policies; provide direction and assistance in developing new and revised publications; and assure conformity with policies, regulations, and standards concerning publications and publication practices.

SEC. 5. *Offices reporting to the Assistant Commissioner for Patent Examining.* .01 The Board of Patent Interferences shall conduct patent interference proceedings and make final determination in the Patent Office as to priority of invention. The Board shall also decide questions concerning property rights in inventions in the atomic energy and space fields brought before it under the provisions of 42 U.S.C. 2182 and 2457 (d) and (e).

.02 The Office of Examining and Documentation Control shall develop procedures, quality and quantity standards relating to the conduct of the examination and documentation functions; evaluate compliance with examination and documentation standards; and train new examiners in patent practice and procedure.

.03 The Office of Support Services shall provide direct administrative and clerical support to the Examining Groups in the examination of patent applications and attend to the processing of applications both in advance of examination and after allowance by the examiners for patent issuance. Its duties include the review of incoming applications for compliance in matters of form; the origination and maintenance of application inventory documentation and status; preparation, routing, movement, and maintenance of files; liaison with other organization units in obtaining and processing documents; and the provision of other logistical and administrative support.

.04 The Examining Groups, specified below, shall examine applications for patent to ascertain if the applicants are entitled to patents under the law and grant patents to those so entitled. Each examining group shall perform this function for patent applications falling within the title of the group. The Examining Groups are:

General Chemistry and Petroleum Chemistry;
General Organic Chemistry;
High Polymer Chemistry, Plastics, and Molding;
Coating and Laminating, Bleaching, Dyeing, and Photography;
Specialized Chemical Industries and Chemical Engineering;
Industrial Electronics and Related Elements;
Security and Designs;
Information Transmission, Storage, and Retrieval;
Electronic Component Systems and Devices;
Physics;
Handling and Transportation Media;
Material Shaping, Article Manufacturing, Tools;
Amusement, Husbandry, Personal Treatment, Information;
Heat and Power Engineering;
Fixed Constructions, Support and Hardware; and
Textiles, Cleaning and Fluid Handling.

SEC. 6. *Offices reporting to the Assistant Commissioner for Appeals, Legislation and Trademarks.* .01 The Board of Appeals shall conduct hearings and render decisions on appeals from adverse decisions of examiners rejecting claims in patent applications.

.02 The Office of International Patent and Trademark Affairs shall make studies and advise on policy and action concerning international patent and trademark matters; develop and direct the implementation of related programs; maintain liaison with the Office of the Secretary and the Department of State; and, conduct negotiations in technical patent and trademark matters in establishing international agreements.

.03 The Office of Legislative Planning shall make studies and advise the Commissioner on matters which may require legislative action.

.04 The Trademark Trial and Appeals Board shall be responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellation petitions, and concurrent use proceedings; and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

.05 The Trademark Examining Operation shall be responsible for the classification and examination of applications for the registration of trademarks and service marks and the maintenance of the principal and supplemental registers of trademarks.

SEC. 7. *Offices reporting to the Assistant Commissioner for Research and Development.* .01 The Office of Research and Development shall identify areas of needed research, formulate approaches to research problems, and conduct research (or monitor research carried out under contract); and design and install experimental systems, new equipment, or other products of research, and evaluate their effectiveness after installation. Major research and development efforts are aimed at development of automated search and retrieval systems and more effective dissemination of stored information to Patent Office examiners, the patent profession, and the scientific community.

.02 The Office of Search Systems and Documentation shall develop, improve, and maintain subject matter classification systems; improve and maintain the examiner's search file; develop, improve and maintain operational search systems both manual and electronic, for the storage and identification of patents and patent related literature so that examiners and the public may readily retrieve particular technical information.

.03 The Office of Organization and Systems Analysis shall serve the entire Patent Office in providing analytical and system research for management in developing and implementing improvements in methods, procedures, systems, organization, workflow, and manpower and equipment utilization to resolve operational problems, to meet new program or operational needs, to achieve efficiency, economy, and effectiveness in operations, and to strengthen management practices; develop and maintain the viability of information systems providing data for management planning, evaluation and control, including related analytical and statistical services and reports; provide system design and develop applications of information handling technology (electronic, graphic, micrographic, etc.) in meeting present and emerging Patent Office needs; make cost studies in developing cost-benefit data, reviewing user-charges, and appraising system choices; and perform related activities and functions.

SEC. 8. *Offices reporting to the Assistant Commissioner for Administration.* .01 The Office of Budget and Finance shall provide staff assistance in the development, application and execution of budgetary and fiscal policies and programs; conduct accounting operations for revenue, trust funds, and the Patent Office appropriation; and administer payroll and related employee accounts.

.02 The Office of Personnel shall administer activities relating to recruitment, placement, employee relations, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations and various employee benefit programs.

.03 The Office of Administrative Services shall provide Office-wide services including the procurement and supply of equipment, furnishings, and consumable items; space and facilities management; communication; travel and transportation services; mail, messenger, and general correspondence services; and procurement and supply of graphic services and administrative printing, including office forms and publications. This Office shall also be responsible for carrying out a comprehensive paperwork management program in the Patent Office, embracing forms, reports, directives, and records.

.04 The Office of Public Services shall provide the materials and services offered directly to the public many of which are provided on a fee basis. These shall include recording instruments that transfer property rights to patents and trademarks; furnishing copies of patents and office records; providing drafting services; and maintaining collections of pertinent technical and scientific information such as U.S. and foreign patents, peroidicals, books, and other publications for use by patent and trademark examiners and the public.

.05 The Office of Automatic Data Processing shall provide data processing services to other elements of the Patent Office. It shall be responsible for operation, support and maintenance of all general purpose automatic data processing equipment except that which may be assigned to other elements for data collection or which is integral to process control systems of the Patent Office. Its functions shall also include writing and testing of computer programs, maintaining a comprehensive library of programs including those provided by other elements of the Office, developing special utility routines, and defining needs for new equipment or modification of existing units.

.06 The Office of Patent Publications shall schedule and manage the processing and movement of allowed patent application files in procuring the creation of full patent text machine language data base and the composition and printing of weekly patent issues and related announcements in the Official Gazette; monitor the quality of performance by contributing sources; provide technical direction and advice in contract administration; and maintain close liaison with the U.S. Government Printing Office; and prepare and issue patent grants.

Effective date: December 1, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-14686; Filed, Dec. 10, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GLAND-O-LAC FUNJOL

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Gland-O-Lac Funjol; contains 3.35 percent *N*-alkyl (C12, 50 percent; C14, 30 percent; C16, 17 percent; C18, 3 percent) dimethyl 3,4-dichloro-benzyl ammonium chlorides; 25.5 percent isopropyl alcohol; and 205 milligrams of zinc sulfate, 76 milligrams of copper sulfate, 90 milligrams of manganese sulfate, and 96 milligrams of iron sulfate per 100 milliliters; by The Gland-O-Lac Co., 1818 Leavenworth, Omaha, Neb. 68103.

The Academy concluded that this product is not effective as a water sanitizer and mineral supplement for chickens and turkeys. The drug might be toxic at this level, and the data show growth-depressing properties in poultry. There is a lack of substantial evidence that the product will have the effect claimed in its labeling. The Food and Drug Administration concurs with the Academy's evaluation.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new animal drug application for this drug. Prior to initiating such action, however, the Commissioner invites the holders of the new animal drug applications for this drug, and any interested person who may be adversely affected by its removal from the market, to submit any pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER. Such data should be addressed to the Bureau of Veterinary Medicine, Special Assistant for Drug Efficacy Study Implementation, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS-NRC report. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-14701; Filed, Dec. 10, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69-12-29]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 5, 1969.

By Order 69-11-89, dated November 20, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air

Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69–11–89 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21379, R–1 through R–3, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14721; Filed, Dec. 10, 1969; 8:47 a.m.]

[Docket No. 18078; Order 69–12–31]

TRANSATLANTIC AND TRANSPACIFIC PRIORITY MAIL AND MILITARY ORDINARY MAIL

Order To Show Cause Regarding Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of December 1969.

By petition filed July 11, 1969, as amended August 26, 1969, The Flying Tiger Line, Inc. (FTL), requests that the Board issue an order amending Order 68–9–9, dated September 4, 1968, as amended by Order 69–7–11, dated July 2, 1969, to incorporate within appendix A thereto standard mileages as proposed by FTL and attached to its petition, for computation of mail payment's for Pacific routes which FTL has been authorized to serve.[1]

The Postmaster General by petitions filed August 20, 1969, and September 12, 1969, also requests that the Board establish standard mileages, as attached to his petitions, for application to the carriage of mail by FTL between designated points in transpacific operations. The standard mileages proposed by the Postmaster General differ from those proposed by FTL in certain markets.

The disagreement on the standard mileages proposed by FTL and the Postmaster General hinges primarily upon the Seattle to Tokyo segment. FTL requests that the Board establish for its operations the existing standard mileage (4,865 miles) applicable for Northwest for this segment.[2] The Postmaster General claims this mileage is inappropriate for FTL since it reflects a weighted average of Northwest's Seattle-Tokyo direct flights and Seattle-Tokyo via Anchorage flights, and that the weighting was necessary because mail is boarded at Anchorage on Northwest's flights. The Postmaster General claims the appropriate mileage for FTL for Seattle-Tokyo mail services is the direct mileage (4,828 miles) between these points because FTL's published flight schedules provide for direct service between Seattle and Tokyo.

A secondary area of disagreement concerns the mileage applicable to Seattle-Okinawa services. The Postmaster General notes that FTL's published flight schedules provide for a traffic stop at Tokyo on flights serving Hong Kong, but no such traffic stop at Tokyo, is provided on flights serving Okinawa en route to Saigon. The Postmaster General thus maintains that the appropriate Seattle-Okinawa mileage for FTL is the direct mileage, pursuant to published schedules. FTL, on the other hand, claims the mileage for this pair of points should reflect operations via Tokyo because it is physically impossible for FTL to provide nonstop cargo service between Seattle and Okinawa. The Postmaster General concedes that Tokyo, as a traffic stop, would influence the mileage on Okinawa and Saigon services from the West Coast.

Northwest and Pan American are opposed to the establishment of standard mileages for FTL which are lower than those currently in effect, on grounds that such action would result in a rate reduction below the levels specified in applicable mail rate orders. They maintain the intent of the standard mileage system is to produce a yield approximately equal to the ton-mile rate contained in the rate orders. Thus, any reduction in the standard mileages without a compensating change in the rate results in a yield lower than the rate established for the services. These carriers differentiate this type of dilution from that resulting from voluntary equalization elections permitted under the rate orders.

By letter dated October 31, 1969, FTL advises that because of problems with regard to approval of technical landings at Tokyo on services to Okinawa and Saigon, it no longer operates the northern Pacific routing for these services. Rather, it routes the aircraft via mid-Pacific points (Honolulu, Wake, and Guam) and serves Okinawa on the return from Saigon.

The Board has tentatively determined that insofar as the Seattle-Tokyo segment is concerned, the direct nonstop mileage (4,828 miles) should be established for FTL's services. We have certificated FTL to provide service from West Coast points to Tokyo and beyond in competition with existing services, and FTL has, in fact, inaugurated services to Tokyo and on to Hong Kong. Since FTL has no certificated authority to serve any point in Alaska, the current Northwest mileage, reflecting some Alaska service en route to Tokyo, is inappropriate for FTL. The mileage herein proposed for FTL for Seattle-Tokyo is related directly to the certificated authority implemented by that carrier.

As regards service to Okinawa and Saigon, we have tentatively determined to establish two sets of standard mileages for these services. One set relates directly to the certificated authority as granted in our Order 69–4–90 of April 15, 1969. Under this order, the normal routing for FTL from the West Coast would involve stops at Tokyo en route to Okinawa and Saigon, and the mileages proposed herein (Seattle-Okinawa 5,791 miles and Seattle-Saigon 7,521 miles) reflect service via Tokyo and would apply only when the services are provided via a northern Pacific routing.

We are also proposing a second set of mileages for these markets (Seattle-Okinawa 7,498 miles and Seattle-Saigon 9,066 miles) reflecting services via the mid-Pacific points, Honolulu, Wake and/or Guam. These mileages would apply only when the services are provided on other than a Northern Pacific routing.

One other matter related to standard mileages warrants our attention at this time. With respect to the transportation of military ordinary mail (MOM), a standard mileage was provided for these services between San Francisco, Portland, or Seattle and Tokyo in Order 68–9–8 dated September 4, 1968, as amended by Order 69–7–11 dated July 2, 1969. The standard mileage was provided because the MOM rate order did not contain equalization provisions comparable to that provided for airmail services. However, by Order 69–9–152 dated September 30, 1969, rate equalization provisions were provided with respect to the transportation of military ordinary mail, effective October 10, 1969. Under these circumstances, we propose to delete the standard mileage specified heretofore for MOM services.

Upon consideration of the various petitions here involved, the answers and replies thereto, and other matters officially noticed, the Board proposes to issue an order including the following findings and conclusions:

1. Effective August 12, 1969, Order 68–9–9, as amended by Order 69–7–11, should be amended by adding to page 4 of Appendix A of Order 69–7–11, the standard mileages for FTL which are appended to this order to show cause.[3]

2. Effective October 10, 1969, Order 68–9–8, as amended by Order 69–7–11, should be amended by deleting that part of the third paragraph of ordering clause 1 of Order 68–9–8, beginning *"provided, however."*

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly

[1] By Order 69–4–90, dated Apr. 15, 1969, and effective May 28, 1969, FTL was awarded a certificate of public convenience and necessity to engage in all-cargo overseas and foreign air transportation over Route 163. By Order 69–8–2, dated Aug. 1, 1969, the service mail rates in effect for U.S. transpacific air carriers were made applicable to this authority. However, standard mileages for FTL, for computing mail ton-miles, were not established therein.

[2] FTL claims this is fewer miles than are actually flown since it makes an operational stop at either Anchorage or Cold Bay, Alaska, on all flights to Tokyo. FTL alleges that technical stops enable a carrier to increase capacity, reduce costs, and thereby provide more economical services.

[3] Filed as part of the original document.

sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons are directed to show cause why the Board should not adopt the foregoing findings and conclusions.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of objection to the findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order.

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein.

4. If answer is filed presenting issues for hearing, the issues involved shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

5. This order shall be served on the Postmaster General, The Flying Tiger Line, Inc., Northwest Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14722; Filed, Dec. 10, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. D–19]

SECRETARY OF THE INTERIOR

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to lease special purpose and related space and land incidental to its use on Wadmalaw Island, S.C.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This delegation shall expire 5 years from the effective date of the lease of the rented premises, or upon termination of the lease, whichever is earlier.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of the Interior to perform all functions in connection with the leasing of special purpose and related space on Wadmalaw Island, S.C., for use by the Federal Water Pollution Control Administration.

b. This authority shall include authority to contract by lease and authority thereafter to modify and amend said lease, and assign and reassign the space demised, including the operation, maintenance, control, and protection thereof.

c. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Economy Act of June 30, 1932 (40 U.S.C. 278a), as amended, and other applicable statutes and regulations.

Dated: December 5, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–14708; Filed, Dec. 10, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 741]

COLORADO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Boulder and Jefferson Counties, Colo.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring during the week of May 4, 1969.

OFFICE

Small Business Administration Regional Office, 1961 Stout Street, Denver, Colo. 80202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1970.

Dated: December 2, 1969.

W. D. BREWER,
Acting Administrator.

[F.R. Doc. 69–14707; Filed, Dec. 10, 1969; 8:46 a.m.]

CIVIL SERVICE COMMISSION

FIREFIGHTERS, SAN FRANCISCO BAY AREA

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established minimum rates and rate ranges for positions of Firefighter, GS–081–3/11 as follows:

GS–081 FIREFIGHTER (GENERAL) [1]
FIREFIGHTER (STRUCTURAL) [1]
FIREFIGHTER (AIRFIELD) [1]
FIRE PROTECTION INSPECTOR [1]
FIRE CHIEF

[1] NOTE: Covers both nonsupervisory and supervisory positions at applicable grade levels.

Geographic coverage: San Francisco and 35-mile radius extended to include Travis Air Force Base near Fairfield.
Effective date: First day of the first pay period beginning on or after December 14, 1969.

PER ANNUM RATES

Grade	1 [2]	2	3	4	5	6	7	8	9	10
GS–3	$6,393	$6,557	$6,721	$6,885	$7,049	$7,213	$7,377	$7,541	$7,705	$7,869
GS–4	7,178	7,362	7,546	7,730	7,914	8,098	8,282	8,466	8,650	8,834
GS–5	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060	9,266	9,472
GS–6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS–7	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954
GS–8	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551	11,833
GS–9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741
GS–10	10,594	10,936	11,278	11,620	11,962	12,304	12,646	12,988	13,330	13,672
GS–11	11,607	11,981	12,355	12,729	13,103	13,477	13,851	14,225	14,599	14,973

[2] Corresponding statutory rates: GS–3—tenth; GS–4—tenth; GS–5—eighth; GS–6—sixth; GS–7—fifth; GS–8—fourth; GS–9—third; GS–10—second; GS–11—second.

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3–2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited in this FPM Letter.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14718; Filed, Dec. 10, 1969; 8:45 a.m.]

PUBLIC HEALTH NURSE SERIES, WASHINGTON, D.C., STANDARD METROPOLITAN STATISTICAL AREA

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for certain nurse positions in the following location:

GS–615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: Washington, D.C., Standard Metropolitan Statistical Area.
Effective date: First day of the first pay period beginning on or after November 30, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678
GS–6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS–7	8,404	8,599	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699

[1] Corresponding statutory rates: GS–5—ninth; GS–6—sixth; GS–7—fourth.

NOTE: GS–6 rates are included on an interim basis to accommodate the implementation of the new position classification standards for the GS–615 Public Health Nurse Series. Under this new standard, the occupation is designated as a two-grade interval occupation, with grade GS–5 being the entry level for inexperienced workers and grade GS–7 being an intermediate developmental level. It is anticipated that as the new standard becomes fully effective special rates at grade GS–6 will no longer be needed and they will be terminated when appropriate.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory or special rates shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14719; Filed, Dec. 10, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15735; FCC 69–1330]

OWNERSHIP AND OPERATION OF INITIAL EARTH STATIONS IN THE UNITED STATES

Notice of Inquiry

In the matter of Amendment of Part 25 of the Commission's rules and regulations with respect to ownership and operation of initial earth stations in the United States for use in connection with the proposed global commercial communication-satellite system; Docket No. 15735.

1. On December 7, 1966, the Commission adopted its second report and order herein,[1] modifying its prior interim policy[2] on licensing of earth stations which are used with the global communications satellite system established pursuant to the policy set out in the Communications Satellite Act of 1962. In essence, the modified interim policy provided that such earth stations be jointly licensed to a consortium of carriers consisting of the Communications Satellite Corp. (Comsat), which is a member of the international consortium (INTELSAT) owning and operating the space segment of the global communication satellite system, and carriers who provide overseas communications service to the public in the United States. Under such policy, Comsat has a 50 percent interest in each earth station, and acts as manager of such stations, subject to overall control and guidance on basic policy and investment matters by all joint licensees through a committee known as the Earth Station Ownership Committee (ESOC). The remaining interest in each earth station, residing in carriers other than Comsat, was divided among them in accord with their anticipated use of such stations during the term of the interim policy. The ownership of earth stations is set out below, as follows:

Company	Quotas for ownership[1]		
	Conterminous States	Hawaii	Puerto Rico-Virgin Islands
	Percent	*Percent*	*Percent*
Comsat	50.0	50.0	50.0
A.T. & T.	28.5		
Hawaiian Telephone		30.0	
ITTPR-ITTVI			30.0
ITT	7.0	6.0	11.5
RCAC	10.5	11.0	4.0
WUI	4.0	3.0	4.5

[1] The earth stations in the conterminous United States are located at Andover, Maine, Etam, W. Va., Brewster, Flat, Wash., and Jamesburg, Calif. The Hawaii station is located at Paumalu and the Puerto Rico station at Cayey.

2. Since the issuance of the second report and order, we have authorized the construction of two additional earth stations in the United States. On May 14, 1969, we authorized Comsat to construct an earth station at Talkeetna, Alaska,[3] noting in such authorization that Comsat represented it would be willing to share such ownership with appropriate carriers consistent with our interim earth station policy, and specifically reserving authority to modify the authorization to provide for joint licensing in the event that we determined such modification to be in the public interest. More recently, on August 20, 1969, we authorized the construction of an earth station on Guam[4] to Comsat, RCA Global Communications, Inc., ITT World Communications Inc., and Western Union International, Inc., with each holding ownership shares of 50 percent, 34 percent, 8 percent, and 8 percent, respectively. We specified in that authorization that it was subject to our second report and order and any further orders that may be issued pursuant to the policies enumerated therein, particularly the review of our interim earth station policy.[5]

3. In our second report and order we expressly pointed out the policy therein established was on an interim basis and that we did not believe that we should at that time adopt policies or make permanent allocations of ownership shares in earth stations. In view of this, and to provide necessary time for operating experience, and other pertinent considerations, including the renegotiations of arrangements relating to the global communications satellite system, we provided that the interim policy established by the second report and order should remain in effect until the end of 1969, unless sooner revised.

4. Accordingly, we provided that such policy would be reviewed in late 1969 in light of experience gained and then-existing conditions. To this end, we directed that the earth station joint licensees began a review, no later than July 1969, of their operating experience, and submit, no later than October 1969, such views and recommendations as they consider appropriate with respect to our interim policy. The licensees were advised that the subject notice of inquiry, specifying specific points to which filings should be addressed, would be forthcoming. As a consequence, the October filings were withheld. In view of the institution of this proceeding, such views and recommendations may be filed within the periods hereafter set forth.

5. Accordingly, there is instituted herewith, pursuant to our second report and order herein (see paragraphs 31 and 32), section 201(c)(7) of the Communications Satellite Act of 1962, and section 403 of the Communications Act of 1934, an inquiry into the nature of changes that should be made in our earth station licensing policy. (In the meanwhile, we shall continue our present interim policy until the conclusion of this inquiry, unless sooner revised or amended.) Comments in response to such inquiry should be filed by January 31, 1970, and reply comments by February 28, 1970, and should be addressed to the following points:[6]

(1) The extent to which existing arrangements have advanced or hindered the objectives of the Communications Act and the Communications Satellite Act and promote the public interest in the most efficient and economical international communication services; and

(2) The respect in which existing arrangements should be modified to better advance applicable statutory and desirable public interest objectives, and in this regard the advantages and disadvantages to the public of the Commission's adoption of policies designed to:

(a) Permit monopoly ownership of any or all earth stations by one carrier;

(b) Permit joint ownership of any or all stations;

(c) Encourage competitive applications for each station by existing joint owners or by any other authorized communications common carrier.

6. In answering the foregoing general issues, information should be supplied with respect to the following matters:

(1) The manner in which the earth stations are now operated, including

(a) How policy, capital, procurement, and operating decisions are formulated, approved, and administered,

(b) Functions of the manager, and

(c) Functions of the other owners.

(2) Use made by each earth station owner as of September 30, 1969 of each earth station, in terms of number of channels leased, the points to which traffic is handled over each channel, and the services provided over each channel.

(3) Estimated number and location of additional earth stations or antennae that may be required in the United States over the next 5 years ending December 31, 1974.

(4) Estimates, in the detail of (2) above, of the use that would be made of each earth station, present and anticipated, by each present owner, as of December 31 of each of the next 5 years ending 1974:

(a) Under existing arrangements,

(b) Under different arrangements as may be proposed and, to the extent that such use differs from that which would occur under the present arrangements, and the reasons for such differences.

(5) Estimates of total use in each of next 5 years of all existing and anticipated earth stations by authorized users (other than present owners), including foreign entities with such totals broken down by points of communication and classes of service.

(6) Effects of present arrangements on:

(a) Capital costs of each station, broken down by major elements,

(b) Operating costs of each station, broken down by major elements, and

(c) Cost per channel.

(7) The extent to, and manner in, which any such costs would be materially different under different arrangements.

(8) The extent to, and manner in, which present arrangements, and any proposed arrangements would

(a) Promote or lessen competition among carriers, including Comsat,

(b) Promote or lessen competition between cable and satellite technologies,

(c) Promote or lessen innovation in communications technology, and

(d) Promote or lessen innovation in communications services.

(9) Comparative effects of present and proposed arrangements on:

(a) Rates charged the public for communications services and the major cost factors entering into the justification for such rates,

(b) Effective coordination and control of stations inter se and with the space segment,

(c) Relations with foreign communications entities and with INTELSAT,

(d) Competition in procurement,

(e) Technical characteristics of each earth station,

(f) Access to earth stations and space segment,

(g) Technical compatibility and interconnection between earth stations and space segment,

(h) Methods of handling traffic, with due regard to distribution or allocation of traffic among different earth stations, particularly if owned by different entities, and

(i) The manner in which charges for earth stations and the space segment are constructed and reflected in tariffs.

7. In the filings herein, all respondents should specifically address themselves to the relative merits of their proposals as against any alternative methods of ownership.

8. In reaching a decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other statements filed in this proceeding shall be furnished the Commission.

Adopted: December 3, 1969.

Released: December 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–14713; Filed, Dec. 10, 1969; 8:47 a.m.]

[Dockets Nos. 17884, 17885; FCC 69R–490]

BERWICK BROADCASTING CORP. AND P.A.L. BROADCASTERS, INC.

Memorandum Opinion and Order Retaining Application in Hearing on Stated Issues

In regard applications of Berwick Broadcasting Corp., Berwick, Pa., Docket No. 17784, File No. BPH–5812; P.A.L. Broadcasters, Inc., Pittston, Pa., Docket No. 17885, File No. BPH–5924; for construction permits.

1. This proceeding involves the mutually exclusive applications of Berwick Broadcasting Corp. (Berwick) and P.A.L. Broadcasters, Inc. (P.A.L.), seeking construction permits for an FM broadcast station in Berwick and Pittston, Pa., respectively. It would serve no present purpose to describe the entire history of this somewhat complex proceeding. It will suffice here to note that by memorandum opinion and order (FCC 69R–95, 16 FCC 2d 639, released Feb. 26, 1969), the Board approved a joint agreement submitted by Berwick and P.A.L. on September 26, 1968, except those provisions relating to the reimbursement of the dismissing applicant—Berwick; held consideration of the reimbursement provisions of the agreement in abeyance and requested comments concerning the effect of pending litigation involving Berwick principals on Berwick's eligibility for reimbursement;[1] deleted a "Suburban Community" issue previously specified against P.A.L.; and granted the P.A.L. application. By memorandum opinion and order, FCC 69–1213, ------

[1] The Broadcast Bureau filed comments regarding further procedure on July 31, 1969; reply comments were filed Aug. 8, 1969, by Berwick; and the Broadcast Bureau's response was filed Aug. 21, 1969.

[2] 5 F.C.C. 2d 812.

[3] First report and order, 38 F.C.C. 1104 (1965).

[3] Application of Comsat, 17 F.C.C. 2d 640.

[4] Application of RCA Global Communications, et al., 18 F.C.C 2d 1037.

[5] By letter of Sept. 5, 1969, Comsat advised us and all other parties that certain language appearing at paragraph 19 of our authorization did not reflect a proper estimate for earth station operation and ownership, nor did it reflect its motivation for entering into the agreement with its colicensees which resolved the then several conflicting applications. We think that this point is covered by our language in such authorization pointing out that "This authorization shall not constitute a precedent nor create any prejudice with regard to any action the Commission may take in connection with the review of its outstanding interim earth station policy contemplated to be undertaken in the latter part of 1969." (See 10th ordering clause.)

[6] Subsequent to review of comments and replies, the Commission may set down for evidentiary hearing or oral argument, or both, any matters raised in this inquiry which it feels can best be treated in the context of such hearing or argument.

FCC 2d ------, released November 12, 1969, the Commission set aside this action to the extent that the Board deleted the "Suburban Community" issue and granted the P.A.L. application. P.A.L. was ordered to hearing on a modified "Suburban Community" issue.[3] There remains for consideration by the Review Board the question of the procedure to be followed in determining whether Berwick is eligible for reimbursement; and this question must be considered in light of the recent Commission action retaining the P.A.L. application in hearing status.

2. After considering the various procedural alternatives available, and the public interest considerations involved, the Board has determined that the Berwick application will be retained in hearing status for the sole purpose of determining Berwick's eligibility for reimbursement. Prior to reimbursement Berwick will be required to favorably resolve the character issues already specified against it by the Board (Memorandum Opinion and Order, 12 FCC 2d 175, 12 RR 2d 771 (1968)).[4] In addition, issues will be framed to determine whether the court's decision in Securities and Exchange Commission v. Fifth Avenue Coach Lines, Inc., 67 Civ. 482 (S.D. N.Y., 1968)[5] and/or various pending criminal and civil litigation involving Berwick principals constitute a bar to reimbursement.

3. In the Board's view, this procedure will expedite the consideration and disposition of the P.A.L. application and enable Berwick to demonstrate that it is entitled to reimbursement.[6] By retaining Berwick in this proceeding on the limited question of reimbursement, the financial issue specified against Berwick, and the areas and population and 307(b) issues would be moot. Furthermore, while the issues specified herein against Berwick will require that consideration of the Berwick reimbursement request be held in abeyance pending a final determination of all outstanding law suits involving its principals, the P.A.L. application may be considered independently and disposed of prior to the final resolution of the reimbursement question.[6]

4. *Accordingly, it is ordered*, That the application of Berwick Broadcasting Corp. (BPH–5812), is retained in hearing status for the limited purpose of resolving the following issues:

(1) To determine whether Berwick Broadcasting Corp. submitted complete and accurate information in response to the Commission's application form, FCC 301, and has continued to keep the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules.

(2) To determine the effect of Securities and Exchange Commission v. Fifth Avenue Coach Lines, Inc., 67 Civ. 482 (S.D. N.Y., 1968) on the eligibility of Berwick Broadcasting Corp. to receive reimbursement.

(3) To determine the effect of the final determination in Herbert Braasch v. Victor Muscat, et al., Index No. 67–3445, filed September 27, 1967, in the U.S. District Court, Southern District of New York; Edward Lawson, et al. v. Baltimore Paint and Chemical Corporation, et al., Index No. 18497, filed July 20, 1967, in the U.S. District Court, District of Maryland; and various indictments returned and civil complaints filed against Roy M. Cohn,[7] on the eligibility of Berwick Broadcasting Corp. to receive reimbursement.

(4) To determine, in light of the evidence adduced with respect to the foregoing issues, whether approval of the reimbursement provisions of a joint agreement between P.A.L. Broadcasters, Inc., and Berwick Broadcasting Corp., filed September 26, 1968, would be consistent with the public interest.

Adopted: December 4, 1969.

Released: December 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–14714; Filed, Dec. 10, 1969; 8:47 a.m.]

[3] To determine whether the proposal of P.A.L. Broadcasters, Inc., will realistically provide a local transmission facility for its specified station location or for another larger community.

To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the application of P.A.L. Broadcasters, Inc., for a construction permit should be granted.

[4] The issues will be modified to determine whether Berwick is eligible for reimbursement, rather than to determine whether Berwick possesses the requisite qualifications to be a Commission licensee.

[5] The Board does not agree with the Bureau's contention that reimbursement should be denied in light of the court's decision in this case. While substantial questions are raised as to the eligibility of Berwick's principals to receive reimbursement, the matter is best resolved through a hearing record.

[6] A somewhat similar procedure was utilized in Georgia Radio, Inc., 19 FCC 2d 779, 17 RR 2d 330 (1969). Therein, the Board approved an agreement; dismissed one application conditioning reimbursement to this applicant on the prior resolution of a fraudulent billing practice issue in another proceeding; and retained the other application in hearing to resolve a Suburban issue.

[6] The Examiner, in his discretion, may choose to consider the P.A.L. application and Berwick's reimbursement consecutively, or sever the two matters, thereby permitting an immediate disposition of the P.A.L. application upon conclusion of the hearing under the "Suburban Community" issue.

[7] Berwick indicates in a statement, filed Aug. 8, 1969, that Roy M. Cohn, a 25 percent stockholder in Berwick was indicted on Nov. 22, 1968 by the U.S. District Court for the Southern District of New York on charges of conspiracy, mail and wire fraud, security violations, and an alleged plot to arrange a $75,000 bribe to an unnamed State Court official; and that on Jan. 17, 1969, a second indictment was returned by the same court against Mr. Cohn and others not concerned with the Berwick application on charges of conspiracy, bribery, extortion, and blackmail. In addition, the Bureau submits that a press report of May 19, 1969, indicates that a Chicago bank has brought suit against Cohn; and that Cohn is also being sued in Federal Court in Toledo, Ohio, by Defiance Industries.

FEDERAL POWER COMMISSION

[Docket No. RI70–726 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 4, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 19, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-726..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	[3] 539	2	Cities Service Gas Co. (Groendyke Area, Barber County, Kans.).	$3,590	11-12-69	[4] 12-22-69	[4] 12-23-69	14.0	[5] [7] 15.0	
	----do----------	[3] 557	1	El Paso Natural Gas Co. (Hugoton Field, Grant and Stanton Counties, Kans.).	200,000	11-10-69	[4] 1-1-70	[3] 1-2-70	15.0	[5] [7] 16.0	
RI70-727..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	459	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Block 79 Field, South Marsh Island Area, Offshore Louisiana).	27,375	11-6-69	[8] 12-7-69	[3] 12-8-69	[11] [12] 18.5	[9] [10] 20.0	

[1] Contract dated after Sept. 28, 1960, the date of issuance of policy statement No. 61-1, and proposed rate does not exceed the initial service ceiling rate of 16 cents per Mcf for Kansas.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[7] Rate increase filed pursuant to ordering paragraph (A) of Opinion No. 546–A.
[8] Pressure base is 15.025 p.s.i.a.
[9] Base rate for sale of gas well gas for gas sold under contracts dated after Oct. 1, 1968 as established in Opinion No. 546.
[10] Subject to quality adjustments.
[11] Initial rate for sale of gas well gas as conditioned by temporary certificate issued Oct. 23, 1969, in Docket No. CI70-316.

The contracts related to Atlantic Richfield Co.'s (Atlantic) rate filings were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed rates exceed the area increased rate ceiling of 11 cents per Mcf for Kansas but does not exceed the initial service ceiling of 16 cents per Mcf for the area involved. We believe, in this situation, Atlantic's proposed rate increases should be suspended for 1 day from December 22, 1969 (Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 539) and January 1, 1970 (Supplement No. 1 to Atlantic's FPC Gas Rate Schedule No. 557), the proposed effective dates.

Mobil Oil Corp. (Mobil) proposes a rate increase from 18.5 cents to 20 cents per Mcf, involving a sale of third vintage gas well gas in Offshore Louisiana and was filed pursuant to ordering paragraph (A) of Opinion No. 546–A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. Mobil was issued a conditioned temporary certificate in Docket No. CI70–316 authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustments). Deliveries of gas have not as yet commenced thereunder.

Consistent with previous Commission action on similar rate filings, we conclude that Mobil's proposed rate increase should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, Mobil's proposed increased rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69–1.

[F.R. Doc. 69–14602; Filed, Dec. 10, 1969; 8:45 a.m.]

[Docket No. RI70–728 etc.]

AUSTRAL OIL CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 3, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 16, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [2] Rate in effect	Cents per Mcf [2] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-728..	Austral Oil Co.	14	3	Natural Gas Pipeline Co. of America		11- 3-69	11- 3-69	11- 4-69	15.0	15.0563	
RI70-729..	Samedan Oil Corp.	24	3	United Gas Pipe Line Co.		11- 3-69	11- 3-69	11- 4-69	16.0	16.06	
RI70-730..	Banquette Gas Co., a division of Crestmont Oil & Gas Co.	4	6	do		11- 3-69	11- 3-69	11- 4-69	15.0	15.0375	
		5	1	do		11- 3-69	11- 3-69	11- 4-69	15.0	15.0375	
		6	8	do		11- 3-69	11- 3-69	11- 4-69	16.0	16.04	
RI70-731..	W. H. Doran, Jr.	1	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11- 3-69	11- 3-69	11- 4-69	15.0	15.05625	
RI70-732..	Roy R. Gardner	3	1	do		11- 3-69	11- 3-69	11- 4-69	[4] 16.16947	[4] 16.22928	
RI70-733..	Quintana Petroleum Corp., Agent for Estate of H. R. Cullen, deceased.	1	5	do		11- 3-69	11- 3-69	11- 4-69	[4] 14.6	[4] 14.6539	
RI70-734..	Agnes Cullen Arnold, et al.	1	4	Transcontinental Gas Pipe Line Corp.		11- 3-69	11- 3-69	11- 4-69	14.0	14.0525	
RI70-735..	Skelly Oil Co.	237	1	United Gas Pipe Line Co.		11- 3-69	11- 3-69	11- 4-69	16.0	16.06	
RI70-736..	James E. Warren	1	1	Banquete Gas Co., a division of Crestmont Oil & Gas Co.		11- 3-69	11- 3-69	11- 4-69	13.0	13.0325	
RI70-737..	Getty Oil Co.	7	26	Texas Eastern Transmission Corp.		11- 3-69	11- 3-69	11- 4-69	[5] 14.1	14.161	
	do	171	1	United Gas Pipe Line Co.		11- 3-69	11- 3-69	11- 4-69	16.0	16.06	
		168	2	Natural Gas Pipeline Co. of America.		11- 3-69	11- 3-69	11- 4-69	17.0	17.03665	
RI70-738..	H. B. Lively	3	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11- 3-69	11- 3-69	11- 4-69	[6] 14.78069	14.83612	
RI70-739..	Jonnell Gas, Inc.	1	21	do		11- 3-69	11- 3-69	11- 4-69	[7] 14.6	[7] 14.64350	
		2	5	do		11- 3-69	11- 3-69	11- 4-69	[8] 15.6	[8] 15.64725	
RI70-740..	H. H. Howell (Operator) et al.	4	4	United Gas Pipe Line Co.		11- 3-69	11- 3-69	11- 4-69	15.6	15.65475	
RI70-741..	Nafco Oil & Gas Inc. (Operator) et al.	2	7	do		11- 3-69	11- 3-69	11- 4-69	15.192	15.2295	
		3	14	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11- 3-69	11- 3-69	11- 4-69	[6] 15.0	[6] 15.05293	
RI70-742..	The Superior Oil Co.	88	2	Trunkline Gas Co.		11- 6-69	11- 6-69	11- 7-69	20.0	20.75	
RI70-743..	Getty Oil Co.	23	17	United Gas Pipe Line Co.		11- 3-69	11- 3-69	11- 4-69	[9] 15.0	[9] 15.05625	
RI70-744..	Irene Wrightsman Cernadas Trust.	1	1	Natural Gas Pipeline Co. of America.		11-10-69	11-10-69	11-11-69	16.0	16.06	
RI70-745..	Rodney Delange (Operator) et al.	3	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11-10-69	11-10-69	11-11-69	16.0	16.06	
RI70-746..	Skinner Corp. (Operator) et al.	1	4	do		11-14-69	11-14-69	11-15-69	15.0	15.05625	
		8	7	do		11-14-69	11-14-69	11-15-69	15.0	15.05625	
		9	7	do		11-14-69	11-14-69	11-15-69	15.0	15.05625	
RI70-747..	Mokeen Oil Co. (Operator) et al.	1	3	South Texas Natural Gas Gathering Co.		11- 3-69	11- 3-69	11- 4-69	15.0	15.05625	
RI70-748..	Mokeen Oil Co. (Operator), Agent et al.	3	1	do		11- 3-69	11- 3-69	11- 4-69	15.0	15.05625	
RI70-749..	Mokeen Oil Co., Agent	5	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11- 3-69	11- 3-69	11- 4-69	[11] 16.0	[11] 15.0525	
RI70-750..	H. R. Smith (Operator) et al.	8	4	do		11- 3-69	11- 3-69	11- 4-69	[12] 15.0	[12] 15.0549	
RI70-751..	H. R. Smith et al.	9	5	Transcontinental Gas Pipe Line Corp.		11- 3-69	11- 3-69	11- 4-69	[12] 15.0	[12] 15.05625	
RI70-752..	Southwestern Oil & Refining Co. (Operator) et al.	5	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11- 3-69	11- 3-69	11- 4-69	[12] 15.0	[12] 15.0549	
RI70-753..	Getty Oil Co.	19	25	Transcontinental Gas Pipe Line Corp.		11- 3-69	11- 3-69	11- 4-69	[12] 14.0	[12] 14.0517	
		51	16	Texas Eastern Transmission Corp		11- 3-69	11- 3-69	11- 4-69	14.6	14.661	
		55	13	do		11- 3-69	11- 3-69	11- 4-69	14.6	14.661	
		120	1	Natural Gas Pipeline Co. of America		11- 3-69	11- 3-69	11- 4-69	18.0	18.0675	
RI70-754..	F. William Carr (Operator) et al.	9	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11- 3-69	11- 3-69	11- 4-69	[12] 15.0	[12] 15.05542	
		11	11	Texas Eastern Transmission Corp		11- 3-69	11- 3-69	11- 4-69	[14] 15.0	[14] 15.06	
DI70-755..	Sun Oil Co. DX Division	278	1	Panhandle Eastern Pipeline Co.		11-14-69	11-14-69	11-15-69	17.0	17.06375	
		295	2	Natural Gas Pipeline Co. of America.		11-14-69	11-14-69	11-15-69	14.5	14.55437	
RI70-756..	Gulf Oil Corporation	366	4	Transwestern Pipeline Co.		11-14-69	11-14-69	11-15-69	17.0	17.0744	
RI70-757..	Graham-Michaelis Drilling Co. (Operator) et al.	82	1	Northern Natural Gas Co.		11-13-69	11-14-69	11-15-69	15.0	15.06625	
RI70-758..	Gulf Oil Corporation	315	1	Transwestern Pipeline Co.		11-14-69	11-14-69	11-15-69	18.7	18.7818	
		330	2	do		11-14-69	11-14-69	11-15-69	18.24	18.3198	
		401	4	do		11-14-69	11-14-69	11-15-69	19.4990	19.5843	
RI70-759..	Graham-Michaelis Drilling Co. (Operator) et al.	45	2	do		11-13-69	11-13-69	11-14-69	17.0	17.0744	
RI70-760..	Midwest Oil Corp.	43	8	do		11-17-69	11-17-69	11-18-69	17.0	17.0744	
RI70-761..	Cabot Corp. (SW)	96	3	El Paso Natural Gas Co.		11- 4-69	11- 4-69	11- 5-69	15.91	15.96966	
RI70-762..	Jack L. Burrell (Operator) et al.	1	6	Transwestern Pipeline Co.		11- 5-69	11- 5-69	11- 6-69	16.4	16.472	
		2	7	do		11- 5-69	11- 5-69	11- 6-69	16.4	16.472	
		3	10	El Paso Natural Gas Co.		11- 5-69	11- 5-69	11- 6-69	13.69	13.741	
RI70-763..	Kewanee Oil Co.	76	2	Natural Gas Pipeline Co. of America.		11- 5-69	11- 5-69	11- 6-69	16.40	16.46	

[2] Pressure base is 14.65 p.s.i.a.
[4] Subject to a dehydration deduction of 0.21931 cent per Mcf by buyer.
[5] Equivalent to a rate of 14.6 cents when a 0.5 cent Mcf allowance for dehydration is added.
[6] Equivalent to 15 cents when a 0.21931 cent dehydration allowance is added.
[7] For gas produced from acreage dedicated prior to Sept. 28, 1960.
[8] For gas produced from acreage dedicated on or after Sept. 28, 1960.
[9] Subject to a 0.21931 dehydration charge by buyer.
[10] For gas produced from the Texas State Tract 45-47 Unit only.
[11] Subject to a 2 cents gathering charge by buyer.
[12] Subject to 0.21931 dehydration charge by buyer.
[13] Subject to downward B.T.U. adjustment presently 0.84 cent for 944 B.T.U. gas.
[14] Less 0.5-cent dehydration and central delivery charge by buyer.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56) except for the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and, except for Warren's sale under its FPC Gas Rate Schedule No. 1 to Banquette. However, such ceiling does not apply to Warren's rate, but only to Banquette's resale rate. Banquette now resells the subject gas under its FPC Gas Rate Schedule No. 6 at an initial rate of 16 cents and has filed for its tax increase, as reported in this appendix, which is being suspended for 1 day. In these circumstances, we believe it is appropriate to also suspend Warren's increase for 1 day.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from the date of filing since the filings involved here were made after October 31, 1969.

[F.R. Doc. 69-14603; Filed, Dec. 10, 1969; 8:45 a.m.]

[Docket No. RI70-766 etc.]

AZTEC OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 3, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 16, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf Rate in effect	Cents per Mcf Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-766..	Aztec Oil & Gas Co. (Operator), et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	9	11	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah) (Aneth Area).	$10,848	11-3-69	[3] 12-4-69	5-4-70	17.7	[3] [4] 22.22	
RI70-767..	Belco Petroleum Corp., 630 Third Ave., New York, N.Y. 10017.	1	[3] 32	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	39,000	11-3-69	[3] 12-4-69	5-4-70	[7] 16.0	[3] [4] [7] 17.0	RI62-13.
					8,000				[8] 17.0	[3] [4] [8] 18.0	RI62-13.
					16,160				[9] [10] 16.384	[3] [4] [9] [10] 18.0	RI62-13.
	do	2	[3] 20	do	28,000	11-3-69	[3] 12-4-69	5-4-70	[7] 16.0	[3] [4] [7] 17.0	RI62-13.
					8,000				[8] 17.0	[3] [4] [8] 18.0	RI62-13.
					16,160				[9] [10] 16.384	[3] [4] [9] [10] 18.0	RI62-13.
	do	3	[11] 18	El Paso Natural Gas Co. (Big Piney and Piney Fields, Sublette and Lincoln Counties, Wyo.).	14,000	11-3-69	[3] 12-4-69	5-4-70	[12] 15.0	[3] [4] 16.0	RI62-37.
					90,000				[8] 17.0	[3] [4] 18.0	RI62-37.
					19,500				[8] 15.0	[3] [4] 18.0	
					26,000				[9] 16.384	[3] [4] 18.0	RI62-37.
	do	4	4	Mountain Fuel Supply Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	3,500	11- 3-69	[3] 12- 4-69	5- 4-70	16.0	[3] [4] 17.0	RI64-663.
	do	5	6	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	10,290	11- 3-69	[3] 12- 4-69	5- 4-70	16.384	[3] [4] 20.5	RI63-401.
	do	6	13	do	365,092	11- 3-69	[3] 12- 4-69	5- 4-70	[13] [14] 16.384	[3] [4] 20.5	RI63-401.
									16.384	[3] [4] 16.0	
	do	8	1	Kansas-Nebraska Natural Gas Co. (Shawnee-Flat Top Field, Converse County, Wyo.).	1,200	11- 3-69	[3] 12- 4-69	5- 4-70	[14] 15.0	[3] [4] 16.0	
	do	11	15	El Paso Natural Gas Co. (Piney Field, Sublette and Lincoln Counties, Wyo.).	7,674	11- 3-69	[3] 12- 4-69	5- 4-70	[14] 15.384	[3] [4] 20.5	
	do	12	2	El Paso Natural Gas Co. (Basin Pool Field, San Juan County, N. Mex.) (San Juan Basin Area).	8,000	11- 3-69	[3] 12- 4-69	5- 4-70	[14] 13.0	[3] [4] 14.0	
	do	13	14	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	750	11- 3-69	[3] 12- 4-69	5- 4-70	[14] 15.0	[3] [4] 18.0	
RI70-768..	Belco Petroleum Corp. (Operator).	7	8	Mountain Fuel Supply Co. (Piney Field, Sublette and Lincoln Counties, Wyo.).	7,000	11- 3-69	[3] 12- 4-69	5- 4-70	16.0	[3] [4] 17.0	RI64-662.
RI70-309..	Chevron Oil Co., Western Division, Post Office Box 599, Denver, Colo. 80201.	5	1 to 2	Montana-Dakota Utilities Company (Muddy Ridge Field, Fremont County, Wyoming).	5,523	11- 4-69	[15] 5- 4-70	[16] Accepted	[16] 16.384	[4] [17] 16.548	
	do	6	1 to 2	Kansas-Nebraska Natural Gas Company, Inc. (Lost Cabin and Waltman Fields, Fremont and Natrona Counties, Wyoming).	40,752	11- 4-69	[15] 4- 1-70	[16] Accepted	[16] 16.0	[4] [17] 16.16	
RI70-769..	Cities Service Oil Co. et al., Post Office Box 300, Tulsa, Okla. 74102.	[18]	3	United Fuel Gas Company (Wyoming and McDowell Counties, West Virginia).	7,220	11- 3-69	[3] 12- 4-69	5- 4-70	28.0	[16] [19] 28.5	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-770..	Dorchester Gas Producing Co., Post Office Box 750, Amarillo, Tex. 79105.	[2] 9 / [2] 9	[6] 2 / 3	Natural Gas Pipeline Company of America [25] (Harrington Field, Texas County, Oklahoma) (Panhandle Area).	---------- / $30,000	11- 7-69 / 11- 7-69	[1] 12- 8-69 / [1] 12- 8-69	Accepted / 5- 8-70	---------- / 0.75	---------- / [26] [27] 1.0	
RI70-771..	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	18 / 18	[7] 14 / 15	United Gas Pipe Line Company (Carthage Field, Panola County, Texas) (R. R. District No. 6).	---------- / 695	11- 3-69 / 11- 3-69	[1] 12- 4-69 / [1] 12- 4-69	Accepted / 5- 4-70	---------- / 11.9298	---------- / [28] [29] 14.0346	

[1] The stated effective date is the effective date requested by respondent.
[2] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] The stated effective date is the first day after expiration of the statutory notice.
[6] Not applicable to gas sold under the terms of the agreement dated Feb. 19, 1969.
[7] Applicable to gas delivered between 500 and 860 p.s.i.g.
[8] Applicable to high pressure gas (860 p.s.i.g. and above).
[9] Applicable to acreage added by agreement dated Sept. 28, 1960 (Supplement No. 21).
[10] Applicable to acreage added by agreement dated Sept. 28, 1960 (Supplement No. 10).
[11] Not applicable to gas sold under agreement dated Apr. 4, 1963.
[12] Applicable to gas delivered between 175 and 500 p.s.i.g.
[13] Applicable to acreage added by Supplements Nos. 9, 10, and 11.
[14] Initial rate.
[15] Date of termination of suspension period in Docket No. RI70-309.
[16] Accepted for filing subject to the rate suspension proceeding in Docket No. RI70-309.
[17] Tax reimbursement increase.
[18] Rate increase to 16.384 cents per Mcf, suspended in Docket No. RI70-309 until May 4, 1970.
[19] Rate increase to 16 cents per Mcf, suspended in Docket No. RI70-309 until Apr. 1, 1970.
[20] Reflects addition of contractually provided for charge for gathering gas.
[21] Pressure base is 15.325 p.s.i.a.
[22] Rate Schedule covers only gathering service.
[23] Dorchester gathers the gas which is sold to Natural at the wellhead by several producers at rates ranging from 17 cents to 17.289 cents, some of which are effective subject to refund.
[24] Contract amendment dated May 1, 1969, which provides the basis for rate increase.
[25] Renegotiated rate increase.
[26] Pressure base is 14.65 p.s.i.a.
[27] Contract amendment dated Oct. 7, 1969, which provides the basis for rate increase.

Belco Petroleum Corp. (Belco) request waiver of the statutory notice to permit an effective date of November 3, 1969, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Belco's rate filings and such request is denied.

The proposed periodic rate increase filed by Aztec Oil & Gas Co. (Operator) et al. (Aztec), is for a sale to El Paso Natural Gas Co. from the Aneth Area of Utah where no formal guideline prices have been announced by the Commission for the Aneth Area. Since the proposed rate is equal to rates now under-suspension, we conclude that Aztec's rate increase should be suspended for 5 months from December 4, 1969, the proposed effective date.

Concurrently with the filing of their rate increases, Dorchester Gas Producing Co. (Dorchester) and Sun Oil Co. (Sun) submitted contract amendments, designated as Supplement No. 2 to Dorchester's FPC Gas Rate Schedule No. 9, and Supplement No. 14 to Sun's FPC Gas Rate Schedule No. 18, which provide the basis for their proposed rate increases. We believe that it would be in the public interest to accept for filing Dorchester and Sun's contract amendments to become effective as of December 8, 1969 (Dorchester), and December 4, 1969 (Sun), but not the proposed rates contained therein which are suspended as ordered herein.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56) with the exception of the rate increase filed by Aztec in the Aneth Area where no formal guideline prices have been announced by the Commission.[28]

[F.R. Doc. 69–14625; Filed, Dec. 10, 1969; 8:45 a.m.]

[28] Dorchester's Rate Schedule No. 9 covers only gathering service and Dorchester has proposed to increase its charge to 1 cent per Mcf. The total cost of the gas delivered to Natural, inclusive of Dorchester's proposed gathering charge, does exceed the applicable area increased rate ceiling.

[Docket No. RI70–764, etc.]

CHEVRON OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 3, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 16, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-764..	Chevron Oil Co., Western Division, Post Office Box 599, Denver, Colo. 80201.	3	3	Mountain Fuel Supply Co. (Birch Creek Area, Sublette County, Wyo.).	$3,941	11-4-69	[3] 11-4-69	[4] 11-5-69	17.0	[5] [6] 17.17	RI69-437.
RI70-765..	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	291	3	United Fuel Gas Co. (Pike County, Ky.).	170	11-3-69	[7] 1-1-70	[4] 1-2-70	26.0	[8] [9] 28.0	
	...do...	292	2	...do...	860	11-3-69	[7] 12-4-69	[4] 12-5-69	26.0	[8] [9] 27.5	

[1] The stated effective date is the effective date requested by Respondent, with waiver of notice granted.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] The stated effective date is the effective date requested by Respondent.
[8] Reflects addition of contractually provided for charge for gathering gas.
[9] Pressure base is 15.325 p.s.i.a.

Cities Service Oil Co. (Cities) proposes increased rates of 28 cents and 27.5 cents per Mcf, inclusive of gathering charges paid by the buyer, for sales of gas in Eastern Kentucky. The proposed rates exceed the informal increased rate ceiling of 21 cents per Mcf for Eastern Kentucky, but are equal to and below the area rate proposed in the notice of proposed rulemaking issued October 16, 1969, in Docket No. R–371. Consistent with prior Commission action taken on similar rate increases in Eastern Kentucky, we conclude that Cities' proposed rate increases should be suspended for 1 day from January 1, 1970 (Supplement No. 3 to Cities' FPC Gas Rate Schedule No. 291), and December 4, 1969 (Supplement No. 2 to Cities' FPC Gas Rate Schedule No. 292), the proposed effective dates.

Chevron Oil Co., Western Division's (Chevron) proposed rate increase reflects partial reimbursement of a severance tax recently enacted by the State of Wyoming. The proposed rate increase reflects a double amount of the contractually entitled tax reimbursement to provide for reimbursement of taxes applicable to future production as well as reimbursement for taxes applicable to past production back to January 1, 1968. Chevron requests waiver of the statutory notice to permit an effective date of November 4, 1969, for its rate filing. Since Chevron's rate increase contains tax reimbursement we conclude that it should be suspended for 1 day from November 4, 1969, the requested effective date, with waiver of notice granted.

After the amounts of tax reimbursement applicable to past production have been recovered, Chevron shall file an appropriate rate decrease under its FPC Gas Rate Schedule No. 3 to reduce the rate proposed herein so as to provide for tax reimbursement for future production only. Chevron will also be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review.

[F.R. Doc. 69–14605; Filed, Dec. 10, 1969; 8:45 a.m.]

[Docket No. RI70–709 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 3, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 19, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-709..	Gulf Oil Corp. (Operator) et al., Tulsa, Okla. 74102.	341	3	Lone Star Gas Co. (Knox Field, Grady and Stephens Counties, Okla.).	$560	11- 5-69	[1] 12- 6-69	5- 6-70	16.5	[2] [3] 19.0	
	...do...	177	4	...do...	1,310	11- 5-69	[1] 12- 6-69	5- 6-70	18.0	[2] [3] 19.0	RI68-667.
RI70-710..	Cities Service Co. (Operator) et al., Post Office Box 300, Tulsa, Okla. 74102.	8	[4] 16	United Gas Pipe Line Co. (Carthage Field, Panola County, Tex.) (R.R. District No. 6).	----------	11- 3-69	[1] 12- 4-69	Accepted	----------	----------	
		8	17		15,233	11- 3-69	[1] 12- 4-69	5- 4-70	12.9451	[2] [3] 14.0346	
	...do...	12	[4] 12	...do...	----------	11- 6-69	[1] 12- 7-69	Accepted	----------	----------	
		12	13		5,167	11- 6-69	[1] 12- 7-69	5- 7-70	11.9298	[2] [3] 14.0346	
RI70-711..	Sun Oil Co., Post Office Box 3383, Tulsa, Okla. 74101.	222	4	Arkansas Louisiana Gas Co. (Peno Field, Le Flore, Sequoyah, and Haskell Counties, Okla.) (Oklahoma "Other" Area).	12,332	11- 3-69	[1] 1-1-70	6- 1-70	[5] 14.515	[2] [3] 15.515	
					60	----------	----------	----------	[5] 15.0	[2] [3] 16.015	
	...do...	238	6	Cities Service Gas Co. (Northeast Florence Field, Grant County, Okla.) (Oklahoma "Other" Area).	1,500	11- 5-69	[1] 1-1-70	6- 1-70	[5] [6] 14.0	[2] [3] [6] 15.0	RI65-421.
	...do...	178	3	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	120	11-12-69	[1] 1-1-70	6- 1-70	16.06	[2] [3] 17.0636	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-712..	Sunset International Petroleum Corp., 2400 Fidelity Union Tower Bldg., Dallas, Tex. 75201.	20	12	Transwestern Pipeline Co. (Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	$333	11- 7-69	[3] 12- 8-69	5- 8-70	[30] 19.5731	[4] [30] 26.0975	
RI70-713..	Blake Hamman (Operator) et al., 703 Continental Life Bldg., Fort Worth, Tex. 76102.	1	4	Natural Gas Pipeline Co. of America (Boonsville Bend, Conglomerate Field, Jack, Parker and Wise Counties, Tex.) (RR. Districts Nos. 9 and 7-B).	4,783	10-31-69	[3] 12-27-69	5-27-70	16.432	[5] [6] 17.459	RI67-322.
RI70-714..	Triton Oil & Gas Corp., 2310 Republic National Bank Tower, Dallas, Tex. 75201.	4	3	Panhandle Eastern Pipe Line Co. (Valley Center West Field, Dewey County, Okla.) (Oklahoma "Other" Area).	1,659	11- 4-69	[10] 12- 5-69	5- 5-70	15.287	[3] [34] 18.359	
RI70-323..	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	418	[10] 1-4	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana).	2,610	11- 3-69	[11] 4- 1-70	Accepted	(32)	[12] [13] [14] 18.05	RI68-660.
RI70-715..	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	19	3	Michigan Wisconsin Pipe Line Co. (Harper County, Okla.) (Panhandle Area).	3,238	11- 5-69	[15] 12- 6-69	5- 6-70	19.5	[5] [6] [16] 22.0	RI65-201.
RI70-716..	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	123	7	Lone Star Gas Co. (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	44,000	11- 5-69	[15] 12- 6-69	5- 6-70	17.9	[5] [6] 19.0	RI69-16.
RI70-717..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	192	3	Texas Gas Transmission Corp. (Carterville Field, Bossier and Webster Parishes, La.) (North Louisiana Area).	723 (35)	11- 5-69	[3] 12- 6-69	5- 6-70	[17] 18.25 [18] [19] 17.375	[5] [13] [17] 19.75 [5] [13] [18] [19] 18.875	RI65-201.
RI70-718	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	237	6	Texas Gas Transmission Corp. (Calhoun Field, Ouachita Parish, La.) (North Louisiana).	684	11- 5-69	[3] 12- 6-69	5- 5-70	[20] [33] 18.75	[5] [13] [20] [33] 20.25	
RI70-719..	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	29	4	Natural Gas Pipeline Co. of America (Caledonia Field, Rusk County, Tex.) (RR. District No. 6).	3	11- 3-69	[3] 12- 4-69	5- 4-70	[20] 14.0	[5] [6] [20] 14.1	
RI70-720..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	425	3	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	604	11-10-69	[3] 12-30-69	5-30-70	19.5	[5] [6] 22.015	RI66-163.
	do	357	5	Cities Service Gas Co. (Hardtner and Early Fields, Barber County, Kans.).	9,540	11-10-69	[3] 12-23-69	5-23-70	[20] 14.0	[5] [6] 15.0	RI66-93.
	do	397	6	Cities Service Gas Co. (East Round Hill et al., Fields, Grant and Alfalfa Counties, Okla.) (Oklahoma "Other" Area).	3,490	11-10-69	[3] 1- 1-70	6- 1-70	[20] [36] 14.0	[5] [6] [20] [36] 15.0	RI66-86.
	do	273	4	Panhandle Eastern Pipe Line Co. (Northwest Midwell Field, Cimarron County, Okla.) (Panhandle Area).	2,222 81	11-12-69 11-12-69	[3] 1- 1-70 [3] 1- 1-70	6- 1-70 6- 1-70	[16] [37] 17.0 [16] [38] 14.0	[5] [6] [16] [37] 18.01 [5] [6] [16] [38] 15.01	
RI70-712..	Atlantic Richfield Co. (Operator) et al.	555	2	Lone Star Gas Co. (Nellie District North, Stephens County, Okla.) (Oklahoma "Other" Area).	141	11-10-69	[3] 1- 1-70	6- 1-70	15.0	[5] [6] 16.01	
	do	189	5	Cities Service Gas Co. (Southeast Eureka Field, Grant and Alfalfa Counties, Okla.) (Oklahoma "Other" Area).	2,740	11-12-69	[3] 1- 1-70	6- 1-70	[20] [36] [39] 14.0	[5] [6] [20] [36] [39] 15.0	RI66-91.
	do	272	4	Arkansas Louisiana Gas Co. (West Vixen Field, Caldwell Parish, La.) (North Louisiana Area).	3,900	11-12-69	[3] 1- 1-70	6- 1-70	[20] 17.0	[5] [6] [20] 18.0	
RI70-722..	Gerry Oil Co., Post Office Box 1404, Houston, Tex. 77001.	95	6	United Gas Pipe Line Co. (North LaWard Field, Jackson County, Tex.) (RR. District No. 2).	609	11- 5-69	[3] 12- 6-69	5- 6-70	15.1792	[5] [21] 16.04	RI64-721.
RI70-723..	General American Oil Co. of Texas (Operator) et al., Meadows Bldg., Dallas, Tex. 75206.	18	12	Texas Eastern Transmission Corp. (Arneckeville Field, De Witt County, Tex.) (RR. District No. 2).	4,265	11-10-69	[10] 12-11-69	5-11-70	[22] 14.4355	[5] [6] 14.9433	RI63-318.
	do	84	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Northeast Loma Novia Field, Duval County, Tex.) (RR. District No. 4).	7,638	11-10-69	[10] 12-11-69	5-11-70	[23] 18.0675	[5] [6] 19.31563	RI65-564.
RI70-724..	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	64	13	El Paso Natural Gas Co. (Monument Field, Lea County, N. Mex.) (Permian Basin Area).	4,961	11- 6-69	[3] 12- 7-69	5- 7-70	16.8793	[5] [6] 17.9023	RI69-782.
	do	101	10	El Paso Natural Gas Co. (Blinebry and Tubbs Fields, Lea County, N. Mex.) (Permian Basin Area).	4,569	11- 6-69	[3] 12- 7-69	5- 7-70	16.8793	[5] [6] 17.9023	RI69-782.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-725..	Pecos Growers Oil Co., 1001 Americana Bldg., Houston, Tex. 77002.	2	3	El Paso Natural Gas Co. (Ramsey Plant, Reeves and Culberson Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	$10,800	11- 4-69	[3] 12- 5-69	5- 5-70	16.50	[5] [6] 17.50	

[1] Footnote 2 not used.
[3] The stated effective date is the effective date requested by Respondent.
[4] Two-step periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Periodic rate increase.
[7] Contract amendment dated Oct. 10, 1969, which provides for increased rate.
[8] Renegotiated rate increase.
[9] Contract amendment dated Oct. 10, 1969, which provides for increased rate.
[10] Amends notice of change from 15.75 cents to 16.3 cents designated as Supplement No. 4 which did not include tax reimbursement on proposed rate. Supplement No. 4 is currently suspended in Docket No. RI70-323 until Apr. 1, 1970.
[11] The stated effective date is the end of the suspension period in Docket No. RI70-323.
[12] "Fractured" rate increase. Contractually due a base rate of 16.3070 cents plus 1.75 cents tax reimbursement for a total rate of 18.057 cents.
[13] Pressure base is 15.025 p.s.i.a.
[14] Includes 1.75 cents tax reimbursement.
[15] The stated effective date is the first day after expiration of the statutory notice.
[16] Subject to upward and downward B.t.u. adjustment.
[17] High pressure gas.
[18] Low pressure gas.
[19] No current production.
[20] Subject to a downward B.t.u. adjustment
[21] Applicable only to the Crowe Well in sec. 1, T. 10 N., R. 26 E.
[22] Applicable to all acreage other than the Crowe Well.
[23] Includes a 0.75-cent dehydration charge deducted by seller.
[24] Respondent filing from initial certificated rate to first periodic increase plus tax reimbursement.
[25] Includes 1.75-cents tax reimbursement.
[26] Buyer deducts 0.75 cents from rate shown for dehydration.
[27] Applicable to gas-well gas.
[28] Applicable to casinghead gas.
[29] Subject to a 1.50 Compression charge deducted by buyer when applicable.
[30] Includes 1.5 cents per Mcf tax reimbursement.
[31] "Fractured" rate increase. Contractually due a base rate of 18.75 cents per Mcf.
[32] Includes the recent Texas tax increase.
[33] Accepted subject to the rate suspension proceeding in Docket No. RI70-323.

Triton Oil & Gas Co. (Triton) requests that its proposed rate increase be permitted to become effective as of October 1, 1969, and Texaco Inc. (Texaco), requests an effective date of November 5, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Triton and Texaco's rate filings and such requests are denied.

Mobil Oil Corp. (Operator) et al. (Mobil), previously filed a rate increase under its FPC Gas Rate Schedule No. 418 from 15.75 cents to 16.3 cents per Mcf. Such increase was suspended in Docket No. RI70-323 until April 1, 1970. Due to an oversight Mobil did not include its contractually due Louisiana tax reimbursement in its previous filing. Mobil now proposes to increase its suspended rate to 18.05 cents to include such tax reimbursement. Consistent with prior Commission action taken on similar filings of this type, we conclude that Mobil's instant increase should be accepted for filing subject to the existing suspension proceeding in Docket No. RI70-323.

Concurrently with the filing of its rate increases, Cities Service Co. (Operator) et al., filed two Letter Agreements dated October 10, 1969, designated as Supplement Nos. 16 and 12 to Cities' FPC Gas Rate Schedule Nos. 8 and 12, respectively, which provide the basis for its proposed rate increases. We believe that it would be in the public interest to accept for filing Cities' letter agreements to become effective as of December 4, 1969 (Supplement No. 16 to Cities' FPC Gas Rate Schedule No. 8) and December 7, 1969 (Supplement No. 12 to Cities' FPC Gas Rate Schedule No. 12), the proposed effective dates, but not the proposed rates contained therein which are suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-14606; Filed, Dec. 10, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 1358]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 5, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contained a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonble compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

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No. MC 531 (Sub-No. 263), filed November 12, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant).

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and fruit juice*, in bulk, in tank vehicles, from points in Missouri to points in New York. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 1759 (Sub-No. 25), filed November 10, 1969. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, Conn. Applicant's representative: Reubin Kaminsky, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tomato juice and tomato juice cocktails*, in containers, in cartons, from Greenwich, Conn., to points in Erie, Monroe, and Onondaga Counties, N.Y., and *refused and rejected shipments* of the above named commodities from the above named points of destination to the above named point of origin, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 2754 (Sub-No. 16), filed November 10, 1969. Applicant: NEUENDORF TRANSPORTATION CO., a corporation, 121 South Stoughton Road, Madison, Wis. 53701. Applicant's representative: Robert E. Bryant (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building paving and roofing materials*, from Wilmington, Ill., to points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 2860 (Sub-No. 66), filed November 5, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 98360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, requiring refrigeration, from Chicago, Ill., to points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Philadelphia, Pa.; or Washington, D.C.

No. MC 3468 (Sub-No. 157), filed November 12, 1969. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, Mich. 48501. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles* via truckaway service, from Flint, Mich., to points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 5429 (Sub-No. 22), filed October 31, 1969. Applicant: LYON VAN LINES, INC., 3416 South La Cienega Boulevard, Los Angeles, Calif. 90014. Applicant's representatives: Wyman C. Knapp and Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that it presently holds authority to serve in the transportation of household goods between all points in the United States except Alaska and Hawaii. The sole purpose of this application is to eliminate presently required gateways. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 9325 (Sub-No. 45), filed November 17, 1969. Applicant: K LINES, INC., Post Office Box 567, Lake Oswego, Oreg. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Tacoma, Wash., to ports of entry on the United States-Canadian boundary at or near Blaine and Sumas, Wash., and points in Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 11207 (Sub-No. 294), filed November 12, 1969. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition boards or sheets*, from the plantsite and warehouse of Westvaco Corp. at North Charleston, S.C., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 22229 (Sub-No. 58), filed November 3, 1969. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representatives: Harold H. Clokey (same address as applicant) and T. Randolph Buck, Post Office Box 1160, Owensboro, Ky. 42301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *machines and machinery*, including food handling machines, palletizers, depalletizers, scramblers, and conveyor systems; (3) *foodstuffs*, canned, prepared, or preserved; (4) *citrus and citrus products;* (5) *sauces and salad dressings;* (6) *pipe and tubing*, (7) *aluminum building materials, aluminum articles, weatherstripping, aluminum screws, metal cloth, acoustical systems, ceiling tile, steel and aluminum angles;* (8) *ceramic tile, ceramic bathroom fixtures;* (9) *carpet, carpeting, carpet remnants, rugs, mats, or molding;* (10) *wooden building materials;* (11) *plastic pipe fittings;* (12) *paints, paint material or putty;* and (13) *beverages and beverage preparations*, (a) from points in that part of Florida on and south of a line beginning at Cedar Keys, Fla., and extending along Florida Highway 24 to Waldo, Fla., thence along U.S. Highway 301 to Baldwin, Fla., thence along U.S. Highway 90 to Jacksonville, Fla., and the commercial zone thereof (except that part of Florida known as the Florida Keys) to points in Alabama, Georgia, Illinois, Indiana, Kentucky, and Tennessee and (b) from St. Marys, Ga., to points in Alabama, Illinois, Indiana, Kentucky, and Tennessee. NOTE: Applicant states it will tack with its presently held authority at Nashville, Tenn., and Cincinnati, Ohio. If a hearing is deemed necessary, applicant requests it be held at Tampa, or Jacksonville, Fla.

No. MC 29566 (Sub-No. 137), filed November 7, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Pet Inc., Frozen Foods Division, Chickasha, Okla., to points in Illinois, Iowa, Kansas, Missouri, Nebraska, and South Dakota. NOTE: Common control may be involved. Applicant states it presently has authority to serve Missouri points as described in paragraph (A) of their certificate. They can "tack" to Direct Transports, Inc., Sub-No. 9 authority at Marshall, Mo., and perform service to Iowa, Minnesota, Nebraska, North Dakota, and South Dakota at the present time. Direct authority to States named in application is desired. Applicant will accept any restriction deemed necessarily by the

Commission in regards to duplication. If a hearing is deemed necessary, applicant requests it be held at Kansas City, or St. Louis, Mo.

No. MC 30837 (Sub-No. 382), filed November 6, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representatives: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005 and A. P. Barber, Post Office Box 160, Kenosha, Wis. 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled all-terrain vehicles* (not designed for highway use and excluding vehicles weighing 15,000 pounds or more) and *parts and accessories*, from Buffalo, N.Y.; Cleveland, Ohio; St. Charles, Ill.; Los Angeles, Calif.; and points in Wayne and Oakland Counties, Mich.; Hinds County, Miss.; Allegheny, Dauphin, and York Counties, Pa.; and Washington and Anoka Counties, Minn., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 300), filed November 13, 1969. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products*, from Quakertown, Pa., to points in Missouri and Waterloo, Iowa. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 33641 (Sub-No. 90), filed November 5, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegarty, Shell Building, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission commodities in bulk and those requiring special equipment), between points on the Island of Oahu, Hawaii, restricted to traffic originating at or destined to points beyond Hawaii, and further restricted to traffic moving under joint rates with water carriers under the provisions of section 216(c) of the Interstate Commerce Act. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 36556 (Sub-No. 20), filed November 4, 1969. Applicant: HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, Post Office Box 186, Somers, Wis. 53171. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and ingredients necessary to the manufacture of such feeds*, between the plantsites and warehouse facilities utilized by Badger By-Products Co., Milwaukee, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, and Minnesota, restricted against the transportation of liquid commodities in bulk. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 39300 (Sub-No. 8), filed November 17, 1969. Applicant: MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, Ohio, and Louisville, Ky., over Interstate Highway 71, as an alternate route in connection with applicant's regular-route operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 40757 (Sub-No. 11), filed November 6, 1969. Applicant: CREECH BROTHERS TRUCK LINES, INC., 312 West Cherry Street, Troy, Mo. 63379. Applicant's representative: William H. Creech, 100 Industrial Drive, Troy, Mo. 63379. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum structural forms and aluminum airplane wing skins*, from Tullahoma, Tenn., to St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 41792 (Sub-No. 14), filed November 7, 1969. Applicant: HOLDCROFT TRANSPORTATION COMPANY, a corporation, 3232 Highway 75 North, Sioux City, Iowa 51102. Applicant's representative: Earl H. Scudder, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission), between Sioux City, Iowa, and Winsted, Minn.; from Sioux City, Iowa, over U.S. Highway 75 to junction with Iowa Highway 60 (formerly Iowa Highway 33), thence over Iowa Highway 60 to the Iowa-Minnesota State line, thence over Minnesota State Highway 60 to junction with Minnesota State Highway 60 and 15, thence over Minnesota State Highway 15 to junction with Minnesota State Highway 15 and U.S. Highway 212, thence over U.S. Highway 212 to junction with U.S. Highway 212 and Minnesota State Highway 261, thence over Minnesota State Highway 261 to Winsted, Minn., and return over the same route, serving no intermediate points. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 41984 (Sub-No. 23) (Clarification), filed August 22, 1969, published in the FEDERAL REGISTER issue of October 9, 1969, clarified November 19, 1969, and republished, as clarified, this issue. Applicant: BLANTON TRUCKING COMPANY, INCORPORATED, Carll's Corner, Bridgeton, N.J. 08302. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, dangerous explosives, inflammables, commodities in bulk other than fertilizer, articles of unusual size or value, and household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 677), serving Bridgeton, N.J., as an off-route point. NOTE: Bridgeton, N.J., is served by Cross Transportation, Inc., MC 40428, which is under common control with Blanton Trucking Co., Inc., as authorized by the Commission. It is the desire of the applicant that it be authorized to use Bridgeton, N.J., as an interline point between the authorities of both carriers. Common control may be involved. The purpose of this republication is to redescribe the above note. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 736), filed November 9, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, liquid, in bulk, in tank vehicles, from Hawthorne, Calif., to West Springfield, Mass. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 43038 (Sub-No. 442) (Correction), filed October 13, 1969, published in FEDERAL REGISTER issue of October 30, 1969, corrected November 21, 1969, and republished as corrected this issue. Applicant: COMMERCIAL CARRIERS, INC., 10761 Middlebelt Road, Romulus, Mich. 48174. Applicant's representatives: Harld H. Clokey, 248 Chester Avenue SE., Atlanta, Ga. 30316 and Paul H. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, freight or combination freight and passenger, chassis, parts, and accessories*, when moving with vehicles of which they are a part or on which they are to be installed, in truckaway or driveaway service, between points in Los Angeles County, Calif., on the one hand, and, on the other, points in California restricted to traffic manufactured and/or assembled at General Motors Corp. Plants. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to reflect the restriction previously omitted in FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Los Angeles, Calif.

No. MC 49304 (Sub-No. 27), filed November 12, 1969. Applicant: BOWMAN TRUCKING COMPANY, INC., Post Office Box 6, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, from points in Prince Georges County, Md., to points in Frederick and Rockbridge Counties, Va.; (2) *aplite rock*, in bulk, from Piney River, Va., to points in Delaware, Maryland, New Jersey, Ohio, Pennsylvania, and West Virginia; (3) *polyethylene oxide*, in shipper-owned trailers, between South Charleston, W. Va., and Dickerson, Md.; and (4) *plastic articles*, from White Post, Va., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 56679 (Sub-No. 33) (Amendment), filed October 17, 1969, published in the FEDERAL REGISTER issues of November 6, 1969, and November 20, 1969, amended and republished as amended this issue. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes, and potatoe products*, from the plantsite and/or warehouse facilities of Ore-Ida Foods, Inc., in Montcalm County, Mich., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Minnesota, Wisconsin, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include Minnesota and Wisconsin as destination points. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 56679 (Sub-No. 35), filed November 4, 1969. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, from Grand Forks, N. Dak., and East Grand Forks, Minn., to points in Alabama, Arkansas, Arizona, California, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Mississippi, Nebraska, Nevada, New Mexico, New Jersey, New York, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Atlanta, Ga.

No. MC 56863 (Sub-No. 4), filed November 7, 1969. Applicant: ERKEL TRANSFER, INC., 358 North Cordova Street, Le Center, Minn. 56057. Applicant's representative: William Heinen, 15 South Park Avenue, Le Center, Minn. 56057. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), serving the terminal site of Yellow Freight System, Inc., located in Burnsville, Minn., as an off-route point in connection with carrier's presently authorized regular-route operations to and from Minneapolis-St. Paul, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 59150 (Sub-No. 45), filed November 10, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard, insulation board, plywood and particleboard, and parts, materials, and accessorial items* used in the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee; and (2) *commodities* used in the manufacture of *hardboard, insulation board, plywood and particleboard, and parts, materials and accessorial items* used in the installation thereof, from points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 59367 (Sub-No. 70), filed November 7, 1969. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Illinois, Minnesota, and Wisconsin, restricted to the transportation of traffic originating at the named plantsite and storage facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 60186 (Sub-No. 39), filed September 29, 1969. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066. Applicant's representative: Vernon V. Baker, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, insulating materials, bituminous fiber pipe, asbestos cement fiber pipe, cast iron pipe and fittings, and materials, accessories, and supplies* used in the installation of the above named commodities, except commodities in bulk, from Edgewater, N.J., to points in Vermont; (2) *cast iron pipe and fittings and materials, accessories, and supplies* used in the installation of cast iron pipe, except commodities in bulk, from Burlington, N.J., to points in Vermont, and (3) *returned, refused, and rejected shipments* of the above named commodities in (1) and (2), from points in Vermont to Edgewater and Burlington, N.J. NOTE: Applicant states that it will tack at Edgewater, N.J., to serve points in New Jersey, Baltimore, Md., Philadelphia, Pa., and points within Pennsylvania within 25 miles of Philadelphia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 61401 (Sub-No. 11), filed November 3, 1969. Applicant: MARX TRUCK LINE, INC., Third and Plymouth Street, Sioux City, Iowa 51101. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by Sioux-Preme Packing Co. at or near Sioux Center, Iowa, to points in Indiana, Iowa, Illinois, Wisconsin, and Minnesota, under contract with Sioux-Preme Packing Co. NOTE: Applicant holds common carrier authority under Docket No. MC 118537, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 61592 (Sub-No. 159), filed November 10, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic mouldings, valves, fittings, compounds, joint sealer, bonding, cement, thinner, vinyl building products and accessories* used in the installation of such products, from McPherson, Kans., and Waco, Tex., and Social Circle, Ga., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or St. Louis, Mo.

No. MC 67118 (Sub-No. 15), filed November 13, 1969. Applicant: STRONG MOTOR LINES, INCORPORATED, Chuckatuck Avenue and Old Midlothian Pike, Richmond, Va. 23255. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and dairy products*, from Richmond, Va., to Manning, Dillon, and Sumter, S.C., and *damaged, rejected and refused shipments* on return, under contract with Hygrade Food Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 74321 (Sub-No. 37), filed October 30, 1969. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and/or East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 75320 (Sub-No. 148), filed November 5, 1969. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Applicant sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *classes A and B ammunition and explosives and special fireworks*, (1) between points and over regular and irregular routes, which applicant is certified for the transportation of general commodities (except explosives) in Docket No. MC 75320 and all effective sub-numbers thereto, wherein applicant is authorized to operate in the States of Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, and subject to all route restrictions, if any, as otherwise specified in said certificates, and (2) serving the additional off-route points of Naval Ammunition Depot, at or near Haywood Savanna, and McAlester, Okla.; the plantsite of Remington Arms Co., at or near Lonoke, Ark.; Lone Star Ordnance Plant, Red River Arsenal, at or near Defense, Tex.; the Joliet Arsenal, at or near Elwood, and Joliet, Ill.; the Redstone Arsenal, at or near Huntsville, Ala.; and the Anniston Army Depot, at or near Bynum, Ala., in connection with applicant's presently authorized regular-route operations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76492 (Sub-No. 3), filed October 30, 1969. Applicant: BEE'S VAN & STORAGE, INC., Post Office Box 321, 733 B East Oak Street, Santa Maria, Calif. 93454. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Luis Obispo and Santa Barbara Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 82658 (Sub-No. 7), filed November 14, 1969. Applicant: ECONOMY FREIGHT LINES, INC., 6357 North Normandy Avenue, Chicago, Ill. 60631. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and containers*, and incidental supplies used in the manufacture or sale of malt beverages (except commodities in bulk) between La Crosse and Sheboygan, Wis., on the one hand, and on the other, points in Cook, Grundy, Kane, Lake, Kendall, McHenry, and Will Counties, Ill., and Elkhart, Fulton, Kosciusko, Lake, La Porte, Marshall, Porter, Pulaski, Starke, St. Joseph, and Whitley Counties, Ind., also Fort Wayne, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 84444 (Sub-No. 6), filed November 12, 1969. Applicant: McCORMICK'S EXPRESS, Third and Winslow Streets, Camden, N.J. 08104. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paperboard, wallboard, fire extinguishing materials, waste paper, licorice root, licorice mass, powdered licorice, syrup, wood pulp, micronutrients, and such general supplies and equipment as are used by a licorice manufacturer*, between Camden, N.J., on the one hand, and, on the other, points in Suffolk, Nassau, Orange, West Chester, and Putnam Counties, N.Y., and points in Fairfield County and Weston, Conn., under a continuing contract or contracts with MacAndrews and Forbes Co., of Camden, N.J., and (2) *coated paper, printing paper, paperboard and pulpboard*, from Philadelphia, Pa., to points in Camden, Essex, Hudson, Middlesex, and Union Counties, N.J., and points in Nassau and Suffolk Counties, N.Y., under a continuing contract or contracts with Mafcote Corp., a wholly owned subsidiary of MacAndrews and Forbes Co., of Camden, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, or Washington, D.C.

No. MC 89723 (Sub-No. 57), filed November 18, 1969. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis (same address as applicant). Authority sought to operate as a *common carrier*, my motor vehicle, over regular routes, transporting: *General commodities*, between Hiawatha, Kans., and St. Joseph, Mo. (a) from Hiawatha, Kans., over U.S. Highway 36 to St. Joseph, Mo., as an alternate route in connection with applicant's presently authorized regular-route operations, serving no intermediate points; and (b) from Hiawatha, Kans., over U.S. Highway 73 to Atchison, Kans., thence over U.S. Highway 59 to St. Joseph, Mo., as an alternate route in connection with applicant's regular-route operations serving no intermediate points. NOTE: Common control may be involved.

No. MC 93980 (Sub-No. 51), filed November 17, 1969. Applicant: VANCE

TRUCKING COMPANY, INCORPORATED, Raleigh Road, Henderson, N.C. 27536. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, as described in the appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279 (1952), (1) from Aliquippa, Pa., to points in North Carolina, South Carolina, and Georgia, and (2) from Pittsburgh, Pa., to points in South Carolina and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 116962, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 94201 (Sub-No. 80), filed October 21, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between the plantsite of The General Tire and Rubber Co., at or near Mayfield, Ky., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 81), filed November 14, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup, flavoring*, in glass or earthenware packed in barrels, boxes, or drums; in metal cans, in barrels, boxes, or drums; in metal cans partially or completely jacketed, in 1 gallon paperboard inner containers in 275 pound test corrugated fiberboard exterior containers with 200 pound test corrugated fiberboard dividers; in paperboard inner containers in 350 pound test corrugated fiberboard exterior containers; or in bulk in barrels or drums (applies only on finished flavoring syrup ready for use containing not less than 50 percent sugar); *flavoring compounds*, in containers in boxes or in bulk in barrels or drums; *bottler's flavoring compounds*, in containers, in boxes or in bulk in barrels or drums; *beverage preparations*, in containers, in boxes, or in bulk in barrels or drums, between the plantsite, warehouse, and storage facilities of The Coca-Cola Co., Inc., at or near Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Tennessee, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 95876 (Sub-No. 95), filed November 19, 1969. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot water tanks, heaters, and boilers and parts, and accessories* used therewith, from Madison, Wis., to points in the United States (except Alaska and Hawaii), and *equipment, materials and supplies* used in the manufacture and distribution of hot water tanks, heaters and boilers, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 95876 (Sub-No. 96), filed November 19, 1969. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze* and *deicing compounds* (except in bulk) and *antifreeze and deicing pressure tanks and vaporizors, and accessories* used therewith, from Sauk Rapids, Minn., to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 99905 (Sub-No. 3), filed November 5, 1969. Applicant: CLAYTON MILLER, doing business as DEL REYE VAN & STORAGE, 4941 West Rosecrans Avenue, Hawthorne, Calif. 90250. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kern, Los Angeles, Orange, Riverside, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 100666 (Sub-No. 157), filed November 6, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71106. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112 and Paul L. Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Elizabeth, La., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, North Carolina, North Dakota, New Mexico, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport or New Orleans, La.

No. MC 106398 (Sub-No. 436), filed November 5, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Bernalillo County, N. Mex., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or El Paso, Tex.

No. MC 106644 (Sub-No. 102), filed November 14, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, Ga. 30301. Applicant's representative: K. Edward Wolcott, Post Office Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and/or components*, and *cast iron fire hydrants*, from Birmingham, Ala., to points in Arkansas, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 107012 (Sub-No. 102), filed November 13, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Extruded aluminum louvers, louvered penthouses, roof curbs, gravity ventilators, aluminum brickvents, architectural grills*, and *aluminum duckboards*, uncrated, from points in Prince Georges County, Md., to points in the United States (except Alaska and Hawaii) with the privilege to stop-off said commodities en route to complete processing. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 238) (Correction), filed October 30, 1969, published in the FEDERAL REGISTER issue of November 27, 1969, and republished in part, as corrected, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. The purpose of this partial republication is to show the correct number as *MC 107295 (Sub-No. 238)*, in lieu of *MC 107925 (Sub-No. 238)* erroneously shown in previous publication. The rest of the application remains as published.

No. MC 107295 (Sub-No. 246), filed November 10, 1969. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, fiberglass, wall and ceiling panels, tile, mouldings, and materials and accessories* necessary for the installation thereof, from Lodi, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 107295 (Sub-No. 248), filed November 10, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe conduit and fittings therefor, and shapes and forms, and steel tubing*, from the plantsite of Allied Tube & Conduit at Philadelphia, Pa., to points in Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina, South Carolina, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 107295 (Sub-No. 249), filed November 10, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Illinois 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, mouldings, and accessories* used in the installation thereof, from Carlstadt, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 107295 (Sub-No. 251), filed November 13, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished wall panels, composition board, wallboard, plywood, mouldings, samples, and accessories*, from Pittsburg, Kans., to points in Maine, New Jersey, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Nevada, New Mexico, Oklahoma, Arizona, Utah, Idaho, Washington, Oregon, California, Arkansas, Kentucky, Illinois, Indiana, Iowa, Michigan, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Kansas City, Mo.

No. MC 107757 (Sub-No. 31), filed October 27, 1969. Applicant: M. C. SLATER, INC., Post Office Box 369, Granite City, Ill. 62041. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* (bottles or jars), *caps, covers, stoppers and tops, and fiberboard boxes*, from the plantsite and other facilities of Obear-Nester Glass Co. at Lincoln, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, Tennessee, Wisconsin and the Lower Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107818 (Sub-No. 50), filed November 17, 1969. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, 1301 Gulf Life Drive, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Sioux City, Iowa, to points in Alabama, Georgia, Florida, Mississippi, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Chicago, Ill.

No. MC 108393 (Sub-No. 19), filed November 5, 1969. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Knudtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts* of electrical and gas appliances, and *equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, between the warehouse serving the Whirlpool Corp. at Columbus, Ohio, on the one hand, and, on the other, points in McComb, Oakland, St. Clair, and Washtenaw, and Wayne Counties, Mich., under continuing contract or contracts with Whirlpool Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110098 (Sub-No. 104), filed November 7, 1969. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Oregon and Washington to Kennewick, Wash., restricted to traffic moving to Kennewick, Wash., for in-transit storage. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 110525 (Sub-No. 943), filed November 5, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of the Hercules Cement Co., at or near Fort Meade Junction, Md., to points in Delaware, Pennsylvania, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111383 (Sub-No. 30), filed November 12, 1969. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., Post Office Box 4447, 3925 Singleton Boulevard, Dallas, Tex. 75208. Applicant's representative: Lawrence A. Winkle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value classes A or B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Jackson, Miss., and New Orleans, La.: From Jackson, Miss., over U.S. Highway 49 to its junction with Interstate Highway 59, thence over Interstate Highway 59 to its junction with Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, La., and return over the same route, serving the intermediate point of Mendenhall, Miss. NOTE: Applicant states it presently holds alternate route authority between the involved termini over route in question and seeks only by this application to serve the intermediate point of Mendenhall, Miss., in connection with present routes. Applicant further states it intends to tack at both Jackson, Miss., and New Orleans, La., with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 111545 (Sub-No. 125), filed November 3, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Low speed motor vehicles* not suitable for general highway transportation; and (2) *accessories, attachments, and parts* when moving in connection therewith, from Ottowa, Kans., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that while no tacking possibilities are known, it would nevertheless not be willing to accept a no tacking restriction. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 112595 (Sub-No. 39), filed November 7, 1969. Applicant: FORD BROTHERS, INC., Post Office Box 727, Coal Grove, Ironton, Ohio 45638. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, from Washington, W. Va., to Gary, Ind., and Ottawa, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 112617 (Sub-No. 266), filed November 10, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank- or hopper-type vehicles, from Memphis, Tenn., to points in Virginia and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112801 (Sub-No. 100), filed November 12, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animals oils, and vegetables oils, and edible blends and edible products* of the specified commodities, not including liquid chemicals, between points in Will County, Ill., and points in the United States (except Hawaii and Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113024 (Sub-No. 78) (Amendment), filed October 10, 1969, published in FEDERAL REGISTER issue of November 27, 1969, amended November 26, 1969, and republished as amended, this issue. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bathroom and washroom fixtures, sinks, and accessories and attachments therefor*, from New Castle, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and (2) *bathroom and washroom fixtures, sinks, and accessories and attachments therefor, and materials and supplies* used in the manufacture thereof, between New Castle, Pa., and Camden, N.J., and points in Illinois on and north of U.S. Highway 24 (except Moline), Decatur, Ill., St. Louis, Mo., and Monroe, Ga. Restricted to: Traffic moving under contract with Universal-Rundle Corp., New Castle, Pa. NOTE: The purpose of this republication is to add (2) above, reflecting the additional commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113158 (Sub-No. 9), filed October 29, 1969. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from the plant or facilities of Green Giant Co. in the township of West Salisbury, Chester County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, West Virginia, and the District of Columbia, restricted to traffic originating at said plant or facilities and destined to named points. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 222), filed November 6, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from Memphis, Tenn., to points in Arkansas, Kentucky (except Louisville, Henderson, and Owensboro and points in the commercial zones thereof); points in Mississippi, north of Clarke, Jasper, Smith, Simpson, Copiah, and Claiborne Counties; points in Alabama north and west of Jackson, De Kalb, Etowah, Saint Clair, Shelby, Ribb, Hale, Marengo, and Choctaw Counties; points in Tennessee west of Sumner, Wilson, Rutherford, Bedford, and Lincoln Counties; points in Missouri east of the eastern boundaries of Laclede, Wright, Douglas, and Ozark Counties, Mo., and south of the southern boundaries of Pulaski, Phelps, Crawford, Washington, St. Francois, and Perry Counties, Mo.; and to points in Randolph, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties, Ill., (2) *Foodstuffs*, from Shreveport, La., to points in Louisiana, Arkansas and that part of Texas lying east of the eastern boundaries of Cooke, Denton, Tarrant, Ellis, Navarro, Freestone, Leon, Madison, Grimes, Waller, Fort Bend, and Brazoria Counties, Tex., and (3) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, and described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs*, from Shreveport, La., to points in Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113495 (Sub-No. 42), filed October 28, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 41 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum light poles, light pole brackets, and parts and accessories* therefor, from points in Washington County, Va., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 113495 (Sub-No. 44), filed November 14, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet metal products, building materials, lumber, wood decking*, and (2) *parts and accessories* used in the installation of the commodities named in (1) above, from Nashville, Tenn., to points in Mississippi, Alabama, Louisiana, Texas, Arkansas, Missouri, Kentucky, North Carolina, South Carolina, Georgia, Virginia, West Virginia, Florida, and Tennessee. NOTE: Applicant states that it does not propose a new service by tacking, but tacking is possible with MC–113495 and Sub-34 at Nashville to originate structural steel at other points in Tennessee, Kentucky, and portions of Virginia and North Carolina. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 113495 (Sub-No. 45), filed November 14, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe and tubing*, from Grand Rapids, Mich., to points in Davidson County, Tenn., and Washington County, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 113678 (Sub-No. 369), filed November 17, 1969. Applicant: CURTIS, INC., 4810 Pontiac Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp and paper, pulp and paper products, and pulp and paper articles*, from points in Putnam County, Fla., and Yulee, Fla., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Denver, Colo.

No. MC 113974 (Sub-No. 37), filed November 13, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated sheet metal products, and equipment, materials, and supplies* used in the installation of fabricated sheet metal products, from the plantsite of Berger Bros. Co., Lower Southampton Township (Bucks County), Pa., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 114211 (Sub-No. 132), filed November 3, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn, Suite 1624, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *agricultural machinery and implements, industrial and construction machinery and equipment, snowmobiles*, equipment designed for use in connection with tractors, *trailers* designed for the transportation of the commodities described above, *attachments*, for commodities described above, *internal combustion engines, and parts, and accessories* of the commodities described herein, from Philadelphia, Pa., to points in the United States except Alaska and Hawaii, restricted to shipments originating at the plant, warehouse sites, and shipping points of Massey-Ferguson, Inc., its affiliates and subsidiaries. No duplicate authority is being sought. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114323 (Sub-No. 12), filed November 3, 1969. Applicant: PAUL MARCKESANO AND SONS CO., INC., 54th Avenue and Fifth Street, Long Island City, N.Y. 11101. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from the plant of Miami Stone Products, Inc., at Madison Township, N.J., to points in Connecticut west of the Connecticut River, those in New York, N.Y., and points in Nassau, Suffolk, Westchester, Dutchess, Putnam, Rockland, Orange, Sullivan, and Ulster Counties, N.Y.; and points in Chester, Delaware, Philadelphia, Montgomery, Berks, Bucks, Lehigh, Northampton, Carbon, Monroe, Luzerne, Lackawanna, and Wayne Counties, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114552 (Sub-No. 41), filed November 17, 1969. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, or *built-up wood*, prefinished, from Charlotte, N.C., to points in Connecticut, Florida, Illinois, Massachusetts, Michigan, Ohio, South Carolina, Texas, Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.; Charlotte, N.C.; or Washington, D.C.

No. MC 115113 (Sub-No. 12), filed November 10, 1969. Applicant: IOWA PACKERS XPRESS, INC., 16 East 24th Street, Box 231, Spencer, Iowa 51301. Applicant's representative: Bill Husby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses, from the plantsite of Sioux-Preme Packing Co. and storage facilities used by Sioux-Preme Packing Co. at/or near Sioux Center, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, New Hampshire, and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 115841 (Sub-No. 362), filed November 10, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except in bulk), from Saltsburg, North East, and Pittsburgh, Pa., to points

in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Buffalo, N.Y.

No. MC 116014 (Sub-No. 50), filed November 13, 1969. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard, insulation board, plywood and particleboard*, (2) *parts, attachments, and accessorial items necessary* for the installation of the commodities in (1) above, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; and (3) *materials, supplies, and equipment* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) and (2) above, from points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 116645 (Sub-No. 13), filed November 12, 1969. Applicant: DAVIS TRANSPORT CO., a corporation, Post Office Box 56, Gilcrest, Colo. 80623. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and vegetable oils*, in bulk, from points in Denver, Adams, Arapahoe, and Jefferson Counties, Colo., to points in Arizona, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116710 (Sub-No. 14), filed November 4, 1969. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., Post Office Box 1634, Hattiesburg, Miss. 39401. Applicant's representative: Leland D. Smith, Navasota, Tex. 77868. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous aluminum chloride*, dry, in bulk, in tank vehicles, from Baton Rouge, La., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La., or Houston, Tex.

No. MC 117165 (Sub-No. 27), filed November 2, 1969. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. 48880. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards, building wall and/or insulating fiberboard, sheathing, laminated wall boards, parts, materials and accessories incidental thereto*, from the plantsite of Cardinal Industries at Wheaton, Ill., to points in Michigan, Ohio, Pennsylvania, Indiana, Kentucky, Iowa, Missouri, Wisconsin, Minnesota, Nebraska, Kansas, Oklahoma, Arkansas, and Tennessee; and (2) *building materials*, from the plantsite of the Philip Carey Corp., Wilmington, Ill., to points in Tennessee, Kentucky, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 117334 (Sub-No. 198), filed November 7, 1969. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and petroleum products*, in bulk, in tank vehicles, from points in Jackson County, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin; and (2) *defective and contaminated commodities* named above, in bulk, in tank vehicles, from points in Illinois, Indiana, Kentucky, Tennessee, and Wisconsin, to points in Jackson County, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 117427 (Sub-No. 63), filed November 7, 1969. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard, insulation boards, plywoods and/or particleboards*, in straight or mixed truckload, *parts, materials*, and *accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) *commodities* used in the manufacture of hardboards, insulating boards, plywoods or particleboards, and parts, materials, and accessorial items incidental to the transportation and installation thereof, in truckloads, from points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant is also authorized to operate as a contract carrier under MC 116145 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 117565 (Sub-No. 21), filed November 10, 1969. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frames and undercarriages*, designed to be equipped with hitchball pintle hook connectors, and *component parts* thereof, from points in Marion County, Ala., to points in Minnesota, Iowa, Missouri, Oklahoma, and Texas, and points in all States east thereof, (2) *motor homes*, in truckaway and driveaway service, from points in Wayne County, Ohio, Lancaster County, Pa., Elkhart County, Ind., and Richland County, S.C., to points in the United States (except Alaska and Hawaii), and (3) *trailers* designed to be drawn by passanger automobiles, in initial movements, from points in Wayne County, Ohio, and Sumner County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117815 (Sub-No. 152) (amendment), filed November 3, 1969, published in FEDERAL REGISTER issue of December 4, 1969, amended November 13, 1969, and republished as amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add Kansas as an additional destination State. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Milwaukee, Wis.

No. MC 118288 (Sub-No. 35), filed November 17, 1969. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Billings, Mont., to points in Kansas; (2) *commodities*, the transportation of which is partially exempt, pursuant to the provisions of section 203(B)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with regulated commodities, from Billings, Mont., to points in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Wisconsin, Minnesota, Illinois, Indiana, Michigan, and Missouri; and (3) *lumber and lumber products*, from points in Rosebud County, Mont., to points in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Wisconsin, Minnesota, Illinois, Indiana, Michigan, and Missouri. NOTE: Applicant states that it intends to tack the sought authority to authority presently held in MC 118288 Sub 16, whereas it conducts operations, in Billings, Mont., and points in Wyoming, and if granted, authority pending in MC 118288 Sub 33, authorizing service in Montana. Applicant further states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118458 (Sub-No. 2), filed November 5, 1969. Applicant: ROBERT G. FRAZIER, doing business as FRAZIER MOTOR CO., 2012 Gihon Road, Parkersburg, W. Va. 26101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and waste materials*, from Parkersburg, W. Va., to points in Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC-119531 (Sub-No. 129), filed November 14, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Cleveland, Ohio, to points in Maryland and the District of Columbia. NOTE: Applicant states it would tack with its presently held authority at Cleveland, Ohio, to permit service from points in Illinois and Indiana. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119669 (Sub-No. 3), filed November 3, 1969. Applicant: JACKSON TRUCKING CO., INC., 546 South 31A, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from Logansport, Ind., to points in Michigan, Ohio, Kentucky, New York, New Jersey, Pennsylvania, Maryland, and Washington, D.C.; and (2) from Lafayette, Ind., to points in Michigan, Ohio, Kentucky, New York, New Jersey, Pennsylvania, Maryland, and Washington, D.C., restricted to traffic originating at the plantsite and/or warehouse utilized by Wilson & Co., at Logansport, Ind., and Lafayette, Ind., and destined to the above-named destination States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119710 (Sub-No. 18), filed November 7, 1969. Applicant: SHUPE BROS. CO., a corporation, Post Office Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Animal and poultry feed*, from Duncan, Nebr., to points in Kansas, South Dakota, Colorado, Wyoming, Oklahoma, and Texas; (b) *feed ingredients*, from the points in the States set forth in (a) above, to Duncan, Nebr.; and (c) *feed ingredients*, from points in Nebraska and Kansas, to Billings, Mont., Lucerne, Colo., and Hereford, Tex., and Garden City, Kans., all under a continuing contract with W. R. Grace & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 119988 (Sub-No. 26), filed November 3, 1969. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberline Drive, Post Office Box 1384, Lufkin, Tex. 75902. Applicant's representative: Bennie W. Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*; and (2) *newspaper supplements otherwise exempt from economic regulations under section 203(b)(7) of the Act* when transported in mixed shipments with printed advertising matter (a) from points in Texas located on and east of a line beginning at the Texas-Oklahoma boundary at or near Ringgold, Tex., and extending along U.S. Highway 81 to its junction with U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, Tex., to points in the United States except points in Alaska, Connecticut, Hawaii, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, West Virginia, and Wisconsin; (b) from points in Kansas to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Forth Worth, Tex.

No. MC 119988 (Sub-No. 27), filed November 12, 1969. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ Timberline Drive, Post Office Box 1384, Lufkin, Tex. 75902. Applicant's representative: Mert Starnes, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from points in Angelina County, Tex., to points in Alabama (except Birmingham and its commercial zone, Blackwell Nursery, Blakely, Blakely Island, Brookley AFB, Brookley Field, Chicasaw, Crichton, Eight Mile, Flowerwood Nursery, Grand Bay, Irvington, Klyono Nursery, Mobala Nursery, Mobile, Navco, Overlook Nursery, Plateau, Prichard, St. Elmo, Semmes, Spring Hill, Theodore, Theodore Ammo Dump, and Whistler, Ala.); points in Florida (except Pensacola, Jacksonville, Marianna, Tallahassee, Lake City, and Crestview, Fla.); Kentucky; Mississippi (except Bay St. Louis, Biloxi, Bolton, Bovina, Centreville, Clinton, Edgewater Park, Edwards, Fountainbleau, Gautier, Gulfport, Handsboro, Hilda, International Paper Co., near Redwood, Jackson, Johnsville, Keesler AFB, Kreole, Long Beach, Magna American Corp. plantsite near Raymond, Mississippi City, Moss Point, N.A.S.A. Handcock County, Natchez, Ocean Springs, Pascagoula, Pass Christian, St. Regis Paper plantsite near Ferguson, Lawrence County, Vicksburg, Waveland, and Woodville, Miss.); and Tennessee (except Bartlett, Benjes, Capleville, Frayser, Germantown, Goodman, Mallory AFB, Memphis, and its commercial zone, Memphis General Depot, Oakville, Raines, Raleigh, West Junction, Whitehaven, and Woodstock, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Austin or Houston, Tex.

No. MC 121236 (Sub-No. 2), filed June 20, 1969. Applicant: SERVICE TRANSPORTATION LINES, INC., 720 31st Avenue, Rock Island, Ill. 61201. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, Ill. 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk); (1) between Milan and Pekin, Ill., from Milan over U.S. Highway 67 to Rock Island, thence over U.S. Highway 6 to junction Illinois Highway 88, thence over Illinois Highway 88 to Peoria, thence over

Illinois Highway 29 to Pekin, and return over the same route, serving all intermediate points and the off-route points of Carbon Cliff, and Creve Coeur, Ill.; (2) between Peoria and Pekin, Ill., from Peoria over U.S. Highway 24 to junction Illinois Highway 9, thence over Illinois Highway 9 to Pekin, and return over the same route, serving all intermediate points; (3) between Annawan and Bradford, Ill., from Annawan over Illinois Highway 78 to junction Illinois Highway 91, thence over Illinois Highway 91 to junction Illinois Highway 93, thence over Illinois Highway 93 to Bradford, and return over the same route, serving all intermediate points; (4) (a) between Sheffield and Rockford, Ill., from Sheffield over U.S. Highway 6 to junction Illinois Highway 88, thence over Illinois Highway 88 to junction Illinois Highway 2, thence over Illinois, Highway 2 to Rockford, and return over the same route, serving all intermediate points; (b) between junction Illinois Highways 2 and 66, and Mount Morris, Ill., over Illinois Highway 64, serving all intermediate points;

(5) Between Milan and Byron, Ill., from Milan over Illinois Highway 9 to junction Illinois Highway 2 at Moline, thence over Illinois Highway 2 to Sterling, thence over unmarked bituminous road to junction Illinois Highway 26, thence over Illinois Highway 26 to junction Illinois Highway 72, thence over Illinois Highway 72 to Byron, and return over the same route, serving all intermediate points; (6) between Lyndon and Prophetstown, Ill., over Illinois Highway 78, serving all intermediate points; (7) between Peoria and Moline, Ill., from Peoria over Illinois Highway 8 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 150, thence over U.S. Highway 150 to Moline, and return over the same route, serving all intermediate points; (8) between Dixon and Rockford, Ill., from Dixon over U.S. Alternate Highway 30 to junction U.S. Highway 51, thence over U.S. Highway 51 to Rockford, and return over the same route, serving all intermediate points; (9) between Silvis, Ill., and Ohio, Ill., over Illinois Highway 92, serving all intermediate points; (10) between East Moline and Sterling, Ill., from East Moline over Illinois Highway 84 to junction U.S. Highway 30, thence over U.S. Highway 30 to Sterling, and return over the same route, serving all intermediate points; (11) between Chicago, Ill. and the Illinois-Missouri State line at East St. Louis, Ill., over U.S. Highway 66, serving all intermediate points, and the off-route points of Lemont, Virden, Worden, Panama, Auburn, Carlinville, Benld, Girard, Waverly, Gillespie, Roxana and Wilsonville, Ill.;

(12) Between the Illinois-Wisconsin State line and the Illinois-Kentucky State line, over U.S. Highway 45, serving all intermediate points and the off-route points of Villa Grove, Oakland, Oaklawn, Arthur, Blue Island, Downers Grove, Lovington, Harvey, and Lemont, Ill.; (13) between Chicago, Ill., and the Illinois-Kentucky State line, over Illinois Highway 1, serving all intermediate points and the off-route points, of Harvey, St. Francisville, Rosiclare, Blue Island, and New Haven, Ill.; (14) between the Illinois-Wisconsin State line and the Illinois-Missouri State line, over U.S. Highway 51, serving all intermediate points and the off-route points of Pecatonica, Sesser, Hurst, Ladd, Valier, Royalton, Roanoke, Ziegler, and Herrin, Ill.; (15) between Chicago, Ill., and junction Illinois Highways 49 and 33, near Willow Hill, Ill., over Illinois Highway 49, serving all intermediate points and the off-route points of Blue Island, Villa Grove, Harvey, and Oakland, Ill.; (16) between the Illinois-Wisconsin State line and Decatur, Ill., over Illinois Highway 47, serving all intermediate points; (17) between the Illinois-Indiana State line and the Illinois-Iowa State line, over U.S. Highway 6, serving all intermediate points and the off-route points of Harvey, Ladd, Hazel Crest, Blue Island, Cambridge, Homewood, and Utica, Ill.; (18) between the Illinois-Indiana State line and the Illinois-Iowa State line, over U.S. Highway 30, serving all intermediate points and the off-route points of Homewood and Rock Falls, Ill.;

(19) Between the Illinois-Indiana State line and the Illinois-Iowa State line, over U.S. Highway 20, serving all intermediate points, and the off-route points of Harvey, Lombard, Blue Island, Pecatonica, Villa Park, and Lena, Ill.; (20) between the Illinois-Indiana State line and the Illinois-Wisconsin State line, over U.S. Highway 12, serving all intermediate points, and the off-route points of Harvey, Oak Park, Blue Island, Cicero, and Oaklawn, Ill.; (21) between the Illinois-Indiana State line and the Illinois-Wisconsin State line, over U.S. Highway 41, serving all intermediate points, and the off-route points of Harvey, Oak Park, Blue Island, Morton Grove, Oaklawn, and Cicero, Ill.; (22) between Chicago, Ill., and the Illinois-Wisconsin State line, over Illinois Highway 42, serving all intermediate points and the off-route point of Morton Grove, Ill.; (23) between the Illinois-Wisconsin State line and the Illinois-Iowa State line, over Illinois Highway 2, serving all intermediate points, and the off-route point of Rock Falls, Ill.; (24) between Onarga, Ill., and junction Illinois Highway 48 and U.S. Highway 66, from Onarga over U.S. Highway 54 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 66, and return over the same route, serving all intermediate points and the off-route point of Kincaid, Ill.; (25) between the Illinois-Indiana State line and the Illinois-Missouri State line, over U.S. Highway 24, serving all intermediate points, and the off-route points of Roanoke and Augusta, Ill.;

(26) Between the Illinois-Indiana State line and the Illinois-Iowa State line, over Illinois Highway 9, serving all intermediate points and the off-route point of Cuba, Ill.; (27) between the Illinois-Indiana State line and the Illinois-Iowa State line, from the Illinois-Indiana State line over U.S. Highway 150 to junction Illinois Highway 10, thence over Illinois Highway 10 to junction U.S. Highway 136, thence over U.S. Highway 136 to the Illinois-Iowa State line, and return over the same route, serving all intermediate points and the off-route points of Cuba, Augusta, and Warsaw, Ill.; (28) between the Illinois-Indiana State line and Moline, Ill., over U.S. Highway 150, serving all intermediate points and the off-route points of Wyoming, Elmwood, Abingdon, and Cambridge, Ill.; (29) between the Illinois-Iowa State line at Moline, Ill., and the Illinois-Missouri State line at East St. Louis, Ill., over U.S. Highway 67, serving all intermediate points and the off-route points of Aledo, Keithsburg, Abingdon, Augusta, Waverly, Greenfield, Grafton, and Roxana, Ill.; (30) between the Illinois-Indiana State line and the Illinois-Missouri State line, over U.S. Highway 36, serving all intermediate points, and the off-route points of Villa Grove, Oakland, Arthur, Lovington, Auburn, Waverly, and Griggsville, Ill.; (31) between junction U.S. Highway 150 and Illinois Highway 16 near Paris, Ill., and junction Illinois Highway 16 and U.S. Highway 66, near Litchfield, Ill., over Illinois Highway 16, serving all intermediate points and the off-route points of Oakland, Panama, Carlinville, Gillispie, and Benld, Ill.;

(32) Between the Illinois-Indiana State line and the Illinois-Missouri State line at East St. Louis, Ill., over U.S. Highway 40, serving all intermediate points and the off-route points of Panama, Livingston, and Glen Carbon, Ill.; (33) between the Illinois-Indiana State line and the Illinois-Missouri State line at East St. Louis, Ill., over U.S. Highway 50, serving all intermediate points, and the off-route points of St. Francisville and New Baden, Ill.; (34) between the Illinois-Indiana State line and junction Illinois Highway 15 and U.S. Highway 50 near East St. Louis, Ill., over Illinois Highway 15, serving all intermediate points and the the off-route points of Dahlgren, Sesser, New Bade, and Millstadt, Ill.; (35) between the Illinois-Kentucky State line and the Illinois-Missouri State line at East St. Louis, Ill., over Illinois Highway 13, serving all intermediate points and the off-route points of Herrin, Zeigler, Royalton, Hurst, Colp, Carterville, and Sparta, Ill.; (36) between junction U.S. Highway 45 and Illinois Highway 37, near Watson, Ill., and junction Illinois Highway 37 and U.S. Highway 51 near Mound City, Ill., over Illinois Highway 37, serving all intermediate points and the off-route points of Sesser, Valier, Ziegler, Royalton, Herring, and Hurst, Ill.; (37) between the Illinois-Indiana State line near Grayville, Ill., and junction Illinois Highway 130 and Illinois Highway 16 near Charleston, Ill., over Illinois Highway 130, serving all intermediate points;

(38) Between the Illinois-Kentucky State line and the Illinois-Missouri State line, over Illinois Highway 46, serving all intermediate points, and the off-route point of Rosiclare, Ill.; (39) between the Illinois-Kentucky State line and the Illinois-Missouri State line at East St. Louis, Ill., over Illinois Highway 3, serving all intermediate points and the off-route point of Sparta, Ill.; (40) between the Illinois-Indiana State line and junction Illinois Highway 14 and U.S. Highway 51, near Du Quoin, Ill., over Illinois Highway 14, serving all intermediate points and the off-route points of Sesser, Valier, Zeigler, and Royalton, Ill.; (41) between the Illinois-Wisconsin State line and Aurora, Ill., over Illinois Highway 31, serving all intermediate points, and the off-route point of Glen Elyn, Ill.; (42) between Chicago and Joliet, Ill., over Illinois Highway 171, serving all intermediate points, and the off-route point of Lemont, Ill.; (43) between junction U.S. Highway 20 and Illinois Highway 43 and junction U.S. Highway 30 and Illinois Highway 43, over Illinois Highway 43, serving all intermediate points and the off-route points of Oak Park, Harvey, Berwyn, and Oaklawn, Ill.; (44) between Chicago, Ill., and the Illinois-Wisconsin State line, over U.S. Highway 14, serving all intermediate points; (45) between the Illinois-Wisconsin State line and Pontiac, Ill., over Illinois Highway 23, serving all intermediate points; (46) between the Illinois-Indiana State line and the Illinois-Iowa State line, over U.S. Highway 52, serving all intermediate points;

(47) Between Chicago, Ill., and the Illinois-Iowa State line, over Illinois Highway 64, serving all intermediate points and the off-route points of Villa Park, Lombard, and Lanark, Ill.; (48) between Waukegan and Woodstock, Ill., over Illinois Highway 120, serving all intermediate points; (49) between junction U.S. Highways 36 and 54, near Pittsfield, Ill., and the Illinois-Missouri State line, over U.S. Highway 54, serving all intermediate points; (50) between junction U.S. Highway 150 and Illinois Highway 121 near Morton, Ill., and junction Illinois Highway 121 and U.S. Highway 40 at Greenup, Ill., over Illinois Highway 121, serving all intermediate points and the off-route points of Delavan, Arthur, and Lovington, Ill.; (51) between Chicago, Ill., and the Illinois-Iowa State line, over U.S. Highway 34, serving all intermediate points and the off-route points of Downers Grove, Ladd, Wyoming, Cambridge, Toulon, Abingdon, and Keithsburg, Ill.; (52) between junction Illinois Highways 33 and 1 near Gordon, Ill., and Effingham, Ill., over Illinois Highway 33, serving all intermediate points; (53) between the Illinois-Wisconsin State line and junction Illinois Highway 78 and U.S. Highway 67 near Jacksonville, Ill., over Illinois Highway 78, serving all intermediate points, and the off-route points of Lena, Cambridge, Wyoming, Cuba, Toulon, and Petersburg, Ill.; (54) between junction U.S. Highway 67 and Illinois Highway 125 at Beardstown, Ill., and Pana, Ill., from junction U.S. Highway 67 and Illinois Highway 125 over Illinois Highway 125 to junction Illinois Highway 29, thence over Illinois Highway 29 to Pana, and return over the same route, serving all intermediate points and the off-route points of Petersburg and Kincaid, Ill.;

(55) between junction U.S. Highway 6 and Illinois Highway 29 near Depue, Ill., and Springfield, Ill., from junction Illinois Highway 29 and U.S. Highway 6 over Illinois Highway 29 to junction Illinois Highway 121, thence over Illinois Highway 121 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, and return over the same route, serving all intermediate points and the off-route points of Wyoming, Delavan, and Petersburg, Ill.; (56) between Greenville, Ill., and the Illinois-Missouri State line at Alton, Ill., over Illinois Highway 140, serving all intermediate points and the off-route points of Roxana, Worden, and Livingston, Ill.; (57) between Wood River and Belleville, Ill., over Illinois Highway 159, serving all intermediate points; (58) between Mount Vernon, Ill., and junction Illinois Highways 142 and 13, from Mount Vernon over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highways 142 and 13, and return over the same route serving all intermediate points; (59) between the Illinois-Wisconsin State line and the Illinois-Indiana State line, from the Illinois-Wisconsin State line over U.S. Highway 45 to junction U.S. Highway 30, thence over U.S. Highway 30 to the Illinois-Indiana State line, and return over the same route, serving all intermediate points, and the off-route points of Lemont, Villa Park, Downers Grove, and Lombard, Ill.; (60) between Peoria, Ill., and junction Illinois Highway 116 and U.S. Highway 34 near Biggsville, over Illinois Highway 116, serving all intermediate points and the off-route points of Elmwood and Abingdon, Ill.;

(61) Between junction Illinois Highways 42 and 22 near Highwood, Ill., and junction Illinois Highways 22 and 14, over Illinois Highway 22, serving all intermediate points; (62) between Chicago, Ill., and junction U.S. Highway 52 and Illinois Highway 72, near Lanark, Ill., over Illinois Highway 72, serving all intermediate points; (63) between the Illinois-Indiana State line and Dixon, Ill., over U.S. Highway Alternate 30, serving all intermediate points and the off-route points of Lansing, Lombard, West Chicago, Villa Park, and Glenellyn, Ill.; (64) between Mount Carroll and Peoria, Ill., over Illinois Highway 88, serving all intermediate points; (65) between the Illinois-Wisconsin State line and junction Illinois Highways 26 and 29 at Peoria, Ill., over Illinois Highway 26, serving all intermediate points, and the off-route points of Lena and Pecatonica, Ill.; (66) between Ohio, Ill., and Peoria, Ill., from Ohio over Illinois Highway 92 to junction Illinois Highway 89, thence over Illinois Highway 89 to junction Illinois Highway 116, thence over Illinois Highway 116 to Peoria, and return over the same route, serving all intermediate points and the one off-route points of Lena and Pecatonica, Ill.; (67) between Illinois-Indiana State line and Altona, Ill., from the Illinois-Indiana State line over Illinois Highway 17 to junction U.S. Highway 34, thence over U.S. Highway 34 to Altona, and return over the same route, serving all intermediate points and the off-route points of Toluca, and Wyoming, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa, or Springfield, Ill.

No. MC 121645 (Sub-No. 1), filed November 4, 1969. Applicant: POTASHNICK TRUCK SERVICE, INC., Post Office Box 214, Arkansas Highway No. 77 North, West Memphis, Ark. 72301. Applicant's representative: Eugene N. Potashnick, 107 West Gladys Street, Sikeston, Mo. 63801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Memphis, Tenn., and points in Shelby County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 123048 (Sub-No. 166), filed November 10, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *agricultural machinery and implements, industrial and construction machinery and equipment, snowmobiles, equipment* designed for use in connection with tractors, *trailers* designed for the transportation of the commodities described above, *attachments* for commodities described above, *internal combustion engines, and parts and accessories* of the commodities described herein, from Philadelphia, Pa., to points in the United States except Alaska and Hawaii. Restricted to shipments originating at the plant, warehouse sites and shipping points of Massey-Ferguson, Inc., its affiliates and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123487 (Sub-No. 7), filed November 3, 1969. Applicant: HENRY HAMEL AND NORMAND E. HAMEL, a partnership, doing business as HAMEL TRANSP. CO., R.F.D. No. 1, River Road, Suncook, N.H. Applicant's representative: Michael McDowell Lonergan, 9 Capitol Street, Concord, N.H. 03301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, (1) between Concord, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and Vermont, and (2) between Vinalhaven, Maine; Woodbury, Vt.; Barre, Vt.; Ogunquit, Maine; North Berwick, Maine; Bethel, Vt.; Rutland, West Rutland, and Proctor, Vt.; Chelmsford, Mass.; Providence, R.I.; and Rockland, Maine; on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and Vermont, restricted to traffic moving under continuing contract or contracts

with the John Swenson Granite Co., Inc., in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 124078 (Sub-No. 416), filed November 13, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (1) from the storage facilities of Central Farmers Fertilizer Co. located at or near Frankfort, Ind., to points in Illinois, Indiana, Michigan, and Ohio; and (2) from the storage facilities of Central Farmers Fertilizer Co. at or near Cowden, Ill., to points in Illinois, Indiana, Iowa, and Missouri. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cleveland, Ohio.

No. MC 124078 (Sub-No. 417), filed November 13, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake* (crude sulphate of soda), in bulk, from Coosa Pines, Ala., to Atlanta, Ga. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 125254 (Sub-No. 7) (Correction), filed November 3, 1969, published in FEDERAL REGISTER issue of December 4, 1969, corrected November 18, 1969, and republished as corrected this issue. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., Post Office Box 714, Muscatine, Iowa 52761. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal furniture*, in boxes or crates, from Muscatine, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin and (2) *materials, equipment, and supplies*, used or useful in the manufacture and distribution of metal furniture, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, to Muscatine, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to more clearly describe authority sought in (2) above. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125777 (Sub-No. 131), filed November 7, 1969. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Chicago, Ill., to points in the Lower Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126526 (Sub-No. 2), filed November 6, 1969. Applicant: FAIRBANKS MIDWEST TRUCK LINES, INC., 200 National Bank of Alaska Building, Juneau, Alaska 99801. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *classes A and B explosives*, between Rapid City, S. Dak., on the one hand, and, on the other, points in Alaska. NOTE: Applicant states it proposes to interchange or interline classes A and B explosives with other common carrier at Rapid City, S. Dak., for the handling of classes A and B explosives under the authority requested. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Washington, D.C.

No. MC 126806 (Sub-No. 5), filed November 17, 1969. Applicant: MARRONE TRUCK RENTALS, INC., 2568 Route 22, Union, N.J. 07083. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel rods, steel bars, and steel coils*, (1) from Hillside, N.J., to Wytheville, Va., Chicago and Rockford, Ill.; Gary, Ind.; Detroit, Mich.; points in Erie, Monroe (except Rochester), and Onondaga Counties, N.Y.; and points in Massachusetts (except Suffolk and Norfolk Counties), and returned shipments from the above-described destinations to Hillside, N.J., and (2) between Hillside, N.J., on the one hand, and, on the other, points in Pennsylvania and Ohio (except from Hillside, to Youngstown and Troy), under a continuing contract, or contracts with U. N. Alloy Steel Corp. NOTE: Applicant states that it now holds in permit MC 126806 (Sub-No. 2) authority to transport the involved commodities between Hillside, N.J., and Philadelphia, Pa., restricted to traffic having a prior movement by water. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 126822 (Sub-No. 30), filed November 10, 1969. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. Applicant's representative: Warren H. Sapp III, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces thereof*, from the plantsite and storage facilities of National Beef Packing Co. at or near Liberal, Kans., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127038 (Sub-No. 5), filed November 3, 1969. Applicant: SAM N. COLE, doing business as ALABAMA-GEORGIA EXPRESS, Post Office Box 6608, 2616 Commerce Boulevard, Birmingham, Ala. 35210. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Birmingham, Ala., and Jackson, Miss., from Birmingham over U.S. Highway 11 (also Interstate Highway 20) to Meridian, Miss., thence over U.S. Highway 80 (also Interstate Highway 20) to Jackson, and return over the same routes, serving the intermediate point of Meridian, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Jackson, Miss.

No. MC 127186 (Sub-No. 4) (Correction), filed September 8, 1969, published in the FEDERAL REGISTER issue of November 27, 1969, and republished in part, as corrected, this issue. Applicant: PAUL P. LANIER, Post Office Box 492, Ironton, Ohio 45638. Applicant's representative: Charles F. Dodrill, 600 Fifth Avenue, Post Office Box 1824, Huntington, W. Va. 25719. NOTE: The purpose of this partial republication is solely to include South Carolina in the destination territory in Item 2(c) which State was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 127274 (Sub-No. 19), filed November 1969. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower Building. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware and glass containers, and closures* therefor, from Dunkirk, Fort Wayne, Muncie, and Anderson, Ind., to points in Arkansas, Mississippi, Georgia, North Carolina, and South Carolina; and (2) *returned shipments of glassware, glass containers, and closures* therefor, and pallets, from the destination points named in (1) above, to Dunkirk, Fort Wayne, Muncie, and Anderson, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127705 (Sub-No. 31), filed November 3, 1969. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures thereof*, from Mundelein, Ill., to points in Maryland, Pennsylvania, New York, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127840 (Sub-No. 24), filed November 14, 1969. Applicant: MONTGOMERY TANK LINES, INC., 612 Maple, Willow Springs, Ill. 60480. Applicant's representative: William H. Towle, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, from Des Moines, Iowa, to points in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Washington, and Wisconsin. NOTE: Applicant states that it intends to tack the proposed authority with the authority under MC 127840 and Subs 1 and 5, wherein applicant is authorized to serve points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127853 (Sub-No. 2), filed October 29, 1969. Applicant: COMMERCE CONSULTANTS COPORATION, 850 Charles Street, Gloucester, N.J. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the warehouse facilities of John-Jeffery Corp. at or near Gloucester City, N.J., on the one hand, and, on the other, points in Virginia, under contract with John-Jeffery Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128256 (Sub-No. 5), filed November 10, 1969. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, Ind. 46540. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Wyoming, Colorado, and New Mexico. NOTE: Applicant states it will tack the requested authority with its existing authority and with its pending application under MC 115495 (Sub-No. 16), if and when it is granted. Applicant also states that it intends to interline with its affiliated company United Parcel Service, Inc., of New York, N.Y. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (2) no service shall be rendered between department stores, specialty shops, and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores; and (3) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. The purpose of this republication is to reflect the substitution of applicant, also to reflect a change in the territorial scope and restrictions in the application. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 129100 (Sub-No. 1) (Amendment), filed August 24, 1967, published in the FEDERAL REGISTER issues of September 14, 1967, and October 5, 1967, and republished as amended, this issue. Applicant: PACKAGE DELIVERY SERVICE CO. (reentitled), UNITED PARCEL SERVICE, INC. (Ohio-Corp.), 300 North Second Street, St. Charles, Ill. 60170. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Wyoming, Colorado, and New Mexico. NOTE: Applicant states it will tack the requested authority with its existing authority and with its pending application under MC 115495 (Sub-No. 16), if and when it is granted. Applicant also states that it intends to interline with its affiliated company United Parcel Service, Inc., of New York, N.Y. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (2) no service shall be rendered between department stores, specialty shops, and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores; and (3) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. The purpose of this republication is to reflect the substitution of applicant, also to reflect a change in the territorial scope and restrictions in the application. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 129100 (Sub-No. 2) (Amendment) filed January 27, 1969, published in the FEDERAL REGISTER issue of February 6, 1969, and republished as amended this issue. Applicant: PACKAGE DELIVERY SERVICE CO. (reentitled), UNITED PARCEL SERVICE, INC. (Ohio-Corp.), 300 North Second Street, St. Charles, Ill. 60170. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those

injurious or contaminating to other lading), between points in Wyoming, Colorado, and New Mexico, on the one hand, and, on the other, points in South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority will be tacked with its existing authority and with its pending application under MC 115494 (Sub-No. 16), if and when it is granted. Applicant further states that it intends to interline with its affiliated company United Parcel Service, Inc., of New York, N.Y. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (2) no service shall be rendered between department stores, specialty shops, and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores; and (3) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. The purpose of this republication is to reflect the substitution of applicant, also to reflect a change in the territorial scope and restrictions in the application. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 129307 (Sub-No. 29), filed November 5, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehousing facilities of Pet, Inc., Frozen Foods Division, Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds a pending contract application under MC 119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129594 (Sub-No. 2), filed October 29, 1969. Applicant: TRIPLE "D" CARTAGE, INC., 251 18th Street SE., Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 824 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business; (a) from Mason City, Iowa, to Litchfield and St. Cloud, Minn., and points in Minnesota south of Minnesota Highway 19 (except Albert Lea, Ceylon, Gordonville, and Elmore, Minn.); and (b) from Owatonna, Rochester, Sleepy Eye, Waseca, and Wells, Minn., to Mason City, Iowa, under contract with Consolidated Foods Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Mason City or Des Moines, Iowa.

No. MC 133123 (Sub-No. 1), filed November 13, 1969. Applicant: RUJAC TRUCKING CORP., 43–30 24th Street, Long Island City, N.Y. 11101. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods*, (1) from Baltimore (Arbutus) Md., to points in Maryland, Delaware, Virginia, West Virginia, Ohio, Pennsylvania, and the District of Columbia, and (2) from New York, N.Y., to points in New Jersey on and south of New Jersey Highway 33, under contract with Matsushita Electric Corporation of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133233 (Sub-No. 10), filed November 7, 1969. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish food*, from Buhl, Idaho, to points in Washington, Montana, and Oregon, and points north of the Salmon River in Idaho, under contract with Rangen, Inc., located at Buhl, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Boise, Idaho.

No. MC 133357 (Sub-No. 2), filed November 6, 1969. Applicant: THOMAS VINCENT MILLER, 9024 Branch Avenue, Clinton, Md. 20735. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Prince Georges, Anne Arundel, Saint Marys, and Charles Counties, Md., to points in Pennsylvania, Delaware, New Jersy, New York, and the District of Columbia. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133631 (Sub-No. 2) (Clarification), filed October 6, 1969, published in FEDERAL REGISTER issue of November 6, 1969, clarified November 17, 1969, and republished as clarified, this issue. Applicant: AAA DELIVERY SYSTEM, INC., Post Office Box 1148, Flint, Mich. 48501. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint test samples, color panels, and communication media* (orders, reports, business forms, memorandum, etc.), (1) between Toledo, Ohio, on the one hand, and, on the other, Detroit, Pontiac, and Flint, Mich., and (2) between Flint, Mich., on the one hand, and, on the other, Detroit, Mich., and Toledo, Ohio. Restrictions: (a) To shipments of 50 pounds or less; (b) to a maximum of 500 pounds per vehicle at any one time and (c) to transportation between plants and facilities of E. I. du Pont de Nemours & Co.; and transportation between said du Pont plants and facilities, on the one hand, and, on the other, Detroit Metropolitan Airport. NOTE: The purpose of this republication is to reflect two additional restrictions, shown as (a) and (b) above. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 133794 (Sub-No. 1) (Amendment), filed August 6, 1969, published in the FEDERAL REGISTER of August 18, 1969, and republished as amended, this issue. Applicant: CONVERTERS TRANSPORTATION, INC., Garnerville Terminal, Box 351, Garnerville, N.Y. 10923. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods and such commodities as are used in the dyeing or finishing of piece goods*, between the plantsite of Elk Piece Dye Works, Inc., Garnerville, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Union, and Passaic Counties, N.J., and New York, N.Y., under contract with Elk Piece Dye Works, Inc. NOTE: The purpose of this republication is to include New York, N.Y., as a destination point. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133845 (Sub-No. 1), filed November 17, 1969. Applicant: ANTHONY COLANGELO, doing business as COLE TRUCKING COMPANY, 200 West 16th Street, New York, N.Y. 10015. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* from points in the Harbor area of New York, N.Y., and Port Newark and Port Elizabeth, N.J., and from all airports in New York, N.Y., to Carlstadt, N.J., restricted to shipments having a prior movement by air or water, under contract with Tri-Sports Wear, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133927 (Sub-No. 1), filed November 14, 1969. Applicant: GUY & FORTIN, INC., 42 Rue de l'Eglise, St. Pamphile, Cte. L'Islet, Quebec, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary line between the United States and Canada located in Maine, New Hamsphire, Vermont, and New York, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Restrictions: (1) Restricted to traffic originating at points in L'Islet County, Quebec, Canada, and (2) Restricted to a transportation service to be performed under a contract or continuing contracts with Les Materiaux Blanchet, Inc., St. Pamphile, L'Islet County, Quebec, Canada, and Lagueux & Freres, Inc., Ville St. Pamphile, L'Islet County, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, or Boston, Mass.

No. MC 134003 (Sub-No. 1), filed November 10, 1969. Applicant: JOHN A. JENKINS, doing business as JENKINS PRODUCE, 1301 Hundley Drive, Huntsville, Ala. 35801. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen poultry, poultry products and poultry by-products, including precooked poultry products*, from points in Marshall County, Ala., Cherokee County, and Clarke County, Ga., to points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 134005 (Sub-No. 1), filed August 29, 1969. Applicant: WALTER VANDERYACHT, Route 1, Box 387, Ferndale, Wash. 98248. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses, other than ordinary, and, in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots and personal effects of attendants, trainers, and exhibitors*, between points in Washington, Oregon, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134069 (Sub-No. 2), filed November 10, 1969. Applicant: BILL E. DUPREE, doing business as BILL DUPREE TRANSPORT, 1318 Hickory, Post Office Box 1113, Deming, N. Mex. 88030. Applicant's representative: V. Lee Vesely, Post Office Box 1056, Silver City, N. Mex. 88061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All dairy products exempt or nonexempt* requiring refrigeration, including but not limited to butter, oleo, cottage cheese, cream cheese, chocolate milk, ice milk, ice cream, frozen novelties, juices (orange or other citrus), juices (fruit, plain or concentrated), animal fats, not by tank vehicles, but in refrigerated vans, from El Paso, Tex., to points in New Mexico; under contract with Prices Creameries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Deming or Silver City, N. Mex., or El Paso, Tex.

No. MC 134129 (Sub-No. 2) (Amendment), filed October 28, 1969, published FEDERAL REGISTER issue of November 27, 1969, amended and republished as amended this issue. Applicant: WILLIAM A. LONG, Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Culvert pipe, culvert sectional plate and couplings, and coatings* for culvert pipe and sections, from Cessna, Pa., to Bealeton, Va., (2) *culvert banding and coupling material, coatings, and steel plates* used in the manufacture of culvert pipe and couplings, from Bealeton, Va., to Cessna, Pa., and (3) *steel coil*, from the plantsite of Bethlehem Steel Corp., at Sparrows Point, Md., to Cessna, Pa., under contract with Lane Jumata, Inc., of Bedford, Pa., and its affiliate Lane Penn Carva, Inc., of Bealeton, Va., in connection with (1) through (3) above. NOTE: The purpose of this republication is to change the origin and destination point from Bedford, Pa., to Cessna, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134139, filed November 10, 1969. Applicant: COASTAL TRUCKING COMPANY, INC., 1801 Selma Avenue, Selma, Ala. 36701. Applicant's representative: Cecil C. Jackson, Jr., 519 Lauderdale Street, Post Office Box 1304, Selma, Ala. 36701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing*, manufactured under contract with the Department of Defense, U.S. Government, between the plantsites of Coastal Industries, Inc., Selma, Ala., and Choctaw Manufacturing Co., Inc., Silas, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia; and (2) *materials* used in the manufacturing of end products, from destination points in (1) above to origin points in (1) above, under contract with Coastal Industries, Inc., Selma, Ala., and Choctaw Manufacturing Co., Inc., Silas, Ala. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Selma, Montgomery, or Birmingham, Ala.

No. MC 134156, filed November 10, 1969. Applicant: JOSEPH H. LEONARD, doing business as JOSEPH D. LEONARD, TRUCKING CO., 504 McCellen Street, Box 271, Bluff City, Tenn. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing and rags*, from New York, N.Y., to El Paso, McAllen, and Laredo, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134160, filed November 14, 1969. Applicant: SAVOIE EXPRESS, INC., Post Office Box 40, Manseau, Micolet County, Quebec, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary line between the United States and Canada, located in Maine, New Hampshire, Vermont, and New York, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Delaware, restricted to traffic originating at points in Nicolet County, Quebec, Canada. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, Montpelier, Vt., or Boston, Mass.

No. MC 134165, filed November 17, 1969. Applicant: P. B. CROWELL, JR., AND CHARLES E. REED, a partnership, doing business as CROWELL AND REED, 103 First Avenue South, Franklin, Tenn. 37064. Applicant's representative: Richard D. Gleaves, 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked and or precooked poultry;* (1) from Shelbyville and points in Bedford County, Tenn., to points in the continental United States (except Alaska); and (2) from Newberry, S.C.; Nebraska City, Nebr.; Carroll, Iowa; and Berryville, Ark.; to Shelbyville and points in Bedford County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

MOTOR CARRIERS OF PASSENGERS

No. MC 134140, filed October 24, 1969. Applicant: ALGAR COACH LINES, LIMITED, a corporation, 77 Durham Street West, Lindsay, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in special and charter operations in round trip sightseeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada boundary line and extending to points in the United States, including Alaska, but excepting Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATIONS OF FREIGHT FORWARDERS

No. FF–329 (Sub-No. 4) (T n' T, INC., Extension-Florida), filed November 18, 1969. Applicant: T n' T, INC., a corporation, 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, water, air, or motor vehicle in the transportation of: *Motor vehicles, trailers designed to be drawn by motor vehicles, mobile homes, commercial*

coaches, campers, marine vehicles, recreational equipment, and camper bodies designed for installation on motor vehicles, between points in Florida, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

No. FF-329 (Sub-No. 5) (T n' T, INC., Extension-Northwest), filed November 18, 1969. Applicant: T n' T, INC., a corporation, 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a *freight forwarder*, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, water, air, or motor vehicle in the transportation of: *Motor vehicles, trailers designed to be drawn by motor vehicles, mobile homes, commercial coaches, campers, marine vehicles, recreational equipment, and camper bodies designed for installation on motor vehicles*, between points in Idaho, Oregon, Utah, and Washington, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

No. FF-381 (NEPTUNE THRU-CONTAINER CORP. Freight Forwarder Application), filed November 13, 1969. Applicant: NEPTUNE THRU-CONTAINER CORP., 55 Weyman Avenue, New Rochelle, N.Y. 10805. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to continue operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, or motor vehicle in the transportation of: (1) *Household goods* as defined by the Commission; (2) *used automobiles* restricted to the movement of privately owned automobiles of a householder when involving a change of residence; and (3) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130103, filed November 10, 1969. Applicant: MUSIKER STUDENT TOURS, INC., 101 The Intervale, Roslyn Estates, Long Island, N.Y. 11576. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a carrier, by motor vehicle, over routes, transporting: For a license (BMC 5) to engage in operations as a *broker* at Roslyn Estates, Long Island, N.Y., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage* in round trip all-expense tours, as individuals and groups, in charter operations, beginning and ending at Denver, Colo.; Los Angeles and San Francisco, Calif.; Seattle, Wash.; Phoenix, Ariz.; and New Orleans, La.; and extending to points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC-108398 (Sub-No. 39), filed November 6, 1969. Applicant: RINGSBY-PACIFIC LTD., a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between junction U.S. Highway 97 and Oregon Highway 58 (about 81 miles north of Klamath Falls, Oreg.) and Maryhill and Spokane, Wash., as follows: (a) From junction U.S. Highway 97 and Oregon Highway 58, over U.S. Highway 97 to Biggs, Oreg.; thence across bridge over the Columbia River to Maryhill, Wash.; and (b) from junction U.S. Highway 97 to Oregon Highway 58 over U.S. Highway 97 to Biggs, Oreg., thence over U.S. Highway 30 to Boardman, Oreg., thence over Washington Highway 14 to Pasco, Wash., thence over U.S. Highway 395 to Spokane, Wash., and return over the same routes, as alternate routes for operating convenience only in connection with (a) and (b) above, serving no intermediate points, and serving the junction of U.S. Highway 97 and Oregon Highway 58 for the purpose of joinder only with carrier's regular route operations between San Francisco, Calif., and Portland, Oreg., and serving Maryhill for the purpose of joinder only with carrier's regular route between Portland, Oreg., and Spokane, Wash. NOTE: Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14673; Filed, Dec. 10, 1969; 8:45 a.m.]

[Notice 955]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 8, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 185 TA), filed December 1, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black* (except in bulk), from the plantsite of the Cabot Corp. located at or near Tate Cove, La., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsular), New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee (except Memphis), Virginia, Wisconsin, and St. Louis, Mo., and its commercial zone, for 180 days. NOTE: Applicant does not intend to tack. Supporting shipper: Cabot Corp., 125 High Street, Boston, Mass. 02110. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 96784 (Sub-No. 6 TA), filed December 1, 1969. Applicant: SVENSSON FREIGHT LINES, 800 Pacific Avenue, Yuma, Ariz. 85364. Applicant's representative: Warren A. Goff, Sterick Building, Room 2111, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Yuma, Ariz., and Phoenix, Ariz., over U.S. Highway 80, serving all intermediate points, serving Roll and Hyder, Ariz., and points within a 30-mile radius of Yuma, Roll, and Hyder, Ariz., as off-route points, for 180 days. NOTE: Applicant intends to tack with MC 96784 Sub 3, and interline with all carriers serving Phoenix or Yuma, Ariz. Supporting shippers: There are approximately 100 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 111748 (Sub-No. 16 TA), filed December 1, 1969. Applicant: WILLIAMS MOVING & STORAGE CO., INC., Tarkio, Mo. 64491. Applicant's representative: Frederick J. Coffman, 521 South 14th, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A, C, and D of appendix I to the report in the Descriptions Case 61 M.C.C. 209 and 766 (except commodities in bulk and except hides), from points in Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115524 (Sub-No. 12 TA), filed December 1, 1969. Applicant: WILLIAM P. BURSCH, doing business as BURSCH TRUCKING, 4130 Edith Boulevard NE., Albuquerque, N. Mex. 87107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, between points in New Mexico on the one hand, and, on the other hand, points in Arizona, Arkansas, Colorado, Kansas, Missouri, Oklahoma, Texas, and Utah, *resin and wax emulsion*, between points in Texas and New Mexico, for 180 days. Supporting shippers: Duke City Lumber Co., Inc., Post Office Box 1364, Albuquerque, N. Mex. 87103; Mexwood Products, Inc., Post Office Box 813, Albuquerque, N. Mex. 87103. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 118127 (Sub-No. 14 TA), filed December 1, 1969. Applicant: HALE DISTRIBUTING COMPANY, INC., 914 South Vail Avenue, Montebello, Calif. 90640. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen soft pretzels and pretzel ovens*, from Hagerstown and Smithsburg, Md., and Ephrata, Pa., to points in Orange County, Calif., and Portland, Oreg.; (2) *frozen bakery products*, from Marysville, Pa., to points in California; Phoenix, Ariz.; Albuquerque, N. Mex.; Denver, Colo.; Seattle, Wash.; and Portland, Oreg., for 180 days. Supporting shippers: Snyder Soft Pretzel Corp., 539 West Howard Street, Hagerstown, Md. 21740; Lady Fingers, Marysville, Pa. 17053. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123383 (Sub-No. 43 TA), filed December 1, 1969. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace logs*, from Orange, Va., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, restricted to traffic originating at the plantsite of the Old Kentucky Fireplace Log Co., Orange, Va., for 180 days. Supporting shipper: Atlantic Marketing Services, Inc., 26 Roosevelt Street, Roseland, N.J. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 128732 (Sub-No. 6 TA), filed November 28, 1969. Applicant: TRANSPORTATION UNLIMITED OF CALIFORNIA, INC., 1521 San Ysidro Street, Beverly Hills, Calif. Applicant's representative: Harry Ross, 820 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Harlan, Dennison, Sioux City, Iowa Falls, Oakland, Perry, Marshalltown, Storm Lake, Des Moines, Waterloo, Columbus Junction, Davenport, Cherokee, and Sioux Center, Iowa; York, Omaha, and Dakota City, Nebr.; Madison, Wis.; and Fort Morgan, Colo.; to points in California, for 180 days. Supporting shipper: Hoffman Brothers Packing Co., Inc., 2731 South Soto Street, Los Angeles, Calif. 90023. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134178 TA, filed December 1, 1969. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, Iowa 51521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I except commodities in bulk, tank vehicles, and except hides, from points in the Omaha, Nebr., and Council Bluffs, Iowa, commercial zone to points in Illinois, Indiana, Michigan, and Ohio, for 180 days. Supporting shipper: Beefland International Inc., 2700 North 23d Avenue, Council Bluffs, Iowa 51501. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14720; Filed, Dec. 10, 1969; 8:47 a.m.]

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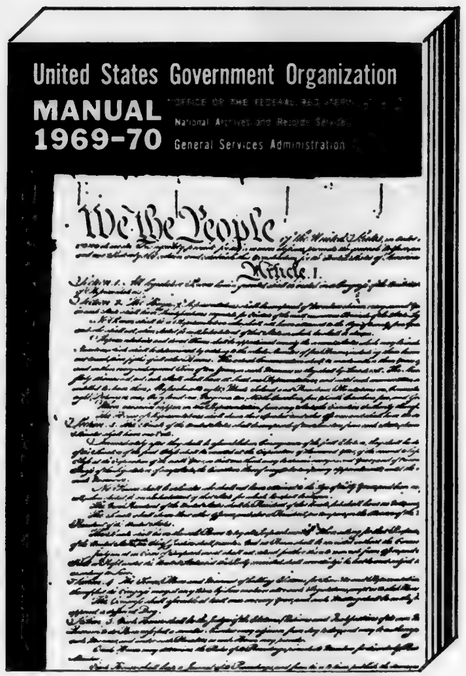
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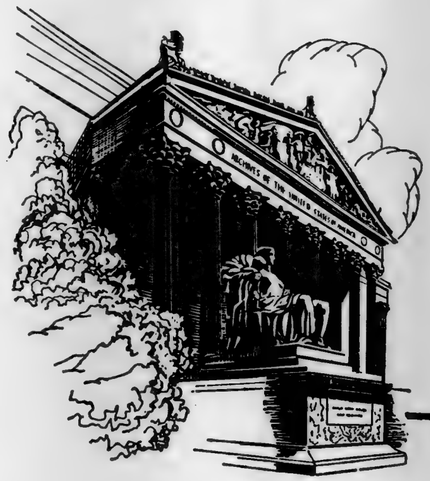
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Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

[DESI 9-320]

PART 148e—ERYTHROMYCIN

Confirmation of Effective Date of Order Repealing Provision for Certification of Erythromycin-Polymyxin B Combination Products for Otic Administration

An order was published in the FEDERAL REGISTER of September 26, 1969 (34 F.R. 14821), amending the antibiotic drug regulations to repeal provision for certification of erythromycin gluceptate-polymyxin B sulfate-benzocaine for otic solution and erythromycin sulfate-polymyxin B sulfate-pramoxine hydrochloride otic solution. The order repealed §§ 148e.20 and 148e.21 and revoked all antibiotic certificates issued thereunder.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective November 5, 1969.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: December 4, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14733; Filed, Dec. 11, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 68-WE-12-AD; Amdt. 39-891]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series Aircraft

Amendment 39-640 (33 F.R. 11976), AD 68-17-8, as amended by Amendment 39-670 (33 F.R. 15411), as amended by Amendment 39-852 (34 F.R. 15290), requires inspection for cracks, and repairs as necessary, of the lower wing skin, inboard of the inboard nacelle at the front spar on the Boeing 707 and 720 series aircraft.

The Air Transport Association has advised that the use of the dye penetrant method, as an alternative method of AD compliance for performance of the first inspection required in accordance with Boeing Service Bulletin 1995 (Revision 7), or later FAA-approved revisions, will provide an adequate level of safety. Information now available, based on operators' experience, establishes that the use of the dye penetrant method is acceptable as an initial inspection. The AD is being amended to provide for a one time initial inspection by means of either the eddy current or the dye penetrant technique; compliance times are not being altered.

Since this amendment provides for an alternative means of compliance and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-690 as amended by Amendments 39-670 and 39-852, is further amended as follows:

(c) Inspect the lower wing skin for cracks emanating from the attachments of the front spar support fitting as noted in Figure 1 of Boeing Service Bulletin 1995 (Revision 7) dated August 20, 1969, or later FAA-approved revisions, at the times specified in (h), (i), (j), or (k) as appropriate, and, if cracks are found, repair prior to further flights per (g). The initial inspection must be accomplished either by means of a dye penetrant technique or in accordance with the eddy current inspection technique described by S.B. 1995 (Revision 7) or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. The eddy current inspection technique described by S.B. 1995 (Revision 7) or later FAA-approved revision, or an equivalent FAA-approved inspection technique, must be used for all inspections thereafter.

(d) On those aircraft which have not had the drag fitting trimmed and the fairing attach angle modified in accordance with Boeing Service Bulletin 1995 (Revision 7) or later FAA-approved revisions, within the next 400 hours (for 720 Series) or 600 hours (for 707 Series) time in service after the effective date of this AD and thereafter at intervals not to exceed 800 hours (for 720 Series) or 1,200 hours (for 707 Series) time in service, inspect for cracks in the lower wing skin, emanating from the forward fastener for the drag fitting and from the fasteners for the fairing attach angle as noted in Figure 1 of Boeing Service Bulletin 1995 (Revision 7) or later FAA-approved revisions, at the threshold times as specified in (h), (i), (j), or (k) as appropriate. The initial inspection must be accomplished either by means of a dye penetrant technique or by use of eddy current inspection techniques described in S.B. 1995 (Revision 7), or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. The eddy current inspection technique described by S.B. 1995 (Revision 7) or later FAA-approved revisions, must be used for all inspections thereafter. If cracks are found emanating forward from the drag fitting fastener, rework the drag fittings, doubler and skin, prior to further flight in accordance with Boeing Service Bulletin 1995 (Revision 7) or later FAA-approved revision, or in accordance with an equivalent rework or modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment is effective December 16, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on December 4, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14738; Filed, Dec. 11, 1969; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-SW-42]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

On September 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14227) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 52 from Greater Southwest, Tex., to Denver, Colo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 75.100 (34 F.R. 4856) the caption of Jet Route No. 52 is amended by deleting "Greater Southwest, Texas" and substituting "Denver, Colo.," therefor; and in the text, Jet Route No. 52 "From Greater Southwest, Texas, via" is deleted and "From Denver, Colo., via Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Ardmore, Okla., 309° radials; Ardmore; Greater Southwest, Texas;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 8, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14739; Filed, Dec. 11, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10000; Amdt. 679]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Allegheny VOR	McKeesport RBn	Direct	3000	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn–27	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
Newton Int	McKeesport RBn	Direct	3000	The following minimums apply if AGC OM is received:			
				C-dn	500–1	500–1	500–1½
				S-dn–27	400–1	400–1	400–1

ASR.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, MKP RBn to airport, 275°—6.3 miles; OM to Airport, 275°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing McKeesport RBn, climb to 3000′ proceeding to AGC RBn. Hold W, right turns, 1 minute, 082° Inbnd.
MSA within 25 miles of facility: 075°–165°—4000′; 165°–075°—3100′.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1252′; Fac. Class., MHW; Ident., MKP; Procedure No. NDB (ADF)-1, Amdt. 14; Eff. date, 1 Jan 70; Sup. Amdt. No. ADF 1, Amdt. 13; Dated, 29 May 65

2. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Mission Int DME Fix	Irvington Int DME Fix	Direct	3500	T-dn#	300–1	300–1	200–½
Sunol Int DME Fix	Irvington Int DME Fix	Direct	4000	C-dn**	500–1	500–1	500–1¼
Irvington Int DME Fix	Center Int	Direct	3500	S-dn–27##	200–½	200–½	200–½
Center Int	Russell LOM (Final)	Direct	1660	A-dn§	600–2	600–2	600–2

Radar available.
Procedure turn not authorized. Aircraft must: (1) Proceed via an approved transition or, (2) descend in the Irvington Int holding pattern 226° Inbnd, 1-minute pattern, right turns, minimum altitude 4000′ or, (3) be radar vectored to final approach crs.
Final approach crs, Inbnd 293°.
Minimum altitude at glide slope interception Inbnd, 3500′.
Altitude of glide slope and distance to approach end of runway from Center Int, 3854′—13 miles; Russell LOM, 1368′—4.6 miles; MM, 213′—0.5 mile; IM, 108′—1000′ above the OAK VOR R 313°, climbing to 3000′ to Richmond Int.
In vicinity of LOM, heavy VFR traffic in Hayward Airport traffic pattern.
#RVR 1800′ authorized Runway 29. IFR departures must comply with published Oakland SID's, or be radar vectored.
**RVR 2000′, 4-engine turbojet: RVR 1800′ other aircraft. Descent below 206′ not authorized unless approach lights are visible.
##300–1 required for takeoff on Runways 33 and 15.
§400–1 required if glide slope not utilized. 400–½ authorized with operative ALS, except for 4-engine turbojets.
$Upon intercepting the glide slope, aircraft may continue descent on the glide slope to cross the OM at 1368′. If glide slope not utilized, aircraft must cross the OSI VOR R 025° at 2900′ and the OM at 1600′.
••Circling N of Runways 9/27 below 700′ not authorized due to 362′ tank 1.6 miles N of airport.
MSA within 25 miles of LOM: 000°–090°—5100′; 090°–180°—5400′; 180°–270°—3900′; 270°–360°—4900′.

City, Oakland; State, Calif.; Airport name, Oakland International; Elev., 6′; Fac. Class., ILS; Ident., I-IND; Procedure No. ILS Runway 29, Amdt. 10; Eff. date, 1 Jan. 70; Sup. Amdt. No. 9; Dated, 23 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Allegheny VOR	McKeesport RBn	Direct	3000	T-dn*	300–1	300–1	200–½
McKeesport RBn	Jeannette Int	Direct	3000	C-dn	500–1	500–1	500–1½
Jeannette Int	McKeesport RBn (final)	Direct	3000	S-dn–27**	300–1½	300–1½	300–1½
Newton Int	McKeesport RBn	Direct	3000	A-dn	600–2	600–2	600–2
				When glide slope not utilized:			
				S-dn–27/2	400–¾	400–¾	400–¾

ASR.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 3000′ within 10 miles of MKP RBn.
Minimum altitude at glide slope, Int Inbnd, 3000′. Glide slope intercepted between MKP RBn and the ILS OM. Distance McKeesport RBn to airport, 6.3 miles.
Altitude of glide slope and distance to approach end of runway at OM, 2615—4.2 miles; at MM, 1480—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′, proceeding to AGC RBn. Hold W right turns, 1 minute, 082° Inbnd.
NOTE: Back crs unusable.
Supplementary charting information: LOC crs crosses runway centerline extended 2740′ prior to runway threshold.
*RVR 2400′ authorized Runway 27.
**RVR 2400′. Descent below 1552′ not authorized unless approach lights are visible.
/ 400–½ authorized with operative ALS except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 075°–165°—4000′; 165°–075°—3100′.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1252′; Fac. Class., ILS; Ident., I-AGC; Procedure No. ILS Runway 27, Amdt. 18; Eff. date, 1 Jan. 70; Sup. Amdt. No. 17; Dated, 28 Aug. 69

3. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing Folsom Int.
Bridgeton Int	MIV VORTAC (NOPT)	Direct	2000	Climbing right turn to 2000′ direct to MIV VOR and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 061° Inbnd.

Procedure turn not authorized.
One-minute holding pattern SW of MIV VORTAC 061° Inbnd, right turns, 2000′.
FAF, Folsom Int. Final approach crs, 061°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over MIV VORTAC, 2000′; over Folsom Int 6.7-mile DME Fix, 1700′.
MSA: 090°–270°—1600′; 270°–090°—2100′.
NOTES: (1) Radar vectoring. (2) Use Atlantic City altimeter setting.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	600	1	531	600	1	531	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Hammonton; State, N.J.; Airport name, Hammonton Municipal; Elev., 69′; Facility, MIV; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 1 Jan. 70

4. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.4 miles after passing JAX VOR TAC.
R 174°, JAX VORTAC CCW	R 104°, JAX VORTAC (NOPT)	8-mile DME Arc	2000	Climb to 1600′ on R 284° within 15 miles of JAX VORTAC.
R 010°, JAX VORTAC CW	R 104°, JAX VORTAC (NOPT)	8-mile DME Arc	2000	Supplementary charting information:
				Final approach crs intercepts runway centerline 3000′ from threshold.
				ALS Runway 7, HIRL Runways 7/25.
				Runway 31, TDZ elevation, 25′.

Procedure turn N side of crs, 104° Outbnd, 284° Inbnd, 2000′ within 10 miles of JAX VORTAC.
FAF, JAX VORTAC. Final approach crs, R 284°. Distance FAF to MAP, 6.4 miles.
Minimum altitude over JAX VORTAC, 2000′.
MSA: 000°–090°—1400′; 090°–270°—2100′; 270°–360°—1400′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S 31	460	1	435	460	1	435	460	1	435	460	1	435
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	471	500	1	471	500	1½	471	580	2	551
A	Standard.		T 2-eng. or less—RVR 24′, Runway 7; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 7; Standard all other runways.					

City, Jacksonville; State, Fla.; Airport name, Jacksonville International; Elev., 29′; Facility, JAX; Procedure No. VOR Runway 31, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 6 Oct. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MIE VOR.
OKK VORTAC	MIE VOR	Direct	2500	Climb to 2500′ on MIE R 140° within 10 miles, make left turn and return to VOR.
MZZ VOR	MIE VOR	Direct	2500	Runway 14, TDZ elevation, 936′.
MZZ VOR	Matthews Int	Direct	2400	
Matthews Int	Gaston Int (NOPT)	Direct	1600	

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2400′ within 10 miles of MIE VOR.
Final approach crs, 140°.
Minimum altitude over Gaston Int, 1360′.* (*1600′ from Matthews Int.)
MSA: 000°–360°—2500′.
CAUTION: Unlighted 1043′ powerline ½ mile NW of Runway 14.
NOTE: Use Grissom AFB altimeter setting when control zone not effective; circling and straight-in MDA increased 200′ except for operators with approved weather reporting service.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
8–14	1360	1	424	1360	1	424	1360	1	424	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1500	1	563	1500	1	563	1500	1½	563	NA
	VOR/NDB Minimus:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S 14	1300	1	364	1300	1	364	1300	1	364	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1500	1	563	1500	1	563	1500	1½	563	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Muncie; State, Ind.; Airport name, Delaware County/Johnson Field; Elev., 937′; Facility, MIE; Procedure No. VOR Runway 14, Amdt. 3; Eff. date, 1 Jan. 70; Sup. Amdt. No. 2; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: HVN VOR.
FDR VOR	Pond Point Int	Direct	2000	Climbing right turn to 2000′ direct to MAD VOR and hold.
Intersection V-16/BDR R 099°	Pond Point Int	Direct	2000	Supplementary charting information:
MAD VOR	Pond Point Int	Direct	1600	Hold SW, 1 minute, right turns, 047° Inbnd.
RVH VORTAC	Pond Point Int	RVH R 004° and HVN R 205°.	2000	Stack 297′, 1.1 miles NNW of airport.
				Trees 259′, 0.7 mile N of airport.
				Runway 2, TDZ elevation, 6′.

Procedure turn not authorized.
One-minute holding pattern S of Pond Point Int, 025° Inbnd, right turns, 1600′.
FAF, Pond Point Int. Final approach crs, 025°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over Pond Point Int, 1600′.
MSA: 000°–090°—2600′; 090°–180°—1600′; 180°–270°—1700′; 270°–360°—2600′.

NOTES: (1) Use Bridgeport altimeter setting when control zone not effective. (2) Inoperative components table does not apply to REIL's.
*Circling and straight-in MDA increased 40′ and alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–2*	380	1	374	380	1	374	380	1	374	380	1	374
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	600	1	586	600	1	586	600	1½	586	600	2	586
A	Standard.*		T 2-eng. or less—300–1, Runways 2, 32; Standard all others.				T over 2-eng.—300–1, Runways 2, 32; Standard all others.					

City, New Haven; State, Conn.; Airport name, Tweed-New Haven; Elev., 14′; Facility, HVN; Procedure No. VOR Runway 2, Amdt. 8; Eff. date, 1 Jan. 70; Sup. Amdt. No. 7; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: TWF VOR.
BYI VORTAC	BYI 19-mile DME (NOPT)	BYI, R 236°	5700	Climbing right turn to 6000′ TWF VOR.
Rock Creek Int	TWF VOR	Direct	8000	R 293° within 10 miles; or, when directed
Wooden Shoe Int	TWF VOR	Direct	8000	by ATC, climbing right turn to 6000′
19-mile DME BYI, R 236°	TWF VOR (NOPT)	Direct	4620	TWF VOR, R 060° within 10 miles.
				Supplementary charting information:
				LRCO, 122.1, 123.6.
				Runway 25, TDZ elevation, 4148′.

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 5700′ within 10 miles of TWF VOR.
Final approach crs, 248°.
MSA: 000°–090°—7600′; 090°–180°—9100′; 180°–270°—8400′; 270°–360°—6000′.

NOTE: Sliding scale not authorized.
*Use Burley, Idaho, altimeter setting when control zone not effective. Circling and straight-in MDA increased 140′ and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
%IFR departure procedures: Climb on R 060° TWF VOR within 10 miles to cross TWF VOR southeast bound on V–253 at or above 5000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–25*	4620	1	472	4620	1	472	4620	1	472	4620	1	472
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	4680	1	532	4680	1	532	4680	1½	532	4740	2	592
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Twin Falls; State, Idaho; Airport name, Twin Falls City-County (Joslin Field); Elev., 4148′; Facility, TWF; Procedure No. VOR Runway 25, Amdt. 9; Eff. date, 1 Jan. 70; Sup. Amdt. No. 8; Dated, 10 Apr. 69

5. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing JA LOM.
JAX VORTAC	JA LOM	Direct	2000	Climb to 1600′ on crs 070° within 15 miles.
St. Andrews Int	JA LOM	Direct	2000	Supplementary charting information:
Chester Int	JA LOM	Direct	2000	ALS Runway 7, HIRL Runway 7/25.
Bryceville Int	JA LOM (NOPT)	Direct	1600	Runway 7, TDZ elevation, 29′.

Procedure turn N side of crs, 250° Outbnd, 070° Inbnd, 2000′ within 10 miles of JA LOM.
FAF, JA LOM. Final approach crs, 070°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over JA LOM, 1600′.
MSA: 000°–090°—1400′; 090°–180°—2100′; 180°–270°—1700′; 270°–360°—1500′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	500	RVR 40	471	500	RVR 40	471	500	RVR 40	471	500	RVR 50	471
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	471	500	1	471	500	1¼	471	580	2	551
A	Standard.		T 2-eng. or less—RVR 24′, Runway 7; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 7; Standard all other runways.					

City, Jacksonville; State, Fla.; Airport name, Jacksonville International; Elev., 29′; Facility, JAX; Procedure No. NDB (ADF) Runway 7, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 6 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PLD NDB.
Redkey Int	PLD NDB	Direct	2600	Climb on crs to 2600′; return to PLD NDB.
Berne Int	PLD NDB	Direct	2600	Supplementary charting information:
Bonnie Int	PLD NDB	Direct	2600	Final approach crs intercepts runway centerline 1408′ from runway threshold. Radio tower 1.3 miles SW of airport, 1115′. Tower 1340′ 2.3 miles S of airport. Runway 27, TDZ elevation, 923′.

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2600′ within 10 miles of PLD NDB.
Final approach crs, 280°.
MSA: 090°–270°—2500′; 270°–090°—2200′.
NOTE: Use Fort Wayne altimeter setting.
%IFR departures Runway 27 maintain runway heading, climb to 1700′ MSL before turning left.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-27	1560	1	637	1560	1	637	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1560	1	637	1560	1	637	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Portland; State, Ind.; Airport name, Steed; Elev., 923′; Facility, PLD; Procedure No. NDB (ADF) Runway 27, Amdt. 2; Eff. date, 1 Jan. 70; Sup. Amdt. No. 1; Dated, 20 Nov. 69

6. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitude (feet)	MAP: ILS DH 229′; LOC 5.6 miles after passing JA LOM.
JAX VORTAC	JA LOM	Direct	2000	Climb to 1600′ on LOC (BC) 070° within 15 miles.
St. Andrews Int	JA LOM	Direct	2000	Supplementary charting information:
Chester Int	JA LOM	Direct	2000	ALS Runway 7, HIRL Runways 7 25.
Bryceville Int	JA LOM (NOPT)	Direct	1600	Runway 7, TDZ elevation, 29′.

Procedure turn N side of crs, 250° Outbnd, 070° Inbnd, 2000′ within 10 miles of JA LOM.
FAF, JA LOM. Final approach crs, 070°. Distance FAF to MAP, 5.6 miles.
Minimum glide slope interception altitude, 1600′. Glide slope altitude at OM, 1588′; at MM, 234′.
Distance to runway threshold at OM, 5.6 miles; at MM, 0.6 mile.
MSA: 000°–090°—1400′; 090°–180°—2100′; 180°–270°—1700′; 270°–360°—1500′.
NOTE: ASR.
*Inoperative table does not apply to HIRL Runway 7.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7	229	RVR 24	200	229	RVR 24	200	229	RVR 24	200	229	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7*	460	RVR 40	431	460	RVR 40	431	460	RVR 40	431	460	RVR 40	431
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	471	500	1	471	500	1¼	471	580	2	551
A	Standard.		T 2-eng. or less—RVR 24′, Runway 7; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 7; Standard all other runways.					

City, Jacksonville; State, Fla.; Airport name, Jacksonville International; Elev., 29′; Facility, I-Jax; Procedure No. ILS Runway 7, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 6 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Runway 7L DH Categories A, B, C, 325′; Category D, 375′; LOC 4.7 miles after passing Turtle Int.
Westlake Int	Steamer Int	Direct	3000	Climb to 3000′ direct to Downey NDB FM Int.
LAX VOR	Turtle Int	Direct	2000	Supplementary charting information:
Steamer Int	Turtle Int (NOPT)	Direct	1500	Chart DME distance at MAP (1.8-mile DME). Chart MALS RAIL Runway 7L. Runway 7L, TDZ elevation, 125′. Runway 7R, TDZ elevation, 124′.

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 2000′ within 10 miles of Turtle Int.
FAF, Turtle Int. Final approach crs, 068°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Turtle Int, 1500′.
Minimum glide slope interception altitude, 1500′. Glide slope altitude at Turtle Int, 1494′; at MM, 320′.
Distance to runway threshold at Turtle Int, 4.7 miles; at MM, 0.5 mile.
MSA: Not authorized.
NOTES: (1) ASR/PAR. (2) DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point. (3) Inoperative table does not apply to REIL or HIRL Runway 7L/R.
%IFR departure procedures: Northbound (280° through 060°) published SID's must be used or be radar vectored.
#Runways 6 L/R, 7R, RVR 50′; Runways 24 L/R, RVR 40′; Runways 25 L/R, 7L, RVR 24′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7L	325	RVR 24	200	325	RVR 24	200	325	RVR 24	200	375	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L	460	RVR 24	335	460	RVR 24	335	460	RVR 24	335	460	RVR 50	335
S-7R	640	RVR 50	516	640	RVR 50	516	640	RVR 50	516	680	RVR 60	556
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.		T 2-eng. or less—Runway 8/26, Standard.%#				T over 2-eng.—Runway 8/26, Standard, all other Runways RVR 24′.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126′; Facility, I-IAS; Procedure No. ILS Runway 7L, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 30 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)
			MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM/Int.
			Initiate immediate climb on LOC crs to 500', turn right, continue climb to 4000' via 265° heading and LAX R 276° to Topanga Int.
			Supplementary charting information:
			Depict Runway 25L localizer crs in plan view.
			Parallel procedures Parallel ILS Runway 24 L/R and Parallel ILS Runway 25L to be issued on adjoining plates.
			Runways 24 L/R, TDZ elevation, 120'.

P rocedure turn not authorized. Approach crs (Profile) starts at Romeo LOM/Int.
FAF, Romeo LOM/Int. Final approach crs, 248°, Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM/Int, 2200'; over Arbor Int, 620'.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2196'; at MM, 317'.
Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile.
MSA: Not authorized.
NOTES:
(1) ASR/PAR.
(2) Radar required. (a) This procedure mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC (or ADF) and localizer receivers are operating simultaneously. (b) Notify approach control immediately if any required airborne receiver in note (a) is malfunctioning or parallel approach is not desired.
(3) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
(4) Inoperative table does not apply to HIRL or SALS Runways 24 L/R.
%IFR departures: Northbound (280° CW through 060°) published SID's must be used or be radar vectored.
#Runways 6 L/R, 7R, RVR 50'; Runways 24 L/R, RVR 40'; Runways 25 L/R, 7L, RVR 24'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-24 L/R	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24 L/R	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500
	LOC/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24 L/R	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360
A	Standard.			T 2-eng. or less—Runways 8/26, Standard.%#			T over 2-eng.— Runways 8/26, Standard; all other runways RVR 24'.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-OSS; Procedure No. Parallel ILS Runway 24 L/R, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 30 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)
			MAP: IL8 DH, 370'; LOC 6.3 miles after passing Romeo LOM/Int.
			Initiate immediate climb on LOC crs to 500', turn right, continue climb to 4000' via 265° heading and LAX R 276° to Topanga Int.
			Supplementary charting information:
			Depict Runways 25 L/R localizer crs in plan view.
			Parallel procedures, Parallel IL8 Runway 24R and Parallel IL8 Runways 25 L/R to be printed on adjoining plates.
			Runway 24R, TDZ elevation, 120'.

Procedure turn not authorized. Approach crs (Profile) starts at Romeo LOM/Int.
FAF, Romeo LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM/Int., 2200'; over Arbor Int., 620'.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2196'; at MM, 317'.
Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile.
MSA: Not authorized.
NOTES:
(1) ASR/PAR.
(2) Radar required. (a) This procedure mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC (or ADF) and localizer receivers are operating simultaneously. (b) Notify approach control immediately if any required airborne receiver in Note (a) is malfunctioning or parallel approach is not desired.
(3) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
(4) Inoperative table does not apply to HIRL or SALS Runway 24R.
%IFR Departures: Northbound (280° through 060°) published SID's must be used or be radar vectored.
#Runways 6 L/R, 7R, RVR 50'; Runways 24 L/R, RVR 40'; Runways 25 L/R, 7L, RVR 24'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-24R	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24R	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500
	LOC/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24R	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360
A	Standard.			T 2-eng. or less—Runways 8/26, Standard. %#			T over 2-eng.—Runways 8/26, Standard; all other Runways RVR 24.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-OSS; Procedure No. Parallel ILS Runway 24R, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 30 Oct. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on December 1, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-14524; Filed, Dec. 11, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

[Reg. ER-595]

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Processing of Applications of Long-Haul Motor Carriers of General Commodities for Authority as Air Freight Forwarders or International Air Freight Forwarders

Correction

In F.R. Doc. 69-14538, appearing at page 19340 in the issue of Saturday, December 6, 1969, following the fourth introductory paragraph the following material was inadvertently omitted:

Amend the table of contents by adding §§ 244.19a, 244.19b, 244.19c, and 244.19d entitled as follows:

Sec.

. . . . . .

244.19a Originating air station data (Schedule T-4).
244.19b Supplemental operating statistics—long-haul motor carriers/air freight forwarders (Schedule T-5).
244.19c Analysis of traffic by weight breaks (Schedule T-6).
244.19d Report of location of air freight forwarding stations and surface transport terminals.

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1970 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Florida Citrus Crop Insurance Regulations for the 1967 and Succeeding Crop Years which shall remain in full force and effect for the 1969 crop year, are hereby superseded for the 1970

and succeeding crop years by the regulations set forth below. The provisions of this subpart shall apply, until amended or superseded to all continuous Florida citrus crop insurance contracts as they relate to the 1970 and succeeding crop years.

Secs.

410.1 Availability of Florida citrus crop insurance.
410.2 Premium rates and amounts of insurance.
410.3 Application for insurance.
410.4 Public notice of indemnities paid.
410.5 Creditors.
410.6 The application and the policy.

AUTHORITY: The provisions of this subpart issued under Secs. 506, 516, 52 Stat. 73, as amended; 77, as amended; 7 U.S.C. 1506, 1516.

§ 410.1 Availability of Florida citrus crop insurance.

Citrus crop insurance shall be offered for the 1970 and succeeding crop years under the provisions of § 410.1 through § 410.6 in counties in Florida within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for citrus crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 410.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 410.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 410.3 Application for insurance.

Application for insurance may be submitted, as provided in § 410.6 at the office for the county for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive or limit the amount of insurance prior to the closing date for the filing of applications. Such closing date shall be August 15 of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 410.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 410.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Application and Policy set forth in § 410.6.

§ 410.6 The application and the policy.

The provisions of the Application and Policy for Florida Citrus Crop Insurance for the 1970 and Succeeding Crop Years are as follows:

Application and Policy

Form FCI–812–Florida Citrus

UNITED STATES DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

APPLICATION AND POLICY FOR FLORIDA CITRUS CROP INSURANCE

(For 197-- and Succeeding Crop Years)

(Name of insured)

(Policy number)

(Address of insured) (Zip Code)

(County)

1. The undersigned applicant (herein also called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest as a producer in citrus crops of the insurable types designated below (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The applicant applies for the amount of insurance for the applicable type shown below which shall be an amount shown on the county actuarial table (hereinafter called the "actuarial table"). The amounts of insurance available each crop year and prescribed premium rates for each crop year are shown by types on the actuarial table from year to year. The insured may with the consent of the Corporation change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the office for the county in writing prior to the date insurance attaches for the crop year for which the change is to become effective. The amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose but the amount of insurance shall not exceed the maximum dollar amount per acre shown on the actuarial table for such crop year. The insured hereby elects the respective amounts of insurance entered below for the type of citrus on which insurance is applied for:

(Type)	(Crop(s))	(Amount per acre)
		Dollars
I	Early and midseason oranges	
II	Late oranges	
III	Grapefruit	
IV	Navel oranges, tangelos and tangerines [1]	
V	Murcott honey oranges and Temple oranges	

[1] I hereby elect to exclude from insurance Robinson tangerines by onecking this box. ☐

This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership or other entity.

2. *Causes of loss insured against.* The insurance provided is against unavoidable loss resulting from freeze, hail, hurricane, or tornado occurring within the insurance period. No insurance is provided against loss or damage to blossoms or trees.

3. *Insured crop.* (a) Application for insurance may be made with respect to all types of citrus or with respect to any one or more types of citrus, as defined in section 22 hereof, produced by the insured on trees that have reached at least the sixth growing season after being set out, except that the insured may, subject to approval of the Corporation, elect to insure or exclude from insurance for any crop year any definitely described and designated insurable acreage having a potential of less than 100 standard field boxes per acre. Acreage so excluded with approval of the Corporation shall be disregarded for all purposes of this contract for the crop year involved. If the insured fails to report, elect and designate any defined acreage, the Corporation will disregard such acreage if the minimum potential is not produced thereon. However, if the production meets the minimum, the Corporation shall determine the percent of damage on all of the insurable acreage for the insurance unit (hereinafter called "unit") but will not permit the percent of damage for the unit to be increased by reason of the use of such undesignated acreage. The potential to be used to determine the percent of damage for a unit under section 14 shall never be less than 100 standard field boxes per acre. Except as otherwise provided herein, the insured acreage for each crop year shall be all that acreage in the county of the type(s) of citrus for which the insured has applied for insurance, which is shown as insurable on the actuarial table and not excluded otherwise because of risk, and in which the insured has an interest on the date insurance attaches.

(b) Insurance for each crop year of the contract shall cover only citrus fruit which can be expected to mature in the normal maturity period for the variety for such crop year.

4. *Responsibility of the insured to report acreage and interest.* The insured at the time of filing his application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of citrus which is uninsurable or any acreage not insured under the provisions of the preceding section. This report shall be revised for any crop year before insurance attaches if the acreage to be insured, or interest therein, has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation, whichever the Corporation may elect.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the actuarial table for each crop year shall constitute the contract for citrus insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance attaches on the first May 1 of the crop year, unless the application is accepted by the Corporation after that date in which event insurance shall attach in the first crop year on the date of acceptance, but in no event earlier than the 10th day after the date the application is submitted to the office for the county, and as to any portion of the citrus crop shall cease upon harvest but in no event shall the insurance remain in effect later than June 30 (January 31 for tangerines and navel oranges) of the calendar year following the calendar year in which the insurance period begins.

7. *Annual premium.* (a) The annual premium shall be considered as earned on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage on the unit by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The total annual premium for the contract shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive years with no loss*
5 percent after	1 year.
5 percent after	2 years.
10 percent after	3 years.
10 percent after	4 years.
15 percent after	5 years.
20 percent after	6 years.
25 percent after	7 years or more.

If any insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that as to any amount thereof not paid by the April 30 of the crop year in which earned, it shall be increased by 10 percent. It is further agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

(Witness to signature)

(Signature of applicant)

----------, 197-- Code ----------

(Date)

9. Recommended for acceptance by:

---------- ----------, 197--

(Grove Inspector) (Date)

10.

Address of office for county phone:	Location of headquarters phone:

11. *Life of contract.* The contract is noncancelable for the first crop year and shall continue in effect for each succeeding crop year until either the insured or Corporation cancels the contract by giving written notice to the other by the April 30 immediately preceding the beginning of the crop year for which the cancellation is to become effective. If, however, the Corporation limits the amount of insurance, or any acreage is excluded from insurance under the contract by the Corporation because of the risk involved, after the April 15 immediately preceding the beginning of the crop year for which such limitation or exclusion is to become effective, the insured shall have the right to cancel the contract within 15 days after notice thereof is mailed to the insured by the Corporation. If the premium is not paid by the April 30 of the crop year in which the premium was earned, the contract shall terminate for nonpayment of premium effective beginning with the next crop year.

12. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Any such amendment or change shall be mailed to the insured or made available at the office for the county by the April 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of such amendment or change will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 11 hereof.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any unit hereunder that the insured report in writing each damage to the insured crop from an insured cause to the office for the county immediately after such damage becomes apparent, giving the date of such damage. If not so reported within 7 days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) If damage occurs within the 7-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, written notice shall be given immediately to the office for the county.

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation. The Corporation reserves the right to delay the determination of the amount of loss until the end of the insurance period.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of citrus on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the average percent of damage (determined in accordance with subsections (c), (d), and (e) of this section) in excess of 10 percent (i.e., average damage 45% − 10% = 35% payable) and (3) multiplying the result by the insured interest.

(c) Subject to the provisions of subsections (d) and (e) of this section, the average percent of damage to the insured crop on any unit shall be the ratio of the number of standard field boxes of the crop lost from an insured cause to the total number of standard field boxes which would have been produced (herein called the "potential"). The potential for the unit shall not be less than the product of 100 standard field boxes multiplied by the number of acres in the unit and shall include citrus which (1) was picked before the insured damage occurred, (2) remained on the trees after the damage ocurred, (3) was lost from an insured cause, and (4) any other citrus covered by insurance not included in items (1) through (3), including citrus lost from causes not insured against other than normal dropping but not including citrus lost before insurance attached or any tangerines the Corporation determines normally would not meet the 246 pack size under U.S. Standards (2$\frac{9}{16}$ inches minimum diameter) by the end of the insurance period for tangerines.

(d) As determined by the Corporation, citrus lost from an insured cause shall include any citrus which is unmarketable either as fresh fruit or for juice due to an insured cause, and any citrus which is partially damaged by freeze as provided in subsection (e).

If any portion of the insured crop on any unit is seriously damaged by freeze as determined under the applicable provisions of the Florida Citrus Code and could not be marketed as fresh fruit within the prescribed tolerance for freeze damage (including adulteration) such portion of the crop shall be deemed to be unmarketable as fresh fruit.

If any portion of the insured crop on any unit is damaged by any insured cause to the extent that it could not be marketed either as fresh fruit or for juice because it is immature, unwholesome, decomposed, adulterated, or otherwise unfit for human consumption, that portion of the crop shall be deemed to be unmarketable as fresh fruit or for juice.

Any portion of the insured crop harvested prior to inspection by the Corporation or which is or could be marketed as fresh fruit shall be considered undamaged.

Any citrus harvested within 7 days after a freeze will not be considered damaged by freeze.

Any fruit on the ground as a result of an insured cause of loss which is not picked up and marketed shall be deemed to be 90 percent lost if due to freeze and totally lost if due to an insured cause other than freeze.

If unmarketable as fresh fruit due to insured causes, pink and red grapefruit of

citrus Type III shall be deemed to have 70 percent damage and citrus Types IV and V shall be deemed to have 60 percent damage unless the Corporation determines by a fresh fruit cut that the actual percent of damaged fruit is greater.

(e) If any portion of the insured citrus crop of Types I, II, and III (excluding pink and red grapefruit) is unmarketable as fresh fruit due to freeze but may be processed by the canning or concentrating plants, it shall be considered as marketable for juice and the extent of damage, whether partial or total, shall be determined as follows subject to the applicable provisions of the preceding section:

(1) From the 8th through the 30th day after the freeze, any portion of the insured crop which has a sufficient number of freeze damaged fruits therein to make it unmarketable as fresh fruit under the provisions of the Florida Citrus Code shall, if marketed for juice, be considered damaged the smaller of 30 percent or the actual percent of freeze damaged fruit as determined by the Corporation by sampling representative fruits by a fresh fruit cut method. (In the event there are successive freezes, the 30-day period shall be considered to have its beginning from the date of the freeze that results in the citrus becoming unmarketable as fresh fruit as determined by the Corporation.)

(2) Beginning with the 31st day after the freeze, citrus lost from freeze shall include any citrus which is unmarketable, either as fresh fruit or for juice due to freeze and any citrus which is partially damaged by freeze.

(3) Citrus shall be considered as having been partially damaged from an insured cause only if the cause of such damage is freeze and then only if the citrus is not harvested within 30 days after the partial damage, and if before harvest the citrus has dried to the extent that the amount of damage can be determined. Partial damage by freeze will be determined by the Corporation by a weight method under which the percent of damage will be determined by weighing representative samples of damaged and undamaged fruit unless the Corporation determines that there is an insufficient number of undamaged fruit in which case the cut method described in 4 below will be used.

(4) The percent of damage due to freeze in an individual fruit sampled by a cut method shall be determined by the Corporation as follows: (a) If the Corporation determines that there is less than 16 percent juice loss, the fruit shall be considered undamaged, (b) if the Corporation determines that as much as 16 percent, but less than 50 percent of the juice has been lost due to freeze, the fruit shall be considered as 40 percent damaged, or (c) if the Corporation determines that 50 percent but less than 75 percent of the juice has been lost due to freeze, the fruit shall be considered as 70 percent damaged.

If the Corporation determines by either the cut or weight method that 75 percent or more of the juice has been lost due to freeze, the fruit shall be considered as totally lost.

(f) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within 1 year after the date notice of denial of the claim is mailed to and received by the insured.

15. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) For the purposes of subsection (b) hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the parties shall terminate the contract.

16. *Insured interest.* For the purpose of determining the amount of indemnity, the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

17. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which any such act or omission occurred.

19. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

22. *Meaning of terms.* For purposes of insurance on citrus the terms:

(a) "County actuarial table" means the actuarial forms and related material (including the crop insurance maps where applicable) which are approved by the Corporation, which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information with respect to citrus crop insurance for the crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on the actuarial table which may include insurable acreage located in a local producing area bordering on the county.

(d) "Crop year" means the period beginning May 1 and extending through June 30 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(e) "Harvest" means any severance of citrus fruit from the tree either by pulling or picking, or picking the marketable fruit from the ground.

(f) "Insurance unit" means all insurable acreage in the county of any one of the five citrus types (see (g) below) (1) in which type of citrus the insured has 100 percent interest on the date insurance attaches for the crop year and which is located on contiguous land under the same ownership, or (2) in which type of citrus two or more persons have 100 percent interest on the date insurance attaches for the crop year and which type is located on contiguous land under the same ownership, excluding any other acreage of such type of citrus in which such persons do not have 100 percent interest in such citrus on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

(g) "Types of citrus" means any of the five types of fruit as follows: Type (I), Early and midseason oranges; Type (II), Late oranges; Type (III), Grapefruit; Type (IV), Navel oranges, tangelos, and tangerines, and Type (V), Murcott honey oranges and temple oranges. Oranges commonly known as "sour oranges" and "clementines" shall not be deemed to be included in any of the insurable types of citrus.

(h) "Standard field box" means a standard citrus field box as prescribed in the Florida Citrus Code.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on December 5, 1969.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: December 9, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-14767; Filed, Dec. 11, 1969; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service, Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 817, Amdt. 3]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

APPLICATIONS BY IMPORTER

Basis and purpose and bases and considerations. This amendment is issued pursuant to authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act", and for the purpose of amending § 817.4(a)(4) to permit, upon written request by an importer, the issuance of an authorization to release raw sugar to an importer prior to naming the ultimate refiner who will receive such sugar. This amendment is necessary because occasionally, near the end of the year, conditions may arise in the sugar market which would jeopardize the opportunity of a country or area to complete the filling of its quota simply because of difficulties in arranging a sale to a refiner. In such circumstances, the amendment will facilitate the entry of the sugar in question and hence the filling of the quota.

By virtue of the authority vested in the Secretary of Agriculture, by the Act, Part 817 of this chapter (32 F.R. 14363, 33 F.R. 3423, 34 F.R. 378) is hereby amended by amending subparagraph (4) of paragraph (a) of § 817.4 to read as follows:

§ 817.4 Applications by importer.

(a) * * *

(4) Name and address of the person to whom delivery is to be made from the importing carrier. If not known when an application is submitted, this information must be supplied before a Collector will be authorized to release the sugar: *Provided*, That upon written request submitted within the last 2 weeks of the year by the importer to the Secretary the Collector may be authorized to release raw sugar to the importer named on the Sugar Quota Clearance Record (Form SU-3) with the importer having the privilege of subsequently naming, prior to a date specified in each case by the Secretary, the refiner who will receive such sugar.

* * * * * * *

(Sec. 403; 61 Stat. 932; 7 U.S.C. 1153; sec. 202; 61 Stat. 924, as amended; 7 U.S.C. 1112)

Effective date. Due to the nearness of the end of the calendar year when sugar quotas terminate and in view of the fact that circumstances may exist which could jeopardize the opportunity of a country or area to fill its quota it is imperative that this amendment be made effective at the earliest possible date. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 8, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14728; Filed, Dec. 11, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Rules and Regulations

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 69-13637 appearing at page 18223 in the issue of Friday, November 14, 1969, in the eighth line of § 907.102(a)(2), the reference to "§ 907.22(c) should read "§ 907.22(e)".

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—REGULATIONS PERTAINING TO MILITARY JUSTICE

PART 150—COURTS OF MILITARY REVIEW RULES OF PRACTICE AND PROCEDURE

Subchapter C of Chapter I of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
150.00 Purpose.
150.01 Name and seal.
150.02 Jurisdiction
150.03 Scope of review.
150.04 Quorum.
150.05 Place for filing papers.
150.06 Signing of papers.
150.07 Computation of time.
150.08 Qualification of counsel.
150.09 Conduct of counsel.
150.10 Request for appellate defense counsel.
150.11 Retention of civilian counsel.
150.12 Failure to request or give notice of appellate counsel.
150.13 Mandatory assignment of appellate defense counsel.
150.14 Notice of appearance of counsel.
150.15 Availability of records of trial to civilian counsel.
150.16 Assignment of errors; briefs.
150.17 Oral arguments.
150.18 Decisions of the court.
150.19 Reconsideration.
150.20 Petition for new trial.
150.21 Motions.
150.22 Continuances and interlocutory matters.
150.23 Form for direction for review.
150.24 Form for assignment of errors (§ 150.16).
150.25 Form for assignment of errors and brief on behalf of accused (§ 150.16).

AUTHORITY: The provisions of this Part 150 issued under sec. 866, 70A Stat. 59; 10 U.S.C. 866.

SOURCE: Joint Publication: AFM 111-4;[1] AR 27-13;[1] NAVSO P-2319;[1] CG 241A,[1] Aug. 1, 1969.

[1] Filed as part of the original document.

§ 150.00 Purpose.

This part prescribes the rules of practice and procedure for the Courts of Military Review established by the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of Transportation.

§ 150.01 Name and seal.

(a) The titles of the Courts of Military Review of the respective services are:

(1) "United States Army Court of Military Review."

(2) "United States Navy Court of Military Review."

(3) "United States Air Force Court of Military Review."

(4) "United States Coast Guard Court of Military Review."

(b) Each court is authorized a seal in the discretion of The Judge Advocate General concerned. The design of such seal shall include the title of the court.

§ 150.02 Jurisdiction.

The court shall review the record in the following cases.

(a) *Review under Article 66.* All cases of trial by court-martial in which the sentence, as approved, affects a general or flag officer or extends to death, dismissal of a commissioned officer, cadet or midshipman, dishonorable discharge or bad conduct discharge, or confinement at hard labor for 1 year or more.

(b) *Review upon direction of The Judge Advocate General under Article 69.* All cases of trial by general court-martial in which there has been a finding of guilty and a sentence, the appellate review of which is not otherwise provided for by Article 66, and which The Judge Advocate General forwards by direction for review to the court (§ 150.23).

§ 150.03 Scope of review.

(a) The court may act only with respect to the findings and sentence as approved by the convening authority.

(b) The court may act on a petition for new trial only in a case pending before the court.

(c) The court may review such other matters as it may determine to be proper under substantive law.

§ 150.04 Quorum.

(a) *In panel.* A majority of the judges when sitting in panel constitutes a quorum for the purpose of hearing and determining any matter referred to the panel. The determination of any matter referred to the panel shall be according to the opinion of a majority of the judges participating in the decision. In the absence of a quorum, any judge present for duty may make all necessary orders touching any proceedings pending in panel preparatory to hearing or decision thereof.

(b) *En banc.* When sitting as a whole, a majority of the judges of the court constitutes a quorum for the purpose of hearing and determining any matter before the court. The determination of any matter before the court shall be according to the opinion of a majority of the judges participating in the decision. In the absence of a quorum, any judge present for duty may make all necessary orders touching any proceedings pending in the court preparatory to hearing or decision thereof.

§ 150.05 Place for filing papers.

When the filing of a notice of appearance, brief, or other paper in the office of a Judge Advocate General is required by this part, such papers shall be filed in the office of The Judge Advocate General of the appropriate armed force. If transmitted by mail or other means, they are not filed until received in such office.

§ 150.06 Signing of papers.

All formal papers shall be signed and shall show, typewritten or printed, the name and address of the person signing same, together with his military rank, if any, and the capacity in which he signs the paper. Such signature constitutes a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the paper, and that the paper is filed in good faith and not for purposes of unnecessary delay.

§ 150.07 Computation of time.

In computing any period of time prescribed or allowed by this part, by order of the court, or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

§ 150.08 Qualification of counsel.

(a) In any proceeding before the court, the accused may be represented by civilian counsel provided by him or by assigned appellate defense counsel. Civilian counsel shall be a member of the bar of a Federal court or of the highest court of a State, and may be required to file a certificate setting forth such qualifications. Assigned appellate defense and Government counsel shall be qualified in accordance with Articles 70(a) and 27(b)(1).

(b) Civilian counsel may not act as counsel before the court if he has been suspended by The Judge Advocate General of the service concerned and such suspension has not been revoked (MCM, 1969 (Rev.), par. 43).

§ 150.09 Conduct of counsel.

(a) The conduct of counsel appearing before the court shall be in accordance with the rules of conduct prescribed in the Manual for Courts-Martial, 1969 (Revised Edition), paragraph 42b.

(b) The court may exercise its inherent right to remove, on an ad hoc basis, counsel misbehaving before or in relation to their appearance before the court. When a counsel has been so removed and the court considers that his conduct was such as probably to warrant suspension, either temporarily or indefinitely, the court shall report the misconduct to The Judge Advocate General of the service concerned and make such recommendations as deemed appropriate.

§ 150.10 Request for appellate defense counsel.

A request for representation by appellate defense counsel shall be forwarded to the convening or reviewing authority for attachment to the record or dispatched to the office of The Judge Advocate General within 10 days from the date of notice of the action of the convening or reviewing authority, whichever is later. In cases directed for review under Article 69, the accused shall have 5 days from the time he receives notice of such direction to forward a request for appellate defense counsel to the Office of The Judge Advocate General. Any request for appellate defense counsel may be accompanied by a statement as to the errors or other matters urged as grounds for relief. If trial defense counsel files a brief as provided in Article 38(c), the brief may be submitted in lieu of this statement.

§ 150.11 Retention of civilian counsel.

(a) Notice that an accused has retained or has taken action to retain civilian counsel to represent him before the court shall be forwarded to the convening or reviewing authority for attachment to the record or dispatched to The Judge Advocate General within 15 days from the date of notice of the action of the convening or reviewing authority, whichever is later. In cases directed for review under Article 69, the accused shall forward such notice within 10 days after receipt of notice by him of such direction. The notice of retention of civilian counsel shall be signed by the accused or his representative and shall state the name and address of such civilian counsel. When the accused has forwarded a timely notice of intention to retain counsel, a notice of retainer stating the name and address of such counsel must be received in the office of The Judge Advocate General within 10 days of receipt of the notice of intention. Civilian counsel will thereafter be notified of the receipt of the record of trial in the office of The Judge Advocate General, the number of the case, and the arrangements made, or to be made, for a hearing before the panel or court sitting as a whole.

(b) If the accused has forwarded a timely notice of intention to retain civilian counsel, appellate defense counsel shall be assigned to represent the interests of the accused pending appearance of civilian counsel.

§ 150.12 Failure to request or give notice of appellate counsel.

Failure of an accused to request appellate defense counsel or to give notice of retainer of civilian counsel or of intention to retain civilian counsel within the times prescribed may be regarded as a waiver of such right and the court may take final action in the case.

§ 150.13 Mandatory assignment of appellate defense counsel.

In all cases in which the United States is represented by counsel before the court, the accused shall be assigned appellate defense counsel.

§ 150.14 Notice of appearance of counsel.

(a) *In writing.* Military and civilian appellate counsel shall file a written notice of appearance in the office of The Judge Advocate General.

(b) *Filing of pleading and other paper.* The filing of any pleading or other paper relative to a case in the office of The Judge Advocate General which contains the signature of counsel constitutes notice of appearance for such counsel.

§ 150.15 Availability of records of trial to civilian counsel.

Ordinarily, the accused is expected to make his copy of the record of trial available to civilian counsel. If civilian counsel does not have access to the accused's personal copy of the record, arrangements may be made with appellate defense counsel to permit examination of a copy of the record in the office of The Judge Advocate General and to make a copy of the whole or any part thereof without expense to the Government.

§ 150.16 Assignment of errors; briefs.

(a) *General provisions.* Within 30 days after notification of the receipt of the record in the office of The Judge Advocate General, appellate counsel for the accused shall file an assignment of errors setting forth separately and particularly each error asserted and intended to be urged (§ 150.24). The assignment of errors may be included in, or filed in lieu of, a brief for the accused (§ 150.25). An original and five clear copies of all assignments of errors and briefs shall be submitted. Briefs and assignments of errors shall be typewritten, double-spaced on 8" by 12½" (legal cap) white paper, securely fastened at the top. All references to matters contained in the record shall show record page numbers and any exhibit designations. A brief on behalf of the Government shall be of like character as that prescribed for the accused.

(b) *Number of briefs.* Appellate counsel shall be limited to the filing of one brief for each side unless the court otherwise permits or directs.

(c) *Time for filing.* Any brief for an accused shall be filed within 30 days after his appellate counsel has been notified of the receipt of the record in the office of The Judge Advocate General. If The Judge Advocate General has directed appellate Government counsel to represent the United States, such counsel may file a brief on behalf of the Government within 30 days after any brief or an assignment of errors has been filed on behalf of an accused. If no brief is filed on behalf of an accused, a brief on behalf of the Government may be filed within 30 days after expiration of the time allowed for the filing of a brief on behalf of the accused.

(d) The time for filing briefs relating to issues specified by the court shall be as directed by the court.

(e) A brief of an amicus curiae may be filed only by permission of the court.

§ 150.17 Oral arguments.

(a) *When heard; waiver.* Oral arguments shall be heard after briefs have been filed in accordance with § 150.16 of this part. A case may be submitted without oral arguments with permission of the court.

(b) *Notice of setting of arguments.* The court shall give appellate counsel at least 10 days' notice of the time and place of oral arguments.

(c) *Time limits.* No more than 30 minutes on each side shall be allowed for oral argument unless the time is extended by leave of court.

(d) *Number of counsel; opening and closing.* The court in its discretion may limit the number of counsel making an oral argument. The defense has the right to make opening and closing arguments.

(e) *Failure to appear.* Failure of appellate counsel to appear at the time and place set for oral argument may be regarded as a waiver thereof and the court may proceed to act on the case as submitted without argument, or, in its discretion, may continue the case for argument at a later date, giving due notice thereof.

(f) *Presence of accused.* The accused does not have a right to be present at the hearing before the court.

§ 150.18 Decisions of the court.

(a) *When hearing En Banc will be ordered.* On their own motion, a majority of all the judges present for duty may order that a hearing or rehearing be referred to the court sitting as a whole. Such a hearing or rehearing ordinarily will not be ordered, except (1) when consideration of the full court is necessary to secure or maintain uniformity of its decisions, or (2) when the proceeding involves a question of exceptional importance, or (3) when the sentence, as approved by the convening authority, affects a general or flag officer or extends to death.

(b) *Hearing En Banc at suggestion of a party.* A party may suggest the appropriateness of a hearing or rehearing by the court sitting as a whole. The suggestion shall be filed with the court within 5 days after appellate Government counsel files its reply to the assignment of errors. Upon receipt of such suggestion, all the judges present for duty shall be polled, and a majority vote on the suggestion is final.

(c) *Notice of decisions.* Notice of the decision of the court shall be accomplished as prescribed in the Manual for Courts-Martial, 1969 (Revised edition), paragraph 100, and when rendered shall be immediately served on appellate defense and Government counsel and The Judge Advocate General.

(d) *Copies of decisions.* A copy of the decision of the court shall be furnished appellate counsel for the accused.

§ 150.19 Reconsideration.

(a) The court may, in its discretion and on its own motion, enter an order in any case not later than 30 days after service of its decision on the accused to reconsider such decision, provided a petition for grant of review or certificate for review has not been filed with the U.S. Court of Military Appeals, or a record of trial for review under Article 67(b) has not been received by that court. Copies of such order will be served on appellate defense counsel and appellate Government counsel. No briefs or arguments shall be received unless the order so directs.

(b) The court may, in its discretion, reconsider its decision in any case upon motion filed by either appellate defense counsel within 10 days from the time an accused is notified of the decision of the court or upon motion of appellate Government counsel within 10 days after receipt of its decision, provided a petition for grant of review or certificate for review has not been filed with the U.S. Court of Military Appeals, or a record of trial for review under Article 67(b) has not been received by that court.

(c) A motion for reconsideration shall briefly and directly state the grounds for reconsideration including a statement of facts showing jurisdiction in the court. A reply to the motion for reconsideration will be received by the court only if filed within 5 days of receipt of a copy of the motion. Oral arguments shall not be heard on a motion for reconsideration unless ordered by the court. The original of the motion filed with the court shall indicate the date of receipt of a copy of the same by opposing counsel.

(d) The time limitations prescribed by this section shall not be extended under the authority of § 150.22 beyond the expiration of the time for filing a petition or review by the U.S. Court of Military Appeals, except that the time for filing briefs by either party may be extended for good cause.

§ 150.20 Petition for new trial.

(a) *General provisions.* The court shall, as soon as practicable after receipt from The Judge Advocate General of a petition for a new trial in a case pending before the court, notify appellate counsel for the accused of such receipt.

(b) *Additional investigation.* The court on considering a petition for a new trial may, when it deems appropriate, refer the matter to The Judge Advocate General who shall cause further investigation to be made and to report the results thereof to the court.

(c) *Answer.* Appellate Government counsel shall file an answer to a petition for new trial within 10 days after being notified of the receipt thereof by the Court.

(d) *Briefs.* Any brief in support of a petition for new trial shall be filed within 10 days of appellate Government counsel's answer. If appellate Government counsel fails to file an answer, accused may file a brief within 10 days after the expiration of the time allowed for the filing of appellate Government counsel's answer. Appellate Government counsel's brief shall be filed within 10 days of the filing of accused's brief. If accused fails to file a brief, appellate Government counsel may file a brief within 10 days after the expiration of the time allowed for filing of accused's brief.

(e) *Oral argument.* Except when ordered by the court, oral argument shall not be permitted on a petition for a new trial.

§ 150.21 Motions.

(a) *Content.* All motions, unless made during the course of a hearing, shall state with particularity the relief sought and the grounds therefor. Motions, pleadings, and other papers desired to be filed with the court may be combined in the same document, with the heading indicating, for example, "Motion To File (Supplemental Assignment of Errors) (Certificate of Correction) (Supplemental Pleading)," or "Assignment of Errors and Motion To File Attached Report of Medical Board".

(b) *Opposition.* Any opposition to a motion shall be filed within 5 days after receipt by the opposing party of service of the motion.

(c) *Leave to file.* Any pleading not required by this part shall be accompanied by a motion for leave to file such pleading.

(d) *Oral argument.* Except when ordered by the court, oral argument shall not be permitted on motions.

§ 150.22 Continuances and interlocutory matters.

Except as otherwise provided in § 150.19(d), the court, in its discretion, may dispose of any interlocutory or other appropriate matter not specifically covered by this part, in such manner as may appear to be required for a full, fair, and expeditious consideration of the case. (See § 150.04.)

§ 150.23 Form for direction for review.

IN THE U.S. ARMY[1] COURT OF MILITARY REVIEW

UNITED STATES v. Private (E–1) JOHN RICHARD DOE, RA 00 000 000, (SSAN: 000–00–0000), U.S. Army, 300th Administration Company, 300th Infantry Division, APO New York 09000.	DIRECTION FOR REVIEW: Case No. -------. Tried at ----------, on ---------- before a G.C.M. appointed by ----------.

TO THE HONORABLE, THE JUDGES OF THE U.S. ARMY[1] COURT OF MILITARY REVIEW

1. Pursuant to the Uniform Code of Military Justice, Article 69, and the Rules of Practice and Procedure for Courts of Military Review, Rule 2b, the record of trial in the above-entitled case is forwarded for review pursuant to the Uniform Code of Military Justice, Article 66.

[1] Use Navy, Air Force, or Coast Guard as the case may be.

2. The accused was found guilty of a violation of the Uniform Code of Military Justice, Article(s) ------, was sentenced to ------ on ---------- at ---------- by ---------- ---------- The convening authority (approved the sentence) (approved only so much of the sentence as provided for ----------) and the case was received in the U.S. Army Judiciary on ----------.

3. In review pursuant to Uniform Code of Military Justice, Article 66, it is requested that attention be given to the following issues:

a. Whether the specification of charge I fails to state an offense under the Uniform Code of Military Justice in that it does not allege that accused's absence was without authority.

b. Whether the Law Officer failed to tailor his instructions on sentence to the matters presented in extenuation and mitigation.

JOHN H. BROWN,
MG, U.S. Army,
The Judge Advocate General.

Received a copy of the foregoing Direction for Review this ------ day of ---------- 19--.

ROBERT JONES,
Colonel, JAGC,
Chief, Government Appellate Division.
HARRY ARNOLD,
Colonel, JAGC,
Chief, Defense Appellate Division.
JOHN C. SMITH, Esq.,
1 Ace Street,
Union, N.J. 07083.

§ 150.24 Form for assignment of errors (§ 150.16).

IN THE U.S. ARMY[1] COURT OF MILITARY REVIEW

UNITED STATES
v.
Private (E–1) JOHN RICHARD DOE, RA 00 000 000, (SSAN: 000–00–0000), U.S. Army, Replacement Detachment, 300th Administration Company, 300th Infantry Division, Fort Gordon, Ga. 31093.

ASSIGNMENT OF ERRORS:
Case No. -------.
Tried at ----------, on ----------, before a G.C.M., appointed by ----------.

TO THE HONORABLE, THE JUDGES OF THE U.S. ARMY[1] COURT OF MILITARY REVIEW

SUMMARY OF PROCEEDINGS

On ----------, the accused was tried by general court-martial. The charges and specifications upon which he was arraigned, his pleas, and the court-martial's findings were as follows:

Chg.	Art. U.C.M.J.	Specs.	Summary of offenses	Pleas	Findings
I	86	1	AWOL (Jan. 28, ----Feb. 28, ---).	G	G
		2	AWOL (Mar. 3, ----Apr. 3, ---)	G	G
II	121		Larceny of $100, property of U.S. Government.	NG	G

He was sentenced to dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for 2 years and reduction to the lowest enlisted grade. The convening authority approved only so much of the sentence as provides for bad conduct discharge, forfeiture of $50 pay per month for 6 months, confinement at hard labor for 6 months and reduction to the lowest enlisted grade.

ERRORS

I. Specification 1 of charge I fails to state an offense under the uniform code of military justice in that it does not allege that accused's absence was without authority. United States v. Schultz, 16 USCMA 488, 37 CMR 108 (1967).

[1] Use Navy, Air Force, or Coast Guard as the case may be.

Wherefore, the findings as to Specification 1 of Charge I should be set aside and the sentence reassessed on the basis of the remaining charges and specifications.

II. The law officer failed to tailor his instructions on sentence to the matters presented in mitigation and extenuation. United States v. Wheeler, 17 USCMA 274, 38 CMR 72 (1967).

Wherefore, the sentence should be set aside and a rehearing authorized thereon.

SENTENCE APPROPRIATENESS

Accused is an 18-year-old first time offender (Posttrial Review, p. 3) and has sincerely urged his restoration to duty (R. 100). His immediate superiors have expressed their willingness to have accused return to his organization (R. 110).

Wherefore, only so much of the sentence as provided for forfeiture of $50 pay per month for 6 months, confinement at hard labor for 6 months and reduction to the lowest enlisted grade should be approved by this Honorable Court.

Date ----------.

JOHN C. SMITH, Esq.,
1 Ace Street,
Union, N.J. 07083.
MURRAY JONES,
Colonel, JAGC,
Appellate Defense Counsel.
HARRY ARNOLD,
Colonel, JAGC,
Appellate Defense Counsel.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed or delivered to appellate Government counsel on the ------ day of ---------- 19--.

Name

Address

§ 150.25 Form for assignment of errors and brief on behalf of accused (§ 150.16).

IN THE U.S. ARMY[1] COURT OF MILITARY REVIEW

UNITED STATES
v.
Private (E–1) JOHN RICHARD DOE, RA 00 000 000 (SSAN: 000–00–0000), U.S. Army, Replacement Detachment, 300th Administration Company, 300th Infantry Division, Fort Gordon, Ga. 31093.

ASSIGNMENT OF ERRORS AND BRIEF ON BEHALF OF ACCUSED:
Case No. -------.
Tried at ----------, on ----------, before a G.C.M., appointed by ----------.

TO THE HONORABLE, THE JUDGES OF THE U.S. ARMY[1] COURT OF MILITARY REVIEW

SUMMARY OF PROCEEDINGS

On ----------, the accused was tried by general court-martial. The charges and specifications upon which he was arraigned, his pleas, and the court-martial's findings were as follows:

Chg.	Art. U.C.M.J.	Specs.	Summary of offenses	Pleas	Findings
I	86	1	AWOL (Jan. 28, ----Feb. 28, ---).	G	G
		2	AWOL (Mar. 3, ----Apr. 3, ---)	G	G
II	121		Larceny of $100 property of U.S. Government.	NG	G

He was sentenced to dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for 2 years and reduction to the lowest enlisted grade. The convening authority approved only so much of the sentence as provides for bad conduct discharge, forfeiture of $50 pay per month for 6 months and reduction to the lowest enlisted grade.

[1] Use Navy, Air Force, or Coast Guard as the case may be.

STATEMENTS OF FACTS

Those facts necessary to a disposition of the assigned errors are set forth in the argument, infra.[2]

ERRORS AND ARGUMENT

I. Specification 1 of Charge I fails to state an offense under the Uniform Code of Military Justice.

The allegation of absence in Specification 1 of Charge I fails to indicate that the absence was "without proper authority". The U.S. Court of Military Appeals has held that such an omission is fatal to the legal sufficiency of the specification. United States v. Schultz, 16 USCMA 488, 37 CMR 108 (1967); United States v. Fout, 3 USCMA 565, 13 CMR 121 (1953).

Wherefore, the findings as to Spectification 1 of Charge I should be set aside and the sentence reassessed on the basis of the remaining charges and specifications.

II. The law officer failed to tailor his instructions on sentence to the matters presented in mitigation and extenuation.

There was extensive evidence presented on behalf of accused to establish his prior exemplary conduct in civilian and military life (R. 108–133). The law officer limited his instructions on sentence to the maximum authorized punishment and the voting procedure.

In United States v. Wheeler, 17 USCMA 274, 38 CMR 72 (1967), the failure of the law officer to tailor the instructions on sentence to the evidence presented in mitigation and extenuation was held to require a rehearing on sentence.

Wherefore, the sentence should be set aside and a rehearing authorized thereon.

SENTENCE APPROPRIATENESS

Accused is an 18-year-old first time offender (Posttrial Review, p. 3) and has sincerely urged his restoration to duty (R. 100). His immediate superiors have expressed their willingness to have accused return to his organization (R. 110).

Wherefore, only so much of the sentence as provides for forfeiture of $50 pay per month for 6 months, confinement at hard labor for 6 months and reduction to the lowest enlisted grade should be approved by this Honorable Court.

Date ----------.

JOHN C. SMITH, Esq.,
1 Ace Street,
Union, N.J. 07083.
ALBERT JONES,
Captain JAGC,
Appellate Defense Counsel.
HARRY ARNOLD,
Colonel, JAGC,
Appellate Defense Counsel.

CERTIFICATE OF SERVICE

I certify that a copy of the foreging was mailed or delivered to appellate Government counsel on the ------ day of ---------- 19--.

Name

Address

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69–14745; Filed, Dec. 11, 1969; 8:46 a.m.]

[2] Where a statement of facts generally applies to all of the assigned errors, it may be set forth here.

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 69–33; Notice 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A of Standard No. 109 and to Appendix A of Standard No. 110. These guildelines provided an abbreviated rule making procedure for adding tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR Part 353) will be followed.

The Rubber Manufacturers Association has petitioned for the addition of the new L84–15 tire size designation to Table I–A of Appendix A of Standard No. 109 and the appropriate test and alternative rim sizes to Table I of Appendix A of Standard No. 110.

Predicated on the fact that tire size designations are being converted to the alpha-numerical system, the Acting Director of the Motor Vehicle Safety Performance Service has determined that sufficient justification exists to list the L84–15 tire in Table I–A of Appendix A of Standard No. 109.

On the basis of the data submitted by the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standard No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, Table I–A of Appendix A of Standard No. 109 is being amended and Table I of Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, § 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 11421) are being amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation from Secretary of Transportation contained in § 1.4(c) of Regulations of Office of the Secretary, 49 CFR 1.4(c); delegation from Federal Highway Administration of Oct. 5, 1968 (33 F.R. 14964))

G. C. NIELD,
For Acting Director, Motor Vehicle Safety Performance Service.

DECEMBER 3, 1969.

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

1. The existing Table I–A is deleted and in its place the following revised Table I–A is inserted:

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-A

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES

Tire size [1] designation	Maximum tire load (pounds) at various cold inflation pressure (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
6.00-13			770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140	4	29.37	6.00
6.50-13			890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.75	6.60
7.00-13			980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.88	7.10
6.00-14			840	900	930	980	1,020	1,060	1,100	1,130	1,170	1,210	1,240	4	30.64	6.10
6.45-14			860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270	4½	30.92	6.60
6.50-14			930	990	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370	4½	31.75	6.60
6.95-14			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	31.96	7.00
7.00-14			1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,520	5	32.88	7.10
7.35-14			1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	32.92	7.30
7.50-14			1,150	1,230	1,280	1,340	1,390	1,450	1,500	1,550	1,600	1,650	1,700	5½	34.19	7.65
7.75-14			1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5½	34.09	7.75
8.00-14			1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.17	8.10
8.25-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.11	8.20
8.50-14			1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960	6	35.91	8.35
8.55-14			1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.06	8.50
8.85-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.92	8.95
8.55-15	1,220	1,290	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.57	8.45
8.85-15			1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	2,980	2,040	2,100	6½	37.29	8.80
9.00-15			1,700	1,810	1,880	1,970	2,050	2,130	2,210	2,280	2,360	2,430	2,500	6½	39.54	9.30
9.00-15			1,460	1,540	1,620	1,690	1,760	1,830	1,900	1,970	2,030	2,090	2,150	6	37.45	8.50
9.15-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6½	37.92	9.05
6.00-16			1,075	1,135	1,195	1,250	1,300	1,350	1,400	1,450	1,500			4	34.17	6.25
6.50-16	1,090	1,150	1,215	1,280	1,345	1,405	1,465	1,525	1,580	1,635	1,690	1,740	1,790	4½	35.59	6.80
6.70-16		1,185	1,240	1,300	1,355	1,410	1,465	1,525	1,580	1,635	1,690	1,740	1,795	4½	35.60	7.40
7.00-16			1,365	1,440	1,515	1,585	1,650	1,715	1,780	1,840	1,900			5	37.02	7.35
7.50-16			1,565	1,650	1,735	1,810	1,890	1,960	2,035	2,105	2,175			5½	38.78	8.00
6.50-17		1,215	1,275	1,330	1,390	1,450	1,500	1,560	1,620	1,680	1,740	1,795	1,850	5	37.00	7.60
9.00-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,980	2,050	2,100	6½	36.91	8.80
9.50-14			1,540	1,640	1,700	1,780	1,850	1,930	2,000	2,060	2,130	2,200	2,260	6½	37.74	9.05
6.00-15			890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4	31.64	6.10
6.50-15			980	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,380	1,400	1,440	4½	32.75	6.60
6.70-15			1,110	1,190	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,590	1,640	4½	33.95	7.00
6.85-15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5	32.48	6.90
7.00-15	1,170	1,240	1,310	1,380	1,450	1,515	1,580	1,640	1,700	1,760	1,820	1,870	1,930	5	36.02	7.35
7.10-15			1,190	1,270	1,320	1,380	1,440	1,500	1,550	1,600	1,660	1,710	1,760	5	34.89	7.40
7.35-15			1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570	5½	33.86	7.50
7.60-15			1,310	1,400	1,450	1,520	1,580	1,640	1,710	1,760	1,820	1,880	1,930	5½	36.05	7.90
7.75-15			1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690	5½	34.53	7.65
8.00-15			1,380	1,470	1,530	1,600	1,670	1,730	1,790	1,860	1,920	1,980	2,040	6	36.84	8.30
8.15-15			1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820	6	35.50	8.15
8.20-15			1,470	1,570	1,630	1,710	1,780	1,850	1,920	1,980	2,050	2,110	2,170	6	37.50	8.50
8.25-15	1,030	1,190	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	37.57	8.20
8.45-15			1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970	6	36.37	8.35
8.84-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6	37.88	8.65

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

MOTOR VEHICLE SAFETY STANDARD NO. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

1. Delete Table I of Appendix A and insert the following new Table I of Appendix A:

FMVSS No. 110

APPENDIX A—TABLE I

(Alternative Rims)

Tire size	Rim [1]
4.80-10	*3.50D.*
6.40-15	*4–JJ, 4½–JJ, 4½–K, 4.50E, 5.00E, 5–JJ, 5–K, 5½–JJ.*
7.00-15	*5.00F, 5–K.*
8.25-15	*5½–JJ, 6–JJ, 6–K, 6–L.*
8.55-15	*5½–JJ, 6–JJ, 6–K, 6–L.*
8.90-15	*6–JJ, 6½–L, 7–L.*
9.15-15	*5½–JJ.*
L84-15	*5½–JJ, 6–JJ, 6½–JJ, 7–JJ.*
E50C-16	*3½.*
F50C-16	*3½.*
H50C-17	*3½.*
E60-15	*6–JJ, 7–JJ.*
F60-15	*6½–JJ, 7–JJ.*
G60-15	*7–JJ.*
D70-13	*5½–JJ, 5½–K.*
E70-14	*7–JJ.*
F70-14	*7–JJ.*
G70-14	*7–JJ.*
C70-15	*5½–JJ.*
E70-15	*7–JJ.*
F70-15	*6–JJ.*
G70-15	*7–JJ.*

[1] Italicized designations denote Test Rims.

Tire size	Rim [1]
165/70 R 13	*4½–JJ, 5–JJ.*
175/70 R 13	*5–JJ, 5½–JJ.*
185/70 R 13	*4½–JJ, 5–JJ, 5½–JJ.*
155/70 R 14	*4–JJ.*
175/70 R 15	*5–JJ.*
5.0–15	*3.50B. 3.50D, 3½–JJ, 4–JJ, 4.00C.*
5.5–15	*3.50D, 3½–JJ, 4–JJ, 4½–JJ.*
145–10	*3.50B.*
145–13	*3½–JJ, 4½–JJ.*
165–13	*4½–JJ.*
185–15	*4½–JJ.*
5.20–13	*4½–JJ.*
5.60–13	*3½–JJ, 4–JJ.*
6.00–13	*4–JJ.*
5.60–15	*5–K.*
135 R 13	*4½–JJ.*
150 R 13	*3½–JJ, 4.00B, 4½–JJ, 5–JJ.*
155 R 13	*5–JJ.*
160 R 13	*4.00B, 4½–JJ, 5–JJ, 5½–JJ.*
170 R 13	*4½–JJ, 5–JJ, 5½–JJ, 6–JJ.*
165 R 15	*5–K.*
155–13/6.15–13	*5–JJ.*
C78–13	*5½–JJ.*
B78–14	*4½–JJ, 4½–K, 5–JJ, 5–K.*
C78–14	*4½–JJ, 5–JJ, 5–K, 5½–JJ, 6–JJ.*
D78–14	*4½–JJ, 5–JJ, 5–K, 5½–JJ, 6–JJ.*
E78–14	*4½–JJ, 5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ, 6½–JJ.*
F78–14	*5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ, 6–K, 6½–JJ.*
G78–14	*5–JJ, 5½–JJ, 5½–K, 6–JJ, 6–K, 7–JJ.*

Tire size	Rim [1]
H78–14	*5½–JJ, 6–JJ, 6–K, 6½–JJ, 6½–K.*
J78–14	*6–JJ, 6–K, 6½–JJ.*
C78–15	*4½–JJ, 4½–K, 5–JJ, 5–K.*
D78–15	*5–JJ, 5–K.*
E78–15	*4½–K, 5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ.*
F78–15	*4½–K, 5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ.*
G78–15	*5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ, 6–K, 6–L, 7–JJ.*
H78–15	*5½–JJ, 5½–K, 6–JJ, 6–K, 6–L, 6½–K.*
J78–15	*6–JJ, 6–K, 6–L, 6½–JJ.*
L78–15	*6–JJ, 6–K, 6–L, 6½–JJ.*
BR78–13	*4½–JJ.*
CR78–14	*5–JJ.*
DR78–14	*5–JJ.*
ER78–14	*5–JJ.*
FR78–14	*5½–JJ.*
GR78–14	*6–JJ.*
HR78–14	*6–JJ.*
JR78–14	*6½–JJ.*
ER78–15	*5½–JJ.*
FR78–15	*5½–JJ.*
GR78–15	*6–JJ.*
HR78–15	*6–JJ.*
JR78–15	*6½–JJ.*
LR78–15	*6½–JJ.*

NOTE: Where JJ rims are specified in the above table, J and JK rim contours are permissible.

[F.R. Doc. 69-14708; Filed, Dec. 11, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards: Cryoprecipitated Antihemophilic Factor (Human)

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for Cryoprecipitated Antihemophilic Factor (Human).

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

1. Amend the table of contents by adding the following in numerical sequence:

ADDITIONAL STANDARDS: CRYOPRECIPITATED ANTIHEMOPHILIC FACTOR (HUMAN)

73.310 The product.
73.311 Processing.
73.312 General requirements.

§ 73.38 [Amended]

2. Amend § 73.38 by inserting immediately after the words "Antihemophilic Plasma (Human)," the following "Cryoprecipitated Antihemophilic Factor (Human),".

§ 73.40 [Amended]

3. Amend § 73.40 by inserting immediately above the listing "Whole Blood (Human). Between 1° and 10° C" the following: "Cryoprecipitated Antihemophilic Factor (Human) —18° C. or colder."

§ 73.73 [Amended]

4. Amend § 73.73(f)(4) by inserting immediately after the words "Whole Blood (Human)," the following "Cryoprecipitated Antihemophilic Factor (Human),".

§ 73.74 [Amended]

5. Amend § 73.74(b) by inserting immediately after the words "Products containing formed blood elements;" the following "Cryoprecipitated Antihemophilic Factor (Human);".

§ 73.86 [Amended]

6. Amend § 73.86 by inserting immediately after the listing "Collagenase—Eighteen months, provided labeling recommends storage at no warmer than 25° C. § 73.84 does not apply." the following:

Cryoprecipitated Antihemophilic Factor (Human).	12 months from date of collection of source blood, provided labeling recommends storage at not above —18° C. § 73.84 does not apply.

7. Amend Part 73 by adding the following in numerical sequence:

ADDITIONAL STANDARDS: CRYOPRECIPITATED ANTIHEMOPHILIC FACTOR (HUMAN)

§ 73.310 The product.

(a) *Proper name and definition.* The proper name of this product shall be Cryoprecipitated Antihemophilic Factor (Human) which shall consist of a preparation containing the antihemophilic factor obtained from a single unit of human blood.

(b) *Source.* Cryoprecipitated Antihemophilic Factor (Human) shal be prepared from human blood meeting the following criteria:

(1) *Suitability of the donor.* Blood for Cryoprecipitated Antihemophilic Factor (Human) shall be obtained only from a donor who meets the criteria for suitability prescribed in § 73.301.

(2) *Collection of the Blood.* Blood for Cryoprecipitated Antihemophilic Factor (Human) shall be collected as prescribed in § 73.302 except that paragraphs (d) (2), (g), and (h) shall not apply.

(3) *Testing the blood.* Blood for Cryoprecipitated Antihemophilic Factor (Human) shall be tested as prescribed in § 73.303 (a), (b), and (c).

§ 73.311 Processing.

(a) *Separation of plasma.* The plasma shall be separated from the red blood cells by a closed sterile system within 4 hours after collection.

(b) *Freezing the plasma.* The plasma shall be frozen within 2 hours after separation. A combination of dry ice and organic solvent may be used for freezing provided the procedure has been shown not to cause the solvent to penetrate the container or leach plasticizers from the container into the frozen plasma.

(c) *Separation of Cryoprecipitated Antihemophilic Factor (Human).* The Cryoprecipitated Antihemophilic Factor (Human) shall be separated from the plasma in a closed system by a procedure that precludes contamination and has been shown to produce a product that demonstrates potency in patients having a factor VIII deficiency.

(d) *Final container.* Final containers used for Cryoprecipitated Antihemophilic Factor (Human) shall be uncolored and transparent to permit visual inspection of the contents and any closure shall be such as will maintain an hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity and potency of the product. At the time of filling, the final container shall be marked or identified by number or other symbol so as to relate it to the donor.

§ 73.312 General requirements.

(a) *Diluent.* No diluent shall be added to the product by the manufacturer.

(b) *Storage.* Immediately after processing the product shall be placed in storage and maintained at —18° C. or colder.

(c) *Labeling.* In addition to the items required by other provisions of this part, the package label shall bear the following:

(1) Designation of blood group and type of the source blood.

(2) A warning against using the product if there is evidence of thawing during storage.

(3) Instructions to thaw Cryoprecipitated Antihemophilic Factor (Human) in a water bath maintained at not warmer than 37° C.

(4) Instructions to store the product at room temperature after thawing and to use the product within 6 hours after thawing or within 1 hour of entering the container.

(5) Instructions to use a filter in the administration equipment.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216, sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: October 31, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: December 8, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14765; Filed, Dec. 11, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-375]

NATURAL GAS SALES

Budget-Type Certificate Authority To Make Direct Sales

DECEMBER 8, 1969.

1. Notice is given, pursuant to section 553 of title 5 of the United States Code

and sections 4, 5, 7, and 16 of the Natural Gas Act (15 U.S.C. 717c, 717d, 717f, 717o), that the Commission proposes to amend § 157.7(c)(1)(ii) of the regulations under the Natural Gas Act (18 CFR 157.7(c)(1)(ii)) in order to confine the operability of the aforementioned provision of its regulations to transactions relating to proposed sales and deliveries of natural gas to interruptible direct consumers.

2. It has recently been brought to our attention that in several budget applications in which authorization was sought to make direct deliveries to ultimate consumers that it was not specified whether such transactions were of a firm or interruptible nature. In addition several budget-type applications filed with the Commission have requested authorization to make both firm and interruptible deliveries.

3. It appears that the scope of the aforementioned provision, i.e., § 157.7(c)(1)(ii) of the regulations in its present form may not be clear. That section presently provides as follows:

(ii) Direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor.

The aforementioned language does not specify whether the sales contemplated by this provision should be confined to those which are interruptible in nature.

4. Firm resale volumes cannot be attached under our regulations through the utilization of a budget-type application. Hence, it appears that the aforementioned provision in its present form could be discriminatory to customers who purchase gas solely in a resale category.

5. The rendition of blanket authorization to make firm direct sales under budget-type applications could divest the Commission of control that it should properly exercise over existing unallocated capacity in those pipelines that are subject to its jurisdiction.

6. In order to eliminate confusion and clarify the meaning of the aforementioned provision of its regulations, the Commission proposes to amend § 157.7(c)(1)(ii), in Part 157, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations, so that as revised, § 157.7(c)(1)(ii) would read as follows:

§ 157.7 Abbreviated applications.

* * * * * * *

(c) *Gas-sales or transportation facilities—budget-type application.* * * *

(i) * * *

(ii) Direct interruptible sales of natural gas to consumers located in areas outside the franchise area of any local distributor.

(Secs. 4, 5, 7, 16, of the Natural Gas Act, 52 Stat. 822, 823, 824, 825, 830, 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c; 717d, 717f, 717o)

7. This amendment to the Commission's regulations under the Natural Gas Act is proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o).

8. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before January 20, 1970, data, views, and comments in writing concerning the amendment proposed herein. An original and fourteen (14) copies of any such submittals shall be filed with the Secretary of the Commission. The Commission will consider all such submittals before acting on the proposed amendment.

9. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14759; Filed, Dec. 11, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Delegation Order 13]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.
(2) Thomas G. DeShazo, Deputy Comptroller of the Currency.
(3) David C. Motter, Deputy Comptroller of the Currency.
(4) John D. Gwin, Deputy Comptroller of the Currency.
(5) William A. Howland, Jr., Administrative Assistant to the Comptroller of the Currency.
(6) Frank H. Ellis, Chief National Bank Examiner.
(7) Dean E. Miller, Deputy Comptroller of the Currency.
(8) Richard J. Blanchard, Deputy Comptroller of the Currency.
(9) Albert J. Faulstich, Deputy Comptroller of the Currency.
(10) Regional Administrator of National Banks at Richmond, Va.
(11) Regional Administrator of National Banks at Philadelphia, Pa.
(12) Regional Administrator of National Banks at New York City, N.Y.
(13) Regional Administrator of National Banks at Cleveland, Ohio.
(14) Regional Administrator of National Banks at Atlanta, Ga.
(15) Regional Administrator of National Banks at Boston, Mass.
(16) Regional Administrator of National Banks at Chicago, Ill.
(17) Regional Administrator of National Banks at Memphis, Tenn.
(18) Regional Administrator of National Banks at Kansas City, Mo.
(19) Regional Administrator of National Banks at Minneapolis, Minn.
(20) Regional Administrator of National Banks at Dallas, Tex.
(21) Regional Administrator of National Banks at Denver, Colo.
(22) Regional Administrator of National Banks at San Francisco, Calif.
(23) Regional Administrator of National Banks at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 12 is hereby repealed.

Dated: December 9, 1969.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 69-14763; Filed, Dec. 11, 1969; 8:47 a.m.]

Internal Revenue Service

ISAAC GOLDSTEIN

Notice of Granting of Relief

Notice is hereby given that Isaac Goldstein, 7507 Northaven Road, Dallas, Tex. 75230, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 17, 1955, by the Criminal District Court in Dallas County, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Isaac Goldstein because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Isaac Goldstein to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Isaac Goldstein's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Isaac Goldstein be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 5th day of December, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-14764; Filed, Dec. 11, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK, N.C.-TENN.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Great Smoky Mountains National Park, proposes to issue a concession permit to the Cherokee Boys Club Inc. authorizing it to provide firewood at Balsam Mountain campground and Heintooga picnic area within Great Smoky Mountains National Park, for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: October 15, 1969.

KEITH NEILSON,
Superintendent.

[F.R. Doc. 69-14747; Filed, Dec. 11, 1969; 8:46 a.m.]

GREAT SMOKY MOUNTAINS NATIONAL PARK, N.C.-TENN.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Great Smoky Mountains National Park proposes to issue a concession permit to Mr. Mell Myers, Sr., authorizing him to provide firewood and newspapers for the public at Elkmont campground, for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed his obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: October 15, 1969.

KEITH NEILSON,
Superintendent.

[F.R. Doc. 69-14748; Filed, Dec. 11, 1969; 8:46 a.m.]

MAMMOTH CAVE NATIONAL PARK, KY.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Mammoth Cave National Park, proposes to issue a concession permit to Robert McDaniel and M. E. Nash, authorizing them to provide sightseeing boat services on the Green River for the public for a period of five (5) years, from January 1, 1970 through December 31, 1974.

The foregoing concessioners have performed their obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, are entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposals to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Mammoth Cave National Park, Mammoth Cave, Ky. 42259, for information as to the requirements of the proposed permit.

Dated: September 22, 1969.

ROBERT H. BENDT,
Superintendent,
Mammoth Cave National Park.

[F.R. Doc. 69-14749; Filed, Dec. 11, 1969; 8:46 a.m.]

Office of the Secretary

FRANKLIN STUART FEHR

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.

(2) Metropolitan Edison Co.—3.8 percent, preferred, 3 shares; First National Bank of Bernville, common, 4 shares; N.Y. State Electric & Gas Corp., common, 8 shares; General Public Utilities Corp., common, 98 shares; [1] General Mills (for David Crystal), common, 5 shares; [2] Halls Motor Transport, common, 25 shares; A.T. & T., common, 10 shares; North American Rockwell Corp., common, 35 shares; Philadelphia Electric Co., common, 55 shares; [3] Tenneco, common, 30 shares.

(3) No change.

(4) No change.

This statement is made as of November 10, 1969.

Dated: November 10, 1969.

F. STEWART FEHR.

[F.R. Doc. 69-14750; Filed, Dec. 11, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AIR REDUCTION CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OB2481) has been filed by Air Reduction Co., Inc., 150 East 42d Street, New York, N.Y. 10017, proposing that § 121.2521 *Vinyl chloride-propylene copolymers* (21 CFR 121.2521) be amended to provide for additional safe use of the subject vinyl chloride-propylene copolymers in contact with food at temperatures above 150° F. by deleting the present limitation restricting such copolymers to contact with food only under conditions of use D, E, F, or G described in table 2 of § 121.2526(c).

Dated: December 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14734; Filed, Dec. 11, 1969; 8:45 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OB2471) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of 4,5-dihydroxy-2-imidazolidinone and 2-imidazolidinone as components of food-packaging adhesives.

Dated: December 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14735; Filed, Dec. 11, 1969; 8:45 a.m.]

C. J. PATTERSON CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, has withdrawn its petition (FAP OA2448), notice of which was published in the FEDERAL REGISTER of August 27, 1969 (34 F.R. 13708), proposing that § 121.1211 *Sodium stearoyl-2-lactylate* (21 CFR 121.1211) be amended to provide for the safe use of sodium stearoyl-2-lactylate as a stabilizer, texturizing agent, viscosity-controlling agent, or processing aid in starch-thickened or flour-thickened foods, processed cereals, and prepared mixes thereof.

Dated: December 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14736; Filed, Dec. 11, 1969; 8:45 a.m.]

PENNSYLVANIA INDUSTRIAL CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OB2479) has been filed by Pennsylvania Industrial Chemical Corp., 120 State Street, Clairton, Pa. 15025, proposing that § 121.2507 *Cellophane* (21 CFR 121.2507) be amended to provide for the safe use of α-methylstyrene-vinyltoluene copolymer resins as components of food-contact coatings for cellophane.

Dated: December 4, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14737; Filed, Dec. 11, 1969; 8:45 a.m.]

[1] Purchased 5 additional shares October 1, 1969.

[2] Stock transfer (General Mills acquired David Crystal).

[3] Purchased 5 additional shares October 31, 1969.

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-45]

CANRAD PRECISION INDUSTRIES, INC.

Notice of Filing of Petition for Rule Making

Notice is hereby given that Canrad Precision Industries, Inc., 630 Fifth Avenue, New York, N.Y., by letter dated November 17, 1969, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulations pertaining to aircraft luminous safety devices generally licensed under § 31.7 of 10 CFR Part 31.

The petitioner requests that the maximum quantity of tritium permitted in any single aircraft luminous safety device generally licensed under § 31.7 of 10 CFR Part 31 be increased from 10 curies to 15 curies.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 8th day of December 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-14729; Filed, Dec. 11, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21041; Order 69-12-41]

EMERY AIR FREIGHT CORP.

Order for Hearing Regarding Certain Control Relationships

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of December 1969.

By application filed May 23, 1969, Emery Air Freight Corp. (Emery), a domestic and international air freight forwarder, requests a disclaimer of Board jurisdiction, or alternatively approval without hearing, under section 408 of the Federal Aviation Act of 1958 as amended (the Act), of Emery's control of Cargo Facilities, Inc. (Facilities), and for such other relief, if any, as may be required in order to authorize the transaction thereby contemplated.

The applicant submits that Emery, sole stockholder of Facilities,[1] proposes to reactivate Facilities in order that Facilities may engage in various noncommon carrier activities, including the following: (1) Warehousing and providing inventory control of stored goods; (2) packaging and containerization of goods; (3) operating as a customs house broker and agent; (4) providing break-bulk services; (5) providing local drayage services related to its warehouse business; (6) acting as an agent of shippers and consignees in these and other noncommon carrier services; and (7) operating freight terminals. It is contemplated that Facilities would operate in a number of key distribution centers so located throughout the United States that they would collectively provide good regional coverage of all areas.

The applicant states that Facilities would perform all warehouse and associated functions under arrangements with and pursuant to the instructions of its customers, comprised of manufacturers, shippers, importers, and the like; and that such services would be supplied pursuant to a schedule of charges compensatory to Facilities. Emery represents that it would not be a party to these arrangements, nor would Facilities' services be offered only for freight which had prior or subsequent linehaul movement in Emery's services. It is contended that the services would not be those of a common carrier, but of warehousing and related services involved in the handling of goods on the ground. The applicant also submits that in the initial stages of Facilities' operations it would be necessary to lease some warehouse and office space from Emery in the latter's existing buildings.

To support its request for disclaimer of jurisdiction, applicant submits that Facilities would itself not act as the carrier, but would act as agent for the shipper in arranging for carriage by a surface carrier or air carrier as instructed by the shipper; that its operations will consist of warehousing and related or similar services involving the handling of goods on the ground; and that the Board in a number of instances has held that companies engaged in activities of this kind were not "a person engaged in a phase of aeronautics" and, therefore, that approval by the Board of the affiliation with an air carrier was not required by section 408 of the Act.[2]

Alternatively, if the Board does not disclaim jurisdiction, the applicant requests that the Board, without hearing, find that Emery's control of Facilities would not be inconsistent with the public interest and therefore grant approval. In this respect the applicant points out that the control relationship is substantially similar to others involving air freight forwarders which heretofore have been approved by the Board as not being inconsistent with the public interest, and where such approval has permitted forwarder affiliates to engage in the kind of activities which are contemplated for Facilities.[3]

No comments or requests for a hearing have been received.

The Board has concluded that it should deny Emery's request for action without a hearing. The transaction involving Emery's activation of a subsidiary to engage in activities of the type described herein may be subject to the provisions of section 408, and in the light of prior holdings, it would be inappropriate to disclaim jurisdiction at this time.[4] Moreover, the transaction poses complex questions of fact and policy with respect to Facilities' proposed operations which would best be resolved in an evidentiary hearing. This is especially true in view of the broad range of activities contemplated by Facilities, which differentiate the instant application from the various cases cited by Emery.

Accordingly, it is ordered, That:

1. The application of Emery for approval of the transaction without a hearing be and it hereby is denied;

2. Emery's requests for a disclaimer of jurisdiction over or approval of the transaction be and they hereby are set for hearing before an examiner of the Board at a time and place to be hereafter designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14768; Filed, Dec. 11, 1969; 8:48 a.m.]

[1] By Order E-17744, November 20, 1961, the Board approved certain control and interlocking relationships involving Emery and Facilities relating to Facilities' development, construction and operation of cargo terminals for the common use of air carriers at airports where adequate cargo terminal buildings were not available. In August 1965, Facilities transferred its assets to Emery and became inactive, retaining only its status as a corporation wholly owned by Emery.

[2] See, for example, Set Air Freight, Inc., et al., Order 68-10-110, Oct. 21, 1968, involving E. T. Warehousing, Inc.; Jet Air Freight et al., Order 68-12-18, Dec. 4, 1968, involving Copeland Importing Services; WTC Air Freight et al., Order 69-2-74, Feb. 14, 1969, involving Western Terminal Co., and Air Barr et al., Order 68-11-42, Nov. 8, 1968, involving Frontier-Barr.

[3] See, for example, City Airfreight et al., Order 68-7-70, July 16, 1968; Air Barr Shipping, Order 68-11-42, Nov. 8, 1968; Novo Industrial Corp., Order 68-11-61, Nov. 4, 1968; and Jet Air Freight et al., Order 68-12-18, Dec. 4, 1968.

[4] Air Freight Forwarder Case, 9 CAB 473, 504 (1948); Trans Caribbean Airways, Order E-18893, Oct. 9, 1962; Overseas National Airways, Order 69-9-133, Sept. 24, 1969. Also see Transcontinental and W. A. Ethiopian Agreement 9 CAB 713 (1948).

[Docket No. 20291; Order 69-12-40]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority December 8, 1969.

By Order 69-11-114, dated November 25, 1969, action was deferred with a view toward eventual approval, on certain resolutions adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreements (1) establish proportional fares to be used in the construction of through fares to/from Manizales, Pereira, and Armenia, Colombia, and (2) amend the construction of through fares to/from Curitiba, Brazil, which, for the most part, result in slight reductions.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69-11-114 will herein be made final.

Accordingly, it is ordered, That:

Agreements CAB 21348, R-1, and CAB 21358 be, and hereby are, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14769; Filed, Dec. 11, 1969; 8:48 a.m.]

[Docket No. 21609; Order 69-12-38]

MACKEY INTERNATIONAL, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of December 1969.

By Order 69-10-94, October 20, 1969, in Docket 21445, Mackey International, Inc. (Mackey), was granted exemption authority to transport mail between Miami, Fla., and both Bimini and Andros Island, Bahama Islands. No service mail rates are currently in effect for this service by Mackey.

By petition filed November 13, 1969, Mackey has requested that the Board establish final service mail rates for this transportation of mail. Mackey requests that the following rates be established:

1. The final mail rate as established for Latin American Service for the period on and after June 1, 1969, by Order 69-10-149 adopted in Docket 20415, October 30, 1969;

2. The final mail rate fixed for space available mail by Order E-25654, issued September 8, 1967, in Docket 17909, as amended by Order E-26713, issued April 25, 1968, in Docket 17909; and

3. The final mail rate as fixed for military ordinary mail by Order 68-9-8, issued September 4, 1968, in Docket 18078.

The Postmaster General filed a reply on November 18, 1969, in support of Mackey's petition. He states that he is in agreement with Mackey that the petitioned rates are fair and reasonable for the services described, provided that Mackey will be subject to any and all applicable conditions of said orders.

The Board proposes to issue an order establishing rates for mail service under that exemption and including the following findings and conclusions:

1. On and after October 20, 1969, the fair and reasonable final service mail rates to be paid to Mackey International, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Miami, Fla., and both Bimini and Andros Island, Bahama Islands shall be as fixed:

a. For Latin American Service in Docket 20415, by Order 69-10-149, October 30, 1969;

b. For space available mail in Docket 17909, by Order E-25654, September 8, 1967, as amended by Order E-26713, April 25, 1968; and

c. For military ordinary mail in Docket 18078, by Order 68-9-8, September 4, 1968, and amended by Order 69-9-152, September 30, 1969.

2. The service mail rates here fixed shall be subject to the applicable conditions of said orders.

3. The service mail rates here fixed are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. Mackey International, Inc., the Postmaster General, Eastern Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Mackey International, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this Order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall have waived the right to a hearing and all other procedural steps short of a final decision by the Board. The Board may then enter an order incorporating the findings and conclusions proposed herein and fix the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Mackey International, Inc., the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14770; Filed, Dec. 11, 1969; 8:48 a.m.]

[Docket No. 13196; Order 69-12-36]

MEMBERS OF THE NATIONAL AIR TRANSPORTATION CONFERENCES, INC.

Order Approving Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of December 1969.

By order E-19008, adopted November 14, 1962, the Board approved pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act) agreements among members of the National Air Taxi Conference, Inc. now known as the National Air Transportation Conferences, Inc. (NATC), identified as Agreements CAB 13700 and 13700-A1, which set forth the bylaws of NATC and the Code of Operating Practices by which the NATC members have agreed to be bound.

The foregoing action was made subject to various conditions including one which provides that NATC shall not accept "associate members" into its organization except upon prior approval of the Board.[1] In deciding to impose this condition on its approval the Board noted that at that time NATC had no associate members and had had none in the past.

Subsequently, the Board approved, subject to certain conditions, applications of NATC requesting permission for the acceptance into the organization as associate members various classes of establishments engaged in pursuits related to aeronautical activities.[2]

On September 4, 1969, NATC filed an application requesting that the Board

[1] According to the currently effective bylaws of NATC, as amended Dec. 11, 1968 (Agreement CAB 13700-A4), approved by Order 69-2-94, Feb. 19, 1969, associate members consist of "persons (other than air carriers eligible to become regular members) engaged in pursuits related directly or indirectly to aeronautical pursuits which might reasonably expect to benefit by the successful growth and development of the operations of regular members."

[2] Order E-26412, Feb. 28, 1968 (airframe manufacturers of certain light aircraft); Order 68-11-115, Nov. 26, 1968 (aviation supply and service organizations, engine and system manufacturers, maintenance and overhaul activities, publications, and aviation oriented research and insurance companies).

permit a further broadening of the eligible classes of nonvoting associate membership so as to include, in addition to the presently approved class of airframe manufacturers and other specified allied aeronautical activities, air carriers certificated pursuant to section 401(d) (1) and (2) of the Act. The application was supplemented by letter of October 9, 1969, and also by letter of October 30, 1969, which enclosed copies of resolutions from individual named members of the association[3] authorizing NATC to file the application in accordance with the action of its board of directors and to represent each of the said carriers individually in this proceeding.[4]

To support its application, NATC submits, inter alia, that the growth and development of Part 298 air carriers (air taxi operators) have been accompanied by increasingly close relationships with the certificated scheduled air carriers; that a number of such air carriers have evidenced active interest in becoming associate members of NATC; that many such carriers have been participating actively with NATC on industry problems in the course of its regular annual and periodic membership and conference meetings, dealing with matters of mutual interest and concern; that such carriers have participated in seminars and annual membership and other meetings held and sponsored by NATC, are on NATC's mailing list, and have cooperated with NATC in general exchange of views on industry problems of mutual concern.[5] Further, NATC states that the admission of certificated air carriers as associate members on a nonvoting basis will tend to regularize, through associate membership, the formal interplay and mutual exchange of views which are now being accomplished on an ad hoc basis; and that public interest considerations, similar to those in the Board's approval of associate membership for airframe manufacturers (Order E-26412) are present here, i.e. exchange of information and views on projects of common interest. In addition, NATC states that associate membership dues for all classes of associate members is $250 annually for each member; that the same will be applied to certificated air carrier associate members; that such dues will be no more and no less for certificated air carrier associate members than the dues applicable to all other classes of associate members; and that in the event of any change in dues structure applicable to associate membership, NATC intends to continue to apply such changes to all classes and members included in the associate membership of the association.

On September 26, 1969, and October 2, 1969, Frontier Airlines, Inc. and Allegheny Airlines, Inc. (Allegheny), respectively, filed responses in support of NATC's application.[6] No comments in opposition to approval of the application have been filed.

On the basis of the facts before us, the admittance to associate membership in NATC of certificated scheduled air carriers would not appear to be adverse to the public interest or in violation of the Act. It appears that the admittance of such carriers as non-voting associate members could enhance the use of NATC as a conduit and forum for the exchange of technical and operating information between air taxi operators and the certificated air carriers. In turn, this could benefit not only NATC members but the certificated air carriers and the public at large through improved efficiency in their respective operations.

NATC's application poses the issue of whether the class of air carriers eligible for associate member should be extended to include air carriers other than scheduled certificated air carriers. Allegheny's response appears to request that associate membership be open to all certificated air carriers upon the same terms and conditions. The application presents no basis, nor are we aware of any reason, for excluding any persons that come within the class of certificated air carriers whether they conduct scheduled or supplemental operations.

The application also presents the issue of having different types of air carriers associated in a single trade association. Despite the fact that all certificated air carriers could be admitted only as nonvoting associate members, rather than regular members, they would nevertheless be eligible under NATC's bylaws to participate in all affairs of the association and of each conference.[7] Since certificated air carriers are members or eligible for membership in various trade associations representing their respective types of operations,[8] admission to NATC, even if restricted to associate membership, would nevertheless provide the certificated air carriers with a further opportunity for joint participation in the affairs of an additional trade association and its conferences. Moreover, NATC members, both regular and associate, enjoy relief from the antitrust laws, as do air carrier members of other trade associations, by virtue and to the extent of the Board's action approving NATC's bylaws under section 412 of the Act. In these circumstances we believe that various conditions which the Board has heretofore imposed upon its approvals of the articles of incorporation and bylaws of the respective trade associations in which these classes of air carriers are regular members should also be imposed upon the approval of NATC's application. This could further the Board's intent to treat all trade associations subject to its jurisdiction on an equal basis.[9]

With respect to dues payable by associate members, NATC represents that air carrier associate members will not be required to contribute more than members of any other class of associate members. However, the association's bylaw (Article XI, section 3) provides that dues payable by associate members shall not be less than the annual dues for regular members. Despite the fact that the NATC bylaws provide for no financial support by associate members other than annual dues,[10] no showing has been made that this dues provision is fair and reasonable as applied to certificated air carriers which are eligible only for associate membership. In these circumstances we believe an appropriate condition should be imposed to safeguard certificated air carrier associate members from possible obligations to contribute disproportionately to an association formed primarily for the benefit of its regular members. Also, we believe a condition should be imposed to provide for Board surveillance over any future changes in the present level of dues between, on the one hand, regular members and, on the other hand, associate members, as well as among various classes of associate members, to the extent that contributions by certificated air carriers may be affected.

On the basis of the foregoing the Board had decided tentatively to approve the application, subject to the conditions that:

1. Associate membership in NATC shall be open upon the same terms and conditions to all certificated air carriers who are not eligible to become regular members;

2. Dues or contributions required by NATC shall be the same for all certificated air carrier associate members, and in no event greater than those required of regular members, or any other class or group of persons accepted into associate membership;

3. All NATC resolutions pertaining to changes in fees, dues and contributions applicable to regular and associate members shall be filed with the Board pursuant to section 412 of the Act;

[3] The regular members of NATC which executed resolutions are as follows: Sedalia-Marshall-Boonville Stage Lines, Inc., Wiggins Airways, Inc., Tilford Flying Service; Air Wisconsin; and Catlin Aviation.

[4] Since Article XVIII of NATC's bylaws relating to the association's participation in Board proceedings was approved by order E-19008, and NATC has complied with this bylaw, the Board, pursuant to Part 263 of the Board's economic regulations, will permit the filing of NATC's present application. However, it is noted that Article XVIII has not been incorporated in NATC's published bylaws. The Board expects that NATC will by appropriate action forthwith incorporate this provision into its published bylaws.

[5] There is in effect between NATC and its members, on the one hand, and members of the Air Traffic Conference of America, on the other hand, an "Air Taxi Service Agreement" (Agreements CAB 8306, 8306-A1 and A2) providing for interline and ticketing of passengers using the services of participating carriers.

[6] Both responses are late filings under the Board's rules of practice. However, since no objections to their receipt have been filed, and, in view of our action herein, we shall accept both responses.

[7] Article III, section 1A provides for three conferences: the Commuter Air Carrier Conference, the Cargo and Mail Conference, and the Air Taxi Conference.

[8] Air Transport Association of America, National Air Carrier Association, and the Association of Local Transport Airlines.

[9] See Orders E-18818, Sept. 21, 1962; E-19008, E-20409, Jan. 29, 1964; E-20960, June 22, 1964; and E-20983, June 24, 1964.

[10] For example, application fees are required to be paid only by regular members (Article XI, section 1).

4. NATC shall advise the Board within 30 days after acceptance thereof of the name, business activity, and address of any person becoming an associate member of NATC;

5. NATC shall file with the Board, within thirty (30) days of preparation, copies of written opinions and reports or actions of its board of directors, or decisions of arbitrators which result in the expulsion of a member, or other disciplinary action. The names of the carrier parties to the proceeding which are the subject of such opinion, reports and decisions may be deleted therefrom for the purpose of this paragraph;

6. NATC shall maintain full and complete minutes of meetings of its board of directors and of its general membership; [11]

7. NATC shall file the agenda for such meetings and the minutes thereof with the Board within thirty (30) days after the meeting; [12]

8. NATC shall so conduct its affairs as to preclude it, its officers or employees from engaging in the practice of law, in such manner as to create a claim of privilege against disclosure to the Board of information or documents based upon an alleged attorney-client relationship between it, its officers or employees, on the one hand, and its members, on the other.[13] Nothing in this condition, however, shall prevent attorneys employed or retained by NATC from rendering confidential legal advice to, and accepting confidential communications in connection therewith from, officers or employees of NATC or its instrumentalities, or individual members of its various committees, etc., with respect to the activities of NATC or its instrumentalities or of such committees, etc., or shall prevent NATC from asserting attorney-client privilege with respect to any such communication: *Provided*, That the procedures hereinafter called for have been followed. NATC shall promptly establish standard procedures for the handling of written documents and communications as to which NATC desires to preserve its asserted right to claim attorney-client privilege, and shall report such procedures and all subsequent revisions thereof to the Board. Such procedures shall provide for at least the following:

(1) Any document which is claimed to be confidential by reason of an asserted attorney-client privilege shall be promptly identified, so marked, and segregated. As to documents hereafter created, this shall be done within 60 days of the creation of such document or its receipt by NATC, as the case may be. As to documents heretofore created, it shall be done within 90 days after imposition of this condition.

(2) All such documents which NATC elects to keep in its possession or control shall be kept in a separate file or files in the charge of an appropriate principal officer of NATC or of its legal staff.

(3) NATC shall quarterly report to the Board how many documents have been segregated in the above-described confidential files.

(4) Upon request of the Board, NATC shall furnish the Board with a list of all documents so segregated, such list to give the date, author, and addressee of each document or communication, and as detailed a description of its content as preservation of confidentiality will permit.

9. NATC and its air carrier members agree that the Board and its authorized agents shall have access to and authority to inspect all accounts, records, and memoranda, including all documents, papers, and correspondence belonging to or in possession of NATC other than documents, papers, and correspondence segregated in accordance with the procedures specifies by paragraph 8 of this order; *Provided, however*, That the Board shall have access to and authority to inspect all such segregated materials except those which are in fact legally privileged against disclosure by reason of an attorney-client privilege which NATC (or, as to documents heretofore created, a member of NATC) is entitled to assert.

10. The action of the Board herein shall not be construed as an approval or disapproval of any contract, agreement, or resolution entered into or any action taken pursuant to the instant agreements, as currently or hereafter constituted; and

11. Within fifteen (15) days after issuance of this order, NATC on behalf of its members, shall submit to the Board a written statement indicating acceptance of the foregoing conditions.

Accordingly, it is ordered, That:

1. The application herein be approved tentatively, subject to the conditions noted;

2. Final action on Agreement CAB 13700–A4 (Docket 13196), be and it hereby is deferred for a period of thirty (30) days after issuance of this order to permit the filing of comments by interested persons [14] relative to the Board's tentative decision herein;

3. A copy of this order be served on all certificated air carriers and NATC; and

4. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14771; Filed, Dec. 11, 1969; 8:48 a.m.]

[11] Such minutes shall contain, inter alia, a summary of the discussion identifying each participant on each matter, regardless of the action, or lack of action taken thereon.

[12] The filing of minutes will not relieve NATC from the requirement for filing separately contracts and agreements subject to section 412 of the Act.

[13] Such restriction is not intended to prohibit the participation of NATC in a Board proceeding pursuant to the provisions of Part 263 of the Board's economic regulations.

[14] Such comments shall conform with the general requirements of the Board's rules of practice in economic proceedings. Further, since an opportunity to file comments is provided, petitions for reconsideration of this order will not be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Report 469]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 8, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

Corrections

2534–C2–P–(2)–70—Charles F. Read, doing business as Mobilfone of Baton Rouge (KKX707). Correct frequencies to read: 152.15 and 152.18 MHz. All other particulars remain as reported in public notice dated Nov. 17, 1969, No. 466.

2885–C2–P–(6)–70—South Central Bell Telephone Co. (KIA960). Correct to read: C.P. to add fifth and sixth channels to operate on frequencies of 152.60 and 152.72 MHz; change antenna system for existing facilities operating on frequencies 152.63, 152.66, 152.75, 152.78 MHz. All other particulars same as reported on public notice dated Dec. 1, 1969, No. 468.

Major Amendment

3831–C2–P–69—Mashell Telephone Co. (New). Change base frequency to 454.475 MHz and mobile frequencies to 459.375, 459.400, 459.450, 459.500, 459.525, 459.650 MHz. Also, change transmitter. All other particulars to remain as reported on public notice dated Jan. 6, 1969.

RURAL RADIO SERVICE

2908–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPN91), C.P. to replace transmitter operating on frequency 459.40 MHz at station located at 50.1 miles northwest of Casper, Wyo.

2909–C1–P/ML–70—The Mountain States Telephone & Telegraph Co. (KPL20), C.P. and modify license to replace transmitter operating on frequency 157.77 MHz at station located at 66.6 miles northwest of Casper, Wyo.

2910–C1–P/ML–70—General Telephone Co. of the Southwest (KLH27), C.P. and modify license to change authorization from temporary fixed location to fixed location: 5 miles south of Stead on Highway No. 18, Stead, N. Mex., operating on frequency 158.04 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2913–C1–MP–70—American Telephone & Telegraph Co. (KKF86), Modification of C.P. to change frequencies to 6034.2 and 6152.8 MHz toward Los Lunas, N. Mex. Location: Albuquerque Junction, 11 miles west-southwest of Albuquerque, N. Mex.

2914–C1–MP–70—American Telephone & Telegraph Co. (KKW32), Modification of C.P. to change frequencies to 6286.2 and 6404.8 MHz toward Albuquerque Junction, N. Mex. Location: 4.8 miles west of Los Lunas, N. Mex.

2919–C1–MP–70—American Telephone & Telegraph Co. (WAD41), Modification of C.P. to change point of communication to Miami, Ariz. on frequencies 6034.2, 6152.8, and 4198 MHz and change the antenna system. Location: 7 miles southwest of Seneca, Ariz.

2920–C1–MP–70—American Telephone & Telegraph Co. (WAD42), Modification of C.P. to change point of communication to Florence, Ariz.; change the antenna system and relocate station to 7 miles south-southeast of Miami, Ariz. Frequencies 6286.2, 6404.8, and 4190 MHz.

2921–C1–MP–70—American Telephone & Telegraph Co. (WAD43), Modification of C.P. to change point of communication to Miami, Ariz., change the antenna system and relocate station to 6 miles southwest of Florence, Ariz. Frequencies 6034.2, 6152.8 and 4198 MHz.

2922–C1–MP–70—American Telephone & Telegraph Co. (WAD44), Modification of C.P. to change point of communication to Florence, Ariz., and change the antenna system. Frequencies 6286.2, 6404. 8, and 4190 MHz. Location: 4 miles west of Casa Grande, Ariz.

2923–C1–MP–70—American Telephone & Telegraph Co. (WAD46), Modification of C.P. to change the antenna system and relocate station to 6.5 miles southwest of Guadalupe, Ariz. Frequencies 6034.2 and 6152.8 MHz.

New York-Penn Microwave Corp., Sixty-Seven (67) C.P. applications proposes to provide interstate microwave "channels" between transmitters in Chicago, Ill.; Detroit, Mich.; Philadelphia, Pa.; and New York City and intermediate stations, as follows:

3216–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6212.0 and 6330.7 MHz toward Gary, Ind. Location: Dickenson Warehouse, 35th and California, Chicago, Ill.

3217–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Chicago, Ill., and 5989.7 and 6108.3 MHz toward Pinola, Ind. Location: Gary National Bank Building, 504 Broadway Street, Gary, Ind.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

2904–C2–P–70—Wayne C. Andrews, doing business as Around-The-Clock Answering Service (New), C.P. for a new 2-way station to be located at 500 South Curry Pike, Bloomington, Ind., to operate on frequency 152.06 MHz.

2908–C2–P–70—James T. Whitaker (KIM899), C.P. for an additional channel to operate on frequency 152.12 MHz at station located at 778 North Ferdon Boulevard, Crestview, Fla.

2906–C2–P–70—General Telephone Co. of Illinois (New), C.P. for a new 1-way station to be located at 303 Broadway, Lincoln, Ill., to operate on frequency 158.10 MHz.

2907–C2–P–70—Instant Communications, Inc. (KQA338), C.P. to replace the antenna systems for the VHF channels operating on base frequencies 152.03, 159.06, and 152.15 MHz at station located at 424 Book Building, 1249 Washington Boulevard, Detroit, Mich.

2912–C2–AL–(2)–70—Certified Telephone Answering Service (KAD925) (KAF240), Consent to assignment of license from: Certified Telephone Answering Service, Assignor to: Mobilfone-Telephone Answering Service, Inc., Assignee.

3283–C2–AL–70—John E. Taylor, doing business as Selective Page (KEK276), Consent to assignment of license from: John E. Taylor, doing business as Selective Page, Assignor to: Selective Paging Corp., Assignee.

3284–C2–MP–(2)–70—Peninsula Radio Secretarial Service, Inc. (KQZ718), Modification of C.P. to change antenna location to: 50 feet west of intersection of Lincoln Avenue and Newlands Avenue, San Mateo, Calif., for frequencies 152.24, 158.70 MHz; replace transmitter and change antenna system for same.

3285–C2–P–(3)–70—Frank L. Yates, Jr., doing business as Gulf Mobilphone (New), C.P. for a new 2-way station. Location No. 1: 12 miles southwest of Jackson, Miss. Frequency: 454.20 MHz (Base). Location No. 2: 1300 Cherry Street, Vicksburg, Miss. Frequency: 454.325 MHz (Control). Location No. 3: 127 South Rosch Street, Jackson, Miss. Frequency: 454.325 MHz (Control).

3286–C2–P–70—Reservation Telephone Cooperative (New), C.P. for a new 1-way station to be located 6 miles east and 1.5 miles south of Roseglen, N. Dak., to operate on frequency 152.60 MHz.

3287–C2/C1–AL–(6)–70—Arkansas State Telephone Co. (KLB691). Consent to assignment of license from: Arkansas State Telephone Co., Assignor to: Western Arkansas Telephone Co., Assignee.

3289–C2–P–70—National Communications System, Inc. (KNM705), C.P. for an additional channel to operate on frequency 454.025 MHz at station located at 1805 Harbor Road, Stockton, Calif.

3290–C2–P–(4)–70—Robert S. Ditton (KOE516), C.P. to relocate base station to: Chandler Butte, 9.5 miles east of Prosser, Wash., operating on base frequency 152.18 MHz; add repeater frequency 459.300 at same location. Also install new control stations to be located at North Avenue one-fourth west of Sunnyside, Wash., and 611 West Columbia Street, Pasco, Wash., to operate on frequency 454.300 MHz.

3293–C2–AL–70—Harrisonburg Telephone Co. (KIY580), Consent to assignment of license from: Harrisonburg Telephone Co., Assignor to: Continental Telephone Company of Harrisonburg, Assignee.

3294–C2–P–70—Otis L. Hale, doing business as Mobilfone Communications (KQZ752), C.P. to change antenna location to: 200 West Capitol Street, Little Rock, Ark., operating on frequency 152.24 MHz. Change transmission line for same.

3308–C2–TC–70—Radiopaging, Inc. (KIE367), Consent to transfer of control from: Pan American Bank of Miami, Executor; Transferor to: Benjamin Cutler and Murray Gordon, Transferee.

3307–C2–MP–(2)–70—Industrial Communications Systems, Inc. (KMD990), Modification of C.P. to replace transmitter operating on frequency 454.175 MHz at location No. 1: End of Silverado Canyon Road, Santiago Peak, Calif., and location No. 3: Verdugo Peak, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3218–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Gary, Ind., and 6212.0 and 6330.7 MHz toward Mishawaka, Ind. Location: 2.3 miles northwest of Pinola, Ind.

3219–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Pinola, Ind., and 5989.7 and 6108.3 MHz toward Sturgis, Mich. Location: 2 miles south-southwest of Mishawaka, Ind.

3220–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Mishawaka, Ind., and 6271.4 and 6390.0 MHz toward Hillsdale, Mich. Location: 1.5 miles south-southeast of Sturgis, Mich.

3221–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Sturgis, Mich., and 5989.7 and 6108.3 MHz toward Adrian, Mich. Location: 2 miles south of Hillsdale, Mich.

3222–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Hillsdale, Mich., and 6212.0 and 6330.7 MHz toward Toledo, Ohio. Location: 2 miles north-northwest of Adrian, Mich.

3223–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Adrian, Mich., and 5989.7 and 6108.3 MHz toward Hessville, Ohio; 6019.3 and 6137.9 MHz toward North Shore, Mich. Location: Galbreath Building, Jefferson and St. Claire Streets, Toledo, Ohio.

3224–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Toledo, Ohio, and 6241.7 and 6360.3 MHz toward Detroit, Mich. Location: Southwest edge of North Shores, Monroe, Mich.

3225–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5989.7 and 6108.3 MHz toward North Shores, Mich. Location: Book Building, 1249 Washington Boulevard, Detroit, Mich.

3226–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Toledo, Ohio, and 6271.4 and 6390.0 MHz toward Bogart, Ohio. Location: 2 miles south-southeast of Hessville, Ohio.

3227–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Hessville, Ohio, and 5989.7 and 6108.3 MHz toward Penfield Junction, Ohio. Location: 3.5 miles west of Bogart, Ohio.

3228–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Bogart, Ohio, and 6212.0 and 6330.7 MHz toward Cleveland, Ohio. Location: 1.3 miles south of Penfield Junction, Ohio.

3229–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Penfield, Ohio; 5989.7 and 6108.3 MHz toward Painesville, Ohio, and 6019.3 and 6137.9 MHz toward Mantua Corners, Ohio. Location: Terminal Tower Building, Cleveland, Ohio.

3230–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Cleveland, Ohio, and 6212.0 and 6330.7 MHz toward Ashtabula, Ohio. Location: 4.8 miles east-southeast of Painesville, Ohio.

3231–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Painesville, Ohio, and 5989.7 and 6108.3 MHz toward Godard, Pa. Location: 3.8 miles south of Ashtabula, Ohio.

3232–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Ashtabula, Ohio; 6212.0 and 6330.7 MHz toward Sherman, N.Y., and 6271.4 and 6390.0 MHz toward Erie, Pa. Location: 2.4 miles west of Godard, Pa.

3233–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6019.3 and 6137.9 MHz toward Godard, Pa. Location: Tenth Street Building Corp., 1001 State Street, Erie Pa.

3234–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Godard, Pa., and 5989.7 and 6108.3 MHz toward New Albion, N.Y. Location: 3.6 miles east-southeast of Sherman, N.Y.

3235–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6301.0 and 6360.3 MHz toward Sherman, N.Y., and 6212.0 and 6330.7 MHz toward Angola, N.Y. Location: 2.3 miles west-southwest of New Albion, N.Y.

3236–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward New Albion, N.Y., and 5989.7 and 6108.3 MHz toward Buffalo, N.Y. Location: 0.8 mile east of Angola, N.Y.

3237–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Angola, N.Y., and 6212.0 and 6330.7 MHz toward Dysinger, N.Y. Location: 14 Lafayette Street, Buffalo, N.Y.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3238–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Buffalo, N.Y., and 5989.7 and 6108.3 MHz toward Clarendon, N.Y. Location: 0.6 mile east of Dysinger, N.Y.

3239–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Dysinger, N.Y., and 6271.4 and 6390.0 MHz toward Rochester, N.Y. Location: 3.5 miles west-northwest of Clarendon, N.Y.

3240–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Clarendon, N.Y., and 5989.7 and 6108.3 MHz toward Fairville, N.Y. Location: Sibley Towers Building, 250 Main Street East, Rochester, N.Y.

3241–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Rochester, N.Y., and 6212.0 and 6330.7 MHz toward Lysander, N.Y. Location: 2.2 miles north-northeast of Fairville, N.Y.

3242–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Fairville, N.Y., and 5989.7 and 6108.3 MHz toward Mycenae, N.Y. Location: 2.3 miles northwest of Lysander, N.Y.

3243–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Lysander, N.Y.; 6271.4 and 6390.0 MHz toward Syracuse, N.Y., and 6212.0 and 6330.7 MHz toward Trenton, N.Y. Location: 0.9 mile west of Mycenae, N.Y.

3244–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5989.7 and 6108.3 MHz toward Mycenae, N.Y. Location: Jefferson Towers, Syracuse, N.Y.

3245–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Mycenae, N.Y.; 5989.7 and 6108.3 MHz toward Oak Mountain, N.Y., and 6019.3 and 6137.9 MHz toward Stittville, N.Y. Location: 5.3 miles west of Trenton, N.Y.

3246–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Trenton, N.Y., and 6212.0 and 6330.7 MHz toward Utica, N.Y. Location: 3.4 miles southeast of Stittville, N.Y.

3247–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Stittville, N.Y. Location: 102 Lafayette Street, Utica, N.Y.

3248–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Trenton, N.Y., and 6212.0 and 6330.7 MHz toward Scotchbush, N.Y. Location: Oak Mountain, 2.45 miles north-northwest of Stratford, N.Y.

3249–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Oak Mountain, N.Y.; 5989.7 and 6108.3 MHz toward Albany, N.Y., and 5989.7 and 6108.3 MHz toward East Windham, N.Y. Location: 3.8 miles south of Scotchbush, N.Y.

3250–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6212.0 and 6330.7 MHz toward Scotchbush, N.Y., and 6241.7 and 6360.3 MHz toward Schenectady, N.Y. Location: 397 State Street, Albany, N.Y.

3251–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Albany, N.Y. Location: 780–790 State Street, Schenectady, N.Y.

3252–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Scotchbush, N.Y., and 6212.0 and 6330.7 MHz toward Millerton, N.Y. Location: 1.7 miles south-southeast of East Windham, N.Y.

3252–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward East Windham, N.Y., and 5989.7 and 6108.3 MHz toward Ardonia, N.Y. Location: 3.6 miles southwest of Millerton, N.Y.

3254–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Millerton, N.Y., and 6212.0 and 6330.7 MHz toward Quarryville, N.J. Location: 3.3 miles east-northeast of Ardonia, N.Y.

3255–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Ardonia, N.Y., and 5989.7 and 6108.3 MHz toward Woodport, N.J. Location: 3.5 miles east-northeast of Quarryville, N.J.

3256–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Quarryville, N.J.; 6212.0 and 6330.7 MHz toward Roxbury, N.J., and 5960.0 and 6078.6 MHz toward New York, N.Y. Location: 0.9 mile northwest of Woodport, N.J.

3257–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Woodport, N.J. Location: 350 Fifth Avenue, New York City, N.Y.

3258–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz to Woodport, N.J., and Gardenville, Pa., and 5989.7 and 6108.3 MHz toward Bauer Rock, Pa. Location: 1.8 miles southeast of Roxbury, N.J.

3259–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6330.7 MHz toward Roxburg, N.J. Location: 4 miles southeast of Allentown, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3260–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Roxburg, N.J.; 6212.0 and 6330.7 MHz toward Boyertown, Pa., and 6271.4 and 6390.0 MHz toward Jenkintown, Pa. Location: 0.4 mile northeast of Gardenville, Pa.

3261–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6019.3 and 6137.9 MHz toward Gardenville, Pa., and 5989.7 and 6108.3 MHz toward Philadelphia, Pa. Location: 6300 Old York Road, Jenkintown, Pa.

3262–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6212.0 and 6330.7 MHz toward Jenkintown, Pa. Location: 1700 Market Street, Philadelphia, Pa.

3263–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Gardenville, Pa., and 5989.7 and 6108.3 MHz toward Womelsdorf, Pa. Location: 3.6 miles west-southwest of Boyertown, Pa.

3264–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Boyertown, Pa.; 6212.0 and 6330.7 MHz toward Harrisburg, Pa.; 6271.4 and 6390.0 MHz toward Lancaster, Pa., and 6301.0 and 6390.0 MHz toward Reading, Pa. Location: 2 miles south of Womelsdorf, Pa.

3265–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6049.0 and 6137.9 MHz toward Womelsdorf, Pa. Location: Abraham Lincoln Hotel, Fifth Street, Reading, Pa.

3266–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6019.3 and 6137.9 MHz toward Womelsdorf, Pa., and 5960.0 and 6078.6 MHz toward York, Pa. Location: Corner of Queen and Chestnut Streets, Lancaster, Pa.

3267–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Lancaster, Pa. Location: 3 miles northeast of York, Pa.

3268–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Womelsdorf, Pa., and 5989.7 and 6108.3 MHz toward Newburg, Pa. Location: 6900 Chamers Hill Road, Harrisburg, Pa.

3269–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Harrisburg, Pa., and 6212.0 and 6330.7 MHz toward Wells Tannery, Pa. Location: 4.2 miles northwest of Newburg, Pa.

3270–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Newburg, Pa.; 5989.7 and 6108.3 MHz toward Reels Corner, Pa., and 6019.3 and 6137.9 MHz toward Greenwood, Pa. Location: 2.7 miles northwest of Wells Tannery, Pa.

3271–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Wells Tannery, Pa., and 6212.0 and 6330.7 MHz toward Altoona, Pa. Location: 1.7 miles southeast of Greenwood, Pa.

3272–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Greenwood, Pa. Location: Corner of 12th Street and 13th Avenue, Altoona, Pa.

3273–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Wells Tannery, Pa.; 6212.0 and 6330.7 MHz toward Ligonier, Pa., and 6271.4 and 6390.0 MHz toward Johnstown, Pa. Location: 3.8 miles east of Reels Corner, Pa.

3274–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6019.3 and 6137.9 MHz toward Reels Corners, Pa. Location: 1.3 miles east of Johnstown, Pa.

3275–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Reels Corners, Pa., and 5989.7 and 6108.3 MHz toward Delmont, Pa. Location: 7.7 miles southeast of Ligonier, Pa.

3276–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Ligonier, Pa., and 6212.0 and 6330.7 MHz toward Imperial, Pa. Location: 1.6 miles south-southeast of Delmont, Pa.

3277–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Delmont, Pa.; 5989.7 and 6108.3 MHz toward Ohioville, Pa., and 6049.0 and 6137.9 MHz toward Pittsburgh, Pa. Location: 3.3 miles south-southeast of Imperial, Pa.

3278–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Imperial, Pa. Location: One Oliver Plaza, Pittsburgh, Pa.

3279–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Imperial, Pa., and 6212.0 and 6330.7 MHz toward Austintown, Ohio. Location: 3.5 miles northeast of Chioville, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3280–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6108.3 MHz toward Ohioville, Pa.; 6019.3 and 6137.9 MHz toward Mantua Corners, Ohio, and 5960.0 and 6078.6 MHz toward Youngstown, Ohio. Location: 0.7 mile north-northwest of Austintown, Ohio.

3281–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Austintown, Ohio. Location: 34 West Federal Street, Youngstown, Ohio.

3282–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Austintown, Ohio, and 6271.4 and 6390.0 MHz toward Cleveland, Ohio. Location: 0.4 mile southwest of Mantua Corners, Ohio.

3288–C1–P–70—Pacific Northwest Bell Telephone Co. (KON65), C.P. to add frequency 2121.6 MHz toward Prairie Peak, Oreg. Location: 112 10th Avenue East, Eugene, Oreg.

3287–C1–AL–(5)–70—Arkansas State Telephone Co., Consent to assignment of license from Arkansas State Telephone Co., Transferor, to: Western Arkansas Telephone Co., Assignee Stations: KVD54, Charleston, Ark.; KVD55, Cecil, Ark.; KVD56, Alma, Ark.; KVD57, Greenwood, Ark.; KVD58, Waldron, Ark.

3291–C1–MP–70—Hawaiian Telephone Co. (KCG66), Modification of C.P. to replace transmitters operating on 2125.2 MHz and relocate facilities to 1.5 miles south of Hana, Maui, Hawaii.

3292–C1–MP–70—Hawaiian Telephone Co. (KUS21), Modification of C.P. to replace transmitters operating on 2175.2 MHz. Location: 2.5 miles east of Huehue, Hawaii.

3295–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (New), C.P. for a new fixed station to be located at 306 North Royal Avenue, Front Royal, Va. Frequencies 6108.3 and 11,245 MHz toward Paris, Va.

3296–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (New), C.P. for a new fixed station to be located at approximately 2.5 miles north-northeast of Paris, Va. Frequencies 6390.0, 10,795 MHz toward Front Royal, Va., and 6360.3 and 11,075 MHz toward Leesburg, Va.

3297–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (New), C.P. for a new fixed station to be located at 145 East Market Street, Leesburg, Va. Frequencies 6137.9 and 11,525 MHz toward Paris, Va., and 11,325 and 11,565 MHz toward Aldie, Va.

3298–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ28), C.P. to add frequencies 6412.2 and 10,755 MHz toward Nokesville, Va., and 10,875 and 11,115 MHz toward Leesburg, Va. Location: 5.3 miles northeast of Aldie, Va.

3299–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ29), C.P. to add frequencies 6160.2 and 11,685 MHz toward Aldie, Va., and 6115.7 and 11,405 MHz toward Morrisville, Va. Location: 2.4 miles north of Nokesville, Va.

3300–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ30), C.P. to add frequencies 6367.7 and 10,955 MHz toward Nokesville, Va., and 10,995 and 11,155 MHz toward Berea, Va. Location: 3.4 miles southwest of Morrisville, Va.

3301–C1–P–70—The Chespeake & Potomac Telephone of Va. (KJJ31), C.P. to add frequencies 11,445 and 11,605 MHz toward Morrisville, Va., and 11,385 and 11,545 MHz toward Bowling Green, Va. Location: 0.3 mile southwest of Berea, Va.

3302–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ32), C.P. to add frequencies 10,775 and 10,935 MHz toward Cauthornville, Va., and 10,975 and 11,135 MHz toward Berea, Va. Location: 2.2 miles north of Bowling Green, Va.

3303–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ33), C.P. to add frequencies 11,325 and 11,565 MHz toward Aylett, Va., and 11,345 and 11,665 MHz toward Bowling Green, Va. Location: On State Route No. 619, 1 mile south-southeast of Cauthornville, Va.

3304–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KYS82), C.P. to add frequencies 11,115 and 10,875 MHz toward Cauthornville, Va. Location: 4 miles west of Aylett, Va.

[F.R. Doc. 69–14755; Filed, Dec. 11, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70–772]

PAUL F. BARNHART

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 5, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(c)) on or before January 19, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration date of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date sus-pended until—	Cents per Mcf/14.65 p.s.i.a. Rate in effect	Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–772....	Paul F. Barnhart.....	(1)	(1)	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (Permian Basin Area).	$775	11–5–69	11–5–69	11–6–69	16.5	16.562	

[1] No rate schedule is on file. Respondent, as individual and as a trustee, is operating under a small producer certificate in Dockets Nos. CS66–77 and CS67–52, and the proposed rate increased herein reflects the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. Respondent, holder of small producer certificates in Dockets Nos. CS66–77 and CS67–52, requests waiver of § 157.40(d) of the Commission's regulations which prohibits the collection of any rate in excess of the applicable area base ceiling rate determined in Opinion No. 468 so that he may file a rate increase from 16.5 cents to 16.562 cents per Mcf, relating to reimbursement for this recently enacted tax increase. Respondent also requests waiver of the statutory notice requirement to permit the rate change to become effective following a suspension of 1 day from the date of filing.

In support of his request, Respondent points out that large producers have been permitted to collect, subject to refund, their applicable tax reimbursement above the applicable area ceiling levels and requests equal treatment. The Commission has recognized the inequity of treatment involved here, and, in an effort to solve this problem, issued on November 4, 1969, a notice of proposed rulemaking in Docket No. R–374 proposing to permit small producers to file above ceiling rate increases without requiring the filing of rate schedules or obtaining new certificate authorizations. However, since the proposed increase involved here relates solely to reimbursement for the increase in the state production tax, we believe that the equities here call for the requested waivers of the statutory notice requirement and of § 157.40(d). In these circumstances, we shall suspend the said increased rate for 1 day from the date of filing.

[F.R. Doc. 69–14740; Filed, Dec. 11, 1969; 8:46 a.m.]

[Docket No. CP70–142]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 8, 1969.

Take notice that on December 1, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70–142 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, the acquisition from Arizona Public Service Co. (Public Service) and operation of certain facilities to be constructed by Public Service and the sale and delivery of natural gas to Public Service for resale and distribution in the Yuma-Mesa irrigation area of Yuma County, Ariz., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a meter station to be located adjacent to its existing Yuma lateral; acquire approximately 9.7 miles of the 10.3 miles of 6⅝-inch O.D. transmission line to be constructed by Public Service, which will extend from the outlet of Applicant's proposed meter station southward to a point of connection with Public Service's recently installed irrigation distribution system; and sell and deliver natural gas to Public Service for resale and distribution to consumers for irrigation use.

The estimated total third year peak day and annual natural gas deliveries by applicant to Public Service are 2,558 Mcf and 426,000 Mcf, respectively.

The total estimated cost of the proposed meter station and the facilities to be acquired from Public Service is $284,000, to be financed by working funds supplemented by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14757; Filed, Dec. 11, 1969; 8:47 a.m.]

[Docket No. RP69–6 etc.]

EL PASO NATURAL GAS CO. ET AL.

Order Vacating Examiner's Ruling for Production of Data, Prescribing Procedure and Setting Date of Prehearing Conference, Directing Designation of Presiding Examiner, Filing of Application and Granting Petition to Intervene

DECEMBER 5, 1969.

El Paso Natural Gas Company, Docket No. RP69–6;[1] William G. Webb, Docket No. G–6887; J. Glenn Turner, Docket No. G–6907; Frank A. Schultz, Docket No. G–10037, William G. Webb, Docket No. G–15692; J. Glenn Turner, Docket No. G–15693; William G. Webb, Docket No. G–19109; Benson-Montin-Greer Drilling Corp., Docket No. G–19110; J. Glenn Turner, Docket No. G–19145; Frank A. Schultz, et al., Docket No. G–20018; Benson-Montin-Greer Drilling Corp., Docket No. CI61–156; La Plata Gathering System, Inc., Docket No. CI61–812; Frank A. Schultz, Docket No. CI61–817; Jack London, Jr., Docket No. CI62–1147; Ralph E. Davis, Docket No. CI62–1175; J. Glenn Turner and William G. Webb, Docket No. CI62–1177; J. Glenn Turner and William G. Webb, Docket No. CI62–1211; C. W. Murchison, Docket No. CI63–65; Frank A. Schultz et al., CI63–318; El Paso Natural Gas Co., Docket No. CP70–146.

On October 22, 1969, in Docket No. RP69–6 (Phase II), Presiding Examiner Max L. Kane transmitted to the Commission the appeal of El Paso Natural Gas Co. from the Examiner's ruling directing El Paso to provide data requested by the Commission Staff relating to the costs incurred by El Paso in operating, as company-owned production, the properties from which natural gas was formerly produced by independent producers, William G. Webb et al., Docket No. G–6887 et al. (See order issued Dec. 1, 1964.)

El Paso's application to increase its jurisdictional rates was filed on September 6, 1968, in Docket No. RP69–6. El Paso's cost of service is based on its operations for the 12-month period ended May 31, 1968, as adjusted. In its cost of service, El Paso presented the overall costs applicable to its own production for the test period and did not separate or identify the portions of such costs that were attributable to production under the particular acreage or wells of El Paso. It appears, therefore, that no evidence presently exists in the record in Docket No. RP69–6 to identify that portion of El Paso's overall claimed production costs associated with production of gas under the William G. Webb, et al. contracts. On October 3, 1969, during the course of the rate case hearings, Commission Staff requested El Paso to present testimony concerning the cost El Paso was claiming in the test year in Docket No. RP69–6 with respect to production from the acreage covered by the contracts identified in the Commission's order issued December 1, 1964, William G. Webb et al., Docket No. G–6887 et al.

Subsequent to the request of Commission Staff, counsel for El Paso argued that the issue raised by staff is more appropriately an issue in the Webb proceeding and proposed that it would agree to adjust its rates, as determined in Docket No. RP69–6, and make appropriate refunds back to the date that its rate increase was put into effect, March 7, 1969, depending on the outcome of the proceedings in the producer cases previously set for hearing in Docket No. G–6887 et al.

El Paso contends that full protection of the public interest can be achieved without delaying resolution of El Paso's rate proceeding by reserving this issue to the Webb proceeding.

By order issued December 1, 1964, the Commission set for hearing the 18 producer applications in lead docket William G. Webb, Docket No. G–6887. On May 27, 1965, the Commission directed El Paso to prepare and submit cost of service evidence concerning the total recoverable reserves to be transferred by applicants. It appears to be more expeditious to obtain a determination of the issues raised in the Webb proceedings concurrently with rather than subsequent to the resolution of the similar question raised in the rate increase proceeding.[2]

Presiding Examiner Kane in transmitting the appeal also transmitted a condition proposed by El Paso whereby El Paso would adjust its rates and make refunds retroactive to March 7, 1969, to be determined by application of a final determination in Docket No. G–6887 et al.: *Provided,* That (1) the Commission determine that the proposed abandonments there involved would result in an unwarranted increase in El Paso's jurisdictional unit cost of service and (2) the Commission denied the proposed abandonment. Since we do not here reach the merits of the proceedings in Docket No. G–6887 et al., nor the form of the final resolution therein, El Paso's proposed condition would unnecessarily restrict final resolution of the Webb proceedings.

Section 7(c) of the Natural Gas Act requires that no natural gas company shall acquire or operate any facility subject to Commission jurisdiction unless there is in force an appropriate certificate of public convenience and necessity authorizing such acts and operations. El Paso's acquisition and operation of the facilities of the above listed producers, and the producers' applications, may involve common questions for Commission decision. Accordingly, to avoid a subsequent proceeding for El Paso's acquisition and operation of such facilities, El Paso will be directed to file, as hereinafter ordered, an appropriate application which will be consolidated for hearing and decision with the producers' applications.

The Commission finds:

(1) The late petition of Pacific Gas and Electric Co. will not delay the proceedings. It is appropriate in carrying out the provisions of the Natural Gas Act that Pacific Gas and Electric be permitted to intervene in Docket No. G–6887 et al.

(2) The proceedings in Docket No. G–6887 et al. will be expedited by providing for a prehearing conference pursuant to the rules of the Commission.

The Commission orders:

(A) The appeal by El Paso Natural Gas Co. from the ruling of the presiding examiner in Docket No. RP69–6 directing El Paso to supply the data request of the staff concerning the costs associated with the production of natural gas from the producing properties identified in the Commission's order of December 1, 1964, in William G. Webb et al., Docket No. G–6887 et al. is granted and the ruling vacated.

(B) A prehearing conference in William G. Webb et al., Docket No. G–6887 et al., pursuant to § 1.18(b) of the Commission's rules of practice and procedure will be held on January 6, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.s.t.

(C) The Chief Examiner is directed to designate an examiner to preside at the prehearing conference scheduled by paragraph (B) above. The designated presiding examiner is directed to determine the status of the proceedings in Docket No. G–6887 et al., and to take all evidence necessary to a determination of the issue reserved by the ruling herein

[1] The dockets in William G. Webb et al., are not consolidated with Docket No. RP69–6.

[2] By letter dated Nov. 25, 1969, El Paso, apparently deeming its appeal denied pursuant to the operation of § 1.12(e) of our rules, transmitted certain cost information to the Commission purportedly in response to Staff Counsel's request. However, in light of our disposition of the appeal from the Examiner's ruling herein, we do not find it necessary to pass upon either the relevancy or adequacy of such information at this time.

set forth and the issues raised by the applications in Docket No. G–6887 et al. The presiding examiner shall control proceedings subsequent to the prehearing conference in his discretion after considering the recommendations presented by counsel for the parties.

(D) The issue pertaining to the proper allowance to be included in El Paso Natural Gas Co.'s cost of service in RP69–6 for its production of natural gas from the properties which are presently subject to proceedings in Docket No. G–6887 et al., is reserved for hearing and determination in the Webb proceedings.

(E) El Paso Natural Gas Co. will be obligated in Docket No. RP69–6 to make appropriate refunds with interest and rate reductions for the period beginning March 7, 1969, in the event such adjustments are required as a result of a final order of the Commission in Docket No. G–6887 et al.

(F) Pacific Gas and Electric Co. is hereby permitted to intervene in the proceedings in Docket No. G–6887 et al., subject to the rules and regulations of the Commission: *Provided, however,* That its participation shall be limited to matters relating to rights and interests expressly asserted in the petition to intervene; and provided further, that permission to intervene shall not be construed as recognition by the Commission that the intervener might be aggrieved by any order entered in these proceedings.

(G) El Paso Natural Gas Co. is directed to file an application for certificate pursuant to section 7(c) of the act and §§ 157.15–157.16 of the regulations under the Natural Gas Act in Docket No. CP70–146 within 30 days of the date of issuance of this order, for authorization to acquire and operate the facilities of the producers listed above, and said docket is consolidated for hearing and decision with the proceedings at Docket No. G–6887 et al.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14746; Filed, Dec. 11, 1969; 8:46 a.m.]

[Docket No. CP70–140]

LONE STAR GAS CO.

Notice of Application

DECEMBER 8, 1969.

Take notice that on November 25, 1969, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP70–140 an application pursuant to section 7(b) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for budget-type permission and approval to abandon direct sales measuring, regulating, and related minor facilities during the calendar year 1970, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of said application is to enable Applicant to act with reasonable dispatch to remove direct sales facilities in the States of Texas and Oklahoma, as they become required no longer, without the delay incident to the filing and processing of numerous minor individual applications.

Applicant states that the deliveries to any one customer from the facilities proposed to be abandoned would not have exceeded 100,000 Mcf during the last year of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14758; Filed, Dec. 11, 1969; 8:47 a.m.]

[Docket No. RP70–20]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges and of Gas Supply Cost Tracking Agreement

DECEMBER 5, 1969.

Take notice that on December 2, 1969, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on January 2, 1970, together with a request that it be authorized to track, without suspension, purchase gas increases and decreases up to a net total amount of 1 cent per Mcf, as incurred during the period ending December 31, 1970. The proposed rate changes, would increase Panhandle's jurisdictional rates by approximately $1,577,000 based upon sales for the 12-month period ending February 28, 1969, as adjusted. The proposed increase would be applicable to Rate Schedules: G–1, 2, 3; SG–1, 2, 3; LS–1, 2; S–1; SS–1; CS–1; and I–1, 2, 3.

Panhandle states that the proposed increased rates are being filed to track increased gas supply costs incurred since its rate increase filing in Docket No. RP69–35, and that since these costs will be incurred by January 1, 1970, it requests its proposed tariff sheets be permitted to become effective without suspension. In view of its request that the rates not be suspended, Panhandle suggests that this new filing be consolidated with Docket No. RP69–35 and subject to the Commission's order, issued December 4, 1969, making rates effective on November 20, 1969, in that proceeding.

Copies of the proposed tariff changes were served on all of Panhandle's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14741; Filed, Dec. 11, 1969; 8:46 a.m.]

[Docket No. RP70–13]

UNITED GAS PIPE LINE CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing Hearing Procedures

DECEMBER 5, 1969.

United Gas Pipe Line Co. (United) on October 31, 1969, tendered for filing proposed changes in its presently effective FPC Gas Tariff, First Revised Volume No. 1.[1] The proposed changes would result in an estimated increase in jurisdictional revenues of $33,100,000 annually based on estimated sales for the 12 months ending July 31, 1969, as adjusted. The changes are proposed to become effective on December 16, 1969.

United states that the principal reasons for the proposed rate increases are: (1) Increases in purchased gas costs; (2) increases in underground storage and transmission expenses; (3) the proposed reversion from the use of liberalized depreciation to the straight line method of computing depreciation for tax purposes; and (4) the need for a rate of return of 9 percent.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in United's FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing January 13, 1970, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in United's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, United's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until May 16, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on January 13, 1970, United's prepared testimony (Statement P) filed and served on November 14, 1969, together with its entire rate filing as submitted and served on October 31, 1969, shall be admitted to the record as United's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike this or other evidence.

(D) Following admission of United's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and intervenor's evidence and United's rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) Presiding Examiner Ewing G. Simpson, or any other designated for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14742; Filed, Dec. 11, 1969; 8:46 a.m.]

[1] Proposed Revised Tariff Sheets: First Revised Sheets Nos. 11, 13, 15, 46, 49, 52, 53, 61, 62, 63, 66, 69, 72, 73, 76, 78, 80, 83; Second Revised Sheets Nos. 5, 7, 9, 24, 67; Third Revised Sheets Nos. 22, 26; Sixth Revised Sheet No. 3; Eighth Revised Sheets Nos. 44, 45; Ninth Revised Sheet No. 99; 10th Revised Sheets Nos. 4, 6, 10, 12, 21, 23, 25, 27, 30, 32; 12th Revised Sheets Nos. 8, 14, 102; 14th Revised Sheets Nos. 103, 104; 15th Revised Sheet No. 100; 16th Revised Sheet No. 101; and Original Sheet No. 105.

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 2 of the Committee's Authorization for System Foreign Currency Operations. The amendment was adopted by vote of all available members (a majority) on August 27, 1969, effective September 2, 1969, and ratified by action of the Committee at its meeting on September 9, 1969.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under § 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank	100
National Bank of Belgium	500
Bank of Canada	1,000
National Bank of Denmark	100
Bank of England	2,000
Bank of France	1,000
German Federal Bank	1,000
Bank of Italy	1,000
Bank of Japan	1,000
Bank of Mexico	130
Netherlands Bank	300
Bank of Norway	100
Bank of Sweden	250
Swiss National Bank	600
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against authorized European currencies other than Swiss francs	1,000

NOTE: For paragraph 1 of the authorization, see 34 F.R. 9044; for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.

By order of the Federal Open Market Committee, December 3, 1969.

ARTHUR L. BROIDA, *Deputy Secretary.*

[F.R. Doc. 69–14730; Filed, Dec. 11, 1969; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 2 of the Committee's Continuing Authority Directive with respect to Domestic Open Market Operations, which by action of the Committee on September 9, 1969, was in effect from such date until the close of business on October 7, 1969.

2. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York to purchase directly from the Treasury for the account of the Federal Reserve Bank of New York (with discretion, in cases where it seems desirable, to issue participations to one or more Federal Reserve Banks) such amounts of special short-term certificates of indebtedness as may be necessary from time to time for the temporary accommodation of the Treasury; provided that the rate charged on such certificates shall be a rate one-fourth of 1 percent below the discount rate of the Federal Reserve Bank of New York at the time of such purchases, and provided further that the total amount of such certificates held at any one time by the Federal Reserve Banks shall not exceed $2 billion.

NOTE: For the remainder of the directive see 32 F.R. 9584.

By order of the Federal Open Market Committee, December 3, 1969.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-14731; Filed, Dec. 11, 1969; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of September 9, 1969

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on September 9, 1969.[1]

The information reviewed at this meeting indicates that expansion in real economic activity slowed somewhat in the first half of 1969 and some further moderation during the second half is projected. Substantial upward pressures on prices and costs are persisting. Long-term interest rates recently have risen to new peaks, while short-term rates have changed little on balance. In August the money supply decreased while U.S. Government deposits rose somewhat; bank credit declined further on average; the run-off of large-denomination CD's continued without abatement; and there were further net outflows from consumer-type time and savings accounts at banks. The U.S. foreign trade surplus was very small in July. The overall balance of payments deficit on the liquidity basis remained very large in both July and August, while the balance on the official settlements basis shifted into deficit in August as U.S. banks' borrowings of Eurodollars leveled off. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging sustainable economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of the forthcoming Treasury refunding, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in money and short-term credit markets; *Provided, however,* That operations shall be modified, to the extent permitted by the Treasury refunding, if bank credit appears to be deviating significantly from current projections or if pressures arise in connection with foreign exchange developments or with bank regulatory changes.

By order of the Federal Open Market Committee, December 3, 1969.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-14732; Filed, Dec. 11, 1969; 8:45 a.m.]

[1] The record of Policy Actions of the Committee for the meeting of Sept. 9, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Reg. D-20]

CHRISTMAS TREES IN GOVERNMENT BUILDINGS

To: Heads of Federal agencies.

1. *Purpose.* This temporary regulation establishes exceptions to size and location limitations on natural Christmas trees prescribed by FPMR 101-19.109-6.

2. *Effective date.* These regulations are effective on the date of issuance.

3. *Expiration date.* This temporary regulation expires June 1, 1970.

4. *General requirements.* FPMR 101-19.109-6 provides that Christmas trees will not interfere with exitways, exit lobbies, or the access to any exit; that noncombustible artificial Christmas trees are not limited by size; and that natural Christmas trees will not exceed 4 feet in height, shall stand in water, and will not remain in the building for more than 2 weeks.

5. *Exceptions.* GSA will permit a limited number of natural Christmas trees up to the heights listed below where it is determined that there are no other combustibles in the area likely to be ignited by fire in the tree. Such trees may be in building lobbies if the position of any tree is clear of exit routes by a distance equal to at least the height of the tree plus 6 feet. Such installations shall otherwise conform to FPMR 101-19.109-6.

Narrowest dimension of space (ceiling height or width of space)	*Maximum height of natural Christmas tree*
Less than 12 feet	4 feet
12 to 16 feet	9 feet
16 to 20 feet	12 feet
Over 20 feet	15 feet

6. *Availability of safe artificial trees.* For areas in which the display of large trees is desired, the use of Underwriters' Laboratories labeled artificial Christmas trees should be considered. Such trees are now available in a number of species and in heights up to 18 feet.

Dated: December 11, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-14854; Filed, Dec. 11, 1969; 12:07 p.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 9, 1969.

On October 10, 1969, the U.S. Government requested the Government of Malaysia to enter into consultations concerning exports to the United States of cotton textile products in Category 26 (other than duck), produced or manufactured in Malaysia. In that request the U.S. Government indicated the specific level at which it considered that exports in this category from Malaysia should be restrained for the 12-month period beginning October 10, 1969, and extending through October 9, 1970. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing restraint at the level indicated in that request for the 12-month period beginning October 10, 1969, and extending through October 9, 1970. This restraint does not apply to cotton textile products in Category 26 (other than duck), produced or manufactured in Malaysia and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of December 9, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 26 (other than duck), produced or manufactured in Malaysia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 10, 1969, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 9, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning October 10, 1969, and extending through October 9, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 26 (other than duck),[1] produced or manufactured in Malaysia, in excess of a level of restraint for the period of 1,675,207 square yards.[2]

In carrying out this directive, entries of cotton textile products in Category 26 (other than duck), produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to October 10, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 26 (other than duck), in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisoy Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-14795; Filed, Dec. 11, 1969; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALTA

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 9, 1969.

On June 14, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Government of Malta concerning exports of cotton textiles and cotton textile products from Malta to the United States. Under this agreement the Government of Malta has undertaken to limit its exports to the United States of cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement are those applying specific export limitations to Categories 43, 51, and 60, for the fourth agreement year beginning January 1, 1970.

Accordingly, there is published below a letter of December 9, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1970, and extending through December 31, 1970, be limited to designated levels.

This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 9, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 14, 1967, between the Governments of the United States and Malta, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1970, and for the 12-month period extending through December 31, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, in excess of the following designated levels of restraint:

Category	*12-Month level of restraint*
43 ---------- dozen	73,625
51 ---------- do	26,046
60 ---------- do	44,568

In carrying out this directive entries of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which have been exported to the United States from Malta prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 14, 1967, between the Governments of the United States and Malta which provide in part that within the aggregate and applicable group limit for apparel, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malta and with respect to imports of cotton textiles and cotton textile products from Malta have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-14794; Filed, Dec. 11, 1969; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN YUGOSLAVIA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 9, 1969.

On September 26, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Government of the Socialist Federal Republic of Yugoslavia, concerning exports of cotton textiles and cotton textile products from Yugoslavia to the United States. Under this agreement the Government of the Socialist Republic of Yugoslavia has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 20,671,875 square yards equivalent for the third agreement year beginning January 1, 1970. Among the provisions of the agreement are those applying specific export limitations to Categories 9, 18-19, 22, 26 (duck), 26 (other than duck), 28-29, 31, 34-35, 45-46-50-51, 48, and 49.

[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

[2] This level has not been adjusted to reflect any entries made on or after Oct. 10, 1969.

Accordingly, there is published below a letter of December 9, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the period beginning January 1, 1970, and extending through December 31, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 18–19, 22, 26 (duck), 26 (other than duck), 28–29, 31, 34–35, 48, and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States on or after January 1, 1970, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 9, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 26, 1967, between the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1970, and for the 12-month period extending through December 31, 1970, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 18–19, 22, 26 (duck only[1]), 26 (other than duck), 28–29, 31, 34–35, 48 and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia, in excess of the following levels of restraint:

Category	12-month level of restraint
9 ---square yards--	7, 717, 500
18–19 ---do----	1, 102, 500
22 ---do----	1, 764, 000
26 (duck [1]) ---do----	2, 205, 000
26 (other than duck) ---do----	1, 653, 750
28–29 ---pieces--	559, 386
31 ---do----	522, 751
34–35 ---do----	355, 644
48 ---dozen--	3, 766
49 ---do----	16, 961

[1] T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

Entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Yugoslavia, and exported to the United States prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 26, 1967, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–14796; Filed, Dec. 11, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

DECEMBER 8, 1969.

The common stock, $1 par value, of Commonwealth United Corp., a California corporation, being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 9, 1969 through December 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–14751; Filed, Dec. 11, 1969; 8:46 a.m.]

[812–2610]

COMPASS GROWTH FUND, INC., ET AL.

Notice of Application

DECEMBER 8, 1969.

In the matter of Compass Growth Fund, Inc., Compass Income Fund, Inc., 20 Exchange Place, New York, N.Y. 10005; E. I. Sales, Inc., 604 Locust Street, Des Moines, Iowa 50306; Glicoa Associates, Inc., 201 Park Avenue South, New York, N.Y. 10003; The O. N. Equity Sales Co., 237 William Howard Taft Road, Cincinnati, Ohio 45219; North Star Equities Co., Victory Square, St. Paul, Minn. 55101; 812–2610.

Notice is hereby given that the Compass Growth Fund, Inc., Compass Income Fund, Inc., (the "Funds"), E. I. Sales, Inc., Glicoa Associates, Inc., The O. N. Equity Sales Co., and North Star Equities Co., the principal underwriters for shares of the Funds ("Distributors") (herein collectively "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a–1 et seq. ("Act"), for an order exempting Applicants from the provisions of section 22(d) of the Act. The Funds are open-end diversified management investment companies registered under the Act. The Distributors are affiliated with life insurance companies in the following manners. E. I. Sales, Inc., is a wholly owned subsidiary of Equity Insurance Company of Iowa, which in turn is a wholly owned subsidiary of Equitable Life Insurance Company of Iowa. The O. N. Equity Sales Co. and North Star Equities Co. are wholly owned subsidiaries of The Ohio National Life Insurance Co. and The Minnesota Mutual Life Insurance Co., respectively. Glicoa Associates, Inc., is a wholly owned subsidiary of the Guardian Life Insurance Company of America, a New York insurance company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Section 22(d) provides, in relevant part, that an open-end investment company is prohibited from selling a redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in sales load except on a uniform basis.

The offering price of shares of the Funds is currently the net asset value per share plus a sales charge, as described in the Fund's prospectus. Applicants propose that each Fund sell its shares at net aset value without sales charges to persons in the following categories: Officers, directors, and bona fide full-time employees and full-time sales representatives who have acted as such for not less than 90 days, and to any trust, pension, profit-sharing or other benefit plan for such persons and to the spouse or children under the age of 21 of any of such persons, of the particular life insurance company, and its subsidiaries, with which the Distributor is so affiliated.

All sales will be made pursuant to a uniform offer described in the prospectus and on the written assurance that the purchases were made for investment purposes and that the shares would not be resold except upon repurchase or redemption on behalf of the Fund.

Applicants assert that the requested exemption to permit sales of the Funds' shares at no-load to the classes of persons described above would not be inconsistent with the purposes underlying section 22(d) of the Act. In addition, the application states that customary selling expenses would not be incurred by the Fund or the Distributor in connection with these sales.

Section 6(c) of the Act authorizes the Commission by order, upon application, to exempt, conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the persons being served are located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–14752; Filed, Dec. 11, 1969; 8:46 a.m.]

[70–4818]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage and Collateral Trust Bonds at Competitive Bidding

DECEMBER 8, 1969.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company and a public utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30 million principal amount of First Mortgage and Collateral Trust Bonds, ____ percent Series due January 1, 2000. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price to Delmarva, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) for the bonds will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust, dated October 1, 1943, between Delmarva and The New York Trust Co., Trustee (Chemical Bank New York Trust Co., Successor Trustee), as heretofore supplemented and as to be further supplemented by a 38th Supplemental Indenture to be dated January 1, 1970, and includes a prohibition until January 1, 1975, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

Delmarva will apply the proceeds from the sale of bonds toward the cost of its own construction program and that of its subsidiary companies including the retirement of short-term notes and commercial paper issued prior to such sale, which notes and paper amounted to $9,500,000 on November 21, 1968. The system construction program for the fourth quarter 1969 and the year 1970 is estimated at $120,990,000.

The filing states that the issuance of the bonds is subject to the approval of The Public Service Commission of Delaware and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred by Delmarva in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than January 2, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–14753; Filed, Dec. 11, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Ann & Hope Factory Outlet, Inc., department store; Mill Street, Cumberland, R.I.; 9–18–69 to 9–17–70.

Eagle Stores Co., Inc., variety stores: 222 Sunset Avenue, Asheboro, N.C., 9–15–69 to 9–14–70; 181 West Main Avenue, Gastonia, N.C., 9–15–69 to 8–9–70.

Glosser Brothers, Inc., department store; Franklin and Locust Streets, Johnstown, Pa.; 9–14–69 to 9–13–70.

W. T. Grant Co., variety-department stores: No. 647, Jacksonville, Fla., 9–12–69 to 9–11–70; No. 849, Jacksonville, Fla., 9–11–69 to 9–2–70; No. 683, Zion, Ill., 9–18–69 to 9–17–70; No. 793, Hazlet, N.J., 9–14–69 to 9–13–70; No. 463, Bridgeville, Pa., 9–15–69 to 9–14–70; No. 187, Lansdale, Pa., 9–18–69 to 9–17–70; No. 841, Pittsburgh, Pa., 9–16–69 to 9–15–70.

Hometown Super Market, foodstore; 6850 Bank Expressway, Marrero, La.; 9–16–69 to 8–15–70.

Jitney Jungle Food Store, foodstore; 134 Montgomery Street, Villa Rica, Ga.; 9–18–69 to 9–17–70.

S. S. Kresge Co., variety-department stores: No. 651, New London, Conn., 9–15–69 to 9–14–70; No. 497, Mattoon, Ill., 9–3–69 to 9–2–70; No. 576, Baltimore, Md., 9–18–69 to 9–17–70; No. 26, Springfield, Mass., 9–15–69 to 9–14–70; No. 550, Detroit, Mich., 9–16–69 to 9–15–70; Nos. 12 and 272, Flint, Mich., 9–15–69 to 9–14–70; No. 214, Flint, Mich., 9–16–69 to 9–15–70; No. 549, Lansing, Mich., 9–14–69 to 9–13–70; No. 2, Port Huron, Mich., 9–17–69 to 9–16–70; No. 315, Sault Ste. Marie, Mich., 9–15–69 to 9–14–70; No. 499, Traverse City, Mich., 9–13–69 to 9–12–70; No. 658, Barberton, Ohio, 9–16–69 to 9–15–70; No. 240, Cleveland, Ohio, 9–19–69 to 9–18–70; No. 4567, Cleveland, Ohio, 9–16–69 to 9–15–70; No. 362, Marion, Ohio, 9–19–69 to 9–18–70; No. 543, Monroeville, Pa., 9–13–69 to 9–12–70; No. 378, Oil City, Pa., 9–16–69 to 9–15–70; No. 4504, Reading, Pa., 9–16–69 to 9–15–70.

S. H. Kress and Co., variety-department store; 218 West Main Street, Oklahoma City, Okla.; 9–18–69 to 9–17–70.

Latonia 5/1.00 Store, variety-store; 3925 Winston Avenue, Covington, Ky.; 9–18–69 to 9–17–70.

McCrory-McLellan-Green Stores, variety-department stores: No. 329, Titusville, Fla., 9–18–69 to 9–17–70; No. 428, Dalton, Ga., 9–19–69 to 9–18–70; No. 1121, Macon, Ga., 9–15–69 to 9–8–70; No. 1305, Savannah, Ga., 9–19–69 to 9–18–70; No. 209, Valdosta, Ga., 9–12–69 to 9–11–70; No. 1202, Baltimore, Md., 9–16–69 to 9–15–70; No. 542, Albuquerque, N. Mex., 9–13–69 to 9–12–70; No. 565, Albuquerque, N. Mex., 9–12–69 to 9–11–70; No. 566, Farmington, N. Mex., 9–20–69 to 9–19–70; No. 45, Chambersburg, Pa., 9–15–69 to 9–14–70; No. 325, Fairless Hills, Pa., 9–14–69 to 9–13–70; No. 1066, Lancaster, Pa., 9–12–69 to 9–11–70; No. 317, York, Pa., 9–14–69 to 9–13–70; No. 161, Chester, S.C., 9–18–69 to 9–17–70; No. 322, Dallas, Tex., 9–15–69 to 9–14–70.

G. C. Murphy Co., variety-department stores from 9–12–69 to 9–11–70 except as otherwise indicated: Nos. 134, 147, 238, and 267, Baltimore, Md.; No. 268, Glen Burnie, Md.; No. 271, Bethlehem, Pa.; No. 108, Mercer, Pa. (9–13–69 to 9–12–70).

J. J. Newberry Co., variety-department stores from 9–13–69 to 9–12–70 except as otherwise indicated: No. 360, Alma, Mich. (9–12–69 to 9–11–70); No. 394, Columbia, Mo.; No. 226, Kennett Square, Pa.; No. 5, Shamokin, Pa. (9–11–69 to 9–10–70).

Rose's Stores Inc., variety-department stores: No. 139, Wilmington, N.C., 9–16–69 to 9–4–70; No. 42, Hartsville, S.C., 9–12–69 to 9–11–70.

Roth's Department Store, department store; Third and Locust Streets, Boonville, Ind.; 9–20–69 to 9–19–70.

Sunshine Department Store, department store; 795 Marietta Street NW., Atlanta, Ga.; 9–15–69 to 9–14–70.

Super Duper Food Center, foodstore; South Third and Sayles Boulevard, Abilene, Tex.; 9–15–69 to 9–14–70.

Sutherland Hospital and Nursing Home, hospital and nursing home; 344 Hickory Street, Sutherland, Nebr.; 9–15–69 to 9–14–70.

Tynes and McPherson, Inc., variety store; Monticello, Miss.; 9–12–69 to 8–11–70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Ann & Hope Factory Outlet, Inc., department store; 1689 Post Road, Warwick, R.I.; bagger; 2 to 3 percent; 9–18–69 to 9–17–70.

W. T. Grant Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, cashier except as otherwise indicated, 7 to 10 percent except as otherwise indicated, 9–18–69 to 9–17–70 except as otherwise indicated: No. 1157, Evansville, Ind. (4 to 24 percent, 9–3–69 to 9–2–70); No. 189, Baltimore, Md.; No. 1131, Baltimore, Md. (9–12–69 to 9–11–70); No. 564, Milwaukee, Wis. (salesclerk, office clerk, 8 to 10 percent).

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service, food preparation except as otherwise indicated: No. 4088, Colorado Springs, Colo., 9 to 16 percent, 9–20–69 to 9–19–70 (salesclerk, stock clerk, office clerk, checker-cashier); No. 4222, Merriam, Kans., 5 to 10 percent, 9–13–69 to 9–12–70 (salesclerk, stock cleck, office clerk, checker-cashier); No. 433, Saginaw, Mich., 10 percent, 9–14–69 to 9–13–70; No. 4021, Southgate, Mich., 10 percent, 9–14–69 to 9–13–70; No. 4053, Charlotte, N.C., 11 to 22 percent, 9–15–69 to 9–2–70 (salesclerk); No. 4266, Cleveland, Ohio, 10 percent, 9–12–69 to 9–11–70; No. 4013, Baytown, Tex., 7 to 27 percent, 9–12–69 to 9–11–70 (salesclerk); No. 4104, Roanoke, Va., 14 to 25 percent, 9–18–69 to 9–17–70 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service).

S. H. Kress and Co., variety-department stores for the occupations of salesclerk, stock clerk: 1999 Aloma Avenue, Winter Park, Fla., 1 to 10 percent, 9–18–69 to 9–17–70; 1012 Peachtree Street NE., Atlanta, Ga., 0.08 to 19 percent, 9–12–69 to 9–11–70.

Lerner Shops, apparel store; No. 291, Cincinnati, Ohio; salesclerk, cashier, credit clerk; 4 to 11 percent; 9–12–69 to 9–11–70.

McCall's Greenleaf Grocery, foodstore; Norman, Okla.; bagger, checker, clerk, carryout; 19 to 31 percent; 9–18–69 to 9–17–70.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated: No. 709, Sierra Vista, Ariz., 4 to 17 percent, 9–14–69 to 9–13–70; No. 350, Deerfield Beach, Fla., 13 to 27 percent, 9–11–69 to 9–10–70 (salesclerk, office clerk); No. 359, Dalton, Ga., 7 to 24 percent, 9–19–69 to 9–18–70; No. 557, Thomson, Ga., 7 to 28 percent, 9–20–69 to 9–19–70; No. 354, Salisbury, Md., 1 to 10 percent, 9–14–69 to 9–13–70 (salesclerk); No. 1072, Succasunna, N.J., 11 to 32 percent, 9–15–69 to 9–14–70; No. 90, Bristol, Pa., 14 to 30 percent, 9–20–69 to 9–19–70.

M. E. Moses Co., variety store; No. 37, Dallas, Tex.; salesclerk, checker, stock clerk; 19 to 50 percent; 9–17–69 to 9–16–70.

G. C. Murphy Co., variety-department store; No. 309, Oxon Hill, Md.; salesclerk, office clerk, stock clerk, janitorial; 9 to 25 percent; 9–12–69 to 9–11–70.

Neisner Brothers, Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 9–19–69 to 9–18–70 except as otherwise indicated: No. 135, Arcadia, Fla., 10 to 29 percent (9–16–69 to 9–15–70); No. 80, Deltona, Fla., 8 to 17 percent; No. 79, South Miami, Fla., 17 to 29 percent.

Pleezing Food Store of West Florida, foodstore; No. 3, Pensacola, Fla.; bagger, stock clerk, checker, market counter helper; 8 to 18 percent; 9–14–69 to 9–13–70.

Raylass Department Store; variety-department store; 119–121 Main Street, High Point, N.C.; office clerk, salesclerk, stock clerk, marker, janitorial; 9 to 31 percent; 9–12–69 to 9–11–70.

Rose's Stores, Inc., variety-department stores for the occupation of salesclerk except as otherwise indicated: No. 91, Winder, Ga., 13 to 33 percent, 9–18–69 to 9–17–70 (salesclerk, stock clerk, checker, window trimmer, marker, order writer); No. 64, Durham, N.C., 7 to 13 percent, 9–12–69 to 9–11–70; No. 118, Jacksonville, N.C., 16 to 26 percent, 9–5–69 to 9–4–70 (salesclerk, office clerk, stock clerk, checker); No. 179, Monroe, N.C., 11 to 27 percent, 9–18–69 to 9–17–70 (salesclerk, checker); No. 136, Clarksville, Tenn., 3 to 16 percent, 9–17–69 to 9–16–70; No. 55, Radford, Va., 3 to 16 percent, 9–17–69 to 9–16–70.

Seitner Brothers, Inc., department store; 302 Federal Street, Saginaw, Mich.; salesclerk, stock clerk, marker, office clerk; 2 to 8 percent; 9–13–69 to 9–12–70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 9–18–69 to 9–17–70 except as otherwise indicated: No. 780, Inverness, Fla., 2 to 17 percent; No. 786, Orlando, Fla., 2 to 17 percent; No. 152, Parkville, Mo., 22 to 31 percent (9–12–69 to 9–11–70); No. 765, Memphis, Tenn., 8 to 30 percent (9–17–69 to 9–16–70); No. 819, Lubbock, Tex., 7 to 21 percent.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 5th day of December 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-14766; Filed, Dec. 11, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 9, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41817—*Boxes, fiberboard from Roydale, Colo., and Oshkosh, Wis.* Filed by Southwestern Freight Bureau, agent (No. B–101), for interested rail carriers. Rates on boxes, fiberboard in carloads, as described in the application, from Roydale, Colo., and Oshkosh, Wis., to specified points in southwestern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 21, to Southwestern Freight Bureau, agent, tariff ICC 4946.

FSA No. 41818—*Cement from Atco and Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–113), for interested rail carriers. Rates on cement, white portland or white masonry, in carloads, as described in the application, from Atco and Houston, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Grounds for relief—Market competition.

Tariff—Supplement 28 to Southwestern Freight Bureau, agent, tariff ICC 4825.

FSA No. 41819—*Sodium (soda) chlorate to Courtland and Robertson, Ala.* Filed by Southwestern Freight Bureau, agent (No. B–108), for interested rail carriers. Rates on sodium (soda) chlorate, in shipper-owned covered hopper cars, in carloads, as described in the application, from Lake Charles, La., to Courtland and Robertson, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 187 to Southwestern Freight Bureau, agent, tariff ICC 4668.

FSA No. 41820—*Soda ash from Wyoming to points in southwestern and western trunkline territories.* Filed by Western Trunk Line Committee, agent (No. A–2606), for interested rail carriers. Rates on soda ash, in carloads, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in Illinois, Iowa, Louisiana, Minnesota, Missouri, and Texas.

Grounds for relief—Rate relationship.

Tariffs—Supplements 304 and 111 to Western Trunk Line Committee, agent, tariffs ICC A–4411, and A–4374, respectively, and Supplement 30 to Southwestern Freight Bureau, agent, tariff ICC 4832.

FSA No. 41821—*Fresh meats and packinghouse products from Liberal, Kans.* Filed by Western Trunk Line Committee, agent (No. A–2067), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, as described in the application, from Liberal, Kans., to specified points in southern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 53 to Western Trunk Line Committee, agent, tariff ICC A–4660.

FSA No. 41822—*Phosphatic fertilizer solution to Hedges, Wash.* Filed by North Pacific Coast Freight Bureau, agent (No. 69–7), for and on behalf of Union Pacific Railroad Co. Rates on phosphatic fertilizer solution in tank carloads, as described in the application from Silver Bow, Mont., to Hedges, Wash.

Grounds for relief—Rate relationship.

FSA No. 41823—*Methylene chloride from Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B–111) for and on behalf of Chicago & Eastern Illinois Railroad Co. and other carriers named in the application. Rates on methylene chloride, in tank carloads, as described in the application, from specified points in Louisiana and Texas to Chicago, Ill., and points taking same rates, also Lemont, Ill.

Grounds for relief—Related commodity relationship.

Tariffs—Supplements 187 and 249 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14553; Filed, Dec. 11, 1969; 8:45 a.m.]

[Notice 956]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 8, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 318 TA), filed November 28, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Earl J. Brooks, Post Office Box 958, Oakland, Calif. 94604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the National Lead Co. plantsite, approximately 12 miles north of Timpie, Tooele County, Utah, as an off-route point in connection with carrier's regular-route operations to and from Salt Lake City, Utah, for 180 days. NOTE: Applicant intends to tack with MC 730, at Oakland and Los Angeles, Calif., and Denver, Colo., and points east thereof, among other points. Supporting shipper: National Lead Co., Traffic Department, 111 Broadway, New York, N.Y. 10006. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of

Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 30844 (Sub-No. 304 TA), filed December 2, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, from* Quakertown, Pa., to Waterloo, Iowa, and points in Missouri, for 180 days. Supporting shipper: E. W. Knauss & Sons, Inc., Quakertown, Pa. 18951. Send protests to: District Supervisor Chas. C. Biggers, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 51146 (Sub-No. 152 TA), filed December 1, 1969. Applicant: SCHEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. J. Scheider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Marine propulsion equipment*, (2) *snow vehicles*, (3) *accessories, equipment, components, parts and related articles* for the commodities described in (1) and (2) above, and (4) *advertising material and premiums, and materials, equipment, supplies and paraphernalia* used in or in connection with the manufacture, sale, and distribution of the commodities described in (1), (2), and (3), above from the plant and warehouse sites of the Kiekhaefer Mercury Division of Brunswick Corp. near Fond du Lac., Wis., to points in the United States, except Alaska and Hawaii, (1) *return shipments* of the commodities described above, and *materials, equipment and supplies* used in or in connection with the manufacture, sale and distribution of the commodities described in paragraphs (1), (2), and (3) above, and in plant construction, from points in the United States, except Alaska and Hawaii to the plant and warehouse sites of the Keikhaefer Mercury Division of Brunswick Corp. at Cedarburg and Oshkosh, Wis., and near Fond du Lac, Wis., for 180 days. Supporting shipper: Kiekhaefer Corp., Fond du Lac, Wis. (Robert C. Anderegg, Controller). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 113267 (Sub-No. 224 TA), filed December 2, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 & 766, except commodities in bulk, in tank vehicles, and hides, from Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Louisiana, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 55501. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113678 (Sub-No. 368) (Correction), filed November 20, 1969, published in the FEDERAL REGISTER issue of December 4, 1969, and republished in part, as corrected this issue. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). NOTE: The purpose of this partial republication is solely to include the States of Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, and New York, to the destination territory, which States were inadvertently omitted in the previous publications. The rest of the application remains as previously published.

No. MC 115181 (Sub 15 TA), filed December 1, 1969. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry units, including glazed concrete masonry units, on vehicles equipped with mechanical unloading devices*, from the township of Limerick, Montgomery County, Pa., to points in Connecticut, Delaware, Maryland, Rhode Island, Massachusetts, New Jersey, New York, Virginia, and the District of Columbia, for 150 days. Supporting shipper: Universal Concrete Products Co., Ridge Pike, Route 422, Limerick, Pa. Send protests to: Paul J. Kenworth, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 117565 (Sub-No. 23 TA), filed December 1, 1969. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Module and/or modular units*, from the plantsite of Designed Facilities Corp. located in Delaware County, Ohio, to points in Pennsylvania, New Jersey, New York, and Michigan, and *special purpose carriers* used in the transportation of module and/or modular units, from points in Pennsylvania, New Jersey, New York, and Michigan to the plantsite of Designed Facilities Corp. located in Delaware County, Ohio, for 180 days. Supporting shipper: Designed Facilities Corp., South 26th Street and Buckeye Avenue, Newark, Ohio. Supporting shipper: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 119988 (Sub-No. 28 TA), filed December 2, 1969. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, Tex. 75901. Applicant's representative: Bennie Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from points in Angelina County, Tex., to points in Kansas and Oklahoma City, Tulsa and Sapulpa, Okla., and points in their respective commercial zones, and points on U.S. Highway 77 (Interstate 35), between the Texas-Oklahoma State line and Oklahoma City, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Southland Paper Mills, Inc., Post Office Box 149 (A. Q. Elliott, Traffic Manager), Lufkin, Tex. 75901. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 134112 (Sub-No. 1 TA), filed December 1, 1969. Applicant: ALLEN & SPITTLER, INC., 3204 South 121 Street, Omaha, Nebr. 68144. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, skins, switches or tails, and pieces thereof*, from the plantsite and warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., to points in the United States in, east and north of the States of Michigan, Ohio, West Virginia, and Virginia, and to points in Wisconsin, and Chicago, Ill., New Orleans, La., and San Francisco, Calif.; (2) *Such commodities* as are used by or dealt in by processors and distributors of commodities named in "(1)" above, (a) from destinations named in "(1)" above, to the plantsite or warehouse facilities of Lackawanna of Omaha, Inc., for 150 days. Supporting shipper: Lackawanna of Omaha, Inc., 2420 Z Street, Omaha, Nebr. 68107. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134174 TA, filed November 26, 1969. Applicant: CARL EDWIN CLOUD, JR., doing business as DAISY TRANSPORT, 2488 Ridgeway Drive, Doraville, Ga. 30040. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road, N.E., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities consisting primarily of radio and television sets and equipment, amplifying, audio, and recording devices, electrical appliances and batteries, and related electronic articles and components*, between railroad loading and unloading ramps in Atlanta, Ga., on the one hand, and, on the other, the site of the warehouse of the Panasonic Division of Matsushita Electric Corp. of America located near Beaver Ruin Road, Gwinnett Couny, Duluth, Ga., limited to shipments in trailers or empty trailers having a prior or subsequent movement in interstate or foreign commerce by railroad in TOFC or piggyback service, for 180 days. NOTE: Applicant states that the above-described commodities are manufactured or distributed by or for Matsushita Electric Corp. of America and affiliated corporations and suppliers, and imported into the United States, and shipped from the points of importation by TOFC or piggyback service to Atlanta, Ga., for transshipment to the warehouse in Gwinnett County, Ga., and for the reverse movement of the empty trailers to Atlanta, Ga. Supporting shipper: The Panasonic Division, Matsushita Electric Corp. of America, 1 Meca Way, Duluth, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14761; Filed, Dec. 11, 1969; 8:47 a.m.]

[Notice 459]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 9, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71712. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Brubaker Transfer, Inc., Eureka, Ill., of the operating rights in permits Nos. MC-123379 (Sub-No. 1) and MC-123379 (Sub-No. 3) issued November 8, 1961, and May 16, 1969, respectively, to Denver Richard Brubaker, doing business as Brubaker Transfer, Eureka, Ill., authorizing the transportation, over irregular routes, of machined wooden component parts for store-display fixtures, from Center, Tex., to Metamora, Ill., and new display cases and store fixtures from Metamora, Ill., to points in Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Colorado, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin for a named shipper or consignee. Samuel G. Harrod, 106½ East Centre Street, Eureka, Ill. 61530, attorney for applicants.

No. MC-FC-71723. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Larry's Express, Inc., Tomah, Wis., of permit No. MC-128860 issued October 11, 1967, to Ben Larry, doing business as Larry's Express, Tomah, Wis., authorizing the transportation of malt beverages and related advertising materials, and premiums, and malt beverages dispensing equipment, in mixed loads with malt beverages, from Denver, Colo.; St. Louis, Mo.; La Crosse, Wis.; Chicago, Ill.; South Bend, Ind.; Detroit, Mich.; New York, N.Y.; and Newark, N.J.; to Minneapolis, Minn., and from Denver, Colo.; St. Louis, Mo.; La Crosse, Wis.; South Bend, Ind.; Detroit, Mich.; New York, N.Y.; and Newark, N.J., to Long Lake, Minn. Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705, attorney for applicants.

No. MC-FC-71742. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Robert D. Melton, doing business as Hopkins Bus Lines, Wichita, Kans., of the certificate in No. MC-107071 issued May 6, 1947, to Roy M. Hopkins, doing business as Roy M. Hopkins Bus Line, Anthony, Kans. 67003, authorizing the transportation of passengers and their baggage and express, mail, and newspapers, in the same vehicle with passengers over regular routes between Wichita, Kans., and Weatherford, Okla., serving all intermediate points. Patrick L. Dougherty, 444 North Market Street, Wichita, Kans. 67201, attorney for transferee.

No. MC-FC-71745. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Central Stone Co., a corporation, Huntington, Mo., of the operating rights in certificate No. MC-123803 issued March 20, 1962, to Leonard Cullifer, Shelbina, Mo., authorizing the transportation of road construction materials and buildings supplies, in bulk, in dump vehicles, excluding cement originating at points of production, between points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and points in Adams (except Quincy, Ill., and points in the commercial zone thereof), Hancock and Pike Counties, Ill., and between points in Lee County, Iowa, on the one hand, and, on the other, points in Adams, Hancock, and Pike Counties, Ill. Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101, attorney for applicants.

No. MC-FC-71746. By order of November 28, 1969, the Motor Carrier Board approved the transfer to H & S Warehouse, Inc., Fairbanks, Alaska, of the operating rights in certificate No. MC-118475 (Sub-No. 2) issued May 5, 1964, to Everett W. Hepp and Francis X. Chapados, a partnership, doing business as H & S Warehouse Association, Fairbanks, Alaska, authorizing the transportation of general commodities, with usual exceptions, between Valdez and Fairbanks, Alaska, on the one hand, and, on the other, points in Alaska, except points on the Kenai Peninsula south of an imaginary line running east-west through Girdwood, Alaska, and except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canadian (Yukon Territory) boundary line, other than Haines and Juneau, Alaska, Lloyd I. Hoppner, Post Office Box 516, Fairbanks, Alaska 99701, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14762; Filed, Dec. 11, 1969; 8:47 a.m.]

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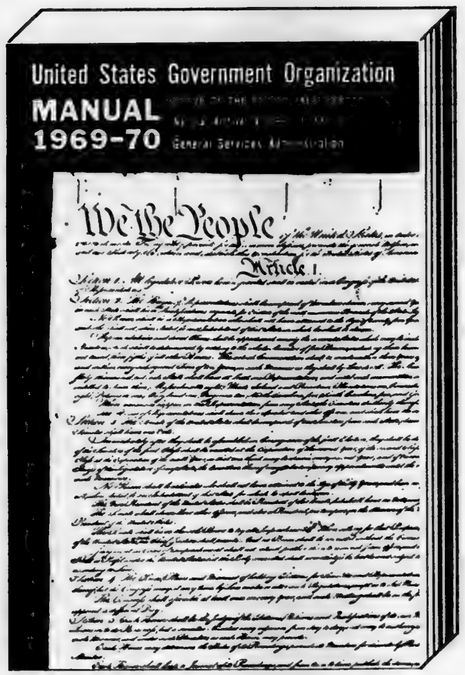
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Saturday, December 13, 1969 • Washington, D.C.

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Title 3—THE PRESIDENT

Proclamation 3947

WRIGHT BROTHERS DAY, 1969

By the President of the United States of America

A Proclamation

Over the centuries, man dreamed a great dream—to break his bondage to the earth and fly through the sky. The Greeks told of Icarus who almost succeeded, but who paid for failure with his life. The dream took shape in the mind of the Renaissance Man, da Vinci, who drew designs for a flying machine, but who never flew. But the dream was always there, and always man worked to make the dream a reality.

On December 17, 1903, Orville and Wilbur Wright made the dream a hard scientific fact. Orville stepped from a homemade contraption onto an ocean beach in the State of North Carolina, after completing the first successful airplane flight.

Almost sixty-six years later, another man stepped from another craft onto another plain. This plain was the waterless Sea of Tranquility on the Moon. Man had not only removed his bondage to the earth, but had expanded his horizons to outer space.

During these sixty-six years since the Wright brothers made man's first powered flight, aviation has revolutionized our way of life. Today, aviation is the servant of man, bringing the world closer together and making its parts more accessible. Tomorrow, aviation promises greater service, greater contributions, and new vistas for each of us.

The names of Orville Wright and Wilbur Wright symbolize America's pioneering leadership in aviation. With countless other men of all nations, they represent mankind's ceaseless effort to make dreams reality.

It is fitting that we should commemorate the achievements of the Wright brothers. The Congress, by Public Law 88–209 (77 Stat. 402), has designated the seventeenth day of December of each year as Wright Brothers Day and has requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon the people of this nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1969, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers, and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of December, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-fourth.

Richard Nixon

[F.R. Doc. 69–14855; Filed, Dec. 11, 1969; 2:53 p.m.]

Executive Order 11499

AMENDING EXECUTIVE ORDER NO. 11248, PLACING CERTAIN POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 2 of Executive Order No. 11248 [1] of October 10, 1965, as amended, placing certain positions in level V of the Federal Executive Salary Schedule, is further amended by deleting "(21) Assistant Archivist, Office of Presidential Libraries, General Services Administration", and inserting in lieu thereof the following:

(21) Commissioner, Transportation and Communications Service, General Services Administration.

Richard Nixon

THE WHITE HOUSE,
December 11, 1969.

[F.R. Doc. 69-14912; Filed, Dec. 12, 1969; 10:13 a.m.]

[1] 30 F.R. 12999; 3 CFR, 1964-1965 Comp., p. 349.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 405]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.705 Lemon Regulation 405.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommedation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 9, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period December 14, 1969, through December 20, 1969, are hereby fixed as follows:

(i) District 1: 32,550 cartons;

(ii) District 2: 79,050 cartons;

(iii) District 3: 120,900 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 11, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14834; Filed, Dec. 12, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1430—DAIRY PRODUCTS

Subpart—Milk and Butterfat Price Support Program

The program heretofore announced to support prices to producers for milk and butterfat during the marketing year April 1, 1969, through March 31, 1970 (34 F.R. 6471), is amended below to increase by one-fourth cent per pound the announced prices at which CCC offers to purchase butter when the butter is offered in "freezer" space in CCC-approved warehouses.

Section 1430.282(b) is amended by adding the following subparagraph:

§ 1430.282 Price support program for milk and butterfat.

* * * * * *

(b) * * *

(3) The foregoing prices for butter shall be one-fourth cent per pound higher with respect to butter offered in "freezer" space in CCC-approved warehouses with in-and-out handling charges paid, and storage charges paid through the date of delivery to CCC.

* * * * * *

This amendment shall be effective as of December 5, 1969.

Signed at Washington, D.C., on December 10, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-14829; Filed, Dec. 12, 1969; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the names of the States of Kentucky and Tennessee, and subparagraphs (10) and (11) are added to paragraph (e) to read:

(10) *Kentucky.* Simpson County.

(11) *Tennessee.* Dyer County.

2. In § 76.2 paragraph (e)(8) relating to Missouri is amended by adding thereto the name of Clinton County.

3. In § 76.2, paragraph (e)(6) relating to Texas is amended by adding thereto the names of Dallas and Harris Counties.

4. In § 76.2, paragraph (f) is amended by deleting the reference to "Tennessee."

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine certain counties in the States of Kentucky, Missouri, Tennessee, and Texas because of the existence of hog chlorea. The amendments also delete the State of Tennessee from the hog cholera eradication States.

These actions are deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of December 1969.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69-14828; Filed, Dec. 12, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10011; Amdt. 39-894]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Heron Model D.H. 114 Airplanes

There has been a report of fatigue cracks occurring on the engine mounting pickup wing straps located at the top outboard position of the inboard engine mount-to-wing attachment structure on Hawker Siddeley Model D.H. 114 Heron airplanes. This condition could impair the structural integrity of the inboard engine mount attachment structure. In view of the serious consequences of such a failure, and since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require repetitive inspections of the wing strap for fatigue cracks, replacement of two of the wing strap-to-engine mount attachment fitting bolts and replacement of cracked straps on Hawker Siddeley Heron Model D.H. 114 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Heron Model D.H. 114 Airplanes.

Compliance is required as indicated.

To reduce the possibility of fatigue cracks developing in the engine mount pickup wing straps located at the top outboard position of the left and right inboard engine-to-wing attachment structure, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 250 hours' time in service, remove the top cowling panel over the oil tank on the right and left inboard engine installations and visually inspect the upper outboard engine mounting pickup wing straps for fatigue cracks using a dye penetrant method and in accordance with Hawker Siddeley Technical News Sheet, Series Heron 114, No. W.15, Issue 1, dated October 27, 1969, or an FAA-approved equivalent.

(b) Within the next 300 hours' time in service after accomplishing the inspection required by paragraph (a), accomplish the following:

(1) Remove and discard the two aft bolts and nuts which attach the upper outboard engine mount pickup straps of the left and right inboard engine installation structure to the engine mounting pickup fitting.

(2) Accomplish the inspection required in paragraph (a).

(3) Replace the bolts and nuts removed in accordance with subparagraph (1) with new bolts, P/N A.25 4E, and new nuts, P/N A.16Y/ET in accordance with Hawker Siddeley Technical News Sheet, Series Heron (114), No. W.15, Issue 1, dated October 27, 1969, or an FAA-approved equivalent.

(c) Within the next 600 hours' time in service after compliance with paragraph (b) and thereafter at intervals not to exceed 600 hours' time in service since the last inspection, accomplish the inspection required by paragraph (a).

(d) If cracks are found during any of the inspections required by paragraphs (a), (b), and (c) replace the cracked wing strap with a new strap in accordance with Hawker Siddeley Technical News Sheet, Series Heron (114), No. W.15, Issue 1, dated October 27, 1969, or an FAA-approved equivalent.

This amendment becomes effective December 18, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 8, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-14806; Filed, Dec. 12, 1969; 8:47 a.m.]

[Docket No. 69-EA-148; Amdt. 39-892]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 so as to issue an airworthiness directive which will require an inspection of the reduction gearing pinion cage attaching nut and eventual replacement of the thrust bearing oil slinger.

A few incidents have been reported where the reduction gearing pinion cage attaching nut had backed off. The nut is used to secure the propeller-shaft in the reduction gearing assembly. The AD requires a one time inspection to replace the spline nut with a hexagonal nut, increase the required torque from 200 ft.-lbs. to 400 ft.-lbs. and at overhaul replacement of oil slinger P/N 68319 with P/N 77454.

Since the foregoing requires expeditious adoption of the airworthiness directive, notice and public procedure are deemed impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

LYCOMING ENGINES. Applies to Lycoming GO-435-C2A, GO-480, GSO-480, and IGSO-480 type engines using reduction gear assemblies P/N's 72875 and 72879 and all IGO-540 and IGSO-540 type engines. Engines with the serial numbers listed below and engines remanufactured after October 15, 1969, need not comply with this AD:

GO-435 S/N 3340-11, 3342-11 and up.
GO-480-B S/N 1289-28 and up.
GO-480-D S/N 411-32 and up.
GO-480-G2D6 S/N 1602-34 and up.
GO-480-G1B6 S/N 1359-35 and up.
GO-480-G1D6 S/N 562-37 and up.
GO-480-G1A6 S/N 218-42 and up.
GSO-480 S/N 3322-33 and up.
IGSO-480 S/N 1784-44 and up.
IGO-540 S/N 303-49 and up.
IGSO-540 S/N 2516-50 and up.

Compliance required prior to the accumulation of six hundred (600) hours in service for the GO-435, IGO-540, and IGSO-540 type engines and prior to the accumulation of seven hundred (700) hours in service for GO-480, GSO-480, and IGSO-480 type engines. If the engine has passed the foregoing times compliance is required within the next one hundred (100) hours in service. To prevent failure of the reduction gear assembly a one time inspection is to be accomplished as follows:

a. Check torque on reduction gearing pinion cage attaching nut.

1. If found to be in excess of 50 ft.-lbs. remove, inspect for damage and replace the oil retaining housing if necessary. During assembly comply with part (b) using a new lockplate and a pinion cage attaching nut torque of 400 ft.-lbs. When the assembly is disassembled replace thrust bearing oil slinger P/N 68319 with P/N 77454.

2. If found to be less than 50 ft.-lbs. disassemble the assembly and insure that all components meet approved specifications and replace the thrust bearing oil slinger P/N 68319 with P/N 77454 and the oil retaining housing. During assembly comply with part (b) using a new lockplate and a pinion cage attaching nut torque of 400 ft.-lbs.

b. If the pinion cage is secured with a spline nut it must be replaced with an approved hexagonal nut.

c. If the assembly has been rebuilt using thrust bearing oil slinger P/N 77454, stamp the suffix (-1) to the part number on the reduction gear housing.

Lycoming Service Bulletin No. 319 and Lycoming Service Instruction No. 1210A pertain to this subject.

This amendment is effective December 17, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-14807; Filed, Dec. 12, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Federal Airways and Reporting Points; Correction

On October 30, 1969, F.R. Doc. 69-12958 was published in the FEDERAL REGISTER (34 F.R. 17510) and amended Part 71 of the Federal Aviation Regulations. The amendments will become effective January 8, 1970. In items No. 2 and No. 3 the Anvil INT was redescribed by use of the Kirilof Wharf radio beacon. Subsequent to the publication of the amendments, it has been determined that the Adak, Alaska, radio beacon bearing utilized in the description of the Anvil INT should be altered 1° so as to position the intersection at the proper location. Accordingly, action is taken herein to reflect this minor bearing change.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, F.R. Doc. 69-12958 (34 F.R. 17510) is amended as follows:

a. Item 2.a. Anvil INT is amended to read:

Anvil INT: INT 006° bearing Kirilof Wharf, Alaska, RBN, 282° bearing Adak, Alaska, RBN.

b. Item 3.a. Anvil INT is amended to read:

Anvil INT: INT 006° bearing Kirilof Wharf, Alaska, RBN, 282° bearing Adak, Alaska, RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 9, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14808; Filed, Dec. 12, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area and Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 69-13894, appearing at page 18751 in the issue of Saturday, November 22, 1969, in the third column under the Hickory, N.C., control zone, the latitude designation in the second line reading "34°44'30" N." should read "35°44'30" N.".

[Airspace Docket No. 69-WA-58]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to amend the description of the designated altitudes associated with Restricted Area R-3120.

In an amendment to Part 73 of the Federal Aviation Regulations published in the FEDERAL REGISTER on September 17, 1969 (34 F.R. 14463), Restricted Area R-3120 was altered by revoking the portion of the area encompassed by land. However, the amendment failed to amend the designated altitudes for the portion being revoked. Accordingly, action is taken herein to amend the description of R-3120 to reflect the current designated altitudes.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public precedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 73.31 (34 F.R. 4824, 14463) is amended as follows:

In R-3120 FMRFAC Five, Hawaii, "Designated Altitudes." is amended to read:

Designated altitudes: Surface to 5,000 feet MSL.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 8, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14809; Filed, Dec. 12, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1620]

PART 13—PROHIBITED TRADE PRACTICES

Arjay Batting Corp. and Jacob Lowinger

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Arjay Batting Corp. et al., Brooklyn, N.Y., Docket C-1620, Nov. 6, 1969]

In the Matter of Arjay Batting Corp., a Corporation, and Jacob Lowinger, Individually and as an Officer of Said Corporation

Consent order requiring a Brooklyn, N.Y., manufacturer of batting for quilting to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Arjay Batting Corp., a corporation, and its officers, and Jacob Lowinger, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to clearly affix to, or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Arjay Batting Corp., a corporation, and its officers, and Jacob Lowinger, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of wool batting material or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14775; Filed, Dec. 12, 1969; 8:45 a.m.]

[Docket No. C-1619]

PART 13—PROHIBITED TRADE PRACTICES

DNB, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act: 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 70, 68) [Cease and desist order, DNB, Inc., et al., New York, N.Y., Docket C–1619, Nov. 6, 1969]

In the Matter of DNB, Inc., a Corporation, Trading as Women's Haberdashers, and Beth Lee Liss, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of ladies' custom-made and ready-to-wear garments to cease misbranding its wool and textile fiber products and failing to maintain required records on its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents DNB, Inc., a corporation, trading as Women's Haberdashers, or under any other name or names, and its officers, and Beth Lee Liss, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding such textile fiber products by:

1. Failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to affix labels to samples, swatches or specimens of textile fiber products used to promote or effect the sale of such textile fiber products showing in words and figures plainly legible all the information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain proper records of fiber content of textile fiber products manufactured by respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14776; Filed, Dec. 12, 1969; 8:45 a.m.]

[Docket No. C-1623]

PART 13—PROHIBITED TRADE PRACTICES

Geon Intercontinental Corp. et al.

Subpart—Coercing and intimidating: § 13.375 *Suppliers of competitors.* Subpart—Combining or conspiring: § 13.385 *To boycott seller-suppliers;* § 13.397 *To cut off competitor's suppliers;* § 13.410 *To eliminate competition in conspirators' goods.* Subpart—Cutting off access to customers or market: § 13.600 *Withholding patronage from recalcitrant suppliers.* Subpart—Cutting off supplies or service: § 13.617 *Inducing suppliers to refuse to sell to competitors;* § 13.660 *Threatening withdrawal of patronage.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Geon Intercontinental Corp. et al., Woodbury, N.Y., Docket C–1623, Nov. 12, 1969]

In the Matter of Geon Intercontinental Corp., a Corporation, and Beck/Arnley Corp. (Formerly Beck Distributing Corp.), a Corporation

Consent order requiring two importers and distributors of replacement parts for foreign made automobiles located in Melville and Woodbury, N.Y., to cease restricting competition in the foreign automotive parts business by threatening or coercing suppliers of such parts not to sell to potential new entrants into the field.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondents, Geon Intercontinental Corp., a corporation, and Beck/Arnley Corp., a corporation, their subsidiaries, successors, assigns, officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the importation, sale, or distribution of imported automotive parts in commerce as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from entering into, maintaining, effectuating, carrying out, cooperating in or continuing any agreement, understanding, combination, conspiracy, or planned course of action or course of dealing, between or among any of said respondents or between any one or more of the said respondents and one or more of respondents' competitors not parties hereto, to do or perform any of the following:

1. Refusing to buy or threatening to refuse to buy automotive parts from any manufacturer.

2. Inducing, persuading, compelling, or coercing any manufacturer from selling automotive parts to any particular person or group or class of persons.

3. Purchasing or offering to purchase automotive parts from any manufacturer under the condition or understanding that such manufacturer will not sell to any particular person or to any group or class of persons.

4. Communicating directly or indirectly with any manufacturer for the purpose of inducing such manufacturer not to sell automotive parts to any particular person or to any group or class of persons.

5. Suppressing, hindering, restricting, or limiting competition in the importation or distribution of automotive parts.

II. *It is further ordered*, That each of the individual corporate respondents herein, their subsidiaries, successors, assigns, officers, directors, agents, representatives, and employees, directly or through any corporate or other device, individually cease and desist from performing any of the following:

1. Inducing, persuading, threatening, compelling, coercing or attempting to induce, persuade, threaten, compel, or coerce any manufacturer not to sell imported automotive parts to any competitor or potential competitor: *Provided, however*, Nothing contained herein shall prevent any respondent from unilaterally and independently exercising its legal right to maintain, select, or terminate any supplier.

2. Seeking, negotiating, or entering into, directly or indirectly, any exclusive distributorship arrangement with any manufacturer listed on Attachments A or B of this order for five (5) years: *Provided, however*, Nothing contained herein shall prevent any respondent from continuing any exclusive distributorship arrangement in effect on March 1, 1968.

III. *It is further ordered*, That respondent Beck/Arnley Corp. shall within sixty (60) days after service upon it of this order, serve by mail on each company listed in Attachment A, a copy of this order and a copy of attached Letter C; and that respondent Geon Intercontinental Corp. shall within sixty (60) days after service upon it of this order, serve by mail on each company listed in Attachment B, a copy of this order and a copy of Letter C attached to this order. For respondent Beck/Arnley Corp. it is ordered that attached Letter C be signed by Franklin B. Beck, William M. Arnowitz and Randolph C. St. John. For respondent Geon Intercontinental Corp. it is ordered that attached Letter C be signed by Peter H. Neuwirth and Biarne Qvale.

IV. *It is further ordered*, That respondent corporation herein shall forthwith forward a copy of this order to all of their operating divisions.

V. *It is further ordered*, That respondents herein within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

VI. *It is further ordered*, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: November 12, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14777; Filed, Dec. 12, 1969; 8:45 a.m.]

[Docket No. C-1622]

PART 13—PROHIBITED TRADE PRACTICES

Laconia Shoe Co. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–40 In general. Subpart—Misrepresenting oneself and goods—GOODS: § 13.1590 *Composition.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–15 Federal Trade Commission Act. Subpart—Simulating another or product thereof: § 13.2230 *Product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Laconia Shoe Co. et al., Laconia, N.H., Docket C–1622, Nov. 12, 1969]

In the Matter of Laconia Shoe Co., a Corporation, and Eugene Brindis and Robert J. Selig, Individually and as Officers of Said Corporation

Consent order requiring a Laconia, N.H., manufacturer and distributor of shoes to cease selling shoes made of simulated leather material without conspicuously disclosing by stamp, tag, or label affixed to the shoes the true nature of the material.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Laconia Shoe Co., a corporation and its officers, and Eugene Brindis and Robert J. Selig, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing, offering for sale, sale or distribution of shoes or other footwear, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling, distributing or placing in the hands of others for distribution or sale purposes, footwear products containing one or more visible or partly visible parts, other than heels, which are composed of nonleather material having the appearance of leather or split leather, without clearly and conspicuously disclosing (1) the identity of the part or parts of such products so composed and (2) either that the material is simulated or imitation leather or the general nature of the material in such manner as will show it is not leather or split leather; such disclosures to appear on a stamp, tag, or label embedded in or attached to such products, of such degree of permanency as to remain thereon until consummation of consumer sale of the products, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the products.

2. Misrepresenting, in any manner, or by any means, directly or indirectly, the kind or type of leather or other materials used in the manufacture of respondents' products or any part thereof.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 12, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14778; Filed, Dec. 12, 1969; 8:45 a.m.]

[Docket No. C-1621]

PART 13—PROHIBITED TRADE PRACTICES

Angel Orestes Rigoli and American Cultural Interchange, Inc.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–125 Individual or private business being: 13.15–125(u) Nonprofit organization; 13.15–237 professional or scientific

status; § 13.75 *Free goods or services;* § 13.85 *Government approval, action, connection or standards:* 13.85–5 Accreditation of correspondence courses, etc. Subpart—using misleading name—VENDOR: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Angel Orestes Rigoli et al., Miami, Fla., Docket C–1621, Nov. 12, 1969]

In the Matter of Angel Orestes Rigoli, Individually and as a Former Officer of American Cultural Interchange, Inc., a Dissolved Corporation

Consent order requiring a Miami, Fla., individual engaged in distributing correspondence courses to cease doing business under any name which implies that the enterprise is other than a private commercial venture, misrepresenting that his school is accredited, that it provides scholarships, and that any of its materials are free.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Angel Orestes Rigoli, individually and as a former officer of American Cultural Interchange, Inc., a dissolved corporation, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in journalism, English, photography, sewing, beauty culture or any other subject, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "American Cultural Interchange, Inc." or any other name or names of similar import or meaning to describe or designate his business; or representing, in any manner, that respondent's business is other than that of a private commerical venture engaged in the sale of correspondence courses for a profit.

2. Representing, directly or by implication, that respondent's school or his courses have been accredited, approved or recognized by any educational authority in the United States.

3. Misrepresenting in any manner the status, accreditation or approval of respondent's business, his school or his courses.

4. Representing, directly or by implication, that respondent provides scholarships.

5. Representing, directly or by implication, that the instructional material and equipment provided as a part of respondent's courses are free, or misrepresenting, in any manner, the cost or nature of respondent's courses.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: November 12, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–14774; Filed, Dec. 12, 1969; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33–5025, 34–8758, 35–16528, 39–266, IC–5893, IAA–251]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Certain Functions to Certain Staff Officials

The Securities and Exchange Commission has amended its rules under which certain functions of the Commission have been delegated to the directors of divisions and certain other staff officials.

The amendment delegates to the Director of the Division of Corporation Finance authority under the Securities Act of 1933 to accelerate the effective date of registration statements, to consent to the filing of amendments prior to the effective date so as to be treated as a part of the registration statement, to determine that amendments filed prior to the effective date have been filed pursuant to an order of the Commission, and to make effective applications for qualification for trust indentures filed with registration statements. The director of the Division previously had authority to take such action with respect to registration statements filed on certain forms, registration statements involving competitive bidding and registration statements filed by companies reporting pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. The enlarged authority delegated to the director of the Division relates primarily to action with respect to registration statements filed by companies which have not previously registered securities under the Act.

Commission action. Subparagraph (5) of paragraph (a) of § 200.30–1 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended to read as follows:

§ 200.30–1 **Delegation of authority to Director of Division of Corporation Finance.**

* * * * * * *

(a) * * *

(5) To take the following action pursuant to section 8(a) of the Act:

(i) To determine registration statements to be effective within shorter periods of time than twenty days after the filing thereof;

(ii) To consent to the filing of amendments prior to the effective dates of registration statements as parts thereof, or to determine that amendments filed prior to the effective dates of registration statements have been filed pursuant to orders of the Commission, so as to be treated as parts of the registration statements for the purpose of section 8(a) of the Act;

(iii) To determine to be effective applications for qualification of trust indentures filed with registration statements.

* * * * * * *

The Commission finds that the foregoing amendment involves matters of agency organization or procedure and that notice and procedure pursuant to subsections 4 (a) and (b) of the Administrative Procedure Act are not required. The Commission also finds that the provisions of subsection 4(c) of the Administrative Procedure Act regarding postponement of the effective date are inapplicable inasmuch as the foregoing amendments are not of a substantive nature.

Accordingly, the foregoing action, which is taken pursuant to Public Law No. 87–592, 76 Stat. 394, shall become effective November 24, 1969.

(Sec. 1, 76 Stat. 394, 15 U.S.C. 78d–1)

By the Commission, November 21, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14783; Filed, Dec. 12, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–257]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Powers of Attorney

The purpose of the following regulation is to allow an individual who is not a regular importer to appoint by power of attorney another individual as his unpaid agent to enter merchandise constituting a single noncommercial shipment. Section 8.19(j) now provides that only a relative of the importer may be authorized by power of attorney to make an entry under such circumstances.

Section 8.19(j), Customs Regulations, is accordingly amended to read as follows:

§ 8.19 **Powers of attorney.**

* * * * * * *

(j) An individual (but not a partnership, association, or corporation) who is not a regular importer may appoint another individual as his unpaid agent for customs purposes by executing a power of attorney applicable to a single noncommercial shipment by writing, printing, or stamping and subscribing on the invoice, or on a separate paper attached thereto, the following statement:

_____ of _____ is hereby
Name Address
authorized to execute, as an unpaid agent who has knowledge of the facts, pursuant to the provisions of section 485(f), Tariff Act of 1930, as amended, the consignee's and owner's declarations provided for in section 485 (a) and (d), Tariff Act of 1930, and to enter on my behalf or for my account the goods described in the attached invoice which contains a true and complete statement of the facts concerning this shipment.
Date _____ 19__
Signature of importer _____
Address _____

* * * * * * *

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Notice of proposed rule making was published in the FEDERAL REGISTER for August 29, 1967 (32 F.R. 12481). Interested persons were given an opportunity to submit relevant data, views, or arguments in writing regarding the proposed amendments. All comments received have been carefully considered.

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved: December 5, 1969.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 69–14832; Filed, Dec. 12, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Certain Cheeses, Identity Standards; Confirmation of Effective Date of Order Regarding Use of Additional Safe, Suitable Milk-Clotting Enzymes

In the matter of amending the standards of identity for cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, gruyere cheese, samsoe cheese, blue cheese, gorgonzola cheese, nuworld cheese, roquefort cheese, and cook cheese (21 CFR 19.515, 19.520, 19.525, 19.530, 19.543, 19.544, 19.565, 19.567, 19.569, 19.570, and 19.635) to permit use of other safe and suitable milk-clotting enzymes in addition to, or in lieu of, rennet for cheesemaking:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of October 15, 1969 (34 F.R. 15841). Accordingly, the amendments promulgated thereby will become effective December 14, 1969.

Dated: December 8, 1969.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[F.R. Doc. 69–14812; Filed, Dec. 12, 1969; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

n-ALKYL (C_{12}–C_{18}) BENZYLDIMETHYLAMMONIUM CHLORIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 0H2449) filed by Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of a sanitizing solution as described in § 121.2547(b)(9) but with an average molecular weight of 351–380. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2547(b)(9) is revised to read as follows:

§ 121.2547 **Sanitizing solutions.**

* * * * * * *

(b) * * *

(9) An aqueous solution containing *n*-alkyl (C_{12}–C_{18}) benzyldimethylammonium chloride compounds having average molecular weights of 351–380 and consisting principally of alkyl groups with 12–16 carbon atoms with or without not over 1 percent each of groups with 8 and 10 carbon atoms.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 8, 1969.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[F.R. Doc. 69–14813; Filed, Dec. 12, 1969; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2435) filed by the B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of 1,3-butanediol as an antioxidant and/or stabilizer in polymers used in the manufacture of articles for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2566 **Antioxidants and/or stabilizers for polymers.**

* * * * * * *

(b) * * *

	Limitations
1,3-Butanediol	* * *

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 2, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14803; Filed, Dec. 12, 1969; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2411) filed by Humble Oil & Refining Co., Houston, Tex. 77001, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of additional substances (described below) as components of paper and paperboard for use in contact with dry food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120, § 121.2571(b)(2) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Petroleum alicyclic hydrocarbon resins, or the hydrogenated product thereof, complying with the identity prescribed in § 121.2526(b)(2).	For use as modifiers at levels up to 30 weight-percent of the solids content of wax-polymer blend coatings.
* * *	* * *

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14804; Filed, Dec. 12, 1969; 8:47 a.m.]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Requirements for Exportation of Controlled Substances

On November 7, 1969, a notice was published in the FEDERAL REGISTER (34 F.R. 18042) stating that the Director, Bureau of Narcotics and Dangerous Drugs, pursuant to the provisions of section 701 of the Food, Drug, and Cosmetic Act, 52 Stat. 1055, as amended (21 U.S.C. 371); and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.200 of Title 28 of the Code of Federal Regulations, proposed to establish definite procedures for the exportation of controlled dangerous substances to allow the efficient enforcement of the provisions of section 801(d) of the Act (21 U.S.C. 381).

After reviewing the comments received on the proposed regulations it is concluded that the regulations should be adopted in the form set forth below. Therefore, pursuant to the authority cited in the preceding paragraph, Part 320 of Title 21 of the Code of Federal Regulations is amended by adding to the existing sections the following new section:

§ 320.20 Exportation.

(a) The provisions of section 801(d) of the act (21 U.S.C. 381 (d)), provide that a drug intended for export shall not be deemed to be adulterated or misbranded but that if such an article is sold or offered for sale in domestic commerce, it is not exempt from control. The provisions of Part 370 of Title 15 of the Code of Federal Regulations (15 CFR 370.2), contain the following definition: "*U.S. Exporter*. That person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the commodities and technical data out of the United States." Therefore, such exporter, who may be the manufacturer, compounder, processor, wholesaler, or distributor of the controlled substances will be deemed the "U.S. Exporter" under 15 CFR 370.2, and must comply with one of the following alternative procedures in order to insure that controlled substances "intended for export" are in fact exported:

(1) The "U.S. Exporter" will execute the Shipper's Export Declaration, Form 7525–V, if required by 15 CFR 379.1–379.13, and have the controlled substances delivered to a bonded carrier for delivery to the port or border for shipment directly to the consignee in the foreign country without shipping the substances to a "forwarding agent." A copy of the invoice describing the controlled substance must be attached to each copy of the Shipper's Export Declaration and these documents must accompany the shipment. Form 7525–V may be obtained at a cost of $1 per 100 from any local Customs or Department of Commerce Field Office, and assistance in the execution of such Forms is also available at such offices. A "U.S. Exporter" may not, under any circumstances, physically release a shipment of controlled substances to anyone, including the consignee, at his agent, within the United States.

(2) The "U.S. Exporter" may ship the controlled substances to a "forwarding agent" as defined in 15 CFR 379.4(f), who will execute the required Shipper's Export Declaration and further act as an exporting agent for the principal. When a "forwarding agent" is utilized, a copy of the invoice describing the controlled substance must be attached to each copy of the Shipper's Export Declaration and these documents must accompany the shipment. A "forwarding agent" may not, under any circumstances, release a shipment of controlled substances to anyone, including the consignee, or his agent, within the United States. The "forwarding agent" must either deliver the controlled substances to the port or border, or deliver the controlled substances to a bonded carrier approved by the principal for delivery to the port or border.

(b) In the event that controlled substances intended for export by a "U.S. Exporter" or a "forwarding agent" are introduced or delivered into domestic commerce before they are exported, such introduction or delivery shall be considered a domestic sale, delivery, or other disposition of a controlled substance under 21 U.S.C. 360a, and a prohibited act under 21 U.S.C. 331(q)(2).

Any person who will be adversely affected by the regulations may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 I Street NW., Washington, D.C. 20537, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulations and specify with particularity the provisions deemed objectionable and the grounds for objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. The regulations shall become effective 31 days from the date of publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

Dated: December 8, 1969.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-14780; Filed, Dec. 12, 1969; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended: 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of the 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 607 (34 F.R. 9346), the Secretary of Labor appointed and convened Industry Committee No. 88 for the food and related products industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Division of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 88 are hereby published, to be effective December 29, 1969, in this order amending § 673.2 of Title 29, Code of Federal Regulations.

In § 673.2, as revised hereby, the following classifications within the industry, as defined in § 673.1, were not subject to review by Industry Committee No. 88: The pre-1961 classifications included in subparagraphs (2) and (5) of paragraph (a) and the 1961 classifications included in subparagraphs (2) and (3) of paragraph (b).

As revised, § 673.2 reads as follows:

§ 673.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classifications.* (1) The classifications in this paragraph (a) apply to all activities of employees in the industry to which section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(2) *Yeast and canned tuna fish classification.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the manufacture of yeast, and the cooking and canning of tuna fish and of tunalike fish and the manufacture of byproducts therefrom.

(3) *Canning and preseving classification.* (i) The minimum wage for this classification is $1.45 an hour.

(ii) This classification is defined as the canning and preserving (including drying, dehydrating, pickling, freezing, and similar processes) of fruits, vegetables, and other food products.

(4) *Citron brining and fruit, vegetable, nut and green coffee packing classification.* (i) The minimum wage for this classification is $1.20 an hour.

(ii) This classification is defined as the brining or other processing of citron; the grading and packing of fresh fruits, vegetables, and nuts; and the grading, drying, and packing of green coffee.

(5) *Biscuit, cracker and bread, rice and lard, and animal feeds.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the manufacture of biscuits, crackers, such as saltines, crackers known as rosites, or vanilla crackers, and like products, pastry and cakes, bread and rolls, processing and packaging of rice and lard, and the manufacture of mixed feeds for poultry and cattle.

(6) *Soft drink, and ice cream, ices and similar frozen products classification.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the manufacture and distribution of soft drinks, and ice cream, ices and similar frozen products.

(7) *General classification.* (i) The minimum wage for this classification is $1.50 an hour.

(ii) This classification is defined as all products and activities that are not specifically included in any other pre-1961 coverage classification for the industry.

(b) *1961 coverage classifications.* (1) The classifications in this paragraph (b) apply to all activities of employees in the industry to which section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

(2) *Biscuit, cracker and bread, rice and lard, and animal feeds.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the manufacture of any of the above products. This includes master bakers, dough mixers, dough-brake-machine operators, and bench hands in the manufacture of bread, crackers with shortening and similar products, and all other occupations in the manufacture of bread and similar products.

(3) *Ice cream, ices and similar frozen products chauffeurs 1961 coverage classification.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the occupation of chauffeur in the manufacture of ice cream, ices, and similar frozen products.

(4) *Soft drink classification.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the manufacture and distribution of soft drinks.

(5) *Canning and preserving of food products; packing of frozen fish; the bottling or canning of olives, capers, and oils; pressmen and pressmen helpers in the manufacture of alimentary pastes; and workers other than chauffeurs in the manufacture of ice cream, ices, and similar frozen products classification.* (i) The minimum wage for this classification is $1.45 an hour.

(ii) This classification is defined as the canning and preserving of food products; packing of frozen fish; the bottling or canning of olives, capers, and oils; pressmen and pressmen helpers in the manufacture of alimentary pastes; and workers other than chauffeurs in the manufacture of ice cream, ices, and similar frozen products.

(6) *Roasting of coffee, the processing, manufacture, and distribution of milk and milk products and the manufacture of alimentary pastes (except pressmen and pressmen helpers classification.)* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the roasting of coffee, the processing, manufacture, and distribution of milk and milk products and the manufacture of alimentary pastes (except pressmen and pressmen helpers).

(7) *General classification.* (i) The minimum wage for this classification is $1.20 an hour.

(ii) This classification is defined as all products and activities that are not specifically included in any other 1961 coverage classification in the industry.

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.15 per hour for the period ending January 31, 1970; $1.40 per hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.50 per hour thereafter.

(2) This classification is defined as all activities in the industry which were brought within the purview of section 6 of the Act solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 9th day of December 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F.R. Doc. 69-14830; Filed, Dec. 12, 1969; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 81—REGULATIONS GOVERNING REGULATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

Debt to Capital Ratio

Paragraph (a) of § 81.4 is amended to read as follows:

§ 81.4 Debt to capital ratio.

(a) The aggregate amount of obligations of the corporation issued under section 304(b) of the Charter Act and outstanding at any one time shall not exceed 25 times the sum of its capital, capital surplus, general surplus, reserves and undistributed earnings. For the purposes of this section, the outstanding aggregate principal amount of any obligations of the corporation issued under section 304(e) of the Charter Act which are entirely subordinated to the obligations of the corporation issued or to be issued under section 304(b) of the Charter Act shall be deemed to be capital of the corporation.

* * * * *

Effective date. Because this amendment relates to the granting of benefits, the amendment is excepted from the rule making requirements of 5 U.S.C. 553. This amendment shall be effective December 8, 1969.

(Sec. 304(b), Federal National Mortgage Association Charter Act; 12 U.S.C. 1719(b))

Issued at Washington, D.C., December 5, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-14850; Filed, Dec. 12, 1969; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo No. 398, Supp. No. 2]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Administrative Division

DELEGATING AUTHORITY FOR SETTLING EMPLOYEES' CLAIMS UNDER MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT OF 1964 (78 STAT. 767 AND 31 U.S.C. 241)

DECEMBER 1, 1969.

Under and by virtue of the authority vested in me by §§ 0.78a and 0.84 of Title 28 of the Code of Federal Regulations, the authority to settle claims of $200 or less filed by employees of their respective offices in accordance with Memo No. 398 is hereby delegated to the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of the Immigration and Naturalization Service, and the Director of the Bureau of Narcotics and Dangerous Drugs.

Each Office, Division, or Bureau in which claims are settled pursuant to the authority delegated herein shall submit to the Office of Budget and Accounts, Administrative Division, by September 30th a report showing for each claim settled during the year ended August 31st: (1) The name of the claimant, (2) the amount claimed, and (3) the amount paid.

The provisions of this memorandum shall be effective on the date of the publication of this memorandum in the FEDERAL REGISTER.

L. M. PELLERZI,
Assistant Attorney General for Administration.

[F.R. Doc. 69-14816; Filed, Dec. 12, 1969; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 625—DISASTER UNEMPLOYMENT ASSISTANCE

Title 20 of the Code of Federal Regulations is hereby amended by adding thereto a new Part 625 dealing with disaster unemployment assistance under section 12 of the Disaster Relief Act of 1969.

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because the regulations relate solely to public benefits, and further, notice, public participation, and delay is found not to be in the public interest which in this instance makes desirable the prompt payment of the assistance.

The regulations shall become effective on the date of their publication in the FEDERAL REGISTER.

As added, Part 625 reads as follows:

Sec.
625.1 Purpose.
625.2 Definitions.
625.3 Announcement of major disaster.
625.4 Applications and employment services.
625.5 Interstate applications.
625.6 Eligibility.
625.7 Unemployment result of major disaster.
625.8 Amount.
625.9 Determinations.
625.10 Reconsideration and review.
625.11 Overpayments.

AUTHORITY: The provisions of this Part 625 issued under sec. 12 of the Disaster Relief Act of 1969 (Public Law 91-79, 83 Stat. 125); E.O. 11495, 34 F.R. 18847; and the delegation of authority from the Director of the Office of Emergency Preparedness to the Secretary of Labor, Dec. 11, 1969.

§ 625.1 Purpose.

The regulations in this part are promulgated to effectuate the purpose of section 12 of the Disaster Relief Act of 1969, to pay disaster unemployment assistance, as promptly as possible, in order to mitigate the hardships of individuals unemployed as the result of a major disaster in the State, where the Governor of the State has entered into an agreement with the Secretary of Labor for the purpose. The regulations in this part are to be liberally construed to accomplish their objective.

§ 625.2 Definitions.

(a) "Act" means the Disaster Relief Act of 1969, Public Law 91-79, 83 Stat. 125.

(b) "Major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to Authorize Federal Assistance to States and local governments in Major Disasters, and for Other Purposes", approved September 30, 1950, as amended (42 U.S.C. 1855-1855g), which disaster occurred after June 30, 1967, and on or before December 31, 1970.

(c) "Major disaster area" means the area identified as eligible for Federal assistance by the Director, Office of Emergency Preparedness, pursuant to Presidential Declaration of a major disaster.

(d) "Disaster assistance period" means the 1-year period beginning with the effective date of an initial application.

(e) "Subsequent disaster assistance period" means a second or subsequent disaster assistance period initiated by another major disaster before an applicant's prior disaster assistance period has expired.

(f) "Effective date of an initial application" is the first day of an applicant's first week of unemployment which results from a major disaster and which starts no earlier than the date specified in the Notification as the date the major disaster began.

(g) "Notification" means the written communication in which the President notifies the Governor that a major disaster has been declared in his State and specifies the date the major disaster began.

(h) "Announcement date" means the first date on which the Governor announces the availability of disaster unemployment assistance in the State, pursuant to § 625.3.

(i) "Initial application" means the first application filed by an individual for disaster unemployment assistance subsequent to the most recent announcement date.

(j) "Secretary" means the Secretary of Labor of the United States.

(k) "State agency" means, in all States except Guam, American Samoa, and the Trust Territory of the Pacific Islands, the agency administering the State law, and in Guam, American Samoa and the Trust Territory of the Pacific Islands means the agency designated by the Governor in his agreement with the Secretary to carry out such provisions.

(l) "State law" means the unemployment compensation law of one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands.

(m) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(n) "Governor" means the chief executive of any State.

(o) "Wages" means earnings for services for another or in self-employment.

(p) "Week" means a week as defined in the State law and where there is no State law, it means a calendar week.

(q) "Suitable work" means the same as it does under the State law, and where there is no State law, it means the same as it does under the Hawaii Employment Security Law.

(r) "Unemployment compensation" means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including 5 U.S.C. chapter 85 and the Railroad Unemployment Insurance Act.

§ 625.3 Announcement of major disaster.

(a) After the Governor of a State who has signed an agreement with the Secretary for the payment of disaster unemployment assistance receives a Notification, he shall promptly announce through all available news media in the State, including newspapers, radio and television, that individuals who are unemployed as the result of the major disaster may be entitled to disaster unemployment assistance and where they should go for further information.

(b) After the Governor of a State has signed an agreement with the Secretary for the payment of disaster unemployment assistance, he shall promptly announce through all available news media in the State, including newspapers, radio and television, that individuals, who were unemployed as the result of a major disaster which occurred after June 30, 1967 and before the publication of the regulations in this part in the FEDERAL REGISTER with respect to which the Governor received a Notification, may be entitled to disaster unemployment assistance and where they should go for further information.

§ 625.4 Applications and employment services.

(a) Except as provided in paragraph (b) of this section, an initial application for disaster unemployment assistance shall be filed within 60 days after the first date on which the Governor makes the announcement provided for in § 625.3(a), but for good cause found by the State agency may be later filed.

(b) An initial application for disaster unemployment assistance for any weeks of unemployment beginning before publication of the regulations in this part in the FEDERAL REGISTER shall be filed within 60 days after the first date on which the Governor makes the announcement provided for in § 625.3(b), but for good cause found by the State agency may be later filed.

(c) Applications for disaster unemployment assistance for weeks of unemployment after the initial application shall be filed at such times and in such manner as directed by the State agency.

(d) (1) Except as provided in subparagraph (2) of this paragraph, applications (including initial applications) shall be filed in person at a local employment office but in American Samoa and in the Trust Territory of the Pacific Islands such applications shall be filed in person at the office designated by the Governor.

(2) In an emergency as found by the State agency applications (including initial applications) may be filed in a manner other than as provided in subparagraph (1) of this paragraph and, further, individuals who are disabled or ill must be permitted to file such applications by mail.

(e) Applicants for disaster unemployment assistance shall be afforded employment services (including counseling and referrals to suitable work opportunities and suitable training) to assist them in returning to work as soon as possible.

§ 625.5 Interstate applications.

The interstate benefit payment plan shall apply, to the extent that it is appropriate, to individuals filing applications for disaster unemployment assistance whose unemployment is the result of a major disaster in a State but who because of the disaster are not in the State.

§ 625.6 Eligibility.

(a) Disaster unemployment assistance shall be payable to an individual for a week of unemployment in his disaster assistance period if—

(1) He has applied therefor as provided in § 625.4;

(2) His unemployment has been found by the State agency to be the result of the major disaster in the major disaster area as provided in § 625.7; and

(3) He is able to work and available for work, unless his inability to work or unavailability for work is the result of the major disaster.

(b) No disaster unemployment assistance shall be payable for a week of unemployment which begins earlier than the applicant's effective date of initial application as defined in § 625.6 or which is the result of a major disaster that occurs after December 31, 1970.

§ 625.7 Unemployment result of major disaster.

(a) An applicant's unemployment shall be deemed to be the result of the major disaster in the major disaster area if—

(1) He worked for another or was self-employed in the major disaster area at the time of the major disaster and he no longer has a job or a place to work in the major disaster area or he cannot get to his place of work as the result of the damage caused by the disaster;

(2) He lived in the major disaster area at the time of the major disaster and he cannot get to his place of work as the result of the damage caused by the disaster;

(3) He was to begin working for another or in self-employment in the major disaster area when or after the major disaster began and cannot do so as the result of the disaster;

(4) He cannot work (for another or in self-employment) after the major disaster in the major disaster area began because of an injury, illness, or any other circumstances caused by the disaster;

(5) His unemployment was the result of the major disaster in the major disaster area, and while so unemployed he becomes ill or disabled, unless or until he is offered work, which but for his illness or disability would be suitable for him;

(6) He had been unemployed at the time of the major disaster for a period of less than 10 weeks and is prevented from obtaining work in the major disaster area as the result of the disaster;

(7) He had completed his schooling or training for work no earlier than 10 weeks prior to the major disaster and is prevented from obtaining work in the major disaster area as the result of the disaster;

(8) He has become the head of a household because the head of the household died as the result of the major disaster in the major disaster area; or

(9) He, on the other basis, is found by the State agency to be unemployed as the result of the major disaster in the major disaster area, in which case the State agency shall notify the Associate Manpower Administrator for Unemployment Insurance, Room 5102, Main Labor Building, Washington, D.C. 20210, of the basis for its finding.

(b) If the unemployment of an applicant has been found by the State agency to be the result of the major disaster in the major disaster area, it shall be deemed to continue to be the result of such disaster for each week of unemployment in his disaster assistance period, unless the State agency finds on the basis of new facts that the individual's unemployment for a week is not the result of the disaster in the major disaster area, in which case he shall be denied disaster unemployment assistance for each such week.

(c) In connection with applications for disaster unemployment assistance for past weeks of unemployment, the criteria in paragraphs (a) and (b) of this section for determining whether the applicants' unemployment was the result of a major disaster in the major disaster area shall be deemed to be written as to apply to such past weeks.

§ 625.8 Amount.

(a) *Weekly amount.* In all the States except Guam, American Samoa, and the Trust Territory of the Pacific Islands the disaster unemployment assistance payable to an applicant for a week of total unemployment shall be whichever of the following is the greater:

(1) The basic training allowance payable in the State under the Manpower Development and Training Act of 1962, as amended, for the week in which the major disaster started, or

(2) The weekly amount he would have been entitled to under the State law had his work and wages been included as employment and wages under such State law.

In Guam the disaster unemployment assistance payable to an applicant for a week of total unemployment shall be the amount of the basic training allowance payable in Guam under the Manpower Development and Training Act of 1962, as amended, for the week in which the major disaster started, and in American Samoa and the Trust Territory of the Pacific Islands the disaster unemployment assistance payable to an applicant for a week of total unemployment shall be $10 (the basic training allowance payable in the Island of Panape under the Manpower Development and Training Act of 1962, as amended).

(b) *Total amount.* Except as provided in paragraph (d) of this section, total amount of disaster unemployment assistance payable to an applicant with respect to his disaster unemployment period shall be the weekly amount provided pursuant to paragraph (a) of this section multiplied by the maximum number of weeks of total unemployment payable to any claimant for unemployment compensation under the State law, except that in Guam, American Samoa, and the Trust Territory of the Pacific Islands the total amount of such disaster unemployment allowances payable with respect to a disaster unemployment period shall be the weekly amount provided pursuant to paragraph (a) of this section multiplied by 26.

(c) *Deductions.* The disaster unemployment assistance payable to an applicant for a week shall be reduced by:

(1) The amount of unemployment compensation which the individual has received or is seeking with respect to such week; but if the appropriate State agency finally determines that the applicant was not entitled to unemployment compensation with respect to such week, the reduction shall not apply with respect to such week;

(2) The amount of any income protection insurance payable to the applicant for the week;

(3) The amount of any compensation or insurance with respect to illness or disability payable from any source for the week; and

(4) One-half of any wages paid in the week for services performed in excess of 20 hours.

(d) *Subsequent disaster assistance period.* If, when an individual establishes a subsequent disaster assistance period, he has not exhausted the disaster unemployment assistance payable to him with respect to his disaster assistance period, any remaining entitlement shall be cancelled and any payment for weeks of unemployment thereafter shall be with respect to the subsequent disaster assistance period and in accordance with the weekly and total amounts of disaster unemployment assistance payable with respect to such subsequent period.

§ 625.9 Determinations.

(a) Upon the filing of an initial application the State agency shall determine an applicant's eligibility for disaster unemployment assistance, his disaster unemployment period, the amount payable to him for each week of his unemployment and the total amount payable to him during such period.

(b) The State agency shall give notice in writing to the applicant of any determination under paragraph (a) of this section and any subsequent determination denying or reducing the disaster unemployment assistance payable to him for a week. Such notice shall include a statement of his right to reconsideration or review, and the manner in which such reconsideration or review may be obtained, and if there has been a denial or reduction, the statement shall include the reasons for such denial or reduction. Notice of a determination shall be given to the applicant by delivering the notice to him personally or by mailing it to his last known address.

§ 625.10 Reconsideration and review.

(a) *States, except Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands.* Any determination by a State agency, other than that of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, made pursuant to § 625.9 may be reconsidered by the State agency and may be appealed by the applicant under the State law to the first stage State administrative appellate authority under the State's regular appellate procedures. Notice of the reconsidered determination or the decision on appeal, and the reasons therefor, shall be given to the applicant by delivering the notice to him personally or by mailing it to his last known address. Such notice shall contain information as to the applicant's right to review by the appropriate Regional Manpower Administrator and the manner of obtaining such review, including the name and address of such Administrator.

(b) *The Virgin Islands.* In the case of an appeal by an applicant from a determination by the State agency of the Virgin Islands, the applicant shall be entitled to a hearing and decision in accordance with the procedures set forth in §§ 609.34–609.45 of this chapter by a referee appointed by the Secretary. Notice of the referee's decision, and the reasons therefor, shall be given to the applicant by delivering the notice to him personally or by mailing it to his last known address. Such notice shall contain information as to the applicant's right to review by the Regional Manpower Administrator for Region II (New York) and the manner of obtaining such review, including the address of such Administrator.

(c) *Guam, American Samoa, and the Trust Territory of the Pacific Islands.* In the case of an appeal by an applicant from a determination by the State agency of Guam, American Samoa, or the Trust Territory of the Pacific Islands, the applicant shall be entitled to a hearing and decision in accordance with the procedures set forth in §§ 609.34–609.45 of this chapter by a referee appointed by the Secretary. Notice of the referee's decision, and the reasons therefor, shall be given to the applicant by delivering the notice to him personally or by mailing it to his last known address. Such notice shall contain information as to the applicant's right to review by the Regional Manpower Administrator for Region IX (San Francisco) and the manner of obtaining such review, including the address of such Administrator.

(d) *Review by the Regional Manpower Administrator.* The appropriate Regional Manpower Administrator, upon request of an applicant, shall review a decision rendered pursuant to paragraph (a), (b), or (c) of this section. Such a request to the Regional Manpower Administrator shall be filed with the State agency within 15 days after notice of the decision rendered pursuant to paragraph (a), (b), or (c) of this section has been given to the applicant, and upon receipt of the request of an applicant the State agency shall forward the entire record to the Regional Manpower Administrator for the region in which the State is located. Upon review the Regional Manpower Administrator may affirm, modify, or reverse the decision or may remand it with directions for a further hearing. The decision of the Regional Manpower Administrator shall be rendered within 15 days after his receipt of the record from the State agency and notice of such decision shall be mailed promptly to the last known address of the applicant and to the State agency. The decision of the Regional Manpower Administrator shall be final and conclusive.

§ 625.11 Overpayments.

(a) *Fraud.* If a State agency, after an opportunity for a fair hearing, or a court of competent jurisdiction finds that any applicant—

(1) Has made, or has caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed or caused another to fail to disclose a material fact; and

(2) As a result of such action has received any disaster unemployment assistance under section 12 of the Act and the regulations in this part to which he was not entitled, such applicant shall be liable to repay such amount to the State agency or the State agency may recover such amount by deductions from any disaster unemployment assistance payable to such applicant.

(b) *Absence of fraud.* Where there has been an overpayment to any applicant but no finding by a State agency or a court of competent jurisdiction that there has been an intent to defraud, the State agency shall recover the amount of the overpayment by deductions from any disaster unemployment assistance payable to such applicant, except where the overpayment is due to the inadvertence or error of the State agency, in which case the State agency shall waive any such overpayment.

(c) *Criminal prosecutions for fraud.* The provisions of 18 U.S.C. 1001 are applicable to the disaster unemployment assistance program.

Signed at Washington, D.C., this 11th day of December 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–14913; Filed, Dec. 12, 1969; 10:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

TETRAHYDROCANNABINOLS

Investigational-Use Conditions for Hallucinogenic Drugs; Statements of General Policy or Interpretation

Section 3.47 of the regulations under the Federal Food, Drug, and Cosmetic Act provides that no person may sell, deliver, or otherwise dispose of certain named hallucinogenic drugs for clinical testing in man, for tests in vitro or in laboratory research animals, or for clinical investigations in animals until a proposal for such studies has had advance approval by the Commissioner of Food and Drugs. The named hallucinogenic drugs are not generally recognized as safe and effective for any medical purpose but are limited to investigational use. They have been extensively distributed through illegal channels for misuse that has been associated with very serious adverse effects including serious mental changes and psychotic manifestations.

The Director of the Bureau of Narcotics and Dangerous Drugs has requested the Commissioner of Food and Drugs to amend § 3.47 to add to the listing of drugs therein certain tetrahydrocannabinols. Under section 201(v) of the act, these tetrahydrocannabinols were listed previously in § 320.3(c)(3) as having a potential for abuse because of their hallucinogenic effect.

To justify the proposed additional control, the Director, Bureau of Narcotics and Dangerous Drugs, advised that "as the tetrahydrocannabinols are the main active ingredients in marihuana, we rely upon the universal acceptance that there is extensive illicit distribution of marihuana for misuse and that this misuse has been associated with serious adverse effects."

A policy of the Food and Drug Administration is to cooperate fully with the Bureau of Narcotics and Dangerous Drugs in its efforts to control drug abuse. Therefore, pursuant to the provisions of the act (secs. 505, 511(b), 701(a), 52 Stat. 1052, as amended, 1055; 70 Stat. 229; 21 U.S.C. 355, 360a(b), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 3.47 be amended to add the tetrahydrocannabinols by revising the introductory text of paragraph (a) to read as follows:

§ 3.47 Investigational-use conditions for certain hallucinogenic drugs.

(a) No person may sell, deliver, or otherwise dispose of bufotenine (5-hydroxy-*N*-dimethyltryptamine) and its salts, DET (*N,N*-diethyltryptamine) and its salts, DMT (dimethyltryptamine), DOM (4-methyl-2,5-dimethoxyamphetamine; 4-methyl-2,5-dimethoxy-α-methylphenethylamine; and "STP"), ibogaine (7-ethyl-6,6α,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [4,5-b] indole) and its salts, LSD (LSD-25; *d*-lysergic acid diethylamide), mescaline and its salts, psilocybin (psilocibin), psilocyn (psilocin), and tetrahydrocannabinols (that is, the synthetic equivalents of the substances contained in, or in the resinous extractives of, Cannabis species plants and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity; such as Δ^1 *cis*- or *trans*-tetrahydrocannabinol and their optical isomers, Δ^6 *cis*- or *trans*-tetrahydrocannabinol and their optical isomers, and $\Delta^{3,4}$ tetrahydrocannabinol and its optical isomers (since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered)):

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: November 10, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14805; Filed, Dec. 12, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-73]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Fort Stockton, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration Officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4687), the Fort Stockton, Tex., transition area is amended to read:

FORT STOCKTON, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos County Airport (lat. 30°55'00" N., long. 102°54'30" W.), within 6 miles each side of the Fort Stockton VORTAC 308° and 128° radials extending from the 6-mile radius area to 8 miles northwest of the VORTAC, and within 7 miles each side of the Fort Stockton VORTAC 128° radial extending from 9 miles southeast to 21 miles southeast of the VORTAC.

Alteration of the transition area as proposed will provide controlled airspace for aircraft executing a proposed new VOR/DME RWY 29L instrument approach procedure to the Pecos County Airport, Fort Stockton, Tex. An additional purpose of the alteration is for conformance with current criteria.

Additional controlled airspace extending upward from 1,200 feet above the surface will be required; however, it will be included in a separate proposal to conconsidate all 1,200-foot transition areas within the State of Texas into one 1,200-foot transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 3, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-14810; Filed, Dec. 12, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-111]

VOR FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 255 from Garden City, Kans., direct to Hays, Kans.

The designation of this airway would provide a route with controlled airspace for aircraft operating between these terminals.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 5, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-14811; Filed, Dec. 12, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 27, Amdt. 7]

ASSISTANT ADMINISTRATOR FOR NEAR EAST AND SOUTH ASIA ET AL.

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State dated November 13, 1961 (26 F.R. 10608), I hereby direct that Delegation of Authority No. 27 be, and it is hereby further amended as follows:

SECTION 1. Delete section II in its entirety, and substitute therefor, the following:

SEC. II. The Assistant Administrator for Near East and South Asia, the Assistant Administrator for Africa, the Assistant Administrator for East Asia, the Assistant Administrator for Vietnam, the U.S. Coordinator for the Alliance for Progress, the Deputy U.S. Coordinator for the Alliance for Progress, and the Director, Office of Public Safety, each for the countries or areas within their responsibility are hereby authorized to exercise the following authorities:

1. To administer the oath of office to all employees, except those appointed by the President with the advice and consent of the Senate;

2. To approve consultation in A.I.D./W for foreign service personnel, including Mission Directors, Deputy Mission Directors and A.I.D. Representatives;

3. To authorize and approve leaves of absence without pay for foreign service personnel;

4. To approve leaves of absence for Mission Directors, including Chiefs of Mission Class 3 and Class 4, and A.I.D. Representatives;

5. To authorize salary step increases for persons serving pursuant to section 631 of the Foreign Assistance Act of 1961, as amended.

SEC. 2. Delete the subparagraph numbered "4" from section III.

This amendment to Delegation of Authority No. 27 is effective December 1, 1969.

Dated: November 26, 1969.

RUTHERFORD M. POATS,
Acting Administrator.

[F.R. Doc. 69-14791; Filed, Dec. 12, 1969; 8:46 a.m.]

DIRECTOR, OFFICE OF PERSONNEL AND MANPOWER

Redelegation of Authority Regarding Personnel

Pursuant to the authority delegated to me by Delegation of Authority No. 27, as amended, from the Administrator, I hereby redelegate to the Director, Office of Personnel and Manpower:

1. The authority to exercise all the authorities set forth in section I of that Delegation with respect to all personnel of the Agency for International Development, whether assigned to the United States or overseas, to the extent such provisions are applicable to such categories of personnel; and

2. The authority set forth in paragraph 2 of section IV of that Delegation, to the extent consistent with law, or by regulation of competent authority, to exercise the authority vested in the Administrator as head of an agency by statute or regulation, including those of other agencies, relating to any aspect of personnel authority or administration, and to establish policy and procedures relating thereto. There is hereby reserved for action by me the authority in paragraph 2 of section IV to prescribe regulations pertaining to personnel.

This Delegation of Authority is effective December 1, 1969.

The redelegations of authority, dated May 19, 1964, and February 17, 1968 (33 F.R. 3441), relating to personnel, are hereby superseded.

Dated: November 26, 1969.

LANE DWINELL,
Assistant Administrator for Administration.

[F.R. Doc. 69-14792; Filed, Dec. 12, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TRANSFORMERS FROM JAPAN

Notice of Tentative Negative Determination

DECEMBER 9, 1969.

Information was received on March 22, 1968, that transformers (of the type used in consumer electronic products) from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 12, 1968, on page 12920.

I hereby make a tentative determination that transformers (of the type used in consumer electronic products) from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Sales to U.S. purchasers were made to both related and unrelated parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Such or similar merchandise was found to be sold in sufficient quantities in the home market to furnish a basis of comparison.

Accordingly, purchase price or exporter's sales price was compared with the adjusted home market price of similar merchandise.

Purchase price was computed by deducting from the f.o.b., c.i.f., or C&F price for exportation to the United States the included inland and ocean freight charges, inspection and brokers fees, and insurance, as applicable.

Exporter's sales price was calculated by deducting from the resale price to U.S. purchasers by a related firm, ocean freight and insurance, U.S. duty, brokers fees, the applicable U.S. selling expenses, and the inland shipping charges incurred in Japan.

Adjusted home market price of similar merchandise was computed on the basis of either the delivered price or the weighted average of delivered prices, as appropriate. From such prices were deducted, as applicable, inland freight charges, differences in credit terms and advertising costs, technical services, bad debts, warranties, and a production cost differential. Adjustments were also made for any differences in packing costs.

The comparisons made revealed some instances where purchase price was lower than adjusted home market price of similar merchandise. Most of the margins found to exist were the result of low prices charged U.S. purchasers early in the period under consideration. In the latter period of the investigation, the earlier margins were significantly reduced, where they were not completely eliminated.

Subsequently, formal assurances were received from all the manufacturers investigated that they would make no future sales at less than fair value within the meaning of the Act.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14833; Filed, Dec. 12, 1969; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

In compliance with 5 U.S.C. 552, this notice provides a statement for the guidance of the public of the central and field organization of the Bureau of Narcotics and Dangerous Drugs; the established places at which, and methods whereby, the public may obtain information or make submittals or requests; and the general course and method by which the Bureau's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available. Any revision or amendment of this statement will be published in the FEDERAL REGISTER. A current synopsis of the statement will be published annually by the Office of the Federal Register in the U.S. Government Organization Manual. The previous statements of organization, functions and procedures of the Bureau of Narcotics and Dangerous Drugs are hereby revoked and the following statement is published:

Sec.
1. Central organization and functions.
2. Field organization and functions.
3. Public information, requests and decisions.
4. Formal and informal procedures.

SECTION 1. *Central organization and functions*—(a) *Official addresses and business hours.* The headquarters office of the Bureau of Narcotics and Dangerous Drugs is at 1405 I Street NW., Washington, D.C. 20537. Headquarters and field offices are open each business day from 9 a.m. to 5:30 p.m., unless otherwise posted.

(b) *Office of the Bureau Director.* Under the general direction and supervision of the Attorney General of the United States, the Director of the Bureau of Narcotics and Dangerous Drugs is responsible for administering the narcotics and dangerous drugs laws as set forth by the following legislation: Harrison Narcotic Act; Tax on Smoking-Opium Act; Narcotic Drugs Import and Export Act; Marihuana Tax Act of 1937; Opium Poppy Control Act of 1942; Narcotic Control Act of 1956; Narcotics Manufacturing Act of 1960; and Drug Abuse Control Amendments of 1965. Responsible for executive direction of the Bureau and for developing and maintaining high management objectives assuring that;

(1) The Bureau of Narcotics and Dangerous Drugs will hold a position of leadership in the area of law enforcement;

(2) Scientific and educational matters are given appropriate weight in the making of top management decisions;

(3) State and local law enforcement agencies will be given maximum assistance in accomplishing their objectives.

(c) *Office of the Deputy Director.* (1) The Deputy Director supervises and participates in the day-to-day operations of the Bureau and serves as the prime adviser to the Director in Enforcement and all other phases of Bureau management.

(2) Initiates and directs special criminal investigations and projects which are of the highest level of significance and sensitivity requiring top executive decisions and direction.

(3) Recommends changes in program emphasis or alternate courses of action to insure maximum utilization of the Bureau's resources.

(4) Directs the Planning and Evaluation Staff in the performance of the following activities:

a. Establishment of the Bureau's objectives and goals as agreed upon by the management team.

b. Development of short and long range plans to achieve the Bureau's objectives.

c. Preparation of the Bureau's program justification and other planning needs of a PPBS system in coordination with the Financial Management Division.

d. Conduct of continuing evaluation of the results of the Bureau resources utilization. This includes program progress evaluation and analysis of utilization of manpower in terms of program emphasis or geographic distribution.

e. Assistance in developing the Bureau's needs for management information systems.

f. Serves as the focal point for all statistics gathered by the individual program areas.

(5) Serves as Acting Director in the absence of the Director.

(d) *Office of Inspection.* Plans and directs a continuing program of field office inspections to determine adherence to established policies, procedures and regulations. Conducts investigative programs in all matters affecting Bureau security and integrity and performs special investigations or inquiries when requested by the Office of the Director or the Department of Justice.

(e) *Field Inspection Division.* (1) Conducts programs of routine and unannounced management and internal security inspections of field offices to insure their efficient operation in accordance with Bureau policies and guidelines.

(2) Analyzes deficiencies found during the inspections and makes corrective recommendations to the Bureau Director concerning the operations of individual programs and/or organizational units.

(f) *Bureau Security Division.* (1) Conducts a program of investigation of complaints or information indicating possible criminal acts or violations of Bureau rules of conduct or other improprieties on the part of employees.

(2) Investigates persons outside the Bureau who attempt to improperly influence Bureau employees or whose actions, such as agent impersonation, otherwise affect the integrity of the Bureau. Formulates agency-wide security measures to prevent disclosure of privileged information to unauthorized sources. Investigates and recommends action concerning problems associated with plant security and classified materials.

(g) *Office of Chief Counsel.* (1) Functions as the chief legal officer of the Bureau of Narcotics and Dangerous Drugs and in this capacity participates fully with the Director and other officials in the formulation of policies and procedures. Advises on proposed programs as they might relate to the laws and regulations.

(2) Advises on legal problems involved in the application of international conventions and protocols relating to the illicit drug traffic. In cooperation with the State Department and the Office of the Legal Counsel of the Department of Justice, reviews and drafts proposals for new conventions and protocols.

(3) Works with the Department of Justice legal staffs and performs liaison functions with legal officers in other departments, agencies and bureaus. When requested by the Legislative and Legal Section, Office of the Deputy Attorney General, prepares reports in connection with legislation in which the Bureau has an interest.

(4) Represents the Director in all adversary proceedings under the Administrative Procedures Act, all hearings required by the narcotic drug and dangerous drug laws and in all formal Departmental or Civil Service Commission employee adverse action hearings where the employee is represented by an attorney.

(5) Prepares proposed legislation and regulations as required to carry out the Bureau's functions.

(6) Reviews for the Bureau Director all material related to petitions for remission of penalties and forfeitures arising from violations of the narcotic and dangerous drug laws.

(7) Advises and assists in the formulation of legal curriculum, prepares legal text material and instructs legal courses at the Bureau's training school.

(8) Reviews questions of negligence in tort claims and makes determinations for submission to the Bureau Director in the adjustment of claims against the United States.

(9) Rules on the probable cause for the seizure of all vehicles, vessels, and aircraft under 49 U.S.C. 782 and rules on petitions for remission or mitigation of vehicle forfeitures in accordance with Departmental and Bureau policy.

(10) Executes under seal any certification required to authenticate any books, records, papers, or other documents as true copies.

(11) Reviews State legislation and assists State officials in establishing adequate and uniform controls.

(h) *Office of Enforcement.* (1) Provides program direction and coordination of the Bureau's criminal and compliance investigation activities and establishes the framework within which uniform operating policies, plans and operational procedures are developed in support of these enforcement programs.

(2) Develops working agreements with national and international companion enforcement agencies and provides guidelines to field offices within which working

agreements can be made and maintained at the State, local, or foreign country level.

(3) Plans and directs the activities of the investigational and regulatory programs conducted by the Bureau and assures that these programs are responsive to the Bureau's needs and adheres to requirements of the law.

(4) Identifies the need and makes recommendations for additional legislation and/or implementing regulations necessary to effectively curtail illegal production, diversion, and traffic of narcotic and dangerous drugs. Coordinates these recommendations with the Chief Counsel.

(5) Directs and coordinates programs to gather, evaluate and disseminate general intelligence associated with drug trafficking by organized crime. Analyzes the indices for organized crime trends and participates in the Department of Justice organized crime Task Force program.

(i) *Organized Crime and Intelligence Staff.* (1) Directs and cordinates programs to gather, evaluate, and disseminate intelligence information on drug trafficking and organized crime.

(2) Studies investigative reports and other intelligence for evidence of organized crime participation, determining patterns and trends relative to the organized distribution of drugs.

(3) Evaluates intelligence information to identify relationships existing between organized crime groups in this country and their foreign counterparts.

(4) Directs the Bureau's participation in Department of Justice Strike Forces and coordinates those investigations with Bureau regional offices toward a unified effort against organized crime.

(5) Identifies extremist and other groups which promote the use of drugs as a part of their doctrine and provides direction to the field in the investigation of drug trafficking by such groups.

(6) Disseminates information developed by intelligence sources of this Bureau to other law enforcement agencies, particular emphasis being placed on matters relating to organized crime and national security.

(j) *Division of Criminal Investigations.* (1) Participates fully with the Assistant Director for Enforcement in the formulation of plans, policies, and procedures necessary for the accomplishment of domestic criminal investigations.

(2) Provides program direction of the Bureau's domestic investigational activities and establishes the framework within which uniform operating policies and plans are developed.

(3) Monitors and directs domestic field investigations relating to the illicit sale, possession, diversion, and production of narcotic, stimulant, depressant, and hallucinogenic drugs.

(4) Evaluates the effectiveness of investigational programs conducted by the Bureau and assures that these programs are responsive to the Bureau's needs, policies, and objectives.

(5) In conjunction with the Chief Counsel, identifies the need and makes recommendations for additional legislation and/or regulations necessary to effectively curtail the illegal distribution of narcotic, stimulant, depressant, and hallucinogenic drugs, and the production and trafficking of counterfeit drugs.

(6) Maintains liaison with law enforcement agencies for exchange of information and cooperation in suppression of the traffic in narcotics and dangerous drugs and other matters of mutual interest.

(7) Studies and reports to interested Bureau offices trends in domestic traffic in narcotics and dangerous drugs.

(8) Prepares pertinent reports and papers relative to all facets of the domestic enforcement program.

(9) Formulates and develops plans, operating policies, and procedures necessary for uniform, effective, and economical accomplishment of the criminal investigative functions involving illegal sale and/or possession of controlled drugs and illicit drug manufacturers and counterfeiters.

(10) Monitors and coordinates field investigations relating to the illegal sale or possession of controlled drugs. Develops and conducts special programs to combat the illegal manufacturing of drugs. Reviews and evaluates investigative reports and proposed criminal enforcement actions of the field for compliance with established policies and procedures and enforcement objectives. Coordinates arrests and other legal actions with the Chief Counsel.

(11) Evaluates the effectiveness of the investigational programs conducted by the division and assures that these programs are responsive to the Bureau's needs and the requirements of the laws. Coordinates the Division's activities with counterpart Divisions in the Bureau.

(12) Maintains liaison with Federal agencies as well as State and local authorities, for the exchange of information relative to criminal investigations.

(k) *Compliance Investigations Division.* (1) Directs all industry regulatory programs, including illegal sales, drug accountability, registration and Federal-State relations.

(2) Participates fully with the Assistant Director for Enforcement and other officials in the formulation of Bureau policies, procedures and standards relating to industry regulatory programs.

(3) Serves as Bureau representative in industry regulatory program activities. Maintains liaison on these regulatory activities with other Federal agencies, with State enforcement agencies and with all segments of the drug industry.

(4) Provides leadership in all drug industry regulatory activities and provides expertise upon request to State and local officials on industry regulatory problems.

(5) Directs the accountability investigation of registrants and nonregistrants required to maintain records on narcotics and dangerous drugs.

(6) Directs a multifaceted program controlling production, importation, distribution and exportation of narcotics for the United States to include the issuance of permits and auditing of returns.

(7) Examines and disposes of narcotic drugs seized or purchased as evidence, surrendered as excess stocks by registrants or otherwise coming into the custody of the Bureau.

(8) Provides support and direction to regional office liaison with participating State agencies and works with regional offices in adding additional states to the program.

(l) *Foreign Operations Division.* (1) Participates fully with the Assistant Director for Enforcement and other officials in the formulation of Bureau policies, procedures and standards relating to foreign operations.

(2) Directs the Bureau's foreign investigative activities concerned with international drug traffic and maintains relations with appropriate individuals and agencies in foreign countries.

(3) Advises the Bureau Director and key officials on all Bureau matters having international implications.

(4) Provides program direction for foreign investigations and intelligence-gathering operations and participates in the direction of smuggling investigations with appropriate Bureau offices.

(5) Maintains a working relationship with other U.S. Government organizations that are concerned with international affairs, such as the Department of State, Department of Defense, Agency for International Development, etc.; upon request from the Bureau Director, represents the Bureau at meetings concerning international affairs.

(6) Serves as focal point for Bureau contacts and liaison with foreign counterpart agencies as well as appropriate international entities, such as INTER POL, RCMP, etc.

(7) Studies the extent of Bureau involvement in international matters; develops and recommends enforcement programs; assumes leadership in the fostering of multilateral interests, support and action by other countries in administering narcotic and dangerous drugs enforcement programs.

(m) *Office of Administration.* (1) Functions as the principal management adviser to the Director and Deputy Director and participates fully with the Director and Deputy Director in the formulation of policies and procedures in all program areas designed to achieve maximum efficiency and economies.

(2) Directs the Bureau's financial management program, including budget formulation and preparation of necessary justifications as requested by the Department; allocation of the appropriation and development and operation of a comprehensive accounting and fiscal system.

(3) Responsible for the development and approval of organization structure and functional statements to provide an efficient Bureau operation. Approves organization below division level.

(4) Plans, develops and directs the development and implementation of the Bureau's automatic data processing systems. Directs the development of management systems, including issuance systems, management reporting systems, and other operating systems both at headquarters and the field.

(5) Plans and directs the Bureau's personnel management program, embracing recruitment, selection, classification, employee relations, special employment and career development programs.

(6) Plans and directs the Bureau's administrative services program, including acquisition, management and disposal of the Bureau's motor vehicle fleet, acquisition, selection and management of the Bureau's physical plant, and all other services designed to render full and effective support to the operating programs of the Bureau.

(n) *Financial Management Division.* (1) Collaborates with the Planning Officer during all phases of planning, policy formulation and decision making to insure the financial feasibility and soundness of the plans.

(2) Translates immediate and long range plans into a budget format and operating program.

(3) Responsible for the formulation and justification of the budget to the executive and congressional echelons maintaining liaison with the Department of Justice's Budget and Accounts Office and Bureau of the Budget.

(4) Develops apportionment plans and issues allowances in line with budget appropriations. Provides financial reporting and analysis to management.

(5) Maintains a constant evaluation process of the Bureau's financial status and pertinent external influences which might affect the Bureau. Advises management on reprograming of resources to meet current problem situations and the effect of alternatives in the decision-making process.

(6) Designs, implements and directs a comprehensive fiscal accounting system to meet all the requirements of the Bureau's financial management program. Develops new systems and procedures to meet current and changing needs of cost accounting, fund control, accrued cost accounting and voucher auditing.

(7) Exercises central control over the distribution of personnel ceilings.

(o) *Personnel Management Division.* (1) Develops and issues Bureau policies, procedures and standards relating to the personnel program. Continually evaluates and appraises the program, ascertaining its effectiveness and accomplishments.

(2) Plans, develops and administers the Bureau's position classification and pay administration programs as required by the Classification Act of 1949, Department policy and other applicable laws. This responsibility covers all Bureau positions at both field office and headquarters levels.

(3) Conducts special studies and occupational surveys in problem areas and conducts comprehensive position classification surveys to analyze employees' skills utilization and position management practices as well as propriety of position classifications.

(4) Plans, develops and administers progressive and effective employment and employee relations programs for the entire Bureau. Coordinates and guides the efforts of other Bureau personnel in the field and headquarters who are engaged in execution of these programs. Assures that all Departmental and other regulatory personnel program requirements are being met by the Bureau.

(5) Conducts recruitment and placement programs for Bureau at headquarters level and plans the program for the field.

(6) Directs and manages the Bureau's promotion plan, including responsibility for periodic review and evaluation of its effectiveness, making necessary recommendations for revision to such plan.

(7) Maintains and controls official personnel records for all Bureau personnel, including processing of related documents, assuring that procedural requirements have been met in personnel actions.

(8) Directs and manages the Bureau's career development program.

(p) *Administrative Services Division.* (1) Responsible for planning, developing, implementing, and appraising an effective administrative services program for the Bureau.

(2) Plans and develops programs, policies and procedures to acquire and manage the world-wide space and facilities requirements of the Bureau, including design and approval of plans to alter existing space; negotiation for new space and telecommunications requirements; and final recommendation on selection of actual site locations.

(3) Develops and manages Bureau-wide communications systems, including teletype, telephone, data and facsimile transmission, and mobile networks. Operates the Washington message center.

(4) Develops and implements Bureau standards, policies, regulations and procedures covering procurement and supply management; develops and manages the Bureau's motor fleet including acquisition (other than seizure), assignment, utilizations, cost accounting system, maintenance and disposals; provides specialized purchasing and contracting services for Headquarters (e.g. research, technical equipment, training) and for items not authorized for field procurement.

(5) Develops and operates the office service programs for the administrative operations of the Bureau; mail and messenger service; administrative issuances; printing management; publication and forms storage and distribution; safety programs; badge and credential issuance; parking space assignments; driver licensing; stocking of office supplies, and other general office service matters.

(6) Operates the Bureau's visual and graphic arts program, planning and developing all graphic work for the various programs. Operates the Bureau's photographic library.

(7) Directs operation of the Bureau library which is a reference and research facility with a collection of scientific, technical, and general works and publications on pharmacy, medicine, psychology, sociology, police administration, enforcement, and law as they relate to the history, study and control of narcotics and dangerous drugs.

(8) Acts as liaison with Administrative Division of the Department, utilizing the central services available to fulfill the needs of the Bureau whenever available.

(q) *Management and Data Systems Division.* The Management and Data Systems Division is responsible for the following activities:

(1) Development of the program needs of the Bureau through the conduct of preliminary evaluations, feasibility studies, systems analysis, and subsequent implementation of required manual or automated systems. Continually evaluates Bureau systems and recommends changes for improvement or redesign.

(2) Conduct of resource analysis, evaluation of program manager recommendations, and development of functional statements.

(3) Forms analysis and central control of all Bureau forms.

(4) Management and coordination of the Bureau issuance system, management reporting and operating systems at both headquarters and field locations.

(5) Acquisition and administration of ADP contractural services and procurement of ADP and related hardware and software for effective application in coordination with Department of Justice ADP officials.

(r) *Office of Training.* (1) Determines the need, establishes the objectives, designs curriculum, and provides instruction for each specific program of agent training within the Bureau. This includes a detailed determination of subject area, methods of instruction, quality of instruction for each program, and management of the National Training Center.

(2) Provides meaningful training at the National Training Center on a continuing basis to State and local law enforcement officers, college security officers and deans, and pharmaceutical industry personnel. Develops additional training programs for other select groups and cooperating agencies where a need for such training has been established.

(3) Plans and develops a program for training State and local officers at the field locations and provides overall guidance in the operation of these field training programs.

(4) Provides for the systematic appraisal of existing programs; liaison with law enforcement, academic, and industry groups, identification of those areas which are not responsive to program needs, and initiation of corrective action.

(5) Maintains records, including a training profile of each agent to insure their individual career development. Cooperates with and supports the Division of Personnel Management as needed in the career development of all Bureau employees.

(s) *Special Agent Training Division.* (1) Plans and conducts programs of agent training including: Agent Basic,

Agent Supervisory Development, and Agent Retraining.

(2) Provides instruction in the area of investigative techniques, identifies and provides for instruction by Bureau personnel or non-government personnel in the areas of technical subjects, i.e., social science, law, pharmacology, etc.

(3) Maintains close liaison with key Bureau personnel, both in the headquarters and the field, to provide the continual identification of needs of the criminal investigator.

(t) *State and Local Officers Training Division.* (1) Plans and conducts instruction to insure a meaningful continuing program for State, local, and foreign officers in the area of narcotics and dangerous drugs. This includes guidance, coordination and systematic reporting of the programs conducted in the field.

(2) Negotiates with top level enforcement officials to arrange for selecting guest instructors from among recognized experts in the enforcement community.

(3) Maintains liaison with law enforcement groups and associations to insure the continual identification of training needs of this group.

(u) *Special Programs Division.* (1) Plans and conducts a continuing program of specialized training in the area of narcotics and dangerous drugs for pharmaceutical industry personnel; college deans and college security personnel; forensic chemists; military investigative personnel; and other groups as they are identified.

(2) Provides quality instruction in the areas of special investigative techniques, drug identification; techniques in the qualitative and quantitative analysis of drugs; and other subjects specific to the relationship of the group and drugs.

(3) Maintains liaison with academic, industry, and other groups to insure the effective training of representatives within each group.

(v) *Office of Science and Drug Abuse Prevention.* (1) Determines optimum methods and program content necessary to accomplish Bureau objectives in the scientific and abuse prevention areas.

(2) Directs the development and execution of scientific research programs on the social, psychological, physiological, statistical, and other scientific aspects of drug abuse, addiction, enforcement, and deterrents.

(3) Directs the development of educational programs for the regulated industry, professional groups and associations, and the lay public to prevent illegal distribution and abuse of narcotics and dangerous drugs.

(4) Provides laboratory analysis of evidence through a system of regional laboratories and provides expert testimony in support of enforcement missions of the Bureau. Establishes a National Center for methodology of analysis, reference standards and ballistics. Directs research for development of improved methods of analysis and basic identification.

(5) Establishes working relations with governmental, State, and private institutions and agencies (whose activities can reinforce or supplement Bureau activities), and prescribes a basis for the regional offices to perform counterpart operations at the local and State level.

(6) Provides the Bureau with advice on scientific and educational approaches to curtail drug abuse, and better understand its causes.

(7) Coordinates the activities of the Bureau in regard to the control of drugs with a potential for abuse.

(8) Keeps the Bureau aware of the state of scientific affairs in regard to abuse problems.

(w) *Drug Sciences Division.* (1) Plans, develops, and administers a program of scientific research to determine the causes of, extent of, and methods to prevent drug abuse. Coordinates scientific and research efforts with other units of the Bureau and also with other governmental agencies to avoid overlap and maintains close liaison with the scientific community.

(2) Advises the Bureau on all aspects of science and research within its mission and scope; provides consultation to the Bureau and other units on social, psychological, statistical, physiological, and other scientific aspects of drug abuse, addiction, enforcement, and deterrents.

(3) Provides staff support and the secretariat to the Bureau's Scientific Advisory Committee on Drugs.

(4) Collects and reviews information and designs studies to obtain information needed to determine control of drugs with a potential for abuse; evaluates and recommends control, noncontrol or exemption of drugs under laws or regulations.

(5) Reviews the scientific literature involving abuse drugs and keeps the Bureau aware of significant developments.

(x) *Drug Abuse Prevention Division.* (1) Directs varied target audience education programs to prevent drug abuse and to create an attitude of respect for narcotics and dangerous drugs, utilizing all types of media.

(2) Promotes voluntary compliance through education and close cooperation with national, State, and area associations of manufacturers, distributors and retailers of narcotics and dangerous drugs.

(3) Initiates and carries out special cooperative projects with professional and social service associations, educational systems and other Federal, State, and local government agencies concerned with narcotics and drug abuse control.

(4) Directs and prepares replies for the Bureau on inquiries from the public and professional groups seeking general information regarding the Bureau and/or its various programs.

(5) Publishes a bulletin for dissemination to law enforcement officials to keep them informed on Bureau activities and drug abuse activity in general.

(6) Evaluates existing educational approaches. Suggests new drug abuse prevention programs to interested groups seeking to establish educational and deterrent programs.

(7) Recommends to other Government agencies, State and local communities suitable nonpunitive means of carrying out educational and informational drug abuse control programs.

(y) *Laboratory Operations Division.* (1) Advises the Assistant Director for Science and Drug Abuse Prevention on all phases of drug analysis and identification.

(2) Plans, develops, and administers a laboratory system in support of enforcement.

(3) Maintains liaison with international, Federal, State, local, academic research, and industrial organizations to exchange information on the forensic sciences.

(4) Plans, develops, and administers a program of scientific and laboratory assistance to State, local, and municipal law enforcement agencies.

(5) Plans, develops, and administers research programs for development of improved methods of analysis and basic identification of drugs.

(6) Publishes Microgram for dissemination to forensic chemists to keep them informed of the latest analytical and intelligence information on abuse drugs.

SEC. 2. *Field organization and functions*—(a) *Regional office functions.* (1) Carries out assigned programs designed to eliminate the abuse of narcotic and dangerous drugs.

(2) Conducts and participates in educational and voluntary compliance activities designed to prevent and forestall the necessity for punitive action to be taken by Federal and State authorities in their efforts to control drug abuse.

(3) Conducts overt and covert investigations to prevent illegal traffic in narcotic and dangerous drugs and counterfeit drugs; takes appropriate civil and/or criminal action when violations of the Drug Abuse Control Amendments and narcotic laws are encountered.

(4) Audits inventory records of manufacturers and distributors of narcotic and dangerous drugs to determine whether there is diversion of such drugs from legitimate channels of distribution; initiates remedial action.

(5) Advises manufacturers and distributors of stimulant and depressant drugs as requested in developing and maintaining such records and controls that will discourage and detect illegal diversions and will facilitate inventory audits by the Bureau.

(6) Holds hearings for violators of the Drug Abuse Control Amendments and narcotic laws when violations occur and recommends appropriate regulatory action.

(7) Maintains working relationships with State and local (in the foreign regions, relationships would include foreign agencies) police and narcotic enforcement officials, and with Federal law enforcement officials.

(8) Conducts regional training sessions and seminars for the benefit of State and local law enforcement officials.

(9) Accumulates intelligence data on all criminal group activities for Bureau use and dissemination to the appropriate Federal agencies.

(b) *Regional office organization.* There are 17 regional and two independent offices of the Bureau of Narcotics and Dangerous Drugs. The following is a listing of these offices; their location; and the States or areas covered by each:

Region 1—Boston, Mass. Maine, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont.
Region 2—New York, N.Y. New York, Northern New Jersey.
Region 3—Philadelphia, Pa. Delaware, Southern New Jersey, Pennsylvania.
Region 4—Baltimore, Md. District of Columbia, Maryland, North Carolina, Virginia, West Virginia.
Region 5—Miami, Fla. Florida, Georgia, South Carolina and Puerto Rico.
Region 6—Detroit, Mich. Kentucky, Michigan, Ohio.
Region 7—Chicago, Ill. Illinois, Indiana.
Region 8—New Orleans, La. Alabama, Arkansas, Louisiana, Mississippi, Tennessee.
Region 9—Minneapolis, Minn. Minnesota, North Dakota, South Dakota, Wisconsin.
Region 10—Kansas City, Mo. Iowa, Kansas, Missouri, Nebraska.
Region 11—Dallas, Tex. Oklahoma, Texas.
Region 12—Denver, Colo. Arizona, Colorado, New Mexico, Utah, Wyoming.
Region 13—Seattle, Wash. Alaska, Idaho, Montana, Oregon, Washington.
Region 14—Los Angeles, Calif. California, Hawaii, Nevada.
Region 15—Mexico City, Mexico. Central and South America.
Region 16—Bangkok, Thailand. Far East.
Region 17—Paris, France. Italy, Europe, and Middle East.
Independent Offices—
Montreal, Canada. Canada
Saigon, South Vietnam. South Vietnam.

(c) *Regional laboratory functions.* (1) Provides complete laboratory support to the Bureau of Narcotics and Dangerous Drugs personnel.

(2) Responsible for the examination of narcotic, marihuana, and dangerous drug evidence acquired by Special Agents.

(3) Provides accurate, clear, objective, and understandable court presentation of results of the examination of evidence.

(4) Develops new, and improves existing methods of chemical analysis, and carries out research projects, when projects are in keeping with the overall functions of the Bureau.

(5) Provides scientific and technical services for the Bureau and other Federal agencies seeking assistance in problem areas in which the laboratory chemists have a high degree of training, experience and proficiency.

(6) Assists State and local governmental agencies in technical and scientific matters, provided such assistance does not conflict or interfere with laboratory service to the Bureau.

(7) Collaborates with learned societies and institutions of learning in furthering knowledge in specialized areas of interest to the Bureau.

(8) Provides information regarding technical matters within the area of laboratory functions to representatives of industry, if the request is in the interest of the Bureau.

(9) Participates in Bureau sponsored training programs.

(d) *Regional laboratory organization.* There are five regional laboratories of the Bureau of Narcotics and Dangerous Drugs. The following is a listing of the regional laboratories and the States or areas covered by each regional laboratory:

New York, N.Y. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware.
Washington, D.C. Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Puerto Rico.
Chicago, Ill. Illinois, Indiana, Ohio, Kentucky, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Michigan, Minnesota, North Dakota, South Dakota.
Dallas, Tex. Texas, Oklahoma, Arkansas, Louisiana, Tennessee, Mississippi, Alabama.
San Francisco, Calif. California, Oregon, Washington, Idaho, Montana, Utah, Wyoming, Nevada, Colorado, Arizona, New Mexico, Alaska, Hawaii.

(e) A Special Testing and Research Laboratory, located in Washington, D.C., has the following functions:

(1) Examines new and esoteric drugs and plant materials.

(2) Conducts research on and develops methods for improved analytical procedures of drugs and narcotics.

(3) Maintains an authentic file of drugs and narcotics and identifies manufacturing source of tablets and capsules purchased or seized in furtherance of the Bureau's Compliance Program.

(4) Obtains and distributes analytic drug standards to laboratories supporting Federal, State or local enforcement agencies.

SEC. 3. *Public information, requests, and decisions.*—(a) *Public Information.* Requests for final opinions and all orders made in the adjudication of cases, those statements of policy and interpretations which have been adopted and not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public and other Bureau of Narcotics and Dangerous Drugs records or information may be made in person or by correspondence as provided in Part 16 of Title 28 of the Code of Federal Regulations.

(b) *Requests and decisions.* Submittals, requests for decisions, or other requests concerning any of the provisions listed in section 4 below, may be made in person or by correspondence to the Director, Bureau of Narcotics and Dangerous Drugs, at the office as outlined in the above section 1, or with the appropriate Regional Director in the above section 2.

SEC. 4. *Formal and informal procedures.* The formal and informal provisions relating to functions of the Bureau of Narcotics and Dangerous Drugs may be found in the Code of Federal Regulations. The provisions relating to importation and exportation of narcotic drugs are in 21 CFR Part 302; the provisions relating to the growing of opium poppies are in 21 CFR Part 303; the provisions relating to the determination of substances as "opiates" are in 21 CFR Part 305; the provisions relating to the surrender of heroin are in 21 CFR Part 306; the provisions relating to the manufacture of narcotic drugs are in 21 CFR Part 307; the provisions relating to the regulatory taxes on smoking-opium are in 26 CFR Part 150; the provisions relating to the regulatory taxes on narcotic drugs are in 26 CFR Part 151; the provisions relating to the regulatory taxes on marihuana are in 26 CFR Part 152; the provisions relating to seizures of vehicles, vessels, and aircraft under the Act of August 9, 1939, are in 21 CFR Part 330; pursuant to the Drug Abuse Control Amendments of 1965, provisions for informal hearings are in 21 CFR Part 315 and the provisions for public hearings are in 21 CFR Part 316; the provisions relating to registration of "depressant or stimulant" drug handlers are in 21 CFR 320.6; the provisions relating to the investigational use of certain hallucinogenic drugs are in 21 CFR 3.47; the list of drugs that have been officially designated as habit-forming is in 21 CFR Part 319; and, the provisions relative to the control of "depressant or stimulant" drugs are in 21 CFR Part 320.

Additionally, provisions relating to Government employment and the purchase, sale, and disposition of Government property, are found in the respective procedures prescribed in the Federal Personnel Manual and the General Services Administration regulations. For specific instructions in connection with these procedures interested persons may request conferences with the officials listed in this notice and assistance will be provided.

Effective date. This notice shall be effective when published in the FEDERAL REGISTER.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-14781; Filed, Dec. 12, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-145; NDA No. 4-229]

SCHOLL MANUFACTURING CO., INC.

Onixol; Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of June 7, 1969 (34 F.R. 9095), Scholl Manufacturing Co., Inc., 213 West Schiller Street, Chicago, Ill. 60610, holder of the new-drug application No. 4-229 for Onixol (contains per milliliter 0.0091 gram of sodium sulfide, 0.0907 gram of urea, and 0.0907 gram of triethanolamine), and any interested person who may be adversely affected by removal of the drug from the market, were invited to submit any pertinent data bearing on the announced intention to initiate proceedings to withdraw approval of the new-drug application. The information received, considered with other available information, does not provide substantial evidence of effectiveness of the drug for (1) treatment of

ingrown toenails, which was the use provided for in labeling submitted for review by the National Academy of Sciences—National Research Council, or (2) for use as a toenail and calloused nail-groove softener, which was the use provided for in labeling contained in the application when it was filed in December 1941.

Therefore, notice is hereby given to the Scholl Manufacturing Co., Inc., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 4–229, and all amendments and supplements hereto, on the grounds that new information before the Commissioner with respect to this drug, evaluated with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that Onixol has the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Promulgation of the proposed order will cause any drug for human use containing the same components and offered for such effects to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application.

Failure of such persons to file such a written appearance of election within 30 days after publication hereof in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they are required to file a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice of opportunity for a hearing. The request must set forth specific facts showing there is a genuine and substantial issue of fact that requires a hearing. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be appointed, and he shall issue a written notice of the time and place at which the hearing will commence (34 F.R. 14596, Sept. 19, 1969).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 8, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–14814; Filed, Dec. 12, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–129]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 16, 1969, to October 23, 1969 (List No. 29–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.002/88/0, Model 3, adult kapok life preserver, U.S.C.G. specification Subpart 160.002, manufactured by Noble Products Co., Box 327, Caldwell, Ohio 43724, effective October 23, 1969. (It is an extension of Approval No. 160.002/88/0, dated Dec. 17, 1964.)

Approval No. 160.002/89/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Noble Products Co., Box 327, Caldwell, Ohio 43724, effective October 23, 1969. (It is an extension of Approval No. 160.002/89/0, dated Dec. 17, 1964.)

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING) FOR MERCHANT VESSELS

Approval No. 161.001/7/0, Automatic floating electric water light (with bracket for mounting), dwg. No. S–1161–CG, Alt. D, manufactured by Soderberg Manufacturing Co., Inc., 628 South Palm Avenue, Alhambra, Calif. 91803, effective October 22, 1969. (It is an extension of Approval No. 161.001/7/0, dated Dec. 17, 1964.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/5/4, sound-powered telephone station relay for operating with hand generator, locking, splashproof, dwg. No. 60–164–1, Alt. 2, dated December 9, 1964, for connecting in parallel with hand generator bell on machinery space sound-powered telephone stations to operate separate powered audible signal, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective October 22, 1969. (It is an extension of Approval No. 161.005/4, dated Dec. 28, 1964.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/109/0, Bendix Model B175–54 backfire flame arrester, testing waived because of similarities to previously approved Bendix Model C175–11 backfire flame arrester, manufactured by Bendix Corp., Fuel Devices Division, 696 Hart Avenue, Detroit, Mich. 48214, effective October 16, 1969.

Approval No. 162.041/110/0, Bendix Model B175–52 backfire flame arrester, testing waived because of similarities to previously approved Bendix Model B175–18 backfire flame arrester, manufactured by Bendix Corp., Fuel Devices Division, 696 Hart Avenue, Detroit, Mich. 48214, effective October 16, 1969.

Approval No. 162.041/111/0, Bendix Model B175–53 backfire flame arrester, testing waived because of similarities to previously approved Bendix Model B175–43 backfire flame arrester, manufactured by Bendix Corp., Fuel Devices Division, 696 Hart Avenue, Detroit, Mich. 48214, effective October 16, 1969.

Approval No. 162.041/112/0, Bendix Model B175–51 backfire flame arrester, testing waived because of similarities to previously approved Bendix Model B175–43 backfire flame arrester, manufactured by Bendix Corp., Fuel Devices Division, 696 Hart Avenue, Detroit, Mich. 48214, effective October 16, 1969.

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/51/0, "Fact-O-Crete" magnesite type deck covering, identical to that described in E. H. O'Neill Floors Co. letter dated August 13, 1964, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by E. H. O'Neill Co., Inc., 5515 Belair Road, Baltimore, Md. 21206, formerly E. H. O'Neill Floors Co., effective October 21, 1969. (It is an extension of Approval No. 164.006/51/0, dated Dec. 10, 1964, and change of name and address of manufacturer.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/131/0, "PYROCAL 1500", asbestos-hydrous calcium silicate type approved in densities from 11.5 to 12.5 pounds per cubic foot, manufactured by Fibreboard Corp., 1710 59th Street, Emeryville, Calif. 94623, for PPG Industries, Inc., 1 Gateway Center, Pittsburgh, Pa. 15222, effective October 21, 1969.

Dated: December 8, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–14793; Filed, Dec. 12, 1969; 8:48 a.m.]

[CGFR 69–130]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from March 6, 1969, to October 16, 1969 (List No. 28–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

The Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pa., Approval Nos. 160.011/35/0 and 160.011/36/0 expired and were terminated effective October 16, 1969.

LAMPS, SAFETY, FLAME, FOR MERCHANT VESSELS

The Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pa., no longer manufactures certain flame safety lamps and Approval No. 160.016/3/1 was therefore terminated effective September 11, 1969.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Cossitt & Co., 308 West Chestnut Street, Burlington, Wis. 53105, no longer manufactures certain kapok bouyant vests and Approvals Nos. 160.047/598/0, 160.047/599/0 and 160.047/600/0 were therefore terminated effective October 14, 1969.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

The Comfort Cushion Co., 5062–84 Loraine, Detroit, Mich. 48208, no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/72/1 was therefore terminated effective September 12, 1969.

The Cossitt & Co., 308 West Chestnut Street, Burlington, Wis. 53105, no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/443/0 was therefore terminated effective October 14, 1969.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio 44135, Approvals Nos. 162.025/64/0 and 162.025/65/0 expired and were terminated effective March 6, 1969.

Dated: December 9, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–14820; Filed, Dec. 12, 1969; 8:48 a.m.]

[CGFR 69–133]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 6, 1969, to October 31, 1969 (List No. 30–69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard, with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard, for certain types of equipment, construction and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

HATCHETS (LIFEBOAT AND LIFE RAFT) FOR MERCHANT VESSELS

The Bridgeport Hardware Manufacturing Corp., Bridgeport, Conn. 06605, no longer manufactures certain hatchets and Approval No. 160.013/3/2 was therefore terminated effective October 22, 1969.

The Revere Supply Co., Inc., 603–607 West 29th Street, New York, N.Y. 10001, no longer manufactures certain hatchets and Approval No. 160.013/4/0 was therefore terminated effective October 31, 1969.

SAFETY VALVES (POWER BOILERS)

The J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. Approvals Nos. 162.001/112/1 and 162.001/113/1 expired and were terminated effective October 6, 1969.

Dated: December 9, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–14821; Filed, Dec. 12, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

HEAVY WATER

Increase in Price

1. The U.S. Atomic Energy Commission (AEC) hereby announces an increase in the sale price and in the base charge for heavy water from $28.50 to $30 per pound f.o.b. Savannah River Plant, Aiken, S.C. The base charge is the figure used in leasing arrangements by the AEC in applying its annual use charge rate to the value of the material.

2. In view of the limited U.S. production capacity, the AEC has not attempted to meet worldwide long-term requirements for this material as it has for enriched uranium. However, to the extent heavy water is available in excess of the needs of AEC-sponsored programs, the AEC will contract to supply heavy water for peaceful purposes to domestic and overseas customers on a first-come first-served basis.

This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 8th day of December 1969.

For the U.S. Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-14772; Filed, Dec. 12, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 19973, 18078; Order 69-12-28]

CONTINENTAL AIR LINES, INC.

Order Regarding Mail Rates

Issued under delegated authority December 5, 1969.

Establishment of mail rates for Continental Air Lines, Inc., Docket No. 19973; service mail rates for Transatlantic and Transpacific priority mail, Docket No. 18078; military ordinary mail, Docket No. 18078.

By Order 69-11-68, dated November 17, 1969, the Board proposed to establish standard mileages for the computation of mail payments to Continental Air Lines, Inc., for service between points within the Trust Territory of the Pacific Islands and between points in the Trust Territory and Honolulu, Johnston Island, Guam, and Okinawa. All interested parties were directed to show cause why the Board should not adopt the proposed findings and conclusions, and fix the standard mileages specified therein.

The time allowed for filing notices of objection has expired without objection being filed. All parties, therefore, have waived their right to a hearing and all other procedural steps short of a final decision.

For the reasons stated in the order to show cause, the findings and conclusions proposed therein will be adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations, 14 CFR 302, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.14(g):

It is ordered, That:

(1) Order 69-10-40, October 9, 1969, is amended by adding the Appendix A set forth below which provides standard mileages applicable to the carriage of U.S. mail by air by Continental Air Lines, Inc., on and after May 16, 1968.

(2) Order 68-9-9, September 4, 1968, as amended by Order 69-7-11, July 2, 1969, and as further amended by Orders 69-8-110, August 19, 1969, and 69-10-23, October 6, 1969, is further amended by adding to page 18 of Appendix A of Order 69-7-11, standard mileages applicable to Continental Air Lines, Inc., on and after May 16, 1968, as follows:

CONTINENTAL AIR LINES, INC.

Between	*Miles*
GUM-HNL	4305
GUM-OKA	1518
HNL-OKA	5823

(3) This order shall be served on the Postmaster General, Continental Air Lines, Inc., Northwest Airlines, Inc., The Flying Tiger Line Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

APPENDIX A

CONTINENTAL AIR LINES, INC.

Between	*Miles*	*Between*	*Miles*
GUM-JON	3483	KWA-MAJ	274
-KWA	1724	-OKA	3242
-MAJ	1998	-PNI	1526
-PNI	1072	-ROP	1779
-ROP	55	-ROR	2541
-ROR	817	-SPN	1852
-SPN	128	-TKK	1089
-TKK	635	-YAP	2255
-YAP	531	MAJ-OKA	3516
HNL-JON	822	-PNI	1800
-KWA	2581	-ROP	2053
-MAJ	2307	-ROR	2815
-PNI	4107	-SPN	2126
-ROP	4360	-TKK	1363
-ROR	5122	-YAP	2529
-SPN	4433	OKA-PNI	2590
-TKK	3670	-ROP	1463
-YAP	4836	-ROR	2335
JON-KWA	1759	-SPN	1390
-MAJ	1485	-TKK	2153
-OKA	5001	-YAP	2049
-PNI	3285	PNI-ROP	1127
-ROP	3538	-ROR	1889
-ROR	4300	-SPN	1200
-SPN	3611	-TKK	437
-TKK	2848	-YAP	1603
-YAP	4014		

APPENDIX A—Continued

CONTINENTAL AIR LINES, INC.—continued

Between	*Miles*	*Between*	*Miles*
ROP-ROR	872	ROR-SPN	945
-SPN	73	-TKK	1452
-TKK	690	-YAP	286
-YAP	586	SPN-TKK	763
		-YAP	659
		TKK-YAP	1166

[F.R. Doc. 69-14822; Filed, Dec. 12, 1969; 8:48 a.m.]

[Docket No. 20993; Order 69-12-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 5, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket No. 20993, Agreement CAB 21380, R-2 through R-8.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 20, 1969, in addition to canceling certain specific commodity rates, names additional rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21380, R-2 through R-8, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14823; Filed, Dec. 12, 1969; 8:48 a.m.]

[1] Filed as part of the original document.

[Docket No. 21320]

SERVICE TO GREENBRIER INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 13, 1970, at 9:30 a.m., e.s.t., at the Greenbrier Hotel, White Sulphur Springs, W. Va. Upon completion of the session of the hearing at the Greenbrier, the hearing will reconvene in Washington, D.C., at 10 a.m. on January 19, 1970, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Order 69-8-100, dated August 19, 1969, the prehearing conference report, served October 17, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 9, 1969.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 69-14824; Filed, Dec. 12, 1969; 8:48 a.m.]

COMMISSION ON CIVIL RIGHTS

MISSOURI

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on January 14, 1970, and that an executive session, if appropriate, will be convened on January 14, 1970, to be held at the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Mo. The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin which affect the housing opportunities, or employment opportunities, or economic security of persons residing in St. Louis County and in the State of Missouri; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as these affect the housing opportunities, or employment opportunities or economic security of persons in the above areas, and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, or national origin in the fields of housing, employment, and related areas.

Dated at Washington, D.C., December 13, 1969.

THEODORE M. HESBURGH, *C.S.C.*,
Chairman.

[F.R. Doc. 69-14760; Filed, Dec. 12, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[File No. BRCT-326; FCC 69-1336]

LAMAR LIFE BROADCASTING CO.

Order Accepting Additional Applications for Filing

1. On June 20, 1969, the U.S. Court of Appeals for the District of Columbia Circuit overturned the Commission's grant of the application (BRCT-326) of Lamar Life Broadcasting Co. (Lamar) for renewal of license of television broadcast station WLBT, Channel 3, Jackson, Miss.[1] In so doing the court ordered the Commission to invite new applications to be filed for the license. The court also gave the Commission wide latitude with respect to interim operation of the station pending completion of the probable comparative hearing.

2. In accordance with the court's directive, we are now inviting new applications for a regular authorization to operate on Channel 3 in Jackson. Such applications must be tendered for filing within 60 days of the release date of this order. One such application, that of Civic Communications Corp., has already been tendered and will be accepted for filing.[2] Although the court ordered the renewal grant of Lamar vacated, and we now do so, it expressly did not hold that Lamar was disqualified from filing a new application (slip op. p. 13, rehearing p. 2). We will therefore permit Lamar to file a new application. We stress that while there had been no "* * * denial of the license renewal application because the licensee is not qualified under any circumstances, in terms of the public interest, to have the channel", we shall of course scrupulously adhere to the court's clear directive that this "* * * licensee * * * is, at best, a licensee in name only, and it is presumably in such light that the licensee here involved will take its place among competing applicants." (order denying rehearing, pp. 2-3). Thus, while Lamar's past broadcast record, both favorable and unfavorable, will be relevant, the general principle pertinent to the renewal-new applicant situation [see, e.g., WBAL, Inc., 15 FCC 1149 (1951)] will not be applicable. Moreover, to place Lamar "* * * on even terms as nearly may be, with any other applicant," (order denying rehearing, p. 2), we will require Lamar to file a Form 301 application.

3. As to interim operation, our action is again, of course, based upon the court's remand order. See section 402(h), 47 U.S.C. 402(h). The court gave the Commission considerable latitude (slip op. p. 13):

> The Commission is directed to consider a plan for interim operations pending completion of its hearings; if it finds it in the public interest to permit the present licensee to carry on interim operations that alternative is available. The Commission is free to consider whether net earnings of the licensee should be impounded by the Commission pending final disposition of this license application.

We believe that it is best to reserve judgment on the question of establishing an interim operation and the disposition of net earnings until such time as all applicants for Channel 3, Jackson, are before us. Therefore, we will permit Lamar to continue operation of the station on a temporary basis, until after the cutoff date for new applications.[4] At that time, we will establish an interim operation for the duration of the proceedings. By so doing, we provide continued service to Jackson, for which we find there is a definite need, while at the same time, we have more flexibility in choosing the best possible interim operator. We do not preclude the possibility that a nonapplicant for the regular license will come forward to provide another alternative for an interim operation. See Oak Knoll Broadcasting Corp., FCC. 64-665, 2 Pike and Fischer, R.R. 2d 1011 (1964).

4. *Accordingly, it is ordered*, That the prior grant of the renewal application (BRCT-326) of Lamar Life Broadcasting Co. for Channel 3, Jackson, Miss., is vacated.

5. *It is further ordered*, That the application tendered March 12, 1969, by Civic Communications Corp. for Channel 3, Jackson, Miss., is accepted for filing.

6. *It is further ordered*, That the petition for waiver of §§ 1.227(b)(1) and 1.591(b) of the rules, for acceptance of its application and other relief, filed

[1] Rehearing was denied on Sept. 5, 1969.

[2] In view of the court's mandate, Civic Communication Corp.'s petition for waiver of the Commission's rules and acceptance of its application have become moot. The petition, along with the related oppositions of Lamar and the comments of the United Church of Christ, will therefore be dismissed. This dismissal does not preclude the reassertion of any allegations in those pleadings directed towards the qualifications of any party to be a licensee of the Commission.

[4] Since the court's mandate would have permitted Lamar to be the interim operator, we believe that this temporary authorization is well within that mandate. We also believe that any prejudice resulting from this temporary authorization will be minimal. Lamar need make no new investment since the station is in operation, and no positive feature of Lamar's continued operation will be taken into account in the comparative proceeding. This operation will be under the terms, conditions and specifications presently outstanding. However, since Lamar is required to file a new Form 301, it will not be required to amend the pending renewal application, Form 302.

March 12, 1969, by Civic Communications Corp., and related pleadings, are dismissed as moot.

7. *It is further ordered,* That additional applications for authority to operate on Channel 3, Jackson, Miss., may be tendered for filing within 60 days of the release date of this order.

8. *It is further ordered,* That Lamar Life Broadcasting Co. is authorized to continue operation temporarily on Channel 3, Jackson, Miss., until the Commission establishes and interim operation.

Adopted: December 3, 1969.

Released: December 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-14825; Filed, Dec. 12, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4483 etc.]

AMERADA HESS CORP.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Redesignating Proceedings, and Redesignating FPC Gas Rate Schedules

DECEMBER 5, 1969.

On September 2, 1969, Amerada Hess Corp. filed in Docket No. G-4483 et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to reflect a change in corporate name from Amerada Petroleum Corp. effective June 20, 1969, all as more fully set forth in the petition to amend. Therefore, the orders issuing certificates will be amended; the related FPC gas rate schedules will be redesignated; and pending certificate and rate proceedings will be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Amerada Petroleum Corp. in the dockets listed in the appendix hereto are amended by changing the name of the certificate holder to Amerada Hess Corp., and in all other respects said orders shall remain in full force and effect.

(B) The Amerada Petroleum Corp. FPC gas rate schedules listed in the appendix hereto are redesignated as Amerada Hess Corp. FPC gas rate schedules and shall retain the same numerical designations.

(C) The proceedings listed in the appendix hereto in which Amerada Petroleum Corp. is applicant or respondent are redesignated to reflect the change in corporate name to Amerada Hess Corp.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[5] Commissioner Johnson concurring in the result.

FPC gas rate schedule No.	Certificate Docket No.	Rate suspension Docket No.
1	G-4483, G-4485, G-4486, G-4487, G-8473, G-8569, G-9614, G-9615, G-12042 G-15302.	RI64-31, RI65-20, RI69-208, RI70-82.
2	G-4484, G-10117.	RI64-58, RI65-332, RI69-358.
3	G-4770	
4	G-4771, G-11679.	RI64-31, RI65-20, RI69-208, RI70-82.
6	G-4773	RI64-23, RI65-364, RI68-377.
7	G-4774	RI65-566.
8[1]	G-4774	RI65-567, RI69-117.
9	G-4776	RI65-552.
10	G-4777	
11[1]	G-4776	
12	G-4776	
13	G-4776	RI65-553, RI67-297.
14	G-4778	G-15561, RI65-552.
23	G-6312, G-8497	RI65-334, RI69-338.
25[3]	G-6319, G-10243.	RI65-334, RI69-360.
26	G-6320	RI65-334, RI69-384.
27	G-6322	RI64-31, RI65-20, RI69-208, RI70-82.
30[1]	G-6311, G-11524, G-11649, G-12890.	RI64-340.
31	G-6315	RI64-31, RI65-20, RI69-208, RI70-82.
32	G-6317	
33	G-6317	
34	G-6323	
35	G-6324	
36	G-6324	
37	G-6314, G-9990, G-6316	
38	G-6318	
39	G-6321	
40[1]	G-9190, G-14890	
41	G-9314	RI65-334, RI69-338.
42	G-9488	RI65-384.
43	G-9728	
46	G-9757	
47	G-9901	RI65-364.
48	G-9917, G-10432	RI64-58, RI65-332, RI69-358.
49	G-10006, G-10433.	RI64-58, RI64-492, RI68-395, RI69-384.
50	G-10244	RI64-58, RI64-340.
51	G-10428	RI65-334, RI69-338.
52	G-10505	
53	G-11175	RI65-334, RI69-384.
54	G-11470	RI64-31, RI65-20, RI69-208, RI70-82.
55	G-11471	RI64-31, RI65-20, RI69-208, RI70-82.
56	G-11680	RI64-31, RI65-19, RI69-209, RI70-82.
57	G-11804	RI65-364, RI66-402.
60	G-12133, G-13284.	RI64-31, RI65-20, RI69-208, RI70-82.
62	G-13356	RI68-119.
63	G-14116	RI65-553.
64[1]	G-14421	RI68-235.
65	G-14406	RI63-253, RI69-208.
67	G-15017	
68	G-16029	RI65-336, RI68-126, RI69-523.
71[1]	G-16300	RI64-31, RI65-20.
72		

See footnotes at end of table.

FPC gas rate schedule No.	Certificate Docket No.	Rate suspension Docket No.
75	G-19098	RI65-334, RI70-234.
76	G-19388	RI64-58, RI65-332.
81	G-18504	
82	G-18346	RI68-602.
84	G-17407	RI68-119.
85	G-17393	RI68-119.
88[1]	C160-688	RI68-120.
89	C160-810	
90	C161-727	RI68-602.
91	C162-525	RI68-602.
92[1]	C161-1091	RI68-119.
93	C161-1289	RI65-334, RI67-390.
94	C161-1650	RI65-334.
95[1]	C161-1133	RI66-212.
96	C162-216	RI68-602.
97	C162-593	RI65-334, RI68-661.
99	C162-1107	RI65-332, RI69-358.
100[1]	C162-1544	RI68-291.
101	C163-675	RI65-228, RI70-82.
102	C163-1369	RI68-628.
103	C163-1401	RI68-507.
105[1]	C164-392	RI68-120, RI69-233.
106	C164-440	RI69-303.
107	G-14864	G-20552, RI65-520.
108	C160-704	RI65-650, RI66-208, RI66-127.
111	C161-1525	RI67-205.
112	C161-1531	RI66-40, RI66-298.
113	C161-1526	RI66-40, RI66-298.
114	C161-1527	RI66-40, RI66-298.
115	C161-1528	RI66-40, RI66-298.
116	C161-1533	RI66-40, RI66-298.
117	C163-1042	RI68-132.
118	C164-134	RI68-64.
119	C164-960	RI69-698.
120	C163-1426	RI69-208.
121	C165-99	RI69-403.
122	C165-111	G-20580.
123	C165-124	RI65-519.
124	C165-235	RI69-208, RI70-82.
125	C165-600	RI70-82.
126	C165-916	
127	C165-958	RI68-119, RI69-116.
128	C165-959	
129	C165-1001	RI68-120.
130	C165-1213	
131	C165-1258	
132	C166-669	RI69-208, RI70-82.
133	C166-669	RI69-208, RI70-82.
134	C166-1316	RI68-292.
135	C166-984	
136	C166-984	
137	C166-984	
138	C167-66	RI68-320, RI69-603.
139	C167-351	RI68-120.
140	C167-637[3]	
141	C167-971	RI63-476.
142	C167-972	RI63-476.
143[4]	C167-1375	
144	C167-1649[3]	
145	C168-253	
146	C168-577[3]	
147	C168-252[3]	
148	C167-1275[3]	RI69-93.
149	G-5083	RI69-208, RI70-82.
150	C169-534[3]	
152	C169-258	
153	C169-842[3]	
154	C169-796[3]	
155	C169-1162[3]	
156	C169-1010[3]	

[1] (Operator) et al.
[2] et al.
[3] Pending application.
[4] Tentative designation.

Pending rate proceedings for which the related rate schedule has been canceled or redesignated:

RI63-89, RI62-505, and RI65-334.

AREA RATE PROCEEDINGS

AR61-1	AR64-2
AR61-2	AR67-1
AR64-1	AR69-1

OTHER PROCEEDINGS

William Harvey Denman, Trustee, et al., RI67-113, et al.
Pipeline Production Area Rate Proceeding, RP66-24.
George Despot, Agent (Operator), et al., CI65-974, et al.

[F.R. Doc. 69-14743; Filed, Dec. 12, 1969; 8:45 a.m.]

[Docket No. RI70-773 etc.]

GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 5, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commissions rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 21, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-773	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	32	9	El Paso Natural Gas Co., (Sweetie Peck Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	$115	11-7-69	[2] 12-8-69	5-8-70	[3] 14.9028	[3] [4] 15.92	
RI70-774	A. H. Meadows, c/o General American Oil Co. of Texas, Meadows, Bldg., Dallas, Tex. 75206.	1	7	....do	320	11-7-69	[2] 12-8-69	5-8-70	[3] 14.9028	[3] [4] 15.92	
RI70-775	Perry R. Bass (Operator) Agent, 1200 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	16	3	El Paso Natural Gas Co. (Toro Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	19,416	11-10-69	[2] 12-11-69	5-11-70	15.9697	[3] [4] 17.5656	RI70-516.
RI70-776	Perry R. Bass (Operator) et al.	18	3	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	2,853	11-10-69	[2] 12-11-69	5-11-70	15.9697	[3] [4] 17.5656	RI70-517.
RI70-777	Sunset International Petroleum Corp., 2400 Fidelity Union Tower, Dallas, Tex., 75201.	21	4	El Paso Natural Gas Co. (Huerfano Unit No. 106, Dakota and Gallup Formations, San Juan County, N. Mex.) (San Juan Basin Area).	500	11-7-69	[2] 12-8-69	5-8-70	[3] [9] 14.0	[3] [7] [9] 15.0	RI66-368.
					200	11-7-69	[2] 12-8-69	Accepted	[10] 12.0	[7] [10] 13.0	
	....do	24	21	El Paso Natural Gas Co. (San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	12,000	11-7-69	[2] 12-8-69	5-8-70	[3] 14.0	[3] [7] 15.0	RI66-368.
	....do	27	8	El Paso Natural Gas Co. (Maddox No. 1 Unit, San Juan County, N. Mex.) (San Juan Basin Area).	2,000	11-7-69	[2] 12-8-69	5-8-70	[3] 14.0	[3] [7] 15.0	RI66-368.
	....do	45	15	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	15	11-7-69	[2] 12-8-69	5-8-70	[3] 14.0	[3] [7] 15.0	RI67-52.
RI70-778	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla.	62	11	El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex.) (Permian Basin Area).	62	11-6-69	[2] 12-7-69	5-7-70	14.53	[4] [11] 17.9023	
	....do	142	12	El Paso Natural Gas Co. (Blinebry et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	5,768	11-6-69	[2] 12-7-69	5-7-70	16.8793	[3] [4] 17.9023	
	....do	231	4	El Paso Natural Gas Co. (West Jal Strawn Field, Lea County, N. Mex.) (Permian Basin Area).	197	11-6-69	[2] 12-7-69	5-7-70	16.586	[4] [11] 17.6398	
RI70-779	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	5	[12] 7	El Paso Natural Gas Co. (Benton Plant, Lea County, N. Mex.) (Permian Basin Area).	561	[13] 11-10-69	[8] 12-11-69	5-11-70	14.51	[4] [11] 19.5099	
	....do	51	2	Transwestern Pipeline Co. (Adobe-Barstow Unit, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	7,533	11-14-69	[2] 1-1-70	6-1-70	[14] 16.5722	[4] [11] 19.0831	
RI70-780	Pan American Petroleum Corp. (Operator) et al., Post Office Box 1410, Fort Worth, Tex. 76101	220	6	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8).	86,459	11-10-69	[2] 12-11-69	5-11-70	16.45	[3] [4] 18.07	RI69-207.
	....do	465	5	....do	31,201	11-10-69	[2] 12-11-69	5-11-70	16.45	[3] [4] 18.07	RI69-206.
	....do	438	3	El Paso Natural Gas Co. (Three Bar Field, Andrews County, Tex.) (RR. District No. 8).	35,002	11-10-69	[2] 12-11-69	5-11-70	17.35	[4] [15] 19.07	RI69-207.
	....do	136	[15] 25	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.).	23,935	11-10-69	[2] 12-11-69	5-11-70	[3] [4] [16] 17.91		RI69-207.
					530				[17] 16.40	[3] [4] [17] 17.46	RI69-207.

See footnote at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos
RI70-781	Pan American Petroleum Corp.	20	15	El Paso Natural Gas Co. (Payton Field, Pecos and Ward Counties, Tex.) (RR. District No. 8).	0	11-12-69	[2] 12-13-69	5-13-70	[9] 15.78	[3] [4] [9] 17.80	RI69-244.
					$528				[10] 15.78	[3] [4] [10] 17.29	RI69-244.
	do	101	11	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.).	40	11-12-69	[2] 12-13-69	5-13-70	16.5	[3] [4] 17.5	RI69-244.
	do	218	8	El Paso Natural Gas Co. (South Andrews Devonian Field, Andrews County, Tex.) (RR. District No. 8).	731	11-12-69	[2] 12-13-69	5-13-70	15.02	[3] [4] 16.28	RI69-244.
	do	494	5	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8).	48,258	11-10-69	[2] 12-11-69	5-11-70	16.94	[4] [14] 17.57	RI69-208.
	do	234	9	El Paso Natural Gas Co. (Jalmat and Eumont Fields, Lea County, N. Mex.	747	11-10-69	[2] 12-11-69	5-11-70	[9] 15.42	[3] [4] [9] [16] 17.91	RI69-213.
									[17] 15.42	[3] [4] [16] [17] 17.46	RI69-213.
	do	423	3	El Paso Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (RR. District No. 8).	25,344	11-10-69	[2] 12-11-69	5-11-70	17.57	[3] [4] 19.33	RI69-208.
	do	279	10	Transwestern Pipeline Co. (Crawar Field, Crane County, Tex.) (RR. District No. 8).	441	11-10-69	[2] 12-11-69	5-11-70	[18] 17.51	[4] [14] 18.08	
					9,986				16.5	[4] [14] 18.08	RI69-531.
	do	329	5	Transwestern Pipeline Co. (South Kermit Field, Winkler County, Tex.) (RR. District No. 8).	6,474	11-10-69	[2] 12-11-69	5-11-70	18.03	[4] [20] 19.59	RI69-206. RI69-213.
	do	493	4	Transwestern Pipeline Co. (Hailey Field, Winkler County, Tex.) (RR. District No. 8).	187	11-10-69	[2] 12-11-69	5-11-70	[21] 16.49	[4] [20] 19.64	RI69-239.
					1,517				[22] 17.50	[4] [20] 19.64	RI69-239.
	do	271	10	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.).	155	11-12-69	[2] 12-13-69	5-13-70	[9] [16] 16.88	[3] [4] [9] [16] 17.91	RI69-244.
	do	316	11	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan County, Tex.) (RR. District No. 7-C).	31				[9] [16] 16.43	[3] [4] [16] [17] 17.46	RI69-244.
					305	11-12-69	[2] 12-13-69	5-13-70	16.56	[3] [4] 19.33	RI69-244.
	do	317	9	El Paso Natural Gas Co. (Bakke Field, Andrews County, Tex.) (RR. District No. 8).	919	11-12-69	[2] 12-13-69	5-13-70	15.02	[3] [4] 16.28	RI69-206.
	do	512	3	Northern Natural Gas Co. (Ozona Field, Crockett County, Tex.) (RR. District No. 7-C).	250	11-12-69	[2] 2-1-70	7-1-70	16.06	[3] [4] 17.06	
	do	450	4	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (RR. District No. 8).	232	11-12-69	[2] 12-13-69	5-13-70	[23] 17.00	[4] [14] [23] 18.16	RI69-213.
					260				[24] 18.03	[4] [14] [24] 18.16	RI69-213.
	do	496	3	Transwestern Pipeline Co. (West Rojo Caballos Field, Pecos County, Tex.) (RR. District No. 8).	936	11-12-69	[2] 12-13-69	5-13-70	16.80	[4] [14] 17.58	RI69-213.
	do	110	28	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.).	55,505	11-10-69	[2] 12-11-69	5-11-70	[9] [16] 16.35	[3] [4] [9] [16] 17.91	RI69-206.
					1,521				[17] 16.35	[3] [4] [17] 17.46	RI69-206.
					2,833				[25] 15.17	[3] [4] [25] 16.5	RI69-206.
	do	129	39	El Paso Natural Gas Co. (Spraberry Field, Reagan and Upton Counties, Tex.) (RR. District No. 7-C).	2,715	11-10-69	[2] 12-11-69	5-11-70	16.5	[3] [4] 19.33	RI69-213.
	do	133	11	El Paso Natural Gas Co. (Cogdell Field, Scurry County, Tex.) (RR. District No. 8).	2,500	11-10-69	[2] 12-11-69	5-11-70	17.0	[3] [4] 18.0	RI69-243.
	do	518	3	Natural Gas Pipeline Co. of America (Lochridge Field, Ward County, Tex.) (RR. District No. 8).	32,021	11-10-69	[2] 12-11-69	5-11-70	16.46	[4] [26] 18.1453	
	do	513	6	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.).	53,106	11-10-69	[2] 12-11-69	5-11-70	16.66	[4] [26] 17.646	
RI70-782	Pan American Petroleum Corp. (Operator).	23	17	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (RR. District No. 8).	1,183	11-12-69	[2] 12-13-69	5-13-70	17.32	[3] [4] 19.14	RI69-205.
	do	348	14	El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (RR. District No. 8).	679	11-12-69	[2] 12-13-69	5-13-70	16.30	[3] [4] 19.15	RI69-205.
	do	18	14	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (RR. District No. 8).	6,042	11-10-69	[2] 12-11-69	5-11-70	16.53	[3] [4] 19.14	RI69-205.
	do	21	15	El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (RR. District No. 8).	185,407	11-10-69	[2] 12-11-69	5-11-70	16.20	[3] [4] 19.15	RI69-205.
	do	313	12	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (RR. District No. 8).	54,660	11-10-69	[2] 12-11-69	5-11-70	16.53	[3] [4] 19.14	RI69-205.
RI70-783	Pan American Petroleum Corporation et al.	68	12	El Paso Natural Gas Co. (Snyder Gasoline Plant, Scurry County, Tex.) (RR. District No. 8).	1,111	11-12-69	[2] 12-13-69	5-13-70	17.14	[3] [4] 18.15	RI69-242.

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes deduction of 3.3499 cents per Mcf for gathering, treating and compressing the gas.
[6] The stated effective date is the first day after expiration of the statutory notice.
[7] Pressure base is 15.025 p.s.i.a.
[8] Includes 1 cent per Mcf minimum guarantee for liquids.
[9] High pressure gas.
[10] Low pressure gas.
[11] Increase from applicable area ceiling to contract rate.
[12] Corrected by filing of Nov. 17, 1969.
[13] Texas production tax increase has been filed.
[14] Respondent is filing for remaining portion of fractured rate.
[15] Not applicable to gas sold under Supplement No. 23.
[16] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[17] Low pressure gas—includes 0.4467-cent compression charge.
[18] Low pressure gas requiring compression.
[19] Applicable to new gas-well gas produced from the Fusselman formation of J. B. Tubb A Lease.
[20] "Fractured" rate increase.
[21] Applicable to casinghead gas and residue therefrom.
[22] Applicable to new gas-well gas and residue therefrom.
[23] Residue gas not derived from new gas well gas.
[24] Residue gas derived from new gas well gas.
[25] Spent gas-lift gas.
[26] Increase to contract rate.

Forest Oil Corp. (Forest) requests a retroactive effective date of August 1, 1969, for its proposed rate increase contained in Supplement No. 7 to Forest's FPC Gas Rate Schedule No. 5. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Forest's rate filing and such request is denied.

Sunset International Petroleum Corp.'s (Sunset) 13 cents per Mcf under its FPC Gas Rate Schedule No. 21 does not exceed the area increased rate ceiling of 13 cents per Mcf for the San Juan Basin Area as announced in the Commission's statement of general policy No. 61–1, as amended, and is accepted for filing to become effective as of December 8, 1969, the proposed effective date.

Five of Pan American Petroleum Corp.'s rate filings reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. El Paso), in accordance with its policy of protesting tax filings propocing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearings provided herein for Pan American (and Pan American (Operator) et al.) shall concern themselves with the contractual basis for such rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56) with the exception of Sunset's proposed 13-cent rate, mentioned above, which is accepted for filing and permitted to become effective, and the rate increases filed by the producers' in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69–14744; Filed, Dec. 12, 1969; 8:45 a.m.]

[Docket No. G–7004 etc.]

PENNZOIL UNITED, INC., ET AL.

Findings and Order

DECEMBER 8, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, substituting respondents, redesignating proceedings, making rate change effective, requiring filing of agreements and undertakings, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Ladd Petroleum Corp. (Operator), et al., applicant in Docket No. G–9239, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Alco Oil & Gas Corp. (Operator), et al., FPC Gas Rate Schedule No. 3. Said rate schedule will be redesignated as that of applicant. Alco's predecessor in interest, The Vickers Petroleum Co., Inc., filed a change in rate under its FPC Gas Rate Schedule No. 5, subsequently redesignated as Alco's rate schedule. The change is suspended in Docket No. G–17437. Therefore, applicant will be substituted in lieu of Vickers as respondent in said proceeding, the proceeding will be redesignated accordingly. Alco is respondent in the proceedings pending in Dockets Nos. AR64–1, et al., and AR64–2 et al. Since applicant has succeeded to all rights and obligations of Alco with respect to sales which are the subject of these proceedings, applicant will be substituted in lieu of Alco as respondent.

A. G. Hill, applicant in Docket No. G–10132, proposes to continue the sales of natural gas heretofore authorized in said docket to be made pursuant to Hidalgo Gas Production Corp. FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI69–153. Hidalgo had collected prior increased rates for locked-in periods subject to refund in Dockets Nos. G–16674, G–19746, RI61–144, RI62–138, RI63–100, RI64–206, RI65–252, RI66–126, RI67–86, and RI68–179. Applicant has filed a motion to be substituted in lieu of Hidalgo as respondent in said proceedings with respect to sales made pursuant to Hidalgo's FPC Gas Rate Schedule No. 2 and indicates his intention to assume the entire refund obligation for such sales from the time that the increased rates were made effective subject to refund. Therefore, applicant will be substituted in lieu of Hidalgo with respect to these sales and made a co-respondent in these proceedings; and the proceedings will be redesignated accordingly. Applicant has heretofore filed a general agreement and undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

MAPCO Production Co. (Operator) et al, applicant in Docket No. G–19480, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to The Bradley Producing Corp. (Operator) et al., FPC Gas Rate Schedule No. 5. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G–18690. Applicant has filed a motion to be made a co-respondent in said proceeding. Therefore, applicant will be made a co-respondent; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Robert F. White (Operator) et al., applicant in Docket No. CI60–695, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Edwin G. Bradley et al., FPC Gas Rate Schedule No. 5. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65–368. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

Signal Oil & Gas Co. (Operator), applicant in Dockets Nos. CI64–1082, CI66–20, and CI66–979, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Twin Gas Co. (Operator) FPC Gas Rate Schedule No. 5, Criner Processing (Operator) FPC Gas Rate Schedule No. 1, and Twin Gas Co. (Operator) FPC Gas Rate Schedule No. 7, respectively. Said rate schedules will be redesignated as those of applicant. The presently effective rates under Twin's FPC Gas Rate Schedule No. 5 and Criner's FPC Gas Rate Schedule No. 1 are in effect subject to refund in Dockets Nos. RI68–646 and RI68–33, respectively. On May 13, 1968, Twin filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 5. By order issued June 6, 1968, in Docket No. RI68–655, et al., the Commission suspended the proposed change in Docket No. RI68–657 until

July 2, 1968, and provided that the increased rate might become effective subject to refund as of the latter date provided that Twin file an agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. No agreement and undertaking was filed. On August 6, 1969, Signal filed motions to be made respondent in the proceedings pending in Dockets Nos. RI68–33, RI68–646, and RI68–657 and to make the change in rate suspended in Docket No. RI68–657 effective subject to refund as of that date. Therefore, Signal will be made co-respondent in the proceedings pending in Dockets Nos. RI68–33 and RI68–646 and will be substituted in lieu of Twin as respondent in the proceeding pending in Docket No. RI68–657; the proceedings will be redesignated accordingly; and the change in rate will be made effective subject to refund.

Joseph B. Gould, applicant in Docket No. CI69–605, proposes, inter alia, to continue in part the sale of natural gas heretofore authorized in Docket No. CI66–278 to be made pursuant to Skelly Oil Co. FPC Gas Rate Schedule No. 211. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under Skelly's rate schedule is in effect subject to refund in Docket No. RI69–389, but applicant does not propose to collect the increased rate. He will, however, be made a co-respondent in the proceeding pending in Docket No. RI69–389; and the proceeding will be redesignated accordingly.

Ladd Petroleum Corp., applicant in Dockets Nos. CI69–1206, CI69–1207, and CI69–1208, proposes to continue in part sales of natural gas heretofore authorized, respectively, in Docket No. CI65–289 to be made pursuant to McCulloch Oil Corp., FPC Gas Rate Schedule No. 15; in Docket No. CI61–564 to be made pursuant to McCulloch Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 7; and in Dockets Nos. CI61–564 and G–18119 to be made pursuant to McCulloch Oil Corp. (Operator) et al., FPC Gas Rate Schedule Nos. 7 and 4, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of applicant. The presently effective rate under McCulloch's FPC Gas Rate Schedule No. 4 is in effect subject to refund in Docket No. RI69–672, and a prior increased rate under said rate schedule was collected for a locked-in period subject to refund in Docket No. RI64–475. The presently effective rate under McCulloch's FPC Gas Rate Schedule No. 7 is in effect subject to refund in Docket No. RI69–652, and a prior increased rate under said rate schedule was collected for a locked-in period subject to refund in Docket No. RI69–475. The presently effective rate under McCulloch's FPC Gas Rate Schedule No. 15 is in effect subject to refund in Docket No. RI69–671. Applicant has submitted an agreement and undertaking to assure the refund of any amounts collected by it subject to refund for sales heretofore authorized in Dockets Nos. G–18119 and CI61–564. Applicant will be made a co-respondent in the proceedings pending in Dockets Nos. RI64–475, RI69–652, RI69–671, and RI69–672; the proceedings will be redesignated accordingly; the agreement and undertaking will be accepted for filing in Dockets Nos. RI64–475, RI69–652, and RI69–672; and applicant will be required to file an agreement and undertaking in Docket No. RI69–671.

Neil H Hanson et al., applicants in Docket No. CI69–1244, propose to continue in part the sale of natural gas heretofore authorized in Docket No. G–3894 to be made pursuant to Atlantic Richfield Co. FPC Gas Rate Schedule No. 34. Applicants have submitted an instrument of ratification of the contract comprising said rate schedule, which instrument will be accepted for filing as applicants' rate schedule. The presently effective rate under Atlantic Richfield's rate schedule is in effect subject to refund in Docket No. RI68–309. A prior increased rate under said rate schedule was collected for a locked-in period subject to refund in Docket No. RI63–272. Applicants have filed a motion to be made co-respondents in said proceedings, together with an agreement and undertaking to assure the refund of amounts collected by them from November 1, 1967, in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, applicants will be made corespondents in the proceedings pending in Dockets Nos. RI63–272 and RI68–309; the proceedings will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Logue and Patterson, applicant in Docket No. CI70–51, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G–10209 to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 195. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under Shell's rate schedule is in effect subject to refund in Docket No. RI67–419. Therefore, applicant will be made a correspondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Arthur J. Wessely, applicant in Docket No. CI70–224, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. G–13004 and G–12336 to be made pursuant to Gulf Oil Corp., FPC Gas Rate Schedule No. 96 and Shell Oil Co. FPC Gas Rate Schedule No. 157, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of applicant. The presently effective rates under Gulf's and Shell's rate schedules are in effect subject to refund in Dockets Nos. RI68–68 and RI67–405, respectively. Therefore, applicant will be made a co-respondent in each of said proceedings; the proceedings will be redesignated accordingly; and applicant will be required to file agreements and undertakings to assure the refunds of any amounts collected by him in excess of the amounts determined to be just and reasonable in said proceedings.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on November 26, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto submitted in support of the authorizations sought herein, and upon consideration of the record:

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceedings pending in Dockets Nos. RI69–149 and RI70–37 should be terminated only with respect to Union Oil Company of California FPC Gas Rate Schedule No. 128.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Ladd Petroleum Corp. (Operator) et al., should be substituted in lieu of The Vickers Petroleum Co., Inc., as respondent in the proceeding pending in Docket No. G–17437; that said proceeding should be redesignated accordingly; and that Ladd should be substituted in lieu of Alco Oil and Gas Corp. as respondent in the proceedings pending in Dockets Nos. AR64–1 et al., and AR64–2 et al.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that A. G. Hill should be made a co-respondent in the proceedings pending in Dockets Nos. G–16674, G–19746, RI61–144, RI62–138, RI63–100, RI64–206, RI65–252, RI66–126, RI67–86, RI68–179, and RI69–153; and that said proceedings should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that MAPCO Production Co. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. G–18690; that said proceeding should be redesignated accordingly; and that MAPCO should be required to file an agreement and undertaking.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Robert F. White (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI65–368; that said proceeding should be redesignated accordingly; and that he should be required to file an agreement and undertaking.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Signal Oil and Gas Co. (Operator) should be made a co-respondent in the proceedings pending in Dockets Nos. RI68–33 and RI68–646, that it should be substituted in lieu of Twin Gas Co. (Operator) as respondent in the proceeding pending in Docket No. RI68–657, that said proceedings should be redesignated accordingly, and that the change in rate suspended in Docket No. RI68–657 should be made effective subject to refund.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Joseph B. Gould should be made a co-respondent in the proceeding pending in Docket No. RI69–389 and that said proceeding should be redesignated accordingly.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Ladd Petroleum Corp. should be made a co-respondent in the proceedings pending in Dockets Nos. RI64–475, RI69–652, RI69–671, and RI69–672; that said proceedings should be redesignated accordingly; that the agreement and undertaking submitted by Ladd in Dockets Nos. RI64–475, RI69–652, and RI69–672 should be accepted for filing; and that Ladd should be required to file an agreement and undertaking in Docket No. RI69–671.

(17) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Neil E. Hanson et al., should be made co-respondents in the proceedings pending in Dockets Nos. RI63–272 and RI68–309; that said proceedings should be redesignated accordingly; and that the agreement and undertaking submitted by them should be accepted for filing.

(18) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Logue and Patterson should be made co-respondent in the proceeding pending in Docket No. RI67–419, that said proceeding should be redesignated accordingly, and that Logue and Patterson should be required to file an agreement and undertaking.

(19) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Arthur J. Wessely should be made a co-respondent in the proceedings pending in Dockets Nos. RI67–405 and RI68–68, that said proceedings should be redesignated accordingly, and that he should be required to file agreements and undertakings.

(20) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI70–266 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rate, whichever is lower. If the quality of the gas delivered by applicant deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate. Within 90 days from the date of initial delivery applicant shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(b) The initial rate for the sale authorized in Docket No. CI65–851 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other"

area, so as to increase the initial wellhead price for new gas, applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket.

(C) The initial rate for the sale authorized in Docket No. CI66–1077 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement. Applicant's agreement that the pricing provision contained in the supplemental agreement dated September 3, 1969, dedicating the subject additional acreage shall only be applicable with respect to just and reasonable rates or settlement rates approved by the Commission in an applicable area rate proceeding.

(D) The initial rate for sales authorized in Dockets Nos. CI67–193 and CI70–65 shall be 17 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to upward and downward B.t.u. adjustment. Within 30 days from the date of this order applicant in Docket No. CI67–193 shall file an estimated billing statement and applicant in Docket No. CI70–65 shall file a revised billing statement reflecting the 17 cents rate as required by the regulations under the Natural Gas Act.

(F) Within 30 days from the date of this order applicants in Dockets Nos. CI67–988 and CI70–151 shall file estimated billing statements for the first month's service as required by the regulations under the Natural Gas Act.

(G) The authorization granted in Docket No. CI70–299 involving the sale of gas by Arkla Exploration Co. to its affiliate, Arkansas Louisiana Gas Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(H) The orders issuing certificates in Dockets Nos. G–7004, G–7663, G–10706, G–18651, CI60–836, CI61–56, CI61–691, CI65–525, CI65–603, CI65–678, CI65–1071, CI66–653, CI66–1077, CI67–193, CI67–988, CI68–1305, CI68–1380, and CI70–65 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(I) The orders issuing certificates in Dockets Nos. G–9103, G–9239, G–9985, G–10132, G–14811, G–19480, G–20148, CI60–695, CI62–706, CI64–1082, CI65–275, CI65–1022, CI66–20, CI66–979, CI66–1243,[1] CI67–624, CI67–836, and CI67–165.[1] are amended by substituting the successors in interest as certificate holders.

(J) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate*
G–3894	CI69–1244
G–7014	CI70–297
G–10209	CI70–51
G–12336	CI70–224
G–13004	CI70–224
G–18119	CI69–1208
CI61–564	CI69–1207
CI61–564	CI69–1208
CI62–984	CI70–318
CI65–289	CI69–1206
CI66–278	CI69–605
CI66–653	CI70–236

(K) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(L) Permission for and approval of the abandonment in Docket No. CI70–296 shall not be construed to relieve Applicant of any refund obligations in the rate suspension proceedings pending in Dockets Nos. RI64–28 and RI65–17.

(M) The rate suspension proceedings pending in Dockets Nos. RI69–149 and RI70–37 are terminated only with respect to Union Oil Company of California FPC Gas Rate Schedule No. 128.

(N) The certificates heretofore issued in Dockets Nos. G–9987, G–19694, CI62–554, CI64–1241, CI65–643, CI65–681, CI65–714, CI65–1305, CI65–1321, CI66–658, CI67–1401, and CI67–1414 are terminated.

(O) Ladd Petroleum Corp. (Operator) et al., is substituted in lieu of The Vickers Petroleum Co., Inc., as respondent in the proceeding pending in Docket No. G–17437 and said proceeding is redesignated accordingly. Ladd is substituted in lieu of Alco Oil and Gas Corp. as respondent in the proceedings pending in Dockets Nos. AR64–1 et al., and AR64–2 et al.

(P) A. G. Hill is made a co-respondent in the proceedings pending in Dockets Nos. G–16674, G–19746, RI61–144, RI62–138, RI63–100, RI64–206, RI65–252, RI66–126, RI67–86, RI68–179, and RI69–153; and said proceedings are redesignated accordingly. A. G. Hill shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Q) MAPCO Production Co. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. G–18690 and said proceeding is redesignated accordingly. MAPCO shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(R) Within 30 days from the issuance of this order, MAPCO Production Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in Docket No. G–18690. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(S) Robert F. White (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI65–368 and said proceeding is redesignated accordingly. Robert F. White (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 54.02 of the regulations thereunder.

(T) Within 30 days from the issuance of this order, Robert F. White (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–368 to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(U) Signal Oil and Gas Co. (Operator) is made a co-respondent in the proceedings pending in Dockets Nos. RI68–33 and RI68–646 and is substituted in lieu of Twin Gas Co. (Operator) as respondent in the proceeding pending in Docket No. RI68–657. The rates, charges, and classifications set forth in Supplement No. 2 to Signal Oil and Gas Co. (Operator) FPC Gas Rate Schedule No. 23 shall be effective subject to refund as of August 6, 1969. For sales made pursuant to its FPC Gas Rate Schedule No. 23 Signal shall charge and collect 14 cents per Mcf at 14.65 p.s.i.a. from June 24, 1969, through August 5, 1969, and 14.5 cents per Mcf from August 6, 1969. Signal shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(V) Joseph B. Gould is made a co-respondent in the proceeding pending in Docket No. RI69–389, and said proceeding is redesignated accordingly.

(W) Neil E. Hanson et al., are made co-respondents in the proceedings pending in Dockets Nos. RI63–272 and RI68–309; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by them in said proceedings is accepted for filing. Neil E. Hanson et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

[1] Temporary certificate.

(X) Ladd Petroleum Corp. is made a co-respondent in the proceedings pending in Dockets Nos. RI64–475, RI69–652, RI69–671, and RI69–672; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by Ladd in Dockets Nos. RI64–475, RI69–652, and RI69–672 is accepted for filing. Ladd shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission. For sales made pursuant to its FPC Gas Rate Schedule No. 1 Ladd shall charge and collect 13 cents per Mcf at 15.025 p.s.i.a. from March 1, 1968, through September 4, 1969, and 14 cents per Mcf at 15.025 p.s.i.a., subject to refund in Docket No. RI69–671 from September 5, 1969. For sales made pursuant to its FPC Gas Rate Schedule Nos. 2 and 3 Ladd shall charge and collect 14 cents per Mcf at 15.025 p.s.i.a., subject to refund in Docket No. RI64–475, from March 1, 1968, through September 4, 1969, and 15 cents per Mcf at 15.025 p.s.i.a., subject to refund in Docket No. RI69–652 from September 5, 1969. For sales made pursuant to its FPC Gas Rate Schedule No. 4 Ladd shall charge and collect 14.0075 cents per Mcf at 15.025 p.s.i.a., subject to refund in Docket No. RI64–475, from March 1, 1968, through September 5, 1969, and 15.0081 cents per Mcf at 15.025 p.s.i.a., subject to refund in Docket No. RI69–672, from September 5, 1969.

(Y) Within 30 days from the issuance of this order, Ladd Petroleum Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI69–671 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Z) Logue and Patterson is made a co-respondent in the proceeding pending in Docket No. RI67–419 and said proceeding is redesignated accordingly. Logue and Patterson shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(AA) Within 30 days from the issuance of this order, Logue and Patterson shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67–419 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(BB) Arthur J. Wessely is made a co-respondent in the proceedings pending in Dockets Nos. RI67–405 and RI68–68 and said proceedings are redesignated accordingly. Mr. Wessely shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(CC) Within 30 days from the issuance of this order, Arthur J. Wessely shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. RI67–405 and RI68–68 to assure the refunds of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceedings. Unless notified to the contrary within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(DD) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–7004 D 9–23–69	Pennzoil United, Inc.	Consolidated Gas Supply Corp., Poca District, Kanawha County, W. Va.	Supplemental agreement 11–11–68.[1]	10	11
			Supplemental agreement 11–18–68.[1]	10	12
			Supplemental agreement 1–30–69.[1]	10	13
			Supplemental agreement 3–20–69.[1]	10	14
G–7663 D 9–22–69	Ashland Oil & Refining Co. et al. (partial abandonment).	Lone Star Gas Co., Golden Trend Area, Garvin County, Okla.	Notice of partial cancellation 9–18–69.[1] [2]	70	7
G–9103 G–9985 E 9–24–69	Ladd Petroleum Corp. (Operator & Agent) et al. (successor to Alco Oil & Gas Corp. (Operator & Agent) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Zim Field, Starr County, Tex.	Alco Oil & Gas Corp. (Operator and Agent) et al., FPC GRS No. 2.	6	----
			Supplement Nos. 1–7	6	1–7
			Notice of succession 9–24–69.	----	----
			Merger agreement 5–5–69.[4]	6	8
			Effective date: 7–11–69.	----	----
G–9239 E 9–24–69	Ladd Petroleum Corp. (Operator) et al. (Successor to Alco Oil & Gas Corp. (Operator) et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	Alco Oil & Gas Corp. (Operator) et al., FPC GRS No. 3.	7	----
			Supplement Nos. 1–6	7	1–6
			Notice of succession 9–24–69.	----	----
			Merger agreement 5–5–69.[4]	7	7
			Effective date: 7–11–69.	----	----
G–10132 E 8–8–69	A. G. Hill (successor to Hidalgo Gas Production Corp.).	Texas Eastern Transmission Corp., Agua Dulce Field, Nueces County, Tex.	Hidalgo Gas Production Corp., FPC GRS No. 2.	8	----
			Supplement Nos. 1–12	8	1–12
			Notice of succession 8–7–69.	----	----
			Assignment 7–11–69.[4]	8	13
			Effective date: 7–1–69.	----	----
G–10706 D 9–26–69	Sun Oil Co. (DX Division) (partial abandonment).	Cities Service Gas Co., Eureka District, Alfalfa County, Okla.	Notice of partial cancellation 9–22–69.[2] [3]	134	9
G–14811 E 9–19–69	John B. Rich, Trustee, Agent for Trusts U/D, Donaldson Brown (Operator) et al. (successor to Penrose Production Co., Agent for Neville G. Penrose and J. M. Zachery).	Transcontinental Gas Pipe Line Corp., Orcones Field, Duval County, Tex.	Penrose Production Co., Agent for Neville G. Penrose and J. M. Zachery, FPC GRS No. 2.	1	----
			Supplement No. 1	1	1
			Notice of succession 9–17–69.	----	----
			Assignment 10–31–60.[6]	1	2
			Operating agreement 10–31–60.[7]	1	3
			Conveyance 9–30–66.[8]	1	4
			Agreement 10–30–68.[9]	1	5
			Assignment 7–3–69.[10]	1	6
			Letter agreement 7–31–69.[11]	1	7
			Effective date: 8–1–69.	----	----
G–18651 D 9–30–69	James A. Rahler (Operator) et al. (partial abandonment).	United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex.	Notice of partial cancellation 9–8–69.[2] [3]	1	8

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-19480 ..... E 8-11-69	MAPCO Production Co. (Operator) et al. (successor to The Bradley Producing Corp. (Operator), et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	The Bradley Producing Corp. (Operator) et al., FPC GRS No. 5.	16	.....
			Supplements Nos. 1-9	16	1-9
			Notice of succession (undated).	.....	
			Assignment 6-1-69 [13]	16	10
G-20148 ..... E 8-11-69	MAPCO Production Co. (successor to The Bradley Production Corp.).	do	Effective date: 6-1-69. The Bradley Producing Corp., FPC GRS No. 7.	17	.....
			Supplements Nos. 1-7	17	1-7
			Notice of succession (undated).	.....	
			Assignment 6-1-69 [13]	17	8
			Effective date: 6-1-69.		
C160-695 ..... E 8-6-69	Robert F. White (Operator), et al. (successor to Edwin G. Bradley, et al.).	Cities Service Gas Co., Hardtner Gas Field, Barber County, Kans.	Edwin G. Bradley et al., FPC GRS No. 5.	12	.....
			Supplements Nos. 1-3	12	1-3
			Notice of succession 7-17-69.	.....	
			Assignment 5-13-69 [13]	12	4
			Assignment 6-11-69 [14]	12	5
			Assignment 6-23-69 [14]	12	6
			Effective date: 5-1-69.		
C160-836 ..... C 9-11-69 [15]	Thomas J. Quigley et al.	El Paso Natural Gas Co., Blanco Pictured Cliffs Field, San Juan County, N. Mex.	Supplemental agreement 8-14-69. [16]	2	2
C161-86 ..... D 9-25-69	A. L. Abercrombie (Operator) et al. (partial abandonment).	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	Notice of Cancellation 10-22-69. [2 3]	9	9
C161-691 ..... D 9-22-69	Atlantic Richfield Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Assignment 6-7-68 [3 17]	448	46
C162-706 ..... E 9-24-69	Ladd Petroleum Corp. (Operator) et al. (successor to Alco Oil & Gas Corp. (Operator) et al.).	El Paso Natural Gas Co., Recapture Creek Field, San Juan County, Utah.	Alco Oil & Gas Corp. (Operator) et al., FPC GRS No. 1.	5	.....
			Supplements Nos. 1-17	5	1-17
			Notice of succession 9-24-69.	.....	
			Merger agreement 5-5-69 [4].	5	18
			Effective date: 7-11-69.		
C164-1082 ..... E 8-6-69	Signal Oil & Gas Co. (Operator) (successor to Twin Gas Co. (Operator)).	Lone Star Gas Co., Velma Processing Plant, Stephens County, Okla.	Twin Gas Co. (Operator), FPC GRS No. 5.	22	.....
			Supplement No. 1	22	1
			Notice of succession 8-6-69.	.....	
			Agreement 6-24-69 [13]	22	2
			Effective date: 6-24-69.		
C165-275 ..... E 9-24-69	Ladd Petroleum Corp. (successor to Alco Oil & Gas Corp.).	Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans.	Alco Oil & Gas Corp., FPC GRS No. 4.	8	.....
			Supplements Nos. 1-4	8	1-4
			Notice of succession 9-24-69.	.....	
			Merger agreement 5-5-69 [4].	8	5
			Effective date: 7-11-69.		
C165-535 ..... D [19]	Monsanto Co.	Natural Gas Pipeline Co. of America, North Indian Basin Field, Eddy County, N. Mex.			
C165-603 ..... D [11a]	Marathon Oil Co. (Operator) et al.	do	Assignment 6-1-68 [20]	95	16
			Amendment 1-1-69 [20a]	95	17
			Effective date: 10-9-68.		
C165-678 ..... D [8]	Marion E. Spitler	do			
C165-851 ..... A 9-1-65	Sun Oil Co. (DX Division). [21]	Panhandle Eastern Pipe Line Co., Oakdale Field, Woods County, Okla.	Contract 2-2-65	251	.....
			Contract 12-28-64	251	1

See footnote at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C165-1022 ..... E 9-22-69	Melvin McGee, d.b.a. Mel Ray Oil Co. (successor to Thomas N. Berry & Co. (Operator) et al.	Cities Service Gas Co., Wakita Trend Field, Grant County, Okla.	Thomas N. Berry & Co. (Operator), et al., FPC GRS No.6.	1	.....
			Supplement No. 1	1	1
			Notice of succession (undated).	.....	
			Assignment 6-23-69 [20]	1	2
			Effective date: 6-1-69.		
C165-1071 [10a] ..... D	Husky Oil Co. of Delaware.	Natural Gas Pipeline Co. of America, North Indian Basin Field, Eddy County, N. Mex.	Amendment 1-1-69 [20a]	28	4
			Effective date: 10-30-69.		
C166-20 ..... E 8-6-69	Signal Oil & Gas Co. (Operator) (successor to Criner Processing (Operator)).	Lone Star Gas Co., Criner Processing Plant, Southwest Ardmore Field, Carter and Love Counties, Okla.	Criner Processing (Operator), FPC GRS No. 1.	34	.....
			Supplement Nos. 1-2	34	1-2
			Notice of succession 8-6-69.	.....	
			Agreement 6-24-69 [20]	34	3
			Effective date: 6-24-69.		
C166-653 ..... D 9-17-69	Austral Oil Co., Inc., et al.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	Notice of partial cancellation (Undated). [2 24]	27	12
C166-979 ..... 5-13-68 [18] E 8-6-69	Signal Oil & Gas Co. (Operator) (successor to Twin Gas Co. (Operator)).	Lone Star Gas Co., Dixie Processing Plant, Stephens County, Okla.	Twin Gas Co. (Operator), FPC GRS No. 7.	23	.....
			Supplement Nos. 1-2	23	1-2
			Notice of succession 8-6-69.	.....	
			Agreement 6-24-69 [13]	23	3
			Effective date: 6-24-69.		
C166-1077 ..... C 9-26-69 [15]	John C. Oxley et al. [24]	Arkansas Louisiana Gas Co., acreage in Pittsburg and Latimer Counties, Okla.	Amendment 9-3-69	1	12
C166-1243 [27] ..... E 9-24-69	Ladd Petroleum Corp. (successor to Alco Oil & Gas Corp.).	Tennessee Gas Pipeline Co., a division of Tennneco Inc., South Crowley Field, Acadia Parish, La.	Alco Oil & Gas Corp., FPC GRS No. 5.	9	.....
			Supplement Nos. 1-10	9	1-10
			Notice of succession 9-24-69.	.....	
			Merger agreement 5-5-69 [4].	9	11
			Effective date: 7-11-69.		
C167-193 ..... C 9-26-69 [15]	Eason Oil Co. (Operator) et al.	Northern Natural Gas Co., West Sharon Field, Woodward County, Okla.	Amendatory agreement 10-10-68. [16]	22	5
C167-624 ..... E 9-9-69	Mesa Petroleum Co. (successor to Hugoton Production Co.).	Panhandle Eastern Pipe Line Co., Hugoton Field, Stevens and Grant Counties, Kans.	Letter agreement 5-1-56 [20]	29	.....
			Merger agreement 1-29-60. [20]	29	1
			Supplement (Undated) [20]	29	2
C167-836 ..... E 9-24-69	Ladd Petroleum Corp. (successor to Alco Oil & Gas Corp.).	Panhandle Eastern Pipe Line Co., Richfield Field, Morton County, Kans.	Alco Oil & Gas Corp., FPC GRS No. 6.	10	.....
			Notice of succession 9-24-69.	.....	
			Merger agreement 5-5-69 [4].	10	1
			Effective date: 7-11-69.		
C167-988 ..... C 9-22-69 [15]	Ralph L. Warner	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Letter agreement 3-26-68. [16]	7	1
C167-1651 [27] ..... E 9-24-69	Ladd Petroleum Corp. (Operator) et al. (successor to Alco Oil & Gas Corp. (Operator) et al.).	Trunkline Gas Co., Lake Arthur Field, Jefferson Davis Parish, La.	Alco Oil & Gas Corp. (Operator) et al., FPC GRS No. 7.	11	.....
			Notice of succession 9-24-69.	.....	
			Merger agreement 5-5-69 [4].	11	1
			Effective date: 7-11-69.		
C168-1305 ..... C 9-29-69 [21]	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Ames Area, Major County, Okla.	Letter agreement 8-27-69 [3].	433	4
C168-1380 ..... (CS66-127) D [8]	Marathon Oil Co.	Natural Gas Pipeline Co. of America, Lochridge-South Pyote Area, Ward County, Tex.	Assignment 8-19-69. [20a]	102	2
			Effective date: 8-19-69.		
C169-605 ..... (C166-278) F 12-18-69	Joseph B. Gould (successor to Skelly Oil Co.).	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	Contract 6-15-56 [20]	4	.....
			Assignment 12-27-67 [24]	4	1
			Effective date: 12-29-67.		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C169-606 ..... A 12-18-68 [15]	Joseph B. Gould	El Paso Natural Gas Co., Ignacio-Blanco (Mesaverde) Field, La Plata County, Colo.	Contract 9-7-65	5	.....
			Supplemental agreement 2-20-68. [15 16]	5	1
C169-1206 ..... (C165-289) F 6-18-69	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. (formerly McCulloch Oil Corp. of California)).	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	Contract 8-20-64 [20]	1	.....
			Supplemental agreement 11-9-64. [20]	1	1
			Assignment 12-31-68 [27]	1	2
			Assignment 12-31-68 [27]	1	3
			Assignment 12-31-68 [27]	1	4
			Assignment 12-31-68 [27]	1	5
			Effective date: 3-1-68.		
C169-1207 ..... (C161-564) F 6-18-69	Ladd Petroleum Corp. (successor to Richard Chamberlain, et al.). [20]	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	Contract 9-20-60 [20a]	2	.....
			Supplemental agreement 5-25-64 [20a]	2	1
			Assignment 10-15-68 [20b]	2	2
			Assignment 10-15-68 [20c]	2	3
			Assignment 10-15-68 [20d]	2	4
			Effective date: 3-1-68.		
C169-1208 ..... (C161-564) F 6-18-69 8-5-69 [20]	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. (Operator) et al., (formerly McCulloch Oil Corp. of California (Operator), et al.)).	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	Contract 9-26-60 [20a]	3	.....
			Supplemental agreement 4-6-64. [20a]	3	1
			Assignment 7-25-69 [20]	3	2
			Effective date: 3-1-68.		
C169-1208 ..... (G-18119) F 6-18-69 8-5-69 [20]	do	do	Contract 1-18-56 [4]	4	.....
			Supplemental agreement 10-1-56. [4]	4	1
			Assignment 7-25-64 [20]	4	2
			Effective date: 3-1-68.		
C169-1244 ..... (G-3894) F 6-26-69	Neil E. Hanson et al. (successors to Atlantic Richfield Co.).	Texas Eastern Transmission Corp., Sierra Vista Area, Live Oak County, Tex.	Ratified 3-6-69 [13]	2	.....
			Contract 3-25-52 [13]	2	1
			Assignment 2-26-68	2	2
			Letter agreement 3-25-52	2	3
			Letter agreement 5-20-53	2	4
			Letter agreement 6-15-53	2	5
			Letter agreement 8-17-53	2	6
			Letter agreement 9-17-54	2	7
			Letter agreement 2-26-54	2	8
			Letter agreement 7-25-56	2	9
			Letter agreement 6-17-57	2	10
			Letter agreement 2-22-60	2	11
			Amendment 3-1-62	2	12
			Notice of change 12-6-62	2	13
			Letter agreement 12-15-64	2	14
			Letter agreement 12-16-64	2	15
			Letter agreement 12-23-64	2	16
			Notice of change 12-6-67	2	17
			Assignment 4-2-68 [14]	2	18
			Effective date: 11-1-67.		
			Assignment 4-22-68 [13]	2	19
			Effective date: 3-6-68.		
(G-3894) [13]	Atlantic Richfield Co.	do	Assignment 4-2-68 [14]	34	30
			Effective date: 11-1-67.		
			Assignment 4-22-68 [13]	34	31
			Effective date: 3-6-68.		
C170-51 ..... (G-10209) F 7-11-69	Logue and Patterson (successor to Shell Oil Co.).	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	Contract 11-1-55 [17]	14	.....
			Notice of change 12-31-64	14	1
			Notice of change 5-12-67	14	2
			Assignment 5-22-69 [13]	14	3
			Assignment 5-22-69 [13]	14	4
			Effective date: 4-1-69.		
(G-10209) [13]	Shell Oil Co.	do	Assignment 5-22-69 [13]	195	8
			Assignment 5-22-69 [13]	195	9
			Effective date: 4-1-69.		
C170-65 ..... C 9-12-69 [15]	Investors Royalty Co., Inc. [13]	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	Amendatory agreement 7-30-69. [15]	4	1
C170-151 ..... A 8-12-69 [15]	Jet Oil Co., et al.	Cabot Corp., Burning Springs District, Wirt County, W. Va.	Contract 6-30-60	1	.....
			Letter agreement 8-21-69. [20]	1	1
			Letter agreement 9-24-69. [14 20]	1	2

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C170-224 ..... (G-12336) F 8-26-69	Arthur J. Wessely (successor to Shell Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Northwest Ridgeway Field, Beaver County, Okla.	Contract 2-22-57 [20]	1	.....
			Amendment 4-20-67	1	1
			Assignment 7-1-69 [13 20]	1	2
C170-224 ..... (G-13004) F 8-26-69	Arthur J. Wessely (successor to Gulf Oil Corp.).	do	Contract 6 3-57 [20]	3	.....
			Supplement 9-30-57	3	1
			Assignment 6-18-69 [13 20]	3	2
			Ratified 5-15-69.	3	.....
A. C170-236 ..... (C166-653) F 9-8-69 [24]	Leben Drilling, Inc. (Operator) et al. (successor to Austral Oil Co. Inc., et al.).	Arkansas Louisiana Gas Co., Arkoma Basin, Latimer and Pittsburgh Counties, Okla.	Contract 3-30-64	3	1
			Ratified 5-16-69.	3	2
			Supplemental agreement 4-15-64.	3	3
			Supplemental agreement 11-15-65. [20]	3	4
			Assignment 12-13-68 [27]	3	5
			Assignment 3-10-69 [13 20]	3	6
C170-247 ..... A 9-11-69 [13]	Western Oil Fields, Inc. (Operator) et al.	Transwestern Pipeline Co., Acreage in Roberts County, Tex.	Contract 8-22-69	13	.....
C170-266 ..... A 9-16-69	Sun Oil Co. [20]	El Paso Natural Gas Co., acreage in Sutton County, Tex.	Contract 8-18-69 [15]	253	.....
C170-269 ..... A 9-18-69 [13]	Westrans Petroleum, Inc.	Consolidated Gas Supply Corp., Jefferson District, Pleasants County, W. Va.	Contract 3-27-69 [15]	7	.....
C170-270 ..... A 9-18-69 [13]	Pethtel Oil & Gas Co.	Consolidated Gas Supply Corp., McKim District, Pleasants County, W. Va.	Contract 2-6-69 [15]	1	.....
C170-277 ..... A 9-19-69 [13]	Dorothy Myers	United Fuel Gas Co. Corp. Issued 12-13-	Contract 8-7-69 [15]	1	.....
		District, Lincoln County, W. Va.			
C170-280 ..... (G-19694) B 9-19-69	W. H. Mossor et al.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Notice of cancellation 9-17-69. [2 24a]	90	1
C170-281 ..... (C165-638) B 9-19-69	Sydney Spofforth	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Notice of cancellation 9-17-69. [2 24a]	7	1
C170-282 ..... (C165-1305) B 9-19-69	A. A. Pursley	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Notice of cancellation 9-17-69. [2 24a]	6	2
C170-283 ..... (C167-1401) B 9-19-69	Winnie Fae Morris, Agent for Russell G. Beall, et al.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Notice of cancellation 9-17-69. [2 24a]	8	1
C170-284 ..... (C166-1241) B 9-19-69	James Drilling Corp. et al.	Consolidated Gas Supply Corp., Skin Creek District, Lewis County, W. Va.	Notice of cancellation 9-17-69. [2 24a]	8	1
C170-285 ..... (C167-1414) B 9-19-69	Sydney Spofforth, Agent for A & A Drilling Co.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Notice of cancellation 9-17-69. [2 24a]	9	1
C170-286 ..... (C165-1321) B 9-19-69	Hugh K. Spencer	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	Notice of cancellation 9-16-69. [2 24a]	11	4
C170-287 ..... (C165-681) B 9-19-69	Creslenn Oil Co., Inc., et al.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Notice of cancellation 9-16-69. [2 24a]	9	1
C170-288 ..... (C165-714) B 9-19-69	Creslenn Oil Co., Inc.	Consolidated Gas Supply Corp., Geary District, Roane County, W. Va.	Notice of cancellation 9-16-69. [2 24a]	10	1
C170-289 ..... (C165-643) B 9-19-69	do	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Notice of cancellation 9-16-69. [2 24a]	8	1
C170-294 ..... A 9-22-69 [13]	American Minerals Fund, Inc.	Cascade Natural Gas Corp., Ryans Creek Area, Rio Blanco County, Colo.	Contract 7-29-69 [15]	1	.....
C170-296 ..... (G-9987) B 9-19-69	Union Oil Co. of California.	El Paso Natural Gas Co., Crosby Devonian Field, Lea County, N. Mex.	Notice of cancellation 9-16-69. [2 3]	128	11

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No.	Supp.
C170-297 (G-7014) F 9-22-69	Cabot Corp. (SW) (successor to Cities Service Oil Co.).	Northern Natural Gas Co., Hugoton Field, Texas County, Okla.	Contract 4-10-53 [12] Contract 2-17-53 Assignment 4-1-69 [13] Effective date: 4-1-69	197 97	1 2
C170-299 A 9-25-69 [14]	Arkla Exploration Co.	Arkansas Louisiana Gas Co., Southeast Carlton Field, Blaine County, Okla.	Contract 7-26-69 [15]	26	
C170-305 A 9-25-69 [16]	Hughes Seewald	Natural Gas Pipeline Co. of America, Camrick Field, Texas County, Okla.	Contract 8-1-69 [16]	6	
C170-306 A 9-26-69 [17]	Apollo Petroleum Corp. (Operator) et al.	Ellis District, Kanawha County, W. Va.	Contract 8-27-69 [18]	1	
C170-309 A 9-26-69 [19]	James F. Scott, d.b.a. Hall, Frasure & Stutler Gas Co.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	Contract 11-5-68 [20]	16	
C170-313 A 9-29-69 [21]	Imperial-American Management Co.	Michigan Wisconsin Pipe Co., Laverne Field, Harper and Ellis Counties, Okla.	Contract 6-12-69 [22]	4	
C170-315 (CI62-384) H 9-29-69	A. L. Abercrombie (Operator) et al.	Panhandle Eastern Pipe Line Co., acreage in Moore County, Kans.	Notice of cancellation 10-22-69 [23]	6	1
C170-316 (CI62-884) F 9-29-69	L. L. Wilkins E & O Co. et al (successor to Gulf Oil Corp. (Operator) et al.).	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Contract 9-15-61 [24] Assignment 7-14-69 [25] Assignment 8-11-69 [26] Assignment 8-18-69 [27] Assignment 8-28-69 [28] Effective date: 6-1-69 Contract 8-1-69	2 2 2 2 2 2	1 2 3 4
C170-319 A 9-30-69 [29]	Neal Rudder, d.b.a. Rudder Oil & Gas Co.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	Supplement to agreement 9-23-69 [30]	17	1

[1] Deletes acreage from the Newburg Formation.
[2] Effective date: Date of this order.
[3] Source of gas depleted.
[4] Instrument whereby Aico Oil & Gas Corp. was merged by applicant.
[5] Transfers acreage from Hidalgo Gas Production Corp. to A. G. Hill.
[6] Assigns 90 percent of Neville G. Penrose, Inc., interests in acreage to Brosco Corp.
[7] Reflects that Neville G. Penrose, Inc., as operator and establishes right of nonoperators to choose new operation if Penrose fails to participate.
[8] Conveys acreage from Brosco Corp. to Trusts U/D Donaldson Brown.
[9] Delegates authority to John B. Rich to act as agent for Trusts U/D Donaldson Brown.
[10] Assigns acreage from Neville G. Penrose and J. M. Zachery to E. A. Tiegel.
[11] Appoints Trusts U/D Donaldson Brown operator in lieu of Neville G. Penrose who no longer has an interest in the subject acreage.
[12] Consents to assignment from The Bradley Production Corp. et al., to MAPCO Production Co. (Operator) et al.
[13] From Louise W. Bradley and George R. Bradley, Jr., Trustees of the Estate of Edwin G. Bradley, deceased, to Robert F. White, Guardian of Estates of Karen F. White and Robert Parker White.
[14] From William J. Froelich, Jr., to Robert F. White.
[15] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[16] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
[17] Deletes acreage assigned to Sarkess, Inc.
[18] Assigns acreage from James W. Williams, G. W. Dobbins, Jr., and Jack Conroy (successors to Twin Gas Co.) to Signal Oil & Gas Co.
[19] No certificate or rate filings made. Deletes acreage assigned to David Fasken (Operator) et al., who received certificate authorization under its FPC GRS No. 3 in Docket No. CI66-729.
[20] No certificate filing made, only rate filing made.
[21] From owners of leases in North Indian Basin Field, one of which was Marathon to David Fasken.
[22] Adds 320 acre acreage assigned to David Fasken (Operator) et al., who received certificate authorization under its FPC GRS No. 3 in Docket No. CI66-729.
[23] By letter dated Apr. 5, 1965 (filed Nov. 5, 1969), applicant advised willingness to accept a permanent certificate at 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment.
[24] Assigns acreage from Thomas N. Berry & Co. et al., to applicant.
[25] Assigns acreage from C. M. Fleming, John L. Hoard, Edwin L. Cox, James W. Williams, C. W. Dobbins, Jr., and Jack Conroy (successor to Criner Processing) to Signal Oil & Gas Co.
[26] Agreement for Buyer to connect the well to its system.
[27] On May 13, 1966, Twin Gas Co. filed a related rate filing which was erroneously noticed as a petition to amend the order issuing a certificate in Docket No. CI66-979. No certificate action is required on the May 13, 1966 filing

GENERAL UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder and has caused this undertaking to be executed and sealed in its name by a duly authorized officer this _____day of_____, 196__.

(Name of Respondent)
By _____

Attest:

_____

[F.R. Doc. 69-14756; Filed, Dec. 12, 1969; 8:45 a.m.]

[Dockets Nos. CP69-257, CP67-77]

EAST TENNESSEE NATURAL GAS CO. AND VOLUNTEER NATURAL GAS CO.

Notice of Petition To Amend

DECEMBER 9, 1969.

East Tennessee Natural Gas Co. and Volunteer Natural Gas Co., applicant, Docket No. CP69-257; East Tennessee Natural Gas Co., respondent, Docket No. CP67-77.

Take notice that on November 24, 1969, East Tennessee Natural Gas Co. (applicant), Post Office Box 10245, Knoxville, Tenn. 37919, filed in Dockets Nos. CP69-257 and CP67-77 a petition to amend the orders of the Commission to authorize changes in the maximum daily delivery obligations, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued on August 13, 1969, in Docket No. CP69-257 applicant was authorized, inter alia, to increase its maximum daily delivery obligation to United Cities Gas Co. (United Cities) from its Columbia Service Area from 7,000 Mcf to 9,198 Mcf and to increase its maximum daily delivery obligation to Volunteer Natural Gas Co. (Volunteer) for its Greenville Service Area from 3,688 Mcf to 3,864 Mcf. Applicant states that it has been advised of certain market conditions which have reduced United Cities need for volumes of firm gas in its Columbia Service Area and certain other market developments in its Shelbyville Service Area which have increased its need for daily volumes of firm gas. Accordingly, United Cities has requested Applicant to reduce the maximum daily delivery obligation for the Columbia Service Area by 700 Mcf from 9,198 Mcf to 8,498 Mcf, and to increase its maximum daily delivery obligation for the Shelbyville Service Area by 700 Mcf from 4,046 Mcf to 4,746 Mcf.

Applicant states Volunteer has similarly advised that certain market developments in its Greenville and Gray [1] Station Service Areas as to necessitate the request that applicant reduce the maximum daily delivery obligation for the Gray Station by 300 Mcf from 506 Mcf to 206 Mcf and to increase the maximum daily delivery obligation for its Greenville Service Area by 300 Mcf to 4,164 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14799; Filed, Dec. 12, 1969; 8:46 a.m.]

[1] Pursuant to an order issued Oct. 28, 1966, at Docket No. CP67-77 Applicant was directed to sell and deliver to Gray a maximum daily volume of 506 Mcf.

[Dockets Nos. CP70-137, CP70-138]

EL PASO NATURAL GAS CO.

Notice of Application; Correction

DECEMBER 9, 1969.

In the notice of application, issued December 2, 1969, and published in the FEDERAL REGISTER December 6, 1969 (34 F.R. 19385), in line 12, paragraph 2 in the center column, change "currently authorized 650,000 Mcf per day" to read "currently authorized 500,000 Mcf per day and 150,000 Mcf per day pending authorization in Docket No. CP69-345."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14800; Filed, Dec. 12, 1969; 8:47 a.m.]

[Docket No. CP69-222]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

DECEMBER 9, 1969.

Take notice that on November 26, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-222 a petition to amend the order of the Commission issued on August 27, 1969, as amended on October 20, 1969, to authorize long-term storage service to Connecticut Natural Gas Corp. (Connecticut) in lieu of the interim contracted demand service previously authorized, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that it has been informed by Connecticut of its desire to convert the 1-year contracted demand service of 1,428 Mcf authorized by the Commission's order of August 27, 1969, to long-term storage service effective November 1, 1969. Applicant further states that Connecticut has requested a winter storage quantity of 128,520 Mcf, effective as of November 1, 1969.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14801; Filed, Dec. 12, 1969; 8:47 a.m.]

[Docket No. E-7516]

IOWA POWER AND LIGHT CO.

Notice of Application

DECEMBER 11, 1969.

Take notice that on December 10, 1969, Iowa Power and Light Co. (Applicant) of Des Moines, Iowa, filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $15 million principal amount of First Mortgage Bonds due 2000.

Applicant is incorporated under the laws of the State of Iowa with its principal business office in Des Moines, Iowa, and is engaged in the electric and natural gas utility business in 27 counties within the State of Iowa.

The Bonds are to be issued under the Applicant's indenture, dated August 1, 1943, to Harris Trust and Savings Bank, and R. H. Long, Trustees, such indenture to be supplemented by a 10th supplemental indenture to be dated as of January 1, 1970. The interest rate of the Bonds will be determined by competitive bidding pursuant to the Commission's regulations under the Federal Power Act. The Bonds will not be redeemable prior to January 1, 1975, at the option of the of the company through a refunding which has an interest cost to the company less than the interest cost of the bonds.

The purpose for which the bonds are to be issued is the refunding of certain obligations consisting of a portion of short-term borrowings from commercial banking institutions and from the sale of commercial paper aggregating $29,700,000 at November 30, 1969, and expected to aggregate approximately $30,500,000 at the time of the sale of the bonds.

Any person desiring to be heard or to make any protest with reference to said

application should on or before December 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14863; Filed, Dec. 12, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 53]

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of Frontier Savings and Loan Association

DECEMBER 10, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Gibraltar Financial Corporation of California, Beverly Hills, Calif., for approval of acquisition of control of the Frontier Savings and Loan Association, Lodi, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of guarantee stock of Frontier Savings and Loan Association for stock of Gibraltar Financial Corporation of California. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-14802; Filed, Dec. 12, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Wisconsin Bankshares Corp., which is a bank holding company located in Milwaukee, Wisc., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of First West Towne National Bank of Madison, Madison, Wisc., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 5th day of December 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14773; Filed, Dec. 12, 1969; 8:45 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

PUBLIC INDEX FILE

Notice of Availability

Notice is hereby given the Public Index File of the National Commission on Product Safety, which was described in a preliminary notice of its availability (FEDERAL REGISTER, 34 F.R. 18148, Nov. 11, 1969), may now be purchased by the public in microfiche form. Microfiche sheets are 4'' x 6'' photographic transparencies which can be read only by 18X magnification with a microfiche reader. The microfiche sheets, numbered PB-187 662, may be ordered from the Clearinghouse for Federal Scientific and Technical Information of the U.S. Department of Commerce, Springfield, Va. 22151. (Telephone (703) 321-8543.) The interim file of 800 pages is photographically reproduced on 12 microfiche sheets for a total price of 65 cents, to be enclosed with the order. Printed copies of the interim file will be available in late January 1970 for approximately $10, and may be ordered at that time using the same number.

The Public Index File is an interim index to information on consumer product safety matters assembled by the Commission. The information indexed includes: Medical notes and injury statistics; Commission activities; products studied; public complaint letters and manufacturers' replies; addresses of organizations and individuals associated with the Commission's study; newspaper reports, articles and books; Commission documents; product standards; and a cross-reference file which relates other data to particular products.

The National Commission on Product Safety plans to make final copies of the Public Index File available after the Commission's final report is submitted in June 1970.

Dated: December 8, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-14782; Filed, Dec. 12, 1969; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

SECRETARY OF LABOR

Delegation of Authority

Pursuant to the authority vested in me by the President under Executive Order 11495, November 18, 1969 (34 F.R. 18447, Nov. 20, 1969), to administer the Disaster Relief Act of 1969 (Public Law 91-79, 83 Stat. 125), I hereby delegate to the Secretary of Labor the authority, functions and powers granted by section 12 of that Act to provide assistance to individuals unemployed as a result of a major disaster and to issue such rules and regulations as may be necessary and appropriate.

Dated: December 11, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

I consent:

GEORGE P. SHULTZ,
Secretary of Labor.

DECEMBER 11, 1969.

[F.R. Doc. 69-14860; Filed, Dec. 12, 1969; 9:22 a.m.]

APPLICATIONS FOR DISASTER ASSISTANCE UNDER DISASTER RELIEF ACT OF 1969

Authority to provide assistance to individuals unemployed as a result of a major disaster, pursuant to section 12 of the Disaster Relief Act of 1969, has been delegated to the Secretary of Labor by the Director of the Office of Emergency Preparedness. The Secretary will provide such assistance through agreements with the affected States or the appropriate agencies thereof, or in the absence of such agreement through such other arrangements as he shall make. Applications for assistance shall be filed in accordance with such rules and regulations as the Secretary shall provide.

Anything in the Director's notice of November 28, 1969 (34 F.R. 19047), inconsistent with the foregoing is superseded by the foregoing.

Dated: December 11, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-14861; Filed, Dec. 12, 1969; 9:22 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4816]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Open Account Advances to Subsidiary Companies and Intrasystem Issuance and Acquisition of Promissory Notes and Reinstatement of Open Account Construction Loans

DECEMBER 5, 1969.

In the matter of The Columbia Gas System, Inc., 120 East 41st Street, New York, N.Y. 10017; United Fuel Gas Co., Atlantic Seaboard Corp., Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corp., Kentucky Gas Transmission Corp., Columbia Gas of Ohio, Inc., The Ohio Fuel Gas Co., The Ohio Valley Gas Co., Columbia Gas of Pennsylvania, Inc., The Manufacturers Light and Heat Co., Home Gas Co., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., Cumberland and Allegheny Gas Co., Columbia Gulf Transmission Co., Columbia Hydrocarbon Corp., The Inland Gas Co., Inc.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary companies listed above have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 9, 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

During the winter heating season, certain of Columbia's operating subsidiary companies, particularly the distribution companies, generate substantial cash in excess of current requirements. Formerly, such excess funds were generally invested by these operating subsidiary companies in U.S. Government Treasury Bills until such time as the cash was required for construction and other corporate purposes. Since the transmission subsidiary companies generate smaller amounts of excess cash during such months than the distribution subsidiaries and their construction expenditures are generally larger, Columbia had been advancing such subsidiary companies funds under Commission authorization while other subsidiary companies had cash considerably in excess of current requirements. For the past 7 years, however, the Commission has authorized open account advances by Columbia to subsidiary companies and certain related transactions which are designed to alleviate this situation. The present filing requests authorization to continue these transactions during the calendar year 1970, as follows.

It is proposed that the subsidiary companies listed below will, in accordance with the exemptive provisions of Rule 42(b)(2) under the Act, prepay with excess cash, from time to time prior to the end of 1970, a portion of their outstanding promissory notes and open account construction loans held by Columbia (hereinafter referred to as "indebtedness"). The indebtedness prepaid will not exceed the following amounts, which represent the maximum excess funds that such companies are expected to accumulate at any one time during the year 1970:

Columbia Gas of Pennsylvania, Inc	$15,000,000
The Manufacturers Light and Heat Co	15,000,000
Columbia Gas of New York, Inc	2,500,000
Columbia Gas of Maryland, Inc	1,500,000
Cumberland and Allegheny Gas Co	1,500,000
Home Gas Co	1,500,000
Atlantic Seaboard Corp	9,000,000
Columbia Gas of Kentucky, Inc	4,000,000
United Fuel Gas Co	50,000,000
Virginia Gas Distribution Corp	2,000,000
The Ohio Fuel Gas Co	30,000,000
Columbia Gas of Ohio, Inc	40,000,000
The Ohio Valley Gas Co	4,000,000
Columbia Gulf Transmission Co	10,000,000
Kentucky Gas Transmission Corp	5,000,000
Columbia Hydrocarbon Corp	1,258,000
The Inland Gas Co., Inc	1,000,000
Total	193,258,000

The indebtedness prepaid by the individual companies will be that bearing the highest interest rate or rates outstanding at the time of such prepayment. As any of such companies require funds for construction and other corporate purposes after prepayment, it is proposed that advances be made to them on open account by Columbia: *Provided*, That at no time will the amount of such advances to any subsidiary exceed the amount of indebtedness theretofore prepaid by it, less any current maturities applicable to prepaid notes which would have matured subsequent to the date of prepayment.

Open account advances to any subsidiary company will bear interest at the same rate or rates as borne by the equivalent principal amounts of indebtedness previously prepaid by it during 1970, but in reverse order to that of the prepayments, i.e., working up from the lowest rate payable on the indebtedness previously prepaid to the highest rate. The proposed advances on open account to individual subsidiary companies will be increased or decreased from time to time in accordance with variations in the cash flow of the individual subsidiary companies. At such time as the advances to any subsidiary company equal the aggregate amount of the indebtedness prepaid by it, or in any event, not later than December 31, 1970, such prepaid indebtedness will be reinstated in repayment of the outstanding open account advances.

No financing of any operating subsidiary company which may be presently or subsequently authorized by the Commission in connection with the construction or gas storage programs of any such subsidiary company will be consummated until such time as advances have been made equal to the amount of indebtedness prepaid. Any subsidiary company not requiring financing during 1970 and which has borrowed on open account from Columbia an amount smaller than the amount of indebtedness theretofore prepaid by it, will, on December 31, 1970, reinstate its indebtedness to Columbia in an amount sufficient to discharge its open account borrowings, and the balance of its prepaid indebtedness will be considered to have been permanently prepaid. Such permanent prepayment would be applied against indebtedness bearing the highest interest rates and would be consummated only with respect to indebtedness bearing interest at a rate equal to or in excess of the rate applicable to borrowings by subsidiary companies from Columbia as at December 31, 1970. In the event that a permanent prepayment by any subsidiary company would be indicated with respect to indebtedness bearing an interest rate less than said rate at December 31, 1970, such indebtedness will be reinstated by the subsidiary company at or before the end of 1970, in order to preserve the lower interest rate of the indebtedness scheduled for permanent prepayment.

It is stated that the proposed transactions are designed to utilize effectively aggregate system funds and to achieve the following: (1) Prepayment of inventory loans with commercial banks and other short-term borrowings at the earliest date, (2) deferment of outside financing until aggregate system funds approach a minimum balance, and (3) facilitation of the internal financing of emergency requirements. In addition, operating subsidiaries having excess funds will be able, through the prepayment of

indebtedness, to decrease their own net corporate interest expense during the period such funds are not required.

The application-declaration states that expenses to be incurred by Columbia and its subsidiary companies in connection with the proposed transactions are estimated at $75 and $750, respectively, and that $550 of these aggregate expenses are for services, at cost, to be provided by Columbia Gas System Service Corp.

It is further stated that Cumberland and Allegheny Gas Co. and United Fuel Gas Co. are required to obtain authorization from the Public Service Commission of West Virginia for certain of the transactions proposed herein; that the Public Service Commission of New York has authorized the reissue of prepaid notes by Columbia Gas of New York, Inc., and Home Gas Co.; and that the Public Service Commission of Kentucky and the State Corporation Commission of Virginia previously authorized the issuance of prepaid notes by Columbia Gas of Kentucky, Inc., and Virginia Gas Distribution Corp., respectively, and that amendments to the original applications of these two companies are being filed with the respective commissions.

Notice is further given that any interested person may, not later than December 24, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14785; Filed, Dec. 12, 1969; 8:45 a.m.]

[70-4817]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Issue and Sale of First and Refunding Mortgage Bonds and Preferred Stock at Competitive Bidding

DECEMBER 4, 1969.

Notice is hereby given that The Connecticut Light and Power Co. ("CL&P"), Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

CL&P proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of First and Refunding Mortgage ____ percent Bonds, Series V, due January 1, 2000. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to CL&P (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Indenture of Mortgage and Deed of Trust dated May 1, 1921, between CL&P and Bankers Trust Co., Trustee, as heretofore supplemented and amended and as to be further supplemented by a Supplemental Indenture to be dated as of January 1, 1970, and which contains a prohibition until January 1, 1975 against refunding the issue with the proceeds of funds borrowed at a lower cost of money.

CL&P also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 300,000 shares of its $_____ Preferred Stock—Series H, $50 par value. The dividend rate of the preferred stock (which will be a multiple of $0.04) and the price, exclusive of accrued dividends, to be paid to CL&P (which will be not less than $50 nor more than $51.375 per share) will be determined by the competitive bidding.

The application states that CL&P intends to use the proceeds from the sale of the bonds and preferred stock to repay short-term borrowings, consisting of bank and commercial paper notes, estimated to be outstanding in the aggregate amount of $55,600,000 at the time of such sales. Such borrowings have been or will be incurred to finance, in part, CL&P's construction program and to supply funds in 1969 for its investments in regional nuclear generating companies. CL&P estimates that no additional financing will be required for construction, investments in regional nuclear generating companies, and other corporate purposes during 1970 except for short-term borrowings which are expected to be outstanding as of September 30, 1970, in the aggregate principal amount of approximately $41 million. CL&P's construction program contemplates construction expenditures of approximately $123 million for 1970.

The application further states that the issue of the bonds and preferred stock is subject to the jurisdiction of the Connecticut Public Utilities Commission. A statement of fees and expenses incident to the issue and sale of the bonds and preferred stock will be filed by amendment.

Notice is further given that any interested person may, not later than December 24, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14786; Filed, Dec. 12, 1969; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 8, 1969, through December 17, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14787; Filed, Dec. 12, 1969; 8:46 a.m.]

[811-1642]

DAVIS ISLAND CO.

Notice of Filing of Application Declaring Company Has Ceased To Be Investment Company

DECEMBER 5, 1969.

Notice is hereby given that Pittsburgh Coke and Chemical Co. ("Pittsburgh Coke"), 2000 Grant Building, Pittsburgh, Pa. 15219, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application on behalf of its former fully owned subsidiary The Davis Island Co. ("Davis Island"), which was also registered under the Act as a closed-end, nondiversified management investment company, pursuant to section 8(f) of the Act for an order declaring that Davis Island has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Davis Island has been liquidated and all of its assets, consisting primarily of cash and 1,026,976 shares of Merck & Co., Inc. have been distributed to Pittsburgh Coke pursuant to appropriate corporate authorization.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 22, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Davis Island at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14788; Filed, Dec. 12, 1969; 8:46 a.m.]

[70-4810]

GREAT LAKES GAS TRANSMISSION CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale by Subsidiary Company of Common Stock and of Notes to Banks

DECEMBER 5, 1969.

Notice is hereby given that American Natural Gas Co. ("American Natural"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its subsidiary company, Great Lakes Gas Transmission Co. ("Great Lakes"), have filed an application and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. The application relates to the issue and sale by Great Lakes of additional common stock and notes to banks. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Great Lakes proposes to issue and sell to American Natural, and American Natural proposes to acquire, an additional 25,000 shares of Great Lakes' common stock, par value $100 per share, at the aggregate par value thereof of $2,500,000. Great Lakes also proposes to issue and sell a like amount of shares, at the par value thereof, to Trans-Canada Pipe Lines, Ltd. ("Trans-Canada"). Trans-Canada and American Natural each purchased 50 percent of Great Lakes' outstanding 400,000 shares of common stock for a total consideration of $40 million (Holding Company Act Release No. 15422 (Mar. 7, 1966); Holding Company Act Release No. 15775 (June 29, 1967); Holding Company Act Release No. 15906 (Nov. 27, 1967); and Holding Company Act Release No. 16283 (Feb. 6, 1969)). The proposed sale will increase their common stock investment to $45 million.

Great Lakes also proposes to issue notes to banks pursuant to a Bank Loan Agreement dated October 6, 1969, with the five banks which hold its outstanding notes. Under the agreement, the participating banks have agreed to lend Great Lakes $230 million, of which $210 million will be used to refinance the existing loans from these banks due March 25, 1970 (Holding Company Act Release No. 16283 (Feb. 6, 1969)), as follows:

	Total commitment	Increase in commitment
First National City Bank, New York, N.Y.	$61,800,000	$6,600,000
Canadian Imperial Bank of Commerce, New York, N.Y.	59,200,000	6,700,000
The Royal Bank of Canada, New York, N.Y.	59,200,000	6,700,000
Morgan Guaranty Trust Company of New York, N.Y.	29,800,000	----------
National Bank of Detroit, Mich.	20,000,000	----------
Total	230,000,000	20,000,000

The new notes will mature on December 31, 1971, and will bear interest at the rate of 1 percent above the prime rate prevailing at First National City Bank. The promissory notes may be prepaid at any time upon 5 days notice without penalty except from borrowings having less than 5 years' maturity from banks not parties to the agreement. Great Lakes will pay a commitment fee of three-fourths of 1 percent per annum on the average daily unused balance of the $20 million of additional notes, which may be issued from time to time prior to December 31, 1971. The presently outstanding notes to banks in the amount of $210 million bear interest at one-half percent above the prime rate as adjusted on the first day of each suceeding calendar quarter year. Under the agreement presently proposed, these notes will in effect be prepaid about three (3) months prior to their maturity on March 25, 1970, and thus for such period the interest rate to Great Lakes will be increased to 1 percent above the prime rate. It is stated that this is not a disadvantage to Great Lakes and that the present agreement is at least as good as an arrangement for a refunding effective at maturity on March 25, 1970, subject to a commitment fee until such date.

It is stated that the sale of additional common stock for a total of $5 million and $20 million of additional notes are required to enable Great Lakes to finance its 1970 capital expenditures in the amount of $21,500,000 and to provide necessary working capital. Great Lakes' 1970 construction program primarily involves the construction of five new compressor stations and additions of compressor units at three existing stations. It is further stated that in view of the

pending proceeding as to its basic certificate of public convenience and necessity before the Federal Power Commission ("FPC"), Great Lakes is unable to sell long-term debt securities to refund its presently outstanding notes to banks. Great Lakes presently contemplates, pursuant to an appropriate application to this Commission, to refinance its new bank loans on or prior to December 31, 1971, by the issue of $180 million principal amount of 10-year sinking fund debentures, $30 million principal amount of serial bank loans, and the balance by payment in cash generated from operations and other sources. Under the FPC order granting Great Lakes its certificate, Great Lakes may not pay any dividend on its common stock so long as long-term debt exceeds 75 percent of its total capitalization.

By Order of June 20, 1967, the FPC issued a certificate to Great Lakes to construct and operate a 989-mile, 36-inch, natural gas pipeline extending from Emerson, Manitoba, through northern Wisconsin and Upper Michigan, to the Lower Michigan Peninsula and the Canadian border in the east. On review sought by Northern Natural Gas Co. and others, the court of appeals for the District of Columbia Circuit, without affirming, modifying, or setting aside the FPC order remanded the case to the FPC for further consideration, among other things, in the light of certain antitrust factors set forth in the court's decision of June 21, 1968 (Northern Natural Gas Co. v. FPC, 399 F.2d 953). Subsequently, on motion for the issuance of a formal mandate or clarification of mandate, the court of appeals determined that, pending final disposition on remand, the FPC was to answer the question of stay. By order issued on October 1, 1968, the FPC denied a request to vacate its prior authorizations and to stay construction of facilities. The FPC hearing has been concluded and the Department of Justice and FPC staff counsel have filed briefs with the Examiner urging divestiture by American Natural of its interest in Great Lakes.

Construction of the pipeline has been completed and under existing contracts Great Lakes transmits 435,000 Mcf of natural gas per day for the account of Trans-Canada and transmits and sells 30,000 Mcf of natural gas per day, purchased from Trans-Canada at Emerson, to Michigan Consolidated Gas Co. ("Michigan Consolidated"), a subsidiary company of American Natural. Effective November 1, 1969, the daily amount transported for Trans-Canada will be increased to 560,000 Mcf per day and the amount sold to Michigan Consolidated will total 57,000 Mcf per day.

Great Lakes has applied to the FPC for a certificate under which it would be authorized to increase its purchases of natural gas from Trans-Canada and to commence, on November 1, 1970, sale of gas for resale to new customers in the United States. The proposed contracts with new customers, all for a period of 25 years, provide for sale of 155,000 Mcf per day to Natural Gas Pipe Line Company of America ("Natural"), 13,000 Mcf per day to Inter-City Gas, Ltd., and 13,000 Mcf per day to Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), a subsidiary company of American Natural. Great Lakes also proposes a gas exchange arrangement, for a period of 25 years, with Michigan Wisconsin under which during the winter months Great Lakes will deliver gas to Michigan Wisconsin in the Upper Peninsula of Michigan for the latter's Wisconsin markets and an equal volume will be returned to Great Lakes at Michigan Wisconsin's storage fields in west-central Michigan. The sales to Natural and Michigan Wisconsin will be made at Great Lakes' compressor station near Crystal Falls, Mich. This application is pending before the FPC. There is also pending before the FPC an application by Michigan Wisconsin to construct and operate a 30-inch line approximately 130 miles in length from an interconnection with Great Lakes' facilities at Crystal Falls, through which line Michigan Wisconsin will transport its proposed gas purchases from Great Lakes and Naturals' purchases from Great Lakes which will be redelivered by Michigan Wisconsin to Natural near Chicago, Ill., under an exchange arrangement.

It is stated that of the $21,500,000 necessary for the 1970 construction program of Great Lakes, the financing of which is the subject of the application to this Commission, approximately $11,500,000 represents the cost of facilities heretofore authorized by the FPC under Great Lakes' basic certificate of convenience and necessity and other authorizations. It is stated further that about $10 million of the proposed financing relate to the estimated cost of facilities as to which authorizations by the FPC are required and applications therefor are pending.

It is stated that the fees and expenses in connection with the proposed transactions are estimated at $157,170, including a securities issuance fee of the Michigan Public Service Commission of $146,170 and legal fees of $10,000. The application states that it is the opinion of counsel that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of the common stock and notes. However, the Michigan Public Service Commission has asserted jurisdiction over the issuance of securities by Great Lakes, which issue has not yet been finally resolved. Accordingly, Great Lakes is filing concurrently herewith an application to the Michigan Public Service Commission requesting authorization of the issuance of an additional 50,000 shares of common stock of Great Lakes, par value $100 per share, and the promissory notes for which authorization is required under Michigan statutes, if applicable. A copy of the order of the Michigan Public Service Commission responsive to this application will be filed by amendment.

Notice is further given that any interested person may, not later than December 22, 1969, at noon, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall give notice of the pending application by mailing copies of this notice by certified mail to the Federal Power Commission and the U.S. Department of Justice. Notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice in the FEDERAL REGISTER.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14788; Filed, Dec. 12, 1969; 8:46 a.m.]

LIQUID OPTICS CORP.

Order Suspending Trading

DECEMBER 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp., a New York corporation, and all other securities of Liquid Optics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 7, 1969, through December 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14789; Filed, Dec. 12, 1969; 8:46 a.m.]

[812-2654]

UNITED VANGUARD FUND, INC., AND CWR CORP.

Notice of Filing of Application for Exemption

DECEMBER 4, 1969.

Notice is hereby given that United Vanguard Fund, Inc. ("Fund"), a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, and CWR Corporation ("CWR"), 20 West Ninth Street, Kansas City, Mo., a Massachusetts corporation which is a wholly owned subsidiary of Continental Investment Corp. (hereinafter referred to collectively as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of exemption from sections 15(a) and 15(c) of the Act to the extent necessary to permit CWR to act as investment adviser to Fund pursuant to an investment advisory contract between Fund and CWR, which has not been approved by shareholders, for the period beginning December 31, 1969, the date proposed for commencement of service by CWR, and ending July 15, 1970, the date of the annual meeting of shareholders of Fund. All interested persons are referred to the application filed with the Commission for a statement of the representations contained therein which are summarized below.

CWR owns all of the voting common stock and over 99 percent of the nonvoting common stock of Waddell & Reed, Inc. ("Waddell & Reed"), a New York corporation which is presently the investment adviser to and principal underwriter for Fund. It is proposed that effective December 31, 1969 Waddell & Reed be merged into CWR and that the name of CWR as the surviving corporation be changed to "Waddell & Reed, Inc.". The directors, officers, and employees of Waddell & Reed will become directors, officers, and employees of the new Waddell & Reed, Inc., and no change in the functions and activities of Waddell & Reed will result from the merger.

Applicants represent that the merger is designed to simplify the corporate structure, eliminate the present minority holdings of nonvoting common stock of Waddell & Reed, and permit a more realistic valuation for tax purposes of the assets of Waddell & Reed.

The shareholders of Fund approved the terms of the present contract at the postponed annual meeting held June 3, 1969. The proposed, new contract will be substantially identical (except for the initial date, the language as to the continuance of the contract, and the reference to Waddell & Reed as a New York corp.) with the present contract.

Applicants state that the proposed exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Shareholder approval of the proposed new contract would require a special meeting of shareholders of Fund which Applicants represent is unnecessary under the circumstances. No change of control is involved in the merger, but as a result of the merger, Continental Investment Corp. would own the new Waddell & Reed directly rather than owning Waddell & Reed through a wholly owned subsidiary.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company.

Section 15(c) provides, among other things, that it is unlawful for any registered investment company having a board of directors to enter into, renew, or perform any investment advisory or underwriting contract unless the terms of the contract and any renewal thereof are approved by a majority of the directors who are not parties to such contract or affiliated persons of any such party or by the vote of a majority of the outstanding voting securities of such company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 22, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule D-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14790; Filed, Dec. 12, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 742]

HAWAII

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1969, because of the effects of certain disasters, damage resulted to residences and business property located in those areas affected on the Island of Oahu, Honolulu County, Hawaii, and those areas affected on the Island of Hawaii, Hawaii County, Hawaii;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Islands, suffered damage or destruction resulting from floods caused by monstrous storm waves occurring on December 1, 1969.

OFFICE

Small Business Administration District Office, 1149 Bethel Street, Honolulu, Hawaii 96813.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1970.

Dated: December 4, 1969.

W. D. BREWER, *Acting Administrator.*

[F.R. Doc. 69-14819; Filed, Dec. 12, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards

Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

The Eastern Isles Manufacturing Corp., Richlands, Va.; 11-10-69 to 11-9-70 (women's nightwear and pajamas).

Farmville, Division of U. S. I., Inc., Farmville, N.C.; 11-14-69 to 11-13-70 (ladies' slacks, jeans, and shirts).

J. Freezer & Son, Inc., Radford, Va.; 11-13-69 to 11-12-70 (men's shirts).

Guntown Slacks, Inc., Guntown, Miss.; 11-12-69 to 11-11-70 (men's and boys' pants).

Knickerbocker Manufacturing Corp., West Point, Miss.; 11-9-69 to 11-8-70 (men's sleepwear).

Lamar Manufacturing Co., Millport, Ala.; 11-23-69 to 11-22-70 (men's and boys' pants).

Lerner Slone Clothing Corp.; Forrest City, Ark.; 11-12-69 to 11-11-70 (men's pants).

Salant & Salant, Inc., Paris, Tenn.; 11-9-69 to 11-8-70 (men's and boys' shirts).

Seminole Manufacturing Co., Aberdeen, Miss.; 11-23-69 to 11-22-70 (men's and boys' pants).

Seminole Manufacturing Co., Columbus, Miss.; 11-23-69 to 11-22-70 (men's and boys' pants).

Spring City Manufacturing Corp., Spring City, Tenn.; 11-20-69 to 11-19-70 (women's and girls' leotards).

Three Lion Britches, Inc., Ruleville, Miss.; 11-18-69 to 11-17-70 (men's and boys' pants).

Warner's, Barbourville, Ky.; 11-21-69 to 11-20-70 (women's brassieres and girdles).

The following plant expansion certificates were issued authorizing the number of learners indicated.

B & D Manufacturing Co., Inc., Sanford, Fla.; 11-10-69 to 4-12-70; 28 additional learners (men's shirts) (supplemental certificate).

Lexington Sportswear Co., Lexington, S.C.; 11-14-69 to 5-13-70; 10 learners (men's and boys' outerwear jackets).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Warren Hosiery Mills, Wise., N.C.; 11-10-69 to 5-9-70; 10 learners for plant expansion purposes (ladies' seamless hosiery).

Wyatt Knitting Co., Sanford, N.C.; 11-17-69 to 11-16-70; 5 learners for normal labor turnover purposes (ladies' seamless hosiery).

Wyatt Knitting Co., Sanford, N.C.; 11-24-69 to 5-23-70; 8 learners for plant expansion purposes (ladies' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Benham Corp., Scottsboro, Ala.; 11-17-69 to 5-16-70; 25 learners for plant expansion purposes (men's and boys' knit underwear).

Knickerbocker Manufacturing Corp., West Point, Miss.; 11-9-69 to 11-8-70; 5 percent of the total number of factory production workers engaged in the production of men's woven underwear for normal labor turnover purposes (men's sleepwear and underwear).

Sherman Underwear Mills, Inc., Hawley, Pa.; 11-12-69 to 11-11-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's underwear).

Signal Knitting Mills, Inc., Kain-Murphey Division, Chattanooga, Tenn.; 11-14-69 to 11-13-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' briefs).

Signal Knitting Mills, Inc., Ilena Division, Chattanooga, Tenn.; 11-14-69 to 11-13-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's T-shirts).

Signal Knitting Mills, Inc., Signal Division, Chattanooga, Tenn.; 11-14-69 to 11-13-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleeping garments).

Signal Knitting Mills, Inc., Dri-Set Division, Graysville, Tenn.; 11-9-69 to 11-8-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' knitted sleepwear and men's T-shirts).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Bayuk Caribe, Inc., Ciales, P.R.; 10-23-69 to 9-2-70; 10 learners for normal labor turnover purposes in the occupations of cigar making and packing, each for a learning period of 320 hours at the rates of $1.32 an hour for the first 160 hours and $1.42 an hour for the remaining 160 hours (cigars) (replacement certificate).

Bayuk Ciales, Inc., Ciales, P.R.; 10-23-69 to 7-17-70; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.32 an hour (tobacco) (replacement certificate).

Consolidated Caguas Corp., Caguas, P.R.; 10-23-69 to 9-7-70; 22 learners for normal labor turnover purposes in the occupations of cigar making and packing, each for a learning period of 320 hours at the rates of $1.32 an hour for the first 160 hours and $1.42 an hour for the remaining 160 hours (cigars) (replacement certificate).

Consolidated Cigar Corp., Caguas, P.R.; 10-23-69 to 9-7-70; 68 learners for normal labor turnover purposes in the occupations of cigar making and packing, each for a learning period of 320 hours at the rates of $1.32 an hour for the first 160 hours and $1.42 an hour for the remaining 160 hours (cigars) (replacement certificate).

Empire Textile Corp., Coroeal, P.R.; 9-29-69 to 3-28-70; 10 learners for plant expansion purposes in the occupation of machine knitter, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.39 an hour for the remaining 240 hours (knit shirts and sweaters).

General Cigar de Utuado, S.A., Utuado, P.R.; 10-23-69 to 3-12-70; 52 learners for normal labor turnover purposes in the occupations of cigar machine operators and cigar packers, each for a learning period of 320 hours at the rates of $1.32 an hour for the first 160 hours and $1.42 an hour for the remaining 160 hours (cigars) (replacement certificate).

Surtex Glove Corp., Coamo, P.R.; 9-26-69 to 9-25-70; 14 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.30 an hour for the remaining 240 hours (ladies' nylon dress gloves).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration date, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

Walla Walla College, College Place, Wash.; 9-1-69 to 8-31-70; authorizing the employment of: (1) 3 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations for a learning period of 1000 hours at the rates of $1.40 an hour for the first 500 hours and $1.45 an hour for the remaining 500 hours; and (2) 10 student-workers in the bookbinding industry in the occupations of bookbinding, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours.

The student-worker certificate was issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 8th day of December 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-14831; Filed, Dec. 12, 1969; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 10, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41824—*Groundwood paper and printing paper cores returned to points in official territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (No. E.R. 2964), for interested rail carriers. Rates on printing paper, winding cores, and ground wood paper winding cores, as described in the application, in carloads, returned to points of origin in official territory.

Grounds for relief—Carrier competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14815; Filed, Dec. 12, 1969; 8:48 a.m.]

[Notice 957]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 10, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 64994 (Sub-No. 112 TA), filed December 1, 1969. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 112, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all points in Virginia west of Virginia Highway 16 as off-route points in connection with applicant's regular-route operations in MC-64994 and subs thereunder, for 150 days. Supporting shipper: Applicant supports its own application. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 87109 (Sub-No. 22 TA), filed December 1, 1969. Applicant: TIDEWATER INLAND EXPRESS, INC., doing business as T. I. E., Rehoboth Boulevard, Milford, Del. 19963. Applicant's representative: G. I. Clendaniel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving, from and to points in Accomack County, Va., as off-route points in connection with applicant's regular route, between Philadelphia, Pa., and Milford, Del., for 180 days. NOTE: Applicant intends to tack with its present authority in Docket No. MC 87109 and subs. Supporting shippers: There are approximately (17) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 100623 (Sub-No. 17 TA), filed December 1, 1969. Applicant: HOURLY MESSENGERS, INC., doing business as H-M PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, pharmaceuticals, cosmetics, toiletries, and related advertising and display material* from the facilities of Charles Pfizer & Co., Inc., at or near Clifton, N.J., to points in Delaware, Maryland, New Jersey, the District of Columbia and Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill and York Counties, Pa., subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 500 pounds from the consignor to one consignee at one location on any one (1) day, for 180 days. Supporting shipper: Arthur F. Lane, Chas. Pfizer & Co. Inc., 235 East 42d Street, New York, N.Y. 10017. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 112520 (Sub-No. 211 TA), filed December 3, 1969. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil fatty acid*, in bulk, in tank trucks, from Panama City, Fla., to Sewickley, Pa., for 180 days. Supporting shipper: Arizona Chemical Co., 111 West 50th Street, New York, N.Y. 10020. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113024 (Sub-No. 81 TA), filed December 3, 1969. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber*, from the plantsite of NVF Corp., Yorklyn, Del., to St. Paul, Minn., and Milwaukee, Wis., for account of NVF Corp., for 180 days. Supporting shipper: NVF Co., Wilmington, Del. 19899, Douglas Harding, Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 117815 (Sub-No. 155 TA), filed December 3, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska, for 150 days. Supporting shipper: Elm Tree Baking Co., 3300 West College Avenue, Appleton, Wis. 54911. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119302 (Sub-No. 6 TA), filed December 2, 1969. Applicant: TRANSFER & RIGGING CO., Post Office Box 6977, Akron, Ohio 44312. Applicant's representative: David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hand shovels*, in klimp box containers, from the plantsite of True Temper Corp. at Dunkirk, N.Y., to the plantsite of True Temper Corp. at Saybrook, Ohio; *shovel parts, and klimp box containers*, setup and/or knocked down, and returned, *rejected and damaged shipments*, from the plantsite of True Temper Corp. at Saybrook, Ohio, to the

plantsite of True Temper Corp. at Dunkirk, N.Y., for 180 days. Supporting shipper: True Temper Corp., 1623 Euclid Avenue, Cleveland, Ohio 44115. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, Ohio 44199.

No. MC 125513 (Sub-No. 4 TA), filed December 3, 1969. Applicant: HOWARD G. SLAUGHTER, doing business as SLAUGHTER BEVERAGE TRANSPORT, Rural Delivery No. 1, Townsend, Del. 19734. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk tank vehicles), from Winston-Salem, N.C., to Wilmington and Milford, Del., *empty containers* on return, for 180 days. Supporting shippers: Major Distributing Co., Inc., Post Office Box 2206, Wilmington, Del.; Joseph A. Dewson, Vice President; Jos. Schlitz Brewing Co., Philadelphia Saving Fund Society Building, Suite 2333–12 South 12th Street, Philadelphia, Pa. 19107; William J. Sesdelli, Sales Manager Eastern Division. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 127832 (Sub-No. 8 TA) (Correction), filed November 21, 1969, published in the FEDERAL REGISTER, issue of December 3, 1969, and republished in part, this issue. Applicant: C & S TRANSFER INC., Post Office Box 5249, Macon, Ga. 31208. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. NOTE: The purpose of this partial republication is to show contract carrier, in lieu of common. The rest of the application remains as published.

No. MC 128585 (Sub-No. 1 TA), filed December 3, 1969. Applicant: WILLIAM J. PETERSON, doing business as PETERSON TRUCKING, 427 West Fourth Avenue, Redfield, S. Dak. 57469. Applicant's representative: Galen Gillette, Redfield, S. Dak. 57469. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Egg cartons, egg cases, and fillers therefor*, from points in Minnesota, Illinois, Ohio, Indiana, New York, Pennsylvania, New Jersey, Iowa, to Redfield, S. Dak., for 180 days. Supporting shipper: Harry's Station, Redfield, S. Dak. 57469, Robert Betten, Partner. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 134128 (Sub-No. 1 TA), filed December 2, 1969. Applicant: JOHN WAYNE JONES, doing business as J. W. JONES TRUCKING, 3003 Reckord Road, Fallston, Md. 21047. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flooring*, elevated, consisting of the following component; *steel pedestals; aluminum pedestal caps; extruded aluminum stringers or steel stringers for connecting to pedestals; flooring panels constructed of aluminum shapes or steel shapes, and hard surface floor covering, or plywood combined with steel and aluminum, and hard surface floor covering; and the necessary fittings or fasteners required for installation*, from the plantsites of Commercial Steel Co. at Forrest Hill and Fallston, Md., and the plantsite of Tate Architectural Products, Inc., at Jessup, Md., to points in Michigan, New York, Pennsylvania, Massachusetts, Connecticut, California, Illinois, Missouri, and New Jersey, for 150 days. Supporting shippers: Commercial Steel Co., Forrest Hill and Fallston, Md.; Tate Architectural Products, Inc., Jessup, Md. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 134177 TA, filed December 1, 1969. Applicant: WILLIAM H. ELMORE, doing business as ELMORE & SON, 326 Springfield Road, San Antonio, Tex. 78219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments having a prior or subsequent movement beyond Texas, and further restricted to pickup and delivery service incidental to or in connection with the packing, crating, or containerization; or unpacking, uncrating or decontainerization of such shipments, between San Antonio, Tex., on the one hand, and, on the other, points in Texas on and south of Texas Highway 46 from Pipe Creek to Seguin; on and west of Texas Highway 123 from Seguin to Stockdale; on and north of U.S. Highway 87, Texas Highway 97 and Texas Highway 172 from Stockdale to Devine, over Floresville, Pleasanton, and Jourdanton; and on and east of F. M. Roads 471, 1608 and 1283 from Devine to Pipe Creek, over La Coste, for 180 days. NOTE: Applicant does not intend to tack this authority or to interline with other carriers. Supporting shipper: Rocky Ford Moving Vans, Inc., Midland, Tex. 79701. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-14816; Filed, Dec. 12, 1969; 8:48 a.m.]

[Notice 460]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 10, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71685. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Nava-Hopi Tours, Inc., Flagstaff, Ariz., of a portion of the operating rights evidenced by certificate of registration No. MC-67751 (Sub-No. 1) issued December 22, 1967, to Fred Harvey Transportation Co., a corporation, Chicago, Ill.; the portion approved for transfer corresponds in scope to that portion of the authority granted in certificate No. 3183 dated July 25, 1967, issued by the Arizona Corporation Commission, authorizing the transportation of (a) passengers and baggage, between Grand Canyon and Williams, Ariz., via State Highway No. 64; (b) mail and express, between Grand Canyon and Williams, serving all intermediate points; (c) passengers, in Williams and vicinity, and (d) passengers and baggage originating in Williams, in a tours service over the public highways between Williams and any point within the State of Arizona, with the limitation that no passengers or baggage originating at Williams and destined for Flagstaff shall be transported via U.S. Highway 64. Calvin H. Udall, Suite 900 First National Bank Building, Phoenix, Ariz. 85004, attorney for applicants.

No. MC-FC-71708. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Petro Pep Oil Co., Bristow, Okla., of the certificate of registration in No. MC-120255 (Sub-No. 1) issued February 10, 1964, to Henry Camp, Bristow, Okla., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Oklahoma, corresponding in scope to the service authorized in class "B" permit No. 12722 dated April 16, 1959, issued by the Corporation Commission of Oklahoma. David H. Loeffler, Box 567, Bristow, Okla. 74010, attorney for applicants.

No. MC-FC-71758. By order of December 9, 1969, the Motor Carrier Board approved the transfer to Exchange Furniture Forwarders, Inc., Brooklyn, N.Y., of certificates Nos. MC-29849 and MC-29849 (Sub-No. 1), issued September 13, 1949, and March 18, 1968, respectively, to R & F Trucking Co., Inc., Brooklyn, N.Y., authorizing the transportation of: New furniture and radiator enclosures, between New York, N.Y., and specified points and areas in New Jersey, New York, and Connecticut. Winer, Neuberger & Sive, attorneys, 445 Park Avenue, New York, N.Y. 10022, Abraham Freundlich, attorney, 261 Broadway, New York, N.Y. 10007, William D. Traub, practitioner, 10 East 40th Street, New York, N.Y. 10016.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-14817; Filed, Dec. 12, 1969; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

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AMENDING PROCLAMATION NO. 3044 WITH RESPECT TO DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA AT HALF-STAFF UPON THE DEATH OF CERTAIN OFFICIALS AND FORMER OFFICIALS

By the President of the United States of America

A Proclamation

I, RICHARD NIXON, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby proclaim that Proclamation No. 3044 [1] of March 1, 1954, prescribing rules with respect to the display of the flag of the United States of America at half-staff upon the death of certain officials, is amended by substituting for subsection (c) of section 1 thereof the following:

"(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, or the Minority Leader of the House of Representatives: from the day of death until interment."

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of December, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-14914; Filed, Dec. 12, 1969; 1:30 p.m.]

[1] 3 CFR, 1954–1958 Comp., p. 4; 19 F.R. 1235.

Executive Order 11500

AMENDING EXECUTIVE ORDER NO. 11452, ESTABLISHING THE COUNCIL FOR URBAN AFFAIRS

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, subsection (c) of section 1 of Executive Order No. 11452 [1] of January 23, 1969, entitled "Establishing the Council for Urban Affairs" is amended by deleting the words "and such other heads of departments and agencies as the President may from time to time direct" and inserting in lieu thereof the following: "and such other heads of departments and agencies and others as the President may from time to time direct".

Richard Nixon

THE WHITE HOUSE,
December 12, 1969.

[F.R. Doc. 69-14965; Filed, Dec. 12, 1969; 4:55 p.m.]

[1] 34 F.R. 1223.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 7]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1968 and Subsequent Years

AGENCIES TO PARTICIPATE IN DEVELOPMENT OF STATE PROGRAM

The regulations governing the National Agricultural Conservation Program for 1968 and subsequent years, 32 F.R. 11117, as amended, are further amended by revising paragraph (a) of § 701.4 to read as follows:

§ 701.4 Agencies to participate in development of State programs.

(a) A State agricultural conservation program (referred to in this subpart as "State program") shall be developed in each State in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The program shall be developed by the State ACP development group, which shall consist of the State committee (including the State director of extension), the State conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and, in States in the Appalachian region in which a program is developed under section 203 of Public Law 89–4 with the assistance of the State ACP development group upon request of the Governor of the State, a representative recommended by the Governor and designated by the Secretary. The chairman of the State committee shall invite the following persons, or their designees, to participate in the deliberations on the State program: the Governor of the State, the president of the land-grant college, the State director of the Farmers Home Administration, and the heads of the State soil conservation committee (board or commission), the State agricultural extension service, the State agency having responsibility for wildlife conservation, the State agency having responsibility for pollution control or general quality of the environment, and other State and Federal agricultural agencies. He may also invite others with conservation interests to participate in such deliberations.

* * * * *

(Sec. 4, 49 Stat. 164; 16 U.S.C. 590d)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 10th day of December, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14886; Filed, Dec. 15, 1969; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 186, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15477), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 907.486 (Navel Orange Reg. 186, 34 F.R. 19185) are hereby amended to read as follows:

§ 907.486 Navel Orange Regulation 186.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 1,456,000 cartons.

* * * * *

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 10, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14847; Filed, Dec. 15, 1969; 8:45 a.m.]

[Lemon Reg. 404, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1), (i), (ii), and (iii) of § 910.704 (Lemon Reg. 404, 34 F.R. 19339) are hereby amended to read as follows:

§ 910.704 Lemon Regulation 404.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 39,990 cartons;

(ii) District 2: 62,310 cartons;

(iii) District 3: 158,100 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 11, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14846; Filed, Dec. 15, 1969; 8:45 a.m.]

[948.262; Area 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses

Notice of rule making regarding proposed expenses and rate of assessment for Area No. 1 (Western Slope), to be effective under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, was published in the November 8, 1969, issue of the FEDERAL REGISTER (34 F.R. 18094).

The notice afforded interested persons an opportunity to submit written data, views, or arguments, pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was received.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 1, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.262 Expenses.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1970, will amount to $50.00.

(b) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 11, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14845; Filed, Dec. 15, 1969; 8:45 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Miscellaneous Amendments

On November 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18556) regarding a proposal to amend § 993.159 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR Part 993). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 993.159 prescribes payments to handlers for costs incurred by them in connection with, but not limited to, inspection, receiving, storing, grading, and fumigation of reserve prunes, and other specified services. The proposal was unanimously recommended by the Prune Administrative Committee to authorize certain additional payments to handlers not now provided for by § 993.159. The proposed additional payments would be pursuant to § 993.59 to compensate handlers for expenses incurred when (1) at the direction of the Committee they move and dump containers of reserve prunes for inspection purposes and continue to hold the prunes following inspection, and (2) they hold reserve prunes for the account of the Committee beyond the end of the crop year in which such prunes were received from producers or dehydrators.

Interested parties were given seven days in which to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee and other available information, it is found that the Subpart—Administrative Rules and Regulations should be amended as hereinafter set forth. The amendment is essentially as set forth in the notice.

Therefore, it is hereby ordered, That § 993.159 is amended as follows:

1. The first two sentences of paragraph (a) are revised to read as follows:

(a) *Rate of payment for necessary services.* Each handler shall, with respect to reserve prunes held by him for the account of the committee pursuant to § 993.57, be paid at the rate of $25 per ton (natural condition weight) for necessary services rendered by him in connection with such prunes so held during all or any part of the crop year in which the prunes were received from producers or dehydrators. Such amount shall, together with the additional payments, as applicable, provided in this section, be in full payment for the costs incurred in connection with but not being limited to, the following services: Inspection, receiving, storing, grading, and fumigation. * * *

2. The last sentence in paragraph (b) is revised to read: "The committee shall reimburse the handler for the actual costs of such insurance."

3. Paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) added reading as follows:

(c) *Certain additiondl payments in connection with the holding of reserve prunes for the account of the Committee.* (1) Whenever a handler is directed by the committee to move and dump containers or reserve prunes held by him for the account of the committee for the purpose of causing an inspection to be made of the prunes, as provided in § 993.75, but without taking delivery of the prunes at that time, the handler shall be paid for such services at the rate of $2.50 per ton (natural condition weight).

(2) Commencing with 1968–69 crop year reserve prunes, each handler holding reserve prunes for the account of the committee beyond the end of the crop year in which such prunes were received from producers or dehydrators shall be paid as follows:

(i) For storage and necessary fumigation:

(*a*) $2 per ton during all or any part of the first 3 months of the succeeding crop year;

(*b*) $1 per ton during all or any part of the second 3 months of the succeeding crop year;

(*c*) 25 cents per ton during all or any part of the third 3 months of the succeeding crop year; and

(*d*) 25 cents per ton during all or any part of the fourth 3 months of the succeeding crop year.

(ii) $3 per ton for bin rental during all or any part of the succeeding crop year.

(iii) For insurance as prescribed in paragraph (b) of this section.

It is further found that good cause exists for making this amendment effective promptly and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action requires payment to handlers for holding reserve prunes for the account of the Committee beyond the end of the crop year in which such prunes were received from producers or dehydrators; (2) handlers are currently holding reserve prunes carried over from the prior 1968–69 crop year and will continue to hold such prunes until relieved by the Committee of such responsibility, and therefore the payments for so holding such reserve prunes should be authorized as soon as practicable; (3) this action also provides for payment to handlers when, at the direction of the Committee, they move and dump containers of reserve prunes for inspection purposes and continue to hold the prunes following inspection, and such payments should also be authorized as soon as practicable; (4) this action imposes no restrictions on handlers; and (5) postponing the effective time of this action beyond the date of publication in the FEDERAL REGISTER would serve no useful purpose.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 10, 1969, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14888; Filed, Dec. 15, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reseal Loan Regs., 1965 and Subsequent Storage Periods, Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program

LOSSES ASSUMED BY CCC

The regulations issued by Commodity Credit Corporation and published at 33 F.R. 5201, 9464 and 34 F.R. 1229 and 13077, which contain the regulations governing farm storage reseal loan programs for 1965 and subsequent storage periods, are hereby amended as follows:

§ 1421.3484 [Amended]

1. In paragraph (b) of § 1421.3484, the section reference in the next to last sentence is corrected to read § 1421.3488.

2. Section 1421.3496 is added to state a new basis for determining the quantity of a commodity under reseal loan on which CCC will assume a loss. The new section reads as follows:

§ 1421.3496 Loss or damage to the commodity.

Notwithstanding any other provision to the contrary in § 1421.65, if CCC is to assume a loss on the quantity of a commodity under a reseal loan pursuant to the provisions of such § 1421.65 and the quantity under loan has been measured the quantity on which CCC will assume such loss shall be based on the measured quantity determined to have been in the bin or crib at the time of the loss; if any quantity of the commodity has been redeemed or released, or both, or such quantity has not been measured, the quantity on which such loss shall be based shall be the quantity estimated by CCC to have been in the bin or crib at the time of the loss.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b), (c); 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 10, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69–14887; Filed, Dec. 15, 1969; 8:48 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revised)

The regulations governing the CCC Export Credit Sales Program as reissued and published in the FEDERAL REGISTER on July 31, 1969 (34 F.R. 12495–12503) are revised as follows, to also permit the financing of export credit sales involving delivery of the agricultural commodities by the exporter to the importer at a U.S. warehouse for delayed export. In addition, certain minor changes are made in the supplements hereto applicable to financing export credit sales of breeding cattle.

Sec.
1488.1 General statement.
1488.2 Definition of terms.
1488.3 Submission of applications for financing.
1488.4 Coverage of bank obligations.
1488.5 CCC drafts.
1488.6 Interest charges.
1488.7 Expiration of period for delivery and export.
1488.8 Advance payment.
1488.9 Documents required after delivery.
1488.10 Evidence of export and warranty.
1488.11 Evidence of entry into country of destination.
1488.12 Liability for payment.
1488.13 Liquidated damages.
1488.14 Assignment.
1488.15 Covenant against contingent fees.
1488.16 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.
1488.17 Officials not to benefit.
1488.18 Exporter's records and accounts.
1488.19 Communications.
Supplement I—Beef Breeding Cattle.
Supplement II—Dairy Breeding Cattle.

AUTHORITY: The provisions of this Subpart A issued under sec. 5(f), 62 Stat. 1072; 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, 80 Stat. 1538, 7 U.S.C. 1707a.

§ 1488.1 General statement.

(a) Except as otherwise provided in this paragraph, the regulations contained in this subpart supersede Announcement GSM–3, Revision II, as amended, and set forth the terms and conditions governing the CCC Export Credit Sales Program (GSM–4). The maximum financing period shall be 3 years. GSM–3, Revision II, as amended, shall remain in effect for all transactions under credit approvals issued thereunder before April 17, 1967, the effective date of GSM–4.

(b) On approval by CCC of an application for financing under this program, an eligible exporter may, but will not be obligated to, make export sales of agricultural commodities from private stocks on a deferred payment basis in accordance with the applicable financing arrangement. After delivery, subject to the terms and conditions set forth in this subpart, CCC will purchase for cash the exporter's account receivable arising from such export sale.

(c) The provisions of Public Law 83–664 are not applicable to the exporter's shipments under this program.

(d) The regulations contained in this subpart may be supplemented by such additional terms and conditions, applicable to specified agricultural commodities, as may be set forth in supplements hereto, and, to the extent that they may be in conflict or inconsistent with any other provisions of this subpart, such additional terms and conditions shall prevail.

§ 1488.2 Definition of terms.

Terms used in this subpart are defined as follows:

(a) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the portion of the port value of the commodity delivered for which the exporter is extending credit to the importer. The account receivable shall be evidenced by a promissory note or accepted draft in form and substance satisfactory to CCC, except that it may be evidenced by other documents, in form and substance satisfactory to CCC, evidencing the contractual obligation of the foreign importer when the account receivable is assured by an obligation issued by a U.S. bank or when the Vice President, CCC, or his designee, determines under special circumstances that it is in the interest of CCC. All such notes, accepted drafts and other documents evidencing the account receivable shall provide for (1) payment in U.S. dollars in the United States, (2) interest in accordance with § 1488.6, and (3) acceleration of payment thereunder in accordance with the terms and conditions of GSM–4. As used in GSM–4, "instrument" means a promissory note or accepted draft.

(b) "Agency or branch bank" means a foreign agency or branch bank supervised by New York State banking authorities or the banking authorities of any other State providing similar supervision, as approved by the Vice President, CCC, or his designee.

(c) "ASCS office" means the New Orleans Commodity Office of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(d) "Bank obligation" means an obligation, acceptable to CCC, of a U.S. bank, agency or branch bank, or foreign bank to pay to CCC in U.S. dollars the amount of the port value which is to be financed by CCC, plus interest in accordance with § 1488.6. The bank obligation shall be in the form of an irrevocable letter of credit issued, confirmed or advised by a U.S. bank or an agency or branch bank. The bank obligation shall provide for payment under the terms and conditions of the financing agreement and shall be payable not later than the date of expiration of the financing period or of the bank obligation, whichever occurs first, if payment is not received from other sources.

(e) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(f) "Commercial risk" means risk of loss due to any cause other than a political risk.

(g) (1) "Delivery" means the delivery, either before or at point of export, required by the export sale contract between the exporter and the foreign importer to transfer to the importer full or conditional title to the agricultural commodities. Delivery before export shall be at a warehouse in the United States acceptable to CCC. Delivery at point of export shall be f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border ports of

exit or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River.

(2) "Date of delivery" means the on-board date of the ocean bill of lading or, if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country, or, if delivery is before export, the date(s) of the warehouse receipts or other evidence of delivery, acceptable to CCC, of the commodity to a warehouse.

(h) "EMS" means the Export Marketing Service, U.S. Department of Agriculture.

(i) "Eligible commodities" means those agricultural commodities, including eligible cotton, which are produced in the United States and which are designated as eligible for export under CCC's Export Credit Sales Program in either the CCC Monthly Sales List or other announcement by CCC in effect for the calendar month in which the financing approval is issued. Commodities which have been purchased from CCC are eligible for export as private stocks. Commodities shall not be eligible for financing under this program if they are exported under a barter contract or arrangement.

(j) "Eligible cotton" means: (1) Extra long staple cotton grown in the United States of Grade No. 9 or better under the Official Cotton Standards of the United States for Grades of American-Egyptian Cotton (§ 28.501 et seq. of this title), or Grade No. 5 or better under the Official Cotton Standards of the United States for Grades of Sea Island Cotton (§ 28.551 et seq. of this title), and having a staple length of $1^{3}/_{8}$ inches or longer: *Provided, however*, That, all (i) reginned or repacked cotton, as defined in regulations of the Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than $1^{3}/_{8}$ inches or below grade, shall be eligible for export hereunder only if a Form A certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was $1^{3}/_{8}$ inches or longer in staple length and of Grade No. 9 or better for American-Egyptian Cotton or Grade No. 5 or better for Sea Island Cotton. CCC's determination as to the eligibility of cotton hereunder shall be final. (2) Upland cotton grown in the United States, of a grade named in the Universal Standards for American Upland Cotton (§ 28.401 et seq. of this title), and having a staple length of $^{32}/_{16}$-inch or longer: *Provided, however*, That, all (i) reginned or repacked cotton, as defined in regulations of the U.S. Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than $^{31}/_{16}$-inch or below grade, shall be eligible for export hereunder only if a Form A, Form B, or Form M certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was $^{31}/_{16}$-inch or longer in staple and of a grade named in the Universal Standards for American Upland Cotton. (Reginned or repacked cotton, unless proof of export includes an acceptable classification record, cotton shorter in staple length than $^{31}/_{16}$-inch, below grade cotton, byproducts of cotton such as cotton mill waste, motes, and linters, and any cotton that contains any byproduct of cotton are not eligible for export hereunder.) CCC's determination as to the eligibility of cotton hereunder shall be final.

(k) "Eligible exporter" or "exporter" means a person (1) who is regularly engaged in the business of buying or selling commodities and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting with or participating in any program financed by CCC on the date of issuance of his financing approval.

(l) "Eligible destination" means the country which is named in the financing approval and which meets the licensing requirements of the U.S. Department of Commerce.

(m) "Financing agreement" means the financing approval issued by either the Assistant Sales Manager for Export Credit, EMS, or the Director, ASCS office, including the terms and conditions of the regulations in this subpart and any amendments thereto in effect on the date of the issuance of the letter of credit.

(n) "Financing approval" means (1) the exporter's written application for financing as approved by the Assistant Sales Manager for Export Credit or by the Director, ASCS office, or (2) the written confirmation by the Director, ASCS office, of a telephonic application approved by the Director, ASCS office.

(o) "Financing period" means the number of months specified in the financing approval. Such period shall start on the date of delivery, or the weighted average delivery date, of the commodities to be exported under the financing agreement.

(p) "Foreign bank" means a bank which is neither a U.S. bank nor an agency or branch bank, and includes a foreign branch of a U.S. bank.

(q) "Foreign importer" or "importer" means the foreign buyer who purchases from the exporter the commodities to be exported under a financing agreement and who executes the instruments or other documents evidencing the account receivable assigned to CCC.

(r) "GSM–4" means the regulations contained in this subpart setting forth the terms and conditions governing the CCC Export Credit Sales Program.

(s) "Monthly Sales List" means the CCC Monthly Sales List which is published monthly in the FEDERAL REGISTER.

(t) "Political risk" means risk of loss due to (1) inability of the foreign bank through no fault of its own to convert foreign currency to dollars, or (2) nondelivery into the eligible destination of the commodity covered by a financing agreement through no fault of the foreign bank or importer or exporter because of the cancellation by the government of the eligible destination of previously issued valid authority to import such shipment into the eligible destination or because of the imposition of any law or of any order, decree, or regulation having the force of law which prevents the import of such shipment into the eligible destination, or (3) inability of the foreign bank to make payment due to war, hostilities, civil war, rebellion, revolution, insurrection, civil commotion, or other like disturbance occurring in the eligible destination, expropriation, confiscation, or other action by the government of the eligible destination.

(u) "Port value" means the net amount of the exporter's sales price of the commodity to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale. The net amount of the exporter's sales price means the contract price for the commodities less any payments made by the importer and less any discounts, credits, or allowances to the importer.

(v) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(w) "U.S. bank" means a bank organized under the laws of the United States, a State, or the District of Columbia.

(x) "Vice President, CCC" means the Vice President who is the General Sales Manager, Export Marketing Service.

§ 1488.3 Submission of applications for financing.

(a) An eligible exporter may submit an application for financing. Except as otherwise provided in this paragraph, all applications for financing shall be submitted to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. An application for financing export sales of cotton under which the financing period will not exceed 12 months, the amount of financing will not exceed $4 million, and the bank obligation will be issued by a U.S. bank may be submitted to the Director, ASCS office, as provided in paragraph (e) of this section.

(b) CCC reserves the right to reject any and all applications.

(c) Applications submitted to the Assistant Sales Manager for Export Credit shall be in writing and shall refer to GSM–4, thereby incorporating by reference into the application all the terms and conditions of GSM–4. On approval, the Assistant Sales Manager for Export Credit shall assign a financing approval number and issue the financing approval. The following information shall be included in the exporter's application:

(1) The name of the commodity to be exported, the class, grade, or quality, as applicable, and the quantity.

(2) The country of destination.

(3) The approximate port value of the commodity to be exported.

(4) The financing period.

(5) Justification for a financing period in excess of 12 months.

(6) Whether the bank obligation assuring payment of the account receivable will be issued by a U.S. bank, an agency or branch bank, or a foreign bank, and if by a foreign bank or an agency or branch bank, its name and address.

(7) The name and address of the foreign importer.

(8) If delivery of the commodity to be exported is before export, the name and address of the warehouse to which delivery is to be made.

(9) If delivery of the commodity to be exported is before export, the period for export.

(d) A financing period in excess of 12 months but not in excess of 36 months may be approved by the Assistant Sales Manager for Export Credit when such longer period will achieve one or more of the following results:

(1) Permit U.S. exporters to meet credit terms offered by competitors from other Free World countries.

(2) Prevent a loss or decline in established U.S. commercial export sales caused by noncommercial factors.

(3) Permit U.S. exporters to establish or retain U.S. markets in the face of penetration by Communist suppliers.

(4) Substitute commercial dollar sales for sales for local currencies and sales on long-term credits.

(5) Result in a new use of the imported agricultural commodities in the importing country.

(6) Permit expanded consumption of agricultural commodities in an importing country and thereby increase total commercial sales of agricultural commodities to the importing country by the United States and other exporting countries.

In considering applications involving export of commodities to countries in a good financial and balance of payments situation, principal reliance will be placed on subparagraphs (1), (2), and (3) of this paragraph.

(e) Applications submitted to the ASCS office shall designate that the commodity is cotton and shall specify the financing period, the country of destination, the approximate port value of the commodity and the name and address of the foreign importer. Application may be made by phone or in writing. On approval of an application, the ASCS office shall assign a financing approval number and issue the financing approval which shall refer to GSM–4, thereby incorporating by reference into the approval all the terms and conditions of GSM–4. For financing approvals issued by the ASCS office, bank obligations must be irrevocable letters of credit. Obligations issued by foreign banks or by agency or branch banks are not acceptable under this paragraph.

(f) If the Assistant Sales Manager for Export Credit or the ASCS office requires additional information, the applicant shall furnish it on request.

(g) The financing approval may contain such terms and conditions as the Assistant Sales Manager for Export Credit or the ASCS office deems in the interest of CCC not inconsistent with GSM–4.

(h) The official who approved the financing application may, on written application of the exporter, amend the financing approval provided the provisions of such amendment are in conformity with the regulations in this subpart at the time of such amendment and are determined by such official to be in the interest of CCC. Such amendments may include an extension of the period for delivery required by § 1488.7(a) provided the exporter furnishes to CCC acceptable evidence of an export sale contract requiring deliveries during a longer period, as well as an extension of the period for export. CCC may prescribe such additional conditions to such extensions as it determines to be in its interests. A new or amended bank obligation may be required by CCC if the financing approval is amended after the issuance of the related bank obligation.

§ 1488.4 Coverage of bank obligations.

(a) U.S. banks and agency or branch banks shall be liable without regard to risks for payment of bank obligations issued by them.

(b) If the obligation is issued by a foreign bank, it must be confirmed and advised as provided in paragraphs (c), (d), and (e) of this section.

(c) A U.S. bank must confirm the full account of an obligation issued by its foreign branch. CCC will look to the U.S. bank for payment without regard to risks.

(d) If an agency or branch bank confirms an obligation issued by a bank in the country in which the home office of the agency or branch bank is located, it must confirm the full amount thereof. CCC will look to the agency or branch bank for payment without regard to risks.

(e) Except as provided above in paragraphs (c) and (d) of this section, if a U.S. bank or an agency or branch bank confirms an obligation issued by a foreign bank, it must confirm at least 10 percent pro rata and must advise the remainder of the foreign bank obligation. For the confirmed amount, CCC will hold the U.S. bank or the agency or branch bank liable for commercial risks but not for political risks. For the advised amount, CCC will not hold the U.S. bank or the agency or branch bank liable for commercial or political risks. CCC will hold the foreign bank liable without regard to risks for all amounts not recovered from the U.S. bank or the agency or branch bank.

(f) Under special circumstances, on application in writing, the Vice President, CCC, may reduce or waive the requirement for 10 percent confirmation by a U.S. bank or agency or branch bank, but a bank will not be relieved from an obligation once it has been undertaken.

(g) Any bank obligation which provides for a bank acceptance of a time draft drawn by CCC (banker's acceptance) shall not be acceptable to CCC.

(h) CCC will consent to cancellation or reduction of a bank obligation to the extent that it receives payment from other sources of amounts otherwise payable under such bank obligation.

(i) Collection of accounts receivable purchased under this program will be effected through the issuance by CCC of sight drafts against the bank obligations, but this method of collection shall not be exclusive of any other collection procedures or rights available to CCC.

§ 1488.5 CCC drafts.

Under those bank obligations which are partially confirmed, CCC will draw separate drafts for the amounts confirmed and the amounts not confirmed, to which CCC will attach any related instruments evidencing the account receivable, endorsed to the U.S. bank or agency or branch bank. If a CCC draft is dishonored, the U.S. bank or agency or branch bank shall return the dishonored draft together with any related instruments and its statement of the reasons for nonpayment. For confirmed amounts, a U.S. bank or agency or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. On approval by CCC of such request, the refund shall be promptly made, together with interest at the Federal Reserve Bank of New York discount rate from the date payment was originally made to CCC to but not including the date of refund by CCC, and any related instruments shall be returned to CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or agency or branch bank shall not thereafter have recourse to CCC.

§ 1488.6 Interest charges.

The account receivable assigned to CCC and the related bank obligation(s) shall bear interest until paid. The Vice President, CCC, or his designee, shall from time to time establish rates of interest applicable to financing agreements, which shall be announced in the CCC Monthly Sales List. The interest rate applicable to a particular financing agreement shall be specified in the financing approval. The interest rate applicable to that portion of an account receivable, the payment of which is assured by a bank obligation issued by a U.S. bank or an

agency or branch bank, or by a pro rata confirmation of a U.S. bank or an agency or branch bank, shall be 1 percent lower than the interest rate established for the remainder of the account receivable. The criteria to be used in determining the rate of interest will be those established on consultation with and after approval by the National Advisory Council on International Monetary and Financial Policies. Interest shall accrue on the account receivable and the related bank obligation(s) from the date of delivery, or the weighted average delivery date, of the agricultural commodities delivered under the financing agreement to the date of expiration of the financing period or of the bank obligation, whichever occurs first, and shall be payable as specified in the financing approval. Thereafter, interest shall accrue on any unpaid part of both the principal and interest due as of such expiration date.

§ 1488.7 Expiration of period for delivery and export.

(a) Unless delivery by the exporter to the importer is made within such period as may be provided in the financing approval or in any amendment thereof, or under paragraph (b) of this section, or, if no such period is so provided, within a period of 90 days from the date of the financing approval, the financing approval will no longer be valid.

(b) If the Vice President, CCC, or his designee, determines that delay in delivery was due solely to causes without the fault or negligence of the exporter, the period of delivery may be extended by CCC to include the period of such delay.

(c) If delivery is made before export under the terms of the financing agreement, failure to export within the period specified therefor in the financing approval shall constitute a breach of the financing agreement, the account receivable and the bank obligation assuring the account receivable shall, at the option of CCC, become immediately due and payable if full payment thereunder has not been received, and liquidated damages shall be payable in accordance with § 1488.13.

§ 1488.8 Advance payment.

If, before expiration of the financing period, the exporter or the U.S. bank or the agency or branch bank accepts payment from or on behalf of the foreign importer of any part of the account receivable, it shall be remitted promptly to CCC. Such prepayment shall be applied first to interest on the unpaid balance of the account receivable to the date CCC receives such prepayment and then to the principal.

§ 1488.9 Documents required after delivery.

(a) Within 45 days after date of delivery of the commodities exported or to be exported under the financing agreement, the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation, Washington, D.C. 20250, telephone number DU 8-4042:

(1) A written application for disbursement, showing the financing approval number and the port value of the commodity delivered.

(2) An assignment of the account receivable arising from the export sale, in form and substance acceptable to CCC. When the account receivable is evidenced by documents other than instruments, in accordance with § 1488.2(a), such documents shall be submitted with the assignment.

(3) A copy of the sales invoice to the foreign importer.

(4) If delivery is at point of export, a copy of the document evidencing export as provided in § 1488.10, and, if the consignee is other than the foreign importer, such additional information as CCC may request to show that export was made in accordance with the instructions of, or the export sale contract with, the foreign importer. If delivery is before export, documents acceptable to CCC evidencing delivery of the commodity to the importer or his agent.

(5) A certification by the exporter that the agricultural commodities of the grade, quality, and quantity called for in the exporter's sale to the foreign importer have been delivered and that the exporter knows of no defenses to the account receivable assigned to CCC.

(6) A bank obligation or obligations in accordance with § 1488.4, paragraphs (d), (e), and (f) of this section, and § 1488.11, payable to CCC, in form and substance acceptable to CCC, covering the financing agreement and including interest in accordance with § 1488.6.

(7) When the account receivable is evidenced by instruments, in accordance with § 1488.2(a), two (2) separate instruments evidencing the account receivable, one for the confirmed amount and one for the unconfirmed amount. If installment payments under the bank obligation are required by the financing approval, there shall be furnished two (2) such separate instruments for each such installment. Each instrument evidencing all or a part of the account receivable shall provide that it is assignable free of defenses and that in event of default by the importer or of the bankruptcy, insolvency, or other inability of the importer to meet its obligations or to continue in business on an unrestricted basis, the account receivable shall become immediately due and payable.

(b) On timely receipt of the documents described in paragraph (a) (1) through (6) of this section, the Treasurer, CCC, will pay promptly to the exporter the port value of the commodity delivered, or 110 percent of the amount specified in the financing approval, whichever is the lesser.

(c) If an acceptable application for disbursement and the supporting documents described in paragraph (a) (1) through (6) of this section have not been received by CCC within 45 days from the date of delivery, or any extension thereof approved by the Treasurer, CCC, or his designee, the financing agreement shall be void.

(d) If the instruments described in paragraph (a) (7) of this section are not received by CCC within 60 days after date of delivery, and payment has been made by CCC, the account receivable and the bank obligation assuring the account receivable shall at the option of CCC become due and payable. However, if the use of a weighted average delivery date has been approved for starting the financing period, the 60 days will begin with the date of the last delivery.

(e) If, under the financing agreement, delivery is made before export, documents evidencing export as provided in paragraph (a)(4) of this § 1488.9 shall be submitted to CCC within 20 days after delivery to export carrier.

(f) If for any reason a draft drawn under a foreign bank obligation is dishonored or if the issuing bank is insolvent, is in bankruptcy, receivership, or liquidation, has made an assignment for the benefit of creditors, or for any other reason discontinues or suspends payments to depositors or creditors or otherwise ceases to operate on an unrestricted basis, the obligation issued by that bank to CCC shall become immediately due and payable, and any balance due on the account receivable assured by the obligation issued by such bank shall, at the option of CCC, become immediately due and payable. CCC may permit the substitution of another acceptable foreign bank obligation covering such balance due and confirmed in accordance with § 1488.4.

§ 1488.10 Evidence of export and warranty.

(a) If the commodity is exported by rail or truck, the exporter shall furnish the Treasurer, CCC, a copy of the bill of lading, certified by the exporter as being a true copy, under which the commodity is exported, and an authenticated landing certificate or similar document issued by an official of the Government of the country to which the commodity is exported, showing the quantity, the place and date of entry, the gross landed weight of the commodity, and the name and address of both the exporter and the importer.

(b) If the commodity is exported by ocean carrier, the exporter shall furnish the Treasurer, CCC, a nonnegotiable copy or photocopy or other type of copy of either (1) an on-board ocean bill of lading or (2) an ocean bill of lading with an on-board endorsement dated and signed or initialed on behalf of the carrier. The bill of lading must be certified by the exporter as being a true copy and must show the quantity, the date and place of loading the commodity, the name of the vessel, the destination of the commodity, and the name and address of both the exporter and the importer. If the exporter is unable to supply documentary evidence of export as specified in this paragraph he shall submit such other documentary evidence as may be acceptable to CCC.

(c) By submitting documents evidencing export, the exporter represents and warrants that the commodity covered by such documents was not exported to, and has not been and will not be transshipped or caused to be transshipped by the exporter to, any country or area for which an export license is required under the regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for such export or transshipment thereto has been obtained from such Bureau.[1]

(d) For commodities transshipped through Canada via the Great Lakes, the exporter shall certify that the commodity transshipped was produced in the United States.

§ 1488.11 Evidence of entry into country of destination.

For a financing agreement under which the financing period is in excess of 12 months, within 90 days, or such extension of time as may be granted by the Assistant Sales Manager for Export Credit in writing, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the Assistant Sales Manager for Export Credit documentary evidence satisfactory to the Assistant Sales Manager for Export Credit verifying entry of the commodity into the country of destination specified in the financing agreement. The documentary evidence must (a) identify the agricultural commodity (or permit identification through supplementary documents which are furnished to the Assistant Sales Manager for Export Credit) as that exported under the financing agreement, (b) state the quantity and date of entry of the commodity into the destination country, and (c) be signed by (1) a customs official of the destination country, or (2) the importer, or (3) a representative of an independent superintending or controlling firm. In those instances where the commodity enters the country of destination in bond, a statement by the importer will be acceptable which (i) identifies the commodity as that exported under the financing agreement, (ii) states the quantity of the commodity entered under bond and date of entry into the destination country and (iii) certifies that the commodity will be withdrawn from bonded storage at a later date for consumption in the destination country. If the evidence of importation is in other than the English language, the exporter shall also provide the Assistant Sales Manager for Export Credit with an English translation thereof. Within 20 days, or such extension of time as may be granted in writing by the Assistant Sales Manager for Export Credit, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall also furnish to the Assistant Sales Manager for Export Credit nonnegotiable copies or photocopies or other types of copies of all applicable bills of lading properly identified with the financing approval number. If such evidence is not furnished within the time specified, the financing agreement may be terminated by the Assistant Sales Manager for Export Credit and on such termination, if payment under the bank obligation or account receivable has not yet been received, at the option of CCC the bank obligation and the account receivable shall become due and payable. Failure to furnish, within the time specified, evidence of entry of the commodity into the country of destination shall constitute prima facie evidence of failure to enter or cause the entry of the commodity into such country as required. The remedy herein provided shall not be exclusive of other rights available to the Federal Government as a result of the entry of a commodity, exported under a financing agreement, into a country other than that specified in the financing agreement.

§ 1488.12 Liability for payment.

If delivery is made within the coverage of the bank obligation(s) submitted in accordance with § 1488.9, CCC will look to the obligating bank or banks and the foreign importer, rather than to the exporter, for payment of all amounts due at maturity of the instruments or other documents evidencing the account receivable and of the bank obligation(s), but the exporter shall remain liable for any loss arising from breach of any certification or warranty made by him, any amounts not covered by the bank obligation which are owing to CCC, and any remittance or refund required by §§ 1488.8 and 1488.15, together with interest thereon at the face rate of the related instruments or other documents evidencing the account receivable, as well as for any liquidated damages provided for in § 1488.13. The liability of the bank and the importer under their respective obligations shall be several.

§ 1488.13 Liquidated damages.

Failure of the exporter to export or cause to be exported, within the period provided therefor, any agricultural commodity financed when delivery is made before export under the terms of the financing agreement, or failure of the exporter to enter or cause the entry of such commodity into the country of destination, shall constitute a breach of the financing agreement which will result in serious and substantial damage to CCC and to its programs. Since it will be difficult, if not impossible, to prove the exact amount of such damage, the exporter shall pay to CCC promptly on demand, as reasonable compensation and not as a penalty, liquidated damages in lieu of probable actual damages, as follows: (a) For each week of delay in exportation after the final date for exportation, 1 percent of the amount financed under the financing agreement for the commodity not exported; (b) for failure to export or cause exportation, 5 percent of the amount financed under the financing agreement for the commodity not exported; and (c) for failure, after exportation, to enter or cause the entry of the commodity into the country of destination, at the rate of 5 percent a year of the amount financed under the financing agreement for such commodity from the start of the financing period until payment to CCC of the amount financed: *Provided*, That the aggregate of any amounts assessed under this § 1488.13 with respect to the same commodity shall not exceed 5 percent of the amount financed for such commodity. Liquidated damages shall not be assessed under paragraph (a) of this section to the extent that the Assistant Sales Manager for Export Credit, or his designee, determines that the delay was due to such causes as acts of God or government or the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, or unusually severe weather. Liquidated damages shall not be assessed under paragraph (b) or (c) of this section if the Assistant Sales Manager for Export Credit, or his designee, determines that failure to export was due to loss, damage, destruction or deterioration of the commodity or that failure to enter or cause the entry of the commodity into country of destination was due to loss or destruction of the commodity or act of government.

§ 1488.14 Assignment.

The exporter shall not assign any claim or rights to any amounts payable under the financing agreement, in whole or in part, without written approval of the Vice President, CCC, or his designee.

§ 1488.15 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the financing agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to annul the financing agreement without liability to CCC. Should the financing agreement be annulled, CCC will promptly consent to the reduction or cancellation of related bank obligations except for amounts outstanding under a financing agreement. Such outstanding amounts shall, on demand, be refunded to CCC by the exporter.

§ 1488.16 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.

Any commodity exported under the CCC financing agreement shall not be shipped from the United States on a vessel which has called at a Cuban port on or after January 1, 1963, or at a North Vietnamese port on or after January 25, 1966.

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or reexportation by anyone, including a foreign exporter, of the commodity exported pursuant to the terms of these regulations, to prohibited countries and areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies these regulations.

§ 1488.17 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the financing agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the financing agreement if made with a corporation for its general benefit.

§ 1488.18 Exporter's records and accounts.

The Vice President, CCC, and his designees, shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the exporter involving transactions related to contracts between the exporter and the importer until the expiration of 3 years after maturity of the related financing agreement.

§ 1488.19 Communications.

Unless otherwise provided, any written requests, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

NOTE: The recordkeeping and reporting requirements of the regulations of this subpart have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SUPPLEMENT I—BEEF BREEDING CATTLE

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for beef breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for registered bulls, $1,200 each or, with prior approval of the Assistant Sales Manager for Export Credit, $2,500 if performance has been superior to the performance records specified in Exhibit II to this supplement; (b) for registered females, $600 each or, with prior approval of the Assistant Sales Manager for Export Credit, $1,000 if performance has been superior to the performance records specified in Exhibit I to this supplement; (c) for nonregistered females, an average, for the sale, of $450 each or, with prior approval of the Assistant Sales Manager for Export Credit, $650 if performance has been superior to the performance records specified in said Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A.1. and the contract price for the individual animal, if registered, or the average contract price for the individual animal, if nonregistered, shall not be included as part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized beef cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, have an eartag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identifynig symbol for such animal. The terms "eartag number(s)", "eartag identification number", and "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tatto or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the beef breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. Submission of applications for financing. 1. In addition to the information required by § 1488.3(c) (2) through (7), applications for financing export credit sales of beef breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for beef breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after delivery.* In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate animal tag lists for registered animals and for nonregistered animals, containing the following information:

(a) Eartag identification number.

(b) For each registered animal, shown separately opposite the identification number, the sales price as specified in the sales invoice to the foreign importer.

(c) For nonregistered animals, shown for each lot group by tag list, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Performance records for animals for which a higher maximum port value has been approved by the Assistant Sales Manager for Export Credit as provided in paragraph A.1.

3. A certification by the exporter that animals of the description in the exporter's sales contract with the foreign importer have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the eartag numbers and stating that the service bull was a registered bull of the same beef cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the eartag number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II).

4. The certificates issued by the Consumer and Marketing Service listing the eartag number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation grade, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age, except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

E. *Dual purpose breeds.* When dual purpose breeds[1] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM–4, as amended, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply.

[1] Milking Shorthorn and Red Poll.

EXHIBIT I TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. Registered.[1]

Breed

a. Angus.
b. Hereford.
c. Polled Hereford.
d. Charolais.
e. Santa Gertrudis.
f. Shorthorn.
g. Polled Shorthorn.
h. Brahman.
i. Milking Shorthorn.[2]
j. Red Poll.[2]
k. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

2. Nonregistered.[3]

Predominant Breed

(Specify from breed above.)

Option B (to be specified by purchaser).

Age [4]

1. Calf—(7 to 12 months).
2. Yearling open—(12 to 18 months).
3. Bred heifer—(18 to 36 months).
4. Bred cow—(24 to 48 months).
5. Mature cow—(24 to 48 months).[5]

General requirements:

A. *Health.*[6]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified from a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. *Minimum Weight.*[7]

1. Calf—(7 to 12 months) 400 pounds.
2. Yearling open—(12 to 18 months) 500 pounds.
3. Bred heifer—(18 to 24 months) 700 pounds (24 to 36 months) 800 pounds.
4. Bred cow—(24 to 36 months) 800 pounds (36 to 48 months) 950 pounds.
5. Mature cow—(24 to 36 months) 800 pounds (36 to 48 months) 950 pounds.[8]

C. *Minimum Conformation* Choice.[7]

All nonregistered females must be dehorned or naturally polled unless otherwise specified in the application. Horn stubs in excess of one inch will not be acceptable on dehorned cattle.

D. *Performance Records.*[9] (Optional, unless specified.) (See attached Appendix I to Exhibits I and II.)

[1] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual Purpose Breeds (See paragraph E, Supplement I or II).

[3] Nonregistered animals will be certified for breed by the C&MS agent.

[4] Certification by C&MS agent.

[5] See E3 of this Exhibit I.

[6] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

1. Minimum adjusted daily gain to weaning 1.6 pounds per day.

2. Minimum adjusted daily gain to weaning of offspring 1.6 pounds per day (if appropriate).

E. *Statement of Service or Other Requirement.*

1. Bred females must have been bred to a registered bull of the same breed and the calf from a registered female must be eligible for registration.[9]

2. Bred females must be at least 2 months but no more than 6 months pregnant at time of inspection.[10]

3. Mature cows not qualifying as "bred cows" to be eligible for financing hereunder must be lactating and have her offspring not in excess of approximately 5 months of age at side at time of inspection by C&MS. Such calves, though not eligible for financing, may be supplied along with the parent cow if facilities for their care and safe transportation to destination point are adequate.

EXHIBIT II TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—BULLS

Option A (to be specified by purchaser).

Breed [1]

1. Angus.
2. Hereford.
3. Polled Hereford.
4. Charolais.
5. Santa Gertrudis.
6. Shorthorn.
7. Polled Shorthorn.
8. Brahman.
9. Milking Shorthorn.[2]
10. Red Poll.[2]
11. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

Option B (to be specified by purchaser).

Age [3]

1. Bull calf—(7 to 12 months).
2. Yearling bull—(12 to 18 months).
3. Bull—(18 to 24 months).
4. Mature bull—(24 to 48 months).

General requirements:

A. *Health.*[4]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier.

3. Certified from a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. *Minimum Weight.*[5]

1. 7 to 12 months 470 pounds.
2. 12 to 18 months 790 pounds.
3. 18 to 24 months 1,100 pounds.
4. Over 24 months 1,350 pounds.

C. *Minimum Conformation Prime.*[6]

D. *Performance Records.*[6] (Optional, unless specified.) (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.9 pounds per day.

E. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age,[7] except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

[7] Certification furnished by Livestock Division, C&MS, USDA. Conformation grade to be based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[8] Official State records or National Breed Association records, or Performance Registry International records.

[9] Must be certified to by the breeder of the female at time of sale to exporter.

[10] Certification of pregnancy shall be issued by an accredited veterinarian.

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual Purpose Breeds (See paragraph E, Supplement I or II).

[3] Certification by C&MS agent.

[4] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[5] Certification furnished by Livestock Division, C&MS, USDA. Conformation grade based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[6] Official State records or National Breed Association records, or Performance Registry International records.

[7] Certification must be issued by an accredited veterinarian.

APPENDIX I TO EXHIBITS I AND II

PERFORMANCE TESTING

Performance testing is known by several names in the United States, but practically all organizations evaluate similar characteristics in beef cattle. The principal factors used in evaluating performance are growth rate and conformation, but not necessarily both. Animals which are tested are weighed at birth and again at weaning. The weaning weight is adjusted to an equivalent of 205 days of age and is also adjusted depending on the age of the dam. This is done to make weights of calves from first-calf heifers comparable to weights of calves from older cows.

The adjusted daily gain from birth to weaning is indicative not only of inherited gaining ability but also of the milking ability of the dam.

APPENDIX II TO EXHIBITS I AND II

SPECIFICATIONS FOR OFFICIAL U.S. STANDARDS FOR GRADES OF CATTLE (STEERS, HEIFERS, AND COWS) [1]

Prime

Cattle which possess typical minimum qualifications for the Prime grade are very thickly muscled throughout. They are wide through the chest with well sprung ribs and are moderately wide and thick through the crops, back and loin. The rounds tend to be thick and the twist is moderately deep. They have large, rugged frames with moderately large but refined bone.

Choice

Cattle which possess typical minimum qualifications for the Choice grade are thickly muscled throughout. They are moderately wide through the chest with a moderate spring of ribs and are slightly wide and

[1] Adapted from Service and Regulatory Announcement C&MS 183, issued March 1965. A copy of this publication and charts picturing the grades of feeder cattle may be obtained upon request from the Livestock Division, C&MS, USDA, Washington, D.C. 20250.

thick through the crops, back and loin. The rounds are slightly thick and the twist is slightly deep. They have moderately large, rugged frames, and the bone usually is moderately large, but may be slightly fine or slightly large and coarse.

SUPPLEMENT II—DAIRY BREEDING CATTLE

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for dairy breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) $1,200 each for registered bulls which have an Acceptable performance index as set out in paragraph D.1., Exhibit II to this supplement, or, with prior approval of the Assistant Sales Manager for Export Credit, $2,500 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit II; (b) $750 each for registered females which have an Acceptable performance index as set out in paragraph D.1., Exhibit I to this supplement, or with prior approval of the Assistant Sales Manager for Export Credit, $1,200 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit I; (c) with prior approval of the Assistant Sales Manager for Export Credit, $1,200 each for registered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; (d) with prior approval of the Assistant Sales Manager for Export Credit, $750 each for nonregistered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; or (e) $600 average for the sale of nonregistered females, other than mature cows with a Superior performance index, if each such animal has an Acceptable performance index as set out in paragraph D.1. of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph A.1., and the contract price for individual registered animals or nonregistered mature cows with a Superior performance index, or the average contract price for nonregistered females, other than mature cows with a Superior performance index, shall not be included as a part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized dairy cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, have a eartag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identifying symbol for such animal. The terms "eartag number(s)", "eartag identification number", and "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the dairy breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (2) through (7), applications for financing export credit sales of dairy breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for dairy breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after delivery.* In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate tag lists for each group of animals described in paragraphs A.1. (a), (b), (c), (d), and (e) of this supplement, containing the following information:

(a) Eartag identification number;

(b) For each registered animal or nonregistered mature cow with a Superior performance index, shown separately opposite the identification number, the sales price as specified in the sales invoice to the foreign importer;

(c) For nonregistered females other than mature cows with a Superior performance index, shown for each lot group by tag list, the average sales price per animal based on the sales invoice to the foreign importer.

2. Production Performance Index records as follows:

(a) For registered bulls the applicable Acceptable or Superior performance index records of Sire and Dam as described in paragraph D.1. or D.2. of Exhibit II;

(b) For registered females if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.2. of Exhibit I;

(c) For registered or nonregistered mature cows if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.3. of Exhibit I.

3. A certification by the exporter that animals of the description in the exporter's sales contract with the foreign importer have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the eartag numbers and stating that the service bull was a registered bull of the same dairy cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the eartag number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Consumer and Marketing Service listing the eartag number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation specifications, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semer certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age.

E. *Dual purpose breeds.* When dual purpose breeds [1] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM–4, as amended, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply with the exception that the Assistant Sales Manager for Export Credit is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

EXHIBIT I TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. Registered.[2]

[1] Milking Shorthorn and Red Poll.

[2] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

Breed

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[3]
g. Red Poll.[3]
h. Nonregistered.[3]

Predominant Breed

(Specify from breed above.)

Option B (to be specified by purchaser).

Age [4]

1. Calf—(6 to 12 months).
2. Yearling open—(12 to 18 months).
3. Heifer open—(18 to 30 months).
4. Bred heifer—(18 to 30 months).
5. Mature cow—(24 to 48 months).

General requirements:

A. *Health.*[5]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

6. Mature cows must be physically examined at time of inspection for the presence of mastitis by manipulating and stripping the udder and found not to have evidence of such infection. The exporter, at his option, may require the person from whom he purchases a mature cow to supply additional evidence of nonmastitis infection as he sees fit.

B. *Minimum Weight.*[6]

1. *Registered Animals.*

Age [7]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	360	295	260
b. 8 months	470	385	340
c. 10 months	565	455	410
d. 12 months	640	525	470
e. 14 months	710	585	520
f. 16 months	775	635	555
g. 18 months	835	685	600
h. 20 months	900	745	645
i. 22 months	970	790	695
j. 24 months	1,015	845	735
k. 26 months	1,045	870	760
l. 28 months	1,070	895	780
m. 30 months	1,090	910	790
n. 36 months and over	1,180	990	865

[3] Dual purpose breeds (See paragraph E, Supplement I or II).

[4] Nonregistered animals will be certified for breed by C&MS agent.

[5] Certification by C&MS agent.

[6] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service.

[7] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[8] Minimum weights for ages between the ages shown shall be determined proportionately.

2. *Nonregistered Animals.*

Class	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. Calf	360	305	260
b. Yearling Open	540	525	470
c. Heifer Open	635	585	500
d. Heifer Bred	835	685	600
e. Mature Cow	1,015	845	735

C. *Minimum Conformation.*[9]

All animals must meet the minimum body conformation specifications as described in Appendix to this Exhibit I.

D. *Production Performance Index.*[7]

1. *Acceptable.* An Acceptable performance index for *Registered* or *Nonregistered Females* will be considered to exist if such animals meet the minimum conformation of Item C above.

2. *Superior.* A Superior performance index for a *Registered Female* will be considered to exist if:

(a) Sire has a Plus (+) USDA Predicted Difference [8] equal to 2 percent of DHIR breed average as shown in Item E below, and

(b) Dam has a DHIA or DHIR record [8] equal to the DHIR breed average as shown in Item E below.

3. *Superior.* A Superior performance index for a *Registered* or *Nonregistered Mature Cow* will be considered to exist if such animal has a DHIA or DHIR production record [8] 15 percent above the DHIR breed average as shown in Item E below.

E. *DHIR Milk Production Breed Averages.* (Mature Equivalent.) The following breed averages are applicable to these specifications:

Breed	Breed average	2 Percent of breed average	15 Percent of breed average
		Pounds	
Ayrshire	12,556	251	1,883
Brown Swiss	13,187	264	1,978
Guernsey	10,483	210	1,572
Holstein	15,204	304	2,281
Jersey	9,465	189	1,420

F. *Statement of Service.*

1. Bred females must have been bred to a registered bull of the same breed.[10]

2. Bred females must be at least 2 months pregnant but no more than 6 months pregnant at time of inspection.[11]

APPENDIX TO EXHIBIT I

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR FEMALES

In addition to meeting the minimum weight for the breed as specified in Exhibit I, the animal shall possess femininity, normal breed conformation, quality and body capacity. She shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the legs straight, strong and well set. The mammary system, if sufficiently developed, shall be strongly attached, well balanced and of fine texture. The teats shall be of acceptable size. There shall be no evidence of lameness or other serious body defects. She shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Females officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

EXHIBIT II TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—BULLS

Option A (to be specified by purchaser).

Breed [1]

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[2]
g. Red Poll.[2]

Option B (to be specified by purchaser).

Age [3]

a. Calf—(6 to 12 months).
b. Yearling—(12 to 18 months).
c. Young bull—(18 to 24 months).
d. Mature bull—(24 to 48 months).

General requirements:

A. *Health.*[4]

1. Tested negative for tuberculosis and brucellosis within 30 days of loading aboard export carrier.

2. Animals come from farms that have not been under quarantine for any communicable disease during the past year.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto and free of mites, ticks and ringworm or freed from the same.

B. *Minimum weight.*[5]

[9] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in appendix to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[10] Must be certified to by the breeder of the female at time of sale to exporter.

[11] The certification of pregnancy shall be by an accredited veterinarian.

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual purpose breeds (See paragraph E, Supplement I or II).

[3] Certified by C&MS agent.

[4] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[5] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit II attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

Age [1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	450	370	315
b. 8 months	585	480	410
c. 10 months	710	555	490
d. 12 months	820	655	565
e. 14 months	930	755	645
f. 16 months	1,040	840	745
g. 18 months	1,155	920	815
h. 21 months	1,320	1,065	950
i. 24 months	1,455	1,210	1,050
j. 27 months	1,570	1,310	1,140
k. 30 months	1,670	1,395	1,215
l. 36 months and over	1,840	1,545	1,350

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

C. *Minimum Conformation.*[5]

All animals must meet the minimum body conformation as described in Appendix to Exhibit II.

D. *Production Performance Index.*[6]

1. *Acceptable.* An Acceptable performance index for a *Registered Bull* will be considered to exist if:

(a) Sire has a Plus (+) USDA Predicted Difference,[7] and

(b) Dam has a DHIA or DHIR record [8] 15 percent above the DHIR breed average as shown in item E below.

2. *Superior.* A Superior performance index for a *Registered Bull* will be considered to exist if:

(a) Sire has a Plus (+) USDA Predicted Difference [7] equal to 2 percent of DHIR breed average as shown in item E below, and

(b) Dam has a DHIA or DHIR record [8] 25 percent above the DHIR breed average as shown in item E below.

E. *DHIR Milk Production Breed Averages.* (Mature Equivalent.) The following breed averages are applicable to these specifications:

Breed	Breed average	2 percent of breed average	15 percent of breed average	25 percent of breed average
	Pounds			
Ayrshire	12,556	251	1,883	3,139
Brown Swiss	13,187	264	1,978	3,297
Guernsey	10,483	210	1,572	2,621
Holstein	15,204	304	2,281	3,801
Jersey	9,465	189	1,420	2,366

F. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age.[9]

APPENDIX TO EXHIBIT II

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR BULLS

In addition to meeting the minimum weight for the breed as specified in Exhibit II, the animal shall possess masculinity, normal breed conformation, quality, and body capacity. He shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with legs straight, strong, and well set. There shall be no evidence of lameness or other serious body defects. He shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Bulls officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

[5] DHIA or DHIR milk production records. Mature equivalent based on 305-day, two times a day milking.

[7] Source: USDA–DHIA Sire Summary Records, Agricultural Research Service.

[8] Source: Breed Association or Dairy Records Processing Center serving the DHIA Association where tested.

[9] Certification must be issued by an accredited veterinarian.

Effective date: This revision of regulations shall be effective upon filing with the office of the Federal Register.

Signed at Washington, D.C., on December 11, 1969.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department reregulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 69-14884; Filed, Dec. 11, 1969; 4:33 p.m.]

Chapter XV—Foreign Agricultural Services, Department of Agriculture

PART 1501—DONATION OF FOOD COMMODITIES FOR USE IN ASSISTANCE OF NEEDY PERSONS AND IN NONPROFIT SCHOOL LUNCH PROGRAMS OUTSIDE UNITED STATES OF AMERICA

Deletion

The provisions of clause (4) of section 416 of the Agricultural Act of 1949, as amended, which authorized donations of food commodities for use outside of the United States and which this part implemented, having been deleted by section 3(c) of the Food for Peace Act of 1966, effective January 1, 1967, this part is, therefore, also deleted.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DECEMBER 10, 1969.

[F.R. Doc. 69-14848; Filed, Dec. 15, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Indiana, and paragraph (e)(12) is added to read:

(12) *Indiana.* Montgomery County.

2. In § 76.2, paragraph (e)(2) relating to Mississippi is amended by adding thereto the name of Webster County.

3. In § 76.2, paragraph (e)(6) relating to Texas is amended by adding thereto the name of Lee County.

4. In § 76.2, paragraph (e)(8) relating to Missouri is amended by adding thereto the name of Lincoln County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine certain counties in the States of Indiana, Mississippi, Missouri, and Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of December 1969.

GEORGE W. IRVING, JR.,
Administrator, Agricultural Research Service.

[F.R. Doc. 69-14885; Filed, Dec. 15, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-117]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Correction

In F.R. Doc. 69-14647, appearing at page 19499 in the issue of Wednesday, December 10, 1969, the center heading of the transition area reading "Washington, D.C." should be corrected to read "Washington, N.C.".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-596]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Posting at Stations, Offices, or Locations Other Than Principal or General Office

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of December 1969.

On August 18, 1969, Aquarium Supply Co. filed a petition for rule making, Docket No. 21296, in which it alleges that the shipping public is not being afforded a period of time in which to express their views of tariff changes. Specifically, Aquarium Supply asserts that when a carrier files a tariff with a posting date 45 days before the effective date, the carrier is not required by § 221.171 to post the tariff for public inspection more than 30 days before the effective date. Since complaints against tariffs with posting dates must be filed within 12 days of that date, Aquarium Supply concludes that the time for complaints will have expired before the carrier posts the tariff. Univac Division, Sperry Rand Corp. filed an answer supporting the petition.

Section 221.171(c) generally requires that each tariff publication issued shall be posted by each party thereto at least 30 days before its effective date, at stations, offices and locations where the tariff has application. The Board permits carriers to use a posting date, in lieu of the usual issued date, where the tariff is filed more than 30 days before the effective date, is posted at stations, offices and locations on or before the posting date, and contains a notice that complaints must be filed within 12 days of the posting date. These provisions are set out in § 221.31(a)(10) and are incorporated by reference in §§ 221.22(b)(5) and 221.112(b)(7). Thus, all tariff publications bearing a posting date are, in fact, subject to the express requirement that they be posted on or before such posting date.

However, the Board finds that § 221.171(c) should be clarified for the benefit of the public by expressly stating that tariffs with posting dates must be posted on or before such posting dates.[1] Because this amendment merely clarifies an existing rule, the Board finds that notice and public procedure are unnecessary and the rule shall be made effective immediately.

Accordingly, the Board hereby amends § 221.171 (14 CFR 221.171), effective December 10, 1969, by revising paragraph (c) to read as follows:

§ 221.171 Posting at stations, offices, or locations other than principal or general office.

* * * * *

(c) Each tariff publication bearing an issued date shall be posted by each carrier party thereto at least 30 days before its effective date, and each tariff publication bearing a posting date shall be posted on or before the designated posting date as provided in § 221.31(a)(10), except that in the case of carrier stations, offices or locations situated outside the United States, its territories and possessions, the time shall not be less than 25 days before the effective date of a tariff publication with an issued date, and except that a tariff publication which the Board has authorized to be filed on shorter notice shall be posted by the carrier on like notice as authorized for filing.

(Secs. 204(a), 403, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758; 49 U.S.C. 1324, 1373)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14882; Filed, Dec. 15, 1969; 8:48 a.m.]

[1] In its answer, Univac suggests that carriers give direct notice to shippers of tariffs that might affect them or that more time be allowed for shippers to study the impact of a tariff. This request is denied. It is impractical to require carriers to give direct notice to shippers of tariffs that might affect them. Moreover, the time limits for filing complaints are designed to provide the Board with sufficient time to consider complaints and responses thereto before the tariffs become effective, and to provide adequate notice to the public of suspension actions. These rules are of long-standing, and insufficient grounds have been shown to modify them at this time.

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Regs., Amdt. 8]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 368, 371, 374, 379 and 386 of the Code of Federal Regulations are amended to read as set forth below.

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION PROCEDURE

§ 368.3 Delivery verification certificate.

(a) *Requirements* * * *

(2) Completion and disposition of Delivery Verification Certificates. A U.S. importer who is required by the foreign government to obtain a Delivery Verification Certificate shall present Form FC–908, Delivery Verification Certificate revised October 15, 1969, in duplicate, to a U.S. customs office. A Delivery Verification Certificate will be certified by a U.S. customs office only where the import is made under a warehouse or consumption entry. Form FC–908 shall be completed by the U.S. importer in all respects except as to type of customs entry (warehouse or consumption), entry number, date of entry, and the certification signature and date (all contained in the official use only block, at the bottom of the form). The commodities shall be described on the form in the same terms as those shown on the related International Import Certificate. The importer shall dispatch the original of the certified Delivery Verification Certificate to the foreign exporter or otherwise dispose of it in accordance with the instructions of the exporting country. The duplicate copy will be retained by the U.S. customs office. Form FC–908 may be obtained from all U.S. Department of Commerce field offices (see list on page i under Field Office Addresses), from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, and from U.S. customs offices.

PART 371—GENERAL LICENSES

§ 371.4 [Amended]

Footnote 2 to § 371.4(a)(1) is amended to read as follows:

[2] A commodity withdrawn from a bonded warehouse in the United States under a "withdrawal for export" customs entry is considered as "moving in transit" within the meaning of General License GIT. It is not considered as "moving in transit" if it is withdrawn from a bonded warehoue under any other type of customs entry or if its transit has been broken for a processing operation, regardless of the type of customs entry.

PART 374—REEXPORTS

§ 374.2 Permissive reexports.

* * * * *

(g) Reexports to a destination to which direct shipment from the United States is authorized under an unused outstanding validated export license.[1]

PART 379—TECHNICAL DATA

§ 379.4 General License GTDR: Technical data under restriction.

(d) *Restrictions applicable to all destinations except Canada.* * * *

(7) Submersible watercraft other than military or naval types[2]; and

(8) Any other commodity under the export control jurisdiction of the Office of Export Control, if such commodity is not covered by an entry on the Commodity Control List.

* * * * *

PART 386—EXPORT CLEARANCE

ALTERNATE PROCEDURE FOR FILING SHIPPER'S EXPORT DECLARATIONS[1]

An alternate procedure has been established for filing Shipper's Export Declarations to cover exports moving under general license to destinations in Country Groups T, V, and X. Under this procedure, exporters need no longer submit such Declarations to customs offices for authentication. Instead, if an exporter desires, he may file Declarations directly with any air or water carrier who has been accepted by the Department of Commerce as a participant in the alternate procedure. Names of these carriers will be on file at customs offices. In order to participate, carriers must agree to review Declarations for acceptability prior to loading. Following this review, the carrier will then forward the completed Declarations to the customs offices with the related manifests.

This alternate procedure was developed as part of the Department of Commerce's continuing efforts to reduce paperwork and speed export shipments. The new regulation offers substantial savings since it could affect up to 90 percent of all Shipper's Export Declarations covering export to foreign countries other than Canada.

This simplification does not change any of the obligations of the exporter or his authorized agent to prepare Shipper's Export Declarations correctly, nor does it apply in any way to export requiring a validated export license.

Accordingly, § 386.3 (a) and (b) is amended and a new § 386.3(v) is established to read as set forth below.

[2] The unused validated export license shall be returned to the Office of Export Control (attention 852), U.S. Department of Commerce, Washington, D.C. 20230, with a letter giving the full details of the reexport.

[1] The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 386.3 Shipper's Export Declaration.

(a) *Authentication requirement.* All copies of Shipper's Export Declarations that are required to be presented to a customs office shall be authenticated by the customs office at the port of export unless the shipment is eligible for, and the exporter chooses to use, the alternate procedure set forth in paragraph (v) of this section. No customs officer shall authenticate a Declaration unless he is satisfied, after comparing it with the applicable validated license or general license and with such other relevant information as he may have, that:

(1) Export of the commodity(ies) described in the Declaration is authorized under the license;

(2) Statements in the Declaration are identical in all respects with the contents of the validated license, or with the terms, provisions, and conditions of the general license;

(3) Statements in the Declaration are set forth in a manner that permits customs officers (or other authorized persons to whom the Declaration may be shown or delivered) to determine whether the export complies with the contents of the validated license, or the terms, provisions, and conditions of the general license; and

(4) The shipment is or will be available for inspection and has not been loaded on an exporting carrier.

(b) *Authenticated Declaration as export control document.* When authenticated by the customs office or accepted by a carrier under the alternate procedure set forth in § 386.6(v), a Shipper's Export Declaration shall be deemed to be a document, issued pursuant to the Export Control Regulations, evidencing the existence of a validated export license or permission for an export under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for export or otherwise facilitating or effecting the export of a commodity(ies) requiring a validated or general license under the Export Control Regulation issued pursuant to the Export Control Law.

* * * * *

(v) *Alternate procedure for filing Declaration*—(1) *Scope.* An alternate procedure for filing Declarations covering general license shipments via air or water carrier to destinations in Country Groups T, V, and X is established, under which such a Declaration may be delivered to the carrier[3] at the port of export without first having been authenticated by the customs office. The carrier, in turn, will examine the information on the Declaration for completeness and attach the Declaration to his outward foreign manifest for delivery to the customs office. This alternate procedure is restricted to carriers who have previously agreed to participate in the procedure, as provided in subparagraph (4) of this paragraph.

(2) *Action by exporter or his agent under alternate procedure*—(i) *Preparation of Declaration*—(a) *Information required.* The exporter, or his duly authorized agent, shall prepare the declaration fully and properly in accordance with this section. In this regard, the responsibility of exporter (or his agent) includes, but is not limited to, insuring that such items as destination, commodity descriptions, Schedule B numbers, quantities (where required), and values are complete and accurate; and further, that the proper general license designation and destination control statement are entered on the Declaration. In addition, the exporter (or his agent) shall enter (*1*) the notation "NAR" (no authentication required) in the "Customs Authentication" space, and (*2*) the bill of lading number[4] (when known to the exporter or his agent) in the "Waybill or Manifest No." or "B/L No." space.

(b) *Number of copies.* The Declaration shall be prepared in two copies only. However, where an additional copy is required by paragraph (i)(3) of this section, the Declaration shall be prepared in three copies.

(ii) *Filing the Declaration.* The exporter (or his agent) shall deliver all copies of the Declaration to the carrier before the shipment is loaded on board the exporting vessel or aircraft. Such a Declaration need not first be authenticated by the customs office.

(3) *Action by carrier under alternate procedure*—(i) *Examination of Declaration before loading* (a) A carrier accepting unauthenticated Declarations shall, on receipt of such a Declaration and before loading the shipment on board the exporting vessel or aircraft, examine the Declaration to see that:

(*1*) The shipment is declared as being exported under a general license;

(*2*) The shipment is declared as being made to a destination in Country Group T, V, or X;

(*3*) A destination control statement is shown on the Declaration;

(*4*) All other required information is shown completely on the Declaration, including but not limited to destination, commodity description, Schedule B Number, shipping weight, quantity (where required), and value.

(*5*) The information shown on the Declaration is not inconsistent with other records and information available to the carrier; and

(*6*) The following items of information, being peculiarly within the knowledge of the carrier, are accurate: "U.S. Port of Export," "Method of Transportation," "Exporting Carrier," "Foreign Port of Unloading," pier or airport, and bill of lading number.

(b) If a Declaration appears incomplete or inconsistent, the carrier may make changes, alterations, and amendments of the type specified in (a)(6) of this subdivision. Otherwise, the carrier shall return it to the exporter or his agent to be checked, completed, or corrected. The exporter shall then give the Declaration to the carrier for rechecking before the shipment is loaded.

(c) If the shipment is being exported under a validated license, the carrier shall return the Declaration and license to the exporter or his agent for presentation to the customs office for authentication, in accordance with § 386.1 (b)(1), before loading the shipment.

(ii) *Verifying entry of bill of lading number and "NAR" notation.* Before submission of the manifest and related Shipper's Export Declarations to Customs, carriers shall see that:

(a) The bill of lading number is entered in the "Waybill or Manifest No." or "B/L No." space on the Declaration; and

(b) The notation "NAR" is entered in the "Customs Authentication" space on the Declaration.

(iii) *Filing Declaration and Manifest.* (a) For each shipment covered by an unauthenticated Declaration accepted under this procedure, the carrier shall enter on all copies of the outward foreign manifest filed with the customs office the notation "NAR" and the related bill of lading number.

(b) When the manifest is submitted to the customs office, all copies of the Declaration shall be attached thereto. The unauthenticated Declarations shall be separated from the authenticated Declarations. Where a third copy of the Declaration is submitted, in accordance with paragraph (i)(3) of this section, that copy also shall be attached to the manifest.

(c) By filing an unauthenticated Declaration with the manifest at the customs office under this procedure, the carrier certifies that he has reviewed the Declaration and found it acceptable in accordance with this paragraph.

(4) *Qualification of carrier under alternate procedure*—(i) *Statement by carrier.* A carrier wishing to participate shall send a letter to the Foreign Trade Division, Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20230. A copy of this letter shall also be sent to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. This letter shall:

(a) Propose a date on which the carrier intends to begin participation;

(b) Specify those ports at which the carrier will accept unauthenticated Declarations;

(c) List the carrier's shipping agents and ports at which the agents will accept unauthenticated Declarations; and

(d) Include a statement of the carrier's willingness to accept unauthenticated Declarations and his agreement to comply with the provisions set forth in § 30.42 of this title (Foreign Trade Statistics Regulations) and this section (Export Control Regulations).

(ii) *Acceptance of carrier's statement.* The Bureau of the Census, with the advice of the Office of Export Control, will acknowledge and accept the carrier's statement of willingness to accept unauthenticated Declarations, under this alternate procedure, confirming the date on which the carrier will begin participating and the ports at which such carrier (and his shipping agents) will participate. This letter shall be retained by the carrier in his office for a period of 3 years from the date of the last action taken by the carrier under this alternate procedure and shall be made available for inspection on demand in accordance with § 387.11(f). (For further recordkeeping requirements see § 387.11.)

(iii) *Notification to Customs.* Customs offices will be notified of the names of carriers who have agreed to accept unauthenticated Declarations under this alternate procedure. Names of participating carriers may be obtained from customs offices.

(iv) *Port restrictions.* Participation by a carrier in this alternate procedure will be restricted to those ports he specifies in his letter to the Bureau of the Census and the Office of Export Control. A carrier may add or delete ports of participation by notifying the Bureau of the Census and the Office of Export Control as set forth in subdivision (i) of this subparagraph.

(5) *Withdrawal of privileges*—(i) *Exporters and agents of exporters.* The privilege of participating in this alternate procedure may be withdrawn from an exporter or agent of an exporter if it is determined by the Bureau of International Commerce or the Bureau of the Census that such exporter or agent has knowingly or negligently furnished or assisted in furnishing inaccurate, incomplete, or otherwise inadequate Census and/or Export Control information required on the Shipper's Export Declaration.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective dates: Part 386—January 1, 1970. Parts 368, 371, 374, and 379—December 11, 1969.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 69-14862; Filed, Dec. 15, 1969; 8:46 a.m.]

[3] The term "carrier" as used in this paragraph only, is defined as the "exporting carrier or his shipping agent(s)" at a port of export. Among other things, this means that the alternate procedure does not apply when an inland shipper elects to have his Declaration authenticated under the port-of-origin procedure set forth in § 386.8.

[4] See § 370.2 of this chapter for definitions.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8773]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Disclosure of Credit Terms in Margin Transactions

The Securities and Exchange Commission announced that it has adopted Rule 10b-16 (17 CFR 240.10b-16) under the Securities Exchange Act of 1934 ("Exchange Act"). The rule requires broker-dealers who extend credit to customers to finance securities transactions to furnish specified information with respect to the amount of and reasons for the credit charges.

The Truth in Lending Act, as passed by Congress, specifically exempts from its disclosure requirements brokers' margin loans to customers. In Senate Report No. 90-392 (June 29, 1967), which accompanied the Senate bill, the Senate Committee on Banking and Currency noted:

> The committee has been informed by the Securities and Exchange Commission that the Commission has adequate regulatory authority under the Securities Exchange Act of 1934 to require adequate disclosure of the cost of such credit. The committee has also been informed in a letter from the SEC that the Commission is prepared to adopt its own rules to whatever extent may be necessary.
>
> In recommending an exemption for stock-broker margin loans in the bill, the committee intends for the SEC to require substantially similar disclosure by regulation as soon as it is possible to issue such regulations.

The Report of the House Committee on Banking and Currency also refers to Commission authority to require disclosure under the Federal securities laws. It is in response to this mandate that Rule 10b-16 (17 CFR 240.10b-16) was adopted.

Notice of the proposed rule was published on Friday, May 2, 1969 (Release No. 34-8593) and in the FEDERAL REGISTER for May 8, 1969, at 34 F.R. 7459, and the present rule incorporates many of the suggestions received in response thereto.

The rule requires an initial disclosure and periodic disclosures. The initial disclosure is designed to insure that the investor, before his account is opened, understands the terms and conditions under which credit charges will be made. This will enable him to compare the various credit terms available to him and to understand the methods used in computing the actual credit charges. The periodic statement will inform the investor of the actual cost of credit and, with the aid of the initial disclosure, enable him to accurately assess that cost.

Initial disclosure requirements under paragraph (a)(1) of Rule 10b-16 (17 CFR 240.10b-16). The stated purpose of the Truth in Lending statute is "to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit." At present, the standard form of customer's agreement generally does not achieve this goal.

Under paragraph (a)(1) of the rule, a customer opening a new margin account must be given or sent, prior to the execution of the initial credit transaction, a written statement or statements disclosing the following information: Under what conditions interest can be charged; the annual rates of interest; the method of computing interest; when interest rates can be changed without prior notice; how debit balances are determined; what other credit charges can

be imposed; the nature of any lien or other interest that can be retained by the broker or dealer; and when additional collateral can be required. If, where otherwise proper, the account is opened by telephone, the broker or dealer must disclose the information orally to the customer at that time and immediately thereafter send to the customer the required statement or statements. It is not necessary that the required information be contained in a single statement. Thus, for example, it would be permissible to print the schedule of interest rates on a separate card or pamphlet, to be delivered to the customer together with a statement containing the remainder of the information required to be disclosed. Where margin accounts are carried on a disclosed basis by another broker who is extending the credit, he would be responsible for seeing that the required disclosure is made.

If the rate of interest to be imposed will vary depending upon the size of the debit balance, the schedule of rates and the range of balances to which each is applicable should be shown. Since broker-dealers frequently relate their interest charges to the call money rate, it is permissible to express the interest rates in terms of their relationship to the current call money rate, as, for example, "½ of 1 percent above the current call money rate". In this instance, however, it would be necessary to affirmatively state that the rates of interest will change with shifts in the call money rate. The annual rate of interest applicable to any given debit balance would be determined by multiplying the periodic (daily, weekly or monthly) rate applied to that debit balance by the number of periods (days, weeks or months) in the year.

Disclosure of the method of determining the debit balance or balances on which interest is to be charged must be complete enough to enable the customer to know what and how debit or credit entries on the periodic statement will be used in determining the debit balance or balances. As part of the requirement that the customer be informed of the nature of any interest or lien retained by the broker or dealer in the security or other property held as collateral by the broker or dealer and the conditions under which additional collateral may be required, the broker or dealer would be expected to disclose, if applicable, his practice with respect to "marking to the market."

In the case of "equity funding programs" registered under the Securities Act of 1933, the requirements of paragraph (a)(1) could be met if the broker or dealer furnishes to the customer, at the time required under this rule, a prospectus containing the information required to be disclosed by paragraph (a)(1).

Periodic disclosure requirements under paragraph (a)(2) of Rule 10b–16 (17 CFR 240.10b–16). Under the Truth in Lending law, periodic statements are required at the end of each "billing cycle" for open end accounts. Because of the nature of margin accounts, regular periodic payments are not required and, therefore, there is no equivalent to the "billing cycle." However, in other respects, the margin account is in effect "open end" and periodic statements will assure that the investor is kept abreast of the transactions in his account. Paragraph (a)(2) of the rule requires this type of statement to be furnished on any account in which there was an interest or other finance charge imposed during the period.

A quarterly statement has been chosen. It is felt that such a period will not cause undue hardship on the firm and will keep the customer adequately informed. It is the same period as that applied by the Commission in Rule 15c3–2 (17 CFR 240.15c3–2) under the Securities Exchange Act of 1934, requiring quarterly notices of the use of free credit balances. It is also the frequency provided for by those exchanges which by rule require statements to customers. Those firms which at present furnish monthly statements could, of course, continue this practice.

Under paragraph (a)(2), the customer must be given or sent periodic statements disclosing the following information: The beginning and closing balances; the balance at the end of the interest period; debits and credits entered during the period; the interest charge; the beginning and ending dates of the interest period; the rate or rates of interest and the interest charge for each different rate; the debit balance or balances or the average debit balance upon which interest was computed; and other credit charges. It is not necessary that the information required to be disclosed under this paragraph be contained in a single statement. Consequently, it would be permissible to disclose on a current statement, an interest charge relating to a period of time covered partially or entirely by the preceding statement. If, however, all of the information required to be disclosed under this paragraph is not contained in a single statement, it is necessary to print on each statement language to the effect that the customer should retain the statement for use in conjunction with the following statement. However, since many broker-dealers have a current supply of periodic statements, until such current supply is exhausted, no objection will be raised if such language is printed on a separate paper which accompanies the periodic statement. Also, if the period covered by the statement does not coincide with the period for which interest is charged, it is necessary to show the balance at the end of the interest period as well as the balances at the beginning and end of the period covered by the statement.

Each debit or credit used in determining the debit balance or balances upon which an interest calculation is based, including debits or credits resulting from "marking to the market", must be shown. It is permissible to show either each different debit balance upon which an interest calculation was made or, alternatively, the average debit balance for the interest period. In the latter case, an average balance must be shown for each different interest rate applied. If a broker or dealer imposes separate interest charges for separate accounts of the same customer, then each such separate interest charge would be itemized as required under this paragraph.

In the case of "equity funding programs" registered under the Securities Act of 1933, the requirements of this paragraph (a)(2) could be met if the broker or dealer furnishes to the customer within 1 month after each extension of credit, a statement or statements containing the information required to be disclosed under paragraph (a)(2).

Paragraph (b) of the rule requires that the customer be notified, in advance, of changes in the terms or conditions under which credit charges can be imposed, unless the changes are provided for by specific terms previously disclosed to the customer in the initial statement, or unless such changes are required by law. Thus, for example, if the statement recites that interest rates will change with shifts in the call money rate, separate notification of a change in interest rates resulting from a shift in the call money rate would not be required. If the effect of any change for which notice is otherwise required is a lower interest charge to the customer, notice of such change may be given within a reasonable time after the effective date of the change.

In order to give broker-dealers sufficient time to make the necessary operational changes to comply with this rule, it will not become effective until April 1, 1970.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10(b) and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby adopts a new § 240.10b–16 under Part 240 of Chapter II of Title 17 of the Code of Federal Regulations reading as set forth below, to be effective April 1, 1970:

§ 240.10b–16 Disclosure of credit terms in margin transactions.

(a) It shall be unlawful for any broker or dealer to extend credit, directly or indirectly, to any customer in connection with any securities transaction unless such broker or dealer has established procedures to assure that each customer

(1) Is given or sent at the time of opening the account, a written statement or statements disclosing (i) the conditions under which an interest charge will be imposed; (ii) the annual rate or rates of interest that can be imposed; (iii) the method of computing interest; (iv) if rates of interest are subject to change without prior notice, the specific conditions under which they can be changed; (v) the method of determining the debit balance or balances on which interest is to be charged and whether credit is to be given for credit balances in cash accounts; (vi) what other charges resulting from the extension of credit, if any, will be made and under what conditions; and (vii) the nature of any interest or lien retained by the broker or dealer in the security or other property held as collateral and the conditions under which additional collateral can be required: *Provided, however,* That the requirements of this subparagraph will be met in any case where the account is opened by telephone if the information required to be disclosed is orally communicated to the customer at that time and the required written statement or statements are sent to the customer immediately thereafter: *And provided, further,* That in the case of customers to whom credit is already being extended on the effective date of this section, the written statement or statements required hereunder must be given or sent to said customers within 90 days after the effective date of this section; and

(2) Is given or sent a written statement or statements, at least quarterly, for each account in which credit was extended, disclosing (i) the balance at the beginning of the period; the date, amount and a brief description of each debit and credit entered during such period; the closing balance; and, if interest is charged for a period different from the period covered by the statement, the balance as of the last day of the interest period; (ii) the total interest charge for the period during which interest is charged (or, if interest is charged separately for separate accounts, the total interest charge for each such account), itemized to show the dates on which the interest period began and ended; the annual rate or rates of interest charged and the interest charge for each such different annual rate of interest; and either each different debit balance on which an interest calculation was based or the average debit balance for the interest period, except that if an average debit balance is used, a separate average debit balance must be disclosed for each interest rate applied; and (iii) all other charges resulting from the extension of credit in that account: *Provided, however,* That if the interest charge disclosed on a statement is for a period different from the period covered by the statement, there must be printed on the statement appropriate language to the effect that it should be retained for use in conjunction with the next statement containing the remainder of the required information: *And provided further,* That in the case of "equity funding programs" registered under the Securities Act of 1933, the requirements of this subparagraph will be met if the broker or dealer furnishes to the customer, within 1 month after each extension of credit, a written statement or statements containing the information required to be disclosed under this subparagraph.

(b) It shall be unlawful for any broker or dealer to make any changes in the terms and conditions under which credit charges will be made (as described in the initial statement made under paragraph (a) of this section), unless the customer shall have been given not less than thirty (30) days written notice of such changes, except that no such prior notice shall be necessary where such changes are required by law: *Provided, however,* That if any change for which prior notice would otherwise be required under this paragraph results in a lower interest charge to the customer than would have been imposed before the change, notice of such change may be given within a reasonable time after the effective date of the change.

(Secs. 10(b), 23(a), 48 Stat. 891, 901, sec. 8, 49 Stat. 1379; 15 U.S.C. 78j(b), 78w(a))

By the Commission, December 8, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14836; Filed, Dec. 15, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 78]

CONTROL OF ELECTRONIC PRODUCT RADIATION

Proposed Record and Reporting Requirements

NOVEMBER 17, 1969.

Pursuant to the authority contained in section 360A of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263i), it is proposed to amend Part 78 of Title 42, Code of Federal Regulations by adding Subpart H, as set forth below.

The proposed new subpart would specify the records that manufacturers of particular electronic products must maintain and the reports and information that such manufacturers must provide to the Secretary to enable him to determine whether the manufacturer has acted or is acting in compliance with the Act and any standards prescribed thereunder.

The provisions of Subpart H also would require dealers and distributors of certain electronic products to obtain information deemed necessary to identify and locate, for purposes of section 359 of the Act, the first purchasers of such products.

Inquiries may be addressed, and data, views, and argument may be submitted in writing to the Director, Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. All relevant material received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make the regulations effective on the date of their republication in the FEDERAL REGISTER.

The amendments to Part 78 would provide as follows:

Subpart H—Records and Reports

Sec.
78.701 Applicability.
78.702 Definitions.

RECORDS AND REPORTS REQUIRED OF MANUFACTURERS

78.703 Reporting of excessive radiation occurrences.

RECORDS AND REPORTS REQUIRED OF MANUFACTURERS OF SPECIFIC PRODUCTS

78.720 List of specific products.
78.721 Initial reports required from manufacturers of listed products.
78.722 Reports of model changes required from manufacturers.
78.723 Records required to be maintained by manufacturers of listed products.
78.724 Annual and other reports.

INFORMATION REQUIRED OF DEALERS AND DISTRIBUTORS

78.740 Record of purchaser.
78.741 Procedures for furnishing information to manufacturers.
78.742 Retention of records.
78.743 Termination of business.
78.744 Confidentiality of information furnished to manufacturers.
78.745 Preservation of information by manufacturer.

AUTHORITY: The provisions of Subpart H issued under sec. 360A, 82 Stat. 1182; 42 U.S.C. 263i.

Subpart H—Records and Reports

§ 78.701 Applicability.

The provisions of this subpart are applicable to manufacturers, dealers, and distributors of electronic products as specified herein.

§ 78.702 Definitions.

As used in this subpart:

(a) The term "listed product" refers to a product listed in § 78.720.

(b) The term "dealer" or "distributor" means every person engaged in the business of offering new electronic products for sale without regard to whether such person is or has been primarily or customarily engaged in such business.

(c) The term "purchaser" means the first person who, for value, acquires an electronic product for purposes other than resale.

(d) The term "excessive radiation occurence" is defined as an incident or series of incidents during which measurements of radiation emissions from a production line model of an electronic product or products indicate that emission levels have exceeded (1) those prescribed in standards promulgated under the Act or (2) in absence of such standards, (i) levels which the product was designed to meet or (ii) levels which create an unexpected or unnecessary risk of injury to users of the product.

RECORDS AND REPORTS REQUIRED OF MANUFACTURERS

§ 78.703 Reporting of excessive radiation occurrences.

(a) Manufacturers of electronic products shall with reasonable promptness report to the Director, Bureau of Radiological Health, all excessive radiation occurrences reported to or otherwise known to such manufacturers, arising in the manufacture, testing, or use of any production model of electronic products which are offered or are to be offered for sale.

(b) Such reports shall be addressed to the Director, Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852, and such reports and their envelopes shall be distinctly marked "Report on Section 78.703".

RECORDS AND REPORTS REQUIRED OF MANUFACTURERS OF SPECIFIC PRODUCTS

§ 78.720 List of specific products.

In addition to any other records or reports required of manufacturers of electronic products, the manufacturers of the products listed in this section shall maintain the records and make the reports required by §§ 78.721, 78.722, 78.723, and 78.724.

Ionizing electromagnetic radiation:
- Television projection devices.
- Television receivers.
- Shunt regulator tubes.
- High voltage rectifier tubes.
- High voltage vacuum switches.
- X-ray producing devices (all types).

Microwave:
- Microwave ovens.
- Microwave diathermy units.

Lasers:
- All types.

Ultrasonic:
- All types.

§ 78.721 Initial reports required from manufacturers of listed products.

(a) Every manufacturer of a listed product shall submit an initial report to the Director, Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852 in accordance with this section.

(b) With respect to each listed product introduced into commerce and in production on the effective date of this subpart, the report shall be submitted within 90 days following the effective date of this subpart.

(c) With respect to any other listed product, the report shall be submitted prior to the introduction of such product into commerce.

(d) The report shall be distinctly marked "Initial Report of (Name of Manufacturer)" and shall:

(1) Identify each commercial model of the listed product together with sufficient information concerning the manufacturer's code or such other information sufficient to enable the Secretary to determine the date and place of manufacture.

(2) State the design specifications and/or standards with respect to the control of radiation emissions for each model and the basis upon which such specifications and/or standards were adopted.

(3) Describe the methods employed in testing and measuring each model with respect to electronic product radiation and the applicable quality control procedures for a production run of each model.

(4) Describe the methods and frequency of testing each product model for durability and stability with respect to electronic product radiation.

(5) State any instances where production models failed to comply with design specifications or standards with respect to the control of radiation emissions and the corrective action taken by the manufacturer in such cases.

(6) Report for each model, all warning signs, labels, and instructions for installation, operation, and use, which relate to electronic product radiation safety.

§ 78.722 Reports of model changes required from manufacturers.

Prior to the introduction into commerce of any new model of a listed product for which an initial report was required under § 78.721, the manufacturer of such product shall submit a report of any change in the construction of the product which could affect electronic product radiation.

§ 78.723 Records required to be maintained by manufacturers of listed products.

(a) Every manufacturer of a listed product shall maintain the records required by this section and shall, upon reasonable notice by an officer or employee duly designated by the Department, permit such officer or employee to inspect such records during normal business hours.

(b) Manufacturers of listed products shall maintain the following records for a period of 5 years from the first date on which the product is offered for sale to the public:

(1) Records of the results of tests with respect to electronic product radiation, the devices and procedures used in such tests, and the basis for selecting such devices and procedures.

(2) Records of the results of tests for durability and stability of the product with respect to electronic product radiation, and the basis for selecting these tests.

(3) Description of the production quality control procedures with respect to electronic product radiation.

(4) Copies of all communications with dealers, distributors, and purchasers which contain instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of the product relevant to the control of radiation emissions.

(5) Records of warranty experience relevant to radiation emissions from listed products.

(6) Current inventories of all products under the control of the manufacturer, together with records of distribution of products to dealers and distributors in such form as is necessary to permit immediate determination of the number and locations of all products not yet sold to a first purchaser.

(7) An indexed record file of warranties that the manufacturer has received from purchaser and subsequent transferees of each listed product.

(c) Every manufacturer of electronic products receiving information from dealers or distributors pursuant to § 78.741 shall preserve such information for a length of time sufficient to insure its availability during the expected useful life of the product for purposes of section 359 of the Act.

§ 78.724 Annual and other reports.

(a) Every manufacturer of a listed product shall submit a report summarizing the contents of the records required to be maintained by § 78.723(b) (1)–(5). The first such report shall be submitted by January 1, 1971, with subsequent reports due annually thereafter. Such reports shall cover the 12-month period ending on the October 31 preceding the due date of the report.

(b) Upon request of the Director, Bureau of Radiological Health, a manufacturer shall submit copies of the records required to be maintained by § 78.723 (b) (6) and (7), and (c) to the Director.

INFORMATION REQUIRED OF DEALERS AND DISTRIBUTORS

§ 78.740 Record of purchaser.

(a) Every dealer or distrbutor shall, for every electronic product it sells to which there is an applicable Federal standard under this part and for which the manufacturer's suggested retail price is not less than $50, obtain and preserve such information as is necessary to permit tracing of specific products to specific purchasers.

(b) Such information shall include:

(1) The name and mailing address of the purchaser at the time of sale.

(2) Identification and brand name of the product.

(3) Model and serial number of the product.

(4) Date of sale.

(c) Information for each product of each manufacturer shall be furnished to the respective manufacturers in accordance with § 78.741.

§ 78.741 Procedures for furnishing information to manufacturers.

Information obtained by dealers and distributors pursuant to § 78.740 shall immediately be forwarded to the appropriate manufacturer unless:

(a) The dealer or distributor elects to hold and preserve such information and to immediately furnish it to the manufacturer when advised by the manufacturer or the Director, Bureau of Radiological Health that such information is required for purposes of section 359 of the Act.

(b) The dealer or distributor, upon making the election under (a), promptly notifies the manufacturer and the Director, Bureau of Radiological Health of such election; such notification shall be in writing and shall identify the dealer or distributor and the electronic product or products for which the information is being accumulated and preserved.

§ 78.742 Retention of records.

Every dealer or distributor making the election under § 78.741(a) shall preserve such information for a length of time sufficient to insure its availability during the expected useful life of the product for purposes of section 359 of the Act.

§ 78.743 Termination of business.

Every dealer or distributor obtaining information pursuant to this subpart shall take such steps as are necessary to insure that such information is furnished to the manufacturer prior to the time the dealer or distributor discontinues the sale of electronic products. Every manufacturer upon discontinuing the sale of electronic products, shall furnish the information accumulated under this subpart to the Director, Bureau of Radiological Health.

§ 78.744 Confidentiality of information furnished to manufacturers.

All information furnished to manufacturers by dealers and distributors pursuant to this subpart shall be treated by such manufacturers as confidential information which may be used only as necessary to notify persons pursuant to section 359 of the Act.

§ 78.745 Preservation of information by manufacturer.

Every manufacturer of electronic products receiving information from dealers or distributors pursuant to § 78.741(a) shall preserve such information for a length of time sufficient to insure its availability during the expected useful life of the product for purposes of section 359 of the Act.

CHRIS A. HANSEN,
Assistant Surgeon General, Commissioner, Environmental Control Administration.

[F.R. Doc. 69-14779; Filed, Dec. 15, 1969; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 31]

CUSTOMHOUSE BROKERS

Notice of Proposed Rule Making

One of the basic requirements for an individual customhouse broker's license prescribed in § 31.11(a) of the Customs Regulations (19 CFR 31.11(a)) is that the individual shall not be an officer or employee of the United States. In cases where officers or employees are contemplating resignation or retirement, it has been the Bureau's practice to permit such individuals to take the examination for a customhouse broker's license while still in the Government service and to have the customary investigation made for the successful applicants, but a license is not issued until evidence of the termination of their Government service has been furnished. While there has been no prescribed time limit, the employment has usually been terminated within a reasonable time.

The Bureau has reviewed this practice and has concluded that the passing grade as qualification for a license should be limited to a period not exceeding 1 year from the date of examination. Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that under the authority of sections 624 and 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1624, 1641), R.S. 251 (19 U.S.C. 66), it is proposed to amend § 31.13(f) of the Customs Regulations (19 CFR 31.13(f)) to read as follows:

(f) *Passing grade on examination.*—(1) *An officer or employee of the United States.* A passing grade on an examination taken by an applicant while an officer or employee of the United States shall be considered to meet the examination requirement for a license to be issued after the termination of the applicant's Government service, provided such service is terminated within 1 year from the date of examination. If the service of the applicant is not terminated within the 1-year period, the application will be necessarily denied for failure to meet the requirements. The district director will refund one-half of the application fee.

(2) *Further processing.* If a passing grade is obtained by an applicant, including an officer or employee of the United States who becomes eligible to receive a license, the Commissioner will return the application to the district director for further processing.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: December 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14865; Filed, Dec. 15, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 69-136]

SPECIAL ANCHORAGE AREAS, AMISTAD RESERVOIR, TEX.

Notice of Proposed Rule Making

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of Rule 13, R.S. 4233, as amended (33 U.S.C. 322), section 6(g)(1)(D) of the Department of Transportation Act (80 Stat. 937), 49 U.S.C. 1655(g)(1)(D) and 49 CFR 1.4(a)(3)(iv), is considering the addition of a § 110.77 to Part 110, Subpart A of Title 33, Code of Federal Regulations.

2. The proposed new section would establish and describe three special anchorage areas on the Amistad Reservoir within the Amistad Recreation Area, Del Rio, Tex. In these special anchorage areas, vessels not more than 65 feet in length, when at anchor, would not be required to carry or exhibit anchor lights. The areas would be principally for use by yachts and other recreational craft.

3. It is proposed to amend Part 110 by adding a new § 110.77, reading as follows:

§ 110.77 Amistad Reservoir, Texas.

(a) *Diablo East, Tex.* That portion of the Amistad Reservoir enclosed by a line connecting the following points, excluding a 300-foot wide fairway extending northerly from the launching ramp as established by the Superintendent of Amistad Recreation Area:

	Latitude	*Longitude*
"a"	29°28'54" N.	101°01'10" W.
"b"	29°28'21" N.	101°01'08" W.
"c"	29°28'34" N.	101°00'32" W.
"d"	29°28'54" N.	101°00'32" W.

(b) *Rough Canyon, Tex.* That portion of the Amistad Reservoir enclosed by a line connecting the following points, excluding a 300-foot wide fairway extending westerly from the launching ramp to the Devils River main channel as established by the Superintendent of Amistad Recreation Area:

	Latitude	*Longitude*
"a"	29°34'43" N.	100°58'54" W.
"b"	29°34'05" N.	100°58'46" W.
"c"	29°34'16" N.	100°58'20" W.
"d"	29°34'27" N.	100°58'11" W.
"e"	29°34'27" N.	100°58'36" W.
"f"	29°34'52" N.	100°58'35" W.

(c) *Laughlin Air Force Base Site, Tex.* That portion of Amistad Reservoir enclosed by a line connecting the following points:

	Latitude	*Longitude*
"a"	29°28'29" N.	101°02'26" W.
"b"	29°28'13" N.	101°02'03" W.
"c"	29°28'30" N.	101°01'45" W.
"d"	29°28'42" N.	101°02'00" W.

4. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before January 14, 1970. All submissions may be made in writing to the Commander, 8th Coast Guard District, Customhouse, New Orleans, La. 70130.

5. To expedite the handling of submissions regarding this proposal, it is requested that each submission state the subject and section number to which it is directed; the specific wording recommended; the reason for the recommended change, and the name, address and firm or organization, if any, of the person making the submission.

6. Each communication received within the time specified, will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 8th Coast Guard District, Customhouse, New Orleans, La. 70310.

7. After all interested persons have expressed their views, the Commander, 8th Coast Guard District will forward the record, including the original of all written submissions, and his recommendations with respect to the proposals and submissions received to the Commandant (OLE), U.S. Coast Guard, Washington, D.C. 20591.

Dated: December 9, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69-14849; Filed, Dec. 15, 1969; 8:45 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-39; Notice 69-32]

TRANSPORTATION OF HAZARDOUS MATERIALS

Extension of Retest Interval for Nonpressure Tank Cars

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to extend the initial retest period for certain nonpressure tank car tanks from 10 to 20 years.

A petitioner has requested that tanks built in conformance with specification DOT 103W, 104W, 111A60W1, 111A100W1, or 111A100W3 be removed from the requirement that they be retested once every 10 years and instead be required to be retested once during their first 20-year period of operation. The 10 years retest requirement would continue to apply to tank car tanks in operation over 22 years. In support of this request, the Board has been advised that a survey of tank car owners was conducted by the American Petroleum Institute to determine whether the 10-year hydrostatic retest currently required developed meaningful information regarding the quality of the tank. According to this survey 14,138 nonpressure tank cars had been subjected to the prescribed retest and no failure within weld seams or plate material was discovered nor was any other adverse condition which would seriously affect safety in transportation discovered. Additionally, 1,566 of these tanks were given a second retest at the 20-year interval and similar results were noted.

Based upon this information, a special permit waiving the initial 10-year retest for DOT 111A100W1 tank cars was issued to a shipper. There has been no adverse shipping experience reported under the terms of the special permit and the Board has received no information to indicate that waiver of the 10-year retest compromises safety in transportation.

In consideration of the foregoing, it is proposed to amend § 173.31(c), Retest Table 1, as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

* * * * * * *

(c) * * *

RETEST TABLE 1

Specification	Retest interval—years			Retest pressure—p.s.i.		
	Tank and interior heater systems		Safety relief valve	Tank	Safety relief valve	
	Up to 10 years	Over 10 to 22 years	Over 22 years		Start to discharge	Vapor tight
(*Change*)						
DOT-103W		[p] 20	10	10	60	[e] 35	28
DOT-104W		[p] 20	10	10	60	[e] 35	28
DOT-111A60W1		[p] 20	10	10	60	35	28
DOT-111A100W1		[p] 20	10	10	100	75	60
DOT-111A100W3		[p] 20	10	10	100	75	60

* * * * * * *

[p] Retest period for interior heater systems on cars so equipped is 10 years.

* * * * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before February 12, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on December 11, 1969.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

[F.R. Doc. 69-14881; Filed, Dec. 15, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[334.2]

CRUDE PETROLEUM

Excessive Moisture and Impurities Not Usually Found in Such or Similar Merchandise

The Bureau has been furnished data indicating that, as to importations of crude petroleum, sediment and water therein in excess of 0.3 percent may properly be considered to be excessive under section 507 of the Tariff Act of 1930 (19 U.S.C. 1507) and § 15.7 of the Customs Regulations (19 CFR 15.7).

Accordingly, it has been tentatively decided to publish a decision reducing the amount of sediment and water in imported crude petroleum, for which no allowance may be made, from 1 percent to 0.3 percent.

Prior to the issuance of the proposed decision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-14866; Filed, Dec. 15, 1969; 8:46 a.m.]

[363.2]

ELECTRICAL POWER AND MINING CABLE

Notice of Withdrawal of Tentative Ruling Regarding Country of Origin Marking

DECEMBER 4, 1969.

A notice was published in the FEDERAL REGISTER of June 12, 1969 (34 F.R. 9291), that the Bureau of Customs tentatively was of the opinion that imported heavy-duty electrical power and mining cable should be legibly and conspicuously marked at intervals of approximately 25 feet to indicate the country of origin to the ultimate purchaser in the United States. The written data, arguments, and views submitted in response to the invitation contained in the notice have been studied and duly considered.

The submissions and information before the Bureau disclose that the imported electrical power cable in question is actually delivered to the ultimate purchaser in the great majority of cases on the original reels on which the cable is imported. These reels are adequately marked to show the country of origin. The submissions do not disclose that it is a general practice to strip the cable from the original reel for inspection and to rewind it on the same or a different reel.

Therefore, the Bureau has concluded that an exception from marking of the cable itself may be and it hereby is authorized under section 304(a)(3)(D), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)(3)(D)): *Provided*, That the markings on the reels of such cable are, in the opinion of the district director of customs concerned, legible, conspicuous, and sufficiently permanent to remain on the reels until the cable is sold to the ultimate purchaser in the United States.

In the circumstances, the cited notice of tentative ruling is withdrawn.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-14867; Filed, Dec. 15, 1969; 8:47 a.m.]

Internal Revenue Service

RICHARD ROBERT CARTER

Notice of Granting of Relief

Notice is hereby given that Mr. Richard Robert Carter, 5009 Perkins Street, Erie, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on February 11, 1960, and February 13, 1961 by the Erie County Court, Erie, Pa., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard Robert Carter because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearms or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Mr. Carter to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard Robert Carter's application and have found:

(1) The convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) The circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Richard Robert Carter be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 8th day of December 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-14868; Filed, Dec. 15, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 86]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIF.

Public Notice of Annual Operation and Maintenance Charges and Annual Water Rental Charges

NOVEMBER 21, 1969.

1. *Annual operation and maintenance charges for lands under public notice, reservation division.* The minimum annual operation and maintenance charge for calendar year 1970 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $15 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 8 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72, dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under public notice. Additional water, if available, will be furnished at the rate of $3 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under public notice containing less than 1 acre shall be $15.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however*, That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1970, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, reservation division.* Irrigation water will be furnished during the calendar year 1970 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates:

A. The minimum annual charge shall be $15 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre.

B. Additional water, if available, will be furnished at the rate of $3 per acre-foot.

All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of 1 percent of the amount unpaid and a like penalty of one-half of 1 percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

4. *Place of payment.* All payments should be made to the Bureau of Reclamation, Office of Project Manager, Yuma Projects Office, Yuma, Ariz., or mailed to Bureau of Reclamation, Bin 5569, Yuma, Ariz.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

A. B. WEST,
Regional Director.

[F.R. Doc. 69-14835; Filed, Dec. 15, 1969; 8:45 a.m.]

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA-TENNESSEE

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Great Smoky Mountains National Park, proposes to issue a concession permit to Theodore T. Muse, Jr., authorizing him to provide boat dock concession facilities and services for the public at Fontana Lake, Great Smoky Mountains National Park, for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed his obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: October 13, 1969.

KEITH NEILSON,
Superintendent.

[F.R. Doc. 69-14853; Filed, Dec. 15, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has requested approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended, to modify its cruise program for calendar year 1970 as previously published in the FEDERAL REGISTER of May 13, 1969 (34 F.R. 7620), and approved by the Maritime Subsidy Board on July 11, 1969, so that the cruise schedule for 1970 will be as follows:

Ship	Approximate cruise dates	Itinerary
President Wilson [1]	Jan. 4–Mar. 11, 1970	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Auckland, Sydney, Port Moresby, Bali, Singapore Hong Kong, Manila, Guam, Honolulu, San Francisco.
Do	June 13–June 25, 1970	San Francisco, Vancouver, Juneau, Skagway, Sitka, Victoria, San Francisco.
President Cleveland	Aug. 27–Sept. 3, 1970	San Francisco, Vancouver, Victoria, San Francisco.
Do	Sept. 4–Sept. 7, 1970	San Francisco to sea and return to San Francisco.
Do	Dec. 13–Dec. 27, 1970	San Francisco, Los Angeles, Puerto Vallarta, Acapulco, Mazatland, Los Angeles, San Francisco.
President Wilson	Dec. 31, 1970–Jan. 3, 1971	San Francisco to sea and return to San Francisco.

[1] Cruise approved by the Maritime Subsidy Board on July 11, 1969. All other cruises for 1970 published in the FEDERAL REGISTER of May 13, 1969 (34 F.R. 7620), and approved by the Maritime Subsidy Board on July 11, 1969, are canceled.

In addition to the foregoing American President Lines, Ltd., has requested approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended for one cruise to be made during 1971, as follows:

Ship	Approximate cruise dates	Itinerary
President Wilson	Jan. 5–Mar. 12, 1971	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Auckland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on December 29, 1969. In the event an opportunity to present oral argument is also desired, specific reasons for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: December 10, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-14864; Filed, Dec. 15, 1969; 8:46 a.m.]

Business and Defense Services Administration

YALE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00664–01–77030. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Nuclear magnetic resonance spectrometer, Model HFX–3. Manufacturer: Bruker Scientific, Inc., West Germany. Intended use of article: The article will be used to study carbon 13 (^{13}C) chemical shifts in mixtures of purines and pyrimidines; ^{13}C chemical shifts of nucleosides, nucleotides, and polynucleotides in water (H_2O). Compounds in low concentration and/or high molecular weight require computer averaging techniques and a field-frequency lock system for ^{13}C nuclear magnetic resonance. It will also be used for Fourier transform spectroscopy of phosphorus 31, as well as for INDOR spectroscopy in the study of carbohydrate derivatives and to study contact shifts of antitumor chelating agents bound to metaloenzymes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed a bona fide order for the article. (See applicant's purchase order number D 44785, dated Nov. 30, 1967.) Reasons: The foreign article has the capability of producing useful spectra for ^{13}C and ^{31}P. The most closely comparable domestic instrument available at the time the foreign article was ordered, was the Model HA–100 nuclear magnetic resonance spectrometer (NMR), which is manufactured by Varian Associates. The intended uses of the foreign article include studies to accurately determine the ^{13}C chemical shifts of aqueous mixtures of purines, pyrimidines and polynucleotides. The Varian Model HA–100 has a lock system for ^{13}C that locks on a ^{13}C signal. But, experiments involving aqueous solutions cannot be conducted while locked on the solvent peak. The foreign article permits internal locking on the H_2O peak. We are advised by the National Bureau of Standards (NBS) that for the purposes for which the foreign article is intended to be used, insofar as studies on ^{13}C and ^{31}P are concerned, the Varian HA–100 NMR is not of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed a bona fide order for the article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–14851; Filed, Dec. 15, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION DISTRICT OFFICE AT SAN JOSE, CALIF.

Notice of Opening

Notice is hereby given that on or about December 15, 1969, a new General Aviation District Office will be opened at San Jose, Calif. Services to the general aviation public of San Francisco, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, and San Luis Obispo Counties will be provided by this office.

The Oakland General Aviation District Office will continue to serve Alameda, San Joaquin, Contra Costa, Marin, Sonoma, Mendocino, Humboldt, and Del Norte Counties.

Communications to the new General Aviation District Office should be addressed as follows:

General Aviation District Office No. 18, DEPARTMENT OF TRANSPORTATION, Federal Aviation Administration, 1387 Airport Boulevard, San Jose, Calif. 95110.

This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, Calif., on December 1, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–14843; Filed, Dec. 15, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM–50–3]

GENERAL ELECTRIC CO.

Notice of Filing of Petition for Rule Making

Notice is hereby given that General Electric Co., Vallecitos Nuclear Center, Pleasanton, Calif., by letter dated November 12, 1969, has filed with the Commission a petition for rule making to amend the Commission's regulation "Licensing of Production and Utilization Facilities," 10 CFR Part 50.

The petitioner requests that the Commission amend 10 CFR Part 50 by adding a third exception to the definition of "production facility" in § 50.2(a)(3). The requested exception would apply to activities conducted within facilities under a special nuclear material license which authorizes the receipt, possession, use, and transfer of irradiated and unirradiated special nuclear material, where the processing of the irradiated material is conducted on a batch basis in the separation of selected fission products and where not more than 15 grams of special nuclear material constitute a process batch.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 9th day of December 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69–14834; Filed, Dec. 15, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21136 et al.]

RENO-PORTLAND/SEATTLE NONSTOP SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 21, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Dated at Washington, D.C., December 11, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–14883; Filed, Dec. 15, 1969; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 54]

TOWN AND COUNTRY FINANCIAL CORP., INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Glen Ellyn Savings and Loan Association

DECEMBER 11, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Town and Country Financial Corp., Inc., Glen Ellyn, Ill., for approval of acquisition of control of the Glen Ellyn Savings and Loan Association, Glen Ellyn, Ill., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of stock of Glen Ellyn Savings and Loan Association for cash and common stock of Town and Country Financial Corp., Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this Notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69–14856; Filed, Dec. 15, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 614]

MIDLAND PACIFIC SHIPPING CO.

Order of Revocation

By letter dated November 28, 1969, Midland Pacific Shipping Co., 38 Pearl Street, New York, N.Y. 10004, advised that it had sold its name and good will, and was voluntarily returning its License No. 614 for cancellation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 614 of Emmanuel J. Betwarda, doing business as Midland Pacific Shipping Co. be and is hereby revoked effective December 1, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Emmanuel J. Betwarda, doing business as Midland Pacific Shipping Co.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69–14889; Filed, Dec. 15, 1969; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 15]

F. H. SHALLUS CO.

Order of Revocation

By letter dated November 13, 1969, the F. H. Shallus Co., Chamber of Commerce Building, Baltimore, Md. 21202, advised that it had ceased operations as an independent ocean freight forwarder and wished to voluntarily relinquish his License No. 15.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 15 of the F. H. Shallus Co. be and is hereby revoked effective December 2, 1969, and that said license be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the F. H. Shallus Co.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69–14890; Filed, Dec. 15, 1969; 8:48 a.m.]

ARGENTINA/UNITED STATES ATLANTIC & GREAT LAKES PORTS SAILING AND CARGO AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas E. Stakem, Esquire, Macleay, Lynch, Bernhard and Gregg, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006.

Agreement No. 9828, between Empresa Lineas Maritimas Argentinas (E.L.M.A.) and Moore-McCormack Lines, Inc., provides for the establishment of a sailing and cargo agreement (Government controlled traffic only) by the parties in the trade between Argentine ports and U.S. East Coast and Great Lakes ports. The intent is that the lines will have equal access to such cargoes and will strive to achieve equal division of such cargoes on the trade route served by them.

The parties will each offer both northbound and southbound normally a minimum of 14 sailings and a maximum of 24 sailings during each 6-month period the agreement is in effect subject to conditions of force majeure and economic conditions affecting the commerce of the two nations, always subject to mutual consent. Sailings for a period of less than 6 months will be as above, on a pro rata basis.

Joint Control Committees will be designated in Buenos Aires and New York. The Joint Control Committee of the country of origin will make the necessary arrangements for the receipt and control of the information on all the sailings, covering the accomplished voyages and cargoes transported by the lines.

Dated: December 10, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69–14891; Filed, Dec. 15, 1969; 8:48 a.m.]

ARGENTINA/UNITED STATES GULF PORTS SAILING AND CARGO AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas E. Stakem, Esquire, Macleay, Lynch, Bernhard and Gregg, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006.

Agreement No. 9829, between Empresa Lineas Maritimas Argentinas (E.L.M.A.) and Delta Steamship Lines, Inc., provides for the establishment of a sailing and cargo agreement (Government controlled traffic only) by the parties in the trade between Argentine ports and U.S. Gulf Coast ports. The intent is that the lines will have equal access to such cargoes and will strive to achieve equal division of such cargoes on the trade route served by them.

The parties will each offer both northbound and southbound normally a minimum of 12 and a maximum of 18 sailings during each 6-month period the agreement is in effect subject to conditions of force majeure, and economic conditions affecting the commerce of the two nations, always subject to mutual consent. Sailings for a period of less than 6 months will be as above, on a pro rata basis.

Joint Control Committees will be designated in Buenos Aires and New York. The Joint Control Committee of the country of origin will make the necessary arrangements for the receipt and control of the information on all the sailings, covering the accomplished voyages and cargoes transported by the lines.

Dated: December 10, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14892; Filed, Dec. 15, 1969; 8:48 a.m.]

CALIFORNIA/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. C. Galloway, Chairman, California/Japan Cotton Pool, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 8882-6 is an arrangement between the American and Japanese flag carriers of the Pacific Westbound Conference which pools and apportions the cotton carried by those lines in the trade from California to Japan according to the terms and conditions therein.

The subject modification (1) adjusts Nippon Yusen Kaisha's, Mitsui-O.S.K. Lines', and Showa Line's percentage participation of the carryings covered by Article 4 of the basic agreement to 13.778 percent, 11.922 percent, and 2 percent respectively, and (2) adjusts the minimum sailing requirements as covered by Article 12 of the basic agreement in order that the American-flag and Japanese-flag members have the same total number of minimum sailings (80).

Dated: December 10, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14893; Filed, Dec. 15, 1969; 8:48 a.m.]

R.C.D. SHIPPING SERVICES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Edward P. Cotter, 1776 K Street NW., Washington, D.C. 20006.

Agreement No. 9490-4, among the parties to the "R.C.D. Shipping Services," a joint cargo service comprising Turkish, Iranian, and Pakistan national flag common carriers, operating in the trade from U.S. Atlantic and Gulf ports to Turkish, Iranian, and Pakistan ports, modifies the basic agreement by (1) amending paragraph 3 thereof to provide that agents may be appointed for the joint service in Turkey, Iran, and Pakistan from amongst the parties, (2) amending paragraph 7 to change the percentage figures of the trade to be carried by the Turkish, Iranian, and Pakistan flag carriers, and (3) amending paragraph 10 under the subheading "The Executive Committee" to change the term of office of the Executive Committee and its Chairman from 2 to 3 years and by adding a new sentence thereto which provides that when the post of Chairman is rotated every 3 years, such rotation shall be so arranged as to coincide with the change of the incumbent General Manager. Paragraph 10 shall be further amended as follows:

(a) Under the subheading "The General Manager", a new sentence is to be added which will provide that the post of General Manager shall rotate among the representatives of the three countries every 3 years, and

(b) Under the subheading "The Secretariat", the words "Shall be paid and permanent employees of the joint service and" are to be deleted.

Dated: December 10, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14894; Filed, Dec. 15, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

MEXICAN BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections

DECEMBER 9, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		850 kilocycles							
XEZR (nighttime operation on 860 kc/s).	Zaragoza, Coahuila	1000	ND	D	II				
		860 kilocycles							
XEZR (daytime operation on 850 kc/s) (Under construction).	Zaragoza, Coahuila	250	DA-N	N	II				

NOTE: This notification was transmitted by letter of November 27, 1969, in accordance with provisional procedures for exchange of notifications established in a memorandum of understanding between the Delegations of the United States and Mexico signed in Washington on Nov. 27, 1968.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-14826; Filed, Dec. 15, 1969; 8:45 a.m.]

[Mexican List 259]

MEXICAN BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections

JULY 16, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		690 kilocycles							
XERG (this corrects in part the annotation included in List No. 256: In operation with 500W-D/200W-N, ND, U, since 4-1-63).	Monterrey, N.L.	500D/200N	ND	U	II				
		980 kilocycles							
XECS (in operation with 1000 W-D/200W-N since 6-30-69. This notifies the supplementary information).	Manzanillo, Col., N. 19°02'51", W. 104°19'47".	1,000D/200N	ND-175	U	IIID/IVN	154	120	256	6-30-69.
		970 kilocycles							
XEMH (in operation on 970 kc/s since 8-5-66. This notifies the supplementary information. See 1270 kc/s).	Merida, Yuc. N. 20°58'31", W. 89°36'43".	1,000D/100N	ND-184	U	IIID/IVN	253	90	253	8-5-66.
		1100 kilocycles							
XEBD (new)	Perote, Ver. N. 19°37'16", W. 97°14'20".	250	ND-190	D	II	224	120	224	7-12-70 (probable).
		1160 kilocycles							
XEBE (new)	Perote, Ver. N. 19°37'12", W. 97°14'24".	250	ND-190	D	II	212	120	212	7-12-70 (probable).
		1240 kilocycles							
XEIZ (PO: 1310 kc/s)	Villa de Guadalupe, N.L. N. 25°42'18" W. 100°12'36".	1,000D/250N	ND-182	U	IV	190	90	106	9-10-69 (probable).
		1270 kilocycles							
XEMH (assignment deleted. See 970 kc/s).	Merida, Yuc	1000D/500N	ND	U	III				7-16-69.
		1270 kilocycles							
XEYUC (new)	Merida, Yuc. N. 20°58'17", W. 89°36'57".	1000D/500N	ND-190	U	III	194	120	194	7-16-70 (probable).
		1310 kilocycles							
XEIZ (changed to 1240 kc/s)	Villa de Guadalupe, N. L.	1000	ND	D	III				
		1330 kilocycles							
XEWQ (correction of an omission: In operation with 1000W-D/250W-N, ND since 10-23-62).	Monclova, Coah	1000D/250N	ND	U	IIID/IVN				10-23-62.
		1590 kilocycles							
XEVIP (temporary operation with 10,000W-D/500W-N, ND since 4-10-69).	Naucalpan, Mex	10,000	DA-N	U	II				4-10-69.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-14827; Filed, Dec. 15, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First National Corp., Appleton, Wis., for approval of acquisition of 80 percent or more of the voting shares of The First National Bank of Seymour, Seymour, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National Corp., Appleton, Wis., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First National Bank of Seymour, Seymour, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 27, 1969 (34 F.R. 14916) providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

Dated at Washington, D.C., this 9th day of December 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14852; Filed, Dec. 15, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago. Dissenting Statement of Governors Robertson and Maisel, also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Brimmer, and Sherrill. Voting against this action: Governors Robertson and Maisel.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1931]

BLANK EQUIPMENT AND LEASING CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

DECEMBER 8, 1969.

I. Blank Equipment and Leasing Corp. ("issuer"), a Florida corporation located at 1220 Biscayne Boulevard, Miami, Fla., filed with the Commission on March 28, 1969, a notification on Form 1-A and an offering circular relating to a proposed offering of 100,000 shares of its $0.01 par value common stock at $3 per share with gross proceeds to the issuer of $250,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Gardner Securities Corp. ("underwriter") located at 15 William Street, New York, N.Y., has agreed to make a public offering of the 100,000 shares on a "best efforts, all-or-none" basis.

II. The Commission has reasonable cause to believe on the basis of information reported to it by the staff, that:

A. The offering circular contains misstatements of material fact, and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

a. Inaccurate and misleading statements of material facts:

1. That all of the proceeds of the sale of the shares offered would be deposited by the underwriter in a special account at Chemical Bank New York Trust Co., such account to be designated "Special Account for the benefit of subscribers to shares of Common Stock of issuer."

2. That all of the proceeds of the sale of the shares of issuer would be deposited in an account to be designated "Special Account for the benefit of subscribers to shares of Common Stock of Blank Leasing and Equipment Corp."

3. That unless all (100,000) shares of stock offered hereby are not sold within 60 days after the effective date (Sept. 17, 1969) hereof (or an extension period of 30 days if so agreed between the company and the underwriter) the complete proceeds of sales received at such termination date will be returned to the respective subscribers without interest thereon and without deductions therefrom.

b. Omisions to state material facts:

1. That the proceeds of the sale of the shares of issuer would be deposited in an account at Chelsea National Bank.

2. That the proceeds of the sale of the shares of the issuer deposited in the Chelsea National Bank would be subject to withdrawal by the underwriter and that the funds would not be subject to escrow provisions for the protection of the public investors.

B. The issuer has violated the terms and conditions of the Regulation A exemption in the following respects:

1. The issuer failed to enter into an escrow agreement with the underwriter and Chemical Bank New York Trust Co. in which all of the proceeds of the offering are to be deposited with and held in said Bank for 60 days (plus a 30-day extension) unless all of the 100,000 shares should be sold within said period, in order that the funds should be returned to the purchasers or subscribers in the event that less than all of the shares offered should be sold.

2. The issuer failed to file as an exhibit, pursuant to Item 11 of the notification, a copy of the escrow agreement entered into, if such agreement was reached, between issuer, underwriter and Chemical Bank New York Trust Co. The issuer guaranteed in paragraph 1.02 of the underwriting agreement, filed as an exhibit in the notification, that it would enter into such escrow agreement prior to the effective date (Sept. 17, 1969) of the offering circular.

C. The offering commenced on September 17, 1969, and as of December 4, 1969, approximately 13,000 shares at $3 per share have been sold, the proceeds of which apparently were deposited in an account with the Chelsea National Bank, subject to the control of the underwriter, and not in an escrow account with Chemical Bank New York Trust Co. The account (Chelsea National Bank) was not subject to escrow and reflects numerous deposit and withdrawals, but at no time did the account reach a balance of $39,000 on deposit (the amount realized to date for the sale of 13,000 shares of stock) and as of December 4, 1969, only $4,456.29 remains in the account. There are insufficient funds left in this account with which to repay customers if this all-or-none underwriting is not completed by December 16, 1969.

The offering, as made, has operated and will continue to operate as a fraud and deceit upon investors in violation of sections 5 and 17 of the Securities Act of 1933, as amended, and section 10(b) of the Securities Exchange Act of 1934, as amended, and the rules and regulations promulgated thereunder.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14837; Filed, Dec. 15, 1969; 8:45 a.m.]

CONTINENTAL DYNAMICS, INC.

Order Suspending Trading

DECEMBER 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Dynamics, Inc. (formerly Gila Uranium Corp.), and all other securities of Continental Dynamics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 9, 1969, through December 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14838; Filed, Dec. 15, 1969; 8:45 a.m.]

[File No. 24B-1665]

LEWIS SECURITIES CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 10, 1969.

I. Lewis Securities Co., Inc. ("Issuer"), a New Hampshire corporation located at Hanover, N.H., filed with the Commission on October 17, 1969, a notification on Form 1-A and an offering circular relating to its proposed offering of 60,000 shares of its no par value common stock at $5 per share with net proceeds to the issuer of $264,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 ("Securities Act"), as amended, pursuant to the provisions of section 3(b) and Regulation A, promulgated thereunder. The proposed offering is to be underwritten on a "best efforts" basis by R. P. Durkin & Co., Inc., Lowell, Mass.

II. The Commission has reasonable cause to believe from information reported to it by the staff that the terms and conditions of Regulation A have not been complied with in that the offering circular filed by the issuer as an exhibit to the Form 1-A Notification failed to disclose a material unrealized loss in the current assets of the issuer and overstated profits, stockholders' equity, and retained earnings, so that the use of said offering circular would operate as a fraud and deceit upon prospective purchasers of the securities offered by the issuer pursuant to Regulation A in violation of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14839; Filed, Dec. 15, 1969; 8:45 a.m.]

[70-4616]

MAINE YANKEE ATOMIC POWER CO.

Notice of Filing of Posteffective Amendment Regarding Issue and Sale of Short-Term Notes

DECEMBER 9, 1969.

Notice is hereby given that Maine Yankee Atomic Power Co. ("Maine Yankee"), 9 Green Street, Augusta, Maine 04330, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed with this Commission a posteffective amendment to a declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the proposed transactions. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

Maine Yankee is constructing a nuclear electric generating plant with a net expected capacity of approximately 800 megawatts. Upon commencement of commercial operation, scheduled for 1972, all of the net energy output of the plant will be purchased by Maine Yankee's 11 stockholder companies. The total capital cost of the plant is estimated at $145 million.

By order dated May 6, 1968 (Holding Company Act Release No. 16057), the Commission authorized Maine Yankee to issue and sell to the First National Bank of Boston, Mass. ("Bank"), from time to time prior to December 31, 1972, its promissory notes in a maximum aggregate amount of $30 million, each of which matures in less than 12 months from the date of issue, is prepayable at any time without penalty and bears interest at the prime commercial rate in effect at the Bank on the date of issue of the note. Maine Yankee now requests authorization to issue and sell such notes at interest rates not more than 1½ percent over the commercial prime rate in effect at the Bank at the date of issue. It is represented that the requested increase in the authorized maximum interest rate is necessary because Maine Yankee has not been able to carry out the permanent financing program contemplated by the initial understanding with the Bank and, consequently, the Bank will now charge an interest rate in excess of the prime rate on future borrowings. In all other respects the transactions as heretofore authorized and approved by the Commission's above cited order remain unchanged.

Notice is further given that any interested person may, not later than December 26, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing

thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14840; Filed, Dec. 15, 1969; 8:45 a.m.]

MET SPORTS CENTERS, INC., ET AL.

Order Suspending Trading

DECEMBER 9, 1969.

In the matter of trading in securities of Met Sports Centers, Inc., Halbern Industries, Inc., and Falcon Speedways Corp. (New York corporations).

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Met Sports Centers, Inc., Halbern Industries, Inc., and Falcon Speedways Corp. and all other securities of Met Sports Centers, Inc., Halbern Industries, Inc., and Falcon Speedways Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 9, 1969, through December 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14841; Filed, Dec. 15, 1969; 8:45 a.m.]

[File No. 1-5497]

MONARCH ELECTRONICS INTERNATIONAL, INC.

Order Suspending Trading

DECEMBER 9, 1969.

The common stock, $1 par value, of Monarch Electronics International, Inc. (a California corporation), being listed and registered on the National Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Monarch Electronics International, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 9, 1969, through December 18, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14842; Filed, Dec. 15, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

AMBRIDGE PLANT, ARMCO STEEL CORP.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of November 3, 1969, the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-8) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the production and maintenance workers of the Armco Steel Corp. Weld Mill at Ambridge, Pa. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with butt-weld pipes and tubes produced by the Weld Mill of the Armco Steel Corp. located in Ambridge, Pa., are being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such mill.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made recommendations to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations, 34 F.R. 18342; 29 CFR Part 90). After due consideration, I make the following certification:

Those workers of the Ambridge Plant, Armco Steel Corp. located at Ambridge, Pa., who became unemployed or underemployed on or after November 8, 1968, and before May 31, 1969, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 8th day of December 1969.

GEORGE H. HILDEBRAND, *Deputy Under Secretary for International Affairs.*

[F.R. Doc. 69-14857; Filed, Dec. 15, 1969; 8:46 a.m.]

MAYWOOD PLANT, UNITED STATES STEEL CORP.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of November 3, 1969, the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-10) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of certain workers of the Maywood Plant, American Bridge Division, United States Steel Corp., Los Angeles, Calif. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with transmission towers and parts produced by the American Bridge Division, Maywood Plant, located in Los Angeles, Calif., are being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such plant.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made recommendations to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations, 34 F.R. 18342; 29 CFR Part 90). After due consideration, I make the following certification:

Those workers of the Maywood Plant, American Bridge Division, United States Steel Corp., are eligible to apply for adjustment assistance if they became or will become unemployed or underemployed on or after February 2, 1968, as a result of being separated from the transmission tower department or from some other department of Maywood when, within two weeks prior to their separation, workers from the transmission tower department were transferred into such other department in the same job classification as the separated worker. Provided, however, that the number of workers from such other department eligible to apply for adjustment assistance shall not exceed the number of workers transferred into that department from the transmission tower department.

Signed at Washington, D.C., this 8th day of December 1969.

GEORGE H. HILDEBRAND, *Deputy Under Secretary for International Affairs.*

[F.R. Doc. 69-14858; Filed, Dec. 15, 1969; 8:46 a.m.]

SHIFFLER PLANT, UNITED STATES STEEL CORP.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of November 3, 1969, the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-9) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of certain workers of the Shiffler Plant, American Bridge Division, United States Steel Corp., Pittsburgh, Pa. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with transmission towers and parts produced by the American Bridge Division, Shiffler Plant, located in Pittsburgh, Pa., are being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such plant.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made recommendations to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations, 34 F.R. 18342; 29 CFR Part 90). After due consideration, I make the following certification:

Those workers of the Shiffler Plant, American Bridge Division, United States Steel Corp., who became or will become unemployed or underemployed on or after November 1, 1968, are eligible to apply for adjustment assistance.

Signed at Washington, D.C., this 8th day of December 1969.

GEORGE H. HILDEBRAND, *Deputy Under Secretary for International Affairs.*

[F.R. Doc. 69-14859; Filed, Dec. 15, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 71, Amdt. 2]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 71, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 71 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-14869; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 74, Amdt. 2]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 74, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 74 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-14870; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 67, Amdt. 3]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-14871; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 77, Amdt. 1]

READING CO. ET AL.

Car Distribution

Reading Co., Western Maryland Railway Co., Baltimore and Ohio Railroad Co., and Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 77, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 77 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14872; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 70, Amdt. 2]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 70, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 70 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14873; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 66, Amdt. 3]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., and Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 66, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 66 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14874; Filed, Dec. 15, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 73, Amdt. 2]

SOUTHERN PACIFIC CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 73, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 73 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 28, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 14, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1969.

INTERSTATE COMMERCE, COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14875; Filed, Dec. 15, 1969; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 11, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41825—*Grain and grain products to points in Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2609), for interested rail carriers. Rates on grain, and grain products, in carloads, as described in the application, from specified points in Iowa, Minnesota, Missouri, and South Dakota, to specified points in Wyoming.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 134 to Western Trunk Line Committee, agent, tariff ICC A-4021.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14876; Filed, Dec. 15, 1969; 8:47 a.m.]

[Notice 958]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 11, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Sub-No. 176 TA), filed December 3, 1969. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Leroy Hallman, Suite 4555, First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in packages, from Cabot and Tate Cove, La., to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan on and south of Michigan Highway 21, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and St. Louis, Mo., for 180 days. NOTE: Applicant will tack at West Lake, La. (MC-59680 Sub 117), and at New York, N.Y. (MC-59680 Sub 143). Supporting shipper: Cabot Corp., 125 High Street, Boston, Mass. 02110. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 113651 (Sub-No. 131 TA), filed December 3, 1969. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A, C, and D of appendix I to the report in the *Description Case*, from Council Bluffs, Iowa, and points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zones, to points in Indiana, Ohio, Michigan, Kentucky, Pennsylvania, New Jersey, New York, Maryland, Delaware, District of Columbia, Rhode Island, Vermont, New Hampshire, Connecticut, Massachusetts, and Maine, for 180 days. Supporting shipper: Beefland International, Inc., of Council Bluffs, Iowa, 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 114273 (Sub-No. 51 TA), filed December 3, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides, and commodities in bulk, in tank vehicles, from Omaha, Nebr., and Council Bluffs, Iowa, to points in Colorado, Connecticut, Delaware, Washington, D.C., Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 116702 (Sub-No. 34 TA), filed December 3, 1969. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, 1570 Kildare Road, Box 700, Harrow, Ontario Canada. Applicant's representative: William B. Elmer, Kaiser Building, 22644 Gratiot Avenue, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron powder and iron oxide powder*, from the international boundary line between the United States and Canada at Detroit, Mich., and at Niagara Falls and Buffalo, N.Y., to points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, for 180 days. Supporting shipper: Peace River Mining & Smelting Ltd., Amherstburg, Ontario, Canada. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 117556 (Sub-No. 5 TA), filed December 3, 1969. Applicant: E. M. KELLER & CO., INC., 725 South Cuyler Street, Pampa, Tex. 79065. Applicant's representative: E. M. Keller, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ductile pipe* from Raton, N. Mex., to Trinidad, Colo., over U.S. Highways 85 and 87, and from Trinidad, Colo., to Monument Lake, Colo., over Colorado Highway 12, serving all points along the above named highways, for 180 days. Supporting shipper: Frank King, Project Manager, Brodie Construction Co., Post Office Box 4025, Amarillo, Tex. 79105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 118831 (Sub-No. 69 TA), filed December 3, 1969. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Sumner Siding, N.C., to points in North Carolina, South Carolina, Georgia, and Virginia (NOTE: Sumner Siding, N.C., is located in southern Rowan County, N.C., at the points where Webb Road crosses the main line of the Southern Railway), for 180 days. Supporting shipper: Louisville Cement Co., 501 South Second Street, Louisville, Ky. 40202. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 123233 (Sub-No. 22 TA) (Correction), filed November 6, 1969 published in the FEDERAL REGISTER, issue of November 19, 1969 and December 3, 1969, and republished as corrected this issue. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville D'Anjou 436, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, and *cement* in bags, from ports of entry on the United States-Canada boundary line at or near Trout River, N.Y.; Champlain, N.Y.; Highgate Springs, Derby Line, and Norton, Vt.; and Jackman, Maine; to points in Vermont and in New Hampshire; to points in Aroostook, Franklin, Oxford, Penobscot, Piscataquis, and Somerset Counties, Maine, and to points in Clinton, Essex, Franklin, Jefferson, Lewis, Onondaga, Oswego, and St. Lawrence Counties, N.Y., for 150 days. NOTE: The purpose of this republication is to correct an error made in the destination points. Supporting shipper: Miron Company Ltd., 2201 Jerry Street East, Montreal 455, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 124673 (Sub-No. 7 TA), filed December 1, 1969. Applicant: IRA E. JOHNSON, 2504 Redwood, Amarillo, Tex. 79107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuffs*, in trucks and trailers with special unloading devices, between points in Texas on and north of U.S. Highway 380 and west of U.S. Highway 283, and points in Colorado and New Mexico on and east of Interstate Highway 85, for 180 days. Supporting shippers: National Alfalfa Dehydrating & Milling Co., Shawnee Mission, Kans.; Levelland Vegetable Oil, Inc., Post Office Drawer N, Levelland, Tex. 79336; Arkansas Valley Alfalfa Milling Co., Inc., Wiley, Colo.; Hi-Pro Feeds, Inc., Box 1086, Friona, Tex. 79035; Western Beef, Inc., Post Office Box 407, Amarillo, Tex. 79105, for 180 days. NOTE: Applicant does intend to tack the authority here applied for to other authority held by it in MC-12673. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 124987 (Sub-No. 15 TA), filed December 3, 1969. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material* when shipped with malt beverages, from La Crosse and Sheboygan, Wis., to Milwaukee, Wis., on shipments having immediate prior or subsequent movement by rail beyond in piggyback service, and from plantsite of the Associated Brewing Co., St. Paul, Minn., to Two Harbors, Minn., for 180 days. Supporting shippers: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601; Svee Distributing Co., Two Harbors, Minn. 55616. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133233 (Sub-No. 11 TA), filed December 1, 1969. Applicant: CLARENCE L. WERNER, doing business as

WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Inar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Commodities to be transported for the account of Rangen, Inc.; (a) *feed and feed ingredients*, from points in Iowa to points in Idaho; (b) *feed*, from Buhl, Idaho, to points in Colorado, Wyoming, Montana, and California; (2) commodities to be transported for the account of Farrell Grain Co; (a) *feed and feed ingredients*, from points in Iowa, to points in Idaho and Utah; (3) commodities to be transported for the account of Evans Trading Co., Inc.; (a) *feed and feed ingredients*, from points in Iowa to points in Idaho and Utah, for 150 days. Supporting shippers: Rangen Inc., Post Office Box 706, Buhl, Idaho; Farrell Grain Co., Post Office Box 385, Ogden, Utah; Evans Trading Co., Inc., Post Office Box 544, Ogden, Utah. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Omaha, Nebr. 68102.

MOTOR CARRIER OF PASSENGERS

No. MC 134170 (Sub-No. 1 TA), filed December 2, 1969. Applicant: WAUKEGAN NORTH CHICAGO TRANSIT COMPANY, 1400 10th Street, Waukegan, Ill. 60085. Applicant's representative: Frank Crowe, 701 Ridge Road, Wilmette, Ill. 60091. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and baggage, express and newspapers* in the same vehicle with passengers, between Great Lakes Naval Training Center, Great Lakes, Ill., and Milwaukee, Wis., from Great Lakes over Illinois Highway 137 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to College Avenue, Milwaukee, Wis., thence over College Avenue, to General Mitchell Field, and return over the same route, serving no intermediate points, applicant also proposes to perform charter operations, between Great Lakes Naval Training Center, Ill., and points located in Milwaukee County, Wis., over irregular routes, for 180 days. Supporting shipper: Military Traffic Management, and Terminal Service, Washington, D.C. 20315. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14877; Filed, Dec. 15, 1969; 8:47 a.m.]

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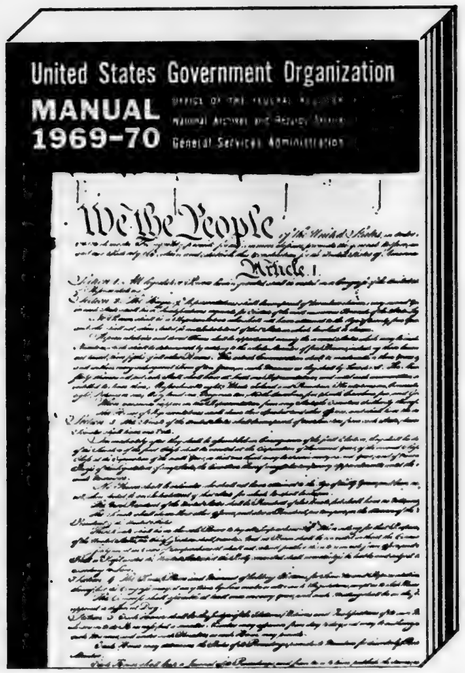
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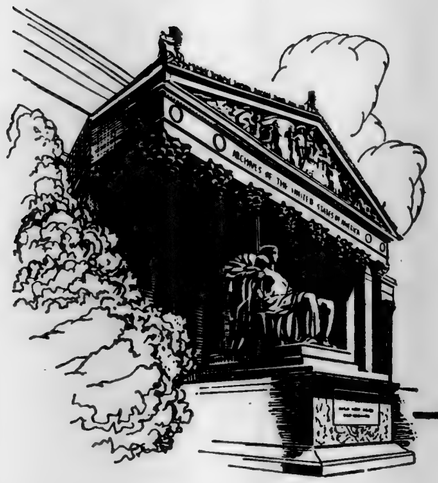
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PART 722—COTTON

Subpart—1970 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

COUNTY RESERVES

Section 722.485 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserves for the 1970 crop of upland cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 33 F.R. 542, 4275).

Notice that the Secretary was preparing to establish State and county allotments and reserves was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13662), in accordance with 5 U.S.C. 553. No written submissions were received in response to such notice.

Since the establishment of county reserves requires immediate action by the county committees, it is essential that § 722.485 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 722.485 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.485 County reserves for the 1970 crop of upland cotton.

The county reserves for the 1970 crop of upland cotton are established in accordance with § 722.408 of the Regulations for Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton (33 F.R. 895 and 17346). The following table sets forth the county reserves:

ALABAMA

County	County reserve (acres)	County	County reserve (acres)
Autauga	27.0	Calhoun	21.2
Baldwin	6.0	Chambers	22.0
Barbour	32.5	Cherokee	27.0
Bibb	.4	Chilton	29.5
Blount	26.7	Choctaw	63.3
Bullock	25.1	Clarke	31.6
Butler	77.8	Clay	3.0
Cleburne	6.2	Lowndes	16.8
Coffee	43.8	Macon	32.8
Colbert	15.2	Madison	24.8
Conecuh	134.8	Marengo	27.9
Coosa	5.2	Marion	20.5
Covington	80.7	Marshall	123.4
Crenshaw	51.4	Mobile	13.1
Cullman	33.9	Monroe	22.4
Dale	51.6	Montgomery	24.2
Dallas	82.2	Morgan	19.3
De Kalb	41.0	Perry	25.7
Elmore	35.7	Pickens	53.1
Escambia	9.8	Pike	29.6
Etowah	124.9	Randolph	44.7
Fayette	60.0	Russell	20.8
Franklin	14.8	St. Clair	30.3
Geneva	33.2	Shelby	8.6
Greene	22.5	Sumter	99.8
Hale	30.3	Talladega	17.5
Henry	41.7	Tallapoosa	15.4
Houston	62.4	Tuscaloosa	10.6
Jackson	58.9	Walker	55.9
Jefferson	26.3	Washington	24.9
Lamar	109.2	Wilcox	54.6
Lauderdale	52.9	Winston	29.0
Lawrence	8.9		
Lee	11.8		
Limestone	81.9		

ARIZONA

Cochise	12.5	Pima	2.0
Gila	0	Pinal	11.8
Graham	5.9	Santa Cruz	1.1
Greenlee	3.1	Yavapai	0
Maricopa	43.2	Yuma	18.8
Mohave	2.0		

ARKANSAS

Arkansas	11.0	Lee	36.3
Ashley	8.0	Lincoln	5.4
Baxter	0	Little River	2.7
Bradley	45.0	Logan	.3
Calhoun	15.1	Lonoke	16.6
Chicot	4.2	Marion	0
Clark	10.8	Miller	5.7
Clay	20.8	Mississippi	10.6
Cleburne	.7	Monroe	9.6
Cleveland	5.0	Nevada	.8
Columbia	9.5	Newton	0
Conway	7.8	Ouachita	20.0
Craighead	20.0	Perry	2.0
Crawford	0	Phillips	17.1
Crittenden	21.3	Pike	.1
Cross	5.2	Poinsett	4.7
Dallas	3.4	Pope	1.3
Desha	7.1	Prairie	4.1
Drew	4.8	Pulaski	2.2
Faulkner	12.9	Randolph	.1
Franklin	.1	St. Francis	20.4
Fulton	2.2	Scott	0
Grant	4.3	Searcy	0
Greene	5.5	Sebastian	0
Hempstead	0	Sevier	1.2
Hot Spring	10.2	Sharp	45.7
Howard	.5	Stone	0
Independence	1.8	Union	.8
Izard	1.6	Van Buren	0
Jackson	8.2	Washington	0
Jefferson	9.3	White	10.6
Johnson	2.9	Woodruff	4.4
Lafayette	17.0	Yell	2.3
Lawrence	0		

CALIFORNIA

County	County reserve (acres)	County	County reserve (acres)
Fresno	38.7	San Benito	0
Imperial	19.1	San Bernardino	1.0
Kern	73.0	San Diego	1.0
Kings	13.8	Stanislaus	0
Madera	26.5	Tulare	18.4
Merced	7.2		
Riverside	21.4		

FLORIDA

Alachua	2.1	Leon	8.1
Baker	0	Levy	0
Bay	.8	Liberty	.1
Calhoun	.9	Madison	52.2
Columbia	8.4	Okaloosa	14.8
Dixie	.1	Santa Rosa	262.9
Escambia	22.5	Suwannee	12.7
Gadsden	8.2	Taylor	0
Hamilton	52.0	Union	0
Holmes	60.5	Walton	177.9
Jackson	325.7	Washington	35.1
Jefferson	9.4		
Lafayette	.3		

GEORGIA

Appling	2.8	Effingham	6.5
Atkinson	2.3	Elbert	83.0
Bacon	1.3	Emanuel	41.5
Baker	14.5	Evans	15.3
Baldwin	5.2	Fayette	11.4
Banks	9.6	Floyd	35.7
Barrow	26.4	Forsyth	34.7
Bartow	27.7	Franklin	33.5
Ben Hill	8.9	Fulton	10.5
Berrien	22.1	Glascock	3.0
Bibb	2.3	Gordon	456.3
Bleckley	25.9	Grady	22.0
Brantley	.2	Greene	8.2
Brooks	26.4	Gwinnett	10.6
Bryan	3.1	Habersham	0
Bulloch	38.6	Hall	1.7
Burke	24.5	Hancock	3.5
Butts	12.1	Haralson	15.5
Calhoun	12.4	Harris	6.3
Candler	19.5	Hart	26.5
Carroll	59.1	Heard	6.3
Catoosa	32.5	Henry	16.5
Charlton	.1	Houston	101.2
Chatham	.9	Irwin	24.5
Chattahoochee	0	Jackson	33.5
Chattooga	11.4	Jasper	.8
Cherokee	.3	Jeff Davis	4.8
Clarke	5.5	Jefferson	36.6
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Columbia	3.7	Lee	4.0
Cook	6.8	Liberty	3.0
Coweta	13.2	Lincoln	6.2
Crawford	6.1	Long	4.1
Crisp	18.4	Lowndes	7.1
Dade	6.2	Lumpkin	1.0
Dawson	.2	McDuffie	7.2
Decatur	25.4	Macon	13.5
De Kalb	.2	Madison	33.9
Dodge	33.7	Marion	12.7
Dooly	7.5	Meriwether	62.1
Dougherty	10.2	Miller	41.4
Douglas	3.1	Mitchell	25.3
Early	16.8		
Echols	.1		

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County	County reserve (acres)	County	County reserve (acres)
Monroe	2.6	Taliaferro	1.7
Montgomery	17.0	Tattnall	26.7
Morgan	6.4	Taylor	24.2
Murray	5.6	Telfair	5.7
Newton	15.7	Terrell	31.5
Oconee	10.7	Thomas	32.7
Oglethorpe	17.7	Tift	19.5
Paulding	5.8	Toombs	15.5
Peach	6.8	Treutlen	13.1
Pickens	2.5	Troup	9.1
Pierce	6.0	Turner	15.2
Pike	32.8	Twiggs	22.8
Polk	25.2	Upson	1.2
Pulaski	18.2	Walker	48.3
Putnam	1.6	Walton	27.3
Quitman	3.1	Ware	1.7
Randolph	27.4	Warren	.7
Richmond	4.4	Washington	22.2
Rockdale	12.5	Wayne	4.3
Schley	12.6	Webster	13.1
Screven	11.3	Wheeler	18.3
Seminole	38.8	White	.1
Spalding	20.0	Whitfield	33.3
Stephens	2.9	Wilcox	11.9
Stewart	11.4	Wilkes	6.3
Sumter	25.6	Wilkinson	15.2
Talbot	4.8	Worth	24.1

ILLINOIS

Parish	Parish reserve (acres)	Parish	Parish reserve (acres)
Alexander	2.3	Pulaski	5.6
Massac	0		

KANSAS

Montgomery	0

KENTUCKY

Ballard	0	Graves	4.3
Calloway	3.0	Hickman	25.1
Carlisle	2.4	McCracken	0
Fulton	10.0	Marshall	0

LOUISIANA

Parish	Parish reserve (acres)	Parish	Parish reserve (acres)
Acadia	496.7	Madison	37.4
Allen	53.0	Morehouse	2,094.2
Ascension	0	Natchitoches	1,329.1
Avoyelles	1,316.7	Ouachita	858.1
Beauregard	3.9	Pointe Coupee	134.2
Bienville	5.3	Rapides	1,224.2
Bossier	1,102.0	Red River	746.1
Caddo	1,992.8	Richland	111.3
Caldwell	508.2	Sabine	6.0
Catahoula	766.7	St. Helena	88.9
Claiborne	9.7	St. Landry	1,790.1
Concordia	606.5	St. Martin	350.7
De Soto	385.7	St. Tammany	0
East Baton Rouge	19.2	Tangipahoa	.2
East Carroll	43.1	Tensas	1,248.9
East Feliciana	19.4	Union	84.3
Evangeline	872.2	Vermilion	255.1
Franklin	3,583.3	Vernon	.1
Grant	279.0	Washington	607.8
Iberia	7.5	Webster	5.2
Iberville	.1	West Baton Rouge	48.0
Jackson	6.4	West Carroll	1,732.1
Jefferson Davis	0	West Feliciana	5.1
Lafayette	579.7	Winn	25.9
La Salle	31.2		
Lincoln	5.2		
Livingston	2.4		

MISSISSIPPI

County	County reserve (acres)	County	County reserve (acres)
Adams	5.2	Madison	57.1
Alcorn	29.1	Marion	11.5
Amite	10.7	Marshall	32.5
Attala	51.6	Monroe	26.7
Benton	14.2	Montgomery	9.8
Bolivar	25.3	Neshoba	230.6
Calhoun	10.6	Newton	26.8
Carroll	20.0	Noxubee	485.7
Chickasaw	23.9	Oktibbeha	6.1
Choctaw	12.6	Panola	27.8
Claiborne	15.8	Pearl River	1.7
Clarke	57.8	Perry	2.2
Clay	54.2	Pike	7.0
Coahoma	14.3	Pontotoc	27.2
Copiah	21.2	Prentiss	23.3
Covington	26.4	Quitman	11.5
De Soto	11.8	Rankin	15.1
Forrest	29.4	Scott	22.4
Franklin	2.0	Sharkey	1.0
George	4.8	Simpson	9.8
Greene	19.8	Smith	19.5
Grenada	14.5	Sunflower	6.8
Hinds	40.0	Tallahatchie	17.6
Holmes	2.6	Tate	16.3
Humphreys	8.0	Tippah	14.1
Issaquena	1.4	Tishomingo	19.3
Itawamba	12.8	Tunica	10.5
Jasper	21.6	Union	53.1
Jefferson	9.9	Walthall	43.3
Jefferson Davis	89.9	Warren	20.0
Jones	21.5	Washington	9.8
Kemper	171.3	Wayne	13.4
Lafayette	12.3	Webster	13.4
Lamar	2.7	Wilkinson	3.2
Lauderdale	14.1	Winston	330.6
Lawrence	10.6	Yalobusha	807.6
Leake	39.8	Yazoo	12.2
Lee	35.0		
Leflore	11.6		
Lincoln	19.9		
Lowndes	20.4		

MISSOURI

Bollinger	3.0	New Madrid	57.1
Butler	53.6	Pemiscot	22.5
Cape Girardeau	1.6	Ripley	12.7
Dunklin	3.0	Scott	18.7
Howell	0	Stoddard	20.7
Mississippi	10.8	Vernon	0
		Wayne	0

NEVADA

Clark	0	Nye	0

NEW MEXICO

Chaves	2.6	Lea	42.2
Curry	7.7	Luna	2.4
De Baca	16.2	Otero	.4
Dona Ana	100.0	Quay	6.3
Eddy	108.3	Roosevelt	29.3
Grant	.1	Sierra	0
Harding	0	Socorro	.5
Hidalgo	.9		

NORTH CAROLINA

Alamance	0	Chatham	1.1
Alexander	68.0	Chowan	103.8
Anson	1,083.2	Cleveland	2,477.4
Beaufort	107.5	Columbus	105.1
Bertie	280.3	Craven	.3
Bladen	9.8	Cumberland	442.5
Brunswick	1.1	Currituck	32.3
Burke	0	Davidson	3.2
Cabarrus	1.5	Davie	1.2
Caldwell	0	Duplin	1.7
Camden	43.5	Durham	.1
Carteret	.2	Edgecombe	530.1
Catawba	121.2		

NORTH CAROLINA—Continued

County	County reserve (acres)	County	County reserve (acres)
Forsyth	.9	Pamlico	0
Franklin	370.7	Pasquotank	30.7
Gaston	306.5	Pender	19.9
Gates	133.2	Perquimans	100.4
Granville	.6	Person	0
Greene	.5	Pitt	28.8
Guilford	3.0	Polk	.5
Halifax	1,029.5	Randolph	0
Harnett	61.5	Richmond	323.9
Hertford	220.8	Robeson	1,923.5
Hoke	568.0	Rockingham	431.0
Hyde	17.4	Rowan	718.8
Iredell	749.3	Rutherford	962.9
Johnston	753.4	Sampson	14.5
Jones	12.9	Scotland	55.1
Lee	92.7	Stanly	11.9
Lenoir	2.0	Stokes	491.1
Lincoln	675.0	Surry	162.8
Martin	119.9	Swain	13.3
Mecklenburg	769.1	Transylvania	147.3
Montgomery	127.3	Tyrrell	61.2
Moore	138.6	Union	778.1
Nash	572.4	Vance	.1
Northampton	944.8	Wake	405.6
Onslow	3.7	Warren	.1
Orange	.2	Washington	0
		Watauga	0
		Wayne	0
		Wilkes	0
		Wilson	0
		Yadkin	0
		Yancey	0

OKLAHOMA

Adair	1.0	Lincoln	24.8
Atoka	9.9	Logan	11.3
Beaver	0	Love	75.9
Beckham	86.7	McClain	51.4
Blaine	171.4	McCurtain	11.6
Bryan	35.8	McIntosh	31.3
Caddo	94.0	Major	84.6
Canadian	43.9	Marshall	.1
Carter	5.1	Mayes	1.1
Choctaw	5.1	Murray	10.1
Cimarron	0	Muskogee	930.1
Cleveland	6.8	Noble	2.3
Coal	10.6	Nowata	7.8
Comanche	202.4	Okfuskee	176.8
Cotton	27.1	Oklahoma	.1
Craig	3.0	Okmulgee	3.7
Creek	100.0	Osage	.2
Custer	29.4	Pawnee	19.9
Dewey	87.0	Payne	49.3
Ellis	2.0	Pittsburg	42.6
Garfield	0	Pontotoc	12.0
Garvin	4.6	Pottawatomie	14.8
Grady	42.4	Pushmataha	0
Grant	0	Roger Mills	33.5
Greer	163.6	Rogers	2.8
Harmon	59.6	Seminole	20.3
Harper	0	Sequoyah	2.6
Haskell	24.2	Stephens	27.2
Hughes	21.1	Texas	0
Jackson	152.4	Tillman	12.9
Jefferson	123.6	Tulsa	67.4
Johnston	2.2	Wagoner	16.6
Kay	4.0	Washita	85.5
Kingfisher	40.3	Woodward	9.8
Kiowa	298.2		
Le Flore	2.3		

SOUTH CAROLINA

Abbeville	351.8	Cherokee	589.4
Aiken	43.8	Chester	530.7
Allendale	10.2	Chesterfield	95.5
Anderson	1,260.6	Clarendon	70.6
Bamberg	36.3	Colleton	413.8
Barnwell	26.0	Darlington	122.6
Beaufort	1.2	Dillon	55.6
Berkeley	474.5	Dorchester	460.0
Calhoun	33.8		
Charleston	25.1		

SOUTH CAROLINA—Continued

County	County reserve (acres)	County	County reserve (acres)
Edgefield	544.4	Marion	705.0
Fairfield	5.9	Marlboro	96.8
Florence	1,913.6	Newberry	47.6
Georgetown	21.2	Oconee	280.8
Greenville	586.5	Orangeburg	84.7
Greenwood	175.2	Pickens	17.6
Hampton	451.2	Richland	289.1
Horry	42.7	Saluda	433.2
Jasper	8.0	Spartanburg	909.5
Kershaw	66.0	Sumter	71.0
Lancaster	333.2	Union	18.6
Laurens	840.5	Williamsburg	2,311.6
Lee	380.4	York	785.1
Lexington	36.7		
McCormick	149.3		

TENNESSEE

Bedford	3.8	Lewis	2.4
Benton	13.3	Lincoln	602.3
Bradley	1.0	Loudon	0
Cannon	.2	McMinn	1.7
Carroll	29.9	McNairy	31.6
Chester	17.0	Madison	16.5
Coffee	3.3	Marion	2.7
Crockett	157.3	Marshall	3.0
Decatur	30.3	Maury	3.7
Dyer	19.6	Meigs	2.0
Fayette	24.9	Moore	1.8
Franklin	17.1	Obion	48.9
Gibson	6.4	Perry	4.3
Giles	12.5	Polk	5.0
Grundy	3.0	Rhea	0
Hamilton	1.8	Robertson	0
Hardeman	31.0	Rutherford	11.6
Hardin	20.6	Shelby	37.3
Haywood	14.4	Tipton	31.4
Henderson	46.3	Warren	.2
Henry	47.8	Wayne	12.1
Humphreys	0	Weakley	49.2
Lake	14.0	Williamson	0
Lauderdale	15.7	Wilson	1.2
Lawrence	33.6		

TEXAS

Anderson	19.3	Cherokee	38.8
Andrews	.5	Childress	68.6
Angelina	46.0	Clay	14.7
Aransas	2.5	Cochran	3.8
Archer	10.0	Coke	9.9
Armstrong	5.1	Coleman	150.0
Atascosa	64.3	Collin	307.6
Austin	19.3	Collingsworth	14.8
Bailey	34.5	Colorado	9.5
Bastrop	21.7	Comal	3.0
Baylor	111.4	Comanche	44.5
Bee	12.8	Concho	65.8
Bell	152.3	Cooke	75.6
Bexar	22.8	Coryell	26.3
Blanco	0	Cottle	34.0
Borden	1.2	Crockett	0
Bosque	89.2	Crosby	13.9
Bowie	17.4	Culberson	2.0
Brazoria	49.5	Dallas	163.9
Brazos	21.3	Dawson	48.5
Brewster	0	Deaf Smith	9.4
Briscoe	19.2	Delta	150.7
Brooks	9.1	Denton	51.8
Brown	10.2	De Witt	41.4
Burleson	130.5	Dickens	9.1
Burnet	20.3	Dimmit	9.7
Caldwell	7.4	Donley	21.4
Calhoun	5.9	Duval	9.3
Callahan	9.6	Eastland	50.5
Cameron	54.2	Ector	10.0
Camp	3.0	Ellis	162.4
Carson	1.9	El Paso	37.1
Cass	15.3	Erath	20.7
Castro	29.0	Falls	503.3
Fannin	28.9	Medina	25.0
Fayette	290.4	Menard	6.3
Fisher	72.2	Midland	14.2
Floyd	35.8	Milam	50.1
Foard	27.7	Mills	15.1
Fort Bend	27.9	Mitchell	56.9
Franklin	13.1	Montague	40.1
Freestone	20.3	Montgomery	11.3
Frio	6.8	Moore	.3
Gaines	43.4	Morris	19.4
Garza	5.6	Motley	12.9
Gillespie	25.5	Nacogdoches	20.9
Glasscock	.9	Navarro	208.0
Goliad	3.0	Newton	3.1
Gonzales	4.4	Nolan	30.2
Gray	1.5	Nueces	19.1
Grayson	100.8	Ochiltree	.7
Gregg	12.2	Oldham	0
Grimes	24.4	Palo Pinto	18.2
Guadalupe	40.6	Panola	17.8
Hale	28.4	Parker	33.6
Hall	31.8	Parmer	54.5
Hamilton	26.0	Pecos	2.5
Hansford	1.8	Polk	9.0
Hardeman	53.0	Potter	0
Harris	69.4	Presidio	1.3
Harrison	24.3	Rains	117.5
Hartley	.1	Randall	7.6
Haskell	20.1	Reagan	3.2
Hays	14.4	Red River	73.7
Hemphill	2.1	Reeves	3.6
Henderson	55.4	Refugio	6.6
Hidalgo	694.3	Roberts	0
Hill	337.3	Robertson	31.1
Hockley	28.1	Rockwall	50.8
Hood	25.1	Runnels	52.5
Hopkins	22.8	Rusk	266.4
Houston	238.8	Sabine	15.6
Howard	12.1	San Augustine	18.1
Hudspeth	2.7	San Jacinto	5.1
Hunt	211.0	San Patricio	11.7
Hutchinson	0	San Saba	100.6
Irion	.4	Schleicher	1.4
Jack	9.8	Scurry	7.0
Jackson	11.0	Shackelford	21.3
Jasper	2.9	Shelby	102.7
Jeff Davis	0	Smith	12.7
Jim Hogg	6.2	Somervell	9.7
Jim Wells	13.5	Starr	252.3
Johnson	44.6	Stephens	5.3
Jones	77.2	Sterling	2.9
Karnes	53.9	Stonewall	21.4
Kaufman	128.4	Swisher	12.8
Kendall	0	Tarrant	19.5
Kent	.1	Taylor	17.5
Kimble	0	Terry	26.8
King	.5	Throckmorton	15.9
Kinney	.1	Titus	12.1
Kleberg	5.9	Tom Green	153.2
Knox	15.4	Travis	43.3
Lamar	25.9	Trinity	18.7
Lamb	36.1	Tyler	3.3
Lampasas	19.8	Upshur	13.6
La Salle	9.7	Upton	.1
Lavaca	20.0	Uvalde	3.3
Lee	12.6	Val Verde	.6
Leon	25.9	Van Zandt	31.5
Liberty	99.5	Victoria	13.6
Limestone	99.9	Walker	9.8
Live Oak	11.4	Waller	9.0
Llano	5.0	Ward	2.1
Loving	0	Washington	472.4
Lubbock	51.9	Webb	61.5
Lynn	19.7	Wharton	27.5
McCulloch	44.4	Wheeler	14.5
McLennan	348.0	Wichita	9.8
McMullen	5.1	Wilbarger	30.4
Madison	11.4	Willacy	39.4
Marion	8.6	Williamson	23.9
Martin	78.4	Wilson	32.4
Mason	25.5	Wise	30.1
Matagorda	10.9	Wood	19.4
Maverick	1.9	Yoakum	21.4
		Young	21.2
		Zapata	6.0
		Zavala	97.2

VIRGINIA

County	County reserve (acres)	County	County reserve (acres)
Brunswick	12.7	Nansemond	33.9
Charlotte	0	Prince Edward	0
Dinwiddie	22.9	Prince George	.4
Greensville	203.4	Southampton	23.6
Isle of Wight	0	Surry	0
Lunenburg	8.7	Sussex	31.3
Mecklenburg	48.1		

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 12, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14946; Filed, Dec. 12, 1969; 3:40 p.m.]

PART 722—COTTON

Subpart—1970 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

COUNTY RESERVES

Section 722.563 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserves for the 1970 crop of extra long staple cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 33 F.R. 542, 4275).

Notice that the Secretary was preparing to establish State and county allotments and reserves was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13662), in accordance with 5 U.S.C. 553. No written submissions were received in response to such notice.

Since the establishment of county reserves requires immediate action by the county committees, it is essential that § 722.563 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.563 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.563 County reserves for the 1970 crop of extra long staple cotton.

The county reserves for the 1970 crop of extra long staple cotton are established in accordance with § 722.509 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, 33 F.R. 8427, 16066, and 16435, 34 F.R. 5 and 808). The following table sets forth the county reserves:

ARIZONA

County	County reserve (acres)	County	County reserve (acres)
Cochise	1.1	Pima	0.9
Gila	0	Pinal	4.6
Graham	5.1	Yuma	2.1
Maricopa	9.7		

CALIFORNIA

Imperial	0.1	Riverside	0.9

FLORIDA

Alachua	0.1	Marion	0
Hamilton	0	Suwannee	0
Jefferson	0	Union	0
Madison	0		

GEORGIA

Berrien	4.0	Cook	0

NEW MEXICO

Chaves	0.7	Luna	0.5
Dona Ana	7.7	Otero	0
Eddy	2.7	Sierra	0
Hidalgo	0.8		

TEXAS

Brewster	0	Pecos	0.8
Culberson	0.7	Presidio	0.1
El Paso	7.5	Reeves	0.4
Hudspeth	3.2	Ward	0.1
Loving	0		

PUERTO RICO

County	County Reserve (acres)
North area	0.3

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 12, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14945; Filed, Dec. 12, 1969; 3:40 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[966.307, Amdt. 1]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) tomatoes grown in the production area are currently being marketed; (2) to facilitate the handling of tomatoes this amendment should be made effective as soon as possible; (3) compliance with this amendment will not require any special preparation by handlers; (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area; and (5) this amendment relieves restrictions on the handling of production area tomatoes by providing for variations in container weights incident to proper packing.

Regulation, as amended. In § 966.307 (34 F.R. 18090) subparagraph (2) of paragraph (d) is hereby amended to read as follows:

§ 966.307 Limitation of shipments.

* * * * *

(d) *Containers.* * * *

(2) To allow for variations incident to proper packing, not more than a total of 10 percent, by count, of the containers in any lot may vary from the net weights specified.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. Dated: December 12, 1969, to become effective December 15, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14961; Filed, Dec. 16, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1969 crop of types 42-44, 46, 51, 52, 53, 54, and 55 tobacco, under the tobacco loan program published July 19, 1969 (34 F.R. 12129).

Sec.
1464.22 1969 Crop—Ohio Filler Tobacco, Types 42-44, advance schedule.
1464.23 1969 Crop—Connecticut Valley Broadleaf Tobacco, Type 51, advance schedule.
1464.24 1969 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.
1464.25 1969 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.
1464.26 1969 Crop—Northern Wisconsin Tobacco, Type 55, advance schedule.
1464.27 1969 Crop—Puerto Rican Tobacco, Type 46, advance schedule.

AUTHORITY: §§ 1464.22-1464.27 issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; sec. 125, 70 Stat. 198; 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423; 7 U.S.C. 1813; 15 U.S.C. 714b, 714c.

§ 1464.22 1969 Crop—Ohio Filler Tobacco, Types 42-44, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Crop run (stripped together):	
X1	33.50
X2	31.00
X3	27.50
X4	25.50
Nondescript:	
N	17.00

§ 1464.23 1969 Crop—Connecticut Valley Broadleaf Tobacco, Type 51, Advance Schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	64.00
B2	56.00
B3	47.00
B4	41.00
B5	36.00
Nonbinders:	
X1	30.00

§ 1464.24 1969 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Advance Schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	60.00
B2	52.00
B3	45.00
B4	40.00
B5	36.00
Nonbinders:	
X1	30.00

See footnotes at end of document.

§ 1464.25 1969 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Crop-run:	
X1	37.50
X2	33.50
X3	26.50
Farm fillers:	
Y1	26.00
Y2	24.00
Y3	22.00
Nondescript:	
N1	22.00
N2	16.00

§ 1464.26 1969 Crop—Northern Wisconsin Tobacco, Type 55, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	48.00
B2	45.00
B3	41.00
Strippers:	
C1	39.00
C2	35.50
C3	28.50
Crop-run:	
X1	37.00
X2	33.50
X3	25.50
Farm Fillers:	
Y1	30.00
Y2	27.00
Y3	25.00
Nondescript:	
N1	21.00
N2	16.00

§ 1464.27 1969 Crop—Puerto Rican Tobacco, Type 46, Advance Schedule.[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Price Block I	
C1F	41.50
C1P	
Price Block II	
X1P	31.00
X1F	
X1S	
Price Block III	
X2P	22.00
X2F	
X2T	
X2S	
Price Block IV	
N	11.75

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on December 12, 1969.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-14915; Filed, Dec. 16, 1969; 8:46 a.m.]

[1] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower 50 cents per hundred pounds to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "No-G" (no grade), or "S" (scrap).

[2] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "N1" (first quality nondescript), "N2" (second quality nondescript), "S" (scrap), or "No-G" (no grade).

[3] The cooperative associations through which price support is made available to growers are authorized to deduct $1 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco is eligible for advance only if consigned by the original producer. No advance is authorized for scrap or tobacco designated as "No-G" (no grade).

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Private Secretary to the Director, Bureau of Politico-Military Affairs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (v) is added to § 213.3304 as set out below.

§ 213.3304 Department of State.

* * * * *

(v) *Bureau of Politico-Military Affairs.* (1) One Private Secretary to the Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14921; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that in the Office of the Assistant Secretary for Health and Scientific Affairs are excepted under Schedule C and that one position of Confidential Assistant to the Assistant Secretary for Health and Scientific Affairs is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is revoked and subparagraphs (3) and (4) are added under paragraph (h) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(2) [Revoked]

(3) Two Assistants to the Assistant Secretary.

(4) Three Special Assistants to the Assistant Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14919; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that in the Office of the Deputy Assistant Secretary for Consumer Services, Office of the Assistant Secretary for Community and Field Services, the positions of two Assistants, one Special Assistant for Consumer Education Programs, and one Special Assistant for Interdepartmental Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (9), (10), and (11) are added to paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* * * *

(9) Two Assistants to the Deputy Assistant Secretary for Consumer Services.

(10) One Special Assistant for Consumer Education Programs to the Deputy Assistant Secretary for Consumer Services.

(11) One Special Assistant for Interdepartmental Affairs to the Deputy Assistant Secretary for Consumer Services.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14918; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

U.S. Information Agency

Section 213.3328 is amended to show that one position of Special Assistant to the Assistant Director (Broadcasting) and one position of Special Assistant to the Assistant Director (Press and Publications) are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs

(i) and (j) are added under § 213.3328 as set out below.

§ 213.3328 U.S. Information Agency.

* * * * *

(i) One Special Assistant to the Assistant Director (Broadcasting).

(j) One Special Assistant to the Assistant Director (Press and Publications).

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14922; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Model Cities and Governmental Relations is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (e) of § 213.3384 is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(e) *Office of the Assistant Secretary for Model Cities and Governmental Relations.* * * *

(3) Four Special Assistants to the Assistant Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14920; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Filling Certain Postmaster Positions

Section 332.103, prescribing special examining procedures for certain fourth-class postmaster positions, is amended to make the procedures applicable to those positions involving fewer than 7 daily hours of service.

§ 332.103 Filling certain postmaster positions.

(a) When a vacancy occurs or is about to occur in a postmaster position in a fourth-class post office and the position involves fewer than 7 daily hours of service, a representative of the Post Office Department shall visit the locality and, after due public notice has been given, accept applications from interested persons. The representative shall establish a register based on the qualifications and suitability of each applicant and on his ability to provide proper facilities for transacting the business of the office. The Post Office Department shall submit to the Commission for postaudit one copy of the representative's report showing the qualifications of all applicants, the basis for ranking the eligibles, and the selection of an eligible from the register. The report shall be accompanied by the applications of all applicants. A person selected for appointment from such a register may be appointed after the date the postmaster position is determined to involve 7 or more daily hours of service only with the prior approval of the Commission.

(b) When making an appointment from a register established under paragraph (a) of this section, the appointing officer shall select an eligible in accordance with §§ 332.404 through 332.407.

(c) When the Commission, after holding two examinations, is unable to secure a complete certificate of three eligibles for a postmaster position involving 7 or more daily hours of service, it may authorize the establishment of a register and selection therefrom in accordance with paragraphs (a) and (b) of this section.

(5 U.S.C. 1302, 3301, E.O. 10577; 3 CFR 1954–1958, p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14923; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Payment of Severance Pay

Section 550.704, paragraph (a), is amended by adding new subparagraph (3) and making necessary change in subparagraph (1) to provide that severance pay for certain employees with regularly alternating tours of duty will be based on average basic pay for the 26 pay periods immediately before separation.

§ 550.704 General provisions.

(a) *Payment of severance pay.* (1) Except as provided in subparagraph (2) or (3) of this paragraph, on an employee's separation, the agency shall compute his severance pay fund, and shall pay him at the same pay period intervals as if still employed the same amount as his basic pay for the pay period immediately before separation until the severance pay fund is exhausted, except that the final payment shall consist only of that portion of the severance pay fund remaining.

* * * * *

(3) For an employee who serves in a position in which he regularly alternates between receiving additional annual pay under section 5545(c)(1) of title 5, United States Code, and not receiving such additional annual pay, or an employee who serves in a position in which he regularly alternates between full-time and part-time tours of duty, the basic pay for the pay period immediately before separation, as required by subparagraph (1) of this paragraph, is the average basic pay for the position for the 26 pay periods immediately before separation, computed on the basis of the basic rate of pay in effect at the time of separation.

* * * * *

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–1965 Comp., p. 357)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14924; Filed, Dec. 16, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69–WE–88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

The purpose of this amendment of Part 71 of the Federal Aviation Regulations is to designate a control zone for the Aspen-Pitkin County (Sardy Field) Airport, Aspen, Colo.

On or about December 18, 1969, the Federal Aviation Administration (FAA) proposes to commission a new control tower at the Aspen-Pitkin County (Sardy Field) Airport, Aspen, Colo. Weather reporting, communications, and air traffic control services will be available. The control zone will be required to provide controlled airspace protection for aircraft conducting special VFR operations at Sardy Field.

Operation of turbojet aircraft, including air carrier aircraft, together with a concentration of general aviation aircraft in the narrow valley in which Sardy Field is located has created a situation in which safety of flight is compromised, especially during weather conditions lower than basic visual flight rules (VFR) conditions.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of public safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, in § 71.171 (34 F.R. 4557) the following control zone is added:

ASPEN, COLO.

Within a 5-mile radius of the Aspen-Pitkin County (Sardy Field) Airport (latitude 39°13'30" N., longitude 106°52'09" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on December 11, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69–15021; Filed, Dec. 16, 1969; 8:49 a.m.]

[Airspace Docket No. 69–SW–71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the main airway segment and revoke the south alternate segment of VOR Federal airway No. 62 between Texico, N. Mex., and Lubbock, Tex.

V–62 is presently designated from Texico to Lubbock via Plainview, Tex., with a south alternate from Texico direct to Lubbock. Action is taken herein to redesignate the main airway segment direct from Texico to Lubbock and revoke V–62 south alternate segment between those points. This action would eliminate pilot confusion and would facilitate flight planning.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V–62 is amended by deleting all between "Texico, N. Mex.;" and "Abilene, Tex.;" and substituting "Lubbock, Tex.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 11, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–14907; Filed, Dec. 16, 1969; 8:46 a.m.]

[Airspace Docket No. 69–SO–35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Extension of Jet Routes and Designation of Associated Control Area

On October 2, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15365) stating that the Federal Aviation Administration was considering amendments to Part 71 and Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 58 with associated control area and realign Jet Route No. 86.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

1. Section 71.161 (34 F.R. 4547) is amended by adding the following:

Jet Route No. 58 From New Orleans, La., to Sarasota, Fla.

2. Section 75.100 (34 F.R. 4856 and 6079) is amended as follows:

a. In Jet Route No. 58 all after "New Orleans, La., 295° radials;" is deleted and "New Orleans; INT of Grand Isle, La., 104° and Crestview, Fla., 201° radials; INT of Grand Isle 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay." is substituted therefor.

b. In Jet Route No. 86 all after "Sarasota;" is deleted and "INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 11, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–14908; Filed, Dec. 16, 1969; 8:46 a.m.]

[Airspace Docket No. 69–SW–56]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On October 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15760) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area at Camp Bowie, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. A comment was received from the Air Transport Association of America (ATA). No other comments were received.

The ATA comment recommended that the proposed restricted area be modified so as not to conflict with a direct route between Brownwood, Tex., and Lometa, Tex., utilized by Texas International Airlines.

At present there are no scheduled operations by Texas International Airlines between Brownwood and Lometa. Due to the nonuse of this route and the limited time of use of the proposed restricted area, the FAA is of the opinion that further modification of the proposed restricted area as recommended by the ATA is not justified. The route between Brownwood and Lometa is totally within controlled airspace and the service volume of navigational aids. In the future if flights are scheduled on this route they will be routed by Air Traffic Control in an expeditious manner.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

Section 73.63 (34 F.R. 4846) is amended by adding:

R–6304 CAMP BOWIE, TEX.

Boundaries: Beginning at lat. 31°41'00" N., long. 98°58'00" W., to lat. 31°39'25" N., long. 98°52'15" W., to lat. 31°34'30" N., long. 98°54'10" W., to lat. 31°36'10" N., long. 99°00'00" W., thence to point of beginning.

Designated altitudes: Surface to 6,000 feet MSL.

Time of designation: A 4-hour period commencing at official sunset, Monday through Thursday.

Using agency: Commander, 75th Tactical Reconnaissance Wing, Bergstrom AFB, Tex.

Controlling agency: Federal Aviation Administration, Air Route Traffic Control Center, Fort Worth, Tex.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 10, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–14909; Filed, Dec. 16, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10014; Amdt. 95–187]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice

and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective January 8, 1970 as follows:

1. By amending Subpart C as follows:

Section 95.51 *Green Federal airway 11* is amended to read in part:

From, to, and MEA

Shemya, Alaska, LF/RBN; Kirilof Wharf, Alaska, LF/RBN; 6,000.
Kirilof Wharf, Alaska, LF/RBN; Adak, Alaska, LF/RBN; *8,000. *7,900—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Tuscola, Tex., VOR; Llano, Tex., VOR; *4,000. *3,900—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Mango INT, Fla.; Miami, Fla. (L–MIA), localizer crs. *4,000. *1,200—MOCA.
Pueblo, Colo., LOM; Pinon INT, Colo. (Via COS 169° RAD) COP 17 NM PU; 7,600.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Custer INT, Kans.; Alma INT, Kans.; *3,000. *2,700—MOCA.
Alma INT, Kans.; Topeka, Kans., VOR; 3,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Youngstown, Ohio, VOR; Sharpsville INT, Ohio; 2,900.
Sharpsville INT, Ohio; Clarion, Ohio, VOR; 3,600.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Columbus, N. Mex., VOR; Harrington Ranch INT, N. Mex.; 8,500.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Meade INT, Kans.; Garden City, Kans., VOR; *4,600. *4,200—MOCA.

Section 95.6043 *VOR Federal airway 43* is amended to read in part:

Tiverton, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Indianapolis, Ind., VOR; Jackson INT, Ind.; *2,700. *2,200—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Columbus, N. Mex., VOR; Harrington Ranch INT, N. Mex.; 8,500.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

*Cotton INT, La., via W alter.; **Foster INT, La., via W alter.; ***2,000. *3,000—MRA. *3,500—MRA. ***1,600—MOCA.
Hillemann INT, Ark.; Walnut Ridge, Ark., VOR; *3,500. *1,700—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR; Beth INT, Tex.; *3,000. *2,700—MOCA.

From, To and MEA

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

*Westover INT, Tex.; **Mankins INT, Tex.; 3,000. *5,000—MRA. **5,000—MRA.
Mankins INT, Tex.; *Dundee INT, Tex.; 3,000. *5,000—MRA.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

Los Banos, Calif., VOR via E alter.; *Sunol INT, Calif., via E alter.; 6,500. *6,500—MCA Sunol INT southeastbound.
Sunol INT, Calif., via E alter.; Oakland, Calif., VOR via E alter.; 4,000.

Section 95.6117 *VOR Federal airway 117* is amended to read in part:

Beallsville INT, Ohio; Bellaire, Ohio, VOR; 3,000.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

Parkersburg, W. Va., VOR; Burton INT, W. Va.; 3,400.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Indianapolis, Ind., VOR; Jackson INT, Ind.; *2,700. *2,200—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Sinton INT, Tex.; Three Rivers, Tex., VOR; *1,900. *1,600—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Malta INT, Ill.; Chicago O'Hare, Ill., VOR; 4,000.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Columbus, N. Mex., VOR; Harrington Ranch INT, N. Mex.; 8,500.

Section 95.6301 *VOR Federal airway 301* is amended to read in part:

*Santa Rosa, Calif., VOR; Williams, Calif., VOR; **7,000. *6,000—MCA Santa Rosa VOR, northeastbound. **6,300—MOCA.

Section 95.6310 *VOR Federal airway 310* is amended to read in part:

Rocky Mount, N.C., VOR; Elizabeth City, N.C., VOR; *1,800. *1,400—MOCA.

Section 95.6330 *VOR Federal airway 330* is amended to read in part:

Jackson, Wyo., VOR; Ione INT, Idaho; 14,000. *13,600—MCA Jackson VOR, westbound.

Section 95.6430 *VOR Federal airway 430* is amended to delete:

Glasgow, Mont., VOR via S alter.; Williston, N. Dak., VOR via S alter.; *6,000. *4,600—MOCA.

Section 95.6430 *VOR Federal airway 430* is amended to read in part:

Havre, Mont., VOR; Glasgow, Mont., VOR; *5,500. *5,100—MOCA.
Glasgow, Mont., VOR; Williston, N. Dak., VOR; *6,000. *4,600—MOCA.

Section 95.6472 *VOR Federal airway 472* is amended to read in part:

Elizabeth City, N.C., VOR; Bertie INT, N.C.; 3,000.
Bertie INT, N.C.; *Zang INT, N.C.; **5,000. *4,000—MRA. *5,000—MCA—Zang INT, eastbound. **1,500—MOCA.

Section 95.7082 *Jet Route No. 82* is amended to delete:

From, to, MEA, and MAA

Albany, N.Y., VORTAC; Boston, Mass., VORTAC; 18,000; 45,000.

Section 95.7158 *Jet Route No. 158* is added to read:

Mina, Nev., VOR; Lucin, Utah, VOR; #23,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Lucin, Utah, VOR; Malad City, Idaho, VORTAC; 18,000; 45,000.

Section 95.7547 *Jet Route No. 547* is amended by adding:

Northbrook, Ill., VOR; Pullman, Mich., VORTAC; 18,000; 45,000.
Pullman, Mich., VORTAC; Peck, Mich., VORTAC; 18,000; 45,000.
Buffalo, N.Y., VORTAC; Syracuse, N.Y., VORTAC; 18,000; 45,000.
Syracuse, N.Y., VORTAC; Kennebunk, Maine, VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From; to—Changeover point: distance; from

V–301 is amended to delete:
Santa Rosa, Calif., VOR; Williams, Calif., VOR; 10; Santa Rosa.

Section 95.8003 *VOR Federal airway changeover points:*

V–13 is amended by adding:
Grantsburg, Wis., VOR; Duluth, Minn., VOR; 50; Grantsburg.

Section 95.8005 *Jet routes changeover points:*

J–136 is amended by adding:
Yakima, Wash., VORTAC; Spokane, Wash., VORTAC; 50; Yakima.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on December 9, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–14910; Filed, Dec. 16, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–597; Amdt. 26]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Modernization of Traffic and Capacity Data Collection System; Postponement of Effective Date

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of December 1969.

By ER–586 (34 F.R. 14584, 14844), the Board on August 6, 1969, adopted Amendment No. 24 to Part 241 providing, inter alia, for collection of traffic and capacity data on a flight stage basis by route carriers and transmittal of such data to the Board for direct automatic processing. The effective date for maintenance and submission of segment O&D passenger and cargo data and aircraft hours data was deferred until January 1, 1971. However, the effective date of the remainder of the rule was set for January 1, 1970.

By letters of October 31, 1969, to each member of the Board the Air Transport Association (ATA) has requested reconsideration and rescission of ER–586.[1] The letters set forth no basis for reconsideration and rescission, and the relief requested is denied.

The Board is, of course, aware of the adverse trend in the earnings position of the carriers noted by ATA. This trend is, in significant part, due to declining load factors, underscoring the need for the Board to have complete and recurrent information of carrier operations on a flight stage basis. As the Board stated in ER–586, these data are of crucial importance in carrying out the Board's regulatory functions, since the relation of traffic carried to available capacity is a key to profitability of service and to the efficiency and economy of operations. In the long run, the economic welfare of the industry should be enhanced, rather than harmed, by the rule.

In view of the foregoing, it is important that the rule be implemented at the earliest feasible date. However, since the final rule was not released until September 18, 1969, only 3 months were available to carry out the necessary coordinations with the industry for establishing standard practices under the rule with respect to ADP details and for the carriers to make the necessary preparations for implementation of the rule. While most, if not all, of the data to be collected exists within the records of the carriers, it is not processed on a uniform basis and special retrieval programs will have to be developed in order to comply with the regulation. It appears, therefore, that implementation cannot be effective by January 1, 1970.

Under the circumstances, the Board finds that the effective date of the rule should be postponed to July 1, 1970, except for the matters deferred until January 1, 1971. Since this action merely delays the effectiveness of the rule in these respects, the Board finds that notice and public procedure are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby changes the effective date of Amendment No. 24 to Part 241 from January 1, 1970, to July 1, 1970.

(Secs. 204(a), 407(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14958; Filed, Dec. 16, 1969; 8:48 a.m.]

[1] It should be noted that the ATA has no authority to act for its member carriers with respect to the matters referred to in these letters, since there has been no compliance with respect to Part 263 of the economic regulations. However, because of the public importance of the matters raised, we have considered the merits of the request.

[Reg. ER–598; Amdt. 12]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Reduction in Retention Period of Flight and Auditor's Coupons

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of December 1969.

In view of the great volume of passenger tickets now required to be retained by the route air carriers under Part 249, the Board has decided to reduce the retention period for flight and auditor's coupons from 2 years to 1 year. The waiting period for preserving original flight coupons on microfilm is eliminated. These actions will reduce to some extent a burdensome storage facilities expense to the carriers while making available such records during a period sufficient for the Board's purposes.

Because this amendment does not adversely affect any person and relieves a restriction as to air carriers, the Board finds that notice and public procedure are unnecessary and the amendment shall be made effective immediately.

Accordingly, the Board hereby amends paragraph (f) of § 249.13 (14 CFR 249.13), effective December 11, 1969, by revising categories 151(a) and 151(b) in the "Schedule of Records" table to read as follows:

§ 249.13 Period of preservation of records by certificated route air carriers.

* * * * * *

(f) * * *

SCHEDULE OF RECORDS

Category of records	Period to be retained	Microfilm indicator
* * *	* * *	* * *
151. (a) Flight coupons	1 year	M
(b) Auditor's coupons	do	
(c) Perpetual inventory of ticket stock	2 years	
* * *	* * *	* * *

(Secs. 204, 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14957; Filed, Dec. 16, 1969; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7019]

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

Information Returns With Respect to Foreign Branches of Commercial Banks

In order to eliminate duplicate reporting requirements, § 147.9–4(b)(2) of the Temporary Regulations (26 CFR Part 147) is amended as follows:

Paragraph (b) of § 147.9–4 is amended by revising subparagraph (2) to read as follows:

§ 147.9–4 Information returns with respect to commercial banks.

* * * * * *

(b) *Reporting requirements.* * * *

(2) *Assets and liabilities at branches outside the United States*—(i) *Business months beginning before October 1, 1969.* Each U.S. person which is a commercial bank shall file a return on Form 3954 for each business month beginning before October 1, 1969, with respect to assets and liabilities at the foreign branches of such bank within 15 days (or, in the case of branches located in less developed countries (within the meaning of section 4916(b)), within 30 days) after the final business day in each business month. Such return shall include the information required by such form and the accompanying instructions.

(ii) *Business months beginning after September 30, 1969.* Each U.S. person which is a commercial bank shall file a return on Federal Reserve Form 502 (regardless of the total liabilities of the branch) for each business month beginning after September 30, 1969, with respect to assets and liabilities at the foreign branches of such bank within 15 days (or, in the case of branches located in less developed countries (within the meaning of section 4916(b)), within 30 days) after the final business day in each business month. Such return shall include the information required by such form and the accompanying instructions, as modified by this subdivision, and shall be filed with the Commissioner of Internal Revenue (Attention: Treasury, IET), Washington, D.C. 20224. The requirements of this subdivision do not apply to commercial banks which are members of the Federal Reserve System, or to commercial banks which are not members of the Federal Reserve System provided such nonmember banks (*a*) notify the Commissioner of Internal Revenue (Attention: Treasury, IET), Washington, D.C. 20224, that they intend to file Federal Reserve Form 502 or 503 with the

Federal Reserve System, and (*b*) comply with the filing and information requirements imposed on member banks of the Federal Reserve System with respect thereto.

* * * * *

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: December 11, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14959; Filed, Dec. 16, 1969; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Community Nursing Home Care for Veterans

1. In § 17.51, that portion preceding paragraph (a) and paragraph (c) are amended and paragraph (d) is added so that the added and amended material reads as follows:

§ 17.51 Transfers to community nursing homes from Veterans Administration facilities.

Nursing home care in a contract public or private nursing home care facility may be authorized for any veteran eligible for hospital care under § 17.47 (a), (b), (c), or (d), who has attained the maximum hospital benefit and for whom a protracted period of nursing home care will be required, provided:

* * * * *

(c) The cost of the nursing home care does not exceed 40 percent of the cost of care furnished by the Veterans Administration in a general medical and surgical hospital as determined from time to time, and

(d) The nursing home care will not be for more than 6 months in the aggregate in connection with any one transfer, except in the case of a veteran whose hospitalization was primarily for a service-connected disability. In such case entitlement to nursing home care under this section is not subject to any time limitation.

2. Section 17.51a is revised to read as follows:

§ 17.51a Extensions of community nursing home care beyond 6 months.

The Chief Medical Director, his Deputy or the Regional Medical Director may authorize, for any veteran whose hospitalization was not primarily for service-connected disability, an extension of nursing care in a public or private nursing home care facility at Veterans Administration expense beyond 6 months for circumstances of a most unusual nature such as when additional time is needed to complete imminent arrangements for other care.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective October 30, 1969.

Approved: December 5, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-14911; Filed, Dec. 16, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-1—GENERAL

Synopsizing Procurement Actions for Commerce Business Daily

The table of contents of Part 5A-1 is amended to add the following new entries:

Sec.
5A-1.1003 Synopses of proposed procurements.
5A-1.1003-70 Synopses of amendments to solicitations for offers.

Subpart 5A-1.10—Publicizing Procurement Actions

1. Subpart 5A-1.10 is amended by the addition of new §§ 5A-1.1003 and 5A-1.1003-70, as follows:

§ 5A-1.1003 Synopses of proposed procurements.

§ 5A-1.1003-70 Synopses of amendments to solicitations for offers.

(a) All amendments to solicitations for offers shall be reported for publication in the Commerce Business Daily if the initial procurement was published or if the amendment is of a type to bring the procurement within the criteria for publication (e.g., if the quantity is increased).

(b) Examples of message text (but not format, spacing, etc.), to the Commerce Business Daily covering amendments are set forth below:

(1) 68—Cleaning Compound Solvent—IFB No. FPNGG-Z-0000-N—Addition—Previously synopsized quantity of 2,000 is increased to 3,000 each.

(2) 58—Amplifier Assembly, Audio Mixing—RFP No. BO-Z-1-00000-0—Correction—fourth line of text is changed to read: "frequency response of 20,000."

(3) 67—Printer, X-915 Super—Solicitation No. WA-XX-Y-ZOOOOO—Correction—Original quantity of 100 now includes 50 set-aside for small business.

(4) 73—Heating Element—IFB No. FPNTP-XX-OOOOO-Y—Addition and Extension—Previously synopsized quantity of 10,000 is increased to 20,000 each—Bid Opening is extended to October 31, 1969.

2. Section 5A-1.1004 is revised to read as follows:

§ 5A-1.1004 Synopses of contract awards.

Awards of all unclassified contracts to be performed in whole or in part within the United States, exceeding $10,000 in amount, shall be published in the Commerce Business Daily.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: December 2, 1969.

A. F. SAMPSON,
Commissioner, Federal Supply Service.

[F.R. Doc. 69-14948; Filed, Dec. 16, 1969; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart B—Grants for Construction of Teaching Facilities for Health Professions Personnel

Subpart E—Grants for Construction of Nurse Training Facilities

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following revised Subpart B—Grants for Construction of Teaching Facilities for Health Professions Personnel, and revised Subpart E—Grants for Construction of Nurse Training Facilities, which relate solely to grants. The purposes of these revisions are to make the necessary changes consistent with the amendments made to Part B of Title VII and sections 801-804 of the Public Health Service Act by Public Law 90-490 (82 Stat. 779), including the authorization of grants of up to 66⅔ percent of the cost of construction in cases of unusual circumstances, and, with respect only to Teaching Facilities for Health Professions Personnel, the authorization of grants for the construction of multipurpose facilities and the extension of the Federal recovery period from 10 to 20 years after completion of construction; to require assurances as to minimum enrollment in the case of projects for new schools; to update the provisions relating to minimum standards of construction; and to make various other technical and clarifying changes.

The following revised Subparts B and E shall become effective on the date of publication in the FEDERAL REGISTER.

1. Subpart B of Part 57 is revised to read as follows:

Subpart B—Grants for Construction of Teaching Facilities for Health Professions Personnel

Sec.
57.101 Definitions.
57.102 Eligibility.
57.103 Priority.
57.104 Percentage of participation; amount of construction grant.
57.105 Nondiscrimination.
57.106 Terms and conditions.
57.107 Good cause for other use of completed facility.
57.108 Minimum standards of construction and equipment.

AUTHORITY: The provisions of this Subpart B issued under sec. 727 of the Public Health Service Act as amended, 77 Stat. 170; 42 U.S.C. 293g.

§ 57.101 Definitions.

As used in this subpart:

(a) All terms not defined herein shall have the same meaning as given them in the Act.

(b) "Act" means the Public Health Service Act, as amended.

(c) "Secretary" means the Secretary of Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(d) "Construction grant" means a grant of funds for the construction of teaching facilities as authorized by Part B of Title VII of the Act.

(e) "Construction" as defined in section 724(1) of the Act includes those repairs to an existing building, excluding routine maintenance, which restore the building to a sound state, and the cost of which is no less than $100,000.

(f) "Equipment" means those items which are necessary for the functioning of the facility but does not include items of current operating expense such as food, fuel, drugs, dressings and paper, or books, pamphlets and related matter.

(g) "Multipurpose facilities" means facilities which are primarily (as determined in accordance with § 57.102(e) for teaching purposes but which are also for research, or research and related purposes, in the sciences related to health (within the meaning of Part A of Title VII of the Act) and/or for medical library purposes (within the meaning of Part I of Title III of the Act).

(h) "New school" means a school from which, at the time of filing an application for a construction grant, no class has been graduated because of an insufficient period of operation.

(i) "Council" means the National Advisory Council on Education for Health Professions (established by section 725 of the Act).

§ 57.102 Eligibility.

In order to be eligible for a construction grant, the applicant shall:

(a) Meet the requirements of section 721 of the Act;

(b) Be located in a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

(c) Except in the case of an application with respect to an affiliated hospital, be accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that a new school which (by reason of no, or an insufficient period of operation) is not, at the time of making application for the construction grant, eligible for accreditation by such recognized body or bodies shall be deemed accredited for purposes of receiving a grant if the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school, after completion of the facility and at or prior to the time of graduation of the first class to use such facility, will have met the accreditation standards of such body or bodies; and

(d) In the case of an application with respect to an affiliated hospital, have a written agreement with an accredited school of medicine or a school of osteopathy providing for effective control by the school of the teaching in the hospital.

(e) In the case of an application with respect to the construction of multipurpose facilities, such application must be for the construction of facilities which are determined by the Secretary to be primarily for teaching purposes and for which a grant may otherwise be made under Part B of Title VII of the Act. The Secretary may determine to be primarily for teaching purposes any facilities with respect to which he determines that the health professions teaching portion of such facilities, including research and library space essential for teaching purposes, will substantially exceed the total of the research and library portions which are not essential for teaching, taken together.

§ 57.103 Priority.

Priority in approving applications for construction grants shall be determined on the basis of those factors specified in section 721(d) of the Act, and the following: (a) The relative need for increased enrollment and the availability of qualified students; (b) the relative effectiveness of the project in accomplishing the purposes of the Act at the least relative cost to the Federal Government; and (c) the relative ability of the applicant to make efficient and productive use of the facility constructed.

§ 57.104 Percentage of participation; amount of construction grant.

(a) *Percentage of participation.* (1) The amount of the construction grant may not exceed 50 per centum of the necessary cost of construction except that (i) in the case of a project for a new school or for major expansion of training capacity of an existing school in accordance with subparagraph (2) of this paragraph, such grant may not exceed 66⅔ percent of such cost; (ii) in the case of a project for a school of public health, it may not exceed 75 per centum of such cost; and (iii) with respect to appropriations for fiscal years ending after June 30, 1969, in the case of any other grant where the Secretary determines in the particular case that unusual circumstances make a percentage larger than 50 per centum (which in no case may exceed 66⅔ per centum) of such cost necessary in order to increase the enrollment of students in the health professions or to prevent the curtailment of such enrollment.

(2) For purposes of this paragraph a major expansion of training capacity of an existing school occurs or will occur when the Secretary determines, on the basis of such information or assurances as he may require, that the first-year enrollment at such a school for each of the 10 full school years after the completion of the construction will exceed the highest first-year enrollment at such school for any of the 5 full school years preceding the year in which the application is made by at least 20 per centum of such highest first-year enrollment, or by 20 students, whichever is greater: *Provided, however,* That where the Secretary finds, with respect to a particular school, that such increased enrollment cannot be achieved until the second or third full school year after completion of construction he may determine that the requirements for a major expansion of training capacity are met if during the first or second full school year after completion of construction the increased first-year enrollment will equal such amount in excess of 5 percent or five students, whichever is greater, as the Secretary may specify.

(b) *Amount of construction grant—less than maximum.* In determining the extent to which less than the maximum allowable construction grant may be made, the Secretary shall take into consideration the most effective use of available Federal funds to further the purposes of the Act.

§ 57.105 Nondiscrimination.

(a) *Executive Order 11246.* Each construction grant is subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, and the applicable rules, regulations, and procedures prescribed pursuant thereto (see § 57.106(p)(2)(i)).

(b) *Civil Rights Act of 1964.* Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, applicable to grants for construction of teaching facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 57.106 Terms and conditions.

In addition to any other requirements imposed by law or determined by the

Secretary to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Secretary may at any time approve exceptions to these terms and conditions where he finds that such exceptions are not inconsistent with the Act and purposes of the program:

(a) That applicant has a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 20 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Secretary's approval of the final working drawings and specifications, which conform to the minimum standards of construction and equipment (§ 57.108), will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment (including such fixed equipment as is not purchased through the construction contract) by adequate methods of competitive bidding and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the Secretary, upon written justification by the applicant, to be required by the needs of the program;

(d) The applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without prior approval of the Secretary;

(e) The applicant will finance all costs in excess of the estimated costs approved in the application and submit to the Secretary for prior approval changes that substantially alter the scope of work, functions, utilities, or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time. All records shall be retained for 3 years after the close of the fiscal year in which the construction is completed; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the fiscal year in which the construction is completed; or (2) until the applicant is notified of the completion of the Federal audit, whichever is earlier;

(h) That applicant will furnish progress reports and such other information as the Secretary may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available after construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) That the facility is intended to be used for the purposes for which the application has been made;

(m) That no portion of the facility constructed with funds under Part B of Title VII of the Act will be used for sectarian instruction or as a place for religious worship;

(n) That in the case of any application (including an application with respect to continuing education or advanced training) to expand the training capacity of an existing school, the first-year enrollment at such school during the first full school year after the completion of the construction and for each of the next 9 school years thereafter will exceed the highest first-year enrollment at such school for any of the 5 full years preceding the year in which the application is made by at least 5 percentum of such highest first-year enrollment, or by five students, whichever is greater. Where the applicant has given assurance under section 771(b) of the Act with respect to an institutional grant application, this increase shall be in addition to the increase of 2½ percentum or five students required thereunder.

(o) That in the case of a project for the construction of a new school, (1) the first-year enrollment at such school during the third full school year after completion of construction and for each of the 7 school years thereafter will be that number which is set forth in the application as the projected total first-year enrollment of the school and which is determined by the Secretary to be adequate in relation to the amount of the grant, taking into consideration the most effective use of the total amount of Federal funds available, the amount of Federal funds requested by the applicant, the nature and quality of training to be provided in the facility, and other relevant factors; and (2) the first-year enrollment at such school during the first full school year after completion of construction will be at least one-third of the number determined pursuant to subparagraph (1) of this paragraph;

(p) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 et seq.), and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any work week in excess of 8 hours in any calendar day or 40 hours in the work week (40 U.S.C. 327–332); and (2) That the following conditions and provisions will be included in all contracts for such construction work:

(i) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities", Form DHEW 514 (April 1969) (issued by the Division of Grants Administration Policy, U.S. Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of $10,000 or less;

(ii) The contractor shall furnish performance and payment bonds in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance;

(iii) The Secretary will have access at all reasonable times to work whenever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 57.107 Good cause for other use of completed facility.

If, within 20 years after completion of any construction for which a construction grant has been made under this subpart, the facility shall cease to be used for any one or more of the purposes for which it was constructed, the Secretary, in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation so to use the facility, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to the teaching of other health personnel, or to other purposes in the sciences related to health for which funds are available under Part B of Title VII of the Act;

(b) A teaching hospital will be used as a facility eligible for assistance under title VI of the Act;

(c) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for teaching health professions personnel, or for research and related purposes in the sciences related to health, or for medical library purposes, as the case may be, will be so utilized and are substantially the equivalent in nature and extent for such purposes.

§ 57.108 Minimum standards of construction and equipment.

(a) *Introduction.* (1) The standards set forth in this subpart have been established by the Secretary as required by section 721(c)(4) of the Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the Act. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(2) Teaching hospital facilities constructed under the Act shall comply with the requirements of "General Standards of Construction and Equipment for Hospital and Medical Facilities" (PHS No. 930–A–7), and any amendments or revisions thereof, which document is incorporated by reference in § 53.101(a) of this chapter. Said document will be provided to all applicants for the construction of such teaching hospital facilities, and is available to any interested person, whether or not affected by the provisions of this subpart, upon request to the Regional Office of the Department of Health, Education, and Welfare, or the Public Inquiries Branch, Public Health Service, Washington, D.C.

(b) *Architectural.* The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates:

(1) Facilities shall be fire safe, structurally safe and so planned as to carry out effectively the proposed program.

(2) Appropriate public facilities including entrances, toilet rooms, and elevators shall be designed to provide easy access for physically handicapped persons needing wheelchairs, walkers, and other aids. Minimum requirements shall be those set forth in the United States of America Standards Institute No. A117.-1961, "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped."

(3) The submission of programs, plans, specifications, site surveys, estimates, etc. shall be in such stages and in such form as the Secretary may require.

(c) *Construction including fire-resistive requirements*—(1) *Foundations.* Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement, except that one-story buildings may rest on a fill designed by a soils engineer. When engineered fill is used, site preparation and all grading shall be done under the direct supervision of the soils engineer. The soils engineer shall issue a final report on the grading operation and a certification of compliance with the job specifications. Special review and approval by the Secretary may be required for foundations supported on engineered fill. All footings shall extend to a depth not less than 1 foot below the estimated maximum frost line.

(2) *One-story buildings.* One-story buildings shall be of not less than 1-hour fire-resistive construction throughout, with the following exceptions:

(i) Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(ii) Heavy timber construction may be used in auditoriums and administration areas provided that these areas are so located as to be freestanding buildings or, if attached to the main building, are suitably fire separated therefrom, do not form a major circulation element in the facility, and do not serve as a required means of egress.

(3) *Multistory buildings.* (i) For all buildings more than a story in height, the structural framework and building elements shall be an appropriately fire-resistive combination of materials using steel, concrete, or masonry, except that load-bearing masonry walls may be used for buildings up to and including three stories in height.

(ii) Bearing walls and walls enclosing stairways, elevator shafts, chutes, and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(iii) Nonbearing corridor partitions shall be of 1-hour fire-resistive construction.

(iv) Columns, girders, trusses, floor construction including beams, and roof construction including beams shall be of not less than 1½-hour fire-resistive construction.

(v) Beams supporting masonry shall be individually protected with not less than 2-hour fire-resistive construction.

(vi) Nonbearing partitions other than corridor partitions shall be of 1-hour fire-resistive construction and may utilize fire-retardant-treated wood studs.

(4) *Fire ratings.* Fire-resistive ratings shall be determined in accordance with American Society for Testing and Materials (ASTM) Designation No. E–119.

(i) Interior finish of walls and ceilings of all exitways, storage rooms, and areas of unusual fire hazard shall have a flame spread rating of not more than 25.

(ii) All other areas shall have a flame spread rating of not more than 75, except that up to 10 percent of the aggregate wall and ceiling area may have a finish with a rating up to 200.

(iii) Floor finish materials shall have a flame spread rating of not more than 75.

(iv) Flame spread ratings for each specific product shall be determined by an independent testing laboratory in accordance with ASTM Designation No. E–84.

(5) *Exits.* Exit facilities shall comply with the requirements of the Life Safety Code, National Fire Protection Association (NFPA) Standard No. 101.

(d) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing and other piping systems shall comply with the requirements of:

1. National Board of Fire Underwriters, 85 John Street, New York, N.Y. 10038.
2. American Standards Association, 70 East 45th Street, New York, N.Y. 10017.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E.) codes relating to pressure vessels, and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Life Safety Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55. Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts.

Handbook 73. Protection Against Radiations from Sealed Gamma Sources.

Handbook 76. Medical X-Ray Protection Up To Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Life Safety Code.

(f) *Elevators, dumbwaiters, and escalators.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17.

2. Subpart E is revised to read as follows:

Subpart E—Grants for Construction of Nurse Training Facilities

Sec.
57.401 Definitions.
57.402 Eligibility.
57.403 Priority.
57.404 Percentage of participation; amount of construction grant.
57.405 Nondiscrimination.
57.406 Terms and conditions.

Sec.
57.407 Good cause for other use of completed facility.
57.408 Acquisition of facilities.
57.409 Minimum standards of construction and equipment.

AUTHORITY: The provisions of this Subpart E issued under secs. 215, 802–804 of the Public Health Service Act as amended, 58 Stat. 690, 78 Stat. 909–911; 42 U.S.C. secs. 216, 296a–c.

§ 57.401 Definitions.

As used in this subpart:

(a) All terms not defined herein shall have the same meaning as given them in the Act.

(b) "Act" means Title VIII of the Public Health Service Act, as amended.

(c) "Secretary" means the Secretary of Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(d) "Construction grant" means a grant of funds for the construction of nurse training facilities as authorized by the Act.

(e) "Equipment" means those items which are necessary for the functioning of the facility but does not include items of current operating expense such as food, fuel, drugs, dressings and paper, or books, pamphlets, and related matter.

(f) "New school" means a school from which, at the time of filing an application for a construction grant, no class has been graduated because of an insufficient period of operation.

(g) "Council" means the National Advisory Council on Nurse Training (established by section 841 of the Act).

§ 57.402 Eligibility.

In order to be eligible for a construction grant, the applicant shall:

(a) Meet the requirements of section 802 of the Act;

(b) Be located in a State; and

(c) Be accredited as provided in section 843(f) of the Act.

§ 57.403 Priority.

Priority in approving applications for construction grants shall be determined on the basis of those factors specified in section 802(c) of the Act, and the following: (a) The relative availability of qualified students; (b) the relative effectiveness of the project in accomplishing the purposes of the Act at the least relative cost; and (c) the relative ability of the applicant to make efficient and productive use of the facility constructed.

§ 57.404 Percentage of participation; amount of construction grant.

(a) *Percentage of participation.* (1) The amount of the construction grant may not exceed 50 per centum of the necessary cost of construction except that (i) in the case of a project for a new school or for major expansion of training capacity of an existing school in accordance with subparagraph (2) of this paragraph, such grant may not exceed 66⅔ per centum of such cost; and (ii) in the case of any other grant where the Secretary determines in a particular case that unusual circumstances make a percentage larger than 50 per centum (which in no case may exceed 66⅔ per centum) of such cost necessary in order to increase the enrollment of nursing students or to prevent the curtailment of such enrollment.

(2) For purposes of this paragraph a major expansion of training capacity of an existing school occurs or will occur when the Secretary determines, on the basis of such information or assurances as he may require, that the first-year enrollment at such school for each of the 10 full school years after the completion of the construction will exceed the highest first-year enrollment at such school for any of the 5 full school years preceding the year in which the application is made by at least 20 per centum of such highest first-year enrollment, or by 20 students, whichever is greater: *Provided, however,* That where the Secretary finds, with respect to a particular school, that such increased enrollment cannot be achieved until the second or third full school year after completion of construction, he may determine that the requirements for a major expansion of training capacity are met if during the first or second full school year after completion of construction the increased first-year enrollment will equal such amount in excess of 5 percent or five students, whichever is greater, as the Secretary may specify.

(b) *Amount of construction grant—less than maximum.* In determining the extent to which less than the maximum allowable construction grant may be made, the Secretary shall take into consideration the most effective use of available Federal funds to further the purposes of the Act.

§ 57.405 Nondiscrimination.

(a) *Executive Order 11246.* Each construction grant is subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, and the applicable rules, regulations, and procedures prescribed pursuant thereto (see § 57.406(o)(2)(i)).

(b) *Civil Rights Act of 1964.* Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, applicable to grants for construction of nurse training facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 57.406 Terms and conditions.

In addition to any other requirements imposed by law or determined by the Secretary to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Secretary may at any time approve exceptions to these terms and conditions where he finds that such exceptions are not inconsistent with the Act and the purpose of the program.

(a) *Title.* That applicant has a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 20 years undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) *Approval of drawings and specifications.* That the Secretary's approval of the final working drawings and specifications, which conform to the minimum standards of construction and equipment (§ 57.409), will be obtained before the project is advertised or placed on the market for bidding (see § 57.408(a) with respect to the acquisition of facilities);

(c) *Competitive bids.* That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment (including such fixed equipment as is not purchased through the construction contract) by adequate methods of competitive bidding and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the Secretary, upon written justification by the applicant, to be required by the needs of the program (see § 57.408(c) with respect to the acquisition of facilities);

(d) *Approval of estimated cost.* That applicant will enter into no construction contract or contracts, for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Secretary;

(e) *Costs in excess of approved costs.* That applicant will finance all costs in excess of the estimated costs approved by the Secretary and submit to the Secretary for prior approval changes that substantially alter the scope of work, functions, utilities, or safety of the facility;

(f) *Completion responsibility.* That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and approved plans and specifications;

(g) *Records and accounts.* That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time. All records shall be retained for 3 years after the close of the fiscal year in which the construction is completed; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the fiscal year in which the construction is completed; or (2) until the applicant is notified of the completion of the Federal audit, whichever is earlier;

(h) *Progress reports.* That applicant will furnish progress reports and such other information as the Secretary may require;

(i) *Construction supervision.* That applicant will provide and maintain competent and adequate architectural and engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) *Non-Federal share.* That sufficient funds will be available to meet the non-Federal share of the cost of construction;

(k) *Funds for operation.* That sufficient funds will be available after construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) *Authorized uses.* That for not less than 20 years after completion of construction, the facility will be used for the purposes of the training for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship;

(m) *Expansion of training capacity.* That in the case of any application (including an application with respect to advanced training) to expand the training capacity of an existing school, the first-year enrollment at such school during the first full school year after the completion of the construction and for each of the next 9 school years thereafter will exceed the highest first-year enrollment at such school for any of the 5 full years preceding the year in which the application is made by 5 percentum of such highest first-year enrollment, or by five students, whichever is greater, or by such higher percentage or number as specified in the approved application. Where the applicant has given assurance under section 806(b) of the Act with respect to an institutional grant application, this increase shall be in addition to the increase of 2½ percentum or five students required thereunder.

(n) *Enrollment of new school.* That in the case of a project for the construction of a new school, (1) the first-year enrollment at such school during the third full school year after completion of construction and for each of the 7 school years thereafter will be that number which is set forth in the application as the projected total first-year enrollment of the school and which is determined by the Secretary to be adequate in relation to the amount of the grant, taking into consideration the most effective use of the total amount of Federal funds available, the amount of Federal funds requested by the applicant, the nature and quality of training to be provided in the facility, and other relevant factors; and (2) the first-year enrollment at such school during the first full school year after completion of construction will be at least one-third of the number determined pursuant to subparagraph (1) of this paragraph.

(o) *Labor standards; insurance; inspection.* (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 et seq.), and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in contracts for such construction work:

(i) The provisions set forth in "DHEW" Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities", Form DHEW 514 (April 1969) (issued by the Division of Grants Policy, U.S. Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of $10,000 or less;

(ii) The contractor shall furnish performance and payment bonds in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance;

(iii) The Secretary will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 57.407 Good cause for other use of completed facility.

If, within 20 years after completion of any construction for which a construction grant has been made under this subpart, the facility shall cease to be used for the teaching purposes for which it was constructed, the Secretary, in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation so to use the facility, shall take into consideration the extent to which:

(a) *Other teaching use.* The facility will be devoted by the applicant or other owner to the teaching of other health personnel;

(b) *Utilization of other facilities.* There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for nurse training will be so utilized and are substantially the equivalent in nature and extent for such purposes.

§ 57.408 Acquisition of facilities.

In addition to the other requirements of this subpart, the following provisions are also applicable to the acquisition of existing facilities, including the acquisition of land in connection therewith.

(a) *Minimum standards of construction; exceptions.* The Secretary's approval of the architectural program and structural description which conform (or upon completion of any necessary construction will conform) to the minimum standards of construction and equipment as specified in § 57.409, shall be obtained before entering into a final or unconditional contract for such acquisition. Where the Secretary finds that exceptions to or modification of any such minimum standards of construction and equipment would be consistent with the purposes of the Act and of the program, he may authorize such exceptions or modifications.

(b) *Estimated cost of acquisition and remodeling; suitability of facility.* Each application for a project involving the acquisition of existing facilities shall include in the detailed estimates of the cost of the project the cost of acquiring such facilities and the cost of remodeling, renovating or altering such facilities to serve the purposes for which they are acquired. Such application shall demonstrate to the satisfaction of the Secretary that the architectural, structural and other pertinent features of the facility, as modified by any proposed expansion, remodeling, renevoation, or alteration, will be clearly suitable for the purposes of the program, and, to the extent of the costs in which Federal participation is requested, are not in excess of what is necessary for the services proposed to be provided in such facilities.

(c) *Determination of necessary cost.* The necessary cost of acquisition of existing facilities will be determined on the basis of such documentation submitted by the applicant as the Secretary may prescribe (including the reports of such real estate appraisers as the Secretary may approve) and other relevant factors.

(d) *Bona fide sale.* Federal participation in the acquisition of existing facilities is on condition that such acquisition constitutes a bona fide sale involving an actual cost to the applicant and will result in additional or improved facilities for purposes of the program.

(e) *Facility which has previously received Federal grant.* No grant for the acquisition of a facility which has previously received a Federal grant for construction, acquisition, or equipment shall serve either to reduce or restrict the liability of the applicant or any other transferor or transferee from any obligation of accountability imposed by the Federal Government by reason of such prior grant.

§ 57.409 Minimum standards of construction and equipment.

(a) *Introduction.* The standards set forth in this subpart have been established by the Secretary as required by section 802(b)(4) of the Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the Act. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(b) *Architectural.* The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates:

(1) Facilities shall be fire safe, structurally safe and so planned as to carry out effectively the proposed program.

(2) Appropriate public facilities including entrances, toilet rooms, and elevators shall be designed to provide easy access for physically handicapped persons needing wheelchairs, walkers, and other aids. Minimum requirements shall be those set forth in the United States of America Standards Institute Standard No. A117.1961, "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped."

(3) The submission of programs, plans, specifications, site surveys, estimates, etc., shall be in such stages and in such form as the Secretary may require.

(c) *Construction including fire-resistive requirements*—(1) *Foundations.* Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths; the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement, except that one-story buildings may rest on a fill designed by a soils engineer. When engineered fill is used, site preparation and all grading shall be done under the direct supervision of the soils engineer. The soils engineer shall issue a final report on the grading operation and a certification of compliance with the job specifications. Special review and approval by the Secretary may be required for foundations supported on engineered fill. All footings shall extend to a depth not less than 1 foot below the estimated maximum frost line.

(2) *One-story buildings.* One-story buildings shall be of not less than 1-hour fire-resistive construction throughout, with the following exceptions:

(i) Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(ii) Heavy timber construction may be used in auditoriums and administration areas provided that these areas are so located as to be freestanding buildings or, if attached to the main building, are suitably fire separated therefrom, do not form a major circulation element in the facility, and do not serve as a required means of egress.

(3) *Multistory buildings.* (i) For all buildings more than a story in height, the structural framework and building elements shall be an appropriately fire-resistive combination of materials using steel, concrete, or masonry, except that load-bearing masonry walls may be used for buildings up to and including three stories in height.

(ii) Bearing walls and walls enclosing stairways, elevator shafts, chutes, and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(iii) Nonbearing corridor partitions shall be of 1-hour fire-resistive construction.

(iv) Columns, girders, trusses, floor construction including beams, and roof construction including beams shall be of not less than 1½-hour fire-resistive construction.

(v) Beams supporting masonry shall be individually protected with not less than 2-hour fire-resistive construction.

(vi) Nonbearing partitions other than corridor partitions shall be of 1-hour fire-resistive construction and may utilize fire-retardant-treated wood studs.

(4) *Fire ratings.* Fire resistive ratings shall be determined in accordance with American Society for Testing and Materials (ASTM) Designation No. E–119.

(i) Interior finish of walls and ceilings of all exitways, storage rooms, and areas of unusual fire hazard shall have a flame spread rating of not more than 25.

(ii) All other areas shall have a flame spread rating of not more than 75, except that up to 10 percent of the aggregate wall and ceiling area may have a finish with a rating up to 200.

(iii) Floor finish materials shall have a flame spread rating of not more than 75.

(iv) Flame spread ratings for each specific product shall be determined by an independent testing laboratory in accordance with ASTM Designation No. E–84.

(5) *Exits.* Exit facilities shall comply with the requirements of the Life Safety Code, National Fire Protection Association (NFPA) Standard No. 101.

(d) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing, and other piping systems shall comply with the requirements of:

1. National Board of Fire Underwriters, 85 John Street, New York, N.Y. 10038.
2. American Standards Association, 70 East 45th Street, New York, N.Y. 10017.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E.) codes relating to pressure vessels, and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Life Safety Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55. Protection Against Betatron-Snychrotron Radiations up to 100 Million Electron Volts.
Handbook 73. Protection Against Radiations From Sealed Gamma Sources.
Handbook 76. Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Life Safety Code.

(f) *Elevators, dumbwaiters, and escalators.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17. 1.

Dated: October 21, 1969.

ROBERT Q. MARSTON,
Director, National Institutes of Health.

Approved: December 12, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–14950; Filed, Dec. 16, 1969; 8:48 a.m.]

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Dayton Intrastate Air Quality Control Region

On October 2, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15362) to amend Part 81 by designating the Metropolitan Dayton Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on October 16, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.34, as set forth below, designating the Metropolitan Dayton Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.34 Metropolitan Dayton Intrastate Air Quality Control Region.

The Metropolitan Dayton Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio

Clark County.	Miami County.
Drake County.	Montgomery County.
Greene County.	Preble County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: December 9, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–14878; Filed, Dec. 16, 1969; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region

On October 16, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16559) to amend Part 81 by designating the Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on November 3, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.37, as set forth below, designating the Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.37 Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region.

The Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region (Michigan) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Michigan:

Macomb County	Oakland County
St. Clair County	Wayne County

(Secs. 107(a), 301(a), 81 Stat. 490, 504; U.S.C. 1857c–2(a), 1857g(a))

Dated: December 9, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–14879; Filed, Dec. 16, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Interim Policies and Requirements

CROSS REFERENCE: For interim policies and requirements relating to methods of administration in cases of fraud under State plans for medical assistance under title XIX of the Social Security Act, see F.R. Doc. 69–14880 in the Notices section of this issue, page 19775.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18683; FCC 69–1349]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments, Freeport, Ill., etc.

Report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Freeport, Ill., Waupun, Wis., and Clinton, Iowa); Docket No. 18683, RM–1403, RM–1423, RM–1425.

1. The Commission has here under consideration its notice of proposed rule making issued on September 24, 1969 (FCC 69–1031, 34 F.R. 15257), inviting comments on changes in the FM Table of Assignments in response to three petitions filed by parties seeking channel assignments in Freeport, Ill.; Waupun, Wis.; and Clinton, Iowa. The petitions, as originally filed, were technically related so that each, either directly or indirectly, conflicted with one or both of the other two. The details were set forth in the notice and hence will not need to be reiterated here.

2. The notice to this proceeding proposed an alternate plan which would assign the channels sought at Freeport and Clinton, but would deny the Waupun proposal. In lieu of the latter, the plan would make a first channel available to either Columbus, Sun Prairie or Waterloo, Wis. The alternate plan set forth in the notice is as follows:

City	Channel No.	
	Present	Proposed
Clinton, Iowa	241	241, 249A
Freeport, Ill	253	221A, 253
Mount Horeb, Wis	221A	
Columbus or Sun Prairie or Waterloo, Wis.		221A

3. Several comments were filed in response to the notice supporting the above plan as it concerned Freeport and Sun Prairie, but none were received regarding the proposal for Clinton, Columbus or Waterloo. No opposing comments to the plan were received.

4. We observed in the notice that the proposed assignments of Channel 221A would not appear to have a preclusionary effect on potential assignments on educational channels, 218, 219, and 220. However, we requested comments directed to this aspect, as well as on the matter of intermixing Class A and B channels in the same community, such as Clinton and Freeport. In comments by Francis X. Mahoney and Associates, the petitioner for Freeport, it is shown by a detailed engineering statement that no adverse impact should result to potential Class B or C assignments on educational Channels 218, 219, or 220, with which we agree. However, our further analysis of Mahoney's study for potential Class A assignments discloses that a small preclusion area lying immediately adjacent to Freeport would develop and involve only Channel 220. It does not appear that any community of 1,000 or more population would be entirely included within the Channel 220 impact area. Insofar as Freeport is concerned, at least three other channels in the lower portion of the educational band are apparently available for Class A assignments, which would more than offset the limited impact caused by assigning Channel 221A in the Freeport area. With respect to the intermixture of Class A and B channels, Mahoney urges that such intermixture would be consistent with precedents cited in its comments where no Class B channel was found to be available for assignment, as is the case here. The Freeport proposal was also supported by Mr. David C. Britton, Freeport, who indicates that he would apply for the channel if assigned, but who does not address himself to the specific questions raised in the notice.

5. The assignment of Channel 221A to Sun Prairie was supported in comments filed by Mr. Carl J. Tutera in behalf of Sun Prairie Broadcasters, a group of Sun Prairie businessmen, and by Collins Broadcasting Corp.[1] Both parties

[1] Collins Broadcasting Corp., the petitioner (RM–1425) in this proceeding originally seeking assignment of Channel 221A to Waupun, Wis., filed comments stating that it was abandoning its original request and supporting the alternate plan to assign the channel to Sun Prairie instead. Collins simultaneously filed a further request for rule making (RM–1528), to assign Channel 257A to Waupun, which will be considered in a different proceeding in the future.

state that they would file applications for the channel in the event the Sun Prairie assignment is adopted. Sun Prairie Broadcasters states that it would file for a site which would provide primary coverage to the communities of Columbus and Waterloo, as well as Sun Prairie, all of which places are located slightly more than 10 miles from one another and each in a separate county. Sun Prairie, located in the Madison SMSA (Dane County) but outside the Madison urbanized area, had a 1960 U.S. population of 4,008. Collins submits that a special U.S. Census (May 15, 1968), shows that the city had a population of 9,178 persons and states that the Sun Prairie Chamber of Commerce estimates the current population at over 10,000. The city has neither a local AM nor FM outlet.

6. We have carefully considered all the comments and supporting data submitted in this proceeding and conclude that adoption of the alternate plan delineated above would serve the public interest, and it is therefore being adopted. Since there were no comments indicating an interest in either Columbus or Waterloo, we are selecting Sun Prairie, the largest community of the three. Although no comments were filed in behalf of the Clinton proposal, we consider that that city warrants a second assignment in view of its size and for the same general reasons, we are in favor of the second assignment for Freeport. Because the Waupun petitioner declared abandonment of its original request for assignment of Channel 221A at Waupun, we are dismissing the petition, RM–1425, filed by Collins Broadcasting Corp.

7. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. In accordance with the foregoing determinations: *It is ordered*, That effective January 19, 1970, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named below are concerned, as follows:

(a) The following entries are amended to read as follows:

Illinois:	
Freeport	221A, 253
Iowa:	
Clinton	241, 249A

(b) The following entry is added:

Wisconsin:	
Sun Prairie	221A

(c) The following entry is deleted:

Wisconsin:	
Mt. Horeb	221A

9. *It is further ordered*, That all petitions, comments, reply comments, pleadings, briefs, and other instruments filed in this proceeding are adopted or denied in whole or in part, as is consistent with the actions we take herein.

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: December 10, 1969.

Released: December 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–14936; Filed, Dec. 16, 1969; 8:47 a.m.]

[Docket No. 18243; FCC 69–1365]

PART 73—RADIO BROADCAST SERVICES

Identification of Broadcast Stations

Report and order. In the matter of amendment of rules for identification of broadcast stations (Part 73); Docket No. 18243, RM–1105.

1. In a notice of proposed rule making adopted July 3, 1968 (FCC 68–701), we proposed revised rules updating and simplifying the requirements for the broadcast of station identification announcements by standard, FM, television and international broadcast stations. The matters chiefly proposed in the notice were changes in the time of regular announcements during the hour by AM and FM stations, and simplification of the rules concerning program material which should not be interrupted for ID's, and the making of "deferral announcements" in such cases.

2. Having considered the comments filed by 10 interested parties, which generally favored the proposed revisions, we herein adopt the appended rules, which contain most of the modifications suggested in the comments.

3. Under the present rules, all standard, FM, television and international broadcast stations are required to broadcast station identification announcements at the beginning and ending of each time of operation and, regularly, during operation, within 2 minutes of each hour. Additionally, standard and FM broadcast stations are required, during operations, to broadcast a regularly scheduled station identification within 2 minutes either of each half-hour, or of both quarter-hours.

4. The only change to the present rules with respect to the prescribed times for the broadcast of regularly scheduled station identifications is our elimination of the option of quarter-hour announcements. This change eliminates a complication no longer needed in view of the new provisions governing permissible deferment of any regularly scheduled station identification which (taking into account the type of program) "would break program continuity essential to the value of the program to the audience."

5. The sole opposition to eliminating the option of station identifications at the quarter-hours was stated in the comment of Southern Broadcasting Co. Southern felt that removing the option would impose hardship during the period when equipment performance measurements are being carried out. The revised rules meet this point by permitting a regular station identification becoming due during such operations to be deferred for a quarter hour, or until the procedure is completed if that happens sooner.

6. In all cases, the official station identification consists of the station's call letters immediately followed by the name of the community or communities to which the station is licensed. Stations given specific written authorization to do so may include the name of an additional community or communities.

7. The rules applicable to domestic broadcast stations provide, however, that the licensee shall not, in any identification announcements, promotional announcements or any other broadcast matter either lead or attempt to lead the station's audience to believe that the station has been authorized to identify officially with cities other than those permitted to be included in official station identifications. Commission interpretations of this limitation are found in a separate public notice issued October 30, 1967, entitled "Examples of Application of Rule Regarding Broadcast of Statements Regarding a Station's Licensed Location" (FCC 67–1132; 10 F.C.C. 2d 407).

8. The rules additionally require that call letters shall be announced only on the channel of the station so identified. Exceptionally, if the same licensee operates an FM broadcast station and a standard broadcast station, and simultaneously broadcasts the same programs over the facilities of both such stations, the station identification announcement may be made jointly for both stations during such period of simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement must so identify it.

9. Broadcaster Services, Inc., urged that simultaneous identification of AM and FM stations no longer be permitted, but that if the Commission could not see its way clear to adopting that prohibition, it confine the permission for simultaneous identification to AM and FM stations licensed to the same community. Broadcaster Services supported this recommendation with allegations that, without separate station identification, listeners are confused as to which service they are listening to and as to which community the station is licensed.

10. American Broadcasting Co., Inc. (ABC), opposed Broadcaster Services' recommendation, partly on the procedural ground that it had not been included in the rule-making proposal, but additionally on the ground that requiring separate station identifications in all cases for AM and FM stations would impose a substantial burden requiring them to use some switching device to prevent the FM identification from appearing on the AM channel and vice versa. ABC also questioned Broadcaster Services' claim of significant confusion to the listening public resulting from the simultaneous AM and FM identifications.

11. We agree that requiring separate AM and FM station identifications in the circumstances where combined announcements are not permitted would impose a burden, nor warranted on the record in this proceeding, which was not intended to encompass this matter.

12. The revisions relate chiefly to the circumstances in which a broadcast station is permitted to avoid program interruption for regularly scheduled station identification, and prescription of the times when "deferred" station identifications, taking the place of omitted regular announcements, must be made. The new rules eliminate a complicated series of distinctions which had accrued over many years between programs of at least 30 minutes duration and shorter programs, between different types of programs, between station identifications normally required to be broadcast on the hour and those required at other times, and between cases requiring one, two or three substitute announcements. The new rules also define more clearly both the circumstances in which program interruption may be avoided and the times when deferred announcements must be broadcast if a regularly scheduled announcement is omitted.

13. As proposed in the notice, the rule would list certain types of programs which need not be interrupted for ID's at the regular times—public affairs, religious or instructional programs, concerts, dramas or athletic events—and, in addition, "any other type of production whose interruption for station identification would objectionably break program continuity essential to the value of the program to the audience." Omission of the regular ID would give rise to an obligation to make a "deferred" ID at the first program interruption, defined as occurring: (1) Where next there is insertion of any nonprogram matter, such as commercials, public service announcements or promotional announcements; (2) in certain types of programs, specific points: The end of a regular period (e.g., quarter, round or half-inning) of a sports event, the end of a musical selection, or the end of an act in a dramatic or variety show; or (3) at any other point when the ID can be made without interrupting program continuity as described above.

14. A total of six parties discussed the proposed revisions in terms of these concepts. Two of these, Dodge City Broadcasting, Inc. and Palmer Broadcasting Co., expressed general support for the proposed revisions but expressed the hope that the Commission would be considerate of audience needs in its interpretation of what constitutes an "objectionable" interruption, for example in religious and discussion programing. Storer Broadcasting Co. suggested that recorded music be treated the same as live music, with respect to not requiring an ID when it would interrupt a selection such as a symphony or concerto. Storer also urged that the phrase "objectionably break program continuity essential to the value of the program to the audience" might prove difficult to apply at the operating level, since it would involve a question of judgment. It suggests instead the formula "whose interruption for station identification would break program continuity and materially impair the listenability (viewability in the case of television) of the program to the audience." WGBH Educational Foundation (licensee of educational FM and TV stations) urged that the rule should not require ID announcements at the end of each selection where the station is presenting a live concert (including one recorded and rebroadcast later), and where the between-selection material, such as applause, the exit and re-entrance of the conductor, etc., is an important part of the "continuous flow of the concert experience." Eastern Educational Network supported this position. Columbia Broadcasting System, Inc. (CBS), while supporting generally the revision proposed in the notice, objected to the specific indication in the proposal as to where interruptions are deemed to occur in music and drama presentations (the end of the selection or the end of the act) although not strenuously objecting to it for sports events. CBS proposed a rule doing away entirely with listing specific types of programs where interruption is permitted or specific points at which interruption is deemed to occur in musical or dramatic programs (although a specific indication would be given in the case of sports broadcast). Thus, the CBS formulation would rely heavily on the concepts of "objectionably breaking program continuity essential to the value of the program to the audience" and that an interruption is deemed to occur, and a deferred ID must be made, wherever there is interruption for other nonprogram matter such as commercials, public service announcements (PSA's), or promotional announcements.

15. On further consideration of this matter and the foregoing comments, we are of the view that there is merit in the CBS suggestions looking toward a simpler rule. We note, first, that reliance on the second concept mentioned immediately above—that any insertion of nonprogram matter constitutes an interruption—would by itself take care of probably most aural broadcasting and the great bulk of AM broadcasting, the service where the need for prompt identification of stations is greatest. This is true because of these stations' use of commercials and "promos", as well as PSA's. In normal AM broadcasting (except perhaps sports events), it is rare that a 4-minute period around the hour or half hour goes by without such material. Second, since we are relying in any event on a standard of "objectionably breaking program continuity", there is no point in listing certain types of programs where an identification at the regular times is not necessarily required. This might exclude other types where interruption at a certain time could be equally undesirable, and, equally important, might tend to give the impression that regular identification is not required in programs of the listed types even if it would not interrupt program continuity.

16. However, we do not agree with CBS that it is not at all desirable to list certain points in some common types of programs where continuity will usually be broken anyhow, and where therefore an ID would not constitute an interruption and should be given. We agree that they should not be iron-clad, and therefore the rule recognizes that there may be exceptions; but setting forth certain specific points will give desirable guidance, and therefore they are set forth as breaks in program continuity when an ID is to be given if one is due. These are the end of a regular period in sports events (e.g., quarter, round or half-inning), the end of a live or recorded musical selection (or in the case of a broadcast of an entire live musical performance, the intermission), or, in dramatic or variety shows, the end of an act. The treatment of musical performances will deal with the problems raised by Storer and WGBH; a break is normally regarded as occurring at the end of a live or recorded selection (not a movement in the case of a symphony or concerto), except where a live concert, opera, etc. is being presented (simultaneously or recorded and rebroadcast) and the break may be regarded as occurring only at the intermission (if otherwise it would objectionably break continuity).

17. Paragraph (d) of the rule, as adopted, lays down these requirements. An ID is to be given on schedule unless to do so would objectionably break program continuity necessary to the value of the program to the audience; if during the 4-minute period around the hour and half-hour nonprogram matter is presented (commercials, PSA's or "promos") program continuity will always be regarded as broken anyhow and an ID required if one is due, and, while there may be exceptions, program continuity will normally be regarded as broken, so as to require an ID if one is due, at the specific points mentioned in paragraph 16, above.

18. Paragraph (e) of the rule as adopted deals with when an announcement, deferred under the above, is to be presented. It is to be presented at the first opportunity after it would regularly fall due, the "opportunity" regarded as occurring at the same points mentioned under (d) (always including presentation of non-program matter).

19. We do not agree with Storer that the formulation proposed in the notice and used above will prove troublesome in practice. No set of general words can be expected to provide an unfailing, unambiguous criterion in all situations, and we believe those proposed are as good as any. We find the suggested alternative "materially impair the listenability" no more precise and possibly likely to lead to undesirable laxity.

20. In adopting the revised rules, we wish to emphasize one point: licensees

are expected to observe the regular identification times unless there is a substantial reason in the form of undesirable interruption to program continuity for not doing so, and if an announcement at the regular time is omitted for this reason, to present it at the earliest opportunity. Paragraph (d) of the new rules, dealing with interruptions, states that licensees are expected to arrange their programming, in general, so as to make ID's at the regular times without undue disruption of program continuity. It might well be a violation of this requirement if a station consistently scheduled a long musical selection to begin shortly before a regular ID would be due. We expect licensees to act reasonably and in good faith in this respect.

21. The rule as adopted herein (paragraph (e)(2)), also takes into account suggestions by CBS and Storer concerning the need for more than one deferred announcement where a regular ID is omitted, and for making a deferred announcement when a regular announcement is due shortly after the first opportunity for the deferred announcement. The rule provides only that a deferred announcement shall be made at the earliest opportunity (instead of both then and at the end of the program, as proposed), and that it is not required if there is another, regular announcement within the next 5 minutes. It appears that these simplifications can be made consistent with prompt identification of the station for technical monitoring purposes.

22. We had proposed to embody the revisions in the five separate rules which have hitherto covered station identification requirements for standard, FM, noncommercial educational FM, television and international broadcast stations. We have since decided, however, to assemble, in a new Subpart H to Part 73, all rules applying in common to the several broadcast services. We accordingly, adopt herein a single new rule covering station identification requirements for the foregoing broadcast services. Progressively, we shall update and transfer to the new subpart the numerous other rules which now appear in substantially identical form in the separate subparts relating to the aforementioned individual broadcast services.

23. Accordingly, pursuant to authority found in sections 4 (i) and (j) and 303(p) of the Communications Act of 1934, as amended: *It is ordered*, That, effective January 19, 1970, the rule amendments set out below are adopted and this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 164, 303)

Adopted: December 10, 1969.

Released: December 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.117 is revised to read as follows:

§ 73.117 Station identification.

See § 73.1201.

2. Section 73.287 is revised to read as follows:

§ 73.287 Station identification.

See § 73.1201.

3. Section 73.587 is revised to read as follows:

§ 73.587 Station identification.

See § 73.1201.

4. Section 73.652 is revised to read as follows:

§ 73.652 Station identification.

See § 73.1201.

5. Section 73.787 is amended by revising paragraph (c) to read as follows:

§ 73.787 Station identification.

* * * * *

(c) International broadcast stations shall comply with the provisions of § 73.1201 (d) and (e) relating to the avoidance of program interruption for regular station identification announcements.

6. New Subpart H of Part 73 reads as follows:

Subpart H—Rules Applicable in Common to Broadcast Stations

SCOPE

Sec.
73.1001 Applicability.
73.1201 Station identification.

AUTHORITY: The provisions of this Subpart H issued under secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 164, 303.

Subpart H—Rules Applicable in Common to Broadcast Stations

SCOPE

§ 73.1001 Applicability.

(a) Except where they expressly provide otherwise, the rules in this Subpart H apply in common to all standard, FM and television broadcast stations, both commercial and noncommercial.

(b) When expressly so provided in the separate rules governing stations in other broadcast services, designated rules in this Subpart H apply also to:

International Broadcast Stations—Subpart F of this part.
Television Broadcast Translator Stations—Subpart G of Part 74 of this chapter.
Television Broadcast Booster Stations—Subpart H of Part 74 of this chapter.

(c) References in this Subpart H to "station(s)", "broadcast station(s)", "licensee(s)" or "broadcast licensee(s)" shall be construed accordingly.

(d) "Licensee" includes the holder of a construction permit.

§ 73.1201 Station identification.

(a) *When regularly required.* Broadcast stations shall announce station identification: (1) At the beginning and ending of each time of operation, and (2) regularly, during operation, within 2 minutes of each hour. Standard, FM, and noncommercial educational FM broadcast stations shall, additionally, announce station identification regularly within 2 minutes of each half-hour. Television broadcast stations may make the hourly announcements either visually or aurally, but shall make the announcements at the beginning and ending of each time of operation both visually and aurally.

(b) *Content.* (1) Official station identification shall consist of the station's call letters immediately followed by the name of the community or communities specified in its license as the station's location.

(2) When given specific written authorization to do so, a station may include in its official station identification the name of an additional community or communities, but the community to which the station is licensed must be named first.

(3) A licensee shall not in any identification announcements, promotional announcements or any other broadcast matter either lead to attempt to lead the station's audience to believe that the station has been authorized to identify officially with cities other than those permitted to be included in official station identifications under subparagraphs (1) and (2) of this paragraph.

NOTE: Commission interpretations of this paragraph may be found in a separate Public Notice issued Oct. 30, 1967, entitled "Examples of Application of Rule Regarding Broadcast of Statements Regarding a Station's Licensed Location." (FCC 67-1132; 10 FCC 2d 407).

(c) *Channel*—(1) *Generally.* Except as provided in subparagraph (2) of this paragraph, in making the identification announcement the call letters shall be given only on the channel of the station identified thereby.

(2) *Simultaneous AM-FM broadcasts.* If the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall so identify it.

(d) *Program interruption.* Licensees shall, in general, arrange their programming so as to permit the broadcast of station identification announcements at the regular times prescribed in paragraph (a) of this section without undue disruption of program continuity. Subject to this requirement, a station identification announcement need not be presented at the time it is regularly required, if to do so would objectionably break program continuity essential to the value of the program to the audience. However, program continuity is deemed to be broken, and therefore an announcement is required, if during the 4-minute period in which an announcement is regularly due there is presented any nonprogram matter, such as commercial, public service or promotional announcements. While there may be exceptions, normally program continuity is also deemed to be broken, and an identification announcement is required, if during the 4-minute period there occurs the end of a regular period in a sports event being broadcast (e.g., round, quarter, or half-inning), the end of an act in a dramatic or variety program, the intermission of a live concert, opera, recital, or other musical performance presented live in its entirety (presented simultaneously or by rebroadcast), or the end of any other musical selection.

(e) *Deferred station identification.* (1) If a station omits a regular station identification announcement as permitted under paragraph (d) of this section, it shall broadcast a deferred station identification announcement at the next opportunity when it can be presented without objectionably breaking program continuity essential to the value of the program to the audience. Such opportunity is deemed to occur, at the latest, when any of the material or events mentioned in paragraph (d) of this section is presented or occurs.

(2) If no opportunity for an announcement (as defined in subparagraph (1) of this paragraph) occurs after a regular station identification is omitted, a deferred station identification shall be broadcast promptly at the end of the program unless the next regular station identification is broadcast within 5 minutes after the program ends.

(f) *Equipment performance measurements.* Station identifications falling due during equipment performance measurements may be deferred up to a quarter of an hour.

[F.R. Doc. 69-14937; Filed, Dec. 16, 1969; 8:47 a.m.]

[Docket No. 18568; FCC 69-1366]

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

TV Broadcast Translator Station Identification Requirements

Report and order. In the matter of amendment of §§ 74.750(c)(7) and 74.783(a) of the Commission's rules to modify TV broadcast translator station identification requirements; Docket No. 18568, RM-1367.

1. The Commission has before it for consideration its notice of proposed rule making released June 9, 1969 (FCC 69-641), proposing to amend its rules concerning the identification of Television Translator Stations. The notice was the result of a petition filed by the National TV Translator Association (National) requesting that § 74.783 of the Commission's rules be amended to eliminate the requirement that station identification be transmitted by translator stations of over 1 watt, or that arrangements with the primary station to present the identification be regarded as satisfying the requirement.

2. Under the present rule (§ 74.783) translators of more than 1 watt peak visual power must transmit their call signs in International Morse Code within 5 minutes of each hour and half-hour. This transmission may be accomplished either: (1) By an automatic device in the translator apparatus which will modulate the local oscillator or a suitable amplifier stage with an audiofrequency tone keyed in the proper sequence so as to cause the modulation to appear on the aural and visual carriers emitted by the transmitter; or (2) by rebroadcasting the signals of another translator which transmits the call signals of translators rebroadcasting its signal. The notice proposed, for translators of more than 1 watt peak visual power, modification of this requirement in one or more of a number of different ways: (1) Identification in International Morse Code at either every 30 minutes or every hour within 5 minutes of the hour, instead of the present hour and half-hour (within 5 minutes); (2) continuous keying of the transmitter, using Frequency Shift Keying (FSK), a system proposed by Association of Maximum Service Telecasters, Inc. (MST) and its consulting engineers; or (3) the possibility of relieving the individual translators from the requirement entirely, provided an ID announcement is broadcast by the primary station being rebroadcast, at sign-on and sign-off, and provided the translator and the primary station have an arrangement whereby the latter has current information as to the address and telephone number of the licensee and its representative to be contacted in case of necessity.

3. There were approximately 23 comments and reply comments filed in response to the notice. Most supported some means of modifying the identification requirements or outright elimination of identification by the translator station. Several of the comments supplied considerable information in connection with the problems of identifying transmissions of translators.

4. Television Technology Corp. (TTC), a manufacturer of television translators, suggests that the identification requirements for translator of under 20 watts be deleted, on the ground that because of the limited range of these translators, identification is not necessary. It states that if identification is necessary, it would relieve the difficulties greatly if the requirement that the call letters be sent within 5 minutes of the hour and half-hour were modified so that it be required only at 30-minute periods. This would eliminate the need for the licensee to reset the code-wheel timing mechanism each time the power falls at the translator. TTC made tests using frequency shift keying methods, and FM modulation of the local oscillator of the translator. It states that output frequencies (it is assumed the local oscillator of the translator was being keyed) where shifted more than 75 kc/s with no detrimental effect to either picture or sound as monitored on a color television receiver, and suggests a shift of from 5 to 25 kc/s for a practical requirement. TTC also frequency modulated (FM) the local oscillator of the translator with a 400-cycle and 3-kc/s tone, and suggests that a 5- to 15-kc/s swing would be practical. It is also stated that it is unlikely that oscillator stability will be affected by the suggested limits. TTC also states that if frequency shift keying (FSK) were required, translators of its manufacture could be field-converted for around $50, and that it would make a kit available for that purpose. Thus, it says FSK is practical; but whether it is economical is another question. TTC then urges that the Commission delete the individual translator requirements and substitute the requirement that the translator licensee arrange with the primary station to keep on file the exact location of the translator, address, and telephone number of the licensee or his representative, etc., or as an alternate suggestion, to delete the station identification requirements of translators of up to and including 20 watts peak output.

5. Ampex Corp., R. F. Systems Department (Ampex) supplied brief comments. In its translators the aural carrier is separated from the visual information in order to provide aural carrier level control. One of the aural I.F. amplifiers is then modulated, resulting in 30-percent minimum amplitude modulation of the aural FM carrier. Tests were made using both broadcast monitoring equipment and a number of home receivers, with no interference in either the aural or visual (monochrome or color) signal. Ampex is of the opinion that its system is less expensive, simpler and more stable. However, the code wheel-gated tone oscillator is still required in the system to key the modulation in the form of call letters. The random 30-minute transmission of call letters could be used with this system to good advantage.

6. Electronics, Missiles and Communications, Inc. (EMCEE) in its brief comments states that the FSK system of identification would add about 2 percent to the cost of the translator without significantly adding to the complexity. It also feels that the requirement for identification could be eliminated Keith Anderson Co. in its comments suggests that code identification should not be required for VHF translators of 10 watts or under, or UHF translators of 30 watts or less; that the area of coverage is not great, and there would not be much chance of interference. It proposes that translators of higher power should be identified and that stricter specifications should apply to the higher power translators. It is of the opinion that FSK has no advantages over aural-carrier-only amplitude tone modulation, and that code wheels are not reliable. Keith Anderson states that the identification should be at specific intervals, not within some time slot such as within 5 minutes of the hour and half-hour. It then states that the company has designed a tone modulator which is all solid-state and has no moving parts, and can provide a tone signal in code which can be set for any required code element on external switches. It can be adjusted to send the call letters at any time interval between 10 and 60 minutes,

plus or minus 5 percent, it may be installed on any existing translator, and it does not cause interference to the viewer. It states that the unit has not been marketed because it will not comply with the 10-minute time slot at the hour and half-hour, and urges the Commission to specify a time interval rather than a specific time period.

7. We are persuaded that the rules for the identification of translator stations should be modified, that the present method of identification of the station does impose a burden upon the licensee and that it causes interference to the transmitted picture and therefore is an annoyance to the viewer. This was treated in considerable detail in the notice of proposed rule making. However, as mentioned in the notice, we are still of the view that all transmitting stations of more than 1-watt output should be identified in some manner. Therefore we are amending our rules as discussed in the next few paragraphs.

8. *Translators of more than 1 watt but no more than 100 watts peak visual power.* We are of the view that—except for higher-power translators discussed below—identification by the translators themselves is not necessary, provided suitable arrangements for their identification through the primary station are worked out and implemented. Several of the comments proposed that translators of up to 10, 20, or 30 watts be exempted from any requirement of identifying themselves, and that translators of powers higher than these levels be subject to such a requirement. These are quite reasonable suggestions. However, it is noted that approximately 80 percent of the UHF translators authorized are in the 100-watt class, and that consequently such an approach would provide very little relief in the UHF translator service. Accordingly, it appears that to make any relief meaningful the new rules permitting this type of arrangement should apply to all translators (except 1-watt translators) up to and including 100 watts. Considering that translators with more than 10 watts power are either UHF translators or translators on VHF channels listed in the Table of Assignments, having little interference potential as compared to VHF translators generally, it is believed that no substantial interference problems will result.

9. To achieve identification by this means in lieu of the translator's own transmission, we will require an arrangement with two parts. First, the primary television station being rebroadcast shall display a list twice during each of two periods of the day of the call letters and location of translator stations rebroadcasting its signals. It had been suggested that this be done at the beginning and end of the broadcast day. However, it has also been pointed out that many television stations are now operating from 12 to 24 hours a day, and the display of this list at 5 or 6 a.m. in the morning, or at midnight or 2 a.m. in the morning, would be of little practical value. Therefore, we are requiring that this list be displayed twice during the periods 7 to 9 a.m. and 3 to 5 p.m. (local time) daily, and at intervals of not less than 30 minutes during each time period. Television stations which do not begin their broadcast day before 9 a.m., shall display this list four times a day during the hours closest to these time periods at the specified intervals. It is believed that this gives the station sufficient choice of time, and that these are periods of the day when the information would be more useful, and more usable for field work. We will not attempt to specify any particular format for the display, but will expect this information to be displayed in such a way that it will be readable and provide sufficient information so that the individual translator stations can be identified, and also that it will be displayed for some reasonable time so that the average person will be able to read or absorb the information.[1] Secondly, we will require an arrangement to be made between the television broadcast licensee and the television translator licensees so that the broadcast station will keep on file the name, address and telephone numbers of the translator licensee, his service representative, and the call letters and exact location of the translator station. This shall be made available to responsible persons in case of malfunction of the translator equipment or interference problems that might involve the translator's signals. A new applicant relying on identification by this means, when he certifies that he has received permission to rebroadcast a primary station's signals, shall include a statement that he has made arrangements with the primary station to present his identification and keep on file, and that he will supply to it, current information as required by § 74.783(a)(2) of the rules. All Television Broadcast Translator licensees using this means of identification will be required in their renewal applications to certify that the above arrangements are in effect, and that they have furnished current information to the primary station. Measures to insure adequate identification for the immediate future are discussed below.

10. Translators eligible to use this arrangement (those with power of 100 watts or less) may of course not be able to, or prefer not to, make such arrangements with the primary station as means of identification. In that event, if authorized with more than one watt power, they shall transmit their own call signs every 30 minutes, using one of the methods specified in § 74.750(c)(7) as amended herein, in the same manner as translators of more than 100 watts. Present forms of identification may continue in use until December 31, 1970, as mentioned below.

11. *Translators of more than 100 watts peak visual power (and others not relying on identification through the main station).* The rules limit translators generally to no more than 100 watts peak visual power; however, six 1-kilowatt UHF translators have been authorized on a waiver basis, and others may be authorized in the future. Power levels higher than 100 watts approach regular broadcast powers, and therefore it is appropriate to require such facilities to identify themselves by presenting their own call signs. As noted above, the present system, of keying the local oscillator or amplifying stage with an audio frequency tone on the hour or half-hour (or within 5 minutes) is unsatisfactory for a number of reasons, including interference and consequent annoyance to viewers. We are of the view that it should be terminated, and replaced by one of the systems discussed above, in the alternative. Therefore, while existing means of identification may be used until December 31, 1970, thereafter identification shall be made at least every 30 minutes by one of the methods specified in § 74.783 as amended herein, i.e., frequency shift keying, of between 5 and 25 kc/s, or amplitude modulation of the FM aural carrier (at least 30 percent modulation). The requirement of ID every 30 minutes, in lieu of at specified times such as within 5 minutes of the hour, is being adopted in line with most of the comments, as mentioned above. It will avoid any problems with power failures and inability to set some equipment to transmit at a particular time, and at the same time provide the announcement with sufficient frequency for prompt identification purposes.

12. *One-watt translators.* The rules now specifically exempt 1-watt translators from any ID requirement, and the notice herein did not propose one. Therefore, and since any interference from such translators occurs in a very small area, we are not imposing a requirement on them. However, it appears that some identification is desirable even in these cases, and the arrangement with the primary station mentioned above should not be difficult to work out in most cases. Therefore, such translators, and the primary stations which they rebroadcast, should adopt similar arrangements whereby the primary station will present the call sign and location, and maintain the current information mentioned for translators of higher power.

13. *Measures to insure compliance with the new rule.* It is expected that the vast majority of translators with more than 1 watt peak visual power will attempt to secure identification through the primary station, and most of them will be able to work out the arrangements described above. Since this is in effect a relaxation of an existing requirement which has proved burdensome, the rule permitting this type of ID is being made effective immediately. However, translators may not be able to work out the necessary arrangements immediately, and until firm arrangements for main-station identification of the translator have been made and are in effect, the translator shall continue to identify itself as heretofore provided or as provided in the new rule herein for translators of over 100 watts. We are not requiring existing translators to certify to such arrangements until they have occasion to do so in a renewal or modification application; but any cases of failure to secure adequate identification, either by the translator itself or by the primary station, will be regarded as very serious violations of our rules.

14. When translator licensees or permittees have occasion to file applications—renewal, modification, or license to cover CP—they will be required to answer a question concerning the manner in which station identification will be made. If other than by arrangement with the primary station, they will be held responsible for compliance with §§ 74.750(c) and 74.783(a)(1) as amended herein and set forth below.

15. In view of the above, the Commission finds that it is in the public interest to amend §§ 74.750(c)(7) and 74.783(a) of its rules to relax the presently required identification of Television Broadcast Translator Stations. Since this relieves an existing and burdensome requirement, the usual effective-date provisions of the Administrative Procedure Act (5 U.S.C. § 553(d)) need not be complied with, and the change is effective immediately.

16. Accordingly, pursuant to the authority contained in sections 4(i) and 303(e) of the Communications Act of 1934, as amended: *It is ordered*, That effective December 19, 1969, Part 74 of the Commission's rules and regulations is amended as set forth below.

17. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 164, 303)

Adopted: December 10, 1969.

Released: December 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 74, Subpart G of the Commission's rules is amended in the following respects:

1. In § 74.750, paragraph (c)(7) is amended to read as follows:

§ 74.750 Equipment and installation.

* * * * * *

(c) * * *

(7) Transmitters of over 100 watts peak visual power shall be equipped with an automatic keying device which will transmit the call sign assigned to the station, in International Morse Code, at least once each 30 minutes during the time the station is in operation. Transmitters of more than one watt but not more than 100 watts peak visual power shall be similarly equipped unless they have in effect a firm arrangement with the television station being rebroadcast for the latter to display their call sign as provided in § 74.783(a)(2). Transmission of the call sign can be accomplished in either of the following ways:

(i) By frequency shift keying; the carrier shift shall not be less than 5 kilocycles or greater than 25 kilocycles;

(ii) By amplitude modulation of the aural FM carrier of at least 30 percent modulation. The audio frequency tone used shall not be within 200 cycles of the 1,000 cycle tone used for Emergency Broadcast System Alerting.[1]

NOTE: Until Dec. 31, 1970, translators may use automatic devices permitted under earlier § 74.750(c)(7), i.e., one interrupting the radiated signals or amplitude modulating the radiated signal with an audiofrequency tone.

* * * * * *

2. Section 74.783(a) is amended to read as follows:

§ 74.783 Station identification.

(a) (1) Each television broadcast translator station of over 100 watts peak visual power shall transmit its call sign in International Morse Code at least once each 30 minutes during the time the station is in operation. The transmission may be accomplished by means of an automatic device as required by § 74.750(c)(7). Call sign transmissions shall be made at a code speed not in excess of 20 words per minute. At this speed the transmission of each individual call sign will require approximately 4 seconds.

(2) Each television broadcast translator station of 100 watts peak visual power and less (but more than 1 watt), in lieu of transmitting its call letters, may make arrangements with the licensee of the television station whose signals are being rebroadcast to provide for the display of the translator call letters and location each broadcast day twice during each of the periods 7 to 9 a.m. and 3 to 5 p.m. at intervals of not less than 30 minutes during each time period. Television stations which do not begin their broadcast day before 9 a.m. shall make these displays four times a day in the hours closest to these time periods at the specified intervals. This may be accomplished by visual means, with due regard for readability. In addition, arrangements shall be made so that the licensee of the television station will keep on record, and make available to any responsible person the call letters and location of each translator station rebroadcasting its signals, with the name, address and telephone number of the licensee or his service representative to be contacted in cases of malfunction of the translator. It shall be the responsibility of the translator licensee to furnish current information in this respect to the television station licensee. Where a television translator of more than 1 watt but no more than 100 watts peak visual power does not have such arrangements with the station whose signals are being rebroadcast, it shall transmit its own call sign as specified in subparagraph (1) of this paragraph.

* * * * * *

[F.R. Doc. 69-14938; Filed, Dec. 16, 1969; 8:47 a.m.]

[1] As a rough guideline in these respects, the following appears appropriate: Where a primary station is listing numerous translators, not more than 12 should be listed on each slide; and each slide should be displayed for three seconds or one second per translator listed on it, whichever is less.

[1] The National Industry Advisory Committee (NIAC) has under study for the Commission an alerting system using the frequencies 853 and 960 cycles per second. Pending resolution of this study audiofrequency tones for identification purposes within 200 cycles of those frequencies shall not be used.

[Docket No. 18589; FCC 69-1344]

PART 91—INDUSTRIAL RADIO SERVICES

Use of Frequencies Allocated for Land Mobile Operations on Airports

Report and order. In the matter of amendment of Part 91 of the Commission's rules regarding the use of frequencies allocated for land mobile operations on airports; Docket No. 18589, RM-1314.

1. On June 27, 1969, the Commission released a notice of proposed rule making (FCC 69-708, 34 F.R. 11150) in the above entitled matter. The proposals contained therein provided for an increase in the maximum permissible power input on air terminal mobile only frequencies from 3 to 5 watts. The proposed rule amendment also allowed a greater horizontal separation between control points and antennas than was permitted for stations operating on these frequencies. Interested parties were invited to file comments on or before August 4, 1969, and reply comments on or before August 14, 1969.

2. The only comments received in response to the notice were submitted by Aeronautical Radio, Inc. (ARINC), the petitioner who originally requested the rule making procedure.

3. ARINC concurs with all aspects of the notice except for the provision that would specify the power limitation on the mobile frequencies in terms of input power. They recommend that proposed § 91.554(b)(42) be changed to specify power in terms of output. Such action on the part of the Commission, ARINC states, would be consistent with similar power limitations already authorized in the rules and would impose no financial burden on licensees in purchasing specialized measuring devices. ARINC stressed that their petition was not intended to imply a request for an increase in power for mobile units, but that their proposal was designed to provide a less complicated measurement technique, especially for solid state equipment. ARINC points out that measurement of input power in solid state equipment would require specialized measuring equipment, whereas equipment for measuring output power is readily available and relatively inexpensive. They do not consider their request for an output power limitation to be a new concept for consideration by the Commission and note that output power has received considerable recognition as an acceptable standard in the Commission's rules.

4. Metering of final input power by voltage and current readings in older, tube type equipment presents no problems, and the efficiencies of these equipments are practically constant so that output power can be readily obtained from these measurements. In the case of present day solid state equipment, tuning procedures generally relate to power output readings, and the efficiencies may vary over a wide range. These facts were taken into account when the Commission adopted output power as the limitation

on the aviation terminal base station frequencies and on the 154 MHz and 173 MHz tone signaling channels. We shall, therefore, change the limitation on the mobile frequencies to specify output power.

5. Although ARINC, in their comments, indicated that they did not intend to imply a request for an increase in power, they nevertheless proposed a power limitation of 3 watts output in their petition. In the Commission's opinion, this is a sound proposal and, for the reasons stated in the notice, we will adhere to the proposed power increase, but the limitation shall specify output power in lieu of input.

6. Authority for the rule amendments adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. *Accordingly, it is ordered,* That effective January 19, 1970, § 91.554 of the Commission's rules is amended as set forth below.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: December 10, 1969.

Released: December 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 91 of the Commission's rules is amended as follows:

In § 91.554, paragraph (a) is amended by the deletion from the frequency table limitations on the entries beginning 465.650 and ending 465.875 and substituting the limitations as set forth below. Paragraph (b) is amended by adding a new subparagraph (42), as follows:

§ 91.554 Frequencies available.

(a) • • •

Frequency or band	Class of station(s)	General reference	Limitations
• • •	• • •	• • •	• • •
465.650	Mobile	Permanent use	7, 9, 34, 35, 36, 37, 38, 40, 42
465.675	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.700	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.725	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.750	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.775	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.800	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.825	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.850	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.875	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
• • •	• • •	• • •	• • •

(b) • • •

(42) Maximum permissible power output for stations on airports is 3 watts. Each station authorized on this frequency will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the functions of a base station, provided no harmful interference is caused to mobile service operations and further provided, that the vertical separation between the control point or ground level and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

• • • • • •

[F.R. Doc. 69-14939; Filed, Dec. 16, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Handling

Notice was published in the FEDERAL REGISTER issues of July 23 and August 7, 1969 (34 F.R. 12182, 12833), that the Department was giving consideration to a proposed amendment of the rules and regulations (Subpart—Rules and Regulations; §§ 908.100–908.142) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

During the period provided in said notice for submitting written data, views, or arguments in connection with said proposal, the Valencia Orange Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof, and Sunkist Growers, Inc., Los Angeles, Calif., each submitted its recommendations and considerations with respect to several proposed modifications of §§ 908.110, 908.111, 908.114, 908.116, and 908.117 as published in the notice. The recommendations were identical and the considerations with respect thereto were similar.

The proposal hereinafter set forth is a revision of that contained in the prior notice and reflects the recommended modifications; and notice is hereby given that the Department is giving consideration to the revised proposal.

The revised proposal reads as follows:

1. Add a new paragraph (g) to § 908.100 *Definitions* to read as follows:

§ 908.100 Definitions.

• • • • • •

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Los Angeles, Calif., except when specifically stated otherwise.

§ 908.101 [Amended]

2. Amend the provisions of § 908.101 *Communications* following the colon to read as follows:

Valencia Orange Administrative Committee, 117 West Ninth Street, Room 913, Los Angeles, Calif. 90015.

3. Amend the provisions of subparagraphs (2) and (3) of paragraph (a) of § 908.102 *Nomination procedure* to read as follows:

§ 908.102 Nomination procedure.

(a) • • •

(2) All cooperative marketing organizations which are not qualified to nominate members and alternate members pursuant to § 908.22(b), or the growers affiliated therewith, shall nominate members and alternate members as provided in § 908.22(c). The vote of each such organization shall be weighted, as provided in § 908.22(e), by the quantity of oranges which it handled during the marketing year in which the nominations are made.

(3) Not less than seven meetings shall be held at such times and places throughout the production area as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate members and alternate members as provided in § 908.22(d). The number of ballots to be cast in selecting the nominees at any such meeting shall be determined at that meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

• • • • • •

§ 908.103 [Deleted]

4. Delete § 908.103.

§ 908.108 [Redesignated]

5. Redesignate § 908.110 as § 908.108.

6. Add a new § 908.110 *Equity of marketing opportunity* to read as follows:

§ 908.110 Equity of marketing opportunity.

Equity of marketing opportunity between prorate districts shall be afforded by the following procedure:

(a) The committee shall establish an equity factor which is the same for all prorate districts. The equity factor shall be stated as a percentage of the tree crop in each district and shall reflect a quantity of oranges (grown in each district) for which there will be equitable marketing opportunity under volume regulation during the ensuing season.

(b) At the marketing policy meeting for each prorate district, the committee shall formulate a weekly shipping schedule for the ensuing season reflecting, insofar as practicable, the desire of growers and handlers of oranges within the district as to the quantity of oranges grown in that district to be shipped under volume regulation each week. The quantity of oranges on such schedules shall be computed by application of the equity factor to the tree crop of the district. The seasonal periods covered by such schedules shall be determined by the committee. Prior to any marketing policy meeting for a prorate district the committee may consult with such growers and handlers regarding formulation of such schedule.

(c) Following the marketing policy meetings for all districts, the committee may review and make equitable modifications as it deems advisable in the equity factor and weekly shipping schedules.

(d) The committee shall combine into a weekly total the quantities of oranges that growers and handlers in each district desire to handle each week, as shown on the weekly shipping schedules. The weekly quantity shown on the applicable schedule for a district shall be converted into a percentage of the said weekly total. This percentage shall be known as the percentage allocation to such district.

(e) Insofar as practicable, the committee shall base its recommendation each week (pursuant to § 908.51(a)) to the Secretary, as to the respective quantities of oranges that should be handled in the prorate districts, upon the percentage allocations for such districts for such week except when allotments are granted on the basis of the requests of handlers of early maturity oranges pursuant to § 908.60 or the requests of handlers for freeze damage allotments pursuant to § 908.61a.

(f) The committee shall make such adjustments as it deems advisable in the equity factor, the weekly shipping schedules, and the percentage allocations to prorate districts, so as to reflect changing crop or market conditions. Any such adjustment in the weekly shipping schedule for a prorate district shall be based on the tree crop of handlers in the district who are on the prorate base at the time of adjustment and on the tree crop of all handlers in the district who received short-life allotment. Appropriate adjustments shall be made in the schedules and percentage allocations as soon as possible after a change in the estimated tree crop of any prorate district. Whenever a prorate district nears the end of the shipping schedule for that district and the committee ascertains that oranges (grown in that district) remain for handling under volume regulation, the committee may (1) adjust the equity factor upward with corresponding changes in the weekly shipping schedules for all districts or (2) adjust the schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly shipping schedule of each district during all of the preceding weeks and the sum of the aggregate quantity of oranges fixed by the Secretary for handling under general maturity, early maturity, and freeze damage allotments during such preceding weeks of regulation in each of the respective districts

plus the aggregate quantity of oranges that were handled in each district when no such regulation was in effect. Adjustments in the weekly shipping schedules for each of the prorate districts may be made by adding weeks to or deleting weeks from the schedule, and, if deemed advisable, by proportionate modification of the desired shipments shown thereon for the remaining weeks of the season or any portion thereof.

(g) The committee shall calculate each season as soon as it is feasible, an estimated percentage of the total tree crop in the production area which, in the judgment of the committee, will be handled under volume regulation and prepare a schedule of estimated weekly shipments based thereon, taking into account the purposes of the act. Such percentage and schedule shall be used as the reference for determining adjustments in the prorate base of handlers, for granting short-life allotment, and for matters wherein it is necessary to consider utilization of the crop within a district.

7. Revise the provisions of § 908.111 *Allotment loans* to read as follows:

§ 908.111 Allotment loans.

(a) Loans arranged by handlers: Loans arranged by handlers shall be subject to the following:

(1) *Payback date.* Each allotment loan agreement entered into by a handler must provide for a definite payback date specified by the lender. Each loan agreement entered into by a handler to whom short-life allotments have been issued shall provide for the repayment of the loan during the time the borrowing handler will be issued allotment.

(2) *Ability to repay.* Allotment loan transactions shall be limited to the borrowing handler's calculated ability to make repayment whenever the payback date falls within the scheduled shipping period of the borrowing handler.

(3) *Confirmation.* All allotment loans made on Saturday shall be confirmed as required by § 908.57 but not later than 4:30 p.m. on the following Monday.

(b) Loans arranged by the committee: The committee shall arrange loans for handlers subject to paragraph (a) (1) and (2) of this section and, to the extent practicable, in accordance with the following:

(1) The committee shall give priority, in arranging loans, to those offers which have a specific payback date within the current scheduled shipping period of borrowing handlers.

(2) Except as otherwise provided in subparagraph (4)(iii) of this paragraph (b), the committee shall consider offers to loan and requests to borrow received prior to 12 m. Monday separately from offers and requests received thereafter during the week.

(3) Each handler offering allotment for loan shall specify at least two payback dates. To receive a loan of any such allotment, or portion thereof offered, the payback date specified by the requesting handler must be the same as one of the repayment dates specified by the offering handler.

(4) Loan offers and requests received by the committee prior to 12 m. Monday shall be applied first to the arrangement of loans between handlers within the same prorate district in accordance with the following provisions:

(i) If requests from handlers, in a prorate district, for general maturity allotment exceed the quantity offered by handlers in that district, the quantity offered shall be apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as the amount of his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of general maturity allotment offered in any prorate district exceeds the quantity requested in that district, the same proportion of each offering handler's allotment shall be loaned; and any surplus general maturity allotment from such prorate district shall be apportioned, as aforesaid, to fill requests from borrowing handlers in all other prorate districts.

(ii) If requests from handlers, in a prorate district, for short-life allotment exceed the quantity offered by handlers in that district, the quantity offered shall be equitably apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of short-life allotment offered in a prorate district exceeds the quantity requested in that district, the same proportion of each lending handler's allotment shall be loaned.

(iii) Such loan offers and requests may be modified or withdrawn any time prior to 12 m. Monday, after which time the committee shall arrange allotment loans on the basis of the offers and requests, including modifications thereof, then pending without further action by the handlers involved. Loan offers and requests not fully utilized in such allotment loan arrangements may be modified or withdrawn.

(5) Offers to loan allotment received by the committee at, or subsequent to, 12 m. Monday shall be applied first to the arrangement of loans to handlers within the same prorate district whose requests were received prior to such time, but had not been completely filled. Any remaining allotment shall then be applied to the arrangement of loans to handlers within that district to fill any requests as thereafter received. Allotment loan offers received from handlers in a prorate district at, or subsequent to, 12 m. Monday and for which there are no requests by handlers in that district, may be applied by the committee to the arrangement of loans to fill requests from handlers in other prorate districts. If the total allotment offered for loan in the same prorate district exceeds total requests in such district, the same proportion of each lending handler's allotment shall be loaned. If the quantity of allotment requested by handlers in a prorate district exceeds the quantity offered, the quantity each borrowing handler receives shall bear the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers.

(i) Offers to loan, and requests to borrow, allotment received at, or subsequent to, 12 m. Monday may be modified or withdrawn: *Provided*, That allotment loan arrangements with respect to such offered allotment have not been completed by the committee.

(6) Offers to loan, and requests for, allotment may be made in person, by telephone, or telegram, or in writing. Immediately after completing arrangements for a loan, the committee shall confirm the terms thereof by mailing VOAC Form 6 Confirmation of Allotment Loan to the handlers involved.

(c) Whenever any Monday herein specified falls on a legal holiday, the next following business day shall be applicable.

8. Revise paragraph (a) and the second sentence of paragraph (b) of § 908.114 *Short-life allotments* to read as follows:

§ 908.114 Short-life allotments.

(a) *Qualification for short-life allotment.* A handler shall be considered to have short-life oranges when he has oranges which historically are known to lack keeping qualities which will permit him to handle, during the normal marketing period for the oranges grown in the prorate district, the same proportion of his oranges as the average which will be handled by all handlers pursuant to § 908.110(g).

(b) *Application to be filed.* * * * The application shall contain the following information: Name and address of applicant; location of each grove producing short-life oranges; a record covering the maximum years available, but not in excess of the 10 immediately preceding years, showing the marketing period of the oranges covered by the application; a suggested shortened marketing season showing the final date when the short-life oranges covered by the application should be marketed; and, a showing satisfactory to the committee why the oranges covered by the application cannot be marketed during the normal marketing period for the applicable district through appropriate adjustments in the handler's packinghouse operations.

9. Add a new § 908.116 *Credit forfeitures* to read as follows:

§ 908.116 Credit forfeitures.

(a) The forfeiture of any handler's general maturity allotment that was neither used nor loaned to another handler shall be applied to reduce overshipments of handlers as provided in § 908.55 unless the forfeiting handler made a bona fide and timely offer to the committee to lend his undershipment. An offer shall be considered bona fide and timely if such offer (1) was received in the office of the committee by 12 p.m. Monday, or the next following business day if Monday is a legal holiday, and (2) contained at least two alternative payback dates. All short-life allotment that is forfeited shall be applied to reduce

overshipments of handlers as provided in § 908.55.

(b) If the forfeiture of allotment in a prorate district exceeds that required to offset overshipments in such district and overshipments exceed forfeitures in other districts, the surplus forfeiture credit shall be allocated, as provided in § 908.55, to the handlers in the deficit districts in proportion to their permissible overshipments.

10. Add a new § 908.117 *Freeze damage allotments* to read as follows:

§ 908.117 Freeze damage allotments.

(a) At least 6 days before any meeting held by the committee to consider the quantity of allotments to be issued in any one or more prorate districts pursuant to § 908.61a, the committee shall mail written notice to handlers in such districts of its intention advising handlers that applications for such allotments shall be filed with the committee as hereinafter provided.

(b) Whenever freeze damage allotments are to be issued in a prorate district pursuant to § 908.61a on the basis of requests by handlers, the committee shall determine on the basis of all available information and after consideration of all of the factors enumerated in § 908.51(b), the extent to which freeze damage allotments should be granted in such district.

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filing VOAC Form 35 on or before 12 m. of the day preceding the regular weekly meeting of the committee. Such requests may be made at any of the offices of the committee. VOAC Form 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made by a properly completed VOAC Form 35 shall be confirmed by delivering to the committee at any of its offices, not later than the day preceding the committee's regular weekly meeting, a properly completed VOAC Form 35 or by mailing a properly completed form to the committee not later than the day preceding the committee's regular weekly meeting.

(d) Whenever the total amount of freeze damage allotment the committee determines should be granted to handlers within a prorate district equals or is larger than the total amount applied for in such district, the full amount applied for in each application shall be granted. Whenever the total amount applied for exceeds the total amount of freeze damage allotment the committee deems should be granted in the district, the request of each handler in such district shall be granted in the same proportion as the handler's tree crop bears to the total tree crop of requesting handlers in that district, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in proportion to the tree crop controlled by each, but not in excess of the amount requested.

(e) Any handler to whom freeze damage allotment is issued may transfer such allotment, or portion thereof, to another such handler in the same prorate district; and such handlers shall notify the committee of such transfer on or before 12 m. Friday, or the following business day if Friday is a legal holiday, of the week following the one for which such allotment was issued. Such notification shall show names of the parties, the amount of the allotment transferred, and the week thereof.

(f) Any handler to whom freeze damage allotment is issued and who desires transfer of freeze damage allotment from or to other such handlers within another prorate district shall so notify the committee in person, by telephone, or telegram, or in writing by 12 m. Wednesday of the week for which the allotment was issued, or by 12 m. of the preceding day if Wednesday is a legal holiday. The committee shall endeavor to effect a transfer of allotment and shall confirm each such transfer to the handlers involved. In the event the total amount of the allotment available for transfer is less than the total amount requested, the committee shall transfer the available allotment to the requesting handlers proportionately as provided in paragraph (d) of this section.

§ 908.139 [Amended]

11. In § 908.139 *Conversion factors*, delete "40" from the second sentence and insert "37½" in lieu thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-14962; Filed, Dec. 16, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18766; FCC 69-1350]

FM BROADCAST STATIONS

Table of Assignments; Biloxi, Miss., etc.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Biloxi, Ocean Springs, and Picayune, Miss., Port Sulphur, La., and Prichard, Ala.); Docket No. 18766, RM-1422, RM-1435, RM-1463.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules, for communities located in the general Gulf Coastal area of Alabama, Louisiana, and Mississippi. All proposed assignments are alleged and appear to meet the separation requirements of the rules. All population figures, except as otherwise stated, are from the 1960 U.S. Census. These petitions are not technically related.

2. *RM-1422, Biloxi, Miss.* By a petition filed on March 14, 1969, New South Communications, Inc. (South), licensee of Stations WVMI(AM) and WBIL(FM), Biloxi, Miss., requests assignment of Class C Channel 229 to Biloxi, Miss. Biloxi is a city of 44,053 persons, the largest city and county seat of Harrison County, population 119,489. Station WVMI(AM) is a daytime-only station; WBIL(FM) operates on Class A Channel 292A, the only FM assignment presently provided in the table for Biloxi. There is one other AM station in Biloxi, WLOX, a Class IV unlimited-time station, and two other Class A FM assignments in Harrison County, both of which are assigned at Gulfport, population 30,204, about 12 miles east of Biloxi.

3. South submits that the proposed assignment will conform with the technical rules without requiring any other changes in the table. A preclusion study provided with the petition reveals that impact areas would develop on Channels 228A, 229, 230, and 232A. Since very small, coastal marshland areas are involved on Channels 230 and 232A, which contain no established communities, the preclusion areas on these channels are of little consequence. Channel 228A would involve an area containing no community of 2,000 or more population that does not already have one or more FM assignments, or for which other Class A channels are not available. The Channel 229 preclusion area appears to be less than half of that indicated by petitioner and extends generally eastward along the coastal area from Biloxi to about the Mississippi-Alabama boundary.[1] The area does not include any city of 5,000 or more population that does not either have an FM assignment or a petition pending for an assignment.

4. Proponent notes that Biloxi had a 17.7 percent increase in population between 1950 and 1960, and submits statistical data on the economics, industry, and general business activity of the city in support of its contention that it is a fast-growing and economically sound community. According to cited statistics compiled by the Biloxi Chamber of Commerce, the city had a 1968 estimated population of 61,610 persons. It is claimed that this figure does not include a military strength of some 17,000 men stationed at Keesler Air Force Base, located

[1] Petitioner's Channel 229 preclusion analysis does not include consideration of the impact of Channel 227 assigned to New Orleans.

within the Biloxi corporate limits. It is urged that the wide-area coverage provided by a Class C assignment would permit a needed service to the "Gulf Coast tricounty area" (Jackson, Harrison, and Hancock Counties), particularly important because of what is described by petitioner as the "limited existing broadcast outlets presently at Biloxi and in the area."

5. Comments supporting the proposal were filed by WLOX Broadcasting Co., licensee of Stations WLOX(AM)–TV, Biloxi, and Tung Broadcasting Co. (Tung), licensee of WRJW(AM), Picayune, Miss.[2] Tung advances a further proposal that Channel 292A, now assigned at Biloxi, be reassigned to Picayune as its first FM assignment. Tung demonstrates that Channel 292A could be used at Picayune and meet all requirements of the rules if moved from Biloxi. Picayune, with a 1960 Census population of 7,834 persons, has one daytime-only AM station, but is without an FM assignment.

6. Tung submits that Picayune, the largest city in Pearl River County, had an estimated 1965 population of 9,500 persons. At present, the only FM assignment in the county (population 22,411) is a Class A channel in operation at Poplarville (population 2,136), the county seat, located about 25 miles from Picayune. It appears that no other channel is available to Picayune without changing the channel of one or more operating stations. Further, if Channel 292A were moved from Biloxi to Picayune, its assignment could be duplicated in an area lying between Pascagoula, Miss., and Mobile, Ala., which is not the case so long as it remains assigned to Biloxi.[3]

7. We consider that sufficient showing has been made by petitioner (South) on the size and relative importance of Biloxi in its area to warrant institution of a rule making proceeding looking toward assignment of a Class C channel. We take special note here of the availability of the channel proposed without requiring any other changes in existing assignments, as well as the minimal preclusion impact involving the proposed and adjacent channels. We also consider that the related proposal advanced by Tung warrants inclusion in the same proceeding. Accordingly, we are inviting comments from interested parties with supporting data on the following proposed changes in the Table:

City	Channel No.	
	Present	Proposed
Biloxi, Miss.	292A	229
Picayune, Miss.		292A

8. We also invite comments from parties interested in duplicating the proposed assignment of Channel 292A at another community in the area between Pascagoula and Mobile, in addition to Picayune (see paragraph 6 and footnote 3, above). In the event it is determined that Channel 292A should be assigned to Pascagoula, we would further consider permanently assigning Channel 285A to Moss Point. Further, if it is determined that reassignment of Channel 292A from Biloxi to Picayune at this time would serve the public interest, consideration will be given to modification of the WBIL (FM) outstanding authorization to specify operation on Channel 229.

9. *RM–1435, Port Sulphur, La.* Plaquemines Broadcasting Co., Inc., filed a petition on April 1, 1969, seeking assignment of Class C Channel 294 as a first FM channel at Port Sulphur, La. The assignment would constitute a "drop-in" and require a site about 3 miles east of Port Sulphur so as to meet the minimum separation requirements with other assignments. Port Sulphur has a population of 2,868 persons and is located in Plaquemines Parish (population 25,723) about 40 miles southeast of New Orleans, location of the nearest Class C assignment. The Table contains no listing for any community of Plaquemines Parish. A recently authorized AM daytime-only station, KPBC, is operated by petitioner at Port Sulphur.

10. The petitioner urges that, because of the activity of swampland and offshore drilling by the oil industry, numerous quasi-communities and outposts have been established in the area in which a need has developed for a first local FM service to serve Port Sulphur and the coastal areas of the parish. It is further submitted that providing for a first FM service to Plaquemines Parish will enable a means of establishing an early warning system in an area beset with hurricanes for a major portion of the year. Studies included with the supporting engineering statement show that no community on the "mainland" of sufficient size warranting consideration would be precluded in the limited areas that would be affected by the proposed assignment. Other preclusion areas in the remote southern portion of Plaquemines Parish would occur and involve three channels (292A, 294, and 296A), for which it appears other channels are available for assignment.

11. Approximately one-half of Plaquemines Parish consists of a peninsula, including the Mississippi River Delta area, extending about 45–50 miles from the mainland and Port Sulphur. It is demonstrated by petitioner's engineering exhibits that only a small area in the northern portion of the peninsula is within the service area of existing FM assignments, and it is further alleged that the southern area receives no nighttime AM service. In justification of the request for a Class C in lieu of a Class A channel, it is urged that, where coverage from a Class A assignment would be permanently limited to providing a first service to within about 15 miles of Port Sulphur, a Class C assignment would permit establishing a modest facility initially (25 k.w. at 200 feet), but more importantly it would be possible for the facility and its corresponding coverage to be increased as the future growth of the parish warrants. It is estimated by petitioner that the population of Plaquemines Parish will double by 1978. It is submitted that the peninsula's southern area will probably be a permanent "white area", unless provisions are made for a Class C station at Port Sulphur.

12. Ordinarily, consideration is only given to a Class A assignment for a small community, such as Port Sulphur. However, exceptions have been made on occasions when a significant potential gain in service can be shown to be possible. The petitioner's showing of first service area available from an assumed minimal Class C operation (25 kw. at 200 feet) compared to that possible by a maximum Class A station (3 kw. at 300 feet) is not significant in this case.[4] We are of the opinion that there is merit to petitioner's contention that future utilization of the potential coverage of a Class C assignment may be the only means of assuring future FM service to the southern area to Plaquemines Parish. We also take special cognizance here that the assignment would result in an insignificant preclusion impact on the mainland, if the assignment were made.

13. In view of the above considerations, we are inviting comments on the proposal to assign Channel 294 as a first FM assignment at Port Sulphur, La.

14. *RM–1463, Ocean Springs, Miss.* A petition was received on May 28, 1969, from Mr. Charles H. Cooper of Gulfport, Miss., proposing assignment of Channel 276A to Ocean Springs, Miss., by shifting the channel from Prichard, Ala., where it is vacant and unapplied for, as follows:

City	Channel No.	
	Present	Proposed
Ocean Springs, Miss.		276A
Prichard, Ala.	276A	

Ocean Springs is a community of 5,025 persons located on the Gulf Coast about 6 miles east of Biloxi. The proposed community is the third largest in Jackson County, population 55,522. Ocean Springs has neither an FM nor AM local outlet. Prichard, population 47,371, is wholly contained within and encircled by the city of Mobile, population 202,779. Channel 276A assigned to Prichard has not been applied for since listed in the original Table of Assignments (1963). There is one daytime AM station in Prichard. Mobile is assigned five Class C channels, only two of which are occupied.

15. The petitioner submits that Ocean Springs is experiencing exceptional growth, that the city limits have been extended since 1960 to include three times its former area, and that its current population is in excess of 10,000 people. It is shown by an associated engineering study that the proposed assignment would conform with the technical requirements of the rules, providing a site is selected about 5–6 miles east of Ocean Springs. As to the proposed removal of the Prichard Class A assignment, it is urged that, considering the unique situation of Prichard being encompassed by the dominant city of Mobile, the Prichard Class A assignment could not effectively compete with Mobile's five Class C assignments. The petitioner notes in this connection that the licensee of the Prichard AM station is an applicant for one of the three vacant Mobile Class C channels.

16. We are of the opinion that petitioner has made sufficient showing to warrant institution of rule making proceedings. We are therefore inviting comments on the proposed reassignment plan outlined above.

17. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before January 19, 1970, and reply comments on or before January 29, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: December 10, 1969.

Released: December 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–14940; Filed, Dec. 16, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18765; FCC 69–1348]

FM BROADCAST STATIONS

Table of Assignments; New Bern, N.C.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (New Bern, N.C.); Docket No. 18765, RM–1432.

1. The Commission has before it for consideration the above-captioned petition for rule making filed on March 24, 1969, by V.W.B., Inc., permittee of Station WVWB–FM, Bridgeton, N.C., which seeks substitution of Channel 293 for Channel 257A at New Bern, N.C.

2. Petitioner presently holds a construction permit originally granted on November 29, 1965, for Station WVWB–FM, Bridgeton, N.C., specifying operation on Channel 249A. Channel 249A, then listed in the Table for New Bern, was authorized for use at Bridgeton under the provisions of § 73.203(b) of the rules, as the communities are merely separated by the Neuse River. By an order released October 30, 1967, in a rule making proceeding in Docket No. 17627 (FCC 67–1179), inter alia, the channel listed in the table for New Bern was changed from 249A to 257A. In the same order, it was further provided that the construction permit held by V.W.B., Inc., for Station WVWB–FM, Channel 249A, was modified to specify operation on Channel 257A, subject to the permittee advising the Commission of its consent to the modification by November 8, 1967. V.W.B. contends that it was not advised of the change order and it consequently completed construction of the station on Channel 249A as originally authorized. An application for license was subsequently filed for the station's operation on Channel 249A and program test authority was inadvertently granted for that channel on July 26, 1968. By action of August 23, 1968, the Commission set aside the program test authority and authorized Station WVWB–FM to continue operation on Channel 249A on a special temporary authority basis pending resolution of the channel conflicts. Since Channel 249A is now assigned to Washington, N.C., only some 30 miles from Station WVWB–FM's temporary operation on the same channel, it is imperative that the station change its operation to a different channel so as to preserve what appears to be the only remaining channel now available to Washington. Petitioner states that from its study of the matter it determined that Channel 293 could be "dropped in" at New Bern and thereby permit changing WVWB–FM to a Class C operation. It is submitted that such change would not cost appreciably more than switching the present WVWB–FM operation over to Channel 257A. Petitioner also urges that the permissible facilities on Channel 293, as compared to Channel 257A, would enable it to serve a substantial area with a first FM service, based on presently authorized services in the area, without any compromise to the possibility of making other future assignments.

3. The proponent provides an extensive engineering analysis of the technical feasibility of adopting the proposed assignment of Channel 293. The area in which a transmitter site for the channel may be used and meet the minimum spacing criteria is uniquely limited so that, although a station could not be located in New Bern proper, the area does barely include the existing site of WVWB–FM. It is noted that the largest community included in the "open area" for Channel 293 is Swansboro, population 1,020. As to preclusion on the pertinent adjacent channels, it is indicated that very limited impact areas would occur for Channels 292A and 296A. However, it is further shown that Channel 257A, proposed to be relinquished at New Bern, and Channel 252A would be available to the entire areas so affected, thus completely nullifying any preclusion impact from the proposed assignment.

4. It appears from petitioner's presentation that Channel 293 could be assigned to New Bern and used at the WVWB–FM site without any other changes in the table; that the assignment would not preclude potential assignments elsewhere for which a potential need may develop, since other comparable channels are apparently available; and that it would offer a means of providing at least a second FM service to a significant area, even assuming all other assignments in the area were to be activated. In light of these considerations, we conclude that institution of rule making on the proposed plan has merit and we are therefore inviting comments on the proponent's proposal as outlined above and the deletion of Channel 257A, as follows:

City	Channel No.	
	Present	Proposed
New Bern, N.C.	257A	293

Action looking toward modification of the outstanding authorization for WVWB–FM to specify operation on either Channel 257A or Channel 293 will be withheld pending the outcome of the decision on whether the requested change in assignment would serve the public interest.

5. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before January 12, 1970, and reply comments on or before January 22, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: December 10, 1969.

Released: December 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–14941; Filed, Dec. 16, 1969; 8:48 a.m.]

[1] Commissioner Johnson concurring in the result.

[2] Comments by Tung were filed on Apr. 23, 1969, 2 days after the time specified by the rules for the Biloxi petition. Since the comments offer a further proposal for consideration, which is contingent upon and in harmony with the Biloxi proposal, Tung's request for acceptance of its late filing is granted and the comments are considered in this proceeding.

[3] The Table lists Channels 256 and 285A for Pascagoula (17,155). However, Channel 285A was authorized for use at Moss Point (6,631) under rule 73.203(b). If Channel 228A were assigned to Picayune, it could also be assigned to Pascagoula as a replacement for Channel 285A, where it could also be applied for by prospective applicants there or in other nearby communities within 10 miles, including East Side (population 4,318) and Kreole (population 1,870).

[4] The extent of potential service wasted over large water areas because of the narrow peninsular land area involved contributes to a poor showing for a Class C station when comparing classes of stations in this case.

Notices

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. H–11]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Revocation of Delegation of Authority

1. *Purpose.* This regulation revokes a delegation of authority to the Secretary of Housing and Urban Development to dispose of approximately 200 acres of real property at Fort Sam Houston, San Antonio, Tex.

2. *Effective date.* This regulation is effective October 8, 1969.

3. *Expiration date.* This regulation expires December 31, 1969.

4. *Revocation.* By letter dated October 8, 1969, the Administrator of General Services released the Secretary of Housing and Urban Development from the authority and duties delegated to him under FPMR Temporary Regulation H–8. Accordingly, FPMR Temporary Regulation H–8 is hereby revoked effective the date of the Administrator's letter.

Dated: December 11, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–14949; Filed, Dec. 16, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegations of Authority; Exceptions

DECEMBER 10, 1969.

On page 9038 of the June 6, 1969, issue of the FEDERAL REGISTER were published certain exceptions to the Credit authorities redelegated to Area Directors. A subsequent correction to one of those exceptions, 10 BIAM 3.3F(4)(a), was made in the July 1, 1969, issue (34 F.R. 11108). This section is further amended to remove the restriction on redelegation by the Billings Area Director and reads as follows:

3.3 *Exceptions.* The authorities redelegated in 3.1 above do not include the following:

* * * * *

F. *Credit.* * * *

(4) The redelegation of authority to Superintendents for:

(a) Approval of mortgages or deeds of trust of individually-owned trust or restricted land executed pursuant to 25 CFR 121.61 given to secure loans. The Billings Area Director is excluded from this exception.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69–14942; Filed, Dec. 16, 1969; 8:48 a.m.]

Bureau of Land Management

RESOURCE AREA MANAGERS, CALIFORNIA

Redelegation of Authority

DECEMBER 4, 1969.

Pursuant to Part III, section 3.1, Bureau Order No. 701 of July 23, 1964, as amended, the Area Managers of all Resource Areas of the Bakersfield, Susanville, Redding, Folsom, Ukiah, and Riverside District Offices are authorized to perform in their respective areas of responsibility and in accordance with the existing policies, regulations, and procedures of this Department, and under the direct supervision of the respective District Manager, the functions as listed below, subject to the limitations listed in Part I together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.3 *Fiscal affairs.* On matters in which he is authorized to act, the Area Managers may take all actions on:

* * * * *

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands and dispose of resources recovered in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $2,000.

SEC. 3.7 *Range management.* The Area Managers may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock.

* * * * *

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) The expenditure of funds appropriated by Congress, or contributed by individuals, associations, advisory boards, or others, for the construction, purchase or maintenance of range improvements.

(b) Grazing leases.

* * * * *

(d) Soil and moisture conservation; control of halogeton glomeratus.

(e) Controlled brush burning. In accordance with plans and specifications approved by the State Director.

SEC. 3.8 *Forest management.* The Area Managers may take all the actions on:

(a) Disposition of forest products except sales of timber in excess of 1 million feet, board measure, which must be approved by the District Manager prior to advertisement.

* * * * *

SEC. 3.9 *Land use.* The Area Managers may take all the listed action on:

* * * * *

(g) Material other than forest products not exceeding $2,000.

* * * * *

(m) Temporary rights-of-way. Grant rights-of-way over public and acquired lands pursuant to 43 CFR 2234.2–3(a)(2).

* * * * *

(o) Special land-use permits.

(1) Issue special land-use permits for public lands within the grazing districts.

* * * * *

(3) Special land-use permits for lands outside established grazing and forest districts.

The Area Managers may not redelegate the authority vested in them by the District Manager.

The authority redelegated by the District Manager may, in his discretion, be exercised personally by him notwithstanding the redelegation of authority.

The District Manager may at any time, temporarily reserve, restrict or withhold any portion of the above delegated authority.

This order will become effective upon publication in the FEDERAL REGISTER.

ROBERT J. SPRINGER,
District Manager, Bakersfield.
REX J. MORGAN,
District Manager, Susanville.
RICHARD L. THOMPSON,
District Manager, Redding.
DELMAR D. VAIL,
District Manager, Folsom.
JOHN F. LANZ,
District Manager, Ukiah.
JOHN F. WILSON,
District and Land Office Manager, Riverside.

Approved:

J. R. PENNY,
State Director.

[F.R. Doc. 69–14906; Filed, Dec. 16, 1969; 8:45 a.m.]

[M 067221]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

DECEMBER 8, 1969.

Notice of an application, serial number M 067221, for withdrawal and reservation of lands for the Forest Service, Department of Agriculture, was published as F.R. Doc. 64–9816 on page 13434 of the issue for September 29, 1964. A portion of the land description therein is hereby corrected to read as follows:

KOOTENAI NATIONAL FOREST
PRINCIPAL MERIDIAN, MONTANA
Yaak Falls Recreation Area

Unsurveyed but when surveyed will probably be:

T. 33 N., R. 33 W.,
Sec. 9, W½NW¼NW¼.

Containing 20 acres.

Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311 the following lands, at 10 a.m. on January 9, 1970, will be relieved of the segregative effect of the above mentioned application:

KOOTENAI NATIONAL FOREST
PRINCIPAL MERIDIAN, MONTANA
Yaak Falls Recreation Area

Unsurveyed but when surveyed will probably be:

T. 33 N., R. 33 W.,
Sec. 9, E½NE¼NW¼.

Containing 20 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69–14943; Filed, Dec. 16, 1969; 8:48 a.m.]

Geological Survey

[Wyoming 141]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYO.
COAL LANDS

T. 48 N., R. 74 W.,
Secs. 1 to 36, inclusive.
T. 49 N., R. 74 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 45,854 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69–14897; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 142]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING
COAL LANDS

T. 47 N., R. 75 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 22,924 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69–14898; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 143]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING
COAL LANDS

T. 48 N., R. 75 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 22,817 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69–14899; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 144]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING
COAL LANDS

T. 49 N., R. 75 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,023 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69–14900; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 145]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING
COAL LANDS

T. 50 N., R. 75 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 22,982 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69–14901; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 146]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title therto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING
COAL LANDS

T. 48 N., R. 76 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 22,823 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69–14902; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 147]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING
COAL LANDS

T. 49 N., R. 76 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,025 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14903; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 148]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 50 N., R. 76 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,024 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14904; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 149]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 51 N., R. 76 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,006 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14905; Filed, Dec. 16, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

PUERTO RICO SUGARCANE CROP

1970-71 Crop Proportionate Shares; Notice of Hearing

Notice is hereby given that the Secretary of Agriculture acting pursuant to the Sugar Act of 1948, as amended, is preparing to conduct a public hearing to receive views and recommendations from all interested persons on the possible need for establishing proportionate shares for the 1970-71 sugarcane crop in Puerto Rico.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended, the Secretary must determine for each crop year whether the production of sugar from any crop of sugarcane in Puerto Rico will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted in Room 4711, South Building, U.S. Department of Agriculture, Washington, D.C., beginning at 10 a.m. on December 22, 1969.

Views and recommendations are desired on all phases of the proportionate share program. They may be submitted in writing, in triplicate, at the hearing, or may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washintgon, D.C. 20250, postmarked not later than January 7, 1970. Interested persons will be given the opportunity at the hearing to appear and submit orally data, views and arguments in regard to the establishment of proportionate shares.

Restrictions on the marketing of sugarcane in Puerto Rico have not been in effect since the 1955-56 crop. The area has not marketed all of its mainland basic sugar quota in recent years. Prospects for the 1969-70 crop indicate that production will again fall short of the area's mainland basic quota.

All written submissions made pursuant to this notice will be made available for public inspection as such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washintgon, D.C., on December 12, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14960; Filed, Dec. 16, 1969; 8:49 a.m.]

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (34 F.R. 13378, 14445, 16634, and 18048) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Oakwood Farms Packing Corp., establishment 85, and the reference to cattle with respect to such establishment are deleted. The reference to calves with respect to Greendell Packing Co., establishment 542, is deleted. The reference to sheep and goats with respect to Atwater Meat Co., establishment 6113, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Callaway Packing Co., Inc.	688	(*)	(*)					
Anthony Parillo, Inc.	5193	(*)	(*)	(*)		(*)		
Helms Slaughterhouse	6777	(*)						
Bob Evans Farms, Inc.	6807					(*)		
New establishments reported: 4								
Prairie Packing Co.	253		(*)					
Beeville Packing Co.	377			(*)				
Oakridge Smokehouse	401		(*)		(*)			
Virgin Islands Packing Plant	482		(*)					
Meat Laboratory, Oklahoma State University	526				(*)			
Caviness Packing Co., Inc.	675		(*)					
Broadway Packing Co., Inc.	2264					(*)		
Fort Plain Packing Co.	5074		(*)					

Done at Washington, D.C., on December 12, 1969.

H. M. STEINMETZ,
Acting Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-14963; Filed, Dec. 16, 1969; 8:49 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arkansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Ashley.	Lee.
Chicot.	Mississippi.
Cross.	Monroe.
Crittenden.	Phillips.
Desha.	Prairie.
Independence.	St. Francis.
Jackson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of December 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14964; Filed, Dec. 16, 1969; 8:49 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 425]

SIOUX CITY STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on February 3, 1969 (28 A.D. 124), authorizing the respondent, Sioux City Stock Yards, Sioux City, Iowa, Division of United States Stockyards Corp., to assess the current temporary schedule of rates and charges to and including December 31, 1970 unless modified or extended by further order before the latter date.

By a petition filed on November 19, 1969, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including December 31, 1971.

a. Amend Item No. 1 to provide an increase in basic yardage charges per head as follows:

	Present	Proposed
Cattle (except bulls 700 lbs. or over)	$1.23	$1.30
Bulls (minimum 700 lbs.)	1.65	1.90
Calves (400 lbs. or under)	.67	.71
Hogs	.42	.45
Sheep or goats	.24	.26
Horses	.50	1.00

b. Amend Item No. 1, Exception (1), by deleting the words "forwarded to another terminal market beyond Sioux City or." This exception will then read:

(1) When livestock, consigned for sale in Selling agencies Division is returned to point of origin, without sale, weighing, or change of ownership of any part of the shipment, the yardage charge will be waived.

c. Amend Item No. 1 to provide the following additional exception thereto:

(4) When livestock is forwarded to another point, other than point or origin, without sale, weighing, or change of ownership of any part of the shipment, one-half the above yardage charges (fractions at the next highest full cent) will be charged.

d. Amend Item No. 3 of said tariff to provide an increase in yardage charges per head in Column 1 on so-called "Plants" or Resales by selling agencies as follows:

	Present	Proposed
Cattle (except bulls 700 lbs. or over)	$1.23	$1.30
Bulls (minimum 700 lbs.)	1.65	1.90
Calves (400 lbs. or under)	.67	.71
Hogs	.42	.45
Sheep or goats	.24	.26

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of December 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-14916; Filed, Dec. 16, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23 (69)-2]

SOCIETE D'EQUIPEMENTS AGRICOLE & DE VENTE INTERAGRA

Notice of Related Party Determination

In the matter of Societe D'Equipements Agricole & De Vente Interagra, 14 Rue Alexandre Fourtanier, Toulouse, France; File No. 23(69)-2.

An order dated May 14, 1969 was entered by the Office of Export Control, Bureau of International Commerce, against Interagra S.A., Paris, France, denying it all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for an indefinite period. This order was published in the FEDERAL REGISTER on May 20, 1969 (34 F.R. 7920).

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control, Bureau of International Commerce, that within the purview of said section the firm Societe D'Equipements Agricole & De Vente Interagra located at the above address, is a related party to said Interagra S.A. Under this determination the terms and restrictions of the order of May 14, 1969 are effective against said related party.

The said related party has been notified of this determination and has been advised that if it contends that the ruling is not justified, it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: December 8, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-14947; Filed, Dec. 16, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Interim Policies and Requirements

Notice is hereby given that the regulations set forth below prescribe interim policies and requirements relating to methods of administration in cases of fraud under State plans for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396). These regulations are effective upon publication in the FEDERAL REGISTER.

Interested persons who wish to submit comments, suggestions, or objections thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington,

D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The final regulations will be codified in Chapter II, Title 45 of the Code of Federal Regulations.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: September 29, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: December 9, 1969.

ROBERT H. FINCH,
Secretary.

SEC. 250.80 *Fraud in the medical assistance program—*(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide that the State agency will establish and maintain (i) methods and criteria for identifying situations in which a question of fraud in the program may exist, and (ii) procedures developed in cooperation with State legal authorities for referring to law enforcement officials situations in which there is valid reason to suspect that fraud has been practiced. The definition of fraud for purposes of this section will be determined in accordance with State law.

(2) Provide for methods of investigation of situations in which there is a question of fraud that do not infringe on the legal rights of persons involved and are consistent with principles recognized as affording due process of law.

(3) Provide that the State agency will designate positions that are responsible for referring situations involving suspected fraud to the proper authorities.

(4) Effective January 1, 1970, provide that the State agency will establish and maintain procedures for reporting promptly to the Social and Rehabilitation Service (i) each case of suspected fraud by a provider which has been referred by the State or local agency to law enforcement officials for appropriate action and subsequently (ii) the disposition thereof by such law enforcement officials.

(5) Effective April 1, 1970, provide for the following statements (or alternate wording approved by the Social and Rehabilitation Service Regional Commissioner) to be imprinted in bold face type on all provider claim forms above the claimant's signature:

(i) "This is to certify that the foregoing information is true, accurate, and complete."

(ii) "I understand that payment and satisfaction of this claim will be from Federal and State funds, and that any false claims, statements, or documents, or concealment of a material fact, may be prosecuted under applicable Federal or State laws."

[F.R. Doc. 69-14880; Filed, Dec. 16, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

License Termination Order

The Atomic Energy Commission (the Commission) has found that the Westinghouse Electric Corp.'s Critical Reactor Experiment (CRX) Facility located in Westmoreland County, Pa., has been dismantled, decontaminated, and disposition made of the component parts and fuel (pursuant to the Commission's order dated Sept. 30, 1969), in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, pursuant to Westinghouse Electric Corp.'s application of August 4, 1969, Facility License No. CX-6 held by the corporation is hereby terminated as of December 8, 1969.

Dated at Bethesda, Md., this 8th day of December 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-14917; Filed, Dec. 16, 1969; 8:46 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, Foreign Economic Development Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14925; Filed, Dec. 16, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director, Livestock and Dairy Policy Staff in the Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14926; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, International Agricultural Development Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14927; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment the position of Confidential Assistant to the Secretary. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14928; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for Fishery Programs, Office of the Commissioner for Fish and Wildlife Service, Office of the Assistant Secretary for Fish and Wildlife, Parks and Marine Resources.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14930; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Community Action, Community Relations Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14931; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Office of the Assistant Attorney General, Criminal Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14932; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of Information, in the Office of the Assistant Secretary for Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14935; Filed, Dec. 16, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Chairman, GSA Board of Contract Appeals, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14929; Filed, Dec. 16, 1969; 8:47 a.m.]

POST OFFICE DEPARTMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Postmaster General for Field Services" to "Deputy Assistant Postmaster General-Services".

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14933; Filed, Dec. 16, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Deputy Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14934; Filed, Dec. 16, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MID AMERICA BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Mid America Bancorporation, Inc., St. Paul, Minn., for approval of acquisition of voting shares of Park-Grove National Bank, Cottage Grove, Minn., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mid America Bancorporation, Inc., St. Paul, Minn., a registered bank holding company, for the Board's prior approval of the acquisition of all (less directors' qualifying shares) of the voting shares to be issued by Park-Grove National Bank, Cottage Grove, Minn., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller's office recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 8, 1969 (34 F.R. 15617), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority, and that Park-Grove National Bank be open for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 9th day of December 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14895; Filed, Dec. 16, 1969; 8:45 a.m.]

MID AMERICA BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Mid America Bancorporation, Inc., St. Paul, Minn., for approval of acquisition of voting shares of Suburban National Bank of Roseville, Roseville, Minn., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mid America Bancorporation, Inc., St. Paul, Minn., a registered bank holding company, for the Board's prior approval of the acquisition of all (less directors' qualifying shares) of the voting shares to be issued by Suburban National Bank of Roseville, Roseville, Minn., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Maisel.

the Currency and requested his views and recommendation. The Comptroller's office recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 8, 1969 (34 F.R. 15618), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority, and that Suburban National Bank of Roseville be open for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 9th day of December 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14896; Filed, Dec. 16, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 12, 1969.

On March 4, 1969, there was published in the FEDERAL REGISTER (34 F.R. 3766) a letter dated February 27, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Poland and exported to the United States during the 12-month period beginning March 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint could be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of Poland and pursuant to the bilateral agreement referred to above, there is published below a letter of December 12, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the levels of restraint applicable to cotton textile products in Categories 42, 43, and 60 for the 12-month period which began on March 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 12, 1969.

DEAR MR. COMMISSIONER: On February 27, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Poland, and exported to the United States on or after March 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of February 27, 1969, the levels of restraint provided in that directive for cotton textile products in Categories 42, 43, and 60, produced or manufactured in Poland and exported from Poland to the United States for the period beginning March 1, 1969, and extending through February 28, 1970, are hereby amended as follows, to be effective as soon as possible:

Categories		Amended 12-month levels of restraint[2]
42	dozen	28,941
43	do	52,094
60	do	15,628

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69-14966; Filed, Dec. 16, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

BUSINESS INVESTORS, INC.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On November 21, 1969, a notice of application for transfer of control was published in the FEDERAL REGISTER (34 F.R. 18574), stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Business Investors, Inc., License No. 05/05-0028, 2233 Fourth Avenue North, Birmingham, Ala. 35203, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. sec. 661 et seq.).

Interested persons were given until the close of business December 1, 1969, to submit their written comments to SBA. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control of Business Investors, Inc., by merger with Fidelity Capital Corp., thereby becoming a wholly owned subsidiary of Fidelity Mutual Life Insurance Co.

For SBA.

Dated: December 4, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-14944; Filed, Dec. 16, 1969; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Maisel.

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent and for administrative arrangements.

[2] These levels have not been adjusted to reflect entries made on or after Mar. 1, 1969.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 12, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41826.—*Newsprint paper from Chandler, Quebec, Canada, to Milwaukee, Wis.* Filed by Traffic Executive Association, Eastern Railroads, agent (E.R. No. 2963), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Chandler, Quebec, Canada, to Milwaukee, Wis.

Grounds for relief.—Contract water carrier competition.

Tariff.—Supplement 53 to Canadian National Railways tariff ICC E-543.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14952; Filed, Dec. 16, 1969; 8:48 a.m.]

[Notice 580]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 12, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Deviation No. 6), LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. 47807, filed November 26, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 85 to Bloomington, Ill. (traversing U.S. Highway 66 where Interstate Highway 85 is not completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Decatur, Ill., over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo.; and (2) from Decatur, Ill., over U.S. Highway 51 to Bloomington, Ill., and return over the same routes.

No. MC 151 (Deviation No. 7), LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. 47807, filed November 26, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to Columbus, Ohio (traversing U.S. Highway 40 where Interstate Highway 70 is not completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Indianapolis, Ind., and Columbus, Ohio, over U.S. Highway 40.

No. MC 200 (Deviation No. 16), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 2, 1969. Carrier's representative: Rodger J. Walsh, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wheeling, W. Va., over Interstate Highway 70 to Cambridge, Ohio, thence over Interstate Highway 77 to Charleston, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wheeling, W. Va., over West Virginia Highway 2 to Parkersburg, W. Va., thence over U.S. Highway 21 to Charleston, W. Va., and return over the same route.

No. MC 16502 (Deviation No. 1), WILLIAM A. ROBINSON, KENNETH D. ROBINSON, HENRY CLAY ROBINSON, JR., RICHARD RAY ROBINSON, and FRANK TAYLOR ROBINSON (a partnership), doing business as ROBINSON TRUCK LINES, Post Office Box 194, West Point, Miss. 39773, filed December 5, 1969. Carrier's representative: D. E. McFarland, 240 South Orleans Street, Memphis, Tenn. 38126. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 55 to junction Mississippi Highway 6, thence over Mississippi Highway 6 to junction Mississippi Highway 41, thence over Mississippi Highway 41 to Okolona, Miss., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 78 via New Albany, Miss., to Tupelo, Miss., thence over U.S. Highway 45 to junction Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), thence over Alternate U.S. Highway 45 to junction U.S. Highway 82, thence west over U.S. Highway 82 to Starkville, Miss., and return over the same route.

No. MC 48958 (Deviation No. 20), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, Tex. 79105, filed December 3, 1969. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Texas Highway 114 to junction U.S. Highway 287 (at or near Rhome, Tex.), thence over U.S. Highway 287 to junction Texas Highway 24 (at or near Decatur, Tex.), thence over Texas Highway 24 to junction Texas Highway 199 (southeast of Jacksboro, Tex.), thence over Texas Highway 199 to junction Texas Highway 148 (immediately west of Jacksboro, Tex.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Amarillo, Tex., over U.S. Highway 287 via Wichita Falls, Tex., to Rhome, Tex., thence over Texas Highway 114 to Dallas, Tex. (also from Amarillo to Wichita Falls as specified above, thence over U.S. Highway 281 to Jacksboro, Tex., thence over Texas Highway 199 to Fort Worth, Tex., thence over U.S. Highway 80 to Dallas); and (2) from Jacksboro, Tex., over Texas Highway 199 to Seymour, Tex., thence over U.S. Highway 283 to the Texas-Oklahoma State line, and return over the same routes.

No. MC 106195 (Sub-No. 2) (Deviation No. 1), CLARK BROS. TRANSFER, INC., 802 North First Street, Norfolk, Nebr. 68701, filed December 2, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Sioux City, Iowa, and Omaha, Nebr., over Interstate Highway 29, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Norfolk, Nebr., over Nebraska Highway 35 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 20, thence over U.S. Highway 20 to South Sioux City, Nebr.; and (2) from Ainsworth, Nebr., over U.S. Highway 20 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 6, thence over U.S. Highway 6 to Council Bluffs, Iowa, and return over the same routes.

No. MC 106195 (Sub-No. 2) (Deviation No. 2), CLARK BROS. TRANSFER, INC., 802 North First Street, Norfolk,

Nebr. 68701, filed December 2, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Omaha, Nebr., and Lincoln, Nebr., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Ainsworth, Nebr., over U.S. Highway 20 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 6, thence over U.S. Highway 6 to Council Bluffs, Iowa; (2) from Fremont, Nebr., over U.S. Highway 30 to Columbus, Nebr.; and (3) from Neligh, Nebr., over Nebraska Highway 14 to Albion, Nebr., thence over Nebraska Highway 39 to Genoa, Nebr., thence over Nebraska Highway 22 to Columbus, Nebr., thence over U.S. Highway 81 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 34, thence over U.S. Highway 34 to Lincoln, Nebr., and return over the same route, for operating convenience only.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 533) (Cancels Deviation No. 489) (Correction) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 4, 1969. Route No. 3 of the summary of this deviation notice published in the FEDERAL REGISTER November 19, 1969, should be corrected to show the deviation route as follows: (3) From Macon, Ga., over Georgia Highway 22 to junction Interstate Highway 475.

No. MC 13300 (Deviation No. 14), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C. 27602, filed November 28, 1969. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between junction combined U.S. Highways 29–601 and Interstate Highway 85 near China Grove, N.C., and Charlotte, N.C., over Interstate Highway 85, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction combined U.S. Highway 29–601 (formerly junction U.S. Highway 29 and Alternate U.S. Highway 29), near China Grove, N.C., over combined U.S. Highway 29–601 (formerly Alternate U.S. Highway 29) to Concord, N.C., thence over U.S. Highway 29 (formerly Alternate U.S. Highway 29) to Charlotte, N.C., and return over the same route.

No. MC 107586 (Deviation No. 12), CONTINENTAL BUS SYSTEM, INC., 316 Continental Avenue, Dallas, Tex. 75207, filed December 1, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between San Antonio, Tex., and Houston, Tex., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Tyler, Tex., over U.S. Highway 69 to Jacksonville, Tex., thence over U.S. Highway 79 to Round Rock, Tex., thence over U.S. Highway 81 via Austin to San Marcos, Tex., thence over Texas Highway 123 to Seguin, Tex., thence over Texas Highway 218 to San Antonio, Tex.; and (2) from Seguin, Tex., over Alternate U.S. Highway 90 via Gonzales and Hallettsville, Tex., to Altair, Tex., thence over Texas Highway 71 to Columbus, Tex., thence over U.S. Highway 90 to Houston, Tex., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69–14953; Filed, Dec. 16, 1969; 8:48 a.m.]

[Notice 1359]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 12, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission, authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 95540 (Sub-No. 771), filed November 6, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Rocky Mount, N.C., to points in Virginia, West Virginia, Pennsylvania, Ohio, New York, Connecticut, Massachusetts, Maryland, New Jersey, Delaware, and the District of Columbia, and (2) *pizza, salads, and sandwich spreads*, from Greensboro, N.C., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved.

HEARING: January 6, 1970, at the John H. Hamilton Auditorium, Laboratory Building, State Board of Health, 215 Jones Street, Raleigh, N.C., before Examiner Charles J. Murphy.

No. MC 4405 (Sub-No. 468) (Republication), filed March 31, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, and republished this issue. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. By application filed March 31, 1969, as amended, applicant seeks a certificate of public and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of tractors, excavating, trailers (other than those designed to be drawn by passenger automobiles), and parts and attachments therefor when moving in connection with the above-named tractors, from Perry, Okla., to all points in the United States, except Oklahoma and Hawaii. An order of the Commission, Review Board Number 2, decided November 26, 1969, and served December 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *excavating tractors, equipment trailers, and mechanically adjustable work platforms, and tractor and trailer parts and attachments* therefor when moving in connection with the above-named commodities, from Perry, Okla., to points in the United States, except Alaska, Hawaii, and Oklahoma; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Nos. MC 16365 (Sub-No. 6) and MC 36181 (Sub-No. 3) (Republications), filed April 1, 1966, and April 27, 1965, respectively, published in the FEDERAL REGISTER issues of April 21, 1966, and May 13, 1965, respectively, and republished this issue. (1) No. MC 16365 (Sub-No. 6). Applicant: GEO. W. WEAVER & SON, INC., 539 North Front Street, Steelton, Pa. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Post Office Box 626, Camp Hill, Pa. (2) No. MC 36181 (Sub-No. 3). Applicant: ARNOLD N. GILMER, doing business as ARNOLD N. GILMER MOVING & STORAGE, Aberdeen, Md. Applicant's representative: William T. Croft, Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006. In a prior report in the above-entitled proceedings, decided September 25, 1968, the Commission Review Board Number 1, denied the applications filed April 1, 1966, and April 27, 1965, respectively by applicants seeking certificates of public convenience and necessity authorizing operation, in interstate or foreign commerce, as common carriers by motor vehicle, over irregular routes, of the commodities, and to, from, or between the points indicated below. Upon consideration of petitions filed by applicants, the above-entitled proceedings were reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, acting as an Appellate Division. An order of the Commission, Review Board Number 1, decided November 25, 1969, and served December 2, 1969, upon further consideration, finds that the present and future public convenience and necessity require operation by each applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: In No. MC 16365 (Sub-No. 6): Between points in Dauphin, Lebanon, Lancaster, York, Cumberland, Perry, Juniata, Snyder, Northumberland, Schuylkill, Union, Adams, and Franklin Counties, Pa. In No. MC 36181 (Sub-No. 3): Between (1) points in Harford and Cecil Counties, Md., and (2) between points in Harford and Cecil Counties, Md., on the one hand, and, on the other, points in Baltimore County, Md., and Baltimore, Md.; that each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 43652 (Sub-No. 2) (Republication), filed February 24, 1969, published in the FEDERAL REGISTER issue of March 27, 1969, and republished this issue. Applicant: ECKDAHL WAREHOUSE CO., a corporation, 250 North Myers Street, Los Angeles, Calif. 90033. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014. By application filed February 24, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of new furniture, in cartons, crates, and boxes, in interstate commerce, having a prior movement by rail, water, or truck, from Los Angeles and Los Angeles Harbor, Calif., to 281 points in California, and from San Francisco, Calif., to 196 points in California. An order of the Commission, Review Board No. 1, decided November 19, 1969, and served November 25, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *new furniture*, crated, from Los Angeles and Los Angeles Harbor, Calif., to points in Los Angeles, San Diego, San Bernardino, Orange, Riverside, Imperial, Santa Barbara, and Ventura Counties, Calif., and to Oildale, Lamont, Arvin, Bakersfield, Marina, Greenfield, Las Palmos, and Miramonte, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 86913 (Sub-No. 28) (Republication), filed June 20, 1969, published in the FEDERAL REGISTER issue of July 31, 1969, and August 14, 1969, and republished this issue. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. By application filed June 20, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of hardboard, from Conway, N.C., and points within 10 miles thereof; to points in that part of Maine north of a line beginning at the Maine-New Hampshire State line near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine; thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine; New York, N.Y., and points in Nassau, Queens, Kings, and Suffolk Counties, N.Y., that part of Pennsylvania on, south and east of a line beginning at the New Jersey-Pennsylvania State line near Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to the Pennsylvania-Maryland State line near Maryland Line, Md., points in Montgomery County, Md., and Baltimore, Md., points in West Virginia south of U.S. Highway 50, and points in Tennessee east of U.S. Highway 25E, points in Virginia and the District of Columbia; An order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 1, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicles, over irregular routes, transporting of *hardboard*, from points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 100623 (Sub-No. 7) (Republication), filed November 6, 1967, published in the FEDERAL REGISTER issue of November 30, 1967, and republished this issue. Applicant: HOURLY MESSENGERS, INC., 1710 Wood Street, Philadelphia, Pa. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Upon consideration of the record in the above-entitled proceeding, and the petition for reconsideration filed by protestant, and the reply thereto filed by applicant, and, for good cause shown, by order entered May 20, 1969, the proceeding was reopened for reconsideration on the present record. An order of the Commission, Division 1, Acting as an Appellate Division, dated November 3, 1969, and served November 18, 1969, on reconsideration, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *general commodities*, except those of unusual

value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, cash letters, cash and currency, narcotics, and processed and unprocessed film, (1) between points in that part of Pennsylvania bounded by a line beginning at a point on the Pennsylvania-Delaware State line where the Pennsylvania-Delaware State line meets the Delaware River; extending in a northwesterly direction along the Pennsylvania-Delaware State line to the intersection with Ridge Avenue (U.S. Highway 13 Bypass); thence in a northeasterly direction along Ridge Avenue to Linwood, Pa.;

Thence north along Pennsylvania Highway 452 to the intersection with U.S. Highway 1; thence northeast along U.S. Highway 1 to Rosetree; thence northwest along Providence Road through Edgemont and White Horse to Boot Road; thence northwest along Boot Road to Sugartown; thence north along Sugartown Road to intersection with U.S. Highway 202; thence east along U.S. Highway 202 to intersection with Devon Road; thence along Devon Road to intersection with Sugartown Road; thence east along Sugartown Road to Strafford; thence west along U.S. Highway 30 to intersection with Waterloo Road; thence north along Waterloo Road to New Centerville; thence east along U.S. Highway 202 (Swedesford Road) to Interstate Highway 76 (Schuylkill Expressway); thence south along Interstate Highway 76 to intersection with U.S. Highway 1 (City Line Avenue); thence northwest along the Schuylkill River to the Philadelphia-Montgomery County border line, thence northeast along the Philadelphia-Montgomery County border line to Stenton Avenue; thence south along Stenton Avenue to intersection with Bethlehem Pike; thence along Bethlehem Pike through Erdenheim, Flourtown, Whitemarsh, and Fort Washington to Cedar Hill Road; thence northeast along Cedar Hill Road and Chestnut Lane to County Line Road (Montgomery County-Bucks County border line); thence southeast along County Line Road to Newton Road; thence northeast along Newton Road to Johnsville; thence southeast along Pennsylvania Highway 132 (Street Road) through Davisville and Southampton to intersection with Gravel Hill Road; thence northeast along Gravel Hill Road to Churchville; thence southeast along Bristol Road to Buck Road; thence southwest along Buck Road to Pennsylvania Highway 213 (Feasterville and Bridgetown Pike); thence northeast along Pennsylvania Highway 213 (Feasterville and Bridgetown Pike) through Bridgetown to Bucktow; thence northeast along Pennsylvania Highway 432 (Langhourne-Yardley Road) through Woodside and Yardley to the Delaware River; thence along the Delaware River to the point of beginning, including points on the said boundary line; and

(2) Between the points described in (1) preceding, on the one hand, and, on the other, points in Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Salem, and Warren Counties, N.J., New Castle County, Del., and Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, and York Counties, Pa., subject in parts (1) and (2) to the following restrictions and conditions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, (2) no service shall be rendered between partment stores, specialty shops, and retail stores, and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores, or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores, (3) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any 1 day, (4) no delivery service shall be provided under the authority granted herein to the premises of persons who or which have entered into contracts with applicant and are served by it pursuant to permits issued by this Commission, (5) the certificate granted herein shall be subject to the rights of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that applicant's operations shall conform to the provisions of section 210 of the act, and (6) the authority granted herein is restricted (a) against the transportation of traffic having a prior or subsequent movement by air; and

(b) Against tacking or joining with any other authority held by applicant; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operation should be granted, subject to applicant's prior written request for the cancellation of permit No. MC 102799 (except those portions on sheet 3 thereof authorizing the transportion of processed and unprocessed film); that the holding by applicant of the certificate herein granted, and the holding by it of permit No. MC 102799 heretofore issued to it (as modified above) will be consistent with the public interests and the national transportation policy. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123048 (Sub-No. 152) (Republication), filed April 10, 1969, published in the FEDERAL REGISTER issue of May 15, 1969, and republished this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson, Box A, Racine, Wis. 53401. By application filed April 10, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of agricultural implements, agricultural machinery, from the plantsite and warehouse facilities of Oliver Corp., located at or near South Bend, Ind., to ports of entry located on the international boundary line between the United States and Canada, located at Port Huron and Detroit, Mich. A supplemental order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 2, 1969, finds that the present and future public convenience and necessity require operation by applicant, in foreign commerce only, as a *common carrier* by motor vehicle, over irregular routes, of *agricultural implements, agricultural machinery, and parts* for agricultural implements and agricultural machinery, from South Bend, Ind., to those ports of entry located on the international boundary line between the United States and Canada, at Port Huron and Detroit, Mich., restricted to the transportation of traffic originating at the plantsite and storage facilities of Oliver Corp. located at or near South Bend, Ind.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124211 (Sub-No. 112) (Republication), filed April 11, 1968, published in the FEDERAL REGISTER issue of May 2, 1968, and republished this issue. Applicant: HILT TRUCK LINE, INC., 2648 Cornhusker Highway, Post Office Box 824, Lincoln, Nebr. 68501. By application filed April 11, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing

operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular and irregular routes, of the commodities and from, to, and between the points substantially as indicated below. An order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1)(a) *macaroni, noodles, grain products, bakery products, beverages, pancake flour, spaghetti, and vermicelli*, between Lincoln, Nebr., and those points on the following highways (except Glenwood, Iowa); on U.S. Highway 77 from Lincoln to junction U.S. Highway 36, thence on U.S. Highway 36 to junction U.S. Highway 59, thence on U.S. Highway 59 to junction U.S. Highway 34, thence on U.S. Highway 34 to Lincoln; and (b) *macaroni, noodles, grain products, bakery products, beverages, pancake and cake flour, spaghetti, and vermicelli*, between Lincoln, Nebr., and those points in Iowa within the Sioux City, Iowa, commercial zone; restricted against joinder or tacking with any other authority now held by applicant.

(2)(a) *Nonfrozen beverages and nonfrozen beverage concentrates* in mixed loads with related advertising matter, and (b) *advertising matter* in mixed loads with nonfrozen beverage concentrates and nonfrozen beverages, from Sioux City, Iowa (except those points in Nebraska within the Sioux City commercial zone) and points in California, Louisiana, and Texas, to Alliance, David City, Fairbury, Fremont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr., and points in South Dakota; (3) *empty containers and pallets*, from Alliance, David City, Fairbury, Fremont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr., to points in California, Louisiana, and Texas, and to Sioux City, Iowa (except points in Nebraska within the Sioux City commercial zone); and (4) *junk, scrap, and waste materials* (except scrap paper and waste paper, and except waste materials in bulk) between points in the United States (including Alaska, but excluding Hawaii and except from points in Nebraska to Chicago, Ill., and Kansas City and St. Louis, Mo.); restricted against the transportation of meat scraps between point in Nebraska and Iowa, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Michigan, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Nos. MC 129053, MC 129083 (Sub-No. 1), MC 129099 (Sub-No. 1), MC 129133 (Sub-No. 1), MC 129185, MC 129192 (Sub-No. 1), MC 129197 (Sub-No. 1), MC 129199, MC 129284, MC 129383 (Sub-No. 1), and MC 129417 (Sub-No. 1) (Republications) No. MC 129053, filed April 27, 1967, published in the FEDERAL REGISTER issue of May 18, 1967, and republished this issue. Applicant: FIDELITY MOVING & STORAGE CO., INC., 610 Commerce Street, Fayetteville, N.C. 28302. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

No. MC 129083 (Sub-No. 1) filed August 14, 1967, published in the FEDERAL REGISTER issue of September 8, 1967, and republished this issue. Applicant: YOUMANS TRANSFER COMPANY, a corporation, 4209 Montgomery Street, Savannah, Ga. 31405. Applicant's representative: James E. Yates III, 19 East Bay Street, Post Office Box 332, Savannah, Ga.

No. MC 129099 (Sub-No. 1) filed June 26, 1967, published in the FEDERAL REGISTER issue of July 13, 1967, and republished this issue. Applicant: MAY MOVING OF GOLDSBORO, INC., 507 South Center Street, Goldsboro, N.C. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

No. MC 129133 (Sub-No. 1) filed November 9, 1967, published in the FEDERAL REGISTER issue of November 30, 1967, and republished this issue. Applicant: TYRONE J. GOLLOTT, doing business as CITY TRANSFER & STORAGE CO., 1253 Conevas Street, Biloxi, Miss. 39530.

No. MC 129185 filed June 15, 1967, published in the FEDERAL REGISTER issue of June 29, 1967, and republished this issue. Applicant: DALE J. COOK MOVING AND STORAGE, INC., 4700 Paramount Drive., North Charleston, S.C. Applicant's representative: J. Mitchell Graham, Post Office Box 223, Charleston, S.C.

No. MC 129192 (Sub-No. 1) filed August 21, 1967, published in the FEDERAL REGISTER issue of September 8, 1967, and republished in this issue. Applicant: UNIVERSITY TRANSFER & STORAGE, INC., 111 San Lorenzo Avenue, Coral Gables, Fla. 33146. Applicant's representative: Ralph W. McCandliss, Jr. (same address as applicant).

No. MC 129197 (Sub-No. 1) filed June 26, 1967, published in the FEDERAL REGISTER issue of July 26, 1967, and republished this issue. Applicant: ASHLEY TRANSFER AND STORAGE, COMPANY, a corporation, 1142 Morrison Drive, Charleston, S.C. 29405. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

No. MC 129199 filed June 26, 1967, published in the FEDERAL REGISTER issue of July 13, 1967, and republished this issue. Applicant: CROWN MOVING & STORAGE OF GOLDSBORO, INC., 901 North James Street, Goldsboro, N.C. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

No. MC 129284, filed July 26, 1967, published in the FEDERAL REGISTER issue of August 17, 1967, and republished this issue. Applicant: ORANGE TRANSFER & STORAGE, INC., 2890 Coolidge Avenue, Orlando, Fla. 32804. Applicant's representative: Paul F. Sullivan, 15th and New York Avenue NW., Washington, D.C. 20005.

No. MC 129383 (Sub-No. 1) filed December 13, 1967, published in the FEDERAL REGISTER issue of December 28, 1967, and republished this issue. Applicant: McCARLEY MOVING & STORAGE COMPANY, INC., 4245 Milgen Road, Columbus, Ga. 31907. Applicant's representative: James L. Flemister, 1026 Fulton Federal Building, Atlanta, Ga. 30303.

No. MC 129417 (Sub-No. 1) filed December 1, 1967, published in the FEDERAL REGISTER issue of December 14, 1967, and republished this issue. Applicant: GUARDIAN VAN LINES, INC., 605 South Second Street, Post Office Box 274, Blytheville, Ark. 72315. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

By a prior report in the above-entitled proceedings, decided September 20, 1969, the Commission Review Board No. 3, found that each applicant had failed to establish that the present or future public convenience and necessity required the operation proposed, and that each application should be denied without prejudice to the right of each applicant to petition this Commission, within a specified time, to reopen its particular proceeding for the purpose of submitting specific and concrete evidence, in the form of verified statements, as to the scope of its asserted past operations, in order that a proper determination could then be made of the necessity for reopening the proceeding for further proceeding. Upon consideration of the petitions filed by each applicant, the above-entitled proceedings were reopened for further processing under the modified procedure on July 11, 1969, by Division 1, acting as an Appellate Division. A report of the Commission of further consideration, by Review Board No. 3, has determined that the present and future public convenience and necessity require operation by each applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below.

An order of the Commission Review Board No. 3, decided November 6, 1969, and served November 19, 1969, upon further consideration, finds that the present and future public convenience and necessity require operation by each applicant

in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods* restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: In No. MC 129053: Between points in Stokes, Rockingham, Caswell, Person, Granville, Vance, Forsyth, Guilford, Alamance, Orange, Durham, Franklin, Nash, Davidson, Randolph, Chatham, Wake, Wilson, Montgomery, Moore, Lee, Harnett, Johnston, Wayne, Greene, Lenoir, Anson, Richmond, Scotland, Hoke, Robeson, Cumberland, Sampson, Duplin, Jones, Onslow, Bladen, Pender, Columbus, Brunswick, and New Hanover Counties, N.C. In No. MC 129083 (Sub-No. 1): Between points in Jenkins, Screven, Effingham, Chatham, Emanuel, Candler, Bulloch, Bryan, Toombs, Tattnall, Evans, Treutlen, Montgomery, Long, Liberty, McIntosh, Appling, Wayne, Glynn, Pierce, Brantley, and Camden Counties, Ga., and Barnwell, Bamberg, Allendale, Hampton, Colleton, Jasper, Beaufort, Dorchester, and Charleston Counties, S.C.

In No. MC 129099 (Sub-No. 1): Between points in Granville, Vance, Warren, Halifax, Northampton, Hertford, Bertie, Martin, Washington, Franklin, Nash, Edgecombe, Pitt, Wilson, Durham, Wake, Johnston, Chatham, Lee, Harnett, Wayne, Greene, Lenoir, Craven, Pamlico, Beaufort, Cumberland, Bladen, Sampson, Duplin, Pender, Onslow, Jones, and Carteret Counties, N.C. In No. MC 129133 (Sub-No. 1): Between points in Jackson, Harrison, and Hancock Counties, Miss. In No. MC 129185: Between points in Charleston, Dorchester, and Berkeley Counties, S.C., on the one hand, and, on the other, points in South Carolina. In No. MC 129192 (Sub-No. 1): Between points in Dade and Broward Counties, Fla. In No. MC 129197 (Sub-No. 1): Between points in Beaufort, Jasper, Hampton, Allendale, Bamberg, Colleton, Charleston, Dorchester, Orangeburg, Calhoun, Berkeley, Sumter, Clarendon, Williamsburg, and Georgetown Counties, S.C., subject to the condition that the person or persons who control the operation of both applicant and any other carrier operation in interstate or foreign commerce shall first obtain approval of such control under the provisions of section 5(2) of the Act, or file in the proceeding an affidavit that such approval is unnecessary. In No. MC 129199: Between points in Granville, Vance, Warren, Halifax, Northampton, Hertford, Bertie, Martin, Edgecombe, Nash, Franklin, Durham, Orange, Chatham, Wake, Wilson, Pitt, Beaufort, Pamlico, Craven, Lenoir, Greene, Wayne, Johnston, Lee, Harnett, Cumberland, Bladen, Sampson, Duplin, Jones, Onslow, Carteret, Pender, and New Hanover Counties, N.C.

In No. MC 129284: Between points in Citrus, Hernando, Lake, Orange, Sumter, Alachua, Bradford, Clay, Dixie, Flagler, Gilchrist, Levy, Marion, Putnam, Seminole, St. Johns, and Volusia Counties, Fla. In No. MC 129383 (Sub-No. 1): Between points in Muscogee, Chattahoochee, Troup, Meriwether, Harris, Talbot, Upson, Taylor, Marion, Schley, Macon, Sumter, Webster, Stewart, Quitman, Randolph, Terrell, and Clay Counties, Ga., and Chambers, Tallapoosa, Macon, Lee, Russell, Bullock, and Barbour Counties, Ala. In No. MC 129417 (Sub-No. 1): Between points in Randolph, Clay, Greene, Mississippi, Lawrence, Craighead, Poinsett, Crittenden, Jackson, Cross, and St. Francis Counties, Ark.; Ripley, Butler, Stoddard, Scott, Dunklin, Pemiscot, Mississippi, New Madrid, and Cape Girardeau Counties, Mo.; and Dyer, Gibson, Lauderdale, Crockett, Shelby, Tipton, Haywood, and Fayette Counties, Tenn.; that each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129313 (Sub-No. 2) (Republication) filed June 26, 1968, published in the FEDERAL REGISTER issue of July 18, 1968, and republished this issue. Applicant: FLANIGAN BROTHERS STORAGE COMPANY, a corporation, 203 North Lake Street, Marquette, Mich. 49855. Applicant's representative: John R. Weber, Longyear Building, Marquette, Mich. 49855. By application filed June 26, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household goods, between Marquette, Mich., on the one hand, and, on the other, K. I. Sawyer Air Force Base and points in Marquette, Baraga, Houghton, Keweenaw, Alger, Schoolcraft, Delta, Iron, Ontonagon, Gogebic, Dickinson, and Menominee Counties, Mich. A prior report of the Commission in the above-entitled proceeding decided April 9, 1969, found that applicant had failed to establish that the present or future public convenience and necessity require the operation proposed; and that the application should be denied without prejudice to the right of applicant to petition this Commission, within a specified time, to reopen the proceeding for the purpose of submitting specific and concrete evidence in the form of verified statements, as to the scope of its asserted past operations. Upon consideration of the petition filed, the proceeding was reopened for further processing under modified procedure on September 9, 1969, by Division 1, acting as an Appellate Division. A report of the Commission on further consideration, Review Board No. 4, decided November 25, 1969, and served December 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic between points in Marquette, Baraga, Houghton, Keweenaw, Alger, Schoolcraft, Delta, Iron, Ontonagon, Gogebic, Dickinson and Menominee Counties, Mich.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 6945 (Sub-No. 33) filed October 20, 1969. Applicant: THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. 48126. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (I) Irregular routes: (A) *General commodities;* (1) between points in Thorn, Hopewell, and Madison Townships, Perry County, Ohio, on the one hand, and, on the other, points in Ohio, *restricted* against the transportation of heavy electrical and oil field machinery; and *restricted* against the transportation of household goods from or to New Lexington, Ohio; (2) between points in Walnut and Richland Townships, Fairfield County, Ohio, on the one hand, and, on the other points in Ohio; *restricted* against the transportation of household goods, office furniture and fixtures; and *restricted* against the transportation of heavy electrical and oil field machinery; (3) between points within 1 mile of Buckeye Lake, Licking County, Ohio, on the one hand, and, on the other, points in Ohio, *restricted* against the transportation of heavy electrical and oil field machinery; and *restricted* against the transportation of livestock.

(4) Between Alexandria, Ohio, on the one hand, and, on the other, points in Ohio; (5) between Kirkersville, Ohio, on the one hand, and, on the other, points in Ohio; (6) between all points in Licking County, Ohio, on and west of Ohio Highways 661 and 37 on the one hand, and, on the other, points in Ohio; *restricted* against the transportation of heavy machinery requiring special equipment to handle; and (7) between Columbus, Ohio, on the one hand, and, on the other, points in Ohio; and (B) *livestock;* (1) between points in Fairfield County, Ohio, on the one hand, and, on the other, points in Ohio; and (2) between points in Licking and Knox Counties, Ohio, on the one hand, and, on the other, points in Ohio. (II) *Regular routes.* (A) *General commodities,* (1) between Columbus and Chillicothe, Ohio; (a) from Columbus over U.S. Highway 23 to Chillicothe and return over the same route, serving all intermediate points and the off-route point of Williamsport, Ohio; (b) from Columbus over Ohio Highway 104 to Chillicothe and return over the same route, serving all intermediate points and the off-route point of Williamsport, Ohio; (2) between Columbus and Asheville, Ohio; over unnumbered highway to Asheville and return, serving all intermediate points including Lockburne and Duvall; (3) between Circleville and Kingston, Ohio; from Circleville over unnumbered highway to junction Ohio Highway 361 thence over Ohio Highway 361 to junction Ohio Highway 159, thence over Ohio Highway 159 to Kingston and return over the same route, serving all intermediate points; (4) between Kingston, Ohio, and junction Ohio Highway 159 and U.S. Highway 23; from Kingston over Ohio Highway 159 to junction U.S. Highway 23 and return over the same route, serving all intermediate points;

(5) Between Ashville, Ohio, and junction Ohio Highway 316 and Ohio Highway 104; from Ashville over Ohio Highway 316 to junction Ohio Highway 104 and return over the same route, serving all intermediate points except those on Ohio Highway 316 between U.S. Highway 23 and Ohio Highway 104; (6) between Circleville, Ohio, and junction U.S. Highway 22 and Ohio Highway 104; from Circleville over U.S. Highway 22 to junction Ohio Highway 104 and return over the same route, serving all intermediate points; (7) between Circleville and Laurelville, Ohio; over Ohio Highway 56 to Laurelville and return over the same route, serving all intermediate points; (8) between Laurelville, and Kinnickinnick, Ohio, over Ohio Highway 180 to Kinnickinnick and return over the same route, serving all intermediate points; (9) between Kingston and Tarlton, Ohio, over Ohio Highway 159 to Tarlton and return over the same route, serving all intermediate points; (10) between Tarlton and Laurelville, Ohio: over unnumbered highway to Laurelville and return over the same route, serving all intermediate points; (11) between Tarlton, Ohio, and junction Ohio Highway 159 to junction U.S. Highway 22 and return over the same route, serving all intermediate points; (12) between Amanda, and Lancaster, Ohio; (a) from Amanda over San Hill Road to junction U.S. Highway 22; thence over U.S. Highway 22 to Lancaster and return over the same route, serving all intermediate points and the off-route point of Delmont, Ohio;

(b) from Amanda over Cincinnati-Zanesville Road to junction Ohio Highway 159 and return over the same route, serving all intermediate points; (13) between Lancaster and Kirkersville, Ohio; from Lancaster over Ohio Highway 158 to junction Licking County Highway 40; thence over Licking County Highway 40 to Kirkersville and return over the same route, serving all intermediate points; (14) between Reynoldsburg, Ohio, and junction Ohio Highways 188 and 256; from Reynoldsburg over Ohio Highway 256 to junction Ohio Highway 188 and return over the same route, serving all intermediate points; (15) between Lancaster, Ohio, and junction Ohio Highway 37 and U.S. Highway 40; from Lancaster over Ohio Highway 37 to junction U.S. Highway 40 and return over the same route, serving all intermediate points; (16) between Columbus, Ohio, and junction U.S. Highway 40 and Ohio Highway 37; from Columbus over U.S. Highway 40 to junction Ohio Highway 37 and return over the same route, serving all intermediate points; (17) between junction Licking County Highway 157 and U.S. Highway 40 and junction Licking County Highway 157 and Ohio Highway 37; from junction Licking County Highway 157 and U.S. Highway 40 over Licking County Highway 157 to junction Licking County Highway 489; thence over Licking County Highway 489 to junction Ohio Highway 79; thence over Ohio Highway 79 to junction Ohio Highway 37 and return over the same route, serving all intermediate points; (18) between Pleasantville, Ohio, and junction Ohio Highway 360 and Licking County Highway 157; from Pleasantville over unnumbered highway to junction Ohio Highway 79; thence over Ohio Highway 79 to junction Ohio Highway 360; thence over Ohio Highway 360 to junction Licking County Highway 157 and return over the same route, serving all intermediate points including Millersport and Thurston, Ohio;

(19) Between Pleasantville and Carroll, Ohio, over unnumbered highway to Carroll and return over the same route, serving all intermediate points; (20) between Lancaster and New Salem, Ohio, over Ohio Highway 188 to New Salem and return over the same route, serving all intermediate points; (21) between Pickerington and Canal Winchester, Ohio, over unnumbered highway to Canal Winchester and return over the same route, serving all intermediate points; (22) between Columbus, Ohio, and junction unnumbered highway and Ohio Highway 256; from Columbus over unnumbered highway via Brice, Ohio, to junction Ohio Highway 256 and return over the same route, serving all intermediate points; (23) between Circleville and Oakland, Ohio, from Circleville over unnumbered highway via Stoutsville, Ohio, to Oakland and return over the same route, serving all intermediate points; (24) between Millersport, Ohio, and junction Ohio Highway 204 and Ohio Highway 256, from Millersport over Ohio Highway 204 to junction Ohio Highway 256 and return over the same route, serving all intermediate points; (25) between Columbus, Ohio, and junction Licking County Highway 157 and Ohio Highway 37; from Columbus over U.S. Highway 40 to junction Licking County Highway 157; thence over Licking County Highway 157 to junction Ohio Highway 37, and return over the same route, serving all intermediate points;

(26) Between junction Ohio Highway 79 and U.S. Highway 40 and junction Ohio Highway 79 and Licking County Highway 157; from junction Ohio Highway 79 and U.S. Highway 40 over Ohio Highway 79 to junction Licking County Highway 157, and return over the same route, serving all intermediate points; (27) between junction Licking County Highways 596 and 157 and junction Licking County Highway 596 and Ohio Highway 13; from junction Licking County Highways 596 and 157 over Licking County Highway 596 to junction Ohio Highway 13, and return over the same route, serving all intermediate points; (28) between junction Licking County Highways 596 and 327 and loop north of Buckeye Lake, from junction Licking County Highways 596 and 327 over Licking Highway 327 to and around loop north of Buckeye Lake, and return over the same route, serving all intermediate points; (29) between junction Licking County Highways 596 and 303 and junction Licking County Highways 596 and 303, from junction Licking County Highways 596 and 303 over Licking County Highway 303 to junction Licking County Highway 596, and return over the same route, serving all intermediate points; (30) between junction Licking County Highway 596 and Ohio Highway 13, and junction Ohio Highways 13 and 204; from junction Licking County Highway 596 and Ohio Highway 13 over Ohio Highway 13 to junction Ohio Highway 204 and return over the same route, serving all intermediate points; (31) between junction Ohio Highways 13 and 204 and junction Ohio Highways 204 and 310, from junction Ohio Highways 13 and 204 over Ohio Highway 204 to junction Ohio Highway 310, and return over the same route, serving all intermediate points;

(32) Between junction County Line Road and Ohio Highway 204 and junction Shell Beach Road and Ohio Highway 204; from junction County Line Road and Ohio Highway 204 over County Line Road to junction South Shore Drive; thence over South Shore Drive to junction Shell Beach Road; thence over Shell Beach Road to

junction Ohio Highway 204, and return over the same route, serving all intermediate points; (33) between junction Berry Road and Ohio Highway 204 and Berry Point, from junction Berry Road and Ohio Highway 204 over Berry Road to Berry Point, and return over the same route, serving all intermediate points; (34) between junction South Shore Drive and Berry Road and junction Canal Drive and Ohio Highway 204, from junction South Shore Drive and Berry Road over South Shore Drive to junction Canal Drive; thence over Canal Drive to junction Ohio Highway 204, and return over the same route, serving all intermediate points; (35) between junction Ohio Highways 37 and 204 and junction Ohio Highway 37 and U.S. Highway 40, from junction Ohio Highways 37 and 204 over Ohio Highway 37 to junction U.S. Highway 40, and return over the same route, serving all intermediate points; (36) between junction Ohio Highways 158 and 204 and junction Ohio Highway 158 and U.S. Highway 40, from junction Ohio Highways 158 and 204 over Ohio Highway 158 to junction U.S. Highway 40, and return over the same route, serving all intermediate points;

(37) Between junction Licking County Highway 141 and U.S. Highway 40 and junction Licking County Highways 141 and 35; from junction Licking County Highway 141 and U.S. Highway 40 over Licking County Highway 141 to junction Licking County Highway 35, and return over the same route, serving all intermediate points; (38) between Harris Farm and Agy Farm, over Licking County Highway 30 to Agy Farm, and return over the same route serving all intermediate points; (39) between Meadow Farm and Cedar Grove Farm, over Licking County Highway 35 to Cedar Grove Farm, and return over the same route, serving all intermediate points; (40) between junction Licking County Highway 40 and U.S. Highway 40 and junction Licking County Highway 40 and Ohio Highway 16, from junction Licking County Highway 40 and U.S. Highway 40 over Licking County Highway 40 to junction Ohio Highway 16, and return over the same route, serving all intermediate points; (41) between junction Licking County Highways 34 and 40 and junction Licking County Highway 34 and Ohio Highway 16, from junction Licking County Highways 34 and 40 over Licking County Highway 34 to junction Ohio Highway 16, and return over the same route serving all intermediate points; (42) between junction Ohio Highways 310 and 204 and junction Ohio Highways 310 and 16, from junction Ohio Highways 310 and 204 over Ohio Highway 310 to junction Ohio Highway 16, and return over the same route, serving all intermediate points;

(43) Between junction Licking County Highway 41 and Ohio Highway 16 and junction Licking County Highway 41 and U.S. Highway 40, from junction Licking County Highway 41 and Ohio Highway 16 over Licking Highway 41 to junction U.S. Highway 40, and return over the same route, serving all intermediate points; (44) between junction Licking County Highways 26 and 154 and junction Licking County Highway 26 and Ohio Highway 16, from junction Licking County Highway 26 to junction Ohio Highway 16, and return over the same route, serving all intermediate points; and (45) between junction Ohio Highway 16 and Licking County Highway 40 and Columbus, Ohio, from junction Ohio Highway 16 and Licking County Highway 40 over Ohio Highway 16 to Columbus, and return over the same route, serving all intermediate points. NOTE: Applicant states that it proposes to tack the above sought authority with each other at all common points of service as well as tacking such authority to applicant existing authority in MC 6945. The principal tacking point there will involve Columbus, Ohio. This application is a matter directly related to MC-F-10555, published FEDERAL REGISTER issue of July 30, 1969. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 59728 (Sub-No. 22), filed November 7, 1969. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio 44306. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Dayton, Ohio, and Chillicothe, Ohio: From Dayton over U.S. Highway 35 through Xenia, Jamestown, and Washington Court House, to Chillicothe and return over the same route, serving all intermediate points; and (2) between Jamestown and Washington Court House, Ohio: From Jamestown over county road through Grape Grove to South Solon, thence over Ohio Highway 41 (formerly Ohio Highway 70) and county road, through Jeffersonville, Parrot, and Eber, to Washington Court House, and return over the same route, serving all intermediate points. Restrictions: The authority sought in (1) and (2) above is restricted against the transportation of shipments originating at Dayton, Ohio, or at any point intermediate to Dayton and Xenia and destined to Xenia or any point intermediate to Xenia and Dayton, or the reverse. NOTE: This is a matter directly related to MC-F-10633, published in the FEDERAL REGISTER issue of October 16, 1969. The purpose of this application is to convert the certificate of registration of D. & C. Transportation Co., Inc., to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10675. Authority sought for control and merger by J. J. WILLIS TRUCKING COMPANY, Post Office Box 2112, Odessa, Tex. 79760, of the operating rights and property of AJAX TRANSPORT, INC., 802 Houston First Savings Building, Houston, Tex. 77002, and for acquisition by J. JEROME WILLIS, JR., PALMER P. WILLIS, W. FREDERICK WILLIS, all also of Odessa, Tex., R. HARDY WILLIS, Post Office Box 550, Beaumont, Tex. 77704, and JOE P. WILLIS, Post Office Box 20096, Dallas, Tex. 75220, of control of such rights and property through the transaction. Applicants' attorneys: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004, and Joe G. Fender, Houston First Savings Building, Houston, Tex. Operating rights sought to be controlled and merged: *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, as a *common carrier*, over irregular routes, between certain specified points in Texas, points in Lea and Eddy Counties, N. Mex., and points in Oklahoma, Kansas, and Arkansas; *commodities* other than those described above, the transportation of which requires the use of special equipment by reason of their size or weight and *related machinery parts and related contractors' equipment and supplies* when their transportation is incidental to the transportation of commodities which by reason of their size or weight require the use of special equipment, between points in that portion of Texas as above and those in Oklahoma, between points in the above Texas territory and points in Oklahoma, on the one hand, and, on the other, points in Colorado; and *machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, *machinery, materials, equipment and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe in connection with main or trunk pipelines, between Oklahoma, Kansas, Arkansas, and the above portions of Texas and New Mexico, on the one hand, and, on the other, points in Colorado, Utah, and Wyoming. J. J. WILLIS TRUCKING COMPANY is authorized to operate as a *common carrier* in Louisiana, Texas, New Mexico, Arizona, Kansas, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10676. Authority sought for merger into CROSS TRANSPORTATION, INC., Box 483, Bridgeton, N.J., of the operating rights and property of BLANTON TRUCKING COMPANY, INCORPORATED, Milford, Va., and for acquisition by J. GAGE CROSS, Carll's Corner, Bridgeton, N.J., and LOUIS TAYLOR, 61 Broad Avenue, Fairview, N.J., of control of such rights and property through the transaction. Applicants' attorney: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Operating rights sought to be merged: *Excelsior*, as a *common carrier*, over regular routes, from Montross, Va., to New York, N.Y., serving certain intermediate points and the off-route point of Washington, D.C.; *general commodities*, except livestock, dangerous explosives, inflammables, commodities in bulk other than fertilizer, articles of unusual size or value, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Richmond, Va., and New York, N.Y., serving certain intermediate and off-route points, with restriction; *general commodities*, with exceptions as immediately above, over regular and irregular routes, between certain specified points in Virginia, and New York, serving certain intermediate points, with restriction; *lumber*, over irregular routes, from certain specified points in Virginia, to Reading and Sellersville, Pa., Washington, D.C., and points in Maryland within 20 miles of Washington, D.C.; *general commodities*, except those of unusual value, and except dangerous explosives, furs, alcoholic beverages, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, livestock, silk, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., and certain specified points in New Jersey, on the one hand, and, on the other, Baltimore, Md., and Washington, D.C.; *fresh vegetables, canned and preserved foodstuff, and materials, equipment, and supplies* used in the canning of food, between points in King George County, Va., on the one hand, and, on the other, the District of Columbia, Baltimore, Md., Philadelphia, Pa., certain specified points in New Jersey, and New York, N.Y., traversing Delaware for operating convenience only; and *excelsior*, in bales, from points in Lancaster County, Va., to certain specified points in New York, New Jersey, and Boyertown and Philadelphia, Pa., traversing Delaware for operating convenience only. CROSS TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Connecticut, Delaware, Massachusetts, Maryland, Virginia, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b.) NOTE: CROSS TRANSPORTATION, INC., controls BLANTON TRUCKING COMPANY, INCORPORATED, through ownership of capital stock pursuant to authority granted in Docket No. MC-F-10064, by Review Board No. 5, dated June 13, 1968, and consummated June 19, 1968.

No. MC-F-10677. Authority sought for purchase by STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, Post Office Box 5689, Dallas, Tex. 75222, of a portion of the operating rights of A. K. FINNEY CO., INC., RICHARD W. BARRY, receiver in bankruptcy, doing business as A. K. FINNEY CO., c/o Leonard Salter, Attorney, 31 Milk Street, Boston, Mass. 02019, and for acquisition by HILL-ELLIOTT, INC., 2100 Mercantile Bank Building, Dallas, Tex., of control of such rights through the purchase. Applicants' attorney: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Plymouth, Mass., and Providence, R.I., serving all intermediate points, certain off-route points, between Providence, R. I., and Taunton, Mass., serving all intermediate points, between Plymouth, Mass., and New Bedford, Mass., serving all intermediate points and the off-route points of Dartmouth, and Swansea, Mass., between Plymouth, Mass., and Boston, Mass., serving all intermediate points, and certain off-route points, between Plymouth, Mass., and Weymouth, Mass., serving all intermediate points; *yarn*, on spools or in packages, and empty *spools*, between Providence, R.I., and Attleboro, Mass., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Texas, Arkansas, Tennessee, Louisiana, Mississippi, Missouri, Oklahoma, Illinois, Indiana, Michigan, Wisconsin, Ohio, Connecticut, New York, Massachusetts, New Jersey, Pennsylvania, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10678. Authority sought for purchase by McVEY TRUCKING, INC., Rural Route 1, Oakwood, Ill. 61858, of the operating rights and property of FLOYD WILLEY, Rossville, Ill., and for acquisition by LLOYD McVEY, and NORMA McVEY, both also of Oakwood, Ill. 61858, of control of such rights and property through the purchase. Applicants' attorney: Clyde Meachum, 41 North Vermilion, Danville, Ill. 61832. Operating rights sought to be transferred: *Sand and gravel*, as a *common carrier*, over irregular routes, from points in Warren, Fountain, and Vermillion Counties, Ind., to points in Vermilion County, Ill., with restriction; and *haydite, limestone, crushed rock, and coal*, from points in Vermilion County, Ill., to points in Indiana with restriction. Vendee holds no authority from this Commission. However, one of its controlling stockholders, LLOYD McVEY, doing business as McVEY TRUCKING, Route No. 1, Oakwood, Ill. 61858 which is authorized to operate as a *common carrier* in Iowa, Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Wisconsin, and Michigan, and as a *contract carrier* in Illinois and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10679. Authority sought for purchase by COOK REFRIGERATED EXPRESS, INC., 830 North 33d Street, Birmingham, Ala. 35201, of a portion of the operating rights of DIXIE MIDWEST EXPRESS, INC., Highway No. 69 South, Post Office Box 372, Greensboro, Ala. 36744, and for acquisition by OCIE M. COOK, SR., also of Birmingham, Ala., of control of such rights through the purchase. Applicants' attorney: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *Charcoal*, as a *common carrier*, over irregular routes, from Sardis, Ala., to points in Illinois, Indiana, and Ohio; *canned vegetables*, from Rochelle and De Kalb, Ill., and certain specified points in Wisconsin to points in Alabama; *malt beverages*, from St. Louis, Mo., Cincinnati, Ohio, Milwaukee, Wis., Belleville and Peoria, Ill., and Evansville and Terre Haute, Ind., to certain specified points in Alabama; *malt beverages, beer-can openers, and advertising material* pertaining to malt beverages, from St. Joseph, Mo., Chicago, Ill., Fort Wayne and South Bend, Ind., Louisville and Covington, Ky., Tampa, Fla., and New Orleans, La., to points in Alabama, and to points in Troup and Muscogee Counties, Ga.; *malt beverage containers and pallets, and advertising materials* pertaining to malt beverages, from points in Alabama and points in Troup and Muscogee Counties, Ga., to St. Louis and St. Joseph, Mo., certain specified points in Illinois and Indiana, Cincinnati, Ohio, Louisville and Covington, Ky., Tampa, Fla., and New Orleans, La.; *malt beverages, and can openers and malt beverage advertising materials*, when moving in the same vehicle with malt beverages, from Milwaukee, Wis., and Peoria, Ill., to points in Calhoun County, Ala. Vendee holds no authority from this Commission. However, its controlling stockholder is affiliated with EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. 35201, which is authorized to operate as a *common carrier* in Georgia, Mississippi, Tennessee, Alabama, Florida, Louisiana, Texas, Virginia, Arkansas, North Carolina, South Carolina, Missouri, Kansas, Illinois, Michigan, Ohio, Wisconsin, Iowa, Kentucky, Oklahoma, West Virginia, Indiana, Maryland, Pennsylvania, Connecticut, Delaware, Massachusetts, Minnesota, Maine, Nebraska, New Hampshire, North Dakota, Rhode Island, New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Arizona, Utah, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10680. Authority sought for purchase by ESCRO STORAGE & CARTAGE, INC., 360 Dingens Street, Buffalo, N.Y. 14206, of the operating rights of MURRAY'S TRUCKING SERVICE, INC., 150 Myrtle Avenue, Buffalo, N.Y.

14204, and for acquisition by A. STEPHEN ESPOSITO, 199 Dale Drive, Tonawanda, N.Y. 14150, of control of such rights through the purchase. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from Buffalo, N.Y., to points in Cattaraugus, Chatauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, N.Y. Vendee is authorized to operate as a *common carrier*, in New York and Pennsylvania. Application has been filed for temporary authority under section 210a(*b*).

No. MC–F–10683. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 3755 Central Avenue, Detroit, Mich. 48210, of the operating rights of AURORA MOTOR EXPRESS, INC. (LEONARD SPIRA, ASSIGNEE FOR BENEFIT OF CREDITORS), 257 Stuart Avenue, Aurora, Ill. 60507, and for acquisition by WAYNE E. LONG, also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorneys: Robert A. Sullivan and Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Oswego, Ill., serving the intermediate point of Aurora, Ill., with restriction; and under a certificate of registration, in Docket No. MC–36469 Sub-No. 3, covering the transportation of commodities general, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Connecticut, Illinois, Pennsylvania, Michigan, Ohio, New York, New Jersey, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–24379 Sub-No. 35 is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC–F–10681. Authority sought for control and merger by ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y., of the operating rights and property of EMPIRE BUS LINES, INC., 186 Smith Street, Poughkeepsie, N.Y., and for acquisition by LOUISE H. VAN GONSIC, 75 Valentine Avenue, Kingston, N.Y., and JOHN J. VAN GONSIC, JR., Round Lake Road, Rhinebeck, N.Y., of control of such rights and property through the transaction. Applicants' attorney and representative: James E. Wilson, 1735 K Street NW., Washington, D.C., and Louis H. Shereff, 292 Madison Avenue, New York, N.Y. Operating rights sought to be controlled and merged: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Danbury, Conn., and Poughkeepsie, N.Y., serving intermediate points; passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Danbury, Conn., and New Haven, Conn., between Danbury, Conn., and Haviland Hollow, N.Y., between Poughkeepsie, N.Y., and Poughquag, N.Y., between Poughkeepsie, N.Y., and Bard College, at Annandale-On-Hudson, N.Y., between junction New York Highways 199 and 9G south of Bard College, at Annandale-On-Hudson, N.Y., and junction New York Highway 9G and U.S. Highway 9 near Weys Corners, N.Y., with restriction; serving all intermediate points; passengers and their baggage, and express, in the same vehicle with passengers, between Stormville, N.Y., and Danbury, Conn., serving all intermediate points, except no service shall be rendered between Brewster, N.Y., Danbury, Conn., and points intermediate thereto; and passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, over irregular routes, from Red Hook, N.Y., to Washington, D.C., and return; and passengers and their baggage, in the same vehicle with passengers, as a *contract carrier*, over regular routes, between Danbury, Conn., and Brewster, N.Y., between junction combined U.S. Highways 6 and 202 and New York Highway 22 near Brewster, N.Y., and Chappaqua, N.Y., serving all intermediate points, with restriction. ADIRONDACK TRANSIT LINES, INC., is authorized to operate as a *common carrier* in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14954; Filed, Dec. 16, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 12, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M–5285 filed November 5, 1969. Applicant: POTEET TRUCK LINES, INC., 1419 West Broadway, Morrilton, Arkansas. Applicant's representatives: Charles J. Lincoln, Don T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Morrilton, Ark., and Centerville, Ark., from Morrilton, Ark., over Arkansas State Highway 9 to Oppelo, Ark., thence over Arkansas State Highway 154 from Oppelo, Ark., to Centerville, Ark., serving all intermediate points and return; between Morrilton, Ark., and the west bank of the Arkansas River at the point on Arkansas State Highway 60 where it intersects the Arkansas River; from Morrilton, Ark., over Arkansas State Highway 9 to Oppelo, Ark., thence over Arkansas State Highway 113 from Oppelo, Ark., to Houston, Ark., thence over Arkansas State Highway 60 to the west bank of the Arkansas River, serving all intermediate points and return; between Morrilton, Ark., and Harrison, Ark.; from Morrilton, Ark., over Arkansas Highway 9 to Choctaw, Ark., thence over U.S. Highway 65 to Harrison, Ark., serving all intermediate points and return; between Harrison, Ark., and Jasper, Ark.; from Harrison, Ark., over Arkansas State Highway 7 to Jasper, Ark., serving all intermediate points and return; between Harrison, Ark., and Mountain Home, Ark.; from Harrison, Ark., over U.S. Highway 62 to Mountain Home, Ark., serving all intermediate points and return; between Yellville, Ark., and Marshall, Ark., from Yellville, Ark., over Arkansas State Highway 14 to Harriet, Ark., thence over Arkansas State Highway 27 from Harriet, Ark., to Marshall, Ark., serving all intermediate points and return. Both intrastate and interstate authority sought.

HEARING: Monday, January 26, 1969, at 10 a.m., hearing room, Arkansas Commerce Commission, Justice Building, Little Rock, Ark. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

State Docket No. CC–7061, filed November 26, 1969. Applicant: HENRY MARVIN FIELDS, doing business as FIELDS BUS LINE, Route 1, Box 78–D, Roanoke, Va. 24012. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *Passengers and their baggage, mail, newspapers and express* between Bedford, Va., and Big Island, Va., via Virginia Highway 122. Both intrastate and interstate authority sought.

HEARING: Tuesday, February 24, 1970, at 10 a.m., Courtroom State Corporation Commission, Blanton Building, Richmond, Va. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the State Corporation Commission of Virginia, Office of Motor Carrier Counsel, Post Office Box 1158, Richmond, Va. 23209, and should not be directed to the Interstate Commerce Commission.

State Docket No. 69–327–MF/O, filed August 29, 1969. Applicant: RUDY MALLONEE, 205 East 26th Street, Spenard, Alaska 99503. Applicant's representative: James K. Tallman, 906 West Third Avenue, Anchorage, Alaska. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines including the stringing and picking up thereof, between points in zones, between Fairbanks and points within a 25-mile radius on the one hand and points in Zone 2 and 4 north of the Yukon River. Both intrastate and interstate authority sought.

HEARING: Not given. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to Interstate Commerce Commission.

State Docket No. 69–352–MF/O filed September 30, 1969. Applicant: ORVILLE J. DICKMAN, Teller, Alaska 99778. Applicant's representative: Roger A. McShea III, Suite A, 1016 West Sixth Avenue, Anchorage, Alaska 99501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities, machinery, barrel fuel, barrel gas, building materials, grocery and store supplies, hardware and household goods, oil well, and drilling equipment* constituting the so-called "Mercer" description, but not to include local pickup and delivery, between Teller and Nome, and between Nome and Teller and all points connected by roads in Zone 2, and all intermediate points in between, and between all other points connected by roads in Zone 2. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14951; Filed, Dec. 16, 1969; 8:48 a.m.]

[Notice 461]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 12, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71738. By order of December 3, 1969, the Motor Carrier Board approved the transfer to Manuel Val, Jr., doing business as Val Motor Freight, Irvington, N.J., of permit No. MC–3469 issued December 3, 1965, to Mildred L. Johnson, doing business as Johnson Forwarding Co., Newark, N.J., authorizing the transportation of mineral wook, asbestos cement, and waterproofing cement, between Newark, N.J., on the one hand, and, on the other, Wilmington, Del., and points in the New York, N.Y., commercial zone, as defined by the Commission; and lead, zinc, and allied products, used in the manufacture and sale thereof, between Newark, N.J., on the one hand, and, on the other, Mamaroneck, White Plains, Port Chester, Hempstead, and Southampton, N.Y., Philadelphia, Pa., Wilmington, Del., and Bridgeport, Conn., points in New Jersey and those in the New York, N.Y., commercial zone. Robert B. Pepper, Registered Practitioner, 297 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC–FC–71739. By order of December 2, 1969, the Motor Carrier Board approved the transfer to Seigle's Express, Inc., Clifton, N.J., of certificate No. MC–54200 issued June 17, 1941, to Henry Seigle, doing business as Seigle's Express, Clifton, N.J., authorizing the transportation of general commodities, with the usual exceptions, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, points in Passaic, Bergen, Hudson, Essex, Union, Morris, Hunterdon, Warren, and Somerset Counties, N.J. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC–FC–71741. By order of December 2, 1969, the Motor Carrier Board approved the transfer to Clifford C. Nielsen, doing business as Nielsen & Son, 1134 North Skokie Highway, Gurnee, Ill. 60031, of certificate No. MC–114426 issued November 10, 1954, to Niels Nielsen and Clifford C. Nielsen, doing business as Nielsen & Son, 1134 North Skokie Highway, Gurnee, Ill. 60031, authorizing the transportation of such commodities, as are dealt in and sold by chain, retail and mail order department stores, from Waukegan, Ill., to specified points in Wisconsin.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14955; Filed, Dec. 16, 1969; 8:48 a.m.]

[Notice 462A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71759. By order of December 11, 1969, the Motor Carrier Board approved the transfer to Thunderbird Motor Freight Lines, Inc., Crawfordsville, Ind., of the operating rights of Hugh Major, South Roxana, Ill., in certificate No. MC–125708 issued June 16, 1966, and all active sub-numbered certificates thereunder, authorizing the transportation of, among other things, iron and steel articles, building materials, grain products (dry), processed and canned foodstuffs, non-self-propelled farm implements, fruit juices and vinegar, and railroad ties and timber, from and to, or between, points in 38 States. Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14968; Filed, Dec. 16, 1969; 8:49 a.m.]

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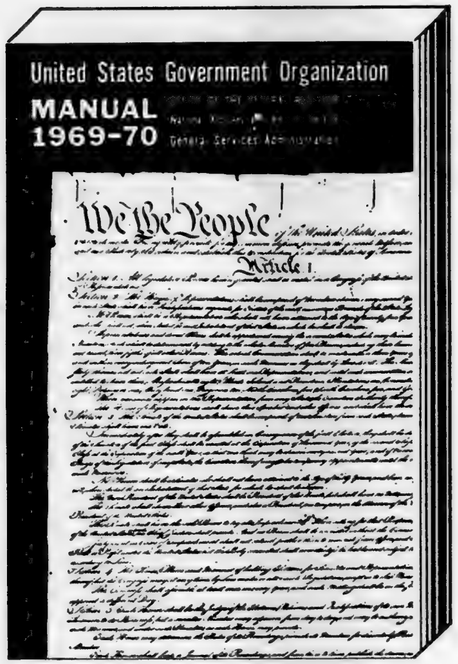
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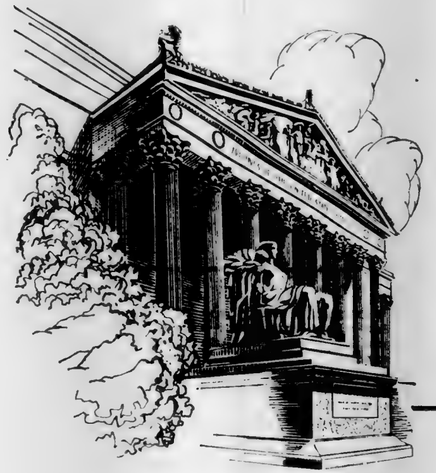
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Title 3—THE PRESIDENT

Proclamation 3949

RESERVE RECOGNITION DAY

By the President of the United States of America

A Proclamation

In January and May of 1968, one hundred and fifteen units from the Reserve Components of the Army, Navy and Air Force were ordered to active duty to quickly augment the Active Forces. This action provided this country with armed strength capability with which to meet possible contingencies that might have arisen as a result of the threats and actions by the North Koreans and the need for additional troops in Vietnam caused by the TET offensive.

Many of these units have served in Vietnam while others have served in Korea, Japan, and the United States. Those units remaining in the United States were primarily used to strengthen the strategic reserve and participate in the Military Airlift Command operations.

By June 18th, Reserve units of the Naval Air Reserve, the Naval Reserve Mobile Construction Battalions (SEABEES), the Air National Guard, and the Air Force Reserve were demobilized and the units returned to inactive reserve status. The units of the Army National Guard and the Army Reserve have now been released.

All of these Reserve Component units responded to the Nation's call in time of need and established records of performance, both in and out of combat, which have demonstrated a level of readiness and training never before achieved by our reserve forces. In addition, many individual reservists volunteered for active duty during this period. They have truly upheld the heritage and tradition of the citizen soldier and have again proven that both the National Guard and the Reserves are a great resource for our country and one which is necessary to our national security.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby issue this proclamation in recognition of and appreciation for the patriotic, dedicated and professional service of our loyal members of the Reserve Components of the Armed Forces of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of December, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-15079; Filed, Dec. 16, 1969; 4:16 p.m.]

Rules and Regulations

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Paragraph (b) of § 212.1 is amended to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa is not required of a British, French, or Netherlands national, or a national of Jamaica, Trinidad and Tobago, or Barbados, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica, Trinidad and Tobago, or Barbados, for admission and stay in Puerto Rico or the Virgin Islands of the United States, or as an agricultural worker in the United States: *Provided*, That the authorized period for which an alien was admitted pursuant to this paragraph for temporary stay in Puerto Rico or the Virgin Islands of the United States shall be terminated automatically when such alien manifests an intention to depart or attempts to depart or departs directly for any U.S. destination outside Puerto Rico or the Virgin Islands of the United States, unless an immigration officer has authorized such alien to proceed to a destination in the continental United States.

* * * * *

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

1. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Air Panama Internacional."

2. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by deleting the following transportation line: "Pan American-Grace Airways, Inc."

§ 238.4 [Amended]

3. The listing of transportation lines under "At Toronto" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Wardair Canada Ltd."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

Section 245.4 is amended to read as follows:

§ 245.4 Adjustment of status of aliens within the proviso to section 203(a)(7) of the Act.

The provisions of section 245 of the Act and this Part shall govern the adjustment of status provided for in the proviso to section 203(a)(7) of the Act. An alien who claims he is entitled to a preference status pursuant to the proviso to section 203(a)(7) of the Act shall execute and attach to his application for adjustment of status Form I–590A, Application for Classification as a Refugee under the Proviso to section 203(a)(7), Immigration and Nationality Act. The determination as to whether an alien is entitled to the claimed preference status shall be made by the district director; no appeal shall lie from his determination.

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

§ 251.1 [Amended]

The first sentence of paragraph (d) *Notations on arrival manifests* of § 251.1 *Arrival manifests and lists* is amended to read as follows: "Upon completion of the examination of each crewman listed on the Form I–418 presented by the master or agent of an arriving vessel, the examining immigration officer shall place one of the following symbols in column (5) of the Form I–418 opposite the name of the crewman: 'USC' for a crewman admitted as a United States citizen; 'RP' or 'ARC' to indicate respectively the presentation of a reentry permit or an alien registration receipt card, Form I–151, for a crewman admitted as a lawful permanent resident; 'D–1' for an alien crewman granted a conditional landing permit under section 252(a)(1) of the Act; 'D–2' for an alien crewman granted a conditional landing permit under section 252(a)(2) of the Act; 'Parolee' for an alien crewman paroled pursuant to section 212(d)(5) of the Act; and 'Refused' for an alien crewman whose request for a landing permit has been refused."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 212.1(b) confers benefits upon persons affected thereby; the amendments to §§ 238.3(b) and 238.4 add or delete transportation lines from the listings; and the amendments to §§ 245.4 and 251.1 are editorial in nature.

Dated: December 15, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69–15020; Filed, Dec. 17, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–SO–144]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Knoxville, Tenn., control zone and transition area.

The Knoxville control zone is described in § 71.171 (34 F.R. 4557). In the description, an extension is predicated on the 045° bearing from Singleton RBN. Another extension predicated on Knoxville VORTAC 220° radial has a designated width of 2 miles each side of the radial and a designated length extending to the VORTAC.

The Knoxville transition area is described in § 71.181 (34 F.R. 4637). In the description, a basic radius circle of 21 miles predicated on McGhee-Tyson Airport is designated. An extension is predicated on Knoxville VORTAC 290° and 321° radials, has a width 5 miles each side of these radials, and extends to 27 miles northwest of McGhee-Tyson Airport.

U.S. Standards for Terminal Instrument Procedures (TERPs, issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the descriptions by taking the following actions:

CONTROL ZONE

1. Revoke the extension predicated on the 045° bearing from Singleton RBN.
2. Decrease the width of the extension predicated on Knoxville VORTAC 220° radial from 2 to 1.5 miles each side of the radial and decrease the length 1.5 miles.

TRANSITION AREA

1. Reduce the basic radius circle from 21 to 11.5 miles, which is approximately 60 percent.
2. Revoke the extension predicated on Knoxville VORTAC 290° and 321° radials.
3. Designate an extension predicated on Knoxville ILS localizer southwest course 14 miles in width and 18.5 miles in length.
4. Increase the basic radius circle from 21 to 25.5 miles in the southeast quadrant.

The above actions result in a substantial decrease in controlled airspace.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Knoxville, Tenn., control zone is amended to read:

KNOXVILLE, TENN.

Within a 5-mile radius of McGhee-Tyson Airport (lat. 35°48'40" N., long. 83°59'35" W.); within 2 miles each side of Knoxville ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the LOM; within 1.5 miles each side of Knoxville VORTAC 220° radial, extending from the 5-mile radius zone to 1.5 miles southwest of the VORTAC.

In § 71.181 (34 F.R. 4637), the Knoxville, Tenn., transition area is amended to read:

KNOXVILLE, TENN.

That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport (lat. 35°48'40" N., long. 83°59'35" W.) and a line 3 miles northwest of and parallel to Knoxville VORTAC 040° radial, to and northeast along this line, to and southeast along a line 8.5 miles northeast of and perpendicular to Knoxville VORTAC 040° radial, to and southwest along a line 3 miles southeast of and parallel to Knoxville VORTAC 040° radial, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to and east along the Knoxville VORTAC 100° radial, to and clockwise along the arc of a 25.5-mile radius circle centered on McGhee-Tyson Airport, to and north along the west boundary of V-97, to and southwest along a line 4.5 miles southeast of and parallel to Knoxville ILS localizer southwest course, to and northwest along a line 18.5 miles southwest of and perpendicular to Knoxville ILS localizer southwest course, to and northeast along a line 9.5 miles northeast of and parallel to Knoxville ILS localizer southwest course, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 8, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-15011; Filed, Dec. 17, 1969; 8:47 a.m.]

[Airspace Docket No. 69-AL-10]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the time of designation of the Yukon, Alaska, Restricted Area R-2205.

Restricted Area R-2205 is presently designated as continuous. Utilization reports indicate that this restricted area has been utilized for a period of only 8 months for the past 2 years. Coordination with the using agency indicates that the area is periodically utilized during the remaining 4 months. Accordingly, action is taken herein to alter R-2205 to make its time of designation coincide with its actual utilization.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.22 (34 F.R. 4811) R-2205 is amended by deleting "Time of Designation. Continuous." and substituting "Time of Designation. Continuous from April 1 through November 30; other times as activated by NOTAM issued by the using agency at least 24 hours in advance."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 9, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-15010; Filed, Dec. 17, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Special Discount Package Price to New Dealers; Correction

Paragraph (c) of § 15.384 has been corrected to read as follows:

§ 15.384 Special discount package price to new dealers.

* * * * *

(c) The Commission expressed the opinion that "it is unlikely that injury could result from this one shot offer in view of its nature and the start up costs which new dealers are apt to experience." Therefore, the Commission would not object to the plan if implemented as described in paragraph (b) of this section.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: December 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-15016; Filed, Dec. 17, 1969; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 602—COOPERATION OF THE U.S. TRAINING AND EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Definition of U.S. Training and Employment Service

Under the reorganization provided for in Secretary's Order No. 14-69 (34 F.R. 6502), the statutory functions of the U.S. Employment Service in connection with the Wagner-Peyser Act (48 Stat. 113) are carried out by a component of the Manpower Administration designated as the U.S. Training and Employment Service instead of the U.S. Employment Service. This recognizes the fact that the Wagner-Peyser Act must be read in harmony with the totality of manpower legislation which has been enacted in recent years. Cf. *Southern Steamship Co.* v. *N.L.R.B.*, 316 U.S. 31, 47 (1942). Accordingly, in order that this will be clearly reflected in the regulations, and pursuant to the authority contained in section 12 of the Wagner-Peyser Act, the Secretary's Order No. 14-69, and consistent with the Notice of Delegation of Authority published concurrently therewith (34 F.R. 6502), § 602.1(e) of Title 20 of the Code of Federal Regulations is hereby amended to read as follows:

§ 602.1 Definitions.

* * * * *

(e) "United States Training and Employment Service" means the organizational component of the Manpower Administration in the Department of Labor which is responsible for carrying out the Department's responsibilities in connection with the Wagner-Peyser Act, and other manpower responsibilities. These were heretofore performed by the component designated as the U.S. Employment Service and statutory references to the U.S. Employment Service should accordingly now be considered as referring to the U.S. Training and Employment Service.

* * * * *

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation, and delay in effective date are not applicable because these rules relate to public grants and benefits. Further, I do not believe such procedures will serve a useful purpose here. This amendment shall become effective immediately.

Signed at Washington, D.C., this 3d day of December 1969.

M. R. LOVELL, JR.,
Manpower Administrator.

[F.R. Doc. 69-14975; Filed, Dec. 17, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICE

PART 818—PRIVATE INDEBTEDNESS

Part 818 is revised as follows:

Sec.
818.0 Purpose.

Subpart A—Private Indebtedness

818.2 Financial responsibility of member.
818.4 Payment of debts.

Subpart B—General Requirements for Debt Complaints To Be Accepted on Obligations Incurred on or Before June 30, 1969

818.6 Standards of fairness and full disclosure.
818.8 Previous efforts to resolve the matter.
818.10 Nonconforming complaints.

Subpart C—General Requirements for Debts Complaints To Be Accepted on Obligations Incurred on and After July 1, 1969

818.12 Full disclosure and standards of fairness.
818.14 Certificate of compliance.
818.16 Previous efforts to resolve matter.
818.18 Nonconforming complaints.

Subpart D—Processing Debt Complaints

818.20 Action required when complaint is received.

Subpart E—Abuse of the Processing Privilege

818.22 Denial of the processing privilege.

AUTHORITY: The provisions of this Part 818 issued under sec. 8012, 10A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 35-10, Oct. 31, 1969.

§ 818.0 Purpose.

This part establishes standards for considering the financial responsibility of the Air Force military members. It states conditions a complainant must meet before requests for assistance in collecting debts are accepted, and tells how to process accepted requests.

Subpart A—Private Indebtedness

§ 818.2 Financial responsibility of member.

Air Force military members are expected to discharge their just financial obligations in a proper and timely manner. A "just financial obligation" means one in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment that conforms to the Soldiers' and Sailors' Civil Relief Act (50 U.S.C. Appendix 501, et seq.), if applicable. "In proper and timely manner" means a manner which the immediate commander determines is in good faith.

§ 818.4 Payment of debts.

The Air Force is without legal authority to require a member to pay a private debt, or to divert any part of his pay for the satisfaction thereof, even though the indebtedness may have been reduced to judgment by a civil court. The enforcement of the private obligations of Air Force members is a matter for civil authorities.

Subpart B [1]—General Requirements for Debt Complaints To Be Accepted on Obligations Incurred on or Before June 30, 1969

§ 818.6 Standards of fairness and full disclosure.

AF Form 459, "Application Contract for Personal Credit", or its equivalent, must be provided by the complainant. If an equivalent of this form is not provided by the seller or lender, locally reproduce AF Form 459 on 8" x 10½" paper. Produce part I on one sheet, produce parts II and III (continued) head to foot on another sheet. Complaints of the following types need not meet the requirements of this section:

(a) Claims from companies furnishing utility, milk, laundry, and similar services when credit is extended solely to facilitate the service.

(b) Claims by accommodation indorsers, comakers or lenders against the primary liable on obligations not intended to benefit the accommodating party through payment of interest or otherwise.

(c) Contract for the purchase, sale, or rental of real estate.

(d) Claims in which the total unpaid amount does not exceed $50.

(e) Claims for support of dependents.

(f) Claims based on a revolving or open-end credit account if the account shows the periodic interest rate and its annual rate equivalent and the balance to which it is applied to compute the charge.

(g) Purchase money liens on real property (this does not include other liens on real property and related obligations such as those that represent obligations for improvement or repair).

(h) Claims by local, State or Federal government agencies unless the claim is based on subrogation to rights arising under a private contract not excluded from processing by this section.

(i) Those in which the debt has been reduced to a judgment.

[1] Not applicable to claims by Federal, State, or municipal government.

§ 818.8 Previous efforts to resolve the matter.

The complainant must show that he has attempted to adjust the debt by direct contract with the member.

§ 818.10 Nonconforming complaints.

Debt complaints received, but not in compliance with the requirements of this subpart will be returned to the complainant with an explanation of the deficiency.

Subpart C [1]—General Requirements for Debt Complaints To Be Accepted on Obligations Incurred on and After July 1, 1969

§ 818.12 Full disclosure and standards of fairness.

(a) The Truth-in-Lending Act (15 U.S.C. 1601) prescribes the general disclosure requirements which must be met by those offering or extending consumer credit, and Regulation Z, published by the Federal Reserve Board (12 CFR 226) prescribes the specific disclosure requirements for both open-end and installment credit transactions. In lieu of Federal Government requirements, State regulations apply to credit transactions when the Federal Reserve Board has determined that the State regulations impose substantially similar requirements and provide adequate enforcement measures. The Certificate of Compliance, paragraph (d) of this section, will be accepted as evidence of compliance with the Act and the regulation.

(b) Banks and credit unions operating on military installations shall conform to the Standards of Fairness, paragraph (e) of this section, before executing the loan or credit agreement. Should an on-base bank or credit union refer a prospective borrower to an off-base bank or credit union belonging to the same bank or credit union system, it shall advise the latter that the Department of Defense requires compliance with the Standards of Fairness before executing the loan or credit agreement.

(c) The following banks and credit unions will be denied debt processing assistance if they do not apply the Standard of Fairness to the loan or credit agreement:

(1) Credit unions chartered to serve DoD personnel but operating off the installation.

(2) Banks, wherever located, with branch banks operating on a military installation.

(d) Standards of fairness:

(1) No finance charge contracted for, made, or received under any contract shall be in excess of the charge which could be made for such contract under the law of the place in which the contract is signed in the United States by the serviceman. In the event a contract is signed with a U.S. company in a foreign country, the lowest interest rate of the State or States in which the company is chartered or does business shall apply.

(2) No contract or loan agreement shall provide for an attorney's fee in the

[1] Not applicable to claims by Federal, State, or municipal government.

event of default unless suit is filed in which event the fee provided in the contract shall not exceed 20 percent of the obligation found due. No attorney fees shall be authorized if he is a salaried employee of the holder.

(3) In loan transactions, defenses which the debtor may have against the original lender or its agent shall be good against any subsequent holder of the obligation. In credit transactions, defenses against the seller or its agent shall be good against any subsequent holder of the obligation provided that the holder had actual knowledge of the defense or under condition where reasonable inquiry would have apprised him of this fact.

(4) The debtor shall have the right to remove any security for the obligation beyond State or national boundaries if he or his family moves beyond such boundaries under military orders and notifies the creditor, in advance of the removal, of the new address where the security will be located. Removal of the security shall not accelerate payment of the obligation.

(5) No late charge shall be made in excess of 5 percent of the late payment, or $5 whichever is the lesser amount. Only one late charge may be made for any tardy installation. Late charges will not be levied where an allotment has been timely filed, but payment of the allotments has been delayed.

(6) The obligation may be paid in full at any time or through accelerated payments of any amount. There shall be no penalty for prepayment and in the event of prepayment that portion of the finance charges which have inured to the benefit of the seller or creditor shall be prorated on the basis of the charges which would have been ratably payable had finance charges been calculated and payable as equal periodic payments over the terms of the contract and only the prorated amount to the date of prepayment shall be due. As an alternative the "Rule of 78" may be applied, in which case its operation shall be explained in the contract.

(7) No charge shall be made for an insurance premium or for finance charges for such premium unless satisfactory evidence of a policy, or insurance certificate where state insurance laws or regulations permit such certificates to be issued in lieu of a policy, reflecting such coverage has been delivered to the debtor within 30 days after the specified date of delivery of the item purchased or the signing of a cash loan agreement.

(8) If the loan or contract agreement provides for payments in installments, each payment, other than the down payment shall be in equal or substantially equal amounts, and installments shall be successive and of equal or substantially equal duration.

(9) If the security for the debt is repossessed and sold in order to satisfy or reduce the debt, the repossession and resale will meet the following conditions: (i) The defaulting purchaser will be given advance written notice of the intention to repossess; (ii) following repossession, the defaulting purchaser will be served a complete statement of his obligations and adequate advance notice of the sale; (iii) he will be permitted to redeem the item by payment of the amount due before the sale, or in lieu thereof submit a bid at the sale; (iv) there will be a solicitation for a minimum of three sealed bids unless sold at auction; (v) the party holding the security, and all agents thereof, are ineligible to bid; (vi) the defaulting purchaser will be charged only those charges which are reasonably necessary for storage, reconditioning and resale and (vii) he shall be provided a written detailed statement of his obligations, if any, following the resale and promptly refunded any credit balance due him, if any.

(10) A contract for personal goods and services may be terminated at any time before delivery of the goods or services without charge to the purchaser. However, if goods made to the special order of the purchaser result in preproduction costs, or require preparation for delivery, such additional costs will be listed in the order form or contract. No termination charge will be made in excess of this amount. Contracts for delivery at future intervals may be terminated as to the undelivered portion, and the purchaser shall be chargeable only for that portion of the total cost which the goods or services delivered bear to the total goods called for by the contract. (This is in addition to the right to rescind certain credit transactions involving a security interest in real estate provided by section 125 of Public Law 90-321 (15 U.S.C. 1601) and § 226.9 of Regulation Z of the Federal Reserve Board (12 CFR Part 226).)

(e) Certificate of Compliance:

I certify that the _____
Certificate of Compliance
(Name of Creditor)

upon extending credit to _____
(Name of Obligor)

on _____ complied with the full disclosure requirements of the Truth-in-Lending Act and Regulation Z (or the laws and regulations of the State of _____) and that the attached statement is a true copy of the general and specific disclosure provided the obligor as required by law.
(Date)

I further certify that the Standards of Fairness set forth in § 818.28 of this part have been applied to the consumer credit transaction to which this form refers. (If the unpaid balance has been adjusted as a consequence, the specific adjustments in the finance charge and the annual percentage rate should be set forth below).

_____
(Adjustments)

_____

_____ _____
(Date of Certification) (Signature of Creditor or Authorized Representative)

_____
(Street)

_____
(City, State and Zip Code)

§ 818.14 Certificate of compliance.

(a) Complainants, including all those holding under the original creditor, subject to Regulation Z of the Federal Reserve Board must submit with their request for assistance an executed Certificate of Compliance and a true copy of the general and specific disclosures which were provided the military member.

(b) Complainants, including all those holding under the original creditor, not subject to Regulation Z must submit with their requests for assistance a certification that no interest, finance charge, or other fee is in excess of that permitted by the law of the State in which the obligation was incurred.

(c) A foreign owned company having a complaint will submit with its request a true copy of the terms of the debt (English translation) and will certify its subscription to the Standards of Fairness.

§ 818.16 Previous efforts to resolve the matter.

The complainant must show that he has attempted to adjust the debt by direct contact with the member.

§ 818.18 Nonconforming complaints.

Debt complaints received, but not in compliance with the requirements of this subpart, will be returned to the complainant with an explanation of the deficiency.

Subpart D—Processing Debt Complaints

§ 818.20 Action required when complaint is received.

(a) *By the CBPO Quality Control Special Actions Unit (SA).* (1) Complaints that meet the requirements of subparts B and C are sent to the immediate commander of the individual concerned.

(2) Complaints that do not meet the requirements of subparts B/C are returned to the complainant.

(3) Complaints concerning separated or reassigned members:

(i) *Discharged and retired.* Complaints concerning members with no known military status and those retired are returned to the complainant using a letter similar to that in paragraph (b)(2)(iii) of this section.

(ii) *Released from active duty and assigned to the Reserve Forces.* These complaints will be forwarded to the Air Reserve Personnel Center (ARPC), 3800 York Street, Denver, CO 80205, with a copy to the complainant.

(iii) *Reassigned.* Forward such complaints to the current unit of assignment with a copy to the complainant.

(b) *By the commander of the alleged debtor.* (1) Direct from complainant. Send the complaint to the CBPO Quality Control Special Actions Unit (SA) for action under subparts B/C.

(2) From the CBPO Quality Control Special Actions Unit (SA).

(i) *Preliminary inquiry.* The commander thoroughly reviews all the available facts surrounding the transaction forming the basis of the complaint. These facts are obtained from the complainant's correspondence and the member concerned. This inquiry also includes a general review of the member's financial situation over the life of the obligation complained of.

(ii) *Counseling.* The commander applies the Air Force policy to the facts of the situation, and advises the member what actions, if any, he should take to comply with the policy. In every case, the member is advised of right to advice under the legal assistance program, and to counseling available to members from the on-base credit union.

(iii) *Response to complainant.* The complainant is entitled to a courteous response from the commander. The response will not admit, nor in any way imply, an admission of liability of the member. Neither will it report any action taken against the member as a result of the complaint. The commander will not act as an intermediary for either party nor give that impression in his response. The following should be adequate response to most complaints:

Subject: (Name of Alleged Debtor)
To: (Complainant)
1. I have received your letter of (date) concerning (name of alleged debtor) and have discussed the matter with him.
2. As a result of that discussion, I advised (name of alleged debtor) of the Air Force policy concerning matters of this nature as it applies to this situation. The policy is that Air Force members are expected to discharge their just financial obligations in a proper and timely manner. A "just financial obligation" means one in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment which conforms to the Soldiers' and Sailors' Civil Relief Act (50 U.S. Code Appendix 501, et seq.), if applicable. "In a proper and timely manner" means a manner which the immediate commander determines is in good faith.
3. The Air Force has no authority to arbitrate, intervene in, or enforce settlement of matters of this type. They are of a private civil nature for resolution in the civil courts only. The Air Force may take action in cases of continued financial irresponsibility. Such action is designed to improve discipline and to maintain the standards of conduct expected of Air Force personnel, but cannot be used to enforce private civil obligations. I hope the above information clarifies the limits of Air Force authority in this matter.

(iv) *Report to the Armed Forces Disciplinary Control Board.* In every case where a complainant appears to have engaged in usurious, fraudulent, misleading, or deceptive business practices, the commander will report the situation to the Armed Forces Disciplinary Control Board. (AFR 125-11 Armed Forces Disciplinary Control Boards.)

(v) *Return the file to the CBPO (SA).* The complaint letter and a copy of the commander's response to the complainant is returned to the CBPO. In addition, a summary of the case is prepared and included in the file in every case where it should be made part of the Unfavorable Information File (AFR 35-32 Control Roster Procedures). The summary will consist of a brief statement of the facts and the commander's evaluation of the case.

Subpart E—Abuse of the Processing Privilege

§ 818.22 Denial of the processing privilege.

The processing of complaints will be permanently denied by USAFMPC when:

(a) A claimant has been notified of the requirements of this part, and refuses or repeatedly fails to comply with them.

(b) A claimant, no matter what the merits of his claim, has clearly shown that he is attempting to make unreasonable use of the processing privilege.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, USAF, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-14983; Filed, Dec. 17, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Outpatient Care for Veterans

1. In § 17.60, paragraph (h) is added to read as follows:

§ 17.60 Outpatient care for veterans.

* * * * *

(h) *For war veterans totally disabled from service-connected disability.* Outpatient care, except outpatient dental treatment, may be authorized to treat any non-service-connected disability of a veteran of a war who has a total disability permanent in nature resulting from a service-connected disability.

2. In § 17.115, paragraph (a) is amended to read as follows:

§ 17.115 Prosthetic and similar appliances.

* * * * *

(a) *As a part of outpatient care.* The appliances or repairs are a necessary part of outpatient care for which the veteran is eligible under § 17.60 (a) through (d), and (f) through (h) (or a necessary part of outpatient care authorized under § 17.60a), or

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective October 30, 1969.

Approved: December 10, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-15019; Filed, Dec. 17, 1969; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 535—TRANSPORTATION OF MAIL BY AIR TAXI OPERATORS

Part 535 is revised to clarify, update and reorganize instructions regarding air taxi mail service.

Accordingly, Part 535 is revised to read as follows:

Sec.
535.1 Air taxi mail service; general information.
535.2 Obtaining, starting and terminating air taxi mail service.
535.3 Operator qualifications and requirements.
535.4 Air taxi operator responsibilities.
535.5 Postal unit responsibilities and procedures for air taxi operations.
535.6 Penalties.
535.7 Certification and payment for services.
535.8 Rate adjustment.

AUTHORITY: The provisions of this Part 535 issued under 5 U.S.C. 301, 39 U.S.C. 501, 14 CFR 298.

§ 535.1 Air taxi mail service; general information.

(a) *Definitions.* (1) Terms used in this part are defined as follows:

(i) *Aircraft.* A multiengine aircraft with a gross takeoff weight of 12,500 pounds or less, unless otherwise specified.

(ii) *Air taxi mail service.* The transportation of mail between specific points by an authorized air taxi operator on schedules fixed by the Postmaster General (PMG).

(iii) *Certifying postmaster.* Only designated postmasters or their authorized representatives are authorized to certify for air taxi mail service performed.

(iv) *Department.* Post Office Department (POD).

(v) *Emergency service.* Temporary air taxi arrangements to prevent interruption of regular mail service.

(vi) *Notice of intent.* Filed by the Post Office Department with Civil Aeronautics Board (CAB) to use air taxi mail service between specific air stop points.

(vii) *Operator.* An air carrier coming within the classification of "air taxi operators" established by Part 298, Title 14, Code of Federal Regulations (CFR).

(viii) *Penalties.* A monetary sum assessed operator for mishandling mail and for certain operational irregularities.

(ix) *Pilot.* This term applies to pilot-in-command, second-in-command or co-pilot of an aircraft.

(x) *Proposal.* An offer by an operator to transport mail. Proposals are used to enable the Post Office Department to select an air taxi operator to be authorized by the Civil Aeronautics Board to transport mail by aircraft at a rate prescribed by CAB.

(xi) *Route.* Service between a specifically designated pair of terminal points, if any.

(2) *Explanation and applicability of significant forms.* (i) Forms used in the

administration of the air taxi mail service program must be complete, accurate and legible. The Director, Logistics Division, will provide necessary guidance and assistance to insure proper preparation and timely submission of forms by air taxi operators and postal units that tender mail to air taxis.

(ii) Operators must comply with provisions of applicable forms. Signed forms imply full understanding by the operator and are binding as part of his agreement.

(iii) Significant forms used in establishing service, rate adjustments and for certification and payment of service include:

Form 2750, Request to Air Taxi Operators for Proposals to Transport Mail. Form 2750 is used to solicit proposals for transportation of mail by air taxi operators.

Form 2751, Proposal for Transportation of Mail by Air Taxi Operator and supplemental Forms 2751–1, Air Taxi Mail Service Proposal—Aircraft Description; 2751–2, Aircraft Modifications; 2751–3, Route Operational Profile; and 2751–B, Estimated Air Taxi Service Costs, prepared and submitted by operators interested in providing route service. Extreme care must be exercised in the preparation of these documents as they provide the basis for selection of an operator.

Form 2751–C, Rate Adjustment Request. Prepared and submitted by operators to document and substantiate requests for rate adjustment.

Form 2752, Air Taxi Mail Service Action. Published by the Department subsequent to issuance of Notice of Intent and Final Mail Rate. It provides authority to implement service, pay operator and specifies appropriate certifying post office.

Form 2755, Air Taxi Mail Service Performed. Form 2755 provides a record of service performed by the operator. The pilot completes form and turns it into the terminal postal unit at the end of each scheduled trip.

Form 2756, Certification of Air Taxi Mail Service Performed. Form 2756 is basis for payment to operator. It is prepared and submitted each week by the designated certifying postmaster.

(b) *General provisions*—(1) *Scope.* Policies and procedures outlined in this chapter govern the establishment and operation of the Post Office Department Air Taxi Mail Service Program. It is the responsibility of each region to insure compliance with the provisions of this directive by operators under their jurisdiction.

(2) *Authority.* Part 298 of the Economic Regulations of the Civil Aeronautics Board (Part 298, Title 14, CFR) describes the means by which air taxi mail service may be authorized.

(3) *Notice of intent.* (i) When the Postmaster General determines that air taxi mail service is required, the Department will file a Notice of Intent to use air taxi service with Civil Aeronautics Board. Such service will be instituted only on notification by the Department to the air taxi operator involved that such Notice of Intent and Final Mail Rate has become effective.

(ii) An approved Notice of Intent and CAB exemption for service over an air taxi mail route pertains only to the operator named in the Notice of Intent. Exemption authority cannot be leased, delegated or transferred to another operator without POD and CAB approval.

(iii) An effective Notice of Intent authorizes the transportation of mail only and does not include authority to transport persons and/or property under the exemption.

(4) *Duration of proposals.* Proposals shall continue in effect until such time the Department or the operator provide 30-day notice to terminate service. However, the Department may terminate an operator for cause without notice.

(5) *Emergency service.* (i) When temporary air taxi mail service is authorized by the Department, proposals may be solicited by the Director, Logistics Division, without formal advertisements. The lowest proposal must be accepted unless there is reason for rejecting it. Emergency service will not start until a contract is completely executed.

(ii) Emergency service will normally not exceed 90 days. Continuation of service beyond 90 days must be approved by the Department.

(iii) Emergency service may be terminated on 24-hour advance notice by either party.

(iv) Operator equipment and personnel used to perform emergency service must meet all requirements for regular air taxi mail service.

§ 535.2 Obtaining, starting and terminating air taxi mail service.

(a) *Obtaining proposals*—(1) *Notifying operators.* When the Department has determined that a need for air taxi mail service exists, every reasonable effort will be made to notify all operators in the general area where service is sought, and any other known interested operators, of the requirements for such service.

(2) *Obtaining information.* Persons interested in providing air taxi mail service should communicate with the Regional Director of the postal region in which consideration is desired.

(3) *Submitting proposals.* (i) Each proposal with supporting information must be sent in a sealed envelope as outlined on Form 2750, Request to Air Taxi Operators for Proposals to Transport Mail.

(ii) Proposals must be mailed in time to reach appropriate regional office within the time limit specified on Form 2750. Proposals received after the time limit specified on Form 2750 will not be considered unless it is determined that their failure to arrive on time was due solely by delay in the mail for which the operator was not responsible.

(4) *Processing proposals.* Proposals for air taxi mail service will be processed in accordance with procedures outlined in Regional Instructions.

(b) *Starting service.* (1) Air taxi service is authorized only on notice by the Department that Notice of Intent and final mail rate has become effective (except when emergency service is authorized). Service is normally programed to begin within 20 days following final approval.

(2) The operator must, well in advance of proposed inauguration date, make necessary arrangements with the Postmaster and the airport manager of each airport to be used concerning parking areas, landing fees, and other services.

(3) Regions must promptly notify the Department when service is started.

(4) Trip numbers will be assigned by the Director, Air Branch, Traffic Management Division, Bureau of Operations.

(c) *Schedule changes and adjustments.* (1) Trip schedules will be operated as directed by Form 2752.

(2) After the Notice of Intent is filed, no change will be permitted in any air taxi operation or schedule without prior written approval of the Bureau of Operations.

(d) *Combining Routes.* Routes shown on Form 2752 will not be combined for the convenience of an operator without prior Departmental approval.

(e) *Terminating service*—(1) *Normal termination.* Air taxi mail service may be terminated on the 30th day after the operator has received a notice of termination from the Department. An operator also must not cease providing air taxi mail service until the 30th day after such operator has notified the Regional Director to whom the original service proposal was tendered. Cessation of service by an operator during the course of the 30-day period of notice may warrant the imposition of a pecuniary penalty. In addition, operator may be declared ineligible for future mail routes.

(2) *Availability of personnel and equipment.* Operator must have designated aircraft and qualified pilot personnel available to begin operations on date specified by the POD. Aircraft used in the mail service must be consistent with equipment indicated in proposal, and equipped and maintained in accordance with FAA and POD requirements.

(b) *Aircraft requirements*—(1) *Aircraft used in mail service.* All aircraft used by the operator for transportation of mail must:

(i) Be multiengine, capable of maintaining engine-out minimum en route altitudes as specified by the Federal Aviation Administration Regulations, 135.145, between the points served.

(ii) Be equipped for operation under Instrument Flight Rules to enable the use of the lowest published minimums for approach and landing at airports served (except category II operations).

(iii) Have complete de-icing equipment, as specified in FAA Regulations, 135.85, which is interpreted to include functioning deicing/anti-icing equipment protecting each blade, propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system.

(iv) Meet requirements of Subpart C—Maintenance Preventative, and Alterations, Part 91, General Operating and Flight Rules, FAA Regulations.

(v) In lieu of a qualified second-in-command, have an automatic pilot installed which meets FAA specifications for transportation of passengers in accordance with Part 135.77, FAA Regulations, providing pilot is qualified and authorized to operate an aircraft under IFR with the use of an auto pilot.

(vi) Provide weight capacity for mail as specified in the proposal for transportation of mail (Form 2750).

(vii) Have a performance capability which will enable operator to maintain required schedules.

(viii) Have appropriate weight and balance data on board the aircraft.

(ix) Be equipped with an operable coded radar beacon transponder having at least a mode A/3 64 code capability, replying to A/3 interrogation with code specified by ATC.

(2) *Aircraft modifications.* Modifications to aircraft must be supported by an entry in the aircraft FAA Form 357 indicating approval by supplemental Type Certificate (STC) number or FAA authorization.

(c) *Pilot personnel*—(1) *General requirements.* (i) Pilots assigned to air taxi aircraft transporting mail must be qualified under FAA Rules and Regulations and special POD requirements.

(ii) No person may act as a pilot-in-command or copilot when flight and duty time exceed limitations prescribed in § 535.4(c)(5).

(iii) Persons convicted of any crime involving theft or responsible for any actions which reflect unfavorably upon their integrity, shall not be assigned as crew members in aircraft transporting U.S. mail. They are subject to removal if personnel screening process shows they have been convicted of a felony.

(2) *Pilot-in-command qualifications.* The pilot-in-command of an air taxi aircraft transporting U.S. mail must:

(i) Possess at least a current FAA commercial pilot certificate with the following ratings: Multiengine land and instrument.

(ii) Comply with any local and/or State requirements prescribed for pilots.

(iii) Possess a valid medical certificate with a minimum Class II qualification.

(iv) Have at least 1,000 hours of total flight time as pilot in powered aircraft of which 50 hours will have been flown in the type aircraft in which he will serve as pilot-in-command. Flying hours must include a minimum of 50 hours night flight time and 50 hours of experience under actual instrument flight conditions.

(v) Possess a current letter of competency indicating successful accomplishment of 6-month flight check required by FAR 135.131. Authorization to operate an aircraft under IFR conditions with the use of an operable three-axis auto-pilot must be included for single pilot operations.

(vi) Be route qualified as outlined in FAA Order 8430.7A.

(3) *Copilot qualifications.* Whenever a copilot is assigned on air taxi aircraft transporting U.S. mail he must:

(i) Meet the same qualifications for pilot-in-command outlined in subparagraph (2) (i), (ii), and (iii) of this paragraph.

(ii) Have at least 250 hours total flight time as a pilot in powered aircraft, which includes a minimum of 10 hours in the type aircraft in which he will serve as copilot, 25 hours of night flight time and 25 hours of actual or simulated instrument flight.

§ 535.4 Air taxi operator responsibilities.

(a) *Administrative requirements*—(1) *Observance of laws and regulations.* Operators of air taxi mail service aircraft are responsible for familiarity and compliance with Federal Aviation Regulations and Post Office Department supplementary regulations governing the carriage of mail by aircraft.

They must also comply with pertinent Economic Regulations prescribed by the CAB.

(2) *Operations Manuals.* Within 10 days after service has been initiated, one complete copy of the company operations manual and subsequent revisions will be forwarded to the Director, Air Branch, Traffic Management Division, Bureau of Operations, Washington, D.C. 20260, for review and file. All operator and pilot responsibilities, procedures and actions required in the transport of mail will be adequately covered in the manual as an addendum to the appropriate section.

(3) *Acquiring alpha designations.* (i) The operator is responsible for securing three-letter alpha designators for use on postal documents and for publication in the Airmail Index from respective FAA Regional Air Traffic Division. FAA regional addresses for application are as follows:

Region	Send application to—
Alaskan	Chief, Air Traffic Division, AL–500, 632 Sixth Avenue, Anchorage, Alaska 99501.
Western	Chief, Air Traffic Division, WE–500, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009.
Southern	Chief, Air Traffic Division, SO–500, Post Office Box 20636, Atlanta, Ga. 30320.
Pacific	Chief, Air Traffic Division, PC–500, Post Office Box 4009, Honolulu, Hawaii 96812.
Eastern	Chief, Air Traffic Division, EA–500, JFK International Airport, New York, N.Y. 11430.
Southwest	Chief, Air Traffic Division, SW–500, Post Office Box 1689, Fort Worth, Tex. 76101.
Central	Chief, Air Traffic Division, CE–500, 601 East 12th Street, Kansas City, Mo. 64106.

(ii) When operator combines or merges with another firm which results in a change in the company name, the operator must apply for a new alpha identification code as outlined in (i) of this subparagraph.

(4) *Filing notice of change of operator name.* When an operator combines or merges his operations with another operator or redesignates the company name, it is his responsibility to file with CAB to obtain an amended exemption and/or rate order under the new name. This action will facilitate payment for mail service to the new corporation or company.

(5) *Preparation of Post Office Department forms.* Operators are responsible for insuring that pilot personnel are properly instructed in the preparation and disposition of required Post Office Department forms and that completed forms are accurate and legible. Particular emphasis will be placed on proper preparation of Form 2755, Air Taxi Mail Service Performed (see § 535.7(a)), to insure proper payment due operator.

(6) *Registration of aircraft.* (i) Prior to the inauguration of service, operator must provide the Director, Logistics Division, of region concerned, with the make, model and "N" registration number of primary and alternate aircraft to be used on the route.

(ii) Replacement of a registered aircraft from an assigned route must be reported immediately to appropriate region. Prolonged substitution requires submission of Forms 2751 (1), (2), and (3) for the replacement aircraft.

(7) *Registration of pilot personnel.* (i) Prior to starting service over an air taxi route, operator must furnish region with a listing of a personnel who will be assigned to fly the route. The listing should include flight experience, ratings and identification numbers of certificates prescribed for pilots and copilots.

(ii) Operator must notify Director, Logistics Division, of all personnel changes within 10 calendar days and provide him with names and qualifications of replacement personnel.

(8) *Screening employees.* (i) Operators will be furnished a supply of Form 2025, Contract Personnel Questionnaire and Form FD–258, Fingerprint Chart, by appropriate Director, Logistics Division.

(ii) Each operator or person employed by an operator to handle mail must complete questionnaire form and have his fingerprints taken within 10 days after beginning service. Exceptions to this requirement are:

(*a*) Employees hired for an emergency of less than 10 days. This does not exempt regular, relief or substitute employees.

(*b*) Persons previously screened for transportation of mail within a 1-year period.

(iii) Local postmasters will provide necessary assistance in accomplishing forms and fingerprint cards.

(iv) Operators will forward completed Form 2025 and fingerprint chart to appropriate Director, Logistics Division, for further processing.

(b) *Operational policies and requirements*—(1) *Inspecting air taxi operations.* Air taxi operators and their employees will grant postal officials access to inspect aircraft and facilities used in connection with transporting mail, and will, on demand, exhibit and permit inspection of airworthiness certificates, aircraft logs, and other pertinent credentials covering aircraft used to transport mail. Pilots shall permit postal officials to examine their airman's certificate, 6-month competency certificate, medical certificate, FCC radio telephone operator permit, and flight log on demand.

(2) *Flight operations.* Operators will:

(i) Comply with Part 135.65 FAR, by providing an accredited weather observer when necessary at airports not having this service on a full-time basis.

(ii) File a flight plan with FAA for each operation.

(iii) Compile and enter aircraft weight and balance data on Form 2768 at each stop point and leave completed form with local postal agent prior to departure.

(iv) Report promptly to appropriate regional office all accidents and incidents involving aircraft carrying mail.

(v) Not exceed flight and duty time limitations prescribed in § 535.4(c)(5).

(3) *Transportation of personnel.* (i) Air taxi mail service operators will not provide air transportation for postal inspector or officials of the Department without approval by the Bureau of Operations.

(ii) Unless the air taxi operator is authorized to carry passengers for compensation, the only persons who may be carried aboard the airplane while it is engaged in the carriage of mail are the following:

(*a*) Active crew members.

(*b*) Persons traveling to or from a crew member assignment.

(*c*) Employees of the air taxi operator when traveling on company business related to the route and mail service operations.

(*d*) Authorized representative of the FAA conducting an en route inspection.

(*e*) Personnel specifically designated by the Bureau of Operations. Above personnel, with the exception of those in (ii)(*d*), may be carried only if required airlift space and weight for mail is not compromised.

(4) *Penalties for mishandling mail and operational irregularities.* Operators are subject to pecuniary penalties for mishandling mail and for certain operational irregularities, as prescribed in this part.

(5) *Cooperating with postal inspector.* Postal inspectors are special representatives of the Postmaster General. All air taxi operators and their employees engaged in transportation of mail are required to cooperate with and assist inspectors in performing their duties which may include opening pouches and sacks and examining mail therein.

(c) *Safety responsibilities*—(1) *General.* (i) Air taxi operators must comply with all FAA safety regulations applicable to air taxi operators involving transportation of passengers, whether or not they are covered by specific instructions from the Post Office Department.

(ii) Conditions detrimental to a safe operation will be reported by air taxi operators to responsible regional postal officials for consideration and appropriate corrective action.

(2) *Aircraft engine shutdown.* (i) Aircraft engines shall be stopped when mail is being loaded or unloaded.

(ii) Aircraft engines shall not be started until all postal personnel and/or vehicles are clear of the ramp area.

(3) *Vehicles approaching parked aircraft.* Operator personnel are responsible for directing approaching postal vehicles to parked aircraft for loading/unloading of mail.

(4) *Route familiarity.* Initially, each pilot must be route-qualified prior to acting as pilot-in-command on any mail route. Each pilot who thereafter has not flown over an assigned route and into those airports serving the route within the preceding 60 days will certify on a form provided by the operator that he knows the subject listed below in regard to the routes and airports into which he is to operate.

(i) Weather characteristics appropriate to the seasons.

(ii) Navigation facilities.

(iii) Communication procedures.

(iv) Kinds of terrain and obstruction hazards.

(v) Minimum safe flight levels.

(vi) Pertinent air traffic control procedures including terminal areas, arrival, departures, and holding and all kinds of instrument approach procedures.

(vii) Congested areas, obstructions and physical layout of each airport in the terminal area in which the pilot will operate, and for operations under IFR.

(5) *Flight and duty time limitations.* The following flight and duty time limitations apply to pilots of aircraft engaged in air taxi mail service:

(i) Total flight time of pilots may not exceed:

(*a*) 36 hours in any 7 days.

(*b*) 120 hours in any 30 consecutive days.

(*c*) 1,300 hours during any calendar year.

(ii) The operator may not schedule any pilot for duty aloft for more than 8 hours during any 24 consecutive hours without a rest period at or before the end of that 8 hours, equal to twice the number of hours of duty aloft since the last period, but not less than 8 hours.

(iii) Each pilot who has been on duty aloft for more than 8 hours during any 24 consecutive hours must be given, upon completion of his assigned flight or series of flights, at least 16 hours of rest before being assigned to any duty with the operator.

(iv) The operator shall relieve pilots from all further duty for at least 24 consecutive hours during any 7 consecutive days.

(v) The operator may not assign any pilot to any duty with the operator during any required rest period.

(vi) Time spent in transportation, not local in character, that the operator requires of a pilot and provides to transport the pilot to an airport at which he is to serve on a flight as a pilot, or from an airport at which he was relieved from duty to return to his home station, is not considered part of a rest period.

(vii) A pilot is not considered to be scheduled for duty in excess of flight time limitations if the flights to which he is assigned are scheduled and normally terminate within the limitations, but due to circumstances beyond the control of the operator (such as adverse weather conditions) are not at the time of departure expected to reach their destination within the scheduled time.

(viii) Each pilot shall be relieved from all duty for at least 10 consecutive hours during any 24-hour period.

(6) *Fire prevention.* Every precaution must be taken to protect mail from fire. Smoking is prohibited during loading or unloading operations, and within 50 feet of aircraft when there is mail on board during ground operations.

(7) *Withholding mail for safety violations.* Serious offenses and violation of established POD and FAA safety requirements may result in mail being withheld from flights until the offending condition is corrected.

(d) *Performance responsibilities*—(1) *Operational proficiency.* Each operator must provide service at a minimum level of 96 percent of schedule, exclusive of conditions over which the operator has no control; e.g., bad weather, etc.

(2) *Maintaining schedules.* (i) Air taxi mail service will be operated on schedules specified on Form 2752, except when weather or other causes beyond the control of the operator intervene. Published schedules are based on block-to-block time. The operator must maintain a record of interruptions and delays and prove validity thereof.

(ii) Aircraft will be preflighted, fueled, and in position for loading a minimum of 15 minutes prior to scheduled departure from trip originating terminal. Thereafter, all schedules will be adhered to commensurate with uncontrollable delays, acquisition of weather information, en route maintenance, etc.

(iii) Failure on the part of the operator to arrange for timely and adequate preflight and snow, ice, or frost removal from aircraft to meet flight departure schedules will not be considered a weather-caused delay or cancellation.

(3) *Delay or cancellation.* (i) Operator is responsible for dispatching aircraft operating under questionable weather conditions. The operational decisions made by the pilot-in-command of the aircraft will always be accepted by air stop postal agents.

(ii) Operator must advise local postal unit of delayed departures or cancellations.

(4) *Irregular operations.* (i) The operator is responsible for promptly notifying local postal unit of any planned deviations from authorized schedule.

(ii) In the event a scheduled flight must divert to an alternate airport while airborne, the pilot, whenever possible, should advise the postal unit to be overflown of his alternate destination through air/ground communications.

(iii) Upon arrival at alternate airport, the pilot will contact the postal unit at the scheduled destination for instructions.

(e) *Mail handling responsibilities*—(1) *Transporting mail.* (i) The operator will transport and transfer mail as ordered on dispatch documents and related coding on pouch labels, or instructions from postal transfer employees. Mishandlings which result in delayed delivery of the mail, may subject the operator to a financial penalty.

(ii) Exchange of mail at each airport will be at the time and place authorized by the Director, Logistics Division.

(2) *Protection.* The operator is responsible and accountable for mail in his custody. Operator assumes responsibility for the mail from the time it is tendered to him for loading and until it is unloaded and delivered to post office custody. The following requirements must be observed:

(i) Mail must not be left exposed or otherwise subjected to possible theft, rifling or damage by weather.

(ii) When a damaged pouch is discovered, it will be turned into the first available postal unit for repouching and redispatch.

(3) *Loading aircraft.* (i) The pilot-in-command is responsible for loading his aircraft. He will not accept mail in excess of the allowable load, taking into consideration the gross loading and center of gravity limits of the aircraft.

(ii) POD or POD contract personnel are not authorized to load/unload or distribute mail within the aircraft.

(iii) Mail for two or more destinations will be loaded in a manner which will preserve the destination separation and facilitate unloading at off-load point.

(iv) All mail must be securely tied down in a manner that will preclude any shifting en route regardless of amount or size.

(v) Mail shall be loaded so that it does not restrict access to emergency exits.

(vi) All compartments must be checked to insure they are closed and secured prior to take-off.

(vii) Prior to each take-off the pilot will complete Form 2768, Aircraft Weight and Balance Data Card, and mail or leave it with a POD representative at each point of departure.

(4) *Disposition of mail from canceled or irregular flights.* (i) When a trip is canceled at the initial terminal or any point en route, the operator must promptly notify the nearest postal transfer clerk or postmaster.

(ii) Disposition of mail will be in accordance with instructions of the local postal unit.

(iii) If a mail flight terminates at a point short of destination due to weather or mechanical failure, the operator may, with prior approval of the Director, Logistic Division, transport the mail to destination by surface.

(5) *Unloading aircraft.* The pilot is responsible for unloading aircraft at off-load points and for security and protection of mail until tendered to authorized postal agent.

§ 535.5 Postal unit responsibilities and procedures for air taxi operations.

(a) *Management.* Postmasters of postal units located on air taxi routes will provide necessary management support in administering air taxi mail service.

(1) *Postmaster responsibilities.* Postmasters' primary responsibilities include:

(i) Certifying, preparing, and submitting Form 2756, Certification of Air Taxi Mail Service Performed, as prescribed in § 535.7(b), when designated as certifying postmaster by Form 2752, Air Taxi Mail Service Action.

(ii) Assisting operator personnel in preparation of Form 2025, and fingerprint cards for POD personnel screening requirements.

(iii) Maintaining and submitting air taxi operational reports as directed by regions.

(iv) Proper receipt and dispatch of mail to air taxis.

(v) Promptly notifying downline postal units of air taxi cancellations and delays.

(b) *Ground handling services.* The handling of mail to and from the aircraft may be performed by postal personnel or mail messenger service, whichever is determined to be more economical.

(c) *Dispatch of mail.* (1) (i) Air taxi mail service schedules are established with many close connections. Consequently, postmasters must insure that mail is dispatched in ample time so that it will be loaded for on-time departure of the air taxi. Sufficient time must be given the pilot to complete weight and balance checks and other safety requirements before scheduled takeoff.

(ii) Pouches will be separated by destination prior to delivery to the air taxi and pilot will be furnished total weight of mail for each off-load destination.

(iii) Due to the critical requirements for loading small aircraft properly, it is essential that all dispatches be accurately weighed and correctly recorded on pouch labels and dispatch records.

(2) Routing and priority of mail: (i) Mail will be dispatched to air taxis in accordance with the following priority:

(*a*) Airmail.

(*b*) First-class mail.

(*c*) Other classes (when specifically authorized by the Department).

(ii) When an overload condition occurs, priority in loading FCM must be given to that mail which will normally receive overnight delivery.

(iii) Mail cannot be routed for interline transfer to or from an air taxi route unless both air carriers are authorized to transport mail at the multielement or pound rate of pay.

(iv) Mail due connection to or from an air taxi mail route not authorized to transport mail under multielement or pound rate of pay must be routed to the postal facility at the transfer point for processing.

(3) Air taxi mail dispatch document: Form 2764, Dispatch Record Air Taxi Mail Service, will be used to document mail dispatched on air taxis except when an air taxi operator transports mail on a pound or multielement rate. Form 2764 consists of eight pre-carboned sheets and is used for a specific trip from Saturday through Friday of each week. The postal unit at the airport facility tendering mail to air taxis initiates the form and records daily volume of mail dispatched. A copy is given to the air taxi pilot each day the trip operates. At the end of the week, the mail volume totals will be tabulated and the second copy of the form is forwarded to the Dallas Postal Data Center. The original copy is retained by the dispatching postal unit for 2 years.

(4) Pound and multielement rate dispatch record:

(i) *Pound rate route.* Prepare Form 2729, Weekly Summary of Airmail Dispatched, when an air taxi transports mail for a pound rate. Separate entries will be made for airmail and FCM. Send completed forms to the Dallas Postal Data Center.

(ii) *Multielement rate route.* Mail for air taxi mail routes authorized to be paid at the multielement rate will be documented on Forms 2729 and 2713, Dispatch Record of First-class Mail by Air, in the manner prescribed for certificated air carriers. Completed forms will be sent to the Dallas Postal Data Center.

(d) *Ground safety.*—(1) *Safety precautions.* (i) The 14 safety rules set forth in chapter IV, paragraph H, POD Supervisors' Safety Handbook, Personnel Series 13, apply to all drivers and postal motor vehicles operating on airfields used by air taxi mail service aircraft. Deviations authorized by local postmasters must be in writing and made available to operators and airport managers.

(ii) Postal personnel and vehicles shall not approach aircraft until the aircraft and aircraft propellers have come to a complete stop.

(iii) Only drivers who have been especially trained and qualified shall be authorized to engage in the movement of postal vehicles on airfields.

(iv) Drivers of postal motor vehicles must not drive under any part of, or operate within 5 feet of parked aircraft.

(v) Drivers will normally approach the aircraft from the rear and turn upon approaching the wing before stopping. This will preclude backing the vehicle. If vehicle must be backed into a loading or unloading position, the pilot or employee of the operator will guide and direct the driver. When in position, the driver must:

(*a*) Put vehicle in neutral or park position.

(*b*) Set hand brake tight.

(*c*) SHUT ENGINE OFF.

(*d*) Chock planeside of truck if ramp pitches toward aircraft.

(*e*) *Reports*—(1) *Mail handling irregularities.* Form 2759, Report of Irregular Handling of Mail, will be used to report air taxi mail service irregularities. The appropriate airport mail facility, transfer office, or sectional center will prepare and process Form 2759 in accordance with § 533.7(a) of this chapter. A description and classification of reportable irregularities are outlined in § 533.7(c) of this chapter.

(2) *Operational irregularity.* Postal units at air taxi stop points will:

(i) Promptly report operating irregularities to appropriate regional office. Operational irregularities include flight cancellation, late arrivals, use of unauthorized aircraft, and equipment deficiencies when aircraft used cannot accommodate the volume of mail specified in the terms of the proposal.

(ii) Advise region when volume of mail available for air taxi exceeds specified capacity of aircraft.

(iii) Advise region promptly of any air taxi incidents or of any known or suspected safety violations.

(3) *Reporting accidents.* (i) Postal units will report promptly to designated regional officials all accidents involving aircraft carrying mail.

(ii) The contents of the report should adequately describe such details as date, time, place, trip number, aircraft type

and number, weather conditions at the time of the accident, damages, injuries and classes of mail by weight, and condition of mail. A brief history of the flight and known or suspected cause factors should be included.

(iii) Mail in aircraft involved in accidents will not be disturbed except to prevent further damage until released by a representative of the National Transportation Safety Board or an FAA official. It must be guarded until the arrival of a postal official.

§ 535.6 Penalties.

(a) *Policy.* Operators are subject to monetary penalties for unjustified failure to discharge their mail service responsibilities and for specific mail handling irregularities reported on Form 2759 by postal units concerned.

(1) *Irregularies subject to penalty.* Irregularities attributed to operators will be identified, evaluated, and reported to the Department for review and imposition of a penalty, if warranted. Insure that prompt reports are submitted to Director, Logistics Division, on the following irregularities which are normally preventable and within control of the operator.

(i) Mail refusal: Inability or refusal of operator to accept mail within the agreed allocation. When mail in excess of amount specified in Form 2752 is refused, it is not considered a "refusal" but will be reported as "mail theft".

(ii) Failure to protect mail. (Fire, damage, weather, or leaving mail unattended).

(iii) Failure to notify postal unit of irregular operation.

(iv) Failure to provide specified aircraft. (Except in emergencies when equipment substitution is made with prior regional approval).

(v) Others. Includes operator performance, incidents and conditions not conducive to a good air taxi mail service operation.

(2) *Assessing penalties.* Reported irregularities are investigated by the Director, Logistics Division, to determine whether an operator should be penalized. If a penalty is warranted, the Director will forward Form 2766, Advice and Recommendations for Fines—Airmail Irregularities, with a report of circumstances to the Bureau of Operations for review and possible assessment of a penalty against the operator.

(3) *Failure to provide specified payload.* A penalty will be assessed whenever an operator uses aircraft which does not provide weight capability for mail, as specified on Form 2750. This penalty will be imposed even though all mail tendered was carried.

(i) The following example shows how to compute penalty:

(*a*) If specified mail capacity requirement is: 2,000 pounds, and

(*b*) capacity of replacement aircraft is: 1,500 pounds,

(*c*) required weight capacity not available: 500 pounds, or 25 percent

(*d*) the normal authorized route payment per mile is 0.40 cents.

The amount of the penalty is based on the authorized rate (0.40 cents) per mile, less the percentage of capacity not made available (25 percent). Using these figures, the penalty would be 0.10 cents per mile.

(ii) The Director, Logistics Division, will compute penalty and forward particulars to Air Branch, Traffic Management Division, Bureau of Operations.

§ 535.7 Certification and payment for services.

(a) *Validation of service performed.* The pilot will complete Form 2755, Air Taxi Mail Service Performed, for each scheduled trip. He will record arrival and departure time for every air stop served. At the end of the trip copies 1 and 2 will be promptly turned into the terminal postal unit. Delay in submission of form could cause delay in payment due operator.

(1) If service is provided over a route from the headout terminal to an outer terminal and returns to the headout terminal using the same aircraft and pilot, both the outbound and inbound service will be reported on one Form 2755 as a round trip.

(2) If service is provided over a route from the headout terminal to an outer terminal by one aircraft and pilot and from the outer terminal to the headout terminal by a second aircraft and pilot, each pilot will report this portion of the service on Form 2755 as a one-way trip.

(b) *Condition for payment.* (1) Full payment will be allowed when:

(i) Service is performed in accordance with published schedule.

(ii) Operator begins a trip but terminates at an intermediate stop or an alternate point because of weather or other conditions beyond the pilot's control, except mechanical failures and accidents or incidents which prevent completion of trip.

(2) *Mileage deductions.* Mileage deductions will be made for trips, or portions of trips, canceled because of mechanical failure and complete trips canceled because of weather.

(3) *Transmittal of Form 2756.* (i) At the end of each week, the postmaster of the certifying postal unit will prepare Form 2756, Certification of Air Taxi Mail Service Performed, and submit it to the Dallas Postal Data Center. Form will be dispatched in a separate envelope endorsed "Form 2756" in the lower left corner.

(ii) A copy of Form 2756 and related copies of Form 2755 for the week will be forwarded to the Director, Logistics Division, Attention: Manager, Air Transportation, for each route.

§ 535.8 Rate adjustment.

(a) *Purpose.* When air taxi operators incur costs which could not be reasonably anticipated at the time the rate for their service was established, they may petition the POD for a rate adjustment on Form 2751–C, Rate Adjustment Request. Necessary forms may be obtained from the Director, Logistics Division, of the postal region responsible for administering the route involved.

(1) *Types of adjustment.* (i) Adjustment in the rate will be considered for costs which could not have been reasonably anticipated, such as the following:

(*a*) Increase in aircraft requirements to comply with new safety regulations of the POD or the FAA.

(*b*) Increase in requirements for capacity or speed.

(*c*) General increase within a State or regional area involving fuel costs, wages and salaries of pilots or maintenance personnel. (Operators are normally not eligible for rate adjustments in fuel, oil or wages until 1 year from filing of Notice of Intent.)

(*d*) Landing or ramp fees resulting from new policies or rate changes at airports served.

(ii) Adjustments will not be allowed for increased costs, such as the following:

(*a*) Aircraft or equipment changes at the option of the operator.

(*b*) Aircraft or equipment changes required to meet FAA or postal regulations in effect at the time the rate was established by temporary contract or Notice of Intent to the Civil Aeronautics Board.

(*c*) Hanger costs which should have been anticipated as a normal service requirement.

(*d*) Landing and other airport service fees in effect on the date the proposed rate was submitted.

(*e*) Insurance cost increases unless resulting from an order by a state insurance board or other Government agency, or unless comparable increases are being assessed against all other ATCO operations in the area.

(2) *Filing procedures.* In adjustments which involve additional capital expenditures, the operator shall take the following steps:

(i) Document the amount of increase in capital expenditure.

(ii) For change of aircraft, he should determine the difference in capital expenditure involved between new aircraft of the type operated and new aircraft of the type required if new aircraft is actually procured. When new aircraft is not procured, the actual increase in costs will be established not to exceed the difference in cost of new aircraft of the types involved.

(iii) For each new equipment component, he should document the actual purchase price, finance costs, plus the cost of installation. The cost of installation must not exceed the established manufacturer's standard installation cost.

(iv) To determine the amortization base, deduct the residual or disposal value. Residual value for aircraft will be calculated at 15 percent of cost, as determined per subdivision (iii) above.

(v) Determine annual charge for amortization. For amortization purposes, the service life of components and aircraft is considered to be 7 years for Piston Aircraft, 10 years for Turbo Prop Aircraft, and 12 years for Jet-powered Aircraft. When used aircraft or components are involved, the amortization rate shall not exceed that for new equipment.

(vi) Submit completed forms and required documentation of added cost to

appropriate Director, Logistics Division, for evaluation and processing.

NOTE: The corresponding Postal Manual sections are 535.1 through 535.8.

DAVID A. NELSON,
General Counsel.

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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1969 and Subsequent Crops of Peanuts

TRANSFER OF ALLOTMENTS FOR 1970

This amendment of the allotment and marketing quota regulations for peanuts of the 1969 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of this amendment is to extend the authority to transfer peanut acreage allotments for the 1970 crop year, pursuant to Public Law 91–122 (83 Stat. 213, approved Nov. 21, 1969).

Peanut producers are now making plans for the 1970 crop year and it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The regulations for determination of acreage allotments and marketing quotas for 1969 and subsequent crops of peanuts (33 F.R. 18351, 18981, 34 F.R. 14201) are amended as follows:

1. Section 729.68 is revised to read as follows:

§ 729.68 Authorization of and general explanation of transfers of farm allotments for 1968, 1969, and 1970 under section 358a of the act.

(a) *Authorization of transfers.* It is hereby determined and found that transfers of peanut acreage allotments to take effect during the 1968, 1969, and 1970 crop years in accordance with the provisions of section 358a of the act will not impair the effective operation of the peanut marketing quota or price support programs. Accordingly, such transfers of allotment shall be permitted in accordance with the provisions of this section and § 729.69.

(b) *General explanation.* Three types of transfers of farm allotments within the same county to take effect during the 1968, 1969, and 1970 crop years are permitted in accordance with the terms and conditions in § 729.69. Transfers by sale would be permanent transfers of allotment and related acreage history and marketing quota. Transfers by lease would be temporary for the term of the lease not to exceed 5 years. Transfers by owner on a permanent basis or on a temporary basis not to exceed 5 years would be made from a farm owned by him to another farm in the same county owned or controlled by him. The receiving farm need not be an old farm but the total allotment transferred to the receiving farm during 1968, 1969, and 1970, in the case of sale and lease transfers but not in the case of transfers by owner on a permanent or temporary basis, shall not exceed 50 acres.

2. Paragraphs (a) and (b) of § 729.69 are revised to read as follows:

§ 729.69 Terms and conditions applicable to transfers under section 358a of the act.

(a) *Persons eligible to file applications for transfer.* (1) *Sale or lease.* The owner and operator of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer by sale or lease is to take effect (1968–70) shall be eligible to file an application for sale or lease of all or any part of such allotment to any other owner or operator of a farm in the same county. The receiving farm need not be an old farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the application.

(2) *By owner.* The owner of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer is to take effect (1968–70) is eligible to file an application to transfer such allotment from the farm to another farm in the same county owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to death, illness, incompetency, or bankruptcy of such person.

(b) *When application to be filed.* Applications for transfers to take effect during 1970 shall be filed during the period November 26, 1969 to April 1, 1970, both dates inclusive. The final date for such period may be extended by the State committee, with the approval of the Deputy Administrator, to a date not later than the close of the normal planting period for the State or area. The State committee, with the approval of the Deputy Administrator, may authorize the acceptance of a late-filed application in cases where the State committee determines that the late filing resulted from misunderstanding of the filing requirements after oral discussion between the applicant and a representative of the county committee.

(Secs. 358a, 375, 81 Stat. 658, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1358a, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 12, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-15037; Filed, Dec. 17, 1969; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 68, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinbefore provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees reflect their appraisal of the potential marketing situation during the week in which Christmas Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh grapefruit in the terminal markets prior to Christmas Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of grapefruit shipments, as hereinafter specified, is necessary to prevent a buildup of grapefruit supplies in the markets during and immediately following the Christmas Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 23, 1969. Domestic shipments of Florida grapefruit are currently regulated pursuant to Grapefruit Regulation 68 (34 F.R. 14380, 18449) and, unless sooner terminated or modified, will continue to be so regulated through September 13, 1970; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for limiting the total quantity of fresh grapefruit by prohibiting the shipment thereof, pursuant to said section, during the period December 23 through December 29, 1969, as herein provided, were promptly submitted to the Department after an open meeting on December 3, 1969, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; supplemental information was submitted to the Department on December 11, 1969; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of grapefruit grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committees; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(a) *Order.* In § 905.514 (Grapefruit Reg. 68, 34 F.R. 14380, 18449) the provisions of paragraph (a)(2) are revised to read as follows:

§ 905.514 Grapefruit Regulation 68.

(a) * * *

(2) During the period December 23 through December 29, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, December 12, 1969, to become effective December 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14977; Filed, Dec. 17, 1969; 8:45 a.m.]

[Orange Reg. 64, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees reflects their appraisal of the potential marketing situation during the week in which Christmas Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh oranges in the terminal markets prior to Christmas Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of orange shipments, as hereinafter specified, is necessary to prevent a build-up of orange supplies in the markets during and immediately following the Christmas Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 23, 1969. Domestic shipments of Florida oranges are currently regulated pursuant to Orange Regulation 64 (34 F.R. 19067) and, unless sooner terminated or modified, will continue to be so regulated through September 13, 1970; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for limiting the total quantity of fresh oranges by prohibiting the shipment thereof, pursuant to said section, during the period December 23 through December 29, 1969, as herein provided, were promptly submitted to the Department after an open meeting on December 3, 1969, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; supplemental information was submitted to the Department on December 11, 1969; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of oranges grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committees; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(a) *Order.* In paragraph (a) of § 905.520 (Orange Reg. 64; 34 F.R. 19067) the provisions of paragraph (a)(2) preceding subdivision (i) thereof are revised and a new paragraph (a)(3) is added reading as follows:

§ 905.520 Orange Regulation 64.

(a) * * *

(2) Except as otherwise provided in paragraph (a)(3) during the period December 1, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * * *

(3) During the period December 23 through December 29, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges grown in the production area.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, December 12, 1969, to become effective December 23, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–14978; Filed, Dec. 17, 1969; 8:45 a.m.]

[Navel Orange Reg. 188]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.488 Navel Orange Regulation 188.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 16, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 19, 1969, through December 25, 1969, are hereby fixed as follows:

(i) District 1: 400,000 cartons;

(ii) District 2: 41,000 cartons;

(iii) District 3: 50,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–15141; Filed, Dec. 17, 1969; 11:23 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Big Lake National Wildlife Refuge, Ark.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 4,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends year-round except closed during waterfowl season.

(2) Fishing is permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 10, 1969.

[F.R. Doc. 69–14970; Filed, Dec. 17, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

CARPETS AND RUGS

Notice of Proposed Flammability Standard

On December 3, 1968, there was published in the FEDERAL REGISTER (33 F.R. 17921) a notice of finding that a flammability standard or other regulation, including labeling, may be needed for carpets and rugs, to protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage, arising from the hazards of rapid flash burning or continuous slow burning or smoldering, and for institution of proceedings for the development of an appropriate flammability standard or other regulation. In order that the Department of Commerce, hereinafter referred to as the "Department," might receive adequate and deliberative responses representing the considered views and recommendations of interested persons and to accommodate a number of requests for additional time to respond to the December 3 notice, the Department by notice in the FEDERAL REGISTER on January 10, 1969 (34 F.R. 398), extended the period for filing comments to February 3, 1969.

After review and analysis of the comments received, analysis of material developed through research, and after further review of information previously cited in the December 3, 1968, FEDERAL REGISTER (33 F.R. 17921), it is hereby found that a flammability standard for carpets and rugs is needed to protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage arising from the hazards of rapid flash burning or continuous slow burning or smoldering.

Proposed standard. It is preliminarily found that the proposed flammability standard as set out in full at the end hereof as Appendix I:

(a) Is needed for carpets and rugs to protect the public against unreasonable risk of the occurrence of fire arising from the hazards of rapid flash burning or continuous or slow burning or smoldering, and leading to death, personal injury, or significant property damage;

(b) Is reasonable, technologically practicable and appropriate and is stated in objective terms; and

(c) Is limited to carpets and rugs which currently present the unreasonable risks specified in (a) above.

Basis for proposed flammability standard. Although there are standards for certain specialized applications, there now exists no national flammability standard for carpets and rugs affording protection to the general public from an unreasonable risk of the occurrence of fire. An analysis of data and all comments received and research conducted pursuant to inquiry by this Department into flammability problems in carpets and rugs reveals that carpets and rugs are being produced and made available for consumer purchase which present, through ordinary use, an unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage, arising from the foreseeable hazards of rapid flash burning or continuous slow burning or smoldering. The proposed standard would remove from the market those rugs and carpets which present either of these hazards. This analysis further reveals that the proposed standard will protect against such risks and, at the same time, is reasonable, technologically practicable and appropriate and is stated in objective terms. The current state of the art in carpet and rug manufacture can conform to this proposed standard, and rugs and carpets are, in fact, available to the public which meet the requirements of this proposed standard. This proposed standard is limited to rugs and carpets which present the hazards of rapid flash burning or continuous slow burning or smoldering. The information upon which the finding is made indicates that such items present the unreasonable risks mentioned above unless produced in conformance to the proposed standard.

In federally owned or leased buildings, a measure of protection against hazards from the flammability of carpets and rugs is afforded through the requirement of the Federal Supply Service, General Services Administration, that all rugs and carpets purchased for use in such buildings must comply with the flame resistance criteria of Federal Specification DDD–C–95, Carpets and Rugs, Wool, Nylon, Acrylic, Modacrylic. Under the test procedure prescribed therein, each of two specimens of carpet, conditioned at a prescribed temperature and relative humidity and placed in a horizontal position, is subjected to controlled ignition from a time burning tablet. Flammability is evaluated by measuring the maximum dimension of the charred area produced.

The Department proposes that all carpets and rugs, and fabrics or related materials intended to be used, or which may reasonably be expected to be used as carpets or rugs, shall be classed as "resistant to flammability" in the test method described in Appendix I. This test method is a modification of the test method in Federal Specification DDD–C–95, Carpets and Rugs, Wool, Nylon, Acrylic, Modacrylic. The method tests the resistance to flammability of rugs and carpets only under draft-protected conditions by requiring that the maximum dimension of charred area produced under certain carefully prescribed conditions and after controlled ignition from a timed burning tablet shall not exceed a certain limit as set forth in the Standard in Appendix I. From observations made during development of this method, it can be concluded that if combustion has progressed to the limit defining failure in the test, combustion, wherever initiated, may reasonably be expected to progress in actual service to the edges of the carpet and provide a possible source for subsequent ignition of other furnishings.

The Department has (1) conducted an interlaboratory evaluation to develop the test method; (2) developed the test method for use in connection with the proposed flammability standard; and (3) used the test method on a selected sample of carpets and rugs being offered at retail outlets selling to the consuming public. The results of these latter tests are given in Appendix II.

Based on the analysis of the test data and subsequent economic investigations by the Department's Office of Textiles, the proposed standard in Appendix I has been developed.

Participation in proceedings. All interested persons are invited to submit written comments relative to the proposed flammability standard within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Written comments should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 5051, U.S. Department of Commerce, Washington, D.C. 20230, and may include any data or other information pertinent to the subject.

Inspection of relevant documents. The written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Facility of the Department, Room 2122, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

Issued: December 12, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[Appendix I]

CARPETS AND RUGS

PROPOSED STANDARD FOR THE RESISTANCE TO FLAMMABILITY OF CARPETS AND RUGS (METHENAMINE PILL)

.1 Definitions
.2 Scope and Application
.3 General Requirements
.4 Test Procedure
.5 Labeling

.1 *Definitions.* In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191), and section 7.2 of the Procedures (33 F.R. 14642, Oct. 1, 1968), the following definitions apply for the purposes of this Standard:

(a) "Acceptance Criterion" means that at least seven out of eight individual specimens of a given carpet or rug shall meet the test criterion as defined in this Standard.

(b) "Carpet" means any type of finished product made in whole or in part of fabric or related material and intended for use or which may reasonably be expected to be used as a floor covering which is exposed to traffic in homes, offices, or other places of assembly or accommodation, and which may or may not be fastened to the floor by mechanical means such as nails, tacks, barbs, staples, adhesives, etc. Mats, hides with natural or synthetic fibers, and other similar products are included in this definition, but resilient floor coverings such as linoleum, asphalt tile and vinyl tile are not.

(c) "Rug" means, for the purposes of this Standard, the same as carpet and shall be accepted as interchangeable with carpet.

(d) "Resistant to Flammability" means that a carpet or rug complies with the acceptance criterion.

(e) "Timed Burning Tablet" means the methenamine tablet, weighing approximately 0.149 grams, sold as Catalogue No. 1588 by the Eli Lilly Co. of Indianapolis, Ind. 46206.

(f) "Test Criterion" means the basis for judging whether or not a single specimen of carpet or rug has passed the test, i.e., the charred portion of a tested specimen shall not extend to within one inch of the edge of the hole in the flattening frame at any point.

(g) "Underlayment" means any pad, cushion, mat, or other material, used between the floor and the carpet or rug.

(h) "Fire-Retardant Treatment" means any chemical or process to which a carpet or rug has been exposed, which significantly modifies the resistance to flammability, as defined in this standard, of the carpet or rug.

.2 *Scope and application.* (a) This Standard provides a test method to determine the resistance to flammability of finished carpets and rugs when exposed to a standard source of ignition under carefully prescribed draft-protected conditions. It is applicable to all types of carpets and rugs used as floor covering materials regardless of their method of fabrication or whether they are made of natural or synthetic fibers or films, or combinations of or substitutes for these.

(b) This Standard requires the determination of the resistance to flammability of carpets and rugs as such. However, because an underlayment may modify the resistance to flammability of these materials under some conditions of use, where the combination of carpet and underlayment is available, consideration should be given to performing the test on the combination as it would be used in service.

.3 *General requirements.*—(a) *Summary of test method.* This method involves the exposure of each of eight conditioned, replicate specimens of a given carpet or rug to a standard igniting source in a draft-protected environment and measurement of the proximity of the charred portion to the edge of the hole in the prescribed flattening frame.

(b) *Test criterion.* A specimen passes the test if the charred portion does not extend to within one inch of the edge of the hole in the flattening frame at any point.

(c) *Acceptance criterion.* If at least seven of the eight specimens meet the test criterion, the material shall be classified as resistant to flammability.

.4 *Test Procedure.*—(a) *Apparatus.*—(1) *Test chamber.* The test chamber shall consist of an open top hollow cube made of noncombustible material[1] with inside dimensions 12 x 12 x 12 inches (30.5 x 30.5 x 30.5 cm.) and a minimum of ¼-inch (6.4 mm.) wall thickness. The flat bottom of the box shall be made of the same material as the sides and shall be easily removable. The sides shall be fastened together with screws or brackets and taped to prevent air leakage into the box during use.

(A minimum of two chambers and two extra bottoms are suggested for efficient operation.)

(2) *Flattening frame.* A steel plate 9 x 9 inches (23 x 23 cm.), ¼-inch (6.4 mm.) thick with an 8-inch (20.3 cm.) diameter hole in its center is required to hold the carpet or rug flat during the course of the test. It is recommended that one be provided for each test chamber.

(3) *Standard igniting source.* No. 1588 methenamine timed burning tablet. These tablets shall be stored in a desiccator over a desiccant for 24 hours prior to use. (Small quantities of sorbed water may cause the tablets to fracture when first ignited. If a major fracture occurs, any results from that test shall be ignored, and it shall be repeated.)

(4) *Test specimens.* Each test specimen shall be a 9 x 9 inches (23 x 23 cm.) section of the carpet or rug to be tested. Eight specimens are required.

(5) *Circulating air oven.* A forced circulation drying oven capable of removing the moisture from the specimens when maintained at 105° C. for 2 hours.[2]

(6) *Dessicating cabinet.* An air- and moisture-tight cabinet capable of holding the floor covering specimens horizontally without contacting each other during the cooling period following drying, and containing an efficient desiccant, such as calcium chloride or silica gel.

(7) *Glove.* A nonhygroscopic glove (rubber, polyethylene, etc.) for raising the pile on specimens prior to testing.

(8) *Hood.* A hood capable of being closed and having its draft turned off during each test and capable of rapidly removing the products of combustion following each test. The front or sides of the hood should be transparent to permit observation of the tests in progress.

(9) *Mirror.* A small mirror mounted above each test chamber at an angle to permit observation of the specimen from outside of the hood.

(10) *Vacuum cleaner.* A vacuum cleaner to remove all loose material from each specimen prior to conditioning. All surfaces of the vacuum cleaner contacting the specimen shall be flat and smooth.

(b) *Sampling.*—(1) *Selection of samples.* If there is an applicable material specification, take a lot sample. If not, select a sample of the material representative of the lot and large enough to permit cutting eight specimens 9 x 9 inches (23 x 23 cm.), free from creases, fold marks, delaminations or other distortions. The sample of material representative of the lot may be more than one carpet or rug.

If the carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the selected sample shall be washed, dry-cleaned or shampooed 10 times in a manner normally used for that carpet or rug in service prior to cutting of specimens.

(2) *Cutting.* Cut eight 9±¼-in. (23± 0.6 cm.) square specimens of each carpet or rug to be tested.

(c) *Conditioning.* Clean each specimen with the vacuum cleaner until it is free from all loose ends left during the manufacturing process and from any material that may have been worked into the pile during handling.[3] Care must be exercised to avoid "fuzzing" of the pile yarn.

Place the specimens in the drying oven in a manner that will permit free circulation of the air at 105° C. around them for 2 hours.[4] Remove the specimens from the oven and place them horizontally in the desiccator with pile side up and free from contact with each other until cooled to room temperature, but in no instance less than 1 hour.

(d) *Testing.* Place the test chamber in the draft-protected environment (hood with draft off) with its bottom in place. Remove a test specimen from the desiccator, brush its surface with a gloved hand in such a manner as to raise its pile. Place the specimen on the center of the floor of the test chamber, pile side up, exercising care that the specimen is horizontal and flat. Place the flattening frame on the specimen and position a

[1] ¼-inch (6.4 mm.) cement asbestos board is a suitable material.

[2] Option 1 of ASTM D 2654–67T, "Methods of Test for Amount of Moisture in Textile Materials," describes a satisfactory oven. ("1969 Book of ASTM Standards," Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.)

[3] The vacuum cleaning described is not intended to simulate the effects of repeated vacuum cleaning in service.

[4] If the specimens are moist when received, permit them to air-dry at laboratory conditions prior to placement in the oven. A satisfactory preconditioning procedure may be found in ASTM D 1776–67, "Conditioning Textiles and Textile Products for Testing." ("1969 Book of ASTM Standards", Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.)

methenamine tablet on one of its flat sides in the center of the 8-inch (20.3 cm.) hole.

Ignite the tablet by touching a lighted match or an equivalent igniting source carefully to its top.[5]

Continue each test until one of the following conditions occurs:

(1) The last vestige of flame or glow disappears (this is frequently accompanied by a final puff of smoke).

(2) The flaming or smoldering has approached within 1 inch of the edge of the hole in the flattening frame at any point.

When all combustion has ceased, ventilate the hood and measure the shortest distance between the edge of the hole in the flattening frame and the charred area. Record the distance measured for each specimen.

Remove the specimen from the chamber and remove any burn residue from the floor of the chamber. Before proceeding to the next test, the floor must be cooled to room temperature or replaced with one that is at room temperature.

(e) *Report*—The number of specimens of the eight tested in which the charred area does not extend to within one inch of the edge of the hole in the flattening frame shall be reported.

(f) *Interpretation of results*—If the charred area does not extend to within one inch of the edge of the hole in the flattening frame at any point for at least seven of the eight specimens, the carpet or rug meets the acceptance criterion.

.5 *Labeling*—If the carpet or rug has had a fire-retardant treatment during the manufacturing process, or is made of fibers which have had a fire-retardant treatment, it shall be labeled with the letter "T."

[Appendix II]

TESTS OF SELECTED CARPETS AND RUGS

In order to determine to what extent carpets and rugs that would not pass the acceptance criterion were sold on the market, the National Bureau of Standards purchased a sample of carpets and rugs indicative of the fiber and construction types available to the public.

Forty-three separate and distinct carpets and rugs were purchased from six retail outlets. Twenty-nine of these were cut from large rolls of material, or were floor samples taken originally from rolls, and fourteen were items made up for sale in predetermined sizes. Of these forty-three carpets and rugs, 33 were labeled as having a single fiber type in the pile and 10 were labeled as containing blends of two or more fibers in the pile. The former contained the following carpet fibers: Acrylic, cotton, nylon, olefin, polyester, rayon and wool. The blends contained two or more of the following: Acetate, acrylic, cotton, modacrylic, nylon, olefin, polyester, and rayon.

[5] Care must be exercised to avoid igniting the carpet prior to the tablet. If more than 2 minutes elapse between the removal of the specimen from the desiccator and the ignition of the tablet, the conditioning must be repeated.

The results of the resistance to flammability tests are summarized in Table 1.

TABLE 1.—RESISTANCE OF CARPETS AND RUGS TO FAMMABILITY

Item	Number tested	Number meeting acceptance criterion
Carpets (from rolls)	29	22
Rugs and mats	14	6
By pile fiber material: [1]		
Acrylic	6	5
Cotton	2	1
Nylon	10	10
Olefin	8	5
Polyester	2	1
Rayon	3	0
Wool	2	1
Blends	10	3
By construction: [1]		
Indoor-Outdoor	4	4
Loop	10	8
Plush	8	5
Sculptured	7	4
Shag	5	2
Tweed	1	1
Twist	2	2
Rugs and mats	14	6

[1] Fiber content and construction information as provided by the retailer. Some construction designations were combinations of three types of construction, and are listed with each type. Therefore, the individual numbers do not add up to the total number of carpets and rugs tested.

[F.R. Doc. 69-14969; Filed, Dec. 17, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 31]

GUARANTEE OF PRIVATE OBLIGATIONS FOR FINANCING NEW COMMUNITY LAND DEVELOPMENT

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Housing and Urban Development proposes to issue the regulations set forth below as a new Part 31 of Title 24, pursuant to the New Communities Act of 1968 (title IV of the Housing and Urban Development Act of 1968, 42 U.S.C. 3901 et seq.). Although the proposed regulations relating to a guarantee are not subject to the rule-making requirements of 5 U.S.C. 553, interested persons are invited to submit written comments or suggestions regarding the proposed regulations to the Assistant Secretary for Metropolitan Development, 451 Seventh Street SW., Washington, D.C. 20410, within 30 days of the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

PART 31—GUARANTEE OF PRIVATE OBLIGATIONS FOR FINANCING NEW COMMUNITY LAND DEVELOPMENT

Subpart A—General

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31.3 Information.
31.4 [Reserved].

Subpart B—New Community Criteria and Standards

Sec.
31.5 General criteria for new communities.
31.6 Specific characteristics of a new community.
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AUTHORITY: The provisions of this Part 31 issued under section 413 of the New Communities Act of 1968, 42 U.S.C. 3912; and sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Subpart A—General

§ 31.1 Statement of applicable law.

(a) The New Communities Act of 1968 (42 U.S.C. 3901–3914) authorizes the Secretary of Housing and Urban Development to guarantee obligations issued by private developers to help finance new community development projects. It also authorizes the Secretary to make grants to State and local public bodies and agencies to supplement the Federal assistance that is otherwise available for certain water, sewer, or open-space projects if these projects are needed or desirable in connection with a new community which will make available a substantial number of housing units for persons of low and moderate income. The amount of such grants may not exceed 20 percent of project costs, and, since this is to supplement other Federal assistance, the projects must also meet the applicable requirements for regular grants under section 702 of the Housing and Urban Development Act of 1965, as amended (42 U.S.C. 3102); section 306(a)(2) of the Consolidated Farmers' Home Administration Act, as amended (7 U.S.C. 1926(a)(2)); or title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e).

(b) The Act (1) amends section 202 (b)(4) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492), to permit public facilities loans without regard to the population limits otherwise applicable for facilities serving a new community development; (2) amends section 24 of the Federal Reserve Act, as amended (12 U.S.C. 371), with regard to the authority of national banks to invest in obligations guaranteed under the Act; and (3) amends section 5(c) of the Home Owners Loan Act of 1933, as amended (12 U.S.C. 1464), with regard to the authority of the Federal savings and loan associations to invest in obligations guaranteed under the Act. The Secretary is also authorized to make comprehensive planning grants under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), to official governmental planning agencies for planning in areas where rapid urbanization is expected to occur on land developed or to be developed as a new community approved under the Act.

(c) Additional assistance to new communities may be available under other Federal laws, even though they do not refer specifically to the Act or to new communities. For example, public bodies may receive Federal assistance for water and sewer and open space, advance acquisition of land for public purposes, schools, urban transit, and other facilities which serve new communities. Federal assistance for private sponsors would generally be available on the same basis as in other communities. For example, qualifying private sponsors may receive assistance for sales, rental, and cooperative housing projects for lower income families pursuant to sections 235 and 236 of the National Housing Act, as amended (12 U.S.C. 1715z and 1715z–1).

(d) It is the declared purpose of the Act "to encourage the development of new communities that—

(1) Contribute to the general betterment of living conditions through the improved quality of community development made possible by a consistent design for the provision of homes, commercial and industrial facilities, public and community facilities, and open spaces;

(2) Make substantial contributions to the sound and economic growth of the areas in which they are located;

(3) Provide needed additions to the general housing supply;

(4) Provide opportunities for innovation in housing and community development technology and in land use planning;

(5) Enlarge housing and employment opportunities by increasing the range of housing choice and providing new investment opportunities for industry and commerce;

(6) Encourage the maintenance and growth of a diversified local homebuilding industry; and

(7) Include, to the greatest extent feasible, the employment of new and improved technology, techniques, materials, and methods in housing construction, rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development with a view to reducing the cost of such construction, rehabilitation, and maintenance, and stimulating the increased and sustained production of housing under such programs.

§ 31.2 Definitions.

For the purpose of the regulations in this part, the following terms shall mean:

(a) *Act.* The New Communities Act of 1968 (title IV of the Housing and Urban Development Act of 1968, 42 U.S.C. 3901–3914).

(b) *Secretary.* The Secretary of Housing and Urban Development or his authorized representatives.

(c) *Developer.* The private entity, approved by the Secretary to carry out a new community project, which issues obligations guaranteed or to be guaranteed under the Act.

(d) *Project.* The activities and undertakings required to carry out a plan or plans for a new community approved by the Secretary under the Act.

(e) *Land development.* The process of grading land, making, installing, or constructing water lines and water supply installations, sewer lines and sewage disposal installations, steam, gas, and electric lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site, which the Secretary deems necessary or desirable to prepare land for residential, commercial, industrial, or other uses, or to provide facilities for public or common use. The term "land development" shall not include any building unless it is (1) a building which is needed in connection with a water supply or sewage disposal installation or a steam, gas, or electric line or installation, or (2) a building, other than a school, which is to be owned and maintained jointly by the residents of the new community or is to be transferred to public ownership, but not prior to its completion.

(f) *Actual costs.* The costs (exclusive of rebates or discounts) incurred by a new community developer in carrying out the land development assisted under the Act. These costs may include amounts paid for labor, materials, construction contracts, land planning, engineers' and architects' fees, surveys, taxes, and interest during development, organizational and legal expenses, such allocation of general overhead expenses as are acceptable to the Secretary, and other items of expense incidental to development which may be approved by the Secretary. If the Secretary determines that there is an identity of interest between the new community developer and a contractor, there may be included as a part of actual costs an allowance for the contractor's profit in an amount deemed reasonable by the Secretary.

§ 31.3 Information.

General information on the new community program and instructions for applying for assistance under this program, as well as information on other Federal programs which are related to new communities, may be obtained from the Assistant Secretary for Metropolitan Development, U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

§ 31.4 [Reserved]

Subpart B—New Community Criteria and Standards

§ 31.5 General criteria for new communities.

In determining whether a given undertaking, otherwise eligible for assistance and consistent with the purposes of the Act, is a new community, the Secretary will apply the following general criteria:

(a) A new community must include most, if not all, of the basic activities normally associated with a city or town: housing, commerce, industry, and recreation.

(b) It must combine these varying activities in a balanced and harmonious whole, with a view to creating an environment that is an attractive place to live, work, and shop.

(c) It must have a favorable impact upon the growth and development of the area within which it is located in terms of conserving land, minimizing transportation problems, extending the range of housing choice for all who live or may in the future live in the area, promoting needed economic development, and creating new job opportunities.

(d) It must be designed for the fullest possible range of people and families of different compositions and incomes and must be open to members of all national, ethnic, and racial groups.

§ 31.6 Specific characteristics of a new community.

(a) *Size, location, and internal diversity*—(1) *Size.* No minimum or maximum size is prescribed for a new community qualifying under the Act, but its size must be significant in comparison with existing developments and communities in the area in which it is located. A new community that would be too small to have an appreciable impact in or near a metropolitan area might qualify for assistance if it were located in a rural area and were at least as large as other communities in the area.

(2) *Location.* A new community may be located in any kind of area: urban, urbanizing, or rural. Wherever located, a new community must have accessibility to highways, airports, or other public transportation facilities commensurate with its size and the anticipated requirements of its population, industry, and commerce.

(3) *Relationship to surrounding development.* If a new community involves development which adds to an existing community or to an existing residential, commercial, or industrial area, both the old and new development will be considered in determining whether the new community qualifies for assistance under the Act. To qualify, however, the new development must be substantial, and the old and new elements must be carefully integrated. The resulting total new community must be planned as a whole and must be demonstrably different from that which existed before. An addition to existing development of housing alone, or commercial and industrial facilities alone, will generally not be considered sufficient for this purpose. Whether or not the new community incorporates existing development, it should take account of this development in internal planning and site location decisions.

(4) *Internal diversity.* Although a new community need not be completely self-sufficient, it must provide in a single area the housing, public and commercial facilities, and job opportunities normally

associated with a city or town. In determining the degree of internal diversity for a given site, consideration will be given to adequacy of existing or projected facilities in the immediate area. However, the community may not consist simply of housing, or of housing with a minimum of commercial facilities serving only the immediate needs of people for neighborhood shopping. Nor may a new community be predominantly an industrial or commercial development, with a minimum supply of new housing.

(b) *Internal development plan.* A new community must have a general plan and program for its ultimate development designed to create and maintain an attractive and viable environment responsive to human needs and displaying innovative features. Among the factors which the Secretary will consider in evaluating the plan are the following:

(1) Suitability of the site for the proposed uses, harmonious relationship of these uses with surrounding development, and their protection against adverse physical encroachment;

(2) Effectiveness of the land use plan and population density and distribution in promoting harmonious interrelationships and optimum internal accessibility;

(3) Preservation and enhancement of natural features such as water bodies and steep slopes; establishment and maintenance of an accessible open-space network for conservation, natural beauty, and recreation; and effectiveness of measures to prevent environmental pollution and problems such as flooding and soil instability;

(4) Adequacy of public facilities to serve community needs, including water and sewer, health facilities, streets, walkways, and highways;

(5) Effectiveness of controls and incentives to promote attractive land utilization, urban design, and architecture; and

(6) Phasing of all features of the plan on a schedule compatible with economic feasibility and geared to the timing of land acquisition, development, and disposition as reflected in the financial plan.

(c) *Housing mix.* A new community must contain an adequate range of housing, for both sale and rental for people of all incomes, ages and family composition, including a substantial amount for people of low and moderate income. The following factors, among others, will be considered in determining the sufficiency of housing mix:

(1) Existing and projected distribution of families by income and size for the region in which the project is located;

(2) Existing and projected housing supply and demand, particularly for low and moderate income housing, in the region and market area of the project; and

(3) Income and family characteristics of persons likely to be employed in the new community.

Existing housing in standard condition or proposed to be rehabilitated within the new community boundaries, as well as new construction, may be considered in determining adequacy of housing balance. But whether this housing is to be newly constructed or rehabilitated, the new community plan must include reasonable assurances that the units planned will actually be provided. If the development of a new community is to be carried out in stages, low and moderate income housing shall be included in every major residential stage.

(d) *Community services and government.* (1) A new community must be provided with a full range of government and public services adequate to meet the needs of all its residents. Such services may be provided by State or local government, by community organizations, or by other appropriate entities. If public facilities or utilities are to be operated by a nonpublic body, rates, and charges, capital structure, rate of return, and methods of operation of the facility or utility must be regulated by a public body or by other means satisfactory to the Secretary.

(2) A new community need not be or constitute a separate political unit but may be governed through a county, city, town, or other existing political jurisdiction. Where it is contemplated that a developer or a developer-controlled organization or association will, during the course of development, perform functions normally performed by a general unit of government, provision should be made in the new community plan or plans for an orderly transfer of such functions to an appropriate governmental unit at an appropriate time.

(e) *Area planning and development.* The area within which a new community is to be situated must be covered by a comprehensive areawide plan or by ongoing planning promulgated or carried on by a duly authorized agency. The location of the new community and the internal development plan for the project must be consistent with such comprehensive plan or planning and must reflect consideration of any economic development programs, functional plans, and public works programs of relevant Federal, State, regional, city, or county agencies for the area in which the new community is located. The comprehensive plan or planning for the area must, in the Secretary's judgment, be sufficiently detailed to provide a reasonable basis for evaluating the relationship of the proposed new community to area population trends, major transportation facilities and development patterns, areawide land use, systems for water and sewerage, open space, and recreation.

(f) *Social elements of a new community.* A new community project must not only provide for a better physical environment but also serve human needs. Social considerations should be reflected in planning and all phases of the new community project, as follows:

(1) By the use of citizen advisory groups, consumer testing surveys, multidisciplinary design teams, or similar methods, new communities must be planned from the beginning so that they are responsive to needs of present and future residents and periodically reevaluated in terms of their success in meeting these needs as a basis for improving later stages of development.

(2) Low and moderate income housing must be located in proper relation to schools, shopping, and neighborhood facilities so as to minimize segregation by income levels and social groups.

(3) A program of citizen participation in the community activities of the project must be formulated and implemented at an early stage of occupancy by such means as home associations and civic organizations. The fee structures and membership requirements must not operate to exclude low-income residents and renters from community facilities.

(4) Special consideration must be given to establishing high quality schools and, where needed, community colleges, technical or vocational education centers, adult education courses, or job retraining facilities.

§ 31.7 Other requirements for new community development.

(a) *Capability of developer.* (1) Only private developers are eligible for guarantees under the Act. These include profit-seeking, nonprofit, or limited dividend corporations. The form of organization of the developer and changes in that form must be approved by the Secretary.

(2) The developer must have financial, technical, and administrative ability and background appropriate to the size and complexity of the project, the amount of the obligations to be guaranteed, and the period of time for project completion. The developer must have either in his own organization or available to him land development and related skills of a high order over the whole period of development. He must also have the capacity for anticipating and dealing effectively with the social concerns and problems that must be considered in planning the community or that may arise during the period of development.

(3) The developer may not engage in nontitle IV activities, either in the project itself or in related development, without approval of the Secretary. The Secretary may impose such controls and limitations on these activities or require such assurances and separation of accounts as he finds necessary to serve the purposes of the Act and protect the security interests of the United States.

(b) *Equal opportunity.* (1) The new community project must be specifically designed and implemented so as to assure compliance with all requirements imposed by, or pursuant to, any applicable statute or executive order treating with discrimination on the basis of race, creed, color, sex, or national origin. These include title VIII (Fair Housing) of the Civil Rights Act of 1968 (42 U.S.C. 3601–3619); title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e); the Civil Rights Act of 1866, as amended (42 U.S.C. 1981 and 1982); Executive Order 11063 (27 F.R. 11527); and Executive Order 11246, as amended by Executive Order 11375 (30 F.R. 12319, as amended by 32 F.R. 14303); which apply variously so as to prohibit discrimination in the use, sale, lease, or other disposition of land,

housing, or facilities in the new community and in employment in the new community or in the development of the new community project. Pursuant to the authority in each executive department to issue regulations and take other appropriate action under Executive Order 11063 with respect to its programs, discrimination on the basis of race, color, creed, or national origin in the use, sale, lease, or other disposition of any land developed for residential or related uses with assistance under the Act is hereby specifically made a violation of that Order enforceable under the terms of section 302 of the order after due notice and hearing.

(2) The Secretary may, in furtherance of subparagraph (1) of this paragraph and as a condition of the granting or continuation of assistance, require a developer: To formulate and implement an affirmative action program covering all or part of the new community project; to include appropriate equal opportunity provisions in pertinent contracts, subcontracts, covenants, or other documents; and to take such further steps as he may direct to carry out the developer's program.

(c) *Labor standards.* In any new community project, construction contracts, subcontracts, or building and loan agreements for land development assisted under the Act shall contain such labor standards clauses as the Secretary may direct in furtherance of the Act and of the regulations of the Secretary of Labor codified in 29 CFR Part 5. The provisions of such regulations with respect to ineligible contractors shall also be observed. No proceeds of new community obligations may be disbursed to a developer with respect to any such construction contract unless there has been filed, in a manner satisfactory to the Secretary, a certificate signed by the contractor or subcontractor stating that laborers and mechanics employed under the contract have been paid not less than the wages determined by the Secretary of Labor to be prevailing wages for corresponding classes of laborers and mechanics employed on construction of a similar character.

(d) *Small builders.* In any new community project, there must be provision satisfactory to the Secretary to encourage maintenance and growth of a diversified local homebuilding industry and broad participation by builders, particularly small builders.

(e) *Governmental approvals.* The developer must secure all State and local approvals required by law or determined by the Secretary to be necessary for the project.

(f) *Staging.* Major new community projects will ordinarily be planned, carried out, and financed in progressive stages, so as to provide an opportunity to test the market and minimize financial risk, with each stage resulting in a balanced and self-sufficient whole. Exceptions to this requirement, and the degree of and terms for staging, will be determined according to the scope of the project, the nature of market demand, the extent of assurance that all nomics of scale can in fact be obtained, and all public actions or approvals taken or obtained, the degree to which economics of scale can in fact be obtained, the possible adverse effects of contemplated major improvements upon the Government's security, the protected scheduling of housing in relation to critical housing needs, particularly needs for low and moderate income housing, and such other matters as the Secretary deems relevant. Regardless of the stage covered in the initial application, the developer must submit a general plan for the entire project which will be covered by subsequent stages.

Subpart C—Financial and Economic Criteria and Standards

§ 31.8 Economic feasibility.

A new community must be economically feasible in terms of economic base or potential for growth. Among the criteria by which feasibility will be determined are the following:

(a) Current and projected economic and demographic growth patterns and demand for and supply of industrial, commercial, and residential properties for the region in which the project is located:

(b) The market area of the project and the growth and demand trends projected within this market area:

(c) The advantages of the project, relative to other developments, including its location, the managerial and marketing skills associated with it, and its capacity to sustain a job base which, in turn, will generate demand for housing and commercial facilities.

In the case of projects in rural and depressed areas, or those beyond the urbanizing portion of a metropolitan area where advantage cannot be taken of existing growth trends, it is particularly important that there will be a large enough employment base to generate demand to sustain the projected growth rate of the new community. Feasibility will depend upon the basic conditions for industrial development, and, especially in depressed areas, the probable effectiveness of private and governmental efforts to attract stable industries and to overcome some of the major obstacles to economic development, and the degree to which commitments from industries can be secured.

§ 31.9 General financial plan and program.

A new community must be developed pursuant to a financial plan or program which must include provisions that will:

(a) Cover all anticipated project costs, including, but not limited to, costs which will be met with funds to be borrowed under the obligations guaranteed;

(b) Demonstrate the manner by which, and the sources from which, these costs will be met, including anticipated revenues from the project, financial resources of the developer, and borrowing;

(c) Provide assurances that the developer will have an adequate incentive, in terms of equity invested and expected return, for proceeding with the approved project in an expeditious and efficient manner;

(d) Set forth a procedure for periodic updating of the financial plan to take into consideration changes in costs, revenues, market conditions, and other relevant changes affecting the plan.

Specific Financial Elements

§ 31.10 Maximum Federal guarantee.

The maximum loan which may be guaranteed under the Act is the lesser of (a) 80 percent of the Secretary's estimate of the value of the property upon completion of land development or (b) the sum of 75 percent of the Secretary's estimate of the value of the land before development and 90 percent of his estimate of the actual cost of land development. In no event shall the principal amount of the outstanding obligations guaranteed under the Act with respect to a single project exceed $50 million. Land which is yet to be acquired at the time a commitment is made may be included as a basis for determining the maximum commitment, but, in the absence of escrow provisions under § 31.22(b)(1), only land acquired at or prior to issuance of a guarantee may be included as a basis for determining the maximum outstanding principal amount of obligations which may be guaranteed.

§ 31.11 Land valuation.

Among the principles which the Secretary will apply with respect to any valuation and which should be applied in any valuation made by or on behalf of a developer are the following:

(a) *Before development.* (1) Estimates of the "as is" value of the land prior to its development as part of a new community project must be based, to the greatest extent possible, on recent actual arm's length sales transactions of the land involved or of nearby comparable land. In all cases, where land valuations exceed actual prices paid by the developer or paid in the latest arm's length transactions, the reasons for the valuation will be fully explained and documented. Unusually high prices paid for remaining parcels needed to round out a site will be considered as unrepresentative of the values of the site as a whole. Different parcels may be valued according to their highest and best use only where supported by market demand. In any case, valuation shall not be limited to a small sample acreage or a few selected choice parcels.

(2) Valuation should not take into account any increased values resulting from the guarantees expected to be issued under the Act and the development made possible by that guarantee, as distinct from normal growth that would have been expected in any event. It is recognized, however, that market value may be increased by improvements already on the land, including those installed by the developer, and changes which have occurred in local zoning or comprehensive planning as a result of actions by the developer. Such increases

in value may be taken into account to the same extent as they would be in valuing comparable land.

(b) *After development.* Estimates of the value of the property upon completion of land development should reflect the income potential of the new community project from the sale or rental of developed land if the project is carried out as planned. Consideration should be given to the potential effect on values of existing and planned public facilities and other existing and planned development in the area. Absorption rates should be related to the proposed land uses and development schedule for the project. Weight should also be given to any factors affecting the potential value of the particular land in question, such as zoning which may be approved, access, topography, and anticipated governmental approvals.

§ 31.12 Cost estimation.

Only the actual costs of land development, as those terms are defined in § 31.2 (e) and (f), will be considered for purposes of calculating the maximum amount of obligations which may be guaranteed under the Act. The general principles that will apply in estimating actual costs of land development for this determination are as follows:

(a) Costs of land development may be included as estimated actual costs to the extent that they are expected to be incurred after the date as of which land valuation is determined by the Secretary. Planning and other organizational costs relating directly to the development of the new community proposal may be included even if incurred prior to that date.

(b) Construction costs estimates, to the fullest extent feasible, should be supported by detailed engineer's cost figures broken down by unit quantities and prices, and must be identified in terms of specific improvements.

(c) Fees and charges payable pursuant to Subpart E of this part before or during development may be included as estimated actual costs.

§ 31.13 Terms and conditions of borrowing.

(a) *Kind of obligations.* The obligations guaranteed under the Act may include any bond, debenture, note, or other obligation issued by a developer for public or private sale. To facilitate public financing, the guaranteed obligations of any number of developers may be issued to a trustee who will sell to the public, through underwriters or otherwise, certificates of participation or other securities evidencing rights in the guaranteed obligations held in trust, provided that the terms and conditions of each such transaction shall be approved by the Secretary.

(b) *Investors and lenders.* Investors in guaranteed obligations, except for public offerings, must be approved by the Secretary or must meet such standards and criteria as may be from time to time prescribed by him. In the case of a public offering, obligations must be under written under terms approved by the Secretary.

(c) *Rates of interest and maturities.* Rates of interest and any other charges relating to guaranteed obligations and the maturity and redemption privileges of such obligations must be approved by the Secretary.

(d) *Trustees and fiduciaries.* Any trustee or other person or corporation acting in a fiduciary capacity with respect to a guaranteed obligation must be a banking or other financial institution subject to governmental inspection and supervision. Approval of such a trustee or other person may be conditioned on its written agreement with the Secretary to take such steps and act under such conditions as the Secretary may prescribe for the protection of the security interests of the United States.

§ 31.14 Equity and working capital.

(a) Prior to the making by the Secretary of any guarantee, a developer must make arrangements satisfactory to the Secretary or assure that there will be adequate funds and working capital to meet cash requirements for costs and contingencies, not covered by the proceeds of guaranteed obligations, incurred or to be incurred in connection with the land development program.

(b) The Secretary may require developers to have equity in addition to funds described in paragraph (a) of this section, according to the amount of and arrangements for debt financing, and such other considerations as he determines may bear upon the risks to the United States as guarantor.

§ 31.15 Security for the guarantee.

(a) All obligations must contain, or be issued subject to, such provisions relating to the security interests of the United States as may be required by the Secretary. These shall include general provisions under which the United States shall acquire rights of subrogation on payment of a guarantee in addition to such special provisions relating to the security of the United States in the specific property, including real property being acquired and developed, or other property as may be appropriate.

(b) Unless otherwise required or approved by the Secretary, the security of the United States will include a first lien on the real property of the developer (or such portion thereof as the Secretary may determine) owned or acquired in connection with the project. The developer's title to such property and the validity of such lien must be evidenced by a title insurance policy issued by a title insuror licensed to do business in the State in which the real property is located and acceptable to the Secretary. The form and amount of any title insurance policy shall comply with standards prescribed by the Secretary. At, or prior to, the issuance of obligations guaranteed under the Act, the first lien referred to above shall be given to and held by the Secretary, or by a trustee approved by him. The instruments creating such lien and setting forth the terms and conditions under which it is given and held must be satisfactory to the Secretary. Such instruments shall include provisions for the release of real property from the lien, as such property is sold or otherwise disposed of for project purposes, in accordance with a schedule or schedules assuring that adequate release payments will be applied to the redemption of the guaranteed obligations or paid into an appropriate fund established and secured in such manner as the Secretary may require.

§ 31.16 Terms and conditions of payment under the guarantee.

(a) *Nature and scope.* The full faith and credit of the United States is pledged to the payment of any guarantee made pursuant to the Act, and the validity of such guarantee shall be incontestable in the hands of a qualified holder of a guaranteed obligation, except for fraud or material misrepresentation on the part of such holder. The guarantee may extend to both principal and interest including (1) interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee, and (2) principal and interest due under any debentures issued by the Secretary toward payment of guarantees made under the Act.

(b) *Claims and payment upon default.* Upon default by a developer in payment of interest or principal under an obligation guaranteed under the Act, the first recourse of the holder thereof shall be a claim under the guarantee for payment of the defaulted interest or principal; and, upon payment thereof in accordance with the terms of such guarantee, the holder shall have no further recourse. Unless otherwise specified by the terms of a guarantee, all payments thereunder shall be made in cash from the revolving fund established pursuant to the Act.

§ 31.17 [Reserved]

Subpart D—Procedures

§ 31.18 Preapplication proposal.

The preapplication procedure is designed to provide an initial screening to determine whether or not a project appears to be within the broad framework of the Act before all of the detailed plans are completed by the developer. It will also provide the Secretary an opportunity to work with the developer from the earliest stages of project planning.

(a) *Inquiry.* After familiarizing themselves with the Act and the regulations in this part, applicants are encouraged to meet with the Assistant Secretary for Metropolitan Development or his designated representative to discuss their proposals, so that subsequent steps may be taken with a clear understanding of the goals and requirements of the program.

(b) *Proposal.* The first formal step in processing is submission of a preapplication proposal to the Assistant Secretary for Metropolitan Development, U.S. Department of Housing and Urban Development, Washington, D.C. 20410. The proposal should deal in summary form with the criteria for project evaluation set forth in Subparts B and C of this part. They need not include the detailed supporting data required for an application. Specific instructions regarding the items which must be included in a proposal may be obtained from the Assistant Secretary for Metropolitan Development. No charge is required upon submission of a preapplication proposal.

(c) *Review and action.* The Assistant Secretary for Metropolitan Development, upon completion of his review of each proposal, will inform the applicant in writing of his findings and (1) invite submission of an application; (2) invite submission of an application, indicating the need for specific changes in the project; (3) recommend the resolution of certain critical problems before proceeding with an application; or (4) discourage an application, indicating the aspects of the proposal which do not appear to meet the requirements of the Act. An invitation to submit an application does not constitute or imply an assurance of eventual approval by the Department. If the applicant is not invited to submit an application, but nevertheless believes that the project may qualify under the Act, he may resubmit the proposal for further review with such changes as, in his opinion, will overcome the initial objections of the Assistant Secretary for Metropolitan Development.

§ 31.19 Application.

(a) *Submission.* An application may be submitted to the Assistant Secretary for Metropolitan Development following receipt of an invitation pursuant to § 31.18(b), and upon payment of the application charge specified in § 31.24. The application will be responsive to the criteria covered in Subparts B and C of this part. Specific instructions regarding the items which must be included in an application may be obtained from the Assistant Secretary for Metropolitan Development.

(b) *Letter of commitment.* Upon approval of an application, the Secretary will address a letter to the applicant stating in effect that, based upon the information contained in the applicant's proposal and application and any other information which may have been submitted by the applicant, the Secretary is prepared to enter into an agreement providing for the guarantee under the Act of a specified maximum principal amount of obligations to be issued by a specified developer, subject to approval by the Secretary of—

(1) The initial investors (in the case of a private sale of such obligations) or the terms and conditions of the underwriting (in the case of a public sale of such obligations);

(2) The rate of interest to be borne by such obligations or the formula by which such rate will be determined;

(3) The repayment and maturity provisions of such obligations;

(4) The specific measures for the protection of the security interests of the United States, liens and releases of liens, and payment of taxes; and

(5) All other terms and conditions of the financing arrangements which might affect the interests of the United States; and subject to such further conditions as the Secretary may prescribe.

(c) *Acceptance of commitment.* The commitment contained in any letter of commitment shall expire 60 days after the issuance thereof unless accepted by the applicant prior to such expiration by payment of the commitment charge specified in § 31.25. Within 90 days after the expiration of a commitment, such commitment may be reopened by request in writing to the Secretary accompanied by payment of the commitment charge and reopening charge.

§ 31.20 Project agreement.

Following satisfaction of all conditions stated in any commitment of the Secretary, and before the making of any guarantees, the developer will be required to enter a project agreement which shall be in a form satisfactory to the Secretary. The agreement shall set forth the understandings of the Secretary and the developer with respect to the entire project, including the understandings, if any, as to how the project is to be carried out in stages. The agreement shall also set forth the developer's agreement to carry out the project in accordance with specified plans, as approved by the Secretary, and the Secretary's agreement to guarantee obligations of the developer issued pursuant to those plans, subject to the limitations set forth in the Act and this part. The agreement shall further include—

(a) An express covenant to the effect that the Government's interests in the project are not limited to its financial interests as guarantor but extend to accomplishment of the public purposes of the Act;

(b) Provisions setting forth the duties and responsibilities of the developer with respect to parts or portions of the project which will not be carried out by the developer;

(c) Provisions governing the security to be provided to the United States;

(d) Provisions setting forth the rights and remedies of the United States in the event of default, including rights to seek injunction or other equitable relief;

(e) Special provisions as necessary to assure compliance with equal opportunity, labor standards, and other particular requirements;

(f) Duties of the developer to provide information, data, and reports as required by the Secretary; to maintain adequate books and records; and to permit and provide as necessary for inspections and on-site examinations by or on behalf of the Secretary; and

(g) Such other provisions as the Secretary may require as necessary or appropriate to assure adherence to the project as approved, or the provisions of the Act or of this part, or to protect the Government against loss.

§ 31.21 Issuance of guaranteed obligations.

At the request of the developer pursuant to the Project Agreement and upon satisfaction of the conditions specified in such Agreement, the Secretary will endorse his guarantee upon obligation duly issued by the developer pursuant to a purchase or underwriting agreement approved by the Secretary. The guarantee fee specified in § 31.27 must be paid at the time the guarantee is made.

§ 31.22 Project execution and monitoring.

(a) *Inspections and reports.* To insure that the project is being executed in a manner consistent with the objectives of the Act and as provided in the Guarantee Agreement, the developer will be required to submit periodic financial and other reports on project execution. The Secretary and his authorized representatives will also be afforded access to the project site at all reasonable times for purposes of inspection.

(b) *Use of proceeds of guaranteed obligations—(1) Land valuation and cost certification.* Disbursement to the developer of proceeds from the sale of obligations guaranteed under the Act must be supported by prior submission to the Secretary or his designated representative of an independent valuation of land acquired or to be acquired by the developer or certification of actual costs of land development, or a combination of such valuation and certification, in an amount no less than the proposed disbursement. Any such valuation must be prepared in accordance with the principles set forth in § 31.12 to the satisfaction of the Secretary. Any such certification must be in the form satisfactory to the Secretary and must be accompanied by such documentation as he may deem necessary to assure that such costs (i) have in fact been incurred by the developer for the project and (ii) are eligible for financing under the Act. If it is expected that guaranteed obligations will be issued and sold in anticipation of land acquisition or of costs for land development incurred in the future, appropriate provision must be made for escrow of the proceeds of sale to the extent and so long as disbursement of such proceeds is unsupported by valuation of land actually acquired or certification of actual costs incurred.

(2) *Limitations on disbursements.* If any land valuation used to support a disbursement exceeds the actual cost of such land to the developer, the Secretary may, in his discretion, establish restrictions upon the time of disbursement or use of proceeds so disbursed. Valuation of land or certification of actual costs related to development not incidental to the project, which is completed or substantially completed at the time a proposal is submitted, will not be eligible to support disbursements under this section.

(3) *Self-dealing.* The developer must disclose the full nature of all direct or indirect interests he may have, other than as developer, in any transaction (or the interest which any party thereto may have in the developer) involving land acquisition or land development which is relied upon to support a disbursement under this section. In the case of transactions requiring such disclosure, the Secretary may establish a reasonable allowance for disbursement in lieu of

reliance upon actual costs. The Secretary may have the same right in payment to contractors which reflect dealing between interested parties.

(c) *Records.* The developer must maintain, to the satisfaction of the Secretary, records of all costs incurred for the project and must require his contractors and subcontractors to maintain similar records. Upon request, all such records and all agreements relevant thereto shall be made available at all reasonable times for examination by the Secretary or his authorized representatives. Insofar as such records and agreements relate to any grants or guarantees made pursuant to this part, the financial transactions of recipients of Federal grants or of developers whose obligations are guaranteed by the United States, pursuant to this title, may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, files, and all other papers, things, or property belonging to or in use by such developers or recipients of grants pertaining to such financial transactions and necessary to facilitate the audit.

(d) *Amendments.* As a result of changes in market demand, employment patterns, costs and revenues or other factors or conditions, it may become desirable to make certain amendments to the plans initially approved by the Secretary. All proposals for amendments by the developer must be submitted to the Secretary for approval, together with full justification therefor. Such approval will be based upon the same criteria, and will take account of the same purposes, as are set forth in this part for consideration of the initial application. The Secretary may recommend, or require, subject to conditions set forth in the Project Agreement, amendments to an approved plan when, in his opinion, such amendments are necessary or desirable to insure the financial stability of the project or to prevent situations which would impair the value of the project or its ability to carry out the purposes of the Act.

§ 31.23 [Reserved]

Subpart E—Fee and Charge Schedule

§ 31.24 Application charge.

An application charge of $5,000, non-refundable, shall accompany the application.

§ 31.25 Commitment charge.

A commitment charge equal to 0.5 percent of the principal amount of the commitment up to $30 million, and, in addition, 0.1 percent of the principal amount above $30 million, shall be paid within 60 days of issuance of the commitment or at the time a guarantee is made, whichever occurs first.

§ 31.26 Reopening charges.

An expired commitment may be reopened if a request for reopening is received by the Secretary within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a charge of 0.05 percent of the expired commitment. A commitment which has expired because of the failure to pay the commitment charge may be reopened only upon payment of the commitment charge and the reopening charge. If the required 90-day period has expired, a new application, accompanied by an application charge, must be submitted.

§ 31.27 Guarantee fee.

A guarantee fee equal to 3 percent of the principal amount of obligations guaranteed by the Government shall be paid at the time of the issuance of such obligations.

§ 31.28 Annual fee.

An annual fee equal to 0.5 percent of the principal amount of guaranteed obligations outstanding shall be paid on the first anniversary date of the initial guarantee and on each following anniversary date of the guarantee, until the seventh such date; and, thereafter, an annual fee of 1 percent of the principal amount of guaranteed obligations outstanding shall be paid on each subsequent anniversary date of the initial guarantee until the total obligation is paid in full.

§ 31.29 Transfer charge.

Upon application for approval of a case involving the substitution of developers, a transfer charge of 0.05 percent of the unused portion of the commitment shall be paid.

Issued at Washington, D.C., December 12, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-15038; Filed, Dec. 17, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-151]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charlotte, N.C., control zone and transition area and revoke the Gastonia, N.C., and Rock Hill, S.C., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Charlotte control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Douglas Municipal Airport (lat. 35°12'53" N., long. 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 003° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 2 miles each side of Charlotte VORTAC 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the VORTAC; within 2 miles each side of Charlotte VORTAC 223° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VORTAC; within 2 miles each side of Charlotte ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM.

The Charlotte transition area described in § 71.181 (34 F.R. 4637 and 6682) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Douglas Municipal Airport (lat. 35°12'53" N., long. 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 058° radial, extending from the 8.5-mile radius area to 14 miles northeast of the VORTAC; within 9.5 miles west and 4.5 miles east of Charlotte VORTAC 171° radial, extending from the 5.5 NM DME Fix to 24 miles south of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte VORTAC 223° radial, extending from the 5.5 NM DME Fix to 24 miles southwest of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within a 6.5-mile radius of Gastonia Municipal Airport, N.C. (lat. 35°12'00" N., long. 81°09'05" W.); within a 6.5-mile radius of Rock Hill Municipal Airport, S.C. (lat. 34°59'05" N., long. 81°03'30" W.).

The Gastonia, N.C., and Rock Hill, S.C., transition areas described in § 71.181 (34 F.R. 4637) would be revoked and incorporated into the Charlotte transition area.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to the Charlotte terminal area complex, including Gastonia, N.C., and Rock Hill, S.C., requires the following actions:

Control zone. 1. Reduce the extension predicated on Charlotte ILS localizer southwest course 1 mile in length.

2. Increase the extension predicated on Charlotte VORTAC 058° radial 0.5 mile in length.

3. Increase the extension predicated on Charlotte VORTAC 223° radial 0.5 mile in length.

4. Designate an extension predicated on Charlotte VORTAC 003° radial 6 miles in width and 8.5 miles in length.

Transition area. 1. Increase the basic radius circle predicated on Douglas Municipal Airport from 8 to 8.5 miles.

2. Increase the basic radius circle predicated on Rock Hill Municipal Airport, S.C., from 5 to 6.5 miles and incorporate it into the Charlotte transition area.

3. Increase the basic radius circle predicated on Gastonia Municipal Airport, N.C., from 6 to 6.5 miles and incorporate it into the Charlotte transition area.

4. Revoke the extension predicated on Fort Mill, S.C., VORTAC 005° radial.

5. Revoke the extension predicated on Fort Mill, S.C., VORTAC 011° radial.

6. Revoke the extension predicated on Charlotte, N.C., VORTAC 003° radial.

7. Increase the extension predicated on Charlotte, N.C., VORTAC 058° radial to 6 miles in width.

8. Increase the extension predicated on Charlotte, N.C., VORTAC 171° radial to 14 miles in width and 18.5 miles in length.

9. Increase the extension predicated on Charlotte, N.C., VORTAC 223° radial to 14 miles in width and 18.5 miles in length.

10. Increase the extension predicated on Charlotte ILS localizer southwest course to 14 miles in width and 18.5 miles in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations in the Charlotte terminal area complex in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 8, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-15012; Filed, Dec. 17, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-125]

FEDERAL AIRWAYS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 2 and 14 and revoke VOR Federal airway No. 142.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes the following airspace actions:

1. Designate V-2 north alternate segment from Buffalo, N.Y., to Rochester, N.Y., via the intersection of Buffalo 034° T (042° M) and Rochester 273° T (282° M) radials.

2. Realign V-14 north alternate segment from Erie, Pa., to Buffalo, via the intersection of Erie 043° T (049° M) and Buffalo 259° T (267° M) radials, excluding the portion within Canada.

3. Revoke V-142 airway.

These proposed alterations are designed to provide for better traffic flow into the Buffalo and Rochester Terminal areas. The designation of V-2 north alternate segments obviates the requirement for V-142 airway.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 9, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-15013; Filed, Dec. 17, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 101, 141, 201, 260]

[Docket No. R-344]

REVISIONS IN UNIFORM SYSTEMS OF ACCOUNTS AND ANNUAL REPORTS FOR REPORTING YEAR 1970

Order Denying Application for Rehearing

DECEMBER 10, 1969.

On November 10, 1969, Central Hudson Gas & Electric Corp., et al.,[1] filed a joint application for rehearing of the Commission's order of October 9, 1969 in this proceeding. By that order the Commission amended certain accounts in the Uniform Systems of Accounts for Class A and Class B Public Utilities and Licensees and for Class A and Class B Natural Gas Companies, and certain schedules in Annual Report Forms Nos. 1 and 2. The order included a new note 7 to the Statement of Income for the Year Schedule, page 115. The new note states:

"7. If liberalized tax depreciation is being used in the determination of taxes payable and the resultant benefits are being flowed through the income statement, disclose in the following space the amount of the difference between taxes payable when using the liberalized depreciation method and taxes payable when using the straight line depreciation method. $_____"

The Applicants have no objection to making available to the Commission, for its own purposes, the information to be elicited by the new note. However, they contend that the requirement of public disclosure of pro forma tax effects different from actual tax effects recognized by the Commission for regulatory purposes is without justification. The Applicants' object to the requirement that the information be contained in a financial statement footnote or in any other form that is susceptible to misapplication by some financial analysts and others. They also allege that such information is not meaningful in evaluating the income statement and the requirement imposed is similar to that originally contained in paragraph 9 of Accounting Research Bulletin No. 44 (revised) of the Committee on Accounting Procedure of the American Institute of Certified Public Accountants, but subsequently deleted.

Applicants' contentions such as those that note 7 is not meaningful in interpreting the income statement and susceptible to misuse by some financial analysts are merely restatements of arguments previously made in this proceeding and were fully considered by the Commission prior to issuing Order No. 389. Moreover, this information is required by the Commission, Congressional bodies, and other governmental agencies in determining the effect of the use of liberalized tax depreciation.

Our understanding of Opinion No. 6 of the Accounting Principles Board of the American Institute of Certified Public Accountants is that paragraph 20 thereof did not delete but only revised the aforesaid paragraph 9 of Bulletin 44 pending further study. Furthermore, we are also mindful that in its written comments responding to our rulemaking notice, the American Institute of Certified Public Accountants took cognizance of the provisions of note 7 and made no objection to the substance thereof.

We conclude that Applicants' contentions are without merit to warrant modification of note 7 as set forth in our Order No. 389.

[1] The Cleveland Electric Illuminating Co., The Connecticut Light and Power Co., Consolidated Edison Co. of New York, Inc., Jersey Central Power & Light Co., Metropolitan Edison Co., Nevada Power Co., New Jersey Power & Light Co., New York State Electric & Gas Corp., Niagara Mohawk Power Corp., Pennsylvania Electric Co., Potomac Electric Power Co., and Sierra Pacific Power Co.

The Commission finds: The grounds for rehearing set forth in the application for rehearing filed herein by Central Hudson Gas & Electric Corp., et al., present no facts or principles of law which were not fully considered by the Commission when it issued its order of October 9, 1969, or which having now been considered warrant any change or modification of said order.

The Commission orders: The application for rehearing of the Commission's order of October 9, 1969, filed herein on November 10, 1969, by Central Hudson Gas & Electric Corp., et al., is hereby denied.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14986; Filed, Dec. 17 1969; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Announcement for Ecuador

On July 11, 1969, the Agency for International Development announced in the FEDERAL REGISTER, volume 34, No. 132, page 11502, the reopening of the Latin American Housing Guaranty Program and establishing December 1 to December 15, 1969, as the dates for receiving new applications.

The sole purpose of this special announcement is to change the dates for receiving of applications in Ecuador to February 1 through February 15, 1970. All other terms and conditions of the announcement of July 11, 1969, will remain in full force and effect.

STANLEY BARUCH,
Director,
Housing and Urban Development.

DECEMBER 8, 1969.

[F.R. Doc. 69-15009; Filed, Dec. 17, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

WILLIAM P. GARDNER

Notice of Granting of Relief

Notice is hereby given that William P. Gardner, Rural Route 2, Loretto, Ky., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on March 10, 1941, in the U.S. District Court, Louisville, Ky., of three violations of the Internal Revenue liquor laws, crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William P. Gardner, because of such convictions to ship, transport or receive in interstate or foreign commerce, any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 United States Code, Appendix) because of such convictions it would be unlawful for Mr. William P. Gardner, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered William P. Gardner's application and have found:

(1) The convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to William P. Gardner from disabilities incurred by reason of his convictions, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulation in Title 26, Part 178, Code of Federal Regulations, that William P. Gardner be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 12th day of December 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-15039; Filed, Dec. 17, 1969; 8:49 a.m.]

AMBROSE JUNIOR GILLILAND

Notice of Granting of Relief

Notice is hereby given that Ambrose Junior Gilliland, of Ponca City, Okla., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 12, 1961, in the District Court of Montgomery County, Kansas, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ambrose J. Gilliland because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Gilliland to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ambrose J. Gilliland's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to th auhoriy vesd vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Ambrose J. Gilliland be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of December, 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-15040; Filed, Dec. 17, 1969; 8:49 a.m.]

KIRK DOUGLAS JEYS

Notice of Granting of Relief

Notice is hereby given that Mr. Kirk Douglas Jeys, 357 Great Bridge Boulevard, Chesapeake, Va. 23320, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 20, 1962, by the Circuit Court of Norfolk County, Va., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Kirk Douglas Jeys, because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such convictions, it would be unlawful for Mr. Jeys to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Kirk Douglas Jeys' application and have found:

(1) The convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act;

(2) The circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Kirk Douglas Jeys be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 12th day of December 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-15041; Filed, Dec. 17, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-3912]

NEVADA

Notice of Classification of Public Lands for Disposal

DECEMBER 10, 1969.

1. The following public lands are hereby classified for transfer out of Federal ownership by exchange under the Point Reyes National Seashore Act of September 13, 1962 (16 U.S.C. sec. 459c):

MOUNT DIABLO MERIDIAN

ELKO COUNTY

T. 32 N., R. 56 E.,
Secs. 1, 2, 3, 10, 11, 12;
Sec. 13, N½;
Sec. 14, N½;
Sec. 15, N½.
T. 33 N., R. 56 E.,
Sec. 36, NE¼NE¼, W½W½, SE¼SW¼, S½SE¼.
T. 32 N., R. 57 E.,
Sec. 6, lots 1-6, inclusive, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 8, S½NW¼.
T. 33 N., R. 57 E.,
Sec. 32, NE¼SW¼, S½SW¼.
T. 35 N., R. 57 E.,
Sec. 2;
Sec. 12, N½, N½S½.
T. 36 N., R. 57 E.,
Sec. 2, lots 1-3, inclusive, S½N½, S½;
Sec. 10, E½SE¼;
Secs. 12, 14, 24, 26, 36.
T. 37 N., R. 57 E.,
Sec. 36.
T. 35 N., R. 58 E.,
Sec. 6,
T. 36 N., R. 58 E.,
Secs. 6, 8, 18, 20;
Sec. 28, W½NE¼, NW¼NW¼, S½NW¼;
Sec. 30;
Sec. 32, N½, NW¼SW¼, SE¼SW¼, E½SE¼.
T. 37 N., R. 58 E.,
Sec. 32.
T. 42 N., R. 63 E.,
Sec. 1, lots 2-4, inclusive, SW¼NE¼, S½NW¼, SW¼, W½SE¼.
T. 43 N., R. 63 E.,
Sec. 2, SW¼NW¼, NW¼SW¼;
Sec. 3, lot 1, SE¼NE¼;
Sec. 3, lot 1, SE¼NE¼;
Sec. 11, NE¼NW¼, W½SE¼;
Sec. 14, W½NE¼, E½SE¼;
Sec. 23, NE¼NE¼;
Sec. 24, SW¼NW¼, W½SW¼;
Sec. 25, N½NW¼, SE¼NW¼, SW¼;
Sec. 36, W½.
T. 44 N., R. 63 E.,
Sec. 22, SW¼NE¼, W½SE¼;
Sec. 27, S½NW¼, SW¼;
Sec. 28, E½SE¼;
Sec. 33, E½NE¼;
Sec. 34, W½NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼.

The lands described aggregate approximately 19,000 acres.

2. Publication of the notice of proposed classification (34 F.R. 15301) segregated the affected lands from all forms of disposal under the public land laws including the mining laws except the form of disposal for which the lands are classified. The publication did not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

3. All applications for exchange must be accompanied by a statement from the Chief, Office of Land and Water Rights, National Park Service, San Francisco, Calif., that the proposal is feasible in accordance with 43 CFR 2244.1-2(b)(1).

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240. (43 CFR 2411.1-2(d).)

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 69-14996; Filed, Dec. 17, 1969; 8:46 a.m.]

[N-1852]

NEVADA

Notice of Classification of Public Lands for Disposal

DECEMBER 10, 1969.

1. The lands described below are hereby classified for exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g). This publication is made pursuant to the Act of September 19, 1964, 43 U.S.C. 1412.

2. One protest was received which was withdrawn after the protestant was afforded an opportunity to review the data supporting the notice of proposed classification (34 F.R. 15388).

3. The lands affected by this classification are located in Elko County and are described as follows:

MOUNT DIABLO MERIDIAN

T. 35 N., R. 61 E.,
Sec. 10, E½;
Sec. 14, NW¼;
Sec. 22, E½.
T. 36 N., R. 61 E.,
Sec. 12;
Sec. 14, E½SW¼, SE¼;
Sec. 26, N½.
T. 37 N., R. 61 E.,
Sec. 36.
T. 36 N., R. 62 E.,
Secs. 4, 6;
Sec. 8, N½N½.
T. 37 N., R. 62 E.,
Sec. 34.

The areas described aggregate 4,951.17 acres.

4. Publication of this notice will segregate the lands from all appropriation under the public land laws, including location under the mining laws. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources, other than under the mining laws.

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240. (43 CFR 2411.1-2(d).)

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 69-14997; Filed, Dec. 17, 1969; 8:46 a.m.]

[New Mexico PEC-2-1]

NEW MEXICO

Notice of Classification

DECEMBER 12, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, for lands within Catron County, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 8 N., R. 3 W.,
Sec. 4;
Sec. 6, lots 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 22.
T. 2 S., R. 9 W.,
Sec. 20, N½ and NE¼SE¼;
Sec. 21, S½NW¼, N½S½ and SE¼SW¼;
Sec. 22, S½SW¼ and SW¼SE¼.
T. 2 S., R. 10 W.,
Sec. 14, NE¼, NE¼NW¼, NE¼SW¼ and SE¼.
T. 3 S., R. 10 W.,
Sec. 34, SW¼ and NW¼SE¼.
T. 4 S., R. 10 W.,
Sec. 4, lots 1, 2, 3, 4 and S½N½;
Sec. 5, lots 1, 2, 3, 4 and S½N½;
Sec. 6, lots 1, 2, 3, 4, 5, S½NE¼ and SE¼NW¼.
T. 4 S., R. 11 W.,
Sec. 11, SW¼, NE¼SE¼ and W½SE¼;
Sec. 14, N½NW¼ and SW¼NW¼;
Sec. 15, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 20, NE¼;
Sec. 21, N½;
Sec. 22, N½NW¼ and SW¼NW¼.

T. 5 S., R. 11 W.,
Sec. 6, lots 6, 7, 14 and 15.
T. 6 S., R. 11 W.,
Sec. 22, NE¼;
Sec. 35.
T. 4 S., R. 12 W.,
Sec. 24, NE¼, SE¼NW¼ and S½;
Sec. 25;
Sec. 26, S½;
Sec. 27, S½;
Sec. 28, SE¼.
T. 5 S., R. 12 W.,
Sec. 18, lots 1, 2, W½NE¼ and E½NW¼.
T. 6 S., R. 12 W.,
Sec. 11, lots 1 to 8, inclusive;
Sec. 12, lots 1 to 6, inclusive.
T. 4 S., R. 13 W.,
Sec. 25, NE¼SE¼ and S½S½;
Sec. 26, S½S½;
Sec. 27, E½, SE¼NW¼ and NE¼SW¼;
Sec. 28, NW¼NE¼, S½NE¼, NW¼ and S½;
Sec. 29, N½, N½SW¼, SE¼SW¼ and SE¼;
Sec. 31, NW¼NE¼ and SE¼NE¼;
Sec. 32, W½NW¼ and SE¼NW¼;
Sec. 35, NE¼.
T. 4 S., R. 14 W.,
Sec. 29, S½;
Sec. 32, N½.

The areas described aggregate 12,336.16 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-14971; Filed, Dec. 17, 1969; 8:45 a.m.]

[New Mexico 9490]

NEW MEXICO

Notice of Classification of Lands for Transfer Out of Federal Ownership

DECEMBER 12, 1969.

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands described below for transfer out of Federal ownership as hereinafter specified.

1. The following public lands are hereby classified for transfer out of Federal ownership by State grants and indemnity selections (43 U.S.C. 851, 852); exchanges under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) and/or public sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and public uses and development under the Act of June 14, 1926 (44 Stat. 741).

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 N., R. 1 W.,
Sec. 1, lots 3, 4, and S½NW¼;
Sec. 10, E½NE¼, NE¼SE¼, and SW¼SE¼;
Sec. 11, NW¼;
Sec. 15, NW¼NE¼ and N½NW¼;
Sec. 21, NE¼NW¼, S½NW¼, and SW¼SW¼;
Sec. 23, S½;
Sec. 26, N½N½;
Sec. 27, NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 28;
Sec. 29, E½NE¼, SW¼NE¼, and SE¼;
Sec. 33, E½;
Sec. 34, W½.
T. 24 N., R. 2 W.,
Sec. 3, lot 1;
Sec. 8, E½NE¼ and NW¼NE¼;
Sec. 9, NW¼NE¼;
Sec. 14, SW¼NE¼;
Sec. 17, S½SW¼;
Sec. 18, NW¼ and S½SE¼;
Sec. 20, W½NE¼, W¼, N½SE¼, NW¼SW¼SE¼, and S½SW¼SE¼;
Sec. 21, N½S½ and SE¼SE¼;
Sec. 22, S½NE¼ and SE¼;
Sec. 23, NE¼NE¼, S½N½, and S½;
Sec. 24;
Sec. 30, SE¼NW¼.
T. 24 N., R. 3 W.,
Sec. 3, SW¼;
Secs. 4 and 5;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, and SE¼;
Sec. 7, lots 1, 2, and NE¼;
Sec. 8, NW¼;
Sec. 10;
Sec. 11, E½ and NW¼;
Sec. 12, NW¼NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 13, N½N½;
Sec. 14, N½NE¼ and SE¼;
Sec. 15, SE¼;
Sec. 17, SE¼;
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 22, E½;
Sec. 27 E½;
Sec. 31, lots 3, 4, and NE¼;
Sec. 34, E½.
T. 25 N., R. 3 W.,
Sec. 3, lots 3, 4, and SW¼NW¼;
Sec. 11;
Sec. 12, W½;
Secs. 14 and 15;
Sec. 16, SE¼;
Secs. 19, 20, and 21;
Sec. 22, E½, E½NW¼, NW¼NW¼NW¼, S½NW¼NW¼, SW¼NW¼, and SW¼;
Secs. 28, 29, 30, and 31;
Sec. 32, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 33, S½SE¼.

The lands described above total 20,231.16 acres.

2. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12(d)).

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-14972; Filed, Dec. 17, 1969; 8:45 a.m.]

[OR 5546]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 11, 1969.

The Bureau of Land Management, U.S. Department of the Interior, has filed application, Serial No. OR 5546, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws.

The applicant desires to have the Rogers Mountain Petrified Wood Area withdrawn to protect a deposit of petrified wood which is valuable for scientific, instructive, and collective purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

After receipt of comments from interested parties, he will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

ROGERS MOUNTAIN PETRIFIED WOOD AREA

T. 10 S., R. 1 E.,
Sec. 31, fractional NW¼NW¼, NE¼NW¼, N½NE¼.

The area described aggregates 158.44 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-14973; Filed, Dec. 17, 1969; 8:45 a.m.]

[OR 5620]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 11, 1969.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. OR 5620, for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws, including the mining laws but not from leasing under the mineral leasing laws.

The applicant desires the use of the lands in order to protect its interest in the existing Warm Springs Reservoir which is a part of the Vale Reclamation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land

Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 22 S., R. 36 E.,
Sec. 23, S½SE¼;
Sec. 36, W½NW¼.
T. 23 S., R. 36 E.,
Sec. 1, lots 3 and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, lots 1 and 2, S½NE¼, and SE¼;
Sec. 11, N½NE¼;
Sec. 12, SE¼NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 13, E½ and E½NW¼.
T. 22 S., R. 37 E.,
Sec. 31, SW¼NE¼ and E½NW¼.
T. 23 S., R. 37 E.,
Sec. 5, NW¼SW¼ and S½SW¼;
Sec. 6, lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 7, lots 1, 2, 3, and 4, NE¼SW¼, and N½SE¼;
Sec. 8, NW¼NE¼, N½NW¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 18, lots 1 and 2.

The lands described aggregate about 2,904 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-14974; Filed, Dec. 17, 1969; 8:45 a.m.]

[Wyoming 17259]

WYOMING

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

DECEMBER 10, 1969.

Notice of Bureau of Land Management, U.S. Department of the Interior application, Serial No. Wyoming 17259, for the withdrawal of certain vacant public land from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, pursuant to the authority of Executive Order 10355, was published in the F.R. Doc. 69-1507 on pages 1776 and 1777 of the issue for Thursday, February 6, 1969. The subject notice is hereby amended to permit leasing under the Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682a), of the land proposed for withdrawal.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 69-14995; Filed, Dec. 17, 1969; 8:46 a.m.]

Office of the Secretary

ELMER S. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 3, 1969.

Dated: December 3, 1969.

E. S. HALL.

[F.R. Doc. 69-14998; Filed, Dec. 17, 1969; 8:46 a.m.]

HUGH C. VAN HORN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 3, 1969.

Dated: December 3, 1969.

HUGH C. VAN HORN.

[F.R. Doc. 69-14999; Filed, Dec. 17, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 25-2B Amdt. 1]

MARITIME ADMINISTRATION

Organization and Structure

The following amendment to the order was issued by the Secretary of Commerce effective on January 1, 1970. This material amends the material appearing at 34 F.R. 13487 of August 21, 1969.

Department Organization Order 25-2B (formerly Department Order 117-B), dated August 8, 1969, is hereby amended as follows:

1. In section 8. *Office of the Assistant Administrator for Administration*, paragraph .06 is amended to read:

".06 The *Office of Personnel* shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training and career development, employee recognition and incentives, employee relations and services, employee-management relations, classification, pay management, and various employee benefit programs. This Office shall also plan and administer the equal opportunity program for employment in the Maritime Administration."

2. SECTION 12. *Field Organization*, is amended to read:

".01a. There shall be three field organizations called Regions, each headed by a Regional Director, as specified below:

Region and Headquarters Location
Eastern Region—New York, N.Y.
Central Region—New Orleans, La.
Western Region—San Francisco, Calif.

"b. The Regions shall have geographic areas of responsibility as shown in exhibit 2. (A copy of which is on file with original of this document with the Office of the Federal Register.)

"c. The *Regional Directors* shall be responsible for all field operations and programs of the Maritime Administration within their respective regions, except ship construction and the U.S. Merchant Marine Academy, subject to national policies, determinations, procedures and directives of the appropriate office chief in Washington, D.C. The programs and activities under their jurisdiction shall include the custody and preservation of ships in the national defense reserve fleets; operation, repair and maintenance of ships; marine inspections; review and analysis of operating costs of subsidized operators; accounting and external auditing; contract compliance activities; trade promotion; development of ports and intermodal transportation systems; operation of warehouses; procurement and disposal of property and supplies; facilities management; and administrative support activities.

".02 The *U.S. Merchant Marine Academy*, Kings Point, N.Y. shall develop and maintain programs for the training of U.S. citizens to become officers in the U.S. merchant marine."

3. SEC. 14. *Office of Civil Rights*, is added to read as follows:

"The *Office of Civil Rights* shall formulate and conduct programs to assure compliance by Federal contractors and subcontractors with Executive Orders 11246 and 11375 and related regulations, and applicants for and recipients of Federal financial assistance and their contractors and subcontractors with Title VI of the Civil Rights Act of 1964 and related regulations; plan and direct special programs to assure equal opportunity in employment in the ship and boat building and repair industries, water transportation industry, and related industries as assigned; provide assistance in communicating to minority communities the career opportunities available in the Merchant Marine; assist in the recruitment of qualified minority cadet candidates for the U.S. Merchant Marine Academy and assure equal opportunity for the Academy cadets; conduct compliance reviews of the civil rights and equal employment opportunity programs relating to Maritime Administration employees, and make recommendations for improvement."

4. Present section 14 is renumbered section 15.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-14979; Filed, Dec. 17, 1969; 8:45 a.m.]

[Dept. Organization Order 10-5]

ASSISTANT SECRETARY FOR ADMINISTRATION

Designation and Authority

The following order was issued by the Secretary of Commerce effective on December 2, 1969. This material supersedes the material appearing at 34 F.R. 12457 of July 30, 1969.

SECTION 1. *Purpose.* .01 This order prescribes the scope of authority and the duties and responsibilities of the Assistant Secretary for Administration, and prescribes the organization structure of his office.

.02 This revision (a) assigns to the Assistant Secretary for Administration responsibility for the Department's Planning-Programing-Budgeting System and (b) changes the "Office of Budget" to the "Office of Budget and Program Analysis."

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce established by section 304 of Public Law 83-471 of July 2, 1954 (68 Stat. 430; 15 U.S.C. 1506) shall continue to be designated as the Assistant Secretary for Administration. The Assistant Secretary for Administration is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary is hereby delegated the authority of the Secretary on administrative management matters of the Department. This delegation shall include the conduct of all administrative management functions required in the overall management of the Department as well as the provision of administrative management services directly to the Office of the Secretary and, as herein specified, to all or some operating units of the Department.

.02 The authority delegated to the Assistant Secretary for Administration in paragraph .01 above shall include authority to carry out the Secretary's responsibilities for fulfilling the objectives and effecting compliance throughout the Department with the requirements of Title VI of the Civil Rights Act of 1964, Executive Order 11246, Executive Orders 11247 and 11375, and any other statutes, Executive Orders and regulatory provisions relating to equal opportunity under which the Secretary or the Department may have responsibilities. For purposes of carrying out these responsibilities and as required by the applicable Executive Orders or implementing regulations of the Secretary of Labor or the Civil Service Commission, the Assistant Secretary for Administration is designated as the Contracts Compliance Officer and the Director of Equal Employment Opportunity for the Department and is authorized to (a) upon recommendations of the heads of operating units, and with the approval of the respective Program Secretarial Officers involved, designate Deputy Contracts Compliance and Equal Employment Opportunity Officers for the operating units; and (b) designate Deputy Contracts Compliance and Equal Employment Opportunity Officers for the Office of the Secretary.

.03 Subject to applicable laws and regulations, the Assistant Secretary for Administration may redelegate his authority to any officer or employee of the Department subject to such conditions in the exercise of the authority as he may prescribe; however, his authority to designate Deputy Contracts Compliance Officers and Equal Employment Opportunity Officers may not be redelegated.

SEC. 4. *Office of Assistant Secretary for Administration.* .01 The Office of the Assistant Secretary for Administration shall consist of:

a. Immediate Office of the Assistant Secretary:

(1) Deputy Assistant Secretary for Administration, who shall be the principal assistant of the Assistant Secretary for Administration and shall assume the latter's full duties during his absence.

(2) Special Assistant for Equal Opportunity.

b. Departmental offices:
Office of Administrative Services.
Office of Audits.
Office of Budget and Program Analysis.
Office of Emergency Readiness.
Office of Financial Management Services.
Office of Investigations and Security.
Office of Management and Organization.
Office of Personnel.
Office of Publications.

c. Financial Systems Staff.

d. Appeals Board.

.02 The Appeals Board is assigned to the Office of the Assistant Secretary for Administration for administrative purposes only.

SEC. 5. *Duties and responsibilities.* .01 The Assistant Secretary for Administration shall serve as the principal adviser to the Secretary and as the chief officer of the Department on administrative management. As such, he shall be concerned with:

a. The recruitment, development, motivation, and compensation of personnel, including the effective use of human resources in carrying out the programs of the Department.

b. The improvement of management structures, systems, tools and practices towards achieving the highest practical degree of effectiveness, efficiency and economy in programs of the Department.

c. The planning, budgeting and management of financial resources so as to assure optimum utilization of funds in carrying out programs of the Department.

d. The development and management of the Department's Planning-Programing-Budgeting (PPB) System required by Bureau of the Budget Bulletin No. 68-9.

e. The efficient provision of common administrative and related support services required for the effective conduct of programs of the Department. These services shall include procurement, property, space, safety, motor vehicle, mail, communications, library, and related activities.

f. The audit of operations and contracts or other agreements of the Department to determine deficiencies that may exist, to recommend corrective action, to uncover opportunities for increased efficiency and economy, and to establish a basis for settling contracts and claims.

g. The achievement by the Department of a high state of planning and readiness for responding to national emergencies and major disasters.

h. The conduct of investigations and related work as required to determine that prospective employees meet, and that present employees maintain required standards of character, loyalty, honesty and conduct; and the conduct of operations required to assure physical security of the Department's property and records.

i. The provision of printing, design, graphics, editorial and related promotional, distribution and control services as will contribute to the effectiveness of the Department's publications and other printed materials, with due regard for reasonable costs.

j. The conduct of activities to assure equal opportunity in employment within the Department, and to assure nondiscrimination in Federally-assisted programs and by contractors and subcontractors of the Department.

.02 In carrying out the above responsibilities, the Assistant Secretary for Administration shall:

a. Develop and issue policies, standards and procedures for administrative management functions throughout the Department, and provide functional appraisal and supervision in the conduct of such functions by operating units.

b. Directly provide the administrative management services required by the Office of the Secretary and, as determined by the Secretary or by agreement between the Assistant Secretary for Administration and the Program Secretarial Officer concerned, directly provide particular administrative management services to specified operating units of the Department or to other organizations.

c. Conduct a centralized audit function that shall extend to the activities of

all organizations of the Department, with such special exceptions as the Assistant Secretary for Administration may determine.

d. Conduct a centralized procurement function that shall serve the Office of the Secretary and, as determined by the Assistant Secretary for Administration, various operating units.

e. Provide central publications, printing, and related services for organizations of the Department except as the Secretary may authorize particular organizations to provide some such services, as specified, for themselves.

.03 The Assistant Secretary for Administration shall be responsible for coordination and liaison with the Bureau of the Budget, the Civil Service Commission, the General Services Administration, and the General Accounting Office on all applicable matters of administrative management, provide central liaison for the Department with the Appropriations Committees, coordinate administrative management matters with other departments and agencies, and otherwise represent the Department on such matters with public or private groups.

SEC. 6. *Savings provision.* Department Organization and Department Administrative Orders, circulars, or memoranda which are inconsistent or in conflict with this order are hereby constructively amended or superseded accordingly.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-14980; Filed, Dec. 17, 1969; 8:45 a.m.]

[Dept. Organization Order 20-3]

OFFICE OF BUDGET AND PROGRAM ANALYSIS

Organization and Functions

This material supersedes the material appearing at 34 F.R. 12458 of July 30, 1969.

SECTION 1. *Purpose.* This order delegates authority to the Director, Office of Budget and Program Analysis, and prescribes the organization and functions of the Office of Budget and Program Analysis.

SEC. 2. *General.* The Office of Budget was redesignated as the Office of Budget and Program Analysis by DOO 10-5 issued December 2, 1969. The Office shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3. *Delegation of authority.* Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to applicable provisions of law, regulation, and instructions of the Assistant Secretary for Administration, the Director, Office of Budget and Program Analysis, is delegated the authority vested in the Assistant Secretary for Administration pertaining to budget planning and management, analysis and reporting of fiscal and program status, and the development and management of the Department's PPB System.

SEC. 4. *Organization and functions.* .01 The *Office of Budget and Program Analysis* shall consist of:

a. Office of the Director;

b. Budget Coordination and Reports Division; and

c. Review and Analysis Staff.

.02 The *Director* shall be the Budget Officer for the Department of Commerce, shall be the adviser to, and serve as the representative of, the Assistant Secretary for Administration in matters relating to budget formulation and execution, analysis and reporting of fiscal and program status, and the Department's planning-programing-budgeting system, and shall serve as adviser to other Departmental officials with respect to these matters. He shall represent the Department on the above matters, and shall establish and maintain close working relationships with the Bureau of the Budget, with the Appropriations Committees, and with other Government agencies.

.03 The *Budget Coordination and Reports Division.* This division shall:

a. Establish standards, criteria and procedures for preparing budget estimates and justifications;

b. Coordinate budget programs and activities that require consolidated action by the Department;

c. Interpret Bureau of the Budget directives on budget matters;

d. Coordinate the preparation of budget estimates;

e. Maintain information on the status of Congressional actions on the Department's budget;

f. Prepare budget summaries and analyses;

g. Maintain the Department's budget history;

h. Maintain liaison with Bureau of the Budget staff and with staffs of Appropriations Committees on budget matters as necessary to carry out the Division's responsibilities;

i. Establish reporting requirements from operating units on fiscal plans and status, budget execution, and program accomplishments; and analyze, consolidate or otherwise treat the reports as will best meet the needs of the Secretary and Secretarial Officers, incorporating material furnished by the Review and Analysis Staff; and

j. Prepare special reports or briefings for the Secretary and Secretarial Officers on significant fiscal, budget and program execution problems, incorporating material furnished by the Review and Analysis staff.

.04 *Review and Analysis Staff.* This staff shall:

a. Examine and analyze all budget proposals in terms of effective allocation of Departmental resources, conformance to policies, adequacy of justification and appropriation language, existence of statutory authorization, feasibility and economy of operations, accuracy and consistency of schedules, and for conformity with instructions governing submission of budget estimates;

b. Participate in the identification of major issues and problems to be covered by program memoranda and special analytical studies;

c. Monitor, advise and assist operating units in the development and operation of systems for integrating the results of planning and programing with budgeting, including development of criteria for and review of program memoranda and special analytical studies for completeness, timeliness, adequacy, development of alternatives, and factual content;

d. Review and evaluate the Department's program structure and recommend modifications as necessary;

e. Participate in the review of legislative proposals affecting the Department's plans and programs;

f. Examine and clear apportionment requests;

g. Provide technical assistance to operating units on budget matters;

h. Analyze fiscal and program plans and reprograming proposals for conformance to Departmental policies and commitments, and maintain a continuous review of the status of obligations, expenditures and program progress;

i. Evaluate budgeting policies and programs and make recommendations to appropriate officials for improvements; and

j. Provide continuous liaison and be the point of contact between officials in assigned program areas and appropriate staff of the Office of the Secretary and Bureau of the Budget on budget matters.

SEC. 5. *Department of Commerce Budget Committee.*—The Department of Commerce Budget Committee shall consist of the Director as Chairman, the budget officers and the officers responsible for PPB coordination in each primary operating unit, and if not otherwise represented, the designated PPBS coordinators from each program category. The Committee will meet on call from the Chairman for the purpose of advising and assisting in the development of budget policies and programs, and systems for integration of the results of planning and programing with budgeting throughout the Department.

Effective date: December 4, 1969.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-14982; Filed, Dec. 17, 1969; 8:46 a.m.]

[Dept. Organization Order 15-4]

OFFICE OF POLICY DEVELOPMENT

Organization and Functions

The following order was issued by the Secretary of Commerce effective on December 2, 1969. This material supersedes the material appearing at 33 F.R. 9037 of June 19, 1968.

SECTION 1. *Purpose.* This order prescribes the responsibilities of the Office of Policy Development in the Office of the Secretary.

SEC. 2. *General.* .01 The Office of Program Planning is hereby redesignated as the Office of Policy Development, and its functions are hereby revised as specified herein. This reconstituted office shall continue to have the status of a Departmental office.

.02 The Office of Policy Development shall be headed by a Special Assistant to the Secretary for Policy Development who shall report and be responsible to the Secretary of Commerce.

SEC. 3. *Functions.* The Office of Policy Development shall serve as the special problem solving and conceptual group on policy development matters of direct concern to the Secretary. In this capacity, the Office shall:

a. Conduct studies or evaluate matters having a vital impact on the Department's mission, objectives and accomplishments, such analyses to be carried out in the light of special concerns or interests expressed by the Secretary;

b. Develop proposals for the consideration of the Secretary with respect to the future role of the Department in establishing national policies and in providing needed services in light of changing national needs;

c. Evaluate for the Secretary the merits of existing and proposed programs of the Department;

d. Analyze at the Secretary's request, the potential effect upon the Department and its programs of outside events, trends, proposals and other developments;

e. Organize and monitor a system of periodic, evaluative briefings of the Secretary by key officials of the Department on the status of achievement of fundamental program objectives, such briefings to highlight policy, substantive and managerial problems that may exist as well as possible solutions and courses of corrective action that may be indicated, and manage a system whereby organizations of the Department regularly report to the Secretary major improvement project plans and accomplishments;

f. As determined in consultation with the Assistant Secretary for Administration, undertake analyses of selected program issues from among those identified under the Department's PPB system, and/or otherwise participate in the resolution of such issues, including the discussion thereon with the Bureau of the Budget; as assigned, organize and direct or monitor studies of such matters through in-house groups, or formulate specifications for and monitor contract studies dealing with these problems;

g. Participate in the development or review of legislative proposals having a major impact on Commerce mission, objectives and programs;

h. At the request of the Assistant Secretary for Administration, participate in formulating overall allocations of the Department's resources, and review and comment on significant program and budget plans;

i. As requested by the Secretary, review reports and recommendations submitted to the Secretary and perform other related staff work; and

j. Perform other related duties as assigned by the Secretary.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-14981; Filed, Dec. 17, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-142; NDA No. 10-577]

ABBOTT LABORATORIES

Tergemist; Notice of Withdrawal of Approval of New-Drug Application

Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064, holder of new-drug application No. 10-577 and all amendments and supplements thereto for the drug Tergemist (sodium ethasulfate 0.125 percent and patassium iodide 0.1 percent), was notified by a copy of the National Academy of Sciences-National Research Council report and the FEDERAL REGISTER drug efficacy study implementation announcement of July 17, 1968 (33 F.R. 10227), that there is a lack of substantial evidence that Tergemist will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In the FEDERAL REGISTER announcement, the Commissioner of Food and Drugs published his intention to initiate proceedings to withdraw approval of the new-drug application for Tergemist and invited Abbott Laboratories and any other person who might be adversely affected by removal of the drug from the market to submit any pertinent data within 30 days from the date of publication.

On August 13, 1968, Abbott Laboratories representatives discussed Tergemist with the Food and Drug Administration and on August 16, 1968, proposed protocols for definitive clinical studies of the effectiveness of the drug. The applicant's comments and proposals were reviewed. By correspondence dated August 29, 1968, and October 25, 1968, the Commissioner of Food and Drugs informed Abbott Laboratories of the review and conclusion that in the absence of substantial evidence of the effectiveness of Tergemist the Food and Drug Administration proposed to publish a notice of opportunity for a hearing on a proposal to withdraw approval of the new-drug application.

Abbott Laboratories continued to conduct clinical studies on the effectiveness of Tergemist. By letter of July 25, 1969, the firm informed the Commissioner that although the clinical testing program was incomplete, further studies were being discontinued because a sufficient number of reports had been obtained to conclude that it was impractical, if not impossible, to prove a consistent or significant difference in effectiveness between Tergemist and water or saline because the inherent hour-to-hour patient-to-patient variations in the symptometology of the diseases being treated introduce such variables into a closely controlled study as to make a meaningful analysis unattainable. Abbott Laboratories requested withdrawal of approval of NDA 10-577 for Tergemist. It stated that marketing of the drug had been discontinued and existing stocks were being withdrawn from "Abbott's distribution centers."

The Commissioner, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(a), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated together with evidence available when the application was approved that there is a lack of substantial evidence that the subject drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new-drug application No. 10-577 and all amendments and supplements thereto applying to Tergemist Mucolytic Aerosol Solution is withdrawn, effective on the date of signature of this document.

According, Tergemist and any similar preparation for human use and offered for such effects will be regarded as a new drug for which an approved new-drug application is not in effect and will be subject to regulatory action.

Dated: December 1, 1969.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 69-14993; Filed, Dec. 17, 1969; 8:46 a.m.]

UPJOHN CO.

Notice of Withdrawal of Petition for Food Additives Melengestrol Acetate, Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The Upjohn Co., Kalamazoo, Mich., 49001, has withdrawn its petition (CP 36-956V), notice of which was published in the FEDERAL REGISTER of March 20, 1968 (33 F.R. 4751), proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use in the feed of heifers of a combination drug containing melengestrol acetate and chlortetracycline for growth stimulation, improved feed utilization, and suppression of estrus (heat); as an aid in the prevention of liver abscess, pneumonia,

and shipping fever (hemorrhagic septicemia); and as an aid in reduction of losses due to respiratory infection (infectious rhinotrachitis, shipping fever complex).

Dated: December 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-14994; Filed, Dec. 17, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-24]

GENERAL ELECTRIC CO.

Termination of Facility License

The Atomic Energy Commission has found that the General Electric Company Thermal Critical Assembly located in the Critical Experiment Facility Building at the Vallecitos Nuclear Center in Alameda County, Calif., has been dismantled, decontaminated and disposition made of component parts in accordance with the regulations of the Commission, 10 CFR, Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, pursuant to the November 3, 1969, request by the licensee, Facility License No. CX-4 held by the General Electric Co. is hereby terminated as of December 1, 1969.

Dated at Bethesda, Md., this 1st day of December 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 69-14976; Filed, Dec. 17, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21041]

EMERY AIR FREIGHT CORP.

Notice of Prehearing Conference

Application of Emery Air Freight Corp. for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended, of certain control relationships.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 6, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue N.W., Washington, D.C., before Examiner Ralph L. Wiser.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before December 31, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., December 12, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-15035; Filed, Dec 17, 1969; 8:48 a.m.]

[Docket No. 21483]

WINGS AND WHEELS EXPRESS, INC., AND AIR EXPRESS INTERNATIONAL CORP.

Application for Approval of Merger; Proposed Approval

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 15, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Issued under delegated authority.

Application of Wings and Wheels Express, Inc., and Air Express International Corp. for approval of merger and other relief, Docket 21483.

ORDER OF APPROVAL

By joint application filed October 1, 1969, Wings and Wheels Express, Inc. (Wings), and Air Express International Corp. (AEI), request the Board to disclaim jurisdiction over or approve without hearing pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), the merger of AEI into Wings. Wings already holds all of the outstanding stock of AEI.[1] The merger will be accomplished by transferring all the assets of AEI to Wings, the assumption of all of the liabilities of AEI, and the cancellation of all the outstanding stock of AEI, which will cease to exist as a separate corporation.

According to the applicants the merger will have favorable tax consequences, will reduce the administrative complexity of the operations and will add flexibility to the conduct of business. There will be no change in the service provided to the public except that shippers will be able to deal with one company instead of two.

Included in the assets of AEI are several foreign subsidiaries in France, Switzerland, Hong Kong, Germany, Belgium and South Africa as well as a travel agency and a shippers agent.[2] AEI owns either 99 or 100 percent of the stock of these companies, which will be transferred to Wings as a result of the merger.

On November 28, 1969, Wings filed an amendment to the application stating that the merged companies would operate under the name Wings and Wheels Express, Inc. doing business as Air Express International; that an international air freight forwarder authorization would be sought in that name; that the present international authorization of Air Express International Corp. would be surrendered simultaneously with the issuance of the new authority; and that the tariffs of the parties would be revised accordingly.[3] The Board has previously approved the ownership of AEI by Wings and thus the applicant maintains there is no question of restraint of competition, creation of a monopoly or jeopardy to another carrier.

No comments or requests for a hearing have been filed with the Board.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the application, we find that Wings and AEI are air carriers within the meaning of section 408 of the Act and that the merger of the two carriers is subject to that section.[4] However, it has been further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. In view of the Board's previous approval of the control of AEI by Wings we conclude that approval of the instant application is consistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the merger of AEI into Wings should be approved without hearing pursuant to section 408(b) of the Act.

Accordingly, it is ordered, That:

1. The merger of AEI into Wings be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15036; Filed, Dec. 17, 1969; 8:48 a.m.]

[1] The acquisition of AEI by Wings was approved by Order E-25656, September 11, 1967, Docket 18611. Since that time AEI has operated as a subsidiary of Wings.

[2] *Wings and Wheels Express, Inc. and Air Express International Corporation,* Order E-25602, August 25, 1967, Docket 18611.

[3] The operating authorization now held by Air Express International Corporation will be surrendered for cancellation upon the grant of international air freight forwarder authority in the name of Wings and Wheels Express, Inc. doing business as Air Express International.

[4] Section 408 does not differentiate between related and unrelated corporations.

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 733]

DEPUTY DIRECTOR, LAND BANK SERVICE, ET AL.

Authority and Order of Precedence of Certain Officers To Act as Deputy Governor and Director of Land Bank Service

DECEMBER 11, 1969.

1. In the event that the Deputy Governor and Director of Land Bank Service, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service:

(1) George R. Burns, Deputy Director, Land Bank Service.

(2) Carroll K. Cardwell, Chief of Appraisals, Land Bank Service.

(3) Frank R. Hillman, Chief of Operations, Land Bank Service.

(4) James C. Burge, Associate Chief of Appraisals, Land Bank Service.

2. This order shall be effective on the above written date and supersedes Farm Credit Administration Order No. 700 (29 F.R. 12436).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 69-15018; Filed, Dec. 17, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/WEST COAST OF CENTRAL AMERICA AND MEXICO CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, Atlantic and Gulf/West Coast of Central America and Mexico Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8300-9, among the parties to the Atlantic and Gulf/West Coast of Central America and Mexico Conference amends the basic agreement by modifying the third paragraph of the Preamble which presently provides that the trade area covered by the agreement shall be served either by direct movement or by transshipment via Cristobal and/or Balboa, C.Z., to provide for service either by direct movement or transshipment (with no limitation with respect to transshipment ports).

Dated: December 15, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15022; Filed, Dec. 17, 1969; 8:48 a.m.]

PACIFIC COAST-AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. R. Harper, Secretary, Pacific Coast-Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 50-19 between the member lines of the Pacific Coast-Australasian Tariff Bureau redefines the geographic scope covered by the basic agreement, as amended, by the addition of ports in the State of Hawaii to the trade area and specifically identifies Alaska as not being included in the trade area.

Dated: December 15, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15023; Filed, Dec. 17, 1969; 8:48 a.m.]

NEW YORK SHIPPING ASSOCIATION, INC.

Notice of Agreement Filed for Approval

Notice of agreement filed for approval by:

Mr. Alfred Giardino, Lorenz, Finn & Giardino, 21 West Street, New York, N.Y. 10006.

Agreement No. T-2336-1 between the members of the New York Shipping Association (NYSA) modifies the basic agreement which provides for a temporary assessment formula adopted by NYSA to meet its obligation provided for in collective bargaining agreements with the International Longshoreman's Association. The purpose of the modification is to extend the termination date of the temporary assessment formula from November 30, 1969, to December 31, 1969. By order served November 28, 1969, in Docket No. 69-57 the Commission instituted an investigation to determine whether Agreement No. T-2336 should be approved, modified or disapproved pursuant to section 15, Shipping Act, 1916. Agreement No. T-2336-1 will be included in Docket No. 69-57, since the Commission's order stated that in the event any modification of Agreements No. T-2336, or further agreement establishing a temporary or permanent assessment formula was filed with the Commission, such agreement would be made subject to the investigation.

Dated: December 12, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15024; Filed, Dec. 17, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7515]

NORTHERN STATES POWER CO. (MINNESOTA)

Notice of Application

DECEMBER 12, 1969.

Take notice that on December 8, 1969, Northern States Power Co. (applicant) filed an application pursuant to section 204 of the Federal Power Act seeking an

order authorizing the issuance of up to $80 million in unsecured promissory notes to commercial banks and to commercial paper dealers.

Applicant is incorporated under the laws of the State of Minnesota, and is qualified to do business in North Dakota and South Dakota. It operates electric, gas, and steam heating utilities in Minnesota; electric, gas, steam heating and telephone utilities in North Dakota; and an electric utility in South Dakota.

The promissory notes to be issued by the applicant to commercial banks will be issued on various days in 1970, but no note will mature more than 12 months after date of issue or renewal. The interest rate of such notes will be at the prime loan interest rate of the banks in effect from time to time.

The promissory notes issued to commercial paper dealers will be issued on various days in 1970; no note will mature more than 9 months after date of issue nor will any note be extended or renewed. The interest rate on such notes will be dependent upon the term of the notes and the money market conditions at the time of issuance.

The proceeds from the issuance of the notes will be used, among other things, to finance in part the Applicant's 1970 construction program. Applicant estimates that construction expenditures for 1970 will total about $159 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15025; Filed, Dec. 17, 1969; 8:48 a.m.]

[Docket No. CP67-35]

TENNESSEE GAS PIPELINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

DECEMBER 11, 1969.

Take notice that on December 8, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc., Post Office Box 2511, Houston, Tex. 77001, and Transcontinental Gas Pipe Line Corp., 3100 Travis Street, Houston, Tex. 77001 (Applicants), filed in Docket No. CP67-35 a petition to amend the order of the Commission issued on October 11, 1966, to authorize the delivery of natural gas on an exchange basis at four additional points of interconnection, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicants propose to deliver natural gas on an exchange basis at four additional points located at the tail-gates of four processing plants where Applicants are common purchasers of natural gas. Applicants request authorization to expand the ability of either pipeline to assist the other in the event of operating problems and/or emergencies on either of the pipeline systems.

Applicants state that since they deliver and sell natural gas under long-term contracts to joint customers, they can, through mutual dispatching arrangements, make deliveries to the other by delivery for the account of the other to such joint customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15026; Filed, Dec. 17, 1969; 8:48 a.m.]

[Docket Nos. RP69-41, RP70-14]

TEXAS GAS TRANSMISSION CORP.

Order Permitting Tracking of Purchased Gas Increase, Suspending Proposed Revised Tariff Sheets Pending Effectiveness of Supplier Rate Increase, and Consolidating Proceedings

DECEMBER 15, 1969.

Pipeline rates; suspension of proposed increased rates; purchased gas adjustment.

Texas Gas Transmission Corp. (Texas Gas), on November 7, 1969, tendered for filing in Docket No. RP70-14 proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1,[1] designed solely to track the rate increase filed by its supplier, United Gas Pipe Line Co. (United), on October 31, 1969, in Docket No. RP70-13 and to become effective on December 16, 1969, or such other day as the increased rates proposed by United become effective subject to refund, or otherwise.[2] The proposed rate changes would increase charges for Texas Gas' jurisdictional sales by $5,031,437 annually, based upon volumes for the 12-month period ended March 31, 1969, as adjusted. Rates would be increased under all sales rate schedules.

Texas Gas requests waiver of § 154.66 (b) and (c) of the Commission's regulations to permit its filing of the proposed increased rates during the suspension period of the increased rates in Docket No. RP69-41,[3] in order that the proposed increased rates may become effective coincidentally with those of United.

Texas Gas states that in view of the fact that its proposed increased rates were filed within 12 months from the date of the filing of statements A thru M, O and P in Docket No. RP69-41; the proposed rate increase is filed to compensate only for an increase in the cost of purchased gas; and there has been no material change in its facilities, sales volumes and cost of service, other than cost of purchased gas, since the Docket No. RP69-41 filing, it is only required, under § 154.63(b)(3) of the Commission's regulations, to file with the Commission statements L, M, and N as described in § 154.63. Texas Gas submitted statement L, which consists of the balance sheets as of the beginning and end of the 12 months ended September 30, 1969 and statement M which consists of an income statement for the 12 months ended September 30, 1969. Texas Gas also submitted schedules setting forth the data and computations from which the proposed increases in rates were derived.

Texas Gas requests waiver of the filing of statement N on the grounds that it consists of an entire cost of service presentation which would merely duplicate the data which it submitted in the Docket No. RP69-41 filing. In lieu of statement N, Texas Gas incorporates by reference all the exhibits, items by reference and the prepared testimony which it submitted to the record on September 25, 1969, in Docket No. RP69-41. The company states that it is willing to supply the data required by statement N on a reasonably expeditious basis should the Commission or its staff determine that such data are necessary.

We will accept Texas Gas' filing as being in accord with our intention, as expressed in our order issued August 11, 1969, in Docket No. RP69-41, to permit Texas Gas to track supplier rate increases which increase the purchased gas costs claimed by Texas Gas in that docket. And by reason of the facts set forth by Texas Gas, as mentioned above, it is our view that good cause exists for waiving the requirement of the filing of statement N.

However, as the increased rates proposed herein are directly and entirely based upon the proposed rate increase of United in Docket No. RP70-13, which was suspended to May 16, 1970, by order issued December 5, 1969, Texas Gas' proposed rate filing should be suspended to that same date. The proposed rate increases have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

In view of the fact that Texas Gas' filing in Docket No. RP70-14 proposes to further amend its tariff which is the subject of the proceedings in Docket No. RP69-41, as proposed to be amended by its filing in that docket, and that the cost and related data relied upon in support of both filings is substantially the same, it is appropriate that Docket No. RP70-14 be consolidated with the proceedings in Docket No. RP69-41 for purposes of hearing and decision.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed tariff sheets listed in Footnote 1, above be suspended and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that Docket No. RP70-14 be consolidated for hearing and decision with the proceedings in Docket No. RP69-41.

The Commission orders:

(A) The provisions of § 154.66 (b) and (c) of the Commission's regulations under the Natural Gas Act are waived in order to permit the filing of the proposed rate increase by Texas Gas.

(B) The requirement for the filing of Statement N, as described in § 154.63 of the Commission's regulations, is waived.

(C) Pending hearing and decision in Docket No. RP70-14, as consolidated herein, the proposed revised tariff sheets, listed in Footnote 1 above, are suspended and the use thereof is deferred until May 16, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Texas Gas shall not make the increase proposed herein effective prior to the date that the increased rates proposed by United in Docket No. RP70-13 are made effective.

(D) The proceedings in Dockets Nos. RP69-41 and RP70-14 are hereby consolidated for purposes of hearing and decision in the matters and issues involved therein.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15027; Filed, Dec. 17, 1969; 8:48 a.m.]

[1] The proposed revised tariff sheets are as follows: Tenth Revised Sheet No. 68-I; Eleventh Revised Sheet Nos. 60-A, 68-BB, and 70-A; Twelfth Revised Sheet Nos. 13, 15, and 68-C; Thirteenth Revised Sheet Nos. 7, 9, 19, 21, 25, 27, and 71; Sixteenth Revised Sheet Nos. 68-G, 68-H, 68-K, and 68-L; Nineteenth Revised Sheet Nos. 68-A, 68-B, 68-E, and 68-F; Twentieth Revised Sheet Nos. 45, 47, 51, 79-I, and 79-J; Twenty-First Revised Sheet Nos. 5, 11, 23, 29, 33, 41, 49, 53, 55, 59, 61, 63, 67, 69, 70, 73, and 74; Twenty-Second Revised Sheet Nos. 17, 31, 35, 37, 43, 57, and 65; and Twenty-Third Revised Sheet No. 39.

[2] United, in its filing, had requested that its proposed rates become effective on Dec. 16, 1969. As hereinafter indicated those rates were suspended for 5 months to May 16, 1970.

[3] Docket No. RP69-41 involves a general rate increase filed by Texas Gas on June 27, 1969, which was suspended to Jan. 12, 1970, by order issued Aug. 11, 1969.

[Docket No. CP70-148]

UNITED GAS PIPE LINE CO.

Notice of Application

DECEMBER 12, 1969.

Take notice that on December 5, 1969, United Gas Pipe Line Co. (Applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP70-148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate additional pipeline facilities needed to transport increased volumes of gas from the South Louisiana area into Applicant's Shreveport and Jackson divisions, and additional facilities to develop further the Lake Bistineau Storage Field in Bossier and Bienville Parishes, La.

Applicant states that the proposed facilities will be used to deliver increased volumes of gas to distributor customers of Applicant in its Shreveport and Jackson divisions and to deliver gas from South Louisiana into the northern part of Applicant's system in order to supplement declining supplies locally available in that area.

The total estimated cost of the proposed facilities is $29,815,000, to be expanded over a 3-year period and to be financed through internally generated funds and short-term demand notes, and ultimately by issuance of long-term debt securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15028; Filed, Dec. 17, 1969; 8:48 a.m.]

[Docket No. AR69-1, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Enlarging Investigation and Proposed Rule Making

DECEMBER 15, 1969.

Area Rates—moratorium: Area rate proceeding (offshore southern Louisiana Federal domain and disputed areas), Docket No. AR69-1; Phillips Petroleum Co. et al., Docket No. RI69-753; Hunt Oil Co. et al., Docket No. RI70-72; Shell Oil Co. et al., Docket No. RI70-73; The California Co., Docket No. RI70-74.

On March 20, 1969, the Commission issued an order in Docket No. AR69-1 initiating an investigation and rulemaking proceeding for the purpose of determining whether the just and reasonable area ceiling rates prescribed in Opinion Nos. 546 and 546-A which are applicable to sales of third vintage gas-well gas produced from the Federal Domain and disputed area offshore Southern Louisiana should be raised. We also stated that it was our purpose to determine whether any such increased ceilings should be made applicable to sales of third vintage gas-well gas being made subject to refund pursuant to increased rate filings authorized by Opinion No. 546-A and whether fourth vintage area ceiling rates should be established applicable to sales of gaswell gas from the area encompassed in this proceeding. Pursuant to our order, conferences were held before Examiner Martin E. Rendelman on July 8, 30, and 31 and August 13 and 14, 1969,[1] at which the parties attempted to reach agreement with respect to the data to be furnished. As reported by the Examiner agreement could not be reached and he therefore referred the matter to the Commission for resolution.

The parties have filed a large number of petitions, motions and replies in the captioned dockets. Some of the petitions sought expansion of the new proceeding; others looked for relief from certain of the rate restrictions effected by

[1] During the periods between the above dates approximately 18 informal conferences also were held among the parties.

the decision in Docket No. AR61–2. Because the various filings were so interrelated that any resolution thereof necessarily would affect the scope and objectives of the proceedings in Docket No. AR69–1, the dockets bearing on these issues were consolidated for the purpose of oral argument, which was held before the Commission on October 24, 1969. The Commission has given close attention to the prehearing conference record in AR69–1, the various pleadings referred to above, the answers thereto, and the statements made at the oral argument. Based on our study of the foregoing, we have concluded that the public interest will best be served if the proceeding in Docket No. AR69–1 is enlarged to include the entire geographical area of Southern Louisiana, onshore as well as offshore, and to provide for a review of the just and reasonable rates for all vintages of gas produced therefrom.

Insofar as the requests for a nationwide proceeding are concerned, we reject the suggestion at this time. With the exception of the Permian Basin, there is presently pending a proceeding for each of the major producing areas. We think that institution of second-round proceedings in these areas, whether individually or on a collective basis, should await resolution of all the pending cases. With respect to the Permian Basin, we are sympathetic with the views expressed by a number of parties that a review of Permian rates should be undertaken at the earliest possible time; we are giving this matter careful consideration.

We believe that a sufficient showing has been made, on the present record, to justify a review of the ceiling rates for first and second vintage gas produced in Southern Louisiana. But a sufficient showing has not yet been made to warrant an immediate change in the moratorium provisions of Opinion No. 546, as amended in Opinion No. 546–A. The issue of the continued effectiveness of the moratorium will remain open, however, pending further developments in this proceeding, and may be given further consideration herein.

Phasing of Hearings

The expanded AR69–1 proceeding should be handled in two separate phases. Phase I will be confined to a review of the just and reasonable rates for nonassociated gas discovered and produced in Southern Louisiana and contracted on or after October 1, 1968.[2]

This phase of the proceeding should include evidence with respect to the adequacy of gas supply and adequacy of service to consumers, the demand for gas, the cause of a gas shortage, if any, the effect of price on gas supply and demand, and other relevant economic evidence, together with data as to the current, nationwide cost of finding and producing nonassociated gas. Data should also be included which are adequate to determine the current cost of finding and producing nonassociated gas in the Federal Domain.

[2] Including those contracts dated prior to Oct. 1, 1968, which under the special relief granted by Opinion 546–A are treated as having been executed on or after Oct. 1, 1968.

Phase II will be confined to a review of the just and reasonable rates for first and second vintage gas in Southern Louisiana. We recognize that Phase II will involve complex issues concerning both costing and regulatory methodology. It would appear, however, that data of the character previously utilized for costing of flowing gas, when coupled with the data adduced in Phase I of the proceeding, together with pertinent trend data, may provide a basis for the review of rates for first and second vintage gas. These matters should be explored at the prehearing conference and the necessary data obtained promptly.

Data Requirements

The parties to the prehearing conference previously held in AR69–1 were unable to reach agreement on the issue of the collection of data. We now proceed to a resolution of the disputed matters.

In view of our determination that the rates involved in this proceeding should be reviewed in phases, the following specific data will be required, in addition to the supply and demand evidence and other relevant data.

Phase I. (a) Published data used in determining the nationwide current cost of nonassociated gas, supplemented by such data to be furnished by the major respondents as were developed by questionnaire data in Docket No. AR61–2.

(b) Data necessary to determine the current cost of new nonassociated gas in the Southern Louisiana area, the data to be reported on a company-wide composite basis for the area. Producers operating both on and offshore shall report their data in such a manner as to allow the separate identification of costs incurred in the Federal Domain and disputed area. Data shall be reported by all original AR69–1 respondents. Small producers operating only in onshore Southern Louisiana may report their data but will not be required to complete the questionnaire.

(c) Producer data as to volumes of reserves in the offshore area not contracted to interstate pipelines and data on status of shut-in gas wells.

(d) Updated drilling cost data to be furnished by the producers.

(e) Supply and deliverability data to be furnished by the pipelines.

Phase II. Composite cost data of the major respondents in the Southern Louisiana area.

In the interest of expediting the proceeding we believe that data gathering should not be phased. This is not to say that the examiner, in the exercise of his judgment, may not allow the parties additional time within which to submit certain of the cost information, where warranted.

Procedure

We shall order a prehearing conference herein to take place on Tuesday, January 27, 1970.

The staff is directed to serve on all of the parties at least 2 weeks prior to the prehearing conference, a draft of a questionnaire or questionnaires which it considers adequate to meet the cost and operating data requirements of this order, together with a suggested prehearing order incorporating proposed stipulations and schedules. We anticipate that out of this conference will come substantial agreement on data requests, and an appropriate schedule for hearings. We desire to have this proceeding expedited in every way possible. We direct the Examiner to rule on data request issues at the earliest possible date, to issue necessary questionnaires quickly, and to provide for their prompt completion. The Examiner should provide for the introduction of direct evidence by all parties, including interveners and staff, on issues such as adequacy of supply, deliverability, demand forecasts and so forth, indeed all evidence which does not depend on the reported cost data, at an early date, and should also provide for rebuttal thereto. The Examiner should further set target dates for the serving of direct cost evidence, rebuttal thereto and the commencement of formal hearings.

The Commission finds: It is necessary and appropriate for purposes of carrying out the provisions of the Natural Gas Act, particularly but not in limitation of the foregoing, sections 5, 8, 10, 14, and 16 thereof, that the investigation and proposed rulemaking heretofore instituted in Docket No. AR69–1 be enlarged to encompass the entire Southern Louisiana area and all vintages of gas produced therefrom, in order to determine whether the just and reasonable rates prescribed in Opinions Nos. 546 and 546–A should be modified and whether fourth vintage area rate ceilings should be established applicable to gas sales from the area made under contracts dated on or after the final order in this proceeding.

The Commission orders:

(A) The investigation and proposed rulemaking heretofore instituted in Docket No. AR69–1 is hereby enlarged to encompass that portion of the State of Louisiana lying south of the 31° parallel, and including all areas, both State and Federal, in the Gulf of Mexico off the shore of Louisiana, and to encompass all vintages of gas produced therefrom.

(B) All producers who have rate schedules on file with the Commission for gas sales in Southern Louisiana who were not previously made respondents in Docket No. AR69–1 are listed in Appendix A, and are hereby made respondents in this proceeding.

(C) A conference will be held on Tuesday, January 27, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.s.t., between respondents, interveners, and Commission staff concerning the issues and procedures to be followed herein. The Chief Examiner or an Examiner designated by him, shall preside at the conference hereby called. The staff is hereby directed to serve on all of the parties at least 2 weeks prior to the prehearing conference, a draft of a questionnaire or questionnaires which it considers adequate to meet the cost and operating data requirements of this order, together with a suggested prehearing order incorporating proposed stipulations and schedules.

(D) Any person desiring to intervene in this proceeding, not previously having intervened or otherwise made a party hereto, may, within 30 days of the date of issuance of this order, file a petition to intervene or notice of intervention as provided by § 1.8 of the rules of practice and procedure.

(E) The Secretary shall cause a copy of this order to be published in the Federal Register and served upon each of the respondents to this proceeding and upon interested State Commissions as is provided for in § 1.19 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] Gordon M. Grant, *Secretary.*

Appendix A

Additional Respondents

Aladdin Petroleum Corporation.
Aladdin Producing Co., Inc.
Alco Oil & Gas Corporation.
American Natural Gas Producing Co.
American Petrofina Co. of Texas.
American Well Service and Salvage, Inc., and Anneo Petroleum Corp.
Anadarko Production Company.
An-Son Corporation.
Apache Corporation.[1]
Aquitaine Oil Corporation.
Arnold, Agnes Cullen.
Arnold, Isaac.
Ashland Oil and Refining Company.
Associated Oil and Gas Explor., Inc.
Azar, Dr. Paul J.
Aztec Oil and Gas Company.
Ballard and Cordell Corporation.
Barnwell Production Company.
Bass, Perry R.
Bass, Perry R., Incorporated.
Bateman, Earl G., d.b.a. Bateman Drilling Company.
Beck Oil Company.
Bel Oil Corporation.
Belco Petroleum Corporation.
Bintliff, David C.
Birthright Oil Company.
Bluebonet Gas Corporation.
Bradco Oil and Gas Company.
Bradco Properties Incorporated.
Browder, Charles D., Jr.
Brown, George R.
Arnold H. Bruner and Company.
William T. Burton Industries Inc.
CRA Incorporated.
F. A. Callery Incorporated.
Callery Properties Incorporated.
Carter, Reese E.
Cenard Oil and Gas Company.
Central Equipment Rentals, Inc.
Chance, R. L., Sr.
Circle Drilling Company Inc.
Cities Service Company.
Clinton Oil Company.
Coastal States Gas Prod. Co.
Cocke, W. H.
Cockrell, E., Jr.
Cole, Howard S., Jr.
Conover, William V.
Continental Inter-State Gas Co.
Cordell, J. H.
Couba Oil Company.
Courtney, E. A.
Cox, Edwin L.
Crow David Trustee.
Crown Central Petroleum Corp.
Cunningham, James M.
Cyprus Oil Company.
Dalton, W. F. Trustee.
Damson Exploration Corp.
Damson Exploration Corp., Hutcheson, L. B. and Dirks, Wayne D., d.b.a. Solatex Petroleum Co.
Davis Oil Company.
Del Oil and Gas Corporation.
Delta Drilling Company.
Delta Gulf Drilling Company.
Despot Incorporated.
Despot, George J.
Diamond Shamrock Corporation.
Diversa Incorporated.
Dixon Management Corporation.
Dorn and Miller Company.
Dow Chemical Company.
Drew Petroleum Incorporated.
Eason Oil Company.
Edgewater Oil Company Inc.
El Tres Petroleum Corporation.
Elsbury, Jos W., Jr.
Exchange Oil Company Limited.
Exchange Oil and Gas Company.
Falcon Seaboard Drilling Company.
Fidelity Oil and Royalty Company.
Fikes, Leland.
Frankel Oil and Gas Company.
Franks, John.
Franks Petroleum Incorporated.
Freeport Oil Company.
Gas Gathering Corporation.
Giger, C. C.
Glasscock Chaphan Incorporated.
Glassell, Alfred C., Jr.
Goodrich, H. R.
Goodrich, Hugh.
Goodrich, R. H.
Great American Minerals Company.
Great Southern Oil and Gas Co. Inc.
Great Yellowstone Corporation.
Grigsby, Jack W.
Gruy Management Service Company.
H-Tex Incorporated.
Halbouty, Michel T.
Harang, Jack F. and Johnson, Joseph A.
Harbor Oil Company Incorporated.
Hawkins, H. L.
Hawkins, H. L. and H. L., Jr.
Hawthorne, Hugh A.
Helis Petroleum Corporation.
Helis, William G., Estate of.
Henderson, J. Harry, Jr.
Herrington, Mrs. Louise H.
Hester, B. M.
Hibbert, R. E., Agent.
Highland Resources Incorporated.[2]
Homa Oil and Gas Company.
Homer, Joseph F. and Homer, Grace.
Hubbard, R. E., Jr.
J. M. Huber Corporation.
Hudson, E. J.
Hudson Gas and Oil Corp.
Roy M. Huffington Inc.
Hunt, H. L.
Hassie Hunt Trust.
Hunt Industries.
Hunt, Lamar.
Hunt, Lyda-Bunder Trusts.
Hunt, Lyda-Caroline Trusts.
Hunt, Lyda-Herbert Trusts.
Hunt, Lyda-Lamar Trusts.
Hunt, Lyda-Margaret Trusts.
Hunt, William Herbert Trust.
Hurley Oil and Gas.
Hurt Oil and Gas Corporation.
Jameson, F. E.
Johnston, Jack M.
Jones, Joseph M.
Kaplyn, T. Harry.
Kellerman, R. E.
Kilroy Properties Inc.
King, A. P., Jr.
King Resources Company.
Kleinpeter, T. W.
Jack E. Koch Oil Co. Inc.
LaCoastal Petroleum Corp.
Lake Washington Inc.
Lameson and Bennett Inc.
Landa Oil Company.
Langton, Claude M. Trustee.
Lawrence Oil Incorporated.
Levy, Nathan A., Jr.
Lyons and Logan.
Lyons, C. H., Sr.
Lyons Petroleum.
M.P.S. Production Co. Inc.
McCain, M. F.
McCarter, W. B., Jr.
McCord, Charles T., Jr., d.b.a. McCord Oil Company.
McCormick, Sanford E.
McGhee, George C.
McIntyre, T. J.
McIntyre, T. J., d.b.a. McIntyre Oil Company.
McKnight, William L., d.b.a. LaGorce Oil Company.
McLean, Harvey.
McMoran Properties Incorporated.
McWilliams-Moffett Corporation.
Magna Oil Corporation.
Main, Vernon J., Jr.
Marr, M. H.
Mayfield, M. L.
Mayronne, R. W., Jr., d.b.a. Riverside Oil Company.
Mecom, John W.
Midwest Oil Corporation.
Miller, Irwin.
Mitchell, George and Assoc. Inc.
Moore, Homer T.
Mosbacher, Robert.
Nesbitt, William J.
Newsham, John Chauncey.
Nichlos Oil and Gas Company.
North Central Oil Corporation.
O'Meara, M. P.
O'Meara, Robert W.
Occidental Petroleum Corporation.
Offshore Exploration Corporation.
Ogden, Roger H. and Schneider, George W., Jr.
Oil and Gas Futures Inc. Texas.
Oil and Gas Property Management Inc.
Owen, J. P.
Pano Tech Exploration Corp.
Peltier, Harvey.
Pel-Tex Petroleum Co. Inc.
Penton, Ruth I. and Penton, D. N., d.b.a. Penton and Penton.
Petroleum Gas Producing Co.
Petroleum Incorporated.
Pioneer Oil and Gas Co. Inc.
Plaguemines Oil and Gas Co.
Prentice, Robert B.
Procter, Sterrett B.
Pubco Petroleum Corporation.
Rebstock and Reeves Drilling Co.
Robichaux, D. J., Jr.
Rowe, David A.
Royalite Oil Company Inc.
Rutherford, P. R.
Rycade Oil Corporation.
Sabinol Corporation.
Sands, Caroline Hunt.
Secure Trusts.
Sheldon, Joseph S., Jr.
Singer-Fleischaker Oil Co.
Sklar Producing Company Inc.
South Shore Oil and Devel. Co.
South Texas Natural Gas Gathering Co.
Southdown Burmah Oil Company.
Southdown Incorporated.
Southeastern Public Service Co.
Southern Minerals Corporation.
South Natural Gas Company Joint Venture.
Southland Royalty Company.
Southwest Gas Producing Co. Inc.
State Exploration Company.
Strautberg, A. T.
Stokes, Winston L.
Sword Company.
Tex-Star Oil and Gas Corp.
Texas City Refining Inc.

[1] Successor to Zapata Offshore Company.

[2] Successor to Highland Oil Company.

Texas Crude Oil Company.
Texas Crude Oil Incorporated.
Texas Gulf Sulphur Company.
Texas Oil and Gas Corp.
Texas Petroleum Gas Company.
Texstar Corporation, The.
Thompson, Craft.
Toce, Paul M.
J. C. Trahan Drilling Cont. Inc.
Transocean Oil Incorporated.[3]
Tribune Oil Corporation.
Trice Production Company.
U.S. Oil of Louisiana Ltd.
Valley Gas Transmission Inc.
Viking Oil Corporation.
Vincent and Welch Incorporated.
WSC Corporation.
W. W. F. Oil Corporation.
Walker, Weir.
Walker, Willard E.
Walker, W. E. and Meeker Jr. (Operators).
Warren American Oil Company.
Weaver, Curt.
Webster, C. B.
Weiner, Ted.
Whipple, W. J. N. and Stall, A. H. Incorporated.
Whitaker, Douglas.
Whitestone Petroleum Corp.
Wigwam Production Corp.
Williams Brothers Company.
J. E. Williams Incorporated.
Wilson Exploration Company.
Woodfin, Gene M. Trustee.
Woods Oil and Gas Company.
Woods Petroleum Corp.
Wrightsman, Charles B.
Marshall R. Young Oil Co.

[F.R. Doc. 69-15029; Filed, Dec. 17, 1969; 8:48 a.m.]

[Docket No. CP70-147]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 10, 1969.

Take notice that on December 4, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-147 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1970, and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to offset declining reservoir pressures and to maintain present delivery capability from the San Juan Basin area for the 1970-71 heating season by installing an additional maximum total of 17,000 compressor brake horsepower and related appurtenances. Applicant states that such horsepower will be installed at existing and new stations as required in the San Juan Basin area, and will permit a further general reduction in operating pressures of some 60 to 70 p.s.i.a., throughout the gathering systems for the purpose of offsetting anticipated further decline in reservoir pressure.

The total estimated cost of the proposed facilities will not exceed $10,500,000, and will be financed by use of working funds supplemented by short-term borrowings.

[3] Successor to J. Ray McDermott and Company, Incorporated.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14989; Filed, Dec. 17, 1969; 8:46 a.m.]

[Docket No. RP70-15]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Authorizing the Filing of Proposed Revised Tariff Sheets and Prescribing Conditions

DECEMBER 9, 1969.

On November 10, 1969, Natural Gas Pipeline Company of America (Natural) tendered for filing a motion by which it seeks Commission approval of a specific method of "tracking" increased costs of gas purchased from its suppliers. Natural, as an alternative, tendered for filing revised tariff sheets[1] which would increase its jurisdictional rates by approximately $4,230,000 annually as of December 10, 1969.

[1] Ninth revised sheet No. 6; third revised sheet No. 10-A; ninth revised sheet No. 12; third revised sheet No. 14-A; ninth revised sheet No. 15; fifth revised sheet No. 17; ninth revised sheet No. 18; tenth revised sheet No. 19-A; ninth revised sheet No. 19-B; second revised sheet No. 19-E and fourth revised sheet No. 25-O.

By Order of June 26, 1969, in Docket No. RP69-36, the Commission provided for hearing on the issues therein, which include the question whether a purchased gas cost adjustment provision should be included in Natural's Tariff. That order: *Provided, however,* That during the pendency of that proceeding, Natural would not be precluded from requesting permission to track supplier rate increases. The purchased gas cost adjustment issue was not included in the first phase of that proceeding and hearings in the second phase have not yet commenced.

Natural states that it is seeking approval of its tracking method in order to avoid the necessity of a rate change filing to reflect supplier rate increases not included in its currently pending rate increase filing in Docket No. RP69-36. Colorado Interstate Gas Co., one of Natural's pipeline suppliers, has made a rate change filing, noticed on October 9, 1969, to be effective November 18, 1969. The Commission has suspended the increase until April 18, 1970. The rate changes proposed by Colorado will increase Natural's purchased gas cost by approximately $2,400,000 annually. United Gas Pipe Line Co., another of Natural's pipeline suppliers, has also made a rate change filing which would raise Natural's costs by about $1 million per year. Certain of Natural's other gas suppliers have filed smaller increases in rates over those rates upon which Natural's rate filing in Docket No. RP69-36 were based.

By notice issued November 17, 1969, herein, December 3, 1969, was set as the final date for the submission of protests or petitions to intervene in this proceeding. Petitions to intervene have been filed by three of Natural's customers. No protests have been filed.

In general, Natural's proposed tracking method provides that Natural will file from time to time revised tariff sheets increasing or decreasing all rates and charges under its then effective CD-1, CD-2, PL-1, G-1, G-2, I-1 and WS rate schedules to reflect supplier rate changes. Such rate changes may reflect the full amount of rate changes by Natural's pipeline suppliers, and may reflect up to a net aggregate increase of 0.5 cent per Mcf per year from its other suppliers. Refunds of any of the increased supplier rates relating to increases made in accordance with this procedure would be flowed through to its jurisdictional customers. Revised tariff sheets submitted in accordance with this proposal would become effective 30 days after filing. No change in rates would be made under this proposal until the net aggregate of increases and decreases in the supplier rates involved would produce an increase or decrease in Natural's rate schedule CD-1 commodity charge of at least 0.02 cent per Mcf, (and commensurate changes in Natural's other rates and charges, which are calculated on the basis of the CD-1 charges). Natural's right to make any rate changes under this proposal would terminate on December 1, 1970. Any rate changes hereunder would be computed as hereinafter provided.

In the event that the use of such estimated purchase volumes results in Natural's receiving revenues during the 12 months ending November 30, 1970, in excess of $200,000 over what would have been received if actual volumes for such period were utilized, Natural shall within 60 days from December 1, 1970, refund such excess to its jurisdictional customers.

As a part of its Motion filed on November 10, 1969, Natural submitted an alternative notice of rate change and revised tariff sheets related thereto, proposing an alternative rate increase to cover increased purchased gas costs, but only in the event that the Commission denied the "tracking" increase proposal. In view of the fact that by this order we are granting the "tracking" increase proposal motion, the alternative notice of rate change and accompanying tariff sheets are now considered to have been withdrawn.

It appears, however, that Natural's proposal of 0.02 cent per Mcf as a minimum rate increase filing under this authorization would permit such frequent filings that an unreasonable administrative burden could result. Subsequent to Natural's filing herein, the Company informed the Commission Staff that a 90-day limitation on filings, exclusive of those reflecting increases of its pipeline suppliers, would not be inappropriate. Accordingly, we shall herein authorize Natural to make no more than one rate filing in any 90-day period except in order to track the major rate increases of its pipeline suppliers which appear imminent. As provided in our recent orders concerning similar tracking proposals, the procedure herein authorized should also be conditioned to provide that Natural may not effectuate its proposed rate increases unless and until the increased purchased gas costs reflected therein are actually being incurred.

The Commission finds: Good cause exists to grant Natural's motion filed November 10, 1969.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 14 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR, ch. I), permission is hereby granted for the filing of revised tariff sheets pursuant to Natural's proposed procedure as herein conditioned:

(B) The filings authorized hereby shall be made on the following conditions:

(1) Natural may, from time to time until December 1, 1970, file with the Commission as part of its FPC Gas Tariff, Second Revised Volume No. 1, revised tariff sheets pursuant to this order, necessary to reflect increases, and Natural shall file revised tariff sheets to reflect decreases, if any, in the rates thereunder, based upon increases or decreases in the cost of Natural's purchased gas, computed in accordance with the following provisions of this paragraph (B).

(2) Increases or decreases in Natural's CD-1, CD-2, G-1, G-2, PL-1, I-1 and WS rates made pursuant to this order shall reflect only those changes in the cost of gas purchased by Natural from fields and sources and under those FPC gas rate schedules of suppliers which are included: (a) in the purchased gas cost computation underlying the rates filed by Natural on May 29, 1969 in Docket No. RP69-36 (shown in Exhibit 69 of that proceeding), as amended by the increased purchased volumes underlying the rates in Natural's October 31, 1969, filing therein; or (b) which are included in the purchased gas cost computation underlying any superseding rates determined in that proceeding.

(3) The aggregate net increase in Natural's CD-1, CD-2, and PL-1 commodity charges made by filings pursuant to this order to track producer rate increases shall not exceed 0.5 cent per Mcf per year (at 1,000 B.t.u. per cf and 14.65 p.s.i.a.), with equivalent increases in all other rates and charges under said Rate Schedules CD-1, CD-2, and PL-1 (other than the demand charges) and in all rates and charges under Rate Schedules G-1, G-2, I-1 and WS. No limitation shall be applicable to Natural's rate increases tracking its pipeline suppliers' rate increases.

(4) No change in rates shall be made hereunder until the net change in Natural's annualized cost of purchased gas under the applicable supplier rate schedules referred to in paragraph (2) above, determined as herein provided, produces an increase or decrease in Natural's Rate Schedule CD-1 commodity charge of at least 0.02 cent per Mcf (and commensurate changes in Natural's other rates and charges which are calculated on the basis of the CD-1 charges), based on the billing determinants upon which the rates in effect at the time when the tracking rate change is filed hereunder were based.

(5) The annualized cost of gas purchased by Natural under each supplier rate schedule shall be determined by the application of the supplier rate in effect as of the date of the filing by Natural hereunder, or the supplier rate that will be in effect on or before the proposed effective date of such filing by Natural hereunder to the volume of purchased gas, relative to such supplier, which was utilized in the cost of purchased gas schedule upon which Natural's rates in effect at the time when the tracking rate change is filed hereunder, were based.

(6) The amount of any net change in the annualized cost of purchased gas shall be the difference between the annualized cost of purchased gas computed in accordance with the above subparagraph (5), and the amount that would have been paid to such supplier, as determined by use of the supplier rates upon which Natural's rates which are in effect at the time when the tracking rate change is filed hereunder were based. Natural is authorized to file and make effective revised tariff sheets which shall contain rates changed to reflect changes in revenues equal to the total of the amounts of net change in the annualized cost of purchased gas relative to each supplier, as computed above, less the net effect of the changes used in determining rates for previous filings under this order, if any. In computing such changed rates of Natural, changes under Rate Schedules CD-1, CD-2, and PL-1 shall be made to the commodity charges thereunder; adjustments shall be made to all other rates and charges under said Rate Schedules CD-1, CD-2 and PL-1 (other than the Demand Charge) and to all rates and charges under Rate Schedules G-1, G-2, I-1 and WS in such a manner as to retain the same rate design relationship among the rates and charges under such Rate Schedules as existed prior to the subject filing.[4]

(7) Revised tariff sheets filed in accordance herewith shall become effective 30 days after filing or such later date as Nature proposes.

(8) Natural's filings made pursuant to this authorization shall reflect only supplier rates which are effective as of the date of such filings, or which will become effective pursuant to motions then on file with the Commission prior to the proposed effective date of Natural's tracking increase.

(9) The period between rate change filings hereunder which are based all or in part upon producer rate changes shall be at least 90 days. This limitation shall not apply to Natural's filings hereunder reflecting rate increases or reductions of its pipeline suppliers.

(10) If, as a result of any order of the Commission which becomes final and no longer subject to review, Natural shall receive refunds, including interest, under any supplier rate schedule, which are applicable to increased rates collected thereunder which have been reflected in changes in Natural's rates by filings made hereunder, Natural shall refund to its jurisdictional customers, without further interest thereon, the jurisdiction portion of such amounts, within 30 days after accumulation of $200,000 or more, except for the final refund which shall be made if, but only if, the total amount remaining refundable is $50,000 or more.

(11) If, as a result of the use of the estimated purchase and sales volumes in the computations provided for herein, Natural receives revenues during the 12-month period ending November 30, 1970, from any rate increases made effective hereunder, in excess of $200,000 over the revenues that Natural would have received from said rate increases during said period if actual purchase and sales volumes for such period had been used in the computations, Natural shall within sixty days from December 1, 1970, refund such excess to its jurisdictional customers.

(12) Natural's rate change filings made pursuant to this authorization shall contain the following information: (a) A schedule in the format of Exhibit II of Natural's motion of November 10, 1969, herein, showing supplier rate increase data. In addition to the information

[4] As shown in Exhibit 86, Docket No. RP69-36.

shown in said Exhibit II, such schedule shall state the effective dates and docket numbers of all supplier rate increases contained therein; (b) Information, as required by subparagraph (a) above, showing all known rate decreases of Natural's suppliers which will become effective on or before the proposed effective date of Natural's tracking rate change; and (c) A complete showing of all billing units and computations utilized in arriving at Natural's proposed rates.

(C) The issuance of this order and approval of the tracking increase procedure set forth herein does not preclude Natural from prosecuting its application for inclusion of a purchased gas adjustment provision in its tariff to be effective on or after December 1, 1970.

(D) As a condition of this order, Natural shall execute and file in triplicate with the Secretary of this Commission within twenty (20) days of the date of this order, its written agreement and undertaking to comply with the terms of subparagraphs (B)(10) and (B)(11) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from its Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved and upon all parties of record in this proceeding, as follows:

Agreement and undertaking of Natural Gas Pipeline Company of America to comply with the terms and conditions of subparagraphs (B)(10) and (B)(11) of the Federal Power Commission order issued December ------, 1969, in Docket No. RP70-15.

In conformity with the requirements of the order issued December ------, 1969, in Docket No. RP70-15, Natural Gas Pipeline Company of America hereby agrees and undertakes to comply with the terms and conditions of subparagraphs (B)(10), and (B)(11) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto, this ------ day of ----------, 1969.

NATURAL GAS PIPELINE COMPANY OF AMERICA

By----------

ATTEST:

Secretary

(E) The alternative notice of rate change and revised tariff sheets related thereto which Natural submitted as a part of its motion filed on November 10, 1969, are hereby deemed to have been withdrawn.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14987; Filed, Dec. 17, 1969; 8:46 a.m.]

[Project No. 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Application for Approval of Exhibits for Proposed Project Transmission Lines

DECEMBER 11, 1969.

Public notice is hereby given that application has been submitted by Power Authority of the State of New York, licensee for Project No. 2685 (correspondence to W. S. Chapin, General Manager, Power Authority of the State of New York, 10 Columbus Circle, New York, N.Y. 10019), pursuant to Article 34 of the license for approval of Exhibits J, K, and M relating to the three 345 kv. transmission lines included in the license and to be constructed as parts of the project. This project, known as the Blenheim-Gilboa Pumped-Storage Project, will be located along the middle reaches of Schoharie Creek in the towns of Blenheim and Gilboa, Schoharie County, N.Y., some 40 miles southwest of Albany, N.Y.

The licensee is requesting approval of specific exhibits showing the design and location of the three project lines. All three lines will originate at the project switchyard adjacent to the powerplant. One line will extend to the existing New Scotland Substation of Niagara Mohawk Power Corp., located at a point southwest of Albany; the second will extend to that company's Leeds Substation to be constructed near Catskill; and the third will extend to New York State Electric & Gas Corp.'s Fraser Substation to be constructed near Delhi. The exhibits and other information submitted by the licensee describe the three lines as follows:

GILBOA-NEW SCOTLAND LINE

This line will leave the project in a northeasterly direction through the town of Gilboa in Schoharie County and will pass between Brown Mountain and Reed Hill. The line will continue to the north of Mackey, crossing County Highway 53 before shifting to a more easterly direction, where it will cross Keyzer Kill Creek, County Highway 17 and extend into the town of Broome. The line will continue in a northeasterly direction through the town of Broome, across Catskill Creek and State Highway 145, where it will enter the Town of Rensselaerville in Albany County. Triangle Lake lies about 2,500 feet south of the point where the line will cross County Highways 12 and 10. The line will turn slightly in an easterly direction and run parallel to and just south of the Berne-Rensselaerville town line. After crossing County Highway 6, the line will extend into the town of Westerlo and run parallel to and just south of the Berne-Westerlo town line. The line will cross County Highways 408, 1, and 2 and pass about midway between South Berne and Lake Onderdonk. After turning slightly to the north, the line will extend into the town of Berne where it will cross County Highways 14 and 11 and State Highway 85 just north of Braman Corners. The line will proceed into the town of New Scotland where it will again cross State Highway 85 and Onesquethaw Creek at a point just north of Clarksville. The line will then extend to the south of Vly Creek Reservoir. Once past the reservoir, the line will meet and parallel an existing Niagara Mohawk Power Co. transmission line on a contiguous right-of-way and the project line will continue to its terminus at the existing New Scotland Substation which is located between New Scotland South Road and the Penn Central Railroad approximately 1 mile northwest of Unionville.

GILBOA-FRASER LINE

This line will leave the project in a southwesterly direction through the town of Gilboa in Schoharie County where it will cross Schoharie Creek and State Highway 30 several hundred feet north of the intersection of that highway with County Highway 13. The line will continue in a southwesterly direction across County Highway 14, Bear Kill Creek, the tracks of the Penn Central Railroad and State Highway 23, all located in the vicinity of the Schoharie and Delaware County lines. The line will cross a portion of the town of Roxbury and continue into the town of Stamford, both of which are located in Delaware County. The line will extend south of McGregor Mountain and pass midway between McGregor Mountain and the Moresville Mountain Range. The line will then turn in a more southerly direction, across Town Brook and will pass south of Cowan Mountain in the vicinity of Narrow Notch. The line will continue in a southwesterly direction through the town of Bovina south of Mount Warren, across Brush Brook north of Bovina Center, and will extend into the town of Delhi where it will cross the Little Delaware River and State Highway 28. After crossing Arbuckle Hollow Creek, the line will turn in a northwesterly direction to pass south of Scotch Mountain and cross Holmes Hollow Brook, where it will turn to the northwest and extend to the site of the proposed Fraser Substation to be located west of State Highway 10, 1 mile north of the village of Fraser, near the West Branch Delaware River.

GILBOA-LEEDS LINE

This line will leave the project in a southeasterly direction through the towns of Gilboa and Conesville in Schoharie County and will pass between Brown Mountain and Reed Hill. The line will cross Platter Kill, County Highway 59, Bear Kill, County Highway 18, Manor Kill, and County Highway 3 and will pass about 3,000 feet north of Steenburg Mountain. The line will then proceed in a more southeasterly direction, extending into the town of Durham in Greene County to a point about 3,000 feet north of Mount Pisgah. The line will extend in a southeasterly course and pass north of Cornwallville and will cross Cornwallville Creek, Thorp Creek and County Highway 20. The line then will pass south of East Durham and will cross Bowery Creek and State Highway 145. The line will then turn more easterly and extend into the town of Cairo in Greene County where it will cross Catskill Creek, State Highway 32 and County Highway 41. The line will continue through Greene County across County Highway 67 and extend through the Potic Mountain Range. The line will extend across County Highway 49, the New York Thruway (Interstate Route 87), and U.S. Highway 9W before turning east to its terminus at the site of the proposed Leeds Substation to be located in the town of Athens, 2 miles west of the Hudson River and 2 miles north of Catskill.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commssion and available for public inspection.

GORDON M. GRANT,
Secretary.

[F. R. Doc. 69-14988; Filed, Dec. 17, 1969; 8:46 a.m.]

[Project No. 2113]

WISCONSIN VALLEY IMPROVEMENT CO.

Notice of Application for Amendment of License for Constructed Project

DECEMBER 11, 1969.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Wisconsin Valley Improvement Co. (correspondence to: R. C. Wylie, Vice President and General Manager, Wisconsin Valley Improvement Co., Post Office Box 988, Wausau, Wis. 54401), for constructed Project No. 2113, located on the Wisconsin River and tributaries thereof in the State of Wisconsin.

The application seeks approval to construct the New Wood reservoir (to be located in Lincoln County near Merrill and Tomahawk) to augment the licensee's present system of 21 dams and reservoirs along the Wisconsin River and its tributaries which store water for such purposes as downstream power production, flood control, navigation, pollution abatement, and public recreation. The proposed New Wood development would consist of an earthen dam about 2,200 feet long and 28 feet high with a concrete outlet structure and a reservoir with 17,900 acre-feet of active storage capacity. At normal maximum pool elevation, 1,457 feet MSL (U.S.C. and G.S. datum) the reservoir would have an area of about 2,350 acres. According to the application, the reservoir would provide for public fishing, camping, picknicking, and boating, public access routes and a boat ramp. An additional boat ramp and possible development of swimming beaches, hiking and horseback riding trails are planned for the future as the need arises.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14990; Filed, Dec. 17, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval of the acquisition of more than 80 percent of the voting shares of Tipton Farmers Bank, Tipton, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 12th day of December 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14991; Filed, Dec. 17, 1969; 8:46 a.m.]

UNITED CALIFORNIA BANK

Order Approving Merger of Banks

In the matter of the application of United California Bank for approval of merger with El Dorado State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by United California Bank, Los Angeles, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and El Dorado State Bank, Napa, Calif., under the charter and name of United California Bank. As an incident to the merger, the office of El Dorado State Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 11th day of December 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14992; Filed, Dec. 17, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, and Brimmer. Absent and not voting: Governors Maisel and Sherrill.

FEDERAL TRADE COMMISSION

USE AND ADVERTISING OF COUPONS ENCLOSED IN PACKAGES OF CONSUMER PRODUCTS

Enforcement Policy

The Federal Trade Commission has recently been alerted to certain unfair practices in the use and advertising of coupons enclosed in packages of consumer products. Many manufacturers have been placing unreasonably short expiration dates upon the coupons enclosed in packages, with the result that the coupons have already expired when the product is bought and the package opened by the consumer. Consumers are thus induced to buy a product only to find that the enclosed coupon is worthless.

Many manufacturers have also failed to disclose on labels and in advertising that the coupon enclosed in the package has certain other limitations—for example, that it is good only for a price reduction on the next purchase of the item being sold, or that it is good only for a price reduction on the future purchase of a different product. While the coupons have been so limited, the label and advertising have contained only such bare description as "a valuable coupon enclosed" or "a 50¢ coupon inside". Thus, the consumer may be induced to buy the product in the expectation that he will have some definite use for the coupon, only to find later that the coupon is valuable on the purchase of an item he has no use for. It is an unfair practice to entice consumers to buy a product by an alluring reference, on the label or in advertising, to a coupon that is enclosed without also giving the facts necessary for a consumer to know whether that coupon will actually be of value to him.

The Commission believes that manufacturers, distributors, and advertising agents should take the following action to correct immediately such practices, or similar practices. First, coupons enclosed in consumer products must contain no expiration date; or if one is deemed necessary, it must be such as to allow purchasers of the product at least 6 months for redemption. Second, manufacturers who choose to state on labels or in advertising that a coupon is enclosed in the consumer product, must clearly and conspicuously disclose in conjunction therewith all the material terms, conditions, and limitations of the coupon—for example, that it is valuable only in obtaining a reduction on the next purchase of the same item, or on the purchase of a different size of that same product, or on the purchase of a different product altogether.

The Commission believes that each manufacturer and distributor of products using enclosed coupons should carefully review its advertising, labels, and coupons and determine whether it is complying with the guidelines set forth in this statement. The Commission expects that any new promotions instituted after January 1, 1970, will fully comply with the guidelines set forth in this statement.

Should a subsequent investigation disclose that such changes have not been made, and the relevant facts show there is a violation of law, the Commission will move within the scope of its jurisdiction and remedial powers to correct the illegality. Where it is shown that a particular company has engaged in illegal acts and practices, it will not be a defense or justification to show that other companies are also engaged in similar activities.

The Commission recognizes that this statement of enforcement policy is necessarily cast in general terms and that questions may arise concerning its application to particular cases. The Commission's Bureau of Industry Guidance will be available to advise and assist industry members to conform their practices to the guides set forth in this statement.

Approved: November 26, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15017; Filed, Dec. 17, 1969; 8:48 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

IOWA

Amendment to Major Disaster Declaration of August 14, 1969

The first paragraph of the Major Disaster Declaration for the State of Iowa dated August 14, 1969, notice of which was published on August 22, 1969 (34 F.R. 13570), is amended to read as follows:

I have determined that the damages in those areas of the State of Iowa adversely affected by severe storms, heavy rains, and flooding beginning on or about June 25, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Iowa.

The change in the description of the disaster permits Federal assistance to cover damages resulting from wind and severe storms at the time of the flooding.

The Notice of Major Disaster is further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 14, 1969:

The county of:

Worth.

Dated: December 11, 1969.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[F.R. Doc. 69-15001; Filed, Dec. 17, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

LES STUDS CORP.

Order Suspending Trading

DECEMBER 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Les Studs Corp. and all other securities of Les Studs Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 11, 1969, through December 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15003; Filed, Dec. 17, 1969; 8:47 a.m.]

PUTNAM INVESTMENT PROGRAMS FOR THE ACCUMULATION OF SHARES OF THE PUTNAM GROWTH FUND ET AL.

Notice of Application for Approval of Offer of Exchange

DECEMBER 11, 1969.

In the matter of Putnam Investment Programs for the accumulation of shares of the Putnam Growth Fund, Putnam Investment Programs for the accumulation of shares of the George Putnam Fund of Boston, Putnam Investment Programs for the accumulation of shares of Putnam Vista Fund, Inc., the Putnam Programs Corp., Putnam Fund Distributors, Inc., and Mutual Fund Associates, Inc., 265 Franklin Street, Boston, Mass. 02110.

Notice is hereby given that Putnam Investment Programs for the accumulation of shares of the Putnam Growth Fund ("Growth Programs"), Putnam Investment Programs for the accumulation of shares of the George Putnam Fund of Boston ("George Programs"), Putnam Investment Programs for the accumulation of shares of Putnam Vista Fund, Inc., ("Vista Programs"), all of which are registered as unit investment trusts under the Investment Company Act of 1940 ("Act") (hereinafter collectively the "Trusts"), The Putnam Programs Corp. ("PPC"), Putnam Fund Distributors, Inc. ("Distributors") and Mutual Fund Associates, Inc. ("MFA"), (hereinafter all of the foregoing collectively "Applicants") have filed an application pursuant to sections 11(a) and 11(c) of the Act for approval of an offer of exchange described below. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations which are summarized below.

The Putnam Growth Fund, The George Putnam Fund of Boston and Putnam Vista Fund, Inc. (the "Funds"), the shares of which are respectively the underlying investment for the above named Trusts are all open-end management investment companies registered under the Act. PPC is the sponsor-depositor for the Trusts; Distributors and MFA are the principal underwriters for the Trusts and Funds.

Each of the Funds has a different investment objective. Shareholders of each of the Funds are permitted, on proper application and the payment of a single transaction service charge of $5, to exchange at net value their shares of one of the Funds for shares equivalent in the then dollar value of another of the Funds. Applicants represent that it is desirable for the holders of Program Certificates of the Trusts also to be able to transfer their investment from one of the Trusts to another of the Trusts when their investment needs and desires change, without suffering a second imposition of the sales and other charges to the extent that they have already been prepaid and without suffering any diminution in the rights and privileges granted to holders of Program Certificates.

It is proposed, therefore, that each of the Trusts offer to the holders of the other Trusts an opportunity whereby, upon payment of a single transaction service charge of $5, an investment in one Trust might be liquidated at the net asset value thereof and the proceeds reinvested in another Trust at net asset value without imposition of a second sales charge to the extent that it has already been prepaid. Applicants allege that type for type, the Trusts are substantially the same. The rights, privileges, sales, and creation charges, life insurance premium charges, fixed periodic custodian fees and other applicable charges are alike for all of the Trusts. State Street Bank and Trust Co. is custodian for each Trust and performs identical functions for each.

The offer of exchange privilege is to be made by a uniform offer disclosed in the prospectuses of the Trusts which offer sets forth the mechanics by which the exchange is effected as well as the conditions, costs, consequences, and investment considerations relating to the exchange.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that the provisions of subsection (a) shall be applicable irrespective of the basis of exchange to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company.

In the opinion of Applicants the granting of the application and approval of the terms of the offer of exchange under section 11(a) and 11(c) by the Commission is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provision of the Act.

Notice is further given that any interested person may, not later than January 2, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15004; Filed, Dec. 17, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License 05/05-0094]

ALABAMA CAPITAL, INC.

Notice of Surrender of License

By notice published November 13, 1969, in the FEDERAL REGISTER (34 F.R. 18206), the Small Business Administration (SBA) invited comments regarding the pending request of Alabama Capital, Inc., to surrender its license, allowing a period of 15 days for that purpose. SBA received no comments.

Notice is hereby given that SBA accepted on December 2, 1969, the surrender of the license issued to Alabama Capital, Inc., Huntsville, Ala. Accordingly, the corporation no longer is licensed to operate as a small business investment company.

For SBA.

Dated: December 10, 1969.

JAMES T. PHELAN, *Acting Associate Administrator for Investment.*

[F.R. Doc. 69-15005; Filed, Dec. 17, 1969; 8:47 a.m.]

CANAVERAL CAPITAL CORP.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On October 15, 1969, a notice of application for transfer of control was published in the FEDERAL REGISTER (34 F.R. 15857) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR Part 107; 33 FR 326) for transfer of control of Canaveral Capital Corp., 301 Third Avenue, Brooklyn, N.Y. 11215, License No. 02/05-0068, a Federal Licensee under the Small Business Investment Act of 1958, as amended.

Interested persons were given until October 25, 1969, to send their written comments to SBA. No comments were received.

Having considered the application and all other pertinent information and facts with regard thereto, SBA hereby approves the application for transfer of control of Canaveral Capital Corp.

Dated: December 4, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-15006; Filed, Dec. 17, 1969; 8:47 a.m.]

MIDWESTERN AREA AND OFFICES THEREIN

Notice of Redesignation

Notice is hereby given that the designation "Midwestern Area" is changed to "Midwestern Region (Region V)." The Midwestern Area Office also is hereby redesignated as the Midwestern Regional Office. The regional offices under the former Midwestern Area Office are now under the jurisdiction of the Midwestern Regional Office and are redesignated as district offices.

Effective Date: December 8, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69-15008; Filed, Dec. 17, 1969; 8:47 a.m.]

[Delegation of Authority 30-B]

REGIONAL DIRECTOR, MIDWESTERN REGION

Delegation of Authority To Conduct Program Activities in the Field Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; and the Disaster Relief Act of 1969, 83 Stat. 125, the following authority is hereby delegated:

1. *Regional Director, Midwestern Region (Region V)*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $500,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $1 million, and to decline them in any amount.

3. To enter into business, economic opportunity and disaster loan participation agreements with banks.

4. To execute loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(*Name*)
Regional Director

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

10. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

B. *Community Economic Development Program.* 1. To approve or decline section 501 State development company loans without dollar limitation and section 502 local development company loans up to $350,000 (SBA share).

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read, as follows:

(*Name*), *Administrator,*
By: ----------
(Name)
Regional Director

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of payment of rent not to exceed $1 million.

7. To issue and modify commitment letters, said issuance to read as follows:

(*Name*), *Administrator,*
By: ----------
(Name)
Regional Director

8. To disburse approved EDA loans, as authorized.

C. *Loan Administration Program.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, with the exception of those loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, except as to loans classified as in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, except as to loans classified as in litigation.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (a) collateral in connection with the nonjudicial liquidation of loans, and (b) acquired property.

e. Except: (a) to sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans which are not classified as in litigation and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

D. *Procurement and Management Assistance Program.* **1. To approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns which are located within the geographical jurisdiction of his regional office, with the exception of rereferred cases.

**2. To deny an application for a Certificate of Competency when the regional director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which, if approved, might change the credit aspects of the case.

E. *Administrative.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Eligibility Determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. *Size Determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Legal Services.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with the liquidation of all loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to loans classified as in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to loans classified as in litigation.

c. Except: (a) to sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans which are classified as in litigation, when and as authorized by EDA.

II. The specific authority in the subsections (except subsections I.D.1 and I.D.2) may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as acting regional director, Midwestern Region.

Effective date: December 8, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-15007; Filed, Dec. 17, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

C. R. Anthony Co., department store; 137 Plaza De Las Palmas, San Antonio, Tex.; 9-26-69 to 9-25-70.

The Barr Co., variety store; 116 South Main Street, Celina, Ohio; 9-26-69 to 9-25-70.

Beatrice Super Market, foodstore; 808 Court Street, Beatrice, Neb.; 10-14-69 to 10-13-70.

The Blyth and Fargo Co., department store; Evanston, Wyo.; 10-20-69 to 10-19-70.

Chatham Drug Co., Inc. drugstore; Park Shopping Center, Siler City, N.C.; 9-22-69 to 9-21-70.

Clifton's Grocery, foodstore; 201 South A Street, McAlester, Okla.; 10-7-69 to 10-6-70.

Community Memorial Hospital, hospital; Park Street, Sheldon, Iowa; 10-5-69 to 10-4-70.

Crest Stores Co., variety stores from 10-1-69 to 9-30-70: Boone, N.C.; Brevard, N.C.

Ron Davidson Chevrolet, auto dealer; 222 East High Street, Ebensburg, Pa.; 10-16-69 to 9-30-70.

Davis Super Market, Inc., foodstore; 730 East Pittsburgh Street, Greensburg, Pa.; 10-10-69 to 10-9-70.

The Dinner Horn Food Store, Inc., foodstore; 3945 Washington Boulevard, Ogden, Utah; 10-21-69 to 10-20-70.

Eagle Stores Co., Inc., variety stores: 114-16 Baltimore and Annapolis Boulevard, Glen Burnie, Md., 10-10-69 to 10-9-70; 15 East Main Street, Slyva, N.C., 10-17-69 to 10-16-70; No. 51, Charleston Heights, S.C.; 9-23-69 to 9-22-70.

Fanties, apparel store; 504 Fourth Street, Sioux City, Iowa; 9-23-69 to 9-22-70.

Goldblatt Brothers, Inc., department store; 1505 West King Street, Decatur, Ill.; 9-27-69 to 9-26-70.

W. T. Grant Co., variety-department stores: No. 44, Macon, Ga., 9-24-69 to 9-18-70; No. 33, Peoria, Ill., 9-29-69 to 9-28-70; No. 57, Baltimore, Md., 9-29-69 to 9-28-70; No. 828, Wyckoff, N.J., 10-1-69 to 9-30-70; No. 572, Cleveland, Ohio, 10-11-69 to 10-10-70; No. 254, Steubenville, Ohio, 10-20-69 to 10-19-70; No. 458, Pittsburgh, Pa., 9-30-69 to 9-29-70; No. 803, Pittsburgh, Pa., 9-24-69 to 9-23-70.

IGA Foodliner, foodstore; Highway 63 South, Macon, Mo.; 10-18-69 to 10-17-70.

Kahanek Food Store, Inc., foodstore; 1000 West Main, Prague, Okla.; 10-17-69 to 10-16-70.

Keeling's Kountry Key Market, foodstore; 514 Lyndon Lane, Louisville, Ky.; 9-28-69 to 9-27-70.

Kistler Collister Co., department store; 1100 San Mateo NE., Albuquerque, N. Mex.; 10-20-69 to 10-19-70.

S. S. Kresge Co., variety-department stores: No. 730, Miami, Fla., 10-30-69 to 10-29-70; No. 2081, Aurora, Ill., 9-23-69 to 9-22-70; No. 253, Chicago, Ill., 9-27-69 to 9-26-70; No. 305, Chicago, Ill., 9-29-69 to 9-28-70; No. 301, Chicago Heights, Ill., 10-11-69 to 10-10-70; No. 463, Hometown, Ill., 9-21-69 to 9-20-70; No. 167, Logansport, Ind., 10-3-69 to 10-2-70; No. 154, Council Bluffs, Iowa, 10-1-69 to 9-30-70; No. 4625, Bladensburg, Md., 10-19-69 to 10-18-70; No. 414, Essex, Md., 9-26-69 to 9-25-70; No. 352, Detroit, Mich., 10-8-69 to 10-7-70; No. 405, Inkster, Mich., 9-23-69 to 9-22-70; No. 404, Pontiac, Mich., 9-26-69 to 9-25-70; No. 381, Chillicothe, Ohio, 9-27-69 to 9-26-70; No. 443, Cincinnati, Ohio, 9-23-69 to 9-22-70; No. 376, Cleveland, Ohio, 9-28-69 to 9-27-70; No. 640, Columbus, Ohio, 10-10-69 to 10-9-70; No. 644, Dayton, Ohio, 9-21-69 to 9-20-70; No. 541, Marietta, Ohio, 10-2-69 to 10-1-70; No. 203, Milford, Ohio, 9-21-69 to 9-20-70; No. 150, Portsmouth, Ohio, 9-27-69 to 9-26-70; No. 615, Harrisburg, Pa., 9-23-69 to 9-22-70; No. 739, Irving, Tex., 9-24-69 to 9-23-70; No. 4579, Kenosha, Wis., 9-27-69 to 9-26-70.

S. H. Kress and Co., variety-department store; 111 West Main Street, Gastonia, N.C.; 9-24-69 to 9-23-70.

Ted Maier Drug Co., drugstores from 10-7-69 to 10-6-70: 78 East Third, Winona, Minn.; Miracle Mall, Winona, Minn.

Marion & Dean's AG Market, foodstore; Delta, Utah; 10-3-69 to 10-2-70.

McCrory-McLellan-Green Stores, variety-department stores: No. 73, Daytona Beach, Fla., 9-23-69 to 9-22-70; No. 310, St. Petersburg, Fla., 9-21-69 to 9-20-70; No. 432, Athens, Ga., 9-21-69 to 9-20-70; No. 566, Ypsilanti, Mich., 9-24-69 to 9-23-70; No. 1073, Trenton, N.J., 9-24-69 to 9-23-70; No. 1022, Easton, Pa., 10-6-69 to 10-5-70; No. 1048, Anderson, S.C., 10-27-69 to 10-26-70; No. 1208, Houston, Tex., 10-10-69 to 10-9-70; No. 177, Waco, Tex., 10-11-69 to 10-10-70; No. 138, Charlottesville, Va., 10-1-69 to 9-30-70; No. 1069, Falls Church, Va., 10-7-69 to 10-6-70.

Milliners, Inc., apparel store; Gainesville, Ga.; 9-25-69 to 9-24-70.

G. C. Murphy Co., variety-department store; No. 463, Delphos, Ohio; 10-15-69 to 10-14-70.

J. J. Newberry Co., variety-department stores: No. 425, Atlanta, Ga., 9-23-69 to 9-22-70; No. 303, Hackettstown, N.J., 10-11-69 to 10-10-70; No. 207, Cambridge, Ohio, 10-4-69 to 10-3-70; No. 14, Ephrata, Pa., 9-22-69 to 9-21-70; No. 35, Northampton, Pa., 9-25-69 to 9-24-70.

Nobles Super Market, Inc., foodstore; 10th and Payne Street, Tell City, Ind.; 10-7-69 to 10-6-70.

Peace Haven Association, nursing home; Walnut, Iowa; 10-9-69 to 10-8-70.

Piggly Wiggly, foodstore; 3110 Grand Avenue, Fort Smith, Ark.; 10-12-69 to 10-11-70.

Samuel Schlesinger, Inc., apparel store; 5716 Bergenline Avenue, West New York, N.J.; 10–18–69 to 10–17–70.

Shelton Supermarket, foodstore; 206 West Main, Stigler, Okla.; 10–3–69 to 10–2–70.

Spurgeon's, department stores: 516 North Adams, Carroll, Iowa; 10–7–69 to 10–6–70; 929 Main Street, Stevens Point, Wis., 10–2–69 to 10–1–70.

Sterling Stores Co., Inc., variety store; 148 North Liberty Street, Canton, Miss.; 10–10–69 to 9–9–70.

The Stouss Hirshberg Co., department store; 20 West Federal Street, Youngstown, Ohio; 10–19–69 to 10–18–70.

Stuckey's Pecan Shop, foodstore; Lexington, Ill.; 9–23–69 to 9–22–70.

T. G. & Y. Stores Co., variety-department store; No. 184, Scottsdale, Ariz.; 9–22–69 to 9–21–70.

Ward's IGA Foodliner, foodstore; Springfield, Ky.; 10–7–69 to 10–6–70.

Whittaker, Inc., foodstore; No. 2, Harrah, Okla.; 9–29–69 to 9–28–70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time students hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Albuquerque Drumstick Restaurant, Inc., restaurant; 2225 Wyoming NE., Albuquerque, N. Mex.; waitress (waiter), bus boy (girl), counter girl (boy), kitchen helper, host (hostess), takeout department personnel; 38 to 63 percent; 10–1–69 to 9–30–70.

Baskin Robbins, restaurant; 4920 Underwood Street, Omaha, Nebr.; ice cream server; 41 to 67 percent; 10–13–69 to 10–12–70.

Ben Franklin Store, variety store; K & M Shopping Center, Mullins, S.C.; salesclerk, stock clerk; 10 to 45 percent; 9–24–69 to 9–23–70.

Big T Foods, foodstores, from 35 to 40 percent: Peotone, Ill., stock clerk, carryout, 10–1–69 to 9–30–70; 801 Broadway, Chesterton, Ind., carryout, 9–26–69 to 9–25–70.

Byrd's Food Stores, Inc., foodstore; 304 East Main Street, Carroboro, N.C.; bagger, carryout, janitorial, stock clerk, cashier; 18 percent; 10–3–69 to 10–2–70.

Crest Stores Co., variety store; Tarboro Shopping Center, Tarboro, N.C.; salesclerk, stock clerk; 10 to 45 percent; 10–1–69 to 9–30–70.

Eagle Stores Co., Inc., variety store; No. 23, Mullins, S.C.; salesclerk, stock clerk; 10 percent; 10–6–69 to 10–5–70.

Elliotts, Inc., apparel stores, for the occupations of salesclerk, stock clerk, credit clerk, 9 to 20 percent, 10–16–69 to 10–15–70; 118 Front Street, Beaver Dam, Wis.; 4 South Main Street, Janesville, Wis.; 5614 Sixth Avenue, Kenosha, Wis.; 200 Main, Watertown, Wis.

Fine Brothers-Matison Co., department store; 328 Front Street, Laurel, Miss.; salesclerk, gift wrapper, stock clerk; 0.3 to 11 percent; 9–23–69 to 8–22–70.

Frohsin's Department Store, department store; 68 Broad Street, Alexander City, Ala.; salesclerk, wrapper; 13 to 32 percent; 10–27–69 to 10–26–70.

W. T. Grant Co., variety-department stores: No. 365, Anaheim, Calif., salesclerk, stock clerk, 4 to 18 percent, 10–17–69 to 10–16–70; No. 579, Milford, Del., salesclerk, office clerk, stock clerk, cashier, 1 to 13 percent, 10–9–69 to 10–8–70; No. 1062, Jacksonville, Fla., salesclerk, cashier, office clerk, stock clerk, 10 percent, 9–26–69 to 9–25–70; No. 599, Mableton, Ga., salesclerk, 0.1 to 12 percent, 9–24–69 to 9–13–70; No. 575, Milton, Pa., salesclerk, stock clerk, 11 to 36 percent, 9–25–69 to 9–24–70; No. 1012, Pittsburgh, Pa., salesclerk, 6 to 20 percent, 10–9–69 to 10–8–70; No. 848, State College, Pa., salesclerk, 11 to 36 percent, 9–24–69 to 9–23–70; No. 1108, Richmond, Va., salesclerk, stock clerk, office clerk, cashier, 2 to 8 percent, 10–1–69 to 9–30–70.

Hales Super Market, foodstores, for the occupations of stock clerk, carryout, 6 to 28 percent, 10–21–69 to 10–20–70: Highway 13, Gallatin, Mo.; Hamilton, Mo.

Handy-Andy, Inc., foodstore; No. 29, San Antonio, Tex.; stock clerk, porter, checker, package clerk, office cashier, bakery salesclerk, produce clerk, dairy stock clerk, bottle clerk; 18 to 27 percent; 10–10–69 to 10–9–70.

Hi-Nabor Super Market, foodstore; 7201 Winbourne Avenue, Baton Rouge, La.; bagger, bottle clerk; 20 percent; 10–3–69 to 9–2–70.

John's Self Service, foodstore; Old Fort, N.C.; salesclerk, stock clerk, bagger; 21 percent; 10–30–69 to 10–29–70.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service except as otherwise indicated: No. 4049, Macon, Ga., 11 to 22 percent, 10–3–69 to 9–16–70 (salesclerk); No. 4071, Marietta, Ga., 10 percent, 10–11–69 to 10–10–70 (salesclerk, checker-cashier); No. 4189, Savannah, Ga., 4 to 14 percent, 10–26–69 to 10–25–70 (salesclerk); No. 4337, Addison, Ill., 12 to 20 percent, 10–29–69 to 10–28–70; No. 4095, Joliet, Ill., 14 to 22 percent, 10–13–69 to 10–12–70 (salesclerk, stock clerk, checker-cashier, office clerk); No. 4322, Kankakee, Ill., 18 to 34 percent, 10–29–69 to 10–28–70; No. 554, Moline, Ill., 4 to 21 percent, 9–29–69 to 9–28–70 (salesclerk, stock clerk, checker-cashier, office clerk); No. 502, Mount Prospect, Ill., 12 to 20 percent, 9–22–69 to 9–21–70 (salesclerk, stock clerk, checker-cashier, office clerk); No. 187, Palatine, Ill., 18 to 26 percent, 9–21–69 to 9–20–70 (salesclerk, stock clerk, Checker-cashier, office clerk); No. 455, Springfield, Ill., 4 to 9 percent, 9–21–69 to 9–20–70 (salesclerk, stock clerk, checker-cashier, office clerk); No. 4249, Elkhart, Ind., 3 to 10 percent, 10–7–69 to 10–6–70; Nos. 4196 and 4203, Indianapolis, Ind., 3 to 10 percent, 10–8–69 to 10–7–70 (salesclerk, stock clerk, office clerk, checker-cashier); No. 4336, Indianapolis, Ind., 3 to 10 percent, 10–10–69 to 10–9–70 (salesclerk, stock clerk, office clerk, checker-cashier); No. 312, Speedway, Ind., 10 percent, 10–9–69 to 10–8–70 (salesclerk, stock clerk, checker-cashier, office clerk); No. 4314, Cedar Rapids, Iowa, 13 to 25 percent, 10–30–69 to 10–29–70; No. 4565, Topeka, Kans., 16 to 25 percent, 10–9–69 to 10–8–70 (salesclerk, stock clerk, office clerk, checker-cashier); No. 4091, Bay City, Mich., 10 percent, 10–1–69 to 9–30–70 (stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, customer service); No. 681, Birmingham, Mich., 10 percent, 9–29–69 to 9–28–70 (stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, customer service); No. 423, Livonia, Mich., 10 percent, 9–24–69 to 9–23–70 (stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, customer service); No. 4238, Melvindale, Mich., 10 percent, 10–10–69 to 10–9–70 (stock clerk, salesclerk, maintenance, checker-cashier, office clerk, food preparation, customer service); No. 501, Southfield, Mich., 10 percent, 10–17–69 to 10–16–70 (stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, customer service); No. 4570, Austin, Minn., 1 to 10 percent, 10–20–69 to 10–19–70; No. 4251, Charlotte, N.C., 11 to 22 percent, 9–30–69 to 9–24–70 (salesclerk, checker-cashier); No. 4335, Kannapolis, N.C., 11 to 22 percent, 9–30–69 to 9–29–70; No. 4173, Cincinnati, Ohio, 7 to 22 percent, 10–20–69 to 10–19–70; No. 4190, Dayton, Ohio, 8 to 10 percent, 10–20–69 to 10–19–70; No. 4054, New Kensington, Pa., 6 to 29 percent, 10–1–69 to 9–30–70 (bagger, stock clerk, salesclerk); No. 97, Pittsburgh, Pa., 4 to 13 percent, 9–30–69 to 9–29–70 (salesclerk); No. 4119, Rochester, Pa., 6 to 10 percent, 10–9–69 to 10–8–70 (salesclerk); No. 4009, Washington, Pa., 6 to 29 percent, 10–1–69 to 9–30–70 (salesclerk); No. 4043, Columbia, S.C., 10 percent, 9–24–69 to 9–23–70 (salesclerk, stock clerk, office clerk); No. 4016, Greenville, S.C., 10 percent, 10–19–69 to 10–18–70 (salesclerk); No. 4023, Amarillo, Tex., 0.2 to 7 percent, 10–10–69 to 10–9–70 (salesclerk, stock clerk, office clerk, checker-cashier, customer service); No. 705, Houston, Tex., 7 to 27 percent, 9–27–69 to 9–26–70; No. 715, Houston, Tex., 7 to 27 percent, 9–27–69 to 9–26–70 (checker-cashier, stock clerk, salesclerk, maintenance); No. 4328, Houston, Tex., 7 to 27 percent, 10–29–69 to 10–28–70 (salesclerk); No. 743, Pasadena, Tex., 7 to 27 percent, 9–27–69 to 9–26–70 (salesclerk); No. 4029, San Angelo, Tex., 7 to 10 percent, 10–1–69 to 9–30–70 (salesclerk); No. 4348, Wichita Falls, Tex., 7 to 27 percent, 10–6–69 to 10–5–70; No. 4042, Fredericksburg, Va., 10 to 20 percent, 10–1–69 to 9–29–70; No. 547, Springfield, Va., 14 to 25 percent, 10–1–69 to 9–30–70; No. 4254, Oshkosh, Wis., 3 to 20 percent, 10–14–69 to 10–13–70 (salesclerk, stock clerk, office clerk, checker-cashier).

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk: No. 196, West Palm Beach, Fla., 9 to 19 percent, 10–19–69 to 10–18–70; No. 280, Michigan City, Ind., 3 to 9 percent, 10–19–69 to 10–18–70; No. 314, Salisbury, Md., 10 percent, 10–14–69 to 10–13–70; No. 279, Grand Rapids, Mich., 5 to 10 percent, 9–25–69 to 9–24–70; No. 294, Washington, Pa., 0 to 20 percent, 10–3–69 to 10–2–70; No. 330, Houston, Tex., 4 to 11 percent, 9–30–69 to 9–29–70.

Lovett's IGA Foodliner, food store; Carmack Boulevard, Columbia, Tenn., stock clerk, bagger; 12 to 15 percent; 10–3–69 to 10–2–70.

M & M Supermarket, food store; Wilbur Dalton, Marion, N.C.; clerk, stock clerk, bagger; 15 percent; 10–10–69 to 10–9–70.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, office clerk, stock clerk except as otherwise indicated: No. 274, Danbury, Conn., 7 to 28 percent, 10–7–69 to 10–6–70; No. 1033, Milford, Conn., 7 to 15 percent, 10–9–69 to 10–8–70; No. 1009, Norwalk, Conn., 7 to 28 percent, 10–13–69 to 10–12–70; No. 7504, Casselberry, Fla., 4 to 15 percent, 10–8–69 to 10–6–70; No. 388, Live Oak, Fla., 7 to 24 percent, 10–21–69 to 10–20–70; Nos. 319 and 7502, Orlando, Fla., 4 to 15 percent, 10–7–69 to 10–6–70; No. 366, Pensacola, Fla., 2 to 19 percent, 10–8–69 to 9–26–70 (salesclerk, stock clerk); No. 356, Plant City, Fla., 10 to 30 percent, 10–8–69 to 10–2–70 (salesclerk, stock clerk); No. 340, Tarpon Springs, Fla., 6 to 34 percent, 9–23–69 to 9–22–70; No. 262, Titusville, Fla., 6 to 18 percent, 10–1–69 to 9–30–70 (office clerk, porter, salesclerk, stock clerk); No. 335, Carrollton, Ga., 6 to 19 percent, 10–7–69 to 10–6–70; No. 1310, Doraville, Ga., 7 to 28 percent, 10–9–69 to 10–5–70; No. 225, Monroe, Ga., 10 to 31 percent, 9–25–69 to 9–24–70 (salesclerk, stock clerk, office clerk, porter); No. 391, Matteson, Ill., 7 to 22 percent, 9–23–69 to 9–22–70; No. 1301, Baltimore, Md., 27 to 38 percent, 9–29–69 to 9–28–70; No. 345, Ellicott City, Md., 27 to 38 percent, 10–7–69 to 10–6–70; No. 382, Fall River, Mass., 7 to 15 percent, 10–20–69 to 10–19–70; No. 641, Greenfield, Mass., 3 to 12 percent, 10–7–69 to 10–6–70; No. 377, Stirling, N.J., 9 to 20 percent, 10–3–69 to 10–2–70; No. 1040, Columbus, Ohio, 3 to 10 percent, 9–22–69 to 9–21–70; No. 257, Norwood, Ohio, 6 to 20 percent, 10–19–69 to 10–18–70; No. 210, Piqua, Ohio, 7 to 24 percent, 9–25–69 to 9–24–70; No. 381, Philadelphia, Pa., 3 to 13 percent, 10–10–69 to 10–9–70; No. 364, Scranton, Pa., 6 to 19 percent, 9–23–69 to 9–22–70 (salesclerk, stock clerk); No. 333, Wyoming, Pa., 0 to 31 percent, 9–23–69 to 9–22–70; No. 160, Sumter, S.C., 13 to 45 percent, 10–20–69 to 10–19–70 (salesclerk).

McDonald's Hamburgers, restaurant; 3594 North Lindbergh, St. Ann, Mo.; general restaurant worker; 8 to 25 percent; 10–14–69 to 10–13–70.

Memorial Hospital of Laramie County, hospital; 300 East 23d Street, Cheyenne, Wyo.; file clerk; 0.2 to 0.4 percent; 10–6–69 to 10–5–70.

Millner Aycocks, Inc., department store; 118 South Broad Street, Monroe, Ga.; salesclerk, cashier; 1 to 15 percent; 9–25–69 to 9–24–70.

Minimax, foodstore; 1201 Strawberry Road, Pasadena, Tex.; bagger, carryout, janitorial, stock clerk; 8 to 11 percent; 10–19–69 to 10–18–70.

Morgan & Lindsey, Inc., variety-department store; No. 3065, Baton Rouge, La.; salesclerk, stock clerk, office clerk; 8 to 27 percent; 10–10–69 to 10–9–70.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, janitorial: No. 82, Atlanta, Ga., 5 to 13 percent, 10–4–69 to 10–3–70; No. 313, Indianapolis, Ind., 11 to 26 percent, 10–3–69 to 10–2–70; No. 329, Ashland, Ky., 17 to 27 percent, 10–28–69 to 10–27–70; No. 317 Bel Air, Md., 22 to 33 percent, 10–3–69 to 10–2–70; No. 324, Okemos, Mich., 9 to 29 percent, 9–30–69 to 9–29–70; No. 327, Indiana, Pa., 16 to 26 percent, 10–28–69 to 10–27–70; No. 323, Annandale, Va., 13 to 23 percent, 10–10–69 to 10–9–70; No. 320, Hampton, Va., 11 to 20 percent, 10–15–69 to 10–14–70.

Neisner Brothers, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 10 to 29 percent except as otherwise indicated: No. 22, Brooksville, Fla., 10–28–69 to 10–27–70; No. 190, Cape Coral, Fla., 10–18–69 to 10–17–70; No. 95, Englewood, Fla., 10–10–69 to 10–9–70; No. 5, Palatka, Fla., 10–14–69 to 10–13–70 (8 to 17 percent).

Old Fort Supermarket, foodstore; Old Fort, N.C.; salesclerk, stock clerk, bagger; 21 percent; 10–30–69 to 10–29–70.

Pence Food Center, foodstore; 124 South Martin, Osage City, Kans.; sacker, carryout, stock clerk, checker, cleanup; 8 to 25 percent; 10–28–69 to 10–27–70.

Piggly Wiggly, foodstores, for the occupations of stock clerk, package clerk, checker, 18 to 25 percent, 10–12–69 to 10–11–70; 3500 Jenny Lind, Fort Smith, Ark.; 2222 Midland Boulevard, Fort Smith, Ark.; Phoenix Village Shopping Center, Fort Smith, Ark.

Pleezing Food Store of West Florida, foodstore; No. 2, Pensacola, Fla.; bagger, checker, stock clerk, market counter helper; 8 to 18 percent, 10–1–69 to 9–30–70.

Rayless Department Store, variety-department stores, from 13 to 34 percent: 217 Broad Avenue, Albany, Ga., salesclerk, stock clerk, office clerk, cleanup, 10–30–69 to 10–29–70; Lake Hill Shopping Center, Chattanooga, Tenn., salesclerk, stock clerk, office clerk, marker, cleanup, 10–11–69 to 10–10–70.

John P. Robillo & Co., foodstore; 910 Vance Avenue, Memphis, Tenn.; package clerk, salesclerk, checker, stock clerk; 8 to 19 percent; 10–10–69 to 9–9–70.

Rose's Stores, Inc., variety-department stores, for the occupations of salesclerk, stock clerk except as otherwise indicated, 10–1–69 to 9–30–70 except as otherwise indicated: No. 178, Alexander City, Ala., 13 to 32 percent (window trimmer, marker, checker, order writer, stock clerk, salesclerk, 10–9–69 to 9–8–70); No. 192, Winchester, Ky., 6 to 24 percent (salesclerk, stock clerk, office clerk, checker); No. 185, Elizabeth City, N.C., 5 to 29 percent; No. 9, Laurinburg, N.C., 6 to 24 percent (window trimmer, marker, checker, N.C., 13 to 28 percent (9–30–69 to 9–29–70); No. 186, Virginia Beach, Va., 13 to 31 percent (salesclerk).

Rusty's Food Centers, Inc., foodstore; 23d and Louisiana, Lawrence, Kans.; sacker, courtesy clerk, carryout; 12 to 20 percent; 9–23–69 to 9–22–70.

Schensul's Cafeteria, restaurant; East Grand River Avenue, Okemos, Mich.; bus boy (girl), food preparation, coffee girl (boy), short order cook, counter worker, dishwasher; 49 to 77 percent; 10–1–69 to 9–30–70.

Spee-D-Foods, Inc., foodstores, for the occupations of stock clerk, carryout, cleanup, 20 percent, 10–22–69 to 10–21–70; No. 2, Canton, Ohio; Nos. 1 and 3, North Canton, Ohio; No. 4, North Industry, Ohio.

Spurgeon's, department stores, for the occupations of salesclerk, stock clerk, receiving clerk, marker, janitorial: 317–319 Liberty Street, Morris, Ill., 9 to 15 percent, 9–25–69 to 9–24–70; 202 East Robinson Street, Knoxville, Iowa, 8 to 13 percent, 10–1–69 to 9–30–70.

Sunshine Department Store, department stores, for the occupation of salesclerk, 8 to 10 percent: 1241 Moreland Avenue SE., Atlanta, Ga., 10–7–69 to 10–6–70; 4735 Jonesboro Road, Forest Park, Ga., 10–1–69 to 9–30–70.

T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated: No. 199, Glendale, Ariz., 19 to 35 percent, 9–27–69 to 9–26–70; No. 1600, Monroeville, Ala., 2 to 17 percent, 10–17–69 to 10–16–70; No. 782, Auburndale, Fla., 10 to 29 percent, 10–29–69 to 10–28–70; No. 729, Port Orange, Fla., 16 to 24 percent, 10–29–69 to 10–28–70; No. 446, Wichita, Kans., 19 to 31 percent, 9–26–69 to 9–25–70; No. 792, Kenner, La., 28 to 30 percent, 10–3–69 to 9–2–70; No. 746, New Iberia, La., 6 to 22 percent, 9–25–69 to 8–24–70; No. 126, Kansas City, Mo., 22 to 30 percent, 9–21–69 to 9–20–70; No. 304, Liberty, Mo., 22 to 31 percent, 10–3–69 to 10–2–70; No. 176, Santa Fe, N. Mex., 13 to 24 percent, 9–23–69 to 9–22–70; No. 464, Chickasha, Okla., 10 to 30 percent, 10–10–69 to 10–9–70; No. 459, Claremore, Okla., 24 to 30 percent, 9–27–69 to 9–26–70; No. 1001, Del City, Okla., 28 to 30 percent, 10–14–69 to 10–13–70; No. 447, El Reno, Okla., 6 to 19 percent, 9–21–69 to 9–20–70; No. 1781, Easley, S.C., 18 to 30 percent, 10–15–69, to 9–15–70 (salesclerk, stock clerk); No. 814, Austin, Tex., 30 percent, 9–27–69 to 9–26–70; No. 806, Houston, Tex., 30 percent, 10–6–69 to 10–5–70; Nos. 811 and 838, Houston, Tex., 30 percent, 10–10–69 to 10–9–70; No. 406, Plainview, Tex., 12 to 28 percent, 9–21–69 to 9–20–70; No. 815, Temple, Tex., 30 percent, 10–15–69 to 10–14–70.

Thornberry's Super Valu Market, Inc., foodstore; Winchester, Ky., stock clerk; 7 to 27 percent; 10–7–69 to 10–6–70.

West Court Food Center, foodstore; West Court Street, Marion, N.C.; salesclerk, stock clerk, bagger; 21 percent; 10–30–69 to 10–29–70.

Williards Foodland, foodstores, for the occupations of clerk, stock clerk, bagger, 15 percent, 10–10–69 to 10–9–70: Nos. 1 and 2, Marion, N.C.

Lee Wilson Co., agriculture; 2–U Ranch, Lee, Nev.; seeder, fence mender, cattle feeder; 14 to 50 percent; 9–23–69 to 8–31–70.

Younker Brothers, Inc., department store; 555 John F. Kennedy, Dubuque, Iowa; salesclerk, stock clerk, office clerk, marker, delivery clerk, messenger, porter, wrapper, clean up; 9 to 16 percent; 10–18–69 to 10–17–70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C. this 10th day of December 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-15000; Filed, Dec. 17, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 470]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 15, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

3320-C2-P-70—James D. and Lawrence D. Garvey, doing business as Radiofone (New), C.P. for a new 2-way station to be located at 520 Rigolets Road, Slidell, La., to operate on frequency 454.225 MHz.

3321-C2-MP-(2)-70—Southern Bell Telephone & Telegraph Co. (KIG295), Modification of C.P. to change system for frequencies 152.57 and 152.66 MHz at station located at Paris Mountain, 6 miles north of Greenville, S.C.

3322-C2-P-70—Pomona Radio Dispatch Corp. (KMD992), C.P. for an additional channel to operate on frequency 454.125 MHz at a new site to be identified as location No. 2: Sunset Ridge, approximately 3 miles north of Pomona, Calif.

3323-C2-P-70—Northwestern Bell Telephone Co. (New), C.P. for a new 2-way station to be located at 2221 Carter Road, Dubuque, Iowa, to operate on frequency 152.69 MHz.

3324-C2-P-(3)-70—Tel-Car, Inc. (New), C.P. for a new 2-way station to be located at 7 miles south-southwest of Albion, Idaho, to operate on base frequency 152.09 MHz; repeater frequency 459.150 MHz. Control facilities to operate on frequency 454.150 MHz at 538 Fourth Street West, Twin Falls, Idaho.

3325-C2-P-70—Western Communications, Inc., doing business as WESCOM (New), C.P. for a new 2-way station to be located at 202-204 South Main Street, Aberdeen, S. Dak., to operate on frequency 152.03 MHz.

3326-C2-P-70—Joseph N. Thomason, (KUA285), C.P. to change antenna system and relocate base facilities to: Pendleton Municipal Airport, Pendleton, Oreg., operating on frequency 152.21 MHz; replace transmitter for same. Delete control point, repeater and control stations.

3328-C2-P-(2)-70—Central Mobile Radio Phone Service (KQD597), C.P. to change antenna system and relocate facilities to: Frytown Road at Lyleburn Road, Dayton, Ohio, operating on frequencies 152.06 and 152.15 MHz; replace transmitter on frequency 152.06 MHz.

3330-C2-AL-70—J. B. Bacon, doing business as Telephone Message Exchange (KMM697), consent to assignment of License from: J. B. Bacon, doing business as Telephone Message Exchange, Assignor to: Pass Word, Inc., Assignee.

3344-C2-P-70—Central Telephone Co. (KDT213), C.P. to change antenna location to: North of Highway 20, approximately 3½ miles southwest of Fort Dodge, Iowa, operating on frequency 152.57 MHz. Change control point location to: 616 First Avenue North, Fort Dodge, Iowa.

3345-C2-P-(3)-70—The Mountain States Telephone & Telegraph Co. (KOE513), C.P. to change input power for frequencies 152.57, 152.63, 152.75 MHz at station located at 6 miles south-southwest of Casper, Wyo.

3346-C2-P-(3)-70—Riggs Radio Dispatch (KMA836), C.P. to change antenna location to: 514 West 19th Street, Merced, Calif., operating on base frequency 152.09 and control frequencies 75.80 and 75.84 MHz at location No. 1. Replace transmitter for base facilities.

3327-C2-P-(2)-70—Joseph N. Thomason (KOP261), C.P. to change antenna location for control station to: 712 West Columbia Avenue, Pasco, Wash., operating on frequencies 454.150 MHz (convert station to narrow band operation) and 454.200 MHz (reduce deviation and narrowband transmitter).

3353-C2-AL-70—Mobile Radio Dispatch Service, Inc. (KEA256), Consent to assignment of license from: Mobile Radio Dispatch Service, Inc., Assignor to: Mobile Radio Dispatch Service, Inc., Assignee.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

3359-C2-P-70—Industrial Communications, Inc., doing business as Port Arthur Mobile Phone (New), C.P. for a new 2-way station. Base frequency: 152.12 MHz location: Goodhue Hotel, Fifth and Waco Streets, Port Arthur, Tex.

3360-C2-P-(2)-70—United Telephone Co. of Florida (KIJ354), C.P. to replace transmitter operating on 152.63 MHz and correct location to read location No. 1 1520 Lee Street, Fort Myers, Fla., and add base station at location No. 1 to operate on 152.69 MHz.

Correction

2656-C2-P-(2)-70—North Shore Radio Telephone, Inc. (KSB590), Entry to read: C.P. to relocate facilities at location No. 2 to: 1741 South O'Plane Road, Warren Township, Ill., operation on frequency 152.09 and 152.18 MHz. This replaces entry on public notice dated Nov. 24, 1969, report No. 467.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

New York

Mobile Radio Message Service, Inc., KEA260, File No. 2280-C2-P-70.

New Jersey

Tra-Mar Communications, Inc., KEJ888, File No. 923-C2-P-70.
Telephone Secretarial Service, KEA263, File No. 2358-C2-P-70.

Texas

Answer Inc. of Galveston, KLB617, File No. 1005-C2-P-70.
Joseph H. Wofford, doing business as Radiophone of Houston (New), File No. 1046-C2-P-70.

RURAL RADIO SERVICE

3331-C1-P/L-70—Southern Bell Telephone & Telegraph Co. (New), C.P. and license for a new fixed station to be located at 2 miles south of Cape Florida on south side of Biscayne Channel, Fla., to operate on frequencies 157.77, 157.83, 157.89, 157.92, 158.01 MHz.

3332-C1-P/L-70—United Telephone Co. of the Northwest (New), C.P. and license for a new fixed station to be located Prior Ranch, 17 miles southeast of Prosser, Wash., to operate on frequency 158.04 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

244 CP APPLICATIONS PROPOSING A DATA COMMUNICATIONS SERVICE ACROSS THE UNITED STATES

File No. Applicant, call sign, and particulars

2926-C1-P-70—Data Transmission Co. (New), 6256.5 MHz toward South San Francisco, Calif., and 6137.9 MHz toward Chual, Calif. Location: San Bruno Mountain, 1.2 miles south of San Francisco, Calif.

2927-C1-P-70—Data Transmission Co. (New), 6004.5 MHz toward San Bruno, Calif. Location: Corner of Skyline Boulevard and West Borough, South San Francisco, Calif.

2928-C1-P-70—Data Transmission Co. (New), 6375.15 MHz toward San Bruno Mountain, Calif., and 6390.00 MHz toward Fremont Peak, Calif. Location: 10 miles southeast of Los Gatos, Calif.

2929-C1-P-70—Data Transmission Co. (New), 6078.6 MHz toward Mount Chual, Calif., and 5982.3 MHz toward Call Mountain, Calif. Location: 10 miles northeast of Salinas, Calif.

2930-C1-P-70—Data Transmission Co. (New), 6241.7 MHz toward Fremont Peak, Calif., and 6137.9 MHz toward Calandra, Calif. Location: 7.5 miles north of San Benito, Calif.

2931-C1-P-70—Data Transmission Co. (New), 6382.6 MHz toward Call Mountain, Calif., and 6323.3 MHz toward Cuesta Peak, Calif. Location: 7 miles southwest of San Ardo, Calif.

2932-C1-P-70—Data Transmission Co. (New), 6086.0 MHz toward Calandra, Calif., and 5960.0 MHz toward Broadcast Peak, Calif. Location: 5 miles north of San Luis Obispo, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2933-C1-P-70—Data Transmission Co. (New), 6256.54 MHz toward Cuesta Peak, Calif., and 6397.40 MHz toward Frazier Mountain, Calif. Location: 10 miles northwest of Goleta, Calif.

2934-C1-P-70—Data Transmission Co. (New), 6123.11 MHz toward Broadcast Peak, Calif., and 6345.5 MHz toward Mount Lukens, Calif. Location: 4 miles south of Frazier Park, Calif.

2935-C1-P-70—Data Transmission Co. (New), 6004.50 MHz toward Frazier Mountain, Calif. and 6123.11 MHz toward Modjeska Peak, Calif., and 6093.46 MHz toward Beverly Hills, Calif. Location: 3 miles north of La Crescenta, Calif.

2936-C1-P-70—Data Transmission Co. (New), 6404.8 MHz toward Mount Lukens, Calif. Location: 5900 Wilshire Boulevard, Beverly Hills, Calif.

2937-C1-P-70—Data Transmission Co. (New), 6256.54 MHz toward Toro Peak, Calif., and 6375.15 MHz toward Mount Lukens, Calif. Location: 10.5 miles south of Corona, Calif.

2938-C1-P-70—Data Transmission Co. (New), 6000.8 MHz toward Modjeska Peak, Calif. and 6177.54 MHz toward Black Butte, Calif., and 6345.50 MHz toward San Miguel, Calif. Location: 14 miles south of Palm Desert, Calif.

2939-C1-P-70—Data Transmission Co. (New), 6093.5 MHz toward Toro Peak, Calif., and 6093.5 MHz toward San Diego, Calif. Location: 3.7 miles southwest of Indian Springs, Calif.

2940-C1-P-70—Data Transmission Co. (New), 6197.2 MHz toward San Miguel Mountain, Calif. Location: Home Tower Building, 707 Broadway, San Diego, Calif.

2941-C1-P-70—Data Transmission Co. (New), 5945.200 MHz toward Toro Peak, Calif., and 6367.691 MHz toward Quartz Peak, Ariz. Location: 11 miles south of Desert Center, Calif.

2942-C1-P-70—Data Transmission Co. (New), 6004.50 MHz toward Telegraph Pass, Ariz. and 6152.76 MHz toward Black Butte, Calif. Location: 26.7 miles south of Palo Verde, Calif.

2943-C1-P-70—Data Transmission Co. (New), 6375.15 MHz toward Oatman Mountain, Ariz., and 6256.54 MHz toward Quartz Peak, Ariz. Location: 2.5 miles west of Ligurta, Ariz.

2944-C1-P-70—Data Tranamission Co. (New), 6256.54 MHz toward White Tank Mountain, Ariz., and 6152.76 MHz toward Telegraph Pass, Ariz. Location: 5.4 miles southeast of Montezuma, Ariz.

2945-C1-P-70—Data Transmission Co. (New), 5974.85 MHz toward Oatman Mountain, Ariz., and 6093.46 MHz toward Mount Ord, Ariz., and 6049.00 MHz toward Phoenix, Ariz. Location: 15 miles north of Buckeye, Ariz.

2946-C1-P-70—Data Transmission Co. (New), 6301.0 MHz toward White Tank Mountain, Ariz. Location: Corner of Clarendon and Central Avenue, Phoenix, Ariz.

2947—C1-P-70—Data Tranamission Co. (New), 6345.5 MHz toward White Tank Mountain, Ariz., and 6404.8 MHz toward Pinal Peak, Ariz. Location: 4.4 miles northeast of Sunflower, Ariz.

2948-C1-P-70—Data Transmission Co. (New), 6152.76 MHz toward Mount Ord, Ariz., and 6226.89 MHz toward Lonestar Mountain, Ariz. Location: 7.5 miles southwest of Globe, Ariz.

2949-C1-P-70—Data Transmission Co. (New), 5974.85 MHz toward Pinal Peak, Ariz., and 6345.50 MHz toward Jack's Mountain, N. Mex. Location: 9 miles northeast of Safford, Ariz.

2950-C1-P-70—Data Tranamission Co. (New), 6093.46 MHz toward Lonestar Mountain, Ariz., and 6034.15 MHz toward Flourite Ranch, N. Mex. Location: 15.5 miles southwest of Silver City, N. Mex.

2951-C1-P-70—Data Transmission Co. (New), 6404.80 MHz toward Aden Hills, N. Mex., and 6286.19 MHz Jack's Mountain, N. Mex. Location: 10 miles north of Deming, N. Mex.

2952-C1-P-70—Data Transmission Co. (New), 6152.76 MHz toward Flourite Ranch, N. Mex., and 6286.19 MHz toward Anthony Gap, N. Mex. Location: 20 miles southwest of Las Cruces, N. Mex.

2953-C1-P-70—Data Transmission Co. (New), 6034.15 MHz toward Aden Hills, N. Mex., and 6404.80 MHz toward Escondida Tract, N. Mex. Location: 4.3 miles east of Anthony, N. Mex.

2954-C1-P-70—Data Transmission Co. (New), 6152.76 MHz toward Anthony Gap, N. Mex., and 6226.89 MHz toward El Capitan, Tex. Location: 5 miles south of Alamogordo, N. Mex.

2955-C1-P-70—Data Transmission Co. (New), 6017.2 MHz toward Escondida T., N. Mex., and 6135.8 MHz toward Corral Peak, Tex. Location: 2.5 miles west of Pine Springs, Tex.

2956-C1-P-70—Data Transmission Co. (New), 6375.15 MHz toward El Capitan, Tex., and 6256.54 MHz toward Levinson, Tex. Location: 35 miles southeast of Pine Springs, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2957-C1-P-70—Data Transmission Co. (New), 6004.50 MHz toward Corral Peak, Tex., and 6404.80 MHz toward Pecos Peak, Tex. Location: 2 miles east of Levinson, Tex.

2958-C1-P-70—Data Transmission Co. (New), 6152.76 MHz toward Levinson, Tex., and 6197.24 MHz toward Sierra Madera, Tex. Location: 18 miles southeast of Toyahvale, Tex.

2959-C1-P-70—Data Transmission Co. (New), 5945.200 MHz toward Pecos Peak, Tex., and 6345.500 MHz toward East Mesa, Tex., and 6256.540 MHz toward Thorn Ranch, Tex. Location: 20 miles south of Fort Stockton, Tex.

2960-C1-P-70—Data Transmission Co. (New), 6004.50 MHz toward Sierra Madera, Tex., and 6375.15 MHz toward Richland, Tex. Location: 32 miles southeast of Fort Stockton, Tex.

2961-C1-P-70—Data Transmission Co. (New), 6123.11 MHz toward Thorn Ranch, Tex., and 6226.89 MHz toward Government Canyon, Tex. Location: 18.2 miles south of Sheffield, Tex.

2962-C1-P-70—Data Transmission Co. (New), 5974.85 MHz toward Richland, Tex., and 6152.76 MHz toward East Fork, Tex. Location: 17 miles southwest of Ozona, Tex.

2963-C1-P-70—Data Transmission Co. (New), 6404.80 MHz toward Government Canyon, Tex., and 6375.15 MHz toward Mayfield Ranch, Tex. Location: 21 miles southwest of Sonora, Tex.

2964-C1-P-70—Data Transmission Co. (New), 6123.11 MHz toward East Fork, Tex., and 6219.50 MHz toward Wardlaw Ranch, Tex. Location: 22 miles northwest of Rock Springs, Tex.

2965-C1-P-70—Data Transmission Co. (New), 5967.395 MHz toward Mayfield Ranch, Tex., and 6345.500 MHz toward Las Moras, Tex. Location: 9.5 miles northeast of Carta Valley, Tex.

2966-C1-P-70—Data Transmission Co. (New), 6071.191 MHz toward Wardlaw Ranch, Tex., and 6152.76 MHz toward Uvalde, Tex. Location: 3 miles northeast of Brackettville, Tex.

2967-C1-P-70—Data Transmission Co. (New), 6397.395 MHz toward Las Moras, Tex., and 6205.000 MHz toward D'Hanis, Tex. Location: 3.5 miles northeast of Uvalde, Tex.

2968-C1-P-70—Data Transmission Co. (New), 5952.598 MHz toward Uvalde, Tex., and 6315.850 MHz toward Rio Medina, Tex. Location: 2 miles southeast of D'Hanis, Tex.

2969-C1-P-70—Data Transmission Co. (New), 6055.000 MHz toward D'Hanis, Tex., and 6404.8 MHz toward San Antonio, Tex. Location: 4 miles east of Rio Medina, Tex.

2970-C1-P-70—Data Transmission Co. (New), 6152.8 MHz toward Rio Medina, Tex. Location: 430 Solodad Avenue, San Antonio, Tex.

2971-C1-P-70—Data Transmission Co. (New), 6093.460 MHz toward Sierra Madera, Tex., and 6256.540 MHz toward King Mountain, Tex. Location: 14 miles northeast of Fort Stockton, Tex.

2972-C1-P-70—Data Transmission Co. (New), 6004.500 MHz toward East Mesa, Tex., and 6345.500 MHz toward Ector Peak, Tex. Location: 7 miles north of McCamey, Tex.

2973-C1-P-70—Data Transmission Co. (New), 6093.46 MHz toward King Mountain, Tex., and 6226.89 MHz toward Pipeline, Tex. Location: 10 miles southwest of Odessa, Tex.

2974-C1-P-70—Data Transmission Co. (New), 5974.85 MHz toward Ector Peak, Tex., and 6404.80 MHz toward Newton, Tex. Location: 12 miles south of Midland, Tex.

2975-C1-P-70—Data Transmission Co. (New), 6152.76 MHz toward Pipeline, Tex., and 6226.89 MHz toward Big Spring, Tex. Location: 8.6 miles northwest of Garden City, Tex.

2976-C1-P-70—Data Transmission Co. (New), 5974.85 MHz toward Newton, Tex., and 6375.15 MHz toward Champion, Tex. Location: 4 miles northwest of Farson, Tex.

2977-C1-P-70—Data Transmission Co. (New), 6123.11 MHz toward Big Spring, Tex., and 6256.54 MHz toward Sweetwater, Tex. Location: 5.2 miles southeast of Champion, Tex.

2978-C1-P-70—Data Transmission Co. (New), 6004.500 MHz toward Champion, Tex., and 6345.500 MHz toward Estes Ranch, Tex. Location: 9 miles east of Sweetwater, Tex.

2979-C1-P-70—Data Transmission Co. (New), 6093.46 MHz toward Sweetwater, Tex., and 6197.24 MHz toward Davis Ranch, Tex. Location: 2.5 miles north of Abilene, Tex.

2980-C1-P-70—Data Transmission Co. (New), 5945.200 MHz toward Estes Ranch, Tex., and 6256.540 MHz toward Breckenridge, Tex. Location: 1.5 miles southeast of Shackelford, Tex.

2981-C1-P-70—Data Transmission Co. (New), 6004.500 MHz toward Davis Ranch, Tex., and 6375.150 MHz toward Brakeen, Tex. Location: 0.5 mile west of Breckenridge, Tex.

2982-C1-P-70—Data Transmission Co. (New), 6123.11 MHz toward Breckenridge, Tex., and 6286.19 MHz toward Mineral Wells, Tex. Location: 0.5 mile east of Brad, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2983–C1–P–70—Data Transmission Co. (New), 6034.15 MHz toward Brakeen, Tex., and 6345.50 MHz toward Weatherford, Tex. Location: 0.7 mile northeast of Mineral Wells, Tex.
2984–C1–P–70—Data Transmission Co. (New), 6093.46 MHz toward Mineral Wells, Tex., and 6256.54 MHz toward Burleson, Tex., and 6345.50 MHz toward Skeen Park, Tex. Location: 4.3 miles southeast of Weatherford, Tex.
2985–C1–P–70—Data Transmission Co. (New), 6004.50 MHz toward Weatherford, Tex., and 6375.15 MHz toward Cedar Hill, Tex. Location: 2.7 miles northeast of Burleson, Tex.
2986–C1–P–70—Data Transmission Co. (New), 6123.1 MHz toward Burleson, Tex., and 6034.2 MHz toward Bristol, Tex., and 5974.8 MHz toward Dallas, Tex. Location: 1 mile west of Cedar Hill, Tex.
2987–C1–P–70—Data Transmission Co. (New), 6404.8 MHz toward Cedar Hill, Tex. Location: 1949 North Stemmons Freeway, Dallas, Tex.
2988–C1–P–70—Data Transmission Co. (New), 6286.19 MHz toward Cedar Hill, Tex., and 6360 MHz toward Stockard, Tex. Location: 0.7 mile, southeast of Briston, Tex.
2989–C1–P–70—Data Transmission Co. (New), 6108.297 MHz toward Bristol, Tex., and 6404.800 MHz toward Montalba, Tex. Location: 2.5 miles northeast of Stockard, Tex.
2990–C1–P–70—Data Transmission Co. (New), 6152.760 MHz toward Stockard, Tex., and 6271.297 MHz toward Russell, Tex. Location: 2 miles northeast of Montalba, Tex.
2991–C1–P–70—Data Transmission Co. (New), 6019.297 MHz toward Montalba, Tex., and 6049.000 MHz toward Mossy Grove, Tex. Location: 10 miles northeast of Centerville, Tex.
2992–C1–P–70—Data Transmission Co. (New), 6301.00 MHz toward Russell, Tex., and 6404.80 MHz toward Willis, Tex. Location: 4 miles southeast of Mossy Grove, Tex.
2993–C1–P–70—Data Transmission Co. (New), 6152.8 MHz toward Mossy Grove, Tex., and 6286.2 MHz toward Spring, Tex. Location: 1 mile northwest of Willis, Tex.
2994–C1–P–70—Data Transmission Co. (New), 6034.2 MHz toward Willis, Tex., and 6360.3 MHz toward Houston, Tex. Location: 3.8 miles west of Spring, Tex.
2995–C1–P–70—Data Transmission Co. (New), 6108.3 MHz toward Spring, Tex. Location: Houston National Gas Building, 1200 Travis Street, Houston, Tex.
2996–C1–P–70—Data Transmission Co. (New), 6093.46 MHz toward Weatherford, Tex., and 6004.50 MHz toward Jim Ned Lookout, Tex. Location: 1.5 miles northwest of Agnes, Tex.
2997–C1–P–70—Data Transmission Co. (New), 6256.54 MHz toward Skeen Peak, Tex., and 6375.15 MHz toward Oscar, Okla. Location: 1 mile southwest of Dye, Tex.
2998–C1–P–70—Data Transmission Co. (New), 6123.11 MHz toward Jim Ned Lookout, Okla., and 6093.46 MHz toward Velma, Okla. Location: 1.1 miles northwest of Oscar, Okla.
2999–C1–P–70—Data Transmission Co. (New), 6345.50 MHz toward Oscar, Okla., and 5974.85 MHz toward Rush Springs, Okla. Location: 2.0 miles southwest of Velma, Okla.
3000–C1–P–70—Data Transmission Co. (New), 6226.89 MHz toward Velma, Okla., and 6375.15 MHz toward Bridge Creek, Okla. Location: 2.1 miles northeast of Rush Springs, Okla.
3001–C1–P–70—Data Transmission Co. (New), 6123.11 MHz toward Rush Springs, Okla., and 6286.19 MHz toward El Reno, Okla. Location: 4.2 miles southeast of Water, Okla.
3002–C1–P–70—Data Transmission Co. (New), 6034.15 MHz toward Bridge Creek, Okla., and 6404.80 MHz toward Guthrie, Okla., and 5974.80 MHz toward Oklahoma City, Okla. Location: 4.8 miles northeast of El Reno, Okla.
3003–C1–P–70—Data Transmission Co. (New), 6226.9 MHz toward El Reno, Okla. Location: Liberty Bank & Trust Co., 204 North Robinson Street, Oklahoma City, Okla.
3004–C1–P–70—Data Transmission Co. (New), 6152.76 MHz toward El Reno, Okla., and 6256.54 MHz toward Perry, Okla. Location: 3 miles southeast of Guthrie, Okla.
3005–C1–P–70—Data Transmission Co. (New), 6004.50 MHz toward Guthrie, Okla., and 6375.15 MHz toward Camp Creek, Okla. Location: 4.5 miles southwest of Noble, Okla.
3006–C1–P–70—Data Transmission Co. (New), 6123.11 MHz toward Perry, Okla., and 6034.15 MHz toward Wareshaw Creek, Okla. Location: 9 miles east of Glencoe, Okla.
3007–C1–P–70—Data Transmission Co. (New), 6286.19 MHz toward Camp Creek, Okla., and 6404.80 MHz toward Owasso, Okla. Location: 5 miles east of Osage, Okla.
3008–C1–P–70—Data Transmission Co. (New), 6152.76 MHz toward Waresha Creek, Okla., and 6256.54 MHz toward Pryor, Okla. Location: 2.4 miles northwest of Owasso, Okla.
3009–C1–P–70—Data Transmission Co. (New), 6004.50 MHz toward Owasso, Okla., and 6123.11 MHz toward Cleora, Okla. Location: 5 miles west of Pryor, Okla.
3010–C1–P–70—Data Transmission Co. (New), 6375.15 MHz toward Pryor, Okla., and 6256.54 MHz toward Redings Mill, Mo. Location: 9.2 miles southeast of Vinita, Okla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3011–C1–P–70—Data Transmission Co. (New), 6004.500 MHz toward Cleora, Okla., and 6108.297 MHz toward Arma, Kans. Location: 2.2 miles southwest of Redings Mill, Mo.
3012–C1–P–70—Data Transmission Co. (New), 6360.00 MHz toward Redings Mill, Mo., and 6409.00 MHz toward Savonburg, Kans. Location: 1.7 miles southeast of Arma, Kans.
3013–C1–P–70—Data Transmission Co. (New), 6155.00 MHz toward Arma, Kans., and 6345.50 MHz toward Kincaid, Kans. Location: 3 miles northwest of Porterville, Kans.
3014–C1–P–70—Data Transmission Co. (New), 6093.46 MHz toward Savonburg, Kans., and 6197.24 MHz toward Paola, Kans. Location: 3.8 miles north of Kincaid, Kans.
3015–C1–P–70—Data Transmission Co. (New), 5945.200 MHz toward Kincaid, Kans., and 6360.297 MHz toward Olathe, Kans. Location: 6 miles northwest of Paola, Kans.
3016–C1–P–70—Data Transmission Co. (New), 6108.297 MHz toward Paola, Kans., and 6152.760 MHz toward Leavenworth, Kans. Location: 4.2 miles northwest of Olathe, Kans.
3017–C1–P–70—Data Transmission Co. (New), 6404.80 MHz toward Olathe, Kans., and 6286.19 MHz toward Nashua, Kans., and 6256.50 MHz toward Blair, Kans. Location: 3.8 miles southwest of Springdale, Kans.
3018–C1–P–70—Data Transmission Co. (New), 6034.15 MHz toward Leavenworth, Kans., and 6134.50 MHz toward Odessa, Mo., and 6093.50 MHz toward Kansas City, Mo. Location: 1.6 miles east of Nashua, Mo.
3019–C1–P–70—Data Transmission Co. (New), 6093.5 MHz toward Nashua, Mo. Location: Commerce Bank Tower, Ninth and Main Streets, Kansas City, Mo.
3020–C1–P–70—Data Transmission Co. (New), 6390.00 MHz toward Nashua, Mo., and 6375.15 MHz toward Warrensburg, Mo. Location: 3 miles northwest of Odessa, Mo.
3021–C1–P–70—Data Transmission Co. (New), 6123.11 MHz toward Odessa, Mo., and 6197.24 MHz toward Sedalia, Mo. Location: 3 miles northwest of Burtville, Mo.
3022–C1–P–70—Data Transmission Co. (New), 5945.20 MHz toward Warrensburg, Mo., and 6226.89 MHz toward Tipton, Mo. Location: 2.7 miles north of Sedalia, Mo.
3023–C1–P–70—Data Transmission Co. (New), 5974.85 MHz toward Sedalia, Mo., and 6404.80 MHz toward Ashland, Mo. Location: 3.4 miles north of Tipton, Mo.
3024–C1–P–70—Data Transmission Co. (New), 6152.76 MHz toward Tipton, Mo., and 6375.15 MHz toward St. Aubert, Mo. Location: 1.7 miles northwest of Ashland, Mo.
3025–C1–P–70—Data Transmission Co. (New), 5989.7 MHz toward Ashland, Mo. and 6152.760 MHz toward Hermann, Mo. Location: 2.2 miles southeast of St. Aubert, Mo.
3026–C1–P–70—Data Transmission Co. (New), 6404.800 MHz toward St. Aubert, Mo., and 6360.297 MHz toward Fox Creek, Mo. Location: 1.4 miles southeast of Hermann, Mo.
3027–C1–P–70—Data Transmission Co. (New), 6108.3 MHz toward Hermann, Mo., and 6034.2 MHz toward St. Louis, Mo. Location: 2.6 miles southeast of Oetters, Mo.
3028–C1–P–70—Data Transmission Co. (New), 6241.7 MHz toward Fox Creek, Mo. Location: The Laclede Gas Building, Eighth and Olive Streets, St. Louis, Mo.
3029–C1–P–70—Data Transmission Co. (New), 6049.000 MHz toward Barada, Nebr., and 5989.598 MHz toward Leavenworth, Kans. Location: 2.7 miles northwest of Blair, Kans.
3030–C1–P–70—Data Transmission Co. (New), 6375.150 MHz toward Paul, Nebr., and 6330.598 MHz toward Blair, Kans. Location: 3.1 miles northeast of Barada, Nebr.
3031–C1–P–70—Data Transmission Co. (New), 6256.54 MHz toward Mills, Iowa, and 6123.11 MHz toward Barada, Nebr. Location: 3 miles northwest of Paul, Nebr.
3032–C1–P–70—Data Transmission Co. (New), 6404.80 MHz toward Shelby, Iowa, and 6004.50 MHz toward Paul, Nebr., and 5945.20 MHz toward Omaha, Nebr. Location: 5.6 miles west of Mineola, Tex.
3033–C1–P–70—Data Transmission Co. (New), 6197.2 MHz toward Mills, Nebr. Location: Woodman Building, 1700 Farnam Street, Omaha, Nebr.
3034–C1–P–70—Data Transmission Co. (New), 6123.11 MHz toward Sharon, Iowa, and 6152.76 MHz toward Mills, Iowa. Location: 2.8 miles northwest of Shelby, Iowa.
3035–C1–P–70—Data Transmission Co. (New), 5989.691 MHz toward Dedham, Iowa, and 6375.15 MHz toward Shelby, Iowa, and 5945.20 MHz toward Adair, Iowa. Location: 2 miles northwest of Sharon, Iowa.
3036–C1–P–70—Data Transmission Co. (New), 6404.5 MHz toward Sharon, Iowa, and 6034.2 MHz toward Webster, Iowa. Location: 2 miles northeast of Adair, Iowa.
3037–C1–P–70—Data Transmission Co. (New), 6197.2 MHz toward Adair, Iowa, and 6345.5 MHz toward Des Moines, Iowa. Location: 3.6 miles north of Webster, Iowa.
3038–C1–P–70—Data Transmission Co. (New), 5945.2 MHz toward Webster, Iowa. Location: Ninth at Pleasant Street, Des Moines, Iowa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3039–C1–P–70—Data Transmission Co. (New), 6345.50 MHz toward Sherwood, Iowa, and 6241.00 MHz toward Sharon, Iowa. Location: 2.8 miles northwest of Dedham, Iowa.
3040–C1–P–70—Data Transmission Co. (New), 6197.24 MHz toward Stormlake, Iowa, and 6093.46 MHz toward Dedham, Iowa. Location: 0.2 mile west of Sherwood, Iowa.
3041–C1–P–70—Data Transmission Co. (New), 6404.80 MHz toward Webb, Iowa, and 5945.20 MHz toward Sherwood, Iowa. Location: 2.7 miles west of Stormlake, Iowa.
3042–C1–P–70—Data Transmission Co. (New), 6152.76 MHz toward Stormlake, Iowa, and 6375.15 MHz toward Fairville, Iowa. Location: 4.8 miles northeast of Webb, Iowa.
3043–C1–P–70—Data Transmission Co. (New), 6093.11 MHz toward Thompson, Iowa, and 6123.11 MHz toward Webb, Iowa. Location: 1.4 miles south of Fairville, Iowa.
3044–C1–P–70—Data Transmission Co. (New), 6197.24 MHz toward Freeborn, Minn., and 6345.50 MHz toward Fairville, Iowa. Location: 7.9 miles northwest of Forest City, Iowa.
3045–C1–P–70—Data Transmission Co. (New), 6375.15 MHz toward Weseca, Minn., and 6343.50 MHz toward Northwood, Iowa, and 5945.20 MHz toward Thompson, Iowa. Location: 4 miles southeast of Freeborn, Minn.
3046–C1–P–70—Data Transmission Co. (New), 6019.297 MHz toward Montgomery, Minn., and 6137.895 MHz toward Freeborn, Minn. Location: 4.5 miles northeast of Waseca, Minn.
3047–C1–P–70—Data Transmission Co. (New), 6271.297 MHz toward Waseca, Minn., and 6152.8 MHz toward Minneapolis, Minn. Location: 3 miles southeast of Montgomery, Minn.
3048–C1–P–70—Data Transmission Co. (New), 6382.6 MHz toward Montgomery, Minn. Location: IDS Center, Eighth and Nicollet Mall, Minneapolis, Minn.
3049–C1–P–70—Data Transmission Co. (New), 6063.61 MHz toward Bailey, Iowa, and 6093.46 MHz toward Freeborn, Minn. Location: 1.8 miles north of Northwood, Iowa.
3050–C1–P–70—Data Transmission Co. (New), 6197.24 MHz toward Harmony, Minn., and 6315.85 MHz toward Northwood, Iowa. Location: 2.2 miles northeast of Bailey, Iowa.
3051–C1–P–70—Data Transmission Co. (New), 5987.50 MHz toward Waukon, Iowa, and 5945.20 MHz toward Bailey, Iowa. Location: 2.3 miles east of Harmony, Minn.
3052–C1–P–70—Data Transmission Co. (New), 6152.76 MHz toward Seneca, Wis., and 6241.00 MHz toward Harmony, Minn. Location: 1 mile northwest of Waukon, Iowa.
3053–C1–P–70—Data Transmission Co. (New), 6375.15 MHz toward Highland, Wis., and 6404.80 MHz toward Waukon, Iowa. Location: 1 mile north of Seneca, Wis.
3054–C1–P–70—Data Transmission Co. (New), 6034.15 MHz toward Highland, Wis., and 6145.297 MHz toward Brooklyn, Wis., and 5945.2 MHz toward Madison, Wis. Location: 1.3 miles northwest of Blue Mounds, Wis.
3055–C1–P–70—Data Transmission Co. (New), 6226.9 MHz toward Blue Mounds, Wis. Location: First National Bank, 1 South Pinckney Street, Madison, Wis.
3056–C1–P–70—Data Transmission Co. (New), 6397.395 MHz toward Blue Mounds, Wis., and 6256.54 MHz toward Rock Grove, Ill. Location: 2.1 miles southeast of Brooklyn, Wis.
3057–C1–P–70—Data Transmission Co. (New), 6019.297 MHz toward Brooklyn, Wis. and 6387.50 MHz toward Rockford, Ill. Location: 2.5 miles northeast of Rock Grove, Ill.
3058–C1–P–70—Data Transmission Co. (New), 5974.85 MHz toward Starks, Ill., and 6123.11 MHz toward Rock Grove, Ill., and 6004.5 MHz toward Como, Ill. Location: 2.5 miles northeast of Harlem, Ill.
3059–C1–P–70—Data Transmission Co. (New), 6197.2 MHz toward Rockford, Ill., and 6256.5 MHz toward Big Bend, Wis. Location: 2.2 miles northwest of Como, Wis.
3060–C1–P–70—Data Transmission Co. (New), 5974.8 MHz toward Como, Wis., and 5945.2 MHz toward Milwaukee, Wis. Location: 2.2 miles northwest of Big Bend, Wis.
3061–C1–P–70—Data Transmission Co. (New), 6315.9 MHz toward Big Bend, Wis. Location: 11th and State Street, Milwaukee, Wis.
3062–C1–P–70—Data Transmission Co. (New), 6278.797 MHz toward Blue Mounds, Wis., and 6123.11 MHz toward Seneca, Wis. Location: 1.4 miles north of Highland, Wis.
3063–C1–P–70—Data Transmission Co. (New), 6226.89 MHz toward Rockford, Ill., and 6330.691 MHz toward Wheaton, Ill. Location: 1.5 miles southwest of Starks, Ill.
3064–C1–P–70—Data Transmission Co. (New), 6093.46 MHz toward Starks, Ill., and 6123.11 MHz toward Tinley Park, Ill. Location: 1.8 miles southwest of Wheaton, Ill.
3065–C1–P–70—Data Transmission Co. (New), 5969.6 MHz toward Beatrice, Ind., and 6360.3 toward Wheaton, Ill., and 6404.8 MHz toward Chicago, Ill. Location: 3.0 miles west of Tinley Park, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3066–C1–P–70—Data Transmission Co. (New), 5945.2 MHz toward Tinley Park, Ill. Location: John Hancock Building, 875 North Michigan Boulevard, Chicago, Ill.
3067–C1–P–70—Data Transmission Co. (New), 6256.54 MHz toward Tinley Park, Ill., and 6286.19 MHz toward Medaryville, Ind. Location: 4 miles northwest of Porter Crossroad, Ind.
3068–C1–P–70—Data Transmission Co. (New), 6049.00 MHz toward Beatrice, 6019.00 MHz toward Delong, Ind. Location: 2.6 miles southwest of Medaryville, Ind.
3069–C1–P–70—Data Transmission Co. (New), 6249.098 MHz toward Medaryville, Ind., and 6204.691 MHz toward Gilead, Ind. Location: 1.5 miles southwest of Delong, Ind.
3070–C1–P–70—Data Transmission Co. (New), 6004.50 MHz toward Delong Ind., and 6093.50 MHz toward Wawpecong, Ind. Location: 2.5 miles southwest of Gilead, Ind.
3071–C1–P–70—Data Transmission Co. (New), 6382.6 MHz toward Gilead, Ind., and 6197.2 MHz toward Tetersburg, Ind. Location: 0.2 mile east of Wawpecong, Ind.
3072–C1–P–70—Data Transmission Co. (New), 5945.20 MHz toward Wawpecong, Ind., and 6375.15 MHz toward Eden, Ind. Location: 1.2 miles southwest of Tetersburg, Ind.
3073–C1–P–70—Data Transmission Co. (New), 6034.15 MHz toward Greenwood, Ind., and 6123.11 MHz toward Tetersburg, Ind., and 10,795 MHz toward Indianapolis, Ind. Location: 2 miles southwest of Eden, Ill.
3074–C1–P–70—Data Transmission Co. (New), 11,285 MHz toward Eden, Ind. Location: One Indiana Square, Indianapolis, Ind.
3075–C1–P–70—Data Transmission Co. (New), 6271.297 MHz toward Eden, Ind., and 5945.20 MHz toward Taylor Hill, Ind. Location: 0.5 mile southeast of Greenwood, Ind.
3076–C1–P–70—Data Transmission Co. (New), 6197.24 MHz toward Greenwood, Ind., and 6315.85 MHz toward New Philadelphia, Ind., and 6404.80 MHz toward Greensburg, Ind. Location: 1.7 miles northeast of Bethaney, Ind.
3077–C1–P–70—Data Transmission Co. (New), 6123.1 MHz toward Taylor Hill (Bethaney), Ind., and 6152.8 MHz toward Penntown, Ind. Location: 10 miles south of Greensburg, Ind.
3078–C1–P–70—Data Transmission Co. (New), 6375.2 MHz toward Greensburg, Ind., and 6315.9 MHz toward New Baltimore, Ohio. Location: 1.3 miles southeast of Penntown, Ind.
3079–C1–P–70—Data Transmission Co. (New), 5945.2 MHz toward Penntown, Ind., and 6063.8 MHz toward Maineville, Ohio, and 6093.5 MHz toward Cincinnati, Ohio. Location: 2.2 miles northwest of New Baltimore, Ohio.
3080–C1–P–70—Data Transmission Co. (New), 6404.8 MHz toward New Baltimore, Ohio. Location: Fifth and Vine Streets, Cincinnati, Ohio.
3081–C1–P–70—Data Transmission Co. (New), 6226.9 MHz toward New Baltimore, Ohio, and 6404.8 MHz toward Snow Hill, Ohio. Location: 2.5 miles southeast of Mainesville, Ohio.
3082–C1–P–70—Data Transmission Co. (New), 6152.8 MHz toward Maineville, Ohio, and 6123.1 MHz toward Yatesville, Ohio. Location: 1.5 miles northwest of Snow Hill, Ohio.
3083–C1–P–70—Data Transmission Co. (New), 6197.2 MHz toward Snow Hill, Ohio, and 6315.9 MHz toward Columbus, Ohio. Location: 1.4 miles northwest of Yatesville, Ohio.
3084–C1–P–70—Data Transmission Co. (New), 5945.2 MHz toward Yatesville, Ohio. Location: 88 East Broad Street, Columbus, Ohio.
3085–C1–P–70—Data Transmission Co. (New), 6019.297 MHz toward Lanesville, Ind., and 6049.00 MHz toward Taylor Hill, Ind. Location: 2.7 miles northwest of South Boston.
3086–C1–P–70—Data Transmission Co. (New), 6375.15 MHz toward Garret, Ky., and 6256.54 MHz toward New Philadelphia, Ind., and 6330.7 MHz toward Louisville, Ky. Location: 3.2 miles east of Lanesville, Ind.
3087–C1–P–70—Data Transmission Co. (New), 6078.7 MHz toward Lanesville, Ind. Location: First National Bank, 101 South Fifth Street, Louisville, Ky.
3088–C1–P–70—Data Transmission Co. (New), 6137.50 MHz toward Lanesville, Ind., and 6212.00 MHz toward Layman Knob, Ky. Location: 2.4 miles east of Garrett, Ky.
3089–C1–P–70—Data Transmission Co. (New), 5960.00 MHz toward Garrett, Ky., and 6123.11 MHz toward Nick, Ky. Location: 1.2 miles northwest of Leitchfield, Ky.
3090–C1–P–70—Data Transmission Co. (New), 6360.11 MHz toward Layman Knob, Ky., and 6286.19 MHz toward Pilot Knob, Ky. Location: 1.0 mile south of Nick, Ky.
3091–C1–P–70—Data Transmission Co. (New), 6049.00 MHz toward Nick, Ky., and 6123.11 MHz toward South Tunnel, Tenn. Location: 3.3 miles northwest of Turnertown, Ky.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3092–C1–P–70—Data Transmission Co. (New), 6226.89 MHz toward Short Mountain, Tenn., and 6375.15 MHz toward Pilot Knob, Ky. Location: 1.0 mile southwest of South Tunnel, Tenn.

3093–C1–P–70—Data Transmission Co. (New), 6315.85 MHz toward Kelley Creek, Tenn., and 6108.297 MHz toward Cross Keys, Tenn., and 6152.76 MHz toward Nashville Repeater, Tenn., and 6093.46 MHz toward Nashville Repeater, Tenn., and 5974.85 MHz toward South Tunnel, Tenn. Location: 3.4 miles northeast of Half Acre, Tenn.

3094–C1–P–70—Data Transmission Co. (New), 6345.5 MHz toward Short Mountain, Tenn., and 6404.8 MHz toward Short Mountain, Tenn., and 6197.2 MHz toward Nashville City, Tenn., and 6301.0 MHz toward Nashville City, Tenn. Location: 3.5 miles south of Nashville, Tenn.

3095–C1–P–70—Data Transmission Co. (New), 5945.2 MHz toward Nashville Repeater, Tenn., and 6049.0 MHz toward Nashville Repeater, Tenn. Location: Life & Casualty Insurance Building, 4th and Church Streets, Nashville, Tenn.

3096–C1–P–70—Data Transmission Co. (New), 6360.000 MHz toward Short Mountain, Tenn., and 6071.191 MHz toward Langford Brook, Tenn. Location: 0.9 mile northeast of Cross Keys, Tenn.

3097–C1–P–70—Data Transmission Co. (New), 6315.850 MHz toward Cross Keys, Tenn., and 6315.850 MHz toward Crowson Creek, Tenn. Location: 2.8 miles southwest of Hampshire, Tenn.

3098–C1–P–70—Data Transmission Co. (New), 6063.610 MHz toward Langford Brook, Tenn., and 6226.890 MHz toward McGlamerys Stand, Tenn. Location: 2.6 miles southeast of Red Hill, Tenn.

3099–C1–P–70—Data Transmission Co. (New), 5974.850 MHz toward Crowson Creek, Tenn., and 6034.150 MHz toward Nixon, Tenn. Location: 2.6 miles southwest of McGlamerys Stand, Tenn.

3100–C1–P–70—Data Transmission Co. (New), 6286.190 MHz toward McGlamerys Stand, Tenn., 6197.240 MHz toward Ramer, Tenn. Location: 2.7 miles southeast of Nixon, Tenn.

3101–C1–P–70—Data Transmission Co. (New), 5960.000 MHz toward Nixon, Tenn., and 6286.190 MHz toward Grand Junction, Tenn. Location: 5.3 miles northwest of Ramer, Tenn.

3102–C1–P–70—Data Transmission Co. (New), 6034.150 MHz toward Ramer, Tenn., and 6390.000 MHz toward Fisherville Lake, Tenn. Location: 1.3 miles northeast of Grand Junction, Tenn.

3103–C1–P–70—Data Transmission Co. (New), 6137.895 MHz toward Grand Junction, Tenn., and 6241.700 MHz toward Memphis, Tenn. Location: 1.7 miles northwest of Elba, Tenn.

3104–C1–P–70—Data Transmission Co. (New), 5989.7 MHz toward Fisherville Lake, Tenn. Location: Sterick Building, Memphis, Tenn.

3105–C1–P–70—Data Transmission Co. (New), 6028.598 MHz toward Fairyland, Ga., and 6071.191 MHz toward Short Mountain, Tenn. Location: 2.4 miles southeast of Palmer, Tenn.

3106–C1–P–70—Data Transmission Co. (New), 6212.000 MHz toward Rocky Face Mountain, Ga., and 6330.691 MHz toward Kelley Creek, Tenn. Location: 1.5 miles southwest of Fairyland, Ga.

3107–C1–P–70—Data Transmission Co. (New), 6390.000 MHz toward Pine Log Mountain, Ga., and 5960.000 MHz toward Fairyland, Ga. Location: 1.4 miles northeast of Mill Creek, Ga.

3108–C1–P–70—Data Transmission Co. (New), 6037.50 MHz toward Rocky Face Mountain, Ga., and 5974.2 MHz toward Lindale, Ga., and 6123.1 MHz toward Sweetwater Creek, Ga., and 6108.3 MHz toward Pink Mountain, Ga. Location: 4 miles southeast of Rydal, Ga.

3109–C1–P–70—Data Transmission Co. (New), 6345.5 MHz toward Pine Log Mountain, Ga., and 6315.9 MHz toward Atlanta, Ga. Location: 0.3 mile east of Sweetwater Creek, Ga.

3110–C1–P–70—Data Transmission Co. (New), 6063.8 MHz toward Sweetwater Creek, Ga. Location: Peachtree Center Complex, Peachtree and Cain Streets, Atlanta, Ga.

3111–C1–P–70—Data Transmission Co. (New), 6404.8 MHz toward Pine Log Mountain, Ga., and 6226.9 MHz toward Pine Grove, Ala. Location: 4.5 miles southwest of Lindale, Ga.

3112–C1–P–70—Data Transmission Co. (New), 6152.8 MHz toward Lindale, Ga., and 6034.2 MHz toward Whitney, Ala. Location: 2 miles southeast of Pine Grove, Ala.

3113–C1–P–70—Data Transmission Co. (New), 6197.2 MHz toward Pine Grove, Ala., and 6345.5 MHz toward Chalkville, Ala. Location: 3 miles north of Whitney, Ala.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3114–C1–P–70—Data Transmission Co. (New), 5945.2 MHz toward Whitney, Ala., and 6063.8 MHz toward Birmingham, Ala. Location: 2 miles northeast of Chalkville, Ala.

3115–C1–P–70—Data Transmission Co. (New), 6226.9 MHz toward Chalkville, Ala. Location: Fifth Avenue and North 20th Street, Birmingham, Ala.

3116–C1–P–70—Data Transmission Co. (New), 6367.7 MHz toward Pine Log Mountain, Ga., and 6330.7 MHz toward Oakway, S.C. Location: 2 miles southeast of Yonah, Ga.

3117–C1–P–70—Data Transmission Co. (New), 6049.0 MHz toward Pink Mountain, Ga., and 6011.9 MHz toward Tryon Mountain, N.C. Location: 0.8 mile northwest of Oakway, S.C.

3118–C1–P–70—Data Transmission Co. (New), 6241.9 MHz toward Oakway, S.C., and 6352.9 MHz toward Olive Grove, N.C. Location: 3.2 miles southwest of Mount Valley, N.C.

3119–C1–P–70—Data Transmission Co. (New), 5974.85 MHz toward Tryon, N.C., and 6086.0 MHz toward New Hope, N.C., and 6063.5 MHz toward Spencer Mountain, N.C. Location: 4.5 miles west-northwest of Olive Grove, N.C.

3120–C1–P–70—Data Transmission Co. (New), 6226.5 MHz toward Olive Grove, N.C., and 6177.5 MHz toward Charlotte, N.C. Location: 3.9 miles southeast of Dallas, N.C.

3121–C1–P–70—Data Transmission Co. (New), 5945.2 MHz toward Spencer Mountain, N.C. Location: Tryiong and College Streets, Charlotte, N.C.

3122–C1–P–70—Data Transmission Co. (New), 6404.8 MHz toward Olive Grove, N.C., and 6330.7 MHz toward Sauratown, N.C. Location: 2.7 miles south-southwest of New Hope, N.C.

3123–C1–P–70—Data Transmission Co. (New), 5989.7 MHz toward New Hope, N.C., and 6049.0 MHz toward Smith Mountain, N.C. Location: 2.7 miles southwest of Gap, N.C.

3124–C1–P–70—Data Transmission Co. (New), 6290.7 MHz toward Sauratown Mountain, N.C., and 6397.1 MHz toward Tower Hill, Va. Location: 2.7 miles north-northeast of Ajax, Va.

3125–C1–P–70—Data Transmission Co. (New), 6160.2 MHz toward Smith Mountain, Va., and 5997.1 MHz toward Wolf Pit Mountain, Va. Location: 3.9 miles north-northeast of Tower Hill, Va.

3126–C1–P–70—Data Transmission Co. (New), 6264.0 MHz toward Tower Hill, Va., and 6312.1 MHz toward Watery Mountain, Va., and 6197.2 MHz toward Sandy Hook, Va. Location: 2 miles south-southeast of Eastman, Va.

3127–C1–P–70—Data Transmission Co. (New), 6056.4 MHz toward Wolf Pit Mountain, Va., and 5945.2 MHz toward Richmond, Va. Location: 1 mile northeast of Sandy Hook, Va.

3128–C1–P–70—Data Transmission Co. (New), 6256.5 MHz toward Sandy Hook, Va. Location: Second and Broad Streets, Richmond, Va.

3129–C1–P–70—Data Transmission Co. (New), 6115.7 MHz toward Wolfpit Mountain, Va., and 5967.4 MHz toward Kabletown, Va. Location: 2 miles northwest of Bethel, Va.

3130–C1–P–70—Data Transmission Co. (New), 6223.23 MHz toward Watery Mountain, Va., and 6130.5 MHz toward Front Mountain, Pa., and 10,795 MHz toward Waterford, Va. Location: 4.2 miles northwest of Round Hill, Va.

3131–C1–P–70—Data Transmission Co. (New), 11,245 MHz toward Kabletown, Va., and 11,405 MHz toward Darnestown, Md. Location: 2 miles east of Waterford, Va.

3132–C1–P–70—Data Transmission Co. (New), 10,875 MHz toward Wateford, Va., and 10,955 MHz toward Wheaton, Md. Location: 2 miles southwest of Darnestown, Md.

3133–C1–P–70—Data Transmission Co. (New), 11,565 MHz toward Darnestown, Md., and 11,685 MHz toward Oakland Mills, Md. Location: Wheaton Plaza, Wheaton, Md.

3134–C1–P–70—Data Transmission Co. (New), 10,835 MHz toward Wheaton, Md., and 10,755 MHz toward Baltimore, Md. Location: 1.3 miles south of Oakland Mills, Md.

3135–C1–P–70—Data Transmission Co. (New), 11,115 MHz toward Oakland Mills, Md. Location: Baltimore Street and Hopkins Place, Baltimore, Md.

3136–C1–P–70—Data Transmission Co. (New), 6256.5 MHz toward Overview, Pa., and 6382.6 MHz toward Kabletown, Va., and 6315.9 MHz toward Crystal Spring, Pa. Location: 2.5 miles northwest of Edenville, Pa.

3137–C1–P–70—Data Transmission Co. (New), 6093.5 MHz toward Front Mountain, Pa., and 6063.8 MHz toward Downey, Pa. Location: 3.3 miles southeast of Crystal Spring, Pa.

3138–C1–P–70—Data Transmission Co. (New), 6226.9 MHz toward Crystal Spring, Pa., and 6404.8 MHz toward Jones Mill, Pa. Location: 2.7 miles southeast of Downey, Pa.

3139–C1–P–70—Data Transmission Co. (New), 6004.5 MHz toward Downey, Pa., and 6152.8 MHz toward Arona, Pa. Location: 2.7 miles southeast of Jones Mill, Pa.

3140–C1–P–70—Data Transmission Co. (New), 6197.2 MHz toward Jones Mill, Pa., and 6315.9 MHz toward Pittsburgh, Pa. Location: 1.3 miles east of Arona, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3141–C1–P–70—Data Transmission Co. (New), 5945.2 MHz toward Arona, Pa., and 5974.8 MHz toward Georgetown, Pa. Location: U.S. Steel-Mellon Building, 525 William Penn Place, Pittsburgh, Pa.

3142–C1–P–70—Data Transmission Co. (New), 6197.2 MHz toward Pittsburgh, Pa., and 6404.8 MHz toward Salem, Ohio. Location: 1.1 miles southeast of Georgetown, Pa.

3143–C1–P–70—Data Transmission Co. (New), 6093.5 MHz toward Georgetown, Pa., and 6152.8 MHz toward Shalersville, Ohio. Location: 1.5 miles southwest of Salem, Ohio.

3144–C1–P–70—Data Transmission Co. (New), 6345.5 MHz toward Salem, Ohio, and 6315.9 MHz toward Cleveland, Ohio. Location: 0.6 mile north of Shalersville, Ohio.

3145–C1–P–70—Data Transmission Co. (New), 6034.2 MHz toward Shalersville, Ohio, and 6063.8 MHz toward Amherst, Ohio. Location: Terminal Tower, Cleveland, Ohio.

3146–C1–P–70—Data Transmission Co. (New), 6226.9 MHz toward Cleveland, Ohio, and 6375.2 MHz toward Castalia, Ohio. Location: 2 miles southwest of Amherst, Ohio.

3147–C1–P–70—Data Transmission Co. (New), 6152.8 MHz toward Amherst, Ohio, and 6123.1 MHz toward Williston, Ohio. Location: 2.6 miles southwest of Castalia, Ohio.

3148–C1–P–70—Data Transmission Co. (New), 6286.2 MHz toward Castalia, Ohio, and 6404.8 MHz toward Oldport, Mich. Location: 1.3 miles southwest of Williston, Ohio.

3149–C1–P–70—Data Transmission Co. (New), 6093.5 MHz toward Williston, Ohio, and 6152.8 MHz toward Detroit, Mich. Location: 3.1 miles southwest of Oldport, Mich.

3150–C1–P–70—Data Transmission Co. (New), 6345.5 MHz toward Oldport, Mich. Location: Cadillac Tower, Cadillac Square and Bates Street, Detroit, Mich.

3151–C1–P–70—Data Transmission Co. (New), 5997.098 MHz toward Eagle Peak, Pa., and 6004.50 MHz toward Front Mountain, Pa. Location: 4.5 miles west of Overview, Pa.

3152–C1–P–70—Data Transmission Co. (New), 6115.68 MHz toward Palmerton, Pa., and 6245.79 MHz toward Overview, Pa., and 10,795 MHz toward Welsh Mountain, Pa. Location: 1 mile southwest of Womelsdorf, Pa.

3153–C1–P–70—Data Transmission Co. (New), 11,325 MHz toward Eagle Peak, Pa., and 11,245 MHz toward Guthriesville, Pa. Location: 2.2 miles southeast of East Earl, Pa.

3154–C1–P–70—Data Transmission Co. (New), 10,995 MHz toward Welsh Mountain, Pa., and 10,875 MHz toward Sugartown, Pa. Location: 1.2 miles southeast of Guthriesville, Pa.

3155–C1–P–70—Data Transmission Co. (New), 11,405 MHz toward Guthriesville, Pa., and 11,325 MHz toward Philadelphia, Pa. Location: 1.2 miles southeast of Sugartown, Pa.

3156–C1–P–70—Data Transmission Co. (New), 10,715 MHz toward Sugartown, Pa. Location: 2000 Market Street Building, Philadelphia, Pa.

3157–C1–P–70—Data Transmission Co. (New), 6367.691 MHz toward Eagle Peak, Pa., and 6226.890 MHz toward Hackettstown, N.J. Location: 3.5 miles southwest of Palmerton, Pa.

3158–C1–P–70—Data Transmission Co. (New), 6063.61 MHz toward Cragsmoor, N.Y., and 6004.50 MHz toward Palmerton, Pa. Location: 2 miles southwest of Hackettstown, N.J.

3159–C1–P–70—Data Transmission Co. (New), 6315.85 MHz toward Hackettstown, N.J., and 6390.00 MHz toward Mount Everett, Mass., and 5945.20 MHz toward Cold Springs, N.Y. Location: 1.8 miles northeast of Cragsmoor, N.Y.

3160–C1–P–70—Data Transmission Co. (New), 6197.24 MHz toward Cragsmoor, N.Y., and 6256.54 MHz toward East Irvington, N.Y. Location: 1 mile northwest of Nelsonville, N.Y.

3161–C1–P–70—Data Transmission Co. (New), 6034.15 MHz toward Cold Springs, N.Y., and 6390.00 MHz toward New York, N.Y. Location: 0.5 mile northeast of East Irvington, N.Y.

3162–C1–P–70—Data Transmission Co. (New), 6138.0 MHz toward East Irvington, N.Y. Location: 38 Waldo Avenue, Riverdale, N.Y.

3163–C1–P–70—Data Transmission Co. (New), 6026.5 MHz toward Cragsmoor, N.Y., and 6226.89 MHz toward West Farms, Mass. Location: 4.1 miles southwest of Sheffield, Mass.

3164–C1–P–70—Data Transmission Co. (New), 5974.85 MHz toward Mount Everett, Mass., and 6404.80 MHz toward Wachusetts Mountain, Mass., and 6070.00 MHz toward Talcott Mountain, Conn. Location: 1 mile northwest of West Farms, Mass.

3165–C1–P–70—Data Transmission Co. (New), 6322.0 MHz toward West Farms, Mass., and 6123.11 MHz toward Hartford, Conn. Location: 2 miles northeast of Avon, Conn.

3166–C1–P–70—Data Transmission Co. (New), 6356.0 MHz toward Talcott Mountain, Mass. Location: 750 Main Street, Hartford, Conn.

3167–C1–P–70—Data Transmission Co. (New), 6152.76 MHz toward West Farms, Mass., and 6375.15 MHz toward Nobscot Hill, Mass. Location: 2.8 miles northwest of East Princeton, Mass.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3168–C1–P–70—Data Transmission Co. (New), 6123.11 MHz toward Wachusetts Mountain, Mass., and 5960.0 MHz toward Boston, Mass. Location: 1.3 miles northwest of Nobscot, Mass.

3169–C1–P–70—Data Transmission Co. (New), 6293.0 MHz toward Nobscot Hill, Mass. Location: 1 Beacon Street, Boston, Mass.

3333–C1–P–70—American Telephone & Telegraph Co. (KGO83), C.P. to add frequencies 3730 and 4130 MHz toward Coopers Rock, W. Va. Location: 3.6 miles north of Sycamore, Pa.

3334–C1–P–70—American Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at Coopers Rock, 1.3 miles northwest of Pisgah, W. Va. Frequencies 3770 and 4170 MHz toward Sycamore, Pa., and Fellowsville, W. Va.

3335–C1–P–70—American Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 2.5 miles east-southeast of Fellowsville, W. Va. Frequencies 3730 and 4130 MHz toward Coopers Rock, W. Va.

3336–C1–P–70—Missouri Telephone Co. (KPP78), C.P. to change frequencies from 6182.4 and 6301.0 MHz to 6241.72 and 6360.32 MHz. Location: Near State Highway No. 14, 1 mile south of Ozark, Mo.

3337–C1–P–70—Missouri Telephone Co. (KPP80), C.P. to change frequencies from 6019.3 and 6137.9 MHz to 5960.02 and 6078.63 MHz toward Ozark; change from 6049.0 and 6167.6 MHz to 6019.33 and 6137.94 MHz toward Rockaway Beach; change from 5989.6 and 6108.3 MHz to 5989.68 and 6108.28; change from 5960.0 and 6078.6 MHz to 5974.85 and 6093.46 MHz toward Blue Eye; add frequencies 6048.98 and 6167.59 MHz toward Branson Terminal, Mo.; replace transmitters and change the antenna system. Location: 3.5 miles north-northwest of Branson, Mo.

3338–C1–P–70—Missouri Telephone Co. (New), C.P. for a new fixed station to be located at Branson Terminal, on Highway 76, approximately 0.5 mile west of Branson, Mo.

3339–C1–ML–70—Missouri Telephone Co. (KPP77), Modification of license to change frequencies from 6241.7 and 6360.3 MHz to 6197.24 and 6315.85 MHz. Location: West of Highway No. 13, north of Blue Eye, Mo.

3340–C1–ML–70—Missouri Telephone Co. (KPP79), Modification of license to change frequencies from 6271.3 and 6390.0 MHz to 6301.02 and 6404.8 MHz toward (near) Branson, Mo. Location: Near the Exchange Building, on Venus Avenue, Rockaway Beach, Mo.

3347–C1–P–70—Bell Telephone Co. of Nevada (KPF88), C.P. to replace transmitters operating on frequencies 6004.6 and 6123.1 MHz toward Fallon, Nev. Location: Eagle Ridge, 8.8 miles southwest of Fernley, Nev.

3348–C1–P–70—The Mountain States Telephone & Telegraph Co. (KOV63), C.P. to add frequencies 3730 and 3810 MHz toward Towers Mountain, Ariz. Location: 228 West Adams Street, Phoenix, Ariz.

3349–C1–P–70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at Towers Mountain, 3.4 miles northwest of Crown King, Ariz. Frequencies 4170 and 4090 MHz toward Phoenix, Ariz.; 5989.7 and 11405 MHz toward Wickenburg, Ariz. (passive reflector) and 4150 and 4070 MHz toward Mount Francis, Ariz.

3350–C1–P–70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 54 North Frontier Street, Wickenburg, Ariz. Frequencies 6241.7 and 10,955 MHz toward Wickenburg, Ariz. (passive reflector).

3351–C1–P–70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at Mount Francis, 5.3 miles southwest of Prescott, Ariz. Frequencies 3810 and 3730 MHz toward Prescott, Ariz., and 3790 and 3710 MHz toward Towers Mountain, Ariz.

3352–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPL23), C.P. to add frequencies 4170 and 4090 MHz toward Mount Francis, Ariz. Location: 140 North Marina Street, Prescott, Ariz.

3354–C1–P–70—General Telephone Co. of the Northwest (New), C.P. for a new fixed station to be located at Kalispell Bay, 4.5 miles south of Nordman, Idaho. Frequencies 11,365 and 11,685 MHz toward Bald Mountain, Idaho (double passive).

3355–C1–P–70—General Telephone Co. of the Northwest Inc. (KOU44), C.P. to add frequencies 10,835 and 11,155 MHz toward Kalispell Bay, Idaho via double passive. Location: 202 Cedar Street, Sandpoint, Idaho.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3356–C1–P–70—American Telephone & Telegraph Co. (KLN72), C.P. to add frequencies 3710, 3790, and 4190 MHz toward Brickeys, Ark. Location: 7 miles northeast of Forrest City, Ark.

3357–C1–P–70—American Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at 5.2 miles southeast of Brickeys, Ark. Frequencies 3750, 3830, and 4198 MHz toward Forrest City, Ark., and 3750 and 3830 MHz toward Arkabutla, Miss.

3358–C1–P–70—American Telephone & Telegraph Co. (KTG40), C.P. to add frequencies 3710 and 3790 MHz toward Brickeys, Ark. Location: 1 mile southwest of Arkabutla, Miss.

3361–C1–MP–70—Puerto Rico Communications Authority (WWR68), Modification of construction permit (4848–C1–P–69) to change frequency 11.645 MHz to 11.565 MHz toward Aguas Buenas, P.R. Station Location: San Juan, P.R. (WWR68).

[F.R. Doc. 69–15014; Filed, Dec. 17, 1969; 8:48 a.m.]

[Docket Nos. 18759–18761; FCC 69–1335]

RKO GENERAL, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of: RKO General, Inc. (WNAC–TV), Boston, Mass., Docket No. 18759, File No. BRCT–63, for renewal of broadcast license; Community Broadcasting of Boston, Inc., Boston, Mass, Docket No. 18760, File No. BPCT–4198, The Dudley Station Corp., Boston, Mass., Docket No. 18761, File No. BPCT–4277, for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, one requesting a renewal of license to operate on channel 7, Boston, Mass., and each of the other two requesting a construction permit for a new television broadcast station to operate on channel 7, Boston, Mass.

2. Based on the information contained in the application of Community Broadcasting of Boston, Inc. (Community), at least $4,259,276 will be needed for the construction and first 3 months cost of operation of the proposed station, consisting of down payment on equipment—$598,226; payments on equipment including interest—$573,550; other items—$500,000; payments on bank loan including interest—$837,500; first 3 months cost of operation—$1,750,000. Since the Commission's TV Broadcast Financial Data Report for 1968 reveals that the Boston television broadcast stations generated revenues on an average in excess of Community's anticipated first-year operating costs ($7 million), the cash needed figure has been computed on the basis of requiring that Community demonstrate the availability of cash to meet the first 3 months of operating costs until the previously established revenues can be generated.

3. To meet its cash needed requirements, Community has established the availability of a $2,500,000 bank loan from the State Bank and Trust Co., Boston, Mass., $405,000 in stock subscriptions agreements, $8,490 in cash and $41,510 in prepaid expenses, which expenses are included in Community's estimated construction costs, for a total of $2,955,000. While the applicant has established the availability of all the funds upon which it relies, it will still have to demonstrate the availability of at least $1,304,276 in additional funds in order to be considered financially qualified to construct and operate the proposed station. It should be noted that the cash needed figure must be increased to the extent that it will be necessary for Community to make any repayments of principal and interest during the first year of operation in connection with any additional sources of funds used to finance the construction and operation of the station. Accordingly, appropriate financial issues have been specified.

4. The transmitter proposed by Community has not been type accepted by the Commission. Accordingly, in the event of a grant of Community's application, the grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type acceptance of the proposed transmitter in accordance with § 73.640 of the Commission's rules.

5. Based on information contained in the application of The Dudley Station Corp. (Dudley), at least $4,794,738 will be needed for the construction and first 3 months cost of operation of the proposed station, consisting of down payment on equipment to RCA—$885,500; payments on equipment including interest—$892,138; cost of transmitter—$91,000;[1] land and buildings—$523,000; other items—$907,000; first 3 months cost of operation—$1,496,100. To meet the cash requirements, Dudley indicates that it has already obtained the proceeds of a $30,000 loan from the Cambridge Trust Co., a $1,000 loan from stockholder Henry M. Morgan and $3,430 from the sale of its stock. To substantiate the availability of these funds, the applicant has submitted a balance sheet that shows $20,174 in cash and $14,256 in prepaid expenses that are included in the applicant's estimated construction costs, for a total of $34,430. However, the terms of the $30,000 bank loan provide that the loan be repaid by November 28, 1969. While Dudley has indicated that it has received reasonable assurance that the loan will be extended in 6-month increments, in the absence of a commitment from the bank to that effect, we cannot determine whether the applicant has any funds available to finance the construction and first 3 months cost of operation of the proposed station. Moreover, even assuming the availability of all the funds upon which the applicant relies, it will still have to demonstrate the availability of additional funds in order to be financially qualified. In addition, the applicant's cash needed figure must be increased to the extent that principal and interest payments are required during the first year of operation in connection with any additional funds used to finance the station. Accordingly, appropriate issues have been specified.

6. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961); our public notice of August 22, 1968 (FCC 68–847), 13 RR 2d 1903; and City of Camden (WCAM), 18 FCC 2d 412 (1969), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. We find that all of the applicants have satisfactorily complied with these requirements.

7. On March 2, 1967, the Department of Justice filed a civil action in the U.S. District Court for the Northern District of Ohio against the General Tire and Rubber Co. and three of its subsidiaries, including RKO, alleging violations of sections 1 and 2 of the Sherman Antitrust Act, 15 U.S.C. sections 1 and 2.[2] The complaint alleged that the defendants have conspired to force suppliers from which the defendants buy products to purchase products and services from General Tire and the three subsidiaries.[3] The civil action seeks, in part, to have these practices enjoined as monopolistic activities in violation of section 2 of the Sherman Antitrust Act. Evidence with respect to these alleged anticompetitive practices may be adduced under the standard comparative issue, and as in the KHJ–TV proceeding in Docket No. 16679, we are specifying a disqualification issue against RKO on our own motion. Official notice can be taken of the record in the KHJ–TV proceeding, and only new or additional evidence not adduced in that proceeding may be adduced in this proceeding. In addition, we shall provide that in the event of a grant of RKO's application, such grant shall be made subject to whatever action the Commission deems appropriate either as a result of developments and findings arising in any proceeding involving Docket No. 16679, or the pending civil action in United States v. General Tire and Rubber Co. et al.

8. Except as indicated by the issues set forth below, RKO General, Inc., is qualified to own and operate television station WNAC–TV and except as indicated by the issues set forth below, Community Broadcasting of Boston, Inc., and the Dudley Station Corp. are qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below. Since this is a renewal-new applicant proceeding, RKO's past broadcast record during the previous license term, favorable and unfavorable, will be relevant, Hearst Radio, Inc., 15 F.C.C. 1149, 6 R.R. 994 (1951).

9. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of RKO General, Inc., Community Broadcasting of Boston, Inc., and the Dudley Station Corp. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Community Broadcasting of Boston, Inc.:

(a) How the applicant will obtain sufficient additional funds to be used for the construction and first 3 months operation of the station.

(b) In view of the evidence adduced under issue "a", the extent, if any, to which the applicant's cash requirements will be increased.

(c) Whether, in view of the evidence adduced under the preceding issues, the applicant is financially qualified.

2. To determine with respect to the application of the Dudley Station Corp.:

(a) How the applicant will obtain sufficient funds to be used for the construction and first 3 months operation of the station.

(b) In view of the evidence adduced under issue "a", the extent, if any, to which the applicant's cash requirements will be increased.

(c) Whether, in view of the evidence adduced under the preceding issues, the applicant is financially qualified.

3. To determine with respect to the application of RKO General, Inc., whether in view of the evidence concerning alleged anticompetitive practices by RKO General, Inc., or its parent corporation, General Tire and Rubber Co., RKO General, Inc., should be disqualified to remain a licensee of the Commission or if not so disqualified, whether a comparative demerit should be assessed against it in this proceeding.

4. To determine which of the proposals would best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the above issues, which, if any, of the applications should be granted.

10. *It is further ordered*, That, in the event of a grant of the application of Community Broadcasting of Boston, Inc., such application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type acceptance of its proposed transmitter in acordance with the requirements of section 73.640 of the Commission's rules.

11. *It is further ordered*, That in the event of a grant of the application of RKO General, Inc., the grant shall be subject to whatever action the Commission may deem appropriate as a result of developments and findings arising in the pending civil action of United States of America v. The General Tire and Rubber Co., Aerojet General Corp., A. M. Byers Co., and RKO General, Inc. (No. 6–67–155), filed March 2, 1967, in the U.S. District Court for the Northern District of Ohio and, further, is subject to whatever action the Commission may deem appropriate as a result of developments and findings arising in the pending FCC proceeding in Docket No. 16679.

12. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within, twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 3, 1969.

Released: December 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–15015; Filed, Dec. 17, 1969; 8:48 a.m.]

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[1] While Dudley indicates that it will rely on a deferred credit plan from Ampex Corp. to finance the purchase of its transmitter, no such plan has been submitted.

[2] United States v. The General Tire and Rubber Co., Aerojet General Corp., A. M. Byers Co., and RKO General Inc. (No. 6–67–155).

[3] The allegations of anticompetitive practices are now before the Commission in Docket No. 16679, in connection with the renewal of RKO's license to operate Television Broadcast Station KHJ–TV, Los Angeles, Calif.

[4] Commissioner H. Rex Lee abstaining from voting.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

INTERSTATE COMMERCE COMMISSION

[Notice 1360]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 12, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 319), filed November 24, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS, CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Earl J. Brooks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual

value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of National Lead Co., located approximately 12 miles north of Timpie, Tooele County, Utah, as an off-route point in connection with applicant's authorized regular route operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 2900 (Sub-No. 184), filed November 21, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic liquid* in containers in vehicles equipped with mechanical refrigeration, from Strang, Tex., to points in Connecticut, Illinois, Michigan, New Jersey, and Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Atlanta, Ga.

No. MC 9325 (Sub-No. 44), filed October 31, 1969. Applicant: K LINES, INC., Post Office Box 187, Lebannon, Oreg. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk between points in Skamania, Klickitat, and Yakima Counties, Wash. NOTE: Applicant controls Everts' Commercial Transport, Inc., MC 25643, and states that the applied for authority will be tacked with authority issued in MC 25643 Sub 35. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 13651 (Sub-No. 14), filed November 10, 1969. Applicant: PEOPLES TRANSFER, INC., 1400 North Black Canyon Highway, Phoenix, Ariz. 85005. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and conduit, and materials and supplies incidental thereto*, from points in Los Angeles County, Calif., to points in New Mexico; (2) *fiberboard boxes and containers such as are used in packing fruits and vegetables;* (a) from points in Los Angeles County, Calif., to points in New Mexico; (b) between points in Maricopa County, Ariz., and points in Imperial and Riverside Counties, Calif.; and (c) from points in Maricopa County, Ariz., to points in New Mexico, El Paso and Deaf Smith Counties, Tex., and Delta and Montezuma Counties, Colo.; (3) *glass containers and closures therefor and paper cartons* used in packaging of glass containers, from points in Los Angeles, Orange, Alameda, Contra Costa, and Riverside Counties, Calif., to points in Nevada and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 14786 (Sub-No. 15), filed November 5, 1969. Applicant: GREYHOUND VAN LINES, INC., 13 East Lake Street, Northlake, Ill. 60164. Applicant's representatives: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036 and Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Washington, Oregon, California, Idaho, Utah, Montana, Arizona, and Nevada. NOTE: Applicant states that it can presently operate between all eight States by observing certain gateways. The authority sought would permit direct operations between Arizona and Nevada and between those two States and the other named States. Applicant further states that the authority sought would be tacked with present authority of applicant authorizing service to or from Arizona and Nevada in its certificates in MC 14786 and Sub No. 11. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 17211 (Sub-No. 11), filed November 14, 1969. Applicant: JESCO MOTOR EXPRESS, INC., 139 Columbus Road, Mount Vernon, Ohio 43050. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and duct used in heating, cooling, air conditioning, or exhaust systems, including materials and supplies* used in the installation thereof, (2) *building construction wall sections, including accessories and parts thereof*, from Westerville, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Florida, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (3) *equipment, materials, and supplies* used in the manufacture thereof, on return, under contract with United Sheet Metal Division of United McGill Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 20894 (Sub-No. 14), filed November 17, 1969. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, Pa. 19135. Applicant's Representative: Terrence L. Bowers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (I) Regular route: Between Red Lion, Southampton Township, N.J., and New York, N.Y.: From the junction of New Jersey Highway 70 and U.S. Highway 206 (known as the Red Lion Circle) over U.S. Highway 206 to junction of U.S. Highway 130, thence over U.S. Highway 130 to junction with U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route, serving no intermediate points, but serving the off-route points in the New York, N.Y., commercial zone, as defined by the Commission; and (II) Irregular route: between Red Lion, Southampton Township, N.J., on the one hand, and, on the other, points in New Jersey. NOTE: Applicant states that the (I) and (II) authorities sought in this application are intended to be tacked at the common point of Red Lion, N.J., to provide service that the applicant is now rendering by tacking its authorized operations at Philadelphia, Pa. Applicant holds contract carrier authority under MC-119140 Subs 1 and 3, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 21455 (Sub-No. 18), filed November 21, 1969. Applicant: GENE MITCHELL CO., a corporation, 1106 Division Street, West Liberty, Iowa 52776. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Peoria, Ill., to Cedar Rapids, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 29566 (Sub-No. 135), filed October 31, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glass products, glass container closures, and fiberboard boxes*, from the plantsite and warehouse facilities of Obear-Nester Glass Co. at Lincoln, Ill., to points in Arkansas, Oklahoma, Iowa, Missouri, Kansas, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 30844 (Sub-No. 302), filed November 21, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and products* used in or

produced by the food processing industry (except commodities in bulk), from the Lower Peninsula of Michigan to points in North Dakota and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 303), filed November 24, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* in bulk, in tank vehicles, from the plantsite and storage facilities of the Apple River Chemical Co. at or near Niota and East Dubuque, Ill., to points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 45736 (Sub-No. 34), filed November 26, 1969. Applicant: GUIGNARD FREIGHT LINES, INC., Post Office Box 26067, Charlotte, N.C. 28206. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboards, insulation boards, plywoods and/or particleboards*, in straight or mixed truckloads, *parts, materials, and accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in West Virginia, Virginia, Ohio, Indiana, Maryland, Pennsylvania, New Jersey, Delaware, South Carolina, Georgia, Florida, Alabama, Tennessee, New York, and Kentucky; and (2) *commodities* used in the manufacture of hardboards, insulating boards, plywoods or particleboards, and *parts, materials, and accessorial items* incidental to the transportation and installation thereof, in truckloads, from points in West Virginia, Virginia, Ohio, Indiana, Maryland, Pennsylvania, New Jersey, Delaware, South Carolina, Georgia, Florida, Alabama, Tennessee, New York, and Kentucky to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 46421 (Sub-No. 10) (Correction), filed October 28, 1969, published in the FEDERAL REGISTER November 27, 1969, and republished as corrected this issue. Applicant: ESCRO STORAGE & CARTAGE, INC., 360 Dingens Street, Buffalo, N.Y. 14206. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*,, 61 M.C.C. 209 and 766, from Buffalo, N.Y., to points in Allegany, Livingston, Wayne, Yates, Seneca, Schuyler, Cayuga, Tompkins, Tioga, Chenango and Madison Counties, N.Y., and points in Potter, Tioga, Bradford, Susquehanna, Clinton, Lycoming, Montour, Sullivan, Wyoming, Columbia, and Lackawanna Counties, Pa., restricted to traffic having a prior movement by connecting carriers. NOTE: Applicant states no duplicate authority is being sought. Applicant further states that the requested authority cannot be tacked with its existing authority. The purpose of this application is to eliminate Elmira, N.Y., as a gateway. The purpose of this republication is to include a portion of the destination territory which was erroneously omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Buffalo, or Syracuse, N.Y.

No. MC 50069 (Sub-No. 413), filed November 17, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Washington, W. Va., to Gary, Ind., and Ottawa, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 151), filed November 12, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products* produced and distributed by manufacturers and converters of paper and paper products; and *materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment), between points in Marathon, Winnebago, Outagamie, and Brown Counties, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52781 (Sub-No. 2), filed November 3, 1969. Applicant: OVERCASH TRANSFER, INC., Post Office Box 26006, Charlotte, N.C. 28213. Applicant's representatives: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, pipe fittings*, and such *material, supplies and equipment* as are used in the installation and maintenance of sprinkler, heating, and power piping systems, and also *such tools and equipment* as are used for installing and maintaining the aforementioned installations, between points in North Carolina, South Carolina, Virginia, Georgia, Alabama, and Tennessee. Restriction: The above-described operations are limited to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the installation and maintenance of sprinkler, heating, and power piping systems, for the transportation of the commodities indicated and in the manner specified, and (2) *lumber* (except plywood and veneer) between points in North Carolina, South Carolina, Virginia, Georgia, Alabama, and Tennessee, under contract with Grinnell Corp., Charlotte, N.C., General Supply & Equipment, Charlotte, N.C., Carolina Industrial Piping, Inc., Kernersville, N.C., Monarch Sprinkler Co., Charlotte, N.C., and Forest Lumber Co., Inc., Charlotte, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC-59457 (Sub-No. 20), filed November 12, 1969. Applicant: SORENSON TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magazines, magazine parts, magazine inserts, and mats, molds, plates, shells and vinylites* used in connection with the printing of magazines, from Kennedy International Airport, New York, N.Y., to Albany, N.Y., restricted to shipments having a prior movement by air, and (2) *bananas*, from Wilmington, Del., to Bridgeport, New Haven, Wallingford, Waterbury, and Hartford, Conn. NOTE: The authority sought in (1) seeks to eliminate the presently required "gateway" of Windsor Locks, Conn., now contained in applicant's present authority in MC 59457 Sub No. 14. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 64932 (Sub-No. 483), filed November 20, 1969. Applicant: ROGERS

CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Huntington, Ind., to points in the Lower Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 73688 (Sub-No. 39), filed November 25, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and/or components and cast iron fire hydrants*, from Birmingham, Ala., to points in Arkansas, Oklahoma, and points in that part of Tennessee on and west of U.S. Highways 45 and 45E. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 75320 (Sub-No. 149), filed November 18, 1969. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: P. E. Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Hattiesburg, Miss., and junction of U.S. Highway 98 and Mississippi Highway 15, from Hattiesburg over U.S. Highway 98 to junction Mississippi Highway 15 at or near Beaumont, Miss., as an alternate route only in connection with applicant's presently regular-route authority, serving no intermediate points, but serving junction of Mississippi Highway 15 and U.S. Highway 98 for purposes of joinder only; and (2) between Mobile and Birmingham, Ala., from Mobile over U.S. Highway 43 to junction Alabama Highway 5, thence over Alabama Highway 5 to junction U.S. Highway 11, thence over U.S. Highway 11 or Interstate Highway 59 to Birmingham, and return over the same route, as an alternate route in connection with applicant's regular-route authority, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Birmingham, Ala.

No. MC 88594 (Sub-No. 14), filed November 24, 1969. Applicant: CARLETON G. WHITAKER, INC., Post Office Box 93, Route 17, Deposit, N.Y. 13754. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk products*, in vehicles equipped with mechanical refrigeration, from Watertown, N.Y., to points in Lackawanna and Luzerne Counties, Pa.; *returned and refused shipments of milk products*, from Lackawanna and Luzerne Counties, Pa., to Watertown, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 102546 (Sub-No. 2), filed November 19, 1969. Applicant: BLUE FLASH EXPRESS, INC., 1801 Cherokee Avenue, Baton Rouge, La. 70802. Applicant's representative: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing products*, from the plantsite of Delta Roofing Mills, Inc., at Slidell, La., to points in Mississippi under contract with Delta Roofing Mills, Inc., Slidell, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Biloxi, Miss.

No. MC 102817 (Sub-No. 14), filed November 7, 1969. Applicant: PERKINS FURNITURE TRANSPORT, INC., 1202 North Pennsylvania Street, Indianapolis, Ind. 46202. Applicant's representative: John E. Lesh, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, bed springs, mattresses, and store and office fixtures*, crated, (1) between points in Indiana, and (2) from points in Indiana (except Delphi and Tell City, Ind.), to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that no new territory is sought. Applicant further states that the instant application will enable applicant to transport entirely crated shipments where it now must transport mixed crated and uncrated. Applicant also states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 103926 (Sub-No. 22), filed November 24, 1969. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, Post Office Box 43171, Industrial Branch, Atlanta, Ga. 30336. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete and prestressed and precast concrete products*, from Charlotte, N.C., to points in Georgia. NOTE: Applicant states that presently held authority under MC 103926 Sub 16 could be tacked with the authority herein applied for at any point in Clayton, Cobb, De Kalb, Fulton, and Gwinnett Counties, Ga. Then, applicant could transport the considered commodities from Charlotte, N.C., to points in Alabama, Florida, North Carolina, South Carolina, Tennessee, and Virginia, although, shipments moving thereby from Charlotte, N.C., to points in North Carolina and Virginia would be transported over circuitous routes. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 104149 (Sub-No. 190), filed November 3, 1969. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. 35203. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves and jackets*, between the plantsite and warehouse facilities of Razorback Plastic Products, Inc., Fort Smith, Ark., on the one hand, and, on the other, points in Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark., or Washington, D.C.

No. MC 105566 (Sub-No. 13), filed November 25, 1969. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products* in vehicles equipped with mechanical refrigeration, from the facilities of The Kroger Co. in Cincinnati, Ohio, and from the facilities of the Sugar Creek Packing Co. in Washington Court House, Ohio, to Memphis, Tenn., and Dallas, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Cincinnati, Ohio.

No. MC 106274 (Sub-No. 13), filed November 19, 1969. Applicant: RAEFORD TRUCKING COMPANY, a corporation, Landis Street, Post Office Box 45, Sanford, N.C. 27330. Applicant's representative: J. L. Keith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboards, insulation boards, plywoods* and/or *particleboards*, in straight or mixed truckloads; *Parts, materials, and accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to

points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia, and (2) *commodities* used in the manufacture of hardboards, insulating boards, plywoods, or particleboards, and parts, materials and accessorial items incidental to the transportation and installation thereof, in truckloads, from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia, to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 240), filed November 3, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building products*, from Milwaukee, Wis., to points in the United States (except Washington, Oregon, Idaho, Utah, Nevada, California, Alaska, and Hawaii). NOTE: Applicant states that requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 107295 (Sub-No. 255), filed November 17, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems and equipment; humidifiers and washers, and air cleaners; and accessories* thereto, from Harrisonburg, Va., to points in New York, West Virginia, Pennsylvania, Ohio, Kentucky, Tennessee, Michigan, New Jersey, Masachusetts, Connecticut, Vermont, New Hampshire, Maine, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 256), filed November 25, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, and in sections including all *component parts, materials, supplies, and fixtures*, and when shipped with such buildings, *accessories*, used in the erection, construction, and completion thereof, from Houston, Tex., to points in Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Washington, Oregon, California, Nevada, Arizona, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, and Minnesota. NOTE: Applicant states it intends to tack with MC–107295, where feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107295 (Sub-No. 259), filed November 25, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, and in sections including all component parts, materials, supplies and fixtures and when shipped with such buildings, and accessories, used in the erection, construction and completion thereof, from Houston, Tex., to points in Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Washington, Oregon, California, Nevada, Arizona, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, and Minnesota. NOTE: Applicant states tacking possibilities with MC 10729, where feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 108676 (Sub-No. 34), filed November 24, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, crated, uncrated or on shipping devices, from points in Hawkins County, Tenn., and Kingsport, Tenn., to points in Minnesota, Iowa, Missouri, Oklahoma, Texas, and all States east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Atlanta, Ga.

No. MC 110483 (Sub-No. 6), filed November 3, 1969. Applicant: G. & H. TRUCK LINE, INC., 3804 Walnut Street, Post Office Box 16808, Denver, Colo. 80216. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, high explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between Denver, Pueblo, and Colorado Springs, Colo., and (2) *general commodities* (except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Pine Bluffs, Wyo., and points within 20 miles thereof, and Denver and Greeley, Colo. NOTE: Applicant states it holds identical regular route authority in MC 110483 and MC 110483 Sub-No. 1. By this application it seeks to convert such regular route authority to irregular route authority and will surrender its regular route authority upon the approval of this conversion. Applicant further states that the authority here sought can and will be tacked to provide through service between Sidney and Scottsbluff, Nebr., on the one hand, and, on the other, Denver, Colorado Springs, Pueblo, and Greeley, Colo. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 110525 (Sub-No. 942) (Correction), filed October 31, 1969, published in the FEDERAL REGISTER issue of November 27, 1969, corrected and republished as corrected this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon tetrachloride*, in bulk, in tank vehicles, from Dallas, Tex., to Tuscola, Ill., and Weston, Mich. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to add, in bulk, in tank vehicles, to the commodity description, which was inadvertently omitted from the previously published commodity description. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 110525 (Sub-No. 944), filed November 12, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulphate*, in bulk, in tank

vehicles, from Johnsonburg, Pa., to Leicester, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 109689 (Sub-No. 212), filed November 14, 1969. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in specially designed tank vehicles, moving under special permits, between Vicksburg, Miss., and Air Force Bases and Missile Test facilites located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or place acceptable by the Commission and Department of the Army.

No. MC 111545 (Sub-No. 127), filed November 17, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components and cast iron fire hydrants*, from Birmingham, Ala., to points in Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Georgia, North Carolina, South Carolina, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine. NOTE: Applicant states that it knows of no present authority with which joinder could occur and has no specific intention to tack; however, it would not be agreeable to imposition of a restriction against tacking, without justification. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 111862 (Sub-No. 21), filed November 3, 1969. Applicant: HENNES TRUCKING CO., a corporation, 338 South 17th Street, Milwaukee, Wis. 53233. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between points in West Virginia under contract or contracts with P P G Industries, Inc., restricted to shipments having an immediately prior movement by rail. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 101), filed November 21, 1969. Applicant: TRANSPORT SERVICE CO. a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Stepan Chemical Co., at or near Millsdale, Ill., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wyoming, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113106 (Sub-No. 33), filed November 24, 1969. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the plantsite and storage facilities of Morton Salt Co., at or near Seneca Lake, N.Y., to points in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–113362 (Sub-No. 172), filed November 14, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from St. Paul and Minneapolis, Minn., to points in Connecticut, Massachusetts, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 113388 (Sub-No. 95), filed November 17, 1969. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, from* the plantsite of Green Giant Co. in the township of West Sadsbury (Chester County), Pa., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, District of Columbia, New Jersey, and West Virgina, restricted to traffic originating at said plantsite and destined to the above named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113556 (Sub-No. 2), filed October 31, 1969. Applicant: HAROLD W. REEDY, doing business as REEDY TRUCKING CO., 6041 East Lake Drive, Haslett, Mich. 48840. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Noncarbonated beverages*, from Lansing, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, Pennsylvania, West Virginia, Wisconsin, and New York (except Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, and Westchester Counties), for the account of Orchard Grove Co., Lansing, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 113828 (Sub-No. 166), filed October 1, 1969. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, from North Bergen, N.J., to points in Connecticut, New York, and Pennsylvania. NOTE: Applicant states that the requested authority can be tacked with its Sub-28, to serve points in Virginia, West Virginia, North Carolina and the District of Columbia, and with Sub-160 to serve points in Maryland. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 210), filed November 19, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe* (except oil field pipe as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Tulare County, Calif., Spokane County, Wash., and Hall County, Nebr., to points in the United States (except Hawaii), and (2) *roofing and siding and machinery and equipment* used or useful in the manufacture or handling of the commodities described in (1) above, from points in Spokane County, Wash., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Seattle, Wash.

No. MC 115523 (Sub-No. 157), filed November 10, 1969. Applicant: CLARK TANK LINES, a corporation, 1450 Beck Street, Salt Lake City, Utah 84110. Applicant's representative: H. E. Barker, 1450 Beck Street, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry inorganic chemicals, minerals, fertilizers, salt and salt products, liquid chemicals, brine or bitterns*, from Little Mountain, Utah, and 5 miles thereof to points in Utah, Idaho, Washington, Oregon, California, Nevada, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Ogden, Utah.

No. MC 115523 (Sub-No. 158), filed November 12, 1969. Applicant: CLARK TANK LINES, 1450 Beck Street, Salt Lake City, Utah 84116. Applicant's representative: H. E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil, asphalt, and fuel oil*, (a) from points in Wyoming to points in Utah, (b) from points in Oregon, except Multnomah County, to points in Oregon, California, and Nevada and (c) from points in Idaho to points in Utah and Nevada. NOTE: Applicant states tacking could be done through MC 115523 Sub 33 at Salt Lake City, Utah, to serve the Nevada territory set forth therein. Applicant also states no duplicating authority being sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Boise, Idaho, or Spokane, Wash.

No. MC 115840 (Sub-No. 50), filed November 24, 1969. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and contractor's equipment, materials, and supplies*, between Birmingham and Montgomery, Ala., on the one hand, and on the other, points in North Carolina and South Carolina. NOTE: Applicant states that it proposes to tack its lead certificate MC 115840 and Sub 19 over the Birmingham, Ala., gateway. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116254 (Sub-No. 106), filed November 19, 1969. Applicant: CHEMHAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent mixed acids*, from St. Marks, Fla., to Bessemer Ala.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 117427 (Sub-No. 63) (Correction), filed November 7, 1969, published FEDERAL REGISTER issue of December 11, 1969, corrected in part, and republished as corrected, this issue. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. NOTE: The purpose of this partial republication is to include a portion of the destination territory in (1) above, namely, Ohio, Pennsylvania, and South Carolina, which were inadvertently omitted from previous publication. The rest of the application remains unchanged.

No. MC 117815 (Sub-No. 154), filed November 17, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carrollton, Macon, Marshall, and Moberly, Mo., to points in Iowa, Illinois, and Nebraska; restricted to the transportation of traffic originating at the plantsites and storage facilities utilized by Banquet Canning Co., Division of F. M. Stamper Co. at the above-named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117823 (Sub-No. 40), filed November 10, 1969. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 84115. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* when transported in the same vehicle with frozen foods, from points in Davis, Weber, Salt Lake, Utah, and Cache Counties, Utah, to points in California. NOTE: Applicant states it may wish to tack any authority received in this application to perform transportation of small shipments originating in Washington and Oregon and ultimately destined to California. Such a tack would be possible through issuance of authority in applicant's pending Sub-35 application which seeks authority from Washington and Oregon to Utah points. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 118959 (Sub-No. 57), filed November 3, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from the plant or warehouses of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *equipment, materials, and supplies* used in the manufacture or processing of iron and steel and iron and steel articles, from points in the United States on and east of U.S. Highway 85, to origin points named in (1) above, restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and further restricted against the transportation of commodities in bulk. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 118989 (Sub-No. 36) (Correction), filed November 7, 1969, published FEDERAL REGISTER issue of December 4, 1969, corrected December 8, 1969, and republished as corrected this issue. Applicant: CONTAINER TRANSIT INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. NOTE: The purpose of this partial republication is to show the correct address of applicant as 5223 South Ninth Street, in lieu of 5223 South La Salle Street, shown in previous publication. The rest of the application remains the same.

No. MC 119400 (Sub-No. 10), filed November 3, 1969. Applicant: SIMANEK, INC., 150 West Seventh Street, Wahoo, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers*, from Port Neal Industrial Complex and Big Soo Terminal, located in Woodbury County, Iowa, and plantsites, warehouses, and storage facilities utilized by Terra Chemicals International, Inc., American Cynamid Co., and Monsanto Co. located in Woodbury County, Iowa, and Dakota County, Nebr. to points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Minnesota, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 119441 (Sub-No. 18), filed November 20, 1969. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products* (except in bulk), between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Pennsylvania, and New York; and (2) *materials and supplies* (except in bulk), used in the manufacture and

shipping of clay products, from points in Michigan, Indiana, Illinois, Pennsylvania, and New York, to points in Cuyahoga County, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119670 (Sub-No. 16), filed November 24, 1969. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfurt, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring or washing compounds; water softening compounds; and salt;* except in bulk, from the plantsite and storage facilities of the A. E. Staley Manufacturing Co. at Decatur, Ill., to points in Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119741 (Sub-No. 33), filed November 17, 1969. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 30 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides); (1) from Fort Dodge, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Louisville, and Covington, Ky.; (2) from Sioux City, Iowa, to points in Indiana, Ohio, Michigan, and Louisville and Covington, Ky.; and (3) from Fremont, Nebr., to points in Iowa, Illinois, Indiana, Michigan, Ohio, and Louisville and Covington, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 119767 (Sub-No. 225) (Correction), filed September 23, 1969, published in FEDERAL REGISTER issue of October 9, 1969, and republished, as corrected, this issue. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and whey and blends and products thereof*, from Juneau, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to show the correct docket number as MC 119767 (Sub-No. 225), in lieu of MC 119761 (Sub-No. 225), as erroneously published in previous publication. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 120483 (Sub-No. 2), filed September 29, 1969. Applicant: STROMSBURG MOTOR FREIGHT, INC., Post Office Box 488, Grand Island, Nebr. 68801. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular & irregular routes, transporting: (1) *General commodities* (except those requiring special equipment). (A) Regular routes: Between Stromsburg and Omaha, Nebr.: From Stromsburg over U.S. Highway 81 to its junction with U.S. Highway 30 Alternate (Nebraska Highway 92), thence over U.S. Highway 30 Alternate (Nebraska Highway 92) to Omaha, and return over the same route, serving the intermediate and off-route points of Osceola, Shelby, Rising City, Wahoo, York, Polk, Hordville, Surprise, Ulysses, Staplehurst, Seward, Bee, Dwight, Brainard, Gresham, Thayer, and Benedict. (B) Irregular routes: Between points in York and Polk Counties, Nebr., on the one hand, and, on the other, points in Nebraska on and east of U.S. Highway 385; and (2) *general commodities* (except those requiring special equipment and except classes A, B, and C explosives). Regular routes: (a) Between Stromsburg and Lincoln, Nebr.: From Stromsburg over U.S. Highway 81 to its junction with Nebraska Highway 2 (U.S. Highway 34), thence over Nebraska Highway 2 to Lincoln, and return over the same route, serving the intermediate and off-route points of Benedict, Waco, Seward, Thayer, York, and Polk; and (b) between Stromsburg and Lincoln, Nebr.: From Stromsburg over U.S. Highway 81 to its junction with Nebraska Highway 92 (U.S. Highway 30 Alternate), thence over Nebraska Highway 92 (U.S. Highway 30 Alternate) to its junction with Nebraska Highway 15, thence over Nebraska Highway 15 to its junction with Nebraska Highway 2 (U.S. Highway 34), thence over Nebraska Highway 2 to Lincoln, and return over the same route, serving all intermediate points and the off-route points of Rising City, Ulysses, Surprise, Gresham, and David City. NOTES By the instant application applicant seeks to convert a certificate of registration to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 123407 (Sub-No. 64), filed November 12, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboards, insulation boards, plywoods and/or particleboards*, in straight or mixed truckloads and *parts, materials, and accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; and (2) *commodities* used in the manufacture of hardboards, insulating boards, plywoods, or particleboards, and *parts, materials, and accessorial items* incidental to the transportation and installation thereof in truckloads, from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123669 (Sub-No. 5), filed November 17, 1969. Applicant: SILVER TRUCK, INC., Box 41, Austin, Minn. 55912. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated sheets, corrugated shipping containers, and parts thereof*, from Cloquet, Minn., to points in Wisconsin and the upper Peninsula of Michigan, under contract with Weyerhaeuser Co. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124004 (Sub-No. 15), filed November 21, 1969. Applicant: RICHARD DAHN, INC., Rural Delivery No. 1, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer, fertilizer materials*, in bags and in bulk; (2) *agricultural insecticides, fungicides, and weed killing compounds* in containers, when shipped with fertilizer and/or fertilizer materials in mixed loads, from Albany, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (3) *animal and poultry feed and animal and poultry feed ingredients*, from points in the New York, N.Y., commercial zone, as defined by the Commission to points in New York, New Jersey,

Pennsylvania, New Hampshire, Vermont, Maine, Massachusetts, North Carolina, Virginia, Maryland, Delaware, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124854 (Sub-No. 8), filed November 26, 1969. Applicant: GRIM BROS. TRUCKING CO., a corporation, 997 Loucks Mill Road, York, Pa. 17402. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry building units and materials and supplies* used in the production, distribution or use of masonry building units, between Lansing, Mich., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 127705 (Sub-No. 32), filed November 21, 1969. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda Ash*, from Barberton and Painesville, Ohio, to Dunkirk, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authoriy. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127834 (Sub-No. 45), filed November 21, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Signs, sign poles, parts and accessories therefor*, from Clearfield, Utah, and Columbus, Ohio, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture of the items described in (1) above, from points in the United States (except Alaska and Hawaii) to Clearfield, Utah, and Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128302 (Sub-No. 6), filed November 19, 1969. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Alabama, Arkansas (except Fort Smith), Iowa, Illinois, Minnesota, Missouri, Tennessee, and Wisconsin. NOTES: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it seeks no duplicating authority. Applicant holds contract carrier authority under MC–112184 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 128664 (Sub-No. 3), filed November 6, 1969. Applicant: LEON W. KARDUX, doing business as KARDUX TRANSFER, 516 West Fourth Street, Muscatine, Iowa 52761. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal furniture*, in boxes and crates, from Muscatine, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) *materials, equipment, and supplies*, used or useful in the manufacture and distribution of metal furniture, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, to Muscatine, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128732 (Sub-No. 5), filed November 10, 1969. Applicant: TRANSPORTATION UNLIMITED OF CALIFORNIA, a corporation, 2659 South Soto, Los Angeles, Calif. 90023. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packinghouses, from the plantsite and storage facilities used by Sioux-Preme Packing Co. at or near Sioux Center, Iowa, to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, under continuing contract with Sioux-Preme Packing Co., restricted to traffic originating at the above-named origin point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 129107 (Sub-No. 4), filed November 3, 1969. Applicant: R. H. HARDING CO., INC., 100 Centre Drive, Rochester, N.Y. 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in secondary movements, in truckaway service, from Rochester, N.Y., to Bordentown, N.J., and Manheim, Pa.; restricted against the handling of shipments (1) for automobile manufacturers; (2) having an immediately prior or subsequent movement by rail; (3) moving on Government bills of lading; and further restricted against tacking with any other authority held by applicant, or interlining with any other carrier for through movements to other destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 133633 (Sub-No. 5), filed November 17, 1969. Applicant: HIGHWAY EXPRESS, INC., 712 East Second Street, Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between points in Mississippi on and south of U.S. Highway 80 and/or Interstate Highway 20, restricted against the movement of traffic between Jackson, Miss., on the one hand, and on the other, Columbia and points within 10 miles thereof, Prentiss, Bassfield, and Tylertown and points within their respective commercial zones; (2) between New Orleans, La., on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80 and/or Interstate Highway 20 (except Columbia and points within 10 miles thereof, Prentiss, Bassfield, and Tylertown and points within their respective commercial zones); and (3) between Mobile, Ala., on the one hand, and, on the other, points in Mississippi on the south of U.S. Highway 80 and/or Interstate Highway 20. NOTE: Applicant proposes to tack or join the separate paragraphs of the requested authority. Applicant further states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hattiesburg and Jackson, Miss.

No. MC 133737 (Sub-No. 1), filed November 14, 1969. Applicant: ROBERT CRAWFORD, doing business as CRAWFORD TRUCKING COMPANY, 5563 Northwest Drive, Omaha, Nebr. 68104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingedients*, from Omaha, Nebr., to Harlan, Denison, and Atlantic, Iowa, under contract with Nixon & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133854 (Sub-No. 1), filed November 20, 1969. Applicant: DOYLE REASNOR AND LEO REASNOR, a partnership, doing business as REASNOR CONSTRUCTION CO., Kinta,

Okla. 74552. Applicant's representative: Harold B. Dane, 111 South Broadway, Post Office Box 387, Stigler, Okla. 74462. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the mine site of Kerr-McGee Corp. located 6 miles southeast of Stigler, Okla., to rail siding of Texas and Pacific Railroad approximately 3 miles east of Stigler, Okla., and rail siding of Fort Smith and Van Buren Railroad at McCurtain, Okla., and *rejected shipments* on return, under contract with Kerr-McGee Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 133941 (Sub-No. 2), filed November 19, 1969. Applicant: NORTHERN INDUSTRIAL CARRIERS LIMITED, Box 13K, Rural Route No. 2, Edmonton, Alberta, Canada. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, casing* and *oil field equipment*, from the port of entry at or near Sweetgrass, Mont., on the international boundary line between the United States and Canada to points in Montana and Wyoming, with *return of rejected materials*. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133982 (Sub-No. 1), filed November 12, 1969. Applicant: ALVIN P. MURPHY, doing business as MURPHY PRODUCE, Box 426, Miles City, Mont. 59301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in truckload lots, from Beach and Dickinson, N. Dak., to Wellsville, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dickinson or Beach, N. Dak.

No. MC 134063 (Sub-No. 2), filed November 24, 1969. Applicant: FRANK R. CHULLINO, doing business as MIDWEST TRANSPORTATION COMPANY, 2802 Avenue B, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages) in containers, from points in Kentucky to Omaha, Nebr. NOTE: Applicant holds contract authority under MC 129574, and will request cancellation of contract carrier authority upon the grant of common carrier authority. This should eliminate any problem of dual authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134086 (Sub-No. 2), filed November 18, 1969. Applicant: LEWIS A. HANNABASS, Box 119, Goodview, Va. 24995. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those injurious or contaminating to other lading, commodities in bulk, and commodities requiring special equipment), from points in Bedford and Roanoke Counties, Va., to points in Greenbrier, Summers, Monroe, Mercer, and McDowell Counties, W. Va., under contract with Montgomery Ward & Co. of Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134157, filed November 3, 1969. Applicant: KANDU TRUCKING, INC., 520 North Michigan Avenue, Chicago, Ill. 60611. Applicant's representative: Gerard F. Moran (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and reprocessed paper products and waste papers*, between points in Illinois, Indiana, Iowa, Michigan, Ohio, and Wisconsin, under contract with International Cellulose, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134163, filed November 19, 1969. Applicant: JOSEPH RICHARDSON, Post Office Box 146, Bridgeport, Pa. 19405. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities of Pet, Inc., at or near Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant holds contract authority under MC 95763, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134168, filed November 19, 1969. Applicant: PIKE COUNTY TRUCKING COMPANY, INC., Box 445, Highway 197, Elkhorn City, Ky. 41522. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, limestone, gravel, aggregates, and agricultural lime*, from Elkhorn Stone Co., Inc., Pike County, Ky., to points in Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, and Wise Counties, Va., and points in Logan, Mingo, McDowell, and Wyoming Counties, W. Va., under contract with Elkhorn Stone Co., Inc., Pike County, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky., or Cincinnati, Ohio.

No. MC 134167, filed November 21, 1969. Applicant: MARY AGNES DONAHUE, doing business as DONAHUE TRUCKING CO., 12725 West Stark Street, Butler, Wis. 53007. Applicant's representative: Nathaniel D. Rothstein, 135 West Wells Street, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hospital materials and supplies*, between Milwaukee, Wis., on the one hand, and, on the other, Jackson, Oconomowoc, Lake Geneva, and Green Bay, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

MOTOR CARRIER OF PASSENGERS

No. MC 134166, filed November 24, 1969. Applicant: DUNN'S BUS SERVICE, INC., Rural Delivery 3, Sussex, N.J. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter service, beginning and ending at points in Sussex County, N.J., and extending to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATION OF FREIGHT FORWARDERS

No. FF-382 (NATIONAL MOVERS FORWARDING CORP., Freight Forwarder Application) filed December 8, 1969. Applicant: NATIONAL MOVERS FORWARDING CORP., Post Office Box 70, Rutherford, N.J. 07070. Applicant's representative: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a *freight forwarder* in interstate or foreign commerce in the forwarding of: (a) *household goods*, as defined by the Commission; (b) *unaccompanied baggage*; and (c) *privately owned* automobiles, between points in the United States, including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 531 (Sub-No. 264), filed November 13, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid*, in bulk, in tank vehicles, from Natchez, Miss., to points in Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-14956; Filed, Dec. 17, 1969; 8:45 a.m.]

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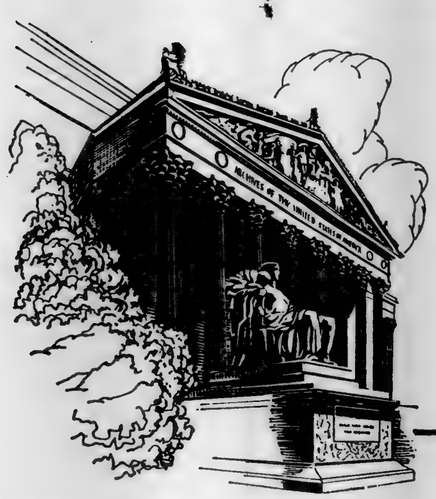
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Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 823—OFFICE OF THE REGIONAL DIRECTOR

Part 823 is completely revised to show a new Regional Office organizational structure and functional statement related thereto.

Accordingly, revised Part 823, Office of the Regional Director, reads as follows:

Sec.
823.1 Regional Director.
823.2 Administrative Officer.
823.3 Regional Counsel.
823.4 Deputy Regional Director, Operations.
823.5 Postal Service Officers.
823.6 Deputy Regional Director, Services.

AUTHORITY: The provisions of this Part 823 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 823.1 Regional Director.

(a) Directs the execution of policies, regulations and procedures and takes final action within his delegated authority on all matters relating to administration, operations and services within the region except National Headquarters field activities and other specific matters reserved to the Postmaster General and bureaus and offices of the National Headquarters.

(b) Manages, uses and controls manpower, allotted funds, facilities, and equipment within the authority delegated to the region.

(c) Directs management and operating surveys in post offices.

(d) Provides guidance and specialized assistance to post offices on mail processing, mail movement methods, and other postal operations.

(e) Exercises direct line authority over all officers and employees within the regions, except as provided in paragraph (a) of this section.

(f) Is responsible for the appraisal of performance and final rating of postmasters.

(g) Serves as Deputy Equal Employment Opportunity Officer under Executive Orders 11246 and 11375.

(h) May direct activities of individuals whose responsibilities extend into other regions.

§ 823.2 Administrative Officer.

(a) Assists and, as directed, acts for the Regional Director in matters of organization, management, budget and personnel administration, and other regional office staff activities, and performs such other duties as assigned by the Regional Director.

(b) Directs the paperwork management activity throughout the region.

§ 823.3 Regional Counsel.

Represents the General Counsel in furnishing a broad scope of legal services and counsel to the Regional Director, his staff, and postmasters within the region.

§ 823.4 Deputy Regional Director, Operations.

(a) Assists the Regional Director in the overall management of the region.

(b) Acts for the Regional Director in his absence or at his direction.

(c) Directs and coordinates all facets of mail operation within the region.

(d) Determines service approval for support projects, programs, and procedures connected with mail operation within the region.

(e) Keeps the Regional Director informed of field operations as related to requirements, plans, and goals.

(f) Acts as the focal point for all communication—directives, policies, procedures, projects, surveys, and programs—between the regional office and the post offices within assigned region.

(g) Plans and directs postal service officer activities.

§ 823.5 Postal Service Officers.

(a) Provides to the Deputy Regional Director, Operations, a focal point of general management liaison with postmasters on a continuous basis.

(b) Guides and counsels postmasters on postal service matters and informs the regional office of problems and situations which require technical expertise in gaining solutions.

(c) Serves as a source of day-to-day information to the Deputy Regional Director, Operations, on needs and performance by postal installations.

(d) Contributes to the annual appraisal of postmasters.

(e) Maintains continuous observations of the postal service activities.

(f) Carries out special assignments of the Deputy Regional Director, Operations, and, as directed, special assignments for other regional officials.

§ 823.6 Deputy Regional Director, Services.

(a) Assists the Regional Director in overall management of the region; acts for the Regional Director in his absence or at his direction; interprets and translates postal operation service requirements, for both within and between communities, issued by the Department, into the planning guidance necessary to develop and process detail plans for the postal region, provides policy, planning, procedure, program, and project support to the Regional Director and Deputy Regional Director, Operations, for operation of the postal system within the region on all matters relating to personnel, post office and delivery services, finance, facilities, logistics, industrial engineering, and marketing.

(1) *Personnel Division.* (i) Assists and advises the Regional Director and his deputies in all facets of personnel management to provide adequate and qualified employees to meet the postal operations requirements of the region.

(ii) Controls and supervises all activities and functions necessary for a progressive personnel management program under Departmental policies and procedures.

(iii) Provides personnel services for the local regional headquarters and for such other independent installations as may be assigned for administrative support.

(iv) Maintains liaison with various Federal, State, and local agencies having dealings with postal employees in the region, such as the U.S. Civil Service Commission, the Department of Labor, and the Department of Commerce.

(v) Gives technical advice and assistance to postmasters, operating officials, and employees in the region on matters of recruitment, selection, promotion, performance, training and development, position ranking, testing and examination, discipline, grievances, health, safety awards, pay administration, benefits, labor relations, and Federal laws, regulations, and rules relating to civilian personnel.

(vi) Provides professional guidance to regional and installation officials and supervisors on equal employment, civil rights, employment of the handicapped, and labor relations affecting field service personnel.

(vii) Plans and directs the regional medical activities.

(viii) Inspects and evaluates the performance and staffing of personnel office activities in local post offices and other installations in the region.

(ix) Handles such special projects, field tests, and pilot studies as may be assigned by Departmental headquarters.

(x) Assures the timely accomplishment of all functions and activities assigned to the personnel division.

(xi) Participates with the Regional Director and other regional officials on programs and plans having personnel management implications.

(xii) Serves as the principal point of contact for all communications, written and oral, with the employee organizations.

(2) *Post Office and Delivery Services Division.* (i) Directs, coordinates and provides technical procedural guidance involving manpower and staffing in post offices and in all collection and delivery services, including general delivery, lock box, and window service requirements for the postal region.

(ii) Develops and recommends post office and delivery service plans.

(iii) Monitors, evaluates, reports, and, as directed, settles problems.

(iv) Develops, coordinates and assists in implementing changes in organization and staffing postal installations under Departmental policy and guidance.

(v) Reviews and coordinates complement and manhour allowances with appropriate regional organizational elements having a technical and functional interest; approves and releases allowances.

(vi) Participates in the preparation of and recommends budget and program plans.

(vii) Provides comments and operational concurrence on proposed methods improvements.

(viii) Directs the regional program for plant maintenance, including the operation and maintenance of buildings and building mechanical equipment; and the maintenance of mail processing systems and patron service equipment.

(ix) Direct the establishment, naming, operation, and discontinuing of classified and contract stations, branches and annexes within the postal region under Departmental policy and guidance.

(x) Directs, and coordinates and provides technical guidance on the delivery and vehicle services of the postal region.

(xi) Directs the regional vehicle maintenance program, providing maintenance guidance, training, and technical direction to post offices. Directs analysis of cost reports and directs vehicle disposal program.

(xii) Monitors, evaluates, reports, and as directed, settles problems in fulfilling delivery and vehicle service requirements.

(xiii) Reviews and provides comments on organization, staffing, complement, and man-hour allowances for carriers and vehicle services.

(xiv) Administers control of changes in city and rural routes, rural stations and assignment of vehicle utilization schedules.

(xv) Reviews and gives service approval to proposed methods, carrier case diagrams, and plant improvement plans relating to delivery and vehicle services.

(xvi) Coordinates with planning and distribution branch, logistics division, to provide technical guidance in scheme knowledge requirements for a well-qualified work force.

(xvii) Analyzes and recommends corrective action reports of delayed mail involving postal installation operating deficiences.

(xviii) Develops, specifies, coordinates, and approves operational requirements for postal installations.

(xix) Studies, specifies, directs and coordinates the Region operational plant utilization program.

(xx) Approves from an operating standpoint, site size, site location, building, equipment, and equipment arrangements.

(xxi) Installs and reviews prescribed work measurement systems and appraises system effectiveness; determines need for expansion of work measurement systems and promotes effective manpower utilization in post offices.

(xxii) Establishes performance goals and monitors system effectiveness as a basis for improvement; develops controls for effective man-hour use.

(xxiii) Identifies areas in operations when excessive manpower is evident and recommends corrective actions.

(xxiv) Evaluates effectiveness of mail handling systems as related to service requirements.

(xxv) Evaluates audit inspections of post offices by the Inspection Service and, with postmaster appraisals, determines the need for adverse action and processes such actions.

(3) *Finance Division.* (i) Provides the Regional Director and his deputies advice and assistance in regional financial management matters.

(ii) Advises and assists regional division directors as they develop programs and resource plans.

(iii) Provides technical financial management guidance and assistance to the regional office and post offices in the three major areas of financial endeavor—accounting programs, budget programs, and costs and surveys.

(iv) Conducts program and resource analyses and accumulates, interprets, and presents financial, statistical, and economic data; advises regional officials on trends for use of resources.

(v) Conducts cost and economic feasibility studies; prepares cost estimates of various sorts.

(vi) Participates in developing resource plans for postal installations.

(vii) Serves as regional office liaison with the postal data centers; gives technical direction and guidance to the chief accountant program through postmasters; and participates in management appraisals.

(viii) Directs and installs cost ascertainment procedures, as well as other statistical requirements of programs of the Bureau of Finance and Administration.

(ix) Provides training necessary to carry out division functions.

(x) Directs the regional program on banking policy and procedures; authorizes post office cash reserves and establishment of inactive bank balances of less than $20,000.

(xi) Develops, maintains, and operates a regional system of management information reporting, using latest techniques and all management data available.

(xii) Performs review of contractors' claims for public law adjustments.

(4) *Facilities Division.* (i) Assists the Regional Director and his deputies by administering construction, leasing, procurement, and supply, engineering, space mechanization and developmental programs and maintains program controls within delegated authority.

(ii) Develops long-range plans to meet space, supply, and equipment requirements within overall postal objectives.

(iii) Acquires, manages, and disposes of postal space, equipment and supplies and provides and maintains data for national related reporting systems.

(iv) Develops Federal building extension and improvement requirements and develops requirements and designs leased facilities.

(5) *Logistics Division.* (i) Applies Departmental directives pertaining to transportation service requirements and provides necessary guidance for developing, processing, implementing, and operating detailed transportation plans and programs for the postal region.

(ii) Plans, directs, and coordinates regional transportation and mail processing services.

(iii) Advises the Regional Director and his deputies of the capability of the postal region to meet planned and assigned transportation requirements.

(iv) Coordinates and recommends to the Deputy Regional Director, Services, the facilities, equipment, organization, and manpower under post office management needed to meet transportation requirements.

(v) Develops and maintains an integrated regional pattern for transporting all classes of mail consistent with national patterns and plans, and coordinates with similar patterns in adjoining regions.

(vi) Maintains liaison with common carriers; negotiates for the transportation of mail by railroads and highway vehicles and insures efficient use of these and air transportation, citing irregularities, and imposing penalties when warranted.

(vii) Provides program and technical guidance to postmasters in planning and operating mobile units, transfer offices, airport facilities, and truck terminals and determines the need for their establishment or discontinuance.

(viii) Coordinates transportation service and cost studies and plans with the regional finance division for appropriate guidance and inputs and to assure they are consistent with regional plans, budgets, and cost effectiveness analyses.

(ix) Directs the preparation of schemes (incoming and outgoing) and schedules governing the distribution and dispatch of mail and issuance of instructions for labeling mail.

(x) Provides technical guidance in scheme knowledge requirements for a well-qualified work force.

(xi) Develops and coordinates distribution and operating procedures to include the makeup, distribution, and dispatch of mail at all postal installations within the postal region.

(xii) Issues criteria governing diagrams of letter cases and pouch-and-sack-racks, with emphasis on the adequacy of makeup and effect on service.

(xiii) Directs the repair, storage and distribution of mail bags; directs operations of the mail bag depositories and repair centers.

(xiv) Issues instructions on labeling, packing, makeup and dispatch of surplus mail equipment and makes periodic personal visits to insure that the instructions are being carried out.

(xv) Directs and coordinates railway, highway, and air and other transportation services for the postal region.

(xvi) Develops the technical aspects of the ZIP Code areas, and of ZIP Code directories.

(6) *Industrial Engineering Division.* (i) Develops and analyzes post office operational methods and procedures and recommends necessary changes.

(ii) Identifies areas for improvement in physical environment, space layout, and equipment that will increase productive mail handling capacity.

(iii) Participates in developing methods and techniques to insure, as applicable, orderly transition from manual to mechanized mail processing.

(iv) Verifies the accuracy and reasonableness of common carrier claims for higher mail pay rates by analyzing the carriers' mail handling operations from the point of view of existence, necessity, and appropriate application and utilization of manpower, facilities, methods and procedures. Participates as necessary in such pay rate cases before Interstate Commerce Commission Hearing Examiners.

(7) *Marketing Division.* (i) Directs regional programs of promoting public cooperation in accepting new and improved mailing practices designed to reduce costs, improve mail handling, and furnish better service.

(ii) Guides and coordinates the regional customer relations activities.

(iii) Maintains contact with postmasters and other field units to assure effective implementation of the customer relations and public cooperation programs.

(iv) Contacts large mailers, organizations and associations to promote interest in and acceptance of these programs; participates in meetings and conventions, upon invitation, to explain and promote the customer cooperation program.

(v) Investigates and recommends action on mail services complaints.

(vi) Provides customer assistance in use of ZIP Code, presorting mail, NIMS, and similar efforts.

(vii) Assures that services provided the public by postmasters are in keeping with effective customer relations practices and Departmental policy.

(viii) Cooperates with and participates in Departmental programs to research and analyze current usage of postal services and the types of services needed by the users.

(ix) Administers a regional program of service analysis through selective tests to determine overall quality of service; recommends areas for improvement.

NOTE: The corresponding part in the Postal Manual is Part 823.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-15060; Filed, Dec. 18, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 10003; Amdt. 39-898]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 Airplanes

Amendment 39-890, AD 69-25-9, published in 34 F.R. 19498 on December 10, 1969, requires, among other things, an inspection of the center roof panel "E" area, restrictions on the use of the passenger, drop-out oxygen system, and periodic inspections for oxygen leaks in the roof panel "E" area, pending the incorporation of modifications of the roof panel "E" on British Aircraft Corporation Model BAC 1-11 airplanes. After issuing Amendment 39-890, the Federal Aviation Administration has determined that the 25 hours' compliance time of paragraph (a) does not provide sufficient time in which to meet the requirements of that paragraph and that this may be increased to 75 hours time in service without adversely affecting safety. It has also been determined that the altitude restriction of 25,000 feet in paragraph (a) is unnecessarily restrictive and that this may be increased to 30,000 without any adverse affect upon safety. In addition, a change to the AD is necessary to make it clear that the requirements of paragraphs (b), (h), and (i) apply to all airplanes and that paragraph (a) applies only to airplanes having a passenger drop-out oxygen system control panel.

Finally, the AD indicated that all the inspections and tests required by paragraphs (a) through (f) could be discontinued following compliance with paragraphs (h) and (i). This is incorrect and would not be in the interest of safety. It is only the operating limitations required by paragraph (a) that may be removed following accomplishment of paragraph (i). Safety dictates that the inspections and tests required through paragraph (f) continue notwithstanding the accomplishment of paragraphs (h) and (i).

Since this amendment provides for correction and clarification of the AD and relieves certain restrictions, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-890 (AD 69-25-9) is amended as follows:

(1) The compliance statement is amended to read: "compliance is required as indicated, unless already accomplished."

(2) The introductory statement in paragraph (a) is amended by inserting the phrase, "For airplanes with a passenger drop-out system control panel modified in accordance with Part (C) of British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 33-PM4169, Revision 2, dated October 1, 1969," immediately preceding the word "within" and by striking out the number "25" and inserting the number "75", in place thereof.

(3) Paragraph (a)(2) is amended by striking out the number "25,000" and inserting the number "30,000", in place thereof.

(4) Paragraph (b) is amended by inserting the phrase "For all airplanes," immediately preceding the word "within" at the beginning of the paragraph.

(5) Paragraphs (h) and (i) are amended by inserting the phrase "For all airplanes," immediately preceding the word "on" at the beginning of the paragraph.

(6) Paragraph (j) is amended to read as follows:

(j) When paragraph (i) has been accomplished the operating limitations required by paragraph (a) may be removed from the Airplane Flight Manual.

This amendment becomes effective December 19, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 17, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-15181; Filed, Dec. 18, 1969; 10:34 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-CE-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Designation of Control Zones and Transition Areas

On page 15601 of the FEDERAL REGISTER dated October 8, 1969, the Federal Aviation Administration published a supplemental notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Peru, Ind., control zone and transition area and to designate a control zone and transition area for Kokomo, Ind.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes: The Logansport, Ind., Municipal Airport coordinates recited in the Kokomo, Ind., transition area designations as "latitude 40°42'40" N., longitude 86°22'35" W." are changed to read "latitude 40°42'35" N., longitude 86°22'45" W.".

This amendment shall be effective 0901 G.m.t., February 5, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 2, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

(1) In § 71.171 (34 F.R. 4557), the following control zone is revoked: Peru, Ind.

(2) In § 71.181 (34 F.R. 4637), the following transition area is revoked: Peru, Ind.

(3) In § 71.171 (34 F.R. 4557), the following control zone is added:

KOKOMO, IND.

Within a 5-mile radius of Grissom AFB (latitude 40°39'40" N., longitude 86°08'30" W.); within 2½ miles each side of the Grissom AFB TACAN 053° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN; within 3½ miles each side of the Grissom AFB VOR 230° radial, extending from the 5-mile radius zone to 10½ miles southwest of the VOR; within a 5-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within 3 miles each side of the Kokomo VOR 039° radial, extending from the 5-mile radius zone to 7 miles northeast of the VOR; and within 3 miles each side of the Kokomo VOR 129° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR.

(4) In § 71.181 (34 F.R. 4637), the following transition area is added:

KOKOMO, IND.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Grissom AFB (latitude 40°39'40" N., longitude 86°08'30" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within a 5-mile radius of Logansport, Ind. Municipal Airport (latitude 40°42'35" N., longitude 86°22'45" W.); within 4½ miles each side of the Grissom AFB ILS localizer southwest course, extending from the 8½-mile and 6½-mile radii areas to 4½ miles southwest of the OM; within 3 miles each side of the Kokomo VORTAC 039° radial, extending from the 6½-mile and 8½-mile radii areas to 8 miles northeast of the VORTAC; and within 3 miles each side of the Kokomo VORTAC 129° radial, extending from the 6½-mile radius area to 8 miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 85°50'00" W.; a latitude 40°30'00" N., longitude 85°50'00" W.; to the point of beginning.

[F.R. Doc. 69-15050; Filed, Dec. 18, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 14897 of the FEDERAL REGISTER, dated September 27, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Alton, Ill., control zone and the St. Louis, Mo., transition area.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., February 5, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 26, 1969.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

ALTON, ILL.

Within a 5-mile radius of Civic Memorial Airport (latitude 38°53'30" N., longitude 90°03'00" W.); within 2½ miles each side of the 104° bearing from Civic Memorial Airport, extending from the 5-mile radius zone to 5½ miles east of the airport; and within 3 miles each side of the 009° bearing from Civic Memorial Airport; extending from the 5-mile radius zone to 7 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ST. LOUIS, MO.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM; within 5 miles southwest and 8 miles northeast of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course, extending from the Runway 12R OM to 12 miles northwest of the OM; within an 8-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'30" N., longitude 90°03'00" W.); that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport; within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V-14S, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V-238 and on the south by the north boundary of V-88; within a 40-mile radius of Scott AFB (latitude 38°32'30" N., longitude 89°51'05" W.); within the area bounded on the northwest by the 40-mile radius area, on the east by the west edge of V-313, on the southwest by the northeast edge of V-335; and the area north of St. Louis bounded on the west by the east edge of V-52N, on the north by the south edge of V-50 and on the east by the west edge of V-9W, excluding the portion which overlies the Springfield, Ill., transition area; that airspace extending upward from 2,500 feet MSL within the area bounded on the north by the arc of a 40-mile radius circle centered on Scott AFB, on the northeast by the southwest edge of V-335, on the east by the west edge of V-313, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial and on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175 and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial and within the area bounded on the northeast by the southwest edge of V-52, on the south by the north edge of V-4N and on the northwest by the southeast boundary of V-63, excluding that airspace which coincides with the Springfield, Vandalia, and Centralia, Ill., transition areas.

[F.R. Doc. 69-15048; Filed, Dec. 18, 1969; 8:45 a.m.]

[Airspace Docket No. 69-EA-147]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Harrisburg, Pa., control zone (34 F.R. 4588) and transition area (34 F.R. 4696).

The name of the Harrisburg-York State Airport, Harrisburg, Pa., has been changed to Harrisburg State Airport thereby requiring an editorial change in the subject airspace descriptions. Since the change is editorial, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Harrisburg, Pa., control zone the word "York" and preceding hyphen wherever they appear.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Harrisburg, Pa., transition area the word "York" and preceding hyphen wherever they appear.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on December 4, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-15049; Filed, Dec. 18, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10,006; Amdt. 680]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Cleveland, Ohio—Cleveland Hopkins International, NDB (ADF) Runways 5R/5L, Amdt. 2, 25 Mar. 1967 (established under Subpart C).
Cleveland, Ohio—Cleveland Hopkins International, NDB (ADF) Runways 23L/R, Amdt. 6, 25 Nov. 1967 (established under Subpart C).
Longview, Tex.—Gregg County, ADF 1, Amdt. 3, 23 Jan. 1965 (established under Subpart C).
Marion, Ohio—Marion Municipal, ADF 1, Orig., 23 Apr. 1966 (established under Subpart C).
Meridian, Miss.—Key Field, NDB (ADF) Runway 1, Amdt. 10, 11 Nov. 1967 (established under Subpart C).
Cleveland, Ohio—Cleveland Hopkins International, VOR 1, Amdt. 6, 13 Nov. 1965 (established under Subpart C).
Dayton, Ohio—Montgomery County, VOR–1, Amdt. 6, 17 June 1967 (established under Subpart C).
Dayton, Ohio—Montgomery County, VOR Runway 20, Amdt. 2, 17 June 1967 (established under Subpart C).
Escanaba, Mich.—Escanaba Municipal, VOR Runway 9, Amdt. 5, 30 Dec. 1967 (established under Subpart C).
Escanaba, Mich.—Escanaba Municipal, VOR Runway 27, Amdt. 3, 30 Dec. 1967 (established under Subpart C).
Faribault, Minn.—Faribault Municipal, VOR–1, Orig., 2 Mar. 1967 (established under Subpart C).
Longview, Tex.—Gregg County, VOR Runway 13, Amdt. 9, 30 Sept. 1967 (established under Subpart C).
Meridian, Miss.—Key Field, VOR–1, Amdt. 7, 27 May 1967 (established under Subpart C).
Waukesha, Wis.—Waukesha County, VOR 1, Amdt. 3, 9 Apr. 1966 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Clare, Mich.—Clare Municipal, VOR–1, Amdt. 1, effective 23 Dec. 1967, canceled, effective 8 Jan. 1970.

3. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Longview, Tex.—Gregg County, VOR/DME No. 1, Amdt. 1, 23 July 1966 (established under Subpart C).

4. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Rochelle Int	LOM (final)	Direct	2000	T-dn**	800–1	800–1	800–1¼
PLL VOR	LOM	Direct	2500	C-dn	800–1	800–1	800–1¼
RFD VOR	LOM	Direct	2000	S-dn-36R*	200–½	200–½	200–½
Belvedere Int	LOM	Direct	2500	A-dn	600–2	600–2	600–2
JVL VOR	LOM	Direct	*2500				
Malta Int	LOM	Direct	2500				
Creston Int	South crs ILS (final)	Via R 150° RFD VOR.	2000				
RFD VOR, R 240° counterclockwise	RFD VOR R 150°	Via 15-mile DME arc.	2500				
15-mile DME Fix RFD VOR, R 150°	LOM (final)	Direct	2000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2000′.
Altitude at glide slope and distance to approach end of runway at LOM, 1860′—4.1 miles; at MM, 916′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, make left-climbing turn to 2500′, proceed direct to RFD VOR or, when directed by ATC, (1) climb to 2500′ on N crs of ILS within 10 miles, (2) make left-climbing turn to 2000′ direct to LOM.
CAUTION: High-tension powerline 894′ AMSL 0.7 mile N of Outer Marker.
¢400–½ required when glide slope not utilized.
*2000′ after passing RFD VOR R 090°.
**RVR 2400′ authorized Runway 36.
$RVR 2400′. Descent below 935′ not authorized unless approach lights are visible.
MSA within 25 miles of RF LOM: 000°–090°—2300′; 090°–180°—2500′; 180°–270°—2300′; 270°–360°—2600′.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735′; Fac. Class., ILS; Ident., I–RFD; Procedure No. ILS Runway 36, Amdt. 12; Eff. date, 8 Jan. 70; Supe Amdt. No. 11; Dated, 19 June 69

5. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Cleveland, Ohio—Cleveland Hopkins International, ILS Runways 5R/5L, Amdt. 5, 25 Mar. 67 (established under Subpart C).
Cleveland, Ohio—Cleveland Hopkins International, LOC (BC) Runways 23 L/R, Amdt. 3, 25 Nov. 67 (established under Subpart C).
Cleveland, Ohio—Cleveland Hopkins International, ILS Runway 27, Amdt. 6, 11 Feb. 1967 (established under Subpart C).
Meridian, Miss.—Key Field, ILS Runway 1, Amdt. 12, 11 Nov. 1967 (established under Subpart C).

6. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Cleveland, Ohio—Cleveland Hopkins International, Radar 1, Amdt. 15, 15 Aug. 1968 (established under Subpart C).

7. By amending § 97.19 of Subpart B to cancel radar procedures as follows:

Augusta, Kans.—Augusta Municipal, Radar-1, Orig., effective 9 May 1968, canceled, effective 8 Jan. 1970.

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BDR VOR.
Bridgeport VOR	Milford Int	Direct	2100	Climb on R 228° BDR to 1200' within 5 miles; climbing right turn to 2100' direct to BDR VOR, thence via the BDR VOR R 018° to Ansonia Int, and hold.
Wilbur Int	Milford Int	Via R 354° RVH VOR	2100	Supplementary charting information: Hold N, 1 minute, right turns, 198° Inbnd. 125' steeple 1.8 miles S of BDR VOR. 318' tower 3.5 miles W of BDR VOR. 362' stack 3 miles NE of BDR VOR. Runway 24, TDZ elevation, 7'.

One-minute holding pattern, NE of Milford Int, 233° Inbnd. Right turns, 2100'.
FAF, Milford Int. Final approach crs, 233°. Distance FAF to MAP, 5 miles.
Minimum altitude over Milford Int, 2100'.
MSA: 000°–090°—2600'; 090°–270°—1700'; 270°–360°—2100'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS
S-24	400	1	393	400	1	393	400	1	393		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	440	1	431	620	1	611	620	1¼	611		NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Bridgeport; State, Conn.; Airport name, Bridgeport Municipal; Elev., 9'; Facility, BDR; Procedure No. VOR Runway 24-2, Amdt. Orig.; Eff. date, 8 Jan. 70

Terminal routes				Missed approach
From—	To	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing STG VOR.
Cleveland VORTAC	STG VOR	Direct	3000	Climbing left turn to 3000'; proceed direct to CLE VORTAC and hold.
Vermilion Int	STG VOR	Direct	3000	Supplementary charting information: Hold SW, 1 minute, right turns, 069° Inbnd. Runway 36L, TDZ elevation, 789'.
Mentor Int	STG VOR	Direct	3000	
Cleveland NDB	STG VOR	Direct	3000	
Sharon Int	Brunswick Int	Via CLE VORTAC R 141° and STG R 196°.	2800	
Brunswick Int	STG VOR (NOPT)	Direct	2200	

Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 3000' within 10 miles of STG VOR.
FAF, STG VOR. Final approach crs, 016°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over STG VOR, 2200'.
MSA: 000°–090°—3000'; 090°–180°—3100'; 180°–270°—2600'; 270°–360°—2200'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36L	1180	¾	391	1180	¾	391	1180	¾	391	1180	1	391
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	448	1260	1	468	1260	1½	468	1360	2	568
A	Standard.		T 2-eng. or less—RVR 24', Runways 5R, 23L, 28R. Standard all others.				T over 2-eng. RVR 24', Runways 5R, 23L, 28R. Standard all others.					

City, Cleveland; State, Ohio; Airport name, Cleveland Hopkins International; Elev., 792'; Facility, STG; Procedure No. VOR Runway 36L, Amdt. 7; Eff. date, 8 Jan. 70; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 13 Nov. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MGY VOR.
Holly Int	MGY VOR	Direct	2700	Climbing right turn to 2700' direct MGY VOR and hold.
Dayton VORTAC	MGY VOR	Via DAY VORTAC R 163°	3000	Supplementary charting information: Hold SE, 1 minute, right turns, 326° Inbnd. Chart 1357' tower, 34°34'15" N./84°11'04" W.
Camden Int	MGY VOR	Direct	2700	

Procedure turn E side of crs, 146° Outbnd, 326° Inbnd, 2700' within 10 miles of MGY VOR.
Final approach crs, 326°.
MSA: 045°–135°—2600'; 135°–225°—2600'; 225°–315°—2700'; 315°–045°—3100'.
NOTES: (1) Radar vectoring. (2) Use Dayton approach control altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1720	1	769	1720	1¼	769	1720	1½	769	1720	2	769
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Dayton; State, Ohio; Airport name, Montgomery County; Elev., 961'; Facility, MGY; Procedure No. VOR-1, Amdt. 7; Eff. date, 8 Jan. 70; Sup. Amdt. No. 6; Dated, 17 June 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MGY VOR.
Holly Int	MGY VOR	Direct	2700	Climbing left turn to 3000' to Holly Int via MGY VOR R 136° and hold.
DAY VORTAC	MGY VOR	Via DAY VORTAC R 163°	3000	Supplementary charting information: Hold SW, 1 minute, left turns, 055° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold. Chart 1357' tower, 34°24'18" N/84°11'04" W. Runway 20, TDZ elevation, 960'.
Camden Int	MGY VOR	Direct	2700	

Procedure turn E side of crs, 028° Outbnd, 208° Inbnd, 2700' within 10 miles of MGY VOR.
Final approach crs, 208°.
Minimum altitude over 4-mile Radar Fix on MGY R 028°, 2000'.
MSA: 045°–135°—2600'; 135°–225°—2600'; 225°–315°—2700'; 315°–045°—3100'.
NOTES: (1) Radar vectoring. (2) Use Dayton approach control altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	2000	1½	1040	2000	1¾	1040	2000	2	1040	2000	2¼	1040
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1½	1039	2000	1¾	1039	2000	2	1039	2000	2¼	1039
	VOR/RADAR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	1420	1	460	1420	1	460	1420	1	460	1420	1	460
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	499	1460	1	499	1480	1½	519	1720	2	759
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Dayton; State, Ohio; Airport name, Montgomery County; Elev., 961'; Facility, MGY; Procedure No. VOR Runway 20, Amdt. 3; Eff. date, 8 Jan. 70; Sup. Amdt. No. 2; Dated, 17 June 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ESC VORTAC.
R 360°, ESC VORTAC CCW	R 266°, ESC VORTAC	8-mile Arc	2400	Climb to 2100′ on R 086° ESC VORTAC
R 120°, ESC VORTAC CW	R 266°, ESC VORTAC	8-mile Arc	2300	within 10 miles, return to VORTAC.
8-mile Arc	ESC VORTAC (NOPT)	ESC R 266°	1000	Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. Runway 9, TDZ elevation, 600′.

Procedure turn S side of crs, 266° Outbnd, 068° Inbnd, 2100′ within 10 miles of ESC VORTAC.
Final approach crs, 086°.
Minimum altitude over 2-mile DME Fix, 1000′.
MSA: 045°–135°—2000′; 135°–225°—2100′; 225°–315°—2200′; 315°–045°—3100′.
NOTES: (1) Inoperative component table does not apply to REIL Runway 9. (2) Use Marquette altimeter setting when control zone not effective and all MDAs increased 240′ except for operators with approved weather reporting service. (3) Magnetic disturbance of as much as 14° exists at ground level at Escanaba.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	1000	1	400	1000	1	400	1000	1	400	1000	1	400
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	452	1060	1	452	1060	1¼	452	1220	2	612
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	920	1	320	920	1	320	920	1	320	920	1	320
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Escanaba; State, Mich.; Airport name, Escanaba Municipal; Elev., 608′; Facility, ESC; Procedure No. VOR Runway 9, Amdt. 6; Eff. date, 8 Jan. 70; Sup. Amdt. No. 5; Dated, 30 Dec. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ESC VORTAC.
R 278°, ESC VORTAC CCW	R 101°, ESC VORTAC	8-mile Arc	2300	Climb to 2100′ on R 281° ESC VORTAC
R 338°, ESC VORTAC CW	R 101°, ESC VORTAC	8-mile Arc	2300	within 10 miles, return to VORTAC.
8-mile Arc	ESC VORTAC (NOPT)	ESC R 101°	1060	Supplementary charting information: Final approach crs intercepts runway centerline 3230′ from threshold. Runway 27, TDZ elevation, 594′.

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2100′ within 10 miles of ESC VORTAC.
Final approach crs, 281°.
Minimum altitude over 2-mile DME Fix, 1060′.
MSA: 045°–135°—2000′; 135°–225°—2100′; 225°–315°—2200′; 315°–045°—3100′.
NOTES: (1) Inoperative component table does not apply to REIL Runway 27. (2) Use Marquette altimeter setting when control zone not effective, and all MDAs increased 240′ except for operators with approved weather reporting service. (3) Magnetic disturbance of as much as 14° exists at ground level at Escanaba.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	1060	1	466	1060	1	466	1060	1	466	1060	1	466
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	452	1060	1	452	1060	1¼	452	1220	2	612
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	1020	1	426	1020	1	426	1020	1	426	1020	1	426
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Escanaba; State, Mich.; Airport name, Escanaba Municipal; Elev., 608′; Facility, ESC; Procedure No. VOR Runway 27, Amdt. 4; Eff. date, 8 Jan. 70; Sup. Amdt. No. 3; Dated, 30 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.8 miles after passing FOW VOR.
New Prague Int	FOW VOR	Direct	2700	Climb to 2700′ on R 014° within 10 miles,
Cannon City Int	FOW VOR	Direct	2700	return to VOR.
Hope Int	FOW VOR	Direct	2700	Supplementary charting information:
Alma City Int	FOW VOR	Direct	2700	Final approach crs to center of airport.

Procedure turn E side of crs, 194° Outbnd, 014° Inbnd, 2700′ within 10 miles of FOW VOR.
FAF, FOW VOR. Final approach crs, 014°. Distance FAF to MAP, 7.8 miles.
Minimum altitude over FOW VOR, 2700′.
MSA: 045°–135°—2700′; 135°–225°—2700′; 225°–315°—2600′; 315°–045°—2600′.
NOTE: Use Minneapolis, Minn., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1600	1	546	1660	1	606	1660	1¼	606		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Faribault; State, Minn.; Airport name, Faribault Municipal; Elev., 1054′; Facility, FOW; Procedure No. VOR-1, Amdt. 1; Eff. date, 8 Jan. 70; Sup. Amdt. No. Orig.; Dated, 2 Mar. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3 miles after passing GGG VORTAC.
R 266°, GGG VORTAC CW	R 305°, GGG VORTAC (NOPT)	10-mile Arc GGG, R 294° lead radial.	2100	Left-climbing turn to 2500′ proceed via GGG VORTAC R 114° to Tatum Int and hold.
R 021°, GGG VORTAC CCW	R 305°, GGG VORTAC (NOPT)	10-mile Arc GGG, R 316° lead radial.	2100	Supplementary charting information:
10-mile DME Fix	GGG VORTAC (NOPT)	R 305°	1100	Hold SE of Tatum Int on GGG VORTAC R 114°, 294° Inbnd, left turns, 1 minute/4 miles. Runway 13, TDZ elevation, 357′.

Procedure turn S side of crs, 305° Outbnd, 125° Inbnd, 2000′ within 10 miles of GGG VORTAC.
FAF, GGG VORTAC. Final approach crs, 125°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over GGG VORTAC, 1100′.
MSA: 000°–090°—1800′; 090°–180°—1900′; 180°–270°—2100′; 270°–360°—2000′.
#RVR 24′, Runway 13.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	700	RVR 24	343	700	RVR 24	343	700	RVR 24	343	700	RVR 50	343
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	760	1	395	820	1	455	820	1¼	455	920	2	555
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Longview; State, Tex.; Airport name, Gregg County; Elev., 365′; Facility, GGG; Procedure No. VOR Runway 13, Amdt. 10; Eff. date, 8 Jan. 70; Sup. Amdt. No. 9; Dated, 30 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.7 miles after passing MEI VOR TAC.
MEI R 201°, CW	MEI, R 310°	10-mile Arc	2000	Climbing right turn to 3000' (DME equipped aircraft 2000') to intercept and proceed via R 216° MEI VORTAC to Rose Hill intersection and hold, or when directed by ATC, climbing right turn to 2000' direct to ME LOM and hold. Hold S, 1 minute, right turns, 006° Inbnd. Supplementary charting information: Hold SE, 1 minute, right turns, 036° Inbnd. HIRLS Runways 1/19. ALS Runway 1.
MEI R 045°, CCW	MEI, R 310°	10-mile Arc	2000	
10-mile Arc	MEI VORTAC (NOPT)	MEI, R 310°	1600	

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 2000' within 10 miles of MEI VORTAC.
FAF, MEI VORTAC. Final approach crs, 130°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over MEI VORTAC, 1600'.
MSA: 000°–180°—2100'; 180°–270°—1700'; 270°–360°—2000'.
CAUTION: Trees 600', 1¼ miles E of airport. Tower 1000', 2.5 miles E of airport. Tower 880', 4.2 miles SW of airport.
*%Night minimums not authorized Runways 5-23.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	800	1	503	920	1	623	920	1¼	623	920	2	623
A	Standard.		T 2-eng. or less—RVR 24', Runway 1; Standard all others.%				T over 2-eng.—RVR 24', Runway 1; Standard all others.%					

City, Meridian; State, Miss.; Airport name, Key Field; Elev., 297'; Facility, MEI; Procedure No. VOR-1, Amdt. 8; Eff. date, 8 Jan. 70; Sup. Amdt. No. 7; Dated, 27 May 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5 miles after passing MKE VOR TAC.
				Make right-climbing turn to 2000', direct to VORTAC. When directed by ATC, make left-climbing turn to 2000', direct to VORTAC.

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 2900' within 10 miles of MKE VORTAC.
FAF, MKE VORTAC. Final approach crs, 152°. Distance FAF to MAP, 5 miles.
Minimum altitude over MKE VORTAC, 2600'.
MSA: 000°–180°—2800'; 180°–270°—2700'; 270°–360°—2500'.
NOTES: (1) Use Milwaukee, Wis., altimeter setting. (2) Radar vectoring.
%IFR departure procedures: When weather is below 700–1 aircraft departing Runway 10 make immediate left-climbing turn to 2000' on 360° bearing from NDB before proceeding on crs, restriction due to 1549' tower 3.8 miles E; aircraft departing Runways 18, 36, and 28 climb to 1600' on runway heading before proceeding on crs, restrictions due to 1100' tank 0.6 mile SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1500	1	591	1500	1	591	1500	1¼	591	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Waukesha; State, Wis.; Airport name, Waukesha County; Elev., 909'; Facility, MKE; Procedure No. VOR-1, Amdt. 4; Eff. date, 8 Jan. 70; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 9 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 23.2-mile DME R 068° LCH.
LCH VORTAC	13-mile DME	R 068°	1500	Climb to 1500', left turn to LCH VOR via R 057°.
R 057°, LCH VOR CW	R 068°, LCH VOR	13-mile Arc LCH, R 069° lead radial.	1500	
R 082°, LCH VOR CCW	R 068°, LCH VOR	13-mile Arc LCH R 077° lead radial.	1500	

Procedure turn not authorized. Approach crs (profile) starts at 13-mile DME LCH R 068°.
Final approach crs, 068°.
Minimum altitude over 13-mile DME R 068°, 1500'; over 18-mile DME, 1500'.
MSA: 000°–360°—1500'.
NOTES: (1) Use Lake Charles altimeter setting when Jennings altimeter setting is not available. (2) MDA increased 120' when Jennings altimeter setting is not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	600	1	577	600	1	577	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Jennings; State, La.; Airport name, Jennings; Elev., 23'; Facility, LCH; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 8 Jan. 70

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.9 mile DME Fix R 126°.
R 059°, GGG VORTAC CW	R 126°, GGG VORTAC (NOPT)	15-mile Arc GGG, R 118° lead radial.	2100	Climb to 2000' direct to GGG VORTAC and hold. Supplementary charting information: Hold NW on GGG VORTAC R 305°, 125° Inbnd, right turns, 1 minute. Runway 31, TDZ elevation, 354'.
R 174°, GGG VORTAC CCW	R 126°, GGG VORTAC (NOPT)	15-mile Arc GGG, R 134° lead radial.	2100	
GGG VORTAC	8-mile DME Fix	R 126°	2000	
15-mile DME Fix	8-mile DME (NOPT)	R 126°	1300	

Procedure turn N side of crs, 126° Outbnd, 306° Inbnd, 2000' within 10 miles of 8-mile DME Fix.
Final approach crs, 306°.
Minimum altitude over 8-mile DME, 1300'.
MSA: 000°–090°—1800'; 090°–180°—1900'; 180°–270°—2100'; 270°–360°—2000'.
#RVR 24', Runway 13.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
B 31	700	¾	346	700	¾	346	700	¾	346	700	1	346
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	760	1	395	820	1	455	820	1¼	455	920	2	555
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Longview; State, Tex.; Airport name, Gregg County; Elev., 365'; Facility, GGG; Procedure No. VOR/DME Runway 31, Amdt. 2; Eff. date, 8 Jan. 70; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 23 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4-mile DME Fix, R 142°.
R 059°, GGG VORTAC CW	R 142°, GGG VORTAC (NOPT)	15-mile Arc GGG, R 134° lead radial.	2100	Climb to 2000' direct to GGG VORTAC and hold.
R 174°, GGG VORTAC CCW	R 142°, GGG VORTAC (NOPT)	15-mile Arc GGG, R 150° lead radial.	2100	Supplementary charting information: Hold NW on GGG VORTAC R 305°, 125° Inbnd, right turns, 1 minute.
GGG VORTAC	8-mile DME Fix	R 142°	2000	
15-mile DME Fix	8-mile DME (NOPT)	R 142°	1300	Runway 35, TDZ elevation, 364'.

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2000' within 10 miles of 8-mile DME.
Final approach crs, 322°.
Minimum altitude over 8-mile DME, 1300'.
MSA: 000°-090°—1800'; 090°-180°—1900'; 180°-270°—2100'; 270°-360°—2000'.
‡RVR 24', Runway 13.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	740	1	376	740	1	376	740	1	376	740	1	376
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	760	1	395	820	1	455	820	1¼	455	920	2	555
A	Standard.		T 2-eng. or less—Standard.‡				T over 2-eng.—Standard.‡					

City, Longview; State, Tex.; Airport name, Gregg County; Elev., 365'; Facility, GGG; Procedure No. VOR/DME Runway 35, Amdt. Orig.; Eff. date, 8 Jan. 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 26.7-mile DME TBD VOR, R 270°
TBD VORTAC	16-mile DME	R 270°	1500	Climb to 1500', left turn, direct to TBD VOR via R 263°.
R 290°, TBD VOR CCW	R 270°, TBD VOR	16-mile Arc TBD, R 277° lead radial.	1500	
R 263°, TBD VOR CW	R 270°, TBD VOR	16-mile Arc TBD, R 263° lead radial.	1500	

Procedure turn not authorized. Approach crs (profile) starts at 16-mile DME TBD, R 270°.
Final approach crs, 270°.
Minimum altitude over 16-mile DME, R 270°, 1500'; over 21-mile DME, R 270°, 1500'.
MSA: 000°-360°—1500'.
NOTE: Use Lafayette altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	700	1	691	700	1	691	700	1¼	691	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Patterson; State, La.; Airport name, Williams Memorial; Elev., 9'; Facility, TBD; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 8 Jan. 70

9. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BDR VOR.
				Climb on BDR R 048° to 2000'; left turn on R 283° HVN VOR to Ansonia Int and hold. Supplementary charting information: Hold N, 1 minute, right turns, 198° Inbnd. 125' steeple 1.8 miles S BDR VOR; 318' tower 3.5 miles W BDR VOR; 362' stack 3 miles NE BDR VOR. Runway 6, TDZ elevation, 7'.

Procedure turn N side of crs, 241° Outbnd, 061° Inbnd, 1900' within 10 miles of BDR VOR.
Final approach crs, 061°.
MSA: 000°-090°—2600'; 090°-270°—1700'; 270°-360°—2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-6	620	¾	613	620	¾	613	620	¾	613	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	620	1	611	620	1	611	620	1¼	611	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bridgeport; State, Conn.; Airport name, Bridgeport Municipal; Elev., 9'; Facility, BDR; Procedure No. VOR Runway 6, Amdt. 6; Eff. date, 8 Jan. 70; Sup. Amdt. No. 5; Dated, 10 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BDR VOR.
				Climb on R 228° BDR to 1200' within 5 miles; climbing right turn to 2100' direct to BDR VOR, thence via BDR VOR R 018° to Ansonia Int and hold. Supplementary Charting information: Hold N, 1 minute, right turns 198° Inbnd. 125' steeple 1.8 miles S BDR VOR; 362' stack 3 miles NE BDR VOR; 318' tower 3.5 miles W BDR VOR. Runway 24, TDZ elevation, 7'.

Procedure turn N side of crs, 048° Outbnd, 228° Inbnd, 2100' within 10 miles of BDR VOR.
Final approach crs, 228°.
MSA: 000°-090°—2600'; 090°-270°—1700'; 270°-360°—2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24	680	¾	673	680	¾	673	680	1	673	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	680	1	671	680	1	671	680	1¼	671	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bridgeport; State, Conn.; Airport name, Bridgeport Municipal; Elev., 9'; Facility, BDR; Procedure No. VOR Runway 24-1, Amdt. 4; Eff. date, 8 Jan. 70; Sup. Amdt. No. VOR Runway 24, Amdt. 3; Dated, 10 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
BN NDB/LOM	BNA VORTAC	Direct	2000	MAP: 4.5 miles after passing BNA VORTAC.
R 042°, BNA VORTAC CW	R 133°, BNA VORTAC	Via 10-mile DME Arc	2000	Climbing left turn to 8000' direct to BN NDB/LOM and hold.
10-mile DME Arc	BNA VORTAC (NOPT)	R 133°	1700	Supplementary charting information: Hold S, 1 minute, right turns, 016° Inbnd. HIRL Runways 2L/20R. VASI Runway 20R. TDZ elevation, 574'.

Procedure turn N side of crs, 133° Outbnd, 313° Inbnd, 2000' within 10 miles of BNA VORTAC.
FAF, BNA VORTAC. Final approach crs, 313°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over BNA VORTAC, 1700'.
MSA: 000°–090°—2500'; 090°–180°—2400'; 180°–360°—3100'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1000	1	426	1000	1	426	1000	1	426	1000	1	426
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1060	1	463	1060	1½	463	1160	2	563
A	Standard.		T 2-eng. or less—RVR 24, Runway 2L; Standard all other runways.				T over 2-eng.—RVR 24, Runway 2L; Standard all other runways.					

City, Nashville; State, Tenn.: Airport name, Nashville Metropolitan; Elev., 597'; Facility, BNA; Procedure No. VOR Runway 31, Amdt. 17; Eff. date, 8 Jan. 70; Sup. Amdt. No. 16; Dated, 6 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 049°, JAN VORTAC CW	R 155°, JAN VORTAC	22-mile DME Arc	2000	MAP: 14-mile DME Fix.
R 264°, JAN VORTAC CCW	R 207°, JAN VORTAC	22-mile DME Arc	3400	Climbing right turn to 2000' on R 129° JAN VORTAC to Rankin DME Int and hold.
R 207°, JAN VORTAC CCW	R 155°, JAN VORTAC	22-mile DME Arc	2000	Supplementary charting information: Hold SE within 4 miles, right turns, 309° Inbnd. HIRL's all runways. TDZ elevation, 327'.
22-mile DME Arc	19-mile DME (NOPT)	R 155°	2000	

Procedure turn E side of crs, 155° Outbnd, 335° Inbnd, 2000' within 10 miles of 19-mile DME Fix, R 155°.
Final approach crs, 335°.
Minimum altitude over 19-mile DME Fix, 2000'.
MSA: 000°–090°—1700'; 090°–180°—3000'; 180°–270°—3400'; 270°–360°—1700'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33L	740	¾	413	740	¾	413	740	¾	413	741	1	413
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	435	800	1	455	800	1¼	455	900	2	555
A	Standard.		T 2-eng. or less—RVR 24', Runway 15L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 15L; Standard all other runways.					

City, Jackson; State, Miss.: Airport name, Allen C. Thompson Field; Elev., 345'; Facility, JAN; Procedure No. VOR/DME Runway 33L, Amdt. 4; Eff. date, 8 Jan. 70; Sup. Amdt. No. 3; Dated, 6 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 049°, JAN VORTAC CW	R 152°, JAN VORTAC	22-mile DME Arc	2000	MAP: 13.5-mile DME Fix.
R 264°, JAN VORTAC CCW	R 207°, JAN VORTAC	22-mile DME Arc	3400	Climbing right turn to 2000' on R 129° JAN VORTAC to Rankin DME Int and hold.
R 207°, JAN VORTAC CCW	R 152°, JAN VORTAC	22-mile DME Arc	2000	Supplementary charting information: Hold SE within 4 miles, right turns, 309° Inbnd. HIRLs all runways. TDZ elevation, 345'.
22-mile DME Arc	19-mile DME (NOPT)	R 152°	2000	

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 2000' within 10 miles of 19-mile DME Fix, R 152°.
Final approach crs, 332°.
Minimum altitude over 19-mile DME Fix, 2000'.
MSA: 000°–090°—1700'; 090°–180°—2000'; 180°–270°—3400'; 270°–360°—1700'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33R	740	¾	395	740	¾	395	740	¾	395	740	1	395
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	435	800	1	455	800	1¼	455	900	2	555
A	Standard.		T 2-eng. or less—RVR 24', Runway 15L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 15L; Standard all other runways.					

City, Jackson; State, Miss.: Airport name, Allen C. Thompson Field; Elev., 345'; Facility JAN; Procedure No. VOR/DME Runway 33R, Amdt. 6; Eff. date, 8 Jan. 70; Sup. Amdt. No. 5; Dated, 6 Mar. 69

10. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6 miles from 6-mile Radar Fix.
				Climb to 1600' on crs 084° to ES LOM and hold. (Inbnd crs 264°). Supplementary charting information: Hold E of ES LOM crs 264° Inbnd, right turns, 1 minute.

Procedure turn not authorized. Approach crs (profile) begins at 6-mile Radar Fix.
FAF, 6-mile Radar Fix. Final approach crs, 084°. Distance FAF to MAP, 6 miles.
Minimum altitude over 6-mile Radar Fix, 1700'.
NOTES: (1) ASR. (2) Radar required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8	500	1	408	500	1	408	500	1	408	500	1	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	432	560	1	452	560	1¼	452	660	2	552
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108'; Facility, I-ESF; Procedure No. LOC (BC) Runway 8, Amdt. Orig.; Eff. date, 8 Jan. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Vermilion Int	SUM NDB	Direct	3000	Climbing right turn to 3000'; proceed to CLE VOR and hold.
CLE NDB	SUM NDB	Direct	3000	
Sharon Int	SUM NDB	Direct	3000	Supplementary charting information:
Mentor Int	SUM NDB (NOPT	CXR VORTAC R 285° NE crs CLE LOC.	3000	Hold SW, 1 minute, right turns, 069° Inbnd. Final approach crs 500' left of Runway 23R threshold. Runway 23L, TDZ elevation, 785'. Runway 23R, TDZ elevation, 784'.

Procedure turn N side of crs, 054° Outbnd, 234° Inbnd, 3000' within 10 miles of SUM NDB.
FAF, SUM NDB. Final approach crs, 234°. Distance FAF to MAP, Runway 23L, 6.8 miles; Runway 23R, 6.9 miles.
Minimum altitude over SUM NDB, 3000'; over 5.3-mile DME Fix (4-mile Radar), 1500'.
MSA: 000°–090°—2600'; 090°–270°—3100'; 270°–360°—2100'.
NOTES: (1) ASR. (2) DME indication at SUM NDB 8.1 miles. DME should not be used to determine aircraft position over the runway threshold touchdown point.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-23L	1280	RVR 50	495	1280	RVR 50	495	1280	RVR 50	495	1280	RVR 50	495
S-23R	1280	1	496	1280	1	496	1280	1	496	1280	1	496
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	488	1280	1	488	1280	1½	488	1360	2	568
LOC/DME or Radar Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-23L	1140	RVR 50	355	1140	RVR 50	355	1140	RVR 50	355	1140	RVR 50	355
S-23R	1140	1	356	1140	1	356	1140	1	356	1140	1	356
A	Standard.		T 2-eng. or less—RVR 24', Runways 5R, 23L, 28R. Standard all others.				T over 2-eng.—RVR 24 Runways 5R, 23L, 28R. Standard all others.					

City, Cleveland; State, Ohio; Airport name, Cleveland Hopkins International; Elev., 792'; Facility, I-CLE; Procedure No. LOC (BC) Runway 23 L/R, Amdt. 4; Eff. date, 8 Jan. 70; Sup. Amdt. No. 3; Dated, 25 Nov. 67

11. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
RST VOR	Ellie Int	Direct	2800	MAP: 4.1 miles after passing Ellie Int.
Bell Int	Ellie Int	Direct	2800	
RS LOM	Ellie Int	Direct	2800	
Concord DME Fix	Byron Int	LOC crs	2800	Supplementary charting information:
R 168°, RST VOR CW	RST LOC	15-mile Arc 330° lead radial	2800	Runway 13, TDZ elevation, 1292'.
15-mile Arc	Ellie Int (NOPT)	LOC crs	2500	
Byron Int	Ellie Int (NOPT)	LOC crs	2500	

Procedure turn S side of crs, 307° Outbnd, 127° Inbnd, 2800' within 10 miles of Ellie Int.
FAF, Ellie Int. Final approach crs, 127°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over Ellie Int., 2500'.
NOTE: Dual VOR receivers required.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-13	1600	¾	308	1600	¾	308	1600	¾	308	1600	1	308
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	384	1780	1	464	1780	1½	464	1880	2	564
A	Standard.		T 2-eng. or less—RVR 24', Runway 31, Standard all others.				T over 2-eng.—RVR24', Runway 31, Standard all others.					

City, Rochester; State, Minn.; Airport name, Rochester Municipal; Elev., 1316'; Facility, I-RST; Procedure No. LOC (BC) Runway 13, Amdt. 4; Eff. date, 8 Jan. 70; Sup. Amdt. No. 3; Dated, 2 May 68

12. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Cleveland NDB	GIL NDB	Direct	3000	MAP: 6.8 miles Runway 5R, or 7.2 miles Runway 5L, after passing GIL NDB.
Cleveland VORTAC	GIL NDB	Direct	3000	Left turn to 360° Heading Climb to 2800', intercept ACO VORTAC R 316° Climb to 3000' and proceed to Crib Int and hold.
Vermilion Int	GIL NDB	Direct	3000	
Sharon Int	GIL NDB	Direct	3000	Supplementary charting information:
Mentor Int	GIL NDB	Direct	3000	Hold SE 1 minute, right turns, 316° Inbnd.
Louis Int	GIL NDB (NOPT)	Direct	2700	Final approach crs 500' right of Runway 5L threshold. Runway 5R, TDZ elevation, 775'. Runway 5L, TDZ elevation, 780'.

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2700' within 10 miles of GIL NDB.
FAF, GIL NDB. Final approach crs, 054° Distance FAF to MAP, Runway 5R, 6.8 miles; Runway 5L, 7.2 miles.
Minimum altitude over GIL NDB, 2700'; over Olmstead Int or ON, 1280'.
MSA: 000°–180°—3100'; 180°–270°—2500'; 270°–360°—2100'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-5R	1280	RVR 40	505	1280	RVR 40	505	1280	RVR 40	505	1280	RVR 50	505
S-5L	1280	1	500	1280	1	500	1280	1	500	1280	1	500
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	488	1280	1	488	1280	1½	488	1360	2	568
NDB/VOR or OM Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5R	1220	RVR 40	445	1220	RVR 40	445	1220	RVR 40	445	1220	RVR 50	445
S-5L	1220	1	440	1220	1	440	1220	1	440	1220	1	440
A	Standard.		T 2-eng. or less—RVR 24', Runways 5R, 23L, 28R. Standard all others.				T over 2- eng.—RVR 24', Runways 5R, 23L, 28R. Standard all others.					

City, Cleveland; State, Ohio; Airport name, Cleveland Hopkins International; Elev., 792'; Facility, GIL; Procedure No. NDB (ADF) Runways 5R/5L, Amdt. 3; Eff. date, 8 Jan. 70; Sup. Amdt. No. 2; Dated, 25 Mar. 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Vermilion Int	SUM NDB	Direct	3000	MAP: Runway 23L 6.8 miles, Runway 23R 6.9 miles, after passing SUM NDB.
CLE NDB	SUM NDB	Direct	3000	Climbing right turn to 3000'; proceed to CLE VOR and hold.
Sharon Int	SUM NDB	Direct	3000	Supplementary charting information:
Mentor Int	SUM NDB (NOPT)	CXR VORTAC R 285°/ SUM 064° bearing.	3000	Hold SW, 1 minute, right turns, 069° Inbnd. Runway 23L, TDZ elevation, 785'. Runway 23R, TDZ elevation, 784'.

Procedure turn N side of crs, 054° Outbnd, 234° Inbnd, 3000' within 10 miles of SUM NDB.
FAF, SUM NDB. Final approach crs, 234°. Distance FAF to MAP, Runway 23L, 6.8 miles; Runway 23R, 6.9 miles.
Minimum altitude over SUM NDB, 3000'.
MSA: 000°–090°—3600'; 090°–270°—3100'; 270°–360°—2100'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-23L	1420	RVR 50	635	1420	RVR 50	635	1420	RVR 60	635	1420	1¼	635
S-23R	1420	1	636	1420	1	636	1420	1¼	636	1420	1¼	636
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	628	1420	1	628	1420	1¼	628	1420	2	628
A	Standard.		T 2-eng. or less—RVR 24', Runways 5R, 23L, 28R. Standard all others.				T over 2-eng.—RVR 24, Runways 5R, 23L, 28R. Standard all others.					

City, Cleveland; State, Ohio; Airport name, Cleveland Hopkins International; Elev., 792'; Facility, SUM; Procedure No. NDB (ADF) Runways 23 L/R, Amdt. 7; Eff. date, 8 Jan. 70; Sup. Amdt. No. 6; Dated, 25 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
DEN VORTAC	EWD NDB	Direct	7500	MAP: 3 miles after passing EDW NDB.
DEN VORTAC	City Park Int	Direct	7500	Climbing right turn to 8000' direct to EWD NDB and hold;* or when directed by ATC, climb to 9000' heading 109° and DEN, R 161° direct to Franktown Int.
City Park Int	EWD NDB (NOPT)	Direct	6500	Supplementary charting information: *Hold S., 1 minute, left turns, 350° Inbnd. Final approach crs alined to mid point of Runways 16/34. UNICOM, 122.8.

Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 7500' within 10 miles of EWD NDB.
FAF, EWD NDB. Final approach crs, 127°. Distance FAF to MAP, 3 miles.
Minimum altitude over EWD NDB, 6500'.
MSA: 070°–160°—9000'; 160°–340°—12,800'; 340°–070°—7200'.
NOTES: (1) A3R. (2) Use Denver altimeter setting when control zone not effective.
#Circling MDA increased 40' and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	6240	1	380	6320	1	400	6320	1¼	460	6460	2	600
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Greenwood Village; State, Colo.; Airport name, Arapahoe County; Elev., 5860'; Facility, EWD; Procedure No. NDB (ADF)-1, Amdt. Orig.; Eff. date, 8 Jan. 70

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
GGG VORTAC	GG LOM	Direct	2000	MAP: 5.5 miles after passing GG LOM.
				Climb to 2000', right turn to GG LOM, and hold. Supplementary charting information: Hold NW on bearing 307, 127° Inbnd, right turns, 1 minute. Runway 13, TDZ elevation, 357'.

Procedure turn S side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles of GG LOM.
FAF, GG LOM. Final approach crs, 127°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over GG LOM, 1900'.
MSA: 000°–180°—1900'; 180°–270°—2100'; 270°–360°—2000'.
#RVR 24', Runway 13.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	760	RVR 40	403	760	RVR 40	403	760	RVR 40	403	760	RVR 50	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	760	1	395	820	1	455	820	1¼	455	920	2	555
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Longview; State, Tex.; Airport name, Grigg County; Elev., 365'; Facility, GG; Procedure No. NDB (ADF) Runway 13, Amdt. 4; Eff. date, 8 Jan. 70; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 23 Jan. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Upper Sandusky Int	MNN NDB	Direct	2500	MAP: MNN NDB.
Meeker Int	MNN NDB	Direct	2500	Left turn, climb to 2500', on crs, 330°. Return to MNN NDB and hold.
Kirkpatrick Int	MNN NDB	Direct	2500	Supplementary charting information:
Grindell Int	MNN NDB	Direct	2500	Hold NW, 1 minute, right turns, 150° Inbnd. Final approach crs intersects runway centerline 1680' from threshold. Runway 12, TDZ elevation 989'.

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 2500' within 10 miles of MNN NDB.
Final approach crs, 150°.
MSA: 000°–090°—2800'; 090°–180°—2700'; 180°–270°—2600'; 270°–360°—2500'.
NOTE: Use Mansfield, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
B-12	1540	1	551	1540	1	551	1540	1	551	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1540	1	549	1540	1	549	1540	1½	549	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Marion; State, Ohio; Airport name, Marion Municipal; Elev., 991'; Facility, MNN; Procedure No. NDB (ADF) Runway 12, Amdt. 1; Eff. date, 8 Jan. 70; Sup. Amdt. No. ADF 1, Orig.; Dated, 23 Apr. 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
MEI VORTAC	ME LOM	Direct	2000	MAP: 4.5 miles after passing ME LOM.
Stratton Int	ME LOM	Direct	2000	Climbing left turn to 3000' (DME equipped aircraft, 2000') to intercept and proceed via R 216° MEI VORTAC to Rose Hill intersection and hold, or when directed by ATC, climbing, left turn to 2000' to MEI VORTAC and hold NW, 1 minute, right turns, 130° Inbnd.
Cone Int	ME LOM	Direct	2000	Supplementary charting information:
Newton Int	ME LOM	Direct	2000	Hold SW, 1 minute, right turns, 036° Inbnd;
Rose Hill Int	ME LOM	Direct	2000	HIRLS, Runways 1/19.
EWA VOR	ME LOM	Direct	2000	ALS, Runway 1. Runway 1, TDZ elevation, 287'.

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 2000' within 10 miles of ME LOM.
FAF, ME LOM. Final approach crs, 006°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over ME LOM, 1700'.
MSA: 000°–090°—2100'; 090°–180°—1900'; 180°–270°—1800'; 270°–360°—2000'.
CAUTION: Trees 600', 1¼ miles E of airport. Tower 1000', 2.5 miles E of airport. Tower 880', 4.2 miles SE of airport.
*%Night minimums not authorized Runways 5/23.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1	800	RVR 40	513	800	RVR 40	513	800	RVR 40	513	800	RVR 50	513
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	800	1	503	920	1	623	920	1¼	623	920	2	623
A	Standard.		T 2-eng. or less—RVR 24', Runway 1; Standard all others.%				T over 2-eng.—RVR 24', Runway 1; Standard all others.%					

City, Meridian; State, Miss.; Airport name, Key Field; Elev., 297'; Facility, ME; Procedure No. NDB (ADF) Runway 1, Amdt. 11; Eff. date, 8 Jan. 70; Sup. Amdt. No. 10; Dated, 11 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: RRL NDB.
AUW VOR	RRL NDB	Direct	3500	Climb to 3100′ on 150° bearing from NDB within 10 miles, return to NDB.
RHI VOR	RRL NDB	Direct	3100	Supplementary charting information: Final approach crs intercepts runway centerline 4500′ from threshold. 2010′ tower 3.5 miles SSW of airport, at 45°08′30″/89°43′36″. Runway 16, TDZ elevation, 1316′.

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 3100′ within 10 miles of RRL NDB.
Final approach crs, 150°.
MSA: 090°–270°—3600′; 270°–090°—3100′.
CAUTION: Turf Runways 3/21 unlighted.
NOTE: Use Wausau, Wis., altimeter setting.
%IFR departure procedures: When weather is below 700–1 aircraft departing Runways 16 and 34 climb to 2500′ on runway heading before turning on crs. Departures on Runway 21 make right-climbing turn to 2500′ on 270° bearing, from NDB before turning S. Restrictions due 2010′ tower 3.5 miles SSW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S–16	2060	1	744	2060	1	744	2060	1¼	744	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2060	1	744	2060	1	744	2060	1½	744	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Merrill; State, Wis.; Airport name, Merrill Municipal; Elev., 1316′; Facility, RRL; Procedure No. NDB (ADF) Runway 16, Amdt. Orig.; Eff. date, 8 Jan. 70

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: RTN NDB.
CIM VORTAC	RTN NDB	Direct	8800	Right turn to bearing 040°, climb to 7800′, climbing right turn to 8800′, direct to RTN NDB, and hold.
Int of PUB R 163° and CIM R 040°	RTN NDB	Direct	9700	Supplementary charting information: Hold SW, 1 minute, right turns, 016° inbnd. Final approach crs intercepts runway centerline extended 2260′. ABQ Center, 134.5, 353.8. CIM LRCO—122.1. Runway 2, TDZ elevation, 6340′.

Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 8800′ within 10 miles of RTN NDB.
Final approach crs, 016°.
Minimum altitude over RTN NDB, 7300′.
MSA: 020°–120°—9900′; 120°–230°—9000′; 230°–020°—10,700′.
NOTE: Use Trinidad, Colo., altimeter setting.
*Night straight-in approach not authorized, lights on Runways 7–25.
%Takeoff Runways 2 and 7, climb NE on bearing 040° from RTN NDB to 7800′, climbing right turn to 8800′, direct to RTN NDB, climb in holding pattern to 11,000′. Takeoff Runways 20 and 25, climb SW on bearing 196° from RTN NDB to 8800′, left turn direct to RTN NDB, climb in holding pattern to 11,000′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C VIS	D VIS
*8–2	7300	1¼	960	7300	1½	960	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	7300	1¼	948	7300	1½	948	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Raton; State, N. Mex.; Airport name, Crews Field; Elev., 6352′; Facility, RTN; Procedure No. NDB (ADF) Runway 2, Amdt. Orig.; Eff. date, 8 Jan. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: UES NDB.
MKE VORTAC	UES NDB	Direct	2700	Make left-climbing turn to 2700′ on 275° bearing from NDB within 10 miles.
Watertown Int	UES NDB	Direct	2700	Supplementary charting information:
Cardinal Int	UES NDB	Direct	2700	Final approach crs intercepts runway centerline 4410′ from threshold.
Big Bend Int	UES NDB	Direct	2700	1549′ tower 3.8 miles E of airport at 43°02′-00″/88°07′35″. 1149′ tower 0.75 mile E of airport at 43°02′-25″/88°12′00″. 1100′ watertank 3800′ SW of airport at 43°02′00″/88°14′50″. Runway 10, TDZ elevation, 903′.

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2700′ within 10 miles of UES NDB.
Final approach crs, 095°.
Minimum altitude over Hartland Int, 2060′.
MSA: 045°–135°—2800′; 135°–225°—2600′; 225°–315°—2700′; 315°–045°—2600′.
NOTES: (1) Use Milwaukee, Wis., altimeter setting. (2) Radar vectoring.
%IFR departure procedures: When weather is below 700–1 aircraft departing Runway 10 make immediate climbing turn to 2000′ on 360° bearing from NDB before proceeding on crs, restriction due to 1549′ tower 3.8 miles E; aircraft departing Runways 18, 36, and 28 climb to 1600′ on runway heading before proceeding on crs, restriction due to 1100′ tank 0.6 mile SW.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S–10	2060	1¼	1157	2060	1¼	1157	2060	2	1157	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2060	1½	1151	2060	1¾	1151	2060	2	1151	NA
	NDB/VOR Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–10	1460	1	557	1460	1	557	1460	1	557	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	501	1500	1	501	1500	1½	501	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Waukesha; State, Wis.; Airport name, Waukesha County; Elev., 909′; Facility, UES; Procedure No. NDB (ADF) Runway 10, Amdt. Orig.; Eff. date, 8 Jan. 70

13. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 2.3 miles after passing HKS NDB.
Phoenix Int	HKS NDB	Direct	2000	Climb to 2700′ on crs 183° from HKS NDB within 15 miles.
Flora Int	HKS NDB	Direct	2000	Supplementary charting information:
Bolton Int	HKS NDB	Direct	2000	Tower 1049′, 3.5 miles SW of airport.
Raymond Int	HKS NDB	Direct	2100	HIRL Runways 11/29.
Byram Int	HKS NDB	Direct	2100	
Florence Int	HKS NDB	Direct	2100	
Brandon Int	HKS NDB	Direct	2000	
Rankin Int	HKS NDB	Direct	2000	
Barnett Int	HKS NDB	Direct	2000	
JAN VORTAC	HKS NDB (NOPT)	Direct	1400	

Procedure turn W side of crs, 003° Outbnd, 183° Inbnd, 2000′ within 10 miles of HKS NDB.
FAF, HKS NDB. Final approach crs, 183°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over HKS NDB, 1400′.
MSA: 000°–090°—1700′; 090°–180°—2000′; 180°–270°—3400′; 270°–360°—1700′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	840	1	499	840	1	499	840	1¼	499	900	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Jackson; State, Miss.; Airport name, Hawkins Field; Elev., 341′; Facility, HES; Procedure No. NDB (ADF)-1, Amdt. 8; Eff. date, 8 Jan. 70; Sup. Amdt. No. 7; Dated, 6 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
GRW VORTAC	OSX NDB	Direct	2100	Climbing left turn to 2100', direct to OSX NDB and hold.
Zama Int	OSX NDB	Direct	2100	Supplementary charting information: Hold NW, right turns, 1 minute, 125° Inbnd.

Procedure turn S side of crs, 305° Outbnd, 125° Inbnd, 2100' within 10 miles of OSX NDB.
Final approach crs, 125°.
MSA: 000°–270°—1900'; 270°–360°—1800'.
NOTES: (1) Night minimums not authorized. (2) Use Greenwood FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–14	1100	1	621	1100	1	621	1100	1	621	1100	1	621
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1100	1	621	1100	1	621	1100	1¼	621	1100	2	621
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Kosciusko; State, Miss.; Airport name, Kosciusko-Attala County; Elev., 479'; Facility, OSX; Procedure No. NDB (ADF) Runway 14, Amdt. 1; Eff. date, 8 Jan. 70; Sup. Amdt. No. Orig.; Dated, 21 Aug. 69

Terminal routes From—	To	Via	Minimum altitudes (feet)	Missed approach
GRW VORTAC	OSC NDB	Direct	2100	Climbing right turn to 2100' direct to OSX NDB and hold.
Zama Int	OSX NDB	Direct	2100	Supplementary charting information: Hold SE, 1 minute, left turns, 317° Inbnd.

Procedure turn W side of crs, 137° Outbnd, 317° Inbnd, 2100' within 10 miles of OSX NDB.
Final approach crs, 317°.
MSA: 000°–270°—1900'; 270°–360°—1800'.
NOTES: (1) Night minimums not authorized. (2) Use Greenwood FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–32	1320	1	841	1320	1¼	841	1320	1¼	841	1320	1¾	841
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1320	1	841	1320	1¼	841	1320	1½	841	1320	2	841
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Kosciusko; State, Miss.; Airport name, Kosciusko-Attala County; Elev., 479'; Facility, OSX; Procedure No. NDB (ADF) Runway 32, Amdt. 1; Eff. date, 8 Jan. 70; Sup. Amdt. No. Orig.; Dated, 21 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
ONT VOR	Highgrove Int	Direct	4200	Climb straight ahead to 3000' left turn direct to SB NDB at 4200' and hold.*
RAL VOR	Highgrove Int	Direct	4200	Supplementary charting information:
Highgrove Int	Colton NDB/Int	Direct	4200	*Hold E, 1 minute, right turns, 255° Inbnd.
Moreno Int	Colton NDB/Int	Direct	4200	Runway 25, TDZ elevation, 929'.

Procedure turn not authorized. Approach crs (profile) starts at Colton NDB/Int.
FAF, ON LOM. Final approach crs, 255°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over Colton NDB/Int, 4200'; over ON LOM, 2800'; over Dixon Int, 1600'.
MSA: 000°–090°—11,900'; 090°–270°—6700'; 270°–360°—11,100'.
NOTES: (1) ASR. (2) Night minimums not authorized Runways 3/21.
%IFR departure procedures: Northbound and eastbound (278° through 105° CW) published SID's must be used.
#Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–26	1600	RVR 40	671	1600	RVR 40	671	1600	RVR 50	671	1600	1¼	671
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1600	1	648	1600	1	648	1600	1¼	648	1600	2	648
	NDB/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–25	1460	RVR 40	531	1460	RVR 40	531	1460	RVR 40	531	1460	RVR 60	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1480	1	503	1480	1	523	1480	1¼	528	1520	2	568
A	Standard.		T 2-eng. or less—Runway 25, RVR 24'; Standard all other runways.%#				T over 2-eng.—Runway 25, RVR 24'; Standard all other runways.%#					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, ON; Procedure No. NDB (ADF) Runway 25, Amdt. 24; Eff. date, 8 Jan. 70; Sup. Amdt. No. 23; Dated, 5 June 69

14. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 119°, AEX VOR CCW	ESF LOC front crs (NOPT)	25-mile Arc AEX, R 067° lead radial.	1700	Climb to 1700', right turn, direct to ESF VOR and hold R 331°.
Lario Int	LOM (NOPT)	Direct	1600	Supplementary charting information:
AEX VORTAC	LOM	Direct	1700	Runway 26 TDZ elevation, 91'.
ESF VOR	LOM	Direct	1600	

Procedure turn N side of crs, 084° Outbnd, 264° Inbnd, 1600' within 10 miles of OM.
FAF, OM. Final approach crs, 264°. Distance FAF to MAP, 5.4 miles (LOC).
Minimum altitude over OM, 1600'.
Minimum glide slope interception altitude, 1600'. Glide slope altitude at OM, 1580'; at MM, 204'.
Distance to runway threshold at OM, 5.4 miles; at MM, 9.6 mile.
MSA: 000°–360°—2800'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–26	291	¼	200	291	¼	200	291	¼	200	341	½	250
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–26	460	½	369	460	½	369	460	½	369	460	1	369
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	432	540	1	452	540	1¼	452	600	2	552
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108'; Facility I-ESF; Procedure No. ILS Runway 26, Amdt. Orig; Eff. date, 8 Jan. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Cleveland NDB	GIL NDB	Direct	3000	MAP: IL8 DH 975'; LOC Runway 5R 6.8 miles, Runway 5L 7.2 miles after passing GIL NDB.
Cleveland VORTAC	GIL NDB	Direct	3000	
Vermilion Int	GIL NDB	Direct	3000	
Mentor Int	GIL NDB	Direct	3000	
Louis Int (11.8-mile DME Fix)	GIL NDB (NOPT) (7-mile DME Fix).	Direct	2700	Left turn to 360° heading. Climb to 2000', intercept ACO VORTAC R 316°. Climb to 3000' and proceed to Crib Int and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 316° Inbnd. Final approach crs 500' right of Runway 5L threshold. Runway 5R, TDZ elevation, 775'. Runway 5L, TDZ elevation, 780'.

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2700' within 10 miles of GIL NDB.
FAF, GIL NDB. Final approach crs, 054°. Distance FAF to MAP, Runway 5R, 6.8 miles; Runway 5L, 7.2 miles.
Minimum altitude over GIL NDB, 2700'.
Minimum glide slope interception altitude, 2700'. Glide slope altitude at OM, 1787'; at MM, 960'.
Distance to runway threshold at OM, 3.5 miles; at MM, 0.5 mile.
MSA: 000°-180°—3100'; 180°-270°—2500'; 270°-360°—2100'.
NOTES: (1) ASR. (2) DME indication at GIL NDB 7 miles; at OM 3.7 miles. DME should not be used to determine aircraft position over middle marker, runway threshold or runway touchdown point.
*Minimum altitude over OM on final approach crs, 1800'.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-5R	975	RVR 24	200	975	RVR 24	200	975	RVR 24	200	975	RVR 24	200
S-5L	1160	¾	380	1160	¾	380	1160	¾	380	1160	1	380
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5R*	1160	RVR 24	385	1160	RVR 24	385	1160	RVR 24	385	1160	RVR 40	385
S-5L*	1160	¾	380	1160	¾	380	1160	¾	380	1160	1	380
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	448	1260	1	468	1260	1¼	468	1360	2	568
A	Standard.		T 2-eng. or less—RVR 24', Runways 5R, 23L, 28R. Standard all others.				T over 2-eng.—RVR 24', Runways 5R, 23L, 28R. Standard all others.					

City, Cleveland; State, Ohio; Airport name, Cleveland Hopkins International; Elev., 792'; Facility, I-CLE; Procedure No. IL8 Runways 5R/5L, Amdt. 6; Eff. date, 8 Jan. 70; Sup. Amdt. No. 5; Dated, 25 Mar. 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Chagrin Falls Int	BKI NDB	Direct	3000	MAP: IL8 DH 1042'; LOC 6.5 miles after passing BKI NDB.
Vermilion Int	BKI NDB	Direct	3000	Climbing left turn to 3000'; proceed direct to CLE VORTAC and hold.
Sharon Int	BKI NDB	Direct	3000	Supplementary charting information:
Cleveland VORTAC	BKI NDB	Direct	3000	Hold SW, 1 minute, right turns, 069° Inbnd.
Mentor Int	BKI NDB (NOPT)	210° crs and E crs LOC	3000	Towers 6 miles E of airport 1971'. Runway 28R, TDZ elevation, 792'.

Procedure turn N side of crs, 007° Outbnd, 277° Inbnd, 3000' within 10 miles of BKI NDB.
FAF, BKI NDB. Final approach crs, 277°. Distance FAF to MAP, 6.5 miles.
Minimum altitude over BKI NDB, 3000'.
Minimum glide slope interception altitude, 3000'. Glide slope altitude at OM, 2057'; at MM, 1030'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.6 mile.
MSA: 000°-360°—3100'.
NOTES: (1) ASR. (2) ILS unusable from middle marker Inbnd.
*Minimum altitude over OM on final approach crs, 2100'.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-28R	1042	RVR 40	250	1042	RVR 40	250	1042	RVR 40	250	1042	RVR 40	250
LOC*	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28R	1200	RVR 40	408	1200	RVR 40	408	1200	RVR 40	408	1200	RVR 40	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	448	1260	1	468	1260	1¼	468	1360	2	568
A	Standard.		T 2-eng. or less—RVR 24', Runways 5R, 23L, 28R. Standard all others.				T over 2-eng.—RVR 24 Runways 5R, 23L, 28R. Standard all others.					

City, Cleveland; State, Ohio; Airport name, Cleveland Hopkins International; Elev., 792'; Facility, I-CEE; Procedure No. IL8 Runway 28R, Amdt. 7; Eff. date, 8 Jan. 70; Sup. Amdt. No. IL8 Runway 27, Amdt. 6; Dated, 11 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
GGG VORTAC	GG LOM	Direct	2000	MAP: IL8 DH 557'. LOC 5.5 miles after passing GG LOM.
R 296°, GGG VORTAC CW	GGG LOC (FC) (NOPT)	10-mile Arc GGG, R 296° lead radial.	2100	Left-climbing turn to 2500', proceed via GGG VORTAC R 114° to Tatum Int and hold.
R 021°, GGG VORTAC CCW	GGG LOC (FC) (NOPT)	10-mile Arc GGG, R 318° lead radial.	2100	Supplementary charting information: Hold SE of Tatum Int on GGG VORTAC R 114°, 294° Inbnd, left turns, 1 minute/4 miles.
10-mile DME Fix	GG LOM (NOPT)	GGG LOC (FC).	1900	Runway 13, TDZ elevation, 357'.

Procedure turn S side of crs, 307° Outbnd, 127° Inbnd, 3000' within 10 miles of GG LOM.
FAF, GG LOM. Final approach crs, 127°. Distance FAF to MAP, 5.5 miles.
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1855'; at MM, 537'.
Distance to runway threshold at OM, 5.5 miles; at MM, 0.5 mile.
MSA: 000°-180°—1900'; 180°-270°—2100'; 270°-360°—2000'.
*RVR 24', Runway 13.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-13	557	RVR 24	200	557	RVR 24	200	557	RVR 24	200	557	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	700	RVR 24	343	700	RVR 24	343	700	RVR 24	343	700	RVR 40	343
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	395	820	1	455	820	1½	455	920	2	555
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Longview; State, Tex.; Airport name, Gregg County; Elev., 365'; Facility, I-GGG; Procedure No. IL8 Runway 13, Amdt. Orig.; Eff. date, 8 Jan. 70

Terminal routes From—	To	Via	Minimum altitudes (feet)	Missed approach
MEI VORTAC	ME LOM	Direct	2000	MAP: ILS DH 487'. LOC 4.5 miles after passing ME LOM.
Stratton Int	ME LOM	Direct	2000	Climbing left turn to 3000' (DME equipped aircraft 2000') to intercept and proceed via R 216°, MEI VORTAC to Rose Hill intersection and hold, or when directed by ATC, climb to 2000' direct to MEI VORTAC and hold NW, 1 minute, right turns, 130° Inbnd.
Cone Int	ME LOM	Direct	2000	
Newton Int	ME LOM	Direct	2000	
Rose Hill Int	ME LOM	Direct	2000	
EWA VOR	ME LOM	Direct	2000	
R 267°, MEI VORTAC CCW	MEI LOC	12-mile Arc MEI, R 178° lead radial.	2000	
12-mile DME Arc	ME LOM (NOPT)	LOC Crs	1700	Supplementary charting information: Hold SW, 1 minute, right turns, 036° Inbnd. HIRLS Runways 1-19. ALS, Runway 1. Runway 1, TDZ elevation, 287'.

Procedure turn E side of crs, 184° Outbnd, 004° Inbnd, 2000' within 10 miles of ME LOM.
FAF, ME LOM. Final approach crs, 004°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over ME LOM, 1700'.
Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1700'; at MM, 515'.
Distance to runway threshold at OM, 4.5 miles; at MM, 0.6 mile.
MSA: 000°-090°—2100'; 090°-180°—1900'; 180°-270°—1800'; 270°-360°—2000'.
CAUTION: Trees 600', 1½ miles E of airport. Tower 1000', 2.5 miles E of airport. Tower 880', 4.2 miles SE of airport.
*2-Night minimums not authorized Runways 5/23.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A DH	B MDA	B VIS	B DH	C MDA	C VIS	C DH	D MDA	D VIS	D DH
S-1	487	RVR 24	200	487	RVR 24	200	487	RVR 24	200	487	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1	760	RVR 40	473	760	RVR 40	473	760	RVR 40	473	760	RVR 50	473
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	800	1	503	920	1	623	920	1½	623	920	2	623
A	Standard.		T 2-eng. or less—RVR 24', Runway 1; Standard all others.*				T over 2-eng.—RVR 24', Runway 1; Standard all others.*					

City, Meridian; State, Miss.; Airport name, Key Field; Elev., 297'; Facility, I-MEI; Procedure No. IL8 Runway 1, Amdt. 13; Eff. date, 8 Jan. 70; Sup. Amdt. No. 12; Dated, 11 Nov. 67

15. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 856', LOC 5.6 miles after passing River Grove/RV LOM.
ORD VORTAC	Stack Int	Direct	3500	Turn left to 300° heading, climb to 2000' then make left-climbing turn to 3500' and proceed direct to DPA VOR.
API VOR	Stack Int	Direct	3500	
OBK VORTAC	Stack Int	Direct	3500	
CGT VORTAC	Stack Int (NOPT)	CGT, R 358° and I-RVG LOC.	3500	Supplementary charting information: RV LOM named River Grove.
Niles Int	Stack Int (NOPT)	API, R 067° and I-RVG LOC.	3500	1460' tower 4.7 miles WNW of airport.
Stack Int	RV LOM	Direct	2200	1413' tower 4.1 miles W of airport. 1508' tower 7 miles WSW of airport. 848' control tower on airport. Runway 32L, TDZ elevation, 656'.

Procedure turn E side of crs. 138° Outbnd, 318° Inbnd, 3500' within 10 miles of Stack Int.
FAF, Stack/RV LOM. Final approach crs, 318°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over Stack Int., 3500'; over RV LOM, 2200'.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2170'; at MM, 850'.
Distance to runway threshold at OM, 5.6 miles; at MM, 0.6 mile.
MSA: 000°–180°—3100'; 180°–360°—2600'.
NOTES: (1) ASR/PAR. (2) Dual VOR receivers or Radar required. (3) Back crs unusable Runway 32L.
CAUTION: When conducting a parallel approach, parallel ILS Runway 32L procedure must be used.
%IFR departures: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000' on runway heading prior to making left turn.
#Runways 32L, 32R, 27R, VIS 2400'. Runways 14L, 14R, VIS 1800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-32L	856	RVR 24	200	856	RVR 24	200	856	RVR 24	200	856	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32L	1040	RVR 24	384	1040	RVR 24	384	1040	RVR 24	384	1040	RVR 40	384
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1160	1	493	1160	1	493	1160	1½	493	1220	2	553
A	Standard.		T 2-eng. or less—Standard.%#				T over 2-eng.—Standard.%#					

City, Chicago; State, Ill.; Airport name, Chicago O'Hare International; Elev., 667'; Facility, I-RVG; Procedure No. ILS Runway 32L, Amdt. 9; Eff. date, 8 Jan. 70; Sup. Amdt. No. 8; Dated, 30 Oct. 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 856'; LOC 5.6 miles after passing River Grove RV LOM.
Congress Int	RV LOM (when GS not utilized)	I-RVG LOC	2200	Turn left to 300° heading, climb to 2000' then make left-climbing turn to 3500' and proceed direct to DPA VOR. Supplementary charting information: Parallel procedure Runways 32L and 32R to be issued on adjoining plates. RV LOM named River Grove. 1460' tower 4.7 miles WNW of airport. 1413' tower 4.1 miles W of airport. 1508' tower 7 miles WSW of airport. 848' control tower on airport. Runway 32L, TDZ elevation, 656'.

Procedure turn not authorized. Approach crs (profile) starts at Congress Int.
FAF, River Grove, RV LOM. Final approach crs, 318°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over Congress Int, 3000', over River Grove/RV LOM, 2200'.
Minimum glide slope interception altitude, 3000'. Glide slope altitude at OM, 2170'; at MM, 850'.
Distance to runway threshold at OM, 5.6 miles; at MM, 0.6 mile.
NOTES: See adjoining plate for parallel ILS Runway 32R.
(1) This procedure mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC (or ADF) and localizer receivers are operating simultaneously.
(2) Notify approach control immediately if any required airborne receiver in note (1) is malfunctioning or parallel approach is not desired.
(3) Back crs unusable.
(4) ASR/PAR—Radar required.
(5) A radar fix in lieu of Congress Int will be provided upon pilots request.
%IFR departures: Takeoffs on runway 32L, when weather is below 1000-3, climb to 2000' on runway heading prior to making left turn.
#Runways 32L, 32R, 27R, VIS 2400'. Runways 14L, 14R, VIS 1800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-32L	856	RVR 24	200	856	RVR 24	200	856	RVR 24	200	856	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
-32L	1040	RVR 24	384	1040	RVR 24	384	1040	RVR 24	384	1040	RVR 40	384
C		NA			NA			NA			NA	
A	Standard.		T 2-eng. or less—Standard.#%				T over 2-eng.—Standard.#%					

City, Chicago; State, Ill.; Airport name, Chicago O'Hare International; Elev., 667'; Facility, I-RVG; Procedure No. Parallel ILS Runway 32L, Amdt. 1; Eff. date, 8 Jan. 70; Sup. Amdt. No. Orig.; Dated, 30 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 458'; LOC 4.6 miles after passing LI LOM.
LIT VORTAC	LI LOM	Direct	1900	Climb to 2000' on ILS crs 041° within 20 miles.
Bauxite Int	Mabelvale Int	Heading 011° and LIT LOC	1900	Supplementary charting information:
Mabelvale Int	LI LOM (NOPT)	Direct	1900	Runway 4, TDZ elevation, 258'.

Procedure turn N side of crs, 221° Outbnd, 041° Inbnd, 1900' within 10 miles of LI LOM.
FAF, LI LOM. Final approach crs, 041°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over LI LOM, 1900'.
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1826'; at MM, 505'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.6 mile.
MSA: 000°–090°—2000'; 090°–180°—3300'; 180°–270°—2000'; 270°–360°—3300'.
NOTE: ASR.
#RVR 24', Runway 4, 200-1 required for takeoff Runways 17, 22, 32, and 35.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-4	455	RVR 24	200	455	RVR 24	200	455	RVR 24	200	455	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-4	780	RVR 40	525	780	RVR 40	525	780	RVR 40	525	780	RVR 50	525
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	790	1	523	800	1	543	980	1½	723	980	2	723
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Little Rock; State, Ark.; Airport name, Adams Field; Elev., 257'; Facility, I-LIT; Procedure No. ILS Runway 4, Amdt. 12; Eff. date, 8 Jan. 70; Sup. Amdt. No. 11; Dated, 20 Nov. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1129'; LOC 5.9 miles after passing ON LOM.
ONT VOR	Highgrove Int	Direct	4200	Climb to 1300', turn left direct to ONT VOR at 4200' and hold.*
RAL VOR	Highgrove Int	Direct	4200	
Highgrove Int	Colton NDB/Int	Direct	4200	Supplementary charting information:
Moreno Int	Colton NDB/Int	Direct	4200	*Hold E, 1 minute, right turns, 258° Inbnd. Runway 25, TDZ elevation, 926'.

Procedure turn not authorized. Approach crs (profile) starts at Colton NDB/Int.
FAF, ON LOM. Final approach crs, 255°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over Colton NDB/Int, 4200'; over ON LOM, 2800'; over Baker Int, 1500'.
Minimum glide slope interception altitude, 2800'. Glide slope altitude at OM, 2732'; at MM, 1145'.
Distance to runway threshold at OM, 5.9 miles; at MM, 0.6 mile.
MSA: 000°–090°—11,900'; 090°–270°—6700'; 270°–360°—11,100'.
NOTES: (1) ASR. (2) Night minimums not authorized Runways 3/21.
#Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.
%IFR departure procedures: Northbound and eastbound (278° through 105° CW) published SID's must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-25	1129	RVR 24	200	1129	RVR 24	200	1129	RVR 24	200	1129	RVR 24	200
	LOC Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-25	1500	RVR 24	571	1500	RVR 24	571	1500	RVR 24	571	1500	RVR 50	571
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	548	1500	1	548	1500	1½	548	1520	2	568
	LOC/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-25	1240	RVR 24	311	1240	RVR 24	311	1240	RVR 24	311	1240	RVR 40	311
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	468	1480	1	528	1480	1½	528	1520	2	568
A	Standard.		T 2-eng. or less—Runway 25, RVR 24'; Standard all other runways.%#				T over 2-eng.—Runway 25, RVR 24'; Standard all other runways.%#					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, I-ONT; Procedure No. ILS Runway 25, Amdt. 25; Eff. date, 8 Jan. 70; Sup. Amdt. No. 24; Dated, 5 June 69

16. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
000°	360°	50	3000							1. Descend aircraft after passing FAF. 2. Runway 5R, IAF 12-mile Radar Fix. FAF 6 miles from threshold, minimum altitude 2600'. TDZ elevation, 775'. 3. Runway 23L, IAF 12-mile Radar Fix. FAF 6 miles from threshold, minimum altitude 2600'. Minimum altitude over 4-mile Radar Fix 1600'. TDZ elevation, 785'. 4. Runway 18R, IAF 12-mile Radar Fix. FAF 6 miles from threshold, minimum altitude 2600'. TDZ elevation, 784'. 5. Runway 36L, IAF 12-mile Radar Fix. FAF 6 miles from threshold, minimum altitude 2600'. Minimum altitude over 4-mile Radar Fix 1600'. TDZ elevation, 789'. 6. Runway 10L, IAF 12-mile Radar Fix. FAF 6 miles from threshold, minimum altitude 2600'. TDZ elevation, 781'. 7. Runway 28R, IAF 12-mile Radar Fix. FAF 6 miles from threshold, minimum altitude 2600'. TDZ elevation, 792'. Supplementary charting information: *Hold W Cleveland VORTAC, 1 minute, right turns, 098° Inbnd. **Hold SE Crib Int, 1 minute, right turns, 316° Inbnd.

Missed approach:
Runways 5R, 10L—Climbing left turn to 360° heading, climb to 2000'; intercept ACO VORTAC, R 316°. Climb to 3000', proceed to Crib Int and hold.
Runways 18R, 23L, 28R—Climb to 3000' on runway heading; upon reaching, proceed to Cleveland VORTAC and hold.*
Runway 36L—Climb to 2000' on 360° heading; intercept ACO VORTAC R 316°. Climb to 3000'; proceed to Crib Int and hold.**
NOTE: Inoperative table does not apply to ALS, Runway 28R.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5R	1180	RVR 24	405	1180	RVR 24	405	1180	RVR 24	405	1180	RVR 50	405
S-23L	1180	RVR 40	395	1180	RVR 40	395	1180	RVR 40	395	1180	RVR 50	395
S-18R	1140	1	356	1140	1	356	1140	1	356	1140	1	356
S-36L	1180	1	391	1180	1	391	1180	1	391	1180	1	391
S-10L	1240	¾	459	1240	¾	459	1240	¾	459	1240	1	459
S-28R	1200	RVR 40	408	1200	RVR 40	408	1200	RVR 40	408	1200	RVR 40	408
A	Standard.			T 2-eng. or less—RVR 24', Runways 5R, 23L, 28R. Standard all others.			T over 2-eng.—RVR 24', Runways 5R, 23L, 28R. Standard all others.					

City, Cleveland; State, Ohio; Airport name, Cleveland Hopkins International; Elev., 792'; Facility, Cleveland Radar; Procedure No. Radar-1, Amdt. 16; Eff. date, 1 Jan. 70; Sup. Amdt. No. Radar 1, Amdt. 15; Dated, 15 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Denver ASR minimum altitude vectoring charts.										1. Aircraft on radar vector to Arapahoe County Airport, in a sector from 240° (CW) to 130° from Arapahoe County Airport may descend to MDA after passing 4-mile Radar Fix (FAF) to Arapahoe County Airport. 2. Runway 34 FAF 4 miles from threshold. Minimum altitudes: 8-mile Radar Fix, 8000'; 6-mile Radar Fix, 7500'; 4-mile Radar Fix (FAF), 7100'; 2-mile Radar Fix, 6600'; descend aircraft to MDA after 2-mile Radar Fix FAC 344°. 3. Lost communications: Climb to 9000' direct to IOC VOR and hold monitor VOR voice.$ Supplementary charting information: $Hold SE, 1 minute, right turns, 342° Inbnd. *Hold S, 1 minute, right turns, 341° Inbnd. Runway 34, TDZ elevation, 5860'.

Missed approach: Circling Sector 240° (CW) to 130°; over Arapahoe County Airport, climb to 9000' heading 100° to intercept the Denver VOR R 161°, direct to Franktown Int and hold.* Runway 34: Climbing right turn to 9000' heading 100° to intercept the Denver VOR R 161°, direct to Franktown Int and hold.*
NOTE: Use Denver altimeter setting when control zone not effective.
$Circling and straight-in MDA increased 40' and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34$	6300	1	440	6300	1	440	6300	1	440	6300	1	440
C$	MDA 6300	VIS 1	HAA 440	MDA 6320	VIS 1	HAA 460	MDA 6320	VIS 1¼	HAA 460	MDA 6420	VIS 2	HAA 560
A	Standard.$			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Greenwood Village; State, Colo.; Airport name, Arapahoe County; Elev., 5860'; Facility, Denver Approach Cont.; Procedure No. Radar-1, Amdt. Orig.; Eff. date, 8 Jan. 70

17. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
000°	360°	0–15	2500	15–25	3500	....	....	....	....	....	....	Descend aircraft after passing final approach fix 6 miles from runway threshold. Runway 5—Minimum altitude over 3-mile fix, 1600'. Runway 23—Positive orientation over ROE NDB fix required prior to descent below 1900' on final. Minimum altitude over 2.2-mile Radar Fix, 1460'. VASI—Runway 23. HIRL's—Runways 5/23, 18/36. Runway 5, TDZ elevation, 604'; Runway 23, TDZ elevation, 619'.

As established by Birmingham ASR minimum altitude vectoring charts. Radar will provide 1000' vertical clearance within 3-mile radius of radio tower 1809' located 4 miles SW of airport.

Missed approach: Runway 5—Climb to 3000' on crs 052° from BH LOM within 15 miles. Runway 23—Climbing turn right to 3000' direct to BHM VORTAC; or, when directed by ATC, climb to 3000' direct to BH LOM.

NOTE: Circling not authorized E of airport between centerline extended of Runways 23 and 36

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D			E		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–5	1240	RVR 40	636	1240	RVR 40	636	1240	RVR 40	636	1240	RVR 50	636	1240	RVR 50	636
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–23	1180	1	561	1180	1	561	1180	1	561	1180	1¼	561	1180	1¼	561
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	597	1240	1	597	1240	1½	597	1240	2	597	1240	2	597
A	Standard.		T 2-eng. or less—RVR 50', Runway 5; Standard all others.				T over 2-eng.—RVR 24', Runway 5; Standard all others.								

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643'; Facility, Birmingham Radar; Procedure No. Radar-1, Amdt. 10; Eff. date, 8 Jan. 70; Sup. Amdt. No. 9; Dated, 23 Oct. 69

330°	060°	0–20	2200	....	....	....	....	MTI must be operating for all surveillance approaches. Radar will provide 1000' vertical clearance within 3-mile radius of following towers: 9 miles NNW 1549'; 6 miles W 1340'; 7 miles SW 1142'; 19 miles S 2811'. All bearings are from the Radar site with sectors azimuths progressing clockwise. (Notes continued below.)
060°	120°	0–10	2200	10–15	2700	15–20	3100	
120°	210°	0–10	2600	10–15	3300	15–20	4000	
210°	330°	0–20	2600	....	....	....	....	

Missed approach: Runways 5–31—Climbing right turn to 2500' to BUF VORTAC. Runways 13–23—Climbing left turn to 2500' to BUF VORTAC. Hold E BUF VORTAC 1 minute, right turns, 284° Inbnd.

NOTES (Continued)

Descend aircraft after passing final approach fix.

(1) ASR Runway 23 FAF 5 miles from threshold. Tower 836' 0.4 mile N threshold right of C/L. TDZ elevation, 723'.

(2) ASR Runway 31 FAF 5 miles from threshold. Factory with obstruction at threshold penetrating to 799' and through 20:1. Steel tank 1.3 miles E of airport 860'. TDZ elevation, 713'.

(3) ASR Runway 5 FAF 5 miles from threshold. TDZ elevation, 709'.

(4) ASR Runway 13 FAF 5 miles from threshold. Trees at threshold penetrating through 20:1. Towers 5 miles NW 865' and 1.4 miles N of airport 832'. TDZ elevation, 712'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–23	1120	½	397	1120	½	397	1120	½	397	1120	1	397
S–31	1120	1	407	1120	1	407	1120	1	407	1120	1	407
S–5	1040	RVR 40	340	1040	RVR 40	340	1040	RVR 40	340	1040	RVR 50	340
S–13	1100	1	388	1100	1	388	1100	1	388	1100	1	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C–23, 31, 5, 13	1160	1	437	1180	1	457	1180	1¼	457	1280	2	557
A	Standard.		T 2-eng. or less—Runway 5, RVR 40; Standard all others.				T over 2-eng.—Runway 5, RVR 40; Standard all others.					

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 723'; Facility, Buffalo Radar; Procedure No. Radar-1, Amdt. 6; Eff. date, 8 Jan. 70; Sup. Amdt. No. 5; Dated, 13 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums		
													2-engine or less	
From—	To—	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
As established by Ontario ASR minimum altitude vectoring chart.												ASR Runway 26 FAF 6 miles from runway. Minimum altitude over FAF, 2800'; over 3-miles Radar Fix, 1700'. #Maneuvering not authorized NW of airport between extended centerlines of Runways 8/21 and 7/25. %IFR departure procedures: Northbound and eastbound (278° through 106° CW) published SID's must be used. *Increase visibility ¼ mile for Categories A, B, and C for inoperative ALS Runway 26. Night minimums Runways 3/21 not authorized.			

Lost communications: Proceed direct to ONT VORTAC at 4000' or last assigned altitude, whichever is higher, and monitor VOR voice.
Missed approach: Runway 26—Climbing left turn to 4200' direct to ONT VORTAC and hold.**
Supplementary charting information: Runway 26—Final approach crs, 255°. TDZ elevation, 929'.
**Hold E, 1 minute, right turns, 255° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–26*	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 50	491
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1420	1	468	1480	1	528	1480	1¼	528	1520	2	568
A	Standard.		T 2-eng. or less—Runway 26, RVR 24'; Standard all other runways.%#				T over 2-eng.—Runway 26, RVR 24'; Standard all other runways.%#					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, ONT ASR; Procedure No. Radar-1, Amdt. 3; Eff. date, 8 Jan. 70; Sup. Amdt. No. 2; Dated, 24 July 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on December 3, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-14499; Filed, Dec. 18, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-34]

PART 378a—BULK INCLUSIVE TOURS BY TOUR OPERATORS

Tour Operators and Foreign Tour Operators Furnishing Transpacific Bulk Inclusive Tours

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of December 1969.

In a notice of proposed rule making, dated November 21, 1969 (SPDR-17, 34 F.R. 18867) the Board proposed amendments to Part 378a which would establish the terms and conditions governing the furnishing of transpacific bulk inclusive tours (BIT's) in foreign air transportation by tour operators and foreign tour operators. Pursuant to the notice, comments have been filed by Japan Air Lines, Northwest Airlines, and Pan American World Airways, all of which support the objective of the proposal. For the reasons hereinafter set forth and those specified in SPDR-17, the Board adopted the proposed rule with modifications. Except as modified, the tentative findings set forth in the explanatory statement to the proposed rule are incorporated by reference and made final.

In SPDR-17 it was stated that with respect to transatlantic BIT's, IATA Resolution 810e requires that the "Sponsoring Member" approve the tour literature, which must include a description of tour prices and features, contain at least one illustration or map promoting the tour, and shall show the dates between which the tours are to be operative. Since the tour litreature must be submitted by the BIT tour operator to the direct carrier and must conform to IATA Resolution 810e, the Board had found that, with respect to transatlantic BIT's there would be no requirement of a second filing of such material with the Board. However, since apparently the tariff rules governing transpacific BIT's did not contain equivalent requirements, the Board stated it contemplated amending § 378a.10 to require that, with respect to transpacific BIT's, itinerary and solicitation material be filed with the Board. Japan Air Lines and Pan American state that IATA Resolution 810e is applicable to all inclusive tours, including BIT's sold in Traffic Conference 1 (which includes the U.S.) regardless of the destination of the tour, and Japan Air Lines adds that it intends to abide by this resolution and to require all BIT operators to comply with the provisions thereof. With the understanding that the other carriers filing transpacific BIT tariffs will likewise abide by IATA Resolution 810e, we find, accordingly, that it is unnecessary to amend § 378a.10 in the respect indicated.

SPDR-17 noted that § 378.4 provides that the exemption relief granted in § 378.3 shall continue in effect for such periods as the Board approves IATA Resolutions 079a and 079c. Although these resolutions pertained only to transatlantic BIT fares no amendment was proposed to § 378a.4, thus making its provisions applicable to transpacific BIT's, in view of the possible impact on the latter of the current investigation of transatlantic BIT fares. In Order 69–11–122 the Board noted that these IATA Resolutions expired, effective October 19, as a result of the withdrawal of Alitalia from the Agreement, and dismissed as moot Pan American's request for an extension of approval of the Resolution through September 30, 1970. Nevertheless, the Board determined that the carriers should be permitted to utilize these fares through September 30, 1970. Under these circumstances, as suggested by Japan Air Lines, we shall amend § 378.4 to provide that the relief granted by § 378a.3 shall continue in effect until October 1, 1970.

Section 378a.2 presently defines "bulk inclusive tour" as being "pursuant to

IATA Resolutions 079a and 079c as approved by the Board, which meets the requirements of said resolutions, as approved." In order to include transpacific BIT's it was proposed to amend the definition to include the specific tariffs filed by Japan Air Lines, Northwest, Pan American, and TWA. Northwest has proposed a definition of "bulk inclusive tour" which it states it has drafted by reference to both the IATA resolutions and the present transpacific BIT tariffs. Northwest has, however, selected only certain features of the resolutions and tariffs[1] and the resulting proposal is both incomplete and unnecessarily complex. We shall, however, amend the definition to take account of the fact that transatlantic BIT's are performed pursuant to tariffs, rather than the IATA Resolutions.

Section 378a.10 requires that tour operators file with the Board 60 days before commencement of the tour the documents specified therein and late filing will not be permitted except for good cause shown. Since transpacific BIT tariffs will become effective on January 1, 1970, we shall, pursuant to a suggestion of Japan Air Lines, amend the section to provide that documents be filed at least 30 days prior to tours commencing in January and February 1970.[2]

In view of the effective date of the transpacific BIT tariffs and since the rule grants relief from certain requirements of the Act, the rule will be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 378a of the special regulations (14 CFR Part 378a), effective December 16, 1969, as follows:

1. Amend § 378a.2(a) as follows:

§ 378a.2 Definitions.

As used in this part, unless the context otherwise requires,

(a) "Bulk inclusive tour" means round, circle or single open jaw tour trip transportation, including land services, performed either

(1) Pursuant to tariffs filed with the Board which conform to IATA Resolutions 079a and 079c as approved by the Board, irrespective of whether these Resolutions are effective; or

(2) Pursuant to CAB 23, Rule 26, issued by Air Tariffs Corporation, Agent; CAB 388, Rule 56, issued by International Air Traffic Tariffs Corp., Agent; CAB 450, Rule 23, issued by Northwest Airlines, Inc.; and CAB 208, Rule 36, issued by Trans World Airlines, Inc.

* * * * *

2. Amend § 378a.4 to read as follows:

§ 378a.4 Duration of exemption.

The relief granted by § 378a.3 shall continue in effect until October 1, 1970.

3. Amend § 378a.10 to read as follows:

§ 378a.10 Procedure.

No bulk inclusive tour or series of tours shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board the form of contract between the tour operator and tour participants, the tour operator's surety bond and, where applicable, a copy of the depository agreement with a bank as provided in § 378a.13(b)(2). These documents shall be filed at least 60 days before commencement of the tour or tours and late filing will not be permitted except for good cause shown: *Provided, however,* That documents with respect to bulk inclusive tours, as defined in § 378a.2(a)(ii), which commence in January or February 1970 may be filed at least 30 days before commencement of the tour or tours.

(Secs. 101(3), 204(a), 409, 416(a), Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 768, 771; 49 U.S.C. 1301, 1324, 1379, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69 15076; Filed, Dec. 18, 1969; 8:47 a.m.]

[1] For example, no reference is made to the extent of validity of the fares and the proposal does not take account of the fact that not less than 20 seats may be purchased for westbound transatlantic BIT's.

[2] Of course, even a reduction to 30 days will not suffice for tours commencing in the greater part of January. However, a filing less than 30 days prior to commencement of a tour would be permitted on a showing of good cause.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto "The Commonwealth of Puerto Rico," and a new paragraph (e)(13) is added to read:

(13) *The Commonwealth of Puerto Rico.* The entire Commonwealth.

2. In § 76.2, paragraph (e)(4) relating to North Carolina is amended to read as follows:

(4) *North Carolina.* Duplin, Edgecombe, Gates, Johnston, and Wayne Counties; that portion of Cumberland County lying east of the Cape Fear River, south of the Harnett County line, west of the Sampson County line, and north of the Bladen County line; and that portion of Wilson County lying south of the Nash County line, east of State Highway 581, north of State Highway 42, and west of State Highway 58.

3. In § 76.2, paragraph (e)(2) relating to Mississippi is amended by adding thereto the name of Rankin County.

4. In § 76.2, paragraph (e)(8) relating to Missouri is amended to read as follows:

(8) *Missouri.* Clinton and Lincoln Counties; and that portion of Worth County lying south of the Iowa-Missouri State line, east of County Roads K and Z, north of County Roads M and W, and west of the Harrison County line.

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine certain counties in the States of Mississippi and North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments also exclude certain areas in the States of North Carolina and Missouri from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas contained in said Part 76 will apply thereto.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and relieve certain restrictions presently imposed and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of December 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–15094; Filed, Dec. 18, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Second Apportionment of the Special Food Service Program for Children Funds Pursuant to the National School Lunch Act, Fiscal Year 1969

Amendments of reapportionment for the State and total as listed below:

A second apportionment pursuant to section 13, National School Lunch Act, as amended, food assistance and nonfood assistance funds available for fiscal year 1969 and through September 30, 1969, was published in the FEDERAL REGISTER on August 2, 1969 (34 F.R. 12623). The second apportionment is amended for the State and total listed as follows:

State	Total apportionment
Pennsylvania	$35,440
Total	8,399,497

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: December 15, 1969.

EDWARD J. HEKMAN,
Administrator.

[F.R. Doc. 69–15097; Filed, Dec. 18, 1969; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1970

Basis and purpose and bases and considerations. This regulation is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended 61 (Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of Sugar Regulation 811 is to determine pursuant to section 201 of the Act the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1970, and to establish sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the amount determined by the Secretary of Agriculture to be needed in 1970. Further, this regulation establishes quantities of certain quotas that may be filled by direct-consumption sugar and establishes a liquid sugar quota.

In accordance with the rule making requirements in 5 U.S.C. 553 there was published in the FEDERAL REGISTER (34 F.R. 18761) a notice of proposed rule making for the issuance of a regulation determining sugar requirements for the continental United States and establishing quotas for the calendar year 1970. Written data, views, or arguments for consideration in connection with the proposed regulation were to be submitted by interested persons prior to December 9, 1969. Thorough consideration has been given to all data, views, and comments received relative to the proposed regulation which are briefly summarized at the end of this statement of bases and considerations.

Section 201 of the Act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determination and states that such determination shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

Sugar distribution for the year ended September 30, 1969, amounted to 10,825,000 tons. Recognition of the 1.1 percent expected increase in population and the usual 50,000 ton refiners' processing loss would indicate 1970 quota needs of 11 million tons before consideration of inventory variations and changes in other demand conditions.

Recent market conditions indicate that refiners and food processors are determined to carry lower inventories during 1970. Evaluation of other demand conditions is unusually complicated this year. The fruit pack may not reach the record level of 1969 especially since that was the second successive good crop. The cyclamate order could result in increased sugar usage of, say, 100,000 tons but this depends in part upon Food and Drug Administration's final attitude toward mixtures of saccharin and sugar or corn syrup. Widespread use of such mixtures could have a net adverse effect on sugar consumption. Sugar distribution in 1968 and 1969 was quite high (107 pounds, raw value, per capita compared to 104 pounds, typical of earlier years) and could revert toward the lower figure especially if the rate of increase in personal income should recede.

To allow a margin for the possible reduction of inventories of quota sugar and of sugar containing products during 1970, to provide a margin for error and in recognition of the fact that quota reductions entail difficult commercial and foreign relations problems which quota increases do not, an initial determination of 10.8 million tons appears appropriate.

During the first 11 months of 1969 the domestic price of raw sugar fluctuated from a low of 7.50 cents per pound as an average for July to a high of 7.89 cents per pound as an average for October. The average for the period was 7.75 cents per pound or 3.2 percent higher than the 7.51 cents per pound average for the first 11 months of 1968. The raw sugar price of 7.75 cents per pound which prevailed at the time the proposed determination was announced was below the level of the price referred to in section 201 of the Act and dropped to 7.62 cents per pound on December 3. In the development of this determination, consideration has been given to the desirability of obtaining generally stable prices that will carry out, over the long term, the price objective of the Act.

In view of changes in demand conditions, it is hereby determined that the amount of sugar needed to meet the requirements of consumers in the continental United States during 1970 is 10,800,000 short tons, raw value, or 100,000 tons less than that proposed on November 17.

A quota of 1,150,000 short tons, raw value, is established herein for Hawaii pursuant to section 202(a)(2)(B) of the Act. Such quota is subject to adjustment pending final data on the production and marketing of sugar by Hawaii in 1969.

The quota for Southern Rhodesia has been withheld pursuant to Executive Order 11322 issued on January 7, 1967, and is prorated herein to Western Hemisphere countries pursuant to section 202(d)(1)(B) of the Act.

On the basis of evidence submitted by Peru and Haiti and other information available to the Department and pursuant to section 202(d)(4) of the Act it is hereby determined that the amounts of shortfall that has been determined in the respective 1969 quotas for Peru and Haiti were due to crop disaster and the quotas of those two countries for future years will not be subject to reduction by reason of such shortfalls.

It is also determined that no reduction is required at this time pursuant to section 202(d)(3) and (4) of the Act in the quotas established herein for other foreign countries. This action is based on the tentative assumption that each country either will fill its 1969 quota within a reasonable tolerance or that facts will be submitted which will adequately support a finding that the shortfall in the country's 1969 quota was due to force majeure.

Mainland cane sugar processors will have a large carryover of raw sugar at the beginning of 1970. Processors of refined beet sugar for the second year in a row will be able to market a seasonally appropriate share of their annual quota during the first quarter of the year. In addition, in view of current high carrying charges there will be a tendency for some quota countries, especially those with sizable inventories, to market a disproportionately large share of their raw sugar in this premium market early in the year. Therefore, to provide a more orderly market throughout the year it is hereby determined that imports of foreign sugar be limited during the first quarter of the year to the sum of 800,000 short tons, raw value, and the quantity of 1970 quota sugar which entered under bond in 1969 for refining and storage, a quantity now estimated at 40,000 tons.

To give recognition to the seasonality of production and movement of sugar

from the foreign countries, quota allocations to foreign countries during the first quarter of 1970 will be based primarily on average imports from such foreign countries during the first quarters of the 3-year period 1967 through 1969 and to provide for a minimum allocation of 5,000 tons or the quantity applied for, whichever is less.

This regualtion differs from the proposed regulation principally in that 1970 sugar requirements have been reduced 100,000 tons to 10,800,000 tons and the limitations on first quarter importations of sugar have been reduced 50,000 tons to 800,000 tons. Both changes were made in view of the recent tendency of refiners and food processors to carry lower inventories and the fact that the price of raw sugar (New York duty paid) during the period from December 3 through December 15 was 7.62 cents per pound while the price guide provided in section 201 of the Act was 7.99 cents. Provision has also been made to establish a minimum allocation for the importation of sugar during the first quarter of 1970. No action is being taken at this time regarding those recommendations as summarized in subsequent paragraphs that imports during the second quarter be restricted.

The following views were received with respect to the proposed determination of sugar requirements and quotas for 1970:

The Industrial Sugar Users Group recommended the following changes: (1) Initial requirements of not less than 11.2 million short tons, raw value, (2) immediate reallocation of a Puerto Rican deficit of at least 500,000 tons, and (3) eliminaton of first-quarter import limitations on foreign sugar, but if retained, the quantity permitted to be imported should be not less than 950,000 tons.

The U.S. Cane Sugar Refiners Association recommended the removal of first-quarter import limitations on foreign sugar. This was also the recommendation of American Sugar Co., and Refined Syrups and Sugars, Inc.

The Association of Sugar Producers of Puerto Rico considered the Department's proposed determination of requirements of 10.9 million tons unduly large and recommended that it be substantially reduced in view of the wide gap currently existing between the price of raw sugar and the price guide referred to in the Act.

The U.S. Beet Sugar Association on behalf of all beet sugar processors recommended that in order to carry out the price objectives of the Act, initial requirements should be established significantly below the 10,900,000 ton level as proposed.

The National Sugar Beet Growers Federation recommended lower initial requirements than 10.9 million tons and concurred with the Department on quarterly import limitations.

The Hawaiian Sugar Planters Association, representing the sugar producers of Hawaii who account for 93 percent of the sugarcane crop stated that the proposed requirement level of 10,900,000 tons was excessive and should be adjusted downward to carry out the price objectives of the Act and that second quarter import limitations should be established in addition to first quarter limitations.

The American Sugar Cane League and the Florida Sugar Cane League representing the mainland cane sugar area were deeply concerned about meeting the price objectives of the Act; recommended an initial requirement level of 10,700,000 tons; concurred with the first quarter import limitations proposed by the Department and recommended import limitations during the second quarter.

A statement submitted on behalf of Honduras requested amendment of the proposed priorities in connection with the allocation of first quarter importations to assure Honduras and any other country which has suffered specified hardships and has substantial sugar inventories the right to import a minimum of 5,000 tons of sugar during the first quarter of 1970.

Sec.
811.80 Sugar requirements, 1970.
811.81 Quotas for domestic areas.
811.82 [Reserved]
811.83 Quotas for foreign countries.
811.84 Applicability of quotas.
811.85 Restrictions on importations and marketings within quotas.

AUTHORITY: §§ 811.80 to 811.85 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies to secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1117, 1118, and 1119.

§ 811.80 Sugar requirements, 1970.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1970 is hereby determined to be 10,800,000 short tons, raw value.

§ 811.81 Quotas for domestic areas.

(a) For the calendar year 1970, domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the act in column (1), and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the act in column (2), as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,215,667	No limit
Mainland cane sugar	1,169,333	No limit
Hawaii	1,150,000	36,936
Puerto Rico	1,140,000	162,000
Virgin Islands	15,000	0

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.82 [Reserved]

§ 811.83 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1970 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), and (e) of this section.

(b) For the calendar year 1970, the quota for the Republic of the Philippines is 1,126,020 short tons, raw value, and the quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) For the calendar year 1970, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4) and section 202(d) of the act are as follows:

Production area	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d)	Total quotas and prorations
	(Short tons, raw value)		
Mexico	229,475	245,283	474,758
Dominican Republic	224,428	239,888	464,316
Brazil	224,428	239,888	464,316
Peru	179,008	191,340	370,348
British West Indies	89,653	75,130	164,783
Ecuador	32,655	34,904	67,559
French West Indies	28,202	23,634	51,836
Argentina	27,608	29,510	57,118
Costa Rica	26,421	28,240	54,661
Nicaragua	26,421	28,240	54,661
Colombia	23,749	25,385	49,134
Guatemala	22,265	23,799	46,064
Panama	16,624	17,770	34,394
El Salvador	16,328	17,452	33,780
Haiti	12,468	13,327	25,795
Venezuela	11,281	12,058	23,339
British Honduras	6,531	5,474	12,005
Bolivia	2,672	2,856	5,528
Honduras	2,672	2,856	5,528
Australia	106,871	88,994	195,865
Republic of China	44,529	37,081	81,610
India	42,748	35,598	78,346
South Africa	31,467	26,204	57,671
Fiji Islands	23,452	19,529	42,981
Thailand	9,797	8,158	17,955
Mauritius	9,797	8,158	17,955
Malagasy Republic	5,047	4,203	9,250
Swaziland	3,859	3,214	7,073
Ireland	5,351		5,351
Bahamas	10,000		10,000
Total	1,495,807	1,488,173	2,983,980

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, an amount not to exceed 800,000 short tons, raw value, of raw sugar, plus the quantity imported in late 1969 under bond for refining and storage, may be charged against such 1970 quotas and authorized for importation or release from bond from all such foreign countries in accordance with Part 817 of this chapter during the first quarter of 1970. The quantity imported in late 1969 under bond for refining and storage will be released from bond and charged to quotas on January 1, 1970. The quantity, 800,000 short tons, raw value, will be authorized for importation and charged to quotas during the first quarter of 1970 as set forth in subparagraphs (2) and (3) of this paragraph (d).

(2) (i) The importation of raw sugar within the annual quotas and the quarterly limitation specified in subparagraph (1) of this paragraph (d) will be authorized on the basis of applications for "Set Aside of Quota" on Form SU-8A or "Sugar Quota Clearance" on Form SU-3 in accordance with the provisions of Part 817 of this chapter, subject to the priorities for countries as provided in subparagraph (3) of this paragraph and the limitations as provided in subdivision (ii) of this subparagraph. Applications to import raw sugar from the Republic of the Philippines must, before final approval within the quantity reserved for the Republic of the Philippines pursuant to subparagraph (3) of this paragraph, be supplemented by certification from the Sugar Quota Administrator for the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(ii) Applications for the importation of sugar during the first quarter received on or before 5 days after the effective date of this subdivision will be considered as having been received at the same time.

(3) (i) Allocations of first quarter importations among countries will be made in the following manner within the limits of applications received and not to exceed as to each country the quantity applied for.

(ii) First priority shall be given to countries from which sugar was imported during the first quarter of 1967, 1968, and 1969, but not to exceed the larger of 5,000 short tons, raw value, or the average of the country's first quarter importations as set forth in subparagraph (4) of this paragraph: *Provided*, That if the quantity of sugar which may be imported during the first quarter is less than the quantity needed to approve all applications under this first priority, an allocation of the lesser of the amount applied for or 5,000 short tons, raw value, shall be made to each country having less than 5,000 short tons, raw value, average first quarter importations as set forth in subparagraph (4) of this paragraph; and the balance of the quantity of sugar which may be imported during the first quarter under this first priority shall be prorated among the other countries on the basis of average first quarter importations as set forth in subparagraph (4) of this paragraph.

(iii) Second priority shall be given to those countries whose respective accumulated allocations for the first quarter under the first priority as provided in subdivision (ii) of this subparagraph is less than 20 percent of the country's annual quota by making additional allocations to any such country which shall be so limited that the total of the allocations under priorities in subdivisions (ii) and (iii) of this subparagraph during the first quarter for such country as a percentage of its annual quota will not exceed the percentage similarly calculated for any other such country and shall be further limited so that the total quantity which may be imported from such country during the first quarter shall not exceed 20 percent of the country's annual quota.

(iv) Any quantity not allocated under subdivisions (ii) and (iii) of this subparagraph shall be prorated among countries having priority under subdivision (ii) of this subparagraph that received allocations less than the full amount applied for, and such additional proration shall be made on the basis of the average imports of sugar from the countries during the first quarter as set forth in subparagraph (4) of this paragraph.

(4) Average importations into the continental United States within quotas, during the first quarter of the years 1967, 1968, and 1969 are as follows:

Country	First quarter (Short tons, raw value)
Philippines	192,498
Mexico	144,317
Dominican Republic	109,019
Brazil	131,948
Peru	85,949
British West Indies	30,703
Ecuador	9,501
French West Indies	11,387
Argentina	26,104
Costa Rica	13,964
Nicaragua	8,139
Colombia	9,930
Guatemala	24,749
Panama	4,838
El Salvador	17,439
Haiti	4,380
Venezuela	7,835
British Honduras	575
Bolivia	40
Honduras	3,552
Australia	2,538
Republic of China	3,033
India	896
South Africa	28,558
Fiji Islands	676
Thailand	244
Mauritius	532
Malagasy Republic	82
Swaziland	310
Ireland	0
Bahamas	1,058
Total	874,794

(e) For the calendar year 1970, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the act is as follows:

Country	Short tons, raw value
Ireland	5,351
Panama	3,817

(f) For the calendar year 1970, the quota for liquid sugar for foreign countries as a group is 2 million gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

§ 811.84 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner, and conditions under which quotas and prorations are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by §§ 811.81 to 811.83, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to sections 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.85 Restrictions on importations and marketings within quotas.

Subject to the provisions of Parts 816 and 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States, (a) any sugar or liquid sugar from any country for which no quota is established or in excess of or after the applicable quota or quantity set forth in §§ 811.81 to 811.83 inclusive has been filled, or (b) any sugar or liquid sugar as direct-consumption sugar from any country for which no direct-consumption sugar limitation is established or after the direct-consumption portion of the applicable quota has been filled.

Effective date. The Act provides that the Secretary of Agriculture shall, during the last 3 months of 1969, determine sugar requirements and establish sugar quotas for the continental United States for the calendar year 1970. The regulations determining 1970 sugar requirements and quotas apply not only to sugar imported or marketed beginning January 1, 1970, but also to any sugar imported prior thereto for refining, storage, and subsequent release within 1970 quotas as may be provided for by regulation. Accordingly, it is hereby found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 553. The aspects of § 811.83 relating to the submission and approval or acceptance of applications shall be effective when filed with the Federal Register and all other provisions of this regulation shall become effective January 1, 1970.

Signed at Washington, D.C., on December 16, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-15127; Filed, Dec. 17, 1969; 3:00 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 406]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.706 Lemon Regulation 406.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons

grown in California and Arizona, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 16, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period December 21, 1969, through December 27, 1969, are hereby fixed as follows:

(i) District 1: 32,550 cartons;

(ii) District 2: 69,750 cartons;

(iii) District 3: 111,600 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 17, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–15194; Filed, Dec. 18, 1969; 11:24 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–260]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Registration of Valuable Effects

The requirement for completion of Customs Form 4457 in duplicate to register valuable effects of foreign origin temporarily taken abroad by a traveler and the maintenance of the original copy in a file, results in an unnecessary expenditure of money and time by Customs. It has been recommended that the Customs regulations be amended to eliminate the requirement for the completion of the form in duplicate and to provide for retention of the original by the traveler.

To give effect to the suggestion; to delete the specific reference to the registration of plumage, now obsolete; to clarify the fact that all persons except nonresident seamen, airmen, or persons engaged in similar employment may register valuable articles of foreign origin before taking them abroad; and to delete the 3-year limitation on the effectiveness of the registration of the subject articles which no longer serves a useful purpose, § 10.28 of the Customs regulations is amended to read:

§ 10.28 **Registration of valuable effects.**

(a) Any person (except a nonresident seaman, airman, or person engaged in similar employment) who intends to take valuable effects of foreign origin abroad may present such articles, before his departure from the United States, to a customs officer together with customs Form 4457 for registration in order to facilitate their identification on return to the United States. After the articles have been examined, the completed form shall be given to the applicant for use in connection with the return of the articles.

(b) Customs Form 4455 may be required to be used in any case in which customs Form 4457 will not adequately serve the purpose of registration. (Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498.)

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

This amendment shall be effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: December 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–15089; Filed, Dec. 18, 1969; 8:48 a.m.]

[T.D. 69–265]

PART 14—APPRAISEMENT

Antidumping; Potassium Chloride From Canada

DECEMBER 17, 1969.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that potassium chloride, otherwise known as muriate of potash, from Canada, except shipments by U.S. Borax & Chemical Co., Kalium, Saskatchewan, Canada, is being or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on November 21, 1969, it notified the Secretary of the Treasury that an industry in the United States is being, and is likely to be, injured by reason of the importation of potassium chloride, otherwise known as muriate of potash, from Canada at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to potassium chloride, otherwise known as muriate of potash, from Canada, except shipments by U.S. Borax & Chemical Co., Kalium, Saskatchewan, Canada.

Section 53.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Potassium chloride, otherwise known as muriate of potash, except shipments by U.S. Borax & Chemical Co., Kalium, Saskatchewan, Canada.	Canada	69-265

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–15157; Filed, Dec. 18, 1969; 8:49 a.m.]

[T.D. 69–263]

PART 14—APPRAISEMENT

Antidumping; Potassium Chloride From France

DECEMBER 17, 1969.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that potassium chloride, otherwise known as muriate of potash, from France is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on November 21, 1969, it notified the Secretary of the Treasury that an industry in the United States is being, and is likely to be, injured by reason of the importation of potassium chloride, otherwise known as muriate of potash, from France at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to potassium chloride, otherwise known as muriate of potash, from France.

Section 53.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Potassium chloride, otherwise known as muriate of potash.	France	69-263

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–15155; Filed, Dec. 18, 1969; 8:49 a.m.]

[T.D. 69–264]

PART 14—APPRAISEMENT

Antidumping; Potassium Chloride From West Germany

DECEMBER 17, 1969.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that potassium chloride, otherwise known as muriate of potash, from West Germany is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on November 21, 1969, it notified the Secretary of the Treasury that an industry in the United States is being, and is likely to be, injured by reason of the importation of potassium chloride, otherwise known as muriate of potash, from West Germany at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to potassium chloride, otherwise known as muriate of potash, from West Germany.

Section 53.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Potassium chloride, otherwise known as muriate of potash.	West Germany.	69-264

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–15156; Filed, Dec. 18, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Application for Commercial Exemption

Section 1467.55 *Application for commercial exemption* is amended by deleting the words in quotation marks after the colon in the last sentence of paragraph (c)(1) and inserting in lieu thereof the following: "The contractor hereby consents and agrees that the 6-month period prescribed in section 106(e)(3)(B)(ii) of the act shall apply with respect to all the articles and services for which exemption is claimed in this application."

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: December 16, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69–15061; Filed, Dec. 18, 1969; 8:46 a.m.]

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

Termination of Fiscal Year; Stock Acquisition by Another Corporation

Section 1499.1–17 *Renegotiation Ruling No. 17: Fiscal year, termination of; stock acquisition by another corporation* is amended by deleting paragraphs (c) and (d) in their entirety and inserting in lieu thereof the following:

§ 1499.1–17 **Renegotiation Ruling No. 17: Fiscal year, termination of; stock acquisition by another corporation (interprets act section 103(h); § 1451.19 of this chapter).**

* * * * *

(c) Section 1.1502–76(b) of the regulations under the Internal Revenue Code of 1954 (26 CFR 1.1502–76(b)) provides, in pertinent part, as follows:

(b) *Income to be included in returns for taxable year.*—(1) *Inclusion of income in consolidated return.* The consolidated return of a group must include the income of the common parent for that corporation's entire taxable year * * * and * * * the income of each subsidiary for the portion of such taxable year during which it was a member of the group.

(2) *Separate return for period not included in a consolidated return.* If the consolidated return of a group properly includes the income of a corporation for only a portion of such corporation's taxable year * * *, then the income for the portion of such taxable year not included in the consolidated return must be included in a separate return * * *.

(d) Section 1.1502–76(d) of the regulations under the Internal Revenue Code of 1954 (26 CFR 1.1502–76(d)) provides as follows:

(d) *Taxable year of less than 12 months.* Any period of less than 12 months for which either a separate return or a consolidated return is filed under the provisions of this section shall be considered as a separate taxable year.

* * * * *

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: December 16, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69–15062; Filed, Dec. 18, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2267]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

PROCESSING AND GRANTING OF RIGHTS-OF-WAY OVER LANDS ADMINISTERED BY FISH AND WILDLIFE SERVICE

This amendment makes special provisions for the processing of right-of-way

applications and for the granting of rights-of-way with respect to reservation lands administered by the Fish and Wildlife Service. The amendment places the responsibility for the processing and issuance of such rights-of-way in the Bureau of Sport Fisheries and Wildlife which already has the responsibility for determining whether appropriation of the lands for the rights-of-way is consistent with the objectives and management programs for the lands involved.

Since the rule modification here involved is a technical amendment to conform these regulations to the amendment of 50 CFR Part 29, proposed June 20, 1969 (34 F.R. 9680), it shall become effective simultaneously with that amendment upon publication in the FEDERAL REGISTER.

1. In § 2234.1–2, paragraph (a)(1) is amended to read as follows:

§ 2234.1–2 Procedures.

(a) *Application.* (1) The application shall be prepared and submitted in accordance with the requirements of this section. It should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the regulations in this part and that the applicant agrees that the right-of-way if approved, will be subject to the terms and conditions of the applicable regulations contained in this part. It should also cite the act to be invoked and state the primary purpose for which the right-of-way is to be used. Applications shall be filed in accordance with the provisions of § 1821.2 of this chapter, except that applications for rights-of-way over or through reservation lands administered by the National Park Service shall be filed with the Director of the National Park Service, Washington, D.C. 20240, and applications for rights-of-way over and through reservation lands administered by the Fish and Wildlife Service shall be filed with the appropriate Regional Director of the Bureau of Sport Fisheries and Wildlife in accordance with 50 CFR 29.21–2. If the right-of-way has been utilized without authority prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date the applicant alleges he obtained control of the improvements.

* * * * *

2. In § 2234.1–3, a new paragraph (g) is added, to read as follows:

§ 2234.1–3 Nature of interest.

* * * * *

(g) *Areas administered by Fish and Wildlife Service.* Pursuant to any statute, including those listed in this subpart, applicable to reservation lands administered by the Fish and Wildlife Service, rights-of-way over or through such lands will be issued by the Director of the Bureau of Sport Fisheries and Wildlife, or his delegate, under the regulations in 50 CFR Part 29.

§ 2234.2–4 [Amended]

3. In § 2234.2–4 *Under title 23, United States Code,* paragraph (b)(1)(a) is amended to read as follows:

(b) *Application; grants.* (1)(i) Except where an application involves lands wholly within an Indian reservation applications for rights-of-way and material sites under title 23, United States Code, for lands under the jurisdiction of the Department of the Interior, together with four copies of a durable and legible map shall be filed by the appropriate State highway department in the manner prescribed by § 2234.1–2(a). Maps should accurately describe the land or interest in land desired, showing the survey of the right-of-way, properly located with respect to the public land surveys so that said right-of-way may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the requirements of § 2234.1–2(d)(1) (i) through (viii). Applications for lands wholly within an Indian reservation shall be filed in the office of the superintendent of Indian Affairs agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands. Applications for lands administered by the National Park Service shall be filed with the Director of the National Park Service, Washington, D.C. 20240, and applications for lands administered by the Fish and Wildlife Service shall be filed with the appropriate Regional Director of the Bureau of Sport Fisheries and Wildlife, both of whom, notwithstanding the provisions of subparagraphs (3) and (4) of this paragraph, shall process such applications and issue grants of rights-of-way in accordance with the regulations of this subpart. Applications for lands outside of the jurisdiction of the Department of the Interior shall be filed pursuant to the rules or regulations of the Department or agency having jurisdiction over the lands.

4. In view of the Act of October 15, 1966 (80 Stat. 937), which transferred to and vested in the Secretary of Transportation all functions, powers and duties of the Secretary of Commerce and other offices and officers of the Department of Commerce under Title 23, United States Code, all references in § 2234.2–4 to "Secretary of Commerce" and "Department of Commerce" are revised to read "Secretary of Transportation" and "Department of Transportation," respectively.

RUSSELL E. TRAIN,
Under Secretary of the Interior.

DECEMBER 12, 1969.

[F.R. Doc. 69–15087; Filed, Dec. 18, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1035]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. To Unload Certain Cars of Lumber Held at Council Bluffs, Iowa, and Seattle, Wash.

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 9th day of December 1969.

It appearing, that there is a critical shortage of boxcars throughout the country; that numerous shippers are unable to secure the boxcars required for transportation of their traffic; that certain shippers load substantial numbers of such boxcars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that five such cars are being held by the Union Pacific Railroad Co., at Council Bluffs, Iowa, and at Seattle, Wash., commencing with various dates between May 31, 1969, and November 19, 1969; that the Union Pacific Railroad Co., has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1035 Service Order No. 1035.

(a) Union Pacific Railroad Co., shall unload certain cars of lumber held at Council Bluffs, Iowa, and Seattle, Wash.: The Union Pacific Railroad Co., its agents or employees, shall unload the following cars containing lumber held at Council Bluffs, Iowa, and Seattle, Wash., awaiting instructions from the shipper:

(1) UP 188019, UP 101357, and IC 119048 held at Council Bluffs, Iowa.

(2) SPS 14098 and NP 6104 held at Seattle, Wash.

(b) The Union Pacific Railroad Co., its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., December 16, 1969.

(c) The Union Pacific Railroad Co., shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., December 10, 1969.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 16, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies sec. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–15063; Filed, Dec. 18, 1969; 8:46 a.m.]

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 35029]

PART 1203—EXPRESS COMPANIES

Revision of Uniform System of Accounts

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of November 1969.

On December 13, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18496) advising all interested persons that the Commission had under consideration a general revision of the Uniform System of Accounts for Express Companies. In answer to the notice, Railway Express Agency, Incorporated (REA), has submitted a proposed system which appears to meet the needs of both the Commission and the carrier. Adoption has been requested by the carrier.

It appearing, that the proposed uniform system of accounts submitted by REA appears to generally meet the needs of the Commission, the carrier, and the general public, and

It appearing, that in view of an immediate need by REA of revamping its accounting system to provide for managerial accounting, and

It further appearing, that time does not permit service of interested parties of this proposed system and a review of responses from such interested parties in order to finalize the system, modified as any condition might warrant, in time for its adoption by January 1, 1970, therefore:

It is ordered, That the Uniform System of Accounts for Express Companies, adopted May 28, 1914 (Title 49, Part 1203, Code of Federal Regulations), be waived and suspended for 1 year effective January 1, 1970, or until further order of this Commission;

It is further ordered, That the system of accounts submitted by REA on October 7, 1969, in its reply to the notice of proposed rule making under Docket No. 35029, published December 13, 1968, be used by REA for 1 year, effective January 1, 1970, with the understanding that the permitted use of this system for the year 1970 is not to be construed as its formal adoption by the Commission nor that provisions contained therein fully meet all requirements of the Commission's needs and those of other interested parties;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–15064; Filed, Dec. 18, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 29—LAND USE MANAGEMENT

Rights-of-Way

On June 20, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9680) advising all interested persons that the Bureau proposed to issue revised rights-of-way regulations. Thirty days were given for submission of comments, suggestions, or objections. Consideration having been given to all responses received, the revised regulations further modified as set forth below are hereby adopted to become effective upon publication in the FEDERAL REGISTER.

Subpart B—Rights-of-Way General Regulations

29.21 Definitions.
29.21–1 Purpose and scope.
29.21–2 Application procedures.
29.21–3 Nature of interest granted.
29.21–4 Terms and conditions.
29.21–5 Construction.
29.21–6 Disposal, transfer or termination of interest.
29.21–7 Payment required.
29.21–8 Electric power transmission line rights-of-way.
29.22 Hearing and appeals procedure.

AUTHORITY: The provisions of this Subpart B issued under R.S. 161, as amended; sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; secs. 5, 10, 45 Stat. 449, 1224; secs. 4, 2, 48 Stat. 402, as amended, 1270; sec. 4, 76 Stat. 654; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715l, 664; 43 U.S.C. 2, 315a, 1201; 76 Stat. 653, as amended, 16 U.S.C. 460k; 80 Stat. 926; 16 U.S.C. 668aa et seq.

Subpart B—Rights-of-Way General Regulations

§ 29.21 Definitions.

(a) "Secretary" means Secretary of the Interior or his authorized representatives acting under delegated authority.

(b) "Bureau" means Bureau of Sport Fisheries and Wildlife or Bureau of Commercial Fisheries.

(c) "Regional Director" means the Regional Director for one of the Bureau of Sport Fisheries and Wildlife's five regions.

(d) "Project Manager" means the officer in charge of the land under administration by the Bureau of Sport Fisheries and Wildlife or the Bureau of Commercial Fisheries.

(e) "National Wildlife Refuge System land" means lands and waters, or interests therein, administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas.

(f) "Easement area" means land, or interests therein, over which the Secretary administers an easement for waterfowl management rights to assure preservation of waterfowl nesting habitat.

(g) "Other lands" means all other lands, or interests therein, and waters administered by the Secretary through the Bureau of Sport Fisheries and Wildlife and the Bureau of Commercial Fisheries which are not included in National Wildlife Refuge System lands; e.g., administrative sites, research stations, fish hatcheries, fishery research stations, and biological laboratories.

(h) "Compatible" means that the requested right-of-way or use will not interfere with or detract from the purposes for which units of the National Wildlife Refuge System are established.

§ 29.21–1 Purpose and scope.

The regulations in this subpart prescribe the procedures for filing applications and the terms and conditions under which rights-of-way over and across the lands administered by the Bureau of Sport Fisheries and Wildlife and the Bureau of Commercial Fisheries may be granted.

(a) *National Wildlife Refuge System lands.* Applications for all forms of rights-of-way on or over such lands shall be submitted under authority of Public Law 89–669 (80 Stat. 926; 16 U.S.C. 668dd) following application procedures set out in § 29.21–2. No right-of-way will be approved unless it is determined by the Regional Director to be compatible. See § 29.21–8 for additional requirements applicable to rights-of-way for electric power transmission lines. Applications for rights-of-way for roads and highways included in the Federal-aid primary system, the Federal-aid secondary system, and the National System of Interstate and Defense Highways may be submitted in accordance with procedures set out in § 29.21–2, or at the option of the State Highway Departments, may be submitted to the Regional Director pursuant to title 23 U.S.C. in accordance with applicable provisions of 43 CFR 2234.2–4, which are hereby incorporated by reference in the regulations in this subpart.

(b) *National Wildlife Refuge System lands—easement interest.* Applications for all forms of rights-of-way across lands in which the United States owns only an easement interest may be submitted to the Regional Director in letter form. No map exhibit is required, however, the affected land should be described in the letter or shown on a map sketch. If the requested right-of-way will not adversely affect the United States' interest, the Regional Director may issue a letter stating that the interest of the United States to the right-of-way easement would not be affected provided there would be no objection to a right-of-way by the fee owner. If the interest of the United States will be affected, application for the right-of-way must be submitted in accordance with procedures set out in § 29.21–2.

(c) *Other lands outside the National Wildlife Refuge System.* Application for all forms of rights-of-way on or over other lands should be submitted to the Regional Director in triplicate in accordance with controlling authorities contained in 43 CFR, Subpart 2234.

§ 29.21–2 Application procedures.

(a) *Application.* (1) No special form of application is required. The application should state the purpose for which the right-of-way is being requested together with the length, width on each side of the centerline, and the estimated acreage. Applications, including exhibits, shall be filed in triplicate with the Regional Director for the region in which the State is located. A list of States in each region and the addresses of the Regional Directors are contained in paragraph (c) of this section.

(2) All applications filed pursuant to this part in the name of individuals, corporations or associations must be accompanied by an application service fee of $10. The service fee will not be returnable. No application service fee will be required of States or agencies or instrumentalities thereof or of Federal agencies.

(b) *Maps.* A map or plat must accompany each copy of the application and must show the right-of-way in such detail that the right-of-way can be accurately located on the ground. Ties to Bureau land boundary corner monuments or some prominent cultural features which can be readily recognized and recovered should be shown where the right-of-way enters and leaves Bureau project land together with courses and distances of the centerline. The width of the right-of-way on each side of the centerline together with the acreage included within the right-of-way or site must also be shown. If the right-of-way or site is located wholly within Bureau project land, a tie to a Government corner or prominent cultural feature which can be readily recognized and recovered should be shown.

(c) *Regional Director's addresses.* (1) For the States of Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington:

Regional Director, Bureau of Sport Fisheries and Wildlife, Box 3737, 730 Northeast Pacific Street, Portland, Oreg. 97208.

(2) For the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming:

Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building and U.S. Courthouse, Post Office Box 1306, Albuquerque, N. Mex. 87103.

(3) For the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

(4) For the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Puerto Rico, and the Virgin Islands:

Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, 50 Seventh Street, NW., Atlanta, Ga. 30323.

(5) For the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

§ 29.21–3 Nature of interest granted.

(a) Where the land administered by the Secretary is owned in fee by the United States and the right-of-way is compatible with the objectives of the area, the right-of-way may be approved and granted by an easement or permit. Generally an easement or permit will be issued for a term of 50 years or so long as it is used for the purpose granted, or for a lesser term when considered appropriate.

(b) Unless otherwise provided, no interest granted shall give the grantee any right whatever to remove any material, earth, or stone for construction or other purpose, except that stone or earth necessarily removed from the right-of-way in the construction of a project may be used elsewhere along the same right-of-way in the construction of the same project.

§ 29.21–4 Terms and conditions.

(a) Any right-of-way easement or permit granted will be subject to outstanding rights, if any, in third parties.

(b) An applicant, by accepting a right-of-way easement or permit, agrees to such terms and conditions as may be prescribed by the Regional Director including but not limited to any of the following:

(1) To comply with State and Federal laws applicable to the project within which the right-of-way is granted, and to the lands which are included in the right-of-way, and lawful existing regulations thereunder.

(2) To clear and keep clear the lands within the right-of-way to the extent and in the manner directed by the project manager in charge; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such a manner as to decrease the fire hazard and also in accordance with such instructions as the project manager may specify.

(3) To prevent the disturbance or removal of any public land survey monument or project boundary monument unless and until the applicant has requested and received from the Regional Director approval of measures the applicant will take to perpetuate the location of aforesaid monument.

(4) To take such soil and resource conservation and protection measures, including weed control on the land covered by the right-of-way as the project manager in charge may request.

(5) To do everything reasonably within his power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near lands to be occupied under the right-of-way, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(6) To rebuild and repair such roads, fences, structures, and trails as may be destroyed or injured by construction work and upon request by the Regional Director, to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

(7) To pay the United States the full value for all damages to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to idemnify the United States against any liability for damages to life, person or property arising from the occupancy or use of the lands under the right-of-way, except where a right-of-way is granted hereunder to a State or other governmental agency which has no legal power to assume such a liability with respect to damages caused by it to lands or property, such agency in lieu thereof agrees to repair all such damages.

(8) To notify promptly the project manager in charge of the amount of merchantable timber, if any, which will be cut, removed, or destroyed in the construction and maintenance of the project, and to pay the United States in advance of construction such sum of money as the project manager may determine to be the full stumpage value of the timber to be so cut, removed, or destroyed.

(9) That all or any part of the right-of-way granted may be terminated by the Director, Bureau of Sport Fisheries and Wildlife for failure to comply with any or all of the terms or conditions of this grant, or for nonuse for a 2-year period, or abandonment of the right-of-way granted. In the event of noncompliance, the Regional Director will notify the permittee in writing of the corrections needed, and the permittee shall have a period of 60 days from the date of the notice to complete corrective action. However, in the event of extenuating circumstances such as adverse weather conditions, disturbance of wildlife during periods of peak concentrations, or other compelling reasons, the Regional Director may grant an extension of time which in his judgment is reasonably necessary. In the event of termination of an easement or permit for noncompliance, nonuse, or abandonment, a written notice of termination will be furnished to the permittee.

(10) To restore the land to its original condition to the entire satisfaction of the Bureau, so far as it is reasonably possible to do so upon revocation and termination of the right-of-way, unless this requirement is waived in writing.

(11) To keep the project manager informed at all times of his address, and, in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.

(12) That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision to be included in all subcontracts.

(13) That the allowance of the right-of-way shall be subject to the express condition that the exercise thereof will not unduly interfere with the management, administration; or disposal by the United States of the land affected thereby, and that the applicant agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the right-of-way not actually occupied or required by the applicant for the purpose of the granted rights or the full and safe utilization thereof.

(14) That the right-of-way herein granted shall be subject to the express covenant that any facility constructed thereon will be modified or adapted if such is found by the Regional Director, Bureau of Sport Fisheries and Wildlife, to be necessary, without liability or expense to the United States, so that such facility will not conflict with the use and occupancy of the land for any authorized works which may hereafter be constructed thereon under the authority of the United States.

(15) That the right-of-way herein granted shall be for the specific use described and may not be construed to include the further right to authorize any other use within the right-of-way unless approved in writing by the Regional Director.

§ 29.21–5 Construction.

(a) If construction is not commenced within two (2) years after date of right-of-way grant, the right-of-way may be canceled by the Director of the Bureau of Sport Fisheries and Wildlife at his discretion.

(b) Proof of construction: Upon completion of construction, the applicant shall file a certification of completion with the Regional Director.

§ 29.21–6 Disposal, transfer or termination of interest.

(a) *Change in jurisdiction over and disposal of lands.* The final disposal by the United States of any tract of land traversed by a right-of-way shall not be construed to be a revocation of the right-of-way in whole or in part, but such final disposition shall be deemed and taken to be subject to such right-of-way unless it has been specifically canceled.

(b) *Transfer of right-of-way.* Any proposed transfer, by assignment, lease, operating agreement or otherwise, of a right-of-way must be filed in triplicate with the Regional Director and must be supported by a stipulation that the assignee agrees to comply with and be bound by the terms and conditions of the right-of-way. No assignment will be recognized unless and until approved in writing by the Regional Director.

(c) *Disposal of property on termination of right-of-way.* In the absence of any agreement to the contrary, the holder of the right-of-way will be allowed 6 months after termination to remove all property or improvements other than a road and useable improvements to a road, placed thereon by him; otherwise, all such property and improvements shall become the property of the United States. Extensions of time may be granted at the discretion of the Regional Director.

§ 29.21–7 Payment required.

(a) Charges for use and occupancy of lands under the regulations of this part will be required and will be commensurate with the charges made for similar right-of-way privileges by private landowners in the vicinity, as determined by appraisal by the Regional Director. The charges may be periodic payments or a lumpsum payment, both payable in advance, at the discretion of the Regional Director.

(b) When periodic payments are used, such rates may be reviewed by the Regional Director at any time not less than 5 years after the grant of the permit, right-of-way, or easement or the last revisions of charges thereunder. After reasonable notice and opportunity for hearing, the Regional Director may impose such new charges as may be reasonable and proper commencing with the ensuing charge year. At the discretion of the Regional Director, Federal agencies, States or instrumentalities thereof, may be exempt from the payments of charges.

§ 29.21–8 Electric power transmission line rights-of-way.

Applications for electric power transmission line rights-of-way for the transmission or distribution of electric power and energy shall be made in accordance with the provisions of 43 CFR 2234.4–1 (b) (4) and (c) which are incorporated herein by reference.

§ 29.22 Hearing and appeals procedure.

An appeal may be taken from any final disposition of the Regional Director, to the Director, Bureau of Sport Fisheries and Wildlife, and, from the latter's decision to the Secretary of the Interior. Such appeals may be taken pursuant to 43 CFR Parts 1840 and 1850 except that (a) all references to the "Director" or "Director, Bureau of Land Management," are changed to Director, Bureau of Sport Fisheries and Wildlife and (b) all references to "Bureau" are changed to Bureau of Sport Fisheries and Wildlife. The above procedures for hearing and appeals, so provided and amended, are hereby adopted as procedures for hearings and appeals by said Bureau of Sport Fisheries and Wildlife.

RUSSELL E. TRAIN,
Under Secretary of the Interior.

DECEMBER 12, 1969.

[F.R. Doc. 69–15088; Filed, Dec. 18, 1969; 8:48 a.m.]

SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

PART 80—RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Water Pollution Control

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 917, 16 U.S.C. 669i),

and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 430; 16 U.S.C. 777i), § 80.35 of Part 80, Title 50, Code of Federal Regulations is revised as set forth below. Since this revision places no restriction on the public, and is in fact a relaxation of the current requirement, it shall be effective upon publication in the FEDERAL REGISTER.

§ 80.35 Water pollution control.

In the performance of each project, the State shall take necessary action to avoid pollution of water as a direct or indirect result of project activity. Water quality must be maintained at a level consistent with applicable water quality standards.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 15, 1969.

[F.R. Doc. 69-15059; Filed, Dec. 18, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 69-139]

BALTIMORE HARBOR, MD.

Proposed Cancellation of Anchorage Grounds

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of section 7, 38 Stat. 1053, as amended (33 U.S.C. 471), section 6(g)(1)(A) of the Department of Transportation Act (80 Stat. 937), 49 U.S.C. 1655(g)(1)(A) and 49 CFR 1.4(a)(3)(i), is considering the termination as of January 15, 1970, of Anchorage No. 7, Quarantine Anchorage, in the Baltimore Harbor, as described in § 110.158(a)(7) of Part 110, Subpart B of Title 33, Code of Federal Regulations.

2. The reason for the proposed closing of Anchorage No. 7 is that construction of the Baltimore Harbor Outer Tunnel under the Patapsco River between Sollers Point, Baltimore County, and Hawkins Point, Baltimore, Md., will preclude its further use.

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before January 2, 1970. All submissions should be made in writing to the Commander, 5th Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705.

4. To expedite the handling of submissions regarding this proposal, it is requested that each submission be submitted in triplicate and state the subject to which it is directed, the specific wording recommended; the reason for the recommended change, and the name, address, and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 5th Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705.

6. After all interested persons have expressed their views, the Commander, 5th Coast Guard District will forward the record, including the original of all written submissions, and his recommendations with respect to the proposal and submissions received to the Commandant (OLE), U.S. Coast Guard, Washington, D.C. 20591.

Dated: December 16, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-15078; Filed, Dec. 18, 1969; 8:47 a.m.]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10019]

AIRWORTHINESS DIRECTIVE

British Aircraft Corporation Viscount Models 744 and 745D Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to British Aircraft Corp. Viscount Models 744 and 745D airplanes. A condition exists in the automatic feathering system on these airplanes which could result in turbine overheat and engine annulus gear failure. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require replacement of the automatic feathering system throttle microswitch actuating levers and adjustment of the "arm" setting of the automatic feathering system throttle microswitches to increase the r.p.m. setting at which automatic feathering can occur.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 19, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to BAC Viscount Models 744 and 745D Airplanes.

Compliance is required within the next 450 hours' time in service after the effective date of this AD, unless already accomplished.

To assure that the automatic feathering system is armed properly during cruise, and to protect against turbine overheat and engine annulus gear failure, replace microswitch actuating levers and set the "arm" setting of the automatic feathering system throttle microswiches in accordance with British Aircraft Corp., Viscount 700 series aircraft, Bulletin for Modification No. D.2207, 4th Issue, dated January 31, 1969, or later ARB-approved issue or an FAA-approved equivalent.

Issued in Washington, D.C., on December 11, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-15051; Filed, Dec. 18, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-140]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jackson, Miss., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Jackson control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Allen C. Thompson Field (lat. 32°18'40" N., long. 90°04'35" W.); within 2.5 miles each side of Jackson VORTAC 157° and 160° radials, extending from the 5-mile radius zone to 20 miles southeast of the VORTAC; within a 5-mile radius of Hawkins Field (lat. 32°20'10" N., long. 90°13'15" W.); within 3 miles each side of the 008° bearing from Hawkins RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 5-mile radius zone to 0.5 mile southwest of the VORTAC; within a 5-mile radius of Bruce Campbell Field (lat. 32°26'15" N., long. 90°06'05" W.).

The Jaekson transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Allen C. Thompson Field (lat. 32°18'40" N., long. 90°04'35" W.); within an 8-mile radius of Hawkins Field (lat. 32°20'10" N., long. 90°13'15" W.); within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 8-mile radius area to the VORTAC; within a 5.5-mile radius of Bruce Campbell Field (lat. 32°26'15" N., long 90°06'05" W.); within 1.5 miles each side of the Jackson VORTAC 142° radial, extending from the 5.5-mile radius area to the VORTAC.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Jackson terminal area complex requires the following actions:

Control zone. 1. Increase the basic radius circle predicted on Bruce Campbell Field from 3 to 5 miles.

2. Designate an extension predicated on the 008° bearing from Hawkins RBN 6 miles in width and 8.5 miles in length.

3. Reduce the extension predicated on Jackson VORTAC 142° radial 1 mile in width.

4. Reduce the extensions predicated on Jackson VORTAC 157° and 160° radials 1 mile in width.

5. Reduce the extension predicated on Jackson VORTAC 195° radial 1 mile in width and 0.5 mile in length.

6. Revoke the extension predicated on Jackson VORTAC 142° radial.

Transition area. 1. Increase the basic radius circles as follows:

a. Allen C. Thompson Field from 8 to 10 miles.

b. Hawkins Field from 6 to 8 miles.

c. Bruce Campbell Field from 5 to 5.5 miles.

2. Reduce the extension predicated on Jackson VORTAC 142° radial 1 mile in width and 1 mile in length.

3. Reduce the extension predicated on Jackson VORTAC 195° radial 1 mile in width and 1 mile in length.

4. Revoke the extension predicated on Allen C. Thompson Field ILS localizer north course.

5. Revoke the extension predicated on the 008° bearing from Hawkins RBN.

The proposed alteration is required to provide controlled airspace protection for IFR operations in the Jackson terminal area complex in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 9, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-15052; Filed, Dec. 18, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-57]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., control zone and transition area and revoke the Gallatin, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Nashville control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'58" W.); within 1.5 miles each side of Nashville ILS localizer north course, extending from the 5-mile radius zone to 8.5 miles north of Nashville VORTAC 335° radial; within 1.5 miles each side of Nashville ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Nashville VORTAC 315° radial, extending from the 5-mile radius zone to the VORTAC; excluding that airspace within a 1-mile radius of Cornelia Fort Airpark Airport (lat. 36°11'28" N., long. 86°41'53" W.) west of a line 1.5 miles west of and parallel to Nashville ILS localizer north course Monday through Friday, except Federal legal holidays.

The Nashville transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'58" W.); within 9.5 miles east and 4.5 miles west of Nashville ILS localizer north course, extending from the 14-mile radius area to 18.5 miles north of Nashville VORTAC 335° radial; within 9.5 miles northeast and 4.5 miles southwest of Nashville VORTAC 115° radial, extending from the 14-mile radius area to 18.5 miles southeast of the VORTAC; within 9.5 miles east and 4.5 miles west of Nashville ILS localizer south course, extending from the 14-mile radius area to 18.5 miles south of the LOM; within an 8-mile radius of Gallatin Municipal Airport, Tenn. (lat. 36°22'45" N., long. 86°24'30" W.); within a 12-mile radius of Sewart Air Force Base (lat. 36°00'27" N., long. 86°31'21" W.); within 8 miles northeast and 5 miles southwest of Sewart AFB ILS localizer southeast course, extending from the 12-mile radius area to 12 miles southeast of Sewart RBN.

The Gallatin transition area described in § 71.181 (34 F.R. 4637) would be revoked and incorporated into the Nashville transition area.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to the Nashville terminal area complex requires the following actions:

Control zone. 1. Reduce the extension predicated on Nashville ILS localizer south course 1 mile in width.

2. Reduce the extension predicated on Nashville ILS localizer north course 1 mile in width and increase it 0.5 mile in length.

3. Designate an extension predicated on Nashville VORTAC 315° radial 4 miles in width and extending to the VORTAC.

Transition area. 1. Increase the Nashville basic radius circle from 11 to 14 miles.

2. Revoke the Gallatin, Tenn., transition area and incorporate it into the Nashville transition area.

3. Increase the extension predicated on Nashville ILS localizer south course to 14 miles in width and 18.5 miles in length.

4. Increase the extension predicated on Nashville ILS localizer north course to 14 miles in width and 18.5 miles in length.

5. Designate an extension predicated on Nashville VORTAC 115° radial 14 miles in width and 18.5 miles in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations in the Nashville terminal area complex in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 9, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-15053; Filed, Dec. 18, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-145]

TRANSITION AREA

Proposed Redesignation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate the McComb, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The McComb 700-foot transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of McComb-Pike County Airport; within 2 miles each side of McComb VORTAC 234° radial, extending from the 6.5-mile radius area to the VORTAC.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria, together with the commissioning of (New) McComb-Pike County Airport, the closing of (Old) McComb-Pike County Airport and the establishing of a prescribed instrument approach procedure to the (New) McComb-Pike County Airport, utilizing the McComb VORTAC, requires the following actions:

1. Increase the transition area basic radius circle from 5 to 6.5 miles and redesignate it predicated on the (New) McComb-Pike County Airport.

2. Designate a transition area extension predicated on McComb VORTAC 234° radial 4 miles in width and extending in length from the 6.5-mile radius area to the VORTAC.

The proposed redesignation is required to provide controlled airspace protection for IFR operations at (New) McComb-Pike County Airport in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 9, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-15054; Filed, Dec. 18, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1203]

[No. 35029]

UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

Supplemental Notice of Proposed Rule Making

On December 13, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18496) advising all interested persons that the Commission had under consideration a general revision of the Uniform System of Accounts for Express Companies. A copy of the revised system was appropriately published in the FEDERAL REGISTER at the same time.

In response to the notice, Railway Express Agency, Inc. (REA), submitted a proposed accounting system for consideration and adoption in lieu of the system initially proposed.

A preliminary review of this system indicates that while it is generally compatible with the accounting system initially proposed in subject docket, there is sufficient deviation to warrant comments thereon by other interested parties. Accordingly, REA is hereby directed to provide interested parties of record with a copy of its response to the notice of proposed rulemaking, which includes its proposed accounting system. Other parties, upon written request and a show of just cause, may obtain a copy of REA's response from Director M. Paolo, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423. Interested parties may submit written views and comments for consideration not later than March 31, 1970. An original and three copies of any such responses should be submitted. The Commission will consider such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered.

Notice shall be given the express company hereby affected and to the general public by depositing this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Office of the Federal Register.

(Secs. 12, 20, 24 Stat. 383, 386, as amended; 49 U.S.C. 12, 20)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15093; Filed, Dec. 18, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

TAPERED ROLLER BEARINGS FROM JAPAN

Antidumping Proceeding Notice

DECEMBER 12, 1969.

On August 28, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27), indicating a possibility that tapered roller bearings manufactured by Koyo Seiko Co., Tokyo, Japan, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a) et seq.).

The information was submitted by the Timken Roller Bearing Co., Canton, Ohio.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received indicates that the comparison will be made between exporter's sale price and home market price. Current information tends to indicate that net price for export to the United States is less than the price for such or similar merchandise sold for home consumption in Japan.

This notice is published pusuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-15090; Filed, Dec. 18, 1969; 8:48 a.m.]

Fiscal Service

[Dept. Cir. 570, 1969 Rev., Supp. No. 10]

AMERICAN INTERNATIONAL INSURANCE CO.

Change of Name

The Pacific Insurance Company of New York, N.Y., a New York corporation, has formally changed its name to American International Insurance Company, effective July 23, 1969. A copy of Certificate of Amendment of the Certificate of Incorporation of Pacific Insurance Company of New York approved by the Insurance Department of the State of New York on July 23, 1969, changing the name of Pacific Insurance Company of New York to American International Insurance Company, has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated July 23, 1969, has been issued by the Secretary of the Treasury to the American International Insurance Company, New York, N.Y., under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued July 1, 1969, to the company under its former name, Pacific Insurance Company of New York. The underwriting limitation of $2,192,000 previously established for the company remains unchanged.

The change in name of Pacific Insurance Company of New York does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: December 15, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-15098; Filed, Dec. 18, 1969; 8:49 a.m.]

[Dept. Circ. 570, 1969 Rev., Supp. No. 9]

FIDELITY-PHENIX INSURANCE CO.

Change of Name

American International Insurance Company, New York, N.Y., a New York corporation, has formally changed its name to Fidelity-Phenix Insurance Company, effective July 23, 1969. A copy of Certificate of Amendment of Restated Certificate of Incorporation of American International Insurance Company approved by the Insurance Department of the State of New York on July 23, 1969, changing the name of American International Insurance Company to Fidelity-Phenix Insurance Company, has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated July 23, 1969, has been issued by the Secretary of the Treasury to the Fidelity-Phenix Insurance Company, New York, N.Y., under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued July 1, 1969 to the company under its former name, American International Insurance Company. The underwriting limitation of $397,000 previously established for the company remains unchanged.

The change in name of American International Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: December 15, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-15091; Filed, Dec. 18, 1969; 8:48 a.m.]

[Dept. Circ. 570, 1969 Rev., Supp. No. 8]

PACIFIC INSURANCE CO.

Change of Name

Guarantee Insurance Company, Los Angeles, Calif., a California corporation, has formally changed its name to Pacific Insurance Company, effective June 24, 1969. A copy of Certificate of Amendment of Articles of Incorporation of Guarantee Insurance Company endorsed by and filed with the Secretary of State of the State of California on June 24, 1969, changing the name of Guarantee Insurance Company to Pacific Insurance Company, has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated June 24, 1969, has been issued by the Secretary of the Treasury to the Pacific Insurance Company, San Francisco, Calif., under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued July 1, 1969 to the company under its former name, Guarantee Insurance Company. The underwriting limitation of $759,000 previously established for the company remains unchanged.

The change in name of Guarantee Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: December 15, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-15092; Filed, Dec. 18, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BOB GARDEN LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Polk County Auction Co., Mena, Dec. 3, 1968	Bob Garden Livestock Auction, Nov. 1, 1969.
MISSOURI	
Troy Sales Company, Inc., Troy, May 26, 1959	Lincoln County Livestock Market, Nov. 19, 1969.
SOUTH DAKOTA	
Palace City Auction Co., Mitchell, May 24, 1955	Palace City Auction, Inc., Apr. 1, 1969.
TEXAS	
Kerrville Auction Co., Inc., Kerrville, June 14, 1957.	Kerrville Auction Company, Inc., Dec. 11, 1969.
Parker County Livestock Commission Company, Weatherford, Aug. 12, 1960.	Weatherford Livestock Commission Company, Nov. 28, 1969.

Done at Washington, D.C., this 15th day of December 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-15096; Filed, Dec. 18, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

CINNAMON BAY, VIRGIN ISLANDS NATIONAL PARK

Notice of Intention To Extend a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director, National Park Service, proposes to extend the concession permit issued to Caneel Bay Plantation, Inc., authorizing it to continue to provide concession facilities and services for the public at Cinnamon Bay, Virgin Islands National Park for a period of 5 months from January 1, 1970, through May 31, 1970.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the extension of the permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed extension.

THOMAS F. FLYNN, Jr.,
Assistant Director, National Park Service.

DECEMBER 11, 1969.

[F.R. Doc. 69-15045; Filed, Dec. 18, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

"USNS MERCURY" AND "USS SALAMONIE"

Notice of Availability for Major Conversion and Restoration for Commercial Operation

Pursuant to the Ship Exchange Act (section 510(1) of the Merchant Marine Act, 1936), as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(1), tankers from the Maritime Administration National Defense Reserve Fleet anchorages may be traded-out for use in the Great Lakes trades, or for use, after major conversions, for dry cargo carriers or liquid bulk carriers including natural gas carriers but excluding bulk petroleum carriers. Available for trade-out under the provisions of the Ship Exchange Act, as amended, to non-subsidized American steamship operators in exchange for their older and less efficient ships in accordance with the terms herein stated, are the "USNS Mercury," formerly the T2-SE-A2 tanker "Mission San Juan," and the "USS Salamonie" (tanker T3-S2-A1) owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator. The traded-out tankers shall be converted to elongated bulk carriers, container carriers or other specialized and desirable types of ships. The traded-in ship shall have been in operation in the ocean trades during the 1 year immediately prior to the date of the exchange. Other disposition: This notice of availability of the tankers for exchange under the Ship Exchange Act shall not preclude the Maritime Administrator from pursuing such other disposition of the tankers as he may deem to be in the best interest of the United States. As required by the Ship Exchange Act, approval of the Department of Defense has been received for the trade-out of these tankers.

(a) *Basis of assignment.* Exchange of these tankers for conversion and restoration for commercial operation will be made in accordance with the provisions of the Ship Exchange Act and of General Order 92, Rev. (46 CFR Part 375), as published in the FEDERAL REGISTER issue of April 25, 1969 (34 F.R. 6929), and republished without change on August 13, 1969 (34 F.R. 13105). However, for the purpose of making assignment of the tankers, applications will be closely evaluated and allocations made among trades and among applicants within trades

which, in the judgment of the Maritime Administrator, will achieve the greatest shipping capability and productivity, taking into account the relative needs of trades, in keeping with the purposes and policies of the Merchant Marine Act, 1936, as amended, the applicant's operating ability; the applicant's financial responsibility; and other factors having a bearing on the intent of the Ship Exchange Act, as amended.

(b) *Valuation.* The basis of valuation of the trade-in and traded-out vessels will be the same as previously used in the case of the C4 troopships as announced in the FEDERAL REGISTER issues of February 1, 1964 (29 F.R. 1665, 1667), April 14, 1964 (29 F.R. 5092), June 11, 1964 (29 F.R. 7520), August 3, 1966 (31 F.R. 10425), November 17, 1967 (32 F.R. 15848), December 30, 1967 (32 F.R. 21043), March 7, 1968 (33 F.R. 4277), May 21, 1968 (33 F.R. 7500), and August 29, 1968 (33 F.R. 12202).

(c) *Applications.* Applications for the exchange of ships shall be submitted to the Chief, Office of Ship Operations, Maritime Administration, Washington, D.C. 20235, on Form MA-182. To assist the Maritime Administration in arriving at a proper determination of the ship assignments, applicants shall furnish with their applications the following information in the order listed:

(1) A statement of the applicant's ship operating ability and experience, including the number and types of American-flag ships recently owned and operated by the applicant and the trades in which operated.

(2) Names, official numbers, and types of ships to be traded-in, and their operating service during the preceding year.

(3) Financial resources available to the applicant and proposed method of financing.

(4) Outline plans and description of the proposed conversions including a description of the ship's cargo handling capability.

(5) Bale cubic and deadweight capacity after conversion.

(6) Estimated speed in knots after conversion.

(7) Proposed manning schedule.

(8) Estimated costs of proposed conversion and restoration for commercial operation.

(9) Description of proposed commercial trade of traded-out ship.

(10) Pro forma statement of anticipated operating results for operation in proposed commercial trade on an annual basis.

Applications must be received on or before January 16, 1970.

(d) *Tankers available.* The tankers available for assignment are the "USNS Mercury" (ex-"Mission San Juan"), located at the Suisun Bay, Calif., Reserve Fleet anchorage, and the "USS Salamonie" (ex-"Esso Columbia") located at the James River, Va., Reserve Fleet anchorage.

The general design characteristics of the "USNS Mercury" and the "USS Salamonie" are:

	Mercury (T-AGM-21)	Salamonie (AO-26)
	(All figures are approximate)	
LOA	595' 04"	553'.
LBP	570'	525'.
Breadth	75'	75'.
Depth	46' 11½"	39'.
Deadweight tons	16,583	16,905.
Gross tons	10,465	11,316.
Net tons	7,337	
SHP	10,000	13,500.
Des. Sea Speed	16	18.
Machinery	Turb	Turb.

"USNS Mercury":

Lengthened to a full instrumentation ship for tracking purposes. 9-1966, New midbody 379'9" by General Dynamics Corp.; Electric Boat Division, Quincy, Mass.

1-1944, Bow 75'1½" and stern 120'0½" from Marinship Corp. Hull No. 29, Sausalito, Calif. For permission to inspect contact Captain W. A. Rogers, District Reserve Fleet Officer, Maritime Administration, 450 Golden Gate Avenue, Box 36073, San Francisco, Calif. 94102 (Telephone: Area Code 415, 556-4012).

"USS Salamonie":

4-1941, Newport News Shipbuilding & Dry Dock Co. Hull No. 372, Newport News, Va. For permission to inspect contact Mr. John S. Negrotto, Fleet Superintendent, James River Reserve Fleet, Post Office Box 627, Fort Eustis, Va. 23604 (Telephone: Area Code 703, TR7-0229).

Dated: December 12, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-15154; Filed, Dec. 18, 1969; 8:49 a.m.]

National Bureau of Standards

NOTICE OF PROPOSED FEDERAL INFORMATION PROCESSING STANDARDS

Under the provisions of Public Law 89-306, the Secretary of Commerce is authorized to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards.

A proposed standard for Subsets of the Code for Information Processing is being recommended by the National Bureau of Standards. This standard, which provides specifications for three graphic subsets of the Code for Information Processing, was developed by the NBS Office of Information Processing Standards. It will be published as a Federal Information Processing Standard at such time as it may be approved by the President.

Prior to the submission of the final endorsement of this proposal to the President, it is essential to assure that proper consideration is given the needs and views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views.

Proposed Federal Information Processing Standards contain two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which details the technical requirements of the standard.

Interested parties may submit comments to the Director, Center for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, within 30 days after publication of this notice in the FEDERAL REGISTER.

Dated: December 12, 1969.

LEWIS M. BRANSCOMB,
Director.

NOTE: Federal Information Processing Standards are issued by the National Bureau of Standards under the direction of the Bureau of the Budget in accordance with the provisions of Public Law 89-306 and Bureau of the Budget Circular No. A-86.

PROPOSED STANDARD FOR SUBSETS OF THE STANDARD CODE FOR INFORMATION INTERCHANGE

ANNOUNCEMENT

Name of Standard. Subsets of the Standard Code for Information Interchange (FIPS ------).

Category of Standards. Hardware Standard, Interchange Codes and Media.

Explanation. Subsets of 95, 64, and 16 graphic characters are provided in this standard. These are derived from the Federal Standard Code for Information Interchange (FIPS 1) which in turn was adopted from the USA Standard Code for Information Interchange (ASCII, USA Standard X3.4—1967).

The memorandum of the Secretary of Commerce on "Application of Federal ADP Code and Media Standards" dated March 7, 1969, contained in FIPS PUB 7, states in paragraph 5c: "If the full character set of ASCII cannot be applied, the largest possible character subset should be used, and the ASCII collating sequence observed." That memorandum also states, in paragraph 8b: "Use of one or more of these ASCII subsets is a powerful tool in bridging the conversion gap prior to the procurement or utilization of hardware with full ASCII capability." This FIPS PUB amends FIPS PUB 7 by requiring one of the three specific subsets described herein when a subset is used. It is emphasized that the coded representation of the 95 character subset, the 64 character subset, and the 16 character subset in input/output media and data communications will conform to the specifications cited in other applicable Federal Information Processing Standards.

Approving Authority. Bureau of the Budget.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Center for Computer sciences and Technology).

Cross Index. a. FIPS PUB 1, Code for Information Interchange.

b. FIPS PUB 7, Implementation of the Code for Information Interchange and Related Media Standards.

Applicability. These character subsets are intended to be used in those systems or applications that do not require the full 128 character set contained in FIPS 1. The use of the 64 or 16 character graphic subsets in lieu of the full set of 95 graphics, where appropriate, can result in advantageous combinations of increased speed of printing or display, decreased costs, decreased complexity, and efficient manipulation.

Implementation Schedule. All equipment brought into the Federal inventory (6 months after the publication date of this standard) which utilizes a character subset less than that provided by the 128 character set of FIPS 1 must conform to one of the specified subsets provided herein. This requirement applies to the equipment acquired even though the use within any given application may in fact use less characters than specified in the applicable subset. In instances where deviations from this standard are considered necessary, the waiver provisions contained in FIPS PUB 7 apply.

Specifications. Federal Information Processing Standard ------ (FIPS ------), Subsets of the Standard Code for Information Interchange, (date) (affixed).

Qualifications.

Compatibility with Full Character Set: Systems and applications employing standard character subsets should experience no difficulty in forwarding information via standard media or communications, to systems employing the full 128 character set.

Subset Recording: Systems and applications employing standard character subsets, will use the standard media and the standard code for recording the characters of the subset in input/output and interchange operations. Two (2) input/output media standards have been approved as Federal Information Processing Standards (FIPS 2 and 3). The adoption of additional input/output media standards will be announced in future FIPS PUBS.

Where to Obtain Copies of the Standards.

a. Copies of this publication are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Refer to Federal Information Processing Standards Publication ------ (Price ------ cents a copy).

b. This publication may be copied and locally reproduced to meet agency requirements.

SPECIFICATIONS FOR SUBSETS OF THE STANDARD CODE FOR INFORMATION INTERCHANGE

1. *Name of Standard.* Subsets of the Standard Code for Information Interchange.

2. *Category of Standard.* Hardware Standard Interchange Codes and Media.

3. *Specifications.* This specification provides standard subsets of the Code for Information Interchange (FIPS 1). Each subset is defined in detail in separate sections of this specification which follow.

Section 1—95 Character Graphic Subset.
Section 2—64 Character Graphic Subset.
Section 3—16 Character Graphic Numeric Subset.

4. *Appendix.* Factors which were considered in the establishment of these subsets are explained in an appendix to this specification. Also information is provided concerning the employment of these subsets in computers and devices based on internal codes of four or six bits.

Section 1

SPECIFICATIONS FOR 95 CHARACTER GRAPHIC CHARACTER SUBSET

Explanation. This graphic character subset is derived from the Federal Standard Code for Information Interchange (FIPS 1) which in turn was adopted from the USA Standard Code for Information Interchange (ASCII). This character subset is intended to be used in those systems or applications whose needs are adequately served by a 95 character graphic subset of the standard 128 character set contained in FIPS 1. Figure 1 shows the 7-bit code table of FIPS 1 with the 95 character graphic subset of this standard outlined. It is emphasized that the coded representation of this 95 character subset in input/output, media and data communications will conform to the specifications cited in other applicable Federal Information Processing Standards.

STANDARD 95 CHARACTER SUBSET
[Code table position in FIPS 1]

Column/Row	Symbol	Character name
2/0	SP	Space (normally nonprinting).
2/1	!	Exclamation point.
2/2	"	Quotation marks (diaeresis).
2/3	#	Number sign.
2/4	$	Dollar sign.
2/5	%	Percent.
2/6	&	Ampersand.
2/7	'	Apostrophe (closing single quotation mark; acute accent).
2/8	(	Opening parenthesis.
2/9	)	Closing parenthesis.
2/10	*	Asterisk.
2/11	+	Plus.
2/12	,	Comma (cedilla).
2/13	-	Hyphen (minus).
2/14	.	Period (decimal point).
2/15	/	Slant.
3/0	0	Zero.
3/1	1	One.
3/2	2	Two.
3/3	3	Three.
3/4	4	Four.
3/5	5	Five.
3/6	6	Six.
3/7	7	Seven.
3/8	8	Eight.

STANDARD 95 CHARACTER SUBSET—Continued
[Code table position in FIPS 1]

Column/Row	Symbol	Character Name
3/9	9	Nine.
3/10	:	Colon.
3/11	;	Semicolon.
3/12	<	Less than.
3/13	=	Equals.
3/14	>	Greater than.
3/15	?	Question mark.
4/0	@	Commercial at.
4/1 to 5/0	A to Z	
5/11	[	Opening bracket.
5/12	\	Reverse slant.
5/13	]	Closing bracket.
5/14	^	Circumflex.
5/15	_	Underline.
6/0	`	Grave accent (opening single quotation mark).
6/1 to 7/10	a to z	
7/11	{	Opening brace.
7/12	|	Vertical line.
7/13	}	Closing brace.
7/14	~	Overline (tilde; general accent).

NOTE: Use of certain of the above characters as diacritical marks is defined in Appendix A of the Code for Information Interchange (FIPS 1).

FEDERAL STANDARD CODE FOR INFORMATION INTERCHANGE
FIPS-1 - SHOWING 95 CHARACTER GRAPHIC SUBSET

b7 b6 b5 / Bits b4 b3 b2 b1 / Column / Row	0 0 0	0 0 1	0 1 0	0 1 1	1 0 0	1 0 1	1 1 0	1 1 1
0 0 0 0 / 0	NUL	DLE	SP	0	@	P	`	p
0 0 0 1 / 1	SOH	DC1	!	1	A	Q	a	q
0 0 1 0 / 2	STX	DC2	"	2	B	R	b	r
0 0 1 1 / 3	ETX	DC3	#	3	C	S	c	s
0 1 0 0 / 4	EOT	DC4	$	4	D	T	d	t
0 1 0 1 / 5	ENQ	NAK	%	5	E	U	e	u
0 1 1 0 / 6	ACK	SYN	&	6	F	V	f	v
0 1 1 1 / 7	BEL	ETB	'	7	G	W	g	w
1 0 0 0 / 8	BS	CAN	(	8	H	X	h	x
1 0 0 1 / 9	HT	EM	)	9	I	Y	i	y
1 0 1 0 / 10	LF	SUB	*	:	J	Z	j	z
1 0 1 1 / 11	VT	ESC	+	;	K	[	k	{
1 1 0 0 / 12	FF	FS	,	<	L	\	l	|
1 1 0 1 / 13	CR	GS	-	=	M	]	m	}
1 1 1 0 / 14	SO	RS	.	>	N	^	n	~
1 1 1 1 / 15	SI	US	/	?	O	_	o	DEL

FIGURE 1.

Section 2

SPECIFICATIONS FOR 64 CHARACTER GRAPHIC CHARACTER SUBSET

Explanation. This graphic character subset is derived from the Federal Standard Code for Information Interchange (FIPS 1) which in turn was adopted from the USA Standard Code for Information Interchange (ASCII). This character subset is intended to be used in those systems or applications whose needs are adequately served by a 64 character graphic subset of the standard 128 character set contained in FIPS 1. Figure 2 shows the 7-bit code table of FIPS 1 with the 64 character graphic subset of this standard outlined. It is emphasized that the coded representation of this 64 character subset in input/output media and data communications will conform to the specifications cited in other applicable Federal Information Processing Standards.

STANDARD CHARACTER SUBSET
[Code table position in FIPS 1]

Column/Row	Symbol	Character Name
2/0	SP	Space (normally nonprinting).
2/1	!	Exclamation point.
2/2	"	Quotation marks (diaeresis).
2/3	#	Number sign.
2/4	$	Dollar sign.
2/5	%	Percent.
2/6	&	Ampersand.
2/7	'	Apostrophe (closing single quotation mark; acute accent).
2/8	(	Opening parenthesis.
2/9	)	Closing parenthesis.
2/10	*	Asterisk.

meric subset of the standard 128 character set contained in FIPS 1. Figure 3 shows the 7-bit code table of FIPS 1 with the 16 character graphic subset of this standard outlined. It is emphasized that the coded representation of this 16 character subset in input/output media and data communications will conform to the specifications cited in other applicable Federal Information Processing Standards.

STANDARD CHARACTER SUBSET
[Standard code table position]

Column/Row	Symbol	Character name
3/0	0	Zero.
3/1	1	One.
3/2	2	Two.
3/3	3	Three.
3/4	4	Four.
3/5	5	Five.
3/6	6	Six.
3/7	7	Seven.
3/8	8	Eight.
3/9	9	Nine.

STANDARD CHARACTER SUBSET—Continued
[Code table position in FIPS 1]

Column/Row	Symbol	Character Name
2/11	+	Plus.
2/12	,	Comma (cedilla).
2/13	-	Hyphen (minus).
2/14	.	Period (decimal point).
2/15	/	Slant.
3/0	0	Zero.
3/1	1	One.
3/2	2	Two.
3/3	3	Three.
3/4	4	Four.
3/5	5	Five.
3/6	6	Six.
3/7	7	Seven.
3/8	8	Eight.
3/9	9	Nine.
3/10	:	Colon.
3/11	;	Semicolon.

STANDARD CHARACTER SUBSET—Continued
[Code table position in FIPS 1]

Column/Row	Symbol	Character Name
3/12	<	Less than.
3/13	=	Equals.
3/14	>	Greater than.
3/15	?	Question mark.
4/0	@	Commercial at.
4/1 to 4/15	A to O	
5/0 to 5/10	P to Z	
5/11	[	Opening bracket.
5/12	\	Reverse slant.
5/13	]	Closing bracket.
5/14	^	Circumflex.
5/15	_	Underline.

NOTE. Use of certain of the above characters as displayed is defined in Appendix A of the Code for Information Interchange (FIPS 1).

FEDERAL STANDARD CODE FOR INFORMATION INTERCHANGE FIPS-1
SHOWING 64-CHARACTER GRAPHIC SUBSET

b7 b6 b5 / bits b4 b3 b2 b1	Column 0	1	2	3	4	5	6	7
Row 0	NUL	DLE	SP	0	@	P	`	p
1	SOH	DC1	!	1	A	Q	a	q
2	STX	DC2	"	2	B	R	b	r
3	ETX	DC3	#	3	C	S	c	s
4	EOT	DC4	$	4	D	T	d	t
5	ENQ	NAK	%	5	E	U	e	u
6	ACK	SYN	&	6	F	V	f	v
7	BEL	ETB	'	7	G	W	g	w
8	BS	CAN	(	8	H	X	h	x
9	HT	EM	)	9	I	Y	i	y
10	LF	SUB	*	:	J	Z	j	z
11	VT	ESC	+	;	K	[	k	{
12	FF	FS	,	<	L	\	l	|
13	CR	GS	-	=	M	]	m	}
14	SO	RS	.	>	N	^	n	~
15	SI	US	/	?	O	_	o	DEL

FIGURE 3.

Section 3
SPECIFICATIONS FOR 16 CHARACTER GRAPHIC NUMERIC SUBSET

Explanation. This numeric subset is derived from the Federal Standard Code for Information Interchange (FIPS 1) which in turn was adopted from the USA Standard Code for Information Interchange (ASCII). This subset is intended to be used in those systems or applications whose needs are adequately served by a 16 character numeric subset of the standard 128 character set contained in FIPS 1. Figure 3 shows the 7-bit code table of FIPS 1 with the 16 character graphic subset of this standard outlined. It is emphasized that the coded representation of this 16 character subset in input/output media and data communications will conform to the specifications cited in other applicable Federal Information Processing Standards.

STANDARD CHARACTER SUBSET
[Standard code table position]

Column/Row	Symbol	Character name
3/0	0	Zero.
3/1	1	One.
3/2	2	Two.
3/3	3	Three.
3/4	4	Four.
3/5	5	Five.
3/6	6	Six.
3/7	7	Seven.
3/8	8	Eight.
3/9	9	Nine.

STANDARD CHARACTER SUBSET—Continued
[Code table position in FIPS 1]

Column/Row	Symbol	Character Name
2/10	*	Asterisk.
2/11	+	Plus.
2/12	,	Comma.
2/13	-	Hyphen (minus).
2/14	.	Period (decimal point).
2/15	/	Slant.

SPECIAL INFORMATION

Systems and applications employing this limited 16 character set, when receiving information via standard media or communications from systems employing the full 128 character set, the 95 character graphic set or the 64 character graphic subset, should ignore all characters outside of this numeric subset. This feature is desirable in most instances, but is not mandatory for applications requiring some other interpretation of the characters outside of this numeric subset.

FEDERAL STANDARD CODE FOR INFORMATION INTERCHANGE FIPS-1
SHOWING 16 CHARACTER NUMERIC SUBSET

b7 b6 b5 / bits b4 b3 b2 b1	Column 0	1	2	3	4	5	6	7
Row 0	NUL	DLE	SP	0	@	P	`	p
1	SOH	DC1	!	1	A	Q	a	q
2	STX	DC2	"	2	B	R	b	r
3	ETX	DC3	#	3	C	S	c	s
4	EOT	DC4	$	4	D	T	d	t
5	ENQ	NAK	%	5	E	U	e	u
6	ACK	SYN	&	6	F	V	f	v
7	BEL	ETB	'	7	G	W	g	w
8	BS	CAN	(	8	H	X	h	x
9	HT	EM	)	9	I	Y	i	y
10	LF	SUB	*	:	J	Z	j	z
11	VT	ESC	+	;	K	[	k	{
12	FF	FS	,	<	L	\	l	|
13	CR	GS	-	=	M	]	m	}
14	SO	RS	.	>	N	^	n	~
15	SI	US	/	?	O	_	o	DEL

FIGURE 2.

APPENDIX

The Code for Information Interchange (FIPS 1) contains 128 characters of which 95 in the last six columns (columns 2 through 7) are designated as a graphic subset. Contained in this graphic subset are two cases (upper and lower) of the alphabetic letters A through Z, the numerals 0 through 9, and common punctuation, mathematical and business symbols.

Not all applications have need for the full 128 characters contained in the standard code set. Some require only the graphics (95 characters). Others need only use a single case alphabet, the numbers, and certain special symbols (64 characters). Further, some applications dealing with data of a mathematical or numeric nature need only the numerics and certain mathematical symbols (16 characters).

Accordingly, it is necessary to recognize the economies to be achieved in providing adequate subsets of the standard code which are consistent with the requirements of these various applications. Likewise, it is essential in order to facilitate the interchange of data and equipment within Federal government that a family of discrete subsets be identified and standardized. The consequences and costs of an unlimited number of subsets are of such a magnitude that it is reasonable and practical to establish a limited group of subsets which meet most data systems requirements. This fundamental consideration was taken into account in the development of the standard code for information interchange. Characters were positioned in the Code in such a manner as to facilitate the identification and use of subsets. Columns 2 through 7 form the 95 character graphic subset. Columns 2 through 5 provide a 64 character subset and the 10 numerals in column 3 and the six mathematical symbols at the bottom of column 4 provide 16 character numeric subset. (These six mathematical symbols were placed in column 2 instead of column 3 so that they would collate lower than the numerals in the context of the full character set. Also they were assigned to the bottom of the column so that their low order four bits are distinct from the low order four bits of the 10 numerals, in order to be distinguishable in those instances where numerics are coded by four bits in internal machine environments without further manipulation.)

It is also recognized that many computers and devices already in the Federal inventory and even some new equipment are based upon an internal code of four or six bits. In these instances the standard code can be represented internally by six bits by suppressing bit b6 and can be represented by four bits by suppressing bits b7, b6, and b5. These limited internal representations are then expanded to the standard seven bits when transmitting data to other devices.

[F.R. Doc. 69-14967; Filed, Dec. 18, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Amendment to Operating License

The Atomic Energy Commission (the Commission) has issued, effective as of date of issuance, Amendment No. 7 to Operating License No. DPR-4 dated February 29, 1964. The license presently authorizes the Saxton Nuclear Experimental Corp., to possess, use and operate the demonstration power reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pa. The amendment authorizes the operation of the reactor with Core III at power levels of up to 28 megawatts (thermal). The reactor has been operational since 1962 and has been previously authorized to operate at power levels up to 35 megawatts (thermal) with Core II.

The Commission has found that the application for amendment, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated August 27, 1968, and supplements dated August 30, 1968, March 12 and 19, April 1, September (day not designated), September 19, October 3 and 27, and November 20 and 26, 1969, (2) the amendment to facility license and attachment A containing revised Technical Specifications, and (3) the Safety Evaluation by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of December 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-15056; Filed, Dec. 18, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CITRUS CENTRAL, INC.

Termination of Temporary Permit for Market Testing Frozen Concentrate for Manufacturing Soft Frozen Orange Juice Deviating From Identity Standard

Notice was given in the FEDERAL REGISTER of August 16, 1969 (34 F.R. 13337), that a temporary permit had been issued to Citrus Central, Inc., Post Office Box 475, Plymouth, Fla. 32768. The permit, issued pursuant to § 10.5 (21 CFR 10.5), covered interstate marketing tests of frozen concentrate for manufacturing soft frozen orange juice and its end product, soft frozen orange juice from concentrate, both with added calcium cyclamate, methylcellulose, and U.S. certified food color, ingredients not provided for by the standards of identity for frozen concentrated orange juice (21 CFR 27.-109) or orange juice from concentrate (21 CFR 27.111).

Citrus Central, Inc., on November 7, 1969, requested permission to withdraw its application for the temporary permit. In compliance with that request the temporary permit is terminated, effective on the date of signature of this document.

Dated: December 12, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-15043; Filed, Dec. 18, 1969; 8:45 a.m.]

[DESI 11163]

AMPHOTERICIN B FOR INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Fungizone Intravenous, containing per vial, 50 milligrams amphotericin B for injection; by E. R. Squibb & Sons, 745 Fifth Avenue, New York, N.Y. 10022 (NDA 11-163).

The Food and Drug Administration concludes that this antibiotic drug is effective in the treatment of cryptococcosis (torulosis), disseminated moniliasis, North American blastomycosis, coccidioidomycosis, and histoplasmosis. Additionally, it may be helpful in American mucocutaneous leishmaniasis, but for this indication is not the drug of choice in primary therapy.

Preparations containing amphotericin B are subject to the antibiotic certification procedures pursuant to section 507

of the Federal Food, Drug, and Cosmetic Act. Requests for certification of the drug, in a form intended for intravenous use, should provide for labeling information in accord with labeling guidelines developed on the basis of reevaluation of the drug and published in this announcement. The above named firm and any other holders of antibiotic applications approved for a drug of the kind described above are requested to submit within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling. Those parts of the labeling indicated below should be substantially as follows: (Optional additional information applicable to the drug may be proposed under other appropriate headings and should follow the information given below.)

WARNING

This drug should be used *only* for treatment of patients with progressive and potentially fatal fungal infections; it should not be used to treat the common clinically inapparent forms of fungal disease which show only positive skin or serologic tests.

DESCRIPTION

This antifungal agent is obtained from *Streptomyces nodosus*. (Other descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Amphotericin B is fungistatic in concentrations obtainable in body fluids, rather than fungicidal. It probably acts by binding to sterols in the cell membrane of the fungus with a resultant change in membrane permeability allowing leakage of intracellular components. Mammalian cell membranes also contain sterols and it has been suggested that damage to human cells (toxicity) and damage to fungal cells (antibiotic effect) may share common mechanisms.

INDICATIONS

This potent drug should not be used to treat the common inapparent forms of fungal disease which show only positive skin or serologic tests. Only patients with progressive potentially fatal infections should receive this treatment.

Cryptococcosis (torulosis).
North American blastomycosis.
The disseminated forms of:
  Moniliasis.
  Coccidioidomycosis.
  Histoplasmosis.

It may be helpful in American mucocutaneous leishmaniasis, but is not the drug of choice in primary therapy.

CONTRAINDICATIONS

Hypersensitivity to the drug.

WARNINGS

Frequently this drug is the only effective treatment available for a potentially fatal disease. In each case, therefore, its possible lifesaving effect must be balanced against its untoward and dangerous effects.

USAGE IN PREGNANCY: Safe use of amphotericin B in pregnancy has not been established. Therefore, its use in pregnant women should be determined by the above facts.

PRECAUTIONS

This drug should be used only in hospitalized patients or those under close observation by medically trained persons. Laboratory facilities must be available to perform the tests referred to below.

The diagnosis of a progressive, potentially fatal infection with a susceptible organism should be firmly established preferably by positive culture or histologic study.

Other nephrotoxic antibiotics and antineoplastic agents such as nitrogen mustard should not be given concomitantly except with great caution.

Blood urea nitrogen, serum creatinine or endogenous creatinine clearance should be performed at least weekly during therapy. If the blood urea nitrogen exceeds 40 mg. per 100 ml. or the serum creatinine exceeds 3.0 mg. per 100 ml. the drug should be discontinued or the dosage markedly reduced until renal function has improved. Weekly hemograms and serum potassium determinations are also advisable. Low serum magnesium levels have been noted during treatment with drug.

Wherever medication is interrupted for a period longer than 7 days, therapy should be resumed by starting with the lowest dosage level, i.e., 0.25 mg./kg. of body weight, and increasing gradually to an optimum level as outlined under "Administration and Dosage."

ADVERSE REACTIONS

Most patients will show some of these reactions. They may be made less severe by giving aspirin or antihistamines. Administering the drug on alternate days may decrease anorexia and phlebitis. Intravenous administration of small doses of adrenal corticosteroids just prior to or during the amphotericin B infusion may decrease febrile reactions. The dosage and duration of such corticosteroid therapy should be kept to a minimum. Adding a small amount of heparin to the infusion may lessen the incidence of thrombophlebitis. Extravascular extravasation can cause chemical irritation.

The following adverse reactions are common:

Fever, sometimes with shaking chills.
Headache.
Anorexia, weight loss.
Nausea and vomiting.
Malaise.
Muscle and joint pains.
Dyspepsia, cramping epigastric pain.
Diarrhea.
Local pain at the site of the intravenous needle with phlebitis and thrombophlebitis.
Normochromic normocytic anemia.
Hypokalemia.
Abnormal renal function with improvement on stopping the drug but often with some permanent impairment, especially in those receiving large amounts (over 5 Grams) of amphotericin B.

The following adverse reactions are less frequent or rare:

Melena or hemorrhagic gastroenteritis.
Maculopapular rash.
Transient vertigo.
Blurred vision or diplopia.
Peripheral neuropathy.
Convulsions and other neurologic symptoms.
Hypotension.
Anaphylactoid reaction.
Ventricular fibrillation.
Cardiac arrest.
Acute liver failure.
Thrombocytopenia.
Leucopenia.

ADMINISTRATION AND DOSAGE

Administration: The drug should be given by slow intravenous infusion over a period of approximately 6 hours. The recommended concentration is 0.1 mg./ml.

Dosage: This must be individualized according to the response of the patient's disease and the development of adverse reactions. Therapy is usually begun with a daily dose of 0.25 mg./kg. of body weight and gradually increased as tolerance permits. The optimum dose is unknown. Daily dosages range up to 1.0 mg./kg. and alternate day dosages to 1.5 mg./kg. Several months of therapy are usually necessary.

CAUTION: Under no circumstances should a total daily dosage of 1.5 mg./kg. be exceeded.

Preparation of solution: (To be supplied by the manufacturer.)

The drug is regarded as possibly effective for the following indication: For the treatment of South American blastomycosis. Such drugs when labeled with this indication but otherwise in accord with the labeling guidelines set forth herein will be accepted for certification by the Food and Drug Administration for a period of 6 months from the publication date of this announcement, to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in that condition for which it has been evaluated to be possibly effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this notice. A request for such meeting should be made to the Division of Anti-Infective Drugs, Bureau of Medicine, at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11163, and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC reports: Press Relations Office (CE-300).
Amendments (identify with NDA number): Division of Anti-Infective Drugs (MD-140), Office of New Drugs, Bureau of Medicine.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 12, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-15044; Filed, Dec. 18, 1969; 8:45 a.m.]

Office of Education

COLLEGE LIBRARY RESOURCES PROGRAM

Notice of Establishment of Closing Date for Receipt of Applications for Grants for Library Materials

Title II–A of the Higher Education Act of 1965, as amended, authorizes the U.S. Commissioner of Education to make basic, supplemental, and special purpose grants to institutions of higher education to assist them in the acquisition of books and other materials to be used for library purposes.

Notice is hereby given that February 20, 1970, is established as the closing date upon which applications for basic, supplemental, and special purpose grants for fiscal year expiring June 30, 1970, may be filed with and received by the U.S. Commissioner of Education.

Application forms, instructions, and other pertinent information will be sent to all institutions which have previously participated in the program. Other institutions desiring to participate in the program may obtain such application forms, instructions, and other information from the Division of Library Programs, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

Dated: December 10, 1969.

JAMES E. ALLEN, JR.,
Commissioner of Education.

[F.R. Doc. 69-15058; Filed, Dec. 18, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21176, 18381; Order 69-12-49]

COMMUTER AIRLINES, INC.

Order To Show Cause Regarding Mail Rates

Issued under delegated authority December 11, 1969.

Commuter Airlines, Inc. (Commuter), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-12-39, December 8, 1969, the Board approved Agreement C.A.B. 20174 between Eastern Air Lines, Inc. (Eastern), and Commuter which contemplates that Commuter will discharge Eastern's certificate obligation to serve Binghamton, N.Y., through the operation of small aircraft between Binghamton and Washington, D.C.

No service mail rate is currently in effect for this service by Commuter. By petition filed July 8, 1969, Commuter requested the establishment of service mail rates for the transportation of priority and nonpriority mail by air between Binghamton and Washington. Commuter requests that the multi-element rates established in Orders E–25610 and E–17255, which provided for payments to Eastern, be made applicable to this route. On July 17, 1969, the Postmaster General filed an answer in support of Commuter's petition.[1]

The rate in Order E–25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Commuter at the level established in Order E–25610, as amended, and the terms and provisions of that order also shall be applicable to Commuter in the same manner as they were applicable to Eastern in providing mail services between Binghamton, and Washington.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Eastern) for the transportation of nonpriority mail, established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Commuter receive the same compensation as Eastern for the same services, we propose to establish temporary service rates for nonpriority mail for Commuter at the level established in Order E–17255, as amended. We will also make Commuter a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Commuter Airlines, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Binghamton, N.Y., and Washington, D.C. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid on and after December 8, 1969, to Commuter Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Binghamton, N.Y., and Washington, D.C., shall be the rates established by the Board in Order E–25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after December 8, 1969, to Commuter Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Binghamton, N.Y., and Washington, D.C., shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Commuter Airlines, Inc., the Postmaster General, and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Commuter Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Commuter Airlines, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Commuter Airlines, Inc., the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15077; Filed, Dec. 18, 1969; 8:47 a.m.]

[1] The present rates are as follows:
Priority Mail by Air: 24 cents per ton-mile plus 4.68 cents per pound at Binghamton and 2.34 cents per pound at Washington.
Nonpriority Mail by Air: 15.115 cents per ton-mile plus 1.16 cents per pound at both Binghamton and Washington.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18128; FCC 69-1345]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Designating Revised Tariff Schedules for Hearing

1. The Commission has before it for consideration proposed revisions to The Western Union Telegraph Co.'s Tariff FCC No. 254, Private Line Services, filed on November 19, 1969, under Transmittal No. 6406, to become effective on December 21, 1969, which provide for changes in the rates for base capacity and service terminals and in the telegraph/voice channel equivalency provisions, in connection with Series 5000 (TELPAK) channels. These revisions are identical to the tariff amendments previously filed by the American Telephone and Telegraph Co., to its Tariff FCC No. 260 to become effective November 1, 1969. By order adopted October 29, 1969, and released November 6, 1969 (FCC 69-1196), the Commission suspended the aforementioned tariff amendments of A.T. & T. for the statutory period until February 1, 1970, and ordered the proposed revisions of the TELPAK rates to be included in the investigation into the lawfulness of charges by A.T. & T. for private line services in general (Docket No. 18128).

2. By order adopted July 24, 1968, and released July 29, 1968 (FCC 68-756), the Commission instituted an investigation and hearing into the lawfulness of charges by A.T. & T. for private line services in general and inasmuch as Western Union has similar service offerings which are competitive with A.T. & T., the same questions were raised as to the lawfulness of the equivalent Western Union tariffs. Therefore, the Commission ordered that the hearing and investigation in Docket No. 18128 concerning the lawfulness of the private line tariff schedules of A.T. & T. should include like schedules of Western Union in its Tariff FCC No. 254, and that the issues specified in that docket should apply with equal force to the tariff schedules of The Western Union Telegraph Co.

3. In view of our order of October 29, 1969 (FCC 69-1196), instituting an investigation into the lawfulness of the revised TELPAK schedules of A.T. & T. and the inclusion thereof in the general investigation in Docket No. 18128, together with our order of July 24, 1968, which expanded the investigation to include the Western Union general private line services tariff schedules, it is the opinion of the Commission that the lawfulness of the Western Union revised TELPAK schedules should also be determined and that for the sake of orderliness the effective date for the revised TELPAK tariff schedules of Western Union should be suspended from the proposed December 21, 1969, date until February 1, 1970, the effective date of the directly competitive TELPAK charges of A.T. & T.

4. *Accordingly, it is ordered,* That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the hearing and investigation in Docket No. 18128 concerning the lawfulness of the private line tariff schedules of A. T. & T. shall include the revised TELPAK schedules of Western Union in its Tariff FCC No. 254, which were filed on November 19, 1969, under Transmittal No. 6406, as enumerated in the Appendix hereto,[1] and that the issues heretofore specified in that docket shall apply with equal force to the tariff schedules of The Western Union Telegraph Co.

5. *It is further ordered,* That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the tariff schedules listed in the Appendix as becoming effective December 21, 1969, is hereby suspended, unless otherwise ordered by the Commission, until February 1, 1970, and that during said period of suspension, no changes shall be made in said tariff schedules or in the charges sought to be altered thereby unless authorized by special permission of the Commission.

6. *It is further ordered,* That, in the event a decision as to the lawfulness of all the provisions suspended has not been made during the suspension period, and said revised schedules go into effect, The Western Union Telegraph Co., shall, as provided in section 204 of the Communications Act of 1934, as amended, and until further ordered by the Commission, keep accurate account of all amounts received by reason of such increases, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Act, and the carrier shall file with the Commission a report on or before the 10th day of each month, commencing March 10, 1970, showing the amounts accounted for as aforesaid during the previous calendar month.

7. *It is further ordered,* That, a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that Western Union is hereby made Party Respondent to this proceeding; and that a copy hereof be served upon such Respondent, upon the agency of each State and the District of Columbia which has regulatory jurisdiction with respect to communications rates and services and the National Association of Regulatory Utility Commissioners.

Adopted: December 10, 1969.

Released: December 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-15080; Filed, Dec. 18, 1969; 8:47 a.m.]

[1] Filed as part of the original document.

[2] Commissioner Cox concurring in the result.

[Docket No. 18764; FCC 69-1343]

MARTIN DOSS, JR.

Order Designating Application for Hearing on Stated Issues

The Commission has under consideration the above-entitled application for a Class D radio station license in the Citizens Radio Service.

There is a substantial question as to whether the applicant, Martin Doss, Jr., Pasadena, Tex., possesses the requisite qualifications to be a licensee of the Commission because of the following reasons:

(a) His repeated and/or willful violations of the following sections of the Commission's rules while he was licensee of Citizens radio station 9W1371:

Section 95.37(c)(2) [overheight antenna] on various dates between June 7, 1962, and March 26, 1963, especially on June 7 and December 14, 1962, and March 26, 1963; and

Section 95.83(a)(13) [hobby or diversion] on various dates between August 14, 1961, and March 4, 1963, especially on August 14, 1961; August 13 and October 25, 1962; and March 4, 1963.

(b) His willful operation of radio station KEE-3496 licensed to Shirley Roach Doss, in violation of §§ 95.37(c) [overheight antenna] and 95.83(a)(1) [transmission of technical information] on various dates between January 4, 1965, and August 18, 1965, especially on May 21 and August 18, 1965.

(c) His unlicensed operation of radio equipment on April 2, 3, 4, 10, and 11, and July 12, 15, 16, 17, 18, and 19, 1968.

(d) His repeated refusal to accept official correspondence from the Commission.

(e) His conviction on June 19, 1969, in the U.S. District Court, Southern District of Texas, for operating unlicensed radio transmitting equipment.

The Commission is unable to find that a grant of the captioned application would serve the public interest, convenience and necessity, and, must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold a Citizens radio station license.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules, that the captioned application is designated for hearing, at a time and place to be specified by subsequent order upon the following issues:

(1) To determine the facts concerning applicant's violations of § § 95.37(c) and 95.83(a)(1) as set forth in (a) and (b), above.

(2) To determine the facts concerning applicant's unlicensed operation of radio transmitting equipment and his refusal to accept official correspondence from the Commission.

(3) To determine the facts concerning the conviction of applicant by the U.S. District Court on June 19, 1969, for operating unlicensed radio transmitting equipment.

(4) To determine whether, in view of the evidence adduced in the above-specified issues, Martin Doss, Jr., possesses the requisite qualifications to be a licensee of the Commission.

(5) To determine whether, in light of the evidence adduced with respect to the foregoing issues, the grant of the subject application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in this order.

It is further ordered, That the Chief, Safety and Special Radio Services Bureau, shall, within 10 days after the release of this order, furnish a bill of particulars to the applicant herein setting forth the basis for the above issues.

Adopted: December 10, 1969.

Released: December 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-15081; Filed, Dec. 18, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

MIDLANTIC BANKS, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) by Midlantic Banks, Inc., Newark, N.J., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the following banks: the successor by merger to National Newark & Essex Bank, Newark; the successor by merger to The Sussex and Merchants National Bank of Newton, Newton; the successor by merger to Raritan Valley National Bank, Edison; and 100 percent of the voting shares of Elmer Bank and Trust Co., Elmer, all in New Jersey.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C., this 12th day of December 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-15057; Filed, Dec. 18, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-818, etc.]

AMERADA HESS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 12, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed change rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 28, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-818	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	155	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Block 174 Field, West Cameron Area, Offshore Louisiana).	$9,120	11-17-69	[3] [4] 12-18-69	[5] 12-19-69	[8] [9] [10] 18.5	[6] [7] [8] 20.0	
RI70-819	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	468	2	Trunkline Gas Co. (Block 172, South Timbalier Area, Offshore Louisiana).	162,000	11-17-69	[11] 12-18-69	[5] 12-19-69	[8] [10] [12] 18.5	[6] [7] [8] 20.0	
	do	113	7	Coastal States Gas Producing Co. [14] (Brownlee Field Jim Wells County, Tex.) (RR. District No. 4).	3,192	11-20-69	[13] 1-1-70	[5] 1-2-70	11.1469	[16] [17] [18] 12.1602	
RI70-820	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	377	2	Sea Robin Pipeline Co. (Block 27 Field, South Marsh Island Area, Block 170 Field, Vermilion Area, Offshore Louisiana).	210,000	11-17-69	[11] 12-18-69	[5] 12-19-69	[8] [10] [12] 18.5	[6] [7] [8] 20.0	
RI70-821	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex., 78205.	46	4	Trunkline Gas Co. (Cage Rand Area, Brooks County, Tex.) (RR. District No. 4).	3,146	11-21-69	[4] 12-22-69	[4] 12-23-69	[20] 14.0	[17] [15] 14.4369	

[3] Deliveries commenced on August 14, 1969.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Rate increase filed pursuant to ordering paragraph (A) of opinion No. 546-A.
[7] Pressure base is 15.025 p.s.i.a.
[8] Subject to quality adjustments.
[9] Initial rate for gas well gas as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69-1162.
[10] Area base rate for the sale of gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[11] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[12] Initial rate for gas well gas as conditioned by temporary certificate issued Oct. 29, 1969, in Docket No. CI70-63.
[13] Initial rate for gas well gas as conditioned by temporary certificate issued Nov. 3, 1969, in Docket No. CI70-79.
[14] Resells the gas to Trunkline Gas Co. under its Rate Schedule No. 46 at a rate of 13.3556.
[15] Contractual rate date.
[16] Periodic rate increase.
[17] Pressure base is 14.65 p.s.i.a.
[18] Includes Texas tax increase which has been filed.
[19] Dehydration (0.25¢) and tax reimbursement (0.1869).
[20] Permanently certificated initial rate.

Amerada Hess Corp. (Amerada), request that its proposed rate increase be permitted to become effective as of November 12, 1969. Forest Oil Corp. (Operator) et al. (Forest), requests an effective date of October 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Amerada and Forest's rate filings and such requests are denied.

Amerada, Humble Oil & Refining Co. (Humble) (Supplement No. 2 to Humble's FPC Gas Rate Schedule No. 468), and Shell Oil Co.'s proposed rate increases, from 18.5 cents to 20 cents per Mcf, involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to Ordering Paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas well gas. These producers were issued temporary certificates authorizing the collection of third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustments).[21]

Consistent with previous Commission action on similar rate filings, we conclude that Amerada, Humble, and Shell's proposed rate increases should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the producers proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the area rate proceeding instituted in Docket No. AR69-1.

Supplement No. 7 to Humble's FPC Gas Rate Schedule No. 113 involves an increase from 11.1469 cents, currently in effect subject to refund, to 12.1602 cents per Mcf, for a sale of gas to Coastal States Gas Producing Co. (Coastal), in Texas Railroad District No. 4. Coastal gathers and resells the subject gas under its FPC Gas Rate Schedule No. 46 to Trunkline Gas Co., at a currently effective rate of 13.3556 cents. Coastal is contractually due a periodic increase to 15 cents on January 1, 1970.[22] Should Coastal file for this increase, such increase would be suspended as exceeding the area increased rate ceiling. The area increased rate ceiling is applicable to the resale rate by Coastal, but not to Humble's rate. In these circumstances, we conclude that the instant increase should be suspended for 1 day from January 1, 1970, the contractually due date.

Forest has submitted a proposed dehydration allowance and tax reimbursement increase under its FPC Gas Rate Schedule No. 46 involving gas sold in Texas Railroad District No. 4. Forest was granted a permanent certificate in Docket No. CI69-474, by order issued January 14, 1969, authorizing a partial succession to the interests of Associated Programs, Inc., at an initial price of 14 cents, although the gas under Associated's rate schedule was being sold at a price of 14.3844 cents (14 cents base plus 0.25 cent dehydration allowance plus 0.1344 cent tax reimbursement based on three-quarters of all new taxes levied by Texas after Oct. 23, 1951) subject to refund in Docket No. RI65-581. We therefore conclude that Forest's proposed rate should be suspended for 1 day from December 22, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-15030; Filed, Dec. 18, 1969; 8:45 a.m.]

[21] Deliveries have not as yet commenced under the proposed sales of Humble and Shell but deliveries started Aug. 14, 1969, under the sale for Amerada.

[22] These are base rates and are exclusive of tax reimbursement and dehydration charges.

[Docket No. RI70-810, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 12, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made

[1] Does not consolidate for hearing or dispose of the several matters herein.

effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before January 28, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-810	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	375	6	Trunkline Gas Co. (San Carlos Field, Hidalgo County, Tex.) (RR. District No. 4).	$2,128	11-10-69	[3] 1-1-70	6-1-70	13.4	[3] [4] 14.404	
	do	400	5	do	1,787	11-10-69	[3] 1-1-70	6-1-70	13.4	[3] [4] 14.404	
	do	283	4	South Texas Natural Gas Gathering Co. (Schnider Field, Hidalgo County, Tex.) (District No. 4).	1,686	11-17-69	[3] 1-1-70	6-1-70	17.0638	[3] [4] 18.0675	RI65-371.
RI70-811	Atlantic Richfield Co. (Operator) et al.	505	18	Champlin Petroleum Co. (San Salvador Field, Hidalgo County, Tex.) (District No. 4).	77,519	11-10-69	[3] 1-1-70	6-1-70	[5] [6] 14.178	[3] [4] 15.182	
RI70-812	Union Producing Co. (Operator) et al., 900 Southwest Tower, Houston, Tex. 77002.	70	23	Trunkline Gas Co. (East Edinburg and San Carlos Fields, Hidalgo County, Tex.) (RR. District No. 4).	114,482	11-12-69	[3] 1-1-70	6-1-70	13.4001	[3] [4] 14.4038	
RI70-813	Union Producing Co	81	15	Coastal States Gas Producing Co.[7] (Hidalgo Field, Hidalgo County, Tex.) (RR. District No. 4).	33,275	11-12-69	[3] 1-1-70	6-1-70	13.3899	[3] [4] 14.1869	
RI70-814	Highland Resources, Inc., 1201 San Jacinto Bldg., Houston, Tex. 77002.	6	[9] 11	Texas Eastern Transmission Corp. (Brusky Creek Field, De Witt and Lavaca Counties, Tex.) (RR. District No. 4).	8,664	11-13-69	[9] 12-14-69	5-14-70	15.668	[3] [4] 16.673	
RI70-815	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	157	[9] 10	Florida Gas Transmission Co. (East Corpus Christi Bay, West Corpus Christi Bay and Encinal Channel Fields, Nueces County, Tex.) (RR. District No. 4).	58,490 63,875	11-14-69	[10] 12-15-69	5-15-70	[11] 16.5 [12] 17.8	[3] [4] [13] 18.5 [3] [4] [13] 18.5	
	do	158	[9] 6	Florida Gas Transmission Co. (East Mustang Island Field, Nueces County, Tex.) (RR. District No. 4.)	50,920	11-14-69	[10] 12-15-69	5-15-70	16.5	[3] [4] 18.5	
RI70-816	George R. Brown (Operator) et al., 1201 San Jacinto Bldg., Houston, Tex. 77002.	6	2	Trunkline Gas Co. (South Lissie Field, Wharton County, Tex.) (RR. District No. 3).	2,379	11-20-69	1-1-70	6-1-70	[14] 15.05625	[3] [13] [14] 17.063	
RI70-817	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	4 4	[15] 19 20	United Gas Pipe Line Co., (Cabeza Creek Field, Goliad County, Tex.) (RR. District No. 2).	486	11-20-69 11-20-69	[3] 12-21-69 [3] 12-21-69	Accepted 5-21-70	14.2142	[3] [13] 18.3458	

[3] The stated effective date is the contractually due date.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Includes Texas tax which has been filed.
[7] Includes 0.21931-cent dehydration charge.
[8] Coastal resells the gas to Trunkline Gas Co. under its Rate Schedule No. 1 at a settlement rate of 14.6 cents per Mcf.
[9] As corrected.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] The stated effective date is the requested effective date.
[12] For gas produced from the East Corpus Christi Bay Field. Effective subject to refund in Docket No. RI65-599.
[13] For gas produced from the West Corpus Christi Bay and Encinal Channel Fields. Effective subject to refund in Docket No. RI69-238.
[14] Two-step periodic rate increase.
[15] Includes 0.25-cent dehydration charge.
[16] Contract Amendment dated Sept. 19, 1969, which provides for the proposed increased rate.
[17] Renegotiated rate increase.

Highlands Resources, Inc. (Highland), requests that its proposed rate increase be permitted to become effective as of November 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Highland's rate filing and such request is denied.

Concurrently with the filing of its rate increase, Humble Oil & Refining Co. (Humble), submitted a contract amendment dated September 19, 1969, designated as Supplement No. 19 to Humble's FPC Gas Rate Schedule No. 4, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Humble's proposed contract amendment to become effective as of December 21, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as ordered herein.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-15031; Filed, Dec. 18, 1969; 8:45 a.m.]

[Docket No. RI70-797, etc.]

CHAMPLIN PETROLEUM CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 12, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with

[1] Does not consolidate for hearing or dispose of the several matters herein.

the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before January 26, 1970.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[3]		Rated in effect subject to refund in Dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-797..	Champlin Petroleum Co	4	13	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11-20-69	11-20-69	11-21-69	15.0	15.05625	
RI70-798..	Champlin Petroleum Co. (Operator) et al.	5	14	do		11-20-69	11-20-69	11-20-69	15.0	15.05625	
RI70-799..	Champlin Petroleum Co	6	7	do		11-20-69	11-20-69	11-20-69	15.0	15.05625	
		7	7	do		11-20-69	11-20-69	11-21-69	15.0	15.05625	
RI70-800..	Champlin Petroleum Co. (Operator) et al.	8	8	do		11-20-69	11-20-69	11-21-69	15.0	15.05625	
RI70-801..	Champlin Petroleum Co	9	10	do		11-20-69	11-20-69	11-21-69	15.0	15.05625	
		21	6	do		11-20-69	11-20-69	11-21-69	15.0	15.05625	
RI70-802..	Champlin Petroleum Co. (Operator) et al.	27	8	Texas Eastern Transmission Corp		11-20-69	11-20-69	11-21-69	15.0	15.05625	
RI70-803..	Sutton Producing Co. (Operator) et al.	2	4	Transcontinental Gas Pipe Line Co		11-14-69	11-14-69	11-15-69	14.17998	14.239080	
RI70-804..	Sun Oil Co., DX Division	297	1	United Gas Pipeline Co		11-14-69	11-14-69	11-15-69	16.0	16.06	
RI70-805..	Warren Petroleum Co	49	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11-17-69	11-17-69	11-18-69	15.0	15.02794	
RI70-806..	Blair-Vreeland	2	2	Florida Gas Transmission Co		11-19-69	11-19-69	11-20-69	16.0	16.07	
RI70-807..	Champlin Petroleum Co	97	15	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11-20-69	11-20-69	11-21-69	15.0	15.05625	
		16	10	do		11-20-69	11-20-69	11-21-69	14.0	14.0525	

[3] Pressure base is 14.65 p.s.i.a.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from the date of filing since the filings involved here were made after October 31, 1969.

[F.R. Doc. 69–15032; Filed, Dec. 18, 1969; 8:45 a.m.]

[Docket No. RI70–784, etc.]

GILMER COUNTY OIL & GAS PROPERTIES ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

DECEMBER 11, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 30, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-784..	J. Phil Cramer et al., d.b.a. Gilmer County Oil & Gas Properties, Post Office Box 407, Parkersburg, W. Va. 26101.	1	[2]11	Equitable Gas Co. (Troy District, Gilmer County, W. Va.)	$1,110	11-13-69	[3]12-14-69	5-14-70	25.0	[4][5]27.0	
RI70-785..	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	79	13	Transwestern Pipeline Co. (Waha Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	1,749	11-14-69	[6]12-15-69	5-15-70	[7]16.4389	[8][9]18.0459	RI70-393.
					(10)				[11]16.8809	[8][9]18.0459	RI70-393.
					422				[12]14.5305	[8][9]18.0459	RI70-393.
	do	101	3	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	7,080	11-14-69	[6]12-15-69	5-15-70	17.49705	[8][9]20.6025	RI70-393.
	do	107	2	Transwestern Pipeline Co. (Rock Tank Morrow Field, Eddy County, N. Mex.) (Permian Basin Area).	322	11-14-69	[6]12-15-69	5-15-70	16.48	[6][13]17.718	
	do	102	3	Natural Gas Pipeline Co. of America (Lockridge-South Pyote Area, Ward County, Tex.) (R.R. District No. 8) (Permian Basin Area).	18,788	11-14-69	[6]12-15-69	5-15-70	14.60228	[8][9]17.55563	RI70-393.
RI70-786..	Marathon Oil Co. (Operator) et al.	95	18	Natural Gas Pipeline Co. of America (Indian Basin Area, Eddy County, N. Mex.) (Permian Basin Area).	146,708	11-14-69	[6]12-15-69	5-15-70	16.59	[6][14]17.646	
	do	51	6	Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex.) (Permian Basin Area).	138,506	11-14-69	[6]12-15-69	5-15-70	14.76	[6][15]20.5	
RI70-787..	Ladd Petroleum Corp. (Operator) et al., 830 Denver Club Bldg., Denver, Colo. 80202.	5	19	El Paso Natural Gas Co. (Recapture Creek Field, San Juan County, Utah) (Aneth Area).	3,925	11-17-69	[6]12-18-69	5-18-70	17.8549	[16][15]22.1925	
RI70-788..	Texaco, Inc., Post Office Box 2100, Denver, Colo. 80201, Attention: N. G. Kittrell, Assistant Division Manager.	183	[11]13	El Paso Natural Gas Co. (Flodine Park Field, Montezuma County, Colo.).	1,500	11-17-69	[6]12-18-69	5-18-70	17.0	[16][15]22.0	RI69-699.
RI70-789	Hanagan Petroleum Corp., et al., Post Office Box 1737, Roswell, N. Mex. 88201.	1	5	Natural Gas Pipeline Co. of America, (Indian Basin Area, Eddy County, N. Mex.) (Permian Basin Area).	5,675	11-17-69	[6]12-18-69	5-18-70	16.659	[6][14]17.646	
RI70-790	Gulf Oil Corp., Post Office Box 1589, Tulsa Okla. 74102.	213	9	Transwestern Pipeline Co. (Atoka-Penn Field, Eddy County, N. Mex.) (Permian Basin Area).	33,952	11-14-69	[6]12-15-69	5-15-70	16.72	[6][17]27.33	RI69-320.
	do	215	9	Transwestern Pipeline Co. (White City Tenn Gas Field, Eddy County, N. Mex.) (Permian Basin Area).	135,850	11-14-69	[6]12-15-69	5-15-70	16.88	[6][17]27.33	RI69-320.
	do	387	4	Transwestern Pipeline Co. (Holley Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	18,019	11-14-69	[6]12-15-69	5-15-70	19.8706	[6][17]22.6487	RI69-320.

[1] Includes letter from buyer providing for increase for new wells or old wells drilled deeper and worked over.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Renegotiated rate increase.
[4] Pressure base is 15.325 p.s.i.a.
[5] The stated effective date is the effective date requested by Respondent.
[6] Increase from ceiling rate plus reimbursement for the 0.5-percent increase in Texas Production Tax to contract rate.
[7] Pressure base is 14.65 p.s.i.a.
[8] Residue gas from new gas-well gas.
[9] No sales being made.
[10] New gas-well gas.
[11] Casinghead gas.
[12] Increase from ceiling rate to contract rate.
[13] Periodic rate increase.
[14] Pressure base is 15.025 p.s.i.a.
[15] Applicable to acreage added by Supplement No. 7 only. (Colorado production only).
[16] Increase from fractured rate to present contract rate plus tax reimbursement.

[F.R. Doc. 69–14984; Filed, Dec. 18, 1969; 8:45 a.m.]

[Docket No. RI70-791, etc.]

HORIZON OIL & GAS COMPANY OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 10, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 29, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Texaco Inc. (Texaco) requests that its proposed rate increase be permitted to become effective as of December 1, 1969. Hanagan Petroleum Corp., et al. (Hannagan), requests an effective date of January 27, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco and Hanagan's rate filings and such requests are denied.

The periodic rate increase filed by Ladd Petroleum Corp. (Operator) et al. (Ladd), is for a sale to El Paso Natural Gas Co., from the Aneth Area of Utah where no formal guideline prices have been announced by the Commission for the Aneth Area. Since the proposed rate is equal to rates now under suspension for similar sales in the Aneth Area, we conclude that Ladd's proposed rate increase should be suspended for 5 months from December 18, 1969, the expiration date of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, and the exception of the rate filed by Ladd in the Aneth Area where no formal guideline prices have been announced by the Commission.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-791..	Horizon Oil & Gas Co. of Texas (Operator) et al., 1216 Hartford Building, Dallas, Tex. 75201.	8	8	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).	$433	11-10-69	[3] 12-11-69	5-11-70	[4] [6] 18.0	[4] [6] [12] 18.4	RI68-556.
RI70-792..	Texaco Inc., Post Office Box 2420, Tulsa, Okla. 74102.	195	7	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	110	11-12-69	[7] 12-13-69	5-13-70	17.5	[4] [6] 18.6	RI69-569.
RI70-793..	Horizon Oil & Gas Co. of Texas.	16	5	Transwestern Pipeline Co. (Horizon Field, Ochiltree County, Tex.) (RR. District No. 10).	47,645	11-10-69	[3] 12-11-69	5-11-70	[3] 19.5853	[4] [6] [9] 20.0853	RI66-326.
	.....do.....	17	10	Transwestern Pipeline Co. (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	13,779	11-10-69	[3] 12-11-69	5-11-70	[3] 19.5853	[4] [6] [9] 20.0853	RI66-337.
	.....do.....	24	7	Transwestern Pipeline Co. (Dude Wilson Field, Ochiltree County, Tex.) (RR. District No. 10).	5,697	11-10-69	[3] 12-11-69	5-11-70	[3] 19.5863	[4] [6] [9] 20.0583	RI66-368.
	.....do.....	25	3	Northern Natural Gas Co. (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	4,300	11-10-69	[3] 12-11-69	5-11-70	[3] 17.0638	[4] [6] [9] 18.0638	RI70-693.
RI70-794..	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	196	50	Transwestern Pipeline Co. (Panhandle Area, Okla.) (Panhandle Area).	176,000	11-14-69	[3] 12-15-69	5-15-70	[3] 18.0	[4] [6] [9] 26.0	RI69-207.
RI70-794..	Gulf Oil Corp.....	370	14	Transwestern Pipeline Co. (Panhandle Area, Okla.) (Panhandle Area).	16,200	11-14-69	[3] 12-15-69	5-15-70	17.0	[4] [6] 26.0	
	.....do.....	401	5	Transwestern Pipeline Co. (N. Gruver Field, Hansford County, Tex.) (RR. District No. 10).	25,920	11-14-69	[3] 1-1-70	6-1-70	[3] 19.5843	[4] [6] [9] 20.7363	
	.....do.....	320	3	Transwestern Pipeline Co. (N. W. Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	8,630	11-17-69	[3] 1-1-70	6-1-70	[3] 18.3198	[4] [6] [9] 19.3065	
	.....do.....	195	45	Transwestern Pipeline Co. (Panhandle Area, Various Counties, Tex.) (RR. District No. 10).	301,306	11-14-69	[3] 12-15-69	5-15-70	[3] 18.5809	[4] [6] [10] 26.1138	RI69-298.
RI70-795..	John H. Crichton et al., Post Office Box 73, Shreveport, La.	1	11	United Gas Pipe Line Co. (Carthage Field, Panola County, Tex.) (RR. District No. 6).		[11] 11-13-69	[7] 12-14-69	Accepted			
RI70-796..	Sun Oil Co., Post Office Box 3393, Tulsa, Okla. 74101.	1	12		1,272	[11] 11-13-69	[7] 12-14-69	5-14-70	11.90	[4] [12] 14.0193	
		130	6	Michigan Wisconsin Pipe Line Co. (Laverne Area (Lovedale) Harper County, Okla.) (Panhandle Area).	1,800	11-12-69	[3] 12-13-69	5-13-70	[3] [13] 19.015	[4] [6] [12] 22.015	RI68-100.

[3] The stated effective date is the effective date requested by Respondent.
[4] Two-step periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Less 1.75 cents per Mcf compression charge.
[9] Subject to a downward B.t.u. adjustment.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] Periodic rate increase.
[12] Base rate subject to upward and downward B.t.u. adjustment.
[13] Respondent filing from fractured rate to periodic increased rate
[14] Corrected by filing of Nov. 20, 1969.
[15] Renegotiated rate increase.
[16] Includes 0.015 cent tax reimbursement.

Texaco Inc. (Texaco), requests that its proposed rate increase be permitted to become effective as of November 12, 1969, John H. Crichton, et al. (Crichton), requests waiver of the statutory notice to permit an effective date of November 13, 1969, for his proposed contract amendment and rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco and Crichton's rate filings and such requests are denied.

Concurrently with the filing of his rate increase, Crichton submitted a contract amendment dated October 31, 1969, designated as Supplement No. 11 to Crichton's FPC Gas Rate Schedule No. 1, which provides the basis for his proposed rate increase. We believe that it would be in the public interest to accept for filing Crichton's proposed contract amendment to become effective as of December 14, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producer's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-14985; Filed, Dec. 18, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 16, 1969.

On December 8, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Brazil that it was renewing for an additional 12-month period beginning December 16, 1969, and extending through December 15, 1970, the restraint on imports to the United States of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Brazil. Pursuant to Annex B, paragraph 3, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to these combined categories for the preceding 12-month period.

There is published below a letter of December 15, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning December 16, 1969, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226

DECEMBER 15, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective December 16, 1969, and for the 12-month period extending through December 15, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Brazil, in excess of a combined level of restraint for the four categories of 6,945,750 pounds.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Brazil, which have been exported to the United States from Brazil prior to December 16, 1969, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning December 16, 1968, and extending through December 15, 1969. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-15084; Filed, Dec. 18, 1969; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 16, 1969.

On March 23, 1967, the Governments of the United States and Portugal, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new bilateral agreement concerning exports of cotton textiles and cotton textile products from Portugal to the United States. On September 29, 1967, the two Governments concluded an agreement amending the bilateral agreement of March 23, 1967.

Under the agreement, as amended, the Government of Portugal has undertaken to limit its exports to the United States of cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement, as amended, are those applying specific export limitations to Categories 1-2-3-4, 5-6, 9, 22, 24-25, 26, 41-42-43, 46, 50, 51, 52, 53, 55, 60, and parts of 62 for the 12-month period beginning January 1, 1970.

There is published below a letter of December 15, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above Categories, produced or manufactured in Portugal, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 1, 1970, and extending through December 31, 1970, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DECEMBER 15, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 23, 1967, as amended, between the United States and Portugal, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as

amended by Executive Order 11214 of April 7, 1965, you are directed, effective January 1, 1970 and for the 18-month period extending through December 31, 1970, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–2–3–4, 5–6, 9, 22, 24–25, 26, 41–42–43, 46, 50, 51, 52, 53, 55, 60, and parts of 62, produced or manufactured in Portugal, in excess of the following designated levels of restraint:

Category		12-month level of restraint
1–2–3–4	pounds	17,012,065
5–6	square yards [1]	9,859,493
9	do	11,576,250
22	do	1,736,438
24–25	do [2]	6,366,938
26	do	2,778,300
41–42–43	dozen	104,186
46	do	46,305
50	do	26,626
51	do	26,626
52	do	39,359
53 and parts of 62 (T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635 and 382.0640)	dozen	39,359
55	do	26,626
60	do	19,680
Parts of 62 (T.S.U.S.A. Nos. 380.0024, 380.0645, 382.0024, and 382.0665)	pounds	64,364

[1] Of this combined level, not more than 5,521,871 square yards may be in Category 6.
[2] Of this combined level, not more than 2,315,250 square yards may be in Category 25.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1–2–3–4, 5–6, 9, 22, 24–25, 26, 41–42–43, 46, 50, 51, 52, 53, 55, 60 and parts of 62 (T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635, 382.0640, 380.0024, 380.0645, 382.0024, and 382.0665), produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the levels of restraint for such goods have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

In carrying out this directive, entries of two or three piece ladies suits produced or manufactured in Portugal from woven or knit cotton fabrics should not be charged against any of the levels of restraint designated herein, including the level of restraint for blouses in Category 52.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–15082; Filed, Dec. 18, 1969; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 16, 1969.

On December 11, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Republic of Korea, concerning exports of cotton textiles and cotton textile products from the Republic of Korea to the United States. Under this agreement the Republic of Korea has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement are those applying specific export limitations to Categories 7, 9, 18–19, 22, part of 26 (duck only), parts of 26 (other than duck), 31 (wiping cloth only), 34, 45, 46, 49, 50, 51, 52, 54, 60, parts of 64 (tablecloths and napkins only), and part of 64 (zipper tapes only), for the fourth agreement year beginning January 1, 1970.

There is published below a letter of December 15, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above Categories produced or manufactured in the Republic of Korea which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 1, 1970, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DECEMBER 15, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 11, 1967, between the United States and the Republic of Korea, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed effective January 1, 1970, and for the 12-month period extending through December 31, 1970, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 7, 9, 18–19, 22, 26, 31 (T.S.U.S.A. No. 366.2740 only), 34, 45, 46, 49, 50, 51, 52, 54, 60, and 64 (T.S.U.S.A. Nos.: 366.4500, 366.4600, 366.4700, and 347.8340 only), produced or manufactured in the Republic of Korea, in excess of the following 12-month levels of restraint:

Category		12-month level of restraint
7	square yards	578,813
9	do	2,894,063
18–19	do	2,199,488
22	do	926,100
26 (duck only [1])	do	12,733,875
26 (other than duck)	do	1,099,744
31 (only T.S.U.S.A. No. 366.2740)	pieces	1,100,902
34	do	103,029
45	dozen	34,729
46	do	27,783
49	do	28,941
50	do	48,620
51	do	65,985
52	do	34,729
54	do	52,094
60	do	30,098
64 (only T.S.U.S.A. Nos.: 366.4500, 366.4600, and 366.4700)	pounds	529,035
64 (only T.S.U.S.A. No. 347.3340)	pounds	64,827

[1] Only T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Republic of Korea, which have been exported to the United States from the Republic of Korea prior to January 1, 1970, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning January 1, 1969, and extending through December 31, 1969. In the event that the level of restraint for the 12-month period ending December 31, 1969, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–15085; Filed, Dec. 18, 1969; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF THE PHILIPPINES

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 16, 1969.

On September 21, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral agreement with the Government of the Republic of the Philippines concerning exports of cotton textiles from the Republic of the Philippines to the United States. On December 26, 1967, the two Governments exchanged notes amending the bilateral agreement of September 21, 1967.

Under the agreement, as amended, the Republic of the Philippines has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement, as amended, are those applying specific export limitations to Categories 9, 22, 26 (including a sublimit on duck fabrics), 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61, for the third agreement year beginning January 1, 1970.

There is published below a letter of December 15, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61, produced or manufactured in the Republic of the Philippines which may be entered, or withdrawn from warehouse, for consumption in the United States for the 12-month period beginning on January 1, 1970, and extending through December 31, 1970, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DECEMBER 15, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 21, 1967, as amended, between the Governments of the United States and the Republic of the Philippines, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1970, and for the 12-month period extending through December 31, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61, produced or manufactured in the Republic of the Philippines, in excess of the following levels of restraint:

Category	12-Month Level of Restraint
9	1,378,125 square yards.
22	1,653,750 square yards.
26	1,378,125 square yards (of which not more than 330,750 square yards may be in duck [1]).
32	3,307,500 dozen.
39	303,188 dozen paid.
42	33,075 dozen.
43	66,150 dozen.
45	33,075 dozen.
46	11,025 dozen.
50	11,025 dozen.
51	11,025 dozen.
60	9,371 dozen.
61	1,708,875 dozen.

[1] Only T.S.U.S.A. Nos:
320 01 through 04, 06, 08
321 01 through 04, 06, 08
322 01 through 04, 06, 08
326 01 through 04, 06, 08
327 01 through 04, 06, 08
328 01 through 04, 06, 08

Entries of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, and 61, produced or manufactured in the Republic of the Philippines and which have been exported to the United States from the Republic of the Philippines prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the level of restraint established for the period January 1, 1969, through December 31, 1969, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 21, 1967, between the Governments of the Philippines which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent, for the limited carryover of shortfalls in certain categories to the next agreement year, and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textiles and cotton textile products from the Republic of the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–15083; Filed, Dec. 18, 1969; 8:48 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

POLLUTION OF LAKE ERIE, LAKE ONTARIO, AND INTERNATIONAL SECTION OF THE ST. LAWRENCE RIVER

Public Hearings

At the request of the Governments of the United States and Canada, the Commission is investigating pollution in the above waters to ascertain whether they are being polluted on either side of the boundary to an extent which causes or is likely to cause injury to health or property on the other side, and the sources of any such pollution. If such pollution is taking place, the Commission is also to recommend the most practicable remedial measures.

A report to the Commission by its technical advisory boards, entitled, "Pollution of Lake Erie, Lake Ontario, and the International Section of the St. Lawrence River," was released to the public on October 8, 1969. Copies may be obtained from the Commission's Secretaries in Ottawa or Washington.

In order to provide convenient opportunity for all interested persons to be

heard regarding the matter under investigation and the report of the technical advisory boards, the Commission will conduct public hearings at the times and places listed hereunder. Oral and documentary evidence and relevant argument may be presented at the hearings in person or by counsel. While not mandatory written statements are desirable to ensure accuracy of the record. It is desirable also that fifteen (15) copies of any written statement be filed with each Secretary ten (10) days in advance of the hearing for the advance information of the Commission and its advisers, whenever possible. A statement thus filed in advance should indicate at which hearing it is desired for it to be placed in the record and whether an oral summary will be made at that hearing. Additional copies of written statements may be deposited with the Secretaries at the hearings, for distribution to the news media and others interested.

DATES AND PLACES OF HEARINGS

Date	Time	Place
Jan. 20, 1970	9:30 a.m.	Little Theater, Mercyhurst College, Erie, Pa.
Jan. 21, 1970	do.	Ingman Room, Student Union Building, Toledo University, Toledo, Ohio.
Jan. 23, 1970	do.	School of Business Administration, Room 40, University of Western Ontario, London, Ontario.
Feb. 2, 1970	do.	Education Centre, 100 Main Street West, Hamilton, Ontario.
Feb. 4, 1970	do.	Auditorium, Rochester Academy of Medicine, 1441 East Avenue, Rochester, N.Y.
Feb. 6, 1970	do.	Auditorium, Brockville Collegiate, Institute and Vocational School, Brockville, Ontario.

WILLIAM A. BULLARD,
Secretary, United States Section, International Joint Commission, Washington, D.C. 20440.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario, Canada.

DECEMBER 15, 1969.

[F.R. Doc. 69-15086; Filed, Dec. 18, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2614]

ACORN FUND, INC., ET AL.

Notice of Filing of Application for Order Exempting Transactions

DECEMBER 12, 1969.

Notice is hereby given that The Acorn Fund, Inc., % Bell, Boyd, Lloyd, Haddad & Burns, 135 South La Salle Street, Chicago, Ill. 60603, a Delaware corporation, registered as a diversified, open-end management investment company under the Investment Company Act of 1940 ("Act"), and, R. J. Levy, Harris, Inc., Stelk, Inc., Irving B. Harris, James H. Lorie, Donald Paul Nathanson, Ralph L. Wanger, Jr., and Lynn A. Williams (hereinafter referred to collectively as "applicants"), have filed a joint application (1) pursuant to section 17(b) of the Act for an order exempting from section 17(a) of the Act certain transactions incident to the proposed merger of Stelk, Inc. ("Stelk"), into Acorn and (2) pursuant to section 17(d) and Rule 17d-1 thereunder for an order granting the application with respect to a series of transactions culminating in the proposed merger. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Stelk, an Illinois corporation which is engaged in the business of investing in securities, states that all of its stock outstanding is owned by about 30 persons and that it is excepted from the definition of an investment company under the Act by reason of the provisions of section 3(c)(1) thereof.

R. J. Levy, Harris, Inc. ("Levy Harris"), is a broker-dealer registered under the Securities Exchange Act of 1934, a member of the New York Stock Exchange, and an investment adviser registered under the Investment Advisers Act of 1940. Levy Harris is also the investment Adviser of Stelk and promoter of Acorn. None of the officers, directors or shareholders of Levy Harris is a director, officer or shareholder of Stelk.

Irving B. Harris, Ralph L. Wanger, Jr., James H. Lorie, Donald Paul Nathanson, and Lynn A. Williams (hereinafter referred to collectively as the "individual applicants"), are directors of Acorn. Harris is also President and majority shareholder of Levy Harris, and president and a member of the executive committee of Acorn; Wanger owns more than 5 percent of the stock outstanding of Levy Harris and is vice-president thereof.

Under the program described in the application it is proposed (a) that the individual applicants and four other persons, hereinafter referred to as the "investors", acquire stock of Stelk in exchange for cash and securities; (b) that thereafter, Acorn (which now has no assets or securites outstanding) become a fully-owned subsidiary of Stelk through the sale by Acorn, and the purchase by Stelk, of the initial issue of Acorn stock, for a cash consideration of $1,000; and (c) that Stelk and Acorn merge with Acorn as the surviving company.

As a result of the relationships described above Levy Harris and the individual applicants are affiliated persons of Acorn as defined in section 2(a)(3) of the Act; and, after consummation of the proposed acquisition by Stelk of shares of Acorn and prior to the proposed merger of those companies, Stelk will be an affiliated person of Acorn as defined in section 2(a)(3).

Pursuant to an agreement between the investors and Stelk, the investors will transfer to Stelk securities and cash with a value of approximately $3 million in exchange for shares of Stelk capital stock. The shares of Stelk to be delivered to the investors will have an aggregate net asset value based on market quotations equal to the market value (both on the valuation date) of the securities and cash (subject to adjustments as set forth in detail in the application), to be transferred by the investors. The cash to be paid by the investors will be increased, if necessary, so that upon consummation of this transaction the value of the total investment made by the investors shall be equal to not less than 30 percent of the toal net assets of Stelk, including the amount of such investment.

The tax basis to Stelk of the securities to be acquired by it from the investors will be their market value at the time of acquisition.

In connection with the proposed acquisition by Stelk of the Acorn stock, the present directors and officers of Acorn will be succeeded by persons nominated by Stelk.

Under the terms of the merger each share of Stelk stock (other than shares held in Stelk's treasury) will be converted at the identical rate as every other share into a number of Acorn shares to be specified prior to the merger. Stelk's holdings of Acorn stock will be cancelled. The board of directors of Acorn will consist of seven or eight members, five of whom will be the individual applicants.

The proposed merger agreement will contain the following provision with respect to computation of the net asset value of the shares of Acorn, the surviving corporation.

If, at the time of the computation of the net asset value of the surviving corporation on the date on which the merger becomes effective (after giving effect to the merger), the algebraic sum of the (a) net unrealized gain or loss on investment, (b) net loss or undistributed gain realized on investments during tax years beginning January 1, 1969 and (c) unused capital loss carry-over (if any) from 1968 and prior tax years, should be a positive amount (sometimes referred to below as "merger date appreciation") then an amount equal to 13¾ percent of merger date appreciation would initially be deducted in computing the net asset value of the surviving corporation, as a reserve to reflect the federal income tax effect of merger date appreciation upon shareholders, provided, however, that if and so long as the surviving corporation might be subject to federal income taxation as a personal holding company, the rate of such reserve would be 27½ percent rather than 13¾ percent to reflect the federal income tax effect of merger date appreciation upon both the surviving corporation and its shareholders. Such reserve initially established against merger date appreciation would be reduced from time to time as appropriate to give effect to subsequent changes in or reduction in value of the securities held by the surviving corporation at the time of merger date appreciation.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from knowingly selling any security to such registered company. Section 17(b) provides that the Commission, upon application, may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any persons concerned and that the proposed transactions are consistent with the policy of the registered investment company and the general purposes of the Act. Since the proposed transfer of assets by Stelk to Acorn is a sale, the proposed merger is prohibited by section 17(a) unless exempted pursuant to section 17(b).

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together provide, as here pertinent, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered investment company or a company controlled by such registered company is a participant, unless an application regarding such arrangement has been granted by the Commission, and that in passing upon such an application the Commission will consider whether the participation of such registered investment company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The application states that if any adjustment to the Stelk portfolio should be required to bring its portfolio into conformity with the policies of Acorn, such adjustments will be made prior to consummation of the proposal. The application represents that the proposed sale and arrangements meet the requirements of section 17(b) and section 17(d) and Rule 17d-1.

Notice is further given that any interested person may, not later than December 26, 1969, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15046; Filed, Dec. 18, 1969; 8:45 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

DECEMBER 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc. (a New York corporation), and all other securities of Rajac Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 13, 1969, through December 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15047; Filed, Dec. 18, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 15, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41827—*Superphosphate from Florida producing points*. Filed by O. W. South, Jr., agent (No. A 6144), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, as described in the application, from specified producing points in Florida, to Norfolk and Newport News, Va.

Grounds for relief—Rail-barge competition.

Tariff—Supplement 81 to Southern Freight Association, agent, tariff ICC S-762.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15065; Filed, Dec. 18, 1969; 8:46 a.m.]

[Notice 960]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 15, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consists of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9325 (Sub-No. 46 TA), filed December 8, 1969. Applicant: K. LINES, INC., Post Office Box 567, Lake Grove, Oreg. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, both quick and hydrated, between Tacoma, Wash., and the United States-Canadian border at Blaine and Sumas, Wash., for furtherance to points in British Columbia, Canada, for 180 days. Supporting shipper: Domtar Chemicals Limited, 395 deMaisonneuve Boulevard West, Montreal, P.Q., Canada. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 55889 (Sub-No. 32 TA), filed December 4, 1969. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426. Applicant's representative: G. Mack Dove (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading,

between Brewton, Ala., and Opp, Ala., from Brewton, over U.S. Highway 299 to Andalusia, Ala., thence over U.S. Highway 84 to Opp, and return over the same route, serving the intermediate point of Andalusia, Ala., for 180 days. NOTE: Applicant intends to tack this authority with its authority in Docket MC 55889 and subs. Supporting shippers: Alatex, Inc., Post Office Drawer 1109, Andalusia, Ala. 36420; Andalusia Tire Co., Andalusia, Ala. 36420; Brewton Iron Works, Inc., Post Office Box 409, Brewton, Ala. 36426; Mr. James J. Thomas, Monroeville, Ala. 36460; Pensacola Mill Supply Co., Post Office Box 788, Brewton, Ala. 36426; Judy Bond, Inc., East Rankin Street, Brewton, Ala. 36436; Brewton Weaving Co., Inc., Box C, Brewton, Ala. 36426; Floyd Pine Products Co., Post Office Box 25, Andalusia, Ala. 36420. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 76472 (Sub-No. 14 TA), filed December 8, 1969. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, Del. 19901. Applicant's representative: William Saienni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Wilmington, Del., to points in Philadelphia County, Pa., for 180 days. Supporting shipper: Diamond Crystal Salt Co., St. Clair, Mich. 48079, James D. Streeter, Senior Traffic Analyst-Motor. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 107295 (Sub-No. 262 TA), filed December 9, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, pulpboard, adhesive cement, plastic or fiber glass plate or sheet, nails, eave filler strips, wood moldings and aluminium flushing*, from the plantsite of Barclay Industries, Inc., Lodi, N.J., to points in the States of Michigan, Indiana, Illinois, Kentucky, and Missouri, for 180 days. Supporting shipper: Barclay Industries, Inc., 65 Industrial Road, Lodi, N.J. 07644. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, Land of Lincoln Building, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 110098 (Sub-No. 105 TA), filed December 13, 1969. Applicant: ZERO REFRIGERATED LINES, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, cleaning compounds, bleach, textile softeners*, (except commodities in bulk, in tank vehicles), in temperature controlled vehicles, from Sunnyvale, Calif., to points in Oregon and Washington (except oleomargarine, salad products, candy and confectionery, vegetable oils, table sauces, beverage preparations, peanut butter and jelly, from Sunnyvale, Calif., to Portland, Bend, Grants Pass, Roseberg, Albany, Eugene, Salem, Cornelius, Veneta, Coos Bay, Sweethome, Gladstone, Hood River, Newport, Toledo, Turner, Oregon City, Philmath, La Grande, and Scappoose, Oreg., and Seattle, Tacoma, Kent, Mt. Vernon, Hoquiam, Olympia, Port Angeles, Battleground, Bellevue, Auburn, Spokane, Yakima, Walla Walla, and Pasco, Wash., for 180 days. Supporting shipper: Norman D. Sullivan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Shedd-Bartush Foods, 1484 Kife Road, Sunnyvale, Calif. 94086. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 111812 (Sub-No. 393 TA), filed December 4, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats and packinghouse products; and prepared foodstuffs*, from St. Paul, Minn., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, D.C., Ohio, and Michigan, for 180 days. Supporting shipper: D. A. Chute, Manager, Transportation Distribution Services Dept., Armour and Co., Sun Times Building, 401 North Wabash, Chicago, Ill. 60611. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113855 (Sub-No. 211 TA), filed December 3, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special purpose vehicles, and special purpose trailers* (except automobiles, trucks and trailers equipped with fifth wheel couplers, and mobile homes), in truck-away service, *and parts and attachments* for such vehicles and trailers when shipped in mixed loads with the commodities described in above, from the plant and warehouse sites of Selma Trailers & Manufacturing Co., in Fresno County, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Selma Trailer & Manufacturing Co., Post Office Box 120, Selma, Calif. 93662. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 113951 (Sub-No. 4 TA), filed December 8, 1969. Applicant: CRESSY TRANS. CO., INC., 109 Glenellen Road, West Roxbury (Boston), Mass. 02132. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., Providence, R.I.; and Fall River, Mass.; to Bath, and Gardiner, Maine; and Manchester, N.H., for 180 days. Supporting shipper: S. Prawer & Co., 120–154 Commercial Street, Bath, Maine. Send protests to: District Supervisor Richard D. Mansfield, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 128570 (Sub-No. 11 TA), filed December 3, 1969. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19802. Applicant's representative: William F. Brooks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed films and prints; complimentary replacement film; incidental dealer handling supplies and advertising literature moving therewith* (except motion picture film used primarily for commercial theater and television exhibition), between Wilmington, Del., on the one hand, and points in Delaware, on the other, restricted to traffic moving interstate commerce for 180 days. NOTE: Applicant states interline arrangements with American Courier Corp., at Wilmington, Del., will be conducted under that carrier's Sub 169, MC 111729. Supporting shipper: Eastman Kodak Co., Rochester, N.Y. 14650, Donald P. Goodrich, General Traffic Department. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 134190 TA, filed December 5, 1969. Applicant: BUCKINGHAM TRUCKING, LTD., 1366 Bernard Avenue, Kelowna, British Columbia, Canada. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat parts, supplies and equipment, including motors; and boat molds and plugs*, between Spokane Industrial Park at Trentwood, Wash., on the one hand, and on the other, the international boundary between the United States and Canada at or near the Port of Entry at Oroville, Wash., for 180 days. Supporting shipper: Canadian Fiberform Ltd., Box 9, West Bank, B.C., Canada. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of

Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–15066; Filed, Dec. 18, 1969; 8:46 a.m.]

[Notice 462]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71562. By order of December 2, 1969, the Motor Carrier Board approved the transfer to Carl Wayne Prins, doing business as Carl Prins Trucking, Hudsonville, Mich.; of Certificate in No. MC–129593 and a portion of the operating rights in Certificate No. MC–129593 (Sub-No. 1), issued August 6, 1968, and May 22, 1968, respectively, to Tigelaar & DeWeerd, Inc., Hudsonville, Mich.; authorizing the transportation of: Garden seeds and dried beans, insecticides, fungicides, and parts for sprayers and spray equipment, and limestone, except in bulk, from Middleport, N.Y.; and a plantsite near Greencastle, Ind.; to specified points in Michigan. James R. Sebastian, Jr., 540 Old Kent Building, Grand Rapids, Mich. 49502, attorney for applicants.

No. MC–FC–71696. By order of December 2, 1969, the Motor Carrier Board approved the transfer to Leon Draper, doing business as A B C Truck Line, Elko, Nev., of Certificate of Registration in No. MC–121240 (Sub-No. 1), issued October 19, 1966, to Anthony J. Bojorques and Iginia C. Bojorques, a partnership, doing business as A B C Truck Line, Elko, Nev.; authorizing the transportation of: Commodities generally, between specified points in Nevada. Joseph O. McDaniel, 530 Idaho Street, Elko, Nev. 89801, attorney for applicants.

No. MC–FC–71730. By order of December 1, 1969, the Motor Carrier Board approved the transfer to Ray Kolnik, doing business as Ray Kolnik Trucking, Walworth, Wis., of Permits Nos. MC–114055 and MC–114055 (Sub-No. 2) issued August 14, 1957, and August 18, 1966, respectively, to Ray Kolnik and Harvey Kyle, Jr., doing business as Werrbach Trucking Service, 115 Grove St., Woodstock, Ill. 60098, authorizing the transportation of: Malt beverages, from La Crosse and Sheboygan, Wis., to Elgin and Fox River Grove, Ill. Allen Silver, 405½ South State Street, Belvidere, Ill. 61008, attorney for transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–15067; Filed, Dec. 18, 1969; 8:46 a.m.]

[S.O. 994; ICC Order 26, Amdt. 3]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 26 (Atchison, Topeka and Santa Fe Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 26 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–15068; Filed, Dec. 18, 1969; 8:47 a.m.]

[S.O. 994; ICC Order 30, Amdt. 4]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 30 (Chicago, Rock Island and Pacific Railroad Co.) and good cause apearing therefor:

It is ordered, That:

ICC Order No. 30 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1970, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–15069; Filed, Dec. 18, 1969; 8:47 a.m.]

[S.O. 994; ICC Order 35, Amdt. 2]

ILLINOIS CENTRAL RAILROAD CO. AND MISSOURI PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 35 (The Illinois Central Railroad Co., and the Missouri Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 35 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69–15070; Filed, Dec. 18, 1969; 8:47 a.m.]

[S.O. 994; ICC Order 19, Amdt. 2]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND BIRMINGHAM SOUTHERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 19 (Louisville and Nashville Railroad Co., Birmingham Southern Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 19 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing

to the car service and per diem agreement under the terms of that agreement; and that it be filed wtih the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15071; Filed, Dec. 18, 1969; 8:47 a.m.]

[S.O. 994; ICC Order 12, Amdt. 7]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna and Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 12 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15073; Filed, Dec. 18, 1969; 8:47 a.m.]

[S.O. 994; ICC Order 16, Amdt. 4]

PENN CENTRAL

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 16 (Penn Central) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 16 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15072; Filed, Dec. 18, 1969; 8:47 a.m.]

[Ex Parte No. MC-65]

MOTOR SERVICE ON INTERSTATE HIGHWAYS; PASSENGERS

Present: Virginia Mae Brown, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

Order. Upon consideration of the record in the above-entitled proceeding and of the joint petition (letter) of National Bus Traffic Association, Inc., petitioner, and National Association of Motor Bus Owners, a party, filed December 4, 1969, for extension of the time for filing petitions for reconsideration, and for concurrent postponement of the effective date; and good cause appearing therefor:

It is ordered, That the due date for filing of petitions for reconsideration in Ex Parte No. MC-65 be, and it is hereby, extended to January 15, 1970.

It is further ordered, That the effective date of the order of October 22, 1969, in Ex Parte No. MC-65 be, and it is hereby, fixed as January 20, 1970.

Dated at Washington, D.C., this 15th day of December 1969.

By the Commission, Chairman Brown.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15074; Filed, Dec. 18, 1969; 8:47 a.m.]

[Ex-Parte No. MC-65]

MOTOR SERVICE ON INTERSTATE HIGHWAYS; PASSENGERS

DECEMBER 16, 1969.

Notice. By order of December 15, 1969, the taking effect of the rules and regulations adopted by the Commission on October 22, 1969, in Ex Parte No. MC-65, Motor Service on Interstate Highways-Passengers, reported at 110 M.C.C. 514 (as recodified in 34 F.R. 18459-18463), was postponed to January 20, 1970. The same order also fixed January 15, 1970, as the due date for filing of petitions for reconsideration in Ex Parte No. MC-65.

The rules and regulations adopted by the Commission on October 22, 1969, in Ex Parte No. MC-65 (Sub-No. 2), Motor Service on Interstate Highways-Property, reported at 110 M.C.C. 514 (as recodified in 34 F.R. 18463-18466), became effective as of December 15, 1969.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15075; Filed, Dec. 18, 1969; 8:47 a.m.]

[Notice 463]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 16, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71666. By order of December 4, 1969, the Motor Carrier Board approved the transfer to Westmoreland Warehouse & Service, Inc., Greensburg, Pa., of the operating rights in certificates Nos. MC-123745 and MC-123745 (Sub-No. 1) issued March 15, 1963, and January 8, 1965, respectively, to Packers Refrigerated Service Corp., Irwin, Pa., authorizing the transportation, over irregular routes, of soaps and packinghouse products from Pittsburgh, Pa., to points in Pennsylvania within 60 miles of Pittsburgh, with exceptions, and meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, in refrigerated vehicles, from points in Allegheny and Westmoreland Counties, Pa., to points in described portions of Pennsylvania, Ohio, and West Virginia. John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-71749. By order of December 4, 1969, the Motor Carrier Board approved the transfer to Stewart Drayage Lines, a corporation, Emeryville, Calif., of the certificate of registration in No. MC-120823 (Sub-No. 1) issued February 28, 1964, to Harold S. Scott, doing business as Stewart Drayage Lines, Emeryville, Calif., authorizing the transportation of general commodities between described areas in California. Daniel W. Baker, 405 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-71761. By order of December 11, 1969, the Motor Carrier Board approved the transfer to Michael Casserino, Jr., doing business as Casserino's, Middletown, Conn., of the certificate No. MC-100315 issued July 3, 1941, to Michael Casserino, doing business as Casserino's, Middletown, Conn., authorizing the transportation of: Household goods, used office furniture, and nursery stock, between Middletown, Conn., and 10 miles thereof, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and New York. Paul J. Goldstein, 109 Church Street, New Haven, Conn. 06510, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15172; Filed, Dec. 18, 1969; 8:49 a.m.]

[Notice 463A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 16, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71311. By order of December 4, 1969, Division 3, acting as an Appellate Division, approved the transfer to Rogers Moving Co., Inc., Baileys Cross Roads, Va., of certificate No. MC-94146 issued March 25, 1959, to Cannon Ball Transit Co., Inc., Alexandria, Va., authorizing the transportation of household goods, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in Maryland and Virginia within 100 miles of the District of Columbia, and points in southeastern Pennsylvania; household goods, between Washington, D.C., on the one hand, and, on the other, points in Virginia, Maryland, Pennsylvania, New Jersey, and New York; household goods, as defined by the Commission, and emigrant movables, between points in Culpeper, Madison, and Rappahannock Counties, Va., on the one hand, and, on the other, points in Maryland, Pennsylvania, Delaware, New Jersey, New York, North Carolina, South Carolina, West Virginia, and the District of Columbia; and household goods, as defined by the Commission, and carnival and show equipment, between points in Virginia, on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Maryland, Delaware, Pennsylvania, New York, New Jersey, and the District of Columbia. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15173; Filed, Dec. 18, 1969; 8:49 a.m.]

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FEDERAL REGISTER

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PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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Advisory Circular Checklist and Status of Federal Aviation Regulations



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2N—Effective October 31, 1969]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of October 31, 1969.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number	*and Subject Matter*
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number	*and Subject*
150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA. Paragraph 5 tells how to get copies of circulars from these two sources.

b. Request free advisory circulars shown without an indicated price from:

Department of Transportation, Federal Aviation Administration, Distribution Unit, TAD 484.3, Washington, D.C. 20590.

NOTE: Persons who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the subject numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

c. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional amount of 25 percent of the price to cover postage. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2M Advisory Circular Checklist, 5-29-69. Canceled by AC 00-2N, Advisory Circular Checklist, 10-31-69.

AC 20-1 Limitations of Self-Locking Castellated Nuts, 6-20-63. Canceled.

AC 20-3A Status and Availability of Military Handbooks and ANC Bulletins for Aircraft, 1-15-64. Canceled by AC 20-3B, Status and Availability of Military Handbooks and ANC Bulletins for Aircraft, 5-12-69.

AC 20-6K U.S. Civil Aircraft Register, 1-1-69. Canceled by AC 20-6L, U.S. Civil Aircraft Register, 7-1-69.

AC 20-7E General Aviation Inspection Aids, Summary, August 1968, and Supplements 1 through 11. Canceled by AC 20-7F, General Aviation Inspection Aids, Summary, August 1969.

AC 20-14 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated Engines or Engines to Which Major Alterations Have Been Made, 10-25-63. Canceled by AC 21-8, Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers, 5-21-69.

AC 21-4A Special Flight Permits for Operation of Overweight Aircraft, 9-16-66. Canceled by AC 21-4B, Special Flight Permits for Operation of Overweight Aircraft, 7-30-69.

AC 61-24 Student Pilot Certificate Endorsements for Solo Flight in Single-Control Aircraft, 7-20-65. Canceled.

AC 61-26 Flight Instructor Requalification Program and Increased Student Pilot Operating Requirements, 8-23-65. Canceled by AC 61-46, Flight Instructor Procedures, 6-4-69.

AC 61-35A Gold Seal Flight Instructor Certificate, 2-11-69. Canceled by AC 61-46, Flight Instructor Procedures, 6-4-69.

AC 61-44 Valid Flight Instructor Certificates, 11-30-67. Canceled.

AC 63-2 Flight Navigator Written Examination Guide, 10-26-66. Canceled by AC 63-2A, Flight Navigator Written Test Guide, Rev. 1969.

AC 65.95-2 Handbook and Study Guide for Aviation Mechanics' Inspection Authorization, 5-3-67. Canceled by AC 65.95-2A, Handbook and Study Guide for Aviation Mechanics' Inspection Authorization, 4-15-69.

AC 70/7460-2 Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace, 4-5-68. Canceled by AC 70/7460-2A, Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace, 7-2-69.

AC 90-10 Holding Pattern, 3-1-64. Canceled.

AC 90-15 Pilot's Response to ATC Clearances and Instructions, 7-2-64. Canceled.

AC 90-24 Service A Weather Teletypewriter Circuit Loading Adjustment, 3-15-65. Canceled.

AC 90-27 Operation of Pictorial Display/Course Line Computer Equipment in the National Airspace System, 8-20-65. Canceled by AC 90-45, Approval of Area Navigation Systems for Use in the U.S. National Airspace System, 8-18-69.

AC 90-28 Course Changes While Operating Under Instrument Flight Rules Below 18,000 Feet Mean Sea Level, 9-2-65. Canceled.

AC 90-30A Precision Approach Radar (PAR) Service, 11-21-67. Canceled.

AC 91-5 Waivers Part 91, Federal Aviation Regulations, 2-27-64. Canceled by AC 91-5A, Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs), 5-6-69.

AC 140-2D List of Certificated Pilot Flight and Ground Schools, 3-13-68. Canceled by AC 140-2E, List of Certificated Pilot Flight and Ground Schools, 1-1-69.

AC 147-2E Federal Aviation Administration Certificated Mechanic School Directory, 1-15-69. Canceled by AC 147-2F, Federal Aviation Administration Certificated Mechanic School Directory, 7-15-69.

AC 150/5100-2 Priorities Under the Federal-aid Airport Program for Fiscal Year 1967, 5-9-66. Canceled.

AC 150/5340-4A Installation Details for Runway Centerline and Touchdown Zone Lighting Systems, 8-4-66. Canceled by AC 150/5340-4B, Installation Details for Runway Centerline and Touchdown Zone Lighting Systems, 5-6-69.

AC 150/5345-14 Specification for L-827 "A" Frame Hinged Support for 12-Foot Wind Cone, 2-13-64, and Change 1. Canceled by AC 150/5345-27A, Specifications for L-807 8-foot and 12-foot Unlighted or Externally Lighted Wind Cone Assemblies, 6-16-69.

AC 150/5345-27 Specification for L-807 8-Foot Illuminated Wind Cone, 2-10-65. Canceled by AC 150/5345-27A, Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies, 6-16-69.

AC 210-2 Schedule of Effective Dates for Flight Information, 6-26-68. Canceled by AC 210-2A, Established Schedule for Flight Information Effective Dates, 9-19-69.

8. *Additions.* The following advisory circulars are added to the list:

AC 00-2N Advisory Circular Checklist (10-31-69).

AC 20-3B Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (5-12-69).

AC 20-6L U.S. Civil Aircraft Register (6-4-69).

AC 20-7F General Aviation Inspection Aids, Summary (August 1969).
Supplement 1, General Aviation Inspection Aids (September 1969).
Supplement 2, General Aviation Inspection Aids (October 1969).

AC 20-63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7-7-69).

AC 20-64 Maintenance Inspection Notes for Lockheed L-188 Series Aircraft (8-1-69).

AC 20-65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8-11-69).

AC 21-4B Special Flight Permits for Operation of Overweight Aircraft (7-30-69).

AC 21-8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft with Uncertificated or Altered Engines or Propellers (5-21-69).

AC 39-6A Distribution of Airworthiness Directives (8-8-69).

AC 43.13-1 Ch 6 Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair (5-1-69).

AC 60-2F Annual Aviation Mechanic Safety Awards Program (6-16-69).

AC 61-46 Flight Instructor Procedures (6-4-69).

AC 63-2A Flight Navigator Written Test Guide (4-4-69).

AC 65.95-2A Handbook and Study Guide for Aviation Mechanics' Inspection Authorization (4-15-69).

AC 70/7460-2A Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace (7-2-69).

AC 90-45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8-18-69).

AC 90-46 Depiction of Holding Patterns (8-19-69).

AC 91-5A Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (5-6-69).

AC 91-21 Inspection Schedule—For Handley-Page Model HP-137 (4-24-69).

AC 91-22 Altitude Alerting Devices/Systems (7-7-69).

AC 91-24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9-4-69).

AC 91-25 Loss of Visual Cues During Low Visibility Landings (9-22-69).

AC 140-2E List of Certificated Pilot Flight and Grounds Schools (1-1-69).

AC 147-2F Federal Aviation Administration Certificated Mechanic School Directory (7-15-69).

AC 150/5040-2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation HUBS Through 1980 (5-22-69).

AC 150-5040-3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6-19-69).

AC 150/5060-3 Airport Capacity Criteria Used in Long-Range Planning (4-7-69).

AC 150/5100-6 Labor Requirements in Federal-Aid Airport Program Contracts (6-6-69).

AC 150/5220-8 Guide Specification for 2,000-Gallon Tank Truck (6-13-69).

AC 150/5325-8 Compass Calibration Pad (5-8-69).

AC 150/5340-4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5-6-69).

AC 150/5345-3A CH 2 Specification for L-821 Airport Lighting Panel for Remote Control of Airport Lighting (9-17-69).

AC 150/5345-20 CH 4 Specification for L-802 Runway and Strip Light (8-5-69).

AC 150/5345-23 CH 3 Specification for L-822 Taxiway Edge Light (8-5-69).

AC 150/5345-27A Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6-16-69).

AC 150/5355-2 Fallout Shelters In Terminal Buildings (4-1-69).

AC 150/5370-4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5-29-69).

AC 210-2A Established Schedule for Flight Information Effective Dates (9-19-69).

ADVISORY CIRCULAR CHECKLIST

NOTICE

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

General

SUBJECT No. 00

00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

00-2N Advisory Circular Checklist (10-31-69).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 10-31-69.

00-6 Aviation Weather (5-20-65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. ($4 GPO.) FAA 5.8/2: W 37.

00-7 State and Regional Defense Airlift Planning (4-30-64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00-7 CH 1 Provision of Appendix 4 and Addition of New Appendix 9 to State and Regional Defense Airlift Planning (1-5-65).

The title is self-explanatory.

00-7 CH 2 State and Regional Defense Airlift Planning (2-20-67).

Change 2 to basic document.

00-14 Flights by U.S. Pilots Into and Within Canada (4-16-65).

Provides information concerning flights into and within Canada.

00-15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8-20-65).

Advises aircraft operators, crewmembers, and others who are responsible for

flight safety, of a possible hazard to flight should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00–17 Turbulence in Clear Air (12–16–65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00–19 System Description for a Modernized Weather Teletypewriter Communications System (7–8–66).

Transmits a technical report of the system improvements which the Federal Aviation Agency plans to make in the operation of the Services A, C, and O weather teletypewriter communications network.

00–20 Cancellation of Flight Standards Service Releases (9–7–66).

Cancels all outstanding Flight Standards Service Releases.

00–21 Shoulder Harness (10–5–66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00–23A Near Midair Collision Reporting (12–18–68).

Advises that the FAA will continue through December 31, 1969, to handle reports of near midair collisions in accordance with the policy established January 1, 1968.

00–24 Thunderstorms (6–12–68).

Contains information concerning flights in or near thunderstorms.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club. ($0.35 GPO). TD 4.8 : F 67.

00–26 Definition of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ATCRBS) 1–24–69.

Informs the aviation community of the approval by the FAA Administrator of the U.S. National Aviation Standard for the ATCRBS.

Procedural

SUBJECT NO. 10

11–1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10–28–64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT NO. 20

20–3B Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (5–12–69).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20–5A Plane Sense (4–4–67).

Provides general aviation information for the private aircraft owner.

20–6L U.S. Civil Aircraft Register Vol. I and II (7–1–69).

Lists all active U.S. civil aircraft by registration number. Published in 1969. ($13.25 GPO.) TD 4.18/2 : 969.

20–7F General Aviation Inspection Aids, Summary (August 1969).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($3, $3.75 foreign—Sub. GPO.) TD 4.409 : 968.

20–7F Supplement 1 (September 1969).

20–7F Supplement 2 (October 1969).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1967. ($1 GPO.) FAA 5.8/2 : Ai 7/2.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–28–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–15A Qualification of Type Certificated Engines and Propellers for Aircraft Installations (3–24–66).

Calls attention to the relationship between both Federal Aviation Regulations, Parts 33 (Aircraft Engine Airworthiness) and 35 (Propeller Airworthiness), and various aircraft airworthiness parts.

20–17 Surplus Military Aircraft (1–6–64).

Informs how to obtain copies of regulations required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 3, when run under nonstandard ambient air conditions.

20–20A Flammability of Jet Fuels (4–9–65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20–23C Interchange of Service Experience — Mechanical Difficulties (5–9–69).

Explains the advantages of a voluntary exchange of service experience data.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–25A Identification of Technical Standard Order (TSO) Safety Belts (3–14–69).

Describes the markings which indicate that a safety belt has been manufactured under the FAA TSO system and approved for use in certificated aircraft.

20–27A Certification and Operation of Amateur-Built Aircraft (8–12–68).

Provides information and guidance material for amateur aircraft builders.

20–28 Nationally Advertised Aircraft Construction Kits (8–7–64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29A Use of Anti-Icing Additive PFA–55MB (6–19–67).

Provides information on the use of anti-icing additive for jet fuels to assure compliance with FAR's that require assurance of continuous fuel flow under icing conditions.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32A Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (9–13–68).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of detection and procedures to follow when contamination is suspected.

20–33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2–8–65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35A Tie-Down Sense (10–29–68).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36A Index of Materials, Parts and Appliances Certified Under the Technical Standard Order System—March 1, 1966 (4–8–66).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of March 1, 1966. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37A Aircraft Metal Propeller Blade Failure (4–4–69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b) as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43 Aircraft Fuel Contamination (9–3–65).

Informs the aviation community of the potential hazards of fuel contamination, its control, and recommended fuel servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the Agency during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–49 Analysis of Bird Strike Reports on Transport Category Airplanes (7–27–66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20–50 Ultrasonic Nondestructive Testing (11–9–66).

Provides FAA personnel and the general aviation public with some of the theory and processes of ultrasonic testing which will assist them in the more advanced uses of this system for the inspection of aircraft and aircraft components during manufacture or maintenance. ($0.45 GPO.) TD 4.8 : Ul 8.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56 Marking of TSO–C72a Individual Flotation Devices (1–19–68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57 Automatic Landing Systems (1–29–68).

Sets forth an acceptable means of compliance but not the only means for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations.

20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance with FAR 91.36(b) (4–28–69).

Title is self-explanatory.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–60 Accessibility to Exess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–62 Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (4–30–69).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of air-

worthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

21–1 Production Certificates (6–15–65).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2A Export Airworthiness Approval Procedures (2–16–67).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2A CH 1 (8–30–67).

21–2A CH 2 (10–30–67).

21–2A CH 3 (3–20–68).

21–2A CH 4 (11–6–68).

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1969. ($1 GPO.) FAA 5.8/2 : G 49/962.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5 Summary of Supplemental Type Certificates (2–24–66).

Announces the availability to the public of a new Summary of Supplemental Type Certificates (STC's), Part 21 of the Federal Aviation Regulations.

21–6 Production Under Type Certificate Only (5–29–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7 Certification and Approval of Import Products (6–13–67).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines, propellers manufactured in a foreign country with which the United States has an acceptance agreement of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category; Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1 Replacement and Modification Parts (3–2–66).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and sets forth examples of acceptable means of compliance with its requirements.

23–1 Type Certification Spin Test Procedures (4–1–64).

Sets forth an acceptalbe means by which compliance may be shown with the one-turn spinning requirement in Part 3 of the CAR's.

23.1329–1 Automatic Pilot Systems Approval (Non-Transport) (12–23–65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–1 Airplane Flight Manual Procedures Associated with Performance Limitations (9–4–63).

Provides acceptable means for compliance with Special Regulation SR–422B, section 4T.743(c).

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457–1 Cockpit Voice Recorder Installations (4–7–65).

Sets forth an acceptable means of compliance with provisions in FAR Part 25 pertaining to cockpit voice recorder location and erasure features.

27.1581–1 Sea Rotorcraft Autorotative Landing on Land (8–3–65).

Sets forth acceptable means, not the sole means, with which to provide suitable warning information to crews of float-equipped rotorcraft (pneumatic bag type) when a safe autorotative landing on land may not be possible.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1A Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (6–19–68).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33–2 Aircraft Engine Type Certification Handbook (3–30–66).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–2 CH 1 (9–13–67).

Transmits revised material to the basic advisory circular.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

37–2 Test Procedures for Maximum Allowable Airspeed Indicators (12–9–68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3 Radio Technical Commission for Aeronautics Document DO–138 (1–10–69).

This circular announces RTCA Document DO–138 and discusses how it may be used in connection with technical standard order authorizations.

39–1 Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft (8–1–63).

Describes methods of determining that jig fixtures meet the requirements of Airworthiness Directive 63–4–1.

39–3 Distribution of Airworthiness Directives (3–29–67).

Announces a new procedure for the distribution of airworthiness directives.

39–5 Distribution of Airworthiness Directives (10–3–67).

Announces the availability to the public of a subscription service for airworthiness directives.

39–6A Distribution of Airworthiness Directives (8–3–69).

Announces an improved distribution service for airworthiness directives, amended to show a change in price.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9–10–65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43.9–1B Instruction for Completion of FAA Form 337 (6–27–66).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

43.11–1B Aircraft Use and Inspection Report (8–29–68).

Provides instructions for the completion of FAA Form 8320–3 (11–67), Aircraft Use and Inspection Report formerly FAA 2350.

43.13–1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5–16–66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. ($3—Sub. GPO.) FAA 5.15 : 965.

Subscription now includes: Ch. 1 (5–1–67); Ch. 2 (8–9–67); Ch. 3 (1–24–68); Ch. 4 (1–29–68); Ch. 5 (9–20–68); Ch. 6 (5–1–69).

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($2—Sub. GPO.) FAA 5.16 : 965.

Subscription now includes: Ch. 1 (1–12–67); Ch. 2 (5–26–67); Ch. 3 (6–26–67); Ch. 4 (9–12–67); Ch. 5 (11–9–67); Ch. 6 (4–12–68).

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

Airmen

SUBJECT No. 60

60–1 Know Your Aircraft (6–12–63).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60–2F Annual Aviation Mechanic Safety Awards Program (6–16–69).

Provides details of the annual Aviation Mechanic Safety Awards Program which is a joint effort of FAA, the Flight Safety Foundation, and the aviation community.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–5 Advisory Information on Written Test Questions Missed (4–24–67).

Announces a new automated method of reporting written test results to airmen applicants. The applicant will be provided information concerning the subject matter areas in which one or more questions were answered incorrectly on the test.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

61–1B Aircraft Type Ratings (12–14–67).

Lists the aircraft type ratings issued to pilots and advises the public of the designations used for the aircraft on which type ratings are issued.

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Published in 1964. ($1 GPO.) FAA 5.8/2 : P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Published in 1968. ($0.20 GPO.) TD 4.408 : P 64/2.

61–4B Flight Test Guide—Multiengine Airplane Class or Type Rating (4–1–68).

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1969. ($0.25 GPO.) TD 4.408 : M 91.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61–8A Instrument Pilot Examination Guide (1–12–66).

Assists pilots in preparing for the Instrument Pilot Examination. Reprinted 1969. ($0.55 GPO.) FAA 5.8/2 : In 7/966.

61–9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6–16–64).

Provides training syllabuses and checkout standards for pilots who seek to qualify on additional types of airplanes. Published in 1964. ($0.15 GPO.) FAA 5.8/2 : P 64/7.

61–10 Private and Commercial Pilots Refresher Courses (9–1–64).

Provides a syllabus of ground instruction periods and training lessons. Reprinted in 1969. ($0.25 GPO.) FAA 5.8/2 : P 64/9.

61–11A Airplane Flight Instructor Written Test Guide (9–5–67).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Reprinted in 1969. ($0.70 GPO.) TD 4.408 : In 7.

61–12C Student Pilot Guide (10–3–68).

Serves as a guide for prospective student pilots and presents general procedures for obtaining student and private pilot certificates. Published in 1969. ($0.20 GPO.) TD 4.8 : P 64/968.

61–13 Basic Helicopter Handbook (1–20–66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Published in 1965. ($0.75 GPO.) FAA 5.8/2 : H 36.

61–14 Flight Instructor Practical Test Guide (1–19–65).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Reprinted in 1969. ($0.15 GPO.) FAA 5.8/2 : F 64/8.

61.15–1 Helicopter or Gyroplane Class Rating Requirement for Rotorcraft Pilots (1–15–63).

Calls the attention of certificated rotorcraft pilots to the fact that helicopter or gyroplane class ratings are required for the operation of rotorcraft after 2–1–63.

61–16 Flight Instructor's Handbook (1–19–65).

Contains study and reference material on the principles of teaching and flight training procedures. Reprinted 1969. ($1.25 GPO.) FAA 5.8/2 : F 64/7.

61–17A Flight Test Guide—Instrument Pilot Airplane (6–6–67).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Published in 1967. ($0.10 GPO.) TD 4.408 : In 7/2.

61–18B Airline Transport Pilot (Airplane) Written Test Guide (7–1–68).

Describes the type and scope of aeronautical knowledge covered by the written examination, lists appropriate references for study, and presents sample examination questions. Published in 1968. ($0.55 GPO.) TD 4.408 : P 64/3.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($1.25 GPO.) FAA 1.8 : F 64/4.

61–22A Pilot Flight Tests in Small Airplanes With Stability/Control Augmentation (3–16–66).

Rescinds the limitation published in AC 61–22 for pilot certificates issued on the basis of flight training and tests in airplane equipped with gyroscopic stability/control augmentation systems.

61–23 Private Pilot's Handbook of Aeronautical Knowledge (5–27–66).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. Reprinted in 1969. ($2.75 GPO.) FAA 5.8/2 : P 64/5/965.

61–25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.10 GPO.) FAA 1.8 : H 36/2.

61–27A Instrument Flying Handbook (4–30–68).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Private Pilot's Handbook of Aeronautical Knowledge." Published in 1969. ($2.50 GPO.) TD 4.408 : In 7/3.

61–28 Commercial Pilot Examination Guide (5–17–66).

Guides prospective applicants toward a clear understanding of the requirements, the reference materials, the form of the examination, and the examining procedures. Published in 1966. ($0.75 GPO.) FAA 5.8/2 : P 64/3/966.

61–29 Instrument Flight Instructor Written Examination Guide (9–28–66).

Designed to aid those preparing for the Instrument Flight Instructor Written Examination, this guide outlines basic knowledge necessary to an instrument flight instructor, indicates sources helpful in acquiring this knowledge, and provides sample questions and answers for practice. Reprinted 1969. ($1.00 GPO.) FAA 1.8 : In 7.

61–30 Flight Test Guide—Gyroplane, Commercial Pilot (2–8–66).

Assists commercial pilot operator in preparing for certification test. Revised in 1966. ($0.15 GPO.) FAA 5.8/2 : G 99/2/966.

61–31 Gyroplane Pilot Examination Guide, Private and Commercial (2–9–66).

Outlines information basic to a gyroplane pilot, lists sources useful in acquiring this knowledge, and presents sample examination questions.

61–32 Private Pilot Written Examination Guide (8–15–67).

A combination workbook, written test guide. Includes 71 exercises covering every section of the Private Pilot's Handbook of Aeronautical Knowledge plus a sample written test presented in a fashion similar to the current Private Pilot Written Examination. Reprinted in 1969. ($1.75 GPO.) TD 4.408 : P 64.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft Gyroplane Written Examination. Revised in 1966.

61–34 Federal Aviation Regulations Written Examination Guide for Private, Commercial, and Military Pilots (11–17–67).

Outlines the scope of the basic knowledge required of civilian pilots who are studying regulations as they pertain to certification of private and commercial pilots. Additionally, it accomplishes the same for military pilots or qualified former military pilots who are applying for FAA private or commercial pilot certificates on the basis of military competency. Reprinted 1969. ($0.50 GPO.) TD 4.8 : P 64.

61–36 Use of Other Than U.S. Coast and Geodetic Survey Charts on Pilot Flight Tests (2–6–67).

Clarifies the requirement governing the use on pilot flight tests of en route and instrument approach charts prepared by other than the U.S. Coast and Geodetic Survey.

61–37 Correction to Koch Chart in AC 61–11 and AC 61–28 (2–14–67).

Informs holders of AC 61–11, Airplane Flight Instructor Examination Guide, (1965) and AC 61–28, Commercial Pilot Written Examination Guide (1966), of inaccuracies in the Koch Charts for Altitude and Temperature Effects which appear in these publications.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39 Flight Test Guide, Private and Commercial Pilot—Glider (8–28–67).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41 Glider Flight Instructor Written Test Guide (11–7–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider flight instructor; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–42 Airline Transport Pilot (Helicopter) Written Test Guide (11–7–67).

Provides guidance to applicants preparing for the Airline Transport Pilot Rotorcraft/Helicopter (VFR and/or IFR) Written Tests. Describes the type and scope of required aeronautical knowledge covered by the written test. ($0.25 GPO.) TD 4.408 : H 36.

61–43 Glider Pilot Written Test Guide—Private and Commercial (11–30–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider pilot; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–46 Flight Instructor Procedures (6–4–69).

Informs flight instructors of the procedures involved in the renewal or reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61.117–1C Flight Test Guide—Commercial Pilot, Airplane (2–7–69).

Assists the commercial applicant in preparing for his certification flight test. ($0.20 GPO.) TD 4.8 : P 64/3.

63–1A Flight Engineer Written Test Guide (5–10–68).

Contains information about certification requirements and describes the type and scope of the examination. It also lists appropriate study and reference material and presents sample examinations with test items similar to those found in the official examinations. Published in 1968. ($0.50 GPO.) TD 4.408 : En 3.

63–2A Flight Navigator Written Test Guide (4–4–69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($0.40 GPO.) TD 4.8 : F 64/2.

65–2A Airframe and Powerplant Mechanics Certification Guide (10–12–67).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. Reprinted in 1969. ($0.65 GPO.) TD 4.8 : Ai 7/6.

65–4A Aircraft Dispatcher Written Test Guide (8–16–68).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1969. ($0.50 GPO.) TD 4.8 : Ai 7/12.

65–5 Parachute Rigger Certification Guide (6–19–67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Published in 1968. ($0.15 GPO.) TD 4.8 : P 21.

65–6A Change in Airframe and Powerplant Mechanic Tests (12–8–67).

Provides a new effective date for the changeover to a new format for the Airframe and Powerplant mechanic written, oral, and practical tests announced by the earlier circular.

65–8 1969 Aviation Maintenance Symposium-Advances in Aviation Maintenance Technology (5–14–69).

Announces the fifth annual aviation maintenance symposium to be held in Oklahoma City—December 9, 10, and 11, 1969.

65.33–1 List of Study References for the ATC Tower Operator Examination (5–25–66).

The title is self-explanatory.

65.95–2A Handbook and Study Guide for Aviation Mechanics' Inspection Authorization (4–15–69).

Gives guidance to persons conducting annual and progressive inspection and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT No. 70

70/7460–1 Obstruction Marking and Lighting (2–29–68). (Consolidated reprint includes change 1, 1969.)

Describes the agency standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types as official FAA policy. ($0.60 GPO.) TD 4.8 : Ob 7/968.

70/7460–2A Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace (7–2–69).

Alerts those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the FAA.

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

77–1 Objects Affecting Navigable Airspace (7–2–65).

Announces the availability of the revised Part 77 of the Federal Aviation Regulations (FAR), dated May 1, 1965. This revised Part 77 supersedes the edition dated December 12, 1962.

Air Traffic Control and General Operations

SUBJECT No. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–8 Radio Identification of Student Pilots (8–15–63).

Encourages student pilots to identify themselves when communicating with FAA facilities.

90–11A Air Traffic Control Radio Frequency Assignment Plan (6–7–68).

Describes the civil air traffic control very high frequency assignment plan and the allocation of frequencies in the 118–136 MHz band.

90–12 Severe Weather Avoidance (4–15–64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–19 Use of Radar for the Provision of Air Traffic Control Services (10–29–64).

Advises the aviation community of FAA practice in the use of radar information to provide air traffic control services.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–22A Automatic Terminal Information Service (ATIS) (10–9–68).

Provides updated information concerning the operation of Automatic Terminal Information Service (ATIS).

90–23A Wake Turbulence (12–21–65).

Provides information on the subject of wake turbulence and suggests techniques that may help pilots avoid the hazards associated with wing tip vortex turbulence.

90–31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7–1–67).

Establishes new retention periods for flight plans, preflight briefing logs, visual flight rule flight progress strips, and related records with FSSs.

90–32 Radar Capabilities and Limitations (8–15–67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

90–33 VFR Communications for General Aviation (11–20–67).

Describes VHF (118–136 MHz band) air/ground communications channel utilization for general aviation aircraft in the VFR environment and includes information on the use of channels in the private aircraft (122–123 MHz) band recently made available by the Federal Communications Commission (Docket 17177).

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–35 Frequency Discipline (5–17–68).

Reemphasizes the need for pilots to be constantly aware of the importance of

practicing frequency discipline in normal conduct of operations.

90–36 The Use of Chaff as an In-Flight Emergency Signal (5–22–68).

Advises of the value and proper usage of chaff to alert radar controllers to the presence of an aircraft in distress which has a two-way radio failure.

90–37 Flight Operations Near Airports (6–19–68).

Emphasizes to pilots the necessity of adhering to good operating practices and procedures, particularly when operating at or near airports.

90–38 Use of Preferred IFR Routes (8–4–68).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–39 Identification of Civil Aircraft in Radio Communications (8–5–68).

Outlines an important change in the Federal Communications Commission (FCC) rules for the aviation services concerning the methods of identifying aircraft in radio transmissions.

90–40 Intersection Takeoffs (9–5–68).

Apprises pilots concerning procedures governing intersection takeoffs.

90–41 Standard Terminal Arrival Routes (9–6–68).

Describes a program for establishment and use of standard terminal arrival (STARS).

90–42 Traffic Advisory Practices at Nontower Airports (12–9–68).

This circular establishes, as good operating practices, procedures for pilots to exchange traffic information when operating to or from nontower airports.

90–43 Operations Reservations for High-Density Traffic Airports. (3–25–69).

Advises the aviation community of the means for all aircraft operators, except scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90–44 Airport Ground Operations During Low Visibility Conditions (4–25–69).

Alerts the aviation community to potential problem areas which may exist on airport movement areas during periods of extremely low visibility.

90–45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8–18–69).

Provides guidelines for implementation of area navigation (RNAV) within the National Airspace System (NAS).

90–46 Depiction of Holding Patterns (8–19–69).

Provides information concerning the Federal Aviation Administration's plan to chart holding patterns and the course of action to be followed when holding is required.

91–3 Acrobatic Flight (9–30–63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91–5A Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (5–6–69).

Provides updated information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8 Use of Oxygen by General Aviation Pilots/Passengers (5–16–65).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11 Periodic Inspection Reminder (8–10–65).

Provides the aviation community with a uniform visual reminder of the date a periodic inspection becomes due.

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Published in 1962. ($0.35 GPO.) FAA 7.9 : D 84.

91–12 Required Inspection for Air Carrier Aircraft Reverting to General Operation Under FAR 91 (5–24–66).

Describes acceptable methods for complying with the required inspections established by FAR Part 91.

91–13 Cold Weather Operation of Aircraft (11–16–66).

Emphasizes factors to be considered for the effective preparation, maintenance, and operation of aircraft in cold weather.

91–14 Altimeter Setting Sources (2–15–67).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($0.55 GPO.) TD 4.2 : T 27.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–18 Course Needle Oscillations on VHF Omnidirectional Range (VOR) Receivers (12–6–68).

Advises all operators of aircraft equipped with VHF omnidirectional range (VOR) receivers regarding course needle oscillations.

91–19 Emergency Locator Beacons—Crash, Survival, Personnel (3–17–69).

Provides information concerning recent activities relating to emergency locator radio beacons. Describes for users the means by which such signals will be monitored or heard.

91–20 Inspection Schedule—for Beech Model B–99 (3–14–69).

Provides information for use by persons planning to develop an inspection schedule for Beech Model B–99.

91–21 Inspection Schedule—for Handley-Page Model HP-137 (4–24–69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP–137 aircraft.

91–22 Altitude Alerting Devices/Systems (7–7–69).

Provides guidelines for installing and evaluating altitude alerting systems.

91–24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9–4–69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91–25 Loss of Visual Cues During Low Visibility Landings (9–22–69).

Provides information regarding the importance to the pilot of maintaining unbroken visual cues during the final stages of an instrument approach when reaching the DH or MDA and continuing further descent.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1 Canceling or Closing Flight Plans (3–12–64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEAs) for publication in FAR Part 95.

99.11–1 Flight Plan Requirements: Coastal or Domestic ADIZ (11–15–63).

Provides recommended flight plan filing procedures for operation within or into an Air Defense Identification Zone (ADIZ).

99.27–1 Flight Plan Tolerances for Air Defense Identification Zones (9–30–63).

Provides recommended flight plan tolerances for operations within or into the ADIZ.

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–1 Hazard Associated With Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (12–16–63).

Discusses potential hazards of dry ice and gives precautionary measures.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

Air Carrier and Commercial Operators and Helicopters

SUBJECT NO. 120

120–1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4–24–69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Safety Investigation Regulations.

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–4B Criteria for Turbojet Landing Weather Minima—Air Carriers and Commercial Operators of Large Aircraft (6–14–68).

Sets forth the criteria for approval of landing weather minima for turbojet aircraft below ¾-mile visibility or RVR 4,000 but above Category II minima.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7 Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (9–4–63).

Recommends minimum altitudes for conducting simulated emergency flight training maneuvers be established.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Attitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–14 Air Taxi Operators and Commercial Operators of Small Aircraft (7–6–64).

Clarifies the requirements of Part 135 of the FAR's and provides additional information not readily available.

120–16 Continuous Airworthiness Program (10–19–64).

Provides air carriers and commercial operators with guidance and information pertinent to the regulatory amendments concerned with requirements for air carrier continuous airworthiness program.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance material which may be used to design or develop maintenance reliability programs which include a standard for determining time limitations.

120–17 CH 1 (6–24–66).

120–17 CH 2 (5–6–68).

120–18 Preservation of Maintenance Records (5–10–65).

Provides information and guidance relative to the microfilming of maintenance records.

120–20 Criteria for Approval of Category II Landing Weather Minima (6–6–66).

Sets forth criteria, guidelines, and procedures which provide an acceptable basis for the approval of Category II ILS minima and the installation approval of the associated airborne systems.

120–20 CH 1 (1–12–68).

Transmits a revised Appendix 3 of the Advisory Circular.

120–20 CH 2 (5–21–68).

Clarifies use of minimum glide slope threshold crossing height in Par. 11, Appendix 3.

120–21 Aircraft Maintenance Time Limitations (6–24–66).

Provides method and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120–24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2–25–69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120–26 Civil Aircraft Operator Designators (1–25–68).

States the criteria and the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

121–1 Standard Maintenance Specifications Handbook (12–15–62).

Consolidated reprint 5–15–69, includes Changes 1 through 18.

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121–3H Maintenance Review Board Reports (2–7–68).

Adds the Boeing 727, Supplement No. 1; Boeing 737; Fairchild-Hiller FH–227; and Fairchild-Hiller FH–227, Revision 1 to the list of available Maintenance Review Board Reports.

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7–14–66).

Concerned with the prevention of injury due to air turbulence.

121–8 Additional Airport Aids—Runway Marking and Lighting—Air Carrier Turbojet Operations (9–19–66).

Emphasizes the importance of runway markings and approach slope guidance in assisting turbojet airplane pilots to touchdown at the proper runway point.

121–9 Maintenance of Evacuation Slides (9–22–66).

Provides information and guidance to air carriers and commercial operators in the maintenance of emergency evacuation slides.

121–10 Doppler Radar Navigational Aids (3–23–67).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Part 121 who desire approval of Doppler RADAR navigation systems for use in their operations.

121–10 CH 1 (1–10–68).

Transmits a page change to the subject advisory circular.

121–11 Approval of Inertial Navigation Systems (INS) (3–23–67).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Part 121 who desire approval of inertial navigation systems as the sole means of navigation in their operations.

121–11 CH 1 (1–10–68).

Transmits a page change to the subject advisory circular.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121 (8–17–67).

121.195(d)–1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11–19–65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123–1 Air Travel Clubs (10–17–68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.155–1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2–16–65).

Sets forth an acceptable means of compliance with provisions in FAR Part 135 and Part 23 dealing with alternate static sources.

135–1 Air Taxi Aircraft Weight and Balance Control (9–17–68).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

137–1 Agricultural Aircraft Operations (11–29–65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this part.

Schools and Other Certificated Agencies

SUBJECT No. 140

140–1D Consolidated Listing of FAA Certificated Repair Stations (7–1–68).

Gives the name, address, certificate number, and ratings of repair stations.

140–2E List of Certificated Pilot Flight and Ground Schools (1–1–69).

Lists FAA certificated pilot schools as of January 1969.

140–3A Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (6–12–68).

The title is self-explanatory.

140–4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141 (8–7–68).

Informs operators of certificated pilot schools on the use of audio-visual training aids for instruction in approved ground school courses conducted under the FARs.

143–1B Ground Instructor Examination Guide — Basic — Advanced (4–18–67).

Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1967. ($1 GPO.) TD 4.408 : G 91.

143–2A Ground Instructor—Instrument—Written Test Guide (9–29–67).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. Reprinted in 1969. ($0.70 GPO.) TD 4.8 : G 91.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2F Federal Aviation Administration Certificated Mechanic School Directory (7–15–69).

Provides a revised listing of all FAA certificated mechanic schools as of July 15, 1969.

149–2D Listing of Federal Aviation Administration Certificated Parachute Lofts (8–1–68).

Provides a revised list of all FAA certificated parachute lofts.

Airports

SUBJECT No. 150

DEFENSE READINESS PROGRAM

150/1930–1 Radiological Decontamination of Civil Airports (8–19–66).

Offers guidance in preattack preparations, emergency action and decontamination methods.

AIRPORT PLANNING

150/5040–1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3–27–69).

Announces the availability of the new report and where to obtain it.

150/5040–2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation HUBS Through 1980 (5–22–69).

Announces the availability to the public, Federal Aviation Administration personnel, airport and local government planning officials, the aviation industry, and the interested public with forecasts of aviation demand and selected airport facility requirements for medium hubs through 1980.

150/5040–3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6–19–69).

Announces the availability of the report to the public which identifies and analyzes the possible improvements leading to reduced aircraft delays at 18 of the Nation's highest density airports.

150/5050–2 Compatible Land Use Planning in the Vicinity of Airports (4–13–67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050–3 Announcement of a Report Entitled "Planning the State Airport System" (1–31–69).

Advises of the availability of the report and how to obtain it.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–2 Airport Site Selection (7–19–67).

Recommends procedures and provides guidance for analyzing potential airport sites.

150/5060–3 Airport Capacity Criteria Used in Long-Range Planning (4–7–69).

Makes available to the public the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations.

150/5070–1 Rapid Transit Service for Metropolitan Airports (8–26–65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070–2 Planning the Metropolitan Airport (9–17–65). (Consolidated reprint 6–30–66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3–31–66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5090–1 Regional Air Carrier Airport Planning (2–2–67).

This circular: (1) Informs local and State governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–4 Airport Advance Planning (1–12–68).

Provides an explanation of the FAA advance planning program.

150/5100–5 Land Acquisition in the Federal-Aid Airport Program (1–30–69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100–6 Labor Requirements in Federal-Aid Airport Program Contracts (6–6–69).

Covers the basic labor requirements applicable to the Federal-aid Airport Program (FAAP). Intended primarily for the guidance of those public agencies sponsoring projects under the program and the contractors and subcontractors engaged in work under a project.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2 Federal Surplus Personal Property for Public Airport Purposes (6–27–68).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus Federal personal property for public airport purposes.

150/5150–2 CH 1 (4–22–69).

Revises the flow of copies of the SF 123 to provide for more accurate review of donated property.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2 Exclusive Rights at Airports (9–2–66).

Provides basic information and guidance on FAA policy concerning exclusive rights at public airports on which Federal funds, administered by the FAA, have been expended.

150/5190–3 Model Airport Zoning Ordinance (1–16–67).

Provides a guide to be used in preparing airport zoning ordinances. This model will require modification and revision to suit circumstances and fulfill State and local law.

AIRPORT SAFETY—GENERAL

150/5200–1 Bird Hazards to Aviation (3–1–65).

Discusses certain steps that can be taken toward reducing or solving the bird strike problem on and near airports.

150/5200–2 Bird Strike/Incident Report Form (11–27–65).

Informs military and civil aviation organizations that FAA Form 3830, "Bird Strike/Incident Report Form," is available for use in reporting bird hazards and accidents/incidents to aircraft.

150/5200–3 Bird Hazards to Aircraft (10–7–66).

Transmits the latest published information concerning the reduction of bird strikes on aircraft.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airport During Maintenance of Runway Lighting (1–24–68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–10 Airport Emergency Operations Planning (7–26–68).

Provides guidance to airport management and disaster control personnel in the preparation of plans for emergency actions at civil airports.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10–27–65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6 Aircraft Fire and Rescue Facilities and Extinguishing Agents (9–7–66).

Furnishes guidance for estimating the facilities necessary to provide adequate aircraft fire and rescue service at civil airports.

150/5210–7 Aircraft Fire and Rescue Communications (10–28–66).

Provides airport management with information helpful in the establishment of communication and alarm facilities. Such facilities alert and guide those personnel who must deal with aircraft ground emergencies.

150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

The title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–2 Guide Specification for 1,800-Gallon Aircraft Fire and Rescue Truck (7–24–64).

Describes a vehicle possessing the minimum performance capabilities recommended for an acceptable aircraft fire and rescue truck.

150/5220–3 Guide Specification for 1,000-Gallon Aircraft Fire and Rescue Truck (3–9–67).

The title is self-explanatory.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–5 Guide Specification for a Combination Foam and Dry Chemical Aircraft Fire and Rescue Truck (12–29–67).

Specification requirements developed by FAA to assist airport management in developing local procurement specifications for fire and rescue trucks.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–7 Guide Specification for 2,500-Gallon Aircraft Fire and Rescue Truck (8–30–68).

Guide Specification developed to assist airport management in the development of local procurement specifications.

150/5220–8 Guide Specification for 2,000-Gallon Tank Truck (6–13–69).

Assist airport management in the development of local procurement specifications for 2,000-gallon tank truck.

150/5230–1 Suggestions for Airport Safety Self-Inspection (3–30–64).

Summarizes the functional statements, procedures, forms, and schedules on safety self-inspection now in use at many U.S. civil airports.

150/5230–2 Guide Specification for Fire Extinguishing System (Foam) for Heliports (4–14–65).

Contains guidance material which may be used by airport management in the development of local procurement specifications.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

CIVIL AIRPORTS EMERGENCY PREPAREDNESS

150/5240–1A Airport Disaster Control Guide (10–31–67).

Acts as a guide to reducing or avoiding problems imposed by enemy nuclear attack.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2 Airport Design Requirements for Terminal Navigational Aids (3–30–64).

Provides information regarding location, functions, and citing requirements of air navigation aids on and in the immediate vicinity of airports.

150/5300–3 Adaptation of TSO–N18 Criterion to Clearways and Stopways (10–18–64).

Sets forth standards recommended by the FAA for guidance of the public for the adaptation of TSO–N18 criterion to clearways and stopways.

150/5300–4A Utility Airports—Air Access to National Transportation (5–6–69).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. ($1.75 GPO.) TD 4.8 : Ai 7/968.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5300–6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7–14–69).

Provides recommended design criteria for the development of larger than general utility airports.

150/5310–2 Airport Planning and Airport Layout Plans (9–19–68).

Contains guidance material for airport planning and preparation of airport layout plans. It applies to any airport. It is also used as a basis for determining the acceptability of airport layout plans prepared or revised with Federal cost participation under the Federal-aid Airport Program.

150/5310–3 FAA Order 5310.2, Relocating Thresholds Due to Obstructions at Existing Runways (5–27–68).

Announces the issuance of instructions to FAA field personnel on the displacement or relocation of thresholds.

150/5320–5A Airport Drainage (1–28–66).

Provides guidance for airport managers, engineers, and the public in the design and maintenance of airport drainage systems. Published in 1965. ($0.45 GPO.) FAA 8.8 : D 78.

150/5320–6A Airport Paving (5–9–67).

Provides data for the design and construction of pavements at civil airports.

150/5320–6A CH 1 (6–11–68).

Transmits page changes and adds new chapter 6 to basic AC.

150/5325–2A Airport Surface Areas Gradient Standards (5–12–66).

Sets forth standards recommended by FAA for guidance of the public in establishing the gradient of airport surface areas used for landing, takeoff, and other aircraft ground movement.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–3 CH 1 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 1 (8–5–65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1–11.

150/5325–4 CH 2 (9–21–65).

Transmits aircraft performance curves for the Boeing 707–300C and the Fairchild F–27 and F–27B.

150/5325–4 CH 3 (4–25–66).

Transmits aircraft performance curves for the Douglas DC–8–55, DC–8F–55, and DC–9–10 Series, the Fairchild F–27J, and the Nord 262.

150/5325–4 CH 4 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 CH 5 (7–13–66).

Transmits aircraft performance curves for the Douglas DC–9–10 Series equipped with Pratt & Whitney JT8D–1 Engines.

150/5325–4 CH 6 (12–8–66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325–4 CH 7 (2–7–67).

Presents designs curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325–4 CH 8 (11–8–67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC–9–30 Series.

150/5325–5A Aircraft Data (1–12–68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325–6 Effects of Jet Blast (4–15–65).

Presents the criteria for treatment of jet blast effects which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5325–7 Is Your Airport Ready for the Boeing 747 (1–23–68).

Presents a preliminary condensed survey of today's airport design criteria and their suitability to the presently known characteristics of the Boeing 747 airplane.

150/5325–8 Compass Calibration Pad (5–8–69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5330–2A Runway/Taxiway Widths and Clearances for Airline Airports (7–26–68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330–3 Wind Effect on Runway Orientation (5–5–66).

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

150/5335–1 Airport Taxiways (1–28–65).

Provides the criteria for airport taxiways which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335–1 CH 1 (11–15–66).

Taxiways designed for two- and three-engine jet powered air carrier airplanes may have a minimum width of 60 feet. This change provides guidance for the design of such taxiway design widths.

150/5335–2 Airport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5340–1B Marking of Serviceable Runways and Taxiways (4–2–69).

Sets forth standards and practices for the guidance of the public in marking and remarking serviceable runways and taxiways. Required for FAAP.

150/5340–4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5–6–69).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5 Segmented Circle Airport Marker System (8–1–63).

Recommends an airport marking system of pilot aids and traffic control devices. Required for FAAP project activity.

150/5340–7A Marking and Lighting of Deceptive, Closed, and Hazardous Areas on Airports (1–10–68).

Describes standards for marking deceptive, closed, and hazardous areas on airports.

150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/5340–9 Prefabricated Metal Housing for Electrical Equipment (8–18–64).

Provides design and installation details on the subject metal housing.

150/5340–13A High Intensity Runway Lighting System (4–14–67).

Provides corrected curves for estimating loads in high intensity series circuits.

150/5340–14A Economy Approach Lighting Aids (3–7–67).

Describes standards for the design, installation, and maintenance of economy approach lighting aids.

150/5340–15A Taxiway Edge Lighting System (11–1–67).

Describes standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340–15A CH 1 (4–2–68).

Transmits change to basic AC.

150/5340–16A Medium Intensity Runway Lighting System (12–19–67).

Describes standards for the design, installation, and maintenance of a medium intensity runway lighting system.

150/5340–17 Standby Power for Non-FAA Airport Lighting Systems (1–25–68).

Describes standards acceptable for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System.

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5345–1B Approved Airport Lighting Equipment (10–30–68).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply such equipment.

150/5345–2 Specification for L–810 Obstruction Light (11–4–63).

Required for FAAP project activity.

150/5345–2 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–3A Specification for L–821 Airport Lighting Panel for Remote Control of Airport Lighting (10–20–67).

Required for FAAP project activity.

150/5345–3A CH 1 (6–11–68).

Corrects case dimensions for the size 4 panel and other page changes.

150/5345–3A CH–2 (9–17–69).

Provides corrected drawings for the size 4 panel layout dimensions and the case dimensions.

150/5345–4 Specification for L–289 Internally Lighted Airport Taxi Guidance Sign (10–15–63).

Required for FAAP project activity.

150/5345–4 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–6 Specification for L–809 Airport Light Base and Transformer Housing (9–3–63).

Required for FAAP project activity.

150/5345–7 Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (11–4–63).

Required for FAAP project activity.

150/5345–9B Specification for L–819 Fixed Focus Bidirectional High Intensity Runway Lights (6–27–67).

Describes the subject specification requirements.

150/5345–10B Specification for L–828 Constant Current Regulator With Stepless Brightness Control (4–8–68).

Required for FAAP project activity.

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operation (3–2–64).

Required for FAAP project activity.

150/5345–12A Specification for L–801 Beacon (5–12–67).

Describes the subject specification requirements.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–15 Specification for L–842 Airport Centerline Light (1–6–64).

Required for FAAP project activity.

150/5345–16 Specification for L–843 Airport In-Runway Touchdown Zone Light (1–20–64).

Required for FAAP project activity.

150/5345–17 Specification for L–845 Semiflush Inset Prismatic Airport Light (3–3–64).

Describes the subject specification requirements.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64).

Required for FAAP project activity.

150/5345–18 CH 1 (5–28–64).

Advises that a detail requirement is not applicable to the circular.

150/5345–19 Specification for L–838 Semiflush Prismatic Airport Light (5–11–64).

Describes the subject specification requirements.

150/5345–20 Specification for L–802 Runway and Strip Light (6–24–64).

Describes the subject specification requirements.

150/5345–20 CH 1 (8–31–64).

Provides amended information for the basic advisory circular.

150/5345–20 CH 2 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–20 CH 3 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–20 CH 4 (8–5–69).

Describes the subject specification requirements for a runway and strip light.

150/5345–21 Specification for L–813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–22 Specification for L–834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10–8–64).

Describes the subject specification requirements.

150/5345–23 Specification for L–822 Taxiway Edge Light (10–13–64).

Describes the subject specification requirements.

150/5345–23 CH 1 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–23 CH 2 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–23 CH 3 (8–5–69).

Describes the subject specification requirements for a taxiway edge light.

150/5345–24 Specification for L–849 Condenser Discharge Type Flashing Light (6–30–65).

Describes the subject specification requirements for a condenser discharge type flashing light.

150/5345–24 CH 1 (6–14–66).

Deletes a detail requirement.

150/5345–25 Specification for L–848 Medium Intensity Approach Light Bar Assembly (6–30–65).

Describes the subject specification requirements for a medium intensity approach light bar assembly.

150/5345–26 Specification for L–823 Plug and Receptacle, Cable Connectors (10–5–64).

Describes the subject specification requirements.

150/5345–27A Specification for L–807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6–16–69).

Describes the subject specification requirements for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345–28 Specification for L–851 Abbreviated Visual Approach Slope Indicator System (10–28–66).

Describes the subject specification requirements for abbreviated visual approach slope indicator system (AVASI) equipment.

150/5345–29 FAA Specification L–852, Light Assembly, Airport Taxiway Centerline (3–18–68).

Describes, for public guidance, FAA Specification L–852 which establishes the performance requirements and pertinent construction details for bidirectional semiflush inset light assemblies for lighting airport taxiway centerlines.

150/5345–30A Specification for L–846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2–3–67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345–31 Specification for L–833 Individual Lamp Series-to-Series Type Insulating Transformer for 600 Volt or 3,000 Volt Series Circuits (12–3–64).

Describes the subject specification requirements.

150/5345–32 Specification for L–837 Large-Size Light Base and Transformer Housing (1–13–65).

Describes the subject specification requirements.

150/5345–33 Specification for L–844 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 20/6.6 Amperes 200 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–34 Specification for L–839 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–35 Specification for L–816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1–28–65).

Describes the subject specification requirements.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–37B FAA Specification L–850, Light Assembly Airport Runway Centerline and Touchdown Zone (1–8–68).

Revises subject light assembly.

150/5345–38 Changes to Airport Lighting Equipment (3–23–67).

The title is self-explanatory.

150/5345–39 FAA Specification L–853, Runway and Taxiway Centerline Reflective Markers (1–10–69).

Describes specification requirements for L–853 Runway and Taxiway reflective markers for guidance of the public.

150/5345–40 Specification for L–854 Radio Controls (3–21–69).

Describes specification requirements for guidance of the public.

150/5355–1 Diagrammatic Maps and Location Signs at Airports (3–21–69).

Informs airport authorities of the desirability to provide diagrammatic maps of facilities within terminal buildings and of the need for clearly marked locations signs at airports, especially at those used by international travelers.

150/5355–2 Fallout Shelters in Terminal Buildings (4–1–69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360–1 Airport Service Equipment Buildings (4–6–64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–3 Federal Inspection Service Facilities at International Airports (4–1–66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–1A Standard Specifications for Construction of Airports (5–28–68).

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. ($3.50 GPO.) TD 4.24 : 968.

150/5370–2 Safety on Airports During Construction Activity (4–22–64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5370–4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5–29–69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5380–1 Airport Maintenance (4–14–63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to inpavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–3 Cleaning of Runway Contamination (6–28–68).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5390–1 Heliport Design Guide (11–3–64). (Consolidated reprint 6–10–68 includes Change 1.)

Contains design guidance material for the development of heliports, both surface and elevated, to serve single- and multi-engine helicopters operating under visual flight rules.

Air Navigational Facilities

SUBJECT No. 170

170–1 Operation and Use of Approved Lights (ALS) and Sequenced Flashing Lights (SFL) Systems (1–14–63).

Advises airspace users of the operation and use of the ALS and SFL systems.

170–2 Implementation of ILS Channels 11 Through 20 (10–16–63).

Advertises that ILS Channels 11 through 20 are now being used in the United States and encourages owners to equip their aircraft with 20-channel capability.

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radionavigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radionavigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170/6850–1 Aeronautical Beacons and True Lights (8–28–68).

Describes FAA standards for the installation and operation of aeronautical beacons serving as true lights.

170–7 Decommissioning of ILS Middle Compass Locators (10–29–65).

Disseminates information regarding the FAA program for decommissioning of compass locators associated with ILS middle markers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

171–1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2–18–66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT No. 180

183.29–1D Designated Engineering Representatives (2–28–69).

Lists the Designated Engineering Representatives available for consulting work. Designated Engineering Representatives, as direct representatives of the Federal Aviation Administration, ar

authorized to approve certain types of data as complying with the Federal Aviation Regulations within particular categories; such as structural, systems and equipment, powerplant, flight analyst, flight test pilot, and engine.

Flight Information

SUBJECT NO. 210

210–1 National Notice to Airmen System (2–8–61).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–2A Established Schedule for Flight Information Effective Dates (9–19–69).

Emphasizes the importance of adherence to the established schedule of effective dates for flight information, and provides a copy of the schedule through June 1971.

211–1 Content Criteria for Airman's Information Manual (3–15–66).

Announces the FAA policy for inclusion of aeronautical data in the Airman's Information Manual (AIM).

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR, aeronautical charts for use in the National Airspace System (NAS).

211–3 Aviation Fuel Code Used in Flight Information Publications (5–19–67).

Transmits information concerning the change in aviation fuel codes used in FAA reports and publications, NATO symbols to be used.

Internal Directives

Contractions Handbook, 7340.1B (9–16–69).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting and associated services. ($3.75 Sub.—GPO.) TD 4.308: C 76/969.

Location Identifiers, 7350.1L.

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Dated 5–15–69. ($6 Sub.—GPO.) TD 4.310:.

Flight Services, 7110.10 (4–1–69).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. Supersedes Aeronautical Communications and Pilot Services, dated 3–3–66. ($9-Sub. GPO.) TD 4.308 : F 64.

International Flight Information Manual, Vol. 17 (April 1969).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. ($3—Annual Sub. GPO.) TD 4.309 : 16.

International Notams, Vol. 22 (April 1969).

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. ($5—Annual Sub. GPO.) TD 4.11 :.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas; Scatana, and Emergency Procedures. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12 : pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplanes Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and Weather Bureau telephone numbers. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12 : pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 28 days and contains an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2; and Area Navigation Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3 and Part 4. (Annual Sub. $20, Foreign mailing—$5 additional. GPO.) TD 4.12 : pt. 3/.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued semiannually and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. $1.50, Foreign mailing—$0.50 additional. GPO.) TD 4.12 : pt. 4/.

Aircraft Type Certificate Data Sheets and Specifications.

Contains all current aircraft specifications and type certificate data sheets issued by the FAA. Monthly supplements provided. ($20—Sub., Foreign mailing—$5 additional. GPO.) TD 4.15 : 967.

Aircraft Engine and Propeller Type Certificate Data Sheets.

Contains all current aircraft engine and propeller type certificate data sheets and specifications issued by FAA. Monthly supplements provided. ($16—Sub., Foreign mailing—$4 additional. GPO.) TD 4.15/2 : 968.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($9—Sub., Foreign mailing—$3.50 additional. GPO.) FAA 5.12 : 965.

STATUS OF THE FEDERAL AVIATION REGULATIONS

As of October 31, 1969

IMPORTANT NOTICE

The Federal Aviation Administration is reissuing the Federal Aviation Regulations (FAR) in a volume system to be sold on a subscription basis by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The purchase of a FAR volume will establish your subscription service with the Superintendent of Documents for automatic receipt of changes to the volume as issued by FAA.

The volume structure is:

Volume	*FAR Part*
I	1.
II	11, 13, 15, 21, 37, 39, 45, 47, 49, 183, 185, 187, 189.
III	23, 25.
IV	27, 29, 31, 33, 35.
V	43, 145, 149.
VI	91, 93, 99, 101, 103, 105.
VII	121, 123, 127, 129.
VIII	133, 135, 137.
IX	61, 63, 65, 67, 141, 143, 147.
X	151, 153, 155, 159, 165, 167.
XI	71, 73, 75, 77, 95, 97, 157, 169, 171.

As each volume is issued, an availability notification providing price and an order form will be issued and distributed by the Superintendent of Documents. If you are now on an FAA mailing list to receive Changes to any FAR Part, you will receive this notice.

However, until a Part is grouped into its respective Volume and the Volume is for sale, the present system of obtaining the Part and Changes thereto will remain in effect.

At the time of publishing this checklist, orders are being accepted by the Superintendent of Documents for the following Volumes:

Volume	Published	Price	Transmittals
I	May 1969	$1.50 (Foreign mailing—50 cents additional.).	
II	July 1969	$8 (Foreign mailing—$2 additional.).	1
V	July 1969	$3 (Foreign mailing—75 cents additional.).	1
VI	August 1969	$5.50 (Foreign mailing—$1.25 additional.).	1
X	September 1969.	$4.50 (Foreign mailing—$1.25 additional.).	
XI	October 1969.	$2.75 (Foreign mailing—75 cents additional.).	

Individual FAR Parts not as yet reissued in the Volume system are still sold by the Superintendent of Documents at the prices shown in the following list. Parts with a (†) preceding the number are available in the Volumes as indicated above. Changes to Parts not in Volumes will be provided by FAA. An order form for this service is included in the front of the FAR Part for your convenience.

Instructions for ordering. Orders for the FARs should include remittance by check or money order made payable to the Superintendent of Documents, and should be addressed to:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Orders from foreign countries, except Canada and Mexico, should include an additional amount of one-fourth the purchase price to cover foreign mailing. Remittance should be by International Money Order or by a draft on a U.S. bank.

FAR part No.	Title	Effective date	Price	Changes
†1	Definitions and Abbreviations	5–15–62		
†11	General Rule-Making Procedures	11–10–62		
†13	Enforcement Procedures	11–10–62		
†15	Nondiscrimination in Federally Assisted Programs of the Federal Aviation Agency	1–30–65		
†21	Certification Procedures for Products and Parts	2– 1–65		
23	Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes	2– 1–65	1.25	6
25	Airworthiness Standards: Transport Category Airplanes	2– 1–65	2.25	19
27	Airworthiness Standards: Normal Category Rotorcraft	2– 1–65	.70	3
29	Airworthiness Standards: Transport Category Rotorcraft	2– 1–65	2.00	4
31	Airworthiness Standards: Manned Free Balloons	7– 1–64	.20	2
33	Airworthiness Standards: Aircraft Engines	2– 1–65	.40	3
35	Airworthiness Standards: Propellers	2– 1–65	.30	2
†37	Technical Standard Order Authorizations	1– 4–65		
†39	Airworthiness Directives	11–20–64		
43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration	7– 6–64		
45	Identification and Registration Marking	4–20–64		
†47	Aircraft Registration	5– 1–66		
†49	Recording of Aircraft Titles and Security Documents	8–18–64		
61	Certification: Pilots and Flight Instructors	11– 1–62	1.25	30
63	Certification: Flight Crewmembers Other Than Pilots	11– 1–62	.35	11
65	Certification: Airmen Other Than Flight Crewmembers	11– 1–62	.35	12
67	Medical Standards and Certification	11– 1–62	.25	7
†*71	Designation of Federal Airways, Controlled Airspace, and Reporting Points	12–12–62		
†*73	Special Use Airspace	12–12–62		
†*75	Establishment of Jet Routes	12–12–62		
†77	Objects Affecting Navigable Airspace	5– 1–65		
†91	General Operating and Flight Rules	9–30–63		
†93	Special Air Traffic Rules and Airport Traffic Patterns	9–30–63		
†**95	IFR Altitudes	9–30–63		
†**97	Standard Instrument Approach Procedures	9–30–63		
†99	Security Control of Air Traffic	9–30–63		
†101	Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons	9–30–63		
†103	Transportation of Dangerous Articles and Magnetized Materials	9–30–63		
†105	Parachute Jumping	2–26–63		
121	Certification and Operations: Air Carriers and Commercial Operators of Large Aircraft	4– 1–65	.00	35
123	Certification and Operations: Air Travel Clubs Using Large Airplanes	10–14–68	.25	2
127	Certification and Operations of Scheduled Air Carriers with Helicopters	11– 2–64	.35	11
129	Operations of Foreign Air Carriers	4– 1–64	.20	4
133	Rotorcraft External-Load Operations	5–17–64	.20	5
135	Air Taxi Operators and Commercial Operators of Small Aircraft	4– 7–64 and 9– 7–64	.50	6
137	Agricultural Aircraft Operations	1– 1–66	.25	3
141	Pilot Schools	9–17–62	.35	8
143	Ground Instructors	9–17–62	.25	3
†145	Repair Stations	9–17–62		
147	Mechanic Schools	9–17–62	.20	1
†149	Parachute Lofts	9–17–62		
†151	Federal Aid to Airports	2–11–63		
†153	Acquisition of U.S. Land for Public Airports	2–11–63		
†155	Release of Airport Property from Surplus Property Disposal Restrictions	2–11–63		
†157	Notice of Construction, Alteration, Activation, and Deactivation of Airports	3– 2–66		
†159	National Capital Airports	10– 1–62		
161	(Deleted effective 6–1–66)			
163	(Deleted effective 7–1–65)			
†165	Wake Island Code	9– 4–62		
†167	Annette Island, Alaska, Airport	8–21–66		
†169	Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon	4–26–69		
†171	Non-Federal Navigation Facilities	10– 1–64		
181	(Rescinded 4–1–67)			
†183	Representatives of the Administrator			
†185	Testimony by Employees and Production of Records in Legal Proceedings		Reissued March 1968	
†187	Fees			
†189	Use of Federal Aviation Administration Communications System			

*Changes to individual airspace designations and airways descriptions, individual restricted areas, and individual jet route descriptions are not included in the basic Parts 71, 73, and 75 respectively because of their length and complexity. Such changes are published in the FEDERAL REGISTER and are included on appropriate aeronautical charts.

**Due to the complexity, length, and frequency of issuance, en route IFR altitudes and instrument approach procedures are published in the FEDERAL REGISTER, the Airman's Information Manual, and are depicted on the aeronautical charts. Therefore, they are not included in the basic Parts 95 and 97.

MARY E. HEALY,
Manager, Headquarters Operations.

[F.R. Doc. 69–15153; Filed, Dec. 18, 1969; 8:49 a.m.]

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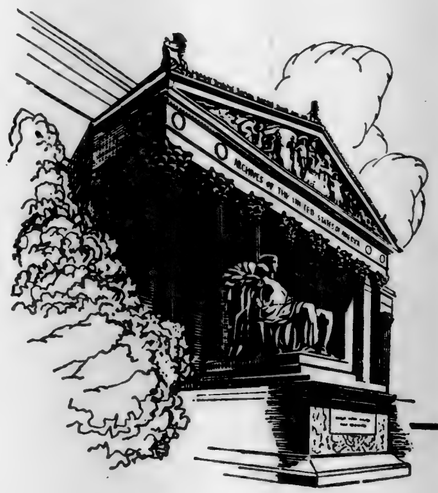
FEDERAL REGISTER

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Atomic Energy Commission
Business and Defense Services Administration
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Water Pollution Control Administration
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Land Management Bureau
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Public Health Service
Securities and Exchange Commission
Social Security Administration

Detailed list of Contents appears inside.



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Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER A—GENERAL PROCEDURE

PART 6—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

Part 6 is changed in a number of sections primarily to reflect the redesignation of the Director of Personnel as the Director, Office of Personnel Management, as follows:

1. Section 6.4 is revised to read:

§ 6.4 Appointment of deputy counselors.

Subject to the approval of the Comptroller General, the counselor named under § 6.3 may designate, when appropriate and needed, deputy counselors to assist General Accounting Office employees and special Government employees. Deputy counselors designated under this paragraph shall be qualified and in a position to give authoritative advice and guidance to employees and special Government employees who seek advice and guidance on conflicts of interest questions. In those divisions where no deputy counselor has been designated, the counselor for the General Accounting Office will be available to assist the employees and special Government employees.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

2. Section 6.5 is revised to read:

§ 6.5 Compliance.

The heads of divisions and offices shall be responsible for seeing to it that this part is fully complied with in their respective divisions or offices and for issuing whatever supplementary instructions are deemed desirable. Except as otherwise specifically provided for in this part, any matter coming within the provisions of this part arising in the General Accounting Office will be referred immediately by the head of division or office or other official concerned to the Director, Office of Personnel Management, for appropriate disposition.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

3. Section 6.23(b) is revised to read:

§ 6.23 Bribery, graft, and conflicts of interest.

* * * * *

(b) An employee may not, except in the discharge of his official duties, represent anyone else (with or without compensation) before a court or Government agency in a matter in which the United States is a party or has a direct or substantial interest (18 U.S.C. 205).

* * * * *

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

4. Section 6.27 is revised to read:

§ 6.27 Outside employment and other activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) Employees may (subject to the provisions of paragraph (c)(3) of this section) engage in teaching, lecturing, and writing that is not prohibited by law or the regulations in this part. An employee shall not, however, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the foreign service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Comptroller General gives written authorization for the use of nonpublic information on the basis that such use is in the public interest. In addition, the Comptroller General shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations, of the General Accounting Office, or which draws substantially on official data or ideas which have not become part of the body of public information.

(c) This paragraph does not preclude an employee from:

(1) Participation in the activities of national or State political parties not precluded by law.

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit, educational and recreational, public service, or civic organization.

(3) Outside employment when permission has been granted in advance by the Director, Office of Personnel Management, or his designee, and the employee has been notified in writing of the approval. This permission will be granted in accordance with the following policies, procedures, and limitations:

(i) In considering requests for outside employment, the following criteria will be applied—the provisions of applicable law; the regulations and policies incorporated in this part including the possibility of conflicts of interest; the general attendance record of the employee; the nature of his official duties in relation to the nature of the duties which will comprise the outside employment; the financial need or other justification for such outside employment; and the amount of time and hours of work required by the outside employment.

(ii) An employee will request permission to engage in outside employment by executing, in full, Form GAO 256 (Rev. 10/67) and forwarding it through his immediate supervisor to the head of his division or office.

(iii) The head of division or office will upon receipt of a fully executed Form GAO 256 (Rev. 10/67) evaluate the request in light of existing law, and policies and regulations provided by this part. Should the request be found proper and in the best interests of the Office and not in violation of law, regulations, and policies, the head of the division or office will transmit the request with his favorable recommendation to the Director, Office of Personnel Management. If the head of division or office finds otherwise, he will recommend that the request be denied, record his reasons, and transmit the request and related papers to the Director, Office of Personnel Management.

(iv) The Director, Office of Personnel Management, or his designee, will review requests to engage in outside employment including the recommendation of the head of division or office for proper, fair, and uniform application of this part. If the head of division or office and the Director, Office of Personnel Management, or his designee, agree, the request may be officially approved or disapproved and the employee will be notified. If they do not agree, the request and all recommendations will be submitted to the Comptroller General for ultimate determination. The Comptroller General will thereupon consider the entire record, make the final determination, and cause the employee to be notified.

(v) Grants of permission to engage in outside employment will normally expire 3 calendar years from the date of last issue, unless sooner revoked or modified. Permission to engage in outside employment, which is about to expire, wil be considered for renewal upon receipt of a request on Form GAO 256 (Rev. 10/67). Procedures for renewal will be the same as those for original application and should be made, if continuity

of permission is desired, from 30 to 60 days before the expiration of current permission.

(vi) Permission to engage in outside employment extends only to the specific employment described in the request considered. New requests must be made in writing in accordance with these procedures to cover any changes or modifications in outside employment.

(vii) An employee with permission to engage in outside employment will not hold himself out to the public as an attorney or accountant by such means as: Placing his name on an office door; having his name listed in the classified section of the telephone directory; or using business stationery with his name on letterheads or envelopes.

(viii) Permission to engage in outside employment will not be granted for the purpose of representing clients in court or before Government agencies except in rare cases when permission may be granted for specific appearances.

(ix) An employee may be permitted to engage in income tax work and to sign income tax returns as a preparer provided: The taxpayer has no Government contracts and has no business with the U.S. Government; the employee does not in any manner intercede with or appear for the taxpayer before the Internal Revenue Service, the courts, or other Government body; the employee is not engaged in the audit of the Internal Revenue Service by the General Accounting Office.

(x) An employee may not use his employment with the General Accounting Office as a means of soliciting or obtaining outside employment.

(xi) An employee may not engage in outside employment while he is on sick leave from his duties. Deviations from this policy may be permitted in rare instances when prior approval is obtained from the Director, Office of Personnel Management, upon favorable recommendation from the head of division or office involved.

(xii) Employees in grades GS–13 and higher will not, normally, be given permission to engage in outside employment. Exceptions will be made for good and sufficient reasons, such as where a critical need exists for additional income by the employee or where the employment is found to be in the public interest in terms of opportunity for valuable experience beneficial both to the employee and to the General Accounting Office. Each request for an exception under this paragraph shall be in sufficient detail to permit a judgment that it is merited. If an exception is made for employees in grade GS–13 and higher, permission will be granted for 1-year intervals.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

5. Section 6.28 is revised to read:

§ 6.28 Articles and speeches.

Employees who prepare, with or without compensation, articles for publication and speeches for delivery shall submit drafts thereof to their respective heads of division or office prior to publication or delivery when:

(a) Any reference is made or to be made to the employee's employment by the General Accounting Office.

(b) The subject of the article or speech concerns the work of the General Accounting Office.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

6. Section 6.29 is revised to read:

§ 6.29 File of articles and speeches.

The General Accounting Office Library maintains a permanent file of all published articles and speeches by employees of the General Accounting Office. In order that this file be complete and current, each employee who has had an article published or has made a speech, shall send two copies thereof to the Library.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

7. Section 6.42 is revised to read:

§ 6.42 Employee's complaint on filing requirement.

An employee who feels that this position has been improperly included by this part as one requiring the submission of a statement of employment and financial interests may obtain a review of that decision by filing a grievance with the Comptroller General under paragraphs 9 and 10 of Comptroller General's Order No. 1.27.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

8. Section 6.43 is revised to read:

§ 6.43 Where to submit statements.

(a) The Comptroller General will file a statement of employment and financial interests (GAO Form 310) with the Director, Office of Personnel Management, who will retain it with other such statements. The Assistant Comptroller General, the Assistant to the Comptroller General, the Special Assistant to the Comptroller General, the Information Officer, and the heads of divisions or offices will submit their statements of employment and financial interests (GAO Form 310) to the Comptroller General.

(b) Each employee required to submit a statement of employment and financial interests below the level of head of division or office will submit his statement (GAO Form 310) to the head of his division or office.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C 201–218)

9. Section 6.48(b) is revised to read:

§ 6.48 Information not required.

* * * * *

(b) An employee need not report on his statements of employment and financial interests shares of widely held diversified mutual funds or regulated investment companies in which he does not serve as director, officer, partner, or advisor. The indirect interest in business entities which the holder of shares in a widely diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is considered too remote or inconsequential to affect the integrity of the employee's services.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

10. Section 6.49 is revised to read:

§ 6.49 Confidentiality of statements.

Statements of employment and financial interests and supplementary statements shall be retained in a confidential file secured in an appropriate manner by the Director, Office of Personnel Management. No persons other than the Comptroller General, the Assistant Comptroller General, the head of division or office as to employees or special Government employees under his direction, the counselor for the General Accounting Office, or the Director, Office of Personnel Management, shall have access to such statements and then only to carry out the purposes of this part. No disclosure of information shall be made from such statements except as specifically authorized by the Comptroller General for good cause shown.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–18)

11. Section 6.52 is revised to read:

§ 6.52 Findings of no conflict of interest.

If the head of division or office and the counselor for the General Accounting Office agree that there are no conflicts of interest or apparent conflicts of interest in individual cases, the matter will be considered resolved until other information on the case becomes available or circumstances change.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–18)

12. Section 6.55 is revised to read:

§ 6.55 Specific provisions for special Government employees.

Except as provided in § 6.56, each special Government employee, by the use of GAO Form 311 (Rev. Sept. 67), shall submit a statement of employment and financial interests which reports:

(a) All other employment; and

(b) The financial interests of the special Government employee as indicated on GAO Form 311. A special employee need not report financial interests in widely held diversified mutual funds or regulated investment companies in which he does not serve as director, officer, partner, or advisor.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–18)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[F.R. Doc. 69–15164; Filed, Dec. 19, 1969; 8:48 a.m.]

SUBCHAPTER G—STANDARDS FOR WAIVER OF CLAIMS FOR ERRONEOUS PAYMENT OF PAY

PART 91—STANDARDS FOR WAIVER

PART 92—PROCEDURE

PART 93—EFFECT OF WAIVER

Redesignation of Parts

CROSS REFERENCE: For a document redesignating Chapter III of Title 4 as Subchapter G of Chapter I of Title 4 and redesignating Parts 201, 202, and 203 as Parts 91, 92, and 93, respectively, see F.R. Doc. 69–15163, Chapter III of this title, *infra*.

Chapter III—Standards for Waiver of Claims for Erroneous Payment of Pay (General Accounting Office)

PART 201—STANDARDS FOR WAIVER

PART 202—PROCEDURE

PART 203—EFFECT OF WAIVER

Redesignation of Parts

The regulations appearing in Chapter III of Title 4 are hereby redesignated as Subchapter G in Chapter I of Title 4; and Parts 201, 202, and 203 are redesignated as Parts 91, 92, and 93, respectively, Chapter III of Title 4 is vacated.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[F.R. Doc. 69–15163; Filed, Dec. 19, 1969; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Miscellaneous Amendments

Subpart C of Part 213 is amended—(1) to revoke the excepting authorities in §§ 213.3205(b) and 213.3214(c); (2) to revoke the following excepting authorities so that exceptions for the positions covered may be authorized within the Department of Transportation: §§ 213.3105(c) (1) and (2), 213.3112(h), 213.3114(f), 213.3152, and 213.3157; and (3) to authorize Schedule A exceptions within the Department of Transportation for the positions covered by the authorities revoked in (2).

SCHEDULE A

§ 213.3105 Treasury Department.

* * * * * *

(c) [Revoked]

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§ 213.3112 Department of the Interior.

* * * * * *

(h) [Revoked]

* * * * * *

§ 213.3114 Department of Commerce.

* * * * * *

(f) [Revoked]

* * * * * *

§ 213.3152 [Revoked]

§ 213.3157 [Revoked]

§ 213.3194 Department of Transportation.

(a) *Coast Guard.* * * *

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) *The Alaska Railroad.* * * *

(2) The General Manager.

(3) The Assistant General Manager.

(c) *Federal Highway Administration.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on the highway surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of the Commission appointment through competitive examination is impracticable.

(d) *Federal Aviation Administration.* (1) Caretakers and Light Attendants employed on emergency fields and other air navigation facilities who are paid on a fee basis.

(2) Medical Officer positions on Wake Island.

(3) Laborer positions on Swan Island.

(e) *St. Lawrence Seaway Development Corporation.* (1) Assistant Manager, Seaway International Bridge.

SCHEDULE B

§ 213.3205 Treasury Department.

* * * * * *

(b) [Revoked]

* * * * * *

§ 213.3214 Department of Commerce.

* * * * * *

(c) [Revoked]

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–15145; Filed, Dec. 19, 1969; 8:48 a.m.]

PART 870—REGULAR LIFE INSURANCE

Exclusions

The life insurance regulations are hereby amended to provide coverage for Presidential Appointees appointed to fill an unexpired term. Effective on publication in the FEDERAL REGISTER § 870.202 (a) (1) is amended as set out below.

§ 870.202 Exclusions.

(a) * * *

(1) An employee serving under appointment limited to one year or less, except an employee so appointed for full-time employment or part-time employment with a regular tour of duty without break in service or after a separation of 3 days or less, following service in which he was insured, an acting postmaster, and a Presidential appointee appointed to fill an unexpired term.

* * * * * *

(5 U.S.C. 8716)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–15146; Filed, Dec. 19, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 8]

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Availability of Commodities and Operating Expense Funds

The regulations for the operation of the Commodity Distribution Program (31 F.R. 14297) are hereby amended as follows:

1. In § 250.4 a new sentence is added to paragraph (a) as follows:

§ 250.4 Availability of commodities.

(a) *Distribution and use of commodities.* * * * In areas where a Food Stamp Program (7 CFR Parts 1600–1603) is in effect, there shall be no distribution of commodities to households under this part except during emergency situations caused by a national or other disaster as determined by the Secretary.

* * * * * *

2. The following new section is added:

§ 250.15 Operating expense funds for expanding and improving distribution to households.

(a) *Purpose.* To expand and improve commodity distribution to households, payments will be made to States to assist them in meeting operating expenses in (1) starting commodity distribution programs for needy persons in households located in any political or geographic area or portion thereof in a State where neither a Commodity Distribution

Program nor a Food Stamp Program is available, (2) increasing the availability and quality of existing commodity distribution programs for households, (3) encouraging low-income households, including special groups such as the aged and infirm, Indians, and migrants, to participate in commodity distribution programs for households, and (4) coordinating educational efforts in nutrition for the benefit of households participating in commodity distribution programs.

(b) *Use of funds.* State distributing agencies shall use funds received under this section to accomplish the purposes specified in paragraph (a) of this section in the listed order of priority. Such funds may be used for any operating expenses directly incurred in distributing commodities to households, including determining eligibility, except the purchase cost of land and buildings. In no event shall such funds be used to pay any portion of any expenses if reimbursement or payment therefor is claimed or made available from any other Federal sources, nor shall such funds be used to reduce the amount of funds derived from State or local government sources used in distributing commodities to households. When any part of the funds received under this section is used for salaries of persons employed by the State distributing agency, such salaries shall be those established under the State's merit system (where there are no positions classified and salary rates established for persons employed by the State distributing agency, the rates shall be those of positions requiring comparable skills and responsibility under the State's merit system and the State shall arrange to classify distributing agency positions under the State's merit system as soon as practicable). Salaries paid persons employed other than at the State level shall be commensurate with, and not in excess of, those paid for comparable positions or work in local government in the same geographic area; however, no person employed shall be paid less than the Federal minimum wage scale.

(c) *Reserve of funds.* The Department shall reserve funds authorized for the purpose of this section for any fiscal year for its use and for use within States, as follows:

(1) Five percent of the total funds authorized shall be reserved for use by Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. Division of this portion of the funds shall be made among such States on such basis as FNS determines will effectuate the purpose of this section.

(2) From the remainder of the funds authorized, ten percent shall be reserved for use by FNS to meet emergencies and contingencies.

(3) The remainder of the funds authorized shall be reserved for division among States, other than those specified in (1) of this paragraph, in which there are or may be programs of commodity distribution to households. The amount of the funds available for each such State shall be established by dividing ten percent of such remaining funds equally among such States and dividing the remainder among such States on the basis of two factors: (i) State per capita income as related to the national per capita income, and (ii) the number of poor in each State, as determined by FNS, who do not reside in areas where a Food Stamp Program operates or is approved for operation by the Secretary, or in areas where distribution is made by the Department or is financially assisted with funds made available under Part 251 of this chapter, as related to the total number of poor in the United States who do not reside in such areas.

(4) If any agreement under a program of financial assistance conducted under Part 251 of this chapter or any commodity distribution program operated by the Department is terminated prior to the end of the Federal fiscal year 1970, and the Food Stamp Program will not be administered within the same area in which such terminated program was conducted, any amounts which would have been paid to the State distributing agency or any other distributing agency or recipient agency within the State under the terms of any such terminated agreement, or which would have been expended by the Department for the operation of any such terminated commodity distribution program in the State, shall be added to the amount of funds available to such State under subparagraph (3) of this paragraph.

(5) The reservation of funds under this paragraph shall not be regarded as conveying to any State a vested right to any fixed amount of funds.

(d) *Notification of availability.* As soon as practicable after funds for the purpose of this section are made available, written notification of the amount of funds available and the period for which they are available shall be given to the distributing agency of each State for which such funds are available. The notice shall include instructions for requesting payment.

(e) *Payment of funds.* Upon receiving notification of the amount of funds available to it, each State distributing agency shall estimate and advise FNS what amount will be needed during a 3-month period. FNS will, upon concurrence, make monthly advances of funds based on such estimate. For each subsequent month, each State distributing agency shall estimate and advise FNS on Form FNS-60 what amount of funds will be needed during such month, and FNS will, upon concurrence, make a monthly advance based on such estimate.

(f) *Agreements.* Each State distributing agency which desires to receive funds under this section shall execute and submit to the appropriate FNS Regional Office a letter of acceptance, agreeing to expend any funds received solely for the purpose of this section and to furnish reports under this part, and agreeing to amendment of the existing agreement between the State distributing agency and the Department to incorporate contractual provisions required in Government contracts, including the Equal Opportunity clause (section 202 of Executive Order No. 11246 of Sept. 24, 1965) and provisions required by the Contract Work Hours Standards Act (40 U.S.C. 327–330) and the Service Contract Act of 1965 (41 U.S.C. 351–357).

(g) *Records, reports, audits.* State distributing agencies shall (1) maintain, and retain for three years from the close of the Federal fiscal year to which they pertain, complete and accurate records of all amounts received and disbursed under this section, (2) keep such accounts and records as may be necessary to enable FNS to determine whether there has been compliance with this section, and (3) permit representatives of the Department and of the General Accounting Office of the United States to inspect, audit, and copy such records and accounts at any reasonable time. State distributing agencies shall submit monthly reports on Form FNS-60, covering expenditures made from funds received under this section. Such reports shall be submitted to the FNS Regional Offices. In addition, State distributing agencies receiving funds under this section shall submit any other reports in such form as may be required from time to time by the Department.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall be effective on publication in the FEDERAL REGISTER.

Dated: December 16, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-15144; Filed, Dec. 19, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

On October 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15600) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate VOR Federal airway No. 29 segment between Salisbury, Md., and Kenton, Del.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-29 is amended by deleting all between "Salisbury, Md.;" and "New Castle, Del.;" and substituting "Kenton, Del., including a West alternate via INT Salisbury 340° and Kenton 217° radials;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 12, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-15128; Filed, Dec. 19, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Federal Airway Segments

On October 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15759) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would extend V-434 and designate V-192 and V-251.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

1. V-192 is added to read:

V-192 From Champaign, Ill.; Terre Haute, Ind.

2. V-251 is added to read:

V-251 From Champaign, Ill.; Danville, Ill.; Lafayette, Ind.; Knox, Ind.

3. In V-434 all after "Moline, Ill.;" is deleted and "Peoria, Ill.; Champaign, Ill.; Indianapolis, Ind." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 12, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-15129; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 17178 of the FEDERAL REGISTER for October 23, 1969, the Federal Aviation Administration published a proposed rule which would alter the Skaneateles, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., February 5, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Skaneateles, N.Y., transition area, "2 miles each side of the Syracuse VORTAC 215° radial", and all thereafter, and insert the following in lieu thereof, "3.5 miles each side of the Syracuse VORTAC 215° radial extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC, excluding the portion that coincides with the Syracuse, N.Y., transition area".

[F.R. Doc. 69-15130; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-114]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 17178 of the FEDERAL REGISTER for October 23, 1969, the Federal Aviation Administration published a proposed rule which would alter the Errol, N.H. transition area (34 F.R. 9853, 17178).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., February 5, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Errol, N.H., transition area, "within 2 miles" and insert "within 2.5 miles" in lieu thereof.

[F.R. Doc. 69-15131; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-119]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 17180 of the FEDERAL REGISTER for October 23, 1969, the Federal Aviation Administration published a proposed rule which would designate a 700-foot transition area over Danielson Airport, Danielson, Conn.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. The final approach course for VOR-1 procedures has been refined by 1° which requires a 1° change in the 196° to 197°. This amendment is minor in nature and therefore notice and public procedure are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., February 5, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Danielson, Conn., Transition Area described as follows:

DANIELSON, CONN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°49'10" N., 71°54'05" W., of Danielson Airport, Danielson, Conn.; within 2 miles each side of the runway 13 centerline, extended from the 5-mile radius area to 7.5 miles southeast of the end of the runway; within 2 miles each side of the runway 31 centerline, extended from the 5-mile radius area to 7.5 miles northwest of the end of the runway; and within 3 miles each side of the Putnam VORTAC 197° radial, extending from the 5-mile radius area to 2 miles south of the VORTAC.

[F.R. Doc. 69-15132; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-146]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Clarion, Pa. (34 F.R. 4664), transition area.

The VOR standard instrument approach procedure for Rhea Airport, Clarion, Pa., has been canceled, thereby withdrawing the need for the transition area.

Since the amendment will relieve a restriction and impose no burden on any person, notice and public procedure

herein are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 11, 1969 as follows:

1. Revoke the Clarion, Pa., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-15133; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-154]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Weirwood, Va. (34 F.R. 4782), transition area.

The VOR-1 instrument approach procedure for Kellam Field, Weirwood, Va., will be canceled effective December 25, 1969, thereby withdrawing the need for the transition area.

Since this amendment is less restrictive and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 25, 1969 as follows:

1. Revoke the Weirwood, Va., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-15134; Filed Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-PC-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Name Change of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the name of the Kamuela Airport to the Waimea-Kohala Airport.

The Kamuela control zone is described in § 71.171 (34 F.R. 12882) and the transition area is described in § 71.181 (34 F.R. 12882). In each description, reference is made to the Kamuela Airport and to the Kamuela control zone. Since the name of the Kamuela Airport was changed to Waimea-Kohala Airport by the Hawaii State Legislature at its 1969 session, it is necessary to alter the descriptions to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171, the name of the "Kamuela, Hawaii control zone" is changed to the "Waimea-Kohala, Hawaii control zone."

In the description of this control zone, the name "Kamuela Airport" is changed to "Waimea-Kohala Airport."

In § 71.181, the name of the "Kamuela, Hawaii transition area" is changed to the "Waimea-Kohala, Hawaii transition area." In the description of this transition area, the name "Kamuela Airport" is changed to "Waimea-Kohala Airport"; and the name of the "Kamuela control zone" is changed to the "Waimea-Kohala control zone."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Honolulu, Hawaii, on December 12, 1969.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc 69-15135; Filed, Dec. 19, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950——)

Subpart K—Employment, Wages, Self-Employment, Self-Employment Income

DOMESTIC SERVICE; MAXIMUM CREDITABLE EARNINGS; EMPLOYER'S PLAN OR SYSTEM; WAGES FOR SERVICEMEN

Subpart K of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations as amended (20 CFR Part 404) is amended as follows:

1. In § 404.1011, paragraphs (a) and (b) are revised to read as follows:

§ 404.1011 Family employment.

(a) Certain services are excepted from employment because of the existence of a family relationship between the employee and the individual employing him. The exceptions are as follows:

(1) Services performed by an individual in the employ of his or her spouse;

(2) (i) Services performed before 1961 by a father or mother in the employ of his or her son or daughter;

(ii) Services not in the course of the employer's trade or business performed after 1960 by a father or mother in the employ of his or her son or daughter;

(iii) Domestic service in a private home of the employer performed after 1960 by a father or mother in the employ of his or her son or daughter unless:

(*a*) The service was performed after December 31, 1967, and

(*b*) The employer is a surviving spouse or a divorced individual and has not remarried, or has a spouse living in the home where the services are performed who has a mental or physical condition which results in such spouse's being incapable of caring for a son, daughter, stepson, or stepdaughter of such employer for at least 4 continuous weeks in the calendar quarter in which the services are rendered, and

(*c*) The son, daughter, stepson, or stepdaughter of such employer is living in the home, and

(*d*) The son, daughter, stepson, or stepdaughter has not attained age 18 or has a mental or physical condition which requires the personal care and supervision of an adult for at least 4 continuous weeks in the calendar quarter in which the services are rendered.

(3) Services performed by a son or daughter under the age of 21 in the employ of his or her father or mother.

(b) Under paragraph (a) (1) and (2) (i) of this section, the exception is conditioned solely upon the family relationship between the employee and the individual employing him. Under paragraph (a) (2) (ii) and (iii) of this section, in addition to the family relationship, there is a further requirement that the services, performed after 1960, shall be services not in the course of the employer's trade or business or shall be domestic service in a private home of the employer. The terms "services not in the course of the employer's trade or business" and "domestic service in a private home of the employer" have the same meaning as when used in § 404.1027(j), except that it is immaterial under paragraph (a) (2) (ii) and (iii) of this section whether or not such services are performed on a farm operated for profit. Also under paragraph (a) (2) (iii) of this section, there must be a son, daughter, stepson, or stepdaughter of the employer living in the home, either under age 18 or having a mental or physical condition requiring personal care and supervision of an adult for at least 4 continuous weeks in the calendar quarter in which the service is rendered, and the employer is either a surviving spouse or unremarried divorced individual, or has a spouse living in the home having a mental or physical condition resulting in the spouse's being incapable of caring for the son, daughter, stepson, or stepdaughter for at least 4 continuous weeks in the same calendar quarter. Under paragraph (a) (3) of this section, in addition to the family relationship, there is a further requirement that the son or daughter shall be under the age of 21, and the exception continues only during the time that the son or daughter is under the age of 21.

2. Paragraph (b) (3) of § 404.1026 is amended by adding subdivision (iii) to read as follows:

§ 404.1026 Wages.

* * * * *

(b) *When paid and received.* * * *

(3) * * *

(iii) If an employer pays cash remuneration to an employee for two or more of the types of services referred to in this subparagraph, the provisions of this subparagraph are to be applied separately to the amount of remuneration attributable to each type of service.

3. In § 404.1027, paragraphs (a), (b) (1), (i) (1), (p), and (q) are revised to read as follows:

§ 404.1027 Exclusions from wages.

(a) *Annual wage limitation.* (1) The term "wages" does not include that part of the remuneration paid by an employer to an employee within any calendar year:

(i) After 1950 and prior to 1955 which exceeds the first $3,600 of remuneration;

(ii) After 1954 and prior to 1959 which exceeds the first $4,200 of remuneration;

(iii) After 1958 and prior to 1966 which exceeds the first $4,800 of remuneration;

(iv) After 1965 and prior to 1968 which exceeds the first $6,600 of remuneration; or

(v) After 1967 which exceeds the first $7,800 of remuneration;

(exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (t) of this section) paid within the calendar year by an employer to the employee for employment performed by him at any time after 1936.

(2) The annual wage limitation applies only if the remuneration received during any 1 calendar year by an employee for employment performed after 1936 exceeds such limitation. The limitation in such case relates to the amount of remuneration received during any 1 calendar year for employment after 1936 and not to the amount of remuneration for employment performed in any 1 calendar year.

Example. Employee A, in 1967, receives $7,000 from employer B in part payment of $8,000 due him from employment performed in 1967. In 1968 A receives from employer B the balance of $1,000 due him for employment performed in 1967, and thereafter in 1968 also receives $7,000 for employment performed in 1968 for employer B. The first $6,600 of the $7,000 received during 1967 is wages in 1967. The $1,000 received in 1968 for employment during 1967 is wages in 1968, as is also the first $6,800 paid of the $7,000 for employment during 1968 (the $1,000 for 1967 employment added to the first $6,800 paid for 1968 employment constitutes the maximum remuneration which could be creditable as wages to A in 1968). The final $200 received by A from B in 1968 is not included as wages.

(b) *Payments under employer's plans or systems.* (1) The term "wages" does not include the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents):

(i) On account of an employee's retirement; sickness or accident disability of an employee or any of his dependents; medical or hospitalization expenses in connection with sickness or accident disability of an employee or any of his dependents; or death of an employee or any of his dependents; or

(ii) Upon or after the termination of an employee's employment relationship because of death, retirement for disability, or retirement after attaining an age specified in such a plan or in a pension plan of the employer, other than any such payment or series of payments which would have been paid if the employee's relationship had not been so terminated.

* * * * *

(i) *Payments other than in cash for certain types of services.* (1) The term "wages" does not include remuneration paid in any medium other than cash:

(i) For services not in the course of the employer's trade or business;

(ii) For domestic service in a private home of the employer; or

(iii) For agricultural labor.

For provisions relating to tips paid in a medium other than cash, see paragraph (p) of this section. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, clothing, car tokens, transportation passes or tickets, farm products, or other goods or commodities, for services of the prescribed character does not constitute wages. Remuneration paid in any medium other than cash for services other than those mentioned in subdivisions (i), (ii), and (iii) of this subparagraph does not come within this exclusion from wages.

* * * * *

(p) *Tips.* The term "wages" does not include remuneration received by an employee after December 1965 in the form of tips if:

(1) The tips are paid in any medium other than cash; or

(2) The cash tips received by an employee in any calendar month in the course of his employment by an employer are less than $20. If the cash tips received by an employee in a calendar month after December 1965 in the course of his employment by an employer amount to $20 or more, none of the cash tips received by the employee in such calendar month are excluded from the term "wages" under this section. The cash tips to which this section applies include checks and other monetary media of exchange. Tips received by an employee in any medium other than cash, such as passes, tickets, or other goods or commodities do not constitute wages. If an employee in any calendar month performs services for two or more employers and receives tips in the course of his employment by each employer, the $20 test is to be applied separately with respect to the cash tips received by the employee in respect of his services for each employer and not to the total cash tips received by the employee during the month. As to the time tips are deemed paid, see § 404.1026(d). For provisions relating to the treatment of tips received by an employee prior to 1966, see § 404.1027(t)(3).

(q) *Payments to members of the uniformed services.* (1) Except as provided in subparagraph (2) of this paragraph, the term "wages" as applied to remuneration for services by a member of the uniformed services of the United States does not include any remuneration for such services other than his basic pay as described in section 102(10) of the Servicemen's and Veterans' Survivor Benefits Act (Public Law 881, 84th Cong., 38 U.S.C. 401(1), 403; 72 Stat. 1126).

(2) In each calendar quarter occurring after 1967 in which an individual is paid wages for service as a member of a uniformed service, he is deemed to have been paid wages (in addition to the wages actually paid to him for such service) of:

(i) $100 if the wages actually paid to him in such quarter for such services were $100 or less;

(ii) $200 if the wages actually paid to him in such quarter for such services were $100 but not more than $200; or

(iii) $300 in any other case.

(Secs. 205, 206, and 1102, 53 Stat. 1368, as amended, 53 Stat. 1372, as amended, 49 Stat. 647, as amended, 79 Stat. 332; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 406, and 1302)

4. *Effective date.* Except as otherwise specifically stated these amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: November 28, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 16, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-15168; Filed, Dec. 19, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 885—APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

How To Apply

Part 885 is amended by redesignating the first footnote 1, appearing at the end of column 3, at 34 F.R. 18163, as paragraph (d) to § 885.14. Footnotes 2 and 3 which follow the redesignated footnote 1

should be renumbered footnotes 1 and 2 (see § 885.14(c).)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-15111; Filed, Dec. 19, 1969; 8:45 a.m.]

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

DELETION OF SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is being superseded in increments by the Headquarters U.S. Air Force Supplement to the Armed Services Procurement Regulations. Subchapter W is therefore deleted from the Code of Federal Regulations. As each increment of the Hq USAF Supplement is issued it will be published, as soon as practicable, in the FEDERAL REGISTER and codified in the Code of Federal Regulations, Title 32, Chapter VII, Subchapter W. The Armed Services Procurement Regulations are codified in Title 32, Chapter I, Subchapter A of the Code of Federal Regulations and are the primary Department of Defense regulations relating to procurement policies and procedures.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-15117; Filed, Dec. 19, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

Effective on date of publication hereof in the FEDERAL REGISTER, § 121.2566 is republished in its entirety as follows for codification purposes. No substantive changes are made hereby.

§ 121.2566 Antioxidants and/or stabilizers for polymers.

The substances listed in paragraph (b) of this section may be safely used as antioxidants and/or stabilizers in polymers used in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect.

(b) List of substances:

	Limitations
N-n-Alkyl - *N'* - (carboxymethyl) - *N,N'* - trimethylenediglycine; the alkyl group is even numbered in the range C_{14}–C_{18} and the nitrogen content is in the range 5.4–5.6 weight percent.	For use only: 1. As component of nonfood articles complying with §§ 121.2520 and 121.2562. 2. At levels not to exceed 1.35 percent by weight of natural rubber, butadiene-acrylonitrile, butadiene-acrylonitrile-styrene, and butadiene-styrene polymers that are used in contact with non-alcoholic food at temperatures not to exceed room temperature and that are employed in closure-sealing gaskets complying with § 121.2550 or in coatings complying with § 121.2514, § 121.2526, or § 121.2569. The average thickness of such coatings and closure-sealing gaskets shall not exceed 0.004 inch.
p-tert-Amylphenolformaldehyde resins produced when one mole of *p-tert*-amylphenol is made to react under acid conditions with one mole of formaldehyde.	For use only at levels not to exceed 2.1% by weight of polyamide resins that are: 1. Derived from dimerized vegetable oil acids (containing not more than 20% of monomer acids) and ethylenediamine. 2. Used in compliance with regulations in this Subpart F.
2,6-Bis(1-methylheptadecyl)-*p*-cresol.	For use only at levels not exceeding 0.3 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4. The average thickness of such polymers in the form in which they contact fatty food or food containing more than 8 percent of alcohol shall not exceed 0.004 inch.
1,3-Butanediol	
Butylated, styrenated cresols produced when equal moles of isobutylene, styrene, and a metacresol-paracresol mixture having a no more than 3° C. distillation range including 202° C. are made to react so that the final product meets the following specifications: Not less than 95 percent by weight of total alkylated phenols consisting of 13–25 percent by weight of butylated *m*- and *p*-cresols, 26–38 percent by weight of styrenated *m*- and *p*-cresols, 37–49 percent by weight of butylated styrenated *m*- and *p*-cresols, and not more than 10 percent by weight total of alkylated xylenols, alkylated *o*-cresol, alkylated phenol, and alkylated ethylphenol; acidity not more than 0.003 percent; and refractive index at 25° C. of 1.5550–1.5650, as determined by ASTM Method D 1218–61.	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5 percent by weight of polystyrene, rubber-modified polystyrene, or olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4, or complying with other sections in this Subpart F, used in articles that contact food only under the conditions described in § 121.2526(c), table 2, under conditions of use C through G.
2 - *tert* - Butyl - α(3 - *tert*-butyl-4-hydroxyphenyl)-*p*-cumenyl bis(*p*-nonylphenyl) phosphite; the nonyl group is a propylene trimer isomer and the phosphorous content is in the range 3.8–4.0 weight percent.	For use only: 1. As components of nonfood articles complying with §§ 121.2520 and 121.2562. 2. At levels not to exceed 1.35 percent by weight of natural rubber, butadiene-acrylonitrile, butadiene-acrylonitrile-styrene, and butadiene-styrene polymers that are used in contact with non-alcoholic food at temperatures not to exceed room temperature and that are employed in closure-sealing gaskets complying with § 121.2550 or in coatings complying with § 121.2514, § 121.2526, or § 121.2569. The average thickness of such coatings and closure-sealing gaskets shall not exceed 0.004 inch.
4,4'-Butylidenebis(6-*tert*-butyl-*m*-cresol)	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5% by weight of polypropylene complying with § 121.2501 and for use at levels not to exceed 0.3% by weight of polyethylene complying with § 121.2501, provided that the finished polypropylene and polyethylene contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, VI–B, and VIII.
Calcium benzoate	

	Limitations
2-Hydroxy-4-*n*-octoxy-benzophenone	For use only at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4: *Provided*, That the finished polymer contacts food only of the types identified in § 121.2526(c), table 1, under categories I, IV–B, VII–B, and VIII, and under the conditions of use B through H described in table 2 of § 121.2526(c).
Magnesium salicylate	For use only in rigid polyvinyl chloride and/or in rigid vinyl chloride copolymers complying with § 121.2521: *Provided*, That total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of such polymers.
2,2'-Methylenebis (6-*tert*-butyl-4-ethylphenol).	For use only in acrylonitrile-butadiene-styrene copolymers at levels not to exceed 0.6 percent by weight of the copolymer.
4,4' Methylenebis (2,6-di-*tert*-butylphenol)	For use only: 1. As provided in § 121.2520. 2. At levels not to exceed 0.25 percent by weight of petroleum hydrocarbon resins used in compliance with regulations in this Subpart F. 3. At levels not to exceed 0.25 percent by weight of terpene resins used in compliance with regulations in this Subpart F. 4. At levels not to exceed 0.5 percent by weight of polyethylene complying with § 121.2501: *Provided*, That the polyethylene end product contacts foods only of the types identified in categories I, II, IV–B, VI, VII–B, and VIII in table 1 § 121.2526(c). 5. At levels not to exceed 0.5 percent by weight of polybutadiene used in rubber articles complying with § 121.2562: *Provided*, That the rubber end product contacts foods only of the types identified in categories I, II, IV–B, VI, VII–B, and VIII in table 1, § 121.2526(c).
2,2'-Methylenebis[6-(1-methylcyclohexyl)-*p*-cresol].	For use only at levels not to exceed 0.1 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 used in articles that contact food of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, VII–B, and VIII.
2,2'-Methylenebis[6-(-methylcyclohexyl)-*p*-cresol].	For use only: 1. As provided in § 121.2550. 2. At levels not to exceed 0.2 percent by weight of polyethylene complying with § 121.2501: *Provided*, That the finished polyethylene contacts only of the type identified in § 121.2526(c), table 1, under categories I, II, VI–B, and VIII.
Calcium myristate	
Calcium stearate	
4,4'-Cyclohexylidenebis(2-cyclohexylphenol)	For use only at levels not to exceed 0.5 percent by weight of polyvinyl chloride and/or vinyl chloride copolymers complying with § 121.2521.
Dimyristyl thiodipropionate having a melting point of 48°–50° C. as determined by ASTM Method E–324 and a saponification equivalent in the range 280–290 as determined by ASTM Method D–1962.	For use only: 1. At levels not to exceed 0.5 percent by weight of polyvinyl chloride and/or vinyl chloride copolymers complying with § 121.2521. 2. At levels not to exceed 0.5 percent by weight of vinyl chloride-vinyl acetate copolymers containing not more than 20 molar percent of vinyl acetate.
N,N'-Diphenylthiourea	For use only at levels not to exceed 0.55 percent by weight vinyl chloride copolymers complying with § 121.2521 and/or polyvinyl chloride when such vinyl chloride homo- and/or copolymers are used in the manufacture of rigid vinyl chloride plastic bottles intended for contact with edible oils (including edible oil in simple mixture or emulsion form), all types of dressings for salads, and food of types VIII and IX described in table 1 of § 121.2526(c). The finished food-contact article containing this stabilizer, when extracted with distilled water at 135° F. for 1 week (168 hours), using a volume-to-surface ratio of 5 milliliters per square inch of surface tested, shall yield extracted phenol not to exceed 0.008 milligram per square inch of food-contact surface and shall yield extracted organophosphates (total phosphates minus inorganic phosphates) not to exceed 0.0001 milligram per square inch of food-contact surface.
Hydrogenated 4,4'-isopropylidenediphenol-phosphite ester resins produced by the condensation of 1 mole of triphenyl phosphite and 1.6 moles of hydrogenated 4,4'-isopropylidenediphenol such that the finished resins have a molecular weight in the range of 2,400–3,000, a phosphorous content of 6.5–6.9 percent, and contain no more than 2.2 percent by weight of residual free phenol.	
2(2'-Hydroxy-5'-methylphenyl) benzotriazole meeting the following specification: Melting point 126°–132° C.	For use only: 1. As component of nonfood articles complying with § 121.2561. 2. At levels not to exceed 0.25 percent by weight of rigid polyvinyl chloride and/or rigid vinyl chloride copolymers complying with § 121.2521 when such vinyl chloride homo- and/or copolymers are used in contact with nonfatty food.

	Limitations
4,4'-Thiobis(6-*tert*-butyl-*m*-cresol)	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.25% by weight of polyethylene complying with § 121.2501: *Provided*, That the specific gravity of the polyethylene is not less than 0.926: *And further provided*, That the finished polyethylene contacts food only of the types identified in § 121.2526(c), table 1, under categories I, II, VI–B, and VIII.
Thiodipropionic acid	For use only: 1. At levels not to exceed 0.5 percent by weight of polymers except nylon resins identified in § 121.2502. 2. At levels not to exceed 1 percent by weight of nylon resins identified in § 121.2502.
1,3,5 - Trimethyl - 2,4,6 - tris (3,5-di-*tert*-butyl-4-hydroxybenzyl) benzene.	For use only in rigid polyvinyl chloride and/or in rigid vinyl chloride copolymers complying with § 121.2521: *Provided*, That total salicylates (calculated as the acid) do not exceed 0.2 percent by weight of such polymers.
Tri(mixed mono- and dinonylphenyl) phosphite (which may contain not more than 1% by weight of trilsopropanolamine).	For use only: 1. At levels not to exceed 0.25 percent by weight of polymers used as provided in § 121.2571. 2. At levels not to exceed 0.25 percent by weight of the following polymers when used in articles that contact food of types I, II, IV–B, VI–B, VII–B, and VIII described in table 1 of § 121.2526(c): Olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 or complying with other sections in this Subpart F; vinyl chloride copolymers; and/or vinyl chloride copolymers complying with § 121.2521. 3. At levels not to exceed 0.1 percent by weight of the following polymers when used in articles that contact food of types III, IV–A, V, VI–A, VI–C, VII–A, and IX described in table 1 of § 121.2526(c): Olefin polymers complying with § 121.2501 (c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 or complying with other sections in this Subpart F; vinyl chloride polymers; and/or vinyl chloride copolymers complying with § 121.2521.
Tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane.	For use only at levels not to exceed 0.2 percent by weight of isobutylene-isoprene copolymers complying with § 121.2560: *Provided*, That the finished copolymers contact food only of the types identified in § 121.2526(c), table 1, under types V, VII, VIII, and IX.
Zinc dibutyldithiocarbamate	For use only at levels not to exceed 0.05 percent by weight of ethylene-methacrylic acid copolymers complying with § 121.2562 and ethylene-acrylic acid copolymers complying with § 121.2564. The average thickness of such copolymers in the form in which they contact food shall not exceed 0.005 inch.
Zinc palmitate	
Zinc salicylate	For use only in rigid polyvinyl chloride and/or in rigid vinyl chloride copolymers complying with § 121.2521: *Provided*, That total salicylates (calculated as the acid) do not exceed 0.2 percent by weight of such polymers.
Zinc stearate	

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C 348, 371(a))

Dated: December 12, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15042; Filed, Dec. 19, 1969; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5) Amdt. 17]

OI REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments

In view of the review of the oil import program being conducted by the Cabinet Task Force on Oil Import Controls this amendment provides for the making of contingent allocations of imports of crude oil, unfinished oils and finished products under sections 9, 10, 11, 13, 16, and 25 for the allocation period January 1, 1970–December 31, 1970, and sections 9, 10, 11, and 13 relating to allocations of crude oil, unfinished oils, and finished products in Districts I–IV and in District V have been revised in the light of the level of authorized imports established pursuant to section 2 of Proclamation 3279, as amended.

1. Notwithstanding the provisions of section 3 of Oil Import Regulation 1 (Revision 5), the Administrator shall make contingent allocations of imports of crude oil, unfinished oils and finished products under sections 9, 10, 11, 13, 16, and 25 for the 12-month period, January 1, 1970–December 31, 1970. The Administrator shall issue licenses under such contingent allocations only for the first 181 days of the allocation period. The issuance of licenses for the balance of the contingent allocations, covering the remaining 184 days of the allocation period, shall be dependent upon determinations made following the Task Force review. Under those allocations which have been made by the Oil Import Appeals Board and which continue from one allocation period to another, the Administrator shall issue licenses only for the first 181 days of the allocation period; the issuance of licenses for the remaining 184 days of the period shall be dependent upon determinations made following the Task Force review. Except for those allocations made to complete relief which could not be consummated in the 1969 allocation period from the quantities of oil made available to the Board, the Administrator shall issue licenses only for the first 181 days of the allocation period under allocations which have been made by the Oil Import Appeals Board to take effect in the allocation period January 1–December 31, 1970. The issuance of licenses for the remaining 184 days of the allocation period shall be dependent upon determinations made following the Task Force review. Also, all decisions which may be made by the Oil Import Appeals Board during the allocation period January 1–December 31, 1970, shall be dependent upon determinations made following the Task Force review. Accordingly, the Administrator shall issue licenses under such decisions only for the first 181 days of the allocation period.

2. Section 9 of Oil Import Regulation 1 (Revision 5) (33 F.R. 19178) is amended to read as follows:

Sec. 9 Allocations—crude and unfinished oils—petrochemical plants—Districts I–IV, District V.

(a) For the allocation period January 1, 1970 through December 31, 1970, each eligible person with a petrochemical plant in Districts I–IV shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in these districts during the year ending September 30, 1969, multiplied by 11.2 percent.

(b) For the allocation period January 1, 1970 through December 31, 1970, each eligible person with a petrochemical plant in District V shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in this district during the year ending September 30, 1969, multiplied by 11.9 percent.

(c) No allocation for Districts I–IV made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation, and no allocation for District V made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 25 percent of the allocation. However, a person obtaining an allocation for imports of crude oil and unfinished oils pursuant to this section or section 25 may petition the Administrator to adjust the percentage of imports of unfinished oils upward to 100 percent of such person's allocation if the petitioner certifies that the imported unfinished oils will not be exchanged, that the oils will be processed entirely in the petitioner's own petrochemical plant, and that more than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals or that more than 75 percent (by weight) of recovered product output will consist of petrochemicals.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

3. Section 10 of Oil Import Regulation 1 (Revision 5) (33 F.R. 19179) is amended to read as follows:

Sec. 10 Allocations—crude and unfinished oils—refiners—Districts I–IV.

(a) For the allocation period January 1, 1970 through December 31, 1970, approximately 2,000 b/d of imports of crude oil and unfinished oils into Districts I–IV are made available to the Oil Import Appeals Board. The Administrator shall make, to eligible persons having refinery capacity in these districts, allocations of such imports for the allocation period as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1969, and computed according to the following schedule:

Average b/d input	Percent of inputs	Number of days
0—10,000 10—30,000 30—100,000 100,000 plus	19.5 11.0 7.0 3.0	365

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 30 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily multiplied by 365, the applicant shall receive an allocation under this section equal to 30 percent of his last allocation of imports of crude oil under that program expressed in average barrels daily multiplied by 365.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 24.50 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365, the applicant shall receive an allocation under this section equal to 24.50

percent of his last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365: *Provided, however,* That no further reduction shall be made in a historical allocation of the class mentioned in this subparagraph (2) if the reduction in percentage provided for in this subparagraph will result in a reduced historical allocation which is smaller than an allocation for this period would be if computed (for the purposes of comparison only) on the basis of a total of inputs to the applicant's refinery which includes inputs of crude oil and unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended.

(d) No allocation made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

4. Section 11 of Oil Import Regulation 1 (Revision 5) (33 F.R. 19179) is amended to read as follows:

Sec. 11 Allocations—crude and unfinished oils—refiners—District V.

(a) For the allocation period January 1, 1970 through December 31, 1970, approximately 500 b/d of imports of crude oil and unfinished oils into District V are made available to the Oil Import Appeals Board. The Administration shall make to eligible persons having refinery capacity in this district allocations of such imports for the allocation period as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1969, and computed according to the following schedule:

Average b/d inputs	Percent of inputs	Number of days
0—10,000	40.0	
10—30,000	9.3	
30—100,000	4.3	365
100,000 plus	1.9	

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 13.5 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365, the applicant shall receive an allocation under this section equal to 13.5 percent of his last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 10 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365, the applicant shall, nevertheless, receive an allocation under this section equal to 10 percent of his allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365: *Provided, however,* That no further reduction shall be made in a historical allocation of the class mentioned in this subparagraph (2) if the reduction in percentage provided for in this subparagraph will result in a reduced historical allocation which is smaller than an allocation for this period would be if computed (for the purposes of comparison only) on the basis of total inputs to the applicant's refinery which includes inputs of crude oil and unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended.

(d) No allocation made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 25 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

5. Section 13 of Oil Import Regulation 1 (Revision 5) (33 F.R. 19179) is amended to read as follows:

Sec. 13 Allocations of finished products—Districts I–IV, Districts II–IV, District V.

(a) For the allocation period January 1, 1970 through December 31, 1970, 76,636 b/d of imports of finished products other than residual fuel oil to be used as fuel may be imported into Districts I–IV, and 6,813 b/d of imports of finished products other than residual fuel oil to be used as fuel may be imported into District V. Of these quantities, 10,000 b/d in Districts I–IV and 500 b/d in District V are reserved from allocation by the Administrator and made available to the Oil Import Appeals Board. 3,279 b/d shall be allocated in Districts I–IV by the Administrator in accordance with the decisions of the Oil Import Appeals Board. 15,000 b/d have been allocated pursuant to subparagraph (4) of paragraph (b) of section 3 of Proclamation 3279, as amended. The balance of imports of finished products other than residual fuel oil to be used as fuel, 48,357 b/d in Districts I–IV and 6,313 b/d in District V, and the quantity of imports of residual fuel oil to be used as fuel available for allocation in Districts II–IV and in District V for any particular allocation period, shall be allocated by the Administrator to each applicant eligible under paragraphs (c) and (d), respectively, of section 4 in the proportion that the applicant's imports of such products in the respective districts during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Because allocations of imports must be made and licenses issued by December 31, 1969, it is impracticable to give notice of proposed rule making on, or to delay the effective date of, this Amendment. Accordingly, this Amendment 17 is effective immediately.

WALTER J. HICKEL,
Secretary of the Interior.

DECEMBER 16, 1969.

[F.R. Doc. 69-15193; Filed, Dec. 18, 1969; 11:10 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 535—TRANSPORTATION OF MAIL BY AIR TAXI OPERATORS

Correction

In F.R. Doc. 69-15002, appearing at page 19803, in the issue of Thursday, December 18, 1969, the following material which was inadvertently omitted should be inserted on page 19804, column 3, between § 535.2(e)(1) and the subparagraph (2) which immediately follows:

(2) *Termination for violation.* (i) An operator will be terminated immediately if his operating certificate is revoked by the FAA.

(ii) Operators are subject to immediate termination if they fail to comply with the requirements of this part, or Form 2750, Request to Air Taxi Operator for Proposal to Transport Mail.

(iii) Notice provisions of subparagraph (1) of this paragraph shall not apply if termination is under conditions described in subdivisions (i) and (ii) of this subparagraph.

(iv) The Director, Logistics Division, will submit recommendations to the Department for discontinuance of operators who do not provide adequate aircraft and/or qualified pilots or fail to comply with prescribed FAA and POD safety requirements.

§ 535.3 Operator qualifications and requirements.

(a) *General*—(1) *Eligibility.* To be eligible to perform air taxi mail service, operators must have a valid ATCO certificate and appropriate operations specifications authorizing required categories, classes and condition for Airplane, Multi-Engine Land, VFR and IFR Day and Night Passengers and Cargo.

(i) The area of authorized operation must be sufficient to cover the complete route structure and reasonable alternate airports.

(ii) The effective date of the operations specifications must be in force 6 months or longer.

(iii) Operator must meet all requirements of 14 CFR, Part 135 and all other orders, rules and directives pertinent to these regulations. They must be in compliance with FAA order 8430.7 on or before the date they start operating a mail route.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Procurement of Lubricating Oils, Petroleum Fuels, Solvents, and Coal

Policy and procedures are provided governing the acquisition of certain lubricating oils, petroleum fuels, solvents, and coal through or from sources established by the Defense Supply Agency.

The table of contents for Part 101–26 is amended to read as follows:

Sec.
101–26.404 [Reserved]
101–26.504 [Reserved]
101–26.600 Scope and applicability of subpart.
101–26.602 Fuels and packaged petroleum products obtained from or through the Defense Supply Agency.
101–26.602–1 Procurement of lubricating oils, greases, and gear lubricants.
101–26.602–2 Procurement of packaged petroleum products.
101–26.602–3 Procurement of gasoline, fuel oil (diesel and burner), kerosene, and solvents.
101–26.602–4 Procurement of coal.
101–26.4902–211 [Deleted]
101–26.4902–212 [Deleted]
101–26.4902–213 [Deleted]
101–26.4902–222 [Deleted]
101–26.4904 Other agency forms.
101–26.4904–416 DD 416; Requisition for Coal, Coke, or Briquettes.
101–26.4904–1518 DFSC Form 15:18 covering initial submission of petroleum fuel requirements.
101–26.4904–1520 DFSC Form 15:20 covering initial submission of dry cleaning solvent.

Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

1. Section 101–26.404 is revised to read as follows:

§ 101–26.404 [Reserved]

2. Sections 101–26.406–1 and 101–26.406–2(a) are revised to read as follows:

§ 101–26.406 U.S. Government National Credit Card for use in obtaining service station deliveries and services.

§ 101–26.406–1 General.

Standard Form 149, U.S. Government National Credit Card, is authorized for use by Federal agencies for obtaining authorized services and delivery of supplies at service stations dispensing supplies of the contractors listed in Defense Fuel Supply Center Contract Bulletin DSA600–3.33 in lieu of contractors listed in Federal Supply Schedule FSC Group 91, Part III. Activities requiring copies of the bulletin should submit requests to: Commander, Defense Fuel Supply Center, Attention: DFSC: PS, Cameron Station, Alexandria, Va. 22314.

§ 101–26.406–2 Billing code.

* * * * * *

(a) The first three digits of the billing code will always be 000 or 002. The digits 002 are special account numbers and may not be used unless authorized by General Services Administration, Federal Supply Service, Procurement Operations Division—FPN, Washington, D.C. 20406. These digits signify to the contractors that a Federal contract is involved.

* * * * * *

Subpart 101–26.5—GSA Procurement Programs

Section 101–26.504 is revised to read as follows:

§ 101–26.504 [Reserved]

Subpart 101–26.6—Procurement Sources Other Than GSA

Subpart 101–26.6 is amended by adding new §§ 101–26.600, 101–26.602–3, and 101–26.602–4 and by revising §§ 101–26.602, 101–26.602–1, and 101–26.602–2, as follows:

§ 101–26.600 Scope and applicability of subpart.

This subpart prescribes policy and procedures relating to procurement programs other than GSA procurement programs. The provisions of this Subpart 101–26.6 are applicable to executive agencies unless otherwise specifically indicated. Federal agencies, other than executive agencies, are encouraged to obtain their requirements in the same manner.

§ 101–26.602 Fuels and packaged petroleum products obtained from or through the Defense Supply Agency.

(a) Agencies shall be governed by the provisions of this § 101–26.602 in obtaining requirements of coal, petroleum fuels, and certain petroleum products from or through the Defense Supply Agency.

(b) The Defense Supply Agency has been assigned the supply responsibility for these materials which will be available either from contracts (or contracts summarized in contract bulletins) issued by the Defense Fuel Supply Center, Alexandria, Va., or through FEDSTRIP/MILSTRIP requisitions placed on the Defense General Supply Center, Richmond, Va., in accordance with instructions contained in § 101–26.602–2. Agencies submitting estimates of requirements which are summarized in the Defense Fuel Supply Center contract bulletins are obligated to procure such requirements from these contracts. Estimates submitted shall not include requirements normally obtained through service station deliveries utilizing the U.S. Government National Credit Card.

§ 101–26.602–1 Procurement of lubricating oils, greases, and gear lubricants.

(a) The Defense Fuel Supply Center will make annual procurements of lubricating oils, greases, and gear lubricants for ground type (nonaircraft) equipment and of aircraft engine oils on an annual program basis. Estimates of requirements for items covered by these programs will be solicited annually from agencies on record with the Defense Fuel Supply Center in time for the requirements to arrive at the Center on the following schedule:

	Purchase program	Due on or before
Lubricating oils (nonaircraft)	4.1	Dec. 1.
Aircraft engine oils	4.2	June 15.
Grease and gear oils	4.4	Oct. 15.

(b) Activities not on record but requiring procurement support shall submit requests to: Commander, Defense Fuel Supply Center, Attn: DFSC:PS, Cameron Station, Alexandria, Va. 22314, on or before the requirement due dates specified in § 101–26.602–1(a). Submission of requirements is not required if:

(1) The maximum single order is less than the minimum quantity obtainable under the bulletin;

(2) Container sizes are smaller than those available under the bulletin; or

(3) Purchase without regard to existing Defense Fuel Supply Center contracts is otherwise authorized.

(c) Agency requirements will be consolidated and solicited for procurement by the Defense Fuel Supply Center. Contractual action to obtain coverage for these programs will be summarized in a contract bulletin for program 4.1 and 4.4. Copies of the bulletins (copies of contracts for program 4.2) will be distributed to addresses provided by the agencies on record.

(d) Deliveries of lubricants covered by Defense Fuel Supply Center contracts shall be obtained by activities in the United States by following the instructions contained in the respective contracts or contract bulletins.

§ 101–26.602–2 Procurement of packaged petroleum products.

Items contained in the Federal Supply Catalogs C9100–ML–CA and C9100–IL–CA covering FSC class 9150—Oils, and FSC cass 9160—Waxes, shall be obtained by submitting requisitions in FEDSTRIP/MILSTRIP format to the Defense General Supply Center, Richmond, Va. 23219, using routing identifier code S9G. Copies of these catalogs are available, upon request, from the appropriate GSA regional office. These items may be obtained from other Federal activities by agreement with the activity concerned or from local purchase sources when local purchase authorization is obtained from the Defense General Supply Center.

§ 101–26.602–3 Procurement of gasoline, fuel oil (diesel and burner), kerosene, and solvents.

(a) Estimates of annual requirements will not solicited annually by the Defense Fuel Supply Center from agencies on record so as to reach that activity approximately 45 days before the due date shown in Defense Fuel Supply Center geographic alignment of States set forth in § 101–26.602–3 (d) and (e). The requirements call will be accomplished by mailing a computer produced record of the file data for each delivery point that has been identified to each submitting addressee; instructions for validation and return will be included. Activities not on record but requiring procurement support shall prepare and submit estimates on DFSC Form 15:18, for petroleum fuel requirements, or on DFSC Form 15:20, for solvents, to the Defense Fuel Supply Center, Cameron Station, Alexandria, Va. 22314. Illustrations of these forms are contained in § 101–26.4904. Copies may be obtained on request from: Commander, Defense Fuel Supply Center, Attention: DFSC:PS, Cameron Station, Alexandria, Va. 22314.

(1) Estimated annual requirements for any delivery point which total less than the following minimums shall not be submitted to the Defense Fuel Supply Center, unless the activity does not have authority or capability to procure locally.

Item	*Minimum annual requirement*
Gasoline	2,000 gallons.
Burner fuel oil	2,000 gallons.
Diesel oil	2,000 gallons.
Kerosene	500 gallons.
Solvents	500 gallons.

(2) Estimates shall not be submitted when the minimum quantities to be delivered to any one point on a single delivery are less than the following minimums, unless the activity does not have the authority or capability to procure locally.

Delivered in—	*Minimum quantity furnished on a single delivery—*
Drums	4 drums (200–220 gallons).
Tank wagon	200 gallons.
Transport truck	Full truckload (4,000–7,500 gallons).
Tank car	Full carload (8,000–12,000 gallons).

(b) Agency requirements will be solicited for procurement by the Defense Fuel Supply Center and contracts resulting from these solicitations will be summarized in contract bulletins, separately for each Defense Fuel Supply Center geographic region, and distributed to agencies on record. Activities of agencies requiring additional contract bulletins shall submit requests to: Commander, Defense Fuel Supply Center, Attention: DFSC:PS, Cameron Station, Alexandria, Va. 22314.

(c) The items covered in contract bulletins issued by the Defense Fuel Supply Center are in accordance with the latest issue of the applicable Federal Specification except that burner fuel oils meeting requirements of Pacific Specifications, as published in the bulletin entitled, "Fuel Oils (First Edition) Recorded Standard Designations for Pacific Coast Fuel Oils," will be accepted for requirements in the States of Arizona, California, Nevada, Oregon, and Washington, in lieu of Federal Grades as follows:

Fuel oils meeting Pacific specification	*Federal grade*
100	1
200	2
300	4 and 5
400, and also having a viscosity not exceeding 300 Furol at 122° F.	6

(d) The following illustrates the Defense Fuel Supply Center geographic alignment of the States, delivery periods covered for each region, the purchase programs identification, and the requirement due date for motor gasoline, fuel oil (diesel and burner), and kerosene:

MOTOR GASOLINE, FUEL OILS (DIESEL AND HEATING), AND KEROSENE

State	Delivery period	Requirements due date
Alaska—Purchase Program 3.9.[1]	July 1–June 30	January 1.
Hawaii—Purchase Program 3.10.[1]	January 1–December 31.	July 1.
DFSC Region 1—Purchase Program 3.21:		
Connecticut	September 1–August 31.	March 1.
Maine	do	Do.
Massachusetts	do	Do.
New Hampshire	do	Do.
Rhode Island	do	Do.
Vermont	do	Do.
DFSC Region 2—Purchase Program 3.22:		
New Jersey	October 1–September 30.	April 1.
New York	do	Do.
Pennsylvania	do	Do.
DFSC Region 3—Purchase Program 3.23:		
Delaware	August 1–July 31	February 1.
District of Columbia	do	Do.
Indiana	do	Do.
Kentucky	do	Do.
Maryland	do	Do.
Ohio	do	Do.
Tennessee	do	Do.
Virginia	do	Do.
West Virginia	do	Do.
DFSC Region 4—Purchase Program 3.24:		
Alabama	April 1–March 31	October 1.
Arkansas	do	Do.
Florida	do	Do.
Georgia	do	Do.
Louisiana	do	Do.
Mississippi	do	Do.
Missouri	do	Do.
North Carolina	do	Do.
South Carolina	do	Do.
Puerto Rico	do	Do.
Virgin Islands	do	Do.
DFSC Region 5—Purchase Program 3.25:		
Illinois	May 1–April 30	September 1.
Iowa	do	Do.
Michigan	do	Do.
Minnesota	do	Do.
Wisconsin	do	Do.
DFSC Region 6—Purchase Program 3.26:		
Colorado	June 1–May 31	December 1.
Kansas	do	Do.
Nebraska	do	Do.
New Mexico	do	Do.
North Dakota	do	Do.
Oklahoma	do	Do.
South Dakota	do	Do.
Texas	do	Do.
Wyoming	do	Do.

See footnotes at end of table.

MOTOR GASOLINE, FUEL OILS (DIESEL AND HEATING), AND KEROSENE

State	Delivery period	Requirements due date
DFSC Region 7—Purchase Program 3.27:		
Arizona	November 1–October 31.	May 1.
California	do	Do.
Nevada	do	Do.
Utah	do	Do.
DFSC Region 8—Purchase Program 3.28:		
Idaho	July 1–June 30	January 1.
Montana	do	Do.
Oregon	do	Do.
Washington	do	Do.

[1] Includes solvents.

NOTE: Program 3.23 does not include requirements for those activities supported by the GSA Region 3 Fuel Yard.

(e) Estimates of requirements for solvents to be delivered in the continental United States, Puerto Rico, and the Virgin Islands during the period January 1 through December 31 shall be submitted to arrive at the Defense Fuel Supply Center by the preceding June 1. The purchase program identification is 3.11.

(f) Estimates of requirements for aviation fuels for delivery in the United States shall be prepared on DFSC Form 15:18, clearly marked "Aviation Fuel" in the remarks column of the form, and submitted by the activity to the Defense Fuel Supply Center as follows:

(1) Annual requirements for aviation gasoline (all grades) for delivery period April 1–March 31 will be submitted to arrive at the Defense Fuel Supply Center no later than November 1 of each year.

(2) Semiannual requirements for jet fuels will be submitted to arrive at the Defense Fuel Supply Center no later than January 1 (for deliveries during the period July 1–December 31) and July 15 (for deliveries during the period January 1–June 30).

(g) Requirements for petroleum fuels at locations other than as identified in this § 101–26.602–3 may be obtained from other Federal activities by agreement with the activity concerned or from local purchase sources, when local purchase authority and capability exists, or by submitting requests directly to the Defense Fuel Supply Center, Cameron Station, Alexandria, Va. 22314, if centralized procurement is desired.

§ 101–26.602–4 Procurement of coal.

(a) Federal agencies desiring to participate in the Defense Fuel Supply Center coal contracting program for carload delivery outside the District of Columbia and vicinity may obtain coal through this program by submitting estimates as provided in this § 101–26.602–4.

(b) Estimates of coal requirements shall be prepared on DD Form 416, Requisition for Coal, Coke, or Briquettes (illustrated as § 101–26.4904–416), clearly marked "Estimate Only", and submitted in original and one copy to arrive at the Defense Fuel Supply Center, Cameron Station, Alexandria, Va. 22314, before the following requirement due dates:

Purchase program	For activities located in—	Reqts. due in DFSC by—	For delivery beginning—
5.5	Indiana, Illinois, Iowa, Kansas, Missouri, South Dakota, West Tennessee, West Kentucky, Wisconsin.	June 1	December 1.
5.9 (Lignite)	North Dakota	June 1	December 1.
5.3	Alabama, East Kentucky, East Tennessee, Ohio, Georgia, North Carolina, South Carolina, West Virginia.	August 15	April 1.
5.8 (Anthracite)	Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, South Carolina.	November 1	May 1.
5.4	Michigan, Minnesota, North Dakota, Wisconsin	November 1	May 1.
5.7	Alaska	November 1	May 1.
5.2	District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia.	January 15	August 1.
5.1	Connecticut, Maine, Massachusetts, New Hampshire, New York, Vermont.	April 1	October 1.
5.6	Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, Wyoming.	April 1	October 1.

NOTE: Except for purchase programs 5.8 and 5.9 all programs refer to requirements for bituminous coal.

(1) A separate requirement form shall be prepared for each delivery point and for each size and kind of coal, such as bituminous, anthracite, or lignite. The purchase program number is to be entered in the upper right hand block of DD Form 415.

(2) The section of DD Form 416 entitled "Analytical Specifications Required" shall reflect minimum requirements based on heating engineering data applicable to the particular equipment in which the coal will be used.

(c) Contractual information covering these requirements will be furnished each participating agency by the Defense Fuel Supply Center after contracts are awarded. As shipments of coal are required, each activity shall direct the contractor to make delivery. Payment for deliveries shall be arranged for by the ordering activity directly with the contractor. Should estimated requirements not be needed due to changes or conversions in heating equipment or other reasons, activities shall notify the Defense Fuel Supply Center of such changes as soon as possible.

(d) Copies of DD Form 416 may be obtained, on request, from: Commander, Defense Fuel Supply Center, Attention: DFSC:PS, Cameron Station, Alexandria, Va. 22314.

(e) Requirements for coal at locations other than as identified in this § 101–26.602–4 may be obtained by submitting requests directly to the Defense Fuel Supply Center, if centralized procurement is desired.

(f) Each participating agency may elect to collect coal samples, for analysis purposes, in accordance with the latest edition of the Handbook on Coal Sampling issued by the Department of the Interior, Bureau of Mines. Copies of this Handbook on Coal Sampling may be obtained upon request from: Coal Sampling and Inspection, Division of Mineral Studies, U.S. Bureau of Mines, College Park, Md. 20740.

(g) Coal samples shall be forwarded by the agency to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213. A charge for each sample submitted will be assessed by the Bureau of Mines for performing such analysis, or agencies may enter into an agreement with the Bureau of Mines for services and testing on an annual flat rate basis. Agencies shall furnish the Bureau of Mines laboratory complete billing instructions at the time samples are submitted. Copies of the results of each analysis will be furnished by the Bureau of Mines to offices responsible for payment for comparison with the analytical limits guaranteed by the contractor. In the event that the sample does not meet the minimum requirements of the analytical limits specified in the contract, the using agency shall compute the amount, if any, to be deducted from the contract price.

Subpart 101–26.49—Illustrations of Forms

1. Section 101–26.4902(b) is revised to read as follows:

§ 101–26.4902 GSA forms.

* * * * *

(b) GSA forms illustrated in this § 101–26.4902 may be obtained by Federal agencies from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3BRD, Washington, D.C. 20407, unless otherwise provided in the section prescribing the form(s).

2. Sections 101–26.4902–211, 101–26.4902–212, 101–26.4902–213, and 101–26.4902–222 are deleted, as follows:

§ 101–26.4902–211 [Deleted]
§ 101–26.4902–212 [Deleted]
§ 101–26.4902–213 [Deleted]
§ 101–26.4902–222 [Deleted]

3. Section 101–26.4904 is added, as follows:

§ 101–26.4904 Other agency forms.

This section illustrates forms issued by other agencies which are prescribed or available for use in connection with subject matter covered in other subparts of Part 101–26. The issuing activity is also identified in the section requiring the use of such forms. The forms are illustrated to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the applicable agency form numbers.

4. Forms illustrated as subsections to § 101–26.4904 are added, as follows:

§ 101–26.4904–416 DD 416: Requisition for Coal, Coke, or Briquettes.
§ 101–26.4904–1518 DFSC Form 15:18 covering initial submission of petroleum fuel requirements.
§ 101–26.4904–1520 DFSC Form 15:20 covering initial submission of dry cleaning solvent.

NOTE: The forms in §§ 101–26.4904–416, 101–26.4904–1518, and 101–26.4904–1520 are filed as parts of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: December 16, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–15166; Filed, Dec. 19, 1969; 8:45 a.m.]

Chapter 105—General Services Administration

PART 105–61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Miscellaneous Amendments

These amendments clarify the use of agencies' seals in certifying records and remove the requirement for authorization to publish donated historical materials where the Government holds literary property rights.

Subpart 105–61.1—Public Use of Archives and FRC Records

Section 105–61.106–2 is revised to read:

§ 105–61.106–2 From records.

Normally, information contained in the records will be furnished in the form of photocopies of the records, subject to the provisions of § 105–61.105. The National Archives and Records Service will certify facts and make administrative determinations on the basis of archives, or of FRC records when appropriate officials of other agencies have authorized GSA to do so. Such certifications and determinations shall be authenticated by the seal of GSA, the National Archives of the United States, or the transferring agency, as appropriate.

Subpart 105–61.2—Public Use of Donated Historical Materials

In § 105–61.202, paragraph (a) is revised and paragraph (c) is deleted:

§ 105–61.202 Restrictions.

* * * * *

(a) Use is subject to all conditions specified by the donor or transferor of such materials or by the Archivist of the United States. (Researchers are encouraged to confer with directors on any question of literary property right.)

* * * * *

(c) [Deleted]

Subpart 105–61.3—Public Use of Facilities of the National Archives and Records Service

In § 105–61.304–2, the introductory paragraph of paragraph (a) is revised to read:

§ 105–61.304–2 Application for use.

(a) Applications for use of the theater shall be submitted in writing by the head of the requesting organization, or his duly authorized representative, at least 1 week in advance of the requested use. Applications for use shall be addressed to the General Services Administration, National Archives and Records Service, Office of the Executive Director, Washington, D.C. 20408, and shall include the following information:

• • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

ROBERT L. KUNZIG,
Administrator.

[F.R. Doc. 69–15165; Filed, Dec. 19, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Federal Water Pollution Control Administration

[18 CFR Part 601]

RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Interior proposes to amend Part 601 to revise Subparts C and D and to combine and redesignate those subparts as Subpart C, and to vacate and reserve Subpart D.

The proposed revised Subpart C, set forth below, reflects amendments to the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), effected by the enactment of Public Law 89–753.

Interested persons may submit, in triplicate, written data, views, or arguments in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than 45 days after publication of this notice will be considered.

Sec.
601.61 Application for grants.
601.62 Definitions.
601.63 Eligibility.
601.64 Grant limitations.
601.65 Grant conditions and requirements.
601.66 Assurances from applicant.
601.67 Project evaluation and grant award.
601.68 Payments and accountability for grant funds.

AUTHORITY: The provisions of this Subpart C issued under sec. 4, 62 Stat. 1158, as amended; 33 U.S.C. 466c; sec. 3, 79 Stat. 905, as amended, 33 U.S.C. 466c–1.

§ 601.61 Application for grants.

Application for grants for projects as authorized in sections 5 and 6 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c et seq.), shall be made on such forms and in such manner as the Commissioner may prescribe. The applicant shall set forth adequately the nature, duration, purpose, and plan of the project, the total facilities and resources that will be committed to the project, a justification of the amount of grant funds requested and the total project cost, and such other pertinent information as the Commissioner may require. Applications for grants may be submitted for the following classes of projects to accomplish the purposes indicated:

(a) *Class I.* Those projects intended and designed to establish, discover, develop, elucidate, or confirm information on the causes, control, and prevention of water pollution;

(b) *Class II.* Those projects intended to demonstrate the applicability and utility of research findings on the causes, control, and prevention of water pollution;

(c) *Class III.* Those projects which will assist in the development of, and/or will demonstrate, a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes;

(d) *Class IV.* Those projects which will assist in the development of, and/or will demonstrate, advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial or immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes; and

(e) *Class V.* Those projects for research and demonstration of methods for prevention of pollution of waters by industry including, but not limited to, treatment of industrial wastes.

§ 601.62 Definitions.

All terms used in the rules and regulations in this subpart, which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given them in such Act. The following terms shall have the meaning indicated:

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(b) "Administration" means the Federal Water Pollution Control Administration in the Department of the Interior.

(c) "Commissioner" means the Commissioner of the Federal Water Pollution Control Administration or his authorized representative.

(d) "State Water Pollution Control Agency" means the State health authority except that, in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for programs relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate Agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any agency of two or more States having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(g) "Fiscal Year" means a 12-month period beginning on July 1.

(h) "Municipality" means a city, town, borough, county, parish, district, Indian tribe, and authorized Indian tribal organization, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(i) "Intermunicipal Agency" means an agency of two or more municipalities having jurisdiction over water supply, disposal of sewage, industrial wastes, or other wastes.

(j) A "Project" conducted as a result of a grant, or successive grants, includes all work outlined in the project plan, including but not limited to construction, operation, maintenance, evaluation, reports, plans, and specifications in connection therewith.

(k) The "Grant Period" is that period specified in the Grant Offer and Acceptance and amendments thereto during which granted Federal funds are authorized to be obligated by the grantee for the purposes specified in the Grant Offer and Acceptance. Successive grant periods may be necessary to complete a total project.

(l) "Construction" includes the preparation of engineering plans and specifications and any engineering, architectural, legal, fiscal, or economic investigations, procedures, or other actions directly necessary to the building, alteration or renovation of treatment works or pollution control facilities, contracts for construction, alterations and renovations, materials and equipment to be used in the construction portion of the project, as well as the inspections and supervision of the various stages of progress.

(m) "Treatment Works" means the various devices used in the treatment of sewage or industrial wastewater (including the sludges and concentrates resulting from such treatment) and the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(n) "Equipment" means nonexpendable personal property costing more than $100 and having a useful life extending beyond the period of the project for which it was originally acquired and not included under the term "facility."

(o) "Facility" means real property including improvements thereto, utility distribution systems and personal property which is considered integral and/or necessary to the continued operation of the real property.

(p) "Person" means any individual, partnership or corporation, public or private, or other legally accountable institution or agency.

(q) "Eligible Grant Period Costs" are those project costs identified by the Commissioner for which reimbursement for the Federal share of such costs is allowable; ineligible project costs are those project costs for which no Federal share is allowable.

§ 601.63 Eligibility.

All persons found by the Commissioner qualified by scientific or other relevant competence to carry out a proposed project in accordance with these regulations, and otherwise qualified, shall be eligible for a grant award except that grants for Class III and Class IV projects can be made only to a State, municipality, or intermunicipal or interstate agency.

§ 601.64 Grant limitations.

(a) Grants for Class I and Class II projects shall be subject to the following limitation: That no grant shall be made in an amount exceeding 95 percent of the estimated eligible grant period costs of the project as determined by the Commissioner.

(b) Grants for Class III and Class IV projects shall be subject to the following limitations:

(1) No grant shall be made unless the project shall have been approved by the appropriate State water pollution control agency or agencies:

(2) No grant shall be made for more than 75 percent of the estimated eligible grant period costs of the project as determined by the Commissioner; and

(3) No grant shall be made for any project unless the Commissioner determines that such project will serve the purposes set forth in section 6(a) of the Act.

(c) Grants for Class V projects shall be subject to the following limitations:

(1) No grant shall be made in excess of $1 million for a project;

(2) No grant shall be made for more than 70 percent of the estimated eligible grant period cost of the project as determined by the Commissioner; and

(3) No grant shall be made for a project unless the Commissioner determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry and that the method shall have industrywide application.

§ 601.65 Grant conditions and requirements.

(a) The grants for each of the classes of projects described in section 601.61 shall be subject to the following general conditions as well as any other special conditions which appear in the Grant Offer and Acceptance:

(1) Every grant awarded shall be subject to the provisions relating to inventions and patents as formulated by the Department of the Interior, copies of which provisions are available upon request. More specifically, ordinarily the ownership of all patent rights, foreign and domestic, resulting as a work product of a grant shall vest in the United States as proprietor. The applicant is advised that the said patent provisions include certain requirements regarding background patents. The grantee shall protect the patent interests of the United States by keeping appropriate work notes and journals showing the creation and development of any invention which is a work product of such grant. The grantee shall include these provisions in contracts which it awards in connection with the grant.

(2) In addition to the patent provisions referred to in paragraph (1) above, in the case of any grant calling for experimental or developmental research work or work intended to establish either the technical value or the economic feasibility, in connection with either waste treatment or water pollution control, of a process, machine, article of manufacture or composition of matter, rights to which are owned by a party other than the grant applicant and which has not been sold or offered for sale to the public in the commercial open market, or, in the case of a process, has not been made available in a manner such that its benefits are generally accessible to the public, the grant applicant shall:

(i) Obtain, subject to waiver by the Commissioner, from the owner of such rights a written agreement that said owner will itself or through a licensee make the subject matter of such rights available in the commercial open market to all interested members of the public, or will license others to do so, on reasonable terms and reasonable royalties. The grant applicant shall submti a copy of such agreement to the Administration along with his grant application; and

(ii) Obtain for the Government, with regard to information pertaining to a process, machine, article of manufacture, or composition of matter which is a vital part of a proposed research or demonstration project and is proprietary to a party other than the grant applicant, (1) sufficient functional, generic, and mechanical description relative thereto to enable an understanding of its subject matter relative to the project and (2) permission for the Government to disseminate freely all data and information obtained as a result of such project, as well as the aforementioned functional, generic, and mechanical description.

(3) No costs incurred, or resulting from a contract let, before the awarding of the grant will be allowed as eligible project costs unless this requirement is waived by the Commissioner.

(4) Grantees shall submit periodic reports of progress on a schedule designated by the Commissioner as well as such special or interim reports as the Commissioner, commensurate with the nature of the grant, may specifically request. In addition, in conjunction with the termination of a grant or completion of the project, the grantee shall prepare a final project report which sets forth the grantee's findings, conclusions, and results, including but not limited to the engineering effectiveness and economic feasibility of the method investigated or demonstrated by the project and containing scientific and engineering detail sufficient to permit an evaluation of the applicability of the method to similar problems elsewhere and to enable applying such method by application of the most advanced state of the art achieved in performance of the grant. In all reports, supplemental information and data suitable for project documentation purposes shall be included. The number of copies of these reports will be specified by the Commissioner. Prior to submission of the final project report, a preliminary copy shall bc furnished to the Commissioner for review and approval to proceed with preparation of the project final report, except that such prior review and approval of the preliminary copy of the final project report is not required in the case of Class I grants to educational institutions. Unless otherwise agreed to by the Commissioner, the Government may, without additional compensation to the grantee, duplicate, use and disclose in any manner and for any purpose whatsoever, and have others so do, all information derived from the project and all technical data and reports required under the grant. The grantee shall include these provisions in contracts (other than contracts for construction or procurement of supplies or equipment from the commercial open market) which it awards in connection with the grant.

(5) Any publication or other dissemination of information reporting the findings, conclusions, or results of work performed under a grant, including performance and cost data, by the grantee or his contractors (other than contracts for construction or procurement of supplies or equipment from the commercial open market) must be approved by the Commissioner, in advance of dissemination, except that prior approval is not required of an educational institution preparing to report such information pertaining to Class I projects. Any publication resulting from work performed under a grant shall acknowledge the participation of the Department of the Interior in financing the work by stating the following in substance: "This project has been supported and financed, in part, by the Federal Water Pollution Control Administration, Department of the Interior, pursuant to the Federal Water Pollution Control Act."

(6) Any copyrighted publication resulting from work performed under a grant shall be subject to a royalty-free, nonexclusive, and irrevocable license, throughout the world, to the Government and to its officers, agents, and employees acting within the scope of their official duties, to reproduce, translate, publish, use, and dispose of such publication, and authorize others so to do.

(7) The Commissioner may, with personnel and procedures he determines suitable, perform inspections and program reviews, and provide technical direction he deems necessary to assist projects authorized and financed pursuant to the Act.

(8) Whenever, in the judgment of the Commissioner, continuation of any approved project would produce results of no significant value in furthering the purposes of the Act, or would not be in the best interests of the Government, grant support may be terminated by the Commissioner. However, in the event of such termination, the provisions of Federal Procurement Regulation 1–8.700–2 (a) (4) shall apply to adjust equitably the financial commitments of the grantee and the Administration. The grantee shall reserve in contracts which it awards in connection with the grant the right to terminate for convenience.

(9) At the time a grant offer is made, the appropriate State water pollution control agency or agencies will be so notified.

(b) Each grant awarded shall be subject to the requirements of:

(1) Executive Order 11288, July 2, 1966, and Departmental policy pursuant thereto, requiring that each grant award shall be subject to the condition that the grantee shall plan and carry out the project in such a way as to prevent and control water pollution from the project activity. No project activity shall be conducted in violation of applicable interstate water quality standards or the standards set out in section 4 of Executive Order No. 11288. Where appropriate to achieve this end, consideration shall be given to:

(i) Selection of project site compatible with protection of the natural environment and to the protection of watershed natural cover;

(ii) Measures to assure minimal siltation during construction; and

(iii) Other measures designed to reduce water pollution;

(2) Executive Order 11246, September 24, 1965, as amended, relating to equal employment opportunities and with applicable rules, regulations, and procedures prescribed pursuant thereto;

(3) Title VI of the Civil Rights Act of 1964 (78 Stat. 252; Public Law 88–352), providing that no person in the United States shall, because of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance (sec. 601), and to the implementing regulation issued by the Secretary of the Interior with the approval of the President (43 CFR Part 17);

(4) Public Law 89–487, 80 Stat. 250, effective July 4, 1967, relating to the right of the public to certain information;

(5) The Anti-Kickback Act of June 13, 1934, as amended (40 U.S.C. 276c), relating to provisions to be inserted in contracts and subcontracts to insure compliance therewith by all contractors and subcontractors subject thereto, and to be responsible for the submission of statements required of contractors and subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof; and 41 U.S.C. 22 prohibiting benefit to officials.

(6) The Fair Labor Standards Act of June 25, 1938, as amended (29 U.S.C. 201–219), relating to minimum wages, maximum hours, and child labor, and applying to commercial enterprises engaged in interstate commerce; and

(7) The Convict Labor Act of February 23, 1887, as amended (18 U.S.C. 436), prohibiting the use of convict labor on public works projects.

§ 601.66 Assurances from applicant.

No grant shall be made until the Commissioner has received the following assurances from the applicant, provided that assurances (b) and (c) of this section may be waived by the Commissioner, in whole or in part (and subject to such conditions as he deems necessary), if the Commissioner finds that the purpose of such assurances is fulfilled or an alternate procedure is desirable:

(a) That the individual who will execute grant acceptance is authorized to act for the applicant and to obligate the applicant to the terms and conditions of the grant award;

(b) That the lump sum (fixed price) or unit price method shall be used in contracting for construction work and for supply of equipment having a unit value greater than $2,500, that adequate methods of obtaining competitive bidding shall be employed prior to awarding the contract, and that the award of the contract shall be made to the responsible bidder submitting the lowest acceptable bid;

(c) That no bidding shall be invited on the construction phases of the project until the final plans and specifications have been reviewed by the Commissioner and the applicant has been so notified and has received authorization to proceed; and, also, that the final plans and specifications, when required, have been reviewed or approved by and clearances received from the appropriate State and local agencies.

(d) That the construction contract shall require the contractor to furnish performance and payment bonds, in the penal amount each of not less than 50 percent of the contract price, and to maintain during the life of the contract adequate fire and extended coverage, workmen's compensation, public liability and property damage insurance;

(e) That any proposed change in the project or in construction related thereto which would make any major alteration in the work required by the grant project plan or plans and specifications for construction or which would raise the cost of the project above the latest estimate approved by the Commissioner shall be submitted to the Commissioner for prior approval; if such changes involve a proposed increase in the grant amount, an application for a supplementary award must be made and approved by the Commissioner before such changes may be initiated;

(f) That all work on the project, including the letting of contracts in connection therewith, shall conform to the requirements of applicable Federal, State, and local laws and ordinances;

(g) That the grantee shall give advance written notice to the Commissioner of:

(1) any proposed contract which is on a cost or cost-plus-a-fixed fee basis or which is on a fixed-price basis exceeding $2,500, and;

(2) any proposed purchases of articles, supplies, equipment, and services having a unit value exceeding $2,500, and the grantee shall not enter into such contracts nor make such purchases without the prior approval of the Commissioner (award of a grant does not constitute such prior approval).

(h) That any construction or supply contracts awarded by the grantee in connection with this project which are designated by the Commissioner as "priority items" shall incorporate therein appropriate liquidated damages clauses to assure timely performance;

(i) That reasonable access to the project site and project results shall be available to all interested parties during the grant period and during such period thereafter as the Commissioner determines that the activity serves useful demonstration purposes, provided that when the Commissioner deems that public access to the site and/or results prior to completion date is not in the best interest of the Government, or conflicts with any Government obligation to the grantee, he may refuse any requests for access until such time as he shall deem appropriate;

(j) That the applicant shall provide and maintain competent and adequate engineering and technical supervision, technical operation, and inspection at the project to assure that the project and construction related thereto conforms to the approved plans and specifications and that the activities meet the objectives of the grant project, and that the applicant shall provide proper and efficient operation and maintenance of the project activities and associated facilities;

(k) The grantee shall maintain books and records in accordance with generally accepted accounting principles and procedures, and in sufficient detail to properly reflect the amount, source and disposition of all grant assistance received, all direct and indirect costs of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature incurred in connection with the project for which this grant was given, and any credits or refunds, which are applicable or allocable thereto, and the grantee shall preserve such books and records, and supporting documentation relating thereto, during the life of the grant and until 3 years after final payment. The grantee shall include these requirements in all contracts other than fixed-price contracts which it awards in connection with the grant.

(l) That the Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the grantee that are pertinent to grants received under this subpart, and the grantee shall submit to the Commissioner or to the Comptroller General such documents and information as they may require in connection with the project;

(m) That all funds granted and Government-supplied property made available to the grantee by the Commissioner shall be expended or used solely for the approved project;

(n) That the applicant shall demonstrate to the satisfaction of the Commissioner his ability to finance the grantee's share of the cost of the project;

(o) That the declarations, assurances, representations, and statements made by the applicant in the application and all documents, amendments, and communications filed with the Administration by the applicant in support of his request for a grant, will be fulfilled;

(p) That the applicant has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements, sufficient to assure undisturbed use and possession for the estimated life of the project; and

(q) That the applicant will conduct the project and cause all related construction to be constructed in accordance with the Offer and Acceptance and the plans and specifications approved by the Commissioner.

§ 601.67 Project evaluation and grant award.

In determining the desirability of supporting proposed projects and in determining the amount of any grant award in connection therewith, all applications shall be evaluated through such offices and employees of the Administration and such experts or consultants as the Commissioner may select or appoint for this purpose. The determination of the amount of any grant offered shall be based upon, among other considerations, the benefits accruing to the grantee, such as valuable improvements to facilities, equipment, or production processes, etc., and the value of the project to other research, development, demonstration, or proprietary activities carried on by the grantee. A written grant offer stating the grant to be made available and any special conditions imposed shall be made by the Commissioner in support of those proposed projects which best meet and promote the purposes set forth in § 601.61. The applicant's acceptance of the grant offer shall be made in writing.

§ 601.68 Payments and accountability for grant funds.

(a) The Commissioner shall make payments to a grantee, either in advance or in reimbursement for Class I and II grants, and only in reimbursement for Class III, IV, and V grants, for eligible expenses incurred or to be incurred during the grant period, to the extent he determines such payments are necessary to promote prompt initiation and advancement of the project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards, and shall be accounted for as specified herein.

(b) The total grant payments for any Class I or Class II project shall not exceed (as specified in the grant offer) the amount of the grant offer or the percentage of the eligible grant period costs (not to exceed 95 percent), whichever is less. The eligible grant period costs, for grant payment purposes, shall be determined by the Commissioner prior to final settlement.

(c) The total grant payments for any Class III or Class IV project shall not exceed (as specified in the grant offer) the amount of the grant offer or the percentage of the eligible grant period costs (not to exceed 75 percent), whichever is less. The eligible grant period costs, for grant payment purposes, shall be determined by the Commissioner prior to final settlement.

(d) The total grant payments for any Class V project shall not exceed (as specified in the grant offer) the amount of the grant offer or the percentage of the eligible grant period costs (not to exceed 70 percent), or $1 million, whichever is less. The total grant period costs, for grant payment purposes, shall be determined by the Commissioner prior to final settlement.

(e) Where the applicant fails to comply substantially with the requirements of the Act or with the requirements, conditions, limitations, provisions, or assurances of the regulations in this Subpart, or with other Federal laws, regulations, and terms applicable to the project, the Commissioner may, upon giving reasonable notice and opportunity for hearing to the applicant, withhold, in whole or in part, further payments from the applicant pending action required by such hearings and determination, or until the Commissioner determines there is no longer any failure in compliance or performance.

(f) Expenditures of grant funds for facilities, movable or fixed equipment, or supplies, collectively, termed in this subpart "materials," may be charged to project costs only to the extent such material are required to carry out the project plan specified in the Offer and Acceptance. With regard to materials purchased in whole or in part with Federal grant funds, title thereto shall be vested in the grantee upon the condition that such materials (excluding expendable supplies within such limitations as the Commissioner may prescribe, but including, to the extent of the U.S. interest therein, materials whose purchase is chargeable in part to nongrant funds) on hand on the date of termination or on the date the grant period expires shall be accounted for, or accountability waived, by one or a combination of the following methods:

(1) *Waiver of equipment accountability.* Under grants where the grantee is an organization within the terms of the Act of September 6, 1958 (72 Stat. 1793; Public Law 85–934) (nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research), the Commissioner may waive the obligation to account for the value of any fixed or moveable equipment purchased with grant funds and vest permanent title to this equipment in the grantee as provided by such Act.

(2) *Retention by grantee.* The materials may be retained by the grantee, without adjustment of accounts, for use in a successive grant period or, if a successive grant period is not authorized, the materials may be retained, without adjustment of accounts, for use approved by the Commissioner in continuing research, development, or demonstration of the water pollution-related objectives of the project or for use approved by the Commissioner in other projects, and, in this latter case, no other accounting for such materials shall be required, provided, however, that (i) during such period of use no charge for depreciation, amortization, or for other use of the materials shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of their useful life, the materials are transferred by sale or by other act of the grantee for use other than that approved by the Commissioner, the fair market value at the time of transfer (to the extent of the U.S. interest therein) shall be payable to the United States.

(3) *Sale or other disposition; crediting of proceeds or value.* The materials may be sold by the grantee and the net proceeds of sale (to the extent of the U.S. interest therein) credited to the grant account; or the materials may be used or disposed of in any manner by the grantee by crediting to the grant account their fair market value (to the extent of the U.S. interest therein). To the extent materials purchased from grant funds have been used for credit or "trade in" on the purchase of new materials, the accounting obligation shall apply to the same extent to such new materials.

(4) *Transfer to the United States.* To the extent the Commissioner so requires in the Grant Offer and Acceptance or later agrees to, title to materials may be transferred to the United States for such authorized use or disposition as the Commissioner may direct with credit being given to the grantee for grantee's prorata share of the fair market value of the materials.

(g) The above methods of disposition of materials purchased in whole or in part with grant funds may be utilized at any time during the course of the grant period upon determination by the Commissioner that such materials are no longer necessary to the completion of the project.

(h) Equitable title to interest or dividends earned or paid upon any deposit or investment by the grantee (except where the grantee is a State, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but not the government of a political subdivision of a State) of the funds paid pursuant to paragraph (a) of this section, shall vest upon accruing or payment, in the United States. Such interest or dividend earned or paid shall be charged against the grantee's account as funds paid as grant funds and shall be fully accounted for by the grantee pursuant to these regulations.

(i) If an examination or audit discloses that an overpayment has been made to the grantee, the total of such overpayment shall constitute a debt owed by the grantee to the United States, and, if not paid to the United States, shall be recovered from the grantee or his successors by setoff or other action as provided by law. Upon written notice to the grantee that an overpayment has been made and that it constitutes a debt to the United States, the debt shall thereupon become a lien upon all property purchased or developed pursuant to the grant project.

(j) With respect to each project, the grantee shall maintain records of all costs incurred, both direct and indirect, in such a manner as to permit an accurate determination of total project costs, including both the grantee's share and the Federal share. Indirect cost rates shall be justified in detail by computation and an explanation of their development. Except as may otherwise be provided by or pursuant to the regulations of this subpart and Administration policies and procedures, the allocation of expenditures by a grantee as between direct and indirect costs shall be in accordance with the same policies and methods that the grantee applies to all his research, development, or demonstration projects and related activities whether self-sponsored or supported by grant or by contracts.

(k) In addition to such other accounting as the Commissioner may require, a grantee shall render his full accounting as of either the end of the grant period or the date of termination of a grant, whichever occurs first.

(l) Eligibility of costs shall be determined by the Commissioner in accordance with Bureau of the Budget Circulars No. A–87, No. A–88, and No. A–21 (Revised), the grant and contract cost principles set forth in Part 1–15 of the Federal Procurement Regulations, Title 41, Code of Federal Regulations, and such other policies and principles as he determines will result in maximum benefit to the Government under the terms and authorizations of the Act.

Dated: December 16, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69–15118; Filed, Dec. 19, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1003]

MILK IN THE WASHINGTON, D.C., MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Washington, D.C., marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated as they appear in § 1003.16(a) are as follows:

(1) "Concentrated milk (including frozen concentrated milk)" and

(2) "And products which are packaged in hermetically sealed containers".

This action was requested by the Maryland and Virginia Milk Producers Association, Inc., an operating cooperative which supplies a major portion of the fluid milk market. Such action, they contend, would clarify the fluid milk product definition of the order with respect to the classification of certain milk products which are either packaged in hermetically sealed containers or in containers made of paper and plastics which are sealed by the fusion of such materials.

Canned condensed and evaporated milk products are classified and priced under the Washington, D.C., order as Class II milk by virtue of a provision in the fluid milk product definition exempting from such definition products packaged in hermetically sealed containers.

Such a generalized basis for designating the classification of certain products, based solely upon the type and manner of packaging involved, appears to be no longer appropriate due to the advent in this market of the sale of whole milk for fluid consumption to schools and other institutions which is packaged and sealed in fused paper-plastic, tetra-pak type, half-pint containers.

It is not intended, they contend, that a packaged fluid milk product be downclassified to the manufacturing class solely on the basis of its type and manner of packaging.

The termination of the provision relating to hermetically sealed containers, therefore, is intended to make it clear that such milk disposed of for fluid consumption will be classified and priced as Class I regardless of the type or manner of packaging.

The corollary proposal to terminate the reference to concentrated milk in the fluid milk product definition should assure that condensed and evaporated canned goods will continue to be classified as Class II as intended under the order.

Signed at Washington, D.C., on December 16, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–15143; Filde, Dec. 19, 1969; 8:47 a.m.]

[7 CFR Parts 1121, 1126]

[Dockets Nos. AO 364–A2 and AO 281–A34]

MILK IN THE SOUTH TEXAS AND NORTH TEXAS MARKETING AREAS

Notice of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Continental Houston, Terrace A, 101 Main Street, Houston, Tex., beginning at 10 a.m., local time, January 6, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the South Texas and North Texas marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSALS TO AMEND THE SOUTH TEXAS ORDER

Proposed by Associated Milk Producers, Inc:

Proposal No. 1. In § 1121.51(a) extend the present Class I price provision indefinitely by deletion of the 18-month termination date (Mar. 31, 1970).

Proposed by the Southland Corp.:

Proposal No. 2. Amend § 1121.51(a) as follows:

(a) *Class I price.* The Class I milk price applicable to Zone I plants shall be the basic formula price for the preceding month plus $2.38, and plus 20 cents.

Proposed by Carnation Co.:

Proposal No. 3. The South Texas order Class I price in the Houston area shall be no more than 15 cents per hundredweight above the North Texas order Class I price for the Dallas area.

Proposed by Land O'Pines Dairy Products Co.:

Proposal No. 4. Amend Federal order No. 121 (South Texas marketing area) to provide that the Class I price at Lufkin, Tex., as adjusted pursuant to § 1121.53 shall not exceed the Class I price established under Order No. 126 (North Texas marketing area) for Marshall and Tyler, Tex.

Proposed by Sanitary Creamery, Inc.:

Proposal No. 5. Reduce the plus location differential in § 1121.53(b) applicable to the Class I price for milk received at a plant south of U.S. Highway 90 and outside of Zone I or Fayette County, Tex.

PROPOSAL TO AMEND THE NORTH TEXAS ORDER

Proposed by the Southland Corp.:

Proposal No. 6. In the North Texas order eliminate § 1126.55 *Pricing Zones* in its entirety.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order for each market conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from Market Administrator, M. C. Jenkins, Post Office Box 10738, Houston, Tex. 77018; Market Administrator C. E. Dunham, Post Office Box 35225, Airlawn Station, Dallas, Tex. 75235; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on December 17, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69–15179; Filed, Dec. 19, 1969; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 25]

IMPLEMENTATION OF EXECUTIVE ORDER 11491

Labor Relations

Pursuant to sections 6(d) and 18(d) of Executive Order 11491 (34 F.R. 17605) it is hereby proposed to amend Part 25 of Subtitle A of Title 29 of the Code of Federal Regulations as set forth below, in order to implement the duties delegated to the Assistant Secretary of Labor for Labor Management Relations under the order.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Assistant Secretary of Labor for Labor Management Relations, U.S. Department of Labor, Washington, D.C. 20210 not later than January 9, 1970.

As amended, Part 25 would read as follows:

PART 25—REGULATIONS OF THE ASSISTANT SECRETARY OF LABOR FOR LABOR-MANAGEMENT RELATIONS UNDER EXECUTIVE ORDER 11491, LABOR-MANAGEMENT RELATIONS IN THE FEDERAL SERVICE

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Sec.
25.1 Purpose and scope.

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25.322 Submission of the hearing examiner's report and recommendation to the Assistant Secretary; exceptions.
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Subpart E—Standards of Conduct for Labor Organizations

Subpart F—Miscellaneous

25.501 Computation of time for filing papers.
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25.506 Signature.
25.507 Service of pleading and other paper: Statement of service.
25.508 Transfer of case to Assistant Secretary.
25.509 Request for appearance of witnesses and production of documents at a hearing.
25.510 Rules to be liberally construed.

AUTHORITY: The provisions of this Part 25 are issued under secs. 6 and 18 of E.O. 11491, 34 F.R. 17605.

Subpart A—General

§ 25.1 Purpose and scope.

The Regulations contained in this part are designed to implement the provisions of sections 6, 9, 10, 18, and 19 of Executive Order 11491 of October 29, 1969, "Labor-Management Relations in the Federal Service." They prescribe procedures and basic principles which the Assistant Secretary of Labor for Labor-Management Relations will utilize in:

(a) Deciding questions as to the appropriate unit for the purpose of exclusive recognition and related issues submitted for his consideration;

(b) Supervising elections to determine whether a labor organization is the choice of a majority of the employees in an appropriate unit as their exclusive representative, and certifying the results;

(c) Deciding questions as to eligibility of labor organizations for national consultation rights under criteria prescribed by the Federal Labor Relations Council;

(d) Deciding complaints of alleged unfair labor practices, and

(e) Determining if a labor organization is in compliance with the standards of conduct.

Subpart B—Definitions

§ 25.101 Order.

"Order" as used herein shall mean Executive Order 11491, entitled "Labor-Management Relations in the Federal Service."

§ 25.102 Agency, employee, labor organization, council, panel, Assistant Secretary.

"Agency," "employee," "labor organization," "Council," "Panel," and "Assistant Secretary" as used herein shall have the meanings as set forth in section 2 of the order.

§ 25.103 National consultation rights, exclusive recognition, standards of conduct for labor organizations, unfair labor practices.

"National Consultation Rights," "exclusive recognition," "Standards of Conduct for Labor Organizations," and "Unfair Labor Practices" as used herein shall have the meanings as set forth in sections 9, 10, 18, and 19, respectively, of the order.

§ 25.104 Service.

"Service" as used herein shall mean the Federal Mediation and Conciliation Service.

§ 25.105 Activity.

"Activity" as used herein shall mean any unit, facility, geographical subdivision, or combination thereof, of any Agency, as that term is defined in section 2 of the order.

§ 25.106 Regional Administrator.

"Regional Administrator" as used herein shall mean the Administrator of a Region of the Labor-Management Services Administration, the geographical boundaries as fixed by the Assistant Secretary.

§ 25.107 Area Administrator.

"Area Administrator" as used herein shall mean the Administrator of an Area Office within a Region of the Labor-Management Services Administration, the geographical boundaries as fixed by the Assistant Secretary.

§ 25.108 Party.

"Party" as used herein shall mean any person, employee, group of employees, labor organization, agency or activity: (a) Filing a complaint, petition or request; (b) named as a party in a complaint, petition or request; or (c) whose intervention in a proceeding has been permitted or directed by the Assistant Secretary, Regional Administrator, Area Administrator, Hearing Officer, or Hearing Examiner as the case may be.

§ 25.109 Intervenor.

"Intervenor" as used herein shall mean the party in a proceeding whose intervention has been permitted or directed by the Assistant Secretary, Regional Administrator, Area Administrator, Hearing Officer or Hearing Examiner as the case may be.

§ 25.110 Certification.

"Certification" as used herein shall mean the determination by the Assistant Secretary, Regional Administrator, or Area Administrator of the results of an election held under the order and these regulations, including a certification of Representative for Exclusive Recognition under the order.

§ 25.111 Appropriate unit.

"Appropriate Unit" as used herein shall mean that grouping of employees found to be appropriate for purposes of exclusive recognition consistent with the provisions of section 10 (b) and (c) of the order.

§ 25.112 Secret ballot.

"Secret Ballot" as used herein means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.

§ 25.113 Hearing Officer.

"Hearing Officer" as used herein means the individual designated to conduct a hearing in a unit dispute or such other representation matters as may be assigned.

§ 25.114 Hearing Examiner.

"Hearing Examiner" as used herein means the individual designated to conduct the hearing on cases under sections 18 and 19 of the order and such other matters as may be assigned.

§ 205.115 Showing of interest.

"Showing of Interest" shall mean a designated percentage of Federal employees in a unit claimed to be appropriate or a unit determined to be appropriate, who are members of a labor organization or have designated it as their exclusive representative or have signed a petition requesting an election to determine whether a labor organization should cease to be the exclusive representative because it does not represent a majority of the employees. Such designations shall consist of written authorization cards or petitions, signed and dated by employees, authorizing a labor organization to represent such employees for purposes of exclusive recognition or requesting an election to determine the majority status of the exclusive representative, executed allotment of dues forms, current dues, record, existing or recently expired agreement, current exclusive recognition or certification; or other evidence approved by the Assistant Secretary.

Subpart C—Representation Proceedings

§ 25.201 Who may file petitions.

(a) A petition for exclusive recognition may be filed by a labor organization requesting an election to determine whether it should be recognized as the exclusive representative of employees of an agency in an appropriate unit or replace another labor organization as the exclusive representative of employees in an appropriate unit.

(b) A petition for an election to determine if a labor organization should cease to be the exclusive representative because it does not represent a majority of employees in an appropriate unit may be filed by an agency or by any employee(s) or any individual acting on their behalf.

(c) A petition for clarification of an existing unit or amendment of certification may be filed by an agency or labor organization which is currently recognized by the agency as an exclusive representative.

(d) A petition for a determination as to the eligibility of a labor organization for national consultation rights under criteria prescribed by the Council may be filed by an agency or labor organization.

§ 25.202 Contents of petition.

(a) A petition for exclusive recognition shall be submitted on forms prescribed by the Assistant Secretary and shall contain the following:

(1) The name of the agency and the activity involved, their addresses, telephone numbers, and the persons to contact and their titles, if known.

(2) A description of the unit appropriate or claimed to be appropriate for purposes of exclusive representation by the petitioner. Such description shall indicate generally the geographic locations and the classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the unit claimed to be appropriate;

(3) Name, address, and telephone number of the recognized or certified exclusive representative, if any, and the date of such certification or recognition and the expiration date of any applicable contract, if known to the petitioner;

(4) Names, addresses, and telephone numbers of any other interested labor organizations, if known to the petitioner;

(5) Any other relevant facts and two copies of all correspondence relating to the dispute or problem;

(6) Name and affiliation, if any, of the petitioner and its address and telephone number;

(7) A statement that the petitioner has submitted to the agency a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives.

(8) A declaration by the person signing the petition, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief.

(9) The signature of the petitioner's representative, including his title and telephone number;

(10) The petition shall be accompanied by a showing of interest of not less than thirty (30%) percent of the employees in the unit claimed to be appropriate and an alphabetical list of such employees.

(b) Contents of petition for an election to determine if a labor organization should cease to be the exclusive representative:

(1) A petition by an agency shall contain the information set forth in § 25.202 (a) except subparagraphs (7) and (10) thereof and a statement that the agency has a good faith doubt that the certified or currently recognized exclusive representative represents a majority of the employees in the unit.

(2) A petition for an election by an employee(s), or individual acting on their behalf shall contain the information set forth in § 25.202(a), except subparagraphs (7) and (1) thereof, and it shall be accompanied by a showing of interest of not less than thirty (30%) percent of the employees in the unit indicating that the employees no longer desire to be represented for the purpose of exclusive recognition by the currently recognized or certified labor organization.

(c) Petition for Clarification of Unit or Amendment of Certification: A petition for clarification of unit or amendment of certification shall contain the information required by § 25.202(a) except subparagraphs (2), (7), and (10), and shall set forth:

(1) A description of the present unit and the date of recognition or certification;

(2) The proposed clarification or amendment of the certification; and

(3) A statement of reasons why the proposed clarification or amendment is requested.

(d) Petition for National Consultation Rights: [Reserved]

(e) Filing and service of petition and copies:

(1) An original and four copies of a petition shall be filed with the Area Administrator of the Labor-Management Services Administration for the area in which the bargaining unit exists, or, if the claimed unit exists in two or more areas the petition shall be filed with the Area Administrator for the area in which the headquarters of the activity is located.

(2) Simultaneously with the filing of a petition, copies shall be served by the petitioner on all known interested parties, and a written statement of such service shall be furnished to the Area Administrator. The showing of interest submitted with a petition shall not be furnished to any of the parties or organizations listed in the petition.

(f) Adequacy and Validity of Showing of Interest: The Area Administrator shall determine the adequacy of the showing of interest administratively, and such decision shall not be subject to collateral attack at a unit or representation hearing. Any party challenging the validity of showing of interest must file his challenge with the Area Administrator within (5) days of the service of the petition and support his challenge with evidence. The Area Administrator shall investigate the challenge and report his findings to the Regional Administrator who shall take such action as he deems appropriate.

§ 25.203 Timeliness of petition.

(a) Where there is no recognized or certified exclusive representative of the employees, a petition will be considered timely filed provided there has been no valid election within the claimed unit within the preceding 12-month period and provided further that the claimed unit is not a subdivision of a unit in which a valid election has been held within the preceding 12-month period.

(b) Where there is a recognized or certified representative, a petition will not be considered timely if filed within twelve (12) months after the grant of exclusive recognition or certification as the exclusive representative of employees in an appropriate unit, unless unusual circumstances exist.

(c) A petition for exclusive recognition or other election petition will not be considered timely if filed during the period within which a signed agreement between an agency and a labor organization is in force or awaiting approval at a higher management level, but not to exceed an agreement period of 2 years, unless (1) a petition is filed not more than 90 days and not less than 60 days prior to the terminal date of such agreement or 2 years, whichever is earlier, or (2) unusual circumstances exist which will substantially affect the unit or the majority representation.

(d) When an extension of agreement has been signed more than 60 days before its terminal date, such extension shall not serve as a basis for the denial of a petition submitted in accordance with the time limitations provided herein.

(e) A petition for exclusive recognition or other petition for an election will not be considered timely if filed within a 12-month period following the close of a hearing conducted pursuant to 25.219 concerning the unit or any subdivison thereof.

§ 25.204 Investigation of petition and posting of notice of petition.

(a) Upon the filing of a petition the Area Administrator shall make such investigation as he deems necessary.

(b) Upon the request of the Area Administrator, after the filing of a petition, the agency shall post copies of a notice to all employees in places where notices are normally posted affecting the employees in the unit involved in the proceeding.

(c) Such notice shall set forth: (1) The name of the petitioner, (2) the description of the unit involved, and (3) a statement that all interested parties are to advise the Area Administrator in writing of their interest within ten (10) days from the date of posting such notice.

(d) The notice shall remain posted for a period of ten (10) days. The notice shall be posted conspicuously in places where notices are posted customarily and shall not be covered by other material, altered or defaced.

(e) The agency shall furnish the Area Administrator with the names, addresses and telephone numbers of all labor organizations known to represent any of the employees in the claimed unit.

(f) The parties are expected to meet as soon as possible after the filing of the petition and use their best efforts to secure agreement on an appropriate unit, including, where appropriate, consulting with higher authority within the agency and the organization.

(g) Within thirty (30) days following the receipt of a copy of the petition, the agency and any intervenor(s) shall file a response thereto with the Area Director, raising any matter which is relevant to the petition. A copy of such response shall be furnished to other parties and organizations.

(h) The Area Administrator shall report the essential facts and positions of the parties to the Regional Administrator.

(i) The Regional Administrator shall take appropriate measures which may consist of withdrawal or dismissal of the petition, or the supervision of an election in an agreed-upon appropriate unit, or the conduct of a hearing.

§ 25.205 Intervention.

(a) No labor organization will be permitted to intervene in any proceeding unless it has submitted a showing of interest of ten (10%) percent or more of the employees in the unit involved in the petition or has submitted a currently or recently expired agreement with the agency covering any of the employees involved.

(b) A labor organization seeking exclusive recognition in a unit which encompasses any portion of the unit petitioned for must file a petition with the Area Administrator supported by a showing of interest of thirty (30%) percent or more of the employees in the unit it claims to be appropriate within ten (10) days after the initial date of posting of the notice of petition as provided in § 25.204 unless good cause is shown for extending the period.

(c) No labor organization may participate to any extent in any representation proceeding unless it has notified the Area Administrator of its desire to intervene within ten (10) days after the initial date of posting of the notice of petition as provided in § 25.214, unless good cause is shown for extending the period.

(d) Any labor organization intervening for the purpose of seeking recognition by an agency or retaining its status as a recognized organization must supply a statement to the Area Administrator that it has submitted to the agency a roster of its officers and representatives, a copy of its constitution and bylaws and a statement of its objectives.

§ 25.206 Withdrawal or dismissal of petition; with or without prejudice.

(a) If the Regional Administrator determines after an investigation that the petition has not been timely filed, that the claimed unit is not appropriate, that the petitioner has not made a sufficient showing of interest or otherwise is not actionable, he may request the party filing such a petition to withdraw the petition without prejudice or in the absence of such withdrawal within a reasonable time, he may dismiss the petition.

(b) If the Regional Administrator dismisses the petition, he shall supply the petitioner with a written statement of the grounds for the dismissal, sending a copy of such statement to the agency and any intervenors.

(c) The petitioner may obtain a review of such action by filing a request for review with the Assistant Secretary within 10 days of service of the notice of dismissal. Copies of the requested review shall be served on the Regional Administrator and the other parties, and statement of service shall be filed with the request for review. The request shall contain a complete statement setting forth facts and reasons upon which the request is based.

(d) Petitions withdrawn (1) after the close of hearing but prior to decision of the Assistant Secretary or (2) after the approval of an election agreement shall be with 6 months prejudice to refiling such petition.

§ 25.207 Agreement for consent election.

(a) The parties may stipulate subject to approval of the Regional Administrator that a secret ballot election shall be conducted by the agency or activity as appropriate, under the supervision of the Area Administrator in accordance with § 25.211 among the employees in an agreed-upon appropriate unit, to determine whether the employees desire to be represented for purposes of exclusive recognition by any or none of the labor organizations involved. The parties to such proceeding shall be the agency, the petitioner, and any intervenors who have complied with the requirements set forth in § 25.205.

(b) The parties shall stipulate the eligibility period for participation in the election, the dates, hours, and places of the election, the designations on the ballot and other related election details.

(c) In the event that the parties cannot agree on the matters contained in paragraph (b) of this section, the Area Administrator acting in behalf of the Assistant Secretary shall decide these matters.

§ 25.208 Notice of hearing.

The Regional Administrator may cause a notice of hearing to be issued if, after the filing of a petition, the petitioner, the agency, and all intervenors, within the purview of § 25.205 are unable to resolve issues of appropriateness of unit and related matters. A notice of hearing providing at least ten (10) days notice shall be served on all interested parties and shall include:

(a) A statement of the time, place and nature of the hearing;

(b) A statement of the unit claimed to be appropriate;

(c) The name of the agency, petitioner and intervenors, if any;

(d) A statement of the authority and jurisdiction under which the hearing is to be held.

§ 25.209 Conduct of hearing.

(a) Hearings shall be conducted by a hearing officer and shall be open to the public unless otherwise ordered by the hearing officer. At any time another hearing officer may be substituted for the hearing officer previously presiding. It shall be the duty of the hearing officer to inquire fully into all matters in issue and necessary to obtain a full and complete record upon which the Assistant Secretary may make an appropriate decision. An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or may be examined in the Area Office during normal working hours.

(b) Hearings under this section of these Regulations are considered investigatory and not adversary. Their purpose is to develop a full and complete factual record. The rule of relevancy and materiality are paramount; there are no burdens of proof, and the technical rules of evidence do not apply.

(c) The hearing officer may, in his discretion, continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice.

§ 25.210 Motions.

(a) All motions shall be in writing or, if made at the hearing may be stated orally on the record and shall briefly state the order or relief sought and the grounds for such motion. An original and two copies of written motions shall be filed and a copy thereof immediately shall be served on the other parties to the proceeding. Motions made prior to the transfer of the case to the Assistant Secretary shall be filed with the Area Administrator, with a copy to the Regional Administrator, except that motions made during the hearing shall be filed with the hearing officer. After the transfer of the case to the Assistant Secretary, all motions shall be filed with the Assistant Secretary. The Regional Administrator may rule upon all motions filed with him, causing a copy of said ruling to be served on the parties, or he may refer the motion to the hearing officer: *Provided*, That if the Regional Administrator prior to the close of the hearing grants a motion to dismiss the petition, the petitioner may obtain a review of such ruling in the manner prescribed in § 25.206. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that all motions to dismiss petitions shall be referred for appropriate action at such time as the entire record is considered by the Regional Administrator or the Assistant Secretary, as the case may be.

(b) Motions to intervene will not be entertained by the hearing officer. Intervention will be permitted only to those who have met the requirements set forth in § 25.205.

(c) All motions, rulings, and orders shall become a part of the record. Rulings by the Regional Administrator or by the hearing officer shall be considered by the Assistant Secretary when the case is transferred to him for decision.

(d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceeding.

§ 25.211 Rights of the parties.

Any party shall have the right to appear at any hearing in person, by counsel, or by other representative, and any party and the hearing officer shall have power to examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced in evidence with respect to any issue.

§ 25.212 Duties and powers of the hearing officer.

It shall be the duty of the hearing officer to inquire fully into the facts as they relate to the matter before him. With respect to cases assigned to him, between the time he is designated and the transfer of the case to the Assistant Secretary, the hearing officer shall have the authority, subject to these Regulations, to:

(a) Grant requests for appearance of witness or production of records;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are incompetent, immaterial or irrelevant;

(e) Regulate the course of the hearing and, if appropriate or necesary summarily exclude from the hearing persons who engage in misconduct and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(f) Hold conferences for the settlement or simplification of the issue by consent of the parties;

(g) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the hearing officer by the Regional Administrator and motions to amend pleadings;

(h) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(i) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(j) Continue, in his discretion, the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(k) Take any other action necessary under the foregoing and authorized by the Regulations of the Assistant Secretary.

§ 25.213 Objections to conduct of hearing.

(a) Any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Automatic exception will be allowed to all adverse rulings.

(b) The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matters. Misconduct at any hearing before a hearing officer shall be ground for summary exclusion from the hearing.

(c) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing.

§ 25.214 Filing of briefs.

Prior to the close of the hearing and for good cause, the hearing officer may allow time not to exceed 14 days for the filing of briefs with the Assistant Secretary. Copies thereof shall be served simultaneously on all other parties to the proceeding. Requests for additional time in which to file a brief under authority of this section not addressed to

the hearing officer during the hearing shall be made to the Regional Administrator, in writing, and copies thereof shall immediately be served on the other parties. Requests for extension of time shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed.

§ 25.215 Contents of record.

The record of the proceeding shall consist of: The petition, notice of hearing with service sheet thereof, motions, rulings, orders, the stenographic report of the hearing and of any oral argument before the hearing officer, stipulations, exhibits, documentary evidence, depositions, and any briefs or other documents.

§ 25.216 Decision.

The Assistant Secretary will issue a decision determining the appropriate unit, and directing an election, or dismissing the petition, or making other disposition of the matter.

§ 25.217 Election procedure.

This section governs all elections conducted under the supervision of an Area Administrator, pursuant to § 25.207 or § 25.214.

(a) Appropriate notices of election shall be posted by the activity. Such notices shall set forth the details and procedures for the election, the appropriate unit, the eligibility period, the date(s), hours and place(s) of the election and shall contain a sample ballot.

(b) The reproduction of any document purporting to be a copy of the official ballot, other than one completely unaltered in form and content and clearly marked "sample" on its face, which suggests either directly or indirectly to employees that the Assistant Secretary endorses a particular choice, may constitute grounds for setting aside an election upon objections properly filed.

(c) All elections shall be by secret ballot.

(d) Whenever two or more labor organizations are included as choices in an election, any labor organization may request, in writing, the Area Administrator to remove its name from the ballot. The request must be received not later than five (5) days before the date of the election. Such request shall be subject to the approval of the Area Administrator, whose decision shall be final; provided, however, that in a proceeding involving a petition filed under § 25.202 of these regulations an organization certified, currently recognized, may not have its name removed from the ballot without giving the aforementioned notice in writing to all parties and the Area Administrator, disclaiming any representation interest among the employees in the unit.

(e) Any party may be represented at the polling place(s) by observers of his own selection, subject to such limitations as the Area Administrator may prescribe.

§ 25.218 Challenged ballots.

Any party or the election officer may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded.

§ 25.219 Tally of ballots.

Upon the conclusion of the election, the Area Administrator shall cause to be furnished to the parties a tally of ballots.

§ 25.220 Objections to election.

(a) Within five (5) days after the tally of ballots has been furnished, any party may file with the Area Administrator an original and four (4) copies of objections to the conduct of the election or conduct affecting the results of the election, which shall contain a short statement of the reasons therefor. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Copies of such objections shall be served simultaneously on the other parties by the party filing them, and a statement of service shall be made.

(b) If no objections are filed within the time set forth above, if the challenged ballots are insufficient in number to affect the result of the election, and if no runoff election is to be held, the Area Administrator shall forthwith issue to the parties a certification of the results of the election, including certification of representative, where appropriate.

(c) If objections are filed to the conduct of the election or conduct affecting the result of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the Area Administrator shall investigate such objections or challenges, or both.

(d) The Area Administrator shall report the essential facts and positions of the parties to the Regional Administrator. The Regional Administrator, when appropriate, shall cause to be issued a notice of hearing designating a hearing examiner or hearing officer, as the case may be, to hear the matters alleged and to issue a report and recommendations. The objecting party shall bear the burden of proof regarding all matters alleged in the objections to the conduct of the election or to conduct affecting the results of the election.

§ 25.221 Runoff elections.

(a) The agency shall conduct a runoff election under supervision of the Area Administrator when an election in which the ballot provided for not less than three (3) choices (i.e., at least two representatives and "neither") results in no choice receiving a majority of the valid ballots cast, and any objections which had been filed have been disposed of, as provided herein. Only one runoff election shall be held pursuant to this section.

(b) Employees who were eligible to vote in the original election and who are in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

(c) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

§ 25.222 Inconclusive elections.

An inconclusive election is one in which none of the choices on the ballot has received a majority of the valid ballots cast. In the event the number of ballots cast in an inconclusive election in which the ballot provided for a choice among two (2) or more representatives and "neither" or "none" is equally divided among the several choices; or in the event the number of ballots cast for one choice in such election is equal to the number cast for another of the choices but less than the number cast for the third choice, the Area Administrator shall declare the first election a nullity and shall order another election, providing for a selection from among the choices afforded in the original ballot. In the event two (2) or more choices receive the same number of ballots and another choice receives no ballots and there are no challenged ballots that would affect the results of the election, and if all eligible voters have cast valid ballots, there shall be no runoff election and a certification of results of election shall be issued. Only one such further election pursuant to this section may be held.

Subpart D—Unfair Labor Practice Proceedings

§ 25.301 Who may file complaints.

A complaint that any agency or labor organization has engaged in any act prohibited under section 19 of the order or has failed to take any action required by the order may be filed by an employee, an agency, or a labor organization, within six (6) months of the occurrence of the alleged unfair labor practice.

§ 25.302 Action to be taken before filing a complaint with the Assistant Secretary.

Any alleged unfair labor practice occurring after January 1, 1970, shall be investigated by the agency and labor organization involved and informal attempts to resolve the complaint shall be made by the parties. If informal attempts are unsuccessful in disposing of the complaint within thirty days, both parties may agree to stipulate the facts to the Assistant Secretary and request a decision. The stipulation of an agreed statement of facts to the Assistant Secretary may be deemed a waiver of a formal hearing. In lieu of a joint request, either party may file a complaint requesting the Assistant Secretary to issue a decision in the matter.

§ 25.303 Contents of the complaint.

A complaint alleging a violation of section 19 of the order shall be submitted on forms prescribed by the Assistant Secretary and shall contain the following:

(a) The name, address, and telephone number of the employee, agency, or labor organization making the complaint (hereinafter referred to as the complainant);

(b) The name, address, and telephone number of the agency or labor organization against whom the complaint is made (hereinafter referred to as the respondent);

(c) A clear and concise statement of the facts constituting the alleged unfair labor practice, including the time and place of occurrence of the particular acts and a statement of the portion or portions of the order alleged to have been violated;

(d) A statement of any other procedures invoked involving the subject matter of the complaint and the results, if any, of their invocation including whether the subject matter raised in the complaint has been referred to the Council, Panel, or Service for consideration or action;

(e) The entire report of investigation by the parties, pursuant to § 25.302, shall be filed with the complaint;

(f) A declaration by the person signing the complaint, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief.

§ 25.304 Filing and service of copies.

(a) An original and four copies of a complaint shall be filed with the Area Administrator of the Labor-Management Services Administration for the area in which the alleged unfair labor practice occurred or if it occurred in two or more areas, the complaint shall be filed with the Area Administrator for the area in which the headquarters of the respondent is located.

(b) Simultaneously with the filing of a complaint and the parties' report of investigation, copies shall be served by the complainant on the respondent, and a written statement of such service shall be furnished to the Area Administrator.

§ 25.305 Investigation of the complaint.

(a) Upon the filing of a complaint the Area Administrator shall make such additional investigation as he deems necessary.

(b) The Area Administrator shall report the essential facts and positions of the parties, including any offers of settlement to the Regional Administrator.

§ 25.306 Action by Regional Administrator.

The Regional Administrator shall take appropriate measures which may consist of the approval of a withdrawal request or dismissal of the complaint, approval of a satisfactory offer of settlement, or the issuance of a notice of hearing.

§ 25.307 Withdrawal or dismissal of complaint.

(a) If the Regional Administrator determines that the complaint has not been timely filed, that a reasonable basis for the complaint has not been established, or that a satisfactory offer of settlement has been made, he may request the complainant to withdraw the complaint or in the absence of such withdrawal, within a reasonable time, he may dismiss the complaint.

(b) If the Regional Administrator dismisses the complaint, he shall furnish the complainant with a written statement of the grounds for dismissal, sending a copy of the statement to the respondent.

(c) The complainant may obtain a review of such action by filing a request for review with the Assistant Secretary within 10 days of service of such notice of dismissal and simultaneously serving a copy of such request on the Regional Administrator and the respondent. Statement of service shall be filed with the Assistant Secretary. The request for review shall contain a complete statement setting forth facts and reasons upon which the request is based.

§ 25.308 Notice of hearing.

The Regional Administrator may cause a notice of hearing to be issued if, after the filing of a complaint, he finds, based on the allegations and the report of investigation by the parties and any additional investigation by the Area Administrator, which has been reported to parties, that there is a reasonable basis for the complaint and that no satisfactory offer of settlement has been made.

§ 25.309 Contents of the notice of hearing.

The notice of hearing shall include:

(a) A copy of the complaint and the parties' report of investigation;

(b) A statement of the time and place of the hearing which shall be not less than ten (10) days after service of the notice of hearing, except in extraordinary circumstances;

(c) A statement of the nature of hearing;

(d) A statement of the authority and jurisdiction under which the hearing is to be held;

(e) A reference to the particular sections of the order and regulations of the Assistant Secretary involved;

§ 25.310 Conduct of hearing.

(a) Hearings shall be conducted by a hearing examiner and shall be open to the public unless otherwise ordered by the hearing examiner.

(b) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or may be examined in the Area Office during normal working hours.

§ 25.311 Intervention.

Any person desiring to intervene in any proceeding shall file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Prior to the hearing, such a motion shall be filed with the Regional Administrator issuing the notice of hearing; during the hearing such motion shall be made to the hearing examiner. An original and two copies of written motions shall be filed. Simultaneously upon filing such motion, the moving party shall serve a copy thereof on the other parties. The Regional Administrator shall rule upon all such motions filed prior to the hearing, and shall cause a copy of such rulings to be furnished to the other parties, or may refer the motion to the hearing examiner for ruling. The hearing examiner shall rule upon all such motions made at the hearing or referred to him by the Region Administrator. When the hearing examiner rules, before the hearing, on a motion referred to him by the Regional Administrator, he shall furnish copies of such ruling to the parties. The Regional Administrator or hearing examiner, as the case may be, may permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper.

§ 25.312 Rights of parties.

Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent permitted by the hearing examiner; and provided further, that two (2) copies of documentary evidence shall be submitted.

§ 25.313 Rules of evidence.

The parties shall not be bound by the technical rules of evidence. All relevant evidence is admissable, except as otherwise provided. A hearing examiner may, in his discretion, exclude any evidence or offer of proof pursuant to § 25.315. The hearing examiner shall give effect to the rules of privilege recognized by law. Every party shall have a right to present his case by oral and documentary evidence and to submit rebuttal evidence.

§ 25.314 Burden of proof.

A complainant in asserting a violation of the Order shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

§ 25.315 Duties and powers of the Hearing Examiner.

It shall be the duty of the hearing examiner to inquire fully into the facts as they relate to the matter before him. Upon assignment to him and before transfer of the case to the Assistant Secretary, the hearing examiner shall have the authority, subject to the Regulations of the Assistant Secretary to:

(a) Grant requests for appearance of witnesses or production of documents;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are incompetent, immaterial or irrelevant;

(e) Regulate the course of the hearing and, if appropriate or necessary, summarily exclude from the hearing persons who engage in misconduct and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(g) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the hearing examiner by the Regional

Administrator and motions to amend pleadings, also to recommend dismissal of cases or portions thereof, and to order hearings reopened prior to issuance of the hearing examiner's report and recommendations;

(h) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(i) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(j) Continue, at his discretion, the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(k) Take any other action necessary under the foregoing and authorized by the regulations of the Assistant Secretary.

In the event the hearing examiner designated to conduct the hearing becomes unavailable, the Regional Administrator shall request the designation of another hearing examiner for the purpose of further hearing or issuance of a report and recommendations on the record as made, or both.

§ 25.317 Objection to conduct of hearing.

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

(b) Automatic exceptions will be allowed to all adverse rulings. Rulings by the hearing examiner shall not be appealed, but shall be considered by the Assistant Secretary only upon the filing of exceptions to the hearing examiner's report and recommendations in accordance with section 25.322.

§ 25.318 Motions before or after a hearing.

(a) All motions made before a hearing shall be made in writing to the Regional Administrator. All motions made after the transfer of the case to the Assistant Secretary shall be made in writing to the Assistant Secretary. All motions shall state briefly the relief sought, and shall be accompanied by affidavits setting forth the grounds for such motion. The moving party shall serve simultaneously a copy of all motion papers on all other parties. A statement of service shall accompany the motion. Answering affidavits, if any, must be served on all parties and the original thereof, together with two (2) copies and statement of service, shall be filed either with the Regional Administrator before the hearing or the Assistant Secretary after the hearing, within five (5) days after service of the moving papers unless it is otherwise directed.

(b) The Regional Administrator may rule upon all motions filed with him, causing a copy of such ruling to be served on the parties, or he may refer such motions to the hearing examiner. Rulings by the Regional Administrator shall not be appealed, but shall be considered by the Assistant Secretary when the case is transferred to him for decision.

§ 25.319 Waiver of objections.

Any objection not duly urged before a hearing examiner shall be deemed waived.

§ 25.320 Oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

§ 25.321 Filing of brief.

Any party desiring to submit a brief to the hearing examiner shall file the original and one copy thereof within 7 days after the close of the hearing: *Provided, however,* That prior to the close of the hearing and for good cause, the hearing examiner may grant a reasonable extension of time. Copies thereof shall be served simultaneously on all other parties to the proceeding. Requests for additional time in which to file a brief under authority of this section not addressed to the hearing examiner during the hearing shall be made to the Assistant Secretary, in writing, and copies thereof shall be served simultaneously on the other parties. A statement of such service shall be furnished. Requests for extension of time shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except upon special leave of the hearing examiner.

§ 25.322 Submission of the hearing examiner's report and recommendations to the Assistant Secretary; exceptions.

(a) After the close of the hearing, and the receipt of briefs, if any, the hearing examiner shall prepare his report and recommendations. The report and recommendations shall contain findings of fact, conclusions, and the reasons or basis therefor, and recommendations as to the disposition of the case and, where appropriate, including the remedial action to be taken and notices to be posted.

(b) The hearing examiner shall cause his report and recommendations to be served promptly on all parties to the proceeding. Thereafter, the hearing examiner shall transfer the case to the Assistant Secretary including his report and recommendations and the record. The record shall include the complaint, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, documentary evidence and any briefs or other documents submitted by the parties.

(c) An original and two (2) copies of any exceptions to the hearing examiner's report and recommendations may be filed by any party with the Assistant Secretary within ten (10) days after service of the report and recommendations: *Provided, however,* That the Assistant Secretary may for good cause shown extend the time for filing such exceptions. Requests for additional time in which to file exceptions shall be in writing, and copies thereof shall be served simultaneously on the other parties. Requests for extension of time shall not be received later than three (3) days before the date they are due. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such service shall be furnished to the Assistant Secretary.

§ 25.323 Contents of exceptions to hearing examiner's report and recommendations.

Exceptions to a hearing examiner's report and recommendations shall:

(a) Set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;

(b) Identify that part of the hearing examiner's report to which objection is made;

(c) Designate by precise citation of page the portions of the record relied on, state the grounds for the exceptions, and include the citation of authorities unless set forth in a supporting brief.

Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

§ 25.324 Briefs in support of exceptions.

Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions and shall contain, in the order indicated, the following:

(a) A concise statement of the case containing all that is material to the consideration of the questions presented;

(b) A specification of the questions involved and to be argued;

(c) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

Answering briefs to the exceptions, and cross-exceptions and supporting briefs, may be filed upon application at the discretion of the Assistant Secretary.

§ 25.325 Action by the Assistant Secretary.

(a) After considering the hearing examiner's report and recommendations, the record and any exceptions filed, the Assistant Secretary shall issue his decision.

(1) Upon finding a violation of the order the Assistant Secretary shall order the respondent to cease and desist from conduct violative of the order and may require the respondent to take such affirmative corrective action as the Assistant Secretary deems appropriate to effectuate the policies of the order.

(2) Upon finding no violation of the order, the Assistant Secretary shall dismiss the complaint.

(3) The Assistant Secretary may affirm or reverse the hearing examiner, in whole or in part, or make such other disposition of the matter as he deems appropriate.

(b) The Assistant Secretary may refer cases involving major policy questions to the Council for decision or general ruling in accordance with its regulations.

§ 25.326 Compliance with decisions and orders of the Assistant Secretary.

Where remedial action is ordered, compliance with decisions and orders of the Assistant Secretary shall be achieved by the respondent reporting to the Assistant Secretary, within a specified period, that the required remedial action has been taken. Where the Assistant Secretary finds that the required remedy has not been effected, he shall refer the matter to the Council for appropriate action.

Subpart E—Standards of Conduct for Labor Organizations

The Assistant Secretary's Regulations under section 18 of the order concerning the Standards of Conduct for Labor Organizations will be promulgated at a later date and appear in this Subpart.

Subpart F—Miscellaneous

§ 25.501 Computation of time for filing papers.

In computing any period of time prescribed by or allowed by the Regulations of the Assistant Secretary, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or a Federal legal holiday. When the period of time prescribed, or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computations. When the Regulations of the Assistant Secretary require the filing of any paper, such document must be received by the Assistant Secretary or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

§ 25.502 Additional time after service by mail.

Whenever a party has the right or is required to do some act pursuant to the Regulations of the Assistant Secretary within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served on him by mail, three (3) days shall be added to the prescribed period, provided, however, that three (3) days shall not be added if any extension of time may have been granted.

§ 25.503 Extension of time.

The Assistant Secretary, Regional Administrator or Area Administrator having authority to dispose of a matter, may extend, for good cause shown, any time prescribed in the Regulations of the Assistant Secretary.

§ 25.504 Form of documents.

(a) *Title.* Documents other than correspondence shall clearly show the title of the proceeding and the case number, if any.

(b) *Where to file.* All documents, correspondence, and papers filed prior to hearing shall be filed in accordance with the Regulations of the Assistant Secretary. During the course of the hearing, all matters shall be filed with the hearing officer or hearing examiner conducting the hearing. After the close of the hearing, all matters shall be filed with the Assistant Secretary unless the hearing officer or hearing examiner or the Regulations of the Assistant Secretary provide otherwise. Copies shall be served simultaneously on all interested parties. Statement of service shall be furnished.

§ 25.505 Number of copies; form.

Except as otherwise provided in the Regulations of the Assistant Secretary, any documents or papers shall be filed with four (4) copies in addition to the original. All matters filed shall be printed, typed, or otherwise legibly duplicated; carbon copies of typewritten matter will be accepted if they are clearly legible.

§ 25.506 Signature.

The original of each document filed shall be signed by the party or by an attorney or representative of record for the party, or by an officer of the party and shall contain the address and telephone number of the person signing it.

§ 25.507 Service of pleading and other paper; Statement of service.

(a) *Method of service.* Notices of hearings, decisions, orders and other papers may be served personally or by registered or certified mail or by telegraph.

(b) *Upon whom served.* All papers except complaints, petitions and papers relating to requests for apparence or production of documents, shall be served upon all counsel of record and upon parties not represented by counsel or by their agents designated by them or by law and upon the Assistant Secretary, or his designated officer or agent or examiner, where appropriate. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) *Statement of service.* The party or person serving the papers or process shall submit simultaneously to the Assistant Secretary or other designated representative, or the individual conducting the proceeding, a written statement of such service; failure to file a statement of service shall not affect the validity of the service. Proof of service shall be required only if subsequent to the receipt of a statement of service a question is raised with respect to proper service.

§ 25.508 Transfer of case to Assistant Secretary.

In any case in which it appears to the Regional Administrator that the proceedings raise questions which should be decided by the Assistant Secretary, he may, at any time, issue an order transferring the case to the Assistant Secretary for decision or other appropriate action. Such an order shall be served on the parties.

§ 25.509 Request for appearance of witnesses and production of documents at a hearing.

The Regional Administrator, hearing officer or hearing examiner may request the attendance of witnesses and the production of documents at a hearing held under the provisions of Subparts C and D of this part. A party may file a written application for such request with the Regional Administrator before the opening of a hearing or with a hearing officer or hearing examiner during the hearing. The application for the request shall name and identify the witness and the documents sought and the reason therefor. Notice of an application for request need not be communicated to the parties. The Regional Administrator, hearing officer or hearing examiner shall comply with the request provided the anticipated testimony or documents reasonably related to the matters under investigation and describes with sufficient particulars the documents sought. If the Regional Administrator, hearing officer or hearing examiner denies such request he shall make a statement as to the basis for his ruling, which shall become a part of the record. Upon the failure of any party or officer of any party to comply with a request issued by the Regional Administrator, hearing officer or hearing examiner or the Assistant Secretary may disregard all related evidence offered by the party failing to produce such evidence.

§ 25.510 Rules to be liberally construed.

(a) Whenever the Assistant Secretary finds that unusual circumstances or good cause exist and that strict compliance with the terms of the regulations in this part will work an injustice or unfairness, he shall construe the regulations in this part liberally to prevent injustices and to effectuate the purposes of the order.

(b) When an act is required or allowed to be done at or within a specified time the Assistant Secretary may at any time, in his discretion, order the period altered where it shall be manifest that strict adherence will work surprise or injustice or interfere with the proper effectuation of the order.

Dated at Washington, D.C., this 17th day of December 1969.

By order of

W. J. USERY, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 69-15180; Filed, Dec. 19, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED APPLESAUCE

Identity Standard; Confirmation of Effective Date of Order Rejecting Proposal To List Nutritive Sweeteners and Change Label Declaration

In the matter of amending the definition and standard of identity for canned applesauce (21 CFR 27.80) to specify the nutritive sweeteners that may be used and to provide for certain changes in label declaration:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the negative order in the above-identified matter published in the FEDERAL REGISTER of October 18, 1969 (34 F.R. 16875). Accordingly, that order will become effective December 17, 1969.

Dated: December 12, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15114; Filed, Dec. 19, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-156]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lawrenceville, Va., transition area (34 F.R. 4714).

A revision of the VOR-1 instrument approach procedure for Lawrenceville Municipal Airport, Lawrenceville, Va., requires alteration of the transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lawrenceville, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lawrenceville, Va., transition area and insert the following in lieu thereof, "That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°46'20" N., 77°47'45" W., of Lawrenceville Municipal Airport, Lawrenceville, Va., and within 2 miles each side of the Lawrenceville VOR 117° radial, extending from the 5-mile radius area to the VOR.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-15136; Filed, Dec. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-155]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot transition area over Wheeler-Sack Army Airfield, Great Bend, N.Y.

A new NDB (ADF) RWY 8 instrument approach procedure has been developed for Wheeler-Sack Army Air Field, Camp Drum, N.Y., and will require designation of a 700-foot and 1,200-foot transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation, Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Great Bend, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Great Bend, N.Y., transition area described as follows:

GREAT BEND, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°03'25" N., 75°43'15" W., of Wheeler-Sack AAF, N.Y.; within 2 miles each side of the Wheeler-Sack AAF runway 15 centerline, extended from the 5-mile radius area to 5 miles southeast of the end of the runway; within 2 miles each side of the Wheeler-Sack AAF runway 21 centerline, extended from the 5-mile radius area to 7.5 miles south of the end of the runway; within 3 miles each side of the Watertown, N.Y., VOR 069° radial, extending from the 5-mile radius area to the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°52'00" N., 75°54'00" W., to 43°50'30" N., 75°53'30" W., to 43°51'30" N., 75°40'00" W., to 43°59'30" N., 75°30'00" W., to 44°08'00" N., 75°30'00" W., to 44°10'30" N., 75°31'00" W., to 44°13'00" N., 75°42'20" W. to point of beginning, excluding the portion which coincides with the Watertown, N.Y. 700-foot and 1,200-foot transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-15137; Filed, Dec. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-87]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Santa Rosa, Calif., control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Santa Rosa, Calif., control tower are currently designated from 0600 to 2200 hours local time daily. Effective December 11, 1969, these hours will be changed to 0700 to 2300 hours local time daily. It is expected, however, that seasonal changes in the hours of operation of the control tower will be necessary in the future. The use of the NOTAM is proposed to designate these changes, when required, to designate the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (34 F.R. 4557) as modified by (34 F.R. 18379) is further amended to read as follows.

SANTA ROSA, CALIF.

Within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddington Airport (latitude 38°28'30" N., longitude 122°44'25" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348 (a), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 10, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-15138; Filed, Dec. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-60]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a transition area for St. George Airport, Utah, and alter the airway floors between Mormon Mesa, Nevada; Cedar City, and Bryce Canyon, Utah.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Instrument approach and holding procedures have been developed based upon the State-owned radio beacon located on the airport at St. George, Utah. These procedures have been established utilizing the 131° T (116° M) and 311° T (296° M) bearing from the radio beacon. The proposed transition area will provide controlled airspace protection for aircraft executing prescribed instrument procedures.

In conjunction with the transition area, the airway floor for V-8 between Mormon Mesa, Nevada, and Bryce Canyon, Utah, must be changed. In addition, the floors for V-21 east between Mormon Mesa and Cedar City, Utah, and V-8 north between Hurricane intersection and Cedar City must also be changed. This action is necessary to provide controlled airspace protection for aircraft crossing the St. George radio beacon at minimum altitude of 8,800 feet MSL and climbing to 500 feet below published MEAs for the respective airways. Consideration was given to terrain, chart legibility and ease of charting in arriving at proposed floors of 12 AGL.

In consideration of the foregoing, the FAA proposes the following airspace actions:

In § 71.181 (34 F.R. 4637) the following transition area is added:

ST. GEORGE, UTAH

That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° bearing from the St. George radio beacon (latitude 37°05'13" N., longitude 113°35'27" W.) extending from 12.5 to 18.5 miles southeast of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° and 311° bearings from the St. George radio beacon, extending from 7 miles northwest to 12.5 miles southeast of the radio beacon.

In § 71.123 (34 F.R. 4509) the descriptions of Federal Airways V-8, and V-21 are amended in part as follows:

1. V-8—delete all between "* * * Las Vegas, Nevada; * * *" and "* * * 12 AGL INT Cedar City 004° * * *" and substitute therefore "* * * 12 AGL Bryce Canyon, Utah, including a 12 AGL north alternate from INT Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City * * *".

2. V-21—delete all between "* * * 12 AGL Milford, Utah * * *" and "* * * 12 AGL to Milford * * *" and substitute therefore "* * * including a 12 AGL east alternate via INT of Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City, * * *"

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 10, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-15139; Filed, Dec. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-12]

FEDERAL AIRWAYS

Supplemental Notice of Proposed Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on August 1, 1969 (34 F.R. 12594), it was stated that the Federal Aviation Administration proposed to remove the designated ceiling altitude of 9,000 feet MSL from the segment of VOR Federal airway No. 17 between McAllen, Tex., and Laredo, Tex.

In accordance with the terms of the notice, the time for public comment was to expire on August 31, 1969.

It has now been determined that the designated ceiling for V–17 segment between McAllen and Laredo should be retained at 9,000 feet MSL and that a west alternate segment to V–17 should be designated between McAllen and Laredo via the intersection of the McAllen 301° T (292° M) and Laredo 150° T (160 °M) radials, excluding the portion within Mexico and the airspace between V–17 main airway segment and V–17 west alternate between McAllen and Laredo.

This revised proposal would provide a west alternate airway segment to accommodate the operation of turbojet aircraft operating between McAllen and Laredo and would retain off airway airspace above V–17 main airway segment and east of the west alternate segment wherein military air training operations may be accommodated.

In consideration of the foregoing, notice is hereby given that all comments received on Airspace Docket No. 69–SW–12 on or before January 16, 1970, will be considered by the FAA before action is taken on the regulatory actions proposed herein.

Communications should be submitted to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 12, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–15140; Filed, Dec. 19, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

RECOGNITION OF AGREEMENT STATE LICENSES

Notice of Proposed Rule Making

A general license is provided in § 150.20 of the Atomic Energy Commission's regulations, 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," authorizing any person who holds a specific license from an Agreement State to conduct the same activity in non-Agreement States, unless the specific license limits the activities authorized by the license to specified installations or locations. The Agreement States have similar regulations which recognize specific licenses issued by the other Agreement States and the Commission.

The Atomic Energy Commission is considering amendments to the general license in § 150.20 which would (a) increase the time during which persons holding specific licenses from Agreement States may engage in activities in non-Agreement States under the general license from 20 days in any period of 12 consecutive months to 180 days in any calendar year; (b) limit the application of the general license to a person holding a specific license issued by the State where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained; and (c) modify the requirements for notifying the Commission of proposed activities to be conducted in non-Agreement States under the general license.

Persons proposing to engage in activities in non-Agreement States under § 150.20 are not required to file Form AEC–241, "Report of Proposed Activities in Non-Agreement States," with the Commission prior to engaging in any such activity and are limited under the general license to 20 days in any period of 12 consecutive months.

The limitation of 20 days in any period of 12 consecutive months has discouraged use of the general license by Agreement State specific licensees who are engaged in transient field operations of uncertain duration, and results in the issuance by the Commission and Agreement States of multiple specific licenses for the same activity. Thus persons conducting transient operations throughout the United States may obtain specific licenses covering the same activity from the AEC and each of the 21 Agreement States. Under such circumstances multiple specific licenses impose an administrative and financial burden upon licensees and the license-issuing agencies without significant improvement of the health and safety aspects of the transient operations.

To facilitate use of the general license in § 150.20 and to reduce the number of specific licenses which need to be issued by the Commission and Agreement States for the same activity, the Commission has under consideration amendments of the general license in § 150.20 to permit Agreement State specific licensees to engage in activities in non-Agreement States up to 180 days in any calendar year.

The proposed amendments to § 150.20 would limit the application of the general license to a person holding a specific license issued by the Agreement State where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained. This State would be in the best position to evaluate the conduct of the licensed activities and to require and enforce any corrective measures which might be desirable or necessary in the interest of public health and safety.

To provide opportunity for the Commission to inspect persons conducting activities under the general license in § 150.20, the general license would be further amended to require the State specific licensee to file Form AEC–241, "Report of Proposed Activities in Non-Agreement States," at least 3 days prior to engaging in any activity in non-Agreement States under § 150.20. The Director of the Commission's appropriate Regional Compliance Office would be authorized to permit commencement of the proposed activity without the 3-day prior notice upon receipt of telephone notification. In addition, he would be authorized to waive the requirement for filing additional reports during the remainder of the calendar year, following receipt of the initial report.

The proposed amendments to § 150.20 which follow should permit a greater number of Agreement State specific licensees to use the general license, reduce the need for multiple specific licenses, and reduce the number of reports required of persons proposing to engage in activities under the general license. The amendments are expected to simplify licensing of radioactive materials without compromising health and safety.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments may be examined in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Section 150.20 of 10 CFR Part 150 is amended to read as follows:

§ 150.20 Recognition of Agreement State Licenses.

(a) Subject to the provisions of paragraph (b) of this section, any person who holds a specific license from an Agreement State where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the same activity in non-Agreement States: *Provided*, That the specific license does not limit the activity authorized by the license to specified installations or locations.

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person who engages in activities in a non-Agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.14(d), 30.34, and 30.51 to 30.63 inclusive of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63 inclusive, 40.71 and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Parts 20 and 71 and Subpart B of Part 34 of this chapter. In addition, any person who engages in activities in non-Agreement States under a general license provided in this section:

(1) Shall, at least 3 days prior to engaging in each such activity, file four copies of Form AEC–241 (revised), "Report of Proposed Activities in Non-Agreement States," and four copies of his Agreement State specific license with the Director of the Atomic Energy Commission Regional Compliance Office listed in Appendix D of Part 20 of this chapter for the region in which the Agreement State that issued the specific license is located. The Director of the Atomic Energy Commission Regional Compliance Office may authorize such person to commence the activity upon notification by telephone of intent to conduct the proposed activity under the general license: *Provided, however*, That four copies of Form AEC–241 (revised) and four copies of the Agreement State license shall be filed within 3 days after the telephone notification. The Director of the Atomic Energy Commission Regional Compliance Office may waive the requirement for filing additional Forms AEC–241 (revised) during the remainder of the calendar year following the receipt of the initial Form AEC–241 (revised) from a person engaging in activities under the general license provided in this section;

(2) Shall not, in any non-Agreement State transfer or dispose of radioactive material possessed or used under the general license provided in this section except by transfer to a person (i) specifically licensed by the Commission to receive such material, or (ii) exempt from the requirements for a license for such material under § 30.14 of this chapter;

(3) Shall not possess or use radioactive material, or engage in the activities authorized in paragraph (a) of this section for more than 180 days in any calendar year;

(4) Shall comply with all terms and conditions of the specific license issued by an Agreement State except such terms or conditions as are contrary to the requirements of this section.

(Secs. 161, 274, 68 Stat. 948; 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Germantown, Md., this 8th day of December 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69–15099; Filed, Dec. 19, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Notice of Proposed Rule-Making

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to amend Part 890 of title 5 of the Code of Federal Regulations to provide coverage for Presidential appointees appointed to fill an unexpired term. Interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is set out below:

§ 890.102 Coverage.

* * * * *

(c) The following employees are not eligible:

(1) An employee serving under an appointment limited to 1 year or less, except an acting postmaster, and a Presidential appointee appointed to fill an unexpired term.

* * * * *

[SEAL] CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–15147; Filed, Dec. 19, 1969; 8:48 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket No. G-4575 etc.]

WILLIAM K. FINCH ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 12, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4575 E 11-21-69	William K. Finch (successor to Fred Finch Estate[2]), 636 South Second Ave., Paden City, W. Va. 26159.	Pennzoil United, Inc., acreage in Harrison County, W. Va.	[3] 12.0 [3] 13.0	15.325
G-6545 11-10-69 [4]	Breckenridge Gasoline Co., Post Office Box 1272, Breckenridge, Tex. 76024.	Arkansas Louisiana Gas Co., Lodi Plant, Cass County, Tex.	11.7047	15.025
G-11571 E 11-21-69	William K. Finch (successor to Fred Finch Estate[2]).	Pennzoil United, Inc., acreage in Harrison County, W. Va.	[3] 12.0 [3] 13.0	15.325
G-16287 C 11-7-69	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., East and West Panhandle Fields, Wheeler, Collingsworth and Gray Counties, Tex.	14.0	14.65
CI60-444 E 11-14-69	S.S.C. Gas Producing Co. (successor to Tri Gas Co.) c/o Tommy F. Staples, partner, Post Office Box 292, Pettus, Tex. 78146.	Trunkline Gas Co., Fox Field, Bee County, Tex.	13.0	14.65
CI61-516 C 11-19-69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Hutchinson Unit, Major County, Okla.	[3] 16.0	14.65
CI61-912 E 11-26-69	R. N. Usher (successor to J. M. Deavenport), c/o B. H. Keyes, agent, Box 842, Aztec, N. Mex. 87410.	El Paso Natural Gas Co., Fruitland Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
CI61-1226 E 11-14-69	S.S.C. Gas Producing Co. (successor to Tri Gas Co.).	Trunkline Gas Co., Byrne Field, Bee County, Tex.	13.0	14.65
CI64-1262 E 11-21-69	Reading & Bates, Inc. (Operator) et al. (successor to Reading & Bates Offshore Drilling Co. (Operator), et al.), 1100 Philtower Bldg., Tulsa, Okla. 74103.	Oklahoma Natural Gas Gathering Corp.,[7] Ringwood Area, Major County, Okla.	[3] 12.0	14.65
CI64-1336 E 11-21-69	do	El Paso Natural Gas Co., North Justis Blinebry and North Justis Tubb-Drinkard Fields, Lea County, N. Mex.	10.0	14.65
CI65-494 E 11-12-69	Brammer Engineering Inc. (successor to J. C. Trahan, Drilling Contractor, Inc.), Post Office Box 7556, Shreveport, La. 71107.	Texas Eastern Transmission Corp., North Liberty Hill Field, Bienville Parish, La.	[3] 16.39996 [10] 14.64996	15.025
CI66-366 E 11-17-69	Amarex, Inc. (Operator), et al. (successor to W. J. Fellers (Operator) et al.), 816 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Phillips Petroleum Co., Hugoton Field, Sherman County, Tex.	[11] 11.7961	14.65
CI66-784 C 11-19-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	The Manufacturers Light & Heat Co., Wharton Township, Fayette County, Pa.	25.0	15.325
CI66-878 E 11-21-69	Reading & Bates, Inc. (Operator), et al. (successor to Reading & Bates Offshore Drilling Co.).	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[12] 17.665	14.65
CI67-35 7-25-69 [13]	Colonial Production Co. (Operator), et al. (successor to Douglas E. Florance).	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
CI67-248 11-12-69 [14]	Beacon Gasoline Co., Post Office Box 396, Minden, La. 71055.	Bodcaw Co., acreage in Webster Parish, La.	[15] 1.5 [15] 1.0	15.025
CI67-884 E 11-21-69	Reading & Bates, Inc. (Operator), et al. (successor to Reading & Bates Offshore Drilling Co. (Operator), et al.).	Northern Natural Gas Co., West Six Mile Field, Beaver County, Okla.	[12] 17.015	14.65
CI68-161 E 11-21-69	Reading & Bates, Inc. (Operator), et al. (successor to Reading & Bates Offshore Drilling Co., et al.).	do	[12] 17.015	14.65
CI68-207 C 11-25-69	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, Okla.	[16] 15.0	14.65
CI68-260 7-25-69 [13]	Colonial Production Co. (Operator) et al. (successor Douglas E. Florance, et al.).	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
CI68-625 (CI70-507) G 12-1-69 [20]	Mesa Petroleum Co. (Operator) et al., Post Office Box 2009, Amarillo, Tex. 79105.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[21] 17.0	14.65
CI68-1162 B 11-24-69 [22]	Sklar & Phillips Oil Co. (formerly Sklar Producing Co., Inc.), 2925 Mansfield Rd., Shreveport, La. 71103.	Transcontinental Gas Pipe Line Corp., Vacherie Field, St. James Parish, La.	(23)	
CI69-751 E 11-21-69	Reading & Bates, Inc. (Operator) et al. (successor to Reading & Bates Offshore Drilling Co. (Operator) et al.).	Humble Gas Transmission Co., Magnolia Field, Adams County, Miss.	13.0	15.025
CI69-1152 C 12-1-69	D. R. Lauck Oil Co., Inc., et al., 301 South Broadway, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., State Line Field, Woods County, Okla.	[21] 15.0	14.65
CI69-1213 C 11-20-69	King Resources Co., c/o Lloyd R. Wade, 570 First National Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	[21] 15.0	14.65
CI70-112 D 10-27-69	John H. Hill, 100 Southland Center, Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., Southwest Cedardale Field, Woodward County; Northwest Six Mile Field, Beaver County, Okla.	(24)	
CI70-457 A 5-1-69	G. E. Griffin, agent	United Fuel Gas Co., Cabin Creek District, Kanawha County, W. Va.	15.692	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-494 A 11-25-69	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., North Hardesty Field, Texas County, Okla.	17.0	14.65
CI70-496 A 11-25-69	John H. Hill	Western Interstate Co., Northwest Six Mile Field, Beaver County, Okla.	14.5	14.65
CI70-497 A 11-26-69	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	[3] 16.0	14.65
CI70-498 (G-2584) F 11-21-69	Tenneco Oil Co. (successor to Mobil Oil Corp.), Post Office Box 2511, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Slick Creek Field, Washakie County, Wyo.	14.641	15.025
CI70-499 (FI0-10910) F 11-24-69	Exchange Oil & Gas Co. (successor to Texas Gas Exploration Corp.), 1200 Milam Bldg., New Orleans, La. 70112.	Transcontinental Gas Pipe Line Corp., Block 17½, Eugene Island Area, Offshore Louisiana.	19.0	15.025
CI70-500 A 11-25-69	J. M. Huber Corp. (Operator) et al., 2300 West Loop, Houston, Tex. 77027.	Mountain Fuel Supply Co., South Baxter Basin, Carbon County, Wyo.	15.0	15.025
CI70-501 A 11-25-69	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Grant County, Kans.	[3] 16.0	14.65
CI70-502 A 11-24-69	King Resources Co.	Northern Natural Gas Co., North Mocane Field, Beaver County, Okla.	[3] 17.0	14.65
CI70-503 A 12-1-69	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 7643, Houston, Tex. 77007.	Texas Eastern Transmission Corp., Northeast Nada Field, Colorado County, Tex.	17.0	14.65
CI70-505 (CI69-7)	Phillips Petroleum Co. (successor to Oklahoma Natural Gas Co. and Apache Corp.).	Northern Natural Gas Co., Laverne Area, Beaver County, Okla.	[3] 18.01	14.65
(CI61-636) CI70-506 (G-2584) 11-26-69 [3]		El Paso Natural Gas Co., Laverne Area, Beaver County, Okla.	[3] 17.0	14.65
CI70-508 A 12-1-69	Texas Pacific Oil Co., Inc., 1700 One Main Pl., Dallas, Tex. 75250.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	[3] 16.0	14.65
CI70-509 A 12-1-69	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	[3] 17.0	14.65
CI70-509 A 12-1-69	W & M Oil & Gas Co., c/o Robert Weeks, agent, 3031 Wallace Circle, Huntington, W. Va. 25705.	Equitable Gas Co., Cove District, Doddridge County, W. Va.	27.0	15.325

[1] Certificate issued to Fred Finch.
[2] Production from the Adams Lease.
[3] Adds additional gas to contract.
[4] Certificate issued to Fred Finch, et al.
[5] Elects to limit rate to 1 cent per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[6] Effective rate is subject to refund in Dockets Nos. R168-842 and R168-470.
[7] Flow Gas Line Co., successor to National Fuels Corp.) purchases liquids.
[8] Rate in effect subject to refund in Dockets Nos. R168-842 and R168-470.
[9] For first 2,800 Mcf per month.
[10] Over 2,800 Mcf per month.
[11] Rate in effect subject to refund in Dockets Nos. R168-1 and R168-254.
[12] Rate in effect subject to refund in Docket No. R168-604. Subject to upward and downward B.t.u. adjustment.
[13] Applicant to reflect applicant as the new operator of the subject properties; no change in interest is involved.
[14] Applicant's interest to be sold to Texas Gas Transmission Corp. upon certification of subject gas. Gas to be delivered to Texas Gas through applicant's plant and delivered to Texas Gas through applicant's facilities. Applicant to gather and compress the subject gas. The gas will be processed in applicant's plant and delivered to Texas Gas Transmission Corp. under agreement with Bodcaw Co.
[15] Gathering charge; to be reduced to ¼ cent per Mcf after 10 years from date of initial delivery, or after 20 years from date of initial delivery, whichever has elapsed from date of initial delivery, whichever occurs first.
[16] Compression charge.
[17] Rate in effect subject to refund in Docket No. R168-604. Subject to upward and downward B.t.u. adjustment.
[18] Applicant to reflect applicant as the new operator of the subject properties; no change in interest is involved.
[19] Contract provides for sale of gas from subject acreage to Texas Eastern Transmission Corp. for resale in Morton County, Kans. The gas will be processed in applicant's plant and delivered to Texas Eastern Transmission Corp. under agreement with Bodcaw Co.
[20] Application was erroneously assigned Docket No. CI70-507. Docket No. CI70-507 is canceled and application will be processed as an amendment to add acreage in Docket No. CI68-625.
[21] Subject to upward and downward B.t.u. adjustment.
[22] Original application in Docket No. CI68-1162 sought certificate of public convenience and necessity to partially abandon the subject service currently rendered by Hurley Oil & Gas Co. in Docket No. G-17778. Applicant now proposes to continue the subject service pursuant to temporary authorization.
[23] Acreage reassigned to Hurley Oil & Gas Co. dedicated pursuant to temporary authorization.
[24] Deletes 505 acres from original dedication.
[25] Contract provides for rate of 17 cents per Mcf, plus B.t.u. adjustment; however, Applicant states its willingness to accept permanent certificate conditioned to 15 cents per Mcf, subject to B.t.u. adjustment.
[26] Contractually-imposed price is 17.80675 cents per Mcf; however, Applicant states its willingness to accept certificate at 16 cents per Mcf.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-463 A 11-13-69	Bridwell Oil Co. Post Office Drawer 1830, Wichita Falls, Tex. 76307.	Mountain Fuel Supply Co., Leucite Hills Field, Sweetwater County, Wyo.		15.025
CI70-464 A 11-13-69	Whitmore & Co., Inc., 220 East 67th St., New York, N.Y. 10021.	Union Texas Nat. Gas Corp., Jefferson District, Lincoln County, W. Va.	25.0	15.325
CI70-465 A 11-14-69	Colorado Oil & Gas Corp., Box 749, Denver, Colo. 80201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	[17] 17.0	14.65
CI70-466 A 11-14-69	L. E. Jones Production Co., et al., Post Office Box 451, Duncan, Okla. 73533.	Lone Star Gas Co., West Duncan Field, Stephens County, Okla.	15.0	14.65
CI70-467 A 11-17-69	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Sea Robin Pipeline Co., Block 16, South Marsh Island Area, Offshore Louisiana.	[21] 21.25	15.025
CI70-468 A 11-17-69	Southern Minerals Corp., Post Office Box 716, Corpus Christi, Tex. 78403.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Zim Field Area, Duval County, Tex.	17.8	14.65
CI70-469 A 11-17-69	Gulf Oil Corp. (Operator) et al.,[3] Post Office Box 1589, Tulsa, Okla. 74102.	Kansas-Nebraska Natural Gas Co., Inc., West Reydon Field, Roger Mills County, Okla.	[21] 15.0	14.65
CI70-470 A 11-17-69	Texaco, Inc.	Sea Robin Pipeline Co., Block 205 Field, East Cameron Area, Offshore Louisiana.	22.0	15.025
CI70-472 A 11-19-69	R. E. Hibbert, 1142 Houston Club Building, Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[21] 18.0	14.65
CI70-475 A 11-20-69	Crest Petroleum, Inc., 6631 East Kellogg, Wichita, Kans. 67207.	Clinton Oil Co., War Lease, Cowley County, Kans.	6.2	14.65
CI70-476 A 11-20-69	Crest Petroleum, Inc.	Clinton Oil Co., Collinson Lease, Cowley County, Kans.	6.2	14.65
CI70-477 A 11-20-69	H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Woodward and Major Counties, Okla.	[3] 20.515	14.65
CI70-478 A 11-20-69	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Transcontinental Gas Pipe Line Corp., Block 45 Field (Block 20), West Cameron Area, Gulf of Mexico.	[21] 21.25	15.025
CI70-479 A 11-21-69	Ladd Petroleum Corp. et al., 980 Denver Club Bldg., Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	16.0	14.65
CI70-480 A 11-21-69	Texaco, Inc.	Natural Gas Pipeline Co. of America, Stroman Field, Jim Hogg County, Tex.	[3] 16.0	14.65
CI70-481 A 11-21-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Mountain Fuel Supply Co., Leucite Hills Unit, Sweetwater County, Wyo.	15.0	15.025
CI70-483 B 11-24-69	James Muslow et al.	Arkansas Louisiana Gas Co., Darley Field, Claiborne Parish, La.	Depleted	
CI70-484 B 11-24-69	Smith Operating & Management Co., Inc.	United Gas Pipe Line Co., Joaquin Field, Shelby and Panola Counties, Tex.	Depleted	
CI70-485 A 11-24-69	Irish Oil & Gas Co. et al., 1408 C & I Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., North Elton Field, Allen Parish, La.	20.0	15.025
CI70-486 A 11-24-69	Whitney Operating Co., Post Office Box 2189, Tulsa, Okla. 74101.	Arkansas Louisiana Gas Co., Ames Area, Major County, Okla.	[21] 15.0	14.65
CI70-487 A 11-24-69	Forest E. Carlson, Operator, 606 Alamo National Bldg., San Antonio, Tex. 78205.	United Gas Pipe Line Co., Melrose Field, Goliad County, Tex.	16.0	14.65
CI70-488 B 11-24-69	Texaco, Inc.	Valley Gas Transmission Co., North Faunlin Field, Goliad County, Tex.	Depleted	
CI70-489 B 11-24-69	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	South Texas Natural Gas Gathering Co., Monte Christo Field, Hidalgo County, Tex.	Depleted	
CI70-490 B 11-24-69	Douglas V. Smith (Operator) et al.	United Gas Pipe Line Co., Sibley Field, Red River Parish, La.	Depleted	
CI70-491 (CI66-86) (CI66-96) 11-18-69	Miles Kimball Co., d.b.a. Kimball Production Co. (Operator) et al., 2220 First City National Bank Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., Lootridge Field, Ward County, Tex.	[3] 16.5	14.65
CI70-492 (CI66-85) (CI66-96) (CI66-97) 11-24-69 [3]		Northern Natural Gas Co., Coyanosa Plant, Pecos County, Tex.	[3] 16.5	14.65
CI70-495 A 11-26-69	Anadarko Production Co., Post Office Box 5017, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., West Elkhart Field, Morton County, Kans.	16.0	14.65

See footnotes at end of table.

[9] Subject to upward and downward B.t.u. adjustment. Also subject to deduction for compression, if required.
[10] Sales initiated under Applicants small producer certificates in Dockets Nos. CS66-85 and CS66-86.
[11] As adjusted for quality.
[12] Sales initiated under Applicants' small producer certificates in Dockets Nos. CS66-85, CS66-86, and CS66-87.
[13] Rate in effect subject to refund in Dockets Nos. RI66-232 and RI68-22.
[14] Applicant is filing for certificate to cover its own interest presently covered under Atlantic Richfield Co's., FPC GRS No. 481 and certificate in Docket No. CI62-1184.
[15] Rate in effect subject to refund in Docket No. RI69-20.

[F.R. Doc. 69-15033; Filed, Dec. 19, 1969; 8:45 a.m.]

[Docket No. RI70-808, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 12, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 28, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-808...	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	192	13	Transwestern Pipeline Co. (Puckett-Ellenburger Field, Pecos County, Tex.) (RR. District No. 8).	$1,128,435	11-14-69	[2] 12-15-69	5-15-70	10.8372	[3] [4] 14.0613	RI69-321.
	do	193	23	Transwestern Pipeline Co., (Waha and Worsham Fields, Reeves County, Tex.) (RR. District No. 8).	15,066 63,780	11-14-69	[2] 12-15-69	5-15-70	[5] 16.8722 [5] 16.8032	[3] [4] 18.0788 [3] [4] 18.0788	RI69-321. RI69-321.
RI70-809...	Gulf Oil Corp.	194	12	Transwestern Pipeline Co. (McKee Field, Crane County, Tex.) (RR. District No. 8).	16,070	11-14-69	[2] 12-15-69	5-15-70	16.4718	[3] [4] 18.0788	RI69-320.
	do	197	16	Transwestern Pipeline Co. (Puckett Devonian Field, Pecos County, Tex.) (RR. District No. 8).	80,050	11-14-69	[2] 12-15-69	5-15-70	16.4416	[3] 18.0426	RI69-320.
	do	342	12	Transwestern Pipeline Co. (Crawar and South Hemer Fields, Crane, Pecos and Ward Counties, Tex.) (RR. District No. 8).	56,734	11-14-69	[2] 12-15-69	5-15-70	[7] 16.5622	[3] [7] 18.0185	RI69-320.
	do	376	6	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (RR. District No. 8).	6,441	11-14-69	[2] 12-15-69	5-15-70	[2] 17.4661	[3] [8] 18.6814	RI69-600.

[2] The stated effective date is the effective date requested by respondent.
[3] Respondent is filing from a fractured rate for the remaining portion of a periodic increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Residue gas not derived from new gas-well gas.
[6] Old gas-well gas.
[7] Applicable to Crawar Field sales only.
[8] Periodic rate increase.
[9] Applicable to casinghead gas only.

Gulf Oil Corp. (Operator) et al., and Gulf Oil Corp.'s proposed rates and charges exceed the applicable area price level for Texas Railroad District No. 8 as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56) and are suspended for 5 months from December 15, 1969, the proposed effective date.

[F.R. Doc. 69-15034; Filed, Dec. 19, 1969; 8:45 a.m.]

[Dockets Nos. RP70-7, RP70-17]

SOUTH GEORGIA NATURAL GAS CO.

Order Permitting Tracking of Purchased Gas Increase, Suspending Proposed Revised Tariff Sheets Pending Effectiveness of Supplier Rate Increase, and Consolidating Proceedings

DECEMBER 15, 1969.

South Georgia Natural Gas Co. (South Georgia) on November 14, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective on December 16, 1969. South Georgia requests waiver of § 154.66 (b) of our regulations to permit the filing of the proposed tariff sheets.

The proposed changes in rates would result in an estimated increase in jurisdictional revenues of $46,228 annually, based on sales volumes for the 12-month period ended May 31, 1969, as adjusted. This is in addition to the increased jurisdictional revenues of $1,340,475 which would result from placing into effect the rates suspended by our order issued October 29, 1969, in Docket No. RP70-7. The subject rate increase tracks the rate increase filed by South Georgia's supplier, Southern Natural Gas Co. on November 14, 1969, in Docket No. RP70-16. Southern Natural requested an effective date of December 16, 1969, for its proposed rate increase.

South Georgia proposes an effective date of December 16, 1969, the requested effective date of Southern Natural's increase or such later date as the Commission may prescribe for Southern in Docket No. RP70-16.

Since South Georgia's rates are presently the subject of proceedings in Docket No. RP70-7, it appears appropriate that the proposed rate increase in Docket No. RP70-17 be consolidated with the RP70-7 proceedings.

The Commission finds: Good cause exists for waiving § 154.66(b) of the Commission's regulations to permit the filing of the proposed revised tariff sheets.

The Commission orders:

(A) Section 154.66(b) of the Commission's regulations under the Natural Gas Act is hereby waived to permit the filing of the instant tariff sheets.

(B) The revised tariff sheets are hereby suspended and their use deferred until May 16, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act; *Provided, however,* That South Georgia shall not make the increase proposed herein effective prior to the date that the increased rates proposed by Southern in Docket No. RP70-16 are made effective.

(C) The subject increase in Docket No. RP70-17 is hereby consolidated with the proceedings in Docket No. RP70-7, and is, therefore, subject to orders issued by this Commission in Docket No. RP70-5.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-15112; Filed, Dec. 19, 1969; 8:45 a.m.]

[1] Seventeenth Revised Sheet No. 5, 16th Revised Sheet No. 6, Eighth Revised Sheet No. 9, Seventh Revised Sheet No. 11, 11th Revised Sheet No. 12B.

[Dockets Nos. RP70-5, RP70-16]

SOUTHERN NATURAL GAS CO.

Order Permitting Tracking of Purchased Gas Increase, Suspending Proposed Revised Tariff Sheets Pending Effectiveness of Supplier Rate Increase, and Consolidating Proceedings

DECEMBER 15, 1969.

Southern Natural Gas Co. (Southern) on November 14, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1,[1] to become effective on December 16, 1969. Southern requests waiver of § 154.66(b) of our regulations to permit the filing of the proposed tariff sheets.

The proposed changes in rates would result in an estimated increase in jurisdictional revenues of $2,378,650 annually, based on sales volumes for the 12-month period ended April 30, 1969, as adjusted. This is in addition to the increased jurisdictional revenues of $37,830,641 which would result from placing into effect the rates suspended by our order issued September 23, 1969, in Docket No. RP70-5. The subject rate increase tracks the rate increase filed by Southern's supplier, United Gas Pipe Line Co. on October 31, 1969, in Docket No. RP70-13. United Gas requested an effective date of December 16, 1969, for its proposed rate increase.

Atlanta Gas Light Co. (Atlanta) on December 5, 1969, filed a motion requesting that the Commission reject Southern's filing. Atlanta asserts that Southern has ample time to submit a rate increase tracking the United rate increase after the March 1, 1970, expiration of the suspension period in RP70-5. Atlanta claims that with such postponement Southern may reflect any rate reductions which may result from action taken in Phase I of proceedings in RP70-5 and may reflect possible refunds resulting from the resolution of issues in the United proceeding in RP70-13. Atlanta further states that the postponement of Southern's tracking increase would permit the use of a more recent period in evaluating Southern's test year adjustments in Docket No. RP70-5.

Upon consideration of the arguments advanced by Atlanta, we find them to be without merit. Southern's tracking filing is in accordance with the Commission policy indicated in Texas Eastern Transmission Corp., Opinion No. 540, 39 FPC 630, and with the recent orders issued by the Commission permitting tracking of increased purchased gas costs. Our action herein proscribes this increase being made effective prior to May 16, 1970. If as of that date, there have been any adjustments to Southern's underlying rates as filed in RP70-5, resulting from Phase I determination in that docket or from resolution of issues in Docket No. RP70-13, such adjustments will be reflected in this tracking.

Southern proposes an effective date of December 16, 1969, the requested effective date of United's increase or such later date as the Commission may prescribe for United in Docket No. RP70-13.

Since Southern's rates are presently the subject of proceedings in Docket No. RP70-5, it appears appropriate that the proposed rate increase in Docket No. RP70-16 be consolidated with the RP70-5 proceedings.

The Commission finds: Good cause exists for waiving § 154.66(b) of the Commission's Regulations to permit the filing of the proposed revised tariff sheets.

The Commission orders:

(A) Section 154.66(b) of the Commission's regulations under the Natural Gas Act is hereby waived to permit the filing of the instant tariff sheets.

(B) The revised tariff sheets are hereby suspended and their use deferred until May 16, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Southern shall not make the increase proposed herein effective prior to the date that the increased rates proposed by United in Docket No. RP70-13 are made effective.

(C) The subject increase in Docket No. RP70-16 is hereby consolidated with the proceedings in Docket No. RP70-5, and is, therefore, subject to orders issued by this Commission in Docket No. RP70-5.

(D) Atlanta's motion to reject this rate filing is accordingly denied.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-15113; Filed, Dec. 19, 1969; 8:46 a.m.]

[1] Sixth Revised Sheet Nos. 8A, 8D, 11H, 15A, 15D, 26A, and 26D; Second Revised Sheet Nos. 8E, 15E, and 26E; 10th Revised Sheet Nos. 9, 16, 23, and 27; Fourth Revised Sheet No. 11P; Fifth Revised Sheet No. 11J; and Seventh Revised Sheet No. 30.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

December 1969 CCC Monthly Sales List

Item 4 of the Notice to Buyer section of the CCC Monthly Sales List for December (34 F.R. 19146) is amended by deletion of the parenthetical phrase (other than malting barley).

Signed at Washington, D.C., on December 15, 1969.

CARROLL G. BRUNTHAVER, *Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 69-15142; Filed, Dec. 19, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ADOLF SILVERMAN

Notice of Granting of Relief

Notice is hereby given that Mr. Adolph Silverman, Dupree, S. Dak. 57623, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 6, 1958, in the U.S. District Court of South Dakota, Southern Division, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Adolph Silverman because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Adolph Silverman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Adolph Silverman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Adolph Silverman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 15th day of December 1969.

[SEAL] WILLIAM H. SMITH,
Commissioner of Internal Revenue.

[F.R. Doc. 69-15171; Filed, Dec. 19, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 1632]

CALIFORNIA

Notice of Classification of Public Lands for Multiple Use Management

DECEMBER 15, 1969.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, the public lands described in paragraph 4 are classified for multiple use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

3. No adverse comments were received on lands in Modoc County following publication of the notice of proposed classification in the FEDERAL REGISTER (33 F.R. 10113) or at the public hearing held on August 15, 1968 in Susanville, Calif. No changes are made in the list of Modoc County lands included in this classification. The public participation record can be examined in the Susanville District Office, Susanville, Calif.

4. The public lands located in the following described areas are all within Modoc County. For the purpose of this classification, the lands have been analyzed and described in documents and maps available for inspection at the Susanville District Office, Bureau of Land Management, Fifth and Cedar Streets (Post Office Box 1090), Susanville, Calif. 96130. The description of the area is as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

All public lands in:

T. 39 N., R. 5 E.,
Sec. 24.
T. 39 N., R. 6 E.,
Sec. 7.
T. 39 N., R. 7 E.,
Secs. 3, 4, 10, 11, and 15.
T. 39 N., R. 8 E.,
Secs. 4, 5, 8, 9, 10, 13, and 15.
T. 39 N., R. 9 E.,
Sec. 13, SW¼;
Secs. 14, 15, 17, 18, 19, 22, 25, 26, and 27.
T. 40 N., R. 7 E.,
Secs. 14, 15, 23, and 26.
T. 40 N., R. 8 E.,
Sec. 32.

The public lands being classified aggregate approximately 6,150 acres.

For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

J. R. PENNY,
State Director.

[F.R. Doc. 69-15170; Filed, Dec. 19, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CLARKSON COLLEGE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00616-25-62700. Applicant: Clarkson College of Technology, Potsdam, N.Y. 13676. Article: Electrolytic tank plotting unit. Manufacturer: F. C. Robinson & Partners, Ltd., United Kingdom. Intended use of article: The article will be used by undergraduate students in courses in electromechanical energy conversion. The use of this article will make possible the precise plotting of fields with a minimum of error due to boundary effects and polarization. Further research will require the plotting of electric fields in the vicinity of insulators and conductors in high voltage power work. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an electrolytic tank plotting unit, a teaching device, which has the capability for use in precise plotting of fields in the three dimensional space surrounding three dimensional models of such electrical components as electrical machine parts, and high voltage transmission line insulators and conductors. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 15, 1969, that it knows of no domestic instrument or apparatus which is capable of fulfilling the purpose for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15101; Filed, Dec. 19, 1969; 8:45 a.m.]

EASTERN MICHIGAN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00685-01-77030. Applicant: Eastern Michigan University, Ypsilanti, Mich. 48197. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for the following:

a. Instructional use in connection with the following courses: Introductory and advanced organic chemistry, inorganic chemistry, instrumental analysis and physical chemistry.

b. Structure determination of organophosphorus and organoborane compounds and boron hydrides. Study of Lewis acid and base strength of above compounds.

c. Structure determination of bridged polycyclic hydrocarbons.

d. Study of electron density and bonding changes viewed from chemical shift data.

e. Structural determination of perfluorocrene sandwich compounds and perfluoroaromatics.

f. Study of pi-complexed olefins bonded to platinum.

g. Characterization of novel monomers.

h. Study of stereochemistry of thermally stable condensation polymers.

i. Structure determination of imides, epoxides and related compounds.

j. Study of enzyme-inhibitor kinetics.

k. Solvation studies of proton transfer complexes at varying temperatures.

l. Study of degradation of estrogens in strong acids.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 20, 1969). Reasons: The foreign article provides a combined internal-external lock capability, whereas the most closely comparable domestic instrument the Varian Model HA-60 provides either an internal or external lock capability, but not both types of locking facilities in the same instrument. We are advised by the National Bureau of Standards (NBS) in its memorandum dated October 14, 1969, that the availability of both internal and external locking facilities in the same instrument is pertinent to the purposes for which the foreign article is intended to be used. For this reason, we find that the Varian HA-60 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15102; Filed, Dec. 19, 1969; 8:45 a.m.]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00583-33-46040. Applicant: Purdue University, Department of Biological Sciences, Lafayette, Ind. 47907. Article: Electron microscopes, Model EM 300 (2 each). Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to educate 700 undergraduate majors, 280 graduate students, and about 24 postdoctorates per year. The main purposes are as follows: (1) To educate teachers for secondary schools, (2) to educate technicians for academic, industrial, governmental, and technical laboratories, (3) to educate scientists at the Ph. D. level for independent positions in universities, industry, and government and (4) to educate preprofessional (prevet, premed, predent, and lab technicians) students. The department is strong in the areas of molecular biology, cell biology, including microbiology, developmental biology, neurobiology and other areas. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant institution placed a bona fide order for the article. (See applicant's purchase order No. 70506, dated July 27, 1968.) Reasons: (1) The foreign article has a guaranteed resolving capability of five Angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the foreign article was ordered, was the Model EMU-4 electron microscope which was then being manufactured by the Radio Corp. of American (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The RCA Model EMU-4 has a guaranteed resolving capability of eight Angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) (2) The foreign article provides five accelerating voltages—20, 40, 60, 80, and 100 kilovolts. The RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. The Department of Health, Education, and Welfare (HEW) advises us that for the purposes for which the foreign article is intended to be used, the additional resolving capability and accelerating voltages of the foreign article are pertinent characteristics. For this reason, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States at the time the applicant institution placed its order for the article, which was of equivalent scientific value to the article for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15103; Filed, Dec. 19, 1969; 8:45 a.m.]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00626-33-62550. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Plethysmograph, impedance. Manufacturer: Chalmers University, Sweden. Intended use of article: The article will be used to evaluate an electrical method for measuring pulmonary blood volume, flow, and changes in transthoracic electrical impedance changes in laboratory animals. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a tetrapolar impedance plethysmograph designed for measuring changes in transthoracic electrical impedance in laboratory animals as related to pulmonary blood volume and flow. The ability to measure such changes is pertinent to the applicant's intended purposes. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated August 15, 1969, that it knows of no scientifically equivalent domestic instrument or apparatus which is capable of fulfilling the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15104; Filed, Dec. 19, 1969; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the

Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00588–99–30050. Applicant: State University of New York at Buffalo, Office of Facilities Planning, 3258 Main Street, Buffalo, N.Y. 14214. Article: Miniflo Flow Velocity Kit, No. 265. Manufacturer: Kent Industrial Instruments, Ltd., United Kingdom. Intended use of article: The article will be used for research purposes to establish lateral and vertical velocity profiles in hydraulic models of lakes and estuaries where a free surface is involved and where the velocity of flow is often so small that it cannot be measured by conventional means. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a very small self-contained current velocity meter which can accurately measure velocities down to 2.5 centimeters/second (cm./sec.) and is movable within the flow field. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 1, 1969, that for the applicant's intended purposes the ability to measure velocities as low as 2.5 cm./sec. and mobility within the flow field are pertinent characteristics of the foreign article. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15105; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF ALASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00624–89–70000. Applicant: University of Alaska, Geophysical Institute, College, Alaska 99701. Article: Lightweight portable radiometer, Model PD1–QK. Manufacturer: Physikalisk Meteorologisures Observatorium, Switzerland. Intended use of article: The article will be used for the McCall Glacier project to measure the albedo of different surfaces, and to measure the albedo changes of the snow cover during the season in different altitudes. Furthermore, the long wave outgoing radiation of different surfaces can be measured. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a lightweight portable radiometer which is able to measure each of the four radiation fluxes. These fluxes are short wave incoming, short wave reflected, long wave incoming and long wave outgoing. We are advised by the National Bureau of Standards (NBS) in a memorandum dated July 31, 1969, that the ability to measure each of the four radiation fluxes is a pertinent characteristic of the foreign article. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15106; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF COLORADO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00617–33–46040. Applicant: University of Colorado Medical Center and Webb-Waring Institute for Medical Research, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for studies given in detail of the following types of specimens:

1. Tissues of lung and nerve.
2. The examination of cells from cultures of lung, nerve, and bacteria.
3. To study cell fractions prepared from lung, nerve, and bacteria.
4. The study of macromolecules isolated from previously mentioned specimens.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (prior to July 12, 1967). Reasons: (1) The foreign article provided a guaranteed resolution of 5 angstroms. The only domestic electron microscope available prior to July 1, 1968 was the Model EMU–4 which was manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The RCA Model EMU–4 has a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) The additional resolution of the foreign article is considered pertinent to the purposes for which this article is intended to be used. (2) The foreign article provided accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA EMU–4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages of the foreign article offers optimum contrast for thin unstained biological specimens. The research program with which the foreign article is intended to be used involves experiments on unstained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent. For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15107; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF MASSACHUSETTS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00625–01–78030. Applicant: University of Massachusetts, Boston, 100 Arlington Street, Boston, Mass. 02116. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer & Co., GmbH, West Germany. Intended use of article: The article will be used for teaching and research. More specifically, the use of the instrument will encompass structural investigations of organoboranes. Some of the compounds will be studied in the gas phase, for which high spectral resolution is needed, others will be studied as crystals, for which access to the higher frequency overtone region is needed. Information on overtone frequencies is essential also for studies of vibrational anharmonicity in connection with the investigations of molecular force fields and determination of vibrational force constants. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an infrared recording spectrophotometer which is capable of scanning the wave number range of 5,000 to 200 reciprocal centimeters ($cm.^{-1}$). The most closely comparable domestic instrument is the Model IR–12 manufactured by Beckman Instruments, Inc., which has a wave number range of 4,000 to 200 $cm.^{-1}$. For the purposes for which the foreign article is intended to be used, the additional upper range is a pertinent characteristic. For this reason, we find that the Beckman Model IR–12 is not of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instruments or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15108; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF TEXAS MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00628–33–46040. Applicant: The University of Texas Medical School at San Antonio, 7703 Floyd Curl Drive, San Antonio, Tex. 78229. Article: Electron microscope, Model JEM 7A. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for biological research in the following areas:

(1) Examination of virus ultrastructure—Thin sections and negatively stained preparations of viruses and viral components will be examined so as to determine their architecture molecular structure.

(2) Low magnification examination of virus infected cells. Immunologic labeling of viral antigens for detection by low magnification electron microscopy is a valuable technique in searching for viral agents in tissues or cell cultures.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The most closely comparable domestic instrument available at the time the application was submitted was the EMU–4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The foreign article provides a minimum magnification of 120 diameters (X) for scanning purposes that can be increased to 250,000X without changing a pole piece or specimen holder, whereas, the Model EMU–4B electron microscope's magnification range is 1,400X to 70,000X with the standard pole piece or, by changing to a special pole piece and specimen holder 500X to 70,000X. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated September 18, 1969, that for the purposes for which the foreign article is intended to be used the minimum magnification of 120X for scanning purposes that can be increased to 250,000X without changing the pole piece and specimen holder is a pertinent characteristic. For this reason, we find that the RCA Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15109; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00605–80–79700. Applicant: University of Washington, Purchasing Department, 3917 University Way NE., Seattle, Wash. 98105. Article: Analytical stereoplotter, Model AP/C. Manufacturer: Ottico Meccanica Italiano, S.P.A., Italy. Intended use of article: The article will be used in the applicant's computer center and applied to the investigation of conventional and exotic imagery, to the development of the art and science of photogrammetry in basic research into the error propogation, the basic geometry, and new and unusual uses of photogrammetry, and for the training of students in photogrammetry. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a very high precision stereoplotter which can be programed to solve a variety of conventional and unorthodox problems in photogrammetry. In addition, the article is capable of performing a mathematical restitution of a stereomodel, correcting for all known sources of error and distortion, and accepting a variety of focal lengths. The applicant requires the foreign articles for reduction of conventional imagery, analysis interpretation and measurement of unusual imagery including, but not limited to convergent, panoramic, TV, nonphotographic extremely short or long focal lengths imagery containing large or nonuniform deformations and imagery possessing other unconventional characteristics. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 1, 1969, that the availability of an instrument or apparatus that can suitably achieve the

applicant's versatile and demanding objectives with correction for all known sources of error and distortion and with the capacity to accept a wide range of focal lengths is pertinent to the purposes for which the foreign article is intended to be used.

NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15110; Filed, Dec. 19, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

WYANDOTTE CHEMICALS CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP OB2478) has been filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, proposing that § 121.2522 *Polyurethane resins* (21 CFR 121.2522) be amended to provide for the safe use of the following substances as reactants in the preparation of polyurethane resins for use in contact with dry bulk foods:

Glyceryl polyoxypropylene triol.
Polyoxypropylene glycol diether of 4,4'-isopropylidenediphenol containing a minimum of 2-4 moles of propylene oxide.
Polypropylene glycol (3-9 moles) triether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.
Alpha-[p-1,1,3,3-Tetramethylbutyl)phenyl]-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of *p*-(1,1,3,3-tetramethylbutyl)phenol with an average of 5 moles of ethylene oxide.

The petitioner also proposes that § 121.2522 be amended to permit the following adjuvant substances to be employed in the production of the polyurethane resins:

1-(3-Chloroallyl)-3, 5, 7-triaza-1-azoniaadamantane chloride, for use as a preservative.
omega-Hydroxypoly(oxyethylene) (136-170 moles)-(2-hydroxytrimethylene) diether with 4,4'-isopropylidenediphenol, for use as a stabilizer.
N-(2-Hydroxypropyl)-ethylenediamine, for use as a curing agent.
Triisopropanolamine, for use as a curing agent.

Dated: December 12, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15115; Filed, Dec. 19, 1969; 8:46 a.m.]

ACTING COMMISSIONER OF FOOD AND DRUGS

Delegation of Authority

Notice is hereby given of the following delegation of authority:

I hereby designate Dr. Charles C. Edwards as Acting Commissioner of Food and Drugs effective December 13, 1969.

Dated: December 11, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-15167; Filed, Dec. 19, 1969; 8:49 a.m.]

Public Health Service

NARCOTIC ADDICT REPORTING PROGRAM

Confidentiality of Identifying Information

The narcotic addict rehabilitation programs of the National Institute of Mental Health are conducted to provide and encourage treatment and rehabilitation of narcotic addicts throughout the United States. These programs are conducted by the National Institute of Mental Health under various statutory authorizations, including 42 U.S.C. 2688 et seq. and 42 U.S.C. 3411 et seq. The functioning of these programs involves the obtaining by the National Institute of Mental Health, on a continuing basis, of detailed reports concerning the living habits, behavior, attitudes, criminal records, and other pertinent information on the life functions of narcotic addicts. The furnishing of such information cannot be required, and it can be obtained fully and accurately only by the voluntary cooperation of the individuals concerned.

In order to secure the cooperation upon which the success of the program so vitaly depends, I find it necessary to give hereby assurance, in accordance with § 1.103(a) of the Public Health Service Regulations (42 CFR 1.103(a)), to every individual who voluntarily provides data to the National Institute of Mental Health, its grantees, contractors and cooperating agencies for the purpose of the narcotic addict reporting program that any such information which permits identification of the individual will be held strictly confidential, will be used solely by persons engaged in the above mentioned program and will not be disclosed or released to other persons for any other purpose.

I have directed that administrative arrangements be established to secure full compliance with this assurance of confidentiality by the persons authorized to obtain, study, compile, and evaluate information for the programs.

STANLEY F. YOLLES, M.D.,
Director, National Institute of Mental Health.

ROBERT VAN HOEK, M.D.,
Acting Administrator, Health Services and Mental Health Administration.

DECEMBER 10, 1969.

[F.R. Doc. 69-15116; Filed, Dec. 19, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-4]

AMERICAN MAIL LINE

Byproduct and Source Material License; Termination of License

In accordance with application dated October 1, 1969, License No. 46-03623-01 is hereby terminated.

Date of termination: October 1, 1969.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director, Division of Materials Licensing.

[F.R. Doc. 69-15156; Filed, Dec. 19, 1969; 8:48 a.m.]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Order Extending Provisional Operating License Expiration Date

Connecticut Yankee Atomic Power Co., having filed an application dated November 12, 1969, for an extension of the expiration date of Provisional Operating License No. DPR-14 which authorizes the possession and operation of the Haddam Neck Plant pressurized water reactor at steady-state power levels up to a maximum of 1,825 Mw (thermal), located in the Town of Haddam, Middlesex County, Conn., and good cause having been shown for this extension pursuant to 10 CFR 50.57(d) of the Commission's regulations, *It is hereby ordered*, That the expiration date of Provisional Operating License No. DPR-14 is extended from December 30, 1969, to December 30, 1970.

Dated at Bethesda, Md., this 3d day of December 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 69-15100; Filed, Dec. 19, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Secretary (Family Planning and Population)" to "Deputy Assistant Secretary for Population and Family Planning".

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15148; Filed, Dec. 19, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant for New Communities, Office of the Assistant Secretary for Metropolitan Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15149; Filed, Dec. 19, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Director, U.S. Geological Survey.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15150; Filed, Dec. 19, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Commissioner, Bureau of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15151; Filed, Dec. 19, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, Federal Railroad Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15152; Filed, Dec. 19, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC., AND SOUTHERN LINES LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. J. Finnan, Analyst Rates & Tariffs, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.

Agreement No. 9830, between Lykes Bros. Steamship Co., Inc., and Southern Lines Ltd., establishes a through billing arrangement for the transportation of general cargo in the trade between U.S. Gulf ports and ports in the Somali Republic and Seychelles Islands with transshipment at Durban, Lourenco Marques, Beira, Dar es Salaam, and Mombasa, East Africa.

Dated: December 16, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15159; Filed, Dec. 19, 1969; 8:48 a.m.]

NEW ZEALAND SHIPPING CO., LTD., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

The New Zealand Shipping Co., Ltd., Shaw Savill & Albion Co., Ltd., Port Line Ltd., Blue Star Line Ltd., Ellerman Lines Ltd., and Farrell Lines, Inc.

Notice of agreement filed by:

John Mahoney, Esq., Casey, Lane and Mittendorf, 26 Broadway, New York, N.Y. 10004.

Agreement 9831 is between the six common carriers enumerated in the caption all of whom are presently engaged in the trade from New Zealand to the United States. The arrangement would permit the six lines to discuss and "wherever possible to arrive at a common position" to be taken in consultations with governmental agencies or private associations (e.g., conferences of rail, motor or air carriers, forwarders, shippers, or insurers) with respect to

(1) "The ocean movement from New Zealand to the United States as well as the inland movement of loaded and empty containers * * * and the charges and practices of the ocean carriers as well as the inland carriers of both countries in connection with such movements";

(2) "Rules governing the interchange and/or pooling of container equipment

with other transportation modes as well as between the parties" to the agreement; and

(3) "Insurance and liability for container equipment."

Dated: December 17, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15160; Filed, Dec. 19, 1969; 8:48 a.m.]

U.S. GULF/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Raymond J. Flynn, Chairman, U.S. Gulf/Japan Cotton Pool, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8682-6 would modify the terms of the basic agreement to permit those lines who overcarried their allocated shares of cotton moving from Gulf ports to Japan during the 1966-67 "pool" or cotton year to settle their outstanding indebtedness to the other, or undercarrying member lines, on the basis of 10 cents on the dollar "with the understanding that said adjustments are not designed, nor are they in any way to be construed or accepted, as a guide or precedent for the future."

Dated: December 17, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15161; Filed, Dec. 19, 1969; 8:48 a.m.]

UNIVERSAL CRUISE LINE, INC.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-71 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,066.

Whereas, Universal Cruise Line, Inc., 122 East 42d Street, New York, N.Y. 10017, has ceased to operate the passenger vessel *Caribia* subject to sections 2 and 3 of Public Law 89-777.

It is ordered, That Certificate [Performance] No. P-71 and Certificate [Casualty] No. C-1,066 be and are hereby revoked effective December 16, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Universal Cruise Line, Inc.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15162; Filed, Dec. 19, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett Banks of Florida, Inc., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Tropical Bank & Trust Co., Sebring, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 16th day of December 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-15169; Filed, Dec. 19, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3328, 7-3329]

AMERICAN GENERAL INSURANCE CO., AND COLEMAN CO., INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of applications of the Pittsburgh Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American General Insurance Co.	7-3328
Coleman Co., Inc.	7-3329

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15119; Filed, Dec. 19, 1969; 8:46 a.m.]

[Files Nos. 7-3311—7-3314]

CIRCUIT FOIL CORP., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading priviliges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Circuit Foil Corp.	7-3311
Lykes-Youngstown Corp.	7-3312
Rohr Corp. (Delaware)	7-3313
Union Pacific Corp.	7-3314

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15120; Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 7-3319 etc.]

ELECTRIC & MUSICAL INDUSTRIES LTD., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of applications of the Pacific Coast Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Electric & Musical Industries Ltd., American shares.	7-3319
Roan Selection Trust Ltd., American shares.	7-3324
Tubos de Acero de Mexico, S.A., American depository receipts.	7-3327

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15121; Filed, Dec. 19, 1969; 8:46 a.m.]

[70-4820]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Cash Capital Contributions to Subsidiary Companies

DECEMBER 15, 1969.

Notice is hereby given that General Public Utilities Corp. ("GPU") 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to make cash capital contributions from time to time up to June 30, 1970, to certain of its subsidiary companies of up to the following respective aggregate amounts:

Jersey Central Power & Light Co. ("JCP&L")	$20,000,000
Metropolitan Edison Co. ("Met-Ed")	60,000,000
New Jersey Power & Light Co. ("NJP&L")	4,000,000
Total	84,000,000

The proposed capital contributions will be utilized by JCP&L, Met-Ed, and NJP&L for the purpose of financing their business as public-utility companies, including the construction of additional facilities and the increase of working capital, Such cash capital contributions will be credited by the recipients to their respective capital surplus accounts.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed transactions will be approximately $3,000.

Notice is further given that any interested person may, not later than January 8, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15122; Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 24A-1919]

MARINUS LABORATORIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 15, 1969.

I. Marinus Laboratories, Inc. (Issuer), 42 Front Street, Melbourne, Fla. 32901, a Florida corporation, filed with the Commission on January 27, 1969, a notification, offering circular and other exhibits relating to a proposed offering of 75,000 shares of its 20¢ par value common stock at $4 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering commenced on June 26, 1969. Scott, Gorman, O'Donnell & Co., Inc., 52 Broadway, New York, N.Y., is named as underwriter.

II. The Commission has reasonable cause to believe on the basis of information reported to it by the staff that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The underwriting of the issue on a best efforts all or none basis requiring that if all shares were not sold within 30 days from the date of the offering circular, the underwriter would receive no commission, the offering would be terminated, and all funds would be returned in full to subscribers;

2. The placing of funds from the sale of shares in an escrow account at the Franklin National Bank, New York City, until all shares were sold; and

3. The location of the issuer's principal office.

B. The terms and conditions of Regulation A have not been met in that the aggregate offering price of the issuer's securities covered by the notification and of its unregistered securities sold and issued within 1 year prior to the filing of the notification, for which no exemption is available, exceeds the $300,000 ceiling limitation imposed by Rule 254(a).

C. The issuer and underwriter in the distribution of these securities have engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15123, Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 7-3310]

UAL, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

UAL, Inc., File No. 7-3310.

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15124; Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 7-3315 etc.]

UNION PACIFIC CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of applications of the Pacific Coast Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Union Pacific Corp.	7-3315
American South African Investment Co., Ltd.	7-3316
Campbell Red Lake Mines Ltd.	7-3317
Canadian Breweries Ltd.	7-3318
Granby Mining Co. Ltd.	7-3320
KLM Royal Dutch Airlines	7-3321
Massey-Ferguson Ltd.	7-3322
Molybdenite Corporation of Canada Ltd.	7-3323
Schlumberger Ltd.	7-3325
Supercrete Ltd.	7-3326

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15125; Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 7-3309]

VULCAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of application of the Cincinnati Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Vulcan Corp., File 7-3309.

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15126; Filed, Dec. 19, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 17, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41828—*Grain and grain products within the Western District.* Filed by Western Trunk Line Committee, agent (No. A-2612), for interested rail carriers. Rates on grain, grain products, related articles and seeds, in carloads, as described in the application, from, to and between points in Colorado-Utah-Wyoming Committee, Illinois Freight Association, Southwestern Freight Bureau, Texas-Louisiana Freight Bureau, and Western Trunk Line Committee territories.

Grounds for relief—Revision in carload minimum weights.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15174; Filed, Dec. 19, 1969; 8:49 a.m.]

[Notice 959]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 12, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 18259 (Sub-No. 1 TA), filed November 25, 1969. Applicant: JACKSON DISTRIBUTION CORP., 730 Spencer Street, Post Office Box 204, Salina Station, Syracuse, N.Y. 13208. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (I) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Syracuse, N.Y., to (a) all points in the following described territory; beginning at Louisville Landing, N.Y., thence in a southeasterly direction to Massena, N.Y.; thence in a southerly direction to Potsdam, N.Y., thence in a generally northeasterly direction to Nicholville, N.Y., thence in a northeasterly direction to Malone, N.Y., thence in a northerly direction to the United States-Canada border at or near Trout River, N.Y., thence in a westerly direction along the United States-Canada border and the bank of the St. Lawrence River to Louisville Landing, N.Y., including the points named; (b) all points in the following described territory; beginning at Savona, N.Y., thence in a southerly direction to Addison, N.Y., thence in a southeasterly direction to Lawrenceville, Pa., thence in a generally easterly direction to Sayre, Pa., thence in a generally easterly direction to Hallstead, Pa., thence in a generally northeasterly direction to Cobleskill, N.Y., thence in a generally northeasterly direction to Schenectady, N.Y., thence in a generally northwesterly direction to Gloversville, N.Y., thence in a generally northwesterly direction to Newport, N.Y., thence in a generally southerly direction through Herkimer and Mohawk, N.Y., to Richfield Springs, N.Y., thence in a generally southwesterly direction to Greene, N.Y., thence in a generally westerly direction to Beaver Dams, N.Y., thence in a generally westerly direction to Savona, N.Y., including the points named; and (II) *returned, refused, and rejected shipments* of the same commodities in the reverse direction. Supporting shippers: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214; Sugardale Foods, Inc., 1600 Harmont Avenue NE., Post Office Box 310, Canton, Ohio 44701. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 107295 (Sub-No. 261 TA), filed December 4, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems, including accessories, parts, and fittings incidental to the completion, erection, and installation thereof*, from Pequannock, N.J., to points in Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Ohio, Missouri, North Carolina, and South Carolina, for 180 days. Supporting shipper: Edwards Engineering Corp., 101 Alexander Avenue, Pompton Plains, N.J. 07444. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 108068 (Sub-No. 84 TA), filed December 4, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., Operator of U.S.A.C. Transport, Inc., Post Office Box G, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air-conditioning equipment and parts thereof*, from Minneapolis, Minn., to points in the

United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Mammoth Industries, Inc., 13120–B County Road 6, Minneapolis, Minn. 55427. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 111812 (Sub-No. 394 TA), filed December 4, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products* as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the commercial zones of and including Omaha, Nebr., and Council Bluffs, Iowa, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501, Raymond C. Burke, Vice President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 114818 (Sub-No. 12 TA), filed December 4, 1969. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South Street, Salt Lake City, Utah 84101. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Timpie, Utah, and the plantsite of the National Lead Co. located approximately 12 miles north of Timpie, Utah, at a place to be known as Rowley, Utah, for 180 days. NOTE: Applicant indicates it does intend to tack the authority here applied for to other authority held by it, or to interline with other carriers, tacking and/or interlining will be with its authority in MC 114818 Sub-8 and MC 114818 Sub-10. Supporting shipper: National Lead Co., Traffic Department, 111 Broadway, New York, N.Y. 10006 (Robert S. Vonnahme, General Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 124796 (Sub-No. 53 TA), filed December 4, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 300 NSEA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing, cleaning, scouring, and washing compounds; solvents; sponges; starch; lubricating oil; carbon, gum, and sludge removing compounds; and, advertising materials and displays moving therewith*, from Kankakee, Ill., to Mauldin, S.C.; Birmingham, Ala.; East Cambridge, Mass.; Piscataway, N.J.; Richmond, Va.; Knoxville, Nashville, and Memphis, Tenn.; restricted against commodities in bulk, for 180 days. Supporting shipper: Simoniz Co., 110 North Wacker Drive, Chicago, Ill., 60606. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128504 (Sub-No. 2 TA), filed December 4, 1969. Applicant: JAMES M. BARNETT AND MRS. JAMES M. BARNETT, doing business as BARNETT'S MOVING & STORAGE, R.F.D. No. 4, Kosciusko, Miss. 39090. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps and shades, lamps with globes and lamps without globes and pole lamps*, from Kosciusko, Miss., to points in Mississippi, and to points in Alabama, Arkansas, Connecticut, Delaware, Virginia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Wisconsin, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Missouri, and West Virginia, and to transport, *materials and supplies*, from said States to Kosciusko, Miss., for use in the manufacture of such lamps, shades, globes, and pole lamps, for 180 days. NOTE: Applicant does not intend to tack. Supporting shipper: The Lawrin Co., Drawer F, Kosciusko, Miss. 39090. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133000 (Sub-No. 2 TA), filed December 4, 1969. Applicant: DIAMOND SAND & STONE CO., Post Office Box 4667, Jacksonville, Fla. 32201. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolomite* in bulk, from points in Taylor County, Fla., to Dothan, Ala., Albany, Arlington, Bainbridge, Blakely, Cairo, Camilla, Cuthbert, Donalsonville, Edison, Moultrie, Shellman, and Thomasville, Ga., for 180 days. Supporting shipper: Dolime Minerals Co., Post Office Box 1441, Bartow, Fla., 33830. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133700 (Sub-No. 2 TA), filed December 4, 1969. Applicant: DUCKETT TRANSFER COMPANY, INC., 74 Meadow Road, Asheville, N.C. 28803. Applicant's representative: Phil Carson, Post Office Box 748, Asheville, N.C. 28802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, in tank vehicles, from Lake Wales and Dunedin, Fla., to Asheville, N.C., for 180 days. Supporting shipper: Gerber Products Co., Post Office Box 2689, Asheville, N.C. 28802. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 133958 (Sub-No. 1 TA) (Amendment), filed October 3, 1969, published FEDERAL REGISTER, issues of October 14 and October 24, 1969, amended December 2, 1969, and republished as amended this issue. Applicant: W. E. STOCKARD, 2212 West Juniper, Roswell, N. Mex. 88201. Applicant's representative: Donald Brown, 847 Petroleum Building, Post Office Box 776, Roswell, N. Mex. 88201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feeds*, except liquid feeds or liquid feed supplements to be transported in tank vehicles, between points in New Mexico, on the one hand, and, points in the northern Panhandle of Texas on the other, bounded on the west by the New Mexico-Texas State line, on the north and east by the Texas-Oklahoma State line and continuing southerly along the eastern boundaries of Childress, Cottle, King, and Stonewall Counties, Tex., and bounded on the south by the southern boundaries of Stonewall, Kent, Garza, Lynn, Terry, and Yoakum Counties, Tex., for 180 days. NOTE: The purpose of this republication is to show that the commodity description and territory have been amended, and also to show that applicant is represented by Mr. Donald Brown. Supporting shipper: Hi-Plains Feed Yard, Route 2, Friona, Tex. 79035, and J. P. White Industries, Inc., Post Office Box 493, Roswell, N. Mex. 88201. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 134186 (Sub-No. 1 TA), filed December 4, 1969. Applicant: PAUL SIMPSON, Rural Route No. 1, Rock Falls, Ill. 61071. Applicant's representative: Lloyd Yost, 207 East Lincolnway, Morrison, Ill. 61270. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Walnut grove feed used for hogs, cattle, and poultry*, from West Liberty, Atlantic, and Independence, Iowa, to Bushnell, Aledo, Prophetstown, Oreg., Lena, Marengo, and Hinckley, Ill., for 180 days. Supporting shipper: W. R. Grace, Inc., Galesburg, Ill. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-15175; Filed, Dec. 19, 1969; 8:49 a.m.]

[Notice 961]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 16, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11592 (Sub-No. 7 TA) (Correction), filed November 24, 1969 published in the FEDERAL REGISTER issue of December 5, 1969, and republished as corrected, this issue. Applicant: BEST REFRIGERATED EXPRESS, INC., 1001 West South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides, from the plantsite and storage facilities of Beefland International, Inc., at Council Bluffs, Iowa, to points in Illinois, Wisconsin, Indiana, Ohio, and Michigan, for 180 days. NOTE: The purpose of this republication is to complete the commodity description which was inadvertently omitted, in previous publication. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 51501 (Raymond C. Burke, Vice President). (Send protests to: Keith P. Kohrs, District Supervisor, Interstate-Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 26667 (Sub-No. 1 TA), filed December 8, 1969. Applicant: CONSOLIDATED FAST TRUCKING, INC., 1074 West 14th Place, Chicago, Ill. 60608. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides*, from Chicago, Ill., to Brooklyn and New York, N.Y., Boston and North Adams, Mass.; Baltimore, Md.; Newark, N.J.; Philadelphia and Westover, Pa., and Luray, Va., for 180 days. Supporting shippers: M. Aschheim Co., Inc., 7 South Dearborn Street, Chicago, Ill. 60603; Nick Beucher & Sons Co., 341 North California Avenue, Chicago, Ill. 60612; Overseas Fibres, Inc., 4551 South Racine Avenue, Chicago, Ill. 60609. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 73165 (Sub-No. 277 TA), filed December 5, 1969. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Fred F. Bradley, Suite 202–204, Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components and fire hydrants*, from Birmingham, Ala., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana (east of the Mississippi River), Michigan, Mississippi, Missouri, Ohio (that part of Ohio on and south of a line starting at the Ohio-Pennsylvania State line and extending along Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio), Oklahoma, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala. 35202, Attention: Mr. Walter M. Boyce, Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 114273 (Sub-No. 50 TA), filed December 3, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3030 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs in mixed truckloads with meat and meat products, from Austin, Minn., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Indiana, Ohio, Michigan, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, and Cook County, Ill.; restricted to traffic originating at the plantsite or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., and destined to the States and county named, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 114552 (Sub-No. 42 TA), filed December 8, 1969. Applicant: SENN TRUCKING COMPANY, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated tunnel support system including prefabricated structural beams, ribs, liner plates, angle spacers, support logging, posts, bolts and nuts*, from the plantsite and storage facilities of Commercial Shearing & Stamping Co. at Youngstown, Ohio, to the job site of East River Mountain Tunnel near North Gap, Bland County, Va., for 180 days. Supporting shipper: Commercial Shearing & Stamping Co., Youngstown, Ohio. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 116273 (Sub-No. 122 TA), filed December 8, 1969. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude light oil of coal tar*, in bulk, in tank vehicles, from Gary, Ind., to Lemont, Ill., for 150 days. Supporting shipper: Ashland Oil & Refining Co., Ashland, Ky. 41101. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128888 (Sub-No. 2 TA), filed December 8, 1969. Applicant: PANDA TRANSPORT, INC., 2700 Broening Highway, Baltimore, Md. 21222. Applicant's representative: Paul Angelos (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, and personal effects* from Baltimore, Md., to Dover, Del., restricted to shipments having an immediately prior or subsequent movement by rail, motor, water, or air, for 180 days. Supporting shippers: (1) Baltimore Shipping Co., Inc., 1010 American Building, Baltimore, Md. 21202; (2) Imperial Household Storage Co., Inc., Post Office Box 20124, St. Petersburg, Fla. 33702; (3) National Carloading Corp., Monument and Fallsway, Baltimore, Md. 21202; (4) Pacific Terminals, 210 East Redwood Street, Baltimore, Md. 21202. Send portests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 134192 TA, filed December 8, 1969. Applicant: COMMERCIAL CARRIERS, INC., Sissonville Road, U.S. Highway No. 21 North, Post Office Box No. 366, Charleston, W. Va. 25322. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and wholesale discount stores, from points in Pennsylvania, Ohio, Kentucky, and West Virginia, to stores and warehouses in West Virginia, Kentucky, and Ohio, for 180 days. NOTE: Applicant presently holds a common carrier certificate in Docket No. MC 110659, to transport malt beverages, grain and grain products, crockery and household goods, all inactive except malt beverage authority. Supporting shipper: Heck's, Inc., 1012 Kanawha Boulevard East, Post Office Box No. 2233, Charleston, W. Va. 25328, Attention: Marvin L. Meadows, Traffic Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

MOTOR CARRIER OF PASSENGERS

No. MC 745 (Sub-No. 12 TA), filed December 4, 1969. Applicant: GERALD S. HAGEY, doing business as HAGEY'S BUS SERVICE, Franconia, Pa. 18924. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip operations, between Norristown, Pa., and New York, N.Y., from Norristown, over U.S. Highway 202 over Doylestown, Pa., to Lahaska, Pa., thence over Pennsylvania Highway 263 to Stockton, N.J., thence over New Jersey Highway 29 in a southerly direction to its intersection with U.S. Highway 202 at Lambertville, N.J., and thence over U.S. Highway 202 to its intersection with U.S. Highway 22 near Somerville, N.J., thence over Interstate Highway 287 to its intersection with New Jersey Turnpike, Interstate Highway 95, and thence over Interstate Highway 95 and Interstate 495 through the Lincoln Tunnel to the New York Port Authority Bus Terminal, New York, N.Y., and return over the same route, serving all intermediate points in Pennsylvania between Norristown, Pa., and Lahaska, Pa., including Norristown and Lahaska, Pa., and serving Flemington, N.J., for interchange purposes only; authority also requested to operate U.S. Highway 1 and U.S. Highway 9 in New York and New Jersey for operating convenience only, for 180 days. Supporting shippers: There are signatures of approximately 37 supporting passengers attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15176; Filed, Dec. 19, 1969; 8:49 a.m.]

[Notice 464]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 17, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71709. By order of December 11, 1969, the Motor Carrier Board approved the transfer to Luverne Marcusson, Red Oak, Iowa, of Certificate No. MC-123025 (Sub-No. 1) issued July 12, 1961, to Lee Schaefer, Omaha, Nebr., authorizing the transportation of sand, gravel, dirt, rocks, and crushed limestone, in dump vehicles, between points in Nebraska and Iowa. Jerry L. Snyder, 214 Sharp Building, Lincoln, Nebr. 68508, attorney for applicants.

No. MC-FC-71754. By order of December 12, 1969, the Motor Carrier Board approved the transfer to State Film Service, Inc., Fort Lee, N.J., of the operating rights in certificate No. MC-126779 (Sub-No. 2) issued December 6, 1966, to Hudson Film Service Corp., Fort Lee, N.J., authorizing the transportation, over irregular routes, of motion picture films, accessories, supplies, and advertising matter used in connection with the operation and maintenance of theaters, between Fort Lee, N.J., on the one hand, and, on the other, points in Westchester County, N.Y. Edward M. Alfano and John L. Alfano, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

No. MC-FC-71760. By order of December 11, 1969, the Motor Carrier Board approved the transfer to Melvin J. Robinson Co., Inc., Colden, N.Y., of certificates Nos. MC-96485, MC-96485 (Sub-No. 1), MC-96485 (Sub-No. 2), MC-96485 (Sub-No. 4) and MC-96485 (Sub-No. 6) issued August 13, 1942, March 3, 1960, October 1, 1962, November 27, 1962, and February 20, 1964, respectively, to Melvin J. Robinson, Colden, N.Y., authorizing the transportation of: General commodities with the usual exceptions and certain specifically named commodities, i.e., refractory products, between specified points and areas in New York, Michigan, Ohio, and Pennsylvania. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15178; Filed, Dec. 19, 1969; 8:49 a.m.]

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13 (5 documents) 20045–20047

19 CFR

2 20048
3 20048
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21 CFR

130 20048

32 CFR

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PROPOSED RULES:

110 20063

46 CFR

66 20104
67 20105
69 20131

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10018; Amdt. 681]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Olympia, Wash.—Olympia Municipal, VOR Runway 17, Amdt. 1, 20 June 1968 (established under Subpart C).

2. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Olympia, Wash.—Olympia Municipal, VOR/DME Runway 35, Amdt. 3, 20 June 1968 (established under Subpart C).

3. By amending § 97.15 of Subpart B to cancel very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Olympia, Wash.—Olympia Municipal, VOR/DME Runway 17, Amdt. 6, effective 20 June 1968, canceled, effective 15 Jan. 1970.

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OLM VORTAC.
Carr Int.	Budd Int (NOPT)	Direct	1500	$Climb to 3000′ in holding pattern OLM VORTAC.

Supplementary charting information:
$Hold S, 353° Inbnd, right turns, 1 minute.
LRCO, 122.1.
Runway 17, TDZ elevation, 203′.

Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 3000′ within 10 miles of Budd Int.
Final approach crs, 168°.
Minimum altitude over Budd Int, 1500′.
MSA: 000°–090°—4900′; 090°–180°—5400′; 180°–270°—3700′; 270°–360°—4100′.
NOTE: Radar vectoring.
*Straight-in and circling MDA increased 100′ and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service. Use McChord altimeter setting when Olympia altimeter setting not available.
%IFR departure procedures: Climb on R 348° OLM VORTAC within 10 miles so as to cross OLM VORTAC at or above 1500′ Westbound V204, 1200′ Eastbound V204.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–17*	780	1	577	780	1	577	780	1	577	780	1¼	577
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	780	1	575	780	1	575	840	1½	635	880	2	675
A	1000–2.		T 2-eng. or less—Standard.%						T over 2-eng.—Standard.%			

City, Olympia; State, Wash.; Airport name, Olympia Municipal; Elev., 205′; Facility, OLM; Procedure No. VOR Runway 17, Amdt. 2; Eff. date, 15 Jan. 70; Sup. Amdt. No. 1; Dated, 20 June 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 15.6-mile DME Fix.
				Make climbing left turn to 6000′ to HMV VORTAC via R 019° and hold. Supplementary charting information: Hold S, 1 minute, right turns, 019° Inbnd. Final approach crs to center of landing area. HMV VOR all FSS frequencies.

Procedure turn not authorized. One-minute holding pattern S of HMV VORTAC, 019° Inbnd, right turns, 6000′.
Final approach crs, 019°.
Minimum altitude over HMV VORTAC, 6000′; over 5-mile DME Fix, 5400′; over 10-mile DME Fix, 3900′.
MSA: 000°–090°—7600′; 090°–270°—8400′; 270°–360°—6400′.
NOTES: (1) Radar vectoring. (2) Use Tri City, Tenn., altimeter setting.
%IFR departure procedure: Climb on runway heading NE to 5000′, to SW 4000′ before proceeding on crs as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2840	1	770	2840	1¼	770	2840	1½	770	2840	2	770
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Abingdon; State, Va.; Airport name, Virginia Highland; Elev., 2070′; Facility, HMV; Procedure No. VOR/DME–1, Amdt. Orig.; Eff. date, 15 Jan. 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 11.3-mile DME.
HZN R 253°/10-mile DME	HZN VORTAC (NOPT)	Direct	8000	Climbing left turn to 8000′ via R 080° to HZN VORTAC and hold.* Supplementary charting information: *Hold W, right turns, 1 minute, 075° Inbnd. Chart restricted area, R–4803. FAC is alined to AER 03.

Procedure turn not authorized. One-minute holding pattern W HZN VORTAC, 075° Inbnd, 8000′.
Final approach crs, 089°.
Minimum altitude over HZN VORTAC, 8000′; over 6-mile DME Fix, 6300′.
MSA: 010°–100°—7000′; 100°–190°—7800′; 190°–010°—9400′.

NOTES: (1) Prior ATC clearance required to penetrate R–4803. (2) Night minimums not authorized runways 13/31 and 6/24. (3) Use NAAS Fallon altimeter setting. When NAAS Fallon altimeter setting not available, use Lovelock altimeter setting and increase MDA to 4660′.
%IFR departures all runways, climb via R 060° to HZN VORTAC. Continue climb in a holding pattern W of HZN VORTAC on R 255° (075° Inbnd) right turns, 1 minute, to cross HZN VORTAC at or above the following MCA's: V68, 6500′ northbound; V494, 9000′ southwestbound; V68, 8000′ westbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4500	1	541	4500	1	541	4500	1½	541	4520	2	561
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Fallon; State, Nev.; Airport name, Fallon Municipal; Elev., 3959′; Facility, HZN VORTAC; Procedure No. VOR/DME–1, Amdt. Orig.; Eff. date, 15 Jan. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OLM VORTAC.
McKenna Int	Centralia Int	OLM 15-mile DME Arc OLM, R 165° lead radial.	3800	Climb to 3000′ on R 348° OLM VORTAC within 15 miles.
OLM R 198° CCW	Centralia Int	OLM 15-mile DME Arc OLM, R 181° lead radial.	3000	Supplementary charting information: LRCO, 122.1.
Centralia Int	10-mile DME, R 173° OLM	Direct	2000	Runway 35, TDZ elevation, 205′.

Procedure turn not authorized. Approach crs (profile) starts at OLM R 173°, 10-mile DME.
Final approach crs, 353°.
Minimum altitude over OLM R 173°, 5-mile DME, 1300′.
MSA: 000°–090°—4800′; 090°–180°—5400′; 180°–270°—3700′; 270°–360°—4100′.
NOTE: Radar vectoring.
*Straight-in and circling MDA increased 100′ and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service. Use McChord altimeter setting when Olympia altimeter setting not available.
%IFR departure procedures: Climb on R 348°, OLM VORTAC within 10 miles so as to cross OLM VORTAC at or above 1800′ westbound V204. 1200′ eastbound V204.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35*	780	1	575	780	1	570	780	1	575	780	1¼	575
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	780	1	575	780	1	575	840	1½	635	880	2	675
A	1000–2.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Olympia; State, Wash.; Airport name, Olympia Municipal; Elev., 205′; Facility, OLM; Procedure No. VOR/DME Runway 35, Amdt. 4; Eff. date, 15 Jan. 70; Sup. Amdt. No. 3; Dated, 20 June 68

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ADS VOR.
Lakeside Int	Zone Int	GSW R 006° and ADS R 326°	1700	Climbing left turn to 2000′ direct to DAL VORTAC. Supplementary charting information Depict MALS/8F to Runway 15. Runways 15/33 extended N 2000′. Runway 15, TDZ elevation, 634′.

Procedure turn not authorized. Approach crs (profile) starts at Zone Int.
Final approach crs, 146°.
Minimum altitude over Zone Int 1700′.
MSA: 160°–250°—3400′; 250°–160°—2200′.
NOTE: Radar vectoring or dual VOR equipment required. Aircraft on any inbound radial to ADS VOR may descend to circling minima after passing 5-mile radar fix from ADS VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–15	1040	¾	406	1040	¾	406	1040	¾	406	1040	1	406
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	437	1100	1	437	1100	1½	457	1200	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Dallas; State, Tex.; Airport name, Addison; Elev., 643′; Facility, ADS; Procedure No. VOR Runway 15, Amdt. 10; Eff. date, 15 Jan. 70; Sup. Amdt. No. 9; Dated, 23 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ADS VOR.
Ross Avenue Int	Vickery Int	Direct	2000	Climbing right turn to 2000′ direct to DAL VOR. Supplementary charting information: Depict MALS/SF to Runway 15. Runway 15/33 extended N. 2000′. Runway 33, TDZ elevation, 635′.

Procedure turn not authorized. Approach crs (profile) starts at Vickery Int.
Final approach crs, 341°.
Minimum altitude over Vickery Int. 2000′.
MSA: 160°–250°—3400′; 250°–160°—2200′.
NOTE: Radar vectoring or dual VOR equipment required. Aircraft on any inbnd radial to ADS VOR may descend to circling minimums after passing 5-mile Radar Fix from ADS VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	980	1	345	980	1	345	980	1	345	980	1	345
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	437	1100	1	457	1100	1¼	457	1200	2	557
A	Standard.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Dallas; State, Tex.; Airport name, Addison; Elev., 643′; Facility, ADS; Procedure No. VOR Runway 33, Amdt. 9; Eff. date, 15 Jan. 70; Sup. Amdt. No. 8; Dated 23 May 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.2 miles after passing CGT VORTAC.
Steamboat Int	CGT VORTAC	Direct	2400	Turn right, climbing to 2400′ and procede direct to CGT VORTAC.
Peotone VORTAC	Monee Int	Direct	2400	
Monee Int	CGT VORTAC (NOPT)	Direct	2400	Supplementary charting information: 2 chimneys, 823′—(1) 41°38′21″/87°24′25″; (2) 41°38′20″/87°24′25″. Runway 2, TDZ elevation, 589′.

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2400′ within 10 miles of CGT VORTAC.
FAF, CGT VORTAC. Final approach crs, 046°. Distance FAF to MAP, 9.2 miles.
Minimum altitude over CGT VORTAC, 2400′; over Hammond Int, 1480′.
MSA: 090°–180°—2200′; 180°–270°—2400′; 270°–090°—3100′.
NOTES: (1) Radar vectoring. (2) Use Midway altimeter setting when control zone not effective; circling and straight-in MDA increased 80′.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-2	1480	1¼	892	1480	1¼	892	1480	1¼	892	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1480	1¼	889	1480	1¼	889	1480	1¼	889	NA
	VOR/DME or VOR/NDB Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-2	1100	1	512	1100	1	512	1100	1	512	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1180	1	589	1180	1	589	1180	1¼	589	NA
A	Standard.*			T 2-eng. or less—Standard.				T over 2-eng.—Standard.		

City, Gary; State, Ind.; Airport name, Gary; Elev., 591′; Facility, CGT; Procedure No. VOR Runway 2, Amdt. 6; Eff. date, 15 Jan. 70; Sup. Amdt. No. 5; Dated, 27 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing LAX VOR.
				Climbing left turn to intercept LAX R 076°, then via LAX R 076° to LaHabra Int at 3000′. Supplementary charting information: Runway 7, TDZ elevation, 60′.

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 2000′ within 10 miles of LAX VOR.
FAF, LAX VOR. Final approach crs, LAX R 083°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over LAX VOR, 1000′; over Judy Int, 600′.
MSA: 345°–075°—7200′; 075°–255°—2600′; 255°–345°—5100′.
NOTE: Radar vectoring.
*All circling south of airport due to traffic restrictions north.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	600	1	540	600	1	540	600	1	540	600	1¼	540
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	600	1	537	640	1	577	660	1¼	597	660	2	597
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	480	1	420	480	1	420	480	1	420	480	1	420
A	Standard.			T 2-eng. or less—Runways 7/25, 300-1.				T over 2-eng.—Runways 7/25, 300-1.				

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 63′; Facility, LAX; Procedure No. VOR Runway 7, Amdt. 6; Eff. date, 15 Jan. 70; Sup. Amdt. No. 5; Dated, 14 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing Bell Int (5.2 DME R 081°).
LaHabra Int	Norwalk Int	DR 196°/2.4 miles and R 081°	3000	Climbing left turn to 3000′ via 200° heading and LAX R 170° to Ling Int. If not at 3000′ at Ling Int., climb in holding pattern to 3000′ or as directed by ATC.
R 342°, LAX VOR CW	R 046°, LAX VOR	16-mile arc	4300	
R 046°, LAX VOR CW	Norwalk Int	16-mile arc, R 073° lead radial	2000	
R 170°, LAX VOR CCW	Norwalk Int	16-mile arc R 089° lead radial	2600	
Norwalk Int	Bell Int	Direct	2000	Alternate missed approach: 5.5 miles after passing Bell Int (5.2 DME), climb to 2000′ direct to LAX VOR, then via LAX R 170° within 10 miles. Supplementary charting information: Chart tower 3407-11823, 1862′, vice 1787′. Runway 25, TDZ elevation, 60′.

Procedure turn not authorized. Approach crs (Profile) starts at Bell Int.
FAF, Bell Int. Final approach crs, 261°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over Bell Int, 2000′.
MSA: 345°–075°—7200′; 075°–255°—2600′; 255°–345°—5100′.
NOTES: (1) Radar vectoring. (2) During simultaneous approaches (HHR Runway 25 and LAX Runways 24 L/R) aircraft must be radar vectored to Final Approach Fix. (Bell Int). (3) Inoperative components table does not apply to REIL Runway 25.
*All circling S of airport due to traffic restrictions N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25	580	1	520	580	1	520	580	1	520	580	1¼	520
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	600	1	537	640	1	577	660	1¼	597	660	2	597
A	Standard.			T 2-eng. or less—Runways 7/25, 300-1.				T over 2-eng.—Runways 7/25, 300-1.				

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 63′; Facility, LAX; Procedure No. VOR Runway 25, Amdt. 6; Eff. date, 15 Jan. 70; Sup. Amdt. No. 5; Dated, 24 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.5 miles after passing IOW VORTAC.
CID LOM	IOW VORTAC	Direct	2500	Climbing right turn to 2400′ direct to IOW VORTAC.
CID VORTAC	IOW VORTAC	Direct	2500	
R 073°, IOW VORTAC CW	R 199°, IOW VORTAC (NOPT)	7-mile Arc	2400	Supplementary charting information:
R 253°, IOW VORTAC CCW	R 199°, IOW VORTAC (NOPT)	7-mile Arc	2400	Steel tower 1.3 miles NW of airport 935′. TDZ elevation, 652′.

Procedure turn W side of crs, 199° Outbnd, 019° Inbnd, 2400′ within 10 miles of IOW VORTAC.
FAF, IOW VORTAC. Final approach crs, 019°. Distance FAF to MAP, 7.5 miles.
Minimum altitude over IOW VORTAC, 2400′; over 4-mile DME Fix, 1200′.
MSA: 000°–090°—3300′; 090°–270°—2100′; 270°–360°—2200′.
NOTE: Use Cedar Rapids, Iowa, altimeter setting.
Plan IFR departures to avoid 935′ tower 1.3 miles NW.
*Standard alternate minimums authorized for air carriers with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-35	1200	1	548	1200	1	548	1200	1	548	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	639	1300	1	639	1300	1¼	639	NA
	DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-35	1100	1	448	1100	1	448	1100	1	448	NA
A	Not authorized.*		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*			

City, Iowa City; State, Iowa; Airport name, Iowa City Municipal; Elev., 661′; Facility, IOW; Procedure No. VOR Runway 35, Amdt. 6; Eff. date, 15 Jan. 70; Sup. Amdt. No. 5; Dated, 16 Jan. 69

Terminal routes				Missed approach
From—	To	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing AKN VORTAC.
KG LFR	AKN VORTAC	Direct	1800	Climb to 3000′ on R 111° within 15 miles.
R 030°, AKN VORTAC CCW	R 291°, AKN VORTAC (NOPT)	10-mile Arc AKN, R 302° lead radial.	2000	Alternate missed approach: When directed by ATC, climb to 2000′, right turn to R 165° within 15 miles.
R 205°, AKN VORTAC CW	R 291°, AKN VORTAC (NOPT)	10-mile Arc AKN, R 280° lead radial.	2000	Supplementary charting information: 280′ tower 0.8 mile NW of airport. 190′ LFR towers 1.1 mile W of airport. Runway 11, TDZ elevation, 44′.

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 1800′ within 10 miles of AKN VORTAC.
FAF, AKN VORTAC. Final approach crs, 111°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over AKN VORTAC, 700′.
MSA: 000°–090°—3700′; 090°–180°—3500′; 180°–270°—1400′; 270° 360°–1600′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	540	½	496	540	½	496	540	½	496	540	1	496
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	523	580	1	523	580	1¼	523	620	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57′; Facility, AKN; Procedure No. VOR Runway 11, Amdt. 7; Eff. date, 15 Jan. 70; Sup. Amdt. No. 6; Dated, 13 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing FOW VOR.
New Prague Int	FOW VOR	Direct	2700	Climb to 2700′ on R 130° within 10 miles return to VOR.
Cannon City Int	FOW VOR	Direct	2700	
Hope Int	FOW VOR	Direct	2700	Supplementary charting information:
Alma City Int	FOW VOR	Direct	2700	Runway 12, TDZ elevation, 1138′.

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 2700′ within 10 miles of FOW VOR.
FAF, FOW VOR. Final approach crs, 130°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over FOW VOR, 2700′.
MSA: 000°–090°—2600′; 090°–180°—2700′; 180°–270°—2600′; 270°–360°—2600′.
NOTE: Use Rochester, Minn., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-12	1640	1	502	1640	1	502	1640	1	502	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1620	1	512	1780	1	632	1780	1¼	632	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Owatonna; State, Minn.; Airport name, Owatonna Municipal; Elev., 1148′; Facility, FOW; Procedure No. VOR Runway 12, Amdt. 3; Eff. date, 15 Jan. 70; Sup. Amdt. No. 2; Dated, 11 Dec. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AKN R 111°, 5-mile DME.
KG LFR	AKN VORTAC R 111°, 8-mile DME	Direct	2800	Climb to 1800′ direct to AKN VORTAC, continue climb on R 291° within 15 miles.
R 030°, AKN VORTAC CW	R 111°, AKN VORTAC (NOPT)	15-mile Arc AKN, R 103° lead radial.	2800	Alternate missed approach:
R 205°, AKN VORTAC CCW	R 111°, AKN VORTAC (NOPT)	15-mile Arc AKN, R 119° lead radial.	2800	When directed by ATC, climb to 2000′, left turn to R 165° within 15 miles.
				Supplementary charting information: 280′ tower 0.8 mile NW of airport. 190′ LFR towers, 1.1 miles W of airport. Runway 29, TDZ elevation, 57′.

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 2800′ within 10 miles of AKN R 111°, 8-mile DME.
Final approach crs, 291°.
Minimum altitude over AKN R 111°, 10-mile DME, 1300′; over 8-mile DME, 800′.
MSA: 000°–090°—3700′; 090°–180°—3500′; 180°–270°—1400′; 270°–360°—1600′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-29	380	¾	323	380	¾	323	380	¾	323	380	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	523	580	1	523	580	1¼	523	620	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57′; Facility, AKN; Procedure No. VORTAC Runway 29, Amdt. 4; Eff. date, 15 Jan. 70; Sup. Amdt. No. 3; Dated 13 Nov. 69

6. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BR LOM.
HRL VOR	LOM (NOPT)	Direct	1500	Climbing left turn to 1500′ direct to BR LOM and hold.
Rio Hondo Int	LOM	Direct	1500	Supplementary charting information:
Fresnos Int	LOM	Direct	1500	Hold NW, 1 minute, left turns, 127° Inbnd.
BRO VORTAC	LOM	Direct	1500	Runway 13R, TDZ elevation, 17′.
R 062°, BRO VORTAC CCW	BRO LOC (front crs)	15-mile Arc BRO, R 304° lead radial.	1500	
Int 15-mile Arc/BRO LOC front crs	BR LOM (NOPT)	LOC crs	1500	

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1500′ within 10 miles of BR LOM.
FAF, BR LOM. Final approach crs, 127°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over BR LOM, 1500′; over Rail Int, 460′.
MSA: 000°–270°—1300′; 270°–360°—2100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	460	1	443	460	1	443	460	1	443	460	1	443
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	438	480	1	458	480	1½	458	580	2	558
	LOC/VOR Minimums (Rail Int)											
S-13R	340	1	323	340	1	323	340	1	323	340	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	398	480	1	458	480	1½	458	580	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22′; Facility, I–BRO; Procedure No. LOC Runway 13R, Amdt. 2; Eff. date, 15 Jan. 70; Supp. Amdt. No. 1; Dated, 11 Sept. 69

7. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BR LOM.
HRL VOR	BR LOM (NOPT)	Direct	1500	Climbing left turn to 1500′ direct to BR LOM and hold.
Rio Hondo Int	BR LOM	Direct	1500	Supplementary charting information:
Fresnos Int	BR LOM	Direct	1500	Hold NW, 1 minute, left turns, 127° Inbnd.
BRO VORTAC	BR LOM	Direct	1500	Runway 13R, TDZ elevation, 17′.
R 062°, BRO VORTAC CCW	Bearing 307°, BR LOM	15-mile Arc BRO, R 304°, lead radial.	1500	
Int 15-mile Arc/bearing 307°, BR LOM	BR LOM (NOPT)	Bearing 307°, BR LOM	1500	

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1500′ within 10 miles of BR LOM.
FAF, BR LOM. Final approach crs, 127°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over BR LOM, 1500′.
MSA: 000°–270°—1300′; 270°–360°—2100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	500	1	483	500	1	483	500	1	483	500	1	483
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	478	500	1	478	500	1½	478	580	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22′; Facility, BR; Procedure No. NDB (ADF) Runway 13R, Amdt. 2; Eff. date, 15 Jan. 70; Sup. Amdt. No. 1; Dated, 11 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 miles after passing Lima LOM (LA).
Downey FM/NDB	Lima LOM (LA)	Direct	1500	Climb to 2000′ on crs 225° from Lima LOM within 15 miles.

Procedure turn not authorized. Approach crs (Profile) starts at Lima LOM (LA).
FAF, Lima LOM (LA). Final approach crs, 225°. Distance FAF to MAP, 3 miles.
Minimum altitude over Lima LOM (LA), 1500′.
MSA: 045°–135°—4800′; 135°–225°—2600′; 225°–315°—4800′; 315°–045°—9100′.
NOTE: Radar required.
*All circling S of airport due to traffic restrictions N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	660	1	597	660	1	597	660	1¼	597	660	2	597
A	Standard.		T 2-eng. or less—Runways 7/25, 300–1.				T over 2-eng.—Runways 7/25, 300–1.					

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 63′; Facility, LA; Procedure No. NDB (ADF)-1, Amdt. 4; Eff. date, 15 Jan. 70; Sup. Amdt. No. 3; Dated, 24 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MUT NDB.
Nichols Int	MUT NDB	Direct	2300	Climb to 2300′, turn right to MUT NDB.
Grandview Int	MUT NDB	Direct	2400	Supplementary charting information:
Buffalo Int	MUT NDB	Direct	2300	Final approach crs intercepts runway centerline 3920′ from threshold.

Procedure turn S side of crs, 242° Outbnd, 062° Inbnd, 2300′ within 7 miles of MUT NDB.
Final approach crs, 062°.
Minimum altitude over MUT NDB, 1320′.
MSA: 000°–270°—2100′; 270°–360°—3300′.
NOTE: Use Moline, Ill., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-5	1320	1	774	1320	1¼	774	1320	1½	774	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1320	1	774	1320	1¼	774	1320	1½	774	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Muscatine; State, Iowa; Airport name, Municipal; Elev., 546′; Facility, MUT; Procedure No. NDB (ADF) Runway 5, Amdt. 1; Eff. date, 15 Jan. 70; Sup. Amdt. No. Orig.; Dated, 19 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.5 miles after passing FRT NDB.
SPA VORTAC	FRT NDB	Direct	2400	Climb to 3000′ direct to SPA VORTAC and hold.
				Supplementary charting information:
				Hold N, 1 minute, right turns, 195° Inbnd.

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2400′ within 10 miles of FRT NDB.
FAF, FRT NDB. Final approach crs, 058°. Distance FAF to MAP, 1.5 miles.
Minimum altitude over FRT NDB, 1600′.
MSA: 000°–093°—3700′; 093°–180°—2100′; 180°–270°—4200′; 270°–360°—8000′.
NOTES: (1) Use GSP altimeter setting when control zone not effective and circling MDA increased 40′. (2) Radar vectoring.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	464	1280	1	464	1280	1½	464	1380	2	564
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Spartanburg; State, S.C.; Airport name, Spartanburg Downtown Memorial; Elev., 816′; Facility, FRT; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 15 Jan. 70; Sup. Amdt. No. 2; Dated, 26 Dec. 68

8. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH 4292′ Categories A, B, C; DH 4342′ Categories D, E.
LMT VORTAC	LFA NDB	Direct	8500	Climb straight ahead to 4600′, then climbing left turn direct to LFA NDB, continue climb on SE crs LMT LOC to 7500′ within 10 miles of LFA NDB.
Mount Dome Int	LFA NDB	Direct	8100	
LMT R 162°, 17 miles CCW	LMT R 140°, 17 miles	17-mile Arc LMT, R 151° lead radial.	8000	
LMT R 140°, 17 miles	LFA NDB (NOPT)	SE crs LMT LOC	7100	Supplementary charting information: Runway 32, TDZ elevation, 4092′.

Procedure turn W side of crs, 139° Outbnd, 319° Inbnd, 7500′ within 10 miles of LFA NDB.
Final approach crs, 319°.
Minimum glide slope interception altitude, 7100′. Glide slope altitude at LFA NDB, 7038′; at OM, 5721′; at MM, 4308′.
Distance to runway threshold at LFA NDB, 10.5 miles; at OM, 5.8 miles; at MM, 0.6 mile.
MSA: 000°–090°—8300′; 090°–180°—9100′; 180°–270°—8900′; 270°–360°—9300′.
NOTES: (1) ASR/PAR. (2) Procedure not authorized with glide slope inoperative.
#Air carrier reduction not authorized.
*Circling not authorized E of Runways 14/32.
%IFR departure procedures: Climb via LMT LOC SE crs/LMT VOR R 140° to 6000′, turn right heading 250° to intercept and proceed via LMT VOR R 162° to cross LMT VOR at or above 7000′, westbound V–122, 6000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–32	4292	½	200	4292	½	200	4292	½	200	4342	¾	250
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4820	1	728	4920	1¼	828	4920	1½	828	5020	2	928
	Condition E:											
	DH	VIS	HAT									
S–32	4342	¾	250									
	MDA	VIS	HAA									
C*	5500	3¼	1408									
A	Categories A, B, C, D, 1000–2; Category E, 1500–3¼.		T 2-eng. or less—%Runway 14, Standard; #Runway 32, 300–1; Runways 7/25 and 18/36, 500–1.						T over 2-eng.—%Runway 14, Standard; #Runway 32, 300–1; Runways 7/25 and 18/36, 500–1.			

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092′; Facility, I–LMT; Procedure No. ILS Runway 32, Amdt. 10; Eff. date, 15 Jan. 70; Sup. Amdt. No. 9; Dated, 20 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 370′; LOC 6.3 miles after passing Romeo LOM/Int.
				Initiate immediate climb on LOC crs to 500′, turn right, continue climb to 4000′ via 265° heading and LAX R 276° to Topanga Int.
				Supplementary Charting Information: Depict Runway 25L localizer crs in plan view.
				Parallel procedures Parallel ILS Runways 24 L/R and Parallel ILS Runway 25L to be issued on adjoining plates.
				Runways 24 L/R, TDZ elevation, 120′.

Procedure turn not authorized. Approach crs (Profile) starts at Romeo LOM/Int.
FAF, Romeo LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM/Int, 2200′; over Arbor Int, 640′.
Minimum glide slope interception altitude, 2500′. Glide slope altitude at OM, 2196′; at MM, 317′.
Distance to runway threshold at OM, 1.3 miles; at MM, 0.5 mile.
MSA: Not authorized.
NOTES:
(1) ASR/PAR.
(2) Radar required. (a) This procedure mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC (or ADF) and localizer receivers are operating simultaneously. (b) Notify approach control immediately if any required airborne receiver in note (a) is malfunctioning or parallel approach is not desired.
(3) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
(4) Inoperative table does not apply to HIRL or SALS runways 24 L/R.
%IFR departures: Northbound (280° CW through 060°) published SID's must be used or be radar vectored.
#Runways 6 L/R, 7R, RVR 50′; Runways 24 L/R, RVR 40′; Runways 25 L/R, 7L, RVR 24′.
*Sidestep maneuver to runway not providing electronic guidance requires 600′ ceiling, RVR 60′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–24 L/R*	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–24 L/R*	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500
	LOC/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–24 L/R*	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360
A	Standard.			T 2-eng. or less—Runways 8/26, Standard. %#			T over 2-eng.—Runways 8/26, Standard; all other runways RVR 24′.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126′; Facility, I–O88; Procedure No. Parallel ILS Runway 24 L/R, Amdt. 2; Eff. date, 15 Jan. 70; Sup. Amdt. No. 1; Dated, 1 Jan. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 300'; LOC 5.4 miles after passing Lima LOM/Int.
				Initiate immediate climb on LOC crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int.
				Supplementary charting information: Depict Runway 24R localizer crs in plan view.
				Parallel procedures, Parallel ILS Runway 25 L/R and Parallel ILS Runway 24R to be issued on adjoining plates.
				Runways 25 L/R, TDZ elevation, 100'.

Procedure turn not authorized. Approach crs (Profile) starts at Century Int.
FAF, Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Century Int, 3500'; over Lima LOM/Int, 1900'; over Lake Int, 620'.
Minimum glide slope interception altitude, 3500'. Glide slope altitude at OM, 1886'; at MM, 324'.
Distance to runway threshold at OM, 5.4 miles, at MM 0.5 mile.
MSA: not authorized.
Notes:
(1) ASR/PAR.
(2) **Radar required. (a) This procedure mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC (or ADF) and localizer receivers are operating simultaneously. (b) Notify approach control immediately if any required airborne receiver in note (a) is malfunctioning or parallel approach is not desired.**
(3) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
%IFR departures: Northbound (280° CW through 060°) published SID's must be used or be radar vectored.
#Runways 6 L/R, 7R, RVR 50'; Runways 24 L/R, RVR 40; Runways 25 L/R, 7L, RVR 24'.
*Sidestep maneuver to runway not providing electronic guidance requires 600' ceiling, RVR 60'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25 L/R*	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25 L/R*	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
	LOC/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25 L/R*	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360
A	Standard.		T 2-eng. or less—Runways 8/26, Standard.%#				T over 2-eng.—Runways 8/26, Standard; all other runways RVR 24'.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. Parallel ILS Runway 25 L/R, Amdt. 1; Eff. date, 15 Jan. 70; Sup. Amdt. No. Orig.; Dated, 30 Oct. 69

9. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radial instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To— Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by ABI ASR minimum altitude vectoring chart.											1. Approach crs within 15-mile radius of airport from 340° CW to 360°. 2. From 15 miles to 4 miles FAF, 3000'. 3. Descend aircraft to MDA after FAF 4 miles from airport. 4. Missed approach point 1 mile from airport.

Missed approach: Climb to 3900' on heading 170° within 20 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2340	1	562	2340	1	562	2340	1½	562	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778'; Facility ABI ASR; Procedure No. ASR Runway 17R, Amdt. 1; Eff. date, 15 Jan. 70; Sup. Amdt. No. ASR-2, Orig.; Dated, 10 July 69

As established by ABI ASR minimum altitude vectoring chart	1. Approach crs within 15-mile radius of airport from 160° CW to 180°. 2. From 15 miles to 6 miles FAF, 3600'. 3. Descend aircraft to MDA after FAF 6 miles from airport. 4. Missed approach point 1 mile from airport.

Missed approach: Climb to 3300' on heading 350° within 20 miles.
*Circling not authorized NW as defined by Runway 35L centerline extended N and Runway 22 centerline extended SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	2160	1	382	2240	1	462	2240	1½	462	2340	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev. 1778'; Facility, ABI ASR; Procedure No. ASR Runway 35L, Amdt. 1; Eff. date, 15 Jan. 70; Sup. Amdt. No. ASR-1, Orig.; Dated, 10 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and alt. (sectors and distances measured from radar ant.) From—To—Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude	Notes
As established by AKN ASR minimum altitude vectoring charts.	Descend aircraft to MDA after FAF: ASR Runways 29, 11, 18, 36—6 miles from threshold. Supplementary charting information: 1. 280′ tower 0.8 mile NW of airport. 2. 190′ towers 1.1 miles W of airport. 3. Runway threshold elevations: Runway 11, 44′; Runway 29, 57′; Runway 18, 50′; Runway 36, 43′.

Missed approach:
(1) PAR Runway 11—Upon reaching DH of 244′, climb straight ahead to 3000′ within 15 miles.
(2) ASR Runways 29, 18, 36—Climb straight ahead to 2000′ within 15 miles.
(3) ASR Runway 11—Climb straight ahead to 3000′ within 15 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
PAR:												
8–11	244	½	300	244	½	200	244	½	200	244	½	200
ASR:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8–11	540	½	496	540	½	496	540	½	496	540	1	496
8–29	540	¾	483	540	¾	483	540	¾	483	540	1	483
8–36	420	1	377	420	1	377	420	1	377	420	1	377
8–18	540	1	490	540	1	490	540	1	490	540	1	490
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	523	580	1	523	580	1¼	523	620	2	563
Military Minimums:												
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8–11	144	¾	100	144	¾	100	144	¾	100	144	¾	100
A	Standard.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57′; Facility, King Salmon Radar; Procedure No. Radar-1, Amdt. 2; Eff. date, 15 Jan. 70; Sup. Amdt No. 1; Dated, 13 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and alt. (sectors and distances measured from radar ant.) From—To—Distance Altitude Distance Altitude Distance Altitude Distance Altitude Distance Altitude	Notes
As established by Klamath Falls ASR minimum altitude vectoring chart.	1. Descend aircraft to MDA after FAF. Precision approach: Runway 14, FAF 6800′ 8.5 miles from threshold. Fac 319°. TDZ elevation, 4086′. Runway 32, FAF 6000′ 7.2 miles from threshold. Facility 139°. TDZ elevation, 4092′. Surveillance approach: Runway 32 FAF 5800′, 5 miles from threshold. Facility 319°. Minimum altitude over 4-mile fix 5300′; over 3-mile fix 5000′. *Sliding scale not authorized. $Hold SE, 1 minute, right turns, 319° Inbnd. #Air carrier reduction not authorized. **Circling not authorized East of Runway 14/32. Inoperative table does not apply to SALS Runway 14.

Missed approach:
$Runway 14—Climb to 7500′ direct LFA NDB and hold.
Runway 32—Climb straight ahead to 4600′, then climbing left turn to intercept and climb on R 253° LMT VORTAC to 7500′ within 10 miles. All maneuvering N of R 263°.
Lost communications:
Runway 14—Climb to 7500′ direct LFA NDB and hold.
Runway 32—Climb direct LMT VORTAC; then left climbing turn R 263° LMT VORTAC to 7500′ within 10 miles.
%IFR departure procedures: Climb on SE ers LMT LOC/R 140° LMT VORTAC to 6000′, turn right heading 250° to intercept and proceed via R 162° LMT VORTAC to cross LMT VORTAC at or above 7000′; westbound V–122, 6000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
Precision approach:												
8–14*	4336	¾	250	4336	¾	250	4336	¾	250	4336	¾	250
S–32	4292	½	200	4292	½	200	4292	½	200	4342	¾	250
Surveillance approach:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–32*	4780	1	688	4780	1	688	4780	1¼	688	4780	1½	688
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4820	1	728	4920	1¼	828	4920	1½	828	5020	2	928
ASR/PAR—Condition E:												
Precision approach—Condition E:												
	DH	VIS	HAT									
8–14*	4336	¾	250									
8–32	4342	¾	250									
Surveillance approach—Condition E:												
	MDA	VIS	HAT									
8–32*	4780	1¼	688									
ASR/PAR												
	MDA	VIS	HAA									
C**	5500	3¼	1408									
A	Categories A, B, C, D, 1000–2; Category E, 1500–3¼.			T 2-eng. or less—% Runway 14, Standard; #Runway 32, 300–1; Runways 7/25 and 18/36, 500–1.			T over 2-eng.—% Runway 14, Standard; #Runway 32, 300–1; Runways 7/25 and 18/36, 500–1.					

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092′; Facility, Klamath Falls Radar; Procedure No. Radar-1, Amdt. 4; Eff. date, 15 Jan. 70; Sup. Amdt. No. 3; Dated, 20 Nov. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on December 11, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69–15055; Filed, Dec. 22, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55) as set forth below:

Statement of considerations. The amendments establish specific temperatures and holding times for pasteurizing a wide variety of egg products and provide facility requirements, temperatures, and holding times for heat treating spray-dried and pan-dried albumen. To minimize the possibility of contaminating egg products during processing and packaging operations, the amendments require a separate drawoff room for packaging liquid eggs except products packaged in an automatic, closed system. Also required is a separate blending-packaging room or closed blending facilities for blending dried egg products or adding dry ingredients. Openings into the drying unit are required to be closed to the extent possible during and after operations, and special precautions must be taken when the unit is not operating, contains powder, and operations will not be promptly resumed.

An alternate, simplified inspection mark which contains only the words "USDA Inspected Egg Products" may now be used and any official identification applied to containers shall be printed or lithographed.

Product formerly identified with the rectangular mark may be identified with the official shield-shaped mark provided the product is identified with a qualifying statement, e.g., "manufactured from eggs of other than current production," or "Frozen Whole Turkey Eggs."

The amendments adjust the cooling requirements for liquid egg products with 10 percent or more salt added to facilitate processing and also change the temperature requirements for liquid whites that are not to be stabilized and will be held in excess of 8 hours. U.S. inspected fowl ova from official poultry plants will be allowed to enter official egg products plants for processing.

The condition inspection of product produced in nonofficial plants is no longer limited to frozen whole eggs, but includes all frozen egg products. Certification is limited to the number of satisfactory and unsatisfactory containers examined organoleptically.

Certain conditions and time limitations are provided for processing inedible egg products in official plants for nonhuman use.

The minimum holding time for pasteurization of the "fastest moving particle" has been included in the pasteurization chart. The minimum average holding time and temperature will continue to determine pasteurization compliance.

Other minor changes have been made for the sake of clarity.

A rulemaking proposal was published in the FEDERAL REGISTER, 34 F.R. 8363, May 30, 1969. The four comments received on this proposal prompted additional changes to the regulations which were proposed in rulemaking printed in the FEDERAL REGISTER, 34 F.R. 15561, October 7, 1969. An additional 10 comments were received on the October 7 proposal. After careful consideration of all comments, the Department has decided to promulgate the amendments as proposed with the following exception:

There was considerable opposition to changing the required freezing temperature for frozen eggs from 10° F. to 0° F., especially for salt product and plain yolks. Considering the merit of the comments, the Department has decided not to change the freezing requirements.

The amendments also provide that dried albumen which is properly heat treated and tested may be labeled "pasteurized."

The Department also wishes to set forth its policy on enforcement of the maximum liquid egg cooling temperatures specified in the regulations. The Department realizes that in some situations or emergencies, slightly higher temperatures than those provided for in the regulations may occur even in the best equipped and operated plants. In these situations, administrative judgment is exercised, and the product is permitted to be officially identified. This tolerance would not be allowed if the situation is continuous or occurs frequently.

The amendments are as follows:

1. In § 55.2, the definitions for the terms: "Eggs of current production," "Sanitize," and "Shell eggs," are changed to read respectively:

§ 55.2 Terms defined.

* * * * *

"Eggs of current production" means shell eggs which have moved through the usual marketing channels since the time they were laid and have not been held in refrigerated storage in excess of 60 days.

* * * * *

"Sanitize" means the application of a bactericidal treatment which is approved as being effective in destroying microorganisms, including pathogens.

* * * * *

"Shell eggs" means the shell eggs of the domesticated chicken, turkey, duck, goose, and guinea.

* * * * *

2. In § 55.2a, paragraphs (c) and (e) are revised to read:

§ 55.2a Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

* * * * *

(c) "Official mark" means the grade mark, inspection mark, and any other mark or symbol formulated pursuant to the regulations in this part, stating that the product was graded or inspected, or for the purpose of maintaining the identity of the product.

* * * * *

(e) "Official device" means a printed label, or other method as approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

3. Paragraph (e) of § 55.4 is revised to read:

§ 55.4 Kinds of service available.

* * * * *

(e) Condition inspection, sampling, and laboratory analysis of frozen egg products which were prepared in nonofficial plants.

* * * * *

4. In § 55.6, paragraph (a) is revised and a new paragraph (c) is added to read:

§ 55.6 Basis of service.

(a) Products shall be graded or inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. All grading service shall be subject to supervision at all times by the applicable State supervisor, egg products supervisor, area supervisor, and National Supervisor. Whenever the supervisor of a grader or inspector has evidence that such grader or inspector incorrectly graded or inspected a product, such supervisor shall take such action as is necessary to correct the grading or inspection and to cause any improper official identification which appears on the product or containers thereof to be corrected prior to shipment of the product from the place of the initial grading or inspection.

* * * * *

(c) Condition inspection of frozen egg products prepared in nonofficial plants shall be on a container-by-container basis. No certification of product shall be made other than the reporting of the organoleptic condition for the containers of product in the lot as determined by examination of the product.

5. Section 55.17 (a) and (b) are amended by adding a new paragraph (a)(6), revising paragraph (b)(5), and deleting paragraph (b)(6) as follows:

§ 55.17 Authority and duties of inspectors performing service on a resident inspection basis.

(a) * * *

(6) To use retention tags or other devices and methods as may be approved by the Administrator for the identification and control of products which are not in compliance with the regulations or are held for further examination, and any equipment, utensils, rooms or compartments which are found to be unclean or otherwise in violation of any of the regulations. No product, equipment, utensil, room or compartment shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector or grader.

(b) * * *

(5) The types and quantities of egg products processed in the official plant.

(6) [Deleted]

* * * * *

§ 55.23 [Amended]

6. In § 55.23, subparagraph (2) of paragraph (b) is deleted.

7. The heading preceding § 55.30 is revised and in § 55.30 the title of the section and the introductory text in paragraph (a) are amended and paragraph (b) is deleted to read, respectively:

DENIAL OF SERVICE

§ 55.30 Debarment.

(a) The following acts or practices or the causing thereof may be deemed sufficient cause for the debarment by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the act for a specified period. The rules of practice governing withdrawal of inspection and grading services set forth in Part 50 of this chapter shall be applicable to such a debarment action:

* * * * *

(b) [Deleted]

8. Section 55.35 is revised to read:

§ 55.35 Approval of official identification.

(a) Any label, container or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official indentification may be used unless finished copies or samples thereof have been approved by the Administrator. No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any there be, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs of the turkey, duck, goose, or guinea, or from other egg products which were produced from edible shell eggs of the turkey, duck, goose or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs." Egg products labeled without qualifying words as to type of shell egg used in the products shall be produced only from the edible shell egg of the domesticated chicken.

(c) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

9. In § 55.36(b), the text is revised and Figures 2 and 3 are amended as follows:

§ 55.36 Form of official identification symbol and inspection mark.

* * * * *

(b) The inspection marks which are permitted to be used on egg products shall be contained within the outline of a shield and with the wording and design set forth in either Figure 2 or 3 of this section, except the plant number may be omitted from the official identification if applied elsewhere on the container.

* * * * *



FIGURE 2.



FIGURE 3

10. Section 55.37 is revised to read:

§ 55.37 Products that may bear the inspection mark.

Egg products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products eligible to bear the inspection mark and may contain other edible ingredients. The official mark, when used, shall be printed or lithographed and applied as a part of the principal display panel of the container, but shall not be applied to a detachable cover.

11. Section 55.38 is revised to read:

§ 55.38 Use of other official identification.

All nonpasteurized egg products shipped from an official plant in packaged form shall be marked with the identification set forth in figure 4 of § 55.39. Such mark shall be printed or lithographed and applied as a part of the principal display panel, but shall not be applied to a detachable cover. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in § 55.36, except for pasteurization, heat treatment, or other such methods of treatment approved by the Administrator. Such products shall not be released into consumptive channels until they have been subjected to pasteurization, heat treatment, or other approved methods of treatment in an official plant. After such pasteurization or treatment, the product may bear the official inspection mark as shown in § 55.36.

12. Section 55.39 is revised to read:

§ 55.39 Form of other identification.

Egg products prepared in accordance with § 55.38 shall be marked with the identification of the wording and design set forth in Figure 4, except that the plant number may be omitted from the identification if applied elsewhere on the container.

NON-PASTEURIZED EGG PRODUCTS
FOR FURTHER PROCESSING IN AN OFFICIAL USDA PLANT
PLANT NO. 42

FIGURE 4

13. Section 55.40 is revised to read:

§ 55.40 Processing turkey, duck, goose, or guinea eggs.

Edible turkey, duck, goose, or guinea eggs may be processed in the official plant and may be identified with the official mark shown in § 55.36. Such egg products shall be labeled as required in § 55.35.

14. Section 55.41 is revised to read:

§ 55.41 Processing ova.

(a) Ova from slaughtered birds may be brought into the official plant for processing: *Provided*, That the ova is from poultry inspected in a plant operating under the Poultry Products Inspection Act, as amended: *And provided further*, That the containers of such ova are properly labeled and bear official identification.

(b) The ova shall be handled, processed, cooled, and pasteurized in the same manner as liquid, frozen, or dried egg yolk.

(c) Labeling and identification for all ova product or egg product containing ova shall be approved by the Administrator prior to use.

15. The heading preceding § 55.75 is revised and in § 55.75, paragraph (h) is deleted and paragraphs (i), (m), and (n) are amended to read:

SANITARY AND PROCESSING REQUIREMENTS

§ 55.75 Plant requirements.

* * * * *

(h) [Deleted]

(i) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant, or portion thereof utilized for egg processing and handling operations, and for protection against contamination and pollution. A water report, issued under the authority of a State or municipal health agency, certifying to the potability of the water supply shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

* * * * *

(m) (1) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located and separated from the rooms and compartments in which shell eggs or egg products are handled, processed or stored. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(2) The following formula shall serve as a basis for determining the toilet facilities required:

Persons of same sex	Toilet bowls required
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
for each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

(n) Lavatory accommodations (including, but not being limited to, hot and cold running water, towels, and soap which does not impart an odor which interferes with accurate evaluation of the product) shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products. The hand washing facilities in the processing areas shall be operated by other than hand operated controls and the facility drains shall be trapped and connected to the plumbing system.

* * * * *

16. In § 55.77, paragraphs (a), (d), (n), and (o)(2) are amended to read:

§ 55.77 General operating procedures.

(a) All operations involving processing, storing, and handling of shell eggs, ingredients, and egg products shall be strictly in accord with clean and sanitary methods, and shall be conducted as rapidly as practicable. Pasteurization, heat treatment, stabilization, and other processes shall be in accord with this part and as approved by the Administrator. Temperatures in all operations shall be such as will prevent a material increase in microbial growth and deterioration of the egg products.

* * * * *

(d) Noninspected egg products may not be brought into an official plant for processing, repackaging, or labeling, except that such products may be brought into an official plant for processing into products which are properly denatured and labeled in a manner that will clearly indicate they are not for human consumption. The processing of such inedible product in the official plant may be accomplished: *Provided*, That prior approval is obtained from the Administrator and under such conditions and time limitations as the Administrator may specify. This processing must take place in separate areas or at times when no edible product is being processed, and in such instances, all equipment and processing areas must be thoroughly cleaned following the processing of inedible egg products. All processing equipment shall be thoroughly cleaned and sanitized prior to processing any edible product. Such inedible products or other noninspected packaged products may be brought into an official plant for storage and reshipment: *Provided*, That they are handled in such a way that adequate segregation and inventory controls are maintained at all times.

* * * * *

(n) All utensils and equipment, except drying units, powder conveyors, sifters, blenders, and mechanical powder coolers shall be cleaned and sanitized at the start of processing operations. All equipment and utensils shall be kept clean and sanitary during all processing operations.

(o) * * *

(2) Nonpasteurized or salmonellae positive egg product may be shipped from an official plant only when it is to be pasteurized, repasteurized or heat treated in another official plant. All shipments of products from one official plant to another for pasteurization, repasteurization or heat treatment shall be in sealed cars or trucks with an accompanying certificate stating that the product is not pasteurized or is salmonellae positive. If nonpasteurized or salmonellae positive products are to be stored in other than the official plant facilities, the grader or inspector-in-charge at the consignee and consignor's plants shall be given full knowledge of the disposition of the product, including warehouse inventory receipts, until such time as product is pasteurized, repasteurized or heat treated. The containers of such nonpasteurized product shall be marked with the identification mark shown in Figure 4 of § 55.39.

* * * * *

17. In § 55.78, paragraphs (c), (f), and (g) are revised to read:

§ 55.78 Candling and transfer-room facilities.

* * * * *

(c) Ventilation shall be provided by means of an approved forced air exhaust system.

* * * * *

(f) Containers made of a material and of such design that is conducive to easy cleaning shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(g) Containers made of a material and of such design that is conducive to easy cleaning shall be provided for trash unless clean, disposable containers are furnished daily.

* * * * *

18. In § 55.80, paragraphs (b) and (e) are revised to read:

§ 55.80 Classifications of shell eggs used in the processing of egg products.

* * * * *

(b) Shell eggs having strong odors or eggs received in cases having strong odors shall be candled and broken separately to determine their acceptability.

* * * * *

(e) Incubator reject eggs shall not be brought into the official plant.

19. In § 55.81, paragraph (d) is deleted and paragraph (a)(6) is revised to read:

§ 55.81 Egg cleaning operations.

(a) * * *

(6) Immersion-type washers shall not be used.

* * * * *

(d) [Deleted]

20. Paragraph (n) of § 55.82 is revised to read:

§ 55.82 Breaking room facilities.

* * * * *

(n) A separate drawoff room with a filtered positive air ventilation system shall be provided for packaging liquid egg product, except product packaged by automatic, closed packaging systems. Such facilities shall be provided in all new or remodeled construction prior to approval and shall be provided in all other plants prior to March 1, 1971.

21. In § 55.83, paragraphs (m), (q), (w), (x), (y), (z), (dd), and (ee) are revised to read as follows:

§ 55.83 Breaking room operations.

* * * * *

(m) All inedible eggs or egg products shall be placed in a clearly identified container containing a denaturant. Such containers shall be removed from the breaking room as often as necessary to maintain satisfactory operating conditions. Notwithstanding the foregoing and upon permission of the inspector, the applicant may hold inedible product in conspicuously marked containers which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labeled, segregated, and inventory controls are maintained.

* * * * *

(q) All ingredients and additives used in, or for, processing egg products shall be handled in a clean and sanitary manner.

* * * * *

(w) Cups, knives, racks, separators, trays, spoons, liquid egg pails, and other breaking equipment, except for mechanical egg breaking equipment, shall be cleaned and sanitized at least every 2½ hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized immediately prior to use.

(x) Utensils shall be drained on aerated drain racks and shall not be nested.

(y) Dump tanks, drawoff tanks, and churns shall be cleaned at least every 4 hours. All such equipment and all other liquid handling equipment, unless cleaned by acceptable in-place cleaning methods, shall be dismantled and cleaned after each shift. Pasteurization equipment shall be cleaned at the end of each day's use or more often if necessary. All such equipment shall be clean and shall be sanitized prior to placing in use.

(z) Strainers, clarifiers, and other devices used for removal of shell particles and other foreign material shall be cleaned and sanitized each time it is necessary to change such equipment, but at least once each 4 hours of operations.

* * * * *

(dd) Tables, shell conveyors, and containers for inedible egg product shall be cleaned at the end of each shift.

(ee) Mechanical egg breaking equipment shall be cleaned and sanitized as often as needed to maintain it in a sanitary condition, but at least every 4 hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized within 1 hour prior to use.

* * * * *

22. In § 55.85, paragraphs (d), (e), (f), and (g) are deleted and paragraph (c) is revised to read:

§ 55.85 Liquid egg cooling.

* * * * *

(c) The cooling and temperature of liquid egg products shall be as specified in Table I of this section.

TABLE I.—MINIMUM COOLING AND TEMPERATURE REQUIREMENTS FOR LIQUID EGG PRODUCTS

Product	Unpasteurized product temperature within 2 hours from time of breaking			Temperature within 2 hours after pasteurization	Temperature within 3 hours after stabilization
	Liquid (other than salt product) to be held 8 hours or less	Liquid (other than salt product) to be held in excess of 8 hours	Liquid salt product		
Whites (not to be stabilized)	55° F. or lower	45° F. or lower		45° F. or lower	
Whites (to be stabilized)	70° F. or lower	55° F. or lower		55° F. or lower	(1).
All other product (except product with 10 percent or more salt added).	45° F. or lower	40° F. or lower		If to be held 8 hours or less, 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.	If to be held 8 hours or less, 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.
Liquid egg product with 10 percent or more salt added.			If to be held 30 hours or less, 65° F. or lower. If to be held in excess of 30 hours, 45° F. or lower.	65° F. or lower [2]	

[1] Stabilized liquid whites shall be dried as soon as possible after the removal of glucose. The storage of stabilized liquid whites shall be limited to that necessary to provide a continuous operation.

[2] The cooling process shall be continued to assure that any salt product to be held in excess of 24 hours is cooled and maintained at 45° F. or lower.

(d) [Deleted]
(e) [Deleted]
(f) [Deleted]
(g) [Deleted]

* * * * *

23. Paragraph (b) of § 55.86 is revised to read:

§ 55.86 Liquid egg holding.

* * * * *

(b) Liquid egg holding tanks or vats shall be equipped with suitable thermometers and agitators.

* * * * *

24. Paragraph (b) of § 55.87 is revised to read:

§ 55.87 Freezing facilities.

* * * * *

(b) Adequate air circulation shall be provided in all freezing rooms.

25. Paragraph (b) of § 55.88 is revised to read as follows and paragraph (e) is deleted:

§ 55.88 Freezing operations.

* * * * *

(b) Requirements:

(1) All nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of breaking.

(2) All pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of pasteurization.

(3) The temperature of the products not solidly frozen shall be taken at the center of the container to determine compliance with this section.

* * * * *

(e) [Deleted]

26. Paragraphs (a), (c), and (e) in § 55.90 are revised to read:

§ 55.90 Defrosting operations.

(a) Frozen egg products which are to be defrosted shall be defrosted in a sanitary manner.

* * * * *

(c) Frozen whites to be used in the production of dried albumen may be defrosted at room temperature. All other whites shall be defrosted in accordance with paragraph (d) of this section.

* * * * *

(e) Sanitary methods shall be used in handling containers and removing egg product.

(1) Partially emptied containers shall not be stacked on one another prior to final removal of egg product.

(2) Paper or fiber containers of frozen egg product shall not be placed in water to speed defrosting except when product is contained in sealed waterproof liners.

* * * * *

27. Paragraphs (a), (g), and (j) in § 55.91 are revised and a new paragraph (k) is added to read:

§ 55.91 Spray process drying facilities.

(a) Driers shall be of a continuous discharge type and so constructed and equipped to prevent an excess accumulation of powder in the drier, bags, and powder conveyors.

* * * * *

(g) Preheating units, if used, shall be of stainless steel construction or equivalent which will allow thorough cleaning.

* * * * *

(j) All openings into the drier around ports, augers, high pressure lines, etc., shall be closed to the extent possible during and after the drying operation to prevent entrance of nonfiltered air.

(k) All openings into the drying unit shall be closed when the drier is not to be used for a period of 18 hours or longer except when the drying unit has been completely emptied of powder and wet washed. This includes, but is not limited to, openings for the air intake and exhaust systems, nozzle openings, ports, augers, etc.

28. In § 55.92, paragraphs (a), (b), and (c) are amended to read as follows and paragraphs (f), (g), (h), and (i) are deleted:

§ 55.92 Spray process drying operations.

(a) The drying room shall be kept in a clean condition and free of flies, insects, and rodents.

(b) Low-pressure lines, high-pressure lines, high- and low-pressure pumps, homogenizers, and pasteurizers shall be cleaned by acceptable in-place cleaning methods or dismantled and cleaned after use or as necessary when operations have been interrupted.

(1) Spray nozzles, orifices, cores, or whizzers shall be cleaned immediately after cessation of drying operations.

(2) Equipment shall be sanitized within 2 hours prior to resuming operations.

(c) Drying units, conveyors, and sifters shall be cleaned whenever wet powder is encountered or when other conditions occur which would adversely affect the product. The complete drying unit, including sifters, conveyors, and powder coolers shall be either wet washed or dry cleaned. A combination of wet washing and dry cleaning of the complete drying unit shall not be permitted unless that segment of the unit to be cleaned in a different manner is completely detached or disconnected from the balance of the drying unit.

(1) Sifters and conveyors used for other than dried albumen shall be cleared of power when such equipment is not to be used for a period of 24 hours or longer.

(2) Bags for bag collectors shall be cleaned as often as needed to maintain them in an acceptable clean condition.

* * * * *

(f) [Deleted]
(g) [Deleted]
(h) [Deleted]
(i) [Deleted]

29. In § 55.93, paragraph (a)(5) and paragraph (b) are revised and new paragraphs (c) and (d) are added to read:

§ 55.93 Spray process powder; definitions and requirements.

(a) * * *

(5) "Brush bag powder" is that powder which is brushed from the collector bags.

(b) Secondary powder shall be continuously discharged and mixed with the primary powder by methods approved by the Administrator.

(c) Edible dried egg products, including edible ingredients which may be added to such dried products, may be dry-blended: *Provided*, That the blending is done in a room as provided in § 55.96 or in a closed blending system and in accordance with clean, sanitary practices and such procedures as may be prescribed by the Administrator.

(d) Any edible dried egg powder may be reconstituted, repasteurized, and redried when accomplished in a clean, sanitary manner and in accordance with such procedures as may be prescribed by the Administrator.

(1) Edible dried egg powder obtained from the dust house, sweep down, screenings, brush bag (except for brush bag powder from albumen driers), and improperly dried or scorched powder shall not be dry-blended or officially identified unless reconstituted, repasteurized, and redried.

(2) Approximately the first and last 175 pounds of powder from the main driers for each continuous operation shall be checked for improperly dried or scorched powder.

30. Section 55.96 is revised to read:

§ 55.96 Drying, blending, packaging, and heat treatment rooms and facilities.

(a) General: All processing rooms shall be maintained in a clean condition and free of flies, insects, and rodents. The drying, blending, and packaging rooms shall be well-lighted and have ceilings and walls of a tile surface, enamel paint, or other water-resistant material.

(1) The floors shall be free from cracks or rough surfaces which form pockets for accumulation of water or dirt.

(2) The intersections of the walls and floor shall be impervious to water and the floor shall be sloped for adequate drainage.

(3) Storage racks or cabinets shall be provided for storing of tools and accessories.

(b) Dry blending of edible egg products, including adding edible dry ingredients, and/or packaging or spray-dried products shall be done in a room separate from other processing operations. Dry blending may also be done in other areas: *Provided*, That it is accomplished in an approved closed blending system.

(1) Blending and packaging rooms for pasteurized products shall be provided with an adequate positive flow of outside filtered air.

(2) All blending and packaging equipment and accessories which come into contact with the dried product shall be constructed without open seams and of materials that can be kept clean and which will have no deleterious effect on the product. Service tables shall be of approved metal construction without open seams and all metal surfaces shall be smooth to permit thorough cleaning.

(3) Package liners shall be inserted in a sanitary manner, and equipment and supplies used in the operation shall be kept off the floor.

(4) Utensils used in packaging dried eggs shall be kept clean at all times and whenever contaminated shall be cleaned and sanitized. When not in use, scoops, brushes, tampers, and other similar equipment shall be stored in sanitary cabinets or racks provided for this purpose.

(5) Automatic container fillers shall be of a type that will accurately fill given quantities of product into the containers. Scales shall be provided to accurately check the weight of the filled containers. All equipment used in mechanically packaging dried egg products shall be vacuum cleaned daily.

(c) The heat treatment room shall be of an approved construction and be maintained in a clean condition. The room or rooms shall be of sufficient size so that product to be heat treated can be so spaced to assure adequate heat and air circulation. The room shall have an adequate heat supply and a continuous air circulation system.

31. Section 55.97 is revised to read:

§ 55.97 Dried egg storage.

Dried egg storage shall be sufficient to adequately handle the production of the plant and shall be kept clean, dry, and free from objectionable odors.

32. Subparagraph (1) in § 55.99(b) is revised to read:

§ 55.99 Cleaning and sanitizing requirements.

* * * * *

(b) *Sanitizing.* (1) Sanitizing shall be accomplished by such methods as approved by the Administrator.

(i) Chemicals and compounds used for sanitizing shall have approval prior to use.

(ii) Sanitizing by use of hypochlorites or other approved sanitizing solutions shall be accomplished by subjecting the equipment surfaces to such sanitizing solutions containing a maximum strength of 200 p.p.m. of chlorine or its equivalent. These solutions shall be changed whenever the strength drops to 100 p.p.m. or less of available chlorine or its equivalent.

* * * * *

33. Paragraph (g) of § 55.100 is revised to read:

§ 55.100 Health and hygiene of personnel.

* * * * *

(g) Use of tobacco in any form or the wearing of jewelry, nail polish, or perfumes shall not be permitted in any area where edible products are exposed.

* * * * *

34. Section 55.101 is revised to read:

§ 55.101 Pasteurization of liquid eggs.

(a) Pasteurization facilities: The facilities for pasteurization of egg products shall be adequate and of approved construction so that all products will be processed as provided for in this section. Pasteurization equipment for liquid egg product shall include a holding tube, an automatic flow diversion valve, thermal controls, and recording devices to determine compliance for pasteurization as set forth in paragraph (b) of this section. The temperature of the heated liquid egg product shall be continuously and automatically recorded during the process.

(b) Pasteurizing operations: Every particle of all products must be rapidly heated to the required temperature and held at that temperature for the required minimum holding time for the fastest moving particle or the average moving particle as set forth in this section for it to be considered pasteurized under the requirements of this part. The temperatures and holding times listed in table I of this section are minimum. The product may be heated to higher temperatures and held for longer periods of time.

TABLE I.—PASTEURIZATION REQUIREMENTS [1]

Liquid egg product	Minimum temperature requirements	Minimum holding time requirements	
		Fastest particle	Average particle
	°F.	*Minutes*	
Albumen (without use of chemicals)	134	1.75	3.5
	132	3.1	6.2
Whole egg	140	1.75	3.
Whole egg blends (less than 2 percent added nonegg ingredients)	142	1.75	3.5
	140	3.1	6.2
Fortified whole egg and blends (24–38 percent egg solids, 2–12 percent added nonegg ingredients)	144	1.75	3.5
	142	3.1	6.2
Salt whole egg (with 2 percent or more salt added)	146	1.75	3.5
	144	3.1	6.2
Sugar whole egg (2–12 percent sugar added)	142	1.75	3.5
	140	3.1	6.2
Plain yolk	142	1.75	3.5
	140	3.1	6.2
Sugar yolk (2 percent or more sugar added)	146	1.75	3.5
	144	3.1	6.2
Salt yolk (2–12 percent salt added)	146	1.75	3.5
	144	3.1	6.2

[1] Pasteurization of egg products not listed in this table shall be in accordance with paragraph (c) of this section.

(c) Other methods of pasteurization may be approved by the National Supervisor when such treatments give equivalent effects to those specified in paragraph (b) of this section for those products or other products and results in a salmonellae negative product.

35. Section 55.103 is revised to read:

§ 55.103 Heat treatment of dried whites.

Where heat treatment of dried whites is required, the product shall be heated throughout for such times and at such temperatures as will result in salmonellae negative product.

(a) The product to be heat treated shall be held in the heat treatment room in closed containers and shall be spaced to assure adequate heat penetration and air circulation. Each container shall be identified as to type of product (spray or pan dried) and with the lot number or production code number.

(b) The minimum requirements for heat treatment or spray or pan dried albumen shall be as follows:

(1) Spray dried albumen shall be heated throughout to a temperature not less than 130° F. and held continuously at such temperature not less than 7 days and until it is salmonellae negative.

(2) Pan dried albumen shall be heated throughout to a temperature of not less than 125° F. and held continuously at such temperature not less than 5 days and until it is salmonellae negative.

(3) Methods of heat treatment of spray dried or pan dried albumen, other than listed in subparagraphs (1) and (2) of this paragraph, may be approved by the National Supervisor upon receipt of satisfactory evidence that such methods will result in salmonellae negative product.

(c) Dried whites which have been heat treated in the dried form shall be sampled and analyzed for the presence of salmonellae as required in § 55.77(p)(2).

(d) Records shall be maintained of the following:

(1) Type of product;
(2) lot number;
(3) heat treatment room temparture;
(4) product temperatures;
(5) length of time product is held in heat treatment room;
(6) results of all laboratory analyses made for the presence of salmonellae.

(e) Dried whites processed and tested in accordance with all of the applicable requirements specified in this section may be labeled "Pasteurized."

36. Section 55.125 is revised to read:

§ 55.125 Preparation of samples for palatability test.

Reconstitute 33 grams of dried whole egg powder as completely as possible with 90 grams of distilled water in a suitable, clean container. Add the water and mix until the mixture is smooth and free from lumps. Place the container in gently boiling water and stir the mixture while coagulation takes place. When coagulated to the consistency of scrambled eggs, the sample is ready for the palatability test.

37. The following is added at the end of the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55):

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended: 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended; 33 F.R. 10750)

Issued at Washington, D.C., this 16th day of December 1969, to become effective February 1, 1970.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-15095; Filed, Dec. 22, 1969; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.6, Amdt. 2]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1969

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended) hereinafter called the "Act", for the purpose of amending Sugar Regulation 813.6 (34 F.R. 6321, 16608) which established allotments of the sugar quota for the Domestic Beet Sugar Area for the calendar year 1969.

This amendment is necessary to revise allotments to reflect a correction in the January 1, 1969, effective inventory of New York Sugar Industries, Inc., which was used in the allotment formula in determining allotments of the 1969 beet sugar area quota currently in effect and to prorate a deficit in the allotment of Maine Sugar Industries, Inc., of 2,675 short tons, raw value.

On the basis of data recently received from New York Sugar Industries, Inc., which have become a part of official records of the Department, that company's January 1, 1969, effective inventory was reduced 1,425 short tons, raw value, to 4,075 short tons, raw value. The allotment formula provides that New York Sugar Industries, Inc., be permitted to market in 1969 only its January 1,

1969, effective inventory plus 25 percent of its new crop processings, therefore, its 1969 allotment currently in effect is herein reduced by 1,425 short tons, raw value. Such quantity is distributed herein pursuant to the allotment formula to all other allottees except Maine Sugar Industries, Inc.

Maine Sugar Industries, Inc., notified the Department by letter of December 5, 1969, that it will be unable to utilize 2,675 short tons, raw value, of its allotment and released this quantity for distribution to other allottees. Accordingly, a deficit in the allotment for Maine Sugar Industries, Inc., of 2,675 tons is herein prorated to allottees that are able to utilize additional allotments on the basis of allotments currently in effect (34 F.R. 16608).

Allotments set forth herein are established on the basis of and consistent with the findings previously made by the Secretary.

In accordance with paragraph (6) of the findings and conclusions set forth in S.R. 813.6 (34 F.R. 6321) and pursuant to paragraph (e) of such regulation, paragraph (4) of such findings and conclusions, as amended (34 F.R. 16608), is amended to read as follows:

(4) The determination of allotments in finding (3) is set forth in the following table. Allotments have been computed on the basis of corrected final data on 1968 beet sugar crop processings, 1968 beet sugar marketings, January 1, 1969, sugar inventories and estimates of acreage planted to beets as set forth in finding (5) of this order as applied to the Domestic Beet Sugar Area quota of 3,215,667 short tons, raw value.

Processors	Processings of sugar from 1968 crop beets		Average marketings within the quota 1965–1968		Percent of total (col. 2× 0.75+ col. 4× 0.25)	Base allotments, short tons raw value (col. 5× quota) [1]	January 1, effective inventories hundredweight, refined			Adjustments to base allotments [2]		Allotments, short tons, raw value (col. 6+ or− col. 11)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total			1969	1965–1968 adjusted average to col. 7 total	Inventory imbalances col. 7–col. 8	Hundredweight refined	Short tons raw value	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., the	8,673,018	13.2856	7,172,684	12.8792	13.1840	420,655	7,505,334	6,674,905	+830,429	+40,735	+2,179	422,834
American Crystal Sugar Co	8,621,152	13.2061	7,032,062	12.6267	13.0612	416,737	6,485,461	5,890,916	+594,545	+1,363	+73	416,810
Buckeye Sugars, Inc	544,042	.8334	428,672	.7697	.8175	26,084	252,825	206,563	+46,262	+6,402	+343	26,427
Great Western Sugar Co	15,559,394	23.8344	13,164,670	23.6384	23.7854	758,908	11,969,847	12,207,027	−57,767	−1,782	−95	758,813
Holly Sugar Corp	10,588,533	16.2198	9,295,999	16.6918	16.3378	521,281	8,204,792	8,765,397	−560,605	−17,299	−926	520,355
Layton Sugar Co	367,995	.5637	339,329	.6093	.5751	18,349	329,182	341,931	−12,749	−393	−21	18,328
Maine Sugar Ind., Inc. [3]												16,742
Michigan Sugar Co	2,292,375	3.5115	1,887,426	3.3890	3.4809	111,063	1,708,361	1,694,979	+13,382	0	0	111,063
Monitor Sugar Co. [4]	995,496	1.5249	939,169	1.6864	1.5653	49,943	699,342	847,655	−148,313	−4,577	−245	49,698
New York Sugar Ind., Inc. [3]												8,280
Spreckels Sugar Co	8,552,064	13.1003	7,345,982	13.1904	13.1228	418,702	5,050,448	5,572,066	−521,618	−16,096	−861	417,841
Union Sugar Division, Consolidated Foods Corp	2,715,686	4.1600	2,367,696	4.2514	4.1828	133,458	2,010,786	1,923,655	+87,131	0	0	133,458
Utah-Idaho Sugar Co	6,371,624	9.7603	5,718,269	10.2677	9.8872	315,465	4,927,964	5,198,661	−270,697	−8,353	−447	315,018
Total	65,281,379	100.0000	55,691,958	100.0000	100.0000	3,190,645	49,144,342	49,144,342	±1,871,749	±48,800	±2,866	3,215,667

[1] Column (5) plus quota less allotments of 16,742 tons for Maine Sugar Industries, Inc., and 8,280 tons for New York Sugar Industries, Inc.

[2] Plus (+) adjustments in Col. 10=(Extent(+)quantities in Col. 9 exceeds 10 percent of Col. 8)+(25 percent); Minus (−) adjustments in Col. 10=total of (+) adjustments in Col. 10, prorated to processors on the basis of minus (−) quantities in Col. 9. Plus (+) and minus (−) adjustments in Col. 11=(Col. 10 adjustments)× (0.0635).

[3] These processors not included in the basic allotment method computations. The allotments established for Maine Sugar Industries, Inc., and New York Sugar Industries, Inc., are based on their respective effective inventories on Jan. 1, 1969, of 11,472 tons and 4,075 tons plus 25 percent of their estimated 1969 crop beet sugar production. Estimated 1969 crop sugar production is based on 13,175 acres planted for Maine and 10,513 acres planted for New York.

[4] Without the application of the alternative measure of "processings", 1968 crop processings were 924,945 hundredweights and Jan. 1, 1969, effective inventory was 628,791 hundredweights for Monitor Sugar Co.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act and in accordance with paragraph (e) of § 813.6 of this chapter, paragraph (a) of § 813.6 is amended to read as follows:

§ 813.6 Allotment of the 1969 sugar quota for the domestic beet sugar area.

(a) *Allotments.* The 1969 calendar year sugar quota for the Domestic Beet Sugar Area of 3,215,667 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., the	423,189	7,910,075
American Crystal Sugar Co	417,160	7,797,383
Buckeye Sugars, Inc	26,449	494,374
Great Western Sugar Co., the	759,447	14,195,308
Holly Sugar Corp	520,791	9,734,411
Layton Sugar Co	18,343	342,880
Maine Sugar Industries, Inc	14,067	262,935
Michigan Sugar Co	111,156	2,077,682
Monitor Sugar Co	49,740	929,720
New York Sugar Industries, Inc	8,280	154,766
Spreckels Sugar Co	418,191	7,816,854
Union Sugar Division, Consolidated Foods Corp	133,570	2,496,538
Utah-Idaho Sugar Co	315,282	5,893,121
Total	3,215,667	60,105,926

• • • • •

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order for almost all allottees are larger than the allotments established in S.R. 813.6 (34 F.R. 16608). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 18, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-15203; Filed, Dec. 22, 1969; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On December 2, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 19078), regarding proposed expenses and the related rate of assessment for the period August 1, 1969, through July 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Growers Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 905.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1969, through July 31, 1970, will amount to $168,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 905.41, is fixed at $0.006 per standard packed box of fruit.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1969, shall be carried over as a reserve in accordance with § 905.42 of said marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fruit are now being made, (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit handled from the beginning of such period, and (3) the current fiscal period began on August 1, 1969, and said rate of assessment will automatically apply to all assessable fruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 18, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-15204; Filed, Dec. 22, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 18—FORM AND CONTENT OF FINANCIAL STATEMENTS

Miscellaneous Amendments

On November 25, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18818) in which the Comptroller of the Currency invited interested persons to comment not later than December 12, 1969, on proposed amendments to Part 18, which would provide principally that financial reports submitted by national banks to shareholders for fiscal years ending on and after December 31, 1969:

(1) Include a loan loss factor in operating expenses;

(2) Include the results of investment securities transactions as realized in the report of income; and

(3) Designate the last line in the statement of income as "net income."

The Comptroller has reviewed and considered all comments received and has determined that the public interest requires the adoption of the amendments as proposed (except for corrections in the note to Appendix A) to be effective for financial reports submitted by national banks to shareholders for fiscal years ending on and after December 31, 1969.

Part 18, Chapter I, Title 12 of the Code of Federal Regulations, is amended by revising paragraph (a) in § 18.2 and paragraphs (d) and (e) in § 18.4; adopting a new § 18.5; revising paragraphs (c) and (d) in existing § 18.5; adopting a new paragraph (a) and revising existing paragraphs (a) and (d) in § 18.7; renumbering existing §§ 18.5, 18.6, and 18.7 to §§ 18.6, 18.7, and 18.8 and redesignating existing paragraphs (a), (b), (c), and (d) in § 18.7 as paragraphs (b), (c), (d), and (e) in § 18.8; and revising Appendixes A and B to read as follows:

§ 18.2 Definition of terms.

• • • • •

(a) *Valuation reserve.* A "valuation reserve" is an account established through an appropriate charge representing management's judgment as to possible loss or value depreciation in a specific class of assets, such as loans or investment securities. Loan loss reserves established pursuant to the Treasury tax formula should be separately disclosed and may be considered valuation reserves; these reserves should be included in reserves on loans and securities.

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§ 18.4 Consolidated statements.

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(d) Nonsignificant subsidiaries may also be consolidated provided a consistent policy of consolidation is used.

(e) Minority interests in the net assets of consolidated subsidiaries shall be shown in each consolidated balance sheet as a liability. The aggregate amount of profit and loss accruing to minority interests may be stated separately in the consolidated profit or loss statement. Alternatively, net income (less minority interest) may be reported in "other income."

(1) Income from foreign subsidiaries and foreign branches shall be reported only when remittable to the parent bank, unless the bank consolidates each item of revenue and expense. Such income shall be reported under Item 1(h), Appendix B.

• • • • •

§ 18.5 Reporting of a loan loss factor in operating expenses.

(a) *Computation of loan loss factor.*[1] (1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses in operating expense.[2] Beginning for the year end 1969 and consistently thereafter, a bank may elect one of the following methods for reporting a minimum loan loss factor in expenses.

(i) A charge equivalent to a 5-year average ratio of losses computed on the basis of net charge-offs to total loans over the past 5 years. Ratio of loss shall be determined based on the aggregate of total net charge-offs (losses less recoveries) and total average loans for the 5 most recent years, including the current year. This ratio shall be applied to the average of outstanding loans during the current year to arrive at a minimum dollar amount to be charged to operating expense.

(ii) A charge equivalent to an average ratio of losses computed on the basis of a forward moving average beginning with the year 1969. Ratio for 1969 would be determined based on the net charge-offs (losses less recoveries) and average of loans for the year 1969. This ratio would be applied to the average loans outstanding for 1969 to arrive at a minimum dollar amount to be charged to operating expense. For each successive year after 1969, up to and including 1973, the current year's average loans would be added to those of preceding years from 1969 forward. Net charge-offs would be handled in the same way. By 1973, banks choosing this option would be on the same basis as those initially choosing subdivision (i) of this subparagraph.

(iii) Actual net charge-offs as experienced in the current year.

(2) Banks which are not on the reserve basis for loan losses shall include in operating expenses the dollar amount of actual net charge-offs for the current year.

(b) *Additional charge to operating expense.* Based on management's judgment, an amount in excess of that computed by any method outlined under subparagraph (1) of paragraph (a) of this section may be taken. The amount so taken will have no effect on computing the loss ratio factor in the current or preceding years. Such action must be adequately disclosed in a referenced footnote.

(c) *Adjustments on statement of earnings for conformity to bank's books.* (1) When the amount reported in operating expenses is in excess of that allowed as a transfer to Reserve for Possible Loan Losses or exceeds actual net loan losses recorded on the bank's books, the amount of difference, less related tax effect, should be credited to the Undivided Profits Account in the Reconcilement of Capital Accounts.

(2) When the amount reported in operating expenses is less than that transferred to Reserve for Possible Loan Losses or is less than the actual net loan

[1] Once a bank has selected one of the three methods, it must continue to use that method.

[2] An appropriate footnote will be made on the Statement of Earnings indicating which method has been employed to arrive at the dollar amount of credit loss charged to operating expenses.

losses recorded on the bank's books, the amount of difference, less related tax effect, should be charged against the Undivided Profits Account.

(d) *Annual average loans.* To determine the annual average loans outstanding, the loans as reported in the Statement of Condition called for by the Comptroller of the Currency during the year will be averaged. Any schedule of frequency greater than the foregoing is permissible.

§ 18.6 Reporting of securities transactions.

* * * * *

(c) *Trading account securities.* Banks that are dealers in securities should report their trading account securities on the same basis as is used for tax purposes. If either the reporting value of securities or income therefrom meets the test of materiality, the trading account and trading account income should be reported separately. The income account should include coupon interest, profit and losses, revaluation adjustments and any other incidental revenue or expenses related to the purchase and sale of such securities, but salaries, commissions and other expenses should be excluded. If materiality is not met, unless management wishes to report separately, trading account securities should be included with portfolio securities in the respective classifications. In the statement of earnings coupon interest should then be reported with interest on securities and other income with other operating income.

(d) *Securities profits and losses.* Securities gains and losses should be reported after applicable income tax has been deducted from income. Net security gains and losses should be reflected in income in the period such results are realized and booked.

§ 18.7 Reconciliation of capital accounts and valuation reserves.

* * * * *

§ 18.8 Rules of general application.

(a) *One-bank holding companies.* The financial statements, other than the statement of earnings, of a bank owned by a one-bank holding company should be presented separately. The statement of earnings may be presented on a consolidated basis with the other units of the holding company. Appropriate disclosure of this consolidation should be made.

(b) *Earnings.* All banks subject to the jurisdiction of the Office of the Comptroller of the Currency shall be required to report: (1) A loan loss factor in its operating expenses; (2) net income, total and per share, which was transferred to the capital accounts.

(c) *Additional information.* * * *

(d) *Changes in accounting principles and practices and retroactive adjustments initiated by the bank.* * * *

(e) *Balance sheet and statement of earnings.* (1) Banks shall report a balance sheet and a statement of earnings. The format illustrated in Appendices A and B represents the minimum disclosure consistent with this part.

(2) If a cash basis of accounting has been used, it should be so stated.

(3) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(4) Accounting questions, account designations, and other related matters not specifically detailed in this regulation will be handled in accordance with instructions contained in Instructions for Preparation of Reports of Condition and/or Instructions for Preparation of Report of Income.

Dated: December 19, 1969.

[SEAL] J. T. WATSON,
Acting Comptroller of the Currency.

APPENDIX A—BALANCE SHEET

	19—	19—
Resources:		
1. Cash and due from banks		
2. U.S. Treasury securities		
3. Securities of other U.S. Government agencies and corporations		
4. Obligations of States and political subdivisions		
5. Other securities		
6. Trading account securities		
7. Federal funds sold and securities purchased under agreements to resell		
8. Loans		
9. Bank premises and equipment		
10. Other real estate		
11. Investments in subsidiaries not consolidated		
12. Customer's acceptance liability		
13. Other assets		
14. Total		
Liabilities:		
15. Deposits:		
(a) Demand deposits		
(b) Time deposits		
16. Federal funds purchased and securities sold under agreements to purchase		
17. Funds borrowed		
18. Mortgage indebtedness		
19. Acceptances outstanding		
20. Other liabilities		
21. Total liabilities		
22. Minority interest in consolidated subsidiaries		
Reserves on Loans and Securities:		
23. Reserve for bad debt losses		
24. Other loan reserves		
25. Reserves on securities		
26. Total		
Capital Accounts:		
27. Capital notes and debentures		
Rate		
Maturity		
28. Equity capital:		
(a) Capital stock:		
Preferred stock, total par value		
Number shares outstanding		
Common stock, total par value		
Number shares authorized		
Number shares outstanding		
(b) Surplus		
(c) Undivided Profits		
(d) Reserve for contingencies and other capital reserves		
29. Total capital accounts		
30. Total liabilities, reserves and capital accounts		

NOTES

A bank, for purposes of the preparation of its reports to shareholders, may use options permitted or specifically authorized. It may also combine the various lines as indicated below, if the line figure is less than 3 percent of total assets.

Line 8 into line 5. Line 12 into line 13. Line 10 into line 9. Line 6 into lines 2, 3, 4, and 5 as appropriate. Line 7 into line 8. Line 11 into line 13. Line 16 into line 17. Line 18 into line 17. Line 19 into line 20.

APPENDIX B—STATEMENT OF EARNINGS

	19—	19—
1. Operating income:		
(a) Interest and fees on loans		
(b) Income on Federal funds sold and securities purchased under agreements to resell		
(c) Interest and dividends on investments (exclude trading account income):		
(1) U.S. Treasury securities		
(2) Securities of other U.S. Government agencies and corporations		
(3) Obligations of States and political subdivisions		
(4) Other securities		
(d) Trading account income		
(e) Trust department income		
(f) Service charges on deposit accounts		
(g) Other service charges, collection and exchange charges, commissions and fees		
(h) Other operating income		
(i) Total		

APPENDIX B—STATEMENT OF EARNINGS—Continued

	19—		19—	
	Gross	Net of tax effect	Gross	Net of tax effect
2. Operating expenses:				
(a) Salaries and wages				
(b) Pensions and other employee benefits				
(c) Interest on deposits				
(d) Expense of Federal funds purchased and securities sold under agreements to repurchase				
(e) Interest on borrowed money				
(f) Interest on capital notes and debentures				
(g) Occupancy expense of bank premises, net				
(h) Furniture and equipment, depreciation, rental costs, servicing, etc.				
(i) Provisions for loan losses (or actual net losses)				
(j) Other				
(k) Total				
3. Income before income taxes and securities gains or losses				
4. Applicable income taxes				
5. Income before securities gains or losses				
6. Net security gains or losses				
7. Net income before extraordinary items				
8. Extraordinary charges or credits				
9. Less minority interest in consolidated subsidiaries				
10. Net income				
Earnings per common share:				
Income before securities gains (losses)				
Net income				

NOTE: Any operating income or expense item which is not material may be combined with 1(h) or 2(j) as appropriate.

[F.R. Doc. 69-15248; Filed, Dec. 22, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

MISCELLANEOUS AMENDMENTS

The Commission announces the following revisions in Part 2 of Chapter I of Title 16 of the Code of Federal Regulations. These revisions shall become effective on the date of their publication in the FEDERAL REGISTER.

1. Section 2.7 of Subpart A of Part 2 is revised to read as follows:

§ 2.7 Subpoenas in investigations.

(a) The Commission or any member thereof may issue a subpoena, directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter under investigation by the Commission. The Directors and Assistant Directors of the Bureaus of Deceptive Practices, Restaint of Trade, Textiles and Furs, Industry Guidance, and Economics, pursuant to delegation of authority by the Commission, without power of redelegation, also may issue investigational subpoenas, and, for good cause shown, may extend the time prescribed for compliance with subpoenas issued during the investigation of any matter. The Director or Assistant Director who issues any subpoena under this section is authorized to negotiate and approve the terms of satisfactory compliance therewith.

(b) Any motion to limit or quash any investigational subpoena shall be filed with the Secretary of the Commission within ten (10) days after service of the subpoena, or, if the return date is less than ten (10) days after service of the subpoena, within such other time as may be allowed. All motions to limit or quash any investigational subpoenas shall be ruled upon by the Commission itself, but the above-designated Directors and Assistant Directors of the Bureaus are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash any investigational subpoenas.

2. Section 2.11 of Subpart A of Part 2 is revised to read as follows:

§ 2.11 Orders requiring access.

(a) The Commission may issue an order requiring any corporation being investigated to grant access to files for the purpose of examination and the right to copy any documentary evidence. The Directors and Assistant Directors of the Bureaus of Deceptive Practices, Restraint of Trade, Textiles and Furs, Industry Guidance, and Economics, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compliance with orders requiring access issued during the investigation of any matter.

(b) Any motion to limit or quash an order requiring access shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as may be allowed. All motions to limit or quash orders requiring access shall be ruled upon by the Commission itself, but the above-designated Directors and Assistant Directors of the Bureaus are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash orders requiring reports or answers to questions issued during the investigation of any matter.

3. Section 2.12 of Subpart A of Part 2 is revised to read as follows:

§ 2.12 Reports.

(a) The Commission may issue an order requiring a corporation to file a report or answers in writing to specific questions relating to any matter under investigation. The Directors and Assistant Directors of the Bureaus of Deceptive Practices, Restraint of Trade, Textiles and Furs, Industry Guidance, and Economics, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compliance with orders requiring reports or answers to questions issued during the investigation of any matter.

(b) Any motion to limit or quash an order requiring a report or answers to specific questions shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as may be allowed. All motions to limit or quash orders requiring reports or answers to questions shall be ruled upon by the Commission itself, but the above-designated Directors and Assistant Directors of the Bureaus are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash orders requiring reports or answers to questions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: December 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-15201; Filed, Dec. 22, 1969; 8:46 a.m.]

[Docket No. C-1625]

PART 13—PROHIBITED TRADE PRACTICES

Famous Wool Corp. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, secs.

2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Famous Wool Corp. et al., Brooklyn, N.Y., Docket C-1625, Nov. 17, 1969]

In the Matter of Famous Wool Corp., a Corporation, and Harry Fram and Leon Holz, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of wool batting materials for use in interlining materials to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Famous Wool Corp., a corporation, and its officers, and Harry Fram and Leon Holz, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Famous Wool Corp., a corporation, and its officers, and Harry Fram and Leon Holz, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of wool batting materials or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15182; Filed, Dec. 22, 1969; 8:45 a.m.]

[Docket No. C-1626]

PART 13—PROHIBITED TRADE PRACTICES

Feldman Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, The Feldman Co., Inc., et al., New York, N.Y., Docket C-1626, Nov. 17, 1969]

In the Matter of The Feldman Co., Inc., a Corporation, and Joseph Feldman and Alfred Feldman, Individually and as Officers of Said Corporation

Consent order requiring a New York City wholesaler of synthetic piece goods to cease misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Feldman Co., Inc., a corporation, and its officers, and Joseph Feldman and Alfred Feldman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15183; Filed, Dec. 22, 1969; 8:45 a.m.]

[Docket No. C-1628]

PART 13—PROHIBITED TRADE PRACTICES

Hudson's Department Store, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hudson's Department Store, Inc., Anniston, Ala., Docket C-1628, Nov. 17, 1969]

In the Matter of Hudson's Department Store, Inc., a Corporation

Consent order requiring an Anniston, Ala., department store to cease falsely advertising its fur products and failing to keep required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Hudson's Department Store, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of any such fur product and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

4. Represents, directly or by implication, that any price whether accompanied or not by descriptive terminology is the respondent's former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondent on a regular basis for a reasonably substantial period of time in the recent regular course of business, or otherwise misrepresents the price at which such fur product has been sold or offered for sale by respondent.

5. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

6. Falsely or deceptively represents that the price of any such fur product is reduced.

B. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15184; Filed, Dec. 22, 1969; 8:45 a.m.]

[Docket No. C-1624]

PART 13—PROHIBITED TRADE PRACTICES

McBratney's, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-85 Sales below cost. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, McBratney's, Inc., Monrovia, Calif., Docket C-1624, Nov. 17, 1969]

In the Matter of McBratney's, Inc., a Corporation

Consent order requiring a Monrovia, Calif., department store to cease falsely advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent McBratney's, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely and deceptively represents, directly or by implication, by means of the phrase "Below Wholesale Cost" or any other phrase, term or word of similar import or meaning that such fur product is being offered for sale at less than the price paid for the product by respondent.

3. Falsely or deceptively represents that savings are afforded to the purchaser of such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it, of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15185; Filed, Dec. 22, 1969; 8:45 a.m.]

[Docket No. C-1627]

PART 13—PROHIBITED TRADE PRACTICES

Miami Sportswear Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements;*

13.73–90 Textile Fiber Products Identification Act. Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Miami Sportswear Co., Inc., et al., Opa Locka, Fla., Docket C–1627, Nov. 17, 1969]

In the Matter of Miami Sportswear Co., Inc., a Corporation Trading as Ceeb of Miami, and Jack L. Brasington and Clayton B. Brasington, Jr., Individually and as Officers of Said Corporation

Consent order requiring an Opa Locka, Fla., sportswear and beachwear manufacturer to cease misbranding, falsely advertising, and deceptively guaranteeing its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Miami Sportswear Co., Inc., a corporation trading as Ceeb of Miami, or under any other name or names, and its officers, and Jack L. Brasington and Clayton B. Brasington, Jr., individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on the said label.

4. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and regulations the first time such generic name or fiber trademark appears on the label.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representation, directly or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisements.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents Miami Sportswear Co., Inc., a corporation, trading as Ceeb of Miami, or under any other name or names, and its officers, and Jack L. Brasington and Clayton B. Brasington, Jr., individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely or deceptively invoiced or advertised under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–15186; Filed, Dec. 22, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 2—MEASUREMENT OF VESSELS

PART 3—DOCUMENTATION OF VESSELS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Transfer of Regulations

CROSS REFERENCE: For a document transferring certain regulations to Title 46, Chapter I, Subchapter G, Parts 66, 67, and 69, see F.R. Doc. 69–15196 in Part II of this issue.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Submission of Drug Experience Information on Computer Printouts in Lieu of Form FD–1639; Correction

In F.R. Doc. 69–12851 appearing at page 17428 in the issue of Wednesday, October 29, 1969, the words of issuance of amendment 2 are incorrect and are hereby changed to read "Section 130.13 is amended by revising the introductory text of paragraph (b) to read as follows:".

Dated: December 18, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69–15247; Filed, Dec. 22, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1715—FEDERAL DISASTER ASSISTANCE UNDER THE DISASTER RELIEF ACT OF 1969

Sec.

1715.1 Purpose.
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1715.13 Assistance to unemployed individuals.
1715.14 Grants or loans to States for the suppression of forest or grass fires.
1715.15 Grants to States for removing debris from private property.

AUTHORITY: The provisions of this Part 1715 issued under Public Law 91–79 (80 Stat. 120) and E. O. 11495, 34 F.R. 18447.

§ 1715.1 Purpose.

The purpose of this part is to prescribe the standards and procedures to be followed in providing Federal disaster assistance under the Disaster Relief Act of 1969 (Public Law 91–79). The regulations promulgated in this part are limited to the responsibilities assigned to the Director of OEP by Executive Order No. 11495 of November 18, 1969.

§ 1715.2 Definitions.

(a) *Act.* Means the Disaster Relief Act of 1969; Public Law 91–79, October 1, 1969; 83 Stat. 125.

(b) *Major disaster.* Means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes," approved September 30, 1950, as amended (42 U.S.C. 1855–1855g), which disaster occurred after June 30, 1967, and on or before December 31, 1970, except that "major disaster" in §§ 1715.9, 1715.10, and 1715.14 shall include disasters later occurring.

(c) *Major disaster area.* A major disaster area is the area identified as eligible for Federal assistance by the Director, OEP, pursuant to Presidential Declaration of a major disaster.

(d) *State.* Any State in the United States, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(e) *Local government.* Any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia.

(f) *Federal agency.* Any department, independent establishment, government, corporation, or other agency of the Executive Branch of the Federal Government, not including the American National Red Cross.

(g) *Governor.* The Chief Executive of any State.

§ 1715.3 Applicability of Part 1710.

Those sections of Part 1710 of this chapter consistent with the provisions of the Disaster Relief Act of 1969 and these regulations are applicable to this part.

§ 1715.4 Permanent repair or reconstruction of street, road and highway facilities.

(a) A Federal financial contribution toward the permanent repair or reconstruction of those permanent street, road, or highway facilities not on any of the Federal-aid systems which have been destroyed or damaged as a result of a major disaster in the amount of 50 per centum of all design and construction costs of such repair or reconstruction, may be authorized by the OEP Regional Director or his representative when the State so requests and agrees to pay not less than the 50 per centum of all costs of such repair or reconstruction.

(b) The request shall include a description of the work proposed, a schedule of dates for various phases of the work including non-Federal funding, design, invitation to bid, award of contract, and completion of work.

(c) The Federal contribution authorized will be toward the permanent repair or reconstruction to predisaster capacity and either to predisaster standard or to the applicable State or local standard, whichever is higher, for the type of permanent street, road, or highway facilities involved. Only those permanent repair and reconstruction needs arising from destruction or damage to street, road, and highway facilities as a result of a major disaster and within the major disaster area are eligible for Federal assistance.

(d) If the work proposed calls for increasing the capacity of the permanent street, road, or highway facility beyond the predisaster capacity or applying a standard above the predisaster or the applicable State or local standard, whichever is higher, the Federal contribution authorized will be limited to 50 percent of the cost of permanent repair or reconstruction to the previous capacity and to either the previous standard or the applicable State or local standard, whichever is higher, and the State will pay 100 percent of the remaining cost.

(e) The applicant may request assistance under Part 1710 of this chapter for emergency repairs or temporary replacements, or a grant-in-lieu. Emergency repairs or temporary replacement will not prevent a 50 percent Federal contribution under this part, except that no assistance under this Part 1715 will be provided for work for which a Part 1710 grant-in-lieu has been made.

(f) All costs related to acquisition of rights-of-way are ineligible.

§ 1715.5 Grants for removing timber from privately owned lands and relief under government timber sales contracts.

(a) Department of Agriculture will administer sections 3(a), 3(b), and 3(c) with respect to Department of Agriculture timber sales under procedures applicable to the National Forests.

(b) Department of the Interior will administer sections 3(a) and 3(b) with respect to Department of the Interior timber sales under procedures established by revision of the Bureau of Land Management manual, or by letters of instruction to its field agencies, or both.

(c) Section 3(d): Removal of timber damaged by a major disaster from privately owned lands on the basis of an action plan prepared by the State is eligible for Federal assistance if the OEP Regional Director or his representative determines that it is in the public interest. The following shall apply to such cases:

(1) An action plan shall be prepared by the State to tailor the cleanup and timber salvage operation to fit the specific situation, including at least the following:

(i) Priorities in the approval of work shall be established to guide efforts to areas where fire, pest, and wildlife hazards are concentrated.

(ii) Consideration may be given to the necessity of organizing, equipping, and training work crews if necessary, to expedite salvage and cleanup operations and to provide the required technical assistance to landowners in their cleanup and salvage efforts.

(iii) An appropriate limitation shall be placed on the degree of cleanup to be approved.

(iv) Approved work practices and a scale of acceptable unit costs (per acre or otherwise) shall be established, if feasible.

(2) Inspection of the areas to be cleared shall be made by State and Federal representatives to provide a valid basis for approval of work to be done. In those cases where work has already been started or completed, the inspection is to determine a reasonable basis for approving or disapproving such work. Inspection reports shall include the following types of data:

(i) A geographical reference and specific description of the area recommended for timber cleanup.

(ii) Dimensions of the affected area, i.e., square miles, acres of fallen timber, miles of road or channel, etc., that is covered by the recommendation.

(iii) Estimates of equipment and labor to remove the damaged timber.

(iv) The inspection reports shall include an estimate of the salvage as described in "3" below.

(3) Considerations in determining public interest under this section shall include:

(i) Whether removal of damaged timber is necessary to reduce or prevent further losses from insects, disease, or other causes.

(ii) Whether removal of downed and damaged timber is necessary in stream courses and flood plains to prevent building of debris that materially increases the flood potential.

(iii) Whether removal of damaged timber is necessary to eliminate threats to health, well-being, or safety of the public.

(iv) Whether removal of damaged timber is necessary to eliminate a fire or flood hazard which threatens substantial destruction of undamaged public or private property.

(v) Whether removal of damaged timber is essential to the economic recovery of the affected community or to the restoration of the land to a productive condition.

(4) Considerations in determining eligible costs under this section shall include:

(i) Claims for reimbursement shall be verified before payment on the basis of inspections and audits of completed work.

(ii) Any applicable insurance recoveries and any salvage value of timber to be removed are to be considered and deducted from the costs for approved work. If the individual property owner elects to burn or otherwise dispose of the damaged timber instead of salvaging it, an estimated net value of potential salvage as determined by the State and Federal representatives will be deducted. If the State and Federal representatives do not agree, the OEP Regional Director or his representative shall make the determination, and his decision will be final.

(iii) Costs for construction of temporary roads approved by the OEP Regional Director or his representative, as necessary for access to or salvage of damaged timber are eligible.

(iv) All or a portion of the damaged timber may be removed by the Federal Government if requested by the State and the OEP Regional Director or his representative judges that expedient and efficient removal can best be accomplished by the Federal Government.

§ 1715.6 Public land entry—Department of the Interior.

Department of the Interior instructions for implementing section 4 of the Act will be covered by amendment to Federal Regulations 43 CFR Part 1815 and by administrative issuances and Bureau of Land Management manual changes if required.

§ 1715.7 Disaster loans—Small Business Administration.

Instructions pertaining to section 6 of the Act, covering Disaster Loans by the Small Business Administration, have been issued by that agency as Bulletin B5/ND 560–1A, dated October 24, 1969.

§ 1715.8 Emergency loans—Farmers Home Administration.

Instructions pertaining to section 7 of the Act, covering emergency loans by the Farmers Home Administration, have been issued by the Administrator, Farmers Home Administration, Department of Agriculture, and are identified as Administration Letter 988(441). This letter modifies FHA Instructions 441.2 and 441.4.

§ 1715.9 Grants to develop comprehensive State plans for assisting individuals suffering losses.

A Federal contribution up to a maximum of $250,000 for any one State, and not to exceed 50 percent of the cost of developing a plan and program, may be provided on the basis of the following:

(a) A State desiring assistance under this section shall designate or create an agency which is qualified to plan and administer a program for assisting individuals suffering losses as a result of a major disaster.

(b) The State shall then submit a letter application for assistance under this part to the OEP Regional Director not later than April 1, 1970. Such application shall include the following:

(1) Estimated total cost to develop the plan.

(2) Contribution requested from the Federal Government.

(3) Schedule or timetable for developing and completion of the plan.

(4) Proposed staffing, including qualification standards for planning staff and work that will be contracted.

(c) Once the application is approved by the OEP Regional Director, the State agency shall then submit a plan not later than December 31, 1970, which shall:

(1) Set forth a comprehensive and detailed State program for assistance to individuals suffering losses as a result of a major disaster and showing the role of State and local governments in execution of the program, including maintenance of effective liaison and cooperation with the American National Red Cross and other appropriate charitable organizations which provide food, shelter, and other disaster relief, and

(2) Make provision for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer required by section 9 of the Act.

§ 1715.10 Appointing a Federal coordinating officer.

The Director, OEP, will appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in each major disaster. Such officer may be the Regional Director or a member of his staff. He shall be responsible for the coordination of all Federal disaster relief and assistance. He shall establish and staff such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

(a) Staffing of field offices may include personnel from other agencies.

(b) Field offices shall be disbanded when it has been determined by the Director, OEP, that their purposes have been served.

§ 1715.11 Temporary accommodations for individuals and families.

Dwelling accommodations may be made available under this section only to an individual who, or family which, as determined by a State or local representative in accordance with guidance established by the OEP Director or his representative, had occupied a dwelling in the major disaster area, as owner or tenant, which was destroyed or damaged to such an extent as to make it uninhabitable as a result of the major disaster.

(a) Temporary housing arrangements may be furnished as follows:

(1) Using any unoccupied housing owned by the United States under any program of the Federal Government.

(2) Arrangement with a local public housing agency for using unoccupied public housing units.

(3) Acquiring existing single dwellings, apartments, motel units, or hotel units through renting or leasing in an "as is" furnished or unfurnished condition, or

(4) Acquiring mobile homes or other readily fabricated dwellings, through leasing, to be placed on sites furnished by the State or local government or by the owner of an individual homesite, with no site charge to the Federal Government or the disaster victim. Costs of installing utilities and other site development shall be eligible for Federal payment.

(b) Charges to tenants of housing provided under this part shall be determined by the OEP Regional Director or his representative. In cases of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed 12 months, but in no case shall any individual family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) which is in excess of 25 percentum of the individual's or family's monthly income.

(c) The tenant shall be responsible for directly paying all utility use charges, or shall be responsible for paying a monthly allowance for utilities used if he occupies a mobile home or fabricated home located in a park.

§ 1715.12 Distribution of food stamps and surplus commodities.

Instructions pertaining to section 11 of the Act, covering the distribution of food stamps and surplus commodities, will appear as amendments to the following Federal Regulations:

16 CFR Part 1600.
16 CFR Part 1602.
16 CFR Part 1603.

§ 1715.13 Assistance to unemployed individuals.

The OEP Director has delegated to the Secretary of Labor the authorities, functions and powers granted by section 12 to provide assistance to individuals unemployed as a result of a major disaster and to issue such rules and regulations

as may be necessary and appropriate. Such regulations are provided in Title 20, Chapter V, Part 625, of the Code of Federal Regulations (34 F.R. 19656, Dec. 13, 1969).

§ 1715.14 Grants or loans to States for the suppression of forest or grass fires.

Upon the request of a Governor, through the OEP Regional Director, the Director, OEP, may recommend the allocation of funds by the President to assist in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster. The Governor's request shall specify the location of the fire, the conditions existing which make the threat imminent, and the assistance required from the Federal Government.

§ 1715.15 Grants to States for removing debris from private property.

(a) Removal of debris (including wreckage) from privately owned lands or waters on the basis of an action plan prepared by the State is eligible for Federal assistance if the OEP Regional Director or his representative determines that it is in the public interest. The following shall apply to such cases:

(1) An action plan shall be prepared by the State to tailor the cleanup and debris clearance operations to fit the specific situation.

(i) Priorities in the performance of work shall be established to guide efforts to areas where health and safety problems are concentrated.

(ii) An appropriate limitation shall be placed on the degree of cleanup to be approved.

(iii) Approved work practices and scale of acceptable unit costs (per cubic yard, ton, or otherwise) shall be established, if feasible.

(2) Inspection of the areas to be cleaned shall be made by State and Federal representatives to provide a valid basis for approval of work to be done. If work has started or been completed, the inspection is to determine a reasonable basis for approving or disapproving such work. Inspection reports shall include the following types of data:

(i) A geographical reference and specific description of the area recommended for cleanup.

(ii) Estimates in terms of debris volume, i.e., tons, cubic yards, etc., that is covered by the recommendation for each location.

(iii) Estimates of equipment and labor, including unit costs where practicable, to make the cleanup.

(iv) An estimated value of salvageable material as described in "3" below.

(3) Any applicable insurance recoveries and any salvage value of debris and wreckage to be removed are to be considered and deducted from the costs for the approved work. If the individual property owner elects to burn or otherwise dispose of the debris and wreckage instead of salvaging it, an estimated net value of potential salvage as determined by the State and Federal Agency representatives will be deducted. If the State and Federal representatives do not agree, the OEP Regional Director or his representative shall make the determination, and his decision will be final.

(4) Claims for reimbursement shall be verified before payment on the basis of inspections and audits of completed work.

(b) All or a portion of the debris and wreckage may be removed by the Federal Government if requested by the State and when the OEP Regional Director or his representative judges that expedient and efficient removal can best be accomplished by the Federal Government.

(c) Considerations in determining public interest under this section shall include:

(1) Whether removal of debris and wreckage is necessary to eliminate threats to health, well-being, or safety of the public.

(2) Whether removal of debris and wreckage is necessary to eliminate a fire or flood hazard which threatens substantial destruction of undamaged public or private property.

(3) Whether removal of debris and wreckage is essential to the economic recovery of the affected community or to the restoration of the land to a productive condition.

Effective date. This part shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: December 18, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69–15294; Filed, Dec. 22, 1969; 9:34 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1003, 1004, 1016]

[Docket No. AO–293–A23, etc.]

MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Recommended Decision (Partial) and Opportunity To File Written Exceptions Thereto

7 CFR Part	Market	Docket No.
1003	Washington, D.C.	AO–293–A23.
		AO–293–A23–R01.
1004	Delaware Valley	AO–160–A43.
		AO–160–A43–R01.
1016	Upper Chesapeake Bay.	AO–312–A20.
		AO–312–A20–R01

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposals to amend the orders regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas.

Interested parties may file written exceptions to this partial decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and opportunity to file exceptions thereto are issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. The hearing on the record of which the findings and conclusions, as hereinafter set forth, were formulated, was conducted at Baltimore, Md., on August 4–15, 1969, and at King of Prussia, Pa., on August 18–22, 1969, pursuant to notice thereof which was issued on July 3, 1969 (34 F.R. 11364) and at a reopened hearing which was conducted at Friendship International Airport, Md., on October 30, 1969, pursuant to a notice which was issued on October 22, 1969 (34 F.R. 17298).

The material issues on the record of hearings relate to:

1. Merger of two or more of the marketing areas (Delaware Valley, Upper Chesapeake Bay (Maryland), and Washington, D.C.) in any combination thereof, including also the redefinition of marketing area for any separate or combined order to encompass part or all the areas presently defined in the respective orders, including also certain additional territory to be added to either of the separate orders or to the proposed merged marketing area:
   a. Merger of orders.
   b. Marketing area expansion.
   c. Interstate commerce.
2. If an order is issued for one milk marketing area in the manner proposed, what its provisions should be with respect to:
   a. Milk to be priced and pooled.
   b. Classification.
   c. Class prices, butterfat differentials, and location differentials.
   d. Seasonal incentive plans (Base-excess plan, Louisville Plan).
   e. Marketing information and certain services to producers through marketing services provision and/or cooperative payments.
   f. Miscellaneous administrative and conforming changes.
3. Bracketing of the Class I price to provide price movements only in specified increments and announcement of the Class I price prior to the beginning of the pricing period.

This is a partial decision dealing only with issue 3. Since the proponents, at the hearing, abandoned for the time being their proposal to provide for the announcement of Class I price in advance of the month to which it applies, no further consideration of this matter is warranted on the basis of this proceeding.

Findings and conclusions. The following findings and conclusions on the issue No. 3 are based on evidence presented at the hearing and the record thereof:

A bracketing system of pricing Class I milk such as contained in the proposal considered at the reopened hearing should not be adopted under the three respective orders at this time and on this record.

The Delaware Valley order Class I price presently is a specified price ($7.17 per hundredweight for milk testing 3.5 percent butterfat), and since September 1, 1969, is subject to a plus adjustment by any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the preceding month (on a 3.5 percent butterfat basis) exceeds $4.33.

The Class I price under both the Washington, D.C., and Upper Cheasapeake Bay orders is the Delaware Valley Class I price minus 10 cents.

The Delaware Valley Class I price (and the Washington, D.C., and Upper Cheasapeake Bay Class I prices because of the tie with the Delaware Valley price) has been specified (as contrasted to determination through a pricing formula) since May 1, 1968. This also has been the case under the neighboring New York-New Jersey and the New England orders. Prior to a May 1, 1968, amendatory action, the New England, New York-New Jersey, and the Delaware Valley orders provided economic formula pricing of Class I milk. The Delaware Valley order pricing formula also prescribed a procedure for the bracketing of the Class I price.

The matter of interregional alignment of Class I prices for the six markets (Massachusetts-Rhode Island-New Hampshire, Connecticut, New York-New Jersey, Delaware Valley, Upper Chesapeake Bay, and Washington, D.C.), with those of other markets in the Federal order system (including the Class I price bracketing issue) was considered at a hearing held in New York City in June 1969.

A proposal considered at the June 1969 hearing and made by the New York-New England Cooperative Coordinating Committee[1] prescribed that the Class I price under each of the six northeastern Federal orders be "floored" in its relationship with the Class I price under the Chicago Regional order. The proposal had as its purpose to continue the precise interregional Class I price alignment maintained by the Department in all of the price actions taken under orders generally on January 1, 1969, and during the previous 3 years, in an effort to halt declining milk production nationally.

In his decision issued August 20, 1969 (34 F.R. 13601), based upon the evidence of the June 1969 hearing, the Acting Secretary concluded that the specified Class I price under each of the six orders should be adjusted each month by any amount by which the Minnesota-Wisconsin pay price, as reported by the Department for the preceding month, exceeded $4.33. A proposal for the adoption of bracketed Class I prices was denied and obsolete language of the inactivated pricing formulas in the applicable orders was deleted.

In this decision,[2] the Acting Secretary concluded, in part, that:

> • • • The structure of the Class I pricing provisions as contained in the Massachusetts-Rhode Island-New Hampshire, and Connecticut orders is such that one not intimately familiar with the details of the order is required to read through and assimilate very lengthy provisions only to find at the end that the several provisions of the pricing formula have no current application and that the effective price is, in fact, a specified price. It is desirable to simplify such provisions for better public understanding • • •.
> • • • Contrary to proponents' position, the present basis of fixed pricing is the best way of implementing market stability in this period of great uncertainty with respect to future production and consumption trends. Appropriately, the matter of a pricing formula should be reconsidered at a future hearing after marketing conditions have stabilized sufficient to permit a longer-range decision than is now possible. Such formulas could not appropriately be reactivated in existing form.
>
> While such decision related to the Massachusetts-Rhode Island-New Hampshire, Connecticut, and New York-New Jersey markets in particular, the obvious need for maintaining price alignment throughout the Northeast would dictate reconsideration of the Delaware Valley formula in the event any revised formula were developed for the former markets. Consequently, the Delaware Valley economic formula is not necessary at this time.
>
> In light of the above, the present provisions setting forth the details of a pricing formula in the respective orders serve no useful purpose and, in fact, impede clear understanding of the present pricing scheme. Accordingly, the now obsolete language of the respective inactivated pricing formulas should be deleted.
>
> A cooperative association excepted to the deletion of these provisions on the basis that such action was not within the scope of the hearing notice and that they be reactivated in their present form. The proposed action would merely remove from the orders obsolete language. It does not imply that economic formulas, if found to be appropriate, could not be employed in the future in establishing Class I prices in the Northeast • • •.
>
> The Pennmarva Dairymen's Cooperative Federation, Inc., the member cooperatives of which have primary membership among producers associated with the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C., markets testified at the June 1969 hearing in support of its proposal (for such markets only), to implement the intent of the proponent committee's proposal through a bracketing scheme whereby the specified Class I prices would be adjusted in 20-cent increments to reflect increases in the Minnesota-Wisconsin pay price above $4.33.
>
> The basis, in part, for denying the bracketing scheme as set forth in the August 1969 decision (and equally pertinent with respect to the Oct. 30, 1969, reopened hearing proceeding) was stated as follows:
>
> • • • While Pennmarva Federation proposed that any price increases be accomplished through a bracketing scheme, such a procedure cannot accommodate the end here sought. The level of the Minnesota-Wisconsin pay price cannot at this time be reliably forecast either with respect to its ultimate level or on a month-to-month basis. We know of no method of bracketing which could achieve the objective of providing the same increase each month in the Northeast as applies in other markets.
> • • • The order prices in all markets outside the Northeast adjust each month to reflect the precise change in the Minnesota-Wisconsin pay price above $4.33. If interregional price alignment is to be maintained, the same procedure appropriately must apply under the northeastern orders. The purpose of the price change in northeastern markets is not different from that in other regulated markets over the nation. It is intended that producers in all markets receive similar treatment in consideration of the overall objective and the method adopted is best designed to achieve this objective. The proposal for the adoption of a bracketing scheme at this time therefore is denied • • •.

The matters relating to a bracketed system of Class I pricing considered at the October 30, 1969, reopened hearing are directly related to the matters considered at the June 1969 six-market hearing. However, at the time that the Department was petitioned for opportunity for parties to be heard further on the matter of Class I price bracketing, the six-market proceeding initiated in June 1969 was closed. Thus it was not possible to reopen that proceeding for the purpose of taking any additional evidence on the matter. At the time of the petition, a proceeding relating to a proposed merger of the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., order markets was underway. In order that the petition could be given consideration, it was necessary to reopen the August 1969 hearing proceeding so that any action which might result thereby could be carried over to a merged order, in the event the record supported such action.

Witnesses at the October 1969 reopened hearing generally supported a bracketing of the Class I price and contended that such a pricing scheme would not cause intermarket price alignment problems. Notwithstanding, the reasons stated in the Acting Secretary's decision of August 20, 1969, in denying bracketing on that record for these markets, are equally applicable at this time. Accordingly, the request for bracketing must be and is hereby denied.

If bracketing is a desirable pricing feature it appropriately should be considered, and is included as an issue, in connection with the hearing covering all Federal orders scheduled to convene at St. Louis Mo., on January 20, 1970 (34 F.R. 19078).

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

Signed at Washington, D.C., on December 18, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69–15205; Filed, Dec. 22, 1969; 8:46 a.m.]

[7 CFR Parts 1006, 1012, 1013]

[Dockets Nos. AO 356–A4, AO 347–A8, AO 286–A16]

MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and opportunity to file exceptions thereto are issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Orlando, Fla., on April 9–10, 1968, pursuant to notice thereof which was issued March 21, 1968 (33 F.R. 4995).

The material issues on the record of the hearing relate to:

1. Class I prices; and
2. Revision of classification provisions.

This decision deals with issue No. 2 only. Issue No. 1 was dealt with in an earlier decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Revision of classification provisions.* The three Florida orders should be amended to combine present Class II and Class I uses into a single Class I

[1] The "committee" represents 18 of the principal cooperatives with membership among producers supplying the New York-New Jersey and/or New England Federal order markets.

[2] The August 1969 decision of the Assistant Secretary was officially noticed at the October 1969 reopened hearing. The findings therein relating to Class I pricing provisions, including the proposed bracketing scheme, are appropriate to the matter at hand and are adopted herewith as a part of this decision. Order amendments based on this proceeding were made effective Sept. 1, 1969.

and to add certain uses now Class III or the Class I category. The Class I price should be adjusted to offset the effect of the increased Class I utilization resulting from the proposed change.

The Tampa Bay and Upper Florida orders now provide for three classes of utilization; the Southeastern Florida order has four classes. Classes I, II, and III in the three orders are basically the same. The Southeastern Florida Class IV classification applies only to milk, the skim milk portion of which is (1) disposed of for fertilizer or livestock feed, or (2) "dumped" by the handler after such prior notification as the market administrator may require.

Class I now includes all skim milk and butterfat that is either disposed of in the form of a fluid milk product or is not accounted for in another class. Fluid milk product has been defined to mean milk, flavored milk, and skim milk. The three Florida orders were amended, effective January 1, 1970, to include filled milk in the fluid milk product definition.

Class II milk is the skim milk and butterfat that is either disposed of in the form of a Class II product (cream, sour cream, half and half, acidophilus milk, and chocolate drink) or is in a handler's inventory of fluid milk products, both packaged or in bulk at the end of the month.

Class III includes the skim milk and butterfat used to produce any product other than a fluid milk product or Class II product. Such Class III products are: Frozen desserts (e.g., ice cream, ice cream mix), eggnog, yogurt, aerated cream products, milkshake mix, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk and sterilized products in hermetically sealed containers.

Other dispositions included in the present Class III are: (1) Skim milk and butterfat in fluid milk products and in Class II products disposed of for livestock feed or dumped by a handler (except such dispositions classified in Class IV in the Southeastern Florida order); (2) skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition, and (3) skim milk and butterfat (within certain limits) in shrinkage at a handler's plant. These dispositions would be included in the newly designated Class II by this decision. There were no proposals at the hearing to include them in a higher priced classification.

Cooperatives representing more than 75 percent of the producers under the three orders proposed that Class I milk be defined in the same manner under the three orders and that it include all uses now in Class I milk and Class II milk of the three orders as well as some uses that are now Class III milk under the respective orders. Eggnog, yogurt, aerated cream products and milkshake mix, which are now in Class III, also would be classified in Class I under the producer proposal.

The basic reasons advanced by producers for combining the present Class I and Class II classification into one class (Class I) are: (1) The Florida Dairy Products Law has been revised to require that each of the products now proposed to be included in Class I milk be produced from milk and milk products of Grade A quality; and (2) the proposed expanded coverage of Class I is necessary and desirable to bring the Class I classification provisions in the Florida orders in conformity with comparable provisions of other Federal orders.

In connection therewith, producers further proposed that the Class I differential be reduced to offset the effect of the increased Class I utilization resulting from the change. This amount was estimated at 15 cents per hundredweight and, as proposed by producers, would be reflected in a reduction of 15 cents in the Class I price differential.

Handlers opposed combining the present Class I and Class II classifications into one class. It was their position that such classifications appropriately reflect conditions in these Florida areas and that there have been no changes in marketing conditions to warrant the changes requested by producers.

Producer-handlers opposed changing the classification provisions of the order because an expanded category of Class I uses might require some producer-handlers to increase their production to maintain producer-handler status. This is because producer-handlers may now purchase Class II products from pool plants but may not purchase Class I products from such sources and retain producer-handler status. Classifying milk for some of the present Class II products in Class I would result in an increase in the Class I sales of a producer-handler who currently may depend on outside sources for his Class II products.

Insofar as it is practicable, the classification provisions of the three Florida orders should be identical and as comparable as possible with the classification provisions in other Federal orders. There is a significant overlapping of the sales and production areas of the three Florida markets. In addition, milk and milk products for fluid use are imported into the Florida markets from other order markets.

Class I milk in each market should include the skim milk and butterfat in "fluid milk products" disposed of for fluid consumption, except dispositions for specified uses that are designated Class II (and Class III, in Southeastern Florida). In addition to whole milk, "fluid milk product" would be defined to mean skim milk, buttermilk, flavored milk and flavored milk drinks including eggnog and milkshake mix, filled milk, concentrated milk, sweet cream and mixtures of cream and milk or skim milk. The form and the purpose for which these products are used generally are the same as the form and purpose of use for whole milk. Just as whole milk, they are disposed of in fluid form. Also, they are marketed by handlers in the same types of packages and in the same trade channels as the whole milk they market, and are intended primarily for consumption in their fluid form.

Handlers stated that buttermilk, chocolate drink, eggnog, and similar products should not be included in Class I because the State of Florida permits the reconstitution of such products from nonfluid milk products (e.g., nonfat dry milk).

To accept the handlers' position in this regard would be contrary, however, to the decision resulting from the hearing completed in Memphis, Tenn., on May 24, 1968, that considered the classification of the skim milk and butterfat in filled milk, the treatment of reconstituted skim milk in filled milk, and related issues under all Federal orders. Amendments were made to 62 orders, including the three Florida orders, effective January 1, 1970, on the basis of the record of that hearing.

The October 13, 1969, decision (34 F.R. 16881) resulting from that hearing provides for classifying in Class I the skim milk (including the skim milk in reconstituted skim milk) and butterfat used to produce filled milk. The findings in that decision relative to the classification in Class I of the skim milk and butterfat (including that in nonfat dry milk and similar nonfluid products) used to produce filled milk are equally applicable with respect to skim milk and butterfat used to produce the other milk products to be included in Class I and are adopted in full herein.

The orders should continue to classify in Class I any skim milk and butterfat that is not accounted for as a disposition in another class. This will be best accomplished by stating explicitly in the orders the dispositions which are other than Class I.

Month-end inventories or packaged fluid milk products (now in Class II) should also be classified in Class I. The proposed classification, which usually conforms with the ultimate utilization of packaged fluid milk products in inventory, will result in no actual increase in handlers' costs. Moreover, it will result in fewer audit adjustments in classification and handlers' obligations than if classified in Class II, as herein proposed for bulk fluid milk products.

A handler who operates a plant that varies between nonpool and pool status from month to month would be required to allocate first to a lower priced class the fluid milk products in inventory at the beginning of each month that he changes from nonpool to pool status. This requirement and the classification of month-end inventories of packaged fluid milk products in Class I provide sufficient safeguards to prevent the exploitation of the pool (by varying his month-end inventory) by the operator of a plant that may be a pool plant and nonpool plant in successive months.

Month-end inventories of bulk fluid milk products should be classified in Class II. In the following month they would be subtracted under the allocation procedures from any available Class II milk. The higher use value of such fluid milk products allocated to Class I would be reflected in returns to producers in the following month.

Although packaged fluid milk products in inventory are items which have been prepared specifically for Class I disposition, the ultimate utilization of bulk fluid milk products in inventory may differ substantially between plants and even from month to month at the same plant. Under these circumstances, continuing to classify and price month-end inventories of bulk fluid milk products in a lower-priced class, as now provided in the orders, will facilitate the accounting procedure in the handling of such month-end inventories.

The order should specify that all fluid milk products on hand at the beginning of the month at a plant which was a nonpool plant in the preceding month should be allocated to any available Class II utilization of the plant during the month. This procedure will preserve the priority of assignment to current receipts of producer milk to the current Class I utilization at the plant.

Class II milk would include the skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers. Producers further suggested the reclassification of sour cream, sour cream mixtures, yogurt, aerated cream and aerated cream products to Class I milk. Under the conditions in these Florida markets, the basis for reclassifying and pricing those items moved to Class I does not have equal application in the case of yogurt and the sour cream and aerated cream products. Consequently, these latter products remain in Class II.

The present Class IV classification under the Southeastern Florida order would be designated Class III.

Combining the present Class I and Class II classifications into one class, as provided by this decision, will not increase the total amount paid by handlers for producer milk in the newly designated Class I and will not increase the returns to producers for milk now sold in these classes. As corollary changes the Class I price is reduced 15 cents and the newly designated Class II will be priced at the present Class III price (the Minnesota-Wisconsin manufacturing milk price plus 15 cents). On the basis of recent utilization experience in these markets, this should return to producers in each market approximately the same amount of money as is now obtained under the present pricing schemes in the respective orders.

Exemption from the pricing and pooling provisions of the Florida orders is now accorded a distributor who depends entirely on his own-farm production for his Class I needs (except for nonfat solids used to fortify Class I products) and handles his own surplus. Producer-handlers argued that if the proposed Class I definition is revised to include some utilizations now in Class II, the producer-handler exemption should continue to be based on their production of milk for those needs now included in Class I rather than for the total requirements included in the revised definition of Class I milk.

The present basis for the exemption of a producer-handler from the pricing and pooling provisions in any of the Florida orders has been determined, on the basis of the record evidence presented at public hearings, to be appropriate for marketing conditions in Florida. It was determined that he must produce his own Class I needs and necessary reserves. Under these conditions, it was concluded that a producer-handler would not have a significant advantage over regulated handlers in the fluid market, which is his principal outlet. It was further indicated that a person with own-herd production who did not meet these qualifications would have an unwarranted advantage over fully regulated handlers in the Florida markets.

To keep the producer-handler qualifications on the basis they proposed, in conjunction with the change in uses included in the Class I classification, would have the effect of changing the fundamental basis for exempting producer-handlers from the pricing and pooling provisions of these Florida orders.

The proposed expanded Class I classification would be fully applicable in pricing milk to regulated handlers. Thus, additional fluid products are raised to the highest-valued class, increasing their cost to regulated handlers. To require such adustments from regulated handlers, but keeping the producer-handler exemption on its present basis, would result in having the proposed classification change applicable to the regulated handlers but ignored in determining the exempt status of competing producer-handlers. The effect would be to ease the basis of exempting producer-handlers in relation to the obligations placed by the order on other handlers. There is no basis in the evidence to warrant such action.

Also, there was no indication on the record that those persons who have attained producer-handler status under the Florida orders will be unable to realize and maintain such status because of the proposed changes in the classification provisions of the orders.

The proposal to revise the producer-handled definition therefore is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following orders amending the orders, as amended, regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. Section 1006.7 is revised as follows:

§ 1006.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk and flavored milk drinks (including eggnog and milkshake mix), filled milk, concentrated milk, sweet cream, and mixtures of sweet cream and milk or skim milk.

2. In § 1006.17, paragraphs (a) and (b) are revised as follows:

§ 1006.17 Other source milk.

* * * * * *

(a) Fluid milk products from any source except:

(1) Producer milk;
(2) Fluid milk products from pool plants; and
(3) Fluid milk products in inventory at the beginning of the month;
(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

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§ 1006.19 [Revoked]

3. Section 1006.19 is revoked.

4. Section 1006.22(j)(2) is revised as follows:

§ 1006.22 Duties.

* * * * *
(j) * * *
(2) The 5th day of each month the Class II price and the Class II butterfat differential, both for the preceding month; and

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§ 1006.30 [Amended]

5. In § 1006.30(a) (2) and (5), "and Class II products" is deleted.

6. Section 1006.41 is revised as follows:

§ 1006.41 Classes of utilization.

Subject to the conditions set forth in § 1006.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:
(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) of this section;
(2) In packaged fluid milk products in inventory at the end of the month; and
(3) Not accounted for as Class II milk.
(b) *Class II milk.* Class II milk shall be:
(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers;
(2) Skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;
(3) Skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;
(4) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;
(5) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;
(6) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1006.16) but not in excess of:
(i) 2 percent of producer milk (except that received from a handler pursuant to § 1006.13(d));
(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1006.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;
(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;
(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;
(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler;
(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and
(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1006.42(b)(2).

7. Section 1006.42 is revised as follows:

§ 1006.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:
(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and
(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:
(1) The net quantity of producer milk and other fluid milk products specified in § 1006.41(b)(6)
(2) Other source milk exclusive of that specified in § 1006.41(b)(6)

8. Section 1006.43 is revised as follows:

§ 1006.43 Transfers.

Skim milk or butterfat shall be classified:
(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product from a pool plant to the pool plant of another handler, subject to the following conditions:
(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1006.45(a)(9) and the corresponding step of § 1006.45(b);
(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1006.45(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and
(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1006.45(a)(8) or (9) and the corresponding steps of § 1006.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.
(b) As Class I milk, if transferred or diverted in the form of fluid milk product to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:
(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1006.30;
(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and
(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:
(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;
(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;
(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and
(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.
(c) As follows, if transferred in the form of a fluid milk product to an other order plant is excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:
(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;
(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);
(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;
(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;
(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II milk; and
(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1006.41.
(d) As Class I milk if transferred or diverted in the form of a fluid milk product, from a pool plant to an exempt distributing plant.

9. Section 1006.45(a) is revised as follows:

§ 1006.45 Allocation of skim milk and butterfat classified.

* * * * *
(a) Skim milk shall be allocated in the following manner:
(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1006.41(b)(6);
(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:
(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1006.41(b)(5) plus 2 percent of the remainder of such receipts; and
(ii) From Class I milk, the remainder of such receipts;
(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:
(i) Other source milk in a form other than that of a fluid milk product;
(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;
(iii) Receipts of fluid milk products from a producer-handler, as defined this or any other Federal order;
(iv) Receipts of fluid milk products from an exempt distributing plant;
(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and
(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;
(4) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month: *Provided*, That this subparagraph shall not be applicable to a pool plant in any month immediately following a month in which such plant was not fully subject to the pooling and pricing provisions of this order;
(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity or quantities:
(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph:
(*a*) For which the handler requests such utilization; or
(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph;
(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;
(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month that were not subtracted pursuant to subparagraph (4) of this paragraph;
(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;
(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(v) and (5)(i) of this paragraph;
(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(vi) and (5)(ii) of this paragraph:
(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1006.22(l) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and
(ii) From Class I, the remaining pounds of such receipts;
(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and received from pool plants of other handlers according to the classification of such products pursuant to § 1006.43(a); and
(11) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

* * * * *

10. Section 1006.51 is revised as follows:

§ 1006.51 Class prices.

Subject to the provisions of §§ 1006.52 and 1006.53, the class prices per hundredweight for the month shall be as follows:
(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.65.
(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 15 cents.

11. Section 1006.52 is revised as follows:

§ 1006.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1006.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:
(a) Class I price, 7.5 cents; and
(b) Class II price, 0.115 times the Chicago butter price for the month.

12. Section 1006.60 is revised as follows:

§ 1006.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1006.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1006.45(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1006.45(a)(11) and the corresponding step of § 1006.45 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(6) and the corresponding step of § 1006.45(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(4) and the corresponding step of § 1006.45(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result would be a minus amount;

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(3) and the corresponding step of § 1006.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1006.45(a)(3) (v) and (vi) and the corresponding step of § 1006.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

(f) Add the value at the class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(8) and the corresponding step of § 1006.45(b).

13. Section 1006.61(f)(2) is revised as follows:

§ 1006.61 Computation of uniform price.

* * * * *

(f) * * *

(2) The total hundredweight for which a value is computed pursuant to § 1006.60(f); and

* * * * *

§ 1006.62 [Amended]

14. In § 1006.62(a)(1), "or Class III" is deleted, the reference "§ 1006.60(e)" is changed to "§ 1006.60(f)", and "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

14a. In § 1006.62(b)(5), "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

§ 1006.63 [Amended]

15. In § 1006.63(b), "Class III price" is changed to "Class II price".

16. Section 1006.74(b)(2) is revised as follows:

§ 1006.74 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1006.60(f).

§ 1006.77 [Amended]

17. In § 1006.77, the reference to "§ 1006.45(a) (3) and (9)" is changed to "§ 1006.45(a) (3) and (8)".

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. Section 1012.7 is revised as follows:

§ 1012.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, and flavored milk drinks (including eggnog and milkshake mix), filled milk, concentrated milk, sweet cream, and mixtures of sweet cream and milk or skim milk.

2. In § 1012.17, paragraphs (a) and (b) are revised as follows:

§ 1012.17 Other source milk.

* * * * *

(a) Fluid milk products from any source except:

(1) Producer milk;

(2) Fluid milk products from pool plants; and

(3) Fluid milk products in inventory at the beginning of the month;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

* * * * *

§ 1012.19 [Revoked]

3. Section 1012.19 is revoked.

4. Section 1012.22(j)(2) is revised as follows:

§ 1012.22 Duties.

* * * * *

(j) * * *

(2) The 5th day of each month the Class II price and the Class II butterfat differential, both for the preceding month; and

* * * * *

§ 1012.30 [Amended]

5. In § 1012.30(a) (2) and (5), "and Class II products" is deleted.

6. Section 1012.41 is revised as follows:

§ 1012.41 Classes of utilization.

Subject to the conditions set forth in § 1012.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) of this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers;

(2) Skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;

(5) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(6) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) Two percent of producer milk (including that received from a handler pursuant to § 1012.13(d)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1012.42(b)(2).

7. Section 1012.42 is revised as follows:

§ 1012.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1012.41(b)(6); and

(2) Other source milk exclusive of that specified in § 1012.41(b)(6).

8. Section 1012.43 is revised as follows:

§ 1012.43 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1012.45(a)(9) and the corresponding step of § 1012.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1012.45(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1012.45(a)(8) or (9) and the corresponding steps of § 1012.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1012.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administartor determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1012.41.

9. Section 1012.45(a) is revised as follows:

§ 1012.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1012.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraphs (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1012.41(b)(5) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month: *Provided*, That this subparagraph shall not be applicable to a pool plant in any month immediately following a month in which such plant was not fully subject to the pooling and pricing provisions of this order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph:

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month that were not subtracted pursuant to subparagraph (4) of his paragraph;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagrpah (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) and (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (5)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1012.22(l) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and received from pool plants of other handlers according to the classification of such products pursuant to § 1012.43(a); and

(11) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

* * * * *

10. Section 1012.51 is revised as follows:

§ 1012.51 Class prices.

Subject to the provisions of §§ 1012.52 and 1012.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.75.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 15 cents.

11. Section 1012.52 is revised as follows:

§ 1012.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1012.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents; and

(b) Class II price, 0.115 times the Chicago butter price for the month.

12. Section 1012.60 is revised as follows:

§ 1012.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1012.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1012.45(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1012.45(a)(11) and the corresponding step of § 1012.45 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a)(6) and the corresponding step of § 1012.45(b).

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a)(4) and the corresponding step of § 1012.45(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result would be a minus amount;

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from class I pursuant to § 1012.45(a)(3) and the corresponding step of § 1012.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1012.45(a)(3) (iv) and (v) and the corresponding step of § 1012.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

(f) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1012.45(a)(8) and the corresponding step of § 1012.45(b).

13. Section 1012.61(e)(2) is revised as follows:

§ 1012.61 Computation of uniform price.

* * * * *

(e) * * *

(2) The total hundredweight for which a value is computed pursuant to § 1012.60 (f); and

* * * * *

§ 1012.62 [Amended]

14. In § 1012.62(a)(1), "or Class III" is deleted, the reference "§ 1012.60(e)" is changed to "§ 1012.60(f)", and "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

14a. In § 1012.62(b)(5), "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

§ 1012.63 [Amended]

15. In § 1012.63(b), "Class III price" is changed to "Class II price".

16. Section 1012.74(b)(2) is revised as follows:

§ 1012.74 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1012.60(f).

§ 1012.77 [Amended]

17. In § 1012.77, the reference to "§ 1012.45(a) (3) and (9)" is changed to "§ 10.12.45(a) (3) and (8)".

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. Section 1013.7 is revised as follows:

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk and flavored milk drinks (including eggnog and milkshake mix), filled milk, concentrated milk, sweet cream, and mixtures of sweet cream and milk or skim milk.

2. n § 1013.17, paragraphs (a) and (b) are revised as follows:

§ 1013.17 Other source milk.

* * * * *

(a) Fluid milk products from any source except:

(1) Producer milk;

(2) Fluid milk products from pool plants; and

(3) Fluid milk products in inventory at the beginning of the month;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

* * * * *

§ 1013.19 [Revoked]

3. Section 1013.19 is revoked.

4. Section 1013.27(j)(1) is revised as follows:

§ 1013.27 Duties.

* * * * *

(j) * * *

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month, and the Class II and Class III prices and butterfat differentials, for the preceding month; and

* * * * *

§ 1013.30 [Amended]

5. In § 1013.30(a) (2) and (5), "and Class II products" is deleted.

6. Section 1013.41 is revised as follows:

§ 1013.41 Classes of utilization.

Subject to the conditions set forth in §§ 1013.42 through 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraphs (b) and (c) of this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce frozen deserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, a product which contains 6 percent or more nonmilk fat (or oil), and sterilized products in hermetically sealed containers;

(2) Except as provided in paragraph (c) of this section, skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;

(3) Except as provided in paragraph (c) of this section, skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;

(5) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(6) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) Two percent of producer milk (including that received from a handler pursuant to § 1013.13(d)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.42(b)(2).

(c) *Class III milk.* Class III milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed, or

(2) Dumped after such prior notification as the market administrator may require.

7. Section 1013.42 is revised as follows:

§ 1013.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.41(b)(6).

(2) Other source milk exclusive of that specified in § 1013.41(b)(6).

8. Section 1013.44 is revised as follows:

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a)(10) and the corresponding step of § 1013.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a) (3) and (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.46(a) (9) or (10) and the corresponding steps of § 1013.46(b), the skim milk and butterfat so transferred un to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from cool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool

plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk.

(d) As follows, if transferred in the form of a fluid milk product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1013.41.

9. Section 1013.46(a) is revised as follows:

§ 1013.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1013.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid-milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(iv) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1013.41(b)(5) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk as specified in § 1013.17(b);

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iii) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(iv) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month: *Provided*, That this subparagraph shall not be applicable to a pool plant in any month immediately following a month in which such plant was not fully subject to the pooling and pricing provisions of this order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified) but not in excess of such quantity or quantities.

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers that were not subtracted pursuant to subparagraph (4) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products at the beginning of the month that were not subtracted pursuant to subparagraph (5) of this paragraph;

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4) and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(iv) and (6)(ii) of this paragraph:

(i) In series beginning with Class III and thereafter from Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1013.27(l) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and received from pool plants of other handlers according to the classification of such products pursuant to § 1013.44(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

* * * * *

10. Section 1013.51 is revised as follows:

§ 1013.51 Class prices.

Subject to the provisions of §§ 1013.52 and 1013.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.95.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 15 cents.

(c) *Class III price.* The Class III price shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

11. Section 1013.52 is revised as follows:

§ 1013.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents; and

(b) Class II and Class III prices, 0.115 times the Chicago butter price for the month.

§ 1013.61 [Amended]

12. In § 1013.61(d)(2), "Class III price" is changed to "Class II price".

§ 1013.62 [Amended]

13. In § 1013.62(a)(1), "or Class III" is deleted, the reference "§ 1013.70(e)" is changed to "§ 1013.70(f)", and "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

13a. In § 1013.62(b)(5), "Class III price" is changed to "Class II price" in the two places it appears in such subparagraph.

14. Section 1013.70 is revised as follows:

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1013.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.46(c), by the applicable class price;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a)(12) and the corresponding step of § 1013.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(7) and the corresponding step of § 1013.46(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(5) and the corresponding step of § 1013.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result would be a minus amount;

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a)(3) and (4) and the corresponding steps of § 1013.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1013.46(a)(4)(iii) and (iv) and the corresponding step of § 1013.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

(f) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(9) and the corresponding step of § 1013.46(b).

15. Section 1013.71(e)(2) is revised as follows:

§ 1013.71 Computation of uniform price.

* * * * *

(e) * * *

(2) The total hundredweight for which a value is computed pursuant to § 1013.70(f); and

* * * * *

16. Section 1013.82(b)(2) is revised as follows:

§ 1013.82 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class I price) of other source milk for which a value is computed pursuant to § 1013.70(f).

§ 1013.86 [Amended]

17. In § 1013.86(a), the reference to "§ 1013.46(a) (3), (4), and (10)" is changed to "§ 1013.46(a) (3), (4), and (9)".

Signed at Washington, D.C., on December 18, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-15195; Filed, Dec. 22, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 69-137]

NIAGARA RIVER, YOUNGSTOWN, N.Y.

Special Anchorage Area

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of Rule 9, 28 Stat. 647, as amended (33 U.S.C. 258), section 6(g)(1)(C) of the Department of Transportation Act (80 Stat. 937), 49 U.S.C. 1655(g)(1)(C) and 49 CFR 1.4(a)(3)(iii), is considering an amendment to § 110.85 of Part 110, Subpart A of Title 33, Code of Federal Regulations.

2. The proposed amendment would enlarge the Special Anchorage Area presently established on the Niagara River at Youngstown, N.Y.

3. It is proposed to revise § 110.85 to read as follows:

§ 110.85 Niagara River, Youngstown, N.Y.

Beginning at the intersection of the north line of Jackson Street extended with the east shoreline of the Niagara River; thence westerly along the north line of Jackson Street extended 480 feet; thence southerly along a line parallel to Main Street approximately 3,770 feet to the south line of Swain Street extended; thence easterly along the south line of Swain Street extended 400 feet; thence northerly along a line parallel to Main Street 1,596 feet; to the south line of Church Street extended; thence easterly along the south line of Church Street extended approximately 200 feet to the east shoreline of the Niagara River; thence northerly along the shoreline approximately 1,910 feet to the north line of William Street extended; thence northerly along a line parallel to Main Street approximately 390 feet to the point of beginning, excepting therefrom a rectangular area 300 feet long and extending 150 feet riverward of the east shoreline bordering on the property of the village of Youngstown approximately midway between Church and Lockport Streets extended. This area is designated as a special anchorage area subject to the condition that such buoys as may be prescribed by the U.S. Coast Guard to mark the area shall be provided and maintained by and at the expense of local interests.

4. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before January 14, 1970. All submissions should be made in writing to the Commander, 9th Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

5. To expedite the handling of submissions regarding this proposal, it is requested that each submission be submitted in triplicate and state the subject to which it is directed; the specific wording recommended; the reason for the recommended change, and the name, address and firm or organization, if any, of the person making the submission.

6. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 9th Coast Guard District,

1240 East Ninth Street, Cleveland, Ohio 44199.

7. After all interested persons have expressed their views, the Commander, 9th Coast Guard District will forward the record, including the original of all written submissions, and his recommendations with respect to the proposals and submissions received to the Commandant (OLE), U.S. Coast Guard, Washington, D.C. 20591.

Dated: December 17, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-15197; Filed, Dec. 22, 1969; 8:46 a.m.]

Federal Aviation Administration

[14 CFR Part 13]

[Docket No. 10032; Notice 69-54]

ELIMINATION OF FORMAL HEARINGS IN FAA CERTIFICATE PROCEEDINGS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 13 of the Federal Aviation Regulations to eliminate formal hearings in FAA certificate proceedings taken by the Administrator pursuant to section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before February 23, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Under section 609 of the Act, the Administrator may, from time to time, reinspect any civil aircraft, aircraft engine, propeller, appliance, air navigation facility, or air agency, and may reexamine any civil airman. If, as the result of such a reinspection, reexamination, or other investigation, the Administrator determines that the public interest and safety in air commerce requires it, he may issue an order amending, suspending, or revoking, all or part of any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate.

Section 13.19(c) provides that before issuing an order amending, suspending, or revoking a certificate, the General Counsel or the Regional Counsel concerned advises the certificate holder of the charges or other reasons upon which the Administrator bases the proposed action, and, except in an emergency, allows the holder to answer any charges and to be heard as to why the action should not be taken. The holder may elect to: (1) Admit the charges and surrender his certificate; (2) answer the charges in writing; (3) request an opportunity to be heard in an informal conference with the FAA counsel; or (4) request a formal hearing. If the certificate holder has requested an informal conference with the FAA counsel, he may after that conference also request a formal hearing, in writing. Subpart D of Part 13 provides the procedural rules for a full evidentiary hearing before an FAA Hearing Officer.

Section 13.19(d) provides that any person whose certificate is affected by an order issued under that section may appeal to the National Transportation Safety Board (NTSB). If that person files an appeal, the Administrator's order is stayed unless he advises the Board that an emergency exists and that safety in air commerce requires that an order become effective immediately. Under NTSB rules, this is an evidentiary hearing de novo of the matter before the NTSB hearing examiner (14 CFR 421.32).

It is clear from the legislative history of the Federal Aviation Act of 1958 that the Congress, when enacting section 609 of the Act, contemplated only one adversary hearing in the CAB (now the NTSB). The action to be taken by the Administrator before the entry of an order was described as "an opportunity to informally present" the certificate holder's defenses to the Administrator. (See H. Rept. 2360, 85th Cong. second session, at p. 8 (1958); S. Rept. 1811, 85th Cong. second session, at p. 11 (1958)). This opportunity to be heard was intended to be given only in an informal hearing. But this system became the subject of widespread criticism, notwithstanding the statutory availability of the full, due process de novo hearing before the CAB (now NTSB). This criticism was one reason for the action by the Administrator on 1961 in convening the Project Tightrope study that culminated in the recommendation for formal hearings in the FAA, that were adopted in 1962 in Part 408.

The provision made in 1962 for a formal hearing in section 609 certificate actions was made pursuant to the recommendations of an independent advisory group of five prominent attorneys, appointed by the Administrator, that on November 21, 1961, reported to the Administrator on FAA Rule Making and Enforcement Procedures (Project Tightrope). The report recommended that in section 609 certificate actions, "for those who request it," the FAA "should conduct a trial type hearing before an independent hearing examiner prior to suspending or revoking a certificate," subject to the Administrator's review where a severe punishment, such as revocation, is imposed. The report acknowledged that in any event, under section 609 of the Act, the Administrator's order is stayed on appeal to the CAB (NTSB) except in cases of emergency. However, the report stated that "apart from its effect on substantive justice in particular cases, we believe that a procedure open to characterization as 'punishment first, trial later' destroys the appearance of fairness that is so vital to public acceptance of any governmental regulation and enforcement system."

On February 7, 1962, in a revision of Part 408 of the regulations of the Administrator, the FAA provided for a formal hearing in section 609 certificate actions. This revision was later recodified as Part 13 of the Federal Aviation Regulations.

The preamble to the 1962 revision of Part 408 stated that:

> It is the expectation of the Agency that hearings will be so fairly conducted by the assigned FAA Hearing Officer and the facts and other relevant evidence so fully developed in the course of the hearing before him that in most cases this record will be satisfactory to the certificate holder * * * and that appeals will thus be taken on the record without the necessity of completely new hearings before the Civil Aeronautics Board (27 F.R. 1110 (1962)).

The expectation that a hearing before a CAB Hearing Examiner would usually be on the record compiled before the FAA Hearing Officer has not so developed in practice. Hearings before the NTSB, that take place in a substantial number of cases heard by FAA Hearing Officers, continue to be evidentiary hearings de novo, with a case in which the appeal is determined on the FAA Hearing Officer record the exception.

The Administrative Conference of the United States, on October 21-22, 1969, adopted the following recommendation, that comments on the present procedures:

> The Federal Aviation Administrator has authority to revoke or suspend the licenses of aviation personnel and training facilities, airworthiness certificates, and other permits related to the operation of aircraft. Present procedures contemplate a full trial-type hearing, if one is desired by the respondent, before the Administrator issues an order of suspension or revocation. If an appeal is taken from that order, a second full hearing is afforded by the National Transportation Safety Board. This is wasteful of time and personnel, and is unnecessary as a protection of affected parties.
>
> In order to expedite proceedings bearing directly on public safety, without sacrificing the interests of individual respondents, the Federal Aviation Administrator should discontinue providing hearings in the nature of trials in "certificate actions." This will not result in "punishment before trial," since the effective date of a certificate action order is invariably postponed, except in emergency situations, pending the outcome of proceedings before the National Transportation Safety Board. Recommendation No. 13, "Elimination of Duplicative Hearings in FAA Safety De-certification Cases", Recommendations Adopted by the Administrative Conference of the United States At Its Third Plenary Session (October 21-22, 1969; Washington, D.C.), 115 Cong. Rec. S15191 at S15192 (Daily ed.; Dec. 1, 1969).

A report, prepared by staff members of the Conference, that preceded the action of the Conference, stated, among other things:

> A pilot who is confronted with proposed certificate action enjoys a procedural option which fairly invites inquiry. In brief, the pilot may elect to go to trial upon the decidedly favorable principle, "Heads I win, tails we flip again." To take advantage of this opportunity, the pilot must request the "formal hearing" proffered by the Administrator's Notice of Proposed Certificate Action. This hearing will be conducted before an FAA "hearing officer" under procedural rules which provide for the essential trappings of a trial. Accordingly, the burden of proof will be on the Administrator rather than the pilot.
>
> If the airman prevails at the FAA trial, the action is terminated. His adversary, the agency enforcement staff, has no recourse, because the Administrator has granted the hearing officers the power to decide certificate action cases in his name and stead. But the pilot, on the other hand, is in no respect bound by an adverse decision of the FAA hearing officer. He may "appeal" his case to the National Transportation Safety Board and there receive a trial de novo before one of the Board's APA hearing examiners. As before, the FAA staff will carry the burden of proof.
>
> The second trial in a certificate action case is usually a trial de novo in the literal sense of that term. That is, the findings of the FAA hearing officer and the record compiled before him are simply ignored in the second proceeding. In a few cases, the respondent has entered into a stipulation permitting all or part of the FAA record to be introduced into evidence before the NTSB examiner, but such action is not at all common. Thus, from the perspective of parties who are retrying a certificate case before a Board examiner, the FAA trial was a trial in name only; in retroepect, it was more a combination dress rehearsal and deposition session.
>
> * * * * *
>
> [A] respectable amount of governmental energy is dissipated by reason of the two-trial feature of the certificate action process. The question, of course, is whether it is not avoidable. It is certainly a basic assumption of our legal system that a defendant can be accorded "justice" in an adjudicatory system based on but one trial.

Before the adoption of the FAA hearing procedure in section 609 certificate proceedings, such a hearing did not exist before the agency primarily responsible for air safety. A formal hearing was afforded only before another independent agency, the Civil Aeronautics Board. Under the Department of Transportation Act (80 Stat. 931), FAA safety functions and the CAB functions formerly exercised under Title VI of the Federal Aviation Act of 1958 are exercised within the same Department, and there are now two formal evidentiary hearings in certificate actions within the Department responsible for air safety. According to the Staff Report mentioned above, the best way to eliminate the two-trial problem in the certificate action process is to eliminate the FAA trial, something that can be done simply by amending the FAA's rules of procedure. This would leave the matter in the hands of the NTSB which is independent of all other units of the Department of Transportation.

Therefore, in view of the FAA's experience with the formal hearing proceedings of Part 13, and in the light of the findings of the staff report and the recommendation of the Administrative Conference of the United States, it is proposed to eliminate those hearings in FAA certificate proceedings.

A notice of proposed rule making, Notice 69-37, that also involves Part 13, was issued on August 28, 1969, and published in the FEDERAL REGISTER on September 5, 1969 (34 F.R. 14079). In that notice, it was proposed to specifically include in Part 13 procedures for suspending or revoking an issued certificate of aircraft registration for any cause that renders the aircraft ineligible for registration. Those procedures would extend to such cases the opportunity for a formal hearing before an FAA hearing officer. The hearing would not be appealable to the National Transportation Safety Board, since the Federal Aviation Act of 1958 provides such an appeal only in certificate actions under title VI of the Act. In the event that Notice 69-37 is implemented by a final rule that includes the addition of formal hearings in aircraft registration enforcement matters, any final rule issued pursuant to this notice will reflect that action by preserving, so far as may be necessary for the purpose, Subpart D and the other relevant provisions of Part 13.

In consideration of the foregoing, it is proposed to amend Part 13 of the Federal Aviation Regulations as follows:

1. By amending paragraph (c) of § 13.19 to read as follows:

§ 13.19 Certificate action.

* * * * *

(c) Before issuing an order under paragraph (b) of this section, the General Counsel or the Regional Counsel concerned advises the certificate holder of the charges or other reasons upon which the Administrator bases the proposed action and, except in an emergency, allows the holder to answer any charges and to be heard as to why the certificate should not be amended, suspended, or revoked. The holder may, by checking the appropriate box on the form that is sent to him with the Notice of Proposed Certificate Action, elect to—

(1) Admit the charges and surrender his certificate;

(2) Answer the charges in writing; or

(3) Request an opportunity to be heard in an informal conference with the FAA counsel.

Unless the holder returns the form and, where required, an answer with a postmark of not later than 15 days after the date he received the notice, the order of the Administrator is issued as proposed. After considering any information submitted by the holder, the General Counsel or the Regional Counsel concerned issues the order of the Administrator.

* * * * *

2. By striking out Subpart D.

These amendments are proposed under the authority of sections 313(a), 601, and 609, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1429); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 1.4(b)(1) of the regulations of the Office of the Secretary of Transportation.

Issued in Washington, D.C., on December 17, 1969.

NATHANIEL H. GOODRICH,
General Counsel.

[F.R. Doc. 69-15192; Filed, Dec. 22, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Exemption of Certain State Regulated Transactions; Retention of Access to Federal Civil Remedies

Pursuant to the authority contained in the Consumer Credit Protection Act (15 U.S.C. 1604), the Board of Governors is considering amending Part 226 in the following respects.

Section 226.12 would be amended by revising paragraph (b) and by adding a new paragraph (c). As amended, § 226.12 would read as follows:

§ 226.12 Exemption of certain State regulated transactions.

(a) *Exemption for State regulated transactions.* In accordance with the provisions of Supplement II to Regulation Z (§ 226.12—Supplement), any State may make application to the Board for exemption of any class of transactions within that State from the requirements of Chapter 2 of the Act and the corresponding provisions of this part: *Provided*, That

(1) Under the law of that State, that class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 of the Act and the corresponding provisions of this part; and

(2) There is adequate provision for enforcement.

(b) *Procedures and criteria.* The procedures and criteria under which any State may apply for the determination provided for in paragraph (a) of this section are set forth in Supplement II to Regulation Z (§ 226.12—Supplement).

(c) *Civil liability.* In order to assure that the concurrent jurisdiction of Federal and State courts created in section 130(e) of the Act shall continue to have substantive provisions to which such jurisdiction shall apply, and generally to aid in implemehting the Act with respect to any class of transactions exempted pursuant to paragraph (a) of this section, the Board pursuant to sections 105 and 123 hereby prescribes that:

(1) No such exemption shall be deemed to extend to the civil liability provisions of sections 130 and 131; and

(2) After an exemption has been granted, the disclosure requirements of

the applicable State law shall be the disclosure requirements of this Act, and information required under such State law shall, accordingly, be the "information required under this chapter" (Chapter 2 of the Act) for the purposes of section 130(a).

The Board of Governors is required under section 123 of the Consumer Credit Protection Act (15 U.S.C. 1633) to exempt from the disclosure and rescission requirements of the Act (Chapter 2 of Title I of the Act; 15 U.S.C. 1631–41) credit transactions subject to State law if it determines that that law is substantially similar to that of the Act and that there is adequate provision for enforcement.

The proposed addition of paragraph (c) to § 226.12 is designed to preserve the right of a customer to maintain an action under sections 130 and 131 of the Act (15 U.S.C. 1640–41) for violations of disclosure provisions after the Board of Governors has exempted the class transactions as being subject to State regulation.

If the proposal is adopted, criminal and administrative responsibility would be under State control with respect to such exempted transactions.

Sections 130 and 131 provide civil remedies for violations of the disclosure requirements of the Act. After an exemption based upon State law has been granted, that law will provide the applicable disclosure requirements, and violations of such requirements would be actionable under sections 130 and 131. The customer would, therefore, retain the right granted by subsection (e) of section 130 to seek redress for violations of such State law in either Federal or State court and to avail himself of the respective State or Federal court procedural rules.

Paragraph (b) of § 226.12 would also be revised to indicate that Supplement II (§ 226.12–Supplement) has been published, and to eliminate an obsolete reference to the date of the proposed publication.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 226.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 22, 1970. Under the Board's rules regarding availability of information (12 CFR Part 261), such materials will be available for inspection and copying unless the person submitting the material requests that it be considered confidential.

By order of the Board of Governors, December 15, 1969.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–15199; Filed, Dec. 22, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 14289]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 12, 1969.

The Bureau of Sport Fisheries and Wildlife of the Fish and Wildlife Service filed an application, seiral No. M 14289, for the withdrawal of lands described below. The withdrawal is from all forms of appropriation under the public land laws including the mining laws, but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for the management of migratory birds and other wildlife as a part of the Sheridan County Waterfowl Production Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the minimum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Sport Fisheries and Wildlife.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 31 N., R. 55 E.,
Sec. 21, lots 1 and 2.
T. 32 N., R. 58 E.,
Sec. 3, lots 1, 6, and 7.
T. 37 N., R. 58 E.,
Sec. 5, lot 15.

The above-described lands aggregate 39.1 acres located in Sheridan County, Mont.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69–15200; Filed, Dec. 22, 1969; 8:46 a.m.]

[OR 5430(Wash.)]

WASHINGTON

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

DECEMBER 16, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described below for transfer out of Federal ownership. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from all forms of disposal under the public land laws, including the mining laws except as to the forms of disposal for which the lands are classified. Applications for exchange will not be accepted until such time as prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR 2244.1–2(b)(1). However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than the mining laws.

3. It is proposed to classify the following public lands for disposal by exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), or sale under the Public Land Sale Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1421–27):

WILLAMETTE MERIDIAN

BENTON COUNTY

T. 5 N., R. 25 E.,
Sec. 12, all of SE¼SE¼ lying north of the southerly right-of-way line of Highway 8E;
Sec. 14, SE¼NE¼ and all of NE¼SW¼ lying north of southerly right-of-way line of Highway 8E;
Sec. 22, all of NW¼NE¼ lying north of southerly right-of-way line of Highway 8E.
T. 9 N., R. 26 E.,
Sec. 22, NE¼SW¼, W½SW¼, and NE¼SE¼.
T. 10 N., R. 26 E.,
Sec. 26, E½SE¼.
T. 9 N., R. 27 E.,
Sec. 8, lot 3;
Sec. 12, E½;
Sec. 20, lot 3;
Sec 22, SW¼, W½SE¼, and SE¼SE¼.
T. 10 N., R. 27 E.,
Sec. 12, lots 5 to 8, inclusive, S½SW¼ and SW¼SE¼;
Sec. 14, NE¼NE¼.
T. 8 N., R. 28 E.,
Sec. 2, W½;
Sec. 10, SW¼.
T. 9 N., R. 28 E.,
Sec. 6, SW¼SE¼;
Sec. 22, N½NE¼SW¼, SE¼NE¼SW¼, N½SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 26, N½NW¼ and SE¼NW¼;
Sec. 34, S½NE¼, W½, and SE¼.
T. 10 N., R. 28 E.,
Sec. 18, lots 1, 2, 3, 4, and 6, NW¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 20, N½ and SE¼;
Sec. 28.
T. 6 N., R. 29 E.,
Sec. 18, N½NE¼.
T. 8 N., R. 29 E.,
Sec. 6, lots 1 to 5, inclusive, and SE¼NW¼;
Sec. 24, S½SW¼.

The public lands described above aggregate approximately 4,710.21 acres.

4. It is proposed to classify the following described lands for exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) or public sale under R.S. 2455 Revised Statutes (43 U.S.C. 1171):

WILLAMETTE MERIDIAN

BENTON COUNTY

T. 8 N., R. 24 E.,
Sec. 18, lot 4, SE¼NE¼ and E½SE¼.
T. 8 N., R. 30 E.,
Sec. 32, SE¼NE¼.

The public lands described above aggregate approximately 192.35 acres.

5. It is proposed to classify the following described lands for lease or sale under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended and supplemented (43 U.S.C. 869, 869–1 to 869–4):

WILLAMETTE MERIDIAN

BENTON COUNTY

T. 9 N., R. 28 E.,
Sec. 6, lots 12, 18, 53, 55 to 59, inclusive, 64 65, 66, 77, 83, 89, 107, 137, 141, 145, 146, 152, 155, 163, 173, 174, 178, 180, 181, 202, 206, 207, and 223.
Sec. 8, lots 86, 140, 142, 143, 168, 175, 176, 183, 185, 187, 199, 200, 212, 215, 217, 235, 236, 239, 240, 244, and 247.

The public lands described above aggregate approximately 126.28 acres.

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections, in connection with this proposed classification, may present their views in writing to the District Manager, Bureau of Land Management, Room 551, U.S. Courthouse, Spokane, Wash. 99201.

7. If circumstances warrant it, a public hearing will be held at a convenient time

and place which will be announced. After having considered comments received as a result of this publication and any hearing held, the undersigned officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

For the State Director.

IRVING W. ANDERSON,
Land Office Manager.

[F.R. Doc. 69-15187; Filed, Dec. 22, 1969; 8:45 a.m.]

[OR 5431 (Wash.)]

WASHINGTON

Notice of Proposed Classification of Public Lands for Multiple-Use Management

DECEMBER 16, 1969.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934 as amended, which are not otherwise withdrawn or reserved for a federal use or purpose.

3. The lands are located in Benton County and are described as follows:

WILLAMETTE MERIDIAN

T. 5 N., R. 24 E.,
Sec. 24, S½;
Sec. 32, N½N½SW¼, N½S½NW¼SW¼, and N½NW¼SE¼;
Sec. 34, S½N½, N½S½, N½S½SW¼, and N½S½S½SW¼.
T. 9 N., R. 26 E.,
Sec. 12, lot 3;
Sec. 24, N½NW¼, SW¼NW¼, W½SW¼, and SW¼SE¼.
T. 10 N., R. 26 E.,
Sec. 10, NE¼SE¼.
T. 8 N., R. 27 E.,
Sec. 4, lots 1, 2, 3, and 4;
Sec. 12, N½NE¼, SE¼NE¼, and NW¼.
T. 9 N., R. 27 E.,
Sec. 30, lots 1, 2, 3, and 4, SW¼NW¼NE¼, SW¼NE¼, W½SE¼NE¼, SE¼SE¼NE¼, W½NE¼NW¼, SE¼NE¼NW¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 32, N½ and SE¼;
Sec. 34, E½SW¼ and SE¼.
T. 10 N., R. 27 E.,
Sec. 8, S½;
Sec. 18, lots 1, 2, 3, and 4, E½ and E½W½;
Sec. 20, lot 2;
Sec. 30, lot 2.
T. 5 N., R. 28 E.,
Sec. 2, lots 1, 2, 3, and 4;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and NE¼SW¼.
T. 8 N., R. 28 E.,
Sec. 18, lots 1 and 2, E½NW¼, SE¼SW¼, and SW¼SE¼.
T. 5 N., R. 29 E.,
Sec. 4, SW¼.
T. 5 N., R. 30 E.,
Sec. 6, lots 2, 3, and 4, and SW¼NW¼.
T. 6 N., R. 30 E.,
Sec. 13, SW¼NE¼ and SE¼SW¼.

The lands described above aggregate approximately 4,768 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with this proposed classification, may present their views in writing to the District Manager, Bureau of Land Management, Room 551, U.S. Courthouse, Spokane, Wash. 99201.

5. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. After having considered comments received as a result of this publication and any hearing held, the undersigned officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

For the State Director.

IRVING W. ANDERSON,
Land Office Manager.

[F.R. Doc. 69-15188; Filed, Dec. 22, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21626, 21682]

BAHAMAS AIRWAYS, LTD.

Notice of Prehearing Conference and Hearing

Docket 21626, amendment of its foreign air carrier permit to engage in air transportation between terminal points in the Bahamas and the terminal point of New York.

Docket 21682, amendment of its foreign air carrier permit to engage in air transportation between the terminal point Cayman Islands, the intermediate points Merida, Cozumel, Chetumal, Jamaica(ii) and the terminal point Miami.

Notice is hereby given that a prehearing conference on the above-entitled applications is assigned to be held on January 12, 1970, at 10 a.m., e.s.t., in Room 911, University Building, 1825 Connecticut Avenue N.W., Washington, D.C., before Examiner E. Robert Seaver.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., December 17, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-15206; Filed, Dec. 22, 1969; 8:46 a.m.]

[Docket No. 20993; Order 69-12-76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 16, 1969.

By Order 69-11-115, dated November 25, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-11-115 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21380, R-1, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15208; Filed, Dec. 22, 1969; 8:46 a.m.]

[Docket No. 20993; Order 69-12-77]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 16, 1969.

By Order 69-11-124, dated November 26, 1969, action was deferred with a view toward eventual approval, on an agreement embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA) and adopted by the 8th Meeting of the Joint Specific Commodity Rates Board. Basically, the agreement, as it applies in air transportation, extends for a further period of effectiveness certain specific commodity rates, under current or amended descriptions, adopted since the last meeting of the Rates Board. The agreement also names a number of rates to added points under existing commodity descriptions, makes a limited number of adjustments to existing rates, and proposes reduced rates under a few new commodity descriptions.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 69-11-124 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21380 be and it hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15209; Filed, Dec. 22, 1969; 8:47 a.m.]

[Docket No. 20993; Order 69-12-75]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 16, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 9, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-4:

Commodity Item 4450—Electrical Household Appliances and Utensils, 24 cents per kg., minimum weight 1,000 kgs., Miami to Panama City.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21379, R-4, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15210; Filed, Dec. 22, 1969; 8:47 a.m.]

[Docket No. 20993; Order 69-12-74]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 16, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 9, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21380, R-9 through R-12, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15211; Filed, Dec. 22, 1969; 8:47 a.m.]

[Docket No. 20993; Order 69-12-82]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 18, 1969.

By Order 69-11-54, dated November 14, 1969, action was deferred on an agreement embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA) and adopted by the 25th Meeting of the Traffic Conference 1 Specific Commodity Rates Board. Basically, the agreement, as it applies in air transportation, extends for a further period of effectiveness certain specific commodity rates, under current descriptions, adopted since the last meeting of the Rates Board. We proposed to approve the agreement, except insofar as it would establish certain specific commodity rates for household goods and personal effects to/from or between Miami and a number of points within Central and South America at levels higher than the Board-approved IATA general cargo rates.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. A petition has been received protesting approval of the extension of a commodity rate for floral and nursery stock from Merida to New Orleans. We will further defer action on this aspect of the agreement, but will otherwise make final the tentative conclusions in Order 69-11-54.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That approval shall be subject to the following conditions:

(a) Approval shall not extend to the specific commodity rates listed in the attachment hereto;[1]

(b) Approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; and

(c) Action on the extension of the following rate shall be further deferred:

Commodity Item 1400—Floral and/or Nursery Stock and Bulbs, Flowers, Seeds, and Tubers, N.E.S., 17 cents per kg., minimum weight 200 kgs., Merida to New Orleans.

Accordingly, it is ordered, That:

Agreement CAB 21379 be and hereby is approved: *Provided,* That such approval is subject to the conditions set forth in the finding paragraph above.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15212; Filed, Dec. 22, 1969; 8:47 a.m.]

[Dockets Nos. 21639, 21655]

KLM ROYAL DUTCH AIRLINES

Notice of Prehearing Conference and Hearing

Docket 21639, Willemstad, Curacao, and Oranjestad, Aruba, Netherlands Antilles, and Miami, Fla.

Docket 21655, The Netherlands and New York, Chicago and Houston, and between The Netherlands Antilles and New York.

Notice is hereby given that a prehearing conference on the above-entitled applications is assigned to be held on December 30, 1969, at 10 a.m., e.s.t., in Room

[1] Filed as part of the original document.

[1] Filed as part of the original document.

726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Harry H. Schneider.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., December 17, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-15207; Filed, Dec. 22, 1969; 8:46 a.m.]

[Docket No. 21334 etc.; Order 69-12-73]

NORTHEAST AIRLINES, INC., ET AL.

Order Approving Agreements, Granting Temporary Suspensions and Temporary Exemption and Setting Applications for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of December 1969.

Joint application of Northeast Airlines, Inc., Mohawk Airlines, Inc., Docket 21334, CAB Agreement 21260, for approval of an agreement. Mohawk Airlines, Inc., Executive Airlines, Inc., CAB Agreement 21266. Applications of Northeast Airlines, Inc., Mohawk Airlines, Inc., Dockets 21328, 21329, 21330, 21331, 21332, and 21333, for temporary suspensions, for a temporary exemption, and for amendments of their certificates.

Northeast Airlines, Inc. (Northeast), and Mohawk Airlines, Inc. (Mohawk), have filed a series of applications proposing a realignment of certificated air service in a number of short-haul markets in New England. The applicants seek approval for the proposed realignment on both a temporary and a permanent basis.

Pursuant to the proposed realignment, Northeast would temporarily suspend service at Worcester, Lebanon-White River Junction (Lebanon), Keene, Montpelier-Barre (Montpelier), Burlington, and Manchester on its north/south segments. Northeast's temporary suspension would be contingent on the provision of adequate replacement service by Mohawk and two commuter airlines, Executive Airlines, Inc. (Executive), and Cape and Islands Flight Services, Inc. (Cape and Islands). Mohawk would provide replacement service, pursuant to a temporary exemption, in the Boston-Burlington market and between Manchester, Worcester, Lebanon, and Keene, on the one hand, and New York, on the other hand.[1] Executive would provide replacement service between Boston, on the one hand, and Lebanon and Montpelier, on the other hand.[2] Cape and Islands would provide service in the Boston-Manchester market.[3]

A further proposal contemplates that Mohawk would temporarily suspend east/west services at Worcester and Keene[4] contingent upon Executive furnishing an adequate level of replacement service. Executive would provide replacement service between Boston and Albany, on the one hand, and Worcester and Keene, on the other hand.

In addition, Northeast seeks to transfer to Mohawk any residual obligations of Northeast to resume service at Laconia, Berlin,[5] Newport,[6] Portsmouth,[7] Lebanon, and Montpelier.[8] Finally, Northeast and Mohawk have submitted a joint services agreement[9] and various certificate amendment applications. The latter request approval of the proposed realignment on a permanent basis.[10]

In support of these applications for approval of the joint agreements, temporary suspensions, and the temporary exemption, Northeast and Mohawk allege, inter alia, that the substitution of Mohawk and Executive will provide these regional New England communities with

[1] Northeast states that Mohawk will provide service with FH-227 aircraft, the same type of aircraft that Northeast has used. The existing level of round-trip service and the proposed level of replacement service are as follows:

Market	Existing service	Stops	Proposed service	Stops
New York:				
Worcester	4½ (NE)	0	5 (MO)	0
Lebanon	3 (NE)	1	4 (MO)	1
Keene	3 (NE)	0	4 (MO)	0
Manchester	2½ (NE)	0	1½ (MO)	0
	1½ (NE)	1	3½ (MO)	1
Boston:				
Burlington	2½ (NE)	0	3 (MO)	0
	½ (NE)	1		
	1 (NE)	2		
	½ (NE)	3		

In the Boston-Burlington market, Executive has also proposed to provide three two-stop round trips and one one-stop round trip.

[2] Executive would provide replacement service with 15- to 20-seat de Havilland Twin Otter and Beech 99 aircraft. The existing level of round-trip service and the proposed level of replacement service are as follows:

Market	Existing service	Stops	Proposed service	Stops
Boston:				
Lebanon	2 (NE)	0	6 (Exec)	0
	1 (NE)	1		
	4 (Exec)	0		
Montpelier	1½ (NE)	1	1 (Exec)	0
	½ (NE)	2	4 (Exec)	1
	4 (Exec)	1		

[3] Northeast presently provides three and one-half nonstop round trips in this market. Although Cape and Islands has not proposed a specific level of service in this market, Northeast has stated that Cape and Islands will initiate service and, as discussed hereinafter, we shall require a minimum level of three nonstop round trips as a condition to Northeast's temporary suspension.

[4] Docket 21330. Mohawk presently serves Worcester and Keene on segment 3, an east/west segment from Boston to Albany and beyond. Executive will provide replacement service with de Havilland Twin Otter and Beech 99 aircraft. The existing level of service, the proposed level of service, and the number of stops, if any, are as follows:

Market	Existing service	Stops	Proposed service	Stops
Boston:				
Worcester	2 (MO)	0	9 (Exec)	0
	1 (NE)	0		
	1 (NE)	0		
Keene	2 (MO)	1	1 (Exec)	0
			4 (Exec)	1
Albany:				
Worcester	2 (MO)	1	2 (Exec)	1
Keene	2 (MO)	0	2 (Exec)	0

[5] By Order 69-6-51, dated June 11, 1969, the Board granted Northeast a temporary suspension of its seasonal authority at Berlin and Laconia, contingent upon the provision by Cape and Islands and Winnipesaukee Aviation, Inc., of at least tw or three round trips in the Laconia/Berlin-Boston markets.

[6] By Order 69-6-57, dated June 12, 1969, the Board granted Northeast a temporary suspension of its seasonal authority at Newport, contingent upon the provision by S. T. Griswold and Co., Inc., d./b./a. Northern Airways Division, of at least two round trips in the Newport-Burlington market.

[7] By Order E-6756, dated Sept. 2, 1952, the Board granted Northeast a suspension at Portsmouth because of airport inadequacy.

[8] Northeast has herein requested a temporary suspension at, inter alia, Lebanon and Montpelier.

[9] The joint services agreement, Docket 21334, CAB Agreement 21260, provides, inter alia, that Mohawk and Northeast undertake to request approval for the various temporary suspensions, the temporary exemption, and the certificate amendments. The agreement further provides that Mohawk will furnish ground services for Northeast at Burlington, that Northeast will furnish ground services for Mohawk at Manchester, that Northeast will provide hangar facilities for Mohawk at Boston, and that Northeast shall transfer 21 of its slots at LaGuardia Airport to Mohawk. Mohawk also agrees to offer employment to various Northeast station personnel.

In addition, Mohawk and Executive have submitted an agreement, CAB Agreement 21266, which provides that Mohawk will furnish ground services for Executive at Worcester, Keene, Lebanon, Albany, and Whitefield, at which it presently is suspended; the imposition of restrictions on Northeast's remaining authority at Burlington and Manchester; and simplification of its certificate for Route 27-F.

[10] Northeast has also requests deletion of

a superior level of service in their major commuter markets, Boston and New York; that the phasing out of Northeast's FH-227 operations will enable Northeast to avoid an annual operating loss of in excess of $1 million annually; that Mohawk will experience an operating profit approximating $765,000 for the first year of operations[11] and will increase the average stage length of its FH-227 operations, and that Executive will also experience a substantial operating profit as a result of its replacement operations[12] which should insure that Executive has the incentive to provide its proposed level of replacement service; and that, in any event, both Mohawk and Northeast are willing to accept, as a condition to their temporary suspensions, a requirement that an adequate level of replacement service be provided by Mohawk or Executive.[13]

The Department of Transportation, Executive, and numerous civic, governmental, and other parties[14] have filed answers in support of the above applications. Numerous civic, governmental, and other parties[15] have filed answers variously stating that they do not object to the grant of the above applications provided that conditions are imposed requiring that the replacement carrier provide a minimum number of frequencies with specified equipment in the respective markets; that the replacement carrier offer the same discount fares as the suspended carrier; that Northeast transfer a sufficient number of slots at LaGuardia to Mohawk; and that Executive and Mohawk provide through-ticketing and baggage service comparable to that offered by Northeast. Answers in opposition to the application have been filed by the Town of Berlin,[16] and the Barre Town Republican Committee. Mohawk and Executive have moved for leave to file unauthorized replies to the answers of various parties.[17]

The Dartmouth-Hanover Parties have filed a motion for leave to file an unauthorized response requesting a hearing on the above matters[18] and the City of Keene has requested a hearing. A motion to file an unauthorized answer to the Dartmouth-Hanover Parties' request for a hearing has been filed jointly by Northeast, Mohawk, and Executive.

The Airline Pilots Association, International (ALPA), has filed an answer requesting that the above applications be consolidated with various enforcement complaints filed by ALPA or, alternatively, that consideration of the above applications be deferred pending the final disposition of ALPA's complaints. Northeast and Mohawk have filed answers in opposition to ALPA's motion to consolidate or to defer.[19]

Upon consideration of the foregoing pleadings and other relevant facts, we have decided to set the certificate amendment applications of Northeast and Mohawk, in Dockets 21331, 21332, and 21333, for hearing. We have further decided to authorize pendente lite Northeast to temporarily suspend service at Worcester, Lebanon,[20] Keene, Montpelier, and Manchester on segments 1 and 3 of route 27, and Burlington on segments 3 and 4 of route 27,[21] and to authorize Mohawk to temporarily suspend service pendente lite at Worcester and Keene on segment 3 of route 94. The suspensions will be subject to a condition requiring a specified minimum number of frequencies in the respective markets with FH-227, de Havilland Twin Otter, Beech 99, or other comparable aircraft as described in the appendix.[22] To permit Mohawk to provide replacement service, we will grant Mohawk a temporary exemption pendente lite to provide service between Boston and Burlington and between New York, on the one hand, and Worcester, Lebanon, Keene, and Manchester, on the other hand.[23] We have also decided to approve pendente lite the Northeast/Mohawk services agreement and the Mohawk Executive services agreement.

[11] Mohawk estimates that, as a result of the revenues generated from its replacement services and of its suspension at Keene and Worcester, the carrier should for the first year of operations achieve all but $43,000 of its estimated return on investment and tax allowance for the first year of operations.

[12] Executive estimates that its replacement services at Worcester, Keene, Lebanon, and Montpelier would generate an operating profit of $185,000.

[13] It appears, however, that Mohawk, unlike Northeast, does object to the imposition of a condition requiring a specified minimum number of frequencies as opposed to a condition requiring only an adequate level of service. Nevertheless, as hereinafter discussed, we will impose a condition requiring a specified minimum number of round trips, at least 5 days a week, to allay any uncertainty and to assure that these communities will receive an adequate level of service. We will not, however, specify whether the replacement service should be nonstop or one-stop in order to give the replacement carriers flexibility to experiment with a quality of service commensurate with the needs of the markets. Nevertheless, we assume that the replacement carriers will provide nonstop service where the traffic warrants.

[14] Answers in support of the above applications have been filed by the Burlington Airport Commission, the New England Council, the Norton Co., the City of Worcester, the Worcester Area Chamber of Commerce, the Worcester Telegram & Gazette, Inc., and the Wyman-Gordon Co.

[15] Dartmouth College, the Town of Hanover, the Chamber of Commerce of Hanover, the Mary Hitchcock Memorial Hospital (the Dartmouth-Hanover Parties), the City of Keene, the State of New Hampshire, the State of Vermont, the Commonwealth of Massachusetts Aeronautics Commission, the Town of Hartford, the Manchester Airport Authority and Greater Manchester Chamber of Commerce, and the Lebanon Regional Airport Authority.

[16] The Town of Berlin objects only to the proposed transfer of Northeast's seasonal residual authority to Mohawk.

[17] We will grant the motions of Mohawk and Executive for leave to file an unauthorized reply.

[18] The Dartmouth-Hanover Parties have requested a hearing with respect to both the temporary suspension and exemption applications and the certificate amendment applications. We will grant the motion of the Dartmouth-Hanover Parties for leave to file its motion for a hearing as well as the joint motion of Northeast, Mohawk, and Executive for leave to file an answer. However, we will deny the motion of the Dartmouth-Hanover Parties for a hearing on the temporary suspension and exemption applications. The Board ordinarily grants temporary suspensions and exemptions without a hearing and the Dartmouth-Hanover Parties have not established that a different procedure should be followed in this case. Moreover, we are setting the applications for permanent deletions and authorizations for hearing, and this will afford the Dartmouth-Hanover Parties an early opportunity for a hearing on the proposed replacement service.

[19] ALPA has also filed a motion requesting a hearing to explore the need for the imposition of labor protective provisions. Both Northeast and Mohawk have filed answers in opposition to ALPA's motion for a hearing.

[20] However, we are not suspending Northeast at Lebanon on segment 6, its newly awarded segment in the Northern New England-Great Lakes Service Investigation, Order 68-11-17, dated Nov. 4, 1968. The carrier has made no showing warranting a suspension of this service.

[21] Northeast asserts that no suspension is needed at Manchester and Burlington because Northeast's service to Manchester and Burlington on its Chicago segment would also satisfy its service obligation at Manchester on segments 1 and 3 and at Burlington on segments 3 and 4. Without resolving this question, we will, on our own initiative, temporarily suspend Northeast at Manchester on segments 1 and 3 and at Burlington on segments 3 and 4.

[22] In imposing the condition requiring a minimum number of frequencies which must be provided at least 5 days a week by a replacement carrier, we generally set the minimum level to coincide with the number of round trips proposed by the replacement carrier. In the Manchester-Boston market, in which the replacement carrier has not proposed a specified number of round trips, we will require a minimum number of three round trips which corresponds to the level of service Northeast has provided in this market and the level of service requested by the State of New Hampshire. In the Boston-Worcester market, in which Executive proposes an unusually large volume of replacement service, we have decided to impose three round trips as a minimum level. We wish to emphasize that these required levels of service are minimums and that, should the traffic develop, we would expect the replacement carriers to increase the level of service.

[23] However, we shall deny Mohawk's request that the revenue growth adjustment portion of the class-rate subsidy formula not apply to the revenues which accrue to Mohawk by reason of its replacement service. Mohawk estimates that it will achieve all but $43,000 of its estimated return on investment and tax allowance. The Board has on numerous occasions awarded new authority to a local service carrier when the carrier would not achieve a full return on its investment during the first year of operations. However, the Board has never exempted the carrier from the application of the revenue growth adjustment, and we find that such unique and extraordinary relief is not warranted in the present case.

We have also decided to deny Mohawk's request for an exemption insofar as Mohawk has requested to assume Northeast's "residual" authority at various points.

Our temporary approval of the proposed realignment of air service in New England is predicated on our belief that this proposal holds promise of economic benefit to all the carriers involved, without any significant adverse impact on other carriers or the traveling public. We further believe that in the long run the proposed new pattern of air service may result in substantially improved service for the public. The temporary authorizations awarded herein will permit a period of experimentation establishing the effects of the new pattern of service on the carriers and on the traveling public.

Turning to the applications now before us, we first find that it is in the public interest to permit Northeast to temporarily suspend service at Lebanon,[24] Keene, Worcester, Montpelier, Manchester, and Burlington.[25] In its application Northeast alleges that its services at these points are unprofitable, and that the replacement carriers will provide service which is generally as good as or better than the service provided by Northeast.[26] We believe that Northeast has made a sufficient showing to warrant the proposed suspensions, which will be on a temporary basis, pendente lite, and subject to termination if replacement service falls below a prescribed level.[27]

We find further that the suspension of Mohawk at Worcester and Keene on segment 3 is in the public interest. Mohawk has experienced only a limited traffic response at these points, and Mohawk has made a sufficient showing, for present purposes, that it would experience an operating loss if required to continue service at Worcester and Keene. Moreover, the replacement service proposed by Executive in these markets, which must be continued if Mohawk is to remain suspended, will result in service as good or better, in terms of frequencies, than that now provided by Mohawk.[28]

We further find that it is in the public interest to grant a temporary exemption, pendente lite, authorizing Mohawk to provide replacement service between Boston and Burlington and between Worcester, Lebanon, Keene, and Manchester, on the one hand, and New York, on the other hand. This authorization holds promise of strengthening Mohawk. Mohawk already serves most of the stations involved and will not have to incur substantial capital expenditures in opening several new stations. Moreover, the grant of this authority should increase Mohawk's average annual utilization and average length of hop for its FH-227 aircraft. Significantly, no carrier has alleged that it would suffer any diversion or other adverse effect by reason of the grant of the relief requested by Mohawk and we find that none would occur.

The factors set forth above and the temporary nature of the relief granted herein establish that the grant of an exemption, pendente lite, to Mohawk is in the public interest. In view of these considerations, we find that it would be an undue burden on Mohawk to deprive the carrier of the revenues, savings, and increased operational efficiencies which will accrue as a result of the replacement services we are authorizing herein.

We will also approve the Northeast/Mohawk and the Mohawk/Executive services agreements since it does not appear that approval of these agreements would be adverse to the public interest. Implementation of the Northeast/Mohawk services agreement will save Mohawk the expense of opening new stations at all but one of the points we are authorizing it to serve. Approval of the Mohawk/Executive services agreement, which obligates Mohawk to furnish ground services for Executive, will lessen Executive's capital expenditure and further the carrier's ability to provide the replacement service it proposes.

It should be emphasized that our approval, pendente lite, of the applications now before us is in no way intended to preclude us from a different result following an evidentiary hearing on permanent authorizations. Our decision on permanent authorization will be based on the evidentiary record developed. We therefore caution Northeast and Mohawk not to place undue reliance on our temporary approvals and particularly to refrain from taking any steps which would preclude them from reinstating operations which they are now being permitted to suspend.

We have decided to deny Mohawk's request for an exemption to permit it to assume Northeast's "residual" authority at various points at which Northeast is, or will be, suspended. Mohawk has made no showing which would warrant the transfer of Northeast's residual obligations in these markets prior to a final determination in the formal proceeding instituted herein. Mohawk would not be strengthened by the assumption of Northeast's residual authority, and we find no basis for finding that the absence of this authority constitutes an undue burden on Mohawk within the meaning of section 416(b) of the Act.

There are several matters raised by the numerous parties filing answers to the above applications which warrant comment. Several parties have suggested that our approval of these various replacement services should be conditioned on the submission of a formal agreement between Mohawk and Executive which would require that Mohawk financially guarantee Executive's proposed replacement operations so as to assure that an adequate level of service is provided.[29] While we agree that the New England communities should be assured of an adequate level of replacement service, we also feel that this same end may be accomplished by the imposition of a condition requiring that the suspended carrier reinstate service if the replacement carrier fails to provide a minimum number of frequencies in a market. We believe that this condition will furnish sufficient protection to the traveling public during the interim period of temporary approval.

Several parties have requested that the grant of any temporary authority be conditioned on a requirement that Mohawk and Executive establish fares comparable to those charged by Northeast, including Northeast's 50 percent youth standby fare and 66⅔ percent youth reservation fare. Mohawk does not offer any youth discount fares, and Executive's youth fares offer less of a discount than do Northeast's. We have decided against imposing any conditions pertaining to fares at this time. In the first place, the differential between the basic fares presently charged by the carriers to be suspended and those proposed by the replacement carriers amounts to no more than $2. A condition requiring the replacement carriers to establish youth fares would raise serious problems. As Mohawk points out, if this condition was imposed with respect to Mohawk's replacement service, Mohawk might be compelled to establish similar fares on its entire system. Moreover, Mohawk unlike Northeast has unlimited fares which offer substantial discounts, and Executive's youth fare, while somewhat less attractive than Northeast's does offer a 30 percent reduction. In these circumstances we have decided against imposing any conditions pertaining to fares.[30]

We recognize that Executive will operate its replacement service under the Board's air taxi exemption, and that for this reason the Board will not regulate Executive's fares. However, we do not believe that there is a need to impose a condition governing Executive's fares. Our approval of the proposal under which Executive will replace certificated air service is predicated on our assumption that Executive will provide the replacement service at the level of fares it presently charges. We are retaining the power to amend or revoke any of the temporary authorizations awarded herein, and we believe that this retention of jurisdiction obviates the need for detailed restrictions pertaining to Executive's fares.[31]

Several parties have requested that the grant of any temporary authority to Mohawk be conditioned on the transfer from Northeast to Mohawk of a sufficient number of "slots" at LaGuardia. We note that Mohawk's proposed winter New York schedules involve 21 arrivals and departures and that Northeast, pursuant to the services agreement approved herein, has agreed to yield 21 slots, which would appear sufficient for the proposed winter schedules.[32] Moreover, we are conditioning Northeast's suspension upon the provision of a specified minimum number of flights in New York-New England markets. This condition will help protect the New England communities if Mohawk is unable to obtain slots to provide the proposed replacement service.

We will deny ALPA's motion for an immediate hearing to consider the imposition of labor protective provisions. We are awarding Mohawk and Northeast only temporary authority pendente lite and ALPA has not demonstrated that the grant of such temporary authority will have a "general and system-wide impact on employees." See Order 69-6-56, dated June 12, 1969. Significantly, we note that Northeast has stated that the above-described replacement operations would not result in the discharge or furlough of pilots and that, pursuant to a collective bargaining agreement, Northeast will pay any moving expenses occasioned by a relocation of personnel. These problems can be further explored in the proceeding instituted herein to consider permanent approval of the proposed realignment.[33]

Finally, we have decided to set for hearing the applications requesting permanent certificate authority for the proposed realignment of air service. The applications set for hearing are: Northeast's application, in Docket 21331, as amended, which requests the deletion of Worcester, Lebanon,[34] Keene, Montpelier, Laconia, Newport, Portsmouth, Berlin, and Whitefield;[35] Northeast's application, in Docket 21332, which requests adjustments in Northeast's authority to operate between various points in New England, on the one hand, and Montreal and Moncton, on the other hand, primarily to take account of the deletions requested in Northeast's domestic authority; and Mohawk's application, in Docket 21333, which requests the certification of Mohawk at Burlington, Newport, Montpelier, Lebanon, Berlin, Laconia, Portsmouth, and Manchester.

A hearing on these applications will enable the Board to determine, on the basis of a fully developed evidentiary record, whether the proposed realignment of service to these regional New England communities is required by the public convenience and necessity on a permanent basis. Moreover, a hearing will afford all civic, governmental, and other parties an opportunity to express their views on the efficacy of the proposed realignment after evaluating the replacement services in actual operation.

Accordingly, it is ordered, That:

1. The motions of the Dartmouth-Hanover Parties, Executive, Mohawk, and Northeast for leave to file unauthorized documents be and they hereby are granted;

2. CAB Agreement 21260, in Docket 21334, and CAB Agreement 21266 be and they are hereby are approved;

3. Northeast be and it hereby is authorized to temporarily suspend service at Worcester, Lebanon (on segments 3 and 5), Keene, Montpelier, Manchester (on segments 1 and 3), and Burlington (on segments 3 and 4), subject to the condition that Northeast's authority to suspend service in any of the markets listed in the attached appendix[36] shall terminate immediately if the number of round trips provided by a replacement carrier in that market should fall below the minimum level specified in the appendix attached hereto;

4. The application of Northeast in Docket 21328, to the extent not granted herein, be and it hereby is denied;

5. Mohawk be and it hereby is authorized to temporarily suspend service at Worcester and Keene on segment 3, subject to the condition that Mohawk's authority to suspend service in any of the markets listed in the attached appendix shall terminate immediately if the number of round trips provided by a replacement carrier in that market should fall below the minimum level specified in the appendix attached hereto;

6. Mohawk be and it hereby is exempted from section 401 of the Act and the terms, conditions, and limitations of its certificate insofar as the enforcement of section 401 of the Act and the terms, conditions, and limitations of its certificate would preclude the carrier from providing service between Boston and Burlington and between New York, on the one hand, and Worcester, Lebanon, Keene, and Manchester, on the other hand, subject to the condition that Mohawk's exemption to serve any of the foregoing markets shall terminate if there is a termination of the authority of Northeast Airlines to suspend service in said market;

7. The application of Mohawk in Docket 21329, to the extent not granted herein, be and it hereby is denied;

8. The application of Northeast in Docket 21331, as amended, be and it hereby is set for hearing at a time and place to be hereafter designated;

9. The application of Northeast in Docket 21332, and the application of Mohawk in Docket 21333, be and they hereby are consolidated for hearing with the application of Northeast in Docket 21331, as amended;

10. The authority granted herein, unless sooner terminated, shall expire 90 days after final Board order on the above certificate applications; and

11. This order shall be served on the parties served with the foregoing applications.

[36] Filed as part of the original document.

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[24] See p. 6, note 20 supra.

[25] See p. 6, note 21 supra.

[26] The replacement service covers all markets in which Northeast provides single-plane service and which generated more than one daily passenger in 1968. An exception is the Montpelier-New York market (5,236 on-line O&D passengers in 1968), which will lose the single-plane service which it now enjoys, one two-stop round trip. Passengers in this market will have connecting services available at either Lebanon or Boston, or they may travel the short distance via surface transportation to Burlington where Mohawk provides direct New York service.

[27] These and other findings in this order are based on the data now before us, and do not preclude different findings on the basis of evidence submitted at a hearing.

[28] The replacement service covers all markets which generated more than two passengers a day and now receive single-plane service from Mohawk.

[29] Replacement agreements between certificated carriers and air taxis may have other provisions benefiting the traveling public, such as provisions on the level of fares or provisions requiring the replacement carrier to maintain liability insurance. As discussed in the text below, we do not anticipate that Executive will raise its fares during the period of interim approval. With respect to insurance, Executive's $100,000 per passenger liability insurance exceeds that required by Part 298 of the Board's Regulations. Moreover, Executive has also signed a counterpart to CAB Agreement 18900, thereby accepting liability limitations higher than those imposed by the Warsaw Convention.

[30] We also note that the recent fare increase has reduced the discount for youth standby fares from 50 percent to 40 percent and for youth reservation fares from 33⅓ percent to 20 percent.

[31] With respect to the requests concerning the imposition of a condition requiring comparable through-ticketing and baggage services by Mohawk and Executive, such a condition is unnecessary since both Mohawk and Executive are parties to the IATA and ATC agreement governing these matters.

[32] It would not be possible at this time for Northeast to transfer slots to Mohawk for schedules after Dec. 31, 1969, since the present intercarrier agreement concerning the allocation of slots expires on that date.

[33] With respect to ALPA's motion to consolidate or to defer the above applications with several allegedly mutually exclusive complaints filed by ALPA, in Dockets 20445, 21423, 21424, and 20638, we reject ALPA's contention that the grant of temporary authority for the replacement services described herein would preclude full consideration of ALPA's complaints. Therefore, we will deny ALPA's motion to consolidate. We also reject ALPA's contentions that ALPA's complaints and various matters raised in its answer demonstrate that Mohawk and Northeast are so lacking in compliance disposition that they cannot be granted an exemption or suspension. Any alleged violations which may have occurred could more appropriately be considered in an enforcement proceeding. We also note that the Bureau of Enforcement has advised ALPA that it is not in the public interest to docket a petition for enforcement in Docket 20445 and, also with respect to certain matters in Docket 20638.

We further reject ALPA's contention that Executive would lack authority to provide the proposed replacement service. Executive would have authority to provide the proposed service under the Board's air taxi exemption set forth in Part 298 of the Board's Regulations. ALPA does not set forth any matters which persuade us that Part 298 would be inapplicable to Executive's proposed service with small aircraft.

[34] Northeast, pursuant to an amendment of its application, does not seek to have Lebanon deleted from segment 6, its east/west segment to Chicago. Thus, only the deletion of Lebanon on segments 3 and 5 will be at issue.

[35] Northeast's application also requests the deletion of segments 3 and 4 in their entirety. In addition to some of the points mentioned above, segments 3 and 4 include Boston, Manchester, Portland, Lewiston, and Burlington. Northeast has authority to serve these points on other segments.

Northeast's application also contemplates the deletion of Whitefield, at which Northeast has been suspended since 1959 because of airport inadequacy. In view of the duration of the suspension and the continued inadequacy of the airport, we will consider the deletion of Northeast at Whitefield in the formal proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15213; Filed, Dec. 22, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

CONCORDIA LINE A/S AND NIAGARA LINE A/S

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Thomas K. Roche, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 9832 between Concordia Line A/S and Niagara Line A/S is an arrangement for the apportionment of operating results, scheduling of sailings and the setting of rates for the transportation of freight in the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland, and the Canadian Maritimes on the one hand, and ports of the Mediterranean and adjacent seas (including Gibraltar and Black Sea Ports) and Atlantic ports of Portugal, Spain, and Morocco, on the other hand.

Dated: December 18, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15214; Filed, Dec. 22, 1969; 8:47 a.m.]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Continental North Atlantic Westbound Freight Conference, French North Atlantic Westbound Freight Conference, Marseilles/North Atlantic U.S.A. Freight Conference, and West Coast of Italy, Sicilian & Adriatic Ports/North Atlantic Range Conference.

Notice of agreement filed by:

Mrs. M. Lambert, General Secretary, Agreement No. 8020, as amended, 85, Rue de la Republique—D-4, 92—Meudon, France.

Agreement No. 8020-2, between the member lines of the Conferences which are parties thereto, amends the Preamble of the basic agreement to delete therefrom the parenthetical reference excepting cargo originating within the scope of the Swiss/North Atlantic Freight Conference from its purview.

Dated: December 18, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15216; Filed, Dec. 22, 1969; 8:47 a.m.]

FJELL-NORWEGIAN AMERICA LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Fjell-Norwegian America Line, Swedish Chicago Line, and Swedish Atlantic Line.

Notice of agreement Filed by:

Mr. Thomas K. Roche, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 9691-1 amends (1) the Preamble of the basic agreement between Fjell-Oranje Line, a joint service operating under Agreement No. 8067, as amended, and Norwegian America Line, as the first party, Swedish Chicago Line, a joint service operating under Agreement No. 8036, as the second party, and Swedish Atlantic Line, the third party, to delete Oranje Line as a party to the agreement due to the cancellation of Agreement No. 8067, as amended, effective January 1, 1970, and to provide that the amendment will have effect as of January 1, 1970, (2) Article 7 to eliminate the limitation on the duration of the basic agreement, December 31, 1969, and the option to automatically renew the agreement thereafter for succeeding 1-year periods, (3) Article 9 to provide that the agreement will cover liner trade to and from ports in the St. Lawrence River, Nova Scotia, Newfoundland, and New Brunswick during the off season, and (4) Article 15 by deleting the provisions as to the effective date of the basic agreement and subsequent revisions thereof, and to provide that the agreement as amended will have effect from January 1, 1970.

Dated: December 18, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15215; Filed, Dec. 22, 1969; 8:47 a.m.]

NORWEGIAN AMERICA LINE AND FJELL LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Thomas K. Roche, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 8357-1 amends and restates the basic agreement between Fjell Line, The Norwegian America Line and Oranje Lijn (1) to eliminate Oranje Lijn and all references thereto from the preamble and Articles 2 and 3, (2) to delete the present provisions of Article 5 and substitute in lieu thereof a new provision that notice of withdrawal by any one party before April 30th of any given year will terminate the agreement at the end of that year, (3) to add to Article 7 a provision that the agreement will cover liner trade to and from ports in St. Lawrence River, Nova Scotia, Newfoundland, and New Brunswick during the off season, and (4) to add a final paragraph to Article 10 which provides that the agreement will have effect from January 1, 1970.

Dated: December 18, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15217; Filed, Dec. 22, 1969; 8:47 a.m.]

FEDERAL TRADE COMMISSION

DIRECTOR, BUREAU OF RESTRAINT OF TRADE, ET AL.

Delegation of Authority

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 F.R. 6191), the Federal Trade Commission on October 7, 1969, amended its delegation of authority of August 12, 1969 (34 F.R. 13063), "In re: The issuance of investigational subpoenas and extensions of time prescribed for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter," and made the following delegation of authority:

In regard: The issuance of investigational subpoenas and extensions of time prescribed (a) for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter and (b) for the filing of motions to limit or quash such subpoenas, demands for access, or orders. The Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; the Director and Assistant Director, Bureau of Textiles and Furs; the Director and Assistant Director, Bureau of Industry Guidance; and the Director and Assistant Director, Bureau of Economics, severally and without power of redelegation, the authority to issue investigational subpoenas; the authority for good cause shown, to extend the time prescribed for compliance with any investigational subpoenas, demands for access, or orders issued during the investigation of any matter; and the authority to rule upon motions for extensions of time within which to file motions to limit or quash any such investigational subpoenas, demands for access, or orders.

Issued: December 17, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-15202; Filed, Dec. 22, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

LIQUID OPTICS CORP.

Order Suspending Trading

DECEMBER 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp. (a New York corporation) and all other securities of Liquid Optics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange to summarily suspended, this order to be effective for the period December 17, 1969, through December 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15189; Filed, Dec. 22, 1969; 8:45 a.m.]

[812-2661]

PENN SQUARE MUTUAL FUND

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Securities at Other Than Public Offering Prices

DECEMBER 16, 1969.

Notice is hereby given that Penn Square Mutual Fund ("Applicant"), c/o Ralph H. Clover, Esq., Drinker Biddle & Reath, 1100 Philadelphia National Bank Building, Philadelphia, Pa. 19107, a Pennsylvania common law trust registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act and of Rule 22c-1 under the Act, a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of JCM, Inc. ("JCM") on the basis of the value, at the close of business on the business day preceding the date of such issue, of the assets to be transferred and the shares to be delivered, adjusted as provided in the agreement hereinafter referred to. JCM, a Delaware corporation, is a personal holding company all of whose shares are held by not more than 45 persons and is not making and does not propose to make a public offering. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Pursuant to an agreement negotiated but not yet executed and delivered by Applicant and JCM, the assets of JCM

with a value of $3,889,219.93 as of October 31, 1969 and virtually all of which consist of common stock and preferred stock and debt securities, will be transferred to Applicant in exchange for shares of its capital stock. The number of shares of capital stock of Applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of JCM to be transferred to Applicant by the per share net asset value of Applicant's stock, both to be determined as of the close of business on the business day preceding the "closing date", December 30, 1969. If the valuation under the agreement had taken place on October 31, 1969, JCM would have received 440,872 shares of Applicant's capital stock.

When received by JCM, the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to the JCM stockholders upon the liquidation of JCM. The Applicant represents that it has been informed that neither JCM nor its stockholders have any present intention of redeeming the shares of the Applicant to be received.

The application states that there is no affiliation between Applicant and JCM and that the proposed transaction was arrived at by arms-length bargaining.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The current public offering price of the shares (redeemable) of Applicant as described in Applicant's prospectus is net asset and said prospectus does not provide for other than a cash payment of the public offering price. Thus, section 22(d) may prohibit the proposed sale of Applicant's shares at net asset value in exchange for the securities constituting JCM's assets.

Rule 22c–1 under the Act provides that no registered investment company issuing redeemable securities may sell any such security except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase such security. Under the proposed agreement between Applicant and JCM, the net asset value of the shares of the Applicant to be issued to JCM is to be determined as of the close of business on the business day preceding the date of the issuance of Applicant's shares. Rule 22c–1 may therefore prohibit the proposed sale of Applicant's shares at net asset value so determined.

Section 6(c) permits the Commission, upon application, to exempt any person or transaction from any provision of the Investment Company Act of 1940 or of any rule or regulation thereunder, if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereof. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above and proof of such service (by affidavit or in case of any attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–15190; Filed, Dec. 22, 1969; 8:45 a.m.]

TARIFF COMMISSION

[AA1921–61]

AMINOACETIC ACID FROM FRANCE

Hearing Rescheduled

Having received advice from the Treasury Department on November 17, 1969, that Aminoacetic Acid (Glycine) from France is being, and is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

In the notice of the investigation appearing in the FEDERAL REGISTER of November 22, 1969 (34 F.R. 18775), a public hearing was scheduled to begin on January 6, 1970. However, in response to a request dated December 16, 1969, from the attorney for the exporter, and with the assent of the attorney for the complaining firm, the public hearing has been rescheduled to begin at 10 a.m., e.s.t., on January 13, 1970.

The hearing will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: December 18, 1969.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 69–15223; Filed, Dec. 22, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–A, Amdt. 1]

REGIONAL DIRECTOR, PACIFIC COASTAL REGION

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30–A (34 F.R. 18836), published November 25, 1969, is hereby amended by deleting the double asterisk following Items I.D.1 and I.D.2., and by revising Item II. to read as follows:

II. The specific authority in the subsections may be redelegated.

Effective date: November 4, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69–15191; Filed, Dec. 22, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 18, 1969.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41829—*Chlorine from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A6145), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Evans City, Ala., to Roanoke Rapids, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 193 to Southern Freight Association, agent, tariff ICC S–600.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–15218; Filed, Dec. 22, 1969; 8:47 a.m.]

[Notice 963]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 18, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107295 (Sub-No. 252 TA) (Correction), filed November 25, 1969, and published in the FEDERAL REGISTER issue of December 9, 1969, and republished in part, this issue. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. NOTE: The purpose of this partial republication is to include the State of Missouri as a destination State, which was inadvertently omitted, in previous publication. The rest of the application remains as published.

No. MC 107295 (Sub-No. 254 TA) (Correction), filed November 25, 1969, published in the FEDERAL REGISTER issue of December 9, 1969, and republished as corrected this issue. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, cable, conduit, and fittings therefor*, from Glendale, W. Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming; restricted against the transportation of oilfield and pipeline commodities as defined by the Commission in MC–74595 Sub-No. 15, T. E. Mercer and G. E. Mercer Extension—Oilfield Commodities 74 M.C.C. 459, for 180 days. NOTE: The purpose of this republication is to include the commodity restriction. Supporting shipper: Triangle Conduit & Cable Co., Inc., New Brunswick, N.J. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 265 TA), filed December 9, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, pulpboard, and accessories thereto*, from plantsite of Homasote Co., Trenton, N.J., to points in Ohio, Indiana, Michigan, Illinois, Missouri, Kentucky, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Homasote Co., Trenton, N.J. 08603. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, Land of Lincoln Building, Springfield, Ill. 62704.

No. MC 108053 (Sub-No. 91 TA) (Correction), filed November 24, 1969, published in the FEDERAL REGISTER issue of December 5, 1969 and republished as corrected this issue. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 West 23d Street, Fremont, Nebr. 68025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A, C, and D of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides, from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to Arizona, California, Oregon, Utah, and Washington, for 180 days. NOTE: The purpose of this republication is to include a part of the commodity description, which was incomplete in previous publication. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 51501 (Raymond C. Burk, Vice President). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 113843 (Sub-No. 155 TA), filed December 8, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A, C, and D of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Connecticut, Delaware, Maine, Maryland, Massachuestts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa. Send protests to: Richard D. Mansfield, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 115092 (Sub-No. 10 TA), filed December 9, 1969. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, Utah 84078. Applicant's representative: William R. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Uintah County, Utah, to points in Arizona, California, Colorado, Illinois, Indiana, Iowa, Missouri, Nevada, New Mexico, Utah, and Wisconsin, for 180 days. Supporting shipper: J. E. Crofts & Sons, Box 667, Vernal, Utah 84078. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 116077 (Sub-No. 281 TA), filed December 11, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aqua ammonia*, in bulk, in tank vehicles, from Garland, Tex., to Cambridge, Ohio, and return *spent Aqua Ammonia*, from Cambridge, Ohio, to Garland, Tex., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Southern California Chemical Co., Inc., 1000 Profit Drive, Garland, Tex. 75040. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 134152 TA (Correction), filed November 18, 1969, published in the FEDERAL REGISTER issue of November 26, 1969, and December 6, 1969, and republished in part, as corrected, this issue. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South Street, Salt Lake City, Utah 84101. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. NOTE: The purpose of this partial republication is to include Twin Falls, Idaho, as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains as previously published.

No. MC 134191 TA, filed December 8, 1969. Applicant: VINCENT GANDUGLIA TRUCKING, 4746 East Florence Avenue, Fresno, Calif. 93725. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizing compounds* (manufactured fertilizers), dry from Brea, Nitroshell, Shell Point (Pittsburg), Vernon, Edison, Fresno, Lathrop, and Ontario, Calif., to points in Cochise, Graham, Maricopa, Pima, Pinal, and Yuma Counties, Ariz., for 180 days. Supporting shippers: Shell Chemical Co., a division of Shell Oil Co., 1008 West Sixth Street, Los Angeles, Calif., 90054; Monsanto Co., Post Office Box 120, Santa Clara, Calif. 95052; and Occidental Chemical Co., Division of Occidental Petroleum Corp., Lathrop, Calif. 95330. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 134207 TA, filed December 12, 1969. Applicant: ASSOCIATED FOOD STORES, INC., 1810 South Empire Road, Salt Lake City, Utah 84104. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials* used in the manufacture of wearing apparel; (1) between Monroe, Circleville, and Panguitch, Utah, and Buckeye, Ariz.; (2) between Monroe, Circleville, and Panguitch, Utah, and Los Angeles, Calif.; (3) between Monroe, Circleville, and Panguitch, Utah, and San Francisco, Calif., for 180 days. Supporting shipper: Utah Apparel Industries, Inc., Circleville, Utah 84723. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15219; Filed, Dec. 22, 1969; 8:47 a.m.]

[Notice 465]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 19, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71695. By order of December 16, 1969, the Motor Carrier Board approved the transfer to Keith Emhoff, doing business as Emhoff Trucking, Sheffield, Iowa; of permit in No. MC-128115 (Sub-No. 1), issued April 6, 1967, to Andrew G. Philipp and Roland A. Philipp, a partnership, Osage, Iowa; authorizing the transportation of: Dry animal feed and dry poultry feed, from Minneapolis, Minn.; to points in a specified part of Iowa. Clayton L. Wornson, 824 Brick & Tile Building, Mason City, Iowa 50401, attorney for applicants.

No. MC-FC-71750. By order of December 17, 1969, the Motor Carrier Board approved the transfer to C.B.L. Trucking & Leasing, Inc., Pennsauken, N.J., of that portion of the operating rights in certificate No. MC-21248 issued December 26, 1941, to Gratale Brothers, Inc., Clifton, N.J., authorizing the transportation of general commodities, except those of unusual value and except dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between New York, N.Y., and points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.J., on the one hand, and, on the other, Wilmington, Del., and points in a described portion of southeastern Pennsylvania, and paper cartons between New York, N.Y., and the above New Jersey counties, on the one hand, and, on the other, points in approximately the western half of Connecticut. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for transferee. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for transferor.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15220; Filed, Dec. 22, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 75, Amdt. 2]

BOSTON AND MAINE CORP. AND MAINE CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 75, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 75 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 11, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 21, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-15221; Filed, Dec. 22, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction 76, Amdt. 2]

PENN CENTRAL CO. ET AL.

Car Distribution

Penn Central Co., Boston and Maine Corp., and Maine Central Railroad Co.

Upon further consideration of Car Distribution Direction No. 76, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 76 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 11, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 21, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-15222; Filed, Dec. 22, 1969; 8:47 a.m.]

[Notice 963]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 17, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25869 (Sub-No. 99 TA), filed December 9, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, Omaha, Nebr. 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Greeley, Colo., to points in Wisconsin and Illinois, for 180 days. Supporting shipper: Monfort Packing Company, Post Office Box G, Greeley, Colo. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 82861 (Sub-No. 15 TA), filed December 9, 1969. Applicant: BROOKS TRUCK LINE, INC., Post Office Box 40, Puyallup, Wash. 98371. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Latah County, Idaho, to Ports of Entry at or near Blaine and Sumas, Wash., on international boundary, between United States and Canada, for 150 days. Supporting shipper: Canadian Refractories, Ltd., Western Division, 1685 Boundary Road, Vancouver, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 107295 (Sub-No. 260 TA), filed December 4, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products; composition boards; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies and accessories incidental thereto* (restricted against the transportation of commodities in bulk), (1) from Fairfield, Ala., to points in Arkansas, Colorado, Connecticut, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, Oklahoma, Texas, Vermont, Wisconsin, Wyoming, and District of Columbia; (2) from the plantsite and facilities of The Celotex Corp., located at Fairfield, Ala., to points in Alabama, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia; (3) from Marrero, La., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, except Alabama, Arkansas, Florida, Georgia, Kansas, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, and Texas; (4) from San Antonio, Tex., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (5) from Hamlin, Tex., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, except Arkansas, Colorado, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and New Mexico, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 263 TA), filed December 9, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite of Custom Sheeting Corp., Livingston, Ala.; to points in North Carolina, Maryland, New York, Missouri, Ohio, New Jersey, Indiana, Michigan, Wisconsin, Illinois, Tennessee, Kentucky, Texas, Arkansas, Kansas, and Georgia, for 180 days. Supporting shipper: Custom Sheeting Corp., Post Office Box EG, Livingston, Ala. 35470. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, Land of Lincoln Building, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 264 TA), filed December 9, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel conduit, flexible steel conduit, and fittings therefor*, from the plantsite of Clifton Conduit Co., Baltimore, Md., to points in Indiana, Michigan, Missouri, and Tennessee, for 180 days. Supporting shipper: Clifton Conduit Co., a Division of General Cable Corp., 730 Third Avenue, New York, N.Y. 10017. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, Land of Lincoln Building, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113678 (Sub-No. 371 TA), filed December 8, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards, Station, Denver, Colo. 80216. Applicant's representative: Minnie Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 except commodities in bulk and except hides, from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Lower Michigan, Missouri, Montana, Nevada, New Mexico, New York, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shippers: American Beef Packers, Inc., 25 and Z Streets, Omaha, Nebr.; Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124027 (Sub-No. 4 TA), filed December 9, 1969. Applicant: MIDWEST BULK, INCORPORATED, 1100 Winneconne Avenue, Neenah, Wis. 54956. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry coke*, from Appleton, Wis., to Waupaca, Wis., *returned or rejected shipments* on return movements, for 150 days. Supporting shipper: Koppers Co., Inc., Organic Materials Division, St. Paul, Minn. 55104 (W. J. Goodlet, Sales Representative). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125844 (Sub-No. 16 TA), filed December 3, 1969. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Blood, derivatives of blood, subderivatives of derivatives of blood and cells, and/or tissue cultures;* (1) from points in Illinois, Maryland, New York, and Virginia to points in Florida and Michigan; (2) from points in Maryland, New York, and Virginia, to points in Illinois; (3) from points in Florida, to points in California; (4) from points in Virginia, Illinois, and New York, to points in New York; (5) from points in California, to points in Maryland; (6) from Rockville, Md., to points in the United States, and (7) from points in New York, Maryland, and Virginia, to points in New Jersey; (b) *blood and serum*, from points in Texas, to points in California and Florida, for 180 days. Supporting shipper: Charles F. Neilson, Ph. D., Vice President, Research and Development, North American Biologicals, Inc., 639 South Andrews Avenue, Fort Lauderdale, Fla. 33301. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 133357 (Sub-No. 3 TA), filed December 9, 1969. Applicant: THOMAS VINCENT MILLER, 9024 Branch Avenue, Clinton, Md. 20735. Applicant's representative: S. Harrison Kahn, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Calvert and Charles Counties, Md., to points in Pennsylvania, New Jersey, New York, and Delaware, for 180 days. Supporting shippers: Hughesville Hardwood Corp., Hughesville, Md.; Thompson Lumber Co., Huntingtown, Md. 20639. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2218, 12th and Constitution Avenue, NW., Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-15177; Filed, Dec. 19, 1969; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

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PART II

DEPARTMENT OF TRANSPORTATION

COAST GUARD

•

Documentation and Measurement of Vessels

Transfer of Regulations



Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER G—DOCUMENTATION AND MEASUREMENT OF VESSELS

[CGFR 69-138]

TRANSFER OF REGULATIONS

Pursuant to authority vested in him by law, including Reorganization Plan No. 26 of 1950 and section 301, title 5, United States Code, the Secretary of the Treasury by Treasury Department Order No. 167-81 (32 F.R. 2463), effective February 24, 1967, transferred to the Commandant, U.S. Coast Guard certain functions performed by the Commissioner of Customs pertaining to: (a) Admeasurement of vessels; (b) documentation of vessels and preparation and publication of merchant vessel registers; (c) registration of stack insignia; and (d) port security. By a notice dated March 15, 1967, and published in the FEDERAL REGISTER of March 22, 1967 (32 F.R. 4365), the Commandant, U.S. Coast Guard pursuant to the authority delegated to him adopted and affirmed with respect to these functions all orders, rules, regulations, directives, requirements, standards, policies, procedures, permits, and other actions which were issued, granted, or allowed to become effective prior to February 24, 1967.

On April 1, 1967, the Department of Transportation Act, Public Law 89-670 (49 U.S.C. 1651-1659) became effective in accordance with the terms of Executive Order No. 11340 (32 F.R. 5453), and the U.S. Coast Guard was transferred to that Department. Under the provisions of section 6(b)(1) of the Act, the functions enumerated in the four categories above were transferred to the Secretary of Transportation. By a rule contained in 49 CFR 1.4(a)(2) the Secretary of Transportation delegated the authority to exercise these functions to the Commandant, U.S. Coast Guard. Pursuant to this delegation of authority from the Secretary of Transportation, the Commandant, U.S. Coast Guard by a notice dated March 31, 1967, and published in the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5611), adopted and affirmed with respect to these functions all orders, rules, regulations, directives, requirements, standards, policies, procedures, permits, and other actions which were issued, granted, or allowed to become effective prior to April 1, 1967.

By Reorganization Plan No. 1 of 1967 (32 F.R. 7049), effective May 9, 1967, the President of the United States transferred to the Secretary of Transportation the functions then vested in the Secretary of Commerce relating to the approval of the surrender of documents of a vessel pursuant to subsections B(4) and O(a) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911(4) and 961(a)). By a rule contained in 49 CFR 1.4(a)(4) the Secretary of Transportation delegated responsibility for the performance of the transferred functions to the Commandant, U.S. Coast Guard. Pursuant to this delegation of authority, the Commandant by a notice effective on May 9, 1967, and published in the FEDERAL REGISTER of June 23, 1967 (32 F.R. 8980), established temporary rules, regulations, and instructions.

The rules and regulations of the Bureau of Customs are contained in 19 CFR Chapter I. Part 1 contains regulations of general application; Part 2, the regulations pertaining to the measurement of vessels; Part 3, the regulations pertaining to the documentation of vessels, and Part 4, the regulations pertaining to customs financial and accounting procedure. The regulations in this document, namely 46 CFR Parts 66, 67, and 69 are based, in the main, on pertinent sections of Parts 2 and 3 of the aforementioned regulations of the Bureau of Customs. In addition, the substance of 19 CFR 1.2(c), 4.98(a)(g)(k) and 24.12(a)(4) have been incorporated in these new regulations. The following table shows the derivation of the sections in Parts 66, 67, and 69 from the existing sections of the Bureau of Customs' regulations.

DERIVATIVE REFERENCE TABLE

Current section in 46 CFR Chapter I	*Comparable section in 19 CFR Chapter I*
66.01-1	None.
66.01-3	None.
66.03-1	None.
66.03-3	None.
66.03-5	3.1(a).
66.03-7	3.1(b).
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69.17–5	2.103.
69.17–7	2.104.
69.17–9	2.105.

No substantive changes in the existing regulations of the Bureau of Customs are made. The only changes are editorial in nature to reflect the transfer of functions to the Coast Guard and to reorganize the contents to conform to the format of the regulations in Title 46, Code of Federal Regulations. It is therefore, found that it is unnecessary to comply with the provisions of the Administrative Procedure Act relating to notice of proposed rule making and public procedure thereon, since these regulations are exempted from these requirements by the provisions of 5 U.S.C. 553. Future changes of substance to the regulations hereby enacted are contemplated. However, these changes will be made only after notice of proposed rule making in accordance with the provisions of the Administrative Procedure Act.

Accordingly, Chapter I of Title 46, Code of Federal Regulations, is amended by adding Subchapter G, consisting of Parts 66, 67, 68, and 69 to read as follows:

PART 66—GENERAL PROVISIONS

Subpart 66.01—Authority and Purpose

Sec.
66.01–1 Purpose of regulations.
66.01–3 Assignment of functions.

Subpart 66.03—Definitions of Terms Used in This Subchapter

66.03–1 Commandant.
66.03–3 Officer in Charge, Marine Inspection (OCMI).
66.03–5 Vessel.
66.03–7 Vessel of the United States.
66.03–9 Documented.
66.03–11 Marine Document.
66.03–13 Port of documentation.
66.03–15 Mortgagee.
66.03–17 Parent corporation.
66.03–19 Subsidiary corporation.

Subpart 66.05—Ports of Documentation

66.05–1 Ports of documentation.

AUTHORITY: The provisions of this Part 66 issued under secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 3, 70 Stat. 544, sec. 30, subsec. W, 41 Stat. 1006, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 2, 3, 883b, 983, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2), (a)(4).

Subpart 66.01—Authority and Purpose

§ 66.01–1 Purpose of regulations.

The purpose of the regulations in this subchapter is to provide for:

(a) Documentation of vessels under the laws of the United States.

(b) Recordation of bills of sale and conveyances, preferred mortgages related instruments, ordinary mortgages, releases, satisfactions, assignments, hypothecations, and similar instruments concerning vessel transactions.

(c) Registration of private signals, funnel marks, and house flags.

(d) Measurement of vessels.

§ 66.01–3 Assignment of functions.

(a) The Secretary of the Treasury by an order dated January 30, 1967, and effective February 24, 1967 (32 F.R. 2463), delegated to the Commandant, U.S. Coast Guard, certain functions that the Commissioner of Customs had been authorized to perform under prior delegations of authority and included those functions pertaining to admeasurement of vessels, documentation of vessels, preparation and publication of the register of merchant vessels of the United States, and registration of stack insignia.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 15, 1967 (32 F.R. 4365) approved the continuation of all orders, determinations, rules, regulations, directives, requirements, standards, statements of policy, notices, interpretations, procedures, documents, registers, licenses, enrollments, certifications, permits, privileges, exemptions, waivers, and all other actions which had been issued, made, granted, or allowed to become effective prior to February 24, 1967, and provided that they should continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

(c) The Department of Transportation Act (Public Law 89–670, 80 Stat. 931–950, 49 U.S.C. 1651–1659), transferred to and vested in the Secretary of Transportation "* * * all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury".

(d) By a rule in 49 CFR 1.4(a)(2) the Secretary of Transportation, among other things, delegated to the Commandant, U.S. Coast Guard the authority to exercise the functions, powers and duties pertaining to the admeasurement and documentation of vessels, the preparation and publication of merchant vessel registers, and the registration of stack insignia.

(e) The Commandant, U.S. Coast Guard, in a notice dated March 31, 1967 (32 F.R. 5611), approved the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions, which had been made, allowed, granted, or issued prior to April 1, 1967, and provided that they should continue in effect according to their terms until modified, terminated, repealed superseded, or set aside by appropriate authority.

(f) By Reorganization Plan No. 1 of 1967 (32 F.R. 7049), effective May 9, 1967, the functions vested in the Secretary of Commerce relating to the approval of the surrender of the documents of a vessel pursuant to subsections B(4) and O(a) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911(4) and 961(a)), were transferred to the Secretary of Transportation.

(g) By a rule in 49 CFR 1.4(a)(4) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties as set forth in Reorganization Plan No. 1 of 1967.

(h) The Commandant, U.S. Coast Guard, in a notice dated June 16, 1967, and effective as of May 9, 1967 (32 F.R. 8980), adopted and affirmed, except as modified, terminated, or superseded by such notice, all orders, determinations, rules, regulations, directives, requirements, standards, statements of policy, notices, interpretations, procedures, documents, certifications, privileges, and exemptions which had been issued, made, granted, or allowed prior to May 9, 1967.

Subpart 66.03—Definitions of Terms Used in This Subchapter

§ 66.03–1 Commandant.

This term means the Commandant of the U.S. Coast Guard.

§ 66.03–3 Officer in Charge, Marine Inspection (OCMI).

This term means any person from the civilian or military branch of the Coast Guard designated as the Officer in Charge of a Marine Inspection Zone by the Commandant.

§ 66.03–5 Vessel.

This term includes every description of watercraft or other contrivance used or capable of being used as a means of transportation on water, but does not include aircraft.

(61 Stat. 633, sec. 401, 46 Stat. 708, as amended, sec. 1109, 72 Stat. 799, as amended; 1 U.S.C. 3, 19 U.S.C. 1401, 49 U.S.C. 1509)

§ 66.03–7 Vessel of the United States.

This term means any vessel documented under the laws of the United States.

(Sec. 30, subsec. B, 41 Stat. 1000, as amended; 46 U.S.C. 911)

§ 66.03–9 Documented.

This term means registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently or temporarily.

§ 66.03–11 Marine documents.

This term includes registry, enrollment and license, and license.

§ 66.03–13 Port of documentation.

This term means the home port of a vessel. It does not include a port in which a temporary document is issued.

(R.S. 4141, sec. 30, subsec. B, 41 Stat. 1000, as amended, sec. 4, 43 Stat. 948; 46 U.S.C. 17, 911, 1011)

§ 66.03–15 Mortgagee.

This term, in the case of a mortgage involving a trust deed and a bond issue thereunder, means the trustee designated in such deed.

(Sec. 30, subsec. B, 41 Stat. 1000, as amended; 46 U.S.C. 911)

§ 66.03–17 Parent corporation.

This term means a corporation incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, which controls, directly or indirectly, at least 50 percent of the voting stock of a corporation which is a citizen of the United States as defined in § 67.03–7(a) of this chapter and for which there is on file with the proper Officer in Charge a valid and current certificate under oath as required by § 57.23–13 of this chapter.

(Sec. 27A, 72 Stat. 1736; 46 U.S.C. 883–1)

§ 66.03–19 Subsidiary corporation.

This term means a corporation incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, not less than 50 percent of the voting stock of which is controlled, directly or indirectly, by a corporation which is a citizen of the United States as defined in § 67.03–7(a) of this chapter or by its parent and for which there is on file with the proper Officer in Charge a valid and current certificate under oath as required by § 67.23–13 of this chapter.

(Sec. 27A, 72 Stat. 1736; 46 U.S.C. 883–1)

Subpart 66.05—Ports of Documentation

§ 66.05–1 Ports of documentation.

The following is a list of Coast Guard Districts and Marine Inspection Zones indicating the ports of documentation within each District and Zone. The territorial limits of Coast Guard Districts and Marine Inspection Zones are defined in 33 CFR Part 3.

Coast Guard districts	Marine inspection zones	Ports of documentation
First	Boston	Boston, Mass. Gloucester, Mass. Plymouth, Mass. Salem, Mass.
	Portland, Maine	Bangor, Maine. Bar Harbor, Maine. Bath, Maine. Belfast, Maine. Calais, Maine. Eastport, Maine. Jonesport, Maine. Portland, Maine. Portsmouth, N.H. Rockland, Maine.
	Providence	Fall River, Mass. New Bedford, Mass. Newport, R.I. Providence, R.I.
Second	St. Louis	Peoria, Ill. St. Louis, Mo.
	Cincinnati	Cincinnati, Ohio.
	Dubuque	Minneapolis, Minn.
	Louisville	Evansville, Ind. Louisville, Ky.
	Memphis	Greenville, Miss. Memphis, Tenn.
	Nashville	Nashville, Tenn.
	Pittsburgh	Pittsburgh, Pa.
Third	New York	Bridgeport, Conn. Hartford, Conn. New Haven, Conn. New London, Conn. New York, N.Y. Perth Amboy, N.J.
	Albany	Albany, N.Y.
	Philadelphia	Philadelphia, Pa. Wilmington, Del.
Fifth	Portsmouth	Cape Charles, Va. Elizabeth City, N.C. Newport News, Va. Norfolk, Va. Reedville, Va.
	Baltimore	Alexandria, Va. Annapolis, Md. Baltimore, Md. Cambridge, Md. Crisfield, Md. Washington, D.C.
	Wilmington	Beaufort-Morehead City, N.C. Washington, N.C. Wilmington, N.C.
Seventh	Miami	Key West, Fla. Miami, Fla. West Palm Beach, Fla.
	Charleston	Charleston, S.C. Georgetown, S.C.
	Jacksonville	Fernandina Beach, Fla. Jacksonville, Fla.
	San Juan	Charlotte Amalie, St. Thomas, V.I. San Juan, P.R.
	Savannah	Brunswick, Ga. Savannah, Ga.
	Tampa	Tampa, Fla.
Eighth	New Orleans	Baton Rouge, La. Houma, La. Morgan City, La. New Orleans, La.
	Corpus Christi	Brownsville, Tex. Corpus Christi, Tex.
	Galveston	Galveston, Tex.
	Houston	Houston, Tex.
	Mobile	Apalachicola, Fla. Biloxi, Miss. Gulfport, Miss. Mobile, Ala. Pascagoula, Miss. Pensacola, Fla.
	Port Arthur	Lake Charles, La. Port Arthur, Tex.
Ninth	Cleveland	Cleveland, Ohio.
	Buffalo	Buffalo, N.Y. Erie, Pa. Rochester, N.Y.
	Chicago	Chicago, Ill.
	Detroit	Detroit, Mich. Port Huron, Mich.
	Duluth	Duluth, Minn.
	Ludington	Muskegon, Mich.
	Milwaukee	Milwaukee, Wis.
	Oswego	Cape Vincent, N.Y. Ogdensburg, N.Y. Oswego, N.Y.
	St. Ignace	Sault Ste. Marie, Mich.
	Toledo	Sandusky, Ohio. Toledo, Ohio.
Eleventh	Los Angeles-Long Beach	Los Angeles-Long Beach, Calif.
	San Diego	San Diego, Calif.
Twelfth	San Francisco	Eureka, Calif. San Francisco, Calif.
Thirteenth	Seattle	Aberdeen, Wash. Bellingham, Wash. Port Angeles, Wash. Port Townsend, Wash. Seattle, Wash. Tacoma, Wash.
	Portland, Oreg.	Astoria, Oreg. Coos Bay, Oreg. Portland, Oreg.
Fourteenth	Honolulu	Honolulu, Hawaii.
	Guam	Guam.
Seventeenth	Juneau	Juneau, Alaska. Ketchikan, Alaska. Sitka, Alaska. Wrangell, Alaska.

PART 67—DOCUMENTATION OF VESSELS

Subpart 67.01—Vessels Entitled to, Exempt From, and Subject to Documentation

Sec.
67.01–1 Vessels entitled to marine documents.
67.01–3 Yachts entitled to marine documents.
67.01–5 Classes of vessels entitled to marine documents.
67.01–7 Notation on the marine document of a vessel owned by a corporation.
67.01–9 Loss of coastwise privileges; notation on marine document.
67.01–11 Vessels exempt from documentation.
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67.03–1 Individual.
67.03–3 Partnership, unincorporated company, or association.
67.03–5 Corporation.
67.03–7 Corporation qualifying under the Act of September 2, 1958.
67.03–9 Evidence of citizenship; when required.
67.03–11 Acceptable evidence of citizenship.

Subpart 67.05—Provisional Registers

Sec.
67.05–1 Applicability.
67.05–3 Privileges.
67.05–5 Presentation of bill of sale to an American Consular Officer.
67.05–7 Presentation of bill of sale to the captains of the ports of Cristobal and Balboa.
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67.23–1 Individual.
67.23–3 Several individuals, firm, or unincorporated company.
67.23–5 Corporation.

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67.23-7 Corporation qualifying under the Act of September 2, 1958 (46 U.S.C. 883-1).
67.23-9 Parent or subsidiary corporation.
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Subpart 67.90—Documentation of Vessels Under the Act of August 9, 1954

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Appendix.

AUTHORITY: The provisions of this Part 67 issued under secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 1, 38 Stat. 1193, as amended, R.S. 4166, as amended, R.S. 4177, as amended, sec. 2, 41 Stat. 437, as amended, R.S. 4150, as amended, R.S. 4153, as amended, R.S. 4214, as amended, R.S. 4215, sec. 1, 34 Stat. 136, as amended, R.S. 4336, as amended, sec. 3, 70 Stat. 544, sec. 30, subsec. W, 41 Stat. 1006, as amended, sec. 6(b)(1), 80 Stat. 937, sec. 3, 66 Stat. 675; 46 U.S.C. 2, 3, 12, 35, 45, 52, 74, 77, 103, 109, 260, 277, 883b, 983. 49 U.S.C. 1655(b)(1), 50 U.S.C. 198; 49 CFR 1.4(a)(2), (a)(4).

Subpart 67.01—Vessels Entitled to, Exempt From, and Subject to Documentation

§ 67.01-1 Vessels entitled to marine documents.

(a) A vessel of 20 net tons or more may be registered or enrolled and licensed. A vessel of 5 net tons or more but less than 20 net tons may be licensed (except vessels subject to the provisions of paragraph (b) of this section) or registered.

(b) Any vessel of 5 net tons or more which is to be documented for navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea shall be granted a frontier enrollment and license, Form CG-1273, except that a vessel used exclusively as a pleasure vessel on those waters may be granted an enrollment and license as a yacht, Form CG-1290, if entitled to be so documented in accordance with the provisions of § 67.01-3. (See Subpart 67.61.)

§ 67.01-3 Yachts entitled to marine documents.

(a) Any vessel, other than one navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea, may be licensed as a yacht if under 20 but not under 5 net tons and used exclusively as a pleasure vessel, and if otherwise entitled to be documented.

(b) Any vessel may be enrolled and licensed as a yacht if used exclusively as a pleasure vessel and otherwise entitled to be documented, provided it is of 5 net tons or over in the case of a vessel navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea, or 20 net tons or over in any other case.

(R.S. 4214, as amended; 46 U.S.C. 103)

§ 67.01-5 Classes of vessels entitled to marine documents.

The following classes of vessels are entitled to receive marine documents under existing laws:

(a) *Class 1.* Any vessel built in the United States and wholly owned by a citizen (for the meaning of the word "citizen" in this section, see subpart 67.03). A vessel of this class owned by a corporation which is qualified as a citizen of the United States under the definition contained in § 67.03-7(a) may be documented for use in the coastwise trade within the limitations specified in the Act of September 2, 1958 (46 U.S.C. 883-1), if it is a non-self-propelled vessel or a self-propelled vessel of less than 500 gross tons (see also § 67.03-7(b)).

(b) *Class 2.* Any vessel purchased from the Maritime Administration or War Shipping Administration by a citizen. (See § 67.63-9(c).)

(c) *Class 3.* Any vessel built in the United States in whole or in part for the account of one who is not a citizen and then recorded, which thereafter becomes wholly owned by a citizen and has never before been documented. (See subpart 67.69.)

(d) *Class 4.* Any vessel captured by a citizen in a war to which the United States is a party, which has been lawfully condemned as a prize and is wholly owned by a citizen.

(e) *Class 5.* Any vessel which has been judicially forfeited for a breach of the laws of the United States when wholly owned by a citizen. This includes a foreign-built vessel, but does not include any vessel not otherwise entitled to documents which has been sold under a decree of admiralty for debt or seamen's wages.

(f) *Class 6.* Any vessel built in the United States and sold by the Government to a citizen. A foreign-built vessel bought or chartered by the Government is entitled to documentation if sold to a citizen and the requirements for class 9 are met.

(g) *Class 7.* Any vessel authorized by special act of Congress to be documented.

(h) *Class 8.* Any vessel wrecked on a coast of the United States or its possessions or in adjacent waters when purchased by a citizen and repaired in a shipyard in the United States or its possessions, provided it be proved to the satisfaction of the Commandant, through a board of three appraisers appointed by him if necessary, that the repairs put upon such vessel are equal to three times the appraised salved value of the vessel. The expense of such appraisal shall be borne by the owner of the vessel. If any of the material facts sworn to or represented by the owner, or at his instance, to obtain a marine document for such vessel is not true, the vessel is liable to forfeiture.

(i) *Class 9.* Any seagoing vessel, whether steam or sail, wherever built, wholly owned by a citizen. A foreign-built vessel of this class shall engage only

in trade with foreign countries or the islands of Guam, Tutuila, Wake, Midway, or Kingman Reef. It shall not engage in the coastwise trade, except as specified in sections 18 and 22, Merchant Marine Act, 1920, as amended, nor in the American fisheries. (See subpart 67.63.)

(R.S. 4132, as amended, sec. 22, 41 Stat. 997, R.S. 4136, as amended, R.S. 4214, as amended, sec. 9, 39 Stat. 730, as amended, sec. 27, 41 Stat. 999, as amended, sec. 27A, 72 Stat. 1736, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 11, 13, 14, 103, 808, 883, 883–1, 883a, 883b)

§ 67.01–7 Notation on the marine document of a vessel owned by a corporation.

(a) The appropriate one of the following notations shall be made on the register of any vessel owned by a corporation which is established as a citizen of the United States under the definition contained in § 67.03–5 (a) or (b), except when such register is required by any other provision of this part to bear an endorsement prohibiting the vessel from engaging in the coastwise trade:

(1) "Less than 75 percent of the interest in the corporation owning this vessel is owned by citizens of the United States. It shall not engage in the coastwise trade"; or

(2) "75 percent of the interest in the corporation owning this vessel is owned by citizens of the United States. It may engage in the coastwise trade so long as so owned and no longer."

(b) The following notation shall be made on the enrollment and license or license of any non-self-propelled vessel or any self-propelled vessel of less than 500 gross tons owned by a corporation which is established as a citizen of the United States under the definition contained in § 67.03–7(a):

As amended by the Act of September 2, 1958 (46 U.S.C. 883–1). This vessel may engage in the coastwise trade, within the limitations specified in the Act, so long as so owned and no longer. It shall not engage in the fisheries and is not authorized to be documented for nor to engage in the foreign trade.

(Sec. 2, 39 Stat. 729, as amended, sec. 3, 70 Stat. 544, sec. 27A, 72 Stat. 1736; 46 U.S.C. 802, 883b, 883–1)

§ 67.01–9 Loss of coastwise privileges; notation on marine document.

(a) No vessel of classes 1 through 8 (§ 67.01–5 (a) through (h)) which has acquired the lawful right to engage in the coastwise trade by virtue of having been built in or documented under the laws of the United States, shall have the right to engage in such trade if it thereafter has been sold or transferred foreign in whole or in part or placed under foreign registry (Subpart 67.65), or, if of more than 500 gross tons, has been rebuilt unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, was effected within the United States, its territories (not including trust territories), or its possessions. However, no rebuilt vessel shall be deemed to have lost its coastwise privileges within the meaning of the above merely because it may have been rebuilt within the United States, its Territories (not including trust territories), or its possessions under a contract executed before July 5, 1960, if the work of rebuilding is commenced not later than 24 months after such date (Subpart 67.37).[1]

(b) When a vessel has lost its coastwise privileges, no marine document shall be issued for the coastwise trade and any marine document which may be issue to such vessel for any other trade or employment shall bear the following notation:

As amended by section 27 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the coastwise trade.

(Sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 883, 883a, 883b)

§ 67.01–11 Vessels exempt from documentation.

(a) The following classes of vessels are exempt from documentation:

(1) Boats or lighters not masted, or masted but not decked, used in the harbor of any town or city, and not carrying passengers.

(2) Canal boats, barges, or other boats used in whole or in part on canals or on the internal waters of a State, without sail or internal motive power of their own, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(3) Barges or boats without sail or internal motive power of their own plying in whole or in part on inland rivers or lakes of the United States, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(4) Vessels plying upon waters which are wholly within the limits of a State and which have no outlet into a river or lake on which commerce with foreign nations or among the States can be carried on.

(5) Vessels of less than 5 net tons.

(b) No vessel exempt from documentation under the provisions of paragraph (a) (1), (2), (3), or (5) of this section and owned by a corporation which is a citizen of the United States as defined in § 67.03–7(a) shall be operated in trade on the navigable waters of the United States unless there is on file with the Officer in Charge for the marine inspection zone in which the vessel business of the owner is conducted a valid and current certificate under oath on Form CG–1260 as required by § 67.23–7(a).

(Sec. 7, 24 Stat. 81, as amended, 31 Stat. 44, R.S. 4385, 18 Stat. 31, 72 Stat. 1736; 46 U.S.C. 319, 332, 335, 336, 883–1)

§ 67.01–13 Vessels subject to documentation.

All vessels, except vessels exempt from documentation under the provisions of § 67.01–11, engaged in trade between ports in the United States or engaged in the fisheries, if not registered, shall be enrolled and licensed, or licensed, or will be liable to a penalty of $30 on every arrival, unless the vessel has not been within a marine inspection zone since the expiration of the license.

(Sec. 7, 24 Stat. 81, as amended; 46 U.S.C. 319)

Subpart 67.03—Citizenship

§ 67.03–1 Individual.

The term "citizen", in the case of an individual, means a native-born, derivative, or naturalized citizen of the United States.

(R.S. 4132, as amended, 4131, as amended, sec. 9, 39 Stat. 730, as amended, sec. 4, 40 Stat. 901, as amended; 46 U.S.C. 11, 221, 808, 835)

§ 67.03–3 Partnership, unincorporated company, or association.

(a) The term "citizen," in the case of a partnership, unincorporated company, or association, means one whose members are all citizens of the United States.

(b) A vessel, although owned by a partnership or association which is a citizen as defined in section 2 of the Shipping Act, 1916, as amended,[2] shall not be documented as a vessel of the United States unless the owner is also a citizen as defined in paragraph (a) of this section.

(R.S. 4132, as amended, 4131, as amended, secs. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 4, 40 Stat. 901, as amended; 46 U.S.C. 11, 221, 802, 808, 835)

§ 67.03–5 Corporation.

(a) The term "citizen," in the case of a corporation, means one which is incorporated under the laws of the United States, or of any State thereof, of which the president or other chief executive officer, and the chairman of the board of directors are citizens of the United States, so long as no more of its directors than a minority of the number necessary to constitute a quorum shall be noncitizens.

(b) A vessel, although owned and documented by a corporation which is a citizen as defined in paragraph (a) of this section, shall not engage in the coastwise trade unless 75 percent of the interest in the corporation is owned by citizens as specified in section 2 of the Shipping Act, 1916, as amended.[2]

(c) A vessel, although owned by a corporation which is not a citizen as defined in section 2 of the Shipping Act, 1916, as amended, may be documented as a vessel of the United States if the sale or transfer to the corporation was not in violation of section 9 or 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835), and if the corporation is a citizen as defined in paragraph (a) of this section.

(R.S. 4132, as amended, 4131, as amended, secs. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 4, 40 Stat. 901, as amended; 46 U.S.C. 11, 221, 802, 808, 835)

§ 67.03–7 Corporation qualifying under the Act of September 2, 1958.

(a) The term "citizen," in the case of a corporation owning and operating a non-self-propelled vessel, or a self-propelled vessel of less than 500 gross tons, or in the case of a corporation which seeks to qualify as a citizen under the Act of September 2, 1958 (46 U.S.C. 883–1), for any purpose under the Act, means one which is incorporated under the laws of the United States, or any State, Territory, District, or possession thereof provided that (1) a majority of the officers and directors of such corporation are citizens of the United States; (2) not less than 90 percent of the employees of such corporation are residents of the United States; (3) such corporation is engaged primarily in a manufacturing or mineral industry in the United States or any Territory, District, or possession thereof; (4) the aggregate book value of the vessels owned by such corporation does not exceed 10 percent of the aggregate book value of the assets of such corporation; and (5) such corporation purchases or produces in the United States, its Territories, or possessions not less than 75 percent of the raw materials used or sold in its operations, and provided further that a certificate under oath on Form CG–1260 as prescribed in Subpart 67.23 is filed with the Officer in Charge concerned as provided therein, if any, or if none, with the Commandant, together with the required certificate as to the organization of the corporation and the names of all officers and directors of the corporation, showing the home address and citizenship of each.[3]

(b) A corporation which qualifies as a citizen as defined in paragraph (a) of this section is not thereby precluded from qualifying as a citizen under any other applicable definition and vessels which it owns or operates shall be

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[1] "* * * (Sec. 1) * * * the second proviso of section 27 of the Merchant Marine Act, 1920, as amended (U.S.C., 1958 edition, title 46, sec. 883), is amended to read as follows: 'Provided further, That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt, shall have the right thereafter to engage in the coastwise trade, unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, is effected within the United States, its Territories (not including trust territories), or its possessions;' * * *" (Sec. 1, Act of July 5, 1960 (74 Stat. 321).)

[2] "(a) Within the meaning of this chapter no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president or other chief executive officer and the chairman of its board of directors are citizens of the United States and unless no more of its directors than a minority of the number necessary to constitute a quorum are noncitizens and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

"(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or, (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

"(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding, it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States." (46 U.S.C. 802.)

[3] "Notwithstanding any other provision of law, a corporation incorporated under the laws of the United States or any State, Territory, District, or possession thereof, shall be deemed to be a citizen of the United States for the purposes of and within the meaning of that term as used in sections 316, 808, 835 and 883 of this title, and the laws relating to the documentation of vessels, if it is established by a certificate filed with the Secretary of the Treasury [now, Secretary of Transportation] as hereinafter provided, that—

"(a) A majority of the officers and directors of such corporation are citizens of the United States;

"(b) Not less than 90 per centum of the employees of such corporation are residents of the United States;

"(c) Such corporation is engaged primarily in a manufacturing or mineral industry in the United States or any Territory, District, or possession thereof;

"(d) The aggregate book value of the vessels owned by such corporation does not exceed 10 per centum of the aggregate book value of the assets of such corporation; and

"(e) Such corporation purchases or produces in the United States, its Territories, or possessions not less than 75 per centum of the raw materials used or sold in its operations but no vessel owned by any such corporation shall engage in the fisheries or in the transportation of merchandise or passengers for hire between points in the United States, including Territories, Districts, and possessions thereof, embraced within the coastwise laws, except as a service for a parent or subsidiary corporation and except when such vessel is under demise or bareboat charter at prevailing rates for use otherwise than in the domestic noncontiguous trades from any such corporation to a common or contract carrier subject to chapter 12 of Title 49, which otherwise qualifies as a citizen under section 802 of this title, and which is not connected, directly or indirectly, by way of ownership or control with such corporation.

"As used herein (1), the term 'parent' means a corporation which controls, directly or indirectly, at least 50 per centum of the voting stock of such corporation, and (2), the term 'subsidiary' means a corporation not less than 50 per centum of the voting stock of which is controlled, directly or indirectly, by such corporation or its parent, but no corporation shall be deemed to be a 'parent' or 'subsidiary' hereunder unless it is incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, and there has been filed with the Secretary of the Treasury [now Secretary of Transportation] a certificate as hereinafter provided.

"Vessels built in the United States and owned by a corporation meeting the conditions hereof which are non-self-propelled or which, if self-propelled, are of less than five hundred gross tons shall be entitled to documentation under the laws of the United States, and except as restricted by this section, shall be entitled to engage in the coastwise trade and, together with their owners or masters, shall be entitled to all the other benefits and privileges and shall be subject to the same requirements, penalties, and forfeitures as may be applicable in the case of vessels built in the United States and otherwise documented or exempt from documentation under the laws of the United States.

"A corporation seeking hereunder to document a vessel under the laws of the United States or to operate a vessel exempt from documentation under the laws of the United States shall file with the Secretary of the Treasury of the United States [now Secretary of Transportation] a certificate under oath, in such form and at such times as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such corporation complies with the conditions of this section above set forth. A 'parent' or 'subsidiary' of such corporation shall likewise file with the Secretary of the Treasury [now Secretary of Transportation] a certificate under oath, in such form and at such time as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such 'parent' or 'subsidiary' complies with the conditions of this section above set forth, before such corporation may transport any merchandise or passengers for such parent or subsidiary. If any material matter of fact alleged in any such certificate which, within the knowledge of the party so swearing is not true, there shall be a forfeiture of the vessel (or the value thereof) documented or operated hereunder in respect to which the oath shall have been made. If any vessel shall transport merchandise for hire in violation of this section, such merchandise shall be forfeited to the United States. If any vessel shall transport passengers for hire in violation of this section, such vessel shall be subject to a penalty of $200 for each passenger so transported. Any penalty or forfeiture incurred under this section may be remitted or mitigated by the Secretary of the Treasury [now Secretary of Transportation] under the provisions of section 7 of this title.

"Any corporation which has filed a certificate with the Secretary of the Treasury [now Secretary of Transportation] as provided for herein shall cease to be qualified under this section if there is any change in its status whereby it no longer meets the conditions above set forth, and any documents theretofore issued to it, pursuant to the provisions of this section, shall be forthwith surrendered by it to the Secretary of the Treasury [now Secretary of Transportation]." (46 U.S.C. 883–1).

entitled to be documented as vessels of the United States under any other provision of this part upon compliance with all applicable requirements.

(Sec. 27A, 72 Stat. 1736; 46 U.S.C. 883–1)

§ 67.03–9 Evidence of citizenship; when required.

In addition to any oath, certificate, or declaration of citizenship specified, the Officer in Charge may require the production of such further evidence as may be necessary to satisfy him that the person is a citizen of the United States. The proper notation of the evidence produced shall be made on the papers retained by the Officer in Charge, such as the number, date, and office of issue of an officer's license, seaman's passport, or citizen's passport, or the same data as to a birth or naturalization certificate, a continuous discharge book, or a certificate of identification, etc. The Officer in Charge shall reject any evidence believed by him to be unauthentic.

§ 67.03–11 Acceptable evidence of citizenship.

As evidence of his citizenship, a naturalized citizen shall be required in every case to present a certificate of his naturalization. A derivative citizen shall be required to present either a certificate of naturalization of either parent through whom he derived his own citizenship, together with a birth certificate or other evidence satisfactorily establishing that he was under 21 years of age at the time of his parent's naturalization, or a certificate of derivative citizenship. The usually acceptable evidence of citizenship for other persons is described below in the order of desirability.

(a) A birth certificate or certified copy.

(b) A baptismal certificate or parish record made within 1 year after birth.

(c) A certificate of a practicing physician that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(d) A State Department passport.

(e) An active commission in the U.S. Navy, Marine Corps, Coast Guard, or reserve component thereof.

(f) An active commission in the U.S. Army or a reserve component thereof issued prior to May 26, 1942.

(g) A license as master, mate, engineer, or pilot issued by the Coast Guard, or a license as master, mate, engineer, or pilot issued by the former Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship of the holder was produced at the time of the issuance of such license.

(h) A certificate of registry as staff officer.

(i) A continuous discharge book or certificate of identification issued by the Coast Guard which shows that the holder is an American citizen, or a continuous discharge book or certificate of identification issued by the former Bureau of Marine Inspection and Navigation which shows the holder is an American citizen, provided the records of that Bureau (now maintained by the Coast Guard) indicate that the holder of such continuous discharge book or certificate of identification has produced satisfactory evidence of his citizenship.

(j) A delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth which has been issued in accordance with the procedure outlined in the Manual of Uniform Procedure for the Delayed Registration of Births (issued by the Department of Commerce on July 16, 1941, and filed with the Office of the Federal Register) and recites on its face the evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement. In order to receive consideration as a delayed certificate of birth, the certificate shall have been issued strictly in accordance with the provisions of the manual above referred to. Any delayed birth certificate so issued shall be given consideration but shall not necessarily be considered prima facie evidence of citizenship.

(k) If none of the foregoing requirements can be met by the applicant, he shall make a statement to that effect, and, in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the earliest record of age or birth available (Census records are available for the following years: 1860, 1870, 1880, 1900, 1910, 1920, 1930, 1940, and 1950). Request for such information shall be addressed to the Director of the Census, Washington, D.C. 20225. In making such request, definite information must be furnished the Census Bureau as to the place of residence when the first census was taken after birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the date specified.

(2) Declarations of fact by parents or relatives; declarations by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish the applicant's citizenship; school records; immigration records; or insurance policies.

Subpart 67.05—Provisional Registers

§ 67.05–1 Applicability.

(a) Consular officers of the United States and the captains of the ports of Cristobal and Balboa, Canal Zone, are authorized to issue a provisional certificate of registry to any vessel abroad which has been purchased by a citizen, as defined in Subpart 67.03, and which at the time of such purchase is not documented as a vessel of the United States.

(b) No provisional certificate shall be issued to any vessel abroad which at the time of its transfer to a citizen of the United States was documented as a vessel of the United States. Such a vessel may be redocumented at a port in the United States upon compliance with the requirements outlined in Subpart 67.55 or if not so redocumented while abroad, it shall nevertheless be entitled to all the privileges and benefits of a vessel of the United States up to and for the purpose of its first arrival thereafter within a marine inspection zone.

(Sec. 1, 38 Stat. 1193, as amended, R.S. 4166, as amended; 46 U.S.C. 12, 35; E.O. 10351, F.R. 4517)

§ 67.05–3 Privileges.

A provisional certificate shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the islands of Guam and Tutuila until the expiration of 6 months from the date thereof, or until 10 days after the vessel's first arrival in a port of the United States, whichever first happens, and no longer. On arrival at a port of the United States, the vessel shall become subject to the laws relating to officers, inspection, and measurement.

(Sec. 1, 38 Stat. 1193, as amended, R.S. 4166, as amended; 46 U.S.C. 12, 35)

§ 67.05–5 Presentation of bill of sale to an American consular officer.

When a bill of sale covering such transfer is presented to an American consular officer—

(a) Satisfactory evidence shall be produced to establish that the transfer of registry has the approval of the foreign government concerned.

(b) The bill of sale shall be filed with him.

(c) The vendee shall submit a certificate as to the bona fides of the transfer of title and the citizenship of the vendee which the consul shall file with the bill of sale.

(d) If the vendor or his duly authorized representative be present, he shall also sign the certificate.

(e) The consular officer will investigate the circumstances surrounding the sale of the vessel and then communicate by dispatch, or by cable at the expense of the applicant, with the Commandant through the Department of State, setting forth the results of his investigation; pertinent data regarding the vessel, such as its name, former nationality, rig, and gross and net tonnages; that the bill of sale and certificate of bona fides have been filed with him, giving the names of the vendor and vendee; whether the proposal to have the vessel placed under American registry has the approval of the foreign government concerned, or, if such approval is not required, stating that fact; his opinion as to whether the transfer was made in good faith; and whether it is intended that the vessel will be navigated to the United States on a voyage expected to terminate before the expiration date of the provisional register to be issued.

(f) On receipt of such a communication, if the transfer appears to be in good faith and the documentation of the vessel is not contrary to the policy of this Government, the Commandant will award signal letters to the vessel and, through the usual channels, will promptly authorize the State Department to instruct the consular officer to issue a provisional certificate, Form CG–1266A, to the vessel. The State Department will then cable, at the expense of the parties concerned, instructions and data for the issue of the provisional register.

(Sec. 1, 38 Stat. 1193, as amended; 46 U.S.C. 12)

§ 67.05–7 Presentation of bill of sale to the captains of the ports of Cristobal and Balboa.

When bills of sale covering such transfers are presented to the captains of the ports of Cristobal and Balboa, Canal Zone, the procedure outlined in § 67.05–5 shall be followed. Communications in such cases shall be made through the appropriate departments.

(Sec. 1, 38 Stat. 1193, as amended; 46 U.S.C. 12; E.O. 10351, 17 F.R. 4517)

§ 67.05–9 Presentation of bills of sale to an Officer in Charge.

If bills of sale covering such transfers are presented to an Officer in Charge, the procedure outlined in § 67.05–5 (a) through (e) shall be followed, except that the Officer in Charge shall communicate directly with the Commandant. Thereafter, if the transfer appears to be in good faith and it is not contrary to the policy of this Government, the Commandant will award signal letters to the vessel and, through the usual channels, will promptly request the State Department to authorize the appropriate consular officer to issue a provisional certificate to the vessel. The State Department will then cable, at the expense of the parties concerned, instructions and data for the issue of the provisional register. No provisional certificate of registry shall be issued in any case unless authorized by the Commandant.

(Sec. 1, 38 Stat. 1193, as amended; 46 U.S.C. 12)

§ 67.05–11 Forwarding of duplicate certificate to Commandant.

A duplicate provisional certificate, Form CG–1266A, shall be forwarded as soon as practicable in every case by the issuing officer through the usual channels to the Commandant.

(Sec. 1, 38 Stat. 1193, as amended; 46 U.S.C. 12)

Subpart 67.07—Marine Documents

§ 67.07–1 Permanent and temporary.

Marine documents are of two descriptions, (a) permanent, granted to vessels at their home ports,[4] and (b) temporary, granted to vessels at ports other than their home ports (the ports at which marine documents may be issued are indicated in § 66.05–1 of this chapter).

§ 67.07–3 Validity.

(a) A register or enrollment shall be valid until a contingency arises requiring its surrender. (See Subparts 67.33 and 67.35.) A license shall be valid for 1 year only, but may be renewed or changed at any time during the year for which it is granted (with respect to registers, enrollments and licenses, and licenses, issued under the Act of August 9, 1954, see §§ 67.90–9, 67.90–35(b), and 67.90–37). Care shall be taken that only one license, and for one employment, be granted to a vessel for the same period, except that a license may be granted for the "coasting trade and mackerel fisheries."

(b) No enrollment and license or license shall be considered in force longer than the vessel to which it is granted is owned as stated in the document, nor shall it be valid if the description of the vessel is changed, nor if the vessel engages in any business or employment other than that for which the document was granted.

(R.S. 4138, 4191, 4315, as amended, 4324, 4327; 46 U.S.C. 16, 62, 255, 266, 269)

§ 67.07–5 Execution.

All marine documents shall be signed and sealed by the Officer in Charge before being issued.

(R.S. 4157, as amended, 4158, as amended; 46 U.S.C. 27, 28)

§ 67.07–7 Issuance of new marine document in lieu of one surrendered.

When a new marine document is issued in lieu of one surrendered, such new document shall in every case cite the previous document by number, date, and port of issue, carry any notation of the authority for redocumentation or of the existence of an unsatisfied preferred mortgage appearing on the surrendered document, and give the cause of surrender of the old document. A certificate of the builder shall not be required, nor shall a certificate of admeasurement be required unless some change of tonnage has taken place since the time of the previous documentation. (See Subparts 67.33, 67.35, and 67.41.)

§ 67.07–9 Dimensions and tonnage.

(a) The marine document of every vessel except one admeasured under the provisions of Subpart 69.17 of this subchapter shall express the following:

(1) Length, breadth, and depth;

(2) If applicable, the depth (D_h) and the length (L_h) used with the tonnage mark table and the distances to the tonnage mark from the line of the upper deck and from the molded line or equivalent of the second deck;

(3) The number of decks and masts;

(4) Capacity under the tonnage deck, that of the between decks, and also separately, permanently enclosed spaces on or above the upper deck to the hull required to be included in the gross tonnage, and the omitted spaces, whether open or closed-in, on, above, or below the upper deck;

(5) The gross tonnage or tonnages;

(6) Items of deduction;

(7) The net tonnage or tonnages; and

(8) In appropriate cases, the height of the upper deck to the hull above the tonnage deck.

(b) The marine document of every vessel admeasured under the provisions of Subpart 69.17 of this subchapter shall express her length, breadth, depth, and gross and net tonnages.

(c) Every marine document issued to a vessel admeasured under the provisions of Public Law 89–476 (see Subpart 69.17 of this subchapter) shall bear on its face the following notation: "This vessel has been admeasured under the provisions of Public Law 89–476 and shall be used exclusively as a pleasure vessel until readmeasured and redocumented under the appropriate statutes."

§ 67.07–11 Registers.

Vessels of the United States engaged in the foreign trade shall be registered, except as provided for in Subpart 67.61 with respect to vessels on the northern, northeastern, and northwestern frontiers. Vessels engaged in domestic trade only, other than vessels owned by citizens of the United States as defined in § 67.03–7(a) and documented or to be documented under the Act of September 2, 1958 (46 U.S.C. 883–1), may be registered. (See Subpart 67.41.)

(R.S. 4132, as amended, sec. 22, 41 Stat. 997, sec. 27A, 72 Stat. 1736; 46 U.S.C. 11, 13, 883–1)

§ 67.07–13 Enrollment and license; coasting trade and fisheries.

(a) When employed in the coasting trade and fisheries, a vessel of 20 net tons or over shall be enrolled and licensed and a vessel of 5 net tons or over but less than 20 net tons shall be licensed, unless such vessel is registered. (See § 67.07–11.)

(b) A vessel engaged exclusively in the cod fishery shall be licensed for that fishery. A vessel engaged in whaling shall be licensed for the whale fishery. A vessel engaged in taking fish of any other description shall be licensed for the mackerel fishery. A vessel licensed for the fisheries shall not be deemed to be used in an employment for which not licensed solely because it occasionally takes on board on the high seas and transports without a monetary consideration to a port of the United States the catch of another fishing vessel of the United States. A vessel which engages in both the coasting trade and fishing (other than whaling) may be licensed for the "coasting trade and mackerel fishery." A vessel engaged in taking out fishing parties is not a fishing vessel and shall be licensed for the coasting trade unless it intends to proceed to a foreign port, in which case a certificate of registry is required. (See § 67.07–11. See Subpart 67.61 for vessels on the Great Lakes.)

(c) The trade expressed in the body of a document is controlling and may not be limited or expanded by the statement of service in the space provided therefor.

(d) An enrolled and licensed vessel may engage in trade with the Canal Zone or Guantanamo Bay Naval Station.

(R.S. 4311, as amended, 4321, as amended, sec. 7, 24 Stat. 81, as amended, 75 Stat. 410; 46 U.S.C. 251, 263, 319, 404a)

Subpart 67.09—Builder's Certificates

§ 67.09–1 Applicability.

In order to document a vessel of class 1, 2, 6, or 7 (see § 67.01–5), built in the United States and not before documented, the owner shall produce to the

[4] Under the "Seattle plan," which is in force in a number of marine inspection zones, a vessel having its home port within the marine inspection zone may secure a permanent document at any other port in the same marine inspection zone at which marine documents are issued.

Officer in Charge a certificate on Form CG–1261 from the builder under whose direction the vessel was built that she was so built, stating the place and time of building, the person or persons for whom built, number of decks and masts, length, breadth, depth, tonnage, and such other particulars as are usually descriptive of a vessel. This certificate shall be sufficient to authorize the removal of a new vessel, if in ballast only, from the marine inspection zone where she was built to another marine inspection zone in the same or an adjoining State where the owner or owners actually reside.

(R.S. 4147; 46 U.S.C. 24)

§ 67.09–3 Waiver.

When for any cause it is found impracticable to obtain the certificate of the builder, other competent evidence establishing the particulars and facts required to be certified by him may be accepted with the approval of the Commandant.

§ 67.09–5 Place and time of build.

The place of build is where the hull was built. The time of build is the year of completion. Both shall appear in all marine documents.

Subpart 67.11—Official Number and Signal Letters

§ 67.11–1 Application for official number.

(a) Every documented vessel shall have an official number[4] awarded by the Commandant. Application therefor shall be made on Form CG–1320 by the owner or his agent through the Officer in Charge. When the application is filed with the Officer in Charge at the port designated as the home port of the vessel, the application shall be in triplicate. When the application is filed with the Officer in Charge at any port other than the home port of the vessel, the application shall be in quadruplicate. The name or names of any former owner or owners shall be stated on the application. If there was no former owner, that fact shall be stated. In the case of corporate ownership, the application shall be signed in the corporate name by the president, secretary, or a specially authorized officer of the corporation, or by an authorized agent. In the case of a partnership, the partnership name shall be signed by one of the partners, or by a duly authorized agent; the name of each of the partners shall be stated but the proportionate interest of each in the partnership business shall not be stated. In the case of individual ownership by two or more persons, the application shall be signed by all the owners, by a duly authorized agent, or by one of the owners as managing owner, provided there is filed with the Officer in Charge a written authorization for him to act in that capacity signed by the owners of a majority interest in the vessel; in every case, the name of each owner shall be stated. In every case the capacity in which the person signs, whether as owner, managing owner, agent, etc., shall be clearly stated below his signature. If a signature is by mark, it shall be witnessed by two persons, or acknowledged. Any acknowledgment valid under the law of the State where made may be accepted. No officer or employee of the Coast Guard is authorized by section 486, Tariff Act of 1930, to take such acknowledgments.

(b) Each application for an official number shall be accompanied by a designation of home port on Form CG–1319.

(c) When an application for an official number is filed with the Officer in Charge at the port designated as the home port of the vessel, the original and one copy of Form CG–1320 shall be forwarded to the Commandant. When an application for an official number is filed with the Officer in Charge at any port other than the home port of the vessel, the original and two copies of the application shall be forwarded to the Commandant. When an official number is awarded, the Commandant will return the original to the Officer in Charge from whom it was received. The Officer in Charge shall make a notation of the official number awarded on the retained copy of the application and shall deliver the original to the applicant. When the application for official number is filed with the Officer in Charge at any port other than the home port of the vessel, and an official number is awarded to the vessel, a copy of the notice of award will also be forwarded by the Commandant to the Officer in Charge at the home port.

(R.S. 4177, as amended; 46 U.S.C. 45)

§ 67.11–3 Signal letters.

(a) Any seagoing vessel of 100 tons or over, in addition to an official number, may have signal letters awarded. Application therefor shall be made by the owner or his agent through an Officer in Charge on the application for official number, Form CG–1320, or, if the application is made subsequent to the filing of an application for an official number, by a letter transmitted through the Officer in Charge. Signal letters will not be awarded to a seagoing vessel of less than 100 tons except upon special authorization by the Commandant.

(b) A new application for the award of signal letters to a vessel of the United States shall not be required by reason of any change in status or ownership of such vessel or by reason of the redocumentation of such vessel after a period during which it has been out of documentation. The award of such letters shall not be canceled except upon special authorization of the Commandant.

§ 67.11–5 Cancellation of signal letters.

Under certain circumstances, the Commandant will give consideration to granting a special authorization for the cancellation of the award of signal letters when the vessel to which such letters are awarded is no longer documented and, in the case of an application relating to a ship station, the vessel has not been so documented for a period of not less than 10 years. Such consideration will be given upon application by or on behalf of a person having a permit issued by the Federal Communications Commission for the construction or operation of a broadcast station or the operation of a ship station or by a person who has applied to the Federal Communications Commission for transfer or assignment of an existing station. In either case, the application must state that the person desires to use the letters in connection with the operation of such station. Such application shall be submitted to the Commandant in writing and shall state:

(a) The name and address of the permittee or applicant for transfer or assignment;

(b) The date of granting of such permit or filing of such application for transfer or assignment;

(c) The type of station involved;

(d) The letters desired; and

(e) The name and official number of the vessel to which such letters are awarded, if known to the applicant.

Subpart 67.13—Marking of Name and Hailing Port on Documented Vessel

§ 67.13–1 Marking of name and hailing port.

(a) Except as provided in §§ 67.13–3, 67.13–5, and 67.13–9, the name of every documented vessel shall be marked in full upon each bow and upon the stern, and the hailing port (see § 67.13–7) shall also be marked in full upon the stern.

(b) The name and hailing port of every documented vessel shall be painted, carved, or gilded in Roman letters in a light color on a dark ground, or in a dark color on a light ground, and shall be distinctly visible. The letters shall not be less than 4 inches high. Every steam vessel of the United States shall, in addition, have her name conspicuously placed in distinct, plain letters not less than 6 inches high on each outer side of the pilot house, if it has one, and if the vessel has side wheels, also on the outer side of each wheel house.

(R.S. 4178, as amended, sec. 21, 23 Stat. 58, R.S. 4214, as amended, 4495; 46 U.S.C 46, 47, 103, 493)

§ 67.13–3 Vessels not affording sufficient space for marking.

On a so-called "double ender" vessel the required names shall be placed on the parts corresponding to the bow and stern. If either the bow or stern, or both, of any such or other vessel does not afford sufficient space for marking the required name or names, or if the name marked in such a place would be obscured or concealed while the vessel is in operation (for example, by a fender), the names shall be placed on an appropriate adjacent part.

§ 67.13–5 "Scow-built" vessels.

The name of a scow, barge, or other vessel "scow-built" or with square bow may be marked on the bow instead of the side when such marking would be speedily obliterated by chafing against other vessels, piles, or docks.

§ 67.13–7 Hailing port.

The hailing port to be marked on the stern may be either the port where the vessel is permanently documented, or the place in the same marine inspection zone where the vessel was built or where one or more of the owners reside.

(Sec. 21, 23 Stat. 58; 46 U.S.C. 47)

§ 67.13–9 Yachts.

Every documented yacht shall have its name and hailing port placed on some conspicuous part of its hull.

(R.S. 4214, as amended; 46 U.S.C. 103)

Subpart 67.15—Evidence of Marking; Official Number, Net Tonnage, Name and Home Port

§ 67.15–1 Requirement for proper marking.

Except as provided for in § 67.75–17(a), marine documents shall not be issued until proper evidence is produced that the official number and net tonnage have been properly marked upon the vessel's main beam (see § 69.05–1 of this chapter) and that her name and hailing port have been properly marked as provided in Subpart 67.13.

§ 67.15–3 Evidence of marking.

The evidence of proper marking required by § 67.15–1 shall be a certificate by an officer or employee of the Coast Guard on Form CG–1322. If the vessel is at a place not readily accessible to an officer or employee of the Coast Guard, the owner or his agent shall certify as to the proper marking; but as soon as she arrives at a place accessible to an officer or employee of the Coast Guard, a certificate on Form CG–1322 shall be required.

Subpart 67.17—Verification of Over-all Dimensions

§ 67.17–1 Verification.

A marine document issued upon admeasurement under the provisions of Subpart 69.17 of this chapter may, in the discretion of the documentation officer concerned, not be renewed; nor another marine document issued for a vessel documented upon such admeasurement until an officer or employee of the Coast Guard has verified the over-all dimensions stated in the application for such admeasurement.

(R.S. 4150, as amended, 4153, as amended; 46 U.S.C. 74, 77)

§ 67.17–3 Corrections.

Any correction of the stated over-all dimensions of a vessel as the result of the verification provided for in § 67.17–1 shall be deemed a change in the description of the vessel within the meaning of § 67.07–3(b).

(R.S. 4150, as amended, 4153, as amended; 46 U.S.C. 74, 77)

Subpart 67.19—Home Port

§ 67.19–1 Definition.

A vessel's home port[4] is that port where marine documents may be issued to vessels (see § 66.05–1 of this subchapter) which has been fixed and determined by the owner with the approval of the Officer in Charge or documentation officer at the port designated or at the port where a temporary marine document is to be issued to the vessel. It is the port at which a vessel's permanent marine documents are issued.

(R.S. 4141, sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 17, 18)

§ 67.19–3 Designation of home port; when required.

(a) Before a marine document is issued to a vessel never before documented or to a documented or previously documented vessel when there has been some change in ownership in whole or in part or when a change in home port is desired, the owner of the vessel shall submit his designation of home port for the vessel on Form CG–1319, signed as provided for in § 67.11–1(a), to the Officer in Charge for the port designated or the port where a temporary marine document is to be issued. When the designation is filed with the Officer in Charge at the port designated as home port, it shall be filed in duplicate; when filed at a port where a temporary marine document is to be issued, it shall be filed in triplicate. If the home port so designated is different from the last previous home port of the vessel, the owner shall also request the Officer in Charge at the previous home port to forward to the Officer in Charge at the designated port an abstract of title on Form CG–1332 (see § 67.42–27(a)).

(b) If an owner desires that the home port be elsewhere than the port at or nearest the place in the same marine inspection zone where the vessel business of the owner is conducted, he shall submit with his designation of home port a detailed statement setting forth the reasons.

(R.S. 4141, sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 17, 18)

§ 67.19–5 Examination of instruments of title.

Whenever an owner submits a designation of home port to an Officer in Charge, the Officer in Charge shall examine the instruments transferring title to the vessel and the abstract of title on Form CG–1332 and satisfy himself that the home port has in fact been designated by the owner of the vessel or some person authorized to act for him.

(R.S. 4141, sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 17, 18)

§ 67.19–7 Recommendation by Commandant; when required.

Any designation presented shall be forwarded to the Commandant for recommendation before approval and before the issuance of any document under such designation if:

(a) A port or place is designated which is other than the port at or nearest the place in the same marine inspection zone where the vessel business of the owner is conducted;

(b) The vessel is of foreign build and has not been previously documented as a vessel of the United States;

(c) The vessel has been transferred to an alien in whole or in part or has been placed under foreign registry after having been built in the United States or after having been documented as a vessel of the United States;

(d) Title has passed by operation of law before the first documentation as a vessel of the United States or since the date of acquisition of title by the last owner of record, whether by court order, by appointment of a trustee in bankruptcy, or otherwise;

(e) The vessel is owned by a corporation which is qualified as a citizen of the United States only under the definition contained in section 67.03–7(a).

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

§ 67.19–9 Approval of designation.

After favorable recommendation by the Commandant if required, the Officer in Charge or documentation officer for the port at which a designation is filed in accordance with § 67.19–1 may approve that designation provided recordable instruments covering each sale, gift, or conveyance (including a conveyance in trust), if any, since the date of aquisition of title by the last owner of record are presented with the designation. After favorable recommendation by the Commandant if required, the Officer in Charge, or the documentation officer for the port at which a designation is filed when authorized by the Officer in Charge, may waive the requirements for production of recordable instruments of conveyances and may approve that designation if he is satisfied that it is impracticable to furnish any such instrument and that the owner has legal title to the vessel.

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

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[4] "The Commissioner of Customs [now Secretary of Transportation] shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at anytime she shall cease to be so marked, such vessel shall be liable to a fine of $30 on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked." (46 U.S.C. 45)

[4] "For the purposes of the navigation laws of the United States * * * every vessel of the United States shall have a 'home port' in the United States, including Puerto Rico, which port the owner of such vessel, subject to the approval of the Commissioner of Customs [now Commandant] shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment, and license, or license of such vessel, which documents, respectively, are referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force on February 16, 1925, shall be deemed to have been fixed and determined in accordance with the provisions hereof. * * *" (46 U.S.C. 18.)

§ 67.19–11 Forwarding of duplicate copy of designation to Commandant.

(a) If the designation of home port is approved as provided for in § 67.19–9, the Officer in Charge shall forward a duplicate copy of the designation to the Commandant. If the designation is so approved at a port other than the home port, the Officer in Charge shall also forward the triplicate copy of the designation to the Officer in Charge at the home port.

(b) In every case in which a favorable recommendation by the Commandant is required before an approval may be granted under § 67.19–9, the Officer in Charge shall forward a copy of the designation to the Commandant, together with any evidence of title submitted, any necessary statement of the facts and circumstances, and a statement as to whether or not the Officer in Charge is of the opinion that the applicant has legal title to the vessel. In addition, any statement required by § 67.19–3(b) shall be forwarded. The papers so forwarded will be returned by the Commandant, with its recommendation, for processing by the Officer in Charge or documentation officer concerned.

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

§ 67.19–13 Vessel to be documented substantially simultaneously with approval of designation.

No officer or employee of the Coast Guard designated to grant approvals of designations of home ports shall approve, nor shall any Officer in Charge forward to the Commandant for review, any such designation unless it appears that the vessel will be documented as a vessel of the United States substantially simultaneously with the approval of the designation by any such officer or employee after any necessary review. When a designation has been approved and the vessel is not so documented, the approval granted shall be canceled. The Officer in Charge, in subsequently transmitting a copy of a new designation by the same owner for review or in forwarding a copy of a designation approved by him, shall indicate in his remarks the date of the previous approval and that it was canceled because of failure to document the vessel.

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

Subpart 67.21—Forms of Oath of Owner and Master

§ 67.21–1 Oath of ownership.

Prior to the documentation or redocumentation of any vessel, except in case of redocumentation of a vessel at a port other than the home port upon change in trade or loss of marine document or when the renewal spaces are filled, there shall be filed an oath of ownership on Form CG–1258 if the vessel is owned by an individual, partnership, unincorporated company, association, or the United States; or on Form CG–1259 or 1260, whichever is applicable if the vessel is owned by a corporation.

(R.S. 4142, 4139, as amended, 4159, 4161, 4214, as amended, 4312, 4314, as amended, 4328, as amended, 4330, sec. 27A, 72 Stat. 1736; 46 U.S.C. 19, 20, 29, 31, 103, 252, 254, 270, 272, 883–1)

§ 67.21–3 Special statements on oath; when required.

If any vessel falls within class 4, 5, 6, or 7 of § 67.01–5, there shall be inserted immediately after footnote 1 of Form CG–1258 or immediately after footnote 3 of Form CG–1259 the appropriate one of the following clauses:

(a) For class 4—

On the _____ day of _____, 19__, captured in war by a citizen (or citizens) of the United States and lawfully condemned as prize by a decree, sentence, or judgment of the _____ court of _____, an authenticated copy of which I now produce.

(b) For class 5—

Adjudged to be forfeited, for a breach of the laws of the United States, by a decree, sentence, or judgment of the _____ court of _____, an authenticated copy of which I now produce.

(c) For class 6—

Formerly the _____, purchased from the United States (or from an officer, naming him and his office).

(d) For class 7—

Authorized to be documented by act of Congress and by the Commandant, United States Coast Guard, by letter under date of _____, an authenticated copy of which I now produce.

(R.S. 4132, as amended, 4142, 4139, as amended, 4159, 4161, 4214, as amended, 4312, 4314, as amended, 4328, as amended, 4330, sec. 9, 39 Stat. 730, as amended, sec. 27A, 72 Stat. 1736; 46 U.S.C. 11, 19, 20, 29, 31, 103, 252, 254, 270, 272, 808, 883–1)

§ 67.21–5 Oath of master for documentation.

The master's oath required for the license or enrollment and license of a vessel shall be executed in the space provided therefor on Form CG–1258, CG–1259, or CG–1260. If the vessel is to be registered and the master is within the marine inspection zone where the registry is to be made, the master's oath shall be on Form CG–1258, or CG–1259. Such form of oath shall not be used for a renewal of license under § 67.21–7.

(R.S. 4320, as amended, 4330; 46 U.S.C. 262, 272)

§ 67.21–7 Oath of master for renewal.

The master's oath for the renewal of a license shall be executed on Form CG–1280. Except when the vessel is at its home port, such an oath shall be taken for the renewal of the license even though it may be necessary to issue a new document because all renewal spaces are filled on the former document.

(R.S. 4325, as amended; 46 U.S.C. 267)

Subpart 67.23—Execution of Oaths for Documentation, for Operation of Certain Vessels Exempt From Documentation, and for Qualification of Certain Corporations as Citizens of the United States

§ 67.23–1 Individual.

If the vessel be owned by one individual, the oath shall be taken by him or by his duly authorized agent.

(R.S. 4142, 4139, as amended, 4143, 4163, 4314, as amended; 46 U.S.C. 19, 20, 21, 33, 254)

§ 67.23–3 Several individuals, firm, or unincorporated company.

If the vessel be owned by several individuals or a firm or unincorporated company, the oath shall be taken by the managing owner or a member of the firm who shall specify the names and places of abode of, and except in the case of a partnership the proportions of the vessel owned by, each of the others, and shall certify to their citizenship.

(R.S. 4142, 4139, as amended, 4143, 4163, 4314, as amended; 46 U.S.C. 19, 20, 21, 33, 254)

§ 67.23–5 Corporation.

If the vessel be owned by a corporation, the oath shall be taken by its president, its secretary, or by any other officer or agent thereof duly authorized by a writing under the corporate seal to act in its behalf. Such officer or agent shall also furnish a certificate as to the organization of the corporation and the names of its president or other chief executive officer, chairman of its board of directors, and directors, showing the home address and citizenship of each and the number of directors necessary to constitute a quorum, including a quotation of the pertinent portion of the articles of incorporation, bylaws, or other corporate papers relating to the matter of a quorum. If the corporate owner is qualified as a citizen of the United States under the definition contained in § 67.03–7(a), the oath shall be on Form CG–1260 and the accompanying certificate shall include information as to the names, home address, and citizenhip of all officers and directors.

(R.S. 4138, 4142, 4139, as amended, 4143, 4163, 4314, as amended, 72 Stat. 1736; 46 U.S.C. 16, 19, 20, 21, 33, 254, 883–1)

§ 67.23–7 Corporation qualifying under the Act of September 2, 1958 (46 U.S.C. 883–1).

(a) A corporation which meets the qualification requirements of § 67.03–7(a) as a citizen of the United States and which seeks to operate in trade a vessel owned by such corporation and exempt from documentation under § 67.01–11(a) shall file in duplicate with the Officer in Charge of the marine inspection zone in which the vessel business of the owner is conducted, a certificate under oath on Form CG–1260 by its president, its secretary, or by any officer or agent thereof duly authorized by a writing under the corporate seal to act in its behalf. Such officer or agent shall also furnish in duplicate a certificate as to the organization of the corporation and the names of all officers and directors of the corporation, showing the home address and citizenship of each.

(b) A corporation which meets the qualification requirements of § 67.03–7(a) as a citizen of the United States and which seeks to qualify under the Act of September 2, 1958 (46 U.S.C. 883–1), for any purpose other than as outlined in paragraph (a) of this section shall file in duplicate with the Commandant a certificate under oath on Form CG–1260, appropriately modified to omit reference to any vessel, by the corporation's president, its secretary, or by any other officer or agent thereof duly authorized in writing under the corporate seal to act in its behalf. Such officer or agent shall also furnish in duplicate a certificate as to the organization of the corporation and the names of all officers and directors of the corporation, showing the home address and citizenship of each, and shall state in duplicate in writing the reasons for desiring to qualify under the Act and the reasons why qualification is not sought under § 67.23–5 or paragraph (a) of this section.

(c) If any change occurs in any corporation after the filing of a certificate under oath and the other papers required under paragraph (a) or (b) of this section whereby the corporation is no longer entitled to be deemed a citizen of the United States as defined in § 67.03–7(a), the corporation shall cause a report of such change to be made in writing in duplicate to the office where the previous certificate under oath was filed.

(d) Upon the filing of a certificate under oath and the other papers required under paragraph (a) or (b) of this section, the Officer in Charge or the Commandant shall furnish the corporation, through its officer or agent, a certificate of filing of such oath on Form CG–1262 which shall be valid for a period of 3 years from the date of its issuance unless there first occurs a change in corporate status requiring a report under paragraph (c) of this section. On or before the date of expiration of the validity of such certificate, a new oath on Form CG–1260 and the other papers required by paragraph (a) or (b) of this section shall be filed with the appropriate officer.

(e) The duplicate copy of the oath and other papers required by paragraphs (a) and (c) of this section and a copy of any certificate issued by the Officer in Charge under paragraph (d) of this section shall be forwarded promptly to the Commandant, who will cause notice of the contents thereof to be given to all Officers in Charge concerned. The Commandant will also give similar notice of the contents of any oath filed with him under paragraph (b) of this section.

(72 Stat. 1736; 46 U.S.C. 883–1)

§ 67.23–9 Parent or subsidiary corporation.

(a) A parent or subsidiary corporation as defined in §§ 66.03–17 and 66.03–19 of this subchapter shall file a certificate under oath on Form CG–1263 executed by its duly authorized officer or agent establishing the facts respecting the citizenship of such parent or subsidiary corporation before any vessel owned by a corporation as defined in § 67.03–7(a) shall transport any merchandise or passengers for such parent or subsidiary corporation, whether the transporting vessel is documented as a vessel under the laws of the United States or is exempt from the requirements for documentation under § 67.01–11(b) or otherwise.

(b) The certificate under oath required under paragraph (a) of this section shall be filed in duplicate with the Officer in Charge at the vessel's home port if the vessel is documented as a vessel of the United States or, if not so documented, with the Officer in Charge of the marine inspection zone in which the vessel business of the owner is conducted. Such officer or agent shall also furnish in duplicate a certificate as to the organization of the corporation and the names of all officers and directors of the corporation, showing the home address and citizenship of each.

(c) When there is any change in the status of a parent or subsidiary corporation which is a citizen of the United States whereby such corporation shall cease to be qualified as a citizen, such corporation shall cause a report of such change to be made in writing in duplicate to the Officer in Charge at the port where the previous certificate under oath was filed.

(d) The duplicate copy of the oath and other papers required by this section shall be forwarded promptly to the Commandant, who will cause notice of the contents thereof to be given to all Officers in Charge concerned.

(72 Stat. 1736; 46 U.S.C. 883–1)

§ 67.23–11 Proportion owned to be stated in oath.

In all cases where there is more than one owner, the proportions owned by each shall be stated in the oath.

§ 67.23–13 Taking of oath of owner or master.

The oath of the owner or of the master required for documentation may be taken before an Officer in Charge or before any officer authorized by the laws of a State to administer oaths generally. If the oath is not taken before the Officer in Charge, it may be mailed to him.

(5 U.S.C. 2303(c)(2))

Subpart 67.25—Issue and Record of Marine Documents

§ 67.25–1 Retention of copy of marine document by issuing office.

An exact copy of each marine document issued by an Officer in Charge shall be placed in a permanent record kept for that purpose and a proper index made thereof on Form CG–1241 (on Form CG–2112 at the port of New York).

(R.S. 4176, as amended; 46 U.S.C. 44)

§ 67.25–3 Surrender of former marine document upon application for a new document.

At the time application is made for a new marine document, any former document of the vessel shall be surrendered to the Officer in Charge to whom the application is made, unless the former marine document has been lost, mutilated, destroyed, or unintentionally mislaid. (See § 67.43–1.)

(R.S. 4167, 4322, 4326, 4329, as amended; 46 U.S.C. 36, 264, 266, 271)

§ 67.25–5 Failure to surrender document on sale or transfer of vessel sold or transferred by process of law.

On proof that any vessel has been sold or transferred by process of law and that her former owner has retained the marine document, the Officer in Charge at the vessel's home port may grant a new marine document and shall not refuse to issue such a document merely because the last document is retained by the former owner. In any such case, the new owner shall not be required to produce and surrender the former marine document, but the issuance of the new document does not remove the liability of the holder of the former document for failure to surrender it.

(R.S. 4164, as amended; 46 U.S.C. 34)

§ 67.25–7 Report of change of address of owner.

Upon any change in the address of an owner as shown upon a marine document, a prompt report, giving both the old and the new addresses, shall be made to the Officer in Charge at the vessel's home port and the marine document shall be presented for amendment of the address to any Officer in Charge at the first opportunity.

§ 67.25–9 Approval of designation of home port required prior to issuance of marine document.

No marine document shall be issued to any vessel prior to the receipt by the Officer in Charge of the approval of the designation of the home port by or on behalf of the owner in whose name the document is to be issued.

(Sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18)

§ 67.25–11 Delivery of marine document in special envelope.

When a marine document is issued to a vessel on the Great Lakes, it shall be delivered by the Officer in Charge in a special envelope, Form CG–1503. When a marine document is issued to a vessel elsewhere than on the Great Lakes, it shall be delivered in a special envelope, Form CG–1502. In the case of the issuance of any marine document other than a register, the date upon which the license for the vessel will expire shall be noted plainly on the face of the envelope.

Subpart 67.27—Permanent Documentation of Vessel Absent From Home Port

§ 67.27–1 Application for marine document.

A permanent marine document may be issued to any vessel absent from her home port upon application to the Officer in Charge for the home port through the Officer in Charge at the port where the vessel shall be. In such case, all requirements which would be applicable if the vessel were at her home port shall be met at the port where she is before the application is forwarded, except that the owner's and master's oaths may be executed at the home port.

(R.S. 4328, as amended; 46 U.S.C. 270)

§ 67.27–3 Issuance and delivery of marine document.

The Officer in Charge through whom application was made shall forward a

request for issuance of a permanent marine document to the Officer in Charge at the vessel's home port, who shall issue a permanent document and deliver the document either directly or through the Officer in Charge through whom the application was received.

(R.S. 4328, as amended; 46 U.S.C. 270)

Subpart 67.29—Citizenship of Master; Change of Master

§ 67.29–1 Citizenship requirement.

Every vessel of the United States shall be commanded by a citizen or surrender her marine document.

(R.S. 4131, as amended; 46 U.S.C. 221)

§ 67.29–3 Requirement for report of change of master.

(a) When the master of any documented vessel, except a licensed ferryboat or yacht, is changed, the owner or the new master shall report the change to the Officer in Charge at the port where the change takes place, or where the vessel first arrives thereafter, and produce to him the marine documents and file with him a declaration properly executed on Form CG–1305. The Officer in Charge shall then endorse upon the marine document the name of the new master.

(b) If the declaration on Form CG–1305 is mailed to the Officer in Charge, it shall be accompanied by the vessel's outstanding marine document.

(R.S. 4171, as amended, 4335, as amended; 46 U.S.C. 40, 276)

§ 67.29–5 Alternate masters.

(a) Every application for the endorsement of the names of one or two alternate masters on the license of a vessel in addition to the name of the master already endorsed on the license shall be filed with the Officer in Charge at the home port of the vessel and shall contain a statement of the condition of employment of the vessel. The endorsement of the names of one or two alternate masters upon the license shall be authorized by the Officer in Charge or an employee in his office properly designated to grant such authorization whenever that Officer in Charge or employee, after examining the application, deems the condition of employment of the vessel warrants such action. Under no circumstances shall the endorsement of the names of more than two alternate masters upon the license be authorized. The same declarations shall be required of such alternate masters as are required in the case of other masters.

(b) In the case of a vessel on whose license there are endorsed the names of more than one master, the master actually in charge of the vessel shall assume all the duties and responsibilities imposed by any statute upon masters of vessels and is subject to the liabilities provided by any law against masters of vessels during any period in which he is in charge of the vessel.

(R.S. 4335, as amended; 46 U.S.C. 276)

§ 67.29–7 Certain vessels navigated within the limits of the harbor of any town or city.

If two or more vessels are owned by or under the complete control and management of the same person, association, corporation, etc., and are navigated within the limits of the harbor of any town or city, the name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the licenses of all such vessels although the person whose name is so endorsed may not be actually employed on any of the vessels. The same declaration shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against masters of vessels.

(R.S. 4335, as amended; 46 U.S.C. 276)

§ 67.29–9 Unrigged vessels.

The name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the license of any unrigged vessel, except one which is required by law to have on board a certificate of inspection and which is required by that certificate to be manned, although the person whose name is so endorsed may not be actually employed on that vessel. The same declaration shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against the masters of vessels.

(R.S. 4335, as amended; 46 U.S.C. 276)

§ 67.29–11 Towing vessels.

The name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the license of any vessel engaged in towing from any port or place embraced within the coastwise laws of the United States to any other such port or place plying in whole or in part on inland rivers, canals, waterways, sounds, gulfs, lakes, and harbors, not carrying passengers nor proceeding directly or indirectly to any foreign port or place or to any port or place in noncontiguous territory of the United States, although the person whose name is so endorsed may not be actually employed on that vessel. The same declaration shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against the masters of vessels.

(R.S. 4335, as amended; 46 U.S.C. 276)

§ 67.29–13 Removal of master.

Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply when there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession.

(R.S. 4250, as amended; 46 U.S.C. 227)

Subpart 67.31—Renewal of License

§ 67.31–1 Requirement for renewal.

(a) A permanent or temporary license shall be presented within 3 days (exclusive of any day on which the marine inspection office is not open for business) after its expiration, to the Officer in Charge of the marine inspection zone where the vessel may then be, or if the vessel is then at sea, within 3 days after her first arrival within any marine inspection zone. A temporary license shall be surrendered within 10 days after the arrival of a vessel at her home port and shall not be renewed at that port.

(b) If a license is presented for renewal at any time within 30 calendar days prior to the date of expiration shown thereon, it may be renewed for a period of 1 year from that date of expiration.

(R.S. 4325, as amended, 4326, 4327, 4498, as amended; 46 U.S.C. 267, 268, 269, 496)

§ 67.31–3 Oath for renewal.

When a license is presented for renewal, the master shall make oath in the form prescribed by § 67.21–7.

§ 67.31–5 Delivery of renewed marine document.

When a license for a vessel on the Great Lakes is renewed, it shall be redelivered by the Officer in Charge in a special envelope, Form CG–1503. When a license is renewed for a vessel elsewhere than on the Great Lakes, it shall be redelivered in a special envelope, Form CG–1502. In either case, the date upon which the license for the vessel will expire shall be noted plainly on the face of the envelope and any previous notation of a date of expiration shall be deleted.

§ 67.31–7 Notice of expiration of license.

The Officer in Charge at the home port of a licensed or enrolled and licensed vessel shall transmit a notice of the date upon which the license will expire and the form of oath to be executed by the master on Form CG–1280 to the last-known address of the owner of the vessel not more than 40 days prior to its expiration nor less than 21 days prior thereto. Neither the failure of an Officer in Charge to transmit such notice and form of oath nor the fact that the master did not receive it shall be deemed to excuse the master from the penalty or penalties provided by law.

Subpart 67.33—Surrender of Permanent Marine Documents

§ 67.33–1 Requirement for surrender.

(a) The marine document shall be surrendered when:

(1) A vessel is sold or transferred in whole or in part;

(2) The owner of the whole or any part of a vessel dies;

(3) A vessel has been lost, abandoned, dismantled, or taken by an enemy, or otherwise prevented from returning to the United States;

(4) A vessel is burned or broken up;

(5) A vessel is altered in form by being lengthened, shortened, or built upon, or is changed from one denomination to another by a change in the method of rigging or fitting;

(6) The tonnage of a vessel is changed for any reason;

(7) A vessel is altered so that it is no longer of the description set forth in its document;

(8) A vessel changes from one employment to another;

(9) A vessel is placed under foreign registry or flag;

(10) A vessel changes her name;

(11) The home port of a vessel is changed;

(12) A president or secretary whose name appears on the document of a vessel owned by a corporation dies, is removed, or resigns;

(13) A trustee is appointed upon bankruptcy of the owner of the whole or any part of a vessel;

(14) A partnership owning an interest in a vessel is terminated or when there is any change in the membership of such partnership without dissolution of the firm; and

(15) There is any change in the status of a corporation which is a citizen of the United States as defined in § 67.03–7(a) whereby such corporation shall cease to be qualified as a citizen thereunder.

(b) The approval of the Officer in Charge of the surrender of the marine document of a vessel covered by a preferred mortgage shall be obtained, except as specified in § 67.41–3 or in the case of the forfeiture of the vessel or its sale by the order of any court of the United States or any foreign country.

(R.S. 4138, 4146, as amended, 4170, as amended, 4322, 4324, 4325, as amended, sec. 27A, 72 Stat. 1736, sec. 30, subsec. O, 41 Stat. 1004, as amended; 46 U.S.C. 16, 23, 39, 264, 266, 267, 883–1, 961)

§ 67.33–3 Report of lost, destroyed, or abandoned vessel.

If any documented vessel is lost, destroyed, or abandoned, the owner shall immediately report the fact to the Officer in Charge at the home port of the vessel.

§ 67.33–5 Change of vessel engine.

A marine document need not be surrendered because the engine of the vessel is changed, if there is no change in the rig, dimensions, or tonnage of the vessel, nor because of a change in the service of the vessel, when there is no change in trade. In such a case, a notation of the change shall be made on the marine document by an Officer in Charge and initialed by him.

§ 67.33–7 Appointment of a guardian or receiver.

A marine document need not be surrendered because of the appointment of a guardian or committee for the owner of the whole or any part of the vessel, nor because of the appointment of a receiver, either in bankruptcy or in equity, of the assets of the owner of the whole or any part of the vessel.

§ 67.33–9 Sale or transfer to an alien.

When a marine document is surrendered incident to the sale or other transfer of a vessel to an alien, if such transfer has been approved by the Maritime Administration in accordance with the requirements of law (see § 67.57–1), the following certificate shall be issued by the Officer in Charge concerned upon the presentation of the bill of sale or other evidence covering the transfer:

I, ----------, Officer in Charge, Marine Inspection, for the port of ----------, State of ----------, United States of America, do hereby certify that ----------, No. ------, issued at ---------- on ---------- to the ----------, official number ------, was this day surrendered at this port upon the transfer of the vessel to a subject of ----------, which transfer was authorized by the Maritime Administration under its Transfer Order No. MA------, dated ----------.

As witness my hand this ------ day of ----------, 19--.

(Signed) ----------
Officer in Charge, Marine Inspection

(R.S. 4146, as amended; 46 U.S.C. 23)

§ 67.33–11 Penalty for neglecting to surrender marine document.

The penalty for neglecting to surrender a marine document when required by law is the forfeiture of all privileges and benefits of a vessel of the United States.

(R.S. 4169; 46 U.S.C. 38)

Subpart 67.35—Surrender of Temporary Marine Documents

§ 67.35–1 Temporary marine document.

Every marine document granted by the Officer in Charge at a port other than the home port shall be temporary (see § 67.07–1 and note 4 thereunder).

(R.S. 4159, 4161, 4168; 46 U.S.C. 29, 31, 37)

§ 67.35–3 Requirement for surrender.

(a) Every temporary marine document shall be surrendered to the Officer in Charge within 10 days after the arrival of the vessel at her home port and whenever the surrender of a permanent document is required (see subpart 67.33).

(b) The term "arrival" in paragraph (a) of this section means the voluntary arrival of the vessel in the regular course of her employment.

(R.S. 4160, 4162, 4168, 4325, as amended; 46 U.S.C. 30, 32, 37, 267)

§ 67.35–5 Vessel covered by a preferred mortgage.

The approval of the Officer in Charge of the surrender of the marine document of a vessel covered by a preferred mortgage shall be obtained, except as specified in § 67.41–3.

(Sec. 30, subsec. O, 41 Stat. 1004, as amended; 46 U.S.C. 961)

Subpart 67.37—Rebuilt and New Vessels

§ 67.37–1 New vessel.

A vessel may be deemed to be a new vessel in a case in which it has been built entirely of new materials or in a case in which it has been built in whole or in part of old materials taken from another vessel provided no considerable part of the old material used has been left undisturbed or intact without being taken up, refitted, and reset.

§ 67.37–3 Rebuilt vessel.

A vessel may be deemed to have been rebuilt if any considerable part of the hull in its intact condition without having been broken up is built upon or substantially altered.

§ 67.37–5 Vessels subject to the provisions of this subpart.

The certificate of specifications and other papers specified in § 67.37–7 shall be required when:

(a) A new vessel is constructed in whole or in part of material taken from an old vessel;

(b) An existing vessel is rebuilt;

(c) In the case of a vessel of more than 500 gross tons, an addition or change in any major component of the hull or superstructure is made and such major component was not constructed in the United States, its Territories (not including trust territories), or its possessions;

(d) A vessel of more than 500 gross tons is otherwise so altered as to give rise to a reasonable belief that such vessel may have been rebuilt, unless such alteration was effected entirely in the United States, its Territories (not including trust territories), or its possessions; or

(e) It is desired, in the case of an unrigged wooden vessel, other than a foreign-built vessel (§ 67.01–5(i), class 9), that a notation be made in the publication, Merchant Vessels of the United States, as to rebuilding.

(Sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 883, 883a, 883b)

§ 67.37–7 Certificate of specifications and other papers.

The owner of a vessel subject to the provisions of § 67.37–5 shall submit through the Officer in Charge at the port where the vessel then is or next arrives thereafter to the Commandant the following:

(a) A certificate of specifications outlining the work performed on the vessel, showing the place where any such building or rebuilding was effected, and describing the extent to which old materials used were taken up, refitted, and reset or the extent to which parts of the old hull in its intact condition were used or built upon.

(b) Accurate sketches or blueprints illustrating the extent of the work performed when such sketches or blueprints are available.

(c) A certificate of the builder, which shall be on Form CG–1261 if the vessel is claimed to be new.

(d) In the case of an unrigged wooden vessel, the shipbuilder, in addition to certifying that the vessel is rebuilt and the date of completion and place of such rebuilding, shall certify that the vessel is sound and free from rotten or doted

wood in its structural parts; that it is properly fastened and calked; and that it is as good as new in strength and seaworthiness.

(37 Stat. 189, as amended, sec. 27, 41 Stat. 998, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 63, 883, 883a, 883b)

§ 67.37–9 Determination by Commandant.

The Commandant shall decide whether or not a vessel is to be considered new or rebuilt and, if either, that decision shall be reflected on the vessel's marine document.

§ 67.37–11 Name and official number.

A rebuilt vessel shall retain its name and official number and the date and place of rebuild shall be noted on its marine document. Upon a finding under this subpart that a vessel is new, an application shall be submitted for the award of an official number and all other requirements applicable in the case of any new vessel shall be met before a marine document is issued.

(R.S. 4179; 46 U.S.C. 50)

§ 67.37–13 Rebuilt vessels; coastwise privileges.

No vessel of more than 500 gross tons which has been rebuilt and has thereby lost its coastwise privileges (see § 67.01–9) shall be documented for nor permitted to engage in the coastwise trade. When it is claimed that any such rebuilt vessel has not lost its coastwise privileges by virtue of the provisions of section 4 of the Act of July 5, 1960 (sec. 4, 74 Stat. 321), the owner in support of such claim shall submit to the Officer in Charge concerned with the other papers required by § 67.37–7 a certified copy of the contract for rebuilding, showing the date of execution, and a certificate of the builder showing the date the work of rebuilding commenced and the date upon which such work was completed.

(Sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 883, 883a, 883b)

Subpart 67.39—Change of Build or Rig

§ 67.39–1 Alteration in form or tonnage; change in rig.

When a documented vessel is altered in form or tonnage by being lengthened, shortened, or built upon or changed from one denomination to another by a change in rig or fitting, the vessel shall cease to be deemed a vessel of the United States unless she is documented anew. Every such alteration of a vessel of more than 500 gross tons which is not effected entirely within the United States, its Territories (not including trust territories), or its possessions, including the construction of any major components of the hull or superstructure, shall be reported in accordance with the provisions of § 67.37–7.

(R.S. 4170, as amended, secs. 2, 3, 70 Stat. 544, as amended; 46 U.S.C. 39, 883a, 883b)

§ 67.39–3 Change in means of propulsion; description.

(a) When there is a change in the means of propulsion of a vessel as from steam engine to gas engine or any other alteration which may change the description, the marine document of the vessel shall be surrendered.

(b) When a vessel's engine is changed but there is no change in the type of motive power, no redocumentation is required unless the installation of the new engine changes the admeasured tonnage of the vessel.

(R.S. 4170, as amended; 46 U.S.C. 39)

Subpart 67.41—Exchange of Marine Documents

§ 67.41–1 General provisions.

Any enrolled and licensed or licensed vessel, other than a vessel documented under the Act of September 2, 1958 (46 U.S.C. 883–1), may be registered upon the surrender of her marine document to an Officer in Charge (see § 67.41–3). Except as specified in § 67.41–5, any registered vessel may likewise be enrolled and licensed or licensed.

(R.S. 4322, 4323, as amended, 4337, sec. 27A, 72 Stat. 1736; 46 U.S.C. 264, 265, 278, 883–1)

§ 67.41–3 Surrender of marine document of a vessel covered by a preferred mortgage.

(a) The approval of the Officer in Charge of the surrender of the marine document of a vessel covered by a preferred mortgage shall be obtained, except that approval is not required when one or more of the following is the cause for surrender:

(1) A renewal of license, including a case in which the former document is replaced by reason of the fact that all renewal spaces are filled;

(2) A change of document incident to a change of trade;

(3) A change to a permanent document on arrival of a vessel at its home port under a temporary document or the issuance of a permanent document to a vessel absent from its home port;

(4) The replacement or renewal of a lost, mislaid, or mutilated document (a document may be deemed to be mutilated when it has been partially burned, torn, soiled, or otherwise defaced so as to be unsuitable for the purpose for which it was issued);

(5) The replacement of a document issued in error or on an improper form; or

(6) The replacement of a document of a vessel owned by a corporation when the president or secretary whose name appears thereon dies, is removed, or resigns and there has been no change in ownership.

(b) When some cause for surrender of the marine document occurs other than one or more of those recited in paragraph (a) of this section, such as a change in ownership or home port, the approval of the Officer in Charge is required to the surrender for such additional cause.

(Sec. 30, subsec. O, 41 Stat. 1004, as amended; 46 U.S.C. 961)

§ 67.41–5 Restrictions.

(a) Neither enrollment nor license for the coasting trade or for the coasting trade and mackerel fishery shall be granted to a vessel prohibited by law from engaging in the coastwise trade. (See § 67.01–1 and Subparts 67.37, 67.63, and 67.65.)

(b) Neither enrollment nor license for the fisheries or for the coasting trade and mackerel fishery shall be granted to a vessel prohibited by law from engaging in the American fisheries. (See § 67.01–1 and Subpart 67.63.)

(c) Neither enrollment and license nor license shall be granted to any vessel having on board merchandise brought from a foreign port until such merchandise shall have been wholly unladen and the duties paid or secured.

§ 67.41–7 Registered vessel; affidavit of owner or master.

No registered vessel shall be permitted to exchange her marine document unless the Officer in Charge to whom application is made is satisfied by an affidavit of the owner or master that all equipments purchased and repairs made aboard within the year immediately preceding such application have been duly accounted for and the duties accruing thereon have been paid. If the master gives this affidavit, it shall be on Form CG–1305.

(R.S. 4330; 46 U.S.C. 272)

§ 67.41–9 Exchange of marine document at a port other than the home port.

No vessel shall be permitted to exchange her marine document at a port other than the home port until the master has applied for the new marine document and has filed his affidavit that the ownership remains as stated in the document to be surrendered. Such affidavit shall be executed on Form CG–1305, which may be modified in appropriate cases by deletion of the matter pertaining to foreign equipment or repairs. If the exchange of documents is made at the home port, the oaths required by Subpart 67.21 shall be filed.

(R.S. 4323, as amended; 46 U.S.C. 265)

Subpart 67.43—Loss, Mutilation, or Destruction of Marine Document

§ 67.43–1 Lost, mutilated, destroyed, or mislaid marine document.

When the marine document of any vessel is lost, mutilated, destroyed, or mislaid, the master certifies such fact on Form CG–1305, and the oaths required by Subpart 67.21 are filed at the port of first arrival if that port is the vessel's home port, or the affidavit required by § 67.41–9 is filed at any other port of first arrival, the Officer in Charge shall issue a new marine document, which shall recite the fact that it replaces the one lost, mutilated, destroyed, or mislaid.

(R.S. 4167, 4326; 46 U.S.C. 36, 268)

§ 67.43–3 Marine document wrongfully withheld from the possession of the owner.

A marine document is held to be lost when it is wrongfully withheld from the possession of the owner. All questions of what constitutes a wrongful withholding shall be referred to the Commandant for determination.

Subpart 67.45—Sale or Transfer of Vessel

§ 67.45–1 Vessel ceases to be a vessel of the United States until documented anew.

Except as stated in Subpart 67.55, when a documented vessel is sold or transferred in whole or in part to a citizen, such vessel shall not be deemed a vessel of the United States until documented anew.

(R.S. 4170, as amended, 4312, sec. 9, 39 Stat. 730, as amended, 46 U.S.C. 39, 252, 808)

§ 67.45–3 Requirement for written instrument.

In the case of the sale, gift, or conveyance (including conveyance in trust) of the whole or any part of a documented vessel, a written instrument in the nature of a bill of sale, which may be on Form CG–1340, 1342, 1344, or 1356, and which shall recite in full the marine document last granted to the vessel before the execution of the instrument, shall be filed with the Officer in Charge before a new marine document is granted.

(R.S. 4170, as amended, 4312; 46 U.S.C. 39, 252)

§ 67.45–5 Administration of the estate of a deceased owner.

When the owner of the whole or any part of a documented vessel dies and there is an administration of his estate, an authenticated copy of the letters of appointment of the personal representative of the deceased owner shall be filed with the Officer in Charge before a new marine document is granted to that personal representative or to any of his successors in interest. In such a case, before a new marine document for a vessel is granted to one who acquires an interest therein as the beneficiary under a will, to the person succeeding to the interest of the deceased owner in case of intestacy, or to any successor in interest of either of them, an authenticated copy of the decree of distribution shall be filed with the Officer in Charge. The filing of an authenticated copy of the certificate of death or of the will of the deceased owner shall not be required.

§ 67.45–7 Death intestate of an owner.

(a) In case of the death intestate of the owner of the whole or any part of a documented vessel, if there is no administration of his estate, the Officer in Charge shall forward to the Commandant a statement of all the facts and circumstances and, except as provided for in paragraph (b) of this section, an authenticated copy of the certificate of death of the owner, together with any documentary evidence in support of the claim of title presented to him, before a new marine document is granted to the next of kin of the deceased owner or to his successors in interest.

(b) If it is impossible to obtain an authenticated copy of the certificate of death of the deceased owner of the whole or any part of such a vessel for filing with the Officer in Charge as required by paragraph (a) of this section, other evidence of death of such deceased owner shall be filed with the Officer in Charge in lieu thereof.

§ 67.45–9 Sale or conveyance by a guardian or committee of the owner.

In case of the sale or conveyance of the whole or any part of a documented vessel by a guardian or committee of the owner thereof, an authenticated copy of the letters of guardianship and of the court order, if any, authorizing the transfer of title shall be filed before a new marine document is granted.

§ 67.45–11 Appointment of a trustee in bankruptcy.

In case of the appointment of a trustee in bankruptcy of the assets of the owner of the whole or any part of such a vessel, an authenticated copy of the order of the referee or court appointing him as such shall be filed with the Officer in Charge before a new marine document is granted.

§ 67.45–13 Recitation of marine document; when not required.

The certificates, letters, decrees, orders, and other evidence of title referred to in §§ 67.45–5 through 67.45–11 shall not be required to recite a marine document of the vessel concerned.

§ 67.45–15 Partnership; termination of or change in.

(a) In the case of the termination of a partnership owning an interest in a vessel because of the addition of a new member, the withdrawal of an old, or both, the death or bankruptcy of a partner, of for any other reason, a written instrument in the nature of a bill of sale, as provided for in § 67.45–3, shall be filed with the Officer in Charge before a new marine document is granted.

(b) In the case of a change in membership of a partnership owning an interest in a vessel without dissolution of the firm, there shall be filed with the Officer in Charge evidence satisfactory to him that there has been no such dissolution and a certificate as to the change which has occurred signed by one or more of the members of the partnership as so changed before a new marine document is granted.

Subpart 67.47—Recording of Bills of Sale and Mortgages

§ 67.47–1 Declaration of vendee, mortgagee, pledgee, or transferee.

When any bill of sale, mortgage, hypothecation, or conveyance of any interest in any vessel is presented to an Officer in Charge to be recorded,[7] the vendee, mortgagee, pledgee, or transferee shall file with the Officer in Charge the declaration required by section 40, Shipping Act, 1916 (46 U.S.C. 838). The declaration of a corporation shall be signed by its president, secretary, or treasurer, or any other official thereof duly authorized by such corporation to execute any such declaration.

(Sec. 40, 40 Stat. 902, as amended; 46 U.S.C. 838)

§ 67.47–3 Approval of the designation of home port and documentation.

No bill of sale, mortgage, hypothecation, or conveyance of any interest in any vessel shall be accepted for recording prior to the receipt by the Officer in Charge of the approval of the designation of the home port; nor unless the vessel affected is documented as a vessel of the United States or will be so documented substantially simultaneously with the recording of the instrument.

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[7] "(a) No sale, conveyance, or mortgage which, at the time such sale, conveyance, or mortgage is made, includes a vessel of the United States, or any portion thereof, as the whole or any part of the property sold, conveyed, or mortgaged shall be valid, in respect to such vessel, against any person other than the grantor or mortgagor, his heir or devisee, and a person having actual notice thereof, until such bill of sale, conveyance, or mortgage is recorded in the office of the Collector of Customs [now Officer in Charge] of the port of documentation of such vessel, as provided in subsection (b) of this section.

(b) Such Collector of Customs [now Officer in Charge] shall record bills of sale, conveyances, and mortgages delivered to him, in the order of their reception, in books to be kept for that purpose and indexed to show—

(1) The name of the vessel;

(2) The names of the parties to the sale, conveyance, or mortgage;

(3) The time and date of reception of the instrument;

(4) The interest in the vessel so sold, conveyed, or mortgaged; and

(5) The amount and date of maturity of the mortgage." (46 U.S.C. 921)

"(a) No bill of sale, conveyance, or mortgage shall be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed, or mortgaged.

(b) No bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or possession thereof, to take acknowledgment of deeds.

(c) In case of a change in the port of documentation of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new port of documentation unless there is furnished the Collector of Customs [now Officer in Charge] of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former port of documentation furnished by the Collector of Customs [now Officer in Charge] of such port. The Collector of [Customs now Officer in charge] at the new port of documentation is authorized and directed to record such certified copy. * * *" (46 U.S.C. 926)

(Sec. 30, subsec. C, 41 Stat. 1000, sec. 2, 43 Stat. 948; 46 U.S.C. 921, 1012)

§ 67.47–5 Multiple changes in ownership; recording of bills of sale.

If there has been more than one change in ownership of any interest in a vessel and the vessel has not been documented by the intermediate owners, all unrecorded bills of sale which are executed in the form and manner prescribed by this subpart may be recorded upon documentation of the vessel.

(Sec. 30, subsec. C, 41 Stat. 1000, sec. 2, 43 Stat. 948; 46 U.S.C. 921, 1012)

§ 67.47–7 Acceptance of mortgage for recording.

No mortgage shall be accepted for recording unless the vessel it covers was documented as a vessel of the United States at the time the mortgage was made. Any mortgage presented for recording may be on Form CG–1348.

(Sec. 30, subsec. C, 41 Stat. 1000; 46 U.S.C. 921)

§ 67.47–9 Recording and validity of instruments.

No bill of sale, mortgage, hypothecation, or conveyance of any interest in any vessel shall be valid against any person other than the vendor, mortgagor, pledgor, grantor, the heirs or devisees of any of the foregoing, or a person having actual notice thereof, unless the instrument has been recorded in the office of the Officer in Charge at the home port of the vessel. If the instrument covers more than one vessel, it shall be recorded at the home port of each vessel and indexed under the name of each vessel whose home port is the port of recordation. The Officer in Charge shall record all such instruments and certificates of discharge of mortgages in the order of their receipt in books to be kept for that purpose and hereafter indexed on Form CG–1332 to show:

(a) The name of the vessel;

(b) The names of the parties to the instrument;

(c) The kind and date of the instrument;

(d) The interest transfered, mortgaged or discharged;

(e) The date, hour, and minute the instrument was received;

(f) The book in which the instrument is recorded;

(g) The number assigned to the instrument;

(h) In the case of a bill of sale or conveyance, the consideration stated in the instrument; and

(i) In the case of a mortgage or certificate of discharge of mortgage, the amount and date of maturity of the mortgage.

(Sec. 30, subsecs. C, H, 41 Stat. 1000, 1002, sec. 2, 43 Stat. 948; 46 U.S.C. 921, 926, 1012)

§ 67.47–11 Recitation of interest and name of transferee or mortgagee.

Each bill of sale, mortgage, hypothecation, or conveyance of any interest in any vessel shall recite the interest of the grantor or mortgagor in the vessel, the names of the persons to whom the interest has been transferred or mortgaged, and the interest transferred or mortgaged to each.

(Sec. 30, subsecs. C, H, 41 Stat. 1000, 1002; 46 U.S.C. 921, 926)

§ 67.47–13 Recitation of last marine document.

A bill of sale or conveyance shall recite in full the last marine document of the vessel. A mortgage, whether ordinary or preferred, may, but need not necessarily, recite in full the last marine document of the vessel; if such marine document is not recited, the vessel shall be described by rig, name, official number, and gross tonnage.

(R.S. 4170, as amended, 4312; 46 U.S.C. 39, 252)

§ 67.47–15 Decrees of distribution, trustees in bankruptcy, and orders of courts of record.

(a) The Officer in Charge shall index on Form CG–1332 all decrees of distribution of estates of deceased owners, all orders of referees or courts appointing trustees in bankruptcy, and all orders of courts of record having the effect of transferring any interest in a vessel or discharging a mortgage or lien to show:

(1) The name of the vessel;
(2) The name of the former owner;
(3) The name of the new owner;
(4) The interest transferred or lien discharged;
(5) The name of the court;
(6) The title of the case, and
(7) The date of the order.

(b) No certificate of death of the owner of any interest in a vessel, letters of appointment of the personal representative of a deceased owner, decree of distribution of the estate of a deceased owner, will of a deceased owner, letters of guardianship appointing a guardian or committee of an owner, order of a referee or court appointing a trustee in bankruptcy of the assets of an owner, nor court order authorizing the transfer of title of any interest in a vessel shall be recorded unless incorporated in a bill of sale, mortgage, hypothecation, or conveyance of an interest in a vessel of the United States.

(Sec. 30, subsec. C, 41 Stat. 1000; 46 U.S.C. 921)

§ 67.47–17 Instruments to be acknowledged.

No bill of sale, conveyance, mortgage, release from mortgage, satisfaction or discharge of mortgage, assignment of mortgage, or certificate of discharge of lien shall be recorded unless previously acknowledged. Any acknowledgment valid under the laws of the State where made may be accepted. No officer or employee of the Coast Guard is authorized to take such acknowledgments.

(Sec. 30, subsec. H, 41 Stat. 1002; 46 U.S.C. 926)

§ 67.47–19 Certificate of discharge of mortgage; form.

Each certificate of discharge of mortgage presented for recording shall be on Form CG–1363 or in a substantially similar form.

§ 67.47–21 Endorsement by Officer in Charge on recorded instruments.

Each bill of sale, mortgage, hypothecation, conveyance, release, satisfaction, assignment, or notice of claim of lien shall be endorsed by the Officer in Charge to show the port of recordation, the exact day, hour, and minute it was received for recordation, the book in which it was recorded, and the number assigned to the instrument.

§ 67.47–23 Number of copies required.

When an instrument other than a preferred mortgage or assignment of a preferred mortgage (see Subpart 67.49) is to be recorded, the original and one copy shall be presented to the Officer in Charge, who shall retain the copy for his files.

§ 67.47–25 Abstract of title furnished by an Officer in Charge.

Any abstract of title of a vessel furnished by the Officer in Charge at the home port of the vessel shall be on Form CG–1332 and shall include any entry respecting each instrument required to be indexed under the regulations contained in this part, including a notice of claim of lien (§ 67.49–19(b)).

(Sec. 30, subsecs. C, H, 41 Stat. 1000, 1002; 46 U.S.C. 921, 926)

§ 67.47–27 Forwarding of abstract of title to new home port.

(a) When the home port of a vessel is changed, whether or not any change in title occurs, the Officer in Charge at the old home port, upon request of the owner of the vessel, shall forward in duplicate to the Officer in Charge at the new home port an abstract of title of the vessel, which shall bear at the end thereof the following endorsement:

I certify that the foregoing, which is issued in accordance with the provisions of section 67.47–27(a), Coast Guard Regulations, incident to a change in home port, is a true abstract of title of the vessel described above, as appears by the records of this office.

Documentation Officer

Port----------

Date----------

(b) When an abstract of title of a vessel is forwarded to the Officer in Charge at the new home port of a vessel in accordance with paragraph (a) of this section, the following endorsement shall be made in the index after the last entry for that vessel, and thereafter no instrument for such vessel shall be recorded at the old home port and no entry shall be made in the index with respect to any decree of distribution or order appointing a trustee in bankruptcy:

An abstract of title of the vessel described above was forwarded to the Officer in Charge at ---------- on this date in accordance with the provisions of section 67.47–27(a) of the Coast Guard Regulations.

Documentation Officer

Date----------

(Sec. 30, subsec. H, 41 Stat. 1002; 46 U.S.C. 926)

§ 67.47–29 Recording abstract of title at new home port.

The Officer in Charge at the new home port of a vessel shall record the abstract of title of the vessel forwarded to him in accordance with § 67.47–27(a), and no bill of sale, mortgage, hypothecation, conveyance, release, satisfaction, assignment, notice of claim of lien, court order conveying title or other instrument shall be recorded at the new home port until such abstract has been received and recorded.

(Sec. 30, subsec. H, 41 Stat. 1002; 46 U.S.C. 926)

§ 67.47–31 Abstract of title furnished upon request to any person.

(a) Whenever requested the Officer in Charge at the home port of any vessel shall furnish to any person an abstract of title of that vessel, which shall bear at the end thereof the following endorsement:

I hereby certify that the foregoing, which is issued in accordance with the provisions of section 67.47–31(a) of the Coast Guard Regulations, and which is not for record, is a true abstract of title of the vessel described above, as appears by the records of this office.

Documentation Officer

Port ----------
Date ----------

(b) No abstract of title of any vessel issued in accordance with paragraph (a) of this section shall be recorded by any Officer in Charge, nor shall any endorsement be made in the index when such an abstract is furnished to any person.

Subpart 67.49—Preferred Mortgages

§ 67.49–1 Requirements.

(a) For the purposes of this subpart a "preferred mortgage" is one which meets the requirements of subsection D of the Ship Mortgage Act.[8]

[8] "(a) A valid mortgage which at the time it is made, includes the whole of any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than 25 gross tons), shall, in addition, have, in respect to such vessel and as of the date of the compliance with all the provisions of this subsection the preferred status given by the provisions of section 953 of this title, if—

"(1) The mortgage is endorsed upon the vessel's documents in accordance with the provisions of this section;

"(2) The mortgage is recorded as provided in section 921 of this title, together with the time and date when the mortgage is so endorsed;

"(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

"(4) The mortgage does not stipulate that the mortgagee waives the preferred status thereof; and

"(5) The mortgagee is a citizen of the United States and for the purposes of this section the Reconstruction Finance Corporation shall, in addition to those designated in sections 888 and 802 of this title, be deemed a citizen of the United States.

"(b) Any mortgage which complies in respect to any vessel with the conditions enumerated in this section is hereafter in this chapter called a "preferred mortgage" as to such vessel.

"(c) There shall be endorsed upon the documents of a vessel covered by a preferred mortgage—

"(1) The names of the mortgagor and mortgagee;

"(2) The time and date the endorsement is made;

"(3) The amount and date of maturity of the mortgage; and

"(4) Any amount required to be endorsed by the provisions of subsection (e) or (f) of this section.

"(d) Such endorsement shall be made (1) by the Collector of Customs [now Officer in Charge] of the port of documentation of the mortgaged vessel, or (2) by the Collector of Customs [now Officer in Charge] of any port in which the vessel is found, if such Collector of Customs [now Officer in Charge] is directed to make the endorsement by the Collector of Customs [now Officer in Charge] of the port of documentation; and no clearance shall be issued to the vessel until such endorsement is made. Collector of Customs [now Officer in Charge] of the port of documentation shall give such direction by wire or letter at the request of the mortgagee and and upon the tender of the cost of communication of such direction. Whenever any new document is issued for the vessel, such endorsement shall be transferred to and endorsed upon the new document by the Collector of Customs [now Officer in Charge].

"(e) A mortgage which includes property other than a vessel shall not be held a preferred mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness. If a preferred mortgage so provides for the separate discharge, the amount of the portion of such payment shall be endorsed upon the documents of the vessel.

"(f) If a preferred mortgage includes more than one vessel and provides for the separate discharge of each vessel by the payment of a portion of the mortgage indebtedness, the amount of such portion of such payment shall be endorsed upon the documents of the vessel. In case such mortgage does not provide for the separate discharge of a vessel and the vessel is to be sold upon the order of a district court of the United States in a suit in rem in admiralty, the court shall determine the portion of the mortgage indebtedness increased by 20 per centum (1) which, in the opinion of the court, the approximate value of the vessel bears to the approximate value of all the vessels covered by the mortgage, and (2) upon the payment of which the vessel shall be discharged from the mortgage." (46 U.S.C. 922)

(b) A preferred mortgage may not be placed upon any vessel which is not a documented vessel, nor upon any vessel of less than 25 gross tons which is a towboat (including tugs and other vessels used for towing), barge, scow, lighter, car float, canal boat, or tank vessel. It may cover more than one vessel, but may not be limited to a part of any vessel. (Section 1(b), Public Law 87–303, approved September 26, 1961 (75 Stat. 661), provides that the amendment reducing the minimum tonnage for preferred mortgages on certain classes of vessels from 200 to 25 gross tons under subsection (D) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 922), shall not apply to (1) any mortgage in existence on the date of enactment or (2) any mortgage placed on a vessel after the date of enactment under a mortgage on such vessel in existence on the date of enactment so long as such existing mortgage remains undischarged.)

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49–3 Mortgage including property other than a vessel.

A mortgage which includes property other than a vessel or vessels may not acquire a preferred status unless it provides for the separate discharge of such other property.

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49–5 Placing of more than one mortgage on a vessel.

A preferred or ordinary mortgage may be placed on a vessel already covered by a preferred or ordinary mortgage.

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49–7 Number of copies required.

(a) Every preferred mortgage presented for recording shall be accompanied by three identical copies and, in the case of a blanket mortgage, one additional identical copy for each vessel in excess of one covered by the mortgage. All copies except one, which shall be inserted by the Officer in Charge in his record of preferred mortgages, shall be certified by the Officer in Charge and delivered to the mortgagor after the record has been made. The original shall be returned to the mortgagee and a receipt obtained.

(b) The mortgagor shall place, and use due diligence to retain, a certified copy of the preferred mortgage delivered to him pursuant to paragraph (a) of this section, on board the mortgaged vessel and cause such copy and the marine document of the vessel to be exhibited by the master to any person having business with the vessel, which may give rise to a maritime lien upon the vessel or to the sale, conveyance, or mortgage thereof. The master of the vessel shall, upon the request of any such person, exhibit to him the marine document of the vessel and the certified copy of any preferred mortgage of the vessel placed on board thereof. The requirement of this section that a copy of a preferred mortgage be placed and retained on board the mortgaged vessel shall not apply in the case of a mortgaged vessel which is not self-propelled (including but not limited to, barges, scows, lighters, and car floats).

(Sec. 30, subsecs. E, W, 41 Stat. 1001, as amended, 1006; 46 U.S.C. 923, 983)

§ 67.49–9 Affidavit of mortgagor.

The affidavit of the mortgagor required by subsection D(a)(3), of the Ship Mortgage Act, 1920 (see note 8, § 67.49–1(a)), if not included in the mortgage, shall be presented with each preferred mortgage

submitted for recording and shall be retained by the Officer in Charge. Any acknowledgment of such affidavit valid under the laws of the State where made may be accepted. The Officer in Charge has no duty to ascertain whether there is any encumbrance on a vessel for which a preferred mortgage is presented to him for recording.

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49–11 Denial of clearance of vessel.

No vessel covered by a preferred mortgage shall be granted clearance at any port until the preferred mortgage endorsement required by subsection D(c) of the Ship Mortgage Act, 1920 (see note 8, § 67.49–1(a)), has been placed on her marine document.

(Sec. 30, subsec. D, 41 Stat. 1000, as amended; 46 U.S.C. 922)

§ 67.49–13 Endorsement on marine document; indexing on abstract of title.

In addition to the matters required by § 67.47–9, the Officer in Charge shall note on the index on Form CG–1332 the day, hour, and minute that:

(a) The proposed mortgage endorsement is placed on the marine document, and

(b) Such notation was made on the index.

(Sec. 30, subsecs. C, D, 41 Stat. 1000, as amended; 46 U.S.C. 921, 922)

§ 67.49–15 Surrender of marine document bearing a preferred mortgage endorsement.

When a marine document bearing a preferred mortgage endorsement is surrendered (see § 67.41–3) and a new marine document is issued before the mortgage is satisfied or the vessel released, the endorsement shall be placed on the new document.

(Sec. 30, subsecs. D, O, 41 Stat. 1000, as amended, 1004, as amended; 46 U.S.C. 922, 961)

§ 67.49–17 Assignment, amendment, assumption, or novation of a preferred mortgage.

For the purposes of this subpart an assignment, amendment, assumption, or novation of a preferred mortgage shall be regarded in all respects as a new preferred mortgage. The preferred mortgage endorsement respecting the recording of such an assignment, amendment, assumption, or novation shall be entered on the marine document of the vessel by a notation along the left-hand margin of the original endorsement. Such notation shall specify the date, port, time of endorsement, and nature of the instrument. If the instrument is an amendment, the items amended shall be shown in the notation; if other than an amendment, the names of the new parties shall be shown. If the endorsement is made at the request of a documentation officer at another port, the title of the requesting officer and the name of the port shall be shown.

(Sec. 30, subsec. W, 41 Stat. 1006; 46 U.S.C. 983)

§ 67.49–19 Notice of claim of lien.

(a) A notice of claim of lien upon a vessel shall be recorded only if the vessel is covered by a preferred mortgage and if the notice has been acknowledged.[9] Any acknowledgment valid under the laws of the State where made may be accepted. No officer or employee of the Coast Guard is authorized to take such acknowledgments.

(b) Each notice of claim of lien and certificate of discharge of lien presented to an Officer in Charge shall be recorded in a book to be kept for that purpose and indexed on Form CG–1332.

(Sec. 30, subsecs. G, H, 41 Stat. 1002; 46 U.S.C. 925, 926)

§ 67.49–21 Discharge of mortgage.

When a preferred mortgage has been discharged in whole or in part and a certificate of such discharge has been filed with the Officer in Charge at the home port of any vessel covered by the discharge, the Officer in Charge at the home port, or the Officer in Charge at the port where the vessel is, at the direction of the Officer in Charge at the home port, shall endorse the fact of such discharge upon the marine document of the vessel. No clearance shall be granted to such vessel until such endorsement has been made.[10]

(Sec. 30, subsec. G, 41 Stat. 1002; 46 U.S.C. 925)

Subpart 67.51—Fee for Recording Instruments and Furnishing Certified Copies

§ 67.51–1 Bill of sale, conveyance, mortgage, or assignment of mortgage; recording fee.

The fee for recording a bill of sale, conveyance, mortgage, or assignment of mortgage shall be 20 cents for each folio of 100 words with a minimum fee of $1.

(Sec. 30, subsec. I, 41 Stat. 1002, as amended; 46 U.S.C. 927)

§ 67.51–3 Certified copies.

The fee for furnishing a certified copy of any bill of sale, conveyance, mortgage, assignment of mortgage, notice of claim of lien, certificate of discharge, or abstract of title shall be 20 cents for each folio of 100 words with a minimum fee of $1, except that if a person requesting certification of more than 10 copies of a mortgage which includes more than one vessel, furnishes such copies to the Officer in Charge, the fee for certification of each copy in excess of 10 shall be $1 per copy.

(Sec. 30, subsec. I, 41 Stat. 1002, as amended; 46 U.S.C. 927)

§ 67.51–5 Official documents.

The fee for furnishing a copy of an official document, including a marine document, not elsewhere enumerated in this subpart shall be 20 cents, when furnished to any person other than a Government officer, whether certified or not.

(R.S. 2654, as amended; 19 U.S.C. 58)

§ 67.51–7 Computation of fees.

(a) In computing the amounts to be collected under §§ 67.51–1 or 67.51–3:

(1) The word "folio" shall mean 100 words counting each figure as a word. No charge shall be made for fractions of a folio.

(2) When any instrument presented is not on an appropriate Coast Guard form, the number of folios shall be computed under the pertinent one of the following formulas:

(i) Except as specified in subdivision (iii) of this subparagraph, if the instrument is of less than 20 pages, the total number of lines shall be determined; the number of words in 10 percent of the lines of each size and style of writing or printing (handwritten, pica typewritten, elite typewritten, printed, etc.) shall be counted, using lines of average length; the average number of words per line of each size and style of writing or printing shall be multiplied by the total number of lines of such size and style in order to arrive at the total number of words; and that total shall be divided by 100 in order to ascertain the total number of folios.

(ii) Except as specified in subdivision (iii) of this subparagraph, if the instrument is of 20 pages or more, the number of words on a representative sample of pages (10 percent of the total, using pages of average width and length) shall be counted; the average number of words per page shall be multiplied by the number of pages in order to arrive at the total number of words; and that total shall be divided by 100 in order to ascertain the total number of folios.

(iii) If any such instrument contains a recitation or copy of a marine document of a vessel, whether reproduced by photostatic process or otherwise, the number of folios in such recitation or copy shall not be determined as specified in subdivision (i) or (ii) of this subparagraph, but instead each such recitation or copy shall be deemed to contain five folios. The number of folios contained in such recitation or copies, determined in accordance with this subdivision, shall be added to the number of folios contained in the remainder of such instrument, ascertained in accordance with subdivision (i) or (ii) of this subparagraph, as the case may be, and the sum shall be the total number of folios in that instrument.

(3) When any instrument presented is on one of the following Coast Guard forms and contains only such written matter as is customarily used and necessary to complete and fill in the blanks on the form or when it contains such matter and other written matter interpolated or appended of less than 200 words, the number of folios in the instrument shall be deemed to be in accordance with the following schedule:

(i) Bill of sale of vessel on Form CG–1340, 1342, 1344, 1346, or 1356: 10 folios.

(ii) Mortgage of vessel on Form CG–1348—If marine document is not recited: 15 folios. If marine document is recited: 20 folios.

(iii) General Index or Abstract of Title on Form CG–1332: Five folios. When used as a continuation sheet: One folio for each two instruments noted thereon.

(4) When any such instrument is prepared on a Coast Guard form and contains such written matter as is customarily used and necessary to complete and fill in the blanks on the form and other written matter interpolated or appended of 200 or more words, the number of folios in the instrument shall be computed on the basis of the schedule in subparagraph (3) of this paragraph for the printed forms, plus an additional amount for all the written matter other than such as is used and necessary to complete and fill in the blanks on the form in the customary manner, which amount shall be computed as though that portion of the instrument were not on a Coast Guard form.

(b) The number of folios in a certified copy of any instrument furnished under § 67.51–3 shall be computed in the same manner as in the case of the original, except that the number of folios in a certificate of discharge on Form CG–1363 shall be deemed to be five, unless the form contains interpolated or appended written matter of 200 or more words in addition to such written matter as is customarily used and necessary to complete and fill in the blanks on the form, in which case the fee shall be computed on the basis of a charge for three folios for the printed form, plus an additional amount for all the written matter other than such as is used and necessary to complete and fill in the blanks on the form in the customary manner, which amount shall be computed as though that portion of the instrument were not on a Coast Guard form. The fee shall not be collected for a duplicate certified abstract of title at the former home port issued in accordance with § 67.47–27(a).

(Sec. 501, 65 Stat. 290, sec. 30, subsec. I, 41 Stat. 1002, as amended; 31 U.S.C. 483a, 46 U.S.C. 927)

Subpart 67.53—Issue of Temporary Marine Document Upon Sale of Vessel

§ 67.53–1 By whom issued.

When a vessel entitled to be documented changes ownership and is in a port other than the home port designated by the new owner, a temporary marine document may be issued by the Officer in Charge at the port where she is.

(R.S. 4159; 46 U.S.C. 29)

§ 67.53–3 Application for temporary marine document at the vessel's home port.

If application is made to the Officer in Charge at the home port designated by the new owner and all requirements of law are complied with except the issuance of the marine document, he shall authorize the Officer in Charge at the port where the vessel then is to issue a temporary marine document to the vessel.

(R.S. 4159; 46 U.S.C. 29)

§ 67.53–5 Application for temporary marine document at other than the vessel's home port.

If application is made to the Officer in Charge at the port where the vessel then is, the same proceedings shall be had as are required by law at the vessel's home port, except that the bill of sale shall not be recorded at the port where the vessel is. If the bill of sale is presented to the Officer in Charge at the port where the temporary marine document is issued, it shall be noted on his records and then forwarded to the Officer in Charge at the home port designated by the new owner. The recording fees shall be collected by the issuing Officer in Charge and forwarded with the bill of sale to the Officer in Charge at such home port.

(R.S. 4159, sec. 30, subsecs. H, W, 41 Stat. 1002, 1006, sec. 2, 43 Stat. 948; 46 U.S.C. 29, 926, 983, 1012)

§ 67.53–7 Recording bill of sale at the home port.

The bill of sale shall be recorded by the Officer in Charge at the home port designated by the new owner, but only after that Officer in Charge has received from the Officer in Charge at the former home port and recorded the abstract of title of the vessel as required by § 67.47–29.

(Sec. 30, subsecs. C, H, 41 Stat. 1000, 1002, sec. 2, 43 Stat. 948; 46 U.S.C. 921, 926, 1012)

§ 67.53–9 Surrender of temporary marine document.

The temporary marine document shall be surrendered within 10 days after the arrival of the vessel within the marine inspection zone to which she belongs.

(R.S. 4160; 46 U.S.C. 30)

Subpart 67.55—Sale Abroad

§ 67.55–1 Applicability.

A documented vessel which, while outside the limits of a marine inspection zone of the United States, is sold or transferred in whole or in part to a citizen of the United States may be documented anew as a vessel of the United States at the port designated as the vessel's home port by the new owner or owners in accordance with the requirements of Subpart 67.19. Such a marine document shall be issued upon compliance with all the applicable requirements contained in this part, and upon surrender of the previous marine document at the new home port except that (a) any marine document so issued shall be a permanent marine document and (b) the marine document may be issued without first requiring surrender of the outstanding marine document to the Officer in Charge in a case in which the vessel is at sea at the time. In such latter case, the new marine document shall be forwarded to the U.S. foreign service officer at the vessel's foreign port of call or the Officer in Charge at a domestic port of call upon request of the owner or his agent. The foreign service officer or the Officer in Charge to whom the new marine document is forwarded shall deliver that marine document to the vessel upon the vessel's arrival in port and upon surrender of the previous marine document, which shall be forwarded by the officer to the Officer in Charge at the vessel's home port.

(Sec. 2, 23 Stat. 118, as amended, R.S. 4166, as amended; 46 U.S.C. 2, 35)

§ 67.55–3 Failure to redocument; privileges as a vessel of the United States.

A documented vessel which has been sold or transferred in whole or in part to a citizen while abroad and which is not redocumented under § 67.55–1 shall nevertheless be entitled on her first arrival thereafter to all the privileges of a vessel of the United States.

(R.S. 4166, as amended; 46 U.S.C. 35)

Subpart 67.57—Sale or Charter to an Alien

§ 67.57–1 Consent of the Maritime Administration.

Unless the consent of the Maritime Administration is first obtained, no vessel of the United States may be sold or chartered in whole or in part to any person who is not a citizen or to any corporation, partnership, or association which is not a citizen as defined in section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802).

(Sec. 9, 39 Stat. 730, as amended; 46 U.S.C. 808)

§ 67.57–3 Surrender of marine document upon sale.

When a documented vessel is sold in whole or in part, even in trust or confidence, to one who is not a citizen, its marine document shall be delivered (a) within 7 days after the sale to the Officer

[9] "The Collector of Customs [now Officer in Charge] of the port of documentation shall upon the request of any person, record notice of his claim of a lien upon a vessel covered by a preferred mortgage, together with the nature, date of creation, and amount of the lien, and the name and address of the person. Any person who has caused notice of his claim of lien to be so recorded shall, upon a discharge in whole or in part of the indebtedness, forthwith file with Collector of Customs [now, Officer in Charge] a certificate of such discharge. The Collector of Customs [now, Officer in Charge] shall thereupon record the certificate." (46 U.S.C. 925(a))

[10] "The mortgagor, upon a discharge in whole or in part of the mortgage indebtedness, shall forthwith file with the Collector of Customs [now, Officer in Charge] for the port of documentation of the vessel, a certificate of such discharge. Such Collector of Customs [now, Officer in Charge] shall thereupon record the certificate. In case of a vessel covered by a preferred mortgage, Collector of Customs [now, Officer in Charge] at the port of documentation shall (1) endorse upon the documents of the vessel, or direct the Collector of Customs [now, Officer in Charge] at any port in which the vessel is found, to so endorse, the fact of such discharge, and (2) shall deny clearance to the vessel until such endorsement is made." (46 U.S.C. 925(b))

in Charge at the port where the vessel is, if it is in the United States, or (b) within 8 days after the first arrival of the master in the United States to the Officer in Charge at the port of his first arrival, if the vessel is at sea or not in the United States at the time of sale.

(R.S. 4146, as amended, 4172; 46 U.S.C. 23, 41)

§ 67.57–5 Charter to an alien; citizenship of master and watch officers.

The master and all watch officers of a documented vessel chartered to one who is not a citizen shall be citizens.

(R.S. 4131, as amended, sec. 2, 38 Stat. 699; 46 U.S.C. 221, 236)

Subpart 67.59—Certificate of Ownership

§ 67.59–1 Form.

The certificate of ownership provided for in subsection I of the Ship Mortgage Act, 1920,[11] shall be executed on Form CG–1330.

(Sec. 30, subsecs. I, W, 41 Stat. 1002, as amended, 1006; 46 U.S.C. 927, 983)

§ 67.59–3 Fee.

The fee for issuance of a certificate of ownership shall be 20 cents for each folio of 100 words with a minimum fee of $1.

(Sec. 30, subsec. I, 41 Stat. 1002, as amended; 46 U.S.C. 927)

Subpart 67.61—Frontier Enrollment and License

§ 67.61–1 Foreign trade, coastwise trade, and fisheries.

Vessels under frontier enrollment and license [12] may engage in foreign or coastwise trade or the fisheries in waters covered by the license.

(R.S. 4318, as amended, 4321, as amended; 46 U.S.C. 258, 263)

[11] "Each Collector of Customs [now, Officer in Charge] shall permit records made under the provisions of this chapter to be inspected during office hours, under such reasonable regulations as the Collector of Customs [now, Officer in Charge] may establish. Upon the request of any person the Collector of Customs [now, Officer in Charge] shall furnish him from the records of the Collector's [now, Officer's in Charge] office (1) a certificate setting forth the names of the owners of any vessel, the interest held by each owner, and the material facts as to any bill of sale or conveyance of, any mortgage covering, or any lien or other incumbrance upon, a specified vessel, (2) a certified copy of any bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel, or (3) a certified copy as required by subsection (c) of section 926 of this title. * * *" (46 U.S.C. 927)

[12] "Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of registry shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels." (46 U.S.C. 258)

§ 67.61–3 Restrictive endorsements.

In similar cases frontier enrollments shall bear the same endorsements as are placed on registers. When the endorsement required by § 67.01–7(a)(1), or § 67.01–9(b) is placed on a frontier enrollment and license, the word "Coasting" in the license shall be deleted, and the word "Fisheries" inserted in lieu thereof. When the endorsement required by § 67.01–7(b) is placed on a frontier enrollment and license, the words "and Foreign" in the license shall be deleted.

(R.S. 4318, as amended, sec. 27A, 72 Stat. 1736; 46 U.S.C. 258, 883–1)

§ 67.61–5 Foreign-built vessels.

A foreign-built vessel which is owned by a citizen but which was not so owned and documented prior to February 1, 1920, or which was not owned by the United States on June 5, 1920, shall not be granted a frontier enrollment and license, but shall be registered. (See § 67.63–9(b).)

(R.S. 4132, as amended; 46 U.S.C. 11)

§ 67.61–7 Yachts.

A yacht of less than 20 net tons enrolled and licensed to navigate the waters of the northern, northeastern, and northwestern frontiers otherwise than by sea shall not be required to surrender its enrollment and license and obtain a license when proceeding to ports in the United States, its Territories, or possessions, whether by sea or otherwise.

(R.S. 4214, as amended, 4318, as amended; 46 U.S.C. 103, 258)

§ 67.61–9 Surrender of frontier enrollment and license.

Except as stated in § 67.61–7, when a vessel under frontier enrollment and license is to proceed to sea, directly or by way of an intermediate port, the vessel shall be required to surrender the frontier document. It may be issued a register if bound on a foreign voyage partly by sea, unless it is a vessel owned by a corporation which is a citizen of the United States as defined in § 67.03–7(a) (see §§ 67.01–7(b) and 67.07–11), or, if qualified, may be issued an enrollment and license when proceeding from one U.S. port to another by way of the St. Lawrence River and the sea without touching at any foreign port. A vessel is not considered to have touched at a foreign port by reason of being boarded by Canadian authorities for the purposes of inspecting the vessel and taking a passing report: *Provided*, That no business is transacted at the port or place of boarding. A vessel under frontier enrollment and license may retain that marine document when proceeding by way of the Hudson River to any U.S. port without going to sea.

(R.S. 4318, as amended, sec. 72A, 72 Stat. 1736; 46 U.S.C. 258, 883–1)

§ 67.61–11 Authority for issuance of frontier enrollment and license at a seaport.

The Officer in Charge at a seaport may issue a frontier enrollment and license.

(R.S. 4318, as amended; 46 U.S.C. 258)

Subpart 67.63—Registry of Foreign-Built Vessels

§ 67.63–1 Application for official number.

The application on Form CG–1320 for an official number for a foreign-built vessel (class 9, § 67.01–5(i)) shall state, in addition to the information therein required, the name of the former owner.

§ 67.63–3 Requirement for additional evidence.

(a) In lieu of the builder's certificate required for a vessel built in the United States, the application shall be accompanied by a photostatic or certified copy of the vessel's foreign register and of its foreign measurement certificate, if there be one, together with a duly authenticated translation of any such evidence that may be written in a foreign language.

(b) Satisfactory evidence shall be produced to establish that the transfer of registry has the approval of the foreign government concerned.

(c) If the vessel was built for the applicant and never under foreign registry, the builder's certificate shall be produced, but no approval of a foreign government shall be required. If the vessel was not built for the applicant, satisfactory evidence of ownership shall be produced as in the case of a vessel built in the United States.

(d) There shall also be produced a certificate of the Officer in Charge that the vessel is safe to carry dry and perishable cargo, and if the vessel is required to possess a certificate of inspection (see § 67.79–1), it shall be produced.

(R.S. 4132, as amended; 46 U.S.C. 11)

§ 67.63–5 Certificate of applicant.

The applicant shall submit a certificate stating that:

(a) The transfer of the vessel conveyed complete and unconditional title and ownership to the purchaser;

(b) There is no agreement or understanding reserving to the vendor, or to any person who is not a citizen, any interest in the vessel or its operations, or any right of control thereof;

(c) The transfer is intended to be permanent and not temporary, no right to repurchase the vessel is reserved to the vendor, and there is no understanding for its retransfer;

(d) The transfer was not made during a voyage of the vessel or while it was in a blockaded port; and

(e) The transfer was not made to avoid the consequences to which a vessel of a belligerent is exposed.

§ 67.63–7 Forwarding of papers to Commandant.

The papers filed in connection with the application for documentation in accordance with the requirements of this section and any other pertinent information shall be forwarded to the Commandant for consideration before the granting of a marine document to the vessel. Except as otherwise provided for in this subpart, the usual requirements for registry shall be complied with.

§ 67.63–9 Restrictive endorsements on marine documents.

(a) No foreign-built vessel owned and documented prior to February 1, 1920, by a citizen nor one owned by the United States on June 5, 1920, and sold to and owned by a citizen shall engage in the American fisheries, but it is otherwise unlimited as to marine documents and trade so long as it continues in such ownership. When a marine document is issued to such a vessel, the following notation shall be made thereon:

As amended by section 5 of the Panama Canal Act and by the act of August 18, 1914, and sections 22, 27, and 38 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the American fisheries.

If the vessel is owned by a corporation which is a citizen of the United States as defined in § 67.03–5 (a) or (b), the notation required by § 67.01–7(a) shall also be made on the marine document.

(b) A foreign-built vessel which is owned by a citizen, but which was not so owned and documented on February 1, 1920, or which was not owned by the United States on June 5, 1920, is limited to the foreign trade. A foreign-built vessel admitted to American registry and thereafter sold foreign in whole or in part or placed under foreign registry is limited, upon afterward becoming the property of a citizen, to the foreign trade. When a register is issued to a vessel of either such class, the following notation shall be made thereon:

As amended by section 5 of the Panama Canal Act, by the act of August 18, 1914, by section 27 of the Merchant Marine Act of June 5, 1920, as amended, and by the act of May 24, 1938, entitling the vessel to engage only in trade with foreign countries or the islands of Guam, Tutuila, Wake, Midway, and Kingman Reef. This vessel shall not engage in the coastwise trade or the American fisheries.

(c) A foreign-built vessel which has been purchased from the Maritime Administration or the War Shipping Administration by a citizen shall not engage in the American fisheries, but it is otherwise unlimited as to marine documents and trade so long as it continues in such ownership. When a marine document is issued to such a vessel, the following notation shall be made thereon:

As amended by section 9 of the Shipping Act, 1916, as amended. This vessel shall not engage in the American fisheries.

If the vessel is owned by a corporation, the notation required by § 67.01–7(a) shall also be made on the marine document.

(R.S. 4132, as amended, sec. 22, 41 Stat. 997, secs. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 27, 41 Stat. 999, as amended, sec. 27A, 72 Stat. 1736; 46 U.S.C 11, 13, 802, 808, 883, 883–1)

Subpart 67.65—Documentation of American-Built Foreign-Flag Vessels

§ 67.65–1 Builder's certificate and certificate of admeasurement; when required.

In the case of an American-built foreign-flag vessel which has never been documented as a vessel of the United States, a builder's certificate shall be produced unless a certificate of record has been issued to the vessel previously. A certificate of admeasurement shall also be produced unless a certificate of record has been issued and the tonnage of the vessel has not since been changed. Application for an official number shall be made in accordance with § 67.63–1.

§ 67.65–3 Vessels formerly documented under United States flag.

In the case of an American-built foreign-flag vessel which was documented as a vessel of the United States before being placed under foreign flag, the production of a builder's certificate shall not be required, nor shall the production of a certificate of admeasurement unless the tonnage of the vessel has been changed. The official number originally awarded to the vessel shall be retained and the vessel shall be documented in the name under which it was last documented as a vessel of the United States.

§ 67.65–5 Application for documentation.

The application for documentation shall be accompanied by a photostatic or certified copy of the vessel's foreign register and foreign measurement certificate, if there be one, together with a duly authenticated translation of any such document that may be written in a foreign language. Satisfactory evidence shall be produced to establish that the transfer of registry has the approval of the foreign government concerned. If the vessel was not built for the applicant, satisfactory evidence of ownership shall be presented as in the case of a vessel of the United States.

§ 67.65–7 Certificate of applicant.

The applicant shall submit a certificate as required by § 67.63–5.

§ 67.65–9 Forwarding of papers to Commandant.

The papers filed in connection with the application for documentation in accordance with the requirements of this subpart and any other pertinent information shall be forwarded to the Commandant for consideration before the granting of a marine document to the vessel. Except as otherwise provided for in this subpart, the usual requirements for registry shall be complied with.

§ 67.65–11 Restrictive endorsement on marine document.

In appropriate cases, the notation required under § 67.01–9(b) shall be endorsed on a marine document issued under this subpart.

(R.S. 4132, as amended, sec. 27, 41 Stat. 999, as amended; 46 U.S.C. 11, 883)

Subpart 67.67—Foreign-Built Yachts

§ 67.67–1 Documentation of foreign-built yachts.

Any foreign-built yacht purchased by a citizen of the United States may be documented upon compliance with all the requirements set forth in Subpart 67.63. The Officer in Charge may then issue to any such yacht owned by a citizen a consolidated certificate of enrollment and yacht license on Form CG–1290 or, except upon the Great Lakes, a license of yacht under 20 net tons on Form CG–1288. Any marine document issued to such a yacht shall have written across its face the legend, "This vessel shall not engage in the coastwise trade or the American fisheries."

(R.S. 4132, as amended, 4214, as amended, 46 U.S.C. 11, 103)

§ 67.67–3 Certificate of protection.

Any foreign-built undocumented yacht owned by a citizen is entitled to legal protection as property of a citizen.[13] The Officer in Charge may issue to any such vessel a certificate that the bill of sale has been filed in his office and that it is valid in form and substance. This certificate shall be substantially in the following form:

FOREIGN-BUILT AMERICAN-OWNED YACHT

I, ----------, Officer in Charge, Marine Inspection, for the port of ---------- State of ----------, United States of America, do hereby certify that the bill of sale, bearing date of ----------, 19--, of the ---------- net tonnage, (Class and name) sold and transferred by ---------- ----------, of ----------, in ---------- ---------- to ---------- of ----------, State of ----------, United States of America, is in form and substance valid and effective in law; that it has been filed in this office; and that the said ---------- is a (Purchaser) citizen of the United States.

----------, 19--,

Officer in Charge, Marine Inspection

(R.S. 4190, 46 U.S.C. 61)

Subpart 67.69—Record of American-Built Vessels Owned by Aliens

§ 67.69–1 Applicability.

A vessel built in the United States, never before documented, and belonging wholly or in part to an alien may be

[13] "No document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to customhouse documents." (46 U.S.C. 61)

granted a certificate of record on Form CG–1316. Such a vessel may be documented as a vessel of the United States if transferred to a citizen.

(R.S. 4132, as amended, 4180, 4182, as amended; 46 U.S.C. 11, 54, 55)

§ 67.69–3 Requirement for builder's certificate and certificate of admeasurement.

Before a certificate of record is issued, a builder's certificate on Form CG–1261 and a certificate of admeasurment on Form CG–1414 shall be filed with the Officer in Charge.

(R.S. 4180, 4182, as amended; 46 U.S.C. 54, 55)

§ 67.69–5 Change of name or change of master of recorded vessel.

Whenever the master or name of a recorded vessel is changed, the Officer in Charge at the port where the vessel is, or the Officer in Charge at the port where the vessel next arrives if it is at sea or in a foreign port, shall endorse such change upon the certificate of record on the written application of one or more of the owners.

(R.S. 4183, as amended; 46 U.S.C. 56)

§ 67.69–7 Certificates of record.

Certificates of record shall be consecutively numbered. An exact copy of each certificate shall be placed in a permanent record kept for that purpose and a proper index made thereof on Form CG–1241 appropriately modified (on Form CG–2112 at New York). When a recorded vessel is documented, the certificate of record shall be surrendered, canceled, and forwarded to the Commandant and the Officer in Charge at the port of issue shall be notified.

(R.S. 4180, 4182, as amended; 46 U.S.C. 54, 55)

§ 67.69–9 Documentation of recorded vessels.

In the documentation of a recorded vessel (class 3, § 67.01–5(c)), no builder's certificate shall be required. No admeasurement certificate shall be required unless the vessel has been altered since the certificate of record was issued.

Subpart 67.71—Prizes and Forfeited Vessels

§ 67.71–1 Documentation requirements.

If application is made for documentation of a vessel of class 4 or 5 (§ 67.01–5 (d) or (e)), all the requirements relating to documentation, except the filing of a builder's certificate shall be complied with, and the Officer in Charge shall be furnished with a properly authenticated copy of the decree of condemnation and the proof of the applicant's ownership.

(R.S. 4132, as amended; 46 U.S.C. 11)

Subpart 67.73—Inspection of Marine Documents

§ 67.73–1 Production upon demand.

Whenever a vessel of the United States is in commission, its marine document shall be on board, shall be accessible to the master or other person in charge or command, and shall be produced to any officer entitled to inspect same upon demand,[14] except when the document is in the custody of the Officer in Charge for some required official purpose, or except in the case of a vessel within the purview of §§ 67.29–7 and 67.29–9.

(R.S. 4336, as amended; 46 U.S.C. 277)

Subpart 67.75—Change of Name of Documented Vessel

§ 67.75–1 Consent and approval for change of name.

The name of a documented vessel (including any documented yacht) shall not be changed except with the consent and approval of the Officer in Charge or documentation officer for the vessel's home port.[15]

(R.S. 4179, secs. 1, 2, 41 Stat. 436, as amended, 437, as amended; 46 U.S.C. 50, 51, 52)

§ 67.75–3 Application for change of name.

Each application for change of name shall be executed on Form CG–1323 by the owner or owners of the vessel and shall be submitted in duplicate to the documentation officer at the vessel's home port.

(Secs. 1, 2, 41 Stat. 436, as amended, 437, as amended; 46 U.S.C. 51, 52)

§ 67.75–5 Vessels covered by liens, mortgages, or other encumbrances of record.

In applicable cases there shall be filed with the documentation officer: (a) The consent of the mortgagee or other beneficiary under each lien, mortgage, or other encumbrance of record at the vessel's home port, and (b) any approval of the Officer in Charge required by subsection O(a), Ship Mortgage Act, 1920 (see § 67.41–3).

[14] "Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master or other person in charge or command of any such vessel shall not exhibit the same, when required by such officer, unless the vessel is one which by regulation of the Secretary of the Treasury [now, the Secretary of Transportation] is not required to have its register or enrollment or license or document in lieu thereof on board, such master or person in charge or command shall be liable to a penalty of $100, unless the failure to do so is willful, in which case he shall be liable to a penalty of $1,000 and to a fine of not more than $1,000 or imprisonment for not more than one year, or both." (46 U.S.C. 277)

[15] "The Commissioner of Customs [now, Commandant] shall be empowered to change the names of vessels of the United States on application of the owner or owners of such vessels when in his judgment there shall be sufficient cause for so doing. (46 U.S.C. 51)

"No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, of any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel." (46 U.S.C. 50)

(Sec. 2, 41 Stat. 437, as amended; sec. 30, subsec. O, 41 Stat. 1004, as amended; 46 U.S.C. 52, 961)

§ 67.75–7 Approval or disapproval for change of name.

If the application is approved, the approving officer shall so indicate by a note in the appropriate space provided on Form CG–1323, deliver the original to the applicant, and retain the duplicate in the records of his office. If the application is disapproved, the applicant shall be notified in writing.

(Secs. 1, 2, 41 Stat. 436, as amended, 437, as amended; 46 U.S.C. 51, 52)

§ 67.75–9 Publication of change of name order.

The applicant shall cause notice of the order for the change of name to be published in some daily or weekly newspaper of general circulation at or nearest to the home port of the vessel in at least four consecutive issues. The notice shall be in the following form:

Notice is hereby given that an order dated ---------- has been issued by the undersigned authorizing the name of the ---------- ---------- of ----------
(Rig) (Name)
ficial number ------, owned by ----------
----------, of which ---------- is the home port, to be changed to ----------.

(Signature and title)

(Port)

(Sec. 2, 41 Stat. 437, as amended; 46 U.S.C. 52)

§ 67.75–11 Documentation of vessel in new name.

(a) No marine document shall be issued to the vessel in the new name until the applicant has paid the fee prescribed by § 67.75–19 and, except as specified in paragraph (b) of this section, until he has complied with § 67.75–9 and has furnished to the documentation officer at the vessel's home port (1) a declaration of publication signed by a proper representative of the newspaper in which the order for the change of name was published setting forth the wording of the order, the dates of publication, and the payment of the cost of advertising, or (2) a copy of each of the four consecutive issues of the newspaper in which the order appeared, together with a receipt for the payment of the cost of advertising

(b) Documentation of the vessel in the new name shall not be withheld until notice of the order for the change has been published as required by § 67.75–9, if the documentation officer at the vessel's home port is satisfied that the contract for publication has been entered into and he has been furnished with a receipt for the payment of the cost thereof, but the applicant shall within a reasonable time after publication furnish to the documentation officer the evidence prescribed in subparagraph (1) or (2) of paragraph (a) of this section.

(Secs. 2, 3, 41 Stat. 437, as amended; 46 U.S.C. 52, 53)

§ 67.75–13 Effective period of change of name order.

The order for change of name shall be effective only if the vessel is documented in the new name within a period of 6 months from the date of the order.

(Sec. 2, 41 Stat. 437, as amended; 46 U.S.C. 52)

§ 67.75–15 Change of ownership and change of name; simultaneous transactions.

If there is a change in ownership of a vessel and the new owner applies for a change of name of the vessel, his designation of home port shall be in the name under which the vessel was last documented. A designation of home port shall not be required to be submitted merely by reason of a change of name.

(R.S. 4170, as amended, sec. 2, 41 Stat. 437, as amended; 46 U.S.C. 39, 52)

§ 67.75–17 Requirement for redocumentation under former name.

(a) A vessel which is to be redocumented after being out of documentation shall be redocumented only under the name and official number in which it was last documented. However, if an application for a change in name is submitted simultaneously with an application for the redocumentation of such a vessel and the vessel is then marked with a name other than that under which it was last documented, and if the change of name is approved, the approving officer may issue the marine document in the old name and immediately issue the further document incident to the change in name without requiring that the vessel be marked with the name under which it was previously documented.

(b) Whenever any vessel documented or formerly documented as a vessel of the United States has been sold or transferred in whole or in part, or altered in tonnage, description, or rig, that vessel shall be documented anew only under the name in which it was last documented. However, if an application for change of name is submitted simultaneously, if the vessel is then marked with a name other than that in which it was last documented, and if the change in name is approved, the vessel may be documented anew without requiring the former name to be marked, provided the vessel is forthwith documented in the new name and provided that that name is then correctly marked on the vessel in compliance with the applicable requirements.

(c) The International Regulations for Preventing Collisions at Sea, which came into force on January 1, 1954, prescribe in Rule 31 that the signal of distress for ships with a radiotelephone is the spoken word "MAYDAY." The Coast Guard, as a matter of policy will not approve the use of a name, either in connection with an original documentation or an application for change of name of a documented vessel which is actually or phonetically identical with, or so similar as to be confused with, the International radiotelephone distress signal "MAYDAY."

(R.S. 4170, as amended, sec. 2, 41 Stat. 437, as amended; 46 U.S.C. 39, 52)

§ 67.75–19 Fee for change of vessel's name.

(a) When a change in the name of a vessel is approved, the following fees shall be paid by the owners of vessels to Officers in Charge: For a vessel of 99 gross tons or under, $10; for a vessel of 100 gross tons or up to and including 499 gross tons, $25; for a vessel of 500 gross tons or up to and including 999 gross tons; $50; for a vessel of 1,000 gross tons or up to and including 4,999 gross tons, $75; for a vessel of 5,000 gross tons or over, $100. The fee is due upon approval of the application whether or not the vessel is documented in the new name.

(b) The cost of advertising and of procuring any evidence required by this subpart shall be paid by the applicant.

(Secs. 2, 3, 41 Stat. 437, as amended; 46 U.S.C. 52, 53)

Subpart 67.77—Yacht Privileges and Obligations

§ 67.77–1 Documented yacht to be used exclusively for pleasure; exemption from entry and clearance.

A vessel documented as a yacht shall be used exclusively for pleasure and shall not transport merchandise nor carry passengers for pay. A vessel which is so documented and which is not engaged in any trade nor in any way violating the customs or navigation laws of the United States may proceed from port to port in the United States or to foreign ports without clearing and is not subject to entry upon its arrival in a port of the United States, provided it has not visited a hovering vessel.

(Secs. 434, 441, 46 Stat. 711, as amended, 712, as amended, R.S. 4214, as amended, sec. 4, 28 Stat. 625; 19 U.S.C. 1434, 1441, 46 U.S.C. 103, 107)

§ 67.77–3 Yacht commission.

(a) Upon the application of the owner on Form CG–1250, submitted through an Officer in Charge, a commission may be issued by the Commandant to any vessel licensed or enrolled and licensed as a yacht, belonging to a regularly organized and incorporated yacht club, to identify such yacht and its owner during a foreign voyage. A fee of $6 which shall accompany the application shall be paid for each yacht commission issued. This commission is a token of credit to any U.S. official and to the authorities of any foreign power for the privileges enjoyed under it.

(b) On the return to the United States of any yacht so commissioned, such commission shall be surrendered to the customs officer to whom the required report of arrival is made or to an Officer in Charge.

(R.S. 4217, as amended; 46 U.S.C. 105)

Subpart 67.79—Certificates of Inspection

§ 67.79–1 Vessels to be inspected prior to documentation.

The following vessels shall undergo inspection by the proper officers and receive certificates of inspection before marine documents are issued to them:

(a) Every steam vessel over 65 feet in length, and every steam-propelled tugboat or towboat of any length, except public vessels of the United States, but including vessels owned or operated by the Maritime Administration or any corporation organized or controlled by it.

(b) Every vessel above 15 gross tons carrying freight for hire and every vessel of above 15 gross tons and in excess of 65 feet in length carrying passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha or electric motors. A motor vessel of 15 gross tons plus a fraction of a ton is considered to be over 15 gross tons.

(c) Every ferryboat, canal boat, yacht, or other small vessel of like character over 65 feet in length and propelled by steam.

(d) Every sail vessel over 700 tons carrying passengers for hire.

(e) Every seagoing barge of 100 gross tons or over.

(f) Every other vessel over 100 gross tons carrying passengers for hire.

(g) Every seagoing vessel of 300 gross tons and over, propelled in whole or in part by an internal-combustion engine, except those engaged in fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industry.

(h) Every passenger-carrying vessel of a class set forth in paragraph (a), (b), or (c) of this section, when navigated on Irondequoit Bay, N.Y.

(i) Every vessel, regardless of tonnage, size, or means of propulsion, whether self-propelled or not, and whether carrying freight or passengers for hire or not, that shall have on board any inflammable liquid cargo in bulk, except public vessels owned by the United states and not engaged in commercial service.

(j) Every vessel carrying more than six passengers, except public vessels of the United States, but including vessels owned or operated by the Maritime Administration or any corporation organized or controlled by it, which is:

(1) Propelled in whole or in part by steam or by any form of mechanical or electrical power and is of 15 gross tons or less; or,

(2) Propelled in whole or in part by steam or any form of mechanical or electrical power and is of more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length measured from end to end over the deck excluding sheer; or,

(3) Propelled by sail and is of 700 gross tons or less; or,

(4) Non-self-propelled and is of 100 gross tons or less.

(R.S. 4498, as amended; 46 U.S.C. 496)

Subpart 67.81—Revocation or Denial of Marine Document

§ 67.81–1 Procedure.

Before revoking the marine document of a vessel which is being, or is intended

to be, used illegally,[*] the Officer in Charge shall present charges to the owner of the vessel and give such owner a reasonable time to reply; except that, if the evidence is practically conclusive and immediate action is necessary, the Officer in Charge shall forthwith revoke the marine document, subject to an appeal by the owner to the Commandant.

(Sec. 4, 49 Stat. 519, as amended; 19 U.S.C. 1704)

§ 67.81–3 Appeals.

Any appeal from a revocation or denial of a marine document by an Officer in Charge shall be in writing. It shall be filed in triplicate with the Officer in Charge, who shall retain one copy in his office. The owner may submit with his appeal corroborative evidence in the form of written statements from persons having actual knowledge of the facts, and, if pertinent, a detailed description and blueprints of the vessel. Such evidence, with two copies of the owner's appeal, shall be promptly forwarded to the Commandant, together with the report of the Officer in Charge, which shall present in detail the facts and evidence supporting his action and any additional comments he desires to make regarding any facts not before him at the time of his original action.

(Sec. 4, 49 Stat. 519, as amended; 19 U.S.C. 1704)

Subpart 67.83—Report of Laid-up Vessels

§ 67.83–1 Annual report.

Each Officer in Charge shall submit to the Commandant a report of all vessels of the United States laid up in his Zone on December 31 of each year.

[*] "Subject to appeal to the Secretary of the Treasury [now, Secretary of Transportation] and under such regulations as he may prescribe, whenever the Collector of Customs [now, Officer in Charge of the Marine Inspection Zone] in which any vessel is, or is sought to be, registered, enrolled, or licensed, or the Commandant of the Coast Guard in the case of any vessel which is, or is sought to be numbered, is shown upon evidence which he deems sufficient that such vessel is being or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings of any vessel or the nature of any repairs made thereon, it is apparent to such Collector or Commandant that such vessel has been built or adapted for the purpose of smuggling merchandise, the said Collector or Commandant shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such Collector or Commandant and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section." (19 U.S.C. 1704)

Subpart 67.85—Monthly Supplement to "Merchant Vessels of the United States"

§ 67.85–1 Subscriptions.

A charge of $5 shall be made for an annual subscription to the Monthly Supplement to "Merchant Vessels of the United States." Subscriptions shall be addressed to the Commandant and shall be accompanied by a remittance in that amount.

(Sec. 4, 23 Stat. 119, as amended; 46 U.S.C. 4)

Subpart 67.87—Registration of Private Code Signals, House Flags, and Funnel Marks

§ 67.87–1 Application for registration of private code signals.

Application for the registration of private code signals by rockets, lights, or other similar means shall be submitted in duplicate through the office of an Officer in Charge to the Commandant by the owner of the vessel or vessels by which they are to be used. The application shall describe in detail the signals which it is desired to use and shall state the purpose for which they will be used.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87–3 Application for registration of house flags or funnel marks.

Application for the registration of house flag or funnel mark, or both, shall be submitted in duplicate through the office of an Officer in Charge to the Commandant by the owner of the vessel or vessels on which they are to be used. The application for registration of a house flag shall describe such flag in detail, giving the colors, shape, and proportionate dimensions of the fly, field, union, or canton, and any insignia, markings, or stripes thereon in relation to the length of the hoist. Funnel marks shall be described in detail giving the colors to be used, the position of any insignia, markings, or stripes with relation to the top or collar of the funnel, the size of such insignia, markings, or stripes in relation to the diameter of the funnel, and the color of the remainder of the funnel. In addition there shall be submitted three replica drawings of the house flag or funnel, or both, drawn to scale, in the colors to be used, in ink, watercolor, oil pigments, or other permanent colors, and not exceeding 6 by 4 inches in size.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87–5 Registration.

Except as stated in § 67.87–7, upon filing of an application duly executed in accordance with § 67.87–1 or § 67.87–3, the Commandant will register private code signals by rockets, lights, or other similar means, house flags, and funnel marks, and will cause a description of such signals, flags, or funnel marks to be filed with the Office of the Federal Register, together with one replica drawing of the house flag or funnel mark, or both.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87–7 Refusal to register certain signals.

The Commandant will refuse to register any signals which in his opinion cannot easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions. The Commandant will also refuse to register any signal, flag, or funnel mark which is identical or nearly identical with one previously registered.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87–9 Notice to applicants.

Applicants will be notified of the action of the Commandant through the office of the Officer in Charge transmitting the application.

(Sec. 7, 35 Stat. 426, as amended; 46 U.S.C. 49)

§ 67.87–11 Registration fee.

A fee of $40 shall be paid upon the registration of a house flag or funnel mark, or both and each application for such registration filed with an Officer in Charge shall be accompanied by a remittance in that amount.

(Sec. 501, 65 Stat. 290, sec. 7, 35 Stat. 426, as amended; 5 U.S.C. 140, 46 U.S.C. 49)

Subpart 67.90—Documentation of Vessels Under the Act of August 9, 1954

§ 67.90–1 Applicability.

Any vessel (except a vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended), not documented under the laws of the United States, which is acquired by or made available to the Secretary of Commerce, may be documented under the Act of August 9, 1954.

(Secs. 1–3, 68 Stat. 675; 50 U.S.C. 198–198)

§ 67.90–3 Coastwise trade.

Vessels registered pursuant to this section shall not engage in the coastwise trade unless in possession of a valid unexpired permit to engage in that trade issued by the Secretary of Commerce under authority of section 3(c) of the Act of August 9, 1954.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–5 Marine documents; enrollment and license or license.

Any vessel which is entitled under the provisions of § 67.90–1 to be registered may be enrolled and licensed if 20 net tons or over, or, if under 20 net tons, licensed for the coasting trade under the Act of August 9, 1954, provided a valid unexpired permit to engage in the coastwise trade issued by the Secretary of Commerce under the authority of section 3(c) of the Act of August 9, 1954, is filed with the Officer in Charge to whom application for enrollment and license or license is made.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–7 Provisional register.

(a) Subject to prior authorization by the Commandant in each case, a consular officer of the United States, or the captain of the Port of Cristobal or Balboa, C.Z., may issue a provisional register to a vessel abroad which has been acquired by or made available to the Secretary of Commerce.

(b) A copy of every provisional register issued under this section shall be forwarded immediately by the issuing officer through the usual channels to the Commandant.

(c) Such provisional register shall entitle the vessel to the privilege of a vessel of the United States in trade with foreign countries, American Samoa, or the Island of Guam, until the expiration of 6 months from the date thereof, until 10 days after the vessel's arrival at a port in the United States, or until the effective date of an order of the Commandant requiring its surrender, whichever may happen first, and no longer.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–9 Marine documents; classes; period of validity.

(a) Marine documents issued under the Act of August 9, 1954, shall consist of registers, enrollments and licenses, and licenses.

(b) All marine documents (except provisional registers) issued under the Act of August 9, 1954, shall be permanent, whether granted to vessels at their home ports or at ports other than their home ports.

(c) Every marine document issued under the Act of August 9, 1954, shall be valid until the effective date of an order of the Commandant requiring its surrender, unless sooner terminated as provided for in any of the provisions of this subpart.

(d) Any marine document issued under the Act of August 9, 1954, shall be valid only so long as the vessel to which it is granted is owned as, and of the description, stated therein.

(e) Any enrollment and license or license issued under the Act of August 9, 1954, shall be valid only so long as the permit issued to the vessel by the Secretary of Commerce remains in force.

(f) Any marine document issued under the Act of August 9, 1954, shall be surrendered at any time that such surrender may be ordered by the Commandant. No vessel, the surrender of the marine documents of which has been so ordered, shall have, after the effective date specified in such order, the status of a vessel of the United States unless documented anew.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–11 Marine documents; execution of.

All marine documents issued under the Act of August 9, 1954, shall be executed as prescribed in § 67.07–5.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–13 Marine documents to include dimensions and tonnage.

Every marine document issued to a vessel under the Act of August 9, 1954, shall, whenever possible express the data specified in § 67.07–9.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–15 Application for official number and signal letters.

(a) Application for an official number for a vessel to be documented under the Act of August 9, 1954, shall be made in triplicate by the Secretary of Commerce and delivered to the Commandant directly or through the Officer in Charge at the home port, or through the Officer in Charge at the port at which the Secretary of Commerce intends to document the vessel. The application may contain a request that signal letters be awarded and shall show the following on its face or on an attachment when suitable spaces are not provided on the form for such information:

(1) That the United States represented by the Secretary of Commerce is the owner of the vessel.

(2) That the vessel is not documented under the laws of the United States.

(3) That it has been acquired by or made available to the Secretary, as the case may be.

(4) That it has not been constructed under the provisions of the Merchant Marine Act, 1936, as amended.

(5) The material of which the hull is constructed.

(6) The date and place of build of the vessel, if possible.

(7) The matters required by § 67.90–13 to be shown on the document.

(b) Official numbers issued to such vessels shall be prefaced by the letters MA. The issuance shall be as provided for in § 67.11–1(c).

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–17 Designation of home port.

Prior to documentation, the approval of the Commandant of the designation of home port shall be obtained by the Secretary of Commerce. The designation shall be made by the Secretary of Commerce in triplicate on Form CG–1319 and delivered to the Commandant directly or through the Officer in Charge at the home port so designated, or through the Officer in Charge at the port at which the Secretary of Commerce intends to document the vessel.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–19 Coastwise permit.

Before an enrollment and license or license may be issued under the Act of August 9, 1954, there shall be filed with the Officer in Charge at the port at which the marine document is to issue a valid unexpired permit in duplicate issued by the Secretary of Commerce under authority of section 3(c) of the Act of August 9, 1954, authorizing the vessel to engage in the coastwise trade.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–21 Marking of official number and net tonnage.

The official number and the net tonnage of every vessel documented under authority of the Act of August 9, 1954, shall be marked upon the main beam. Such marking shall not, however, be required prior to the issue of a marine document to the vessel.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–23 Name and hailing port.

It is not necessary that the name and hailing port be marked prior to documentation on a vessel to be documented under this subpart.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–25 Certificate of inspection.

A vessel may be documented under the provisions of this subpart although no certificate of inspection has been issued or filed with the Officer in Charge.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–27 Citizenship; master and watch officers.

The master and watch officers of a vessel documented under the provisions of this subpart shall be citizens of the United States, except in those cases where that requirement of law is waived as provided for in section 3(b) of the Act of August 9, 1954.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–29 Home port; change of.

If the Secretary of Commerce desires to change the home port of a vessel documented under the Act of August 9, 1954, application shall be made for the approval of the new home port in the manner prescribed in § 67.90–17.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–31 Master's oath for enrollment and license.

(a) No master's oath is required for the issuance of a register under the Act of August 9, 1954.

(b) Prior to the granting or renewing of the enrollment and license or license of any vessel under the Act of August 9, 1954, the master shall swear that such license shall not be used for any other vessel or for any other employment than the coasting trade, or in any manner whereby the revenue of the United States may be defrauded.

(c) This oath may be taken before any officer authorized by law to administer oaths generally and may be mailed to the Officer in Charge together with the enrollment and license or license, whereupon action shall be taken as if the oath had been administered by the Officer in Charge.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–33 Change of master.

When the master of any vessel documented under the Act of August 9, 1954, is changed, the new master shall report the change to the Officer in Charge at the port where the change takes place

or where the vessel shall first arrive after the change, and shall produce to the Officer in Charge, the vessel's marine document and make oath that he is the new master of the vessel. The Officer in Charge shall then endorse upon the document the name of the new master.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–35 Issue, record, and surrender of documents.

(a) The provisions of §§ 67.25–1 and 67.25–3 and Subpart 67.33 shall apply with respect to marine documents issued under the Act of August 9, 1954.

(b) No enrollment and license or license shall be issued for a longer period than is authorized by the permit referred to in § 67.90–19.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–37 Renewal of marine document.

A marine document granted to any vessel under the Act of Augut 9, 1954, shall be presented to the Officer in Charge of the port at which the vessel may be at the time of its expiration within 3 days after that time, or if the vessel be at sea at that time, within 3 days after her first arrival at a port of the United States. Such a marine document may be renewed by the Officer in Charge upon the request of the master or the Secretary of Commerce if at the time of such request the documentation of the vessel is not prohibited by the Act of August 9, 1954, by any order of the Commandant issued under authority of that Act requiring surrender of the vessel's marine document, or by any provision of the regulations in this part.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

§ 67.90–39 Exchange of marine document.

(a) Any vessel enrolled and licensed or licensed under the Act of August 9, 1954, may be registered.

(b) Any vessel registered under the Act of August 9, 1954, may be enrolled and licensed or licensed for the coasting trade if a permit in duplicate issued by the Secretary of Commerce under section 3(c) of the Act of August 9, 1954, authorizing a vessel to engage in the coastwise trade is filed with the Officer in Charge.

(Sec. 3, 68 Stat. 675; 50 U.S.C. 198)

APPENDIX

NOTE: The substance of Forms CG–1260, CG–1262, and CG–1263 prescribed in subparts 67.21, 67.03, and 67.23 is reproduced below. Typewritten or other reproduced copies may be used.

CG–1260

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

OATH ON LICENSE OR ENROLLMENT AND LICENSE, FOR OPERATION OF UNDOCUMENTED VESSEL, OR FOR QUALIFICATION OF CORPORATION AS A CITIZEN OF THE UNITED STATES UNDER THE ACT OF SEPTEMBER 2, 1958 (46 U.S.C. 883–1)

Vessel: [1]
Rig _____
(Scow, barge, oil screw, etc.)
Name _____
Official No.[2] _____
Home Port [3] _____
Year of build _____
Place of build _____
Service _____
(Freight, towing, etc.)
Gross [3] _____
Net [3] _____
Length _____
Horsepower _____
Corporation:
Name _____
Address [3] _____
State where incorporated _____
Affiant:
Name _____
Address _____
Company _____
Title or capacity [4] _____

I, the affiant named above, swear that the information which I have given, including that respecting the vessel and the corporation, is, to the best of my knowledge and belief, true, complete, and correct; that the corporation named is the sole owner of the vessel named and described above;

That no subject or citizen of any foreign prince or state, is directly or indirectly, by way of trust, confidence, or otherwise, interested in the vessel, or in the profits or issues thereof; [5]

That a majority of the officers and directors of such corporation are citizens of the United States, as shown by the attached listing incorporated in and made a part of this oath which truly and correctly names all such officers and directors, giving the home address and citizenship of each; that not less than 90 percent of the employees of such corporation are residents of the United States; that such corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof; that the aggregate book value of the vessels owned by such corporation does not exceed 10 percent of the aggregate book value of the assets of such corporation; that such corporation purchases or produces in the United States, its Territories, or possessions not less than 75 percent of the raw materials used or sold in its operation; [6]

That all equipments or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in any foreign country upon said vessel within the year immediately preceding the date of this application, have been duly reported and accounted for under the provisions of sections 257 and 258, title 19, and section 272, title 46, United States Code, and the duties thereon have been duly paid.

[7] _____

Subscribed and sworn to before me on the day and year shown.

_____
(Notary Public or Officer in Charge, Marine Inspection)
Date _____

* * * * *

MASTER'S OATH ON REGISTRY, LICENSE, OR ENROLLMENT AND LICENSE

I, _____
(Street and No., city and State)
master of the _____,
(Rig) (Name of vessel)
Official No. _____ swear that I am a citizen of the United States, having been born in _____, on _____,
(City) (State or county)
_____, and naturalized before the [8] _____ for _____
(Name of Court) (District, county, or State)
on _____[8] _____, having been issued Naturalization Certificate No. _____; and I also swear that the license granted to the said vessel shall not be used for any other vessel or for any other employment than the coasting trade or in any trade or business whereby the revenue of the United States may be defrauded.

_____
(Master)

Subscribed and sworn to before me this _____ day of _____, 19__.

_____
(Officer in Charge, Marine Inspection)

CG–1262

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CERTIFICATE OF COMPLIANCE WITH THE PROVISIONS OF THE ACT OF SEPTEMBER 2, 1958 (46 U.S.C. 883–1)

Port of place _____
Date _____
Name of vessel _____ Rig _____
Name of corporation _____
Address _____
State of incorporation _____

The corporation named and identified above has on this date complied with the provisions of 46 CFR Subpart 67.23, by filing the corporate certificate under oath required under the Act of September 2, 1958 (46 U.S.C. 883–1), and is hereby authorized to operate the undocumented vessel named herein, if any, in the coastwise trade subject to the limitations of the Act. This certificate and any authorization granted hereunder expire 3 years from the date shown above unless there first occurs a change in corporate status requiring a report under subpart 67.23 cited above.

(Signature) _____
(Title) _____

* * * * *

CG–1263

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

OATH OF PARENT OR SUBSIDIARY CORPORATION ACT OF SEPTEMBER 2, 1958 (46 U.S.C. 883–1)

Port _____
Date _____
Individual affiant's name _____
Address _____
Capacity of title _____
Corporate name (parent) [1] (subsidiary) [2] _____
Address _____
State of incorporation of parent or subsidiary _____
Name of associated corporation _____
Address _____
State of incorporation of associated corporation _____

I, the affiant named above, swear that the corporation first named herein is the (parent) [1] (subsidiary) [2] of the associated corporation named; that I am the duly authorized officer or agent of such corporation; that the associated corporation named has previously established that it is a citizen of the United States within the meaning of the Act of September 2, 1958 (46 U.S.C. 883–1), having filed a certificate under oath to that effect with the Officer in Charge concerned; that a majority of the officers and directors of the said parent or subsidiary corporation are citizens of the United States, as shown by the attached listing incorporated in and made a part of this oath which truly and correctly names all such officers and directors, giving the home address and citizenship of each; that not less than 90 percent of the employees of such parent or subsidiary corporation are residents of the United States; that such parent or subsidiary corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof; that the aggregate book value of the vessels owned by such parent or subsidiary corporation does not exceed 10 percent of the aggregate book value of the assets of such corporation; and that such parent or subsidiary corporation purchases or produces in the United States, its Territories, or possessions not less than 75 percent of the raw materials used or sold in its operations.

Signed _____

Subscribed and sworn to before me on the day and year shown.

_____
(Notary Public or Officer in Charge, Marine Inspection)
(Date) _____

[1] The portion of the form requiring vessel identification shall be struck out when the affiant's oath is filed merely to qualify as a citizen under the Act and not as an owner and operator.

[2] Do not complete this blank in the case of an undocumented vessel.

[3] Show address where vessel business of owner or operator is conducted; when corporation is qualifying under Act other than as owner or operator of vessel, show place of principal business.

[4] Show the capacity in which the affiant is acting for the owning corporation, as "President," "Secretary," "Specially authorized officer," or "Agent" as the case may be.

[5] "Interest" as used herein does not refer to the ownership of stock of the corporation owning the vessel or to control of the corporation by way of voting or other direct or indirect means but rather refers to ownership of the vessel itself. Strike out this clause in the case of a licensed vessel of less than 20 net tons.

[6] Attach the required list of the names of all officers and directors of the corporation, giving the home address and citizenship of each.

[7] The officer or agent of the corporation subscribing to this oath, if other than the president or secretary, shall present a written instrument attested by the corporate seal, authorizing him to act in this behalf.

[8] Strike out portion relating to naturalization if native-born citizen.

[1] The term "parent corporation" for the purposes of this oath means a corporation incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, which controls, directly or indirectly, at least 50 percent of the voting stock of a corporation which is a citizen of the United States as defined in 46 CFR 67.03–7(a) and the Act of September 2, 1958 (46 U.S.C. 883–1). Strike out the inapplicable term.

[2] The term "subsidiary corporation" for the purposes of this oath means a corporation incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, not less than 50 percent of the voting stock of which is controlled, directly or indirectly, by a corporation which is a citizen of the United States as defined in section 67.03–7(a) (46 CFR 67.03–7(a)), and the act of Sept. 2, 1958 (46 U.S.C. 883–1) or by a parent corporation of any such corporation. Strike out the inapplicable term.

PART 68—[RESERVED]

PART 69—MEASUREMENT OF VESSELS

Subpart 69.01—General Provisions

Sec.
69.01–1 Referral to Commandant in cases of doubt.
69.01–3 What vessels are to be admeasured.
69.01–5 Purpose for which measurements are taken.
69.01–7 Suez and Panama Canal certificates.
69.01–9 Register ton.
69.01–11 Gross register tonnage.
69.01–13 Net register tonnage.
69.01–15 The marine document.
69.01–17 Application for measurement.
69.01–19 Drawings.
69.01–21 Measurements to be taken at an early stage.

Subpart 69.03—Standard System of Measurement

69.03–1 Uniform system required.
69.03–3 Measuring instruments.
69.03–5 Stem.
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Subpart 69.01—General Provisions

§ 69.01-1 Referral to Commandant in cases of doubt.

Doubts arising in the minds of the admeasurers concerning decks to the hull, enclosures on or above the upper deck, shelter decks, method of procedure, etc., shall be submitted to the Commandant for his decision, and shall be accompanied by blueprints or sketches of the spaces in question giving all the facts bearing on same.

§ 69.01-3 What vessels are to be admeasured.

(a) Before any vessel is registered, enrolled and licensed, or licensed, or issued a certificate of record, her tonnages shall be ascertained by an officer of the Coast Guard as provided in this part.

(b) In the discretion of the Commandant, a vessel not required by law to be admeasured may nevertheless be admeasured upon his own motion or upon application by the owner, a Federal or State agency, or a foreign government.

§ 69.01-5 Purpose for which measurements are taken.

(a) Tonnage measurements are taken for the purpose of ascertaining the internal capacity of measurable spaces.

(b) All measurements are to be taken in feet and fractions of feet, and all fractions of feet shall be expressed in decimals.

§ 69.01-7 Suez and Panama Canal certificates.

Suez Canal special tonnage certificates and also Panama Canal tonnage certificates will be issued, upon application, by an Officer in Charge to American shipowners requiring them for ships which will use the said canals. An Officer in Charge will also issue such tonnage certificates to public vessels of the United States requiring them.

§ 69.01-9 Register ton.

A register ton is a volume of 100 cubic feet.

§ 69.01-11 Gross register tonnage.

(a) The gross tonnage, referred to in this part is the gross register tonnage; that is, the gross tonnage exclusive of all permissible exempted spaces. Under the provisions of § 69.15-17(b), a vessel may have two gross tonnages. The higher gross tonnage is applicable when a tonnage mark which is placed and displayed on the side of the vessel is submerged and the lower is applicable when the tonnage mark is not submerged.

(b) Except in the case of a vessel which is measured under the provisions of Subpart 69.15, or under the provisions of Subpart 69.17, the gross register tonnage of a vessel shall consist of the following items:

(1) The cubic capacity below the tonnage deck, excluding exemptible waterballast spaces within the measurable portion of the vessel;

(2) The cubic capacity of each between-deck space above the tonnage deck;

(3) The cubic capacity of the permanent closed-in spaces on the upper deck available for cargo or stores, or for the accommodation of passengers and/or crew;

(4) All permanent closed-in spaces situated elsewhere available for cargo or stores, or for the accommodation of the crew, or for the charts, except cabins or staterooms for passengers, constructed entirely above the first deck which is not a deck to the hull;

(5) The excess of hatchways.

(c) The gross tonnage of a vessel measured under the provisions of Subpart 69.15 shall be determined as provided by § 69.15-15(a).

(d) The gross tonnage of a vessel measured under the provisions of Subpart 69.17 shall be determined as provided by § 69.17-5.

§ 69.01-13 Net register tonnage.

(a) The tonnage of a vessel remaining after the authorized deductions have been made from the gross register tonnage shall be deemed the net register tonnage. Under the provisions of § 69.15-17(b) a vessel may have two net tonnages. The higher net tonnage is applicable when a tonnage mark which is placed and displayed on the side of the vessel is submerged and the lower is applicable when the tonnage mark is not submerged.

(b) In ascertaining the net tonnage, no space may be deducted unless it has previously been included in the gross tonnage.

(c) The net tonnage of a vessel measured under the provisions of Subpart 69.17 shall be determined as provided by § 69.17-7.

§ 69.01-15 The marine document.

(a) The marine document of every vessel except one admeasured under the provisions of Subpart 69.17 shall show the date and place of build, the register length, breadth, depth, and the height of the upper deck to the hull above the tonnage deck; if applicable, the depth (D_s) and the length (L_s) used with the tonnage mark table and the distances to the tonnage mark from the line of the upper deck and from the molded line or equivalent of the second deck; the number of decks and masts; build as to her stem and stern; capacity under the tonnage deck, that of the between decks, and also separately, permanently enclosed spaces on or above the upper deck to the hull required to be included in the gross tonnage, and the omitted spaces, whether open or closed-in, on, above, or below the upper deck; the gross tonnage or tonnages; items of deduction; and the net tonnage or tonnages.

(b) The marine document of every vessel admeasured under the provisions of Subpart 69.17 shall show the date and place of build, the register length, breadth, and depth, and the gross and net tonnages.

§ 69.01-17 Application for measurement.

The builder of a new vessel which is to be admeasured, the person having supervision of changes or alterations, or both, affecting a vessel's register tonnage, and the owner of a vessel who elects to have her admeasured under the provisions of Subpart 69.17 or who, having had the vessel so admeasured, elects or is required to have her admeasured under the appropriate provisions of §§ 69.03-1 through 69.15-41, shall apply in writing for admeasurement or tonnage adjustment, as the case may be, to the Officer in Charge of the marine inspection zone where the vessel is located. Except in the case of admeasurement under Subpart 69.17, application should be made in time to permit admeasurement before cargo or ballast is taken on, and in case of a new vessel, before boilers or engines are installed or compartments partitioned off. The application shall state the name and the official number of the vessel, if any, the name, address, and telephone number of the owner, the exact location of the vessel, the date and place of build and the builder's name, the rig, and model or other identifying numbers.

§ 69.01-19 Drawings.

(a) *Plans to be filed.* In order to facilitate admeasurement, there shall be furnished by the vessel's builder or owner to the Officer in Charge of the marine inspection zone in which the vessel will be admeasured, either with the application for admeasurement or a reasonable period before admeasurement is scheduled to commence, blueprints or drawings of the following:

(1) A drawing of the cross section in which is shown the construction of the double bottom, if there be one;

(2) An inboard view of the longitudinal section, showing the double bottom, its use or uses, if existing, otherwise the floors, the compartments for water ballast, other than the double bottom, the decks, the superstructures, hatchways, etc.;

(3) Deck plans showing the arrangement and uses of different compartments and deductible spaces;

(4) Drawings showing the arrangement of the engine, boiler, and fuel compartments; and

(5) A tonnage plan showing half breadths of the sections at the points of division of the tonnage length of the vessel into a certain number of equal parts in accordance with the rules for the measurement of spaces under the tonnage deck. The scale or scales of these drawings are to be indicated thereon.

The Officer in Charge is to be advised of any subsequent changes in the vessel and furnished copies of the corrected plans, or a statement of such changes. If there are no blueprints or drawings available and if the Officer in Charge is satisfied that it is impracticable to require such plans to be prepared and made available, considering the size and nature of the vessel as well as the cost and time involved, the vessel shall be measured without requiring their production.

(b) *Sketches.* When blueprints or drawings are not produced, necessary rough sketches may be made during the course of admeasurement showing the inboard profile, the midship cross-section, the hull and deck arrangements, and related matters, recording any necessary dimensions and showing details of important features such as the depth of side and bottom frames or floor timbers; the dimensions, location, and use of structures and hull spaces; and the thickness of the inner and outer skin. Such rough sketches shall be retained and filed with the other admeasurement papers. The rough sketches made shall not be redrawn to scale unless the admeasurer is satisfied that such action is necessary to insure that accurate dimensions have been lifted, to avoid the necessity for readmeasurement, or to insure against a claim of error which may reasonably be expected to be made in a particular case by the owner or agent.

§ 69.01-21 Measurements to be taken at an early stage.

Admeasurement should begin as soon as the vessel is sufficiently advanced in construction to permit its being done, usually when the decks are laid, the hold cleared of encumbrances to admit the required depths and breadths being properly taken; before the engine and boilers are installed and accommodations are partitioned off.

Subpart 69.03—Standard System of Measurement

§ 69.03-1 Uniform system required.

(a) The following directions are given, showing the progressive steps to be followed in the process of admeasurement. It is important not only that the rules be followed, but that required measurements be taken and calculations made in a uniform and correct manner that one general system may prevail throughout the service respecting this subject.

(b) Measurements taken aboard are to be recorded in the "Memorandum of Dimensions" known as Form CG-1413.

(c) These directions do not apply to admeasurement under the provisions of Subpart 69.17.

§ 69.03-3 Measuring instruments.

(a) The measurements should be made with a waterproof tape, graduated into feet and tenths of a foot, and as nearly inelastic as possible.

(b) Sliding rods which are of three sizes: One 3 feet long for taking depths from 3 to 5.8 feet; another 6 feet long for taking depths from 6 to 11 feet, or, with the extension piece attached, to 16 feet; and a third one 11 feet long for taking depths from 11 to 21 feet, or, with the extension piece attached, to 26 feet. The movable or index rod in each has an arrow index traversing a decimal scale on the fixed rod. Greater depths may be taken by inserting into the ends of the index rods, an extension piece, provided with sockets for this purpose one or more joints of lift rods described below:

The fixed rod is graduated in feet (in red) and tenths and half-tenths (in black), and when the ends of the rods are well together the arrow on the index rod points to the figure indicating the constant length of the fixed rod, and as the index rod is moved up the arrow indicates the length from the upper end thereof to the lower end of the fixed rod. Bear in mind, however, that when you use any of the attachments referred to above you must add to the reading on the fixed rod the net length of the attachment used; e.g., if the 6-foot rod is extended to its limit, 11 feet, which is reached when the arrow on the index rod is fair with the upper end of the fixed rod, and the extension piece is attached, which is done by slipping the bands on the lower end of it over the upper end of the index rod until the upper edge of the upper band is fair with the upper end of the index rod, and by fastening (on the groove side of the index rod) with set screws in the said bands, the length will not be 11 feet, as shown by the reading, but 16 feet, the reading plus the increment due to the attachment (11 feet + 5 feet). This increment may be further increased by inserting into the end of the extension piece one or more joints of lift rods, each of which is about 3.95 feet when adjusted.

At the station of the area to be measured in single-deck vessels the rod is to be placed on the ceiling, or floor beam or timber when no ceiling is present, alongside the keelson or line of the keel, perpendicular or square thereto, and also parallel to the middle longitudinal plane of the ship, and forced up firmly under the deck and fixed in such position by the set screws; from the depths thus found take one-third of the round or one-half of the pitch of beam to get the depth of the area.

The depth of an area taken as above is to be divided into the required number of equal parts. (See section 69.03-35(d).) With the rod fixed in position as above, set off on it from its lower end one of these equal parts, or common interval between the breadths, using white or other colored chalk or material that will make a visible mark, which gives the position of the first breadth above the bottom breadth, and from this when the rod is taken down the positions of the remaining breadths are to be set off at the said common interval.

The positions of all the breadths being thus severally marked on the rod, it is then to be set up again and firmly fixed or held in position, and the breadths may be readily and correctly measured by means of the tape held at right angles across the rod at each of the positions marked thereon.

In measuring vessels with more than one deck, where the second deck from the bottom is the tonnage deck, it will be necessary to use two of these rods in combination, one directly over the other, one in the hold under the first deck, as directed for single-deck vessels, and the other in the space between this deck and the tonnage deck. In

this combination the tonnage depth is found by adding together the two depths and the thickness of the deck between the rods and deducting from this combined depth one-third of the round or one-half pitch of beam; then proceed as before directed.

(c) A 2-foot rule with a hinge is required for taking the rake of the bow and stern and for other purposes.

(d) A carpenter's square will be found useful for setting the sliding rod perpendicular to the keelson.

(e) For taking the breadths in the hold which are beyond the reach of the measuring officers two lift rods will be needed, each about 8 feet long (made by joining two sections), one having a pulley at the end over which the tape may be drawn when the rods are held in position and the other an attachment for holding the ring at the end of the tape.

(f) For transferring the location of the stations or ordinates of the transverse sections from the deck to the keelson, and sometimes, for finding registered breadth, a plumb line and bob are needed.

(g) For measuring laden vessels for Panama or Suez Canal tonnage certificates, a girting galvanized chain of an approved make is required.

§ 69.03–5 Stem.

A vessel's stem is to be described according to its contour; i.e., straight, raked, curved or square.

§ 69.03–7 Stern.

Describe the stern according to its shape at the after end below the upper deck or line of same, as round, elliptical, square or sharp.

§ 69.03–9 Masts.

In addition to what are commonly known as masts, spars set up at the center line of the bridging at the top of king-posts of certain vessels for signals and wireless antennae, etc., are to be considered as masts. The number of king-posts and derrick posts, etc., independent of the supported masts are to be separately stated after the number of said masts; e.g., "Two masts and eight king-posts," or as the case may be.

§ 69.03–11 Ceiling, cargo battens, etc.

(a) *Ceiling.* Ceiling hereafter referred to is considered the permanent planking fitted directly on the inboard side of the frames, or floors, or the top of the double bottom. The maximum allowance for ceiling is 3 inches on the bottom and 3 inches on each side. When ceiling is found to be less than 3 inches thick, allow the actual thickness thereof; that is, take dimensions to the face of the ceiling so found. Depths and breadths shall not be decreased due to grounds supporting ceiling nor shall allowance be made for ceiling on the under side of deck beams.

(b) *False ceiling.* In small vessels with "false ceiling" in a portion of their cabins, in their holds, or forming a part of their seats or lockers, etc., therein, and which stands off from their frames—that is, not fitted to them as ordinary ceiling—take the breadths through the said "false ceiling" to the inner faces of the vessel's frames, deducting therefrom the thickness of the "false ceiling" on each side. If, however, there is a ceiling fitted on the frames in addition to the "false ceiling," take the breadths to the ceiling on the frames, making no allowance for the "false ceiling."

(c) *Cargo battens, insulation.* Paragraph (a) of this section applies to cargo battens (spar ceiling) and refrigeration insulation.

§ 69.03–13 Register length.

(a) The length measured on the tonnage deck, from the fore part of the outer planking (where it is rabbeted) on the side of the stem of wooden vessels, or fore end of lap of outer plating of steel or iron vessels, to the after side of the main sternpost, shall be accounted the vessel's register length. (See Figures 2 and 3 (§ 69.07–1).)

(b) In the case of screw vessels with no sternpost, take the length to the forward side of the rudder-stock or line of same extended through the deck.

(c) The register length of scows and barges, with a square bow and stern sloping up from the bottom to the deck, and with neither stem nor sternpost, is to be taken on the deck from the extreme point of the hull at the bow to the extreme point of the hull at the stern; that is, the overall length of the hull, not including guards or rubbing strakes, is to be considered the register length of such vessel.

§ 69.03–15 Register breadth.

(a) A measure from the outboard face of the outer skin on one side to the same point opposite, taken at or below the upper deck and at the widest part of the hull is the register breadth. (See Figure 4 (§ 69.07–1).)

(b) A practical method for finding the register breadth is, to add twice the sum of the depth of the vessel's side frames and thickness of outer skin, plus an allowance for thickness of ceiling, insulation or cargo battens if fitted, to the greatest tonnage breadth.

§ 69.03–17 Register depth.

(a) The register depth is taken at the middle of the tonnage length from the under side of the tonnage deck, or line of same, down to the top of the floors at the side of the keelson; or to the ordinary floor timbers or plates when fitted; or to the inner bottom plating (tank top) of a cellular double bottom; as the case may be, in a direction perpendicular to the keel.

(b) Should ceiling be fitted on the above mentioned bottom members, the register depth shall be measured to the top of same and to this dimension shall be added the height of grounds, battens or other type of support for the ceiling. (See Figures 4 and 5 (§ 69.07–1).)

(c) If the vessel is measured in parts, as explained later, the register depth is taken at one-half the tonnage length of the vessel.

§ 69.03–19 Upper deck to the hull.

The uppermost complete deck, which extends from stem to stern and from side to side at all points of its length and below which there are no openings through the hull as required in shelter deck spaces and also having its hatchways or other openings provided with means for closing them against the action of the sea and weather upon the space below enclosed by the sides of the vessel, making the said space a fit place for the stowage of general cargo, is to be considered the upper deck to the hull.

§ 69.03–21 Enumerating the decks.

In enumerating the number of decks, only those which are without such openings as exempt the spaces beneath from being included in the tonnage under the upper deck are to be considered. Other decks, if any, containing such openings as exempt the spaces beneath from inclusion in tonnage should be separately described after the number of decks proper; e.g., "Two decks and shelter deck," or as the case may be. Partial decks, forward or aft, such as orlop decks, are not considered as decks.

§ 69.03–23 Register height.

The height from the top of the tonnage deck planking and/or plating to the underside of the planking and/or plating of the upper deck to the hull shall be deemed the register height of the upper deck to the hull above the tonnage deck.

§ 69.03–25 Round of beam.

(a) The round of beam (camber) is the perpendicular distance down from the crown of the under side of the tonnage-deck plank or plating at the center to a line stretched athwart the vessel from end to end of the top of the beam and is to be ascertained at every place where it is to be used in the measurement. (See Figures 6 and 16 (§ 69.07–1).)

(b) The round of beam of the tonnage deck, which must be known before taking the tonnage length, as well as before measuring the depths of the tonnage sections, may be taken either at the under side of the deck by stretching a small line tightly from end to end at the top of the beam, which will show the round or camber of the beam at the center; or it may be taken, if more convenient, at the upper side of the deck by stretching a line tightly across, held at equal heights from the deck at each side of the vessel, so as just to touch the crown of the deck at the middle line; then the distance from the deck to the line at the vessel's sides gives the round of beam. (See Figure 6 (§ 69.07–1.) It is necessary to take the round of beam at each point of division of the length except when the vessel has a flat deck or one practically so. In lieu of the above methods, it may be ascertained on the basis of one-fourth of an inch to the foot of beam at each section in iron or steel vessels of the usual camber of beam. This method is more accurate and easier of application than the others.

(c) When the round of beam is 0.15 foot or less, it may be ignored.

§ 69.03–27 Pitch of beam.

(a) In vessels whose tonnage deck has a pitch instead of a round from its side

at the shell plating to its center, find the height of the pitch of the beam at each tonnage section. It may be done in any practical manner.

(b) The height of the pitch of the beam is the perpendicular distance from the apex at the under side of the tonnage deck plank or plating at the center of the deck down to a straight line from end to end of the top of the beam. (See Figure 7 (§ 69.07–1).)

§ 69.03–29 Tonnage deck.

(a) Except as to a vessel having its tonnage deck determined under the provisions of § 69.15–1(d) the tonnage deck is the upper deck to the hull in vessels having not more than two decks, and the second from the keel in vessels having more than two decks.

(b) If the tonnage deck consists of several partial decks extending with breaks from stem to stern, and if the partial decks are at different heights, the line of the lowest deck will be taken as the tonnage deck, and the headroom above such line under the higher deck or decks will be measured as a break.

(c) Engine and boiler casings, peak tanks and cofferdams are not considered as breaking the continuity of a deck. (See Figures 8 and 9 (§ 69.07–1).)

§ 69.03–31 Tonnage length.

The tonnage length is the longitudinal distance on the under side of the tonnage deck, or line of same from a point where the line of the inboard faces of the side frames, or ceiling thereon if any, intersects the side of the stem, to a point aft on the inboard face of the stern timber or cant frame, or ceiling if fitted thereon. (See Figures 10 and 11 (§ 69.07–1).)

§ 69.03–33 Depth of a transverse section.

(a) *Depth.* The depth of a tonnage section is a measurement taken at its proper point of division of the tonnage length, from a point at a distance below the tonnage deck equal to one-third of the round or one-half of the pitch of the beam, down to the upper side of the floor timbers or floor plates; or bottom floors alongside the keelson; or longitudinals; or the tank top of a cellular double bottom, as the case may be.

(b) *Ceiling.* If ceiling is fitted on the bottom floor members, depths of transverse sections terminate on the upper face of the ceiling of average thickness. (See Figure 4 (§ 69.07–1).) For tonnage depths where ceiling is fitted on tank top, see Figure 5 (§ 69.07–1).

(c) *Raised platform.* In vessels with a raised platform in the bottom and no ceiling fitted on the bottom frame members, the depths are to be taken down through the platform to the upper side of the floor timbers or floor plates as described above, deducting therefrom the thickness of the ceiling of the platform in question.

(d) *Depths in way of interruptions to tonnage deck.* Should depths of transverse sections fall where the tonnage deck is interrupted, due to a break, hatches, etc., then depths are taken from the line of continuation of the tonnage deck.

(e) *Rise of double bottom.* In vessels having a double bottom the tank top of which, in way of tonnage sections, rises from the center line to the wings, the tonnage depth of each section will terminate at one-half height of the dead rise. (See Figure 12 (§ 69.07–1).)

(f) *Fall of double bottom.* In vessels having a double bottom the tank top of which, in way of tonnage sections, has a straight fall from the center line to the wings the tonnage depth of each section will terminate at one-half height of fall. (See Figure 13 (§ 69.07–1).)

§ 69.03–35 Tonnage depths.

(a) *The tonnage depth.* The depth generally referred to as "the tonnage depth" is located at the middle point of division of the tonnage length and is found in a manner similar to the other depths of transverse sections.

(b) *Tonnage depth in a vessel measured in parts.* Should a vessel be required to be measured in parts, and each part measured as a separate unit; then a tonnage depth shall be found for each part or unit at one-half its tonnage length. (See Figure 14 (§ 69.07–1).)

(c) *Tonnage depth is the first depth measured.* The tonnage depth governs the number of parts into which it and all the remaining depths of the part in which said depth is located, is divided.

(d) *Divisions of tonnage depth.* If the tonnage depth at the middle of the tonnage length of the vessel or part of same does not exceed 16 feet, divide each depth into four equal parts; but if the depth at the middle of said length exceeds 16 feet, divide each depth into six equal parts.

(e) *Intervals.* The common intervals between the points of division of depths, also one-third common intervals, are to be carried to the nearest hundreth of a foot.

(f) *Purpose for dividing tonnage depths.* Depths are divided to indicate points at which tonnage breadths are to be measured.

§ 69.03–37 Tonnage breadths.

(a) *Breadths.* An inside horizontal breadth is to be measured at each point of division of the depth marked on the sliding rods placed in position as directed in § 69.03–3(b) and also at the upper and lower points of the depth. Extend each measurement to the inboard face of the ordinary frames, or line of same, or inboard face of ceiling, or battens, or insulation of average thickness if fitted. (See Figure 15 (§ 69.07–1).) Care must be taken that the sections shall be parallel to each other and at right angles to the axis of the vessel.

(b) *Upper breadth.* (1) In finding the upper breadth of each transverse section make no allowance for the excess of the deck-beam shelves, etc., over the permissible thickness of ceiling, if any, thereunder.

(2) Referring to Figure 16 (§ 69.07–1), observe that after the deck is laid the upper breadth (represented by the line U B) passes through the deck on each side. Hence, it is impossible to take it at its true position. In such cases take it on the deck, allowing within the extended line of frames the thickness of the ceiling if any on the frames under deck, as shown by line T B in the figure.

(3) Owing to deck-beam shelves or other obstructions, it can be more conveniently and accurately taken here than under the deck, and, besides it will be only a few inches from its true position. In vessels which have upright sides the said breadth so taken will be correct, but in the case of vessels with inclining sides the necessary allowance must be made for the deviation of the sides from the upright in the few inches above the true position of the said breadth.

(c) *Bottom breadths.* (1) Bottom breadths are taken only so far as the flat of the floor extends. (See B B, Figures 4 and 5; Figure 15; and B B, Figures 17 and 18 (§ 69.07–1).)

(2) When bottom frames rise immediately from the keelson, or combined keel and keelson, and bona fide floor timbers or floor plates are not fitted, bottom breadths are equal to the breadth of keelson, or combined keel and keelson as the case may be. (See B B, Figure 19 (§ 69.07–1).)

(3) The bottom breadths of transverse sections of vessels of longitudinal construction falling in the hold where there is no double bottom and where there is a dead rise of the bottom out to the sides of the vessel may be considered to be equal to that part of the bottom plating not affected by dead rise.

(d) *Bottom breadths in case of rise or fall of double bottom.* Bottom breadths falling in way of a double bottom the top of which rises or falls from the midship longitudinal plane to the wings are measured from and to the inboard end of the frame brackets (or ceiling thereon if fitted), connecting the double bottom with the frames. (See B B, Figures 12 and 13 (§ 69.07–1).)

§ 69.03–39 Measuring the tonnage length.

(a) The cubic capacity of the space below the tonnage deck is determined by use of the tonnage length together with the areas of a prescribed number of transverse sections as hereinafter described.

(b) To determine the extreme points of the tonnage length as indicated by § 69.03–31 and T L in Figures 10 and 11 (§ 69.07–1), observe the following:

(1) *Vertical bow and stern.* In vessels having a vertical bow, also a vertical stern, both above and below the tonnage deck, measure horizontally the depth of frames, also the thickness of ceiling thereon if any, at the extreme forward and after ends immediately under the tonnage deck. Mark these measurements on the upper side of the tonnage deck, from the outer shell and in the direction in which the frames were measured. Then draw through the points thus obtained, lines parallel to the shell. The forward and after points of intersection of these lines indicate the points from and to which the tonnage length is to be measured.

(2) *Raked bow or stern.* In the case of vessels having a raked bow or stern

at the level of the tonnage deck, the extreme points of the tonnage length are, when practicable, to be determined at the under side of the tonnage deck. The distance from these points to a hatch coaming, bulkhead, etc., should be measured and transferred to the upper side of the tonnage deck as indicated in Figure 20 (§ 69.07–1).

(c) Should it be impracticable to determine the extreme points of the tonnage length at the under side of the tonnage deck, and should the thickness of this deck be considerable, as in the case of a wooden deck, the rake of the bow or stern within the thickness of the deck is to be taken into account. This is done after having first proceeded as indicated in paragraph (b)(1) of this section by measuring the thickness of the tonnage deck and determining by means of a hinged rule, or any other instrument for finding angles under similar circumstances, the angle of the rake which the bow or the stern forms with the tonnage deck. Transfer thereafter this angle on the deck by drawing the lines A B C shown in Figure 21 (§ 69.07–1), A B represents the upper side of the tonnage deck and B C the after side of the stem or the inside of the shell at the stern, as the case may be. The perpendicular B D represents the thickness of the tonnage deck. The points T, L, in Figures 10 and 11 (§ 69.07–1) marked on the upper side of the tonnage deck are then to be moved forward at the stern or aft at the stem, as the case may be, for a distance equal to D E, representing the rake within the thickness of the deck.

(d) It should be borne in mind that the condition for applying the method of setting out the angles on the upper side of the tonnage deck is that the stem or stern have the same angle of rake above and immediately below the tonnage deck. If the angle of rake at or immediately below the tonnage deck is a different one, then this last angle must be used.

(e) Should a vessel as referred to in paragraph (b)(2) of this section have a square bow or stern, it will be necessary to make a correction for camber where such exists. This is done by increasing the thickness of the deck B D in Figure 21 (§ 69.07–1) by one-third of the round or one-half of the pitch of beam at the extreme point of the tonnage length.

§ 69.03–41 Divisions of tonnage length.

(a) The tonnage length is to be divided into an even number of equal parts as required by the following table, according to the class in such table to which the vessel belongs:

Class	Tonnage length	Divisions
1	50 ft. or less	6
2	Above 50 ft., not exceeding 100 ft	8
3	Above 100 ft., not exceeding 180 ft	10
4	Above 180 ft., not exceeding 200 ft	12
5	Above 200 ft., not exceeding 250 ft	14
6	Above 250 ft	16

(b) The points of division of the tonnage length, also each end of the length indicate the common intervals at which a depth is measured. Intervals and one-third intervals are to be carried to the nearest thousandth of a foot.

§ 69.03–43 Transfer of location of sections to keelson.

(a) The tonnage length having been ascertained and the number of sections to be measured and the interval between them determined, a line is then to be extended down the main hatchway, at the middle line of the vessel, in a perpendicular direction.

(b) The distance of the midship tonnage section is then to be set off from this line in the same direction on the keelson, which gives the position of the midship section on the keelson, and the positions of the other sections are obtained on the keelson by setting off forward and abaft the midship section the common interval between sections as already determined. The position of the midship tonnage section may be determined by any other practical means.

§ 69.03–45 Transverse areas, rule for finding.

(a) Assuming the tonnage length exceeds 250 feet requiring that it be divided into 16 equal parts, and the tonnage depth at the middle of the tonnage length exceeds 16 feet, requiring it to be divided into 6 equal parts:

(1) Measure the depth at each of the 15 points of division of the length as required, also at the extreme forward point (Section 1) and at the extreme after point (Section 17) of the length. (See Figure 22 (§ 69.07–1).)

(2) The extreme points of the length at the bow and stern, though described as being the positions of the first and last areas, do not in vessels of usual form yield any area for practical purposes. Therefore, in the computation for tonnage, where the first and last sections yield no areas, a cipher must be employed in their places. In vessels of unusual form, as, for instance, in barges or other craft in which the bow and stern are upright, with breadth also at those places, sections at the extreme points of the length will yield areas; in which cases such areas must be measured and used in the computation.

(3) Then measure the inside horizontal breadth at each of the five points of division of the depth, also at the upper and lower points of the depth.

(4) Number the breadths from above, numbering the upper breadth 1 and so on down to the lowest or seventh.

(5) Multiply the second, fourth, and sixth by 4, and the odd numbered breadths by 2, except the first and last which are multiplied by 1.

(6) Add these products together.

(7) Multiply the sum thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

(8) This process will be repeated for every section.

(b) Having thus ascertained the transverse area at each point of division of the length of the vessel, also at each end of the length if they yield areas, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

(1) Number the areas successively 1, 2, 3, etc., No. 1 being at the extreme limit of the length at the bow and the last number at the extreme limit of the length at the stern.

(2) Then multiply the second and every even numbered area by 4 and the third and every odd numbered area by 2, except the first and last which are multiplied by 1.

(3) Add these products together and multiply the sum thus obtained by one-third of the common interval between the areas, and the product will be the contents in cubic feet of the spaces under the tonnage deck.

(4) Divide this product by 100, and the quotient, being the tonnage under the tonnage deck shall be deemed the register tonnage of the vessel, subject to the additions hereinafter mentioned.

(c) In every case when finding the capacity under tonnage deck, or a part thereof; whether the length be divided according to the table into 6 or 16 parts, as in classes 1 and 6, or in 2 or 4 parts as provided for in § 69.03–47(a) and the depths into 4 or 6 parts, thus requiring 5 or 7 breadths respectively to be taken; the above formula shall be used; i.e., even numbered breadths shall be multiplied by 4, and odd numbered ones by 2 except the first and last which are multiplied by 1. Similarly when running areas through the multipliers, the even numbered ones shall be multiplied by 4 and odd numbered ones by 2, except the first and last, which are multiplied by 1.

§ 69.03–47 Breaks in double bottom.

(a) The tonnage length of a vessel having a break exceeding one-half of a foot in height, or a number of such breaks in the line of her double bottom, is to be divided into longitudinal parts establishing transverse vertical planes at such breaks. The length of each such part so found is then to be divided into a number of equal parts according to the class in the table appearing in § 69.03–41(a) to which it belongs, just as if it were the length of a separate vessel: *Provided*, That such parts as are 20 feet or under in length may be divided into 2 equal parts, and those above 20 feet and not exceeding 40 feet in length may be divided into 4 equal parts instead of into 6, as indicated in the table.

(b) When a vessel is required to be measured in parts, and each part measured as a separate vessel, the sum of the tonnages of the several parts is the capacity under the tonnage deck.

§ 69.03–49 Vessels having side tanks may be measured in parts.

Vessels having side tanks extending above the floor line or double bottom, and through which tanks tonnage breadths normally pass, may be measured in parts. The length of the first part will extend aft to the line of the forward bulkheads of the side tanks. (See Figures 23 and 24 (§ 69.07–1).) The length of the second part is equal to the length of

side tanks, and the depths extend, at proper intervals under the tonnage deck, down to athwartship lines forming continuation of the side tank tops. (See Figure 25 (§ 69.07–1).) The third length immediately below the second part should equal that of the second. The breadths are taken between the inboard faces of the side tank bulkheads, and depths from athwartship lines forming continuation of the side tank tops. The fourth part will extend from a line athwart the after bulkhead of side tanks to a point aft where tonnage lengths usually terminate. Measure separately a side tank, the tonnage of which is to be doubled, assuming both tanks are identical as they usually are; then the sum of the tonnage of the several parts thus found shall be deemed the capacity under tonnage deck.

§ 69.03–51 Outside shaft tunnel.

To find the under deck tonnage of a vessel having an outside shaft tunnel, the shape of a section of which is usually the segment of a circle, measure the portion of the tunnel space included by the process of measurement in the under deck tonnage and subtract it therefrom. (See Figure 26 (§ 69.07–1).) Divide the length of such tunnel into a convenient number of equal parts, then find an area at the points of division of the length, also at the ends, if the end ones yield an area, by the following formula:

$$\text{AREA} = \frac{2h}{3}(c)$$

c = Chord of the segment of a circle.
h = Height of segment (from chord to crown of arc).

Having found the required areas, proceed in the manner provided for using the areas as ordinates in determining under deck tonnage, finding the sum of even numbered areas multiplied by 4; the odd numbered areas multiplied by 2, except the first and last which are multiplied by 1. Then multiply the sum so found by one-third common interval between sections. The result divided by 100 gives the tonnage of the tunnel to be subtracted from the under deck tonnage found by ignoring initially the projection of the crown of the tunnel into the hold.

§ 69.03–53 Square end vessels having head blocks.

(a) In the case of vessels with square ends having head blocks extending from the deck to the bottom longitudinals on the rake of the bottom, the termini of the tonnage length will be at the inboard face of said block, and the area of the first and last section will equal the area of the inboard face of said block. (See Figure 27 (§ 69.07–1).)

(b) Should the head blocks extend inboard of the inboard face of the end frames (see Figures 28 and 29 (§ 69.07–1)), or should the head plates be excessive (see Figure 30 (§ 69.07–1)), consider the termini of the tonnage length to be at points inboard from the ends of the vessel, equal in distance to the thickness of the shell plating, depth of side frame, plus ceiling if fitted. Rubbing strakes to be excluded.

§ 69.03–55 Between decks.

(a) The tonnage of the space between the tonnage deck and the deck next above shall be ascertained as follows:

(1) Measure the inside length of the space at the middle of its height, from the ceiling at the side of the stem to the ceiling on the midship stern timber; or, if there is no ceiling take the length from a point forward where a continuation of the lines of inboard faces of the side frames intersect the center line of the vessel aft to the inboard face of the midship stern timber. Divide the length into the same number of equal parts into which the length of the tonnage deck is divided.

(2) Measure also at the middle of its height the inside breadth of the space at each of the points of division of the length, the breadth at the stem, and the breadth at the stern (if round, as in the case of poops of similar form). Number the breadths successively 1, 2, 3, etc., commencing at the stem.

(3) Multiply the second and all other even numbered breadths by 4 and the odd-numbered breadths by 2, except the first and last which are multiplied by 1. Multiply the sum of these products by one-third of the common interval between the points at which the breadths were taken; the result will give, in superficial feet, the horizontal area at the mean height of such space.

(4) Multiply the mean horizontal area by the average height taken between the planks of the two decks and the product will be the cubical contents of the space; which, divided by 100 shall be deemed the tonnage to be included among the items comprising the vessel's gross tonnage.

(b) The tonnage of each of the between decks above the tonnage deck shall be severally ascertained in the manner described above and shall be added as items comprising the vessel's gross tonnage.

§ 69.03–57 Superstructures.

(a) *Permanent erections.* Permanent erections; i.e., forecastle, bridge, poop, break, etc., on or above the upper deck, shall be measured tier by tier, and, exclusive of closed-in exemptible spaces, and open spaces, shall be included in the gross tonnage.

(b) *Length.* Measure at half height the mean length of such a space along its center longitudinal line, from and to the line of the inboard faces of the frames, or stiffeners, or ceiling if fitted. Divide the length into an even number of equal parts the common intervals of which shall be most nearly equal to that of the parts into which the tonnage length was divided. (See Figure 31 (§ 69.07–1).)

(c) *Breadths.* Measure at the middle of its height the inside breadths; namely, one at each end and one at each point of division of the length, numbering them successively 1, 2, 3, etc., the number one breadth being at the extreme forward end of the length.

(d) *Round-end erections.* If the after end of an ordinary poop or a house is in the form of a continuous arc of a curve, its breadth at the extreme after end of its length shall be one-half of the preceding breadth. If the after end of such a poop or house is in the form of an arc of a curve which is broken at its extreme after end by a decided flat, its breadth at the extreme after end of its length shall be two-thirds of the preceding breadth. (See Figures 32 and 33 (§ 69.07–1).)

(e) *Round-end erections.* If the forward end of a house is in the form of a continuous arc of a curve, its breadth at the extreme forward end of its length shall be one-half of the succeeding breadth. If the forward end of such a house is in the form of an arc of a curve which is broken at its extreme forward end by a decided flat, its breadth at the extreme forward end of its length shall be two-thirds of the succeeding breadth.

(f) *Multipliers.* Multiply the even numbered breadths by 4, and the odd numbered ones by 2, except the first and last which are multiplied by 1.

(g) *Horizontal area.* Multiply the sum of the products by one-third of the common interval between the points at which the breadths were taken; the result will give the horizontal area at the mean height of such space.

(h) *Height.* Multiply the mean horizontal area by the average height measured between the decks, or the extended line of same. (See B and C in Figure 9 (§ 69.07–1).) Divide the product by 100 and the quotient shall be deemed the tonnage of such space.

(i) *Superstructures having breaks.* Superstructures having breaks in their covered deck or side lines shall be measured in parts. (See Figure 34 (§ 69.07–1).)

(j) *Superstructures on small craft.* Superstructures on small craft shall be measured similar to the method for finding the gross tonnage of larger structures. When a superstructure is erected over a cut-away portion of the tonnage deck, the height of such superstructure is to be taken from the under side of its covering deck to a line of continuation of the tonnage deck. Should there be no camber to the tonnage deck, allow for same, in the covering deck of the erection if it exceeds 0.15 foot. After subtracting the tonnage of exemptible spaces in the superstructure, the remainder shall be listed under a name describing the erection, among the items comprising the gross tonnage.

(k) *Height of a turtleback.* The mean height of a superstructure referred to as a "turtleback" may be found by taking a height at each point of division of its length, at the after terminal of its length, and at one-third common interval abaft the forward end of the length. The sum of the heights so taken, divided by the number of heights, will give a sufficiently accurate mean height.

§ 69.03–59 Hatchways.

(a) The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of the beam to the under side of the hatch cover. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 percent of the

gross tonnage of the vessel exclusive of the tonnage of the hatchways, and the remainder only shall be added to the said gross tonnage as excess hatchways.

(b) The hatchways referred to are the ones out in the open or in open spaces on the upper deck to the hull and on closed-in deck erections. Hatchways on between decks and on the deck of open erections are not to be measured and included in the aggregate of hatchways from which the statutory deduction is to be made. The total hatchways on between decks and on the portion of the decks within closed-in erections on the upper deck to the hull are automatically included in the between-deck spaces and in the said erections by the process of measurement; and, of course, the hatchways on decks of open erections are not to be considered, serving as they do spaces not entering into the tonnage of the vessel.

§ 69.03–61 Record of exempted spaces.

The tonnage measurement of all spaces that the measurer has not included in the gross tonnage of the vessel must be recorded in detail on Form CG–1410, "Tonnage Admeasurement" which, when forwarded to the Commandant for examination and appropriate action must be accompanied by suitable plans or sketches drawn to scale, or a complete explanation for the proper consideration of the exemption of such spaces.

§ 69.03–63 Enclosed spaces exempted from inclusion in gross tonnage.

In addition to the spaces omitted from inclusion in gross tonnage under the provisions of §69.15–3 on vessels measured in accordance with the provisions of Subpart 69.15, the following closed-in spaces situated on or above the upper deck shall not be included in the gross tonnage provided they are reasonable in extent, adapted and used exclusively for the purposes outlined:

(a) *Companions.* Companions and booby-hatches serving as a protection for companionways (stairways or ladderways) leading to spaces below, whether such spaces are exempted or not. (See a, b, c, and d in Figure 35 (§ 69.07–1).)

(b) *Galleys.* Spaces fitted with ranges or ovens (bakeries), without regard to the category of the persons they serve.

(c) *Light and air.* Spaces forming part of the propelling machinery space, or serving for the admission of light and air to such machinery shall be exempt under the heading of light and air. When no part of the propelling machinery extends below the upper deck, the space occupied by same is exemptible in its entirety together with such fuel bunkers as are located on or above the upper deck. Where fuel bunkers or tanks are located wholly or in part below the upper deck the space so occupied below the upper deck is not deductible.

(d) *Light and air on small boats.* (1) A house of reasonable size, into which the propelling machinery projects above the deck line, or a similar house used exclusively for light and air over such machinery on small boats is exempted, in its entirety, as light and air.

(2) A compartment of reasonable size, bulkheaded off and similarly used, located in a house serving other purposes is likewise so treated.

(3) When propelling machinery and/or light and air space, not bulkheaded off, is in a house serving other purposes, the actual length and breadth of the engine plus 2 feet each side and each end for working space, if such space is available, projecting up into the house becomes the length and breadth of exempted light and air, exclusive of such part as may be decked over and available for other purposes.

(4) If bunks, galley, supplies, etc., are located in the hull abreast the engine and under a house open to same, as described in preceding paragraph, and the 2-foot allowance for working space on each side of the engine base overlaps working space at galley, or as the case may be, allow one-half the actual breadth on each side the engine, which breadths plus the actual engine breadth projecting up into the house becomes the permissible breadth of light and air exemption.

(e) *Machinery spaces.* (1) Spaces occupied by machinery other than propelling machinery.

(2) The spaces occupied by dredging machinery on the upper deck of dredging vessels which are not self-propelled but which are required to be documented are to be exempted. No allowance is to be made for spaces occupied by such machinery below the upper deck.

(f) *Skylights.* Skylights and domes affording ventilation and light to the erection thereunder, except skylights over propelling machinery. None of the space below the covering deck of such erection shall be exempted from inclusion in tonnage unless an opening is left in the deck of the superstructure immediately under such skylight or dome to give ventilation and light to spaces below such deck line. (See exempted skylight and a, b, c, and d in Figure 36 (§ 69.07–1).) For the treatment of skylights over propelling machinery, see paragraph (c) of this section.

(g) *Special exempted water-ballast spaces.* (1) Any space other than the double-bottom space adapted only for water ballast, certified by the Officer in Charge not to be available for the carriage of cargo (other than ballast water for use for underwater drilling, mining, and related purposes, including production), stores, supplies, or fuel shall be deducted from the gross tonnage as measured to get gross register tonnage.

(2) Adaptation for water ballast consists of having the space or spaces properly constructed and tested as ballast tanks; that the pumps, pipes, etc., for filling and emptying such tanks must be of suitable dimensions, connected to the ballast system, and completely independent of the cargo, fuel oil, feed or domestic water pumping apparatus. Access shall be only through oval or circular manholes, whose greatest diameter must not exceed 2 feet in the watertight deck. Where a hatch exists over a space now to be used for the carriage of water ballast, plating shall be fitted and riveted or welded to form a watertight cover and a manhole as above described may be fitted in this cover plate. Such manholes, except when fitted on the weather deck, may be provided with a coaming not exceeding 6 inches in height. If these spaces are found being used for purposes other than water ballast, they are to be added to the gross tonnage of the vessel, and so included until such changes have been made as will definitely preclude their use for purposes other than for water ballast.

(3) No space will be deemed to be adapted only for water ballast unless the Commandant is satisfied that the primary purpose of the space is to afford a means of maintaining stability, trim, immersion, seakeeping[1] capabilities, or strength conditions under varying conditions and requirements of the vessel's operation and that the space claimed for exemption is necessary to and available at all times for any one of these purposes. An application for exemption of water-ballast spaces in excess of 30 percent of the vessel's gross tonnage, calculated without any allowance for water ballast, shall be submitted for approval to the Commandant, acompanied by a statement in writing from the vessel owner or his representative as to the circumstances of use or construction of the vessel which make such an allowance necessary and proper and verifying that the conditions specified in this paragraph have been and are met. Any change in the facts on the basis of which a water-ballast exemption is granted under this section shall be promptly reported to the Officer in Charge for his determination as to whether there has been a change in the use of spaces requiring an adjustment of tonnage under § 69.05–9.

(h) *Water closets.* Any public room or compartment, if of reasonable size, fitted with hopper or hoppers, is, for admeasurement purposes, a water closet. This definition includes a room or a compartment designated as a toilet, fitted with urinal, or urinals, shower bath or shower baths, in addition to the hopper or hoppers. A crew water closet is considered public if it serves more than one member of the crew.

(i) *Wheelhouse.* The space for sheltering the man or men at the wheel. If the space is a combined wheelhouse and chart room, only such space as is necessary for the proper steering of the vessel shall be exempted. Should the space be partly above and partly below the upper deck, such part above the line of continuation of said deck is exemptible.

§ 69.03–65 Passenger cabins.

(a) Except as provided in § 69.15–3(b), passenger cabins and staterooms immediately on the upper deck to the hull, permanently close-in and fitted up for permanent use of passengers, are to be included in gross tonnage. They will be exempted only when they have no berthing accommodations and have only temporary arrangements to protect passengers on short voyages from rain and the shipment of seas, constituting sheltered spaces under cover and open to the weather; that is, not enclosed.

(b) Cabins and staterooms when assigned for use of passengers only, constructed entirely above the first deck which is not a complete deck to the hull (see § 69.03–19) may be exempted from inclusion in tonnage. In the case of Army transports, colliers, supply ships, hospital ships, etc., the term "passengers" shall include all officers, enlisted men, and other persons who are not assigned to ship's duties and not entered on the ship's articles, and no deductions for spaces occupied by such persons shall be made; nor are cabins and staterooms occupied by them when situated on a deck not a deck to the hull to be included in gross tonnage.

(c) For admeasurement purposes a cabin is defined as an apartment of a vessel, or the portion of the apartment that is assigned for the exclusive use of passengers. A cabin may consist of staterooms, bathrooms, toilets, libraries, writing rooms, lounges, dining rooms, saloons, smoking rooms, play rooms, etc., individually or collectively. The following spaces—smoking room, lounge, foyer, library, and similar public spaces, with or without a stateroom—would, for instance, be considered cabins. In short, any passenger stateroom or public space reserved entirely for the use of passengers is to be considered as coming under the meaning of the word "cabin."

(d) A passenger stateroom is defined as an apartment, or one of the units of an apartment on a vessel, intended primarily to afford sleeping and/or other accommodations for passengers traveling alone or together.

§ 69.03–67 Open superstructures on or above the upper deck.

(a) *Treatment.* Nothing shall be added to the gross tonnage for any sheltered space on or above the upper deck which is under cover and open to the weather; that is, not enclosed.

(b) *Determination as to inclusion in gross tonnage.* In deciding whether or not superstructures are permanent closed-in spaces and should be included in tonnage, the measurer should have regard to the character and structural condition of such erections.

(c) *Tonnage openings.* A forecastle, bridge, poop, or any other permanent superstructure on or above the upper deck to the hull, with one or more openings in its sides or ends, not fitted with doors or other permanently attached means (except as provided for below) of closing them, shall be exempted from inclusion in gross tonnage if the opening or openings are in conformity with the following provisions:

(1) *Two 3 x 4 foot tonnage openings.* When there are in one of the end bulkheads, two tonnage openings, each 3 feet wide by 4 feet high in the clear, one on each side of the centerline of the end bulkhead.

(2) *One 4 x 5 foot tonnage opening.* When there is in one of the end bulkheads, as near as is practicable to the centerline of the space, one tonnage opening at least 4 feet wide by 5 feet high in the clear, or its equivalent. An equivalent opening is considered to be one of at least 20 square feet in the clear, resulting from a breadth in excess of 4 feet and a height of not less than 3 feet.

(d) *Intermediate bulkheads.* If the space is subdivided by intermediate bulkheads, such bulkheads shall have an opening or openings of the same dimensions as prescribed above.

(e) *Coamings.* If coamings are fitted to tonnage openings, their height must not exceed 2 feet at any part.

(f) *Permissible temporary closures for exterior bulkhead tonnage openings.* Tonnage openings prescribed for the above-mentioned superstructures may be temporarily closed by shifting boards dropped into channel sections at the sides of such openings, or by plates or boards held in place by hook bolts, spaced not less than 1 foot apart, fitting over the stiffener bar at the sides, top, and bottom of such openings, or by a plate or boards held in place by bolts and cross pieces so arranged as not to be held in place by cleats or other attachment to, or bolts through the bulkhead. (See Figures 37 to 43, inclusive (§ 69.07–1).) Cover plates, etc., must fay against the bulkheads.

(g) *Battening, gaskets, etc.* In no case is the use of battening, caulking, or gaskets of any material permitted.

(h) *Permanent fixtures.* Cleats, stud bolts, hinges attached to, or bolts in bulkheads at the edges of tonnage openings are prohibited as they are considered to be part of the means, in conjunction with plate or boards, of closing the tonnage opening.

(i) *Closures for interior bulkhead tonnage openings.* The same temporary means of closing the tonnage openings in interior bulkheads are permitted.

(j) *Enclosure within an open space.* An enclosure within an exempted space must be treated according to its use.

§ 69.03–69 Open shelter deck space.

(a) *Space between upper and shelter decks.* No space between the upper and shelter decks of a vessel shall be exempted from inclusion in gross tonnage as open shelter deck space unless there is in that shelter deck a permanent middle line tonnage opening which, except as provided in this paragraph, is at least 4 feet long in the clear and at least as wide, in the clear, as the after cargo hatch on that deck. If any such opening is less than the minimum size in the clear specified in this paragraph solely because one or more corners of that opening are rounded, that space shall be exempted, upon compliance with all applicable provisions of this section, in any case in which the radius of curvature of each such corner is not greater than 9 inches, or in any case in which a greater radius of curvature is required in writing by the Coast Guard or by a recognized classification society. In the latter case, a copy of that written requirement shall be filed with the Officer in Charge of the marine inspection zone in which the vessel is admeasured.

(b) *Position of middle line tonnage opening.* The distance between the after edge of this tonnage opening and the aft side of the sternpost must not be less than one-twentieth the register length of the vessel, or if the tonnage opening is forward, its fore side must not be less than one-fifth the register length of the vessel from the stem.

(c) *Coamings.* The coamings of the middle line tonnage opening must not exceed 12 inches extreme mean height above the deck, including the beading, etc., at the top for confining the hatch covers. If any such opening is guarded by rails or stanchions they shall be so arranged that they may not be used to secure or assist in securing a cover over that opening.

(d) *Cover.* (1) When portable wood covers are fitted they may be held in place by lashings fitted to the under side of the covers; lashings may be of hemp, manila, or other similar material.

(2) When a metal cover is used, it may be held in place by hook bolts spaced not less than 18 inches apart, passing through the cover plate and hooked over angle stiffeners or flanges fitted on the outside of the coamings; i.e., the bolts must not pass through the stiffeners or flanges on the coaming, nor must there be any other attachments on the coaming for fastening the cover.

(e) *Opening not to be enclosed.* The middle line tonnage opening in a shelter deck must not be within a superstructure of any type.

(f) *Tonnage openings in shelter deck space.* When the permanent deck opening is situated aft, there must be at least two openings, each 3 feet wide by 4 feet high in the clear, in each of the transverse bulkheads within the shelter deck space forward of said deck opening; or should the deck opening be forward, the same requirements apply to transverse bulkheads abaft such forward deck opening.

(g) *Coamings.* Coamings, if fitted, must not exceed 2 feet in height at any part.

(h) *Temporary closure.* The same temporary means of closing tonnage openings in the bulkheads of the well under the middle line tonnage opening in the shelter deck and in the intermediate bulkheads, if any, in the shelter deck space are permitted as described in § 69.03–67(f).

(i) *Well under middle line tonnage opening.* The well under the middle line tonnage opening (in the shelter deck) must have a minimum length of 4 feet throughout its entire breadth and height, and shall be kept clear at all times.

(j) *Scuppers.* A scupper, having a 5-inch minimum inside diameter, fitted with a screw down nonreturn valve geared to and operated from the shelter deck, must be fitted on each side of the upper deck in way of the permanent middle line tonnage opening in the shelter deck. (See figure 44 (§ 69.07–1).)

(k) *Means for closing.* All openings in the upper deck to the hull must be provided with proper means for closing and battening down.

[1] The term "seakeeping" as used in this paragraph is defined as the ability of a vessel to maintain good behavior at its designed speed or at a speed as close as possible to its designed speed under all conditions of sea and weather, which the vessel may encounter in its designated service.

(1) *Closed-in spaces.* Any closed-in space within an open shelter deck space shall be treated according to its usage.

§ 69.03–71 An open structure on small craft.

(a) A house on a small craft is considered open to the weather and exempted from inclusion in tonnage provided the after end of such house is entirely open, from the under side of its roof beam down to a coaming not exceeding 3 inches in height, if there be a coaming, otherwise to the deck or line of same; and open in an athwartship direction from and to the inboard face of the end side stiffeners. (See Figures 45 and 46 (§ 69.07–1).) Closed-in spaces within an open erection will be treated according to their usage.

(b) Such an opening may be guarded by wire mesh screens and/or temporarily closed by canvas secured at the top and lashed down or buttoned in place at the sides and bottoms.

§ 69.03–73 Open vessels.

(a) In ascertaining the tonnage of open vessels the upper edge of the upper strake shall form the boundary line of measurement, and a tonnage depth shall be taken from a line athwart the upper edge of said strake, at each point of division and each end of the tonnage length.

(b) An open vessel is one of any length without a deck, or with only a partial deck or partial decks, the total length of which is less than one-half her tonnage length.

(c) Further, a vessel having a tonnage length of less than 50 feet and a partial deck of any length or a single full length deck, which, in either case, lies more than one-sixth of the midship depth below the line of the upper edge of the upper strake to the usual point in the hold for taking the register depth, shall, for admeasurement purposes, be deemed an open vessel unless it has a mechanically refrigerated hold or holds.

§ 69.03–75 Deductions from gross tonnage.

(a) *General.* To ascertain the net tonnage, the tonnage of the following spaces meeting certain requirements shall be deducted from the gross tonnage.

(b) *Requirements.* No space shall be deducted unless it has been included previously in the vessel's gross tonnage; is reasonable in extent for the purpose to which it is appropriated; and is certified by marking as prescribed in paragraph (c) of this section showing that it is used exclusively for such purpose.

(c) *Marking.* The following markings are required by paragraph (b) of this section: For each space appropriated exclusively for the use of the master, including the master's bathroom, bedroom, dressing room, observation room, office, reception room, sitting room, and water closet—"Certified for the Accommodation of Master"; for each space appropriated exclusively as a bedroom for the use of crew members, including officers other than the master—"Certified to Accommodate _____ Seamen"; and for other deductible spaces—"Boatswain's Stores," "Chart House," "Dynamos," "Galley," "Hospital," "Messroom," "Office of Chief Engineer," "Pump Room," "Radio," "Steering Gear," "W. C." The following abbreviations may be used: "Cert. Accom. Master," "Cert. Accom. _____ Seamen," "Cert. Boatswain's Stores," "Cert. Chart House," "Cert W. C." or "Cert. _____," inserting the space designation. The marking shall at all times be embossed, center-punched, or otherwise permanently cut in metal, and painted over with oil paint in a light color on a dark background, or a dark color on a light background, or carved or branded at least three-eighths of an inch in wood over the doorway, on the inside of the deductible space. Roman letters and Arabic numerals at least one-half of an inch in height shall be used and shall be readily legible at all times. If desired, the marking may be made on a plate of metal (but not of other material) permanently fastened in place by means of welding, riveting, or lock-type screws. The metal certification plates may be fastened in place to a metal door frame, on the inside of the space, by means of a metal-to-metal synthetic contact adhesive if the vessel owner or his agent satisfactorily establishes that the bonding agent is currently acceptable to the Coast Guard or the Department of the Navy for use on merchant ships or naval vessels for affixing metal hull label plates; and, further, certifies that the metal-to-metal bond will be accomplished in accordance with the techniques recommended by the manufacturer of the bonding agent.

(d) *Crew spaces.* The tonnages of the spaces or compartments exclusively occupied by and appropriated to the use of the officers and crew of the vessel including:

Bathrooms. A bathroom is a compartment or a room containing (1) a bath tub, or (2) a bath tub and a water closet, or (3) a shower bath or showers without a water closet regardless of its location.
Clothes drying room.
Drinking water filtration or distilling plant below deck.
Hospital.
Crew mess rooms.
Officers' mess rooms.
Office of chief engineer.
Oil skin locker.
Pantry.
Recreation room.
Shower baths.
Sleeping rooms.
Smoking rooms.
Water closets, private. A private water closet is defined as one intended to serve not more than one member of the crew, whose stateroom or bedroom affords the only means of entrance thereto and is treated as part of the room served by it. Other water closets are considered to be public water closets for admeasurement purposes.
Water closets, public—below the upper deck.
Passageways and companionways serving the above spaces.

But none of these spaces when used by the passengers on a passenger vessel are to be deducted nor is the clerk's, purser's, or paymaster's office deductible.

(e) *Nondeductible spaces on deductible passageway.* Lockers of less than 2 tons each, containing medicine, linen, mops, etc., for the free use of the crew; the ship's office, also spare rooms, not exceeding two in number and used as required by a pilot, customs officer, reserve engineer, a company official or employee shall not invalidate the deduction of a passageway serving as sole access to their location.

(f) *Master's cabin.* Any space exclusively for the use of the master. This space includes sleeping room, dressing room, bathroom, office, and passageways serving the master's accommodations.

(g) *Measuring deductible spaces.* Deducted spaces, rectangular in shape, are to be measured by taking the product of the three dimensions, but when bounded by curved surfaces conforming to the sides of the vessel below the tonnage deck exceeding 15 feet in length, they are to be measured according to the formula on the back of Form CG–1410 for measuring peak tanks. When the space is less than 15 feet in length it may be measured by any practical method.

(h) *Platforms.* (1) When there is a platform, not more than 1 foot above the top of the bottom frames, to give a flat surface at the bottom of deductible spaces, and the space between the platform and said frames is not used for the stowage of gear, stores, etc., or for any other purpose, take depths of transverse sections to the top of the bottom frames and find areas as in the case of transverse sections for finding the tonnage below the tonnage deck. (See Figure 47 (§ 69.07–1).) P represents the platform 1 foot above the top of the bottom frames. A, B, and C are the positions of the sections. The forward section A, being sharp, yields no area.

(2) When the platform is more than a foot above the bottom frames, then find the areas only of the portion of the sections above the platform. (See Figure 48 (§ 69.07–1).)

(3) The depth of deducted spaces extending from the top to bottom of a deck erection may be taken between the same points as the depths used in finding the tonnage of the erection. In other words, if the erection was measured before the deck covering, if any, was laid and the ceiling or paneling, if any, overhead was fitted, and depths were taken from the underside of the covering planks or plating of the deck over as required by the law and regulations to the deck beneath, the deck covering and overhead ceiling are to be disregarded in obtaining depths of the various deducted spaces. In determining the number of men that may be berthed in a space the act of March 4, 1915 (38 Stat. 1165; 46 U.S.C. 660–1), is to govern.

(i) *Spaces in the between decks, etc.* Deducted spaces in the between decks or erections on or above the upper deck having curved sides are to be measured according to § 69.03–57.

§ 69.03–77 Navigation spaces.

(a) *Spaces used exclusively for navigation.* Spaces used exclusively for maneuvering or navigating the ship shall be deducted from the gross tonnage to the extent of what is considered reasonable. When the steering gear, anchor gear, helm, etc., are situated within a room unnecessarily large for the purpose, or are not partitioned off at all, a 2-foot allowance on every side of the apparatus may be made for working space. The height to be allowed should, as a rule, be the mean height of the between deck space.

(b) *Anchor gear.* The spaces below, occupied by anchor gear, include the capstan, windlass, and chain locker. When the fore peak is used exclusively as the chain locker, it is to be measured in the manner prescribed for measuring fore peak tanks when used for water ballast.

(c) *Boatswain's stores.* (1) Subject to the restrictions stated below, any space exclusively appropriated to and used for keeping the boatswain's stores may be deducted.

(2) The allowance for boatswain's stores shall be 1 percent of the gross tonnage in vessels of 100 gross tons and over, but this allowance shall in no case exceed 100 tons. In the case of vessels of less than 100 gross tons this deduction shall not exceed 1 ton.

(d) *Chart room.* (1) The space for keeping the charts, nautical instruments and for plotting the course. When the space is a combined wheel and chart room, such part as is not exempted as wheelhouse shall be deducted.

(2) In small vessels requiring the use of navigation charts, and where the cabin or saloon is the only space available for filing or use of such charts, one-half of the cabin or saloon, may be allowed for this purpose provided the allowance does not exceed 1½ tons.

(e) *Donkey engine and boiler.* (1) The space occupied by a donkey engine and boiler, if situated within the boundary of the engine room or the casing above it, and if the donkey engine is used as an auxiliary in connection with the main machinery for propelling the vessel and this space forms part of the actual engine room, it shall not be subject to a separate allowance.

(2) When the donkey engine and/or boiler is in a house above the upper deck and not used in connection with the main propelling machinery as described above, the space thus occupied is an exemption and therefore must not be included in the gross tonnage of the vessel.

(3) In all other cases the space occupied by the donkey engine and boiler, if same are connected with the main pumps (except cargo pumps) of the vessel, is to be allowed as a deduction from the gross tonnage, if reasonable in extent. It must be certified in the same manner as other deductible spaces.

(f) *Dynamo spaces.* The space or spaces when reasonable in extent, occupied by dynamos, switchboards and apparatus necessary for the operation of same, when located below the upper deck shall be deducted regardless of the service for which the dynamo or dynamos are used.

(g) *Pump room.* A pump room or space below the upper deck containing the pumps of the vessel which are used solely for handling ballast, feed water, water for cleansing purposes, and for freeing the ship of water entering her hold, etc., shall be deducted as pump room. A pump room or space below the upper deck containing pumps primarily used for handling cargo, as in the case of bulk-oil carriers, shall not be deducted. The portion of either of the above pump spaces above the upper deck is exemptible as machinery space.

(h) *Radio house.* The space set apart for sending and receiving wireless messages.

(i) *Storage of sails.* In the case of a vessel propelled wholly by sails, any space not exceeding 2½ percent of the gross tonnage of the vessel when such space is used exclusively for storage of sails.

§ 69.03–79 Engine room.

(a) *Engine room must be measured.* Notwithstanding the ratable allowance for propelling power for which the act of March 2, 1895 (28 Stat. 741; 46 U.S.C. 77), provides, it is necessary to measure the engine room, regardless of size, in order to ascertain whether the allowance to be deducted for propelling power shall be regulated by a percentage of the gross tonnage or by the actual tonnage of the engine room ascertained by measurement.

(b) *Spaces included in engine room must be in gross tonnage.* No space shall be included in the tonnage of the engine room unless it has first been included in the vessel's gross tonnage.

(c) *Deductions from engine room.* Conversely the spaces occupied by cabins, storerooms, etc., and any space not used in connection with propelling the vessel but included in the tonnage of the engine room through process of measurement must be subtracted therefrom.

§ 69.03–81 Spaces included in engine room.

The space occupied by the engine room is to be understood to include not only that occupied by the engine room itself but also the space occupied by the boiler room, together with the spaces strictly required for the working of the engines and boilers, and consisting of the following items:

(a) *Space below the crown.* The crown or top of the main space of the actual engine room, from which the depths of the main space are to be taken, will either be at the under side of a deck or, if the side bulkheads are sloping, at the point or height at which the slope terminates. (See Figures 49 and 50 (§ 69.07–1).)

(b) *Space between crown and upper deck.* Space between the crown and the upper deck framed in for the machinery or for admission of light and air thereto.

(c) *Space above upper deck.* Space similarly framed in above the upper deck when permitted under paragraph (i), act of March 2, 1895 (28 Stat. 741; 46 U.S.C. 77).

(d) *Shaft tunnels, etc.* The shaft tunnel or tunnels and the thrust block recess.

(e) *Escape shaft.* The trunked ladderway leading from the after end of the shaft tunnel to the deck: *Provided,* That it is no larger than is necessary for the purpose of access to and escape from the shaft tunnel. The part of an escape shaft above the upper deck line, also the companion sheltering the escape shaft, is accorded the treatment of light and air space.

(f) *Fuel oil transfer pump.* (1) When the fuel oil transfer pump is located in a separate space, this space, if reasonable in size, may be considered propelling machinery space provided said pump is not used for bunkering the vessel.

(2) Should such pump perform the dual service of handling both ballast and transferring the fuel oil to the settling tanks, one-half the space may be credited to propelling machinery space.

(g) *Settling tanks.* (1) Fuel oil settling tanks used solely for rendering crude oil fit for consumption in the main boilers are considered as part of the propelling machinery space.

(2) The permissible allowance for settling tanks is based on a 4 days' supply under full steam, which allowance must not exceed 1 percent of the vessel's gross tonnage.

(h) *Engineers' stores and workshops.* The engineers' stores, and/or workshops are regarded as part of the engine room, up to three-quarters of 1 percent of the gross tonnage, if in the engine room, open to same, or separated therefrom only by a screen bulkhead and located below the upper deck.

§ 69.03–83 Length of engine room.

(a) As a rule, the length of the engine room extends from the bulkhead forward of the boilers to the one aft of the engines; but if these bulkheads limit a space considered excessive in length for the proper working of the boilers and engines, then that length only which is requisite for containing and operating the boilers and machinery, is to be allowed, with the addition of such length as is necessary for the stoking or working of the fires when the furnaces are in a fore-and-aft direction.

(b) No such additional length is, however, required when the boilers are placed with the furnaces athwartship. The clear central space allowed between the boilers when the stoking is athwartship should be sufficient for this purpose. The point to which the after boundary of the length of the engine room is to be measured should be such as to provide sufficient space for the safe operation of the engine.

(c) The measurer should allow such length between the engines and boilers as may appear to him necessary for the safe working of the machinery.

§ 69.03–85 Boilers and engine in same compartment.

The boilers and engine are considered to be in the same compartment when there is a transverse bulkhead, screen or otherwise, through which the boilers project into the engine space, and where there is only sufficient space between the boilers and engine for the safe working of the machinery.

§ 69.03–87 Engine room measured in parts.

If the boilers and engine are entirely in separate rooms, or if there is a break or breaks in the bottom or side lines of the propelling machinery space resulting from a break or breaks in the double bottom or varying height of floors thereunder, or from side bunkers or other spaces not considered propelling machinery spaces, measure each room separately as a whole or in parts, according to the number of breaks in its bottom or side lines, and the sum of the several results shall be deemed to be the tonnage of the said spaces.

§ 69.03–89 Rule for measuring engine room.

(a) *Space in hold amidship.* When the propelling machinery (boilers and engines) space is in the hold amidship, and without a break in its bottom or side lines, measure its length between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, not actually occupied by or required for the proper working of the machinery. Divide the length by 2 and measure 3 depths of the space, one at each end and one at the middle of the length, taking the depths from the crown, or line of same, to the ceiling on the bottom frames or floor timbers, or to the inner plating (tank top) of the double bottom in the case of a steel vessel. Measure also a breadth at each end and at the middle of the length, the said breadths to be taken at one-half their respective heights. Find the product of the length, mean breadth and mean depth, which product divide by 100 and the result shall be deemed the tonnage of the main space below the crown.

(b) *Spaces between the crown and upper deck.* Find the cubical contents of the space or spaces, if any, between the crown aforesaid and the upper deck, or line of same, which are framed in for the propelling machinery or admission of light and air thereto, by multiplying together the length, breadth and depth thereof. Divide the product by 100; and the quotient to the tonnage of the space below the crown and the result shall, subject to the provisions hereinafter contained, be deemed the tonnage of the space.

(c) *Engine room in after end.* When the propelling machinery space is located in the after end of the hold of a vessel and extends from side to side of same and has a continuous bottom line, divide its length into such an even number of parts as will give a common interval most nearly equal to that used in finding the tonnage of the hold in that part of the vessel; then proceed to find its contents by the use of areas of transverse sections taken at each end and at each point of division of its length. In other words, measure it by the same method as was used for finding the tonnage of that part of the hold in which it lies.

(d) *Shaft tunnel and thrust recess.* (1) In the case of screw propelled vessels in which the top of the shaft tunnel is flat, the tonnage of such tunnel shall be ascertained by dividing the product of its length, breadth and depth by 100.

(2) In like manner find the tonnage of the thrust recess or entrance to the shaft tunnel.

(3) If the space abaft the shaft tunnel extends from side to side of the vessel, find its tonnage by using the formula for measuring peak tanks. (See Figures 47 and 48 (§ 69.07–1).)

(e) *Round top shaft tunnel.* When the top of the tunnel is practically semicircular in shape, find the area of a transverse section in two parts; first the lower part from the bottom of the trunk up to where the curve begins by multiplying the breadth by the applicable height, and then the semicircular part by taking half the area of a circle whose diameter equals the breadth of the tunnel. Multiply the sum of the two areas by the length and divide the product by 100. (See Figure 51 (§ 69.07–1), wherein B and H equal the breadth and height, respectively, of the lower part, and r equals the radius of the semicircular top.)

(f) *Shaft space and thrust recess not cased.* (1) When the shaft is not enclosed by a tunnel, the following rules should be observed in the case of a vessel with a single screw. The thrust-block space should be of such length and breadth as will permit of the proper care of the thrust-block and the height should not exceed 7 feet. The shaft space allowed should be of the dimensions of the usual tunnel suitable for the vessel and the height of this space should not exceed 6 feet.

(2) When the vessel is a twin screw and the space aft of the engines is open from side to side, the space should not be included in the engine room measurement for a greater height than 6 feet mean, and any space therein appropriated for stores or for any purposes other than the propelling machinery should be subtracted from the space to be included in the engine room.

§ 69.03–91 Engine room in small boats.

(a) *When not bulkheaded off.* In the case of a motorboat not having an engine room bulkheaded off from the rest of the hold, allow as engine space the space occupied by the engine and sufficient space on each side and end of it—say, about 2 feet—to permit the operator to handle it safely and efficiently; if sufficient space does not exist for such allowance then allow whatever space there is. Fuel tanks are not to be included in the said engine space.

(b) *When bulkheaded off.* If the engine room is bulkheaded off from the rest of the hold and is larger than is strictly required for safe and efficient handling of the engine, limit the engine space according to the said requirements and as indicated in paragraph (a) of this section.

(c) *Engine on a bed.* If the engine sits on a bed located on the vessel's bottom timbers, take depths when measuring the propelling machinery space from the under side of the deck, or line of same down to the top of the bottom frames or floor timbers as the case may be, or to the ceiling thereon when fitted.

(d) *Boxed-in engine.* (1) When the portion of the engine extending above a cockpit platform is boxed in such boxed-in portion is considered to be all of the space available for the installation and operation of the engine above the line of said platform in that part of the vessel.

(2) In the case of a wholly boxed-in engine in the hold of a motorboat, the tonnage of the boxed-in space, plus the shaft, engine auxiliaries, etc., that may be outside the boxing is considered the propelling machinery space.

(3) The above restrictions may invalidate light and air exemption when the boxing does not extend above the line of the upper deck. However, when such boxing does extend above said deck line, the height of light and air exemption is from the upper deck line to the under side of the top of the boxing.

§ 69.03–93 Deduction for propelling power.

In the case of a vessel propelled by steam or other power, a deduction shall be made for the propelling machinery space according to the percentage ratio between the actual tonnage of such space and the vessel's gross tonnage, calculated as follows:

For vessels propelled by screw in whole or in part:

13 percent or less: Deduct 32/13 times the tonnage of the actual propelling machinery space; or, in the case of a vessel the construction of which was commenced on or before June 4, 1956, if the owner so elects, deduct 1¾ times the tonnage of the actual propelling machinery space.

Above 13 percent, below 20 percent: Deduct 32 percent of the gross tonnage.

20 percent or more: Deduct 32 percent of the gross tonnage or 1¾ times the tonnage of the actual propelling machinery space, whichever the owner elects.

For vessels propelled by paddle-wheel in whole or in part:

20 percent or less: Deduct 37/20 times the tonnage of the actual propelling machinery space; or, in the case of a vessel the construction of which was commenced on or before June 4, 1956, if the owner so elects, deduct 1½ times the tonnage of the actual propelling machinery space.

Above 20 percent, below 30 percent: Deduct 37 percent of the gross tonnage.

30 percent or more: Deduct 37 percent of the gross tonnage or 1½ times the tonnage of the actual propelling machinery space, whichever the owner elects.

§ 69.03–95 Light and air spaces.

(a) *Application for allowance.* On a request in writing by the owner of a vessel to the Officer in Charge of the marine inspection zone in which the vessel is located, the tonnage of such portion of the space or spaces above the crown of the engine room and above the line of the upper deck as is framed in for the machinery, or for the admission of light and air, and not required to be included in the gross tonnage, shall for the purpose of ascertaining the tonnage of the space occupied by the propelling machinery, be added to the said machinery space; but it shall then be included in the gross tonnage. Such space or spaces must be reasonable in extent, safe, and seaworthy and cannot be used for any purpose other than the machinery or for the admission of light and air to the propelling machinery space of the vessel.

(b) *Reasonable in extent.* In construing the words "reasonable in extent" the measurer should note that the length should not exceed the length of the propelling machinery space, and if any portion is plated over, the length of such part must be deducted from the full length and whatever the breadth of the casing may be, the breadth allowed must not exceed one-half the extreme inside midship breadth of the vessel.

(c) *Purpose for including light and air spaces.* The purpose of adding a part of the framed-in light and air spaces (above the crown of the boiler and engine room and above the upper deck) of a vessel to her machinery space below the upper deck is to entitle the vessel to a greater deduction for propelling power, and consequently obtain a smaller net tonnage than would otherwise result. To get this benefit, it does not always require the addition of the total of such light and air spaces. In such cases only such portion need be added as hereinafter explained.

(d) *Rule for computing addible light and air space.* Below is given a simple rule for finding the amount of light and air space or spaces required to be added to the gross tonnage and also to the propelling machinery space of a mechanically propelled vessel to entitle her to 32 percent of her gross tonnage for propelling-power deduction when granted by the Officer in Charge upon request of her owner or owners:

Find 13.1 percent of the gross tonnage inclusive of excess hatchways. Find the difference between this percent and the tonnage of the propelling machinery space below the upper deck to the hull. Increase this difference by 15 percent of itself, which gives approximately the amount of light and air space or spaces to be added to the gross tonnage defined above, and also to the propelling machinery space below said upper deck. The gross register tonnage in such a case is the gross tonnage as defined above, plus light and air addition, less one-half of 1 percent of said light and air addition, which one-half percent is additional allowance for excess hatchways due to addition of light and air to gross tonnage.

EXAMPLE

Gross tonnage, exclusive of light and air and hatchways	5,675.95
Excess of hatchways (based on the above)	67.87
Gross tonnage, inclusive of excess hatchways and exclusive of light and air	5,743.82
13.1 percent of 5,743.82	752.87
Machinery space below the upper deck to the hull	680.55
Difference	71.82
15 percent of difference	10.77
Difference plus 15 percent of itself (amount of light and air to be added to gross tonnage and machinery space)	82.59
Gross tonnage, inclusive of light and air and excess of hatchways	5,825.91
Additional exemption for hatchways; account of light and air addition equals one-half of 1 percent of 82.59—82.59/200	0.41
Gross registered tonnage	5,825.50
Proof:	
13.1 percent of 5,825.50	763.14
680.55 plus 82.59	763.14

§ 69.03–97 Verification of calculations, diagram of areas, and certification of results.

(a) *Calculations to be verified and diagram of areas made.* Calculations must be verified at least twice and a diagram of half breadths for areas made. (See Figures 52 and 53 (§ 69.07–1).)

(b) *Certification of results.* The deductions having been made from the gross tonnage and the remainder or net tonnage having been properly marked on the main beam, the surveyor or measuring officer will certify the result to the Officer in Charge on Form CG–1322.

Subpart 69.05—Miscellaneous Provisions

§ 69.05–1 Marking net tonnage and official number on vessel.

(a) The official number of a vessel preceded by the abbreviation "NO.", and the net tonnage, preceded by the word "NET", shall be marked in a conspicuous place on her main beam at the expense of the owner or master, in Arabic numerals of the block type at least 3 inches in height, when the size of the main beam will permit. If the main beam is of wood, it shall be carved or branded in figures not less than three-eighths of an inch in depth. If the main beam is of iron or other metal, the official number and net tonnage shall be outlined by punch marks and painted over with oil paint in a light color on a dark background or a dark color on a light background.

(1) In the case of a vessel which is assigned two net tonnages under the provisions of § 69.15–17(b), both net tonnages shall be marked on the vessel. Immediately following the lower net tonnage there shall be marked a copy of the tonnage mark and the triangle which may be scaled to the size of the numerals.

(2) In the case of a vessel which is assigned a single net tonnage under the provisions of § 69.15–17(c), a copy of the tonnage mark and the triangle shall be similarly marked after the net tonnage as provided by subparagraph (1) of this paragraph.

(b) The beam at the forward end of the largest hatch on the weather deck which is generally located forward of amidships shall be considered the main beam for the purposes of this part. In the case of a vessel which does not have a hatch on the weather deck, any structural member which is integral to the hull may be considered the main beam.

(c) The official number awarded to a vessel shall pertain only to that vessel. If a vessel, having once received an official number, is rebuilt or redocumented, the number originally awarded shall be retained.

§ 69.05–3 Appendix to certificate of registry.

(a) When a vessel of the United States carries passengers to a foreign port or ports the Officer in Charge will issue to each such vessel admeasured in his marine inspection zone a "Special Appendix to Certificate of Registry of American Passenger Vessels" (Form CG–1265–A), showing the tonnage of passenger spaces on a deck not a deck to the hull and exempted from inclusion in tonnage by the regulations in this part.

(b) The same requirement applies to vessels operating from his marine inspection zone not previously furnished such an appendix.

(c) At the end of each quarter, the Officer in Charge must report to the Commandant the official number and name of every vessel in his marine inspection zone to which such appendix has been issued during that period.

§ 69.05–5 Measurement of Government vessels.

When the tonnage of Government colliers, transports, supply ships, repair ships, etc., is requested this tonnage shall be ascertained in accordance with the rules in this part, but the following requirements will be waived: The marking of the vessel's name and home port, official number (none required), and net tonnage; the requirements as to size and conditions of crew space, and the certifications of deducted spaces on the beam over the doorway. The plate over the door designating its use is sufficient for such certifications.

§ 69.05–7 Foreign vessels.

A mode of measurement for the tonnage of vessels substantially similar to that of the United States having been adopted by Belgium, Cambodia, Central African Republic, Denmark, Federal Republic of Germany, Finland, France, Gabon Republic, Great Britain, Greece, Iceland, Israel, Italy, Japan, Liberia, Malagasy Republic, the Netherlands, Norway, Pakistan, Panama, Polish People's Republic, Portugal, Republic of Senegal, Spain, Sweden, Union of Soviet Socialist Republics, Venezuela, and Yugoslavia, and the like courtesy having been extended to vessels of the United States, it is directed that merchant vessels of these countries, the registers of which indicate their gross and net tonnages under their present laws, shall be taken in ports of the United States to be of the tonnages so expressed in their documents. Vessels of foreign countries other than the aforesaid are to be measured according to the laws of the United States.

§ 69.05–9 Adjustment and correction of tonnage.

(a) If there has been a change of structure or use of space that affects tonnage, or, if the owner or his agent claims that either the admeasurement procedure or the officially assigned tonnages are in error, an application for adjustment of tonnage shall be made

as provided in § 69.01–17. The application shall be accompanied by appropriate drawings as outlined in § 69.01–19 and by a precise statement of the alterations, changes in use of spaces, or assignments of error.

(b) The Officer in Charge shall not readmeasure unaltered spaces or spaces for which no error is claimed, but shall use the figures shown on the latest record of tonnage admeasurement (Form CG–1410 or 1410–A), unless there is an obvious error therein. If the vessel was previously admeasured at a port other than the port at which application for adjustment of tonnage is made, the record of tonnage admeasurement or a copy thereof shall be forwarded to the Officer in Charge at the latter port upon his request.

(c) The Officer in Charge shall determine the proper tonnage of the vessel. If the tonnage is found to be different from that shown in the vessel's outstanding document, he shall prepare a new record of admeasurement.

(d) When the application for adjustment of tonnage is based on a claim of error, or when an error is discovered by the Officer in Charge, he shall consider the matter and make any necessary tonnage adjustment. If a claim is denied by the Officer in Charge, the claimant may request review of the matter by the Commandant. Any such request for review shall be forwarded through the office of the Officer in Charge concerned to the Commandant with the supporting papers and the recommendation of the Officer in Charge.

(e) The outstanding document of the vessel shall be surrendered incident to any adjustment or correction of tonnage and any document issued to that vessel thereafter shall show the adjusted tonnage.

Subpart 69.07—Figures and Tables

§ 69.07–1 Figures.

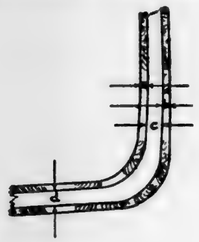


FIGURE 1.

a: THICKNESS OF CEILING
b: THICKNESS OF OUTER PLANKING
c: DEPTH OF SIDE FRAMES
d: DEPTH OF BOTTOM FRAMES OR FLOORS

FIGURE 2.

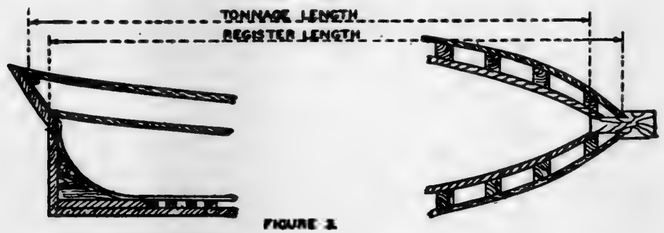


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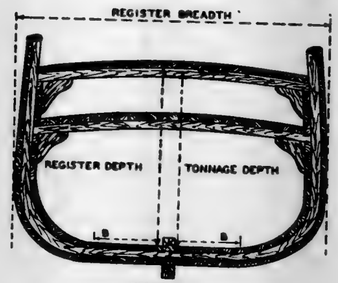


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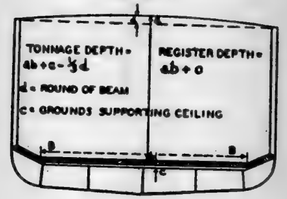


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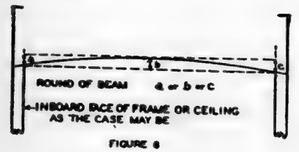


FIGURE 6



FIGURE 7



FIGURE 8



FIGURE 9

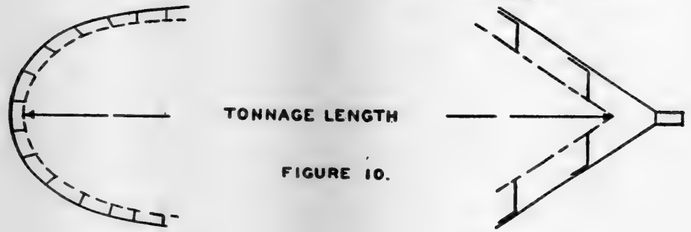


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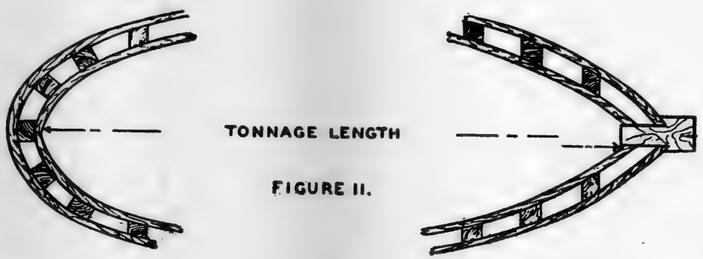


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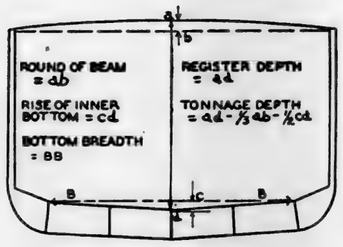


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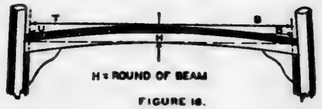


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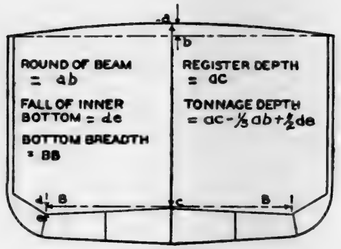


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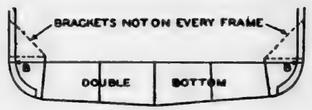


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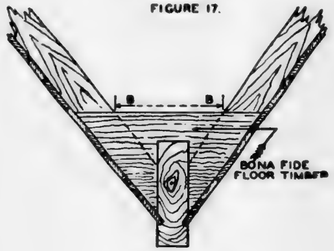


FIGURE 18



FIGURE 14.

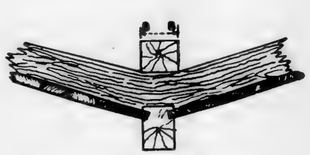


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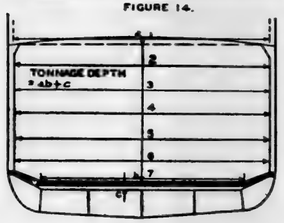


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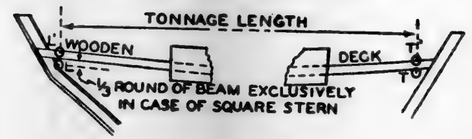


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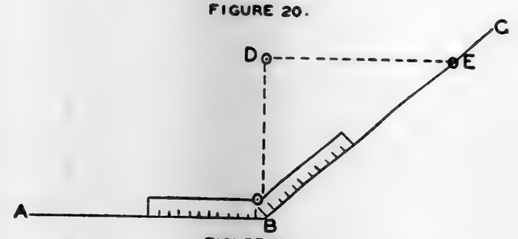


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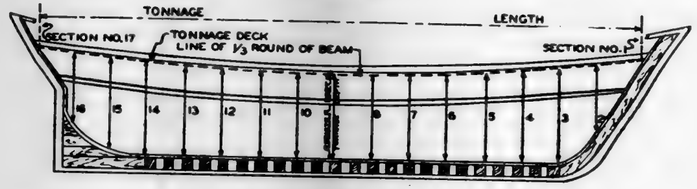


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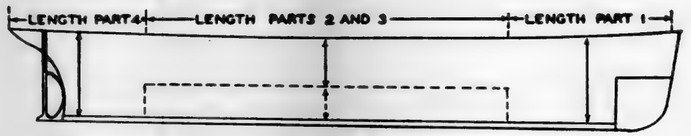


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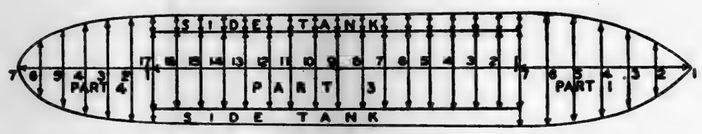


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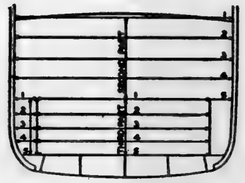


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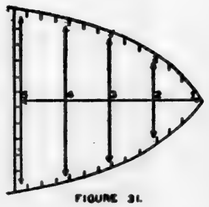


FIGURE 31.



FIGURE 26



FIGURE 32.

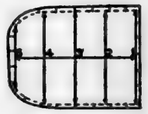


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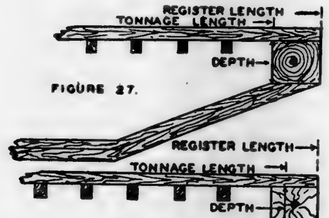


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FIGURE 34.

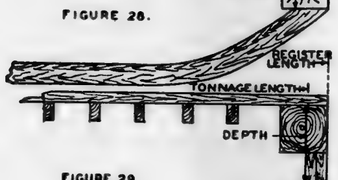


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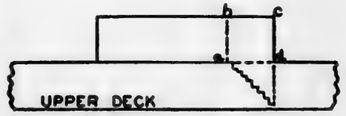


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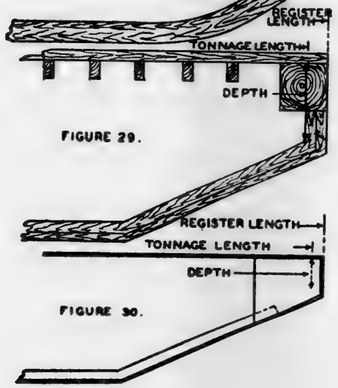


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FIGURE 30.

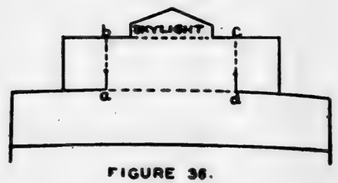


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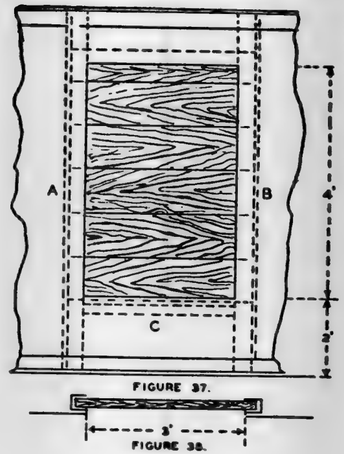


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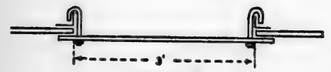


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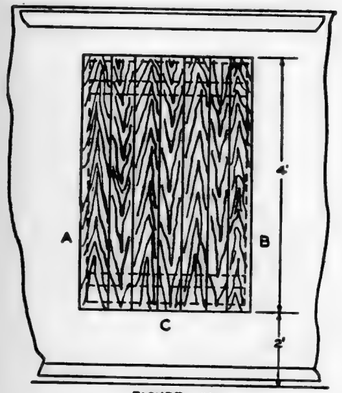


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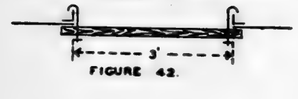


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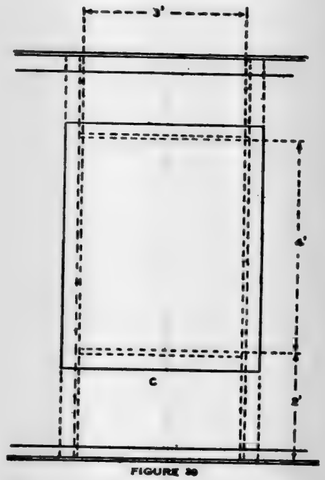


FIGURE 39

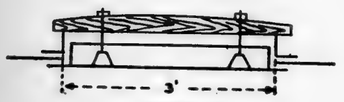


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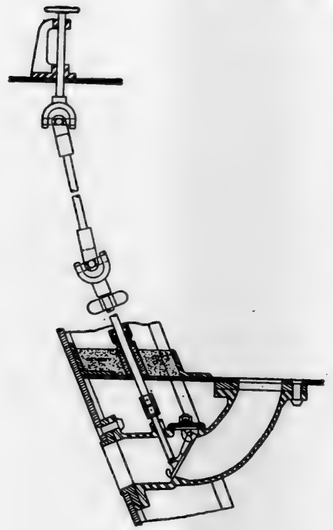


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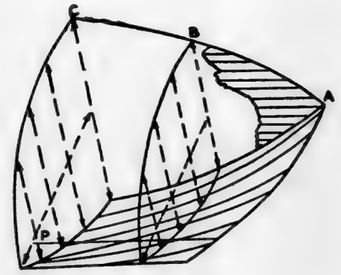


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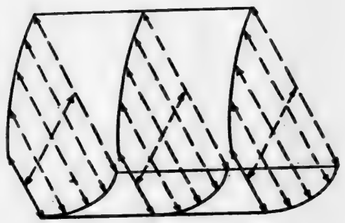


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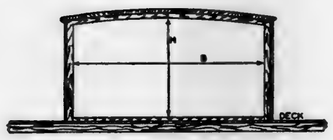


FIGURE 45.

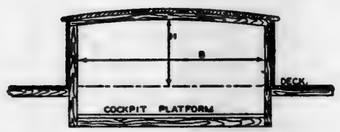


FIGURE 46.

H = HEIGHT OF OPENING
B = BREADTH OF OPENING

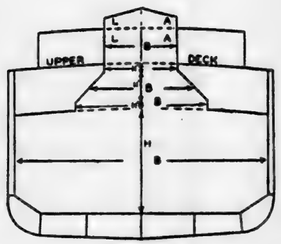


FIGURE 49.

H = HEIGHT OF MAIN SPACE
H' + H' + H' = HEIGHT BETWEEN CROWN AND UPPER DECK
L. A. = LIGHT AND AIR SPACE ABOVE UPPER DECK
B = BREADTH

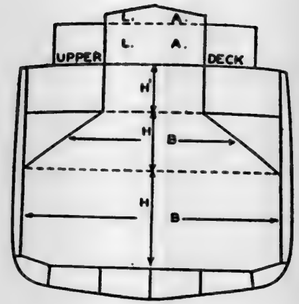


FIGURE 50.

H + H = HEIGHT OF MAIN SPACE
H' = HEIGHT TWEEN CROWN & UPPER DK.
B = BREADTH
L. A. = LIGHT AND AIR SPACE ABOVE UPPER DK.

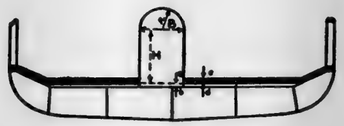
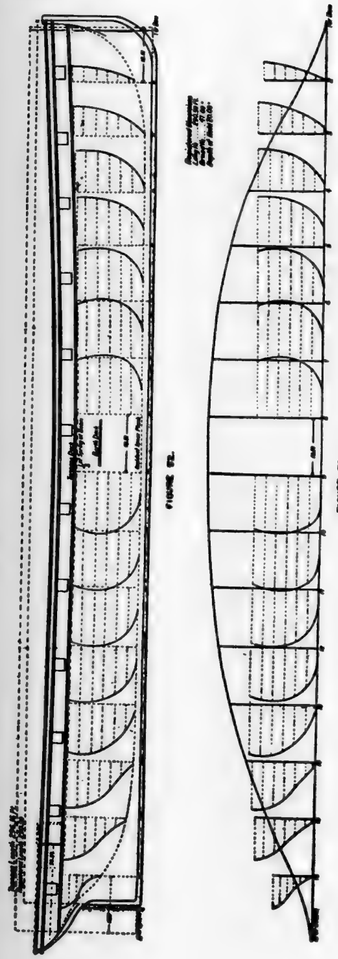


FIGURE 51.

ab = cd = THICKNESS OF CEILING



§ 69.07–3 Conversion table for finding the decimal equivalent of inches.

For finding the decimal equivalent of inches, the following table will be found useful:

DECIMAL EQUIVALENT OF INCHES

	Equivalents in decimals of a foot
11 inches	0.92
10 inches	.83
9 inches	.75
8 inches	.67
7 inches	.58
6 inches	.50
5 inches	.42
4 inches	.33
3 inches	.25
2 inches	.17
1 inch	.08
¾ inch	.06
½ inch	.04
¼ inch	.02

§ 69.07–5 Conversion table for reduction of tons to cubic meters.

For converting tons into cubic meters, the following table will be found useful:

REDUCTION OF TONS TO CUBIC METERS

	Meters
1 ton	2.83
2 tons	5.66
3 tons	8.49
4 tons	11.32
5 tons	14.15
6 tons	16.98
7 tons	19.81
8 tons	22.64
9 tons	25.47
10 tons	28.30
11 tons	31.13
12 tons	33.96
13 tons	36.79
14 tons	39.62
15 tons	42.45
16 tons	45.28
17 tons	48.11
18 tons	50.94
19 tons	53.77
20 tons	56.60
21 tons	59.43
22 tons	62.26
23 tons	65.09
24 tons	67.92
25 tons	70.75
26 tons	73.58
27 tons	76.41
28 tons	79.24
29 tons	82.07
30 tons	84.90
31 tons	87.73
32 tons	90.56
33 tons	93.39
34 tons	96.22
35 tons	99.05
36 tons	101.88
37 tons	104.71
38 tons	107.54
39 tons	110.37
40 tons	113.20
41 tons	116.03
42 tons	118.86
43 tons	121.69
44 tons	124.52
45 tons	127.35
46 tons	130.18
47 tons	133.01
48 tons	135.84
49 tons	138.67
50 tons	141.50
51 tons	144.32
52 tons	147.16
53 tons	149.99
54 tons	152.82
55 tons	155.65
56 tons	158.48

REDUCTION OF TONS TO CUBIC METERS—Con.

	Meters
57 tons	161.31
58 tons	164.14
59 tons	166.97
60 tons	169.80
61 tons	172.63
62 tons	175.46
63 tons	178.29
64 tons	181.12
65 tons	183.95
66 tons	186.78
67 tons	189.61
68 tons	192.44
69 tons	195.27
70 tons	198.10
71 tons	200.93
72 tons	203.76
73 tons	206.59
74 tons	209.42
75 tons	212.25
76 tons	215.08
77 tons	217.91
78 tons	220.74
79 tons	223.57
80 tons	226.40
81 tons	229.23
82 tons	232.06
83 tons	234.89
84 tons	237.72
85 tons	240.55
86 tons	243.38
87 tons	246.21
88 tons	249.04
89 tons	251.87
90 tons	254.70
91 tons	257.53
92 tons	260.36
93 tons	263.19
94 tons	266.02
95 tons	268.85
96 tons	271.68
97 tons	274.51
98 tons	277.34
99 tons	280.17
100 tons	283.00

§ 69.07–7 Reduction of cubic meters to tons.

To reduce cubic meters to tons divide the number of cubic meters in question by 2.83, or multiply it by the factor 0.353.

§ 69.07–9 Table A of common intervals when tonnage depth is 16 feet or less.

TABLE A

Showing in feet the common interval and ½ common intervals between tonnage breadths, corresponding to different tonnage depths, when the tonnage depth at the middle of the tonnage length does not exceed 16 feet.

Tonnage depth	Common interval between breadths	½ common interval between breadths
2.00	0.800	0.17
2.05	.812	.17
2.10	.825	.18
2.15	.837	.18
2.20	.850	.18
2.25	.862	.19
2.30	.875	.19
2.35	.887	.20
2.40	.900	.20
2.45	.912	.20
2.50	.925	.21
2.55	.937	.21
2.60	.950	.22
2.65	.962	.22
2.70	.975	.23
2.75	.987	.23
2.80	1.000	.23
2.85	1.012	.24
2.90	1.025	.24
2.95	1.037	.25
3.00	1.050	.25
3.05	1.062	.25

TABLE A—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
3.10	0.775	0.26
3.15	.787	.26
3.20	.800	.27
3.25	.812	.27
3.30	.825	.28
3.35	.837	.28
3.40	.850	.28
3.45	.862	.29
3.50	.875	.29
3.55	.887	.30
3.60	.900	.30
3.65	.912	.30
3.70	.925	.31
3.75	.937	.31
3.80	.950	.32
3.85	.962	.32
3.90	.975	.33
3.95	.987	.33
4.00	1.000	.33
4.05	1.012	.34
4.10	1.025	.34
4.15	1.037	.35
4.20	1.050	.35
4.25	1.062	.35
4.30	1.075	.36
4.35	1.087	.36
4.40	1.100	.37
4.45	1.112	.37
4.50	1.125	.37
4.55	1.137	.38
4.60	1.150	.38
4.65	1.162	.39
4.70	1.175	.39
4.75	1.187	.40
4.80	1.200	.40
4.85	1.212	.40
4.90	1.225	.41
4.95	1.237	.41
5.00	1.250	.42
5.05	1.262	.42
5.10	1.275	.43
5.15	1.287	.43
5.20	1.300	.43
5.25	1.312	.44
5.30	1.325	.44
5.35	1.337	.45
5.40	1.350	.45
5.45	1.362	.45
5.50	1.375	.46
5.55	1.387	.46
5.60	1.400	.47
5.65	1.412	.47
5.70	1.425	.48
5.75	1.437	.48
5.80	1.450	.48
5.85	1.462	.49
5.90	1.475	.49
5.95	1.487	.50
6.00	1.500	.50
6.05	1.512	.50
6.10	1.525	.51
6.15	1.537	.51
6.20	1.550	.52
6.25	1.562	.52
6.30	1.575	.53
6.35	1.587	.53
6.40	1.600	.53
6.45	1.612	.54
6.50	1.625	.54
6.55	1.637	.55
6.60	1.650	.55
6.65	1.662	.55
6.70	1.675	.56
6.75	1.687	.56
6.80	1.700	.57
6.85	1.712	.57
6.90	1.725	.58
6.95	1.737	.58
7.00	1.750	.58
7.05	1.762	.59
7.10	1.775	.59
7.15	1.787	.60
7.20	1.800	.60
7.25	1.812	.60
7.30	1.825	.61
7.35	1.837	.61
7.40	1.850	.62
7.45	1.862	.62
7.50	1.875	.62
7.55	1.887	.63
7.60	1.900	.63
7.65	1.912	.64
7.70	1.925	.64
7.75	1.937	.64
7.80	1.950	.65
7.85	1.962	.65
7.90	1.975	.65
7.95	1.987	.66
8.00	2.000	.67
8.05	2.012	.67

TABLE A—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
8.10	2.025	0.68
8.15	2.037	.68
8.20	2.050	.68
8.25	2.062	.69
8.30	2.075	.69
8.35	2.087	.70
8.40	2.100	.70
8.45	2.112	.70
8.50	2.125	.71
8.55	2.137	.71
8.60	2.150	.72
8.65	2.162	.72
8.70	2.175	.73
8.75	2.187	.73
8.80	2.200	.73
8.85	2.212	.74
8.90	2.225	.74
8.95	2.237	.75
9.00	2.250	.75
9.05	2.262	.75
9.10	2.275	.76
9.15	2.287	.76
9.20	2.300	.77
9.25	2.312	.77
9.30	2.325	.78
9.35	2.337	.78
9.40	2.350	.78
9.45	2.362	.79
9.50	2.375	.79
9.55	2.387	.80
9.60	2.400	.80
9.65	2.412	.80
9.70	2.425	.81
9.75	2.437	.81
9.80	2.450	.82
9.85	2.462	.82
9.90	2.475	.83
9.95	2.487	.83
10.00	2.500	.83
10.05	2.512	.84
10.10	2.525	.84
10.15	2.537	.85
10.20	2.550	.85
10.25	2.562	.85
10.30	2.575	.86
10.35	2.587	.86
10.40	2.600	.87
10.45	2.612	.87
10.50	2.625	.88
10.55	2.637	.88
10.60	2.650	.88
10.65	2.662	.89
10.70	2.675	.89
10.75	2.687	.90
10.80	2.700	.90
10.85	2.712	.90
10.90	2.725	.91
10.95	2.737	.91
11.00	2.750	.92
11.05	2.762	.92
11.10	2.775	.93
11.15	2.787	.93
11.20	2.800	.93
11.25	2.812	.94
11.30	2.825	.94
11.35	2.837	.95
11.40	2.850	.95
11.45	2.862	.96
11.50	2.875	.96
11.55	2.887	.96
11.60	2.900	.97
11.65	2.912	.97
11.70	2.925	.98
11.75	2.937	.98
11.80	2.950	.98
11.85	2.962	.99
11.90	2.975	.99
11.95	2.987	1.00
12.00	3.000	1.00
12.05	3.012	1.00
12.10	3.025	1.01
12.15	3.037	1.01
12.20	3.050	1.02
12.25	3.062	1.02
12.30	3.075	1.03
12.35	3.087	1.03
12.40	3.100	1.03
12.45	3.112	1.04
12.50	3.125	1.04
12.55	3.137	1.05
12.60	3.150	1.05
12.65	3.162	1.06
12.70	3.175	1.06
12.75	3.187	1.06
12.80	3.200	1.07
12.85	3.212	1.07
12.90	3.225	1.08
12.95	3.237	1.08
13.00	3.250	1.08
13.05	3.262	1.09
13.10	3.275	1.09
13.15	3.287	1.10

TABLE A—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
13.20	3.300	1.10
13.25	3.312	1.10
13.30	3.325	1.11
13.35	3.337	1.11
13.40	3.350	1.12
13.45	3.362	1.12
13.50	3.375	1.13
13.55	3.387	1.13
13.60	3.400	1.13
13.65	3.412	1.14
13.70	3.425	1.14
13.75	3.437	1.15
13.80	3.450	1.15
13.85	3.462	1.15
13.90	3.475	1.16
13.95	3.487	1.16
14.00	3.500	1.17
14.05	3.512	1.17
14.10	3.525	1.18
14.15	3.537	1.18
14.20	3.550	1.18
14.25	3.562	1.19
14.30	3.575	1.19
14.35	3.587	1.20
14.40	3.600	1.20
14.45	3.612	1.20
14.50	3.625	1.21
14.55	3.637	1.21
14.60	3.650	1.22
14.65	3.662	1.22
14.70	3.675	1.23
14.75	3.687	1.23
14.80	3.700	1.23
14.85	3.712	1.24
14.90	3.725	1.24
14.95	3.737	1.25
15.00	3.750	1.25
15.05	3.762	1.25
15.10	3.775	1.26
15.15	3.787	1.26
15.20	3.800	1.27
15.25	3.812	1.27
15.30	3.825	1.28
15.35	3.837	1.28
15.40	3.850	1.28
15.45	3.862	1.29
15.50	3.875	1.29
15.55	3.887	1.30
15.60	3.900	1.30
15.65	3.912	1.30
15.70	3.925	1.31
15.75	3.937	1.31
15.80	3.950	1.32
15.85	3.962	1.32
15.90	3.975	1.33
15.95	3.987	1.33
16.00	4.000	1.33
16.05	4.012	1.34
16.10	4.025	1.34
16.15	4.037	1.36
16.20	4.050	1.35
16.25	4.062	1.35
16.30	4.075	1.36
16.35	4.087	1.36
16.40	4.100	1.37
16.45	4.112	1.37
16.50	4.125	1.38
16.55	4.137	1.38
16.60	4.150	1.38
16.65	4.162	1.39
16.70	4.175	1.39
16.75	4.187	1.40
16.80	4.200	1.40
16.85	4.212	1.40
16.90	4.225	1.41
16.95	4.237	1.41
17.00	4.250	1.42
17.05	4.262	1.42
17.10	4.275	1.43
17.15	4.287	1.43
17.20	4.300	1.43
17.25	4.312	1.44
17.30	4.325	1.44
17.35	4.337	1.45
17.40	4.350	1.45
17.45	4.362	1.45
17.50	4.375	1.46
17.55	4.387	1.46
17.60	4.400	1.47
17.65	4.412	1.47
17.70	4.425	1.48
17.75	4.437	1.48
17.80	4.450	1.48
17.85	4.462	1.49
17.90	4.475	1.49
17.95	4.487	1.50
18.00	4.500	1.50
18.05	4.512	1.50
18.10	4.525	1.51
18.15	4.537	1.51
18.20	4.550	1.52
18.25	4.563	1.52

TABLE A—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
18.30	4.575	1.53
18.35	4.587	1.53
18.40	4.600	1.53
18.45	4.612	1.54
18.50	4.625	1.54
18.55	4.637	1.55
18.60	4.650	1.55
18.65	4.662	1.55
18.70	4.675	1.56
18.75	4.687	1.56
18.80	4.700	1.57
18.85	4.712	1.57
18.90	4.725	1.58
18.95	4.737	1.58
19.00	4.750	1.58
19.05	4.762	1.59
19.10	4.775	1.59
19.15	4.787	1.60
19.20	4.800	1.60
19.25	4.812	1.60
19.30	4.825	1.61
19.35	4.837	1.61
19.40	4.850	1.62
19.45	4.862	1.62
19.50	4.875	1.63
19.55	4.887	1.63
19.60	4.900	1.63
19.65	4.912	1.64
19.70	4.925	1.64
19.75	4.937	1.65
19.80	4.950	1.65
19.85	4.962	1.65
19.90	4.975	1.66
19.95	4.987	1.66
20.00	5.000	1.67
20.05	5.012	1.67
20.10	5.025	1.68
20.15	5.037	1.68
20.20	5.050	1.68
20.25	5.062	1.69
20.30	5.075	1.69
20.35	5.087	1.70
20.40	5.100	1.70
20.45	5.112	1.70
20.50	5.125	1.71
20.55	5.137	1.71
20.60	5.150	1.72
20.65	5.162	1.72
20.70	5.175	1.73
20.75	5.187	1.73
20.80	5.200	1.73
20.85	5.212	1.74
20.90	5.225	1.74
20.95	5.237	1.75
21.00	5.250	1.75
21.05	5.262	1.75
21.10	5.275	1.76
21.15	5.287	1.76
21.20	5.300	1.77
21.25	5.312	1.77
21.30	5.325	1.78
21.35	5.337	1.78
21.40	5.350	1.78
21.45	5.362	1.79
21.50	5.375	1.79
21.55	5.387	1.80
21.60	5.400	1.80
21.65	5.412	1.80
21.70	5.425	1.81
21.75	5.437	1.81
21.80	5.450	1.82
21.85	5.462	1.82
21.90	5.475	1.83
21.95	5.487	1.83
22.00	5.500	1.83
22.05	5.512	1.84
22.10	5.525	1.84
22.15	5.537	1.85
22.20	5.550	1.85
22.25	5.562	1.85
22.30	5.575	1.86
22.35	5.587	1.86
22.40	5.600	1.87
22.45	5.612	1.87
22.50	5.625	1.88
22.55	5.637	1.88
22.60	5.650	1.88
22.65	5.662	1.89
22.70	5.675	1.89
22.75	5.687	1.90
22.80	5.700	1.90
22.85	5.712	1.90
22.90	5.725	1.91
22.95	5.737	1.91
23.00	5.750	1.92
23.05	5.762	1.92
23.10	5.775	1.93
23.15	5.787	1.93
23.20	5.800	1.93
23.25	5.812	1.94
23.30	5.825	1.94
23.35	5.837	1.95

TABLE A—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
23.40	5.850	1.95
23.45	5.862	1.95
23.50	5.875	1.96
23.55	5.887	1.96
23.60	5.900	1.97
23.65	5.912	1.97
23.70	5.925	1.98
23.75	5.937	1.98
23.80	5.950	1.98
23.85	5.962	1.99
23.90	5.975	1.99
23.96	5.987	2.00
24.00	6.000	2.00
24.06	6.012	2.00
24.10	6.025	2.01
24.15	6.037	2.01
24.20	6.050	2.02
24.25	6.062	2.02
24.30	6.075	2.03
24.35	6.087	2.03
24.40	6.100	2.03
24.45	6.112	2.04
24.50	6.125	2.04
24.55	6.137	2.05
24.60	6.150	2.05
24.65	6.162	2.05
24.70	6.175	2.06
24.75	6.187	2.06
24.80	6.200	2.07
24.85	6.212	2.07
24.90	6.225	2.08
24.96	6.237	2.08
25.00	6.250	2.08
25.05	6.262	2.09
25.10	6.275	2.09
25.15	6.287	2.10
25.20	6.300	2.10
25.25	6.312	2.10
25.30	6.325	2.11
25.35	6.337	2.11
25.40	6.350	2.12
25.45	6.362	2.12
25.50	6.375	2.13
25.55	6.387	2.13
25.60	6.400	2.13
25.65	6.412	2.14
25.70	6.425	2.14
25.75	6.437	2.15
25.80	6.450	2.15
25.85	6.462	2.15
25.90	6.475	2.16
25.96	6.487	2.16

§ 69.07–11 Table B of common intervals when tonnage depth exceeds 16 feet.

TABLE B

Showing in feet the common interval and ½ common interval between tonnage breadths, corresponding to different tonnage depths, when the tonnage depth at the middle of the tonnage length exceeds 16 feet.

Tonnage depth	Common interval between breadths	½ common interval between breadths
14.00	2.335	0.78
14.05	2.341	.78
14.10	2.350	.78
14.15	2.358	.79
14.20	2.366	.79
14.25	2.375	.79
14.30	2.383	.79
14.35	2.391	.80
14.40	2.400	.80
14.45	2.408	.80
14.50	2.416	.81
14.55	2.425	.81
14.60	2.433	.81
14.65	2.441	.81
14.70	2.450	.82
14.75	2.458	.82
14.80	2.466	.82
14.85	2.475	.83
14.90	2.483	.83
14.95	2.491	.83
15.00	2.500	.83
15.05	2.508	.84
15.10	2.516	.84
15.15	2.525	.84
15.20	2.533	.84
15.25	2.541	.85
15.30	2.550	.85
15.35	2.558	.85
15.40	2.566	.86
15.45	2.575	.86

TABLE B—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
15.50	2.583	0.86
15.55	2.591	.86
15.60	2.600	.87
15.65	2.608	.87
15.70	2.616	.87
15.75	2.625	.88
15.80	2.633	.88
15.85	2.641	.88
15.90	2.650	.88
15.96	2.658	.89
16.00	2.666	.89
16.05	2.675	.89
16.10	2.683	.89
16.15	2.691	.90
16.20	2.700	.90
16.25	2.708	.90
16.30	2.716	.91
16.35	2.725	.91
16.40	2.733	.91
16.45	2.741	.91
16.50	2.750	.92
16.55	2.758	.92
16.60	2.766	.92
16.65	2.775	.93
16.70	2.783	.93
16.75	2.791	.93
16.80	2.800	.93
16.85	2.808	.94
16.90	2.816	.94
16.95	2.825	.94
17.00	2.833	.94
17.05	2.841	.95
17.10	2.850	.95
17.15	2.858	.95
17.20	2.866	.96
17.25	2.875	.96
17.30	2.883	.96
17.35	2.891	.96
17.40	2.900	.97
17.45	2.908	.97
17.50	2.916	.97
17.55	2.925	.98
17.60	2.933	.98
17.65	2.941	.98
17.70	2.950	.98
17.75	2.958	.99
17.80	2.966	.99
17.85	2.975	.99
17.90	2.983	.99
17.95	2.991	1.00
18.00	3.000	1.00
18.05	3.008	1.00
18.10	3.016	1.01
18.15	3.025	1.01
18.20	3.033	1.01
18.25	3.041	1.01
18.30	3.050	1.02
18.35	3.058	1.02
18.40	3.066	1.02
18.45	3.075	1.03
18.50	3.083	1.03
18.55	3.091	1.03
18.60	3.100	1.03
18.65	3.108	1.04
18.70	3.116	1.04
18.75	3.125	1.04
18.80	3.133	1.04
18.85	3.141	1.05
18.90	3.150	1.05
18.95	3.158	1.05
19.00	3.166	1.06
19.05	3.175	1.06
19.10	3.183	1.06
19.15	3.191	1.06
19.20	3.200	1.07
19.25	3.208	1.07
19.30	3.216	1.07
19.35	3.225	1.08
19.40	3.233	1.08
19.45	3.241	1.08
19.50	3.250	1.08
19.55	3.258	1.09
19.60	3.266	1.09
19.65	3.275	1.09
19.70	3.283	1.09
19.75	3.291	1.10
19.80	3.300	1.10
19.85	3.308	1.10
19.90	3.316	1.11
19.95	3.325	1.11
20.00	3.333	1.11
20.05	3.341	1.11
20.10	3.350	1.12
20.15	3.358	1.12
20.20	3.366	1.12
20.25	3.375	1.13
20.30	3.383	1.13
20.35	3.391	1.13
20.40	3.400	1.13
20.45	3.408	1.14
20.50	3.416	1.14
20.56	3.425	1.14

TABLE B—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
20.60	3.433	1.14
20.65	3.441	1.15
20.70	3.450	1.15
20.75	3.458	1.15
20.80	3.466	1.16
20.85	3.475	1.16
20.90	3.483	1.16
20.95	3.491	1.16
21.00	3.500	1.17
21.05	3.508	1.17
21.10	3.516	1.17
21.15	3.525	1.18
21.20	3.533	1.18
21.25	3.541	1.18
21.30	3.550	1.18
21.35	3.558	1.19
21.40	3.566	1.19
21.45	3.575	1.19
21.50	3.583	1.19
21.55	3.591	1.20
21.60	3.600	1.20
21.65	3.608	1.20
21.70	3.616	1.21
21.75	3.625	1.21
21.80	3.633	1.21
21.85	3.641	1.21
21.90	3.650	1.22
21.95	3.658	1.22
22.00	3.666	1.22
22.05	3.675	1.22
22.10	3.683	1.23
22.15	3.691	1.23
22.20	3.700	1.23
22.25	3.708	1.24
22.30	3.716	1.24
22.35	3.725	1.24
22.40	3.733	1.24
22.45	3.741	1.25
22.50	3.750	1.25
22.55	3.758	1.25
22.60	3.766	1.26
22.66	3.775	1.26
22.70	3.783	1.26
22.75	3.791	1.26
22.80	3.800	1.27
22.85	3.808	1.27
22.90	3.816	1.27
22.95	3.825	1.28
23.00	3.833	1.28
23.05	3.841	1.28
23.10	3.850	1.28
23.15	3.858	1.29
23.20	3.866	1.29
23.25	3.875	1.29
23.30	3.883	1.29
23.35	3.891	1.30
23.40	3.900	1.30
23.45	3.908	1.30
23.50	3.916	1.31
23.55	3.925	1.31
23.60	3.933	1.31
23.65	3.941	1.31
23.70	3.950	1.32
23.75	3.958	1.32
23.80	3.966	1.32
23.85	3.975	1.33
23.90	3.983	1.33
23.95	3.991	1.33
24.00	4.000	1.33
24.05	4.008	1.34
24.10	4.016	1.34
24.15	4.025	1.34
24.20	4.033	1.34
24.25	4.041	1.35
24.30	4.050	1.35
24.35	4.058	1.35
24.40	4.066	1.35
24.45	4.075	1.35
24.50	4.083	1.36
24.55	4.091	1.36
24.60	4.100	1.37
24.65	4.108	1.37
24.70	4.116	1.37
24.75	4.125	1.38
24.80	4.133	1.38
24.85	4.141	1.38
24.90	4.150	1.38
24.96	4.158	1.39
25.00	4.166	1.39
25.05	4.175	1.39
25.10	4.183	1.39
25.15	4.191	1.40
25.20	4.200	1.40
25.26	4.208	1.40
25.30	4.216	1.41
25.35	4.225	1.41
25.40	4.233	1.41
25.45	4.241	1.41
25.50	4.250	1.42
25.55	4.258	1.42
25.60	4.266	1.42
25.66	4.275	1.43

TABLE B—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
25.70	4.283	1.43
25.75	4.291	1.43
25.80	4.300	1.43
25.85	4.308	1.44
25.90	4.316	1.44
25.95	4.325	1.44
26.00	4.333	1.44
26.05	4.341	1.45
26.10	4.350	1.45
26.15	4.358	1.45
26.20	4.366	1.46
26.25	4.375	1.46
26.30	4.383	1.46
26.35	4.391	1.46
26.40	4.400	1.47
26.45	4.408	1.47
26.50	4.416	1.47
26.55	4.425	1.48
26.60	4.433	1.48
26.65	4.441	1.48
26.70	4.450	1.48
26.75	4.458	1.49
26.80	4.466	1.49
26.85	4.475	1.49
26.90	4.483	1.49
26.95	4.491	1.50
27.00	4.500	1.50
27.05	4.508	1.50
27.10	4.516	1.51
27.15	4.525	1.51
27.20	4.533	1.51
27.25	4.541	1.51
27.30	4.550	1.52
27.35	4.558	1.52
27.40	4.566	1.52
27.45	4.575	1.53
27.50	4.583	1.53
27.55	4.591	1.53
27.60	4.600	1.53
27.65	4.608	1.54
27.70	4.616	1.54
27.75	4.625	1.54
27.80	4.633	1.54
27.85	4.641	1.55
27.90	4.650	1.55
27.96	4.658	1.55
28.00	4.666	1.56
28.05	4.675	1.56
28.10	4.683	1.56
28.15	4.691	1.56
28.20	4.700	1.57
28.25	4.708	1.57
28.30	4.716	1.57
28.35	4.725	1.58
28.40	4.733	1.58
28.45	4.741	1.58
28.50	4.750	1.58
28.55	4.758	1.59
28.60	4.766	1.59
28.65	4.775	1.59
28.70	4.783	1.59
28.75	4.791	1.60
28.80	4.800	1.60
28.85	4.808	1.60
28.90	4.816	1.61
28.96	4.825	1.61
29.00	4.833	1.61
29.05	4.841	1.61
29.10	4.850	1.62
29.15	4.858	1.62
29.20	4.866	1.62
29.25	4.875	1.63
29.30	4.883	1.63
29.35	4.891	1.63
29.40	4.900	1.63
29.45	4.908	1.64
29.50	4.916	1.64
29.55	4.925	1.64
29.60	4.933	1.64
29.65	4.941	1.65
29.70	4.950	1.65
29.75	4.958	1.65
29.80	4.966	1.66
29.86	4.975	1.66
29.90	4.983	1.66
29.95	4.991	1.66
30.00	5.000	1.67
30.05	5.008	1.67
30.10	5.016	1.67
30.15	5.025	1.68
30.20	5.033	1.68
30.25	5.041	1.68
30.30	5.050	1.68
30.35	5.058	1.69
30.40	5.066	1.69
30.45	5.075	1.69
30.50	5.083	1.69
30.55	5.091	1.70
30.60	5.100	1.70
30.65	5.108	1.70
30.70	5.116	1.71
30.75	5.125	1.71

TABLE B—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
30.80	5.133	1.71
30.85	5.141	1.71
30.90	5.150	1.72
30.96	5.158	1.72
31.00	5.166	1.72
31.05	5.175	1.73
31.10	5.183	1.73
31.15	5.191	1.73
31.20	5.200	1.73
31.25	5.208	1.74
31.30	5.216	1.74
31.35	5.225	1.74
31.40	5.233	1.74
31.45	5.241	1.75
31.50	5.250	1.75
31.55	5.258	1.75
31.60	5.266	1.76
31.65	5.275	1.76
31.70	5.283	1.76
31.75	5.291	1.76
31.80	5.300	1.77
31.85	5.308	1.77
31.90	5.316	1.77
31.96	5.325	1.78
32.00	5.333	1.78
32.05	5.341	1.78
32.10	5.350	1.78
32.15	5.358	1.79
32.20	5.366	1.79
32.25	5.375	1.79
32.30	5.383	1.79
32.35	5.391	1.80
32.40	5.400	1.80
32.45	5.408	1.80
32.50	5.416	1.81
32.56	5.425	1.81
32.60	5.433	1.81
32.65	5.441	1.81
32.70	5.450	1.82
32.75	5.458	1.82
32.80	5.466	1.82
32.85	5.475	1.83
32.90	5.483	1.83
32.96	5.491	1.83
33.00	5.500	1.83
33.05	5.508	1.84
33.10	5.516	1.84
33.15	5.525	1.84
33.20	5.533	1.84
33.25	5.541	1.85
33.30	5.550	1.85
33.35	5.558	1.85
33.40	5.566	1.86
33.45	5.575	1.86
33.50	5.583	1.86
33.55	5.591	1.86
33.60	5.600	1.87
33.65	5.608	1.87
33.70	5.616	1.87
33.75	5.625	1.88
33.80	5.633	1.88
33.85	5.641	1.88
33.90	5.650	1.88
33.96	5.658	1.89
34.00	5.666	1.89
34.05	5.675	1.89
34.10	5.683	1.89
34.15	5.691	1.90
34.20	5.700	1.90
34.25	5.708	1.90
34.30	5.716	1.91
34.35	5.725	1.91
34.40	5.733	1.91
34.45	5.741	1.91
34.50	5.750	1.92
34.55	5.758	1.92
34.60	5.766	1.92
34.65	5.775	1.93
34.70	5.783	1.93
34.75	5.791	1.93
34.80	5.800	1.93
34.85	5.808	1.94
34.90	5.816	1.94
34.96	5.825	1.94
35.00	5.833	1.94
35.05	5.841	1.95
35.10	5.850	1.95
35.15	5.858	1.95
35.20	5.866	1.96
35.25	5.875	1.96
35.30	5.883	1.96
35.35	5.891	1.96
35.40	5.900	1.97
35.45	5.908	1.97
35.50	5.916	1.97
35.55	5.925	1.98
35.60	5.933	1.98
35.65	5.941	1.98
35.70	5.950	1.98
35.75	5.958	1.99
35.80	5.966	1.99
35.86	5.975	1.99

TABLE B—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
35.90	5.983	1.99
35.95	5.991	2.00
36.00	6.000	2.00
36.05	6.008	2.00
36.10	6.016	2.01
36.15	6.025	2.01
36.20	6.033	2.01
36.25	6.041	2.01
36.30	6.050	2.02
36.35	6.058	2.02
36.40	6.066	2.02
36.45	6.075	2.03
36.50	6.083	2.03
36.55	6.091	2.03
36.60	6.100	2.03
36.66	6.108	2.04
36.70	6.116	2.04
36.75	6.125	2.04
36.80	6.133	2.04
36.85	6.141	2.05
36.90	6.150	2.05
36.96	6.158	2.06
37.00	6.166	2.06
37.05	6.175	2.06
37.10	6.183	2.06
37.16	6.191	2.06
37.20	6.200	2.07
37.26	6.208	2.07
37.30	6.216	2.07
37.35	6.225	2.08
37.40	6.233	2.08
37.45	6.241	2.08
37.50	6.250	2.08
37.55	6.258	2.09
37.60	6.266	2.09
37.65	6.275	2.09
37.70	6.283	2.09
37.75	6.291	2.10
37.80	6.300	2.10
37.85	6.308	2.10
37.90	6.316	2.11
37.96	6.325	2.11
38.00	6.333	2.11
38.06	6.341	2.11
38.10	6.350	2.12
38.15	6.358	2.13
38.20	6.366	2.12
38.25	6.375	2.13
38.30	6.383	2.13
38.35	6.391	2.13
38.40	6.400	2.13
38.45	6.408	2.14
38.50	6.416	2.14
38.55	6.425	2.14
38.60	6.433	2.14
38.65	6.441	2.15
38.70	6.450	2.15
38.75	6.458	2.15
38.80	6.466	2.16
38.85	6.475	2.16
38.90	6.483	2.16
38.96	6.491	2.16
39.00	6.500	2.17
39.06	6.508	2.17
39.10	6.516	2.17
39.15	6.525	2.18
39.20	6.533	2.18
39.25	6.541	2.18
39.30	6.550	2.18
39.35	6.558	2.19
39.40	6.566	2.19
39.45	6.575	2.19
39.50	6.583	2.19
39.55	6.591	2.20
39.60	6.600	2.20
39.65	6.608	2.20
39.70	6.616	2.21
39.75	6.625	2.21
39.80	6.633	2.21
39.85	6.641	2.21
39.90	6.650	2.22
39.96	6.658	2.22
40.00	6.666	2.22
40.05	6.675	2.23
40.10	6.683	2.23
40.15	6.691	2.23
40.20	6.700	2.23
40.25	6.708	2.24
40.30	6.716	2.24
40.35	6.725	2.24
40.40	6.733	2.24
40.45	6.741	2.25
40.50	6.750	2.25
40.55	6.758	2.26
40.60	6.766	2.26
40.65	6.775	2.26
40.70	6.783	2.26
40.75	6.791	2.27
40.80	6.800	2.27
40.85	6.808	2.27
40.90	6.816	2.27
40.96	6.825	2.28

TABLE B—Continued

Tonnage depth	Common interval between breadths	½ common interval between breadths
41.00	6.833	1.28
41.05	6.841	2.28
41.10	6.850	1.28
41.15	6.858	1.28
41.20	6.866	2.29
41.25	6.875	2.29
41.30	6.883	1.29
41.35	6.891	1.30
41.40	6.900	1.30
41.45	6.908	1.30
41.50	6.916	1.31
41.55	6.925	1.31
41.60	6.933	1.31
41.65	6.941	1.31
41.70	6.950	1.32
41.75	6.958	1.32
41.80	6.966	2.33
41.85	6.975	1.33
41.90	6.983	1.33
41.95	6.991	1.33
42.00	7.000	1.33
42.05	7.008	1.34
42.10	7.016	1.34
42.15	7.025	1.34
42.20	7.033	1.34
42.25	7.041	1.35
42.30	7.050	1.35
42.35	7.058	1.35
42.40	7.066	1.36
42.45	7.075	1.36
42.50	7.083	1.36
42.55	7.091	1.36
42.60	7.100	1.37
42.65	7.108	1.37
42.70	7.116	1.37
42.75	7.125	1.38
42.80	7.133	1.38
42.85	7.141	1.38
42.90	7.150	1.38
42.95	7.158	1.39
43.00	7.166	1.39
43.05	7.175	1.39
43.10	7.183	1.39
43.15	7.191	1.40
43.20	7.200	1.40
43.25	7.208	1.40
43.30	7.216	1.41
43.35	7.225	1.41
43.40	7.233	1.41
43.45	7.241	1.41
43.50	7.250	1.42
43.55	7.258	1.42
43.60	7.266	1.43
43.65	7.275	1.43
43.70	7.283	1.43
43.75	7.291	1.43
43.80	7.300	1.43
43.85	7.308	1.44
43.90	7.316	1.44
43.95	7.325	1.44
44.00	7.333	1.44
44.05	7.341	1.45
44.10	7.350	1.45
44.15	7.358	1.45
44.20	7.366	1.46
44.25	7.375	1.46
44.30	7.383	1.46
44.35	7.391	1.46
44.40	7.400	1.47
44.45	7.408	1.47
44.50	7.416	1.47
44.55	7.425	1.48
44.60	7.433	1.48
44.65	7.441	1.48
44.70	7.450	1.48
44.75	7.458	1.49
44.80	7.466	1.49
44.85	7.475	1.49
44.90	7.483	1.49
44.95	7.491	1.50
45.00	7.500	1.50
45.05	7.508	1.50
45.10	7.516	1.51
45.15	7.525	1.51
45.20	7.533	1.51
45.25	7.541	1.51
45.30	7.550	1.52
45.35	7.558	1.52
45.40	7.566	1.52
45.45	7.575	1.53
45.50	7.583	1.53
45.55	7.591	1.53
45.60	7.600	1.53
45.65	7.608	1.54
45.70	7.616	1.54
45.75	7.625	1.54
45.80	7.633	1.54
45.85	7.641	1.55
45.90	7.650	1.53
45.95	7.658	1.55

Subpart 69.09—Definitions of Enclosures on or Above the Upper Deck

§ 69.09–1 Break.

A break is the space above the line of the under side of the upper deck when that deck is cut off and continued at a higher elevation. The height of a break is the distance from the said line to the under side of the break deck.

§ 69.09–3 Bridge.

A decked erection usually from 6 to 8 feet in height and of undefined length, fitted about amidships and extending from side to side over the upper deck of a vessel.

§ 69.09–5 Chart house.

A house, room or space designated for the purpose of navigation in connection with the stowage and use of charts and navigating instruments necessary to the plotting of the course of the vessel.

§ 69.09–7 Deck house.

(Formerly called roundhouse.) An erection on or above the upper deck but not extending from side to side of the vessel, as is the case with a bridge, a forecastle, a poop, or raised quarter-deck. For descriptive purposes on vessel documents, spaces not extending from side to side of the vessel, such as cabin trunks, and closed-in spaces over the holds of motorboats, etc., may be classed as deck houses.

§ 69.09–9 Excess hatchways.

The difference between one-half of 1 percent of the gross tonnage exclusive of hatchways and the aggregate tonnage of the hatchways.

§ 69.09–11 Forecastle.

A structure on and located at the extreme foward end of the upper deck and having its sides completely enclosed by a continuation upward of the vessel's outer skin.

§ 69.09–13 Light and air spaces.

The portion of the spaces within the casings around the boiler and engine hatches and above the upper deck to the hull of a vessel when used for admission of light and air to the boilers or machinery below.

§ 69.09–15 Poop.

A structure on and located at the extreme after end of the upper deck and having its sides completely enclosed by a continuation upward of the vessel's outer skin.

§ 69.09–17 Radio house or space.

A structure or space in which the radio apparatus is installed and which may or may not provide accommodations for the operator or operators when off duty.

§ 69.09–19 Side house.

A small house at the side of the upper, forecastle, bridge, or poop deck, etc., of a vessel.

§ 69.09–21 Superstructure.

Any superstructure the breadth of which (at all points throughout its length) is approximately equivalent to the breadth of the upper deck, and the side frames of which are entirely independent of the main frames of the vessel. This definition is not applicable to forecastle, bridge, or poop.

Subpart 69.11—Definitions of Items of Deduction

§ 69.11–1 Anchor gear.

The space below deck occupied by chains or cables, machinery, etc., for handling the anchor.

§ 69.11–3 Boatswain's stores.

The spaces for storing paints, oils, blocks, hawsers, rigging, deck gear, etc., in charge of the boatswain and for daily use on the vessel.

§ 69.11–5 Chart house.

(See definition in § 69.09–5.)

§ 69.11–7 Crew spaces.

The space appropriated exclusively to the use of the crew of a vessel, except such spaces as the engineer's workshop, carpenter shop, plumber shop, butcher shop, etc., wherever situated. The total of all crew space deductions will be shown on vessel's documents under the head of "Crew space."

§ 69.11–9 Master's cabin.

A space for the exclusive use of the master, consisting of sleeping room, bathroom, dressing room, office, and passageways serving his accommodations.

§ 69.11–11 Radio house.

(See definition in § 69.09–17.)

§ 69.11–13 Steering gear.

The space below deck occupied by machinery, fittings, etc., for operating the steering gear.

§ 69.11–15 Storage of sails.

The space in a vessel propelled wholly by sails used excusively for storing the same, subject to the limitation of 2½ percent of the vessel's gross tonnage.

Subpart 69.13—Definitions of Structural Terms, Etc.

§ 69.13–1 After perpendicular.

A vertical straight line at the after edge of the rudder post.

§ 69.13–3 Athwart; athwartship.

In a transverse direction; from side to side at right angles to the fore and aft center line of a vessel.

§ 69.13–5 Batten.

A board several inches in breadth, usually fitted on the side frames in holds and between decks of vessels instead of ceiling.

§ 69.13–7 Beam.

An athwart member supporting a portion of a deck. Also the breadth of the vessel.

§ 69.13–9 Between decks.

For measurement purposes it is the space between the second and third, and third and fourth decks, etc., the decks being numbered from below.

§ 69.13–11 Body plan.

A drawing consisting of a pair of half transverse elevations or end views of a vessel, both having a common vertical middle line, so that the right-hand side represents the vessel as seen from ahead and the left-hand side as seen from astern. On the body plan appear the forms of the various cross sections. The curvature of the rail and deck lines at the sides, and with the water lines, buttock lines, and diagonal lines indicated as straight lines.

§ 69.13–13 Booby hatch.

A small companion fitted with a sliding top.

§ 69.13–15 Break in double bottom.

The point where the line of the inner bottom is broken by being either raised or lowered from the normal line of same.

§ 69.13–17 Bulkhead.

Bulkheads are partitions by which compartments, etc., are formed, or the hold of a vessel is divided.

§ 69.13–19 Bulwark.

A term applied to the strake of shell plating or the side planking above the weather deck and usually extends between the forecastle and the bridge or the bridge and the poop.

§ 69.13–21 Ceiling.

The covering of wood planking on the inboard face of a vessel's side frames, bottom frames, floor timbers, and sometimes on the under side of deck beams.

§ 69.13–23 Cellular double bottom.

A term applied when the double bottom is divided into numerous compartments by the floors and longitudinals.

§ 69.13–25 Coaming.

The vertical boundary around a hatch, skylight, etc., the "sill" below a tonnage opening in a bulkhead.

§ 69.13–27 Cockpit.

A space at the bottom of which is a platform sunk below the line of the upper deck on small craft.

§ 69.13–29 Companion.

A small structure sheltering a deck opening affording entrance to a companionway.

§ 69.13–31 Companionway.

A stairway or ladderway leading to a space above or below.

§ 69.13–33 Covering board.

A plank or a strake of planking fitted horizontally on top of frame heads at the line of weather deck.

§ 69.13–35 Crown.

A term sometimes used to denote the round up or camber of a deck.

§ 69.13–37 Deck hook.

A wooden hook or knee on the level of deck beams on which the extreme forward ends of deck planks rest and to which they are fastened. On iron or steel vessels, a plate connecting the extreme ends of deck stringer plates.

§ 69.13–39 Depth of frame.

The depth of a bottom frame is its perpendicular height. (See d, Figure 1 (§ 69.07–1).) The depth of a side frame is the athwart distance between its inboard and outboard face.

§ 69.13–41 Double bottom.

Compartments at bottom of ship between inner and outer bottom plating, used for ballast tanks, water, fuel oil, etc.

§ 69.13–43 Fidley hatch.

Hatch around smokestack and uptake.

§ 69.13–45 Flange.

Portion of a plate or shape at, or nearly at right angles to main portion.

§ 69.13–47 Flare.

A spreading outward and upward.

§ 69.13–49 Floor or floor timber.

The lowermost piece of timber connecting the main frames, notched to fit over the keel or keelson and extending the full depth of the frames to which it is fastened. In an iron or steel vessel a plate placed vertically in the bottom, extending from bilge to bilge, in way of each frame, to which it (the frame) is connected. In double bottoms of the usual construction it extends from the outer to the inner bottom thereof.

§ 69.13–51 Frame.

One of the numerous transverse (longitudinal in Isherwood-type vessels) "ribs" that form the framing of a vessel.

§ 69.13–53 Frame bracket.

A plate connecting a side frame to the margin plate.

§ 69.13–55 Freeing port.

An opening in the bulwark or shell plating between the shelter and upper decks for discharging large quantities of water which may be shipped.

§ 69.13–57 General arrangement plans.

Plans showing the various quarters, spaces and compartments into which a vessel is usually divided.

§ 69.13–59 Gudgeon.

Fittings on the sternpost to take the rudder pintles.

§ 69.13–61 Gunwale.

A term applied to the line where an upper deck stringer intersects the shell.

§ 69.13–63 Hatchway.

An aperture in a vessel's deck through which cargo is laden or discharged; in common practice the term "hatch" is also applied.

§ 69.13–65 Hold.

For admeasurement purposes, that portion of the vessel below the tonnage deck.

§ 69.13–67 Horn timber.

The center line frame in the stern of a wooden vessel, extending aft from the sternpost.

§ 69.13–69 Inboard profile.

Drawing of a vessel cut vertically through its longitudinal center line, showing its forward and after perpendiculars, line of deck at center and side, height of decks, tanks, height of bottom frames or floors and their spacing, assignment of various spaces, machinery, etc.

§ 69.13–71 Inner bottom.

Plating forming the upper boundary of the double bottom. Also called the tank top.

§ 69.13–73 Keel.

In wooden and composite vessels it is composed of pieces of timber and extends from stem to sternpost and is the bottom member of the vessel's structure. In iron or steel vessels it consists of long bars fitted vertically or of plates fitted horizontally at the middle line.

§ 69.13–75 Keelson.

In wooden vessels the keelson is composed (like the keel) of various pieces of timber placed on the bottom frames directly over and in line with the keel and extending all fore and aft. In iron or steel vessels the middle-line keelson is the keelson at the centerline, directly over the keel.

§ 69.13–77 Length between perpendiculars.

The length of a vessel measured from the forward edge of the stem where it intersects the load water line to the after perpendicular.

§ 69.13–79 Length over all.

The length of a vessel measured from the foremost part of the stem to the aftermost point of the stern.

§ 69.13–81 Limber strake.

The fore and aft plank of bottom ceiling laid next to the keelson.

§ 69.13–83 Longitudinal framing.

A system of construction in which, in conjunction with deep web frames, the main frames are run fore and aft instead of athwartships.

§ 69.13–85 Longitudinal.

A fore and aft vertical member running parallel, or nearly parallel, to the center vertical keel through the double bottom.

§ 69.13–87 Main rail.

Rail fitted on the upper edge of bulwark plating, or upon the stanchions surrounding an upper deck.

§ 69.13–89 Margin plate.

The outer boundary of the inner bottom, connecting it to the shell plating at the bilge.

§ 69.13–91 Midship cross section.

A drawing of a vessel cut athwartship at about mid-length, showing moulded depth, moulded breadth, round or pitch

of beam, depth of side and bottom frames, floors, etc.

§ 69.13–93 Orlop deck.

The lowest partial deck.

§ 69.13–95 Outboard.

Away from the center line, toward the side of the vessel.

§ 69.13–97 Pintle.

Fitting or pin on the rudder which turns in a gudgeon.

§ 69.13–99 Planking.

A term applied to wood decks and to the outside planking of wood or composite vessels.

§ 69.13–101 Plating.

The plates of the shell, decks, bulkheads, etc.

§ 69.13–103 Quadrant.

A casting, forging or built-up frame in the shape of a sector of a circle attached to the rudder stock and through which the steering gear leads turn the rudder.

§ 69.13–105 Rabbet.

A groove or channel cut in a piece of timber to take the edge of a plank, or the ends of a number of planks.

§ 69.13–107 Rake of the bow.

The inclination of the line of the stem from the forward perpendicular.

§ 69.13–109 Rake of the stern timber.

Its (stern timber) inclination from the after perpendicular.

§ 69.13–111 Reverse frame.

An angle bar or other shape riveted to the top of floors and/or the inner edge of a transverse frame to reinforce it.

§ 69.13–113 Rudder post.

See sternpost.

§ 69.13–115 Rudder stock.

The main piece of the rudder frame, to which the pintles are connected and to the upper end of which the quadrant or tiller is fitted.

§ 69.13–117 Samson post.

A heavy vertical post that supports cargo booms.

§ 69.13–119 Scantlings.

Dimensions of various members that are used in the construction of a vessel.

§ 69.13–121 Scupper.

A round or oval aperture usually fitted in decks for the purpose of drainage.

§ 69.13–123 Settling tanks.

Oil tanks used for separating entrained water from the oil. The oil is allowed to stand for a time, to permit the water to settle at the bottom when it is drained or pumped off.

§ 69.13–125 Shaft tunnel.

Enclosed alley-way around propeller shaft.

§ 69.13–127 Shelf.

A fore and aft timber fitted to the frames and forming a support for the ends of the deck beams.

§ 69.13–129 Shell plating.

The plates forming the outer skin of the hull.

§ 69.13–131 Sheer.

The amount by which the height of the weather deck at the forward and after perpendiculars exceeds this height at the mid-perpendicular.

§ 69.13–133 Skin.

A term usually applied to the outside planking or plating.

§ 69.13–135 Skylight.

A built-up frame of wood or metal having glass lights fitted in the top and installed over a deck opening for the purpose of furnishing light and air to the spaces below.

§ 69.13–137 Stem.

In the case of wooden vessels, it is the heavy piece of timber at which the outside planking terminates at the forward end of the hull. In iron or steel vessels it is the heavy piece of iron or steel extending from the keel to above the uppermost weather deck, and forming the extreme fore end of a vessel.

§ 69.13–139 Stern.

The after end of a vessel.

§ 69.13–141 Sternpost (main).

In wooden vessels, the piece of timber extending from the after end of the keel to the uppermost deck and to which the rudder braces are fixed to receive the pintles by which the rudder is hung. In iron or steel sailing vessels, paddle and twin-screw steamers, the heavy forging or casting of iron or steel extending from the after end of the keel (to which it is scarfed) to an appropriate distance within the hull; in single screw steamers, the after part of the stern frame.

§ 69.13–143 Stiffener.

An angle bar, T-bar, channel bar, etc., used to stiffen plating of the bulkhead, etc.

§ 69.13–145 Strake.

A fore and aft continuous course or row of shell or other plating or planking.

§ 69.13–147 Tank top.

Plating forming the top of a double bottom. The inner bottom.

§ 69.13–149 Transom.

A floor plate extending across the vessel at the forward side of the sternpost and attached thereto.

§ 69.13–151 Transverse framing.

Athwartship and vertical members forming the vessel's framing. Opposite to the longitudinal system of framing.

§ 69.13–153 Tumble home.

An inboard sloping of the vessel's side. (The opposite to flare.)

§ 69.13–155 Web frame.

Members built of plates and angles, spaced at required intervals, and fitted in lieu of main frames for the purpose of local strengthening.

§ 69.13–157 Wheelhouse (or pilot house).

The house in which a steering wheel is located for the steering and navigation of the vessel.

Subpart 69.15—Optional Dual-Tonnage Method for Measurement of Vessels

§ 69.15–1 Definitions of terms used in this subpart.

(a) *Uppermost complete deck.* The term "uppermost complete deck" means the uppermost complete deck of a vessel exposed to sea and weather, which shall be deemed to be that deck which has permanent means of closing all openings in the weather portions thereof: *Provided,* That any opening in the side of the vessel below that deck, other than an opening abaft a transverse watertight bulkhead placed aft of the rudder stock, is fitted with permanent means of a watertight closing.

(b) *Second deck.* The term "second deck" means the deck next below the uppermost complete deck which is continuous in a fore-and-aft direction at least between peak bulkheads, is continuous athwartships, is fitted as an integral and permanent part of the vessel's structure, and has proper covers to all main hatchways. Interruptions in way of propelling machinery space openings, ladder and stairway openings, trunks, chain lockers, cofferdams, or steps not exceeding a total height of 48 inches shall not be deemed to break the continuity of the deck.

(c) *Trunks.* The term "trunks" as used in the definition of second deck shall be deemed to refer to hatch or ventilation trunks which do not extend longitudinally completely between main transverse bulkheads.

(d) *Tonnage deck.* The "tonnage deck" is the "uppermost complete deck" of a single deck vessel and the "second deck" of a vessel having more than one complete deck.

§ 69.15–3 Additional closed-in spaces omitted from gross tonnage.

Upon application by the owner filed with and approved by the Officer in Charge of the marine inspection zone where the vessel is located, a vessel whether or not it has been previously measured shall be measured with the following closed-in spaces omitted from inclusion in the gross tonnage in addition to those spaces omitted under the provisions of §§ 69.03–63 and 69.03–65.

(a) Spaces on or above the uppermost complete deck available for carrying dry cargo and stores,

(b) Cabins and staterooms on the uppermost complete deck assigned for the use of passengers only when a tonnage mark placed and displayed on each side of the vessel under the provisions of §§ 69.15–19, 69.15–21, and 69.15–23 is not submerged,

(c) Spaces between the uppermost complete deck and the second deck available for carrying dry cargo and stores when the tonnage mark is not submerged, and

(d) Spaces between the uppermost complete deck and the second deck which would be omitted under the provisions of § 69.03–63 if on the uppermost complete deck but only when the tonnage mark is not submerged.

§ 69.15–5 Regulations applicable to vessels measured under the optional dual-tonnage method.

Except as provided for in this subpart, a vessel measured under the provisions of the optional dual-tonnage method is subject to the same requirements as any other vessel which is measured under the pertinent provisions of this part.

§ 69.15–7 Capacity under tonnage deck.

(a) The capacity under the tonnage deck shall be the cubic capacity below the actual tonnage deck less water-ballast spaces which are exemptible under the provisions of § 69.03–63.

(b) If the tonnage deck has one or more steps (breaks), the capacity under tonnage deck shall consist of:

(1) The cubic capacity of the space below the line of the lowest level of the tonnage deck; and

(2) The cubic capacity of spaces lying between that line and the actual tonnage deck.

(c) The tonnage length shall be measured as provided by § 69.03–31.

§ 69.15–9 Capacity between decks.

(a) The space between the actual tonnage deck and the actual uppermost complete deck shall be measured and included in the gross tonnage subject to the omissions provided by §§ 69.03–63 and 69.15–3 (c) and (d).

(b) If there are one or more steps in the tonnage deck or the uppermost complete deck or both, subject to the omissions provided by §§ 69.03–63 and 69.15–3 (c) and (d), the capacity between decks shall be the cubic capacity of the space between the line of the lowest level of the tonnage deck and the line of the lowest level of the uppermost complete deck plus the capacity of the space between the line of the lowest level of the uppermost complete deck and the actual uppermost complete deck minus the capacity of the space above the line of the lowest level of the tonnage deck which was included in the capacity under tonnage deck.

§ 69.15–11 Capacity of deck structures.

Deck structures of permanent nature situated on or above the uppermost complete deck shall be measured and included in the gross tonnage subject to the omissions provided by §§ 69.03–63, 69.03–65, and 69.15–3 (a) and (b).

§ 69.15–13 Hatchways.

The excess tonnage of hatchways over cargo spaces which are included in the gross tonnage shall be determined in accordance with the provisions of § 69.03–59.

§ 69.15–15 Register tonnages.

(a) The gross tonnage referred to in this subpart is the gross register tonnage which is the sum of the following capacities:

(1) The capacity under tonnage deck as obtained under the provisions of § 69.15–7;

(2) The capacity between decks as obtained under the provisions of § 69.15–9;

(3) The capacity of deck structures as obtained under the provisions of § 69.15–11;

(4) The excess tonnage of hatchways as provided by § 69.15–13; and

(5) Light and air space added to the propelling machinery space under the provisions of § 69.03–95.

(b) The net tonnage referred to in §§ 69.15–17 through 69.15–41 is the net register tonnage which is the tonnage remaining after the authorized deductions have been made from the gross register tonnage.

§ 69.15–17 Single-tonnage and dual-tonnage assignments for vessels measured under the provisions of the optional dual-tonnage method.

(a) A single deck vessel shall be assigned only one gross tonnage and one net tonnage.

(b) A vessel having two or more complete decks may be assigned dual gross and net tonnages as follows:

(1) A higher gross tonnage applicable when the tonnage mark provided by § 69.15–19 is submerged;

(2) A higher net tonnage related to the higher gross tonnage;

(3) A lower gross tonnage applicable when the tonnage mark is not submerged; and

(4) A lower net tonnage related to the lower gross tonnage.

(c) A vessel having two or more complete decks may be assigned one gross tonnage and one net tonnage corresponding to the lower gross and net tonnages if the tonnage mark is placed at the level of the assigned loading mark in accordance with the provisions of § 69.15–23(b).

§ 69.15–19 The tonnage mark and form of identification.

(a) The tonnage mark referred to in § 69.15–3 (b), (c), and (d) shall consist of a horizontal line 15 inches long and 1 inch wide. On the tonnage mark shall be placed for identification purposes an inverted equilateral triangle, each side 12 inches long and 1 inch wide, with its apex on the midpoint of the line. (See figure 54.)

(b) An additional line for fresh water and tropical waters may be assigned at a level higher than the tonnage mark.

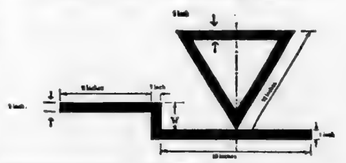


FIGURE 54.—Form and dimensions of tonnage mark (§ 2.89).

W=Allowance for fresh water and tropical waters; 1/48 of the molded draft to the tonnage mark.

(1) The allowance to be used in fixing the additional line for fresh water and tropical waters shall be one forty-eighth of the molded draft to the tonnage mark.

(2) The additional line for fresh water and tropical waters shall be a horizontal line 9 inches long and 1 inch wide, measured from a vertical line, the latter 1 inch being marked at the after end of, and perpendicular to the tonnage mark.

(c) The upper edge of the tonnage mark and of the additional line for fresh water and tropical waters shall be designated by a welding bead or other similarly permanent means.

(d) The tonnage mark, the additional line for fresh water and tropical waters, the vertical line, and the triangle shall be maintained in a light color on a dark background or a dark color on a light background.

(e) The tonnage mark shall be deemed to be submerged at a salt water or brackish water port when the upper edge of the tonnage mark is submerged.

(f) The tonnage mark shall be deemed to be submerged at a fresh water port (one at which 100 percent of the fresh water allowance for load lines is permitted under tables published by the Coast Guard) when the upper edge of the additional line for fresh water and tropical waters is submerged.

§ 69.15–21 Longitudinal location of the tonnage mark.

The tonnage mark shall be placed on each side of the ship abaft amidships but as near thereto as practicable. In no case shall the apex of the triangle on the tonnage mark be less than 21 inches nor more than 6 feet 6 inches abaft the vertical centerline of the loadline disk. (See k in figures 55 and 56 (§ 69.15–23(b)).)

§ 69.15–23 Vertical location of the tonnage mark.

(a) The upper edge of the tonnage mark shall be at a distance below the molded line of the second deck determined according to the table in § 69.15–31. (See Figure 55 (paragraph (b) of this section).)

(b) When the loadline assigning authority certifies that the loadline is fixed at a place determined as though the sec-

ond deck were the freeboard deck, the tonnage mark may be placed below that deck less than the minimum distance derived from the tonnage mark table. In that case the tonnage mark shall be placed on the level of the uppermost part of the loadline grid. If the tonnage mark is so placed, the additional line for fresh water and tropical waters provided by § 69.15–19(b) shall not be used. (See Figure 56.)

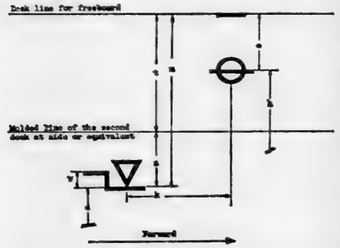


FIGURE 55.—Tonnage mark location for a case in which the loadline is *not* fixed at a place determined as though the second deck were the freeboard deck.

a=Distance from molded line of second deck to upper edge of tonnage mark.
d=Molded draft to upper edge of tonnage mark.
e=Freeboard from loadline certificate.
h=Molded draft to loadline.
k=Distance from centerline of loadline disk to apex of triangle on tonnage mark.
m=Distance from deck line to tonnage mark.
t=Distance from molded line of second deck to deck line for freeboard.
w=Allowance for fresh water and tropical waters (d/48).

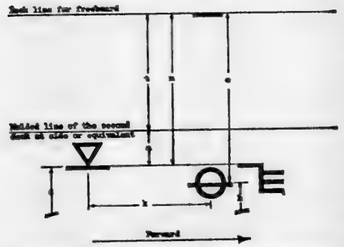


FIGURE 56.—Tonnage mark location for a case in which the loadline *is* fixed at a place determined as though the second deck were the freeboard deck.

a=Distance from the molded line of second deck to upper edge of tonnage mark.
d=Molded draft to upper edge of tonnage mark.
e=Freeboard from loadline certificate.
h=Molded draft to loadline.
k=Distance from centerline of loadline disk to apex of triangle on tonnage mark.
m=Distance from deck line to tonnage mark.
t=Distance from molded line of second deck to deck line for freeboard.

§ 69.15–25 Depth (D_s) used with the tonnage mark table.

(a) The depth (D_s) to be used with the tonnage mark table in § 69.15–31 shall be the molded depth to the second deck.

(b) If the second deck is stepped, an equivalent depth shall be used. (See Figure 57 (§ 69.15–29(c)).)

(1) If the higher portion of the deck is less than one-half the total length (L) of both portions, the depth for the table (D_s) shall be the molded depth amidships (D) increased by the ratio of the length of the shorter portion (I) to the total length (L) times the height of the step (b).

($D_s = D + \frac{I}{L} b$ in the upper example in fig. 57)

(2) If the lower portion of the deck is less than one-half the total length (L) of both portions, the depth for the table (D_s) shall be the molded depth amidships (D) decreased by the ratio of the length of the shorter portion (I) to the total length (L) times the height of the step (b).

($D_s = D - \frac{I}{L} b$ in the lower example in fig. 57)

§ 69.15–27 Length (L_t) used in the tonnage mark table.

(a) The length (L_t) as used in the tonnage mark table shall be the distance on the second deck between two points, of which the foremost is the point where the underside of that deck or the line thereof at the stem, meets the inner surface of the ceiling, sparring or frames, and the aftermost is the point where the underside of that deck, or the line thereof, meets the inner surface of the ceiling, sparring or frames in the middle plane at the stern.

(b) If the second deck is stepped, an equivalent length (L_t) shall be measured along an equivalent of the molded line parallel to the second deck and passing through the upper terminal of the depth (D_s). (See Figure 57 (§ 69.15–29(c)).)

§ 69.15–29 Figures in the tonnage mark table.

(a) The figures in the tonnage mark table in § 69.15–31 show the minimum distance from the molded line of the second deck or, if the deck is stepped, from the equivalent of the molded line as set out in § 69.15–27(b), to the upper edge of the tonnage mark.

(b) The tonnage mark table is given for the whole number ratios L_t/D_s from 12 to 20, where D_s and L_t are the depth and length as set out in §§ 69.15–25 and 69.15–27 and for lengths up to 800 feet at intervals of 10 feet.

(c) For intermediate lengths and L_t/D_s ratios, the corresponding distances shall be obtained by linear interpolation. For other cases the distances shall be obtained by extrapolation.

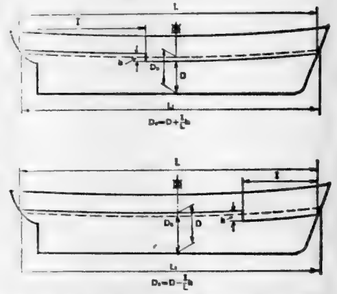


FIGURE 57.—Equivalent depths and lengths in cases of stepped decks (sections 2.92 and 2.93).

b=Height of step in deck.
D=Molded depth from second deck at the side amidships.
D_s=Equivalent depth used with the tonnage mark table.
L=Total length of portions of stepped deck.
L_t=Equivalent length used with tonnage mark table.
I=Length of shorter portion of stepped deck.

§ 69.15–31 Tonnage mark table.

(a) Minimum distance from the molded line of the second deck to the upper edge of the tonnage mark.

[In inches]

L_t/D_s	12	13	14	15	16	17	18	19	20
Length L_t in feet:									
220 and under	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
230	3.2	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
240	4.7	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
250	6.3	3.3	2.0	2.0	2.0	2.0	2.0	2.0	2.0
260	8.0	4.8	2.1	2.0	2.0	2.0	2.0	2.0	2.0
270	9.9	6.4	3.6	2.0	2.0	2.0	2.0	2.0	2.0
280	11.8	8.1	4.9	2.1	2.0	2.0	2.0	2.0	2.0
290	13.9	9.9	6.5	3.5	2.0	2.0	2.0	2.0	2.0
300	16.0	11.7	8.1	4.9	2.1	2.0	2.0	2.0	2.0
310	18.3	13.7	9.8	6.4	3.5	2.0	2.0	2.0	2.0
320	20.7	15.8	11.7	8.1	4.9	2.1	2.0	2.0	2.0
330	23.2	18.0	13.6	9.8	6.4	3.5	2.0	2.0	2.0
340	25.9	20.4	15.7	11.6	8.1	4.9	2.1	2.0	2.0
350	28.7	22.9	17.9	13.6	9.8	6.5	3.6	2.0	2.0
360	31.7	25.5	20.2	15.7	11.7	8.2	5.0	2.2	2.0
370	34.7	28.3	22.7	17.9	13.6	9.9	6.6	3.7	2.0
380	38.0	31.1	25.3	20.2	15.7	11.8	8.3	5.2	2.4
390	41.3	34.1	27.9	22.6	17.9	13.8	10.1	6.8	3.8
400	44.8	37.2	30.7	25.0	20.1	15.8	11.9	8.4	5.3
410	48.2	40.3	33.5	27.7	22.6	18.1	14.0	10.4	7.2
420	51.5	43.4	36.4	30.4	25.2	20.6	16.4	12.7	9.4
430	54.8	46.5	39.4	33.3	27.9	23.2	19.0	15.2	11.8
440	58.4	49.9	42.6	36.4	30.9	26.0	21.7	17.8	14.4
450	62.1	53.4	46.0	39.6	33.9	29.0	24.5	20.6	17.1
460	65.9	57.0	49.5	42.9	37.1	32.1	27.6	23.5	19.9
470	69.8	60.7	53.0	46.3	40.4	35.3	30.6	26.5	22.8
480	73.7	64.4	56.5	49.7	43.7	38.4	33.7	29.5	25.7
490	77.5	68.1	60.0	53.0	46.9	41.6	36.7	32.4	28.5
500	81.2	71.6	63.4	56.2	50.0	44.5	39.6	35.2	31.2
510	84.9	75.1	66.7	59.4	53.0	47.4	42.4	37.9	33.9
520	88.4	78.4	69.9	62.4	55.9	50.2	45.1	40.5	36.4
530	91.8	81.6	72.9	65.3	58.7	52.9	47.7	43.0	38.8
540	95.2	84.8	75.9	68.1	61.4	55.6	50.2	45.4	41.2
550	98.4	87.8	78.8	70.9	64.0	58.0	52.6	47.8	43.4
560	101.6	90.8	81.6	73.6	66.6	60.4	55.0	50.1	45.6
570	104.8	93.8	84.4	76.3	69.2	62.9	57.3	52.3	47.6
580	107.9	96.8	87.2	78.9	71.7	65.3	59.6	54.6	49.9
590	111.0	99.7	90.0	81.5	74.2	67.7	61.9	56.7	52.0
600	114.0	102.5	92.6	84.0	76.6	69.9	64.0	58.8	54.0
610	117.0	105.3	95.2	86.4	78.9	72.1	66.2	60.8	56.0
620	120.0	108.0	97.8	88.9	81.2	74.4	68.3	62.8	58.0
630	122.9	110.7	100.4	91.3	83.5	76.8	70.4	64.8	59.9
640	125.7	113.4	102.9	93.7	85.8	78.7	72.4	66.8	61.7
650	128.6	116.1	105.4	96.1	88.0	80.8	74.4	68.7	63.6
660	131.4	118.7	107.8	98.5	90.1	82.8	76.3	70.6	65.5
670	134.2	121.2	110.2	100.6	92.2	84.9	78.2	72.4	67.1
680	136.9	123.8	112.6	102.9	94.3	86.8	80.2	74.2	68.9
690	139.6	126.3	115.0	105.1	96.4	88.8	82.1	76.0	70.6
700	142.3	128.8	117.3	107.3	98.5	90.8	83.9	77.8	72.3
710	144.9	131.3	119.6	109.4	100.5	92.7	85.7	79.5	73.9
720	147.5	133.7	121.8	111.5	102.5	94.6	87.5	81.2	75.6
730	150.1	136.1	124.0	113.6	104.5	96.5	89.3	82.9	77.1
740	152.7	138.5	126.2	115.7	106.5	98.3	91.1	84.5	78.7
750	155.3	140.9	128.5	117.8	108.4	100.1	92.8	86.1	80.3
760	157.8	143.1	130.6	119.7	110.3	101.9	94.4	87.8	81.7
770	160.2	145.4	132.7	121.7	112.1	103.6	96.0	89.3	83.2
780	162.6	147.6	134.8	123.7	113.9	105.3	97.6	90.8	84.7
790	165.1	149.9	136.9	125.6	115.7	107.0	99.2	92.3	87.0
800	167.5	152.1	138.9	127.4	117.4	108.6	100.6	93.8	1,486.0

(b) Examples of use of tonnage mark table.

(1) Consider a vessel in which:

L_t=450 feet.
D_s=30 feet.
L_t/D_s=450/30=15.

In the table under the L_t/D_s column headed 15 and opposite the L_t of 450 read 39.6 inches which is the distance from the molded line of the second deck at the side to the place where the upper edge of the tonnage mark should be placed.

(2) Consider a vessel in which:

L_t=424.80 feet.
D_s=28.00 feet.
L_t/D_s=424.80/28.00=15.17.

It will be necessary to interpolate to obtain the distance from the molded line of the second deck to the upper edge of the tonnage mark. Set down figures from the table and from the actual dimensions of the vessel as follows:

L_t	Tabular L_t/D_s 15	Actual L_t/D_s 15.17	Tabular L_t/D_s 16
From table 420	30.4		26.2
Actual 424.80	r	s	s
From table 430	33.3		27.9

r=30.4+0.48(33.3−30.4)=31.79.
s=26.2+0.48(27.9−26.2)=26.50.
s=r−0.17(r−s).
s=31.79−0.17(31.79−26.50)=30.89 inches.

§ 69.15–33 Line of the second deck.

No line of the second deck shall be marked on the side of the vessel.

§ 69.15–35 Line of the uppermost complete deck.

(a) For a vessel having no statutory loadline, the line of the uppermost complete deck shall be marked similarly to the deck line provided by the Load Line Convention.

(b) The deck line shall be a horizontal line 12 inches long and 1 inch wide. It shall be marked abaft amidships above the place on each side of the vessel prescribed in § 69.15–21 for the tonnage mark. Its upper edge shall pass through the point where the continuation outward of the upper surface of the freeboard deck intersects the outer surface of the shell. (See Figure 58 (§ 69.15–39 (a)).) Where the deck is partly sheathed amidships, the upper edge of the deck line shall pass through the point where the continuation outward of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.

§ 69.15–37 Placing the tonnage mark in relation to the deck line.

(a) As a practical matter, since the molded line of the second deck is not to be marked on the side of the vessel, the position of the tonnage mark shall be determined by reference to the deck line for freeboard or, in the absence of such a line, with reference to the deck line provided by § 69.15–35.

(b) The upper edge of the tonnage mark shall be below the upper edge of the deck line, a distance equivalent to the sum of the vertical distance (determined by reference to the tonnage mark table) from the molded line of the second deck or equivalent to the upper edge of the tonnage mark plus the vertical distance from the molded line of the second deck or equivalent to the upper edge of the deck line. (See in Figures 55 and 56 (§ 69.15–23(b)), a+t=m.)

(c) In the case of a vessel for which it is desired to have only one set of tonnages, the tonnage mark shall be placed at the level of the uppermost part of the load line grid as provided by § 69.15–23 (b). (See Figure 56.)

§ 69.15–39 Application for measurement according to the optional dual-tonnage method.

(a) Application of the owner or his agent for measurement of a vessel under the provisions of the optional dual tonnage method shall be submitted in duplicate together with supporting plans or sketches to the Officer in Charge of the marine inspection zone in which the vessel is or will be located.



FIGURE 58.—Deck line—12 inches x 1 inch

(b) The application shall include the following information: (See Figures 55, 56, and 57 (§§ 69.15–23(b) and 69.15–29 (c)).)

(1) Molded depth at midship section from second deck at side.
(2) Depth used with tonnage mark table.
(3) Length of shorter portion of stepped second deck, if any.
(4) Total length of longer and shorter portions of stepped second deck.
(5) Length used with tonnage mark table.
(6) Height of step (break) in the second deck, if any.
(7) Distance from the molded line of the second deck or equivalent to the upper edge of the tonnage mark.
(8) Molded draft to the upper edge of the tonnage mark.
(9) Freeboard from the loadline certificate.
(10) Molded draft to the loadline.
(11) Horizontal distance from the centerline of the loadline disk to the apex of the triangle on the tonnage mark.
(12) Vertical distance from the deck line to the tonnage mark.
(13) Vertical distance from the molded line of the second deck or equivalent to the deck line for freeboard.
(14) Allowance for fresh water and tropical waters (one forty-eighth of the molded draft to the upper edge of the tonnage mark).
(15) The name and official number of the vessel, if assigned.
(16) Builder's name and hull number if official number has not been assigned.
(17) Time and place vessel will be available for measurement.
(18) Whether two sets of tonnages are desired.

(c) The owner may request confirmation of the proposed location of the tonnage mark based on the information contained in the application.

(d) On a copy of the application or on an attachment thereto, the owner shall be advised:

(1) That the vessel will be measured under the provisions of the optional dual tonnage method; and

(2) Whether the proposed location of the tonnage mark determined according to the information furnished on the application is correct under the provisions of the regulations in this subpart.

§ 69.15–41 Certification as to location of the tonnage mark.

(a) Before a certificate of admeasurement shall be issued for a vessel requiring a tonnage mark, the owner or his agent shall certify that a tonnage mark has been placed on each side of the vessel in accordance with the pertinent provisions of the regulations in this subpart.

(b) A certification by the American Bureau of Shipping or other recognized classification society that the tonnage marks have been placed on the vessel in accordance with the provisions of the regulations in this subpart shall be accepted as evidence of proper marking.

(c) In the absence of a certification by the American Bureau of Shipping or other recognized classification society, the Officer in Charge may at any time cause a tonnage mark to be verified on a vessel in his marine inspection zone.

Subpart 69.17—Optional Simplified Admeasurement Method for Pleasure Vessels

§ 69.17–1 Definition of terms used in this subpart.

(a) *Overall length.* The term "overall length" means the horizontal distance between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.

(b) *Overall breadth.* The "overall breadth" is the horizontal distance, excluding rub rails, from the outside of the skin (outside planking or plating) on one side to the outside of the skin on the other, taken at the widest part of the hull.

(c) *Overall depth.* The "overall depth" is the vertical distance taken at or near midships from a line drawn horizontally through the uppermost edges of the skin at the sides of the hull (excluding the cap rail and trunks, cabins, or deckhouses) to the outboard face of the bottom skin of the hull. This excludes the keel unless the keel is covered by the skin.

(d) *Measurement of overall length, depth, and breadth.* Overall length and depth are measured in the vertical plane of the centerline; overall breadth, in a line at right angles to the vertical plane of the centerline.

(e) *Register length, breadth, and depth.* The overall length, breadth, and depth, as defined in this section, of a vessel measured under the provisions of this subpart shall be deemed to be the vessel's register length, breadth, and depth.

(f) *Vessel designed for sailing.* The term "vessel designed for sailing" means a vessel, whether or not equipped with an auxiliary motor, which has the fine lines of a sailing craft and is in fact propelled by sail or capable of being propelled by sail, other than a mere steadying sail.

§ 69.17–3 Application for simplified admeasurement.

(a) Upon application by the owner for simplified admeasurement, filed with and approved by the Officer in Charge for the marine inspection zone where the vessel is located, a vessel which is intended to be used exclusively for pleasure shall, whether or not it has been previously admeasured, be admeasured in accordance with the provisions of this subpart. The application shall state the owner's name and address, the vessel's name and rig, her overall length, breadth, and depth, as defined in § 69.17–1, the name of the builder, and the vessel's model, serial, and official number, if any. Where the vessel appears to be subject to admeasurement under the provisions of § 69.17–5 (b) or (d), or both, the application shall be accompanied by dimensioned sketches, not necessarily to scale of the arrangement, profile, and cross section of the vessel, indicating thereon the points to which the dimensions were taken.

(b) Dimensions shall be stated on the application in feet and inches or in feet and decimal fractions of feet. The register length (L), breadth (B), and depth (D) used in calculating the vessel's tonnages and shown on the vessel's document shall be in feet and decimal fractions of feet.

§ 69.17–5 Calculation of gross tonnage.

(a) Except as provided in paragraphs (b) and (d) of this section, the gross tonnage of a vessel designed for sailing shall be one-half (LBD/100), and the gross tonnage of a vessel not designed for sailing shall be two-thirds (LBD/100), LBD being the product of overall length, breadth, and depth.

(b) Where a vessel's hull approximates in shape a regular geometric solid, the gross tonnage of the hull shall be her volume as calculated by the use of appropriate geometric formulae, expressed in tons of 100 cubic feet.

(c) The gross tonnage of a catamaran or trimaran shall be arrived at by adding the gross tonnages of her hulls as calculated under this section.

(d) Where the volume of the deckhouse is disproportionate to the volume of the hull, as in the case of certain houseboats, the volume of the deckhouse, calculated by the use of appropriate geometric formulae, expressed in tons of 100 cubic feet, shall be added to the gross tonnage of the hull as previously calculated.

§ 69.17–7 Calculation of net tonnages.

(a) Except as provided in paragraph (b) of this section, the net tonnage of a vessel designed for sailing shall be nine-tenths of her gross tonnage, and the net tonnage of a vessel not designed for sailing shall be eight-tenths of her gross tonnage.

(b) The net tonnage of a vessel which has no propelling machinery in the hull shall be the same as her gross tonnage.

§ 69.17–9 Readmeasurement of vessels admeasured under this subpart.

(a) A vessel admeasured under the provisions of this subpart may, upon application by the owner, be readmeasured under the appropriate provisions of §§ 69.03–1 through 69.15–41.

(b) A vessel admeasured under the provisions of this subpart which is thereafter to be documented for use other than exclusively as a pleasure vessel shall be readmeasured under the appropriate provisions of §§ 69.03–1 through 69.15–41.

Effective date. These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: December 17, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–15196; Filed, Dec. 22, 1969; 8:45 a.m.]

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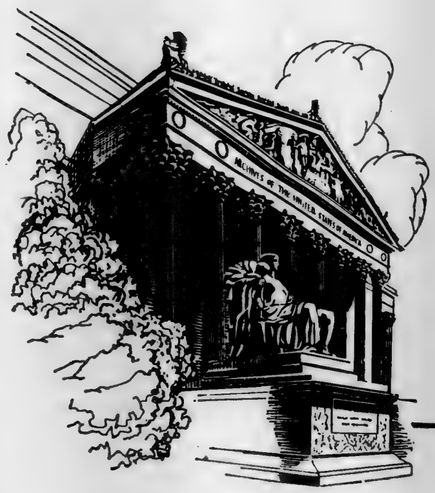
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Title 3—THE PRESIDENT

Executive Order 11501

ADMINISTRATION OF FOREIGN MILITARY SALES

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The following functions conferred upon the President by the Foreign Military Sales Act (P.L. 90–629), hereinafter referred to as the "Act", are hereby delegated as follows:

(a) Those under section 3(a) of the Act, with the exception of 3(a)(1), to the Secretary of State.

(b) Those under section 21 of the Act to the Secretary of Defense.

(c) Those under section 22 of the Act to the Secretary of Defense.

(d) That under section 23 of the Act to the Secretary of Defense.

(e) Those under section 24 of the Act to the Secretary of Defense.

(f) Those under section 34 of the Act to the Secretary of State. To the extent the standards and criteria for credit and guaranty transactions are based upon national security and financial policies, the Secretary of State shall obtain the prior concurrence of the Secretary of Defense and the Secretary of the Treasury, respectively.

(g) Those under section 35(a) of the Act to the Secretary of State.

(h) Those under section 35(b) of the Act to the Secretary of Defense.

(i) That under section 42(b) of the Act to the Secretary of Defense.

SEC. 2. Nothing in this order shall be construed as modifying in any way the responsibility conferred upon the Secretary of State by section 2(b) of the Act for the continuous supervision and general direction of sales under the Act, including, but not limited to, determining whether a sale should be negotiated, concluded, or terminated and the amount thereof.

SEC. 3. In carrying out the functions delegated to them under this order, the Secretaries of State and Defense shall consult with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the Director of the Arms Control and Disarmament Agency on matters pertaining to their responsibilities.

SEC. 4. All functions conferred upon the President by the Act that are not delegated by the provisions of this order are hereby reserved to the President.

SEC. 5. Funds appropriated to the President for carrying out the Act shall be deemed to be allocated to the Secretary of Defense without any further action of the President.

SEC. 6. References in this order to the provisions of the Act shall be deemed to include references thereto, respectively, as amended from time to time.

Richard Nixon

THE WHITE HOUSE,
December 22, 1969.

[F.R. Doc. 69–15360; Filed, Dec. 23, 1969; 10:07 a.m.]

Executive Order 11502

ENLARGING THE MEMBERSHIP OF THE PRESIDENT'S COMMITTEE ON THE NATIONAL MEDAL OF SCIENCE

By virtue of the authority vested in me as President of the United States, Executive Order No. 11287 of June 28, 1966, entitled "Award and presentation of the National Medal of Science," is hereby amended as follows:

(1) By substituting for the words "one ex officio member" in subsection (a) of section 2 the following: "two ex officio members".

(2) By substituting for subsection (c) of section 2 the following:

"(c) The following shall be ex officio members of the Committee:

"(1) The President's Science Adviser.

"(2) The President of the National Academy of Sciences."

Richard Nixon

THE WHITE HOUSE,
December 22, 1969.

[F.R. Doc. 69-15361; Filed, Dec. 23, 1969; 10:07 a.m.]

Executive Order 11503

EXCUSING FEDERAL EMPLOYEES FROM DUTY ON DECEMBER 26, 1969

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. Employees of the several executive departments, independent establishments, and other governmental agencies, including the General Accounting Office and the Government Printing Office, and their field services (except those employees of the Department of State, the Department of Defense, or other agencies who in the judgment of their agency heads should be at their posts of duty for national security or other public reasons, and those employees whose absence from duty would be inconsistent with the provisions of existing law) shall be excused from duty on Friday, December 26, 1969, the day following Christmas Day. Such day shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, as amended, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

SEC. 2. The heads of departments, agencies, and independent establishments shall, to the extent consistent with the needs of the service, adopt a liberal policy for the granting of annual leave to all employees who wish to take such leave over the holiday period.

Richard Nixon

THE WHITE HOUSE,
December 23, 1969.

[F.R. Doc. 69-15381; Filed, Dec. 23, 1969; 1:24 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter XVI—Food and Nutrition Service (Food Stamp Program), Department of Agriculture

PART 1601—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Use or Redemption of Coupons by Eligible Households

Section 1601.9, paragraph (e), relating to the application for refund of unused coupons is amended to establish the requirements for documenting refund requests for unused coupons. The amended regulations are now covered by § 1601.9, paragraphs (e) and (f), which read as follows:

§ 1601.9 Use or redemption of coupons by eligible households.

* * * * *

(e) In the event a household which holds properly issued coupons elects to discontinue participation in the Program, unused coupons may be returned to FNS for a refund on the same ratio of cash to coupons as was applied by the State agency in the issuance of the coupons to the household. A request for a refund shall be submitted to the local counterpart office of the State agency. The request will then in turn be forwarded to FNS with a statement explaining the basis of the household's participation. The request for such a refund shall be made in accordance with the following requirements:

(1) It shall be in ink or typed.

(2) It shall contain the applicant's address.

(3) It shall be dated and signed.

(4) The unused coupons shall be attached.

(5) There shall also be attached any additional documents or statements required by § 1601.9, paragraph (f) to show the claimant's right to a refund.

(f) Refunds may be requested and paid in the following order of precedence and in accordance with the following conditions:

(1) To the household member who applied for participation in the program, or his or her spouse.

(2) When the head of the eligible household is incompetent, to a guardian, close relative, or other individual or organization who has assumed partial or complete financial responsibility for his care and custody, provided a statement is furnished describing the relationship between the claimant and the incompetent and the claimant certifies that the appointment of a legal representative is not contemplated and that the refund will be used for the benefit of the incompetent.

(3) When the head of the eligible household is deceased, the administrator, executor, or other legally authorized representative of the estate, when supported by a copy of the court order or other document legally establishing his authority to act.

(4) In the absence of such administrator, executor, or other legally authorized representative, to the sole heir or any one of a number of heirs to the estate of the deceased, provided in the latter case he satisfactorily affirms that the refund will be applied toward the payment of outstanding obligations of the deceased or shared with other heirs in accordance with the laws of the State in which the deceased resided.

(5) In any event, to a general assistance agency to which the previously issued coupons were returned and for which such agency directly paid the purchase requirement.

None of the provisions outlined above will preclude an eligible claimant from waiving a claim for the unused coupons returned.

* * * * *

(78 Stat. 703–709; 7 U.S.C. 2011 et seq.)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington on December 18, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-15255; Filed, Dec. 23, 1969; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary for Wage and Labor Standards who serves as Director, Office of Federal Contract Compliance, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (l) is added under § 213.3315 as set out below.

§ 213.3315 Department of Labor.

* * * * *

(l) *Office of Federal Contract Compliance.* (1) One Special Assistant to the Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15268; Filed, Dec. 23, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one additional position of Confidential Secretary to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (a) of section 213.3394 is amended as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(3) Two Confidential Secretaries to the Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15269; Filed, Dec. 23, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) is amended and paragraphs (f) and (g) are reissued to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the States of Indiana, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, New York,

North Carolina, Rhode Island, Tennessee, Texas, and Virginia, and The Commonwealth of Puerto Rico, and the nature and extent of outbreaks of this disease, the following areas are quarantined because of said disease:

(1) *Indiana.* Montgomery County.
(2) *Kentucky.* Simpson County.
(3) *Maryland.* Wicomico and Worcester Counties.
(4) *Massachusetts.* Essex County.
(5) *Mississippi.* Calhoun, Grenada, Rankin, Tallahatchie, Tishomingo, and Webster Counties.
(6) *Missouri.* Clinton and Lincoln Counties; and that portion of Worth County lying south of the Iowa-Missouri State line, east of County Roads K and Z, north of County Roads M and W, and west of the Harrison County line.
(7) *New York.* Montgomery County.
(8) *North Carolina.* Duplin, Edgecombe, Gates, Johnson, Pitt, and Wayne Counties; and that portion of Cumberland County lying east of the Cape Fear River, south of the Harnett County line, west of the Sampson County line, and north of the Bladen County line; and that portion of Wilson County lying south of the Nash County line, east of State Highwty 581, north of State Highway 42, and west of State Highway 58.
(9) *Rhode Island.* The entire State.
(10) *Tennessee.* Dyer County.
(11) *Texas.* Dallas, Falls, Fayette, Harris, Henderson, Houston, Lee and Upshur Counties.
(12) *The Commonwealth of Puerto Rico.* The entire Commonwealth.
(13) *Virginia.* Campbell, Charlotte, City of Virginia Beach, and Rockbridge Counties.

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are designated as hog cholera eradication States:

Connecticut.	Michigan.
Delaware.	Minnesota.
Florida.	Oklahoma.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are designated as hog cholera free States:

Alaska.	Utah.
Idaho.	Vermont.
Montana.	Washington.
Nevada.	West Virginia.
North Dakota.	Wisconsin.
Oregon.	Wyoming.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment of § 76.2(e) shall become effective upon issuance.

The amendment quarantines Pitt County in the State of North Carolina and Fayette County in the State of Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest.

The foregoing provisions also include without substantive amendments the text of § 76.2 (f) and (g) which continue in effect. In this respect, the provisions do not change the rights or duties of any person.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foregoing provisions are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the amendment of § 76.2(e) effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of December 1969.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69–15254; Filed, Dec. 23, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8070; Amdt. No. SFAR 23–1]

[Special Federal Aviation Regulation No. 23]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Airworthiness Standards: Small Airplanes Capable of Carrying More Than 10 Occupants

The purpose of these amendments to Special Federal Aviation Regulation No. 23 (SFAR–23) is to clarify certain provisions of the regulation, to remove an unnecessary restriction, and to make minor editorial corrections.

Notice 67–11 made it clear that the requirements set forth therein applied to multiengine airplanes. However, this is not specifically stated in SFAR–23 and there has been some question in this regard. Therefore, the applicability clause in section 1 of SFAR–23 is amended to make it clear that the regulation applies to the type certification of multiengine airplanes.

The reference to paragraph (f) in section 4(d) is a typographical error and the section is corrected herein to reference paragraph (e).

It has come to the attention of the FAA that there is some confusion concerning whether the decision speed V_1 specified in section 5(b)(1) could be an airborne speed. The confusion has apparently been compounded by the fact that section 5 refers to the decision speed as a speed not less than the speed at which the airplane is rotated for takeoff. This has been interpreted as meaning the rotation speed used in service.

The speed V_1 has historically been considered to be a speed associated with the airplane on the ground and it has consistently been so applied. Moreover, to use the speed as an airborne speed would be considered unsafe. Therefore, appropriate amendments to section 5 have been made to make it clear that the V_1 speed is not an airborne speed.

There is also a slight inconsistency between the provisions of paragraph (b) and paragraph (c) of section 5. Thus, while paragraph (b) defines V_1 as the decision speed which, in the case of engine failure, would occur subsequent to the failure, paragraph (c) is based on the assumption that the critical engine fails at V_1. Since paragraph (b) contains the correct definition of V_1 speed, paragraph (c) is amended to make it consistent with paragraph (b).

The FAA has recently been advised that at least one manufacturer is having difficulty meeting the climb speed requirements of section 6(a)(2). As now written, section 6(a)(2) does not provide optimum climb performance. It states, in effect, that the landing climb must be determined at a speed not less than the approach speed at the 50-foot height used in determining the landing distance. Thus, under the current rule, the landing climb speed must be equal to or greater than the approach speed which could lead to a situation in which the airplane would have to be accelerated during a go around; a practice which the FAA considers to be unsafe. It therefore appears that the current requirements of section 6(a)(2) are unrealistic and more severe than the requirements applicable to transport category airplanes under Part 25. It has now been determined that the landing climb should be demonstrated at a speed not greater than the approach to the 50-foot height speed. A lower limit on the speed is necessary to prevent the climb from being conducted at a speed less than the engine out minimum control speed or the stalling speed.

Section 12 states that required flight instruments must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. In effect, if two pilots are required for the operation of an airplane, this section could require a separate set of flight instruments for each pilot. Since there has been some confusion in this connection, section 12 is amended to make it clear that the flight instruments must be centered as nearly as practicable about the vertical plane of each pilot's forward vision.

Section 35 is amended by changing the word "aircraft" in paragraphs (h) and (i) to the word "airplane". The regulation applies only to airplanes and the use of the term "aircraft" in paragraphs (h) and (i) was an oversight.

Since these amendments either remove an unnecessary restriction or contain clarifying or minor editorial changes, and since they impose no additional burden on any person, notice and public procedures hereon are unnecessary and they may be made effective in less than 30 days.

In consideration of the foregoing, Special Federal Aviation Regulation No. 23 is hereby amended, effective December 24, 1969, as follows:

1. Section 1 is amended by striking out the word "engine" and inserting the word "multiengine" in place thereof.

2. Section 4(d) is amended by striking out the reference to paragraph "(f)" and inserting the reference to paragraph "(e)" in place thereof.

3. Paragraph (b)(1) of section 5 is amended by inserting after the words "calibrated airspeed" in the introductory statement the words "on the ground", and by striking out the words "is rotated" in subdivision (iv) and inserting the words "can be rotated" in place thereof.

4. Paragraph (c)(1)(ii) of section 5 is amended to read as follows:

5. *Takeoff.*

* * * * *

(ii) Decelerate the airplane from V_1 to a speed not greater than 35 knots, assuming that in the case of engine failure, failure of the critical engine is recognized by the pilot at the speed V_1. The landing gear must remain in the extended position and maximum braking may be utilized during deceleration.

* * * * *

5. Paragraph (a)(2) of section 6 is amended to read as follows:

6. *Climb.* * * *

* * * * *

(2) A climb speed not greater than the approach speed established under section 7 of this regulation and not less than the greater of $1.05V_{MC}$ or $1.10V_{S1}$.

* * * * *

6. Paragraph (b) of section 12 is amended by striking out the word "the" between the words "of" and "pilot's" in the introductory statement and inserting the word "each" in place thereof.

7. Paragraphs (h) and (i) of section 35 are amended by deleting the word "aircraft" and inserting the word "airplane" in place thereof.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 17, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69–15257; Filed, Dec. 23, 1969; 8:47 a.m.]

[Docket No. 69–CE–23–AD; Amdt. 39–895]

PART 39—AIRWORTHINESS DIRECTIVES

Allison Model 250–C18 Series Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive with respect to Allison Model 250–C18 series engines was published in the FEDERAL REGISTER (34 F.R. 15845), on October 15, 1969. The proposal required at next overhaul, but no later than 750 hours since last overhaul or since new if never overhauled, after the effective date of the airworthiness directive, modification of the Allison Model 250–C18 series engines in accordance with the Allison Commercial Engine Bulletins listed therein except that the power and accessories gear box may be modified in accordance with applicable portions of said Allison Commercial Engine Bulletins at next overhaul but no later than 1,125 hours since last overhaul or since new if never overhauled. The proposal also stated that all engines must be modified no later than October 1, 1971.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Two comments were received. One comment concurred with the issuance of the airworthiness directive as proposed.

The other comment was received from Fairchild-Hiller Corp., which, while not objecting to the issuance of the airworthiness directive presented certain arguments in connection with the airworthiness directive for consideration by the Federal Aviation Administration. They stated that adequate emphasis had not been placed on the fuel control and governing system and recommended that Allison Commercial Engine Bulletins 250CEB–3, –8, –10, –17, –22, –29, –30 and –33 be listed in the airworthiness directive as mandatory. Allison Commercial Engine Bulletins 250CEB–8, –10, –22, –29, –30 and –33 are prerequisite changes which must be incorporated prior to the other bulletins which are listed in the airworthiness directive as mandatory. Consequently, listing of these bulletins as recommended by the Corporation would be redundant. Allison Commercial Engine Bulletin 250CEB–3 adds a fuel filter drain for aircraft which do not have a fuel system drain required by the regulations applicable to the aircraft. This is not an airworthiness item applicable to the engine and is therefor not appropriate subject matter for this airworthiness directive. Allison Commercial Engine Bulletin 250CEB–17 has been incorporated on production fuel controls since 1966 and on units at overhaul since 1967. There is no apparent need to make this change mandatory in the airworthiness directive. The Corporation also questioned the capability of the engine manufacturer to support the large scale modification program on the time scale required by the proposal. This item was discussed with the manufacturer prior to publication of the proposed rule and they assured the agency that they could meet the proposed time schedule. Thirdly, the Corporation questioned the controls established to assure that a modified engine will not be returned to the previous configuration by the addition of unmodified spare components. While this possibility exists, agency experience has demonstrated that the required entries indicating compliance with an airworthiness directive in the engine maintenance records provide adequate controls.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ALLISON. Applies to Model 250–C18 Series Engines.

Compliance: Unless already accomplished, accomplish the following:

(1) At next overhaul but no later than 750 hours' time in service since last overhaul or since new if never overhauled, modify the engine in accordance with Allison Commercial Engine Bulletins numbered 250CEB–57, –58, –59, –61, –62, –63, –65, –66, –67, –68, –69, –70, –72, –73, –74, –75, –76, –77, –78, –79, –80, –81, –85, –86, and –89, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, except as specified in (2) below.

(2) At next overhaul but no later than 1,125 hours' time in service since last overhaul or since new if never overhauled, modify the power and accessories gear box in accordance with applicable portions of Allison Commercial Engine Bulletins specified in (1) above, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(3) All engines must be modified in accordance with (1) and (2) above on or before October 1, 1971.

This amendment becomes effective December 25, 1969.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–15258; Filed, Dec. 23, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–599]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Use of Turbojet Aircraft in Excess of 12,500 and Under 27,000 Pounds Certificated Takeoff Weight in Planeload Charter Operations in the Carriage of Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of December 1969.

By circulation of EDR–167 (Docket 21298), dated August 11, 1969, and publication at 34 F.R. 13157, the Board gave notice that it proposed to amend Part 298 to permit the Postmaster General to utilize air taxi operators for the carriage of mail in planeload operations in turbojet aircraft with maximum certificated takeoff weight in excess of 12,500 and under 27,000 pounds and with maximum passenger capacity of 12 persons. Comments opposing the rule were filed by certain employee unions (jointly),[1] by Texas International Airlines, Inc., a local service carrier, and by the Post Office Department, the first two opposing the rule in toto and the latter, expressing opposition only in part. The Postmaster General requests modification of the proposed rule in two respects: (1) Delete any reference to seating limitations, and (2) permit the carriage of mail in planeload charters by air taxi operators utilizing piston-powered or turboprop aircraft providing a useful capacity not exceeding 6,000 pounds.

The union groups oppose the rule. They assert that there has been no showing that the mail carriage needs via heavy aircraft could not be, or are not being satisfied by the certificated air carriers. However, the proposed rule merely gives the Postmaster General the same right to use air taxi aircraft exceeding 12,500 pounds certificated takeoff weight for the carriage of mail that is presently available for the transportation of persons or property. We know of no reason, nor has any been presented in the comments filed, as to why the Postmaster General should not have the same type of service available to him as is available to the other users of air taxi transportation. Also, the unions express concern that the grant of the Postmaster General's petition would authorize the use of large aircraft without limit as to size or power in scheduled mail operations and might place air taxis in direct competition with the subsidized local service carriers engaged in mail carriage to the detriment of the public. However, the authority set forth in the proposed rule and granted herein [2] will be limited to turbojet aircraft under 27,000 pounds certificated takeoff weight and, in the case of competitive markets, can only be implemented after notice to the certificated route carrier which would be directly affected thereby.[3] Finally, they state that any further expansion of air taxi authority will increase the potential of this relatively unregulated group of carriers for impairment of existing standards in air transportation, without any compensating benefit to the traveling public and that the air taxi-commuter airline industry requires more, not less, regulation of carrier fitness and qualification. However, these allegations are general in nature, no factual data have been presented and we are not persuaded that these considerations are relevant to the additional authority granted herein.

A local service carrier (Texas International), opposing the rule, also contends that finalization of the proposed rule would divert substantial mail service pay from local service carriers at a time when they are in urgent need of revenues,[4] and requests that the Board set the matter for evidentiary hearing. We note that of all the certificated carriers served with the notice of rule making, only Texas International has filed an objection or made any claim as to diversion. In any event, the carrier will have full opportunity to object to any specific proposed service which it believes would cause diversion of its revenues in competitive markets.

The Postmaster General objects to the proposed rule insofar as it limits the carriage of mail in large aircraft to turbojet aircraft. He states, inter alia, that there are markets in which capacity and not speed is the problem, that the need is for authority to use piston or turboprop aircraft exceeding 12,500 pounds gross certificated takeoff weight, and that a maximum useful payload capacity of 6,000 pounds would be sufficient and such authorization would permit the use of DC–3 type aircraft. Also, he maintains that use of the exemption procedure of Part 302 of the Board's procedural regulations, as suggested in the notice of rule making, would not satisfy the Post Office Department's needs since the use of the exemption procedure would be too time consuming.

We are not persuaded to modify the proposed rule in this respect. The relief which we are giving here will enable the Post Office Department to make the same use of jet aircraft as can any other shipper. The Post Office Department's proposal would add a new category of aircraft to Part 298 which could be used solely for postal service operations. Quite apart from the potential competitive impact which this proposal could have on local service carriers, the proposal would invite regulatory problems. In most instances postal requirements are for late evening or early morning services, and air taxi operators would in many instances find it difficult to restrict their activities to postal services with respect to these aircraft in view of the economic pressures on them to make maximum efficient use of the aircraft. This circumstance could result in severe regulatory problems for the Board. Where the mail volume is such as to warrant the use of large nonturbojet aircraft and the certificated carriers cannot meet the needs, the Post Office Department may seek relief by means of the exemption procedure. While we recognize that this approach would be more cumbersome than that of a blanket exemption, we are not prepared, on the basis of the present showing, to adopt the radical change which the Post Office Department's proposal entails. In this connection, see ER–549, 33 F.R. 18234 (Dec. 7, 1968) where the Board refused to extend the blanket exemption for air taxi operations to the use of large nonturbojet aircraft in planeload charter operations (mimeo., pp. 6–8).

Finally, the Post Office Department requests that the Board delete from the proposed rule any reference to seating limitations. It asserts that some turbojets which could be useful to the Department would be excluded by the seating configuration in the proposed rule; that there is no danger that such aircraft could divert passengers from certificated carriers since it could be used only for planeload mail operations; and that a simple limitation such as gross takeoff weight would enable the Department to determine what aircraft types may be used when the capacity of large aircraft is required.

We shall modify the proposed rules so as to delete any reference to seating capacity in the Department's use of large turbojet aircraft for the planeload carriage of mail. We see no need to restrict the use of this type of aircraft to no more than 12-seat passenger equipment, since the use of turbojet aircraft over 12,500 and under 27,000 pounds certificated weight by the Post Office Department without regard to the number of passenger seats in the aircraft would not be competitive with the passenger service of the certificated carriers. Moreover, the affected certificated carriers will have an opportunity to file objections with the Board pursuant to the procedures of § 298.24 noted above (p. 2, supra) before the Post Office Department will be authorized to use such large aircraft in competitive markets.

Except for the above change, we shall finalize the rule as proposed. Therefore, except as otherwise noted herein, the tentative findings set forth in EDR–167, supra, are incorporated herein by reference and made final.

Accordingly, the Board hereby amends Part 298 of the economic regulations (14 CFR Part 298), effective January 24, 1970, as follows:

1. Amend paragraphs (a) and (i) of § 298.21 to read as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

(a) *General scope.* Subject to the prohibitions of paragraphs (b), (c), (d), (f), and (g) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in §§ 298.3(a) and 298.13) (1) in aircraft having a maximum takeoff weight of 12,500 pounds or less, and (2) in planeload charter flights in turbojet aircraft having a maximum certificated takeoff weight of over 12,500 pounds and under 27,000 pounds [5] and a maximum passenger capacity of not more than twelve (12) persons: *Provided, however,* That the authorization in subparagraph (2) of this paragraph shall not be applicable to operations within the State of Alaska or Hawaii: *And provided further,* That the aircraft seat limitation in subparagraph (2) above shall not be applicable to the carriage of mail. For purposes of this section, "charter flight" means air transportation performed by an air taxi operator on a time, mileage or trip basis where the entire capacity of one or more aircraft has been engaged (i) for the movement of persons and property (*a*) by a person for his own use, or (*b*) by a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group, or (ii) for the transportation of mail for the Post Office Department.

* * * * *

(i) *Filing of reports by operators of turbojet aircraft.* Air taxi operators which engage in air transportation with turbojet aircraft whose maximum certificated takeoff weight is over 12,500 pounds shall file with the Board's Bureau of Accounts and Statistics, not later than 15 days after the end of each calendar quarter, a report setting forth the points between which each charter flight performed with such aircraft is operated during such quarter and, with respect to each flight, the number of passengers and/or pounds of cargo transported, the number of pounds of mail transported, the charter price, and the model aircraft used.

Note: Service * * *

(Secs. 204(a), 401(a), 406, and 416(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 763, and 771; 49 U.S.C. 1324, 1371, 1376, and 1386.)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–15345; Filed, Dec. 23, 1969; 8:51 a.m.]

[1] Air Line Dispatchers Association; Air Line Employees' Association; Air Line Pilots Association, International Airline Division, International Brotherhood of Teamsters; International Association of Machinists; Transport Workers Union, AFL–CIO.

[2] The limitation in the proposed rule that large turbojet aircraft used by air taxi operators would be restricted to aircraft with passenger capacity of 12 persons will not be imposed. See p. 5, infra.

[3] See § 298.24 of the Board's economic regulations (14 CFR Part 298).

[4] It asserts that the Post Office Department predicted that in 1968 air taxi operators' revenues from mail service would be $8,500,000 and by 1972 air taxi operators would receive $15.7 million in mail service.

[5] The carriers are cautioned that the safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft weighing 12,500 pounds or less and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1634]

PART 13—PROHIBITED TRADE PRACTICES

Aaron Stern, Inc., and Aaron Stern

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception:* 13.1055–50 Preticketing merchandise misleadingly. Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Aaron Stern, Inc., et al., New York, N.Y., Docket C–1634, Nov. 19, 1969]

In the Matter of Aaron Stern, Inc., a Corporation, and Aaron Stern, Individually and as an Officer of said Corporation

Consent order requiring a New York City wholesale distributor of watches to cease preticketing its merchandise, misrepresenting the amounts of savings available to purchasers, furnishing others means to mislead retail customers, and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Aaron Stern, Inc., a corporation, and its officers, and Aaron Stern, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of watches or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disseminating or distributing any purported retail price or preticketing merchandise with any stated price amount unless (a) it is respondents' bona fide estimate of the actual retail price of the product in the area where respondents do business and (b) it does not appreciably exceed the highest price at which substantial sales of said product are made in said trade area.

2. Using any tags, labels, words or any other representation which, directly or by implication, refer to any amount as manufacturer's list price or other price designed or suggested by the manufacturer unless the price amount so referred to was in fact provided by the manufacturer and is the price at which the merchandise is regularly offered for sale in the trade area where respondents do business and does not appreciably exceed the highest price at which substantial sales of said product are made in said trade area.

3. Misrepresenting, in any manner, the prices at which respondents' merchandise is sold at retail.

4. Misrepresenting, in any manner, the amount of savings available to purchasers of respondents' merchandise at retail.

5. Furnishing to others any means or instrumentalities whereby the purchasing public may be misled or deceived as to the retail prices of respondents' merchandise or savings in connection with the purchase of said merchandise.

6. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims, and comparative value pricing claims and similar representations of the type described in paragraphs 1–4 of this order, are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1–4 of the order can be determined.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, or any of them, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69–15321; Filed, Dec. 23, 1969; 8:51 a.m.]

[Docket No. C–1629]

PART 13—PROHIBITED TRADE PRACTICES

Auteuil Fabrics, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 15.1053–80 Textile Fiber Products Identification Act. Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72

Stat. 1717, 67 Stat. 111, as amended; 15 U.S.C. 45, 70, 1191) [Cease and desist order, Auteuil Fabrics, Inc., et al. New York, N.Y., Docket C-1629, Nov. 17, 1969]

In the Matter of Auteuil Fabrics, Inc., a Corporation, Royale Accessories, Inc., a Corporation, and David Schneider and Selma Schneider, Individually and as Officers of Said Corporation

Consent order requiring two New York City importers of wearing apparel including ladies' scarves to cease marketing dangerously flammable articles of clothing and falsely guaranteeing their textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Auteuil Fabrics, Inc., a corporation, and its officers, and Royale Accessories, Inc., a corporation, and its officers, and David Schneider and Selma Schneider, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since February 26, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents Auteuil Fabrics, Inc., a corporation, and its officers, and Royale Accessories, Inc., a corporation, and its officers, and David Schneider and Selma Schneider, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile product is not misbranded or falsely invoiced when the respondents have reason to believe that such textile product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporations shall worthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15314; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. 8782]

PART 13—PROHIBITED TRADE PRACTICES

Bar V O Chinchilla Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of products or service;* § 13.190 *Results.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality;* § 13.1730 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bar V O Chinchilla Co., Inc., et al., Coats, Kans., Docket No. 8782, Nov. 19, 1969]

In the Matter of Bar V O Chinchilla Co., Inc., a Corporation, and Grace Irene Gerstner and Michael J. Gerstner, Individually and as Officers of Said Corporation, and Ambrose J. Gerstner, Individually and as a Director of Said Corporation

Order requiring a Coats, Kans., corporation selling chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of the stock, and misrepresenting its services to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Bar V O Chinchilla Co., Inc., a corporation, and its officers, and Grace Irene Gerstner and Michael J. Gerstner, individually and as officers of said corporation, and Ambrose J. Gerstner, individually and as a director of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages or attics, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive select or choice quality chinchillas.

5. Each female chinchilla purchased from respondents and each female offspring will produce at least four live young per year.

6. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla from respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to four live offspring at 111-day intervals.

8. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla from respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $20 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from $20 to $30 each.

10. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

11. A purchaser starting with three females and one male will have, from the sale of pelts, an annual income, earnings or profits of $7,000 in the fourth year after purchase.

12. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

14. Purchasers of respondents' chinchilla breeding stock will receive three or any other number of service calls from respondents' service personnel each year or at any other interval or frequency unless purchasers do in fact receive the represented number of service calls at the represented interval or frequency.

15. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

16. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

17. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

B.1. Misrepresenting, in any manner, the assistance, training, service or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of the respondent's products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15315; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1633]

PART 13—PROHIBITED TRADE PRACTICES

Baruch Petranker Import Co., Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Baruch Petranker Import Co., Inc., et al., San Francisco, Calif., Docket C-1633, Nov. 17, 1969]

In the Matter of Baruch Petranker Import Co., Inc., a Corporation, and Baruch Petranker and Ingeborg Petranker, Individually and as Officers of Said Corporation

Consent order requiring a San Francisco, Calif., importer of gift items including scarves and T-shirts to cease marketing dangerously flammable products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Baruch Petranker Import Co., Inc., a corporation, and its officers, and Baruch Petranker and Ingeborg Petranker, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product or related material as "commerce," "fabric," "product," and "related material" are defined in the Flammable Fabrics Act as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric, product or related material which gave rise to the complaint, (1) the amount of such fabric, product or related material in inventory, (2) any action taken to notify customers of the flammability of such fabric, product or related material and the results thereof and (3) any disposition of such fabric, product or related material since May 14, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior thereto of any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15319; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1630]

PART 13—PROHIBITED TRADE PRACTICES

Design Fabrics, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Design Fabrics, Inc., et al., Los Angeles, Calif., Docket C-1630, Nov. 17, 1969]

In the Matter of Design Fabrics, Inc., a Corporation, Trading as Design House, and George Herooka and Stephen Shinto, Individually and as Officers of Said Corporation

Consent order requiring a Los Angeles, Calif., manufacturer of women's and misses' wearing apparel to cease marketing dangerously flammable products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Design Fabrics, Inc., a corporation, trading as Design House or under any other name or names, and its officers, and George Herooka and Stephen Shinto, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since March 1969. Such report shall further inform the Commission whether respondents have in inventory any other fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or made of cotton or rayon or combinations thereof with a raised fiber surface. Respondents will submit samples of any such fabric, product or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compliied with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15316; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1631]

PART 13—PROHIBITED TRADE PRACTICES

Salvatore F. Greco and Greco Furs

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.-1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Salvatore F. Greco, et al., New York, N.Y., Docket C-1631, Nov. 17, 1969]

In the Matter of Salvatore F. Greco, an Individual, Trading as Greco Furs

Consent order requiring a New York City manufacturing and retailing furrier to cease misbranding, deceptively invoicing, and falsely advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Salvatore F. Greco, individually and trading as Greco Furs or any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying such fur product by representing, directly or by implication, that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which represents, directly or by implication, that the fur contained in such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15320; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1635]

PART 13—PROHIBITED TRADE PRACTICES

Hi-Gear Tire & Auto Supply, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–15 Comparative; 13.155–100 Usual as reduced, special, etc. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hi-Gear Tire & Auto Supply, Inc., et al., Capitol Heights, Md., Docket C-1635, Nov. 19, 1969]

In the Matter of Hi-Gear Tire & Auto Supply, Inc., a Corporation, and Murray Friedman, Stanley Love, and Abe Shuster, Individually and as Officers of Said Corporation

Consent order requiring a Capitol Heights, Md., distributor of automobile tires, parts, and accessories to cease making false pricing and saving claims in the sales promotion of its products and failing to maintain adequate records to support such claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hi-Gear Tire & Auto Supply, Inc., a corporation, and its officers, and Murray Friedman, Stanley Love and Abe Shuster, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of automobile tires, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "sale", "special", "save" or any other word or words of similar import or meaning in connection with an offer to sell an automobile tire or otherwise representing, directly or by implication, that a person purchasing such tire at respondent's offering price will realize savings in an unspecified amount unless the price at which the tire is being offered is (a) significantly reduced from the actual bona fide price at which respondents recently and regularly sold the offered tire to the public for a reasonably substantial period of time prior to the offer, or (b) significantly reduced from the lowest price of the prices at which said tire was sold to the public by respondents in the recent regular course of their business prior to such offer.

2.(a) Representing, in any manner, that by purchasing any of respondents' merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, in any manner, that by purchasing any of respondents' merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of respondents' merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or higher and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

3. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims and similar representations of the type are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1 and 2 of this order can be determined.

4. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents forthwith distribute a copy of this order to each of the operating divisions or departments of the corporate respondent and to the present and future manager of each of respondents' retail outlets.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15317; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1632]

PART 13—PROHIBITED TRADE PRACTICES

Men's Wear, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Men's Wear, Inc., et al., Seattle, Wash., Docket C-1632, Nov. 17, 1969]

In the Matter of Men's Wear, Inc., a Corporation, and Benjamin H. Genauer and Sheldon P. Steinberg, Individually and as Officers of Said Corporation

Consent order requiring a Seattle, Wash., manufacturer of men's and boys' clothing to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Men's Wear, Inc., a corporation, and its officers, and Benjamin H. Genauer and Sheldon P. Steinberg, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15318; Filed, Dec. 23, 1969; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965____)

Subpart O—Providers of Services, Independent Laboratories, and Suppliers of Portable X-ray Services; Determinations and Appeals Procedures

MISCELLANEOUS AMENDMENTS

Subpart O of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations, as amended (20 CFR Part 405), is amended as indicated in paragraphs 1 through 16 below.

1. The heading of Subpart O is revised to read as set forth above.

2. Sections 405.1501 through 405.1503 are revised to read as follows:

§ 405.1501 Providers of services, independent laboratories, and suppliers of portable X-ray services; determinations and appeals procedures.

(a) The provisions contained in this Subpart O shall govern the procedure for making and reviewing determinations with respect to whether an institution, facility, agency, or clinic is a provider of services (i.e., a hospital, extended care facility, home health agency, or for purposes of furnishing outpatient physical therapy services, a clinic, rehabilitation agency, or public health agency) within the meaning of title XVIII of the Social Security Act and Subparts J, K, L, or Q of this part 405, as appropriate; the termination of the Secretary's agreement with a provider of services; and whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405).

(b) Any institution, facility, agency, or clinic dissatisfied with an initial determination (see § 405.1502) that it does not qualify as a provider of services may request the Administration to reconsider that determination (see § 405.1510). If dissatisfied with the reconsidered determination of the Administration, or with an initial determination terminating the Secretary's agreement with it, an institution, facility, agency, or clinic is entitled to a hearing thereon and, if dissatisfied with the Secretary's final decision after such hearing, to Appeals Council review and then judicial review of such decision (see § 405.1530 et seq.).

(c) Any independent laboratory or supplier of portable X-ray services which is dissatisfied with an initial determination (see § 405.1502) that its services do not meet the conditions for coverage (see Subparts M and N of this Part 405) may request the Administration to reconsider that determination (§ 405.1510). If dissatisfied with the reconsidered determination of the Administration, or where a determination had been made that an independent laboratory's or portable X-ray supplier's services met the respective conditions for coverage, with an initial determination thereafter that its services no longer meet the respective conditions for coverage, a laboratory or portable X-ray supplier may request a hearing thereon (see § 405.1530), and if dissatisfied with the decision of the hearing examiner may request Appeals Council review. A laboratory or portable X-ray supplier is not entitled to judicial review of the Secretary's final decision after such hearing and review.

(d) To be a participating provider of services, eligible for payment, a provider must be in compliance with Title VI of the Civil Rights Act of 1964 and must enter into an agreement with the Secretary under section 1866 of the Social Security Act (see Subpart F of this Part 405). The provisions of this Subpart O do not govern in any respect the adjudication of issues related to the compliance of an institution or agency with Title VI of the Civil Rights Act of 1964, or the implementing regulation (45 CFR Part 80) issued by the Secretary of Health, Education, and Welfare.

§ 405.1502 Initial determinations.

The Administration will make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to:

(a) Whether an institution, facility, agency, or clinic is a provider of services within the meaning of title XVIII of the Social Security Act and the provisions set forth in Subparts J, K, L, or Q of this part, as appropriate, if the institution, facility, agency, or clinic has filed a written request for such a determination;

(b)(1) Whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405), if the laboratory or portable X-ray supplier has filed a written request for such a determination; or

(2) Whether an independent laboratory or supplier of portable X-ray services continues to meet the appropriate conditions for coverage of its services following such visit, resurvey, and/or certification by a State agency as is provided in §§ 405.1306, 405.1307, 405.1406, or 405.1407 of this part as appropriate; and

(c) The termination by the Secretary of an agreement with a provider of services, because the provider no longer meets the appropriate conditions of participation necessary to qualify as a provider, or for any other cause for termination by the Secretary described in the provisions of § 405.614.

§ 405.1503 Notice of initial determination.

Written notice of an initial determination (see § 405.1502) with respect to whether an institution, facility, agency, or clinic is or is not a provider; or with respect to the termination of an agreement; or with respect to whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405) will be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and will include the basis or reasons for the determination, and information concerning the appeal rights of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1510 and 405.1530).

3. Sections 405.1505 through 405.1513 are revised to read as follows:

§ 405.1505 Administrative actions which are not initial determinations.

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this Subpart O include, but are not limited to, the following:

(a) The finding, in accordance with the provisions set forth in §§ 405.1005, 405.1105, 405.1205, 405.1305, 405.1405, or 405.1705, as appropriate, that an institution, facility, agency, or clinic determined to be a provider has deficiencies with respect to one or more conditions of participation, or that an independent laboratory or supplier of portable X-ray services, determined to be in substantial compliance with the conditions, has deficiencies with respect to one or more conditions for coverage of services of independent laboratories or suppliers of portable X-ray services.

(b) The finding that an institution, facility, or agency does not meet the conditions for participation as set out in Subparts J, K, or L of this part, as appropriate, but only where such institution, facility, or agency is nevertheless approved as a provider of services on the basis of a special access certification (see §§ 405.1010, 405.1110, and 405.1209).

(c) The finding that the services of a laboratory are covered under the health insurance program because the laboratory is not independent of a hospital for purposes of section 1861(s) (10) and (11) of the Act and the laboratory meets the health and safety standards prescribed for such laboratories.

(d) The finding that laboratory services are physician's services for the reason that the laboratory is being maintained primarily for the physician's patients, and such physician's services are covered under the supplementary medical insurance program (see §§405.231 and 405.1301(b)).

(e) The refusal by the Secretary to accept for filing, an agreement submitted by an institution, facility, agency, or clinic under the terms of section 1866 of the Social Security Act where such institution, facility, agency, or clinic is not in compliance with the provisions of Title VI of the Civil Rights Act of 1964.

(f) The finding that, pursuant to section 1866(c) of the Act, a provider is not eligible for participation after the Secretary has terminated his agreement with the provider. (See §§ 405.614 and 405.616.)

§ 405.1510 Reconsideration; right to reconsideration.

Any institution, facility, agency, or clinic which is dissatisfied with an initial determination (see § 405.1502) that it does not qualify as a provider of services or any independent laboratory or supplier of portable X-ray services which is dissatisfied with an initial determination that its services do not meet the conditions for coverage (see Subparts M and N of this Part 405) as appropriate, may request that the Administration reconsider the determination. The Administration will reconsider an initial determination if a written request for reconsideration is filed by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned, as provided in § 405.1511.

§ 405.1511 Time and place of filing request for reconsideration.

(a) A request for reconsideration must be in writing (see § 405.1512) and should state the issues or findings of fact with which the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, as appropriate disagrees and the reasons for disagreement.

(b) The request for reconsideration must be filed within 6 months after the date of the mailing of the notice of the initial determination unless the time for filing is extended as provided in § 405.1518. The request is to be filed at an office of the Social Security Administration or with an employee of the Administration authorized to accept such requests at a place other than such office. A request for reconsideration which has been timely filed with the State agency that performed the survey and certification function will be considered to have been filed with the Social Security Administration.

§ 405.1512 Proper party for filing request for reconsideration.

The legal representative or other authorized official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to an initial determination shall file the request for reconsideration of such determination (see §§ 405.1510 and 405.1511).

§ 405.1513 Withdrawal of request for reconsideration.

A request for reconsideration may be withdrawn prior to the mailing of notice of the reconsidered determination (see § 405.1516) if a written request for withdrawal is filed with the Administration by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which filed the request for reconsideration and the Administration approves the request.

4. Sections 405.1515 and 405.1516 are revised to read as follows:

§ 405.1515 Submission of evidence.

The Administration will receive in evidence any documents or written statements which are relevant and material to the matters at issue and which are submitted within a reasonable time after the filing of a request for reconsideration. The reconsidered determination will be based on the evidence considered in making the initial determination and whatever other written evidence may be submitted prior to the time of the reconsidered determination, taking into account facts relating to the status of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier as of a date subsequent to the initial determination.

§ 405.1516 Notice of reconsidered determination.

Written notice of a reconsidered determination (see § 405.1514) will be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned. The notice of the reconsidered determination will contain findings on conditions with respect to which the institution, facility, agency, clinic, laboratory, or portable X-ray supplier fails to meet the requirements of the law and regulations, if such be the case, and a statement of the reasons for the determination, and will inform the institution, facility, agency, clinic, laboratory, or portable X-ray supplier of its right to a hearing (see § 405.1530).

5. Sections 405.1519 and 405.1520 are revised to read as follows:

§ 405.1519 Revision of initial or reconsidered determination.

Except in the case of a determination that an institution, facility, agency, or clinic qualifies as a provider of services, an initial or reconsidered determination which is otherwise final under § 405.1504 or § 405.1517 may be reopened by the Administration upon its own motion within 12 months after the date of the notice of the initial determination (see § 405.1503). Notice of the reopening of a determination and any revision thereof shall be given to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the determination (see § 405.1520).

§ 405.1520 Notice of revision.

Written notice of the revision of an initial or reconsidered determination (see § 405.1519) will be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the determination. The notice of revision will state the basis or reasons for the revised determination and, if the determination be that an independent laboratory or supplier of portable X-ray services does not meet the conditions for coverage of its services (see Subparts M and N of this Part 405), will contain findings on conditions with respect to which the laboratory or portable X-ray supplier fails to meet the requirements of the law and regulations and will inform the laboratory or portable X-ray supplier of its right to a hearing as provided in § 405.1530.

6. Sections 405.1530 through 405.1532 are revised to read as follows:

§ 405.1530 Hearing; right to hearing.

After an initial and reconsidered determination that it does not qualify as a provider of services or that an independent laboratory or supplier of portable X-ray services does not meet the conditions for coverage of its services (see §§ 405.1502 (a) and (b)(1) and 405.1514); or after an initial determination described in § 405.1502 (b)(2) and (c); or after a revised determination described in § 405.1519, an institution, facility, agency, clinic, laboratory, or portable X-ray supplier shall be entitled to a hearing with respect to such determination, if the representafive of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier files a written request for a hearing as provided in § 405.1531.

§ 405.1531 Filing a request for a hearing; time and manner of filing.

(a) The request for a hearing shall be made in writing, signed by a proper official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and filed at an office of the Administration, or with a hearing examiner or the Appeals Council of the Bureau of Hearings and Appeals. The request must be filed within 6 months after the date on which written notice of an initial determination provided for in § 405.1502 (b)(2) or (c), or a reconsidered or revised determination is mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1503, 405.1516, and 405.1520), except where the time is extended for "good cause" (see § 405.1569).

(b) The request for a hearing shall contain a statement as to the specific issues or findings of fact and conclusions of law in the preceding determination with which the institution, facility, agency, clinic, laboratory, or portable X-ray supplier disagrees, and the basis for its contention that the specific issues and/or findings and conclusions were incorrect.

(c) The legal representative or any other authorized official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier shall be a proper person to file the request for hearing.

§ 405.1532 Parties to the hearing.

The parties to the hearing shall be the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the prior determination

(see §§ 405.1502(b)(2) and (c), 405.1514, and 405.1519) and the Bureau of Health Insurance. The Bureau of Health Insurance shall be represented at the hearing (see § 405.1543).

7. Section 405.1534 is revised to read as follows:

§ 405.1534 Disqualification of hearing examiner.

No hearing examiner shall conduct a hearing in a case in which he is prejudiced or partial with respect to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party to the hearing may have to the hearing examiner who will conduct the hearing shall be made at the earliest opportunity. The hearing examiner shall consider the objection(s) and shall, in his discretion, either proceed with the hearing or withdraw. If the hearing examiner withdraws, another hearing examiner shall be designated (see § 405.1533) to conduct the hearing. If the hearing examiner does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council as reasons why he believes the hearing examiner's decision should be revised or a new hearing held before another hearing examiner.

8. Sections 405.1536 and 405.1537 are revised to read as follows:

§ 405.1536 Time and place of prehearing conference.

The hearing examiner shall fix a time and place for the prehearing conference, written notice of which shall be mailed to the parties not less than 10 days prior to the conference date. The notice shall inform the parties of the purpose of the prehearing conference and the issues sought to be resolved, stipulated to, or excluded. If a party has information which will involve additional issues for consideration at the prehearing conference, other than those set forth in the notice of determination (see §§ 405.1503, 405.1516, and 405.1520) and the request for hearing by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, timely notice should be given to the hearing examiner and the other party of such information. The hearing examiner may also raise any additional issues by including them in his notice of the prehearing conferences or during the conference.

§ 405.1537 Conduct of prehearing conference.

The prehearing conference shall be open to the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier and the representatives of the Bureau of Health Insurance, to their technical advisors, and to such other persons as the hearing examiner deems necessary or proper. The hearing examiner may accept the agreement of the parties as to those facts which are not in controversy and as to questions which have been resolved favorably to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier subsequent to the determination in dispute. The hearing examiner may accept the agreement of the parties as to the remaining issues to be resolved. The parties may be requested to indicate what witnesses will be present to testify at the hearing, the qualifications of such witnesses, and the nature of other evidence to be submitted.

9. Sections 405.1542 and 405.1543 are revised to read as follows:

§ 405.1542 Hearing on new issues.

(a) On the application of either party, or on his own motion, the hearing examiner may give notice at any time after a request for hearing has been filed (see § 405.1531), but prior to the closing of the record, that he will consider any specific new issue which may affect the rights of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, even though the Administration has not made an initial and reconsidered determination with respect to the issue and even though the issue arose after the request for hearing or prehearing conference: Except that, in the case of an initial determination described in § 405.1502 (b)(2) or (c), the hearing examiner shall not consider any issue which arose on or after (1) the effective date of the termination of an institution's, facility's, agency's, or clinic's agreement with the Secretary or (2) the date on which it is determined that a laboratory or portable X-ray supplier no longer meets the conditions for coverage of its services. Notice of the time and place of the hearing on any new issue shall, unless waived (see § 405.1550), be given to the parties within the time and manner prescribed in § 405.1540. Upon giving of such notice, the hearing examiner shall, except as otherwise provided, proceed to hearing on such new issues in the same manner as he would on an issue in which an initial and reconsidered determination had been made by the Administration and a hearing request with respect thereto had been filed.

(b) On the application of either party, or on his own motion, in lieu of considering any new issue in the manner described in the preceding paragraph, the hearing examiner may remand the case to the Bureau of Health Insurance for consideration of the new issue and, where appropriate, a determination. Where necessary the hearing examiner may direct that the case be returned to him for further proceedings. See also § 405.1560.

§ 405.1543 Joint hearings.

When two or more institutions, facilities, agencies, clinics, laboratories, or portable X-ray suppliers have requested hearings and the same or substantially similar matters are in issue, the hearing examiner may, if all parties agree, fix the same times and places for each prehearing conference or hearing and conduct all such proceedings jointly. Where joint hearings are held, a single record of the proceedings shall be made and a separate decision issued with respect to each institution, facility, agency, clinic, laboratory, or portable X-ray supplier.

10. Section 405.1545 is revised to read as follows:

§ 405.1545 Conduct of the hearing.

The hearing shall be open to the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier and the representatives of the Bureau of Health Insurance, their technical advisors, and to such other persons as the hearing examiner deems necessary or proper. The hearing examiner shall inquire fully into all of the matters at issue (see § 405.1542) and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the hearing examiner believes that there is relevant and material evidence available which has not been presented at the hearing, the hearing examiner may at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of hearing examiner.

11. Sections 405.1550 through 405.1554 are revised to read as follows:

§ 405.1550 Waiver of right to appear and present evidence.

If the institution, facility, agency, clinic, laboratory, or portable X-ray supplier waives its right to appear before the hearing examiner and present testimony, it shall not be necessary for the hearing examiner to give notice of and conduct an oral hearing. A waiver of this right shall be made in writing and filed with the hearing examiner. A waiver may be withdrawn by an institution, facility, agency, clinic, laboratory, or portable X-ray supplier, for good cause shown, at any time prior to the mailing of notice of the decision in the case. Even though an institution, facility, agency, clinic, laboratory, or portable X-ray supplier has filed a waiver of a hearing before a hearing examiner, the hearing examiner may, nevertheless, give notice of a time and place and conduct a hearing if he believes that testimony of the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier or other persons is needed to clarify the facts in issue, or on a showing of good cause by the Bureau of Health Insurance of the need to present oral evidence. When such a waiver has been filed and no testimony received, the hearing examiner shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial, reconsidered, or revised determination (see §§ 405.1502, 405.1514, and 405.1519), and whatever additional relevant and material evidence was submitted by the parties for consideration by the hearing examiner. Any additional evidence submitted by either party shall be furnished to the other party and that party shall be given a reasonable opportunity to submit further evidence in rebuttal. The parties may submit briefs or other written statements of evidence

and/or proposed findings of fact or conclusions of law, copies of which shall be sent in accordance with § 405.1595. After the hearing examiner sets the case for oral hearing and gives notice of the time and place set for the hearing, the request for hearing shall be dismissed in accordance with § 405.1552 where the institution, facility, agency, clinic, laboratory, or portable X-ray supplier fails to appear without good cause.

§ 405.1551 Dismissal of request for hearing.

The hearing examiner, at any time prior to the mailing of notice of the decision (see § 405.1557), may dismiss a hearing request where a party withdraws its request for a hearing or where the institution, facility, agency, clinic, laboratory, or portable X-ray supplier asks that its request be dismissed. An institution, facility, agency, clinic, laboratory, or portable X-ray supplier may request a dismissal by filing a written notice with the hearing examiner.

§ 405.1552 Dismissal by abandonment.

The hearing examiner may dismiss a request for hearing upon its abandonment by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier on whose behalf it was filed. An institution, facility, agency, clinic, laboratory, or portable X-ray supplier may be deemed to have abandoned a request for hearing if the representative or proper official does not appear at the prehearing conference or hearing and prior to that time has not shown good cause as to why he could not appear; or, within 10 days after the mailing of a notice to the representative by the hearing examiner to show cause, did not show good cause for failing to appear or to notify the hearing examiner prior to the time for the prehearing conference or hearing that he could not appear.

§ 405.1553 Dismissal for cause.

On his own motion, or on the motion of a party to the hearing, the hearing examiner may dismiss a hearing request either entirely or as to any stated issue, under any of the following circumstances:

(a) *Resjudicata.* Where there has been a previous determination or decision by the Secretary with respect to the rights of the same institution, facility, agency, clinic, laboratory, or portable X-ray supplier on the same facts and law pertinent to the same issue or issues which has become final either by judicial affirmance or, without judicial consideration, upon failure of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier timely to request reconsideration, hearing, or review, or to commence a civil action with respect to such determination or decision.

(b) *No right to hearing.* Where the party requesting a hearing is not a proper party (see § 405.1531(c)) or does not otherwise have a right to a hearing.

(c) *Hearing request not timely filed.* Where an institution, facility, agency, clinic, laboratory, or portable X-ray supplier has failed to file a hearing request timely and the time for filing such request has not been extended.

§ 405.1554 Notice of dismissal and right to request review thereof.

Notice of the hearing examiner's dismissal action shall be mailed to the parties. Such notice shall advise the institution, facility, agency, clinic, laboratory, or portable X-ray supplier of its right to request review by the Appeals Council as provided in §§ 405.1561 and 405.1562.

12. Section 405.1563 is revised to read as follows:

§ 405.1563 Action by the Appeals Council on request for review.

The review or denial of the hearing examiner's decision shall be conducted by a panel of at least two members of the Appeals Council designated by the Chairman or Deputy Chairman and one person from the U.S. Public Health Service designated by the Surgeon General, Public Health Service, Department of Health, Education, and Welfare, or his delegate. Except as provided in § 405.1568, the Appeals Council shall review the hearing examiner's decision or dismissal where an institution, facility, agency, clinic, laboratory, or portable X-ray supplier, files a request for review. The Appeals Council may dismiss, deny, or grant a request for review filed by the Bureau of Health Insurance. If the review is granted, the Appeals Council may either modify, affirm, or reverse the hearing examiner's decision. Notice of the action by the Appeals Council shall be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier and the Bureau of Health Insurance.

13. Section 405.1567 is revised to read as follows:

§ 405.1567 Effect of the Appeals Council decision.

The decision of the Appeals Council shall be final and binding unless a civil action (see § 405.1501(b)) is filed by the institution, facility, agency, or clinic in a district court of the United States as authorized by section 1869(c) of the Act or unless the decision is revised in accordance with § 405.1570. (Section 1869 (c) of the Act does not grant judicial review of the Secretary's decision with respect to whether an independent laboratory or supplier of portable X-ray services meets the conditions for coverage, as required by Subparts M and N, respectively.)

14. Section 405.1569 is revised to read as follows:

§ 405.1569 Extension of time to request a hearing or review or begin civil action.

(a) Any institution, facility, agency, clinic, laboratory, or portable X-ray supplier which is a party to an initial determination described in § 405.1502 (b)(2) or (c); or to a reconsidered determination that it does not qualify as a provider of services or does not meet the conditions for coverage; or to a revised determination described in § 405.1519; or which is a party to a decision of a hearing examiner may request an extension of time for filing a request for hearing or review, as the case may be, although the time for filing the request has passed. If an extension of time for filing a request for hearing before a hearing examiner is sought, the request may be filed with the hearing examiner. In any other case, the request shall be filed with the Appeals Council. The request shall be in writing and shall state the reasons why the request was not filed within the required time. An institution, facility, agency, or clinic which is a party to a decision of the Appeals Council, may ask the Appeals Council for an extension of time for commencing civil action in a district court within 60 days from the date of the notice of the Appeals Council action and shall state the reasons an extension is required. For good cause shown, the hearing examiner may extend the time for filing a request for hearing or the Appeals Council may extend the time for filing a request for review or civil action.

(b) An independent laboratory or supplier of portable X-ray services is not entitled to judicial review of the Secretary's final decision after the hearing and review.

15. Sections 405.1572 and 405.1590 are revised to read as follows:

§ 405.1572 Effect of revised determination.

A revised decision by a hearing examiner shall be final and binding upon the parties thereto unless reviewed by the Appeals Council in accordance with §§ 405.1561–405.1563. A revised decision by the Appeals Council shall be final and binding unless a civil action (see § 405.1501(b)) is filed by the institution, facility, agency, or clinic in a district court of the United States as authorized by section 1869(c) of the Act.

§ 405.1590 Representation.

An institution, facility, agency, clinic, laboratory, or portable X-ray supplier may appoint as its representative any individual except an individual disqualified or suspended from acting as a representative in proceedings before the Social Security Administration or otherwise prohibited by law. Except where the representative appointed is an attorney, an institution, facility, agency, clinic, laboratory, or portable X-ray supplier must give written notice of the appointment of a representative. The notice of appointment shall be filed at an office of the Administration, or with the hearing examiner or the Appeals Council. Where the representative appointed is an attorney, in the absence of information to the contrary, his representation that he has the authority to represent the party shall be accepted as evidence of his authority.

16. Section 405.1592 is revised to read as follows:

§ 405.1592 Fees for services.

Fees for any services rendered by a representative appointed and qualified

as in §§ 405.1590 and 405.1591 on behalf of any institution, facility, agency, clinic, laboratory, or portable X-ray supplier shall not be the subject to the provisions of section 206 of title II of the Social Security Act.

(Secs. 1102, 1866, 1869, 1871, 1872, 49 Stat. 647, as amended; 79 Stat. 327; 79 Stat. 330–332; 42 U.S.C. 1302, 1395 et seq.)

17. *Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: November 28, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 18, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69–15284; Filed, Dec. 23, 1969; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 222—STATE LICENSES OF SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Miscellaneous Amendments

In the FEDERAL REGISTER of November 11, 1969, there was published on pages 18125 and 18126 a notice of proposed rule making to amend the regulations in Parts 222 and 223 of Title 31 of the Code of Federal Regulations governing the certification of surety companies as acceptable sureties on obligations to the United States and the acceptability of such obligations. After consideration of all such relevant matter as was presented by interested persons, the proposed amendments are adopted, effective January 1, 1970, subject to the following changes:

1. Section 223.16 is changed by adding a new concluding sentence.

2. Section 223.17 is changed by revising the second sentence in paragraph (a) and the first sentence in paragraph (b).

Dated: December 19, 1969.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

1. Part 222 is amended by revoking the part and section heading, by revising the text, and by redesignating the revised text as paragraph (b) of § 223.5 (see 4 below).

2. Section 223.2 is amended by revising the section heading and text to read:

§ 223.2 Application for certificate of authority.

Every company wishing to apply for a certificate of authority shall address the Assistant Comptroller (Chief Auditor), Bureau of Accounts, U.S. Department of Treasury, Washington, D.C. 20226, who will notify the company of the data which the Secretary of the Treasury determines from time to time to be necessary to make application. In accord with 6 U.S.C. 8 the data will include a copy of the applicant's charter or articles of incorporation and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities.

3. Section 223.3 is amended by revoking the final sentence thereof.

4. Section 223.5 is amended by designating the existing section as paragraph (a) and by adding a new paragraph (b), so that the entire section as amended reads:

§ 223.5 Business.

(a) The company must engage in the business of fidelity insurance and suretyship, whether or not also making contracts of insurance in other classes of insurance, but shall not be engaged in any type or class of business not authorized by its charter or by the laws of the State in which the company is incorporated. It must be the intention of the company to engage actively in the execution of fidelity and surety bonds in favor of the United States.

(b) No bond is acceptable if it has been executed by a company or its agent in a State where it has not obtained that State's license to do a fidelity and surety business. However, bonds executed by any surety company at its home office or outside the boundaries of a State wherein it is not licensed for a principal residing in such State or for a contract to be performed therein are acceptable.

5. Section 223.9 is amended by revising the text to read:

§ 223.9 Valuation of assets.

In determining the financial condition of every such company, its assets and liabilities will be computed on the basis recommended by the National Association of Insurance Commissioners so far as practicable and consistent with the regulations in this part. However, the Secretary of the Treasury may, in his discretion, value the assets or other securities of such companies in accordance with the best information obtainable. Credit will be allowed for reinsurance in all classes of risks if the reinsuring company holds a certificate of authority from the Secretary of the Treasury, or has been recognized as an admitted reinsurer in accord with § 223.12.

6. Section 223.10 is amended by revising the text to read:

§ 223.10 Limitation of risk.

Except as provided in § 223.11, no company holding a certificate of authority shall underwrite any risk on any bond or policy on behalf of any individual, firm, association, or corporation, whether or not the United States is interested as a party thereto, the amount of which is greater than 10 percent of the paid-up capital and surplus of such company, as determined by the Secretary of the Treasury. That figure is hereinafter referred to as the underwriting limitation.

7. Section 223.11 is amended by revising the section heading and text to read:

§ 223.11 Limitation of risk: Protective methods.

The limitation of risk prescribed in § 223.10 may be complied with by the following methods:

(a) *Coinsurance.* Two or more companies may underwrite a risk on any bond or policy, the amount of which does not exceed their aggregate underwriting limitations. Each company shall limit its liability upon the face of the bond or policy, to a definite specified amount which shall be within its underwriting limitation.

(b) *Reinsurance.* (1) In respect to bonds running to the United States, liability in excess of the underwriting limitation shall be reinsured within 45 days from the date of execution and delivery of the bond with a company holding a certificate of authority from the Secretary of the Treasury. Reinsurance is not permissable on bonds covering formal contracts with the United States for the construction of any building, or the prosecution and completion of any public work, or for repairs upon any public building or public work; such liability shall be protected in the manner set forth in paragraph (a) of this section; i.e., coinsurance.

(2) In respect to risks covered by bonds or policies not running to the United States, liability in excess of the underwriting limitation shall be reinsured within 45 days from the date of execution and delivery of the bond or policy with:

(i) Any company holding a certificate of authority from the Secretary of the Treasury, or

(ii) Any company recognized as an admitted reinsurer in accord with § 223.12, or

(iii) A pool, association, etc., to the extent that it is composed of such companies.

(3) No certificate-holding company may cede to a reinsuring company recognized under § 223.12 any risk in excess of 10 percent of the latter company's paid-up capital and surplus.

(c) *Other methods.* Excess liability may otherwise be protected:

(1) By the deposit with the company in pledge, or by conveyance to it in trust for its protection, of property the current market value of which is at least equal to the liability in excess of its underwriting limitation, or

(2) If such obligation was incurred on behalf of or on account of a fiduciary holding property in a trust capacity, by a joint control agreement which provides that the whole or a sufficient portion of the propery so held may not be disposed of or pledged in any way without the consent of the insuring company.

8. Section 223.12 is amended by revising the section heading and the text to read:

§ 223.12 Recognition as reinsurer.

(a) *Application by U.S. company.* Any company organized under the laws of the United States or of any State thereof, wishing to apply for recognition as an admitted reinsurer (except on excess risks running to the United States) of surety companies doing business with the United States, shall file with the Assistant Comptroller (Chief Auditor):

(1) A certified copy of its charter or articles of incorporation, and

(2) A certified copy of a license from any State in which it has been authorized to do business, and

(3) A copy of the latest available report of its examination by a State Insurance Department, and

(4) A statement of its financial condition, as of the close of the preceding calendar year, on the annual statement form of the National Association of Insurance Commissioners, signed and sworn to by two qualified officers of the company, showing that it has a capital stock paid up in cash of not less than $250,000, in the case of a stock insurance company, or has net assets of not less than $500,000 over and above all liabilities, in the case of a mutual insurance company, and

(5) Such other evidence as the Secretary of the Treasury may determine necessary to establish that it is solvent and able to keep and perform its contracts.

(b) *Application by a U.S. branch.* A U.S. branch of an alien company applying for such recognition shall file with the Assistant Comptroller (Chief Auditor):

(1) The submissions listed in subparagraphs (1) through (5) of paragraph (a) of this section, except that the financial statement of such branch shall show that it has net assets of not less than $250,000 over and above all liabilities and

(2) Evidence satisfactory to the Secretary of the Treasury to establish that it has on deposit in the United States not less than $250,000 available to its policyholders and creditors in the United States.

(c) *Financial reports.* Each company recognized as an admitted reinsurer shall file with the Assistant Comptroller (Chief Auditor) on or before the first day of March of each year its financial statement and such additional evidence as the Secretary of the Treasury determines necessary to establish that the requirements of this section are being met.

9. Section 223.16 is amended by revising the section heading and text to read:

§ 223.16 List of certificate holding companies.

A list of qualified companies is published annually as of July 1 in Department Circular No. 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, with information as to underwriting limitations, areas in which licensed to transact a fidelity and surety business and other details. If the Secretary of the Treasury shall take any exceptions to the annual financial statement submitted by a company, he shall, before issuing Department Circular 570, give a company due notice of such exceptions. Copies of the Circular are available from the Assistant Comptroller (Chief Auditor) upon request. Selection of a particular qualified company from among all companies holding certificates of authority is discretionary with the principal required to furnish bond.

10. The existing §§ 223.17 and 223.18 are revoked.

11. New §§ 223.17 and 223.18 are added to read:

§ 223.17 Performance of obligations.

(a) Every company shall honor its obligations to Federal agencies promptly. If an agency's prompt demand upon a company for payment of a claim against it is not settled to the agency's satisfaction, and the agency's review of the situation thereafter establishes that the default is clear and the company's refusal to pay is not based on adequate grounds, the agency may make a report to the Secretary of the Treasury, including the basis for the claim against the company; a chronological resume of efforts to obtain payments; a statement of all reasons offered for nonpayment, and a statement of the agency's views on the matter.

(b) On receipt of such report from the Federal agency the Secretary will, if the circumstances warrant, notify the company concerned that the agency report may demonstrate that the company is not keeping and performing its contracts and that, in the absence of satisfactory explanation, the company's default may preclude the renewal of the company's certificate of authority, or warrant prompt revocation of the existing certificate. This notice will provide opportunity to the company to demonstrate its qualification for a continuance of the certificate of authority.

§ 223.18 Revocation.

Whenever in the judgment of the Secretary of the Treasury a company is not complying with the requirements of 6 U.S.C. 6–13 and of the regulations in this part, he shall (a) in all cases notify the company of the facts or conduct which indicate such failure, and provide opportunity to the company to respond, and (b) in those cases where the public interest in the constant financial stability of such a company allows, also provide opportunity to the company to demonstrate or achieve compliance with those requirements. The Secretary shall revoke a company's certificate of authority with advice to it if (1) the company does not respond satisfactorily to his notification of noncompliance, or (2) the company, provided an opportunity to demonstrate or achieve compliance, fails to do so.

[F.R. Doc. 69–15285; Filed, Dec. 23, 1969; 8:49 a.m.]

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

The Foreign Assets Control Regulations are being amended in the following respects:

Section 500.204 is being amended to remove the restrictions on dealings outside the United States by Americans in so-called "presumptive merchandise", i.e., merchandise subject to the provisions of § 500.204(a) (2), (3), or (4). The restrictions of § 500.204(a)(1) continue to apply to all dealings by Americans in merchandise of mainland Chinese, North Korean or North Viet Namese origin, and the restrictions of § 500.204(a) (2), (3), and (4) continue to apply to all imports into the United States of "presumptive merchandise", except as described hereafter.

Section 500.537 of the regulations is being revoked as unnecessary in view of the amendment to § 500.204.

Section 500.538 of the regulations is being amended to permit American carriers to transport mainland Chinese origin merchandise from one foreign country to another (except blocked countries). Insurance companies are also authorzied by the amended section to insure such shipments.

Section 500.540 of the regulations authorizing tourist purchases of up to $100 of such merchandise is being revoked as unnecessary in view of the issuance of § 500.544.

A general license (§ 500.541) is being issued authorizing American-controlled business enterprises and banks located in foreign countries to engage in trade and financial transactions with Communist China and to deal in merchandise originating in mainland China or presumed to originate there. The license does not authorize shipments of strategic goods to mainland China, or the supply of petroleum products to Communist Chinese-controlled vessels, nor does it authorize American-controlled vessels to call at mainland Chinese ports. Transactions in U.S. dollars or in property subject to the jurisdiction of the United States continue to be prohibited. Such American-controlled foreign business enterprises are being authorized by another general license (§ 500.543) to export limited types of technical data to mainland China.

A general license (§ 500.544) is also being issued authorizing persons subject to the jurisdiction of the United States to purchase and import into the United States for noncommercial purposes any merchandise of mainland Chinese origin, and to purchase and import for such purposes merchandise of any other origin which is subject to the restrictions of § 500.204(a) (2), (3), or (4), i.e., so-called "presumptive merchandise".

Section 500.545 of the regulations authorizing certain transactions incident to

travel in mainland China is being amended to conform with the provisions of § 500.544.

Section 500.204 is amended to read as follows:

§ 500.204 Importation of and dealings in certain merchandise.

(a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, persons subject to the jurisdiction of the United States may not purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States specified in following subparagraph (1) of this paragraph, and they may not import into the United States merchandise specified in following subparagraphs (2), (3), or (4) of this paragraph:

(1) Merchandise the country of origin of which is China (except Formosa), North Korea, or North Viet-Nam. Articles which are the growth, produce or manufacture of these areas shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, notwithstanding that they may have been subjected to one or any combination of the following processes in another country: (i) Grading; (ii) testing; (iii) checking; (iv) shredding; (v) slicing; (vi) peeling or splitting; (vii) scraping; (viii) cleaning; (ix) washing; (x) soaking; (xi) drying; (xii) cooling, chilling, or refrigerating; (xiii) roasting; (xiv) steaming; (xv) cooking; (xvi) curing; (xvii) combining of fur skins into plates; (xviii) blending; (xix) flavoring; (xx) preserving; (xxi) pickling; (xxii) smoking; (xxiii) dressing; (xxiv) salting; (xxv) dyeing; (xxvi) bleaching; (xxvii) tanning; (xxviii) packing; (xxix) canning; (xxx) labeling; (xxxi) carding; (xxxii) combing; (xxxiii) pressing; (xxxiv) any process similar to any of the foregoing. Any article wheresoever manufactured shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, if there shall have been added to such articles any embroidery, needle point, petit point, lace or any other article of adornment which is the product of China (except Formosa), North Korea, or North Viet-Nam notwithstanding that such addition to the merchandise may have occurred in a country other than China (except Formosa), North Korea, or North Viet-Nam.

(2) Merchandise specified in this subparagraph, howsoever processed, unless such merchandise originated in a country named as excepted for that type of merchandise and is imported into the United States directly from that country:

Type of merchandise	*Excepted countries*
(i) All merchandise, not elsewhere specified in this paragraph, if prior to December 17, 1950, imports thereof into the United States were chiefly of Chinese origin within the meaning of this chapter, and,	None.
(ii) All of the following specified types of merchandise:	
Aniseed, star	None.
Aniseed oil	None.
Antiques, Chinese type (except Chinese porcelain which qualified under items 766.20–25 of Title I—Tariff Schedules of the United States, Tariff Act of 1930, as amended, and which is decorated with the armorial bearing, crests, monograms, cyphers, or badges of European or American families or societies or bearing motifs based thereon, or with European or American political, memorial, or Masonic scenes or devices, or with European or American figures, ships, or other scenes, or with motifs or inscriptions in English, Latin, or any other European language).	None.
Bamboo, split	None.
Braids, straw	Italy, Japan.
Bristles, hog (except nondyed European hog bristles).	None.
Brushes, paint and hair pencil, and parts thereof, containing hog bristles more than 1½ inches in total length or more than 1¼ inches in length out of the ferrule.	None.
Carpet wool, Tibetian and Nepalese types.	None.
Cashmere	Iran.
Cassia	Indonesia.
Cassia oil	None.
Chinese type:	
Art objects	None.
Beverages	None.
Drugs	None.
Foodstuffs	None.
Garments	None.
Herbs	None.
Ivory articles	None.
Jade articles	None.
Medicines, prepared.	None.
Rugs	None.
Tea	Formosa.
Cinnamic aldehyde	None.
Cinnamon oil	Ceylon, Seychelles.
Cornmint oil	Argentina, Brazil.
Eggs, poultry:	
Whole in the shell, preserved.	None.
Dried (whole, albumen, or yolks).	None.
Embroideries and embroidered articles of types chiefly imported from China prior to December 17, 1950.	None.
Feathers and down, Asiatic, except peacock feathers.	Burma, India, Formosa, Thailand, and those areas of Viet-Nam which are not under Communist control.
Firecrackers	None.
Floor coverings, grass, straw and seagrass.	Japan.
Fur skins:	
Goat and kid	Argentina, Ethiopia, Iran, Iraq.
Kolinsky	Republic of Korea.
Weasel	Canada.
Gallnuts, except Aleppo gallnuts.	None.
Ginger root, candied or otherwise prepared or preserved.	None.
Hair, human, Asiatic	None.
Hats, unfinished:	
Manila hemp (abaca).	None.
Palm leaf	Mexico, Philippines.
Straw	Brazil, Dominican Republic, Italy, Japan, Philippines.
Jade stones, cut but not set, suitable for use in jewelry.	None.
Menthol, natural and synthetic (except racemic).	Brazil.
Musk	None.
Rutin	None.
Seagrass mats and squares.	Japan.
Silk, tussah, muga, eri.	None.
Silk piece goods, tussah, muga, eri.	None.
Sophera Japonica	None.
Tannic acid, from gallnuts other than Aleppo gallnuts.	None.
Tung oil	Argentina, Brazil, Paraguay.
Walnuts, except black or pickled walnuts.	France, Iran, Italy, Turkey.
Yak hair	None.

(3) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong, Macao, or any country not in the authorized trade territory.

TYPE OF MERCHANDISE

Agar-agar.
Bamboo:
Bags, baskets and other manufactures, except furniture.
Poles and sticks.
Brocades and brocade articles.
Camphor, natural and synthetic.

TYPE OF MERCHANDISE—Continued

Camphor oil, natural and synthetic.
Cane webbing.
Carpet wool.
Carpets.
Castor beans.
Castor oil.
Chinaware.
Citronella oil.
Cotton manufactures.
Cotton waste.
Earthenware.
Embroideries and embroidered articles.
Hair, animal.
Hair nets of any material.
Handkerchiefs.
Hardwood manufactures, except bentwood furniture.
Hats, paper.
Hides, buffalo.
Ivory manufactures.
Lace and lace articles.
Linen manufactures, except wearing apparel not containing any lace, embroidery or brocade.
Ores and metals:
Antimony.
Bismuth.
Mercury.
Molybdenum.
Tin.
Tungsten.
Peanut Oil.
Peanuts.
Ramie.
Rugs.
Seagrass manufactures.
Sesame oil.
Sesame seed.
Shoes, leather soled with nonleather uppers, except ladies' high-heel shoes.
Silk:
Manufactures except Western style suits and Indian saris.
Raw.
Waste.
Skins, deer and goat.
Stones, semiprecious.
Stones, semiprecious, manufactures.
Straw manufactures.
Tapestries.
Tapioca.
Tapioca flour.

(4) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong or Macao.

TYPE OF MERCHANDISE

Feather manufactures.
Glass, sheet (window).
Graphite.
Honey.
Marine products, edible.
Pigeons, frozen or otherwise prepared or preserved.
Poultry, frozen or otherwise prepared or preserved.

§ 500.537 [Revoked]

Section 500.537 is revoked.

Section 500.538 is amended to read as follows:

§ 500.538 Transportation and insurance of certain merchandise.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, to the extent that transportation or insurance of merchandise is prohibited by §§ 500.201 or 500.204, such transportation by carriers or insurance is authorized.

(b) This section does not authorize the transportation of merchandise being carried directly to or from mainland China.

(c) This section does not authorize the transportation or insurance of any merchandise directly or indirectly to or from North Korea or North Viet-Nam, nor does it authorize the transportation or insurance of any merchandise of North Korean or North Viet-Namese origin.

(d) This section does not authorize the transportation indirectly to mainland China or insurance of:

(1) Any merchandise of U.S. origin, except as authorized by § 500.533;

(2) Any merchandise regardless of origin of a type included in the Commodity Control List of the Department of Commerce (15 CFR Part 399) and followed on that list by the letter "A" in the column headed "Special Provisions List" or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10.

§ 500.540 [Revoked]

Section 500.540 is revoked.

Section 500.541 is added to read as follows:

§ 500.541 Certain transactions by persons in foreign countries.

(a) Except as provided in paragraphs (b), (c), (d), (e), and (f) of this section, all transactions incident to the conduct of business activities abroad engaged in by any individual ordinarily resident in a foreign country in the authorized trade territory, or by any partnership, association, corporation or other organization which is organized and doing business under the laws of any foreign country in the authorized trade territory, are hereby authorized.

(b) This section does not authorize any transaction involving U.S. dollar accounts or any other property subject to the jurisdiction of the United States.

(c) This section does not authorize any transaction involving the purchase or sale or other transfer of:

(1) Any merchandise of U.S. origin, except as authorized by § 500.533;

(2) Any merchandise regardless of origin of a type included in the Commodity Control List of the U.S. Department of Commerce set forth in 15 CFR Part 399 and followed on that list by the letter "A" in the column headed "Special Provisions List" or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10; or

(3) Any technical data, as that term is defined in § 500.543, except to the extent authorized by that section.

(d) This section does not authorize the transportation aboard any vessel which is owned or controlled by any person described in paragraph (a) of this section of any merchandise directly to or from mainland China except when export of such merchandise is authorized by § 500.533.

(e) This section does not authorize the supply of petroleum products to any vessel.

(f) This section does not authorize any transaction involving North Korea or North Viet-Nam or their nationals, or merchandise the country of origin of which is North Korea or North Viet-Nam.

Section 500.543 is added to read as follows:

§ 500.543 Technical data.

(a) As used in this section and in § 500.541, the term "technical data" means technical data as defined in § 379.1 of Part 379 of the Export Control Regulations of the Department of Commerce (15 CFR Part 379).

(b) Technical data of United States origin are authorized to be exported to mainland China if their export or reexport to that destination has been licensed or otherwise authorized by the Office of Export Control, Department of Commerce, pursuant to Part 379 of the Export Control Regulations (15 CFR Part 379).

(c) Technical data not of United States origin are authorized to be exported to mainland China by persons specified in § 500.541(a) if:

(1) Similar technical data of United States origin are authorized to be exported to any destination under § 379.3 of the Export Control Regulations (15 CFR 379.3); or

(2) The technical data are in such forms as manuals, instruction sheets, or blueprints, provided they are:

(i) Sent as part of a transaction involving, and directly related to, a commodity authorized by § 500.541 to be exported to mainland China;

(ii) Sent no later than 1 year following the shipment of the commodity to which the technical data are related;

(iii) Of a type delivered with the commodity in accordance with established business practice;

(iv) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and,

(v) Not related to the production, manufacture, or construction of the commodity; or

(3) The technical data support a prospective or actual quotation, bid, or offer to sell, lease, or otherwise supply any commodity, *Provided*, That:

(i) The commodity is authorized by § 500.541 to be exported to mainland China;

(ii) The technical data are of a type customarily transmitted with a prospective or actual quotation, bid, or offer (in accordance with established business practice); and

(iii) The export will not disclose the detailed design, production, or manufacture, or the means of reconstruction, of either the quoted item or its product.

Section 500.544 is added to read as follows:

§ 500.544 Noncommercial dealings in Chinese origin and Chinese type merchandise.

(a) Except as provided in paragraphs (b) and (c) of this section, all transactions by any person subject to the jurisdiction of the United States incident to

the purchase, transport, or import of merchandise prohibited by § 500.201 or § 500.204 are hereby authorized if:

(1) The merchandise is being acquired by an individual for his personal or household use or as a gift, the merchandise is in noncommercial quantity, and the merchandise is not for resale; or

(2) The merchandise is being acquired, for its own use and not for resale, by an organization which has received a certificate of exemption from taxation under 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) as a religious, tional organization: *Provided*, That there is filed with the entry documents a certificate which shall:

(i) Fully describe the merchandise;

(ii) Identify the exempt organization which is the purchaser and the number of its certificate of exemption from taxation;

(iii) State that the merchandise has been unconditionally purchased by the exempt organization for its own use and not for resale; or

(iv) State that the merchandise has been purchased conditionally and that if the purchase is not completed by said exempt organization within 6 months after the date of importation it will be reexported by the importer within 7 months after the date of entry; and

(v) Be signed by an authorized official of the exempt organization, and by the importer of record.

(b) If the purchase by the exempt organization is completed within 6 months after the date of importation, the importer shall file with the Office of Foreign Assets Control not later than 6 months and 10 days after importation, a certificate from the exempt organization confirming that it has unconditionally purchased the particular merchandise. Such certificate shall fully describe the merchandise, identify the port of entry, date of entry, number of the entry document, and, the importer of record.

(c) If the purchase by the exempt organization is not completed within 6 months after the date of importation, the importer shall file a certificate of reexportation with the Office of Foreign Assets Control no later than 7 months and 10 days after the date of importation, unless some other disposition of the merchandise has been authorized by the Office of Foreign Assets Control. Such certificate shall fully describe the merchandise, identify the port of entry, date of entry, number of the entry document, importer of record, port of exportation, date of exportation, and exporter of record. The certificate shall be endorsed by the Director of Customs at the port of exportation and the endorsement shall state that the merchandise was exported under his supervision.

(d) This section does not authorize any dealing in merchandise the country of origin of which is North Korea or North Viet-Nam.

(e) Customs transactions incident to the importation of merchandise purchased and being imported in compliance with this section are authorized, notwithstanding the provisions of § 500.808.

Section 500.545 is amended to read as follows:

§ 500.545 Certain transactions incident to travel to and in mainland China.

(a) All persons bearing a U.S. passport valid for travel in mainland China are authorized to engage in the following transactions:

(1) All transactions ordinarily incident to travel to and from mainland China.

(2) All transactions ordinarily incident to travel in mainland China, including living expenses and the acquisition in mainland China of goods for personal consumption therein; and,

(3) The purchase of goods for importation into the United States to the extent authorized by § 500.544.

(b) Persons who are in mainland China for the purpose of gathering news for dissemination in the United States are also authorized to acquire for transmission to the United States such photographs, films, magazines, newspapers, and similar publications as are directly related to their news-gathering activities. Customs transactions incident to the importation of such merchandise are authorized notwithstanding the provisions of § 500.808.

(c) Persons who travel in mainland China with a passport validated for such travel are licensed as unblocked nationals provided that this license does not authorize any transaction prohibited by any other section of this part and not authorized by this section.

MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-15295; Filed, Dec. 22, 1969; 10:11 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4749]

[Utah 3873; 010449]

UTAH

Powersite Cancellation No. 261; Partial Cancellation of Powersite Classification No. 377; Revocation of Public Land Order No. 944; Withdrawing Lands for Atomic Energy Commission

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and to the determination of the Federal Power Commission in DA-176-Utah, it is ordered as follows:

1. The Departmental Order of April 10, 1946, creating Powersite Classification No. 377, is hereby canceled so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.,
Sec. 28, SW¼NE¼, NW¼SE¼.

The areas described aggregate 80 acres in Grand County.

2. Public Land Order No. 944 of March 16, 1954, which withdrew lands for use of the Atomic Energy Commission is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.,
Sec. 27, lots 5 and 6, W½SW¼;
Sec. 28, lot 4, W½W½E½SE¼NE¼, W½SE¼NE¼, E½SW¼NE¼, W½W½E½NE¼SE¼, W½NE¼SE¼.

The areas described aggregate 207.63 acres in Grand County of which lots 5 and 6 and the W½SW¼ of sec. 27 are patented lands.

The lands are located on a bend of the Colorado River, approximately 3 miles west of Moab. They are gently sloping toward the river and are traversed by State Highway 279. The lands support a sparse blackbrush type vegetation and are not suitable for farming.

3. At 10 a.m. on January 23, 1970, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 23, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The public lands in paragraph 2, will be open to location under the U.S. mining laws and to application and offers under the mineral leasing laws at 10 a.m. on January 23, 1970. The lands in paragraph 1, except for those also in paragraph 2, have been open to applications and offers under the mineral leasing laws, and to mineral locations under the mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,
Assistant Secretary of the Interior

DECEMBER 18, 1969.

[F.R. Doc. 69-15235; Filed, Dec. 23, 1969; 8:45 a.m.]

[Public Land Order 4750]

[Nevada 047407; 047425]

NEVADA

Partial Revocation of Stock Driveways

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental Orders of September 13, 1918, and June 18, 1919, creating Stock Driveway Withdrawals Nos. 37 and 85, respectively, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 37 N., R. 54 E.,
Sec. 2.
T. 38 N., R. 54 E.,
Sec. 36, W½W½.

The areas described aggregate 801.58 acres in Elko County.

The lands are located north of Elko, Nev. The terrain is flat to rolling with a vegetative covering of sagebrush.

2. At 10 a.m. on January 23, 1970, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on January 23, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws, subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 18, 1969.

[F.R. Doc. 69-15236; Filed, Dec. 23, 1969; 8:46 a.m.]

[Public Land Order 4751]

[Montana 12809]

MONTANA

Partial Revocation of National Forest Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order 3053 of February 28, 1919, withdrawing certain lands in aid of legislation to secure their use as a game preserve, is hereby revoked so far as it affects the following described lands:

PRINCIPAL MERIDIAN, MONTANA
GALLATIN NATIONAL FOREST

T. 8 S., R. 7 E.,
Secs. 1 and 2;
Sec. 3, lots 8, 9, 10, and 11, E½;
Sec. 4, lots 1, 2, 3, 7, and 8;
Sec. 10, E½;
Secs. 11 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 35 and 36.
T. 9 S., R. 7 E.,
Secs. 1, 2, 11, and 12.

The areas described aggregate approximately 13,911 acres in Park County.

2. At 10 a.m. on January 23, 1970, the lands shall be open to such forms of disposition as may be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 18, 1969.

[F.R. Doc. 69-15237; Filed, Dec. 23, 1969; 8:46 a.m.]

[Public Land Order 4752]

[Wyoming 14928]

WYOMING

Withdrawal for Research Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the protection of the Stratton Sagebrush Hydrology Study Area:

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 86 W.,
Sec. 17, N½, SW¼, and N½SE¼;
Sec. 18;
Sec. 19, lots 1, 3, and 4, NW¼NE¼, NE¼NW¼, E½SW¼, and SE¼;
Sec. 20, E½NE¼, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 21, N½NW¼ and SW¼NW¼;
Sec. 29, NW¼NW¼;
Sec. 30, lots 1 to 4, incl., NE¼, E½W½, and NW¼SE¼.
T. 17 N., R. 87 W;
Secs. 13, 14, 22 and 23;
Sec. 24, S½N½ and S½;
Sec. 25;
Sec. 26, N½, N½S½, and SE¼SE¼.

The areas described aggregate 6,899.02 acres in Carbon County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 18, 1969.

[F.R. Doc. 69-15238; Filed, Dec. 23, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1036]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. Authorized To Operate Over Tracks of Missouri-Kansas-Texas Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of December 1969.

It appearing, that the Missouri-Kansas-Texas Railroad Co., in Finance Docket No. 25694, has been authorized by the Commission to abandon its line between Whitesboro, Tex., and Wichita Falls, Tex.; that shippers located on this line at Gainesville, Tex., will thereby be deprived of railroad service; that the Atchison, Topeka and Santa Fe Railway Co. has agreed to serve shippers located on tracks of the Missouri-Kansas-Texas Railroad Co. at Gainesville, Tex.; that the Commission is of the opinion that operation by the Atchison, Topeka and Santa Fe Railway Co. over tracks of the Missouri-Kansas-Texas Railroad Co. at Gainesville, Tex., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice:

It is ordered, That:

§ 1033.1036 Service Order No. 1036.

(a) *The Atchison, Topeka and Santa Fe Railway Co. authorized to operate over tracks of the Missouri-Kansas-Texas Railroad Co.* The Atchison, Topeka and Santa Fe Railway Co. be, and it is hereby, authorized to operate over tracks of the Missouri-Kansas-Texas Railroad Co. at Gainesville, Tex., pending acquisition of these tracks by the Atchison, Topeka and Santa Fe Railway Co.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., January 3, 1970.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15277; Filed, Dec. 23, 1969; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18271; FCC 69-1369]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

PART 85—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Miscellaneous Amendments

In the matter of amendment of Parts 2, 81, 83, and 85—to effect orderly shifts from present double sideband (DSB) and/or single sideband (SSB) to new (replacement) frequencies; to establish a revised schedule of dates, technical standards, frequencies and other requirements for the transition of ship and coast stations from DSB to SSB radiotelephony on frequencies within the revised frequency allotments adopted by the World Administrative Radio Conference, Geneva—1967, for the exclusive HF maritime mobile service bands between 4 and 23 Mc/s; Docket No. 18271; RM-1132.

1. A notice of proposed rule making in the above-captioned matter was released on August 8, 1968, and was published in the FEDERAL REGISTER on August 16, 1968 (33 F.R. 11669). By its order released September 24, 1968, and published in the FEDERAL REGISTER on September 28, 1968 (33 F.R. 14603), the Commission granted an extension of time in which to file comments. The dates for filing comments and replies thereto have passed. A first report and order in this proceeding was released by the Commission on September 18, 1969, and was published in the FEDERAL REGISTER on September 23, 1969 (FCC 69-1010, 34 F.R. 14690). A second report and order in this proceeding was released by the Commission on October 31, 1969, and was published in the FEDERAL REGISTER on November 5, 1969 (FCC 69-1185, 34 F.R. 17878). In the first and second report and order the Commission stated that formal codification of the changes described therein would be accomplished by a subsequent order of the Commission in this docket pursuant thereto, formal codification of the changes described in the first and second report and order are set forth in the attached appendix.

2. Comments were filed by: Amcom, Inc. (AMCOM), American Telephone and Telegraph Co. (A.T. & T.), Ashland Oil and Refining Co. (Ashland), Collins Radio Co. (Collins), COM/NAV Electronics Inc. (COM/NAV), R. A. Gartman (Gartman), Konel Corp. (Konel), Lake Carriers Association (LCA), Lorain Electronics Corp. (Lorain), Pearce-Simpson, Inc. (Pearce-Simpson), Raytheon Co. (Raytheon), Radio Corp. of America (RCA), and U.S. Power Squadrons (USPS). A number of letters were filed approximately 1 year after closing dates for submission of comments and reply comments. These letters were directed to the matter of difficulties associated with changing frequencies aboard west coast fishing vessels. While no request for late filing was received with respect to these letters, the Commission did consider the substance of the comments.

3. In their comments Konel, Lorain, Pearce-Simpson, RCA, and USPS urged that the date after which DSB would not be authorized in new installations aboard ship be changed from January 1, 1969, to a later date. Pearce-Simpson recommended January 1, 1970; Lorain proposed January 1, 1970; Konel recommended March 1, 1970; RCA recommended January 1, 1971; and USPS proposed January 1, 1971. Since the date of January 1, 1969, has passed and only a few weeks remain until January 1, 1970, it is necessary that a new date be specified. In selecting a new date, account is taken of the Commission's 1964 decision to discontinue, effective January 1, 1974, use by the maritime services of DSB in the bands between 4 and 23 Mc/s. Equipment purchased on January 1, 1970, will have a useful life of 4 years before becoming obsolete. It appears doubtful that a boat operator would normally purchase a DSB transceiver having a useful life of 4 years or less. Since the option to purchase rests with the boat operator, there is small, if any, difference between the dates 1970, 1971, or 1972. Of these three dates, January 1, 1972, is the most lenient. Accordingly, § 83.139(c) is amended to prohibit new installations of DSB equipment in ship stations after January 1, 1972.

4. The Commission proposed, in amendment of §§ 81.133 and 83.133, that the authorized bandwidth of single sideband emissions (2.8A3A, 2.8A3H, and 2.8A3J) in the Maritime mobile service bands between 4 and 23 Mc/s, be reduced from 3.5 to 3.0 kc/s. A.T. & T., Collins and Raytheon submitted comments regarding the proposed reduction of authorized bandwidth. RTCM, in commenting in another proceeding, also submitted relevant comments.

5. While generally supporting the Commission's proposals, A.T. & T. recommended the authorized bandwidth of 3.5 kc/s be retained for these emissions. In support of their recommendation, A.T. & T. expressed the belief that the reduced bandwidth may prevent the use of recently developed techniques that would lead to improved quality of transmission. With respect to the use of the recently developed techniques, the Commission has in the past and will in the future continue to encourage the development and use of improved techniques in all services, including the maritime mobile service. In this regard, then, the Commission supports fully A.T. & T.'s plans to utilize improved techniques and concurs that the technique proposed to be used by A.T. & T. will provide substantial improvement. As proposed by A.T. & T., the new technique would not be contained within the channel spacing adopted by the WARC. To that extent the improvement would be obtained at the expense of the user of the next higher adjacent channel. A.T. & T. argues that this spillover is not a significant problem since modern receivers do not have sufficient selectivity to permit use of the adjacent channels in common areas under typical operating conditions, even where the new technique is not employed. Without contesting the adequacy of this latter argument, it does not logically follow that receivers in the future, also, will not have an adequate selectivity capability. More important, however, is the matter of whether the new technique can be contained within the channel spacing provided by the WARC. In the view of the Commission, it is economically and technically feasible to do so, without impeding the use of the new technique.

6. In the new technique described by A.T. & T., voice frequencies are limited to the band 250–2700 c.p.s. and a frequency modulated control signal is placed in the band 2840–2960 c.p.s. This control signal completes a closed-loop, from the receiver back to the transmitter, and is applied to speech processing equipment at the input to the transmitter, to compress or expand the talkers voice over a range of approximately 45 db. Thus, the transmitter's compression/expansion level is directed by the receiver. As long as the receiver input does not fall below a predetermined level, the output to the customer remains within a uniform level of ±1.5 db. This, of course, will provide a substantial improvement in the communication channel. A.T. & T. argues, correctly, that use of the specific above described technique is precluded by the proposed authorized bandwidth of 3.0 kc/s, where, under the provisions of sections 81.140 and 83.136 of the Commission's rules, frequencies in the band 2900 to 5900 c.p.s. above the carrier frequency must be attenuated 25 db. The conclusion that use of the new technique would be precluded by adoption of an authorized bandwidth of 3.0 kc/s, taken in conjunction with current rules, is completely dependent upon location of the FM control signal in the band 2840–2900 c.p.s. On the other hand, the use of this technique is not precluded if the voice frequencies are limited to the band 250–2500 c.p.s. and the FM control signal is moved to the band 2520 to 2680 c.p.s., as proposed by the United Kingdom to the cognizant Study Group of the I.T.U. International Radio Consultative Committee (CCIR), September–October 1969, Geneva.

7. In examining the new technique described by A.T. & T., it is probable that worldwide standardization of various technical parameters will be necessary as a means of assuring that the ship terminal and coast terminal will be able to intercommunicate satisfactorily. For example, the stability, nominal center frequency and excursion of the FM control tone must be fixed if switching of the control tone oscillator and receiver filters are to be avoided. Further, adoption of worldwide standards would minimize the number of different equipments which would be necessary aboard a ship going overseas, or at a coast station serving vessels of national and foreign registry in order to employ this technique.

8. It is not appropriate nor does the Commission propose in this proceeding to adopt standards for the above referenced techniques. The Commission is confident, however, based on the foregoing, that this technique can be accommodated within an authorized bandwidth of 3.0 kc/s.

9. Raytheon also, recommended that the authorized bandwidth be retained at 3.5 kc/s. Raytheon requested, alternatively, that no final action be taken in this proceeding pending finalization of the proposed rule making in Dockets 18307[1] and 1786.[2] Collins recommended, in regard to frequency assignment and potential interference considerations, that the Commission give further consideration to the differences which will exist in distribution of energy within the authorized bandwidth for, on the other hand, emission A3J. In their comments, A.T. & T. and RTCM made reference to one or the other, or both, of these two proceedings. In the proceeding in Docket No. 18307, the Commission proposed, among other things, that the authorized bandwidth of SSB radiotelephony emissions (2.8A3A, 2.8A3H, and 2.8A3J) employed on frequencies below 4000 kc/s, be reduced from 3.5 kc/s to 3.0 kc/s. In the proceeding in Docket No. 17869, the Commission proposed, among other things, amendment of § 2.579, with respect to the measurements required for transmitter type acceptance, to require, for emissions A3A or A3J, submission of measurement data using the two-tone test procedure, where the tones are 700 and 2500 c.p.s.

10. Most of the opposition to the Commission's proposed reduction in authorized bandwidth is based on measurement results which would be produced by use of a two-tone test procedure, where the tones are 700 and 2500 c.p.s. As clearly displayed in figure 1 annexed to A.T. & T.'s comments, employing the test tones of 700 and 2500 c.p.s. and a transmitter output power of 10 kW PEP, both the ninth and 11th modulation products would have to be attenuated to the −80 db level. The Commission concurs that for single sideband transmitters in the maritime services, attenuation of the ninth modulation product beyond the −35 db level if unnecessary. It is apparent, of course, that selection of other test tones will bring the ninth modulation product within the −35 db level. For example, for an authorized bandwidth of 3.0 kc/s, test tones of 700 and 2300 c.p.s., and a transmitter output power of 10 kW PEP, the ninth modulation product would have to be attenuated −35 db and the 11th modulation product would have to be attenuated −80 db. Thus, it is clear that two test tones can be selected which are appropriate to a given authorized bandwidth and this is the procedure which the Commission will apply. The matter of selection of the test tones to be employed for testing of single sideband transmitters in the maritime services, however, falls within the scope of the proceeding in Docket No. 17869 and will be treated thereunder.

11. With regard to Collins recommendation, the Commission concurs that relative to the center of the channel or to the assigned frequency, the distribution of energy within the authorized bandwidth is unequal and different between each of the three emissions and is particularly pronounced between A3H and A3J. If the ultimate objective were exclusive use of emission A3J in the maritime services, it would appear feasible, once the transition to A3J had been completed, to relocate the distribution of energy within the authorized bandwidth to equalize the impact upon the two adjacent channels. Before such a program is undertaken, it would be necessary to evaluate the interference potential in the light of practical considerations, such as the cost of relocating the carrier frequencies in both transmitters and receivers, which could be extensive. However, with the trend in the maritime services towards greater use of emission A3A for public correspondence it would be premature to consider the relocation of the carrier for the purpose of equalizing the energy within the authorized bandwidth.

12. Based on the foregoing considerations, the Commission has amended §§ 81.133 and 83.133 of the rules to provide, for SSB emissions (2.8A3A, 2.8A3H, and 2.8A3J) in the maritime services bands between 4 and 23 Mc/s, an authorized bandwidth of 3.0 kc/s, as set forth below.

13. In its notice, the Commission proposed that the authorized bandwidth of 7.0 kc/s for emissions A3B, which currently appears in the rules, remain unchanged. Technically, the authorized bandwidth for emissions A3B should be 6.0 kc/s, to conform with the new authorized bandwidth of 3.0 kc/s, herein established for emissions A3A, A3H, and A3J. Future use of emissions A3B in the maritime mobile service will be indefinite following transition to SSB and entry into force of the new SSB allotment plan adopted by the WARC, Geneva, 1967. The WARC, in Resolution No. MAR 3, specified its agreement that the World Administrative Radio Conference (1973) must consider whether class A3B emissions should be maintained (after 1973). The arrangement of frequencies set forth in the attached appendix have not been based on anticipated use of A3B emissions. Further, in the attached appendix, provision has been made for the use of the lower half-channel at a location removed from the location at which the upper half-channel will be used. Upon completion of implementation of the attached appendix, the channel spacing available on the listed frequencies will be 3.1 to 3.5 kc/s, which substantially eliminates use of emissions A3B and, consequently, the need to retain provision for use of emissions A3B in the Commission's rules for the maritime services.

14. The Commission proposed that each SSB transmitter be capable of operation with three SSB modes, A3A, A3H, and A3J. An exception was made for continued use of transmitters type accepted before the effective date of the final order in this proceeding and which had capability for operation with SSB modes A3H and A3J, but not for SSB mode A3A. In their comments RCA recommended that SSB transmitters operating on limited coast or ship station frequencies (see §§ 81.361 and 83.351(a)(4)) be not required to provide capability to operate with emission A3A, (reduced carrier) in order to be type accepted. In support of their recommendation, RCA noted that the Commission's rules permit use of emission A3J (suppressed carrier) only on these frequencies. Further, RCA noted that the primary purpose of emission A3A is to provide a carrier for use with receivers employing automatic frequency control (AFC) and, in that regard, advises that the frequency tolerance adopted by the Commission in Docket No. 15068 (20 c.p.s. for coast stations and 50 c.p.s. for ship stations) obviates the need for AFC on other than public correspondence frequencies. RCA poses no objection to requiring that each SSB transmitter be capable of operating in SSB modes A3H and A3J. USPS proposed that only emission A3J be required.

15. In regard to SSB emission A3A, several considerations are applicable and are summarized as follows:

(a) The CCIR, Draft Report D.d., Special Meeting of Study Group XIII, April 17–28, 1967, Geneva, submitted the following recommendation to the ITU World Administrative Radio Conference (WARC) on marine matters, Geneva, 1967:

4.2 Unless it is known that the coast station will accept class A3J emissions, the ship station, when initiating a call, should transmit a reduced carrier (i.e., class of emission A3A).

(b) In accord with the CCIR recommendation, above, the WARC amended Article 35 of the ITU Radio Regulations to add the new provision (No. 1351A) which, in brief, requires that ship station equipment have the capability to operate in the SSB mode A3A.

(c) The interference creating capability of emission A3H is high and for that reason the Commission will not provide for its use in lieu of emission A3A. If SSB emission A3A were not provided, it would be necessary to use SSB emission

[1] Docket No. 18307. Notice of proposed rule making in the matter of amendment of Parts 2, 81, and 83, to establish a schedule of dates, etc., for the use of SSB radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes.

[2] Docket No. 17869. Notice of proposed rule making in the matter of amendment of Part 2, concerning applications, information, measurement data, and test conditions for type acceptance of equipment.

A3H in calls, or for working, to coast stations which require the presence of a carrier for one or more of the several servicing functions, i.e.:

(i) Receiver frequency control (AFC);

(ii) Gain control;

(iii) Tuning indicator for manually tuned receivers; or

(iv) Control of any muting circuits.

(d) Were the Commission to permit type acceptance of new SSB equipment which did not have the capability to operate with emission A3A, a severe penalty would be imposed upon those Commission ship station licensees who, initially, purchased SSB equipment for use solely on the limited coast/ship station frequencies between 4 and 23 Mc/s, but later found a need to communicate with public coast stations but could not do so because that equipment did not have capability to operate with SSB emission A3A.

16. Collins expresses a view similar to that of RCA in regard to the mandatory inclusion in SSB equipment of emission A3A. It is Collins view that this is an unnecessary imposition upon those users who have no need whatever for A3A emission. Similiar to RCA, Collins points to the frequencies available to limited coast and ship stations, on which only SSB emission A3J may be employed, as a service where availability in equipment of emission A3A would serve no useful purpose. Collins makes no mention, however, of the fact that many users employ those sets for the dual purpose of communicating with both limited and public correspondence stations. Collins points out, correctly, that there is no compulsory requirement throughout the world that public correspondence frequencies must be operated with A3A emission. On the other hand, there is little doubt that many countries will employ emission A3A in their public correspondence coast stations. Further, it seems inevitable that those coast stations desiring to provide an improved radiotelephony service, employing the recently developed technique described by A.T. & T. and discussed elsewhere in this report and order, will employ emission A3A. Collins states that the ultimate objective should be to abandon A3A, as well as A3H, emission at some time in the future. As applied to the maritime mobile radiotelephony service, the Commission concurs that emission A3H should be phased out as soon as practicable, but feels it would be premature, at this time and in view of current trends, to conclude that A3A emission should be abandoned.

17. On the basis of these considerations, the recommendations of RCA and Collins that SSB emission A3A be not required, and the proposal of the USPS that only SSB emission A3J be required, are rejected and the rules are amended to require that SSB ship station equipment type accepted after the effective date of this report have the capability to operate in three SSB modes, i.e., emissions A3A, A3H, and A3J.

18. In reference to the proposed amendment of section 83.139, Raytheon requested clarification of the intended procedure for withdrawal of transmitters from the Commission's "Radio Equipment List, Equipment Acceptable for Licensing". For example, was it intended that, in implementing the provisions of section 83.139, a transmitter type accepted under Parts 83, 87, 89, and 91, would be withdrawn from all of these Parts, or would withdrawal be limited to Part 83. Under Commission procedures, withdrawal of type acceptance pursuant to section 83.139 would be limited to Part 83 and would not be applicable to other parts of the rules. Thus, the transmitter removed pursuant to section 83.139, which be continued in the "Radio Equipment List" as acceptable for licensing under Parts 87, 89, and 91.

19. In regard to proposed § 81.142(j) and 83.137(h), Raytheon requests that the specification of audiofrequency response, i.e., 350–2700 cps with a permitted amplitude variation which does not exceed 6 db, be deleted. Raytheon gives no explanation of the nature of difficulty which is imposed by the proposed regulation. The Commission, therefore, is unable to determine if such difficulty accrues from the particular bandwidth, or from the permitted amplitude of variation which was proposed. It is clear that the audio response characteristic is an essential element in any radiotelephone system where uniformity of performance, or a minimum performance, is required. It is also clear that, in adopting standards for a radiotelephone system, the specification of the limits of the audio bandwidth and the permitted variation of amplitude within that band, are in conformity with conventional engineering practices. However, from the discussion in paragraphs 5 through 8 it is clear that the positioning of the FM control tone within the authorized bandwidth will substantially fix the upper limit of the voice band. Further, if the FM control tone is transmitted at the −16 db level, as mentioned by A.T. & T., this, also will have impact upon the required configuration of the transmitter audiofrequency band.

20. Raytheon also requested that the additional requirement set forth in the second sentence in §§ 81.142(j) and 83.137(h) be clarified. Namely, that the attenuation outside the band 350–2700 c.p.s. be limited to that necessary to comply with the provisions of §§ 81.140 (and 83.136). The Radio Technical Commission for Marine Services (RTCM), in commenting in another proceeding, has urged that this additional requirement be deleted, on the basis that the requirement is adequately covered by the existing provisions of §§ 81.140 and 83.136 and that its deletion would eliminate the possible question of interpretation.

21. Based on the discussion in paragraphs 19 and 20, the Commmission is of the view that it would be premature to adopt these standards at this time and, therefore, the proposals set forth in the Notice §§ 81.142(j) and 83.137(h) are not adopted.

22. In regard to the identical footnotes "4" to §§ 81.133 and 83.133, Raytheon suggests this footnote be clarified and that the ending of the footnote, i.e., "* * * may continue to be operated.", be changed to read "* * * may continue to be operated indefinitely". In the view of the Commission, footnote 4 permits continued use of these transmitters for an indefinite period of time, since it does not specify a cutoff or limiting date. The addition of the word "indefinitely" in no way changes the length of the period of use of these transmitters and, therefore, would serve no useful purpose.

23. In their comments, Lorain expressed the view that ship stations operating on frequencies in the 4–23 Mc/s bands should be permitted to use DSB until January 1, 1977. The date on which ship stations, including those on the Great Lakes, are to discontinue use of DSB was resolved by the Commission in its report and order, Docket No. 15068, released July 27, 1964, which established the date of January 1, 1974. That proceeding provided an amortization period of 9½ years, which the Commission deems to be fully adequate.

24. Both LCA and Lorain urged that a 6 Mc/s frequency be made available for use on the Great Lakes. Lorain states that the Great Lakes operators have been promised on numerous occasions that an effort would be made to again acquire a 6 Mc/s frequency for use on the Great Lakes. Lorain also states that with increasing use of automation, there will be an urgent need of data transmission in the near future and, for reliable and complete communication systems, the use of a 6 Mc/s frequency, in addition to the present 4 and 8 Mc/s frequencies, is essential. The Commission shares the view of Lorain that there are substantial benefits to be derived from use of data/record communications by the maritime services. As the need for such systems develop, the Commission plans to accommodate ship stations in the narrow-band direct-printing telegraph and data transmission bands, which were allotted by the WARC and recently included in the rules, Part 83, section 83.320. This section presently provides frequencies at 4, 6, 8, 12, 16, and 22 Mc/s. On this basis, it will not be necessary to provide additional 6 Mc/s frequencies for ship station use for data/record communication. In regard to transmission of data from coast to ship stations, it is appropriate that frequencies be taken from the bands allocated for coast telegraphy.

25. Turning now to the matter of providing a 6 Mc/s frequency for radiotelephony use on the Great Lakes, it is noted that due to the limited number of frequencies available in bands allocated to the maritime services, it has been necessary to resort to derogation of the international allocation table to fulfill the needs of the Mississippi River System for 6 Mc/s frequencies. Derogation of the international allocation table is an undesirable alternative which, if applied to any extensive degree by the many telecommunication administrations of the world, would destroy the substantial benefits which accrue from that table. In view of the years of operation on the Great Lakes without a 6 Mc/s frequency, there would appear to be inadequate basis to warrant further derogation of the international allocational table in order to provide one or more 6 Mc/s frequencies for use on the Great Lakes.

26. There are other developments which support this course of action. The current developments in regard to employment of VHF to fulfill the communication requirements of commercial vessels on the Great Lakes is most encouraging. Canada has recently announced intent to provide full coverage of Canadian waters of the Great Lakes by use of VHF. This intent, aimed at completion in 1971, is supported by the Canadian maritime interests. The Great Lakes carriers, Lake Carrier's Association in particular, have had many years experience in use of VHF. The matter of expanded use of VHF as a means of avoiding or reducing the economic impact of converting from DSB to SSB on MF and HF has been under consideration by LCA for several years. If economically feasible, it is preferable to shift the Great Lakes to VHF, instead of converting to SSB on frequencies above 2000 kc/s.

27. On the basis of the foregoing situation, firstly, there is inadequate reason to warrant the Commission's undertaking the very substantial task involved in clearing, or attempting to clear, a 6 Mc/s radiotelephony frequency for use on the Great Lakes. Secondly, if the Great Lakes system is shifted to VHF, there would be no reason for addition of a 6 Mc/s frequency in the Great Lakes area. Thus, in the view of the Commission, it is not timely to give further consideration to addition of a 6 Mc/s radiotelephony frequency in the Great Lakes area.

28. The comments of LCA cover a wide latitude of subjects and are not directed to any particular proposal of the Commission. These comments fall more into the category of objection to the whole of the Commission's program than to any specific part thereof. At the end of these comments, LCA includes a paragraph which we assume comprehensively reviews the preceding text, and which reads as follows:

> In summary, the Lake Carriers Association emphasizes the need for careful planning in conversion to SSB and in splitting VHF channels. It is seriously concerned that the FCC proposes actions in these proceedings which would be premature and prejudicial to the orderly development of a conversion program. The Association therefore respectfully requests that the Commission not establish an implementation schedule that has effective dates earlier than those prescribed internationally.

29. In regard to LCA's reference to "splitting VHF channels", in the above summery, while treatment of VHF is not pertinent to this proceeding, it is appropriate to note that the VHF rulemaking (Docket No. 17295) was finalized by the Commission shortly before LCA filed their comments. The Commission released its report and order Docket No. 17295 on July 25, 1968, which, subsequently, was strongly contested by LCA. On April 28, 1969, a hearing commenced in the U.S. District Court, Northern District of Ohio Eastern Division to determine the effect of intermixture on VHF communications on the Great Lakes (Lake Carrier's Association, et al. v. United States and Federal Communications Commission, Case No. 19,488 in the U.S. Court of Appeals for the Sixth Circuit.) The hearing terminated May 16, 1969, testimony was given by 19 witnesses and a number of tests were received in evidence. The transcript ran more than 1,000 pages. The court concluded, based on all of the court's actual findings, that the safety of navigation on the Great Lakes had not been "seriously jeopardized," as alleged by LCA; nor are the vessels of petitioners and their crews thereby "exposed to increased hazards of collision and injury."

30. In regard to the above summary, LCA's major concern is that action should not be taken which would be premature and prejudicial to the orderly development of a program for conversion from DSB to SSB. LCA does not indicate that any specific Commission proposal, or the Commission's over all program would be either premature or prejudicial. Nonetheless, LCA requests "* * * that the Commission not establish an implementation schedule that has effective date earlier than those prescribed internationally."

31. Turning now to the international schedule for conversion from DSB to SSB in the bands between 4 and 23 Mc/s, two dates are significant, i.e., January 1, 1972, and January 1, 1978. On January 1, 1972: Any new installation of DSB in ship stations shall not be permitted; and coast stations shall cease use of all DSB emissions. The international schedule clearly states that "* * * administrations shall endeavor to discontinue the installation [aboard ship stations] of double sideband equipment at the earliest possible date after April 1, 1969." On January 1, 1978: Use of DSB shall be discontinued by ship stations and the only emissions which coast and ship stations may employ are A3A and A3J. In comparing the international schedule with the Commission's program, it is noted that the actions required by the two programs on January 1, 1972, are the same. With regard to the second date, the Commission's program calls for discontinuance of DSB by ship and coast stations on January 1, 1974, instead of the international schedule date of January 1, 1978.

32. The international schedule became effective April 1, 1969, and provides approximately 8½ years (ending Jan. 1, 1978) in which to complete the program for conversion from DSB to SSB. In comparison, the Commission's program was released July 27, 1964, and provides approximately 9½ years (ending Jan. 1, 1974), in which to complete conversion to SSB. The Commission's program (see report and order, released July 27, 1964, Docket No. 15068) was initiated by a notice of proposed rule making, released May 13, 1963. The report and order in that proceeding sets forth fully the basis and program adopted by the Commission for conversion to SSB. The 63 pages of that report and order include Commission consideration of the comments received. In regard to LCA comments filed in that proceeding, paragraph 3, page 1, states: "General opposition to the rulemaking was expressed by LCA." Approximately one and one-half pages of that report and order are given to discussion of LCA comments.

33. In regard to the first date, it is reasonable to assume that LCA can accept the Commission's program of actions called for on January 1, 1972, since they are essentially the same as those under the international schedule. In regard to the second date, the matter of discontinuance of DSB in the bands between 4 and 23 Mc/s was resolved with adoption by the Commission of the rule amendments released on July 27, 1964 (Docket No. 15068).

34. The USPC in its comments referred to the Commission's decision to discontinue use, effective January 1, 1974, of DSB emission in the maritime services bands between 4 and 23 Mc/s, as set forth in Docket No. 15068, released July 27, 1964. The USPS proposed this date be changed to January 1, 1978. In the 1964 proceeding the Commission provided a period of 9½ years in which to complete conversion from DSB to SSB. The USPS concurs that a period of 10 years for amortization of equipment has been accepted by past practice. The USPS argues that noncommercial boat owners who have purchased equipment in the past 5 years (1964–69), and those who will purchase equipment during the period 1969–74 will not be provided 10 years and, therefore, would have "just cause for bitter complaint". The USPS, therefore, concludes that the date for discontinuance of use of DSB in the 4–23 Mc/s bands should be moved from January 1, 1974, to January 1, 1978.

35. If we understand correctly the USPS argument, those noncommercial boat owners who purchased equipment during the period 1969–74 will have less than 10 years, before 1974, in which to amortize the cost of their equipment and, therefore, would have "just cause for bitter complaint". This problem should be minimal since the fact remains that the Commission provided a period of approximately 10 years in which to complete the transition from DSB to SSB in the bands between 4 and 23 Mc/s. On the basis of the foregoing considerations, the Commission is not persuaded there is need, or that the public interest would be served by postponement of its 1964 decision that in the maritime services bands between 4 and 23 Mc/s, use of DSB emission by ship stations be discontinued on January 1, 1974.

36. Collins proposed deletion of the provision from §§ 81.361(a) and 83.360 which prohibits use by aircraft of the maritime service frequencies between 4 and 23 Mc/s, available to limited coast and ship stations. Collins expresses the view that use of these limited coast/ship frequencies is the only means by which practicable communications may be provided between ships and coast stations, in the maritime services, and aircraft operated by ship operators. It is

apparent, of course, that the public correspondence frequencies in the bands between 2000 and 2850 kc/s and between 4 and 23 Mc/s are available to aircraft. Further, in amending Part 83 (Docket No. 17295, released July 25, 1968), one VHF–FM frequency (157.425 Mc/s) was provided for communication between commercial fishing vessels and associated aircraft while engaged in commercial fishing activities.

37. The question here is whether or not these arrangements may be categorized as "practicable" communications. In the absence of contrary information, the Commission is of the view that the above arrangements are both practicable and adequate. Taking into account (1) the large number of current maritime users which operate on these limited coast/ship station frequencies; (2) the arrangements now contained in the rules for communication with aircraft; (3) that the WARC reduced the number of frequencies available for use by limited coast/ship stations; and (4) that it is reasonable to expect a continuing growth in maritime usage of these frequencies, the Commission is not persuaded that it is either desirable or necessary to remove the prohibition against aircraft use of the limited coast/ship frequencies. Accordingly, this proposal is rejected.

38. Collins notes, in regard to §§ 81.361 and 83.351, that provision has been included in the rules to permit limited coast stations in ITU Region 2 to use 4136.5 kc/s and limited ship stations in Region 2 to use 4434.9 and 6518.6 kc/s, both on a simplex basis. In that regard, Collins points out that section 2.106 should be amended to include the substance of WARC footnotes ADD 1352.1 and ADD 1352A.2. Since the substance of these two WARC footnotes are contained in the above referenced sections of Parts 81 and 83, the further amendment of Part 2 is deemed unnecessary.

39. In regard to proposed §§ 81.361(b)(5) and 83.351(b)(24), applicable to the frequency 6518.6 kc/s and which states "Use should be limited to daytime", Collins states the WARC does not impose this limitation, and that 6518.6 kc/s should be available to U.S. station on both a day and night basis. The attention of Collins is called to WARC footnote ADD 1352A.2, the last sentence of which reads: "The use of 6518.6 kc/s * * * should be limited to daytime use * * *". Collins is correct the WARC does not limit use in ITU Region 2 of 6513.6 kc/s to daytime hours. The WARC recommends, however, that in ITU Region 2 this frequency be limited to daytime use. Since this same provision is contained in the proposed rules, §§ 81.361(b)(5) and 83.351(b)(24) are adopted without change, as set forth below.

40. Collins observed, correctly, that provision has not been included in the Alaska Rules, Part 85, § 85.152(a), for use of emission A2H on radiotelegraphy frequencies in Alaska. In a later proceeding, Docket No. 18632, released August 25, 1969, based on available information which indicates radiotelegraphy has not been used for a number of years on public coast and Alaska-public fixed frequencies above 1605 kc/s, the Commission proposed, except as specifically set forth in the proposed rules, that radiotelegraphy emissions on these frequencies be deleted. It is expected that comments received in response to Docket No. 18632 will clarify the matter of need for continued availability of radiotelegraphy on frequencies above 1605 kc/s in the Alaska area. The Commission will, therefore, treat the matter of use of radiotelegraphy in the Alaska area in Docket No. 18632.

41. Collins also noted that provision was not included in Part 85 § 85.152(a), for use of 121.5 Mc/s to bring its use into accord with the current provisions in Part 83, § 83.132(a)(iii). In Docket No. 18632, see above, the Commission proposed that Part 85 be merged into Parts 81 and 83 and that Part 85 be deleted. Under this proposal, § 83.132 would apply, also, to the Alaska area. This proposed action, when finalized, will correct the deficiency noted by Collins.

42. In their comments, relative to the public correspondence duplex radiotelephony frequencies available for use by A.T. & T. stations at Miami, Fla., New York, N.Y., and San Francisco, Calif., A.T. & T. requested appropriate provisions be included in the rules to permit any two stations to use the frequencies available at the third station. Under this arrangement, the three stations would have access to the total number of frequencies available at all three stations. An integral part of A.T. & T.'s plans is to provide means at each station whereby operating personnel at that station can immediately determine which frequency(s) is in use at the other two stations. Thus, it will be possible for licensees to obtain a higher utilization from the frequencies available. Since a substantial improvement in service rendered to the public will result, the Commission concurs with A.T. & T.'s request and, accordingly, has amended §§ 81.306(a)(1), 83.351, 83.354(a), and 83.355(a)(1) to include enabling provisions in the rules, as set forth below.

43. The need to fulfill other maritime services communication requirements, however, has prevented the allotment concurrent with transition to SSB, of both the upper and lower sideband channels of all DSB frequencies currently available or of the replacement frequencies provided by the WARC Agreement. Nonetheless, as viewed over all, it has been possible, as set forth in the attached appendix, to provide expansion, following conversion to SSB, of the number of frequencies available for the high seas service. The following table shows, for each megacycle order at each station, the number of frequencies currently available and primary allotments which will be available on January 1, 1974. This table does not indicate the number of additional frequencies which will be available as a result of the sharing described above.

Frequency band (Mc/s)	Miami		New York		San Francisco		Hawaii	
	Current	1974	Current	1974	Current	1974	Current	1974
4	1	1	3	3	1	2	1	1
8	1	2	2	4	1	3	1	1
13	1	2	2	2	1	2	1	1
17	0	1	2	3	1	2	1	1
22	0	1	2	3	1	2	0	0

44. While current developments in the Great Lakes area, as well as the comments filed in this proceeding, are viewed by the Commission as not necessitating expansion of the number of high frequencies available in that area, it is clear that it is not timely or appropriate to decrease the number of high frequency channels available in the Great Lakes. Therefore, with regard to frequencies available in the Great Lakes following conversion to SSB, the amendment of the rules as set forth in the attached appendix provide a "one-for-one" replacement, that is, the number of high frequency channels available in the Great Lakes after conversion to SSB is the same as the number of DSB channels currently available. The lower half-channels which will become available as a result of conversion to SSB have been deployed to satisfy need for expanded communication in other areas.

45. In the view of the Commission, the need for expanded communication lies principally in two areas: Public coast Class II–B stations located on the gulf coast and vessels operating in the Gulf of Mexico; and coast and ship stations operating in the Mississippi River and connecting inland waters (Mississippi River System), other than the Great Lakes.

46. As reported to the Commission, in brief, vessels operating in various parts of the Gulf of Mexico, because of distance, noise, and propagation conditions characteristic to that area, are unable to communicate, except during favorable conditions, with public correspondence Class II–B stations in Alabama, Florida, Louisiana, and Texas. Heretofore, only frequencies in the band 2000–2850 kc/s have been available to these stations. As set forth in the attached appendix, following conversion to SSB, three duplex pairs of 4 Mc/s radiotelephony SSB frequencies are added for use by ship stations and Class II–B public coast stations serving the gulf area, as follows:

Station located in the vicinity of—	Coast station	Ship station
Galveston and Corpus Christi, Tex.	4425.4	4126.8
Mobile, Ala., and Delcambre, La.	4412.6	4114.0
New Orleans, La., and Tampa, Fla.	4419.0	4120.4

47. A similar situation exists with regard to the Mississippi River system, in that, as a practical matter, the need for communication by the large number of vessels exceeds the capability of the limited number of frequencies, all of which are shared between ship stations and the public coast stations serving this system. Within this system, various operational techniques have been and are being employed by the users of the system to increase the utilization of available channels in an effort to satisfy their need for communication. Substantial improvement of the present system, however, is contingent upon additional frequencies being made available. In examining the figures of quantity of cargo moved by vessels operating in this system it is apparent that the vessels operating in the Mississippi River system are an inseparable part of the maritime services of this country and that they provide a service which is indispensable to the Nation's economy. To the extent that additional frequencies can be made available, the improved service should permit the several coast stations to operate independently of each other. As set forth below, separate simplex 4 and 8 Mc/s and shared simplex 13 and 17 Mc/s radiotelephony SSB frequencies are provided, following conversion to SSB for use by public coast stations and by ship stations operating in the Mississippi River system, as follows:

Station located in the vicinity of—	*Coast and ship stations, transmit and receive (transmit and receive—kc/s)*
Louisville, Ky	4069.2, 8780.0, 13158.0, 17283.0.
Memphis, Tenn	4088.4, 8246.0, 12379.0, 16488.0.
Pittsburgh, Pa	4387.0, 8207.6, 12379.0, 16488.0.
St. Louis, Mo	4367.8, 8210.8, 13158.0, 17283.0.

48. In their comments, Amcom, Ashland, and Gartman urged the Commission to expand the communication capability on the Mississippi River system by increasing the number of frequencies available and by removing the applicable conditions of use which limit use of the frequencies currently available. COM/NAV, in their comments, supported these requests for improvement of communications in this area. The Commission concurs that there is need for expansion and improvement in communication capability on the Mississippi River system and is of the view, following conversion to SSB and availability of the additional frequencies, that the measures outlined above and set forth in the attached appendix will meet the majority of the requests of these commentators.

49. An application for modification submitted solely for a frequency change that is necessary to comply with any rule amendments adopted as a result of this proceeding may be submitted without a fee.

50. For the reasons stated herein and to meet certain international implementation dates, the Commission finds that good cause exists for making these rule changes effective less than 30 days after publication. This action is taken pursuant to 5 U.S.C. 553.

51. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 2, 81, 83, and 85 of the Commission's rules are amended effective December 31, 1969, as set forth below.

52. *It is further ordered*, That the petition for rule making (RM–1132) filed by A.T. & T. is dismissed because the action taken herein provides the relief sought.

53. *It is further ordered*, That the proceeding in Docket No. 18271 is terminated.

Adopted: December 17, 1969.

Released: December 22, 1969.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082; 47 U.S.C. 164, 303)

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

§ 2.106 [Amended]

1. In § 2.106, the entries in column 7–11 for the 4063–4139.5, 4361–4438, 5950–6200, 6216.5–6244.5 and 8195–8281.2 kHz bands are amended to read as follows:

[3] Commissioner Johnson concurring in the result.

Federal Communications Commission

Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services	OF stations
7	8	9	10	11	
• • •	• • •	• • •	• • •	• • •	
4063–4139.5	MARITIME MOBILE.	Ship.		Ship (telephony).	
• • •	• • •	• • •	• • •	• • •	
4361–4438	MARITIME MOBILE.	Coast.		Coast (telephony).	
• • •	• • •	• • •	• • •	• • •	
5950–6200 (NG 25)	BROADCASTING.	International broadcasting.		International broadcasting.	
• • •	• • •	• • •	• • •	• • •	
6216.5–6244.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).	
• • •	• • •	• • •	• • •	• • •	
8195–8281.2	MARITIME MOBILE.	Ship.		Ship (telephony).	

• • • • • • • • •

2. In § 2.106, footnotes to the table, NG footnotes, NG29 is deleted, NG25 and NG27 are amended to read as follows:

NG25 The frequency 6147.5 kHz may be authorized for simplex operation by non-Government coast and ship radiotelephone stations operating in the Mississippi River system on the condition that harmful interference shall not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG27 The carrier frequencies 6451.9 and 6455.0 kHz may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations and that any interference from such services must be accepted.

B. Part 81, Stations on Land in the Maritime Services is amended as follows:

1. In § 81.131, subparagraph (3)(i) of paragraph (b) is amended by the addition of footnote 1 to read as follows:

§ 81.131 Authorized frequency tolerance.

• • • • • • • • •

(b) • • •

Frequency ranges	*Tolerance—parts in 10⁶ unless shown as cycles per second (c/s)*
(3) From 4000 to 27,500 kc/s:	
(i) For A3A, A3B, A3H, and A3J emissions	[1] 20 c/s

• • • • • • • • •

[1] Until Jan. 1, 1971, a tolerance of 15 parts per million is applicable to SSB and ISB transmitters employed at Class I public coast stations.

• • • • • • • • •

2. Subparagraph (2) of paragraph (a) and paragraph (d) of § 81.132 are amended to read as follows:

§ 81.132 Authorized classes of emission.

(a) • • •

(2) Coast stations using radiotelephony:

(i) For frequencies designated in § 81.304(a):	
2182 and 2638 kc/s	A3 and A3H.
All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 81.304 (a) and (b).

(ii) For frequencies designated in § 81.361(a) --- A3J.

(iii) For frequencies in the band 156 to 174 Mc/s -------- F3.

* * * * *

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

* * * * *

3. In § 81.133, paragraph (a) is amended to read as follows:

§ 81.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 81.132.

Classes of emission	Emission designator	Authorized bandwidth (kc/s)	
A1	0.16A1	0.3	
A2	2.66A2	2.8	
A3	6A3	8.0	
F1	[1] 0.3F1	[1] 0.5	
F3	[2] 16F3	[2] 20.0	
F3	[3] 36F3	[3] 40.0	
P0	Variable	Variable	
		1.6-4.0 Mc/s	[4] 0-23 Mc/s
A3A	2.8A3A	3.5	[4] 3.0
A3H	2.8A3H	3.5	[4] 3.0
A3J	2.8A3J	3.5	[4] 3.0
A3B	5.6A3B	7.0	7.0

[1] Narrow-band Direct-printing Telegraph and Data Transmission systems.

[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.

[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.

[4] Transmitters type accepted for operation in the 4-23 Mc/s band prior to Dec. 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kc/s may continue to be operated.

4. In § 81.137, subparagraph (2) of paragraph (a) is amended to read as follows:

§ 81.137 Transmitters required to be type accepted for licensing.

(a) * * *

(2) To single sideband and independent sideband transmitters when operating on frequencies below 27.5 Mc/s: *Provided, however,* That this requirement shall not apply until January 1, 1971, to transmitters in class I public coast stations when operating on frequencies between 4 and 27.5 Mc/s.

* * * * *

5. In § 81.140, the headnote is amended to read as follows:

§ 81.140 Emission limitations.

* * * * *

6. Section 81.142 is amended to read as follows:

§ 81.142 Modulation requirements.

(a) Transmitters using A3 emission shall be capable of proper technical operation with modulation of 75 percent on peaks but not more than 100 percent on negative peaks. Each such transmitter shall be so adjusted that the transmission of speech and the international radiotelephone alarm signal, if provision is made for transmission of the signal, normally produce peak modulation percentages within those limits.

(b) Transmitters using F3 emission in the band 156–162 Mc/s shall be capable of proper technical operation with a frequency deviation of ±5 kc/s, which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to December 31, 1969, that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however,* That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351(b)(13) of this chapter is applicable, may continue until further notice.

(e) In single sideband operation, the sideband on the higher frequency side of the carrier frequency shall be transmitted.

(f) Except as provided in paragraph (g) of this section, each radiotelephone transmitter licensed by the Commission for use of F3 or A3 emission in a coast, marine fixed, operational fixed or marine utility station on shore shall be provided with a device which automatically prevents modulation in excess of 100 percent.

(g) A modulation limiter as prescribed in paragraph (f) of this section is not required in the following stations or transmitters:

(1) Stations authorized for developmental operation;

(2) Transmitters of plate input power of 3 watts or less when used in marine utility stations or other stations of a portable nature;

(3) Transmitters using frequencies in the band 73.0–74.6 Mc/s in operational fixed stations authorized on December 1, 1961, which were first authorized or installed prior to July 1, 1950.

(h) Single sideband and independent sideband transmitters shall automatically limit the peak envelope power to the authorized transmitter power.

(i) Each transmitter operated in the bands 72.0–73.0 and 75.4–76.0 Mc/s shall be equipped with an audio low-pass filter. The audio low-pass filter shall be installed between the modulation limiter and the modulated stage, and, at audiofrequencies between 3 kc/s and 15 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 40 $\log_{10}$ (f3) decibels where "f" is the audiofrequency in kilocycles. At audiofrequencies above 15 kc/s, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc/s.

(j) Each transmitter [1] operated in the band 156–162 Mc/s shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radiofrequency) stage and, at audiofrequencies between 3 kc/s and 20 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 60 $\log_{10}$ (f/3) decibels, where "f" is the audiofrequency in kc/s. At audiofrequencies above 20 kc/s the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s.

7. In § 81.304, subparagraphs (2) and (3) of paragraph (a) are amended with respect to the 4–23 Mc/s band, and subparagraphs (1) through (22) of paragraph (b) are amended to read as follows:

§ 81.304 Frequencies available.

(a) * * *

(2)

Carrier frequencies (kc/s)		
Old frequency	New frequency	Conditions of use
(1)	(2)	(3)
4089.3	4069.2	3, 5, 12, 15.
4072.4	4072.4	3, 5, 18, 22.
	4088.4	3, 5, 20.
4374.3	4367.8	3, 5, 12, 15.
4377.4	4371.0	3, 5, 11, 14, 15, 18.
4393.5	4387.0	3, 5, 20.
4396.6	4390.2	11, 14, 15.
4406.3	4399.8	12, 15.
4409.4	4403.0	11, 14, 15.
4419.1	4412.6	12, 15.
4422.2	4415.8	11, 14, 15.
4425.5	4419.0	12, 15.
4428.6	4422.2	11, 14, 15.
4431.8	4425.4	12, 15.
4434.9	4428.6	11, 14, 15.
6236.9		16.
6240.0	6147.5	3, 5, 11, 16, 17.
6451.9	6451.9	3, 4, 5, 12.
6455.0	6455.0	3, 4, 5, 11.
8207.7	8207.6	3, 4, 12, 15.
8210.8	8210.8	3, 4, 11.
	8246.0	3, 5, 20.
8751.3	8735.2	12, 15.
8754.4	8738.4	11, 14, 15.
8764.1	8748.0	12, 15.
8767.2	8751.2	11, 14, 15.
8770.5	8754.4	12, 15.
8773.6	8757.6	11, 14, 15.
8789.7	8773.6	12, 15.
8792.8	8776.8	11, 14, 15.
8799.1		
	8780.0	3, 5, 20.
8799.2	8783.2	11, 14, 15.
8808.3	8792.8	12, 15.
8811.9	8796.0	11, 14, 15.
	12,379.0	3, 5, 20.
13,151.2		
13,154.5		
13,158.2	13,137.0	12, 15.
13,161.5	13,140.5	11, 14, 15.
13,172.2	13,151.0	12, 15.
13,175.5	13,154.5	11, 14, 15.
13,179.2		
	13,158.0	3, 5, 20.
13,182.5	13,161.5	11, 14, 15.
13,193.2	13,172.0	12, 15.
13,196.5	13,175.5	11, 14, 15.
	16,488.0	3, 5, 20.
17,304.2	17,289.0	12, 15.
17,307.5	17,272.5	11, 14, 15.
17,318.2		
	17,283.0	3, 5, 20.
17,321.5	17,286.5	11, 14, 15.
17,339.2	17,304.0	12, 15.
17,342.5	17,307.5	11, 14, 15.
17,353.2	17,318.0	12, 15.
17,356.5	17,321.5	11, 14, 15.
22,678.2	22,653.5	12, 15.
22,681.5	22,657.0	11, 14, 15.
22,692.2	22,667.5	12, 15.
22,695.5	22,671.0	11, 14, 15.
22,713.2	22,688.5	12, 15.
22,716.5	22,692.0	11, 14, 15.

(3) [Reserved]

* * * * *

(b) * * *

(1) [Reserved]

(2) [Reserved]

(3) Available for assignment to coast stations serving vessels on the Mississippi River and connecting inland waters: *Except,* That this frequency shall not be used by coast stations to serve vessels on the Great Lakes.

(4) Transmission is prohibited during the period from 8 p.m. to 5 a.m., c.s.t.

(5) Authorization to use this carrier frequency is subject to the express condition that harmful interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) [Reserved]

(7) [Reserved]

(8) [Reserved]

(9) [Reserved]

(10) [Reserved]

(11) Until January 1, 1972, emission A3, A3B, A3A, A3H, and A3J; during the period January 1, 1972, to January 1, 1974, emission A3A, A3H, and A3J; after January 1, 1974, emission A3A and A3J: *Provided, however,* That during the period January 1, 1974, to January 1, 1978, emission A3H may be used with foreign ship stations not equipped for single sideband operation.

NOTE: Future use of emission A3B in the maritime mobile service will be indefinite following transition to SSB and entry into force of the new SSB allotment plan adopted by the WARC, Geneva, 1967. The WARC, in Resolution No. MAR 13, specified its agreement that the WARC, 1973, must consider whether class A3B emission should be maintained after 1973.

(12) The frequency listed in column (2) is available for use with emissions A3A and A3J during the period March 1, 1970, to January 1, 1972: *Provided,* That harmful interference is not caused to systems still employing double sideband emission; and during the period January 1, 1972, to January 1, 1974; *Provided,* That harmful interference is not caused to ship station receivers employing double sideband techniques receiving a transmission on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(13) [Reserved]

(14) The changeover from the currently available frequencies listed in column (1) to the replacement frequency listed in column (2) shall be made at 0001 G.m.t., March 1, 1970. Except for equipment testing, transmission on the replacement frequency shall not commence prior to 0001 G.m.t., March 1, 1970.

(15) Authorization for use of the frequency listed in column (1) is withdrawn effective March 1, 1970.

(16) Authorization for use of the frequency listed in column (1) is withdrawn effective November 1, 1969.

(17) The frequency listed in column (2) is available for use on September 26, 1969.

(18) Authorization for use on the Mississippi River system of the frequency listed in column (2) is withdrawn effective January 1, 1974.

(19) [Reserved]

(20) Available January 1, 1974, for use with emissions 2.8A3A and 2.8A3J, with coast and ship stations operating (simplex) on the same channel.

(21) [Reserved]

(22) Until January 1, 1972, emission A3, A3B, A3A, A3H, and A3J; during the period January 1, 1972, to January 1, 1974, emission 2.8A3A, 2.8A3H, and 2.8A3J.

* * * * *

8. Paragraphs (a), (b), (c), and (e) of § 81.306 are amended to read as follows:

§ 81.306 Frequencies available below 27.5 Mc/s.

(a) The carrier frequencies designated herewith are assignable to class I public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided,* That the designated carrier frequencies below 5000 kc/s and above 22,650 kc/s are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided, further,* That the coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated herewith:

(1) Working frequencies below 5000 kc/s.

Coast station transmitting carrier frequency (kc/s)		Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc/s)	
Old frequency	New frequency		Old frequency	New frequency
2506	(*)	San Francisco, Calif.	2406	(*)
2530	(*)	Hawaii	2134	(*)
2580	(*)	New York, N.Y.	2198	(*)
4374.3	Deleted	San Francisco, Calif.	4089.3	Deleted
4377.4	[1] 4428.6	New York, N.Y.	4129.9	4130.0
4434.9	4428.6	San Francisco, Calif.[2]	4129.9	4130.0
4434.9	4428.6	Miami, Fla.	4129.9	4130.0
4377.4	4371.0	San Francisco, Calif.[2]	4072.4	4072.4
4377.4	4371.0	New York, N.Y.	4072.4	4072.4
4377.4	4371.0	Miami, Fla.	4072.4	4072.4
4393.5	Deleted	New York, N.Y.	4088.5	Deleted
4396.6	4390.2	New York, N.Y.[2]	4091.6	4091.6
4396.6	4390.2	San Francisco, Calif.[2]	4091.6	4091.6
4396.6	4390.2	Miami, Fla.	4091.6	4091.6
4406.3	4399.8	New York, N.Y.	4101.3	4101.2
4406.3	4399.8	San Francisco, Calif.[2]	4101.3	4101.2
4406.3	4399.8	Miami, Fla.	4101.3	4101.2
4409.4	4403.0	New York, N.Y.	4104.4	4104.4
4409.4	4408.0	San Francisco, Calif.[2]	4104.4	4104.4
4409.4	4403.0	Miami, Fla.	4104.4	4104.4
4419.1	Deleted	Hawaii	4114.1	Deleted
4422.2	4415.8	Hawaii[2]	4117.2	4117.2
4425.5	[3] 4419.0	Miami, Fla.	4120.5	4120.4
4425.5	4419.0	New York, N.Y.	4120.5	4120.4
4428.6	4422.2	Miami, Fla.[2]	4123.6	4123.6
4428.6	4422.2	New York, N.Y.	4123.6	4123.6
4428.6	4422.2	San Francisco, Calif.	4123.6	4123.6
4431.8	[3] 4425.4	New York, N.Y.	4126.8	4126.8
4431.8	4425.4	San Francisco, Calif.	4126.8	4126.8
[1] 4434.9	[1] 4428.6	New York, N.Y.	4129.9	4130.0
4434.9	4428.6	San Francisco, Calif.[2]	4129.9	4130.0
4434.9	4428.6	Miami, Fla.	4129.9	4130.0
8751.3	8735.2	San Francisco, Calif.	8201.3	8201.2
8751.3	8735.2	New York, N.Y.	8201.3	8201.2
8751.3	8735.2	Miami, Fla.	8201.3	8201.2
8754.4	8738.4	San Francisco, Calif.[2]	8204.4	8204.4
8754.4	8738.4	New York, N.Y.	8204.4	8204.4
8754.4	8738.4	Miami, Fla.	8204.4	8204.4
8764.1	8748.0	San Francisco, Calif.[2]	8214.1	8214.0
8767.2	8751.2	Hawaii[2]	8217.2	8217.2
8770.5	8754.4	New York, N.Y.	8220.5	8220.4
8770.5	8754.4	San Francisco, Calif.	8220.5	8220.4
8770.5	8754.4	Miami, Fla.[2]	8220.5	8220.4
8773.6	8757.6	New York, N.Y.[2]	8223.6	8223.6
8773.6	8757.6	San Francisco, Calif.	8223.6	8223.6
8773.6	8757.6	Miami, Fla.	8223.6	8223.6
[1] 8789.7	[1] 8773.6	Miami, Fla.	8239.7	8239.6
[1] 8789.7	[1] 8773.6	San Francisco, Calif.	8239.7	8239.6
[1] 8789.7	[1] 8773.6	New York, N.Y.	8239.7	8239.6
[1] 8792.8	[1] 8776.8	Miami, Fla.[2]	8242.8	8242.8
[1] 8792.8	[1] 8776.8	San Francisco, Calif.	8242.8	8242.8
[1] 8792.8	[1] 8776.8	New York, N.Y.	8242.8	8242.8
8808.8	8792.8	New York, N.Y.	8258.8	8258.8
8808.8	8792.8	San Francisco, Calif.[2]	8258.8	8258.8
8808.8	8792.8	Miami, Fla.	8258.8	8258.8
8811.9	8796.0	New York, N.Y.	8261.9	8262.0
8811.9	8796.0	San Francisco, Calif.[2]	8261.9	8262.0
8811.9	8796.0	Miami, Fla.	8261.9	8262.0
13,161.2	Deleted	Miami, Fla.	12,351.2	Deleted
13,164.5	Deleted	Miami, Fla.	12,354.5	Deleted
13,158.2	13,137.0	New York, N.Y.	12,358.2	12,358.0
13,158.2	13,137.0	San Francisco, Calif.	12,358.2	12,358.0

(2) Working frequencies between 5000 kc/s and 27.5 Mc/s.

Coast station transmitting carrier frequency (kc/s)		Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc/s)	
Old frequency	New frequency		Old frequency	New frequency
8751.3	8735.2	San Francisco, Calif.	8201.3	8201.2
8751.3	8735.2	New York, N.Y.	8201.3	8201.2
8751.3	8735.2	Miami, Fla.	8201.3	8201.2
8754.4	8738.4	San Francisco, Calif.[2]	8204.4	8204.4
8754.4	8738.4	New York, N.Y.	8204.4	8204.4
8754.4	8738.4	Miami, Fla.	8204.4	8204.4
8764.1	8748.0	San Francisco, Calif.[2]	8214.1	8214.0
8767.2	8751.2	Hawaii[2]	8217.2	8217.2
8770.5	8754.4	New York, N.Y.	8220.5	8220.4
8770.5	8754.4	San Francisco, Calif.	8220.5	8220.4
8770.5	8754.4	Miami, Fla.[2]	8220.5	8220.4
8773.6	8757.6	New York, N.Y.[2]	8223.6	8223.6
8773.6	8757.6	San Francisco, Calif.	8223.6	8223.6
8773.6	8757.6	Miami, Fla.	8223.6	8223.6
[1] 8789.7	[1] 8773.6	Miami, Fla.	8239.7	8239.6
[1] 8789.7	[1] 8773.6	San Francisco, Calif.	8239.7	8239.6
[1] 8789.7	[1] 8773.6	New York, N.Y.	8239.7	8239.6
[1] 8792.8	[1] 8776.8	Miami, Fla.[2]	8242.8	8242.8
[1] 8792.8	[1] 8776.8	San Francisco, Calif.	8242.8	8242.8
[1] 8792.8	[1] 8776.8	New York, N.Y.	8242.8	8242.8
8808.8	8792.8	New York, N.Y.	8258.8	8258.8
8808.8	8792.8	San Francisco, Calif.[2]	8258.8	8258.8
8808.8	8792.8	Miami, Fla.	8258.8	8258.8
8811.9	8796.0	New York, N.Y.	8261.9	8262.0
8811.9	8796.0	San Francisco, Calif.[2]	8261.9	8262.0
8811.9	8796.0	Miami, Fla.	8261.9	8262.0
13,161.2	Deleted	Miami, Fla.	12,351.2	Deleted
13,164.5	Deleted	Miami, Fla.	12,354.5	Deleted
13,158.2	13,137.0	New York, N.Y.	12,358.2	12,358.0
13,158.2	13,137.0	San Francisco, Calif.	12,358.2	12,358.0

[1] Transmitters type accepted after Mar. 1, 1969; transmitters type accepted prior to Mar. 1, 1969, shall be equipped by Jan. 1, 1971.

*Subject to separate rule making proceeding.

[1] Available for use annually at New York, N.Y. during period December 15 to March 15.

[2] Station of primary allotment.

[3] Subject to noninterference to use at locations set forth in paragraphs (b) and (c) of this section.

See footnotes at end of table.

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Coast station transmitting carrier frequency (kc/s)		Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc/s)	
Old frequency	New frequency		Old frequency	New frequency
13,158.2	13,137.0	Miami, Fla.[3]	12,358.2	12,358.0
13,161.5	13,140.5	New York, N.Y.[3]	12,361.5	12,361.5
13,161.5	13,140.5	San Francisco, Calif.	12,361.5	12,361.5
13,161.5	13,140.5	Miami, Fla.	12,361.5	12,361.5
13,172.2	13,151.0	San Francisco, Calif.[3]	12,372.2	12,372.0
13,175.5	13,154.5	Hawaii[3]	12,375.5	12,375.5
13,179.2	Deleted	San Francisco, Calif.	12,379.2	Deleted
13,182.5	13,161.5	San Francisco, Calif.[3]	12,382.5	12,382.5
13,182.5	13,161.5	New York, N.Y.	12,382.5	12,382.5
13,182.5	13,161.5	Miami, Fla.	12,382.5	12,382.5
13,193.2	13,172.0	New York, N.Y.	12,393.2	12,393.0
13,193.2	13,172.0	Miami, Fla.[3]	12,393.2	12,393.0
13,196.5	13,175.5	New York, N.Y.[3]	12,396.5	12,396.5
13,196.5	13,175.5	Miami, Fla.	12,396.5	12,396.5
17,304.2	17,269.0	San Francisco, Calif.[3]	16,474.2	16,474.0
17,307.5	17,272.5	Hawaii[3]	16,477.5	16,477.5
17,318.2	Deleted	New York, N.Y.	16,488.2	Deleted
17,321.5	17,286.5	New York, N.Y.[3]	16,491.5	16,491.5
17,321.5	17,286.5	San Francisco, Calif.	16,491.5	16,491.5
17,321.5	17,286.5	Miami, Fla.	16,491.5	16,491.5
17,339.2	17,304.0	San Francisco, Calif.	16,509.2	16,509.0
17,339.2	17,304.0	New York, N.Y.[3]	16,509.2	16,509.0
17,339.2	17,304.0	Miami, Fla.	16,509.2	16,509.0
17,342.5	17,307.5	San Francisco, Calif.	16,512.5	16,512.5
17,342.5	17,307.5	New York, N.Y.	16,512.5	16,512.5
17,342.5	17,307.5	Miami, Fla.	16,512.5	16,512.5
17,353.2	17,318.0	New York, N.Y.	16,523.2	16,523.0
17,353.2	17,318.0	Miami, Fla.[3]	16,523.2	16,523.0
17,356.5	17,321.5	New York, N.Y.[3]	16,526.5	16,526.5
17,356.5	17,321.5	Miami, Fla.	16,526.5	16,526.5
22,674.2	22,653.5	New York, N.Y.	22,028.2	22,028.0
22,674.2	22,653.5	Miami, Fla.[3]	22,028.2	22,028.0
22,681.5	22,657.0	New York, N.Y.[3]	22,031.5	22,031.5
22,681.5	22,657.0	Miami, Fla.	22,031.5	22,031.5
22,692.2	22,667.5	San Francisco, Calif.	22,042.2	22,042.0
22,692.2	22,667.5	New York, N.Y.[3]	22,042.2	22,042.0
22,692.2	22,667.5	Miami, Fla.	22,042.2	22,042.0
22,695.5	22,671.0	San Francisco, Calif.[3]	22,045.5	22,045.5
22,695.5	22,671.0	New York, N.Y.	22,045.5	22,045.5
22,695.5	22,671.0	Miami, Fla.	22,045.5	22,045.5
22,713.2	22,688.5	New York, N.Y.	22,063.2	22,063.0
22,713.2	22,688.5	San Francisco, Calif.[3]	22,063.2	22,063.0
22,713.2	22,688.5	Miami, Fla.	22,063.2	22,063.0
22,716.5	22,692.0	New York, N.Y.	22,066.5	22,066.5
22,716.5	22,692.0	San Francisco, Calif.[3]	22,066.5	22,066.5
22,716.5	22,692.0	Miami, Fla.	22,066.5	22,066.5

[1] Available for communication with ship stations in the Gulf of Mexico and the Caribbean area only. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

[4] Station of primary allotment.

(b) Subject to the specific limitations imposed in this paragraph and in § 81.304 with respect to particular frequencies, the carrier frequencies designated are assignable for working purposes to class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided, further*, That each coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated in this paragraph.

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency (kc/s)[1]				Associated coast station receiving carrier frequency (kc/s)[1]			
	Note 1	Note 2	Note 3	Conditions of use, note 4	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Boston, Mass.	2450			None	2366			None
	2506			None	2406			None
	2566			5, 9	2390			5, 9
New York, N.Y.	2482			6	2382			6
	2522			None	2126			None
	2558			None	2166			None
	2590			None	2198			None
	4096.6	4390.2	4390.2	1, 29, 32	4091.6	4091.6	4091.6	33
	4409.4	4403.0	4403.0	1, 29, 32	4104.4	4104.4	4104.4	33
		4422.2	4422.2	30, 32		4123.6	4123.6	33
	4434.0	4428.6	4428.6	1, 7, 10, 32, 29	4129.9	4130.0	4130.0	10, 33, 3, 7
Wilmington, Del.	2558			None	2166			None
Baltimore, Md.	2558			None	2166			None
Norfolk-Quantico, Va.	2538			None	2142			None
	2450			5, 9	2366			5, 9
Charleston, S.C.-Jacksonville, Fla.	2566			None	2390			None
Lake Allatoona-Lake Sidney, Lanier, Ga.	2450			5	2366			5
Miami, Fla.	2442			9	2406			9
	2490			8	2031.5			None
	2514			5, 11	2118			10
	2550			13	2158			12
			4371.0	31, 32			4072.4	33
		4403.0	4403.0	29, 32		4104.4	4104.4	33
	4428.6	4422.2	4422.2	1, 30, 32	4123.6	4123.6	4123.6	33
Tampa, Fla.	2466			None	2099			None
	2550			10	2158			10
			4419.0	32, 34			4120.4	33
Mobile, Ala.	2572			None	2430			None
			4412.6	32, 35			4114.0	33
New Orleans, La.	2598			None	2206			None
	2558			9, 14	2166			9
	2482			None	2382			None
			4419.0	32, 34			4120.4	33
Delcambre, La.	2506			5, 9	2458			5, 9
			4412.6	32, 35			4114.0	33
Galveston, Tex.	2530			None	2134			None
	2450			9, 16	2366			9, 15
			4425.4	32, 36			4126.8	33
Corpus Christi, Tex.	2538			18	2142			17
			4425.4	32, 36			4136.8	33
San Juan, P.R.	2530			None	2134			None
Great Lakes	2514			32	2118			None
	2550			32	2158			None
	2582			32	2206			19
	4422.2	4415.8	4415.8	1, 32	4117.2	4117.2	4117.2	33
	4434.9	4428.6	4428.6	1, 32	4129.9	4130.0	4130.0	3, 33
	8799.2	8783.2	8783.2	1, 32	8249.2	8249.2	8249.2	33
Los Angeles-San Diego, Calif.	2566			None	2099			None
	2466			21	2382			20
	2598			22	2206			22
	2522			22	2126			22
San Francisco-Eureka, Calif.	2450			24	2003			23
	2506			None	2406			None
	4377.4	4371.0	4371.0	1, 31, 32	4072.4	4072.4	4072.4	33
		4390.2	4390.2	29, 32		4091.6	4091.6	33
			4398.8	32, 31			4101.2	33
Astoria, Oreg.	2442			5, 9	2099			5, 9
Astoria-Portland, Oreg.	2598			None	2206			None
Coos Bay, Oreg.	2566			22	2031.5			5, 22
Seattle, Wash.	2522			None	2126			None
	2482			25	2430			26
Kahuku, Hawaii	2530			None	2134			None
	4422.2	4415.8	4415.8	1, 32	4117.2	4117.2	4117.2	33
Hilo, Hawaii	2582			None	2198			None

See footnotes at end of table.

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency (kc/s)[1]				Associated coast station receiving carrier frequency (kc/s)[1]			
	Note 1	Note 2	Note 3	Conditions of use, note 4	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Palmyra Island, Hawaii	2530			27	2134			26
St. Thomas Isl., Virgin Islands	2506			28	2009			28

[1] In the table, for duplex working on frequencies above 2850 kc/s, coast station transmitting carrier frequencies appear in columns (2), (3), and (4); ship station transmitting carrier frequencies appear in columns (6), (7), and (8). Coast and ship station frequencies appearing on the same line are paired, as follows: Column (2) is paired with column (6); column (3) with (7); and column (4) is paired with (8). In general: The frequencies in columns (2) and (6) are available prior to Mar. 1, 1970, for coast stations, and prior to May 1, 1970, for ship stations; those in columns (3) and (7) will be converted to SSB (see §§ 81.304 and 83.351: coast, Jan. 1, 1972; ship, Jan. 1, 1974); and those in columns (4) and (8) will be available after Jan. 1, 1974.

NOTE 1: Frequencies above 2850 kc/s shown in columns (2) and (6) are available for DSB emission prior to Mar. 1, 1970 (or May 1, 1970), and will not be available after that date.

NOTE 2: Frequencies above 2850 kc/s shown in columns (3) and (7) and available for DSB emission: Will replace the DSB frequencies shown in columns (2) and (6); and are available in accordance with the provisions of this section and the conditions of use set forth in §§ 81.304 and 83.351. The frequencies listed in columns (3) and (7) will not be available after Jan. 1, 1974.

NOTE 3: Frequencies above 2850 kc/s shown in columns (4) and (8) will be available for 2.8A3A and/or 2.8A3J emissions on Jan. 1, 1974, and will replace the frequencies listed in columns (3) and (7) on that date.

NOTE 4: The conditions of use referred to in columns (5) and (9) are set forth below the table.

(1) The frequency in column (2) is replaced by the frequency in column (3) in accordance with the conditions of use set forth in § 81.304.

(2) [Reserved]

(3) The frequency in column (6) is replaced by the frequency in column (7) in accordance with the conditions of use set forth in § 83.351 of this chapter.

(4) [Reserved]

(5) Available on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.

(7) Available for use annually during period December 15 to March 15.

(8) Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.

(9) Day only.

(10) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.

(11) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually on condition that harmful interference shall not be caused to the service of any coast station in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission.

(12) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(13) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(14) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kc/s is assigned for transmission.

(15) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(16) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission.

(17) Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(18) Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.

(19) Not available to U.S. ship stations for transmission.

(20) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(21) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(22) 7 a.m. to 7 p.m., P.s.t., only.

(23) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc/s to a coast station located in the vicinity of either of these ports.

(24) Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.

(25) Authorized for use south of 51° north latitude and east of 142° west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 85 of this chapter to which this carrier frequency is assigned for transmission: Annually from April 1 to September 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from October 1 to March 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.

(26) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, Hawaii, and is transmitting on this frequency to a coast station located in the vicinity of that port.

(27) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, Hawaii, to which the carrier frequency 2530 kc/s is assigned for transmission.

(28) 8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(29) New York, N.Y., is the station of primary assignment. Use of this frequency is shared with Miami, Fla., and San Francisco, Calif.

(30) Miami, Fla., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and San Francisco, Calif.

(31) San Francisco, Calif., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and Miami, Fla.

(32) In accordance with § 81.304.

(33) In accordance with § 83.351 of this chapter.

(34) Shared by New Orleans, La., Tampa and Miami, Fla. Use by Miami, Fla., is on a secondary basis to use by New Orleans, La., and Tampa, Fla.

(35) Shared by Mobile, Ala., and Delcambre, La.

(36) Shared by Galveston and Corpus Christi, Tex.

(c) Subject to the specific limitations imposed in this paragraph and in

§ 81.304 with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on the same radio channel: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective frequency:

Coast stations located in the vicinity of—	Coast and ship station transmitting and receiving carrier frequency (kc/s)				Conditions of use note 4
	Note 1	Note 2	Note 3		
(1)	(2)	(3)	(4)		(5)
Baltimore, Md	2400				(1)
Louisville, Ky	2782				(1)
	4069.3				(2)
	4072.4	4072.4	4069.2		
	4374.3				(2)
	4377.4	4371.0			
	6236.9				(3)
	6240.0	6147.5			(3)
	6451.9				(2)
	6455.0	6455.0	6455.0		
	8207.7				(2)
	8210.8	8210.8	8780.0		
			13,158.0		(4)
			17,283.0		(4)
Memphis, Tenn	2782				(1)
	4069.3				(2)
	4072.4	4072.4	4088.4		
	4374.3				(2)
	4377.4	4371.0			
	6236.9				(3)
	6240.0	6147.5			(3)
	6451.9		6451.9		(2)
	8207.7				(2)
	8210.8	8210.8	8246.0		
			12,379.0		(4)
			16,488.0		(4)
Pittsburgh, Pa	2782				(1)
	4069.3				(2)
	4072.4	4072.4			
	4374.3				(2)
	4377.4	4371.0	4387.0		
	6236.9				(3)
	6240.0	6147.5			(3)
	6451.9		6451.9		(2)
	6455.0	6455.0			
	8207.7		8207.6		(2)
	8210.8	8210.8			
			12,379.0		(4)
			16,488.0		(4)
St. Louis, Mo	2782				(1)
	4069.3				(2)
	4072.4	4072.4			
	4374.3				(2)
	4377.4	4371.0	4367.8		
	6236.9				(3)
	6240.0	6147.5	6147.5		(3)
	6451.9				(2)
	6455.0	6455.0			
	8207.7				(2)
	8210.8	8210.8	8210.8		
			13,158.0		(4)
			17,283.0		(4)
Lake Dallas-Lake Texhoma, Tex	2738				(1)
Lake Mead, Nev	2782				(1)
The Dalles-Umatilla, Oreg	2784				(1)

NOTE 1: Frequencies above 2850 kc/s shown in column (2), other than those to which footnote (2) or (3) is applicable, are available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J prior to Mar. 1, 1970.

NOTE 2: Frequencies above 2850 kc/s shown in column (3) are available during the period Mar. 1, 1970, to Dec. 31, 1973, for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J, and will replace the frequencies appearing on the same line in column (2) on Mar. 1, 1970.

NOTE 3: Frequencies above 2850 kc/s shown in column (4) are available effective Jan. 1, 1974, for use with emissions 2.8A3A and 2.8A3J and on that date will replace the frequencies shown in column (3). The frequencies appearing in column (3) will not be available after Dec. 31, 1973.

NOTE 4: The conditions of use referred to in column (5) are set forth below the table.

(1) Subject to a separate rule making proceeding.

(2) Until March 1, 1970, available for single sideband (SSB) emissions 2.8A3A and 2.8A3J on condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1 kc/s.

(3) Availability of 6236.9 and 6240 kc/s is withdrawn effective November 1, 1969. 6147.5 kc/s, the replacement frequency for 6240 kc/s, was made available effective September 25, 1969. Transition by ship and coast stations from 6240 to 6147.5 kc/s shall be effected during the period September 25–October 31, 1969.

(4) Availability of the frequency in column (4) for use during the period January 1, 1972, to January 1, 1974, is subject to the condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.2 or 3.5 kc/s.

* * * * * *

(e) Class II coast stations shall use frequencies within the band 4000 kc/s to 27.5 Mc/s only when the use of frequency assignments outside this band will not provide effective communication.

9. Section 81.361 is amended to read as follows:

§ 81.361 Frequencies available between 4 and 27.5 Mc/s.

(a) The following carrier frequencies may be authorized to limited coast stations for communication with ship stations operating on the same carrier frequency. The conditions of use are set forth in paragraph (b) of this section.

Carrier frequencies (kc/s)		
Available until Feb. 28, 1970	Available after Jan. 1, 1970	Conditions of use
(1)	(2)	(3)
4133.0	4139.5	1, 2, 3, 4.
4136.5	4136.3	1, 2, 3, 4.
	4434.9	1, 4.
6200.5	6210.4	1, 2, 3, 4.
6204.0 P	6213.5	1, 2, 3, 4.
6207.5	6518.6	1, 2, 3, 4, 5.
8273.0	8281.2	1, 2, 3, 4.
8276.5	8284.4	1, 2, 3, 4.
12,407.0		1, 3.
12,410.5	12,421.0	1, 2, 3, 4.
12,414.0	12,424.5	1, 2, 3, 4.
12,417.5	12,428.0	1, 2, 3, 4
16,537.0		1, 3.
16,540.5		1, 3
16,544.0		1, 3.
16,547.5		1, 3.
16,551.0	16,565.0	1, 2, 3, 4.
16,554.5	16,568.5	1, 2, 3, 4.
16,558.0	16,572.0	1, 2, 3, 4.
22,078.0		1, 3
22,081.5	22,094.5	1, 2, 3, 4.
22,085.0	22,098.0	1, 2, 3, 4.
22,088.5	22,101.5	1, 2, 3, 4.
22,092.0	22,105.0	1, 2, 3, 4.
22,095.5	22,108.5	1, 2, 3, 4.

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph:

(1) (i) The applicant must show that the desired communications are primarily over distances for which frequencies above 27.5 Mc/s would not be suitable;

(ii) These frequencies are available on a shared basis only and shall not be construed as available for the exclusive use of any one station license;

(iii) Normally no more than one frequency from each of the frequency bands will be authorized;

(iv) These frequencies are not authorized for use in communicating with stations aboard aircraft;

(v) Transmitter peak envelope power shall not exceed 1 kW; and

(vi) The class of emission shall be A3J.

(2) During the period December 1, 1969, to April 1, 1970, transition may be effected from the currently available frequency listed in column (1) to the replacement frequency listed in column (2).

(3) Authorization for use of the frequency listed in column (1) is withdrawn effective April 1, 1970.

(4) The frequency listed in column (2) will be available for assignment on and after December 1, 1969.

(5) Use should be limited to daytime.

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Subparagraph (2) of paragraph (a) and paragraph (d) of § 83.132 are amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(2) Stations using radiotelephony:

(i) For frequencies designated in § 83.351 (a):	
2182 kc/s and 2638 kc/s.	A3 and A3H.
2003 kc/s on the Great Lakes.	A3 and A3H.
(ii) All other frequencies.	A3, A3H, A3A, A3B, or A3J as specified in § 83.351 (a) and (b).
(iii) For the frequency 121.5 Mc/s.	A2.
(iv) For the frequency band 156 to 174 Mc/s.	F3.

* * * * * *

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

* * * * * *

2. In § 83.133, paragraph (a) is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) Unless otherwise specified in the station licçnse, ship stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 83.132.

Classes of emission	Emission designator	Authorized bandwidth (kc/s)	
		1.6–4.0 Mc/s	4.0–23 Mc/s
A1	0.18A1	0.3	
A2	2.66A2	2.8	
A3	6A3	8.0	
F1	[1] 0.3F1	[1] 0.5	
F3	[2] 16F3	[2] 20.0	
F3	[3] 36F3	[3] 40.0	
PO	Variable	Variable	
A3A	2.8A3A	3.5	[4] 3.0
A3H	2.8A3H	3.5	[4] 3.0
A3J	2.8A3J	3.5	[4] 3.0
A3B	5.6A3B	7.0	7.0

[1] Narrow-band Direct-printing Telegraph and Data Transmission systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Transmitters type accepted for operation in the 4–23 Mc/s band prior to Dec. 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kc/s may continue to be operated.

* * * * * *

3. In § 83.136, the headnote is amended to read as follows:

§ 83.136 Emission limitations.

* * * * * *

4. In § 83.137, paragraph (c) is amended; paragraphs (d) through (g) are redesignated (e) through (h); and a new paragraph (d) is added to read as follows:

§ 83.137 Modulation requirements.

* * * * * *

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to December 31, 1969, that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however*, That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351(b)(13) is applicable, may continue until further notice.

* * * * * *

5. In § 83.139, the headnote and paragraph (a) are amended and a new paragraph (c) is added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

(a) Except as provided by paragraph (c) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

* * * * * *

(c) **Effective January 1, 1972, DSB transmitters operating in the band 4000–27,500 kc/s will not be authorized for installations made aboard ship stations after that date: *Provided, however*, That in a ship radio station authorized to operate on frequencies in the band 4000–27,500 kc/s, DSB equipment may continue to be authorized for operation on frequencies in this band for a period not to extend beyond January 1, 1974, where a license:**

(1) Was granted prior to January 1, 1972, and

(2) Has not expired due to failure to renew; or

(3) Has not been canceled at the request of the licensee; or

(4) Has not been revoked by order of the Commission.

6. In § 83.351, subparagraphs (2) and (3) of paragraph (a) are amended with respect to the 4–23 Mc/s band, and in paragraph (b) subparagraphs (3)–(5) and (9)–(32) are amended, and subparagraphs (60)–(66) are added to read as follows:

§ 83.351 Frequencies available.

(a) * * *

(2)

Carrier frequencies (kc/s)		
Old frequency	New frequency	Conditions of use
(1)	(2)	(3)
4069.3	4069.2	3, 20, 26, 63, 64.
	4072.4	18, 28.
4072.4	4072.4	3, 20, 25, 26, 31, 65.
4088.5		
	4088.4	3, 20, 66.
4091.6	4091.6	14, 20.
4101.3	4101.2	20, 25, 26, 27.
4104.4	4104.4	14, 20.
4114.1	4114.0	20, 25, 26, 27.
4117.2	4117.2	14, 20.
4120.5	4120.4	20, 25, 26, 27.
4123.6	4123.6	14, 20.
4126.8	4126.8	20, 27.
4129.9	4130.0	14, 20, 25, 26, 27.
4133.0	4139.5	13, 16, 21, 22, 23.
4136.5	4136.3	13, 16, 21, 22, 23.
4374.3	4367.8	3, 20, 29, 62, 64.
4377.4	4371.0	3, 20, 25, 29, 31, 65.
	4387.0	3, 20, 66.
	4434.9	23, 16, 23.
6200.5	6210.4	13, 16, 21, 22, 23.
6204.0	6213.5	13, 16, 21, 22, 23.
6207.5	6518.6	13, 16, 21, 22, 23, 24.
6236.9		60.
6240.0	6147.5	3, 5, 15, 20, 60, 61.
6451.9	6451.9	3, 4, 20, 63, 64.
6455.0	6455.0	3, 4, 15, 20.
8201.3	8201.2	18, 25, 26, 27.
8204.4	8204.4	14, 18.
8207.7	8207.6	3, 20, 25, 26, 63, 64.
8210.8	8210.8	3, 15, 20, 25, 26.
8214.1	8214.0	18, 25, 26, 27.
8217.2	8217.2	14, 18.
8220.5	8220.4	18, 25, 26, 27.
8223.6	8223.6	14, 18.
8239.7	8239.6	18, 25, 26, 27.
8242.8	8242.8	14, 18.
8246.1		
	8246.0	3, 20, 66.
8249.2	8249.2	14, 20
8258.8	8258.8	18, 25, 26, 27.
8261.9	8262.0	14, 18, 25, 26, 27.
8273.0	8281.2	13, 16, 21, 22, 23.
8276.5	8284.4	13, 16, 21, 22, 23.
	8780.0	3, 20, 66.
12,351.2		
12,354.5		
12,358.2	12,368.0	18, 25, 26, 27.
12,361.5	12,361.5	14, 18.
12,372.2	12,372.0	18, 25, 26, 27.
12,375.5	12,375.5	14, 18.
12,379.2		
	12,379.0	3, 20, 66.
12,382.5	12,382.5	14, 18.
12,393.2	12,393.0	18, 25, 26, 27.
12,396.5	12,396.5	14, 18.
12,407.0		13, 16, 22.

Carrier frequencies (kc/s)		
Old frequency	New frequency	Conditions of use
(1)	(2)	(3)
12,410.5	12,421.0	13, 16, 21, 22, 23.
12,414.0	12,424.5	13, 16, 21, 22, 23.
12,417.5	12,428.0	13, 16, 21, 22, 23.
	13,158.0	3, 20, 66.
16,474.2	16,474.0	18, 25, 26, 27.
16,477.5	16,477.5	14, 18.
16,488.2		
	16,488.0	3, 20, 66.
16,491.5	16,491.5	14, 18.
16,509.2	16,509.0	18, 25, 26, 27.
16,512.5	16,512.5	14, 18.
16,523.2	16,523.0	18, 25, 26, 27.
16,526.5	16,526.5	14, 18.
16,537.0		13, 16, 22.
16,540.5		13, 16, 22.
16,544.0		13, 16, 22.
16,547.5		13, 16, 22.
16,551.0	16,565.0	13, 16, 21, 22, 23.
16,554.5	16,568.5	13, 16, 21, 22, 23.
16,558.0	16,572.0	13, 16, 21, 22, 23.
	17,283.0	3, 20, 66.
22,028.2	22,028.0	18, 25, 26, 27.
22,031.5	22,031.5	14, 18.
22,042.2	22,042.0	18, 25, 26, 27.
22,045.5	22,045.5	14, 18.
22,063.2	22,063.0	18, 25, 26, 27.
22,066.5	22,066.5	14, 18.
22,078.0		13, 16, 22.
22,081.5	22,094.5	13, 16, 21, 22, 23.
22,085.0	22,098.0	13, 16, 21, 22, 23.
22,088.5	22,101.5	13, 16, 21, 22, 23.
22,092.0	22,105.0	13, 16, 21, 22, 23.
22,095.5	22,108.5	13, 16, 21, 22, 23.

(3) [Reserved]

* * * * * *

(b) * * *

* * * * * *

(3) Available for use by ship stations aboard vessels operating on the Mississippi River and connecting inland waters: *Except*, That this frequency shall not be used by vessels when operating on the Great Lakes.

(4) Transmission by ship stations is prohibited during the period from 8 p.m. to 5 a.m., c.s.t.

(5) Use of this frequency is subject to the express condition that harmful interference shall not be caused to the service of any station which in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

* * * * * *

(9)–(12) [Reserved]

(13) Use of this frequency is limited to emission A3J only.

(14) Until January 1, 1974, emissions A3, A3A, A3B, A3H, and A3J; after January 1, 1974, use is limited to emission A3A and A3J: *Provided, however*, That availability of emission A3B after January 1, 1974, is dependent upon the decision taken by the ITU World Administrative Radio Conference, to be convened in 1973, in regard to continued use of that emission.

(15) Column (2): Until January 1, 1974, emissions A3, A3A, A3H, and A3J; after January 1, 1974, emissions A3A and A3J.

(16) Available for use in accordance with the provisions of § 83.360.

(17) [Reserved]

(18) Available for use in accordance with the provisions of § 83.355.

(19) [Reserved]

(20) Available for use in accordance with the provisions of § 83.354(a).

(21) During the period December 1, 1969, to April 1, 1970, transition may be effected from the currently available frequency listed in column (1) to the replacement frequency listed in column (2).

(22) Authorization for use of the frequency listed in column (1) is withdrawn effective April 1, 1970.

(23) The frequency listed in column (2) will be available for assignment and use on and after December 1, 1969.

(24) Use should be limited to daytime.

(25) During the period March 1, 1970, to May 1, 1970, transition may be effected from the currently available frequency listed in column (1) to the replacement frequency listed in column (2).

(26) Authorization for use of the frequency listed in column (1) is withdrawn effective May 1, 1970.

(27) Available January 1, 1974, for use with emissions 2.8A3A and 2.8A3J. Use during the period January 1, 1972, to January 1, 1974, is subject to the condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(28) The frequency listed in column (2) is available for use with emissions 2.8A3A and 2.8A3J on January 1, 1974.

(29) Authorization for use of the frequency listed in column (1) is withdrawn effective March 1, 1970.

(30) [Reserved]

(31) Until January 1, 1974, emissions A3, A3A, A3H, and A3J.

(32) [Reserved]

* * * * *

(60) Authorization for use of the frequency listed in column (1) is withdrawn on November 1, 1969.

(61) The frequency listed in column (2) is available for use on September 26, 1969.

(62) Column (1): Until March 1, 1970, available for single sideband (SSB) emissions 2.8A3A and 2.8A3J on condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(63) Column (1): Until May 1, 1970, available for single sideband (SSB) emissions A3A and A3J on condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(64) The frequency listed in column (2) is available for use with emissions A3A and A3J during the period March 1, 1970, to January 1, 1972: *Provided*, That harmful interference is not caused to systems still employing double sideband emission; and during the period January 1, 1972, to January 1, 1974: *Provided*, That harmful interference is not caused to ship station receivers employing double sideband techniques receiving a transmission on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(65) Authorization for use of the frequency listed in column (2) is withdrawn effective January 1, 1974.

(66) Effective January 1, 1974, limited to emissions A3A and A3J, the frequency listed in column (2) will be available for assignment on a simplex basis in the Mississippi River system.

7. The tables below subparagraphs (1) and (2) of paragraph (a) of § 83.354 are amended to read as follows:

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) * * *

(1) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio channels:

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kc/s) [1]				Associated coast station transmitting carrier frequency (kc/s) [1]			
	Note 1	Note 2	Note 3	Conditions of use, note 4	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Boston, Mass.	2366			None	2450			None
	2406			None	2506			None
	2390			5, 9	2566			5, 9
New York, N.Y.	2382			6	2482			6
	2126			None	2522			None
	2166			None	2558			None
	2198			None	2590			None
	4091.6	4091.6	4091.6	33	4396.6	4390.2	4390.2	1, 29, 32
	4104.4	4104.4	4104.4	33	4409.4	4403.0	4403.0	1, 29, 32
		4123.6	4123.6	33		4422.2	4422.2	30, 32
	4129.9	4130.0	4130.0	10, 33, 3	4434.9	4428.6	4428.6	1, 10, 32
Wilmington, Del.	2166			None	2558			None
Baltimore, Md.	2166			None	2558			None
Norfolk-Quantico, Va.	2142			None	2538			None
	2366			5, 9	2450			5, 9
Charleston, S.C.-Jacksonville, Fla.	2390			None	2566			None
Lake Allatoona-Lake Sidney, Lanier, Ga.	2366			5	2450			5
Miami, Fla.	2406			9	2442			9
	2031.5			None	2490			8
	2118			10	2514			5, 11
	2158			12	2550			13
			4072.4	33			4371.0	31, 32
		4104.4	4104.4	33		4403.0	4403.0	29, 32
	4123.6	4123.6	4023.6	33	4428.6	4422.2	4422.2	1, 30, 32
Tampa, Fla.	2009			None	2466			None
	2158			10	2550			10
			4130.4	33			4419.0	32, 34
Mobile, Ala.	2430			None	2572			None
			4114.0	33			4412.6	32, 35
New Orleans, La.	2206			None	2598			None
	2166			9	2558			9, 14
	2382			None	2482			None
			4120.4	33			4419.0	32, 34
Delcambre, La.	2458			5, 9	2506			5, 9
			4114.0	33			4412.6	32, 35
Galveston, Tex.	2134			None	2530			None
	2366			9, 15	2450			9, 16
			4126.8	33			4425.4	32, 36
Corpus Christi, Tex.	2142			17	2538			18
			4126.8	33			4425.4	32, 36
San Juan, P.R.	2134			None	2530			None
Great Lakes	2118			None	2514			32
	2158			None	2550			32
	2206			10	2582			32
	4117.2	4117.2	4117.2	33	4422.2	4415.8	4415.8	1, 32
	4129.9	4130.0	4130.0	3, 33	4434.9	4428.6	4428.6	1, 32
	8249.2	8249.2	8249.2	33	8799.2	8783.2	8783.2	1, 32
Los Angeles-San Diego, Calif.	2009			None	2866			None
	2382			20	2466			21
	2206			22	2598			22
	2126			22	2522			22
San Francisco-Eureka, Calif.	2003			23	2450			24
	2406			None	2506			None
	4072.4	4072.4	4072.4	33	4377.4	4371.0	4371.0	1, 31, 32
		4091.6	4091.6	33		4390.2	4390.2	29, 32
			4101.2	33			4399.8	29, 32
Astoria, Oreg.	2009			5, 9	2442			5, 9

See footnotes at end of table.

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kc/s) [1]				Associated coast station transmitting carrier frequency (kc/s) [1]			
	Note 1	Note 2	Note 3	Conditions of use, note 4	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Astoria-Portland, Oreg.	2206			None	2598			None
Coos Bay, Oreg.	2031.5			5, 22	2566			22
Seattle, Wash.	2126			None	2522			None
	2430			25	2482			25
Kahuku, Hawaii	2134			None	2530			None
	4117.2	4117.2	4117.2	33	4422.2	4415.8	4415.8	1, 32
Hilo, Hawaii	2198			None	2582			None
Palmyra Island, Hawaii	2134			26	2530			27
St. Thomas Isl., Virgin Islands	2009			28	2506			28

[1] In the table, for duplex working on frequencies above 2850 kc/s, mobile station transmitting carrier frequencies appear in columns (2), (3), and (4); coast station transmitting carrier frequencies appear in columns (6), (7), and (8). Coast and ship station frequencies appearing on the same line are paired, as follows: Column (2) is paired with column (6); column (3) with (7); and column (4) is paired with (8). In general: The frequencies in columns (2) and (6) are available prior to Mar. 1, 1970, for coast stations, and prior to May 1, 1970, for ship stations; those in columns (3) and (7) will be converted to 8SB (see §§ 81.304 and 83.351: coast, Jan. 1, 1972; ship Jan. 1, 1974); and those in columns (4) and (8) will be available after Jan. 1, 1974.

NOTE 1: Frequencies above 2850 kc/s shown in columns (2) and (6) are available for DSB emission prior to Mar. 1 1970 (or May 1, 1970), and will not be available after that date.

NOTE 2: Frequencies above 2850 kc/s shown in columns (3) and (7) and available for DSB emission: Will replace the DSB frequencies shown in columns (2) and (6); and are available in accordance with the provisions of this section and conditions of use set forth in § 81.304 and § 83.351. The frequencies listed in columns (3) and (7) will not be available after Jan. 1, 1974.

NOTE 3: Frequencies above 2850 kc/s shown in columns (4) and (8) will be available for 2.8A3A and/or 2.8A3J emissions on Jan. 1, 1974, and will replace the frequencies listed in columns (3) and (7) on that date.

NOTE 4: The conditions of use referred to in columns (5) and (9) are set forth below the table.

(1) The frequency in column (6) is replaced by the frequency in column (7) in accordance with the conditions of use set forth in § 81.304 of this chapter.

(2) [Reserved]

(3) The frequency in column (2) is replaced by the frequency in column (3) in accordance with the conditions of use set forth in § 83.351.

(4) [Reserved]

(5) Available on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.

(7) Available for use annually during period December 15 to March 15.

(8) Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.

(9) Day only.

(10) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.

(11) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission.

(12) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(13) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(14) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kc/s is assigned for transmission.

(15) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(16) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission.

(17) Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(18) Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.

(19) Not available to U.S. ship stations for transmission.

(20) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(21) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(22) 7 a.m. to 7 p.m., P.s.t., only.

(23) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc/s to a coast station located in the vicinity of either of these ports.

(24) Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.

(25) Authorized for use south of 51° north latitude and east of 142° west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 85 of this chapter to which this carrier frequency is assigned for transmission: annually from April 1 to September 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from October 1 to March 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.

(26) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, Hawaii, and is transmitting on this frequency to a coast station located in the vicinity of that port.

(27) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, Hawaii, to which the carrier frequency 2530 kc/s is assigned for transmission.

(28) 8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(29) New York, N.Y., is the station of primary assignment. Use of this frequency is shared with Miami, Fla., and San Francisco, Calif.

(30) Miami, Fla., is the station of primary assignment. Use of this frequency

is shared with New York, N.Y., and San Francisco, Calif.

(31) San Francisco, Calif., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and Miami, Fla.

(32) In accordance with § 81.304 of this chapter.

(33) In accordance with § 83.351.

(34) Shared by New Orleans, La., Tampa and Miami, Fla. Use by Miami, Fla., is on a secondary basis to use by New Orleans, La., and Tampa, Fla.

(35) Shared by Mobile, Ala., and Delcambre, La.

(36) Shared by Galveston and Corpus Christi, Tex.

(2) Frequencies available for use when the mobile stations and the coast station transmit alternately on the same radio channel:

Coast stations located in the vicinity of—	Ship and coast station transmitting and receiving carrier frequency (kc/s)			
	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)
Baltimore, Md	2400			(1)
Louisville, Ky	2782			(1)
	4069.3			(2)
	4072.4	4072.4	4069.2	
	4374.3			(2)
	4377.4	4371.0		
	6236.9			(3)
	6240.0	6147.5		(3)
	6451.9			(2)
	6455.0	6455.0	6455.0	
	8207.7			(2)
	8210.8	8210.8	8780.0	
			13,158.0	(4)
			17,283.0	(4)
Memphis, Tenn	2782			(1)
	4069.3			(2)
	4072.4	4072.4	4068.4	
	4374.3			(2)
	4377.4	4371.0		
	6236.9			(3)
	6240.0	6147.5		(3)
	6451.9		6451.9	(2)
	6455.0	6455.0		
	8207.7			(2)
	8210.8	8210.8	8246.0	
			12,379.0	(4)
			16,488.0	(4)
Pittsburgh, Pa	2782			(1)
	4069.3			(2)
	4072.4	4072.4		
	4374.3			(2)
	4377.4	4371.0	4387.0	
	6236.9			(3)
	6240.0	6147.5		(3)
	6451.9		6451.9	(2)
	6455.0	6455.0		
	8207.7		8207.6	(2)
	8210.8	8210.8		
			12,379.0	(4)
			16,488.0	(4)
St. Louis, Mo	2782			(1)
	4069.3			(2)
	4072.4	4072.4		
	4374.3			(2)
	4377.4	4371.0	4367.8	
	6236.9			(3)
	6240.0	6147.5	6147.5	(3)
	6451.9			(2)
	6455.0	6455.0		
	8207.7			(2)
	8210.8	8210.8	8210.8	
			13,158.0	(4)
			17,283.0	(4)
Lake Dallas-Lake Texhoma, Tex	2738			(1)
Lake Mead, Nev	2782			(1)

See footnotes at end of table.

Coast stations located in the vicinity of—	Ship and coast station transmitting and receiving carrier frequency (kc/s)			
	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)
The Dalles-Umatilla, Oreg	2784			(1)

NOTE 1: Frequencies above 2850 kc/s shown in column (2), other than those to which footnote (2) or (3) is applicable, are available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J prior to Mar. 1, 1970.

NOTE 2: Frequencies above 2850 kc/s shown in column (3) are available during the period Mar. 1, 1970, to Dec. 31, 1973, for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J, and will replace the frequencies appearing on the same line in column (2) on Mar 1, 1970.

NOTE 3: Frequencies above 2850 kc/s shown in column (4) are available effective Jan. 1, 1974, for use with emissions 2.8A3A and 2.8A3J and on that date will replace the frequencies shown in column (3). The frequencies appearing in column (3) will not be available after Dec. 31, 1973.

NOTE 4: The conditions of use referred to in column (5) are set forth below the table.

(1) Subject to a separate rule making proceeding.

(2) Until March 1, 1970, available for single sideband (SSB) emissions 2.8A3A and 2.8A3J on condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1 kc/s.

(3) Availability of 6236.9 and 6240 kc/s is withdrawn effective November 1, 1969. 6147.5 kc/s, the replacement frequency for 6240 kc/s, was made available effective September 25, 1969. Transition by ship and coast stations from 6240 to 6147.5 kc/s shall be effected during the period September 25–October 31, 1969.

* * * * *

8. In § 83.355, the table in paragraph (a)(1) is amended, paragraph (a)(2) is amended, paragraph (a)(3) is deleted and paragraph (b) is amended. The amended portions read as follows:

§ 83.355 Frequencies from 5000 kc/s to 27.5 Mc/s for public correspondence.

(a) * * *

(1) * * *

Ship station transmitting carrier frequency (kc/s)		Coast station located in the vicinity of—	Ship station receiving carrier frequency (kc/s)	
Old frequency	New frequency		Old frequency	New frequency
8,201.3	8,201.2	San Francisco, Calif	8,751.3	8,735.2
8,201.3	8,201.2	New York, N.Y.[3]	8,751.3	8,735.2
8,201.3	8,201.2	Miami, Fla	8,751.3	8,735.2
8,204.4	8,204.4	San Francisco, Calif.[3]	8,754.4	8,738.4
8,204.4	8,204.4	New York, N.Y.	8,754.4	8,738.4
8,204.4	8,204.4	Miami, Fla	8,754.4	8,738.4
8,214.1	8,214.0	San Francisco, Calif.[3]	8,754.1	8,748.0
8,217.2	8,217.2	Hawaii[3]	8,767.2	8,751.2
8,220.5	8,220.4	New York, N.Y.	8,770.5	8,754.4
8,220.5	8,220.4	San Francisco, Calif	8,770.5	8,754.4
8,220.5	8,220.4	Miami, Fla[3]	8,770.5	8,754.4
8,223.6	8,223.4	New York, N.Y.	8,773.6	8,757.6
8,223.6	8,223.6	San Francisco, Calif.[3]	8,773.6	8,757.6
8,223.6	8,223.6	Miami, Fla	8,733.6	8,757.6
8,239.7	8,239.6	Miami, Fla	[1] 8,789.7	[1] 8,773.6
8,239.7	8,239.6	San Francisco, Calif	[1] 8,789.7	[1] 8,773.6
8,239.7	8,239.6	New York, N.Y.	[1] 8,789.7	[1] 8,773.6
8,242.8	8,242.8	Miami, Fla	[1] 8,792.8	[1] 8,776.8
8,242.8	8,242.8	San Francisco, Calif	[1] 8,792.8	[1] 8,776.8
8,242.8	8,242.8	New York, N.Y.	[1] 8,792.8	[1] 8,776.8
8,258.8	8,258.8	New York, N.Y.	8,808.8	8,792.8
8,258.8	8,258.8	San Francisco, Calif.[3]	8,808.8	8,792.8
8,258.8	8,258.8	Miami, Fla	8,808.8	8,792.8
8,261.9	8,262.0	New York, N.Y.	8,811.9	8,796.0
8,261.9	8,262.0	San Francisco, Calif	8,811.9	8,796.0
8,261.9	8,262.0	Miami, Fla	8,811.9	8,796.0
12,351.2	Deleted	Miami, Fla	13,151.2	Deleted
12,354.5	Deleted	Miami, Fla	13,154.5	Deleted
12,358.2	12,358.0	New York, N.Y.	13,158.2	13,137.0
12,358.2	12,358.0	San Francisco, Calif	13,158.2	13,137.0
12,358.2	12,358.0	Miami, Fla.[3]	13,158.2	13,137.0
12,361.5	12,361.5	New York, N.Y.[3]	13,161.5	13,140.5
12,361.5	12,361.5	San Francisco, Calif	13,161.5	13,140.5
12,361.5	12,361.5	Miami, Fla	13,161.5	13,140.5
12,372.2	12,372.0	San Francisco, Calif.[3]	13,172.2	13,151.0
12,378.5	12,378.5	Hawaii[3]	13,175.5	13,154.5
12,379.2	Deleted	San Francisco, Calif	13,179.2	Deleted
12,382.5	12,382.5	San Francisco, Calif.[3]	13,182.5	13,161.5
12,382.5	12,382.5	New York, N.Y.	13,182.5	13,161.5
12,382.5	12,382.5	Miami, Fla	13,182.5	13,161.5
12,393.2	12,393.0	New York, N.Y.	13,193.2	13,172.0
12,393.2	12,393.0	Miami, Fla.[3]	13,193.2	13,172.0
12,396.5	12,396.5	New York, N.Y.[3]	13,196.5	13,175.5
12,396.5	12,396.5	Miami, Fla	13,196.5	13,175.5
16,474.2	16,474.0	San Francisco, Calif.[3]	17,304.2	17,289.0
16,477.5	16,477.5	Hawaii[3]	17,307.5	17,272.5
16,488.2	Deleted	New York, N.Y.	17,318.2	Deleted
16,491.5	16,491.5	New York, N.Y.[3]	17,321.5	17,286.5
16,491.5	16,491.5	San Francisco, Calif	17,321.5	17,286.5
16,491.5	16,491.5	Miami, Fla	17,321.5	17,286.5
16,509.2	16,509.0	San Francisco, Calif	17,339.2	17,304.0
16,509.2	16,509.0	New York, N.Y.[3]	17,339.2	17,304.0
16,509.2	16,509.0	Miami, Fla.[3]	17,339.2	17,304.0
16,512.5	16,512.5	San Francisco, Calif.[3]	17,342.5	17,307.5
16,512.5	16,512.5	New York, N.Y.	17,342.5	17,307.5
16,512.5	16,512.5	Miami, Fla	17,342.5	17,307.5
16,523.2	16,523.0	New York, N.Y.	17,353.2	17,318.0
16,523.2	16,523.0	Miami, Fla.[3]	17,353.2	17,318.0
16,526.5	16,526.5	New York, N.Y.[3]	17,356.5	17,321.5
16,526.5	16,526.5	Miami, Fla	17,356.5	17,321.5
22,028.2	22,028.0	New York, N.Y.	22,678.2	22,653.5
22,028.2	22,028.0	Miami, Fla.[3]	22,678.2	22,653.5
22,031.5	22,031.5	New York, N.Y.[3]	22,681.5	22,657.0
22,031.5	22,031.5	Miami, Fla	22,681.5	22,657.0
22,042.2	22,042.0	San Francisco, Calif	22,692.2	22,667.5
22,042.2	22,042.0	New York, N.Y.[3]	22,692.2	22,667.5
22,042.2	22,042.0	Miami, Fla	22,692.2	22,667.5
22,045.5	22,045.5	San Francisco, Calif.[3]	22,695.5	22,671.0
22,045.5	22,045.5	New York, N.Y.	22,695.5	22,671.0
22,045.5	22,045.5	Miami, Fla	22,695.5	22,671.0
22,063.2	22,063.0	New York, N.Y.	22,713.2	22,688.5
22,063.2	22,063.0	San Francisco, Calif.[3]	22,713.2	22,688.5
22,063.2	22,063.0	Miami, Fla	22,713.2	22,688.5
22,066.5	22,066.5	New York, N.Y.[3]	22,716.5	22,692.0
22,066.5	22,066.5	San Francisco, Calif.[3]	22,716.5	22,692.0
22,066.5	22,066.5	Miami, Fla	22,716.5	22,692.0

[1] Available for communication with ship stations in the Gulf of Mexico and the Caribbean area only. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

[3] Station of primary allotment.

(2) Carrier frequencies authorized for use by ship stations on board vessels while navigated on the Great Lakes; exclusively for communication with coast stations in the Great Lakes area, when the ship station and the coast station transmit alternately on different frequencies. Ship stations shall receive transmission from the particular coast stations on the designated associated receiving frequency:

Ship station transmitting carrier frequency (kc/s)		Ship station receiving carrier frequency (kc/s)	
Old frequency	New frequency	Old frequency	New frequency
8249.2	8249.2	8790.2	8783.2

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in § 83.351. Ship stations shall use frequency assignments within the band 5000 kc/s to 27.5 Mc/s only when frequency assignments below 5000 kc/s or above 27.5 Mc/s will not provide effective communication.

D. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska, is amended as follows:

1. The table in paragraph (a) and paragraph (d) of § 85.152 are amended to read as follows:

§ 85.152 Authorized classes of emission.

(a) * * *

Frequency or frequency band	Class of station	Emission
(1) For telegraphy:		
50 to 9000 kc/s	Fixed	A1.
415 to 490 kc/s	Coast	A1; A2 for brief testing and distress, urgency and safety signals, or any communication preceded by one of these signals.
490 to 515 kc/s	Coast	A1 and A2.
405 to 515 kc/s	Ship	A1 and A2.
1605 to 3400 kc/s	Coast and ship.	A1.
(2) For telephony:		
1605 to 4000 kc/s except for 2182 and 2638 kc/s.	Fixed, coast and ship.	A3, A3A, A3H, and A3J.
4000 to 9000 kc/s	Fixed	A3, A3A, A3H, and A3J.
4000 to 9000 kc/s	Coast	Until Jan. 1, 1972, emission A3, A3A, A3H, and A3J; during the period Jan 1, 1972, to Jan. 1, 1974, emission A3A, A3H, and A3J; after Jan. 1, 1974, emission A3A and A3J; *Provided, however,* During the period Jan. 1, 1974, to Jan. 1, 1978, emission A3 may be used with ship stations not equiped for single side-band operations.
4000 to 9000 kc/s	Ship	Until Jan. 1, 1974, emissions A3, A3A, A3H, and A3J; after Jan. 1, 1974, use is limited to emissions A3A and A3J.
2182 kc/s	Coast and ship.	A3 and A3H.
2638 kc/s	Ship	A3 and A3H.
156 to 174 Mc/s	Coast and ship.	F3.

* * * * *

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3–6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power

* * * * *

2. Section 85.259 is amended to read as follows:

§ 85.259 Frequencies for ship-shore and ship to ship communication by telegraphy or telephony in all zones.

Each of the following frequencies is an authorized carrier frequency for use in accordance with Subpart E of this part, by coast and ship stations in all zones of the Alaska area, as designated herewith:

(a) 1622 kc/s and 2382 kc/s: For communication by telegraphy and/or telephony between public coast stations and public ship stations on board any type of vessel.

(b) 1622 kc/s: For intership communication (for business, operational and safety purposes) by telegraphy and/or telephony between ships on board vessels of less than 500 gross tons.

(c) 2382 kc/s: For intership communication (for business, operational and safety purposes) by telegraphy and/or telephony between ships on board vessels of 500 gross tons or more.

(d) 4390.2 kc/s: The conditions of use and limitations applicable to this and to the replacement frequency are as follows:

(1) Primarily for communication by telephony between public coast stations and public ship stations on board any type of vessel, during the hours from 6 a.m. to 9 p.m. local standard time;

(2) During these hours, the frequency may also be used, on a secondary basis, in accordance with the following limitations:

(i) When used between public coast stations:

(*a*) The separation between public coast stations shall not be less than 50 statute miles;

(*b*) Communication shall be limited to the exchange of public correspondence under conditions which make it necessary to use this frequency for this purpose in lieu of a carrier frequency specifically designated in Subpart F of this part for fixed service;

(*c*) Priority shall be given at all times to ship-shore communication.

(ii) When used between ship stations on board any type of vessel for business, operational, and safety purposes, the following limitations shall apply:

(*a*) Harmful interference shall not be caused to the service of any coast station using telephony;

(*b*) Insofar as practicable, use shall be limited to the relatively longer distances over which the use of frequencies below 3400 kc/s or above 156 Mc/s would not be effective.

(3) To conform to the revised international radio regulations adopted at Geneva, 1967, the following transition to the replacement frequency and to SSB shall be effected in accordance with the following schedule:

(i) Coast stations: Until March 1, 1970, 0001 G.m.t., the frequency 4390.2 kc/s is available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. Effective 0001 G.m.t., March 1, 1970, the frequency 4383.8 kc/s will replace 4390.2 kc/s and 4390.2 kc/s will cease to be available. Until January 1, 1972, the frequency 4383.8 kc/s will be available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J; and, effective January 1, 1972, emissions 2.8A3A and 2.8A3J only may be employed.

(ii) Ship stations: During the period March 1 to May 1, 1970, ship stations shall shift from 4390.2 kc/s to the replacement frequency 4383.8 kc/s. Until May 1, 1970, the frequency 4390.2 kc/s will be available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. The frequency 4383.8 kc/s will be available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J; and, effective January 1, 1974, emissions 2.8A3A and 2.8A3J only may be employed.

3. In § 85.264, paragraph (k) is amend to read as follows:

§ 85.264 Frequencies available in particular zones.

* * * * *

(k) The frequencies 4409.4 and 4434.9 kc/s are authorized, until 0001 G.m.t., March 1, 1970, for telephony exclusively; for use during the hours 6 a.m. to 9 p.m. local standard time only. Availability and use of the frequency 4434.9 kc/s is subject to the condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area.

(1) Coast stations shall shift from the present DSB channels to the replacement DSB channels as set forth in the following table at 0001 G.m.t., March 1, 1970:

Zone	Present, to 0001 G.m.t. Mar. 1, 1970 (DSB or SSB) (kc/s) [1]	Effective 0001 G.m.t. Mar. 1, 1970 (DSB or SSB) (kc/s) [1]
Zone 1	4409.4	4403.0
Zone 2	4409.4	4403.0
Zone 3	4409.4	4403.0
Zone 4	4434.9	4428.6
Zone 5	4434.9	4428.6
Zone 6	4434.9	4428.6

[1] Emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(2) Effective January 1, 1972, or an earlier date where facilities permit, coast stations shall:

(i) Discontinue use of DSB emission on frequencies in the band 4361–4438 kc/s; and

(ii) Employ frequencies in the 4361–4438 kc/s band in zones of the Alaska area as set forth in the following table:

Zone	Effective 0001 G.m.t. Mar. 1, 1970 (DSB or SSB) (kc/s) [1]	Effective Jan. 1, 1972 (SSB only) (kc/s) [2]
Zone 1	4403.0	4403.0
Zone 2	4403.0	4428.6
Zone 3	4403.0	4399.8
Zone 4	4428.6	4425.4
Zone 5	4428.6	4428.6
Zone 6	4428.6	4403.0

[1] Emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.
[2] Emissions 2.8A3A and 2.8A3J only.

(3) During the period March 1 to May 1, 1970, ship stations shall shift from present DSB channels to replacement DSB channels as set forth in the following table:

	Present until May 1, 1970 (DSB or SSB) (kc/s) [1]	Effective May 1, 1970 (DSB or SSB) (kc/s) [1]
Zone 1	4409.4	4403.0
Zone 2	4409.4	4403.0
Zone 3	4409.4	4403.0
Zone 4	4434.9	4428.6
Zone 5	4434.9	4428.6
Zone 6	4434.9	4428.6

[1] Emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(4) Effective January 1, 1974, or an earlier date where facilities permit, ship stations shall:

(i) Discontinue use of double sideband emission on frequencies in the band 4361–4438 kc/s; and

(ii) Employ frequencies in the 4361–4438 kc/s band in zones of the Alaska area as set forth in the following table:

Zone	Effective May 1, 1970 (DSB or SSB) (kc/s) [1]	Effective Jan. 1, 1974 (SSB only) (kc/s) [2]
Zone 1	4403.0	4403.0
Zone 2	4403.0	4428.6
Zone 3	4403.0	4399.8
Zone 4	4428.6	4425.4
Zone 5	4428.6	4428.6
Zone 6	4428.6	4403.0

[1] Emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.
[2] Emissions 2.8A3A, and 2.8A3J.

* * * * *

[F.R. Doc. 69–15198; Filed, Dec. 23, 1969; 8:45 a.m.]

PART 89—PUBLIC SAFETY RADIO SERVICES
PART 91—INDUSTRIAL RADIO SERVICES
PART 93—LAND TRANSPORTATION RADIO SERVICES

Extension of Time for Compliance With Frequency Changes in 450–470 MHz Band

1. The rules adopted in the second report and order in Docket 13847, FCC 68–128, 11 FCC 2d 648 (1968), require many licensees in the Public Safety, Industrial, and Land Transportation Radio Services to change frequencies by January 1, 1970, either because the frequencies assigned to them have been reallocated or because changes are needed to separate the base from the mobile frequencies assigned to them by five MHz. A large volume of applications have been filed for this purpose but it appears that the Commission will not be able to process a substantial number of them in time to permit the required changes by January 1, 1970.

2. *Accordingly, it is ordered,* Pursuant to section 4(i) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, that the appropriate rules in Parts 89, 91, and 93 of the rules are waived to the extent necessary to permit the above-described licensees who have filed proper applications prior to January 1, 1970, to continue to operate their radio systems up to and 60 days after the date their applications are granted.

Adopted: December 18, 1969.

Released: December 19, 1969.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69–15263; Filed, Dec. 23, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1124]

[Docket No. AO 368]

MILK IN OREGON-WASHINGTON MARKETING AREA; CORRECTION

The tentative order included in the decision issued October 24, 1969 (34 F.R. 17684) and the order issued November 24, 1969 (34 F.R. 18897), are hereby corrected as follows:

In § 1124.46(a)(1), the reference to "§ 1124.41(c)(5)" is changed to "§ 1124.41(c)(6)."

Signed at Washington, D.C., on December 20, 1960.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–15299; Filed, Dec. 23, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–WE–86]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation regulations which would designate a control zone and transition area for MCALF Camp Pendleton, Calif.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Two new approach procedures established on the Camp Pendleton TACAN are proposed utilizing the 043° T (028° M) and 224° T (209° M) as final approach radials. The proposed control zone will provide controlled airspace protection for aircraft operating below 1,000 feet above the surface. The proposed 700 foot transition area will provide controlled airspace protection for aircraft operating below 1,500 feet MSL and above 700 feet above the surface.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 the following control zone is added.

CAMP PENDLETON, CALIF.

Within a 5-mile radius of MCALF Camp Pendleton (latitude 33°18'04" N., longitude 117°21'06" W.); within 2 miles each side of the Camp Pendleton TACAN 043° radial extending from the 5 mile radius zone to 7 miles northeast of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 the following transition area is added.

CAMP PENDLETON, CALIF.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Camp Pendleton TACAN 043° radial, extending from 7 to 18 miles northeast of the TACAN; within 2 miles each side of the Camp Pendleton TACAN 224° radial, extending from an arc of a 5-mile radius circle centered on Camp Pendleton Airport (latitude 33°18'04" N., longitude 117°21'06" W.) to 6 miles southwest of the TACAN.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 12, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69–15250; Filed, Dec. 23, 1969; 8:47 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69–22; Notice No. 1]

SEAT BELT ASSEMBLIES; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

Motor Vehicle Safety Standard No. 209

The Federal Highway Administrator is considering amending Motor Vehicle Safety Standard No. 209 in § 371.21 of Title 49, CFR, to specify dynamic performance requirements and test procedures for seat belt assemblies.

In general, Motor Vehicle Safety Standard No. 209 provides that seat belt assemblies shall be tested to ascertain whether they measure up to the standard's criteria for strength and other performance characteristics by static tests. While a static test provides an adequate gauge of a seat belt's strength, it is less than wholly satisfactory in other respects; it does not test the effects of inertial loading on buckle latches or release mechanisms, and it does not test all facets of the capability of a seat belt assembly to restrain an occupant under the dynamic loading conditions he experiences during an actual crash. For these reasons, the Administrator is considering adding dynamic test procedures, which more nearly simulate crash conditions, to the standard.

It is anticipated that these amendments would become effective not later than January 1, 1972.

Interested persons are invited to submit written data, views, or arguments pertaining to this advance notice. Comments must identify the docket number and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 4221, 400 Seventh Street SW., Washington, D.C. 20591. All comments received before the close of business on March 24, 1970, will be considered by the Administrator. All comments will be available for examination in the Rules Docket at the above address both before and after the closing date for comments.

The Administrator particularly invites the submission of comments and information on the following subjects:

(1) The availability of dynamic test facilities for testing seat belt assemblies, and the ability of those facilities to produce accurate and repeatable results.

(2) The capability of dynamic test facilities for producing a given pulse shape, such as a half-sine wave.

(3) The deceleration curves measured at or near the base of the seat, and the

measured seat belt loads during a 30-miles-per-hour forward barrier impact test of a vehicle.

(4) The advisability of requiring standard geometry anchorage locations for tests of seat belt assemblies as contrasted with the geometry of the anchorage locations in the vehicle in which the assembly will be installed.

(5) The type of dummy, torso block, or other device that should be prescribed for use in tests of seat belts, evaluated in terms of realistic simulation of a human occupant's characteristics, initial cost, its durability, and the extent to which the device produces repeatable test results.

(6) The desirability and practicability of using a standard seat as contrasted with a seat from a vehicle in which the seat belt assembly will be installed to support the dummy, torso block, or other test device during dynamic tests of a seat belt assembly.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on December 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-15251; Filed, Dec. 23, 1969; 8:46 a.m.]

[49 CFR Part 371]

[Docket No. 69-26; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Fixed Collision Barrier

The Federal Highway Administration is considering amending 49 CFR, § 371.3, Definitions, of the Federal Motor Vehicle Safety Standards, to include a new definition for "Fixed collision barrier." This definition would replace the present references to the SAE Recommended Practice J850, "Barrier Collision Tests" in Standards 201, 204, 212 and 301.

Considerable discussion has taken place within concerned industry groups and government agencies, domestic and foreign, in regard to the minimum requirements for a satisfactory collision barrier. The SAE Recommended Practice appears to be too stringent for some vehicles, insufficient for others, and generally too inflexible in light of the various ways in which a relatively unyielding barrier may be constructed.

The function of a fixed collision barrier test in the Federal safety standards, as with other tests, is simply to provide an objective and convenient method of establishing performance requirements for motor vehicles. It is the manufacturer's responsibility, under the National Traffic and Motor Vehicle Safety Act, to devise test equipment and procedures that will provide assurance that each of his vehicles conforms to the standard, and to provide adequate "safety margins" in his design for possible deviations of the tests from the norm of the performance standard and for deviations of production items from the intended design performance.

It is inappropriate, therefore, for the Federal Highway Administration to prescribe production methods or performance tolerances for fixed collision barriers. The fixed collision barrier is intended to provide objective means of specifying and evaluating various aspects of vehicle performance in a crash. In order to do so the barrier must be essentially unyielding, absorbing no significant part of the kinetic energy of the colliding vehicle. It is not possible, of course, to totally eliminate energy absorption in practice, although it can be reduced to the point where its effect on the vehicle performance aspects being measured is mathematically insignificant. The proposed amendment states the condition of essentially zero absorption as a basis for describing vehicle performance requirements, placing the responsibility on the manufacturer to determine what correction in his test results must be made to account for the performance characteristics of the barrier employed.

In light of the above considerations, it is proposed that the following definition be added to 49 CFR, § 371.3, *Definitions:*

"Fixed collision barrier" means a flat, vertical, unyielding surface with the following characteristics:

1. The surface is sufficiently large that when struck by a tested vehicle no portion of the vehicle passes or projects beyond the surface.

2. The approach to the vertical surface is a flat, horizontal surface large enough to insure level vehicle attitude and unrestricted vehicle motion during impact.

3. When struck by a vehicle, the surface and its supporting structure absorb no significant portion of the vehicle's kinetic energy. This means that a performance requirement tested by collision with a barrier must be met no matter how small an amount of energy is absorbed by the barrier, and a manufacturer in testing his vehicles should make suitable adjustments in his results for energy absorption by the barrier employed.

It is proposed further that Standards 201, 204, 212 and 301 be amended to substitute the above defined "Fixed collision barrier" for the present reference to SAE Recommended Practice J850.

Interested persons are invited to submit comments on this proposed amendment. Comments should identify the docket and notice number and be submitted to: Docket Section, Federal Highway Administration, Room 4223, 700 Seventh Street SW., Washington, D.C. 20591. It is requested, though not required, that 10 copies be submitted. All comments received before the close of business on March 24, 1970, will be considered. All comments will be available in the docket for examination both before and after the closing date.

Effective date: The proposed effective date of this amendment is June 1, 1970.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407), and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on December 17,1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-15252; Filed, Dec. 23, 1969; 8:47 a.m.]

[49 CFR Part 373]

[Docket No. 69-31; Notice 1]

MOTOR VEHICLE SAFETY REGULATIONS

Defect Reports

The Federal Highway Administration is considering the issuance of regulations that would specify requirements for reports concerning safety related defects, to be furnished to the FHWA by manufacturers of motor vehicles. The regulations would constitute a new Part 373 of Title 49 of the Code of Federal Regulations, and be issued pursuant to sections 112, 113, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1402, 1407).

Section 112(c) of the Act requires every manufacturer of motor vehicles to establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require to enable him to determine whether such manufacturer is acting in compliance with the Act. Section 112(d) requires manufacturers to provide such performance data and other technical data related to performance and safety as may be required to carry out the purposes of the Act. Section 113 requires notification to purchasers of information concerning safety-related defects, and the furnishing of copies to the Secretary of all communications to dealers or purchasers in regard to defects.

The proposed rule reflects the need for uniform reporting by manufacturers of motor vehicles of the initiation and progress of their safety-related defect notification campaigns. The information gathered from the required reports would facilitate continuing analysis by the FHWA of the adequacy of the defect notifications, the owner response, and the corrective action, and enable the agency to compare defect incidence rates among different groups of motor vehicles.

Under the proposed rules, a manufacturer would be required to file a defect information report within 5 days after the discovery of a safety-related defect in its motor vehicles. In this report, the manufacturer would estimate the number of affected motor vehicles, describe the defect and the reported effects of the defect on its motor vehicles, and evaluate the risk of accident and injury.

After each quarter following the sending of the required information report, the manufacturer would submit quarterly status reports indicating the number of motor vehicles inspected and the number found to be defective. The manufacturer would continue to submit these reports until completion of corrective action on all defective vehicles, or until 18 months elapse after the beginning of the first quarter, which ever occurs sooner. An annual summary report for each calendar year would be submitted by each manufacturer giving total motor vehicle production figures for the year, the number of notification campaigns and the number of vehicles involved in each campaign. In addition, each manufacturer of motor vehicles would be required to furnish the Bureau with a copy of all notices, bulletins, and other communications to dealers or purchasers of its motor vehicles or motor vehicle equipment regarding any defect, whether or not safety-related, in such vehicles or equipment.

Interested persons are invited to submit written data, views and arguments concerning this rule. Comments should identify the docket and notice number and be submitted to: Docket Section, Federal Highway Administration, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, though not required, that 10 copies be submitted. All comments received before the close of business on March 24, 1970, will be considered by the Administration. All comments will be available in the docket for examination both before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of sections 112, 113, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401, 1402, 1047), and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on December 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

PART 373—DEFECT REPORTS

§ 373.1 Purpose and scope.

This part specifies requirements for defect reports to be furnished to the National Highway Safety Bureau ("Bureau") by manufacturers of motor vehicles.

§ 373.2 Application.

This part applies to all manufacturers of motor vehicles.

§ 373.3 Defect information report.

(a) Each manufacturer of motor vehicles shall furnish an information report to the Bureau when he discovers a defect in any of his motor vehicles or motor vehicle equipment that he determines relates to motor vehicle safety. The information report shall be in essentially the form illustrated in figure 1.

(b) Defect information reports required under paragraph (a) of this section shall be submitted to the Bureau not later than 5 days after the discovery of the defect. Items of information that are not available within that period shall be submitted as they become available. Each manufacturer submitting new information with regard to a previously submitted report shall refer to the defect identification number, after such a number has been assigned by the Bureau.

§ 373.4 Specific information to be provided.

Each manufacturer required to submit a report under § 373.3(a) shall supply the following information:

(a) Name of manufacturer: The full corporate or individual name of the actual assembler of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. In the case of imported motor vehicles, the corporate or individual name of the importer shall also be indicated. If a vehicle is assembled by a corporation that is controlled by another corporation that assumes responsibility for compliance with all defect notification requirements, the name of the controlling corporation may be used.

(b) Identifying classifications of the vehicles potentially affected by the defect: This shall include make(s), model(s), model year(s) and any other descriptive data, and the inclusive dates of manufacture.

(c) Total number of vehicles potentially affected by the defect, and the number in each classification set forth under paragraph (b) of this section.

(d) Estimated percentage of the potentially affected vehicles that contain the defect.

(e) Description of defect: This shall include both a brief summary and a detailed description, with graphic aids as necessary, of the nature and physical location of the defect.

(f) Analysis of the cause of the defect.

(g) Chronology of all reported motor vehicle and motor vehicle equipment failures and other incidents related to the defect: This shall include the date and a description of the incident, the role played by the defect and any related injuries and fatalities, and the name and address of the owner of the defective vehicle.

(h) Evaluation of risk of accident and injury reasonably related to the defect: This shall include a detailed statement of the nature and extent of possible accidents and injuries, and a categorical evaluation of the risk in regard to a situation in which the potential failure or other incident takes place, independent of the frequency or likelihood of occurrence. The evaluation shall be made by selecting the appropriate risk level from the following categories:

(1) *Extreme.* Incident may, without warning, cause loss of control or serious physical injury.

Examples: Steering linkage failure, total brake failure, exhaust leakage into passenger compartment.

(2) *Moderate.* Incident may, with warning, cause loss of control or serious physical injury.

Examples: Sticking throttle, partial brake failure, shimmy.

(3) *Minor.* Incident may cause deterioration of control or moderate physical injury.

Examples: Speedometer failure, defroster failure, sharp edge on horn ring.

(i) Statement of measures to be taken to repair the defect.

(j) Copies of all notices, bulletins and other communications sent to dealers or purchasers in regard to the defect: These copies shall be submitted to the Bureau not later than the time at which they are initially sent to dealers or purchasers.

§ 373.5 Quarterly status reports.

(a) Each manufacturer of motor vehicles shall submit to the Bureau quarterly status reports on the progress of each safety defect notification campaign. The first quarter shall begin on the date on which the defect information report is initially submitted to the Bureau ("notification date"). Reports shall be submitted within 15 days after the close of each quarter. Unless directed otherwise by the Bureau, the manufacturers shall continue to submit quarterly reports until corrective action is completed on all defective vehicles or until 18 months have elapsed since the notification date, whichever occurs sooner.

(b) Each quarterly status report shall contain the following information, submitted under the numbers and headings indicated.

(1) Defect identification number.

(2) Date owner notifications begun, and date completed.

(3) Number of vehicles involved in the notification campaign.

(4) Number of vehicles known or estimated to contain the defect.

(5) Number of vehicles inspected by or at the direction of the manufacturer.

(6) Number of inspected vehicles found to contain the defect.

(7) Number of vehicles for which corrective measures have been completed.

(8) Number of vehicles determined to be unreachable for inspection due to exportation, theft, scrapping or for other reasons (specify).

(9) Information specified in § 373.4(g) in regard to any previously unreported incidents.

(c) If the manufacturer determines that the original answers for paragraph (b) (2) and (3) of this section are incorrect, revised figures and an explanatory note shall be submitted. If the nature of the defect prevents determination of the number of inspected vehicles that are defective, the manufacturer shall submit a brief explanation.

§ 373.6 Owner lists.

Each manufacturer shall maintain in a form suitable for inspection a list of owner names and addresses and vehicle identification numbers for all of his motor vehicles involved in each safety defect notification campaign initiated after the effective date of this part. This list shall show the status of inspection and defect correction with respect to each motor vehicle involved in each

campaign. The list shall be retained for 5 years after the notification date.

§ 373.7 Notices, bulletins, and other communications.

Each manufacturer of motor vehicles shall furnish to the Bureau a copy of all notices, bulletins, and other communications, other than those required to be submitted under § 373.4(j), sent to dealers or to purchasers of his motor vehicles or motor vehicle equipment regarding any defect, whether or not safety related, in such vehicles or equipment. These copies shall be submitted to the Bureau not later than the time at which they are initially sent to the dealers.

§ 373.8 Annual safety defect summary.

Each manufacturer of motor vehicles shall submit a safety defect summary for each calendar year, on or before January 31 of the following year, whether or not safety defects in his vehicles have been discovered, containing the following information:

(a) Total number of vehicles by make and model year produced during that year.

(b) The safety defect notification campaigns initiated, listed by defect identification numbers.

(c) Number of vehicles involved in each campaign.

§ 373.9 Address for submitting all required reports and other information.

All required reports and other information shall be submitted to: Office of Performance Analysis, National Highway Safety Bureau, Federal Highway Administration, Washington, D.C. 20591.

FIGURE 1

MOTOR VEHICLE DEFECT INFORMATION REPORT

a. *Name of manufacturer:*

b. *Identifying Classification(s) of Vehicles Potentially Affected:* (Make, model, model year, other description if necessary.)

c. *Number of Vehicles Potentially Affected:* (By classification and total)

d. *Percentage of Vehicles Potentially Affected that Contain Defect:*

e. *Description of Defect:*

f. *Analysis of the Cause of the Defect:*

g. *Chronology of failures and incidents related to the defect:*

h. *Evaluation of Risk Reasonably Related to Defect:* (Detailed Statement) Risk Level: Extreme ☐ Moderate ☐ Minor ☐

i. *Statement of Measures to be Taken to Repair Defect:*

j. *Copies of Communications to Dealers or Purchasers:*

[F.R. Doc. 69-15253; Filed, Dec. 23, 1969; 8:47 a.m.]

[49 CFR Part 397]

[Docket No. MC-16; Notice 69-20]

MOTOR CARRIER SAFETY REGULATIONS

Transportation of Hazardous Materials; Driving and Parking Rules

The Federal Highway Administrator is considering a complete revision of Part 397 of the Motor Carrier Safety Regulations relating to the driving and parking of vehicles which transport hazardous materials.

During recent years, several catastrophic accidents have occurred because drivers of vehicles containing hazardous materials have disregarded the rules in Part 397 and left vehicles unattended or parked near congested areas. In addition, accidents which could have had catastrophic consequences have occurred because vehicles containing hazardous materials were parked too close to the traveled portion of highways, or because drivers of those vehicles were unaware of the nature of the hazardous materials they transported and the precautions to be taken in emergency situations.

The quantity and variety of hazardous materials being transported on public highways are increasing daily. The materials themselves are becoming more complex. Therefore, an effort must be made to acquaint all persons associated with the handling of these commodities with their potential hazards and the proper safeguards against those hazards. These factors have led the Administrator to consider revising Part 397.

The proposed changes in Part 397 fall into five general areas:

The first area relates to the application of the rules to motor carriers and to all employees of motor carriers that are associated with the activities of the driver and the movement of the vehicle.

The second area relates to attendance, surveillance, and parking of motor vehicles which contain hazardous materials. The proposal specifies when, and under what conditions, a vehicle is deemed to be "attended" and provides for additional precautions to ensure that the vehicle will be under observation so that, if the need arises, emergency action can be taken. Specific guidelines are proposed to prevent the parking of vehicles containing hazardous materials near congested areas, on public highways, and at other places where numbers of people assemble or congregate.

The third general area relates to precautions against fires. The proposal contains rules concerning operating vehicles near open fires, smoking on or near vehicles containing hazardous materials, and fueling those vehicles.

The fourth general area relates to the inspection of tires at prescribed intervals to determine whether they are flat, leaking, improperly inflated, or overheated. Tire fires and tire failures continue to be a major cause of death and destruction on the public highways, and when hazardous materials are carried, the risk of harm is obviously increased. Hence, the proposal contains a provision requiring the removal of overheated tires from vehicles laden with hazardous materials.

The fifth general area relates to the instructions and documents that must be given to drivers. There have been cases in which drivers have been involved in accidents, sometimes accidents that resulted in fires, and have been unable to inform police and fire fighting personnel of the hazardous nature of the commodities in their vehicles and the precautions to be taken for the protection of the public and emergency personnel. The proposal would require each carrier to furnish drivers with this information; it would also require the driver to retain it while he is driving the vehicle.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rules. Comments must identify the docket number and must be submitted in three copies to the Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20591. Attention: Bureau of Motor Carrier Safety. All comments received before the close of business 120 days after the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Federal Highway Administrator proposes to revise Part 397 of Title 49 CFR to read as set forth below.

This notice of proposed rule making is issued under the authority of 18 U.S.C. 834, section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Issued on December 11, 1969.

F. C. TURNER,
Federal Highway Administrator.

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS—DRIVING AND PARKING RULES

Sec.

397.1 Application of the rules in this part.
397.3 State and local laws, ordinances, and regulations.
397.5 Attendance and surveillance of motor vehicles.
397.7 Parking.
397.9 Routes.
397.11 Fires.
397.13 Smoking.
397.15 Fueling.
397.17 Tires.
397.19 Instructions and documents.

AUTHORITY: The provisions of this Part 397 issued under 18 U.S.C. 834, section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

§ 397.1 Application of the rules in this part.

(a) The rules in the part apply to each motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with § 177.823 of this title and to—

(1) Each officer or employee of the carrier who performs supervisory duties; and

(2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.

(b) Each person designated in paragraph (a) of this section must know and obey the rules in this part.

§ 397.3 State and local laws, ordinances, and regulations.

Every motor vehicle containing hazardous materials must be driven and parked in compliance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless they are at variance with specific regulations of the Department of Transportation which are applicable to that vehicle and which impose a more affirmative obligation or restraint.

§ 397.5 Attendance and surveillance of motor vehicles.

(a) Except as provided in paragraph (b) of this section, a motor vehicle which contains Class A or Class B explosives or Poison Class A must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) The rules in paragraph (a) of this section do not apply to a motor vehicle which contains Class A or Class B explosives or Poison Class A if—

(1) The vehicle is located on the property of a motor carrier, on the property of a shipper or consignee of the explosives or poison, or, in the case of a vehicle containing 50 pounds or less of Class A or Class B explosives, on a construction or survey site; and

(2) The lawful bailee of the explosives or poison is aware of the nature of the materials the vehicle contains and has been instructed in the procedures he must follow in emergencies; and

(3) The vehicle is within the bailee's unobstructed field of view or is located on a parking area that is enclosed by a security fence and a barricade capable of deflecting upward any concussion shock waves from an exploding vehicle. The barricade must consist of either—

(i) Hills, timber, or other natural features; or

(ii) An artificial mound or revetted earth wall at least 3 feet thick.

(c) A motor vehicle which contains hazardous materials other than Class A or Class B explosives and Poison Class A and which is located on a public street or highway or the shoulder of a public highway must be attended by its driver. However, the vehicle need not be attended for periods not exceeding 15 minutes while its driver is performing duties which are incident and necessary to his duties as the operator of the vehicle.

(d) For purposes of this section—

(1) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within 50 feet of the vehicle and has it within his unobstructed field of view.

(2) A qualified representative of a motor carrier is a person who—

(i) Is aware of the nature of the hazardous materials which the vehicle he attends contains;

(ii) Has been instructed on the procedures he must follow in emergencies; and

(iii) Is authorized to move the vehicle and has the means to do so.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on a public street or highway.

§ 397.7 Parking.

(a) A motor vehicle which contains Class A or Class B explosives or Poison Class A must not be parked—

(1) On or within 5 feet of the traveled portion of a public street or highway;

(2) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person in charge of the property who is aware of the nature of the hazardous materials the vehicle contains; or

(3) Within 300 feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

(b) A motor vehicle which contains hazardous materials other than Class A or Class B explosives or Poison Class A must not be parked on or within 5 feet of the traveled portion of a public street or highway.

§ 397.9 Routes.

(a) Unless there is no practicable alternative, a motor vehicle which contains hazardous materials must be operated over routes which do not go through or near heavily populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys. Operating convenience is not a basis for determining whether it is practicable to operate a motor vehicle in accordance with this paragraph.

(b) Before a motor carrier requires or permits a motor vehicle containing hazardous materials to be operated, he must plan a route that complies with the rules in paragraph (a) of this section for that vehicle and must inform the vehicle's driver of that route.

§ 397.11 Fires.

(a) A motor vehicle containing hazardous materials must not be operated near an open fire unless its driver has first taken precautions to ascertain that the vehicle can safely pass the fire without stopping.

(b) A motor vehicle containing hazardous materials must not be stopped within 300 feet of an open fire.

§ 397.13 Smoking.

No person may smoke or carry a lighted cigarette, cigar, or pipe on or within 25 feet of—

(a) A motor vehicle which contains explosives, oxidizing materials, or flammable substances; or

(b) An empty tank vehicle which has been used to transport flammable liquids or gases and which, when so used, was required to be marked or placarded in accordance with the rules in § 177.823 of this title.

§ 397.15 Fueling.

When a motor vehicle which contains hazardous materials is being fueled—

(a) Its engine must not be operating; and

(b) An attendant must be in manual control of the fueling process at the point where the fuel tank is filled.

§ 397.17 Tires.

(a) If a motor vehicle which contains hazardous materials is equipped with dual tires on any axle, its driver must stop the vehicle in a safe location at least once during each 2 hours or 100 miles of travel, whichever is less, and must examine its tires. The driver must also examine the vehicle's tires each time the vehicle is parked and at the beginning of each trip.

(b) If, as the result of an examination pursuant to paragraph (a) of this section or otherwise, a tire is found to be flat, leaking, or improperly inflated, the tire must be repaired, properly inflated, or replaced before the vehicle is driven.

(c) If, as the result of an examination pursuant to paragraph (a) of this section or otherwise, a tire is found to be overheated, the driver shall immediately cause the overheated tire to be removed and placed at a safe distance from the vehicle. The driver shall not operate the vehicle until the cause of the overheating is corrected.

(d) Compliance with the rules in this section does not relieve a driver from the duty to comply with the rules in §§ 397.5 and 397.7.

§ 397.19 Instructions and documents.

(a) A motor carrier that transports Class A or Class B explosives or Poison Class A must furnish the driver of each motor vehicle in which the explosives or poison is transported with the following documents:

(1) A copy of the rules in this part;

(2) A document containing information about the laws, ordinances, and regulations pertaining to transportation of explosives and poisons of each State (including the District of Columbia) in which the vehicle will be operated; and

(3) A document containing instructions on procedures to be followed in the event of accident or delay. The document must include the names and telephone numbers of persons (including representatives of carriers or shippers) to be contacted, the nature of the explosives or poisons being transported, and the precautions to be taken in emergencies such as fires, accidents, or leakages.

(b) A driver who receives documents in accordance with paragraph (a) of this section must sign a receipt for them. The carrier must retain the receipt in its files for 1 year at its principal place of business or at such regional or terminal offices as the Director of the Bureau of Motor Carrier Safety may approve.

(c) A driver of a motor vehicle which contains Class A or Class B explosives or Poison Class A must have in his possession—

(1) The documents specified in paragraph (a) of this section; and

(2) The documents specified in § 177.817 of this title.

[F.R. Doc. 69-15329; Filed, Dec. 23, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89, 91 & 93]

[Docket Nos. 18261, etc.; FCC 69-1392]

LAND MOBILE RADIO SERVICES

Order for Oral Argument

In the matters of amendment of Parts 2, 89, 91, and 93; geographic reallocation of UHF-TV channels 14 through 20 to the land mobile radio services for use within the 25 largest urbanized areas of the United States, Docket No. 18261; petition filed by the Telecommunications Committee of the National Association of Manufacturers to permit use of TV channels 14 and 15 by land mobile stations in the Los Angeles area, RM-566; an inquiry relative to the future use of the frequency band 806-960 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91 and 93 of the rules relative to operations in the land mobile service between 806 and 960 MHz, Docket No. 18262.

1. On July 26, 1968, the Commission released a notice of proposed rule making in Docket No. 18261 proposing a plan to share the use of UHF-TV channels 14 through 20 with land mobile radio services in 25 major urban areas. On the same day, the Commission released a notice of inquiry and notice of proposed rule making in Docket No. 18262 proposing to allocate a total of 115 megahertz of additional spectrum space for land mobile use in the band 806-960 MHz, 75 MHz for a high capacity common carrier system and 40 MHz for private systems in major urban areas. Both proposals represented significant steps in the Commission's continuing attempt to provide relief from increasing congestion in the land mobile radio services, particularly in the larger metropolitan areas.

2. A large number of parties have filed comments and reply comments setting forth their positions on these proposals. In view of the extreme importance of the questions involved in both proceedings, and the sharp diversity of views presented in the written comments, the Commission has concluded that interested parties should be afforded the opportunity to present oral argument before the Commission en banc. We have accordingly set aside 2 full days, January 22 and 23, 1970, to hear such oral presentations.

3. The Commission invites participation in the oral argument by all interested parties, particularly those who have already shown major interest in the proceedings. In order to make most effective use of the limited time available, interested parties are urged to coordinate their presentations and, to the extent feasible, to designate joint spokesmen for groups of parties wishing to present substantially similar views. The Commission will take the latter matters into consideration in allocating time for the oral argument.

4. *Accordingly, it is ordered*, That oral argument is scheduled to begin before the Commission en banc, at 10 a.m. on January 22, 1970, at the Commission's offices in Washington, D.C. Parties desiring to present argument shall file a written notice of intention to appear and participate within 10 days after release of this order. Such notice should specify the party or parties represented, whether argument will be addressed to Docket No. 18261 or to Docket No. 18262 or to both dockets, and the amount of time requested. After submission of such written notices, the Commission will issue an order allotting time to the parties who will present argument, and may allot time jointly to parties representing the same or similar interests.

Adopted: December 17, 1969.

Released: December 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-15333; Filed, Dec. 23, 1969; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18772, RM-1457; FCC 69-1378]

FM BROADCAST STATIONS; FREDERICKSBURG, TEX.

Table of Assignments

1. The Commission has before it for consideration a petition requesting rule making, filed on May 19, 1969 (supplemented on July 9, 1969), by Gillespie Broadcasting Co., looking toward assignment of Channel 266 to Fredericksburg, Tex., as that community's first FM assignment.

2. Fredericksburg has a population of 4,629 persons, the largest community of Gillespie County, population 10,048, of which it also serves as the county seat (1960 U.S. Census). The only local aural service presently authorized in the county is Station KNAF(AM), daytime-only, licensed to petitioner at Fredericksburg. There are no FM assignments in Gillespie County. In support of the request, petitioner notes that there have been no provisions made for FM assignments in Gillespie County nor the adjoining counties of Mason, Llano, Blanco, and Kendall, and that the nearest FM stations to Fredericksburg are located some 66 to 70 miles away at San Antonio and Austin. It is alleged that much of the rural areas within the counties referred to have nighttime "white" and "gray" areas with respect to both AM and FM service, and that Fredericksburg has neither AM nor FM primary nighttime service available.

3. The proposed assignment is supported by an engineering statement showing that, based on an anticipated operation with a power of 100 kw and an antenna height of 500 feet at a site about 7.5 miles northwest of Fredericksburg, the 1 mv./m. contour from a Fredericksburg class C facility would include an existing FM "white" area of 3,350 square miles and a "gray" area of 595 square miles, which contain populations of 30,208 and 2,810 persons respectively. The showing observes that the class C operation would provide service to a "white" area 372 percent greater than would be the case for a maximum class A facility. Examination of the preclusion study provided by petitioner indicates that limited areas involving Channels 265A, 266, and 267 would develop where their future assignments would be precluded if the Fredericksburg assignment were to be adopted. However, it appears that no community of comparable size to Fredericksburg would be contained within the precluded areas that does not already have an FM asignment or a petition pending for an assignment. (The pending petitions are not technically related.)

4. We are of the opinion that petitioner has made an adequate showing to warrant institution of rule making looking toward assigning a first FM channel to Fredericksburg. Ordinarily consideration for an FM assignment to a community the size involved here would be limited to a Class A channel. However, in view of the significant FM "white" and "gray" areas that petitioner represents would be served by the requested Class C assignment compared to that obtainable from a similarly based Class A facility, we are inviting comments from interested parties with pertinent data on the proposed assignment of Class C Channel 266 to Fredericksburg, Tex.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before January 30, 1970, and reply comments on or before February 10, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-15262; Filed, Dec. 23, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 528]

[Docket No. 69-38]

MANDATORY PROVISIONS TO BE INCLUDED IN SELF-POLICING SYSTEMS UNDER GENERAL ORDER 7

Enlargement of Time for Filing Replies

DECEMBER 18, 1969.

At the request of counsel for Pacific Westbound Conference, and good cause appearing, time within which answers to reply of Hearing Counsel may be filed is enlarged to and including January 20, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15289; Filed, Dec. 23, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PRIVATE RESOURCES, ET AL.

Redelegation of Authority Regarding Investment Guaranties, Loans to Private Borrowers, and Surveys of Investment Opportunities

(1) Pursuant to the authority delegated to me, I hereby redelegate to William G. Carter, Deputy Assistant Administrator, Office of Private Resources, and in his absence to the Deputy Assistant Administrator for Financial Operations, to the extent consistent with law, all the authorities now or hereafter delegated to or conferred upon me, including without limitation those authorities conferred by Delegations of Authority Nos. 33 and 39 and by other A.I.D. delegations of authorities, regulations, manual orders, notices, or other documents, by law or by any competent authority.

(2) Pursuant to the authority delegated to me by Delegation of Authority No. 33, as amended, from the Administrator of A.I.D., dated February 3, 1964 (29 F.R. 2430), and Delegation of Authority No. 39, as amended, from the Administrator of A.I.D., dated April 3, 1964 (29 F.R. 5355), I hereby redelegate authority as follows:

(a) To the Deputy Assistant Administrator for Financial Operations,

(i) To authorize and issue investment guaranties under section 221(b)(2) (B) and (C) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(2) (B) and (C), except for countries or areas within the responsibility of the Assistant Administrator for Latin America, covering investments which, as described in such guaranty contracts, do not exceed $2,500,000, and in connection therewith to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable provided in sections 221(a), 221(b), 221(c) and 222(g) of the said Act, 22 U.S.C. secs. 2181(a), 2181(b), 2181(c) and 2182(g), and

(ii) To amend and consent to the assignment of any investment guaranty issued under section 221(b)(2) (B) or (C) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(2) (B) or (C) or section 202(b) of the Mutual Security Act of 1954, except for countries or areas within the responsibility of the Assistant Administrator for Latin America, provided such amendment does not increase the amount of investment covered by such guaranty by more than $2,500,000, and

(iii) To authorize, negotiate, execute, amend and implement loan agreements with private borrowers in which there is U.S. private investment under section 201 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2161, except for countries or areas within the responsibility of the Assistant Administrator for Latin America, for loans or increases thereof, which, as described in such loan agreement or amendments thereto, do not exceed $2,500,000 for each such loan or increase, and in connection therewith to authorize, negotiate, execute, amend and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, and

(iv) To authorize, negotiate, execute, amend, and implement loan agreements under section 104 (e) and (f) of the Agricultural Trade Development and Assistance Act of 1954, as amended, 7 U.S.C. sec. 1704 (e) and (f) except for countries or areas within the responsibility of the Assistant Administrator for Latin America, for loans or increases thereof which, as described in such loan agreements or amendments thereto, do not exceed $2,500,000 for each such loan or increase, and in connection therewith to authorize, negotiate, execute, amend and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, and

(v) To participate in financing surveys of investment opportunities under section 231 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2191, and in connection therewith to make the determinations and exercise the functions provided for in said section 231, 22 U.S.C. sec. 2191, and

(vi) To undertake and discharge responsibility for the technical direction of

(A) The Investments Projects Group

(B) The Financial Administration Division, including the ERG Claims Branch and the Portfolio Management Branch.

(b) To the Director, Insurance Division, and Deputy Director, Insurance Division,

(i) To authorize and issue investment guaranties under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(1), covering investments (1) which take the form of royalties or (2) which, as described in the Special Terms and Conditions of such guaranty contracts, do not exceed $10 million for each such investment, and in connection therewith to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable provided in sections 221(a), 221(b), 221(c), and 222(g) of the said Act, 22 U.S.C. secs. 2181(a), 2181(b), 2181(c), and 2182(g), and

(ii) To amend and consent to the assignment of any investment guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, 22 U.S.C. sec. 2181(b)(1), section 413(b)(4) of the Mutual Security Act of 1954, or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided that such amendment does not increase the amount of investment covered by such guaranty by more than $10 million, and

(iii) To participate, in an amount not to exceed $50,000, in financing surveys of investment opportunities under section 231 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2191, and in connection therewith to make the determinations and exercise the functions provided for in said section 231, 22 U.S.C. sec. 2191; provided that if the function being exercised is one of amending the investment survey terms, such amendment may not increase A.I.D.'s participation above $50,000;

(c) To the Chief, Latin America—Africa Branch, Insurance Division, and to the Chief, Near-East—South Asia—East Asia—Vietnam Branch, Insurance Division, each severally for the countries and areas within the jurisdiction of each of them:

(i) To authorize and issue investment guaranties under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(1), covering investments in Latin America, Africa, Near East—South Asia, East Asia or Vietnam (1) which take the form of royalties or (2) which, as described in the Special Terms and Conditions of such guaranty contracts, do not exceed $500,000 for each such investment, and in connection therewith to exercise all related functions and to make all related approvals and determinations provided in sections 221(a), 221(b), 221(c), and 222(g) of the said Act, 22 U.S.C. secs. 2181(a), 2181(b), 2181(c), and 2182(g), and

(ii) To amend and consent to the assignment of any investment guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, 22 U.S.C. sec. 2181(b)(1), section 413(b)(4) of the Mutual Security Act of 1954, or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided that such amendment does not increase the amount of investment by such guaranty by more than $500,000;

(d) To the Associate Director, Insurance Division, to consent to assignments of any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181, under section 413(b)(4) of the Mutual Security Act of 1954 or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided such assignments run to entities eligible to be issued investment guaranties under the legislation in force at the time of the assignment;

(e) To the Associate Director, Insurance Division and concurrently to the Chief, International Loan Branch, Accounting Division, to issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(1), under section 413(b)(4) of the Mutual Security Act of 1954, or under section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended;

(f) To the Associate Director, Insurance Division, to cancel any contract of guaranty when the investor covered thereunder has failed to pay the delinquent fee thereon within thirty (30) days following written notice of delinquency;

(g) To the Director, Financial Administration Division to amend investment guaranties to modify the reporting requirements thereunder and to determine and certify reimbursement rights of surveyors pursuant to A.I.D. financing of investment opportunities under section 231 of the Foreign Assistant Act of 1961, as amended, 22 U.S.C. sec. 2191;

(h) To the Projects Directors, Investment Projects Group, for Near East—South Asia, East Asia, Latin America, and Africa, each separately for the areas and countries within the jurisdiction of each of them.

(i) To authorize and issue investment guaranties under section 221(b)(2) (B) and (C) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(2) (B) and (C), except for countries or areas within the responsibility of the Assistant Administrator for Latin America, covering investments which, as described in such guaranty contracts, do not exceed $2,500,000, and in connection therewith to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable provided in sections 221(a), 221(b), 221(c), and 222(g) of the said Act, 22 U.S.C. secs. 2181(a), 2181(b), 2181(c), and 2182(g), and

(ii) To amend and consent to the assignment of any investment guaranty issued under section 221(b)(2) (B) or (C) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(2) (B) or (C) or section 202(b) of the Mutual Security Act of 1954, except for countries or areas within the responsibility of the Assistant Administrator for Latin America, provided that such amendment does not increase the amount of investment covered by such guaranty by more than $2,500,000, and

(iii) To authorize, negotiate, execute, amend, and implement loan agreements with private borrowers in which there is U.S. private investment under section 201 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2161, except for countries or areas within the responsibility of the Assistant Administrator for Latin America, for loans or increases thereof which, as described in such loan agreements or amendments thereto, do not exceed $2,500,000 for each such loan or increase, and in connection therewith to authorize, negotiate, execute, amend, and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, and

(iv) To authorize, negotiate, execute, amend, and implement loan agreements under section 104 (e) and (f) of the Agricultural Trade Development and Assistance Act of 1954, as amended, 7 U.S.C. sec. 1704 (e) and (f), except for countries or areas within the responsibility of the Assistant Administrator for Latin America, for loans or increases thereof which, as described in such loan agreements or amendments thereto, do not exceed $2,500,000 for each such loan or increase, and in connection therewith to authorize, negotiate, execute, amend, and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, and

(v) To participate, in an amount not to exceed $50,000, in financing surveys of investment opportunities under section 231 of the Foreign Assistance Act, as amended, 22 U.S.C. sec. 2191, and in connection therewith to make the determinations and exercise the functions provided for in said section 231, 22 U.S.C. sec. 2191; provided that if the function being exercised is one of amending the investment survey terms, such amendment may not increase A.I.D.'s participation above $50,000.

This Redelegation of Authority is effective on the date hereof, includes ratification of all actions taken prior hereto which are consistent with this Redelegation of Authority and revokes from that date prior redelegations of my authority.

The authority redelegated herein may not be further redelegated.

Dated: November 26, 1969.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 69-15328; Filed, Dec. 23, 1969; 8:51 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CARL VINCENT LIETZOW

Notice of Granting of Relief

Notice is hereby given that Carl Vincent Lietzow, 8322 Liberty Boulevard, Westland, Mich. 48185, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 3, 1960, by the Circuit Court for the County of Washtenaw at Ann Arbor, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Carl Vincent Lietzow because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Carl Vincent Lietzow to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Lietzow's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Carl Vincent Lietzow be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of December 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-15286; Filed, Dec. 23, 1969; 8:49 a.m.]

WILLIAM C. SMITH

Notice of Granting of Relief

Notice is hereby given that William C. Smith, 2050 West Broadway, Minneapolis, Minn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 5, 1952 in the U.S. District Court for the Middle District of Alabama at Montgomery, Ala., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William C. Smith because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter

44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for William C. Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William C. Smith's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That William C. Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of December 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-15287; Filed, Dec. 23, 1969; 8:49 a.m.]

CLYDE ROY PHILLIP WOODS

Notice of Granting of Relief

Notice is hereby given that Clyde Roy Phillip Woods of Winfield, Kans., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 8, 1962, in the District Court of Cowley County, Kans., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Clyde R. P. Woods because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Clyde R. P. Woods to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Clyde R. P. Woods' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Clyde R. P. Woods be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of December 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-15288; Filed, Dec. 23, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-4128]

NEVADA

Notice of Proposed Classification of Public Lands for Disposal

DECEMBER 15, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR 2411.1-2(b), it is proposed to classify the public lands described below for transfer out of Federal ownership under the Point Reyes National Seashore Act of September 13, 1962 (16 U.S.C. 459c).

2. This proposal has been discussed with the District Advisory Board, local goverment officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal Program."

3. Publication of this notice will segregate the lands from all other forms of appropriation including the mining laws. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. As used in this order, the term "public lands" means any land (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

4. The public lands affected by this classification are described as:

MOUNT DIABLO MERIDIAN

ELKO AND EUREKA COUNTIES

T. 31 N., R. 49 E.,
Sec. 2, lots 1-4, inclusive, S½N½, S½;
Sec. 4, lots 1-4, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 10, N½N½.
T. 32 N., R. 49 E.,
Sec. 2, lots 1-14, inclusive, S½NE¼;
Sec. 4, lots 1-14, inclusive, S½NW¼;
Sec. 6, lots 1-4, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 8, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 10, lots 1-4, inclusive, W½E½, W½;
Secs. 12, 14;
Sec. 16, lots 1-4, inclusive, E½W½, E½;
Sec. 22, lots 1-12, inclusive, SE¼;
Sec. 23, SE¼;
Sec. 24;
Sec. 25, NW¼;
Sec. 26;
Sec. 27, SE¼;
Sec. 28, SE¼SE¼;
Sec. 32, SE¼SE¼;
Sec. 34;
Sec. 35, NW¼;
Sec. 36.
T. 37 N., R. 54 E.,
Sec. 2, lots 1-4, inclusive, S½N½, S½.
T. 38 N., R. 54 E.,
Sec. 16, SE¼SW¼;
Sec. 21, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 22, N½S½;
Sec. 36, lot 1, W½NW¼, NW¼SW¼.
T. 32 N., R. 55 E.,
Sec. 8.
T. 33 N., R. 56 E.,
Sec. 14, E½E½;
Sec. 15, W½NE¼, E½NW¼, W½SE¼.
T. 34 N., R. 56 E.,
Sec. 30, lots 13-34, inclusive, and 37-47, inclusive.
T. 35 N., R. 56 E.,
Sec. 20, N½NW¼;
Sec. 30, lots 1-3, inclusive, E½NW¼, W½NE¼.
T. 30 N., R. 59 E.,
Sec. 8, SW¼NW¼;
Sec. 20, S½SE¼;
Sec. 21, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 28, W½NE¼, NW¼, N½SW¼;
Sec. 29, E½, SW¼;
Sec. 30, S½NE¼, N½SE¼, SE¼SE¼.
T. 31 N., R. 59 E.,
Sec. 2, lot 2, SW¼NE¼;
Sec. 10, lots 3-5, inclusive, E½SW¼, SW¼SE¼;
Sec. 11, SW¼SW¼.
T. 35 N., R. 59 E.,
Sec. 2, lot 4;
Sec. 10, W½E½, S½NW¼, SW¼;
Sec. 15, W½;
Sec. 16, N½;
Sec. 17, E½E½, SE¼SW¼, SW¼SE¼.

T. 34 N., R. 60 E.,
Sec. 4, lots 3 and 4.
T. 34 N., R. 61 E.,
Sec. 24, NE¼, W½SW¼, SE¼SW¼, SW¼SE¼.
T. 36 N., R. 61 E.,
Sec. 24, SE¼NW¼.
T. 37 N., R. 61 E.,
Sec. 5, lots 1-4, inclusive, S½N½, SE¼;
Sec. 8, E½NE¼;
Sec. 9, lots 1-4, inclusive, NW¼, N½SW¼;
Sec. 16, lot 1, SE¼NE¼, E½SW¼, W½SE¼;
Sec. 22, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 26, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼.
T. 38 N., R. 61 E.,
Sec. 16, NW¼NW¼, NE¼SE¼, S½SE¼.
T. 39 N., R. 61 E.,
Sec. 1, a metes and bounds parcel of land beginning at the corner of secs. 1, 2, 11, and 12, T. 39 N., R. 61 E.; thence N. 0°22'00" E., 4,000.01 feet; thence S. 79°-37'13" E., 25.62 feet; thence S. 29°14'29" E., 304.05 feet; thence S. 15°29'58" E., 513.61 feet; thence S. 4°48'26" E., 277.57 feet; thence S. 21°54'26" E., 295.24 feet; thence S. 66°31'06" E., 378.57 feet; thence S. 68°58'40" E., 402.08 feet; thence S. 17°40'59" E., 132.06 feet; thence S. 8°-43'08" E., 253.81 feet; thence S. 37°43'-28" E., 220.77 feet; thence S. 45°27'53" E., 183.50 feet; thence S. 38°26'40" E., 241.76 feet; thence S. 65°09'57" E., 130.14 feet; thence S. 24°36'37" E., 190.61 feet; thence S. 12°12'44" W., 289.12 feet; thence S. 35°28'55" E., 252.92 feet; thence S. 13°23'49" E., 171.48 feet; thence S. 36°05'35" E., 354.58 feet; thence S. 40°-15'18" E., 224.69 feet; thence S. 23°55'-44" E., 105.76 feet; thence S. 5°50'14" E., 57.82 feet; thence S. 89°24'55" W., 2,413.16 feet; to the point of beginning; containing 140 acres, more or less;
Sec. 13, S½NE¼, NW¼, N½SW¼;
Sec. 36, NE¼NW¼, S½NW¼, SW¼, NW¼SE¼.
T. 40 N., R. 61 E.,
Sec. 36, E½, E½W½, SW¼NW¼.
T. 34 N., R. 62 E.,
Sec. 18, lots 3, 4, NE¼, E½SW¼, SE¼.
T. 35 N., R. 62 E.,
Sec. 32, E½.
T. 36 N., R. 62 E.,
Sec. 30, NW¼NE¼.
T. 38 N., R. 62 E.,
Sec. 6, lots 1, 2, S½NE¼.
T. 39 N., R. 62 E.,
Sec. 30, lot 3.
T. 38 N., R. 64 E.,
Sec. 22, N½NE¼, SE¼NE¼, W½SW¼, SE¼SW¼, NE¼SE¼, SW¼SE¼.
T. 39 N., R. 69 E.,
Sec. 16, NW¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 20, NE¼, S½NW¼, S½.

The lands described aggregate 21,700 acres, more or less.

5. The lands will be open to application by all qualified individuals on an equal opportunity basis, when the lands are classified by a subsequent order. All applications for exchange must be accompanied by a statement from the Chief, Office of Land and Water Rights, National Park Service, San Francisco, Calif., that the proposal is feasible in accordance with 43 CFR 2244.1-2(b)(1).

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Elko District Manager, Bureau of Land Management, 2002 Idaho Street, Elko, Nev. 89801.

For the State Director.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69-15239; Filed, Dec. 23, 1969; 8:46 a.m.]

[N-4044]

NEVADA

Notice of Proposed Classification of Public Lands for Disposal

DECEMBER 15, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR 2411.1-2(b), it is proposed to classify the public lands described below for transfer out of Federal ownership under the Point Reyes National Seashore Act of September 13, 1962 (16 U.S.C. 459c).

2. This proposal has been discussed with local governmental officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal Program."

3. Publication of this notice will segregate the lands from all other forms of appropriation including location under the mining laws. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

4. The public lands affected by this classification are:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 42 E.,
Sec. 18, lot 4, NE¼SW¼, SE¼;
Sec. 19, lot 1, NE¼NW¼.
T. 11 N., R. 43 E.,
Sec. 15, W½SW¼, NE¼SW¼, NW¼SE¼;
Sec. 22, W½SW¼;
Sec. 27, W½W½.
T. 12 N., R. 43 E.,
Sec. 4, lots 1, 2, S½NE¼, S½SW¼, NW¼SE¼;
Sec. 8, SE¼SW¼, NW¼SE¼;
Sec. 9, N½NW¼;
Sec. 10, SE¼NE¼;
Sec. 17, NE¼NW¼.
T. 13 N., R. 43 E.,
Sec. 33, S½SE¼.

T. 16 N., R. 44 E.,
Sec. 1, lot 4, SW¼NW¼, W½SW¼;
Sec. 2, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 11, E½, E½W½;
Sec. 12, NW¼NW¼;
Sec. 14, E½, E½SW¼, SW¼SW¼;
Sec. 15, S½S½;
Sec. 21, NE¼NE¼;
Sec. 22, NE¼, N½NW¼, SE¼NW¼;
Sec. 23, NW¼NE¼, S½NE¼, NW¼, SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, W½NW¼, NW¼SW¼;
Sec. 26, E½.
T. 1 N., R. 46 E.,
Sec. 15, W½, N½SE¼;
Sec. 16, NE¼, S½;
Sec. 21, E½;
Sec. 22, NW¼;
Sec. 27, NW¼;
Sec. 28, W½;
Sec. 32, NE¼, S½;
Sec. 33, N½.

The lands described aggregate 6,801.10 acres.

5. The lands will be opened to application by all qualified individuals on an equal opportunity basis when the lands are classified by a subsequent order. All applications for exchange must be accompanied by a statement from the Chief, Office of Lands and Water Rights, National Park Service, San Francisco, Calif., that the proposal is feasible in accordance with 43 CFR 2244.1-2(b)(1).

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Battle Mountain District Manager, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820.

For the State Director.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69-15240; Filed, Dec. 23, 1969; 8:46 a.m.]

[N-3849]

NEVADA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

DECEMBER 15, 1969.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby proposed for classification for transfer out of Federal ownership under one of the following statutes: Section 8 of the Taylor Grazing Act (43 U.S.C. 315g); Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869-1 to 869-4); Point Reyes National Seashore, Calif., Act of September 13, 1962 (76 Stat. 538; 16 U.S.C., secs. 459c—459c-7); Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27).

2. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

3. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the Carson City District Office, 801 North Plaza Street, Carson City, Nev., and in the Land Office, Bureau of Land Management, 300 Booth Street, Room 3104, Federal Building, Reno, Nev.

4. The lands are located in Washoe and Douglas County and are described as follows:

a. It is proposed to classify the following lands for disposal under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869–1 to 869–4):

MOUNT DIABLO MERIDIAN

DOUGLAS COUNTY

T. 14 N., R. 19 E.,
Sec. 24, NE¼SW¼, N½SE¼.
T. 14 N., R. 20 E.,
Sec. 18, S½ lot 2 of the SW¼ (SW¼SW¼), SE¼SW¼.

The public lands described above aggregate 192.84 acres.

b. It is proposed to classify the following described lands for exchange under the Point Reyes National Seashore, Calif., Act of September 13, 1962 (76 Stat. 538; 16 U.S.C. secs. 459—459c–7):

MOUNT DIABLO MERIDIAN

DOUGLAS COUNTY

T. 14 N., R. 20 E.,
Sec. 5, W½W½SW¼NW¼;
Sec. 6, W½W½SW¼NE¼;
Sec. 7, SW¼SE¼.

The public lands described above contain 60 acres.

c. It is proposed to classify the following described lands for disposal under the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427):

MOUNT DIABLO MERIDIAN

WASHOE COUNTY

T. 19 N., R. 18 E.,
Sec. 10, N½, W½SW¼, N½SE¼.

The public lands described above contain 480 acres.

d. It is proposed to classify the following described lands for exchange under section 8(b) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 49 Stat. 1976; 43 U.S.C. 315g; 2244):

MOUNT DIABLO MERIDIAN

WASHOE COUNTY

T. 21 N., R. 18 E.,
Sec. 16, N½N½, SE¼NE¼, NE¼SE¼;
Sec. 36, N½, NE¼SE¼.
T. 18 N., R. 19 E.,
Sec. 36, SE¼NW¼, E½SW¼.
T. 20 N., R. 19 E.,
Sec. 10, N½NW¼, NW¼NE¼.
T. 21 N., R. 19 E.,
Sec. 8, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 16, N½, SE¼;
Sec. 22, SW¼;
Sec. 26, NE¼, N½SE¼, SE¼SE¼.
T. 17 N., R. 20 E.,
Sec. 6, E½SE¼, SW¼SE¼.
T. 19 N., R. 21 E.,
Sec. 10, N½NE¼, SW¼NE¼, NW¼, NW¼SE¼.
T. 20 N., R. 21 E.,
Sec. 6, all;
Sec. 8, W½;
Sec. 18, E½NE¼, NE¼SE¼.

DOUGLAS COUNTY

T. 10 N., R. 22 E.,
Sec. 7, lot 3 (NW¼SW¼), lot 4 (SW¼SW¼).
T. 14 N., R. 20 E.,
Sec. 7, lot 2 of SW¼ (W½SW¼);
Sec. 18, lot 2 of NW¼ (W½NW¼), N½ lot 2 of SW¼ (NW¼SW¼).

The public lands described above aggregate 3,563.56 acres.

5. Applications for exchange will not be accepted until such time as the lands are classified by a subsequent order, and prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR 2244.1–2(b)(1).

6. The lands described above have been identified as not being needed for Federal land management programs. The purpose of this classification is to identify the means by which these public lands should be transferred out of Federal ownership for either local public use or private ownership and development. This proposal has been discussed with local government officials, State government officials, county and regional planning commissions, the range users and the general public.

For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Carson City District Manager, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701.

For the State Director.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69–15241; Filed, Dec. 23, 1969; 8:46 a.m.]

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK, TENN.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Herrick B. Brown authorizing him to provide food and lodging facilities and services for the public at Mount Le Conte Lodge in Great Smoky Mountains National Park, Tenn., for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed his obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Director, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

THOMAS F. FLYNN, JR.,
Deputy Director,
National Park Service.

DECEMBER 16, 1969.

[F.R. Doc. 69–15273; Filed, Dec. 23, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

INDIANA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00611–33–46040. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Electron microscope, Model EM 300, and accessories. Manufacturer: Philips Electronics N.V.D., The Netherlands. Intended use of article: The article will be used in a basic biological study of the genetics and development of subcellular structure. One group of structures to be given special attention are the bacteria-like kappa and related particles in the protozoan Paramecium. A second major area of investigation concerns the origin, development and heredity of cortical structures in Paramecium, a unicellular, eukaryotic animal. A third phase of current investigation attacks the question of the organization of the genetic material in the highly polyploid macronucleus. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by Forgflo Corp. (Forgflo). The RCA Model EMU–4B electron microscope has a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) The additional resolving capability of the foreign article is pertinent to the purposes for which this article is intended to be used. For this reason, we find that the RCA Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15301; Filed, Dec. 23, 1969; 8:50 a.m.]

MIAMI UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00644–82–58200. Applicant: Miami University, Oxford, Ohio 45056. Article: Pulmac permeability tester (PPT). Manufacturer: Pulmac Instruments, Ltd., Canada. Intended use of article: The article will be used to evaluate the properties of beaten pulp in a general study of stock preparation systems and testing procedures. The first two phases of this long range program are:

1. The development of a method for evaluating highly beaten pulp to be used in manufacturing carbonizing tissue.

2. A study of the effect of stock concentration during the beating process. This involves a complete evaluation of the pulp properties after beating to determine certain properties relating to drainage and surface characteristics.

Commends: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a series of parameters which the applicant desires to relate to paper quality based on permeability of a compressed pulp mat. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 15, 1969, that the specific measurements that can be provided by the foreign article are pertinent to the applicant's intended purposes. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15302; Filed, Dec. 23, 1969; 8:50 a.m.]

NEW YORK UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00647–33–46040. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Electron microscope, Model Elmiskop 1A and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used both for specific research purposes and for teaching of ultrastructure of nervous system tissues to medical students, hospital medical residents and research fellows. The research purposes are as follows:

A. Study of ultrastructure of human and experimental brain tumors.

B. Study of experimental hydrocephalus induced by metallic tellurium.

C. A comparative in vivo and in vitro ultrastructural study of myelination of the central and peripheral nervous systems.

D. Ultrastructure of human demyelinating diseases and lipidoses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum accelerating voltage of 125 kilovolts (kv). The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU–4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by Forgflo Corp. (Forgflo). The Model EMU–4B electron microscope provides a maximum accelerating voltage of 100 kv. The higher the accelerating voltage, the greater is the penetration of the electron beam into thick sections of biological material. This results in better resolution. Since the applicant intends to study relatively thick sections of human and animal tissue, the higher maximum accelerating voltage is a pertinent characteristic of the foreign article.

For the foregoing reasons, we find that the RCA Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15303; Filed, Dec. 23, 1969; 8:50 a.m.]

OHIO UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00639–99–62800. Applicant: Ohio University, Athens, Ohio

45701. Article: Pneumatic servo mechanism, Type PCM 140. Manufacturer: Feedback, Ltd., United Kingdom. Intended use of article: The article will be used as a teaching aid by the instructor to demonstrate the characteristics of automatic control systems of various orders of complexity and to show how these overall characteristics may be affected by changing the parameters and individual system components. Also, the article will be used by students in laboratory sessions where they will verify theories developed in the classroom by conducting quantitative experiments using the article. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a teaching aid designed to demonstrate by mechanical means the nature of automatic control systems. This article is intended to be used for instruction in courses on control-system principles. We are advised by the National Bureau of Standards (NBS) in a memorandum dated September 19, 1969, that the ability of the foreign article to demonstrate first, second, third, and fourth order control systems by direct mechanical means with close correlation to linear theory is pertinent to the purposes for which this article is intended to be used. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15304; Filed, Dec. 23, 1969; 8:50 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00641-00-00500. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, N. Mex. 87544. Article: Accelerator tube. Manufacturer: Dowlish Developments, Ltd., United Kingdom. Intended use of article: The article will be used to replace a present tube fabricated at the Los Alamos Laboratory. The article will allow the operation of the accelerator at higher voltages, making possible higher energy particles for nuclear physics research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a newly invented acceleration tube which is capable of 10 million electron volt (MeV) operation in a single ended accelerator. The ability to operate at 10 MeV is a pertinent characteristic of the foreign article. We are advised by the National Bureau of Standards (NBS) in a memorandum dated July 31, 1969, that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15305; Filed, Dec. 23, 1969; 8:50 a.m.]

UNIVERSITY OF OREGON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00658-01-10100. Applicant: University of Oregon, Institute of Molecular Biology, Eugene, Oreg. 97403. Article: Temperature-jump apparatus. Manufacturer: Messanlagen Studiengesellschaft MBH, West Germany. Intended use of article: The article will be used for research concerning the development of techniques for monitoring and indicating the chemical course of rapid biocatalysis by making observations of the reactions within the time range of microseconds. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. (Aug. 5, 1968.) Reasons: The foreign article employs a recently developed temperature-jump technique which is intended to be used for making observations of rapidly occurring reactions. The ability of the foreign article to measure very rapid changes in the concentration of reaction constituents is pertinent to the purposes for which this article is intended to be used. Although comparable temperature-jump apparatus are currently being manufactured by Beckman Instruments, Inc., the American Instrument Co., and Durrum Instrument Corp., we are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated September 18, 1969, that no comparable domestic instrument was available at the time the applicant placed the order for the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant ordered the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15306; Filed, Dec. 23, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BUREAU OF COMMERCIAL FISHERIES, FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0A2486) has been filed by Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, proposing that § 121.1202 *Whole fish protein concentrate* (21 CFR 121.1202) be amended to provide for the safe use of whole fish protein concentrate prepared from the following orders of fish:

1. *Clupeiformes*, including the families *Clupeidae* (herrings) and *Engraulidae* (anchovies).

2. *Gadiformes*, including the family *Gadidae* (codfish and hakes).

3. *Perciformes*, including the family *Zoarcidae* (eelpouts).

4. *Pleuronectiformes*, including of the family *Pleuronectidae* (righteye flounders).

Dated: December 12, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15230; Filed, Dec. 23, 1969; 8:45 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2473) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of polyurethane, produced by reacting diisocyanates with α-hydro-*omega*-hydroxypoly (oxytetramethylene) and 3-allyloxy-1, 2-propanediol, as a component of foodpackaging adhesives.

Dated: December 15, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15231; Filed, Dec. 23, 1969; 8:45 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2474) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing that § 121.2511 *Plasticizers in polymeric substances* (21 CFR 121.2511) be amended to provide for additional safe use of butyl benzyl phthalate, alone or in combination with other phthalates, as a plasticizer in polyvinyl chloride, polyvinylidine chloride, and polyvinyl acetate film and sheet that contact food at temperatures not to exceed room temperature provided that total phthalates, calculated as phthalic acid, do not exceed 10 percent by weight of the finished film or sheet.

Dated: December 15, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15232; Filed, Dec. 23, 1969; 8:45 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2472) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that § 121.2525. *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of oxazolidinylethylmethacrylate copolymers with ethyl acrylate and/or methyl methacrylate as components of paper and paperboard for food-contact use.

Dated: December 15, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15233; Filed, Dec. 23, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegations of Authority

The redelegations of authority by the Assistant Secretary for Renewal and Housing Assistance to Regional Administrators and Deputy Regional Administrators published at 31 F.R. 8966, June 29, 1966, as amended at 32 F.R. 11391, August 5, 1967, are hereby further amended under section A, paragraph 1, in the following respects:

(1) Subparagraph c is revised to read:

c. Determine that a workable program for community improvement meets the requirements of subsection 101(c) of the Housing Act of 1949, as amended (42 U.S.C. 1451(c)), and certify that Federal assistance of the types enumerated in subsection 101(c) may be made available in the community.

(2) Subparagraph d is deleted.

(3) Subparagraph j is revised to read:

j. Make determinations with respect to noncompliances or defaults under contracts for Federal loan or grant assistance, except noncompliances or defaults involving budget overrun of specific line items if such overrun does not result in an overrun in the amount of the total contract obligation.

(4) Subparagraphs k and l are deleted.

(Secretary's delegations of authority published at 31 F.R. 8964, June 29, 1966, as amended at 32 F.R. 624, Jan. 19, 1967, 32 F.R. 11390, Aug. 5, 1967, and 33 F.R. 10161, July 16, 1968)

Effective date. These amendments of redelegations of authority shall be effective as of December 19, 1969.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 69-15267; Filed Dec. 23, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

AGREEMENT BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF GEORGIA

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that Wilfrid E. Johnson, Commissioner of the Atomic Energy Commission and the Honorable Lester Maddox, Governor of the State of Georgia, has signed the Agreement below for discontinuance by the Commission and assumption by the State of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) which was published in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517.

Dated at Germantown, Md., this 19th day of December 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF GEORGIA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Georgia is authorized under section 88-1307 of the Georgia Health Code (Georgia Laws 1964, pp. 499, 571) to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Georgia certified on August 29, 1969, that the State of Georgia (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on November 14, 1969, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on December 15, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at Atlanta, State of Georgia, in triplicate, this 9th day of December, 1969.

For the U.S. Atomic Energy Commission.

[SEAL] WILFRID E. JOHNSON, *Commissioner.*

For the State of Georgia.

[SEAL] LESTER MADDOX, *Governor.*

[F.R. Doc. 69-15282; Filed, Dec. 23, 1969; 8:49 a.m.]

[Docket No. PRM-70-2]

PANAMETRICS

Notice of Filing of Petition for Rule Making

Notice is hereby given that Panametrics, 221 Crescent Street, Waltham, Mass., by letter dated December 5, 1969, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulation "Special Nuclear Material," 10 CFR Part 70.

The petitioner requests that the Commission amend 10 CFR Part 70 to provide a general license for not more than 15 millicuries of plutonium-238 in an X-ray spectrochemical analyzer for elemental analysis of materials.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 18th day of December 1969.

For the Atomic Energy Commission.

W. B. MCCOOL, *Secretary.*

[F.R. Doc. 69-15234; Filed, Dec. 23, 1969; 8:45 a.m.]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Order Extending Provisional Operating License Expiration Date

Philadelphia Electric Co. having filed an application dated November 20, 1969, and supplement dated November 25, 1969, for an extension of the expiration date of Provisional Operating License No. DPR-12 which authorizes the possession and operation of the high-temperature, gas-cooled demonstration power reactor at power levels up to 115 megawatts (thermal) located in York County, Pa., and good cause having been shown for this extension pursuant to 10 CFR 50.57 (d) of the Commission's regulations, *It is hereby ordered*, That the expiration date of Provisional Operating License No. DPR-12 is extended from December 24, 1969, to June 24, 1971.

Dated at Bethesda, Md., this 15th day of December 1969.

For the Atomic Energy Commission.

PETER A. MORRIS, *Director, Division of Reactor Licensing.*

[F.R. Doc. 69-15300; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. PRM-30-31]

MINNESOTA MINING AND MANUFACTURING CO.

Notice of Denial of Petition for Rule Making

Please take notice that the Atomic Energy Commission has denied a petition for rule making submitted by the Minnesota Mining and Manufacturing Co., St. Paul, Minn.

By letter dated November 10, 1966, Minnesota Mining and Manufacturing Co. petitioned the Atomic Energy Commission to amend 10 CFR Part 30 to modify the present exemption for the possession and use of tritium and promethium-147 in self-luminous lock illuminators installed in automobile locks. A notice of filing of petition, Docket No. PRM-30-31, was published in the FEDERAL REGISTER on December 7, 1966 (31 F.R. 15332). The requested amendment would make the illuminator an exempt item when it leaves the manufacturer's plant and prior to installation in a lock.

The requested amendment to the exemption would permit the use of illuminators in applications other than the illumination of automobile locks. All the uses of such illuminators cannot be reasonably foreseen. Paragraph 3 of the Commission's criteria for approval of products intended for use by the general public containing byproduct material and source material published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462), states that, in cases where tangible benefits to the public are questionable and approval of such a product may result in widespread use of radioactive material, the degree of usefulness and benefit that accrues to the public may be a deciding factor and, in particular, that the Commission considers that the use of radioactive material in toys, novelties, and adornments may be of marginal benefit. Since illuminators may be used in toys, novelties, and adornments, the Commission cannot determine that an exemption for illuminators containing tritium or promethium-147 meets its criteria for approval of products intended for use by the general public containing byproduct and source material.

In consideration of the foregoing, the Commission has determined that it would not be in the public interest to institute the public rule making proceeding requested by the petitioner.

A copy of the petition for rule making and the Commission's letter of denial are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 18th day of December 1969.

For the Atomic Energy Commission.

W. B. MCCOOL, *Secretary.*

[F.R. Doc. 69-15332; Filed, Dec. 23, 1969; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69-12-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority December 18, 1969.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail votes or unprotested notice. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements, insofar as they relate to air transportation, (1) establish 21-day weekend and weekday round-trip first-class excursion fares between Miami and Grand Cayman, (2) establish normal first-class and economy-class fares and 17-day first-class and economy-class round-trip excursion fares between Miami and Barquisimeto, and (3) establish, by unprotested notice in accordance with IATA provisions previously approved by the Board, a 17-day round-trip economy-class excursion fare between San Juan and Lima. For the most part, the proposed fares will offer substantial reductions from the otherwise applicable round-trip fares.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA resolution*
21393	100 (Mail 819) 070.
21402	100 (Mail 820) 051. 100 (Mail 820) 061. 100 (Mail 820) 070.
21431	Unprotested notice as filed under Memorandum TC1-Fares 1034.

Accordingly, it is ordered, That:

Action on Agreements CAB 21393, 21402, and 21431, be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of the order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-15274; Filed, Dec. 23, 1969; 8:48 a.m.]

[Docket No. 20993; Order 69-12-84]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority December 19, 1969.

By Order 69-12-30, dated December 5, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-12-30 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21380, R-2 through R-8, be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-15275; Filed, Dec. 23, 1969; 8:48 a.m.]

PROFIT BY AIR, INC.

Notice of Proposed Approval for Control Relationship

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 18, 1969.

A. M. ANDREWS, *Director, Bureau of Operating Rights.*

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Profit By Air, Inc., for approval of control relationships under section 408 of the Federal Aviation Act of 1958, as amended, Docket No. 21592.

By application filed November 10, 1969, Profit By Air, Inc. (PBA) requests approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), of control relationships resulting from its acquisition of 51 percent of the stock of Lacolle Transport Ltd. (Lacolle). PBA is a domestic and international air freight forwarder. Lacolle is a common carrier by motor vehicle operating within an area of approximately 30 miles around Lacolle, Quebec, including Montreal, Quebec. PBA will acquire 51 percent of Lacolle's stock for cash from the sole owner of that company, Wilfred Richard. The latter will continue as Managing Director of Lacolle.

Applicant states that it intends to continue to operate Lacolle as a local trucking company. Lacolle will also act as PBA's sales agent for generation of freight from Canada to the United States. Eventually PBA intends to apply on behalf of Lacolle for approval as an IATA agent and for air freight forwarder authority for shipments to and from points other than the United States.[1] PBA asserts that the acquisition does not affect the control of an air carrier, will not result in creating a monopoly nor tend to restrain competition and does not adversely affect the public interest.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that PBA is an air carrier and that its acquisition of Lacolle is subject to section 408 of the Act.[2] However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved or exempted by the Board and do not essentially present any new substantive issues.[3]

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[1] An exception is a $4 and $10 increase over the presently constructed round-trip first-class and economy-class fares, respectively, between Miami and Barquisimeto.

[1] Such authority would be obtained from the Canadian government or pursuant to IATA rules governing air cargo consolidators.

[2] Air Freight Forwarder Case, 9 CAB 473, 1948.

[3] Add Airfreight del Peru, Order E-24275, Oct. 6, 1966, Docket 17595. Also see Air Barr Shipping Corp., et al., Order 68-11-42, Nov. 8, 1968, Docket 20202.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

That the acquisition of Lacolle by PBA and the resultant control relationships be and they hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15273; Filed, Dec. 23, 1969; 8:48 a.m.]

[Docket No. 21716; Order 69-12-83]

SHULMAN, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of December 1969.

By tariff revision[1] marked to become effective December 20, 1969, Shulman, Inc. (Shulman) an air freight forwarder, proposes to revise its existing domestic and overseas claim rules to establish exceptions only in connection with overseas air transportation between points in the continental United States and points in Puerto Rico to provide inter alia, that the forwarder shall not be liable in any action to enforce a claim unless action is brought within 1 year from the date of issue of the airbill. The present provisions provide 2 years.

The forwarder does not present any economic or legal justification in support of its proposal.

Upon consideration of all relevant matters, the Board finds that the proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

The proposed statutory limit of 1 year, reduced from 2 years, for bringing action to enforce a claim, does not compare favorably with the direct air carriers' rule of 2 years in the mainland-Puerto Rico market.[2] Accordingly, shippers would be deprived of 1 full year during which to file suits against Shulman. A check of numerous indirect air carrier tariffs has also failed to reveal any exception to the standard 2-year rule, nor is the Board aware of any consideration which would support this more stringent limitation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions of the exception in Rule No. 70 on Original Page 5-A of Shulman, Inc., doing business as Shulman Air Freight's CAB No. 38 (Shulman, Inc. Series), and rules, regulations, or practices affecting such provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of the exception in Rule No. 70 on Original Page 5-A of Shulman, Inc., doing business as Shulman Air Freight's CAB No. 38 (Shulman, Inc. Series) are suspended and their use deferred to and including March 19, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Shulman, Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15276; Filed, Dec. 23, 1969; 8:48 a.m.]

[1] Revision to Shulman, Inc.'s Tariff CAB No. 38 (Shulman, Inc. series) filed Nov. 18, 1969.

[2] Domestic traffic is also subject to a 2-year limitation.

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Intelligence) in the Office of the Assistant Secretary of Defense (Administration).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15270; Filed, Dec. 23, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Assistant Administrator (States Relations)" to "Commissioner, Community Services Administration."

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15272; Filed, Dec. 23, 1969; 8:48 a.m.]

Notice of Grant of Authority To Make a Noncareer Executive Assignment

FEDERAL POWER COMMISSION

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Power Commission to fill by noncareer executive assignment in the excepted service the position of Chief, Office of Environmental Protection.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15271; Filed, Dec. 23, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18770; FCC 69-1363]

DANIEL ENTERPRISES, INC.

Order Designating Application for Oral Argument

In regard application of Daniel Enterprises, Inc., Radio Station WDNL, Warren, Ohio, Docket No. 18770, File No. BMP-12752, for extension of construction permit.

1. The Commission has before it for consideration a request for reinstatement of the above-captioned application for additional time to construct Station WDNL, Warren, Ohio.

2. On May 21, 1968, a construction permit (BP-14886) was granted to Daniel Enterprises, Inc., for a new standard broadcast station (WDNL) at Warren, Ohio (1570 kc., 500 w. DA-D). This action followed our affirmation of award of the permit in Docket 15191. Construction was required to be completed by January 21, 1969.

3. An extension of time to complete construction was subsequently granted on January 27, 1969, with the condition: "Further extension of this authority not contemplated absent showing of substantial progress toward completion." This authority expired July 21, 1969. On June 26, 1969, the subject extension application (BMP-12752) was filed, which stated that an assignment application for the permit was in preparation but indicating that no construction had been undertaken. This application was dismissed on August 18, 1969, by letter of Broadcast Bureau, under delegated authority. Prior to that date, on June 30, 1969, an application to assign the permit (BAP-776) to Warren Broadcasting Corp., Warren, Ohio, was filed, and is now pending before us.

4. A request has been made to reinstate the dismissed application for the purpose of affording the permittee an opportunity for a hearing thereon. This is in accordance with the terms of the letter of dismissal, and the request was timely filed.

5. It is our view that the permittee is entitled to oral argument on the questions whether its failure to complete construction was due to causes not under its control or that the reasons stated in support of its application are sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended and § 1.534(a) of the Commission's rules. The pending assignment application will be held in abeyance pending the outcome of the oral argument.

6. *It is ordered,* That the extension application (BMP-12752) of Daniel Enterprises, Inc., for Station WDNL, Warren, Ohio, is reinstated.

7. *It is further ordered,* That the above-captioned application is designated for oral argument before the Review Board in Washington, D.C., at a time and place to be specified in a subsequent order, on the following issue:

To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

8. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, in person, or by attorney, shall, within ten (10) days of the mailing of this order, file with the Review Board an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified in this order.

Adopted: December 10, 1969.

Released: December 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-15266; Filed, Dec. 23, 1969; 8:48 a.m.]

[1] Commissioners Robert E. Lee and Wells dissenting in part and voting to grant application; Commissioner Cox concurring in the result.

[Docket No. 18771; FCC 69-1364]

ISLAND TELERADIO SERVICE, INC.

Order Designating Application for Oral Argument

In regard application of Island Teleradio Service, Inc. (WBNB-FM), Charlotte Amalie, V.I., Docket No. 18771, File No. BMPH-10738, for extension of construction permit.

1. The Commission has for consideration a request for reinstatement of an application for extension of time within which to complete construction of Station WBNB-FM, Charlotte Amalie, V.I., filed November 7, 1969, on behalf of the permittee corporation, Island Teleradio Service, Inc.

2. The above-captioned and described application was dismissed by the Chief, Broadcast Bureau, acting pursuant to delegated authority (§ 0.281(z) of the rules), on October 13, 1969, because the applicant had failed to demonstrate that it had exercised due diligence in the prosecution of construction or that construction had been prevented by causes not under its control, within the meaning of section 319(b) of the Communications Act of 1934, as amended. However, in accordance with the provisions of the delegation, the applicant was advised that if it desired a hearing, it could request reinstatement within a 30-day period. Subsequently, on November 7, 1969, a request for reinstatement of the extension application was submitted.

3. *It is ordered,* That the above-captioned application is reinstated.

4. *It is further ordered,* That the above-captioned application is designated for oral argument before the Review Board in Washington, D.C., at a time and place to be specified in a subsequent order, on the following issue:

To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

5. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, in person, or by attorney, shall, within ten (10) days of the mailing of this order, file with the Commission, an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified in this order.

Adopted: December 10, 1969.

Released: December 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-15264; Filed, Dec. 23, 1969; 8:47 a.m.]

[Dockets Nos. 18768, 18769; FCC 69-1362]

MEDIA INC. AND JUD INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Media, Inc., Youngstown, Ohio, requests: 1500 kHz, 500 w., 250 w.-CH, DA-2, Day, Docket No. 18768, File No. BP-17435; Jud, Inc., Ellwood City, Pa., requests: 1500 kHz, 250 w., DA-Day, Docket No. 18769, File No: BP-17749; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules. Also before the Commission is a petition to dismiss application, filed by Media, Inc., and a petition for designation for hearing, filed by Jud, Inc., as well as the related pleadings.

2. Media contends that the proposed 25 mv/m contour of Jud "fails to cover a substantial portion (25 percent) of the main commercial district of Ellwood City." Media argues that not only is this "in complete disregard for § 73.188(b)(1) of the Commission's rules, but also one of the imminent 307(b) considerations, i.e., a first local transmission service to Ellwood City, would not be completely fulfilled by the applicant, since it would not provide the required service to the community. Therefore, accord-

[1] Commissioners Robert E. Lee and Wells dissenting in part and voting to grant application; Commissioner Cox concurring in the result.

ing to Media, the application is defective, and pursuant to § 1.566(a), must be dismissed.[1]

3. In opposing the Media petition, Jud attempts to show that its proposed 25 mv/m contour encompasses the area in question, on the basis of a map verified by the Borough Manager, purporting to show the principal business district of Ellwood City. In response, Media challenges the validity of Jud's map which, according to facts presented by Media, was prepared for other purposes. Media, on the other hand, presents its own map, which it describes as the "Official Zoning Ordinance No. 1432 Map of the Borough of Ellwood City, Pennsylvania," and contends that this shows that Jud's proposed 25 mv/m contour will not be obtained over the "main commercial business" district of Ellwood City. Inasmuch as we are unable to resolve the factual dispute over the extent or coverage of the business or factory district, a 25 mv/m city coverage transmitter site issue will be specified as to Jud, Inc.[2]

4. In addition to its opposition pleading referred to above, Jud filed a petition for designation for hearing, which it states is not for the purpose of arguing the merits of the two applications, but to request that the Commission initiate the proceeding to determine which application should be granted. Thus, although it expresses confidence that no such issue will be required, it wishes to expedite the designation by this pleading. In opposition thereto, Media states that Jud has not stated reasons which would warrant the exceptional action—i.e., priority consideration—requested by Jud. Media also once again asserts that the Jud application must be dismissed as patently defective under § 1.566(a).

5. In its response to Media's opposition Jud finds an "obvious reluctance on the part of Media to face a designation order and suggests that Media's position raises a substantial question as to whether the Media application is being prosecuted in good faith." Although Jud suggests that the Commission should inquire as to whether Media intends to prosecute its application, it also states that the quickest way to ascertain Media's true intentions would be a speedy hearing. Thus, the parties are apparently in agreement on this point. Inasmuch as we are now designating the applications for hearing, Jud's request in its petition will be granted, and any questions raised by its petition and the responsive pleadings are thus mooted.[3]

6. In the case of Media's coverage of the city of Youngstown, there is a substantial question of fact as to its compliance with § 73.188(b)(2) of the rules, inasmuch as on the basis of this applicant's own showing its proposed 5 mv./m. contour will not extend over the most distant residential section of the city.[4] Therefore, although Jud does not raise the question in its pleadings, we are specifying a 5 mv./m. residential city coverage transmitter site issue as to Media.

7. We find that Media has complied with the requirements of the Suburban doctrine, the Commission's public notice of August 22, 1968, relating to the ascertainment of the needs and interests of the community to be served, FCC 68–847, 13 RR 2d 1303, and the Commission's decision in city of Camden (WCAM), 18 FCC 2d 412, 16 RR 2d 555 (1969). Jud, on the other hand, has not met these requirements.[5] We cannot determine that those interviewed constitute a representative range of groups or organizations within the area to be served. Apart from approximately six overly general suggestions, such as coverage of local events, no suggestions as to community needs are listed. Furthermore, it does not appear that any interviews were conducted in the communities outside Ellwood which Jud proposes to serve. Accordingly, a Suburban issue has been specified as to Jud.

8. Based on information provided in Media's application, one of its principals, John T. Galanses, who is listed as Vice President and General Manager of this applicant, is presently an announcer-engineer with Station WHOT and Station WRED–FM, Campbell, Ohio. Since Campbell is in the greater Youngstown area, there would obviously be mutual 1 mv./m. overlap between Station WHOT and Media's proposed Youngstown station. It does not appear that Galanses has any ownership interest in or working control over Station WHOT, and so § 73.35(a) of the Commission's rules presumably does not come into play. However, the Commission has long been concerned with the potential impairment of competition which might ensue if individuals are permitted to maintain cross-interests in two facilities in the same broadcast service serving substantially the same area. See Shenandoah Life Insurance Company, 19 RR 1 (1959) and K & M Broadcasters, Inc., FCC 69R–407, 17 RR 2d 540, released October 7, 1969. Inasmuch as this cross-interest policy is not predicated upon the exercise of working control over the existing facility, but extends to individuals who are principals of an applicant and also have some meaningful relationship with an existing facility of the same type serving substantially the same area, and since it is impossible to determine from the Media application or the pleadings, the exact or total nature of Galanses' position and relationship with Station WHOT, a substantial question arises as to whether a grant of the Media application would violate this cross-interest policy. An appropriate issue will therefore be added.

9. Media has proposed approved type frequency and modulation monitors and a Gates transmitter, type BC–500G, which is approved for 500 watts. Since the transmitter is unapproved for 250 watts, however, a condition will be included, in the event of a grant of this application, to require measurements in accordance with §§ 73.48 and 2.579 of the Commission's rules.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Jud, Inc., would provide coverage of the city sought to be served, as required by § 73.188(b)(1) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the proposal of Media, Inc., would provide coverage to the city sought to be served, as required by § 73.188(b)(2) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether a grant of the application of Media, Inc., would contravene the Commission's policy requiring divorcement of interests between stations in the same broadcast service and serving substantially the same area.

5. To determine the efforts made by Jud, Inc., to ascertain the community needs and interests of the areas to be served, and the means by which it proposes to meet those needs and interests.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

12. *It is further ordered,* That, in the event of a grant of the application of Media, Inc., the construction permit shall contain the following condition:

Submission by the permittee of data made in accordance with §§ 73.48 and 2.579 of the Commission's rules for type acceptance of the proposed transmitter for 250 watts.

13. *It is further ordered,* That the petition of Media, Inc. is granted to the extent indicated above, and is denied in all other respects.

14. *It is further ordered,* That the petition of Jud, Inc. is granted insofar as the applications are being designated for hearing, and is denied in all other respects.

15. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

16. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 10, 1969.

Released: December 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–15265; Filed, Dec. 23, 1969; 8:48 a.m.]

[1] Section 73.188(b)(1) requires a minimum field intensity of 25 to 50 mv/m over the business or factory areas of the city. § 1.566(a) rules that applications which are determined to be patently not in accordance with the Commission's rules will be rejected as defective.

[2] Contrary to Media's position, for which it cites Greenwich Broadcasting Corp., 12 FCC 1294, 2 RR 2d 548 (rel. 5/5/64), this is not grounds for rejection or dismissal of the Jud application. In that case the Review Board was "unable to make a finding that 69% area and 65% population coverage 'substantially complies' with the rule." However, although it pointed out that "this requirement is clearly important in determining an applicant's qualifications to operate a standard broadcast station," this can not be used as support for the contention that the application should not have been accepted for filing or dismissed. (The applicant in question was one of several parties in a comparative proceeding.) Therefore, Media's request for a city coverage issue will be granted, but its request for dismissal of Jud's application will be denied.

[3] Although Jud seems to imply bad faith or even fraud, it does not ask for a character qualifications issue, and in any case we do not find, on the basis of the pleadings, the necessary grounds for one.

[4] See H–B–K Enterprises, FCC 68R–517, 15 FCC 2d 683 (1968); compare Andy Valley Broadcasting System, Inc., 12 FCC 2d 3, 12 RR 2d 691 (1968), and South Norfolk Broadcasting Co., 1 FCC 2d 621 (1961).

[5] Commissioner Robert E. Lee concurring in the result.

FEDERAL MARITIME COMMISSION

[Docket No. 69–58; Agreement 9813]

TRANSATLANTIC FREIGHT CONFERENCE

Order of Investigation and Hearing

The Commission has before it an application for approval of a conference agreement, pursuant to section 15 of the Shipping Act, 1916, between American Export Isbrandtsen Lines, Atlantic Container Line, Ltd., Dart Containerline Co., Ltd., Hamburg-Amerika Linie, Moore-McCormack Lines, Inc., Norddeutscher Lloyd, Sea-Land Service, Inc., and United States Lines, Inc., in the trade between North Atlantic ports of the United States and ports in Europe and, to the extent now or hereafter lawfully permissible, between any points in the United States and points in Europe via United States North Atlantic ports and ports in Europe as defined in the agreement. The agreement has been designated Federal Maritime Commission Agreement Number 9813.

Although it appears that agreement No. 9813 contemplates an arrangement which will have a significant impact upon commerce between the U.S. North Atlantic and Europe, the parties have not adequately demonstrated, nor is it shown or otherwise evident, that agreement No. 9813 is required by a serious transportation need or is necessary to secure important public benefits or to serve the regulatory purposes of the Shipping Act, 1916.

Various parties have protested agreement No. 9813 and have requested the Commission to conduct an investigation and hearing to determine its lawfulness and its probable effects. The Commission is of the opinion that agreement No. 9813 poses serious questions which can only be resolved on the basis of a full and complete evidentiary record developed in a formal proceeding.

Therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation and hearing be instituted to determine whether agreement No. 9813 would be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and, on the basis of such determinations, to conclude whether agreement No. 9813 should be approved, disapproved, or modified.

The Commission desires the parties to the proceeding to address themselves to at least the following issues and to such others as may arise in the course of the proceeding:

1. Is the agreement so large in scope as to be contrary to the public interest?

2. What effect will this agreement have upon existing conferences, other ratemaking agreements and independent carriers in the trades covered by the agreement?

3. Will present dual rate contract systems be affected adversely?

4. To what extent will present rates and trade structures be altered?

5. Will new trade patterns and ranges be established?

6. Can interested parties know from the present language exactly how the agreement will work or is there need for changes?

7. Should the Conference's authority be more specific and limited to the present intention of the parties?

8. What transportation need does the agreement fill?

With regard to specific provisions and operations of agreement No. 9813:

9. Article 2(c)(ii)—Is approval of this agreement all that is now required to permit the parties to undertake the transportation of cargo between inland points in the United States and inland points in Europe?

10. Article 4—May the parties establish different rates for different types of vessels and equipment?

11. Article 6(a)—How will "natural" routing be preserved? What is the meaning of "natural route" and "naturally tributary?"

12. Article 6(b)—What is the intent of this provision? Does it permit diversion at the discretion of the carrier?

13. Article 6(c)—Equalization is restricted to ports in the Bayonne-Hamburg range in the westbound section. What is the effect of this provision?

14. Article 6(d)—Would this form of diversionary equalization be only for the convenience of the member lines? How will this provision be applied?

15. Article 7(e)(ii)—The range of ports assigned to each Rate Committee is not designated in the agreement. How will this provision be implemented? Why can only one member of a Rate Committee serve the range via transshipment with other than fully owned or fully chartered feeder vessels?

16. Will Rate Committees be autonomous? If so, why must they adopt only those tariff rules and regulations that are authorized by the Executive Committee?

17. Article 7(e)(iii)—Will the procedure that allows a member of one Rate Committee to stay the decisions of another by invoking reconsideration procedures cause delay in taking action on shippers' requests and complaints?

18. Article 10—Is the right of independent action broad enough?

19. Can membership in the conference be restricted to vessel-operating common carriers by water?

20. Articles 19(e)(iv), (f)(iii), and (f)(iv)—Are the procedures which give the accused line advance notice of investigation and allow disclosure of complainant's identity permissible?

21. What ports in the United States and in Europe will be served initially. Will such service be direct, feeder or transshipment?

It is further ordered, That the parties listed in appendix A attached hereto be made respondents in this proceeding and that the parties listed in appendix B be made petitioners;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner. Since the parties may, in the course of this proceeding, change or modify those agreement provisions which appear to the Commission and protestants to be ambiguous or indefinite, the Hearing Examiner is reminded that in his discretion he may order publication of any material changes in the FEDERAL REGISTER as public notice of such changes;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and petitioners:

It is further ordered, That any person, other than respondents or petitioners, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule (5)(1), 46 CFR 502.72 of the Commission's rules of practice and procedure.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

American Export Isbrandtsen Lines, 26 Broadway, New York, N.Y. 10004.
Atlantic Container Line, Ltd., 30 Church Street, New York, N.Y. 10007.
Dart Container Line Co., Ltd., 30 Church Street, New York, N.Y. 10007
Hamburg-Amerika Linie, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.
Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
Norddeutscher Lloyd, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.
United States Lines, 1 Broadway, New York, N.Y. 10004.
Seatrain Lines, Inc./Seatrain International, S.A., 595 River Road, Edgewater, N.J. 07020.

APPENDIX B

Curtis L. Wagner, Chief, Regulatory Law Division, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310.
Richard W. McLaren, Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C. 20530.
R. Tenney Johnson, Acting General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590.
Neil L. Lynch, Chief Counsel, Massachusetts Port Authority, 470 Atlantic Avenue, Boston, Mass. 02210.
Mr. J. A. Iles, Director of Transportation, Outboard Marine Corp., 100 Pershing Road, Waukegan, Ill. 60085.
John W. Gayk, Chairman, Traffic Advisory Committee, Tobacco Association of the United States, Post Office Box 681, Danville, Va. 24541.
Thomas E. O'Neill, Vice President and General Counsel, National Association of Alcoholic Beverage Importers, 1025 Vermont Avenue NW., Washington, D.C. 20005.
Mr. P. Meyer, Meyer Line, Kronprinsesse Martha's Plass 1, Post Office Box 1347, Vika, Oslo 1, Norway.
Mr. Heikki Jutila, Resident Director, U.S.A. Services, Finnlines, Ltd., 90 Broad Street, New York, N.Y. 10004.
North Atlantic Mediterranean Freight Conference, David M. MacNeil, Chairman, 17 Battery Place, New York, N.Y. 10004.
Marseilles/North Atlantic USA Freight Conference, Mr. Guy Retournat, Secretary, 10 Place de la Joliette, Marseilles, 2E, France.
Spain/U.S. North Atlantic Westbound Freight Conference, Mr. Guy Retournat, Secretary, 10 Place de la Joliette, Marseilles, 2E, France.
Portugal/U.S. North Atlantic Westbound Freight Conference, Mr. Guy Retournat, Secretary, 10 Place de la Joliette, Marseilles, 2E, France.
West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference (W.I.N.A.C.), Mr. G. Ravera, Secretary, Post Office Box 1070, 16123 Genoa, Italy.

[F.R. Doc. 69-15291; Filed, Dec. 23, 1969; 8:49 a.m.]

INACTIVE TARIFFS

Notice of Cancellation

By Notice published in the FEDERAL REGISTER on November 11, 1969, the Commission notified the carriers named therein of its intent to cancel certain tariffs 30 days thereafter in the absence of a showing of good cause why such tariffs should not be canceled. The following carriers failed to respond to the notice:

ABC International, Inc., 26 Beaver Street, New York, N.Y. 10004.
Apex Marine Co., 428 Ninth Avenue, New York, N.Y. 10001.
Caribbean Van Lines, Inc., G.P.O. Box 3133, San Juan, P.R. 00936.
Mr. Syd Kline, Puerto Real, Inc., 1090 V.F.W. Parkway, West Roxbury, Mass. 02132.
Superior Fast Freight, Box 60100, Terminal Annex, Los Angeles, Calif. 90060.

Accordingly, pursuant to section 6.10 of Commission Order 201.1, Amendment 5, effective May 5, 1969, the tariffs of the above named carriers were canceled on December 16, 1969.

LEROY F. FULLER, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 69-15290; Filed, Dec. 23, 1969; 8:49 a.m.]

[Independent Ocean Freight Forwarder License No. 123]

BRITO FORWARDING CO.

Order of Revocation

By letter dated September 24, 1969, Brito Forwarding Co., 1755 West Jefferson Street, Brownsville, Tex. 78520, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 123 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 4, 1969.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Brito Forwarding Co. has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, Section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 123 of John L. Brito, doing business as Brito Forwarding Co., be and is hereby revoked effective November 4, 1969.

It is further ordered, That License No. 123 be returned to the Commission promptly.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Brito Forwarding Co.

LEROY F. FULLER, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 69-15292; Filed, Dec. 23, 1969; 8:49 a.m.]

[Independent Ocean Freight Forwarder License No. 1237]

CONTAINER SERVICES INTERNATIONAL, INC.

Order of Revocation

Container Services International, Inc., formerly of 233 Broadway, New York, N.Y. 10007, advised that it had ceased operations as an independent ocean freight forwarder and voluntarily returned its License No. 1237 on November 18, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, Section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 1237 of Container Services International, Inc., be and is hereby revoked effective November 18, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Container Services International, Inc., care of Mr. Robert Gurland, Vice President, 315 East 65th Street, New York, N.Y. 10021.

LEROY F. FULLER, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 69-15293; Filed, Dec. 23, 1969; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 18, 1969.

On January 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 276) a letter dated December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, including cotton textile products in Category 26 (duck only), produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning January 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 15 of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides for administrative arrangments. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of December 17, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the level of restraint applicable to cotton textiles in Category 26 (duck only), for the twelve-month period which began on January 1, 1969. It should also be noted that the Government of the Republic of Korea has indicated that the amount of cotton textile products in Category 26 (duck only) entered pursuant to the administrative arrangement which is in excess of the level applicable to Category 26 (duck only) set forth in the bilateral agreement for the current agreement year (approximately 1,136,642 square yards), is to be charged against the level applicable to this category for the next agreement year.

STANLEY NEHMER, *Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.*

ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

DECEMBER 17, 1969.

COMMISSIONER OF CUSTOMS, *Department of the Treasury, Washington, D.C. 20226.*

DEAR MR. COMMISSIONER: On December 27, 1968, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph fifteen (15) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, the level of restraint provided in that directive for cotton textile products in Category 26 (duck only), produced or manufactured in the Republic of Korea to the United States for the period beginning January 1, 1969, and extending through December 31, 1969, is hereby amended as follows, to be effective as soon as possible:

Category	Amended 12-month level of restraint[2]
26 (duck only)[3]... square yards...	13,870,517

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect entries made on or after January 1, 1969.

[3] Only T.S.U.S.A. Nos.:
320....01 through 04, 06, 08
321....01 through 04, 06, 08
322....01 through 04, 06, 08
326....01 through 04, 06, 08
327....01 through 04, 06, 08
328....01 through 04, 06, 08

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER, *Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.*

[F.R. Doc. 69-15261; Filed, Dec. 23, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ALASKA INTERNATIONAL CORP.

Order Suspending Trading

DECEMBER 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alaska International Corp., a Nevada Corporation, and all other securities of Alaska International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 17, 1969, through December 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 69-15243; Filed, Dec. 23, 1969; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinate debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 18, 1969, through December 27, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 69-15244; Filed, Dec. 23, 1969; 8:46 a.m.]

[812-2653]

HAMILTON GROWTH FUND, INC. AND HAMILTON MANAGEMENT CORP.

Notice of Application for Exemption

DECEMBER 17, 1969.

Notice is hereby given that Hamilton Growth Fund, Inc., ("Fund"), 777 Grant Street, Denver, Colo. 80217, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act") and Hamilton Management Corp. ("Hamilton"), a registered broker-dealer which serves as the principal underwriter and investment manager of Fund (hereinafter referred to collectively as "Applicants"), have filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the sale by applicants of shares of Fund at net asset value plus a reduced sales charge to the bona fide, full-time, salaried employees in the United States

of International Telephone and Telegraph Corp. ("ITT"), or any of its affiliates or subsidiaries. Hamilton is a wholly-owned subsidiary of ITT Management and Research Co., Inc., which in turn is a wholly-owned subsidiary of ITT. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The public offering price of shares of Fund is currently net asset value per share plus a sales charge ranging from $8\frac{1}{2}$ percent on sales of $15,000 or less to $\frac{1}{2}$ percent on sales over $5,000,000. Applicants state that in order to engender loyalty among the salaried employees of the various constitutent U.S. corporations of ITT and to provide a benefit to them, it is proposed that shares of Fund be offered through a salary deduction plan to the United States, bona fide, full-time employees of ITT who have been such for not less than 90 days and to such employees of an affiliate or subsidiary of ITT at a reduced sales load as follows:

Amount of purchase	Sales charge	
	Public	Reduced
	Percent	*Percent*
$250 to $15,000	8½	5.1
$15,001 to $30,000	8	4.8
$30,001 to $45,000	7½	4.5
$45,001 to $60,000	7	4.2
$60,001 to $75,000	6	3.6
$75,001 to $90,000	5	3.0
$90,001 to $100,000	4	2.4
$100,001 to $5,000,000	1	0.6
Over $5,000,000	½	0.3

Under the terms of the proposal, a U.S. bona fide, full-time salaried employee of ITT or such an employee of an affiliate or subsidiary of ITT would determine the amount to be deducted on a periodic basis from his salary for investment in Fund shares. Such deductions would be on a voluntary basis and could be terminated at any time. After deduction of the appropriate sales charges, such amounts shall be used to acquire shares of Fund for the employee at the price per share next in effect after receipt of such amounts by Hamilton.

Section 22(d) of the Act provides, in relevant part, that an open-end investment company is prohibited from selling a redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in sales load except on a uniform basis.

Section 6(c) of the Act authorizes the Commission by order, upon application, to exempt, conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that the sales expense incurred as a result of sales to these salaried employees will be considerably less than the cost of selling shares of Fund to the general public and that Fund will not bear any of the costs of solicitation. The offer will be described in the prospectus and sales will be made only upon the written assurance of the purchaser that the purchase is made for investment purposes and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

Applicants assert that the requested exemption would not be inconsistent with the purposes underlying section 22(d) of the Act and would be consistent with the position previously taken by the Commission on requests for exemption from the provisions of section 22(d) in connection with varying amounts of sales effort required.

Applicants state their opinion that the exemption sought, if granted, would be in the public interest, consistent with the protection of investors and with the policy and purposes of the Act.

Notice is further given that any interested person may, not later than January 6, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the persons being served are located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DU BOIS,
Secretary.

[F.R. Doc. 69–15245; Filed, Dec. 23, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

FIRST BUSINESS INVESTMENT CORP.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 C.F.R. Part 107), for transfer of control of First Business Investment Corp. (First Business), 1320 Davis Building, Dallas, Tex. 75222, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 10–0015.

First Business was licensed on February 25, 1960, and as of September 30, 1969, had paid-in capital and paid-in surplus from private sources amounting to $202,000. Mr. John M. McCoy has increased his equity interest in First Business to 100 percent by acquiring the 50-percent interest from the estate of Leonard B. Brown, former president of the Licensee. The proposed transfer of control is subject to and contingent upon the approval of SBA.

The proposed officers and directors are as follows:

John Milton McCoy, President and Director.
Millicent Hume McCoy, Vice President, Director.
Waller McGee, Collie, Jr., Secretary, Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner, and the probability of successful operations of the company under his control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in Dallas, Tex.

For SBA (pursuant to delegated authority).

Dated: December 15, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–15246; Filed, Dec. 23, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 51–6]

DEPUTY UNDER SECRETARY OF LABOR FOR INTERNATIONAL AFFAIRS

Delegation of Authority and Assignment of Responsibility for International Labor Activities

1. *Purpose.* To delegate to the Deputy Under Secretary of Labor for International Affairs the authority vested in the Secretary of Labor for international labor activities.

2. *Background.* Among the many international responsibilities of the Secretary of Labor are the following: advice to State Department to assure consideration of labor and manpower factors in U.S. foreign policy; foreign economic policy, including trade negotiations and adjustment assistance; participation in international organizations whose goals are primarily the improvement of social and working conditions; technical assistance to developing countries in the labor and manpower specialities; and liaison with State Department, Agency for International Development (AID), and other foreign affairs agencies, including participation in the administration of the Foreign Service. The Deputy Under Secretary for International Affairs carries out the international affairs responsibilities through the operations of the Bureau of International Labor Affairs and the various Administrations and Offices of the Department as provided for in this order.

3. *Delegation of authority and assignment of responsibility.*

a. The Deputy Under Secretary of Labor for International Affairs is hereby delegated authority and assigned responsibility for:

(1) Directing and carrying out international labor activities of the Department including the functions to be performed by the Secretary of Labor under:

(a) The Foreign Service Act, as amended, and the various Executive orders providing policies for the Department of Labor responsibilities for overall administration of the Foreign Service.

(b) The Trade Expansion Act and the Automotive Products Trade Act, including those functions delegated to the Assistant Secretary and not otherwise delegated in S.O. No. 19–66.

(c) The regularly negotiated agreements with the Department of State and with AID and ad hoc agreements with other U.S. agencies under foreign assistance statutes.

(d) Agreements with foreign governments and other authorized international labor and manpower program agreements under the Foreign Assistance Act and the Mutual Educational and Cultural Exchange Act.

(e) All other Acts, Executive orders, and regulations authorizing Department of Labor participation in international labor, manpower, and trade programs.

(2) developing policy and programs for the conduct of international labor activities in the Department and coordinating them with other agencies and nongovernmental organizations,

(3) overseeing the supervision of the Bureau of International Labor Affairs and coordinating and providing guidance to international programs of other Administrations and Offices in the Department of Labor.

(4) Serving as the U.S. Representative to the International Labor Organization, Geneva, and to the Manpower and Social Affairs Committee of the Organization for Economic Cooperation and Development, and participating for the Department of Labor on the Board of Foreign Service,

(5) Coordinating all Department of Labor representations to international meetings and maintaining appropriate records therefor.

b. In carrying out the authority and responsibility delegated under this order, the Deputy Under Secretary for International Affairs shall perform the above functions in accordance with existing Governmental and Departmental regulations, including Chapter 4–1300 of the Manual of Administration, which outlines the functions of Policy Development, Planning, Programing, Budgeting, Executing Programs, Reviewing and Analyzing Planned versus Actual Performance, and Evaluating Program Effectiveness.

c. Heads of Administrations and Offices will make technical resources and staff available to the extent practicable to carry out the approved goals and objectives of the international program, including participation in intra-agency and interagency committees and, subject to the approval of the Secretary, service at international conferences and meetings.

d. The Solicitor of Labor shall have responsibility for providing legal advice and assistance to all officers of the Department relating to international labor affairs and functions.

4. *Directives affected.* Secretary's Order No. 8–69 is canceled.

5. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 16th day of December 1969.

GEORGE P. SCHULTZ,
Secretary of Labor.

[F.R. Doc. 69–15256; Filed, Dec. 23, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1262]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 19, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 C.F.R. 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 382), filed November 24, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) serving points within 20 miles of Erie, Pa., as off-route points in connection with applicant's present regular route authority to serve Erie, Pa., and serving no intermediate points; and (2) serving Sharon, Pa., as an off-route point in connection with applicant's present regular route authority, serving no intermediate points. NOTE: Applicant states that it presently holds regular route authority to serve Erie, Pa., and points within its commercial zone of 5 miles of the city limits. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Erie or Sharon, Pa.

No. MC–2392 (Sub-No. 76), filed November 25, 1969. Applicant: WHEELER TRANSPORT SERVICE INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representatives: Keith D. Wheeler (same address as above), and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite or warehouse facilities of Agrico Chemical Co., at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 3468 (Sub-No. 158), filed November 26, 1969. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, Mich. 48501. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles* via truckaway and driveaway service, from points in the New York, N.Y., commercial zone as defined by the Commission, and from Port Elizabeth and Port Newark, N.J., to points in Connecticut, Rhode Island, Maine, New Hampshire, and Vermont, restricted to vehicles originating at the plantsites of the General Motors Corp. located outside the continental United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 5470 (Sub-No. 58), filed November 21, 1969. Applicant: TAJON, INC., Rural Delivery No. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, Munsey Building, 1329 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, between Kingwood, W. Va., on the one hand, and, on the other, points in Delaware, Illinois, Maryland, New Jersey, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 7555 (Sub-No. 62), filed November 25, 1969. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 70, Ellerbe, N.C. 28338. Applicant's representative: Jacob P. Billing, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, basket materials, boxes*, made-up and knocked-down, *crates*, made-up and knocked-down, *crate materials, and pallets and pallet material*, from Berryville, Va., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20824 (Sub-No. 29), filed November 24, 1969. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 2141 South High Road, Post Office Box 41719, Indianapolis, Ind. 46241. Applicant's representative: Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis, Ind., and Crawfordsville, Ind., from Indianapolis over Interstate Highway 74 to junction Indiana Highway 32, thence over Indiana Highway 32 to Crawfordsville, Ind., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 33641 (Sub-No. 91), filed November 17, 1969. Applicant: IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Vancouver, Wash., and Seattle, Wash.: From Vancouver over U.S. Highway 830 to junction Interstate Highway 5 (U.S. Highway 99) and thence over Interstate Highway 5 (U.S. Highway 99) to Seattle, and return over the same route, serving the intermediate point of Tacoma, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Chicago, Ill.; Salt Lake City, Utah; and Seattle, Wash.

No. MC 40557 (Sub-No. 1), filed November 24, 1969. Applicant: HAUFF BROS., INC., 58–79 Grand Avenue, Maspeth, N.Y. 11378. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber products*, from Port Newark, N.J., to points in Nassau and Suffolk Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 50069 (Sub-No. 431) (Correction), filed November 17, 1969, published in FEDERAL REGISTER issue of December 18, 1969, and republished in part as corrected this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. NOTE: The purpose of this republication in part is to show correct docket number as MC 50069 (Sub-No. 431) in lieu of MC 50069 (Sub-No. 413) as previously published.

No. MC 59150 (Sub-No. 46), filed November 17, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition boards or sheets*, from the plantsite or warehouse of Westvaco Corp. at North Charleston, S.C., to points in Alabama, Florida, Georgia, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 59150 (Sub-No. 47), filed November 26, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of International Paper Co., Long Bell Division, Pitt County, N.C., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Mobile, Ala.

No. MC 70272 (Sub-No. 30), filed November 17, 1969. Applicant: KING VAN LINES, INC., Post Office Box 18268, Wichita, Kans. 67218. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that duplicate authority is not sought and all household goods authority now held will be surrendered for cancellation upon issuance of the authority here sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 71902 (Sub-No. 70), filed November 10, 1969. Applicant: UNITED TRANSPORTS, INC., 4900 North Sante Fe, Post Office Box 18547, Oklahoma City, Okla. 73118. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New foreign made motor vehicle* (except trailers), by truckway method, from Houston, Tex., to points in Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 73165 (Sub-No. 276), filed November 21, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components and fire hydrants*, from Birmingham, Ala., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana (East of Mississippi River), Michigan, Mississippi, Missouri, Ohio (Southern part), Oklahoma, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it would tack at Birmingham, Ala., with presently authorized authority held in its MC 73165. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No MC 73688 (Sub-No. 38), filed November 21, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arkansas, to points in Tennessee, Louisiana, Mississippi, Alabama, Kentucky, North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 83539 (Sub-No. 268), filed November 25, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Pueblo, Colo., and points in the United States (except Alaska, Hawaii, Idaho, Maine, New Hampshire, Ohio, Vermont, and Wyoming). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 87088 (Sub-No. 6), filed November 26, 1969. Applicant: SOONER EXPRESS, INC., Box 807, Denison, Tex. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of Kraft Foods at or near Garland, Tex., to points in Arkansas (except Carlisle, Fort Smith, Little Rock, Fayetteville, and Hot Springs); to points in Kansas (except Emporia, Hutchinson, Moline, Oswego, Pratt, and Wichita), to points in Oklahoma (except Ada, Blackwell, Madill, Oklahoma City, Okmulgee, Shawnee, Stillwater, Sulphur, and Tulsa); to points in Kansas City, Mo., commercial zone, under contract with Kraft Foods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma, City, Okla., or Washington, D.C.

No. MC 105940 (Sub-No. 6), filed November 12, 1969. Applicant: SAFEWAY TRUCKING CORPORATION, Building 221, Elizabeth Port Authority, Marine Terminal, McLester Street, Elizabeth, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk); (a) between the site of East Coast Warehouse & Distribution Corp., at Elizabeth, N.J., on the one hand, and, on the other, points in Suffolk, Orange, and Rockland Counties, N.Y., and points in Fairfield, Hartford and New Haven Counties, Conn.; and (b) between piers in New York Harbor, N.Y., on the one hand, and, on the other, the site of East Coast Warehouse & Distribution Corp., at Elizabeth, N.J. NOTE: Applicant presently holds contract carrier authority under its permit MC 127865, therefore, dual operations may be involved. Applicant states it will tack at Elizabethport, N.J., with existing authority. No duplicating authority is sought. Applicant further states the purpose of this application is to apply for the authority sought to be purchased from Joseph Genova in MC 124181 (Sub-No. 6 and MC–FC–71136) and to convert its contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 122), filed December 1, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete wire enforced planks or slabs, and wood and cement planks and slabs*, including *accessories and parts* incidental to the completion, erection, and installation thereof, from points in Elbert County, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Atlanta or Columbus, Ga.

No. MC 106760 (Sub-No. 123), filed December 1, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors;* (2) *shelving;* and (3) *closet or wardrobe bars or rods*, from Atlanta, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Columbus, Ga.

No. MC 107295 (Sub-No. 218), (amendment), filed September 2, 1969, published in the FEDERAL REGISTER issue of October 2, 1969, and republished as amended, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood paneling and accessories*, from Stuttgart, Ark., to points in New Jersey, New York, Massachusetts, Connecticut, Rhode Island, and Pennsylvania. NOTE: Applicant states that the requested authority can be tacked with its existing authority in MC 107295 where feasible and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an

unrestricted grant of authority. The purpose of this republication is to reflect the change in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 107295 (Sub-No. 257), filed November 25, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Overhead cranes and accessories* thereto, from Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it presently holds no authority to which the authority requested may be tacked with. However, it wishes to maintain the provisions for tacking this authority granted herein with any complimentary authorities secured in the future. If a hearing is deemed necessary, applicant requests it be heid at Houston, Tex.

No. MC 107295 (Sub-No. 258), filed November 20, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipes and couplings, bituminous fiber, and fittings therefore*, from West Bend, Wis., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states it will tack with its MC 107295, where feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 107496 (Sub-No. 757), filed November 25, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, from Yoder and Kentland, Ind., to points in Illinois, Ohio, and Michigan, (2) *foundry facings*, in bulk, from Highland, Ind., to points in Michigan, Pennsylvania, Ohio, Indiana, and Illinois and (3) *fats, greases, and tallows*, in bulk, from points in Wisconsin to points in that part of Indiana within the Chicago, Ill., commercial zone, as defined by the Commission, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 685), filed November 24, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Louisiana, Arkansas, Kansas, Oklahoma, Texas, and New Mexico, restricted to traffic originating at Wellston, Ohio. NOTE: Applicant states it will tack with its Subs 1, 10, and 12 at New Orleans, La. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107743 (Sub-No. 12), filed September 29, 1969. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, Wash. 99206. Applicant's representative: George LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel tubing*, from the plantsite of Green Bay Tubing, Green Bay, Wis., to points in North Dakota, South Dakota, Nebraska, Colorado, Oregon, Utah, Montana, Wyoming, Idaho, Washington, California, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Green Bay or Milwaukee, Wis.

No. MC 109397 (Sub-No. 189), filed November 17, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., operator of U.S.A.C. Transport, Inc., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems and antipollution system parts*, from Roseville, Mich., to points in the United States except Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110525 (Sub-No. 947), filed November 19, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), also Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorobutadiene*, in bulk, in tank vehicles, from La Place, La., to Louisville, Ky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that is has no present intent to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111401 (Sub-No. 292), filed November 17, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nos. 5 and 6 fuel oils*, in bulk, in tank vehicles; (1) from Tulsa, Okla., to points in Missouri; and (2) from Sugar Creek, Mo., to points in Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 111545 (Sub-No. 128), filed November 24, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and trailers designed to be drawn by passenger automobiles*, from points in Moore and Nash Counties, N.C., and Barnwell County, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not specifically intend to tack but tacking might be possible with authority in its lead certificate, 12th paragraph thereof, to enable service at points in South Carolina, Georgia, Florida, Alabama, Mississippi, or Louisiana. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Columbia, S.C.

No. MC 112520 (Sub-No. 209), filed November 24, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Crisp County, Ga., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112520 (Sub-No. 210), filed November 28, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Decatur County, Ga., to points in Georgia and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112801 (Sub-No. 102), filed November 24, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals and related products*, in bulk, between points in Grundy County, Ill., on the one hand, and on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114115 (Sub-No. 22), filed December 1, 1969. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsite and facilities of Morton Salt Co., Division of Morton International, Inc., located in Yates County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; under contract with Morton Salt Co., Division of Morton International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 89), filed November 26, 1969. Applicant: SHAFFER TRUCKING INC., Post Office Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and commodities* delt in by retail gift shops or retail curio shops when moving in mixed loads with foodstuffs, from points in Wisconsin to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115022 (Sub-No. 19), filed November 28, 1969. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. 06787. Applicant's representative: Reubin Kaminsky, Post Office Box 17-2056, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and/or mobilehomes*, designed to be drawn by passenger automobiles in initial movements and *buildings and buildings in sections*, mounted on wheeled undercarriages, with hitch-ball connector; (1) from origins which are points of manufacture in Hartford County, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (2) from origins which are points of manufacture in Litchfield County, Conn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 115669 (Sub-No. 107), filed November 25, 1969. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia;* (1) from the storage facilities of Central Farmers Fertilizer Co., located at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin; and (2) from the storage facilities of Gulf Central Pipeline Co., located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115841 (Sub-No. 364), filed November 24, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, and film or sheeting* other than cellulose, from Aberdeen and Havre de Grace, Md., to points in California and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 116273 (Sub-No. 121), filed November 20, 1969. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude light oil of coal tar;* (a) from Gary, Ind., to Lemont, Ill.; and (b) from Lemont, Ill., to Catlettsburg, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 116903 (Sub-No. 1), filed November 18, 1969. Applicant: HACKEL CARTAGE, INC., 223 West 65th Street, Chicago, Ill. 60621. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Room 1206, Chicago, Ill. 60603. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Electric home appliances, gas ranges, and kitchen cabinets*, from points in Cook County, Ill., to points in La Porte, St. Joseph, Lake, and Porter Counties, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 117184 (Sub-No. 7), filed November 12, 1969. Applicant: APEX TRUCKING CO., INC., 330 West 42d Street, New York, N.Y. 10036. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of duplicating, copying, and reproducing machines, and *materials, supplies, accessories, components, publications, educational materials, equipment and fixtures* used in the conduct of such business; (1) between points in the New York, N.Y., commercial zone, as defined by the Commission, Blauvelt, N.Y., and Carlstadt, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., and New York, N.Y.; and (2) between points in the New York, N.Y., commercial zone, as defined by the Commission, and Carlstadt, N.J., on the one hand, and, on the other, points in Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N.Y., under contract with Xerox Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117344 (Sub-No. 198) (Correction), filed November 7, 1969, published FEDERAL REGISTER, issue of December 11, 1969, and republished as corrected this issue. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. NOTE: The purpose of this republication is to show the correct docket number assigned hereto, in lieu

of No. MC 117334 (Sub-No. 198), which was in error.

No. MC 117883 (Sub-No. 129), filed November 3, 1969. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380. Applicant's representatives: Edward Subler (same address as above), also William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, packinghouse products and commodities* used by packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Spencer, Hartley, Denison, Iowa Falls, Clarinda, Postville, Storm Lake, Harlan, and Oakland, Iowa, to points in Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; and (2) *frozen foods*, from Council Bluffs, Iowa, to points in Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 117883 (Sub-No. 130), filed November 24, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods, foodstuffs, and food ingredients*, from Allen and Auglaize Counties, Ohio, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, West Virginia, Wisconsin, Virginia, and the District of Columbia; and (2) *foods, foodstuffs, and ingredients, materials, equipment, and supplies* used in the manfacturing, packaging, and distribution of food and foodstuffs, from the destination points named in (1) above, to Allen and Auglaize Counties, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118263 (Sub-No. 19), filed November 20, 1969. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in tank vehicles), from the plantsite and warehouse facilities of Stouffer Foods Corp. at Cleveland and Solon, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, the District of Columbia, and those in Pennsylvania on and east of U.S. Highway 15. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has pending contract carrier authority under MC 111069 Sub 53, therefore, dual operations might be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Louisville, Ky.

No. MC 119531 (Sub-No. 131), filed November 14, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 N. Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard sheets*, from Ashtabula, Ohio, to Winchester, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119641 (Sub-No. 83) (amendment), filed October 14, 1969, published in the FEDERAL REGISTER issue of November 20, 1969, and republished as amended, this issue. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 720 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *agricultural implements and machinery;* and (3) *attachments for, and equipment* designed for use with the foregoing articles described in (1) and (2) above when moving in mixed loads with such articles described in (1) and (2) above, from ports of entry on the international boundary line between the United States and Canada at or near Buffalo, N.Y., and Detroit, Mich., to points in the United States (except Arizona, Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming); restricted to traffic in foreign commerce originating at the plant warehouse or distribution facilities of the International Harvester Co. NOTE: The purpose of this republication is to (1) reflect a change in the origin territory to include the port of entry at Buffalo, N.Y., and limiting the United States-Canada border crossings in Michigan to the port of entry at Detroit, Mich.; and (2) reflect that Alaska and Hawaii are also excepted states in the destination area. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119641 (Sub-No. 85), filed November 14, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk), from Claysburg, Sproul, and Salina, Pa., to Chicago, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, and points in Lake and Porter Counties, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119669 (Sub-No. 5), filed November 14, 1969. Applicant: JACKSON TRUCKING CO., INC., 546 South 31A, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119767 (Sub-No. 230), filed November 24, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the plantsite and warehouse facilities of Duffy-Mott Co., Inc., at or near Bailey and Hartford, Mich., to points in Minnesota, North Dakota, South Dakota, the Upper Peninsula of Michigan, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119778 (Sub-No. 122), filed November 21, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla., 33601. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Decatur, Ala., to points in Alabama, Georgia, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be

involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 119934 (Sub-No. 159), filed November 17, 1969. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphorous*, in bulk, in tank vehicles, from Mount Pleasant, Tenn., to points in Ohio and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority in MC 128161, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119934 (Sub-No. 160), filed November 17, 1969. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles; (1) from Rochester, Ind., to points in Illinois, Ohio, and Kentucky; and (2) from Bedford, Ind., to points in Illinois and Kentucky. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant, requests it be held at Indianapolis, Ind.

No. MC 123634 (Sub-No. 7), filed November 21, 1969. Applicant: K. N. DISTRIBUTORS, INC., 31 West 34th Street, New York, N.Y. 10001. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, between the warehouse, storage facilities and store locations of S. Klein Department Stores, Inc., its subsidiaries and concessionaires located at the stores and warehouses in New York, Yonkers, East Farmingdale, Commack, West Hempstead, Hicksville, New Hyde Park, and Valley Stream, N.Y.; Newark, Woodbridge, Wayne Township, and Cherry Hill, N.J.; Philadelphia, and points in Marple Township, Pa.; Greenbelt, Md.; Boston, Mass.; and Alexandria, Va., under a continuing contract or contracts with S. Klein Department Stores, Inc., of New York, N.Y., its subsidiaries, affiliates, and those concessionaires operating under contract with them and their stores. NOTE: Applicant states that it holds the requested authority (except Cherry Hill, N.J.) under MC 123634 (Sub-No. 4), the instant application is for the sole purpose of including Cherry Hill, N.J. Applicant consents to the revocation of the existing authority under MC 123634 (Sub-No. 4) upon a grant of the authority requested herein. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124211 (Sub-No. 140), filed November 25, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Burlap, cotton piece goods, jute, and textiles;* (a) from points in Louisiana, to points in Missouri and Nebraska; and (b) from points in Missouri and points in Illinois within the St. Louis, Mo., commercial zone, as defined by the Commission, to points in Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; (2) *containers and pallets*, from Omaha, Nebr., and St. Louis, Mo., to points in Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; and (3) *inedible and edible sugar;* (a) from St. Louis, Mo., and points in Louisiana, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (b) from points in Colorado, Kansas, Minnesota (except points east of U.S. Highway 71), Nebraska, North Dakota, and South Dakota, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Restriction: The authority sought herein, to the extent it duplicates any authority now held by or heretofore granted to applicant, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 67), filed December 5, 1969. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: John R. Sims, Jr., Suite 605, 711 14th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, express and newspapers* in the same vehicle with passengers, between junction Interstate Highway 84 and New York Highway 52 at or near Fishkill, N.Y., and Danbury, Conn.: (1) From junction Interstate Highway 84 and New York Highway 52, thence over Interstate Highway 84 to Danbury, Conn., and return over the same route serving no intermediate points; (2) from junction Interstate Highway 84 and New York Highway 52, thence over Interstate Highway 84 to junction New York Highway 311 at or near Lake Carmel, N.Y., thence over New York Highway 311 to junction New York Highway 52, thence over New York Highway 52 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Interstate Highway 84–87, thence over Interstate Highway 84–87 to junction Interstate Highway 84, thence over Interstate Highway 84 to Danbury, Conn., and return over the same route serving the intermediate points of Lake Carmel, N.Y., and Carmel, N.Y.; and (3) from junction Interstate Highway 84 and New York Highway 52, thence over Interstate Highway 84 to junction New York Highway 311 at or near Lake Carmel, N.Y., thence over New York Highway 311 to New York Highway 52, thence over New York Highway 52 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction New York Highway 121, thence over New York Highway 121 to junction Interstate Highway 84, thence over Interstate Highway 84 to Danbury, Conn., and return over the same route, serving the intermediate points of Lake Carmel, N.Y., and Carmel, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Hartford, Conn.

No. MC 125321 (Sub-No. 3), filed November 21, 1969. Applicant: GRADY THOMPSON, Box 26, Blanding, Utah 84511. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* (1) from Pagosa Springs, Bayfield, and Durango, Colo., to points in Utah, New Mexico, Arizona, Texas, Oklahoma, and California; (2) from Blanding, La Sal, and 7 Mile, Utah, to points in Colorado, New Mexico, Arizona, Texas, Oklahoma, and California; (3) from Blanding, La Sal, and 7 Mile, Utah, to 7 Mile and Thompson, Utah; and (4) from Pagosa Springs, Bayfield, and Durango, Colo., to Southfork Colo., restricted to traffic having a subsequent out-of-State movement by rail in (1) through (4) above, under contract with San Juan Lumber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 126198 (Sub-No. 9), filed November 24, 1969. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages;* (1) from Columbus, Ohio, to Calumet, Houghton County, Mich.; and (2) from Fort Wayne and South Bend, Ind., to Munising, Alger County, Mich.; and *empty containers* on return in (1) and (2) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126198 (Sub-No. 10), filed November 28, 1969. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, namely beer and ale, from La Crosse and Sheboygan, Wis., to Escanaba, Stephenson, Manistique, Newberry, Sault Ste. Marie, Munising, Ishpeming, Marquette, Calumet, Iron Mountain, Bessemer, and Iron River, Mich., and Aurora, Wis.; and empty containers on return movements. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126305 (Sub-No. 22), filed November 26, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and millwork*, (1) from Tunica, Miss., and Memphis, Tenn., to Denver, Colo., and Phoenix, Ariz., and (2) from Denver, Colo., to Phoenix, Ariz. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Denver, Colo., or Washington, D.C.

No. MC 126514 (Sub-No. 17), filed November 24, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, enamelled, glazed, surface coated or gummed, duplicating machine stencils*, from Moosic and Scranton, Pa., to points in Arizona, New Mexico, Oregon, Washington, California, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 127274 (Sub-No. 19) (Correction), filed November 5, 1969, published FEDERAL REGISTER issue of December 11, 1969, corrected and republished in part, this issue. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. NOTE: The purpose of this partial republication is to show the city and State in the address of applicant's representative, which was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 127774 (Sub-No. 4), filed November 14, 1969. Applicant: HAINES TRANSPORT, INC., Post Office Box 207, Greenfield, Iowa 50849. Applicant's representative: William Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk; (1) from the storage facilities of Gulf Central Pipeline Co., located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin; and (2) from the storage facilities of Central Farmers Fertilizer Co. located at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 127812 (Sub-No. 5), filed November 28, 1969. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue S.W., New Brighton, Minn. 55112. Applicant's representative: Richard L. Tyson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products and articles* distributed by meat packinghouses (except hides and commodities in bulk), from Minneapolis-St. Paul, Minn., and points within the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission in MC 37, to points in Douglas, Bayfield, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Pierce, Pepin, Eau Claire, Trempealeau, La Crosse, Jackson, and Buffalo Counties, Wis. NOTE: Applicant states it intends to tack at Minneapolis-St. Paul, Minn. to serve points in Anoka (except city of Anoka and Coon Creek), Carver, Dakota, Hennepin (except Osseo and Brooklyn Park), Ramsey, Scott, and Washington Counties, Minn. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 129307 (Sub-No. 30), filed November 17, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Macon, Marshall, Milan, Moberly, and Carrollton, Mo., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Virginia, West Virginia, and Davenport and Dubuque, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with existing authority. Applicant holds contract carrier authority under MC-119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129806 (Sub-No. 2), filed November 26, 1969. Applicant: J. MITCHKO TRUCKING, INC., Rural Delivery 1, Limecrest Road, Lafayette, N.J. 07848. Applicant's representative: Bert Collins and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry salt*, in bulk, from points in New Jersey to points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Delaware, Maryland, and the District of Columbia, restricted to shipments having a prior movement by rail or water; and (2) *dry salt*, in bulk, and in bags, *dry salt with additives, dry pepper and dry mineral mixtures*, from Jersey City, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, and damaged or otherwise rejected shipments of such commodities in (1) and (2) above, on return. NOTE: Applicant states that it now transports dry salt, in bulk, and salt and salt products in packages, within a substantial portion of the area for Morton Salt Co. No duplicating authority is being sought. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133710 (Sub-No. 1), filed November 24, 1969. Applicant: RAY MALAN, doing business as MALAN VAN & STORAGE, 715 South California Street, Stockton, Calif. 95201. Applicant's representative: Robert J. Gallagher, 703 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Joaquin, San Mateo, Santa Clara, Amador, Stanislaus, Solano, Alameda, Calaveras, Merced, Contra Costa, Sacramento, and Tuolumne Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134149 (Correction), filed November 10, 1969, published FEDERAL REGISTER, issue of December 11, 1969, and republished as corrected this issue Applicant: COASTAL TRUCKING COMPANY, INC., 1801 Selma Avenue, Selma, Ala. 36701. Applicant's representative: Cecil C. Jackson, Jr., 519 Lauderdale Street, Post Office Box 1304, Selma, Ala. 36701. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, in lieu of No. MC 134139, which was in error.

No. MC 134169, filed November 24, 1969. Applicant: WAYNE E. TRUELOVE AND RAYMOND S. SCOTT, a partnership doing business as TRUELOVE AND SCOTT TRANSPORTATION CO., 1078 South Jefferson Street, Lebanon, Mo. 65536. Applicant's representative: Raymond S. Scott, Post Office Box 104, Lebanon, Mo. 65536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cooperage stock, heading and staves, and wood chips*, from Lebanon, Mo., to points in Iowa, Illinois, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Nebraska, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Jefferson City, or St. Louis, Mo.

No. MC 124212 (Sub-No. 48), filed November 19, 1969. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement* in bulk, in tank vehicles, from the plantsite of Lehigh Portland Cement Co. at Providence, R.I., to points in that part of Connecticut west of Connecticut Highway 32, and that part of Massachusetts west of Massachusetts Highway 32; and (2) *cement*, between the plantsites of Lehigh Portland Cement Co. located at Mitchell, Ind., and Plainfield and South Beloit, Ill. NOTE: Applicant states that it has authority to serve points in Connecticut and Massachusetts on and east of Highway 32 under Certificate No. MC-124212 Sub 37; this authority would be joined with the authority described in item 1 above. Common control dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3647 (Sub-No. 421), filed November 25, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Staten Island, Borough of Richmond, N.Y., and extending to points in the United States and Alaska, but excluding Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 39491 (Sub-No. 13), filed November 24, 1969. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, *express and newspapers*, (1) between junction U.S. Highway 13 and Pennsylvania Highway 63 in Bensalem Township, Pa., and Philadelphia, Pa., (a) from junction U.S. Highway 13 and Pennsylvania Highway 63 over Pennsylvania Highway 63 to the Bucks County-Philadelphia boundary line and thence over Philadelphia city streets, and return over the same route, serving no intermediate points, and (b) from junction U.S. Highway 13 and Pennsylvania Highway 63 over U.S. Highway 13 to the Bucks County-Philadelphia boundary line and thence over Philadelphia city streets, and return over the same route, serving no intermediate points; and (2) between New York, N.Y., and the New Jersey Turnpike at or about Exit No. 16, (a) from New York, N.Y., over the George Washington Bridge to U.S. Highway 46, thence over U.S. Highway 46 to the New Jersey Turnpike, thence over the New Jersey Turnpike to a point at or about Exit No. 16, and return over the same route, serving no intermediate points, and (b) from New York, N.Y., through the Lincoln Tunnel to the roadway between Exit 16 of the New Jersey Turnpike and the entrance to the Lincoln Tunnel, thence over the said roadway to the New Jersey Turnpike at Exit 16, and return over the same route, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133556 (Sub-No. 2) (Correction), filed October 31, 1969, published in the FEDERAL REGISTER issue of December 18, 1969, and republished in part, as corrected, this issue. Applicant: HAROLD W. REEDY, doing business as REEDY TRUCKING CO., 6041 East Lake Drive, Haslett, Mich. 48840. The purpose of this partial republication is to show the correct Docket number as MC 133556 (Sub-No. 2 in lieu of MC 113556 (Sub-No. 2) which was erroneously published in the previous publication. The rest of the application remains as published.

No. MC 134175, filed November 20, 1969. Applicant: HOWARD WOODROW WILSON, 792 Grosvenor Street, Woodstock, Ontario, Canada. Applicant's representatives: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303 and Lynwood Maddox, 1606 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, between the port of entry on the international boundry of the United States and Canada at Detroit, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that trips will originate at or terminate at Woodstock, Ontario, Canada. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 89723 (Sub-No. 57) (Correction), filed November 18, 1969, published in the FEDERAL REGISTER issue of December 11, 1969, and republished as corrected this issue. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Hiawatha, Kans., and St. Joseph, Mo., from Hiawatha, Kans., over U.S. Highway 36 to St. Joseph, Mo., as an alternate route in connection with applicant's presently authorized regular-route operations, from Hiawatha, Kans., over U.S. Highway 73 to Atchison, Kans., thence over U.S. Highway 59 to St. Joseph, Mo., serving no intermediate points. NOTE: Common control may be involved. The purpose of this republication is to more clearly set forth the territorial scope of the application.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-15281; Filed, Dec. 23, 1969; 8:45 a.m.]

[Notice 581]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 19, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only, have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1 (e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Deviation No. 17), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 9, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Joliet, Ill., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Joliet, Ill., over U.S. Highway 66 to Chicago, Ill., thence over U.S. Highway 20 to Cleveland, Ohio, thence over Ohio Highway 14 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J., thence over city streets and connection highways to New York, N.Y., and return over the same route.

No. MC 200 (Deviation No. 18), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 9, 1969. Carrier's representative: Roger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Charleston, W. Va., and St. Louis, Mo., over Interstate Highway 64, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Charleston, W. Va., over U.S. Highway 21 to Parkersburg, W. Va., thence over West Virginia Highway 2 to Wheeling, W. Va., thence over U.S. Highway 40 to Zanesville, Ohio, thence over U.S. Highway 22 to Cincinnati, Ohio, thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route.

No. MC 200 (Deviation No. 19), HISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 11, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over access roads to Interstate Highway 80–S, thence north over Interstate Highway 80–S to junction Interstate Highway 79, thence north over Interstate Highway 79 to junction Interstate Highway 90, thence over Interstate Highway 90 to Buffalo, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Pittsburgh, Pa., over U.S. Highway 76 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 14, thence over Ohio Highway 14 to Cleveland, Ohio, thence east over Ohio Highway 84 to junction U.S. Highway 20, thence over U.S. Highway 20 to Buffalo, N.Y., and return over the same route.

No. MC 200 (Deviation No. 20), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 11, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Chicago, Ill., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Louisville, Ky., over U.S. Highway 31 to Indianapolis, Ind., thence over U.S. Highway 31 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, Ind., thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill., and return over the same route.

No. MC 13235 (Deviation No. 4), CENTRALIA CARTAGE CO., 650 West Noleman St., Centralia, Ill. 62801, filed December 8, 1969. Carrier's representative: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, Ill. 60602. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (1) From junction Illinois Highway 1 and Interstate Highway 64 near Grayville, Ill., over Interstate Highway 64 to junction U.S. Highway 41, thence over U.S. Highway 41 to Evansville, Ind., and (2) from junction Illinois Highway 1 and Interstate Highway 64 near Grayville, Ill., over Interstate Highway 64 to junction Indiana Highway 65, thence over Indiana Highway 65 to junction U.S. Highway 460, thence over U.S. Highway 460 to Evansville, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Evansville, Ind., over U.S. Highway 460 to Crossville, Ill., thence over Illinois Highway 1 to Grayville, and return over the same route.

No. MC 49387 (Deviation No. 7), ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Box 658, Moberly, Mo. 65270, filed December 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 270 (east of St. Louis, Mo.), thence over Interstate Highway 270 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 61, thence over U.S. Highway 61 to St. Louis, Mo., and return over the same route.

No. MC 59680 (Deviation No. 81), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed December 11, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Ohio Turnpike and Interstate Highway 80 (Exit 15) over Interstate Highway 80 to junction Pennsylvania Highway 26 at Milesburg, Pa., thence over Pennsylvania Highway 26 to junction U.S. Highway 322 at State College, Pa., thence over U.S. Highway to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to junction Pennsylvania Turnpike at or near Carlisle, Pa. (Exit 16), and (2) from junction Ohio Turnpike and Interstate Highway 80 (Exit 15) over the route described in (1) to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to junction Interstate Highway 81 at or near Marysville, Pa., thence over Interstate Highway 81 to junction Pennsylvania Turnpike at or near Carlisle, Pa. (Exit 16), and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Exit 15 of the Ohio Turnpike over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Exit 16, and return over the same route.

No. MC 69512 (Deviation No. 2), THUNDERBIRD FREIGHT LINES, INC., 1515 South 22d Avenue, Phoenix, Ariz. 85009, filed December 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Phoenix, Ariz., over Interstate Highway 17 to Flagstaff, Ariz., thence over U.S. Highway 66 to Holbrook, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Johns, Ariz., over U.S. Highway 666 to Sanders, Ariz., (2) from Lupton, Ariz., over U.S. Highway 66 to Gallup, N. Mex., (3) from Gallup, N. Mex., over U.S. Highway 666 to junction New Mexico Highway 68, thence over New Mexico Highway 68 to the New Mexico–Arizona State line, thence over Arizona Highway 264 via Cross Canyon to Ganado, Ariz., (4) from junction Arizona Highway 264 and unnumbered highway over unnumbered highway via Window Rock to Fort Defiance, Ariz., (5) from Phoenix, Ariz., over U.S. Highway 60 via Globe to Show Low, Ariz., thence over Arizona Highway 77 to Holbrook, Ariz., thence over U.S. Highway 66 to Winslow, Ariz. (with no service authorized between Phoenix and Globe, or at intermediate points between Phoenix and Globe), (6) from Holbrook, Ariz., over U.S. Highway 66 via Navajo to Lupton, Ariz., (7) from Globe, Ariz., over U.S. Highway 70 to junction unnumbered highway near Cutter, thence over unnumbered highway to San Carlos, Ariz., (8) from Pinedale, Ariz., over Arizona Highway 160 to Show Low, Ariz., thence over Arizona Highway 173 to McNary Junction, Ariz., thence over Arizona Highway 73 to McNary, Ariz., thence return over Arizona Highway 73 to McNary Junction, thence over Highway 73 to Fort Apache, Ariz., (9) from Holbrook, Ariz., over U.S. Highway 180 via Concho, St. Johns, and Springerville, Ariz., to Eager, Ariz., (10) from Show Low, Ariz., over U.S. Highway 60 to junction U.S. Highway 180, near Springerville, Ariz., and (11) from Concho, Ariz., over Arizona Highway 61 to junction U.S. Highway 60 near Pinon, Ariz., and return over the same routes.

No. MC 113528 (Deviation No. 5), MERCURY FREIGHT LINES, INC., Post Office Box 1247, Mobile, Ala. 36601, filed December 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Birmingham, Ala., over Interstate Highway 65 to junction Alabama Highway 59, at a point north of Bay Minette, Ala. (traversing U.S. Highway 31 between Siluria and Birmingham, Ala., and between junction Interstate Highway 65 and U.S. Highway 31 junction north of Montgomery, Ala., and junction Interstate Highway 65 and U.S. Highway 31 at a point south of Montgomery, Ala., via Prattville, Ala., pending completion of Interstate Highway 65 between these points), with the following access routes: (1) From junction Interstate Highway 65 and Alabama Highway 59 over Alabama Highway 59 to Bay Minette, Ala. (also over Alabama Highway 59 to Stockton, Ala.); (2) from junction Interstate Highway 65 and Alabama Highway 21 over Alabama Highway 21 to Atmore, Ala., and (3) from junction Interstate Highway 65 and Alabama Highway 47 over Alabama Highway 47 to junction Alabama Highway 59, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Birmingham, Ala., over U.S. Highway 11 (formerly Alabama Highway 5) to junction Alabama Highway 5, thence over Alabama Highway 5 to junction Alabama Highway 14 (formerly Alabama Highway 43), (2) from junction Alabama Highway 5 and 14 (formerly Alabama Highway 43) over Alabama Highway 14 to Selma, Ala., (3) from Selma, Ala., over Alabama Highway 41 (formerly Alabama Highway 43 and 11) via Camden, Ala., to Monroeville, Ala., thence over Alabama Highway 21 (formerly Alabama Highway 11) via Atmore, Ala., to Alabama–Florida State line, thence over Florida Highway 97 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, Fla., (4) from Stockton, Ala., over Alabama Highway 59 to junction Alabama Highway 21 (at or near Uriah, Ala.), (5) from Mobile, Ala., over U.S. Highway 31 to Bay Minette, Ala., thence over Alabama Highway 59 to Stockton, Ala., and (6) from Mobile, Ala., over U.S. Highway 90 (also over Interstate Highway 10) to Pensacola, Fla., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 540), GREYHOUND LINES, INC. (Western Division), Market and Fremont Sts., San Francisco, Calif. 94106, filed December 11, 1969. Carrier's representative: W. L. McCracken, 371 Market St., San Francisco, Calif. 94104. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 30–S and Interstate Highway 80–N (Cotterell, Idaho), over Interstate Highway 80–N to junction U.S. Highway 30–S west of Snowville, Utah (West Snowville Junction, Utah), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Burley, Idaho, over U.S. Highway 30–S to the Idaho–Utah State line south of Strevell, Idaho (connects with Utah route 5), and (2) from Ogden, Utah, over Utah Highway 204 to junction U.S. Highway 30–S, thence over U.S. Highway 30–S to junction Interstate Highway 15 and Alternate U.S. Highway 30–S (Brigham City Junction), thence over Alternate U.S. Highway 30–S to junction Interstate Highway 15 and U.S. Highway 30–S (Elwood Junction), thence over U.S. Highway 30–S to the Utah–Idaho State line, south of Strevell, Idaho (connects with Idaho route 16), and return over the same routes.

No. MC 3600 (Deviation No. 2), FRANK MARTZ COACH CO., INC., Wilkes-Barre, Pa. 18702, filed December 9, 1969. Carrier's representative: John J. Dempsey, Jr., Suite 1200, Miners National Bank Building, Wilkes-Barre, Pa. 18701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Pennsylvania Highway 940 and Interstate Highway 81–E, over Interstate Highway 81–E to junction Pennsylvania Highway 307, (2) from Tobyhanna, Pa., over Pennsylvania Highway 423 to junction Interstate Highway 81–E, and (3) from junction U.S. Highway 611 and Pennsylvania Highway 507 over Pennsylvania Highway 507 to junction Interstate Highway 81–E, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Pocono Summit, Pa., over Pennsylvania Highway 940 to Swiftwater, Pa. (also over an unnumbered Pennsylvania Highway from Pocono Summit to Mount Pocono, Pa.), thence over U.S. Highway 611 to Swiftwater, Pa., and (2) from Scranton, Pa., over Pennsylvania Highway 307 to junction U.S. Highway 611, thence over U.S. Highway 611 to Pocono, Pa., and return over the same routes.

No. MC 13028 (Deviation No. 15), THE SHORT LINE, INC., 27 Sabin Street, Post Office Box 1116, Annex Station, Providence, R.I. 02901, filed December 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* and the same vehicle with passengers, over a deviation route as follows: From Providence, R.I., over Interstate Highway 95 to junction Interstate Highway 495 (near North Attleboro, Mass.), thence over Interstate Highway 495 to junction Massachusetts Turnpike (Interstate Highway 90), thence over the Massachusetts Turnpike (Interstate Highway 90) to junction Interstate Highway 290 at Auburn, Mass., thence over Interstate Highway 290 to Worcester, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Providence, R.I., over Rhode Island Highway 146 to Woonsocket, R.I., thence over Rhode Island Highway 122 to the Rhode Island–Massachusetts State line, thence over Massachusetts Highway 122 to junction Massachusetts Highway 122A, thence over Massachusetts Highway 122A to Worcester, Mass., and return over the same route.

No. MC 29623 (Deviation No. 3), SOUTHEASTERN STAGES, INC., 226 Alexander Street NW., Atlanta, Ga. 30313, filed December 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From City Square, Decatur, Ga., over Georgia Highway 155 to junction U.S. Highways 29–78 (Scott Boulevard), thence over U.S. Highways 29–78 to junction Georgia Highway 410 and U.S. Highway 78 (Stone Mountain Parkway), thence over Georgia Highway 410–U.S. Highway 78 (Stone Mountain Parkway) to junction Georgia Highway 10 (Memorial Drive) near Stone Mountain, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Decatur, Ga., over old U.S. Highway 78–Georgia Highway 10 (Memorial Drive) to Stone Mountain, Ga., and return over the same route.

No. MC 45626 (Deviation No. 31) (Cancels Deviation No. 27), VERMONT TRANSIT CO., INC., Burlington, Vt. 05401, filed December 5, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Norwich, Vt., and Springfield, Mass., over Interstate Highway 91, including access roads intermediate thereto, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Norwich, Vt., and Springfield, Mass., over U.S. Highway 5.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–15278; Filed, Dec. 23, 1969; 8:49 a.m.]

[Notice 1361]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 19, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published

in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 36974 (Sub-No. 5) (Republication), filed May 23, 1969, published in the FEDERAL REGISTER issues of June 12, 1969, and July 10, 1969, and republished this issue. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. By application filed May 23, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household appliances, from Edison, N.J., to points in Fairfield County, Conn., and returned shipments on return. An order of the Commission, Operating Rights Board, dated November 20, 1969, and served December 10, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *new household appliances*, from Edison, N.J., to points in Fairfield County, Conn.; and (2) *used household appliances*, from points in Fairfield County, Conn., to Edison, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the finding in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 103341 (Sub-No. 8) (Republication), filed May 13, 1966, published in the FEDERAL REGISTER issue of June 23, 1966, and republished this issue. Applicant: YOUNGBLOOD VAN & STORAGE CO., INC., 3908 Hamilton Road, Columbus, Ga. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. By application filed May 13, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household goods between certain points in Georgia, Alabama, South Carolina, and Florida, with certain restrictions. A prior report of the Commission, decided December 11, 1968, as modified, found public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods; (1) between points in Jackson, Marshall, De Kalb, Cherokee, Etowah, Cleburne, Calhoun, St. Clair, Jefferson, Walker, Tuscaloosa, Talladega, Clay, Randolph, Shelby, Chilton, Coosa, Tallapoosa, Chambers, Autauga, Elmore, Lee, Macon, Lowndes, Montgomery, Bullock, Russell, Butler, Crenshaw, Pike, and Barbour Counties, Ala.; and Troup, Harris, Muscogee, Chattahoochee, Marion, Schley, and Macon Counties, Ga.; and (2) between points in Grady, Thomas, Brooks, Cook, Lowndes, Lanier, Berrien, Atkinson, and Coffee Counties, Ga., with certain restrictions.

A report of the Commission on further consideration, Review Board No. 3, decided November 7, 1969, and served November 18, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic; (1) between points in Lauderdale, Limestone, Madison, Jackson, Colbert, Lawrence, Morgan, Marshall, De Kalb, Franklin, Marion, Winston, Cullman, Blount, Etowah, Cherokee, Lamar, Fayette, Walker, Jefferson, St. Clair, Calhoun, Cleburne, Pickens, Tuscaloosa, Shelby, Talladega, Clay, Randolph, Bibb, Chilton, Coosa, Tallapoosa, Chambers, Perry, Dallas, Autauga, Elmore, Macon, Lee, Russell, Clarke, Wilcox, Lowndes, Montgomery, Bullock, Butler, Crenshaw, Pike, and Barbour Counties, Ala., and Carroll, Head, Coweta, Fayette, Spalding, Troup, Meriwether, Pike, Upson, Lamar, Monroe, Harris, Talbot, Taylor, Crawford, Peach, Muscogee, Chattahoochee, Marion, Schley, Macon, Stewart, Webster, Sumter, Dooly, Quitman, Randolph, and Terrell Counties, Ga.; and (2) between points in Ben Hill, Tift, Irwin, Coffee, Colquitt, Cook, Berrien, Atkinson, Ware, Grady, Thomas, Brooks, Lowndes, Lanier, Echols, Clinch, and Charlton Counties, Ga., and Jefferson, Madison, Hamilton, Taylor, Lafayette, and Suwannee Counties, Fla., subject to the following conditions:

(a) That applicant may not join the authority granted in (1) and (2) above with any other authority held by it in order to perform a through service; (b) that the person or persons who control the operations of applicant and any other carrier operating in interstate or foreign commerce shall first obtain approval of such control under the provisions of section 5(2) of the Act, or file in this proceeding an affidavit that such approval is unnecessary; and (c) that the authority granted herein to applicant to the extent it duplicates applicant's existing authority shall not be construed as conferring more than a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 121373 (Sub-No. 2) (Republication), filed July 17, 1968, published in the FEDERAL REGISTER issue of August 8, 1968, and republished this issue. Applicant: EVANS TRANSFER, INC., U.S. Highway 81 North, Grand Forks, N. Dak. 58201. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. By application filed July 17, 1968, applicant seeks a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as substantially indicated below. An order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) over regular routes: (a) Between East Grand Forks, Minn., and Neche, N. Dak., from East Grand Forks over U.S. Highway 81 to Hamilton, N. Dak., thence over North Dakota Highway 5 to its junction with North Dakota Highway 18, thence over North Dakota Highway 18 to Neche, and, as an alternate route for operating convenience only, from the junction of U.S. Highway 81 and North Dakota Highway 44 over North Dakota Highway 44 and Interstate Highway 29 to its junction with North Dakota Highway 5, thence over North Dakota Highway 5 to Hamilton; (b) between Grafton, N. Dak. and Edmore, N. Dak., from Grafton over North Dakota Highway 17 to Edmore; (c) between Edmore, N. Dak., and Langdon, N. Dak., from Edmore over North Dakota Highway 17 to its junction with North Dakota Highway 1, thence over North Dakota Highway 1 to Langdon; (d) between Langdon and Hamilton, N. Dak., from Langdon over North Dakota Highway 5 to Hamilton;

(e) Between Hamilton, N. Dak. and the international boundary between the United States and Canada near Pembina, N. Dak., from Hamilton over North Dakota Highway 5 to its junction with U.S. Highway 81, thence over U.S. Highway 81 to the International Boundary; (f) between the junction of North Dakota Highway 5 and North Dakota Highway 32 and Walhalla, N. Dak., from the junction of North Dakota Highway 5 and North Dakota Highway 32 over North Dakota Highway 32 to Walhalla; in each instance with return over the same routes, serving all intermediate points and the off-route points of Bathgate and Adams, N. Dak.; and (2) over irregular routes (a) between Grand Forks, Minot, and Williston and points in Cass County, N. Dak., on the one hand, and, on the other, points in that territory bounded on the west by the North Dakota-Montana State line on the north by North Dakota Highway 5 on the south by U.S. Highway 2 and on the east by U.S. Highway 81, including points on said highways to the extent that they bound the defined territory; (b) between points in that territory bounded on the east by the North Dakota-Minnesota State line, on the north by the International Boundary line between the United States and Canada, on the west by North Dakota Highway 18 and on the south by North Dakota Highway 5 on the one hand, and, on the other, points in North Dakota; and (c) between points in Walsh County, N. Dak., on the one hand, and, on the other, points in North Dakota (except Williston, Minot, Grand Forks, and points in Cass County); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125760 (Sub-No. 6) (Republication), filed May 28, 1969, published in the FEDERAL REGISTER issue of June 19, 1969, and republished this issue. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin (Venango County), Pa. 16323. Applicant's representative: Frederick L. Kiger, 7823 Mount Carmel Road, Verona (Allegheny County), Pa. 15147. By application filed May 28, 1969, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of dairy and dairy related products, in refrigerated vehicles, from Cleveland and Youngstown, Ohio, to points in Pennsylvania on and west of a line beginning at a point on U.S. Highway 219 at the New York-Pennsylvania State line, thence southward along U.S. Highway 219 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, under contracts with A & P Quaker Markets, Inc., Allied Super Markets, Inc., Sealtest Foods, Division of National Dairy Products Corp., and Harmony Dairy Corp. An order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 5, 1969, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes of *dairy products and fruit juices* in vehicles equipped with mechanical refrigeration, from Cleveland and Youngstown, Ohio, to those points in that part of Pennsylvania on and west of a line beginning at a point on U.S. Highway 219 at the New York-Pennsylvania State line, thence southward over U.S. Highway 219 to junction Pennsylvania Highway 56, thence eastward over Pennsylvania Highway 56 to junction U.S. Highway 220, thence southward over U.S. Highway 220 to the Pennsylvania-Maryland State line, under continuing contracts with Allied Supermarkets, Inc., Jefferson Wholesale Grocery Co., Inc., Sealtest Division of National Dairy Products Corp., Quaker Markets, Inc., and Quality Markets, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 8948 (Sub-No. 90), filed November 3, 1969. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: Theodore W. Russell, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General freight and papers*, between points in Lake, McHenry, Boone, Winnebago, DeKalb, Kane, Cook, Kendall, and Will Counties, Ill.; those in Ogle County, Ill., on and east of Illinois Highway 2; those in Lee County, Ill., on and east of U.S. Highway 52; and those in La Salle and Grundy Counties, Ill. on and north of U.S. Highway 6. NOTE: Applicant states that it proposes to join the authority here sought with its existing authority, at Chicago, Ill., and points within its commercial zone; and to provide through service between all points applicant is presently authorized to serve and all points applicant seeks to serve in the within application. This is a matter directly related to MC-F-10649, published in the FEDERAL REGISTER issue of November 13, 1969. The purpose of this application is to convert the Certificate of Registration in MC 98808 (Sub-No. 1) into a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Los Angeles, Calif.

No. MC 65282 (Sub-No. 7), filed November 19, 1969. Applicant: LEWISBURG TRANSFER CO., INC., 1045 Verona Road, Lewisburg, Tenn. 37091. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Chapel Hill and Nashville, Tenn., over Tennessee Highway 11 to Nashville, and return over the same route serving all intermediate points between Chapel Hill, Tenn., and College Grove, Tenn., including College Grove, and the off-route points of Wilhoite Mills, Lillard Mills, Mill Town, Caney Springs, and Thick, Tenn. NOTE: This matter is directly related to MC-F-10665 published in FEDERAL REGISTER issue of November 26, 1969. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 96963 (Sub-No. 2), filed October 9, 1969. Applicant: VALLEY CITY TRANSFER, INC., Route 30 and Albright Road, Aurora, Ill. 60507. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Illinois circumscribed by the following described boundary, including points on highways forming a portion of such boundary: Commencing at a point on Lake Michigan due east of the intersection of Illinois Highway 58 and Sheridan Road in Evanston, Ill.; thence due west to said intersection; west on Illinois Highway 58 to junction U.S. Highway 41; north on U.S. Highway 41 to junction Illinois Highway 68; west on Illinois Highway 68 to junction Illinois Highway 43; north on Illinois Highway 43 to junction Illinois Highway 22; west on Illinois Highway 22 to junction U.S. Highway 45; north on U.S. Highway 45 to junction Illinois Highway 60; west on Illinois Highway 60 to junction Illinois Highway 120; west on Illinois Highway 120 to junction Illinois Highway 47; south on Illinois Highway 47, serving off-route point of Woodstock, to junction Illinois Highway 176; west on Illinois Highway 176 to junction U.S. Branch 20; west on U.S. Branch 20 to junction Illinois Highway 2; south on Illinois Highway 2 to junction Illinois Highway 26; south on Illinois Highway 26 to Interstate Highway 80; east on Interstate Highway 80 to junction Interstate Highway 180; south on Interstate Highway 180 to junction Illinois Highway 71; east on Illinois Highway 71 to junction U.S. Highway 51; south on U.S. Highway 51 to junction Illinois Highway 17; east on Illinois Highway 17 to junction U.S. Highway 54; north on U.S. Highway 54 to junction U.S. Highway 30; east on U.S. Highway 30 to the Illinois-Indiana State line; north along the Illinois-Indiana State line to Lake Michigan and along the west shore of Lake Michigan.

NOTE: This application is directly related to MC-F-10628, published FEDERAL REGISTER issue of October 16, 1969. Applicant states that it does not hold any common motor carrier authority other than the authority for which a certificate is sought herein. Therefore, it has no existing other certificate with which said authority can be joined. However, Checker Express Co. has filed a companion application for authority to acquire control of Valley City Transfer, Inc., in Docket No. MC-F-10628. Checker has received temporary authority to exercise such control pursuant to the Commission's order in said docket served November 5, 1969. Checker is presently interlining shipments with Valley City as well as operating Valley City as a carrier. If permanent control is authorized, Checker eventually will merge its operations with those of Valley City, at which time the two certificates will be joined for operating purposes. Therefore, although tacking of existing rights of Valley City is not presently involved, interlining of shipments between Valley City and Checker, as well as between Valley City and other carriers, is contemplated, with the ultimate joinder of such rights planned as above described. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10670. (AMERICAN COURIER CORP.—Control—BONDED ARMORED CARRIER, INC.), published in the December 10, 1969, issue of the FEDERAL REGISTER, on page 19534. Application filed December 15, 1969, for temporary authority under section 210a(b).

No. MC-F-10682. Authority sought for control and merger by SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, Pa. 15301, of the operating rights and property of WELLS TRUCK LINE, INC., 4701 Mill Street, Post Office Box 375, Mantua, Ohio 44255, and for acquisition by JOHN SUWAK, also of Washington, Pa., of control of such rights and property through the transaction. Applicants' attorney and representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219, and J. Philip Jones, 110 East Mall Street, Ravenna, Ohio 44226. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC 85118 Sub-1, covering the transportation of property, as a common carrier in intrastate commerce within the State of Ohio. SUWAK TRUCKING COMPANY is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, Indiana, Maryland, Kentucky, New Jersey, Delaware, New York, Illinois, Rhode Island, New Hampshire, Massachusetts, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10684. Authority sought for control by CLARK ENTERPRISES, INC., 1450 Beck Street, Salt Lake City, Utah, of (1) HARMS PACIFIC TRANSPORT, INC., Post Office Box 66, Bellevue, Wash. 98004, and (2) SERVICE TANK LINES, INC. (a Noncarrier), Box 6248, Hillyard Station, Spokane, Wash., and for acquisition by BOYCE R. CLARK, 2439 Michigan Avenue, Salt Lake City, Utah, B. ROBERT CLARK, 1259 East South Temple, Salt Lake City, Utah, and J. MORONI STOOF, 1080 East Center, Bountiful, Utah, of control of HARMS PACIFIC TRANSPORT, INC., and SERVICE TANK LINES, INC., through the acquisition by CLARK ENTERPRISES, INC. Applicants' attorneys: Keith E. Taylor and F. Robert Reeder, both of 520 Kearns Building, Salt Lake City, Utah. Operating rights sought to be controlled: (1) *Lignin liquor*, in tank vehicles, as a *common carrier*, over irregular routes, from certain specified points in Washington, to points in Washington, Oregon, and Idaho, and points in Montana on and west of U.S. Highway 91; *liquid petroleum* products, in tank vehicles, from The Dalles and Umatilla, Oreg., to points in Washington east of the Cascade Mountains; *petroleum and petroleum products*, in bulk, in tank vehicles, from Pasco, Wash., to points in Washington east of the Cascade Mountains, from certain specified points in Idaho, to certain specified points in Washington; *petroleum products*, in bulk, in tank vehicles, from Baker and Blakely, Oreg., and points within 10 miles of each, and points within 5 miles of Pasco, Wash., to certain specified points in Washington; *liquid fertilizer*, in bulk, in tank vehicles, from Walla Walla, Wash., to certain specified points in Oregon, from certain specified points in Washington, to points in Idaho in and north of Idaho County, Idaho; and *liquid fertilizers* (except anhydrous ammonia), in bulk, in tank vehicles, from Finley and Pasco, Wash., and points within 5 miles of each, to certain specified points in Oregon, and to points in Idaho in and north of Idaho County, Idaho. CLARK ENTERPRISES, INC., holds no authority from this Commission. However, two of its controlling stockholders, BOYCE R. CLARK and B. ROBERT CLARK, are affiliated with CLARK TANK LINES COMPANY, Post Office Box 1895, Salt Lake City, Utah 84110, which is authorized to operate as a *common carrier* in Utah, Wyoming, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, North Dakota, South Dakota, Texas, Nebraska, Kansas, Iowa, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10685. Authority sought for purchase by JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201, of the operating rights of TARGET TRANSPORTATION, INC., Post Office Box 488, Rochdale, Mass., and for acquisition by H. BEALE ROLLINS, 6th Floor, Title Building, Baltimore, Md. 21202, of control of such rights through the purchase. Applicants' attorneys: Donald E. Cross, 917 Munsey Building, Washington, D.C. 20004, and Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120444 Sub-1, covering the transportation of (a) property, other than furniture; and (b) furniture, as a common carrier, in intrastate commerce within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Mississippi, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC 106401 Sub 30 is a matter directly related.

No. MC-F-10686. Authority sought for purchase by TIDEWATER INLAND EXPRESS, INC., doing business as T.I.E., Rehoboth Boulevard, Milford, Del. 19963, of the operating rights of BROWN'S EXPRESS, INC., 221 West Division Street, Syracuse, N.Y. 13204, and for acquisition by L. J. LISHON, JR., and EVELYN M. LISHON, both of Andover Road, Newton Square, Pa., L. J. LISHON III, 581 Westwood Drive, Downingtown, Pa., and DIANE LISHON BIDDLE, 649 Mount View Road, Berwyn, Pa., of control of such rights through the purchase. Applicants' attorneys and representative: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036, Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y., Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202, and Robert S. Burk, 2001 Massachusetts Avenue NW., Washington, D. C. 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Syracuse, N.Y., and Oswego, N.Y., serving all intermediate points, between Elmira, N.Y., and Cortland, N.Y., serving all intermediate points, and serving the off-route points of Freeville, Homer, and McGraw, N.Y.; and under a certificate of registration in Docket No. MC 85117 (Sub-No. 4), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Maryland, Virginia, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10687. Authority sought for control by THE COOPER CORPORATION, 3501 Manchester Trafficway, Kansas City, Mo. 64129, of JACK COOPER TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. 64129, and for acquisition by JACK COOPER, THOM COOPER, and ELLEN COOPER WEEKS, all also of Kansas City, Mo., of control of JACK COOPER TRANSPORT COMPANY, INC., through the acquisition by THE COOPER CORPORATION. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103, and John H. Kreamer, 1000 Bryant Building, 1102 Grand Avenue, Kansas City, Mo. 64102. Operating rights sought to be controlled: *New automobiles and new trucks*, restricted to initial movements, in truckaway and driveaway service, as a *contract carrier*, over irregular routes, from places of manufacture and assembly in Kansas City, Mo., to points in Kansas, Missouri, Nebraska, and that part of Iowa on and south of U.S. Highway 34; *automobiles, trucks, chassis, bodies, cabs, all other automotive vehicles, unfinished automobiles, and automotive parts and accessories*, in initial movements, in truckaway and driveaway service, from Kansas City, Mo., to points in Arkansas, Colorado, Oklahoma, and Texas, and those in Iowa north of U.S. Highway 34; *automobiles, trucks, and busses*, in initial movements, by the truckaway and driveaway methods, from Kansas City, Mo., to points in New Mexico, Utah, Wyoming, South Dakota, Idaho, and Montana;

Automobiles, trucks, and busses, in secondary movements, by the truckaway and driveaway methods, between points in New Mexico, Utah, Wyoming, South Dakota, Idaho, Montana, Missouri, Kansas, Nebraska, Iowa, Arkansas, Colorado, Oklahoma, and Texas, with restrictions; *motor vehicles* (except trailers), in initial movements, in truckaway and driveaway service, and *motor vehicle parts and show paraphernalia* when accompanying such vehicles, from the site of the plant of the General Motors Corp., Kansas City, Mo., to points in Illinois, Louisiana, Minnesota, Mississippi, North Dakota, and Tennessee, from the site of the plant of General Motors Corp., Kansas City, Mo., to points in Arizona, from the site of the plant of General Motors Corp., Kansas City, Mo., to points in Nevada, with restrictions; *new motor vehicles* (except trailers), in secondary movements, in driveaway and truckaway service, restricted to the transportation of vehicles which have previously been transported in initial movements from a plant of the General Motors Corp., between points in Illinois, Louisiana, Minnesota, Mississippi, North Dakota, and Tennessee, between points in Illinois, Louisiana, Minnesota, Mississippi, North Dakota, and Tennessee on the one hand, and, on the other, points in Arkansas, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming, with restrictions; *motor vehicles* (except trailers), in secondary movements, in truckaway and driveaway service, and *motor vehicle parts and show paraphernalia* when accompanying such vehicles, restricted to shipments having an immediately prior movement by railroad, from Denver, Colo., to points in Arizona and Nevada, with restrictions; *new automobiles and new trucks*, in secondary movements, in truckaway service, and *new trucks*, in secondary movements, in driveaway service, restricted to shipments having an immediately prior movement by railroad, from Phoenix, Ariz., to points in Arizona, Colorado, New Mexico, and Utah, with restriction; *new passenger automobiles and trucks* manufactured by General

Motors Corp., in secondary movements, in truckaway and driveaway service, from Salt Lake City, Utah, to points in Nevada, with restrictions; and *new motor vehicles* (except trailers), in initial movements, in truckaway service from the plantsite of General Motors Corp., located at Kansas City, Mo., to points in Kentucky, with restrictions. THE COOPER CORPORATION holds no authority from this Commission. However, it is affiliated with J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo., 64129, which is authorized to operate as a *contract carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: Motion of Applicant To Dismiss Application for Lack of Jurisdiction Included.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.D. Doc. 69-15279; Filed, Dec. 23, 1969; 8:49 a.m.]

[Notice 466]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 19, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71697. By order of December 17, 1969, the Motor Carrier Board approved the transfer to Adams Ford Co., Inc., Pikeville, Ky., of a portion of the operating rights in certificate No. MC-126210 and the entire operating rights in certificate No. MC-126210 (Sub-No. 2), issued February 5, 1969, and January 29, 1969, respectively, to Kelly & Adkins Trucking Co., Inc., Jenkins, Ky., authorizing the transportation of: Crushed stone, limestone, gravel, aggregates, and agricultural lime, from, to, or between specified points in Kentucky, Virginia, and West Virginia. Robert H. Kinker, 711 McClure Building, Frankfort Ky. 40601, attorney for applicants.

No. MC-FC-71608. By order of December 11, 1969, the Motor Carrier Board approved the transfer to Hauser Trucking Corp., Cobleskill, N.Y., of certificates in Nos. MC-116038 (Sub-No. 5), MC-116038 (Sub-No. 11), MC-116038 (Sub-No. 18), MC-116038 (Sub-No. 19), and MC-116038 (Sub-No. 22), issued March 2, 1959, May 23, 1961, January 17, 1964, April 26, 1965, and February 14, 1966, respectively, to Northern Motor Carriers, Inc., Fort Edward, N.Y., authorizing the transportation of: Shale, rock salt, sand, fertilizer, fertilizer materials, and lime from specified points in New York, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC-FC-71604. By order of December 16, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Superior Freight Lines, Inc., Chicago, Ill., of the certificate No. MC-36255 issued May 15, 1962, to Universal Deliveries, Inc., Chicago, Ill., authorizing the transportation of: General commodities, with the usual exceptions, and such merchandise dealt in by retail department stores, between points in Illinois, Wisconsin, Indiana, and Michigan, within 100 miles of Chicago, Ill. David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-71707. By order of December 15, 1969, the Motor Carrier Board approved the transfer to Central Roadway Carriers Corp., Milford, Conn., of the operating rights in certificate No. MC-46875 (Sub-No. 2) issued February 9, 1962, to Triple-M-Transportation Corp., Dravosburg, Pa., authorizing the transportation of household goods, between West Haven, Conn., and points within 50 miles of West Haven, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, and Rhode Island. William D. Traub, Registered Practitioner, 10 East 40th Street, New York, N.Y. 10016, representative for transferee, and Henry W. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for transferor.

No. MC-FC-71764. By order of December 18, 1969, the Motor Carrier Board approved the transfer to Edward Dietiker Moving & Storage Co., a corporation, St. Louis, Mo., of the certificate No. MC-111413 issued June 13, 1950, to Dietiker, doing business as Dietiker Drayage Co., St. Louis, Mo., authorizing the transportation of: Uncrated new household furniture, uncrated new household furnishings, and uncrated new household appliances, over irregular routes, from St. Louis, Mo., to points and places in Illinois within 25 miles of St. Louis, Mo., damaged or defective shipments of the above-described commodities, uncrated, over irregular routes, from points and places in Illinois within 25 miles of St. Louis, Mo., to St. Louis. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, attorney for applicants.

No. MC-FC-71768. By order of December 18, 1969, the Motor Carrier Board approved the transfer to Manuel Val, Jr., doing business as Val Motor Freight, Irvington, N.J., of permit No. MC-46085 issued August 27, 1956, to Joseph Eppich, doing business as A S Trucking, Ridgewood, N.Y., authorizing the transportation of: Scrap metal, between New York, N.Y., and points in Bergen and Hudson Counties, N.J., on the one hand, and, on the other, points in Greenwich and Stamford Counties, Conn., and Westchester County, N.Y., between points in Bergen and Hudson Counties, N.J., on the one hand, and, on the other, New York, N.Y. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-71769. By order of December 18, 1969, the Motor Carrier Board approved the transfer to Thruway Messenger Service, Inc., Pearl River, N.J., of certificate No. MC-129529 (Sub-No. 1) issued November 29, 1968, to Adolph L. Marchfield, doing business as Thruway Messenger Service, Pearl River, N.J., authorizing the transportation of: General commodities, with the usual exceptions, in specialized delivery service, between points in Rockland County, N.Y., on the one hand, and, on the other, New York, N.Y., and points in New Jersey. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15280; Filed, Dec. 23, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI70-848 etc.]

AMERADA HESS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 17, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-848	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	[4] 131	1	Cities Service Gas Co. (North Hardtner Field, Barber County, Kans.).	$1,250	11-14-69	[5] 12-22-69	[6] 12-23-69	[5] 14.0	[6] [7] 15.0	
RI70-849	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	[3] 337	2	El Paso Natural Gas Co. (East Panhandle Area, Wheeler County, Tex.) (RR. District No. 10).	813	11-17-69	[10] 12-18-69	[6] 12-19-69	13.0488	[8] [7] 14.0525	RI70-386.

[1] The stated effective date is the effective date requested by respondent.
[2] The suspension period is limited to 1 day.
[3] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and increased rate does not exceed initial rate ceiling of 15 cents per Mcf.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy No. 61-1 and proposed rate does not exceed area initial rate ceiling.
[10] The stated effective date is the first day after expiration of the statutory notice.

Texaco, Inc. (Texaco) requests that its proposed rate increase be permitted to become effective as of December 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's rate filing and such request is denied.

The basic contracts related to the proposed rate increases filed by Texaco and Amerada Hess Corp.'s (Amerada) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Texaco and Amerada's proposed rate filings should be suspended for 1 day from December 18, 1969 (Texaco), and December 22, 1969 (Amerada).

[F.R. Doc. 69-15527; Filed, Dec. 23, 1969; 8:45 a.m.]

[Dockets Nos. RI70-822 etc.]

MIDWEST OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 16, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed

by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before January 30, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R-70-822	Midwest Oil Corp.	31	3	El Paso Natural Gas Co.		11-17-69	[1] 11-17-69	[4] 11-18-69	15.91	[5] [6] 15.99966	
	do.	49	3	Transwestern Pipeline Co.		11-17-69	[1] 11-17-69	[4] 11-18-69	15.86	[5] [6] 15.92939	
RI70-823	Nemours Corp. (Operator) et al.	3	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11-24-69	[1] 11-24-69	[4] 11-25-69	[7] 15.0	[6] [7] 15.06	
RI70-824	Wilhelmina DuP. Ross	3	10	do.		11-17-69	[1] 11-17-69	[4] 11-18-69	[7] 15.0	[6] [7] 15.06	
RI70-825	Anadarko Production Co.	25	6	Panhandle Eastern Pipe Line Co.		11-19-69	[1] 11-19-69	[4] 11-20-69	11.0	[5] [6] 11.04125	
RI70-826	Champlin Petroleum Co. (Operator) et al.	2	9	Texas Eastern Transmission Corp.		11-20-69	[1] 11-20-69	[4] 11-21-69	15.0	[5] [6] 15.0656	
	do.	3	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11-20-69	[1] 11-20-69	[4] 11-21-69	[7] 15.0	[6] [7] 15.05625	
	do.	18	6	do.		11-20-69	[1] 11-20-69	[4] 11-21-69	[7] 15.0	[6] [7] 15.05625	
	do.	22	6	do.		11-20-69	[1] 11-20-69	[4] 11-21-69	[7] 15.0	[6] [7] 15.05625	
RI70-827	Wilhelmina DuP. Ross (Operator) et al.	2	12	do.		11-24-69	[1] 11-24-69	[4] 11-25-69	[7] 15.0	[6] [7] 15.06	

[1] The stated effective date is the date of filing, with waiver of notice granted, pursuant to the Commission's Order No. 390, issued Oct. 10, 1969.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to the Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates which were filed subsequent to October 31, 1969, are suspended for 1 day from the date of filing.

[F.R. Doc. 69–15228; Filed, Dec. 23, 1969; 8:45 a.m.]

[Docket No. RI70–850 etc.]

WARREN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 17, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-850	Warren Petroleum Corp. (Operator), Post Office Box 1589, Tulsa, Okla. 74102.	35	7	Cities Service Gas Co. (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	$6,826	11-17-69	[2] 12-18-69	5-18-70	17.9	[3] [4] 19.0	RI69-14.
	do.	21	7	Lone Star Gas Co., (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	35,929	11-17-69	[2] 12-18-69	5-18-70	17.9	[3] [4] 19.0	RI69-14.
	do.	51	8	Transwestern Pipeline Co. (Sitter Gasoline Plant, Wheeler County, Tex.) (RR. District No. 10).	264,510	11-17-69	[2] 12-18-69	5-18-70	[5] 17.0	[3] [4] [6] 26.0	
RI70-851	Warren Petroleum Corp.	18 A & B	21	Texas Eastern Transmission Corp. (Delhi Gasoline Plant, Richland Parish, La.) (North Louisiana).	283	11-17-69	[2] 12-18-69	5-18-70	[5] 17.0314	[6] [7] 17.6468	
RI70-852	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	43	9	Cities Service Gas Co. (Elwood and Hardtner Fields, Barber County, Kans.).	1,320	11-12-69	[2] 12-23-69	5-23-70	[5] 14.0	[3] [4] 15.0	RI65-394.
	Amerada Hess Corp.	138	11	Panhandle Eastern Pipe Line Co. (South Peek Field, Ellis County, Okla.) (Panhandle Area).	174	11-17-69	[2] 12-18-69	5-18-70	[8] 17.0	[3] [8] 18.015	
RI70-853	George Mitchell & Associates, Inc., agent for Anne W. Alexander executric, et al., 12th Floor Houston Club Bldg., Houston, Tex. 77002.	19	36	Natural Gas Pipeline Co. of America (Parker, Jack, and Wise Counties, Tex.) (RR. District Nos. 7–B and 9).	253,798	11-17-69	[2] 12-27-69	5-27-70	17.13602	[3] [4] 17.7403	
RI70-854	Phillips Petroleum Co. (Operator) et al., Bartlesville, Okla. 74003.	326	7	Natural Gas Pipeline Co. of America (Boonsville Bend Field, Wise County, Tex.) (RR. District No. 9).	7,021	11-10-69	[2] 12-27-69	5-27-70	[9] [11] 16.25	[3] [4] [9] [11] 17.3138	RI67-173.
RI70-855	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	452	[12] 5	Arkansas Louisiana Gas Co. (Kinta Field, Haskell County, Okla.) (Oklahoma "Other" Area).	2,044	11-17-69	[2] 12-18-69	5-18-70	15.0	[3] [4] 16.0	
RI70-856	Graham-Michaelis Drilling Co. (Operator) et al., 211 North Broadway, Wichita, Kans. 67202.	M	[12] 7	Kansas Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).	2,750	11-17-69	[2] 12-18-69	5-18-70	[5] 17.0	[3] [4] [5] 18.0	RI63-447.
RI70-857	Diamond Shamrock Corp. (Operator), Post Office Box 631, Amarillo, Tex. 79105.	2	[13] 6	Northern Natural Gas Co. (McKee Plants, Moore County, Tex.) (RR. District No. 10).	199,350	11-17-69	[2] 12-18-69	Accepted 5-18-70	[3] [4] 9.6529	[3] [4] [13] [14] 14.0629	
		2	7			11-17-69	[2] 12-18-69				

[2] The stated effective date is the effective date requested by respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Respondent filing from initial certificated rate to periodic increase contractually due on Sept. 1, 1969.
[6] Subject to a downward B.t.u. adjustment.
[7] Three-step periodic rate increase.
[8] Buyer deducts handling charge of 1.35 cents per Mcf. Rate includes 1.75-cent tax reimbursement.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Includes 0.25-cent dehydration charge paid by buyer to processor.
[12] Applicable only to acreage added by Supplement No. 3.
[13] Applicable only to gas produced below the base of the Hugoton Formation.
[14] Contract amendment dated Sept. 26, 1969, which provides for the proposed rate increase.
[15] Renegotiated rate increase.
[16] Includes 0.5-cent compression charge to buyer before increase and 1-cent compression charge after increase, rates shown also include 0.1529-cent tax reimbursement.

Concurrently with the filing of its rate increase, Diamond Shamrock Corp. (Operator) (Diamond), submitted a contract amendment dated September 26, 1969, designated as Supplement No. 6 to Diamond's FPC Gas Rate Schedule No. 2, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Diamond's proposed contract amendment to become effective as of December 18, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[F.R. Doc. 69–15229; Filed, Dec. 23, 1969; 8:45 a.m.]

CITIES SERVICE CO.

[Docket No. G–2712 etc.]

Findings and Order After Statutory Hearing; Correction

DECEMBER 11, 1969.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, termininating certificates, substituting respondents, making successors corespondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings for filing, accepting surety bond for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued October 9, 1969, and published in the FEDERAL REGISTER October 21, 1969, 34 F.R. 17080, subparagraph (c): Add

"Shell Oil Co." after May 17, 1968; paragraph (V). Change Docket No. "RI65–539" to read Docket No. RI65–339."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–15224; Filed, Dec. 23, 1969; 8:45 a.m.]

[Dockets Nos. CS70–29, CS70–30]

KIBO COMPRESSOR CORP. AND HIGHLAND PRODUCTION CO.

Notice of Applications for "Small Producer" Certificates [1]

DECEMBER 16, 1969.

Take notice that on November 24, 1969, Kibo Compressor Corp., 800 Oil & Gas Building, Wichita Falls, Tex. 76301, and on November 28, 1969, Highland Production Co., Post Office Box 6725, Odessa, Tex. 79760, filed in Dockets Nos. CS70–29 and CS70–30, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–15225; Filed, Dec. 23, 1969; 8:45 a.m.]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. CP68–248]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

DECEMBER 16, 1969.

Take notice that on December 5, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68–248 a petition to amend the order of the Commission issued on May 24, 1968, to authorize the extension of time within which delivery of certain volumes of gas shall be made to Midwestern Gas Transmission Co. (Midwestern), at the Potomac, Ill., delivery point and the alteration of the volumes of gas to be delivered to Midwestern at Potomac and at the Portland, Tenn., delivery point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant is presently authorized by the order of May 24, 1968, to sell and deliver to Midwestern a daily contract quantity of 600,780 Mcf per day at the Portland delivery point, and certain volumes of gas at the Potomac delivery point pursuant to a limited term delivery agreement, with a comparable reduction in volumes deliverable at the Portland point. Applicant now requests that the 3-year limited term delivery at Potomac be extended for 1 additional year. Applicant further requests that for the remainder of the term it shall make available to Midwestern at the Potomac delivery point the following volumes of natural gas:

From—	To—	Maximum daily volume
November 1, 1968	November 1, 1971	132,353
November 1, 1971	November 1, 1972	66,667
November 1, 1972	Remainder of term	0

and at the Portland delivery point the following quantities of natural gas:

From—	To—	Maximum daily volume
November 1, 1968	November 1, 1971	453,907
November 1, 1971	November 1, 1972	530,333
November 1, 1972	Remainder of term	589,080

Applicant states that the continuation of deliveries at Potomac and Portland will permit it and Midwestern to defer construction of facilities during the present period of high interest construction costs, affording the opportunity of planning an optimum construction program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–15226; Filed, Dec. 23, 1969; 8:45 a.m.]

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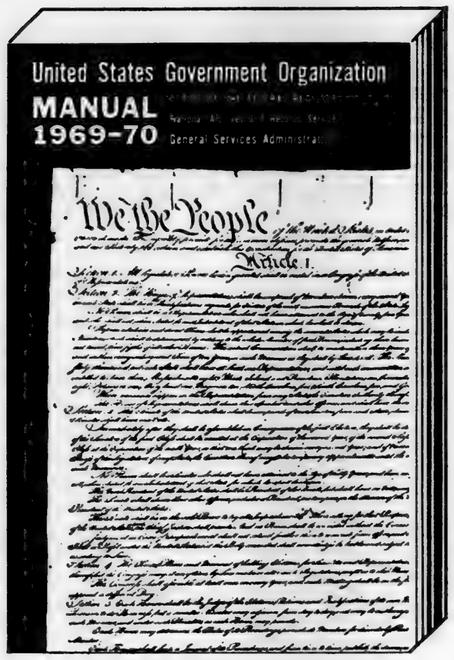
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to show that positions at GS–15 and below are excepted under Schedule A when filled for not to exceed 2 years by persons identified as Interchange Executives under the Executive Interchange Program developed by the President's Commission on Personnel Interchange, pursuant to Executive Order 11451. Effective on publication in the FEDERAL REGISTER, paragraph (cc) is added under § 213.3102 as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(cc) Positions at GS–15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–15347; Filed, Dec. 24, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—1970 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

COUNTY PROJECTED YIELD

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.) for the purpose of revising the 1970 county projected yield for upland cotton for Aransas County, Texas, as established under section 301(b)(13)(L) of the act. The revision is necessary because of corrections in official yield estimates for the years 1964, 1965, 1966, and 1967.

It is essential that this amendment become effective as soon as possible in order that farmers may be notified of their revised projected yields without delay. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impractical and contrary to the public interest, and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 722.484 (34 F.R. 18803) is amended by changing the county projected yield for Aransas County, Texas, as listed under column 6 of the table, from 271 pounds per acre to 293 pounds per acre.

(Sec. 301(b)(13)(L), 79 Stat. 1197; 7 U.S.C. 1301(b)(13)(L))

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 22, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–15296; Filed, Dec. 22, 1969; 10:26 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 189]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.489 Navel Orange Regulation 189.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 23, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 26, 1969, through January 1, 1970, are hereby fixed as follows:

(i) District 1: 522,000 cartons;
(ii) District 2: 60,000 cartons;
(iii) District 3: 28,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 23, 1969.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–15405; Filed, Dec. 24, 1969; 11:24 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Oklahoma, and paragraph (e)(14) is added to read:

(14) *Oklahoma.* Comanche County.

2. In § 76.2, paragraph (e)(4) relating to Massachusetts is amended by adding thereto the name of Bristol County.

3. In § 76.2, paragraph (e)(11) relating to Texas is amended by adding thereto the name of Wilson County.

4. In § 76.2, paragraph (f) is amended by deleting the State of Oklahoma from the States listed therein.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine certain counties in the States of Massachusetts, Oklahoma, and Texas because of the existence of hog cholera and delete the State of Oklahoma from the list of hog cholera eradication States. These actions are deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, apply to such counties; and the special provisions pertaining to the interstate movement of swine from and to the eradication States under Part 76 no longer apply to Oklahoma.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of December 1969.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69–15298; Filed, Dec. 24, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,625]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certain Certificate Accounts

DECEMBER 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) for the purpose of permitting member institutions to pay a higher rate of return on certain certificate accounts, hereby amends Part 526 as follows, effective December 19, 1969:

I. Subparagraph (2) of § 526.2(b) is amended to read as follows:

§ 526.2 Maximum rate of return.

* * * * *

(b) *Exceptions.* * * *

(2) Notwithstanding any change in the prescribed maximum rate, a member institution may continue to pay the announced rate of return on all certificate accounts outstanding on the date such prescribed maximum rate became effective as to the institution, so long as such certificate accounts remain outstanding or are renewed on the same terms.

2. Part 526 is amended by adding after § 526.4 a new § 526.4–1 to read as follows:

§ 526.4–1 Maximum rate of return payable on certain fixed-rate, fixed-term certificates.

(a) *Maximum rate of return.* A member institution which has an announced rate of return on regular accounts not in excess of 5 percent per annum may pay a return on certificate accounts which are maintained in a minimum amount of $10,000 for a period of from 2 to 5 years, at a rate not in excess of 6 percent per annum: *Provided,* That certificates paying such a rate shall not be issued after July 31, 1970. Such certificates shall be issued only to holders of savings accounts of record as of December 15, 1969, in exchange for such savings account or accounts, or portions thereof, plus accrued earnings to the date such certificate is issued.

(b) *Percentage of savings accounts.* (1) The total outstanding balance of such certificate accounts in such institution shall not exceed 20 percent of the total outstanding balance of savings accounts in the institution on November 30, 1969.

(2) The total outstanding balance of such certificate accounts in such institution maturing in any calendar semiannual period shall not exceed 5 percent of the total outstanding balance of savings accounts in the institution on November 30, 1969: *Provided,* That with respect to the period ending June 30, 1972, this limitation shall be 10 percent.

(3) For the purposes of this section, regardless of the accounting periods used by the institution, a "calendar semiannual period" shall be either January 1 through June 30 or July 1 through December 31.

(c) *Advertising.* No member institution shall advertise a rate of return in excess of 5.25 percent per annum on certificate accounts issued pursuant to the authority contained in this section unless such advertising clearly states that such certificates are to be issued only in exchange for savings accounts of record on December 15, 1969.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–15395; Filed, Dec. 24, 1969; 8:47 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,623]

PART 545—OPERATIONS

Savings Deposits and Variable Rate Certificates

DECEMBER 19, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the following purposes:

1. To expand the authority of Federal savings and loan associations to issue certain fixed-rate, fixed-term certificates paying a rate of return in excess of 5.25 percent per annum under § 545.1–4(f) of such regulations (12 CFR 545.1–4(f)); and,

2. With respect to certificate accounts issued by Federal savings and loan associations under § 545.3–1 of such regulations (12 CFR 545.3–1), to expand the authority of Federal savings and loan associations to issue such certificates paying a rate of earnings in excess of 5.25 percent per annum.

On the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Part 545 as follows, effective December 19, 1969:

1. Section 545.1–4 is amended by revising paragraph (f) thereof to read as follows:

§ 545.1–4 Other savings deposits.

* * * * *

(f) *Withdrawal prior to expiration of term.* (1) In an emergency where it is necessary to prevent great hardship to the holder of a fixed-term savings deposit, a Federal association may pay, prior to the expiration of the term, such savings deposit or the portion thereof necessary to meet such emergency: *Provided,* That before such payment may be made, the depositor must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (i) approved by an officer of the association who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (ii) retained by the association for a period of not less than 2 years.

(2) In the event of an emergency withdrawal as provided in this paragraph, (i) the depositor holding a fixed-term savings deposit on which a rate of return not in excess of 5.25 percent per annum is authorized to be paid pursuant to Part 569 of Subchapter D of this chapter shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the depositor shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months; and (ii) the depositor holding a fixed-term savings deposit on which a rate of return in excess of 5.25 percent per annum is authorized to be paid pursuant to Part 569 of Subchapter D of this chapter shall forfeit interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the depositor shall forfeit all interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months.

(3) In the case of emergency withdrawal of only a portion of any savings deposit issued under this section, the certificate evidencing such savings deposit shall be canceled unless the minimum balance requirements of this section continue to be met. If such requirements continue to be met, appropriate notation indicating the amount and date of withdrawal and the remaining balance may be made on the certificate or a new certificate may be issued for the remaining portion of the savings deposit with the same term, rate, and dates as the original savings deposit.

2. Section 545.3–1 is amended by adding, at the end thereof, a new subparagraph (h) to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

* * * * *

(h) *Provisions applicable to certain accounts.* Notwithstanding the provisions of § 545.3–1(b), accounts issued under this section which (1) are maintained for a period of at least 2 years and in a minimum amount of $10,000, and (2) contain a penalty provision in accordance with the provisions of § 545.1–4(f)(2), may be issued for a maximum period of 60 months.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay them from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendments become effective without delay, the Board hereby finds that notice and public procedure on the amendments are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and since the amendments relieve restriction, publication for the 30-day period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–15396; Filed, Dec. 24, 1969; 8:47 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 23,624]

PART 563—OPERATIONS

Fixed-Rate, Fixed-Term Accounts

DECEMBER 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) for the purpose of expanding the authority of insured institutions to issue fixed-rate, fixed-term accounts, hereby amends Part 563 as follows, effective December 19, 1969:

Paragraph (d) of § 563.3–1 is amended to read as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

* * * * *

(d) *Withdrawal prior to expiration of term.* (1) A certificate issued by an insured institution may provide that, in an emergency where it is necessary to prevent great hardship to the holder of a fixed-rate, fixed-term account, the institution may pay, prior to the expiration of the term, such fixed-rate, fixed-term account, or the portion thereof necessary to meet such emergency: *Provided,* That before such payment may be made, the holder must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (i) approved by an officer of the institution who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (ii) retained by the institution for a period of not less than 2 years.

(2) In the event of emergency withdrawal as provided in this paragraph, (i) the holder of a fixed-rate, fixed-term account on which a rate of return not in excess of 5.25 percent per annum is authorized to be paid pursuant to Part 569 of this subchapter, the holder shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the holder shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months; and (ii) the holder of a fixed-rate, fixed-term account on which a rate of return in excess of 5.25 percent per annum is authorized to be paid pursuant to Part 569 of this subchapter, shall forfeit interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the holder shall forfeit all interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months.

(3) In the case of emergency withdrawal of only a portion of any fixed-rate, fixed-term account, the certificate evidencing such fixed-rate, fixed-term account shall be cancelled unless the

minimum balance requirements of this section continue to be met. If such requirements continue to be met, appropriate notation indicating the amount and date of withdrawal and the remaining balance may be made on the certificate or a new certificate may be issued for the remaining portion of the fixed-rate, fixed-term account with the same term, rate, and dates as the original fixed-rate, fixed-term account.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in this amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–15397; Filed, Dec. 24, 1969; 8:47 a.m.]

[No. 23,626]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certain Certificate Accounts

DECEMBER 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending Part 569 of the rules and regulations for Insurance of Accounts (12 CFR Part 569) for the purpose of permitting insured institutions to pay a higher rate of return on certain certificate accounts hereby amends Part 569 as follows, effective December 19, 1969:

1. Paragraph (b) of § 569.2 is amended by revising subparagraph (2) thereof to read as follows:

§ 569.2 **Maximum rate of return.**

* * * * * *

(b) *Exceptions.* * * *

(2) Notwithstanding any change in the prescribed maximum rate, an insured institution may continue to pay the announced rate of return on all certificate accounts outstanding on the date such prescribed maximum rate became effective as to the institution, so long as such certificate accounts remain outstanding or are renewed on the same terms.

2. Part 569 is amended by adding after § 569.4 a new § 569.4–1 which reads as follows:

§ 569.4–1 **Maximum rate of return payable on certain fixed-rate, fixed-term certificates.**

(a) *Maximum rate of return.* An insured institution which has an announced rate of return on regular accounts not in excess of 5 percent per annum may pay a return on certificate accounts which are maintained in a minimum amount of $10,000 for a period of from 2 to 5 years, at a rate not in excess of 6 percent per annum: *Provided*, That certificates paying such a rate shall not be issued after July 31, 1970. Such certificates shall be issued only to holders of savings accounts of record as of December 15, 1969, in exchange for such savings account or accounts, or portions thereof, plus accrued earnings to the date such certificate is issued.

(b) *Percentage of savings accounts.* (1) The total outstanding balance of such certificate accounts in such institution shall not exceed 20 percent of the total outstanding balance of savings accounts in the institution on November 30, 1969.

(2) The total outstanding balance of such certificate accounts in such institution maturing in any calendar semi-annual period shall not exceed 5 percent of the total outstanding balance of savings accounts in the institution on November 30, 1960: *Provided*, That with respect to the period ending June 30, 1972, this limitation shall be 10 percent.

(3) For the purposes of this section, regardless of the accounting periods used by the institution, a "calendar semi-annual period" shall be either January 1 through June 30 or July 1 through December 31.

(c) *Advertising.* No insured institution shall advertise a rate of return in excess of 5.25 percent per annum on certificate accounts issued pursuant to the authority contained in this section unless such advertising clearly states that such certificates are to be issued only in exchange for savings accounts of record on December 15, 1969.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; 12 U.S.C. 1425b, 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–15398; Filed, Dec. 24, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–CE–28–AD; Amdt. 39–897]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 278 Propellers Installed on Beech Models H35, J35, K35, M35, N35, P35, A45 (T34A), B45 and D45 (T34B) Airplanes

There have been reports of failures of the blade pitch control bolts on Beech Model 278 propellers installed on certain Beech Model airplanes which can result in loss of propeller control.

Since this condition is likely to exist or develop in other propellers of the same type design, an airworthiness directive is being issued requiring within 25 hours' time in service after the effective date of this AD, a visual inspection of the pitch control bolt's hex adjusting flats for numerical marking to determine that the bolts are Beech P/N 278–336 bolts. As a result of this inspection, all bolts which cannot be so identified must be replaced before further flight with Beech P/N 278–336 bolts. The AD will further require within 25 hours' time in service after the effective date of this AD, on all Beech P/N 278–336 bolts which have accumulated 75 or more hours' time in service since new or last overhaul, an inspection using dye penetrant procedures for evidence of cracks in the exposed thread runout area between the hex flats and aft pitch setting nut. This inspection is to be repeated at intervals not to exceed 100 hours' time in service since the date of the last inspection.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Model 278 propellers installed on Models H35, J35, K35, M35, N35, P35, A45 (T34A), B45 and D45 (T34B) Airplanes.

Compliance: Required as indicated unless already accomplished.

To prevent loss of propeller control, accomplish the following:

A. Within 25 hours' time in service after the effective date of this AD accomplish the following:

1. Remove the propeller spinner and rotate blades to the high pitch position and accomplish the following inspections:

a. Visually inspect the pitch control bolt's hex adjusting flats for numerical marking to determine if the bolts are Beech P/N 278–336 bolts. If the bolts cannot be identified as Beech P/N 278–336 bolts, prior to further flight replace the bolts with serviceable Beech P/N 278–336 bolts.

b. Inspect, using dye penetrant procedures, Beech P/N 278–336 bolts having 75 or more hours' time in service since new or last overhaul for evidence of cracks in the exposed thread runout area between the hex flats and the aft pitch setting nut. Repeat this inspection at intervals not to exceed 100 hours' time in service since the last inspection. If a crack is detected during these inspections, replace the bolt before further flight with serviceable Beech P/N 278–336 bolt. Replacement should be accomplished in accordance with Model 278 Propeller Manual P/N 115090–19–1 revised May 1, 1963. Notification in writing must be given the Chief, Engineering & Manufacturing Branch, FAA, Central Region, of all cracks found on inspections pursuant to this AD. (Reporting approved by the Bureau of the Budget under BOB No. 04–R0174.)

B. Any alternate equivalent inspections to those provided in Paragraph A of this AD must be approved by the Chief, Engineering & Manufacturing Branch, FAA, Central Region.

(Beech Service Instruction No. 0302–248 pertains to this subject.)

This amendment becomes effective December 27, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on December 17, 1969.

DANIEL E. BARROW, *Acting Director, Central Region.*

[F.R. Doc. 69–15353; Filed, Dec. 24, 1969; 8:47 a.m.]

[Docket No. 10003; Amdt. 39–898]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1–11 Airplanes; Correction

Item (2) of Amendment 39–898 to AD 69–25–9, appearing in the FEDERAL REGISTER issue for Friday, December 19, 1969, page 19871, is corrected by inserting the word "not" between the words "panel" and "modified".

Issued in Washington, D.C., on December 19, 1969.

R. S. SLIFF, *Acting Director, Flight Standards Service.*

[F.R. Doc. 69–15354; Filed, Dec. 24, 1969; 8:47 a.m.]

[Docket No. 69–EA–157; Amdt. 39–896]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revise AD 69–24–4, Amdt. 39–878, and issue a revised airworthiness directive on the same matter applicable to Piper PA–30 type aircraft.

AD 69–24–4 was served originally on all owners of PA–30 aircraft by airmail distribution, effective upon receipt and required immediate replacement of the Vmc placard which raised the minimum single engine control speed from 80 mph to 90 mph. The AD was subsequently published in the FEDERAL REGISTER. The increased Vmc resulted from a reinvestigation by FAA of Vmc for all takeoff flap settings.

Since the promulgation of AD 69–24–4 of November 5, 1969, the manufacturer, Piper Aircraft Corp., has available for dissemination Service Bulletin 301A. The purpose of this amendment is to place this service bulletin information on the AD itself to assure its knowledge by all owners.

Since the amendment is primarily a revision to insert additional information which is not more restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), AD 69–24–4, § 39.13 of Part 39 of the Federal Aviation Regulations is revised as follows:

PIPER. Applies to Piper PA–30 type airplanes certificated in all categories.

Compliance required before further flight, unless already accomplished, as follows:

Change the existing Vmc placard to state the following:

"Minimum Single Engine Control Speed 90 mph CAS."

[Piper Service Bulletin 301A dated November 26, 1969 pertains to this subject.]

This amendment becomes effective December 16, 1969.

Issued in Jamaica, N.Y., on December 16, 1969.

R. M. BROWN, *Acting Director, Eastern Region.*

[F.R. Doc. 69–15355; Filed, Dec. 24, 1969; 8:47 a.m.]

[Airspace Docket No. 69–SO–98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Monroe, N.C., transition area.

The Monroe transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the 117° bearing from WMAP commercial broadcast station reference point.

This transition area presently provides controlled airspace protection for IFR operations at Shute Airport. A new airport (Monroe Airport), has been constructed approximately 4.5 miles west of Shute Airport and an instrument approach procedure to this airport, utilizing the Fort Mill, S.C. VOR, has been developed. Concurrently with the effective date of this instrument approach procedure, the instrument approach procedure to Shute Airport, utilizing the WMAP commercial broadcast station, will be canceled; thus, controlled airspace protection for this approach is no longer required. However, controlled airspace for the Monroe Airport is required for the protection of IFR operations. Current criteria applicable to Monroe Airport requires the designation of a 5-mile basic radius circle. This permits revocation of the present 4-mile basic radius circle and the extension predicated on the 117° bearing from WMAP commercial broadcast station reference point, thereby resulting in an overall reduction of approximately 1-square mile of controlled airspace. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to redesignate the Monroe transition area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Monroe, N.C., transition area is amended to read:

MONROE, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe Airport (lat. 35°01'15" N., long. 80°38'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on December 16, 1969.

JAMES G. ROGERS, *Director, Southern Region.*

[F.R. Doc. 69–15357; Filed, Dec. 24, 1969; 8:47 a.m.]

[Docket No. 9974; Amdt. 93–19]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports

The purpose of this amendment to the Federal Aviation Regulations is to continue in effect special air traffic rules for high density traffic airports which expire on December 31, 1969.

The amendment was proposed in Notice 69–51 and published in the FEDERAL REGISTER on November 15, 1969 (34 F.R. 18312). In the notice the FAA proposed to continue the rules for a period of 9 to 12 months. In this connection, the public was advised that during the 4-month period the rules have been in effect, the FAA has determined that the congestion problem has improved and delays substantially reduced as compared

to the situation a year ago, but that because there still has not been any substantial change made to the National Airspace system, the restraining influence of these rules is still necessary.

In response to this notice, 42 public comments were received from segments of the aviation industry, public officials and other interested persons. In general, the comments from industry representatives for the scheduled air carrier class of user supported the proposed extension. On the other hand, the preponderance of the comments from organizations and individuals from general aviation or "other" class of user opposed any extension of the rules. More specifically, the objections from the latter group can be cataloged as falling into five types:

1. The rules are ineffective.
2. The rules discriminate against private and corporate airspace users.
3. The rules have an adverse impact upon general aviation and fixed base operators.
4. The rules impose rigidity upon operations that must be inherently flexible.
5. Congestion is caused by airline overscheduling.

Each of these objections was extensively argued by individuals, organizations and representatives of various corporations during the public hearing held in connection with this rule on September 25 and 26, and October 3, 1968. Also, these various objections were the subject of written comments to the notice of proposed rule making as well as the subject of many letters received and answered by the FAA since issuance of the original notice on September 3, 1968 (Notice 68–20). In view of this, further discourse to answer each objection appears unnecessary. The FAA experience, as indicated by statistical study covering the 4-month period subsequent to the issuance of the rules has shown that none of the users have been deprived of the use of any of the five high density traffic airports, except on infrequent occasions, and only during the early evening hours. These factors indicate that based upon actual experience, the present rule appears to be operating satisfactorily.

The comments from the scheduled air carriers and other groups associated with that segment of the industry, supported an extension of the rule. Significantly, only two comments from this group dealt with the length of the proposed extension. In both cases, the Port of New York Authority and the Air Transport Association agreed that an extension up to 1 year was acceptable.

Several other commentators from this group individually suggested that the rules should be made effective only during the summertime or during hours when jet operations are permitted at a particular airport. We cannot adopt either of these two recommendations at this time because we lack sufficient statistical and operational air traffic support to permit deviation from the present uniform application of these rules. However, we will continue to study this aspect of the rules to the end that, if circumstances permit, we will accordingly modify the rules.

In the rules issued on December 2, 1968 (Amdt. 93–13), we advised the public that the FAA would continue making procedural improvements in order to increase the ATC capability and to alleviate, as much as possible, the inconvenience that may be sustained by certain aircraft operators. In consonance with this pledge, the FAA order outlining operational procedure is being revised and will provide a longer lead time for securing IFR reservations and provide extra time in advance of holidays. VFR reservation procedures will also be simplified. These changes should eliminate some of the inconvenience to general aviation pilots operating to and from the high density airports.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the amendment is adopted as prescribed herein.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended effective January 1, 1970, as follows:

§ 93.131 Termination date.

The provisions of §§ 93.121—93.129 terminate October 25, 1970.

(Secs. 103, 307 (a), (b), and (c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), and (c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1665(c)); § 1.4(b), Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(b)))

Issued in Washington, D.C., on December 22, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69–15356; Filed, Dec. 24, 1969; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–363; Order 393]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Nuclear Fuel; Accounting and Reporting

DECEMBER 18, 1969.

On July 1, 1969, the Commission issued a notice of proposed rule making in this proceeding (34 F.R. 11382, July 9, 1969), proposing to amend certain accounts in its Uniform System of Accounts for Class A and Class B Public Utilities and Licensees and certain schedules of FPC Form No. 1 used by public utilities and licensees for annual reporting of data relating to nuclear fuel.

Comments were invited from interested persons to be submitted by August 15, 1969. In response to this notice, the Commission received comments from 31 respondents.[1]

The purpose of the new accounting and reporting requirements is to account for each process of the fuel cycle and for the salvage value of the byproduct materials, which either may be sold at the time of reprocessing or kept by the utility for sale at a future time.

The present Uniform System of Accounts was designed at a time when nuclear materials could not be privately owned and related to enriched materials leased from the Atomic Energy Commission (AEC). Between January 1, 1969, and January 1, 1971, utilities may lease AEC-owned enriched uranium, but alternatively may purchase natural uranium, which then can be enriched by the AEC on a toll basis. After the latter date the AEC no longer will lease enriched uranium, although previously leased material can remain under lease until June 30, 1973. The proposed accounting changes are designed to reflect this contemporary treatment of the ownership of nuclear materials. The staff, following discussions with representatives of the utility industry as well as conferences with members of the National Association of Regulatory Utility Commissioners Subcommittee of Staff Experts on Accounting, proposed the accounts contained in the rulemaking notice.

The enrichment, refinement, conversion, and fabrication of nuclear materials stage commences the nuclear fuel cycle. After nuclear fuel has been fabricated into fuel elements, the elements either are inserted in a reactor or kept as stock on hand awaiting insertion into the reactor. It is estimated that nuclear fuel in a reactor has a life of approximately 3 to 6 years. Nuclear fuel elements in the reactor gradually lose enrichment until it becomes necessary to remove them from the reactor as spent fuel. That spent fuel contains not only quantities of uranium that may be reenriched and reprocessed to a usable form but also plutonium, thorium, and various other nuclear byproducts which are recoverable during the reprocessing period.

The principal changes to the Uniform System of Accounts proposed by our notice consist of adding a new electric plant instruction and certain nuclear fuel accounts and subaccounts. The Form 1 changes proposed include a new Nuclear Fuel Materials schedule and modification of certain current schedules.

The responses to our rulemaking notice generally show agreement with the basic objectives sought therein and urge the adoption of the proposed changes. They indicate that the proposed reclassification of nuclear fuel into the utility plant section of the balance sheet recognizes the distinction of this type of asset as opposed to the conventional fuels and also enhances the ability of companies to finance nuclear fuel under the provisions of their general mortgage.

Many suggestions relate to changes of an editorial or clarifying nature, and we have adopted most of them. We shall discuss certain of the more significant changes suggested in these comments.

We agree with the argument of many respondents that the last sentence of Paragraph A of Account 120.1, Nuclear fuel in process of refinement, conversion, enrichment and fabrication, should be deleted to prevent allowance for write-ups caused by market price increases occurring in periods subsequent to the production period of the fuel assemblies from which the nuclear material that can be reprocessed was obtained. There is merit in the contention by a considerable number of respondents that the recording of gains from increases in market prices as to nuclear materials held for sale pursuant to the proposed wording of paragraph D of Account 518, Nuclear fuel expense, results in recognizing gains before their realization and requires immediate adjustments through expense for significant changes in nuclear byproduct values inconsistent with the apparent meaning of preceding paragraph A. Hence, we have restated paragraph D to reflect more clearly consistency with paragraph A and to eliminate the requirement of recording gains until they are actually realized. We further agree with the view of several respondents that it is appropriate to change the proposed title of Account 157, Nuclear byproduct materials, to "Nuclear Materials Held for Sale."

Two respondents contend that a new subheading such as "2. Nuclear Fuel" should be added to the chart of Balance Sheet Accounts in our Uniform System of Accounts to identify this category of assets. This suggestion must be rejected as inconsistent with our objective of classifying nuclear fuel as a component of utility plant. However, we shall continue to include the nuclear fuel accounts as separate balance sheet items rather than in the plant accounts subdivision for disclosure purposes.

We agree with the comment that instruction number 2 to the Nuclear Fuel Materials schedule on schedule page 200 of Form 1 is not consistent with the definition of spent nuclear fuel in Account 120.4 and therefore should be deleted.

Other respondents have requested minor changes primarily of an editorial or clarifying nature, and we have adopted those proposed changes that are consistent with appropriate accounting for the costs of nuclear materials.

In view of the date of issuance of this order, we conclude that the amendments to FPC Form No. 1 should be made applicable commencing with the reporting year 1970.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5 of the United States Code.

(2) The amendments of the Commission's Uniform System of Accounts and Annual Report Form schedules herein prescribed are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments prescribed herein which were not included in the notice in this proceeding are of a minor nature, and further notice thereof is therefore unnecessary.

(4) Since these schedules are being prescribed for inclusion in FPC Form No. 1 for the reporting year 1970, good cause exists for making these amendments to our Uniform System of Accounts applicable to such schedules and to § 141.1 of the Commission's regulations under the Federal Power Act, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, effective January 1, 1970.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 301, 304, 309 and 311 thereof (49 Stat. 854, 855, 858, 859; 16 U.S.C. secs. 825, 825c, 825h, 825j), orders:

(A) Effective January 1, 1970, the Uniform System of Accounts prescribed for Class A and Class B Public Utilities and Licensees by Part 101, Subchapter C, Chapter I, Title 18, CFR is hereby amended by the deletion of the present Accounts 157, 158, and 159 from the chart of Balance Sheet Accounts and from the text of prescribed Commission accounts; the deletion of the present Account 518 from the chart of Operation and Maintenance Expense Accounts and the text of Commission accounts; and the addition of a new Electric Plant Instruction number 16, new Subaccounts 120.1, 120.2, 120.3, 120.4 and 120.5, and new Accounts 157 and 518 (new accounts and subaccounts to be inserted in appropriate chart of accounts and the text of accounts) all as set forth in Attachment A hereto.

(B) Effective January 1, 1970, paragraph (d) of § 141.1 of the Commission's Regulations under the Federal Power Act, Subchapter D, Chapter I, Title 18, CFR, is amended by adding the following new schedule title:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * * * *

(d) * * *

Nuclear Fuel Materials (Accounts 120.1 through 120.5 and 157)

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(C) Effective for the reporting year 1970 and thereafter, one report form schedule is added to FPC Form No. 1, Annual Report for Electric Utilities and Licensees, Class A and Class B, prescribed by § 141.1, Subchapter D, Chapter I, Title 18, CFR and certain other schedules therein are revised, all as set forth in Attachment B hereto.[2]

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

ATTACHMENT A

REVISIONS TO THE UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES, CLASS A AND CLASS B

[Secs. 301, 304, 309, 311 (49 Stat. 854, 855, 858, 859, 16 U.S.C. Secs. 825, 825c, 825h, 825j)]

Electric Plant Instructions

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16. *Nuclear Fuel Records Required.*

Each utility shall keep all the necessary records to support the entries to the various nuclear fuel plant accounts classified under "Assets and Other Debits," Utility Plant 120.1 through 120.5, inclusive, account 518, Nuclear Fuel Expense and account 157, Nuclear Materials Held for Sale. These records shall be so kept as to readily furnish the basis of the computation of the net nuclear fuel costs.

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Balance Sheet Accounts

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1. UTILITY PLANT

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120.1 Nuclear fuel in process of refinement, conversion, enrichment and fabrication.
120.2 Nuclear fuel materials and assemblies—Stock account.
120.3 Nuclear fuel assemblies in reactor.
120.4 Spent nuclear fuel.
120.5 Accumulated provision for amortization of nuclear fuel assemblies.

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3. CURRENT AND ACCRUED ASSETS

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157 Nuclear Materials held for sale.

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Balance Sheet Accounts

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1. UTILITY PLANT

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120.1 Nuclear fuel in process of refinement, conversion, enrichment and fabrication.

A. This account shall include the original cost to the utility of nuclear fuel

[1] Alabama Power Co., American Electric Power Service Corp., Commonwealth Edison Co., Consolidated Edison Co. of New York, Inc., Consumers Power Co., Florida Power Corp., General Public Utilities Corp., Georgia Power Co., Gulf Power Co., Iowa-Illinois Gas and Electric Co., Iowa Power and Light Co., Los Angeles Water and Power Department, Maine Yankee Atomic Energy Co., Middle South Utilities, Inc., Minnesota Power and Light Co., Mississippi Power Co., New England Electric System, Northeast Utilities, Northern States Power Co., Pacific Gas and Electric Co., Pennsylvania Power and Light Co., Philadelphia Electric Co., Public Service Electric and Gas Co., San Diego Gas and Electric Co., Virginia Electric and Power Co., Yankee Atomic Electric Co., Arthur Andersen and Co., Atomic Energy Commission, Atomic Industrial Forum, Inc., Edison Electric Institute, and National Association of Regulatory Utility Commissioners.

[2] Filed as part of the original document.

materials while in process of refinement, conversion, enrichment, and fabrication into nuclear fuel assemblies and components, including processing, fabrication, and necessary shipping costs. This account shall also include the salvage value of nuclear materials which are actually being reprocessed for use and were transferred from account 120.5, Accumulated Provision for Amortization of Nuclear Fuel Assemblies. (See definition 20.)

B. This account shall be credited and account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, shall be debited for the cost of completed fuel assemblies delivered for use in refueling or to be held as spares. In the case of the initial core loading, the transfer shall be made directly to account 120.3, Nuclear Fuel Assemblies in Reactor, upon the conclusion of the experimental or test period of the plant prior to its becoming available for service.

ITEMS

1. Cost of natural uranium, uranium ores concentrates or other nuclear fuel sources, such as thorium, plutonium, and U-233.
2. Value of recovered nuclear materials not in process of fabrication.
3. Milling process costs.
4. Sampling and weighing, and assaying costs.
5. Purification and conversion process costs.
6. Costs of enrichment by gaseous diffusion or other methods.
7. Costs of fabrication into fuel forms suitable for insertion in the reactor.
8. All shipping costs of materials and components, including shipping of fabricated fuel assemblies to the reactor site.
9. Use charges on leased nuclear materials while in process of refinement, conversion, enrichment, and fabrication.

120.2 Nuclear fuel materials and assemblies—Stock account.

A. This account shall be debited and account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication, shall be credited with the cost of fabricated fuel assemblies delivered for use in refueling or to be carried in stock as spares. It shall also include the original cost of fabricated fuel assemblies purchased in completed form. This account shall also include the original cost of partially irradiated fuel assemblies being held in stock for reinsertion in a reactor which had been transferred from account 120.3, Nuclear Fuel Assemblies in Reactor.

B. When fuel assemblies included in this account are inserted in a reactor, this account shall be credited and account 120.3, Nuclear Fuel Assemblies in Reactor, debited for the cost of such assemblies.

C. This account shall also include the cost of nuclear materials and byproduct materials being held for future use and not actually in process in account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication.

120.3 Nuclear fuel assemblies in reactor.

A. This account shall include the cost of nuclear fuel assemblies when inserted in a reactor for the production of electricity. The amounts included herein shall be transferred from account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, except for the initial core loading which will be transferred directly from account 120.1.

B. Upon removal of fuel assemblies from a reactor, the original cost of the assemblies removed shall be transferred to account 120.4, Spent Nuclear Fuel or account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, as appropriate.

120.4 Spent nuclear fuel.

A. This account shall include the original cost of nuclear fuel assemblies, in the process of cooling, transferred from account 120.3, Nuclear Fuel Assemblies in Reactor, upon removal from a reactor pending reprocessing.

B. This account shall be credited and account 120.5, Accumulated Provision for Amortization of Nuclear Fuel Assemblies, debited for fuel assemblies, after the cooling period is over, at the cost recorded in this account.

120.5 Accumulated provision for amortization of nuclear fuel assemblies.

A. This account shall be credited and account 518, Nuclear Fuel, shall be debited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the original cost of nuclear fuel assemblies, plus or less the expected net salvage value of uranium, plutonium, and other by-products.

B. This account shall be credited with the net salvage value of uranium, plutonium, and other nuclear by-products when such items are sold, transferred or otherwise disposed of. Account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication, shall be debited with the net salvage value of nuclear materials to be reprocessed. Account 157, Nuclear Materials Held for Sale shall be debited for the net salvage value of nuclear materials not to be reprocessed but to be sold or otherwise disposed of and account 120.2, will be debited with the net salvage value of nuclear materials that will be held for future use and not actually in process, in account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication.

C. This account shall be debited and account 120.4, Spent Nuclear Fuel, shall be credited with the cost of fuel assemblies at the end of the cooling period.

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3. CURRENT AND ACCRUED ASSETS

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157 Nuclear Materials held for sale.

This account shall include the net salvage value of uranium, plutonium and other nuclear materials held by the company for sale or other disposition and that are not to be reused by the company in its electric utility operations. This account shall be debited and account 120.5, Accumulated Provision for Amortization of Nuclear Fuel Assemblies, credited for such net salvage value. Any difference between the amount recorded in this account and the actual amount realized from the sale of materials shall be debited or credited, as appropriate, to account 518, Nuclear Fuel, at the time of such sale.

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Operation and Maintenance Expense Accounts

1. POWER PRODUCTION EXPENSES

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518 Nuclear fuel expense.

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Operation and Maintenance Expense Accounts

1. POWER PRODUCTION EXPENSES

* * * * *

518 Nuclear fuel expense.

A. This account shall be debited and account 120.5, Accumulated Provision for Amortization of Nuclear Fuel Assemblies, credited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the cost of nuclear fuel assemblies plus or less the expected net salvage of uranium, plutonium, and other byproducts and unburned fuel. The utility shall adopt the necessary procedures to assure that charges to this account are distributed according to the thermal energy produced in such periods.

B. This account shall also include the costs involved when fuel is leased.

C. This account shall also include the cost of other fuels, used for ancillary steam facilities, including superheat.

D. This account shall be debited or credited as appropriate for significant changes in the amounts estimated as the net salvage value of uranium, plutonium, and other byproducts contained in account 157, Nuclear Materials Held for Sale and the amount realized upon the final disposition of the materials. Significant declines in the estimated realizable value of items carried in account 157 may be recognized at the time of market price declines by charging this account and crediting account 157. When the declining change occurs while the fuel is recorded in account 120.3, Nuclear Fuel Assemblies in Reactor, the effect shall be amortized over the remaining life of the fuel.

* * * * *

[F.R. Doc. 69-15307; Filed, Dec. 24, 1969; 8:45 a.m.]

[Docket No. R-366; Order 392]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report Forms for 1969

DECEMBER 18, 1969.

On August 14, 1969, the Commission issued a notice of proposed rule making in this proceeding (34 F.R. 13481, Aug. 21, 1969), proposing to modify a number of the schedules contained in its Annual Report Forms Nos. 1 and 2.

Pursuant to the invitation contained in the notice herein to submit comments by September 5, 1969, the Commission received comments from 37 respondents.[1]

The principal revisions in FPC Form No. 1 proposed in our notice included a requirement of additional information in the Important Changes During the Year schedule, on electric generating units placed in service, elimination of the Prepayments schedule, a change in the Rents Charged to Electric Operating Expenses schedule to obtain information on all rents including those allocated to construction work in progress, an increase in the reporting limit from $10,000 to $25,000 in the Franchise Requirements schedule, a change increasing the capacity from 5,000 KVA to 10,000 KVA in grouping for reporting purposes in the Substations schedule, and deletion of the Conduit, Underground Cable, and Submarine Cable schedule. The principal revisions in FPC Form No. 2 proposed were a change in reporting requirements concerning several categories of property from a producing area basis to a state basis, a change of the title of the Rents Charged to Gas Operating Expenses schedule to obtain information on all rents except those allocated to construction work in progress, a merger of the Natural Gas Land Acreage and Natural Gas Reserves schedules into one schedule, and the deletion of the Natural Gas Production Statistics schedule. Certain minor changes were proposed in schedules and the cover sheet that are identical in both FPC Forms Nos. 1 and 2.

The existing schedules affected by the proposed changes in the annual report forms are as follows:

[1] American Electric Power Service Corp., Carolina Power and Light Co., Central Maine Power Co., Cincinnati Gas and Electric Co., Cleveland Electric Illuminating Co., Consumers Power Co., Florida Power Corp., Iowa-Illinois Gas and Electric Co., Iowa Public Service Co., Kansas Power and Light Co., Nevada Power Co., Oklahoma Gas and Electric Co., Pacific Gas and Electric Co., Pacific Power and Light Co., Pennsylvania Power and Light Co., Public Service Electric and Gas Co., Public Service Indiana, Rochester Gas and Electric Corp., Southern California Edison Co., Southern Services, Inc., Union Electric Co., Washington Water Power Co., West Texas Utilities Co., Wisconsin Electric Power Co., Colorado Interstate Gas Co., Consolidated Natural Gas Co., Lone Star Gas Co., Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Panhandle Eastern Pipeline Co., Southern Natural Gas Co., Tennessee Gas Pipeline Co., Texas Gas Transmission Corp., Transcontinental Gas Pipe Line Corp., Washington Gas Light Co., Public Utilities Commission of California, and Van Scoyoc and Wiskup, Inc.

FPC Form No. 1—Schedule Heading:	Page
Important Changes During the Year	108
Prepayments	Deleted
Investment Tax Credits Generated and Utilized	228
Electric Operating Revenues	409
Rents Charged to Electric Operating Expenses (Changed to "Rents Charged")	421
Interchange Power	424
Franchise Requirements	426
Substations	445
Conduit, Underground Cable, and Submarine Cable	Deleted

FPC Form No. 2—Schedule Heading:	Page
Nonutility Property	201
Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights	509
Accumulated Provision for Amortization of Underground Storage Land and Land Rights	510
Gas Operating Revenues	514
Rents Charged to Gas Operating Expenses (Changed to "Rents Charged")	533
Exchange Gas Accounting	538
Natural Gas Land Acreage	547
Natural Gas Reserves (Merged with schedule above)	548
Natural Gas Production Statistics	Deleted
Number of Gas and Oil Wells	558
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Plant Materials and Operating Supplies	207	208 Deleted
Production Fuel and Oil Stocks	209	209
Clearing Accounts	Deleted	213
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Most of the schedules were accepted without comment as initially proposed. Suggestions by respondents were directed only to a portion of the report form schedules included in the notice. We have considered carefully all of these comments, and adopt several of the changes suggested therein.

Respondents' opposition to the proposed additional reporting of residential customers with electric space heating on schedule page 409 of Form No. 1 on the ground that utilities have no accurate means of designating such customers has validity. We therefore are modifying that schedule to require only a listing of the total number of "all electric" customers, which can be estimated where not known. Additionally, we adopt the suggestion of changing instruction 1 to schedule page 421 of Form 1 to exclude all accounts in connection with construction work in progress. Also, there is merit in the contention that enlargement of the Clearing Accounts schedule on schedule page 213 of FPC Forms Nos. 1 and 2 to require reporting accounts charged for credits to clearing accounts is too burdensome. Accordingly, we shall delete this schedule since this information essentially can be obtained from the balance sheet of both report forms.

Although objection has been made to the loss of summary data resulting from deletion of shedule pages 552–553 of FPC Form No. 2 on Natural Gas Production Statistics, we believe that such should be deleted because of the considerable reporting burden caused by the gathering plant details that must be reported for individual production areas where the company purchases but does not produce any gas. Moreover, a future modified schedule likely will be necessary to achieve the necessary division of costs between new lease gas and other gas production as set forth in our Opinion No. 568, Statement of Policy as to Pricing for New Gas Produced by Pipelines and Pipeline Affiliates, issued October 7, 1969, ------ FPC ------.

One respondent contends that requiring information as to new electric generating units in the Important Changes During the Year schedule on schedule page 108 of Form 1 duplicates data contained in other schedules. However, we are of the view that highlighting new generating units in the front of the report form serves a useful purpose while adding little, if any, burden upon reporting utilities.

In response to other comments received, we are inserting "of account" following "other corporate books" in the proposed addition to instruction 1 and are withdrawing proposed instruction 5 on schedule page 101 of Forms 1 and 2. We are also withdrawing the minor wording change contained in our notice in instruction 2 of schedule page 445 of the Form 1. We have concluded that Part B of the Exchange Gas Accounting schedule on schedule page 538 should be clarified by adding instruction 3 and a footnote relating to net gas transactions during the year. It does not appear that the Prepayments and Conduit, Underground Cable and Submarine Cable schedules on schedule pages 210 and 446, respectively, proposed to be deleted from Form 1 have sufficient usefulness at present to warrant their retention.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5, United States Code.

(2) The revision of the Commission's Annual Report Forms herein prescribed is necessary and appropriate to the administration of the Federal Power and Natural Gas Acts.

(3) Since these schedules as revised are being prescribed for inclusion in FPC Forms Nos. 1 and 2 for the reporting year 1969, good cause exists for making the amendments thereof effective forthwith.

(4) Since amendments herein which were not included in the notice in this proceeding are of a minor nature further notice thereof is unnecessary.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 301, 304 and 309 (49 Stat. 854, 855, 858; 16 U.S.C. sections 825, 825c, 825h) and the provisions of the Natural Gas

Act, as amended, particularly sections 8, 9(b), 10 and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. sections 717g, 717h (b), 717i, and 717o), orders:

(A) Effective for the reporting year 1969 and thereafter, certain schedules of FPC Form No. 1, Annual Report for Electric Utilities and Licensees Class A and Class B, prescribed by § 141.1, Subchapter D, Chapter I, Title 18, CFR and of FPC Form No. 2, Annual Report for Natural Gas Companies, Class A and Class B, prescribed by § 260.1, Subchapter G, Chapter I, Title 18, CFR, together with certain schedules identical in both FPC Forms Nos. 1 and 2, are hereby amended as set forth in Attachments A, B, and C hereto.[3]

(B) Effective upon the issuance of this order, paragraph (d) of § 141.1 of the Commission's regulations under the Federal Power Act, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is revised by changing the title of one schedule and deleting four schedules as follows:

Title Change: Change title of "Rents Charged to Electric Operating Expenses" to "Rents Charged"

Schedule Deletions: Delete the following schedules:

Plant Materials and Operating Supplies; Prepayments; Clearing Accounts; Conduit, Underground Cable, and Submarine Cable.

(C) Effective upon the issuance of this order, paragraph (c) of § 260.1 of the regulations under the Natural Gas Act, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, is revised by changing the title of one schedule, merging two schedules, and deleting three schedules as follows:

Title change: Change title of "Rents Charged to Gas Operating Expenses" to "Rents Charged."

Merger of schedules: Merge the schedules entitled "Natural Gas Land Acreage" and "Natural Gas Reserves" into a new two-page schedule entitled "Natural Gas Reserves and Land Acreage."

Schedule deletions: Delete the following schedules:

Plant Materials and Operating Supplies; Clearing Accounts; Natural Gas Production Statistics.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-15306; Filed, Dec. 24, 1969; 8:45 a.m.]

[3] Attachments filed as part of the original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

EDITORIAL CHANGES

Effective upon publication hereof in the FEDERAL REGISTER, the following corrections and editorial changes are made in Title 21, Chapter I:

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

1. In § 19.585, the portion reading "not less than 44 percent" is in error and is changed to "more than 44 percent." As changed, the section reads as follows:

§ 19.585 High-moisture jack cheese; identity; label statement of optional ingredients.

High-moisture jack cheese conforms to the definition and standard of identity and is subject to the requirement for label statement of optional ingredients prescribed for monterey cheese by § 19.580, except that its moisture content is more than 44 percent but less than 50 percent.

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

§ 120.239 [Amended]

2. In § 120.239, "residues of phosphamidon" in the first sentence is changed to read "residues of the insecticide phosphamidon".

PART 121—FOOD ADDITIVES

§ 121.266 [Amended]

3. In § 121.266, "residues of amiben" is changed to read "residues of the herbicide amiben".

§ 121.280 [Amended]

4. In § 121.280(b), tables 1, 2, 3, and 4, the phrase under limitations "for sale by or on the order of a licensed veterinarian," which occurs six times, is changed to read "for use by or on the order of a licensed veterinarian." The statement is similarly changed in the table in § 121.293 where it occurs once under limitations.

§ 121.331 [Amended]

5. In § 121.331, "raw agricultural commodity" is changed to read "growing raw agricultural commodity".

SUBCHAPTER C—DRUGS

PART 148q—GENTAMICIN

6. An order published July 1, 1969 (34 F.R. 11091), deleted subparagraph (4) from § 148q.2(a) whereas it should have deleted subparagraph (5). The section is hereby amended by deleting subparagraph (5) from paragraph (a) and restoring subparagraph (4) reading as follows:

§ 148q.2 Gentamicin sulfate ointment.

(a) • • •

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, moisture, pH, specific rotation, invariance quotient, and identity.

(*b*) The batch for gentamicin potency and moisture.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing not less than 5 grams.

(5) [Deleted]

• • • • • •

PART 148x—LINCOMYCIN

7. Said order also deleted subparagraph (4) from § 148x.4 instead of subparagraph (5). The section is hereby amended by deleting subparagraph (5) from paragraph (a) and restoring subparagraph (4) reading as follows:

§ 148x.4 Lincomycin hydrochloride monohydrate diagnostic sensitivity powder.

(a) • • •

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch for potency, moisture, pH, and specific rotation.

(*b*) The batch for potency, sterility, moisture, and identity.

(ii) Samples required:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 30 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(5) [Deleted]

• • • • • •

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: December 8, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-15322; Filed, Dec. 24, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 9B2353) filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, concludes that § 121.2566 of the food additive regulations should be amended to revise the limitation on octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate so that it may be used in olefin polymers that contact fatty food. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by changing the use limitation for the subject substance to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

• • • • • •

(b) • • •

List of substances	*Limitations*
• • •	• • •
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.	For use only at levels not exceeding 0.25 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4. Also such polymers shall be used in contact with fatty food only under conditions of use E, F, or G, described in table 2 of § 121.2526(c) and the average thickness of such polymers in the form in which they contact fatty food under condition of use E shall not exceed 0.010 inch.
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 15, 1969.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[F.R. Doc. 69-15323; Filed, Dec. 24, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER B—PERSONNEL

PART 21—COMMISSIONED OFFICERS

Leave and Training

Part 21 of Chapter I of Title 42 of the Code of Federal Regulations is amended as follows:

Subpart F—Leave

§ 21.84 [Amended]

1. Section 21.84 is amended by changing the first sentence thereof to read as follows: "An officer shall accrue annual leave at the rate of 30 days for each full year of active service with the Service, and for any portion of a year at the rate of 2½ days for each month of such service."

(Sec. 219, 64 Stat. 426, as amended; 42 U.S.C. 210-1. E.O. 11140, Feb. 1, 1964, 29 F.R. 1637)

This amendment shall become effective January 1, 1970.

Subpart K—Training

2. Section 21.202 is revised to read as follows:

§ 21.202 Assignment of officers to educational institutions for training.

After considering the needs of the Service for officers with knowledge, skill, and experience in the specialties required by Service activities, the Secretary may assign an officer, with his consent, to an approved educational institution or training program for purposes of training.

(Sec. 218(a), 62 Stat. 47, as amended; 42 U.S.C. 218a(a). E.O. 11140, Feb. 1, 1964, 29 F.R. 1637)

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Approved: December 18, 1969.

ROBERT H. FINCH, *Secretary.*

[F.R. Doc. 69-15283; Filed, Dec. 24, 1969; 8:47 a.m.]

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 78—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Performance Standard for Television Receivers

On October 16, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16557) to amend Part 78 by prescribing a performance standard applicable to the emission of x-radiation from television receivers. Also proposed were certain general labeling and certification requirements for any electronic product subject to a performance standard prescribed under the Radiation Control for Health and Safety Act of 1968.

Interested persons were given the opportunity to participate in the rule making through the submission of comments. Pursuant to the notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant material presented.

In light of the comments, a number of changes have been made in the amendments as proposed. The requirements for warnings on critical components of television receivers have been

revised, and the certification and labeling sections have been revised to permit inscription on the product.

The Commissioner has determined, therefore, that this standard is necessary for the protection of the public health and safety and further finds that the need for such protection, together with the ability of the industry to meet the standard constitutes good cause for an immediate effective date. Accordingly, the amendments to Part 78, as set forth below, are hereby adopted effective on the date of publication and will be applicable to television receivers manufactured after January 15, 1970.

Subpart C—Performance Standards for Electronic Products

GENERAL PROVISIONS

Sec.
78.200 Scope.
78.201 Certification.
78.202 Labeling.
78.203 Special test procedures.
78.204 Electronic products intended for export.

PERFORMANCE STANDARD

Sec
78.210 Performance standard for television receivers.

AUTHORITY: The provisions of this Subpart C issued under sec. 358, 82 Stat. 1177; 42 U.S.C. 263f.

Subpart C—Performance Standards for Electronic Products

GENERAL PROVISIONS

§ 78.200 Scope.

The standards listed in this subpart are prescribed pursuant to section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f) and are applicable to electronic products as specified herein, to control electronic product radiation from such products. Standards so prescribed are subject to amendment or revocation and additional standards may be prescribed as are determined necessary for the protection of the public health and safety.

§ 78.201 Certification.

(a) Every manufacturer of an electronic product to which an applicable standard is in effect under this subpart, shall furnish to the dealer or distributor at the time of delivery of such product, the certification that such product conforms to all applicable standards under this subpart.

(b) The certification shall be in the form of a label or tag permanently affixed to, or inscribed on such product. In the case of products to which it is not feasible to affix or inscribe the label or tag, upon application therefor, the Secretary may approve other means by which a manufacturer may provide the certification required by this section.

(c) Such certification shall be based upon a test, in accordance with the standard, of the individual article to which it is attached or upon a testing program which is in accordance with good manufacturing practices. The Secretary may disapprove such a testing program on the grounds that it does not assure the adequacy of safeguards against hazardous electronic product radiation or that it does not assure that electronic products comply with the standard prescribed under this subpart.

(d) The certification tag or label or inscription shall be located on the product so as to be legible when the product is fully assembled for use.

§ 78.202 Labeling.

Every manufacturer of an electronic product to which is applicable a standard under this subpart shall, by a label or tag permanently affixed to or inscribed on such product, set forth:

(a) The full name and address of the manufacturer of the product: Abbreviations such as "Co.," "Inc.," or their foreign equivalents and the first and middle initials of individuals may be used. Where products are sold under a name other than that of the manufacturer of the product, the label may set forth the name of the individual or company under whose name the product was sold, provided such individual or company has previously supplied the Secretary with sufficient information to identify the manufacturer of the product.

(b) The month, year, and place of manufacture: This information may be expressed in code provided the manufacturer has previously supplied the Secretary with the key to such codes.

(c) The tag or label shall be located on the product so as to be legible when the product is fully assembled for use.

§ 78.203 Special test procedures.

The Secretary may, on the basis of a written application by a manufacturer, authorize test programs other than those set forth in the standard for an electronic product if he determines that such products are not susceptible to satisfactory testing by the procedures set forth in the standard and that the alternative test procedures assure compliance with the standard.

§ 78.204 Electronic products intended for export.

The performance standard prescribed in this subpart shall not apply to any electronic product which is intended solely for export if (a) such product and the outside of any shipping container used in the export of such product are labeled or tagged to show that such product is intended for export, and (b) such product meets all the applicable requirements of the country to which such product is intended for export.

PERFORMANCE STANDARD

§ 78.210 Performance standard for television receivers.

(a) *Applicability.* The provisions of this section are applicable to television receivers manufactured subsequent to January 15, 1970.

(b) *Definitions.* (1) "External surface" means the cabinet or enclosure provided by the manufacturer as part of the receiver. If a cabinet or enclosure is not provided as part of the receiver, the external surface shall be considered to be a hypothetical cabinet, the plane surfaces of which are located at those minimum distances from the chassis sufficient to enclose all components of the receiver except that portion of the neck and socket of the cathode-ray tube which normally extends beyond the plane surfaces of the enclosure.

(2) "Maximum test voltage" means 130 root mean square volts if the receiver is designed to operate from nominal 110 to 120 root mean square volt power sources. If the receiver is designed to operate from a power source having some voltage other than from nominal 110 to 120 root mean square volts, maximum test voltage means 110 percent of the nominal root mean square voltage specified by the manufacturer for the power source.

(3) "Service controls" means all of those controls on a television receiver provided by the manufacturer for purposes of adjustment which, under normal usage, are not accessible to the user.

(4) "Television receiver" means an electronic product designed to receive and display a television picture through broadcast, cable, or closed circuit television.

(5) "Usable picture" means a picture in synchronization and transmitting viewable intelligence.

(6) "User controls" means all of those controls on a television receiver, provided by the manufacturer for purposes of adjustment, which on a fully assembled receiver under normal usage, are accessible to the user.

(c) *Requirements*—(1) *Exposure rate limit.* Radiation exposure rates produced by a television receiver shall not exceed 0.5 milliroentgens per hour at a distance of five (5) centimeters from any point on the external surface of the receiver, as measured in accordance with this section.

(2) *Measurements.* Compliance with the exposure rate limit defined in subparagraph (1) of this paragraph shall be determined by measurements made with an instrument, the radiation sensitive volume of which shall have a cross section parallel to the external surface of the receiver with an area of ten (10) square centimeters and no dimension larger than five (5) centimeters. Measurements made with instruments having other areas must be corrected for spatial nonuniformity of the radiation field to obtain the exposure rate average over a ten (10) square centimeter area.

(3) *Test conditions.* All measurements shall be made with the receiver displaying a usable picture and with the power source operated at supply voltages up to the maximum text voltage of the receiver and, as applicable, under the following specific conditions:

(i) On television receivers manufactured subsequent to January 15, 1970, measurements shall be made with all user controls adjusted so as to produce maximum x-radiation emissions from the receiver.

(ii) On television receivers manufactured subsequent to June 1, 1970, measurements shall be made with all user controls and all service controls adjusted to combinations which result in the

production of maximum x-radiation emissions.

(iii) On television receivers manufactured subsequent to June 1, 1971, measurements shall be made under the conditions described in subdivision (ii) of this subparagraph, together with conditions identical to those which result from that component or circuit failure which maximizes x-radiation emissions.

(4) *Critical component warning.* The manufacturer shall permanently affix or inscribe a warning label, clearly legible under conditions of service, on all television receivers which could produce radiation exposure rates in excess of the requirements of this § 78.210 as a result of failure or improper adjustment or improper replacement of a circuit or shield component. The warning label shall include the specification of operating high voltage and an instruction for adjusting the high voltage to the specified value.

Dated: December 22, 1969.

CHRIS A. HANSEN,
Assistant Surgeon General, Commissioner, Environmental Control Administration.

[F.R. Doc. 69-15297; Filed, Dec. 24, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS RETAINED FOR SEED

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department proposes to amend § 729.44 (e) of the regulations for determination of acreage allotments and marketing quotas for 1969 and subsequent crops of peanuts (33 F.R. 18351, 18981, 34 F.R. 14201).

The regulations provide that peanuts produced on excess farms and retained for seed or other purposes will be considered as marketed and therefore subject to the marketing quota penalty if such peanuts are used for seed or other purposes on another farm, unless the operator of the excess farm proves to the satisfaction of the county committee that the person producing the peanuts that are used on another farm is the same person and has an identical interest in the crop that will be produced from the seed.

It is proposed to amend this provision to consider peanuts produced on excess farms as marketed and therefore subject to marketing quota penalties if such peanuts are used for seed or other purposes on another farm regardless of who produced the peanuts. This change is considered necessary for a more orderly operation of the peanut marketing quota program. The current provision has caused difficult administrative problems. Growers form pooling arrangements to produce seed peanuts on excess farms for use on their own respective farms. It is extremely difficult for county ASCS offices to administer this provision to insure that no excess peanuts get into the channels of trade without payment of marketing quota penalties.

Prior to the issuance of this amendment, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that § 729.44(e) be revised to read as follows:

§ 729.44 Amount of penalty due from farms with excess acreage.

* * * * *

(e) *Peanuts retained for seed.* Peanuts produced on excess farms and retained for seed or other purposes will be considered as marketed and therefore subject to the marketing quota penalty if such peanuts are used for seed or other purposes on another farm. The amount of penalty on any such peanuts which are considered marketed shall be determined by multiplying the quantity by the converted penalty rate for the farm.

Signed at Washington D.C., on December 19, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-15340; Filed, Dec. 24, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

TRITIUM

Exemption of Microwave Receiver Protector Tubes

By letter dated May 20, 1969, Westinghouse Electric Corp. of Pittsburgh, Pa., filed a petition (PRM 30-44) with the Atomic Energy Commission requesting amendment of the Commission's regulation, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 30, to exempt from licensing requirements electron tubes (special purpose) containing no more than 150 millicuries of tritium.

The special purpose electron tubes described by the petitioner are hermetically sealed vacuum tubes (gas-discharge devices) in which the ignitor stage filler gas is kept in an ionized state by beta radiation from tritium adsorbed on a pair of metallic tabs which are spot-welded in a central location within the ignitor stage. Such tubes, designated as either "TR-type" or "anti-TR-type", are employed primarily in high-speed transmit-receiver switches that electronically protect microwave receivers in radars. The incorporation of tritium in microwave receiver protector tubes results in significant lengthening of the life and reliability of critical components that: (1) Short circuit the connection to a radar's sensitive microwave receiver during the extremely brief periods of time the high-power outgoing pulses of microwave radiation are being transmitted, and (2) isolate the transmitter from the receiver the balance of the time.

Various quantities of tritium up to 150 millicuries are required in production models of microwave receiver protector tubes to provide essential reliability and electronic characteristics.

The Commission is considering a finding that exemption from licensing requirements for the receipt, possession, use, transfer, export, ownership, and acquisition of microwave receiver protector tubes containing not more than 150 millicuries of tritium under the conditions set forth below will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public. The proposed amendment which follows would exempt the receipt, possession, use, transfer, export, ownership, and acquisition of such microwave receiver protector tubes by amending § 30.15(a)(8)(i) of 10 CFR Part 30.

The proposed exemption would not apply to the manufacture or import of the microwave receiver protector tubes. Certain criteria for the issuance of a specific license to conduct such activities and certain quality control and reporting requirements are presently set forth in §§ 32.14, 32.15, 32.16, and 32.110, 10 CFR Part 32, "Specific Licenses To Manufacture, Distribute or Import Exempted and Generally Licensed Items Containing Byproduct Material."

The Commission considers that no significant radiation safety problem is associated with the possession and use of microwave receiver protector tubes containing tritium. Since tritium emits only a very low energy beta particle which is completely shielded by the walls of the envelope in which the tritiated-metal tabs are contained, there is no external radiation hazard. So long as the tritium is adsorbed on the metallic tabs and confined in the vacuum-tight envelope of the electron tube, there could be no uptake into the body. In the event of severe damage to the tube, however, the glass windows of the ignitor stage might be ruptured and tritium slowly desorbing from the metallic tabs might be dispersed in the air. The types of tubes under consideration are typically installed in radar in aircraft or aboard ships. The rapid dilution of the dispersed tritium under such open-air conditions assures that the radiation exposure which might be received as a result of damage to a microwave receiver protector tube containing tritium would be very small.

A credible condition could be the storage of a severely damaged tube with a ruptured window in a small, closed room. If the highest recorded tritium escape rate (20 microcuries per 8 hours per curie of adsorbed tritium) is assumed for a 150-millicurie tube stored in a room of 800 cubic foot capacity ventilated at the rate of one room change per hour, an individual in the room would be exposed to airborne radioactive material in concentrations about 10 percent of the limits for unrestricted areas as set forth in Appendix B, Table II, Column I, 10 CFR Part 20 (about 2.5 percent of the limits when averaged over the working hours in a year). Taking into consideration variations in tritium escape rates, storage room sizes, room ventilation rates, and occupancy times, it is estimated that doses to individuals expected to be most highly exposed to radioactive material from such severely damaged tubes would not exceed more than a few hundredths of the dose limits recommended by the Federal Radiation Council, the National Council on Radiation Protection and Measurements, and the International Commission on Radiological Protection.

In the event of a fire in a storage depot (35,000 cubic foot capacity) containing ten 150-millicurie tubes, the number considered likely to accumulate in one location, the maximum dose commitment to an individual present in the depot for the first hour would, under conservative assumptions of intake, be about 0.4 rem from retention in the body of tritium.

The electron tubes under consideration have a design life of 8 years. About one-third of the tritium would decay during the life of the tube and more would decay within the tube after its disposal as trash. The materials of construction of microwave receiver protector tubes are glass and metals such as stainless steel and nickel that have relatively low scrap value. Even if discarded tubes were to be processed to reclaim metallic components, contamination of scrap and reprocessed metal is not a significant consideration. Tritium adsorbed on metallic surfaces would be driven off during melting or other high-temperature purification processes.

The proposed exemption would be limited to microwave receiver protector tubes containing no more than 150 millicuries of tritium, which is considered to be the lowest practical tritium quantity limit in an exemption for microwave receiver protector tubes. Each tube would be distributed by a specific licensee in accordance with a specific license issued by the Commission pursuant to § 32.14 of 10 CFR Part 32. The subsequent possession, use, transfer, and disposal by all other persons would be exempt from licensing and regulatory requirements of the Commission.

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," the transfer of possession or control by the manufacturer, processor, or producer of microwave receiver protector tubes distributed for use under the exemption would be subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an Agreement State license.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendment may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

In § 30.15 of 10 CFR Part 30, § 30.15(a)(8)(i) is amended to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) Except for persons who apply byproduct material to, or persons who incorporate byproduct material into, the following products, or persons who import for sale or distribution the following products containing byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30-36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires the following products:

* * * * *

(8) Electron tubes: *Provided*, That each tube does not contain more than one of the following specified quantities of byproduct material:

(i) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

* * * * *

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 18th day of December 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-15331; Filed, Dec. 24, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10035]

AIRWORTHINESS DIRECTIVE

Hawker Siddeley Heron Model D.H. 114 Airplanes

Amendment 157 (25 F.R. 4542) AD 60-12-2, requires periodic inspections of the wing-to-fuselage lower main root joint on Hawker Siddeley Heron Model D.H. 114 airplanes. Based on the information gained from these inspections, the Federal Aviation Administration considers that a need exists to reduce the first reinspection period to ensure that unsafe corrosion, fretting, or fatigue damage does not develop; to require corrective action if corrosion, fretting, or fatigue damage has developed; and to replace certain obsolete fuselage lower main attachment bolts which may still be installed. It is therefore proposed to supersede Amendment 157 with a new AD that requires cleaning and inspecting the main spar lower pick up fittings, the center section lower boom lugs, and the wing-to-fuselage lower main attachment bolts; reworking damaged areas or replacing damaged parts; replacing obsoleted fuselage lower main attachment bolts with replacement bolts; and cleaning, protecting, and sealing the wing-to-fuselage lower joint upon reassembly of the wing to the fuselage.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 26, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to Heron Model D.H. 114 Airplanes.

Compliance is required as indicated.

To reduce the possibility of fatigue failure of the wing-to-fuselage lower main root joint assembly, accomplish the following:

(a) Within the next 6 months after the effective date of this AD unless already accomplished within the last 4 years and 6 months, once thereafter within 5 years since the last inspection, and thereafter at intervals not to exceed 6,750 hours' time in service or 7 years since the last inspection, whichever occurs first, remove the wings, clean and inspect the main spar lower pick up fittings, the center section spar lower boom lugs, and the wing-to-fuselage lower main attachment bolts for corrosion, fretting, and fatigue cracks. Rework the damaged areas as necessary or replace the damaged parts with serviceable parts of the same part number except for the obsolete fuselage lower main attachment bolts noted in paragraphs (b), (c), and (d). The requirements of this paragraph must be accomplished in accordance with Hawker Siddeley Technical News Sheet Heron (114) No. W.9, dated 24 February 1969, or an FAA-approved equivalent, except that magnetic particle and dye penetrant inspection methods may be employed in lieu of the crack testing method called for in that Technical News Sheet.

(b) For airplanes which have had installed the obsolete fuselage lower main attachment bolts listed in table (1) below, at the next wing removal after the effective date of this

AD, replace the obsolete bolts with the replacement bolts listed in table (2) below:

(1) Obsolete Bolt P/Ns	(2) Replacement Bolts P/Ns
14FS.15	14FS.6669
14FS.3985	14FS.6669
14FS.6399	14FS.6669
14.2FS.1555	14.2FS.575
RD.14W.173ND	RD.14FS.274
RD.14W.175ND	RD.14FS.275
RD.14FS.262	RD.14FS.271
RD.14FS.259	RD.14FS.272
RD.14FS.260	RD.14FS.273
RD.14FS.165	RD.14FS.273

(c) For airplanes which have had installed the obsolete fuselage lower main attachment bolts listed in table (1) below, at the next wing removal after the effective date of this AD ream the wing center section spar boom lugs and main spar lower pick up fittings in accordance with Hawker-Siddeley repair drawings RD.14FS.263 and RD.14FS.270, and replace the obsolete bolts with the replacement bolts listed in table (2) below:

(1) Obsolete Bolt P/Ns	(2) Replacement Bolt P/Ns
RD.14FS.254	RD.14FS.271
RD.14FS.232	RD.14FS.272
RD.14FS.223	RD.14FS.273

(d) For airplanes which have had installed fuselage lower main attachment bolts other than those listed as either obsolete or replacement bolts in paragraphs (b) and (c), at the next wing removal after the effective date of this AD report the part number of the installed bolts to the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region to obtain the identification of the required replacement bolts (reporting approved under Bureau of Budget No. 04.R0174). Upon receipt of notice giving the part numbers of the required replacement bolts, and prior to re-assembling the wing to the fuselage, install the replacement bolts specified in the notification.

(e) Upon re-assembly of the wing to the fuselage following completion of the actions required by paragraph (a) through (d), clean, protect, and seal the wing-to-fuselage lower joint in accordance with Hawker Siddeley Technical News Sheet Heron (114) No. W.9, Issue 4, dated 24 February 1969, or an FAA-approved equivalent.

(f) For purposes of computing the compliance times for this AD, the inspection, rework, replacement of defective parts, and protection and sealing accomplished in accordance with AD 60-12-2 before the effective date of this AD may be considered the last prior accomplishment of paragraph (a) of this AD.

This supersedes Amendment 157 (25 F.R. 4542) AD 60-12-2.

Issued in Washington, D.C., on December 18, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-15358; Filed, Dec. 24, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-153]

TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 Federal Aviation Regulations so as to alter the Berlin, N.H., transition area (34 F.R. 4651) and revoke the Errol, N.H., transition area (34 F.R. 9853, 17178).

The U.S. Standard for Terminal Instrument Approach Procedures became effective November 18, 1967, and changed the criteria for the establishment of instrument approach procedures. This criteria requires the alteration of the Berlin, N.H. 700-foot floor transition area to provide airspace protection for aircraft executing the changed instrument approach procedures.

In turn, this alteration permits the revocation of the Errol, N.H., 700-foot transition area since the alteration will provide the necessary airspace protection for aircraft executing the instrument approach procedure established for Errol Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Berlin, N.H., and Errol, N.H., proposed the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Berlin, N.H., 700-foot transition area and insert the following in lieu thereof: "that airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 44°34'35" N., 71°10'40" W. of Berlin Municipal Airport, Berlin, N.H.; within 2 miles each side of the Berlin Municipal Airport Runway 18 centerline, extended from the 8.5-mile radius area to 12 miles south of the end of the runway; within 2 miles each side of the Berlin Municipal Airport Runway 36 centerline, extended from the 8.5-mile radius area to 20.5 miles north of the end of the runway and within 4.5 miles west and 9.5 miles east of the Berlin N.H. VOR (44°38'05" N., 71°11'12" W.) 355° radial, extending from the 8.5-mile radius area to 18.5 miles north of the VOR".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Errol, N.H., transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 10, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-15359, Filed, Dec. 24, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-3273]

NEVADA

Notice of Public Sale

DECEMBER 18, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 9 a.m., local time, on Wednesday, February 4, 1970, at the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108. The land is described as follows:

MOUNT DIABLO MERIDIAN

T. 14 S., R. 65 E.,
Sec. 8, SW¼NW¼.

The area described contains 40 acres. The appraised value of the tract is $4,000 and the publication costs to be assessed are estimated at $12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108, prior to 4 p.m., on Tuesday, February 3, 1970. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-3273, February 4, 1970".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale.

If no bids are received for the sale tract on Wednesday, February 4, 1970, the tract will be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning March 4, 1970.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-15324; Filed, Dec. 24, 1969; 8:45 a.m.]

[Wyoming 20650]

WYOMING

Rescission of Order Providing for Opening of Public Lands

DECEMBER 19, 1969.

The order providing for the opening of certain public lands which was published in F.R. Doc. 69-12427 on pages 16631 and 16632 of the issue for Friday, October 17, 1969, was unnecessary, is of no effect, and is hereby rescinded.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 69-15325; Filed, Dec. 24, 1969; 8:45 a.m.]

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK NORTH CAROLINA-TENNESSEE

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior through the Superintendent, Great Smoky Mountains National Park, proposes to issue a concession permit to Cades Cove Riding Stables, Inc. authorizing it to provide horse rental service for the public at Cades Cove, for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: October 16, 1969.

KEITH NEILSON,
Superintendent.

[F.R. Doc. 69-15326; Filed, Dec. 24, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Mississippi, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Calhoun.	Yalobusha.
Claiborne.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of December 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-15343; Filed, Dec. 24, 1969; 8:46 a.m.]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Carolina, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Clarendon. Sumter.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of December 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-15344; Filed, Dec. 24, 1969; 8:46 a.m.]

Packers and Stockyards Administration

JACKSON COUNTY LIVESTOCK CO. INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

ALABAMA

Jackson County Livestock Co. Inc., Scottsboro, Nov. 21, 1969.

GEORGIA

Gainesville Livestock Auction, Gainesville, Dec. 12, 1969.

LOUISIANA

Kentwood Livestock Sales Inc., Kentwood, Dec. 9, 1969.

MISSOURI

Montgomery County Livestock Auction Co., Montgomery City, Dec. 4, 1969.

VIRGINIA

Tri-State Livestock Market, Inc., Abingdon, Nov. 28, 1969.

Done at Washington, D.C., this 19th day of December, 1969.

W. L. EICHENBERGER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-15341; Filed, Dec. 24, 1969; 8:46 a.m.]

ROGERS LIVESTOCK SALE ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Rogers Livestock Sale, LaGrange, Ga., Apr. 23, 1962.

Tallman Bros. Auction, Columbus, N.J., Dec. 22, 1959.

Florence Auction Market, Florence, S.C., Feb. 2, 1960.

Magness-Huron Livestock Exchange, Inc., Huron, S. Dak., Sept. 26, 1955.

Farmers Live Stock Market, Bristol, Va., Jan. 13, 1938.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 19th day of December 1969.

W. L. EICHENBERGER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-15342; Filed, Dec. 24, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-140]

PEORIA, ILL.

Proposed Revocation of Designation as Port of Documentation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designation of Peoria, Ill., as a port of documentation and to conduct at and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, 10101 South Ewing Avenue, Chicago, Ill., and the office of the Commander, 2d Coast Guard District, 1520 Market Street, Federal Building, St. Louis, Mo., such documentation activities as have been performed at Peoria.

2. By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designation of Peoria, Ill., as a port of documentation; and

(b) Transfer the documentation records at Peoria of those owners residing in the 9th Coast Guard District to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, 10101 South Ewing Avenue, Chicago, Ill., and the documentation records of those residing in the 2d Coast Guard District to the office of the Commander, 2d Coast Guard District, St. Louis, Mo.; and

(c) Make Chicago the home port of all vessels whose owners reside in the 9th Coast Guard District and St. Louis the home port of all vessels whose owners reside in the 2d Coast Guard District now having Peoria as home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before January 30, 1970, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (Jan. 30, 1970). The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine Council, Room 4211, Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that it may become part of the record.

Dated: December 19, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-15352; Filed, Dec. 24, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21101]

CHICAGO-BALTIMORE NONSTOP SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on January 13, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Prehearing Conference Report served October 16, 1969, the Supplemental Prehearing Conference Report served October 28, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 18, 1969.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 69-15346; Filed, Dec. 24, 1969; 8:46 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, Business & Defense Services Administration. (Temporary, N.T.E. 1/31/70).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15348; Filed, Dec. 24, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18673-18676; FCC 69-522]

ROCHESTER RADIO CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of David H. Polinger, Richard G. Greener, and Michael J. Sears, doing business as Rochester Radio Co., Rochester, N.Y., Docket No. 18673, File No. BPH-6221, Auburn Publishing Co., Rochester, N.Y., Docket No. 18674, File No. BPH-6280, What the Bible Says, Inc., Henrietta, N.Y., Docket No. 18675, File No. BPH-6392, Monroe County Broadcasting Co., Inc., Rochester, N.Y., Docket No. 18676, File No. BPH-6397, for construction permits.

1. The above-captioned mutually exclusive applications for FM broadcast stations were designated for hearing by Commission order, FCC 69-1027, released September 29, 1969, on issues which included, among others, a financial qualifications issue as to each of the applicants. Auburn Publishing Co. (Auburn) filed the instant petition to enlarge issues on October 17, 1969.[1]

2. In support of its petition to enlarge, Auburn states that Monroe County Broadcasting Co., Inc. (Monroe) proposes to employ primarily a talk format, featuring news, discussion, and public affairs with entertainment constituting only 25 percent of its total broadcast time. Petitioner notes that Monroe proposes 42 hours per week of news, 13¾ hours of public affairs and 46⅔ hours of other programing exclusive of entertainment and sports. Monroe's entertainment programing, petitioner points out, will consist entirely of music; local news of interest to the Negro community will be broadcast every one-half hour; and Monroe's public srevice programing will include, among others, a job locator program, an ethnic community calendar and a community talent search. To accomplish this extensive local programing in 126 hours of operation each week, petitioner states, Monroe has proposed only six full-time employees with some assistance from the principals of the corporation. Auburn argues that it is impossible for the six-man staff proposed by Monroe to man the station during all the hours of operation. Moreover, petitioner argues that it will be impossible for Monroe to collect, write, and present the local news and other local public interest programs with the limited staff available to it. Auburn also argues that since all of the principals of Monroe are fully occupied by other activities, their participation will provide no solution to the problem. In further support of its position, Auburn submits the affidavit of Floyd J. Kessee, general manager of its AM station. Kessee, after noting a number of problems with respect to Monroe's proposed operation concludes: "I just don't think Monroe's proposal is feasible." Therefore, Auburn argues, an issue to determine whether the staff proposed by Monroe is adequate to effectuate its proposed operation is warranted. The Broadcast Bureau, in its statement, supports the requested issue.

3. With its opposition, Monroe submits a staffing plan in which it attempts to show that it can man its operation with the employees proposed. According to the plan, there will be an engineer-announcer or an announcer on duty for all the hours of the proposed station's operation. However, to accomplish this, one employee, the general manager—program director—sales manager will be on duty at the studio for 26 hours each week with 14 hours remaining to devote to his other activities. The chief engineer will be on duty as an announcer-engineer 36 hours each week with 4 hours remaining for other duties, and one announcer-engineer will have duty at the transmitter 29 hours each week with 11 hours remaining for other duties. Monroe notes that all of its principals will devote at least 1 day each week to the station and contends that, since each of them is a prominent local businessman, they will be in a position to provide program input to the station by virtue of their other activities. Monroe also notes that it expects a substantial amount of news and other information to be supplied by telephone. By way of further explanation, Monroe notes that some of its programs would be pretaped and that it would probably subscribe to a news service. However, in order to avoid any further question, Monroe states, it has submitted an amendment to its proposal to provide for three additional full-time employees, thus making available a total staff of nine.

4. Monroe's proposal envisions extensive public service activities on the part of its proposed station. To carry out this proposal substantial staff work will be necessary. While Monroe submitted a work schedule which adequately establishes that its station can be manned with six employees, the schedule does not demonstrate how, in addition, this limited number of employees can collect, write, produce, edit, and direct the ambitious programing it has proposed to undertake. Even assuming that three additional employees will be available to effectuate the programing, we are unable, in the absence of a more specific description of the plans envisioned, to conclude that Monroe's proposal can be accomplished. The very general explanation given by Monroe leaves unanswered many questions. For example, can its general manager-program director-sales manager, accomplish the innumerable tasks of management, program directing and sales, and work 26 of his 40 hours each week as an announcer-engineer? Even assuming there will be sufficient local program input from the principals, who will write and edit such

[1] The Board also has before it the Broadcast Bureau's statement in support of the petition to enlarge issues, filed Oct. 30, 1969; Monroe's opposition to the petition to enlarge issues, filed Nov. 17, 1969; and Auburn's reply to the opposition, filed Dec. 5, 1969.

material and coordinate the various public affairs programs? These questions, and others, cannot be answered on the basis of the pleadings before the Review Board. Accordingly, the issues will be enlarged to afford Monroe a further opportunity to justify its proposal.[2]

5. *Accordingly, it is ordered*, That the petition to enlarge issues filed by Auburn Publishing Co. on October 17, 1969, is granted and the following issue is included in the proceeding: To determine whether the staff purposed by Monroe County Broadcasting Co., Inc., is adequate to effectuate its proposed operation.

6. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein will be on Monroe County Broadcasting Co., Inc.

Adopted: December 18, 1969.

Released: December 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-15334; Filed, Dec. 24, 1969; 8:46 a.m.]

[Docket No. 18774; FCC 69-1402]

ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

Notice of Inquiry

In the matter of Primer on Ascertainment of Community Problems by Broadcast Applicants, Part I, section IV-A and IV-B of FCC forms.

1. The Commission has under consideration Part I, section IV-A and IV-B of FCC forms, concerning ascertainment of community problems by broadcast applicants.

2. The Federal Communications Bar Association has requested clarification of the requirements of Part I, pointing to differences in interpretations by applicants, members of the said Bar Association and the Commission's staff.

3. The Commission has developed the attached Primer to assist in clarifying those requirements. The Primer, with answers to commonly-raised questions, sets forth interpretations which the Commission proposes to follow.

4. Applicants whose showings in Part I, section IV-A and IV-B are deficient can amend as a matter of right prior to designation for hearing; and, if in hearing, petitions for leave to amend may be granted where it is shown that the particular deficiency was due to lack of clarity in policy remedied by the Primer.

5. Before finalizing the questions and answers in the Primer, the Commission invites comments by interested parties, including consideration as to better phrasing of, and additions to, the questions and answers therein.

[2] Cf. News-Sun Broadcasting Co., 8 FCC 2d 540, 10 RR 2d 218 (1967).

[3] Review Board Member Slone absent.

6. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this notice of inquiry may file comments on or before January 30, 1970. An original and 14 copies of each response must be filed as required by § 1.419 of the Commission's rules.

Adopted: December 19, 1969.

Released: December 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

FEDERAL COMMUNICATIONS COMMISSION

PREMIER ON PART I—SECTION IVA-A AND IV-B OF APPLICATIONS FORMS CONCERNING ASCERTAINMENT OF COMMUNITY PROBLEMS AND BROADCAST MATTER TO DEAL WITH THOSE PROBLEMS

A. General

1. *Question.* With what applications must Part I, section IV (A or B) be submitted?

Answer. With applications for:

a. Construction permit for new broadcast stations (except for operation on noncommercial educational FM and TV channels).

b. Construction permit for major change in authorized facilities when the area within the station's service contour (Grade B contour for TV, 1 mV/m contour for FM, and 0.5 mV/m for AM) is increased by 50 percent.

c. Construction permit or modification of license to change station location.

d. Construction permit for new nighttime service by an AM station.

e. Construction permit for satellite television station (including 100 percent satellite).

f. Renewal of broadcast license.

g. Assignment of broadcast license or transfer of control (except in pro forma cases where Form 316 is appropriate).

2. *Question.* What if section IV (A or B) has already been recently submitted?

Answer. Needless duplication of effort will not be required. Prior filings by the same applicant will generally be acceptable if filed within the previous year.

3. *Question.* What is the general purpose of Part I, Section IV-A or B?

Answer. To show what the applicant has done to ascertain the needs and interests of the people in his community of license and the adjacent areas he undertakes to serve as stated by the applicant in answer to Question 1(a) of section IV-A and IV-B (see also Question 6, below), and what programs and services he proposes in order to meet those needs and interests as evaluated. "Needs and interests" are to be considered generally synonymous with "community problems", and the word problems will be used hereinafter in this primer. However, there may be "needs" of the community (e.g., stated needs for more local news or religious programing) apart from community problems, and such needs should not be overlooked or disregarded. Report and Statement of Policy Re: Commission En Banc Programing Inquiry, F.C.C. 60-970, July 29, 1960, 20 R.R. 1901, 1915.

4. *Question.* How should ascertainment of community problems be made?

Answer. By consultations with leaders of a representative range of groups in the community to be served as to the problems of the community from the standpoint of the group which each represents. To know what would constitute a "representative range of groups", the applicant should determine the composition of the community, i.e., what kinds of groups are involved in the total make-up of the community. The applicant should also consult with a representative range of members of the general public who may not be officials of such organizations. The applicant should indicate, by cross-sectional survey, statistically reliable sampling, or other valid method, that the range of groups, leaders and individuals consulted is truly representative of the economic, social, political, cultural, and other elements of the community.

5. *Question.* Can an applicant rely upon long-time residency in, or familiarity with, the area instead of making a showing that he has ascertained community problems?

Answer. No. Such an ascertainment is mandatory.

6. *Question.* Is an applicant expected to ascertain community problems outside the community of license?

Answer. Yes. Of course, an applicant's principal obligation is to ascertain the community problems of his community of license. But he should also ascertain the needs and interests of other communities which he has stated that he undertakes to serve. (See, for example, his answer to Part I, Question 1. A. (2) of section IV-A and IV-B of the FCC Form.) Stations or applicants for multiple, hyphenated cities, or SMSA metropolitan areas, are expected to ascertain problems in each of the cities.

7. *Question.* Must the ascertainment of community problems for the outlying areas be as extensive as for the city of license?

Answer. No. However, it should be adequate to indicate that the applicant has determined whether problems exist there with which he should deal in fulfilling his responsibility to the area which he is licensed to serve.

8. *Question.* Should an applicant for a major change in facilities make a new ascertainment of community problems for the entire service area or just the additional area to be served?

Answer. No ascertainment need be undertaken unless the new area will increase by 50 percent the total coverage area. Only the additional area to be served need be subjected to a new ascertainment of community problems. Only communities or areas covered by Question 6 need be ascertained.

9. *Question.* How does an applicant determine the composition of the city of license and the area he is licensed to serve in order to know that the community leaders and members of the general public consulted in ascertaining community problems are representative of the community or area?

Answer. There is no pat answer. The applicant may use any valid method he chooses. To be valid, the method must rest upon good faith efforts and sound principles. Guesswork or estimates based on alleged area familiarity are inadequate. Data from the U.S. Census Bureau, Chamber of Commerce, and other reliable studies or reports are acceptable, as are statistically reliable samplings and cross-sectional surveys. (See generally Question and Answer 4.)

10. *Question.* If the applicant shows consultations with leaders of groups and organizations which constitute a cross-section of an average community, e.g., economic, social, political, cultural and other elements of the community such as government, education, religion, agricultural, business, labor, the professions, racial and ethnic groups, and eleemosynary organizations, is the applicant still required to submit a showing in support of its determination of the composition of the community or area?

Answer. A showing of consultations with leaders from the above-enumerated cross-section of groups would be a prima facie indication that those consulted are a representative range. The showing would be subject to question, however, on an allegation that the particular community differs from the average and that, therefore, the groups were not truly representative. Such attacks on the showing by petitions to deny, or to enlarge issues, etc., would be judged on their individual merits.

[1] Commissioners Burch, chairman; Robert E. Lee, and Wells concurring in the result.

B. Consultations with Community Leaders and Members of the General Public.

11.a. *Question.* Who should conduct the consultations with community leaders?

Answer. Principals or top-level employees or prospective employees of the applicant.

11.b. *Question.* Who should conduct consultations with members of the general public?

Answer. The applicant may, in addition, rely on persons not in the above categories to conduct consultations with the general public. The applicant will be considered responsible for the reliability of such "outside" services.

12. *Question.* May a professional research or survey service be used to conduct the consultations?

Answer. A professional service, by itself, does not effectuate a dialogue between responsible parties in the applicant and community leaders and members of the general public. Thus, it is inadequate. A professional service, however, could be used to provide the applicant with background data for actual consultations by the applicant. The consultations should establish a dialogue so that the applicant will have a better understanding of the needs of the area to be served in the public interest.

13.a. *Question.* With what community leaders should the consultations be held?

Answer. With leaders in community life—such as government, education, religion, agriculture, business, labor, the professions, racial and ethnic groups, and eleemosynary organizations.

13.b. *Question.* With what members of the general public should consultations be held?

Answer. Consultations with members of the general public should be held with a representative range (see Question and Answer 4) and should be designed to solicit information on community problems which may not have been revealed by consultations with officials or formal organizations. Groups with the greatest problems and needs may be the least organized and have the fewest recognized spokesmen; thus, additional effort may be necessary to ascertain their needs and problems.

14. *Question.* How many should be consulted?

Answer. A sufficient number to constitute a representative range of groups and leaders and members of the general public to give the applicant a valid basis for determining the problems of the community. The number of consultations will vary, of course, with the size of the city in question and the number of distinct groups or organizations. No formula has been adopted as to the number of consultations in the city of license compared to other communities falling within the station's service contours. Applicants for stations licensed to relatively small communities which are near large communities are reminded that an ascertainment of community problems concerned primarily with the larger city raises a question as to whether the station will realistically serve the smaller city, or whether a station has abandoned its obligation to its city of license.

15. *Question.* When should the consultations be held?

Answer. While licensees are expected to remain conversant with, and attentive to, community problems throughout the license period, a new ascertainment should be made within six (6) months of filing the renewal application. The applicant for new facilities, a major change, or the party filing the assignee or transferee portion of an application for assignment and transfer would be expected to hold his consultations within six (6) months of the filing of the application.

16. *Question.* Is a showing on ascertainment of community needs defective if one of the groups in the composition of the community, as disclosed by the applicant's study, is not consulted?

Answer. It is defective if omission of that group would leave the applicant without "a representative range of groups and leaders" consulted (See Public Notice, August 22, 1968, F.C.C. 68-847). Moreover, omission of consultation with a significant group in the composition of the community would leave the process of group selection subject to question. (See Question and Answer 13.)

17. *Question.* May consultation be omitted if information as to community problems is elicited by notices placed in newspapers or broadcast over the air, by "open mike" programs, by talk programs, by letters to the station, by advisory groups, etc.?

Answer. No. Such methods may be useful but are inadequate to replace consultations with community leaders and the general public. (See Answer to Question 4, above.)

18. *Question.* In consultations to ascertain community problems, may a preprinted form or questionnaire be used?

Answer. Its use is not precluded as a basis for the consultations. It would serve as a useful guide for the consultations. If used by the applicant, a copy of the form should be submitted with the application. If such a form or questionnaire is mailed to community leaders, and no consultations are held, the showing would be considered deficient as to ascertainment of community problems through community leaders. A form letter or questionnaire could be used, in conjunction with other methods, for consulting the General Public.

19. *Question.* In consulting with leaders to ascertain community problems, should an applicant also elicit their opinion on what programs the applicant should broadcast?

Answer. It is not the purpose of the consultations to elicit program suggestions. (See Question and Answer 3.) The purpose is to ascertain what the person consulted believes to be the problems of the community from the standpoint of his particular group or organization. Thus, a leader in the educational field would be a useful source for information as to educational matters; a labor leader, on labor matters; a business leader, on business matters, etc. The applicant, the broadcaster, is considered to have expertise in programing, and he has the responsibility for determining what broadcast matter he believes should be presented to provide information on the community problems as he has ascertained them and evaluated them.

20. *Question.* If, in consulting with community leaders, an applicant gets little information as to the existence of community problems, can he safely assume that only a few problems actually exist?

Answer. No. The assumption is not a safe one. The applicant should reexamine his efforts to determine whether the scope and depth of his consultations have been meaningful and adequate.

21. *Question.* In responding to Part I of Section IV-A and IV-B, how should the applicant identify the community leaders who were consulted?

Answer. By name, position and organization of each.

22. *Question.* Should his information as to community problems from the standpoint of the group which he represents be set forth after his name?

Answer. It is not required, but the applicant may find it desirable. The information can be set forth in a general list of all community problems. (See Question and Answer 23.)

C. Suggestions Received.

23. *Question.* Must information as to all community problems which were revealed by the consultations, be included in the applicant's showing?

Answer. All significant community problems should be listed, whether or not he proposes to treat them through his broadcast matter.

D. Applicant's Evaluation.

24. *Question.* What is meant by an "applicant's evaluation" of the information received as to problems of the community?

Answer. The applicant is to evaluate the relative importance of the problems for consideration in formulating the station's overall program service.

25. *Question.* Is the applicant's evaluation to be included in his application?

Answer. It is not required. Where the applicant's programing proposals do not appear responsive to the community problems disclosed by his consultations, the applicant may be asked by letter of inquiry from the Commission to explain.

26. *Question.* Must an applicant plan broadcast matter to deal with all community problems disclosed by his consultations?

Answer. Not necessarily. However, he is expected to determine on a good faith basis which of such problems merit treatment by the station and how, i.e., by what kind of broadcast matter.

27. *Question.* If an applicant lists several suggestions as to community problems but in his evaluation determines that he will broadcast programs to treat only one or two problems, would the proposal be defective?

Answer. A prima facie question would arise as to how the proposal would serve the public interest, and the applicant would have the burden of establishing that his evaluation was valid and his proposal satisfactory.

28. *Question.* As a result of the evaluation process, is an applicant expected to propose broadcast matter to meet community problems in proportion to the number of people involved in the problem?

Answer. No. The evaluation process is for the purpose of determining the relative importance of suggestions as to community problems, the timeliness of the various suggestions, and the extent to which the applicant can furnish broadcast matter to meet the problems. It could be that a suggested problem for a beautification program affecting nearly all of the people would not have the relative importance and immediacy of a problem relating to inadequate hospital facilities affecting only a small percentage of the community but in a life-or-death way.

E. Broadcast Matter Proposed to Meet the Problems as Evaluated.

29. *Question.* What is meant by "broadcast matter"?

Answer. Programs and public service announcements.

30. *Question.* In the application, must there be a showing as to what program the applicant is proposing to meet what problem?

Answer. Yes. F.C.C. Public Notice, F.C.C. 68-847, August 22, 1968, page 2. The applicant should give the title, time segment, duration, frequency of broadcast and description of the program and the community problem which is to be treated by it. One appropriate way would be to list the programing service and, after it, the particular problem which the programing service is

being proposed to meet. If announcements are proposed, instead of a program, they should be identified with the community problem which they are to meet.

31. *Question.* Can an applicant specify only announcements and no programs to deal with community problems?

Answer. A proposal to present announcements only would raise a question as to the adequacy of the proposal. The applicant would have the burden of establishing that announcements would be the most effective method for providing information on the community problems he proposes to treat. If the burden is not met by the showing in the application, it is subject to further inquiry.

32. *Question.* What is meant by devoting a "significant proportion" of a station's programing to dealing with community problems (*City of Camden et al.*, 18 FCC 2d 412, 421)?

Answer. There is no single answer for all stations. The time required to deal with public problems can vary from community to community and from time to time within a community. Initially, this is a matter for the good faith judgment of the applicant. The judgment must be supportable and valid.

33. *Question.* Is it sufficient to state in the application that "programs will be broadcast from time to time to help meet community problems", or "news, talk and discussion programs will be used to meet community problems"?

Answer. No. Such statements are too general. As indicated above, the application must show what program (by title, time segment, duration, frequency and description) is proposed to meet what problem. If announcements are proposed, they must be identified with the problem they are to meet, and their length, duration and frequency of proposed use must be given.

34. *Question.* Can station editorials be used to discuss and present information on community problems?

Answer. Yes.

35. *Question.* Can news programs be considered as programing to present information on community problems?

Answer. Yes. However, they cannot be relied upon exclusively. Most broadcast stations, of course, carry news programs regardless of community problems. News programs are usually considered by the people to be a factual report of events and matters—to keep the public informed—and, therefore, are not designed primarily for dealing with community problems.

36. *Question.* If the station has a specialized format (all news, rock and roll, religious, etc.), must it present programing service dealing with community problems?

Answer. Yes. The programs and public service announcements can be fitted into the format of the station.

37. *Question.* May an applicant rely upon activities other than programming in dealing with community problems?

Answer. No. Many broadcasters do participate personally in civic activities, but the Commission's concern must be with the licensee's stewardship of his broadcast time in serving the public interest.

38. *Question.* Are there any requirements as to when broadcast matter dealing with community problems should be presented?

Answer. No. The licensee is expected to schedule the time of presentation on a good faith judgment as to when it could reasonably be expected to be effective.

[F.R. Doc. 69-15335; Filed, Dec. 24, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

FLOTA MERCANTE GRANCOLOMBIANA, S.A., AND GRACE LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Arthur C. Novacek, President, Grace Line Inc., Three Hanover Square, New York, N.Y. 10004.

Agreement No. 9833, between Flota Mercante Grancolombiana, S.A., and Grace Line Inc., provides for the establishment of a pooling agreement between the parties on all cargo (except mail, passenger baggage, automobiles accompanying passengers, bananas, explosives, livestock and bullion) carried in the trade between the U.S. ports of New York, Philadelphia, Baltimore, and Jacksonville and the Colombian ports of Santa Marta, Barranquilla, Cartagena, and Buenaventura.

The parties have agreed to provide a minimum number of sailings southbound and northbound, such minimum to vary based upon the port(s) from which sailings are made. Separate southbound and northbound pools shall be established and each pool shall be computed on a calendar year basis. The agreement also provides that each party will use its best efforts to secure for the other party the benefit of its nation's decrees, legislation and/or administrative rules and regulations regarding the reservation of cargo to its nation's merchant marine.

Dated: December 22, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15349; Filed, Dec. 24, 1969; 8:46 a.m.]

FRENCH NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mrs. M. Lambert, Secretary, French North Atlantic Westbound Freight Conference, 85, Rue de la Republique—D-4, 92—Meudon, France.

Agreement No. 7810-6, between the member lines of the French North Atlantic Westbound Freight Conference, provides for the deletion of Article 14 which excepted cargo within the scope of the Swiss/North Atlantic Freight Conference from the application of the basic agreement. In consequence, Articles 15 and 16 are renumbered "14" and "15," respectively.

Dated: December 22, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15350; Filed, Dec. 24, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-828, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 17, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 4, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-828..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	205	6	Phillips Petroleum Co. [3] (Fradean Field, Upton County, Tex.) (RR. District No. 7-C).	$1,200	11-19-69	[4] 12-20-69	[5] 12-21-69	13.0	[6] [7] 14.0	
RI70-829..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	50	19	Northern Utilities, Inc., and Kansas-Nebraska Natural Gas Co., Inc., (Riverton Dome Field, Fremont County, Wyo.).	6,768	11-17-69	[3] 12-18-69	[4] 12-19-69	[8] 16.0	[6] [9] 16.24	RI68-477.
	do	277	7	do	8,046	11-17-69	[3] 12-18-69	[4] 12-19-69	18.0	[6] [9] 18.18	RI69-200.
	do	291	2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	16	11-17-69	[3] 12-18-69	[4] 12-19-69	13.0	[6] [9] 13.13	
	do	296	2	Montana-Dakota Utilities Co. (Indian Butte Field, Fremont County, Wyo.).	(10)	11-17-69	[3] 12-18-69	[4] 12-19-69	15.384	[6] [9] 15.53784	
	do	550	2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	7	11-17-69	[3] 12-18-69	[4] 12-19-69	13.0	[6] [9] 13.13	
	do	590	1	El Paso Natural Gas Co. (Mickelson Creek Unit, Sublette County, Wyo.).	4	11-17-69	[3] 12-18-69	[4] 12-19-69	14.0	[6] [9] 14.21	
RI70-830..	Atlantic Richfield Co. (Operator) et al.	476	2	Kansas-Nebraska Natural Gas Co., Inc., (Castle Garden Field, Fremont County, Wyo.).	475	11-17-69	[3] 12-18-69	[4] 12-19-69	16.0	[6] [9] 16.24	RI69-143.
	do	612	1	Montana-Dakota Utilities Co. (Gillett Gas Plant, Campbell County, Wyo.).	3,090	11-17-69	[3] 12-18-69	[4] 12-19-69	15.384	[6] [9] 15.507	
RI70-831..	J. M. Huber Corp., 2300 West Loop, Houston, Tex. 77027.	[11] 67	1	Cities Service Gas Co. (Northwest Boggs Field, Barber County, Kans.).	703	11-19-69	[4] 12-22-69	[5] 12-23-69	[12] 14.0	[7] [12] 15.0	

[3] Resold to El Paso Natural Gas Co. under Phillips Petroleum Co. (Operator) Rate Schedule No. 9.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] Tax reimbursement increase. Reflects two times the normal contract rate of severance tax reimbursement applicable to calendar year 1968 and thereafter, until recoupment of amount due for past payment.
[10] Prior rate of 14 cents effective subject to refund in Docket No. RI68-90.
[11] Pressure base is 15.025 p.s.i.a.
[12] No current sales.
[13] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and increased rate does not exceed initial area rate ceiling of 16 cents per Mcf.
[14] Subject to a downward B.t.u. adjustment.

Atlantic Richfield Co. and Atlantic Richfield Co. (Operator) et al. (Atlantic), request that their proposed rate increases be permitted to become effective as of December 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Atlantic's rate filings and such requests are denied.

Gulf Oil Corp. (Gulf) proposes a rate increase to 14 cents for a sale of gas to Phillips Petroleum Co. (Phillips) in the Permian Basin Area of Texas. Although the proposed rate is below the applicable area ceiling rate of 17.952 cents per Mcf, the related contract contains a provision that in the event Phillips' resale rate to El Paso Natural Gas Co. (El Paso) is reduced below 13.25 cents per Mcf by the Commission, Gulf's rate shall be reduced by an amount equal to the amount Phillips' rate falls below 13.25 cents. Phillips is currently collecting a rate of 14.8767 cents per Mcf subject to refund in Docket No. RI68-529. The applicable area ceiling rate for Phillips' resale to El Paso is 11.59 cents per Mcf. In view of the contractual refund possibility by Gulf to Phillips, we believe that Gulf's proposed rate increase should be suspended for 1 day from December 20, 1969, the proposed effective date.

The contract related to J. M. Huber Corp.'s (Huber) rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed 15 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas but does not exceed the initial service ceiling of 16 cents per Mcf for the area involved. We believe, in this situation, Huber's proposed rate increase should be suspended for 1 day from December 22, 1969, the proposed effective date.

Atlantic's proposed increases reflect partial reimbursement of a severance tax recently enacted by the State of Wyoming. The proposed increases reflect a double amount of the contractually entitled tax reimbursement to provide reimbursement taxes applicable to future production as well as reimbursement for taxes applicable to past production back to January 1, 1966. Accordingly, we shall suspend the proposed increases for one day from December 18, 1969, the expiration date of the statutory notice.

After the amounts of tax reimbursement applicable to past production have been recovered, Atlantic shall file appropriate decreases under its FPC Gas Rate Schedules suspended above to reduce the rates proposed herein so as to provide for tax reimbursement for future production only. Atlantic will also be required to refund any reimbursement relating to the Wyoming tax collected in these proceedings in the event the tax is for any reason held invalid upon judicial review.

[F.R. Doc. 69-15312; Filed, Dec. 24, 1969; 8:45 a.m.]

[Project 2704]

OHIO POWER CO.

Notice of Application for Preliminary Permit for Unconstructed Project

DECEMBER 18, 1969.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Ohio Power Co. (correspondence to: H. B. Cohn, Vice President, Ohio Power Co., Post Office Box 18, Bowling Green Station, New York, N.Y. 10004) for unconstructed Project No. 2704, known as the Greenup Locks and Dam Project, to be located on the Ohio side of the Ohio River at the U.S. Corps of Engineers' Greenup Dam, in the County of Scioto, State of Ohio, and in the region of the towns of Ironton and Portsmouth, Ohio, and the town of Greenup, Ky., and would affect lands of the United States under the supervision of the U.S. Corps of Engineers and would utilize water from the Government dam.

According to the application, the proposed project would consist of an installation of low-head hydroelectric generating units. The number, size, preferable type and total capacity of the units are as yet undetermined.

The city of Vanceburg, Ky., was issued a preliminary permit for unconstructed Project No. 2614, to consist of hydroelectric facilities at the U.S. Corps of Engineers' Greenup Dam. (38 FPC 881). The permit was issued for a period of 24 months, effective as of October 1, 1967. On September 30, 1969, the city filed application for a 60-day extension of the period of the permit from October 1, 1969, and on October 10, 1969, the city filed for an extension of 6 months from October 1, 1969. The application was denied by Commision order issued December 15, 1969.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15309; Filed, Dec. 24, 1969; 8:45 a.m.]

[Project 135]

PORTLAND GENERAL ELECTRIC CO.

Notice of Application for Amendment of License for Partly Constructed Project

DECEMBER 17, 1969.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Portland General Electric Co. (correspondence to: Waldemar Seton, Vice President, Portland General Electric Co., Electric Building, Portland, Oreg. 97205) for partly constructed Project No. 135, located on Oak Grove Fork of Clackamas River in Clackamas County, Oreg., some 20 miles from the town of Estacada, and affecting lands of the United States within Mount Hood National Forest.

The application seeks to eliminate from the license a once-proposed addition to the project known as the Big Bottom Diversion, the construction of which had been authorized in part by the license for the project. During the years 1931 and 1932, construction work proceeded on the initial stages of the Big Bottom Diversion and 3,600 lineal feet of the tunnel were driven. However, the Diversion, which was never completed, was to have consisted of a low diversion dam on the main fork of Clackamas River, a 19,600-foot tunnel and a 2,800-foot wood flume to divert water from the main stem of Clackamas River to the Oak Grove Fork, and a second generating unit in the powerhouse. The application for amendment states that construction of the Big Bottom Diversion would not provide an appreciable amount of power at a competitive cost and could have a detrimental effect on the fish and wildlife resources in the area in that the approximately 100 acres required for the diversion pond would inundate some river gravel beds which are potential spawning areas for anadramous fish and would reduce the winter forage area for herds of elk and deer which frequent the area.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15310; Filed, Dec. 24, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Order

DECEMBER 18, 1969.

The common stock, $1 par value, of Commonwealth United Corp., a California corporation, being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 19, 1969, through December 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15327; Filed, Dec. 24, 1969; 8:45 p.m.]

[812-2660]

FIRST SECURITY GROWTH FUND, INC.

Notice of Application for Exemption

DECEMBER 22, 1969.

Notice is hereby given that First Security Growth Fund, Inc. ("First Security"), 100 Continental Building, Omaha, Nebr. 68102, an open-end management investment company organized under the laws of Delaware and registered under the Investment Company Act of 1940 ("Act"), and Fund Management, Inc. ("Management"), which acts as investment adviser to and principal underwriter for First Security ("Applicants"), have filed an application pursuant to section 6(c) of the Act, requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the sale by Applicants of redeemable Securities of First Security at a price other than the current offering price described in the prospectus to the 21 persons currently purchasing shares of First Security under Letters of Intent executed prior to November 17, 1969.

Shares of First Security are currently offered to the general public at a price which is the net asset value per share at the time of purchase plus a sales charge which varies from a maximum of 6⅞ percent for purchases of less than $5,000 to a minimum of 1 percent for purchases of $500,000 and over. First Security has obtained shareholder approval of a new schedule of volume discount levels and higher sales charges to be incorporated in its underwriting agreement with Management. The increased sales charges will be effective January 1, 1970.

Section 22(d) of the Act provides in substance that no registered investment company shall sell any redeemable security issued by it, and no principal underwriter of such security shall sell any such security except at a current public offering price described in the prospectus. Rule 22d-1(a) permits a purchaser under a Letter of Intent to purchase a specified aggregate dollar amount of Fund shares over a 13-period at the price which would have been applicable to a single purchase of the specified amount provided that the scale of reducing sales load and the method of computation utilized shall be specifically described in the prospectus and shall be applicable to all persons.

Applicants state that the purpose of the Letter of Intent procedure in Rule 22d-1(a) is to allow a purchaser to make periodic fund share purchases as if he were purchasing in a single transaction. If each of the 21 persons described above had purchased the amount designated in his Letter of Intent at the time he signed the Letter, he would have received the benefits of the pre-January 1, 1970 schedule of charges and volume discounts. Applicants further state that in order to implement the purpose of Rule 22d-1(a) the persons mentioned above should be allowed to complete their Letters of Intent under the old schedule of charges and volume discounts.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 31, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15330; Filed, Dec. 24, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 22, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41830—*Livestock from and to points on the Union Pacific Railroad Co.* Filed by the Union Pacific Railroad Co. (No. 137), for and on behalf of itself. Rates on livestock, ordinary, also feeder or stocker, in carloads, as described in the application, from points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming, to Denver, Colo.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

FSA No. 41831—*Rubber—Louisiana and Texas to the East.* Filed by Waterways Freight Bureau for and on behalf of carriers parties to Agent Wesley A. Rogers tariff ICC No. 12 and Union Barge Line Corp. tariff ICC No. 30. Rates on rubber as described in the application, from points in Louisiana and Texas, to points in the East.

Grounds for relief—Different basis of rates.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15337; Filed, Dec. 24, 1969; 8:46 a.m.]

[Notice 964]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 19, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL

REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Sub-No. 92 TA), filed December 9, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, 2175 South 3270 West Street, Salt Lake City, Utah 84110. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite and facilities of National Lead Co. at or near Rowley, Utah, as an off-route point in connection with applicant's presently authorized regular routes, for 180 days. NOTE: Applicant intends to tack the authority here applied for to other authority held by it, or to interline with other carriers, with MC-33641 and subs. Supporting shipper: National Lead Co., Traffic Department, 111 Broadway, New York, N.Y. 10006 (Robert S. Vonnahme, General Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 97275 (Sub-No. 22 TA), filed December 9, 1969. Applicant: ESTES EXPRESS LINES, a corporation, 1405 Gordon Avenue, Richmond, Va. 23224. Applicant's representative: Robey W. Estes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Conway, N.C., and Boykins, Va., serving all intermediate points, from Conway over North Carolina Highway 35 to the North Carolina-Virginia line, thence over Virginia Highway 35 to Boykins, and return over the same route, for 180 days. NOTE: Applicant intends to tack with existing authorities at both Conway, N.C., and Boykins, Va. Applicant also states that tacking is desired in order to interline with other common motor carriers at North Carolina gateways such as Charlotte and Greensboro, and Virginia gateway of Norfolk. Plus, providing the ability to deliver to the Tidewater Area of Virginia, including Suffolk and Franklin, without the circuitry of a now existing Richmond, Va., gateway. The North Carolina gateways would enable applicant to provide service between the proposed area and the Southeastern States of Alabama, Florida, Georgia, and South Carolina.

Supporting shipper: Johnson Manufacturing Co., Inc., Post Office Box 49, Pendleton, N.C. 27862. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 116763 (Sub-No. 157 TA), filed December 9, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet;* and (2) *commodities used in the installation and distribution of carpet*, from Lakeland, Fla., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Florida Tile Industries, Inc., 608 Prospect Street, Lakeland, Fla. 33802. Send protests to: Emil P. Schwab, District Supervisior, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 127657 (Sub-No. 2 TA), filed December 9, 1969. Applicant: HAWAIIAN PACKING AND CRATING COMPANY, LTD., 611 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square S., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods, as defined by the Commission ordinarily transported in dump trucks, between points in the State of Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: United Premium Supply Corp., 727 Walakamilo Road, Honolulu, Hawaii 96817; Kuni Dry Goods, Ltd., 2575 South King Street, Honolulu, Hawaii 96814; Precision Radio, Ltd., Post Office Box 2573, Honolulu, Hawaii 96803; Chloro Guard, 1481 South King Street, Suite 427, Honolulu, Hawaii 96814. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133453 (Sub-No. 5 TA), filed December 10, 1969. Applicant: M. MILESTONE, INC., Delaware Avenue and Jackson Street, Philadelphia, Pa. 19105. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, Pa. 19038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages*, in containers, between Pennsauken, N.J., Darby, Pa., and Wilmington, Del., for 180 days. Supporting shipper: Pepsi-Cola Bottling Co. of Pennsauken, N.J., 8191 U.S. Route 130, Pennsauken, N.J. 08110. Send protests to: Peter R. Guman, District Supervisor, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 134195 TA, filed December 10, 1969. Applicant: C. H. B. GRAIN CO., INC., 116 Ruhlin Court, Post Office Box 21, El Paso, Tex. 79940. Applicant's representative: J. Sam Moore, Jr., 11th Floor, El Paso National Bank Building, El Paso, Tex. 79901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed or mixed agricultural and dairy feed*, between El Paso, Tex., and Albuquerque, N. Mex., in Bernalillo County, N. Mex., for 180 days. Supporting shipper: Price's El Paso Dairy, 7345 North Loop Road, Post Office Box 26339, El Paso, Tex. 79926. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 134196 TA, filed December 10, 1969. Applicant: LUGOFF CONSTRUCTION COMPANY, Route No. 1, Box 341, Lugoff, S.C. 29078. Applicant's representative: J. Clator Arrants, Post Office Box 213, Camden, S.C. 29020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canvas footwear*, in trailers having subsequent movement by rail, from the plant and warehouse site of B. F. Goodrich Footwear Co., Elgin, S.C., to railroad loading site, Camden, S.C.; empty trailers, from Camden Footwear Co., Elgin, S.C., for 180 days. Supporting shipper: B. F. Goodrich Footwear Co., U.S. Highway No. 1, Elgin, S.C. 29045. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 134199 TA, filed December 11, 1969. Applicant: CRAIG D. CARROLL, doing business as CARROLL TRUCKING, 3314 Second Avenue N., Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from Great Falls, Mont., to Pocatello, Idaho, for 180 days. Supporting shipper: Eddy Bakeries Co., 16 Edwards, Helena, Mont. 59601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15339; Filed, Dec. 24, 1969; 8:46 a.m.]

[Notice 965]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 22, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 191 TA), filed December 12, 1969. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission commodities of unusual value, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the National Lead Co., plantsite at Rowley, Utah, as an off-route point in connection with carriers authorized regular-route operations, for 180 days. NOTE: Applicant intends to tack with MC-263 (base certificate) and also subs 20 and 72. Supporting shipper: National Lead Co., Traffic Department, 111 Broadway, New York, N.Y. 10006. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Court House, 550 West Fort Street, Boise, Idaho 83702.

No. MC 2202 (Sub-No. 384 TA), filed December 9, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: W. F. Stiegele (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; (1) serving points within 20 miles of Erie, Pa., as off-route points in connection with applicant's present authority to serve Erie, Pa.; (2) serving Sharon, Pa., as an off-route point in connection with applicant's present regular-route authority, for 180 days. NOTE: Roadway Express, Inc. presently holds regular route authority to serve Erie, Pa., and points within its commercial zone of 5 miles of the city limits. Applicant also will tack with authority in MC-2202 and all subs thereto and will effect interchange at all service points. Supporting shippers: There are approximately 38 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, Ohio 44199.

No. MC 51146 (Sub-No. 153 TA), filed December 8, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products and materials, equipment and supplies used in the manufacture and distribution of paper and paper products*, when moving with paper and paper products, from Marshall, Mich., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacture and distribution of paper and paper products and *return shipments of paper and paper products*, from points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Marshall, Mich.; restricted against the transportation of commodities in bulk and is restricted to traffic originating at the plant and warehouse sites of St. Regis Paper Company at Marshall, Mich., for 180 days. Supporting shipper: St. Regis Paper Co., 1514 East Thomas Avenue, Milwaukee, Wis. 53201 (J. T. Williams, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 55889 (Sub-No. 32 TA) (Correction), filed December 4, 1969, published FEDERAL REGISTER, issue of December 19, 1969, and republished as corrected this date. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426. Applicant's representative: G. Mack Dove (same address as above). The purpose of this republication is to correct U.S. Highway 299 to read U.S. Highway 29. The remainder of the previous publication reads correctly.

No. MC 133123 (Sub-No. 2 TA), filed December 10, 1969. Applicant: RUJAC TRUCKING CORP., 43-30 24th Street, Long Island City, N.Y. 11101. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods*, from Arbutus (Baltimore, Md.), to points in Delaware, Virginia, West Virginia, and District of Columbia, for 180 days. Supporting shipper: Panasonic New York, Division of Matsushita Electric Corp. of America, 43-30 24th Street, Long Island City, N.Y. 11101. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133668 (Sub-No. 1 TA), filed December 12, 1969. Applicant: PIELEMEIER TRANSPORTATION, 1920 Vista Avenue, Sierra Madre, Calif. 91024. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green and preripened bananas, in mixed shipments with exempt commodities*, as described in section 203(b)(6) of the Interstate Commerce Act, from points in the Los Angeles Harbor commercial zone, California, to points within a radius of 10 air miles of Phoenix and Tucson, Ariz., for 180 days. Supporting shipper: Associated Grocers, 624 South 25th Avenue, Post Office Box 20511, Phoenix, Ariz. 85036. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133928 (Sub-No. 2 TA), filed December 11, 1969. Applicant: ANTHONY H. OSTERKAMP, JR., doing business as OSTERKAMP TRUCKING, 764 North Cypress Street, Orange, Calif. 92666. Applicant's representative: Donald Murchison, Suite 211 Paris Building, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural field equipment or harvesting equipment*, or (2) *parts thereof* and (3) *materials and supplies used in the harvesting or distribution of agricultural commodities*, on Flatbed Vehicles, between points in California, on the one hand, on the other, points in Arizona, under contract with Bud Antle, Inc., for 150 days. Supporting shipper: Bud Antle, Inc., Post Office Box 1759, Salinas, Calif. 93901. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134202 (Sub-No. 1 TA), filed December 12, 1969. Applicant: GERALD AMUNDSON, doing business as AMUNDSON TRUCKING, Route 2, Bemidji, Minn. 56601. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt*

beverages, from St. Louis, Mo., to Bemidji, Minn., for 180 days. Supporting shipper: Big North Distributing Co., Post Office Box 216, Bemidji, Minn. 56601. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 657 Second Avenue N., Room 268, Fargo, N. Dak. 58102.

No. MC 134211 TA, filed December 12, 1969. Applicant: CRAIG HENDERSON, doing business as C. H. TRANSPORT, Route 1, Box 11, Walton, W. Va. 25286. Applicant's representative: John M. Friedman, 410 Lawson Street, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipe or metal pipe fittings, and materials, and supplies* used in the manufacture of plastic pipe and pipe fittings, between the plantsite of the 4-D Manufacturing Co., Glenville, W. Va., and points in Pennsylvania, Ohio, Kentucky, Indiana, and Illinois, for 180 days. Supporting shipper: 4-D Manufacturing Company, Post Office Box No. 397, Glenville, W. Va. 26351, Attention: Mr. Ronald Parsons, Distribution Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-15338; Filed, Dec. 24, 1969; 8:46 a.m.]

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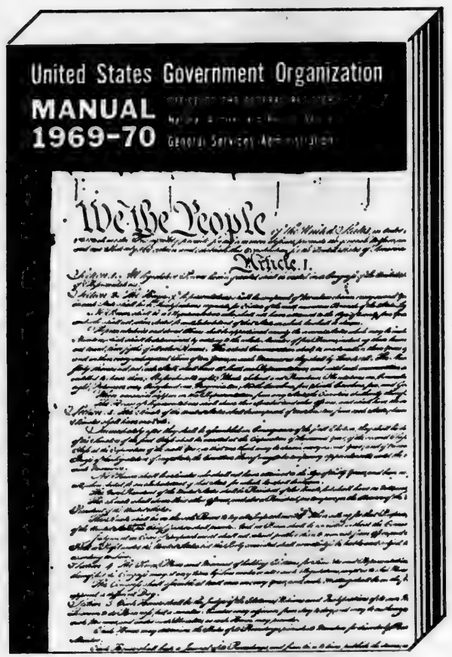
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Proclamation 3950

PROCLAMATION INTERRUPTING DUTY REDUCTIONS ON CERTAIN CHEMICALS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to Title II of the Trade Expansion Act of 1962 (19 U.S.C. 1821 to 1888), the President on June 30, 1967, entered into, and by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455) proclaimed, the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade (hereinafter referred to as the "Geneva (1967) Protocol", 19 UST (pt. 1), p. 18) which is annexed to the Final Act Authenticating the Results of the 1964–67 Trade Conference held under the auspices of the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade (*id.*, p. 5) and which contains a schedule of United States concessions designated as Schedule XX (19 UST (pt. 2), p. 1227):

2. WHEREAS general note 3(f) to Schedule XX to the Geneva (1967) Protocol (other than the footnote thereto) provides as follows:

"(f) If, upon expiration of a period of two years commencing on the effective date of the concession provided for in each of the following items in part I of this schedule, the European Economic Community and the United Kingdom will not continue beyond the second stage all the concessions in chapters 28 through 39 of their respective schedules annexed to the agreement to which this schedule is annexed, the President shall so proclaim, and the rates of duty previously proclaimed for the second stage of the concessions provided for in the following items shall remain in effect unless or until the President proclaims that the European Economic Community and the United Kingdom have agreed to proceed with the further reductions for all the chemical concessions provided for in chapters 28 through 39 of their schedules:

415.27	420.82	425.88	437.55	470.85	493.21
416.10	420.86	426.10	437.58	472.24	493.47
416.30	421.04	426.14	437.69	472.30	495.05
417.32	421.08	426.28	437.84	473.28	495.15
417.50	421.16	426.36	439.30	473.46	519.37
418.24	421.18	426.42	445.20	473.48	632.04
418.60	421.44	427.72	450.20	473.60	723.05
418.62	421.46	428.52	452.24	473.66	723.15
418.76	421.54	429.26	452.48	474.20	755.10
419.00	422.72	429.34	452.80	474.22	755.40
419.22	422.76	429.42	461.20	474.26	755.45
420.14	422.90	437.22	466.15	474.60	771.20
420.18	425.84	437.30	470.15	493.20	771.40
					790.37"

3. WHEREAS the Schedules of the European Economic Community and the United Kingdom annexed to the Geneva (1967) Protocol provide that the continuation of certain concessions set forth in Chapters 28 through 39 of such Schedules shall be conditional upon the elimination by the United States of the American selling price system of valuation as the basis for determining the dutiable value of certain chemicals (Sched. XL, general notes, par. 7; Sched. XIX, sec. A, pt. I, par. 6, 19 UST (pt. 3), pp. 2956, 3266, 19 UST (pt. 1), p. 788, as provided for in Part II of the Agreement Relating Principally to Chemicals Supplementary to the Geneva (1967) Protocol (H. Doc. 184, 90th Cong., 1st sess., p. 3613)):

4. WHEREAS the American selling price system of valuation will not have been so eliminated at the close of December 31, 1969; and

5. WHEREAS I have been informed that, at the close of December 31, 1969 (which will be the expiration of the period of two years commencing on January 1, 1968, the effective date of the concessions provided for in each item in Part I of Schedule XX to the Geneva (1967) Protocol listed in general note 3(f) set forth in the second recital of this proclamation), the European Economic Community and the United Kingdom will not continue beyond the second stage all the concessions in Chapters 28 through 39 of their respective Schedules annexed to the Geneva (1967) Protocol;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including but not limited to Section 201 of the Trade Expansion Act of 1962, and in accordance with general note 3(f) to Schedule XX to the Geneva (1967) Protocol and the note implementing it at the end of Annex III to the Proclamation of December 16, 1967, do proclaim that:

(1) upon the expiration of December 31, 1969, the European Economic Community and the United Kingdom will not continue beyond the second stage all the concessions in Chapters 28 through 39 of their respective Schedules to the Geneva (1967) Protocol, and, as a result thereof,

(2) the rate of duty set forth opposite the number of each item of the Tariff Schedules of the United States listed in the Annex to this proclamation (which is the second stage of the concession provided for in Schedule XX and the rate in the 1969 column in Annex III to the proclamation of December 16, 1967) shall, on and after January 1, 1970, continue in effect in column numbered 1 of each such item unless and until the President proclaims that the European Economic Community and the United Kingdom have agreed to proceed with the future reductions for all the chemical concessions provided for in Chapters 28 through 39 of their Schedules.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of December in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

THE WHITE HOUSE,
Washington, D.C.

ANNEX

ITEMS IN THE TARIFF SCHEDULES OF THE UNITED STATES AND THE COLUMN 1 RATES OF DUTY THEREFOR

Item	*Duty*
415.27	8¢ per lb.
416.10	0.4¢ per lb.
416.30	0.8¢ per lb.
417.32	0.5¢ per lb.
417.50	0.3¢ per lb.
418.24	0.2¢ per lb.
418.60	1.2¢ per lb.
418.62	1.2¢ per lb.
418.76	1.3¢ per lb. on copper content
419.00	1.2¢ per lb.
419.22	0.25¢ per lb.
420.14	1.8¢ per lb.
420.18	0.15¢ per lb.
420.82	8¢ per lb.
420.86	0.2¢ per lb.
421.04	0.45¢ per lb.
421.08	0.2¢ per lb.
421.16	0.4¢ per lb.
421.18	0.2¢ per lb.
421.44	40¢ per ton
421.46	80¢ per ton
421.54	0.15¢ per lb.
422.72	0.5¢ per lb.
422.76	0.24¢ per lb.
422.90	5% ad val.
425.84	5% ad val.
425.88	9¢ per lb.
426.10	0.2¢ per lb.
426.14	3.2¢ per lb.
426.28	1.35¢ per lb. on copper content
426.36	1¢ per lb.
426.42	1.2¢ per lb.
427.72	2.4¢ per lb.
428.52	2.8¢ per lb.
429.26	6¢ per lb.
429.34	4.5% ad val.
429.42	6% ad val.
437.22	2% ad val.
437.30	2% ad val.
437.55	6% ad val.
437.58	2% ad val.
437.69	4¢ per lb.
437.84	2% ad val.
439.30	1.5% ad val.
445.20	6¢ per lb.
450.20	6% ad val.
452.24	3.5% ad val.
452.48	3% ad val.
452.80	3% ad val.
461.20	4% ad val.
466.15	0.8¢ per lb. + 5% ad val.
470.15	4% ad val.
470.85	4% ad val.
472.24	5% ad val.
472.30	0.4¢ per lb.
473.28	2.7¢ per lb.
473.46	0.45¢ per lb.
473.48	0.8¢ per lb.
473.60	0.8¢ per lb.
473.66	24¢ per lb.
474.20	2% ad val.
474.22	4% ad val.
474.26	2% ad val.
474.60	0.2¢ per lb.
493.20	0.4¢ per lb.
493.21	2.4¢ per lb.
493.47	0.4¢ per lb.
495.05	6% ad val.
495.15	4% ad val.
519.37	0.4¢ per lb.
632.04	2¢ per lb.
723.05	5% ad val.
723.15	5% ad val.
755.10	1¢ per 1000 matches
755.40	0.14¢ each
755.45	0.24¢ each + 0.06¢ each for each 0.5 gram of explosive over 1.5 grams per cap
771.20	6¢ per lb.
771.40	4% ad val.
790.37	6% ad val.

[F.R. Doc. 69-15439; Filed, Dec. 24, 1969; 1:24 p.m.]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

Sec.
1.241 Ventura County Airport Authority (California).
1.242 Riverside County Law Library (California).
1.243 Commonwealth of Pennsylvania Tax Anticipation Notes (General Fund).
1.244 Orange County-Westminster Civic Center Authority Courthouse Revenue Bonds (California).
1.245 City of Long Beach-Los Angeles County Civic Center Authority.

§ 1.241 Ventura County Airport Authority (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $385,000 Ventura County Airport Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Ventura County Airport Authority is a public entity created under the laws of California by an agreement between the City of Oxnard and the County of Ventura. Under this agreement the Authority is authorized to acquire sites for and to acquire, construct and lease public terminal buildings for airport purposes and related facilities, and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a new airport terminal building and related facilities for the existing Ventura County Airport at Oxnard. The site for the terminal project, located within the City and owned in part by the City and in part by the County, will be leased to the Authority and the completed facilities will be leased to and operated by the County.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $385,000 Ventura County Airport Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated Oct. 17, 1969.)

§ 1.242 Riverside County Law Library (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,490,000 Riverside County Law Library Authority, County Law Library Facilities Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Riverside County Law Library Authority is a public entity created under the laws of California by an agreement between the County of Riverside and the Board of Law Library Trustees of Riverside County to lease from the County and to finance, construct and furnish a building consisting of law library and office facilities to be leased to the County. The Authority is issuing these bonds for that purpose. The County will sublease a part of the building to the Library Trustees. The remainder will be used for County legal offices.

(2) The County has unconditionally promised in the least rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $1,490,000 Riverside County Law Library Authority, County Law Library Facilities Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated Oct. 17, 1969.)

§ 1.243 Commonwealth of Pennsylvania Tax Anticipation Notes (General Fund).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $200 million Commonwealth of Pennsylvania Tax Anticipation Notes, Second Series of 1969 (General Fund), for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Constitution of the Commonwealth of Pennsylvania authorizes the Governor, State Treasurer, and Auditor General, acting jointly, to incur debt on behalf of the Commonwealth by the issuance of tax anticipation notes having a maturity within the fiscal year of issue and payable exclusively from revenues received in the same fiscal year. The statutes of the Commonwealth authorize these officers to borrow on the credit of current revenues levied, assessed, collectible, and accruing during any current period in amounts up to one-fifth of the contemplated receipts from such revenues.

(2) These notes, in accordance with the statute, are secured by and payable from current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund during the fiscal period ending June 30, 1970. The statutes also provide that so much of such revenues as shall be necessary for the payment of the principal and interest of these notes is specifically appropriated therefor.

(3) Apparently in recognition that revenues are not always received as contemplated, the Constitution provides further, however, that if sufficient funds are not appropriated for the timely payment of the interest upon and principal of all Commonwealth debt, the State Treasurer shall set apart from the first appropriate (General Fund) revenues thereafter received a sum sufficient to pay such interest and principal and shall so apply the money so set apart. The Constitution also provides that the State Treasurer may be required to set aside and apply such revenues at the suit of any holder of Commonwealth obligations. Thus, these notes issued on the credit of current revenues are supported by the full faith and credit of the Commonwealth.

(c) *Ruling.* It is our conclusion that the $200 million Commonwealth of Pennsylvania Tax Anticipation Notes, Second Series of 1969 (General Fund), are general obligations of a State under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated Nov. 5, 1969.)

§ 1.244 Orange County-Westminster Civic Center Authority Courthouse Revenue Bonds (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,700,000 Orange County-Westminster Civic Center Authority Courthouse Revenue Bonds, Second Issue, for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Orange County-Westminster Civic Center Authority is a public entity created under the laws of California by an agreement between the City of Westminster and the County of Orange. Under this agreement, the Authority is authorized to acquire, construct and lease public buildings, and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of financing the construction of a County courthouse addition which will be leased to the County.

(2) The County, as required by its agreement with the City, has unconditionally promised in the lease rental agreement to pay annual rentals to the

Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $1,700,000 Orange County-Westminster Civic Center Authority Courthouse Revenue Bonds, Second Issue, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated Nov. 28, 1969.)

§ 1.215 City of Long Beach-Los Angeles County Civic Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $3,390,000 City of Long Beach-Los Angeles County Civic Center Authority, Long Beach County Building Addition, Revenue Bonds for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The City of Long Beach-Los Angeles County Civic Center Authority is a public entity created under the laws of California by an agreement between the City of Long Beach and the County of Los Angeles. Under this agreement, the Authority is authorized to acquire, construct and lease public buildings, and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of financing the construction of a County Building addition which will be leased to the County.

(2) The County, as required by its agreement with the City, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $3,390,000 City of Long Beach-Los Angeles County Civic Center Authority, Long Beach County Building Addition, Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated Dec. 5, 1969.)

Dated: December 22, 1969.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 69-15376; Filed, Dec. 29, 1969; 8:46 a.m.]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Financial Statements, Proxy Solicitations, and Other Reports

1. On November 15, 1969, notice of proposed rule making concerning amendments to Part 206 (Regulation F) was published in the FEDERAL REGISTER (34 F.R. 18313). Such notice indicated that consideration was also being given to amendments to § 206.42, Form for annual report of bank (Form F-2); § 206.44, Form for quarterly report of bank (Form F-4); § 206.51, Form for proxy statement; statement where management does not solicit proxies (Form F-5); and § 206.71, Forms for financial statements (Forms F-9 A, B, C, and D). After consideration of all comments presented by interested persons, the amendments to the part and the forms, as so proposed and as set forth hereinafter, are hereby adopted, effective December 31, 1969, subject to the following changes:

(a) The last sentence of § 206.4(e) is amended by substituting "30 days" for "15 days".

(b) The last sentence of § 206.5(a) is amended by substituting the words "an information statement" for "a statement where management does not solicit proxies".

(c) The first sentence of § 206.5(c)(1) is amended to delete the phrase "on a consistent basis".

(d) Note (c) to § 206.5(c)(1) is amended to read as follows: "(c) Comparative statements of changes in capital accounts for each fiscal year similar in form to Form F-9C."

(e) The last sentence of § 206.5(d)(1) is amended to refer to subparagraph "(4)" rather than to subparagraph "(3)".

(f) The last sentence of § 206.5(d)(3) is amended by deleting the word "Instruction" before such sentence and beginning such sentence with the word "This". Such sentence will be part of the preceding paragraph.

(g) The second sentence of § 206.5(f)(9) is amended by substituting the word "subparagraphs" for "subparagraph".

(h) Additional amendments are adopted to Forms F-2, "Annual Report"; F-5, "Proxy Statement; Statement Where Management Does Not Solicit Proxies"; and Form F-9, "Financial Statements". These amendments are of a technical and clarifying nature except that Items 4 and 5 of Form F-2 are amended to make such items consistent with changes in comparable provisions of Form F-5 that were previously announced.

2. The effective date of the amendments was deferred for less than the 30-day period specified in section 553(d), title 5, United States Code, because the Board found that it is necessary for the protection of investors that the amendments, particularly those relating to financial statement reporting, be applicable to information to be reported by member State banks as of December 31, 1969.

By order of the Board of Governors, December 18, 1969.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

REGULATION

§ 206.2 Definitions.

* * * * *

(z) The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

* * * * *

§ 206.3 Inspection and publication of information filed under the Act.

* * * * *

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Board will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. In addition, copies of the registration statement and reports required by § 206.4 (exclusive of exhibits), the statements required by § 206.5(a), and the annual reports to security holders required by § 206.5(c), will be available for inspection at the New York, Chicago, and San Francisco Federal Reserve Banks and at the Reserve Bank of the district in which the bank filing the statements or reports is located.

* * * * *

§ 206.4 Registration statements and reports.

* * * * *

(e) *Requirement of annual reports.* Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement. The report, which shall conform to the requirements of Form F-2, shall be filed within 90 days after the close of the fiscal year or within 30 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

* * * * *

(h) *Quarterly reports.* Every registrant bank shall file a quarterly report in conformity with the requirements of Form F-4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a registration statement, except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the report for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

* * * * *

(q) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, eight copies of each registration statement and report (including financial statements) and four copies of each exhibit and each other document filed as a part thereof, shall be filed with the Board. At least one complete copy of each statement shall be filed with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

* * * * *

§ 206.5 Proxies, proxy statements, and statements where management does not solicit proxies.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F-5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F-5. The "information statement" required by the preceding sentence shall be transmitted (i) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote, or (ii) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or an information statement required by this paragraph is hereinafter sometimes referred to as a "Statement".

* * * * *

(c) *Annual report to security holders to accompany statements.* (1) Any statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Board, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's Statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

NOTES: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited, to the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years.

(b) Comparative statements of income in a form providing for the determination of "net income" for each fiscal year and per share earnings data.

(c) Comparative statements of changes in capital accounts for each fiscal year similar in form to Form F-9C.

(d) A comparative reconciliation of the "Allowance for Possible Loan Losses" account similar in form to schedule VII, Form F-9D.

(e) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 206.7(d). Any differences from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the bank filed or to be filed with the Board, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F-2) filed, or proposed to be filed, with the Board are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 206.2(ff)) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(2) Eight copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Board not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Board pursuant to paragraph (f), whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Board or otherwise subject to this § 206.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* (1) The form of proxy (i) shall indicate in boldface type whether or not the proxy is solicited on behalf of the management of the bank, (ii) shall provide a specifically designated blank space for dating the proxy, and (iii) shall identify clearly and impartially each matter or group of related matters that management intended to be acted upon, whether proposed by the management or by security holders. No reference need be made, however, to proposals as to which discretionary authority is conferred pursuant to subparagraph (4) of this paragraph.

* * * * *

(d) *Requirements as to proxy.* * * *

(3) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so states in bold-face type. This paragraph (3) does not apply (i) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

(4) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters that the persons making the solicitation do not know, within a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy tsatement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to § 206.5(k);

(v) Matters incident to the conduct of the meeting.

(5) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide

nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

(6) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to subparagraph (2) of this paragraph, a choice with respect to any matters to be acted upon, the shares will be voted in accordance with the specifications so made.

* * * * *

(f) *Material required to be filed.* (1) Three preliminary copies of each statement, form of proxy, and other items of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Board by management or any other person making a solicitation subject to this § 206.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this subparagraph (1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 206.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the Board.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Board at least 2 days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Eight copies of each Statement, form of proxy, and other items of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Board not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon, and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation, shall be filed with the Board by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

* * * * *

(9) The date that proxy material is "filed" with the Board for purposes of subparagraphs (1), (2), and (4) of this paragraph is the date of receipt of the material by the Board, not the date of mailing to the Board. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraphs, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Board pursuant to this subsection, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Board's staff have been received and considered.

* * * * *

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Board or its staff shall not be deemed a finding by the Board that such material is accurate or complete or not false or misleading, or that the Board has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

* * * * *

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of § 206.5(a), a solicitation (other than one subject to § 206.5(i)) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F–5 with respect to such solicitation if:

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by § 206.5(a) is furnished to security holders: *Provided, however,* That this subparagraph (ii) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation, and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by § 206.5(a) shall be filed with the Board in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as may be authorized.

* * * * *

§ 206.7 Form and content of financial statements.

* * * * *

(c) *Provisions of general application.* * * *

(9) General notes to balance sheets. If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

* * * * *

(10) General notes to statements of income. If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

* * * * *

(j) *Schedules to be filed.* * * *

(2) The following schedule shall be filed with each statement of income filed pursuant to this part: Schedule VII—Allowance for Possible Loan Losses.

* * * * *

[F.R. Doc. 69–13622; Filed, Nov. 14, 1969; 8:48 a.m.]

§ 206.12 Form for annual report of bank (Form F–2).

FORM F–2—ANNUAL REPORT

(Pursuant to section 13 of the Securities Exchange Act of 1934)

For the fiscal year ended ------

(Exact name of bank as specified in charter)

(Address of principal office)

GENERAL INSTRUCTIONS

A. *Preparation of report.* This form is not to be used as a blank form to be filled in but only as a guide in the preparation of an annual report. The report shall contain the numbers and captions of all items required to be answered, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in section 206.4(s) of this part. Particular attention should be given to the definitions in section 206.2 and the general requirements in section 206.4 of this part. Except as otherwise stated, the information required shall be given as of the end of the bank's fiscal year, or as of the latest practicable date subsequent thereto.

B. *Reports by banks filing proxy statements and statements where management does not solicit proxies.* Items 4 through 6 shall not be restated or answered by any bank that, since the close of its fiscal year, has filed with the Board, with respect to an election of directors, a proxy statement or statement where management does not solicit proxies pursuant to section 206.5(a) of this part. The incorporation of such statement by reference in answer to such items is not required. Any financial statements contained in such statement or in an annual report to security holders furnished to the Board pursuant to section 206.5(c) of this part may be incorporated by reference if such financial statements substantially meet the requirements of this form.

C. *Reports by banks not filing proxy statements or statements where management does not solicit proxies.* Information contained in an annual report to security holders furnished to the Board pursuant to Instruction D below, by any bank not subject to Instruction B, may be incorporated by reference in answer or partial answer to any item of this form. In addition, any financial statements contained in any such annual report may be incorporated by reference if such financial statements substantially meet the requirements of this form.

D. *Annual reports to stockholders.* Every bank that files an annual report on this form shall furnish to the Board for its information eight copies of any annual report to security holders covering such registrant bank's latest fiscal year, unless copies thereof are furnished to the Board pursuant to section 206.5 of this part. Such report shall be mailed to the Board not later than the date on which it is first sent or given to security holders, but shall not be deemed to be "filed" with the Board or otherwise subject to the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of its annual report on this form or incorporates it herein by reference. If no annual report is submitted to security holders for the bank's latest fiscal year, the Board shall be so advised.

INFORMATION REQUIRED IN REPORT

Item 1. Securities registered. As to each class of securities of the bank that is registered pursuant to section 12 of the Act, state the title of such class, the name of the exchange, if any, on which registered, and the number of holders of record of such class.

Item 2. Parents and subsidiaries of the bank. Furnish a list or diagram showing the relationship of the bank to all parents and subsidiaries, and as to each person named indicate the percentage of voting securities owned, or other basis of control, by its immediate parent.

Instructions. 1. This item need not be answered if there has been no change in the list or diagram as last previously reported.

2. The list or diagram shall include the bank and shall be so prepared as to show clearly the relationship of each person named to the bank and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross reference.

3. Designate by appropriate symbols (a) subsidiaries for which separate financial statements are filed; (b) subsidiaries included in the respective consolidated financial statements; and (c) other subsidiaries, indicating briefly why statements of such subsidiaries are not filed.

4. Indicate the name of the country in which each foreign subsidiary was organized.

5. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

6. A person, approximately 50 percent of whose voting securities are owned, directly or indirectly, by the bank, and approximately 50 percent of whose voting securities are owned, directly or indirectly, by another person, shall be considered a subsidiary for the purpose of this item.

Item 3. Changes in business. Describe briefly any material changes during the fiscal year, not previously reported, in the business of the bank and its subsidiaries.

Item 4. Principal holders of voting securities. If, to the knowledge of the bank, any person individually, or together with his associates, owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name each such person, state the approximate amount of such securities owned of record but not owned beneficially, the approximate amount owned beneficially and the percentage of outstanding voting securities represented by the amount so owned in each such manner.

Instruction. To the extent that the information required by this item is given in answer to Item 2, a reference to such item will suffice.

Item 5. Directors of bank. Furnish the following information, in tabular form to the extent practicable, with respect to each director of the bank:

(a) Name each such director, state the date on which his present term of office will expire and list all other positions and offices with the bank presently held by him.

(b) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. If not previously reported, furnish similar information as to all of his principal occupations or employments during the last 5 years.

(c) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidiaries, "beneficially owned" (as defined in section 206.2(ff)) directly or indirectly by him. If he is not the beneficial owner of any such securities, make a statement to that effect.

Item 6. Remuneration of director and officers and related matters. Set forth the same information as to remuneration of officers and directors and their transactions with management and others as is required to be furnished by Item 7 of Form F–5.

Item 7. Financial statements and exhibits. List below all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this annual report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

By ---

(Name and title of signing officer)

Date ---

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income required to be filed as a part of annual reports on this form. Section 206.7 of this part governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts and the schedules to be filed in support thereof.

1. *Financial statements of the bank.* (a) There shall be filed for the bank, in comparative columnar form, verified balance sheets as of the close of the last 2 fiscal years and verified statements of income for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

2. *Consolidated statements.* There shall be filed for the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last 2 fiscal years of the bank and verified consolidated statements of income for such fiscal years.

3. *Separate statements of unconsolidated subsidiaries and other persons.* There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise.

4. *Filing of other statements in certain cases.* The Board may, upon the request of the bank and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Board may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate

presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

INSTRUCTIONS AS TO EXHIBITS

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as part of the report:

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. Copies of all documents of the character required to be filed as an exhibit to an original form for registration of securities of a bank which have been executed or otherwise put into effect during the fiscal year and not previously filed.

§ 206.44 Form for quarterly report of bank (Form F–4)

FORM F–4—QUARTERLY REPORT OF

(Name of bank)

(City and State)

Item	3 months ending		Fiscal year to date (____ months ending _____)	
	19____ (current year)	19____ (prior year)	19____ (current year)	19____ (prior year)
1. Operating income:				
(a) Interest and fees on loans				
(b) Interest and dividends on securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expense				
(c) Other operating expenses				
(d) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net security gains (losses), less related tax effect				
7. Net income				

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

Date _____

_____ (Name of bank)

By _____ (Name and title of signing officer)

(a) *Use of Form F–4.* Form F–4 is a guide for use in preparation of the quarterly report to be filed with the Board.

(b) *Persons for whom the information is to be given.* The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Board, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) *Presentation of information.* The form calls only for the items of information specified. It is not necessary to furnish a formal statement of income. The information is not required to be verified (see section 206.7(b) of this part). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) *Incorporation by reference to published statements.* If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(e) *Extraordinary items.* If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F–9B, Statement of Income.)

§ 206.51 Form for proxy statement; statement where management does not solicit proxies (Form F–5).

FORM F–5—PROXY STATEMENT; STATEMENT WHERE MANAGEMENT DOES NOT SOLICIT PROXIES

GENERAL INSTRUCTIONS

Each statement required under section 206.5(a) of this part shall, to the extent applicable, include the information called for under each of the items below. In the preparation of the statement, particular attention should be given to the definitions in section 206.2 of this part.

This form is not to be used as a blank form to be filled in nor is it intended to prescribe a form for presentation of material in the statement. Its purpose is solely to prescribe the information required to be set forth in the statement; any additional information that management or the soliciting persons deem appropriate may be included.

INFORMATION REQUIRED IN STATEMENT

Item 1. Revocability of proxy. State whether the person giving the proxy has the power to revoke it. If the right of revocation before the proxy is exercised is limited or is subject to compliance with any formal procedure, briefly describe such limitation or procedure.

Item 2. Dissenters' rights of appraisal. Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Instruction. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to those matters.

Item 3. Persons making the solicitation. (a) Solicitations not subject to section 206.5(i).

(1) If the solicitation is made by the management of the bank, so state. Give the name of any director of the bank who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(2) If the solicitation is made otherwise than by the management of the bank, so state and give the names of the persons by whom and the persons on whose behalf it is made.

(3) If the solicitation is to be made otherwise than by the use of the mails, describe the methods to be employed. If the solicitation is to be made by specially engaged employees or paid solicitors, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, and (ii) the cost or anticipated cost thereof.

(4) State the names of the persons by whom the cost of solicitation has been or will be borne, directly or indirectly.

(b) Solicitations subject to section 206.5(i).

(1) State by whom the solicitation is made and describe the methods employed and to be employed.

(2) If regular employees of the bank or any other participants in a solicitation have been or are to be employed to solicit security holders, describe the class or classes of employees to be so employed, and the manner and nature of their employment for such purpose.

(3) If specially engaged employees, representatives, or other persons have been or are to be employed to solicit security holders, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, (ii) the cost or anticipated cost thereof, and (iii) the approximate number of such employees or employees of any other person (naming such other person) who will solicit security holders.

(4) State the total amount estimated to be spent and the total expenditures to date for, in furtherance of, or in connection with, the solicitation of security holders.

(5) State by whom the cost of the solicitation will be borne. If such cost is to be borne initially by any person other than the bank, state whether reimbursement will be sought from the bank, and, if so, whether the question of such reimbursement will be submitted to a vote of security holders.

Instruction. With respect to solicitations subject to section 206.5(i), costs and expenditures within the meaning of this Item 3 shall include fees for attorneys, accountants, public relations, or financial advisers, solicitors, advertising, printing, transportation, litigation, and other costs incidental to the solicitation, except that the bank may exclude the amounts of such costs represented by the amount normally expended for a solicitation for an election of directors in the absence of a contest, and costs represented by salaries and wages of regular employees and officers, provided a statement to that effect is included in the proxy statement.

Item 4. Interest of certain persons in matters to be acted upon. (a) Solicitations not subject to section 206.5(i). Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each of the following persons in any matter to be acted upon, other than elections to office:

(1) If the solicitation is made on behalf of management, each person who has been a director or officer of the bank at any time since the beginning of the last fiscal year.

(2) If the solicitation is made otherwise than on behalf of management, each person on whose behalf the solicitation is made. Any person who would be a participant in a solicitation for purposes of section 206.5(i) as defined in subparagraph 2(i) (c), (d), (e), and (f) thereof shall be deemed a person on whose behalf the solicitation is made for purposes of this paragraph (a).

(3) Each nominee for election as a director of the bank.

(4) Each associate of the foregoing persons.

Instruction. Except in the case of a solicitation subject to section 206.5 of this part made in opposition to another solicitation subject to section 206.5 of this part, this subitem (a) shall not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

(b) Solicitations subject to section 206.5(i).

(1) Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each participant as defined in section 206.5(i)(2)(i), (b), (c), (d), and (e), in any matter to be acted upon at the meeting, and include with respect to each participant the information, or a fair and adequate summary thereof, required by Items 2(a), 2(d), 3, 4(b), and 4(c) of Form F–6.

(2) With respect to any person named in answer to Item 6(b), describe any substantial interest, direct or indirect, by security holdings or otherwise, that he has in any matter to be acted upon at the meeting, and furnish the information called for by Item 4(b) and (c) of Form F–6.

Item 5, Voting securities and principal holders thereof. (a) State, as to each class of voting securities of the bank entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(b) Give the date as of which the record of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(c) If action is to be taken with respect to the election of directors and if the persons solicited have cumulative voting rights, make a statement that they have such rights and state briefly the conditions precedent to the exercise thereof.

(d) If to the knowledge of the persons on whose behalf the solicitation is made, any person, individually, or together with his associates, owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

(e) If to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the bank has occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the bank now owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the bank or any of its parents, known to the persons on whose behalf the solicitation is made, the operation of the terms of which may at a subsequent date result in a change in control of the bank.

Instruction. Paragraph (f) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the bank.

Item 6. Nominees and directors. (a) If action is to be taken with respect to the election of directors, furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director and each other person whose term of office as a director will continue after the meeting:

(1) Name each such person, state when his term of office or the term of office for which he is a nominee will expire, and all other positions and offices with the bank presently held by him, and indicate which persons are nominees for election as directors at that meeting.

(2) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. Furnish similar information as to all of his principal occupations or employments during the last 5 years, unless he is now a director and was elected to his present term of office by a vote of security holders at a meeting with respect to which a proxy statement or statement where management does not solicit proxies was submitted to security holders pursuant to section 206.5(a) of this part.

(3) If he is or has previously been a director of the bank state the period or periods during which he has served as such.

(4) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidiaries, "beneficially owned" (as defined in section 206.2(ff)) directly or indirectly by him. If he disclaims beneficial ownership of any such securities, make a statement to that effect.

(b) If any nominee for election as a director is proposed to be elected pursuant to any arrangement or understanding between the nominee and any other person or persons, except the directors and officers of the bank acting solely in that capacity, name such other person or persons and describe briefly such arrangement or understanding.

(c) If fewer nominees are named than the number fixed by or pursuant to the governing instruments, state (1) the reasons for this procedure, and (2) that the proxies cannot be voted for a greater number of persons than the number of nominees named.

Item 7. Remuneration and other transactions with management and others. Furnish the information called for by this item if action is to be taken with respect to (i) the election of directors, (ii) any bonus, profit sharing, or other remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the bank will participate, (iii) any pension or retirement plan in which any such person will participate, or (iv) the granting or extension to any such person of any options, warrants, or rights to purchase any securities, other than warrants or rights issued to security holders, as such, on a pro rata basis. However, if the solicitation is made on behalf of persons other than the management, the information required need be furnished only as to nominees for election as directors and as to their associates.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director of the bank whose aggregate direct remuneration exceeded $30,000, and each of the two highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and officers of the bank as a group, without naming them, but stating the number of persons included.

(A) Name of individual or number of persons in group	(B) Capacities in which remuneration was received	(C) Aggregate direct remuneration

Instructions. 1. This item applies to any person who was a director or officer of the bank at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer.

2. The information is to be given on an accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the bank so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see paragraph (f) below.

(b) Furnish the following information, in substantially the tabular form indicated, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to each director or officer named in answer to paragraph (a)(1):

(A) Name of individual	(B) Amount set aside or accrued during bank's last fiscal year	(C) Estimated annual benefits upon retirement

Instructions. 1. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The information called for by column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings of the bank or its subsidiaries for such a year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

(c) Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan or arrangement to (i) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the bank as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization, or similar group payments or benefits. If it is impracticable to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments shall be stated, together with an explanation of the basis for future payments.

(d) Furnish the following information as to all options to purchase securities, from the bank or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the bank's

last fiscal year and as to all options held by such persons as of the latest practicable date: (i) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) all directors and officers of the bank as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for; (ii) the range of option prices; and (iii) the per share market prices of the securities subject to option, as of the latest practicable date.

Instructions. 1. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

2. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (i) on the granting date of the securities called for by all options granted during the period specified, (ii) on the dates of purchase of all securities purchased through the exercise of options during the period specified, or (iii) as of the latest practicable date of the securities called for by all options held at such time, does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $30,000 for all officers and directors as a group.

3. The information for all directors and officers as a group regarding market value of the securities on the granting date of the options and on the purchase date may be given in the form of price ranges for each calendar quarter during which options were granted or exercised.

(e) If to the knowledge of management any indebtedness to the bank has arisen since the beginning of the bank's last fiscal year under section 16(b) of the Securities Exchange Act of 1934, as a result of transactions in the bank's stock (or other equity securities) by any director, officer, or security holder named in answer to Item 5(d), which indebtedness has not been discharged by payment, state the amount of any profit realized and whether suit will be brought or other steps taken to recover such profit. If, in the opinion of counsel, a question reasonably exists as to the recoverability of such profit, only facts necessary to describe the transactions, including the prices and number of shares involved, need be stated.

(f) Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions since the beginning of the bank's last fiscal year, or in any material proposed transactions, to which the bank or any of its subsidiaries was or is to be a party:

(1) Any director or officer of the bank;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to Item 5(d); or

(4) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to paragraph (a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the bank or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within 2 years prior to the transaction.

3. The instruction to Item 4 shall apply to this item.

4. No information need be given under this paragraph as to any remuneration or other transaction reported in response to (a), (b), (c), (d), or (e) of this item.

5. No information need be given under this paragraph as to any transaction or any interest therein where:

(i) The rates of charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iii) The specified person is subject to this Item 7(f) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer of, and/or owner of less than a 10 percent interest in, another person that is a party to the transaction.

(iv) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (A) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (B) at no time exceed 10 percent of the equity capital accounts of the bank, or $10 million, whichever is less, and (C) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this Item may be excluded.

(v) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar services; or

(vi) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic installments, does not exceed $30,000.

6. Information shall be furnished under this paragraph with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership, individually and in the aggregate, of less than a 10 percent interest in another person furnishing the services to the bank or its subsidiaries.

Item 8. Selection of auditors. If action is to be taken with respect to the selection or approval of auditors, or if it is proposed that particular auditors shall be recommended by any committee to select auditors for whom votes are to be cast, name the auditors and describe briefly any direct financial interest or any material indirect financial interest in the bank or any of its parents or subsidiaries, or any connection during the past 3 years with the bank or any of its parents or subsidiaries in the capacity of promoter, underwriter, voting trustee, director, officer, or employee.

Item 9. Bonus, profit-sharing, and other remuneration plans. If action is to be taken with respect to any bonus, profit-sharing, or other remuneration plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State separately the amounts which would have been distributable under the plan during the last fiscal year of the bank (1) to directors and officers, and (2) to employees, if the plan had been in effect.

(c) State the name and position with the bank of each person specified in Item 7(a) who will participate in the plan and the amount which each such person would have received under the plan for the last fiscal year of the bank if the plan had been in effect.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or to alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instruction. If the plan is set forth in a formal plan, contract, or arrangement, three copies thereof shall be filed with the Board at the time preliminary copies of the Statement are filed pursuant to section 206.5(f).

Item 10. Pension and retirement plans. If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation.

(b) State (1) the approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period, (2) the estimated annual payment to be made with respect to current services, and (3) the amount of such annual payments to be made for the benefit of (i) directors and officers, and (ii) employees.

(c) State (1) the name and position with the bank of each person specified in Item 7(a) who will be entitled to participate in the plan, (2) the amount which would have been paid or set aside by the bank and its subsidiaries for the benefit of such person for the last fiscal year of the bank if the plan had been in effect, and (3) the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b)(3), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The information called for by paragraph (b)(3) or (c)(2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The instruction to Item 9 shall apply to this item.

Item 11. Options, warrants, or rights. If action is to be taken with respect to the granting, extension or amendment of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants, or rights; (ii) the prices, expiration dates, and other material conditions upon which the options, warrants, or rights may be exercised; and (iii) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

(b) State separately the amount of options, warrants, or rights received or to be received by the following persons, naming each such person: (i) Each director or officer named in answer to Item 7(a); (ii) each nominee for election as a director of the bank; (iii) each associate of such directors, officers, or nominees; and (iv) each other person who received or is to receive 5 percent or more of such options, warrants or rights. State also the total amount of such options, warrants, or rights received or to be received by all directors and officers of the bank as a group, without naming them.

(c) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

Instruction. 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The Instruction to Item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past 2 years through the exercise of options granted during the period or prior thereto, (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

Item 12. Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the board of directors of the bank. If the securities are additional shares of common stock of a class outstanding, the description may be omitted.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, indicate the purpose of the authorization of the securities, and state (i) whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance and (ii) whether present security holders will have preemptive rights to purchase such securities.

Item 13. Modification or exchange of securities. If action is to be taken with respect to the modification of any class of securities of the bank, or the issuance or authorization for issuance of securities of the bank in exchange for outstanding securities of the bank, furnish the following information:

(a) If outstanding securities are to be modified, state the title and amount thereof. If securities are to be issued in exchange for outstanding securities, state the title and amount of securities to be so issued, the title and amount of outstanding securities to be exchanged therefor, and the basis of the exchange.

(b) Describe any material differences between the outstanding securities and the modified or new securities with respect to any of the matters concerning which information would be required in the description of the securities in a registration statement filed pursuant to this part.

(c) State the reasons for the proposed modification or exchange and the general effect thereof upon the rights of existing security holders.

(d) Furnish a brief statement as to arrears in dividends or as to defaults in principal or interest with respect to the outstanding securities which are to be modified or exchanged and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(e) Outline briefly any other material features of the proposed modification or exchange.

(f) The instruction to Item 9 shall apply to this item.

Item 14. Mergers, consolidations, acquisitions, and similar matters. If action is to be taken with respect to any plan for (i) the merger or consolidation of the bank into or with any other person, or of any other person into or with the bank, (ii) the acquisition by the bank or any of its subsidiaries of securities of another bank, (iii) the acquisition by the bank of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the bank, or (v) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefore and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Board when preliminary copies of the statement are filed pursuant to section 206.5(f).

(b) Furnish the following information as to the bank and each person (other than subsidiaries substantially all of the stock of which is owned by the bank) which is to be merged into the bank, or into or with which the bank is to be merged or consolidated, or the business or assets of which are to be acquired, or which is the issuer of securities to be acquired by the bank or any of its subsidiaries in exchange for all or a substantial part of its assets:

(1) A brief description of the business and property of each such person in substantially the manner required by Items 3 and 4 of Form F-1.

(2) A brief statement as to defaults in principal or interest with respect to any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(3) Such information with respect to the proposed management of the surviving bank as would be required by Items 6 and 7 of this Form F-5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should also be described.

(4) A tabular presentation of the existing and pro forma capitalization.

(5) In columnar form, for each of the last 3 fiscal years, a historical summary of earnings. Such summary is to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported (Extraordinary items, if any, should be appropriately reported and per share amounts of securities gains (losses) should be included.)

(6) In columnar form, for each of the last 3 fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the

transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(A) (i) Income before securities gains (losses), (ii) net income, and (iii) dividends declared, for each of the last three fiscal years; and

(B) Book value per share, at the date of the Balance Sheets included in the statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished on historical basis only) and equated to a common basis in exchange transactions.

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by Item 15, may be furnished in lieu of the summary of earnings specified in paragraph (5). If summary earnings information is presented, show, as a minimum, operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), and net income. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this Item 14(b) is required in a statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either (1) the net book value of assets to be acquired or the amount paid therefore exceed 5 percent of the equity capital accounts of the acquiring bank, or (2) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (3) gross operating revenues for the last fiscal year of the person to be acquired exceeded 5 percent of the gross operating revenues for the last fiscal year of the acquiring bank. If less than a "significant" merger acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

(c) As to each class of securities of the bank, or of any person specified in paragraph (b), which is admitted to dealing on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within 2 years. This information may be omitted if the plan involves merely the voluntary liquidation or dissolution of the bank.

Item 15. Financial statements. (a) If action is to be taken with respect to any matter specified in Items 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except Schedule VII—"Allowance for Possible Loan Losses," may be omitted.

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except Schedule VII—"Allowance for Possible Loan Losses"; and (2) statements for a subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

(d) The statement may incorporate by reference any financial statements contained in an annual report sent to security holders pursuant to section 206.5(c) with respect to the same meeting as that to which the statement relates, provided such financial statements substantially meet the requirements of this item.

Item 16. Action with respect to reports. If action is to be taken with respect to any report of the bank or of its directors, officers, or committees or any minutes of a meeting of its security holders, furnish the following information:

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports of minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 17. Matters not required to be submitted. If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reasons for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by the security holders.

Item 18. Amendment of charter, bylaws, or other documents. If action is to be taken with respect to any amendment of the bank's charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

Item 19. Other proposed action. If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter in substantially the same degree of detail as is required by Items 5 to 18, inclusive, above.

Item 20. Vote required for approval. As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

§ 206.71 Forms for financial statements (Forms F–9 A, B, C, and D).

FORM F–9: FINANCIAL STATEMENTS

A. BALANCE SHEET (FORM F–9A)

B. STATEMENT OF INCOME (FORM F–9B)

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS (FORM F–9C)

D. SCHEDULES (FORM F–9D)

GENERAL INSTRUCTIONS

1. *Preparation of forms.* The forms for financial statements are not to be used as blank forms to be filled in but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in section 206.7 of this part, including paragraphs (e) and (f) thereof, which prescribe when statements of changes in capital accounts and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accural accounting.* Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

A. BALANCE SHEET

ASSETS

1. Cash and due from banks
2. Investment securities:
   (a) U.S. Treasury securities
   (b) Securities of other U.S. Government agencies and corporations
   (c) Obligations of States and political subdivisions
   (d) Other securities
3. Trading account securities
4. Federal funds sold and securities purchased under agreements to resell
5. Other loans
6. Bank premises and equipment
7. Other real estate owned
8. Investments in subsidiaries not consolidated
9. Customers' acceptance liability
10. Other assets
11. Total assets

LIABILITIES

12. Deposits:
   (a) Demand deposits in domestic offices
   (b) Savings deposits in domestic offices
   (c) Time deposits in domestic offices
   (d) Deposits in foreign offices
13. Federal funds purchased and securities sold under agreements to repurchase
14. Other liabilities for borrowed money
15. Bank's acceptances outstanding
16. Mortgages payable
17. Other liabilities
18. Total liabilities
19. Minority interests in consolidated subsidiaries

RESERVES

20. Allowance for possible loan losses

CAPITAL ACCOUNTS

21. Capital notes and debentures
22. Equity capital:
   (a) Capital stock:
      Preferred stock
      Common stock
   (b) Surplus
   (c) Undivided Profits
   (d) Reserve for contingencies and other capital reserves
23. Total capital accounts
24. Total liabilities, reserves, and capital

ASSETS

1. *Cash and due from banks.* (a) State the total of (1) currency and coin (A) owned and held in the bank's vaults and (B) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) demand and time balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets".

(d) Cash items in process of collection include: (1) checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day; (2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and (3) such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Investment securities.* (a) State separately book value of (1) U.S. Treasury securities; (2) securities of other U.S. Government agencies and corporations; (3) obligations of States and political subdivisions; and (4) other securities owned by the bank; include securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and, at the option of the bank, for accretion of discount. There shall be set forth in a note to financial statements (1) the basis of accounting for book value, and (2) if bond discount is systematically accrued and amounts to 5 percent or more of interest and dividends on investments, the total of accretion income and deferred income taxes applied thereto.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.

(d) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

3. *Trading account securities.* State the aggregate value at the balance sheet date, of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (1) cost, (2) lower of cost or market, or (3) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

4. *Federal funds sold and securities purchased under agreements to resell.* (a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

5. *Other Loans.* (a) State the aggregate gross value of all loans including (1) acceptances of other banks and commercial paper purchased in the open market; (2) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (3) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (4) "cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(b) Include (1) paper rediscounted with the Federal Reserve or other banks; and (2) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(c) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate".

(d) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

6. *Bank premises and equipment.* (a) State the aggregate cost of (1) bank premises owned, (2) leasehold improvements, and (3) equipment less any accumulated depreciation or amortization with respect to such assets.

(b) All fixed assets acquired subsequent to December 31, 1959, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to January 1, 1960, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "leasehold improvements" comprehends two types of situations: (1) where the bank erects a building on leased property; and (2) where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

7. *Other real estate owned.* (a) State the aggregate cost of all real estate owned by the bank that is not a part of bank premises.

(b) With respect to real estate acquired through default of a loan, aggregate cost shall include the unpaid balance on the defaulted loan plus the bank's out-of-pocket costs in acquiring clear title to the property. Any adjustments from aggregate cost shall be explained in a footnote.

(c) The aggregate market value of all real estate owned by the bank that is not a part of bank premises shall be set forth in a footnote, together with an explanation of the method of determining such market value.

8. *Investments in subsidiaries not consolidated.* State the aggregate investment, including advances, in subsidiaries not consolidated.

9. *Customers' acceptance liability.* (a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank, on the reporting date. (If held by the reporting bank, they should be reported as "loans").

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits".

(c) Do not include customer's liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

10. *Other assets.* State separately, if material, (1) income earned but not collected; (2) prepaid expenses; (3) property acquired for the purpose of direct lease financing; and (4) any other asset not included in the preceding item.

11. *Total assets.* State the sum of all asset items.

LIABILITIES

12. *Deposits.* (a) State separately (1) demand deposits in domestic offices of the bank, (2) savings deposits in domestic offices of the bank, (3) time deposits in domestic offices of the bank, and (4) deposits in foreign offices. Related unposted debits, if any, should preferably be deducted from domestic deposits.

(b) The domestic deposit liability categories shall be segregated in accordance with the rules and regulations of the Federal Deposit Insurance Corporation, Part 327.2 Classification of Deposits.

(c) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(d) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(e) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(f) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

13. *Federal funds purchased and securities sold under agreements to repurchase.* (a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turn-arounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

14. *Other liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

15. *Bank's acceptances outstanding.* (a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange as required by usage of trade in the respective countries, dependencies, or insular possessions.

16. *Mortgages payable.* (a) State separately here, or in a note referred to herein, such information as will indicate (1) the general character of the debt including the rate of interest; (2) the date of maturity; (3) if the payment of principal or interest is contingent, an appropriate indication of such contingency; and (4) a brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount there of together with an appropriate explanation.

17. *Other liabilities.* State separately, if material, (a) accrued payrolls; (b) accrued income tax liability (Federal and State combined); (c) accrued interest; (d) cash dividends declared but not paid; (e) income collected but not earned; and (f) any other liability not included in Items 12 through 16.

18. *Total liabilities.* State the sum of Items 12 through 17.

19. *Minority interests in consolidated subsidiaries.* State the aggregate amount of minority stockholders' interests in capital stock, surplus, and undivided profits of consolidated subsidiaries.

RESERVES

20. *Allowance for possible loan losses.* (a) State the balance of the loan losses allowance account at the end of the fiscal year. Include in this allowance only (1) any provision that the bank makes for possible loan losses pursuant to the Treasury tax formula and (2) any amount in excess of the provision taken under such formula that (A) represents management's judgment as to possible loss or value depreciation and (B) has been established through a charge against income.

(b) Any provision for possible loan losses that the bank establishes as a precautionary measure that is in excess of the amount reported in paragraph (a) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

NOTE: Any allowance that (1) represents management's judgment as to possible loss or value depreciation in investment securities and (2) has been established through an appropriate charge against income shall be separately stated. Any provision for possible security losses that the bank establishes as a precautionary measure only (such as to reflect normal fluctuations in market value of readily marketable securities) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

CAPITAL ACCOUNTS

21. *Capital notes and debentures.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity (or dates if maturing serially) and call provisions; (c) the aggregate amount of maturities, and sinking fund requirements, each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency; (e) a brief indication of priority; and (f) if convertible, the basis.

22. *Equity capital.* (a) Capital stock. State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits. State the amount of undivided profits shown by the bank's books.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits".

23. *Total capital accounts.* State the total of Items 21 and 22.

24. *Total liabilities, reserves and capital.* State the total of Items 18, 19, 20, and 23.

B. STATEMENT OF INCOME

1. Operating Income:
   - (a) Interest and fees on loans
   - (b) Income on Federal funds sold and securities purchased under agreements to resell
   - (c) Interest and dividends on investments:
     - (1) U.S. Treasury securities
     - (2) Securities of other U.S. Government agencies and corporations
     - (3) Obligations of States and political subdivisions
     - (4) Other securities
   - (d) Trust department income
   - (e) Service charges on deposit accounts
   - (f) Other service charges, collection and exchange charges, commissions, and fees
   - (g) Other operating income
   - (h) Total operating income
2. Operating Expenses:
   - (a) Salaries and wages
   - (b) Pensions and other employee benefits
   - (c) Interest on deposits
   - (d) Expenses of Federal funds purchased and securities sold under agreements to repurchase
   - (e) Interest on other borrowed money
   - (f) Interest on capital notes and debentures
   - (g) Occupancy expense of bank premises, net:
     Gross occupancy expense _____
     Less: Rental income _____
   - (h) Furniture and equipment expense (Including depreciation of $ _____)
   - (i) Provision for loan losses
   - (j) Other operating expenses
   - (k) Total operating expenses
3. Income before Income Taxes and Securities Gains (Losses)
4. Applicable Income Taxes
5. Income before Securities Gains (Losses)
6. Net Security Gains (Losses), less related tax effect, $ _____
7. Net income

OR

7. Income before Extraordinary Items
8. Extraordinary Items, less related tax effect, $ _____
9. Net Income

10. Earnings per common share: [1]
    Income before securities gains (losses)
    Net Income

[1] Per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, per share amount of income before extraordinary items and per share amount of extraordinary items shall be stated separately.

1. *Operating income.* State separately:

(a) *Interest and fees on loans.*

(1) Include interest, fees and other charges on all assets that are reported on the balance sheet as other loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc.

Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(c) *Interest and dividends on investments.*

(1) State separately interest and dividends from (A) U.S. Treasury securities, (B) securities and other U.S. Government agencies and corporations, (C) obligations of States and political subdivisions, and (D) other securities owned by the bank, including securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If the reporting bank accrues bond discount and such income amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements, the amount of accretion income and deferred income taxes applicable thereto.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(d) *Trust department income.*

(1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the presentation of the item on the financial statements would not be materially affected thereby. The cash basis may also be used with respect to an individual trust or estate if accrual of income therefrom is not feasible. If any portion of trust department income is not reported on the accrual basis, there shall be a footnote explaining the method of reporting and the reason for departing from reporting on the accrual basis.

(e) *Service charges on deposit accounts.* Include amounts charged depositors that fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges; etc.

(f) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(g) *Other operating income.*

(1) Include all operating income not reported in Items 1(a) through 1(f).

(2) Include (A) net trading account income consisting of profits and losses, interest, and other income and expense related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions, and other indirect expenses; (B) income from lease financing; (C) gross rentals from "other real estate" and safe deposit boxes; (D) net remittable profits (or losses) of foreign branches and consolidated subsidiaries less any minority interests (unless the reporting bank preferably combines or consolidates each item of income and expense); (E) interest on time balances with other banks; and (F) all other recurring credits (such as miscellaneous recoveries) and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(g). In the event there is a net occupancy income, the income shall be shown in parenthesis in Item 2(g).

(4) Itemize (A) net trading account income, (B) net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this subitem), and (C) all other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."

(h) *Total operating income.* State the sum of Items 1(a) through 1(g).

2. *Operating expenses.* State separately:

(a) *Salaries.*

(1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees.

(2) Include amounts withheld from salaries for Social Security taxes and contributions to the bank's pension fund. Do not include Social Security taxes paid by the bank for its own account and the bank's contribution to pension funds. Such amounts shall be included in Item 2(b).

(3) Include bonus and profit sharing paid directly or through a trustee. Such compensation that is deferred and not distributed to employees shall be reported in Item 2(b).

(4) Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(g).

(5) Do not include amounts paid to legal, management, and investment counsel for

professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(j).

(b) *Pensions and other employee benefits.*

(1) Include all supplementary benefits, other than direct compensation included in Item 2(a) accrued during the report period on behalf of all officers and employees except building department personnel (see Item 2(g)).

(2) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividents received) and hospitalization insurance payable by the bank; and other employee benefits.

(3) Do not include expenses related to testing, training, or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(j).

(c) *Interest on deposits.* Include interest on all deposits.

(d) *Expense of Federal funds purchased and securities sold under agreements to repurchase.* Include the total gross expenses of Federal funds purchased and securities sold under agreements to repurchase.

(e) *Interest on other borrowed money.*

(1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(g).

(f) *Interest on capital notes and debentures.*

(1) Include all interest on capital notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(g) or 2(j).

(g) *Occupancy expense of bank premises, net.*

(1) Include in "gross occupancy expense" inset the aggregate amount of (A) salaries, wages, and supplementary compensation of bank personnel who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries; (B) depreciation of bank premises and amortization of leasehold improvements; (C) rent expense of bank premises; (D) real estate taxes; (E) interest on mortgages on bank premises owned; and (F) other bank premises operating and maintenance expenses.

(2) Include in "rental income" inset the aggregate amount of rentals from bank premises leased by the bank or its consolidated premises subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parenthesis.

(h) *Furniture and equipment expense.*

(1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown in parenthesis.

(2) Include taxes on equipment.

(i) *Provision for loan losses.*

(1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses. Such amount shall be determined by management in light of past loan loss experience and evaluation of potential loss in the current loan portfolio. The estimated loan loss factor allocable to operating expense shall not be less than the amount computed under one of the elective methods set forth in subitem (2).

(2) The bank may elect in 1969, and thereafter consistently use for financial reporting purposes, one of the following methods for allocating loan losses to operating expense:

(A) Average ratio of loss over the past 5 years applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total ne chargeoffs (losses less recoveries) and total average loans for the 5 most recent years, including the current year.

(B) Average ratio of loss on a forward moving average beginning with the year 1969 applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs and total average loans for the number of years beginning with 1969 and ending with the year of report. In 1973, banks which elect the forward moving average method will compute the minimum allocable credit loss expense on the same basis as banks which elect method (1).

NOTE: For purposes of Items 2(A) and (B), annual "average loans outstanding" (1) shall include Federal funds sold and securities purchased under agreements to resell and (2) may be computed on any reasonable schedule of frequency. In the absence of other procedures, "Other loans," and "Federal funds sold and securities purchased under agreements to resell", as reported in the Statements of Condition called by the supervisory authorities, shall be averaged.

(C) Actual net chargeoffs as experienced in the current year.

(3) An estimated amount for loan losses allocable to operating expense in excess of the minimum amount computed as instructed in subitem (2) should be provided when judged appropriate in the opinion of management.

(4) Furnish in a note to financial statements an explanation of the basis for allocating loan losses to operating expense including (A) the method followed, and (B) amount added at the discretion of management, if any.

(5) The amount may be expressed in even dollars or thousands of dollars.

NOTE: The amount reported for loan losses in operating expense shall be adjusted, if necessary, to the amount transferred to the allowance for loan losses recorded on the books of the bank by an entry to the undivided profits account in the statement of changes in capital accounts. For example, if the estimated loan loss expense reported in the statement of income is less than the amount transferred to the allowance for loan losses, the amount of difference, less related tax effect, should be charged against the undivided profits account. If the estimated loan loss expense reported in the statement of income (1) is more than the amount transferred to the allowance for loan losses, and (2) represents the minimum amount the bank is required to allocate under its elected method, the amount of difference, less related tax effect, should be credited to the undivided profits account.

(6) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(j) *Other operating expenses.*

(1) Include all operating expenses not reported in Items 2(a) through 2(i).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Other real estate owned", postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables telephone, temporary agency help, travel unreimbursed losses on counterfeits, forgeries, payments over stops, and all other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Itemize all amounts that represent 25 percent or more of this item.

(k) *Total operating expenses.* State the sum of Items 2(a) through 2(j).

3. *Income before income taxes and security gains (losses).* State the difference of Item 1(h) minus Item 2(k).

4. *Applicable income taxes.* (a) State the aggregate of Federal and State taxes applicable to the amount reported in Item (3).

(b) Do not include taxes applicable to net security gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. Income before securities gains (losses) State the difference of Item 3 minus Item 4.

6. *Net security gains (losses).* State the net result of security gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income.* State the sum or difference of Items 5 and 6.

NOTE: If extraordinary items are reported (See Item 8) the caption to this Item shall read, "Income before extraordinary items."

8. *Extraordinary items.* State the material results of nonrecurring transactions that have occurred during the current reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises, expropriation of properties, and major devaluation of foreign currency. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(g) or 2(j), as appropriate.)

9. *Net income.* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements.

SCHEDULE II—OTHER SECURITIES

Type	Amount	Book value[1]
Bonds, notes and debentures[2][3]		
Stock of the Federal Reserve Bank		
Other stocks[3][4]		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.
[2] State in a footnote the aggregate amount and book value of foreign securities included.
[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of bonds, notes, and debentures that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.
[4] State in a footnote the aggregate market value.

SCHEDULE III—OTHER LOANS[1]

Type	Book value
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Commercial and industrial loans:	
Loans to individuals for household, family, and other consumer expenditures	
All other loans (including overdrafts)	
Total other loans reported in balance sheet	

[1] If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amount of such loans may be inserted. Such action should be explained in a footnote.

SCHEDULE IV—BANK PREMISES AND EQUIPMENT

Classification[1]	Gross book value[2]	Accumulated depreciation and amortization[3][4]	Amount at which carried on balance sheet
Bank premises (including land $_____)			
Equipment			
Leasehold improvements			
Totals[5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a footnote.
[2] State briefly in a footnote the basis of determining the amounts in this column.
[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for this column shall be stated in an explanatory footnote.
[4] The nature and amount of changes in estimates of (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.
[5] Show in a footnote totals (corresponding to the first two columns) representing amounts reported for Federal income tax purposes.

SCHEDULE V—INVESTMENTS IN, DIVIDEND INCOME FROM, AND SHARE IN EARNINGS OR LOSSES OF UNCONSOLIDATED SUBSIDIARIES

Name of subsidiary	Percent of voting stock owned	Total investment, including advances	Equity in underlying net assets at balance sheet date[1]	Amount of dividends[2]	Bank's proportionate part of earnings or loss for the period
Totals					

[1] Equity shall include advances reported in preceding column to the extent recoverable.
[2] Include dividends received from subsidiaries only to the extent that they have been reported as income. In a footnote state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

Increase (decrease)	Capital notes and debentures	Preferred stock $__ par	Common stock $__ par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Net income transferred to undivided profits						
2. Capital notes and debentures, preferred stock and common stock sold (par or face value)						
3. Stock issued incident to mergers and acquisitions						
4. Premium on capital stock sold						
5. Additions to, or reductions in, surplus, undivided profits, and reserves incident to mergers						
6. Transfer to allowance for loan loss exclusive of portion charged against income, less related income tax effect						
7. Cash dividends declared on preferred stock						
8. Cash dividends declared on common stock						
9. Stock issued in payment of stock dividend, ____ shares at par value						
10. All other increases (decrease)[1]						
11. Net increase (decrease) for the year						
12. Balance at beginning of year						
13. Balance at end of year						

[1] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.
[2] If this statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the previous fiscal period, state in a footnote the difference and explain.

D. SCHEDULES

SCHEDULE I—U.S. TREASURY SECURITIES, SECURITIES OF OTHER U.S. GOVERNMENT AGENCIES AND CORPORATIONS, AND OBLIGATIONS OF STATES AND POLITICAL SUBDIVISIONS

Type and maturity grouping	Principal amount	Book value[1]	Market value[1]
U.S. Treasury securities			
Within 1 year			
After 1 but within 5 years			
After 5 but within 10 years			
After 10 years			
Total U.S. Treasury securities			
Securities of other U.S. Government agencies and corporations			
Within 1 year			
After 1 but within 5 years			
After 5 but within 10 years			
After 10 years			
Total securities of other U.S. Government agencies and corporations			
Obligations of States and political subdivisions[2][3]			
Within 1 year			
After 1 but within 5 years			
After 5 but within 10 years			
After 10 years			
Total obligation of States and political subdivisions			

[1] State briefly in a footnote the basis for determining the amounts in this column.
[2] Include obligations of the United States and their political subdivisions, agencies and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.
[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of securities that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE VI—"OTHER" LIABILITIES FOR BORROWED MONEY

Item	Amount
Borrowings from Federal Reserve Bank	
Unsecured notes payable within 1 year	
Unsecured notes payable after 1 year	
Other obligations	
Total	

SCHEDULE VII—ALLOWANCE FOR POSSIBLE LOAN LOSSES

Item	Amount set up pursuant to Treasury tax formula	Other amount [1]
Balances at beginning of period		
Recoveries credited to Allowance		
Additions due to mergers and absorptions [2]		
Transfers to Allowance:		
From income		
From undivided profits [3]		
Totals		
Losses charged to Allowance		
Balances at end of period [4]		

[1] Do not include any provision for possible loan losses that the bank establishes as a precautionary measure. Include only any provision that (1) has been established through a charge against income, (2) represents management's judgment as to possible loss or value depreciation, and (3) is in excess of the provision taken under the Treasury tax formula.

[2] Describe briefly in a footnote any such addition.

[3] Indicate by parenthesis the gross amount of any credit adjustment to undivided profits.

[4] Describe briefly in a footnote the basis used in computing the amount accumulated in the Allowance at the end of the period. State the amount that could have been deducted for Federal income tax purposes if such amount is in excess of the amount provided by the bank pursuant to the Treasury tax formula.

NOTE.—The sum of the balances should equal the amount of "Allowance for possible loan losses" reported in the balance sheet.

[F.R. Doc. 69-15260; Filed, Dec. 29, 1969; 8:45 a.m.]

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 335—SECURITIES OF INSURED NONMEMBER STATE BANKS

On November 20, 1969, notice of proposed rule making regarding amendments to Part 335 of the rules and regulations of the Federal Deposit Insurance Corporation was published in the FEDERAL REGISTER (34 F.R. 18472). After consideration of all such relevant matter as was presented by interested persons, the following amendments are adopted by the Board of Directors of the Federal Deposit Insurance Corporation.

Definitions (§ 335.2). The definition of significant subsidiary is expanded to clarify the meaning of the term "investments" as used therein. The amendment incorporates administrative practice.

Inspection and publication of information filed under the Act (§ 335.3). The regulation has provided that statements and reports filed pursuant thereto will be available for inspection at, in addition to the Corporation's Washington, D.C., office, each of the 12 Federal Reserve Banks. Study has indicated that there was not sufficient use of such records by the public to justify the maintenance of such records at all Federal Reserve Banks. Accordingly, it is provided that all such records will only be maintained at the New York, Chicago, and San Francisco Federal Reserve Banks but that reports filed by banks outside the districts served by such Reserve Banks will also be maintained at the Reserve Bank of the district in which such bank is located.

In this connection, other sections of the regulation, which presently require the filing of 16 copies of each statement or report, are amended to reduce the number of required copies to six.

Registration statements and reports of banks (§ 335.4). Experience has indicated that there is a considerable time lag between the time financial information is first released to the public by banks subject to Part 335 and the time that such information is filed with the Corporation. Accordingly, the time within which annual reports are required to be filed is reduced from 120 days after the close of the bank's fiscal year, to 90 days after the close of such fiscal year, or within 30 days of the mailing of the bank's annual report to stockholders, whichever occurs first. The period within which a bank is required to file quarterly reports is reduced from 45 days after the end of the quarter to 30 days.

This section is also amended to provide for a simplified form of registration for an additional class of equity securities issued by a bank whose equity securities are registered with the Corporation.

Proxy statements (§ 335.5)—Requirement of statement. Paragraph (a) of § 335.5 is amended to require banks to furnish shareholders a statement when applicable State law allows the taking of certain corporate action, which would normally be voted upon at a meeting of security holders, by securing the written authorization or consent of the requisite percentage of the holders of securities of the class entitled to vote. Accordingly, important corporate action may no longer be taken under some State statutes by a relatively few large stockholders without the prior knowledge or consent of the other shareholders.

The language of § 335.5(a) is clarified with respect to the time for furnishing an "information statement." This provision is intended to require 20 days advance notice only where management does not solicit proxies. No time period for mailing of proxy soliciting material is specified, since it is presumed that management will make the solicitation sufficiently early to allow return of proxies; in such cases the minimum notice period is that prescribed by State law.

Annual report to security holders to accompany statements. Section 335.5(c) is revised to require inclusion in an annual report to security holders of financial statements for the last 2 fiscal years rather than only the preceding fiscal year. In addition, instructions are added concerning minimum requirements for financial statements to be included in annual reports to security holders.

Section 335.5(c) is amended by adding a note which would indicate that only one copy of an annual report need be sent to record holders having the same address, provided (1) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 335.2(ff)) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (2) the security holders at such address consent thereto in writing. However, where a record holder has an obligation to obtain or send the annual report to other persons, such as the beneficial owners of the securities held in his name, he would not be relieved of such obligation by the new provision.

Requirements as to proxy. Section 335.5(d) is amended to require that the form of proxies be prepared so as to enable the security holder to vote on specified matters without conferring authority to vote for elections to office, excepting, however, in cases of a merger or consolidation involving elections to office where such elections are part of the plan and are not to be separately voted upon.

In addition, certain matters are itemized that may arise during the course of a meeting with respect to which a proxy may confer discretionary authority. The amendment incorporates past administrative practice in this regard.

Material required to be filed. Subparagraph (1) of § 335.5(f) has required the preliminary filing with the Corporation of three copies of the proxy soliciting material at least 10 calendar days prior to the date such material is to be sent or given to security holders in the case of a "routine" meeting (i.e., involving only the election of directors and other recurring matters) and 15 days in the case of a nonroutine meeting. It was also provided that the management or other person filing such material may presume that the Corporation will have no comments with respect thereto unless such comments are received, or they are otherwise advised, before the expiration of the applicable period. This latter provision was intended to reduce the amount of communication necessary between bank management and the Corporation and to eliminate the uncertainty as to when proxy soliciting material may be commenced to be mailed; in practice, such provision has had the opposite effect. Accordingly, such provision is replaced with a cautionary provision to the effect that printing of definitive copies of the proxy soliciting material for distribution to security holders should be deferred until comments are received from the Corporation's staff or the persons submitting such material are advised that the Corporation's staff has no comments. The Corporation's staff will continue to endeavor to complete its review of preliminary proxy material and communicate its comments with respect thereto within the time periods referred to above.

In addition, subparagraph (1) is amended to indicate that in computing the 10-day or 15-day period, (1) the filing date is the date actually received by the Corporation (not mailed to the Corporation), and (2) the filing date of the preliminary material will be counted as the first day and the 11th or 16th day, as the case may be, is the date on which definitive material can be planned to be mailed to security holders. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

False or misleading statements. Section 335.5(h), which relates to false or misleading statements in proxy soliciting material, is amended to state specifically that the filing of proxy material with the Corporation or the examination of such material by the Corporation's staff is not to be deemed a finding by the Corporation that such material is accurate or complete or that the Corporation has "approved" such material or the proposals contained therein. The amendment incorporates into the regulation the principles of section 26 of the Securities Exchange Act of 1934, as made applicable specifically to proxy statements.

Solicitation prior to furnishing required proxy statement. The proxy rules provide, in general, that no solicitation may be made prior to furnishing to security holders a written proxy statement containing certain specified information pertinent to the solicitation. However, subparagraph (5) of paragraph (l) of § 335.5 provides an exception to this requirement in the case of contests involving elections to office. Section 335.5(o) is added to provide an exception in the case of contests involving certain matters other than elections to office.

Form and content of financial statements (§ 335.7). To emphasize the importance of explanatory notes to financial statements and improve readability of financial presentations, a requirement to reference such notes to appropriate captions of the financial statements has been added. Schedule VIII—Occupancy Expense of Bank Premises has been eliminated. Experience has indicated that the detailed information of such schedule is of marginal use. Net occupancy expense of bank premises to be reported in the statement of income is supplemented by inset entries setting forth gross occupancy expense and rental income. A new Schedule VIII—Reserve on Securities is required, if applicable to the reporting bank.

Form for annual report of bank (Form F-2, § 335.42). Consistent with the requirement to include financial statements for the last 2 fiscal years in annual reports to security holders (§ 335.5(c)), comparative financial statements for the current and preceding year are required in the annual report filed with the Corporation. Such comparative presentations in annual financial reports have gained wide acceptance in recent years and have a useful analytical purpose.

Form for quarterly reports (Form F-4, § 335.44). The quarterly report is extended to include the reporting of net income on an interim basis and revised to reflect the changes in financial statements which are set out below.

Form for registration of an additional class of securities of a bank (Form F-10, § 335.46). The amendment provides a simplified form for registration of additional classes of securities of a nonmember State bank where most of the information necessary for the protection of investors in securities of the bank is already publicly available.

Form for proxy statement; statement where management does not solicit proxies (Form F-5, § 335.51)—Item 2—Dissenters' rights of appraisal. This item requires a description of dissenters' rights of appraisal with respect to any matter to be acted upon. An instruction is added which requires an indication as to whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal rights. This instruction codifies past administrative practice in requiring such information.

Item 5—Voting securities and principal holders thereof. This item, which requires certain information as to the voting securities of the bank and principal holders thereof is amended to require disclosure where any person "and his associates" own of record or beneficially more than 10 percent of the bank's stock. This amendment is intended to resolve an ambiguity in the previous requirements of this item, which was sometimes interpreted as applying only to a single person owning more than a 10 percent interest in the bank. It is intended that aggregate ownership of a more than 10 percent interest by a group of related persons also be disclosed.

Item 6—Nominees and directors. This item is amended to delete the requirement that directors' qualifying shares be excluded in reporting beneficial ownership of the bank's shares by the nominees and directors. In addition, a new paragraph (c) is added to specify that where fewer nominees are named than the number provided in the governing documents, a statement be included of the reason for such procedure and that the proxies cannot be voted for a greater number of nominees than were named. These amendments codify past administrative practice.

Item 7—Remuneration and other transactions with management and others.

(i) Paragraph (a) of this item specifies the individuals whose remuneration must be separately disclosed. The item is amended to clarify its applicability in this regard.

(ii) Instruction 3 to paragraph (b) of the item is amended to specifically require a brief description of the material terms of certain types of pension or retirement plans (where the bank's contribution is not actuarially computed), including the method used in determining the bank's contribution.

(iii) Item 7(d) specifies the information to be disclosed with respect to options granted to or exercised by officers and directors of the bank. The amendment to this item also requires disclosure of the amount of options held as of the latest practicable date by each officer and director named in answer to Item 7(a) and the amount held by all officers and directors as a group. It is believed that this information, together with that regarding options granted and exercised, gives a more complete picture of remuneration, actual and potential.

(iv) Paragraph (e) of this item, which relates in a general way to disclosure of indebtedness, is amended in view of the specific provisions referred to in (v) below. This subparagraph only requires disclosure of liability arising from "insider trading" in violation of section 16(b) of the Securities Exchange Act.

(v) The amendment to paragraph (f), which requires disclosure of certain material transactions between the bank and its officers, directors, and 10 percent stockholders and their associates, mainly codifies past administrative practice. The principal effect of the amendments is to (1) indicate more clearly that a transaction involving a director of a bank need not be reported where the only "interlock" is that the director is a director, officer, and/or less than 10 percent stockholder of the other party to the transaction, and (2) provide criteria for determining whether loans to "insiders" made in the ordinary course of a bank's business are required to be reported. A loan that meets all the conditions of the specific exemptive provisions is not required to be disclosed; otherwise, it is prima facie reportable. In addition, a general description of loan transactions with directors, officers, and 10 percent stockholders, as a group, is required where the amount of such loans exceeded 20 percent of the equity accounts of the bank at any time during the preceding year.

Item 9—Bonus, profit sharing, and other remuneration plans. Item 10—Pension and retirement plans. Item 11—Options, warrants, or rights. These items specify the information to be furnished where the matter to be acted upon is the adoption or amendment of a bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans. These items are amended to provide that in describing provisions already

made for similar benefits for officers, directors, and employees, information is to be given not only with respect to plans currently in effect, but also with respect to benefits under similar plans in effect within the past 2 years. In addition, other clarifying amendments, which also codify past administrative practice, are adopted.

Item 12—Authorization or issuance of securities. Where action is to be taken with respect to the authorization or issuance of securities, this item calls for a description of such securities and of the proposed transaction. Some State banking laws permit banks to solicit stockholder approval for future issuances of securities, although the bank has no definite plans to issue such securities in the proximate future. The amendment codifies past administrative practice of requiring the bank to advise security holders of the possible effects of such future issuances of securities on their interests.

Item 14—Mergers, consolidations, acquisitions, and similar matters. This item specifies the information to be furnished with respect to each person, other than the bank making the solicitation, that may be involved in a proposed merger, consolidation, acquisition, or similar transaction. The amendment requires that such information also be furnished with respect to the bank making the solicitation, in order that security holders may have a complete picture of the nature and effect of the proposed transaction. The amended item also requires information with respect to the existing and pro forma capitalization, summaries of income on an historical and pro forma basis, and appropriate comparative per share data, for the banks and other persons involved in the transaction. Information concerning the management of the surviving bank is also required. Since under many State banking laws, stockholder approval is required even though the merger or acquisition is not "significant", in terms of size or operations, to the acquiring or surviving bank, an instruction is included that, with respect to such transaction, the information specified need only be included to the extent necessary for the exercise of prudent judgment with respect to the matter to be acted upon. The amendments codify past administrative practice.

Item 15—Financial statements. This item specifies financial statements required to be furnished if action is to be taken with respect to certain matters. The item previously provided that all schedules to financial statements may be omitted; the item is amended to require the inclusion of the information specified in "Schedule VII—Allowance for Possible Loan Losses" and "Schedule VIII—Reserves on Securities." In addition, it will require that the financial statements of the other party to a merger or acquisition shall be verified, if practicable (the item presently states that such financial statements need not be verified).

Item 20—Vote required for approval. Items 12(d), 13(c), 14(a), and 18 are amended to delete the requirement for stating the vote needed for approval for the matter to be acted upon. This information would be required by Item 20 which would require a statement of the vote required for approval of each matter to be submitted to security holders other than elections to office and the election or approval of auditors.

Forms for Financial Statements (Forms F–9A, F–9B, F–9C and F–9D, § 335.71). The proposed revisions in the guideline forms and related instructions for the preparation of financial statements represent for the most part a response to the recent agreement on generally accepted bank accounting practices reached among industry, professional accountants, and Federal regulatory agency participants. At the same time, changes are proposed to achieve basic compatibility with the reporting requirements of the Statement of Condition and Report of Income reports periodically called by the Federal bank supervisory agencies.

Noteworthy changes in the balance sheet include a restructure of the investment securities classifications and the new placement of the allowance for possible loan losses and reserve on securities in a section preceding the bank capital accounts. Such changes conform to the revised Statement of Condition used for call purposes in 1969.

Important revisions of the statement of income include (1) the designation of "net income", (2) allocation of a loan loss factor to operating expenses, and the inclusion of net securities gains or losses, as realized, in the determination of net income. Provision is made in the statement of income for treatment of extraordinary items in accordance with generally accepted accounting principles and earnings per share data is to be furnished.

Appropriate revisions of the statement of changes in capital accounts and supporting schedules are made to conform with the changes discussed above.

Other revisions in the guideline forms and related instructions incorporate administrative procedures adopted by the Corporation's staff during the 5 years Part 335 has been effective.

The prior publication before the effective date described in section 4 of the Administrative Procedure Act (5 U.S.C. 553) is not followed in connection with the amendments to Part 335 for good cause found, as stated in § 302.6 of the Federal Deposit Insurance Corporation's procedure and rules of practice. This procedure is followed because the Corporation finds that it is necessary in the public interest and for the protection of investors that its rules and regulations be amended to provide for the financial reporting prescribed by such amendments for the calendar year 1969. Accordingly, the amendments to Part 335 of the Corporation's rules and regulations shall become effective on December 31, 1969.

The amendments to Part 335 are as follows:

1. Section 335.2 is amended to revise paragraph (z)(1), as set forth below:

§ 335.2 Definitions.

* * * * *

(z) The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

* * * * *

2. Section 335.3 is amended to revise paragraph (b), as set forth below:

§ 335.3 Inspection and publication of information filed under the Act.

* * * * *

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Corporation will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. In addition, copies of the registration statement and reports required by § 335.4 (exclusive of exhibits), the statements required by § 335.5(a), and the annual reports to security holders required by § 335.5(c) will be available for inspection at the New York, Chicago, and San Francisco Federal Reserve Banks and at the Reserve bank of the district in which the bank filing the statements or reports is located.

* * * * *

3. Section 335.4 is amended to revise paragraphs (a), (e), (h), and (q)(1), as set forth below:

§ 335.4 Registration statements and reports.

(a) *Requirement of registration statement.* Securities of a bank shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F–1 (or Form F–10, in the case of registration of an additional class of securities). No registration shall be required under the provisions of section 12(b) or section 12(g) of the Act of any warrant or certificate evidencing a right to subscribe to or otherwise acquire a security of a bank if such warrant or certificate by its terms expires within 90 days after the issuance thereof.

* * * * *

(e) *Requirement of annual reports.* Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement. The report, which shall conform to the requirements of Form F–2, shall be filed within 90 days after the close of the fiscal year or within 30 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

* * * * *

(h) *Quarterly reports.* Every registrant bank shall file a quarterly report in conformity with the requirements of Form F–4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a registration statement except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the report for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

* * * * *

(q) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, six copies of each registration statement and report (including financial statements) and four copies of each exhibit and each other document filed as a part thereof, shall be filed with the Corporation. At least one complete copy of each statement shall be filed with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

* * * * *

4. Section 335.5 is amended to revise paragraphs (a), (c), (d) (2), (3), and (4), and (f) (1) through (4); add paragraph (f) (9) and (10); revise paragraph (h); and to add paragraph (o), as set forth below:

§ 335.5 Proxy statements and other solicitations under section 14 of the Act.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F–5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such a proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F–5. The "information statement" required by the preceding sentence shall be transmitted (1) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote or (2) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or a statement where management does not solicit proxies required by this paragraph is hereinafter sometimes referred to as a "Statement".

* * * * *

(c) *Annual report to security holders to accompany statements.* (1) Any statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a hole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Corporation, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

NOTES: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited to, the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years.

(b) Comparative statements of income in a form providing for the determination of "net income" for each fiscal year and per share earnings data.

(c) Comparative statements of changes in capital accounts for each fiscal year, similar in form to Form F–9C.

(d) Comparative reconciliations of the "Allowance for Possible Loan Losses" account and of the "Reserve on Securities" account similar in form to Schedule VII and Schedule VIII, Form F–9D.

(e) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 335.7(d). Any difference from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the bank filed or to be filed with the Corporation, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F–2) filed, or proposed to be filed, with the Corporation are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 335.2(ff)) of securities registered in the name of such person in other capacities or in the name of other persons at such address or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(2) Six copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Corporation not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Corporation pursuant to paragraph (f) of this section, whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Corporation or otherwise subject to this § 335.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* * * *

(2) (i) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified if the form of proxy states in bold-faced type how the shares represented by the proxy are intended to be voted in each such case.

(ii) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so states in bold-faced type.

Instruction. Subparagraph (2)(ii) of this paragraph does not apply (a) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (b) if the only matters to be acted upon are the election of directors and the election, selection or approval of other persons such as clerks or auditors.

(3) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters which the persons making the solicitation do not know, a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is subsequently unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (k) of this section;

(v) Matters incident to the conduct of the meeting.

(4) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

* * * * * *

(f) *Material required to be filed.* (1) Three preliminary copies of each Statement, form of proxy, and other item of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Corporation by management or any other person making a solicitation subject to this § 335.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this subparagraph (1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 335.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the Corporation.

(2) Three preliminary copies of any additional soliciting material relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Corporation at least 2 days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Six copies of each Statement, form of proxy, and other item of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Corporation not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Corporation by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

* * * * * *

(9) The date that proxy material is "filed" with the Corporation for purposes of subparagraphs (1), (2), and (4) of this paragraph is the date of receipt by the Corporation, not the date of mailing to the Corporation. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraphs, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Corporation pursuant to this paragraph, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Corporation's staff have been received and considered.

* * * * * *

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: Predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Corporation or its staff shall not be deemed a finding by the Corporation that such material is accurate or complete or not false or misleading, or that the Corporation has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

* * * * * *

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of paragraph (a) of this section, a solicitation (other than one subject to paragraph (l) of this section) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F–5 with respect to such solicitation if—

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by paragraph (a) of this section is furnished to security holders: *Provided, however,* That this subdivision (ii) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests, direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation; and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by paragraph (a) of this section shall be filed with the Corporation in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as the Corporation may authorize upon a showing of good cause therefor.

5. Section 335.7 is amended to revise the introductory texts of subparagraphs (9) and (10) of paragraph (c) and subparagraph (2) of paragraph (f), as set forth below:

§ 335.7 Form and content of financial statements.

* * * * *

(c) * * *

(9) *General notes to balance sheets.* If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

* * * * * *

(10) *General notes to statements of income.* If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

* * * * * *

(f) *Schedules to be filed.* (1) The following schedules shall be filed with each balance sheet filed pursuant to this part: Schedule I—U.S. Treasury Securities, Securities of Other U.S. Government Agencies and Corporations, and Obligations of State and Political Subdivisions; Schedule II—Other Securities; Schedule III—Other Loans; Schedule IV—Bank Premises and Equipment; Schedule V—Investments in, Income from Dividends, and Equity in Earnings and Loss of Unconsolidated Subsidiaries; and Schedule VI—Other Liabilities for Borrowed Money.

(2) The following schedules shall be filed with each statement of income filed pursuant to this part: Schedule VII—Allowance for Possible Loan Losses and Schedule VIII—Reserves on Securities.

* * * * * *

6. Section 335.42 is amended to revise paragraphs (1) and (2) of the Instructions As To Financial Statements, as set forth below:

§ 335.42 Form for annual report of bank (Form F–2).

* * * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

* * * * * *

1. *Financial statements of the bank.*

(a) There shall be filed for the bank, in comparative columnar form, verified balance sheets as of the close of the last 2 fiscal years and verified statements of income for such fiscal years.

2. *Consolidated statements.*

There shall be filed for the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries doing a foreign banking business, and (iii) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last 2 fiscal years of the bank and verified consolidated statements of income for such fiscal years.

* * * * * *

7. Section 335.44 is amended to revise Form F–4, as set forth below:

§ 335.44 Form for quarterly report of bank (Form F–4).

FEDERAL DEPOSIT INSURANCE CORPORATION

FORM F–4

Quarterly Report of—

(Name of Bank)

(City and State)

Item	3 months ending		Fiscal year to date (..... months ending .....)	
	19.. (current year)	19.. (prior year)	19.. (current year)	19.. (prior year)
1. Operating income:				
(a) Interest and fees on loans				
(b) Interest and dividends on securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expense				
(c) Other operating expenses				
(d) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net security gains (losses), less related tax effect				
7. Net income				

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of Bank)

By _____
(Name and title of signing officer)

Date _____

A. *Use of Form F–4.*

Form F–4 is a guide for use in preparation of the quarterly report to be filed with the Corporation.

B. *Persons for Whom the Information Is To Be Given.*

The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Corporation it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

C. *Presentation of Information.*

The form calls only for the items of information specified. It is not necessary to furnish a formal statement of income. The information is not required to be verified (see § 335.7(b)). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

D. *Incorporation by Reference to Published Statements.*

If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

E. *Extraordinary Items.*

If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F–9B, Statement of Income.)

8. A new § 335.46 is added, as set forth below:

§ 335.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–10).

FORM F–10—REGISTRATION STATEMENT FOR ADDITIONAL CLASSES OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(b) OR SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of bank as specified in charter)

(Address of principal office)

Securities being registered pursuant to section 12(b) of the Act:

Title of class	*Name of each exchange on which class is being registered*

Title of each class of equity securities being registered pursuant to section 12(g) of the Act:

GENERAL INSTRUCTIONS

1. *Applicability of This Form.*

This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration pursuant to section 12(g) of the Act of any class of equity securities of a bank which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act.

(b) For registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same securities exchange.

2. *Preparation of Registration Statement.*

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in § 335.4 of Part 335. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 335.4(s).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1—Stock To Be Registered.

If stock is being registered, state the title of the class and furnish the following information (see Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other document filed with the corporation, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 2—Debt Securities To Be Registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant (see Instruction 2 below):

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawl of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction 1. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action; and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction 2. In most cases, debt securities issued by banks need not be registered pursuant to section 12(g) of the Securities Exchange Act; the registration requirements of that section apply only to an "equity security". The term "equity security" is defined by section 3(a)(11) of the Act to mean "any stock or similar security; or any security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Corporation shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security."

Instruction 3. The instructions to Item 1 also apply to this item.

Item 3—Other Securities To Be Registered.

If securities other than those referred to in Items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, and the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 1 also apply to this item.

Item 4—Exhibits.

List all exhibits filed as a part of the registration statement.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

Date ----------

(Name of Bank)

By ----------

(Name and title of signing officer)

INSTRUCTIONS AS TO EXHIBITS

Subject to § 335.4(o) of Part 335 regarding the incorporation of exhibits by reference, the exhibits enumerated hereinafter shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits in Item 4.

1. Specimens or copies of each security to be registered hereunder.

2. Copies of all constituent instruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

§ 335.51 [Amended]

9. Section 335.51 is amended as follows:

Item 2—Dissenters' Rights of Appraisal.

Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Instruction. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to those matters.

Item 5—Voting Securities and Principal Holders Thereof.

• • • • • •

(d) If to the knowledge of the persons on whose behalf the solicitation is made, any person and his associates owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

• • • • • •

Item 6—Nominees and Directors.

• • • • • •

(4) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidiaries, "beneficially owned" (as defined in § 335.2(ff)) directly or indirectly by him. If he disclaims beneficial ownership of any such securities, make a statement to that effect.

(5) [*Deleted*]

• • • • • •

(c) If fewer nominees are named than the number fixed by or pursuant to the governing instruments, state the reasons for this procedure and that the proxies cannot be voted for a greater number of persons than the number of nominees named.

Item 7—Remuneration and Other Transactions With Management and Others.

• • • • • •

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director of the bank whose aggregate direct remuneration exceeded $30,000, and each of the two highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

• • • • • •

(b) • • •

Instructions. • • •

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings or profits of the bank or its subsidiaries for such year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

• • • • • •

(d) Furnish the following information as to all options to purchase securities, from the bank or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the bank's last fiscal year and as to all options held by such persons as of the latest practicable date: (1) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) all directors and officers of the bank as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for; (ii) the average option price per share; and (iii) the per share market price of the securities subject to the option, as of the latest practicable date.

Instructions. 1. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

2. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (i) on the granting date of the securities called for by all options granted during the period specified; (ii) on the dates of purchase of all securities purchased through the exercise of options during the period specified; or (iii) as of the latest practicable date of the securities called for by all options held at such time, does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $30,000 for all officers and directors as a group.

• • • • • •

(e) If to the knowledge of management any indebtedness to the bank has arisen since the beginning of the bank's last fiscal year under section 16(b) of the Securities Exchange Act of 1934, as a result of transactions in the bank's stock (or other equity securities) by any director, officer, or security holder named in answer to Item 5(d), which indebtedness has not been discharged by payment, state the amount of any profit realized and whether suit will be brought or other steps taken to recover such profit. If, in the opinion of counsel, a question reasonably exists as to the recoverability of such profit, only facts necessary to describe the transactions, including the prices and number of shares involved, need be stated.

(f) • • •

Instructions. • • •

(5) • • •

(iii) The specified person is subject to this Item 7(f) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer of, and/or owner of less than 10 percent interest in, another person that is a party to the transaction.

(iv) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (A) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (B) at no time exceed 10 percent of the equity capital accounts of the bank, or $10 million, whichever is less, and (C) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this item may be excluded.

Item 9—Bonus, Profit Sharing, and Other Remuneration Plans. If action is to be taken with respect to any bonus, profit sharing, or other remuneration plan, furnish the following information:

• • • • • •

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan; and (iii) all employees, if employees may participate in the plan.

• • • • • •

(f) If action is to be taken with respect to the amendment or modification of an existing plan, the item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. • • •

Item 11—Options, Warrants, or Rights.

If action is to be taken with respect to the granting or extension of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants or rights; (ii) the prices, expiration dates and other material conditions upon which the options, warrants or rights may be exercised; and (iii) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

• • • • • •

(c) Furnish such information, in addition to that required by this item and Item 7 as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan; and (iii) all employees, if employees may participate in the plan.

Instructions. 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The instruction to Item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past 2 years through the exercise of options granted during the period or prior thereto; (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options; and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

Item 12—Authorization or Issuance of Securities Otherwise than for Exchange.

If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank furnish the following information:

• • • • • •

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and

if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the Board of Directors. If the securities are additional shares of common stock of a class outstanding, the description may be omitted.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, indicate the purpose of the authorization of the securities, and state whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance and whether present security holders will have preemptive rights to purchase such securities.

(d) [Deleted]

Item 13—Modification or Exchange of Securities.

* * * * *

(c) State the reasons for the proposed modification or exchange, and the general effect thereof upon the rights of existing security holders.

* * * * *

Item 14—Mergers, Consolidations, Acquisitions, and Similar Matters.

If action is to be taken with respect to any plan for (i) the merger or consolidation of the bank into or with any other person or of any other person into or with the bank; (ii) the acquisition by the bank or any of its subsidiaries of securities of another bank; (iii) the acquisition by the bank of any other going business or of the assets thereof; (iv) the sale or other transfer of all or any substantial part of the assets of the bank; or (v) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefor and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Corporation when preliminary copies of the Statement are filed pursuant to § 335.5(f).

(b) Furnish the following information as to the bank and each person (other than subsidiaries substantially all of the stock of which are owned by the bank) which is to be merged into the bank or into or with which the bank is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by the bank or any of its subsidiaries in exchange for all or a substantial part of its assets:

(1) A brief description of the business and property of each such person in substantially the manner described in Items 3 and 4 of Form F-1.

(2) A brief statement as to defaults in principal or interest in respect of any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(3) Such information with respect to the proposed management of the surviving bank as would be required by Items 6 and 7 of this Form F-5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should also be described.

(4) A tabular presentation of the existing and pro forma capitalization.

(5) In columnar form, for each of the last 3 fiscal years, a historical summary of earnings. Such summary to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported. (Extraordinary items, if any, should be appropriately reported and per share amounts of securities gains (losses) may be included.)

(6) In columnar form, for each of the last 3 fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(A) (i) Income before securities gains (losses); (ii) net income; and (iii) dividends declared, for each of the last 3 fiscal years; and

(B) Book value per share, at the date of the balance sheets included in the statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished on historical basis only) and equated to a common basis in exchange transactions.

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by Item 15, may be furnished in lieu of the summary of earnings specified in paragraph 5. If summary earnings information is presented, show, as a minimum, operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), and net income. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this Item 14(b) is required in a Statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either (1) the net book value of assets to be acquired or the amount to be paid therefor exceeds 5 percent of the equity capital accounts of the acquiring bank, or (2) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (3) gross operating revenues for the last fiscal year of the person to be acquired exceeded 5 percent of the gross operating revenues for the last fiscal year of the acquiring bank. If less than a "significant" merger or acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

* * * * *

Item 15—Financial Statements.

(a) If action is to be taken with respect to any matter specified in Items 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except Schedule VII—"Allowance for Possible Loan Losses" and Schedule VIII—"Reserve on Securities", may be omitted.

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except Schedule VII—"Allowance for Possible Loan Losses"; and (2) statements for a subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

* * * * *

Item 18—Amendment of Charter, Bylaws, or Other Documents.

If action is to be taken with respect to any amendment of the bank's charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

Item 20—Vote Required for Approval.

As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

10. Section 335.71 is amended as set forth below:

§ 335.71 Forms for financial statements (Forms F-9 A, B, C, and D).

FORM F-9—FINANCIAL STATEMENTS

A. Balance Sheet (Form F-9A).
B. Statement of Income (Form F-9B).
C. Statement of Changes in Capital Accounts (Form F-9C).
D. Schedules (Form F-9C).

GENERAL INSTRUCTIONS

1. *Preparation of Forms.*

The forms for financial statements are not to be used as blank forms to be filled in but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in § 335.7, including paragraphs (e) and (f) thereof, which prescribe when statements of changes in capital accounts and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accrual Accounting.*

Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) Where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

(Name of Bank)

A. BALANCE SHEET

ASSETS

1. Cash and due from banks
2. Investment securities:
   (a) U.S. Treasury securities
   (b) Securities of other U.S. Government agencies and corporations
   (c) Obligations of States and political subdivisions
   (d) Other securities
3. Trading account securities
4. Federal funds sold and securities purchased under agreements to resell
5. Other loans
6. Bank premises and equipment
7. Other real estate owned
8. Investments in subsidiaries not consolidated
9. Customers' acceptance liability
10. Other assets
11. Total assets

LIABILITIES

12. Deposits:
   (a) Demand deposits in domestic offices
   (b) Savings deposits in domestic offices
   (c) Time deposits in domestic offices
   (d) Deposits in foreign offices
13. Federal funds purchased and securities sold under agreements to repurchase
14. Other liabilities for borrowed money
15. Bank's acceptances outstanding
16. Mortgages payable
17. Other liabilities
18. Total liabilities
19. Minority interests in consolidated subsidiaries

RESERVES ON LOANS AND SECURITIES

20. Allowance for possible loan losses
21. Reserves on securities

CAPITAL ACCOUNTS

22. Capital notes and debentures
23. Equity capital:
   (a) Capital stock:
      Preferred stock
      Common stock
   (b) Surplus
   (c) Undivided Profits
   (d) Reserve for contingencies and other capital reserves
24. Total capital accounts
25. Total liabilities, reserves, and capital

ASSETS

1. *Cash and due from banks.* (a) State the total of (1) currency and coin (A) owned and held in the bank's vaults and (B) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) demand and time balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets".

(d) Cash items in process of collection include: (1) checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day); (2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and (3) such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Investment securities.* (a) State separately book value of (1) U.S. Treasury securities; (2) securities of other U.S. Government agencies and corporations; (3) obligations of States and political subdivisions; and (4) other securities owned by the bank; include securities pledged, loaned or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and, at the option of the bank, for accretion of discount. There shall be set forth in a note to financial statements (1) the basis of accounting for book value, and (2) if bond discount is systematically accrued and amounts to 5 percent or more of interest and dividends on investments, the total of accretion income and deferred income taxes applied thereto.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.

(d) Do not include borrowed securities, or securities purchased under resale agreements or similar arrangements.

3. *Trading account securities.* State the aggregate value at the balance sheet date, of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (1) cost, (2) lower of cost or market, or (3) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

4. *Federal funds sold and securities purchased under agreements to resell.* (a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

5. *Other Loans.* (a) State the aggregate gross value of all loans including (1) acceptances of other banks and commercial paper purchased in the open market; (2) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (3) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (4) "cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(b) Include (1) paper rediscounted with the Federal Reserve or other banks; and (2) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(c) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate".

(d) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

6. *Bank premises and equipment.* (a) State the aggregate cost of (1) bank premises owned, (2) leasehold improvements, and (3) equipment less any accumulated depreciation or amortization with respect to such assets.

(b) All fixed assets acquired subsequent to December 31, 1959, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to January 1, 1960, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "leasehold improvements" comprehends two types of situations: (1) Where the bank erects a building on leased property; and (2) where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

7. *Other real estate owned.* (a) State the aggregate cost of all real estate owned by the bank that is not a part of bank premises.

(b) With respect to real estate acquired through default of a loan, aggregate cost shall include the unpaid balance on the defaulted loan plus the bank's out-of-pocket costs in acquiring clear title to the property. Any adjustments from aggregate cost shall be explained in a footnote.

(c) The aggregate market value of all real estate owned by the bank that is not a part of bank premises shall be set forth in a footnote, together with an explanation of the method of determining such market value.

8. *Investments in subsidiaries not consolidated.* State the aggregate investment, including advances, in subsidiaries not consolidated.

9. *Customers' acceptance liability.* (a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank, on the reporting date. (If held by the reporting bank, they should be reported as "loans".)

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability of any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits".

(c) Do not include customer's liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

10. *Other assets.* State separately, if material, (1) income earned but not collected; (2) prepaid expenses; (3) property acquired for the purpose of direct lease financing; and (4) any other asset not included in the preceding items.

11. *Total assets.* State the sum of all asset items.

LIABILITIES

12. *Deposits.* (a) State separately (1) demand deposits in domestic offices of the bank, (2) savings deposits in domestic offices of the bank, (3) time deposits in domestic offices of the bank, and (4) deposits in foreign offices. Related unposted debits, if any, should preferably be deducted from domestic deposits.

(b) The domestic deposit liability categories shall be segregated in accordance with the Rules and Regulations of the Federal Deposit Insurance Corporation, Part 327.2 Classification of Deposits.

(c) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(d) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(e) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(f) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

13. *Federal funds purchased and securities sold under agreements to repurchase.* (a) State the aggregate value of Federal funds purchased and securities sold under repurchase agreements or similar arrangements. All securities sold under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

14. *Other liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

15. *Bank's acceptances outstanding.* (a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange as required by usage of trade in the respective countries, dependencies, or insular possessions.

16. *Mortgages payable.* (a) State separately here, or in a note referred to herein, such information as will indicate (1) the general character of the debt including the rate of interest; (2) the date of maturity; (3) if the payment of principal or interest is contingent, an appropriate indication of such contingency; and (4) a brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

17. *Other liabilities.* State separately, if material, (a) accrued payrolls; (b) accrued income tax liability (Federal and State combined); (c) accrued interest; (d) cash dividends declared but not paid; (e) income collected but not earned; and (f) any other liability not included in Items 12 through 16.

18. *Total liabilities.* State the sum of Items 12 through 17.

19. *Minority interests in consolidated subsidiaries.* State the aggregate amount of minority stockholders' interests in capital stock, surplus, and undivided profits of consolidated subsidiaries.

RESERVES

20. *Allowance for possible loan losses.* (a) State the balance of the loan loss allowance account at the end of the fiscal year. Include in this allowance only (1) any provision that the bank makes for possible loan losses pursuant to the Treasury tax formula and (2) any amount in excess of the provision taken under such formula that (A) represents management's judgment as to possible loss or value depreciation and (B) has been established through a charge against income.

(b) Any provision for possible loan losses that the bank establishes as a precautionary measure that is in excess of the amount reported in paragraph (a) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

21. *Reserves on securities.* State the balance of the reserves on securities at the end of the fiscal year of any allowance that (1) represents management's judgment as to possible loss or value depreciation in investment securities and (2) has been established through an appropriate charge against income shall be separately stated. Any provision for possible security losses that the bank establishes as a precautionary measure only (such as to reflect normal fluctuations in market value of readily marketable securities) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

CAPITAL ACCOUNTS

22. *Capital notes and debentures.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity (or dates if maturing serially) and call provisions; (c) the aggregate amount of maturities, and sinking fund requirements, each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency; (e) a brief indication of priority; and (f) if convertible, the basis.

23. *Equity capital.* (a) *Capital stock.* State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

(b) *Surplus.* State the net amount formally transferred to the surplus account on or before the reporting date, subject to the conditions set forth in the instruction relating to "undivided profits".

(c) *Undivided profits.* State the amount of undivided profits shown by the bank's books.

(d) *Reserve for contingencies and other capital reserves.*

(1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits".

24. *Total capital accounts.* State the total of Items 22 and 23.

25. *Total liabilities, minority interests, reserves and capital.* State the total of Items 18, 19, 20, 21, and 24.

.....
(Name of Bank)

B. STATEMENT OF INCOME

1. Operating Income:	
(a) Interest and fees on loans	
(b) Income on Federal funds sold and securities purchased under agreements to resell	
(c) Interest and dividends on investments:	
1. U.S. Treasury securities	
2. Securities of other U.S. Government agencies and Corporations	
3. Obligations of States and political subdivisions	
4. Other securities	
(d) Trust department income	
(e) Service charges on deposit accounts	
(f) Other service charges, collection and exchange charges, commissions, and fees	
(g) Other operating income	
(h) Total operating income	
2. Operating Expenses:	
(a) Salaries and wages	
(b) Pensions and other employee benefits	
(c) Interest on deposits	
(d) Expense of Federal funds purchased and securities sold under agreements to repurchase	
(e) Interest on other borrowed money	
(f) Interest on capital notes and debentures	
(g) Occupancy expense of bank premises, net:	
Gross occupancy expense——	
Less: Rental income——	
(h) Furniture and equipment expense (Including depreciation of $——)	
(i) Provision for loan losses	
(j) Other operating expenses	
(k) Total operating expenses	
3. Income Before Income Taxes and Securities Gains (Losses)	
4. Applicable Income Taxes	
5. Income Before Securities Gains (Losses)	
6. Net Security Gains (Losses), less related tax effect, $——	
7. Income (before extraordinary items, if any)	
8. Extraordinary Items, less related tax effect, $——	
9. Less Minority Interest in Consolidated Subsidiaries	
10. Net Income	
Earnings per common share:*	
Income before securities gains (losses)	
Net Income	

*The per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, per share amount of income before extraordinary items and per share amount of extraordinary items shall be stated separately.

1. *Operating income.* State separately:

(a) *Interest and fees on loans.*

(1) Include interest, fees and other charges on all assets that are reported on the balance sheet as other loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc. Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization or premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(c) *Interest and dividends on investments.*

(1) State separately interest and dividends from (A) U.S. Treasury securities, (B) securities of other U.S. Government agencies and corporations, (C) obligations of States and political subdivisions, and (D) other securities owned by the bank, including securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If the reporting bank accrues bond discount and such income amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements, the amount of accretion income and deferred income taxes applicable thereto.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(d) *Trust department income.* (1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the presentation of the item on the financial statements would not be materially affected thereby. The cash basis may also be used with respect to an individual trust or estate if accrual of income therefrom is not feasible. If any portion of trust department income is not reported on the accrual basis, there shall be a footnote explaining the method of reporting and the reason for departing from reporting on the accrual basis.

(e) *Service charges on deposit accounts.* Include amounts charged depositors that fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges; etc.

(f) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(g) *Other operating income.*

(1) Include all operating income not reported in Items 1(a) through 1(f).

(2) Include (A) net trading account income consisting of profits and losses, interest, and other income and expense related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions, and other indirect expenses; (B) income from lease financing; (C) gross rentals from "other real estate" and safe deposit boxes; (D) net remittable profits (or losses) of foreign branches and consolidated subsidiaries less any minority interests (unless the reporting bank preferably combines or consolidates each item of income and expense); (E) interest on time balances with other banks; and (F) all other recurring credits (such as miscellaneous recoveries) and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(g). In the event there is a net occupancy income, the amount shall be shown in parenthesis in Item 2(g).

(4) Itemize (A) net trading account income, (B) net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this subitem), and (C) all other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."

(h) *Total operating income.* State the sum of Items 1(a) through 1(g).

2. *Operating expenses.* State separately:

(a) *Salaries.* (1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees.

(2) Include amounts withheld from salaries for Social Security taxes and contributions to the bank's pension fund. Do not include Social Security taxes paid by the bank for its own account and the bank's contribution to pension funds. Such amounts shall be included in Item 2(b).

(3) Include bonus and profit sharing whether paid directly or through a trustee. Such compensation that is deferred and not distributed to employees shall be reported in Item 2(b).

(4) Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(g).

(5) Do not include amounts paid to legal, management, and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(j).

(b) *Pensions and other employee benefits.* (1) Include all supplementary benefits, other than direct compensation included in Item 2(a) accrued during the report period on behalf of all officers and employees except building department personnel (see Item 2(g)).

(2) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.

(3) Do not include expenses related to testing, training, or education of Officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(j).

(c) *Interest on deposits.* Include interest on all deposits.

(d) *Expense of Federal funds purchased and securities sold under agreements to repurchase.* Include the total gross expenses of Federal funds purchased and securities sold under agreements to repurchase.

(e) *Interest on other borrowed money.* (1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(g).

(f) *Interest on capital notes and debentures.* (1) Include all interest on capital notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amount shall be reported in Item 1(g) or 2(1).

(g) *Occupancy expense of bank premises, net.*

(1) Include in "gross occupancy expense" inset, the aggregate amount of (A) salaries, wages, and supplementary compensation of bank personnel who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries; (B) depreciation of bank premises and amortization of leasehold improvements; (C) rent expense of bank premises; (D) real estate taxes; (E) interest on mortgages on bank premises owned; and (F) other bank premises oeprating and maintenance expenses.

(2) Include in "rental income" inset, the aggregate amount of rentals from bank premises leased by the bank or its consolidated premises subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parenthesis.

(h) *Furniture and equipment expense.* (1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown in parenthesis.

(2) Include taxes on equipment.

(i) *Provision for loan losses.*

(1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses. Such amount shall be determined by management in light of past loan loss experience and evaluation of potential loss in the current loan portfolio. The estimated loan loss factor allocable to operating expense shall not be less than the amount computed under one of the elective methods set forth in subitem (2).

(2) The bank may elect in 1969, and thereafter consistently use for financial reporting purposes, one of the following methods for allocating loan losses to operating expense:

(A) Average ratio of loss over the past five years applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs (losses less recoveries) and total average loans for the 5 most recent years, including the current year.

(B) Average ratio of loss on a forward moving average beginning with the year 1969 applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs and total average loans for the number of years beginning with 1969 and ending with the year of report. In 1973, banks which elect the forward moving average method will compute the minimum allocable credit loss expense on the same basis as banks which elect method (1).

NOTE: For purposes of Item 2(A) and Item 2(B), average annual loans outstanding shall include Federal funds sold and securities purchased under agreements to resell, and (2) may be computed on any reasonable schedule of frequency. In the absence of other procedures "Other loans", and "Federal funds sold and securities purchased under agreements to resell", as reported in Statements of Condition called by supervisory authorities, shall be averaged.

(C) Actual net chargeoffs as experienced in the current year.

(3) An estimated amount for loan losses allocable to operating expense in excess of the minimum amount computed as instructed in subitem (2) should be provided when judged appropriate in the opinion of management.

(4) Furnish in a note to financial statements an explanation of the basis for allocating loan losses to operating expense including (A) the method followed, and (B) amount added at the discretion of management, if any.

(5) The amount may be expressed in even dollars or thousands of dollars.

NOTE: The amount reported for loan losses in operating expense shall be adjusted, if necessary, to the amount transferred to the allowance for loan losses recorded on the books of the bank by an entry to the undivided profits account in the statement of changes in capital accounts. For example, if the estimated loan loss expense reported in the statement of income is less than the amount transferred to the allowance for loan losses, the amount of difference, less related tax effect, should be charged against the undivided profits account. If the estimated loan loss expense reported in the statement of income (1) is more than the amount tranaferred to the allowance for loan losses, and (2) represents the minimum amount the bank is required to allocate under its elected method, the amount of difference, less related tax effect, should be credited to the undivided profits account.

(6) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(j) *Other operating expenses.*

(1) Include all operating expenses, not reported in Items 2(a) through 2(i).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessments, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Other real estate owned," postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeits, forgeries, payments over stops and all other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Itemize all amounts that represent 25 percent of this item.

(k) *Total operating expenses.* State the sum of Items 2(a) through 2(j).

3. *Income before income taxes and security gains (losses).* State the difference of Item 1(h) minus Item 2(k).

4. *Applicable income taxes.* (a) State the aggregate of Federal and State taxes applicable to the amount reported in Item (3).

(b) Do not include taxes applicable to net security gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. *Income before securities gains (losses).* State the difference of Item 3 minus Item 4.

6. *Net security gains (losses).* State the net result of security gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Income (before extraordinary items, if any).* State the sum of difference of Items 5 and 6.

NOTE: If extraordinary items are reported (See Item 8) the caption to this Item shall read, "Net income before extraordinary items".

8. *Extraordinary items.* State the material results of nonrecurring transactions that have occurred during the current reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises, expropriation of properties, and major devaluation of foreign currency. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(g) or 2(j), as appropriate.)

9. *Less minority interest in consolidated subsidiaries.* State the aggregate amount of profit or loss accruing to minority interests.

10. *Net income.* State the sum or difference of Items 7, 8, and 9.

Earnings per common share. State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to the financial statements.

SCHEDULE II—OTHER SECURITIES

Type	Amount	Book value [1]
Bonds, notes, and debentures [2] [3]		
Stocks [3] [4]		
Totals		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.
[2] State in a footnote the aggregate amount and book value of foreign securities included.
[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of bonds, notes, and debentures that are less than "investment grade". If market value is determined on any basis other than market quotations at balance sheet date, explain.
[4] State in a footnote the aggregate market value.

SCHEDULE III—OTHER LOANS [1]

Type	Book value
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Commercial and industrial loans	
Loans to individuals for household, family, and other consumer expenditures	
All other loans (including overdrafts)	
Total other loans reported in balance sheet	

[1] If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amounts of such loans may be inserted. Such action should be explained in a footnote.

SCHEDULE IV—BANK PREMISES AND EQUIPMENT

Classification [1]	Column A Gross book value [2]	Column B Accumulated depreciation and amortization [3] [4]	Column C Amount at which carried on balance sheet
Bank premises (including land $_____)			
Equipment			
Leasehold improvements			
Totals			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with this schedule, a separate caption stating the total amounts of such assets may be inserted. Such caption should be explained appropriately in a footnote.
[2] State the basis of determining the amounts in column A.
[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for the last fiscal year shall be stated in an explanatory footnote.
[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions to depreciation accounts shall be stated in an explanatory footnote.

SCHEDULE V—INVESTMENTS IN, INCOME FROM DIVIDENDS, AND EQUITY IN EARNINGS AND LOSS OF UNCONSOLIDATED SUBSIDIARIES

Name of subsidiary	Column A Percent of voting stock owned	Column B Total investment, including advances	Column C Equity in undistributed earnings at balance sheet date [1]	Column D Amount of dividends [2]	Column E Bank's proportionate part of current loss for the period
Totals					

[1] Equity shall include advances reported in column B to the extent recoverable.
[2] State as to any dividends other than cash the basis on which they have been reported as income. If any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amounts of such difference and explain.

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

(Name of Bank)

Increase (Decrease)	Capital notes and debentures	Preferred stock $_____	Common stock $_____	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Net income transferred to undivided profits						
2. Capital notes and debentures, preferred stock and common stock sold (par or face value)						
3. Stock issued incident to mergers and acquisitions						
4. Premium on capital stock sold						
5. Additions to or reductions from surplus, undivided profits, and reserves incident to mergers						
6. Transfers to allowance for loan loss, exclusive of portion charged against income, less related income tax effect						
7. Cash dividends declared on preferred stock						
8. Cash dividends declared on common stock						
9. Stock issued in payment of stock dividends and stock splits at par value						
10. All other increases (decrease)						
11. Net increase (decrease) for the year						
12. Balance at beginning of year [2]						
13. Balance at end of year						

[1] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.
[2] If the statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the previous fiscal period, state in a footnote the difference and explain.

D. SCHEDULES

SCHEDULE I—U.S. TREASURY SECURITIES, SECURITIES OF OTHER U.S. GOVERNMENT AGENCIES AND CORPORATIONS, AND OBLIGATIONS OF STATES AND POLITICAL SUBDIVISIONS

Type and maturity grouping	Principal amount	Book value [1]
U.S. Treasury Securities		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total U.S. Treasury Securities		
Securities of other U.S. Government Agencies and Corporations		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total securities of Other U.S. Government Agencies and Corporations		
Obligations of States and political subdivisions [2] [3]		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total obligations of States and political subdivisions		

[1] State briefly in a footnote the basis for determining the amounts in this column.
[2] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.
[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of securities that are less than "investment grade". If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE VI—"OTHER" LIABILITIES FOR BORROWED MONEY

Item	Amount
Borrowings from Federal Reserve Bank	
Unsecured notes payable within 1 year	
Unsecured notes payable after 1 year	
Other obligations	
Total	

SCHEDULE VII—ALLOWANCE FOR POSSIBLE LOAN LOSSES

Item	Amount set up pursuant to Treasury tax formula	Other amount [1]
Balances at beginning of period		
Recoveries credited to Allowance		
Additions due to mergers and absorptions [2]		
Transfers to Allowance:		
From income		
From undivided profits [3]		
Totals		
Losses charged to Allowance		
Balances at end of period [4]		

[1] Do not include any provision for possible loan losses that the bank establishes as a precautionary measure. Include only any provision that (1) has been established through a charge against income, (2) represents management's judgment as to possible loss or value depreciation, and (3) is in excess of the provision taken under the Treasury tax formula.
[2] Describe briefly in a footnote any such addition.
[3] Indicate by parenthesis the gross amount of any credit adjustment to undivided profits.
[4] Describe briefly in a footnote the basis used in computing the amount accumulated in the allowance at the end of the period. State the amount that could have been deducted for Federal income tax purposes if such amount is in excess of the amount provided by the bank pursuant to the Treasury tax formula.
NOTE: The sum of the balances should equal the amount of allowance for loan losses reported in the balance sheet.

SCHEDULE VIII—RESERVES ON SECURITIES

Item	Amount [1]
Balance at beginning of period	
Additions due to mergers and absorptions [2]	
Transfers to reserve:	
From income	
From undivided profits	
Totals	
Losses charged to reserve	
Transfers from reserve	
Balance at end of period [3]	

[1] Do not include any provision the bank establishes as a precautionary measure.
[2] Describe briefly in a footnote any such addition.
[3] Balance should equal the amount of Reserves on securities reported in the balance sheet.

(15 U.S.C. 78*l*. Interpret or apply 15 U.S.C. 78*l*, 78m, 78n(a), and 78n(c))

Dated at Washington, D.C., this 18th day of December 1969.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-15249; Filed, Dec. 29, 1969; 8:45 a.m.]

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 309—PUBLISHED AND UNPUBLISHED RECORDS AND INFORMATION

Information Made Available to the Public

The Federal Deposit Insurance Corporation has adopted an amendment to Part 309 of its rules and regulations (12 CFR Part 309).

The purpose of the new amendment is to bring Part 309 into conformity with a simultaneous change in § 335.3(b) of the Corporation's rules and regulations. As amended, these regulations provide that certain reports will be available for inspection at the New York, Chicago, and San Francisco Federal Reserve Banks and at the Federal Reserve bank of the district in which the bank filing the statements or reports is located.

The prior publication before the effective date described in section 4 of the Administrative Procedure Act (5 U.S.C. 553) and the notice and public participation described in said section 4 of the same Act are not followed in connection with the amendment to Part 309 for good cause found, as stated in § 302.6 of the Federal Deposit Insurance Corporation's procedure and rules of practice. This procedure is followed because the Corporation finds these procedures impracticable, unnecessary and contrary to the public interest in that the amendment imposes no additional duties or burdens upon the affected public. Accordingly, the amendment to Part 309 of the Corporation's rules and regulations shall become effective upon publication.

The amendment to Part 309 is as follows:

AUTHORITY: The provisions of this amendment to Part 309 issued under 12 U.S.C. 1819. Interpret or apply 12 U.S.C. 1820.

Section 309.1 is amended to revise subparagraph (3) of paragraph (a), as set forth below:

§ 309.1 Published and unpublished information.

(a) * * *

(3) *Information made available to the public.* Except to the extent that the matters set forth in this paragraph relate to or contain information which is exempted from the public disclosure provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552), or other law, the Corporation makes available for public inspection and copying, upon request to the Secretary of the Corporation in its office in Washington, D.C., during normal business hours, (i) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, (ii) those statements of policy and interpretations which have been adopted by the Corporation and are not published in the FEDERAL REGISTER, and (iii) Manual of Examination Policies and Instructions to Liquidators. To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Corporation may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. In each case the justification for the deletion will be fully explained in writing. The Corporation also maintains and makes available for public inspection and copying a current index providing information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required by the Administrative Procedure Act to be made available or published. The Corporation makes available at its Washington office, at the New York, Chicago, and San Francisco Federal Reserve Banks, and at the Reserve bank of the district in which the bank filing a report is located, for public inspection and copying reports from insured State nonmember banks required under the provisions of section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78). All requests for copies of records enumerated in subdivisions (i), (ii), and (iii) of this subparagraph must be accompanied by a deposit with the Corporation of the estimated costs of copying such records at the rate of 10 cents per page. Such requests must provide a reasonably specific description of the record sought which will enable the Corporation to locate the record or records without undue difficulty.

Except to the extent that the records relate to or contain information which is exempted from the public disclosure provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552) or other law, the Corporation upon request for identifiable records of the Corporation to the Secretary of the Corporation in its office in Washington, D.C., during normal business hours, will make such records available to any person who agrees to pay the costs of searching, preparing and copying such records at the rate of $5 per hour for searching and preparing and 10 cents per page for copying and has paid in advance to the Corporation the estimated costs thereof. Such requests must provide a reasonably specific description of the record sought which will enable the Corporation to locate the record without undue difficulty. Any denial by an officer or employee of the Corporation of a request for any information or record made under this part by any member of the public may be appealed by a written request to the Board of Directors of the Corporation from the person whose request is denied.

* * * * *

Dated at Washington, D.C., this 18th day of December 1969.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-15250; Filed, Dec. 29, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 407]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.707 Lemon Regulation 407.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 23, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period December 28, 1969, through January 3, 1970, are hereby fixed as follows:

(i) District 1: 27,900 cartons;
(ii) District 2: 61,380 cartons;
(iii) District 3: 96,720 cartons.

(2) As used in this section; "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-15406; Filed, Dec. 24, 1969; 11:25 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Wholesaler-Manufacturer Relationship; Frieght Saving as Cost Justification

§ 15.393 Request for reconsideration of Advisory Opinion 333 (§ 15.333) pertaining to wholesaler-manufacturer relationship; Freight saving as cost justification.

(a) The Commission was requested to reconsider the advice given in Advisory Opinion Digest No. 333 (§ 15.333) concerning manufacturers' selling relationships with wholesalers. The Commission also considered the question of passing along freight savings to customers.

(b) After concluding that it would adhere to the advice given in the earlier Advisory Opinion the Commission noted that the issue of potential price discrimination between competing wholesalers, some receiving 40 percent and others 25 percent discounts off list prices, no longer existed since only one discount rate is now involved.

(c) Negative advice was given in connection with the following three factual situations because, in the Commission's opinion, applicable antitrust law prohibits suppliers from taking certain punitive action against wholesalers with whom they have been dealing:

(1) A manufacturer refuses to deal further with a wholesaler who has changed his method of doing business and has undertaken to franchise subjobbers whom he prohibits from buying directly from the manufacturer and requires that they purchase all the manufacturer's products through the wholesaler.

(2) A manufacturer discontinues sales to a wholesaler who ceases to maintain salesmen at all times who regularly call upon beauty salons and advise licensed professional hairdressers "on the safe and proper methods of applying the manufacturer's products and who keep sufficient supplies" on hand for current needs of their beauty salon customers.

(3) A manufacturer refuses to deal further with a wholesaler who, without the manufacturer's authorization, resells to independent subjobbers and other wholesalers.

(d) With respect to the problem of cost justification the Commission advised that applicable provisions of section 2(a) of the amended Clayton Act permit a supplier to pass along freight savings to customers but only to the extent of such savings and only if available to all customers competing in the resale of his products.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: December 29, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-15372; Filed, Dec. 29, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Approval for Merger of Privately Owned Tufting Machinery and Equipment Manufacturers

§ 15.394 Approval for merger of privately owned tufting machinery and equipment manufacturers.

(a) The Federal Trade Commission granted clearance to privately owned manufacturers of carpet tufting machinery and related equipment to merge their operations into one corporation whose voting stock will be offered for sale to the general public.

(b) The merging companies manufacture machinery and related equipment used by textile mill operators in the production of rugs, carpets, and other textiles. Some of the companies have a common ownership and are competitors; another is not a competitor but manufactures machinery used by customers of the others. Some have about the same market shares in an industry of five manufacturers, about one-fifth of the market

share of the dominant company, a substantial national conglomerate enterprise. One firm to be merged competes with ten others in its related industry.

(c) After having considered all available information the Commission concluded that the effect of the proposed merger is not likely to result in any lessening of competition nor the creation of a monopoly in the manufacturing of tufting machinery and equipment. The Commission is of the opinion that the beneficial competitive effects flowing from the amalgam of the privately owned enterprises into a publicly owned corporation will be to give greater competition to its giant rival.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: December 29, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15373; Filed, Dec. 29, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Retailer Price Reporting Plan

§ 15.395 Retailer price reporting plans.

(a) The Commission issued an advisory opinion governing a proposed price checking service designed to publicize various current retail prices for grocery store products. Underlying data would be obtained in part by direct observation of posted prices and in part by reference to information supplied by wholesalers and retailers. The service would be available, for a fee, to anyone interested.

(b) In the Commission's view, exchange of price data may lend itself to price fixing and may result in the elimination of price competition and the legality of the proposed course of action would depend on its implementation.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 29, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15374; Filed, Dec. 29, 1969; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Term "Peat Moss-Pifine and Sedge"

§ 15.396 Use of term "Peat Moss-Pifine and Sedge".

(a) The Commission rendered an advisory opinion concerning a proposal to describe peat with the following terminology:

---------- Peat Moss Pifine and Sedge

(b) The product is composed of at least 75 percent peat by weight, with the remaining 25 percent comprised of such soil substances as are commonly intermixed with peat as found in its natural state. It is derived from three non-moss substances; namely, Pifine (Paille Finne), or commonly referred to as maiden cane grass, cut grass, and saw grass, Pifine comprises the bulk of the plant residue present in the product.

(c) Three provisions of the Commission's Trade Practice Rules for the Peat Industry govern the use of the term "Peat Moss" in this particular situation. First, there is the definition of the word "peat," which is as follows:

"*Peat*". Any partly decomposed vegetable matter "which is accumulated under water or in a water-saturated environment through decomposition of mosses, sedges, reeds, tule, trees, or other plants."

(d) The second pertinent provision is Rule 2, which prohibits use of the word "Peat" to describe any product "which is not in fact composed predominantly of peat to the extent that at least 75 percent (by weight) of the product is composed of peat, with such other materials as may be present in the content, and constituting the remaining percentage, being comprised of such soil substances as are customarily intermixed with peat as found in its natural state."

(e) Third, Rule 3 covers use of the terms "Moss Peat" and "Peat Moss", and has been codified under § 185.3 of this Title 16.

(f) On the basis of the foregoing facts, the Commission expressed the opinion that the proposed terminology complies with the requirements of Rule 3(b) of the Trade Practice Rules for the "Peat Industry". However, the opinion also noted that some of the art work used the words "Peat Moss" without qualification or without conspicuous qualification. Such a representation, the Commission said, would not be in compliance with Rule 3(b). Concluding its opinion, the Commission said: "It is necessary under the pertinent rule * * * to disclose the kinds of peat of which (the) product is composed i.e., Pifine and Sedge, and that such disclosure be of equal size and conspicuousness and be placed in immediate conjunction with the words 'Peat Moss' whenever they are used in labeling or advertising. If the proposed terminology is used in such manner, the Commission would interpose no objection thereto."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 29, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15375; Filed, Dec. 29, 1969; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-1]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Additional Invoicing Information

In connection with certain statistical headnotes to Subpart F of Part 4, Schedule 6, of the Tariff Schedules of the United States (TSUS) and certain statistical suffixes to items 674.32 and 674.35 therein which will become effective January 1, 1970, importers of metalworking machine tools classifiable under the above numbers will be required to describe such merchandise in greater detail than heretofore necessary. In order that the importers may be better able to fulfill this requirement and thereby provide facts which are necessary to a proper examination and classification of merchandise and so that the accuracy of such details contained in the entry may be verified, it has been decided to require, under the authority of section 481(a)(10) of the Tariff Act of 1930, as amended (19 U.S.C. 1481(a)(10)), that invoices covering such shipments contain the required information. Accordingly, § 8.13(h), Customs Regulations, is amended by inserting, in the proper alphabetical order, the following:

Metalworking Machine Tools classifiable under items 674.32 and 674.35, Tariff Schedules of the United States (TSUS) (T.D. 70-1)—Type of machine tools in accordance with the following definitions:

Numerically controlled machines are machines whose motions are controlled by devices such as tape, computers, or punched cards.

Drilling machines are machines designed for the primary purpose of cutting an initial hole in a workpiece using a rotating tool.

Radial drilling machines consist of a base, vertical cylindrical column, radial arm, and spindle headstock. The radial arm supports the spindle headstock which can be positioned at varying distances from the column; the arm can be moved up or down on the column and rotated around the column.

Upright single-spindle drilling machines consist of a base, table, vertical column, and spindle head. The spindle head is mounted on the column and moves only in the vertical direction. The worktable and/or base is located below the spindle.

Milling machines are machines designed for the primary purpose of removing metal by multiple-tooth cutters mounted on rotating arbors or spindles.

Profile and duplicating milling machines consist of any milling machine equipped with a tracing device for controlling the path of the milling cutter.

Knee-type milling machines consist of a base, vertical column, knee, horizontal table, and spindle. A spindle driving the cutter is mounted horizontally or vertically in or on the column. A horizontal movable table which holds the workpiece is mounted on a knee, which projects from the column. The knee can be raised or lowered on the column.

Bed-type milling machines consist of a base (bed), vertical column, horizontal or vertical spindle and table. The table moves horizontally on the bed. The spindle is fixed or moves vertically on the column.

Boring machines are machines designed for the primary purpose of enlarging or finishing an existing hole in a workpiece by means of a rotating single-point tool.

Vertical boring machines, including vertical turret lathes consist of one or two ram (or turret) heads mounted on a cross rail supported by a column, or columns. The cutting tool or tools traverse against the work as the work revolves on a circular table. One, or two horizontally opposed side heads are also provided.

Combination boring, drilling, and milling machines, horizontal spindle, consist of a vertical column mounted on a solid bed or movable base. The column supports a horizontally mounted headstock containing the spindle that feeds various tooling into the workpiece. The work is held on a movable table supported by the bed or is mounted on floor plates. Feed motions of the headstock and/or table are longitudinal, transverse, and vertical.

Combination boring, drilling, and milling machines, vertical spindle, consist of a vertical column mounted on a solid bed or movable base. The column supports a vertically mounted headstock containing the spindle that feeds various tooling into the workpiece. The work is held on a movable table supported by the bed or is mounted on floor plates. Feed motions of the headstock and/or table are longitudinal, transverse, and vertical.

Metal-cutting machine tools are metalworking machine tools which shape or surface-work metal by removing metal either in the form of chips, dust, swarf, or similar forms or by electrical or chemical erosion techniques.

Engine lathes consist of a bed, headstock, tailstock, and carriage. The workpiece is held between a center on the tailstock and an appropriate work-holding device on the headstock spindle. The tool is secured to a cross slide which is mounted on a carriage that moves longitudinally along the bed of the machine.

Turret lathes consist of a bed, headstock, cross slide, and turret. The workpiece is held in the collet, chuck, face plate, or fixture which is attached to the spindle. The tools on the turret are positioned and fed into the workpiece.

Single-spindle automatic bar or chucking machines consist of a bed, headstock, cross slides and turret. The workpiece is held in the collet, chuck, face plate of fixture which is attached to the spindle. The tools on the turret are positioned and fed into the workpiece. All machining motions are preselected and are automatically controlled.

Multiple-spindle automatic bar or chucking machines have two or more drive spindles in order that two or more workpieces can be rotated simultaneously. Automatic units are designed to hold the workpiece in each of a number of spindle collets or chucks, which index clockwise from station to station in order to present the workpiece successively to a series of cutting tools. All machining motions are preselected and are automatically controlled.

Grinding machines are machines other than boring or lapping machines designed for the primary purpose of removing metal from a workpiece with abrasives.

External cylindrical grinders consist of a base, table, headstock, footstock, and wheelhead. The table is mounted on the base. The headstock and footstock are mounted on the table and are used to support and rotate the workpiece. The rotating abrasive wheel is mounted on the wheelhead spindle. The wheel is fed against the rotating workpiece.

Internal cylindrical grinders consist of a base, table, wheelhead and headstock. The table is mounted on the base. The headstock is fixed to the base. The wheelhead is mounted on the table. The rotating abrasive wheel is mounted on the wheelhead spindle and is fed into the workpiece bore which is also rotating.

Surface (flat) grinders consist of a base, table, column, and wheelhead. The table is mounted on the base. The wheelhead is attached to the column. The axis of the wheelhead spindle is horizontal. The workpiece which is mounted on the table reciprocates under the rotating abrasive wheel which is mounted on the wheelhead spindle.

Sawing machines are designed primarily for parting or cutting-off operations by a tool referred to as a saw, which could be in the form of a blade, band, or disc.

Electrical discharge machines are machines designed to remove metal by means of an electrical discharge spark erosion.

Metal-forming machine tools are metalworking machine tools other than metal-cutting machine tools.

Punching and shearing machines pierce, blank, notch, or shear workpieces by utilizing a power-driven ram to force punches or blades through work that is supported by the table of the machine.

Mechanical presses, open back inclinable consist of a base (legs), "C" frame and ram. The C frame is mounted on a pivot point connected in the base (legs). The ram is mounted in the C frame. The principal identifying characteristic of the press is its ability to tilt back on its base (legs).

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 1481, 1624)

Since importers of metalworking machine tools classifiable under items 674.32 and 674.35 of the Tariff Schedules of the United States will be required, effective January 1, 1970, to show the additional detailed information noted above on the entry and since the required information is necessary for effective customs administration of such requirements, it is hereby found that it is impracticable to issue this amendment with notice under 5 U.S.C. 553 or subject to the effective date limitations of that section.

Effective date. This amendment shall be effective as to merchandise entered or withdrawn from warehouse for consumption on and after January 1, 1970.

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

Approved: December 19, 1969.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 69-15391; Filed, Dec. 29, 1969; 8:46 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7020]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Notice of public hearing to be held in Washington, D.C., beginning on April 1, 1969, with respect to certain amendments to 27 CFR Part 5, Labeling and Advertising of Distilled Spirits, and the reissuance of these regulations, was published in the FEDERAL REGISTER on January 23, 1969 (34 F.R. 1040).

A comprehensive study of 27 CFR Part 5 showed that a complete revision of the regulations was desirable in order to fulfill the purposes and objectives of the Federal Alcohol Administration Act in terms of present day production and trade practices and consumer understanding. Industry members, State control authorities, other Federal and State agencies, consumer organizations, and others concerned were invited to submit suggestions for the improvement of the regulations. In order to consider the numerous suggested changes in an orderly manner, the Treasury Department announced in April 1967 that a series of three public hearings would be held on proposed amendments to 27 CFR Part 5.

A notice of public hearing, beginning on September 18, 1967, with respect to certain industry petitions to amend the regulations relating to the labeling of domestic whiskies, particularly as affected by cooperage, was published in the FEDERAL REGISTER on July 11, 1967 (32 F.R. 10208). Treasury Decision 6945, published in the FEDERAL REGISTER on January 26, 1968 (33 F.R. 983), contained the amendments resulting from that hearing.

A second notice of public hearing, beginning on April 1, 1968, with respect to 12 proposals relating to substantive changes in other areas of the regulations, was published in the FEDERAL REGISTER on January 26, 1968 (33 F.R. 1017). Treasury Decision 6973, published in the FEDERAL REGISTER on September 26, 1968 (33 F.R. 14459), contained the amendments resulting from the second hearing.

The notice of the third and concluding hearing in the series was published in the form of a complete new regulation. The notice also contained several proposed substantive changes not previously considered.

At the conclusion of the last hearing and after a thorough study of matters relevant to the issues, including evidence submitted by interested parties at that hearing, the following conclusions have been reached concerning the proposed substantive changes considered at that hearing:

Subject No. 1—Definition of "produced at"—Proposal. To define the term "produced at", as used in conjunction with specific degrees of proof to describe the standards of identity, to mean the composite proof of the spirits after completion of distillation and before reduction in proof. The second part of this proposal was to specify in § 5.35(a) that a product shall be entitled to, and shall be described in accordance with, the applicable designation, if the bottled product conforms to the prescribed standard and if it possesses the taste, aroma, and characteristics generally attributed to products made in accordance with such standard.

Findings. Historically, degrees of proof were used as a regulatory control to describe manufacturing processes distinguishing various classes of distilled spirits, and types of spirits within the classes; for example, an alcoholic distillate from a fermented mash of grain distilled at or above 190° proof has been held to be a neutral spirit, and if distilled at less than 190° proof it has been classed as "whisky". It has been determined that with modern distilling equipment, the implied limits on distillation proof are not realistic as a line of demarcation between classes and types. In practice, the classification of the finished product has not been held to be affected as long as the completed distillate in the closed system before any treatment, including the addition of water, was within the

prescribed maximums and minimums of proof.

Distilled spirits are required to be labeled to show the class and type thereof, if the class and type is specifically defined in the regulations. Also, the regulations have long required distillates to possess the taste, aroma, and characteristics generally attributed to the product.

In other words, the regulations do not specifically take into account the changes brought about by storage in wood; this was done by administrative interpretation over a long period of years on the basis of the regulation being a consumer regulation dealing with what is in the labeled bottle and the quality of the contents of such labeled bottle. To give effect to this administrative interpretation and to make it clear that the taste, aroma and characteristics of a product stored in wood are attributed, in part, to such storage in wood, the second part of this proposal would specify, in § 5.35(a) that a product shall be entitled to, and shall be described in accordance with, the applicable designation if the bottled product conforms to the prescribed standard, and if it possesses the taste, aroma, and characteristics generally attributed to products made in accordance with such standard.

Considerable opposition was received to this portion of the proposal both at the hearing and in the briefs submitted subsequent to the hearing due in large part to what appears to have been an industry misunderstanding of the proposal. The opposition was based primarily on the fear that the adoption of this portion of the proposal would substantially change existing requirements and thus create uncertainty as to the identity of distilled spirits products with consequent adverse commercial effects.

Conclusion. The portion of the proposal to add a definition of the term "produced at" is adopted. The other portion of this proposal which would have required the distilled spirits, at the time of bottling, to possess the taste, aroma and characteristics generally attributed to such products is not adopted. However, the present requirement in the regulations that whisky, brandy, and rum possess the taste, aroma and characteristics generally attributed to these products will be retained. While we are not adopting the language in the second part of the proposal, we will continue to follow the longstanding administrative interpretation that the bottled product must possess the taste, aroma, and characteristics generally attributed to the product. The present regulatory requirement that whisky manufactured in Scotland, Ireland or Canada shall be deemed to be Scotch, Irish, or Canadian whisky and shall be so designated unless the application of such designation to the particular product will result in consumer deception, or unless such product is not entitled to such designation under the laws of the country in which manufactured, will also be retained.

Subject No. 2—To require all rums to be stored at least 1 year in oak containers—Proposal. Puerto Rican Rum Producers Association, Inc., San Juan, P.R., petitioned that the class "rum" be revised to require all rum to be stored at least 1 year in oak containers.

Findings. The adoption of the proposal would represent a departure from the philosophy of product standardization of alcoholic beverages in that it would prevent a distillate from being designated as "rum" because it has not acquired the requisite age. The effect of the proposal would be to keep the distillate off the market despite its widespread trade and consumer acceptance.

Conclusion. The proposal is not adopted.

Subject No. 3—Tequila—Proposal. The National Association of Alcoholic Beverage Importers, Inc., Washington, D.C., due to the increasing popularity of "Tequila" in the United States, petitioned that a standard of identity for this product be included in the regulations recognizing "Tequila" as a distinctive product of Mexico.

Findings. It has been concluded that there is a sufficient justification for the establishment of a standard of identity for "Tequila" in view of the greatly increased popularity of the product in this country. Further, substantial evidence has been received that "Tequila" must be distilled from a fermented mash derived principally from the Agave Tequilana Weber ("blue" variety), with or without additional fermentable substances, in order for the product to possess the taste, aroma and characteristics generally attributed to "Tequila". It is believed that the inclusion of the requirement concerning raw materials used and a requirement that the product possess the taste, aroma, and characteristics generally attributed to "Tequila" will afford sufficient protection to the consumer without limiting the product to a geographic area.

Conclusion. The proposal is adopted with modifications.

Subject No. 4—Information on Labels—Proposals. In order to achieve some degree of conformity with the Model State Packaging and Labeling Regulations, adopted by the National Conference on Weights and Measures, notwithstanding the fact that products subject to, or labeled in accordance with, the Federal Alcohol Administration Act are exempt from such regulations and to afford proprietors additional freedom in label design, arrangement, and presentation of information (provided there is no conflict with, or qualification of mandatory information), it was proposed:

A. To eliminate the requirement that certain mandatory information be grouped in a particular place on a "Government label" and to permit such information to appear on any label provided it is separated from related descriptive or explanatory matter.

B. To permit the use of any trade name the distiller or rectifier has been authorized to use, at the time of bottling of the product, in lieu of limiting the use of trade names to those which were authorized at the time the spirits were distilled or rectified.

C. To require the address or addresses of the proprietor to include the ZIP Code.

D. To make optional the age and percentage statement for whiskies in a blend containing neutral spirits when all of the whiskies are 4 years or more old. Currently, statements of age are optional for domestic or foreign whiskies, whether or not mixed or blended (but containing no neutral spirits), all of which are 4 years or more old. If age statements are shown, the proposed regulations would require age and percentage statements for products containing more than one straight whisky to be shown in either of two ways; for example, "35 percent straight whiskies 4 years or more old", or "20 percent straight whisky 4 years old and 15 percent straight whisky 5 years old".

E. To redefine the term "brand label" to include all labels appearing on the same side of the container as the "principal display panel".

F. To delete the requirement for showing the State of distillation on labels of domestic whiskies. Presently, statements of State of distillation are not required for blends of whiskies, including blends of straight whiskies, nor are they required if the whisky was distilled in the State given in the address on the brand label, and they are prohibited with respect to light whiskies produced in a State found by the Director to be associated by consumers with an American type whisky. Under the proposed amendment it would still be permissible to show the State of distillation whenever it is desired to do so, except in certain instances in the case of light whisky.

G. To provide, with respect to all distilled spirits products that the use of the word "old", as part of the brand name, shall not be deemed to be an age representation.

Findings. A. The grouping of certain of the required information on a so-called "Government label" (back) was initiated shortly after repeal in the belief that such arrangement was necessary to give the consumer all of the essential information needed with respect to the product. Because of the natural evolution of product marketing and in consideration of the fact that most of the information formerly required on the "Government label" is now required to be shown on the brand label, the "Government label" requirement no longer serves a useful purpose. Accordingly, it has been decided to permit such information to appear on any label provided it is separated from related descriptive or explanatory matter.

B. The present limitation on the use of trade names to those which were authorized at the time the spirits were distilled or rectified serves no useful purpose and has resulted in administrative problems. Accordingly, it has been decided to permit the use on labels of any trade names the distiller or rectifier is authorized to use at the time of the bottling of the product.

C. No findings are reported covering this item since it has been decided not to take any action on this proposal at this time.

D. Present regulations make age statements optional in the case of domestic or foreign whiskies whether or not mixed or blended (but containing no neutral spirits) all of which are 4 or more years old. It has been concluded that this provision should be extended to whiskies blended with neutral spirits provided all of the whiskies in the product are 4 years or more old.

Present regulations require a statement on the labels of the percentage of straight whiskies and neutral spirits contained in blended whisky. In addition, the regulations permit a statement to be made of the ages and percentages of all of the straight whiskies in the blend. This dual listing of the percentages of straight whiskies has resulted in confusion as to the actual amounts of straight whisky contained in the blend. Accordingly, it has been decided that the adoption of the second part of this proposal would be in the interest of the consumer. The adoption of this second part of the proposal will require age and percentage statements for products containing more than one straight whisky to be shown in one of two ways; for example, "35 percent straight whiskies 4 years or more old", or "20 percent straight whisky 4 years old and 15 percent straight whisky 5 years old".

It is proposed to make the second part of this proposal applicable only to labels developed, revised or printed after the effective date of the regulations.

E. The term "brand label" is presently defined in the regulations as "the label carrying, in the usual distinctive design, the brand name of the distilled spirits". Under this proposal it would be redefined as the principal display panel most likely to be displayed, etc., under normal and customary conditions of display for retail sale, and any other label appearing on the same side of the bottle as the principal display panel. On a cylindrical surface, the principal display panel would be defined as that 40 percent of the circumference which is most likely to be displayed under normal and customary conditions of display for retail sale. It is believed that the adoption of this proposal is desirable in order to more adequately inform the consumer of the contents of the package and it was generally supported at the hearing. However, some companies requested an exception in the case of labels used on bottles of unusual design where it is not feasible to show all of the mandatory information on the principal display panel. It has been decided to provide for such an exception upon application to the Director.

It is proposed to make this proposal applicable only to labels developed, revised or printed after the effective date of the regulations.

F. The question of the need for showing the State of distillation was raised by certain producers of light whisky. However, the proposal, as published, would have eliminated the requirement for showing the State of distillation on labels of all domestic whisky.

Testimony at the hearing indicated that the consumer considers the State of distillation to be an important part of the information on labels in the case of traditional types of American whiskies such as straight bourbon whisky and straight rye whisky. However, this does not appear to be true in the case of light whisky which will not be marketed until July 1, 1972, since this new type of whisky has not been associated in the minds of consumers with any particular State. Furthermore, under existing regulations adopted pursuant to an industry petition, a ruling has been issued which holds that the State of distillation may not be shown on the labels of light whisky produced in Kentucky.

It is likely that many light whiskies will be mixtures of distillates from more than one State. Thus, they may be more akin to blends than to straight whiskies. Accordingly, it has been decided to continue the present requirement that the State of distillation be shown but to make an exception from such requirement for "light whisky."

G. It has been concluded that the present requirement that brand names including words such as "old", "ancient", or "viejo", when employed on labels of certain distilled spirits, must be qualified with the word "brand", or with an age statement, is discriminatory and serves no compelling consumer purpose.

Conclusions. A. The proposal is adopted.

B. The proposal is adopted.

C. Action has been deferred on this proposal.

D. The proposal is adopted.

E. The proposal is adopted with modification.

F. The proposal is adopted as to "light whisky" only.

G. The proposal is adopted.

Subject No. 5—Standards of fill—Proposal. Schenley Industries, Inc., petitioned to include a ⅔-gallon (51.2-oz.) size container as a standard of fill for distilled spirits.

Findings. The adoption of this proposal would add to the number of bottle sizes now authorized for the bottling of distilled spirits and would be contrary to one of the objectives of the Fair Packaging and Labeling Act which is to discourage the proliferation of sizes. No trade or consumer need for this additional size was demonstrated at the hearing. It has been decided not to adopt this proposal.

Conclusion. The proposal is not adopted.

Subject No. 6—Amendment of regulations to apply "headspace", "actual capacity", and "tolerance" requirements of containers to cordials, liqueurs, and specialties—Proposal. To amend the regulations to make the provisions relating to shapes or designs likely to mislead the consumer as to actual capacity, as well as the headspace and tolerance requirements applicable to cordials, liqueurs and specialties which are now exempt from these requirements.

Findings. It has been concluded that the adoption of this amendment will help prevent consumer deception. Accordingly, the proposal will be adopted but with a proviso that the "headspace" and "design" requirements shall not apply to such liquor bottles as may, from time to time, be specifically excepted from these requirements by the Director pursuant to application filed with him by the bottler or importer. This exception is considered necessary because of evidence presented at the hearing that some few bottles, particularly ceramic bottles, cannot be uniformly manufactured to meet these requirements.

It is proposed to make this amendment applicable only to bottles designed or developed after the effective date of the regulations.

Conclusion. The proposal is adopted with modifications.

Subject No. 7—Statement of manufacturing process for imported distilled gin—Proposal. To amend the regulations to require applications for certificates of approval covering labels for imported gin bearing the word "distilled" to be accompanied by a statement, prepared by the manufacturer, setting forth the description of the manufacturing process.

Findings. Since all domestic gins are produued pursuant to a statement of process, a determination can readily be made as to whether they are entitled to be described as "distilled". In order to make such a determination for imported gins, it is necessary for the importer to furnish a statement of the manufacturing process prepared by the manufacturer.

Conclusion. The proposal is adopted.

Accordingly, 27 CFR Part 5 is amended and reissued as follows:

Preamble. 1. The regulations in this part shall supersede the 1936 edition of 27 CFR Part 5, as amended (1 F.R. 92).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. Except as otherwise noted in text, the regulations in this part shall become effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

Subpart A—Scope

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Subpart G—Requirements for Approval of Labels of Domestically Bottled Distilled Spirits

5.55 Certificates of label approval.
5.56 Certificates of age and origin.

Subpart H—Advertising of Distilled Spirits

5.61 Application.
5.62 Definition.
5.63 Mandatory statements.
5.64 Lettering.
5.65 Prohibited statements.

AUTHORITY: The provisions of this Part 5 issued under 49 Stat. 981, as amended; 27 U.S.C. 205.

Subpart A—Scope

§ 5.1 General.

The regulations in this part relate to the labeling and advertising of distilled spirits. This part applies to the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, but does not apply to distilled spirits for export.

§ 5.2 Related regulations.

Regulations relating to this part are listed below:

27 CFR Part 1—Basic Permit Requirements under the Federal Alcohol Administration Act.
27 CFR Part 2—Nonindustrial Use of Distilled Spirits and Wine.
27 CFR Part 3—Bulk Sales and Bottling of Distilled Spirits.
27 CFR Part 4—Labeling and Advertising of Wine.
27 CFR Part 7—Labeling and Advertising of Malt Beverages.
26 CFR Part 173—Returns of Substances, Articles or Containers.
26 CFR Part 200—Rules of Practice in Permit Proceedings.
26 CFR Part 201—Distilled Spirits Plants.
26 CFR Part 250—Liquors and Articles from Puerto Rico and the Virgin Islands.
26 CFR Part 251—Importation of Distilled Spirits, Wines and Beer.
26 CFR Part 252—Exportation of Liquors.

Subpart B—Definitions

§ 5.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by such Act.

Act. The Federal Alcohol Administration Act.

Age. The period during which, after distillation and before bottling, distilled spirits have been stored in oak containers. "Age" for bourbon whisky, rye whisky, wheat whisky, malt whisky, or rye malt whisky, and straight whiskies other than straight corn whisky, means the period the whisky has been stored in charred new oak containers.

Assistant regional commissioner. An assistant regional commissioner (alcohol, tobacco, and firearms) who is responsible to, and functions under the direction and supervision of, the regional commissioner.

Bottle. Any container, irrespective of the material from which made, used for the sale of distilled spirits at retail.

Brand label. The principal display panel that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale, and any other label appearing on the same side of the bottle as the principal display panel. The principal display panel appearing on a cylindrical surface is that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

Director. The Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224.

Distilled spirits. Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whisky, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use, except that this term shall not include mixtures containing wine, bottled at 48° proof or less, if the mixture contains more than 50 percent wine on a proof gallon basis.

CAUTION: The exception clause becomes effective July 1, 1972.

Gallon. U.S. gallon of 231 cubic inches of alcoholic beverage at 60° F. All other liquid measures used are subdivisions of the gallon as so defined.

In bulk. In containers having a capacity in excess of 1 wine gallon.

Interstate or foreign commerce. Commerce between any State and any place outside thereof, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside thereof.

Permittee. Any person holding a basic permit under the Federal Alcohol Administration Act.

Person. Any individual, partnership, joint stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent and including an officer or employee of any agency of a State or political subdivision thereof; and the term "trade buyer" means any person who is a wholesaler or retailer.

Produced at. As used in §§ 5.22 and 5.52 in conjunction with specific degrees of proof to describe the standards of identity, means the composite proof of the spirits after completion of distillation and before reduction in proof.

Proof gallon. A gallon of liquid at 60° F. which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60° F. referred to water at 60° F. as unity, or the alcoholic equivalent thereof.

United States. The several States and Territories and the District of Columbia; the term "State" includes a Territory and the District of Columbia; and the term "Territory" means the Commonwealth of Puerto Rico.

Subpart C—Standards of Identity for Distilled Spirits

§ 5.21 Application of standards.

The standards of identity for the several classes and types of distilled spirits set forth in this part shall be applicable only to distilled spirits for beverage or other nonindustrial purposes.

§ 5.22 The standards of identity.

Standards of identity for the several classes and types of distilled spirits set forth in this section shall be as follows (see also § 5.35, class and type):

(a) *Class 1; neutral spirits or alcohol.* "Neutral spirits" or "alcohol" are distilled spirits produced from any material at or above 190° proof, and, if bottled, bottled at not less than 80° proof.

(1) "Vodka" is neutral spirits so distilled, or so treated after distillation with charcoal or other materials, as to be without distinctive character, aroma, taste, or color.

(2) "Grain spirits" are neutral spirits distilled from a fermented mash of grain and stored in oak containers.

CAUTION: Section 5.22(a)(2) becomes effective July 1, 1972.

(b) *Class 2; whisky.* "Whisky" is an alcoholic distillate from a fermented mash of grain produced at less than 190° proof in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to whisky, stored in oak containers (except that corn whisky need not be so stored), and bottled at not less than 80° proof, and also includes mixtures of such distillates for which no specific standards of identity are prescribed.

(1)(i) "Bourbon whisky", "rye whisky", "wheat whisky", "malt whisky", or "rye malt whisky" is whisky produced at not exceeding 160° proof from a fermented mash of not less than 51 percent corn, rye, wheat, malted barley, or malted rye grain, respectively, and stored at not more than 125° proof in charred new oak containers; and also includes mixtures of such whiskies of the same type.

(ii) "Corn whisky" is whisky produced at not exceeding 160° proof from a fermented mash of not less than 80 percent corn grain, and if stored in oak containers stored at not more than 125° proof in used or uncharred new oak containers and not subjected in any manner to treatment with charred wood; and also includes mixtures of such whisky.

(iii) Whiskies conforming to the standards prescribed in subdivisions (i) and (ii) of this subparagraph, which have been stored in the type of oak containers prescribed, for a period of 2 years or more shall be further designated as "straight"; for example, "straight bourbon whisky", "straight corn whisky", and whisky conforming to the standards prescribed in subdivision (i) of this subparagraph, except that it was produced from a fermented mash of less than 51 percent of any one type of grain, and stored for a period of 2 years or more in charred new oak containers shall be designated merely as "straight whisky". No other whiskies may be designated "straight". "Straight whisky" includes mixtures of straight whiskies which are homogeneous under section 5025(e)(5), Internal Revenue Code (26 U.S.C. 5025(e)(5)), and implementing regulations in 26 CFR Part 201, and also mixtures of straight whiskies of the same type produced by the same proprietor at the same distillery all of which are not less than 4 years old.

(2) "Whisky distilled from bourbon (rye, wheat, malt, or rye malt) mash" is whisky produced in the United States at not exceeding 160° proof from a fermented mash of not less than 51 percent corn, rye, wheat, malted barley, or malted rye grain, respectively, and stored in used oak containers; and also includes mixtures of such whiskies of the same type. Whisky conforming to the standard of identity for corn whisky must be designated corn whisky.

(3) "Light whisky" is whisky produced in the United States at more than 160° proof, on or after January 26, 1968, and stored in used or uncharred new oak containers; and also includes mixtures of such whiskies. If "light whisky" is mixed with less than 20 percent of straight whisky on a proof gallon basis, the mixture shall be designated "blended light whisky" (light whisky—a blend).

CAUTION: Section 5.22(b)(3) becomes effective July 1, 1972.

(4) "Blended whisky" (whisky—a blend) is a mixture which contains at least 20 percent of straight whisky on a proof gallon basis and, separately or in combination, whisky or neutral spirits. A blended whisky containing not less than 51 percent on a proof gallon basis of one of the types of straight whisky shall be further designated by that specific type of straight whisky; for example, "blended rye whisky" (rye whisky—a blend).

(5) "A blend of straight whiskies" (blended straight whiskies) is a mixture of straight whiskies. A blend of straight whiskies consisting entirely of one of the types of straight whisky, and not conforming to the standard for "straight whisky", shall be further designated by that specific type of straight whisky; for example, "a blend of straight rye whiskies" (blended straight rye whiskies).

(6) "Spirit whisky" is a mixture of neutral spirits and not less than 5 percent on a proof gallon basis of whisky, or straight whisky, or straight whisky and whisky, if the straight whisky component is less than 20 percent on a proof gallon basis.

(7) "Scotch whisky" is whisky which is a distinctive product of Scotland, manufactured in Scotland in compliance with the laws of the United Kingdom regulating the manufacture of Scotch whisky for consumption in the United Kingdom: *Provided*, That if such product is a mixture of whiskies, such mixture is "blended Scotch whisky" (Scotch whisky—a blend).

(8) "Irish whisky" is whisky which is a distinctive product of Ireland, manufactured either in the Republic of Ireland or in Northern Ireland, in compliance with their laws regulating the manufacture of Irish whisky for home consumption: *Provided*, That if such product is a mixture of whiskies, such mixture is "blended Irish whisky" (Irish whisky—a blend).

(9) "Canadian whisky" is whisky which is a distinctive product of Canada, manufactured in Canada in compliance with the laws of Canada regulating the manufacture of Canadian whisky for consumption in Canada: *Provided*, That if such product is a mixture of whiskies, such mixture is "blended Canadian whisky" whisky" (Canadian whisky—a blend).

(c) *Class 3; gin.* "Gin" is a product obtained by original distillation from mash, or by redistillation of distilled spirits, or by mixing neutral spirits, with or with juniper berries and other aromatics, or with or over extracts derived from infusions, percolations, or maceration of such materials, and includes mixtures of gin and neutral spirits. It shall derive its main characteristic flavor from juniper berries and be bottled at not less than 80° proof. Gin produced exclusively by original distillation or by redistillation may be further designated as "distilled". "Dry gin" (London dry gin), "Geneva gin" (Hollands gin), and "Old Tom gin" (Tom gin) are types of gin known under such designations.

(d) *Class 4; brandy.* "Brandy" is an alcoholic distillate from the fermented juice, mash, or wine of fruit, or from the residue thereof, produced at less than 190° proof in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to the product, and bottled at not less than 80° proof. Brandy, or mixtures thereof, not conforming to any of the standards in subparagraphs (1) through (8) of this paragraph shall be designated as "brandy", and such designation shall be immediately followed by a truthful and adequate statement of composition.

(1) "Fruit brandy" is brandy distilled solely from the fermented juice or mash of whole, sound, ripe fruit, or from standard grape, citrus, or other fruit wine, with or without the addition of not more than 20 percent by weight of the pomace of such juice or wine, or 30 percent by volume of the lees of such wine, or both (calculated prior to the addition of water to facilitate fermentation or distillation). Fruit brandy shall include mixtures of such brandy with not more than 30 percent (calculated on a proof gallon basis) of lees brandy. Fruit brandy, derived from grapes, shall be designated as "grape brandy" or "brandy", except that in the case of brandy (other than neutral brandy, pomace brandy, marc brandy or grappa brandy) distilled from the fermented juice, mash, or wine of grapes, or the residue thereof, which has been stored in oak containers for less than 2 years, the statement of class and type shall be immediately preceded, in the same size and kind of type, by the word "immature". Fruit brandy, other than grape brandy, derived from one variety of fruit, shall be designated by the word "brandy" qualified by the name of such fruit (for example, "peach brandy"), except that "apple brandy" may be designated "applejack". Fruit brandy derived from more than one variety of fruit shall be designated as "fruit brandy" qualified by a truthful and adequate statement of composition.

(2) "Cognac", or "Cognac (grape) brandy", is grape brandy distilled in the Cognac region of France, which is entitled to be so designated by the laws and regulations of the French Government.

(3) "Dried fruit brandy" is brandy that conforms to the standard for fruit brandy except that it has been derived from sound, dried fruit, or from the standard wine of such fruit. Brandy derived from raisins, or from raisin wine, shall be designated as "raisin brandy". Other brandies shall be designated in the same manner as fruit brandy from the corresponding variety or varieties of fruit except that the name of the fruit shall be qualified by the word "dried".

(4) "Lees brandy" is brandy distilled from the lees of standard grape, citrus, or other fruit wine, and shall be designated as "lees brandy", qualified by the name of the fruit from which such lees are derived.

(5) "Pomace brandy", or "marc brandy", is brandy distilled from the skin and pulp of sound, ripe grapes, citrus or other fruit, after the withdrawal of the juice or wine therefrom, and shall be designated as "pomace brandy", or "marc brandy", qualified by the name of the fruit from which derived. Grape pomace brandy may be designated as "grappa" or "grappa brandy".

(6) "Residue brandy" is brandy distilled wholly or in part from the fermented residue of fruit or wine, and shall be designated as "residue brandy" qualified by the name of the fruit from which derived. Brandy distilled wholly or in part from residue materials which conforms to any of the standards set forth in subparagraphs (1), (3), (4), and (5) of this paragraph may, regardless of such fact, be designated "residue brandy", but the use of such designation shall be conclusive, precluding any later change of designation.

(7) "Neutral brandy" is brandy produced at more than 170° proof and shall be designated in accordance with the standards in this paragraph, except that the designation shall be qualified by the word "neutral"; for example, "neutral citrus residue brandy".

(8) "Substandard brandy" shall bear as a part of its designation the word "substandard", and shall include:

(i) Any brandy distilled from fermented juice, mash, or wine having a

volatile acidity, calculated as acetic acid and exclusive of sulfur dioxide, in excess of 0.20 gram per 100 cubic centimeters (20° C.); measurements of volatile acidity shall be calculated exclusive of water added to facilitate distillation.

(ii) Any brandy which has been distilled from unsound, moldy, diseased, or decomposed juice, mash, wine, lees, pomace, or residue, or which shows in the finished product any taste, aroma, or characteristic associated with products distilled from such material.

(e) *Class 5; blended applejack.* "Blended applejack" (applejack—a blend) is a mixture which contains at least 20 percent of apple brandy (applejack) on a proof gallon basis, stored in oak containers for not less than 2 years, and not more than 80 percent of neutral spirits on a proof gallon basis if such mixture at the time of bottling is not less than 80° proof.

(f) *Class 6; rum.* "Rum" is an alcoholic distillate from the fermented juice of sugar cane, sugar cane syrup, sugar cane molasses, or other sugar cane byproducts, produced at less than 190° proof in such manner that the distillate possesses the taste, aroma and characteristics generally attributed to rum, and bottled at not less than 80° proof; and also includes mixtures solely of such distillates.

(g) *Class 7; Tequila.* "Tequila" is an alcoholic distillate from a fermented mash derived principally from the Agave Tequilana Weber ("blue" variety), with or without additional fermentable substances, distilled in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to Tequila and bottled at not less than 80° proof, and also includes mixtures solely of such distillates.

(h) *Class 8; cordials and liqueurs.* Cordials and liqueurs are products obtained by mixing or redistilling distilled spirits with or over fruits, flowers, plants, or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolation, or maceration of such materials, and containing sugar, dextrose, or levulose, or a combination thereof, in an amount not less than 2½ percent by weight of the finished product.

(1) "Sloe gin" is a cordial or liqueur with the main characteristic flavor derived from sloe berries.

(2) "Rye liqueur", "bourbon liqueur" (rye, bourbon cordial) are liqueurs, bottled at not less than 60° proof, in which not less than 51 percent, on a proof gallon basis, of the distilled spirits used are, respectively, rye or bourbon whisky, straight rye or straight bourbon whisky, or whisky distilled from a rye or bourbon mash, and which possess a predominant characteristic rye or bourbon flavor derived from such whisky. Wine, if used, must be within the 2½ percent limitation provided in § 5.23 for coloring, flavoring, and blending materials.

(3) "Rock and rye", "rock and bourbon", "rock and brandy", "rock and rum" are liqueurs, bottled at not less than 48° proof, in which, in the case of rock and rye and rock and bourbon, not less than 51 percent, on a proof gallon basis, of the distilled spirits used are, respectively, rye or bourbon whisky, straight rye or straight bourbon whisky, or whisky distilled from a rye or bourbon mash, and, in the case of rock and brandy and rock and rum, the distilled spirits used are all grape brandy or rum, respectively; containing rock candy or sugar syrup, with or without the addition of fruit, fruit juices, or other natural flavoring materials, and possessing, respectively, a predominant characteristic rye, bourbon, brandy, or rum flavor derived from the distilled spirits used. Wine, if used, must be within the 2½ percent limitation provided in § 5.23 for harmless coloring, flavoring, and blending materials.

(4) The designation of a cordial or liqueur may include the word "dry" if the sugar, dextrose, or levulose, or a combination thereof, are less than 10 percent by weight of the finished product.

(5) Cordials and liqueurs shall not be designated as "distilled" or "compound".

(i) *Class 9; flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whisky.* "Flavored brandy," "flavored gin," "flavored rum," "flavored vodka", and "flavored whisky" are brandy, gin, rum, vodka, and whisky, respectively, to which have been added natural flavoring materials, with or without the addition of sugar, and bottled at not less than 70° proof. The name of the predominant flavor shall appear as a part of the designation. If the finished product contains more than 2½ percent by volume of wine, the kinds and percentages by volume of wine must be stated as a part of the designation, except that a flavored brandy may contain an additional 12½ percent by volume of wine, without label disclosure, if the additional wine is derived from the particular fruit corresponding to the labeled flavor of the product.

(j) *Class 10; imitations.* Imitations shall bear, as a part of the designation thereof, the word "imitation" and shall include the following:

(1) Any class or type of distilled spirits to which has been added coloring or flavoring material of such nature as to cause the resultant product to simulate any other class or type of distilled spirits;

(2) Any class or type of distilled spirits (other than distilled spirits required under § 5.35 to bear a distinctive or fanciful name and a truthful and adequate statement of composition) to which has been added flavors considered to be artificial or imitation. In determining whether a flavor is artificial or imitation, recognition will be given to what is considered to be "good commercial practice" in the flavor manufacturing industry;

(3) Any class of type of distilled spirits (except cordials, liqueurs and specialties marketed under labels which do not indicate or imply, that a particular class or type of distilled spirits was used in the manufacture thereof) to which has been added any whisky essense, brandy essence, rum essence, or similar essence or extract which simulates or enhances, or is used by the trade or in the particular product to simulate or enhance, the characteristics of any class or type of distilled spirits;

(4) Any type of whisky to which beading oil has been added;

(5) Any rum or Tequila, to which neutral spirits or distilled spirits other than rum or Tequila, respectively, have been added;

(6) Any brandy made from distilling material to which has been added any amount of sugar other than the kind and amount of sugar expressly authorized in the production of standard wine; and

(7) Any brandy to which neutral spirits or distilled spirits other than brandy have been added, except that this provision shall not apply to any product conforming to the standard of identity for blended applejack.

(k) *Class 11; geographical designations.* (1) Geographical names for distinctive types of distilled spirits (other than names found by the Director under subparagraph (2) of this paragraph to have become generic) shall not be applied to distilled spirits produced in any other place than the particular region indicated by the name, unless (i) in direct conjunction with the name there appears the word "type" or the word "American" or some other adjective indicating the true place of production, in lettering substantially as conspicuous as such name, and (ii) the distilled spirits to which the name is applied conform to the distilled spirits of that particular region. The following are examples of distinctive types of distilled spirits with geographical names that have not become generic: Eau de Vie de Dantzig (Danziger Goldwasser), Ojen, Swedish punch. Geographical names for distinctive types of distilled spirits shall be used to designate only distilled spirits conforming to the standard of identity, if any, for such type specified in this section, or if no such standard is so specified, then in accordance with the trade understanding of that distinctive type.

(2) Only such geographical names for distilled spirits as the Director finds have by usage and common knowledge lost their geographical significance to such extent that they have become generic shall be deemed to have become generic. Examples are London dry gin, Geneva (Hollands) gin.

(3) Geographical names that are not names for distinctive types of distilled spirits, and that have not become generic, shall not be applied to distilled spirits produced in any other place than the particular place or region indicated in the name. Examples are Cognac, Armagnac, Greek brandy, Pisco brandy, Jamaica rum, Puerto Rico rum, Demerara rum.

(4) The words "Scotch", "Scots", "Highland", or "Highlands" and similar words connoting, indicating, or commonly associated with Scotland, shall not be used to designate any product not wholly produced in Scotland.

(l) *Class 12; products without geographical designations but distinctive of a particular place.* (1) The whiskies of the types specified in paragraph (b) (1), (4), (5), and (6) of this section are distinctive products of the United States, and if produced in a foreign country, shall be designated by the applicable designation prescribed in such paragraphs, together with the words "American type" or the words "produced (distilled, blended) in ------", the blank to be filled in with the name of the foreign country: *Provided*, That the word "bourbon" shall not be used to describe any whisky or whisky-based distilled spirits not produced in the United States. If whisky of any of these types is composed in part of whisky or whiskies produced in a foreign country there shall be stated, on the brand label, the percentage of such whisky and the country of origin thereof.

(2) The name for other distilled spirits which are distinctive products of a particular place or country, an example is Habanero, shall not be given to the product of any other place or country unless the designation for such product includes the word "type" or an adjective such as "American", or the like, clearly indicating the true place of production. The provision for place of production shall not apply to designations which by usage and common knowledge have lost their geographical significance to such an extent that the Director finds they have become generic. Examples are Slivovitz, Zubrovka, Aquavit, Arrack, and Kirschwasser.

§ 5.23 Alteration of class and type.

(a) *Additions.* (1) The addition of any coloring, flavoring, or blending materials to any class and type of distilled spirits, except as otherwise provided in this section, alters the class and type thereof and the product shall be appropriately redesignated.

(2) There may be added to any class or type of distilled spirits, without changing the class or type thereof, (i) such harmless coloring, flavoring, or blending materials as are an essential component part of the particular class or type of distilled spirits to which added, and (ii) harmless coloring, flavoring, or blending materials such as caramel, straight malt or straight rye malt whiskies, fruit juices, sugar, or wine, which are not an essential component part of the particular distilled spirits to which added, but which are customarily employed therein in accordance with established trade usage, if such coloring, flavoring, or blending materials do not total more than 2½ percent by volume of the finished product.

(3) "Harmless coloring, flavoring, and blending materials" shall not include (i) any material which would render the product to which it is added an imitation, or (ii) any material whatsoever in the case of neutral spirits or straight whisky, or (iii) any material, other than caramel and sugar, in the case of Cognac brandy.

(b) *Extractions.* The removal from any distilled spirits of any constituents to such an extent that the product does not possess the taste, aroma, and characteristics generally attributed to that class or type of distilled spirits alters the class and type thereof, and the product shall be appropriately redesignated. In addition, in the case of straight whisky the removal of more than 15 percent of the fixed acids, or volatile acids, or esters, or soluble solids, or higher alcohols, or more than 25 percent of the soluble color, shall be deemed to alter the class or type thereof.

(c) *Exceptions.* This section shall not be construed as in any manner modifying the standards of identity for cordials and liqueurs, flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whisky or as authorizing any product which is defined in § 5.22(j), Class 10, as an imitation to be otherwise designated.

Subpart D—Labeling Requirements for Distilled Spirits

§ 5.31 General.

(a) *Application.* No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler, directly or indirectly, or through an affiliate, shall sell or ship or deliver for sale or shipment or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody, any distilled spirits in bottles, unless such bottles are marked, branded, labeled, or packaged, in conformity with §§ 5.31–5.42.

(b) *Alteration of labels.* It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label on distilled spirits held for sale in interstate or foreign commerce or after shipment therein, except—

(1) As authorized by Federal law,

(2) That the assistant regional commissioner or the internal revenue officer, if any, assigned to the distilled spirits plant premises may, on oral or written application, permit additional labeling or relabeling of bottled distilled spirits with labels covered by certificates of label approval which comply with the requirements of this part and with State law,

(3) That there may be added to the bottle, after removal from customs custody, or prior to or after removal from the bottling premises, without application for permission to relabel, a label identifying the wholesale or retail distributor thereof or identifying the purchaser or consumer, and containing no references whatever to the characteristics of the product.

§ 5.32 Mandatory label information.

There shall be stated:

(a) On the brand label:

(1) Brand name.

(2) Class and type, in accordance with § 5.35.

(3) Alcoholic content, in accordance with § 5.37.

(4) In the case of distilled spirits packaged in containers for which no standard of fill is prescribed in § 5.47, net contents in accordance with § 5.38(b).

(b) On the brand label or on a back label:

(1) Name and address, in accordance with § 5.36.

(2) In the case of imported spirits, the country of origin, in accordance with § 5.36.

(3) In the case of distilled spirits packaged in containers conforming to the standards of fill prescribed in § 5.47, net contents in accordance with § 5.88(a).

(4) Coloring or flavoring, in accordance with § 5.39.

(5) Percentage of neutral spirits and name of commodity from which distilled, or in the case of continuously distilled neutral spirits or gin the name of the commodity only, in accordance with § 5.39.

(6) A statement of age or age and percentage, when required, in accordance with § 5.40.

(7) State of distillation of domestic types of whisky and straight whisky, except light whisky and blends, in accordance with § 5.36.

(c) In the case of a container which has been excepted by the Director under the provisions of § 5.48(a), the information required to appear on the "brand label", as defined, may appear elsewhere on such container if it can be demonstrated that the container cannot reasonably be so designed that the required brand label can be properly affixed.

§ 5.33 Additional requirements.

(a) *Contrasting background.* Labels shall be so designed that the statements required by §§ 5.31–5.42 are readily legible under ordinary conditions, and such statements shall be on a contrasting background.

(b) *Size of type.* Statements required by §§ 5.31–5.42 (except brand names) shall appear generally parallel to the base on which the container rests as it is designed to be displayed, or shall be otherwise equally conspicuous, and shall be in script, type, or printing not smaller than 8-point Gothic caps and shall be separate and apart from any other descriptive or explanatory matter, except that, in the case of labels on bottles of less than one-half pint capacity, such script, type, or printing may be smaller than 8-point Gothic caps if readily legible under ordinary conditions. Statements of the type of distilled spirits shall be as conspicuous as the statement of the class to which it refers, and in direct conjunction therewith.

(c) *English language.* The requirements of §§ 5.31–5.42 shall be stated in the English language, except that the brand name need not be in English, and for products bottled for consumption within Puerto Rico the required information may be stated in the Spanish language if the net contents and, if the product is an imitation, the word "imitation" are also stated in the English language.

(d) *Location of label.* Labels shall not obscure government stamps or be obscured thereby. Labels shall not obscure any markings or information required to be permanently marked in the bottle by other U.S. Treasury Department regulations.

(e) *Labels firmly affixed.* Labels which are not an integral part of the bottle shall be affixed to bottles in such manner that they cannot be removed without thorough application of water or other solvents.

(f) *Additional information on labels.* Labels may contain information other than the mandatory label information required by §§ 5.31–5.42 provided such information does not conflict with, nor in any manner qualify, statements required by regulations promulgated under the Act.

(g) *Contents of bottles.* A complete and accurate statement of the contents of the bottles to which labels are to be or have been affixed shall be submitted, on request, to the Director or the assistant regional commissioner.

§ 5.34 Brand names.

(a) *Misleading brand names.* No label shall contain any brand name, which, standing alone, or in association with other printed or graphic matter, creates any impression or inference as to the age, origin, identity, or other characteristics of the product unless the Director finds that such brand name (when appropriately qualified if required) conveys no erroneous impressions as to the age, origin, identity, or other characteristics of the product.

(b) *Trade name of foreign origin.* Paragraph (a) of this section does not prohibit the use by any person of any trade name or brand of foreign origin not effectively registered in the U.S. Patent Office on August 29, 1935, which has been used by such person or his predecessors in the United States for a period of at least 5 years immediately preceding August 29, 1935: *Provided,* That if such trade name or brand is used, the designation of the product shall be qualified by the name of the locality in the United States in which produced, and such qualification shall be in script, type, or printing as conspicuous as the trade name or brand.

§ 5.35 Class and type.

(a) *Designation of product.* The class and type of distilled spirits shall be stated in conformity with § 5.22 if defined therein. In all other instances the product shall be designated in accordance with trade and consumer understanding thereof, or, if no such understanding exists, by a distinctive or fanciful name, and in either case (except as provided in paragraph (b)(2) of this section) followed by a truthful and adequate statement of composition. The word "cordial" or "liqueur" need not be stated in the case of cordials and liqueurs unless the Director finds such word is necessary to clearly indicate that the product is a cordial or liqueur.

(b) *Products designed in accordance with trade and consumer understanding.* In the case of products designated in accordance with trade and consumer understanding:

(1) A statement of the classes and types of distilled spirits used in the manufacture thereof shall be deemed a sufficient statement of composition in the case of highballs, cocktails, and similar prepared specialties when the designation adequately indicates to the consumer the general character of the product.

(2) No statement of composition is required if the designation through general and established usage adequately indicates to the consumer the composition of the product.

A product shall not bear a designation which indicates it contains a class or type of distilled spirits unless the distilled spirits therein conform to such class and type.

(c) *Origin of whiskies in mixtures.* In the case of any of the types of whisky defined in § 5.22(b), Class 2, which contains any whisky or whiskies produced in a country other than that indicated by the type designation, there shall be stated on the brand label the percentage of such whisky and the country or origin thereof. In the case of mixtures of whisky, not conforming to any type designation in § 5.22(b), Class 2, the components of which were distilled in more than one country, there shall be stated in direct conjunction with the class designation "whisky" a truthful and adequate statement of the composition of the product.

(d) *Whisky manufactured in Scotland, Ireland, or Canada.* All whisky manufactured in Scotland, Ireland, or Canada, shall be deemed to be Scotch, Irish, or Canadian whisky, and shall be so designated, in conformity with § 5.22(b) (7), (8), and (9), unless the application of such designation to the particular product will result in consumer deception, or unless such a product is not entitled to such designation under the laws of the country in which manufactured.

(e) *Cordials and liqueurs.* The alcoholic components of cordials and liqueurs may, but need not, be stated on labels.

§ 5.36 Name and address.

(a) *"Bottled by".* (1) On labels of domestic distilled spirits there shall be stated the phrase "bottled by", "packed by", or "filled by", immediately followed by the name (or trade name) of the bottler and the place where such distilled spirits are bottled. If the bottler is the actual bona fide operator of more than one distilled spirits plant engaged in bottling operations, there may, in addition, be stated immediately following the name (or trade name) of such bottler the addresses of such other plants.

(2) Where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "bottled by", "packed by", or "filled by", followed by the bottler's name (or trade name) and address, the phrase "distilled by", followed by the name, or the trade name under which the particular spirits were distilled, or (except in the case of distilled spirits bottled in bond under section 5233, Internal Revenue Code (26 U.S.C. 5233)) any trade name shown on the distiller's permit (covering the premises where the particular spirits were distilled), and the address (or addresses) of the distiller.

(3) Where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "bottled by", "packed by", or "filled by", followed by the bottler's name (or trade name) and address, the phrases "blended by", "made by", "prepared by", "manufactured by", or "produced by" (whichever may be appropriate to the act of rectification involved) followed by the name (or trade name), and the address (or addresses) of the rectifier.

(b) *"Imported by".* (1) On labels of imported distilled spirits, bottled prior to importation, there shall be stated the words "imported by", "imported exclusively by", or a similar appropriate phrase, and immediately thereafter the name of the importer, or exclusive agent, or sole distributor, or other person responsible for the importation, together with the principal place of business in the United States of such person.

(2) On labels of imported distilled spirits bottled after importation there shall be stated:

(i) The name of the bottler and place where bottled, immediately preceded by the words "bottled by", "packed by", or "filled by"; or

(ii) The name of the bottler and place where bottled, immediately preceded by the words "bottled by", "packed by", or "filled by" and in conjunction therewith the name and address of the person responsible for the importation, in the manner prescribed in subparagraph (1) of this paragraph; or

(iii) The name and principal place of business in the United States of the person responsible for the importation, if the spirits are bottled for such person, immediately preceded by the phrase "imported by and bottled (packed), (filled) in the United States for" (or a similar appropriate phrase); or,

(iv) In the case of imported distilled spirits bottled after importation by the person responsible for the importation, the words "imported and bottled (packed), (filled) by", "imported and bottled (packed), (filled) exclusively by", or a similar appropriate phrase, and immediately thereafter the name of such person and the address of the place where bottled or the address of such person's principal place of business.

(c) *Post office address.* The "place" stated shall be the post office address, except that the street address may be omitted. No additional places or addresses shall be stated for the same person, firm or corporation, unless (1) such person or retailer is actively engaged in the conduct of an additional bona fide and actual alcoholic beverage business at such additional place or address, and (2) the label also contains in direct conjunction therewith, appropriate descriptive material indicating the function occurring at such additional place or address.

(d) *State of distillation.* Except in the case of "light whisky", "blended light whisky", "blended whisky", "a blend of straight whiskies", or "spirit whisky", the State of distillation shall be shown on the label of any whisky produced in the United States if the whisky is not distilled in the State given in the address on the brand label. The Director may, however, require the State of distillation to be shown on the label or he may permit such other labeling as may be necessary to negate any misleading or deceptive impression which might be created as to the actual State of distillation. In the case of "light whisky", as

defined in § 5.22(b)(3), the State of distillation shall not appear in any manner on any label, when the Director finds such State is associated by consumers with an American type whisky, except as a part of a name and address as set forth in paragraph (a) of this section.

(e) *Country of origin.* On labels of imported distilled spirits there shall be stated the country of origin in substantially the following form "Product of ----------", the blank to be filled in with the name of the country of origin.

(f) *Trade names.* The trade name of any permittee appearing on any label shall be identical with the name in which his basic permit is issued by the assistant regional commissioner.

§ 5.37 Alcoholic content.

The alcoholic content shall be stated by proof for distilled spirits except that it may be stated in percentage by volume for cordials and liqueurs, cocktails, highballs, bitters, and such other specialties as may be specified by the Director.

§ 5.38 Net contents.

(a) *Bottles conforming to standards of fill.* The net contents of distilled spirits for which a standard of fill is prescribed in § 5.47 shall be stated in the same manner and form in which such standard of fill is set forth. Such net contents need not be stated on the label if they are legibly blown, etched, sandblasted, marked by underglaze coloring or otherwise permanently marked by any method approved by the Director, on the side, front, or back of the container in an unobscured location. Containers of one-half pint or greater capacity must bear letters and figures of not less than one-quarter inch height.

(b) *Bottles not conforming to standards of fill.* The net contents of distilled spirits for which no standard of fill is prescribed in § 5.47 shall be stated as follows:

(1) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated.

(2) If less than a pint, the net contents shall be stated in fractions of a pint, or in fluid ounces.

(3) If more than a pint, but less than a quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces.

(4) If more than a quart, but less than a gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces.

All fractions shall be expressed in their lowest denomination.

(c) *Qualifying statements.* Words or phrases qualifying statements of net contents are prohibited.

§ 5.39 Presence of neutral spirits and coloring, flavoring, and blending materials.

(a) *Neutral spirits and name of commodity.* (1) In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled. The statement of percentage and the name of the commodity shall be made in substantially the following form: "------% neutral spirits distilled from ---------- (insert grain, cane products, or fruit, as appropriate)"; or "------% neutral spirits (vodka) distilled from ---------- (insert grain, cane products, or fruit, as appropriate)"; or "------% grain (cane products), (fruit) neutral spirits"; or "------% grain spirits."

(2) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin have been distilled. The statement of the name of the commodity shall be made in substantially the following form: "Distilled from grain", or "Distilled from cane products", or "Distilled from fruit".

(b) *Coloring materials.* The words "artificially colored" shall be stated on the label of any distilled spirits containing synthetic or natural materials which primarily contribute color, or when the label conveys the impression that the color is derived from a source other than the actual source, except that:

(1) If no coloring material other than natural flavoring material has been added, there may be stated in lieu of the words "'artificially colored" a truthful and adequate statement of the source of the color;

(2) If no coloring material other than those certified as suitable for use in foods by the Food and Drug Administration has been added, there may be stated in lieu of the words "artificially colored", the words "certified color added"; and

(3) If no coloring material other than caramel has been added, there may be stated in lieu of the words "artificially colored", the words "colored with caramel", or a substantially similar statement, but no such statement is required for the use of caramel in any brandy, rum, or Tequila, or in any type of whisky other than straight whisky.

(c) *Treatment with wood.* The words "colored and flavored with wood ------ (insert chips, slabs, etc., as appropriate)" shall be stated as a part of the class and type designation for whisky and brandy treated, in whole or in part, with wood through percolation, or otherwise, during distillation, rectification, or storage (other than through contact with the oak container).

§ 5.40 Statements of age and percentage.

(a) *Statements of age and percentage for whisky.* In the case of straight whisky bottled under section 5233, Internal Revenue Code (26 U.S.C. 5233), and domestic or foreign whisky, whether or not mixed or blended, all of which is 4 years or more old, statements of age and percentage are optional. As to all other whiskies there shall be stated the following:

(1) In the case of whisky, whether or not mixed or blended but containing no neutral spirits, the age of the youngest whisky. The age statement shall read substantially as follows: "------ years olds."

(2) In the case of whisky containing neutral spirits, if any of the straight whisky and/or other whisky is less than 4 years old, the percentage by volume of straight whisky and/or other whisky, and the age of the straight whisky (the youngest if two or more) and the age of such other whisky (the youngest if two or more). If all the straight whisky and/or other whisky is 4 years or more old, the age and percentage statement for such whiskies is optional. The age and percentage statement for straight whiskies and/or other whisky, whether required or optional, shall be stated in immediate conjunction with the neutral spirits statement required by § 5.39, and shall read substantially as follows:

(i) If only one straight whisky and no other whisky is contained in the blend: "------ percent straight whisky ------ years old."

(ii) If more than one straight whisky and no other whisky is contained in the blend: "------ percent straight whiskies ------ years or more old." The age blank shall be filled in with the age of the youngest straight whisky. In lieu of the foregoing, a statement may be made of the ages and percentages of each of the straight whiskies contained in the blend: "------ percent straight whisky ------ years old, ------ percent straight whisky ------ years old, and ------ percent straight whisky ------ years old.

(iii) If only one straight whisky and one other whisky is contained in the blend: "------ percent straight whisky ------ years old, ------ percent whisky ------ years old."

(iv) If more than one straight whisky and more than one other whisky is contained in the blend: "------ percent straight whiskies ------ years or more old, ------ percent whiskies ------ years or more old." The age blanks shall be filled in with the ages of the youngest straight whisky and the youngest other whisky. In lieu of the foregoing, a statement may be made of the ages and percentages of each of the straight whiskies and other whiskies contained in the blend: "------ percent straight whisky ------ years old, ------ percent straight whisky ------ years old, ------ percent whisky ------ years old, and ------ percent whisky ------ years old."

(3) In the case of imported whiskies described in § 5.22(l), Class 12, the labels shall state the ages and percentages in the same manner and form as is required for the same type of whisky produced in the United States.

(4) Notwithstanding the foregoing provisions of this paragraph, in the case of whisky produced in the United States and stored in reused oak containers, except for corn whisky, and for light whisky produced on or after January 26, 1968, there shall be stated in lieu of the words "------ years old" the period of storage in reused oak containers as follows: "* * * stored ------ years in reused cooperage."

(5) Optional age statements shall appear in the same form as required age statements.

(b) *Statements of age for rum, brandy, and Tequila.* Age may, but need not, be stated on labels of rums, brandies, and Tequila, except that an appropriate statement with respect to age shall appear on the brand label in case of brandy (other than immature brandies and fruit brandies which are not customarily stored in oak containers) not stored in oak containers for a period of at least 2 years. If age is stated, it shall be substantially as follows: "------ years old"; the blank to be filled in with the age of the youngest distilled spirits in the product.

(c) *Statement of storage for grain spirits.* In case of grain spirits, the period of storage in oak containers may be stated in immediate conjunction with the required percentage statement; for example, "------% grain spirits stored ------ years in oak containers."

(d) *Other distilled spirits.* Age, maturity, or similar statements or representations as to neutral spirits (except for grain spirits as stated in paragraph (c) of this section), gin, liqueurs, cordials, cocktails, highballs, bitters, flavored brandy, flavored gin, flavored rum, flavored vodka, flavored whisky, and specialties are misleading and are prohibited from being stated on any label.

(e) *Miscellaneous age representations.* (1) Age may be understated but shall not be overstated.

(2) If any age, maturity, or similar representation is made relative to any distilled spirits (such representations for products enumerated in paragraph (d) of this section are prohibited), the age shall also be stated on all labels where such representation appears, and in a manner substantially as conspicuous as such representation: *Provided*, That the use of the word "old" or other word denoting age, as part of the brand name, shall not be deemed to be an age representation: *And provided further*, That the labels of whiskies and brandies (except immature brandies) not required to bear a statement of age, and rum and Tequila aged for not less than 4 years, may contain general inconspicuous age, maturity or similar representations without the label bearing an age statement.

§ 5.41 Bottle cartons, booklets and leaflets.

(a) *General.* An individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container), or any written, printed, graphic, or other matter accompanying the bottle to the consumer buyer shall not contain any statement, design, device, or graphic, pictorial, or emblematic representation that is prohibited by §§ 5.31–5.42 on labels.

(b) *Sealed opaque cartons.* If bottles are enclosed in sealed opaque coverings, cartons, or other containers used for sale at retail (other than shipping containers), such coverings, cartons, or other containers must bear all mandatory label information.

(c) *Other cartons.* If an individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container) is so designed that the bottle is readily removable and the covering carton or container is not sufficiently transparent to permit visibility of the mandatory label information on the bottle, and if it displays any written or printed material, other than the brand name and the name and address of the manufacturer, bottler, or importer (omitting any reference to the function performed by the permittee), such covering, carton, or other container must bear all mandatory label information.

§ 5.42 Prohibited practices.

(a) *Statements on labels.* Bottles containing distilled spirits, or any labels on such bottles, or any individual covering, carton, or other container of such bottles used for sale at retail, or any written, printed, graphic, or other matter accompanying such bottles to the consumer shall not contain:

(1) Any statement that is false or untrue in any particular or that, irrespective of falsity, directly or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.

(2) Any statement that is disparaging of a competitor's product.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the Director finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Enforceable money-back guarantees are not prohibited.

(6) A trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, or any graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, such individual or organization: *Provided*, That this subparagraph shall not apply to the use of the name of any person engaged in business as a distiller, rectifier, blender, or other producer, or as an importer, wholesaler, retailer, bottler, or warehouseman, of distilled spirits, nor to the use by any person of a trade or brand name that is the name of any living individual of public prominence or existing private or public organization, provided such trade or brand name was used by him or his predecessors in interest prior to August 29, 1935.

(b) *Miscellaneous.* (1) Labels shall not be of such design as to resemble or simulate a stamp of the U.S. Government or any State or foreign government. Labels, other than stamps authorized or required by this or any other government, shall not state or indicate that the distilled spirits are distilled, blended, made, bottled, or sold under, or in accordance with, any municipal, State, Federal, or foreign authorization, law, or regulations, unless such statement is required or specifically authorized by Federal, State, municipal, or foreign law or regulations. The statements authorized by this part to appear on labels for domestic distilled spirits are "Distilled (produced, barreled, warehoused, blended, or bottled, or any combination thereof, as the case may be) under United States (U.S.) Government supervision", or in the case of distilled spirits bottled under section 5233, Internal Revenue Code (26 U.S.C. 5233), "Bottled in bond under United States (U.S.) Government supervision." If the municipal, State, or Federal Government permit number is stated on a label, it shall not be accompanied by any additional statement relating thereto.

(2) If imported distilled spirits are covered by a certificate of origin or of age issued by a duly authorized official of the appropriate foreign government, the label, except where prohibited by the foreign government, may refer to such certificate or the fact of such certification, but shall not be accompanied by any additional statement relating thereto. The reference to such certificate or certification shall, in the case of Cognac, be substantially in the following form: "This product accompanied at the time of importation by an 'Acquit Regional Jaune d'Or' issued by the French Government, indicating that this grape brandy was distilled in the Cognac Region of France"; and in the case of other distilled spirits, substantially in the following form: "This product accompanied at time of importation by a certificate issued by the * * * government (name of government) indicating that the product is * * * (class and type as required to be stated on the label), and (if label claims age) that none of the distilled spirits are of an age less than stated on this label."

(3) The words "bond", "bonded", "bottled in bond" "aged in bond", or phrases containing these or synonymous terms, shall not be used on any label or as part of the brand name of domestic distilled spirits unless such distilled spirits were in fact bottled in bond under section 5233, Internal Revenue Code (26 U.S.C. 5233).

(4) The words "bond", "bonded", "bottled in bond", "aged in bond", or phrases containing these or synonymous terms, shall not be used on any label or as part of the brand name of imported distilled spirits unless such distilled spirits meet in all respects the requirements applicable to distilled spirits bottled for domestic consumption under section 5233, Internal Revenue Code (26 U.S.C. 5233) and unless the laws and regulations of the country in which such distilled spirits are produced authorize the bottling of distilled spirits in bond and require or specifically authorize such distilled spirits to be so labeled. All spirits labeled as "bonded", "bottled in bond", or "aged in bond" pursuant to the provisions of this subparagraph shall bear in direct conjunction with such statement and in script, type or printing substantially as conspicuous as that used on such statement, the name of the country under whose laws and regulations such distilled spirits were so bottled.

(5) The word "pure" shall not be stated in any manner on any label unless as part of the bona fide name of a permittee or retailer for whom the distilled spirits are bottled.

(6) Distilled spirit shall not be labeled as "double distilled" or "triple distilled", or any similar term.

(7) Labels shall not contain any statement, design, device, or pictorial representation which the Director finds relates to, or is capable of being construed as relating to, the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed forces; nor shall any label contain any statement, design, device, or pictorial representation of or concerning any flag, seal, coat of arms, crest or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

(8) Labels shall not contain any statement, design, or device representing that the use of any distilled spirits has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

Subpart E—Standards of Fill for Bottled Distilled Spirits

§ 5.45 Application.

No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler, directly or indirectly, or through an affiliate, shall sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein or remove from customs custody any distilled spirits in bottles unless such distilled spirits are bottled in conformity with § § 5.46–5.48.

§ 5.46 Standard liquor bottles.

(a) *General.* A standard liquor bottle shall be one so made and formed, and so filled, as not to mislead the purchaser. An individual carton or other container of a bottle shall not be so designed as to mislead purchasers as to the size of the bottles.

(b) *Headspace.* A liquor bottle of a capacity of one-half pint or more shall be held to be so filled as to mislead the purchaser if it has a headspace in excess of 8 percent of the total capacity of the bottle after closure.

(c) *Design.* A liquor bottle shall be held (irrespective of the correctness of the stated net contents) to be so made and formed as to mislead the purchaser, if its actual capacity is substantially less than the capacity it appears to have upon visual examination under ordinary conditions of purchase or use.

§ 5.47 Standards of fill.

(a) *Authorized standards of fill.* The standards of fill for all distilled spirits, whether domestically manufactured, domestically bottled, or imported, subject to the tolerances allowed in this section, shall be as follows:

1 gallon.	4/5 pint.
1/2 gallon.	1/2 pint.
1 quart.	1/5 pint.
4/5 quart.	1/10 pint.
1 pint.	1/16 pint (brandy only).

(b) *Tolerances.* The following tolerances shall be allowed:

(1) Discrepancies due to errors in measuring which occur in filling conducted in compliance with good commercial practice.

(2) Discrepancies due to differences in the capacity of bottles, resulting solely from unavoidable difficulties in manufacturing such bottles to a uniform capacity: *Provided*, That no greater tolerance shall be allowed in case of bottles which, because of their design, cannot be made of approximately uniform capacity than is allowed in case of bottles which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in measure due to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of alcoholic beverages in bottles to evaporation. The reasonableness of discrepancies under this paragraph shall be determined on the facts in each case.

(c) *Unreasonable shortages.* Unreasonable shortages in certain of the bottles in any shipment shall not be compensated by overages in other bottles in the same shipment.

§ 5.48 Exceptions.

(a) The provisions of the "headspace" and "design" requirements in § 5.46 shall not apply to liquor bottles of unusual design as may, from time to time, be specifically excepted from these requirements by the Director pursuant to application filed with the Director by the bottler or importer, as the case may be.

(b) Section 5.47(a) shall not apply to cordials and liqueurs, and cocktails, highballs, bitters, and such other specialties as are specified by the Director.

Subpart F—Requirements for Withdrawal From Customs Custody of Bottled Imported Distilled Spirits

§ 5.51 Label approval and release.

Bottled distilled spirits shall not be released from customs custody for consumption unless the original (or photoprint or other facsimile thereof) of a certificate of label approval, Form 1649,[1] covering the labels on the bottle, issued by the Director pursuant to application on such form, shall have been deposited with the appropriate customs officer at the port of entry. Applications for certificates of approval covering labels for gin bearing the word "distilled" as a part of the designation shall be accompanied by a statement, prepared by the manufacturer, setting forth a step-by-step description of the manufacturing process.

§ 5.52 Certificates of age and origin.

(a) *Scotch, Irish, and Canadian whiskies.* Scotch, Irish, and Canadian whiskies, imported in bottles, shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate of origin issued by a duly authorized official of the British, Irish, or Canadian Government, certifying (1) that the particular distilled spirits are Scotch, Irish, or Canadian whisky, as the case may be (2) that the distilled spirits have been manufactured in compliance with the laws of the respective foreign governments regulating the manufacture of whisky for home consumption, and (3) that the product conforms to the requirements of the Immature Spirits Act of such foreign governments for spirits intended for home consumption. In addition, a duly authorized official of the appropriate foreign government must certify to the age of the youngest distilled spirits in the bottle. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been stored in oak containers.

(b) *Brandy, Cognac, and rum.* Brandy (other than fruit brandies of a type not customarily stored in oak containers) or Cognac, imported in bottles, shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign country certifying that the age of the youngest brandy or Cognac in the bottle is not less than 2 years, or if age is stated on the label that none of the distilled spirits are of an age less than that stated. If the label of any rum, imported in bottles, contains any statement of age, the rum shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign country, certifying to the age of the youngest rum in the bottle. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been stored in oak containers. If the label of any fruit brandy, not stored in oak containers, bears any statement of storage in other type containers, the brandy must be accompanied by a certificate issued by a duly authorized official of the appropriate foreign government certifying to such storage. Cognac, imported in bottles, shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate issued by a duly authorized official of the French Government, certifying that the product is grape brandy distilled in the Cognac region of France and entitled to be designated as "Cognac" by the laws and regulations of the French Government.

[1] Copies of Form 1649 may be secured from the assistant regional commissioners.

(c) *Tequila.* If the label of any Tequila, imported in bottles, contains any statement of age, the Tequila shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign government certifying to the age of the youngest Tequila in the bottle. The age certified shall be the period during which, after distillation and before bottling, the Tequila has been stored in oak containers.

(d) *Other whiskies.* Whisky, as defined in §§ 5.22(b) (1), (4), (5), and (6), imported in bottles, shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign government certifying:

(1) In the case of whisky, whether or not mixed or blended but containing no neutral spirits, (i) the class and type thereof, (ii) the American proof at which produced, (iii) that no neutral spirits (or other whisky in the case of straight whisky) has been added as a part thereof or included therein, whether or not for the purpose of replacing outage, (iv) the age of the whisky, and (v) the type of oak container in which such age was acquired (whether new or reused; also whether charred or uncharred);

(2) In the case of whisky containing neutral spirits, (i) the class and type thereof, (ii) the percentage of straight whisky, if any, used in the blend, (iii) the American proof at which the straight whisky was produced, (iv) the percentage of other whisky, if any, in the blend, (v) the percentage of neutral spirits in the blend, and the name of the commodity from which distilled, (vi) the age of the straight whisky and the age of the other whisky in the blend, and (vii) the type of oak containers in which such age or ages were acquired (whether new or reused; also whether charred or uncharred).

(e) *Miscellaneous.* Distilled spirits (other than Scotch, Irish, and Canadian whiskies, and Cognac) in bottles shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate of origin issued by a duly authorized official of the appropriate foreign government, if the issuance of such certificates with respect to such distilled spirits has been authorized by the foreign government concerned, certifying as to the identity of the distilled spirits and that the distilled spirits have been manufactured in compliance with the laws of the respective foreign government regulating the manufacture of such distilled spirits for home consumption.

Subpart G—Requirements for Approval of Labels of Domestically Bottled Distilled Spirits

§ 5.55 Certificates of label approval.

(a) *Requirement.* Distilled spirits shall not be bottled or removed from a plant, except as provided in paragraph (b) of this section, unless the proprietor possesses a certificate of label approval, Form 1649, covering the labels on the bottle, issued by the Director pursuant to application on such form. Applications for certificates of approval covering labels for imported gin bearing the word "distilled" as a part of the designation shall be accompanied by a statement, prepared by the manufacturer, setting forth a step-by-step description of the manufacturing process.

(b) *Exemption.* Any bottler of distilled spirits shall be exempt from the requirements of paragraph (a) of this section and § 5.56 if he possesses a certificate of exemption from label approval, Form 1650, issued by the Director pursuant to application on Form 1648 [2] showing that the distilled spirits to be bottled are not to be sold, offered for sale, or shipped or delivered for shipment, or otherwise introduced in interstate or foreign commerce.

(c) *Miscellaneous.* Photoprints or other reproductions of certificates of label approval, or certificate of exemption are not acceptable as substitutes for an original or duplicate original (issued, on request, by the Director) of a certificate. The original or duplicate original of such certificates shall, on demand, be exhibited to a duly authorized officer of the U.S. Government.

§ 5.56 Certificates of age and origin.

Distilled spirits imported in bulk for bottling in the United States shall not be removed from the plant where bottled unless the bottler possesses certificates of age and certificates of origin applicable to such spirits which are similar to the certificates required by § 5.52 for like distilled spirits imported in bottles.

Subpart H—Advertising of Distilled Spirits

§ 5.61 Application.

No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical, or other publication, or by any sign or outdoor advertisement, or any other printed or graphic matter, any advertisement of distilled spirits if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with §§ 5.61–5.65: *Provided*, That such sections shall not apply to the publisher of any newspaper, periodical or other publication, or radio broadcaster, unless such publisher or radio broadcaster is engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly, or through an affiliate.

§ 5.62 Definition.

As used in §§ 5.61–5.65, the term "advertisement" includes any advertisement of distilled spirits through the medium of radio broadcast; or of newspapers, periodicals, or other publications; or of any sign or outdoor advertisement; or of any other printed or graphic matter, including trade booklets, menus, and wine cards, if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail; except that such term shall not include:

(a) Any label affixed to any bottle of distilled spirits; or any individual covering, carton, or other container of the bottle, or any written, printed, graphic, or other matter accompanying the bottle, which constitutes a part of the labeling under §§ 5.31–5.42.

(b) Any editorial or other reading matter in any periodical, newspaper, or other publication for which no money or other valuable consideration is paid or promised, directly or indirectly, by any permittee.

§ 5.63 Mandatory statements.

(a) *Responsible advertiser.* The advertisement shall state the name and address of the permittee responsible for its publication or broadcast. Street number and name may be omitted in the address.

(b) *Class and type.* The advertisement shall contain a conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required to appear on the label of the product.

(c) *Alcoholic content.* The alcoholic content shall be stated by proof for distilled spirits except that it may be stated in percentage by volume of cordials and liqueurs, cocktails, highballs, bitters, and such other specialties as may be specified by the Director.

(d) *Percentage of neutral spirits and name of commodity.* (1) In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled. The statement of percentage and the name of the commodity shall be made in substantially the following form: "_____% neutral spirits distilled from _____ (insert grain, cane products, or fruit, as appropriate)"; or "_____% neutral spirits (vodka) distilled from _____ (insert grain, cane product, or fruit, as appropriate)"; or "_____% grain (cane products), (fruit) neutral spirits"; or "_____% grain spirits".

(2) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled. The statement of the name of the commodity shall be made in substantially the following form: "Distilled from grain", or "Distilled from cane products", or "Distilled from fruit."

§ 5.64 Lettering.

Statements required under §§ 5.61–5.65 to appear in any written, printed, or graphic advertisement shall be in lettering or type of a size sufficient to render them both conspicuous and readily legible.

§ 5.65 Prohibited statements.

(a) *Restrictions.* An advertisement of distilled spirits shall not contain:

(1) Any statement that is false or untrue in any particular or that, irrespective of falsity, directly or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.

(2) Any statement that is disparaging of a competitor's product.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards or tests, irrespective of falsity, which the Director finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Enforceable money-back guarantees are not prohibited.

(6) Any statement that the distilled spirits are distilled, blended, made, bottled, or sold under or in accordance with any municipal, State, Federal, or foreign authorization, law, or regulation, unless such statement appears in the manner authorized by § 5.42 for labels of distilled spirits. If a municipal, State or Federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) The words "bond", "bonded", "bottled in bond", "aged in bond", or phrases containing these or synonymous terms, unless such words or phrases appear, pursuant to § 5.42, on labels of the distilled spirits advertised, and are stated in the advertisement in the manner and form in which they are permitted to appear on the label.

(8) The word "pure" unless as part of the bona fide name of a permittee or retailer for whom the distilled spirits are bottled.

(9) The words "double distilled", "triple distilled", or any similar words.

(b) *Statements inconsistent with labeling.* The advertisement shall not contain any statement concerning a brand or lot of distilled spirits which is prohibited from appearing on the label or which is inconsistent with any statement on the label thereof.

(c) *Statement of age.* The advertisement shall not contain any statement, design, or device directly or by implication concerning age or maturity of any brand or lot of distilled spirits unless a statement of age appears on the label of the advertised product. When any such statement, design, or device concerning age or maturity is contained in any advertisement, it shall include (in direct conjunction therewith and with substantially equal conspicuousness) all parts of the statement, if any, concerning age and percentages required to be made on the label under the provisions of §§ 5.31–5.42. An advertisement for any whisky or brandy (except immature brandies) which is not required to bear a statement of age on the label or an advertisement for any rum or Tequila, which has been aged for not less than 4 years may, however, contain inconspicuous, general representation as to age, maturity or other similar representations even though a specific age statement does not appear on the label of the advertised product and in the advertisement itself.

(d) *Curative and therapeutic effects.* The advertisement shall not contain any statement, design, or device representing that the use of any distilled spirits has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(e) *Place of origin.* The advertisement shall not represent that the distilled spirits were manufactured in or imported from a place or country other than that of their actual origin, or were produced or processed by one who was not in fact the actual producer or processor.

(f) *Confusion of brands.* Two or more different brands or lots of distilled spirits shall not be advertised in one advertisement (or in two or more advertisements in one issue of a periodical or newspaper, or in one piece of other written, printed, or graphic matter) if the advertisement tends to create the impression that representations made as to one brand or lot apply to the other or others, and if as to such latter the representations contravene any provisions of this subpart or are in any respect untrue.

(g) *Flags, seals, coats of arms, crests, and other insignia.* An advertisement shall not contain any statement, design, device, or pictorial representation which the Director finds relates to, or is capable of being construed as relating to the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed forces; nor shall any advertisement contain any statement, design, device, or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

Approved: December 22, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-15351; Filed, Dec. 29, 1969; 8:45 a.m.]

[2] Copies of Form 1648 may be secured from the assistant regional commissioners.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

PART 14–7—CONTRACT CLAUSES

Fixed Price Supply Contracts; Protests

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Part 14–7 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby approved as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because this part is largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and this part will become effective upon publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
Deputy Assistant Secretary of the Interior.

DECEMBER 16, 1969.

This section is effective upon publication in the FEDERAL REGISTER.

The table of contents for Part 14–7 is amended to add the following new entry:

Subpart 14–7.1—Fixed Price Supply Contracts

Sec.
14–7.154 Protests.

Subpart 14–7.1—Fixed Price Supply Contracts

§ 14–7.154 Protests.

The clause set forth in § 14–7.602–50(3) may in the discretion of the contracting officer be used in fixed-price supply contracts (other than for small purchases as defined in Subpart 1–3.6, FPR).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[F.R. Doc. 69-15368; Filed, Dec. 29, 1969; 8:45 a.m.]

PART 14–7—CONTRACT CLAUSES

Fixed Price Construction Contracts; Protests

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Part 14–7 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby revised as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rule-making process. However, because this part is largely a general statement of departmental policy and internal procedure the rule-making process will be

waived and this part will become effective upon publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
Deputy Assistant
Secretary of the Interior.

DECEMBER 16, 1969.

Subpart 14–7.6—Fixed Price Construction Contracts

§ 14–7.602–50(3) Protests.

The following clause may be used in fixed-price construction contracts using Standard Forms 23; Construction Contract, and 23A: General Provisions (Construction Contract). See § 14–7.154.

If the contractor disagrees with any direction, instruction, interpretation, or determination of the contracting officer, his authorized representative, or an inspector, he shall immediately ask, in writing, for a written decision from the contracting officer or his authorized representative. Upon receipt of the decision the contractor shall proceed without delay to comply therewith. Directions, instructions, interpretations, or determinations of the contracting officer or his authorized representative relating to drawings, samples, and literature shall be subject to the provisions of this clause.

The above replaces material formerly published at 34 F.R. 198, January 7, 1969.

[F.R. Doc. 69–15369; Filed, Dec. 29, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 980]

ONION IMPORTS

Notice of Proposed Rule Making

Notice is hereby given of a proposed amendment of § 980.108 Onion import regulation (34 F.R. 13320), applicable to the importation of onions into the United States to become effective March 15, 1970, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8e–1 of the act (7 U.S.C. 608e–1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.108 (34 F.R. 13320), became effective August 18, 1969, and set forth the applicable grade, size, quality, and maturity requirements for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and Eastern Oregon. On March 15, 1970 (34 F.R. 19290), grade, size, quality, and maturity requirements become effective for the period March 15 through May 31, 1970, under Marketing Order No. 959, as amended (7 CFR Part 959; 34 F.R. 6439), regulating the handling of onions grown in South Texas.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than February 1, 1970. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

In § 980.108 *Onion import regulation* (34 F.R. 13320), delete the introductory paragraph and paragraphs (a) and (h) and substitute the following new introductory paragraph and new paragraphs (a), (h) and (i), with paragraph (b) republished for information.

§ 980.108 Onion import regulation.

Pursuant to section 608e–1 of the Act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 15, 1970, and continuing through May 31, 1970, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements.*—(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States, of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the requirements of this section.

* * * * *

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality and maturity effective for onions grown in South Texas.

(i) *Definitions.* For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided", that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), U.S. Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title) or in the U.S. Standards for Grades of Onions Other than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs

Dated: December 23, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–15392; Filed, Dec. 29, 1969; 8:46 a.m.]

[7 CFR Parts 1007, 1103]

[Dockets Nos. AO 366–A2 and AO 346 A6–RO1]

MILK IN THE GEORGIA AND MISSISSIPPI MARKETING AREAS

Notice of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Holiday Inn-Downtown, the Fountain Room, 175 Piedmont Avenue NE., Atlanta, Ga., beginning at 9:30 a.m., e.s.t., January 13, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Georgia and Mississippi marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSAL TO AMEND THE GEORGIA ORDER

Proposed by the Georgia Association of Dairy Cooperatives, Inc., Georgia Milk Producers, Inc., Northeast Florida Milk Producers Association, Georgia Milk Producers Cooperative Association, Inc., and Dairymen, Inc.

Proposal No. 1. Sections 1007.7, 1007.8, 1007.9, and 1007.10 are revised to read as follows:

§ 1007.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks, concentrated milk, cream and mixtures of cream and milk or skim milk.

§ 1007.8 Distributing plant.

"Distributing plant" means a plant in which milk approved by a duly constituted health authority for fluid consumption or filled milk is processed or packaged and which has route disposition in the marketing area during the month.

§ 1007.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority for fluid consumption or filled milk is shipped during the month to a pool plant.

§ 1007.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is neither an other order plant, a producer-handler plant, nor an exempt distributing plant.

(a) A distributing plant that has route disposition, except filled milk, during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1007.16 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of it total Class I disposition, except filled milk, during the month.

(b) A supply plant from which not less than 50 percent of the total quantity of milk approved by a duly constituted health authority for fluid consumption that is physically received from dairy farmers at such plant or diverted as producer milk to a nonpool plant pursuant to § 1007.16 during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of August through February shall be a pool plant for the months of March through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted health authority or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

Proposal No. 2. The introductory text and paragraph (a) of § 1007.11 are revised to read as follows:

§ 1007.11 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1007.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as route disposition and to pool plants qualified on the basis of route disposition in this marketing area than is disposed of from such plant in the marketing area regulated pursuant to the other order as route disposition and to plants qualified as fully regulated plants under such other order on the basis of route dispositions in its marketing area.

* * * * *

Proposal No. 3. A new § 1007.24, filled milk, is added to read as follows:

§ 1007.24 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

Proposal No. 4. The introductory text of § 1007.30 and paragraph (b) of this section are revised to read as follows:

§ 1007.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler (except a handler pursuant to § 1007.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator:

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat in route disposition in the marketing area, showing separately the in-area route disposition of filled milk; and

(2) For a handler pursuant to § 1007.13(b), the amount of reconstituted skim milk in route disposition in the marketing area; and

* * * * *

Proposal No. 5. In § 1007.33, paragraphs (b) and (c) are revised to read as follows:

§ 1007.33 Records and facilities.

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of the month; and

* * * * *

Proposal No. 6. In § 1007.41 paragraph (b) is revised to read as follows:

§ 1007.41 Classes of utilization.

* * * * *

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, custards and puddings, and sterilized products in hermetically sealed glass or metal containers;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to and used at a commercial food processing establishment (other than a milk or filled milk plant) in the manufacture of bakery products, candy, or packaged food products (other than milk products and filled milk) for consumption off the premises;

(3) Skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;

(4) Skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(5) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;

(6) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(7) Skim milk and butterfat, respectively, in shrinkage at each pool plant but not in excess of:

(i) Two percent of producer milk (except that received from a handler pursuant to § 1007.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1007.13(d): *Provided,* That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products (except cream) received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II utilization is requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products (except cream) transferred or diverted to other plants; and

(8) Skim milk and butterfat in shrinkage of other source milk assigned pursuant to § 1007.42(b)(2).

Proposal No. 7. In paragraph (a) of § 1007.45, subparagraphs (1), (2), (3), (5), (6), and (9), and the introductory text of subparagraph (10) are revised to read as follows:

§ 1007.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1007.41(b)(7);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in packaged fluid milk products, except filled milk made from reconstituted skim milk, received from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred or diverted during the month to such plant, whichever is less;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5)(vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1007.41(b)(6) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which appropriate health approval is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from an exempt distributing plant;

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2) and (5)(v) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (5)(vi) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (5)(vi) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2), (5)(v), and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (5)(vi) and (6)(ii) of this paragraph:

* * * * *

Proposal No. 8. In § 1007.60 paragraphs (e) and (f) are revised to read as follows:

§ 1007.60 Computation of the net pool obligation of each handler.

* * * * *

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1007.45(a)(5) and the corresponding step of § 1007.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1007.45(a)(5)(iv) and (v) and the corresponding step of § 1007.45(b) the Class I price shall be adjusted to the location of the transferor plant; and

(f) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s), from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1007.45(a)(9) and the corresponding step of § 1007.45(b), but in no event shall such adjustment result in a Class I price lower than the Class II price.

Proposal No. 9. In § 1007.62 subparagraph (1) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1007.62 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1007.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1007.60(f) and a credit in the amount specified in § 1007.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1007.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1007.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

Proposal No. 10. A new § 1007.63 is added to read as follows:

§ 1007.63 Obligation of handler operating an other order plant.

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or

more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to the route disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to route disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

Proposal No. 11. Section 1007.73 is revised to read as follows:

§ 1007.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1007.62, 1007.63, and 1007.74 and out of which he shall make all payments from such fund pursuant to § 1007.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

Proposal No. 12. In § 1007.80, paragraphs (a) an (d) are revised to read as follows:

§ 1007.80 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

PROPOSALS TO AMEND THE MISSISSIPPI ORDER

Proposed by Dairymen, Inc.:

Proposal No. 13. Section 1103.8 is revised to read as follows:

§ 1103.8 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and/or processed or packaged: *Provided*, That a separate establishment or facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

Proposal No. 14. In § 1103.11, paragraphs (a) and (b) are revised to read as follows:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products, except filled milk, is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the total route disposition of fluid milk products, except filled milk;

(b) A supply plant from which a volume of fluid milk products, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a distributing plant(s) from which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk from dairy farmers and from other plants is disposed of as route disposition during the month and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition (not including filled milk): *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

* * * * *

Proposal No. 15. Section 1103.12 is revised to read as follows:

§ 1103.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

Proposal No. 16. Section 1103.14 is revised to read as follows:

§ 1103.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or fluid milk products from a pool plant: *Provided*, That such person establishes that the maintenance, care and management of all resources necessary to produce the entire volume of fluid milk products handled and all facilities necessary for operations as a handler are each the personal enterprise and risk of such person.

Proposal No. 17. Section 1103.18 is revised to read as follows:

§ 1103.18 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk and concentrated skim milk, other than bulk condensed) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, eggnog, yogurt, cream (sweet or sour) and any mixture in fluid form of cream and skim milk or milk (except aerated cream, frozen storage cream, ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen dessert and mixes, sterilized products contained in hermetically sealed cans, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided*, That when any such milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

Proposal No. 18. A new § 1103.19a is added to read as follows:

§ 1103.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent of nonmilk fat (or oil).

Proposal No. 19. In § 1103.30, subparagraph (2) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1103.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route of disposition of fluid milk products outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1103.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk;

* * * * *

Proposal No. 20. In § 1103.33, paragraphs (b) and (c) are revised to read as follows:

§ 1103.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

Proposal No. 21. In § 1103.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1103.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

Proposal No. 22. In § 1103.46, subparagraphs (2), (2–a), (3), (4), (5), (6), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1103.46 Allocation of skim milk and butterfat classification.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2–a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler; and

(iv) The pounds of skim milk in receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not substracted pursuant to subparagraphs (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * *

Proposal No. 23. Section 1103.61 is revised to read as follows:

§ 1103.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order, and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in such other Federal order marketing area than is disposed of as route dispositions in this marketing area; except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A plant meeting the requirements of § 1103.11(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part except during the months of February through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1103.30 and 1103.31) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order and subtract its value at the Class II price.

Proposal No. 24. In § 1103.62, paragraphs (a)(1)(i) and (b) are revised to read as follows:

§ 1103.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1103.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1103.70(e) and a credit in the amount specified in § 1103.97(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk route dispositions in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

Proposal No. 25. In § 1103.70, paragraphs (d) and (e) are revised to read as follows:

§ 1103.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1103.46(a)(3) and the corresponding step of § 1103.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1103.46(a)(3)(iv) and (v) and the corresponding steps of § 1103.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a)(7) and the corresponding step of § 1103.46(b), but in no event shall such adjustment result in a Class I price lower than the Class II price.

Proposal No. 26. Section 1103.96 is revised to read as follows:

§ 1103.96 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all applicable payments made by handlers pursuant to §§ 1103.61, 1103.62, 1103.93(a), and 1103.97, and out of which he shall make all applicable payments pursuant to §§ 1103.93(b) and 1103.98: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

Proposal No. 27. In § 1103.100, paragraphs (a) and (d) are revised to read as follows:

§ 1103.100 Termination of obligations.

* * * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of such producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an under payment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 28. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrators, E. Hickman Greene, 11 Corporate Square, Room 200, Post Office Box 49025, Atlanta, Ga. 30329; Cleo C. Taylor, 322 North Mart Plaza, Post Office Box 9747, Northside Station, Jackson, Miss. 39206, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C. on December 23, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-15393; Filed, Dec. 29, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 11]

BIRMINGHAM FIRE INSURANCE COMPANY OF PENNSYLVANIA

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Birmingham Fire Insurance Company of Pennsylvania, New York, New York, under sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is hereby terminated.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the Birmingham Fire Insurance Company of Pennsylvania.

Dated: December 22, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-15377; Filed, Dec. 29, 1969; 8:46 a.m.]

[Dept. Circ. 570, 1969 Rev., Supp. No. 12]

WESTERN PACIFIC INSURANCE COMPANY

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Western Pacific Insurance Company, Seattle, Washington, under sections 6 to 13 of Title 6 of the United States Code to qualify as sole surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, is hereby terminated because of its liquidation on September 19, 1969.

American States Insurance Company, an Indiana corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to a reinsurance and assumption agreement, effective 11:59 p.m., November 30, 1968, American States Insurance Company, Indianapolis, Indiana, assumed and reinsured all liability and policies of insurance and reinsurance then outstanding or thereafter issued in the name of the Western Pacific Insurance Company.

The Treasury has obtained from American States Insurance Company a separate indemnifying agreement dated December 9, 1969, whereby American States Insurance Company has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking, or other form of obligation entered into or assumed by the Western Pacific Insurance Company on or before November 30, 1968, or in its name at any time thereafter, in which the United States has or may have an interest, direct or indirect. A copy of that agreement is on file in the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

No action need be taken by bond-approving officers, by reason of the liquidation and the terms of the reinsurance and assumption agreement referred to herein, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before November 30, 1968, or thereafter, by Western Pacific Insurance Company pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

Dated: December 22, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-15378; Filed, Dec. 29, 1969; 8:46 a.m.]

Internal Revenue Service

CLARENCE CLAYTON POPPERT

Notice of Granting of Relief

Notice is hereby given that Clarence Clayton Poppert of Albany, Oreg., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 28, 1929, in the District Court of Hall County, Nebr., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Clarence C. Poppert because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Clarence C. Poppert to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Clarence C. Poppert's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Clarence C. Poppert be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 5th day of December 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-15379; Filed, Dec. 29, 1969; 8:46 a.m.]

WILLIAM RICHARD ZIGMONT

Notice of Granting of Relief

Notice is hereby given that Mr. William Richard Zigmont, Box 54, North Kingsville, Ohio 44068, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 29, 1963, in the Court of Common Pleas, Ashtabula County, Ohio, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William Richard Zigmont, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for William Richard Zigmont to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William Richard Zigmont's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that William Richard Zigmont be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of December 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-15380; Filed, Dec. 29, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Coal Land Classification Order Alaska No. 4]

ALASKA

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

UMIAT MERIDIAN, ALASKA

COAL LANDS

T. 1 S., R. 44 W., unsurveyed,
Sec. 4, S½SW¼;
Sec. 5, S½;
Secs. 6 to 9, inclusive;
Sec. 10, S½NW¼, S½;
Sec. 14, W½NW¼, SW¼, SW¼SE¼;
Secs. 15 to 22, inclusive;
Sec. 23, NW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 27, W½NE¼, NW¼;
Sec. 28, N½, N½SW¼, SE¼;
Secs. 29 and 30;
Sec. 31, S½NE¼, S½;
Sec. 32, SW¼NW¼, W½SW¼.

The area described aggregates about 11,386 acres, more or less, of which all are classified as coal lands.

Dated: December 17, 1969.

FRANK E. CLARKE,
Acting Director.

[F.R. Doc. 69-15366; Filed, Dec. 29, 1969; 8:45 a.m.]

[Coal Land Classification Order Colorado No. 128]

COLORADO

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, COLORADO

COAL LANDS

T. 15 S., R. 62 W.,
Sec. 6, lots 3 to 7, inclusive, SE¼NW¼, E½SW¼;
Sec. 7, lots 1 to 4, inclusive, E½W½;
Sec. 18, lot 1, E½NW¼.
T. 15 S., R. 63 W.,
Secs. 1 to 10, inclusive;
Sec. 11, N½, SW¼, N½SE¼;
Sec. 12, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 15, N½NE¼, SW¼NE¼, W½, W½SE¼;
Secs. 16 to 18, inclusive;
Sec. 19, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 20, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 21, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼;
Sec. 28, NE¼NW¼.
T. 14 S., R. 64 W.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 9, E½;
Secs. 10 to 15, inclusive;
Sec. 16, E½;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, NE¼, E½SW¼, SE¼;
Sec. 32, NE¼SE¼, S½SE¼;
Sec. 33, NE¼, E½NW¼, S½;
Secs. 34 to 36, inclusive.
T. 15 S., R. 64 W.,
Secs. 1 to 4, inclusive;
Sec. 5, lots 1 to 4, inclusive, SE¼NE¼, E½SE¼;
Sec. 9, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Secs. 11 and 12;
Sec. 13, N½NE¼, SE¼NE¼;
Sec. 14, N½NW¼;
Sec. 15, N½NE¼.

RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following lands as noncoal lands is hereby revoked and the lands are reclassified as coal lands:

T. 15 S., R. 63 W.,
Sec. 20, SW¼SW¼;
Sec. 28, NW¼NW¼.

NONCOAL LANDS

T. 15 S., R. 62 W.,
Sec. 18, lots 2 to 4, inclusive, E½SW¼;
Sec. 19, lots 1 to 4, inclusive, E½W½;
Sec. 30, lots 1 to 4, inclusive, E½W½.
T. 15 S., R. 63 W.,
Sec. 11, S½SE¼;
Sec. 12, W½SW¼, SE¼SW¼, SW¼SE¼;
Secs. 13 and 14;
Sec. 15, SE¼NE¼, E½SE¼;
Sec. 19, lots 1, 2, and 3, SE¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 23;
Sec. 24, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 26, N½N½;
Sec. 27, N½N½;
Sec. 28, N½NE¼.
T. 15 S., R. 64 W.,
Sec. 5, SW¼NE¼, S½NW¼, W½SE¼;
Sec. 9, W½NW¼, SE¼NW¼, W½SE¼, SE¼SE¼;
Sec. 10, SW¼SW¼;
Sec. 13, SW¼NE¼, W½, SE¼;
Sec. 14, NE¼, S½NW¼, S½;
Sec. 15, S½NE¼, NW¼;
Sec. 24, N½.

The area described aggregates 38,652 acres, more or less, of which about 31,748 acres are classified coal lands; about 80 acres which were formerly classified noncoal lands, are reclassified coal lands; and about 6,824 acres are classified noncoal lands.

Dated: December 18, 1969.

FRANK E. CLARKE,
Acting Director.

[F.R. Doc. 69-15367; Filed, Dec. 29, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00283-33-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in ultrastructural studies of the purity of biochemical ultracentrifuge samples; animal studies of human autopsy and biopsy specimens, particularly of muscle, nerve, and brain from patients with a variety of neurological diseases. Application received by Commissioner of Customs: October 28, 1969.

Docket No. 70-00285-61-77030. Applicant: Cornell University, Bradfield Hall, Ithaca, N.Y. 14850. Article: NMR

spectrometer, Model JNM-MH-60-11. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used by students and faculty and instructional purposes and for routine analysis for determining structure of unknown samples. Faculty research programs include a study of the structure of isomeric muconic acids and the development of analysis of hydrocarbon type (degree of saturation/unsaturation) in leaf waxes and seed oils. Application received by Commissioner of Customs: October 28, 1969.

Docket No. 70-00286-01-07500. Applicant: State University of New York at Binghamton, Vestal Parkway East, Binghamton, N.Y. 13901. Article: Precision calorimetry system. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in graduate student research concerning interactions important in the denaturation of proteins by electrolytes. The thermodynamic properties of small organic molecules such as amides in water solution and in salt solution will be studied. Faculty projects include the measurement of the heats of formation of transition metal complexes in solution and the measurement of the enthalpies associated with ion-exchange processes. Application received by Commissioner of Customs: October 29, 1969.

Docket No. 70-00280-33-46040. Applicant: University of Utah, Purchasing Department, Building 40, Salt Lake City, Utah 84112. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in a study of the structure of chromosomes and the mitotic apparatus from tissue culture cells which is being made in an attempt to determine the way in which the mitotc apparatus functions in chromosome movement. Also the form and structure of DNA molecules from mitochondria, chloroplasts and the chromosomes of higher organisms will be studied. Application received by Commissioner of Customs: October 27, 1969.

Docket No. 70-00288-00-80000. Applicant: Stamford Museum and Nature Center, Inc., Scofieldtown Road, Stamford, Conn. 06903. Article: Ground lens blank. Manufacturer: Jena Glaswerk Schott and Gen., West Germany. Intended use of article: The article will become part of an existing telescope used for astronomical education and research. Application received by Commissioner of Customs: October 30, 1969.

Docket No. 70-00291-65-42900. Applicant: University of Minnesota, Mines Experiment Station, Minneapolis, Minn. 55455. Article: Magnetization analyzer, Satmagan model. Manufacturer: Outokumpu Oy Research Laboratory, Finland. Intended use of article: The accuracy of the article will be compared with the accuracy of the more standard Davis tube method of analysis in iron ore studies. Application received by Commissioner of Customs: October 30, 1969.

Docket No. 70-00292-00-46040. The University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Object cooling device. Manufacturer: Siemens, Inc., West Germany. Intended use of article: The article is an accessory for an existing electron microscope and will be used for experimentation with biological specimens and extraterrestrial material. Application received by Commissioner of Customs: October 31, 1969.

Docket No. 70-00295-33-46040. Applicant: University of Washington, School of Medicine, Division of Gastroenterology, Seattle, Wash. 98105. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for faculty members research and for the education of graduate students. Research in four areas are currently being conducted: Studies of white blood cell phagocytosis of bacteria and viruses, studies of xanthomas of the skin, studies in the structure and function of the small bowel, and studies in pathological material where the intestinal tissue has been damaged by radiation or infection. Application received by Commissioner of Customs: November 6, 1969.

Docket No. 70-00296-65-44700. Applicant: University of California, Material Science & Engineering Department, 382 Hearst Mining Building, Berkeley, Calif. 94720. Article: Area-meter. Manufactured: Strohlein & Co., Fabrik Chemical Apparate, West Germany. Intended use of article: The article will be used for rapid measurement of the surface area of particulate assemblies. Application received by Commissioner of Customs: November 6, 1969.

Docket No. 70-00297-33-46040. Applicant: Johns Hopkins University, School of Medicine, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Electron microscope, JEM-100B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for biological and medical applications. Projects under study include synapse mapping in nervous tissue, corneal and retinal pathology, corneal stromal and collagen subunit structure, synaptic vesicle and synaptic membrane fine structure and Golgi (silver) impregnated cell structure. Application received by Commissioner of Customs: November 6, 1969.

Docket No. 70-00302-99-46040. Applicant: Northeastern University, 360 Hintington Avenue, Boston, Mass. 02115. Article: Electron microscope, Model EM9A. Manufacturer: Carl Zeiss Inc., West Germany. Intended use of article: The article will be used for teaching purposes and as a transitional instrument to bridge the gap between light microscopy and electron microscopy. The courses which are offered to graduate students and the academic community using electron microscopy as a research method will enable them to produce quality electron micrographs. Several research programs are also planned. Application received by Commissioner of Customs: November 10, 1969.

Docket No. 70-00303-33-46040. Applicant: University of Illinois at Chicago Circle, Purchasing Division, Post Office Box 4348, Chicago, Ill. 60680. Article: Electron microscope, Model HS-8-2. Intended use of article: The article will be used in courses in biological ultrastructure and instrumentation in cell and tissue study for advanced undergraduate and graduate students. Research projects under study concern the cytology of the Vitellogenic stages of cogensis in Drosophila melanogaster and the ultrastructure of salivary glands in primitive insects. Application received by Commissioner of Customs: November 10, 1969.

Docket No. 70-00307-33-77040. Applicant: The University of Texas, Southwestern Medical School, 5323 Harry Hines Boulevard, Dallas, Tex. 75235. Article: Mass spectrometer, respiratory M-3. Manufacturer: Varian Associates, West Germany. Intended use of article: The article will be used for measuring four different respired gases simultaneously in persons at rest or running on a treadmill so that oxygen consumption and cardiac output can be monitored continuously on these persons without the necessity of introducing catheters into the veins or arteries. Application received by Commissioner of Customs: November 10, 1969.

Docket No. 70-00308-01-10100. Applicant: Scripps Clinic and Research Foundation, 476 Prospect Street, La Jolla, Calif. 92037. Article: Temperature jump apparatus. Manufacturer: Messanlagen Studiengesellschaft M.B.H., West Germany. Intended use of article: The article will be used to study very fast macromolecular reactions, occurring in the microsecond range. Application received by Commissioner of Customs: November 10, 1969.

Docket No. 70-00309-01-30500. Applicant: University of California, Santa Barbara, Santa Barbara, Calif. 93106. Article: Twelve-inch electromagnet. Manufacturer: Bruker—Physik A.G., West Germany. Intended use of article: The article will be used in conjunction with other instrumentation for education and graduate research in pulsed NMR spectrometry. These include high-resolution Fourier transform spectroscopy with hydrogen, fluorine, phosphorous and carbon nuclei, studies of nuclear relaxation in complex spin systems, the investigation of molecular diffusion in solution and other related experiments. Application received by Commissioner of Customs: November 12, 1969.

Docket No. 70-00310-01-77030. Applicant: University of California, Santa Barbara, Santa Barbara, Calif. 93106. Article: Pulsed nuclear magnetic resonance spectrometer, Model B-KR-321S. Manufacturer: Bruker—Physik A.G., West Germany. Intended use of article: The article will be used for education and graduate research in pulsed NMR spectrometry. These include high-resolution Fourier transform spectroscopy with hydrogen, fluorine, phosphorus and carbon nuclei, studies of nuclear relaxation in complex spin systems, the investigation of molecular diffusion in solution and

experiments with molecules in the solid state, as well as experiments with biological tissues. Application received by Commissioner of Customs: November 12, 1969.

Docket. No. 70-00311-99-46040. Applicant: The University of Michigan, Department of Zoology, Ann Arbor, Mich. 48104. Article: Electron microscope Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for beginning trainees in a program of training in electron microscopy of biological materials. Specimens will include thin sections, replicas and shadowed suspensions of cell particulates. The students include upperclass undergraduates and graduate students from various university departments. Application received by Commissioner of Customs: November 12, 1969.

Docket No. 70-00312-65-58100. Applicant: University of California, Material Science and Engineering Department, 382—Hearst Mining Building, Berkeley, Calif. 94720. Article: Permaran. Manufacturer: Outokumpu Oy Research Lab., Finland. Intended use of article: The article will be used to determine the specific surface of particulate materials, like ore concentrates and ground powders. Application received by Commissioner of Customs: November 12, 1969.

Docket No. 70-00313-33-46040. Applicant: University of Illinois at Chicago Circle, Purchasing Division, Post Office Box 4348, Chicago, Ill. 60680. Article: Electron microscope, Model HU-125E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used primarily in biological ultrastructural research. Principal projects concern ultrastructural studies on ovarian maturation in Drosophila and the ultrastructure of the microtubular network in the gut of several parasites. Application received by Commissioner of Customs: November 12, 1969.

Docket No. 70-00314-01-42900. Applicant: Yale University, Purchasing Division, 20 Ashmun Street, New Haven, Conn. 06520. Article: Superconductive magnet system. Manufacturer: Oxford Instrument Corp., United Kingdom. Intended use of article: The article will be used in conjunction with an existing Mossbauer spectrometer, for research on magnetic hyperfine interactions in crystals. Application received by Commissioner of Customs: November 12, 1969.

Docket No. 70-00315-33-90000. Applicant: University of Oregon, Institute of Molecular Biology, Eugene, Oreg. 97403. Article: X-ray diffraction unit, Model Cx-6. Manufacturer: Elliot Electronic Tubes Ltd., United Kingdom. Intended use of article: The article will be used for research and teaching and for X-ray diffraction studies of protein crystals. Large biological molecules will be studied. An advanced level course to be given is titled "X-ray Crystallography." Studies are commencing on immunoglobulins and new high speed methods of data collection for large molecules are being developed. Application received by Commissioner of Customs: November 12, 1969.

Docket No. 70-00316-58-46070. Applicant: Woods Hole Oceanographic Institution, Woods Hole, Mass. 02543. Article: Scanning electron microscope with TV scan, Models JSM-U3 and JSM-V3-TVS. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for the following studies; surficial morphology and internal of microfossils, surficial morphology and internal structure of various small invertebrate groups, investigations of the chemical mechanism of penetration of calcareous substrates by organism, investigations on the petrology of carbonates and investigations on the nature of the attachment of marine bacteria to particulate matter. Application received by Commissioner of Customs: November 12, 1969.

Docket No. 70-00320-00-46040. Applicant: University of Missouri—Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Accessory: Tilting-heating device, Model HK-2B. Intended use of article: The article will be used for an existing electron miscroscope for the education and training of students in the use of microscopic techniques and for research. Application received by Commissioner of Customs: November 17, 1969.

Docket No. 70-00321-33-46040. Applicant: University of California, San Francisco Medical Center, Purchasing Department, 1438 South 10th, Richmond, Calif. 94804. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens, West Germany. Intended use of article: The article will be used for research purposes. Research will concern the study of relationship and interaction between the different tissues during the embroyonogenesis; the study of isolated molecules; and a study defining overall and subunit structure of proteins. Application received by Commissioner of Customs: November 18, 1969.

Docket No. 70-00322-98-71200. Applicant: University of California, Santa Barbara, Santa Barbara, Calif. 93106. Article: Helium dilution refrigerator, Model Mark III "Harwell." Manufacturer: Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for graduate instruction and thesis research involving the properties of matter at extremely low temperatures. Current projects include nuclear magnetic resonance and Mossbauer spectroscopy studies in fine particles and magnetic materials. Application received by Commissioner of Customs: November 18, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15363; Filed, Dec. 29, 1969; 8:45 a.m.]

Maritime Administration

NATIONAL SHAWMUT BANK OF BOSTON

Notice of Approval of Applicant as Trustee

Notice is hereby given that the National Shawmut Bank of Boston, a national banking association organized and existing under the laws of the United States of America, with offices at 40 Water Street, Boston, Mass., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: December 22, 1969.

R. G. KRINER,
Acting Chief,
Office of Ship Operations.

[F.R. Doc. 69-15382; Filed, Dec. 29, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GLAND-O-LAC CO.

Notice of Withdrawal of Petition for Food Additive Cyproxyquine

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), E. R. Squibb & Sons, Inc., Three Bridges, N.J. 08887, has withdrawn its petition (40-000V), notice of which was published in the FEDERAL REGISTER of August 20, 1968 (33 F.R. 11788), proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of cyproxyquine (ethyl 6,7-bis(cyclopropylmethoxy)-4-hydroxy - 3 - quinolinecarboxylate) in feed for broiler chickens as an aid in the prevention of coccidiosis.

The petition was filed by the Gland-O-Lac Co., Division of CIBA Corp., Omaha, Nebr. 68101, and the rights to the petition were subsequently transferred to E. R. Squibb & Sons, Inc.

Dated: December 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15364; Filed, Dec. 29, 1969; 8:45 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec.

408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP OF0912) has been filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in or on the raw agricultural commodities potatoes and sugarcane at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorus-sensitive thermionic-emission detector.

Dated: December 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15365; Filed, Dec. 29, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR METROPOLITAN DEVELOPMENT

Order of Succession To Act as Secretary of Housing and Urban Development

During any period when, by reason of absence, disability, or vacancy in office, neither the Secretary of Housing and Urban Development nor the Under Secretary is available to exercise the powers or perform the duties of the office of the Secretary, the order of succession to act as Secretary of Housing and Urban Development shall be as follows:

1. Assistant Secretary for Metropolitan Development.
2. General Counsel.
3. Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.
4. Assistant Secretary for Renewal and Housing Assistance.
5. Assistant Secretary for Model Cities and Govermental Relations.
6. Assistant Secretary for Equal Opportunity.
7. Assistant Secretary for Research and Technology.

The Assistant Secretary for Administration is authorized to exercise the power and authority of the Secretary during any period when, by reason of absence, disability, or vacancy in office, none of the officers named above is available to exercise the powers or perform the duties of the office of the Secretary.

(Executive Order 11274 of Mar. 30, 1966, 31 F.R. 5243, Apr. 1, 1966; sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d))

Effective date: This order is effective as of December 23, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-15394, Filed, Dec. 29, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 471]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., Applicant, call sign, and nature of application

3371-C2-P-70—W. Donald Molitor and Donald W. Molitor, doing business as Canaveral Communications (New), C.P. for a new 2-way station to be located at 310 Palmetto Avenue, Melbourne, Fla., to operate on frequency 152.06 MHz.

3372-C2-P-70—North Florida Telephone Co. (KIK577), C.P. to change antenna system operating on frequency 152.72 MHz at station located at White Avenue and Court Street, Live Oak, Fla.

3386-C2-P-(3)-70—Ralph C. Parker, doing business as Ratel Communications Co. (KKO341), C.P. for additional facilities to operate on base channel 152.09 MHz and repeater 459.025 MHz at a new site to be identified as location No. 2: Off Highway 82, 2 miles east-southeast of Nocona, Tex. Also add control station to operate on frequency 454.025 MHz at a new site to be identified as location No. 3: Near intersection of Onaway and Pawshuska Streets, Wichita Falls, Tex.

3388-C1/C2-AL-(4)-70—E. B. and Donna W. Brownell (KOP254) (KFQ930), Consent to assignment of license from: E. B. and Donna W. Brownell, Assignor to: E. B. Brownell, doing business as Worland Services, Assignee.

3391-C2-P-70—Project Mutual Telephone Cooperative Association, Inc. (KOH281), C.P. to change antenna location operating on base frequency 152.57 MHz at location No. 1 to: 15 miles northwest of Rupert, Kimama Butte, Idaho.

3409-C2-P-70—Credit Bureau of Decatur, Inc. (New), Resubmitted, Dec. 12, 1969, C.P. for a new 1-way station to be located at 260 East Wood Street, Decatur, Ill., to operate on frequency 158.70 MHz.

3413-C2-P-70—Manpower, Inc. of Cedar Rapids (New), C.P. for a new 1-way station to be located at 1000 27th Avenue, SW., Cedar Rapids, Iowa, to operate on base frequency 158.70 MHz.

3414-C2-P-70—Simon Rubinsky (New), C.P. for a new 1-way station to be located at Brownsville Navigation District, 7 miles northeast of Brownsville, Tex., to operate on base frequency 158.70 MHz.

3415-C2-P-70—Vegas Instant Page (KFL943), C.P. for an additional transmitter site to be identified as location No. 2: 4515 Industrial Road, Las Vegas, Nev., operating on frequency 35.58 MHz.

3416-C2-P-70—McCall Telephone Answering Service (KEC513), C.P. to change antenna system and replace transmitter operating on base frequency 152.21 MHz at station located at Rand Building, northwest corner Broadway and Washington Street, Buffalo, N.Y.

3424-C2-P-70—Miami Valley Radiotelephone (KLF577), C.P. for an additional transmitter to operate on base frequency 35.22 MHz at a new site to be identified as location No. 2: 2437 Clifton Avenue, Cincinnati, Ohio.

3387-C2-P-(2)-70—Kidd's Communications, Inc. (KMA257), C.P. to delete location No. 6: LaCima, Kettleman Hills, 3.5 miles east of Avenal, Calif., and delete 72.64 MHz control at location No. 2 beamed toward location No. 6. Also change control frequency 459.125 MHz to 72.64 MHz beamed toward location No. 5 at location No. 2: 215 East 18th Street, Bakersfield, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

3390-C1-P-70—Pacific Northwest Bell Telephone Co. (New), C.P. for a new fixed station to be located at 2 miles north-northwest of Orient, Wash., to operate on frequency 2178 MHz toward Colville, Wash.

3392-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, Prudential Building, Boston, Mass., at lat. 42°20'49" N., long. 71°05'00" W. Frequencies 6241.7 and 6360.3 MHz on azimuth of 199°32', 6271.4 and 6390.0 MHz on azimuth of 231°08'.

3393-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 2.5 miles south-southwest of Sharon, Mass., at lat. 42°05'25" N., long. 71°12'20" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 210°07'; 5989.7 and 6108.3 MHz on azimuth of 19°27'.

3394-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 111 Westminster Street, Providence, R.I. at lat. 41°49'39" N., long. 71°24'41" W. Frequencies 6241.7 and 6360.3 MHz on azimuth of 122°29'; 6212.0 and 6330.7 MHz on azimuth of 29°59'.

3395-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 18 North Main Street, Fall River, Mass., at lat. 41°42'08" N. long. 71°09'19" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 111°18', 5989.7 and 6108.3 MHz on azimuth of 302°39'.

3396-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 628 Pleasant Street, New Bedford, Mass., at lat. 41°38'07" N., long. 70°55'38" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 291°27'.

3397-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 1.5 miles southwest of Dover, Mass., at lat. 42°13'25" N., long. 71°17'20" W. Frequencies 6019.3 and 6137.9 MHz on azimuth of 51°00', 5989.7 and 6108.3 MHz on azimuth of 282°55'.

3398-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 2.4 miles southwest of Auburn, Mass., at lat. 42°10'07" N., long. 71°52'04" W. Frequencies 6182.4 and 6301.0 MHz on azimuth of 93°32', 6212.0 and 6330.7 MHz on azimuth of 240°07', 6271.4 and 6390.0 MHz on azimuth of 26°44'.

3399-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 340 Main Street, Worcester, Mass., at lat. 42°15'55" N., long. 71°48'08" W. Frequencies 6019.3 and 6137.9 MHz on azimuth of 206°47'.

3400-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 3.3 miles northwest of Staffordville, Conn., at lat. 42°01'19" N. long. 72°12'32" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 59°53', 5989.7 and 6108.3 MHz on azimuth of 239°37'.

3401-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 1 Tower Square, Hartford, Conn., at lat. 41°45'52" N., long. 72°40'26" W. Frequencies 6241.7 and 6360.3 MHz on azimuth of 53°18', 6212.0 and 6330.7 MHz on azimuth of 188°52', 6271.4 and 6390.0 MHz on azimuth of 10°30'.

3402-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, Kimball Towers, Springfield, Mass., at lat. 42°06'17" N., long. 72°35'21" W. Frequencies 6019.3 and 6137.9 MHz on azimuth of 190°34'.

3403-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 3 miles southwest of Durham, Conn., at lat. 41°27'38" N., long. 72°44'13" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 8°50', 11.015 and 11.175 MHz on azimuth of 223°19'.

3404-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 265 College Street, New Haven, Conn., at lat. 41°18'24" N., long. 72°55'45" W. Frequencies 11.625 and 11.305 MHz on azimuth of 43°11', 11.425 and 11.585 MHz on azimuth of 237°18'.

3405-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 140 Fairfield Avenue, Bridgeport, Conn., at lat. 41°10'46" N., long. 73°11'27" W. Frequencies 10,735 and 10.895 MHz on azimuth of 57°08', 5989.7 and 6108.3 MHz on azimuth of 244°44'.

3406-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 322 Main Street, Stamford, Conn., at lat. 41°03'12" N., long. 73°32'32" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 64°30', 6212.0 and 6330.7 MHz on azimuth of 261°08'.

3407-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, South Broad, White Plains, N.Y., at lat. 41°01'38" N., long. 73°45'41" W. Frequencies 5960.0 and 6078.6 MHz on azimuth of 80°59', 5989.7 and 11.625 MHz on azimuth of 211°31'.

3408-C1-P-70—MCI New England, Inc. (New), C.P. for a new fixed station, 350 Fifth Avenue, New York, N.Y., at lat. 40°44'54" N., long. 73°59'10" W. Frequencies 6212.0 and 11.015 MHz on azimuth of 31°28'. (Informative: Applicant proposes to provide "new customized" interstate communications channels between New York City and New Bedford, Mass., and intermediate points as shown above.)

Major Amendments

1464-C2-P-(6)-70—Thomas R. Poor, doing business as Kern Radio Dispatch (KMD993), Application amended to change base frequency from 454.275 MHz to 454.375 MHz at location No. 1. All other particulars remain the same as reported in public notice dated Sept. 29, 1969, No. 459.

Correction

2505-C2-P-69—John W. Bennett (KQK772), Correct to read: C.P. to change frequency to 152.24 MHz and add base frequency 158.70 MHz. All other particulars to remain the same as reported on public notice dated Nov. 12, 1968, Report No. 413 2668-C2-P-69, John W. Bennett KQK772 delete entry in its entirety.

RURAL RADIO SERVICE

3388-C1/C2-AL-(4)-70—E. B. and Donna W. Brownell, (WAD91) (KZ843), Consent to assignment of license from: E. B. and Donna W. Brownell, Assignor to: E. B. Brownell, doing business as Worland Services, Assignee.

Major Amendment

2005-C1-P/L-70—RCA Alaska Communications, Inc. (New), Application amended to change frequency from 227.5 MHz to 235.0 MHz. All other particulars to remain the same as reported on public notice dated Oct. 27, 1969, Report No. 469.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3373-C1-P-70—The Mountain States Telephone and Telegraph Co. (KAS72), C.P. to change frequencies from 10,755 and 10,995 MHz to 6011.9 and 6071.2 MHz toward Monarch Pass, Colo.; replace transmitters operating on same and change the antenna system. Location: 508 F Street, Salida, Colo.

3374-C1-P-70—The Mountain States Telephone and Telegraph Co. (KAN31), C.P. to change point of communication from Gunnison, Colo., to Salida, Colo., via passive reflector and change the antenna system. Location: 17 miles west of Salida, Colo.

3375-C1-P-70—The Mountain States Telephone and Telegraph Co. (KAN25), C.P. to change the antenna system for facilities located at 9 miles northwest of Lake George, Colo.

3377-C1-P-70—New England Telephone & Telegraph Co. (KCL66), C.P. to change frequency from 6382.8 MHz to 6390.0 MHz toward Nobscot, Mass. Location: Off Haggetts Pond Road 4.2 miles west of Andover, Mass.

3378-C1-P-70—New England Telephone & Telegraph Co. (KCL54), C.P. to add frequency 6375.2 MHz toward Nobscot, Mass. Location: 185 Franklin Street, Boston, Mass.

3379-C1-P-70—New England Telephone & Telegraph Co. (KTQ52), C.P. to add frequencies 6130.5 and 11.605 MHz toward Windsor, Mass. Location: Munson Road, Chesterfield, Mass.

3380-C1-P-70—New England Telephone & Telegraph Co. (KCL55), C.P. to change frequency from 6367.7 MHz to 6360.3 MHz toward Nobscot, Mass. Location: Foxboro, 1.3 miles south-southwest of South Walpole, Mass.

3381-C1-P-70—New England Telephone & Telegraph Co. (KCL78), C.P. to change frequency from 6130.5 MHz to 6137.9 MHz toward Andover, Mass.; change frequency from 6115.7 MHz to 6108.3 MHz toward Foxboro, Mass., and add frequency 6123.1 MHz toward Boston and Paxton, Mass. Location: Brimstone Lane, Nobscot, Mass.

3382-C1-P-70—New England Telephone & Telegraph Co. (KCL79), C.P. to add frequency 6375.2 MHz toward Nobscot and Pelham, Mass. Location: Asnebumskit Road, Paxton, Mass.

3383-C1-P-70—New England Telephone & Telegraph Co. (KCL81), C.P. to add frequency 6123.1 MHz toward Paxton and Springfield, Mass. Location: U.S. Route No. 202, Pelham, Mass.

3384-C1-P-70—New England Telephone & Telegraph Co. (KCL82), C.P. to add frequency 6375.2 MHz toward Pelham, Mass. Location: 295 Worthington Street, Springfield, Mass.

3385-C1-P-70—New England Telephone & Telegraph Co. (KCM76), C.P. to change point of communication from Pelham to Chesterfield, Mass., for frequencies 6382.6 and 11.155 MHz. Location: Windsor, Nobody's Road, 1.3 miles south-southwest of Windsor Center, Mass.

3389-C1-P-70—Pacific Northwest Bell Telephone Co. (New), C.P. for a new fixed station to be located at 269 Oak Street, Colville, Wash., to operate on frequency 2128 MHz toward Orient, Wash., via passive reflector.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

3410–C1–P–70—Southwestern Bell Telephone Co. (KAL86), C.P. to add frequency 3930 MHz toward Everton, Mo. Location: 600 St. Louis Street, Springfield, Mo.

3411–C1–P–70—Southwestern Bell Telephone Co. (KAL85), C.P. to add frequency 3890 MHz toward Springfield and Golden City Junction, Mo. Location: 2.5 miles south of Everton, Mo.

3412–C1–P–70—Southwestern Bell Telephone Co. (KAL81), C.P. to add frequency 3930 MHz toward Everton, Mo. Location: 3.8 miles southwest of Golden City, Mo.

419–C1–R–70—Osceola Telephone Co. (KSJ50), Renewal of license expiring Feb. 1, 1970. Term: Feb. 1, 1970 to Feb. 1, 1971.

3417–C1–P–70—Continental Telephone Co. of Virginia (New), C.P. for a new fixed station to be located at 107 Valley Street, Emporia, Va., to operate on frequencies 6352.9 and 6234.3 MHz toward Pleasant Shade, Va.

3418–C1–P–70—Continental Telephone Co. of Virginia (New), C.P. for a new station to be located at Lee Avenue, Stony Creek, Va., to operate on frequencies 6071.2 and 5952.6 MHz toward Pleasant Shade, Va., and 5982.3 and 10,995.0 MHz toward Petersburg, Va.

3419–C1–P–70—Continental Telephone Co. of Virginia (New), C.P. for a new station to be located off Highway No. 58, near Pleasant Shade, Va., to operate on frequencies 6100.9 and 5982.3 MHz toward Emporia, Va., and 6323.3 MHz toward Stony Creek, Va.

3420–C1–P–70—Indiana Bell Telephone Co. (KIG61), C.P. to add frequency 6505.0 MHz toward Bloomington, Ind. Location: 1 mile southwest of New Unionville, Ind.

Major Amendments

929–C1–P–70—Citizens Utilities Rural Co., Inc. (New), Change frequencies toward Kingman, Ariz., to 6271.4 and 6390.0 MHz and toward Mohave Valley, Ariz., to 6241.7 and 6360.3 MHz.

930–C1–P–70—Citizens Utilities Rural Co., Inc. (New), Change frequencies toward Oatman, Ariz., to 5989.7 and 6108.3 MHz and toward Riviera, Ariz., to 6019.3 and 6137.9 MHz.

931–C1–P–70—Citizens Utilities Rural Co., Inc. (New), Change frequencies toward Oatman, Ariz., to 6019.3 and 6137.9 MHz.

932–C1–P–70—Citizens Utilities Rural Co., Inc. (New) Change frequencies toward Mohave Valley, Ariz., to 6271.4 and 6390.0 MHz. All other particulars same as reported in public notice dated Sept. 2, 1969.

1210–C1–P–70—Bell Telephone Co. of Pennsylvania (KGO89), Change the radio path azimuth between the passive reflector at Piney Ridge and Huntingdon, Pa., to 24°00'. Station location: 1.5 miles south of Pine Grove Mills, Pa.

1211–C1–P–70—Bell Telephone Co. of Pennsylvania (KGO88), Correct geographic coordinates to read lat. 40°29'14" N., long. 78°01'01" W., and change radio path azimuth between Huntingdon and the Piney Ridge passive reflector to 204°00'. Station location: 807 Washington Street, Huntingdon, Pa. All other particulars same as reported in public notice dated Sept. 15, 1969.

1580–C1–P–70—Southwestern Bell Telephone Co. (New), Change radio path azimuth between proposed stations to be located 7 miles east-southeast of Ponca City, Okla., and at Ponca City, Okla., from 288°46' to 297°57'. Station location: 7 miles east-southeast of Ponca City, Okla.

1581–C1–P–70—Southwestern Bell Telephone Co. (New), Change radio path azimuth between proposed stations to be located at Ponca City, Okla., and 7 miles east-southeast of Ponca City, Okla., from 108°42' to 117°52'. Station location: 115 Chestnut Street, Ponca City, Okla. All other particulars same as reported in public notice dated Oct. 6, 1969.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3425–C1–P–70—United Video, Inc. (New), C.P. for a new station 1.2 miles southwest of Mountain Springs, Tex., at lat. 33°28'29.5" N., long. 97°03'46.4" W. Frequencies 10,735 and 10,895 MHz on azimuth 352°06'.

3426–C1–P–70—United Video, Inc. (New), C.P. for a new station 3.5 miles north-northeast of Thackerville, Okla., at lat. 33°50'21.5" N., long. 97°07'23.9" W. Frequencies 11,265 and 11,345 MHz on azimuth 354°54'. (Informative: Applicant proposes to provide the television signals to KTVT and KDTV of Dallas-Fort Worth, Tex., to Cablecom General, Inc., in Ardmore, Okla. Applicant is requesting "Special Temporary Authority" to start construction prior to Commission action on the applications.)

Major Amendment

2591–C1–P–69—Upper Peninsula Microwave, Inc. (KYO50), Amended to change frequencies 6177.5 and 6197.2 MHz to 11,525.0 and 11,685.0 MHz toward Grayling, Mich., on azimuth of 3°49'. Other particulars are same as reported in public notice dated Nov. 4, 1968.

[F.R. Doc. 69–15336; Filed, Dec. 29, 1969; 8:45 a.m.]

TOWN & COUNTRY BROADCASTERS, INC.

Order Designating Application for Hearing on Stated Issues

In regard application of Town & Country Broadcasters, Inc., Docket No. 18773, File No. BRH–831, for renewal of license of radio station KJML(FM), Sacramento, Calif.

1. The Commission has before it for consideration (a) the captioned application and (b) its field inquiry into the operations of station KJML(FM).

2. Information before the Commission raises a number of serious questions as to whether the captioned applicant possesses the qualifications to remain a licensee of the Commission. In view of these questions, the Commission is unable to find that grant of the captioned application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned application is designated for hearing at Sacramento, Calif., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine whether control of radio station KJML was transferred to others without the authority of the Commission, in violation of section 310(b) of the Communications Act of 1934, as amended.

(2) To determine whether the applicant made misrepresentations to, or sought to conceal information from, the Commission.

(3) To determine whether the applicant had knowledge of the content of its foreign language broadcasts and maintained control over them.

(4) To determine whether the applicant violated sections 310(a) and 317(a)(1) and (c) of the Communications Act of 1934, as amended, and §§ 1.613(b)(3) and (c), 1.615(c)(3), 73.261, 73.265, 73.284, 73.285, and 73.289 of the Commission's rules.

(5) To determine the financial arrangements under which KJML has been and will be operated.

(6) To determine the efforts made by applicant to ascertain the needs and interests of the area served by KJML and the means by which it proposes to meet such needs and interests.

(7) To determine applicant's past and future policy with respect to making time available for the discussion of public issues and the method of selecting subjects and participants.

(8) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the applicant possesses the requisite qualifications to be and to remain a licensee of the Commission.

(9) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grant of the application for renewal of the license for radio station KJML would serve the public interest, convenience, and necessity.

4. *It is further ordered*, That the Chief, Broadcast Bureau, is directed to serve upon the applicant within 30 days of the release of this order a Bill of Particulars setting forth the basis for adoption of the above hearing issues.

5. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (1) through (4), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

6. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of such notice as required by § 1.594(g) of the rules.

Adopted: December 17, 1969.

Released: December 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–15383; Filed, Dec. 29, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

GREATER DETROIT CHAMBER OF COMMERCE

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Greater Detroit Chamber of Commerce (formerly Greater Detroit Board of Commerce).

Dated: December 23, 1969.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69–15385; Filed, Dec. 29, 1969; 8:46 a.m.]

WEST LINE, INC.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

West Line, Inc., 900 IBM Building, Seattle, Wash. 98101.

Dated: December 23, 1969.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69–15384; Filed, Dec. 29, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–4771 etc.]

AMERADA PETROLEUM CORP. ET AL.

Notice of Applications for Certificates and Petitions to Amend Certificates [1]

DECEMBER 17, 1969.

Take notice that each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity or a petition to amend an order of the Commission issuing a certificate for authorization to sell natural gas in interstate commerce for resale, all as more fully described in the applications and petitions to amend which are on file with the Commission and open to public inspection.

All of the applications and petitions to amend are for sales by independent producers in the Permian Basin area. The Commission proposes to issue certificate authorization at rates not exceeding the applicable area rate ceilings established in Opinions Nos. 468 and 468–A, 34 FPC 159 and 1068, or the contractually authorized rates as of the dates deliveries commenced, whichever are less, and to order refunds of amounts collected prior to September 1, 1965, under temporary certificates in excess of such area rate ceilings [2]. Any refunds so ordered would be subject to the same limitations on refunds prescribed in the Commission's order issued November 26, 1968, in Area Rate Proceeding (Permian Basin), Docket No. AR61–1 et al., 40 FPC 1359, 1361.

Each applicant or petitioner who is unwilling to accept certificate authorization on the basis described above should so advise the Commission in writing within 30 days from the issuance of this notice. Certificate authorization consistent with Opinions Nos. 468 and 468–A will be issued to all applicants and petitioners who do not advise the Commission within the prescribed time of their unwillingness to accept such authorization.

The initial rate proposed to be authorized for each sale is the lesser of the rates set forth in the "Price per Mcf" and "Area Ceiling Price per Mcf" columns of the tables included herein. The rates set forth in these columns are adjusted for quality if a rate schedule-quality statement has been filed. All rates are set forth at a pressure base of 14.65 p.s.i.a.

Any person desiring to be heard or to make any protest with reference to the subject applications and petitions should on or before January 21, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Any parties who have heretofore filed petitions to intervene or notices of intervention in the subject dockets should file again if they are still interested in participating in any proceedings in the subject dockets.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation of the several matters covered herein.

[2] It is not proposed to order refunds in Docket No. CI60–87 because the situation presented there is the same as that involved with respect to the applications of Cabot Corp. in Docket No. G–18619 et al. See Area Rate Proceeding (Permian Basin), Docket No. AR61–1 et al., order issued Jan. 17, 1969, 41 FPC 53, 54.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Area ceiling price per Mcf
G–4771 ..... C 1–11–68	Amerada Hess Corp. (formerly Amerada Petroleum Corp.), Post Office Box 2040, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	14.5	[1] 14.5
G–5013 ..... C 10–31–66	Shell Oil Co. (Operator), et al., 50 West 50th St., New York, N.Y. 10020.	El Paso Natural Gas Co., Wasson Plant, Yoakum County, Tex.	12.63	[1] 12.63
G–5145 ..... C 6–23–61 C 2–26–62 C 7–23–62	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Spraberry Trend Area, Upton, Reagan, Midland, and Glasscock Counties, Tex.	[3] 17.2295	14.5
G–5145 ..... (G–2893) (G–17012) C 10–8–62 [2]	do	do	17.2295	14.5
G–8892 ..... C 6–5–61 [3]	Texaco, Inc., [4] Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	[4] 14.5	[1] 14.5
G–10367 ..... C 8–12–60	Humble Oil & Refining Co.	El Paso Natural Gas Co., South Andrews Field, Andrews County, Tex.	[5] 15.2025	[6] 14.5

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Area ceiling price per Mcf
G-10710..... C 5-4-66 C 9-12-66	Shell Oil Co.....	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	14.5	[1] 14.5
G-11803..... C 11-15-66	Hunt Oil Co. (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	El Paso Natural Gas Co. and Pecos Co., Amacker-Tippett Area, Upton County, Tex.	13.10	[1] 14.10
G-14950..... C 5-28-62 C 1-24-63	Gulf Oil Corp., Post office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Waha and Worsham-Bayer Fields, Pecos and Reeves Counties, Tex.	16.0	[1] 16.78
G-17012..... C 2-21-66 C 7-12-66	do.....	El Paso Natural Gas Co., XBC Field, Upton County, Tex.	16.7228	[2] 18.70
G-18451..... A 5-4-59 C 11-14-59 2-29-61 [3] D 10-25-61 [4] 11-13-64 [5]	do.....	El Paso Natural Gas Co., XBC (Low Pressure) Field, Upton County, Tex.	14.5	[1] 14.5
G-18638..... (G-11803) 9-26-39 [6]	H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202.	El Paso Natural Gas Co. and Pecos Co., Amacker-Tippett Field, Upton County, Tex.	13.10	[1] 14.10
C160-382..... A 1-22-60 11-7-60 [3] 2-13-61 [4] 7-19-65 [5]	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	Transwestern Pipeline Co., Aloka Field, Eddy County, N. Mex.	16.0	[1] 16.5
C160-379..... A 3-24-60	American Liberty Oil Co., 4100 First National Bank Bldg., Dallas, Tex. 75202.	Transwestern Pipeline Co., Artesia Plant, Eddy County, N. Mex.	14.5	[1] 14.5
C160-383..... A 3-28-60	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Transwestern Pipeline Co., Aloka Field, Eddy County, N. Mex.	14.5	[1] 14.5
C160-669..... A 5-27-60	Eugene E. Nearburg & Tom L. Ingram (Operators) et al., Post Office Box 961, Roswell, N. Mex. 88201.	Transwestern Pipeline Co., Aloka Penn Gas Field, Eddy County, N. Mex.	14.5	[1] 14.5
C161-35..... A 7-11-60 2-13-61 [2] 7-19-65 [5]	Standard Oil Co. of Texas, a division of Chevron Oil Co.	Transwestern Pipeline Co., Chenoa-Wolfcamp Field, Pecos County, Tex.	14.5	[1] 14.5
C161-586..... A 10-24-60	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001.	Transwestern Pipeline Co., Bell Lake Field, Lea County, N. Mex.	14.5	[1] 14.5
2-21-61 [3] 2-27-61 [4] 7-2-62 [5] 12-26-62 [6]			16.0	[1] 16.5
C161-1038..... A 12-27-60	Texaco, Inc.....	Transwestern Pipeline Co., South Permit Plant, Winkler County, Tex.	14.5	[1] 14.5
C161-1016..... C 9-16-66 as amended 11-15-66	Getty Oil Co. (Operator) et al., Post Office Box 1404 Houston, Tex. 77001.	Transwestern Pipeline Co., Kermit Field, Winkler County, Tex.	14.5	[1] 14.5
C161-1238..... A 6-6-61	Kutter-Wilbanks & Rutter, 500 South Big Spring, Midland, Tex. 79701.	El Paso Natural Gas Co., Shaw-Tomahawk Area, Glasscock County, Tex.	15.19	[1] 15.19
C162-202..... A 5-15-61	Phillips Petroleum Co., Bartlesville, Okla. 74003.	El Paso Natural Gas Co., Melliff Area, Reagan County, Tex.	16.0	[1] 18.5643
C162-691..... C 12-27-66	Samedan Oil Corp. (Operator) et al., Post Office Box 909, Artesia, N. Mex. 88210.	El Paso Natural Gas Co., Sand Hills Area, Crane County, Tex.	12.5	[1] 16.34
C162-803..... A 1-19-62 [7]	Gulf Oil Corp.....	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	15.19	[1] 15.19
C162-872..... A 12-7-61 A 1-24-62	Tide Superior Oil Co., Post Office Box 1031, Houston, Tex. 77001.	El Paso Natural Gas Co., Three Bar Field, Andrews County, Tex.	15.19	[1] 15.19
C162-1268..... A 6-13-66 C 11-1-66	Humble Oil & Refining Co.....	El Paso Natural Gas Co., XBC Field, Upton County, Tex.	[8] 16.7228	[2] 18.64
C167-51..... A 7-14-66	do.....	do.....	14.5	[1] 16.8
	Martin, Williams & Judson (Operator) et al., 413 First National Bank Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Cabin-Dean Field, Reagan County, Tex.).	14.5	[1] 14.5

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Area ceiling price per Mcf
G-10710..... C 5-4-66 C 9-12-66	Shell Oil Co.....	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	14.5	[1] 14.5
G-11803..... C 11-15-66	Hunt Oil Co. (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	El Paso Natural Gas Co. and Pecos Co., Amacker-Tippett Area, Upton County, Tex.	13.10	[1] 14.10
G-14950..... C 5-28-62 C 1-24-63	Gulf Oil Corp., Post office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Waha and Worsham-Bayer Fields, Pecos and Reeves Counties, Tex.	16.0	[1] 16.78
G-17012..... C 2-21-66 C 7-12-66	Sohio Petroleum Co. (Operator) et al., 920 Oil and Gas Building, Oklahoma City, Okla. 73102.	El Paso Natural Gas Co., Spraberry Area, Reagan County, Tex.	11.5	[1] 11.5
G-18451..... A 5-4-59 C 11-14-59 2-29-61 [3] D 10-25-61 [4] 11-13-64 [5]	Gulf Oil Corp.....	Transwestern Pipeline Co., Kermit and South Keystone Fields, Winkler County, Tex.	21.8	[9] 14.5
G-18638..... (G-11803) 9-26-39 [6]	H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202.	El Paso Natural Gas Co. and Pecos Co., Amacker-Tippett Field, Upton County, Tex.	[10] 13.5	[1] 15.04
C160-382..... A 1-22-60 11-7-60 [3] 2-13-61 [4] 7-19-65 [5]	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	Transwestern Pipeline Co., Aloka Field, Eddy County, N. Mex.	[11] 14.72	[1] 14.72
C160-379..... A 3-24-60	American Liberty Oil Co., 4100 First National Bank Bldg., Dallas, Tex. 75202.	Transwestern Pipeline Co., Artesia Plant, Eddy County, N. Mex.	[12] 17.21 [13] 14.99	17.21 14.99
C160-383..... A 3-28-60	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Transwestern Pipeline Co., Aloka Field, Eddy County, N. Mex.	[14] 14.76	[1] 14.76
C160-669..... A 5-27-60	Eugene E. Nearburg & Tom L. Ingram (Operators) et al., Post Office Box 961, Roswell, N. Mex. 88201.	Transwestern Pipeline Co., Aloka Penn Gas Field, Eddy County, N. Mex.	[15] 14.78	[1] 14.78
C161-35..... A 7-11-60 2-13-61 [2] 7-19-65 [5]	Standard Oil Co. of Texas, a division of Chevron Oil Co.	Transwestern Pipeline Co., Chenoa-Wolfcamp Field, Pecos County, Tex.	[16] 14.40	[1] 14.40
C161-586..... A 10-24-60	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001.	Transwestern Pipeline Co., Bell Lake Field, Lea County, N. Mex.	[17] 13.94 [18] 13.91 [19] 14.35	[1] 13.94 [1] 13.91 [1] 14.35
2-21-61 [3] 2-27-61 [4] 7-2-62 [5] 12-26-62 [6]			[20] 15.5	[21] 15.5
C161-1038..... A 12-27-60	Texaco, Inc.....	Transwestern Pipeline Co., South Permit Plant, Winkler County, Tex.	[22] 14.62	[1] 14.62
C161-1016..... C 9-16-66 as amended 11-15-66	Getty Oil Co. (Operator) et al., Post Office Box 1404 Houston, Tex. 77001.	Transwestern Pipeline Co., Kermit Field, Winkler County, Tex.	16.0	[1] 16.62
C161-1238..... A 6-6-61	Kutter-Wilbanks & Rutter, 500 South Big Spring, Midland, Tex. 79701.	El Paso Natural Gas Co., Shaw-Tomahawk Area, Glasscock County, Tex.	17.0	14.5
C162-202..... A 5-15-61	Phillips Petroleum Co., Bartlesville, Okla. 74003.	El Paso Natural Gas Co., Melliff Area, Reagan County, Tex.	16.296	[23] 14.5
C162-691..... C 12-27-66	Samedan Oil Corp. (Operator) et al., Post Office Box 909, Artesia, N. Mex. 88210.	El Paso Natural Gas Co., Sand Hills Area, Crane County, Tex.	16.5	[1] 16.5
C162-803..... A 1-19-62 [7]	Gulf Oil Corp.....	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	17.2225	[24] 16.5
C162-872..... A 12-7-61 A 1-24-62	Mallard Petroleum, Inc. (Operator) et al., 304 Gulf Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Winnberly Field, Pecos County, Tex.	[25] 16.0	[1] 16.96
C162-883..... (G-12120) F 2-5-62 as amended 2-12-62 E 5-1-64 [26]	Sohio Petroleum Co. (Operator) et al.	El Paso Natural Gas Co., Bakke Field, Andrews County, Tex.	[27] 9.33714	[1] 12.81

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Area ceiling price per Mcf
C167-548..... A 10-27-66 C 12-29-66	Humble Oil & Refining Co.....	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	15.91 [1] 15.91	[1] 15.91 [1] 15.91
C167-1243..... A 3-13-67	Signal Oil & Gas Co. (Operator) et al., Post Office Box 17126, Foy Station, Los Angeles, Calif. 90017.	El Paso Natural Gas Co., Northwest Todd Field, Crockett County, Tex.	16.21	[1] 16.21
C167-1366..... A 4-3-67	Union Oil Co. of California.....	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	15.91	[1] 15.91
C167-1635..... A 5-15-67	Humble Oil & Refining Co.....	Pecos Co. and El Paso Natural Gas Co., King Mountain (Strawn) Field, Upton County, Tex.	14.61	[1] 14.61
C167-1840..... A 6-29-67	Continental Oil Co.....	El Paso Natural Gas Co., Calvin Field, Reagan County, Tex.	14.5	[1] 14.5
C168-575..... A 10-23-67	Humble Oil & Refining Co.....	Northern Natural Gas Co., Coyanosa Field, Pecos County, Tex.	16.5	[1] 16.5
C168-871..... A 1-12-68	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Worsham-Bayer Field, Reeves County, Tex.	13.97	[1] 13.97
C169-438..... A 10-31-68	Sun Oil Co. (DX Division) (Operator) et al.	Natural Gas Pipeline Co. of America, South Hope Field, Eddy County, N. Mex.	[1] 16.06	[1] 16.93

[1] Per quality statement.
[2] Adds acreage acquired from Gibraltar Oil Corp.
[3] Filed by Texaco's predecessor, the TXL Oil Corp.
[4] Temporary certificate issued at 16 cents per Mcf. Rate increase to 18.243 cents per Mcf effective subject to refund in Docket No. R168-457.
[5] Contract rate was 13.6823 cents per Mcf when application was filed. To be the lower of the contract rate or the applicable area rate as adjusted for quality.
[6] Subject to quality adjustment (no quality statement filed).
[7] Temporary certificate issued at 16 cents per Mcf.
[8] Amends application to provide for new delivery point.
[9] Amends application to delete acreage added by amendment filed Dec. 18, 1959.
[10] Amends application with regard to quality provisions of the contract.
[11] Partial succession to sale previously made by Hunt Oil Co.
[12] Rate approved in temporary certificate.
[13] FPC Gas Rate Schedule No. 27.
[14] FPC Gas Rate Schedule No. 28.
[15] Adds interest of signatory coowner.
[16] Application to reflect change in corporate structure.
[17] Residue derived from new gas. Temporary certificate issued at 16 cents per Mcf. Subsequent rate increase to quality statement rate approved.
[18] Residue not derived from new gas. Temporary certificate issued at 16 cents per Mcf. Rate increase to 16.2280 cents per Mcf suspended in Docket No. R163-455.
[19] Temporary certificate issued at 15.6 cents per Mcf (16 cents @ 15.025 p.s.i.a.).
[20] No temporary certificate issued.
[21] Temporary certificate issued at 16 cents per Mcf. Rate increase to 17 cents per Mcf effective subject to refund in Docket No. R164-158.
[22] Name change.
[23] Application to cover interest of coowners who have ratified contract (all ratifications executed after Jan. 1, 1961).
[24] For Devonian gas in School District No. 19.
[25] For Devonian gas in School District No. 8.
[26] For Pennsylvania gas.
[27] Plus applicable state and local production taxes as adjusted for quality (this rate to apply to coowners who ratified contract after Jan. 1, 1961).
[28] Temporary certificate issued at 16 cents per Mcf. Rate increase to 18 cents per Mcf effective subject to refund in Docket No. R168-459.
[29] A temporary certificate was issued Mar. 6, 1962, however, service has never commenced thereunder.
[30] Rate increase to 21.8 cents per Mcf suspended in Docket No. R164-101. Subsequent increase to 16.96 cents per Mcf approved and proceeding in Docket No. R164-101 terminated.
[31] Application to cover interest of coowner who ratified contract.
[32] Partial succession by M. D. Abel et al., d.b.a. Abel & Bancroft (Operator) et al., to sale previously made by W. E. Bakke.
[33] Succession by Sohio Petroleum Co. to Abel & Bancroft.
[34] Temporary certificate issued at 10.1699 cents per Mcf, subject to rate proceeding in Docket No. G-16477. Order of Mar. 1, 1966 in Docket No. G-16477 reduced rate to 9.33714 cents per Mcf.
[35] Partial succession to sale previously made by Parker Drilling Co.
[36] Rate approved in temporary certificate. Equivalent to 5.5 cents per Mcf @ 16.4 p.s.i.a. Subsequent rate increases to 9 cents and 10 cents per Mcf approved.
[37] Formerly Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.
[38] No quality statement filed.
[39] Change in Operator (from J. S. Hill to David Fasken).
[40] Due to pressure decline, rate decreased to 14.5 cents per Mcf.
[41] Base price of 15 cents per Mcf, plus upward B.t.u. adjustment.

[F.R. Doc. 69-15311; Filed, Dec. 29, 1969; 8:45 a.m.]

[Docket No. RI70-832, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 17, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 4, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-832	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	8	11	El Paso Natural Gas Co. (Keyston Ellenburger Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	$189	11-20-69	[2] 12-21-69	5-21-70	16.1440	[3][4] 17.1955	
	do	12	18	El Paso Natural Gas Co. & Pecos Co. (Jack Herbert Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	2,877	11-20-69	[2] 12-21-69	5-21-70	15.2025	[3][4] 16.2760	RI69-320.
	do	16	19	El Paso Natural Gas Co. (Blinebry, Bumont, Jalmat, Justis, Langlie Mattix, Monument McKee, and Scarborough Fields, Lea County, N. Mex.) (Permian Basin Area).	21,035	11-20-69	[2] 12-21-69	5-21-70	16.50	[3][4][5] 17.9023	RI69-320.
	do	55	10	El Paso Natural Gas Co. & Pecos Co. (Jack Herbert and Willrode Fields, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	1,417	11-20-69	[2] 12-21-69	5-21-70	15.2025	[3][4] 16.2760	RI69-320.
	do	56	7	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.).	10,025	11-20-69	[2] 12-21-69	5-21-70	16.50	[3][4][5] 17.8367	RI69-320.
	do	65	12	El Paso Natural Gas Co. (Spraberry Field, Glasscock County, Tex.) (RR. District No. 8).	206	11-20-69	[2] 12-21-69 [6]	5-21-70	18.2430	[3][4] 19.3278	RI69-320.
	do	118	11	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	1,613	11-20-69	[2] 12-21-69	5-21-70	[1] 16.50	[3][4][5] 17.9023	RI69-320.
	do	120	11	El Paso Natural Gas Co. (Spraberry Field, Reagon County, Tex.) (RR. District No. 7-C).	304	11-20-69	[2] 12-21-69	5-21-70	18.2430	[3][4] 19.3278	RI69-320.
	do	143	7	El Paso Natural Gas Co. (Badley Upper and Lower Pennsylvania Fields, Lea County, N. Mex.).	148	11-20-69	[2] 12-21-69	5-21-70	16.50	[3][4] 17.6398	RI69-320.
	do	144	6	El Paso Natural Gas Co. (Justic Field, Lea County, N. Mex.).	1,851	11-20-69	[2] 12-21-69	5-21-70	16.50	[3][4][5] 17.9023	RI69-320.
	do	146	7	El Paso Natural Gas Co. (Block 9 Devonian, Ellenburger and Fusselman Fields, Andrews County, Tex.) (RR. District No. 8).	998	11-20-69	[2] 12-21-69	5-21-70	15.2025	[3][4] 16.2760	RI69-320.
	do	225	7	El Paso Natural Gas Co. & Pecos Co. (King Mountain Strawn Field, Upton County, Tex.) (RR. District No. 7-C).	365	11-20-69	[2] 12-21-69	5-21-70	15.2025	[3][4][5] 16.2760	RI69-320.
	do	231	6	El Paso Natural Gas Co. (Wimberly Field, Pecos County, Tex.) (RR. District No. 8).	14,102	11-20-69	[2] 12-21-69	5-21-70	18.2430	[3][4] 19.3278	RI69-320.
	do	240	6	El Paso Natural Gas Co. (Fowler-Paddock Field, Lea County, N. Mex.).	1,823	11-20-69	[2] 12-21-69	5-21-70	16.50	[3][4][5] 17.9023	RI69-320.
	do	244	4	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex).	320	11-20-69	[2] 12-21-69	5-21-70	16.0533	[3][4][5] 17.4453	RI69-320.
	do	259	4	El Paso Natural Gas Co. (Jal Strawn-West Field, Lea County, N. Mex.).	436	11-20-69	[2] 12-21-69	5-21-70	16.56	[4][5] 17.9023	
	do	312	5	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8).	612	11-20-69	[2] 12-21-69	5-21-70	15.2025	[3][4] 16.2760	RI69-320.
	do	317	8	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8).	6,475	11-20-69	[2] 12-21-69	5-21-70	16.7228	[3][4] 17.8019	RI69-320.
	do	325	10	El Paso Natural Gas Co. (Spraberry Field, Glasscock County, Tex.) (RR. District No. 8).	206	11-20-69	[2] 12-21-69	5-21-70	18.2430	[3][4] 19.3278	RI69-320.
	do	332	10	El Paso Natural Gas Co. (Headlee Plant, Ector County, Tex.) (RR. District No. 8).	[10]	11-20-69	[2] 12-21-69	5-21-70	18.2430	[3][4] 19.3278	RI69-320.
	do	326	11	El Paso Natural Gas Co. (Payton Field, Pecos and Ward Counties, Tex.) (RR. District No. 8).	863	11-20-69	[2] 12-21-69	5-21-70	16.7228	[3][4] 17.8019	RI69-320.
	do	345	7	El Paso Natural Gas Co. (South Santa Rosa Field, Pecos County, Tex.) (RR. District No. 8).	313	11-20-69	[2] 12-21-69	5-21-70	16.7228	[3][4] 17.8019	RI69-320.
	do	381	4	El Paso Natural Gas Co. (Wilshire Devonian Field, Upton County, Tex.) (RR. District No. 7-C).	810	11-20-69	[2] 12-21-69	5-21-70	19.44	[3][4] 20.8970	RI69-320.
	do	315	2	Transwestern Pipeline Co. (Clementine (Upper Morrow) Field, Hansford County, Tex.) (RR. District No. 10).	3,314	11-17-69	[1] 1-1-70	6-1-70	[11] 18.7818	[4][11][12] 19.8806	
	do	130	22	Natural Gas Pipeline Co. of America (Booneville Bend Conglomerate gas, Dees and Cap Yates Fields, Jack and Wise Counties, Tex.) (RR. District No. 9).	33,732	11-21-69	[1] 1-2-70	6-2-70	[11] 16.3651	[4][11][13] 17.6360	
RI70-833	Gulf Oil Corp. (Operator) et al.	9	11	El Paso Natural Gas Co. (Sweetie Peck Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	798	11-20-69	[2] 12-21-69	5-21-70	16.32	[4][14] 15.9201	

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-834	Warren Petroleum Corp (Operator), Post Office Box 1589, Tulsa, Okla., 74102.	30	12	El Paso Natural Gas Co. (Saunders Gasoline Plant, Lea County, N. Mex.).	[15] $2,670	11-17-69	[2] 12-18-69	5-18-70	[15] 18.00	[3][4][16] 19.00	RI69-322.
					[15] 195,520				[15] 16.92	[4][15][17] 19.00	RI69-322.
	do	28	11	El Paso Natural Gas Co. (Monument Gasoline Plant, Lea County, N. Mex.).	[15] 2,420	11-17-69	[2] 12-18-69	5-18-70	[15] 15.50	[3][4][15] 16.50	RI69-322.
					[15] 294,283				[15] 15.02	[4][15][17] 16.50	RI69-322.
	do	50	7	Transwestern Pipeline Co. (Monument Gasoline Plant, Lea County, N. Mex.).	([15])	11-17-69	[2] 12-18-69	5-18-70	16.56	[4][17] 20.00	RI69-322.
	do	43	16	El Paso Natural Gas Co. (Waddell Gasoline Plant, Crane County, Tex.) (RR. District No. 8).	[15] 706	11-17-69	[2] 12-18-69	5-18-70	[15] 18.1488	[3][4][15] 19.1574	RI69-322.
					[15] 761,286				[15] 16.7367	[3][4][15] 19.1574	RI69-322.
	do	44	9	El Paso Natural Gas Co. (Eunice Gasoline Plant, Lea County, N. Mex.).	[15] 40	11-17-69	[2] 12-18-69	5-18-70	[15] 18.00	[3][4][15] 19.00	RI69-322.
					401,313				[15] 16.51	[4][15][17] 19.00	RI69-322.
	do	54	7	El Paso Natural Gas Co. (Caliche Gasoline Plant, Lea County, N. Mex.).	[15] 28,470	11-17-69	[2] 12-18-69	5-18-70	[15] 18.00	[3][4][15] 19.00	RI69-322.
					35				[15] 16.79	[4][15][17] 19.00	RI69-322.
	do	56	11	El Paso Natural Gas Co. (Tatum Gasoline Plant, Lea County, N. Mex.).	[15] 2,040	11-17-69	[2] 12-18-69	5-18-70	[15] 18.00	[3][4][15] 19.00	RI69-322.
					[15] 44,570				[15] 16.44	[4][15][17] 19.00	RI69-322.
RI70-835	Warren Petroleum Corp.	42	15	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (RR. District No. 8).	338	11-17-69	[2] 12-18-69	5-18-70	17.0989	[4][17] 19.1304	RI69-323.
	do	22	13	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (RR. District No. 8-A).	14,171	11-17-69	[2] 12-18-69	5-18-70	16.6208	[4][17] 19.1423	RI69-323.
	do	45	9	El Paso Natural Gas Co. (Denton Gasoline Plant, Lea County, N. Mex.).	847	11-17-69	[2] 12-18-69	5-18-70	16.51	[4][17] 19.00	RI69-323.
	do	55	13	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (RR. District No. 8).	273	11-17-69	[2] 12-18-69	5-18-70	17.0929	[4][17] 19.1934	RI69-323.
RI70-836	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	70	9	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.) (RR. District No. 8).	839	11-17-69	[18] 12-18-69	5-18-70	16.7846	[3][4] 17.6680	RI69-705.
	do	178	[20] 5	El Paso Natural Gas Co. (Brown Bassett Field, Crockett County, Tex.) (RR. District No. 7-C).	497	11-17-69	[18] 12-18-69	5-18-70	15.91	[4][5] 17.6656	
RI70-837	Texaco, Inc. (Operator) et al., Post Office Box 2420, Tulsa, Okla. 74102.	339	2	Natural Gas Pipeline Co. of America (Northwest Quinlan Field, Woodward County, Okla.) (Panhandle Area).	5,976	11-21-69	[2] 12-23-69	5-23-70	[11] 17.85	[3][4][11] 20.48	
RI70-838	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	42	8	Cities Service Gas Co. (Garvin County Plants, Garvin County, Okla.) (Oklahoma "Other" Area).	[22] 40,480	11-20-69	[2] 12-21-69	5-21-70	17.9	[3][4] 19.0	RI69-17.
RI70-839	Westmore Drilling Co., Inc. (Operator) et al., Chapin Bldg., Medicine Lodge, Kans.	2	16	Cities Service Gas Co. (Aetna Mississippi Gas Pool, Barber County, Kans.).	7,200	11-19-69	[2] 12-22-69	5-22-70	[23] 14.0	[3][4][23] 15.0	RI66-96.
	do	3	8	do		11-19-69	[2] 12-22-69	5-22-70	[23] 14.0	[3][4][23] 15.0	
RI70-840	Cleary Petroleum Corp. (Operator), et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	12	1	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	621	11-20-69	[2] 12-21-69	5-21-70	[23] 17.0	[3][4][23] 18.515	
	do	15	1	Panhandle Eastern Pipe Line Co. (Alva East, Woods and Alfalfa Counties, Okla.) (Oklahoma "Other" Area).	1,121	11-20-69	[2] 12-21-69	5-21-70	15.0	[3][4] 16.01	
RI70-841	Cleary Petroleum Corp.	17	3	Arkansas Louisiana Gas Co. (Milton Field, Le Flore County, Okla.) (Oklahoma "Other" Area).	152	11-20-69	[2] 12-21-69	5-21-70	15.0	[3][4] 16.015	
RI70-842	J. Cleo Thompson (Operator) et al., 4500 Republic National Bank Tower, Dallas, Tex. 75201.	[24][25] 7		United Gas Pipe Line Co. (Willow Spring Field, Gregg County, Tex.) (RR. District No. 6).		11-20-69	[10] 12-21-69	Accepted			
RI70-843	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	7	1	do		11-20-69	[24] 1-1-70	6-1-70	11.9298	[4][27] 15.5	
		17	8	Lone Star Gas Co. (Garvin County Plants, Garvin County, Okla.) (Oklahoma "Other" Area).	7,737	11-21-69	[2] 12-22-69	5-22-70	17.9	[3][4] 19.0	RI69-15.
	do	47	8	Cities Service Gas Co. (Garvin County Plants, Garvin County, Okla.) (Oklahoma "Other" Area).	1,852	11-21-69	[2] 12-22-69	5-22-70	17.9	[3][4] 19.0	RI69-15.
RI70-844	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	167	10	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	43	11-21-69	[2] 1-23-69	6-23-70	[23] 18.615	[3][4][23] 18.815	RI69-221.
RI70-845	Champlin Petroleum Co. (Operator) et al.	76	13	Cities Service Gas Co. (acreage in Barber County, Kans.).	7,526	11-20-69	[2] 12-22-69	5-22-70	[23] 14.0	[3][4][23] 15.0	RI65-380.
RI70-846	Lone Star Exploration, Inc. (Operator) et al., 2010 Republic National Bank Bldg., Dallas, Tex. 75201.	3	5	Arkansas Louisiana Gas Co. (Arkoma Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	1,800	11-17-69	[18] 12-18-69	5-18-70	15.0	[3][4] 16.0	
		4	5			11-17-69	[18] 12-18-69	5-18-70	15.0	[3][4] 16.0	

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-847	Horizon Oil & Gas Co. of Texas, 1216 Hartford Bldg., Dallas, Tex. 75201.	16	1 to 5	Transwestern Pipeline Co. (Horizon Field, Ochiltree County, Tex.) (RR. District No. 10).	[20] $47,853	11-20-69	[2] 12-21-69	5-21-70	[30] 19.5853	[4] [22] [23] 20.1138	RI66-336.
	...do...	17	1 to 10	Transwestern Pipeline Co. (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	[5] 13,840	11-20-69	[2] 12-21-69	5-21-70	[30] 19.5853	[4] [22] [23] 26.1138	RI66-337.
	...do...	24	1 to 7	Transwestern Pipeline Co. (Dude Wilson Field, Ochiltree County, Tex.) (RR. District No. 10).	[20] 5,712	11-20-69	[2] 12-21-69	5-21-70	[30] 19.5853	[4] [22] [23] 26.1138	RI66-338.
	...do...	25	1 to 3	Northern Natural Gas Co. (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	[20] 4,316	11-20-69	[2] 12-21-69	5-21-70	[32] 17.0638	[4] [22] [23] 18.0675	RI70-493.

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to deduction of 0.4467 cent for compression, if needed.
[6] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[7] Rate in effect subject to refund in Docket No. RI69-320 for residue gas derived from new gas-well gas only.
[8] That part of the proposed increase which pertains to the sale of gas-well gas is accepted for filing to become effective on Dec. 21, 1969.
[9] Increase from ceiling rate to contract rate.
[10] No deliveries are being made.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Texas Tax increase has been filed.
[13] Includes 0.25-cent dehydration charge paid by buyer.
[14] 19 cents base rate plus 0.27-cent tax reimbursement less 3.3499 cents charge by buyer for gathering, treating and compression.
[15] Residue gas derived from new gas-well gas.
[16] Residue gas not derived from new gas-well gas.
[17] Increase from fractured rate to contract rate.
[18] No gas being sold at the present.
[19] The stated effective date is the first day after expiration of the statutory notice.
[20] Applicable to new gas-well gas from the Bromide formation.
[21] Footnote 21 not used.
[22] Buyer and seller are subsidiaries of Cities Service Co.
[23] Subject to a downward B.t.u. adjustment.
[24] Supersedes Rate Schedule No. 5 except for Mamie Guelich Unit.
[25] Contract dated Oct. 9, 1969, designated as Thompson's FPC Gas Rate Schedule No. 7.
[26] The stated effective date is the first day of the month following acceptance of new contract, i.e., Jan. 1, 1970.
[27] Renegotiated rate increase.
[28] The amount reflects correction in tax reimbursement
[29] Periodic-tax reimbursement increase.

Union Oil Company of California (Union Oil) requests waiver of the statutory notice to permit its proposed rate increase to become effective as of November 17, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Union Oil's rate filing or for limiting to 1 day the suspension period with respect to such rate filings and Union Oil's request is denied.

Concurrently with the filing of their rate increase, J. Cleo Thompson (Operator) et al. (Thompson), submitted a superseding contract dated October 9, 1969, designated as Thompson's FPC Gas Rate Schedule No. 7, which provides for their proposed rate increase. We believe that it would be in the public interest to accept for filing Thompson's proposed superseding rate schedule to become effective as of December 21, 1969, the expiration date of the statutory notice.

Supplement No. 7 to Gulf Oil Corp.'s FPC Gas Rate Schedule No. 225 contains a proposed rate increase to 16.2760 cents per Mcf.[30] That part of such proposed increase which pertains to the sale of new gas-well gas is accepted for filing to be effective on December 21, 1969, the proposed effective date.

Several of the proposed rate increases herein reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso) in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearings with respect to the rate filings containing such tax reimbursement shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR § 2.56).

[F.R. Doc. 69-15313; Filed, Dec. 29, 1969; 8:45 a.m.]

[30] Proposed rate applies to new gas-well gas and residue gas derived from new gas-well gas. The area ceiling for the former sale is 17.81 cents, while for the latter sale the ceiling is 14.61 cents.

ATOMIC ENERGY COMMISSION

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Notice of Issuance of Provisional Operating License

Notice is hereby given that no request for a hearing by the applicant or petition for leave to intervene by any interested person having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission (the Commission) has issued Provisional Operating License No. DPR-19 to Commonwealth Edison Co. (Commonwealth Edison) authorizing the licensee to possess, use, and operate the Dresden Nuclear Power Station Unit 2, a single cycle, boiling, light water reactor, on Commonwealth Edison's site in Grundy County, Ill. The license authorizes Commonwealth Edison to operate the reactor at steady state thermal power levels not to exceed 2,527 megawatts, in accordance with the provisions of the license and the Technical Specifications (Appendix A) appended thereto.

The Commission has inspected the facility and has determined that it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-18.

The provisional operating license was issued as set forth in the Notice of Proposed Issuance of Provisional Operating License published in the FEDERAL REGISTER on October 23, 1969, 34 F.R. 17211, except for the correction of certain typographical and clerical errors in the Technical Specifications, as set forth in the errata sheet attached to the Technical Specifications appended to Provisional Operating License No. DPR-19.

A copy of License No. DPR-19, complete with Technical Specifications, is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the license and a related safety evaluation prepared by the Division of Reactor Licensing may be obtained at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 22d day of December 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-15362; Filed, Dec. 29, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CITIZENS BANCORPORATION

Order Approving Action To Become a Bank Holding Company

In the matter of the application of Citizens Bancorporation, Sheboygan, Wis., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Citizens Bank of Sheboygan, North Side State Bank, and Community South Side Bank, all of Sheboygan, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Citizens Bancorporation, Sheboygan, Wis., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Citizens Bank of Sheboygan, North Side State Bank, and Community South Side Bank, all of Sheboygan, Wis.

As required by section 3(b) of the Act, the Board gave written notice to the Commissioner of Banking of the State of Wisconsin of receipt of the application and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 25, 1969 (34 F.R. 14786), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 22d day of December 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-15386; Filed, Dec. 29, 1969; 8:46 a.m.]

MID-OHIO BANC-SHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) by Mid-Ohio Banc-Shares, Inc., Mansfield, Ohio, for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of The Sutton State Bank, Attica, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 which would result in a monopoly or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which is any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Dated at Washington, D.C., this 19th day of December 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-15387; Filed, Dec. 29, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago. Dissenting Statement of Governors Robertson and Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governor Maisel.

SECURITIES AND EXCHANGE COMMISSION

[70-4821]

MILLSTONE POINT CO. AND NORTHEAST UTILITIES

Notice of Proposed Guaranty by Holding Company of Subsidiary Company's Contractual Obligations

DECEMBER 19, 1969.

Notice is hereby given that Northeast Utilities ("Northeast") Post Office Box 270, Hartford, Conn. 06101, a registered holding company, and its subsidiary company, The Millstone Point Co. ("Millstone"), have filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., all of which are electric utility subsidiary companies of Northeast, are the owners as tenants-in-common ("Owners") of the Millstone Nuclear Power Station ("Station") with ownership interests of 53 percent, 28 percent, and 19 percent, respectively. By orders dated March 20, 1967 and September 19, 1968 (Holding Company Act Release Nos. 15691 and 16167), the Commission authorized Millstone to act as agent of the Owners with respect to the construction and operation of the Station. Unit No. 1 of the Station with a capacity of approximately 650,000 kilowatts is expected to be placed in operation in 1970.

The uranium fuel core for Unit No. 1 presently is in storage at the Station site ready for use as soon as such unit is completed and licensed for operation by the U.S. Atomic Energy Commission ("AEC"). Millstone is the lessee of the enriched uranium material used in such core and has paid the cost of fabrication of the core material with temporary financing authorized by order of the Commission dated June 2, 1969 (Holding Company Act Release No. 16389).

Under the terms of the Atomic Energy Act of 1954, electric utility users of uranium are now permitted to own their own inventories of such material. By the middle of 1973 the AEC lease program will be entirely terminated and complete private ownership of the uranium materials used in private electric utility power plants will become mandatory. A required phase-out from AEC to private ownership commences in 1970, and, during such transitional period, electric utility companies have the option to shift immediately to private ownership or to do so gradually. To encourage such action, AEC has provided for "in situ enrichment" arrangements, pursuant to which Millstone, as the lessee of the enriched uranium material included in the core for Unit No. 1, would furnish to the AEC an equivalent amount of uranium in the form of UF6 gas and pay AEC the cost of enriching such material. In exchange, AEC would thereupon transfer to Millstone title to the leased uranium material now contained in the fuel core in storage at the Station site.

Millstone has reviewed proposals of various uranium suppliers for purchase of the uranium material to furnish to AEC and proposes to enter into an agreement with Homestake Mining Co. ("Homestake"), pursuant to which Homestake would furnish to AEC the required quantity of UF6 gas and pay on Millstone's behalf the charges by AEC for enrichment of such gas. The total

price to Millstone for performing such arrangements would be approximately $16.5 million, and, pursuant to the terms of a contract to be executed between Homestake and Millstone, the latter would pay such price to Homestake in 20 quarterly installments commencing on June 30, 1970, and ending June 30, 1975, with interest on the unpaid balance at the rate of 6 percent per annum.

Pursuant to an interim agreement authorized by the aforesaid 1969 order of the Commission, the Owners are obligated to reimburse Millstone for all monies paid by it to Homestake under the in situ enrichment arrangement. It is further proposed that Millstone's obligations under the proposed agreement with Homestake be guaranteed by Northeast.

It is stated that the costs of the proposed arrangements with Homestake are lower than those offered to Millstone by other suppliers of uranium materials. It is further represented that the arrangement with Homestake will protect Millstone against increases in uranium prices which are expected to occur prior to the time in 1973 when private ownership becomes mandatory, because it is anticipated that the presently limited demand of private users for uranium will increase sharply in the next few years as more nuclear plants are placed in operation.

The fees, commissions and expenses incurred, or to be incurred, directly or indirectly, in connection with the proposed transactions are estimated at approximately $1,500 including legal fees of $1,200. No consent or approval of any State commission or Federal commission, other than this Commission and the Connecticut Public Utilities Commission, is required in respect of the proposed transactions. Application for approval by the Connecticut Commission is being filed, and copies of such application and any order issued by the Connecticut Commission therein will be furnished by amendment.

Notice is further given that any interested person may, not later than January 9, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15370; Filed, Dec. 29, 1969; 8:45 a.m.]

[File No. 24A-1943]

OCEANOGRAPHIC VENTURES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 18, 1969.

I. Oceanographic Ventures, Inc. (Issuer), 683 Northeast 69th Street, Miami, Fla. 33138, a Delaware corporation, filed with the Commission on June 16, 1969, a notification and offering circular, relating to a proposed offering of 60,000 shares of $0.01 par value common stock at $5 per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder. Three amendments have been filed to the notification and offering circular. Berne Securities Corp., 1182 Broadway, New York, N.Y., is listed as underwriter for the offering.

The Commission has reasonable cause to believe, on the basis of information reported to it by its staff, that:

A. The issuer's notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, particularly:

1. That the notification and offering circular do not disclose adequately and accurately the consideration paid by the issuer's two promoters and principal security holders, Messrs. William G. Miller and William K. Chester, for the shares of common stock issued to them.

2. That the offering circular does not describe adequately and accurately the issuer's assets, particularly the cost of such assets to Mr. Miller prior to issuer's acquisition of those assets, and the title under which such assets are held and the amount of encumbrance thereon.

3. That the narrative and financial sections in the offering circular do not disclose adequately and accurately the facts relative to material transactions between issuer and Messrs. Miller and Chester and with respect to two $10,000 demand notes.

4. That the offering circular does not disclose adequately and accurately the issuer's present and proposed business activities, particularly the status of production on an under water film, and the issuer's activities in developing and producing under water lights and hydrostatic testers.

5. That the offering circular does not disclose adequately and accurately the past business experience of the principals of the issuer, and the issuer has not furnished financial statements of its predecessor.

6. That the offering circular does not describe adequately and accurately the proposed use of proceeds.

7. That the notification and offering circular list an incorrect address for Mr. Miller.

B. The issuer has failed to cooperate with the Commission in connection with the processing of this filing. The issuer has failed to clarify after repeated requests from the staff of the Commission whether Ivan A. Ezrine, Esquire, is acting as attorney for the underwriter, for the issuer, or for both. Similarly, the issuer has failed, after repeated requests of the staff, to disclose Mr. Miller's correct address. Overall the issuer has failed to reconcile numerous inconsistent and inaccurate statements of material fact.

C. The offering, if made, would operate as a fraud and deceit upon purchasers in violation of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15371; Filed, Dec. 29, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 23, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41832. *Lumber from Durkee, Wyo.* Filed by Chicago, Burlington & Quincy Railroad Co. (No. 2), for and on behalf of itself. Rates on lumber and lumber articles, in carloads, as described in the application, from Durkee, Wyo., to points in western trunk line territory.

Grounds for relief—Market competition.

Tariff—Supplement 57 to Chicago, Burlington & Quincy Railroad tariff ICC 20612.

FSA No. 41833—*Rice products from Arkansas, Louisiana, and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-123), for interested rail carriers. Rates on rice bran, rice mill feed, or ground rice hulls, in carloads, as described in the application, from points in Arkansas, Louisiana, and Texas, to Liberal, Kans., Guymon, Okla., and Texas, when destined beyond by truck.

Grounds for relief—Truck and market competition.

Tariff—Supplement 32 to Southwestern Freight Bureau, agent, tariff ICC 4803.

FSA No. 41834—Ethylene glycol from Kingsport and Lowland, Tenn. Filed by Southwestern Freight Bureau, agent (No. B-109), for interested rail carriers. Rates on ethylene glycol, used or recovered, in tank carloads, as described in the application, from Kingsport and Lowland, Tenn., to Hudson, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Southwestern Freight Bureau, agent, tariff ICC 4867.

FSA No. 41835—Cement from Barnett, Colo. Filed by Western Trunk Line Committee, agent (No. A-2608), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application, from Barnett, Colo., to points in western trunk line and southwestern territories.

Grounds for relief—Market competition, short line distance formula and grouping.

Tariffs—Supplement 97 to Western Trunk Line Committee, agent, tariff ICC A-4527 and supplement 157 to Southwestern Freight Bureau, agent, tariff ICC 4587.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15389; Filed, Dec. 29, 1969; 8:46 a.m.]

[Notice 467]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 23, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

*Republished.

No. MC-FC-71723. By order of December 22, 1969, the Motor Carrier Board approved the transfer to Larry's Express, Inc., Tomah, Wis., of permits Nos. MC-128860 and MC-128860 (Sub-No. 2) issued October 11, 1967, and July 8, 1969, respectively, to Ben Larry, doing business as Larry's Express, Tomah, Wis., authorizing the transportation of malt beverages and related advertising materials, and premiums, and malt beverages dispensing equipment, in mixed loads with malt beverages, from Denver, Colo., St. Louis, Mo. La Crosse, Wis., Chicago, Ill., South Bend, Ind., Detroit, Mich., New York, N.Y., and Newark, N.J., to Minneapolis, Minn., and from Denver, Colo., St. Louis, Mo., La Crosse, Wis., South Bend, Ind., Detroit, Mich., New York, N.Y., and Newark, N.J., to Long Lake, Minn., and from New York, N.Y., and Newark, N.J., to points in Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705, attorney for applicants. Republication is for the purpose of indicating that transferor's operating rights in No. MC-128860 (Sub-No. 2) are included in the transfer.

No. MC-FC-71755. By order of December 18, 1969, the Motor Carrier Board approved the transfer to Adams World Wide Movers, Inc., Paterson, N.J., of the operating rights in certificate No. MC-48809 issued June 28, 1966, to Display Movers & Storage, Inc., Hialeah, Fla., authorizing the transportation of household goods from New York, N.Y., and points in Connecticut, New Jersey, New York, and Pennsylvania within 50 miles of New York, N.Y., to points in Florida, and from points in Florida to Philadelphia, Pa., points in Connecticut, New Jersey, New York, and those in a part of Delaware. John M. Zachara, Post Office Box Z, Paterson, N.J. 07509, representative for applicants.

No. MC-FC-71762. By order of December 18, 1969, the Motor Carrier Board approved the transfer to 50 State Auto Delivery, Inc., doing business as Arrow Towing Service, Brooklyn, N.Y., of certificate No. MC-125890 issued December 10, 1965 to Arrow Towing Service Corp., a corporation, Brooklyn, N.Y., authorizing the transportation of: *Wrecked and disabled motor vehicles* (except trailers designed to be drawn by passenger automobiles), *used forklift trucks, and used car and truck cranes*, by use of wrecker equipment only, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, to New York, N.Y.; replacement vehicles for wrecker or disabled motor vehicles as described above, by use of wrecker equipment only, from New York, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15390; Filed, Dec. 29, 1969; 8:46 a.m.]

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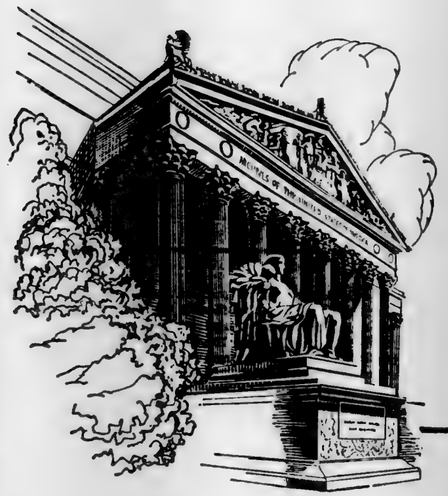
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This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

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Title 3—THE PRESIDENT

Proclamation 3951

FURTHER EXTENSION OF REMAINING INCREASED DUTIES ON IMPORTS OF SHEET GLASS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to Section 7 of the Trade Agreements Extension Act of 1951 and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 U.S.T. (pt. 2) 1786), the President by Proclamation No. 3455 of March 19, 1962 (76 Stat. 1454), as modified by Proclamation No. 3458 of March 27, 1962 (76 Stat. 1457), proclaimed, effective after the close of business June 17, 1962, and until the President otherwise proclaimed, increased duties on imports of certain types of sheet glass;

2. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 3455 by providing for the increased duties on imports of such types of sheet glass in items 923.11 through 923.99 and item 924.00 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States;

3. WHEREAS, pursuant to Section 351(c)(1)(A) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(c)(1)(A)) and in accordance with Article XIX of the General Agreement on Tariffs and Trade, the President by Proclamation No. 3762 of January 11, 1967 (81 Stat. 1076), terminated the increased duties on imports of sheet glass provided for in items 923.11 through 923.25, items 923.42 through 923.67, items 923.92 through 923.99, and item 924.00, and reduced the increased duties provided for in items 923.31 through 923.37, and items 923.71 through 923.77;

4. WHEREAS, pursuant to Section 351(c)(2) of the Trade Expansion Act of 1962 and in accordance with Article XIX of the General Agreement on Tariffs and Trade, the President by Proclamation No. 3816 of October 11, 1967 (81 Stat. 1139), extended the remaining increased rates of duty on imports of sheet glass provided for in items 923.31 through 923.77 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States to the close of December 31, 1969;

5. WHEREAS, pursuant to Section 301(b)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(b)(1)), the Tariff Commission, on July 2, 1969, instituted an investigation, the report to the President on which is to be made not later than December 27, 1969, to determine whether glass of the kinds provided for in items 541.11 through 541.31, 542.11 through 542.98, 543.11 through 543.69, 544.31, and 544.32 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive products;

6. WHEREAS, in relation to the possible further extension of such remaining increased duties, I have taken into account advice received from the Tariff Commission on December 1, 1969, and the advice of the Secretary of Commerce and the Secretary of Labor in accordance with Section 351(c)(2) of the Trade Expansion Act of 1962, recommendations of the Special Representative for Trade Negotiations in accordance with Sections 3(b), 3(j), and 5(c) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(b), 1.3(j), and 1.5(c)), and advice of other interested agencies of the Government; and

7. WHEREAS, pursuant to Section 351(c)(2) of the Trade Expansion Act of 1962, I have determined that the provisional further extension, as herein proclaimed, of the remaining increased duties on imports of sheet glass provided for in items 923.31 through 923.77 is in the national interest:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 351(c)(2) of the Trade Expansion Act of 1962, do proclaim that the remaining increased rates of duty on imports of sheet glass provided for in items 923.31 through 923.77 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States are extended to articles entered, or withdrawn from warehouse, for consumption during the period beginning on January 1, 1970, and ending at the close of March 31, 1970, unless the President proclaims otherwise with respect to any such glass, pursuant to Section 351(c)(2) or (a)(1) of the Trade Expansion Act of 1962, following receipt by the President of the report of the Tariff Commission referred to in the fifth recital.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of December in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-15522; Filed, Dec. 29, 1969; 4:45 p.m.]

Rules and Regulations

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

SUBCHAPTER A—GENERAL

SUBCHAPTER B—GOVERNMENT INVENTIONS JURISDICTION

EDITORIAL NOTE: Chapter I of Title 37 of the Code of Federal Regulations is changed by designating the existing text as Subchapter A—General, and inserting a new Subchapter B—Government Inventions Jurisdiction, containing former Parts 300, 301, and 302 which are transferred from Chapter III of this title and redesignated as follows:

Part
100 Administration of a uniform patent policy with respect to the domestic rights in inventions made by Government employees.
101 Acquisition and protection of foreign rights in inventions.
102 Licensing of foreign patents acquired by the Government.

Accordingly, all references to sections in former Parts 300, 301, or 302 shall be deemed to be to sections in Parts 100, 101, and 102. Thus, a reference to former § 300.1 shall be considered a reference to § 100.1.

Chapter III—Government Inventions Jurisdiction, Patent Office, Department of Commerce

TRANSFER OF REGULATIONS

The text of Chapter III of Title 37 of the Code of Federal Regulations is transferred to Chapter I of this title as Subchapter B—Government Inventions Jurisdiction. Former Parts 300, 301, and 302 are redesignated Parts 100, 101, and 102 respectively.

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

MISCELLANEOUS AMENDMENTS TO CHAPTER

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Domestic Rabbits and Edible Products Thereof and U.S. Specifications for Classes, Standards, and Grades With Respect Thereto (7 CFR Part 54), the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55), the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and U.S. Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70) as set forth below:

Statement of considerations. Congress has passed a provision to increase the agency's contribution to the retirement fund from 6½ percent to 7 percent. The Department has authorized an increase in the per diem to graders who perform relief work from $14 to $18 per day plus lodging with a maximum of $25.

The agency obtains the funds for the contribution to the Civil Service retirement fund, and obtains the funds to pay per diem from the 25 percent factor added to the salary charge.

As the grading program is a voluntary, self-supporting program, it becomes necessary to increase the charges so that the program costs and the charges are on a self-supporting basis. To recover these costs, it is necessary that the 25 percent factor be increased to 27 percent.

A slight change is made in § 70.132 relating to appeal fees for grading and other service for poultry and poultry products to provide for "no fee" only when a material error was made in the quality or class examination in the original grading of poultry or poultry products.

A new section is added to Part 70 to provide that when laboratory analyses and examinations are made on poultry and poultry products, the fees for such services shall be those set forth in 7 CFR Part 55 for comparable services.

The amendments are as follows:

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 54:

§ 54.108 [Amended]

Section 54.108(a)(6) is amended by deleting the figure "25" and substituting in lieu thereof the figure "27."

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

As to Part 55:

§ 55.68 [Amended]

Section 55.68(a)(6) is amended by deleting the figure "25" and substituting in lieu thereof the figure "27."

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

As to Part 56:

§ 56.52 [Amended]

Section 56.52(a)(6) is amended by deleting the figure "25" and substituting in lieu thereof the figure "27."

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 70:

§ 70.138 [Amended]

1. Section 70.138(a)(6) is amended by deleting the figure "25" and substituting in lieu thereof the figure "27."

2. Section 70.132 is amended to read:

§ 70.132 Fees for appeal service.

The fee to be charged for any appeal grading or laboratory analysis or examination shall be based on the rates as specified in § 70.131 (b) or (c). If the result of an appeal grading for class or quality of ready-to-cook poultry or poultry products discloses any material error was made in the original grading, no fee will be charged.

3. A new § 70.133 is added to read:

§ 70.133 Laboratory analyses.

Fees and charges for any laboratory analysis or examination for poultry or poultry products made under this part shall be assessed and collected in accordance with the provisions for fees and charges for such services as contained in Part 55 of this chapter.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended; 33 F.R. 10750)

Legislation requires that the fees and charges for inspection and grading services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), be reasonable and shall, as nearly as possible, cover the cost of such services. Therefore, the increase in fees and charges to cover such costs should be made effective promptly.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department.

The change in the appeal grading section to provide that no fee be charged when a material error was made for class or quality at origin is not a material change since such change merely conforms to the present administrative interpretation of the regulations and the

addition of a section to provide for fees for laboratory analysis of poultry and poultry products is in accord with present practices. It does not appear that rule-making would result in the Department receiving additional information on these matters.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 23d day of December 1969 to become effective on January 11, 1970.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-15407; Filed, Dec. 30, 1969; 8:45 a.m.]

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Miscellaneous Amendments

Correction

In F.R. Doc. 69-15095, appearing at page 20036, in the issue of Tuesday, December 23, 1969, in § 55.101(b), Table I, the third entry in the last column now reading "3." should read "3.5".

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.6, Amdt. 2]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1969

Correction

In F.R. Doc. 69-15203 appearing at page 20041 in the issue for Tuesday, December 23, 1969, in the table for § 813.6(a), second column, opposite the entry "Great Western Sugar Co., the", the figure now reading "759,447" should read "759,449".

[Sugar Reg. 815.10, Amdt. 2]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1969

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 815.10 (34 F.R. 425 and 6964), which established allotments of the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1969.

This amendment of Sugar Regulation 815.10 is necessary to determine a deficit in the allotment of each named allottee and to set aside the total of such deficits as a residual balance available to all persons since no allottee is able to market additional sugar.

The data in the following table shows in column (1) the allotments in effect prior to the determination and allocation of the deficits made herein, in column (2) the latest information available to the Department as to each allottee's 1969 ability to market sugar and in column (3) the quantity of the deficit determined and allocated.

Allottees	1969 allotments prior to determinations of deficits (1)	Maximum 1969 marketing ability (2)	Deficits determined (−) and allocated (+) (3)
	(Short tons, raw value)		
Central Aguirre Sugar Co., a Trust	6,679	4,260	−2,419
Central Roig Refining Co.	21,851	14,900	−6,951
Central San Francisco	1,183	407	−776
Puerto Rican American Sugar Refinery Inc	107,552	98,000	−9,552
Western Sugar Refining Co	24,710	19,954	−4,756
Liquid sugar reserve for persons other than named above	25		0
Residual balance available to all persons	0		+24,454
Total	162,000	137,521	0

Findings heretofore made and the order issued by the Secretary in the course of this proceeding (34 F.R. 425) provides that this order shall be revised without further notice or hearing by the Administrator, Agricultural Stabilization and Conservation Service for the purpose indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with paragraph (c) of § 815.10 of this chapter, it is hereby ordered that paragraph (a) of § 815.10 be amended to read as follows:

§ 815.10 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1969.

(a) *Allotments.* The direct-consumption portion of the 1969 mainland sugar quota for Puerto Rico, amounting to 162,000 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	4,260
Central Roig Refining Co	14,900
Central San Francisco	407
Puerto Rican American Sugar Refinery, Inc	98,000
Western Sugar Refining Co	19,954
Liquid sugar reserve for persons other than named above	25
Residual balance available to all persons	24,454
Total	162,000

* * * * *

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928 as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. This amendment reduces the allotments of all the allottees and establishes a residual balance which is available to all persons. To allow other persons as much time as possible to plan their marketings of sugar for the remainder of 1969 it is imperative that this order be effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirements in 5 U.S.C. 553 is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 24, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-15443; Filed, Dec. 30, 1969; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 188, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.488 (Navel Orange Reg. 188, 34 F.R. 19811) are hereby amended to read as follows:

§ 907.488 Navel Orange Regulation 188.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 623,000 cartons;
(ii) District 2: 60,000 cartons;
(iii) District 3: 77,000 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 24, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-15444; Filed, Dec. 30, 1969; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 36; Docket No. AO-179-A32]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued November 6, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 5, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1036.51, paragraph (a) is revised to read as follows:

§ 1036.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.67 for plants in the Cleveland-Erie district and $1.77 for plants in the Pittsburgh district, plus 20 cents for each district. At a plant outside the marketing area, add to the basic formula price for the preceding month the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest (by the shortest hard-surfaced highway distance as determined by the market administrator such plant: Canton and Cleveland, Ohio; Erie, Pittsburgh and Uniontown, Pa.; and Clarksburg, W. Va.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: January 1, 1970.

Signed at Washington, D.C., on December 23, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-15409; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 114g, 115,

117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by deleting the name of the State of Tennessee, and paragraph (e)(10) relating to the State of Tennessee is deleted.

2. In § 76.2, paragraph (e)(6) relating to the State of Missouri is amended to read:

(6) *Missouri.* Lincoln County; that portion of Clinton County bounded by a line beginning at the junction of the northern and eastern boundaries of Clinton County and following the northern boundary line in a westerly direction to U.S. Highway 69; thence, following U.S. Highway 69 in a southerly direction to County Road A; thence, following County Road A in a southwesterly direction to County Road H; thence, following County Road H in an easterly direction to U.S. Highway 69; thence, following U.S. Highway 69 in a southerly direction to Deer Creek Road; thence, following Deer Creek Road in an easterly direction to the eastern boundary of Clinton County; thence, following the eastern boundary line north to the northern boundary of Clinton County; and that portion of Worth County lying south of the Iowa-Missouri State line, east of County Roads K and Z, north of County Roads M and W, and west of the Harrison County line.

3. In § 76.2, paragraph (e)(7) relating to the State of New York is amended to read:

(7) *New York.* That portion of Montgomery County lying south of the Mohawk River, east of County Roads 27 and 145, north of the New York State Thruway, and west of State Highway 30.

4. In § 76.2, paragraph (f) is amended by adding the State of Tennessee to the States listed therein.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, §§ 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3, 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude certain areas in the States of Missouri, New York, and Tennessee from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas contained in said Part 76 will apply thereto. In addition, the amendments restore the State of Tennessee to the list of hog cholera eradication States, and the special provisions of Part 76 pertaining to the interstate movement of swine from and to the eradication States are again applicable to Tennessee.

Insofar as the amendments relieve certain restrictions presently imposed, they must be made effective immediately to be of maximum benefit to affected persons. Insofar as the amendments impose restrictions, they should be made effective without delay in order to protect the livestock of the United States. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of December 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–15442; Filed, Dec. 30, 1969; 8:47 a.m.]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Prohibition of Use of Paprika or Oleoresin Paprika in Certain Products

On October 8, 1968, there was published in the FEDERAL REGISTER (33 F.R. 15027) a proposal to amend the Meat Inspection Regulations under the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584; 21 U.S.C. 601 et seq.) to prohibit the use of paprika or oleoresin paprika in certain fresh meat and fresh meat food products prepared by establishments operating under the Act. A 30-day period was provided for interested persons to submit written data, views, and arguments on the proposed amendment. A FEDERAL REGISTER notice on November 15, 1968 (33 F.R. 16657) extended this period for an additional 30 days.

After due consideration of all information submitted and other relevant matters in connection with the notice and under the authority of the Federal Meat Inspection Act, § 318.7 of the Federal Meat Inspection Regulations (9 CFR 318.7) is amended by adding thereto the following new paragraph (c):

§ 318.7 Approval of substances for use in the preparation of meat food products.

* * * * *

(c) No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore, paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat food products, such as chopped and formed steaks or patties; or in any other meat food product consisting of fresh meat (with or without seasonings), except chorizo sausage and Italian brand sausage, and except other meat food products in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in Part 328 of this subchapter.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C., Supp. sec. 621; 29 F.R. 16210, as amended; 33 F.R. 10750)

On the basis of all information before this Department in connection with this proceeding, it has been determined that the amendment is necessary to assure that federally inspected meats and meat food products are not adulterated through the use of substances that conceal damage or inferiority or make the products appear to be better or of greater value than they are. The Federal Meat Inspection Act prohibits the preparation for, or distribution in, "commerce" as defined in the Act, of adulterated meats or meat food products, and the amendment would conform operations under the Act to the current interpretation of the requirements of the statute. Therefore under the administrative procedure provisions in 5 U.S.C. 552, good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER. However, it is recognized that the amendment will requrie changes in the operations of some members of the affected industry and that in order to avoid unfair hardship to them a reasonable and brief period of time should be allowed for them to adjust their operations to comply with the amendment. Therefore, it is hereby ordered that this amendment shall become effective upon the 15th day after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., on December 22, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69–15408; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 73—PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL IN TRANSIT

Miscellaneous Amendments

The Atomic Energy Commission has adopted clarifying amendments of its regulation, 10 CFR Part 73, Physical Protection of Special Nuclear Material in Transit.

The amendments set out below require each license who delivers to a carrier for transport more than 5,000 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope), uranium-233, or plutonium, or any combination of these in a single shipment, to notify immediately the consignee of the time of departure of the shipment and to notify or confirm with the consignee the method of transportation, including names of carriers, and the estimated time of arrival of the shipment. Each licensee who exports such material is required to make arrangements with the foreign consignee to be notified immediately if the shipment is lost or unaccounted for after the estimated arrival time. If a shipment fails to arrive at its destination at the estimated time, the consignee, if a licensee, or in the case of export shipments, the licensee who exported the shipment, is required to report the matter to the Commission and to the licensee or other person who delivered the material to a carrier for transport when arrangements were made for physical protection by such licensee or other person. Each licensee who makes arrangements for physical protection of a shipment is required to trace immediately any shipment that is lost or unaccounted for after the estimated arrival time and file appropriate reports concerning his trace investigation.

Under the amendments, each licensee who takes delivery of special nuclear material free on board (f.o.b.) the point where it is delivered to a carrier for transport is responsible for arranging the required physical protection of the shipment to destination.

Since the protection of the common defense and security requires immediate adoption of the following amendments, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as impracticable.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 73, are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions in connection with the regulation to send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given such submission with the view to possible amendments. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 73.31 of 10 CFR Part 73, is amended to read as follows:

§ 73.31 Physical protection of special nuclear material in transit.

(a) Each licensee who transports or who delivers to a carrier for transport in a single shipment special nuclear material, subject to the regulations in this part, shall make arrangements to assure that such special nuclear material will be protected in transit as follows:

(1) Special nuclear material will be transported in the continuous personal custody of an authorized individual, or,

(2) Special nuclear material will be transported under the established procedures of a common or contract carrier which provide a system for the physical protection of valuable material in transit and require an exchange of hand-to-hand receipts at origin and destination and at all points en route where there is a transfer of custody. When a licensee takes delivery of a single shipment of special nuclear material, subject to the regulations in this part, free on board (f.o.b.) the point where it is delivered to a carrier for transport, that licensee shall make the arrangements to assure protection of special nuclear material in transit prescribed by this paragraph, rather than the licensee who delivers the shipment to a carrier for transport.

(b) Each licensee who delivers to a carrier for transport special nuclear material, subject to the regulations in this part, shall immediately notify the consignee by telephone, telegram, or teletype, of the time of departure of the shipment and shall notify or confirm with the consignee the method of transportation, including names of carriers, and the estimated time of arrival of the shipment at its destination.

(c) In addition to the requirements specified in paragraphs (a), (b), and (e) of this section, each licensee who exports special nuclear material, subject to the regulations in this part, shall make arrangements with the consignee to be notified immediately by telephone, telegraph, or teletype, of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination.

(d) In the event that a shipment of special nuclear material, subject to the regulations in this part, fails to arrive at its destination at the estimated time, the consignee, if a licensee, or in the case of an export shipment, the licensee who exported the shipment, shall immediately notify by telephone, telegram, or teletype, the Director of the appropriate Atomic Energy Commission District Safeguards Office listed in Appendix A, and the licensee or other person who delivered the material to a carrier for transport when arrangements were made for physical protection by such licensee or other person.

(e) Each licensee who makes arrangements for physical protection of a shipment of special nuclear material as required by this section, shall immediately conduct a trace investigation of any shipment that is lost or unaccounted for after the estimated arrival time and file a report with the Commission as specified in § 73.42. If the licensee who conducts the trace investigation is not the consignee, he shall also immediately report the results of his investigation by telephone, telegram, or teletype to the consignee.

2. Section 73.42 of 10 CFR Part 73 is amended to read as follows:

§ 73.42 Reports of unaccounted for shipments, suspected theft, or unlawful diversion.

(a) Each licensee who conducts a trace investigation of a lost or unaccounted for shipment pursuant to § 73.31(e) shall immediately report to the Director of the appropriate Atomic Energy Commission District Safeguards Office listed in Appendix A, by telephone, telegram, or teletype, the results of his trace investigation and shall file within a period of fifteen (15) days a written report to the Director, Division of Nuclear Materials Safeguards, Washington, D.C. 20545, with a copy to the Director of the appropriate District Safeguards Office, setting forth the details and results of the trace investigation.

(b) Each licensee shall report immediately to the Director of the appropriate Atomic Energy Commission District Safeguards Office listed in Appendix A, by telephone, telegram, or teletype, any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which he is licensed to possess and which is subject to the regulations of this part. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, Washington, D.C. 20545, with a copy to the Director of the appropriate Atomic Energy Commission District Safeguards Office, setting forth the details of the incident. Subsequent to the submission of the written report required by this paragraph a licensee shall immediately inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to the licensee, concerning the incident.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 18th day of December 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69–15448; Filed, Dec. 30, 1969; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Part 0 of Title 28 is revised to read as follows:

Sec.
0.0 Supersedure of prior documents and exceptions.

Subpart A—Organizational Structure of the Department of Justice

0.1 Organizational units.

Subpart B—Office of the Attorney General

0.5 Attorney General.
0.6 Executive Assistant.
0.7 Director of Public Information.
0.8 Incentive Awards Board.
0.9 Young American Medals Committee.
0.10 Fiscal Review Committee.

Subpart C—Office of the Deputy Attorney General

0.15 Deputy Attorney General.
0.16 Executive Office for U.S. Attorneys.
0.17 Office of the Director, U.S. Marshals Service.
0.18 Office of Criminal Justice.

Subpart D—Office of the Solicitor General

0.20 General functions.
0.21 Authorizing intervention by the Government in certain cases.

Subpart E—Office of Legal Counsel

0.25 General functions.

Subpart F—Community Relations Service

0.30 General functions.
0.31 Designating officials to perform the functions of the Director.
0.32 Applicability of existing departmental regulations.

Subpart G—Office of the Pardon Attorney

0.35 Applications for clemency.
0.36 Recommendations.

Subpart H—Antitrust Division

0.40 General functions.
0.41 Special functions.
0.42 Authority to furnish certain reports relating to proposed mergers of banks.

Subpart I—Civil Division

0.45 General functions.
0.46 Certain civil litigation.
0.47 Alien property matters.

Subpart J—Civil Rights Division

0.50 General functions.
0.51 Assistance to other Federal agencies.

Subpart K—Criminal Division

0.55 General functions.
0.56 Exclusive or concurrent jurisdiction.
0.57 Delegation respecting authorization to institute criminal prosecution against a juvenile.
0.58 Delegation respecting payment of benefits for disability or death of law enforcement officers not employed by the United States.
0.59 Delegation respecting the approval of certain applications by U.S. Attorneys to Federal Courts for orders compelling testimony or the production of evidence by witnesses.

Subpart L—Internal Security Division

Sec.
0.61 General functions.
0.62 Representative capacities.
0.63 Delegation respecting admission of certain aliens.

Subpart M—Land and Natural Resources Division

0.65 General functions.
0.66 Delegation respecting title opinions.
0.67 Delegation respecting conveyances for public-airport purposes.

Subpart N—Tax Division

0.70 General functions.
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§ 0.0 Supersedure of prior documents and exceptions.

(a) *Supersedure of documents relating to departmental organization and functions.* The following-described orders are incorporated in this part and are hereby superseded: No. 271–62 of May 29, 1962; No. 273–62 of June 14, 1962; No. 274–62 of June 14, 1962; No. 275–62 of July 10, 1962; No. 276–62 of July 11, 1962; No. 281–62 of September 28, 1962; No. 291–62 of December 13, 1962, except for section 5 thereof; No. 299–63 of July 19, 1963; No. 303–63 of August 20, 1963; No. 308–63 of December 12, 1963; No. 310–64 of January 28, 1964; No. 315–64 of June 1, 1964; No. 316–64 of June 23, 1964; No. 319–64 of July 31, 1964; No. 327–64 of November 24, 1964; No. 329–65 of January 12, 1965; No. 331–65 of February 18, 1965, except for section 1 thereof; No. 334–65 of April 19, 1965; No. 335–65 of April 22, 1965; No. 339–65 of May 26, 1965; No. 343–65 of June 8, 1965; No. 347–65 of September 20, 1965; No. 348–65 of October 8, 1965, insofar as it applies to 28 CFR Part 0; No. 352–66 of January 13, 1966; No. 353–66 of January 26, 1966; No. 354–66 of February 21, 1966; No. 355–66 of March 25, 1966; No. 356–66 of March 25, 1966; No. 360–66 of April 20, 1966; No. 361–66 of April 22, 1966; No. 362–66 of May 6, 1966; No. 367–66 of August 31, 1966; No. 370–66 of November 10, 1966; No. 374–67 of January 20, 1967; No. 377–67 of April 28, 1967; No. 378–67 of May 29, 1967; No. 381–67 of June 29, 1967, insofar as it amends 28 CFR Part 0; No. 382–67 of July 24, 1967; No. 385–67 of October 30, 1967; No. 386–67 of November 28, 1967; No. 387–67 of November 29, 1967; No. 395–68 of May 29, 1968; No. 397–68 of July 2, 1968, insofar as it amends 28 CFR Part 0; No. 400–68 of July 29, 1968; No. 402–68 of August 8, 1968; No. 405–68 of November 4, 1968; No. 406–68 of November 18, 1968; No. 412–69 of March 21, 1969, insofar as it amends 28 CFR Part 0; No. 415–69 of May 12, 1969; No. 417–69 of June 5, 1969; No. 418–69 of June 30, 1969; No. 419–69 of July 7, 1969. Any existing delegation of authority made pursuant to the foregoing superseded orders shall continue in force and effect until modified or revoked: *Provided*, That nothing in this section shall be construed to modify the provisions of any other part of this title, or to modify any orders or regulations of the Attorney General issued pursuant to Executive Order No. 10450 of April 27, 1953, or No. 10501 of November 5, 1953, as amended.

(b) *Existing delegations or assignments to U.S. Attorneys or U.S. Marshals.* Unless otherwise indicated herein this part shall not be construed as superseding any part of any document making an assignment or delegation to U.S. Attorneys or U.S. Marshals.

(c) All references to sections of these regulations in departmental memoranda and directives are changed to conform to the section designations in this part.[1]

Subpart A—Organizational Structure of the Department of Justice

§ 0.1 Organizational units.

The Department of Justice shall consist of the following principal organizational units:

OFFICES

Office of the Attorney General.
Office of the Deputy Attorney General.
Office of the Solicitor General.
Office of Legal Counsel.
Community Relations Service.
Office of the Pardon Attorney.

DIVISIONS

Antitrust Division.
Civil Division.
Civil Rights Division.
Criminal Division.
Internal Security Division.
Land and Natural Resources Division.
Tax Division.
Administrative Division.

BUREAUS

Federal Bureau of Investigation.
Bureau of Prisons.
Bureau of Narcotics and Dangerous Drugs.
Immigration and Naturalization Service.
Law Enforcement Assistance Administration.

BOARDS

Board of Immigration Appeals.
Board of Parole.

Subpart B—Office of the Attorney General

§ 0.5 Attorney General.

The Attorney General shall:

(a) Supervise and direct the administration and operation of the Department of Justice, including the offices of U.S. Attorneys and U.S. Marshals, which are within the Department of Justice.

(b) Represent the United States in legal matters generally.

(c) Furnish advice and opinions, formal and informal, on legal matters to the President and the Cabinet and to the heads of the executive departments and agencies of the Government, as provided by law.

(d) Appear in person to represent the Government in the Supreme Court of the United States, or in any other court, in which he may deem it appropriate.

(e) Designate, pursuant to Executive Orders No. 9788 of October 4, 1946, and No. 10254 of June 15, 1951, officers and agencies of the Department of Justice to act as disbursing officers for the Office of Alien Property.

(f) Perform or supervise the performance of other duties required by statute or Executive order.

§ 0.6 Executive Assistant.

The Executive Assistant to the Attorney General established in the Office of the Attorney General shall:

(a) Assist the Attorney General in the review of opinions, interpretations, decisions of the Board of Immigration Appeals, applications for pardon and other forms of Executive clemency, antitrust complaints, contracts, agreements, and proposed offers in compromise, and other matters submitted for the Attorney General's action.

(b) Perform such other duties and functions as may be specially assigned from time to time by the Attorney General.

§ 0.7 Director of Public Information.

There shall be in the Office of the Attorney General a Director of Public Information who shall:

(a) Handle matters pertaining to relations with the public generally.

(b) Disseminate information to the press, the radio and television services, the public, members of Congress, officials of Government, schools, colleges, and civic organizations.

(c) Coordinate the relations of the Department of Justice with news media.

(d) Serve as a central agency for information relating to the work and activities of all agencies of the Department.

(e) Prepare public statements and news releases.

(f) Coordinate departmental publications.

§ 0.8 Incentive Awards Board.

The Incentive Awards Board shall consist of the Deputy Attorney General, who shall be the chairman, and four members selected by the Attorney General from among the Assistant Attorney Generals, bureau heads or persons of equivalent rank in the Department. The duties of the Board shall be:

(a) Consider and make recommendations to the Attorney General concerning honorary awards and cash awards in excess of $1,000 to be granted for suggestions or inventions, sustained superior performance, or special acts or services in the public interest.

(b) Consider and make recommendations to the Attorney General for transmittal to the Civil Service Commission and the President for Presidential awards under 5 U.S.C. 4504.

[1] Such changes and other conforming changes have been made in references in memoranda and directives set forth in this part.

(c) Evaluate periodically the effectiveness of the employee recognition program and recommend needed improvements to the Attorney General.

§ 0.9 Young American Medals Committee.

There shall be in the Office of the Attorney General a Young American Medals Committee, which shall be composed of three members, one of whom shall be the Director of Public Information, who shall be the Executive Secretary of the Committee. The Chairman of the Committee shall be designated by the Attorney General. The Committee shall issue regulations relating to the establishment of the Young American Medal for Bravery and Young American Medal for Service provided for by the act of August 3, 1950, 64 Stat. 397, and governing the requirements and procedures for the award of such medals. The regulations of the Committee in effect on the effective date of this part shall continue in effect until amended, modified, or revoked by the Committee.

§ 0.10 Fiscal Review Committee.

The Fiscal Review Committee shall be a part of the Office of the Attorney General and shall be composed of the Attorney General, the Deputy Attorney General, and the Assistant Attorney General for Administration. The Committee shall establish budget policy and review budget estimates to determine whether they conform to departmental and budget policy.

Subpart C—Office of the Deputy Attorney General

§ 0.15 Deputy Attorney General.

The Deputy Attorney General is authorized to exercise all the power and authority of the Attorney General specified in § 0.5 of Subpart B of this part, unless any such power or authority is required by law to be exercised by the Attorney General personally. The Deputy Attorney General shall act as Attorney General and perform all the duties of the Office of Attorney General in case of a vacancy in that office or in case of the absence or disability of the Attorney General and shall:

(a) Maintain liaison between the Department and the Congress.

(b) Assist the Attorney General in the overall supervision and direction of the Department, including coordination of the activities of the departmental divisions and other units.

(c) Assist the Attorney General in the formulation of departmental policies and programs, and in the development of ways and means of effectuating them.

(d) Keep currently informed concerning the operations of the Department, and bring to the consideration of the Attorney General matters requiring his personal attention or action.

(e) Administer the Attorney General's Employment Program for Honor Law Graduates.

(f) Approve Incentive Awards.

(g) Prepare, for the consideration of the Attorney General, recommendations for Presidential appointments to judicial positions and positions within the Department.

(h) Draft proposed departmental legislation, and except as provided in § 0.105(h), prepare and submit reports and recommendations on pending legislation, in response to requests of Congressional committees or other agencies, and on enrolled bills.

(i) Approve per diem allowances, concurrently with the Assistant Attorney General for Administration, for travel by airplane, train, or boat outside the continental United States in excess of the amounts fixed by paragraph 6.2c of the Standardized Government Travel Regulations.

§ 0.16 Executive Office for U.S. Attorneys.

The Executive Office for U.S. Attorneys, established in the Office of the Deputy Attorney General by Order No. 8–53 of April 6, 1953, under the supervision of the Deputy Attorney General, shall provide general executive assistance and supervision to the offices of the U.S. Attorneys, and coordinate and direct the relationship of agencies of the Department with such offices.

§ 0.17 Office of the Director, U.S. Marshals Service.

The Office of the Director, U.S. Marshals Service, shall be under the supervision of the Deputy Attorney General and shall direct and supervise the U.S. Marshals, coordinate and direct the relationship of other organiaztional units of the Department with the offices of U.S. Marshals, and approve staffing requirements of such offices.

§ 0.18 Office of Criminal Justice.

The Office of Criminal Justice, established to provide an overview of problems in the criminal justice system, under the supervision of the Deputy Attorney General, shall initiate, implement and evaluate proposals:

(a) To improve the effectiveness and the fairness of crime control and criminal justice administration; and

(b) To promote consistency and coordination in the handling of accused and convicted offenders by law enforcement, court, and correctional agencies in the Federal and District of Columbia systems.

Subpart D—Office of the Solicitor General

§ 0.20 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Solicitor General, in consultation with each agency or official concerned:

(a) Conducting, or assigning and supervising, all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments, and, in accordance with § 0.163, settlement thereof.

(b) Authorizing or declining to authorize appeals by the Goverment to all appellate courts (incuding petitions for rehearing en banc) and petitions to such courts for the issuance of extraordinary writs.

(c) Authorizing the filing of all briefs amicus curiae by the Government in all appellate courts.

(d) Surveying and listing appellate cases in the courts of appeals in which the Government is participating.

§ 0.21 Authorizing intervention by the Government in certain cases.

The Solicitor General may in consultation with each agency or official concerned, authorize intervention by the Government in cases involving the constitutionality of acts of Congress.

Subpart E—Office of Legal Counsel

§ 0.25 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Office of Legal Counsel:

(a) Preparing the formal opinions of the Attorney General; rendering informal opinions and legal advice to the various agencies of the Government; and assisting the Attorney General in the performance of his functions as legal adviser to the President and as a member of, and legal adviser to, the Cabinet.

(b) Preparing and making necessary revisions of proposed Executive orders and proclamations, and advising as to their form and legality prior to their transmission to the President; and performing like functions with respect to regulations and other similar matters which require the approval of the President or the Attorney General.

(c) Working with the White House Office, the Bureau of the Budget and other Executive agencies on legal aspects of bills proposed for the President's legislative program.

(d) Rendering opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department.

(e) Approving proposed orders of the Attorney General, and orders which require the approval of the Attorney General, as to form and legality and as to consistency and conformity with existing orders and memoranda.

(f) Except as to proposed legislation, acting in a liaison capacity for cooperation with the Council of State Governments.

(g) Coordinating the work of the Department of Justice with respect to the participation of the United States in the United Nations and related international organizations and advising with respect to the legal aspects of treaties and other international agreements.

(h) When requested, advising the Attorney General in connection with his review of decisions of the Board of Immigration Appeals and other organizational units of the Department.

(i) Advising Executive agencies and organizational units of the Department on questions relating to interpretation and application of the Public Information Section of the Administrative Procedure Act. (5 U.S.C. 552).

(j) Providing liaison for the Department with the Administrative Conference of the United States.

(k) Providing guidance and assistance to personnel of the Department of Justice in matters relating to ethical conduct, particularly matters subject to the provisions of the conflict of interest laws, Executive Order No. 11222 of May 8, 1965, or Part 45 of this title.

(l) Designating within the Office of Legal Counsel (1) a liaison officer, and an alternate, as a representative of the Department in all matters concerning the filing of departmental documents with the Office of the Federal Register, and (2) a certifying officer, and an alternate, to certify copies of documents (except those issued by the Commissioner of Immigration and Naturalization, or his designee, and the Director of the Bureau of Narcotics and Dangerous Drugs) required to be filed with the Office of the Federal Register (1 CFR 1.21).

(m) Performing such special duties as may be assigned by the Attorney General from time to time.

Subpart F—Community Relations Service

§ 0.30 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Director of the Community Relations Service:

(a) Exercise of the powers and performance of the functions vested in the Attorney General by sections 204(d), 205, 1002, and 1003(a) of the Civil Rights Act of 1964 (78 Stat. 267) and section 2 of Reorganization Plan No. 1 of 1966.

(b) Preparation and submission of the annual report to the Congress required by section 1004 of that Act.

§ 0.31 Designating officials to perform the functions of the Director.

(a) In case of a vacancy in the Office of the Director of the Community Relations Service, the Deputy Director of the Service shall perform the functions and duties of the Director.

(b) The Director is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate the Deputy Director to act in his stead. In unusual circumstances, or in the absence of the Deputy Director, a person other than the Deputy Director may be so designated by the Director.

§ 0.32 Applicability of existing departmental regulations.

Departmental regulations which are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Community Relations Service and to the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of section 1003(b) of the Civil Rights Act of 1964.

Subpart G—Office of the Pardon Attorney

CROSS REFERENCE: For regulations pertaining to the office of Pardon Attorney, see Part 1 of this chapter.

§ 0.35 Applications for clemency.

Subject to the general supervision and direction of the Attorney General, the Pardon Attorney shall have charge of the receipt, investigation, and disposition of applications to the President for pardon and other forms of Executive clemency, and shall perform any other duties assigned by the Attorney General.

§ 0.36 Recommendations.

The Pardon Attorney shall submit all recommendations in clemency cases to the Attorney General through the Executive Assistant to the Attorney General.

Subpart H—Antitrust Division

§ 0.40 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Antitrust Division:

(a) General enforcement, by criminal and civil proceedings, of the Federal antitrust laws and other laws relating to the protection of competition and the prohibition of restraints of trade and monopolization, including conduct of surveys of possible violations of antitrust laws, conduct of grand jury proceedings, designation of attorneys to present evidence to grand juries, issuance and enforcement of civil investigative demands, civil actions to obtain orders and injunctions, civil actions to recover forfeitures or damages for injuries sustained by the United States as a result of antitrust law violations, proceedings to enforce compliance with final judgments in antitrust suits, and negotiation of consent judgments in civil actions; criminal actions to impose penalties including actions for the imposition of penalties for conspiring to defraud the Federal Government by violation of the antitrust laws, participation as amicus curiae in private antitrust litigation; and prosecution or defense of appeals in antitrust proceedings.

(b) Intervention or participation before administrative agencies functioning wholly or partly under regulatory statutes in administrative proceedings which require an accommodation between the purposes of the antitrust laws and the purposes of such statutes, including such agencies as the Federal Trade Commission, Federal Reserve Board, Interstate Commerce Commission, Civil Aeronautics Board, Federal Communications Commission, Federal Maritime Commission, Federal Power Commission, and Securities Exchange Commission except proceedings referred to any agency by a Federal court as an incident to litigation being conducted under the supervision of another division in this Department.

(c) Developing procedures to implement, receiving information, maintaining records, and preparing reports by the Attorney General to the President as required by Executive Order No. 10936 of April 25, 1961, relating to identical bids submitted to Federal and State departments and agencies.

(d) As the delegate of the Attorney General, furnishing reports and summaries thereof, respecting the competitive factors involved in proposed mergers or consolidations of insured banks, required by subsection (c) of section 18 of the Federal Deposit Insurance Act (64 Stat. 891), as amended (12 U.S.C. 1828 (c)), and furnishing the advice regarding the proposed disposition of surplus Government property required by section 207 of the Federal Property and Administrative Services Act (63 Stat. 391), as amended (40 U.S.C. 488).

(e) Preparing the approval or disapproval of the Attorney General whenever such action is required by statute from the standpoint of the antitrust laws as a prerequisite to the development of Defense Production Act voluntary programs or agreements and small business production or raw material pools, the national defense program, atomic energy matters, and agreements or programs under the Balance of Payments Act, and advising the Attorney General with respect to the disposal of property formerly held by enemy aliens.

(f) Assembling information and preparing reports required or requested by the Congress or the Attorney General as to the effect upon the maintenance and preservation of competition under the free enterprise system of various Federal laws or programs, including the Defense Production Act, the Small Business Act, the joint resolution of July 28, 1955, giving consent to the Interstate Compact to Conserve Oil and Gas, and the Balance of Payments Act.

(g) Preparing for transmittal to the President, Congress, or other departments or agencies views or advice as to the propriety or effect of any action, program or practice upon the maintenance and preservation of competition under the free enterprise system.

(h) Representing the Attorney General on interdepartmental or interagency committees concerned with the maintenance and preservation of competition generally and in various sections of the economy and the operation of the free enterprise system and when authorized participating in conferences and committees with foreign governments and treaty organizations concerned with competition and restrictive business practices in international trade.

(i) Collecting fines, penalties, judgments, and forfeitures arising in antitrust cases.

§ 0.41 Special functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned

to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Antitrust Division:

(a) Institution of proceedings to impose penalties for violations of section 202(a) of the Communications Act of 1934 (48 Stat. 1070), as amended (47 U.S.C. 202(a)), which prohibits common carriers by wire or radio from unjustly or unreasonably discriminating among persons, classes of persons, or localities.

(b) Upon appropriate certification by the Federal Trade Commission, and except as assigned to the Criminal Division by § 0.55(d), the institution of civil or criminal proceedings to impose penalties arising from violations of the Federal Trade Commission Act.

(c) Representing the United States in suits before three-judge district courts under section 2321–2325 of title 28 of the United States Code, to enforce, suspend, enjoin, annul, or set aside, in whole or in part, any order of the Interstate Commerce Commission.

(d) Representing the United States in proceedings before courts of appeal to review orders of the Federal Communications Commission, the Federal Maritime Commission, the Maritime Administration and the Atomic Energy Commission (28 U.S.C. 2341–2350).

(e) Representing the Civil Aeronautics Board, the Administrator of the Federal Aviation Agency, and the Secretary of the Treasury or his delegates under the Federal Alcohol Administration Act, in courts of appeal reviewing their respective administrative orders.

(f) Defending the Administrator of the Federal Aviation Agency, the Secretary of the Treasury or his delegates under the Federal Alcohol Administration Act, and the agencies named in paragraph (c), (d), and (e) of this section or their officers against the injunctive actions brought in Federal courts when the matter which is the subject of the actions will ultimately be the subject of review under paragraph (c), (d), (e), or (g) of this section, or of an enforcement action under paragraph (b) of this section.

(g) Seeking review of or defending judgments rendered in proceedings under paragraphs (a) through (f) of this section and judgments rendered upon review of Federal Trade Commission orders by courts of appeal.

§ 0.42 Authority to furnish certain reports relating to proposed mergers of banks.

The Assistant Attorney General in charge of the Antitrust Division is authorized to exercise the authority vested in the Attorney General by subsection (c) of section 18 of the Federal Deposit Insurance Act (64 Stat. 891; 12 U.S.C. 1828(c)), as amended by the act of February 21, 1966, 80 Stat. 7, relating to the furnishing of reports, and summaries thereof, with respect to the competitive factors involved in proposed mergers or consolidations of insured banks.

Subpart I—Civil Division

CROSS REFERENCE: For regulations pertaining to the Civil Division, see Part 15 of this chapter.

§ 0.45 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Civil Division:

(a) Admiralty and Shipping Cases—civil and admiralty litigation in any court by or against the United States, its officers and agents, which involves ships or shipping (except suits to enjoin final orders of the Federal Maritime Commission under the Shipping Act of 1916 and under the Intercoastal Shipping Act assigned to the Antitrust Division by Subpart H of this part), defense of regulatory orders of the Maritime Administration affecting navigable waters or shipping thereon (except as assigned to the Land and Natural Resources Division by § 0.65(a)), workmen's compensation, and litigation and waiver of claims under reciprocal-aid maritime agreements with foreign governments.

(b) Court of Claims Cases—defense of all suits against the United States in the Court of Claims, except cases assigned to the Land and Natural Resources Division and to the Tax Division by Subparts M and N of this part, respectively.

(c) Customs Cases—all litigation incident to the reappraisement and classification of imported goods, including the defense of all suits in the Customs Court and presentation of customs appeals in the Court of Customs and Patent Appeals:

(d) Fraud Cases—civil claims arising from fraud on the Government (other than antitrust, land, and tax frauds), including alleged claims under the False Claims Act, the Surplus Property Act, the Anti-Kickback Act, the Contract Settlement Act, and common law fraud.

(e) Gifts and Bequests—handling matters arising out of devises and bequests and inter vivos gifts to the United States, except determinations as to the validity of title to any lands involved and litigation pertaining to such determinations.

(f) Patent and Allied Cases and Other Patent Matters—patent, copyright, and trademark litigation before the U.S. courts and the Patent Office, including patent and copyright infringement suits in the Court of Claims (28 U.S.C. 1498), suits for compensation under the Patent Secrecy Act where the invention was ordered to be kept secret in the interest of national defense (35 U.S.C. 183), suits for compensation for unauthorized practice of a patented invention in the furnishing of assistance under the Foreign Assistance Act (22 U.S.C. 2356), suits for compensation for the unauthorized communication of restricted data by the Atomic Energy Commission to other nations (42 U.S.C. 2223), interference proceedings (35 U.S.C. 135, 141, 142, 146), defense of the Register of Copyrights in his administrative acts, suits for specific performance to acquire title to patents, and civil patent-fraud cases.

(g) Tort Cases—defense of tort suits against the United States arising under the Federal Tort Claims Act and special acts of Congress; similar litigation against cost-plus Government contractors and Federal employees whose official conduct is involved (except actions against Government contractors and Federal employees which are assigned to the Land and Natural Resources Division by § 0.65(a); prosecution of tort claims for damage to Government property, and actions for the recovery of medical expenses under Public Law 87–693 and Part 43 of this title.

(h) General Civil Matters—litigation by and against the United States, its agencies, and officers in all courts and administrative tribunals to enforce Government rights, functions, and monetary claims (except defense of injunctive proceedings assigned to the Antitrust Division by Subpart H of this part and proceedings involving judgments, fines, penalties, and forfeitures assigned to other divisions by § 0.176 of this part), and to defend challenged actions of Government agencies and officers, not otherwise assigned, including, but not limited to, civil penalties and forfeitures, actions in the Tax Court under the Renegotiation Act, claims against private persons or organizations for which the Government is, or may ultimately be, liable, except as provided in § 0.70(c)(2) of this part, defense of actions arising under section 2410 of title 28 of the United States Code whenever the United States is named as a party as the result of the existence of a Federal lien against property, defense of actions for the recovery of U.S. Government Life Insurance and National Service Life Insurance (38 U.S.C. 784), enforcement of reemployment rights in private industry pursuant to the Military Selective Service Act of 1967 (50 U.S.C., App. 459); reparations suits brought by the United States as a shipper under the Interstate Commerce Act; civil actions by the United States for penalties for violations of car service orders (49 U.S.C. 1(17a)); actions restraining violations of Part II of the Interstate Commerce Act (49 U.S.C. 322 (b) and 322(h); civil actions under Part I of the Interstate Commerce Act (49 U.S.C. 6(10) and 16(9)); injunctions against violations of Interstate Commerce Commission orders (49 U.S.C. 16(12)); mandamus to compel the furnishing of information to the Interstate Commerce Commission (49 U.S.C. 19a(1) and 20(9)); recovery of rebates under the Elkins Act (49 U.S.C. 41(3)); compelling the appearance of witnesses before the Interstate Commerce Commission and enforcement of subpenas and punishment for contempt (49 U.S.C. 12(3)); suits to enforce final orders of the Secretary of Agriculture under the Perishable Agricultural Commodities Act (7 U.S.C. 499g), and the Packers and Stockyards Act (7 U.S.C. 216); suits to set aside orders of State regulatory agencies (49 U.S.C. 13(4)); and civil matters, except those required to be handled by the Board of Parole, under section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504(a)).

§ 0.46 Certain civil litigation.

The Assistant Attorney General in charge of the Civil Division shall, in addition to litigation coming within the scope of § 0.45, direct all other civil litigation including claims by or against the United States, its agencies or officers, in domestic or foreign courts, special proceedings, and similar civil matters not otherwise assigned.

§ 0.47 Alien Property matters.

The Office of Alien Property shall be a part of the Civil Division:

(a) The following described matters are assigned to, and shall be conducted, handled, or supervised by the Assistant Attorney General in charge of the Civil Division, who shall also be the Director of the Office of Alien Property:

(1) Exercising or performing all the authority, rights, privileges, powers, duties, and functions delegated to or vested in the Attorney General under the Trading with the Enemy Act, as amended, Title II of the International Claims Settlement Act of 1949, as amended, the act of September 28, 1950, 64 Stat. 1079 (50 U.S.C. App. 40), the Philippine Property Act of 1946, as amended, and the Executive orders relating to such acts, including, but not limited to, vesting, supervising, controlling, administering, liquidating, selling, paying debt claims out of, returning, and settling of intercustodial disputes relating to, property subject to one or more of such acts.

(2) Conducting and directing all civil litigation with respect to the Trading with the Enemy Act, Title II of the International Claims Settlement Act, the Foreign Funds Control Program and the Foreign Assets Control Program.

(3) Designating within the Office of Alien Property a certifying officer, and an alternate, to certify copies of documents issued by the Director, or his designee, which are required to be filed with the Office of the Federal Register.

(b) The Director of the Office of Alien Property shall act for and on behalf of the Attorney General.

(c) All the authority, rights, privileges, powers, duties, and functions of the Director of the Office of Alien Property may be exercised or performed by any agencies, instrumentalities, agents, delegates, or other personnel designated by him.

(d) Existing delegations by the Assistant Attorney General, Director, Office of Alien Property, or the Director, Office of Alien Property, shall continue in force and effect until modified or revoked.

(e) The Assistant Attorney General in charge of the Civil Division is authorized to administer and give effect to the provisions of the agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights and Interests," which was concluded on January 30, 1959, and was ratified by the Senate of the United States on February 25, 1964.

Subpart J—Civil Rights Division

§ 0.50 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Civil Rights Division:

(a) Enforcement of all Federal statutes affecting civil rights, including those pertaining to elections and voting, public accommodations, public facilities, school desegregation, employment, and housing, and authorization of litigation in such enforcement, including criminal prosecutions and civil actions and proceedings on behalf of the Government; and appellate proceedings in all such cases. Notwithstanding the provisions of the foregoing sentence, the responsibility for the enforcement of the following-described provisions of the United States Code is assigned to the Assistant Attorney General in charge of the Criminal Division—

(1) Sections 591 through 593 and sections 595 through 612 of title 18, United States Code, relating to elections and political activities;

(2) Sections 241, 242, and 594 of title 18, and sections 1973i and 1973j of title 42, United States Code, insofar as they relate to voting and election matters not involving discrimination or intimidation on grounds of race or color, and section 245(b)(1) of title 18, United States Code, insofar as it relates to matters not involving discrimination or intimidation on grounds of race, color, religion, or national origin;

(3) Section 245(b)(3) of title 18, United States Code, pertaining to forcible interference with persons engaged in business during a riot or civil disorder; and

(4) Sections 241 through 256 of title 2, United States Code (Federal Corrupt Practices Act).

(b) Requesting and reviewing investigations arising from reports or complaints of public officials or private citizens with respect to matters affecting civil rights.

(c) Conferring with individuals and groups who call upon the Department in connection with civil rights matters, advising such individuals and groups thereon, and initiating action appropriate thereto.

(d) Coordination within the Department of Justice of all matters affecting civil rights.

(e) Consultation with and assistance to other Federal departments and agencies and State and local agencies on matters affecting civil rights.

(f) Research on civil rights matters, and the making of recommendations to the Attorney General as to proposed policies and legislation relating thereto.

(g) Representation of Federal officials in private litigation arising under 42 U.S.C. 2000d or under other statutes pertaining to civil rights.

§ 0.51 Assistance to other Federal agencies.

(a) Upon request, the Assistant Attorney General in charge of the Civil Rights Division may assist the Commission on Civil Rights or other similar Federal bodies in carrying out research and formulating recommendations.

(b) A Special Assistant to the Attorney General in the Civil Rights Division, designated by the Attorney General, and responsible to him and to the Assistant Attorney General in charge of the Civil Rights Division, shall assist the Attorney General in carrying out the responsibility assigned to him under Executive Order No. 11247 of September 24, 1965, to coordinate the programs and activities of Federal departments and agencies with respect to the enforcement of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Subpart K—Criminal Division

§ 0.55 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Criminal Division:

(a) Prosecutions for Federal crimes not otherwise specifically assigned.

(b) Cases involving criminal frauds against the United States except cases assigned to the Antitrust Division by § 0.40(a) involving conspiracy to defraud the Federal Government by violation of the antitrust laws, tax fraud cases assigned to the Tax Division by Subpart N of this part and false statement or perjury cases assigned to the Internal Security Division by § 0.61(a).

(c) All criminal and civil litigation under the Federal Food, Drug, and Cosmetic Act.

(d) Libels or civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise and related proceedings) under the Federal Aviation Act, Contraband Transportation Act, customs laws, Export Control Act, Federal Alcohol Administration Act, Federal Caustic Poisons Act, Federal Insecticide, Fungicide, and Rodenticide Act, Federal Seed Act, Federal Trade Commission Act (in case foods, drugs, or cosmetics are involved), Gold Reserve Act, Hours of Service Act, laws relating to liquor, narcotics and dangerous drugs, gambling, and firearms, Locomotive Inspection Act, Prison-Made Goods Act, Safety Appliance Act, Standard Container Act, Sugar Act of 1948, and Twenty-Eight Hour Law.

(e) Subject to the provisions of Subpart Y of this part, consideration, acceptance, or rejection of offers in compromise of criminal and tax liability under the laws relating to liquor, narcotics and dangerous drugs, gambling, and firearms, in cases in which the criminal liability remains unresolved.

(f) All litigation arising under the immigration and nationality laws (except Japanese renunciation proceedings, which are assigned to the Civil Division, and suits under the Tucker Act for the recovery of money covered into the Treasury on forfeited immigration bonds), and the passport and visa laws (except litigation involving subversives, which is assigned to the Internal Security Division by § 0.61, and injunction actions against the Secretary of State to require the issuance of passports, which are within the jurisdiction of the Civil Division under § 0.45(h)).

(g) Coordination of enforcement activities directed against organized crime and racketeering.

(h) Enforcement of the Act of January 2, 1951, 64 Stat. 1134, as amended by the Gambling Devices Act of 1962, 76 Stat. 1075, 15 U.S.C. 1171 et seq., including registration thereunder. (See also 28 CFR 3.2.)

(i) Habeas corpus proceedings of all types, except that any such proceeding may be conducted, handled, or supervised by another division by agreement between the head of the division concerned and the Assistant Attorney General in charge of the Criminal Division.

(j) International extradition proceedings.

(k) Relation of military to civil authority with respect to criminal matters affecting both.

(l) All criminal matters arising under the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519).

(m) Enforcement of the following-described provisions of the United States Code—

(1) Sections 591 through 593 and sections 595 through 612 of title 18, United States Code, relating to elections and political activities;

(2) Sections 241, 242, and 594 of title 18, and sections 1973i and 1973j of title 42, United States Code, insofar as they relate to voting and election matters not involving discrimination or intimidation on grounds of race or color, and section 245(b)(1) of title 18, United States Code, insofar as it relates to matters not involving discrimination or intimidation on grounds of race, color, religion, or national origin;

(3) Section 245(b)(3) of title 18, United States Code, pertaining to forcible interference with persons engaged in business during a riot or civil disorder; and

(4) Sections 241 through 256 of title 2, United States Code (Federal Corrupt Practices Act). (See § 0.50(a).)

(n) All criminal and civil litigation under the Federal Cigarette Labeling and Advertising Act, 79 Stat. 282.

(o) Resolving questions that arise as to Federal prisoners held in custody by Federal officers or in Federal prisons, commitments of mentally defective defendants and juvenile delinquents, validity and construction of sentences, probation, and parole.

(p) Supervision of matters arising under the Escape and Rescue Act (18 U.S.C. 751, 752), the Fugitive Felon Act (18 U.S.C. 1072, 1073), and the Obstruction of Justice Statute (18 U.S.C. 1503), except as to obstructions which occur in connection with cases within the jurisdiction of the Internal Security Division.

(q) Supervision of matters arising under the Bail Reform Act of 1966 (28 U.S.C. 3041, 3141–3143, 3146–3152, 3568).

(r) Supervision of matters arising under the Narcotic Addict Rehabilitation Act of 1966 (18 U.S.C. 4251–4255; 28 U.S.C. 2901–2906; 42 U.S.C. 3411–3426, 3441, 3442).

§ 0.56 Exclusive or concurrent jurisdiction.

The Assistant Attorney General in charge of the Criminal Division is authorized to determine administratively whether the Federal Government has exclusive or concurrent jurisdiction over offenses committed upon lands acquired by the United States, and to consider problems arising therefrom.

§ 0.57 Delegation respecting authorization to institute criminal prosecution against a juvenile.

The Assistant Attorney General in charge of the Criminal Division is authorized to exercise the power and authority vested in the Attorney General by section 5032 of title 18 of the United States Code, to direct that criminal prosecution be instituted against a juvenile alleged to have committed one or more acts in violation of a law of the United States not punishable by death or life imprisonment.

§ 0.58 Delegation respecting payment of benefits for disability or death of law enforcement officers not employed by the United States.

The Assistant Attorney General in charge of the Criminal Division is authorized to exercise or perform any of the functions or duties conferred upon the Attorney General by the Act to Compensate Law Enforcement Officers not Employed by the United States Killed or Injured While Apprehending Persons Suspected of Committing Federal Crimes (5 U.S.C. 8191, 8192, 8193).

§ 0.59 Delegation respecting the approval of certain applications by U.S. Attorneys to Federal Courts for orders compelling testimony or the production of evidence by witnesses.

(a) The Assistant Attorney General in charge of the Criminal Division is authorized to exercise the power and authority vested in the Attorney General by sections 895 and 2514 of title 18 of the United States Code, to approve the application by a U.S. Attorney to a Federal Court for an order compelling testimony or the production of evidence by a witness; but only where the subject matter of the case or proceeding for which such an order is sought involves a violation or a conspiracy to violate a Federal law general supervision of which is assigned to the Criminal Division, under § 0.55.

(b) The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate the authority delegated to him by paragraph (a) of this section to his Deputy Assistant Attorney General to be exercised solely during the absence of the Assistant Attorney General from the City of Washington.

Subpart L—Internal Security Division

CROSS REFERENCE: For regulations pertaining to the Internal Security Division, see Parts 5, 10, 11, and 12 of this chapter.

§ 0.61 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Internal Security Division:

(a) Enforcement of all criminal laws relating to subversive activities and kindred offenses directed against the internal security of the United States, including the laws relating to treason, sabotage, espionage, and sedition; enforcement of the Foreign Assets Control Regulations issued under the Trading With the Enemy Act (31 CFR 500.101 et seq.); criminal prosecutions under the Atomic Energy Act, the Smith Act, the neutrality laws, the Munitions Control Act, section 1203 of the Federal Aviation Act of 1958 (49 U.S.C. 1523), relating to offenses involving the security control of air traffic, and section 799 of title 18 of the United States Code; and criminal prosecutions for offenses, such as perjury and false statements, relating to subversive activities or involving individuals with a subversive background.

(b) Administration and enforcement of the Foreign Agents Registration Act of 1938, as amended; the act of August 1, 1956, 70 Stat. 899 (50 U.S.C. 851–857), including the determination in writing that the registration of any person coming within the purview of the act would not be in the interest of national security; and the Voorhis Act.

(c) Administration and enforcement of the Internal Security Act of 1950, as amended, including the presentation of cases before the Subversive Activities Control Board regarding petitions against Communist organizations and membership in Communist-action organizations under the provisions of the Subversive Activities Control Act of 1950, as amended.

(d) All civil cases relating to Internal Security matters.

(e) All emergency mobilization planning and civil defense planning for the Department of Justice.

(f) Administration of the Department of Justice Security Office, headed by the Security Officer (Order No. 25–53 of Aug. 31, 1953).

(g) Interpretation of Executive Order No. 10450 of April 27, 1953, as amended, and advising other departments and agencies in connection with the administration of the Federal employees security program, including the designation of organizations as required by the order; the interpretation of Executive Order No. 10501 of November 5, 1953, as amended, and of regulations issued thereunder in accordance with section 11 of that order; and the interpretation of Executive Order No. 10865 of February 20, 1960.

(h) Libels and civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise and related proceedings) arising out of violations of the Trading with the Enemy Act, the neutrality statutes, and the Mutual Security Act of 1954, as amended.

(i) Administration and enforcement of the act of May 20, 1964, 78 Stat. 194 (16 U.S.C. 1081–1085) and the act of October 14, 1966, 80 Stat. 908 (16 U.S.C. 1091–1094), relating to the regulation of foreign fishing vessels.

(j) Enforcement and administration of the provisions of section 613 of title 18 of the United States Code, relating to contributions by agents of foreign principals.

(k) Enforcement and administration of the provisions of section 219 of title 18 of the United States Code, relating to officers and employees of the United States acting as agents of foreign principals.

§ 0.62 Representative capacities.

The Assistant Attorney General in charge of the Internal Security Division shall:

(a) Be a member and serve as Chairman of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and have authority to designate an alternate to serve on such committee.

(b) Provide Department of Justice representation on the Interdepartmental Committee on Internal Security.

§ 0.63 Delegation respecting admission of certain aliens.

The Assistant Attorney General in charge of the Internal Security Division is authorized to exercise the power and authority vested in the Attorney General by section 7 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403h), with respect to entry of certain aliens into the United States for permanent residence.

Subpart M—Land and Natural Resources Division

§ 0.65 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Land and Natural Resources Division:

(a) Civil suits and matters in Federal and State courts (and administrative tribunals), by or against the United States, its agencies, officers, or contractors, or in which the United States has an interest, whether for specific or monetary relief, and also nonlitigation matters, relating to

(1) The public domain lands and the outer continental shelf of the United States,

(2) Other lands and interests in real property owned, leased, or otherwise claimed or controlled, or allegedly impaired or taken, by the United States, its agencies, officers, or contractors, including the acquisition of such lands by condemnation proceedings or otherwise,

(3) The water and air resources controlled or used by the United States, its agencies, officers, or contractors, without regard to whether the same are in or related to the lands enumerated in subparagraphs (1) and (2) of this paragraph, and

(4) The other natural resources in or related to such lands, water, and air,

except that the following matters which would otherwise be included in such assignment are excluded therefrom:

(i) Suits and matters relating to the use or obstruction of navigable waters or the navigable capacity of such waters by ships or shipping thereon, the same being specifically assigned to the Civil Division;

(ii) Suits and matters involving tort claims against the United States under the Federal Tort Claims Act and special acts of Congress, the same being specifically assigned to the Civil Division;

(iii) Suits and matters involving the foreclosure of mortgages and other liens held by the United States, the same being specifically assigned to the Civil and Tax Divisions according to the nature of the lien involved;

(iv) Suits arising under 28 U.S.C. 2410 to quiet title or to foreclose a mortgage or other lien, the same being specifically assigned to the Civil and Tax Divisions according to the nature of the lien held by the United States, and all other actions arising under 28 U.S.C. 2410 involving federal tax liens held by the United States, which are specifically assigned to the Tax Division;

(v) Matters involving the immunity of the Federal Government from State and local taxation specifically delegated to the Tax Division by § 0.71.

(b) Representation of the interests of the United States in all civil litigation in Federal and State courts, and before the Indian Claims Commission, pertaining to Indians, Indian tribes, and Indian affairs, and matters relating to restricted Indian property, real or personal, and the treaty rights of restricted Indians.

(c) Rendering opinions as to the validity of title to all lands acquired by the United States, except as otherwise specified by statute.

§ 0.66 Delegation respecting title opinions.

The Assistant Attorney General in charge of the Land and Natural Resources Division, or such members of his staff as he may specifically designate in writing, are authorized to sign the name of the Attorney General to opinions on the validity of titles to property acquired by or on behalf of the United States, except those which, in the opinion of the Assistant Attorney General involve questions of policy or for any other reason require the personal attention of the Attorney General.

§ 0.67 Delegation respecting conveyances for public-airport purposes.

The Assistant Attorney General in charge of the Land and Natural Resources Division, or such members of his staff as he may specifically designate in writing, are authorized to exercise the power and authority vested in the Attorney General by section 16 of the Federal Airport Act (60 Stat. 179; 49 U.S.C. 1115) with respect to approving the performance of acts and execution of instruments necessary to accomplish the conveyance of lands owned or controlled by the United States in carrying out the purposes of that section, except those acts and instruments which, in the opinion of the Assistant Attorney General, involve questions of policy or for any other reason require the personal attention of the Attorney General.

Subpart N—Tax Division

§ 0.70 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Tax Division:

(a) Prosecution and defense in all courts, other than the Tax Court, of civil suits, and the handling of other matters, arising under the internal revenue laws, and litigation resulting from the taxing provisions of other Federal statutes (except civil forfeiture and civil penalty matters arising under laws relating to liquor, narcotics, gambling, and firearms assigned to the Criminal Division by § 0.55(d)).

(b) Criminal proceedings arising under the internal revenue laws, except the following: proceedings pertaining to misconduct of Internal Revenue Service personnel, to taxes on liquor, narcotics, firearms, coin-operated gambling and amusement machines, and to wagering, forcible rescue of seized property (26 U.S.C. 7212(b)), corrupt or forcible interference with an officer or employee acting under the Internal Revenue laws (26 U.S.C. 7212(a)), unauthorized disclosure of information (26 U.S.C. 7213), and counterfeiting, mutilation, removal, or reuse of stamps (26 U.S.C. 7208).

(c) (1) Enforcement of tax liens, and mandamus, injunctions, and other special actions or general matters arising in connection with internal revenue matters.

(2) Defense of actions arising under section 2410 of title 28 of the United States Code whenever the United States is named as a party to an action as the result of the existence of a Federal tax lien, including the defense of other actions arising under section 2410, if any, involving the same property whenever a tax-lien action is pending under that section.

(d) Appellate proceedings in connection with civil and criminal cases enumerated in paragraphs (a) through (c) of this section and in § 0.71, including petitions to review decisions of the Tax Court of the United States.

§ 0.71 Delegation respecting immunity matters.

The Assistant Attorney General in charge of the Tax Division is authorized to handle matters involving the immunity of the Federal Government from State or local taxation (except actions to set aside ad valorem taxes, assessments, special assessments, and tax sales of Federal real property, and matters involving payments in lieu of taxes), as well as State or local taxation involving contractors performing contracts for or on behalf of the United States.

Subpart O—Administrative Division

§ 0.75 General functions and delegation of authority.

(a) Subject to the general supervision and direction of the Attorney General, the Assistant Attorney General for Administration is charged with the responsibility for supervising and directing all activities relating to the administrative management of the Department.

(b) The authority of the Attorney General in these administrative matters, except for such authority as is not delegable, and except for the authority delegated to other officials in Subpart X is hereby delegated to the Assistant Attorney General for Administration. This authority shall include, but not be limited to, the authority described in sections 0.76 and 0.77.

§ 0.76 Specific functions and delegations of authority.

(a) *Budget and financial management.* (1) To formulate and promulgate Department policies and to provide general direction, leadership and coordination of program planning and analysis and of the budget including presentation to the Fiscal Review Committee, the Bureau of the Budget, and the Congress and to monitor its execution; to formulate and prescribe the general principles and standards under which all systems of accounting and internal financial control must be operated; and to review and approve the design and documentation of all accounting systems prior to the submission thereof to the Comptroller General for approval;

(2) To conduct the Department's fiscal operations, including control of and accounting for appropriations and expenditures, employment limitations, payroll operations, voucher examination and audit, authorization of overtime pay, establishing per diem rates, authorization of travel, transportation, and relocation expenses, and issuance of necessary regulations pertaining thereto;

(3) To submit requests to the Bureau of the Budget for apportionment or reapportionment of appropriations, including the determination, whenever required, that such apportionment or reapportionment indicates the necessity for the submission of a request for a deficiency or supplemental estimate, and to make allotments to organizational units of the Department of appropriations made available to the Department within the limits of such apportionments or reapportionments (31 U.S.C. 665).

(4) To make the certificates required in connection with the payment of expenses of collecting evidence: *Provided*, That each such certificate shall be approved by the Attorney General.

(5) To determine the amounts of bonds required of U.S. Marshals (28 U.S.C. 564).

(6) To approve per diem allowances, concurrently with the Deputy Attorney General, for travel by airplane, train, or boat outside the continental United States in accordance with paragraph 6.2c of the Standardized Government Travel Regulations.

(7) To review settlements of claims, arising from departmental operations, which are made by the Bureau of Prisons, Federal Prison Industries, the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Bureau of Narcotics and Dangerous Drugs, and the Law Enforcement Assistance Administration under the Federal Claims Collection Act of 1966 and to exercise the claims settlement authority as to all other organizational units of the Department (31 U.S.C. 952).

(8) To designate a highway mileage guide containing a shortline nationwide table of distances for use in determining mileage payable to witnesses (28 U.S.C. 1821).

(9) To authorize payment of actual expense of subsistence (5 U.S.C. 5702(c)).

(10) To authorize payment of extraordinary expenses incurred by ministerial officers of the United States in executing acts of Congress (28 U.S.C. 1929).

(11) To prescribe regulations providing for premium pay pursuant to subchapter V of title 5 of the United States Code (5 U.S.C. 5541–5549).

(12) To authorize payment of employee claims under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240–243).

(13) To submit requests to the Comptroller General for decisions (31 U.S.C. 74).

(b) *Procurement, contracting, and other administrative services.* (1) To supervise and direct the Department's procurement and contracting functions (excluding grant contracts) and to assure that equal employment opportunity is practiced by the Department's contractors and subcontractors, and in federally assisted programs under the Department's control (other than those of the Law Enforcement Assistance Administration, as to which the Administration will have responsibility).

(2) To designate Contracts Compliance Officers pursuant to Executive Order 11246, as amended.

(3) To take final action, including making all required determinations and findings, in connection with negotiated purchases and contracts (excluding grant contracts), as provided in subparagraphs (1) through (11) and (14) and (15) of section 252(c) of title 41, United States Code, except that the authority as to subparagraph (11) of section 252(c) shall be limited not to exceed an expenditure of $25,000 per contract and shall not be further delegated.

(4) To supervise and direct the Department's management programs for supply, distribution of publications, printing, reproduction, graphics, real and personal property, space assignment and utilization, telecommunications, and motor vehicles.

(5) To make the certificate required with respect to the necessity for including illustrations in printing (44 U.S.C. 118).

(6) To make the certificates with respect to the necessity of long distance telephone calls (31 U.S.C. 680a).

(7) To take final action with respect to certain unclaimed privately owned personal property (including abandoned property) of an estimated value of $100 or less, and cash or negotiable instruments not to exceed $500 (41 CFR 101-43.4, 101-45.4).

(8) To make certificates of need for space (68 Stat. 518, 519).

(c) *Personnel matters.* Subject to the authority conferred on the Deputy Attorney General in § 0.135:

(1) To plan, direct, and coordinate the personnel management program of the Department;

(2) To provide direct personnel services for all organizational units (except the Federal Bureau of Investigation, Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, and Bureau of Narcotics and Dangerous Drugs) and for the Offices of the respective U.S. Attorneys and Marshals, and to provide such direct personnel services for the Law Enforcement Assistance Administration as may be requested by the Administrators thereof;

(3) To formulate policy in all personnel program areas, including position classification and pay administration, staffing, employee performance evaluation, employee development, employee relations and services, equal employment opportunity, employee recognition and incentives, personnel records and reporting, labor-management relations, and program evaluation.

(4) Except for the authority conferred in §§ 0.135, 0.137 and 0.138 of Subpart X of this part, to exercise the power and authority vested in the Attorney General to take final action on matters pertaining to the employment, separation, and general administration of personnel in General Schedule grades GS–1 through GS–15, and in wage board positions; to classify positions in the Department under the General Schedule and wage board systems regardless of grade; to postaudit and correct any personnel actions throughout the Department; and to inspect at any time any personnel operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, the Immigration and Naturalization Service, the Bureau of Narcotics and Dangerous Drugs, and the Law Enforcement Assistance Administration.

(5) To exercise the authority vested in the Attorney General with respect to the selection and assignment of employees for training by, in, or through non-Government facilities, the payment of the expenses of such training or the reimbursement of employees therefor, and the preparation and submission of the required annual report to the Civil Service Commission (5 U.S.C. 4105–4118).

(6) To administer employee health and safety programs.

(7) To exercise authority for the temporary employment of experts or consultants or organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)).

(d) *Audit and inspection.* (1) To conduct a continuing internal audit, examination, and inspection of the operations of all organizational units of the Department, including the Offices of the respective U.S. Attorneys and U.S. Marshals, and of the U.S. Court System;

(2) To audit expenditures made under the Department's contracts (other than external audit of the grantees and law enforcement assistance contractors of the Law Enforcement Assistance Administration);

(e) *Records management.* (1) To administer the Department's records management program, including distribution of directives, routing and control of correspondence and telegrams, maintenance of indices of legal cases and matters, to reply to correspondence not assignable to a division, to safeguard confidential information, to attest to the correctness of records, and related functions;

(2) To accept service of summons, complaint, or other paper, as a representative of the Attorney General, under the Federal Rules of Civil and Criminal Procedure or in any suit within the purview of subsection (a) of section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, 43 U.S.C. 666(a));

(3) To provide assistance in furnishing information to the public under the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552).

(f) *Management improvement.* (1) To make management studies and surveys of the organization, structure, operating procedures and work methods, and facilities of the Department; and to make recommendations to reduce costs and increase productivity;

(2) To administer the Department's forms management and reports management programs;

(g) *Automatic data processing.* (1) To develop and operate efficient automated systems to produce the reports and statistics required for sound management decisions;

(2) To provide automatic data processing services to other Department functions, such as accounting, payrolling, property management, caseload control, and others;

(3) To plan, direct, and coordinate the use within the Department of ADP equipment, including computers and related input and output equipment and terminal installations;

(4) To provide technical support in the preparation of specifications for the acquisition of ADP hardware, software, and services;

(5) To provide technical support in the review and evaluation of bids and proposals relating to the acquisition of ADP hardware, software, and services.

(h) *Libraries.* To supervise the Librarian of the Department, who shall be in charge of the Main Library and other libraries of the Department, with the exception of those in the Bureau of Prisons, the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Bureau of Narcotics and Dangerous Drugs, and the Law Enforcement Assistance Administration.

(i) *Administrative supervision over certain agencies.* To exercise administrative supervision over the Board of Immigration Appeals, the Board of Parole, and the Office of the Pardon Attorney;

(j) *Liaison.* (1) To represent the Department in its contacts on matters relating to administration and management with the Bureau of the Budget, the General Accounting Office, the Civil Service Commission, the General Services Administration, the Government Printing Office, and all other Federal departments and agencies;

(2) To represent the Attorney General with the Secretary of State in arranging for reimbursement by foreign governments of expenses incurred in extradition cases, and to certify to the Secretary the amounts to be paid to the United States as reimbursement (18 U.S.C. 3195).

(k) *Redelegation of authority.* The Assistant Attorney General for Administration is authorized to redelegate to any of his subordinates or to any other officers or employees in the Department any of the power or authority vested in him by this Subpart O. Existing redelegations by the Assistant Attorney General for Administration shall continue in force and effect until modified or revoked.

§ 0.77 Additional functions.

The Assistant Attorney General for Administration shall perform such additional functions as are assigned to him in the following sections of Title 28, Code of Federal Regulations: §§ 0.8, 0.10, 0.136–0.140, 0.142–0.154, 0.159, 0.180–0.183, 0.196, 16.2, 21.4, 42.1, 42.2, 42.52–42.59, 44.3, 45.735–5, 45.735–26(a), 46.5(c), 47.2(c), 47.4, 47.10(c).

Appendix to Subpart O

ADMINISTRATIVE DIVISION

[Memo No. 398]

PRESCRIBING REGULATIONS WITH RESPECT TO THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964 (78 STAT. 767)

Pursuant to the authority vested in me by 0.76(a)(12) of Title 28 of the Code of Federal Regulations, I hereby prescribe the following regulations with respect to all claims filed by or on behalf of employees of this Department under the Military Personnel and Civilian Employees' Claims Act of 1964 (hereinafter referred to as the Act)—

SECTION 1. *Scope.* The Act authorizes the settlement of employees' claims arising after August 31, 1964, for the loss of or damage to personal property which occurs incident to Government service. A claim must be substantiated and the possession of the property determined to be reasonable, useful, or proper. The maximum amount allowable on any claim is $6,500 and property may be replaced in kind at the option of the Government.

SEC. 2. *Claimants.* A claim may be filed by an employee, or in his name by his spouse, as authorized agent, or by any other authorized agent or legal representative of the employee. If the employee is dead, the claim may be filed by his (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both. Payments in settlement of claims to survivors of employees will be made in the same order of precedence.

SEC. 3. *Conditions.* Under the Act, a claim may be allowed only if it is presented in writing within 2 years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier. A claim may not be allowed if the loss or damage shall have occurred at quarters occupied by the claimant within one of the 50 States or the District of Columbia unless those quarters shall have been assigned to him or otherwise provided in kind by the United States. Nor can a claim be allowed if it shall have been caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

SEC. 4. *Principal types of claims payable.* Claims are allowable when one or more of the following circumstances—

1. Loss, theft, or damage in quarters or other authorized places if it occurred at:

a. Quarters, wherever situated, if assigned or provided in kind by the Government.

b. Quarters outside the 50 States and the District of Columbia without regard to whether assigned or provided in kind by the Government, unless the employee involved is a local or native resident.

c. Any warehouse, office, hospital, storage place designated by superior authority for reception of the property.

2. A marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, hurricane, etc.

3. Property, including personal clothing and vehicles, subjected to extraordinary risks in the performance of duty, such as in connection with civil disturbance, public disorder, common or natural disaster, or efforts to save Government property or human life.

4. Property used for the benefit of the Government at the direction of a superior authority.

5. Money deposited with an authorized Government agent for safekeeping.

SEC. 5. *Principal types of claims not payable.* Claims are not allowable for the following:

1. Losses or damages totaling less than $10.

2. Money or currency except when deposited with an authorized Government agent for safekeeping or except when lost incident to a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, hurricane, etc.

3. Transportation losses involving baggage, household goods, or other shipments which could have been insured.

4. Articles of extraordinary value.

5. Articles being worn (unless allowable under sec. 4).

6. Intangible property such as bank books, checks, notes, stock certificates, money orders, travelers checks, etc.

7. Property owned by the United States unless employee is financially responsible for it to another Government agency.

8. Claims for loss or damage to motor vehicles or trailers (unless allowable under sec. 4).

9. Losses of insurers and subrogees.

10. Losses recoverable from insurers and carriers.

11. Losses in quarters within the United States not asigned or otherwise provided in kind by the Government.

12. Losses recovered or recoverable pursuant to contract.

13. Claims for damage or loss caused, in whole or in part, by the negligence or wrongful act of the employee or his agent.

14. Property used for business or profit.

15. Theft from the possession of the employee unless due care was used to protect possession.

16. Property acquired, possessed or transported in violation of law, or regulations.

SEC. 6. *Types and quantity of property.* Claims are allowable only for such types and quantities of tangible personal property the possession of which is determined to be reasonable, useful, or proper under the attendant circumstances at the time of the loss or damage.

SEC. 7. *Computation of award and finality of settlement.* The amount awarded on any item of property will not exceed the adjusted cost, based either on the price paid or value at the time of acquisition. The amount normally payable for property damaged beyond economical repair is found by determining its depreciated value immediately before loss or damage, less any salvage value. If the cost of repair is less than the depreciated value, it will be considered to be economically repairable and only the cost of repair will be allowable. There is reserved to the Assistant Attorney General for Administration, on behalf of the Government, the right to fix a maximum amount to be payable as to specific articles and to establish maximum quantity limitations with respect to which payments will be allowed. Notwithstanding any other provision of law, settlements of claims under the Act are final and conclusive.

SEC. 8. *Claims procedure.* The form prescribed by me for filing claims pursuant to these regulations (Form DJ–110) shall be completed by the employee, the person acting on his behalf, or by his survivor and shall be forwarded through the employee's supervisor to the head of the office, division, bureau, or board concerned. That official shall be responsible for assuring that all necessary supporting papers are attached to that form and shall forward the entire file to the Assistant Attorney General for Administration by a brief memorandum summarizing the facts concerning the loss or damage, commenting on the merits of the claim, and recommending what amount, if any, should be paid in settlement thereof. If a payment is recommended, a voucher should be prepared at that time for the signature of the Assistant Attorney General for Administration and forwarded with the file. Claim forms may be obtained from the administrative units of the various offices, divisions, bureaus, and boards and from the Administrative Division of this Department.

SEC. 9. *Supporting papers.* In addition to the information required to complete the claim form, the following evidence will be required—

1. Two itemized repair estimates, or value estimates, whichever is applicable.

2. With respect to claims involving thefts or losses in quarters or other authorized places—

a. A statement as to geographical location of place where the theft or loss occurred;

b. A statement as to what security precautions were taken to protect the property involved; and

c. An explanation of the facts and circumstances surrounding the loss or theft.

3. With respect to claims involving property being used for benefit of the Government, a statement by the employee's superior to the effect that the claimant was required to provide such property.

4. A claim filed by an agent or survivor must be supported by a power of attorney or other satisfactory evidence of authority to file.

5. A report shall be provided by the employee's supervisor summarizing all the facts and circumstances and giving any other pertinent information ascertained by his investigation of the claim.

SEC. 10. *Settlement.* Upon receipt of the claim file in the Administrative Division, a determination will be made with respect to the merits of the claim. If it is disallowed, a memorandum will be sent to the head of the office, division, bureau, or board concerned briefly explaining the disallowance. If allowed, in whole or in part, the voucher mentioned in section 8 will be approved and returned to be signed by an authorized certifying officer and paid.

ADMINISTRATIVE DIVISION

[Memo No. 398, Supp. No. 2]

DELEGATING AUTHORITY FOR SETTLING EMPLOYEES' CLAIMS UNDER MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT OF 1964 (78 STAT. 767 AND 31 U.S.C. 241)

Under and by virtue of the authority vested in me by § 0.76(a)(12) and (k) of Title 28 of the Code of Federal Regulations, the authority to settle claims of $200 or less filed by employees of their respective offices in accordance with Memo No. 398 is hereby delegated to the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of the Immigration and Naturalization Service, and the Director of the Bureau of Narcotics and Dangerous Drugs.

Each Office, Division, or Bureau in which claims are settled pursuant to the authority delegated herein shall submit to the Office of Budget and Accounts, Administrative Division, by September 30th a report showing for each claim settled during the year ended August 31st: (1) The name of the claimant, (2) the amount claimed, and (3) the amount paid.

The provisions of this memorandum shall be effective on the date of the publication of this memorandum in the FEDERAL REGISTER.

ADMINISTRATIVE DIVISION

[Memo No. 482]

DELEGATING CERTAIN AUTHORITY WITH RESPECT TO TRAINING BY, IN, OR THROUGH NON-GOVERNMENT FACILITIES

Under and by virtue of the authority the Code of Federal Regulations, I hereby delegate the following-described authority, conferred upon me by § 0.76(c)(5) of Title 28, to the following-named officers—

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, Inc., the Director, Bureau of Narcotics and Dangerous Drugs, and the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, are authorized to exercise the authority vested in the Attorney General by 5 U.S.C. 4105–4118 (and delegated to me by § 0.76(c)(5) of Title 28 of the Code of Federal Regulations) with respect to the selection and assignment of employees for training by, in, or through non-Government facilities under that Act whenever the total expense therefor will not exceed $1,000, including tuition, fees, per diem, and travel, the payment of the expenses of such training or the reimbursement of employees therefor.

The authority conferred by the preceding paragraph of this memorandum shall be exercised in conformity with the nondiscrimination policies and procedures prescribed by §§ 42.1 and 42.2 of Title 28 of the Code of Federal Regulations.

ADMINISTRATIVE DIVISION

[Memo 483]

DELEGATING CERTAIN AUTHORITY TO THE DEPUTY ASSISTANT ATTORNEY GENERAL, ADMINISTRATIVE DIVISION

Under and by virtue of the authority vested in me by §§ 0.76(k) and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Deputy Assistant Attorney General for Administration, the authority conferred upon me by the following described sections of that title—

Section 0.76: Experts, consultants, temporary employment; expenses of witnesses and informants; actual expenses of subsistence; certificates re printing; and certificates re long distance telephone calls.

Section 0.140: Advertising—purchase of supplies and services.

Section 0.142: (a) Travel; (c) travel advances; and (d) transportation expenses on change of headquarters.

Section 0.145: Overtime pay.

ADMINISTRATIVE DIVISION

[Memo No. 514]

DELEGATION OF AUTHORITY TO DIRECTOR, BUREAU OF PRISONS, AS TO DISPOSITION OF UNCLAIMED PROPERTY

Pursuant to the authority vested in me by § 0.76(k) of Title 28 of the Code of Federal Regulations, I hereby delegate to the Director of the Bureau of Prisons the authority vested in me by § 0.76(b)(7) of that title to exercise the authority conferred by section 203(m) of the Federal Property and Administrative Services Act of 1949, as amended (1) to take possession of all unclaimed privately owned personal property (including abandoned property) of an estimated value of $100 or less which is now or may hereafter be in the official custody or control of any officer, employee, or agent of the Bureau of Prisons on premises owned or leased by the United States, and which remains unclaimed for a period of 6 months, (2) to determine that title to such property has vested in the United States, (3) to utilize, transfer, or otherwise dispose of such property, (4) to determine, when necessary, the fair value of such property, (5) to receive, examine, and determine claims filed by former owners thereof, and (6) to pay such claims, or any portion thereof, which he shall determine to be due and payable in accord with section 203(m) of that Act.

All proceeds from the property disposed of under this delegation shall, if not paid to the owner thereof under section 203(m), be covered into the U.S. Treasury as miscellaneous receipts.

The authority herein delegated may be redelegated to any officer or employee of the Bureau of Prisons.

ADMINISTRATIVE DIVISION

[Memo No. 515]

VESTING OF UNCLAIMED PROPERTY

Pursuant to the authority vested in me by § 0.76(b)(7) of Title 28 of the Code of Federal Regulations, the title to all unclaimed and abandoned privately owned personal property of an estimated value of $100 or less, and cash or negotiable instruments not to exceed $500, which are now or may hereafter come into the official custody of any officer, employee, bureau, or other subdivision of this Department and remain unclaimed for a period of 6 months, shall after the expiration of such period vest in the United States.

ADMINISTRATIVE DIVISION

[Memo No. 524]

DELEGATION OF AUTHORITY REGARDING PERSONNEL AND ADMINISTRATIVE MATTERS

Under and by virtue of the authority vested in me by §§ 0.76(k) and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Deputy Assistant Attorney General for Administration, and the Director of Personnel, the authority conferred upon me by the following described sections of that title:

Section 0.76(c)(7)—Experts, consultants, temporary employment.

Section 0.76(c)(4)—Employment, position classification, separation, and general administration of personnel.

The authority hereby conferred upon the Deputy Assistant Attorney General for Administration and the Director of Personnel may be redelegated by them, respectively, to any of their subordinates.

ADMINISTRATIVE DIVISION

[Memo No. 644]

DELEGATING CERTAIN TRAINING AUTHORITY TO THE DIRECTOR OF PERSONNEL, ADMINISTRATIVE DIVISION

Under and by virtue of the authority vested in me by §§ 0.76(k) and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Director of Personnel, Administrative Division, the authority conferred upon me by the following described sections of that title:

Section 0.76(e)(6): Selection and assignment of employees of the Legal and Administrative Activities (including U.S. Attorneys and Marshals) for training by, in or through non-Government facilities whenever the total expense therefor will not exceed $500 including tuition fees, per diem and travel, and the payment of the expense of such training or the reimbursement of employees therefor.

Section 0.153: Selection and assignment of employees for training by, in or through Government facilities and the payment of the expense of such training or the reimbursement of employees therefor.

The authority conferred by the preceding paragraph of this memorandum should be exercised in conformity with the nondiscrimination policies and procedures prescribed by Part 42 of Title 28 of the Code of Federal Regulations, and Memo No. 635, Subject: Department of Justice Equal Employment Opportunity Program, dated July 17, 1969.

ADMINISTRATIVE DIVISION

[Memo No. 649]

DELEGATING AUTHORITY FOR SUSPENDING OR TERMINATING COLLECTION ACTION UNDER TITLE 4, CODE OF FEDERAL REGULATIONS

Under and by virtue of the authority vested in me by Part 104, Title 4, and Sections 0.76 (a), (k), and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Director, Office of Budget and Accounts, the authority to suspend or terminate collection action on claims not to exceed $100.

Subpart P—Federal Bureau of Investigation

CROSS REFERENCE: For regulations pertaining to the Federal Bureau of Investigation, see Part 3 of this chapter.

§ 0.85 General functions.

Subject to the general supervision and direction of the Attorney General, the Director of the Federal Bureau of Investigation shall:

(a) Investigate violations of the laws of the United States and collect evidence in cases in which the United States is or may be a party in interest, except in cases in which such responsibility is by statute or otherwise specifically assigned to another investigative agency.

(b) Conduct the acquisition, collection, exchange, classification, and preservation of identification records, including personal fingerprints voluntarily submitted, on a mutually beneficial basis, from law enforcement and other governmental agencies, railroad police, national banks, member banks of the Federal Reserve System, FDIC-Reserve-Insured Banks, and banking institutions insured by the Federal Savings and Loan Insurance Corporation; provide expert testimony in Federal or local courts as to fingerprint examinations; and provide identification assistance in disasters and in missing-persons type cases, including those from insurance companies.

(c) Conduct personnel investigations requisite to the work of the Department of Justice and whenever required by statute or otherwise.

(d) Carry out the Presidential directive of September 6, 1939, as reaffirmed by Presidential directives of January 8, 1943, July 24, 1950, and December 15, 1953, designating the Federal Bureau of Investigation to take charge of investigative work in matters relating to espionage, sabotage, subversive activities, and related matters.

(e) Establish and conduct law enforcement training programs to provide training for State and local law enforcement personnel; operate the Federal Bureau of Investigation National Academy; develop new approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and assist in conducting State and local training programs, pursuant to section 404 of the Omnibus Crime Control and Safe Streets Act of 1968, 82 Stat. 204.

(f) Operate a central clearinghouse for police statistics under the Uniform Crime Reporting Program, and a computerized nationwide index of law enforcement information under the National Crime Information Center.

(g) Operate the Federal Bureau of Investigation Laboratory, to serve not only the Federal Bureau of Investigation, but also to provide, without cost, technical and scientific assistance, including expert testimony in Federal or local courts, for all duly constituted law enforcement agencies, other organizational units of the Department of Justice, and other Federal agencies, which may desire to avail themselves of the service.

(h) Make recommendations to the Civil Service Commission in connection with applications for retirement under 5 U.S.C. 8336(c).

(i) Investigate alleged fraudulent conduct in connection with operations of the Federal Housing Administration and other alleged violations of the criminal provisions of the National Housing Act, including section 1010 of title 18 of the United States Code.

§ 0.86 Seizure of gambling devices.

The Director, Associate Director, Assistants to the Director, Assistant Directors, inspectors and agents of the Federal Bureau of Investigation are authorized to exercise the power and authority vested in the Attorney General under the act of January 2, 1951, 64 Stat. 1135, as amended, and section 2513 of title 18, United States Code, to make seizures of gambling devices and wire or oral communication intercepting devices.

§ 0.87 Representation on committee for visit-exchange.

The Director of the Federal Bureau of Investigation shall be a member of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and shall have authority to designate an alternate to serve on such committee.

§ 0.88 Certificates for expenses of unforeseen emergencies.

The Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by 28 U.S.C. 537, to make certificates with respect to expenses of unforeseen emergencies of a confidential character: *Provided*, That each such certificate made by the Director of the Federal Bureau of Investigation shall be approved by the Attorney General.

§ 0.89 Authority to seize arms and munitions of war.

The Director of the Federal Bureau of Investigation is authorized to exercise the authority conferred upon the Attorney General by section 1 of E.O. No. 10863 of February 18, 1960 (25 F.R. 1507), relating to the seizure of arms and munitions of war, and other articles, pursuant to section 1 of title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401).

Subpart Q—Bureau of Prisons

CROSS REFERENCE: For regulations pertaining to the Bureau of Prisons, see Parts 6 and 7 of this chapter.

§ 0.95 General functions.

Subject to the general supervision and direction of the Attorney General, the Director of the Bureau of Prisons shall direct all activities of the Bureau of Prisons, including:

(a) Management and regulation of all Federal penal and correctional institutions (except military or naval institutions), and prison commissaries.

(b) Provision of suitable quarters for, and safekeeping, care, and subsistence of, all persons charged with or convicted of offenses against the United States or held as witnesses or otherwise.

(c) Provision for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States.

(d) Classification, commitment, control, or treatment of persons committed to the custody of the Attorney General.

(e) Payment of rewards with respect to escaped Federal prisoners (18 U.S.C. 3059).

(f) Certification with respect to the insanity or mental incompetence of a prisoner whose sentence is about to expire pursuant to section 4247 of title 18 of the United States Code.

(g) Entering into contracts with State or territorial officials for the custody, care, subsistence, education, treatment, and training of State or territorial prisoners, upon certification with respect to the availability of proper and adequate treatment facilities and personnel, pursuant to section 5003 of title 18 of the United States Code.

(h) Conduct of studies and the preparation and submission of reports and recommendations to committing courts respecting disposition of cases in which defendants have been committed for such purposes pursuant to section 4208 (b) of title 18 of the United States Code.

(i) Conduct of studies and the preparation and submission of reports and recommendations to committing courts respecting disposition of cases in which juvenile delinquents have been committed pursuant to section 5034 of title 18 of the United States Code.

(j) Observation, conduct of studies, and preparation of reports in cases in which youth offenders have been committted by the courts for such purposes pursuant to section 5010(e) of title 18 of the United States Code.

(k) Conduct of examinations to determine whether an offender is an addict and is likely to be rehabilitated through treatment, as well as the preparation and submission of reports to committing courts, pursuant to section 4252 of title 18 of the United States Code.

(l) Transmittal of reports of boards of examiners and certificates to clerks of the district courts pursuant to section 4245 of title 18 of the United States Code.

(m) Providing technical assistance to State and local governments in the improvement of their correctional systems (18 U.S.C. 4042).

§ 0.96 Delegations.

The Director of the Bureau of Prisons is authorized to exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by any law relating to the commitment, control, or treatment of persons (including insane prisoners and juvenile delinquents) charged with or convicted of offenses against the United States, including the taking of final action in the following-described matters:

(a) Requesting the detail of Public Health Service officers for the purpose of furnishing services to Federal penal and correctional institutions (18 U.S.C. 4005).

(b) Consideration, determination, adjustment, and payment of claims in accordance with section 1 of the act of June 10, 1949, 63 Stat. 167 (31 U.S.C. 238).

(c) Designating places of confinement where the sentences of prisoners shall be served, and ordering transfers from one institution to another whether maintained by the Federal Government or otherwise (18 U.S.C. 4082).

(d) Extending the limits of the place of confinement of prisoners for the purposes specified, and within the limits established, by section 4082 of title 18 of the United States Code, and otherwise performing the functions of the Attorney General under that section.

(e) Designation of agents for the transportation of prisoners (18 U.S.C. 4008).

(f) Accepting gifts or bequests of money for credit to the "Commissary Funds, Federal Prisons" (31 U.S.C. 725s).

(g) Prescribing regulations for the use of surplus funds in "Commissary Funds, Federal Prisons" to provide advances not in excess of $150 to prisoners at the time of their release (18 U.S.C. 4284).

(h) Allowance, forfeiture, and restoration of all good time (18 U.S.C. 4161, 4162, 4165, and 4166).

(i) Release of prisoners held solely for nonpayment of fine (18 U.S.C. 3569).

(j) Furnishing transportation, clothing, and payments to released prisoners (18 U.S.C. 4281).

(k) Removal of insane prisoners to suitable institutions and retransfer to penal or correctional institutions upon recovery (18 U.S.C. 4241, 4242).

(l) Granting permits to States or public agencies for rights of way upon lands administered by the Director in accordance with the provisions of sections 931c and 961 of title 43 of the United States Code.

(m) Designating, in his discretion, the Director of the Alcoholic Rehabilitation Clinic, as the representative of the Attorney General to carry out the purpose of the act of August 4, 1947, 615 Stat. 744, with respect to persons committed for

diagnosis, classification, and treatment (D.C. Code 24–506(b)).

(n) Contracting with appropriate public or private agencies or with persons for supervisory aftercare of certain conditionally released offenders (18 U.S.C. 4255).

(o) Settlement of claims arising under the Federal Tort Claims Act if the amount of settlement does not exceed $2500. (See 28 CFR 0.177.)

§ 0.97 Redelegation of authority.

The Director of the Bureau of Prisons is authorized to redelegate to any of his subordinates any of the authority, functions, or duties vested in him by this Subpart Q. Existing redelegations by the Director of the Bureau of Prisons shall continue in force and effect until modified or revoked.

§ 0.98 Functions of Commissioner of Federal Prison Industries.

The Director of the Bureau of Prisons is authorized as ex officio Commissioner of Federal Prison Industries and in accordance with the policy fixed by its Board of Directors to:

(a) Exercise jurisdiction over all industrial enterprises in all Federal penal and correctional institutions.

(b) Sponsor vocational training programs in Federal penal and correctional institutions.

(c) Contract for the transfer of property or equipment from the District of Columbia for industrial employment and training of prisoners confined in a penal or correctional institution of the District of Columbia, pursuant to 18 U.S.C. 4122.

§ 0.99 Compensation to Federal prisoners.

The Board of Directors of Federal Prison Industries, or such officer of the corporation as the Board may designate, may exercise the authority vested in the Attorney General by section 4126 of title 18 of the United States Code, as amended, to prescribe rules and regulations governing the payment of compensation to inmates of Federal penal and correctional institutions employed in any industry, or performing outstanding services in institutional operations, and to inmates or their dependents for injuries suffered in any industry or in any work activity in connection with the maintenance of operation of the institution where confined.

Appendix to Subpart Q

CONFINEMENT OF PERSONS IN DISTRICT OF COLUMBIA CORRECTIONAL INSTITUTIONS

By virtue of the authority vested in me by the Act of September 1, 1916, 39 Stat. 711 (D.C. Code section 24–402), by section 11 of the Act of July 15, 1932, as added by the Act of June 6, 1940, 54 Stat. 244 (D.C. Code section 24–425), and by the Act of September 10, 1965, Public Law 89–176 (18 U.S.C. section 4082), the Board of Commissioners of the District of Columbia or their authorized representatives are hereby authorized to transfer such prisoners as may be in their custody and supervision, by virtue of having been placed in a correctional institution of the District of Columbia by the Attorney General, from such institution to any available, suitable, or appropriate institution or facility (including a residential community treatment center) within the District of Columbia, and the Board of Commissioners of the District of Columbia or their authorized representatives are further authorized to extend the limits of the place of confinement of such prisoners for the purposes specified, and within the limits established, by the Act of September 10, 1965, Public Law 89–176 (18 U.S.C. section 4082).

[Based on Order No. 352–66, 31 F.R. 704, Jan. 19, 1966]

Subpart R—Bureau of Narcotics and Dangerous Drugs

§ 0.100 General functions.

Subject to the general supervision of the Attorney General, the exercise of the powers and performance of the functions vested in the Attorney General by sections 1 and 2 of Reorganization Plan No. 1 of 1968 are assigned to, and shall be conducted, handled, or supervised by the Director of the Bureau of Narcotics and Dangerous Drugs.

§ 0.101 Redelegation of authority.

The Director of the Bureau of Narcotics and Dangerous Drugs is authorized to redelegate to any of his subordinates any of the powers and functions vested in him by this Subpart R.

§ 0.102 Applicability of departmental regulations.

All departmental regulations that are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Bureau of Narcotics and Dangerous Drugs, the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of Reorganization Plan No. 1 of 1968.

Appendix to Subpart R

Bureau of Narcotics and Dangerous Drugs

[Directive No. 1]

BUREAU AGENTS

DELEGATION OF AUTHORITY TO CONDUCT INVESTIGATIONS

Under the authority delegated by the Attorney General of the United States, pursuant to Part 0 of Title 28 of the Code of Federal Regulations (Organization of the Department of Justice), Subpart R (§§ 0.100, 0.101 and 0.102), there is hereby redelegated to duly appointed and authorized agents of the Bureau of Narcotics and Dangerous Drugs of the Department of Justice all rights, powers and duties contained in 21 U.S.C. 372(a), (c), (e), 21 U.S.C. 360a(d), 26 U.S.C. 7606, and 26 U.S.C. 7607.

[Directive No. 2]

SUPERVISORS AND ADMINISTRATORS, BUREAU OF NARCOTICS AND BUREAU OF DRUG ABUSE CONTROL

REDELEGATION OF FUNCTIONS

Under the authority delegated by the Attorney General of the United States to the Director of the Bureau of Narcotics and Dangerous Drugs pursuant to Part 0 of Title 28 of the Code of Federal Regulations (Organization of the Department of Justice) Subpart R (§§ 0.100, 0.101, and 0.102), all persons having supervisory and administrative authority in the previous Bureau of Narcotics and Bureau of Drug Abuse Control will continue to exercise these functions with full force and effect.

[Directive No. 3]

BUREAU AGENTS

DELEGATION OF ADDITIONAL AUTHORITY

Under the authority delegated by the Attorney General of the United States, pursuant to Part 0 of Title 28 of the Code of Federal Regulations (Organization of the Department of Justice), Subpart R (§§ 0.100, 0.101, and 0.102), in addition to the rights, powers, and duties specified in Directive No. 1, 33 F.R. 5590, April 10, 1968, there are hereby redelegated to duly appointed and authorized agents of the Bureau of Narcotics and Dangerous Drugs of the Department of Justice all functions relating to demand to produce a license to grow opium poppies and to seize opium poppies under 21 U.S.C. 188g; all functions relating to service of administrative subpoenas under 21 U.S.C. 198b; all functions in the Internal Revenue Code of 1954 relating to the seizure of narcotic drugs under section 4706, relating to notice and demand to produce order forms for marihuana under section 4744(a), relating to confiscation of marihuana under section 4745, and relating to inspection of returns, order forms, and prescriptions under section 4773; and all functions under 49 U.S.C. 782 and 783 relating to the seizure of any vessel, vehicle, or aircraft involving contraband articles covered by 49 U.S.C. 781(b)(1).

[Directive No. 4]

REDELEGATION OF FUNCTIONS

Under the authority delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by the Attorney General in Subpart R, I hereby make the following redelegations:

The Chief Counsel or, in his absence the Deputy Chief Counsel, are authorized to exercise all necessary functions with respect to the following described matters:

(a) Decisions on petitions for remission or mitigation of forfeitures incurred under the Act of August 9, 1939 (49 U.S.C. 781 et seq.) pursuant to section 1618 of title 19, United States Code, and

(b) Execution of seal for certification required to authenticate any documents pursuant to section 0.146 of Title 28, Code of Federal Regulations.

[Directive No. 5]

CHIEF COUNSEL OR DEPUTY CHIEF COUNCIL

REDELEGATION OF AUTHORITY REGARDING CERTAIN TORT CLAIMS

Under the authority delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by the Attorney General in Subpart R, I hereby redelegate to the Chief Counsel or, in his absence the Deputy Chief Counsel, the authority to adjust, determine, compromise, and settle any claim involving the Bureau of Narcotics and Dangerous Drugs under section 2672 of title 28, United States Code, relating to tort claims where the amount of a proposed adjustment, compromise, settlement or award does not exceed $2,500.

[Directive No. 12]

REDELEGATION OF FUNCTIONS

By virtue of the authority vested in me by § 0.159 and Subpart R of Title 28, Code of Federal Regulations, in order to reflect more accurately the responsibilities of certain officials of the Bureau of Narcotics and Dangerous Drugs as a result of reorganization and reassignment, I hereby make the following changes in previous directives:

ENFORCEMENT OFFICERS: DELEGATION OF AUTHORITY TO CARRY FIREARMS

Directive No. 8 (33 F.R. 18237) is hereby rescinded, and the following officers and employees of the Bureau of Narcotics and Dangerous Drugs are authorized to carry firearms:

1. The Director.
2. The Deputy Director.
3. All criminal investigators, Series 1811, under Civil Service Commission regulations.

ISSUANCE OF IMPORTATION AND EXPORTATION PERMITS

Directive No. 9 (33 F.R. 18236) is hereby rescinded, and the authority to perform all functions with respect to the issuance of narcotic drug importation and exportation permits pursuant to sections 173 and 182 of title 21, United States Code, and Part 302 of title 21, Code of Federal Regulations, is redelegated to the Chief of the Compliance Investigation Division.

ABSENCE, INABILITY OR DISQUALIFICATION OF DIRECTOR

Directive No. 11 (34 F.R. 4889) is hereby rescinded, and I direct that in the case of my inability or disqualification to act in the office of the Director, or in the event of my temporary absence, all duties and functions shall be performed by the Deputy Director, or in the event of his absence, by the Assistant Director for Enforcement.

Subpart S—Immigration and Naturalization Service

§ 0.105 General functions.

Subject to the general supervision and direction of the Attorney General, the Commissioner of Immigration and Naturalization shall:

(a) Subject to the limitations contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) and the provisions for review by the Board of Immigration Appeals, administer and enforce the Immigration and Nationality Act and all other laws relating to immigration (including, but not limited to, admission, exclusion, and deportation), naturalization, and nationality. Nothing in this paragraph shall be construed to authorize the Commissioner of Immigration and Naturalization to supervise the litigation of, or to approve the filing of records on review, appeals, or petitions for writs of certiorari or to intervene or have independent representation in cases under the immigration and nationality laws except as provided in paragraph (e) of this section.

(b) For the purposes of paragraph (a) of this section, and as limited therein, exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by the laws mentioned in that paragraph, including the authority to issue regulations.

(c) Investigate alleged violations of the immigration and nationality laws, and make recommendations for prosecutions when deemed advisable.

(d) Patrol the borders of the United States to prevent the entry of aliens into the United States in violation of law.

(e) Supervise naturalization work in the specific courts designated by section 310 of the Immigration and Nationality Act (8 U.S.C. 1421) to have jurisdiction in such matters, including the requiring of accountings from the clerks of such courts for naturalization fees collected, investigation through field officers of the qualifications of citizenship applicants, and representation of the Government at all court hearings.

(f) Cooperate with the public schools in providing citizenship textbooks and other services for the preparation of candidates for naturalization.

(g) Register and fingerprint aliens in the United States, as required by section 262 of the Immigration and Nationality Act (8 U.S.C. 1304).

(h) Prepare reports on private bills pertaining to immigration matters.

(i) Designate within the Immigration and Naturalization Service a certifying officer, and an alternate, to certify copies of documents issued by the Commissioner, or his designee, which are required to be filed with the Office of the Federal Register.

(j) Direct officers and employees of the Immigration and Naturalization Service, assigned to accompany commercial aircraft, to perform the functions of a U.S. deputy marshal as a peace officer, in particular those set forth in 28 U.S.C. 570 and 18 U.S.C. 3053, (1) while aboard any aircraft to which they have been assigned, or (2) while within the general vicinity of such aircraft so long as it is within the jurisdiction of the United States. Such functions shall be in addition to those vested in such officers and employees pursuant to law.

§ 0.106 Certificates for expenses of unforeseen emergencies.

The Commissioner of Immigration and and Naturalization is authorized to exercise the power and authority vested in the Attorney General by section 6 of the act of July 28, 1950, 64 Stat. 380 (8 U.S.C. 1555), to make certificates with respect to expenses of unforeseen emergencies of a confidential character: *Provided*, That each such certificate made by the Commissioner of Immigration and Naturalization shall be approved by the Attorney General.

§ 0.107 Representation on committee for visit-exchange.

The Commissioner of Immigration and Naturalization shall be a member of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and shall have authority to designate an alternate to serve on such committee.

§ 0.108 Redelegation of authority.

The authority conferred by § 0.105 upon the Commissioner of Immigration and Naturalization may be redelegated by him, to such extent as he may deem desirable, to any officer or employee of the Immigration and Naturalization Service as he may designate. Existing redelegations by the Commissioner shall continue in force and effect until modified or revoked.

§ 0.109 Implementation of the Treaty of Friendship and General Relations Between the United States and Spain.

The Commissioner of Immigration and Naturalization and immigration officers (as defined in 8 CFR 103.1(i)) are hereby designated as "competent national authorities" on the part of the United States within the meaning of Article XXIV of the Treaty of Friendship and General Relations Between the United States and Spain (33 Stat. 2105, 2117), and shall fulfill the obligations assumed by the United States pursuant to that Article in the manner and form prescribed.

(E.O. 11267; 3 CFR, 1966 Comp.)

§ 0.110 Implementation of the Convention Between the United States and Greece.

The Commissioner of Immigration and Naturalization and immigration officers (as defined in 8 CFR 103.1(i)) are hereby designated as "local authorities" and "competent officers" on the part of the United States within the meaning of Article XIII of the Convention Between the United States and Greece (33 Stat. 2122, 2131), and shall fulfill the obligations assumed by the United States pursuant to that Article in the manner and form prescribed.

(E.O. 11300, 3 CFR, 1966 Supp.)

Subpart T—Law Enforcement Assistance Administration [Reserved]

Subpart U—Board of Immigration Appeals

§ 0.115 General functions.

Subject to the general supervision and direction of the Attorney General, the Board of Immigration Appeals shall review and determine:

(a) Appeals from decisions of special inquiry officers in exclusion and deportation cases.

(b) Appeals from decisions of district directors and special inquiry officers on applications for the advance exercise of the discretionary authority contained in section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) and from decisions of district directors and officers in charge on applications for the advance exercise of the discretionary authority contained in section 212(d)(3) of that act (8 U.S.C. 1182(d)(3)).

(c) Appeals from decisions of district directors involving administrative fines and penalties, including mitigation thereof.

(d) Appeals from decisions of district directors on petitions filed in accordance with section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) and from decisions revoking the approval of such petitions in accordance with section 205 of that act (8 U.S.C. 1155).

(e) Appeals from determinations of regional commissioners or district directors relating to the bond, conditional parole, or detention of an alien under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(f) Cases involving the decisions referred to in paragraphs (a) through (d) of this section which may be certified to the Board by the Commissioner or any duly authorized officer of the Service, or which the Board may require to be certified to it.

(g) Cases in which the Board has rendered a decision which are reopened or reconsidered in accordance with 8 CFR 3.2.

§ 0.116 Decisions subject to review by Attorney General.

The Board shall refer to the Attorney General for review of its decision all cases which:

(a) The Attorney General directs the Board to refer to him.

(b) The Chairman or a majority of the Board believes should be referred to the Attorney General for review.

(c) The Commissioner requests be referred to the Attorney General for review.

§ 0.117 Finality of decision.

Except in those cases referred to the Attorney General in accordance with § 0.116, the decision of the Board shall be final. The Board may, however, return a case to the Immigration and Naturalization Service for such further action as may be appropriate therein, without entering a final decision on its merits.

§ 0.118 Delegation of authority.

Subject to any specific limitation prescribed by regulation, in considering and determining cases before it, the Board shall exercise such discretion and authority conferred upon the Attorney General by law as is appropriate and necessary for the disposition of the case.

Subpart V—The Board of Parole

CROSS REFERENCE: For regulations pertaining to the Board of Parole, see Parts 2 and 4 of this chapter.

§ 0.125 General functions.

Subject to the general supervision and direction of the Attorney General as to policy and programing, the Board of Parole shall have:

(a) Sole authority to grant, modify, or revoke paroles of all U.S. prisoners (18 U.S.C. 4203, 4207).

(b) Responsibility for the supervision, through Federal probation officers, of Federal parolees and Federal mandatory releasees upon the expiration of their sentences with allowances for statutory good time, and for prescribing and modifying the terms and conditions governing the prisoner during parole or mandatory release.

(c) Sole authority to issue warrants for violation of parole or mandatory release (18 U.S.C. 4205).

(d) Sole authority to re-parole or re-release on mandatory release (18 U.S.C. 4207, 4164).

(e) Sole authority to determine the date the prisoner shall become eligible for parole in any case in which the committing court specifies that such eligibility date shall be that determined by the Board of Parole (18 U.S.C. 4208(a)).

(f) Sole authority to promulgate rules and regulations for the supervision, discharge from supervision, or recommitment of paroled prisoners (18 U.S.C. 4208(d)).

(g) The authority to determine, in accordance with the provisions of section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959, whether the services of certain persons in any capacity referred to in clause (1) or clause (2) of that section would be contrary to the purposes of that act (sec. 504(a) of the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 536).

§ 0.126 Delegations.

The Board of Parole is authorized to exercise:

(a) The authority vested in the Attorney General by section 3569 of title 18 of the United States Code to make a finding that a parolee is unable to pay a fine in whole or in part and to direct release of such parolee based on such finding.

(b) The authority vested in the Attorney General by section 3655 of title 18 of the United States Code to request probation officers to perform such duties with respect to persons on parole as the Board of Parole deems necessary for maintaining proper supervision of such persons.

§ 0.127 Youth Correction Division.

The Youth Correction Division of the Board of Parole shall:

(a) Consult with, and make recommendations to the Director of the Bureau of Prisons as to general treatment and correctional policies for committed youth offenders.

(b) Make recommendations to the Director of the Bureau of Prisons as to individuals committed under the Federal Youth Corrections Act.

(c) Report within 60 days to the committing court the findings as to individuals committed for observation and study.

(d) Prescribe the terms and conditions governing those under supervision.

(e) Have authority to order parole for youth offenders committed under the Federal Youth Corrections Act, and juvenile delinquents sentenced under the Federal Juvenile Delinquency Act; to direct Federal probation officers to submit reports as to parole supervision of committed youth offenders; to limit and define the powers and duties of voluntary supervisory agents and sponsors; to issue warrants for the retaking of parole or mandatory-release violators, and order the return to custody for further treatment of committed youth offenders; to revoke parole or mandatory release; to re-parole or re-release under supervision; and to discharge committed youth offenders unconditionally at its discretion after 1 year of parole supervision.

Subpart W—Additional Assignments of Functions and Designation of Officials to Perform the Duties of Certain Offices in Case of Vacancy, or Absence Therein or in Case of Inability or Disqualification to Act

§ 0.130 Functions common to heads of organizational units.

Subject to the general supervision and direction of the Attorney General, the head of each organizational unit within the Department shall:

(a) Direct and supervise the personnel, administration, and operation of the office, division, bureau, or board of which he is in charge.

(b) Under regulations prescribed by the Attorney General with the approval of the Director of the Bureau of the Budget, have authority to reallot funds allotted by the Assistant Attorney General for Administration and to redelegate to persons within his organizational unit authority and responsibility for the reallotment of such funds and control of obligations and expenditures within reallotments.

(c) Perform such special assignments as may from time to time be made to him by the Attorney General.

(d) Except as otherwise provided in this chapter, receive submittals and requests relative to the functions of his organizational unit.

§ 0.131 Designation of Acting United States Attorneys.

Each U.S. Attorney is authorized to designate any Assistant U.S. Attorney in his office to perform the functions and duties of the U.S. Attorney during his absence from office, and to sign all necessary documents and papers as Acting U.S. Attorney while performing such functions and duties.

§ 0.132 Designating officials to perform the functions and duties of certain offices in case of vacancy therein.

(a) In case of vacancy in the office of Attorney General, the Deputy Attorney General shall, pursuant to 28 U.S.C. 508, perform the functions and duties of and act as Attorney General; and in case of vacancy in both the office of Attorney General and the office of Deputy Attorney General, the Solicitor General shall perform the functions and duties of and act as Attorney General.

(b) In the event of a vacancy in the office of Deputy Attorney General, an Associate Deputy Attorney General designated by the Attorney General shall perform the functions and duties of and act as Deputy Attorney General.

(c) In the event of a vacancy in the Office of the Director, Bureau of Narcotics and Dangerous Drugs, the powers and functions of the Director may be exercised by the Deputy Director or in the absence of the Deputy Director by the Assistant Director for Enforcement.

(d) In the event of a vacancy in the office of head of any other organizational unit, the ranking deputy (or his equivalent) in such unit who is available shall perform the functions and duties of and act as such head, unless the Attorney General shall direct otherwise. Except as otherwise provided by law, if there is no ranking deputy available, the Attorney General shall designate another official of the Department to perform the functions and duties of and act as such head.

§ 0.133 Designating officials to perform the functions and duties of certain offices in case of absence therein or in case of inability or disqualification to act.

The head of each organizational unit within the Department is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate his ranking deputy (or his equivalent) who is available to act in his stead. If there is no deputy available, or in the case of inability or disqualification of each deputy, or in other unusual circumstances, any other official in such unit may be so designated.

Subpart X—Authorizations With Respect to Personnel and Certain Administrative Matters

§ 0.134 Applicability to Law Enforcement Assistance Administration.

Insofar as provisions of this subpart, or other provisions of this part, authorize the exercise by other officers of the Department of Justice of functions vested by law in the Law Enforcement Assistance Administration, such provisions have been promulgated with the concurrence of the Administration, and shall be deemed to be delegations to such officers by the Administration pursuant to section 502 of title I of P.L. 90–351, 82 Stat. 197, 205.

§ 0.135 Deputy Attorney General.

The Deputy Attorney General is authorized to exercise the power and authority vested in the Attorney General and in the Law Enforcement Assistance Administration to take final action in matters pertaining to:

(a) The employment, separation and general administration of personnel in General Schedule grades GS–16 through GS–18, or the equivalent, and of attorneys regardless of grade or pay in the Department of Justice;

(b) The appointment of Assistant U.S. Attorneys and other attorneys to assist U.S. Attorneys when the public interest so requires, and fixing their salaries; and

(c) The review of any personnel action taken by any officer of the Department of Justice.

§ 0.136 Assistant Attorney General for Administration.

The Assistant Attorney General for Administration is authorized to exercise the power and authority vested in the Attorney General to take final action on those personnel matters described in § 0.76(c)(4), subject to review by the Deputy Attorney General.

§ 0.137 Federal Bureau of Investigation.

Except as to persons in the positions of Associate Director, Assistant to the Director, and Assistant Director of the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, including personnel in wage board positions, in the Federal Bureau of Investigation. All personnel actions taken by the Director of the Federal Bureau of Investigation under this subsection shall be subject to postaudit and correction by the Assistant Attorney General for Administration and to review by the Deputy Attorney General.

§ 0.138 Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, Bureau of Narcotics and Dangerous Drugs, and Law Enforcement Assistance Administration.

The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, except attorneys, in General Schedule grades GS–1 through GS–13 and in wage board positions. Such officials, and the Administrators of the Law Enforcement Assistance Administration, are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to employ on a temporary basis experts or consultants or organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)). All personnel actions taken under this section shall be subject to postaudit and correction by the Assistant Attorney General for Administration and to review by the Deputy Attorney General.

§ 0.139 Procurement matters.

The following shall control as to procurement matters:

(a) Except as to those matters designated by the Assistant Attorney General for Administration, to whom the responsibility for control of expenditures is assigned by Subpart O, the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration are, as to their respective jurisdictions, authorized to exercise the authority vested in the Attorney General by law with respect to procurement matters.

(b) The Assistant Attorney General for Administration is authorized to postaudit and correct any procurement transactions throughout the Department entered into pursuant to the delegation of authority set forth in subsection (a) of this section, and to inspect at any time the procurement operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, the Immigration and Naturalization Service, and the Bureau of Narcotics and Dangerous Drugs.

§ 0.140 Authority relating to advertisements, and purchase of certain supplies and services.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, and the Administrators of the Law Enforcement Assistance Administration as to their respective jurisdictions, and the Assistant Attorney General for Administration, are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following-described matters:

(a) Authorizing the publication of advertisements, notices, or proposals under section 3828 of the Revised Statutes of the United States (44 U.S.C. 324).

(b) Making determinations as to the acquisition of articles, materials, or supplies in accordance with sections 2 and 3 of the Buy American Act (47 Stat. 1520; 41 U.S.C. 10a, 10b).

(c) Placing orders with other agencies of the Government for materials or services, and accepting orders therefor, in accordance with section 686 of title 31 of the United States Code.

§ 0.141 Audit and ledger accounts.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, and the Administrators of the Law Enforcement Assistance Administration are, as to their respective jurisdictions, authorized to audit vouchers and to maintain general ledger accounts with respect to appropriations allotted to them.

§ 0.142 Per diem and travel allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, and the Administrators of the Law Enforcement Assistance Administration as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following-described matters:

(a) Authorizing travel, subsistence, and mileage allowances under sections 5702–5707 of title 5 of the United States Code in accordance with regulations prescribed by the Bureau of the Budget and the Assistant Attorney General for Administration.

(b) Fixing rates in accordance with sections 5702–5704 and 5707 of title 5, United States Code, and regulations prescribed by the Bureau of the Budget and the Assistant Attorney General for Administration.

(c) Authorizing travel advances pursuant to 5 U.S.C. 5705.

(d) Authorizing travel and transportation expenses, and, when applicable, relocation expenses for transferred employees, new appointees and student trainees, in accordance with 5 U.S.C. 5721–5732 and regulations prescribed by the Bureau of the Budget and the Assistant Attorney General for Administration.

(e) Authorizing or approving, for purposes of security, the use of compartments or other transportation accommodations superior to lowest first-class accommodations under applicable travel regulations subject to 5 U.S.C. 5731.

§ 0.143 Incentive Awards Plan.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law with respect to the administration of the Incentive Awards Plan and to approve honorary awards and cash awards under such plan not in excess of $1,000.

§ 0.144 Determination of basic workweek.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the authority vested in the Attorney General by section 6101(a) of title 5, United States Code, to determine that the organizational unit concerned would be seriously handicapped in carrying out its functions or that costs would be substantially increased except upon modification of the basic workweek, and whenever such determination is made to fix the basic workweek of officers and employees of the unit concerned.

§ 0.145 Overtime pay.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), may, subject to any regulations which the Attorney General may prescribe, authorize overtime pay (including additional compensation in lieu of overtime of not less than 10 percent nor more than 25 percent pursuant to section 5545(c)(2) of title 5, United States Code) for such positions as may be designated by them.

§ 0.146 Seals.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Chairman of the Board of Parole, and the Director of the Bureau of Narcotics and Dangerous Drugs shall each have custody of the seal pertaining to his respective jurisdiction and he, or such person or persons as he may designate, may execute under seal any certification required to authenticate any books, records, papers, or other documents as true copies of official records of their respective jurisdictions. The Assistant Attorney General for Administration shall have custody of the seal of the Department of Justice, and he, or such person or persons as he may designate, may execute under seal any certification required to authenticate any books, records, papers, or other documents as true copies of official records of the Department of Justice. He may also prescribe regulations governing the use of the seal of the Department and various oganizational units.

§ 0.147 Certification of obligations.

The following-designated officials are authorized to make the certifications required by section 1311(c) of the Supplemental Appropriation Act, 1955 (68 Stat. 831; 31 U.S.C. 200(c)); for the Federal Bureau of Investigation, the Assistant Director, Administrative Division; for the Bureau of Prisons, the Deputy Assistant Director, Administrative Services; for Federal Prison Industries, the Secretary; for the Immigration and Naturalization Service, the Assistant Commissioner, Administrative Division; for the Bureau of Narcotics and Dangerous Drugs, the Assistant Director for Administration; for the Law Enforcement Assistance Administration, the Chief, Administrative Services Division; and for all other organizational units of the Department (including U.S. Attorneys and Marshals), the Assistant Attorney General for Administration.

§ 0.148 Certifying officers.

The following-named officials are authorized to designate employees to certify vouchers under section 1 of the Act of December 29, 1941, 55 Stat. 875 (31 U.S.C. 82b), and to certify that such persons are bonded pursuant to 6 U.S.C. 14; for the Federal Bureau of Investigation, the Director; for the Bureau of Prisons, the Director, and the Associate Commissioner, Federal Prison Industries; for the Federal Prison Industries, the Associate Commissioner, and the Director, Bureau of Prisons; for the Immigration and Naturalization Service, the Commissioner; for the Bureau of Narcotics and Dangerous Drugs, the Director; for the Law Enforcement Assistance Administration, the Administrators; and for all other organizational units of the Department (including U.S. Attorneys and Marshals), the Assistant Attorney General for Administration.

§ 0.149 Disbursing employees.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of

Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to request Treasury Department designation of disbursing employees (including cashiers), and to certify that such employees are bonded pursuant to 6 U.S.C. 14. Existing authorizations to request designations and approve bonds shall remain in effect until terminated by the official who by this section would be authorized to request such designations.

§ 0.150 Collection of erroneous payments.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, for their respective jurisdictions, and the Assistant Attorney General for Administration, for all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized, in accordance with the regulations prescribed by the Attorney General under section 5514(b) of title 5, United States Code, to collect indebtedness resulting from erroneous payments to employees. The Assistant Attorney General for Administration is authorized to redelegate his authority under this section to U.S. Marshals with respect to the collection of such indebtedness from U.S. Attorneys and Marshals.

§ 0.151 Administering Oath of Office.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney general for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to designate, in writing, pursuant to the provisions of sections 2903(b) and 2904 of title 5, United States Code, officers or employees to administer the oath of office required by section 3331 of title 5, United States Code, and to administer any other oath required by law in connection with employment in the executive branch of the Federal Government.

§ 0.152 Approval of funds for attendance at meetings.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to prescribe regulations for the expenditure of appropriated funds available for expenses of attendance at meetings of organizations.

§ 0.153 Selection and assignment of employees for training.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are hereby authorized to exercise the authority vested in the Attorney General by section 4109 of title 5, United States Code, with respect to the selection and assignment of employees for training by, in, or through Government facilities and the payment or reimbursement of expenses for such training.

§ 0.154 Advance and evacuation payments and special allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by sections 5522–5527 of title 5, United States Code, and Executive Order No. 10982 of December 25, 1961, and to administer the regulations adopted by the Attorney General in Order No. 269–62 with respect to advance and evacuation payments and special allowances.

§ 0.155 Waiver of claims for erroneous payments of pay.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration as to all other organizational units of the Department (including U.S. Attorneys and Marshals) are authorized to exercise the authority provided under 5 U.S.C. 5584 for the waiver of claims of the United States for erroneous payments of pay to employees of the Department of Justice in accordance with standards prescribed by the Comptroller General, 4 CFR, Ch. III.

§ 0.156 Execution of U.S. Marshals' deeds or transfers of title.

A chief deputy or deputy U.S. Marshal who sells property—real, personal, or mixed—on behalf of a U.S. Marshal, may execute a deed or transfer of title to the purchaser on behalf of and in the name of the U.S. Marshal.

§ 0.159 Redelegation of authority.

Except as to the authority delegated by § 0.147, the authority conferred by this Subpart X upon the Deputy Attorney General and the Assistant Attorney General for Administration may be redelegated by them, respectively, to any of their subordinates or to any other officers or employees of the Department. Subject to the same limitation, the authority conferred by this Subpart X upon the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration may be redelegated by them, respectively, to such officers and employees under their jurisdiction and to such U.S. Attorneys as they may designate. Existing delegations of authority to officers and employees and to U.S. Attorneys, not inconsistent with this Subpart X, made by any officer named in this section shall continue in force and effect until modified or revoked.

Subpart Y—Authority to Compromise and Close Civil Claims and Responsibility for Judgments, Fines, Penalties, and Forfeitures

§ 0.160 Offers which may be accepted by Assistant Attorney Generals.

Each Assistant Attorney General is authorized with respect to matters assigned to his division, to accept offers in compromise of claims in behalf of the United States in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $250,000, and of claims against the United States in all cases, or in administrative actions to settle, in which the amount of the proposed settlement does not exceed $250,000 except:

(a) When for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in the preceding part of this section.

(b) When the Assistant Attorney General is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed settlement by the agency or agencies involved, or for any other reason, the offer should receive the personal attention of the Attorney General.

§ 0.161 Recommendations to Attorney General of acceptance of certain offers.

In all cases in which the amount of the offer in proposed settlement exceeds the applicable amount specified in § 0.160 and in any case falling within any of the exceptions enumerated in the said section, the Assistant Attorney General concerned shall, if in his opinion the offer of compromise, or administrative action to settle, should be accepted, transmit his recommendation to the Attorney General to that effect.

§ 0.162 Offers which may be rejected by Assistant Attorney Generals.

Each Assistant Attorney General is authorized, with respect to matters assigned to his division or office, to reject offers in compromise of any claims in behalf of the United States, or, in compromises or administrative actions to settle, against the United States, except in those cases which come within paragraph (b) of § 0.160.

§ 0.163 Approval by Solicitor General of action on compromise offers in certain cases.

In any Supreme Court case the acceptance, recommendation of acceptance, or rejection, under § 0.160, § 0.161, or § 0.162, of a compromise offer by the Assistant Attorney General concerned, shall have the approval of the Solicitor General. In any case in which the Solicitor General has authorized an appeal to any other court, a compromise offer, or any other action, which would terminate the appeal, shall be accepted or acted upon by the Assistant Attorney General concerned only upon advice from the Solicitor General that the principles of law involved do not require appellate review in that case.

§ 0.164 Civil Claims which may be closed by Assistant Attorney Generals.

Each Assistant Attorney General is authorized, with respect to matters assigned to his division or office, to close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000, except:

(a) When for any reason, the closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims the total gross amounts of which exceed $250,000.

(b) When the Assistant Attorney General concerned is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed closing by the agency or agencies involved, or for any other reason, the proposed closing should receive the personal attention of the Attorney General.

§ 0.165 Recommendations to Attorney General that certain claims be closed.

In case the gross amount of the original claim asserted by the Government exceeds $250,000, or one of the exceptions enumerated in § 0.164 is involved, the Assistant Attorney General concerned shall, if in his opinion the claim should be closed, transmit his recommendation to that effect, together with a report on the matter, to the Attorney General for review and final action. Such report shall be in such form as the Attorney General may require.

§ 0.166 Memorandum pertaining to closed claim.

In each case in which a claim is closed under § 0.164, the Assistant Attorney General concerned shall execute and place in the file pertaining to the claim a memorandum which shall contain a description of the claim and a full statement of the reasons for closing it.

§ 0.167 Submission to Attorney General by Director of Office of Alien Property of certain proposed allowances and disallowances.

In addition to the matters which he is required to submit to the Attorney General under preceding sections of this Subpart Y, the Director of the Office of Alien Property, shall submit to the Attorney General for such review as he may desire to make the following:

(a) Any proposed allowance by the Director, without hearing, of a title or debt claim pursuant to §§ 502.102, 502.201, or 502.202 of the Rules of Procedure of the Office of Alien Property for Claims (8 CFR 502.102, 502.201, 502.202).

(b) Any final determination of a title or debt claim, whether by allowance or disallowance, pursuit to §§ 502.22, 502.23, 502.25, 502.105 of the said Rules of Procedures for Claims (8 CFR 502.22, 502.23, 502.25, 502.105).

(c) Any proposed allowance or disallowance by the Director, without hearing, of a title claim under section 9(a) of the Trading with the Enemy Act, as amended, filed less than 2 years after the date of vesting in or transfer to the Alien Property Custodian or the Attorney General of the property or interest in respect of which the claim is made:

Provided, That any such title or debt claim is within one of the following-described categories.

(1) Any title claim which involves the return of assets having a value of $50,000 or more, or any debt claim in the amount of $50,000 or more.

(2) Any title claim which will, as a practical matter, control the disposition of related title claims involving, with the principal claim, assets having a value of $50,000 or more; or any debt claim which will, as a practical matter, control the disposition of related debt claims in the aggregate amount, including the principal claim, of $50,000 or more.

(3) Any title claim or debt claim presenting a novel question of law or a question of policy which, in the opinion of the Director, should receive the personal attention of the Attorney General.

(d) Any sale or other disposition of vested property involving assets of $50,000 or more.

§ 0.168 Redelegation by Assistant Attorney Generals.

(a) The Assistant Attorney Generals are authorized to redelegate, to such extent and subject to such limitations as may be deemed advisable, to subordinate Division officials and U.S. Attorneys authority delegated by §§ 0.160, 0.162, and 0.164.

(b) Redelegations under this section shall be in writing and shall be approved by the Attorney General before becoming effective.

(c) Existing delegations and redelegations of authority to such officials and U.S. Attorneys to compromise or close claims shall continue in force and effect until modified or revoked by the Assistant Attorney General in charge of the Division concerned.

§ 0.169 Definition of "gross amount of original claim."

The phrase "gross amount of the original claim", as used in this Subpart Y and as applied to any civil fraud claim described in § 0.45(d), shall mean the amount of single damages involved.

§ 0.170 Interest on monetary limits.

In computing the gross amount of the original claim and the amount of the proposed settlement pursuant to this Subpart Y, accrued interest shall be excluded.

§ 0.171 Judgments, fines, penalties, and forfeitures.

(a) Subject to the general supervision and direction of the Attorney General, each Assistant Attorney General shall be responsible for conducting, handling, or supervising such litigation or other actions as may be appropriate to accomplish the satisfaction, collection, or recovery, as the case may be, of judgments, fines, penalties, and forfeitures (including bail-bond forfeitures) arising in connection with cases under his jurisdiction. In order to assure the efficient and effective performance of the functions described in the first sentence of this paragraph, each Assistant Attorney General shall designate an individual or unit in his division to be responsible for the performance of those functions.

(b) Each U.S. Attorney shall designate an Assistant U.S. Attorney, and such other employees as may be necessary, or shall establish an appropriate unit within his office, to be responsible for activities related to the satisfaction, collection, or recovery, as the case may be, of judgments, fines, penalties, and forfeitures (including bail-bond forfeitures).

(c) The Director of the Bureau of Prisons shall take such steps as may be necessary to assure that the appropriate U.S. Attorney is notified whenever a prisoner is released prior to the payment of his fine.

(d) The Pardon Attorney shall notify the appropriate U.S. Attorney whenever the President issues a pardon and whenever the President remits or commutes a fine.

§ 0.172 Authority; Federal tort claims.

(a) The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs shall have authority to adjust, determine, compromise, and settle a claim involving the Bureau of Prisons, Federal Prison Industries, the Immigration and Naturalization Service, and the Bureau of Narcotics and Dangerous Drugs, respectively, under section 2672 of title 28, United States Code, relating to the administrative settlement of Federal tort claims, if the amount of a proposed adjustment, compromise, settlement or award does not exceed $2,500. When in the opinion of one of the said Directors or one of the said Commissioners such a claim pending before him presents a novel question of law or a question of policy, he shall obtain the advice of the Assistant Attorney General in charge of the Civil Division.

(b) Subject to the provisions of § 0.160, the assistant Attorney General in charge of the Civil Division shall have authority to adjust, determine, compromise, and settle any other claim involving the Department under section 2672 of title 28, United States Code, relating to the administrative settlement of Federal tort claims.

Appendix to Subpart Y—Redelegations of Authority To Compromise and Close Civil Claims

CIVIL DIVISION

[Memo No. 374]

DELEGATION OF AUTHORITY TO U.S. ATTORNEYS IN CIVIL DIVISION CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly sections 0.45, 0.46, 0,160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Scope of authority.* The authority delegated by this Memorandum is applicable to civil claims, both by and against the Government, which are under the jurisdiction and authority of the Assistant Attorney General in charge of the Civil Division (hereafter in this Memorandum referred to as the Assistant Attorney General). U.S. Attorneys are hereby authorized to take all necessary steps, with regard to the claims described in this Memorandum, to protect the interests of the United States, including the institution, conduct, compromise and termination of appropriate legal proceedings, without prior approval of the Assistant Attorney General or his representative, but subject to the limitations and conditions set forth in this Memorandum, the limitations set forth in special instructions and manuals, and the requirements set forth in the U.S. Attorneys Manual. Except as provided in section 0.131 of Title 28 of the Code of Federal Regulations, the authority conferred by this Memorandum shall not be redelegated by U.S. Attorneys except in case of their protracted absence from their offices or in other unusual circumstances.

SEC. 2. *Responsibility.* The Assistant Attorney General has and, of course, retains the ultimate responsibility for the proper handling and administration of all civil litigation (excepting certain areas of specialized civil litigation assigned to other divisions of this Department—see Part 0 of Title 28 of the Code of Federal Regulations) involving the United States, its departments, and agencies, including the President of the United States, the heads of Executive Departments and agencies, and certain other officers and employees of the Government. Each U.S. Attorney shall be immediately responsible for the proper handling of each claim involving an exercise of any authority delegated to him by this Memorandum. The Assistant Attorney General shall provide U.S. Attorneys with such advice or assistance as may be deemed necessary. The Assistant Attorney General may, at any time, withdraw any authority delegated by this Memorandum as it relates to any particular case, or part thereof, or to any particular category of cases.

SEC. 3. *Claims covered—A. Admiralty and Shipping Section matters.* Claims for civil penalties and forfeitures not exceeding $5,000, exclusive of interest and costs for violation of the laws relating to inspection and documentation of vessels and to obstruction and pollution of navigable waters, interference with or damage to aids to navigation, and all similar matters but not including any claim for injunctive or declaratory relief. (Referred by local offices of the Coast Guard, the Bureau of Customs and the Army Engineers.)

B. *Fraud Section matters.* Civil claims arising from fraud on the Government (other than fraud matters referred to the Antitrust, Land and Natural Resources, and Tax Divisions), including claims under the False Claims Act, the Surplus Property Act, the Anti-Kickback Act, the Contract Settlement Act, and common law fraud whenever the amount of single damages claimed (exclusive of double damages, forfeitures, interest, and costs) does not exceed $5,000.

C. *General Claims Section matters.* Claims by and against the Government whenever the amount claimed does not exceed $5,000, exclusive of interest and costs, as follows:

1. Claims for conversion of Government property other than ships, cargoes, or other maritime property.

2. Claims by the Department of Agriculture for the recovery of civil penalties for violations of the provisions of the Agricultural Adjustment Act of 1938; 7 U.S.C. 1314, 1340, 1346, 1356, 1359, 1376, and 1380n.

3. Claims by the Department of Agriculture for the recovery of civil penalties for violations of the Packers and Stockyards Act; 7 U.S.C. 203, 215.

4. Claims by the Department of Agriculture for the recovery of civil penalties for violations of contracts entered into under the Soil Bank Act; 7 U.S.C. 1811.

5. Claims by the Federal Communications Commission for the recovery of forfeitures under the Communications Act of 1934, as amended; 47 U.S.C. 510.

6. Claims by the Interstate Commerce Commission for the recovery of civil penalties for the violation of car service orders under the Interstate Commerce Act, as amended; 49 U.S.C. 1(12), 1(15), 1(17)(a).

7. Claims by the Federal Crop Insurance Corporation (Department of Agriculture) under the Federal Crop Insurance Act; 7 U.S.C. 1508, et seq.

8. Claims by the Farmers Home Administration of the Department of Agriculture under the Farmers Home Administration Act of 1946; 7 U.S.C. 1921, et seq.

9. Claims by the Commodity Credit Corporation of the Department of Agriculture under the Commodity Credit Corporation Charter Act; 15 U.S.C. 714, et seq.

10. Claims by the Department of Agriculture arising under the Soil Conservation and Allotment Act; 16 U.S.C. 590a, et seq. and other conservation practices programs.

11. Claims by the Army and Air Force Exchange Service sounding in contract or quasi-contract.

12. Claims by the Civil Service Commission based upon notes assigned to it by employee insurance companies.

13. Claims by the Federal Housing Administraiton on account of loans made or insured by that agency.

14. Claims referred upon General Accounting Office certificates of indebtedness or proofs of claim, including Veterans Administration and military overpayments, except those involving carriage of goods by water.

15. Claims by the Small Business Administration arising out of the lending activities of that agency, except loans on the security of vessels.

16. Claims by the Department of the Treasury for the collection of customs duties and recoveries on bonds provided by importers.

17. Claims by the Veterans Administration for the escheat of funds pursuant to 38 U.S.C. 3202(e) and for the vesting of personal estates pursuant to 38 U.S.C. 5220–5228.

18. Claims by the Veterans Administration on account of farm, business, and home loans, made, guaranteed, or insured by that agency.

19. Suits in which the United States has been made a party defendant pursuant to 28 U.S.C. 2410, except liens on vessels or other maritime property.

D. *General Litigation Section matters.* Claims seeking specific relief, as follows:

1. Suits to enjoin violations of, and collect penalties up to $5,000 under, the Agricultural Adjustment Act of 1938; 7 U.S.C. 1376.

2. Suits to enjoin violations of, and collect penalties up to $5,000 under, the Packers and Stockyards Act; 7 U.S.C. 203, 216.

3. Suits to enjoin violations of, and collect penalties up to $5,000 under, the Perishable Agricultural Commodities Act; 7 U.S.C. 499c(a), 499h(d).

E. *Tort Section matters.* 1. Claims for hospital and medical care and treatment and for damage to Government property, other than ships, cargoes, or other maritime property whenever the amount claimed does not exceed $5,000 exclusive of interest and costs.

2. Federal Tort Claims Suits—

a. Suits under the Federal Tort Claims Act, 28 U.S.C. 1346(b), whenever all claims for damages arising out of one incident do not exceed $5,000.

b. In all suits under the Federal Tort Claims Act, regardless of amount claimed, the U.S. Attorney may compromise all claims arising out of one incident for an aggregate amount of $5,000 or less without prior approval of the Assistant Attorney General unless previously instructed to the contrary.

F. *Civil Division judgments.* Final civil judgments in favor of the United States in cases in which the judgment amount does not exceed $5,000 exclusive of interest and costs.

SEC. 4. *Exceptions to special delegations of authority.* Notwithstanding any of the provisions of this Memorandum, U.S. Attorneys shall not compromise or close any claim described in this Memorandum in any case in which (1) there is a divergence of views between the U.S. Attorney and the agency or department originating the claim as to the action to be taken when the views of such agency are required to be obtained (see section 5 of this Memorandum); or (2) the claim involves a new point of law (or otherwise may constitute a significant precedent); or (3) in the opinion of the U.S. Attorney, or of the Assistant Attorney General, a question of policy is, or may be, involved. In such cases, a compromise or closing memorandum must be submitted to the Assistant Attorney General for approval.

SEC. 5. *Solicitation of agency recommendation for compromise.* The views and recommendations of the referring office of agencies and departments for the compromising and closing of claims involving authority delegated by this Memorandum should be obtained whenever: (1) the agency or department has specifically requested that it be consulted; (2) a question of agency or department policy is or may be involved; (3) a question of enforcement is present, i.e., cases involving civil fines and penalties.

SEC. 6. *Bases for compromise or closing of claims and judgments.* (a) A claim may be compromised or closed by a U.S. Attorney pursuant to the authority delegated by this Memorandum even though substantial legal or factual problems exist, but only if the amount of the offer fairly reflects the litigative probability and no question of policy or enforcement is present.

(b) A claim or a judgment may be compromised or closed on the basis of doubtful collectibility, having due regard for the debtor's anticipated future financial status. A claim or a judgment may be closed if the cost of further collection efforts will substantially exceed the amount that can be recovered thereby.

(c) Whenever a claim is closed or compromised by a U.S. Attorney pursuant to the authority conferred upon him by this Memorandum, he shall execute and place in the file a memorandum which shall contain a description of the claim and a full statement of the reasons for closing it.

SEC. 7. *Appeals.* All judicial decisions adverse to the Government involving these claims must be reported promptly to the Assistant Attorney General.

SEC. 8. *Revocations.* The following-described orders and memoranda are hereby superseded: Order No. 103–55, as amended, revised, and supplemented, Memo No. 119, Order No. 266–62, Order No. 301–63, Memo No. 180, as supplemented, Memo No. 351.

[Memo No. 374, 29 F.R. 7422, June 9, 1964, as amended by Memo No. 415, 30 F.R. 7819, June 17, 1965]

CIVIL DIVISION

[Directive No. 3–68]

DELEGATION OF AUTHORITY WITH RESPECT TO THE COMPROMISE OF LITIGATION

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Delegation of authority to Section Chiefs, Chiefs of Units designated and Attorneys in Charge of Field Offices.* Authority delegated to the Assistant Attorney General in charge of the Civil Division to accept or reject offers in compromise is hereby redelegated, in part, to the several Section Chiefs, to the Chiefs of the Foreign Litigation Unit and the Judgment and Collection Unit, and to the Attorneys in Charge of Field Offices, of the Civil Division as follows (subject to the exceptions set forth in section 2 of this directive):

(1) *Section Chiefs and Chiefs of Units designated.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $20,000, exclusive of interests and costs.

(2) *Attorneys in Charge of Field Offices.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $10,000, exclusive of interests and costs.

SEC. 2. *Exceptions.* In any case in which any of the following-described conditions exist all offers in compromise, whether asserted against or on behalf of the Government, must be presented to the Assistant Attorney General for his consideration—

(1) Whenever the agency or agencies involved oppose the settlement;

(2) Whenever a new precedent or a new point of law is involved;

(3) Whenever in the opinion of the Section Chief, the Unit Chief or the Attorney in Charge of the Field Office, as the case may be, a question of policy is or may be involved;

(4) Whenever the U.S. Attorney has requested reconsideration of a compromise offer previously recommended by him and rejected;

(5) Whenever the total amount involved in other claims arising out of the same transaction exceeds the sum covered by the delegation; and

(6) Whenever, for any reason, the compromise of a particular claim, as a practical matter, will control the disposition of related claims totaling an amount in excess of the sum covered by the delegation.

SEC. 3. *Record of action.* In each case in which a compromise has been accepted or rejected by a Section Chief, Unit Chief or Attorney in Charge of a Field Office pursuant to the authority delegated to him by this directive, a memorandum shall be prepared for the files which shall include:

(1) A statement of the offer;

(2) A statement of the action taken; and

(3) A full statement of the reasons for the action taken.

SEC. 4. *Necessity for submission to agency involved.* No offer in compromise, either of a claim asserted against or of a claim asserted on behalf of the Government, shall be finally acted upon pursuant to the authority delegated by this directive without first obtaining the views of the agency or agencies involved, except in cases in which no question of policy of interest to the agency or agencies involved in present and one of the following-described conditions exists:

(1) The amount of the claim asserted on behalf of the Government, or the amount to be paid in satisfaction of the claim against the Government, does not exceed $5,000; or

(2) The compromise is based solely upon uncollectibility of the full amount of a claim asserted on behalf of the United States; or

(3) The compromise is one within the scope of section 784(1) of title 38 of the United States Code.

SEC. 5. *Counteroffers by the Government.* The delegations of authority made by this directive to compromise include the authority to make counteroffers in situations in which the making of a counteroffer seems appropriate and might accelerate disposition of the case.

SEC. 6. *Recommendations for compromise submitted for approval of the Assistant Attorney General.* All recommendations for acceptance or rejection of compromise offers which require the approval of either the Attorney General or the Assistant Attorney General shall be prepared in conformity with the format prescribed for that purpose.

SEC. 7. *Prior directive superseded.* Civil Division Directive No. 16, published October 9, 1964, is hereby superseded.

SEC. 8. *Effective date.* The provisions of this directive shall be effective upon

the date of the publication of this directive in the FEDERAL REGISTER. [33 F.R. 12649, Sept. 5, 1968]

CRIMINAL DIVISION

[Directive No. 1]

REDELEGATION OF AUTHORITY WITH RESPECT TO COMPROMISE OF CIVIL PENALTIES AND FORFEITURES

Delegation of authority to the Deputy Assistant Attorney Generals and to section chiefs. By virtue of the authority vested in me by § 0.168 of Title 28 of the Code of Federal Regulations, as amended, the authority delegated to me by §§ 0.160, 0.162, and 0.164 of that title to compromise civil penalties and forfeitures and to allow or deny petitions for remission or mitigation of civil penalties and forfeitures is hereby redelegated to the Deputy Assistant Attorney Generals and to section chiefs in the Criminal Division.

CRIMINAL DIVISION

[Memo No. 375]

STANDARDS AND PROCEDURES WITH RESPECT TO CRIMINAL PROSECUTIONS INVOLVING CERTAIN AGRICULTURAL MARKETING QUOTA PENALTY CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly Sections 0.55, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Purpose.* The purpose of this Memorandum is to prescribe standards and procedures for U.S. Attorneys with respect to the handling of the criminal aspects of agricultural marketing quota penalty cases which are submitted to the U.S. Attorneys by direct referral from the attorney in charge of the local office of the General Counsel of the Department of Agriculture (hereinafter in this Memorandum referred to as the General Counsel). Supplement No. 1 of October 26, 1955, to Memorandum No. 119 is hereby superseded. Attention is invited to the fact that Memorandum No. 374, of June 3, 1964, which superseded Memorandum No. 119 of December 8, 1954, deals with the civil aspects of agricultural marketing quota penalty cases.

SEC. 2. *Scope of authority.* (a) The authority conferred by this Memorandum is applicable to alleged criminal violations involving the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1311–1376), in cases in which the gross amount involved does not exceed $5,000.

(b) Matters involving alleged criminal violations of the Agricultural Adjustment Act of 1938, as amended, shall be referred directly to the U.S. Attorney concerned by the attorney in charge of the local office of the General Counsel which has jurisdiction over any such matter requiring action. U.S. Attorneys may initiate criminal prosecution or decline to do so as they, in their judgment, may deem appropriate. U.S. Attorneys are, of course, urged to obtain the advice and assistance of this Department whenever they feel that such advice and assistance might be helpful.

SEC. 3. *Correspondence*—(a) *With the Department of Justice.* Inquiries to the Department concerning any matters covered by this Memorandum should be directed to the attention of the Assistant Attorney General in charge of the Criminal Division (hereinafter in this Memorandum referred to as the Assistant Attorney General). Any such inquiry should be accompanied by copies of all pertinent correspondence and other documents, including the indictment if one shall have been returned, since files concerning these matters will not be maintained in Washington.

(b) *With the Department of Agriculture.* Correspondence calling for additional factual details, and requests for investigations, documents, witnesses, and similar matters, should be directed to the General Counsel's attorney in charge who originated the matter. However, only the U.S. Attorney and his duly appointed assistants are authorized to exercise any control whatsoever over the handling of any such matter referred to the U.S. Attorney for action. The U.S. Attorney is charged with the entire responsibility for the manner in which such matters are handled.

SEC. 4. *Closing of the Prosecution.* (a) U.S. Attorneys may decline to prosecute any case involving a matter covered by this Memorandum without prior consultation or approval of the Assistant Attorney General. If, however, prosecution has been initiated by way of indictment or information, the indictment or information shall not be dismissed until authority to do so has been obtained from the Assistant Attorney General or his representative unless the reason for the dismissal is one which does not necessitate the prior approval of the Criminal Division. (See U.S. Attorneys' Manual, Title 2: Criminal Division, pages 18–20.)

(b) In each instance in which a case is closed by a U.S. Attorney and in which prior approval of the Assistant Attorney General or his representative has not been obtained, a memorandum shall be prepared and placed in the file describing the action taken and the reasons therefor.

SEC. 5. *Appeals.* The instructions existing with reference to criminal appeals shall govern appeals in cases covered by this Memorandum.

LAND AND NATURAL RESOURCES DIVISION

[Directive No. 27]

REDELEGATION OF AUTHORITY TO COMPROMISE CLAIMS

Pursuant to the authority contained in § 0.168, the Deputy Assistant Attorney General in the Land and Natural Resources Division is hereby authorized, with respect to matters assigned to the Land and Natural Resources Division, to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed $50,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed $50,000; and the Chief of the Land Acquisition Section and the Chief of the General Litigation Section of the Land and Natural Resources Division are hereby authorized, with respect to matters assigned to their respective sections, to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed $25,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed $25,000; except:

(1) When, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated above;

(2) When because a novel question of law or a question of policy is presented, or for any other reason, the offer should, in the opinion of the officer or employee concerned, receive the personal attention of the Assistant Attorney General in charge of the Land and Natural Resources Division; and

(3) When the agency or agencies involved are opposed to the proposed acceptance or rejection of the offer in compromise.

LAND AND NATURAL RESOURCES DIVISION

[Memo. No. 388]

REDELEGATION OF AUTHORITY TO U.S. ATTORNEYS TO ACT IN CONNECTION WITH AND TO COMPROMISE LAND AND NATURAL RESOURCES DIVISION DIRECT-REFERENCE CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.65, 0.160, 0.162, 0.164, 0.166, and 0.168, I hereby redelegate to U.S. Attorneys authority to act in connection with and to compromise Land and Natural Resources Division direct-reference cases as follows:

SECTION 1. *Matters Subject to Direct Reference.* U.S. Attorneys are hereby authorized to act in matters concerning real property of the United States, including tribal and restricted individual Indian land, not involving new or unusual questions or questions of title or water rights, on behalf of any other department or agency in response to a direct request in writing from an authorized field officer of the department or agency concerned, without prior authorization from the Land and Natural Resources Division in the following-described cases:

(1) Actions to recover possession of property from tenants, squatters, trespassers, or others, and actions to enjoin trespasses on Federal property;

(2) Actions to recover damages resulting from trespasses when the amount of the claim for actual damage based upon an innocent trespass does not exceed $5,000. The U.S. Attorneys may seek recovery of amounts exceeding $5,000: (A) if the actual damages are $5,000 or less and State statutes permit the recovery of multiple damages, e.g., double or treble, for either a willful or an innocent trespass; (B) if the actual damages are $5,000 or less, but the action is for conversion to obtain recovery of the enhanced value of property served and removed in the trespass;

(3) Actions to collect delinquent rentals or damages for use and occupancy of not more than $5,000;

(4) Actions to collect costs of forest fire suppression and other damages resulting from such fires if the total claim does not exceed $5,000;

(5) Actions to collect delinquent operation and maintenance charges accruing on Indian irrigation projects and federal reclamation projects of not more than $5,000;

(6) Actions to collect loans of money or livestock made by the United States to individual Indians without limitation on amount, including loans made by Indian tribal organizations to individual Indians if the loan agreements, notes and securities have been assigned by the tribal organizations to the United States.

In each such case, the U.S. Attorneys shall, prior to taking action, assure that a copy of a written request of the authorized field officer has been forwarded to the Land and Natural Resources Division, General Litigation Section, Department of Justice, Washington, D.C.

SEC. 2. *Compromise, dismissal, or closing of direct-reference cases.* (1) Subject to the limitations imposed by paragraph (3) of this section, U.S. Attorneys are hereby authorized to accept or reject offers in compromise in direct-reference cases described in section 1 without the prior approval of the Land and Natural Resources Division if the authorized field officer of the interested agency concurs in writing, except that a U.S. Attorney may accept an offer without the concurrence of the field officer if the acceptance is based solely upon the financial circumstances of the debtor.

(2) A direct-reference matter described in section 1 may be closed without action by the U.S. Attorney or, if filed in court, may be dismissed by him, if the field officer of the interested agency concurs in writing that it is without merit legally or factually. The U.S. Attorney may close a claim without consulting the field officer of the interested agency if the claim is for money only and if he concludes (A) that the cost of collection under the circumstances would exceed the amount of the claim or (B) that the claim is uncollectable.

(3) The U.S. Attorneys are not authorized, without the prior approval of the Land and Natural Resources Division, to act with respect to the dismissal, compromise, or closing of a case, if (A) the claim is not a direct reference described in section 1; (B) there is a divergence of views between the U.S. Attorney and the field officer of the referring agency in a case requiring concurrence; (C) subsequent to acceptance of the reference, it becomes apparent that the claim involves a novel point of law, a question of policy, or otherwise constitutes a precedent; (D) for any reason, the compromise of a claim, as a practical matter, will control or adversely affect the disposition of other claims totaling more than the amounts designated in section 1 as being subject to direct reference. If any of these conditions exist, the matter shall be submitted to the Land and Natural Resources Division for decision.

SEC. 3. Circular No. 3745½, dated November 9, 1942, is superseded to the extent that it is inconsistent with the provisions of this memorandum. The U.S. Attorneys' Manual will be revised accordingly.

SEC. 4. This memorandum shall be effective upon its publication in the FEDERAL REGISTER.

LAND AND NATURAL RESOURCES DIVISION

[Memo No. 389]

REDELEGATION OF AUTHORITY TO U.S. ATTORNEYS TO COMPROMISE CONDEMNATION CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.65, 0.160, 0.162, 0.164, 0.166, and 0.168, I hereby redelegate to U.S. Attorneys authority to compromise condemnation cases subject to and in accordance with the following limitations and conditions:

1. Except as provided in paragraph 2 hereof, U.S. Attorneys are authorized to accept or reject offers in compromise of claims against the United States for just compensation in condemnation proceedings in any case in which the gross amount of the proposed settlement does not exceed $10,000: *Provided*, That—

(a) The settlement is approved in writing (to be retained in the file of the U.S. Attorney concerned) by the authorized field representative of the acquiring agency if the amount of the settlement exceeds the amount deposited with the declaration of taking as to the particular tract of land involved; and

(b) The amount of the settlement is compatible with the sound appraisal, or appraisals, upon which the United States would rely as evidence in the event of trial, due regard being had for probable minimum trial costs and risks.

2. This redelegation of authority shall not apply—

(a) In any case in which, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling an amount in excess of $10,000; or

(b) In any case in which the U.S. Attorney concerned is of the opinion that because of a question of law or policy presented, or for any other reason, the offer should receive the attention of the Land and Natural Resources Division of the Department; or

(c) When the case involves the revestment of any land or improvements or any interest, or interests, in land under the Act of October 21, 1942, 56 Stat. 797 (40 U.S.C. 258f).

3. The procedural functions necessary for completing disposition of the matter, including the entry of judgment and distribution of the award, shall be performed promptly when a settlement has been made under this redelegation of authority. The U.S. Attorney concerned shall immediately forward to the Department a report, in the form of a letter or memorandum, bearing his signature or showing his personal approval. The report, an initialed copy of which shall be retained in the file of the U.S. Attorney, shall show the action taken and shall contain an adequate statement of the reasons therefor. In routine cases, a form, containing the minimum elements of the required report, may be used in lieu of a letter or memorandum. In any case, special care shall be taken to see that the report contains a statement as to what the valuation testimony of the United States would have been if the case had been tried.

Memorandum No. 284 is hereby superseded.

TAX DIVISION

[Directive No. 10]

REDELEGATION OF AUTHORITY TO COMPROMISE, SETTLE, AND CLOSE CLAIMS

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is ordered as follows:

SECTION 1. The chiefs of the General Litigation Section, the Appellate Section, the Court of Claims Section, and the Refund Trial Sections shall have authority to reject offers in compromise, regardless of amount, without reference to the Review Section: *Provided*, That such action is unopposed by the agency or agencies involved.

SEC. 2. Subject to the limitations and conditions set forth in section 4 hereof, the Chief of the Review Section shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $100,000 and of claims against the United States in all cases in which the amount of the refund does not exceed $50,000;

(B) Approve administrative settlements not exceeding $50,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $50,000; and

(D) Reject offers in compromise, regardless of amount:

Provided, That the proposed action is unopposed by the agency or agencies involved, or by the chief of the section to which the case is assigned.

SEC. 3. Subject to the limitations and conditions set forth in section 4 hereof, the Deputy Assistant Attorney Generals and the Deputy for Refund Litigation each shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $250,000, and of claims against the United States in all cases in which the amount of the refund does not exceed $250,000;

(B) Approve administrative settlements not exceeding $250,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000; and

(D) Reject offers in compromise, or disapprove administrative settlements or closings, regardless of amount:

Provided, That the limiting amount in (A), (B), and (C) shall be $100,000 if the proposed disposition of the claim is opposed by the agency or agencies involved or if the case is subject to reference to the Joint Committee on Internal Revenue Taxation.

SEC. 4. The authority redelegated herein shall be subject to the following limitations and conditions:

(A) When, for any reason, the compromise or administrative settlement or closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in sections 2 and 3, the case shall be forwarded for review at the appropriate level.

(B) When the person otherwise authorized herein to take final action is of the opinion that, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the U.S. attorney involved or any other considerations, the proposed disposition should be reviewed at a higher level, the case shall be forwarded for such review.

(C) Nothing in this directive shall be construed as altering any provision of Subpart Y of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal is excepted from the foregoing redelegations.

SEC. 5. Tax Division Directive No. 7 of June 15, 1965, is hereby superseded.

SEC. 6. This directive shall be effective on the date of its publication in the FEDERAL REGISTER.

TAX DIVISION

[Memo. No. 391]

REDELEGATION OF AUTHORITY TO RELEASE RIGHTS OF REDEMPTION IN CERTAIN CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

The U.S. Attorney for each district in which is located real property, which is subject to a right of redemption of the United States in respect of Federal tax liens, arising under section 2410(c) of title 28 of the United States Code, or under State law when the United States has been joined as a party to a suit, is authorized to release the right of redemption, subject to the following limitations and conditions—

(1) This redelegation of authority relates only to real property on which is located only one single-family residence, and to all other real property having a fair market value not exceeding $10,000. That limitation as to value or use shall not apply in those cases in which the release is requested by the Veterans Administration or any other Federal agency.

(2) The consideration paid for the release must be equal to the value of the right of redemption, or fifty dollars ($50), whichever is greater. However, no consideration shall be required for releases issued to the Veterans Administration or any other Federal agency.

(3) The following described documents must be placed in the U.S. Attorney's file in each case in which a release is issued—

(A) The favorable recommendation of the appropriate Regional Counsel of the Internal Revenue Service.

(B) Appraisals by two disinterested and well-qualified persons. In those cases in which the applicant is a Federal agency, the appraisal of that agency may be substituted for the two appraisals generally required.

(C) Such other information and documents as the Tax Division may prescribe.

Subpart Z—Orders and Memoranda

§ 0.180 Orders of the Attorney General.

All documents relating to the organization of the Department or to the assignment, transfer, or delegation of authority, functions, or duties by the Attorney General or to general departmental policy shall hereafter be designated as orders and shall be issued only by the Attorney General in a separate, numbered series. Classified orders shall be identified as such, included within the numbered series, and limited to the distribution provided for in the order or determined by the Assistant Attorney General for Administration. All documents amending, modifying, or revoking such orders, in whole or in part, shall likewise be designated as orders within such numbered series, and no other designation of such documents shall be used.

§ 0.181 Department memoranda.

All documents issued by the Assistant Attorney General for Administration relating to administrative matters which affect the Department as a whole or the field shall hereafter be designated as memoranda. All documents redelegating authority to U.S. Attorneys or Marshals and all documents relating to policies, procedures, regulations, or instructions issued to the U.S. Attorneys and Marshals by the head of any organizational unit, over the signature of the head of such unit shall likewise be designated as memoranda. The memoranda described in this subsection shall be in a separate numbered series, and they shall be numbered by the Assistant Attorney General for Administration. Documents amending, modifying, or revoking such memoranda, in whole or in part, shall likewise be designated as memoranda within such numbered series, and no other designation of such documents shall be used.

§ 0.182 Distribution of orders and memoranda.

The distribution to be given orders and memoranda issued under §§ 0.180 and 0.181 shall, unless provided by order of the Attorney General, be determined by the Assistant Attorney General for Administration.

§ 0.183 Documents issued by heads of organizational units.

(a) Documents issued by the head of any organizational unit which contain delegations of authority to his subordinates or which relate to the organization, functions, policies, or procedures of the organizational unit of which he is the head shall be numbered and designated as directives (e.g., Tax Division Directive No. 1), and shall be clearly distinguishable in description and designation from the documents referred to in §§ 0.180, 0.181, and 0.184. Documents issued within the numbered series of any organizational unit shall bear the signature of the head of the unit.

(b) Two copies of each directive issued pursuant to this section shall, promptly upon issuance, be furnished the Assistant Attorney General for Administration, who shall maintain a permanent record and file thereof.

§ 0.184 Documents of a temporary nature or limited effect.

Documents which are of a temporary nature or of limited effect (e.g., announcements, notices, bulletins, or letters) shall not be issued as orders, memoranda, or directives within the numbered series referred to in § 0.180, § 0.181, or § 0.183.

§ 0.185 Submission of proposed orders to Office of Legal Counsel.

All orders prepared for the approval or signature of the Attorney General shall be submitted to the Office of Legal Counsel for approval as to form and legality, and as to consistency and conformity with existing orders and memoranda.

§ 0.186 Requirements for documents.

Each document issued under § 0.180, § 0.181, or § 0.183 shall be given a suitable title, shall cite the authority for its issuance and shall indicate specifically the extent to which any other order or memorandum or directive is superseded, modified, or revoked by it.

Subpart AA—Sections and Subunits

§ 0.190 Changes within organizational units.

The head of each organizational unit may from time to time establish or terminate, or transfer the functions of, sections or other subunits within his organizational unit as he may deem necessary or appropriate, but shall report such action promptly to the Attorney General in writing in each instance.

§ 0.191 Continuance in effect of the existing organization of departmental units.

The existing organization of each organizational unit with respect to sections and subunits shall continue in full force and effect until changed in accordance with this Subpart AA.

Subpart BB—Jurisdictional Disagreements

§ 0.195 Procedure with respect to jurisdictional disagreements.

Any disagreement between or among heads of the organizational units as to their respective jurisdictions shall be resolved by the Attorney General, who may, if he so desires, issue an order in the numbered series disposing of the matter.

§ 0.196 Procedure for resolving disagreements concerning mail or case assignments.

When an assignment for the handling of mail or a case has been made by the Records Administration Office through established procedures and the appropriate authorities in any organizational unit of the Department disagree concerning jurisdiction of the unit for handling the matter or matters assigned, the Records Administration Officer shall refer the disagreement, together with a statement of the view of the unit or units involved, to the Assistant Attorney General for Administration for determination. If the disagreement cannot be resolved, the matter shall be referred to the Deputy Attorney General for final disposition.

[Order 69]

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5, United States Code, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is revised in the form set forth above.

Dated: December 23, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69-15437; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,627]

PART 523—MEMBERS OF BANKS

PART 531—STATEMENTS OF POLICY

Liquidity

DECEMBER 22, 1969.

Resolved that notice and public procedure having been duly afforded (34 F.R. 14899), a public hearing having been held on October 27 and 28, 1969, and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 523 and 531 of the regulations for the Federal Home Loan Bank System (12 CFR 523, 531) for the purpose of implementing section 4 of Public Law 90-505, approved September 21, 1968, which amended section 5A of the Federal Home Loan Bank Act (12 U.S.C. 1425a), by prescribing regulations regarding liquidity requirements for members of Federal Home Loan Banks. Accordingly, said Parts 523 and 531 are amended as follows, effective December 22, 1969:

§ 523.12 [Deleted]

1. Part 523 is amended by deleting the present provisions of § 523.12 thereof, which relates to holdings of cash and obligations of the United States by members.

2. Part 523 is amended by revising the undesignated center head after § 523.9 thereof to read "Liquidity" and by adding, immediately after said amended center head, new §§ 523.10 through 523.14 to read as follows:

§ 523.10 Definitions.

For the purposes of this section, §§ 523.11, and 523.12:

(a) The term "cash" means the amount of cash on hand and unpledged demand deposits in a Federal Home Loan Bank or an insured bank.

(b) The term "insured bank" means a commercial bank whose deposits are insured by the Federal Deposit Insurance Corporation and which is not under the control or in the possession of any supervisory authority.

(c) The term "liquidity base" means—

(1) Prior to November 1, 1970, the amount of the member's net withdrawable accounts, or in the case of a member insurance company its policy reserve required by State law; and

(2) Beginning on November 1, 1970, the amount of the member's net withdrawable accounts, or in the case of a member insurance company its policy reserve required by State law, plus the member's short-term borrowings.

(d) The term "net withdrawable accounts" means the amount of all withdrawable accounts less the unpaid balance of all loans on the security of such accounts.

(e) The term "short-term borrowings" means the amount of all borrowings which are payable on demand or which are due for payment in 1 year or less.

(f) The term "obligations of the United States" means evidences of indebtedness issued by the United States, or issued by any agency or instrumentality of the United States and fully guaranteed as to principal and interest by the United States.

(g) Prior to January 1, 1972, the term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of unpledged assets specified in subparagraphs (1) through (6) of this paragraph, without regard to the proviso contained in subparagraph (2) of this paragraph. Beginning on January 1, 1972, the term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets:

(1) Time deposits in a Federal Home Loan Bank;

(2) Obligations of the United States (including such obligations held subject to a repurchase agreement): *Provided, however*, That, except as the Board may otherwise direct in a specific case, the maximum amount of such obligations having a remaining period to maturity of more than 7 years includable in liquid assets shall not exceed an amount equal to one-half of 1 percent of the average daily balance for the preceding calendar month of the member's liquidity base, or in the case of a member which has made the election provided in paragraph (b) of § 523.11, the member's liquidity base at the end of the preceding calendar month;

(3) Obligations (including such obligations held subject to a repurchase agreement) issued, or fully guaranteed as to principal and interest, by the following agencies or instrumentalities of the United States and having a remaining period to maturity of not more than 5 years:

(i) A Federal Home Loan Bank or Banks,

(ii) The Federal National Mortgage Association,

(iii) The Government National Mortgage Association,

(iv) A Bank or Banks for Cooperatives, including the Central Bank for Cooperatives,

(v) A Federal Land Bank or Banks,

(vi) A Federal Intermediate Credit Bank or Banks,

(vii) The Tennessee Valley Authority,

(viii) The Export-Import Bank of the United States, or

(ix) The Commodity Credit Corporation.

(4) Time deposits in an insured bank, if:

(i) The total of all time deposits of the same member in the same bank does not exceed the greater of (*a*) one-fourth of 1 percent of the total deposits of such bank (calculated on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date each time deposit is made or acquired by a member), or (*b*) $20,000;

(ii) No consideration, other than discounting to a current market rate of interest, is received by the member from a third party in connection with the making or acquiring of such deposits by the member; and

(iii) The remaining periods to maturity of such deposits are not more than 1 year and such deposits are negotiable, or, in the case of time deposits which may not be withdrawn without notice, the notice periods do not exceed 90 days;

(5) Bankers' acceptances of an insured bank if:

(i) The total of all such acceptances of the same bank held by the same member does not exceed one-fourth of 1 percent of the total deposits of such bank (calculated on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date each such acceptance is acquired by a member);

(ii) No consideration, other than discounting to a current market rate of interest, is received by the member from a third party in connection with the acquisition of such acceptances; and

(iii) The remaining periods to maturity of such acceptances are not more than 6 months; and

(6) General obligations (including such obligations held subject to a repurchase agreement) of any State, territory, or possession of the United States, or political subdivision of any of the foregoing, if:

(i) Such obligations are rated, at the time acquired by a member, in one of the four highest grades as shown by the most recently published rating made of such obligations by a nationally recognized investment rating service; and

(ii) The remaining periods to maturity of such obligations are not more than 2 years.

(h) The term "short-term liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under paragraph (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets:

(1) Time deposits specified in subparagraph (1) of paragraph (g) of this section;

(2) Obligations of the types specified in subparagraphs (2) and (3) of paragraph (g) of this section having a remaining period to maturity of not more than 18 months;

(3) Time deposits of the types specified in subparagraph (4) of paragraph (g) of this section having a remaining period to maturity of not more than 6 months or a notice period of not more than 90 days; and

(4) Bankers' acceptances specified in subparagraph (5) of paragraph (g) of this section.

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member shall maintain an average daily balance of liquid assets in an amount not less than 5½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month beginning with January 1972, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 2 percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

(b) *Exception.* In lieu of using the average-daily-balance method prescribed in paragraph (a) of this section to compute its liquidity requirement, a member having less than $25 million in total assets as of the beginning of its current fiscal year may, by resolution of its board of directors, elect to maintain an average daily balance of liquid assets and short-term liquid assets in an amount not less than the applicable percentage (prescribed in paragraph (a) of this section) of its liquidity base as of the end of the preceding calendar month. Such election shall remain in effect, unless sooner revoked by resolution of the member's board of directors, so long as the member continues to meet the above asset requirement.

(c) *Calculation of average daily balance.* For the purposes of this section, §§ 523.10, and 523.12, the "average daily balance of liquid assets", "average daily balance of short-term liquid assets", and "average daily balance of the member's liquidity base", respectively, shall be calculated by adding the member's liquid assets, short-term liquid assets, or liquidity base, respectively, as of the close of each business day in a calendar month, and for any nonbusiness day, as of the close of the nearest preceding business day, and by dividing the respective total by the number of days in such month.

(d) *Reduction and suspension of liquidity requirements.* Whenever the Board deems it advisable in order to enable a member to meet withdrawals or to pay obligations, the Board may, to such extent and subject to such conditions as it may prescribe, permit the member to reduce its liquid assets below the minimum amount required by paragraph (a) of this section. Whenever the Board determines that conditions of national emergency or unusual economic stress exist, the Board may suspend any part or all of the liquidity requirements of paragraph (a) of this section for such period as the Board may prescribe. Any such suspension, unless sooner terminated by its terms or by the Board, shall terminate at the expiration of 90 days next after its commencement, but nothing in this sentence shall prevent the Board from again suspending any part or all of such liquidity requirements before, at, or after any such termination.

§ 523.12 Deficiences and penalties.

(a) *Calculation of deficiency.* (1) Except as provided in subparagraph (2) of this paragraph, a member's liquid assets or short-term liquid assets for any calendar month are deficient in the amount that the average daily balance of such assets for such calendar month is less than the respective minimum amounts required pursuant to § 523.11.

(2) A member, other than an insurance company, may reduce any deficiency calculated pursuant to subparagraph (1) of this paragraph as follows:

(i) With respect to the first month of a current distribution period, by the amount of the member's aggregate net withdrawals (excess of withdrawals over cash savings received) from withdrawable accounts during the last 3 business days of the immediately preceding month and the first 10 calendar days of the current month; and

(ii) With respect to the second month of the same current distribution period, by one-half of such amount of aggregate net withdrawals; but

(iii) No such reduction of any deficiency shall operate to reduce the member's liquidity requirement below 4 percent of its liquidity base as of the end of the immediately preceding distribution period.

(b) *Calculation of penalty.* The amount of penalty for any deficiency calculated pursuant to paragraph (a) of this section shall be determined by each member by multiplying the amount of such deficiency by one-twelfth of the sum of 2 percent and the annual interest rate for advances of 1 year or less charged by the member's Bank on the last day of the month in which such deficiency occurred. If there is a deficiency in the same calendar month in both liquid assets and short-term liquid assets, the penalty shall be calculated only on the larger deficiency. No penalty shall be calculated on any deficiency of $5,000 or less unless the Board shall otherwise direct in a specific case.

(c) *Assessment of penalty; compromise, remission, or mitigation.* The Board hereby assesses a penalty against each member in the amount calculated pursuant to paragraph (b) of this section. For good cause shown, the Board may, upon application by a member submitted through the Bank of which it is a member, compromise, remit, or mitigate in whole or in part any penalty herein assessed before collection thereof.

§ 523.13 Reports; records.

(a) *Reports.* If there is a deficiency pursuant to the provisions of paragraph (a) of § 523.12 and a penalty is assessed pursuant to the provisions of paragraph (c) of § 523.12, the member shall submit to the Bank of which it is a member, not later than the 10th calendar day of the month following the month for which the penalty is assessed, a report with respect to such penalty and related matters in form prescribed by the Board. Copies of this form may be obtained from the Federal Home Loan Bank Board, Washington, D.C., or from any Bank.

(b) *Records.* Each member shall maintain such records as may be required to verify such member's compliance with the liquidity requirements prescribed by the Board. Such records shall be made available to the Board, or its representatives, during the course of each supervisory examination and at such other times as the Board may direct.

§ 523.14 Payment of penalty.

At the time each report is submitted pursuant to the requirements of paragraph (a) of § 523.13, the member shall enclose with such report a check, payable to the Bank of which it is a member, in the amount of the penalty assessed for the month covered in such report, unless the member makes the application referred to in paragraph (c) of § 523.12.

3. Part 531 is amended by rescinding the present provisions of § 531.6 thereof, a Statement of Policy relating to the continued inclusion of time deposits as cash, and substituting, in the place of such rescinded provisions, a new Statement of Policy to read as follows:

§ 531.6 Continued inclusion of certain obligations of the United States as liquid assets.

(a) Under § 523.10(g)(2) of this subchapter, obligations of the United States are included as liquid assets, without regard to maturity, prior to January 1, 1972. Beginning on January 1, 1972, obligations of the United States with a remaining period to maturity of more than 7 years will be included as liquid assets only up to a maximum limit of one-half of 1 percent of the member institution's liquidity base, except as the Board may otherwise direct in a specific case.

(b) In any case in which such limitation on the inclusion of long-term obligations as liquid assets may cause a member institution undue financial loss or hardship, the Board will consider a request from the member institution for permission to include a greater amount of long-term obligations of the United States than would be includable under § 523.10(g)(2) of this subchapter. The Board may permit the inclusion of such obligations in such amounts and for such periods of time as it may deem necessary or desirable under the circumstances of that particular case.

(c) Any such request by a member institution should be transmitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, with a copy thereof to the Bank of which it is a member.

§ 531.7 [Rescinded]

4. Part 531 is amended by rescinding § 531.7, a Statement of Policy relating to advances to meet net withdrawals.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended by sec. 4, Public Law 90–505, 82 Stat. 856, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since the Board determines that it is in the public interest that the above amendments be effective as soon as possible, the Board hereby finds that deferral of the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER pursuant to the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d) is contrary to the public interest and provides that the amendment shall be effective as hereinbefore set forth.

Resolved further that, any member holding any asset which heretofore was treated as cash for liquidity purposes may continue to count such asset for such purposes through December 31, 1970.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–15412; Filed, Dec. 30, 1969; 8:45 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,628]

PART 545—OPERATIONS

PART 556—STATEMENTS OF POLICY

Liquidity, Loans, Investments, Securities, and Related Matters

DECEMBER 22, 1969.

Resolved that notice and public procedure having been duly afforded (34 F.R. 14901) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 545 and 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545, 556) for the purposes of (1) implementing the authority contained in section 5 of Public Law 90–505, approved September 21, 1968, which amended section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) to permit Federal savings and loan associations to invest in any asset which qualifies for use in meeting the liquidity requirements imposed on them pursuant to section 5A of the Federal Home Loan Bank Act (12 U.S.C. 1425a), as amended by section 4 of Public Law 90–505, and (2) reflecting certain other changes relating to liquidity made by said provisions of Public Law 90–505. Accordingly, said Parts 545 and 556 are amended as follows, effective December 22, 1969:

1. Part 545 is amended by revising paragraph (a) of § 545.6–20 to read as follows:

§ 545.6–20 Loans and investments guaranteed under the Foreign Assistance Act of 1961.

(a) *General provisions.* Without regard to any other provision of this part except § 545.6–8, a Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans and interests in loans payable in U.S. dollars and guaranteed by the President under section 224 of the Foreign Assistance Act of 1961, as amended, and in housing project loans and interests therein so payable and guaranteed by the President under section 221 of that act, subject to the provisions of this section. The aggregate principal amount of such investments outstanding at any one time shall not exceed 1 percent of the assets of the association.

* * * * * *

2. Part 545 is amended by revising § 545.6–21 to read as follows:

§ 545.6–21 Loans on securities.

A Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans secured by obligations of, or fully guaranteed as to principal and interest by, the United States or any agency or instrumentality of the United States named in paragraph (g)(3) of § 523.10 of this chapter, if:

(a) The borrower is a financial institution the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or is a broker or dealer registered with the Securities and Exchange Commission; and

(b) The market value of the securities for each such loan is at least equal to the amount of such loan at the time it is made.

§ 545.8–2 [Deleted]

3. Part 545 is amended by deleting § 545.8–2, which relates to required holdings of cash and obligations of the United States.

4. Part 545 is amended by revising § 545.8–3 to read as follows:

§ 545.8–3 Insured loans for title purchase.

Without regard to any other provision of this part except § 545.6–8, a Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans, or interests therein, made for the purpose of financing the purchase by homeowners of the fee simple title to property on which their homes are located and as to which the association has the benefit of insurance under section 240 of the National Housing Act, as amended, or of a commitment or agreement for such insurance.

5. Part 545 is amended by revising § 545.9 to read as follows:

§ 545.9 Securities and other investments.

A Federal association may invest in the following:

(a) Any assets which qualify as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, and any assets, other than time deposits and bankers' acceptances, which would so qualify except for the maturity limitations contained in such paragraph;

(b) Any obligations fully guaranteed as to principal and interest by the United States;

(c) Any general obligations (without regard to investment-service rating) of any political subdivision of a State (including the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States) if the association's home office or a branch office is located in such political subdivision: *Provided*, That investments in such obligations may not be made in an aggregate amount exceeding 1 percent of the association's assets; or

(d) The stock of a Federal Home Loan Bank or the Federal National Mortgage Association.

§ 545.9–3 [Revoked]

6. Part 545 is amended by revoking § 545.9–3, which relates to investments in time deposits.

§ 556.1 [Rescinded]

7. Part 556 is amended by rescinding § 556.1, a statement of policy relating to inclusion of time deposits as cash.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended by sec. 4, Public Law 90–505, 82 Stat. 856, sec. 5, 48 Stat. 132, as amended by sec. 5, Public Law 90–505, 82 Stat. 858; 12 U.S.C. 1425a, 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further, that, since the Board determines it is desirable for the above amendments to be effective on the effective date of certain changes, adopted on the date of this resolution, in Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks, the Board hereby finds that deferral of the effective date of these amendments for 30 days after publication in the FEDERAL REGISTER pursuant to the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d) is contrary to the public interest and provides that these amendments shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–15413; Filed, Dec. 30, 1969; 8:45 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 23,629]

PART 561—DEFINITIONS

PART 571—STATEMENTS OF POLICY

Definitions of "Specified Assets", "Cash", and "Government Obligations"

DECEMBER 22, 1969.

Resolved that notice and public procedure having been duly afforded (34 F.R. 14899) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 561 and 571 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561, 571) by (1) revising the definition of the term "specified assets", (2) revoking the definitions of the terms "cash" and "Government obligations", and (3) rescinding a statement of policy concerning inclusion of time deposits as cash for the purpose of reflecting certain changes, adopted on the date of this resolution, in Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks. Accordingly, said Parts 561 and 571 are amended as follows, effective December 22, 1969:

1. Part 561 is amended by revising paragraph (a) of § 561.17 to read as follows:

§ 561.17 Specified assets.

(a) The term "specified assets" means the total assets of an insured institution less the institution's assets which qualify as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, or would so qualify except for the maturity limitations contained in such paragraph or the pledged status of such assets, other obligations fully guaranteed as to principal and interest by the United States (including such obligations held subject to a repurchase agreement) and accrued interest thereon, Federal Home Loan Bank stock, prepaid Federal Savings and Loan Insurance Corporation premiums, loans secured by obligations referred to in subparagraphs (2) and (3) of paragraph (g) of § 523.10 of this chapter without regard to the maturities of such obligations, loans in process, loans on the security of the institution's savings accounts, investments (other than in capital stock) in other institutions insured by the Federal Savings and Loan Insurance Corporation and in institutions insured by the Federal Deposit Insurance Corporation, and less 80 percent of the institution's actual investments in insured and guaranteed loans and guaranteed obligations.

* * * * * *

§§ 561.18, 561.19 [Revoked]

2. Part 561 is amended by revoking § 561.18, defining the term "cash", and § 561.19, defining the term "Government obligations".

§ 571.2 [Rescinded]

3. Part 571 is amended by rescinding § 571.2, a statement of policy relating to inclusion of time deposits as cash.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended by sec. 4, Public Law 90–505, 82 Stat. 856, secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1425a, 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further, that, since the Board determines it is desirable for the above amendments to be effective on the effective date of certain changes, adopted on the date of this resolution, in Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks, the Board hereby finds that deferral of the effective date of these amendments for 30 days after publication in the FEDERAL REGISTER pursuant to the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d) is contrary to the public interest and provides that these amendments shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–15414; Filed, Dec. 30, 1969; 8:45 a.m.]

[No. 23,630]

PART 563—OPERATIONS

Accounting for Gains and Losses With Respect to Transactions in Securities

DECEMBER 22, 1969.

Resolved that notice and public procedure having been duly afforded (34 F.R. 14898) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by prescribing regulations (1) for accounting by insured institutions for gains and losses on the disposition of securities and (2) to provide for deferral of gains and losses on dispositions made for the purpose of meeting requirements contained in Part 523 of regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks. Accordingly, said Part 563 is hereby amended by adding a new § 563.23–2, immediately after § 563.23–1 thereof, to read as follows, effective December 22, 1969:

§ 563.23–2 Accounting for gains and losses with respect to transactions in securities.

(a) *Recognition of gains and losses.* Except as hereinafter provided, gains and losses (net of related taxes) resulting from the disposition of securities shall be recognized on an insured institution's books at the time realized. However, an insured institution may elect to defer and amortize all gains and losses (net of related taxes) resulting from the disposition, on or prior to December 31, 1971, of any securities, if such disposition is part of a plan adopted for the purpose of meeting the liquidity requirements contained in Part 523 of this chapter. Such election, once made, shall be consistently followed with respect to all transactions in securities entered into for liquidity purposes during the period beginning on December 22, 1969, and ending December 31, 1971, and with respect to all related reinvestment transactions entered into thereafter.

(b) *Making of election to defer gains and losses.* The election referred to in paragraph (a) of this section shall be made by the insured institution's board of directors in a resolution specifically referring to the provisions of this section.

(c) *Deferral and amortization of gains and losses.* An insured institution which elects to defer and amortize gains and losses on the disposition of securities as provided in paragraph (a) of this section shall account for such gains and losses as follows:

(1) Gains shall be deferred by a credit to an account descriptive of deferred profit; losses shall be deferred by a debit to an account descriptive of deferred losses. Gains and losses so deferred shall thereafter be credited or debited, as appropriate, to an account descriptive of income from the related securities, at least quarterly, in equal amounts over a period not in excess of the lesser of (i) the period ending on the maturity date of the security disposed of or (ii) 10 years. For convenience, deferred balances may be grouped by average remaining period of amortization.

(2) Where an amount has been deferred and the security acquired in the transaction is subsequently disposed of in a transaction which results in a reduction, for a period in excess of 45 days, of the total amount of securities held for liquidity purposes, any gain or loss resulting from such transaction shall be recognized, and the related unamortized balance of the amount deferred shall be treated as an adjustment of such gain or loss.

(d) *Maintenance of records.* An institution which, pursuant to paragraph (a) of this section, elects to defer and amortize gains and losses on security transactions shall maintain such records and follow such accounting practices as the Corporation may deem necessary for compliance with this section.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended by sec. 4, Public Law 90–505, 82 Stat. 856, secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1425a, 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further, that, since the Board determines it is desirable for the above amendments to be effective on the effective date of certain changes, adopted on the date of this resolution, in Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks, the Board hereby finds that deferral of the effective date of these amendments for 30 days after publication in the FEDERAL REGISTER pursuant to the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d) is contrary to the public interest and provides that these amendments shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–15415; Filed, Dec. 30, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69–WE–3–AD; Amdt. 39–902]

PART 39—AIRWORTHINESS DIRECTIVES

All McDonnell Douglas Model DC–9 Series Aircraft

Amendment 39–738 (34 F.R. 5427) AD 69–6–3, effective March 21, 1969, requires certain inspections in the DC–9 tail cone compartment within the next 200 hours time in service after the effective date, and the installation of an insulation blanket and the rerouting of the VHF and HF (if installed) coaxial cables and other wiring away from the auxiliary power unit (APU) exhaust shroud in the tail cone compartment within the next 2,000 hours time in service after the effective date. This corrective action was required to preclude additional dual VHF failures due to damage by excessive heat in areas adjacent to the right engine eighth stage bleed duct and the auxiliary power unit (APU) exhaust shroud. Dual VHF system failures result in the loss of all VHF (VOR and localizer) navigation. After issuing Amendment 39–738, the FAA has received additional information and has determined that the required corrective action is not adequate. Four cases of dual VHF failures due to coaxial cable damage caused by excessive heat from bleed air duct coupling leakage have been reported on modified aircraft.

Since this condition is likely to exist or develop in all McDonnell Douglas Model DC–9 Series aircraft, AD 69–6–3 is being superseded by a new AD to require additional modifications, such as the replacement of sections of the polyethylene dielectric type VHF and HF (if installed) coaxial cables in the DC–9 tail cone compartment with section of teflon dielectic type coaxial cables which have a much higher temperature qualification. Whenever possible, alternative methods of corrective action have been provided, to permit maximum flexibility to the aircraft operators in complying with the AD and to ensure an equivalent level of safety. Additional lead time to perform the installations has been provided.

A recent design review has been made by the manufacturer and the FAA of all other wiring and electrical components in the DC–9 tail cone compartment. This review establishes that, because of the high temperature environment resulting from a possible pneumatic duct failure or coupling leakage, the following changes are also deemed necessary:

1. A metal heat shield must be installed between the eighth stage pneumatic duct and electrical wire bundle, on the RH side just aft of pressure panel and forward of eighth stage bleed duct.

2. The wire harness containing overheat sensor wiring located on the LH side just outboard of the wing ice protection duct must be repositioned.

Since a condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective immediately upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to all McDonnell Douglas Model DC–9 Series aircraft.

Compliance required as indicated, unless already accomplished.

To prevent heat damage to the HF (if installed) and VHF coaxial cables and other wiring located in the tail compartment of DC–9 Series aircraft, accomplish the following:

(A) Within the next 200 hours' time in service after the effective date of this AD, unless already accomplished, perform the following:

(1) Determine that the HF (if installed) and VHF coaxial cables located in the tail compartment of the aircraft adjacent to the eighth stage bleed duct have not deteriorated due to excesive heat. The determination may be accomplished by the use of electrical teste such as fault finder pulse indications, reflectometer measurements, or X-ray inspections or a satisfactory equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. If the electrical tests indicate any coaxial cable impedance change in the areas of the eighth stage bleed duct or the APU exhaust shroud, or the X-ray inspections show physical change, such as noticeable drift of the center conductor, or any unsatisfactory condition in these areas, replace the damaged coaxial cables or repair the damaged areas of the cables by use of proper connectors and new coaxial sections, in conjunction with (2) and (3), below. In lieu of electrical testing or X-ray inspection an operator may replace the cables within this 200-hour period.

(2) Provide maximum possible clearance (at least 1 inch) between the HF (if installed) and VHF conduits, and the right engine eighth stage bleed duct by rotating the conduit clamps and reworking the spacers as necessary.

NOTE: McDonnell Douglas DC–9 Alert Service Bulletin A23–24, dated February 21, 1969, describes this work.

(3) (a) Visually inspect the APU exhaust shroud for any indications of overtemperature condition, such as shroud discoloration or exterior airframe paint discoloration around the shroud outlet. If the APU exhaust duct has been deformed or leaks, and continued use of the APU is desired, replace the duct in accordance with McDonnell Douglas S.B. 49–8, dated May 2, 1966, and Service Letters AOL–9 No. 74, dated February 6, 1967, and AOL–9 No. 139, dated September 29, 1967, or later FAA-approved revisions, or an equivalent duct replacement approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Inspect all wiring adjacent to the APU exhaust shroud for heat damage. Replace or repair to an airworthy condition all wiring found damaged.

(4) Pressure test the pneumatic duct installation in the DC–9 tail cone area in accordance with the DC–9 Maintenance Manual Temporary Revision 36–19, dated December 3, 1969, or the subsequent equivalent revision, or an equivalent pressure test approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(5) Steps (1) and (3) above, must be repeated prior to any further IFR operation after every report of a pneumatic duct malfunction or an APU exhaust duct failure until (A)(7) or (B), below, has been accomplished.

(6) Step (4), above, must be repeated whenever pneumatic duct maintenance is performed in the tail cone area.

(7) Steps (1) through (5), above, need not be accomplished if the operator accomplishes Step B below, within 200 hours' time in service from the effective date of this AD.

(B) Within the next 2,000 hours' time in service from the effective date of this AD,

unless already accomplished, perform the following in accordance with McDonnell Douglas Service Bulletin 23-24, Rev. 2, dated June 23, 1969; S.B. 23-28, dated December 3, 1969, and S.B. 27-104, Rev. 2, dated April 15, 1969, or later FAA-approved revisions, or an equivalent installation and modification approved by the Chief, Aircraft Engineering Division, FAA Western Region:

(1) Install an insulation blanket on the eighth stage bleed duct adjacent to the HF and VHF coaxial cable conduits.

(2) Reroute the HF (if installed) and VHF coaxial cables, and the other wiring bundle (flight recorder, interphone wiring, etc.) away from the APU exhaust shroud area where they are now located.

(3) Replace the sections of the polyethylene dielectric type VHF and HF (if installed) coaxial cables with sections of electrically equivalent polytetrafluoroethylene (teflon) dielectric type coaxial cables from just forward of the pressure dome feed-through throughout the tail compartment, or from between just aft of the pressure dome feed-through to just aft of the exhaust duct from the air condition pack heat exchangers, and apply PF105-700 glass fiber batt and CRS-102 silicon wrap heat insulation material over all exposed low temperature cable which is not installed in conduit.

NOTE: No additional rerouting or repositioning, other than that specified in paragraph (A)(2) and (B)(2), is required.

(4) Add a metal heat shield between the eighth stage pneumatic duct and electrical wire bundle in the tail cone RH side just aft of pressure panel and forward of the eighth stage bleed duct.

(5) Reposition the wire harnesses FBC and DDC, containing overheat sensor wiring and APU generator control wiring located in the tailcone LH side to a new position more outboard of the wing ice protection duct.

NOTE: Compliance with the coaxial cable separation and rerouting modification also provided in AOL No. 9-333, dated August 27, 1969, and Service Bulletin No. 23-28, dated December 3, 1969, is optional.

This AD supersedes amendment 39-738 (34 F.R. 5427) AD 69-6-3.

This amendment becomes effective on December 30, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation act, 49 U.S.C. 1655(d))

Issued in Los Angeles, Calif., on December 19, 1969.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 69-15421; Filed, Dec. 30, 1969; 8:46 a.m.]

[Airworthiness Docket No. 69-WE-30-AD; Amdt. 39-899]

PART 39—AIRWORTHINESS DIRECTIVES

North American Rockwell Models NA-265, NA-265-20, NA-265-30, NA-265-40, and NA-265-60 Airplanes

There have been seven reported failures of the nose landing gear strut on NA-265 Series airplane. Six of these failures occurred as a result of violent shimmy of the nose gear. Nose gear failure could result in a serious airplane accident, the loss of aircraft directional control during takeoff or landing operations, or a potentially hazardous hydraulic fluid fire. Because of these failures, the manufacturer has initiated an extensive test program to determine the cause of the nose gear shimmy and to develop means to eliminate such cause. As an interim action pending the completion of the manufacturer's investigation and FAA evaluation of the results, and since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is considered necessary to prescribe interim actions intended to decrease the probability of severe nose gear shimmy and subsequent failure of the nose gear strut. The agency will amend the AD to prescribe different requirements when it is determined that such required actions will effectively eliminate the causes for nose wheel shimmy.

The interim actions prescribed by the airworthiness directive include the inspection, rework or replacement, as necessary, of nose landing gear components, the use of increased tire inflation pressure, and the establishment of an operating procedure to minimize nose gear shimmy.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 30 days from the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

NORTH AMERICAN ROCKWELL. Applies to Models NA-265, NA-265-20, NA-265-30, NA-265-40, and NA-265-60 airplanes.

Compliance required as indicated.

To decrease the probability of severe nose gear shimmy and subsequent failure of the nose gear strut, accomplish the following:

(a) Within 10 hours' time in service after the effective date of this AD, install a placard in clear view of the pilot reading:

"Engage nose gear steering as soon as practicable after landing to minimize any tendency for nose wheel shimmy."

(b) Within 50 hours' time in service after the effective date of this AD, unless already accomplished, nose wheel tires installed must comply with the make, tread and diameter limitations and tolerances contained in North American Rockwell Sabreliner Field Service Bulletin No. 69-27, dated November 6, 1969, or later revision approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Within 50 hours' time in service after the effective date of the AD, install a placard on the left side of nose gear torque link collar, P/N 4010776-3, or later FAA-approved collar, in clear view of servicing personnel stating:

"Nose wheel tires must be inflated to 95 100 p.s.i."

(d) Within 50 hours' time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection, inspect nose gear components and rework as necessary in accordance with North American Rockwell Service Directive No. 43, revised May 12, 1969, or later revision approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective January 27, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C 1655(c))

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to North American Rockwell Corp., Los Angeles Division, International Airport, Los Angeles, Calif. 90009. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file of this airworthiness directive, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on December 17, 1969.

JOHN H. HILTON,
Director, FAA Western Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on December 30, 1969.

[F.R. Doc. 69-15422; Filed, Dec. 30, 1969; 8:46 a.m.]

[Docket No. 69-CE-29-AD; Amdt. 39-903]

PART 39—AIRWORTHINESS DIRECTIVES

Continental Models E165, E185, E225, and O-470 Series Engines

Amendment 592 published in the FEDERAL REGISTER on July 25, 1963, AD 63-15-1, requires removal of certain exhaust valves on Continental Models E165, E185, E225, and O-470 Series engines and replacement with Continental P/N 626540 exhaust valve. This valve was originally identified with the letter "H" or a triangle located on the valve stem between the keeper groove and the end of the valve. This identification was deleted by the manufacturer in July 1967. Consequently, it is necessary to revise paragraph (b) of the airworthiness directive to reflect this deletion.

Since this amendment provides clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 592, AD 63-15-1, is amended by revising paragraph (b) to read as follows:

(b) The letter "H" or a triangle stamped or etched 0.06 high on the valve stem between the keeper groove and the end of valve on valves manufactured prior to July 1967.

This amendment becomes effective December 31, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; section 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 19, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-15423; Filed, Dec. 30, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation and Revocation of Federal Airway Segments

On September 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14850) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter and revoke VOR Federal airway segments within the New York Air Route Traffic Control Center Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Air Transport Association of America (ATA) and the Airport Director, Orange County Airport, Montgomery, N.Y. The ATA concurred with the proposed actions. The Airport Director, Orange County Airport, expressed concern with the proposed alignments of the segments of VOR Federal airway Nos. 489 and 205 with future establishment of a control zone around the Orange County Airport and a recent proposal by the Orange County Airport to install and operate a localizer approach system at the airport. Also, concern was expressed with regard to a possible confliction between VFR traffic operating in and around Orange County Airport at altitudes up to 5,000 feet and IFR traffic operating along the airway segments at lower altitudes.

The proposed alignment of V-489 and V-205 segments will have no effect on the proposed installation of a nonfederal instrument landing system at the Orange County Airport. The FAA foresees no conflict between VFR aircraft and those aircraft operating IFR on V-489 and V-205 segments. VFR operations in the vicinity of Orange County Airport are required to conform with Federal Aviation Regulations Part 91.67(a) which specifies that VFR flight must be conducted in weather conditions which will permit the pilot of the VFR aircraft to see and avoid other aircraft. The proposed alignments of V-489 and V-205 would not affect the designation of a control zone at the Orange County Airport at a future date.

In the notice it was stated that VOR Federal airway No. 116 would be realigned through use of the Lake Henry, Pa., VOR 110° T (120° M) radial. It has now been determined that use of the Lake Henry VOR 109° T (119° M) radial will provide a better alignment for this airway. Accordingly, action is taken herein to reflect this 1° alignment correction.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 2, 1970, as hereinafter set forth.

Section 71.123 (35 F.R. 2009) is amended as follows:

a. In V-1 all after "Waterloo, Del.;" is deleted and "INT Waterloo 024° and Coyle, N.J., 216° radials; to Coyle, excluding the airspace below 2,000 feet MSL outside the United States between Starfish INT and Charleston, S.C. The portion within R-5002 is excluded." is substituted therefor.

b. In VOR Federal airway No. 6 all after "Selinsgrove, Pa.;" is deleted and "Allentown, Pa., excluding the portion within R-4803 and R-4813." is substituted therefor.

c. In V-16 all between "Coyle, N.J.;" and "Norwich, Conn.;" is deleted and "Kennedy, N.Y.; Deer Park, N.Y.; Riverhead, N.Y.;" is substituted therefor.

d. In V-29 all between "Pottstown, Pa.;" and "Binghamton, N.Y.;" is deleted and "East Texas, Pa.; Wilkes-Barre, Pa.;" is substituted therefor.

e. In V-30 all after "East Texas, Pa.;" is deleted and "INT East Texas 103° and Solberg, N.J., 255° radials; Solberg." is substituted therefor.

f. In V-34 "Riverhead, N.Y." is deleted and "INT Cormel 093° and Riverhead, N.Y., 048° radials." is substituted therefor.

g. In V-36 "Sparta, N.J." is deleted and "INT Lake Henry 136° and Sparta, N.J., 290° radials; Sparta; Kennedy, N.Y." is substituted therefor.

h. In V-44 all after "Kenton;" to including "Riverhead." is deleted and "INT Kenton 086° and Atlantic City, N.J., 236° radials; Atlantic City; INT Atlantic City 048° and Deer Park, N.Y., 209° radials; Deer Park." is substituted therefor.

i. In V-46 all between "From Deer Park, N.Y." to "INT Hampton 083°" is deleted and "; Riverhead, N.Y.; Hampton, N.Y.;" is substituted therefor.

j. In V-91 "Pawling, N.Y.;" is deleted and "INT Riverhead 344° and Pawling, N.Y., 139° radials; Pawling;" is substituted therefor.

k. In V-93 all between "Lancaster, Pa;" and "Chester, Mass.;" is deleted and "Wilkes-Barre, Pa.; Lake Henry, Pa.; Pawling, N.Y.;" is substituted therefor.

l. In V-116 all after "Lake Henry, Pa.;" is deleted and "INT Lake Henry 109° and Deer Park, N.Y., 296° radials; Deer Park. The airspace within Canada is excluded." is substituted therefor.

m. In V-123 all between "Robbinsville;" and "INT LaGuardia 034°" is deleted and "LaGuardia, N.Y.;" is substituted therefor.

n. In V-126 all after "Huguenot, N.Y." is deleted.

o. In V-143 "Lancaster, Pa.;" is deleted and "Lancaster, Pa., including a north alternate via INT Martinsburg 044° and Lancaster 256° radials;" is substituted therefor.

p. In V-147 "Allentown, Pa.;" is deleted and "East Texas, Pa.;" is substituted therefor.

q. In V-149 all before "Binghamton, N.Y.;" is deleted and "From INT Allentown, Pa. 147° and Solberg, N.J., 227° radials; Allentown, Pa.; Lake Henry, Pa.;" is substituted therefor.

r. In V-157 "Colts Neck, N.J." is deleted and "Colts Neck, N.J.; Kingston, N.Y." is substituted therefor.

s. In V-167 all before "INT Hartford 076°" is deleted and "From Hancock, N.Y.; INT Hancock 120° and Kingston, N.Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford;" is substituted therefor.

t. In V-188 "; Tannersville, Pa." is deleted.

u. In V-213 all after "Robbinsville, N.J., 239° radials;" is deleted and "Robbinsville." is substituted therefor.

v. In V-232 all after "Milton, Pa.;" is deleted and "Kennedy, N.Y." is substituted therefor.

w. In V-249 "Huguenot, N.Y.; DeLancey, N.Y." is deleted and "INT Sparta, N.J., 023° and DeLancey, N.Y., 131° radials; DeLancey;" is substituted therefor.

x. In V-252 all after "Huguenot, N.Y." is deleted.

y. V-254 is revoked.

z. In V-273 all before "Georgetown, N.Y.;" is deleted and "From INT Sparta, N.J., 133° and Solberg, N.J., 051° radials; Sparta; INT Sparta 331° and Hancock, N.Y., 148° radials; Hancock;" is substituted therefor.

aa. In V-276 "INT Hampton, N.Y., 223° and Kennedy, N.Y., 159° radials." is deleted and "INT Robbinsville 112° and Sea Isle, N.J., 050° radials." is substituted therefor.

bb. In V-292 all before "INT Sparta 082°" is deleted and "From Sparta, N.J.;" is substituted therefor.

cc. V-312 is amended to read:

V-312 From Coyle, N.J.; INT Coyle 090° and Sea Isle, N.J., 050° radials. The airspace within R-5002 and below 2,000 feet MSL outside the United States is excluded.

dd. In V-433 all after "LaGuardia;" is deleted and "INT LaGuardia 049° and Bridgeport, Conn., 015° radials; INT Bridgeport 015° and Hartford, Conn., 280° radials." is substituted therefor.

ee. V-467 is amended to read:

V-467 From INT Kenton, Del., 217° and Sea Isle, N.J., 256° radials; INT Sea Isle 256° and Millville, N.J., 216° radials; Millville; INT Millville 037° and LaGuardia, N.Y., 211° radials; LaGuardia; Hartford, Conn.

ff. In V-475 all before "Putnam, Conn.," is deleted and "From LaGuardia, N.Y.; INT LaGuardia 049° and Madison, Conn., 269° radials; Madison;" is substituted therefor.

gg. In V–483 all before "DeLancey, N.Y.;" is deleted and "From Carmel, N.Y.;" is substituted therefor.

hh. In V–489 all before "Kingston, N.Y.;" is deleted and "From Sparta, N.J.; INT Sparta 023° and Kingston 238° radials;" is substituted therefor.

ii. V–205 is designated to read:

V–205 From Sparta, N.J.; INT Sparta 023° and Pawling, N.Y., 238° radials; Pawling; INT Pawling 076° and Boston, Mass., 251° radials; to Boston.

jj. V–229 is designated to read:

V–229 From Kennedy, N.Y.; Madison, Conn.; to Hartford, Conn.

kk. V–99 is designated to read:

V–99 From Bridgeport, Conn.; to Hartford, Conn.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C. on December 23, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR. Doc. 69–15424; Filed, Dec. 30, 1969; 8:46 a.m.]

[Docket No. 8041; Amdt. 135–13]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Operation in Icing Conditions

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is: (1) To relax § 135.85 by allowing airplanes that are certificated to operate in icing conditions to operate without complying with the limitations against flying into icing conditions in paragraphs (b) and (c) of that section; (2) to provide this relief immediately; and (3) to clarify § 135.85. In addition, this amendment revokes the amendment to § 135.85 contained in Amendment No. 135–12 and published in the FEDERAL REGISTER on December 3, 1969 (34 F.R. 19130).

Amendment No. 135–12 was based on a notice of proposed rule making which was issued as Notice No. 69–4 and published in the FEDERAL REGISTER on January 30, 1969 (34 F.R. 1443). Amendment No. 135–12 contains a revision to § 135.85 that allows airplanes certificated in accordance with certain ice protection airworthiness standards to be operated without complying with paragraphs (b) and (c) of § 135.85. However, Amendment No. 135–12 does not become effective until April 1, 1970.

It has now come to the attention of the FAA that some small airplanes have already complied, or will comply before April 1, 1970, with the airworthiness standards for ice protection. In view of these circumstances, and since the substance of the proposal is relaxatory, it is considered appropriate to make the amendment to that section effective prior to April 1, 1970.

The proposal to amend § 135.85 in Notice 69–4 is changed by clarifying the references to ice protection provisions of the airplane airworthiness regulations. As amended herein, the rule permits operation of an airplane in light, moderate, or heavy icing conditions if it has ice protection provisions that meet the appropriate requirements for airplanes certificated with ice protection provisions. If certification with ice protection provisions is desired, it must be shown, among other things, that the airplane is able to safely operate in continuous maximum and intermittent maximum icing conditions determined as specified in the appropriate airworthiness certification regulations. (See CAR 4b.640; section 34 of SFAR No. 23; and § 25.1419 of FAR Part 25, which contain requirements for airplanes certificated with ice protection provisions.)

It will also be noted that paragraph (b) has been revised to make it clear that both deicing and anti-icing equipment are not required for each surface or system, by changing the word "and" to "or" immediately following the word "deicing."

Since this amendment is relaxatory in nature, I find that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing:

1. The amendment to § 135.85 of Part 135 of the Federal Aviation Regulations contained in Amendment No. 135–12 and published in the FEDERAL REGISTER on December 3, 1969 (34 F.R. 19130), is hereby revoked, effective December 24, 1969; and

2. Section 135.85 is amended effective December 24, 1969, as follows:

§ 135.85 Icing conditions: operating limitations.

(a) No pilot may take off an aircraft that has—

(1) Frost, snow, or ice adhering to any rotor blade, propeller, windshield, or power plant installation, or to an airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) Snow or ice adhering to the wings, or stabilizing or control surfaces; or

(3) Any frost adhering to the wings, or stabilizing or control surfaces, unless that frost has been polished to make it smooth.

(b) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly—

(1) Under IFR into known or forecast light or moderate icing conditions; or

(2) Under VFR into known light or moderate icing conditions;

unless the aircraft has functioning deicing or anti-icing equipment protecting each rotor blade, propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system.

(c) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly an aircraft into known or forecast heavy icing conditions.

(d) If current weather reports and briefing information relied upon by the pilot in command indicate that the forecast icing condition that would otherwise prohibit the flight will not be encountered during the flight because of changed weather conditions since the forecast, the restrictions in paragraphs (b) and (c) of this section based on forecast conditions do not apply.

(Sec. 313(a), 601(c), Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 24, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69–15468; Filed, Dec. 30, 1969; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–600; Amdt. 7]

PART 233—TRANSPORTATION OF MAIL; FREE TRAVEL FOR POSTAL EMPLOYEES

New Position Title of Postal Employees To Be Carried Free

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1969.

The Post Office Department (in Docket 21603) has requested amendment of paragraph (e) of § 233.1 to add the position title "Assistant Chief Inspector, Criminal Investigations" to the group of postal employees authorized to be carried free.

The Department represents that the amendment is necessary to permit travel by the incumbent in connection with combating criminal activity relating to the transportation of mail by aircraft.

In view of the limited nature of the amendment, we find that public rule making proceedings on the requested amendment are unnecessary and the rule shall be effective immediately.

Accordingly, the Board hereby amends paragraph (e) of § 233.1 (14 CFR 233.1), effective December 23, 1969, to read as follows:

§ 233.1 Postal employees to be carried free.

* * * * *

(e) The Chief Postal Inspector; the Deputy Chief Postal Inspector; and the Assistant Chief Inspector, Criminal Investigations.

* * * * *

(Secs. 204(a), 405(j), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760; 49 U.S.C. 1324, 1375)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69–15469; Filed, Dec. 30, 1969; 8:49 a.m.]

[Reg. ER–601; Amdt. 4]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Petitions for Change in Mail Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1969.

The Postmaster General has petitioned[1] the Board to amend Part 298 of the economic regulations (14 CFR Part 298) so as to permit air taxi operators engaged in the carriage of mail to petition for a change in the mail rate applicable to such carriage without thereby losing their exempted authority to transport mail. Under the present regulation, an air taxi operator carrying mail in a noncompetitive market may not petition for a change in the applicable mail rate without losing his authority to transport mail, and the regulation is ambiguous as to whether an air taxi operator carrying mail in a competitive market may do so. Since air taxi operators engaged in the carriage of mail are at times confronted with unforeseen cost increases due to additional requirements imposed on them by the Federal Aviation Administration and the Post Office Department, and since mail rates may not be made retroactive to a date prior to the initiation of a mail rate proceeding, the present regulation imposes an inequitable burden on air taxi operators.

There is also an inconsistency in the present regulation between the treatment of air taxi operators in competitive and noncompetitive markets. In a competitive market, carriage of mail may commence upon the filing by the Post Office Department and the affected air taxi operator of an agreed-upon mail rate, while in the noncompetitive market, commencement of carriage of mail must await a final mail rate unless a special exemption is obtained.

Accordingly, the Board has determined to amend § 298.21(f) of Part 298 to permit the Post Office Department or air taxi operators engaged in carriage of mail in competitive markets to petition for a change in the mail rate applicable to such service without thereby nullifying the effectiveness of the notice of intent to use air taxi mail service under which they are operating; to permit the Post Office Department or an air taxi operator engaged in the carriage of mail in a noncompetitive market to petition for a change in the final mail rate for such service without thereby nullifying the operator's exempted authority to transport mail in such market; and to permit air taxi operators to commence carriage of mail in a noncompetitive market either when a final mail rate is in effect for such carriage, or when an agreed-upon rate is filed for such service. While the Postmaster General did not request the new authority given to the Post Office Department to petition for a change in mail rates, this authority may be needed should a reduction in air taxi costs warrant a reduction in mail rates.

[1] Docket 21439.

In addition, the Board has determined to add new definitions of competitive and noncompetitive markets, for the purpose of clarifying the regulation. The wording of the regulation has been revised for purposes of clarification and simplification. However, no substantive changes other than those outlined above are intended.

The amendments relate to the procedure for establishing and revising mail rates. They remove certain anomalies and inconsistencies in the existing regulation, and no persons should be adversely affected. Moreover, a representation has been made that expeditious action is necessary. Therefore, the Board finds that notice and public procedure hereon are unnecessary and contrary to the public interest. However, since this amendment is being issued as a final rule, we shall permit interested persons to file petitions for reconsideration. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Room 712 Universal Building, Washington, D.C. 20428, on or before January 19, 1970. Copies of any petition filed will be available for examination by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the rule.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) effective December 23, 1969, as follows:

1. Amend § 298.2 by adding definitions as follows:

§ 298.2 Definitions.

* * * * *

"Competitive market" means a pair of points between which an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d)(1) or (2) of the Act has authority to serve by reason of such certificate, and such authority has not been suspended, or by reason of an exemption authorization issued pursuant to section 416(b)(1) of the Act.

* * * * *

"Noncompetitive market" means a market which is not a "competitive market", as defined in this section.

* * * * *

2. Amend § 298.21 as follows:

§ 298.21 Scope of service authorized: geographical, equipment and mail service limitations, insurance and reporting requirements.

* * * * *

(f) *Limitations on carriage of mail within the 48 contiguous States, Alaska, and Hawaii.* (1) In a noncompetitive market within the 48 contiguous States, Alaska, and Hawaii, no air taxi operator shall be authorized to carry mail until there is in effect for such carriage a final mail rate or until the Post Office Department and the affected air taxi operator have jointly filed with the Board a petition setting forth a mutually agreed-upon rate for the carriage of mail and requesting the Board to fix a final mail rate pursuant to section 406 of the Act. The mutually agreed-upon rate shall be the basis for temporary payment subject to upward or downward adjustment upon the determination of a final mail rate which shall be retroactive to the date when service was inaugurated. After such carriage is commenced, the filing of a petition by the air taxi operator or the Post Office Department for a change in the mail rate for such carriage shall not nullify the authority of the operator to continue to carry mail in such market.

(2) In a competitive market within the 48 contiguous States, Alaska, and Hawaii, no air taxi operator shall be authorized to carry mail until there is in effect for such carriage a notice of intent to use air taxi mail service, as provided in § 298.24, and either a final mail rate has been established or an agreed-upon mail rate has been filed pursuant to § 298.24(e) for such carriage. After such carriage is commenced, the filing of a petition by the air taxi operator or the Post Office Department for a change in the mail rate for such carriage shall not nullify the effectiveness of the notice of intent to use air taxi mail service: *Provided, however,* That with respect to a market which a certificated helicopter carrier is authorized to serve under an area exemption order, an air taxi operator will be prohibited from carrying mail therein only if there is an approved flight pattern with respect to such market under Part 376 of this chapter (Board's Special Regulations).

(3) The rules applicable to final mail rate proceedings set forth in Part 302 of this chapter shall govern the procedure for establishing a final mail rate of an air taxi operator for purposes of this part. (See §§ 302.300 through 302.321, excluding § 302.310 of this chapter.)

* * * * *

(Secs. 204, 406, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 763 (as amended by 76 Stat. 145, 80 Stat. 942), 771; 49 U.S.C. 1324, 1376, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69–15514; Filed, Dec. 30, 1969; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–266]

DOCUMENTATION AND ADMEASUREMENT OF VESSELS

Pursuant to authority vested in the Secretary of the Treasury by law, including Reorganization Plan No. 26 of 1950, and section 301, title 5, United States Code, certain functions performed by the Commissioner of customs pertaining to admeasurement and documentation of vessels were transferred to the Commandant, U.S. Coast Guard, by Treasury Department Order No. 167–81, effective February 24, 1967. Thereafter, the Commandant adopted and

continued in effect certain regulations relating to those functions (see the notice published in the FEDERAL REGISTER on March 15, 1967, 32 F.R. 4365). The following amendments to the Customs Regulations are necessary to reflect the aforesaid transfer.

PART 1—GENERAL PROVISIONS

1. The second sentence of § 1.2(c) is amended to read as follows: "The first-named port in each district (in capital letters) is the headquarters port."

2. Footnote 4 to Part 1 is deleted.

3. The asterisks before various ports of entry named in the list of customs regions and districts in § 1.2(c) are deleted.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2)

PART 2—MEASUREMENT OF VESSELS

4. Part 2, Customs Regulations, is deleted. (This part constitutes regulations administered by the U.S. Coast Guard, Department of Transportation, which were incorporated into Title 46, Code of Federal Regulations, on December 23, 1969 (34 F.R. 20102).)

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2)

PART 3—DOCUMENTATION OF VESSELS

5. Part 3, Customs Regulations, is deleted. (This part constitutes regulations administered by the U.S. Coast Guard, Department of Transportation, which were incorporated into Title 46, Code of Federal Regulations, on December 23, 1969 (34 F.R. 20102).)

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

6. Part 4 is amended to add a new section to read as follows:

§ 4.0 General definitions.

For the purposes of this part:

(a) The word "vessel" includes every description of water craft or other contrivance used or capable of being used as a means of transportation on water, but does not include aircraft. (19 U.S.C. 1401.)

(b) The term "vessel of the United States" means any vessel documented under the laws of the United States.

(c) The term "documented" means registered, enrolled and licensed, or licensed by the U.S. Coast Guard.

(d) The term "noncontiguous territory of the United States" includes all the island territories and possessions of the United States, but does not include the Canal Zone.

(e) The word "citizen" is as defined by the U.S. Coast Guard for purposes of vessel documentation (see Subpart 67.03 of Title 46, Code of Federal Regulations.)

7. Section 4.7 is amended as follows:

a. Paragraph (b)(2) is amended by inserting a new sentence following the third sentence to read: "The district director of customs shall notify the U.S. Coast Guard vessel documentation officer at the home port of the vessel of any work in the nature of a rebuilding or alteration, including the construction of any major component of the hull or superstructure of the vessel, which comes to his attention."

b. Paragraph (b)(3) is deleted.

8. Sections 4.51 and 4.52 are deleted.

9. Section 4.66(a)(1) is amended to read as follows:

§ 4.66 Verification of inspection.

(a) * * *

(1) A vessel of the United States required to be inspected as specified in Title 46, Code of Federal Regulations.

* * * * *

10. Part 4 is amended to delete Footnote 110.

11. Section 4.80 is amended to read as follows:

§ 4.80 Vessels entitled to engage in coastwise trade.

(a) No vessel shall transport, either directly or by way of a foreign port, any passenger or merchandise between points in the United States embraced within the coastwise laws, including points within a harbor, or merchandise for any part of the transportation between such points, unless it is—

(1) Owned by a citizen and is so documented under the laws of the United States as to permit it to engage in the coastwise trade; or

(2) Owned by a citizen, is exempt from documentation, and is entitled to or, except for its tonnage, would be entitled to be enrolled and licensed or licensed for the coastwise trade; or

(3) Owned by a partnership or association in which at least a 75-percent interest is owned by such a citizen, is exempt from documentation and is entitled to or, except for its tonnage, or citizenship of its owner, or both, would be entitled to be enrolled and licensed or licensed for the coastwise trade.

(b) Any vessel of the United States, whether or not entitled under paragraph (a) of this section to engage in the coastwise trade, and any foreign vessel may proceed between points in the United States embraced within the coastwise laws to discharge cargo or passengers laden at a foreign port, to lade cargo or passengers for a foreign port, in ballast, or to transport certain articles in accordance with § 4.93. Cargo laden at a foreign port may be retained on board during such movements.

(c) No vessel owned by a corporation which is a citizen of the United States under the Act of September 2, 1958 (46 U.S.C. 883–1) shall be used in any trade other than the coastwise trade and shall not be used in that trade unless it is properly documented for such use or is exempt from documentation and is entitled to or, except for its tonnage, would be entitled to be enrolled and licensed or licensed for the coastwise trade. Such a vessel shall not be documented for nor engage in the foreign trade or the fisheries and shall not transport merchandise or passengers coastwise for hire except as a service for a parent or a subsidiary corporation as defined in the aforesaid Act or while under demise or bareboat charter at prevailing rates for use otherwise than in trade with noncontiguous territory of the United States to a common or contract carrier subject to Part III of the Interstate Commerce Act, as amended (49 U.S.C. 901–923), which otherwise qualifies as a citizen of the United States under section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802), and which is not connected, directly or indirectly, by way of ownership or control with such owning corporation.

(d) No vessel which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States, shall have the right to engage in such trade if it thereafter has been sold or transferred foreign in whole or in part or placed under foreign registry, or, if of more than 500 gross tons, has been rebuilt unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, was effected within the United States, its Territories (not including trust territories), or its possessions. However, no rebuilt vessel shall be deemed to have lost its coastwise privileges within the meaning of the above if rebuilt within the United States, its Territories (not including trust territories), or its possessions under a contract executed before July 5, 1960, if the work of rebuilding commenced not later than 24 months after such date.

(e) No foreign-built vessel owned and documented as a vessel of the United States prior to February 1, 1920, by a citizen nor one owned by the United States on June 5, 1920, and sold to and owned by a citizen, shall engage in the American fisheries, but it is otherwise unlimited as to trade so long as it continues in such ownership (section 22, Merchant Marine Act, of June 5, 1920; 46 U.S.C. 13). No foreign-built vessel which is owned by a citizen, but which was not so owned and documented on February 1, 1920, or which was not owned by the United States on June 5, 1920, shall engage in the coastwise trade or the American fisheries. No foreign-built vessel which has been sold, leased, or chartered by the Secretary of Commerce to any citizen, shall engage in the American fisheries, but it is otherwise unlimited as to trade so long as it continues in such ownership, lease, or charter (section 9 of the Act of Sept. 7, 1916, as amended, 46 U.S.C. 808). A vessel engaged in taking out fishing parties for hire, unless it intends to proceed to a foreign port, is considered to be engaged in the coastwise trade and not the fisheries.

(f) Certain vessels not documented under the laws of the United States which are acquired by or made available to the Secretary of Commerce may be documented under section 3 of the Act of August 9, 1954 (50 U.S.C. 198). Such vessels shall not engage in the coastwise trade unless in possession of a valid unexpired permit to engage in that trade issued by the Secretary of Commerce under authority of section 3(c) of the said Act.

(g) All vessels not exempt from documentation and engaged in trade between ports in the United States or engaged in the fisheries, if not registered, shall be enrolled and licensed, or licensed, or will be liable to a penalty of $30 on every arrival, unless the vessel has not been within the United States since the expiration of its document. (R.S. 4132, as amended, sec. 22, 41 Stat. 997, R.S. 4214, as amended, R.S. 4311, as amended secs. 7, 8, 24 Stat. 81, as amended, sec. 2, 39 Stat. 729, sec. 9, 39 Stat. 730, as amended, sec. 27, 41 Stat. 999, as amended, 72 Stat. 1736; 46 U.S.C. 11, 13, 103, 251, 289, 319, 802, 808, 883, 883–1.)

12. Section 4.83(a) is amended to delete "(see § 3.41)."

13. Section 4.84(f) is amended to read as follows:

§ 4.84 Trade with noncontiguous territory.

* * * * *

(f) No vessel owned by a corporation which qualifies as a citizen under the Act of September 2, 1958 (46 U.S.C. 883–1) shall, while under demise or bareboat charter from such corporation, be granted clearance or permitted to depart in trade with noncontiguous territory or with the Canal Zone. (Secs. 443, 435, 437, 46 Stat. 711, R.S. 4197, as amended, 4367, 4368, 27A, 72 Stat. 1736; 19 U.S.C. 1433, 1435, 1437, 46 U.S.C. 91, 313, 314, 883–1.)

14. Footnote 124 to Part 4 is amended to delete the parenthetical statement "(See § 3.19(a) of this chapter)," appearing at the end thereof.

15. Part 4 is amended to add a new section to read as follows:

§ 4.94 Yacht privileges and obligations.

(a) A vessel documented as a yacht shall be used exclusively for pleasure and shall not transport merchandise nor carry passengers for pay. A vessel which is so documented and which is not engaged in any trade nor in any way violating the customs or navigation laws of the United States may proceed from port to port in the United States or to foreign ports without clearing and is not subject to entry upon its arrival in a port of the United States, provided it has not visited a hovering vessel.

(b) A cruising license may be issued to a yacht of a foreign country only if it has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are allowed to arrive at and depart from ports in such foreign country and to cruise in the waters of such ports without entering or clearing at the custom-house thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes, or charges for cruising licenses. It has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted such privileges in the following countries:

Argentina.	Greece.
Australia.	Honduras.
Bahama Islands.	Jamaica.
Bermuda.	Liberia.
Canada.	Netherlands.
Great Britain.	

(c) In order to obtain a cruising license for a yacht of any country listed in paragraph (b) of this section, there shall be filed with the district director of customs an application therefor executed by either the yacht owner or the master which shall set forth the owner's name and address and identify the vessel by flag, rig, name, and such other matters as are usually descriptive of a vessel. The application shall also include a description of the waters in which the yacht will cruise, and a statement of the probable time it will remain in such waters. Upon approval of the application, the district director of customs will issue a cruising license in the form prescribed by paragraph (d) of this section permitting the yacht, for a stated period not to exceed 6 months, to arrive and depart from the United States and to cruise in specified waters of the United States without entering and clearing, without filing manifests and obtaining or delivering permits to proceed, and without the payment of entrance and clearance fees, or fees for receiving manifests and granting permits to proceed, duty on tonnage, tonnage tax, or light money. The license shall be granted subject to the condition that the vessel shall not engage in trade or violate the laws of the United States in any respect. The master shall comply with section 433 of the Tariff Act of 1930 upon the vessel's arrival at every port or place within the United States.

(d) Cruising licenses shall be in the following form:

LICENSE TO CRUISE IN THE WATERS OF THE UNITED STATES

To District Directors of Customs:

For a period of _____ from _____ (Date)

the _____ (Flag) _____ (Rig) _____ yacht _____ (Name)

belonging to _____ (Owner's name) of _____ (Address) shall be permitted to arrive at and depart from the United States and to cruise in the waters of the customs collection district of _____ (Name of district or districts)

without entering and clearing, without filing manifests and obtaining or delivering permits to proceed, and without the payment of entry and clearance fees, or fees for receiving manifests and granting permits to proceed, duty on tonnage, tonnage tax, or light money.

This license is granted subject to the condition that the yacht named herein shall not engage in trade or violate the laws of the United States in any respect. Upon arrival at each port or place in the United States, the master shall report the fact of arrival to the customs officer at the nearest customhouse. Such report shall be made within 24 hours, exclusive of any day on which the customhouse is not open for marine business.

Issued this _____ day of _____, 19__.

_____
(District Director of Customs)

(e) A foreign-flag yacht which is not in possession of a crusing license shall be required to comply with the laws applicable to foreign vessels arriving at, departing from, and proceeding between ports of the United States. (Secs. 433, 434, 435, 441, 46 Stat. 711, as amended, 712, as amended, R.S. 4197, as amended, sec. 5, 35 Stat. 425, as amended, sec. 4, 28 Stat. 625, R.S. 4367, 4368; 19 U.S.C. 1433, 1434, 1435, 1441, 46 U.S.C. 91, 104, 107, 313, 314.)

16. Section 4.96(c) is amended to delete the parenthetical statement "(See §§ 3.2 and 3.42 of this chapter)" appearing at the end thereof.

17. Part 4 is amended to delete footnote 132 and § 4.97(a) is amended to delete the footnote reference "132."

18. Section 4.98 is amended to read as follows:

§ 4.98 Navigation fees.

(a) The following table of navigation fees shall be made available to the public in customs offices. The fees in column A are those collectible on the Atlantic, Gulf, and Pacific coasts and on the Mississippi River and tributaries; those in column B are collectible on the northern, northeastern, and northwestern frontiers (Great Lakes, Lake Champlain, and St. Lawrence River). The respective fees shall be designated in correspondence and reports by fee number.

Fee No.	Description of services	A	B
1	Entry of vessel, including American, from foreign port (19 U.S.C. 58):		
	(a) Less than 100 net tons	$1.50	------
	(b) 100 net tons and over	2.50	------
2	Clearance of vessel, including American, to foreign port (19 U.S.C. 58):		
	(a) Less than 100 net tons	1.50	------
	(b) 100 net tons and over	2.50	------
3	Issuing permit to foreign vessel to proceed from district to district, and receiving manifest (46 U.S.C. 329, 330)	2.00	$0.10
4	Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade (46 U.S.C. 329, 330)	2.00	.10
5	Receiving post entry (19 U.S.C. 58, 46 U.S.C. 330)	2.00	2.00
6	Receiving official bond not otherwise provided for (19 U.S.C. 58)	0.40	------
7	Certifying payment of tonnage tax for foreign vessels only (19 U.S.C. 58)	0.20	0.20
8	Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated (19 U.S.C. 58)	0.20	0.20

(b) Fee 1 shall be collected at the first port of entry only. It shall not be collected from a vessel entering directly from a port in noncontiguous territory of the United States nor from one entering at a port on the northern, northeastern, or northwestern frontier otherwise than by sea.

(c) Fee 2 shall be collected at the final port of departure from the United States. It shall be collected from a yacht or public vessel which obtains a clearance, but shall not be collected from a vessel clearing directly for a port in noncontiguous territory of the United States nor from one clearing from a port on the northern, northeastern, or northwestern frontier otherwise than by sea. It shall be collected only upon the first clearance each year of a vessel making regular daily trips between a port of the United States and a port in Canada wholly upon interior waters not navigable to the ocean.

(d) Fee 3 shall be collected for granting a permit to a foreign vessel to proceed to another customs district, but not for a permit to proceed to a port in the same district. It shall be collected from a foreign vessel clearing directly for a port in noncontiguous territory of the United States outside its customs territory. This fee shall not be collected in the case of a foreign vessel proceeding on a voyage by sea from one district in the United States to another such district via a foreign port. Only one fee shall be collected in case of simultaneous vessel transactions.

(e) Fee 4 shall be collected for receiving the manifest of a foreign vessel arriving from another customs district, but not arriving from a port in the same district. It shall be collected from a foreign vessel entering directly from a port in noncontiguous territory of the United States outside its customs territory. This fee shall not be collected in the case of a foreign vessel which arrives in one district in the United States from another such district on a voyage by sea via a foreign port. Only one fee shall be collected in the case of simultaneous vessel transactions.

(f) Fee 6 is collected principally from vessels in the Alaska trade.

(g) Fee 7 shall be collected from foreign vessels only.

(h) Fee 8 shall be collected for each copy of any official document, whether certified or not, furnished to any person other than a Government officer. (Sec. 501, 65 Stat. 290, 31 U.S.C. 483a.)

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

19. Section 24.12(a)(4) is deleted.
20. Section 24.17(a)(6) is deleted.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: December 24, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-15441; Filed, Dec. 30, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Glyodin

No comments and no requests for referral to an advisory committee were received in response to the proposal by the Commissioner of Food and Drugs, published in the FEDERAL REGISTER of October 9, 1969 (34 F.R. 15658), to revoke for reasons given tolerances for residues of glyodin in or on the raw agricultural commodities blackberries, boysenberries, dewberries, loganberries, quinces, raspberries, and youngberries.

The Commissioner concludes that the proposal should be adopted. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a(e), (m)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.124 is revised to read as follows to delete the above-mentioned commodities:

§ 120.124 Glyodin; tolerances for residues.

Tolerances are established for residues of the fungicide glyodin (2-heptadecyl glyoxalidine acetate or 2-heptadecyl glyoxalidine (base)) in or on the raw agricultural commodities apples, cherries, peaches, and pears at 5 parts per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a(e), (m))

Dated: December 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 15427; Filed, Dec. 30, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Phorate

A petition (PP 9F0809) was filed with the Food and Drug Administration by the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of a tolerance of 0.4 part per million for negligible residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthio)methyl phosphorodithioate) in or on the raw agricultural commodity hops. Subsequently, the petitioner amended the petition by increasing the proposed tolerance level to 0.5 part per million.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.206 is amended by revising the paragraph "0.5 part per million * * *" to read as follows:

§ 120.206 Phorate; tolerances for residues.

* * * * *

0.5 part per million in or on corn forage, hops, and potatoes.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 19, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15428; Filed, Dec. 30, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Fenthion

A petition (PP 9F0774) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide fenthion (*O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities alfalfa hay and grass hay at 18 parts per million; alfalfa and grass at 5 parts per million; rice straw at 0.5 part per million; and rice grain at 0.1 part per million.

Subsequently, the petitioner withdrew the proposed tolerances regarding rice straw and rice grain and proposed a tolerance of 0.01 part per million for such residues in milk.

The Secretary of Agriculture has certified that the pesticide chemical is useful for the purpose for which the tolerances are being proposed.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The established tolerances in meat, fat, and meat byproducts of cattle and poultry at 0.1 part per million are adequate for residues from dermal application and from feeding treated crops. A tolerance regarding eggs is unnecessary because § 120.6(a)(3) applies.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.214 is revised to read as follows to establish the above-mentioned tolerances:

§ 120.214 Fenthion; tolerances for residues.

Tolerances are established for residues of the insecticide fenthion (*O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate) and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities as follows:

18 parts per million in or on alfalfa hay and grass hay.

5 parts per million in or on alfalfa and grass.

0.1 part per million in or on meat, fat, and meat byproducts of cattle and poultry.

0.01 part per million (negligible residue) in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 19, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15426; Filed, Dec. 30, 1969; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dichlobenil

A petition (PP 9F0837) was filed with the Food and Drug Administration by the Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of tolerances for the combined negligible residues of the herbicide dichlobenil and its metabolite 2,6-dichlorobenzoic acid in or on the raw agricultural commodities almond hulls, figs, nuts, and stone fruits at 0.15 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since residues of dichlobenil and or its metabolite are not reasonably expected to occur in meat and milk from the proposed use, tolerances regarding these commodities are unnecessary. The use is in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.231 is revised to read as follows to establish the above-specified tolerances:

§ 120.231 Dichlobenil; tolerances for residues.

Tolerances are established for the combined negligible residues of the herbicide dichlobenil (2,6-dichlorobenzonitrile) and its metabolite 2,6-dichlorobenzoic acid in or on the raw agricultural commodities: Almond hulls, apples, avocados, blackberries, blueberries, citrus, cranberries, figs, grapes, mangoes, nuts, pears, raspberries, and stone fruits at 0.15 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 19, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15425; Filed, Dec. 30, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 9B2390) filed by PPG Industries, Inc., Post Office Box 312, Delaware, Ohio 43015, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of the substances specified below as components of resinous and polymeric food-contact coatings. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xx) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * * *

(b) * * *

(3) * * *

(xx) * * *

Butyl acrylate-styrene-methacrylic acid-hydroxyethyl methacrylate copolymers containing no more than 20 weight percent of total polymer units derived from methacrylic acid and containing no more than 7 weight percent of total polymer units derived from hydroxyethyl methacrylate; for use only in coatings that are applied by electrodeposition to metal substrates and that are intended for contact, under condition of use D, E, F, or G described in table 2 of § 121.2514(d), with food containnig no more than 8 percent of alcohol.	

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support hereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 19, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15429; Filed, Dec. 30, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ROSINS AND ROSIN DERIVATIVES

The Commission of Food and Drugs, having evaluated data in a petition (FAP 9B2404) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that § 121.2592 should be amended (1) to provide for the safe use of glycerol ester of tall oil rosin in the manufacture of articles or components of articles for food-contact use and (2) to clarify the analytical methods for determining compliance with the specifications prescribed for the subject rosins and rosin derivatives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2592 is amended by adding a new subdivision (xviii) to paragraph (a)(3) and a new paragraph (f) to the section, as follows:

§ 121.2592 Rosins and rosin derivatives.

* * * * * *

(a) * * *

(3) * * *

(xviii) Glycerol ester of tall oil rosin, purified by steam stripping to have an acid number of 5–12, a softening point of 80° C.–88° C., and a color of N or paler.

* * * * * *

(f) The analytical methods for determining whether rosins and rosin derivatives conform to the specifications prescribed in paragraph (a) of this section are as follows:

(1) Color: Color shall be determined by ASTM Method D 509–55.

(2) Refractive index: Refractive index shall be determined by ASTM Method D 1747–62.

(3) Acid number: Acid number shall be determined by ASTM Method D 465–59.

(4) Viscosity: Viscosity in poises shall be determined by ASTM Method D 1824–66 and in Saybolt seconds by ASTM Method D 88–56.

(5) Softening point: Softening point shall be determined by ASTM Method E 28–67.

(6) Analytical methods for determining drop-softening point, saponification number, and any other specification not listed under subparagraphs (1) through (5) of this paragraph are available upon request from the Commissioner of Food and Drugs.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 19, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15430; Filed, Dec. 30, 1969; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

ABBREVIATED NEW-DRUG APPLICATIONS FOR CYCLAMATES

On October 18, 1969, in announcing the removal of cyclamates from the list of substances generally recognized as safe for use in food, the Secretary of Health, Education, and Welfare noted that these artificial sweeteners would have to comply with the drug provisions of the Federal Food, Drug, and Cosmetic Act if they were to be available for use by diabetics and obese patients under medical supervision. (The order removing the substances from 21 CFR 121.101(d)(4) was published in the FEDERAL REGISTER of October 21, 1969 (34 F.R. 17063).)

The Assistant Secretary for Health and Scientific Affairs drew together a Medical Advisory Group on cyclamates to consider the benefit-to-risk ratio for the cyclamates in drug use.

The Medical Advisory Group reviewed all available data, including that submitted by the Food and Drug Administration to the ad hoc Committee of the Food Protection Committee, National Academy of Sciences-National Research Council, and:

1. Endorsed the prohibition of cyclamates in beverages for general use and in the future processing of general purpose foods.

2. Expressed the unanimous opinion that under appropriate medical management of individuals with diabetes (particularly in the case of juvenile diabetes) and of patients in whom weight reduction and control are essential for health, cyclamates provide medical benefits which outweigh their hazards.

3. Recommended that cyclamates continue to be made available for such patients on medical advice and on a nonprescription, drug-labeled basis.

4. Recommended that the Food and Drug Administration carry out an annual review of data on cyclamates and other nonnutritive sweeteners.

Therefore, the Commissioner of Food and Drugs concludes that the following policy should be adopted regarding abbreviated new-drug applications for cyclamates. Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the following statement of policy is added to Part 130, Subpart A:

§ 130.40 Abbreviated new-drug applications for cyclamates.

(a) The Food and Drug Administration is prepared to approve abbreviated new-drug applications in the form described in the proposed amendments to § 130.4, published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2673), for cyclamate-containing artificial sweeteners intended solely for drug use and labeled in accordance with the following:

(1) *Identity.* List active ingredients with the statement "an artificial, nonnutritive sweetener."

(2) *Indications.* Include the statement "For use only with calorie-controlled diets by diabetics or obese patients under medical supervision." Also, set forth thereafter in a box the statement "Caution: Medical supervision is essential for safe use."

(3) *Dosage.* The label shall bear a statement of the amount of cyclamate in a tablet, capsule, pill, or other unit form or specified serving, a statement that "_____ is as sweet as _____ teaspoonful(s) of sugar," and a statement that the lowest amount to achieve sweetening should be used.

(b) Recordkeeping and reporting: Reports of the data described in § 130.13(b)(1)(ii) and (2)(i) shall be submitted as required by that section.

(Secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: December 23, 1969.

CHARLES C. EDWARDS,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 69-15403; Filed, Dec. 24, 1969; 10:43 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE - (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE - (OR TETRACYCLINE-) CONTAINING DRUGS

PART 148n—OXYTETRACYCLINE

Certain Tetracycline-Nystatin, Oxytetracycline-Nystatin, and Demethylchlortetracycline-Nystatin Combination Preparations for Oral Administration; Postponement of Effective Date and Extension of Time for Submitting Data

An order was published in the FEDERAL REGISTER of November 13, 1969 (34 F.R. 18161), to become effective in 40 days, amending Parts 141c, 146c, and 148n of the antibiotic drug regulations to repeal provisions for certification of combination drugs containing tetracycline-nystatin, oxytetracycline-nystatin, and demethylchlortetracycline-nystatin for oral use. Thirty days were provided for filing proper objections to the order and requests for a hearing.

The Commissioner of Food and Drugs has received objections and a request for an extension of the effective date to allow time for the submission of additional data.

Good reason therefor appearing, the effective date of the order is hereby postponed, and an additional 40 days from December 23, 1969, will be allowed for the submission of pertinent data. The order shall become effective March 23, 1970, unless stayed by the Commissioner.

(Federal Food, Drug, and Cosmetic Act, secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357, and under authority delegated to the Commissioner, 21 CFR 2.120)

Dated: December 23, 1969.

CHARLES C. EDWARDS,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 69-15404; Filed, Dec. 24, 1969; 10:43 a.m.]

Title 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 501—ORGANIZATION

Sec.
501.1 Introduction.
501.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.

AUTHORITY: The provisions of this Part 501 issued under sec. 4, 63 Stat. 111, as amended, sec. 501, 65 Stat. 290; 22 U.S.C. 2658, 31 U.S.C. 483a, 5 U.S.C. 301, 552, E.O. 10477, as amended; 3 CFR, 1949–1953 Comp., E.O. 10501, as amended; 3 CFR, 1949–1953 Comp.

§ 501.1 Introduction.

It is the policy of the U.S. Information Agency that information about its operations, organization, procedures, and records be freely available to the public in accordance with the provisions of Public Law 89–487, the "Public Information Act of 1966," referred to hereinafter as "The Act," which amended the "Public Information" section of the Administrative Procedure Act (5 U.S.C. 552).

§ 501.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.

The U.S. Information Agency is organized to help achieve U.S. foreign policy objectives by making understandable to the people of other countries U.S. actions and policies, as well as the traditions, values, and culture from which they flow. The Agency advises the President, his representatives abroad, and the various departments and agencies on the implications of foreign opinion for present and contemplated U.S. policies, programs, and official statements. To achieve these purposes the Agency is directed from Washington, D.C. It operates field posts in over 100 foreign countries. The chief executive of the Agency is the Director, assisted by the Deputy Director and the Deputy Director (Policy and Plans). The Director is advised by the Advisory Commission on Information, a body of five private citizens appointed by the President and confirmed by the Senate.

(a) Closely attached to the Office of the Director are the Office of Policy and Plans; the Office of Research and Assessment; the Office of the U.S. Commissioner General, Japan World Exposition; and the Office of Public Information.

(1) *Office of Policy and Plans (IOP).* IOP formulates basic information policies for the Agency and assures that they are reflected in the Agency's output. It prepares guidance on information policy for operating elements of the Agency, based on briefings and background information received through liaison with the White House, the Departments of State and Defense, other Government agencies and private organizations. It issues guidelines for the preparation of planning documents by Agency elements and by overseas posts and reviews the plans to assure that overseas operations are consistent with established policy objectives and that resources are allocated in accordance with Agency priorities.

(2) *Office of Research and Assessment (IOR).* (i) IOR systematically evaluates Agency operations to ensure that they serve program objectives with maximum efficiency. It provides the agency with a single element responsible for the assessment of products and operations. It supervises and coordinates the work of the Inspections and Audit Staff, the Research Service, the Special Studies Staff, the Agency Library, and the Historian.

(ii) The Inspection and Audit Staff appraises on behalf of the Associate Director for the Director the operation and administration of both overseas and domestic offices and the individual performance of Agency Foreign Service personnel. It uses full-time inspection and audit personnel as well as qualified officers borrowed from other elements for this purpose. Its responsibilities include establishing program inspection and audit criteria; planning inspection and audit schedules; processing report materials; developing followup procedures; and maintaining liaison with other agencies, such as the Department of State, on inspection and audit matters of common interest.

(iii) Through sample surveys and other methods of empirical research, the Research Service provides information on foreign opinion relevant to U.S. foreign policy and to the Agency's mandate; describes the channels of communication most likely to reach influential audiences abroad; and assesses the reach and impact of specific USIA programs. It keeps the Director abreast of foreign press reactions to U.S. actions and policies, and advises him on the activities of foreign information services.

(iv) The Library provides books, periodicals, documents, and a clipping file for staff use. Its reference service supports both domestic and overseas needs.

(v) The Special Studies Staff continuously reviews Agency activities in terms of present and future program needs. Utilizing ad hoc task forces, inspection reports, research findings and other sources, it recommends priorities in the allocation of resources to meet Agency objectives.

(vi) The Historian's primary responsibility is to provide the Agency with a corporate memory of its past experience.

(3) *The Office of the Commissioner General for the Japan World Exposition (1/E)*. I/E, as the title suggests, is not a permanent Agency office. The Office is responsible for all aspects of U.S. Government participation relative to the Japan World Exposition being held in Osaka in 1970. It supervises and coordinates the planning, design, and fabrication of the U.S. Pavilion and its related exhibits as well as their operation during the course of the Exposition.

(4) *Office of Public Information (I/R)*. I/R is responsible for the Agency's domestic media relations and contacts with the public. It responds to questions from the American public concerning the purposes and operations of the Agency, and prepares and issues news releases on appropriate activities, policies, and personnel actions. This Office also arranges for public appearances by Agency officials; prepares the semiannual report to the Congress; publishes the monthly house organ, "USIA WORLD"; conducts public tours of the Agency exhibit at the Voice of America and of VOA studios; and helps to coordinate affiliations between American and foreign cities.

(b) Staff support is provided by the Office of Personnel and Training, the Office of Administration, the Office of the General Counsel, and the Office of Security.

(1) *Office of Personnel and Training (IPT)*. IPT plans and carries out recruiting, examining, selecting, and placing employees, developing careers, and classifying positions; and plans and conducts orientation and training programs for domestic and foreign service employees.

(2) *Office of Administration (IOA)*. IOA develops, interprets, and applies administrative and management policies and procedures necessary to assure effective operation of the Agency's programs. It provides central management, budget, fiscal, emergency planning, contract and procurement, information management, automatic data processing, and administrative services for the Agency.

(3) *Office of the General Counsel (IGC)*. The General Counsel and his staff advise all elements of the Agency on the interpretation of all laws, regulations, and Executive orders that authorize the Agency's programs or relate to the Agency's activities. The Office assists in the drafting of proposed legislation, Executive orders, regulations, contracts, leases, and other legal documents. The Office of the General Counsel also has the responsibility for conducting the Agency's relations with Congress. The Office represents the Agency in hearings arising on disputes on contracts, equal employment opportunity, and licensing. The Office secures the necessary rights clearances for the Agency's activities and advises on matters relating to ethical conduct and conflict of interest of Agency employees.

(4) *Office of Security (IOS)*. IOS is responsible for developing, directing, and implementing plans, policies, and standards for personnel and physical security. As the Agency's investigative arm, it conducts all inquiries relating to security, personnel, administrative and operating matters. It makes recommendations in cases where an employee's activities are allegedly inconsistent with the interests of national security.

(c) Program materials are generated by the Agency's media services, the Broadcasting Service, the Information Center Service, the Motion Picture and Television Service, and the Press and Publications Service.

(1) *Broadcasting Service (IBS)*. IBS (the Voice of America) produces and broadcasts radio programs in English and foreign languages and operates broadcasting and relay facilities to transmit these programs. It also furnishes technical services and materials to the Agency's overseas posts for broadcasting radio programs through local outlets, and its supplies packaged programs to the posts. Broadcasts originating in the United States are directed primarily at Communist bloc countries and secondarily at selected areas of the Free World.

(2) *Information Center Service (ICS)*. ICS gives professional guidance and supplies materials to information centers and binational centers to assist them in program planning and execution. It promotes and assists the distribution of American books, in English and in translation, to selected individuals and institutions. It operates a worldwide exhibits program. It also operates a separately funded Special International Exhibition program which presents U.S. national exhibitions in the USSR and East Europe and at selected international fairs and expositions. It supports the English teaching activities of USIS, binational centers, and special English teaching institutes by providing teaching materials and professional consultative services. It operates a donated books program under which U.S. publishers make available selected current books for presentation to individuals and institutions abroad. It facilitates and promotes the use of American music, art, drama, etc. in overseas programming.

(3) *Motion Picture and Television Service (IMV)*. IMV produces and/or contracts for the production of, or otherwise acquires, motion pictures in appropriate languages and prints for use abroad in commercial theaters or for showing by USIS posts. It produces or acquires television films and tapes for posts to place on local television stations and networks in countries overseas. It furnishes USIS posts with necessary equipment, supplies, technical services, and direction for motion picture and television programs. The International Communications Media Staff of the Motion Picture and Television Service monitors and facilitates the operation of certain international organizations and festivals including United States participation therein, and assists some domestic organizations active in this field. Also under authority delegated to the Agency by Executive Order 11311 of October 14, 1966, issued pursuant to Public Law 89-634 the staff issues export certificates of educational, audiovisual materials and authenticates foreign certificates covering the import of such materials.

(4) *Press and Publications Service (IPS)*. IPS produces a wide variety of editorial materials for placement by USIS posts overseas in local newspapers and periodicals and for use in post publications. It produces and operates the Wireless File, a radioteletype service to all areas offering program materials for local placement and background information for post and embassy personnel. It provides posts a general and regional feature service, photographs and picture stories, "paper show" exhibits, magazines, pamphlets, posters, magazine reprints, and cartoon booklets. It also manages printing plants at Regional Service Centers in Manila, Beirut, and Mexico City, furnishes posts with press and photo supplies and equipment, and offers them technical advice.

(d) The Assistant Directors of the Agency for the six geographic areas are the Director's principal advisers on all programs in or directed to countries in these areas. They help to formulate information policies and represent the Director in interagency groups. They spend a large part of their time in the countries of their geographic region. The Assistant Directors (Africa, Europe, East Asia and Pacific, Latin America, Near East and South Asia, Soviet Union and Eastern Europe) are responsible for the direction, coordination, and management of information programs for the countries of their geographic areas. They supply a knowledge of field problems and requirements to the Agency's policy and planning processes. They arrange with media services to provide media products to their areas. They consult with appropriate area and country officers in the Department of State, the Agency for International Development, and with other agencies, on operational matters of mutual concern.

(e) The foregoing Agency elements have their principal Washington offices in the following locations:

AGENCY ELEMENTS AND ADDRESSES

The Director, Office of Policy and Plans, Office of Research and Assessment, Office of the Commissioner General, Japan World Exposition, Office of Public Information, Office of Administration, Office of the General Counsel, Office of Security, Area Offices for Africa, Latin America, Europe, Soviet Union and East Europe, Near East and South Asia, and East Asia and Pacific—1750 Pennsylvania Avenue NW.

Office of Personnel and Training, Press and Publications Service—1776 Pennsylvania Avenue NW.

Information Center Service—1711 New York Avenue NW.

Broadcasting Service—Health, Education, and Welfare Building, 300 C Street SW.

Motion Picture and Television Service—Old Post Office Building, 12th Street and Pennsylvania Avenue NW.

(f) Agency offices abroad, known as the U.S. Information Service (USIS), under the supervision of the Chiefs of Mission, and with the guidance of the Director and the appropriate area Assistant Director, conduct public information, public relations and cultural activities—i.e., those activities intended to inform or influence foreign public opinion—for agencies of the U.S. Government except for Commands of the Department of Defense. Each USIS office is headed by a Public Affairs Officer who is a member of the "country team" under the Chief of the U.S. Diplomatic Mission.

The Agency maintains field offices at the following locations:

Afghanistan—Kabul.
Algeria—Algiers.
Argentina—Buenos Aires, Cordoba, Rosario.
Australia—Canberra, Melbourne, Perth, Sydney.
Austria—Vienna.
Barbados—Bridgetown.
Belgium—Brussels.
Bolivia—La Paz.
Brazil—Belo, Horizonte, Brasilia, Porto Alegre, Recife, Rio de Janeiro, Salvador, Sao Paulo.
Burma—Rangoon.
Burundi—Bujumbura.
Cameroon—Douala, Yaounde.
Canada—Ottawa, Montreal, Toronto.
Central African Republic—Banqui.
Ceylon—Colombo.
Chad—Fort Lamy.
Chile—Santiago.
Colombia—Bogota.
Congo, Democratic Republic of the—Bukavu, Kinshasa, Kisangani, Lubumbashi, Luluabourg.
Costa Rica—San Jose.
Cyprus—Nicosia.
Dahomey—Contonou.
Denmark—Copenhagen.
Dominican Republic—Santo Domingo.
Ecuador—Guayaquil, Quito.
El Salvador—San Salvador.
Ethiopia—Addis Ababa, Asmara.
Finland—Helsinki.
France—Marseille, Paris.
Gabon—Libreville.
Germany—Berlin, Bonn, Dusseldorf, Frankfurt, Hamburg, Munich, Stuttgart.
Ghana—Accra.
Greece—Athens, Thessaloniki.
Guatemala—Guatemala City.
Guinea—Conakry.
Guyana—Georgetown.
Haiti—Port au Prince.
Honduras—Tegucigalpa.
Hong Kong.
Iceland—Reykjavik.
India—Bangalore, Bombay, Calcutta, Hyderabad, Lucknow, Madras, New Delhi, Tricandrum.
Indonesia—Djakarta, Surabaya, Medan.
Iran—Isfahan, Khorramshahr, Tabriz, Tehran.
Iraq—Baghdad.[1]
Israel—Tel Aviv.
Italy—Milan, Naples, Palermo, Rome.
Ivory Coast—Abidjan.
Jamaica—Kingston.
Japan—Fukuoka, Hiroshima, Kyoto, Nigata, Osaka, Sapporo, Sendai, Tokyo.
Jordan—Amman.
Kenya—Nairobi.
Korea—Kwangju, Pusan, Seoul, Taegu.
Kuwait—Kuwait.
Laos—Luang Prabang, Pakse, Savannakhet, Vientiane.
Lebanon—Beirut.
Lesotho—Maseru.
Liberia—Monrovia.
Libya—Benghazi, Tripoli.
Malagasy Republic—Tannanarive.
Malawi—Blantyre.
Malaysia—Kuala Lumpur, Kuching, Penang.
Mali—Bamako.
Mexico—Guadalajara, Hermosillo, Mexico City, Monterrey.
Morocco—Casablanca, Fez, Rabat, Tangier.
Nepal—Kathmandu.
Netherlands—The Hague.
New Zealand—Wellington.
Nicaragua—Managua.
Niger—Niamey.
Nigeria—Enugu, Ibadan, Kaduna, Kano, Lagos.
Norway—Oslo.
Pakistan—Dacca, Karachi, Lahore, Peshawar, Rawalpindi.
Panama—Panama City.
Paraguay—Asuncion.
Peru—Lima.
Philippines—Cebu, Davao, Manila.
Portugal—Lisbon.
Republic of South Africa—Cape Town, Johannesburg, Pretoria.
Rwanda—Kigali.
Saudi Arabia—Jidda.
Senegal—Dakar.
Sierra Leone—Freetown.
Singapore—Singapore.
Somali Republic—Mogadiscio.
Spain—Madrid, Barcelona.
Sudan—Khartoum.
Sweden—Stockholm.
Switzerland—Bern.
Syrian Arab Republic—Damascus.[1]
Taiwan—Kaohsiung, Taichung, Taipei.
Tanzania—Daroes-Salaam.
Thailand—Bangkok, Chiang Mai, Khon Kaen, Korat, Nakhon Phanom, Nakhon Si Thammarat, Phitsanulok, Songkhla, Ubon, Udon, Yala.
Togo—Lome.
Trinidad—Port-of-Spain.
Tunisia—Tunis.
Turkey—Ankara, Istanbul, Izmir.
Uganda—Kampala.
United Arab Republic[1]—Alexandria, Cairo.
United Kingdom—London.
Upper Volta—Ouagadougou.
Uruguay—Montevideo.
Venezuela—Caracas, Maracaibo.
Viet-Nam—Can Tho, Dalat, Danang, Hue, Saigon.
Yemen—Sanaa.[1]
Yugoslavia—Belgrade, Zagreb.
Zambia—Lusaka.

HENRY LOOMIS,
Deputy Director.

[F.R. Doc. 69-15400; Filed, Dec. 30, 1969; 8:45 a.m.]

[1] No operations at present.

PART 503—AVAILABILITY OF RECORDS

Miscellaneous Amendments

Chapter V, Part 503, Title 22 of the Code of Federal Regulations is amended as follows:

The part heading is amended to read as set forth above.

Section 503.1 is revised as follows:

§ 503.1 Introduction.

It is the policy of the U.S. Information Agency that information about its operations, organizations, procedures, and records be freely available to the public in accordance with the provisions of Public Law 89-487, the "Public Information Act of 1966," referred to hereinafter as "The Act," which amended the "Public Information" section of the Administrative Procedure Act (5 U.S.C. 552). In compliance with the Act, the Agency will make the fullest possible disclosure of its information and identifiable records consistent with the provisions of the Act and the regulations in this part.

Section 503.2 is revised as follows:

§ 503.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.

The description of the organization of the U.S. Information Agency is contained in Part 501 of this chapter.

Section 503.4, paragraph (a) is revised as follows:

§ 503.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the Agency.

(a) *Restriction on domestic availability of agency media products.* The Agency is prohibited from making general distribution of its foreign informational materials within the United States, but all media materials are available through the Office of Public Information (I/R), at reasonable times following release, to representatives of the press and, on request, to Members of Congress. This policy is based on the provisions of section 501 of the Agency's basic legislation (22 U.S.C. 1461) and Reorganization Plan No. 8 of 1953 which limits the Agency's mission to the dissemination of information about the United States to the peoples in other countries.

* * * * *

Section 503.6, paragraph (d) is revised as follows:

§ 503.6 Availability of Agency records.

* * * * *

(d) *Review*—(1) *Review by Director.* If a request for records under this section is denied by an Agency subordinate, the person making the request is entitled to have the denial reviewed by the Agency Director as promptly as circumstances permit. If the Director determines that the withholding is improper, he will direct in writing that the requested records be made available in accordance with this section. If he determines that the withholding is proper, he will so notify the person making the request in writing, and his determination constitutes the final Agency decision.

(2) *Coordination with Office of the General Counsel.* Requests for review by the Director under this section are to be referred immediately to the Office of the General Counsel (IGC). IGC will investigate all the circumstances of the alleged improper withholding, and compile a complete file on the matter.

HENRY LOOMIS,
Deputy Director.

[F.R. Doc. 69-15401; Filed, Dec. 30, 1969; 8:45 a.m.]

PART 511—FEDERAL TORTS CLAIMS PROCEDURE

Chapter V, Part 511, Title 22 of the Code of Federal Regulations is amended as follows:

Sec.
511.1 Definitions.
511.2 Scope of regulations.
511.3 Exceptions.
511.4 Administrative claim, when presented.
511.5 Who may file claim.
511.6 Agency authority to adjust, determine, compromise and settle claims; limitation upon that authority.
511.7 Investigations.
511.8 Limitations.
511.9 Supporting evidence.
511.10 Settlement of claims.
511.11 Acceptance of award.
511.12 When litigation is involved in claim.

AUTHORITY: The provisions of this Part 511 issued under 5 U.S.C. 301.

§ 511.1 Definitions.

Agency. Agency means the U.S. Information Agency.

Act. Act means the Federal Torts Claims Act, as amended, and codified in 28 U.S.C., sections 2671–2680.

§ 511.2 Scope of regulations.

The regulations in this part shall apply only to claims asserted under the Federal Tort Claims Act, as amended, or as incorporated by reference in the U.S. Information Agency Annual Appropriation Act, for money damages against the United States for injury, loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the Agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

§ 511.3 Exceptions.

Claims not compensable hereunder are listed in 2680 of the Act with the exception that 2680(k) (claims arising in a foreign country) has been amended by the Agency's Annual Appropriation Act.

§ 511.4 Administrative claim; when presented.

(a) For the purposes of the provisions of section 2672 of the Act and of this part, a claim shall be deemed to have been presented when the Agency receives, in the office designated in paragraph (b) of this section, an executed "Claim for Damage or Injury", Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain, for injury to or loss of property, personal injury or death, alleged to have occurred by reason of the incident. The claimant may, if he desires, file a brief with his claim setting forth the law or other arguments in support of his claim. In cases involving claims by more than one person arising from a single accident or incident, individual claim forms shall be used. A claim which should have been presented to the Agency, but which was mistakenly addressed to or filed with another Federal Agency, shall be deemed to have been presented to the Agency as of the date the claim is received by the Agency. If a claim is mistakenly addressed to or filed with the Agency, the Agency shall transfer it forthwith to the appropriate Agency.

(b) A claimant shall mail, or deliver his claim to the Office of the General Counsel, U.S. Information Agency, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547.

§ 511.5 Who may file claim.

(a) Claims for loss or damage of property may be filed by the owner of the property, or his legal representatives. Claims for personal injury or death may be made by the injured person or a legal representative of the injured or deceased person. The claim, if filed by a legal representative, should show the capacity of the person signing and be accompanied by evidence of his authority to act.

(b) The claim and all other papers requiring the signature of the claimant should be signed by him personally or by his representative. Signatures should be identical throughout.

§ 511.6 Agency authority to adjust, determine, compromise, and settle claims and limitations upon that authority.

(a) The General Counsel of the Agency, or his designee, is delegated authority to consider, ascertain, adjust, determine, compromise, and settle claims asserted under the provisions of section 2672 of the Act and under this part.

(b) Limitation on Agency authority: An award, compromise, or settlement of a claim by the Agency under the provisions of section 2672 of the Act, in excess of $25,000, shall be effected only with the prior written approval of the Attorney General or his designee.

§ 511.7 Investigations.

The Agency may request any other Federal agency to investigate a claim filed under section 2672 of the Act, or to conduct a physical or mental examination of the claimant and provide a report of such examination.

§ 511.8 Limitations.

(a) Pursuant to the provisions of section 2401(b) of title 28 of the United States Code, a tort claim against the United States shall be forever barred unless presented in writing to the Agency within two (2) years after such claim accrues.

(b) A suit may not be filed until the claim shall have been finally denied by the Agency. Failure of the Agency to make final disposition of the claim within six (6) months after it has been presented shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of the Act and of this part.

(c) A suit shall not be filed for a sum greater than the amount of the claim presented to the Agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time for presenting the claim to the Agency, or upon allegation and proof of intervening facts, relating to amount of the claim.

§ 511.9 Supporting evidence.

(a) In support of claims for personal injury or death, the claimant should submit a written report by the attending physician. The report should show the nature and extent of injury, the nature and extent of treatment, the effect upon earning capacity, either temporarily or permanently, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation. Itemized bills for medical, hospital, or burial expenses actually incurred should be attached to report.

(b) In support of claims for damage to property which has been or can be economically repaired, the claimant should submit at least two itemized signed statements, or estimates by reliable, disinterested firms or itemized signed receipts if payment has been made.

(c) In support of claims for loss or damage to property which is not economically repairable, the claimant should submit statements of the original cost of the property, date of purchase, and the value of the property before and after the accident together with a statement setting forth the basis used in arriving at such value. Such statements should be from at least two disinterested, competent persons, preferably reputable dealers or other qualified persons familiar with the type of property in question.

§ 511.10 Settlement of claim.

The General Counsel will review the findings from the standpoint of questions of law applicable to the claim and will determine disposition. The General Counsel will make final review for settlement of the claim and will sign SF–1145, Voucher for Payment Under Federal Tort Claims Act, and forward it to the Finance Division for payment of claim. Payment of any award or settlement in the amount of $2,500 or less will be authorized from the appropriation and allotment current for obligation on the date of settlement irrespective of when the cause of action arose. Payment of any award, compromise or settlement in an amount in excess of $2,500, shall be paid in a manner similar to judgments and compromises out of the appropriation provided by section (c), Public Law 89–506 (28 U.S.C. 2672).

§ 511.11 Acceptance of award.

The acceptance by the claimant of any award will be final and conclusive on the claimant. The acceptance will constitute a complete release of any claim by reason of the same subject matter against the United States and against the employee whose act or omission resulted in the claim. Adjudication and payment shall likewise be conclusive on all officers of the United States, unless procured by fraud.

§ 511.12 When litigation is involved in claim.

If a claimant does not agree to a settlement of a claim of which is considered fair and equitable by the Agency's responsible officials, the claimant, upon the final disposition thereof by the Agency, may elect to file suit. Relief from claims which are disallowed may be sought by filing suit in the U.S. District Court for the district where the claimant resides or wherein the act of omission complained of occurred. The failure of the Agency to make final disposition of a claim within 6 months after it has been filed shall, pursuant to 28 U.S.C. 2672, and at the option of the claimant at any time thereafter, is deemed a final denial of the claim. If a suit is filed against the Government involving the Agency, the Department of Justice will request the Agency to furnish the complete file on the case. The Office of the General Counsel will represent the Agency in all negotiations with the Department of Justice.

HENRY LOOMIS,
Deputy Director.

[F.R. Doc. 69–15402; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 101–40.1—General

USE OF U.S.-FLAG VESSELS

Section 101–40.103 previously dealt with limitations on preferential treatment of any mode of transportation or any particular carrier when arranging for transportation services. This section is revised to include (1) limitations on preferential treatment of any particular mode or carrier when arranging for domestic transportation services and (2) preference for privately owned U.S.-flag commercial vessels when arranging for ocean transportation services.

The table of contents of Part 101–40 is amended to retitle § 101–40.103 and add new §§ 101–40.103–1 and 101–40.103–2, as follows:

Sec.
101–40.103 Selection of carriers.
101–40.103–1 Domestic transportation.
101–40.103–2 Ocean transportation.

Section 101–40.103 is revised to read as follows:

§ 101–40.103 Selection of carriers.

§ 101–40.103–1 Domestic transportation.

Preferential treatment, normally, shall not be accorded to any mode of transportation or to any particular carrier when arranging for domestic transportation services. However, where, for valid reasons, use of particular types of carriers is necessary to meet program requirements, only specified types of carriers will be considered. Examples of the need for particular types of carriers would be (a) where only certain modes of transportation could provide the required service or meet the required delivery date; or (b) where the consignee's installation and related facilities preclude, or are not conducive to, service by particular modes of transportation.

§ 101–40.103–2 Ocean transportation.

Arrangements for ocean transportation services should be made in accordance with the provisions of section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), on the use of U.S.-flag commercial vessels. (See also § 5–19.108 concerning implementing policies and procedures followed by General Services Administration.)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: December 23, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–15399; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart—OEO Income Poverty Guidelines

Chapter X, Part 1060, §§ 1060.2–1 to 1060.2–4 of the Code of Federal Regulations are revised to read as follows:

Sec.
1060.2–1 Applicability of this subpart.
1060.2–2 Policy.
1060.2–3 OEO income poverty guidelines.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1060.2–1 Applicability of this subpart.

This subpart applies, in the manner described in § 1060.2–2, to all programs financially assisted under Titles II and III–B of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by OEO.

§ 1060.2–2 Policy.

(a) The income guidelines in § 1060.2–3 are revisions of prior OEO guidelines. They reflect two revisions in the statistical definition of poverty made recently by an interagency Poverty Level Review Committee, established and chaired by the Bureau of the Budget. The revisions are:

(1) The poverty thresholds for farm families were raised to 85 percent of the poverty thresholds for nonfarm families. They had previously been at 70 percent.

(2) The techniques for adjusting the poverty thresholds for changes in consumer prices was improved.

(b) The new income guidelines are to be used for all programs, whether administered by a grantee or a delegate agency, which use the OEO poverty income guidelines as admission standards. They may be used after October 1, 1969. Agencies are not required, however, to consider applications from additional beneficiaries for on-going programs in which admission has been completed. The new income guidelines do not supersede alternative standards of eligibility approved by OEO, such as State Title XIX standards used in Healthright programs.

(c) The guidelines are also to be used in certain other instances where required by OEO as a definition of poverty, e.g., for purposes of MIS data collection and for defining eligibility for allowances and reimbursements to board members. Agencies shall reflect the new income guidelines in data in the MIS reports for the quarter of January–March 1970.

§ 1060.2–3 OEO income poverty guidelines.

Family size	Nonfarm family	Farm family
1	$1,800	$1,500
2	2,400	2,000
3	3,000	2,500
4	3,600	3,000
5	4,200	3,500
6	4,800	4,000
7	5,400	4,500
8	6,000	5,000
9	6,600	5,500
10	7,200	6,000
11	7,800	6,500
12	8,400	7,000
13	9,000	7,500

For families with more than 13 members, add $600 for each additional member in a nonfarm family and $500 for each additional member in a farm family.

Effective date. This subpart shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

J. MALDONADO,
Deputy Director for Office of Operations.

[F.R. Doc. 69–15440; Filed, Dec. 30, 1969; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–297; Order 387–A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 14—REPORTING NET INVESTMENT IN LICENSED PROJECTS TO THE COMMISSION

Hydroelectric Project Licenses; Calculation of "net investment"

DECEMBER 30, 1969.

This order deletes from the Commission's general rules and regulations certain provisions which were added and

amended by orders issued and subsequently vacated on rehearing under the provisions of the Federal Power Act in the proceeding in Docket No. R–297.

By order No. 370 issued September 27, 1968 (33 F.R. 14943), the Commission amended (1) Part 2, General Policy and Interpretations, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations by adding thereto § 2.10, calculation of net investment in licensed projects, and (2) Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations by adding thereto Part 14, Reporting Net Investment in Licensed Projects to the Commission. Subsequently, the Commission amended paragraph (a) of § 14.1 of Part 14 by Order No. 370A issued November 22, 1968 (33 F.R. 17901) and by order granting motion for extension of time for compliance issued June 6, 1969 (34 F.R. 9332), all in Docket No. R–297. In substance, § 2.10 of Part 2 prescribed the method for calculating the "net investment" in licensed hydroelectric projects under section 3(13) of the Federal Power Act, whereas Part 14 prescribed the procedure to be employed by licensees of such projects in reporting their "net investment" calculations to the Commission.

By Order No. 387 issued August 4, 1969, on rehearing (34 F.R. 13024, 13413), the Commission, among other things, (1) vacated Orders Nos. 370 and 370A and order granting motion for extension of time for compliance, referred to above, and (2) terminated the proceedings in Docket No. R–297, subject to applications for reconsideration. No applications for reconsideration were filed.

The Commission is of the view that there should be deleted from its general rules and regulations those provisions which were added and amended by orders subsequently vacated, as set forth above.

The Commission finds:

(1) The amendments hereinafter set forth are necessary and appropriate for carrying out the provisions of the Federal Power Act.

(2) In view of the nature of these amendments, compliance with the effective date provisions of 5 U.S.C. 553 is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 3(13), 10(d), and 309 thereof (41 Stat. 1064, 1069, 49 Stat. 839, 843, 858, 82 Stat. 617, 16 U.S.C. 796, 803, 825h), orders:

(A) Part 2, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is hereby amended by deleting therefrom § 2.10.

(B) Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations is hereby amended by deleting therefrom Part 14.

(C) These amendments shall become effective upon the date of issuance of this order.

(D) The proceeding in Docket No. R–297 shall be deemed terminated. This order together with Order No. 387 shall be published as a part of the Federal Power Commission Reports.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69–15524; Filed, Dec. 30, 1969; 10:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 752—ADVERSE ACTIONS BY AGENCIES

PART 754—ADVERSE ACTIONS BY THE COMMISSION

PART 772—APPEALS TO THE COMMISSION

Miscellaneous Amendments

The authority statements for Parts 752, 754, and 772 are amended to reflect the revocation of Executive Order 10988 and the issuance of Executive Order 11491 which the Commission relies upon as part of the authority for the continuance of the regulations in these parts. Effective January 1, 1970, the authority statements referred to are amended as follows:

AUTHORITY: The provisions of this Part 752 issued under 5 U.S.C. 1302, 3301, 3302, 7701, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11491; 3 CFR, 1969 Comp.

AUTHORITY: The provisions of this Part 754 issued under 5 U.S.C. 1302, 3301, 3302, 7701, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11491; 3 CFR, 1969 Comp.

AUTHORITY: The provisions of this Part 772 issued under 5 U.S.C. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11491, 3 CFR, 1969 Comp.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–15446; Filed, Dec. 30, 1969; 8:47 a.m.]

Chapter IV—Civil Service Commission (Equal Employment Opportunity)

PART 1401—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

Chapter IV of Title 5 of the Code of Federal Regulations is deleted in its entirety as the regulations on Nondiscrimination in Government Employment of the President's Committee on Equal Employment Opportunity contained therein are obsolete by reason of the issuance of Executive Order 11246 which abolished the President's Committee on Equal Employment Opportunity, transferred the function of that Committee concerning nondiscrimination in Government employment to the Civil Service Commission, and superseded Executive Orders 10590 and 10925 which were the authorities for the regulations in Chapter IV.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–15447; Filed, Dec. 30, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1003]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Extension of Time for Filing Written Data, Views, or Arguments on Proposed Termination of Certain Provisions of Order

Notice is hereby given that the time for filing written data, views, or arguments with respect to the notice of proposed termination of certain provisions of the order regulating the handling of milk in the Washington, D.C., marketing area, initially set for December 27, 1969 (34 F.R. 19985), is extended to January 3, 1970.

Signed at Washington, D.C., on December 24, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–15445; Filed, Dec. 30, 1969; 8:47 a.m.]

[7 CFR Parts 1006, 1012, 1013]

[Docket Nos. AO 356–A4, AO 347–A8, AO 286–A16]

MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas, which was issued December 18, 1969 (34 F.R. 20053), is hereby extended to January 22, 1970.

Signed at Washington, D.C., on December 24, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–15410; Filed, Dec. 30, 1969; 8:45 a.m.]

[9 CFR Parts 310, 325]

MEAT INSPECTION

Inspection and Disposal of Lungs of Livestock at Official Establishments; Transportation

Statement of considerations. The USDA Consumer Protection Program is responsible for administering the Federal Meat Inspection Act (21 U.S.C., Supp. IV, sec. 601 et seq.) so as to assure that meat and meat products prepared under inspection pursuant to the Act are fit for human food and not adulterated. This responsibility requires that studies of inspection procedures and requirements be periodically conducted to determine if this objective is being met. Such a study, recently completed, was made to determine whether lungs currently considered to be edible, as determined by routine gross inspection procedures, were actually properly classified from the standpoint of fitness for human food. Meat inspection pathologists conducted detailed examinations of several hundred random samples of grossly inspected beef lungs collected from several slaughtering plants. These examinations indicated 93.5 percent of these lungs were affected with various abnormal conditions. In addition, the majority of the lung samples so examined were found to be adulterated with airborne or induced external substances such as dust, molds, rumen ingesta, nasal exudate, etc. The detection of such conditions and substances in the lung by routine, gross inspection procedures is impractical due to the anatomical structure of this organ. Pathological lesions vary in size from areas easily seen by the naked eye to those that can only be detected by very close detailed examinations. Contaminants may be present in the deepest and smallest air tubes. It is not practical nor feasible to microscopically examine all parts of all lungs before passing them for human food purposes. Therefore, to assure consumer protection against unwholesome or otherwise adulterated product, it is proposed that all lungs be classified as unfit for human food.

However, it is also proposed to allow the distribution under the Act of certain classes of lungs for nonhuman food purposes, under specified conditions. This proposal is based, in part, on section 201 of the Act, which prohibits the distribution in "commerce" (as defined in the Act) of carcasses, carcass parts, and meat or meat food products not intended for use as human food unless they are denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use as human food. There is a substantial demand in certain foreign countries for undenatured livestock lungs for use in animal foods, and such products also would have wide acceptance in the animal food industry in the United States.

Accordingly, notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by the Federal Meat Inspection Act, proposes to revise § 310.17 of the Meat Inspection Regulations (9 CFR Part 310.17), and to amend Part 325 of said regulations (9 CFR Part 325) by the addition thereto of a new § 325.18, to read, respectively, as follows:

§ 310.17 Disposition of lungs.

(a) Livestock lungs shall not be saved for use as human food.

(b) Lungs found to be affected with disease or pathology and lungs found to be adulterated with chemical, biological, or other extraneous material shall be condemned and identified as "U.S. Inspected and Condemned." Condemned lungs may not be saved for pet food or other nonhuman food purposes. They shall be maintained under inspectional control and disposed of in accordance with §§ 314.1 and 314.4 of this subchapter.

(c) Lungs not condemned under paragraph (b) of this section may be used in the preparation of pet food or for other nonhuman food purposes at the official establishment, provided they are handled in the manner prescribed in § 318.12 of this subchapter, or they may be distributed from the establishment in commerce, or otherwise, in accordance with the conditions prescribed in § 325.18 of this subchapter for nonhuman food purposes. If not so handled at the official establishment, they shall be disposed of in accordance with §§ 314.1 and 314.4 of this subchapter.

§ 325.18 Transportation of certain undenatured lungs or lung lobes from official establishments or in commerce; provisions and restrictions.

(a) (1) Lungs or lung lobes, other than those condemned under § 310.17(b) of this subchapter, that are prepared at any official establishment may be transported from the establishment, in "commerce" or otherwise, without denaturing as prescribed in § 314.1 or § 314.4 of this subchapter, provided:

(i) The lungs or lung lobes are transported under permit from the appropriate Officer in Charge, as prescribed in subparagraph (2) of this paragraph, directly to a manufacturer of animal food, for use in manufacturing animal food, or directly to a zoo, mink farm, or other establishment for use as animal food without further manufacturing, or directly to a warehouse in the United States for storage for subsequent movement, as prescribed in paragraph (b) of this section, directly to such a manufacturer or establishment in the United States, or for export;

(ii) A shipper's certificate as prescribed in subparagraph 3(i) of this paragraph is executed, in quadruplicate, by the operator of the official establishment, for each shipment of undenatured lungs or lung lobes from the establishment, and the original of the certificate is delivered to the Program inspector at the official establishment before the shipment is made, and the copies of the certificate are distributed as prescribed in subparagraph (3)(ii) of this paragraph;

(iii) The boxes or other containers used for shipping the undernatured lungs or lung lobes are closed and taped with nylon filament tape or strapped with metal straps and the containers are permanently identified in 2-inch lettering with the statement, "[SPECIE] Lungs—Not for Human Consumption." In addition, the number of the permit prescribed in subdivision (i) of this subparagraph must appear on each container.

(2) A permit to ship undenatured lungs or lung lobes, as required by subparagraph (1) of this paragraph, will be issued upon application by the operator of an official establishment if the Officer in Charge determines that the application satisfies the requirements of this section, and that such lungs will be handled in a sanitary manner at the official establishment. Any such permit shall be canceled by the Officer in Charge whenever he determines, after notice and opportunity to present views is afforded to the permittee, that the permittee has shipped any undenatured lungs or lung lobes without compliance with the restrictions of this section or that such articles shipped from the official establishment in accordance with such restrictions were subsequently not handled in accordance therewith, and that such cancellation is necessary to prevent further violations.

(3) (i) The shipper's certificate required by subparagraph (1) of this paragraph shall be in the following form:

SHIPMENT FROM AN OFFICIAL ESTABLISHMENT OF UNDENATURED LUNGS OR LUNG LOBES FOR ANIMAL FOOD

I hereby certify that the undenatured lungs or lung lobes described below were prepared at_____ _____
(Name of official establishment) (Establishment No.)
at _____ and are consigned to the animal food manufacturer, other person, or warehouse identified below, for use as, or in the manufacture of, animal food, or for storage for subsequent movement to such a manufacturer or person or for export, for use as, or in the manufacture of, animal food and are not intended for human food.
(Address)

Consignee's Name and Address:

_____
_____
_____

Permit No._____
Quantity:
(a) Number and kind of containers_____
(b) Total weight_____

_____
(Signature and name and title of representative of operator of official establishment)

_____
(Date)

I hereby acknowledge receipt on_____
(Date)
of the described articles.

_____
(Signature and name and title of representative of consignee)

(ii) One copy of the certificate shall be retained by the operator of the official establishment in accordance with this subchapter and two copies shall be sent to the consignee of the shipment. The consignee shall, on both copies, execute his acknowledgment of receipt of the shipment and state the date such shipment was received; send one copy of the signed certificate to the Program inspector in charge of the Official establishment from which shipment was made, and retain one copy in his records in accordance with this subchapter. The Program inspector in charge shall retain the copy of the signed receipt of shipment in the official establishment Program file.

(b) (1) Lungs or lung lobes not within § 310.17(b) of this subchapter, that are prepared at an official establishment and are not denatured as prescribed in § 314.1 or § 314.4 of this subchapter, may be transported from the warehouse in which they have been stored, as provided in paragraph (a)(1)(i) of this section, provided:

(i) Such lungs or lung lobes are transported, under permit from the appropriate Officer in Charge, as prescribed in paragraph (a)(2) of this section, from a warehouse where they were stored as provided in paragraph (a) of this section, directly to an animal food manufacturer for use in manufacturing animal food; or directly to a zoo, mink farm, or other establishment for use as animal food without further manufacturing; or in the course of direct exportation to a foreign country for use as, or in the manufacture of, animal feed;

(ii) A shipper's certificate as prescribed in subparagraph (2) of this paragraph is executed by the warehouse operator for each lot so transported;

(iii) The boxes or other containers of such products are closed, taped and identified as required in paragraph (a)(3)(ii) of this section.

(2) (i) The shipper's certificate required by subparagraph (1)(ii) of this paragraph shall be in the following form:

SHIPMENT FROM WAREHOUSE OF UNDENATURED LUNGS OR LUNG LOBES FOR ANIMAL FOOD

I hereby certify that the undenatured lungs or lung lobes described below were stored at_____, at_____
(Name of warehouse)
_____, and are consigned to
(Address)
the animal food manufacturer, other persons, or warehouse identified below, for use as, or in the manufacture of, animal food, or for storage for subsequent movement to such a manufacturer or person or for export, for use as, or in the manufacture of, animal food and are not intended for human food.

Consignee's Name and Address:

_____
_____
_____

Permit No._____
Quantity:
(a) Number and kind of containers_____
_____

(b) Total weight_____

_____
(Signature and name and title of representative of operator of warehouse)

_____
(Date)

I hereby acknowledge receipt on_____
(Date)
of the above described articles.

_____
(Signature and name and title of representative of consignee)

(ii) One copy of the shipper's certificate shall be retained by the operator of the warehouse in accordance with this subchapter; one copy shall be forwarded by the warehouse operator to the Program inspector in charge of the official establishment in which the lungs or lung lobes were originally prepared; and two copies shall be sent by the warehouse operator to the consignee of the shipment. The consignee shall, on both copies, execute his acknowledgment of receipt of the shipment and state the date such shipment was received. The consignee shall send one copy of the receipted certificate to the Program inspector in charge of the official establishment in which the shipment was originally prepared and shall retain one copy in his records in accordance with this subchapter. The Program inspector in charge of the originating official establishment shall file the receipted copy as an attachment with the original copy received when the original shipment was shipped to the warehouse for storage.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so, by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All such written submissions will be made available for public inspection at said office during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., on December 22, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-15411; Filed, Dec. 30, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 3-3; Notice 2]

FLAMMABILITY OF INTERIOR MATERIALS; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS AND BUSES

Notice of Proposed Motor Vehicle Safety Standard No. 302

On October 14, 1967, the Federal Highway Administration issued an advance notice of proposed rule making (32 F.R. 14278), establishing Docket 3-3 to receive comments on the flammability of interior materials in passenger cars, multipurpose passenger vehicles, trucks, buses, and trailers. The extensive comments received in response to that notice have been carefully considered, along with existing tests, standards, and literature on the subject. This notice proposes a new Federal Motor Vehicle Safety Standard limiting the flammability of specified components of motor vehicle interiors. Since trailers are not normally occupied while in transit, and comprise a widely varying group of vehicles with diverse regulatory problems, they have been omitted from the present proposal.

Information published by the National Fire Protection Association indicates that there are over 400,000 motor vehicle fires per year. Various studies indicate that at least 25 percent of these fires originate in the interior of the vehicle. Hundreds of lives are lost each year in motor vehicle fires, and although not all of these could be saved by improved flammability characteristics of interior materials, there is a demonstrable and urgent safety need in this area. There are no generally accepted industry performance standards for vehicle interior material flammability, and materials of widely differing burn rates are presently in use. The objective of the proposed standard is to establish a reasonably low maximum burn rate for materials used in significant quantity in vehicle interiors, to reduce the severity and frequency of burn injuries and to increase the time that occupants have to escape from vehicle fires. It is recognized that burn rate, as measured in this proposed standard, is not the only hazard associated with vehicle fires, and that further requirements in respect to such aspects as toxic combustion products, melting or collapsing of materials, and heat production, along with more stringent burn rate requirements, may be found necessary in the future.

The proposed test is a relatively simple one, utilizing a defined hood apparatus and bunsen burner ignition of a horizontally mounted specimen. The sections tested are to include the surface material taken separately, the surface material bonded to unexposed material as used in the vehicle, and padding materials. The requirements are that there be no "flashing" across the surface, and that the burn rate be no greater than 4 inches per minute.

Interested persons are invited to submit data, views and arguments concerning the proposed standard. Comments should refer to the docket and notice number, and be submitted to: Docket Section, Federal Highway Administration, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, though not required, that 10 copies be submitted. All comments received before the close of business on March 30, 1970, will be considered. All comments will be available in the docket at the above address for examination both before and after the closing date.

Effective date. It is proposed that this standard be effective for motor vehicles manufactured on or after January 1, 1971.

This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407), and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on December 19, 1969.

F. C. TURNER,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD No. 302

FLAMMABILITY OF VEHICLE INTERIOR MATERIALS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS AND BUSES

S1. *Purpose and scope.* This standard specifies burn resistance requirements for materials used in certain components of the occupant compartment of motor vehicles.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks and buses.

S3. *Requirements.*

S3.1 The portions described in S3.2 of the following components of vehicle occupant compartments shall meet the requirements of S3.3: seat cushions, seat backs, seat belts, headlining, arm rests, door panels, instrument panel padding, front panels, rear panels, side panels, compartment shelves, head restraints, floor coverings, sun visors, curtains, shades, wheel housing covers, engine compartment covers, and mattress covers.

S3.2 The portions of the components that shall meet the requirements of S3.3 are all of the following:

(a) The surface material taken separately.

(b) A composite consisting of the surface material bonded to unexposed interior material, if such a composite is used in the component.

(c) Padding and cushioning materials taken separately.

S3.3 When materials are tested in accordance with S4 they shall show no rapid transmission of a flame front across either surface ("flashing"), and shall have a burn rate of not more than 4 inches per minute.

S4 *Test procedure.*

S4.1 *Conditions.*

S4.1.1 The test is conducted in a hood enclosure in the shape of a rectangular solid 45 inches wide, 20 inches deep and 41 inches high, with a full front window made of heat-resistant glass. The hood enclosure has a 3¾-inch round opening in the center of the roof, and a 3-inch-high opening across the full width of the bottom of the front. The ambient air is still, with temperature of 70° F. and relative humidity of 65 percent.

S4.1.2 The test specimen is clamped between two matching U-shaped frames of metal stock 1 inch wide and ⅜-inch high (hereinafter referred to as "U-shaped clamp"). The interior dimensions of the U-shaped clamp are 2 inches wide by 13 inches long. A specimen that softens and bends at the flaming end so as to cause erratic burning is kept horizontal by supports consisting of 5-mil Chromel wires, spanning the width of the U-shaped clamp under the specimen at 1-inch intervals. A device that may be used for supporting this type of material is an additional U-shaped frame, wider than the U-shaped clamp, spanned by Chromel 5-mil wires at 1-inch intervals, inserted in the U-shaped clamp with its "U" pointing in the opposite direction from that of the U-shaped clamp.

S4.1.3 A bunsen burner with a tube of ⅜-inch inside diameter is used. The gas adjusting valve is set to provide a flame, with the tube vertical, of 1½ inches in height. The air inlet to the burner is closed.

S4.1.4 The gas supplied to the burner is a synthetic mixture having the following composition and characteristics:

Hydrogen	55±1 percent
Methane	24±1 percent
Carbon Monoxide	18±1 percent
Ethane	3±1 percent
Specific gravity	0.380±0.005 percent

BTU content: 539±7 per cubic foot (dry basis) at 70° F.

The gas is delivered to the bunsen burner through a pressure regulating valve adjusted for a delivery pressure of 2.50 pounds per square inch.

S4.2 *Preparation of specimens.*

S4.2.1 Wherever possible each specimen of material to be tested is a rectangle 4 inches wide by 14 inches long. The thickness of the specimen is that of the material as used in the vehicle, except that where the material's thickness exceeds ½ inch the specimen is cut down to a uniform ½-inch thickness. Where it is not possible to obtain a flat specimen, because of component configuration, the specimen is cut to not more than ½ inch in thickness at any point, from the area with the least curvature, and in such a manner as to include the face side. The maximum available length or width of a specimen is used where either dimension is less than 14 inches or 4 inches respectively.

S4.2.2 Material with directional effects, or with differences in burning properties between its face and inverted sides, is oriented so as to provide the most adverse results.

S4.2.3 Material with a napped or tufted surface is placed on a flat surface and combed twice against the nap with a comb having 7 to 8 smooth, rounded teeth per inch.

S4.2.4 Each specimen is conditioned prior to testing for 24 hours at a temperature of 70° F. and relative humidity of 65 percent.

S4.3 *Procedure.*

(a) Mount the specimen so that both sides and one end are held by the U-shaped clamp, and (if of sufficient length) one end is even with the open end of the clamp. Where the maximum available width of a specimen is not more than 2 inches, so that the sides of the

specimen cannot be held in the U-shaped clamp, place the specimen in position on supports of Chromel wire as described in S4.1.2, with one end held by the closed end of the U-shaped clamp.

(b) Place the mounted specimen in a horizontal position, in the approximate center of the hood.

(c) Position the bunsen burner and specimen so that the center of the burner tip is ¾ inch below the center of the bottom edge of the open end of the specimen.

(d) With the flame adjusted according to S4.1.3, expose the specimen to the flame for 15 seconds.

(e) Begin timing (without reference to the period of application of the burner flame) when the flame from the burning specimen reaches a point 1½ inches from the open end of the specimen.

(f) Measure the time that it takes the flame to progress to a point 1½ inches from the clamped end of the specimen. If the flame does not reach the specified end point, time its progress to the point where flaming stops.

(g) Calculate the burn rate from the formula

$$B = 60 \times \frac{D}{T}$$

where B = burn rate in inches per minute, D = length the flame travels in inches, and T = time in seconds for the flame to travel D inches.

[F.R. Doc. 69-15450; Filed, Dec. 30, 1969; 8:48 a.m.]

[49 CFR Part 371]

[Docket No. 69-19; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, TRAILERS, AND MOTORCYCLES

Advance Notice of Proposed Motor Vehicle Safety Standard No. 108

Motor Vehicle Safety Standard No. 108 (33 F.R. 19708, as amended, 34 F.R. 14691) specifies requirements for lamps reflective devices, and associated equipment for passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles. The Federal Highway Administrator is considering amending this standard, making major revisions to existing requirements and adding new requirements for rear lighting and signaling systems, forward illumination systems, performance and durability of lamp bulbs, sealed units, lenses, lamp assemblies, reflex reflectors, flashers and switches associated with lighting equipment, and marking and identification of lighting equipment.

Ten percent of the fatal motor vehicle accidents and 49 percent of all motor vehicle accidents involve rear end collisions. In addition, accident rates at night are approximately three times those occurring during daylight hours. While it is difficult to identify those accidents which may have been caused by ineffectiveness of lighting and signaling systems, investigations and research disclose that major changes in the present lighting and signaling systems, both front and rear, including performance and durability of lamp bulbs, sealed units, lenses, lamp assemblies, reflex reflectors, flashers, and switches associated with lighting equipment would contribute to a reduction in traffic accident and resulting deaths and injuries. Standard marking and identification requirements for all lighting equipment would also appear to be desirable.

Interested persons are invited to participate in this rule making by submitting written data, views or arguments concerning this proposal. It is specifically requested that comments be submitted which pertain to leadtime, cost, and test methods directly related to compliance. Comments should contain supporting statements and data to justify all conclusions and recommendations. In addition, comments should specify the levels of performance which could be met as of January 1, 1972, and January 1, 1973.

I. *Rear lighting and signaling systems.* The Administrator is specifically considering improvements in rear lighting and signaling systems which might be achieved by: (a) Color coding and separation of various signaling functions to provide clear and unambiguous signals; (b) day-night dual intensity for signaling and indicator lamps; (c) standardization with respect to configuration and spacing of lamp arrays to render a motor vehicle easily identifiable as a motor vehicle and to provide consistent visual cues for distance and closure rate estimation; (d) increased visibility angles of the rear lighting elements; (e) a more limited range between minimum and maximum photometric intensities; (f) provisions for a stopped vehicle signal and a slow moving vehicle signal; (g) coded signals indicating the degree of deceleration; (h) lamp failure indicators; (i) automatic cancellation of turn signals; (j) specification of road wheel angle for cancellation of self canceling turn signals; and (k) more specific requirements for mounting, location, color, size and intensity of indicator lamps. Comments are requested on this general subject and on the specific matters of: (a) Degree of system standardization and separation of lamp function, including number, size, color, interlamp spacing, intensity and location, with recommended tolerances for each; and (b) the means of actuating and necessary performance requirements for, additional equipment such as stopped vehicle signal, panic stop signal, day-night dual intensity signals, deceleration warning signals, side turn signals, automatic turn signal canceling devices, and lamp failure indicators.

II. *Forward illumination systems.* The Administrator is also considering new and revised requirements which will provide improvements in headlamps, supplemental driving and passing lamps, cornering lamps, and fog lamps. These improvements might be achieved by: (a) Specifying performance requirements, in terms of seeing distance and glare, or in terms of minimum and maximum photometric values at specified positions with respect to the vehicle, or both, for the complete forward illumination system, with minimum recourse to design related requirements for the individual lamps; (b) specifying performance requirements which would provide increased forward illumination for vehicles capable of traveling at high speeds; (c) including performance requirements for supplemental lamps; (d) specifying more extensive or new performance requirements including fail-safe requirements for forward illumination system accessories or controls, such as automatic beam aiming devices to correct for vehicle loading, automatic or semiautomatic devices for controlling beam selection devices for activating primary or supplemental headlamps under conditions of reduced ambient illumination, and failure indicators for forward illumination equipment; (e) specifying more extensive requirements relating to the mounting, aiming and adjustment of forward illumination equipment, with particular emphasis on those requirements that would assure ease of maintenance, testing, and adjustment of aim after the vehicle is placed in service; and (f) specifying requirements for headlamp flashing devices for use by the driver to signal driver of other vehicles. Comments are requested on the general subject and, in particular, on the following items: (a) Minimum and maximum photometric values, beam pattern distribution, and colorimetric limits for improved forward lighting systems, total system performance and individual lamp performance; (b) test methods, including instrumentation and procedures, for determining compliance with the requirements for the recommended improved systems; (c) classes of vehicles to which the improved systems would be applicable; (d) feasibility of specifying performance requirements for the forward illumination system appropriate for the vehicle's maximum speed, the range of the increased performance requirements, and the vehicle speeds at which these increased performance requirements would be appropriate; (e) methods of controlling the number of forward lighting systems and the number, size, configuration, and location of system components to ensure some standardization of equipment to minimize replacement problems, and ensure adequate identification of the distance, speed, and position of an approaching vehicle; (f) methods of controlling, and degree of control for, forward lighting system components to ensure availability of replacement parts and maintenance of aim after the systems are placed in service; and (g) feasibility and effectiveness of requirements for headlamp flashing devices.

III. *Lamp bulbs, lamp assemblies, etc.* In addition, the Administrator is considering new requirements which will provide improvements in the safety effectiveness of lamp bulbs, sealed units, lenses, housings, lamp assemblies, reflex reflectors, and flashers and switches associated with lighting equipment when installed as original equipment and as replacement equipment. These improvements might be achieved by: (a) Specifying laboratory test procedures; including environmental conditions, appropriate for evaluating durability of each lamp, etc., mentioned above; and (b) specifying limits on degradation of performance after selected laboratory environmental and aging tests performed on each lamp, etc., mentioned above. Comments and recommendations are requested on this subject and, particularly, on the type and duration of laboratory tests which should be followed, including environmental test conditions, test procedures, and test equipment. Additional comments and recommendations are requested on lamp bulbs and sealed units with respect to: (a) Luminance and life relative to voltage and current limits; (b) degree of performance degradation relative to laboratory life; (c) minimum burn-in or aging period; (d) limits on ratio of initial inrush current to rated current; (e) out-of-focus limitations; and (f) special requirements for bulbs with selective light transmission.

IV. *Marking and identification of lighting equipment.* The Administrator is considering marking and identification requirements which would disclose: (a) The manufacturer and manufacturer's model or part number; (b) the date of manufacture; (c) the function for which the equipment is designed; and (d) the mounting position of the equipment. These new requirements would be applicable both to lighting equipment on new vehicles and to replacement lighting equipment. Comments are requested on this subject generally and, in particular, on the following: (a) The scope of information to be included, i.e., manufacturer's name and model number, function designation, mounting position of lamps, and date of manufacture; (b) method of marking individual lamps in multiple lamp arrangements; and (c) type size of lettering and marking.

Comments should refer to the docket and notice number (69-19, No. 1) and be submitted in 10 copies to Docket Section, Federal Highway Administration, Room 4223, 400 7th Street SW., Washington, D.C. 20591. All comments received on or before the close of business, May 1, 1970, will be considered by the Administrator. All comments will be available in the Docket Section for examination both before and after the closing date for comments. Following submission of comments, the Bureau may hold public, technical meetings to discuss the specific safety and engineering issues involved.

This advance notice of proposed amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator (49 CFR Part 1).

Issued on December 19, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-15449; Filed, Dec. 30, 1969; 8:48 a.m.]

[49 CFR Part 393]

[Docket No. MC-6; Notice 69-21]

MOTOR CARRIER SAFETY REGULATIONS

Brake Performance; Emergency Brake System

The Federal Highway Administrator published in the FEDERAL REGISTER on January 23, 1969 (34 F.R. 1056) an advance notice of proposed rule making, inviting responses from interested persons with respect to the desirability of amending § 393.52 of the Motor Carrier Safety Regulations, 49 CFR 393.52, to set more stringent requirements for braking performance of commercial vehicles.

After reviewing the comments received and other information on current brake technology, the Administrator has determined that amendments to the requirements of § 393.52 may be appropriate. Specifically, he will consider amending § 393.52 by decreasing the maximum stopping distance from a speed of 20 miles per hour for all categories of vehicles and by increasing the braking force and deceleration requirements for three vehicle categories. The categories themselves have been somewhat simplified by consolidating types of vehicles to which identical performance requirements apply. The advance notice solicited comments on the advisability of adopting brake performance and rating requirements similar to those in SAE Recommended Practices J880 and J992. After studying the comments and other data, the Administrator has decided not to adopt those requirements at this time.

The general review of 49 CFR Part 393, Subpart C, "Brakes," which led to the notice of January 23, 1969, has also suggested the need for a substantial revision of the subpart with respect to emergency brakes and emergency brake performance. Section 393.43 *Breakaway and emergency braking*, which presently deals with emergency braking, does not apply to single-unit vehicles. The Administrator is considering the advisability of amending §§ 393.40 and 393.51 to require a distinct emergency braking system on vehicles now excluded from the coverage of § 393.43 and to require appropriate warning signals to indicate brake failure on vehicles not presently required to have warning signals under § 393.51.

He is also proposing an additional amendment of § 393.52 to establish requirements for maximum allowable stopping distance upon application of a vehicle's emergency brake system. It seems convenient to include in this notice both the proposed emergency brake amendments and the proposal relating to braking force, deceleration and stopping distance requirements in § 393.52.

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or arguments. Comments must identify the docket number and must be submitted in three copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety, Room 302A. All comments received on or before the close of business on April 23, 1970, will be considered before action is taken on the proposed rule making. The proposals contained in this notice may be changed in the light of comments received. All comments received will be available for examination at the Bureau of Motor Carrier Safety, Sixth and D Streets SW., Room 302A, Washington, D.C. 20591.

This proceeding is proposed under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and delegation of authority at 49 CFR 1.4(c).

In consideration of the foregoing, it is proposed to amend §§ 393.40, 393.51, and 393.52 of the Motor Carrier Safety Regulations to read as set forth below.

Issued on December 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

§ 393.40 Required brake systems.

(a) A bus, truck, truck-tractor, or combination of motor vehicles must be equipped with brakes adequate to control the movement of, and to stop and hold, the vehicle or combination of vehicles. Except as provided in paragraph (b) of this section, a bus, truck, truck-tractor, or combination of motor vehicles must have—

(1) A service brake system that conforms to the requirements of § 393.52;

(2) A parking brake system that conforms to the requirements of § 393.41 and has a means of application separate from that of either the service brake system or the emergency brake system; and

(3) An emergency brake system that conforms to the requirements of § 393.52 and consists of either (i) a system separate from the service brake system; or (ii) emergency features of the service brake system. A control for applying the emergency brake system must be located so that a properly restrained driver can readily operate it.

(b) The rules in paragraph (a)(3) of this section do not apply to a bus, truck, truck-tractor, or combination of motor vehicles manufactured before January 1, 1971.

(c) Except in the case of failure of an activating pedal or control common to both the service brake system and the emergency brake system or structural failure of the master brake cylinder body or effectiveness indicator body of a hydraulic system, the failure of any part of a brake system specified in paragraph (a) of this section must not impair the operation of any other system specified in that paragraph.

§ 393.51 Warning devices and gauges.

(a) *All brake systems.* A bus, truck, or truck-tractor manufactured on or after January 1, 1971, must be equipped with a signal which, in the event of a failure of the hydraulic pressure, air pressure, vacuum or electric energy in any part of the vehicle's service brake system, will give the vehicle's driver a readily audible

or visible warning of the failure when he applies the service brake. The warning required by this paragraph may be given by the signals required by paragraphs (b) and (c) of this section.

(b) *Air brakes.* If compressed air is used to operate the braking system of a bus, truck, truck-tractor or a vehicle being towed by it, the bus, truck, or truck-tractor must be equipped with—

(1) A device that gives the driver a readily audible or visible continuous warning when the pressure of the compressed air is below a designated amount which must be at least one-half of the compressor governor cutout pressure; and

(2) A pressure gauge which indicates to the driver the pressure in pounds per square inch available for braking.

(c) *Vacuum brakes.* If vacuum is used to operate the braking system of a bus, truck, truck-tractor or a vehicle being towed by it, the bus, truck, or truck-tractor must be equipped with—

(1) A device that gives the driver a readily audible or visible continuous warning when the vacuum in the vehicle's supply reservoir is less than eight inches of mercury; and

(2) A vacuum gauge which indicates to the driver the vacuum in inches of mercury available for braking.

(d) *Maintenance.* The warning devices and gauges required by this section must be maintained in operative condition.

(e) *Exemptions.* The rules in paragraphs (b) and (c) of this section do not apply to the following vehicles manufactured before January 1, 1971:

(1) Passenger-carrying vehicles that have a seating capacity of less than nine persons (including the driver); and

(2) Property-carrying vehicles with less than three axles.

§ 393.52 Brake performance.

(a) Upon application of its service brake, a motor vehicle or combination of vehicles, under all conditions of loading, must be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight specified in the table accompanying this section;

(2) Decelerating to a stop from 20 miles per hour at not less than the rate specified in the table;

(3) Stopping from 20 miles per hour in not more than the distance specified in the table, such distance to be measured from the point at which movement of the service brake pedal or control begins.

(b) Upon application of its emergency brake system alone, each motor vehicle and combination of vehicles, under all conditions of loading, must be capable of stopping from 20 miles per hour in not more than the distance specified in the table, such distance to be measured from the point at which movement of the emergency braking control begins.

(c) All stops must begin in the center of a 12-foot-wide lane and must be performed without deviating from that lane. All tests shall be made on a hard surface that is substantially level, dry, smooth, and free of loose material.

Classification of motor vehicle or combination	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second	Service brake system application and braking distance in feet from an initial speed of 20 miles per hour	Emergency brake system application and braking distance in feet from an initial speed of 20 miles per hour
(1) Passenger vehicles with a seating capacity of 10 persons or less, including driver, not having a manufacturer's gross weight rating	65.2	21	20	44
(2) Passenger vehicles with a seating capacity of over 10 persons, including driver, not having a manufacturer's gross weight rating	52.8	17	25	66
(3) Single unit vehicles with a manufacturer's gross weight rating of 10,000 lbs. or less	52.8	17	25	66
(4) Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 lbs. Combinations of a two-axle towing vehicle and a trailer with a gross vehicle weight of 3,000 lbs. or less. All combinations of 2 or less vehicles in driveaway or towaway operations	43.5	14	35	85
(5) All other vehicles and combinations of vehicles	43.5	14	40	90

[F.R. Doc. 69-15451; Filed, Dec. 30, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1036]

[Ex Parte No. 252 (Sub-No. 1)]

BOXCARS

Incentive Per Diem Charges—1968

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of December 1969.

It appearing, that by order of the Commission, dated December 15, 1967, this rulemaking proceeding was instituted for the purpose of implementing those provisions of the law relating to the Commission's authority to encourage the acquisition and maintenance of an adequate car supply as specified in Public Law 89-430, which effective May 26, 1966, amended section 1(14)(a) of the Interstate Commerce Act:

And it further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed an interim report herein containing its tentative findings of fact and provisional conclusions thereon, including the proposed rules and regulations set forth below, which interim report is hereby referred to and made a part hereof:

It is ordered, That verified statements of facts, briefs, and statements of position respecting the tentative conclusions reached in the said interim report, the rules and regulations set forth below, and any other pertinent matter, are hereby invited to be submitted pursuant to the filing schedule set forth below by an interested person whether or not such person is already a party to this proceeding.

It is further ordered, That any person not already a party to this proceeding and intending to participate therein for the first time shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before January 23, 1970, the original and one copy of a statement of his intention to participate; and that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to these proceedings, upon whom copies of all statements must be served.

It is further ordered, That initial verified statements of facts, briefs, and statements of position in response to the said interim report may be filed on or before February 24, 1970; and that replies thereto may be filed on or before March 24, 1970.

It is further ordered, That any party requesting oral hearing shall set forth with specificity the need therefor and the evidence to be adduced.

And it is further ordered, That a copy of this report and order and all appendices be served upon each respondent, all other parties, each public utility commission or board or similar regulatory body of each State, the Secretary of the Department of Transportation, the Association of American Railroads-Car Service Division, and the American Short Line Railroad Association; that a copy be posted in the office of the Secretary of this Commission and in each field office; and that a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS

§ 1036.1 Application.

Each common carrier by railroad subject to the Interstate Commerce Act shall pay to the owning railroads the additional per diem charges set forth in § 1036.3 on all boxcars shown below:

Mechanical designation	*Code No.*	
XM	B100-109, B300-309.	B200-209,
XMI	B110-119, B310-319.	B210-219,
XMIH	B120-129, B320-329.	B220-229,
VA	B040.	
VM	B050.	
XC	B060.	
XCI	B070.	
XU	B080.	

§ 1036.2 Amount of incentive charge.

The incentive charges applicable in each cost bracket by age group are set forth below:

AMOUNT OF INCENTIVE PER DIEM ON BOXCARS

(Collectible in 6 Months in Each Year)

Line No.	Cost bracket	Group A 0-5 years	Group B 6-10 years	Group C 11-15 years	Group D 16-20 years	Group E 21-25 years	Group F 26-30 years	Group G over 30 years
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	$0 to $1,000	$0.32	$0.27	$0.22	$0.17	$0.11	$0.06	$0.04
2	$1,001 to $3,000	0.65	0.54	0.44	0.33	0.23	0.12	0.07
3	$3,001 to $5,000	1.30	1.09	0.88	0.67	0.46	0.25	0.14
4	$5,001 to $7,000	1.95	1.63	1.32	1.00	0.68	0.37	0.21
5	$7,001 to $9,000	2.60	2.18	1.75	1.33	0.91	0.49	0.28
6	$9,001 to $11,000	3.25	2.72	2.19	1.67	1.14	0.61	0.35
7	$11,001 to $13,000	3.90	3.26	2.63	2.00	1.37	0.74	0.42
8	$13,001 to $15,000	4.54	3.81	3.07	2.33	1.60	0.86	0.49
9	$15,001 to $17,000	5.19	4.35	3.51	2.67	1.82	0.98	0.56
10	$17,001 to $19,000	5.84	4.89	3.95	3.00	2.05	1.11	0.63
11	$19,001 to $21,000	6.49	5.44	4.39	3.33	2.28	1.23	0.70
12	$21,001 to $23,000	7.14	5.98	4.82	3.67	2.51	1.35	0.77
13	$23,001 to $25,000	7.79	6.53	5.26	4.00	2.74	1.47	0.84
14	$25,001 to $27,000	8.44	7.07	5.70	4.33	2.96	1.60	0.91
15	$27,001 to $29,000	9.09	7.61	6.14	4.67	3.19	1.72	0.98
16	$29,001 to $31,000	9.74	8.16	6.58	5.00	3.42	1.84	1.05
17	$31,001 to $33,000	10.39	8.70	7.02	5.33	3.65	1.96	1.12
18	$33,001 to $35,000	11.04	9.24	7.46	5.67	3.88	2.09	1.19
19	$35,001 to $37,000	11.69	9.79	7.89	6.00	4.10	2.21	1.26
20	$37,001 to $39,000	12.33	10.33	8.33	6.33	4.33	2.33	1.33
21	$39,001 to $41,000	12.98	10.88	8.77	6.67	4.56	2.40	1.40

§ 1036.3 Earmarking.

Each common carrier by railroad shall segregate in Account 716, Capital and Other Reserve Funds, and shall transfer from Account 798, Retained Income, Unappropriated, to Account 797, Retained Income, Appropriated, an amount equal to the net credit balance resulting from any incentive per diem settlement involving boxcars subject to this part. The funds in such account shall be used to purchase or build new unequipped boxcars for general service or to rebuild general service, unequipped boxcars with code numbers and mechanical designations set forth in § 1036.1 for addition to such carrier's fleet in accordance with this part.

§ 1036.4 Use of funds.

The net credit balances resulting from incentive per diem settlements, which are earmarked in accordance with § 1036.3, may be drawn down in whole or in part at any time by the carrier to build or purchase in whole or in part new unequipped boxcars for general service described in § 1036.1, provided the carrier has in the same calendar year already built or purchased its 1964-68 average number of such boxcars. Similarly, earmarked funds may be used in whole or in part to rebuild any number or portion of general service unequipped boxcars described in § 1036.1, provided the carrier has in the same calendar year already rebuilt its 1964-68 average number of such boxcars.

§ 1036.5 Effective date.

The rules set forth in this part shall be effective from September 1 of each year through February 28 of the following year.

§ 1036.6 Rules and regulations suspended.

The operation of all rules and regulations, insofar as they conflict with the provisions of this part, is hereby suspended. The charges herein provided shall be paid for each day foreign cars are held but nothing in this part shall prevent the operation of per diem reclaim agreements customarily employed by and between particular railroads to provide for special situations, or with the use of customary methods of settling balances of per diem accounts.

(Interprets or applies secs. 1 and 12 of the Interstate Commerce Act, 24 Stat. 379, 383, as amended, 49 U.S.C. 1, 12)

[F.R. Doc. 69-15388; Filed, Dec. 30, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. 13]

AETNA LIFE AND CASUALTY COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $104,127,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

AETNA LIFE AND CASUALTY COMPANY
HARTFORD, CONNECTICUT
CONNECTICUT

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: December 23, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-15419; Filed, Dec. 30, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-516]

BRUCE A. COOK, SR.

Notice of Loan Application

DECEMBER 22, 1969.

Bruce A. Cook, Sr., Box 421, Hydaburg, Alaska 99922, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 38.3-foot registered length wood vessel to engage in the fishery for salmon, halibut, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commerical Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be avaliable before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief,
Division of Financial Assistance.

[F.R. Doc. 69-15435; Filed, Dec. 30, 1969; 8:47 a.m.]

[Docket No. S-487]

ROGER ALLEN THOMAS

Notice of Loan Application

DECEMBER 22, 1969.

Roger Allen Thomas, 614 East Vashon, Port Angeles, Wash. 98362, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42.5-foot registered length wood vessel to engage in the fishery for salmon, albacore, and crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief,
Division of Financial Assistance.

[F.R. Doc. 69-15434; Filed, Dec. 30, 1969; 8:47 a.m.]

Geological Survey

[No. 114]

UTAH

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SALT LAKE MERIDIAN, UTAH

COAL LANDS

T. 41 S., R. 2 E. (in part unsurveyed),
Sec. 13, S½N½, S½;
Sec. 14, S½N½, S½;
Sec. 15, S½N½, S½;
Sec. 16, S½N½, S½;
Sec. 17, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20, E½;
Secs. 21 to 28, inclusive;
Sec. 29, NE¼, E½NW¼, S½;
Sec. 30, S½SE¼;
Sec. 31, NE¼, E½NW¼, S½;
Secs. 32 to 36, inclusive.
T. 42 S., R. 2 E.,
Sec. 5, S½;
Sec. 8, NE¼, N½NW¼, SE¼NW¼, SE¼;
Sec. 9, W½NW¼, SW¼;
Sec. 16, W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 21, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 22, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 26, S½NW¼, SW¼;
Sec. 27, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 34, SE¼NE¼, E½SE¼;
Sec. 35, W½.
T. 43 S., R. 2 E.,
Sec. 1;
Sec. 2, lots 1 to 4, inclusive, S½N½, NE¼SW¼, N½SE¼;
Sec. 11, SE¼;
Sec. 12, NE¼, E½NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 13, lots 1 to 4, inclusive, 10 to 38, inclusive, and 42, NE¼, NE¼SE¼;
Sec. 14, lots 21A, 46, 49, and 51 to 59, inclusive, and that part of the NW¼NE¼ north of the highway.
T. 41 S., R. 3 E. (in part unsurveyed),
Sec. 13, S½N½, S½;
Sec. 14, S½N½, S½;
Sec. 15, S½N½, S½;
Sec. 16, S½N½, S½;
Sec. 17, S½N½, S½;
Sec. 18, S½N½, S½;
Secs. 19 to 36, inclusive.
T. 42 S., R. 3 E.,
Secs. 1 to 36, inclusive.
T. 43 S., R. 3 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 to 4, inclusive, S½N½, N½SW¼, SE¼SE¼;
Secs. 5 to 7, inclusive;
Sec. 8, N½NE¼, SW¼NE¼, W½, W½SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NE¼, NW¼NW¼;
Sec. 11, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 12;
Sec. 13, N½;
Sec. 14, NE¼, NE¼NW¼;
Sec. 17, N½NW¼, SE¼NW¼;
Sec. 18, lot 1.

RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following subdivisions as noncoal lands is hereby revoked and the lands are reclassified as coal lands:

T. 42 S., R. 2 E.,
Secs. 1 to 4, inclusive;
Sec. 5, lots 1 to 4, inclusive, S½N½;
Sec. 6, lots 1 to 3, inclusive, S½NE¼, E½SE¼;
Sec. 9, NE¼, E½NW¼, SE¼;
Secs. 10 to 15, inclusive;
Sec. 16, E½NE¼;
Sec. 22, NE¼, NE¼NW¼, E½SE¼;
Secs. 23 to 25, inclusive;
Sec. 26, NE¼, N½NW¼, SE¼;
Sec. 27, NE¼NE¼;
Sec. 35, E½;
Sec. 36.
T. 43 S., R. 2 E.,
Sec. 24, S½SW¼;
Sec. 25, NE¼NE¼, S½NE¼, NW¼NW¼.
T. 43 S., R. 3 E.,
Sec. 30, lots 1 and 2.

NONCOAL LANDS

T. 41 S., R. 2E. (in part unsurveyed),
Sec. 17, SW¼NW¼, W½SW¼;
Sec. 18, S½N½, S½;
Sec. 19;
Sec. 20, W½;
Sec. 29, W½NW¼;
Sec. 30, N½, SW¼, N½SE¼;
Sec. 31, W½NW¼.
T. 42 S., R. 2 E.,
Sec. 7;
Sec. 8, SW¼NW¼, SW¼;
Sec. 16, SW¼NW¼, W½SW¼, SE¼SW¼;
Secs. 17 and 18;
Sec. 19, lots 1 and 2, W½NE¼, E½NW¼;
Sec. 21, SW¼NE¼, E½NW¼, NW¼SE¼;
Sec. 27, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 34, N½NE¼, SW¼NE¼, W½, W½SE¼.
T. 43 S., R. 2 E.,
Sec. 2, NW¼SW¼, S½S½;
Sec. 3, lot 1, SE¼NE¼;
Sec. 11, N½, N½SW¼, SE¼SW¼;
Sec. 12, W½NW¼, NW¼SW¼;
Sec. 13, lots 5 to 9, inclusive, 39 to 41, inclusive, 43 to 64, inclusive, and 64A to 102, inclusive, SE¼SE¼;
Sec. 14, lots 47, 48, 50, 60 to 63, inclusive, those parts of lots 64 and 65 in the SE¼NE¼, and that part of the NW¼NE¼ south of and including the highway;
Sec. 24, lots 1, 2, 5, 6, and that part of 7 in the W½NE¼, lots 9 to 28, inclusive, and 30, those parts of lots 29, and 31 to 34, inclusive, in the W½ and N¼ of the NE¼, lots 49, 50, 54 to 57, inclusive, 59 to 71, inclusive, and those parts of lots 44, 45, 48, 51, 52, 53, and 58 in the E½NW¼.
T. 43 S., R. 3 E.,
Sec. 4, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 8, SE¼NE¼, E½SE¼;
Sec. 9, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 10, NE¼NW¼, S½NW¼, S½;
Sec. 11, SW¼SW¼;
Sec. 13, S½;
Sec. 14, NW¼NW¼, S½NW¼, S½;
Secs. 15 and 16;
Sec. 17, NE¼, SW¼NW¼, S½;
Sec. 18, lots 2 to 4, inclusive, NE¼, E½W½, SE¼;
Sec. 19, lot 1, NE¼, NE¼NW¼;
Sec. 20, N½NE¼, SE¼NE¼, NW¼;
Sec. 21, N¼, N½S½;
Sec. 22, NE¼, E½NW¼;
Sec. 23, N½;
Sec. 24, N½, E½SW¼, SE¼;
Sec. 25, N½NE¼, SE¼NE¼, NE¼NW¼, E½SE¼.

The area described aggregates about 87,499 acres, more or less, of which about 61,993 acres are classified as coal lands, about 11,563 acres which were formerly classified as noncoal lands are hereby reclassified as coal lands, and about 13,943 acres are classified as noncoal lands.

WILLIAM A. RADLINSKI,
Acting Director.

DECEMBER 22, 1969.

[F.R. Doc. 69-15436; Filed, Dec. 30, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-157; NDA No. 7-877 etc.]

CERTAIN SULFANILAMIDE AND SULFATHIAZOLE PREPARATIONS FOR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of November 6, 1968 (33 F.R. 16307), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the efficacy of certain topical-use drugs containing sufanilamide or sulfathiazole, and stated his intention to initiate proceedings to withdraw approval of the new-drug applications for such preparations. The first five drugs (four firms) listed below were named in the announcement. These firms and also Philips Roxane Laboratories and Eli Lilly & Co., holders of new-drug applications for similar preparations, have waived opportunity for a hearing on the proposed withdrawal of approval of such applications. (This order does not affect the status of Actilamide Ophthalmic Solution provided for in NDA 7-877.)

1. Actilamide (reaction product of sulfanilamide 0.4 percent and chloramine T 0.13 percent) oral gargle or throat spray; Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109 (NDA 7-877).

2. Actilamide (reaction product of sulfanilamide 0.4 percent and chloramine T 0.13 percent) nose drops; Broemmel Pharmaceuticals (NDA 7-877).

3. Sulfathiazole gum (0.25 gram per tablet); White Laboratories, Inc., Kenilworth, N.J. 07033 (NDA 5-333).

4. Sulfel (sulfathiazole 2 grains and calcium carbonate 1 grain per tablet); The Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, Pa. 18102 (NDA 5-625).

5. Curad medicated adhesive bandages (sulfathiazole 10 percent of fabric compress by weight); The Kendall Co., 309 West Jackson Boulevard, Chicago, Ill. 60606 (NDA 4-964).

6. Sulfathiazole and Benzocaine Troches (sulfathiazole 2 grains and benzocaine 0.25 grain); Philips Roxane Laboratories, Inc., Columbus, Ohio 43216 (NDA 5-136).

7. Lozenges Sulfathiazole (sulfathiazole 5 grains); Eli Lilly & Co., Indianapolis, Ind. 46206 (NDA 5-343).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), the Comissioner on the basis of new information evaluated with the evidence available when the applications were approved finds there is a lack of substantial evidence that the above-listed drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the listed new-drug applications (except NDA 7-877), and all amendments and supplements applying thereto, is withdrawn. For NDA 7-877, approval of that part providing for an article to be recommended for use as a gargle, throat spray, or nose drops, and any amendments and supplements applying thereto, is withdrawn.

Any person who will be adversely affected by removal of any such drug(s) from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing should identify the claimed errors in the Administration's conclusions as to the effectiveness of the drug(s), provide a well-organized and full factual analysis of the clinical and other investigational data he is prepared to prove in support of his objections, and show that he is prepared to produce "substantial evidence" derived from adequate and well-controlled clinical investigations in accord with § 130.12 of the new-drug regulations (21 CFR 130.12; 34 F.R. 14596) in support of the effectiveness of the drug. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing there is a genuine and substantial issue of fact that requires a hearing.

If a hearing is granted a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

When this order becomes effective, the listed drugs (except as provided above for Actilamide Ophthalmic Solution), and any similar preparations for human use and offered for such effects will be regarded as new drugs for which an approved new-drug application is not in effect and will be subject to regulatory action.

This order will become effective 40 days after its date of publication in the FEDERAL REGISTER unless stayed by the filing of proper objections.

Dated: December 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-15431; Filed, Dec. 30, 1969; 8:47 a.m.]

[DESI 12-13NV]

NEOMYCIN SULFATE-TETRACAINE HYDROCHLORIDE-METHYLROSANILINE CHLORIDE-BORIC ACID PREPARATION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Neo-Tetra Spray and Pinkeye Spray; containing neomycin sulfate equivalent in activity to 28.4 milligrams of neomycin per ounce, 0.5 percent tetracaine hydrochloride, 0.24 percent methylrosaniline chloride, and 2.0 percent boric acid; manufactured by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502. Neo-Tetra Spray is distributed by Bio-Ceutic Laboratories, 2621 North Belt Highway, St. Joseph, Mo. 64502, and Pinkeye Spray is distributed by Anchor Serum Co., 2400 Frederick Avenue, St. Joseph, Mo. 64506. Both firms are subsidiaries of Philips Roxane, Inc.

The Academy concluded that (1) these products are probably not effective as an aid in the prevention and treatment of infectious keratitis (pinkeye) in cattle, (2) they are not effective for use in treating pinkeye in sheep, (3) the dosage schedule declared on the labels is inadequate, (4) tetracaine should be removed if the products are labeled for repeated use, (5) the products are probably effective for use as a topical wound dressing for minor cuts and abrasions of cattle, sheep, and horses, however, no documentation was submitted to establish dermatological use of the products and (6) there should be proper notation on the labels concerning possible toxicity of boric acid when used on wounds. The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in the announcement will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration, and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new animal drug application for the subject drugs has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested persons may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-15432; Filed, Dec. 30, 1969; 8:47 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0909) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances for negligible residues of the fungicide *p*-(dimethylamino) benzenediazo sodium sulfonate in or on the raw agricultural commodities avocados and sugar beets (roots and tops) at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the fungicide involves filtration for separation and cleanup of the residues, light-catalyzed coupling with resorcinol in alkaline solution, transfer to benzene, and measurement of the optical density at 450 milimicrons.

Dated: December 18, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-15433; Filed, Dec. 30, 1969; 8:47 a.m.]

Office of the Secretary

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED

Notice of Premium Rate

Title XVIII of the Social Security Act—health insurance for the aged.

Pursuant to authority contained in section 1839(b)(2) of the Social Security Act (42 U.S.C. 1395r(b)(2)), as amended by Public Law 90-248, I hereby determine and announce that the dollar amount which shall be applicable for premiums, for purposes of section 1839(b)(2) of the Act, as amended, shall be $5.30 for months in the 12-month period beginning July 1970 and ending June 1971.

Dated: December 23, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

STATEMENT OF ACTUARIAL ASSUMPTIONS AND BASES EMPLOYED IN ARRIVING AT THE AMOUNT OF THE STANDARD PREMIUM RATE FOR THE SUPPLEMENTARY MEDICAL INSURANCE PROGRAM BEGINNING JULY 1970

There follows a statement of actuarial assumptions and bases employed in arriving at the amount of the standard premium rate for the supplementary medical insurance program for the period July 1970 through June 1971. The standard premium rate is that rate which is payable by those who enroll in their initial enrollment period and by those who enroll in a general enrollment period that terminates less than 12 months after the close of their initial enrollment period.

The actuarial determination has been made on the basis of the actual operating experience under the program. Virtually complete operating-experience figures for the 6 months of 1968 and for 1967 are now available, but because of the timelag in the submission of bills for this program, figures for 1968 are not quite complete, and only partial data for 1969 are available.

ANALYSIS OF DATA ON A CASH BASIS

Current figures for cash expenditures under the program are available on a complete, accurate basis, but these figures taken alone are misleading because they do not take into account the liabilities arising from the natural delay in benefit payments, which are not made until well after the date that services were received. Such delay is due to the tendency of enrollees to accumulate a number of bills before submitting a claim, the inherent delays by physicians, other suppliers of services, and enrollees in making requests for payment, and the time required by the carriers and intermediaries to adjudicate and pay claims. The data on a "cash" basis are presented first, since they are the base from which the incurred figures needed for the premium-rate determination are developed.

The balances in the supplementary medical insurance trust fund at the end of various selected typical past months are as follows (in millions):

Month	*Balance*
January 1967[1]	$467
March 1967	570
December 1967	412
July 1968	403
December 1968	421
June 1969	378
October 1969	242

[1] Balances for months in 1966 were unduly low, because no federal matching payments were made until January 1967.

As compared with the balance of $242 million in the supplementary medical insurance trust fund at the end of October 1969, there were at that time substantial outstanding liabilities incurred for services rendered during the previous months of operation of the program, most of which had not yet been submitted for claims payment—an estimated $800 million approximately. It is expected that the trust-fund balance will continue to decrease during the remainder of fiscal year 1970, because the actuarially inadequate premium rate of $4 per month which was promulgated in December 1968 will still be in effect throughout this period. It is estimated that the trust fund balance will reach approximately $100 million on June 30, 1970.

On the basis of claims and administrative expenses paid (cash basis), the average monthly per capita expenditures of the program for the 21 months in the first premium period, July 1966 through March 1968, amounted to $5.12. Similarly, the average monthly per capita expenditures on a cash basis in the second premium period, April 1968 through June 1969, amounted to $8.05. Finally, the average monthly per capita expenditures (cash basis) for the first 5 months of the third premium period, July 1969 through June 1970, amounted to $8.84.

ANALYSIS OF DATA ON AN INCURRED BASIS

The figures on a cash basis need to be adjusted for the estimated increase in liability that took place during the period for benefits that will be paid for services rendered during the period, but that had not been paid at the end of the period (and the accompanying administrative expenses). In other words, the premium rate must be set on an accrual or incurred basis, rather than a cash basis.

Estimates on an incurred basis for the 21 months involved in the first premium period (July 1966 through March 1968) indicate that benefits and administrative expenses per capita exceeded income from premiums and matching government contributions by $.65 per month (i.e., 32½ cents each), or by 11 percent relatively. These estimates are based on virtually complete experience data. If account is taken of the interest earnings of the trust fund, this deficit is reduced to $.57 per month, or 9½ percent relatively. If the comparison is made for the 18-month period, July 1966 through December 1967, for which the combined rate of $6 originally applied (having been extended 3 months by legislation in 1967), the differential under-estimate would have been 6 percent (taking into account the effect of the interest earnings of the trust fund).

Estimates on an incurred basis for the 15 months involved in the second premium period (April 1968 through June 1969), indicate that the total per capita cost exceeded income from premiums and matching government contributions by $.65 per month, or by 8 percent of the combined rate of $8. These estimates are based on moderately complete experience data. If account is taken of the interest earnings of the trust fund, this deficit is reduced to $.55 per month, or 7 percent relatively.

Similar figures on an incurred basis for the third premium period (July 1969 through June 1970) necessarily must be based largely on estimates of the experience which will develop. Estimates for this period (which are described in more detail later, especially as to assumptions and methodology) indicate that the total per capita cost will exceed income from premiums and matching government contributions by about $1.28 per month, or by 16 percent relatively. If account is taken of the interest earnings of the trust fund, this estimated deficit is reduced to $1.22 per month, or 15 percent relatively.

It should be noted that this large deficit for the third premium period would not have occurred if the actuarially-determined and recommended premium rate of $4.40 had been promulgated, instead of the rate of $4 which was promulgated. If there had not been the administrative action to defer recognition of increases in physicians' fee for reimbursement purposes, a $4.40 rate would have resulted in an estimated deficit (after allowing for the higher interest receipts) of about $0.48 to $0.53 per capita per month, or about 6 percent relatively. Such estimated deficit takes into account the element that the costs of the program were apparently reduced by $0.10 to $0.15 per capita per month by such administrative action. It is possible—although not susceptible of proof—that the promulgation of the higher rate ($4.40) in itself would have led to higher program costs than were actually experienced, because of the psychological effect of having the Government predict a rise in physicians' fees.

In any event, it cannot be emphasized too strongly that the base for the estimate of the premium rate now to be promulgated for the fourth premium period (July 1970 through June 1971) is a presently-experienced cost requiring a standard premium rate of at least $4.60 and possibly $4.70 per month, and not the $4 which is currently being collected.

BASIC ESTIMATE OF FUTURE EXPERIENCE ON AN INCURRED BASIS

In estimating the cost of the program for July 1970 through June 1971 it is necessary to provide for the long-term trend toward greater utilization of medical services (including the effects of the discovery and more frequent use of new, highly expensive medical techniques) and the long-term upward trend of the general earnings level and the general price level, which will be reflected in higher physicians' fees, higher costs for other covered services, and higher administrative expenses. In the estimates in this section, the minimum reasonable assumptions as to future increases have been made. Certain other estimates based on somewhat higher cost assumptions are discussed in a later section.

For the purpose of estimating the necessary premium rate for July 1970 through June 1971 it was assumed that, in comparing calendar year 1969 with 1968, the combined effect of increases in physicians' fees and costs of other covered medical services and of increases in utilization would be an increase of 5½ percent. The corresponding figure for calendar year 1970 as compared with 1969 is 7½ percent, while the rate used for 1971 as compared with 1970 is 8½ percent. The breakdown of these aggregate increases into the three components is as follows:

Calendar year	Assumed Increase over Previous Year: Physicians' fees[1]	Costs of other covered services[2]	Utilization of services
	Percent	*Percent*	*Percent*
1969	2	15	3
1970	4	14	3
1971	6	13	2

[1] As recognized by the program.
[2] Including effect of increased utilization of such services which is in excess of assumed general increase in utilization.

It should be observed that the relatively low rate of increase for 1969 over 1968 reflects the deferment of recognition of increases in physicians' fees for reimbursement purposes that was put into effect by regulations at the end of 1968.

The rates of increase for calendar years 1970 and 1971 are based on the assumption that such deferment will be moved forward successively by 1 year—i.e., that the deferment applicable from July 1970 through June 1971 will be based on the situation as to physician fees during 1969. It should also be noted that these assumed rates of increase take into account the fact that the costs of covered nonphysician services, such as hospital outpatient care and home health services, which represent only about 10 percent of the total cost of the program, have been increasing more rapidly than physicians' fees and have not been subject to a deferment of recognition of cost changes.

Administrative expenses are assumed to represent about 11½ percent of the benefit payments; this figure is based on the actual operating results in 1969 and budget estimates for future years (all on an incurred basis). The average interest rate on the invested assets of the trust fund is assumed to be 6½ percent (the rate applicable to the entire portfolio as of September 30, 1969). This rate might be somewhat higher during the next premium period, but since the balance in the trust fund will not be very large, the effect of the interest-rate assumption is not significant; for example, if a 7-percent interest rate were assumed, the per capita cost would be reduced by less than one-half cent per month.

It is estimated that the incurred monthly per capita *total* cost, on a calendar-year basis, would have been $8.28 for 1968 if the provisions of the 1967 amendments had been in effect for the entire year (instead of only part of it) and if there had not been the influenza epidemic in late 1968 and early 1969. This consists of $7.46 for benefits and $.82 for administrative expenses. This approach has been taken in order to obtain a proper base on which to build estimates of future costs; the possibility of epidemics occurring is later taken into account by adding a contingency margin to the estimated costs for "normal" conditions.

On the basis of the foregoing assumptions, it is estimated that the monthly per capita *benefit* cost on a calendar-year basis will be $7.95 for 1969 (again exclusive of the additional cost arising from the influenza epidemic in late 1968 and early 1969). The corresponding benefit-cost figures estimated for 1970 and 1971 are $8.65 and $9.50, respectively. To these must be added the monthly per capita costs for administrative expenses, which are estimated at $.93 for 1969, $1.03 for 1970, and $1.13 for 1971. Thus, the monthly per capita total cost on an incurred basis is estimated at $8.88 for 1969 (exclusive of the additional cost with respect to the influenza epidemic), $9.68 for 1970, and $10.63 for 1971.

The monthly per capita total cost for fiscal year 1969 averages out at $8.58; this is increased to $8.73 if the actual effect of the influenza epidemic is taken into account. The corresponding estimated costs for fiscal years 1970 and 1971 (assuming no influenza epidemic) are $9.28 and $10.16. Thus, as indicated previously, the standard premium rate for fiscal year 1970, promulgated at $4 per month in December 1968, should have been at least $4.60, and quite possibly should have been $4.70. The figure of $10.16 for fiscal year 1971 (half of which is $5.08) indicates that, allowing even a small margin for contingencies (as required by law), the standard premium rate for the period July 1970 through June 1971 would need to be $5.20 per month at the very least. However, as indicated in the analysis which follows, the estimates presented up to this point (which

are on a reasonable-minimum cost basis), the only safe course of procedure—considering the currently depleted state of the trust fund—is to set a rate of $5.30 per month.

OTHER ESTIMATES OF FUTURE EXPERIENCE

A similar analysis of the possible experience in 1969–1971 was made with more detailed and refined methodology and with somewhat higher assumptions as to future increases in medical costs and utilization, all under the assumption that the deferment of recognition of increases in physician fees for reimbursement purposes would be continued on the present lag basis moved up 1 year. This indicated monthly per capita total costs of $8.94 for fiscal year 1969 (including $.38 for the additional costs due to the influenza epidemic), $9.44 for fiscal year 1970, and $10.46 for fiscal year 1971. The last figure indicates that, according to this estimate, a standard premium rate of $5.30 per month should be promulgated for fiscal year 1971, if some reasonable margin for contingencies is to be included.

The level of benefit expenditures indicated by the foregoing estimate was confirmed by an independent calculation of the accrued benefits in 1969, starting with the cash expenditure in calendar year 1969 and adjusting for the benefits incurred but unpaid (due to the aforementioned lag) at the beginning and at the end of 1969, for the effect of the influenza epidemic, and for the liability of the program for certain payments for inpatient radiology and pathology services paid from the hospital insurance trust fund.

Still another type of analysis was made by using as a starting point the actual cash expenditures in fiscal year 1969. These data were adjusted downward for the nonrecurrent nature of the influenza epidemic and upward for certain payments attributable to the supplementary medical insurance program for inpatient radiology and pathology services but, during that time, paid from the hospital insurance trust fund. These calculations yielded a cash-basis per capita cost of $8.26 per month for fiscal year 1969. This figure was then projected to fiscal year 1970, yielding $8.86. Then, the latter figure was converted from a cash basis to an incurred basis, yielding $9.26. Finally, the latter figure was projected for 1 year, to fiscal year 1971, and the result was $10.26, so that on this basis the standard premium rate should be $5.20 with a small allowance for contingencies, and at least $5.30 with a sufficient allowance.

EFFECT OF INTEREST EARNINGS OF TRUST FUND

The interest earnings of the trust fund are available toward the margin for contingencies. If they are not needed to pay benefits and administrative expenses in the current period, they will reduce the unfunded liability for the past deficiency in the premium rate. Interest earnings for fiscal year 1971 are estimated to be the equivalent of only about 5 cents per capita (i.e. 2½ cents as compared with the enrollee premium) in available income, thus providing income toward a contingency margin of only small magnitude.

SUMMARY AND RECOMMENDATION

Based on all available evidence and analyses, the standard premium rate for fiscal year 1971 should be promulgated at $5.30 per month. This is based on the assumptions that there will continue to be a deferment of recognition of increases in physicians' fees for reimbursement purposes and that this deferment will not be advanced more than 1 year (so that, in the new premium period, July 1970 through June 1971 generally speaking no recognition will be given of changes in fees after December 1969).

Although a rate of $5.30 is desirable to provide a sufficient margin for contingencies (as required by law), it should be noted that, even if this margin is not actually used for any contingencies arising in the premium period, it would nevertheless fill the very useful purpose of building up the trust-fund balance to a more desirable level, one which is more in keeping with the concept that the program should be operated on an incurred-cost basis.

It is particularly important to provide a reasonable and adequate contingency margin in the premium rate now being promulgated, since the balance in the trust fund at the beginning of the new premium period will be considerably less than 1 month's benefit outgo. A rate as low as $5.20 (the next lowest possible rate under the law, which requires rounding to $0.10 units) would make very little allowance for possible adverse experience, such as might result from another influenza epidemic or for higher rates of increase in utilization or physicians' fees than the minimum-reasonable rates assumed. If the trust-fund balance at the beginning of the new premium period were to be larger—as would have been the case if the premium rate had not been maintained at $4 by the promulgation made in December 1968, but rather had been increased to the actuarial recommendation of at least $4.40—it might now have been possible to promulgate a rate of $5.20. Such a rate, under these circumstances, would have been able to depend upon the interest earnings of the trust fund serving as a major part of the protection against unforeseen contingencies.

The explanation of the $1.30 increase in the monthly standard premium rate for the new premium period can be summarized in the following manner:

(a) The cost of the protection under the program as in effect in the current premium period is estimated to exceed income from premiums and matching government contributions by about 16 percent—an increase of about 64 cents.

(b) The utilization of medical services is assumed to be higher in the new premium period than in the current period, and so the program cost is higher—an increase of about 12 cents.

(c) The level of physicians' fees recognized by the program and of the costs and charges for other covered services is assumed to be higher in the new premium period than in the current period, and so the program cost is higher—an increase of about 26 cents.

(d) The $50 deductible represents a smaller proportion of the total covered reimbursable charges when these increase as a result of either higher charges or costs of providers of services or higher utilization—an increase of 6 cents.

(e) The promulgated rate includes a minimal allowance of about 4 percent so as to provide a margin for contingencies, especially since the foregoing cost figures are based on reasonable-minimum cost projections and do not allow for any possible adverse morbidity experience (such as the influenza epidemic of 1968–1969), and to provide for an adequate contingency reserve to be present in case of adverse experience, since the trust-fund balance at the beginning of the premium period will be very low—an increase of 22 cents.

[F.R. Doc. 69-15417; Filed, Dec. 30, 1969; 8:46 a.m.]

Public Health Service

DISTRICT OF COLUMBIA MEDICAL FACILITIES CONSTRUCTION ACT OF 1968

Establishment of Priority Criteria for Determining Order in Which To Approve Applications for Projects in Different Categories

Notice is hereby given that pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457) to establish criteria for determining the order in which to approve applications for grants and loans for projects in different categories (sec. 4(b)) the criteria are hereby established as follows:

In determining the priority between projects in different categories (i.e., hospitals, public health centers, long-term care facilities, diagnostic or treatment centers, rehabilitation facilities, facilities for the mentally retarded, or community mental health centers) consideration shall be given to the following factors:

(1) The relative need for the category or categories of facilities involved;

(2) The degree to which the facility provides or will provide either directly or by referral agreements with other health, rehabilitation, and welfare agencies, health and rehabilitation services on a comprehensive, multidisciplinary basis;

(3) The extent to which the project can accelerate the availability of additional or higher quality health care services or provide comparable services more efficiently.

(4) The degree to which the project is or will be consonant with the pattern for delivery of health and mental retardation services developed by the State Agency of the District of Columbia and the approved health facilities areawide planning body for the Washington metropolitan area.

(5) The degree to which the facility will contribute to the solution or reduction of long-range health and rehabilitation problems.

The above criteria shall be utilized by the Department of Health, Education, and Welfare in its review of the projects submitted by the District of Columbia for funding under the Second Supplemental Appropriation Act of 1969. Additional or different criteria may be established by the Secretary for use in determining priority for grant or loan projects submitted by the District of Columbia for funding out of subsequent appropriations.

Dated: December 23, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-15418; Filed, Dec. 30, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21674]

ALM DUTCH ANTILLEAN AIRLINES

Notice of Prehearing Conference and Hearing

Application for amendment of its foreign air carrier permit so as to permit it to engage in scheduled and charter foreign air transportation of persons, property, and mail between points in the Netherlands Antilles, on the one hand, and San Juan, P.R., United States, on the other hand.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 7, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., December 22, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-15471; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 21700]

AMERICAN FLYERS AIRLINE CORP. AND REGENCY INCOME CORP.

Notice of Proposed Approval

Joint application of American Flyers Airline Corp. and Regency Income Corp., Docket 21700.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority on December 30, 1969. Prior to such time interested persons may file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 23, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

Application of American Flyers Airline Corp. and Regency Income Corp. for approval under section 408 of the Federal Aviation Act of 1958, as amended, or a disclaimer of jurisdiction or exemption from the provisions thereof: Docket 21700.

By joint application, filed December 15, 1969, American Flyers Airline Corp. (Flyers) and Regency Income Corp. (Regency) request approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), or a disclaimer of jurisdiction or an exemption[1] from the provisions thereof pursuant to section 416(b) of the Act, with respect to the sale to Regency by Flyers of four (4) Lockheed Electra 188–C aircraft.

Flyers is a U.S. supplemental air carrier engaged in furnishing charter air transportation of persons and property. Regency, according to the application, is a Colorado corporation engaged in the lease, financing and management of machinery and equipment, including corporate and commercial type aircraft.

Pursuant to a Conditional Sale Agreement, dated December 10, 1969, Flyers has agreed to sell one (1) Lockheed Electra aircraft to Regency at a purchase price of $550,000.[2] In addition, Flyers has granted Regency an option to purchase three (3) additional Lockheed Electra aircraft at purchase prices of $525,000, $500,000, and $425,000, with option dates of February 15, 1970, May 15, 1970, and July 1, 1970, respectively. Flyers will also furnish Regency with spare parts and other Lockheed Electra aircraft equipment having an aggregate fair market value of $25,000. Such items are to be covered by the purchase price of the aircraft.

The application recites that the sale of the Lockheed Electra aircraft in question will in no way cause a diminution of Flyers' charter service to the public.[3] In this regard, the applicants assert that because of grossly uneconomical utilization and yields Flyers had previously determined to phase out its Electra equipment.

The applicants' alternative request for a disclaimer of jurisdiction will be denied as we have decided to grant the primary request for approval of the transaction under the third proviso of section 408(b). However, it appears that a disclaimer would not be warranted in any event as the purchase of even one aircraft by Regency could result in the acquisition by Regency (a person engaged in any other phase of aeronautics) of a substantial portion of the properties of Flyers (an air carrier) within the meaning of section 408(a)(2).[4]

No objections or requests for a hearing have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the instant transaction it is found that the acquisition by Regency of up to four (4) Lockheed Electra aircraft from Flyers is subject to section 408(a)(2) of the Act. However, it is further concluded that such acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing.

The transaction appears to be in the public interest in that it may enhance Flyers' ability to meet its service obligations. In this connection, the application indicates that Flyers has had an operating loss for all operations during the past eighteen (18) months, and that it has a need for the funds which may be realized from the sale of the aircraft in order to strengthen its current operations and to assist in the purchase of modern jet aircraft suitable to its market requirements.[5]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing aircraft purchase transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered, That:

1. The purchase from Flyers by Regency of up to four (4) Lockheed Electra aircraft, together with spare parts and equipment, be and it hereby is approved;

2. This action shall not be deemed a determination for rate-making purposes of the reasonableness of the transaction; and

3. Except to the extent granted herein, the application in Docket 21700 be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective upon issuance and the filing of petitions shall not stay its effectiveness.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15472; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 21730; Order 69-12-106]

DISCOUNT 50 AIR TRAVEL U.S.A.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of December 1969.

Cancellation of free stopovers in connection with Discount 50 Air Travel U.S.A. fares proposed by eight trunkline carriers; Docket 21730.

By tariff revisions marked to become effective December 31, 1969,[1] eight trunkline carriers, American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Frontier Airlines, Inc. (Frontier), Northwest Airlines, Inc. (Northwest), Trans World Airlines, Inc. (Trans World), United Air Lines, Inc. (United), and Western Air Lines,

[1] Flyers individually seeks exemption pursuant to section 416(b) of the Act. In this connection, the application cites a special urgency in obtaining approval or other relief as the funds available to Regency for the purchase of the first aircraft are committed on the basis of an expenditure prior to or upon close of the current calendar year.

[2] A payment of $50,000 was to be made on the first aircraft at the time of signing of the Conditional Sale Agreement. The balance of the purchase price is to be paid on or before Dec. 31, 1969.

[3] Flyers' fleet currently consists of two (2) DC–8–63 jet aircraft, two (2) Boeing 727 jet aircraft and five (5) Lockheed Electra 188–C aircraft.

[4] Flyers' request for an exemption pursuant to section 416(b) will also be denied. In order for Flyers to qualify for such an exemption, which applies only to air carriers, Flyers would have to be the person acquiring the the aircraft.

[5] The application indicates that Flyers has two (2) DC–8–63 aircraft currently on order with delivery expected in April or May of 1970.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 101, Special Rule 18.

Inc. (Western), propose in connection with their Discount 50—Air Travel U.S.A. fares[2] to cancel the free stopover provision under this tariff. Presently a passenger is required to make a minimum of at least three stopovers between his point of origin and final destination. In effect, the proposed elimination of the free stopover provision would require the passengers utilizing this tariff to pay the higher combination of local fares over whatever number of stopover points they may choose in their itineraries.

No justification has been submitted by the carriers in support of their proposals and no complaints have been filed.

Upon consideration of all relevant matters, the Board finds that the carriers' proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated.

The instant filing involves a fare increase in that passengers would be required to pay the combination of fares over each point of stopover, whereas presently the passenger generally pays 50 percent of the through round-trip fare to the point of stopover farthest from the point of origin. While cost increases may justify some increase in these special fares, we believe the sounder approach would be to effect a moderate reduction in the 50 percent discount, e.g., to 40 or 35 percent, rather than to apply the current discount via each point of stopover, as proposed. Accordingly, the tariff will be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions described in Appendix A attached hereto,[3] and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions described in Appendix A attached hereto[3] are suspended and their use deferred to and including March 30, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15470; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 21594; Order 69-12-112]

EASTERN AIR LINES, INC., ET AL.

Order Regarding Proposed Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of December 1969.

Fare increases between major east coast terminals and Puerto Rico and the Virgin Islands proposed by Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc.; Docket 21594.

By Order 69-11-31, November 7, 1969, the Board suspended and set for investigation fare increases proposed by Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American), and Trans Caribbean Airways, Inc. (Trans Caribbean), between certain east coast terminals and Puerto Rico and the Virgin Islands. The fare increases were marked to become effective November 9, 1969. This action was taken to afford the Board an opportunity to consider allegations raised by the Commonwealth of Puerto Rico (Commonwealth) in its complaint and petition for reconsideration filed on November 7, 1969.

The thrust of the Commonwealth's complaint is (a) that the proposed fare increases are not justifiable on the basis of cost increases experienced by the carriers and are based solely on the short-run financial condition of two of the three carriers in the market; (b) that the costs attributed by the carriers to Puerto Rico services are not justified because of deficiencies in their allocation techniques; (c) that Puerto Rico is subject to undue preference and prejudice by failure of the carriers to increase fares to other Caribbean destinations in proportion to Puerto Rico fares; and (d) that it is essential to the economy of Puerto Rico that fares be maintained at the lowest possible level.

Eastern, Pan American, and Trans Caribbean have submitted petitions requesting that the Board vacate Order 69-11-31. The Commonwealth has filed an answer to these petitions.

Upon consideration of the complaint of the Commonwealth, the carriers' 69-11-31, the answere thereto, and other relevant matters, the Board finds that the continued suspension of the proposed fare increases is unwarranted. We also find that the facts presented do not justify an investigation of the proposed fares.

We have reviewed the methods of allocation utilized by the carriers and cannot conclude, as does the Commonwealth, that the costs which they have assigned to Puerto Rico/Virgin Islands services are unreasonable. While the Commonwealth referred to several areas where it felt that the carriers' allocations were deficient, it did not attempt to place a dollar value on the deficiencies. In any event, Pan American and Trans Caribbean claim operating losses exceeding $7 million and $4 million respectively, and accordingly it would require a finding of error of considerable proportions to reach a substantially different conclusion as to the profitability of these services.

The largest single market here involved is New York-San Juan, and the overwhelming majority of the passengers utilize the third class fare. The carriers have proposed one-way third class fares ranging from $57 (midweek night) to $76 (weekend day) which yield between 3.55 and 4.74 cents per mile. By any standard, these yields are relatively low in relation to the current cost of providing air service. In 1963, the Board found in the Reopened Puerto Rico Third-Class Passenger Fare Investigation, 39 C.A.B. 244, that a one-way fare of $60.75 between New York and San Juan was reasonable for third class service. Trans Caribbean has submitted data which indicate that its average third class fare in this market in the second quarter of 1969 (subsequent to the Mar. 1, 1969 fare increase) was $57.36, and that with the proposed increase the average fare will be $63.08, or 3.8 percent above the third class fare found reasonable 6 years ago. We have no reason to conclude that the average third class fare for the other two carriers would be substantially different, and there can be no doubt that the cost of operations has increased substantially more than 3.8 percent in the last 6 years.

We are sympathetic to the Commonwealth's interest in seeing that fares are maintained at the lowest possible level. However, we cannot ignore the fact that the air carriers serving this market must have a fare level that is adequate to cover the cost of operations and will afford the opportunity to earn a fair return on their investment.

Finally, the Board has concluded to permit tariff filings implementing the fare increases described above, effective no earlier than January 11, 1970, and on not less than 14 days' notice.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The suspension directed in the ordering paragraph 2 of Order 69-11-31 dated November 7, 1969, is hereby vacated effective January 11, 1970; *Provided*, That the carriers shall, upon not less than 14 days' notice to the Board and to the general public, publish, post, and file tariffs to be effective not earlier than January 11, 1970, to implement fares and provisions set forth in ordering paragraph 2 of Order 69-11-31.

2. The investigation instituted in Docket 21594 is dismissed.

3. A copy of this order shall be filed with the tariffs and be served upon Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., the Commonwealth of Puerto Rico, and the Government of the Virgin Islands.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15473; Filed, Dec. 30, 1969; 8:49 a.m.]

[Dockets Nos. 21280, 18381; Order 69-12-109]

EXECUTIVE AIRLINES, INC.

Order To Show Cause Regarding Mail Rates

Issued under delegated authority December 24, 1969.

The establishment of final and temporary service mail rates for Executive Airlines, Inc., Docket 21280; nonpriority mail rates, Docket 18381.

Executive Airlines, Inc. (Executive), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed August 4, 1969, in this docket Executive requested that the Board establish the domestic multielement service rates for priority and nonpriority mail as final rates for the transportation of mail over its entire system. The Postmaster General supports Executive's petition.

Pending Board decision on Executive's petition, by supplemental petition filed December 23, 1969, the Postmaster General requested expedited action to establish the above as the final rates for Executive for the transportation of mail by aircraft between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Worcester, Mass., Lebanon, N.H., and Montpelier, Vt., on the other. Expedited action is necessary to provide for transportation of mail by aircraft in these markets in view of the indicated imminent suspension of service by Northeast Airlines, Inc., prior to mid-January.[1]

No service mail rates are currently in effect for this service by Executive. It is requested that the multielement rates[2] and conditions established in Orders E-25610 and E-17255 and which are in effect for Northeast on these routes be made applicable to Executive.

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Executive at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Executive in the same manner as they were applicable to Northeast in providing mail services in these markets.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Northeast) for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Executive receive the same compensation as Northeast for the same services, we propose to establish temporary service rates for nonpriority mail for Executive at the level established in Order E-17255, as amended. We will also make Executive a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Executive by the Postmaster General for the air transportation of mail, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Worcester, Mass., Lebanon, N.H., and Montpelier, Vt., on the other. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[4] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid Executive Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Lebanon, N.H., Montpelier, Vt., and Worcester, Mass., on the other shall be the rates established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid Executive Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Lebanon, N.H., and between Boston, Mass., on the one hand and Worcester, Mass., Lebanon, N.H., and Montpelier, Vt., on the other. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[4] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid Executive Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Lebanon, N.H., Montpelier, Vt., and Worcester, Mass., on the other shall be the rates established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid Executive Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Lebanon, N.H., Montpelier, Vt., and Worcester, Mass., on the other shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Executive Airlines, Inc., the Postmaster General, and Northeast Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Executive Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall also be filed within the same 10 days after service of this order;[4]

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within the said 10 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

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[2] The Discount 50 tariff provides first-class and coach fares at a 50 percent discount for local and interline domestic travel by persons residing outside the Western Hemisphere, or for military or civilian personnel of the U.S. Government stationed outside the Western Hemisphere.

[3] Appendix A filed as part of original document.

[1] See temporary suspension granted in Order 69-12-73, Dec. 16, 1969.

[2] The present rates per Order 69-9-118, Sept. 19, 1969, are as follows:

Priority mail: 24 cents per ton-mile plus 9.36 cents per pound at Keene, Lebanon, Montpelier, and Worcester; and 2.34 cents per pound at Albany and Boston.

Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Montpelier, 3.32 cents per pound at Keene, Lebanon, and Worcester; and 1.66 cents per pound at Albany and Boston.

[4] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

[4] In view of the urgency to establish a final rate, filing of an answer simultaneously with the notice is necessary.

5. Executive Airlines, Inc., is hereby made a party to the proceedings in Docket 18381;

6. This order shall be served upon Executive Airlines, Inc., the Postmaster General, and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15474; Filed, Dec. 30, 1969; 8:49 a.m.]

EXPRESS AIR FREIGHT, INC.

Notice of Application for Tariff-Filing Authority; Pick-up and Delivery Zone

DECEMBER 23, 1969.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 21726, from Express Air Freight, Inc., 2590 U.S. Highway No. 22, Scotch Plains, N.J. 07076, for authority to provide for pickup and delivery service between J. F. Kennedy International Airport or Newark Airport and the following Connecticut points:

Ansonia.	North Haven.
Beacon Falls.	Orange.
Brookfield.	Ridgefield.
Derby.	Sandy Hook.
Devon.	Seymour.
East Haven.	Shelton.
Hamden.	Stratford.
Milford.	Trumbull.
Naugatuck.	Wallingford.
New Britain.	Waterbury.
New Haven.	West Haven.
Newtown.	Woodmont.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15475; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 20812]

HOUSEHOLD GOODS AIR FREIGHT FORWARDER INVESTIGATION

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on January 6, 1970, is postponed to February 24, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., December 23, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-15476; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 21474; Order 69-12-102]

LIVE ANIMALS AND BIRDS

Order Regarding Air Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1969.

By Order 69-9-149 dated September 29, 1969, the Board set for investigation certain air freight rates on live animals and birds.[1] In its order, the Board stated:

> The carriers and the Board will therefore be faced with a rather substantial proceeding, involving considerable time and effort on the part of all concerned. The Board would prefer to avoid such extensive litigation for a limited segment of the total goods moving in air freight transportation. The Board would favor cancellation of all premium or other specific commodity rates on live animals and birds, but without prejudice to the right of the carriers to refile rates which they are prepared to justify. To implement this, the Board suggests a tariff filing within 30 days or less, canceling rates for effectiveness January 1, 1970, during which period the carriers may refile any rates they are prepared to justify; the Board further suggests that such refiling be made on not less than 45 days' posting notice, also for effectiveness January 1, 1970, to insure ample time for review by shippers, the Board, and any other interested parties. The foregoing does not, of course, preclude the right of shippers to protest and the right of the Board to pursue the investigation of such refiled rates by the carriers.

By petitions filed October 29 and November 3, 1969, respectively, American Airlines, Inc. (American), and United Air Lines, Inc. (United) variously state that they concur in the Board's desire to avoid extensive proceedings, but that additional time is required. American suggests that each carrier circulate within 60 days a tariff proposal for the transportation of live creatures, together with appropriate supporting data, that shipper parties be given a 30-day opportunity thereafter for comment, followed by further consideration, comment, and modification of such proposals by the carriers, and that only the unresolved issues be thereafter pursued to formal hearing. A deferral of 120 days in procedural dates in this docket is therefore requested by American.

United suggests that the Board's schedule of filings based on January 1, 1970, be adjusted, and that they will be prepared to file a revised tariff for effectiveness April 1, 1970.

A reply to American's petition of October 28, 1969, was filed with the Board on November 10, 1969, by the Allied-American Bird Co. (Allied), a division of Hartz Mountain Products Corp., protesting any delay in the Board's suggested cancellation of current premium rates on live creatures. The arguments of the protestant are essentially that American cannot speak for the entire air industry, that the regulations of the Board do not permit the requested relief from the tariff filing and posting requirements of the Board, that the unlawful rates now under investigation will be perpetuated in existence without valid reasons for such extension, and that the Board should limit the time requested by American. In addition, Allied requests that as a prerequisite to additional time which the Board may grant the carriers, such extension should be contingent upon a commitment by the carriers in the form of their cancellation of present rates suggested by the Board in Order 69-9-149.

No other comments, responses, or tariff filings directly pursuant to the Board's orders cited above have been received by the Board.

Upon consideration of the petitions cited above, the response of Allied and our prior orders, the Board has concluded that it will not, as requested by American, depart from the established tariff filing processes which were provided for in the Board's prior order. Service of proposed tariff rates and supporting justification upon only those shippers currently of record would deprive all other shippers or interested persons of their opportunity to challenge a premium rate through the usual processes of a tariff complaint.

United's petition asserts that it would not have adequate time for filing a revised tariff by November 15, as suggested in the Board's order. In this regard United noted that the rates under investigation have not been recently reviewed, that substantial time and effort would be necessary to develop revised rates and prepare a justification, and that United is currently working on a number of other tariff matters. In these circumstances the Board will defer for a reasonable period further procedural steps, which in the usual course would be initiated by a calling of the pre-hearing conference. This will allow the carriers the opportunity to make appropriate tariff filings which would (1) cancel the existing premium and the specific commodity rates, and (2) reestablish rates or modifications thereof as the carriers are able to support. The Board will expect that such filings would be made promptly and that such refilings be made on not less than 60 days' posting notice.

To avoid any misunderstanding on this point by carriers or shippers, it is not the Board's intent to exercise its right of suspension on the refiling of any present rate. Rather, it is the Board's desire first to encourage the carriers to review and justify their rates, and second, to provide all shippers an opportunity to protest such rates in accordance with the Board's Regulations. As previously stated, the foregoing does not preclude the right of the Board to pursue the investigation of such refiled rates by the carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The petitions of American Airlines, Inc., and United Air Lines, Inc., filed October 29 and November 3, 1969, in Docket 21474 are dismissed;

2. This order will be served upon all parties in this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15477; Filed, Dec. 30, 1969; 8:49 a.m.]

[1] See also Order 69-10-139 dated Oct. 28, 1969, naming additional parties to this proceeding.

[Docket No. 19993; Order 69-12-98]

ROSS AVIATION, INC.

Order to Show Cause

Issued under delegated authority December 23, 1969.

The establishment of service mail rate for Ross Aviation, Inc., Docket 19993.

By Order 68-10-136, October 25, 1968, the Board established for Ross Aviation, Inc. (Ross), an air taxi operator under Part 298, a service mail rate of 35.15 cents per great circle aircraft mile for the transportation of mail by aircraft between Cheyenne and Rock Springs via Rawlins, Wyo.

On November 26, 1969, the Postmaster General filed a petition on behalf of Ross stating that since filing of the notice of intent under which the above rate was established Ross has been required to achieve compliance with new FAA regulations resulting in unforeseeable increases in maintenance and overhead costs. Because of these increased costs, the Postmaster General petitions a new final service mail rate of 42.52 cents per great circle aircraft mile for the transportation of mail by aircraft between Cheyenne and Rock Springs via Rawlins, Wyo. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier and represents a fair and reasonable rate of compensation for the performance of these services under the present requirements of the Department.

The Board finds it is in the public interest to determine, fix, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the Postmaster General's petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

On and after November 26, 1969, the fair and reasonable final service mail rate to be paid in its entirety to Ross Aviation, Inc., by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Cheyenne and Rock Springs via Rawlins, Wyo., shall be 42.52 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the services as specified therein as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix; and

3. This order shall be served upon Ross Aviation, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 69-15478; Filed, Dec. 30, 1969; 8:50 a.m.]

[1] As this order to show cause merely provides for interested persons to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

FEDERAL HOME LOAN BANK BOARD

[No. 23,631]

STATEMENTS OF POLICY RELATING TO LIQUIDITY AND OBLIGATIONS OF CERTAIN AGENCIES OF UNITED STATES

Rescission

DECEMBER 22, 1969.

Whereas by Federal Home Loan Bank Board Resolution No. 22,862, dated May 29, 1969, and duly published in the FEDERAL REGISTER on June 11, 1969 (34 F.R. 9232) this Board adopted a statement of policy regarding inclusion of obligations of certain agencies or instrumentalities of the United States to meet liquidity requirements and authority of Federal savings and loan associations to invest in such obligations; and

Whereas by Federal Home Loan Bank Board Resolution No. 22,863, dated May 29, 1969, and duly published in the FEDERAL REGISTER on June 11, 1969 (34 F.R. 9232) this Board adopted a statement of policy regarding inclusion of obligations of certain agencies or instrumentalities of the United States as "government obligations"; and

Whereas such resolutions were adopted pending the revision of the Board's regulations governing liquidity and such revision, adopted by the Board on the date of this resolution, will be effective on December 22, 1969;

Now, therefore, it is hereby resolved that Federal Home Loan Bank Board Resolutions numbered 22,862 and 22,863 aforesaid are hereby rescinded effective December 22, 1969.

It is further resolved that the Secretary to the Board is hereby directed to transmit a copy of the foregoing statement approved by this Board to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-15416; Filed, Dec. 30, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4799]

OHIO POWER CO.

Order for Hearing Regarding Proposed Acquisition of Utility Assets from Martins Ferry, Ohio

DECEMBER 22, 1969.

In the matter of Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44701.

Ohio Power Co. ("Ohio Power"), an electric utility subsidiary company of

American Electric Power Co., Inc., a registered holding company, has filed an application and amendments thereto with this Commission pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transaction.

Ohio Power proposes to acquire from the City of Martins Ferry, Ohio ("Martins Ferry"), the electric utility system of Martins Ferry which presently serves approximately 4,400 customers. It is stated that the properties to be acquired, which will be conveyed free and clear of any indebtedness and encumbrances, include three diesel electric generating units and three steam-powered generating units, having an aggregate capacity of some 8,450 kw., 50 pole miles of 4,000-volt "Y" distribution facilities, a street lighting system, and various items of personal property. It is further stated that Martins Ferry is situated in the territory generally served by Ohio Power, and the system's only interconnection with any other utility company is with Ohio Power from which it purchased during 1968 8,500,000 of its total load of 41,000,000 kwh.

Pursuant to an ordinance of the Council of Martins Ferry, invitations for bids for the purchase of the electric utility system were made. Ohio Power's bid of $4,825,000 has been accepted by the City Council. Ohio Power proposes to serve Martins Ferry initially through its existing 69-kv. system by tapping the Martins Ferry 4-kv. system at appropriate locations at a cost of approximately $230,000. Ohio Power further proposes to improve the distribution system to the extent necessary at an estimated cost of approximately $100,000 and eventually to convert the Martins Ferry distribution system to 12-kv. at a cost of approximately $420,000. The company estimates that in the fourth full year of its operation of the Martins Ferry properties annual revenue would approximate $1 million. Ohio Power proposes to apply its present rate schedules for service to be rendered to the customers of the Martins Ferry system and estimates that the average residential customer's cost of electric service will be increased by approximately 2 percent. The Public Utilities Commission of Ohio has jurisdiction over the rates proposed to be charged by Ohio Power in Martins Ferry. No State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions and that the application should not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on January 26, 1970, at 10 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a hearing examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That particular attention be directed in the hearing to the following matters, without prejudice, however, to the presentation of additional matters upon further examination:

(a) Whether the proposed acquisition by Ohio Power of the electric utility system of Martins Ferry meets the standards of section 10 of the Act, and particularly the requirements of sections 10(b)(1), 10(b)(2) and 10(c)(2).

(b) Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles.

(c) Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount.

(d) What terms or conditions, if any, the Commission's order should contain.

(e) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than applicant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before January 21, 1970, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to Ohio Power, the City Council of Martins Ferry, the Public Utilities Commission of Ohio, the United States Department of Justice, and the Federal Power Commission; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15452; Filed, Dec. 30, 1969; 8:48 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

DECEMBER 22, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc. (a New York corporation), and all other securities of Rajac Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 23, 1969, through January 1, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15453; Filed, Dec. 30, 1969; 8:48 a.m.]

[File No. 500-1]

XI PRODUCTIONS ET AL.

Order Suspending Trading

DECEMBER 22, 1969.

In the matter of trading in securities of XI Productions (formerly Kachina Uranium Corporation), Universal Coverage Corporation, Rietz Industries, Inc., Consolidated Smelting and Refining Corporation, Michelle Enterprises, Ltd., Trans-Pacific Development Corporation, Trans-Pacific Enterprises (formerly Yellow Cat Uranium).

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of XI Productions, Universal Coverage Corp., Rietz Industries, Inc., Consolidated Smelting and Refining Corp., Michelle Enterprises, Ltd., Trans-Pacific Development Corp., and Trans-Pacific Enterprises and all other securities of XI Productions, Universal Coverage Corp., Rietz Industries, Inc. Consolidated Smelting and Refining Corp., Michelle Enterprises, Ltd., Trans-Pacific Development Corp., and Trans-Pacific Enterprises being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 22, 1969, through December 31, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15454; Filed, Dec. 30, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 12/14-0002]

WYLE CAPITAL CORP.

Surrender of License

Notice is hereby given that Wyle Capital Corp. (Wyle) has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) surrendered its license to operate as a small business investment company.

Wyle was the successor to Capital for Small Business, Inc., which was incorporated under the laws of the State of California, and issued license number 12/14-0002 by the Small Business Administration on July 6, 1959.

Wyle was licensed solely to operate under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Under the authority vested in the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Wyle is hereby accepted and accordingly, it is no longer licensed to operate as a small business investment company.

For SBA (pursuant to delegated authority).

Dated: December 16, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-15438; Filed, Dec. 30, 1969; 8:47 a.m.]

TARIFF COMMISSION

PIANOS AND PARTS

Report to President

DECEMBER 23, 1969.

The Tariff Commission today reported to the President the results of its investigation of pianos and parts conducted under section 301(b)(1) of the Trade Expansion Act of 1962 in response to a petition for an increase in import restrictions filed by the National Piano Manufacturers Association.

The Commission found (Commissioners Thunberg and Newsom dissenting and Chairman Sutton not participating) that pianos are, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to threaten to cause serious injury to the domestic industry producing like or directly competitive products. Commissioners Clubb and Moore found that the rate of duty necessary to prevent serious injury is 13.5 percent ad valorem; Commissioner Leonard found such rate to be 20 percent ad valorem.

The Commission found (Commissioner Leonard dissenting and Chairman Sutton not participating) that parts of pianos are not, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive products.

A part of the material contained in the Commission's report to the President may not be made public since it includes information that would disclose the operations of individual firms. The Commission, therefore, is releasing to the public only those portions of the report that do not contain such information.

Copies of the public report, which contains statements of the reasons for the Commissioners' findings, will be available for distribution early in January 1970 upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 69-15420; Filed, Dec. 30, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 78]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Baltimore and Ohio Railroad Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Chicago and North Western Railway Co. shall deliver to the Great Northern Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., December 26, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 24, 1969.

INTERSTATE COMMERCE COMMISSION, [SEAL] N. THOMAS HARRIS, *Agent.*

[F.R. Doc. 69-15455; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 39]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago and North Western Railway Co. is unable to transport traffic on its line between Nora, Nebr., and Cadams, Nebr., because of bridge damage.

It is ordered, That:

(a) The Chicago and North Western Railway Co., being unable to transport traffic over its line between Nora, Nebr., and Cadams, Nebr., because of bridge damage, that line and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Chicago and North Western Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted

and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p.m., December 19, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., April 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15456; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 71, Amdt. 3]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 71, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 71 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15457; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 74, Amdt. 3]

LOUISVILLE AND NASHVILLE RAILROAD CO., AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 74, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 74 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15458; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 67, Amdt. 4]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15459; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 77, Amdt. 2]

READING CO. ET AL.

Car Distribution

To: Reading Co., Western Maryland Railway Co., Baltimore and Ohio Railroad Co., and Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 77, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 77 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15460; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 70, Amdt. 3]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 70, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 70 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15461; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 73, Amdt. 3]

SOUTHERN PACIFIC CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 73, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 73 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15462; Filed, Dec. 30, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 24, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41836—*Fertilizer and fertilizer materials from points in Idaho and Utah.* Filed by Union Pacific Railroad Co. (No. 138), for interested rail carriers. Rates on fertilizer or fertilizer materials, in carloads, from points in Idaho and Utah to points in Wyoming.

Grounds for relief—Rate relationship.

Tariff—Supplement 41 to Union Pacific Railroad Co. tariff ICC 5636.

FSA No. 41837—*Anhydrous ammonia from Western Trunkline territory to Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2610), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, from points in western trunkline territory to points in Wyoming.

Grounds for relief—Market competition; modified short line distance formula and grouping.

Tariff—Supplement 13 to Western Trunk Line Committee, agent, tariff ICC A-4749.

FSA No. 41838—*Salt to Charlotte and Henderson, N.C.* Filed by Traffic Executive Association—Eastern Railroads, agent (No. 2965), for interested rail carriers. Rates on salt from points in Michigan, New York, and Ohio, to Charlotte and Henderson, N.C.

Grounds for relief—Market competition.

Tariffs—Supplements 65 and 90 to Traffic Executive Association—Eastern Railroads, agent, tariffs ICC Nos. C-262 and A-907, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15463; Filed, Dec. 30, 1969; 8:49 a.m.]

[Notice 1364]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 24, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2228 (Sub-No. 57), filed November 7, 1969. Applicant: MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Canyon and Lubbock, Tex.: From Canyon over U.S. Highway 87 to Lubbock and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant intends to join the proposed routes with its existing routes at the termini of Canyon and Lubbock, Tex., for purposes of joinder only. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2392 (Sub-No. 77), filed November 25, 1969. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248 West Omaha Station, Omaha, Nebr. 68114. Applicant's representatives: Keith D. Wheeler (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, in bulk, in tank vehicles, from Omaha, Nebr., to Ferndale, Mich.; Buffalo, N.Y.; Milwaukee, Wis.; North Tonawanda, N.Y.; Cleveland, Ohio; Detroit, Mich., and points of entry on the Detroit River at Detroit, Mich., destined to Windsor, Ontario, Canada; and (2) furfural, in bulk, in tank vehicles, from Omaha, Nebr., to Buffalo, N.Y., Sheboygan, Wis., and North Tonawanda, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 2860 (Sub-No. 67), filed November 19, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except commodities in bulk, from the plantsite of Green Giant Co., in West Sadsbury Township, Chester County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at said plantsite and destined to points in the States abovenamed. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Philadelphia, Pa., or Washington, D.C.

No. MC 2860 (Sub-No. 69), filed December 5, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiber glass materials and products;* (2) *fibrous glass material wool products;* (3) *fibrous glass textile materials and products;* and (4) *plastic materials and products*, from Service and Plano, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Oklahoma, restricted against the transportation of commodities in bulk or hopper vehicles. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 19227 (Sub-No. 135), filed November 24, 1969. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representatives: J. Fred Dewhurst (same address as applicant) and William O. Turney 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified missile parts and components*, between Sunnyvale and Los Angeles, Calif., and Amarillo, Tex., and Burlington, Iowa. NOTE: Applicant states that the required authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Miami, Fla.

No. MC 29079 (Sub-No. 57), filed November 20, 1969. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Ashland, Ky., on the one hand, and, on the other, points in Illinois, Indiana, the Lower Peninsula of Michigan, Louisville, Ky., and St. Louis, Mo. NOTE: Applicant states that the required authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 305), filed November 29, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquarium and household pet cages*, loose or in cartons, and *aquariums, accessories, supplies, and equipment* in straight or mixed shipments, from Mahwah, Maywood, Paterson, and Saddle Brook, N.J., to points in Colorado, Connecticut, Florida, Georgia, Maine, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 32882 (Sub-No. 48), filed October 31, 1969. Applicant: MITCHELL BROS. TRUCK LINES, 3841 Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Tacoma, Wash., to Medford, Oreg. NOTE: Applicant states it will tack with its presently held authority under MC 32882 Sub 34 to provide service to points in California and Oregon. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 83539 (Sub-No. 264) (Correction), filed September 22, 1969, published in FEDERAL REGISTER issue of October 23, 1969, corrected December 8, 1969, and republished as corrected this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Washington, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to show New Jersey, which was erroneously omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 88368 (Sub-No. 22) (Amendment), filed October 20, 1969, published in FEDERAL REGISTER issue of November 27, 1969, amended December 1, 1969, and republished, as amended, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma and Texas; (2) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, Texas, and New Mexico, on the one hand, and on the other, California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Wyoming and Montana; and (3) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas, on the one hand, and, on the other, Louisiana, Arkansas, Tennessee, Kentucky, Illinois, Iowa, Minnesota, South Dakota, Michigan Wisconsin, Indiana, Ohio, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. NOTE: Applicant states that it is presently authorized to transport household goods as defined by the Commission between all of the points sought above by observing certain gateways. The purpose of this instant application is to eliminate gateway requirements and circuitous mileage. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. The purpose of this republication is to include the State of Rhode Island as a territorial point in (3) above. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94201 (Sub-No. 82), filed November 17, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cast iron valves, including brass valves and/or components, and cast iron fire hydrants*, between Birmingham, Ala. and points within 10 miles thereof, on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala. or Washington, D.C.

No. MC 97006 (Sub-No. 12), filed December 1, 1969. Applicant: HOWARD'S EXPRESS, INC., East North Street, Geneva, N.Y. 14456. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Himrod, N.Y., to points in Sussex, Warren, Morris, Somerset, Hunterdon, Monmouth, and Ocean Counties, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester or New York, N.Y., Chicago, Ill., or Washington, D.C.

No. MC 103993 (Sub-No. 478), filed November 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and pickup campers in initial movements, from points in Otero County, Colo., to points in the United States, except Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 103993 (Sub-No. 479), filed November 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and undercarriages*, from Springfield, Oreg., to points in Idaho, Montana, Washington, Nevada, Utah, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 103993 (Sub-No. 480), filed November 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* designed to be drawn by passenger automobiles in initial movements in truckaway service, from points in Anderson County, S.C., to points east of the Mississippi River including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Greenville, S.C.

No. MC 103993 (Sub-No. 481), filed November 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Sebastian County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 104149 (Sub-No. 191), filed November 17, 1969. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. 35203. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and/or components, and cast iron fire hydrants*, between Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Alabama, Georgia, Arkansas, Oklahoma, Mississippi, Tennessee, Florida, and those in that part of Louisiana east of the Mississippi River. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 107002 (Sub-No. 386), filed November 14, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, from points in Monroe County, Miss., to points in Alabama, Georgia, Indiana, Kentucky, Ohio, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 107227 (Sub-No. 112), filed November 18, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from Benicia, Calif., to points in Nevada and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107403 (Sub-No. 784), filed November 14, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid*, in bulk, from Natchez, Miss., to points in Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 686), filed November 24, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables, and fresh fruits and vegetables* when transported on the same vehicle with commodities otherwise authorized, from Lake Jem, Fla., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, Kentucky, Mississippi, and Alabama. NOTE: Applicant states it will tack

with its Sub 471 at Pike and Spaulding Counties, Ga., and at Jonesboro, Tenn., with its Sub 548. If a hearing is deemed necessary, applicant requests it be held at Orlando or Tampa, Fla.

No. MC 107544 (Sub-No. 86), filed November 12, 1969. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in specially designed tank trucks, moving under special permit, between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant is also authorized to operate as a contract carrier under MC 113959, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 108068 (Sub-No. 86) (correction), filed November 17, 1969, published FEDERAL REGISTER, issue of December 25, 1969, and republished as corrected this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., operator of U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems and antipollution system parts*, from Roseville, Mich., to points in the United States, except Alaska and Hawaii. NOTE: The purpose of this republication is to show the new docket number assigned thereto, as shown above, in lieu of No. MC 109397 (Sub-No. 189), as previously published. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 108068 (Sub-No. 88), filed November 26, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., operator of U.S.A.C. TRANSPORT, INC., Post Office Box 113, Business I-44, Joplin, Mo. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and A. N. Jacobs, Post Office Box G, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified missile parts and components*, between Sunnyvale and Los Angeles, Calif., Amarillo, Tex., and West Burlington, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Kansas City, Mo., and

No. MC 108196 (Sub-No. 1), filed November 17, 1969. Applicant: ATLAS TRUCK LINE, INC., 2619 South Fifth Street, Milwaukee, Wis. 53207. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from St. Louis, Mo., to Addison, Arlington Heights, and Aurora, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 278), filed November 19, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, cheese spreads and dips, cream spreads and dips, and yogurt;* (1) from points in Kansas to points in Texas, Oklahoma, Arkansas, Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, South Dakota, and Memphis, Tenn.; and (2) from points in Oklahoma to points in Texas, Kansas, Tennessee, Nebraska, Iowa, Minnesota, Wisconsin, Ohio, Indiana, Kentucky, New Mexico, and Arizona. Applicant states that by tacking with its (Sub-No. 38) it could provide joinder from points in Texas to points in Arizona, California, and New Mexico; joinder through Texas to Louisiana and Mississippi by tacking with its (Sub-No. 1); through Kansas City, Mo., to points in Louisiana and New Mexico in its (Sub-No. 198); and through Memphis, Tenn., to points in Mississippi in its (Sub-No. 217). If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 108435 (Sub-No. 24), filed November 28, 1969. Applicant: OSCAR C. RADKE, doing business as RADKE TRANSIT, 730 South 17th Avenue, Wausau, Wis. 54401. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snow plows, snow plow attachments and sanders*, on flatbed equipment, from Clayton, N.Y., to points in Illinois, Iowa, Wisconsin, Michigan, Minnesota, North Dakota, South Dakota, Nebraska, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.; Minneapolis, Minn.; or Chicago, Ill.

No. MC 111710 (Sub-No. 7), filed November 19, 1969. Applicant: ARKANSAS TRANSIT CO., INC., Post Office Box 287, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Post Office Box 88, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container closures, and materials, equipment, and supplies* used in the manufacture, sales, and distribution of metal containers and metal container closures, between points in Arkansas, Missouri, and Oklahoma within 150 miles of Springdale, Ark., including Springdale, Ark., on the one hand, and, on the other, points in Iowa, Nebraska, and Louisiana. NOTE: Applicant intends to tack the proposed authority with its existing authority transporting tin cans and lids where feasible, wherein applicant is presently authorized to serve points between Arkansas, Missouri, and Oklahoma within 150 miles of Springdale, Ark. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 112223 (Sub-No. 85), filed November 19, 1969, Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the site of the American Oil Co. pipeline terminal near Spring Valley, Minn., to points in Wisconsin and Iowa. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 112593 (Sub-No. 17), filed November 21, 1969. Applicant: SIDNEY W. JOHNSON, doing business as SOUTHWESTERN FILM SERVICE, 8319 Aztec NE., Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moved therewith on traffic having a prior or subsequent out-of-State movement, between Albuquerque, N. Mex., on the one hand, and, on the other, Clovis, Deming, Farmington, Gallup, Grants, Las Cruces, Las Vegas, Los Alamos (in Los Alamos County), Lordsburg, Raton, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Truth or Consequences, N. Mex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 117851 (Sub-No. 4), filed November 28, 1969. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite,

refractories, refractory products, lime, limestone products, and commodities requiring special equipment), between the plantsite of Fort Recovery Industries, Inc., Recovery Township, Mercer County, Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, under contract with Fort Recovery Industries, Inc., of Fort Recovery, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119423 (Sub-No. 1), filed November 10, 1969. Applicant: WILKEY AND LANKFORD, INC., Campbell, Mo. 63933. Applicant's representative: William B. Sharp, 112 East Main Street, Post Office Box 337, Malden, Mo. 63863. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Road materials*, in bulk, in dump trucks, between points in Dunklin and Pemiscot Counties, Mo., on the one hand, and, on the other, points in Clay, Craighead, Green, Mississippi, and Lawrence Counties, Ark. NOTE: Applicant states it will tack between present route to include points in Lawrence County, Ark., as source of material, extension of routes westerly from Greene County line. If a hearing is deemed necessary, applicant requests it be held at any convenient point in Missouri or Arkansas, also Memphis, Tenn.

No. MC 119669 (Sub-No. 4), filed November 14, 1969. Applicant: JACKSON TRUCKING CO., INC., 546 South 31A, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 124211 (Sub-No. 141), filed November 17, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Paint, paint materials and supplies, groceries and general store supplies*, serving points in Burt, Cass, and Thurston Counties, Nebr., as intermediate and off-route points in connection with carrier's authorized regular route operations. (B) Irregular routes: (1) *Building materials and supplies, and iron and steel articles*, between points in Lancaster and Otoe Counties, Nebr., and points in Kansas, Oklahoma, and Texas; and (2) *motor vehicle parts, accessories, and supplies*, from points in the United States, except Hawaii, to Council Bluffs, Iowa. Restriction: The authority sought herein, to the extent it duplicates authority now held by or heretofore granted to carrier, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127274 (Sub-No. 20), filed November 28, 1969. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plainsite of American Home Foods, Inc., La Porte, Ind., to points in Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127346 (Sub-No. 4), filed November 17, 1969. Applicant: HALL'S FAST MOTOR FREIGHT, INC., Post Office Box 183, 330 Oak Tree Road, South Plainfield, N.J. 07080. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic articles*, from the plantsite of Apache Foam Products, Linden, N.J., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New York, New Hampshire, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. No duplicating authority is being sought, and all such duplicating authority shall be eliminated. Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127689 (Sub-No. 37), filed November 24, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Post Office Box 987, Hattiesburg, Miss. 39401. Applicant's representative: H. E. West (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite and warehouses of Kroehler Manufacturing Co., located in Meridian, Miss., and its commercial zone, to points in Indiana, Kansas, Kentucky, Missouri, North Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Meridian, Miss.

No. MC 133161 (Sub-No. 4), filed November 28, 1969. Applicant: GRIESER TRUCKING CO., a corporation, Route 1, Box 152A, Archbold, Ohio 43502. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts*, between the auction yard of Yoder & Frey, Inc., located near Archbold, Ohio, on the one hand, and, on the other, points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, Wyoming, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133666 (Sub-No. 3), filed November 20, 1969. Applicant: JACOBSON TRANSPORT, INC., Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk or in bags, from Savage, Minn., to points in North Dakota and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133856 (Sub-No. 2), filed November 14, 1969. Applicant: HALL'S TRANSPORT, LTD., Post Office Box 1606, Regina Saskatchewan, Canada. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down or in sections, *component parts, equipment, materials and supplies* incidental to the erection and completion of such buildings, from the ports of entry on the international boundary line between the United States and Canada located in Montana, North Dakota, and Minnesota, to points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, and Iowa; under contract with Muttart Industries (Saskatchewan), Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 133958 (Sub-No. 2), filed November 21, 1969. Applicant: W. E. STOCKARD, 2212 West Juniper Street, Roswell, N. Mex. 88201. Applicant's representative: Donald Brown, Post Office

Box 776, Roswell, N. Mex. 88201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feeds* (except liquid feeds or liquid feed supplements to be transported in tank vehicles), between points in New Mexico, on the one hand, and, on the other, points in the northern Panhandle of Texas, bounded on the west by the New Mexico-Texas State line, and on the north and east by the Texas-Oklahoma State line, and continuing southerly along the eastern boundaries of Childress, Cottle, King, and Stonewall Counties, Tex., and bounded on the south by the southern boundaries of Stonewall, Kent, Garza, Lynn, Terry, and Yoakum Counties, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Roswell or Albuquerque, N. Mex.

No. MC 134070 (Sub-No. 2), filed November 28, 1969. Applicant: LEW ROSE, doing business as LEW ROSE PETROLEUM TRANSPORT, 855 South Fort Street, Detroit, Mich. 48217. Applicant's representative: Arthur P. Boynton, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Woodhaven and Detroit, Mich., to Oregon, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 134119 (Sub-No. 1) (Clarification), filed October 29, 1969, published FEDERAL REGISTER issue of November 27, 1969, and republished, as clarified, this issue. Applicant: SECURITY STORAGE & VAN COMPANY OF NEWPORT NEWS, VA., INC., 5713 Jefferson Avenue, Newport News, Va. 23605. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Newport News, Norfolk, Hampton, Virginia Beach, Williamsburg, Portsmouth, Franklin, and Chesapeake, Va., and points in York, James City, Gloucester, Matthews, Surry, Isle of Wright, Mamsemond, Sussex, Southampton and Northampton Counties, Va., restricted to traffic having a prior or subsequent movement in containers, and to performance of pickup and delivery service in connection with packing, crating and containerization, and unpacking and decontainerization. NOTE: The purpose of this republication is to clarify one of the territorial points requested. It should read Hampton, Virginia Beach, etc., in lieu of Hampton Beach. If a hearing is deemed necessary, applicant did not specify location.

No. MC 134188, filed November 24, 1969. Applicant: A-A DRIVE-A-WAY, INC., 161 West Wisconsin Avenue, Suite 7083, Milwaukee, Wis. 53203. Applicant's representatives: Howard McKoane (same address as applicant) and William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, in driveaway service, from points in Wisconsin to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 134229 (Sub-No. 3) (Correction), filed November 10, 1969, published FEDERAL REGISTER, issue of December 4, 1969, under No. MC 3790 (Sub-No. 10), and republished as corrected this issue. Applicant: RICHMOND TRANSFER, INC., Post Office Box 86, Excelsior Springs, Mo. 64024. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Henrietta, Mo., and East St. Louis, Ill., from Henrietta over Missouri Highway 13 to its junction with Interstate Highway 70, thence over Interstate Highway 70 to East St. Louis, and return over the same route, serving no intermediate points; and (2) between Henrietta, Mo., and Springfield, Mo., from Henrietta, over Missouri Highway 13 to Springfield, and return over the same route, serving no intermediate points. NOTE: The purpose of this republication is to show application has been reassigned No. MC 134229 (Sub-No. 3), in lieu of MC 3790 (Sub-No. 10), as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

MOTOR CARRIERS OF PASSENGERS

No. MC 133770 (Sub-No. 2), filed November 21, 1969. Applicant: MARYLAND CHICKEN PROCESSORS, INC., Snow Hill, Md. 21863. Applicant's representative: Wilson T. Webster, c/o The Otis Feed Co., Parsonsburg, Md. 21849. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, between points in Northampton and Accomack Counties, Va., and the plantsite of Maryland Chicken Processors, Inc., in Snow Hill, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury or Snow Hill, Md.

No. MC 134185, filed November 20, 1969. Applicant: OMNIBUS, INCORPORATED, 19954 Harper Avenue, Harper Woods, Mich. 48236. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (personnel of the Penn Central Corp.) *together with their tools, personal belongings, and miscellaneous materials, equipment, and supplies* of the Penn Central Corp. moving at the same time and the same vehicle with said personnel in passenger carrying vehicles having a capacity not including driver of not more than 15 passengers; (1) between points in Michigan, Indiana, and Ohio; and (2) between points in Michigan, Indiana, and Ohio, on the one hand, and, on the other, the international boundary between the United States and Canada at or near Port Huron, Mich., and at or near Detroit, Mich.; under contract with Penn Central Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130104, filed November 26, 1969. Applicant: NORTH AMERICAN TOUR-A-CAMP, INC., doing business as TOUR-A-CAMP, Rockland County YMCA, South Broadway, Nyack, N.Y. 10960. Applicant's representative: S. S. Elsen, 140 Cedar Street, New York, N.Y. 10006. For a license (BMC-5) to engage in operations as a *broker* at Nyack, N.Y., in arranging for transportation in interstate or foreign commerce of *teenage and student passengers, accompanied by tour directors and/or chaperones, and their baggage*, in charter operations, in all-expense tours beginning and ending in Rockland County, N.Y., and extending to points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 28348 (Sub-No. 2), filed November 18, 1969. Applicant: CITIZEN AUTO STAGE COMPANY, a corporation, 424 Grand Avenue, Nogales, Ariz. Applicant's representative: Robert J. Corber, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in the counties of Santa Cruz and Pima, Ariz. (excluding the Papago Indian Reservation and points in Pima County west thereof), and extending to points in the United States (except Hawaii and Alaska); and (2) *passengers and their baggage* in the same vehicle with passengers, in special operations, in one-way sightseeing and pleasure tours, between points in the counties of Santa Cruz and Pima, Ariz. (excluding the Papago Indian Reservation and points in Pima County west thereof) on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), restricted to passengers having an immediately prior movement by air between one of the foregoing origins or destinations and one of the foregoing destinations or origins. NOTE: Applicant holds common carrier of property authority under MC 54541 (Sub-No. ____). Common control may be involved.

No. MC 108398 (Sub-No. 39) (Correction), filed November 6, 1969, published in the FEDERAL REGISTER issue of December 11, 1969, and republished as corrected, this issue. Applicant: RINGSBY-PACIFIC LTD., a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between junction U.S. Highway 97 and Oregon Highway 58 (about 81 miles north of Klamath Falls, Oreg.), and Maryhill and Spokane, Wash., as follows: (a) From junction U.S. Highway 97 and Oregon Highway 58, over U.S. Highway 97 to Biggs, Oreg., thence across bridge over the Columbia River to Maryhill, Wash.; and (b) from junction U.S. Highway 97 to Oregon Highway 58 over U.S. Highway 97 to Biggs, Oreg., thence over U.S. Highway 30 to Boardman, Oreg., thence over U.S. Highway 730 to Umatilla, Oreg., thence across bridge over the Columbia River to Plymouth, Wash., thence over Washington Highway 14 to Pasco, Wash., thence over U.S. Highway 395 to Spokane, Wash., and return over the same routes, as alternate routes for operating convenience only in connection with (a) and (b) above, serving no intermediate points, and serving the junction of U.S. Highway 97 and Oregon Highway 58 for the purpose of joinder only with carrier's regular route operations between San Francisco, Calif., and Portland, Oreg., and serving Maryhill for the purpose of joinder only with carrier's regular route between Portland, Oreg., and Spokane, Wash. NOTE: The purpose of this republication is to include a part of the route description inadvertently omitted in the previous publication. Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-15464; Filed, Dec. 30, 1969; 8:49 a.m.]

[Notice 582]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 24, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 38170 (Deviation No. 3), WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. 48146, filed December 16, 1969. Carrier's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Mich. 48226. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over the Ohio Turnpike to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Interstate Highway 94, thence over Interstate Highway 94 to Willow Run, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Toledo, Ohio, over U.S. Highway 24 to Detroit, Mich. (also over Alternate U.S. Highway 24-Interstate Highway 75); and (2) from Dearborn, Mich., over Interstate Highway 94 to Willow Run, Mich., and return over the same routes.

No. MC 60255 (Deviation No. 1), FILLMORE FREIGHT LINES, INC., 150 Front Avenue, West Haven, Conn. 06516, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 84 (Wilbur Cross Parkway) to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 to junction Interstate Highway 90 (Massachusetts Turnpike), thence over Interstate Highway 90 to Boston, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hartford, Conn., over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Auburn, Mass., thence over Massachusetts Highway 12 to West Boylston, Mass., thence over Massachusetts Highway 110 to Lowell, Mass., thence over U.S. Highway 3 to Boston, Mass., and return over the same route.

No. MC 60255 (Deviation No. 2) FILLMORE FREIGHT LINES, INC., 150 Front Avenue, West Haven, Conn. 06516, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Boston, Mass., and Providence, R.I., over Interstate Highway 94 to Willow Run, Mich., and return over the same routes.

No. MC 60255 (Deviation No. 3), FILLMORE FREIGHT LINES, INC., 150 Front Avenue, West Haven, Conn. 06516, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Providence, R.I., and New Bedford, Mass., over Interstate Highway 195, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Providence, R.I., and New Bedford, Mass., over U.S. Highway 6.

No. MC 65491 (Deviation No. 22), GEORGE W. BROWN, INC., 1475 East 222d Street, Post Office Box 41, Bronx, N.Y. 10469, filed December 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Newburgh, N.Y., over U.S. Highway 9W to junction Interstate Highway 287, thence over Interstate Highway 287 to Rye, N.Y.; (2) from Peekskill, N.Y., over U.S. Highway 9 to junction Interstate Highway 287, thence over Interstate Highway 287 to Rye, N.Y.; (3) from Newburgh, N.Y., over U.S. Highway 9W to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to junction Interstate Highway 84, thence over Interstate Highway 84 to Danbury, Conn.; and (4) from Peekskill, N.Y., over U.S. Highway 9 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to junction Interstate Highway 84, thence over Interstate Highway 84 to Danbury, Conn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 9 to Peekskill, N.Y.; (2) from New York, N.Y.; over U.S. Highway 9W to Newburgh, N.Y.; (3) from New York, N.Y., over U.S. Highway 1 to Norwalk, Conn.; and (4) from Norwalk, Conn., over U.S. Highway 7 to Danbury, Conn., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 541) (Cancels Deviation No. 503), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed December 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 41 and Interstate Highways 80-94 in Hammond, Ind., over Interstate Highways 80-94 to junction Interstate Highway 65 in East Gary, Ind., thence over Interstate Highway 65 to junction U.S. Highway 231

(also designated U.S. Highway 24), thence over U.S. Highway 231 to junction U.S. Highway 52 at Montmorenci, Ind.; (2) from Gary, Ind., over city streets to the 15th Avenue Interchange of Interstate Highway 65; and (3) from the interchange of Interstate Highway 90 (Indiana Toll Road) and Interstate Highway 65 over Interstate Highway 65 to Interchange with Interstate Highways 80–94, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Lafayette, Ind., over U.S. Highway 52 via Templeton, Ind., to Atkinson, Ind., thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 via Cook and Hammond, Ind., to Chicago, Ill.; and (2) from junction U.S. Highways 6 and 41 and Indiana Highway 152, over Indiana Highway 152 to junction Interstate Highways 80–94, thence over Interstate Highways 80–94 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes.

No. MC 1515 (Deviation No. 542), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed December 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From Birmingham, Ala., over Interstate Highway 20 to junction U.S. Highway 78 just east of Leeds, Ala.; (2) from junction Interstate Highway 20 and U.S. Highway 78 just west of Pell City, Ala., over Interstate Highway 20 to Atlanta, Ga.; (3) from Anniston, Ala., over Alabama Highway 21 to junction Interstate Highway 20; (4) from Douglasville, Ga., over U.S. Highway 78 to junction Georgia Highway 5, thence over Georgia Highway 5 to junction Interstate Highway 20; and (5) from Douglasville, Ga., over Georgia Highway 92 to junction Interstate Highway 20, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Pell City, Ala., thence over U.S. Highway 78 to junction Interstate Highway 20 (formerly portion U.S. Highway 78), thence over Interstate Highway 20 to junction U.S. Highway 78 near Brompton, Ala., thence over U.S. Highway 78 via Leeds to Birmingham, Ala., and return over the same route.

No. MC 70947 (Deviation No. 5) (Cancels Deviation No. 2), MT. HOOD STAGES, INC., doing business as PACIFIC TRAILWAYS, 1068 Bond Street, Bend, Oreg. 97701, filed December 18, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highways 30S and 30N (East Burley Junction, Idaho), over U.S. Highway 30N to junction Interstate Highway 80N (North Burley Junction), thence over Interstate Highway 80N to Snowville, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Twin Falls, Idaho, over U.S. Highway 30 to Burley, Idaho, thence over U.S. Highway 30S to Brigham City, Utah, and return over the same route.

No. MC 109780 (Deviation No. 29), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Ashfork, Ariz., over Interstate Highway 40 to junction unnumbered highway, thence over unnumbered highway to junction Old U.S. Highway 66, thence over Old U.S. Highway 66 to Seligman, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: from Albuquerque, N. Mex., over U.S. Highway 66 via McConnico and Topock, Ariz., to junction unnumbered highway near Victorville, Calif., and return over the same route.

No. MC 109780 (Deviation No. 30), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Albuquerque, N. Mex., and Grants, N. Mex., over Interstate Highway 40 for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Albuquerque, N. Mex., over U.S. Highway 66 via McConnico and Topock, Ariz., to junction unnumbered highway near Victorville, Calif., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15465; Filed, Dec. 30, 1969; 8:49 a.m.]

[Notice 1363]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 24, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

Nos. MC 133434 (Sub-No. 1) and MC 133662 (Republications), filed March 21, 1969, and April 14, 1969, respectively, published in the FEDERAL REGISTER issues of April 17, 1969, and May 7, 1969, respectively, and republished this issue. No. MC 133434 (Sub-No. 1). Applicant: CONGRESSIONAL MOVERS, INC., 8901 D'Arcy Road, Upper Marlboro, Md. 20870. Applicant's representative: John H. Blankenship (same address as applicant). No. MC 133662. Applicant: NORVIE E. PAULK, doing business as MISSISSIPPI VAN & STORAGE CO., No. 1 Greyhound Road, Post Office Box 2392, Columbus, Miss. 39701. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22688, Jackson, Miss. 39205. By application filed March 21, 1969, and April 14, 1969 respectively, each applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household goods as defined by the Commission, between points in described portions of named states. An order of the Commission, Review Board No. 1, decided December 8, 1969, and served December 11, 1969, finds that the present and future public convenience and necessity require operation by each applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, *of used household goods:* In No. MC 133434 (Sub-No. 1): Between points in Prince Georges, Montgomery, Anne Arundel, Charles, and St. Marys Counties, Md., and points in Arlington and Fairfax Counties, Va., and the District of Columbia. In No. MC 133662: Between points in Clay, Lee, Lowndes, Monroe, Oktibbeha, Prentis, and Webster Counties, Miss.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic: That each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5(a) AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10681 (ADIRONDACK TRANSIT LINES, INC.—Control and Merger—EMPIRE BUS LINES, INC.) published in the December 17, 1969, issue of the FEDERAL REGISTER, on page 19788. Application filed December 18, 1969, for temporary authority under section 210a(b).

No. MC-F-10688. Authority sought for purchase by NILSON VAN & STORAGE, 2965 Main Street, Columbia, S.C. 29201, of the operating rights of CECIL HODGE (THE NATIONAL BANK OF SOUTH CAROLINA, ADMINISTRATOR C.T.A.), doing business as CECIL HODGE TRUCK LINES, Post Office Box 186, Corner East Calhoun and Lafeyette Boulevard, Sumter, S.C. 29151, and for acquisition by HOWARD A. NILSON, and NORMA R. NILSON, both of 120 Lake Elizabeth Drive, Columbia, S.C. 29203, of control of such rights through the purchase. Applicants' attorney and representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, and Jan L. Warner, Post Office Drawer 1289, Sumter, S.C. 29150. Operating rights sought to be transferred: *New furniture*, as a *common carrier*, over irregular routes, from Sumter, S.C., and points within 2 miles of Sumter, to certain specified points in Virginia, and points in Georgia and North Carolina; *agricultural commodities*, from certain specified points in South Carolina, to Fries, Va., and points in North Carolina and South Carolina; *storage batteries and automobile parts*, from Charlotte, N.C., to Sumter, S.C.; *lumber*, from Sumter, S.C., to Charlotte, N.C.; *farm wagons*, from Wilson and Hickory, N.C., to Sumter, S.C.; *cotton bagging and ties*, from Henderson, N.C., to Sumter, S.C.; *onions*, from points in Sumter County, S.C., to Jacksonville and Tampa, Fla., certain specified points in Georgia, and Roanoke, Va.; *feed*, from Charlotte, N.C., to Sumter, S.C.; *hardware*, from Lynchburg, Va., to Sumter and Columbia, S.C.; *fertilizer and fertilizer material*, from certain specified points in South Carolina, to certain specified points in South Carolina; *such merchandise* as is dealt in by wholesale and retail grocery houses, from Charleston, S.C., to Charlotte and Salisbury, N.C., and points in South Carolina; *peanuts*, between points in Sumter County, S.C., on the one hand, and, on the other, Suffolk and Portsmouth, Va.; *machinery supplies*, between Alcolue, S.C., on the one hand, and, on the other, Charlotte, N.C.; *machinery and contractors' equipment*, between Sumter, S.C., on the one hand, and, on the other, certain specified points in North Carolina, Virginia, and Georgia; *household goods* as defined by the Commission, between Sumter, S.C., and points within 25 miles of Sumter, on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, and Florida; and *telephone line construction materials and supplies*, between points in South Carolina, on the one hand, and, on the other, points in Georgia, North Carolina, and South Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10689. Authority sought for purchase by A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 2600 West Broadway, Louisville, Ky. 40211, of the operating rights of UNION STORAGE CO., INC., 635 N Street NW., Washington, D.C. 20001, and for acquisition by CARL H. ARNOLD, also of Louisville, Ky., of control of such rights through the purchase. Applicants' attorneys: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, and Malvern J. Sheffield, 1815 H Street NW., Washington, D.C. 20006. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Virginia and Maryland. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Illinois, Indiana, Kentucky, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, Alabama, Arkansas, Colorado, Connecticut, Delaware, Iowa, West Virginia, Wisconsin, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10690. Authority sought for purchase by McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071, of a portion of the operating rights of BILYEU REFRIGERATED TRANSPORT CORPORATION, Post Office Box 688, Marshall, Mo. 65340, and for acquisition by LEONARD McKEE, 10751 West Michigan, Kalamazoo, Mich., and E. B. PETERS, Post Office Box 443, Benton Harbor, Mich., of control of such rights through the purchase. Applicants' attorney: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: (1) *Candy, confectionery, and confectionery products* (except commodities in bulk, in tank vehicles), and *advertising matter, premiums, prizes, and display materials*, when moving in mixed loads with candy, confectionery, and confectionery products, as a *common carrier*, over irregular routes, from the plantsite and other facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin, from Scranton, Pa., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, and Wisconsin; (2) *meats, meat products, and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scranton, Pa., to points in Colorado, Illinois, Michigan, Missouri, Ohio, and Texas; (3) *meats, meat products, and meat byproducts* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *food products*, from the plantsites, warehouses, and facilities of Polarized Meat Co., (Division of Glidden Co.), and Empire Chicken Industries (Division of Glidden Co.), at or near Moosic, Pa., to points in California, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, South Dakota, Texas, and Wisconsin; (4) *Meats, meat products, and meat byproducts* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *food products*, from Swoyersville and Pittston, Pa., to Kansas City, Mo., and points in Ohio and Texas. Restriction: The operations described in (1), (2), (3), and (4) above are restricted to the transportation of shipments originating at the origins specified; (5) *agricultural comodities and commodities* the transportation of which falls within the partial exemption of section 203 (b)(6) of the Interstate Commerce Act, when moving in mixed loads with any of the comodities specified in (1), (2), (3), and (4) above, from the respective origins to the respective destination territories specified in (1), (2), (3), and (4) above; and *foodstuffs*, from the plantsite of J. H. Filbert Co., at Baltimore, Md., to points in Michigan, Ohio, Kentucky, and Indiana. Restriction: The operations authorized above are restricted against the transportation of dry sugar to points in Indiana; from the plantsite of J. H. Filbert Co., at Macon, Ga., to points in Michigan, Ohio, Indiana, Kentucky, Tennessee, and Louisiana. Restriction: The operations authorized next above are restricted against the transportation of bakery goods. Restriction: The operations authorized herein are restricted to the shipments originating at the named plantsites and destined to points in the named destination territory. Vendee is authorized to operate as a *common carrier* in Indiana, Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Utah, Tennessee, Virginia, Nebraska, Texas, Iowa, West Virginia, Illinois, Michigan, California, Louisiana,

Connecticut, Delaware, Arizona, Mississippi, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia; and as a *contract carrier* in New York, Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Michigan. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-10691. Authority sought for control by COACHWAYS SYSTEM, LTD., a holding company, 222 First Avenue, Southwest, Calgary 1, Alberta, Canada, of ALASKAN COACHWAYS LIMITED, Post Office Box 516, Fairbanks, Alaska, and for acquisition by GREYHOUND LINES OF CANADA LTD., also of Calgary, Alberta, Canada, and in turn by GREYHOUND LINES, INC., and THE GREYHOUND CORPORATION, both of 10 South Riverside Plaza, Chicago, Ill. 60606, of control of ALASKAN COACHWAYS LIMITED, through the acquisition by COACHWAYS SYSTEM, LTD. Applicants' attorney: Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Fairbanks, Alaska, and the United States-Canada boundary line at or near Boundary, Alaska, between junction Alaska Highways 2 and 4 at or near Buffalo Center, Alaska, and Valdez, Alaska, between junction Alaska Highways 4 and 8 at or near Paxson, Alaska, and Cantwell, Alaska, between Cantwell, Alaska, and McKinley Park, Alaska, between McKinley Park, Alaska, and Kantisha, Alaska, between Fairbanks, Alaska, and Circle, Alaska, between junction Alaska Highway 2 and unnumbered highway at or near Northway Junction, Alaska, and Northway, Alaska, between Anchorage, Alaska, and Tok Junction, Alaska, between junction Alaska Highways 1 (The Glenn Highway) and 3 at or near Palmer, Alaska, and Talkeetna, Alaska, between junction Alaska Highway 3 and unnumbered highway at or near Wasilla, Alaska, and Big Lake, Alaska, between Anchorage, Alaska and Seward, Alaska, between junction Alaska Highway 1 and unnumbered highway, and Mope, Alaska, between junction Anchorage-Seward Highway (Alaska Highway 1) and Sterling Highway (Alaska Highway 1) northwest of Moose Pass, Alaska, and Homer, Alaska, between junction Sterling Highway (Alaska Highway 1) and unnumbered highway at or near Soldatna, Alaska, and Nikishka, Alaska, between junction of Alaska Highways 2 and 5 at or near Tetlin Junction, Alaska, and Eagle, Alaska, between Fairbanks, Alaska, and Clear, Alaska, between Haines, Alaska, and the United States-Canada boundary line at or near Porcupine, Alaska, between Haines, Alaska, and Skagway, Alaska, between Haines, Alaska, and Ketchikan, Alaska, serving all intermediate points. COACHWAYS SYSTEM, LTD., hold no authority from this Commission. However, it is a wholly-owned subsidiary of GREYHOUND LINES OF CANADA, LTD., 222 First Avenue SW., Calgary 1, Alberta, Canada, which is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15466; Filed, Dec. 30, 1969; 8:49 a.m.]

[Notice 966]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 24, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 185 TA) (Correction), filed December 1, 1969, published in the FEDERAL REGISTER issue of December 11, 1969, and republished in part as corrected, this issue. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. NOTE: The purpose of this partial republication is to include the State of West Virginia as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains as previously published.

No. MC 25869 (Sub-No. 97 TA) (Correction), filed Novmeber 24, 1969, published in the FEDERAL REGISTER issue of December 5, 1969, and republished as corrected this issue. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, Omaha, Nebr. 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles and except hides), from the plantsite and storage facilities of Beefland International, Inc., at Council Bluffs, Iowa, to points in Colorado, Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. NOTE: The purpose of this republication is to complete the commodity description. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 51501 (Raymond C. Burke, Vice President). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 108068 (Sub-No. 85 TA) (Correction), filed November 24, 1969, published FEDERAL REGISTER, issue of December 10, 1969, under MC 109397 (Sub-No. 187 TA), and republished as corrected this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., as operator of U.S.A.C. TRANSPORT, INC., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified missile parts and components*, between Sunnyvale and Los Angeles, Calif., Amarillo, Tex., and West Burlington, Iowa, for 180 days. NOTE: The purpose of this republication is to correct the docket number assigned thereto, as shown above, in lieu of MC 109397 (Sub-No. 187 TA), which was in error. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 109397 (Sub-No. 190 TA), filed December 12, 1969, Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished carpet facing*, from Hickory, N.C., to Morris, Ill., for 150 days. Supporting shipper: Sponge-Cushion, Inc., 902-910 Armstrong Street, Morris, Ill. 60450. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110098 (Sub-No. 105 TA) (Correction), filed December 13, 1969, published in the FEDERAL REGISTER issue Notice No. (960), and republished in part, as corrected, this issue. Applicant: ZERO REFRIGERATED LINES, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as above). NOTE: The purpose of this partial republication is to show Supporting shipper, "Norman D. Sullivan, Traffic Manager, Shedd-Bartush Foods, 1484 Kifer Road, Sunnyvale, Calif. 94086", which was in error in previous publication. The rest of the application remains the same.

No. MC 113678 (Sub-No. 372 TA), filed December 9, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Minnie Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, table sauces, salad dressings, vegetable oils, shortenings, lard, and tallow*, from Jacksonville (Morgan County), Ill., to points in Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Washington, D.C., Virginia, West Virginia, New Hampshire, Vermont, and Maine, for 180 days. Supporting shipper: Anderson Clayton Foods, 1 Main Place, Dallas, Tex. 75250. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119302 (Sub-No. 6 TA) (Correction), filed December 2, 1969, published in the FEDERAL REGISTER issue of December 13, 1969, and republished as corrected this issue. Applicant: MILLER TRANSFER & RIGGING CO., Post Office Box 6077, Akron, Ohio 44312. Applicant's representative: David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hand shovels*, in Klimp box containers, from the site of True Temper Corp. at Dunkirk, N.Y., to the plantsite of True Temper Corp. at Saybrook, Ohio; *shovel parts, and Klimp box containers*, set up and or knocked down, and *returned, rejected, and damaged shipments*, from the plantsite of True Temper Corp. at Saybrook, Ohio, to the plantsite of True Temper Corp. at Dunkirk, N.Y., for 180 days. Supporting shipper: True Temper Corp., 1623 Euclid Avenue, Cleveland, Ohio 44115. Send protests to: G. J. Baccel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, Ohio 44199. NOTE: The purpose of this republication is to (1) reflect the correct name and address of the applicant, and (2) reflect that applicant seeks *contract* carrier authority inadvertently shown as common carrier authority in the previous publication.

No. MC 123392 (Sub-No. 21 TA), filed December 9, 1969. Applicant: JACK B. KELLEY, INC., 3801 Virginia, Amarillo, Tex. 79109. Applicant's representative: Jack B. Kelley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethane gas*, in bulk, in carrier owned trailers, from Gregory, Tex., to Bushton, Kans., for 150 days. Supporting shipper: George F. Hall, Traffic Manager, Cities Service Oil Co., Box 300, Tulsa, Okla. 74102. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 123392 (Sub-No. 22 TA), filed December 11, 1969. Applicant: JACK B. KELLEY, INC., 3801 Virginia, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, in bulk, in carrier owned vehicles, from Fort Worth, Tex., and Dominguez, Calif., to Henderson, Nev., for 150 days. Supporting shipper: G. E. Strange, Southwestern Transportation Manager, Stauffer Chemical Co., 6910 Fannin, Suite 300 South, Houston, Tex. 77025. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 124711 (Sub-No. 4 TA), filed December 12, 1969. Applicant: BECKER AND SONS, INC., 801 East Clark, Emporia, Kans. 66801. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, from plantsite of Williams Bros. Pipe Line Terminal, Kansas City, Kans., to points in Missouri, for 180 days. NOTE: Applicant does not intend to tack the authority herein applied for to other authority or to interline with other carriers. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 127631 (Sub-No. 2 TA), filed December 9, 1969. Applicant: HAWAIIAN VAN AND STORAGE CO., LTD., 601 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, and *commodities ordinarily transported in dump trucks*, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint motor-water-motor rates under section 216(c) of the Act. Supporting shippers: Sato Clothiers, 1450 Ala Moana Boulevard, Honolulu, Hawaii 96814; J. G., Inc., doing business as Hilda Hawaii, 1257 South Beretania Street, Honolulu, Hawaii 96814; Arakawas, 94-4333 Waipahu Depot Street, Waipahu, Hawaii, T. H.; Zale's Jewelers, 1045 Bishop Street, Honolulu, Hawaii. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128273 (Sub-No. 55 TA), filed December 11, 1969. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humboldt Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; materials and equipment and supplies used or useful in the production, manufacture, and distribution of the above described commodities; and related premium and advertising materials when shipped with the above-described commodities*, between the plantsite of the Charmin Paper Products Co., at or near Neelys Landing, Mo., on the one hand, and, on the other, points in Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, Arizona, Utah, Nevada, and California, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134112 (Sub-No. 1 TA) (Correction), filed December 1, 1969, published in the FEDERAL REGISTER issue of December 12, 1969, and republished as corrected, this issue. Applicant: ALLEN & SPITTLER INC., 3204 South 121st Street, Omaha, Nebr. 68144. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, skins, switches or tails, and pieces thereof*, from the plantsite and warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., to points in the United States in, east and north of the States of Michigan, Ohio, West Virginia, and Virginia, and to points in Wisconsin, and Chicago, Ill., New Orleans, La., and San Francisco, Calif.; (2) *Such commodities* as are used by or dealt in by processors and distributors of commodities named in "(1)" above, (a) from destinations named in "(1)" above, to the plantsite or warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., and (b) from the plantsite or warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., to Hackettstown, N.J. Restriction: The authority sought herein is to be restricted to transportation services to be performed under a continuing contract, or contracts with Lackawanna of Omaha, Inc., for 180 days. NOTE: The purpose of this republication is to complete part (2) above, which was inadvertently omitted in previous publication. Supporting shipper: Lackawanna of Omaha, Inc., 2420 Z Street, Omaha, Nebr. 68107. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134190 TA (Correction), filed December 5, 1969, published in the FEDERAL REGISTER issue of December 19, 1969, and republished in part, as corrected, this issue. Applicant: BUCKINGHAM TRUCKING, LTD., 1366 Bernard Avenue, Kelowna, British Columbia, Canada. Applicant's representative:

Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. NOTE: The purpose of this partial republication is to show "contract carrier", in lieu of "common carrier". The rest of the application remains as previously published.

No. MC 134200 TA, filed December 11, 1969. Applicant: BERNARD REZNICK, doing business as UNIVERSAL MAIL DELIVERY SERVICE, 3301 Leonis Boulevard, Los Angeles, Calif. 90058. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, explosives, livestock, commodities of unusual value or injurious or contaminating to other lading), restricted to shipments originating at the place of business of, and moving under contract with, Sav-On Freight Distributing Agency and further restriction to the transportation of individual shipments weighing 500 pounds or less, from South San Francisco, Calif., to points in Alameda, Contra Costa, Fresno, Madera, Marin, Merced, Monterey, Napa, Placer, Sacramento, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Yolo, and Yuba Counties, Calif., for 180 days. Supporting shipper: Sav-On Freight Distributing Agency, Post Office Box 54812, Los Angeles, Calif. 90054. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-15467; Filed, Dec. 30, 1969; 8:49 a.m.]

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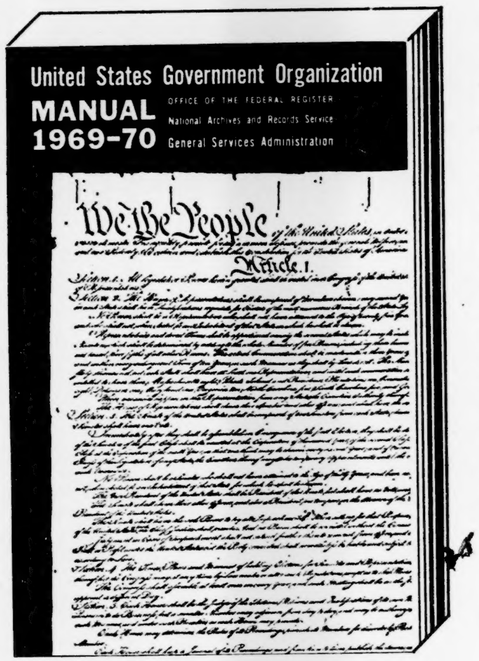
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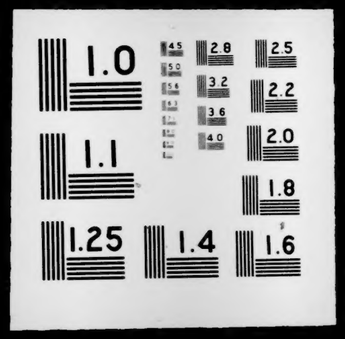
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and $100/20 = 5$.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and $7.9 \times 5 = 39.5$ lines per millimeter recorded satisfactorily. $10.0 \times 5 = 50$ lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

THE END